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SENATE

WEDNESDAY, SEPTEMBER 9, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

All glory and thanksgiving be to Thee, Almighty God, our Heavenly Father, for Thy tender mercy and Thy loving kindness, which have followed us all the days of our lives.

Make us free by the truth which Thou dost reveal to us while our minds are stayed on Thee, and our souls—eased of strain and stress—are kept in perfect peace. We humble ourselves before Thee as we confess our part as individuals and as a nation in the pride and greed which have loosed terror and strife upon the earth.

Too often lulled by our cushioned ease, we have viewed with indifference the plight of our enslaved and exploited fellows. Give us to see, with eyes startled by the revelations which these fiery days are bringing, that there are class and race chasms which must be bridged, that there are festering sores which must be healed, and that there are glaring inequalities which must be leveled if this Nation, under God, is to be worthy of her brave warriors, who even now, half a world away, are giving their all, that liberty, trampled by tyrants, may arise and shine with healing rays, all glorious in beauty and strength.

We bring our prayer in the dear Redeemer's name. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 8, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on additional interest costs to the United States because of premature releases of funds to the social progress trust fund administered by the Inter-American Development Bank, Treasury Department, and Agency for International Development, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a radiogram in the nature of a petition from Koki Nakamine, president of the Okinawa City, Town, and Village Assembly Chairmen's Association, of Okinawa, relating to compensation to the Ryukyuan people for the damages caused by the U.S. forces before the ratification of the peace treaty with Japan, which was referred to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. McNAMARA, from the Committee on Labor and Public Welfare:

Dr. Walsh McDermott, of New York, Dr. Morris Tager, of Georgia, and Dr. Barnes Woodhall, of North Carolina, to be members of the Board of Regents, National Library of Medicine, Public Health Service; and

Robert Sargent Shriver, Jr., of Illinois, to be Director of the Office of Economic Opportunity.

Mr. McNAMARA. Mr. President, from the Committee on Labor and Public Welfare, I also report favorably sundry nominations in the Public Health Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations are as follows:

Mark S. Beaubien, and sundry other persons, for personnel action in the regular corps of the Public Health Service.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARLSON (for himself and Mr. PEARSON):

S. 3176. A bill for the relief of Rosa Maria Colavolpe Massie; to the Committee on the Judiciary.

By Mr. McCLELLAN:

S. 3177. A bill for the relief of Mr. and Mrs. Earl Harwell Hogan; to the Committee on the Judiciary.

By Mr. CANNON:

S. 3178. A bill to provide for the free entry of chipped colored glass windows for the use of St. Ann's Church, Las Vegas, Nev.; to the Committee on Finance.

By Mr. MILLER:

S.J. Res. 200. Joint resolution proposing an amendment to the Constitution with respect to the qualifications of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

(See the remarks of Mr. MILLER when he introduced the above joint resolution, which appears under a separate heading.)

CONCURRENT RESOLUTION

NATIONAL COUNTRY MUSIC MONTH—NOVEMBER 1964

Mr. BOGGS. Mr. President, back in 1925 there emerged a phenomenon as distinctly American as baseball. It was the rise of country music, music native to this great land of ours alone.

In 1925, a Nashville, Tenn., radio station, WSM, became the first commercial means of transport for this folklore in word and song that is as much a part of our heritage as apple pie. Native to the Southeastern United States, the Appalachians, and Smoky Mountains especially, country music portrays our history much in the manner of the ancient

Elizabethan ballads brought to this country by the first people to settle in these regions. It has at times taken the form of a national sentiment, as did the songs of the depression era, and it always has a certain universal appeal, thanks to its simple, earthy depiction of basic human emotions.

Today country music has become citified to the point that it no longer pertains to an isolated area. It is now wholly a child of America, expressive of her history, hopes, and dreams. In recognition of this product of America, I submit for appropriate reference a concurrent resolution to make November "National Country Music Month."

There being no objection, the concurrent resolution (S. Con. Res. 97) was received, referred to the Committee on the Judiciary, and, under the rule, ordered to be printed in the Record, as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That the President of the United States is authorized and requested to issue a proclamation setting aside and designating the month of November in the year 1964 as Country Music Month, as a tribute to the native country music of America and to the men and women who devote their lives to the continuation and preservation of the native country songs of our land, and calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

RESOLUTIONS

AUTHORIZATION TO REOPEN INVESTIGATION INTO FINANCIAL OR BUSINESS INTERESTS OF ANY OFFICER, EMPLOYEE, OR FORMER EMPLOYEE OF THE SENATE

Mr. MANSFIELD submitted a resolution (S. Res. 367) authorizing and directing the Committee on Rules and Administration to reopen the study and investigation begun under the authority of Senate Resolution 212, a resolution to inquire into the financial or business interests of any officer, employee, or former employee of the Senate, which was ordered to lie on the table and to be printed.

(See the above resolution printed in full when submitted by Mr. Mansfield, which appears under a separate heading.)

TO REOPEN THE BOBBY BAKER INVESTIGATION

Mr. WILLIAMS of Delaware submitted a resolution (S. Res. 368) to reopen the Bobby Baker investigation, which was ordered to lie on the table and to be printed.

(See the above resolution printed in full when submitted by Mr. Williams of Delaware, which appears under a separate heading.)

PROPOSED AMENDMENT OF CONSTITUTION RELATING TO QUALIFICATIONS OF MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. MILLER. Mr. President, I introduce, for appropriate reference, a joint resolution. I ask unanimous consent that it be printed in the Record and that it be printed.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, it will be printed in the Record.

The joint resolution (S.J. Res. 200) proposing an amendment to the Constitution with respect to the qualifications of Members of the Senate and the House of Representatives, introduced by Mr. Miller, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:
>
> "ARTICLE —
>
> "Section 1. No person shall be a Member of the Senate or of the House of Representatives unless he shall have the qualifications requisite for electors of the most numerous branch of the legislature of that State in or for which he shall be chosen.
>
> "Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

Mr. MILLER. Mr. President, the joint resolution would provide for a constitutional amendment to the effect:

> No person shall be a Member of the Senate or of the House of Representatives unless he shall have the qualifications requisite for electors of the most numerous branch of the legislature of that State in or for which he shall be chosen.

It seems to me that, due to recent developments, such a constitutional amendment is indicated. Recent developments show that not only are some individuals, but also the U.S. Senate itself, are inclined to the view that no prescriptions outside those appearing in the Constitution of the United States can be devised for the qualifications of Members of the Senate by any State, either for election or for appointment by the Governor of the State, to whom the legislature of that State may see fit to delegate the power to a point, due to a vacancy.

It seems to me that if the traditions of our system of government, as distinguished from those of other countries, including Great Britain, are to be maintained, a constitutional amendment such as I have offered should be adopted. My guess is that if Congress sees fit to pass such a constitutional amendment, there will be no difficulty at all in obtaining ratification by three-fourths of the State legislatures.

AUTHORIZATION TO REOPEN INVESTIGATION INTO FINANCIAL OR BUSINESS INTERESTS OF ANY OFFICER, EMPLOYEE, OR FORMER EMPLOYEE OF THE SENATE—AMENDMENT

AMENDMENT NO. 1265

Mr. WILLIAMS of Delaware submitted an amendment, in the nature of a substitute, intended to be proposed by him, to Senate Resolution 367, authorizing and directing the Committee on Rules and Administration to reopen the study and investigation begun under the authority of Senate Resolution 212, a resolution to inquire into the financial or business interests of any officer, employee, or former employee of the Senate, which was ordered to lie on the table and to be printed.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. JOHNSTON. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

James F. Delaney, of Pennsylvania, to be U.S. marshal, eastern district of Pennsylvania, for a term of 4 years, vice James V. Ryan, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, September 16, 1964, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON NOMINATION OF LINTON M. COLLINS TO BE JUDGE OF THE U.S. COURT OF CLAIMS

Mr. JOHNSTON. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, September 16, 1964, at 10:30 a.m., in room 2228 New Senate Office Building, on the nomination of Linton M. Collins, of the District of Columbia, to be judge of the U.S. Court of Claims, vice Sam E. Whitaker, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. Eastland], chairman, the Senator from South Carolina [Mr. Johnston], and the Senator from Nebraska [Mr. Hruska].

OUTSTANDING RECORD OF THE POLICE OF THE NATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes under the morning hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President some weeks ago, I made reference to the outstanding work of the police of the Nation's cities in this long summer of rioting, disorder and violence. The men and women of the Nation's police forces have done their job well and they are entitled to the gratitude, the respect and the support of their communities and the

Nation. They have gone about their responsibilities with a high sense of discipline, with tact and understanding and with great personal courage and they have suffered a very substantial share of casualties in the process.

The police are neither the makers of the law nor the administrators of justice. Those are responsibilities which reside elsewhere. If the laws are inadequate or if justice is badly administered, the police are not responsible, and under our system, they cannot and must not be held responsible. The job of the police is to maintain order and to see to it that the law as it exists prevails, at a minimum cost in bloodshed and property damage.

The breakdown of order is not their doing. They do not put beer cans in the hands of college students. They do not pass out the rocks and Molotov cocktails to the vandals and the looters.

But once a massive breakdown occurs, as it has time and again this summer, it is they who must take the personal risks and carry out the onerous and dangerous tasks of restraining the volatile until reason returns.

It is said that one does not think of the police until trouble occurs. In the hell of this summer's toll of rioting, the whole Nation will do well to think of the police and the superb work which they have generally performed in various cities and communities. They have met the first responsibility of government—and without Federal involvement of any great consequence—which is to safeguard impartially the lives of the citizens of the community.

While we think about the police, we might also dwell upon the thin line of civility which separates even the most ordered community from the law of the jungle. A riot occurs in Harlem or Philadelphia in a setting that is a world apart from that at Hampton Beach, N.H., or Seaside, Oreg. Yet the rioters are brothers under the skin. Unless we think deeply about the alienation, the aimlessness and the personal irresponsibility—all of the obscure as well as the obvious factors which are common in these massive outbreaks—the best possible police work, in the end, may not be sufficient to prevent a summer, a winter, spring, and autumn of violence in the Nation.

Nor will it suffice for the inhabitants of any community to assume that it cannot happen there, to cast the first stone at these cities which have experienced the difficulties. The next time they send to find out for whom the bell tolls they may well discover that it tolls for them.

Mr. LAUSCHE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. LAUSCHE. I commend the Senator from Montana for his statement. I do so on the basis that, in my opinion, the country faces no graver problem than the responsibility to maintain law and order.

If we allow lawlessness to take hold in individual communities, we might as well recognize that instead of having a government we have anarchy.

Without the enforcement of law and order, there can be no liberty.

I believe that the time has come when good people throughout the country should march to the defense of the police.

In most communities, the police have been patient, they have taken abuse, they have been subject to assault and battery in attempting to handle dangerous situations in a gentle way.

I commend them for it, but to that abuse there should not be added the insults and the charges that police misconduct is the cause of riots.

They have done a good job.

If we wish our system of government to prevail, the No. 1 responsibility is to maintain law and order.

A group of approximately 70 students went to Prague, under passports issued ostensibly for the purpose of going to Prague, and then went to Cuba and began to assault the dignity of our country, heaping insults upon our people and our system of government which are in violation of law. If the Department of Justice does not proceed vigorously against those students, in my judgment, it will be betraying its responsibility to our people and Government.

I deeply appreciate what the Senator from Montana has said. I believe that it is timely and necessary to speak out on this subject.

Mr. MANSFIELD. Mr. President, let me say—if I may have an additional minute to proceed——

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. We depend upon the police to maintain law and order in the cities in which they are assigned. In turn, they must depend on us. They are an underpaid lot on the whole, but they have maintained discipline, they have upheld the law, and they have done it with courage and discretion. I believe it is about time that someone spoke up in their behalf, because their duties have been difficult and their responsibilities have been great.

Several Senators addressed the Chair.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. YOUNG of North Dakota. I join the Senator from Montana in his comments on the great work which the police of the country are doing.

I should like to make special mention of the Metropolitan Police in Washington, D.C. Occasionally, I take trips around the city with them late at night. I believe that this is something which every Senator should do. He will learn more about the difficult problems the police encounter in dealing with law and order in the city of Washington, where there are some rather foolish laws on the books, such as laws governing the time during which the police can hold a prisoner. I have particular reference to the Mallory decision.

I strongly believe that under all the circumstances which the Metropolitan Police have to contend with in the city of Washington, they are doing a marvelous job. They risk their lives daily so that others might be protected.

Mr. MANSFIELD. I agree completely with the Senator from North Dakota.

Mr. JAVITS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I hope the Senator will forgive me if I take a minute in this discussion, but I believe that although what has been said is extremely important, it may involve a danger, too.

First, I join the Senator from Montana [Mr. MANSFIELD] in supporting the work of the police where it is performed impartially and justly among all the citizens of our country and where the police obey the rules of civil liberties and civil rights. We have had a most important and interesting experience in this connection with the New York City Police Department, which, under Commissioner Michael J. Murphy, has, I believe, generally performed as justly in cases of racial disorder and racial protest as could be expected of any police force in the country.

I favor civilian review boards in cases which involve excessive police action. I believe it is very important to make it quite clear that by supporting our police at the same time, we do not condone actions in which police take policymaking into their own hands, or, as is true in some cases in Southern States, enforce laws which are later proved to be unconstitutional, or use an amount of force which is greater than the courts would uphold or than the laws prescribe.

I join the Senator in his desire to uphold the police. They are like our Army, Navy, and Air Force. They should impartially do their duty as laid down by the higher authority which regulates them, without trying to take the law into their own hands, and without giving vent to hatred in the process. That may sound a little difficult, but it is not impossible.

I believe it is very important that that corollary be added to the timely and very fine statement which the Senator from Montana has made.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I commend the Senator from Montana for the position that he has taken in behalf of the police of the country.

Once in a while, a police officer fails to do his duty. Once in a while there is an officer who does not particularly deserve credit. But, on the whole, they are one of the finest groups of public servants that serve anywhere.

The Senator from New York [Mr. JAVITS] has remarked that there is an element of danger in the situation. We cannot maintain democracy in this country without facing danger. It is inevitable. Democracy is always in danger. We must uphold our police servants in the country. We have all heard their stories. We know how discouraging it is for them to catch a criminal redhanded and watch the courts let the criminals go as quick as the police officers take them before the court. If anything is certain, it is that the actions of our police forces have to be governed by law, and not by the emotions of those who may know very little about the circumstances.

Mr. MANSFIELD. In addition to catching criminals, taking them to court, and many times watching the court allowing them to be released, the officers also spend extra hours on the job, attending hearings in court, for which they receive no pay. I believe that, all things considered, they have done, on the whole, a rather remarkable job.

Mr. AIKEN. That is true. If we do not uphold the hands of those who are entrusted with law enforcement in this country, we shall soon find that the time is here—and we are not very far from it now—when it will be impossible to recruit men for the police forces of the country.

I believe that not only must the courts display public responsibility, but the public, which is sometimes complacent at the most inopportune times, must realize that it has a genuine responsibility as well.

Mr. STENNIS. Mr. President, regarding the situation that the police are up against, as a practical matter they are hamstrung by the Mallory rule. If we mean to support the police, as we say here on the floor, we should at the very first opportunity make an all-out effort to modify the Mallory rule. Otherwise, we are talking in a vacuum.

In addition, a wave of people abusing the law is sweeping all the Nation. It makes it all the more difficult for the police to cope with the real problem. But the practical application of a needed remedy should be the passage of a law that would be a substantial modification of the Mallory rule. I shall vigorously support such a measure.

Mr. LAUSCHE. Mr. President, I concur in what the Senator from New York [Mr. Javits] said, that we should not condone the actions of police who go beyond what their authority permits them to do. But the tragedy today is that the highlight is given constantly to the claim that the police are responsible, that the police are cruel, that they go beyond what they ought to do.

We see pictures of police apprehending law trespassers, but we do not see pictures of police who are smitten with tomatoes and eggs, their badges torn from their uniforms, and their noses broken. No one says a word about that. They are rendered helpless frequently because of the failure of political officials to stand behind them. I believe that the practice today is to say that the police are to blame. That is the point that is being discussed. No one condones the riots which, in my judgment, have, in the main, been precipitated, not by honest, well-intentioned people who want to improve social relations, but by saboteurs who want to bring our Government into disrespect and to elevate the Communist governments of the world.

DEMOCRATIC PARTY PLATFORM AND CONVENTION ADDRESSES

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the body of the Record the platform adopted at the recent Democratic convention, the text of the keynote address delivered by the Senator from Rhode Island [Mr. Pastore], the text of the acceptance address by President Johnson, and the text of the acceptance address by the vice-presidential nominee, the Senator from Minnesota [Mr. Humphrey].

There being no objection, the platform and the addresses were ordered to be printed in the Record, as follows:

ONE NATION, ONE PEOPLE—DEMOCRATIC PLATFORM, 1964

America is one Nation, one people.

The welfare, progress, security and survival of each of us reside in the common good—the sharing of responsibilities as well as benefits by all our people.

Democracy in America rests on the confidence that people can be trusted with freedom. It comes from the conviction that we will find in freedom a unity of purpose stronger than all our differences.

We have drawn upon that unity when the forces of ignorance, hate, and fear fired an assassin's bullet at the Nation's heart, incited violence in our land, and attacked the outposts of freedom around the world.

Because of this unity, those who traffic in fear, hate, falsehood, and violence have failed to undermine our people's deep love of truth and quiet faith in freedom.

Our program for the future is to make the national purpose—the human purpose of us all—fulfill our individual needs.

Accordingly, we offer this platform as a covenant of unity.

We invite all to join us who believe that narrow partisanship takes too small account of the size of our task, the penalties for failure and the boundless rewards to all our people for success.

We offer as the goal of this covenant peace for all nations and freedom for all peoples.

PEACE

Peace should be the first concern of all governments as it is the prayer of all men.

At the start of the third decade of the nuclear age, the preservation of peace requires the strength to wage war and the wisdom to avoid it. The search for peace requires the utmost intelligence, the clearest vision, and a strong sense of reality.

Because for 4 years our Nation has patiently demonstrated these qualities and persistently used them, the world is closer to peace today than it was in 1960.

In 1960, freedom was on the defensive. The Communists—doubting both our strength and our will to use it—pressed forward in southeast Asia, Latin America, central Africa, and Berlin.

President Kennedy and Vice President Johnson set out to remove any question of our power or our will. In the Cuban crisis of 1962 the Communist offensive shattered on the rock of President Kennedy's determination—and our ability—to defend the peace.

Two years later, President Johnson responded to another Communist challenge, this time in the Gulf of Tonkin. Once again power exercised with restraint repulsed Communist aggression and strengthened the cause of freedom.

Responsible leadership, unafraid but refusing to take needless risk, has turned the tide in freedom's favor. No nation, old or new, has joined the Communist bloc since Cuba during the preceding Republican administration. Battered by economic failures, challenged by recent American achievements in space, torn by the Chinese-Russian rift, and faced with American strength and courage—international communism has lost its unity and momentum.

NATIONAL DEFENSE

By the end of 1960, military strategy was being shaped by the dictates of arbitrary budget ceilings instead of the real needs of national security. There were, for example, too few ground and air forces to fight limited war, although such wars were a means to continued Communist expansion.

Since then, and at the lowest possible cost, we have created a balanced, versatile, powerful Defense Establishment, capable of countering aggression across the entire spectrum of conflict, from nuclear confrontation to guerrilla subversion.

We have increased our intercontinental ballistic missiles and Polaris missiles from fewer than 100 to more than 1,000, more than four times the force of the Soviet Union. We have increased the number of combat ready divisions from 11 to 16.

Until such time as there can be an enforceable treaty providing for inspected and verified disarmament, we must, and we will, maintain our military strength, as the sword and shield of freedom and the guarantor of peace.

Specifically, we must and we will—

Continue the overwhelming supremacy of our strategic nuclear forces.

Strengthen further our forces for discouraging limited wars and fighting subversion.

Maintain the world's largest research and development effort, which has initiated more than 200 new programs since 1961, to ensure continued American leadership in weapons systems and equipment.

Continue the nationwide civil defense program as an important part of our national security.

Pursue our examination of the Selective Service program to make certain that it is continued only as long as it is necessary and that we meet our military manpower needs without social or economic injustice.

Attract to the military services the highest caliber of career men and women and make certain they are adequately paid and adequately housed.

Maintain our cost reduction program, to insure a dollar's worth of defense for every dollar spent, and minimize the disruptive effects of changes in defense spending.

BUILDING THE PEACE

As citizens of the United States, we are determined that it be the most powerful Nation on earth.

As citizens of the world, we insist that this power be exercised with the utmost responsibility.

Control of the use of nuclear weapons must remain solely with the highest elected official in the country—the President of the United States.

Through our policy of never negotiating from fear but never fearing to negotiate, we are slowly but surely approaching the point where effective international agreements providing for inspection and control can begin to lift the crushing burden of armaments off the backs of the people of the world.

In the nuclear test ban treaty, signed now by over 100 nations, we have written our commitment to limitations on the arms race, consistent with our security. Reduced production of nuclear materials for weapons purposes has been announced and nuclear weapons have been barred from outer space.

Already the air we and our children breathe is freer of nuclear contamination.

We are determined to continue all-out efforts through fully enforcible measures to halt and reverse the arms race and bring to an end the era of nuclear terror.

We will maintain our solemn commitment to the United Nations, with its constituent agencies, working to strengthen it as a more effective instrument for peace, for preventing or resolving international disputes, and for building free nations through economic, technical, and cultural development. We continue to oppose the admission of Red China to the United Nations.

We believe in increased partnership with our friends and associates in the community which spans the North Atlantic. In every possible way we will work to strengthen our ties and increase our cooperation, building always more firmly on the sure foundation of the NATO treaty.

We pledge unflagging devotion to our commitments of freedom from Berlin to South Vietnam.

We will—

Help the people of developing nations in Asia, Africa, and Latin America raise their standards of living and create conditions in which freedom and independence can flourish.

Place increased priority on private enterprise and development loans as we continue to improve our mutual assistance programs.

Work for the attainment of peace in the Near East as an urgent goal, using our best efforts to prevent a military unbalance, to encourage arms reductions and the use of national resources for internal development and to encourage the resettlement of Arab refugees in lands where there is room and opportunity. The problems of political adjustment between Israel and the Arab countries can and must be peacefully resolved and the territorial integrity of every nation respected.

Support the partnership of free American Republics in the Alliance for Progress.

Move actively to carry out the resolution of the Organization of American States to further isolate Castroism and speed the restoration of freedom and responsibility in Cuba.

Support our friends in and around the rim of the Pacific, and encourage a growing understanding among peoples, expansion of cultural exchanges, and strengthening of ties.

Oppose aggression and the use of force or the threat of force against any nation.

Encourage by all peaceful means the growing independence of the captive peoples living under communism and hasten the day that Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, and the other captive nations will achieve full freedom and self-determination. We deplore Communist oppression of Jews and other minorities.

Encourage expansion of our economic ties with other nations of the world and eliminate unjustifiable tariff and nontariff barriers, under authority of the Trade Expansion Act of 1962.

Expand the Peace Corps.

Use even more of our food for peace.

THE CONQUEST OF SPACE

In 4 vigorous years we have moved to the forefront of space exploration. The United States must never again settle for second place in the race for tomorrow's frontiers.

We will continue the rapid development of space technology for peaceful uses.

We will encourage private industry to increase its efforts in space research.

We will continue to insure that any race in space is won for freedom and for peace.

THE LEADERSHIP WE OFFER

The complications and dangers in our restless, constantly changing world require of us consummate understanding and experience. One rash act, one thoughtless decision, one unchecked reaction—and cities could become smoldering ruins and farms parched wasteland.

The leadership we offer has already been tested in the crucible of crisis and challenge. To this Nation and to all the world we reaffirm President Johnson's resolve to "* * * use every resource at the command of the Government * * * and the people * * * to find the road to peace."

We offer this platform as a guide for that journey.

FREEDOM AND WELL-BEING

There can be full freedom only when all of our people have opportunity for education to the full extent of their ability to learn, followed by the opportunity to employ their learning in the creation of something of value to themselves and to the Nation.

The individual

Our task is to make the national purpose serve the human purpose: that every person shall have the opportunity to become all that he or she is capable of becoming.

We believe that knowledge is essential to individual freedom and to the conduct of a free society. We believe that education is the surest and most profitable investment a nation can make.

Regardless of family financial status, therefore, education should be open to every boy or girl in America up to the highest level which he or she is able to master.

In an economy which will offer fewer and fewer places for the unskilled, there must be a wide variety of educational opportunities so that every young American, on leaving school, will have acquired the training to take a useful and rewarding place in our society.

It is increasingly clear that more of our educational resources must be directed to preschool training as well as to junior college, college and postgraduate study.

The demands on the already inadequate sources of State and local revenues place a serious limitation on education. New methods of financial aid must be explored, including the channeling of federally collected revenues to all levels of education, and, to the extent permitted by the Constitution, to all schools. Only in this way can our educational programs achieve excellence throughout the Nation, a goal that must be achieved without interfering with local control and direction of education.

In order to insure that all students who can meet the requirements for college entrance can continue their education, we propose an expanded program of public scholarships, guaranteed loans, and work-study grants.

We shall develop the potential of the Armed Forces for training young men who might otherwise be rejected for military service because their work skills are underdeveloped.

The health of the people is important to the strength and purpose of our country and is a proper part of our common concern.

In a nation that lacks neither compassion nor resources, the needless suffering of people who cannot afford adequate medical care is intolerable:

We will continue to fight until we have succeeded in including hospital care for older Americans in the social security program, and have insured adequate assistance to those elderly people suffering from mental illness and mental retardation.

We will go forward with research into the causes and cures of disease, accidents, mental illness, and mental retardation.

We will further expand our health facilities, especially medical schools, hospitals, and research laboratories.

America's veterans who served their Nation so well must, in turn, be served fairly by a grateful Nation. First-rate hospitals and medical care must be provided veterans with service-connected injuries and disabilities, and their compensation rates must insure an adequate standard of living. The national service life insurance program should be reopened for those who have lost their insurance coverage, and an equitable and just pension system must help meet the need of those disabled veterans and their survivors who require financial assistance.

Democracy of opportunity

The variety of our people is the source of our strength and ought not to be a cause of disunity or discord. The rights of all our citizens must be protected and all the laws of our land obeyed if America is to be safe for democracy.

The Civil Rights Act of 1964 deserves and requires full observance by every American and fair, effective enforcement if there is any default.

Resting upon a national consensus expressed by the overwhelming support of both parties, this new law impairs the rights of no American; it affirms the rights of all Americans. Its purpose is not to divide, but to end division; not to curtail the opportunities of any, but to increase opportunities for all; not to punish, but to promote further our commitment to freedom, the pursuit of justice, and a deeper respect for human dignity.

We reaffirm our belief that lawless disregard for the rights of others is wrong—whether used to deny equal rights or to obtain equal rights.

We cannot and will not tolerate lawlessness. We can and will seek to eliminate its economic and social causes.

True democracy of opportunity will not be served by establishing quotas based on the same false distinctions we seek to erase, nor can the effects of prejudice be neutralized by the expedient of preferential practices.

The immigration laws must be revised to permit families to be reunited, to welcome the persecuted and oppressed, and to eliminate the discriminatory provisions which base admission upon national origins.

We will support legislation to carry forward the progress already made toward full equality of opportunity for women as well as men.

We will strive to eliminate discrimination against older Americans, especially in their employment.

Ending discrimination based on race, age, sex, or national origin demands not only equal opportunity but the opportunity to be equal. We are concerned not only with people's right to be free, but also with their ability to use their freedom.

We will—

Carry the war on poverty forward as a total war against the causes of human want.

Move forward with programs to restore those areas, such as Appalachia, which the Nation's progress has bypassed.

Help the physically handicapped and mentally disadvantaged develop to the full limit of their capabilities.

Enhance the security of older Americans by encouraging private retirement and welfare programs, offering opportunities like those provided for the young under the Economic Opportunities Act of 1964, and expanding decent housing which older citizens can afford.

Assist our Indian people to improve their standard of living and attain self-sufficiency, the privileges of equal citizenship, and full participation in American life.

The social security program, initiated and developed under the national leadership of the Democratic Party and in the face of ceaseless partisan opposition, contributes greatly to the strength of the Nation. We must insure that those who have contributed to the system shall share in the steady increase in our standard of living by adjusting benefit levels.

We hold firmly to the conviction, long embraced by Democratic administrations, that the advancing years of life should bring not fear and loneliness, but security, meaning, and satisfaction.

We will encourage further support for the arts, giving people a better chance to use increased leisure and recognizing that the achievements of art are an index of the greatness of a civilization.

We will encourage the advance of science and technology—for its material rewards, and for its contribution to an understanding of the universe and ourselves.

The economy

The American free enterprise system is one of the great achievements of the human mind and spirit. It has developed by a combination of the energetic efforts of working men and women, bold private initiative, the profit motive, and wise public policy, until it is now the productive marvel of mankind.

In spite of this, at the outset of 1961, America was in the depths of the fourth postwar recession.

Since then, in 42 months of uninterrupted expansion under Presidents Kennedy and Johnson, we have achieved the longest and strongest peacetime prosperity in modern history:

Almost 4 million jobs have been added to the economy—almost 1½ million since last December.

Workers' earnings and corporate profits are at the highest level in history.

Prices have been more stable than in any other industrial nation in the free world.

This did not just happen. It has come about because we have wisely and prudently used our increasing understanding of how the economy works.

It is the national purpose, and our commitment, to continue this expansion of the American economy toward its potential, without a recession, with continued stability, and with an extension of the benefits of this growth and prosperity to those who have not fully shared in them.

This will require continuation of flexible and innovative fiscal, monetary, and debt management policies, recognizing the importance of low-interest rates.

We will seek further tax reduction—and in the process we need to remove inequities in our present tax laws. In particular we should carefully review all our excise taxes and eliminate those that are obsolete. Consideration should be given to the development of fiscal policies which would provide revenue sources to hard-pressed State and local governments to assist them with their responsibilities.

Every penny of Federal spending must be accounted for in terms of the strictest economy, efficiency, and integrity. We pledge to continue a frugal Government, getting a dollar's value for a dollar spent, and a Government worthy of the citizen's confidence.

Our goal is a balanced budget in a balanced economy.

Our enviable record of price stability must be maintained—through sound fiscal and monetary policies and the encouragement of responsible private wage and price policies. Stability is essential to protect our citizens—particularly the retired and handicapped—from the ravages of inflation. It is also essential to maintain confidence in the American dollar; this confidence has been restored in the past 4 years through sound policies.

Radical changes in technology and automation contribute to increased productivity and a higher standard of living. They must not penalize the few while benefiting the many. We maintain that any man or woman displaced by a machine or by technological change should have the opportunity, without penalty, to another job. Our common responsibility is to see that this right is fulfilled.

Full employment is an end in itself and must be insisted upon as a priority objective.

It is the national purpose, and our commitment, that every man or woman who is willing and able to work is entitled to a job and to a fair wage for doing it.

The coverage of the Fair Labor Standards Act must be extended to all workers employed in industries affecting interstate commerce, and the minimum wage level and coverage increased to assure those at the bottom of the economic scale a fairer share in the benefits of an ever-rising standard of American living.

Overtime payment requirements must be increased to assure maximum employment consistent with business efficiency. The matter of the length of work periods should be given continuing consideration.

The unemployment insurance program must be basically revised to meet the needs of the unemployed and of the economy, and to assure that this program meets the standards the Nation's experience dictates.

Agricultural and migratory workers must be given legal protection and economic encouragement.

We must develop fully our most precious resource—our manpower. Training and retraining programs must be expanded. A broad gage manpower program must be developed which will not only satisfy the needs of the economy but will also give work its maximum meaning in the pattern of human life.

We will stimulate as well as protect small business, the seedbed of free enterprise and a major source of employment in our economy.

The antitrust laws must be vigorously enforced.

Our population, which is growing rapidly and becoming increasingly mobile, and our expanding economy are placing greater demands upon our transportation system than ever before. We must have fast, safe, and economic modes of transportation. Each mode should be encouraged to develop in accordance with its maximum utility, available at the lowest cost under the principles of fair competition. A strong and efficient American-flag merchant marine is essential to peacetime commerce and defense emergencies.

The industrial democracy of free, private collective bargaining and the security of American trade unions must be strengthened by repealing section 14(b) of the Taft-Hartley Act. The present inequitable restrictions on the right to organize and to strike and picket peaceably must also be eliminated.

In order to protect the hard earned dollars of American consumers, as well as promote their basic consumer rights, we will make full use of existing authority, and continue to promote efforts on behalf of consumers by industry, voluntary organizations, and State and local governments. Where protection is essential, we will enact legislation to protect the safety of consumers and to provide them with essential information. We will continue to insist that our drugs and medicines are safe and effective, that our food and cosmetics are free from harm, that merchandise is labeled and packaged honestly and that the true cost of credit is disclosed.

It is the national purpose, and our commitment to increase the freedom and effectiveness of the essential private forces and processes in the economy.

RURAL AMERICA

The roots of our economy and our life as a people lie deep in the soil of America's farmland.

Our policies and programs must continue to recognize the significant role of agricultural and rural life.

To achieve the goals of higher incomes to the farm and ranch, particularly the family-sized farm, lower prices for the consumer, and lower costs to the Government, we will continue to carry forward this three-dimensional program.

1. Commodity programs to strengthen the farm income structure and reach the goal of parity of income in every aspect of American agriculture. We will continue to explore and develop new domestic and foreign markets for the products of our farms and ranches.

2. Consumer programs including expansion of the food stamp program and the school lunch and other surplus food programs, and acceleration of research into new industrial uses of farm products, in order to assure maximum use of and abundance of wholesale foods at fair prices here and abroad. We will also study new low-cost methods and techniques of food distribution for the benefit of our housewives to better feed their families.

3. Community programs and agricultural cooperatives to assure rural America decent housing, economic security, and full partnership in the building of the great society. We pledge our continued support of the rural telephone program and the Rural Electrification Administration, which are among the great contributions of the Democratic Party to the well-being and comfort of rural America.

THE NATION'S NATURAL RESOURCES

America's bountiful supply of natural resources has been one of the major factors in achieving our position of world leadership, in developing the greatest industrial machine in the world's history, and in providing a richer and more complete life for every American. But these resources are not inexhaustible. With our vastly expanding population—an estimated 325 million people by the end of the century—there is an ever-increasing responsibility to use and conserve our resources wisely and prudently if we are to fulfill our obligation to the trust we hold for future generations. Building on the unsurpassed conservation record of the past 4 years, we shall—

Continue the quickened pace of comprehensive development of river basins in every section of the country, employing multipurpose projects such as flood control, irrigation and reclamation, power generation, navigation, municipal water supply, fish and wildlife enhancement and recreation, where appropriate to realize the fullest possible benefits.

Provide the people of this Nation a balanced outdoor recreation program to add to their health and well-being, including the addition or improved management of national parks, forests, lakeshores, seashores, and recreation areas.

Preserve for us and our posterity through the means provided by the Wilderness Act of 1964 millions of acres of primitive and wilderness areas, including countless beautiful lakes and streams.

Increase our stock of wildlife and fish.

Continue and strengthen the dynamic program inaugurated to assure fair treatment for American fishermen and the preservation of fishing rights.

Continue to support balanced land and forest development through intensive forest management on a multiple-use and sustained yield basis, reforestation of burned land, providing public access roads, range improvement, watershed management, concern for small business operations and recreational uses.

Unlock the resources of the sea through a strong oceanography program.

Continue the attack we have launched on the polluted air that envelopes our cities and on eliminating the pollution of our rivers and streams.

Intensify our efforts to solve the critical water problems of many sections of this country by desalinization.

Sustain and promote strong, vigorous domestic minerals, metals, petroleum and fuels industries.

Increase the efficient use of electrical power through regional interties and more extensive use of high voltage transmission.

Continue to promote the development of new and improved methods of generating electric power, such as the recent important gains in the field of atomic energy and the Passama Quoddy tidal power project.

Preserve the TVA, which has played such an instrumental role in the revitalization of the area it serves and which has been the inspiration for regional development programs throughout the world.

THE CITY

The vitality of our cities is essential to the healthy growth of American civilization. In the next 40 years urban populations will double, the area of city land will double, and we will have to construct houses, highways, and facilities equal to all those built since this country was first settled.

Now is the time to redouble our efforts, with full cooperation among local, State, and Federal Governments, for these objectives:

The goal of our housing program must be a decent home for every American family.

Special effort must be made in our cities to provide wholesome living for our young people. We must press the fight against narcotics and, through the war against poverty, increase educational and employment opportunities, turning juvenile delinquents into good citizens and tax users into taxpayers.

We will continue to assist broad community and regional development, urban renewal, mass transit, open space, and other programs for our metropolitan areas. We will offer such aid without impairing local administration through unnecessary Federal interference.

Because our cities and suburbs are so important to the welfare of all our people, we believe a department devoted to urban affairs should be added to the President's Cabinet.

THE GOVERNMENT

We, the people, are the Government.

The Democratic Party believes, as Thomas Jefferson first stated that "the care of human life and happiness is the first and only legitimate object of good government."

The Government's business is the people's business. Information about public affairs must continue to be freely available to the Congress and to the public.

Every person who participates in the Government must be held to a standard of ethics which permits no compromise with the principles of absolute honesty and the maintenance of undivided loyalty to the public interest.

The Congress of the United States should revise its rules and procedures to assure majority rule after reasonable debate and to guarantee that major legislative proposals of the President can be brought to a vote after reasonable consideration in committee.

We support home rule for the District of Columbia. The seat of our Government shall be a workshop for democracy, a pilot-plant for freedom, and a place of incomparable beauty.

We also support a constitutional amendment giving the District voting representation in Congress and, pending such action, the enactment of legislation providing for a nonvoting delegate from District of Columbia to the House of Representatives.

We support the right of the people of the Virgin Islands to the fullest measure of self-government, including the right to elect their Governor.

The people of Puerto Rico and the people of the United States enjoy a unique relationship that has contributed greatly to the remarkable economic and political development of Puerto Rico. We look forward to the report on that relationship by a commission composed of members from Puerto Rico and the United States, and we are confident that it will contribute to the further enhancement of Puerto Rico and the benefit that flows from the principles of self-determination.

The Democratic Party holds to the belief that government in the United States—local, State, and Federal—was created in order to serve the people. Each level of government has appropriate powers and each has specific responsibilities. The first responsibility of government at every level is to protect the basic freedoms of the people. No government at any level can properly complain of violation of its power, if it fails to meet its responsibilities.

The Federal Government exists not to grow larger, but to enlarge the individual potential and achievement of the people.

The Federal Government exists not to subordinate the States, but to support them.

All of us are Americans. All of us are free men. Ultimately there can be no effective restraint on the powers of government at any level save as Americans exercising their duties as citizens insist upon and maintain free, democratic processes of our constitutional system.

ONE NATION, ONE PEOPLE

On November 22, 1963, John Fitzgerald Kennedy was shot down in our land.

We honor his memory best—and as he would wish—by devoting yourselves anew to the larger purposes for which he lived.

Of first priority is our renewed commitments to the values and ideals of democracy.

We are firmly pledged to continue the Nation's march toward the goals of equal opportunity and equal treatment for all Americans regardless of race, creed, color, or national origin.

We cannot tolerate violence anywhere in our land—north, south, east, or west. Resort to lawlessness is anarchy and must be opposed by the Government and all thoughtful citizens.

We must expose, wherever it exists, the advocacy of hatred which creates the clear and present danger of violence.

We condemn extremism, whether from the right or left, including the extreme tactics of such organizations as the Communist Party, the Ku Klux Klan, and the John Birch Society.

We know what violence and hate can do. We have seen the tragic consequences of misguided zeal and twisted logic.

The time has come now for all of us to understand and respect one another, and to seek the unity of spirit and purpose from which our future greatness will grow—for only as we work together with the object of liberty and justice for all will the peace and freedom of each of us be secured.

These are the principles which command our cause and strengthen our effort as we cross the New Frontier and enter upon the great society.

KEYNOTE SPEECH BY SENATOR JOHN O. PASTORE, OF RHODE ISLAND, TO THE DEMOCRATIC NATIONAL CONVENTION, AUGUST 24, 1964

The first business of this convention is to assure our people and the people of the world that on the American political scene, reason and respect and responsibility still survive.

In this hour of decision for America, this is a time for plain talk.

This is no time for any party to speak in any language that has to be explained away tomorrow, and tomorrow, and tomorrow. As the party in office, we must speak of the facts of life in a way that every American home understands—and we will not be misunderstood in Moscow, Peiping, or anywhere else in the world.

Our responsibility is now.

We Democrats meet proudly tonight in the glow of the 4 inspiring Kennedy-Johnson years—a showplace of partnership, progress, and leadership.

It is a record in which every Democrat and every citizen can take justifiable pride.

In this campaign we shall talk—and we shall talk proudly—of these past 4 inspiring years, 4 years replete with accomplishments for our people, for the prosperity of the Nation, and for peace in the world.

Our task—yours and mine—is to bring this great record to the attention of every home and every heart in America; for what we do here and how well we do it will be of no avail unless we carry the convincing story of this administration to every voter in the land.

Our economy has moved through 42 months of continuous climb. We are breaking all records of peacetime good times.

And never in our history have we known such prosperity.

We have more income, more profits, more jobs, more security, today than we had 4 years ago.

Moreover, in the process we have built up the mightiest military power this world has ever known—greater than the power of all the other nations combined.

But, in the words of President Johnson, we maintain this power not for plunder, not for conquest, but in order to avoid conflict and preserve peace.

We have helped the new nations to freedom and friendship; and our Peace Corps is winning the hearts of the world.

And this is what the President means when he speaks of people and prosperity and preparedness and peace.

And, speaking of peace, we can be proud that only 3 weeks ago we celebrated the first anniversary of the nuclear test ban treaty—and this was a victory for all mankind.

This treaty was sought by President Truman; it was sought by President Eisenhower; it was opposed by the Republican nominee—and this is the treaty that was achieved by President Kennedy.

This year we reached another milestone in humanity.

It is truly a memorial to President Kennedy as in this session of the Congress we passed a civil rights law.

It has been due for a hundred years; we debated it for another year. We acted neither in haste nor in hate, and finally the conscience of America spoke, and it spoke impressively.

The vote was overwhelming.

In the House of Representatives it passed 289 to 126—better than 2 to 1.

In the Senate it passed 73 to 27—almost 3 to 1.

The Republicans voted for civil rights 4 to 1—and, in full fairness, we acknowledge tonight the support and assistance given to us by these Republicans.

We must give credit where credit is due—it was not a partisan performance—it should not be partisan—it was in the spirit of our Founding Fathers. It is in keeping with our American concept that all men are created equal.

This act of justice was the dream of President Kennedy; it was brought to fulfillment by President Johnson.

This, to be sure, is not the whole record of this administration. There is much more—and, in due time, we shall bring it to the attention of every voter by chapter and by verse.

Ours is a record of promises made and promises kept.

But we cannot rest on our laurels of the past or the present. Ours is a vision of an even brighter future. We know that times change and we are ready to meet each new challenge.

When we go forth from Atlantic City it will be with a platform that speaks in language powerful but plain.

Just as no Democrat has to apologize for our performance of the past, no Democrat will have to explain away the promises of our platform.

We will move forward in decency and dignity.

We invite the American people to contrast this record and our conduct here with the spectacle in the Cow Palace only 6 weeks ago.

That convention took place only a continent away; but we Democrats are a world apart from all the confusion, and the defection, and the dissension that took place there.

Will the viewers ever forget the way the New York Governor was rebuffed and jeered when he tried to speak?

And—as for the Republican keynoter—I must say he really tried hard, but he just didn't make it. He wrote his speech for Rockefeller, he delivered it for Scranton, and the convention ended up with GOLDWATER—and now he won't buy it.

And how eager they were to drag the Bay of Pigs into the Cow Palace.

Why didn't they tell the American people of the real Cuban crisis of October 1962 when the world stood still and all of us held our breath—and there stood President Kennedy, 10 feet tall, determined, courageous, and strong—and for the first time—the world saw Khrushchev pick up his marbles and go home?

Senator GOLDWATER may not think we have the mightiest military power in the world. I can understand that—he is a candidate. But when Nikita Khrushchev looked down into the barrel of that Kennedy cannon, he knew differently; and that is what counts.

And only 3 weeks ago in the Gulf of Tonkin—Hanoi and Peiping felt the sting of President Johnson's determination. Now they too know differently—and that is what counts.

And as for the feuding that took place at that convention on the question of whose finger should be on the trigger of the atomic bomb—that power today rests solely with the President of the United States—that is exactly where it should remain—and we Democrats mean to keep it there—safe with President Lyndon B. Johnson.

As chairman of the Joint Committee of the Congress on Atomic Energy, I believe I have some understanding of the awesome power of nuclear and thermonuclear weapons.

I am disturbed when I hear anyone speak so glibly and loosely on the use of these weapons—and who should make the decision to use them.

In an all-out atomic war, there will be no winner—and surely weapons of this destructive magnitude should be used only as a last resort—and then solely on the decision of the President of the United States.

For the challenge of our time is to maintain peace with honor and to avert a thermonuclear holocaust—for if an all-out atomic war ever comes—every home, every kitchen, and every cradle might well become a cemetery.

The sanity of America is the security of the world.

Ours is a world in ferment. It is a world of 3 billion people—with new freedoms and old hates.

Crises not of our creation confront us in Asia, in Africa, in Cyprus, and in the Middle East. These problems have deep roots—and the seeds of some were planted long before we became a Republic.

And a crisis confronts us here at home.

A sinister element has crept into our political life. It is the element of extremism.

Six weeks ago, despite the efforts of responsible members of the opposition, reactionaries and extremists captured the Republican Party—lock, stock, and barrel.

A minority captured their candidates too. No matter how much the factions within the Republican Party stumble over one another trying to define the word "extremism" to the American people, the union of responsible Republicans and reactionaries is absolutely irreconcilable.

As far as I am concerned, extremism is akin to fanaticism.

And when these fanatics dare to accuse a President of the United States—a Republican at that—of being a conscious agent of the Communist conspiracy, then I say, shame.

And now they profess to offer a clear choice to the American people. What a Trojan horse.

What is this clear choice?

Do they mean the choice to renounce the Nuclear Test Ban Treaty and begin testing again in the atmosphere and further contaminating the air?

Do they mean a change in our social security system making it first voluntary then weaker and weaker until they destroy it?

Do they mean the repeal of the minimum wage law?

Do they mean to weaken the unions in America under the pretext of their so-called right-to-work law?

Do they mean we should withdraw from the Atlantic Alliance and stand alone after spending billions and billions of dollars to make our allies strong?

Do they mean we should withdraw from the United Nations and fight over our problems rather than talk about them?

Do they mean the end of President Johnson's fight against poverty?

Do they mean to turn back the clock 32 years and erase all the social reforms we fought so hard to obtain?

What does the Republican candidate choose to have anything mean at any given moment?

The world cannot wait until Saturday to learn what he meant on Monday.

The man in the White House has to be understood the first time. For him there is no second guess.

In the Presidency there is no substitute for coolness—there is no substitute for clarity—there is no substitute for experience.

No man ever came to the Presidency with more experience than President Johnson.

For 32 years he has been at the heart of Democratic inspiration in the most dynamic generation of America and mankind.

He was close to President Roosevelt.

He was close to President Truman, who honors us with his presence here tonight.

He was the partner—and the personal choice—of President Kennedy.

Yes, the American people have a clear choice—and they will find it here.

Our party has a clear challenge—and we accept it.

Together we shall preserve the hard-won progress of a great people.

We are here to repledge that our great society shall move forward.

We shall move on with all devotion to America's destiny—with all dedication that the true character of America shall endure for our children and for our children's children.

We invite every American to march forward with us in the more perfect union that is our American ideal.

Our times are too troubled to turn class against class, creed against creed, color against color, rich against poor.

Who doesn't thrill to an America that opens her heart to our less fortunate—and to President Johnson's call to his war on poverty?

It is Lyndon Johnson's tribute to a voice we can never forget—a voice that said, "If a free society cannot help the many who are poor, it cannot save the few who are rich."

The voice of that leader is stilled—suddenly silenced by an assassin's bullet—the mad act of a twisted mind.

As a watching world stood still and bewildered we saw another great personality—the choice of his predecessor—rise up in a moment of tragedy—resolute and determined.

In the tragic hour of presidential transition—the world took the measure of this man—and Lyndon Johnson measured up to his awesome hour.

In the free world there was no fear for the continuity of our democracy.

In that other world not a spiked Communist boot moved an inch.

America moves on with the majesty of these 9 miracle months. Never in so short a time has so much been accomplished that is good and great for our country.

These months confirm the wisdom of our fallen leader—and the vision of President Kennedy lives on in the character, the capability, and the courage of the teammate of his choice.

With all the sincerity of my soul—I say that God did bless America on that day 4 years ago in Los Angeles—when John F. Kennedy said, "I need you, Lyndon Johnson."

On November 3, the people of America will echo that call, "We need you, President Johnson."

REMARKS OF THE PRESIDENT, NATIONAL DEMOCRATIC CONVENTION, ATLANTIC CITY, N.J., AUGUST 27, 1964

Mr. Chairman, fellow Americans I accept your nomination.

I accept the duty of leading this party to victory.

I thank you for placing at my side the man you so wisely selected to be the next Vice President of the United States—Senator HUBERT HUMPHREY.

We will try to lead you as we were led by that great champion of freedom—the man from Independence—Harry Truman.

But the gladness of this high occasion cannot mask the sorrow which shares our hearts.

Let us here rededicate ourselves to keeping burning the golden torch of promise which John Kennedy set aflame.

Tonight we offer ourselves—on our record and by our platform—as a party for all Americans. This prosperous people—this land of reasonable men—has no place for petty partisanship or peevish prejudice.

The needs of all cannot be met by parties of the few—not by a business party or a labor party, not by a war party or a peace party, not by a southern party or a northern party.

Our deeds will meet our needs only if we are served by a party which serves all our people.

We are members, together, of such a party, the Democratic Party of 1964.

We have written a proud record of accomplishments for all Americans.

If some ask what we have done—let them look at what we promised to do.

For those promises have become our deeds.

And the promises of tonight will become the deeds of tomorrow.

We are in the midst of the largest and longest period of peacetime prosperity in our history. Almost every American listening tonight has seen the results in his own life.

But prosperity for most has not brought prosperity to all. Those who have received the bounty of this land—who sit secure in affluence and safe in power—must not now turn from the needs of their neighbors.

Our party and our Nation will continue to extend the hand of compassion and love to the old, the sick, and the hungry. For who among us dares betray the command: "Thou shalt open thine hand—unto they brother, to thy poor, and to thy needy, in thy land."

The needs we seek to fill, the hopes we seek to realize, are not ours alone—they are those of most of our people.

Most Americans want medical care for older citizens. And so do I.

Most Americans want fair and stable prices for farmers. And so do I.

Most Americans want a decent home in a decent neighborhood for all. And so do I.

Most Americans want an education for every child to the limit of his ability. And so do I.

Most Americans want a job for every man who wants to work. And so do I.

Most Americans want victory in our war against poverty. And so do I.

Most Americans want continually expanding prosperity. And so do I.

These are the goals of our party. These are the goals of our Nation. These are the goals toward which I will lead, if the American people choose to follow.

For 30 years, year by year, step by step, vote by vote, men of both parties have built a solid foundation for our present prosperity.

Too many have worked too hard and too long to see this threatened now by policies which promise to undo all we have done together.

To reach our goals in our own land, we must work for peace among all lands.

America's cause is still the cause of all mankind.

Over the last 4 years the world has begun to respond to a simple American belief: the belief that strength and courage and responsibility are the keys to peace.

Since 1961 we have carried out the greatest peacetime buildup of national strength of any nation at any time. I report tonight as President of the United States—as Commander in Chief of the Armed Forces—on the strength of your country. It is greater than any adversary. It is greater than the combined might of all the nations, in all the wars, in all the history of this planet. And our superiority is growing.

Weapons do not make peace.

Men make peace.

Peace comes not through strength alone, but through wisdom and patience and restraint.

These qualities brought a treaty banning nuclear tests in the atmosphere. And a hundred nations joined us.

Other agreements were reached, other steps taken.

Their single guide: to lessen the danger to man without increasing the danger to freedom.

Their single purpose was peace.

As a result of these policies the world knows where we stand. And our allies know. And our adversaries have learned again. We will not waver in the defense of freedom.

The true courage of this nuclear age lies in the quest for peace.

There is no place in today's world for weakness. But there is also no place in today's world for recklessness. We cannot act rashly with the nuclear weapons that could destroy us all. The only course is to press with all our mind and all our will to make sure that these weapons are never used at all.

This is a dangerous and difficult world.

I promise no easy answers. But I do promise this. I pledge the firmness to defend freedom—the strength to support that firmness—and a constant, patient effort to move the world toward peace.

At home one of the greatest of our responsibilities is to assure fairplay for all Americans.

Every American has the right to be treated as a person. He should be able to find a job, educate his children, vote in elections and be judged on his merits as a person.

This is the fixed determination of our party and our Nation.

So long as I am your President I intend to carry out what the Constitution demands—and justice requires—equal justice under law for all.

We cannot and will not allow this great purpose to be endangered by any reckless acts of violence—anywhere.

Those who break the law—those who create disorder—whether in the North or the South—must be caught and brought to justice. In every part of this country the law must be respected and violence must be checked.

And wherever local officers seek help or Federal law is broken, I have pledged and I will use the full resources of the Federal Government.

But let no one tell you he can hold back progress and at the same time keep the peace. This is a false and empty promise. To stand in the way of orderly progress is to encourage violence.

For I say to those who wish us well—and those who wish us ill—the growing forces in this country are the forces of common human decency, not the forces of bigotry and fear.

Our problems are great.

But our opportunities are even greater.

Let me be clear.

I ask the American people for a mandate—not to preside over a finished program—not just to keep things going.

I ask for a mandate to begin.

This Nation—this generation—in this hour, has man's first chance to build the great society—a place where the meaning of man's life matches the marvels of man's labor.

We seek a nation where every man can seek knowledge, and touch beauty, and rejoice in the closeness of family and community.

We seek a nation where every man can—in the words of our oldest promise—follow the pursuit of happiness—not just security—but achievements and excellence and fulfillment of the spirit.

Join with me in this great task.

Join with me in rebuilding our cities to make them a decent place to live.

Join with me in protecting the beauty of our land and the air we breathe.

Join with me in giving every child education of the highest quality.

Join with me in giving every American the fullest life which he can hope for.

For the ultimate test of our civilization—of our faithfulness to our past—is not in our goods or our guns. It is in the quality of our people's lives and in the men and women we produce.

This goal can be ours. We have the resources and the knowledge.

We must now seek the courage.

The contest today is the same we have faced at every turning point.

It is not between liberals and conservatives, party and party, platform and platform. It is between courage and timidity. It is between those who see what can be, and those who want only to maintain the status quo. It is between those who welcome the future and those who turn away from its promise.

This is the true cause of freedom.

The man who is hungry, who cannot find work or educate his children, who is bowed by want—that man is not fully free.

For more than 30 years—from social security to the war against poverty—we have worked to enlarge the freedom of man.

As a result, Americans today are freer to live as they want to live, pursue their ambitions, meet their desires, and raise their families than at any time in our history.

And every American knows in his heart this is true.

I am determined in all the time that is mine to use all the talents I have for bringing our Nation together in greater unity. In pursuit of this common purpose I believe we shall some day see an America that knows no North, or South, no East, no West—an America undivided by creed or color, untorn by suspicion or strife.

The Founding Fathers dreamed America before it was.

The pioneers dreamed of great cities on the wilderness they crossed.

Our tomorrow is on its way. It can be a shape of darkness or a thing of beauty.

The choice is ours. For it will be the dream we dare to dream.

Tonight we of the Democratic Party confidently go before the people offering answers not retreat—unity not division—hope not fear.

We do offer the people a choice—a choice of continuing on the courageous and compassionate course that has made this Nation the strongest, freest, most prosperous and most peaceful Nation in the history of man.

Let us now turn to our task.

Let us be on our way.

ACCEPTANCE ADDRESS BY THE HONORABLE HUBERT H. HUMPHREY, U.S. SENATOR FROM THE STATE OF MINNESOTA

Mr. Chairman, Mr. President, my fellow Democrats, my fellow Americans, I proudly and humbly accept your nomination. Will we ever be able to forget this unbelievable, this moving, this beautiful, this wonderful evening? What a challenge to every person in this land to live up to the goals and the ideals of those who have gone before us, and have charted the course of our action.

I was deeply moved last night. I received a singular tribute from a friend and a great President, a tribute that I shall never forget, and I pray to Almighty God that I shall have the strength and the wisdom to measure up to the confidence and the trust that has been placed in me. And please let me say thank you, my fellow Democrats.

I believe that I know President Johnson as well as any man. So let me tell you about him. I have known for 16 years his courage, his wisdom, his tact, and his persuasion, his judgment and his leadership.

But I shall never forget those hours and those days of tragedy and crisis last November that we once again relived tonight, when a dear and wonderful friend and a great President was taken from us. And another stepped forward without a falter, without a moment of hesitation or a moment of doubt.

I was among those that he called to his side. He asked us, we, the people, Republicans and Democrats alike—Americans all—for our help. And I say thank God that John Fitzgerald Kennedy was the patriot that he was, that he had the foresight that day in Los Angeles to provide for his country.

Thank God for this country and for the peace of the world—that President Kennedy had the wisdom to choose a Lyndon Johnson as his Vice President.

I am sure you remember these words: "Let us continue." Those simple and direct words of President Johnson reached the hearts of our people. Those words rallied them, lifted them and unified them.

In this world, disaster is ever but a step away. There is no margin for error. The leader of the free world, the leader of the American Democracy, holds in his hands the destinies not only of his people, but holds in his hands the destinies of all mankind.

Yes, the President of the United States must be a man of calm and deep assurance who knows his country and knows his people. Above all, he must be a man of clear mind and sound judgment, a man who can lead, a man who can decide, a man of purpose and conviction. And, Lyndon Johnson is that man.

He is a man with the instincts of a teacher, who would rather persuade than compel, who would rather unite than divide.

President Johnson is respectful of the traditions of the Presidency, and he understands the compelling need for restraint in the use of the greatest power ever assembled by man.

In President Johnson's hands, our people know that our power is for justice, and in his hands our people know that our power is for peace. In his hands, our people know that our power is for freedom.

President Johnson has helped to make the Democratic Party the only truly national party. And this very convention demonstrates our strong and our abiding unity and brotherhood.

And what a contrast—what a contrast with the shambles at the Cow Palace in San Francisco. What a contrast with that incredible spectacle of bitterness, of hostility, of personal attack.

The American people have seen the contrast. The American people do have a clear choice, and I predict their choice will be Lyndon Johnson in November.

Ralph Waldo Emerson once spoke of "The two parties which divide the state"—the party of hope and the party of memory, my fellow Democrats. They renew their rivalry, he said, from generation to generation.

This contest, between the party of hope and the party of memory lies at the very heart of this campaign.

During the last few weeks, shrill voices have tried to lay claim to the great spirit of the American past. But they long for a past that never was. In their recklessness and in their radicalism, they distort the American conservative tradition.

Yes, those who have kidnaped the Republican Party have made it this year not a party of memory and sentiment, but one of stridency, of unrestrained passion, of extreme and radical language.

And, by contrast, which is clear to all, under the leadership of President Lyndon Johnson, the Democratic Party stands today as the champion of great causes, as the party of purpose and conviction, as the party of national unity, and as the party of hope for all mankind.

Now let me document my case. Above all, the contrast is between the Democratic leadership and that of the Goldwater party is sharp and decisive on the question of peace and security. For 25 years, my fellow Americans, both parties have held the conviction that politics should stop at the water's edge, that we must be united in the face of our enemies, and we must be united in support of our allies and our friends.

And I say here tonight, to every American, to every friend of freedom, woe to that party or that spokesman that turns its back upon bipartisan foreign policy. Woe to those who are willing to divide this Nation, and beware of those who cast false doubts upon our great strength.

What great problems there are to solve: Problems to control the awesome power of the nuclear age, to strengthen the grand alliance with Europe.

To continue the task of building a strong and prosperous and united hemisphere under the Alliance for Progress.

To assist our friends in Asia and Africa in preserving their freedom and promoting their progress.

And to defend and extend freedom throughout the world.

Now, my fellow Americans, these urgent problems demand reasoned solutions, not empty slogans. Childlike answers cannot solve man-sized problems.

These problems demand leadership that is prudent, restrained, responsible. They require a President who knows that Rome was not built in a day, but who also knows that the great edifice of Western civilization can be brought down in ruins in 1 hour.

The American Presidency is not a place for a man who is impetuous at one moment, and indecisive the next; nor is it a place for one who is violently for something one day and violently opposed to it on the next, nor is it an office where statements on matters of major policy are so confusing and so contradictory that neither friend nor foe knows where he stands.

And, my fellow Americans, it is of the highest importance that both friend and foe know that the American President means what he says and says what he means.

The temporary spokesman of the Republican Party—yes, the temporary Republican spokesman is not only out of tune with the great majority of his countrymen; he is even out of step with his own party.

In the last 3½ years, most Democrats and Republicans have agreed on the great decisions our Nation has made. But not the Republican spokesman, not Senator GOLDWATER. He has been facing backward, against the mainstream of American history. Most Democrats and most Republicans in the U.S. Senate, for example, voted for the nuclear test ban treaty. But not the temporary Republican spokesman.

Most Democrats and Republicans in the Senate voted for an eleven and a half billion dollar tax cut for the American citizens and American business. But not Senator GOLDWATER.

Most Democrats and Republicans in the Senate, in fact four-fifths of the members of his own party, voted for the Civil Rights Act. But not Senator GOLDWATER.

Most Democrats and Republicans in the Senate voted for the establishment of the U.S. Arms Control and Disarmament Agency that seeks to slow down the nuclear arms race among the nations. But not the temporary Republican spokesman.

Most Democrats and most Republicans in the Senate voted last year for an expanded medical education program. But not Senator GOLDWATER.

Most Democrats and most Republicans in the Senate voted for education legislation. But not Senator GOLDWATER.

Most Democrats and most Republicans in the Senate voted for the National Defense Education Act. But not Senator GOLDWATER.

And my fellow Americans, most Democrats and most Republicans in the Senate voted to help the United Nations in its peace-keeping functions when it was in financial difficulty. But not Senator GOLDWATER.

Yes, my fellow Americans, it is a fact that the temporary Republican spokesman is not in the mainstream of his party. In fact, he has not even touched the shore.

I believe in the two-party system, but there must be two responsible parties, and there must be men who are equipped to lead a great nation as the standard bearers of the two parties. It is imperative that the leadership of the great parties move within the mainstream of American thought and philosophy.

I pledge to this convention, I pledge to our great President, to all the American people, my complete devotion to this task: To prove once again that the Democratic Party deserves America's affections, and that we are indeed the party of hope for the American people.

So tonight let us here and now pledge that the campaign that we will wage will be worthy of our great President Johnson, and, my fellow Americans, let us hereby resolve and pledge tonight that that campaign will be worthy of the memory of the late and beloved President, John Fitzgerald Kennedy.

While others may appeal to passions and prejudices, and appeal to fear and bitterness, we of the Democratic Party call upon all Americans to join us in making our country:

A land of opportunity for our young.

A home of security and dignity for our elderly.

And a place of compassion and care for our afflicted.

I say to those responsible and forward-looking Republicans who put our country above their party—and there are thousands of them—we welcome you to the banner of Lyndon Baines Johnson. We welcome your support.

Yes, we extend the hand of fellowship. We ask you to join us tonight, for this President, my fellow Americans, is the President of all of the American people. He is the President in the great American tradition—for labor and for business; no class conflict—for the farm family that will receive the unending attention and care of this President and for the city worker; for North and for the South; for East and for the West. This is our President.

President Lyndon Johnson represents—in fact he is the embodiment of the spirit of national unity, the embodiment of national purpose, the man in whose hands we place our lives, our fortunes, and our sacred honor.

I am proud to be the friend of this great President. I am very proud that he has asked this convention to select me as his running mate.

And I ask you, my fellow Americans—I ask you—to walk with us, to work with us, to march forward with us—to help President Johnson build the great society for America of the future.

Yes, let us continue. Let us, fellow Democrats and fellow Americans, go forward. Let us take those giant steps forward to which the President has called us, to end the shame of poverty, to end the injustice of prejudice and the denial of opportunity, to build the great society and to secure the freedom of man and the peace of the world. We can do no less, and to this, tonight, let us resolve to pledge our every effort. Thank you.

DELINQUENT PARENTS CAUSE DELINQUENT CHILDREN

Mr. WALTERS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial, from the Knoxville News-Sentinel, citing the actions of Judge Kenneth Turner, a member of the juvenile court in Memphis. Judge Turner puts his finger on the source of much of our juvenile delinquency problem when he states that the behavior of children stems in large part from the training and guidance they receive at home. His formula for assessment of the parents for the cost of maintaining their offspring who are sentenced to confinement in an institution is a good one. If Judge Turner's actions were copied more widely, I feel sure there would be a marked improvement in parental supervision, which ultimately would lead to a lower rate of juvenile delinquency.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Knoxville News-Sentinel, Sept. 4, 1964]

ADULT DELINQUENTS

In Memphis, a juvenile court judge, Kenneth Turner, bases his decisions on a central policy:

"I've always felt that delinquent parents caused delinquent children in 95 percent of the cases, and I'm trying in every way possible to hold such parents responsible for their behavior."

Judge Turner even has gone to the length of assessing parents for the cost of maintaining juvenile delinquents in institutions. If they don't pay, he cites them for contempt.

Of all that has been said and written about juvenile delinquency and its causes, Judge Turner has come closer to the real issue. If his policy were followed generally, there would be a substantial decline in juvenile delinquency.

THE REPUBLICAN PRESIDENTIAL NOMINEE ABANDONS HIS POLICY OF FISCAL RESPONSIBILITY

The PRESIDING OFFICER (Mr. WALTERS in the chair). The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, the distinguished junior Senator from Arizona [Mr. GOLDWATER], the Republican nominee for President of the United States, is recognized throughout the country and the world as a man who is fiscally conservative. For this reason, I was very much disappointed with his speech of last night, in which he advocated a cut in income taxes of 25 percent.

The only way in which I can construe his position is that the distinguished Senator from Arizona [Mr. GOLDWATER] walked out on his fiscal responsibility when he advocated a tax cut and stated that he would cut taxes 25 percent without cutting Federal spending.

Senator GOLDWATER'S proposal would drive prices up cruelly. Senator GOLDWATER and I both voted against the recent administration-backed tax cut. We opposed it because a tax cut that reduced revenue below spending in this booming period of prosperity is irresponsible and inflationary.

I do not believe the Senator can have it both ways. Either the distinguished Senator from Arizona is for a balanced budget or he is not. If he has reversed his position on tax reduction, he should admit that he erred when he had the opportunity to support a tax cut, and not merely talk about it. Why was the Senator against tax cuts then, and why is he for them now?

Senator GOLDWATER'S proposals would cost some $3.8 billion in revenue a year—more than double the anticipated cash deficit for this fiscal year. In total, the Goldwater proposals would mean nearly $19 billion of additional tax loss on top of the less than $12 billion already proposed and adopted.

The Goldwater proposal takes no account of the state of the economy, whether inflationary forces are strong, and the level of unemployment high or low. What happened to the need for running a budget surplus so that we might retire some of the oppressive national debt? What happened to the need for reform in our tax structure?

Has the Senator from Arizona repudiated his own prior expenditure views, or the Republican platform? He has proposed increases in military expenditures alone costing an additional $5 billion a year for every year in the next decade. This means a total of $50 billion of additional expenditures. In addition, he has advocated increased veterans' benefits and a central Arizona TVA which would cost billions more.

On the tax side, the Republican platform has recommended tax credits for elderly, medical and hospital care, education, and fishing vessels that would cost at least $2 billion annually in lost revenue, as well as excise tax cuts and tax transfers to the States.

Such unpremeditated slaughter of the balanced-budget concept is irresponsible. It would truly create a Federal Government that was an engine of inflation.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

AMENDMENT NO. 1234

Mr. JAVITS. Mr. President, I send to the desk my amendment No. 1234, cosponsored by the junior Senator from Minnesota [Mr. MCCARTHY], to the amendment proposed by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD] to H.R. 11380, for reading under the rule.

Mr. President, I ask unanimous consent that further reading may be dispensed with, and that the amendment may be deemed to have been read in compliance with the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment of Mr. JAVITS is as follows:

Strike out all on and after line 1, page 1, and insert in lieu thereof the following:

"SEC. 402. It is the sense of the Congress that in any action or proceeding in any court of the United States or before any justice or judge of the United States in which there is placed in question the validity of the composition of any house of the legislature of any State or the apportionment of the membership thereof, adequate time should be accorded (1) to such State to conform to the requirements of the Constitution of the United States relating to such composition or apportionment consistently with its electoral procedures and proceedings and with its procedure and proceedings for the amendment of the constitution of such State, and (2) for consideration by the States of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification."

THE CHILEAN ELECTION

Mr. JAVITS. Mr. President, all Americans have cause to rejoice over the decisive victory of Eduardo Frei, the Christian Democratic Party's candidate for President of Chile. His decisive defeat of Salvador Allende, a Socialist who headed the four-party leftist coalition FRAP which included the Communists, is of great importance not only to Chile—where it represents a massive popular endorsement of orderly and lawful social change long overdue in that country—but to the cause of economic progress within a democratic framework, which is the basic goal of the Alliance for Progress.

Senator Frei's election is also significant, because this is the first national victory by a Christian Democratic Party in the Western Hemisphere, whereas, if the coalition including the Communists had been elected, it would have been the first time that a freely elected national government, including Communists, was installed in any free world country.

Last March I visited Chile and talked with the Chilean leaders, including Senator Frei, who has now been elected President, Senator Julio Duran, the candidate of the Radical Party, and President Allesandri. I reported to the Senate at that time the possibility that a Communist-Socialist coalition regime could be elected legally in that country. I then reported that it would be the first in any free world country to be freely elected. Hence, I am especially pleased that this possibility did not become a reality, and we owe to Senator Frei a great debt of gratitude.

The Christian Democrats of Latin America are basically a post-World War II phenomenon, reflecting the emergence of a more socially conscious wing of the Roman Catholic Church with adherents among the middle class, organized labor and the peasantry. Their methods are democratic, their goals, basic social and economic change in the interest of the broad mass of the people. The Latin American Christian Democrats regard themesives as counterparts of the European parties of the same name. They all belong to the Christian Democratic International.

In this hour of general satisfaction I wish to strike a note of caution. Those who see in Eduardo Frei's victory, the victory of a man whose domestic and foreign policies will be an exact duplicate of ours, may be sorely disappointed in the coming months.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. The Chilean economic and social structure is very different from ours and may need much reform. The Chilean economy is in the midst of a severe inflation. The distribution of wealth is unequal. Landholding is in crying need for modernization. Today Chile's agriculture occupies one-third of the population, but they produce only one-eighth of the gross national product. While the population increased by 45 percent in the past 15 years, food production was up only 8 percent. Due, at least in part, to the ineffectiveness of domestic food production, Chile must import $100 million worth of food each year.

The relationship of the Chilean Government to the copper companies, which are largely American owned, was very much an issue in the presidential election. The difference is that the Socialists and the Communists proposed to nationalize the copper companies, whereas Senator Frei's party proposes only that the copper be refined in Chile and sold from there at the best prices available on world markets. In short, we may be facing a major socioeconomic revolution of a peaceful and legal character in Chile. We may not like everything that Senator Frei will do. He is a man of great strength and of great character. We must recognize, however, that he is on our side, and the election in Chile was a major step toward the fulfillment of the fundamental goals of the Alliance for Progress and the modernization of Latin American society within a democratic framework. Therefore, though at times we may be unhappy about some of the things that will be done, let us remember that Eduardo Frei and his regime deserve the closest economic and political support of the United States and of our Western allies.

His expressed promise of Government intervention in the largely American-owned copper mines and his alleged willingness to establish diplomatic relations with Communist governments may not suit our instincts or desires and we reserve the right to strongly disagree.

Mr. President, I ask unanimous consent to have printed in the Record a magnificent editorial by Ambassador Harry F. Guggenheim, Ambassador to Cuba, himself a member of the family which founded the copper and nitrate industries in Chile, in which he takes the same line that I have been stating here in support of the new Chilean Government.

I ask unanimous consent also that editorials from the Long Island Newsday and the New York Times, as well as articles from the two papers calling attention to the implications of the Chilean elections may be printed in the Record at the conclusion of my remarks.

There being no objection, the letter, editorials, and articles were ordered to be printed in the Record, as follows:

[From the Long Island (N.Y.) Newsday, Sept. 8, 1964]

An Open Letter to President-Elect Frei

Dear Mr. President: Will you please accept my hearty congratulations on your magnificent victory in the Chilean election. This is more than a personal triumph for you. Your campaign was not based on demagoguery, but on a political philosophy of reason and progress. If you will permit me to say so, this is also a triumph for Chile at a time of world bewilderment when it is so easy for suffering humanity to turn in despair to false prophets. And, finally, your victory is another most important step in a policy of hope and sanity in the relations between the United States to the north and its logical friends and partners in the Latin American States to the south.

President Johnson, through Assistant Secretary of State Mann, has practiced a policy vis-a-vis Latin America of complete symphony, but one of realism, not theory. We must find solutions to the extremely difficult problems arising from poverty throughout the world, population growth, galloping inflation, and the urgent need for social progress.

In your sweeping victory, Chile has responded generously to the efforts and plans for the hemispheric progress envisaged by you and President Johnson.

As one of a family who for several generations has been engaged in the development of Chile's natural resources—and I trust not unmindful of its social progress, as well as its economic growth—I send you this word of respect and good wishes for you and all the people of Chile.[1]

Yours respectfully,

Harry F. Guggenheim.

[From the Long Island (N.Y.) Newsday, Sept. 4, 1964]

Profile: Eduardo Frei Montalva

(By Ron Hollander)

Eduardo Frei Montalva, winner of a landslide victory in Chile's presidential election Friday, is a lanky, soft-spoken lawyer relatively unknown in the United States despite his 30 years in politics.

But though soft-spoken, the 53-year-old career politician who takes office November 4 should not remain unknown to Americans for long. Though considered pro-United States and more understanding of the West's foreign policy than the man he defeated, Socialist Salvador Allende Gossens, Frei (pronounced Fray) has definite ideas on what Chile needs. The former university professor of economics favors state control and believes Chile should eventually nationalize foreign-owned properties. He campaigned against Marxist Allende with a slogan, "Chile Needs a Chance." The 6-foot, Santiago-born Frei will have 6 years to give Chile that chance—and in that time the soft tones are expected to belie the action he will take to achieve his aims.

A former Chilean delegate to the United Nations and senator, Frei first ran for the presidency in 1958. He polled only 20 percent of the vote, placing third. It did not discourage him, however, and the Christian Democrat, in his fight against Allende, described the election as "a battle for democracy and a vital one. It must be won." When it was learned in the United States that he had won that fight, officials breathed a sigh of relief. While more liberal than the man he succeeds, President Jorge Alessandri, a conservative, he is a blessing to the U.S. Government when compared with the Marxist Allende.

For one thing, Frei insists he is not against free enterprise and says he has no intention of seizing the vast U.S. copper holdings in Chile. The new President hopes to win substantial credit from the United States and West European nations and he said during his campaign that he wants more United States investment in Chile. And though Frei was opposed to Chile's diplomatic break with Cuba last month, he is not expected to attempt to restore relations with Castro. In fact, he recently described the Castro government as "a totalitarian regime that has overrun human rights."

On the negative side, he has severely criticized the Alliance for Progress, claiming it is ineffective in its present form for dealing with the social and economic problems of his native Chile. Frei also would like to overhaul the Organization of American States (OAS), which voted the sanctions against Cuba. He believes the OAS should be made more effective in carrying out the reforms outlined under the Alliance. He also has promised to cancel the United States-Chile military pact and said he would establish diplomatic relations with the Soviet Union and other Eastern European nations having trade missions in Chile.

Frei campaigned on a program of productive land reform and easier credit for businessmen and farmers. He promised 50,000 new jobs and a low-cost housing program for workers. And while not going so far as to ask for nationalization of the copper mines, Frei does want the Government to receive a greater share of the profits from the mines owned by U.S. firms. The Government is already getting 84 percent of the profits from these mines.

A Catholic and the father of seven, Frei was educated in the schools and university of Santiago, Chile's capital. He married 27 years ago into a socially prominent Santiago family. He and his wife still live in the same house they had when they were married, a modest, two-story, simply furnished dwelling in Santiago's suburbs. "I like this house and don't plan to leave it," Frei said. "As President I will not live at La Moneda (the Chilean White House). That big, rambling building is no place for a family."

Chile Chooses Social Democracy

The people of Chile again have proved their devotion to democratic methods by giving an overwhelming victory for President to the Christian Democratic candidate, Eduardo Frei. The victory is a great relief to every important capital in the Western Hemisphere from Washington to Buenos Aires. Only Havana will fail to rejoice in it.

The Chilean election had everywhere been rated as the most important in Latin America in years. Had Mr. Frei's opponent, Salvador Allende, won, the world would have seen a Socialist-Communist coalition elected democratically for the first time. As it is, history was made by Mr. Frei, for this is the first national victory by a Christian Democratic Party in the Western Hemisphere. It represents a notable boost for the entire Christian and social democratic movement throughout Latin America.

The reasons for widespread relief are obvious, even though Eduardo Frei is a leftist who has promised radical social and economic reforms in Chile. Christian democracy, by definition, is democratic. Hence Chile will remain an orthodox member of the Organization of American States, alined to the West. Where the rival group, the FRAP, would have nationalized the copper and nitrate industries (about 90 percent American-owned), the Christian Democrats merely plan to have all copper refined in Chile. They intend to sell the copper everywhere, including to the Iron Curtain countries.

The drastic structural changes that Mr. Frei promises will shake up Chilean society profoundly. Although a true democracy in the political sense, Chile is a nation with grave social imbalances. This is especially true in the rural areas, and a radical farm reform is a certainty. However, Mr. Frei's program is "revolutionary" only in the sense of the Alliance for Progress. His victory is, in fact, a reprieve for the Alliance, which is an added reason why the Johnson administration is rejoicing.

Yet, it would be wrong for anyone in Washington to think of Eduardo Frei as a complacent junior partner who can be taken for granted. He is a man of strong and independent character with a determined social sense. His Catholicism is not reactionary; it is the Catholicism of Pope John XXIII's socially advanced Mater et Magistra.

The strength of Chilean democracy was shown by the instant acceptance of Mr. Frei's victory by Dr. Allende, who had offered the voters a clear choice and had fought a hard, clean campaign. Unlike 1958 when he lost to Jorge Alessandri by the narrowest of margins, he has now been decisively defeated. The popular verdict means that Chileans want social and economic reforms, but not by the extreme methods of a socialism spurred on by communism. Chile has chosen the road of social democracy.

[From the Washington Post, Sept. 8, 1964]

Chilean President Indicates Copper Sales to Russians

(By George Natanson)

Santiago.—Major realinements in Latin America seem likely in the wake of Eduardo Frei's surprisingly decisive victory in Chile's presidential election, diplomats and politcal observers suggest.

Frei represents a new force in Latin American politics—the revolutionary and determined left intent on bringing about a forceful but peaceful socio-economic revolution through legal processes.

At a news conference Saturday, Frei served notice that a closer Santiago-Washington accord depends in large part on greater respect in Washington for Chilean economic and political interests, as determined by Chile.

The President-elect said his government would establish diplomatic relations with any friendly nation seeking them. This clearly means he will be receptive to Communist-bloc overtures for diplomatic exchanges.

Frei also promised the electorate that he would direct government intervention in the largely American-owned copper mines, at least to the extent of seeking the best price for Chilean copper in the world market—no matter where it is. This does not conform to the U.S. policy of embargoing shipments of such strategic materials to Red nations.

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[1] The family of Harry F. Guggenheim, president and publisher of Newsday, developed the copper industry in Chile, but has disposed of all financial interests in the copper companies, either by sale or bequests to philanthropic foundations.

Frei's victory made him an overnight giant among Latin leaders. Chile, always respected by other Latin nations for its long tradition of nonviolent democracy, has suddenly become a prime candidate for leadership of the progressive, democratic forces in Latin America.

Frei's Christian Democratic Party is also established in several other Latin countries. It is opposed to the rightist oligarchy clinging to power in several Latin nations. It similarly opposes the Communists, particularly in their totalitarian aspects.

But the Christian Democrats are committed to their kind of revolution, which they sum up oversimply as "revolution with freedom."

They aim frankly at supplanting present government structures with a planned economy and major reforms in landownership, educational opportunity and economic opportunity.

[From the New York Times, Sept. 7, 1964]

FREI SAYS OAS NEEDS OVERHAUL—CHILEAN ASSERTS IT MUST AID FIGHT FOR SOCIAL CHANGE

(By Henry Raymont)

SANTIAGO, CHILE, September 6.—Eduardo Frei Montalva, Chile's President-elect, said today that the moment was approaching for a new inter-American effort to settle hemispheric differences and concentrate on "the common battle against social and economic backwardness."

Mr. Frei declared in an interview that the Organization of American States had lagged in this task.

He said the Organization must develop a more "dynamic and constructive" approach to ease political tensions among its members and to implement rapidly the goals of the Alliance for Progress.

Mr. Frei, a new power in the Americas since his sweeping victory in Friday's election, indicated he would call for specific steps to "revitalize" the inter-American Organization after he assumes office November 4.

One proposal discussed privately by some of his foreign-policy advisers is an informal consultation with other Latin American governments for a fresh attempt to draw Cuba back into the hemispheric community. The move would presumably be postulated on Premier Fidel Castro's willingness to sever his military and political ties with the Communist bloc.

BETTER PROSPECT SEEN

Mr. Frei said at a news conference yesterday that he expected "more favorable" conditions for a peaceful settlement of the Cuban problem to develop after the U.S. election.

The President-elect also expressed hope that there would be a high-level review of Alliance for Progress plans. The objective would be to increase Latin America's responsibility in the execution of that U.S.-sponsored program of social and economic development and to make the OAS "more alive to the spirit of change that is sweeping the hemisphere."

"The Organization of American States no longer has any real vitality," Mr. Frei said. "The moment is approaching for a decision whether to put it up to date with a rapidly changing world and in line with the goals of the Alliance for Progress, or to let it become a sarcophagus of outmoded ideas."

Mr. Frei, leader of the Christian Democratic Party, spoke confidently of Chile's future relations with the United States. The two countries, he said, share "profound democratic convictions" and a desire to see an end of misery and underdevelopment in the hemisphere.

Although he favors closer contacts with the Asian and African countries, and broad exchanges, Mr. Frei rejected the notion that Chile should move toward a policy of nonalinement as advocated by Senator Salvador Allende Gossens, the defeated candidate of the Socialist-Communist coalition.

"We certainly may share some economic problems as producers of raw materials who want to project themselves into an industrial age," he asserted. "But Chile belongs to the Americas, where our ideas have been nourished by the Judeo-Christian ethics of the western world. It is within this sphere that we must try to resolve our problems."

RELATIONS WITH RED BLOC

The President-elect said, however, that he planned to establish diplomatic relations with the Soviet Union and other Communist countries with which Chile now has only commercial relations. Communist China was not among those he mentioned.

From these and other statements it appeared that Mr. Frei would cooperate closely with the United States, although he is likely to speak with an increasingly independent and critical voice about hemisphere affairs if he thinks it necessary.

The President-elect feels that the Organization of American States may have relied too long on punitive rather than on conciliatory action. Chile would be in a special position to serve as a bridge to Cuba. Prominent figures in Mr. Frei's party have continued to advocate toleration toward the Castro regime even though they disapprove of its repressive aspects.

[From the New York Times, Sept. 7, 1964]

CHILEAN CRUSADER EDUARDO FREI MONTALVA

SANTIAGO, CHILE, September 6.—During the 30 years he struggled to gain power for his Christian Democratic Party, Eduardo Frei Montalva has been called a hot-headed young man and a religious fanatic. He has been considered by many Chileans to be the only leader capable of offering a democratic alternative to the desperately poor peasants and workers who make up two-thirds of the country's population.

Mr. Frei, a tall, lean man of 53 years, is unquestionably a tireless crusader for a new social doctrine, based on Christian humanism, as the answer to the poverty and economic underdevelopment that afflict this country and most of Latin America. His speeches are often on the academic side, but he exudes confidence and a sense of a man who knows where he is going.

This has attracted to his side a group of eager young technicians and professionals, strikingly similar in spirit to those who gathered around President Kennedy.

Along with beginning a campaign for social action, including associations of slum-dwellers, housing cooperatives, and institutes for rural education, they built a highly efficient political machine that provides the basis for last Friday's victory by the Christian Democratic Party over the more conventional leftist coalition of the Popular Action Front and over the once-powerful Radical Party.

But Senator Frei points out that in spreading its message of social revolution, Christian democracy is providing more than a pragmatic approach to Chilean politics.

IDEOLOGY CALLED VITAL

"It is impossible in Latin America to govern effectively without an ideology," he declared recently. "That is why communism has had an impact in our societies and that is why it sees in Christian democracy its greatest challenge."

Senator Frei is convinced that the Marxist conception of the world is obsolete and that the Chilean people need solutions in accord with a new age of science and technology that will at the same time protect personal rights.

"Christian democracy believes that the modern world is in crisis," he said, "and that only a complete readjustment of society can save man from materialism and collectivism."

It was this belief in an urgent need to humanize capitalism through a democratic revolution that in 1931 led a group of student leaders headed by Mr. Frei to drift away from the middle-class conservative party.

Four years later they established the National Falange, which had only the name in common with the Spanish organization, that supported Generalissimo Francisco Franco during the civil war. Throughout World War II the Chilean Falange leaders supported the allied cause and in domestic politics more often found themselves in sympathy with the leftists than with their former conservative friends.

SOUGHT END OF MONOPOLIES

The leadership of the Falange, which came mainly from patrician and well-to-do families, had as its main objective ending what it considered the country's false democracy where the rules favored the wealthy and the monopolies. The leaders organized the Christian Democratic party in 1957.

Mr. Frei's reputation as one of the most efficient and dedicated members of the Senate is rarely challenged even by his most bitter political enemies, who range from Communists to ultraconservatives.

The son of an affluent Swiss immigrant, Mr. Frei was sent to a public school in the working-class suburb of Lontue, near the fine villas of the Chilean aristocracy. The sight of underfed and poorly clothed classmates developed a keen sense of social injustice in the boy.

Mr. Frei has avoided the luxury he criticizes among wealthy Chileans. He lives with his wife Maria, a former teacher, and their seven children in an unpretentious house in a middle-class residential suburb of Santiago.

He holds a law degree from the Catholic University of Chile, and has devoted much time to the study of economic planning. He once held the post of Minister of Public Works.

VISITED UNITED STATES AND EUROPE

Mr. Frei (the name is pronounced "Fray") has traveled extensively. He made nine trips to the United States, the last one in 1962 for a conference at Columbia University on underdeveloped countries. He has also attended several congresses of Christian Democratic parties in Europe.

These links abroad and an intense interest in international affairs have strongly influenced Senator Frei's views. References to East-West relations and the role of the smaller nations as promoters of world understanding marked his campaign speeches.

True to Chilean tradition of tolerance and fairplay, Mr. Frei reiterated today his respect for Senator Salvatore Allende Gossens, his popular Action First opponent in the election. "He is an honorable and hard-working man as well as a first-rate parliamentarian," he observed.

A relaxed host and a devoted father, Mr. Frei takes delight in books and in long walks in the forests surrounding Santiago.

A visiting American asked him how he felt during the election and what it represented to the future of the Christian Democratic movement. He replied:

"I had an extraordinary sensation of inner peace. I was absolutely confident. The most important and positive factor is that our victory comes as the party is achieving its maturity after the experience of a hard and prolonged struggle. It would have been disastrous had success come prematurely while we were still in a stage of development."

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—REAPPORTIONMENT OF STATE LEGISLATURES

Mr. DOUGLAS. Mr. President, the public is becoming more and more informed about the dangers of the so-called Dirksen amendment to the foreign aid bill, which would suspend for an indefinite period of time court orders providing for reapportionment of unrepresentative State legislatures. I am greatly pleased that some of the great newspapers of the country and some of the keen thinkers of the country are taking up the challenge and are making the issues clear.

Mr. RANDOLPH. Mr. President, will the Senator from Illinois yield at that point?

Mr. DOUGLAS. Yes, indeed.

Mr. RANDOLPH. When the able Senator mentions the newspapers of the country, I wish to have the Record indicate that as reasoned an editorial as I have read on the reapportionment subject, and which expresses the belief of the Senator from Illinois as well as the senior Senator from West Virginia, was contained in a compelling comment in the Charleston, W. Va., Gazette. I appreciate the prior insertion into the Record of that editorial by the senior Senator from Illinois. The Charleston Gazette is a liberal and progressive newspaper in its editorial policy. It is an exceedingly courageous newspaper editorially on public questions. I am delighted that both the Senator from Illinois and the Senator from West Virginia, now speaking, are in agreement on this subject, and that is that the Dirksen amendment should not prevail in the Senate.

Mr. DOUGLAS. I thank the Senator from West Virginia. His attitude on this, as on so many other topics, is both enlightened and sturdy. I am very glad that he mentioned the Charleston, W. Va., Gazette, because I regard it as one of the truly fine newspapers of the country.

Mr. President, another fine newspaper is the St. Louis Post-Dispatch. On the 2d of September it published an able editorial entitled "Myths of Apportionment," in which the editorial writer properly said that the Senate ought to deal with so important an issue separately and after careful reflection, but that it should not deal with it until there is time for calm review and sober second thoughts.

On yesterday, the 8th of September, the St. Louis Post-Dispatch followed up that editorial with another editorial stating that there had not been——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. The St. Louis Post-Dispatch stated that there had not been reasonable consideration of the Dirksen rider. It pointed out that there had been no committee hearings on it. The editorial stated that the author of the amendment had assumed in what he thought were the last days of the session that the amendment could be tied onto a foreign aid bill, which he thought the President could not veto. "And to what end?" inquires the St. Louis Post-Dispatch. The editorial states:

> The end is to overcome the Supreme Court's historic decision that both houses of State legislatures should be based on population. The Dirksen rider would require all Federal courts to stay at least until 1966 all orders to redistrict in line with this decision. In that time, the malapportionment forces hope to press a constitutional amendment through the malapportioned legislatures, forever ending Federal court jurisdiction.

In addition to these editorials, there have been interesting letters to the editor which have appeared in the New York Times and the Washington Post. On September 6 of this year a letter from Mr. David M. Roseman, of Boston, was published in which he stated that the proposition that one person's vote is entitled to the same effect as that to be given to another is hardly a revolutionary theory.

Of course, that is the point of view which the Court has been advocating in saying that representation should be substantially based on population.

On the 8th of September, yesterday, a very able letter appeared in the Washington Post, by Elaine Jacoby, pointing out that Montgomery County is handicapped because it does not have adequate representation in the Maryland Legislature.

In this morning's Washington Post there is another letter stating that political scholars have pointed out that the Supreme Court decisions on apportionment came only after State legislatures refused to conform to their own constitutional requirements, and after State courts refused to require State officers to fulfill their oaths of office.

I ask unanimous consent that the editorials and letters be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit I.)

Mr. DOUGLAS. Mr. President, as a final comment, yesterday the distinguished junior Senator from Montana [Mr. Metcalf] made one of the most notable addresses delivered in a long time before this body. While the audience on the floor which heard him was not very large, I hope every Member of the Senate and tens of thousands of Americans will read his speech in the Record. I have read it twice this morning. I regard it as one of the most able, comprehensive, and persuasive addresses ever delivered before this body.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. METCALF. I appreciate the comments the Senator from Illinois has made about the speech I delivered yesterday. I hope in the future, if this matter is not dropped, I shall be permitted to develop further the danger to constitutional government, to the doctrine of separation of powers, and to individual freedom, which the Dirksen amendment presents to the whole constitutional system of the United States.

I am pleased that the Senator from Illinois has read my speech. I hope others read the speech and become aware of the danger to the individual constitutional freedoms of Americans if this sort of legislation continues to be considered.

Mr. DOUGLAS. I thank the Senator. He developed this point succinctly. I hope, if occasion arises, he will take time to make an exhaustive review of the cases which he analyzed yesterday briefly, beginning with Marbury against Madison and coming down to the Colorado case.

Mr. METCALF. If the opportunity arises, I shall do so.

Exhibit I

[From the St. Louis (Mo.) Post-Dispatch, Sept. 2, 1964]

Myths of Apportionment

The reconvening Senate has put off, temporarily, its struggle over Senator Dirksen's proposal to delay or halt State legislative reapportionment as ordered by the Supreme Court or other Federal courts. The Senate's action amounts to putting off the main event, but Congress can well use time for calm review and sober second thoughts.

Before Congress recessed for the Democratic Convention, the dispute had created some myths and half-truths, on both sides. William G. Colman, executive director of the Advisory Commission on Intergovernmental Relations, did his best to dispel these notions in testimony before a House Judiciary Subcommittee.

It is not true, for one thing, that there is something historic, if not sacred, about bicameral legislatures. Georgia, Pennsylvania, and Vermont had unicameral legislatures in the early days of the Republic; Nebraska has one now.

It is not true that one house traditionally has to be based on something other than population. Population was the sole basis for apportionment of legislatures in most of the original States. At one time or another, 36 States have made it the primary basis for both legislative houses.

It is not entirely logical that one house ought to be based on geography in order to produce diversity of representation. For example, in a popularly based system, members of a small senate would represent a more diversified constituency than members of a large house, whose delegates, in turn, would represent more specialized interests.

It is not entirely true that rural domination of malapportioned legislatures leads to discrimination against the cities. There may be such discrimination at times, but more often the rural representatives contend that their urban colleagues cannot agree on what they want. This situation does not excuse a legislature's refusal to do what is best, nor does it justify the deliberate weighting of a house in favor of rural minorities.

Finally, it is not true that all urban residents want equal representation. Coloradans voted overwhelmingly for a misapportionment that the Supreme Court threw out on the ground that a majority vote could not abolish a constitutional right to equal protection of the laws.

Perhaps many Americans do not want equal representation because they think legislatures ought to be modeled upon the U.S. Congress. The Supreme Court held that there is no parallel, in history or law. But political conservatives often favor rural-dominated legislatures because these are likely to be more conservative legislatures. This sentiment crosses urban-rural boundaries and explains many of the attacks on the Supreme Court's decisions.

Weighting apportionment to get specified ideological or legislative results distorts popular government. It cannot be justified any more than any other way of saying that the end justifies the means. Yet this is what defenders of the status quo in State legislatures are defending, by devious means. Senator DIRKSEN would attach his proposal to the foreign aid bill, where it does not belong in any case.

The Senate ought to deal with so important an issue separately and, after necessary reflection, deal with it summarily.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 8, 1964]

AGAINST THE CONSTITUTION

Senator EVERETT M. DIRKSEN intends to file a petition to shut off debate on his rider aimed at fair voting legislatures, at the Supreme Court, at judicial review and the Constitution itself. What follows should be a dramatic lesson in the workings of our Government.

For some weeks a small band of Senators has been filibustering against the Illinois Senator's rider to the foreign aid bill. Their numbers have grown, however, and it is no longer certain that Mr. DIRKSEN can find the two-thirds vote necessary for cloture.

The issue pits many who do not believe in the filibuster rule, but are now using it against other Senators who traditionally uphold the filibuster, or at least the two-thirds rule that makes it difficult to overcome. In this case, the filibusters are right to use the weapon, and not just because it is there.

Certainly the two-thirds rule should be ended, because it encourages the kind of talkathon by which a minority can prevent any Senate action at all. But the rule should not be ended without establishing procedures to guarantee ample public hearings and ample debate. The cloture issue is essentially one of reasonable consideration versus unreasonable suffocation.

In the case of the Dirksen rider, consideration has been anything but reasonable. There were no committee hearings on it. The author jammed it into what he thought were the last days of the session, and tied it onto a foreign aid bill he thought the President could not veto. The technique was that of a rush job. And to what end?

The end is to overcome the Supreme Court's historic decision that both houses of State legislatures should be based on population. The Dirksen rider would require all Federal courts to stay, at least until 1966, all orders to redistrict in line with this decision. In that time, the malapportionment forces hope to press a constitutional amendment through the malapportioned legislatures, forever ending Federal court jurisdiction.

Even if the Dirksen rider were intended only as a temporary block to judicial authority, it would be highly objectionable. What it signifies is that Congress can tell the courts they cannot enforce the Constitution, temporarily or otherwise. The Supreme Court's decision is based on the 14th amendment requirement of equal protection of the laws. There is nothing equal in the voting laws of a State which allow 12 percent of its people to elect a majority in one house.

If Congress can thus limit court protection of one constitutional liberty, why cannot Congress limit others? Why can't it withdraw from court jurisdiction the defense of Negro voting rights, or of free speech, freedom of the press, property rights, fair trial or due process of law?

The path of the Dirksen proposal is the path of indirect amendment, of the Constitution, which is the path the Dirksen forces have accused the Supreme Court of taking. More is involved here than the right of new urban majorities to be fairly represented in rural-dominated legislatures. The Dirksen rider represents a ride against the power of judicial review and an independent judiciary. It is a legislative attack on the third branch of Government and on the fundamental doctrine of separation of powers.

So serious is the nature of this issue that President Johnson, who has not spoken out on it publicly, should lend all his help to the embattled band of Senators trying to stave off the Dirksen challenge. The President is sworn to uphold the Constitution. The Constitution is deeply involved in the Senate struggle. It must be upheld.

[From the Washington (D.C.) Post, Sept. 9, 1964]

CLOAK OF DARKNESS

Malapportionment is a percentage racket—a house take to make a Las Vegas boss turn green with envy. Specific issues between the underrepresented and the overrepresented only rarely make news. The Michigan Senate over years of controversy chose to bring that rich State to the edge of bankruptcy rather than to allow the income tax urged by Governor Williams. New York City every year must beg for its life from upstate legislators in a share of the money which city people pay in State taxes.

For the most part, State legislatures operate within a cloak of darkness. Most of their actions are not made interesting to news reporters or newspaper readers. Typical pile-ups of legislation in the last days of sessions create masses of law whose fine print is literally unavailable to interested parties until weeks later.

Honorable apportionment will not make perfect overnight our State governments. Democracy, in the graceful phrase of Sir Winston Churchill, is the worst system of government—except for every other system attempted by man. But the most elemental drive within political man is to achieve self-government. No military junta, no monarch, no aristocracy, no Communist apparatus, and no special interest coalition can deprive its people of the right which our own Declaration of Independence attributes to a higher law than man's; none of these can deprive us permanently.

Political scholars have pointed out that the Supreme Court decisions on apportionment came only after refusal by State legislatures to conform to their own constitutional requirements, after State courts refused to require State officers to fulfill their oaths of office. Commentators who tell us that the Federal courts acted as a last resort neglect to invoke one further resort of a people who are deprived of self-government.

LOUIS M. TEITELBAUM.

ALEXANDRIA.

[From The Washington (D.C.) Post, Sept. 8, 1964]

THE PEOPLE'S VOICE

Your recent editorials regarding attempts by legislators in both Houses of Congress to change the Supreme Court ruling on State reapportionment are to be highly commended. Surely the effort to rush through these acts in the closing days of Congress without careful consideration by that body, and before the people back home can wake up to what's happening is a reprehensible act. It will not cover up the nature of this effort, which is a naked power play by the legislators, whose State legislatures are controlled by the few, to continue this unfair situation.

Take the State of Maryland where I live, for example. Only 14 percent of the population can control the Senate of the State of Maryland. This senate can block any legislation for the State and often does. Only the State government in Maryland may levy income taxes, by far the largest revenue producer, and this is turned back to the localities in accordance with a formula approved by the same minority legislature.

Montgomery County may levy only real estate taxes, and only such other minor taxes as the State legislature will permit. Nor, can the county legislate on many other important local issues without the express approval of the State legislature. In other words, Montgomery County is not able to determine how it can tax itself, no matter how willing, but must depend on the State legislature for this and many other matters. The limits imposed by the State of Maryland on Montgomery County to govern itself are much greater than the limits imposed by the Federal Government, direct or indirect, on the State of Maryland.

How can we in Montgomery County ever adequately meet the needs of our fast growing population to educate our children, and provide a host of other urgently needed services in these circumstances? Is it any wonder that we urban and suburban communities are turning more and more to the Federal Government for help, when our own States turn a deaf ear to our needs? The States cannot have it both ways. Either they will have to be reformed (if necessary under court orders) to give an adequate voice to the urban and suburban communities, where the bulk of the population now is, or inevitably they will have less and less voice in the affairs of their people.

ELAINE JACOBY.

BETHESDA.

[From the New York (N.Y.) Times, Sept. 6, 1964]

APPORTIONMENT BACKED—COURT RULING SEEN AS AN ACT OF UNIFICATION FOR NATION

To the EDITOR:

The Supreme Court is again under assault and this time the attack is not directed by the radicals.

It is being challenged by a substantial number of legislators qua legislators as reflected by the passage by the House of Representatives of the Tuck bill which would deny jurisdiction of all Federal courts over reapportionment cases.

The anti-Court argument holds that as the Court has grown into an institution whose scope reaches beyond that conceived by the Founding Fathers to umpire areas of fundamental social conflict, its powers must be reduced. Thus, the weight and effect to be given to the individual's vote ought to be left to the will of the majority acting through local legislatures.

This is the argument for States rights, and it runs in the teeth of American constitutional history. For soon after our Republic was established, the Court found that it had the power to measure governmental action—whether Federal or State—against the Constitution, and to nullify such action when it judged it to be violative of the Constitution.

And in its exercise of the power of judicial review, the Court viewed the Constitution as designed to meet the needs of a growing, vibrant nation, and of governing a society whose population, technology, and complexity was not limited, and could not be limited, to that of 1787.

MAKING STANDARDS UNIFORM

But it is in the area of protection of individual rights from the excesses of majority rule that the court is making its significant contribution. For by defining the rules of fair conduct which must be complied with by both Federal and State Governments in their treatment of the individual, and in making these minimal standards uniform throughout the country, the Court is tying this diverse land into one nation.

This is not to argue that the Court is substituting its wisdom for that of the State or Federal Legislatures, nor to hold that local differences and customs, whether of short or long duration, shall, in every instance, be obliterated. It is only to say that the fundamental standards of fair behavior which the Constitution requires shall be observed in Mississippi as well as in Massachusetts, in Maine as well as Montana.

The proposition that one person's vote is entitled to the same effect as that to be given to another is hardly revolutionary theory. The consternation of the beneficiaries at losing a formula which has given them additional representation is understandable. But it is folly—and in a basic sense insurrection—to attempt to make the Federal judiciary powerless to enforce what is now the law of the land.

DAVID M. ROSEMAN.

BOSTON, *September 2, 1964*.

SENATOR WILLIAMS OF DELAWARE AND THE BAKER CASE

Mr. BOGGS. Mr. President, I ask unanimous consent that an editorial from the Chicago Tribune complimentary of my colleague's work on the Baker case be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE BAKER GHOST GALLOPS AGAIN

President Johnson has been obliged, however reluctantly, to acknowledge the existence of a Baker scandal. The latest vein of evidence unearthed by Senator WILLIAMS of Delaware is so flagrant and well documented that the President has ordered the Federal Bureau of Investigation to look into it. In essence, Mr. WILLIAMS made four charges before the Senate on Tuesday:

That the Democratic Party campaign fund received an illegal "payoff" of $25,000 in 1960 in return for giving the $19 million District of Columbia Stadium contract to the firm headed by Matthew McCloskey, Jr., a prominent Democrat who recently resigned as Ambassador to Ireland. The stadium, completed in 1962, is the home of the Washington Redskins football team and Senators baseball team.

That Bobby Baker, who was then secretary of the Democratic majority of the Senate and is the central figure in an expanding web of scandal, received $4,000 for seeing that McCloskey obtained his performance bond through Baker's insurance pal, Don B. Reynolds. This charge had been made before. Reynolds is the man who sold Lyndon Johnson two life insurance policies, paid for a hi-fi set given to the Johnsons, and paid for some advertising time on the Johnson television station in Austin, Tex., though he had no conceivable use for it.

That William McLeod, clerk of the House District of Columbia Committee, received $1,500 for similar services.

And that these improper kickbacks came out of $100,000 in public District of Columbia funds which had been advanced to McCloskey, allegedly to cover the cost of his performance bond.

Mr. WILLIAMS supported his charges with testimony from Reynolds; with a copy of a check from the McCloskey Co. to Reynolds for $109,205.60, although the bond premium due was only $73,631.28; and with documents showing that the District of Columbia payment to McCloskey had been approved in August 1960, 2 months before the check was made out to Reynolds.

The difference between the premium due and the amount paid was $35,574.32—an odd figure which, Reynolds was quoted as saying, was intended "to confuse the auditors." Mr. WILLIAMS quoted Reynolds as saying further that his commission was $10,031.56 and that he paid Baker and McLeod out of this, and that the remaining $25,000 was given to Baker for Kennedy-Johnson campaign expenses—$10,000 by check and $15,000 in three cash payments.

WILLIAMS said that this arrangement enabled McCloskey to violate the law limiting political contributions to $5,000; to write these contributions off as deductible business expenses instead of listing them as nondeductible political payola, and finally to charge the whole business to the taxpayer.

Mr. WILLIAMS promised long ago that he wouldn't let the Democrats bury the Baker case. Now that Mr. Johnson is running on a promise of integrity in Government, it's up to him—as Mr. WILLIAMS says—to demonstrate what he means by those words.

If it's playing politics to insist that the voters know the truth before they go to the polls in November, then maybe Mr. WILLIAMS is playing politics, as the White House charges. But if the FBI report is completed and made public promptly, there will be no doubt as to who has been playing the more disgraceful game of politics. And if the report is concealed, glossed over, delayed until after the election, or used as a dodge to prevent Senate or grand jury action, we'll know anyway.

SENATOR HRUSKA'S LEADERSHIP RESPONSIBLE FOR BEEF IMPORT LAW

Mr. ALLOTT. Mr. President, on August 27, the senior Senator from Nebraska [Mr. HRUSKA] appeared before the Colorado Cattle Feeders Association at Estes Park, Colo. His remarks there constitute a masterful appraisal of the long and arduous battle to obtain legislation providing for quotas on the import of beef.

Certainly no one in the Congress is better equipped to discuss this important matter. Without Senator HRUSKA's steadfast leadership, there would not be a beef imports law today. Without his leadership, in the face of the most strenuous administration opposition, there would not be today this breakthrough signifying an awakening realization of the adverse effects of such agricultural imports on our farm economy.

Mr. President, it is a source of great satisfaction to me that I have been privileged to work with the Senator from Nebraska in the signal accomplishment which the beef import bill represents.

I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD the text of Senator HRUSKA's remarks at Estes Park.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR ROMAN L. HRUSKA BEFORE THE COLORADO CATTLE FEEDERS ASSOCIATION, ESTES PARK, COLO., AUGUST 27, 1964

In certain respects this date for my appearance has been most fortunately chosen. The 2d session of the 88th Congress has all but adjourned, and its most important decisions have been taken. For the cattle industry, it has been a session of extraordinary interest. Meeting with you on this particular date gives me an opportunity to review with you some of those events of the session, to summarize the results, and perhaps also to draw a few lessons from experiences.

Usually, there are not very many things going on in Congress that have a direct and immediate impact upon the cattle industry as such. The cattle industry neither has nor wants a support program, or a system of subsidies, or a program of supply management operated by the Government, or anything of that general nature at all. Cattlemen want none of these things, but instead they insist on the right to run their own businesses in the rather old-fashioned American way, which means the way of free and fair competition, with all the risks of loss and hopes of profit that are thereby involved. Fair competition, of course, necessarily implies competition among those producing at American cost and wage scales, to the exclusion of excessive imports of low-cost beef from foreign sources.

That is about all that American cattlemen usually want. Therefore, they ordinarily don't have to ask much from the Government, or worry much about lobbying Congress. They don't have to worry each year about getting a new program through. Usually, their principal worry is to make sure that the Government doesn't meddle too much in the affairs of the industry.

This year, however, was a little different. You couldn't afford to ignore the Government because the threat was coming from outside the country in the form of a flood of imported beef. Only the Government could stop it. Thus, you had to ask the Government to place quotas or some kind of restrictions against the unreasonable flood of imports. When the executive branch of the Government refused to recognize the real seriousness of the problem, it became necessary to seek relief through legislation. Thus, the form and effectiveness of congressional action suddenly became of paramount importance to you, for the first time in many years.

It seems worthwhile to review a little recent history briefly, for whatever lessons it may teach us.

Going back just a few years, let us recall that this whole problem is a new thing. Imports of boneless beef as recently as 1954—10 years ago—were only 13 million pounds, figured on a carcass weight equivalent basis. In 1957 they were 133 million pounds. In 1963, they were 1,410 million pounds—more than 10 times as large as in 1957, 100 times as large as in 1954.

Those are Tariff Commission figures, incidentally, which are a little larger than the figures that the Department of Agriculture has been issuing.

By last year, this fantastic increase in imports of boneless beef, together with imports of beef in all other forms including that on the hoof, had reached the point of equaling about 11 percent of our own production. It was no longer a minor irritant; it had become a major threat to our industry.

This very rapid increase from small beginnings deserves emphasis because apparently there has been a tendency in the State and Agriculture Departments to consider that beef imports in large volume are a normal, natural thing, instead of being a new, sudden fluctuation. Apparently, the administration considers that we should accept such imports happily and gracefully, and not complain about them. That is a theory that no one would have dared propose seriously 8 or 10 years ago. Now, they tell it to us with a straight face.

In January of this year, the administration announced agreements with Australia and New Zealand which accepted that principle. By those agreements, shipments from those two countries were to be based on the average level of such shipments during 1962 and 1963—the two biggest years on record. In other words, the increases of recent years were accepted as normal, and were to be tolerated and protected. Furthermore, the agreements incorporated a growth factor of 3.7 percent per year on the quotas allowed for their beef shipments, although in the past the Department of Agriculture had considered that our rate of market growth was only about 3 percent per annum. In other words, the agreements provided for a greater and greater encroachment on our market by these foreign supplying countries.

Later on, agreements with Ireland and Mexico were made, similar to the Australia-New Zealand agreements in most respects, although the Irish agreement granted a quota which was actually even higher than the highest level of imports previously received. That constituted a precedent which may even yet come back to haunt us.

Coming back to the Australia-New Zealand agreements, I think it is fair to say that, following their announcement, there was a widespread revulsion against them by cattlemen all over the country. It was from that nationwide wave of feeling that the original Hruska amendment was born.

You will recall that at that time legislation dealing with the wheat and cotton programs came before us in the Senate. It was the last week in February, just before the Senate was scheduled to begin consideration of the civil rights bill, which all of us knew would involve extremely—if you do not mind the word—lengthy debate, and probably force a shutdown of all other Senate activities, such as committee actions and even committee hearings.

Under the circumstances, it seemed essential to bring the cattle problem promptly before the full Senate, while we had under consideration the programs for our two most important crops—wheat and cotton. That was done by proposing beef import quotas as an amendment to the wheat-cotton bill. Of course, that was the only way we could get the beef question up for consideration. The terms of the amendment itself were closely in line with suggestions that had been made by various livestock associations.

At the time it seemed to me terribly important to attach the beef import quota proposal to some other major piece of legislation because it did not seem that prompt consideration of it by the House of Representatives could be secured in any other way. At the time also, we were threatened with a Presidential veto of the entire wheat-cotton bill, if we attached the beef amendment to it. I do not believe the President would have vetoed it—any more than he would veto the import quota bill we finally passed.

During the debate on that amendment, it was interesting to observe that not a single Senator opposed the amendment on its merits. Those who argued against it opposed it chiefly on procedural grounds—that it had not been considered by the committee, and so forth. Most of those who were opposed did not bother to enter the debate, but simply voted quietly against it, without explanation.

As you may recall, that amendment was defeated by the narrow margin of 44 to 46.

It took almost 5 months to get the question up on the Senate floor again. Lengthy hearings were held by the Finance Committee on the amendment proposed by me and a similar one proposed by Senator MANSFIELD. The U.S. Tariff Commission had previously been called upon by the Finance Committee to study the entire picture of the effect of imports on our domestic industry. That study was not completed until June 30. While it did not entirely agree with the position of the domestic industry on this import problem, it did at least present a reasonably fair picture of both sides of the question.

During the course of the Finance Committee hearings, Secretary of Agriculture Freeman appeared and flatly opposed any kind of legislation imposing limits on imports. It was disappointing to many of us that he was so hostile toward any quota legislation at all. He was the principal witness against the bill, almost the only one. He did not seem to consider it necessary to incorporate any flexibility into his own attitude, or to adjust his position at all in view of the position of the industry. He simply opposed any and all quota legislation. Period.

This was all the more remarkable in view of the fact during the last 8 or 10 months he has conceded, on a number of occasions, that the flood of imports was having an effect on our domestic prices. Previously, he had always denied that. During the spring and summer of 1963 he used to insist that imports had nothing at all to do with domestic cattle prices. Late in 1963 he changed that story, and conceded that imports do have an effect. However, even in the hearings before the Finance Committee last June, he still opposed any statutory limitations of any kind on beef imports.

The Finance Committee didn't pay much attention to him, and neither did the Senate. The committee voted for quotas by 12 to 2, and then the Senate voted the bill by 72 to 15. Only 15 Senators went along with the Secretary, and I think some of them did it out of sympathy rather than conviction. After all, two-thirds of the Senate belong to the same political party and have some motivation to avoid embarrassing their own man.

I can't help thinking it is unfortunate when a Cabinet officer allows himself to get so far out of step with the dominant sentiment of a major industry within the segment of the economy he is supposed to represent in the Cabinet. It raises a question as to the effectiveness of his representation. The cattle industry of this country is the largest single industry within agriculture. It is entitled to have a spokesman sympathetic to its problems within the inner councils of the executive branch.

It is obvious, from the course of events of this year, that the views of the cattle industry and of the Secretary of Agriculture are poles apart. Someone is wrong, and I have trouble believing that nearly 3 million cattlemen can be that far wrong.

That overwhelming vote in the Senate—72 to 15—was the key to final success in getting this legislation enacted, in my opinion. That vote was just too big to be ignored, by the House Ways and Means Committee or the House conferees, or by the administration itself. In Congress we sometimes use the term "override majority," meaning, a majority of two to one, which is the size of majority on a bill which would be needed to override a Presidential veto, if a veto should be forthcoming. In this case the Senate majority was nearly five to one, and I don't think that particular lesson was lost on the White House.

How shall we assess the significance of this legislation?

First of all, its passage is a history making event. It represents a significant victory for the farmers and stockmen of America, and through them, for the concept of protecting our own domestic interests.

You recognize that everywhere and always in our Government, there is an endless struggle between conflicting points of view. There are those who consider that certain principles of international relationship are of such overriding importance that nothing else must be permitted to stand in the way. This point of view is best represented by the State Department, although from time to time others—such as the Secretary of Agriculture in this case—are persuaded to defend this attitude also. To those people the cattle industry is not important; other American industries are not important; the only thing really important is to preserve certain amenities of international discourse, certain procedures for handling international disputes such as the GATT, the General Agreement of Tariffs and Trade. Any American group, no matter how widespread or significant, must be sacrificed if necessary to preserve these policies of international trade which our eager diplomats have been so energetic in preaching.

On the other side, there are those of us who consider that the welfare of the industries and the economic interests in this country must come first. We do not concede that any industry here should be sacrificed to conform to some abstract theory. We believe that our trade policies can and should be adjusted to meet our own economic needs. If a doctrinaire adherence to the principles of the GATT would mean doing harm to specific industries here, then action will have to be taken to meet the needs of those industries, the wishes of various foreign countries to the contrary notwithstanding.

In this case of beef we were told by the Secretary of Agriculture and others that, in effect, our hands were tied. We were told we could do nothing to check the flood of beef imports because restrictions would be inconsistent with our general trade policies and with the worldwide system of trade regulation embodied in the GATT. In effect, the beef industry had to be sacrificed in order to avoid any conflict with these policies.

But all the time we were told this, it was also admitted that every other nation had restrictions and controls on imports of meat. It was conceded by the Agriculture Department that the United States had become virtually a dumping ground for the world's surplus of beef. Other countries were protecting their own cattle industries. Somehow, other countries had found means to keep out beef imports, notwithstanding their membership in the GATT, and their adherence to these principles of international trade. That is why all the surplus beef produced anywhere in the world was being dumped here—because it could not get in anywhere else.

Now, by our actions and the fight we have made and our victory, we have reversed the doctrinaire internationalists, at least as far as beef is concerned. This is almost the first time that has happened in a good many years. As I said a moment ago, this was a history making event.

Secondly, it is of great importance that the language imposing the quotas has been firmly written into a statute, instead of being left to the discretion or the whim of the Departments of State and Agriculture. Legislation granting purely discretionary authority is not of much value in a case such as this. There is, of course, an area of discretion in this bill, but at least it is carefully defined, and the proper level of permitted imports is specified in concrete terms. It is not a vague delegation of authority, but a precise one. Certainly, the bill and the machinery it provides will give us a defense for the first time against the use of the United States as a dumping ground by all the surplus beef-producing countries around the world.

Regardless of the details of the legislation, of most importance are the principles that have been established. The administration determinedly opposed quota legislation of any sort until the last few days. The fact that this total opposition was finally dropped is a tremendous gain. Hopefully, it may mean a more balanced attitude in the future toward questions affecting the prosperity of the industry, more of a willingness to understand the cattlemen's problem, less of an insistence that trade policy and the commercial interests of foreign countries come ahead of everything else.

Another great gain is the new realism in assessing the impact of imports. During most of last year, the administration insisted that imports had little or nothing to do with the problem. Approval of the bill, with the concurrence of the administration, sustains our position that imports have been an important factor in the catastrophic decline of cattle prices.

It is true, of course, that the beef import quotas provided in this bill are considerably more liberal than those advocated by most of us. The quotas on allowable imports provided in the Hruska amendment of last March to the wheat-cotton bill were, of course, much smaller.

Also, it seems unfortunate to me that the bill permits imports up to 10 percent above the base quota, even after adjustment for the growth factor. In effect, this provision appears to permit a 10 percent overrun above the theoretical quotas. Finally, there is discretionary power in the President to suspend the quotas under certain circumstances, powers which are somewhat difficult to evaluate in advance.

All these features, and others, we will wish to observe in action. Particularly, we shall watch any use which may be made by the President of his discretionary powers. In its final form, the bill was a product of compromise in which many voices participated over a long period of time. We are not, however, obligated to defend all the specific terms of it. Neither are we committed against making changes, when they appear necessary. We may wish to review this legislation in due course with some of these thoughts in mind.

Two other developments on the Washington scene directly affecting the cattle industry are of interest to you. One is the very odd proposal by the administration to use Federal funds to subsidize additional production of beef cattle in the region they have chosen to name Appalachia, which means the mountain areas up and down the Appalachian Range running through 10 States in the East. The proposal is for the Department of Agriculture to pay 80 percent of the cost of improving pasture or converting land to pasture, on about 9.5 million acres. It is estimated by Secretary Freeman and also by Under Secretary Roosevelt of the Commerce Department that by this means the farmers in that area can earn about $230 million per year extra from beef cattle, mostly through the sale of feeder calves and steers.

It is certainly hard to understand this insatiable urge by Washington to inject itself with some new program into all kinds of situations everywhere in the country and in fact in the world—particularly when the various programs are not obviously at cross-purposes with each other. This proposal is the most glaring example of that fact that has come to my attention lately.

Certainly the Secretary of Agriculture has been going up and down the land telling all who would listen that the principal cause of the cattleman's troubles has been domestic overproduction. That has been his invariable theme. Now it is proposed to foster still more production of beef. I am aware that the beef cattle expected to come from Appalachia are to be feeders and not fed cattle. However, in talking to this organization of cattle feeders, I am sure you recognize that the prices of feeders have been hit just as hard as the market for fed cattle, and that all segments of the cattle industry have a common stake in your joint prosperity.

It is especially ludicrous to spend Federal money to bring additional acreage into beef production, when we remember that simultaneously the same Federal Government is spending money in other regions to remove millions of other acres of land from production.

The Appalachia bill is one of those which still awaits congressional action. I have prepared a proposed amendment, which will be offered at the appropriate time, to strike out entirely this proposed program of Federal subsidies for pasture improvement in Appalachia. The whole bill is discriminatory against the rest of the country and ought to be defeated; but if it isn't, perhaps we can at least put some restraint on the number of nonsensical new programs that indirectly affect our own agricultural industries.

The other congressional action of recent weeks which is of especial interest is the creation of a special study organization entitled "the National Commission on Food Marketing," which is to make a thorough investigation of the changes and developments which have occurred in recent years in the processing and handling of our food supply from the farm to the consumer, and especially in the changing economic relationships. To me it was a distinct honor and privilege to be appointed to this Commission as one of the five Senators chosen to serve. It is my hope and belief that our Commission may make a permanent contribution to our understanding and evaluation of these trends.

We all know that with the passing years this Nation has been more and more bountifully fed. Indeed, no people in all history has ever been so well fed as the Americans of this generation, with such plenty, with such variety, and such nutritional value. Yet it seems that the American farmer has not received his full share in economic terms of the wealth which he himself has created. It is a puzzling problem, but of tremendous importance.

It is a matter of common observation that in this field when farm prices fall, there is an automatic reaction to accuse the middleman of price manipulation or something of the sort. Since I will personally be sitting on the jury which weighs the evidence in such matters, it would not be seemly for me to express a judgment at this time. You can be sure that my service on this Commission is to me a real opportunity to help sift out the true facts in order to present the country with a fair and accurate picture of the developments in this field and their significance.

Judge Marvin Jones, former chairman of the House Committee on Agriculture and subsequently judge and then chief judge of the U.S. Court of Claims for many years, has been appointed Chairman of the Commission by the President. You will be interested to know that we are to have an organizational meeting of the Commission in Washington next week, on September 1, at which it is my hope we may be able to make a start toward selecting a staff and laying out a general course of investigation.

It has been a real pleasure to meet with you here today and discuss these issues with you. In a sense, these last few days have been a time of triumph for the American cattle industry. Of course, the Department of Agriculture has been pretending a lot of solicitude for the industry all spring and summer. The Secretary has been buying up beef to give away, setting up export promotion programs, and so forth for some time.

But his final success in getting through Congress our import control legislation shows, I think, the real influence of the industry. When we started in February and March, everyone said we couldn't do it. Old Washington hands knew, or thought they knew, that you couldn't get anything through against the adamant, last-ditch opposition of the State Department. The import control legislation passed by Congress less than 10 days ago showed that it could be done. Let me tell you that the cattle industry has made history on the Potomac this month.

POPE PAUL VI'S FIRST ENCYCLICAL LETTER

Mr. HUMPHREY. Mr. President, on August 10, Pope Paul VI gave out his first encyclical letter. Although Pope Paul modestly proclaimed a simple "conversational style" for a "fraternal and informal message," it is a letter rich in substance in many areas. And further, although the encyclical entitled "His Church" was primarily addressed to the Catholic world, there were the words and spirit reminiscent of his beloved predecessor, Pope John XXIII, when Pope Paul said he was opening his heart "not only to all of the faithful of the Church of God, but especially to those whom our voice can reach beyond the wide limits of the flock of Christ." All men of good will are invited to listen, and they should.

Pope Paul's call to the church to renew itself from within, to renew its "interior life," is advice that every mortal can heed. His urge that the world be engaged with dialog in a spirit of charity is certainly the only way in which there is any hope of redeeming it. Although acknowledging the extreme difficulty of carrying on a dialog with regimes which suppress freedom of thought and action, Pope Paul said simply that we must try. As the Pope stated it:

> For the lover of truth, discussion is always possible.

Pope Paul acknowledged that world peace was "the great and universal question." He pledged his personal ministry and that of his office to work with any and all, wherever "an opportunity presents itself" in order to foster "rational and civilized agreements for peaceful relations between nations."

If this encyclical is given the thoughtful reflection it deserves, men of various faiths, and of none, will be enriched by it and fortified in the patience and perserverance necessary to solve the problems of the great tensions and transformations of our times.

Mr. President, I ask unanimous consent to have the encyclical "Ecclesiam Suam" inserted in the RECORD at this point.

There being no objection, the encyclical was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 11, 1964]

TEXT OF "ECCLESIAM SUAM," THE FIRST ENCYCLICAL OF THE 13-MONTH REIGN OF POPE PAUL

(ROME, August 10.—Following is the text of the encyclical of Pope Paul VI. The English translation was provided by the Vatican press office.)

FIRST ENCYCLICAL LETTER OF HIS HOLINESS PAUL VI, HAPPILY REIGNING, "ECCLESIAM SUAM"

Since Jesus Christ founded His church to be the loving mother of all men and the dispenser of salvation, it is obvious why she has always been specially loved and cherished by those with the glory of God and the eternal salvation of men at heart, among whom, as is fitting, the vicars of Christ on earth, vast numbers of bishops and priests and a wonderful host of saintly Christians have been conspicuous.

It will, then, not seem strange to anyone, that, in addressing to the world this first encyclical after our elevation, in God's inscrutable design, to the pontifical throne, we should turn our thoughts with love and reverence toward the holy church. Consequently, we propose to ourselves in this encyclical the task of showing more clearly to all men the church's importance for the salvation of mankind, and her heartfelt desire that church and mankind should meet each other and should come to know and love each other.

Prologue

At the opening of the second session of the Second Vatican Ecumenical Council on the Feast of Saint Michael the Archangel of last year, through the goodness of God, we had the opportunity of speaking to all of you as you were gathered in the Basilica of Saint Peter. On that occasion we made clear our intention of addressing you also in writing, as is customary at the outset of each pontificate, with brotherly and fatherly words, in order to communicate to you some of the dominant thoughts in our hearts which seem useful as practical guidelines at the beginning of our service as Pope.

It is truly difficult for us to specify such thoughts, because we ought to derive them from the attentive meditation of the teaching of God, we ourselves always keeping in mind those words of Christ: "My doctrine is not so much Mine as that of Him who sent Me."[1] Further, we ought to apply our thoughts to the present situation of the church at a time when both energy and toil characterize its internal spiritual experience as well as its external apostolic efforts. Finally, we ought not to ignore the contemporary state of humanity in the midst of which our mission is to be accomplished.

But it is not our intention to express ideas that are either new or fully developed. The Ecumenical Council exists for that purpose. Its work should not be disturbed by this simple conversational letter of ours. Rather, it is to be commended and encouraged. This encyclical intends neither to claim a solemn and strictly doctrinal function, nor to propose particular moral or social teachings, but merely to communicate a fraternal and informal message. In fact, through this document we wish simply to fulfill our duty of revealing our mind to you in order to impart closer cohesion and deeper joy to that unity in faith and charity which, thank God, binds us together.

New Vigor Sought

We hope thereby to inject new vigor into our sacred work, to await more profitably the effective deliberations of the Ecumenical Council, and to impart greater clarity to some doctrinal and practical norms which can give helpful guidance to the spiritual and apostolic activity, not only of the ecclesiastical hierarchy and of all who respond to it with obedience and collaboration, but also of all who regard it merely with kindly attention.

We will tell you without further delay, venerable brethren, that there are three thoughts which continually disturb our heart when we reflect on the exalted responsibility which, contrary to what we desire and out of all proportion to what we deserve, providence has willed to entrust to us. We bear the responsibility of ruling the church of Christ because we hold the office of Bishop of Rome and consequently the office of Successor to the Blessed Apostle Peter, the bearer of the master keys to the Kingdom of God, the vicar of the same Christ who made of him the supreme shepherd of his worldwide flock. The first thought is that this is the hour in which the church should deepen its consciousness of itself, in which it ought to meditate on that mystery which is peculiar to it, in which it ought to examine, for its own enlightenment and for its own development, a particular doctrine which it already knows and which it has formulated and made known during this past century. That doctrine concerns the origin of the church, its own nature, its own mission, its own ultimate destiny, a doctrine never sufficiently investigated from the beginning of time in the all-creating mind of God * * * in order that it may be made known * * * through the church.[2] This teaching is a mysterious storehouse, or, in other words, a treasury of the mysterious plans of God which are to be revealed through the church.

Desire To Compare

It is today more than anything else conducive to meditation for everyone who wishes to be a docile follower of Christ and, to an even greater degree, for every man whom, like ourselves and you, venerable brethren, the Holy Spirit has appointed as bishops to govern the very church of God (Cf. Act XX, 28).[3]

From this enlightened and effective realization there arises the spontaneous desire to compare the ideal image of the church just as Christ sees it, wills it, and loves it as His holy and immaculate spouse,[4] with the actual image which the church projects today, faithful, through the grace of God, to the features which its divine founder imparted to it and which, through the course of the centuries, the Holy Spirit has energized and developed in a way which is more comprehensive and more in accord to the initial concept of the church and to the nature of the human race which it is continually evangelizing, and elevating. But the actual image of the church is never as perfect, as lovely, as holy or as brilliant as that formative divine idea would wish it to be. Hence there arises the unselfish and almost impatient need for renewal, for correction of the defects which this conscience denounces and rejects, as if, standing before a mirror, we were to examine interiorly the image of Christ which He has left us.

To find the contemporary duty, so clearly incumbent on the church, of correcting the defects of its own members and of leading them to greater perfections to find the way to achieve wisely so sweeping a renovation, this is the second thought which burdens our heart and which we would like to reveal to you in order not only to find greater courage to undertake the necessary reforms, but also to secure from your collaboration both advice and support in so delicate and difficult an undertaking.

Ties to the World

Our third thought, certainly shared by you, follows from the first two, and concerns the relationships which the church of today should establish with the world which surrounds it and in which it lives and labors. One part of this world, as everyone knows, which has undergone the profound influence of Christianity and which has assimilated it so completely that often it fails to realize that it owes the credit for its greatest gifts to Christianity itself, but which, in recent times, has come to the point of separating and detaching itself from the Christian foundations of its culture.

Another and larger part of the world extends to the boundless horizons of those who are termed "emerging nations." But, taken as a whole, it is a world which offers the church not one but a hundred forms of possible contacts, of which some are unimpeded and beckoning, some are sensitive and complex, and unfortunately in these days many are hostile and impervious to friendly dialog.

Thus we meet what has been termed the problem which it will be for the council to determine in its vastness and complexity, and to solve, as far as possible, to the best of its ability. But its existence and its urgency are such as to create a burden on our soul, a stimulus, a vocation, one are surely not less experienced than we in this apostolic anguish, to clarify in some way in order to prepare ourselves somehow for the discussions and deliberations which we shall try, together in the council, to outline in our treatment of a matter so weighty and complex.

Surely you will notice that this summary outline of our encyclical does not envisage the treatment of urgent and serious topics which involve not only the church but humanity itself, such as peace among nations and among social classes, the destitution and famine which still plague entire countries, the rise of new nations toward independence and civic progress, the currents of modern thought and Christian culture, the sad conditions of so many people and of so many segments of the church where the very rights of free citizens and of human beings are being denied, the moral problems regarding birth, and so on.

The Question of Peace

Regarding the great and universal question of world peace, we say at once that we shall feel it specially incumbent upon us not merely to devote a watchful and understanding interest, but also to entertain a more assiduous and efficacious concern. This will be, of course, within the limits of our ministry and so utterly divorced from purely temporal interests and strictly political forms, but it will be eager to make its contribution in educating mankind to sentiments and ways of acting contrary to violent and deadly conflict, and in fostering rational and civilized agreements for peaceful relations between nations.

We shall also be solicitous to help by proclaiming higher human principles, that should serve to temper the passions and selfishness from which armed conflicts spring, and promote the harmonious relations and fruitful collaboration of all people, and we shall be ready to intervene, where an opportunity presents itself, in order to assist the contending parties to find honorable and fraternal solutions for their disputes.

We do not, indeed, forget that this loving service is a duty which the development, of doctrine on the one hand, and of international institutions on the other, has rendered all the more urgent in our awareness of our Christian mission in the world today. This mission is none other than making men brothers by virtue of the kingdom of justice and peace inaugurated by Christ's coming into the world. But even if we now limit ourselves to some methodological considerations concerning the life of the church, we do not therefore forget those great problems. To some of them the council will devote its attention, while we personally will make them the objects of our study and of our action in the course of the exercise of our apostolic ministry, as it shall please the Lord to give us the inspiration and the strength for the task.

Part I—Awareness

We think that it is a duty today for the church to deepen the awareness that she must have of herself, of the treasure of truth of which she is heir and custodian and of her mission in the world. Even before proposing for study any particular question, and even before considering what attitude to assume before the world around her, the church in this moment must reflect on herself to find strength in the knowledge, of her place in the divine plan, to find again greater light, new energy and fuller, more immediate, more efficacious and more beneficial her contacts with mankind to which she belongs, even though distinguished from it by unique and unmistakable characteristics.

Indeed it seems to us that such an act of reflection can look to the very manner chosen by God to reveal himself to men and to establish with them those religious bonds, of which the church is both the instrument and the expression. Because if it is true that divine revelation was made "in many ways and by many means" [5] in a historical and incontestable context, nonetheless it entered into human life through ways proper to the word and the grace of God, who communicates himself interiorly to men by their listening to the message of salvation and by the act of faith that follows and which is at the beginning of our justification.

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[1] John VII: 16.

[2] Ephesians III, 9–10.

[3] Cf. Acts of the Apostles XX, 28.

[4] Ephesians, V, 27.

Act of Docility

We should wish this reflection on the origin and on the nature of the new and vital relationship which the religion of Christ establishes between God and man, to become an act of docility to the words of the devine teacher spoken to His listeners, and especially to His disciples, among whom even today, and with good reason, we ourselves like to be considered. From among so many we will choose one of the weightiest and most often repeated recommendations made to them by our Lord and which is still valid today for whoever wishes to be His faithful follower, namely vigilance. It is true that this warning of our Master has to do principally with man's final destiny, be it proximate or remote in time. But precisely because this vigilance should always be present and operative in the conscience of the faithful servant, it determines his everyday behavior, characteristic of the Christian in the world. The Lord's reminder about vigilance is also made with reference to close and immediate things, that is, to the dangers and temptations which can threaten damage or ruin man's conduct.[6] Thus, it is easy to discover in the Gospel a continuous appeal to rectitude of thought and action. Was this not perhaps the theme of the precursor's preaching, by which the public phase of the Gospel begins? And did not Jesus Christ himself call for the Kingdom of God to be received interiorly?[7] Is not his whole pedagogy an exhortation, and initiation to the interior life? Psychological awareness and moral conscience are both called by Christ to a simultaneous maturity, as a condition for receiving, the divine gifts of truth and of grace, as ultimately befits man. And this awareness of the disciple will later become his recollection[8][9][10] of what Jesus had taught and of what had taken place around Him. It will develop and grow in understanding who He was and what He taught and did.

The birth of the church and the enlightening of her prophetic consciousness are the two characteristic events which coincide with Pentecost, and together they will progress: the church in her organization and in the development of her heirarchy and of the body of the faithful, the awareness of her own vocation, of her own mysterious nature, of her own doctrine, of her own mission will accompany this gradual development, according to the desire of St. Paul: "And this is my prayer for you. May your love grow richer and richer yet, in the fullness of its knowledge and the depth of its perception." [11]

We could express this invitation in another way, which we address to each of those who wish to receive it—that is, to each of you, venerable brothers, and to your followers, as also the "gathering of the faithful" considered as a whole, which is the church. And thus we could invite all men to make a living, profound and conscious act of faith in Jesus Christ our Lord. We should mark this moment of our religious life by such a profession of faith, firm and resolute, though always humble and timorous, similar to the one we read about in the Gospel, uttered by the man born blind, whose eyes Jesus Christ had opened with a goodness equal to his power: "I do believe, Lord." [12] Of that of Martha in the same Gospel: "Yes, Lord, I have learned to believe that you are the Christ, the Son of God, He who has come into this world" [13] or that, especially dear to us, of Simon, who was later to become Peter: "You are the Christ, the Son of the living God." [14]

Why do we have the boldness to invite you to this act of ecclesiastical awareness, to this explicit, though interior, act of faith?

Many are the reasons, in our opinion, and they all derive from the profound key demands of the unique moment reached by the life of the church.

Reflection Urged

The church needs to reflect on herself and she needs to feel the throb of her own life. She must learn to know herself better, if she wishes to live her own proper vocation and to offer to the world her message of brotherhood and of salvation. She needs to experience Christ in herself, according to the words of the Apostle Paul: "May Christ find a dwellingplace, through faith, in your hearts." [15]

It is known to all that the church has her roots deep in mankind, that she is part of it, that she draws her members from it, that she receives from it precious treasures of culture, that she suffers from its historical vicissitudes, that she favors its progress. Now, it is likewise known that at present mankind is undergoing great transformations, upheavals, and developments which are profoundly changing not only its exterior modes of life but also its ways of thinking.

Mankind's range of thought, culture, and spirituality have been intimately modified either by scientific, technical and social progress or by the currents of philosophical and political thought which overwhelm or pass through it. All of this, like the waves of an ocean, envelopes and agitates the church itself. Men committed to the church are greatly influenced by the climate of the world, so much so that a danger bordering almost on vertiginous confusion and bewilderment can shake the church's very foundations and lead men to embrace most bizarre ways of thinking, as though the church should disavow herself and take up the very latest and untried ways of life.

Phenomenon of Modernism

Was not the phenomenon of modernism, for example, which still crops up in the various attempts at expressing what is foreign to the authentic nature of the Catholic religion, an episode of abuse exercised against the faithful and genuine expression of the doctrine and criterion of the Church of Christ by psychological and cultural forces of the profane world? Now it seems to us that to check the oppressive and complex danger coming from many sides, a good and obvious remedy is for the church to deepen her awareness of what she really is according to the mind of Christ, as preserved in sacred scripture and in tradition, and interpreted and developed by the authentic tradition of the church, which is, we implore Him and listen to Him, to fulfill without fail the promise of Christ: "The Holy Spirit, whom the Father will send on my account, will in his turn make everything plain, and recall to your minds everything I have said to you." [16]

We could make a similar discourse concerning errors which circulate even within the church and into which fall those who have but a partial understanding of its nature and of its mission, and who do not pay close enough attention to the documents of divine revelation and of the teaching body established by Christ himself.

Moreover, this need to consider in a reflex act things that are known, in order to contemplate them in the interior mirror of his own mind, is characteristic of the mentality of modern man. His thought easily turns back upon itself and finds certitude and fullness in the light of its own conscience. We do not say that this habit is without serious danger: philosophical movements of great renown have studied and extolled this form of man's spiritual activity as something definitive and supreme, as though it were the measure and source of reality, urging thought on to conclusions that are abstruse, barren, contradictory and radically fallacious. But this does not mean that an education aiming at the search for reflex truth within man's consciousness is not in itself highly appreciated and today quite widespread as a refined expression of modern culture, just as this habit carefully coordinated with the development of thought for the purpose of discovering truth where it coincides with objective reality, does not prevent the exercise of the conscience from manifesting to the one who undertakes the same, the fact of his own existence, of his own spiritual dignity and of his own ability to know and to act.

Scholars' Work Cited

It is well known, moreover, that in recent years the church has undertaken a deeper study of herself through the work of outstanding scholars, of great and profound minds, of competent theological schools, of pastoral and missionary endeavors of remarkable experiences in the field of religion, and above all, of noteworthy teachings of the popes.

It would take too long even to allude to the abundant theological literature dealing with the church and produced by her during the last and the present centuries. It would also take too long to recall the documents which the Episcopacy and this Apostolic See have issued on this so vast and important subject. From the time the Council of Trent sought to repair the consequences of the crisis which separated from the church many of her members in the 16th century, the doctrine concerning the church herself was studied by eminent scholars and consequently made great progress. Suffice it for us here to refer to the teachings of the First Ecumenical Vatican Council in this field to understand how studies on the church are a subject that claims the attention of pastors and teachers, of the faithful and of all Christians. Thus they are made to dwell on a theme which is a necessary step on the path leading to Christ and His work. So much so that, as has already been said, the Second Ecumenical Vatican Council is but a continuation and a complement of the first, precisely because of the task incumbent upon it to take up again for study and definition the doctrine dealing with the church.

Two Works Cited

And if out of a desire for brevity, we say no more, inasmuch as we are addressing those who are well acquainted with this subject of instruction and of spirituality currently of wide interest throughout the church, there are two documents which we cannot fail to honor with specific mention: the encyclical "Satis Cognitum" of Pope Leo XIII (1896) and the encyclical "Mystici Corporis" of Pope Pius XII (1943), documents which offer us ample and clear teachings on the divine institution by which Christ continues His work of salvation in the world, and which today is the subject matter of these words of ours. Let it be enough to cite the opening words of the second of these encyclicals, which has become, one might say, a highly authoritative text on the theology of the church and a rich source of spiritual meditations on this work of divine mercy which concerns us all. Let it suffice to recall these masterful words of our great predecessor:

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[5] Hebrews, I: 1.

[6] Cfr. Matthew XXVI, 41.

[7] Matthew XVII, 21.

[8] Cfr. Matthew XXVI, 75.

[9] Luke XXVI, 8.

[10] John XIV, 26, XVI, 4.

[11] Philemon I, 9.

[12] John IX, 38.

[13] John XI, 27.

[14] Matthew XVI, 16.

[15] Ephesians III, 17.

[16] John XIV, 26.

"We first learned of the mystical body of Christ, which is the church, from the lips of the Redeemer himself. Illustrating, as it does, the great and inestimable privilege of our intimate union with a head so exalted, this doctrine is certainly calculated by its sublime dignity to draw all spiritually minded men to deep and serious study, and to give them, in the truths which it unfolds to the mind, a strong incentive to such virtuous conduct as is conformable to its lessons."[17]

It is in answer to such an invitation, which we consider still vital and meaningful and expressive of one of the fundamental needs of the church in our times, that we propose it again today, so that with an evergrowing knowledge of this same mystical body we may come to appreciate its God-given importance, and in this way strengthen our souls with this incomparable source of consolation and always increase our ability to fulfill the duties of our mission and to meet the needs of mankind.

Nor does it seem to us a difficult thing to do, when on the one hand we notice, as we have said, a vast renascence of studies on the church, and, on the other, we know that it is the principal object of attention of the Second Ecumenical Vatican Council. We should like to pay special tribute to those scholars who, especially during these last years, with perfect docility to the teaching authority of the church and with outstanding gifts of research and expression, have with great dedication undertaken many difficult and fruitful studies on the church. These scholars, both in theological schools and in scientific and literary discussions, as well as in apologetics and in the popularization of dogma, in the spiritual assistance rendered to the faithful and in conversations with the separated brethren, have offered many and diverse illustrations of the teaching on the church, some of which are of great value and utility.

Confidence in Council

And so we are confident that the work of the Council will be assisted by the light of the Holy Spirit, and will be carried out and brought to a happy conclusion with such docility to His divine inspirations, with so much effort made to undertake fuller and deeper investigations into the pristine thinking of Christ and into the necessary and legitimate developments which have followed in the course of time, with such eagerness to make of divine truth an argument for union and not a reason to divide men in sterile discussions or regrettable divisions, but rather to lead them to greater understanding and concord, that the result will be a source of glory for God, joy for the church, and edification for the world.

In this encyclical we are deliberately refraining from passing any judgment of our own on doctrinal points concerning the church which are at present under examination by the Council itself over which we have been called to preside. It is our desire to leave full liberty of study and discussion to such an important and authoritative assembly. In virtue of our office of teacher and pastor, and placed at the head of the church of God, we reserve to ourselves the choice of the proper moment and manner of expressing our judgment, most happy if we can present it in perfect accord with that of the Council fathers.

However, we cannot avoid alluding rapidly to the results we hope will derive from the Council itself, and from the efforts we mentioned above, which the church must make to come to a fuller and firmer awareness of herself. These results are the aims we have set for our apostolic ministry as we undertake its consoling and tremendous responsibilities. They are, so to speak, the program of our pontificate. We tell you this, venerable brethren, briefly but in all sincerity, so that you will be willing to help us put it into effect by your advice, by your support, by your collaboration. We think that by opening our heart to you, we are opening it not only to all the faithful of the church of God, but especially to those whom our voice can reach beyond the wide limits of the flock of Christ.

Bond to Jesus

The first benefit to be reaped from a deepened awareness of herself by the church is a renewed discovery of her vital bond of union with Christ. This is something that is very well known, but it is something that is fundamental and indispensable and never sufficiently understood, meditated upon, and honored. What should we not say about this central theme of all our religious inheritance? Fortunately, you already have an excellent grasp of this doctrine. We will say no more at this time except to urge you to keep it always before your eyes as a directive principle both in your spirituality and in your preaching. Rather than to our words, listen to the exhortation of our predecessor already mentioned, in his encyclical "Mystici Corporis": "We must accustom ourselves to see Christ in the church. It is Christ who lives in the church, who teaches, governs, and sanctifies through it. It is Christ, too, who manifests Himself differently in different members of it. It is Christ, too, who manifests Himself differently in different members of His society".[18] How we should like to dwell on the thoughts that come to mind from sacred scripture, from the fathers, the doctors, and the saints when we consider this enlightening truth of our faith. Did not Jesus himself tell us that He is the vine and we the branches?[19] Do we not have before us all the riches of St. Paul's teaching, who never ceases to remind us: "You are all one person in Jesus Christ"?[20] And to recommend to us "* * * let us grow up, in everything, into a due proportion with Christ, who is our head. On Him all the body depends"?[21] And to admonish us: "There is nothing but Christ in any of us"?[22] Suffice it to recall St. Augustine as the one teacher among many who could be cited: "Let us rejoice and give thanks that we have become not only Christians but Christ." My brothers, do you understand the grace of God our head? Stand in admiration, rejoice. We have become Christ. For if He is the head, we are the members. He and we are the complete man. * * * Therefore, the fullness of Christ is constituted by the head and members. What is the head and the members? Christ and the church.[23]

We know well that this is a mystery. It is the mystery of the church. And if, with the help of God, we fix our gaze on this mystery, we will receive many spiritual benefits, the very ones we believe the church today stands in greatest need of. The presence of Christ, His very life will become operative in each one and in the whole of the mystical body by reason of the working of a living and life-giving faith, according to the words of the Apostle: "May Christ find a dwelling-place, through faith, in your hearts."[24]

Indeed, awareness of the mystery of the church is a result of a mature and living faith. From such a faith comes that "feeling for the church," which fills the Christian who has been raised in the school of the divine word, who has been nourished by the grace of the sacraments and of the ineffable inspirations of the Paraclete, who has been trained in the practice of the virtues of the Gospel, who has been imbued with the culture and community life of the church, and who is profoundly happy to find himself endowed with that royal priesthood proper to the people of God.[25] The mystery of the church is not a mere object of theological knowledge.

It is something to be lived, something that the faithful soul can have a kind of conatural experience of, even before arriving at a clear notion of it. Moreover, the community of the faithful can be profoundly certain of its participation in the mystical body of Christ when it realizes that by divine institution, the ministry of the hierarchy of the church is there to give it a beginning, to give it birth,[26] [27] to teach and sanctify and direct it. It is by means of this divine instrumentality that Christ communicates to His mystical members the marvels of His truth and of His grace, and confers to His mystical body as it travels its pilgrims' way through time. its visible structure, its sublime unity, its ability to function organically, its harmonious complexity, its spiritual beauty. Images do not suffice to translate into meaningful language the full reality and depth of this mystery. However, after dwelling on the image of the mystical body, which was suggested by the Apostle Paul, we should especially call to mind one suggested by Christ himself, that of the edifice for which He is the architect and the builder, an edifice indeed found into solid rock that is, endowed with marvelous and everlasting indefectibility: "It is upon this rock that I will build my church."[28]

Feeling for the Church

If we can awaken in ourselves such a strength-giving feeling for the church and instill it in the faithful by profound and careful instruction, many of the difficulties which today trouble students of ecclesiology, as for example, how the church can be at once both visible and spiritual, at once free and subject to discipline, communitarian and hierarchical, already holy and yet still being sanctified, contemplative and active, and so on, will be overcome in practice and solved by those who, after being enlightened by sound teaching, experience the living reality of the church herself. But above all, the church's spirituality will come forth enriched and nourished by the faithful reading of sacred scripture, of the holy fathers and doctors of the church and by all that brings about in the church such an awareness. We mean systematic and accurate instruction, participation in that incomparable school of words, signs, and divine inspirations which constitute the sacred liturgy and by silent and fervent meditation on divine truths and finally by wholehearted dedication to contemplative prayer. The interior life still remains the great source of the church's spirituality, her own proper way of receiving the illuminations of the spirit of Christ, the fundamental and irreplaceable manifestation of her religious and social activity, an impregnable defense as well as an inexhaustible source of energy in her difficult contacts with the world.

It is necessary to restore to holy baptism, that is, to the fact of having been incorporated by means of this sacrament into the mystical body of Christ, which is the church, all of its significance. It is specially important that the baptized person should have a highly conscious esteem of his elevation, or, rather, of his rebirth to the most happy reality of being an adopted son of God, to the dignity of being a brother of Christ, to the good fortune, we mean to the grace and joy of the indwelling of the Holy Spirit, to the vocation to a new life, which has lost nothing human save only the unhappy fate of original sin and which, because it is human, is capable of the finest manifestations and the most precious and sublime acts.

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[17] Act of the Apostles, XXXV, p. 193, 1943.

[18] Acts of the Apostles IB p. 238.

[19] John XIV 1 ss.

[20] Galatians III, 28.

[21] Ephesians IV, 15–16.

[22] Colossians III, 11.

[23] In Job tract XXI 21, 8 Public Law 35, 1568.

[24] Ephesians III, 17.

[25] Cfr. 1 Peter II, 9.

[26] Cfr. Galatians IV, 19.

[27] I Corinthians IV, 15.

[28] Matthew XVI, 18.

To be Christians, to have received holy baptism, must not be looked upon as something indifferent or of little importance, but it must be imprinted deeply and happily in the conscience of every baptized person. He must truly look upon it, as did the Christians of old, as an "illumination," which, by drawing down upon him the lifegiving ray of divine truth, opens heaven to him, sheds light upon earthly life and enables him to walk as a child of the light toward the vision of God, the spring of eternal happiness.

It is easy to see what practical program this consideration imposes on us and our ministry. We are happy to see that this program is already being put into practice throughout the whole church and that it is being furthered with prudent and ardent zeal. We encourage this activity, we commend it, we bless it.

Part II—The Renewal

We are taken up by the desire to see the church of God become what Christ wants her to be, one holy and entirely dedicated to the pursuit of perfection to which she is effectively called. Perfect as she is in the ideal conception of her divine founder, the church should tend toward becoming perfect in the real expression of her earthly existence. This is the great moral problem which is uppermost in the life of the church, a problem which reveals what she is, stimulates her, accuses her, and sustains her. This search for perfection fills her with groanings and prayers, with repentance and hope, with strength and confidence, with responsibility and merits.

It is a problem inherent in those theological realities which give meaning to our human life. Without reference to the teachings of Christ and to the magisterium of the church it is impossible to pass judgment on man, on his nature, his primeval perfection, the ruinous consequences of original sin, on man's capacities for good, his need for help in order to desire and achieve what is good, on the meaning of the present life and his final end, on those values which man desires or controls, on the criterion of perfection and sanctity, and on means and ways of enriching life with the highest beauty and fullness.

A strong desire to know the ways of Christ is and ought to remain ever present in the church, and its discussion must always be fruitful and varied. As regards the questions having to do with perfection, fresh nourishment is provided in the church from century to century, we should therefore like to see the unique interest which the life of Christ deserves reawakened, not so much for the sake of elaborating new theories as for generating new energies. They should be used for acquiring that sanctity which Christ teaches. His example, His word, His grace, and His method sustained by ecclesiastical tradition, strengthened by divine action and exemplified in the lives of the saints make it possible for us to know, desire, and to follow the path of sanctity.

Effect of Conditions

In the pursuit of spiritual and moral perfection the church receives an exterior stimulus from the conditions in which she lives. She cannot remain unaffected by or indifferent to the changes that take place in the world around. This world exerts its influence in the church in a thousand ways and places conditions on her daily conduct. The church, as everyone knows, is not separated from the world, but lives in it. Hence, the members of the church are subject to its influence. They breathe its culture, accept its laws and absorb its customs. This immanent contact of the church with temporal society continually creates for her a problematic situation, which today has become extremely difficult. On the one hand Christian life, as defended and promoted by the church, must always take great care lest it should be deceived, profaned, or stifled as it must strive to render itself immune from the contagion of error and of evil. On the other hand, Christian life should not only be adapted to the forms of thought and custom which the temporal environment offers and imposes on her, provided they are compatible with the basic exigencies of her religious and moral program, but it should also try to draw close to them, to purify them, to enable them, to vivify and to sanctify them.

This task demands of the church a perennial examination of her moral vigilance, which our times demand with particular urgency and exceptional seriousness.

Indications Sought

Naturally, it will be for the Council to suggest what reforms are to be introduced in the legislation of the church. The postconciliar commissions, especially the one instituted for the revision of canon law and already nominated by us will formulate in concrete terms the deliberations of the ecumenical synod. However, it will be your task, venerable brothers, to indicate to us the means by which to render the face of our holy church spotless and youthful. But let our determination to bring about such a reform be once again made manifest. How many times in centuries past has this resolve been associated with the history of the councils, and so let it be, once more. But this time it is not to remove from the church any specific heresies or general disorders, which, by the grace of God, do not exist within her today, but rather to infuse fresh spiritual vigor into the mystical body of Christ, insofar as it is a visible society, purifying it from the defects of many of its members and stimulating it to new virtue.

Also from this point of view the celebration of the Council is providential. The pastoral character which it has assumed, the practical objectives of renewing canonical discipline, the desire to make the practice of Christian life as easy as possible in conformity with its supernatural character—all these factors confer on the Council an especial merit even at this moment when we are still awaiting the major part of its deliberations. In fact, it awakens in the pastors as well as in the faithful the desire to preserve and increase in Christian life its character of supernatural authenticity and reminds all of their duty of effectively and deeply imprinting that character in their own personal conduct, thus leading the weak to be good, the good to be better, the better to be generous, and the generous to be holy. It gives rise to new expressions of sanctity, urges love to be genial, and evokes fresh outpourings of virtue and Christian heroism.

In order to be able to bring this about with divine help, let us place before you some preliminary considerations suited to facilitate the work of renewal and to instill into it the courage which it requires together with sacrifice, and to indicate here some broad outlines along which the reform could be better effected.

We should remember, above all, certain norms to guide us in this work of reform. The reform cannot concern either the essential conception of the church or its basic structure. We would be putting the word "reform" to the wrong use if we were to employ it in that sense. We cannot attribute infidelity to this beloved and holy church of God to which, as we believe, belongs the highest grace and from which rises up to our spirit the testimony "that we are the children of God." [29]

Luminous Certitude

Oh, it is neither pride nor presumption nor obstinacy nor folly but a luminous certitude and our joyous conviction that we are indeed living members of the body of Christ, that we are the authentic heirs of the Gospel of Christ, those who truly continue the work of the apostles, that there dwells in us the great inheritance of truth and morality characterizing the Catholic Church, which today possesses intact the living heritage of the original apostolic tradition. If all this redounds to our glory or to use a better express, the reason for which we must "always give thanks to God," [30] it also constitutes our responsibility before God himself to whom we are accountable for so great a benefit and also before the church, in which we must instill the firm desire and resolution to guard the "deposit" about which St. Paul speaks.[31] We have a responsibility also, before our brothers who are still separated from us, and before the entire world so that all share with us the gift of God.

Hence, if the term "reform" can be applied to this subject, it is not to be understood in the sense of change, but of a stronger determination to preserve the characteristic features which Christ has impressed on the church. We should rather always wish to lead her back to her perfect form corresponding, on the one hand, to her original design and on the other fully consistent with the necessary development which like a seed grown into a tree has given to the church her legitimate and concrete form in history. Let us not deceive ourselves into thinking that the edifice of the church which has now become large and majestic for the glory of God as His magnificent temple, should be reduced to its early minimal proportions as if they alone were true and good. Nor should we be fascinated by the desire of renewing the structure of the church through the charismatic way as if that ecclesiastical expression were new and good which sprang from particular ideas, zealous no doubt and sometimes even claiming their origin from divine inspiration, thus introducing an arbitrary scheme of artficial renewal in the very constitution of the church.

Deepening of Convictions

We must serve the church and love her as she is, with a clear understanding of history, and humbly searching for the will of God who assists and guides her even when at times He permits human weakness to eclipse the purity of her features and the beauty of her action. It is this purity and beauty which we are endeavoring to discover and promote.

We must deepen within us these convictions if we are to avoid the other danger which the desire for reform can produce not only in us pastors, who are held back by a watchful sense of responsibility, but also in the many faithful who think that the reform of the church should consist primarily in adapting its sentiments and habits to those of the world. The fascination of worldly life today is very powerful indeed.

Conformity appears to many as an inescapable and wise course. Those who are not well rooted in faith and in the observance of ecclesiastical law easily think that the time has come for concessions to be made to secular norms of life, as if these were better and as if the Christian can and must make them his own. This phenomenon of adaptation is noticeable in the philosophical field (how much fashion counts even in the world of thought, which ought to be autonomous and free and only avid and docile before truth and the authority of approved masters) as well as in the practical field, where it is becoming more and more uncertain and difficult to point out the line of moral rectitude and right conduct.

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[29] To the Romans VIII, 16.

[30] Ephesians V, 20.

[31] I Timothy VI, 20.

Naturalism threatens to render null and void the original conception of Christianity. Relativism, which justifies everything and treats all things as of equal value, assails the absolute character of Christian principles. The tendency of throwing overboard every restraint and inconvenience from the conduct of life finds the discipline of Christian asceticism burdensome and futile. Sometimes even the apostolic desire of approaching the secular milieu or of making oneself acceptable to modern mentality, especially that of the youth, leads up to a rejection of the forms proper to Christian life and even of its very dignity, which must give meaning and strength to this eagerness for approach and educative influence. Is it not perhaps true that often the young clergy or indeed even some zealous religions moved by the good intention of penetrating the masses or particular groups, tend to get mixed up with them instead of remaining apart, thus sacrificing the true efficacy of their apostolate to some sort of useless imitation? The great principle enunciated by Christ presents itself again both in its actuality and in its difficulty: to be in the world, and not of the world. It is good for us even today to offer up that highest and most opportune prayer of Christ "Who always lives and intercedes for us." [32] "I am not asking that thou shouldst take them out of the world, but that thou shouldst keep them clear of what is evil." [33]

Pope John's Idea Recalled

However, it is not our intention to say that perfection consists in remaining changeless as regards external forms which the church through many centuries has assumed. Nor does it consist in being stubbornly opposed to those new forms and habits which are commonly regarded as acceptable and suited to the character of our times. The word "aggiornamento," rendered famous by our predecessor of happy memory, John XXIII, should always be kept in mind as our program of action. We have confirmed it as the guiding criterion of the Ecumenical Council. We want to recall it to mind as a stimulus to preserve the perennial vitality of the church, her continuous awareness and ability to study the signs of the times and her constantly youthful agility in "scrutinizing it all carefully and retaining only what is good" [34] always and everywhere.

But let us repeat it once again for our common admonition and profit: The church will rediscover her renewed youthfulness not so much by changing her exterior laws as by interiorly assimilating her true spirit of obedience to Christ and accordingly by observing those laws which the church prescribes for herself with the intention of following Christ. Here is the secret of her renewal, here her "metanoia," here her exercise of perfection. Even though the church's law might be made easier to observe by the simplification of some of its precepts and by placing confidence in the liberty of the modern Christian, with his greater knowledge of his duties and his greater maturity and wisdom in choosing the means to fulfill them, the law, nevertheless, retains its essential binding force. The Christian life, which the church interprets and sets down in wise regulations, will always require faithfulness, effort, mortification, and sacrifice.

It will always bear the mark of the "narrow way" of which our Lord speaks to us.[35] It will require not less moral energy of us modern Christians than it did of Christians in the past, but perhaps more. It will call for a prompt obedience, no less binding today than in the past, that will be, perhaps, more difficult, and certainly more meritorious in that it is guided more by supernatural motives than natural ones.

It is not conformity to the spirit of the world, not immunity from the discipline of reasonable asceticism, not indifference to the laxity of modern behavior, not emancipation from the authority of prudent and lawful superiors, not indifference to the laxity of modern behavior, not apathy with regard to the contradictory forms of modern thought, that can give vigor to the church, or make her fit to receive the influence of the gifts of the Holy Spirit, or render her following of Christ more genuine, or give her message. These things come from her aptitude to live according to divine grace, her faithfulness to the Gospel of the Lord, her hierarchical and communal unity. The Christian is not soft and cowardly, he is strong and faithful.

We realize how long this letter would be if we were to indicate even the main lines of the modern program of the Christian life, and we do not intend to enter into such an undertaking now. You, moreover, know what the moral needs of our time are, and you will not cease to call the faithful to an understanding of the dignity, purity, and austerity of the Christian life, nor will you fail to denounce, as best you can, and even publicly, the moral dangers and vices from which our age is suffering. We all remember the solemn exhortations which Holy Scripture addresses to us: "I know of all thy doings, all thy toil and endurance. How little patience thou hast with wickedness" [36] and all of us will strive to be watchful and diligent pastors. The Council is to give to us, too, new and salutary instructions, and all of us must certainly prepare ourselves now to hear them and carry them out.

But we do not wish to forgo commenting briefly on two points, which we consider to concern principal needs and duties and which can provide matter for reflection on the general lines of the renewal of ecclesiastical life.

Spirit of Poverty

We refer first of all to the spirit of poverty. We consider that it was so proclaimed in the Holy Gospel, that it is so much a part of the plan of our destination to the Kingdom of God, that it is so much in danger because of the great store the modern mind sets by possessions, that it is so necessary to help us to understand so many of our weaknesses and failures in the past and to show us what our way of life should be and what is the best way to announce the religion of Christ to souls. And, finally, that it is so difficult to practice it as we ought, that we presume to mention it explicity in this our message.

We do this, not because we have the intention of issuing special canonical regulations on the subject, but rather to ask to you, venerable brethren, the comfort of your agreement, your counsel, and your example. We look to you, as the authoritative voice which interprets the better impulses by which the spirit of Christ manifests itself in the church, to tell us how pastors and people ought to adapt their language and conduct to poverty today. As the Apostle admonishes us, "Yours is to the same mind which Christ Jesus showed." [37]

We look to you to say how we should, together, propose for the life of the church those directives which must base our confidence more upon the help of God and the goods of the spirit than upon temporal means, and which must remind us, and teach the world, that spiritual goods take precedence over economic goods, and that we should limit and subordinate the possession and use of the latter insofar as they are useful for the right exercise of our apostolic mission.

The brevity of this allusion to the nobility and necessity of the spirit of poverty which characterizes the Gospel of Christ, does not exempt us from our duty of remarking that this spirit does not prevent us from understanding and making lawful use of economic reality, which has assumed an enormous and far-reaching importance in the development of modern civilization, particularly in its consequences for society. We consider, indeed, that the inner freedom which is derived from the spirit of evangelical poverty makes us more sensitive to, and more capable of understanding the human aspects of economic questions, by applying to wealth and to the progress it can effect the just and often severe standard of judgment that they require, by giving to indigence our most solicitous and generous attention, and finally by expressing the wish that economic goods be not the source of conflicts, of selfishness and of pride among men, but that they be used in justice and equity for the common good and, accordingly, distributed with greater foresight. Whatever concerns these economic goods—goods inferior to those that are spiritual and eternal, but necessary in this present life—find in the man who has studied the Gospel the capacity needed to form a wise scale of values and to cooperate in projects beneficial to mankind. Science, technology and, particularly, labor become the object of our keenest interest. The bread which they produce becomes sacred for table and for altar. The social teachings of the church leave no doubt on this subject, and we are pleased to take this opportunity of reaffirming our close adherence to such salutary teachings.

Spirit of Charity

The other point we should like to mention is that of the spirit of charity. But is not this subject already in the forefront of your minds? Is not charity the focal point of the religious economy of the Old Testament and the New? Is it not to charity that the progress of spiritual experience in the church leads? May it not be that charity is the evermore illuminating and joyful discovery that theology, on the one hand, and piety, on the other, are making in the never-ending meditation on the scriptural and sacramental treasures of which the church is heir, guardian, mistress, and dispenser? We consider, with our predecessors, with the bright company of saints which our age has given to the church on earth and in heaven, and with the devout instinct of the faithful, that charity should assume today its rightful position; that is, the first and the highest in the scale of religious and moral values, not only in theoretical estimation, but also by being put into practice in the Christian life. Let this be so of the charity toward God, which His charity poured out upon us, and true also of the charity which in return we should display toward our neighbors; that is to say, the human race. Charity explains all things. Charity inspires all things. Charity renews all things. Charity "sustains, believes, hopes, endures to the last"; [38] who is there among us who does not know these things? And, if we know them, is not this, perhaps, the hour of charity?

This vision of humble and profound Christian perfection leads our thoughts to Mary Most Holy, for she reflects this vision most perfectly and wonderfully in herself. She lived it on earth and now in heaven. She rejoices in its glory and beatitude. Devotion to Mary is happily flourishing in the church today. And we, on this occasion, gladly turn our thoughts to her to admire in the Blessed Virgin, mother of Christ (and, therefore, the Mother of God and the mother of us) the model of Christian perfection, the mirror of true virtues, the pride of true humanity. We regard devotion to Mary as a source of gospel teaching. In our pilgrimage to the Holy Land we wished to learn the lesson of real Christianity from her, the most blessed, lovable, humble, and immaculate creature, whose privilege it was to give to the word of God human flesh in its pristine and innocent beauty. To her now we turn our imploring gaze as to a loving mistress of life, whilst we discuss with you, venerable brethren, the spiritual and moral regeneration of the life of the Holy Church.

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[32] Hebrews VII, 25.

[33] John XVII, 15.

[34] I Thessalonians V, 21.

[35] Cf. Matthew VII, 13 ss.

[36] The Apocalypse II, 2.

[37] Philemon II, 5.

[38] I Corinthians XIII, 7.

Part III—The dialog

There is a third attitude which the Catholic should adopt at this period in the history of the world, an attitude characterized by study of the contacts which the church ought to maintain with humanity. If the church acquires an evergrowing awareness of itself, and if the church tries to model itself on the ideal which Christ proposes to it, the result is that the church becomes radically different from the human environment in which it, of course, lives or which it approaches. The Gospel makes us recognize such a distinction when it speaks to us of "the world," i.e., of humanity opposed both to the light of faith and to the gift of grace, of humanity which exalts itself in a naive optimism which believes that its own energies suffice to give man complete, lasting, and beneficent self-expression. Or, finally, of humanity, which plunges itself into crude form of pessimism which declares its own vices, weaknesses, and moral ailments to be fatal, incurable, and perhaps even desirable as manifestations of freedom and of authenticity. The Gospel, which recognizes, denounces, pities, and cures human misfortunes with penetrating and sometimes with heart-rending sincerity, does not yield to any illusions about the natural goodness of man (as if he were sufficient unto himself and as if he needed nothing else than to be left free to express himself according to his whims) nor to any despairing resignation to the incurable corruption of human nature. The Gospel is light, it is newness, it is energy, it is rebirth, it is salvation. Hence it both creates and defines a type of new life about which the New Testament teaches us a continuous and remarkable lesson which is expressed in the warning of St. Paul: "You must not fall in with the manners of this world. There must be an inward change, a remaking of your minds, so that you can satisfy yourselves what is God's will, the good thing, the desirable thing, the perfect thing." [39]

This distinction between the life of the Christian and the life of the worldling also derives from the reality and from the consequent recognition of the sanctification produced in us by our sharing in the Paschal mystery and, above all, in holy baptism, which, as was said above, is and ought to be considered a true rebirth. Again St. Paul reminds us of this truth: "We who were taken up into Christ by baptism have been taken up, all of us, into His death. In our baptism, we have been buried with Him, died like Him; that is, just as Christ was raised up by His Father's power from the dead, we too might live and move in a new kind of existence." [40]

Aid to Christians

It will not be amiss if the Christian of today keeps always in view His original and wondrous form of life which should not only sustain him with the happiness that results from his dignity but also protect him from an environment which threatens him with the contagion of human wretchedness and with the seduction of human glory.

See how St. Paul himself formed the Christians of the primitive church: "You must no consent to be yokefellows with unbelievers. What has innocence to do with lawlessness? What is there in common between light and darkness? How can a believer throw in his lot with an infidel?" [41] Christian education will always have to remind the student today of his privileged position and of his resultant duty to live in the world but not in the way of the world, according to the above-mentioned prayer of Jesus for His disciples: "I am not asking that thou shouldst take them out of the world, but that thou shouldst keep them clear of what is evil, they do not belong to the world, as I, too, do not belong to the world." [42] And the church adopts this prayer as its own.

But this distinction is not a separation. Neither is it indifference or fear or contempt. When the church distinguishes itself from human nature, it does not oppose itself to human nature, but rather unites itself to it. Just as the doctor who, realizing the danger inherent in a contagious disease, not only tries to protect himself and others from such infection, but also dedicates himself to curing those who have been stricken, so, too, the church does not make an exclusive privilege of the mercy which the divine goodness has shown it, nor does it distort its own good fortune into a reason for disinterest in those who have not shared it, but rather in its own salvation it finds an argument for interest in and for love for anyone who is either close to it and can at least be approached through universal effort to share its blessings.

Duty To Evangelize

If, as we said before, the church has a true realization of what the Lord wishes it to be, then within the church there arises a unique sense of fullness and a need for outpouring, together with the clear awareness of a mission which transcends the church, of a message to be spread. It is the duty of evangelization. It is the missionary mandate. It is the apostolic commission. An attitude of preservation of the faith is insufficient. Certainly we must preserve and also defend the treasure of truth and of grace which has come to us by way of inheritance from the Christian tradition. "Keep safe what has been entrusted to thee," warns St. Paul.[43]

But neither the preservation nor the defense of the faith exhausts the duty of the church in regard of the gifts which it possesses. The duty consonant with the patrimony received from Christ is that of spreading, offering, announcing it to others. Well do we know that "going, therefore, make disciples of all nations" [44] is the last command of Christ to his apostles. By the very term "Apostles" these men define their inescapable mission. To this internal drive of charity which tends to become the external gift of charity we will give the name of dialog, which has in these days come into common usage.

The church should enter into dialog with the world in which its exists and labors. The church has something to say. The church has a message to deliver. The church has a communication to offer.

It is no secret that this important facet of the contemporary life of the church will be specially and fully studied by the Ecumenical Council, full freedom in discussing them. We wish only to invite you, venerable brethern, to preface such study with certain considerations in order that we see more clearly the motives which impel the church toward the dialog, the methods to be followed, and the goals to be achieved. We wish to give, not full treatment to topics, but proper dispositions to hearts.

Nor can we do otherwise in our conviction that the dialog ought to characterize our apostolic office, heirs as we are of such a pastoral approach and method as has been handed down to us by our predecessors of the past century, beginning with the great, wise Leo XIII. Almost as a personification of the gospel character of the wise scribe, who, like the father of a family, "knows how to bring both new and old things out of his treasure house." [45] In a stately manner he assumed his function as teacher of the world making the object of his richest instruction the problems of our time considered in the light of the word of Christ. Thus, also, did his successors, as you well know. Did not our predecessors, especially Pope Pius XI and Pope Pius XII, leave us a magnificently rich patrimony of teaching which was conceived in the loving and enlightened attempt to join divine to human wisdom, not considered in the abstract but rather expressed in the concrete language of modern man?

And what is this apostolic endeavor if not a dialog? And place an even sharper emphasis on its teaching in the sense of approaching as close as possible to the experience and the understanding of the contemporary world? And was not the Council itself assigned—and justly so—a pastoral function which would be completely focused on the injection of the Christian message into the stream of the thought, of the speech, of the culture, of the customs, of the strivings of man as he lives today and acts in this life? Even before converting the world, nay, in order to convert, it, we must meet the world and talk with it.

Concerning our lowly self, although we are reluctant to speak of it and would prefer not to attract to it the attention of others, we cannot pass over in silence, in this deliberate communication to the episcopal heirarchy and to the Christian people, or resolution to persevere, so far as our weak energies will permit and, above all, so far as the grace of God will grant us the necessary means, in the same direction and in the same effort to approach the world in which providence has destined us to live, with all due reverence to be observed in this approach, and with all due solicitude and love, in order that we may understand it and offer it the gifts of truth and of grace of which Christ has made us custodians in order that we may communicate to the world our wonderful destiny of redemption and of hope. Deeply engraved on our heart are those words of Christ which we would humbly but resolutely make our own: "When God sent His son into the world, it was not to reject the world, but so that the world might find salvation through Him." [46]

See, then, venerable brethren, the transcendent origin of the dialog. It is found in the very plan of God. Religion, of its very nature, is a relationship between God and man. Prayer expresses such a relationship in dialog. Revelation, i.e., the supernatural relationship which God himself, on His own initiative, has established with the human race, can be represented as a dialog in which the word of God is expressed in the incarnation and therefore in the Gospel. The fatherly and holy conversation between God and man, interrupted by original sin, has been marvelously resumed in the course of history.

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[39] Romans XII, 2.

[40] Romans VI, 3–4.

[41] II Corinthians VI, 14–15.

[42] Job XVII, 15–16.

[43] I Timothy VI, 20.

[44] Matthew XXIX, 19.

[45] Matthew XIII, 52.

[46] Job III, 17.

The history of salvation narrates exactly this long and changing dialog which begins with God and brings to man a many-splendored conversation. It is in this conversation of Christ among men [47] that God allows us to understand something of Himself, the mystery of His life, unique in its essence, trinitarian in its persons. And He tells us finally how He wishes to be known. He is love. And how He wishes to be honored and served by us: Love is our supreme commandment.

Grounds for Confidence

The dialog thus takes on full meaning and offers grounds for confidence. The child is invited to it. The mystic finds a full outlet in it.

We need to keep ever present this ineffable, yet real relationship of the dialog, which God the Father, through Christ in the Holy Spirit, has offered to us and established with us, if we are to understand the relationship which we, i.e., the church, should strive to establish and to foster with the human race.

The dialog of salvation was opened spontaneously on the initiative of God: "He (God) loved us first." [48] It will be up to us to take the initiative in extending to men this same dialog, without waiting to be summoned to it.

The dialog of salvation began with charity, with the divine goodness: "God so loved the world as to give His only-begotten Son," [49] nothing but fervent and unselfish love should motivate our dialog.

The dialog of salvation was not proportioned to the merits of those toward whom it was directed, nor to the results which it would achieve or fail to achieve: "Those who are healthy need no physician," [50] so also our own dialog ought to be without limits or ulterior motives.

The dialog of salvation was made accessible to all. It was destined for all without distinction.[51] In like manner our own dialog should be potentially universal, i.e., all embracing and capable of including all, excepting only one who would either absolutely reject it or insincerely pretend to accept it.

Gradual Development

The dialog of salvation normally experienced a gradual development, successive advances, humble beginnings before complete success.[52] Ours, too, will take cognizance of the slowness of psychological and historical maturation and of the need to wait for the hour when God may make our dialog effective. Not for this reason will our dialog postpone till tomorrow what it can accomplish today. It ought to be eager for the opportune moment. It ought to sense the preciousness of time.[53] Today, i.e., every day, our dialog should begin again. We, rather than those toward whom it is directed, should take the initiative.

The dialog of salvation did not physically force anyone to accept it. It was a tremendous appeal of love which, although placing a vast responsibility on those toward whom it was directed,[54] nevertheless left them free to respond to it or to reject it. Even the number of miracles [55] and their remonstrative power [56] were adapted to the spiritual needs and dispositions of the recipients, in order that their free consent to the divine revelation might be facilitated, without, however, their losing the merit involved in such a consent.

So, too, although our own mission is the announcement of the truth which is both indisputable and necessary for salvation, that mission will not be introduced in the armor of external force, but simply through the legitimate means of human education, of interior persuasion of ordinary conversation, and it will offer its gift of salvation with full respect for personal and civic freedom.

As is clear, the relationships between the church and the world assume many mutually different aspects. Theoretically speaking, the church could set its mind on reducing such relationships to a minimum, endeavoring to isolate itself from dealings with secular society, just as it could set itself the task of pointing out the evils that can be found in secular society, condemning them and declaring crusades against them, so also it could approach so close to secular society as to strive to exert a preponderant influence on it or even to exercise a theocratic power over it, and so on.

But it seems to us that the relationship of the church to the world, without precluding other legitimate forms of expression, can be represented better in a dialog, not, of course, a dialog in a univocal sense, but rather a dialog adapted to the nature of the interlocutor and the factual circumstances (the dialog with a child differs from that with an adult, that with a believer from that with an unbeliever). This has been suggested by the custom, which has by now become widespread, of conceiving the relationships between the sacred, and the secular in terms of the transforming dynamism of modern society, in terms of the pluralism of its manifestations, likewise in terms of the maturity of man, be he religious or not, enabled through secular education to think, to speak, and to act through the dignity of dialog.

Proposal of Understanding

This type of relationship indicates a proposal of courteous esteem, of understanding, and of goodness on the part of the one who inaugurates the dialog. It excludes the a priori condemnation, the offensive and time-worn polemic, the emptiness of useless conversation. If this approach does not aim at effecting the immediate conversion of the interlocutor, inasmuch as it respects both his dignity and his freedom, nevertheless it does aim at helping him, and tries to dispose him for a fuller sharing of sentiments and convictions.

Hence, the dialog supposes that we possess a state of mind which we intend to communicate to others and to foster in all our neighbors: the state of mind of one who feels within himself the burden of the apostolic mandate, of one who realizes that he can no longer separate his own salvation from the endeavor to save others, of one who strives constantly to put the message of which he is custodian into the mainstream of human discourse.

The dialog is, then, a method of accomplishing the apostolic mission, it is an example of the art of spiritual communication. Its characteristics are the following:

1. Clearness above all. The dialog supposes and demands comprehensibility. It is an outpouring of thought. It is an invitation to the exercise of the highest powers that man possesses. This very claim would be enough to classify the dialog among the best manifestations of human activity and culture. This fundamental requirement is enough to enlist our apostolic care to review every angle of our language to guarantee that it be understandable, acceptable, and well chosen.

2. A second characteristic of the dialog is its meekness, the virtue that Christ sets before us to be learned from Him: "Learn of me, because I am meek and humble of heart." [57] The dialog is not proud, it is not bitter, it is not offensive. It communicates, to the example it proposes. It is not a command, it is not an imposition. It is peaceful, it avoids violent methods. It is patient. It is generous.

3. Trust, not only in the power of one's words, but also in an attitude of welcoming the trust of the interlocutor. Trust promotes confidence and friendship. It binds hearts in mutual adherence to the good that excludes all self-seeking.

4. Finally, pedagogical prudence, which esteems highly the psychological and moral circumstances of the listener [58] whether he be a child, uneducated, unprepared, diffident, hostile. Prudence strives to learn the sensitivities of the hearer and requires that we adapt ourselves and the manner of our presentation in a reasonable way lest we be displeasing and incomprehensible to him.

In the dialog, conducted in this manner, the union of truth and charity, of understanding and love is achieved.

Ways Are Different

In the dialog one discovers how different are the ways that lead to the light of faith, and how it is possible to make them converge on the same goal. Even if these ways are divergent, they can become complementary by forcing our reasoning process out of the worn paths and by obliging it to deepen its research, to find fresh expressions.

The dialectic of this exercise of thought and of patience will make us discover elements of truth also in the opinions of others, it will force us to express our teaching with great fairness, and it will reward us for the work of having explained it in accordance with the objections of another or despite his slow assimilation of our teaching. The dialog will make us wise. It will make us teachers.

And how is the dialog to be carried on?

Many, indeed, are the forms that the dialog of salvation can take. It adapts itself to the needs of a concrete situation, it chooses the appropriate means, it does not bind itself to ineffectual theories and does not cling to hard and fast forms when these have lost their power to speak to men and move them.

The question is of great importance, for it concerns the relation of the church's mission to the lives of men in a given time and place, in a given culture and social setting.

To what extent should the church adapt itself to the historic and local circumstances in which its mission is exercised? How should it guard against the danger of a relativism that would falsify its moral and dogmatic truth?

And yet, at the same time, how can it fit itself to approach all men so as to save all, according to the example of the apostle:

"I became all things to all men that I might save all." [59]

The world cannot be saved from the outside. As the word of God became man, so must a man to a certain degree identify himself with the forms of life of those to whom he wishes to bring the message of Christ. Without invoking privileges that would but widen the separation, without employing unintelligible terminology, he must share the common way of life—provided that it is human and honorable—especially of the most humble, if he wishes to be listened to and under man's voice, but to his heart. A man must first be understood, and, where he merits it, agreed with. In the very act of trying to make ourselves pastors, fathers and teachers of men, we must make ourselves their brothers. The spirit of dialog is friendship and, even more, is service. All this we must remember and strive to put into practice according to the example and commandment that Christ left to us.[60]

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[47] Cf Baruch III, 38.

[48] Job IV, 10.

[49] Job III, 16.

[50] Luke V, 31.

[51] Cf Colossian III, 11.

[52] Cf Matthew XIII, 31.

[53] Cf Ephesians IV, 16.

[54] Cf Matthew XI, 21.

[55] Cf Matthew XII, 38 ff.

[56] Cf Matthew XIII, 13 ff.

[57] Matthew XI, 3.

[58] Cf Matthew VII, 6.

[59] I Corinthians IX, 22.

But the danger remains. The apostle's art is a risky one. The desire to come together as brothers must not lead to a watering down or substracting from the truth. Our dialog must not weaken our attachment to our faith. In our apostolate we cannot make vague compromises about the principles of faith and action on which our profession of Christianity is based. An immoderate desire to make peace and sink differences at all costs is, fundamentally, a kind of scepticism about the power and content of the word of God which we desire to preach. Only the man who is completely faithful to the teaching of Christ can be an apostle. And only he who lives his Christian life to the full can remain uncontaminated by the errors with which he comes into contact.

Norms From Council

We believe that the council, when it comes to deal with questions on the church's activity in the modern world, will indicate a number of theoretical and practical norms for the guidance of our dialog with men of the present day. We believe, too, that in matters concerning the apostolic mission of church, on the one hand, and on the other, the diverse, and changing circumstances by which that mission is exercised, it will be for the wise, attentive government of the church to determine from time to time, the limits and forms and paths to be followed in maintaining and furthering a living and fruitful dialog.

Accordingly, let us leave this aspect of the subject and confine ourselves to stressing once again the supreme importance which Christian preaching maintains, an importance which grows greater daily, for the Catholic apostolate and specifically for the dialog. No other form of communication can take its place. Not even the enormously powerful technical means of press, radio, and television. In a sense, the apostolate and preaching are the same. Preaching is the primary apostolate.

Our apostolate, venerable brothers, is above all the ministry of the word. We know this very well, but it seems good to remind ourselves of it now, so as to direct our pastoral activities aright. We must go back to the study, not of human eloquence or empty rhetoric, but of the genuine art of the sacred word.

Search for Clarity

We must search for the laws of its simplicity and clarity, for its power and authority, so as to overcome our natural lack of skill in the use of the great and mysterious spiritual instrument of speech and to enable us worthily to compete with those who today exert so much influence through their words by having access to the organs of public opinion. We must beg the Lord for the great and uplifting gift of speech,[61] to be able to confer on faith its practical and effiacious principle,[62] and to enable our words to reach out to the ends of the earth.[63][64] May we carry out the prescriptions of the council's constitution on sacred liturgy with zeal and ability. And may the catechetical teaching of the faith to the Christian people, and to as many others as possible, be marked by the aptness of its language, the wisdom of its method, the zeal of its exercise supported by the evidence of real virtues, and may it strive ardently to lead its hearers to the security of the faith, to a realization of the intimate connection between the divine word and life, and to the illumination of the living God.

We must, finally, refer to those to whom our dialog is directed. But, even on this point we do not intend to forestall the council, which, please God, will soon make its voice heard.

Speaking in general on the role of partner in dialog, a role which the Catholic Church must take up with renewed fervor today, we should like merely to observe that the church must be ever ready to carry on the dialog with all men of good will, within and without its own sphere. There is no one who is a stranger to its heart, no one in whom its ministry has no interest. It has no enemies, except those who wish to be such. It's name of Catholic is not an idle title. Not in vain has it received the commission to foster in the world unity, love, and peace.

Church Knows Task

The church is not unaware of the formidable dimensions of such a mission. It knows the disproportion in numbers between those who are its members and those who are not. It knows the limitation of its power. It knows, likewise, its own human weaknesses and failing.

It recognizes, too, that the acceptance of the Gospel depends, ultimately, not upon any apostolic efforts of its own nor upon any favorable temporal conditions, for faith is a gift of God and God alone defines in the world the times and limits of salvation. But the church knows that it is the seed, the leaven, the salt, and light of the world.

It sees clearly enough the astounding newness of modern times, but with frank confidence it stands upon the paths of history and says to men: "I have that for which you search, that which you lack."

It does not thereby promise earthly felicity, but it does offer something—its light and grace—which makes the attainment as easy as possible.

And then it speaks to men of their transcendent destiny. In doing this it speaks to them of truth, justice, freedom, progress, concord, peace, and civilization. These are words whose secret is known to the church, for Christ has entrusted the secret to its keeping.

And so the church has a message for every category of humanity: for children, for youth, for men of science and learning, for the world of labor and for every social class, for artists, for statesmen, and for rulers. Most of all, the church has words for the poor, the outcasts, the suffering, and the dying, for all men.

In speaking in this way, we may seem to be allowing ourselves to be carried away in the contemplation of our mission and to be out of touch with reality as regards the actual relations of mankind with the Catholic Church. But that is not so. We see the concrete situation quite clearly. To give a brief idea of it, we think it can be described as consisting circles around the central point in which God has placed us.

First Circle Is Mankind

The first of these circles is immense. Its limits stretch beyond our sight and merge with the horizon. It is that of mankind as such, the world. We gage the distance that lies between us and the world, yet we do not consider the world a stranger.

All things human are our concern. We share with the whole of mankind a common nature, human life with all its gifts and problems. In this primary, universal reality we are ready to play our part, to acknowledge the deep-seated claims of its fundamental needs, to applaud the new, and sometimes sublime, expressions of its genius.

We possess, too, vital moral truths, to be brought to men's notice and to be corroborated by their conscience, to the benefit of all. Wherever men are trying to understand themselves and the world, we can communicate with them.

Wherever the councils of nations come together to establish the rights and duties of man, we are honored when they allow us to take our seat among them. If there exists in men "a soul naturally Christian," we desire to show it our respect and to enter into conversation with it.

Our attitude in this, as we remind ourselves and everyone else, is, on the one hand, entirely disinterested: We have no temporal or political aim whatever, and, on the other hand, its purpose is to raise up and elevate to a supernatural and Christian level every good human value in the world. We are not civilization, but we promote it.

We realize, however, that in this limitless circle there are many, very many unfortunately, who profess no religion. And we are aware also that there are many who profess themselves, in various ways, to be atheists. We know that some of these proclaim their godlessness openly and uphold it as a program of human education and political conduct, in the ingenuous but fatal belief that they are setting men free from false and outworn notions about life and the world and are, they claim, putting in their place a scientific conception that is in conformity with the needs of modern progress.

This is the most serious problem of our time. We are firmly convinced that the theory on which the denial of God is based is utterly erroneous. This theory is not in keeping with basic, undeniable requirements of thought. It deprives the reasonable order of the world of its genuine foundation. This theory does not provide human life with a liberating formula but with a blind dogma which degrades and saddens it. This theory destroys, at the root, any social system which attempts to base itself upon it. It does not bring freedom. It is a sham, attempting to quench the light of the living God.

Resistance Pledged

We shall, therefore, resist with all our strength the assaults of this denial. This we do in the supreme cause of truth and in virtue of our sacred duty to profess Christ and His gospel, moved by deep, unshakable love for men and in the invincible hope that modern man will come again to discover, in the religious ideals that Catholicism sets before him, his vocation to the civilization that does not die, but ever tends to the natural and supernatural perfection of the human spirit, and in which the grace of God enables man to possess his temporal goods in peace and honor, and to live in hope of attaining eternal goods.

These are the reasons which compel us, as they compelled our predecessors and, with them, everyone who has religious values at heart, to condemn the ideological systems which deny God and oppress the church, systems which are often identified with economic, social, and political regimes, amongst which atheistic communism is the chief. It could be said that it is not so much that we condemn these systems and regimes as that they express their radical opposition to us in thought and deed. Our regret is, in reality, more sorrow for a victim than the sentence of a judge.

Dialog in such conditions is very difficult, not to say impossible although, even today, we have no preconceived intention of excluding the persons who profess these systems and belong to these regimes. For the lover of truth discussion is always possible. The difficulties are enormously increased by obstacles of the moral order: by the absence of sufficient freedom of thought and action and by the perversion of discussion so that the latter is not made use of to seek and express objective truth but to serve predetermined utilitarian ends.

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[60] Cf Job XIII, 14–17.

[61] Cf Jeremiah I, 6.

[62] Cf Romans X, 17.

[63] Cf Psalm XVII, 5.

[64] Romans X, 18.

This is what puts an end to dialog. The church of silence, for example, speaks only by her sufferings, and with her speaks also the suffering of an oppressed and degraded society, in which the rights of the spirit are crushed by those who control its fate. If we begin to speak in such a state of affairs, how can we offer dialog, when we cannot be anything more than a "voice crying in the wilderness"?[65] Patience and always love, in such conditions, are the witnesses that the church can still offer, and not even death can silence it.

Search Begins in Heart

But though we must speak firmly and clearly in declaring and defending religion and the human values that it proclaims and upholds, we are moved by our pastoral office to seek in the heart of the modern atheist the motives of his turmoil and denial.

His motives are many and complex, so that we must examine them with care if we are to answer them effectively. Some of them arise from the demand that divine things be presented in a worthier and purer way than is, perhaps, the case in certain imperfect forms of language and worship, which we ought to try to purify so that they express as perfectly and clearly as possible the sacred reality of which they are the sign.

We see these men full of yearning, prompted sometimes by passion and desire for the unattainable, but often also by greathearted dreams of justice and progress.

In such dreams, noble social aims are set up in the place of the absolute and necessary God, testifying thereby to the ineradicable need for the divine source and end of all things, whose transcendence and immanence it is the task of our teaching office to reveal with patience and wisdom.

Again, we see them, sometimes with ingenuous enthusiasm, having recourse to human reason, with the intention of arriving at a scientific explanation of the universe. This procedure is all the less reprehensible in that it is often based upon laws of logical thought not unlike those of our classical school.

It is a procedure that leads in a direction quite contrary to the will of those who use it, thinking to find in it an unanswerable proof of their atheism and its own intrinsic validity, for it leads them onward towards the new and final metaphysical and logical assertion of the existence of the supreme God.

In this cogent process of reasoning the atheistic politico-scientist stops short willfully at a certain point and so extinguishes the sovereign light of the intelligibility of the universe.

Is there no one among us who could help him to reason on to a realization of the objective reality of the cosmic universe, a realization that restores to man the sense of the divine presence, and brings to his lips the humble, halting words of a consoling prayer?

Sometimes, too, the atheist is spurred on by noble sentiments and by impatience with the mediocrity and self-seeking of so many contemporary social settings. He knows well how to borrow from our gospel modes and expressions of solidarity and human compassion. Shall we not be able to lead him back one day to the Christian source of such manifestations of moral worth?

Pope John's Words Recalled

Accordingly, bearing in mind the words of our predecessor of venerable memory, Pope John XXIII, in his encyclical "Pacem in Terris" to the effect that the doctrines of such movements, once elaborated and defined, remain always the same, whereas the movements themselves cannot help but evolve and undergo changes, even of a profound nature[66] we do not despair that they may one day be able to enter into a more positive dialog with the church than the present one that we now of necessity deplore and lament.

But we cannot turn our gaze away from the contemporary world without expressing a cherished desire; namely, that our intention of developing and perfecting our dialog in the varied and changing facets that it presents, may assist the cause of peace between men, by providing a method that seeks to order human relationships in the sublime light of the language of reason and sincerity, and by making a contribution of experience and wisdom that can stir up all men to the consideration of the supreme values.

The opening of a dialog such as ours would be, disinterested, objective, and sincere, is in itself a decision in favor of a free and honorable peace.

It excludes pretense, rivalry, deceit, and betrayal. It cannot do other than condemn, as a crime and destruction, wars of aggression, conquest, or domination. It cannot confine itself to relationships with the heads of nations, but must set them up also with the body of the nation and with its foundations, whether social, family, or individual, so as to diffuse in every institution and in every soul the understanding, the relish, and the duty of peace.

Other Religions Cited

Then we see another circle around us. This, too, is vast in its extent, yet it is not so far away from us. It is made up of the men who above all adore the one, supreme God whom we too adore. We refer to the children, worthy of our affection and respect, of the Hebrew people faithful to the religion which we call that of the Old Testament. Then to the adorers of God according to the conception of monotheism, the Moslem religion especially, deserving of our admiration for all that is true and good in their worship of God. And also to the followers of the great Afro-Asiatic religions.

Obviously we cannot share in these various forms of religion nor can we remain indifferent to the fact that each of them, in its own way, should regard itself as being the equal of any other and should authorize its followers not to seek to discover whether God has revealed the perfect and definitive form, free from all error, in which He wishes to be known, loved, and served.

Indeed, honesty compels us to declare openly our conviction that there is but one true religion, the religion of Christianity. It is our hope that all who seek God and adore Him may come to acknowledge its truth.

But we do, nevertheless, recognize and respect the moral and spiritual values of the various non-Christian religions, and we desire to join with them in promoting and defending common ideals of religious liberty, human brotherhood, good culture, social welfare, and civil order. For our part, we are ready to enter into discussion on these common ideals, and will not fail to take the initiative where our offer of discussion in genuine, mutual respect, would be well received.

And so we come to the circle which is nearest to us—the circle of Christianity. In this field the dialog which has come to be called ecumenical, has already begun, and in some areas is making real headway. There is much to be said on the complex and delicate subject, but our discourse does not end here. The principle that we are happy to make our own is this: Let us stress what we have in common rather than what divides us. This provides a good and fruitful subject for our dialog. We are ready to carry it out wholeheartedly. We will say more.

Search for Unity

On many points of difference regarding tradition, spirituality, canon law, and worship, we are ready to study how we can satisfy the legitimate desires of our Christian brothers, still separated from us. It is our dearest wish to embrace them in a perfect union of faith and charity. But we must add that it is not in our power to compromise with the integrity of the faith or the requirements of charity.

We foresee that this will cause misgivings and opposition, but now that the Catholic Church has taken the initiative in restoring the unity of Christ's fold, it will not cease to show that the prerogatives, which keep the separated brothers at a distance, are not the fruits of historic ambition or of fanciful theological speculation, but derive from the will of Christ and that, rightly understood, they are for the good of all and make for common unity, freedom, and Christian perfection. The Catholic Church will not cease, by prayer and penance, to prepare herself worthily for the longed-for reconciliation.

In reflecting on this subject, it distresses us to see how we, the promoter of such reconciliation, are regarded by many of the separated brethren as being its stumbling-block, because of the primacy of honor and jurisdiction that Christ bestowed upon the Apostle Peter, and which we have inherited from him.

Do not some of them say that if it were not for the primacy of the Pope, the reunion of the separated churches with the Catholic Church would be easy?

We beg the separated brethren to consider the inconsistency of this position, not only in that, without the Pope the Catholic church would no longer be catholic, but also because, without the supreme, efficacious and decisive pastoral office of Peter, the unity of the church of Christ would utterly collapse. It would be vain to look for other principles of unity in place of the one established by Christ Himself.

As St. Jerome justly wrote: "There would arise in the church as many sects as there are priests."[67]

We should also like to observe that this fundamental principle of the holy church has not as its objective a supremacy of spiritual pride and human domination. It is a primacy of service, of ministration, of love. It is not empty rhetoric that confers upon the Vicar of Christ the title of "servant of the servants of God."

It is along these lines that our dialog is alert, and, even before entering into fraternal conversation, it speaks in prayer and hope with the Heavenly Father.

Reunion Moves Foreseen

We must observe, venerable brethren, with joy and confidence, that the vast and varied circle of separated Christians is pervaded by spiritual activities that seem to promise consoling developments in regard to their reunion in the one church of Christ.

We beg that the Holy Spirit will breathe upon the ecumenical movement, and we recall the emotion and joy we felt at Jerusalem in our meeting, full of charity and new hope, with the Patriarch Athenagoras.

We wish to greet with gratitude and respect the participation of so many representatives of separated churches in the second Vatican Ecumenical Council. We want to give our assurance, once again, that we have an attentive, reverent interest in the spiritual movements connected with the problem of unity, which are stirring up vital and noble religious sentiments in various individuals, groups, and communities.

With love and reverence we greet all these Christians, in hope that we may promote together, even more effectively, the cause of Christ and the unity that He desired for His church, in the dialog of sincerity and love.

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[65] Mark I, 3.

[66] Cf Numbers 54.

[67] Dial Contra Luciferianos N. 9.

And lastly we turn to speak with the children of the house of God, the one, holy, catholic and apostolic church, of which this Roman church is mother and head. It is our ardent desire that this conversation with our own children should be full of faith, of charity, of good works, should be intimate and familiar.

We would have it responsive to all truth and virtue and to all the reality of our doctrinal and spiritual inheritance, sincere and sensitive in genuine spirituality, ever ready to give ear to the manifold voice of the contemporary world, ever more capable of making Catholics truly good men, men wise, free, serene, and strong. That is what we earnestly desire our family conversation to be.

Virtue of Obedience

This desire to impress upon the internal relationships of the church the character of a dialog between members of a body whose constitutive principle is charity, does not do away with the exercise of the virtue of obedience where the right order necessary in all well constructed societies and, above all, the hierarchic constitution of the church requires that, on the one side, authority should be exercised according to its proper function and that, on the other side, there should be submission.

The church's authority is instituted by Christ. It is, indeed, representative of Him. It is the authorized channel of His word. It is the expression of His pastoral charity. Obedience, therefore, is motivated by faith, develops into a school of evangelical humility, and links the obedient man to the wisdom, unity, constructiveness and charity by which the body of the church is sustained. It confers upon him who imposes it and upon him who conforms himself to it the merit of being like Christ who was "made obedient unto death."[68]

By obedience, therefore, in the context of dialogue, we mean the exercise of authority in the full awareness of its being a service and ministry of truth and charity, and we mean the observance of canonical regulations and respect for the government of legitimate superiors in the spirit of independence, of criticism, of rebellion ill accords with the charity which gives life to the church's solidarity, concord, and peace, and easily transforms the dialog into argument dispute, and disagreement. This most regrettable attitude, so easy, alas, to produce, is condemned by the Apostle Paul in his warn-words: "Let there be no divisions among you."[69]

New Fervor Sought

It is, therefore, our ardent desire that the dialog within the church should take on new fervor, new themes and speakers, so that the holiness and vitality of the mythical body of Christ on earth may be increased.

Anything that makes known the teachings of which the church is both custodian and dispenser, receives our approbation.

We have already mentioned the liturgy, the interior life, and preaching. We could add also: schools, the press, the social apostolate, the missions, the exercise of charity. All these are themes to which the Council will direct our attention. And we bless and encourage all those who, under the guidance of the competent authority, take part in the lifegiving dialogue of the church, priests especially and religious, and our well-loved laity, dedicated to Christ in Catholic action and in so many other associations and activities.

It is a cause of joy and comfort for us to see that such a dialogue is already in existence in the church and in the areas that surround it. The church today is more than ever alive. But it seems good to consider that everything still remains to be done. The work begins today and never comes to an end.

This is the law of our temporal, earthly pilgrimage. This is the ordinary task, venerable brothers of our ministry, which everything today stimulates us to renew and to make more devoted and intense.

As for ourselves, in speaking to you of these things, we are pleased to trust in your cooperation and offer you our own in return. This union of aims and labor we ask for and offer not long after our elevation to the chair of the Apostle Peter, bearing the name and sharing, please God, something of the spirit of the Apostle to the Gentiles.

And so celebrating the unity of Christ among us, we send to you with this, our first letter, in the name of the Lord, our blessing as brother and father, a blessing that we gladly extend to the whole church and to all mankind.

From the Vatican, August 6, 1964.

On the feast of the transfiguration of our Lord Jesus Christ.

THE CHILEAN ELECTION: A TRIUMPH FOR PROGRESSIVE DEMOCRACY IN THE HEMISPHERE

Mr. HUMPHREY. Mr. President, on September 4 the people of Chile chose a bold new leader to guide their country along the path of progress with freedom during the next 6 years. The people of Chile decisively chose Senator Eduardo Frei and his program of Christian democracy over the Marxist alternative offered by Socialist Salvador Allende. The people of Chile chose a party with a program embodying the principles of the Alliance for Progress—and rejected the Marxist-Communist model for achieving economic and social justice in Latin America. The triumph of Senator Frei represents a victory for Chile, for Latin America, for the Western Hemisphere, for the Alliance for Progress. The election brings to power a new leader and a new program in the hemisphere—that of Christian democracy.

The Chilean election last week—like the Venezuelan election last December—indicates that when the people are presented with a party and a program which grasps the realities of contemporary Latin America, they do respond. The victory of Senator Frei in Chile, like that of President Leoni in Venezuela, indicates once again that in the revolutionary atmosphere which exists in many countries ideological factors are often as important as straight economic programs.

The Accion Democratic Party and the Social Christian Party in Venezuela and the Christian Democratic Party in Chile are flourishing today among the impatient idealistic younger groups because they offer an ideological alternative to Marxism, an integrated approach to the political, economic, and social problems of society. It is through reformist political movements like these and through responsible political leaders like these that we are most likely to see the aims of the Alliance for Progress realized and our own interests served in Latin America.

In his campaign Senator Frei promised the Chilean people progress with freedom—to be achieved through hard work. That is a pledge of a statesman, not a demagog. As a statesman he did not deceive the people by easy promises and baseless pledges. He stated candidly what is known to political leaders in every country on every continent: that rapid social and economic progress is not easily achieved, that sound enlightened policies and discipline, sacrifice, and hard work are required. In Chile, as elsewhere, there is no progress in evasion, no solution in abdication—no relief in irresponsibility.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Senator Frei has indicated that there will be national burdens to be shared as well as individual burdens to be lifted. His determination to follow enlightened policies and to mobilize the resources of Chilean society to meet the needs of his people should be matched by a parallel willingness on the part of the U.S. Government, European governments, and international agencies to assist the new Government in achieving economic growth and social improvement. The U.S. Government should give strong support to the new Chilean Government in implementing policies furthering economic development and social progress, just as it has given strong support to progressive governments like that of Betancourt and Leoni in Venezuela.

In pressing ahead with its new program, the Frei government will enjoy the advantages of a close relationship with Western Europe developed over a period of centuries. Europe has already assisted Chile in establishing a vast network of private and governmental organizations specifically geared to coping with the problems of an advanced technological society. In the coming years, European countries which are linked to Chile by culture, religion, and commerce will have a new opportunity to contribute to the success of the new Government.

In pursuing its goals of economic modernization and greater social equality, the new Government may seek a role for the state closer to that of modern European nations than to that prevailing in the United States. But it would be a mistake at this time to categorize the new Government as "statist" in its orientation, thereby ignoring the pluralist philosophy of Senator Frei and his party which has always accorded to private nongovernmental agencies a large role in the governing of society. The new Chile will not be the same—but we should not confuse rapid changes that are needed with violent changes that are dangerous. The new Government will meet its problems in its own way. Chile is a country with a great respect for law and for peaceful change. And we can take heart that the new Government is committed to realizing the objectives of the Alliance for Progress, that it is a government that is pro-Western in a profound sense, that it is a government dedicated to the preservation and progress of the inter-American system.

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[68] Philemon II, 8.

[69] I Corinthians I, 10.

President Johnson has already indicated the willingness of our Government to cooperate with the new Government. I look forward to cooperating with a new partner in the Alliance for Progress program, my esteemed friend, Senator Eduardo Frei.

It has been my privilege to know this distinguished Senator in the Chilean Government; and I am delighted that his efforts have been crowned by victory. It speaks well for progress and freedom in America. Every citizen of the United States should be grateful that the processes of democracy have once again proved to be valid and have brought forth a government which is responsible and forward looking, for the benefit of a great people and a friendly republic in the Western Hemisphere.

THE THREAT OF CASTRO'S CUBA

Mr. DOMINICK. Mr. President, I agree with what the Senator from Minnesota has said, and I am delighted to note what has happened in Chile. It is an extremely welcome development for the whole democratic process and for the Western Hemisphere. We were all concerned about the situation, and the results have been most gratifying.

However, a problem exists which is much closer to us than the events in Chile, and that is the problem of Cuba.

Absolutely nothing has come out of the administration or the State Department as to a policy with respect to Cuba. No matter how many times we have discussed the situation, all we have had to greet us is dead silence. There has been no move to permit democratic processes to operate in Cuba. All we have had has been a continued infiltration from Castro's communism into Latin American countries.

To keynote this situation, I refer to a letter dated September 2, 1964, from the Cuban Circle of Denver, Colo. The letter has attached to it "An Open Letter to Uncle Sam," or to the U.S. Government.

It is of sufficient importance that I feel it should be placed in the Record. Before I do so, I wish to quote two paragraphs, which I believe to be of extreme importance. They read as follows:

> And when will you finally be convinced that as long as Fidel Castro exists in America, you will enjoy no loyalty, no respect, no truthfulness, no peace, no Alliance for Progress?
>
> Yes, Uncle Sam, as long as Fidel Castro tramps in Communist Cuba you will continue to go through a period of discredit. You may not think so because, surrounded by your nuclear powers, you imagine that nothing can discredit you. But the rest of the world thinks differently. As long as Fidel Castro can vituperate and slander you, confiscate your property without compensation; threaten you with rockets, cut your water supply from Guantanamo Naval Base; while a Russian puppet can shout insults to you at arms reach as Fidel has done, your capital stock as a world power deteriorates and your leadership becomes questionable.

I believe that these two paragraphs are of tremendous significance with respect to our relationships with Latin America and our relationships with all our allies. The letter is of such import that I ask unanimous consent that it be included in the Record at this point of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

An Open Letter to Uncle Sam

(Note.—This letter was prepared and read by Dr. Humberto Medrano, ex-subdirector of the newspaper Prensa Libre, of Havana, Cuba, at present editorialist of Diario Las Américas in Miami, Fla., at the 1964 patriotic "Grito de Baire" celebration, sponsored by Accion Civico-Economica Cubana (an organization that groups men from Cuba's extinguished free enterprise) at Hotel La Concha, San Juan, P.R.)

Uncle Sam: This is a letter from a real friend and sincere admirer.

Of my friendship there is written proof. Of my admiration there is an adequate record. I am an exiled Cuban.

My exile does not come from the fact that I was materially affected; rather, because my personal principles were betrayed. As it is, I chose to sacrifice material belongings in behalf of my principles.

Among my principles was my loyalty to your Nation; a loyalty inspired mostly in what this Nation means and represents as an image of my political creed and as a banner of my faith.

Let it then stand that whatever I may say herein arises from these ties that bind me to you and not from discrepancies between us. For none separate us. By your side I stood in my country when powerful pro-Soviet agents began to slander and curse you. I came to your country when I could no longer materially protect those ideals that strongly compose the historical foundation of our respective countries. And I came not seeking for a place to keep on living, but rather, for a beachhead to keep on fighting for those ideals.

I maintain my faith in you. In your people I can see unending sources of energy. To me, you are far from being the land of youthful gangsters or of the hysterical teenagers. Yours is the land of the brave and I behold you as the birthplace of those who through concentrated effort and well-rooted heroism have built up a nation where all liberties exist and all rights are respected; even those of the young gangsters and of the hysterical teenagers.

However, I must sincerely advise you that this is an hour of receding tide for you. Perhaps you are not aware how fast the tide is receding, probably because your good judgment appears shadowed precisely by your unlimited resources at hand. Perhaps your own powers distract you and your overwhelming achievements have given you excessive confidence to the extent that they have softened you.

But there is an indisputable fact that stands above your strength and above your accomplishments. Those accomplishments and the authority that preserves them are today being threatened by communism.

In view of this menace you cling to your nuclear power. Some of your key policymakers believe that, in the last instance, "we have such a tremendous destructive power that it will force the enemy to hesitate before launching any attack on our country."

Wrong, communism does not intend to wage a declared war. Its aim is to suffocate you. Its tactics are to surround you with hostility, creating and extending all over the world zones of unfriendliness and disaffection; introducing mistrust and divisionism among your allies; undermining your rearguard through the subversion and control of Latin America.

Communism knows that when you lose Latin America, you have lost America. Because, once fenced in within your vital space and overtaken your last geopolitical bulwarks, your atomic powers will have been invalidated. You will then have to face surrender without firing a single shot.

A defeat to which many of your "fifth columnists" with democratic credentials, will have contributed from the inside with a cry for surrender, as they now cry for appeasement.

To this purpose your enemies are progressing. But you seem not to realize it or to have fairly judged how far they have advanced. The fact that you are constantly losing the support of your allies, as well as zones of influence everywhere, should grant you the measure of your losses, or of their gains.

You declared an economic embargo on communistic Cuba. Yet Britain, France, Spain, Canada, Japan, Morocco, Sweden, Chile, Mexico, and Uruguay, all of which are your would-be allies, trade with Castro communism. We all know it displeases you. But they don't care. Why?

There is only one reason, Uncle Sam: They consider you weak and in retreat. Your associates no longer have faith in you and seem eager to dissolve the partnership. They believe that their political shares will be under better protection if they follow their own policies or merge with the rising stocks of socialism.

Whether we like it or not, Uncle Sam, crowds always follow the stronger and prefer a winner. For quite some time these countries may have thought that while right is on your side, aggressiveness and power are on the side of Russia.

Are they wrong? Yes, but it doesn't matter. That you continue to be the leader and your powers instead of weakening have increased? Correct, but that does not show up in appearance. You are strong, but look weak. Russia may be weak, but appears strong. And unfortunately, people are led by appearances. If it were not so, Fidel Castro would not be there now.

There is no doubt, Uncle Sam, that your atomic power is greater than Russia's, but Russia's power of motivated propaganda is greater than yours. You know how to manufacture and sell refrigerators better than anyone else, but Russia knows how to convince those that lack refrigerators that you are to blame that they do not have them.

Russia has studied you for 40 years. During that period they have learned that due to your enormous productive capacity, they could not lick you face to face by force. Therefore, the Pavlov Institute arrived at the conclusion that they must face you through the psychological low blows of a cold war, which, after all, is a war of propaganda.

In this sense they have a big advantage over you. Why? Because you are guided by good faith while Russia is not. You stand on truth which receives less dissemination. Whereas, Russia leans on spectacular lies, which, unfortunately, find greater echo.

In this manner they have been able to convince many that, in spite of your driving initiative, to side with you is to side with a declining world, while lining up with communism (which is a system of failures incapable of supporting itself) is like falling in line for the world of tomorrow.

To these contradictions are added others well elaborated and further broadcasted: That your liberties are unfair while communistic slavery is just; that you, paying the highest wages, exploit workers, while they, who pay least, redeem workers. That your magnanimous aid, even to non-Democratic countries, should be despised, and that they who despise everything noncommunistic, should be aided.

They have pierced so deeply in this respect that even you are by now a victim of their propaganda. The proof is that while they emphasize the weakness of capitalism you help them make good their failures with wheat and rice from your reserves. While you respect their "vital space," they take a foothold on yours.

Why do you allow this, Uncle Sam? Why do you accept the stigma of imperialism which you do not deserve? Why don't you use your mighty strength to clean enemies out of your vital spaces?

If you did it, you would not only remove the sword from your back, but you would also recover your prestige, revitalize yourself, and regain authority at home and abroad. Should you do it you would end the numerous conflicts that beset you everywhere. Furthermore, you would regain the respect of the old nations and share it with the new ones. Your friends would stop flirting with your enemies and no one would dare dishonor your flag.

To counteract the corrosive action of communism within your vital space in America you have devised the Alliance for Progress. A wonderful project on a long-term basis. However, you should not overlook the fact that communism disrupts on a short-term basis. Its challenge and its sources of disturbance are there, right at your doorstep, only 90 miles from your coastline or found in a load of weapons on a Venezuelan beach. This produces one of the great obstacles to the "Alianza": fear. Those who must yield something, do not, for fear of losing it all. Unfortunate, but human.

Besides, when will you be convinced that loyalty has nothing to do with money? Hasn't history taught us that men are capable of selling themselves for money but that only for ideals will men stay loyal, fight and even die?

And when will you finally be convinced that as long as Fidel Castro exists in America, you will enjoy no loyalty, no respect, no truthfulness, no peace, no Alliance for Progress?

Yes Uncle Sam, as long as Fidel Castro tramps in Communist Cuba you will continue to go through a period of discredit. You may not think so because surrounded by your nuclear powers, you imagine that nothing can discredit you. But the rest of the world thinks differently. As long as Fidel Castro can vituperate and slander you, confiscate your property without compensation; threaten you with rockets, cut your water supply from Guantanamo Naval Base; while a Russian puppet can shout insults to you at arms reach as Fidel has done, your capital stock as a world power deteriorates and your leadership becomes questionable.

Leadership is not attained by forbearance, but by the proper exercise of power. Real leadership implies recognition from those being led and such acknowledgement implies demonstration. You are a natural leader, Uncle Sam, and you have ample qualifications to be one and to act accordingly. But show it now; prove to the world and prove it to yourself as you have done so many times before. You will see how soon insults and disturbances will disappear and above all, how blackmailing from certain Latin American countries will end.

By no means think that the undersigned is asking you to send the "Marines" into Cuba for them to gift us with a free country. You would have to fight according to rules and the rules say that territories to be taken must be first bombarded. I do not want devastation nor occupation for my Cuba unless we Cubans are in the first fighting line. I do not want, dear Uncle Sam, any flag above my flag.

I want your friendship for Cuba and I want Cuba to be always a friendly territory to you. I want Cuba to be a fruitful land for your investments and a fraternal country for your ideals. But I also want a free and respected nation. I want you to respect our little island just as we respect your great United States. I want Cuba and the United States to have common interest and objectives and I do not want you ever to feel threatened or unsafe when you think of Cuba. As well, I want you to look to Cuba as a sister nation.

In pursuit of such friendly collaboration, the only thing that we exiled Cubans wholeheartedly request from you is that you help us today. That you give us that help as openly and as decisively as Russia helps her followers.

If you really help us, Uncle Sam, if you give us the green light now, allowing us to fight for our country—which is the least you can do for us—we will regain Cuba, not only for the sake of Cuban liberation, but for the sake of continental solidarity.

When this comes to pass, you will have not only recovered a friendly nation, but you will have protected your front-door and your rearguard and you will hold the guarantee that even if Russia harasses you in Africa, America will be faithful. You will never attain such faithfulness as long as Cuba remains a military and political base of the Soviet Union.

Fraternally yours,

HUMBERTO MEDRANO.

SENATOR FULBRIGHT'S SPEECH ON "BASIC ISSUES"

Mr. TOWER. Mr. President, Senator FULBRIGHT typifies—indeed he often molds—the foreign policy thinking of the Democratic administration. This thinking is marked by its misunderstanding of communism, its misreading of history, its deliberate falsification of the Republican position and its intellectual dishonesty with itself and with the American people. All of these elements are contained in the vicious and distorted rendering Senator FULBRIGHT gave on this floor yesterday during the morning hour. He called his speech, the "Basic Issues." It would have been more appropriately termed "the basest issues."

The Senator's misunderstanding of communism is perhaps best illustrated by his writings. In 1946, for example, during the Stalinist period, he wrote in defense of the Russian Communist revolution, saying:

> Since we have been the most successful revolutionary people in history, why are we so critical of others who follow our example?

The Senator has been amazingly consistent in his interpretation of communism down through the years, never letting the facts of history or the atrocities of communism alter his belief that the American revolutionaries and the Communist revolutionaries somehow had something in common or that the two systems are not only basically compatible but contain identical elements.

His misreading of history is evident in the above as well as in many passages of his vitriolic attack on Senator GOLDWATER yesterday. For example, he disputed the historically documentable fact that communism itself perceives the cold war as a struggle between two conflicting ideologies of which one must eventually give way to the other. He ascribes this belief to Senator GOLDWATER who shares it only in the sense that it is imposed upon free peoples by the Communists' militant pursuit of this goal.

Senator FULBRIGHT's deliberate falsification of the Republican position permeates his remarks. It is never more clearly stated, however, than in the passage which reads, "Goldwater Republicanism is the closest thing in American politics to an equivalent of Russian Stalinism." Mr. President, I never expected to witness in this august Chamber a colleague refer to another distinguished colleague who is the presidential nominee of his party in terms that would equate him with Stalinist communism and all that the vile term implies. I am saddened, Mr. President, that the American people must be exposed to the vilification and distortion that was evident on this floor yesterday.

Just 3 years ago, Mr. President, the Senator from Arkansas told the student body at Stanford University that "public opinion must be educated and led if it is to bolster wise and effective national policies." Does the Senator consider his remarks of yesterday as an exercise in educating the American public? Does he consider the tactic of identifying a Senator with the most hated part of the most hateful ideology the world has ever seen an effective means toward bolstering "wise and effective national policies?" Or is the Senator's statement another example of the Johnson administration's attempt to lead the American people into conforming to the line laid down by the administration?

My colleagues will recall President Johnson's remarks in Cadillac Square on Labor Day when in defining his "great society," he listed the elements of "prosperity, justice, and peace." He said "these common purposes—prosperity, justice, peace—are the foundation of our unity." This "unity" without freedom, can only lead to conformity. The American people have a clear choice in this campaign, a choice between freedom or conformity at home and between strength and weakness abroad. They will make that choice as freemen in November and I am sure it will be the correct one.

POVERTY IN AMERICA

Mr. HART. Mr. President, I ask unanimous consent to have printed at the conclusion of my brief remarks an article entitled "Poverty in America Just Minutes Away," which appeared in the September 3, 1964, issue of the Michigan Catholic.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HART. Mr. President, this article is written by Father James J. Kavanaugh, a magnificent, young, sensitive priest in the Catholic diocese of Lansing, Mich.

Father Kavanaugh, in the company of other priests and some Protestant clergymen, spent this summer in Western Europe.

The article speaks far more eloquently than any summary that it would be possible for me to make of the article. I hope that all Senators will have an opportunity to read it.

It makes a point almost always overlooked in our prosperous America. In truth, large numbers of people are bypassed in this prosperity; and the obligation on our conscience to respond to their need, in part selfishly motivated by helping ourselves, is vividly set forth in this article, which I think is extraordinarily effective.

EXHIBIT 1

POVERTY IN AMERICA JUST MINUTES AWAY

(By Father James J. Kavanaugh)

I remember when I was first ordained and doing parish work that the real meaning of poverty hit me in the head.

I happened to visit a family whose case history could and did give many a priest and social worker headaches.

The house had an odor that offended my carefully trained nostrils. The beds, scattered around like old newspapers, had not known a sheet for years. And the blankets resembled well-used boat covers.

The kids ate bread and jam most of the time, the father drank up whatever he could get his fingerprints on, and the mother, robed in a grimy housecoat, barked her many orders from a creaking old arm chair.

And despite the near-jungle conditions of family life, there did not seem to be a whole lot anyone could do. Help seemed impossible.

You could look at the sparkling eyes of the skinny little girls, and wonder when they would hit the road or walk the streets. You could run your hand through the curly hair of the curious kid with holes in his shoes and wonder when he would sullenly curse the police. This was that pathetic brand of poverty, bred of incompetent parents.

But then there is the other kind as well. I remember taking census one time in the heart of the city and finding an elderly lady, a daily Mass-goer, too sick to stand up and without a scrap of food in the house. It seemed incredible, two blocks from a social service agency and a slingshot's distance from good and prosperous neighbors.

She could have been your mother or mine, and yet know unbelievable poverty in a Nation where alley cats turn up their noses at second-rate tuna fish.

When you have never known poverty, you can hardly imagine what it is like. And yet any one of us who lives in a good-sized American city can walk or drive to it in a matter of minutes.

I guess you take poverty for granted when you live in America. You kind of figure that some social agency can do the job. It really can not be up to me to help a man find a job, help him get training, give him the emotional support to stand on his own calloused feet.

Maybe we are just too big a Nation to give anything but organized help. Or maybe it is part of the price we pay for freedom, where the right combination of breaks and natural gifts can turn a slum dweller into a millionaire.

Europe proves quite a surprise in this respect. Of course, we've all been TV'd with the slums of Italy and Spain. But it's amazing, for example, in Munich or Vienna (the size of Detroit) to search for the poor to match the slums of America. You'll look a long time.

I preached many a parochial plea for the poor in war-torn Europe and can't remember preaching about the poor in America. There's a wicked kind of irony in seeing the economy of Europe, rebuilt by many American dollars, and contrasting it with the poverty of our slums. Maybe poverty across the sea is more romantic, and bomb craters make for better publicity.

I was a little confused, sitting in the People's Garden in Vienna (once property of the royal Hapsburgs) and watching an American Negro waltz or perhaps, more often, twist with a distant cousin of Johann Strauss.

This Negro lad could ask any lass in the blooming garden for the next twist and her dainty little cheeks would blush quite proud.

And yet he, or his cousin Joey in Detroit or Mobile, might have a tough time crawling out of the basement in the land that helped the gardens of Europe bloom again.

I'd be the first to admit that it's not necessarily a special kind of charity that leads the fraulein to one two three with the Negro. We remember a few racial problems in this part of the world, and Europe isn't about to shake too many fingers in the face of Mississippi.

But the point is that racism and indifference are largely to blame for the incredible poverty in the richest nation in the world. Foreign nations, that use the American dollar with intelligence and responsibility, seem to solve the problem. Now we have an antipoverty bill on the books and maybe it will help.

But the fact remains that as long as one person in America is hungry, or homeless, or poorly clothed, Jesus Christ stands in his shadow and says: "I am hungry." And the hungry Christ may not be living too far from you.

He may have said, "The poor you always have with you," but He didn't say He wanted it that way.

The problem of poverty, like the problem of race, is not radically an economic or social one. It is religious. We solve the problems in America that we care about. That perhaps, above all, is our native genius. When Christians in America really care about Christ, we'll solve the problem of poverty.

No economic program can take the place of Christian concern. Successful programs will follow the Christian's faith in Christ, the Jew's faith in his God.

You know, there's quite a lesson in these spacious gardens and empty castles of Europe. Once the mighty lived here, walled from the poor, and waltzing with the royalty of Russia, France, and Spain.

Now the castles are empty tombs for tired tourists to view. The gardens are sprawling parks where the aged sit and chat, the lonely walk their hounds, the young laugh and love, and the young American Negro from the cottonfields twists with a distant cousin of Johann Strauss.

No wonder the Danube is gray: It has seen so much.

AGREEMENT BY CHRYSLER CORP. AND UNITED AUTO WORKERS UNION ON A NATIONAL CONTRACT

Mr. HUMPHREY. Mr. President, I have had brought to my attention in the past few minutes by the distinguished senior Senator from Michigan [Mr. McNAMARA] a news flash from Detroit which bodes well for the good of our country and for the ever-expanding economy which has been our blessing in the past 42 or 43 months. The bulletin reads as follows:

> DETROIT.—Chrysler Corp. and the United Auto Workers Union announced agreement today on a national contract, avoiding the threat of a nationwide strike by some 74,000 workers.
>
> The announcement came less than 1 hour before the 11 a.m. strike deadline.
>
> UAW President Walter Reuther termed the contract agreement "the most historic agreement in the history of the American labor movement."
>
> Reuther told newsmen the settlement included a pension plan calling for up to $400 a month payment in benefits at the age of 60 years for workers with 30 years service.

There have been many prophets of doom and gloom concerning our labor-management picture. I have read story after story of late, even as late as yesterday, that indicated that the negotiations which were being carried on between management and the union would falter and fail, and that a strike would take place. I am happy to say that just as Labor Day was a great day for the American people and was grounded by a great speech by a great President, so this day, this Wednesday, is great for the American people. Once again the processes of free collective bargaining have proved to be effective. Responsible management and responsible unionism have been able to reach agreement on a responsible and just settlement.

I compliment the officers of Chrysler Corp., a great company that has made a tremendous comeback in terms of its production, its profits, and its economic gains. I compliment a great union and a great union leader who has a sense of civic, social, economic, and political responsibility—Mr. Walter Reuther. He has been abused many a time on many a platform. He serves one of the greatest unions in America. In this instance, in this particular negotiation, he has once again demonstrated his qualities of leadership, which commend him to thoughtful and fairminded Americans as a statesman in the field of labor-management negotiations.

This is a good day for our country. I only hope that the negotiations which are now underway with the giants of the automobile industry—General Motors and Ford, and, of course, others, including American Motors—will be equally successful. I have reason to believe that they will be, because management and labor in the great industries of mass production in America have come to understand their responsibility not only to their stockholders and their members, but also to the people of the United States and the economic well being of the people of the United States.

So this agreement bodes well for the future. I express my note of happiness and of commendation.

EXCESS BAGGAGE CHARGES FOR AIRLINE PASSENGERS

Mrs. NEUBERGER. Mr. President, it was with some amazement that I read headlines in both the New York Times and the Washington Post this morning on the subject of passenger baggage allowances for airline travelers. The headline of the Washington Post article reads:

> CAB Asks Investigation of Excess Baggage Fees.

I was pleased to read that headline because of some inquiries I made earlier this year about the necessity for continuing limited baggage allowances for airline passengers.

The present schedules for passenger baggage allowances and excess baggage charges for air travelers are patently absurd. The weight allowances have little relationship to the needs of the passengers, and the charges are based on the first-class fare, even though the passenger may have a tourist-class ticket.

In the spring of this year, I addressed inquiries on this subject to Esther Peterson, Special Assistant to the President for Consumer Affairs; to the Civil Aeronautics Board; and to several airlines. With the exception of Mrs. Peterson's, the replies to my inquiries were less than an enthusiastic and ringing endorsement for any review or possible change. The airline spokesmen all claimed that poverty would result if the present allowances were raised or the charges reduced. The same argument was echoed by the Civil Aeronautics Board, which added that it had "not found it appropriate to institute another formal investigation of the subject."

Granting that the airlines know something about profits, they have no monopoly of judgment as to what is in the public interest. There is a prima facie case that the public interest is not well served by the present excess-baggage system.

A visitor from my State was in my office a short time ago. He is a lawyer and came to Washington to appear before the CAB. I told him of the interchange I had had with the CAB, and he made a statement which I think is worthy of inclusion in the Record. He said, "The purpose of the CAB is to settle squabbles between airlines." I had assumed that the CAB was a consumer-oriented agency.

It was most disappointing to have the Civil Aeronautics Board, which is supposed to regulate the airlines, seemingly adopting the party line of the airlines' management without any serious consideration. Mrs. Peterson and I continued our inquiries; and lo, at least some smoke is now on the horizon, and we can at least hope that there is fire under the CAB, for yesterday the Board ordered an investigation of airlines' excess baggage charges.

Mr. President, I ask unanimous consent to have printed at this point in the Record an article announcing the investigation and various pieces of correspondence concerning the issue.

There being no objection, the article and correspondence were ordered to be printed in the Record, as follows:

CAB Asks Investigation of Excess Baggage Fees

The Civil Aeronautics Board ordered an investigation of airline excess baggage charges yesterday in view of a proposal by at least one company to double its minimum fee for that service for the second time in less than 2 years.

The Board noted that, except in rare instances, excess baggage charges produce yields higher than those for other types of traffic.

"While a person may choose any one of several classes of service at different fares, his excess baggage weight must be transported at a rate which is one-half of 1 percent of the normal first-class fare," the Board said.

The CAB added it believes an investigation of the lawfulness of excessive weight charges and maximum free weight allowance should be started now, in view of:

The efficiency of jet-powered aircraft.

The economies resulting from improved baggage and cargo handling techniques.

The fact that the rules governing free baggage allowance and excess baggage charges were decided in 1959, before the advent of jets.

The Board also ordered an investigation into the lawfulness of the limitations placed by the airlines on their liability for baggage.

The Board said it also is concerned with the airline practice under which baggage cannot be checked through on flights connecting with other airlines where the passenger has declared excess valuation.

"In our view, limitations on carrier liability must be reasonably related to the value of passenger baggage and the passenger should be able to obtain additional protection if he so requires beyond such limitations by paying a reasonable additional charge for excess valuation," the Board said.

In January 1963, the CAB suspended and ordered investigated the proposals of five airlines—Central, Delta, Eastern, National, and Northeast to raise the minimum charge for excess baggage weight from 25 to 50 cents.

When the suspension period expired, these increases went into effect, along with similar filings by eight other airlines—Allegheny, Frontier, New York Airways, North Central, Northwest, Pacific, Southern, and Western.

Last July 28, Delta proposed to increase the minimum excess baggage charge on September 11 from 50 cents to $1.

On the basis of this proposal, the Board ordered the new investigation.

March 25, 1964.

Hon. Esther Peterson,
Special Assistant to the President for Consumer Affairs, Executive Office Building, Washington, D.C.

Dear Esther: I know you don't need any more suggestions about what to do for consumers, but I can't resist calling this one to your attention.

As the airlines increase their advertising for the coming tourist season, calling attention to their reduced rates to Europe, it is notable that they have not made an additional appeal of changing the outmoded 44-pound baggage allowance.

Having sent a niece to Europe last summer and hovering over her as she packed with the reminder of the weight of shoes and hair dryers, I am conscious of the limitations, not for luxury items but for mere comfort on a European trip, that this imposes.

My niece's comment to me was that she weighed less than 100 pounds but had the same luggage allowance as the 250-pound salesman on the same plane. We know that this limitation has nothing to do with the safety of the aircraft but brings in additional revenue to the airlines. Even 6 pounds more on the allowance would probably not affect the revenue very much and yet give the traveler a feeling of consideration for his needs.

Since this weight allotment seems to be universal, it is obvious there is collusion. Why don't the airlines offer additional baggage allowance as an inducement for traveling on their airline?

Sincerely.
Maurine B. Neuberger,
U.S. Senator.

American Airlines,
April 3, 1964.

Senator Maurine B. Neuberger,
U.S. Senate,
Washington, D.C.

Dear Senator Neuberger: Thank you for letting us have a copy of the letter you addressed to the Honorable Esther Peterson.

The free baggage allowance of 40 pounds for domestic passengers and either 44 or 66 pounds for international passengers has been in effect for quite some time now.

Periodically, the subject of an increase in the free allowance comes up for discussion. While no actual increase in the allowance has been made, we have, comparatively recently, permitted excess baggage to be checked through at airfreight rates. This provides a very substantial saving for those who have large amounts of excess and the baggage is checked in a routine manner and travels with the passenger so that it may be claimed in the normal way at the destination.

Without doubt, further consideration will be given to increasing the allowance but at this point, I am unable to predict what the outcome will be.

I hope you will be traveling with us often in the future. We will do our best to provide you with a very pleasant flight and see that good care is taken of your luggage.

Sincerely yours,
F. J. Mullins,
Vice President, Sales and Service.

April 23, 1964.

Hon. Esther Peterson,
Special Assistant to the President for Consumer Affairs, Executive Office Building, the White House, Washington, D.C.

Dear Esther: On March 25 I wrote you about my interest in an increased allowance for luggage for air travelers.

Since that time I have had one answer from the airlines to whom I had sent copies of my letter to you. This one from American Airlines replied as follows:

"The free baggage allowance of 40 pounds for domestic passengers and either 44 or 66 pounds for international passengers has been in effect for quite some time now."

Just because we have always done it that way seems to be their answer. I really think that this bears investigation, so I will pursue it through the FAA and the CAB to see if we can find out how much they make annually by charging for excess baggage.

Sincerely,
Maurine B. Neuberger,
U.S. Senator.

April 23, 1964.

Hon. Najeeb Halaby,
Administrator, Federal Aviation Agency, Washington, D.C.

Dear Sir: Last month I addressed a letter to Mrs. Esther Peterson, Special Assistant to the President for Consumer Affairs, at which time I suggested that there ought to be a review of the 40- to 66-pound baggage allowance for air travelers.

It is no longer necessary because of overweight of the plane to have such a parsimonious limitation. A 90-pound traveler gets the same baggage allowance as the 250-pound traveler, so we know this is not the reason.

Could it be that the airlines receive a sizable income each month from the charge on excess baggage? If they were allowed and encouraged to vary the baggage allowance, this would be healthy competition among airlines.

Is it possible to get the exact, or even an estimate, of the income from excess baggage charges?

Sincerely,
Maurine B. Neuberger,
U.S. Senator.

Civil Aeronautics Board,
Washington, D.C., May 4, 1964.

Hon. Maurine B. Neuberger,
U.S. Senate, Washington, D.C.

Dear Senator Neuberger: This is in response to your letter of April 23, 1964, regarding the current baggage allowance limitations of the airlines.

The Board has received inquiries from time to time regarding the "free" baggage allowances now applicable in domestic and international air transportation. In 1959, the

Board concluded an investigation of "free" baggage allowances and excess charges. It was there found that 87 percent of the domestic airline passengers had either no baggage or less than 40 pounds. On that basis it was determined that the 40-pound baggage allowance for domestic travel was not unreasonable. Again in 1961, the Board invited each domestic trunkline and local service carrier to submit views on the more limited but related question of the possibility of increasing the "free" baggage allowance insofar as it applies to women. On the basis of this survey the Board determined that a higher baggage allowance for women than the normal allowance would be of doubtful legality and not economically sound.

In this regard it should also be noted that, except in isolated situations, modern aircraft are space limited before they are weight limited, assuming the usual mixture of passengers, baggage, and cargo. When flights are either space or weight limited, an increased baggage allowance for all persons could result in displacement of revenue traffic without producing any offsetting revenues. Consequently, since the costs of carrying passenger baggage are included in pricing the passenger services, an increase in the baggage allowance could increase the carriers' average costs per passenger and affect fare levels.

For the foregoing reasons, the Board has not found it appropriate to institute another formal investigation of the subject. Absent such an investigation and a finding that the existing practice is unlawful, the Board is not authorized under the Federal Aviation Act of 1958 to require the carriers to change their present baggage allowance limitation.

Statistics for the 12 months ended September 30, 1963, indicate that the excess baggage charges of the U.S. scheduled carriers amounted to approximately 1 percent of their passenger revenues, for a total of somewhat in excess of $29 million.

It is hoped that the foregoing information will be helpful.

Sincerely yours,

EDWARD J. DRISCOLL,
Executive Director.

NORTHWEST AIRLINES, INC.,
St. Paul, Minn., May 13, 1964.

Hon. MAURINE B. NEUBERGER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NEUBERGER: Thank you for sending me copies of your letters, dated April 23, addressed to the Honorable Najeeb E. Halaby, Administrator of the Federal Aviation Agency, and Mr. Edward J. Driscoll, Executive Director of the Civil Aeronautics Board.

Northwest Airlines' revenues from excess baggage for the year 1963 were $1,146,730, less than 1 percent of our total operating revenues of $168,788,040. Even if we were to assume that there was no cost associated with the transportation of excess baggage, those excess baggage revenues, after contributing $596,300 to the Federal and State governments in the form of income tax, added only 5 percent to Northwest Airlines' net profits for the year.

It is true that the baggage limitations imposed today are not the direct result of gross weight limits in the aircraft used in our current schedules. The baggage limits are necessary to leave sufficient space in the bins and cargo-carrying areas of the aircraft to permit the carriage of revenue-producing mail, express and freight traffic. If baggage limitations were not imposed, we would be unable to carry the cargo traffic which is essential to us, not only from the standpoint of producing revenue but also from the standpoint of providing mail, express and freight service to many communities which could not support all-cargo aircraft operations. Northwest Airlines' total revenues for the year 1963 from the carriage of mail, express and freight amounted to $26,831,087, or 15 percent of our total operating revenues, and almost three times the net earnings of the company for the year. Without these revenues, our operation and that of most other airlines could have shown a substantial loss.

Some of our currently operated jet aircraft do have more cubic feet of bin space (for baggage, mail, express, and freight) per passenger space than did the previous generation of aircraft. It is important to note, however, that the Boeing 727, the next jet aircraft being introduced into service by this company, has in fact fewer cubic feet of bin space per passenger seat than does the DC–7C, and approximately the same amount as the DC–6B and the Lockheed Electra. These types of aircraft, including the new 727, are the ones which will provide service into the small- and medium-sized communities on our routes and these communities are the ones which need mail, express, and freight service, which can be provided only in aircraft which also carry passengers.

In its decision in Docket No. 7912, "Free Baggage Allowance and Excess Baggage Charges," dated February 5, 1959, the Civil Aeronautics Board found:

"The survey conducted by the carriers, showing that about 87 percent of the passengers included had either no baggage or less than 40 pounds of baggage, indicates that the 40-pound free baggage allowance for purely domestic travel is fair and reasonable; evidence of amounts and kinds of ladies' and men's clothing and other personal effects which can be carried within the 40-pound free baggage allowance supports the reasonableness of the 40-pound free baggage allowance for purely domestic travel."

The amount of and charge for transportation of baggage is a part of the basic passenger fare. Neither the baggage allowance nor the charge for excess baggage can be changed without a seriously detrimental effect on the airlines and/or the communities we serve.

Sincerely yours,

DONALD W. NYROP.

THE WHITE HOUSE,
Washington, May 16, 1964.

Hon. MAURINE B. NEUBERGER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NEUBERGER: The Civil Aeronautics Board responded to Mrs. Peterson's request for information on the current baggage allowance limitations. Their answer was primarily directed toward the argument that any change in the present allowance would necessitate an increase in passenger fares.

Yesterday I talked with Mrs. Peterson in New York and she wanted you to know that upon her return she plans to probe a bit deeper to see if we can get some further explanations. She will be in contact with you very soon.

Sincerely,

MRS. RUTH PROKOP,
Special Assistant to Mrs. Peterson.

MEDICARE AND IMPROVED BENEFITS UNDER SOCIAL SECURITY—STATEMENT OF SENATOR E. L. BARTLETT OF ALASKA

Mr. BARTLETT. Mr. President, Senator GORE's amendments adopted by the Senate to the Social Security Act had my enthusiastic support. I speak not only of the increase in benefits, but also of the plan of hospital insurance for persons aged 65 or over.

The part of Senator GORE's amendment which provides for hospital insurance for our elderly makes most pressing claims on our conscience. The facts on the illness and costly medical care of persons 65 years or older are agreed upon. Those facts have been gathered and assessed over many years by committees of the Congress. As the rates of sickness and medical expenses for our aged have grown, so likewise has public concern mounted. The public concern is over these facts. Presently there are some 18 million persons who are aged 65 or more, for since 1900, life expectancy has been increased by more than 20 years. Senior citizens number one-tenth of the population, and their number increases by 1,000 every day. By 1980, they will number almost 25 million.

Our older citizens are sick more frequently, and for more prolonged periods, than the rest of the population. Of every 100 persons aged 65 or over, 80 suffer a chronic ailment; 28 have heart disease or high blood pressure; 27 have rheumatism or arthritis; 17 have hearing impairments; and 10 have afflicted vision.

Such serious illness is costly to treat; and the costs are rising. Medical care comes at a higher price because of inflation between 1945 and 1961, because wages for nursing staffs are more adequate, because drugs and appliances are more expensive to develop or produce, and because surgery and diagnostic testing require more complex equipment and more skilled personnel. With advances in the medical arts, more persons can be treated on an outpatient basis while at the same time hospitals are better able than ever before to cure or relieve the seriously ill. As we have seen, it is the senior citizen who is most often seriously ill. That is why those aged 65 or over require three times as many days of hospital care each year as do persons under age 65. Furthermore, a hospital bed in 1946 cost an average of $9.39 a day; in 1963, it cost $36 a day. Physicians, medication, and laboratory costs are in addition. Much time and money may be needed for nursing home care. No wonder, then, that half of the aged have yearly medical bills of more than $700—twice the health expenses of younger people.

Our senior citizens are called upon to bear a great burden of medical expenses. It is a burden difficult for many of them to bear. Some cannot bear the burden at all. The average income of a couple in this group is $2,800 a year. Almost half of those over 65 who are living alone have an annual income of not much over $1,200 a year, and three-fourths receive less than $2,200. Fully one-half of all retired people have no income other than their social security.

It is rare for anyone in critical ill health to have to go without attention because he cannot afford it. Few physicians would betray the Hippocratic oath. But many elderly persons must forgo regular medical examinations. Oftentimes, minimal care, not adequate care is the only assistance within their reach. Others take no treatment for their symptoms, fearing the costs of treatment and fearing even more the loss of their financial independence. Many others postpone hospitalization until it can no longer be put off, and when it may be too late. All our senior citizens have little taste for accepting welfare medical aid, and less taste for having to prove their need for help.

Some say the problem can best be solved through private health insurance. But this answer overlooks the high cost of adequate health insurance and the low incomes of our aged. The price of broad medical coverage for an older couple, if a company is able to issue the policy, is between $400 and $550 a year. Such a policy would take about one-sixth of the total income of an average aged couple. As a result, half of those aged 65 or over have no kind of health insurance; two-thirds of those with incomes under $2,200 have no such insurance; two-thirds of those aged 75 or over are without this protection. It has been estimated that a maximum of 15 percent of the health costs of older people is reimbursed by insurance.

Others suggest that unions can provide, through collective bargaining, for the health costs of later life. However, the plans negotiated thus far are short of complete protection. But, most important, most of these plans have high eligibility requirements. A leading meatpacking company, for example, requires 20 years of continuous employment before one can claim medical benefits in his retired years. If a worker signs on with a new firm, he almost always loses his health and pension rights; should a worker be displaced by technical or market changes, he would find himself without medical protection, as well as without earnings. And we must remember that almost three-fourths of our labor force of about 79 million do not belong to a union.

Others say that the children should be willing to pay the bills of their aged parents. I have no doubt that many children will make sacrifices to aid their parents. But aged parents often elect to suffer serious illness, rather than see their children and grandchildren undergo financial hardship. Hospital insurance under social security would relieve large numbers of families of the need to choose between the well-being of their parents and the best interests of their children.

Others may say that public assistance will enable the aged to bear the expenses of serious illness. Though the Kerr-Mills Act designed for this purpose was enacted 4 years ago, at least 10 States will not participate this year in the matching program. The scale of a State program is dependent upon available revenues, upon the financial condition of the State, and upon competition with many other calls on State resources. Consequently, aid to the "medically indigent" is different in each State. At one place, an elderly person will be helped to face a catastrophic illness. Another State may pay for only a few days of hospitalization or for only the treatment of sickness that endangers life or sight. Furthermore, the wealthy States are best able to match Federal funds with money of their own. In May 1964, 74 percent of Kerr-Mills assistance went to five States with 35 percent of the aged population. Whether an older person can qualify for help and the adequacy of that help are not being dictated by need.

There is another difficulty with welfare medical assistance for the aged. I spoke on this difficulty to the Senate last July 29. At that time I noted:

> The costs of operating Kerr-Mills are very high. It takes man-hours and paperwork to check "means" tests and financial documents and the rest of the redtape. In Tennessee last year the administrative costs of Kerr-Mills were 59 percent, while in four States they exceeded 25 percent of benefits. Compare this with the administrative cost of medicare under social security, estimated not to exceed 3 percent of total benefits.

The "means" test is itself a reason why I believe the Kerr-Mills Act will not, alone, assure adequate medical care throughout the country for our senior citizens. It is painful for most to accept outright relief, painful to recognize that one has lost his financial independence in a way unlikely ever to be undone. The actual means test is a grim business. The retired person, as I remarked last July 29—

> must prove that he does not have adequate funds, that he does not have a nest egg, that he does not have relatives who receive a regular paycheck.

In short, the Kerr-Mills program is necessary, but is not sufficient. It can be improved. But it should be the second line of defense. It is an unhappy thing when our older citizens are assured of health care only if they first accept poverty and then accept charity. We need the Kerr-Mills program, but we need more a plan which helps to prevent indigency, rather than to operate only after indigency is created.

The late President Kennedy, with his unusual eloquence, assessed the health problem of the aged and endorsed an enlightened solution to that problem:

> It is a tragic irony that medical science has kept millions of retired men and women alive to face illness they cannot afford—that the very drugs and methods which have done so much to prolong their lives and ease their pain are too expensive for the majority of older citizens. Many can face one siege of serious illness, with the help of savings and families. But a second wipes them out—and the average person can expect two or three hospital bouts after age 65. Needless suffering in silence, financial catastrophe, public or private charity—these are not acceptable alternatives in the richest country on earth. Social security health insurance must be enacted this year.

This plan provides that contributions during the working years, matched by employer's contributions, will enable people to prepay and build earned rights to safeguard them in their old age.

Under the Gore amendment, all costs of inpatient hospital services would be provided for up to 180 days, with the patient paying the first 2½ days of average costs, or about $90. Individuals could elect all such costs for up to 90 days, paying $10 a day for the first 9 days, and, at the least, $20. One could select coverage which would bear all hospital costs for up to 45 days. A patient could then transfer to a nursing home affiliated with a hospital, for up to 60 days of prepaid care. These benefits could be claimed over a 180-day period, but 90 days without claims would have to pass within 6 months before new benefits would be available. A patient would further be entitled to 240 visits a year at his home by physical and other therapists.

Only a physician could authorize hospital, nursing home, and home care insured under the social security system. As it should be, the Government would not interfere in any way with medical treatment. One's personal physician would remain one's personal choice.

I was happy to vote for the second Gore amendment, providing a generous increase of $7 in social security payments for all persons now and in the future on the benefit rolls. Those presently receiving social security would have maximum primary and family benefits almost exactly like the rates under H.R. 11865. Under this second Gore proposal, primary and family benefits would begin at $47 and $70.50, respectively, whereas the figures in the House measure are $42 and $63 monthly. Furthermore, H.R. 11865, as it passed the House would allow up to $5,400 in earnings to be taxed and credited toward benefits. The Gore amendment permits a maximum of $5,600 to be counted toward social security rights. Higher benefits and a higher earnings base are necessary because of the rise in living costs in the inflation years before 1961.

Financing of the medical-care plan and improved social security benefits will be with worker and employer contributions by 1971 at 5.2 percent.

This hospital insurance is nearly identical to the "medicare" plan skillfully drafted and defended by the Senator from New Mexico [Mr. ANDERSON]. I must confess, however, that the term "medicare" has been as misleading to some as it has been convenient to others. Like old age and survivor's insurance, medicare is a minimum protection, a supplement to a person's own insurance and savings for his retirement years. Physician, surgery, and drug fees would not be prepaid, under the Gore amendment. Private insurance and savings would still be required, in order to meet these expenses. But the heavy burden of hospital care would be insured against. Like every form of social security, the risks and costs of a basic need will have been shared. Hence, we shall have more income with which to provide other insurance on drug, surgical, and physician costs. Others may choose to insure for a longer hospital stay than that paid under medicare.

I am confident that medicare, like standard social security, will strengthen, not weaken, the place of private insurance. Medicare will help educate the public to the advantages of health insurance, not alone for later life, but also in the working years. With the minimum protection of medicare, Americans will be freer to purchase more private health insurance.

The establishment of medicare will relieve the States of about 40 percent of their present expenditures for the medical care of older citizens. The States will be able to devote this money to improving their Kerr-Mills and other health programs.

Historian Arnold Toynbee concluded that a society's quality and durability can best be measured "by the respect and care given its elderly citizens." The quality and durability of American society would be much enhanced by the passage of medicare and improved benefits under social security. I earnestly hope the House will join the Senate in approving this step. It is not enough for a great nation merely to have added new years to life. We must also add new life to those years.

MEASURES OF KENNEDY AND JOHNSON ADMINISTRATIONS HAVE RESULTED IN UNPRECEDENTED PROSPERITY

Mr. YARBOROUGH. Mr. President, business is booming in Texas. I believe it is safe to say that the health of Texas business is at an alltime high. This bill of good health bears powerful testimony to the wise economic measures of the Kennedy and Johnson administrations—the tax cut, the ARA, and accelerated public works, to name only a few. Coming into office in the midst of a recession inherited from the previous Republican administration, the Kennedy and Johnson administrations and the Democratic Party have guided the economy through 44 consecutive months of expansion. This is an unprecedented period of peacetime prosperity. The Democratic Party is demonstrating that business, labor, and Government, working together, can control the uncertainties of the business cycle to a degree never before achieved.

I ask unanimous consent that two articles from the Houston Chronicle of August 30 be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

TEXANS ARE SPENDING, SAYS SURVEY

(By Stewart Davis)

AUSTIN.—Texans are spending more than the rest of the Nation, on an average.

Personal income is up in the State, the income tax cut has put more consumer dollars in circulation, and Texans are buying more clothes, new cars, and furniture.

The bureau of business research at the University of Texas reports sales in Texas continued at a high level during July, rising slightly over June sales. July is a month in which sales normally slack off.

Robert H. Drenner, University of Texas business research associate, said Texas is ahead of the national average in sales for the month.

UP 8 PERCENT

Writing in a forthcoming issue of Texas Business Review, Drenner said Texas retail sales gained 8 percent over July 1963, compared with a 6-percent gain nationally.

TEXAS BUILDING PEAKS FOR YEAR

AUSTIN.—The index of Texas construction hit a 35-month peak in July, highest this year and second highest in 18 years.

Robert M. Lockwood, research associate with the bureau of business research at the University of Texas, credited a remarkably heavy amount of commercial building permits in the larger metropolitan areas and the continued growth of apartment and one-family home permits with the rising index.

The seasonally adjusted index of total construction in July reached 151.8 percent of the 1957–59 average, Lockwood reported in an article for the upcoming issue of Texas Business Review.

The residential construction index reached 128.6, the highest figure since last October.

The July index of commercial construction permits rose to 198.6, a 70-percent increase over the June level and the highest level recorded since a record index of 211.1 was set in July 1960.

The estimated value of construction permits for new buildings in July was $140.6 million, a 21-percent increase over the $116.2 million in building permits issued during June.

The estimated value of residential construction permits declined 1 percent (less than a million dollars). Permits for multifamily housing starts advanced $2 million in value, but the value of permits for single-family dwellings dropped off $2.6 million.

Commercial construction permits increased in value by an estimated 56 percent over June, a gain of around $25.2 million, Lockwood reported.

The additions, alterations and repairs category of building permits—which has been running at almost 11 percent of total estimated values authorized—dropped 7 percent in July. This category had an estimated July value of $15.3 million.

If the value of permits for additions, alterations and repairs is added to the new construction total for July, the total estimated value of all authorized construction in July reaches $155.9 million, a gain of $23.2 million over the June figure.

AMARILLO GLOBE-TIMES "POLK STREET PROFESSOR" CALLS FOR ALIBATES NATIONAL MONUMENT

Mr. YARBOROUGH. Mr. President, the Amarillo Globe-Times, in an article published on August 19, 1964, described the importance of preserving the Alibates flint quarries, near Amarillo, as a national monument.

I have introduced a bill, S. 1348, to authorize establishment of the Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument, because I have long been aware that this site, used by Indian traders 12,000 years ago, was one of the valued archeological sites in North America.

Without congressional action, this treasured find, where multicolored flints were used by early Americans as weapons against mammoths, 7,000 years before the building of the Egyptian pyramids, will be chipped away by the wear and tear of nature and by passersby.

I ask unanimous consent that this article by Louise Evans, of Amarillo, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POLK STREET PROFESSOR

(By Louise Evans)

The antiquity of all antiquities lies in Potter County. On Bivins land only a few miles from Amarillo. It's the Alibates flint quarries. Quarries from which primeval man dug flint to fashion his arrowheads, his spear points, knives of flint, and his instruments of kitchen and war and the kill.

The finest, most prized of all the flints of the world, the toughest and the most beautiful. Carried as treasures from the Alibates near us to the Minnesotas and as far west as the Pacific, long, long before those places were named.

Flints the color of rich creams and whites and the reds found in the sunsets, colors of old slate, variegated blues, carried on foot as articles of great value for hundreds of miles for use by the men of long ago.

Flints that were used to slay the mammoth, 7,000 years before the pyramids of Egypt were built. Flints traded and bartered and envied 9,000 years before the fall of Greece and before the Roman Empire was dreamed of. And within a few miles of us still lie the quarries from whence the flints came, quarries a mile in length and over 400 feet wide. Varying in depth, virtually untapped by the ancients even though the fame of these wonderful flints was known from primeval kitchens of the Montanas to the warrior tribes of the Plains, a period stretching over 12,000 years.

From these quarries came the first industry, the first trade known to mankind, as he came to the Alibates to secure the materials from which he made some of his life's necessities—85 centuries before the birth of the ancient Tutankamen. Hairy men came from far, far away to trade pottery and turquoise and basketry and obsidian for the flints of the Alibates. Flints to make the tools for his kitchen, the knives to skin his game, and the points to slay his enemies.

The Alibates quarries deserve preservation for the student, the tourist, for all the people of our land. Henry Hertner recently has traveled near 3,000 miles in the study of national monuments, 10 monuments in all. And of them all, the Alibates stands first in importance, interest, and possibilities for the advancement of archeological knowledge.

The quarries must be made a national monument. Soon, before it's too late.

A ROSH HASHANA MESSAGE

Mr. LAUSCHE. Mr. President, I am pleased to receive a copy of a Rosh Hashana message delivered by the Rabbi David L. Genuth of Temple Beth El, Shaker Heights, Ohio. I am deeply impressed wtih the thoughts of Rabbi Genuth, especially in reference to social justice and civil rights. It is a privilege for me to share these thoughts with my colleagues and I therefore ask unanimous consent that the message be printed in the body of the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

A ROSH HASHANA MESSAGE

We worshipers of Beth El together with all our fellow Jews are members of the religion which first dreamed of social justice, whose prophets preached the sanctity and dignity of human life, whose God decreed a single law for all His children. As our Torah states, "One law shall be to him that is home born, and unto the stranger that sojourneth among you," and whose sacred writings professed the brotherhood of man, regardless of race, creed, or color.

We therefore applaud every effort of our President Lyndon B. Johnson and our Government to insure the God given basic rights to all our fellow Americans. The civil rights laws and the antipoverty bill will occupy a prominent place in the history of our Nation. We are and we will always be our brother's keeper.

We have had a share in the making of this Nation, the Jew has been at work for three centuries for his America. In every field of human endeavor there in an American of Jewish faith who excels in his field.

The future will place new solemn obligations upon us for God and country's sake and as Judaism consecration we shall not shirk our duties.

Rosh Hashana does not commemorate any historic events. It has to do with men, God's children, and therefore only one who renders man nearer to man, who is deeply concerned with the welfare of his neighbor is considered a true American.

On our High Holy Days our hearts go out to all our fellow Americans who are fighting for civil rights in order that justice and truth shall triumph and America remains the home of the free and the land of the brave.

We extend our sincerest wishes to our members and friends of Temple Beth El and to the entire Jewish community of Cleveland a very happy, healthy, and prosperous new year.

COUNTY GOVERNMENT

Mr. MUSKIE. Mr. President, not so long ago, county government was considered the weakest link in our Federal chain. In many New England States, for example, county government was either abandoned or was severely limited as to functions. But recent developments at this level indicate that county government is not as outmoded as many authorities have led us to believe.

Increasing county expenditures and rising employment levels indicate the assumption of new and important functions by our counties. Maine counties are no exception. Recognition of this revitalization can be found in an article published in the September 1964 issue of the County Officer, the official publication of the National Association of Counties. The story of Cumberland County, the subject of this article, reveals the growing reliance placed on county government in our Federal system. Maine, however, stands in contrast to other New England States in this respect.

I ask unanimous consent that this report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAINE COUNTY OFFERS CONTRAST TO PROCEDURE IN NEW ENGLAND

Flying in face of normal New England tradition, Cumberland County (Maine) not only performs a wide variety of functions at the county level, but has gone to considerable lengths to educate its citizenry and its school-age youth and this fact.

Cumberland, 1 of 16 counties in the State dates back for more than 200 years, when it was created on July 19, 1760, under an act of the General Court of the Province of Massachusetts Bay. It was then in actuality a creature of the Crown, for the Colonies had not won their independence.

Today, under the leadership of its chairman, Arthur H. Charles, Cumberland collects nearly a million dollars in taxes and performs 17 separate classes of services.

DUTIES LISTED

Among some of the specific duties of the board of county commissioners:

Preparation of the budget every 2 years.

Convey real estate, layout, alter or discontinue ways.

Care and management of county property, and jurisdiction over the maintenance of county buildings.

Examination and administration of the jail, and to provide employment for all able-bodied prisoners.

Promotion of the natural resources of the county.

Purchase general supplies and equipment, and prepare requests for purchase through bid.

Civil defense.

Appear before State legislatures in presenting the county budget, and in regards to matters relating to county administrative policies.

Participation on a one-third, two-third basis in joint State-local bridge projects.

These are but a few of the "constitutional functions."

PUBLIC SERVICE AND JUDICIAL

Public service in Cumberland County goes far beyond this, however. There is, for example, a county attorney's office which performs a multiplicity of legal functions. It is to this office that the county medical examiner must report, and from which it must obtain permission for autopsies.

The Cumberland County judicial system administers all levels of justice and appeal from the trial court upward. It maintains three trial courts, operates the so-called Portland Municipal Court which is actually a function of the county; the probate court, the superior court, and has the legal responsibility and expense for maintaining in its own courthouse building the only State supreme court room in Maine.

The office of the clerk of court has charge of all administrative and legal procedures incident to the disposition of cases before the superior court, and last year handled 432 criminal cases, 1,774 civil cases, and 810 divorces.

NEW SERVICES ADDED

In Cumberland County, the first probate court service in Maine was established in 1905, and in 1957 added adult services. All probation service is the social arm of the court and deals with individuals prior to their commitment to correctional institutes. Often this involves close cooperation with other social agencies of the county. Last year it handled 415 cases involving juveniles.

Parole, probation, mental health, and correctional practices are the daily casework of these courts and the State department of mental health and corrections.

LAW ENFORCEMENT AND CIVIL DEFENSE

Cumberland provides both a countywide law-enforcement agency as well as a countywide civil defense and public safety department.

Law enforcement is the responsibility of the sheriff's office. Divided into three divisions, this department has its law enforcement, civil department, and operates the jail.

The mission of the civil defense organization is twofold, as stated in the county's own booklet:

"First, to take necessary action to reduce human suffering and safeguard property in the event of atomic attack. Secondly, to utilize the same forces available in the event of natural disasters such as floods, fire, hurricanes, etc.

"Civil defense is mainly a coordinating agency," the report goes on to state, "and in no way attempts to run the police departments, fire departments, etc."

The county supervises the civil defense programs of its 26 towns, and conducts an active training program in the U.S. Civil Defense School in Brooklyn, as well as local courses in fallout shelter management, radiological defense, rescue, and weekly communications exercises.

EMERGENCY GOVERNMENT, REGIONAL PLANNING

As part of the entire program, it also has an emergency plan of government, designed to insure survival and continuity.

Cumberland participates in and provides office space for the Greater Portland Region 1 Planning Commission; it cooperates with the bar association to provide legal aid for indigent defenders, provides humane services for animals, and is a participant with the Cumberland County Soil Conservation District in many programs.

The most populous county in the State (approaching 200,000), with a land area of 563,840 acres, the county has developed a comprehensive, detailed land-resource and land-use map.

INFORMS THE PUBLIC

Equal in importance to what the county does is its efforts to bring about an awareness of its services and to bring the concept of counties before the public consciousness.

In the foreward of the booklet of county functions, Chairman Charles commented:

"The general purpose of this informal project is to better inform our citizens, especially students, of the functions of county government. Our school textbooks do not go far enough in departmental detail for a better knowledge of the duties of the various officers. There is room for improvement in county governmennt, but constructive change can best be made through participation and knowledge of the subject."

OUTDOOR STAMP VENDING MACHINES

Mr. DOUGLAS. Mr. President, I am interested in a pilot project which the U.S. Post Office has undertaken. If successful, it will enable the Post Office to offer an additional and much-needed service to the American people.

I understand that at present a number of outdoor, all-weather, patron-operated, stamp vending machines are located outside the U.S. post office at the New York World's Fair. Anyone can walk up to one of these outdoor postage-stamp machines, put a nickel in, and receive a 5-cent stamp in return. The advantages of such a machine are obvious and, I believe, very important. The stamps are available 24 hours a day; and they can be bought at face value, without extra charge.

I understand that the Post Office may be considering placing such outdoor stamp machines adjacent to outdoor mail-drop boxes throughout the country. This would mean that citizens could buy stamps day or night, and would not have to rush to the post office before it closes or go to a drug store or hotel and pay extra to buy stamps from indoor stamp vending machines, which charge anywhere from a 25- to a 33⅓-percent premium on stamps.

In view of the rising costs of the U.S. postal department operation and the recent cutback in services, the concept of the outdoor postage machine seems to be one of the logical solutions. Since the same postman who picks up the mail at outdoor drop boxes can in a matter of 10 seconds install a new cartridge of stamps in the machine and remove the coins in the locked box, additional staff will not be required. By the same token, this change might help cut down on present staff problems in local post offices, where people have to stand in line, waiting to buy stamps.

Representative LIBONATI has been the pioneer in advocating increased outdoor use of the stamp vending machines without extra charge.

I believe this new all-weather outdoor stamp machine may be a device which has been needed by this country for many years. I hope the Post Office Department will move to help provide this important and long overdue service, or at the very least will give it a thorough trial.

THE INDISPENSABILITY OF EXISTING AIR TRANSPORTATION TO ALASKA: IT MUST NOT BE CURTAILED

Mr. GRUENING. Mr. President, the Civil Aeronautics Board is holding hearings on an issue of crucial importance to Alaska.

Alaska, in its 97 years, has had to face many grave problems. None is more responsible for the long retardation of Alaska or more closely related to its hope of progress in the future than is transportation.

Alaska's experiences with the Federal Government's attitude in this field have not been happy ones. Alaska has long been, and, despite statehood, either continues to be the victim of discrimination by what, in Alaska's territorial days, were known as "stateside" interests backed by Federal authority, or it has faced a policy of uninterest or nonunderstanding by the Federal agencies involved.

Pertinent is the Civil Aeronautics Board. It appears never to have understood the unique conditions which exist in Alaska. It has never appeared to understand that historical and geographic factors in that vast northernmost and westernmost area of the United States make the aviation policies which may be suitable in the older 48 States inappropriate and inapplicable to Alaska.

The policies which the CAB proposes would further isolate Alaska and would strangle its economy.

I have summarized the case against these policies in a statement which I am sending to the Board, for insertion in the Record, of the Pacific Northwest Alaska Service case.

I ask unanimous consent that this statement be printed at this point in the Record, together with two editorials bearing on this subject, from the Juneau Alaska Empire and the Ketchikan News, both hailing the pioneer in Alaska aviation, Pan American World Airways, whose superlative unsubsidized Alaska service the CAB wishes, despite the contrary recommendations of its examiner, to abolish.

There being no objection, the statement and the editorials were ordered to be printed in the Record, as follows:

Written Statement by Senator Ernest Gruening of Alaska, on the Pacific Northwest—Alaska Service Case—Docket No. 13463, et al., September 9, 1964

Mr. Chairman and members of the Civil Aeronautics Board, for more than 2 years the Civil Aeronautics Board Order No. E–18120 (Docket No. 13463) proposing a drastic revision in airline service between the lower 48 States and the State of Alaska has been under study. An initial decision has been filed by Examiner William J. Madden and this week the Board is exercising its right of discretionary review of that May 25, 1964, decision which was not as severe as had been proposed in the initial order of March 19, 1962.

The order proposed by the Board eliminates completely Alaskan service by Pan American World Airways, makes Northwest Orient Airlines State service only that offered as a part of the carrier's Orient run, and compels the consolidation of Pacific Northwest Airlines and Alaska Airlines.

Examiner Madden proposes to continue the present service of Northwest Orient Airlines, continue existing Pan American Airlines service into and within the State, discontinue out-of-State service by Alaska Airlines and have that carrier provide intra-Alaskan service only, and, in the case of Pacific Northern Airlines discontinue that carrier's Juneau stop made when entering the State. Examiner Madden's proposal is infinitely superior to the Board's.

However, any curtailment of air service into Alaska or inside Alaska will have only an adverse effect. It is distressing that the Civil Aeronautics Board seems not to realize the uniqueness of Alaska's air highways so unlike those of the lower 48 States. It is puzzling that in its March 19, 1962, order the Board literally sought in essence to reduce air service to an area one-fifth the size of the contiguous 48 States to one carrier. We should ever discourage monopolies just as we should ever encourage competition.

The facts are irrefutable. Alaskans are the most airminded of Americans. They fly from 30 to 40 times more than their fellow citizens. They fly because more often than not they can't drive or take a train or bus.

Four carriers are now serving in the Alaska-States Service for passenger, airmail, and airfreight, an area as wide and as deep as the 48 States—2,700 miles from east to west, 1,400 miles from north to south and spanning four time zones. Alone among American States, Alaska extends into the Eastern Hemisphere and into the Arctic.

The four States-Alaska carriers now operating are Pan American World Airways, Northwest-Orient Airlines, Pacific Northern Airlines, and Alaska Airlines. They compete with each other to some extent, although their routes by no means duplicate. Between them, they supply virtually the only transportation for people and airmail between the lower 48 States and Alaska.

For reasons rooted in the history of Alaska as a territorial stepchild in the national family, other forms of transportation between "the lower 48" and Alaska are negligible or nonexistent. Air transportation is Alaska's lifeline today, attained only recently after great effort and enterprise.

Were the revisions proposed initially by the Board carried out the air picture in Alaska would be unrecognizable. Pan American World Airways would be eliminated completely from its Alaska Service; Northwest-Orient Airlines would serve the State only as part of its Orient run; Pacific Northern and Alaska Airlines would be compelled to consolidate.

The theory is advanced that through such steps great monetary savings would be made as more than $4 million in subsidies to Pacific Northern and Alaska Airlines would cease. But that argument doesn't apply to Pan American and Northwest and the order would hurt both airlines needlessly. Arguments which might be relevant in the lower 48 States are inapplicable in the 49th State.

The history of transportation in America makes three salient facts crystal clear.

First, transportation developed the United States, made its States truly united, made out of them the great Nation that we have become.

Second, all American transportation has been heavily subsidized by the Federal Government—the railroads by large land grants; shipping by subsidies and privileges of various kinds; automotive traffic by billions of Federal dollars spent in highway construction; aviation by subsidies, where needed.

Third, Alaska has been largely excluded from all these benefits except in the last category which CAB policy now aims to eliminate.

Among Alaska's basic problems none is more crucial than transportation. Geography and history are at its roots.

The 49th State is Uncle Sam's farthest north and west. It is the only part of America which extends into the Eastern Hemisphere. Few realize, unless they look at a globe, that its westernmost limit is on the same meridian of east longitude as Aukland, New Zealand. It is the only State of the Union that extends deep into the Arctic. It lies within naked eye view of Soviet Siberia. Alaska was the last inhabited portion of this planet to be discovered by Western man, and until the invention of the airplane, less than 60 years ago, and the subsequent development of commercial air service in the last brief 20 years, perhaps as remote and little known an area as any in the Western World.

Alaska's history first as a district and then as a territory under the American flag is one of repeated discrimination and persistent neglect by a distant Federal Government and Congress. An unprecedentedly restrictive Organic Act more restrictive than that of any other territory, was followed by discriminatory legislation and repeated exclusion, both legislative and in appropriations, by a remote and uninterested Congress. Alaska was, for 92 years, a colony and suffered all the consequences of colonialism. Those consequences persist despite statehood. Nowhere is the evidence thereof more clear than in the field of transportation. While transportation made our country the great Nation that it is, such transportation was not extended to Alaska.

In the 2d half of the 19th century, our States and western territories were connected by railways. Steel rails spanned the continent from east to west and from north to south, making the abstraction of E Pluribus Unum a reality. In Alaska restrictive policies imposed by the Interior Department from the earliest days of Alaska's rediscovery by the American people through the gold rush of the late nineties prevented private enterprise from developing railroads there. In consequence, after a decade and a half of frustration of Alaska's pioneering efforts, the Federal Government felt obliged to build the one and only railroad which now exists in Alaska, a mere 470 miles of line which links 3 communities—Seward, Anchorage, and Fairbanks. The rest of the State is railroadless.

Alaska for 40 years from 1916 to 1956, while paying all Federal taxes, was totally denied the benefits of Federal aid highway legislation. Thus while with Federal aid, to which Alaskans contributed, a magnificent system of highways was constructed in the 48 States, Alaska continued to be largely roadless, so that today not merely a few but a majority of Alaska's communities are unconnected with any other community by highways, a situation unimaginable in the 48 States. The Alaska Highway, a still unpaved road built through Canada in 1942 as a war measure, merely connects the few cities in Alaska now linked by highway with each other, leaving the vast remainder of the territory without any connection with the continental highway system.

The Merchant Marine Act of 1920, known in Alaska as the Jones Act, after its sponsor, Senator Wesley Jones, of Washington, placed Alaska in the straitjacket of a Seattle steamship monopoly, with the resulting highest freight rates in the world, with these rates steadily rising, year after year, over the unceasing protests of Alaskans, to intolerable heights. Passenger service ceased in 1954.

The one bright aspect of Alaska's transportation dilemma has of late been found in the airways though there, too, Alaska suffered discrimination in administrative exclusion from the benefits of the first comprehensive legislation—the Air Commerce Act of 1926—and faced the repeated subsequent obstacles placed in the way of Alaska commercial aviation by the oft-mistaken rulings of a distant and ill-informed Federal regulatory agency.

The fine air transportation inside Alaska is a continuing and growing tribute to the early bush pilots. These men wrote an epic of courage, adventure, and accomplishment. They wrote often without the assistance of the then distant Federal bureaucracy. They established two of the services under discussion—Alaska Airlines and Pacific Northern.

I believe it pertinent to comment on the linking of Alaska, then a territory, with the older contiguous States. In this essential field, Pan American Airways was the pioneer. As early as 1931, Colonel Lindbergh, in Pan-Am's employ as its technical adviser, made the first survey flights over the great circle route from New York to Alaska, to Asia—a flight immortalized in Ann Morrow Lindbergh's book, "North to the Orient."

In the early thirties Pan Am likewise developed an intra-Alaskan service between Juneau, Fairbanks, and Nome, and elsewhere. In 1940 it established its first service between the States and Alaska—the daily runs from Seattle to Ketchikan and Juneau by clippers—flying boats. From Juneau, passengers traveled north and west to western Alaska on Pan American's already established service. Ever the pioneer, Pan American brought the first jet service to Alaska.

So much needed and so well patronized was Pan American's connecting service with the States that others were bound to follow.

Alaska Airlines, developed from bush service and star routes into an intra-Alaskan agency, received a certificate to add a Fairbanks to Seattle and Portland run.

Pacific Northern, developed from another bush operation by Art Woodley, was certificated to fly from Anchorage, Kodiak, and other western Alaskan points to Seattle-Portland by way of Juneau and Ketchikan.

Northwest Airlines established direct flights between Seattle and Anchorage, and also an extension of the service to the Orient.

In consequence, within the last few years Alaska enjoys at least one form of adequate transportation—intra-Alaskan and interstate commercial aviation. The service is good, essential, and virtually the only transportation that Alaska enjoys. It is important not merely to Alaska but to the Nation, furnishing passenger, air freight, and mail service over the great circle route and providing a crossways of the air between Europe and Asia, for not fewer than 10 foreign airlines now use the polar route by way of Anchorage.

The independence of the Civil Aeronautics Board is clearly defined in the U.S. Government Organization Manual. The CAB is charged with broad responsibilities for the encouragement and development of U.S. civil aviation. Further in the manual the responsibilities are described to be "vested with safety and economic rulemaking and adjudicatory powers." I believe the words "encouragement" and "development" are pertinent for they are contrary to the proposed action embodied in the order.

Does our Government encourage civil aviation by reducing services or eliminating them?

Does our Government help civil aviation develop by proposing to merge existing services?

Does our Government practice what it preaches when, according to the U.S. Government Organizational Manual—"In the interest of maintaining competition the Board (CAB) regulates mergers, acquisitions of control, and interlocking relationships involving air carriers and passes on contracts for cooperative working arrangements between air carriers," yet in the order under discussion the Civil Aeronautics Board proposes to cut back competition?

We are subsidizing the development of aviation in scores of nations. Since 1955, the United States has made grants totaling nearly $120 million to foreign nations.

The monetary figures for these grants for the past 9 years are not decreasing. Following is a year-by-year breakdown:

1955	$10, 741, 747
1956	24, 752, 380
1957	16, 310, 000
1958	7, 045, 000
1959	23, 563, 000
1960	8, 782, 000
1961	7, 137, 000
1962	9, 400, 000
1963	11, 200, 000
Total	118, 931, 127

The grant figures approaches $120 million.

The United States also has loaned or helped loan over more than $500 million for the development of air transportation in foreign countries.

Possibly more than any other single factor the airplane has unified vast Alaska. Private and commercial planes have provided the means so necessary when one walks in the wilderness of the 49th State. As Alaska grows and prospers, the airlines which serve the State will reflect that prosperity. I am inclined to agree with the editor of the Ketchikan, Alaska, Daily News, who wrote on July 17, 1964:

"Pan Am has always set the pace in air transportation in Alaska. It has shown the way and the others have followed."

As a pioneer in a pioneer country Pan American World Airways has gone ahead—sans subsidy—to improve its service.

It has earned its right to serve Alaskans as long as it is able. And so have the others who now are confronted with curtailment of certain services.

I hope that the investigations of more than 2 years will demonstrate conclusively to the Civil Aeronautics Board that air travel is virtually the lifeline of Alaska. The initial decision by the Board's examiner has pointed the way.

[From the Ketchikan Daily News, July 17, 1964]

THE PAN AM CASE

Apparently there are some elements within the hierarchy of the Civil Aeronautics Board who cannot countenance the free enterprise system. There are those within the organization who would penalize, rather than compliment, a firm which is making its own way unsullied by dollars from a benevolent Uncle Sam.

This would appear to be the situation in the case of Pan American World Airways, an unsubsidized segment of the airlines business and one of the few in the air transportation field which have thrown off the spiked collar of Government domination, at least to the extent of aid.

Briefly, certain individuals within the all-powerful CAB would take our Pan Am out of Alaska service—which it pioneered—and give the going concern to a couple of airlines whose livelihoood depends upon Government handouts, i.e., subsidy.

How much sense does this make?

We say it makes no sense at all. We say that Pan Am has always given better service to us than we really deserved. In fact, we really believe that if Pan Am hadn't brought the jet to Alaska we would still be riding DC6's, God bless 'em.

Pan Am has always set the pace in air transportation in Alaska. It has shown the way and the others have followed. But this has been possible only because the others have been able to get into Uncle's pants pockets for the dollars it takes to buy aircraft and fuel.

We believe in success. We first started having that feeling when we read Horatio Alger. We'll always feel that way. We'll always feel that the free enterprise system is the only way—it's been domonstrated countless times here and even abroad when governments there have accepted our system.

Then why in the world should we throw out the good and accept the lesser alternative?

There is no alternative. Pan Am must stay in Alaska. Otherwise, Alaskans are going to be the ones to suffer—suffer, that is, through less service and through the pocketbook, for someone must pay the added costs.

It might behoove Congress to take a good hard look at the ideological thinking of some members of the CAB.

Let's not put the clip on the Clippers.

Let's uphold our honored system of free enterprise.

[From the Juneau (Alaska) Empire, Aug. 20, 1964]

ALASKA SALUTES PAN AM

Yesterday an icily isolated wilderness, Alaska today hovers on the edge of the supersonic age, a time when changing geographic concepts promise to make it the crossroads of the world.

Air transportation and its pioneers—Noel Wien, Carl Ben Eielson, and Juan Trippe—erased Alaska's isolation, achieving in relatively few years the transition from dog sled and sternwheeler riverboat to present-day 600-mile-per-hour jets.

Alaska's evolution from frontier to State, from lonely outpost to centers of commerce industry and tourism, has been a giant step taken in a swift stride.

Just 40 years ago, Noel Wien, with rare foresight and unquenchable courage, introduced the airplane into Alaska as a substitute for highways and railroads that didn't exist.

Today, Pan Am Clippers provide a lifeline of jets, forming a bridge between Alaska and 49 States to the south.

Tomorrow, supersonic airliners, flying between the major markets of the world, will make Alaska a hub of transportation and commerce. In the supersonic age, Alaska will be in the mainstream of trade and tourism as it surges between nations.

The supersonic jet, flying at three times the speed of sound, will make Alaska only 3 hours from London, only 2 hours and 27 minutes from New York, 1 hour and 24 minutes from Seattle, 4 hours and 30 minutes from Buenos Aires, and 2 hours and 30 minutes from Tokyo.

This revolution in geography brings with it the probability of economic gains for Alaska within the next few years of greater scope than even those of the four decades which followed in the wake of the pioneering flights of the 1920's.

Aviation and Alaska have gone hand-in-hand down the road of progress. "It is no overstatement," Samuel F. Pryor, Pan American Airways vice president, told the Anchorage Chamber of Commerce in September 1963, "that Pan American and Alaska grew up together."

Alaska and the airplane crossed paths early. In 1924 Carl Ben Eielson, a North Dakotan who had been a flier in World War I with the rank of colonel, persuaded a group of Alaskans to ante up $500 to purchase a JN-4 plane—familiarly known as the "Jenny"—and pay three times that much to have it shipped north.

In hangars, critics said that the Jenny took off at 70 miles an hour, flew at 70 miles an hour, and landed at 70 miles an hour. Nevertheless, this particular Jenny became the sole flying equipment of the Territory's first air service, the Fairbanks Airplane Co.

Eielson in that year of 1924 carried the first airborne mail in Alaska's history—164 pounds—from Fairbanks to McGrath in less than 3 hours. The same delivery by dog team required 17 days. Eielson had no help in turning his airplane around and pulling the prop through to get his engine started—nobody at McGrath had ever seen an airplane and didn't know what to do.

In 1926 a young man named Juan Terry Trippe flew into the U.S. territory that was to become the 49th State. His companions in a survey of this rich and promising land were Eielson, and Sir Hubert Wilkins, the explorer.

Many years later Trippe commented, "I thought that a territory where people paid $400 for the privilege of walking behind a dogsled for 20 days was a good prospect for an airline."

He thought so well of it that, as the head of a fledgling company which ultimately was to circle the entire world with air service, he established the first scheduled airline in the Territory of Alaska in 1932. Later he was the first to link the Pacific Northwest with Alaska by scheduled airline.

In the year that Pan Am entered Alaska, there was a total of only 30 commercial planes in service in all the Territory. But as a token of their importance in a land of skimpy transportation facilities, those planes carried 6,637 passengers in 12 months and, perhaps even more important, 496,680 pounds of cargo. It was a dramatic demonstration of what aviation could do in an area that, since it was first settled, had been dominated by the dog team.

The bush pilot, flying under contract, had become a fixture of the Alaskan economy. Pan Am was to add to his services that of the scheduled airline.

Trippe's Pacific Alaska Airways was of modest proportions. Built of the assets of two companies, Alaska Airways of Fairbanks (not to be confused with Alaska Airways of later years) and a company with the grandiloquent name of Pacific International Airways of Anchorage, it boasted 16 airplanes. The biggest of them, the Fairchild 71, could carry five passengers as far as 200 miles without refueling, at 110 miles an hour.

Most of Pacific Alaska's planes, all single-engined, were obsolescent by any standards. Several of them were promptly cannibalized for parts. The two companies that Juan Trippe had acquired, had been on the verge of going out of business, being heavily in debt. Trippe's move was eyed approvingly by the U.S. armed services. Both the Army and the Navy had stated that the development and maintenance of an air transport system in Alaska was of the utmost importance for national defense.

So the groundwork was laid. In 1935 Pacific Alaska—subsequently absorbed by the parent corporation—started operations between Fairbanks and Juneau in the Panhandle. For the first time in history, Alaska's interior was thus linked with regularly scheduled air service to the outside. To them, anyone who lived in the balmy temperatures beyond the snow-crowned mountains was a pantywaist.

Traffic had burgeoned. In 1932 Pan Am carried 437 passengers on its Alaska services. In 1963 Pan Am carried 26,975 passengers northbound to Alaska from Seattle, along with 3,909,292 pounds of cargo and 664,618 pounds of mail. Southbound traffic added up to 30,137 passengers, 900,766 pounds of cargo, and 193,028 pounds of mail. Totals: 57,112 passengers, 4,810,058 pounds of cargo, and 857,646 pounds of mail.

During the same period, fares have tobogganed. In 1940 the Pan Am passenger paid $306 for a Seattle-Fairbanks round trip. Today he can make the same round trip for $198, a 35-percent decrease during a time when the price of nearly all other goods and services have multiplied many times.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

The Chair lays before the Senate the unfinished business, H.R. 11380, which, without objection, will be further laid aside temporarily for the further consideration of S. 2782, which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region.

The Senate resumed the consideration of the bill.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that during the consideration of S. 2782 the rule of germaneness be waived for this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I am pleased to yield to the able junior Senator from Montana [Mr. METCALF], a member of the Committee on Public Works.

AMENDMENT NO. 1264

Mr. METCALF. Mr. President, I call up my amendment No. 1264 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> Beginning with line 14 on page 60 strike out through line 21 on page 61.
>
> Renumber the succeeding sections accordingly.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. METCALF].

Mr. MILLER. The amendment that is pending is identical to one previously introduced by the junior Senator from Iowa. I ask unanimous consent that I may be listed as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I have the honor to be a cosponsor of the Appalachia Regional Development Act of 1964.

I was unable to be present in the Chamber yesterday when the distinguished Senator from West Virginia [Mr. RANDOLPH], the chief sponsor of the bill, spoke and gave a searching examination and explanation of the bill.

I was not able to be in the Chamber because we are engaged in trying to bring to a close the consideration of the President's Commission on the Assassination of the Late President Kennedy. I shall be engaged all day and this evening in that endeavor, and I make this statement because I shall be unable to be in the Chamber to participate in the debate later today.

I wish to tell the Senator from West Virginia that I shall be on the floor to discuss the bill later and that I wish to support him as he supports the bill. For several years we have worked together on many measures which would provide the means to advance the Appalachian region. We have introduced measures jointly in the past, and I am glad to support him and work with him in this present important effort.

Mr. RANDOLPH. Mr. President, the Senator from Kentucky [Mr. COOPER], as I indicated yesterday in my formal presentation of the purposes of the proposed legislation and the provisions in the bill, has been very helpful, most encouraging, and completely knowledgeable on the pending Appalachia Regional Development Act of 1964.

I am sure that before a final vote on the proposed legislation is reached, the Senate will have the advantage of the counsel of the Senator from Kentucky.

At this time, I wish to express, as I did on yesterday, our appreciation for his leadership; not only for his State of Kentucky and for the Appalachian region, but also for the Nation as well, as we move forward to what I confidently believe will be the approval of this measure.

THE FEDERAL COMMUNICATIONS COMMISSION

Mr. TOWER. Mr. President, I rise today to comment on recent trends within some of our governmental bureaus and agencies, particularly the Federal Communications Commission.

I have never believed in sailing under false colors, Mr. President, and, therefore, I shall make no pretense that my comments will be a friendly critique of the actions, and directions, of the Federal Communications Commission. Indeed, my words shall be exceedingly unfriendly, for in my opinion, the agency has long since departed from the path charted by its founders, even in the experimental days of the New Deal, and is now seeking to become the strong left arm of the New Frontier.

The agency was established by Congress in 1934 for the purpose, according to the U.S. Government Organization Manual, "for the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available so far as possible, to all people of the United States a rapid, efficient, nationwide and worldwide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication."

Consider, Mr. President, how far afield the agency has now gone. It now seeks to inform broadcasters how much advertising they can accept, and how often they may broadcast advertising. It now seeks to inform broadcasters, indeed, it has done so, what they shall program under certain circumstances.

By a tortured and twisted interpretation of the so-called "fairness doctrine," the FCC has created confusion and consternation where none existed before. It has upset, deliberately in my opinion, normal programing of many radio stations that have been trying honestly to give both sides of the ideological struggle now going on in these United States.

Rather than act as an objective and impartial agency of the U.S. Government, a creature of the Congress, it has evolved into a quasi-commissariat—an agency that seeks to be the final arbiter in not only the content of this Nation's radio and television programs, but also in how much advertising those stations may broadcast in an effort to pay for the type programs FCC thinks should be aired.

There are some who may think I paint with too broad a brush, that things are not really so bad as I say. I believe that before I am through today, Senators will have agreed that I have documented everything I have said here, and more as well.

I wish the Senate and the American people to know that I do not rise today in any hasty and ill-conceived action. This is not a spur-of-the-moment decision. I have conducted a lengthy correspondence with the Chairman of the Federal Communications Commission, and the conclusion is inescapable to me: Someone, somewhere, and sometime soon, will have to blow a whistle on the FCC, and other agencies like it, or this Nation will be ruled by an arrogant, faceless, formless, and soulless bureaucracy that is intent upon nothing except the perpetuation in power of any political party that will promise to increase its power and purse.

How better can that be accomplished than by the gradual shaping of the thinking processes of the electorate?

Mr. President, in order that we may place this issue in proper perspective, I wish to go back in history, just a moment, to the point where the "fairness doctrine" was first enunciated. In June of 1949, the Commission, as it was then constituted, recognized that—

> There can be no all-embracing formula which licensees can hope to apply to insure the fair and balanced presentation of public issues. Different issues will inevitably require different techniques of presentation and production. The licensee will in each instance be called upon to exercise his best judgment and good sense in determining what subjects should be considered, the particular format of the program to be devoted to each subject, the different shades of opinion to be presented and the spokesmen for each point of view.

In appealing for self-discipline, the Commission continued:

> In determining whether to honor specific requests for time, the station will inevitably be confronted with such questions as whether the subject is worthy of consideration, whether the viewpoint of the requesting party has already received a sufficient amount of broadcast time, or whether there may not be other available groups or individuals who might be more appropriate spokesmen for the particular point of view than the person making the request.

I shall be frank in saying, Mr. President, I thought that was where the matter stood until I began receiving complaints from constituents.

I wish to make it plain, that in the remarks to follow I am not taking up the cudgels for any radio commentator, or any radio network or station. Rather, I am fighting, and I intend to fight, for freedom of expression in this country, and against the growth and power of the bureaucracy.

One of the first letters was received from Mr. Louis L. Michael, the highly respected president of the Travis Savings and Loan Association in San Antonio, Tex. He recounted that his association had sponsored, once a week, for more than 2 years, a well-known conservative commentator. Relations between the television station carrying the program and the company sponsoring the program, were described by Mr. Michael as having been extremely cordial during this time.

Then, one Sunday evening, the station announcer said at the conclusion of the program:

> This station voluntarily solicits responsible, dissenting viewpoints to controversial matters discussed in the preceding program.

When he asked the station the reason for the announcement, he was referred to Federal Communications Commission document FCC 63–734, with subnumber 38372, Public Notice B, issued July 26, 1963, a copy of which I ask unanimous consent to have printed in the Record.

There being no objection, the document was ordered to be printed in the Record, as follows:

Broadcast Licensees Advised Concerning Stations' Responsibilities Under the Fairness Doctrine as to Controversial Issue Programing

Several recent incidents suggest the desirability of calling the attention of broadcast licensees to the necessity for observance of the fairness doctrine stated by the Commission in its opinion of June 1, 1949, in Docket No. 8516. The Commission adheres to the views expressed in that opinion and continues to apply that policy; namely, that the licensee has an affirmative obligation to afford reasonable opportunity for the presentation of contrasting viewpoints on any controversial issue which he chooses to cover.

The Commission has undertaken a study to consider what actions, perhaps in the form of a primer or rules, might be appropriate better to define certain of the licensee's responsibilities in this area. Without undertaking at the present time to specify all, or the most important, applications of the policy, it is appropriate to call attention to the Commission's view of its application in three currently important situations:

(a) When a controversial program involves a personal attack upon an individual or organization, the licensee must transmit the text of the broadcast to the person or group attacked, wherever located, either prior to or at the time of the broadcast, with a specific offer of his station's facilities for an adequate response (Clayton W. Mapoles, 23 Pike & Fischer, R.R. 586, 591; Billings Broadcasting Co., 23 Pike & Fischer, R.R. 951, 953).

(b) When a licensee permits the use of his facilities by a commentator or any person other than a candidate to take a partisan position on the issues involved in a contest for political office or to attack one candidate or support another by direct or indirect identification, he must immediately send a transcript of the pertinent continuity in each such program to each candidate concerned and offer a comparable opportunity for an appropriate spokesman to answers the broadcast (Times-Mirror Broadcasting Co., 23 Pike & Fischer, R.R. 404, 405).

(c) When a licensee permits the use of his facilities for the presentation of views regarding an issue of current importance such as racial segregation, integration, or discrimination, or any other issue of public importance, he must offer spokesmen for other responsible groups within the community similar opportunities for the expression of the contrasting viewpoints of their respective groups. In particular, the views of the leaders of the Negro and other community groups as to the issue of racial segregation, integration, or discrimination, and of the leaders of appropriate groups in the community as to other issues of public importance, must obviously be considered and reflected, in order to insure that fairness is achieved with respect to programing dealing with such controversial issues (Editorializing report, 1 (pt. 3) Pike & Fischer, R.R. 201, 204–206; cf. WBNX Bctg. Co., Inc., 4 Pike & Fischer, R.R. 242, 248).

In determining compliance with the fairness doctrine, the Commission looks to substance rather than to label or form. It is immaterial whether a particular program or viewpoint is presented under the label of "Americanism," "anticommunism," or "States rights," or whether it is a paid announcement, official speech, editorial, or religious broadcast. Regardless of label or form, if one viewpoint of a controversial issue of public importance is presented, the licensee is obligated to make a reasonable effort to present the other opposing viewpoint or viewpoints.

The Commission does not seek to prevent the expression of any viewpoint by any licensee on any issue. It does seek to prevent the suppression of other contrasting viewpoints by any licensee on any issue when licensed broadcast facilities have been used for the presentation of one view on the issue. This is required by the public interest standard of the law.

Adopted July 25, 1963.

Mr. TOWER. Mr. President, as I read this document, I became considerably troubled that an agency of the Government should take upon itself such a mammoth, complicated, and completely unworkable problem.

In his letter to me, Mr. Michael said that he asked the station why such a similar announcement was not made at the end of programs wherein well-known liberal commentators held forth. To this query he received no answer.

At any rate, that was the beginning. This occurred on August 25, 1963. As I studied the document referred to above, I became absolutely appalled that any agency of the Federal Government would assign itself a task so completely incapable of governmental solution.

My correspondence with the Federal Communications Commission has convinced me that the agency, as it is now constituted, is engaging in a carefully calculated plan to promote the political well-being of this administration, despite its assurances that its only aim is fairness on the airways.

Mr. President, I plan to enter into the Record my correspondence with the FCC, and I hope to point out the inconsistencies in its statements and the hopelessness not only of the FCC's position, but also the position of countless little radio and television stations across the land who cannot really comprehend the orders and edicts coming out of the FCC.

Mr. President, as may be noted from the order I have sent forth for inclusion in the RECORD, the FCC has told broadcasters:

> In determining compliance with the fairness doctrine, the Commission looks to substance rather than to label or form. It is immaterial whether a particular program or viewpoint is presented under the label of "Americanism," "anticommunism," or "States rights," or whether it is a paid announcement, official speech, editorial, or religious broadcast. Regardless of label or form, if one viewpoint of a controversial issue of public importance is presented, the licensee is obligated to make a reasonable effort to present the other opposing viewpoint or viewpoints.

In other words, the stations were told in unmistakable terms that, regardless of what the individual station manager might think about a program, it is the Commission, an agency of the Government, staffed by political appointees of this and previous administrations, that will determine what the content of the program is, and whether the station is obligated to search the woods for an opposing opinion.

Mr. President, I have no quarrel with the philosophy of presenting the opposing viewpoint. Indeed, I welcome it, and wish that a full and frank discussion of the issues, in our newspapers, and over our airwaves, had been going on for, lo, these many years. I do not believe there are many in America who believe, for instance, that the dominant political philosophy expressed over our airways, particularly by national television commentators, is conservative. By and large, our national commentators see the world through liberal eyes, and are frank to say so.

So I would welcome a little more "balance" in this area. But I want that balance to come about by a realization on the part of the broadcast industry, not as a result of dictation from an agency of the Federal Government.

The implications of the Commission's interpretation of the fairness doctrine is fantastic in a nation that prides itself, or has in past years, on freedom of expression, freedom of the press, and a minimum of dictation from the Federal Government. Note again, if you will, the admonition by the Commission:

> It is immaterial whether a particular program or viewpoint is presented under the label of "Americanism," "anticommunism," or "States rights," or whether it is a paid announcement, official speech, editorial or religious broadcast. Regardless of label or form, if one viewpoint of a controversial issue of public importance is presented, the licensee is obligated to make a reasonable effort to present the other opposing viewpoint or viewpoints.

After reading and rereading that portion of the Commission's order, I am convinced that the FCC has created a Frankenstein from which there can be no escape except full-fledged flight from the field. Let us think for a moment. Religion is so controversial that it has led to the deaths of countless millions throughout history. It is so controversial that even within our own country we have literally hundreds of denominations, sects, and groups, each convinced that they are right. And we have others who believe that all who believe in a Supreme Being are wrong. It would be ridiculous to assume that religion is not a controversial subject. Even the Supreme Court has recently been called into the controversy, with rulings that caused widespread criticism and praise.

With that in mind, I wrote the Commission on September 6, 1963, asking clarification of the order. I wish to enter that letter also, Mr. President, at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> HON. E. WILLIAM HENRY,
> *Chairman, Federal Communications Commission, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: Please clarify for me some points arising from the "fairness doctrine" stated in Docket No. 8516 of June 1, 1949, and discussed in the public notice to broadcasters of July 26, 1963.
>
> I am concerned about the statement of the Commission that in judging fairness it looks to substance rather than label. I assume that a decision is to be made as to whether a program is called "anti-Communist" is indeed anti-Communist or perhaps is pro-Communist but cleverly camouflaged. Who is to make this decision? How?
>
> Too, I am concerned about the application of this rule to religious programs. If a station carries Christian church services or commentary, must it provide equal time for Black Muslim preachings or for other religions and religious orders?
>
> I am also concerned about ideological implications of the ruling. If a station carried a program clearly anti-Communist in substance, is the station required to contact and/or offer equal time to the Communist Party or to known Communist sympathizers in the United States?
>
> I am receiving urgent questions about the "fairness" interpretation from Texas broadcasters. Because this interpretation is in effect at this moment, I feel it necessary for me to have answers to my questions, en bloc or individually, with the utmost possible dispatch.
>
> Sincerely yours,
>
> JOHN G. TOWER.

Mr. TOWER. On September 18, the Chairman of the Commission replied to my letter, advising me that the Commission recognized that the matters raised in my letter were "important" and that they were carefully studying the problem before answering fully. I read the reply:

> HON. JOHN G. TOWER,
> *U.S. Senate, Washington, D.C.*
>
> DEAR SENATOR TOWER: I have your letter of September 6, 1963, in which you ask for a clarification of certain aspects of the "fairness doctrine" as stated in Docket No. 8516 of June 1, 1949, and further discussed in the Commission's public notice of July 26, 1963.
>
> We recognize the importance of the matters raised and are carefully studying the problems which are involved. I hope, therefore, that it will not inconvenience you if I defer commenting specifically until our study of these matters, which I expect will be concluded shortly, is completed.
>
> I appreciate your interest in writing and shall not delay responding to the substance of your inquiry.
>
> Yours sincerely,
>
> E. WILLIAM HENRY, *Chairman.*

This seems exceedingly strange, insofar as the Commission was already operating under the revised interpretation of the fairness doctrine, and one would have thought they would have taken these obvious problems into consideration before circulating the order to broadcasting stations.

Accordingly, I wrote the Commission again on October 1, as follows:

> HON. E. WILLIAM HENRY,
> *Chairman, Federal Communications Commission, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: I want to thank you for your September 18 reply to my letter requesting clarification of certain aspects of the "fairness doctrine."
>
> I continue to receive mail on this subject, and I must confess that I have no ready answer for reply. I fully appreciate, and understand, the desire of the Commission to study matters thoroughly before an answer is forwarded to a Senator. However, it would appear to me that if the Commission is already operating under the doctrine, as must be the case in view of letters from constituents to this office, the Commission would have already thoroughly explored all aspects of the matter before the order was issued.
>
> This appears to me to be a most serious matter. I hope then that an answer to my previous correspondence will not be delayed too long.
>
> Sincerely yours,
>
> JOHN G. TOWER.

Subsequently, in a letter dated October 4, the Commission replied as follows:

> HON. JOHN G. TOWER,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR TOWER: This is with further reference to your letter of September 6, 1963, in which you asked for a clarification of certain aspects of the fairness doctrine as stated in Docket 8516 of June 1, 1949, and further discussed in the Commission's public notice of July 26, 1963.
>
> In your letter, you raise three questions: (1) Who decides whether a program is, in fact, anti-Communist and how is that decision to be made; (2) does the fairness doctrine require time to be afforded to the preaching of other religious orders where a station carries Christian church services or commentary; and (3) whether the fairness doctrine requires time be afforded to the Communist Party or known Communist sympathizers, where a station has carried a program which is clearly anti-Communist in substance.
>
> I am taking the liberty of enclosing a copy of the Commission's public notice of July 26, 1963, concerning the use of broadcast stations for discussions of controversial issues of public importance. As I pointed out in my letter of August 23, 1963, the public notice merely affirms the Commission's fairness doctrine which has been in effect since June 1, 1949; it does not attempt to revise, extend or modify that policy in any manner. As you know, the basic Commission policy applicable in the use of broadcasting for discussions of controversial issues of public importance is that the licensee maintain a standard of fairness in the allocation of time to differing viewpoints. Accordingly, where a licensee affords time over his facilities for an opinion on a controversial issue of public importance he is under an obligation to afford reasonable opportunities for the presentation of differing views. This policy, known as the Commission's fairness doctrine, is enunciated in its "Report on Editorializing by Broadcast Licensees."
>
> The initial decision as to whether fairness and the needs of the community require time be afforded to opposing views is within the discretion of the licensee, subject to review by the Commission upon complaint. This determination made by the licensee should be based upon an evaluation of whether the program dealt with controversial issues of public importance and whether, as to such issues, viewpoints were expressed. In this connection, it may be of interest to

note the following statement from the Commission's editorializing report:

"It should be recognized that there can be no one all-embracing formula which licensees can hope to apply to insure the fair and balanced presentation of all public issues. Different issues will inevitably require different techniques of presentation and production. The licensee will in each instance be called upon to exercise his best judgment and good sense in determining what subjects should be considered, the particular format of the programs to be devoted to each subject, the different shades of opinion to be presented, and the spokesmen for each point of view. In determining whether to honor specific requests for time, the station will inevitably be confronted with such questions as whether the subject is worth considering, whether the viewpoint of the requesting party has already received a sufficient amount of broadcast time, or whether there may not be other available groups or individuals who might be more appropriate spokesmen for the particular point of view than the person making the request."

Your concern as to the applicability of the "fairness doctrine" to religious broadcasts and to the Communist Party and/or known Communist sympathizers appears to arise from the statement in the enclosed Public Notice that in determining compliance with the fairness doctrine:

"The Commission looks to substance rather than to label or form. It is immaterial whether a particular program or viewpoint is presented under the label of 'Americanism,' 'anticommunism,' or 'States rights,' or whether it is a paid announcement, official speech, editorial, or religious broadcast. Regardless of label or form, if one viewpoint of a controversial issue of public importance is presented, the licensee is obligated to make a reasonable effort to present the other opposing viewpoint or viewpoints."

I appreciate your concern. However, certain background information is necessary for a complete understanding of the Commission's intention in making the statement which I have quoted and in placing this statement in its proper context.

From time to time, licensees of the Commission and others have urged, in effect, that programs treating with "anticommunism," "pro-Americanism," or religion should not be governed by any obligation of fairness since the opponents of the views expressed on such programs must—by definition—be "pro-Communist," "anti-American," or "antireligious." Of course, as a general matter, we know of no significant public controversy in this country concerning the merits of communism, Americanism, or religion. However, the programs in question often do express vigorous viewpoints on how best to combat communism, the United Nations Organization, the wisdom of foreign aid, and a host of other genuinely controversial issues. The language of the Commission's public notice is intended to make clear that to the extent any program, regardless of label, deals with public controversial issues, the fairness doctrine applies.

The Commission believes that its fairness doctrine and the procedures employed thereunder have worked well. It recognizes, however, the continuing need to review and clarify its policies in this important area, and, as we informed the Communications and Power Subcommittee of the House Committee on Interstate and Foreign Commerce, we are presently studying ways to accomplish this. In connection with that study, we certainly appreciate receipt of your letter and the views set forth in it. We hope also, in this study, to invite in the near future, the assistance and cooperation of the National Association of Broadcasters and other interested groups.

I trust that the above information will serve to clarify the Commission's intent. Should you desire any further information concerning this matter, please do not hesitate to contact me.

Yours sincerely,

E. WILLIAM HENRY, *Chairman*.

Possibly, Mr. President, the most pertinent part of the reply is contained in the opinion of the Commission that—

> As a general matter, we know of no significant public controversy in this country concerning the merits of communism, Americanism, or religion. However, the programs in question often do express vigorous viewpoints on how best to combat communism, the United Nations Organization, the wisdom of foreign aid and a host of other genuinely controversial issues. The language of the Commission's public notice is intended to make clear that to the extent any program, regardless of label, deals with public controversial issues, the fairness doctrine applies.

It appears here that the Commission is removing the merits of religion, Americanism, and communism from the ranks of controversial subjects, and, therefore, from applicability under the doctrine. This, of course, would be news for many of our citizens.

But no matter how we look at this, in the final analysis, and stripped of all its verbiage, we have an agency of the Government saying this: While Americans generally agree that religion and Americanism are good, and communism is bad, we the Federal Communications Commission, must approve of the manner in which these subjects are broached over the airwaves, or the station must go out and find someone who agrees with us, and, at their own expense, if necessary, present that viewpoint for public consumption.

Thus, we would have an agency of the Federal Government vitally influencing the manner in which our citizens go about the business of promoting religion, fighting communism, or promoting Americanism. If the citizen chose a manner of fighting communism, for instance, that was controversial, the station on which the broadcast was originally made could well be required to present a more subdued, less controversial program, or, conceivably, a program attacking the methods used by those on the first program.

At any rate, to clear the air completely, and attempt to nail down any lingering doubts about the workability and applicability of this doctrine, I again wrote the Commission on October 24, as follows:

Hon. E. WILLIAM HENRY,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. HENRY: I have received your letter of October 4 in answer to my earlier queries relative to the fairness doctrine. I appreciate your reply and hope this letter to you, and your answer, will end the matter as far as our correspondence is concerned.

In order that I might be absolutely certain of the Commission's position on this, I want to ask you if my interpretation of your answer of October 4 is correct.

On page 3, you note that "as a general matter, we know of no significant public controversy in this country concerning the merits of communism, Americanism, or religion. However, the programs in question often do express vigorous viewpoints on how best to combat communism, the United Nations Organization, the wisdom of foreign aid and a host of other genuinely controversial issues. The language of the Commission's public notice is intended to make clear that to the extent any program, regardless of label, deals with public controversial issues, the fairness doctrine applies."

Would I then be correct in believing that your answer to me effectively removes the questions of "communism, Americanism, or religion" from applicability under the doctrine, since the Commission knows of no significant public controversy on the matter?

Or must I go further and say that while there is no public controversy over the merits of communism, Americanism, or religion in the Commission's opinion, there is public controversy over methods used in combating communism and in promoting Americanism and/or religion among our people? With the Commission, of course, being the final arbiter on whether the approach is controversial and subject, therefore, to the fairness doctrine.

I want to thank you for your time and trouble in this. It seems to me an extremely important matter, and I want to have all the thinking, and the facts, possible before I proceed further.

Sincerely yours,

JOHN G. TOWER.

On November 1, the Commission answered as follows:

Hon. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: This is in reply to your letter of October 24, 1963, in which you request clarification of my letter of October 4 to you concerning the fairness doctrine.

I think your latter interpretation is correct to the effect that while there is normally no public controversy over the merits of communism, Americanism, or religion, "there is public controversy over methods used in combating communism and in promoting Americanism and/or religion among our people."

Although the Commission must make a judgment on matters of this kind, in two very real senses it is not "the final arbiter on whether the approach is controversial." In the first place, considerable latitude is allowed the broadcaster under the fairness doctrine. This was explained in part by the first quotation in my October 4 letter from our "Report on Editorializing by Broadcast Licensees." In addition, the report contains the following pertinent language:

"During the course of the hearing, fears have been expressed that any effort on the part of the Commission to enforce a reasonable standard of fairness and impartiality would inevitably require the Commission to take a stand on the merits of the particular issues considered in the programs broadcast by the several licensees, as well as exposing the licensees to the risk of loss of license because of 'honest mistakes' which they may make in the exercise of their judgment with respect to the broadcasts of programs of a controversial nature. * * * it is clear that the standard of public interest is not so rigid that an honest mistake or error in judgment on the part of a licensee will be or should be condemned where his overall record demonstrates a reasonable effort to provide a balanced presentation of comment and opinion on such issues. The question is necessarily one of the reasonableness of the station's actions, not whether any absolute standard of fairness has been achieved."

The ultimate judgment the Commission must make is thus whether the broadcaster has complied with the fairness doctrine in his overall programing. In addition, any licensee or other party in interest who chooses to differ with our determination is entitled to have our decision fully reviewed in court.

I recognize the importance of this subject and I hope his further explanation proves helpful. As you may know, we are proposing to issue a primer on the fairness doctrine and I expect that it will help clarify this area.

With kind regards,

Yours sincerely,

E. WILLIAM HENRY,
Chairman.

I call attention to the fact that the Commission essentially agrees with the interpretation I have given earlier, with this exception: The Commission says it is not the final arbiter since if the broadcaster does not like its ruling, in individual cases, he, the broadcaster, can take the matter to court.

I ask, Mr. President, how many small, independent broadcasters, faced with a choice of following an arbitrary ruling by a Federal agency in pursuance to demands made upon that station by some minority pressure group, will choose to undergo months, perhaps years, of litigation? The obvious route that will be followed is this: The station will cut off all programs that might be remotely considered as controversial, or it will knuckle under to the FCC as the easiest way out. In either case, the American people would be the losers.

Mr. President, the bulk of my remarks were prepared before the November 22 tragedy. I withheld any comment at the time, because I felt we should observe a period of political moratorium.

Following that, I felt the FCC might change its course under the guidance of a President who was thoroughly familiar with the broadcasting industry.

With reference to the period of political moratorium, I must say that while some of us were strict in our observance, there were many in liberal circles, including the Chief Justice of the Supreme Court, who used this period to get in their licks.

With reference to my thoughts on the FCC, I must say I was wrong. Evidently, the Commission has not changed its views as far as the so-called fairness doctrine is concerned. The only area in which the agency has changed, under the new administration, is the area of station economics—a change that meets with my approval.

But recent developments, Mr. President, indicate that my first fears were well-founded. In the CONGRESSIONAL RECORD of January 29 we find a speech by one of our colleagues deploring the growth of the political right in this country. The speech, by a member of the President's party, suggested that the growth of the political right in this country, was, by some twisted logic, responsible for the death of the President. The FCC's fairness doctrine was defended as a means of neutralizing this growth. It was obvious then that the die had been cast.

Since that time there has been a conscious effort, evidently well coordinated among groups on the political left, to use the fairness doctrine as a means of silencing the political right. As an example, Mr. President, the National Senior Citizens Council, an organization that apparently has as its major goal the adoption of the Democratic administration's medicare program, has exerted pressure on radio stations in the name of the fairness doctrine in an effort to get them to carry, without charge, propaganda in favor of the Democratic administration's proposals.

The National Senior Citizens Council, according to responsible newspaper reporters, is heavily subsidized by the Democratic National Committee.

Reports have reached my office that other organizations, closely oriented to the Democratic National Committee, have made similar demands on radio stations, in the name of the fairness doctrine.

And finally, the Democratic National Committee itself has entered the act. Over the signature of a Mr. S. C. Brightman, deputy chairman for public affairs, and on the stationery of the Democratic National Committee, the following letter was sent to radio stations. How many it went to, I do not know, but indications are that it went to all those radio stations carrying programs, or enunciating policies with which the Democratic National Committee does not agree.

The letter said:

> Enclosed is a reprint of an article appearing recently in the Nation.
>
> I thought it would be of interest to you since it is my understanding that your station is one of those carrying the programs it describes.
>
> All of these programs have repeatedly attacked the candidates, programs, and policies of the Democratic Party.
>
> In view of the coming political campaign I thought you should be aware both of the content of these programs and the claims for time to which these attacks can make you liable.
>
> SAMUEL C. BRIGHTMAN.

Attached to this letter was a reprint of an article appearing in the Nation, a magazine that, to be charitable, I will only say has considerable left-wing tendencies. The article takes to task the various nonleft programs like Christian Crusade and the Manion Forum.

Mr. President, my purpose here is not to defend those programs. They are probably able to defend themselves. My purpose here is to point out the manner and the method being used by the Democratic National Committee and its allies in browbeating independent radio stations into carrying, free of charge, the propaganda of the present Democratic administration. The letter from Mr. Brightman can be interpreted as nothing but that.

If the stations do not want to give the Democratic National Committee free time, in return for time the stations have been paid for, they are then faced with the possibility—indeed, the probability—of having trouble with the Federal Communications Commission, an agency of the Federal Government's executive branch. The executive branch, as we all know, has rather close contact with the Democratic National Committee, as well as with the Federal Communications Commission.

I would say here, Mr. President, that I am entirely in sympathy with the idea of fairness over the airways. I am in sympathy with the idea of the fairness doctrine as it was originally intended, not the way it is presently being interpreted and being used to silence those who disagree with the administration. There can be no doubt that a carefully detailed plan is afoot to threaten into silence those who would take issue with the administration's plans and policies.

I plan to have more to say about the manner in which this agency seeks to influence the political climate of this country on behalf of the present administration. For now, I hope that my colleagues will join in whatever actions may be necessary to trim the sails of the Federal Communications Commission, and return it once again to the purposes for which it was created.

DISTRICT OF COLUMBIA STADIUM CONTRACT

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask that it be read, not referred to committee, and lie on the table until tomorrow.

The PRESIDING OFFICER. Without objection, the resolution will be received, read, and lie on the table until tomorrow.

The legislative clerk read the resolution (S. Res. 367) as follows:

> *Resolved,* That the Committee on Rules and Administration or any duly authorized subcommittee thereof is hereby authorized and directed to reopen the study and investigation begun under the authority of S. Res. 212, a resolution to inquire into the financial or business interests of any officer, employee, or former employee of the Senate.
>
> *Resolved further,* That the study and investigation authorized by this resolution is directed to give particular emphasis to the allegations raised in connection with the construction of the District of Columbia Stadium and matters related thereto.
>
> *Resolved further,* That in the conduct of this investigation the committee is directed to cooperate to the fullest extent possible with the Federal Bureau of Investigation, the government of the District of Columbia, and any other agency having jurisdiction of the subject matter.

Mr. MANSFIELD. Mr. President, it is the intention of the leadership—and I have discussed this with the distinguished Senator from Delaware [Mr. WILLIAMS] and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]—that this resolution will be made the pending business at the conclusion of the vote on cloture tomorrow afternoon.

Mr. DIRKSEN. Mr. President, it is understood that the Senate will have to lay aside the foreign aid bill and the Dirksen-Mansfield amendment in order to take action on this resolution tomorrow afternoon.

I am quite willing to do that. We have an understanding that the Senate will go back on the foreign aid bill after this resolution is disposed of.

Mr. MANSFIELD. Mr. President, would the Senator from Illinois leave a little opening so that if it is possible to consider Appalachia, under certain conditions, that might be done?

Mr. DIRKSEN. I am afraid I cannot undertake to agree to that. That is a major bill. I believe the foreign aid bill must be disposed of. I hope that my distinguished friend the Senator from Montana [Mr. Mansfield] will be tolerant and forbearing with me, as he always has been. But this is a matter of conviction and, therefore, determination, to get the foreign aid bill out of the way. So, I believe it will be understood that we shall return to the consideration of the foreign aid bill after the disposition of this resolution.

Mr. WILLIAMS of Delaware. Mr. President, I am glad that this matter is coming before the Senate tomorrow. However, I express disappointment in the resolution which has just been introduced. It will not do the job.

Last week, after discussing the overpayment, or kickback, on the stadium contract I said that I thought the Senate had no choice other than to reopen the investigation of the entire Bobby Baker episode. I still feel the same way about it. During the colloquy last week, the majority leader suggested that this could be done in one of two ways.

I had suggested that we let the select committee, which the Senate had previously authorized, composed of three Republicans and three Democrats, take the assignment. That committee could be appointed promptly and it could proceed with the investigation. The majority leader, as an alternative, suggested that we consider using the Committee on Government Operations under the chairmanship of the distinguished Senator from Arkansas [Mr. McClellan]. I stated that that was perfectly acceptable to me, and it still is acceptable to me. I have great confidence in the fairness of the Senator from Arkansas [Mr. McClellan].

I have a resolution prepared which would authorize and direct his Committee on Government Operations to go into the Baker case. I had hoped that this resolution would be one which the majority leader [Mr. Mansfield], the minority leader [Mr. Dirksen], and myself could jointly sponsor. When I advised the majority leader of my intentions, he asked that I withhold introducing this resolution until after he had met with the Democratic policy committee. I was glad to accommodate the majority leader and accordingly waited until they had met. I understand that the policy committee had approved the resolution which the majority leader has just presented and which he plans to call up on tomorrow. Senator Mansfield's resolution would authorize the Committee on Rules and Administration to reopen the phase of the investigation which concerns the allegation with respect to the stadium contract.

I regret the necessity of being placed in the position of making this statement. But since this resolution asking the Rules Committee to handle the investigation has been offered, I shall make it. I am one Senator who has no confidence whatever in the Committee on Rules and Administration conducting this investigation. The record shows that they expressed no desire to ascertain the facts in their earlier investigation.

The committee knew about the overpayment on the stadium contract. They were warned that there may have been an overpayment on this particular contract. They were warned that they should get the check which Mr. McCloskey had sent to Mr. Reynolds. They were warned that there was a suspicion of this overpayment. They were warned weeks and months ago, but they did nothing.

Notwithstanding this warning the Committee on Rules and Administration refused to call Mr. McCloskey as a witness. They refused to take any steps to get the canceled check. It was only after the check was found and they were "caught out in left field" that they now propose to investigate this one phase of the Baker case. They do not have to investigate this particular transaction. The case is ready to go to the Justice Department now. The Justice Department has the check or at least it knows where the check can be obtained very easily. A copy of the check and the insurance bond is in the possession of the Government now. The check shows an overpayment was made. I repeat that they have a copy of the check, and a copy of the performance bond is in the hands of the Government. This shows that the payment was only to be $73,000 and some odd dollars. Yet a check for over $109,000 was issued. What is there to wait for? I regret that I do not consider that this resolution is an answer to anything. It is merely mixing another batch of whitewash to be applied by the same commitee which refused to call Mr. McClosky as a witness.

I shall offer the resolution which I had prepared originally as a substitute for the Mansfield proposal.

I send to the desk my substitute to the resolution offered by the distinguished majority leader. I shall offer this substitute resolution tomorrow. In my opinion this substitute resolution is necessary if we are to do the job.

AMENDMENT NO. 1265 TO S. RES. 367 IN THE NATURE OF A SUBSTITUTE

I ask that my resolution be printed, and lie on the table where it can be called up as a substitute for the resolution offered by the distinguished majority leader and an amendment to the resolution of the majority leader.

The PRESIDING OFFICER. Without objection, the amendment will be be received and printed, and will lie on the table.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. I believe that it should be made clear for the Record—and I am quite certain that the distinguished Senator from Delaware [Mr. Williams] will agree with me that when he made his speech on last Tuesday or Wednesday, setting forth detailed information relative to the matter which will be investigated by one committee or the other, I raised the question then as to whether the information had been forwarded to the Department of Justice. I believe the answer was, "No, not yet."

I also raised the question with the distinguished Senator from Delaware at that time as to whether he had considered the possibility of it being brought to the attention of the Committee on Government Operations and the Committee on Rules and Administration. He said he thought, if I remember correctly, that those were meritorious suggestions, or at least worth consideration.

In addition to discussing the subject with the Democratic policy committee, I have also discussed the question of a resolution with the distinguished chairman of the Committee on Government Operations, the Senator from Arkansas [Mr. McClellan]. He said that in his opinion the Committee on Rules and Administration was the proper committee in which the investigation should be undertaken, and that he did not feel that the committee of which he is chairman, if I recall correctly, should take away from the Committee on Rules and Administration jurisdiction which was appropriate to that particular committee.

I make these statements for the Record to indicate that I discussed the subject with the Senator from Arkansas [Mr. McClellan] and, to the best of my recollection at the moment, that was his reaction to my query.

Mr. WILLIAMS of Delaware. I am sure that the Senator from Montana is correct. On his suggestion I, too, discussed the subject with the Senator from Arkansas [Mr. McClellan]. He said that the first thing he desired to have clear was that he was not asking to conduct this investigation. He wanted that understood. However, he said that if it were the will of the Senate, he would make the investigation if it could be done with the understanding that he be given authority to conduct a real investigation and not be in the position at a later date where he would have to come back to the Senate and say, "I cannot go into this or that because the resolution is not broad enough."

On that point we were in complete agreement.

Mr. MANSFIELD. A resolution would be submitted which would give the Senator that authority because of his uneasiness about the relationship of his committee to the Committee on Rules and Administration in regard to that particular subject.

Mr. WILLIAMS of Delaware. That is correct. He said he wanted that point clarified by resolution of the Senate because he did not wish to be placed in the position of seeking to reach out and gain control of an investigation which had been started by another committee. That is why I had my resolution prepared.

On that point he said he wished to have it clear that it was the will of the Senate that his committee should proceed. In fact, I believe the Senator already has the authority to go into most of the questions involved. But a resolution was prepared, a copy of which I have just sent to the desk, which I believe would give the Government Operations Committee that authority. As the Senator from Montana has pointed out, in our colloquy of last week he did ask the question as to whether the matter had been referred to the Department of Justice and whether it had been called to the attention of the Committee on Rules and Administration. I said that it had not been referred to the Department of Justice but that it was being referred. It had been called to the attention of the Committee on Rules and Administration, but they were not interested.

I cited in the RECORD a colloquy on the subject, and I shall ask that it be printed in the RECORD again today to show that the Committee on Rules and Administration knew about this overpayment and did nothing about it. It was in a colloquy of July 27 of this year on the floor of the Senate and appears on page 17030 of the RECORD. I was discussing this very point with the Senator from North Carolina [Mr. JORDAN]. In the colloquy the Senator from Nebraska [Mr. CURTIS] had raised the point that the majority members of the Committee on Rules and Administration had refused to call Mr. McCloskey as a witness. I replied as follows:

> Mr. WILLIAMS of Delaware. I concur in what the Senator from Nebraska stated. Mr. McCloskey should have been called. It would have been far better.
>
> There is one other missing link which may have only supported the other testimony or it may have raised other questions. Some of the canceled checks were in the committee hearings and I have them before me.
>
> The committee has also the canceled check by which Bobby Baker got his $4,000. The committee has the canceled check for $1,500 that Mr. McLeod received. But what the committee does not have and which the committee should have and which I hope it will still try to obtain, is a copy of Mr. McCloskey's check to Mr. Reynolds as payment for this stadium insurance. I think it would be very important to have that information.
>
> Mr. JORDAN of North Carolina. I think Mr. Reynolds' record shows what the amount is. The report shows what he paid for the performance bond. But I shall not argue that point.
>
> Mr. WILLIAMS of Delaware. It shows that Mr. Reynolds was to get $73,631.28 from Mr. McCloskey.
>
> He paid Hutchinson Rivinus & Co., who handled the insurance for Reynolds, $63,599.72. That left a difference for his commission of $10,031.56. Out of that $10,031.56 he wrote a check for $4,000 to Bobby Baker and two checks to Mr. McLeod, one for $1,000 and one for $1,500.
>
> While it may be merely routine, I should like to see the $73,631.28 check to see if that is exactly what was paid. I would suggest that even now the committee could obtain a copy of that check. It may be interesting.

The RECORD shows that the Committee or Rules and Administration had been put on notice; they had all that information; but they would not call Mr. McCloskey as a witness. They took no action. Even now the committee, under the proposed resolution, proposes to investigate the one transaction to which I have called attention. They now realize we know about this transaction. Apparently all the majority members of the Senate Rules Committee will investigate is something about which we already know.

They are not interested in going into any of the many unanswered questions. They are not interested in any loose end that was left hanging in the earlier investigation.

Mr. President, the Senate can do nothing less than reopen a full-scale investigation into all these questions. I am not supporting another whitewash. This is not the place for a whitewash. I am not referring to the majority leader. I want that clear. I wish to repeat—and since the question has arisen we might as well get it clear—that I have no confidence whatsoever in either the intentions or the ability of the Committee on Rules and Administration to do this job. I shall discuss that point at greater length tomorrow.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. I think it should also be said that on the basis of the speech made by the distinguished Senator from Delaware on Tuesday and Wednesday last, that he at that time, in response to a question asked by the Senator from Montana, stated that the information did not come into his possession until August 17.

Mr. WILLIAMS of Delaware. The check, that is.

Mr. MANSFIELD. The check.

Mr. WILLIAMS of Delaware. The information as to the overpayment I had been advised on long before. I was reasonably certain—certain enough that I alerted the committee and made the statement in the RECORD; what I said was not an idle remark.

Mr. MANSFIELD. I understand that, but what I am saying is that the Senator did not come into possession or receive information relative to the $109,000 check until August 17, and the reason he did not bring up that question before the Democratic Convention, which started on August 24, but for which the Senate went out 3 days earlier, was that he did not have time in which to assemble his facts. Therefore he was not able to present the information he had to the Senate, plus a copy of the check, until the next week after the Senate had once again come back into session.

What I am trying to bring out is that this information, so far as the Senator from Delaware is concerned, was not available to him until about the middle of last month.

Mr. WILLIAMS of Delaware. To make it clear, there is a difference between having information and whether or not I had the check. I had allegations for weeks—perhaps months—before on this subject. I do not know how long ago it was. First I considered it a rumor. Later I considered it more than a rumor. Back in July, when I discussed the subject here in the Senate with the Senator from North Carolina [Mr. JORDAN], I was reasonably certain that I had everything but the check. Without the check we could not prove it. I had to have the check, and I obtained the check sometime during the week ending August 15. I discussed it with Mr. Reynolds on August 17, I believe it was, or during that week. I had the check at that time; but we did have a State convention on August 20 in Delaware, and I was the potential nominee. I wished to be sure that I was present at that time. Therefore, I would have been rushed to have gotten this material together and to have presented it to the Senate as it should be presented before the recess for the Democratic National Convention. I took the period while my colleagues on the other side of the aisle were enjoying the beaches at Atlantic City, to enjoy the beaches at Rehoboth and to prepare the statement I made last Tuesday. I knew they were looking forward to my delivering some such statement after they returned.

There was another point that was mentioned and which I shall comment on. The Senator from Montana raised the question about whether the question had been referred to the Department of Justice. At the time I made my speech last week it had not been. It has since been referred to the Department of Justice. The Department sent its representatives around to see me. This happened since the President authorized the FBI to go into the question. They did come around to my office, and I must say that I was very much disappointed in that interview. They seemed to think that there were two questions of prime importance: First, "Where did you get the check and who gave it to you? Who is your informant?" Second, "When did you get the check?" Neither point is material so far as they are concerned. Their objective should be to find out, first, whether there was such a check; second, what was the actual cost of the performance bond? Then they should find out why there was any difference. They spent three-quarters of their time in my office trying to find out where I got the information. Finally I suggested to them that if they must put down some name down, they could put down Bobby Baker's name as a possibility. It was utterly ridiculous that they would spend so much time to find out where I obtained the information rather than trying to document the information itself. I was disappointed in the interest that the FBI expressed in getting down to the real points involved. I hope that they are proceeding more enthusiastically, because they know of my disappointment over this interview.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. I have an idea that Mr. J. Edgar Hoover will read this afternoon's discussion in the Senate with great interest and very likely will take an interest in the matter.

Mr. WILLIAMS of Delaware. He has already been advised of my interest.

Mr. WILLIAMS of Delaware subsequently said:

Mr. President, I ask unanimous consent that the resolution which I just sent to the desk be allowed to remain at the table where it would be in a position so that it can be offered as a substitute for the Mansfield resolution and also be allowed to remain at the desk where it can be in a position to be called up as an independent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (S. Res. 368) was received, ordered to lie on the table and to be printed, and under the rule was ordered to be printed in the RECORD, as follows:

Resolved, That S. Res. 278, Eighty-eighth Congress, agreed to February 10, 1964, is amended by renumbering sections 4, 5, and 6 of sections 5, 6, and 7, respectively, and by inserting after section 3 a new section 4 as follows:

"SEC. 4. The Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized and directed, through January 31, 1965, to make a full and complete study and investigation with respect to—

"(1) all matters relating to the construction of the District of Columbia Stadium, or any other Government building or facility, (A) for the purpose of ascertaining whether any such matter has involved fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, improper expenditure of Government funds, kickbacks or other improper payments (including political contributions), tax evasion, or any violation of law or other impropriety of any kind, on the part of or involving any Member or former Member of the Senate, any officer or employee or former officer or employee of the Senate, any other officer or employee or former officer or employee of the Government (including the municipal government of the District of Columbia), any party to a contract or subcontract relating to the construction of the District of Columbia Stadium or other Government building or facility, or any officer, employee, or agent of any such party, and (B) for the purpose of ascertaining whether any changes are required in the laws of the United States relating to any of the foregoing; and

"(2) any financial or business interests or activities, or any other activities, on the part of or involving any Member or former Member of the Senate, any officer or employee or former officer or employee of the Senate, or any other officer or employee or former officer or employee of the Government who is employed or was formerly employed in either of the Senate Office Buildings or in the Senate wing of the Capitol, for the purpose of ascertaining (A) whether any such interests or activities have involved any violation of law, any conflict of interest, or any other impropriety of any kind, or have reflected unfavorably on the integrity of the Senate, and (B) whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities."

FLOOD AND ARROYO SEDIMENT CONTROL DAMS, RIO GRANDE CANALIZATION PROJECT

Mr. ANDERSON. Mr. President, I ask the Chair to lay before the Senate the amendment of the House of Representatives to S. 2370.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2370) authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorizing appropriations for that purpose, which was, on page 3, lines 4 and 5, strike out "There are hereby authorized to be appropriated such sums as may be required" and insert "There is hereby authorized to be appropriated not in excess of $23,000 per annum".

Mr. ANDERSON. Mr. President, the amendment merely provides that there shall be a limitation on the total cost. The Senate bill was wide open as to the cost. The House put a limitation of $23,000 on it. I have discussed the amendment with both sides.

Mr. DIRKSEN. Mr. President, if the Senator will yield, I understand the Senator has consulted his colleague from New Mexico.

Mr. ANDERSON. This is a bill in which my colleague [Mr. MECHEM] and I have joined and which we have supported.

Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico.

The motion was agreed to.

TEMPORARY AUTHORITY FOR THE SALE OF CERTAIN PUBLIC LANDS

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5498.

The PRESIDING OFFICER (Mr. WALTERS in the chair) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 5498, which was read as follows:

Resolved, That the House concur in the amendments of the Senate numbered 3, 4, and 5 to the bill (H.R. 5498) entitled "An Act to provide temporary authority for the sale of certain public lands."

Resolved, That the House concur in the amendments of the Senate numbered 1, 2, 6, 7, and 8 to aforesaid bill, with the following amendments:

Resolved, That the House concur in the amendment of the Senate numbered 1 to aforesaid bill, with an amendment, as follows: In lieu of the matter inserted by the Senate amendment, insert: "agricultural (exclusive of lands chiefly valuable for grazing and raising forage crops)."

Resolved, That the House concur in the amendment of the Senate numbered 2 to aforesaid bill, with an amendment, as follows: In lieu of the matter inserted by the Senate amendment, insert: "No sale shall be conducted under the authority of this Act until zoning regulations have been enacted by the appropriate local authority."

Resolved, That the House concur in the amendment of the Senate numbered 6 to aforesaid bill, with an amendment, as follows: In lieu of the matter inserted by the Senate amendment, insert: "June 30, 1969."

Resolved, That the House concur in the amendment of the Senate numbered 7 to aforesaid bill, with an amendment, as follows: In lieu of the matter inserted by the Senate amendment, insert: "June 30, 1969,".

Resolved, That the House concur in the amendment of the Senate numbered 8 to aforesaid bill, with an amendment, as follows: "June 30, 1969".

Mr. BIBLE. Mr. President, the bill would provide temporary authority for the sale of certain public lands. The amendments of the House include a change in the effective date and also certain definition changes. I have discussed this proposal with the members of the minority of the Subcommittee on Public Lands and they are in agreement. I therefore move that the Senate concur in the House amendments to the Senate amendments.

The motion was agreed to.

CLASSIFICATION OF CERTAIN LANDS ADMINISTERED BY SECRETARY OF THE INTERIOR

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5159.

The PRESIDING OFFICER (Mr. WALTERS in the chair) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 5159, which was read, as follows:

SEPTEMBER 4, 1964.

Resolved, That the House concur in the amendments of the Senate numbered 1, 2, and 3 to the bill (H.R. 5159) entitled "An Act to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes", with the following amendments:

Resolved, That the House concur in the amendment of the Senate numbered 1 to aforesaid bill, with an amendment, as follows: In lieu of the matter inserted by the Senate amendment, insert: "agricultural (exclusive of lands chiefly valuable for grazing and raising forage crops)."

Resolved, That the House concur in the amendment of the Senate numbered 2 to aforesaid bill, with an amendment, as follows:

In lieu of the matter inserted by the Senate amendment, insert: "June 30, 1969,".

Resolved, That the House concur in the amendment of the Senate numbered 3 to aforesaid bill, with an amendment, as follows: In lieu of the matter inserted by the Senate amendment, insert: "June 30, 1969,".

Mr. BIBLE. Mr. President, the bill authorizes and directs that certain lands exclusively administered by the Secretary of the Interior be classified. The amendments adopted by the House have been discussed with the members of the minority of the committee, and they are in agreement with them. I move that the Senate concur in the amendments of the House to the amendments of the Senate.

The motion was agreed to.

RECOMMENDATION BY ICC EXAMINER OF CONSOLIDATION OF FIVE MAJOR RAILROADS IN THE NORTHWEST

Mr. MANSFIELD. Mr. President, on September 2, 1964, I addressed a letter to Hon. Abe McGregor Goff, Chairman of the Interstate Commerce Commission, with reference to the recommendation by one of the Commission's examiners of the merger of the Great Northern Railway and the Northern Pacific Railroad. If this merger shall be effectuated, it will result in a monopolistic condition as well as reduced service in Montana.

I ask unanimous consent that my letter and the letter I received from Mr. Howard Freas, Acting Chairman of the Interstate Commerce Commission, in which he states that all parties will be heard before the merger is consummated—I hope it will not be consummated—may be printed at this point in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

SEPTEMBER 2, 1964.

Mr. ABE McGREGOR GOFF,
Chairman, Interstate Commerce Commission, Washington, D.C.

DEAR MR. CHAIRMAN: The recent recommendation issued by ICC examiner, Robert H. Murphy, supporting the consolidation of five major railroads in the Northwest was a major blow to the State of Montana and its residents. This merger which would involve 25,000 miles of railroad line including the Great Northern and Northern Pacific Railroads will in my estimation, contribute to a monopolistic condition, as well as to a reduced service to these areas.

I wish to urge as strongly as possible that the Commission review the examiner's recommendation with great care and deliberation. I realize that this recommendation is preliminary in nature, and it is important that all interested parties be given an opportunity to refute the plan as proposed by the examiner. One of the most difficult problems that confront States like Montana is a tendency on the part of public transportation to reduce rather than to develop and improve adequate transportation facilities. I am well aware of conditions such as sparse population and long distances.

As stated on previous occasions, I deplore the tendency on the part of a segment of our transportation industry to retreat rather than to advance and develop services for the public. I have seen nothing to indicate that these particular railroads are in any serious financial plight. Recently when the Milwaukee Railroad was granted permission to discontinue passenger train service through Montana, it was a matter of great concern and inconvience. Should this merger be approved, it would again place the Milwaukee Railroad in an undesirable competitive position.

In conclusion, I ask that the Commission review this situation carefully keeping in mind precedents that would be established by such a merger and the great inconvenience it will create for the public it is supposed to serve.

With best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., September 4, 1964.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: In the absence of Chairman Goff, I am replying to your letter of September 2, 1964, regarding the report and recommended order of Examiner Robert H. Murphy, in which he recommended approval, subject to various conditions, of the transactions in Finance Docket No. 21478, Great Northern Pacific & Burlington Lines, Inc., Merger, Etc.—Great Northern Railway Co., et al. You strongly urge that the Commission review the examiner's recommendation with great care and deliberation before a decision in the matter is reached. You state that while the examiner's recommendation is preliminary in nature, it is of the utmost importance that all interested parties be given an opportunity to reject the plan as proposed by the examiner.

As you know, any party to the proceeding may file exceptions to the examiner's report within 30 days from the date of service of that report. While exceptions are due on September 23, 1964, it is likely that interested parties will request an extension of time in which to file such exceptions. In disposing of such requests, if made, the Commission will consider the magnitude of the proceeding. Upon the filing of such exceptions, the parties will then have an opportunity to file replies thereto. Since these applications are of tremendous importance to the transportation industry, and particularly, to the public served by these carriers, the entire Commission may hear the parties to the proceeding in oral argument at sometime after all the pleadings have been filed.

You may be assured that the Commission will, with the utmost care, consider the contentions of all parties to the proceeding before a decision in this matter is reached.

Sincerely yours,

HOWARD FREAS,
Acting Chairman.

SHALL THE FEDERAL JUDICIARY BECOME SUBSERVIENT TO THE CONGRESS?

Mr. KUCHEL. Mr. President, the fundamental issue before the Senate is clear: Shall the Federal judiciary become subservient to the Congress?

Our constitutional system requires an independent judiciary. I believe in a National Legislature to legislate and an executive to execute the law, both in accordance with the Constitution. To prevent both from trammeling the rights of a free people, I believe in an independent Supreme Court. And that is precisely what the Constitution provides. Yet once again, attacks against this unique system of Government are being made.

The issue is not new. Intermittently, throughout our history, abuse has been heaped on the Supreme Court, and attempts have been made to traduce it. Cries of judicial "usurpation" began with the famous opinion of Chief Justice John Marshall in the celebrated case of Marbury against Madison.

Forty years ago, the late, great Albert J. Beveridge—at one time a distinguished U.S. Senator from Indiana—was writing:

> One of the many grave questions before the country at present is whether the principle of judicial review shall be continued or modified or abandoned altogether. It needs no argument to convince lawyers that the well-being of the American people and the perpetuity of American institutions—even the life of the Republic—require that the courts shall exercise this power unimpaired, and especially that the supremacy of the Supreme Court of the United States shall be maintained.

Again, today, assaults are being mounted against the constitutionally independent Supreme Court. And once again, we have an opportunity in this Chamber, by our votes, to vindicate our cherished system and to declare anew the supremacy of the Nation's highest Court.

What has the Court done that would cause the House of Representatives to attempt, permanently, to shear away the right of judicial review in all cases affecting apportionment of State legislatures? Why do some of my brethren in the Senate want to do essentially the same thing, if only for a temporary period of time?

The simple fact is that our highest tribunal determined that an American citizen, otherwise qualified to vote, has a constitutional right to have his vote given the same weight in State legislative contests as the votes of any of his fellow citizens who live elsewhere in his State.

Specifically, for example, the Legislature of Alabama had not been reapportioned for over 60 years. The Alabama Supreme Court, while lamenting the legislature's failure to comply with the State constitutional mandate for periodic reapportionment, nevertheless, refused any relief. A Federal district court found that the existing Alabama apportionment violated the equal protection clause of the Federal Constitution, and the Supreme Court agreed. It determined that, as a basic constitutional standard, seats in both houses of a bicameral State legislature must be apportioned on a basis of population.

Falsehoods, no matter how often repeated, remain untrue. Unconstitutional practices, no matter how long they continue unchallenged, do not metamorphose themselves into valid acts. Thus, the fact that for long periods of time, the votes of citizens may have been weighted unequally and disproportionately in State legislative elections of many States, is not at all determinative of the validity of those elections under our Constitution.

The correctness of a State's apportionment of its legislature must be determined by the provisions of our fundamental charter, as they are construed in controversies brought, finally, before the Supreme Court. Any questions of constitutionality must be decided by that Court. That, indeed, is precisely what the Court is for.

That court has now found unconstitutional any State apportionment when the vote of one citizen "is in substantial fashion diluted when compared with votes of citizens living in other parts of the State." *Reynolds* v. *Sims*, 377 U.S. 533 (1964). Thus, under the equal protection clause, "Seats in both houses of a bicameral State legislature must be apportioned on a population basis."

I cannot quarrel with the decision of our highest Court. I do not see how it could have construed the provisions of the Constitution otherwise. While the Constitution explicitly sets forth the pattern of representation in the Federal legislative branch, it does not create a similar system for the legislatures of the States. There is no such thing as a "Federal analogy" so far as State legislatures are concerned. Indeed, the original Constitutions of 36 States provided that representation in their two-house legislatures would be based on population.

Thomas Jefferson, in 1816, wrote that: "a government is republican in proportion as every member composing it has his equal voice in the direction of its concerns * * * by representatives chosen by himself."

And, since 1776 Jefferson was repeatedly urging that the Virginia State constitution recognize that principle and that both branches of its legislature be apportioned on the basis of population. And when the Northwest Ordinance was adopted in 1787—the same year the Federal Constitution was approved—it directed that the apportionment of seats in the territorial legislatures should be solely on the basis of population.

I have concluded that the Federal constitutional requisites respecting State legislative reapportionment were correctly applied by the Supreme Court. Were it not for the fact that the Court provided a judicial forum for relief from malapportionment, that evil would probably have gone on forever.

The decision rights a wrong. It also presents the next Congress with an opportunity carefully to examine whether the public interest requires the present constitutional guidelines to be changed, so as to afford to the people, in each State, maximum authority to act for themselves at the ballot box on State legislative apportionment.

My own views are that the people of each State, themselves, should have the continuing right to determine, at the polls, what basis they wish to use in creating their legislative districts. As a matter of policy, therefore, I favor a constitutional amendment preserving, to the people of each State, a continuing constitutional authority to decide the basis of their State legislative reapportionment as they, themselves, may choose, with appropriate judicial assistance to prevent a frustration of their authority. This is far easier said than done. It will entail full hearings before our congressional committees, with the best talent, legal and otherwise, in all the Nation, coming forward to testify and to be cross-examined. It will require careful draftsmanship to produce, finally, a clear and unequivocal proposal. The means and mode of letting the people of our country make their decision, on such a proposal, will need to be painstakingly developed.

Some States, like my own California, have long had the right of initiative and referendum lodged in the people, so that they may initiate legislation if they wish, and may veto acts of the State legislature, if they wish. I believe that Congress next year, if it does deal with the policy question, will be required to give ample time to the question of how best the right to apportion may be lodged in the voting citizens, free from frustration or artifice. I devotedly feel that the final power must remain in the people, capable of being fully discharged.

CONSTITUTIONAL AMENDMENT NOT BEFORE US NOW

But that problem is not now before this Congress. Long weeks, perhaps months, must first be available to our committees for a full exploration and careful drafting, before the House of Representatives and the Senate may debate the matter.

ONLY QUESTION BEFORE US IS SHEARING COURT'S JURISDICTION

What is before the Congress now—without the benefit of hearings, incidentally—is the question of tacking on to the foreign aid bill an irrelevant rider designed, summarily, to shear away a part of the Court's jurisdiction, permanently or temporarily, in whole or in part.

We are told that this is necessary to prevent chaos in State government. We are told that, within a couple of years, if we literally put the judicial process in statutory refrigeration, the present State legislatures may proceed to approve some kind of constitutional amendment to revert to the status quo as it existed prior to the Court's action. A few tell us that here is a glorious opportunity to punish our highest Court.

I reject these allegations with finality. I do so not only because we are urged to commit an unconstitutional act, but also beyond that, because it would be the most dangerous kind of assault against our cherished American constitutional system.

Article III, section 1, of the Constitution provides:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section 2, of article III, provides, in part:

> In all cases affecting Ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Do the words, "with such exceptions, and under such regulations as the Congress may make" mean that we, here in the Federal legislative branch, may, willy-nilly, abolish any part of the appellant jurisdiction of the Supreme Court? I do not believe so.

Let me quote from Leonard G. Ratner, in volume 109, No. 2, University of Pennsylvania Law Review, December 1960, at pages 171 and 172:

> In contrast with its original jurisdiction, the Supreme Court's appellate jurisdiction under the Constitution is an extensive one, arising not only from the presence of Federal questions but also from the status or citizenship of the parties, encompassing issues of both law and fact, and extending to cases which originate in State as well as Federal courts. Orderly procedures for invoking that jurisdiction and a method of adjusting it to changing social needs and political attitudes are required. It is reasonable to conclude, therefore, that the [Constitutional] Convention gave Congress authority to specify such orderly procedures and to modify the jurisdiction from time to time in response to prevailing social and political requirements, within the limits imposed by the Court's essential constitutional role. It is not reasonable to conclude that the Convention gave Congress the power to destroy that role. Reasonably interpreted the clause means "With such exceptions and under such regulations as Congress may make, not inconsistent with the essential functions of the Supreme Court under this Constitution."

I agree with this comment.

Ratner concludes his article with these comments:

> Despite some impediments in early statutes, the Supreme Court from its inception has performed the essential constitutional functions of maintaining the uniformity and supremacy of Federal law. These functions provide a standard for testing the validity of legislation limiting the Court's appellate jurisdiction. Even though the legislation may narrowly restrict the procedures for obtaining Supreme Court review, constitutional limitations are not transgressed so long as the Court remains available ultimately to resolve conflicts between State and Federal law and conflicting interpretations of Federal law by lower courts. But legislation that precludes Supreme Court review in every case involving a particular subject is an unconstitutional encroachment on the Court's essential functions. Thus, the 1957-58 bill—

Introduced, incidentally, in the Senate—

> which proposed to eliminate Supreme Court review in all cases involving one of five enumerated subjects was clearly invalid. Its enactment would have allowed the courts of each State to determine for themselves the constitutionality of State statutes and regulations on the specified subjects and would have permanently foreclosed Supreme Court resolution of inconsistent State and Federal decisions concerning the application of the Federal Constitution and laws to such matters. The exceptions and regulations clause does not give Congress power thus to negate the essential functions of the Supreme Court.

Again, I agree.

I respectfully suggest to my colleagues that Congress cannot, constitutionally, deprive the Supreme Court of its responsibilities and its duties, for 2 years, or 2,000 years, under the guise of making an "exception" or "regulation" of the Court's appellate jurisdiction.

Quite aside, however, from the invalidity, as I see it, of such a proposed action, it would be a monstrous thing for the historic independence of our judicial establishment to be dissipated and eventually destroyed. It would be a giant step backward to all the weakness and vice of the Articles of Confederation. The Federal system would be on its way to dissolution. The Constitution would be interpreted by 50 State supreme courts into a political jungle of conflicting rights and responsibilities, with the Federal Government not knowing where to turn or what route to follow, and with individual citizens in a perpetual quandary. The rule of law would become a mockery. Congress should not attempt to emasculate the Court on either a short- or long-term basis, even if it constitutionally could, which it cannot.

We are told that we must seek to freeze and squeeze the judiciary for at least a couple of years, because of the chaos which would occur as a result of the sudden impact of the reapportionment decisions and the unreasonable, chaotic speed with which those decisions would be applied across the land. I disagree.

The Supreme Court does not require nor counsel haste in these cases. To the contrary, it has recognized that immediately effective judicial relief in legislative reapportionment cases might well be withheld under certain circumstances.

In commenting on the district court action in the Reynolds case, involving Alabama legislative reapportionment, the Court said:

> We feel that the district court in this case acted in a most proper and commendable manner. It initially acted wisely in declining to stay the impending primary election in Alabama, and properly refrained from acting further until the Alabama legislature had been given an opportunity to remedy the admitted discrepancies in the State's legislative apportionment scheme, while initially stating some of its views to provide guidelines for legislative action. And it correctly recognized that legislative reapportionment is primarily a matter for legislative consideration and determination, and that judicial relief becomes appropriate only when a legislature fails to reapportion according to Federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so. Additionally, the court below acted with proper judicial restraint, after the Alabama legislature had failed to act effectively in remedying the constitutional deficiencies in the State's legislative apportionment scheme, in ordering its own temporary reapportionment plan into effect, at a time sufficiently early to permit the holding of elections pursuant to that plan without great difficulty, and in prescribing a plan admittedly provisional in purpose so as not to usurp the primary responsibility for reapportionment which rests with the legislature.

And, generally, the Court said:

> Under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree. As stated by Mr. Justice Douglas, in concurring in *Baker* v. *Carr*, "any relief accorded can be fashioned in the light of well-known principles of equity."

Of course, equitable considerations must be taken into full account by the judicial establishment. I have no doubt that they will be. But we do not assure the application of equity by attempting, presumptuously, to legislate the Federal judiciary out of its constitutional sphere.

This present controversy, and all that it entails, is of the most transcendant importance to our country and to its future. Our historic, tripartite constitutional system could be dealt a terrible, perhaps mortal, blow by the regrettable action sought to be accomplished here. If Congress were able to close the doors of our Federal courts to people who seek redress of their right to vote, then a deadly dangerous pattern would have been set down. The judicial protection of any constitutional guarantee, by subsequent legislation, could be wiped out.

The President of the United States has a clear duty to make his views known on this issue. So does his Republican opponent, the Senator from Arizona.

The stakes to our country are high, for it is the people of the United States, and their right to govern, which ride on our decision in this Chamber.

Mr. SALINGER. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my colleague from California.

Mr. SALINGER. I commend my distinguished senior colleague from California on what I consider to be a brilliant exposition of this problem.

I think the speech of the senior Senator from California has amply described the complexities of the problem and the reason that it would be a disservice to the Senate and to the entire country if we were to act on this matter with great haste.

I am sure the Senator shares my concern about whether a full reapportionment of the State Senate of California along population lines would be in the best interests of the people of California. But I believe the remedy that he suggests—that of a constitutional amendment which would permit the people to assert their choice as to the kind of legislature they want—would be a solution to the problem in California.

I commend the senior Senator from California and join in the opposition that he expressed to the pending amendment. I shall vote against the pending amendment.

Mr. KUCHEL. Mr. President, I thank my able colleague from California very much for the comments which he has made. In the last analysis—and I say this by way of repetition—I do not believe the Supreme Court under the present wording of the Constitution could have arrived at a different decision. Having said that, I must say that on the basis of policy, I would favor a carefully drawn constitutional amendment which would let the plain, ordinary people in every State of the Union, at any time they desire, make their determination as to what kind of representation they want in their State legislative branch, always with the right of the people to petition the judicial branch if any attempt were made to fritter away or frustrate the rights which would be available to them under the constitutional amendment.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. AIKEN. The Senator said he was in favor of a constitutional amendment to let the people decide. Why do we not do that very thing? Why do we not submit a constitutional amendment to all the States of the Union and specify that that amendment shall be approved or disapproved by a convention of all of the people of their States. Then we would get away from any feeling that a few specially favored people are making the decision.

As I understand our Constitution, it provides that Congress will designate what method shall be used—whether a proposed amendment shall be approved or disapproved by the State legislatures or by a State convention.

That is what, the extended debaters—I shall not call them filibusterers—are using as an argument against giving the States more time.

Why do we not propose an amendment which would let the people make their own choice, and specify that it shall be approved or disapproved by a convention of all the people of the State? I do not see anything unfair about that. I do not see why the debate should continue any longer. I suppose I was elected to come here by all the people of my State, just as the other 99 Senators were, and not by the State legislature. I supposed that having been elected by all the people of the State, I was representing the people of the State and would be expected to vote for them when I got here. Apparently there are some who do not think that we should have an opportunity to vote for the people who sent us here.

Why do we not solve the problem by merely proposing a constitutional amendment which would provide that each State shall decide the question by a convention rather than through their respective legislatures? If we should do so, the arguments of the Senator from Illinois [Mr. DOUGLAS], the Senator from Michigan [Mr. HART], the Senator from Pennsylvania [Mr. CLARK], and the Senator from Wisconsin [Mr. PROXMIRE] would appear to me to fall very flat. It could not be said that the people did not have an opportunity. Why would that not be the proper way to settle the problem?

Mr. KUCHEL. I believe the reasons why we do not have pending in the Senate a constitutional amendment is that a constitutional amendment must be carefully drawn and must be the result of a sufficiently complete hearing so that the best legal talent in the country could testify and be subjected to cross-examination, and so that in the last analysis a constitutional amendment to be presented to the people of this country by the Congress would be clear and unequivocal.

The able Senator has mentioned a most important point. I tried to touch upon it in a sentence or two in my comments. The Congress has the responsibility and the authority under the Constitution to determine in what fashion a proposed constitutional amendment would be presented to the American people for adoption. I agree with the Senator.

I say to the Senator that we do not have in the Congress of the United States a constitutional amendment based upon any careful hearings and study. The only thing we have is a dual proposal which would attempt to shear away a part of the jurisdiction of the independent judicial establishment of our country. As to that I make vigorous and violent opposition. I would hope that in solving the problem of determining what policy should guide the people of this country in determining how their State legislative branches would be conducted, we would not attempt an assault upon the American constitutional system and an independent Federal judiciary, which so far has survived repeated attacks and assaults upon it.

Mr. AIKEN. I agree that the judiciary should be independent so far as administering justice is concerned. I do not think the judiciary should be so independent as to assume, to appropriate, and to utilize power so great that they are permitted to reverse acts of the legislative body, which is the only body which is elected directly by the people. I do not believe that they should have that power. Such action would make us the only country in the world—except those countries in which the Supreme Court is elected by the legislative body and, in effect, are controlled by the legislative body—in which the Supreme Court would have that kind of power. Why should we say that the people have the legislative branch of Government to make the laws and then say, "We will let someone else appoint nine men who can at any time they see fit overturn the decisions of the majority of almost 200 million people"? I say "majority," for they would never be unanimous on any question.

As I have said before, I think it is time for Congress to define the powers and limitations of our courts.

We stand almost alone in respect to our system. A few small countries in the world have unicameral legislatures, but even those countries, such as Israel, never permit their courts to reverse an act of their congress, or what corresponds to a congress in those countries. I believe we should look back to the beginning, forgetting all the mistakes and opinions of lawyers and judges which have intervened in the last 175 years and, as I believe George Washington said, simply revert to the basic foundation of our Government and start from there.

Why should not the people of my State express themselves through my vote? As a representative of the people of my State, I think I should be permitted to vote in the Senate now; I do not believe that four or five Members of the Senate should have the power to prevent me from voting. Nevertheless, that is what is going on. I think we might perhaps designate the struggle going on now as the struggle of "man versus machine"—pushbutton machines, political machines.

Mr. KUCHEL. Mr. President, by way of reply to my able friend, with whom, I am very glad to observe parenthetically, I have almost always agreed enthusiastically, that I wish to say that I cannot and do not agree with him on the comment he has made here today. When a small group of colonials set out to create the Government of the United States, there must have been some divine providence guiding them. They debated what kind of judicial establishment they should have, and they had the wreck and ruin of the Articles of Confederation by which to judge where the shortcomings were and how best to overcome them.

Alexander Hamilton, in several of the Federalist Papers, pointed out that an independent judiciary, supreme over all the States and the people, maintaining constantly its independence, would be one of the great guarantees for the perpetuation of our Republic. Half a century ago, there were people in this land who were clamoring that the Supreme Court should not have the right to overrule legislative statutes, which I believe my able friend from Vermont alluded to. In those days, the clamor was that, in one fashion or another, the U.S. Supreme Court had no business determining whether or not a statute was valid. In Congress, a half dozen years ago, some U.S. Senators said, "Let State courts determine whether or not State statutes are valid under the Federal Constitution."

What a mockery that would be. What kind of American union would we have if 50 State courts could determine whether or not the State statutes were constitutional or not under the Federal Constitution? We would, indeed, have no Federal union in this country as the Founding Fathers envisioned. We would go back to the Articles of Confederation or something like them, and that I am sure my able friend from Vermont and I together do not wish to do.

Mr. AIKEN. I do not know any provision in the Constitution in which the Supreme Court is given authority to reverse acts of the Congress. That power may have been assumed.

As to some divine providence guiding those people who wrote our Constitution and established our Government, I do not believe that divine providence should be given all the credit or charged with all the shortcomings of that institution. What really happened was that the Thirteen States, with the exception of New Hampshire, which did not have money enough to send its representatives to Philadelphia, got together. New York, Massachusetts, Pennsylvania, and Virginia said:

> Now, we have the people and we have the money. We will establish this Government, on a unicameral basis and we will let the rest of you come in on a kind of colonial status.

Connecticut, New Jersey, and other States that did not have the people or the money, but had the majority of the colonies, said, "Nothing doing. We will have representation in the Congress or there will be no Union." They finally won. The Constitutional Convention then had to agree to a two-House Congress, one House based on population and the other House on geographical division.

Some people have never yet accepted this thesis and insist that it is terribly wrong to let the smaller States have two Members in the Senate.

That is the way most of the nations of the world are operated today. There are a few that have only a unicameral legislature. The best known ones are Israel, Costa Rica, and Panama. They are small countries. I do not know of any other country in the world where an appointed court is permitted to reverse the legislative body of that country.

Mr. KUCHEL. Mr. President, I am very thankful that in the American system of constitutional government, the U.S. Supreme Court has the constitutional right to determine the validity and the constitutionality of statutes passed by the Federal legislature, by State legislatures, and by any other public legislative bodies whose membership is transient. I am thankful we have that as a part of our system.

I believe in the Federal system. I believe in a Congress composed of the House of Representatives and the Senate, as they are spelled out in the Constitution, the result of a great compromise.

So far as State legislatures are concerned, I am willing to have the people in the States themselves determine the question, as was suggested earlier. I believe the people in the States should, as a matter of policy, have that right. That is why I propose and hope that a constitutional amendment in the next Congress may be carefully drawn, after testimony, pro and con, by the best brains in the Nation, so that Congress can take constructive action.

Mr. AIKEN. That is why I am saying what I have said, but the issue now is not reapportionment—the present issue is, Shall I, representing the people of my State, be permitted to vote on a proposal which has been submitted to the Senate? There are those who say I should not be permitted to vote. When they say I should not be permitted to vote, they say the people of my State should not be permitted to vote. The present issue is just as simple as that. It is not merely a question of reapportionment. I think we all agree that reapportionment is desirable in a majority of the States. I do not know how many. But the present issue is, Will four or five Members of this body from large cities of the more populous States have the power to prevent the rest of us from voting on a proposal such as the one now before us?

As for extended hearings on this proposal I say that the Senate itself is competent to say whether, with the limited time at our command, such hearings are necessary.

Mr. KUCHEL. I state with great respect, but with real regret, that there were no hearings on either of the proposals to shear away part of the jurisdiction of the Federal judiciary, and I do not like to legislate in that fashion. That is the point I must make.

Mr. ALLOTT. Mr. President, I am sorry my distinguished friend from California cannot remain in the Chamber, but must go to the White House for a meeting, because I would hope to be able to enlighten him a little further on the matter he has been discussing, not in line with the way or the tack he has taken in this discussion.

SUPPORT OF POLICE OFFICERS

Mr. ALLOTT. Mr. President, earlier today the distinguished majority leader [Mr. MANSFIELD], the distinguished Senator from Ohio [Mr. LAUSCHE] the distinguished senior Senator from Vermont [Mr. AIKEN], and the distinguished senior Senator from North Dakota [Mr.

YOUNG] engaged in a colloquy commending the police of the Nation for their work in handling the riots which have recently occurred in this country. I commend them for their discussion.

Some 3 months ago I made a short talk on the floor of the Senate, which was entitled "Let's Weep for the Innocent." I have followed that discussion with two or three other discussions from time to time.

I must say that those short statements have provoked more editorials, more favorable comments, from the people of this country than anything I have seen in a long time.

I think it is time we decided in this country whether we are going to have a government of laws, for the enforcement of which every citizen must bear his responsibility, or whether we are going to have a government of anarchy.

I have in my hand the September 14 issue of U.S. News & World Report.

I ask unanimous consent that the article entitled, "Looting: The High Cost of Race Violence," beginning on page 36 and ending at page 41, be included in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOOTING: THE HIGH COST OF RACE VIOLENCE

(NOTE.—Go into big-city neighborhoods wrecked by Negro rioters and you get a picture of what mob violence is costing this country. What happens to property owners who suffer crippling losses? And what happens to the hoodlums? Here is the story from five cities.)

Week after week, rioting by Negroes spreads from one big northern city of the United States to another.

Philadelphia, in the closing days of August, was added to the growing number of riot-rocked cities. There, groups of Negroes ran wild for 3 days. They broke into stores, stripped them of merchandise, and carried off their loot in full view of police.

Elsewhere, in recent weeks, riots erupted in New York City, Rochester, N.Y., Jersey City, Paterson, and Elizabeth, N.J., and Dixmoor, Ill., a suburb of Chicago. Baltimore officials revealed on September 1 that they had warnings of riots ahead in their city. Washington, D.C., has had hints of trouble to come. So have Cleveland, St. Louis, Detroit, and several other cities.

The cost of all this rioting—totaled up city by city in the chart on page 38—already has grown into the millions of dollars. Approximately 1,000 people have been injured, 5 killed.

All this violence is raising such angry questions as these:

Are property owners and law-abiding citizens being denied the protection for which they pay taxes? Are some politicians, perhaps afraid of Negro voters, withholding from police the authority to use the power that is needed to control rioting mobs and stop their looting? What recourse do property owners have for the heavy financial losses that they suffer from rioting?

A statement of a Philadelphia police sergeant, printed on page 39, expresses a view that is frequently heard among policemen called upon to face Negro mobs: "Our hands are tied."

William H. Parker, chief of police in Los Angeles, sees the attitude of some big-city politicians toward lawbreakers as leading this country toward anarchy. Chief Parker's views, from an interview, are set out on page 40.

For on-the-spot assessments of the riots—how they started, the way they were handled and the property damage and personal injuries they caused—U.S. News & World Report sent members of its national staff into five cities where riots have occurred in the last few weeks. Their reports follow.

PHILADELPHIA

Rioting exploded here late on the night of August 28 and spread over 4 square miles of a predominantly Negro section of the city.

What caused it? Rioting began soon after a routine police attempt to remove a Negro woman from a car that was blocking traffic at an intersection. The woman resisted, bystanders intervened, then mobs of Negroes began pouring into the streets.

The pattern was strikingly similar to that of previous riots in other cities.

Philadelphia's Mayor James H. J. Tate says there is proof that the rioting was planned, organized, and triggered by some group that was only awaiting an incident to provide an opportunity.

Civil rights not involved

In Philadelphia, as in the other Northern cities, there was no apparent connection between the rioting and civil rights. Philadelphia for years has admitted Negroes equally to schools, restaurants, theaters, and all public facilities. There is considerable integration in housing. The city's human relations commission watches out against racial discrimination.

"This was not a civil rights demonstration," said District Attorney James C. Crumlish. "These were hoodlums rioting. They will be treated as hoodlums."

The Philadelphia rioting turned into large-scale looting. Nearly every store on one main thoroughfare, Columbia Avenue, was broken into, windows smashed, goods stolen. Negroes could be seen carrying stolen merchandise openly down the street. One was observed carrying a sofa on his back.

A home-furnishings store lost more than 100 major appliances. The owner, Ben Goldberg, says, "They got at least a dozen automatic washing machines that weigh 150 pounds apiece. I figure I lost at least $20,000."

A dry-goods merchant, Sam Neranblatt, says he lost his entire stock, worth $15,000, in one night of looting. He is bitter about what he charges was a lack of police protection and what he thinks was a hands-off policy imposed upon the police.

A pawnshop owner, wiped out, says:

"Civil rights? Where are my civil rights?"

An indignant businessman says:

"It was practically giving them a license to steal."

The only rioter shot was one who had a long police record and who attacked a policeman with a knife.

Mayor Tate told critics that "extreme methods" by police "could have caused a terrible blood bath in Philadelphia."

Casualties were high. Of at least 341 persons injured, about 100 were police.

Property damage, still being calculated, will run well into the millions of dollars.

Who bears the cost?

Mayor Tate has assured victims that the city will reimburse them under an old State law that holds cities liable for riot damage. He estimated that this cost to the city might run to as much as $3 million.

Also, the mayor said, the rioting may cost the city an extra $7 to $10 million a year for added police protection. He warned: "Probably we may have to make a small increase in taxes."

The Federal Government's Small Business Administration is speeding loans to victims. Private banks have pledged the fullest cooperation.

Yet many businessmen are sure to wind up with heavy losses that no kind of insurance or government aid can make up for completely.

A businessmen's association said that 10 percent of its members whose stores were damaged do not plan to reopen.

What happens to the rioters and the looters? A special "riot court" was set up to try the 774 arrested. Almost 90 percent of them were found to have police records. Some have been sentenced to jail terms, others fined.

ROCHESTER

Three days of wild rioting by bands of Negroes in late July are estimated to have cost this community between $2 and $3 million.

City officials have warned the people of Rochester that an increase in tax rates is almost inevitable if the city is required to pay victims a share of the damages they suffered.

The biggest item on the bill of damages is for the vandalism and looting in 204 stores. Police estimate this damage at about $700,000—of which some $431,000 is for stolen goods.

Merchants think this $700,000 estimate is low. They point out that it does not take into account the business they lost as a result of the rioting.

In spite of the heavy financial losses taken by the merchants in the riot area, "not many are giving up," says Daniel Rothman, a furniture dealer who is president of the Joseph Avenue Businessmen's Association. He estimates that about half the damaged stores have been reopened for business and the others are about ready to reopen. Many stores are operating with their fronts still boarded up.

"I lost 67 feet of glass along my front," Mr. Rothman says. "It cost me $2,000 to replace it. I also lost about $11,000 worth of furniture and other items."

TV at "bargain" prices

At the height of the looting, Negroes were selling $495 color television sets for $6. Looters had so much liquor they were throwing full bottles at police.

"We had just got in a new line of fall clothes," say Sol Rosenberg. "The looters cleaned us out. The next day, with the temperature 98, we could see our heavy fall clothes walking along the street."

Costs of the rioting include: about $150,000 for National Guard troops and $137,000 in overtime for State troopers sent in to help police; $85,000 to hire additional city police; $200,000 for extraordinary city expenses, including damage to vehicles; an estimated "tens of thousands" to prosecute rioters.

Merchants so far have filed claims totaling more than $70,000 against the city. Many more claims are expected.

Whether the city will have to pay is still to be tested in courts.

The claims are filed under an 1855 State law which holds cities or counties responsible for riot damages.

However, that 1855 law was suspended as an emergency measure during the recent war years. The suspension law has not been taken off the books and no postwar test of the legal situation has yet been made.

Meanwhile, the city is referring damage claims to its insurance company.

It remains doubtful how much, if anything, merchants will ever recover.

Many merchants were privately insured—but they are worrying whether they will be able to get reinsurance, in view of the growing frequency and mounting costs of race rioting.

City of "harmony"

Rochester was counted as one of the least likely places in the country for a race riot.

This city, which has about 33,000 Negroes in a population of 300,000, has little unemployment, a high degree of racial integration, and was proud of its record of racial harmony.

Yet trouble exploded after a routine arrest by two white policemen of a Negro charged with being drunk.

Although 976 persons were arrested in the rioting, none of them has yet been convicted and sentenced to jail.

Nearly 700 got off with suspended sentences, mostly on charges of disorderly conduct. So far, only 53 have been indicted by the Monroe County grand jury, most of them on charges of rioting which carry penalties up to 5 years in jail.

The grand jury freed 33 for lack of evidence, which is often found difficult to gather in the confusion of a riot.

Prosecutors here say their job would be a lot easier if there were a State law specifically covering looting.

What if another riot occurs here?

"If it happens again—good-bye," say many merchants. But Mr. Rothman disagrees. He predicts:

"I don't think the police will be so lenient the next time."

NEW YORK CITY

The Nation's largest city was the first to be hit by the wave of riots.

Violence here began in Harlem, the big Negro district, on July 18, and spread into Brooklyn before being brought under control 5 days later.

Businessmen are still suffering from its consequences.

More than 500 business places were damaged. Losses from property damage and theft alone are commonly estimated at nearly $2 million.

"But the physical damage is not the most important thing," says the owner of a clothing store in Brooklyn.

"The damage to goodwill and to the community feeling—there is no way to put a dollar figure on that. It took a little of the heart out of a businessman. There is a feeling that it might happen again."

Business has fallen off in stores throughout the riot-torn areas. The owner of several large furniture stores reported his business down 50 percent.

"I've been here 20 years," he said. "But if this keeps up I'm getting out."

A restaurant owner, reporting a decline of 20 to 25 percent in his trade, said: "People are still dubious about coming into this area."

Values of business enterprises have declined. You find many store owners who say they would like to sell out but would have to take much less than they could have gotten before the riots. The owner of a large supermarket said:

"The goodwill value of a location here has depreciated. It may return. But very few businessmen now would entertain the idea of coming into a colored area."

One of the most serious long-term effects of the riots, this businessman suggested, may be a change in the type of people who live in the riot areas—a change for the worse.

"Some of the nicer people are moving out," he said. "People are disturbed, especially older people. You can feel the constant tension."

The owner of a specialty shop in Harlem pointed out:

"The majority of the people here were not involved in the rioting. There are just a comparatively few rotten apples who cause the trouble."

But the effect has been to make people wary about going anywhere in the area—especially in the evening. Many places that used to stay open in the evening now close earlier.

In New York City, as in Rochester, merchants who suffered riot damage look hopefully to an old State law that makes the city liable for payment of damage claims.

Claims for personal injury or property damage totaling about $1.5 million have been filed against the city of New York. But whether riot victims can actually collect on their claims depends upon whether courts rule that the old law is still in effect after a wartime suspension.

Very few of the places looted and damaged are said to have private insurance protection to cover their losses.

What happens in court

More than 500 arrests were made during the riots. Charges ranged from malicious mischief and disorderly conduct to burglary and grand larceny. The cases are being handled under routine legal procedures.

A supermarket manager said:

"A policeman told me a year ago that, when police arrest a Negro, 9 times out of 10 some white judge will let him off. We need better judges who are not so politically minded. This sort of thing makes people have no respect for law and order. Perhaps it may have contributed to the rioting."

New York's riots began as a protest against the killing of a Negro youth by a white police lieutenant. Negro agitators cried "police brutality."

On September 1, a grand jury cleared the policeman of criminal liability in the youth's death.

JERSEY CITY, N.J.

This city still wears scars from its early August riots that left 46 people injured and 71 stores smashed.

A number of those stores are still boarded up. Many have not reopened and some probably never will. Total costs of the riots are estimated to be about $300,000.

Claims of merchants trying to collect some of their losses from the city are just starting to reach the courts—with still no ruling on the effectiveness of an ancient State law which could make New Jersey cities liable for riot damage.

Several people are still in hospitals recovering from gunshot wounds, gasoline-bomb burns, or severe beatings.

No one seems to understand what really caused the riots—which began after a routine police arrest of a Negro woman for drunken brawling.

Few people here expect the rioting to be resumed, however. The reason is that word has gotten around that Jersey City's mayor won't stand for any more rioting.

Police have orders to clamp down fast and hard—and shoot if necessary. Special riot squads are ready. No holds are to be barred—next time. Rioters and looters are told in advance what their penalty will be. Chief Magistrate Robert Wall, who handed out stiff sentences to the August rioters, now says this:

"Anyone involved in a riot or breaking the law by looting under these circumstances will get a year in jail—the maximum sentence I can give."

Moral breakdown

Mayor Thomas J. Whelan has conferred with officials, clergymen, and Negro leaders at length in recent weeks about the riots' causes and ways to prevent any recurrence. He told a member of the national staff of U.S. News & World Report:

"These riots are not essentially a race problem. They are a symptom of what's behind the growing crime rate in this country. I believe it's a breakdown in moral fiber of many of our people.

"There's a new lack of respect for law and order. You see it everywhere these days. It seems to stem from a lack of stability in family life. It's especially tough in our Negro community where there often isn't any family life to speak of.

"The immediate answer to these riots, once they start, is force. I believe that you have to be firm and use whatever force is needed to put down illegal rioting and looting.

"In the long run, though, the answer has to be found in better living conditions for our Negroes and in better training for their youngsters. We are trying to carry out economic and educational programs with that in mind here in Jersey City."

Elizabeth and Paterson, N.J., also were ripped by Negro riots in August. The toll in those cities added up to 14 persons hurt, 37 shops vandalized.

CHICAGO

It was a comparatively small-scale riot that erupted August 16 in Dixmoor and Harvey, Ill.

But it alarmed all Chicago—because Dixmoor and Harvey are suburbs of this city, and the racial hostility displayed in the suburban riot is found on a far larger scale inside Chicago itself.

Some clues to the reasons for the suburban riot may emerge from a Cook County grand jury study, starting September 9, of the evidence against 80 persons—43 Negroes and 37 whites—who were arrested in the riot.

What set off the violence was a Negro woman's charge that a white man roughed her up after accusing her of stealing gin from his liquor store.

A crowd, mostly Negro, gathered. Bongo drums were heard.

"Then I knew we had trouble," says Harvey Police Chief Matt Romer.

Mob action

A rock was thrown through the liquor store window and the riot was on. At its height, police estimated 1,000 persons were milling in the area. Passing cars were stoned, some whites were dragged from their cars and beaten. The following night a mob set fire to the liquor store.

But property damage was relatively minor—and there was no looting.

Stanley Gruszczyk, chief of the Dixmoor force of 10 part-time policemen, says he is still surprised because:

"We've had Negroes living here right along, and people here take integration for granted. I didn't think a place could be any more integrated."

About half of Dixmoor's 3,600 residents are Negroes. Harvey has a large percentage of Negroes among its 29,000 population.

Chicago, however, contains 800,000 Negroes, many in crowded slums. And Chicago has a history of racial tension marked by frequent conflict. Chicagoans grow alarmed as they see the wave of mob violence spreading.

Trouble in many cities

Besides the major riots, there have been incidents of racial conflict in one city after another in many parts of the country.

There were attacks by mobs of Negroes on police in Kansas City, Kans., and Cleveland, Ohio, early in August.

In Detroit, Mich., on August 29, a white youth was stabbed and six other persons injured when fighting between Negro and white youths broke out in an area set aside for teenagers at the Michigan State Fair.

Some 200 white and Negro youths battled in Keansburg, N.J., on August 28. On the same day a shooting spree erupted when police tried to arrest two Negroes in Memphis, Tenn. About 200 whites and Negroes fought in Westminster, S.C., on August 30.

Week by week, the human toll and financial cost of mob violence rises.

Now warnings are heard of more riots to come, and concern grows.

What Negro riots have cost—a city-by-city report

City and date of riots	Killed	Injured	Arrested	Shops looted or damaged	Dollar cost to community [1]
Philadelphia, Pa. (Aug. 28–30)	0	341	774	225	More than $3 million.
New York City (July 18–23)	1	144	519	541	$1 to $2 million.
Rochester, N.Y. (July 24–25)	4	350	976	204	$2 to $3 million.
Jersey City, N.J. (Aug. 2–4)	0	46	52	71	$300,000.
Paterson, N.J. (Aug. 11–14)	0	8	65	20	$50,000.
Elizabeth, N.J. (Aug. 11–14)	0	6	18	17	Minor.
Chicago suburbs (Aug. 16–17)	0	57	80	2	Minor.
Total	5	952	2,484	1,080	$6.5 to $8.5 million.

[1] Costs include damage to buildings, stolen merchandise, cost of troops and extra police and, in some instances, estimates of business losses.

THE ROAD TO ANARCHY

(The following is an excerpt from an interview with one of the Nation's leading police officials, Police Chief William H. Parker, of Los Angeles, that appeared in the Aug. 10, 1964, issue of U.S. News & World Report.)

Question. Can a society survive if a people can choose to obey some laws and not the others, and to flout the police whenever they wish?

Answer. Of course, they can't. I made this statement to people in high positions in the Federal Government when it appeared they were condoning the violation of local laws held by some people to be unfair. I said then that as long as the Federal Government appears to support the violation of local laws, which have neither been repealed nor declared unconstitutional, the Federal Government is advocating anarchy.

Question. Yet aren't clergymen and politicians saying that it's all right to violate some laws?

Answer. Oh, I'm sure of that. Without quoting names, I have read public statements by such persons saying that, if the law was not based in justice, then it need not be obeyed. This is what they call civil disobedience. But when you do that, you then violate the very basis upon which this democratic Republic must rest—and that's the rule of law.

The minute you countenance a disregard of the rule of law, you begin to destroy that which keeps a free society together. And then you're going to get sporadic anarchy until such time as the man on the white horse will come forward and lead you into slavery under the pretext of solving your problem. This is history.

Mr. ALLOTT. Mr. President, I do not agree with the title of the article. I do not believe looting is the price of race violence. I want to make that clear. The people in this country who are running loose and rampant, the hoodlums and hooligans, whether they are black or white, may be doing it because they can throw around their shoulders the pure mantle of civil rights and equality, but the fact is that these hoodlums, hooligans, and outlaws are no different from the brigands of the Middle Ages who roamed the countryside of Great Britain, no different from the Dillingers and the rest who afflicted this country in earlier days, or no different from the gangsters of Chicago who afflicted this country some years ago.

They are not any different from any of those brigands. They are hooligans. They are hoodlums. They are bent on violence. They have put this cloak around their shoulders and fooled some people. I am surprised that the person who wrote this particular article would be fooled into putting in the heading of that article the words "The High Cost of Race Violence."

It is true that the colored people of this country have not had the equality of opportunity they deserve and to which they have a right, and my record in the Senate for the 10 years I have been a Member of this body shows my concern for that equality of opportunity. But I wish to discuss particularly the remarks of a police sergeant. I quote from page 39 of the article I have placed in the RECORD. I shall read all his remarks into the RECORD, because I think his remarks constitute one of the greatest challenges to the administration of Philadelphia and one of the greatest challenges to the administration of justice, including district attorneys and everyone else who has a concern with the problem:

"OUR HANDS ARE TIED," CRIES POLICE SERGEANT

(The following article was published in the Philadelphia Inquirer on Aug. 30, 1964)

A beleaguered city police sergeant called the Inquirer Saturday night. His embittered statement, which follows, reflects the feeling of many policemen trying to fight a war under extraordinary circumstances:

"During the rioting, we were told not to use pistols no matter what. Our only weapon was to be our night sticks.

"How the hell do we defend ourselves?

"We try to defend citizens and their property and even our own men, yet we have nothing to help ourselves. This is not fair to the public, let alone ourselves.

"We were told not to interfere with the rioting or the looting.

"We saw people looting the stores, and we didn't stop them.

"I have been on the force 15 years. If I knew of a better way to make a living, I'd leave the force—and I'm not the only cop that feels this way. If they want us to do a job, why do they tie our hands?

"The city gave these people the green light to go ahead. Would the mayor take the same position if this was taking place on Chestnut Street or Market Street? What would he do then?

"These little shopowners—we felt sorry for them. But we couldn't do anything to help them. Why should these poor people be out on the streets? These people are ruined.

"I never saw anything like it in my 15 years. It's a voting gimmick. Decency should be for the small man as well as for the big man.

"We should be allowed to protect the property in any manner that we see fit.

"Tear gas is the best solution, and the police should have masks.

"We don't want any violence, but if the city does not wake up this is only the beginning.

"This has nothing to do with civil liberties. This is outright looting. And we can't do anything about it because our hands are tied."

Mr. President, that is the most damning indictment of a city administration I have ever heard. No matter what their places or stations in life might be, people are entitled to protection. The sooner the people of this country quit letting themselves be fooled into believing that this rioting is being done on the basis of civil equality and not upon the basis of sheer desire to perform illegal and unlawful acts, both with respect to the persons of the people and their property, the sooner they will return this country to a course of lawfulness.

I have praised our police officers, and I say again, as I have said on the floor of the Senate before, that police officers today are the only people in the United States who stand between us and anarchy. The individual citizen had better start assuming his responsibility in this respect in the support of the police and in the support of lawfulness. The police should have the means and the authority of stopping unlawfulness wherever it may occur, and under whatever circumstances.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. ALLOTT. Mr. President, it had been my hope that the Senate Judiciary Committee could report Senate Joint Resolution 185, sponsored by Senator DIRKSEN and others, including the senior Senator from Colorado. It seems, however, that a small group would like to prevent the Senate from considering that measure or any similar measure this year.

Mr. President, I should like to say, since I have been the signer of many cloture motions in behalf of civil rights, that I have also signed the present cloture motion, because I do not believe any Senators have a right to indefinitely keep the Senator from Colorado or any other Senator from voting on the issue before the Senate.

In this respect I agree with and concur wholeheartedly in the perhaps caustic but very brilliant remarks recently made on the floor by the distinguished senior Senator from Vermont [Mr. AIKEN].

That abhorrent, arch-reactionary device known as the filibuster has been liberally employed—and the pun is intended—to defeat Senate action on amendment No. 1215 or any other measure which would overturn or delay the full effect of the Supreme Court decisions in Reynolds against Sims and the related cases.

Senate Joint Resolution 185, as Senators know, would propose a constitutional amendment to allow States to recognize factors other than strictly the distribution of population in apportioning one house of a bicameral legislature. Amendment No. 1215, sponsored by both the majority leader and minority leader, would place a moratorium on court consideration of the question of apportionment. If adopted, it would give the Congress and the States time to fully consider and debate the merits of such proposals as that embodied in Senate Joint Resolution 185. It is my hope that some such constitutional amendment would be adopted; but even if it were not, the proposal now being considered would allow the States time to comply with the Supreme Court pronouncements on apportionment in an orderly fashion, rather than doing so in unseemly haste, under the gun.

I have said that I hope a constitutional amendment would be adopted. I am in vigorous disagreement with the Supreme Court decisions on legislative apportionment, and I will have more to say about that a little later. But I would prefer to see a change to the Constitution itself, rather than simply a congressional withdrawal of jurisdiction from the courts, effective immediately and forever after, as embodied, for example, in the Tuck bill, House Resolution 845, recently passed by the House. My opposition to this method of meeting the problem does not stem from any question as to the constitutionality of the Tuck approach, although the Tuck bill has been attacked on those grounds. Ex parte McCardle, decided in 1869, should be answer enough to those who say the Congress lacks power under the Constitution to withdraw jurisdiction from the courts. And certainly Senators are familiar with more recent legislative withdrawals of jurisdiction, and Supreme Court concurrence that this was a valid exercise of the legislative power under the Constitution. Probably the most notable example in recent history is the Norris-La Guardia Act, which provided that no Federal court would have jurisdiction to issue injunctions in labor dispute cases.

If this is not a clear case of withdrawal of authority of Federal courts, I do not know what a withdrawal is. Those who say that a delay, as provided in amendment No. 1215, is unconstitutional, are really taking a far tack to the right—or perhaps I should say to the left.

No, I do not question the constitutionality of the Tuck bill, although I do wonder whether the Supreme Court as presently constituted would follow the precedent I have mentioned. But I do believe that a constitutional amendment would be a surer way to accomplish the end we seek, and would gain greater acceptance by the public—which, after all, is the soundest basis which a law can have.

As to my reasons for opposing the Supreme Court decisions in the apportionment cases:

One of the strongest points of our American form of government, perhaps the real genius of the framers of the Constitution, lies in the division of power embodied therein. And I include in that phrase not only the division among the three branches of the Federal Government, but between the Federal Government and the States. The 10th amendment, a part of the Bill of Rights, states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Supreme Court, in the recent cases concerning apportionment of State legislatures, has transgressed on the powers reserved to the States under the 10th amendment. In doing so, it has demonstrated remarkably careless scholarship. As Justice Harlan phrased it in his dissent to those cases:

> Had the Court paused to probe more deeply into the matter, it would have found that the equal protection clause was never intended to inhibit the States in choosing any democratic method they pleased for the apportionment of their legislatures. This is shown by the language of the 14th amendment taken as a whole, by the understanding of those who proposed and ratified it, and by the political practices of the States at the time the amendment was adopted. It is confirmed by numerous State and congressional actions since the adoption of the 14th amendment, and by the common understanding of the amendment as evidenced by subsequent constitutional amendments and decisions of this Court before *Baker* v. *Carr*—made an abrupt break with the past in 1962.
>
> The failure of the Court to consider any of these matters cannot be excused or explained by any concept of "developing" constitutionalism. It is meaningless to speak of constitutional "development" when both the language and history of the controlling provisions of the Constitution are wholly ignored. Since it can, I think, be shown beyond doubt that State legislative apportionments, as such, are wholly free of constitutional limitations, save such as may be imposed by the republican form of government clause (Constitution, art. IV, sec. 4), the Court's action now bringing them within the purview of the 14th amendment amounts to nothing less than an exercise of the amending power by this Court.

I do not know of any stronger statement or any clearer and more concise reasoning that expresses my feelings about the decision in that case.

Further, the Court has injected itself into what is basically a political question, in which it had until recently consistently refused to get involved. As recently as 1948, in MacDougall against Green, the Court said:

> It would be strange indeed, and doctrinaire, for this Court, applying such broad constitutional concepts as due process and equal protection of the laws, to deny a State the power to assure a proper diffusion of political initiative as between its thinly populated counties and those having concentrated masses, in view of the fact that the latter have practical opportunities for exerting their political weight at the polls not available to the former. The Constitution—a practical instrument of Government—makes no such demands on the States.

Mr. Justice Stewart summed up the action of the Court in the recent apportionment cases this way:

> What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each of the 50 States, from Maine to Hawaii, from Alaska to Texas, without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, distinct geography, distinct distribution of population, and distinct political heritage. My own understanding of the various theories of representative government is that no one theory has ever commanded unanimous assent among political scientists, historians, or others who have considered the problem. But even if it were thought that the rule announced today by the Court is, as a matter of political theory, the most desirable general rule which can be devised as a basis for the makeup of the representative assembly of a typical State, I could not join in the fabrication of a constitutional mandate which imports and forever freezes one theory of political thought into our Constitution.

That is exactly what the decision in the Sims case did. I agree thoroughly with Justice Stewart's statement. There may be room for argument on what is, in political fact, the best system of choosing representatives; but I believe that there is no room for argument that the Constitution itself, including the 14th amendment taken as a whole, does not require—nor was it believed to, when it was adopted—absolute equality in the manner now required by the Supreme Court.

Justice Harlan also discusses the political ramifications when the judiciary gets involved in the question of apportionment. He speaks of the difficulties which courts are likely to encounter in this field, and says:

> Generalities cannot obscure the cold truth that cases of this type are not amenable to the development of judicial standards. No set of standards can guide a court which has to decide how many legislative districts a State shall have, or what the shape of the districts shall be, or where to draw a particular district line. No judicially manageable standard can determine whether a State should have single-member districts or multimember districts or some combination of both. No such standard can control the balance between keeping up with population shifts and having stable districts. In all these respects, the courts will be called upon to make particular decisions with respect to which a principle of equally populated districts will be of no assistance whatsoever. Quite obviously, there are limitless possibilities for districting consistent with such a principle. Nor can these problems be avoided by judicial reliance on legislative judgments so far as possible. Reshaping or combining one or two districts, or modifying just a few district lines, is no less a matter of choosing among many possible solutions, with varying political consequences, than reapportionment broadside.

While the amendment which I have sponsored with Senator DIRKSEN and others does not require States to use factors other than population in apportioning one house of their legislatures, but simply leaves them free to do so, I can see good argument for taking such other factors into account. I have no doubt that an intolerant majority can be fully as oppressive as a dictatorship, when there is no restriction placed on that majority. And I have no illusions that all values worth protecting are fully protected in the Constitution, particularly if we permit the Constitution to be changed by judicial fiat, without full and adequate debate. Again, our system of checks and balances among the branches of Government and between Federal and State Governments affords protection—political protection—to a minority who otherwise might be completely submerged and run over roughshod were there no such checks.

I have heard asked on the floor of the Senate, time and time again, the question: "How can you justify districts in which there are so few people? Land does not vote; buildings do not vote; trees do not vote. Therefore, the principle should be one vote for one man."

The great majority of the legislatures in this country have been so formed over a period of years, and the fact that the different economic positions, different geographical positions, and different interests of the people are recognized in the two-way division of the Houses has served to balance the legislatures throughout their history.

Everyone seems to ignore the fact that although we took our basic principles from the English parliamentary system, our fathers who wrote the Constitution knew that they did not want any system of peerage in this country. So they wisely framed a government under which we have a system of checks and balances and under which the Senate is elected upon a different basis, both geographically and otherwise, than the House of Representatives.

In the August issue of Fortune magazine there is an article dealing with this question, and I ask unanimous consent to have this article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, the basic point which the author of that article makes is that the majority of the Supreme Court has ignored the fact that our forefathers, in drafting the Constitution, were fully aware of the possibility of pure democracy but made a conscious choice in favor of representative, republican government instead. He argues that Chief Justice Warren, in his opinion written for the majority, confuses qualitative and quantitative values, choosing democracy—quantity in election—as the controlling factor, thus overturning the intent of the framers of the Constitution, who were concerned with quality of representation in a republican government. The Senate was seen, in the various States as well as in the Federal Government, as a check on the House—that is, on the body chosen by purely democratic means.

Incidentally, Earl Warren apparently considered this a political question when he was Governor of California. He opposed a strict one-man, one-vote theory, and opposed reapportioning the State senate on a strictly population basis in these words:

> Many * * * counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of restricting their representation in the senate to a strictly population basis. It is for the same reason that the Founding Fathers of our country gave balanced representation to the States of the Union, equal representation in one house and proportionate representation based on population in the other. Moves have been made to upset the balanced representation in our State, even though it has served us well and is strictly in accord with American tradition and the pattern of our National Government. There was a time when [this State] was completely dominated by boss rule. * * * Any weakening of the laws would invite a return of boss rule, which we are now happily rid of.

Specifically, Mr. President, I am disturbed about the Colorado reapportionment case. I am not as familiar with the situation in the other States where reapportionment has been decreed, but in Colorado we had a constitutional provision which had been properly implemented by the legislature, the constitutional amendment having been adopted by a majority vote in every one of our 63 counties—on a one-man, one-vote basis—including those counties which, according to the Supreme Court, are "under represented." I believe that the Colorado plan struck a reasonable balance between urban and rural interests, with neither group having a clear, overriding balance of power.

So that the record may be complete let me state that in 1962 there was an initiated law, which can be done under the constitution and statutes of the State of Colorado, entitled "Federal Plan for Reapportionment." The year 1962 was a year for a general election, so that everyone who voted had an opportunity to vote on it. It was adopted by a vote of 305,700 to 172,725. In that vote, every county in the State carried the amendment. That same year, on the same ballot, there was also an amendment entitled "No. 8," which conformed to the present decision of the Supreme Court—the one man, one vote. It was defeated by a vote of 311,749 to 149,822.

What I am saying is that, in 1962, the people of Colorado, on an initiated law, in every single county in the State, turned down the theory—which the Supreme Court has arrogated to itself under the Sims decision—by a vote of over 2 to 1; and by a vote, almost, of 2 to 1 adopted the principle that our State has maintained throughout its life since 1876.

(At this point Mr. SALINGER took the chair as Presiding Officer.)

Mr. ALLOTT. Mr. President, to quote again Mr. Justice Stewart, in discussing the Colorado situation:

> In the Colorado House, the majority unquestionably rules supreme, with the population factor untempered by other considerations. In the senate rural minorities do not have effective control, and therefore do not have even a veto power over the will of the urban majorities. It is true that, as a matter of theoretical arithmetic—

I might say that this theoretical arithmetic has shown up on charts scattered all over the desks of Senators in the Chamber at the present moment—

> a minority of 36 percent of the voters could elect a majority of the senate, but this percentage has no real meaning in terms of the legislative process. Under the Colorado plan, no possible combination of Colorado senators from rural districts, even assuming arguendo that they would vote as a bloc, could control the senate. To arrive at the 36-percent figure, one must include with the rural districts a substantial number of urban districts, districts with substantially dissimilar interests. There is absolutely no reason to assume that this theoretical majority would ever vote together on any issue so as to thwart the wishes of the majority of the voters of Colorado. Indeed, when we eschew the world of numbers, and look to the real world of effective representation, the simple fact of the matter is that Colorado's three metropolitan areas: Denver, Pueblo, and Colorado Springs, elect a majority of the senate.

To this I would add that when the State is apportioned solely on population, we find that the Denver metropolitan area alone, composed of Denver, Adams, Arapahoe, Boulder, and Jefferson Counties, can impose its wishes on the whole of the State.

Just think of that, Mr. President. The city and county of Denver, and the counties of Adams, Arapahoe, Boulder, and Jefferson which together comprise Metropolitan Denver, can impose their wishes on the whole State.

This area contains 53 percent of the State's population, although it accounts for only 3.5 percent of the area of the State. The vote of the city and county of Denver alone is sufficient to offset 55 other counties' votes, out of a total of 63 counties in the State. This situation could lead to absurd results. Assume that a new agricultural facility is planned for the State—perhaps a retraining school for agriculture workers. Is 16th and California Streets, in downtown Denver, the best location? Obviously not, but Metropolitan Denver could force that decision on the State.

I do not really believe that legislators from the urban areas would insist on this type of legislation, but I do believe that the hypothesis demonstrates what the opponents of amendment No. 1215 have ignored. Those opponents cry loudly that we are now in a position to break the stranglehold which the rural areas have imposed on State legislatures. They assume that rural legislators will ignore the needs of urban areas, and at the same time they seem to assume that urban legislators will be somehow fairer and wiser in treating all the problems of all the people in a State.

Colorado's constitutional provision which was struck down by the Supreme Court, and which, I repeat, was adopted by a majority of the voters in every county, was carefully drafted to provide the balance which is vital to the protection of the conflicting interests found in every region. John Adams, in 1789, put it this way:

> The essence of a free government consists in an effectual control of rivalries.

Colorado's plan failed the Supreme Court's test of one man, one vote. But it was the solution which was worked out by the people of Colorado, adopted in free elections, and enshrined in their constitution. Further, they had the right to change their plan whenever a majority of voters in the State decided it was desirable to do so. With the initiative and referendum in Colorado, the people do not lack protection from a malapportioned legislature; it simply is not possible for "the bad guys" to perpetuate themselves in office forever, with this kind of protection available to the voters.

It is for these reasons that I shall work as vigorously as possible to overturn the Supreme Court decisions with a constitutional amendment and return the matter to the States, where it has resided for 175 years, and where I believe it belongs. It is for these reasons, also, that I urge adoption of amendment No. 1215, offered by the distinguished majority and minority leaders.

Mr. President, I yield the floor.

EXHIBIT 1

THE SUPREME COURT AND THE REPUBLIC

(By Felix Morley)

In his final opinion as a Supreme Court Justice, delivered from that bench on March 26, 1962, Felix Frankfurter quietly observed that: "What is actually asked of the Court in this case is to choose * * * among competing theories of political philosophy."

The case was *Baker* v. *Carr*, establishing jurisdiction for Federal courts over the system of representation in the general assembly of Tennessee, and, in effect, ordering that representation in the lower house be made proportionate to the geographic spread of population. Justice Frankfurter, in his monumental dissent, pointed out that arithmetical equality in voting "was not the system chosen by the Constitution" and "is not predominantly practised by the States today." The case, he concluded, "is of that class of political controversy which, by the nature of its subject, is unfit for Federal judicial action."

That, however, was not the majority opinion. And the theory of judicial control over legislative composition has now been carried much further by the Supreme Court's judgment of June 15, on six similar cases appealed from Alabama, Colorado, Delaware, Maryland, New York, and Virginia. In all of these Justice Harlan, associated with Frankfurter in the Tennessee dissent, again denies validity to the argument that the legislatures of these States "are apportioned in ways that violate the Federal Constitution."

The progression to the current cases from that of 1962 is noteworthy. In the Tennessee ruling the Court established its right to intervene, justifying this by the "invidious discrimination" among electoral districts of the lower house with very unequal population. In the current cases the right of intervention is assumed. Local efforts to rectify imbalance without profound disturbance of traditional patterns are found inadequate. And not just one but both houses of the affected State legislatures are told that they must reapportion on the principle of "one person, one vote."

With this decision, which demands reorganization of legislative arrangements in almost every State, the import of Justice Frankfurter's prescient observation becomes more clear. What the Court is doing is to impose on the States a new conception of representative government, far more egalitarian than that established by the Founding Fathers. The effect is no less revolutionary because ordained by an agency—the Federal judiciary—not customarily associated with profound political upheavals.

Nor is it to be expected that the resultant tremors will be confined to State capitols and local political organizations. In *Wesberry* v. *Sanders* the Supreme Court decided, some months ago, that "our Constitution's plain objective" is to provide "equal representation for equal numbers of people." This goes for the Federal House of Representatives as clearly as for the State legislatures. And if the U.S. Senate is safeguarded by very specific constitutional guarantees the current decisions none the less imply that its system of representation—two Senators alike from sparsely and heavily populated States—is somehow un-American and undesirable.

THE CHOICE

The "competing theories of political philosophy" to which Justice Frankfurter referred are that of a federal republic, on the one hand, and that of a unitary democracy on the other. "Totalitarian" would be a more descriptive adjective than unitary, except that it has acquired a strongly derogatory flavor. The point is that the opposite to the division of governmental power essential for a federal republic is the concentration of governmental power necessary to make a democracy operative.

Democracy, in its political sense of unqualified majority rule, upholds the principle of "winner takes all." Carried to a logical conclusion it means that minorities have no rights which "the will of the people" may not override. Vox populi, vox dei, as the old Romans said. The trouble there was that ambitious generals soon saw themselves as spokesmen of all the people and therefore as godlike rulers. Thus representative government, lacking careful institutional restraint, soon ceased to be democratic even as it claimed that objective. We see the same phenomenon operating in Communist countries today, called democratic people's republics by their dictators on the assumption that they are the only legitimate interpreters of the popular will.

The Greeks, for a brief but glorious period, were able to avoid this political degeneration, simply by stressing the excellence for which they were taught to strive in every aspect of life. Government should be representative, serving the interests of all, impartially. But those who conduct it should be, in every sense, an "elect" group, chosen by a very limited suffrage.

The authors of the Constitution, for the most part good classical scholars, paid close attention to the Greek and Roman precedents. While firm believers in representative government, they found democracy, in its political as contrasted with its social sense, abhorrent. The word is not mentioned in the Constitution and became especially mistrusted when the doctrine of absolute equality led to the Reign of Terror in France. This prompted the famous aphorism of John Adams, our second President: "There never was a democracy that did not commit suicide."

THE MEANING OF FEDERALISM

In fact, it was impossible for the Govern- of the United States, in origin, to be really democratic. It had to take Federal form to achieve the union of the Thirteen Originally independent States. The essence of federalism is the reservation to its component parts of certain defined powers, which of itself involves a limitation of the powers of the general government. No matter what their collective desires, the people of a federation are not entitled to decide matters reserved to the authority of the constituent states. In a federation, majority opinion is therefore sometimes ineffective, unless it coincides with the public opinion of autonomous localities.

That much is true of any federation, but in our own the curbing of democracy was originally carried further. Some of these curbs on popular control have been removed, but others of great significance remain. Congress, for instance, "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Here is a clear contraction of democracy but not of representative government, which serves to protect those very minorities that democracy is disposed to crush. Under our system an opinionated religious sect, like the Amish is safeguarded not by sending representatives to Congress but simply because the conventional majority there is denied the democratic power to suppress.

While deeply interested in political personalities and detail, most contemporary Americans are far more ignorant of political theory than were their forefathers. This presumably explains why the present Supreme Court can effectively suggest that representative government is necessarily democratic, and that democracy is necessarily representative. Yet illustrations of the important difference between the two are all around us. As the electoral system has developed it will be the rule, not the exception, in November for a simple majority, or even a plurality, of the voters in each State to decide the entire electoral vote of that State. This accords with the democratic principle of "winner takes all." But it is difficult to find anything representative in the procedure.

There are many indications that the objective of some Americans today is to substitute pure democracy for our traditional system of representative government. One way to accomplish this is to take all intelligent content out of the technical political term "democracy," and to make it a "good" word surrounded with a mystique calculated to make people react with spontaneous favor to its utterance. Over the years this has been done. Today it is almost embarrassing to recall that James Madison considered political democracy "incompatible with personal security or the rights of property."

The second way to weaken representative government is to erode the Federal structure by a continuous and progressive centralization of governmental functions. This process, too, was underway long before the day of F.D.R., who probably deserves less credit, or discredit, than he generally receives for the concentration of power in Washington.

But the movement to eliminate the States as sovereign entities is greatly impeded by the fact that local self-government, though often inefficient and not infrequently corrupt, is still generally regarded as preferable to dictation by distant bureaucrats. At many points along the road to socialism the Congress has dug in its heels, showing strong skepticism toward the provision of "bread and circuses," as the old Romans characterized the various new and fair deals by which the unconquerable empire was undermined from within.

A DANGEROUS PRECEDENT

There is, however, an infrequently used device by which the executive may overcome the obstruction of a recalcitrant legislature. It can summon the third arm of government, which is the judiciary, to its aid, and if the judges are compliant, giving fluid interpretation to the laws, representative government may in effect be frustrated. Such a policy is dangerous and a great deal depends on the manner in which it is undertaken. King Charles I of England called on the judiciary to support the divine right of kings, as did Louis XVI a century and a half later in France. In both cases the monarchs were decapitated for their pains.

It is a more subtle and promising tactic to have the judges find legislative obstruction "undemocratic" since the charisma of democracy protects the executive against any charge of arrogance, seems favorable to everybody, and accords with the general sense of justice, in which the judicial profession is assumed to be expert. And though the Supreme Court is, ironically, the most undemocratic of our institutions it is working assidiously in favor of more democratic representation.

"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." So says Chief Justice Warren in his controlling opinion on the latest reapportionment cases. But the right to vote freely is not at issue in any of these cases.

The issue is merely whether there is improper discrimination when all votes are not equally weighted on a nosecount basis. And that question does not affect "the heart" of representative government. Its major concern is quality of representation while that of democratic government is quantity in election. New York was not underrepresented at the Philadelphia Convention of 1787 because it had only one delegate—Alexander Hamilton—to sign the Constitution, whereas Delaware had five, whose names would today be recognized by very few.

"NOT TREES OR ACRES"

Confusion of qualitative and quantitative values, in Chief Justice Warren's opinion of June 15, leads to a tortured reasoning not likely to become more impressive as it is subjected to the test of time. The opinion relies, in large part, on that clause of the 14th amendment which says that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Taking this clause out of context it is laboriously argued that equal protection is denied unless representatives speak for an arithmetically equal number of people. "Legislators," say the current judgment, "represent people, not trees or acres." That is the theory of pure democracy, which reduces individuals to so many faceless integers, to be electronically numbered and herded about like sheep. The theory of representative government is that those who make the laws should consider their constituents not merely in quantity but also in quality. Their interests, too, merit consideration and these include trees, acres, and countless other properties, tangible and intangible. To ignore these manifold interests is to debase human nature.

That is what happens when representative government concentrates wholly on democratic principles. But if it ignores these principles entirely it also ceases to be representative. By the latter mistake the States collectively have invited the further blow to their sovereignty that the Court has now delivered. In many of the local legislatures there has been no redistricting for decades, so that rural areas continue to dominate the State capitols in a manner palpably unfair to the swollen metropolitan ganglia. Chief Justice Warren points out that "the last apportionment of the Alabama Legislature was based on the 1900 Federal census, despite the requirement of the State constitution that the legislature be reapportioned decennially." Few would deny that the Supreme Court has both the authority and the duty to request a State to observe its own constitutional provisions.

Unfortunately, the decision in regard to Alabama and the five others goes far beyond any such timely admonition. It rules that both houses must be apportioned strictly on the basis of population, asserting that "the fundamental principle of representative government in this country is one of equal representation for equal numbers of people. * * *" If the U.S. Senate seems to refute this dictum it is because that body is a case apart, constituted not on the basis of logic but of compromise at the Constitutional Convention of 1787.

MORE THAN A CONVENIENCE

Compromise between the large and small States certainly played a part in the decision to make representation in the Senate equal for all, while adjusting it to a population ratio in the lower House. But the suggestion that this arrangement was merely a matter of convenience is not sustainable. When the Constitution was drafted many of the State legislatures already had senates formed on a geographical basis, regardless of population. And it was this arrangement that made the eventual equivalence of two Senators from each State in the Union not merely plausible but also logical. As Madison wrote, in No. 62 of the Federalist, "in a compound republic, partaking both of the national and Federal character, the Government ought to be founded on a mixture of the principles of proportional and equal representation."

Nor is it convincing for the Court to say that there is no analogy between the Federal and State governments, and therefore a State senate based on geographic considerations "is impermissible." The Constitution does not concern itself with the organization of State government, except to guarantee that in each case the form shall be "republican." But the record shows that the counties were generally regarded as having the same relation to the States as these would have to the General Government, with senates in both sovereignties serving as "an anchor against popular fluctuations." This is particularly emphasized in No. 63 of the Federalist, where Madison closes six arguments for a distinctive second chamber by saying: "It adds no small weight to all these considerations to recollect that history informs us of no long-lived republic which had not a Senate."

UNHEEDED ADVICE

Madison is discussing all legislative bodies, not just the U.S. Congress, when he argues for an upper house "distinct" and "dissimilar in genius" from the more numerically representative legislative chamber. Then comes a passage that is poignant reading in connection with the Supreme Court's decision of June 15. "This [distinctive senate] is a precaution founded on such clear principles, and now so well understood in the United States, that it would be more than superfluous to enlarge on it."

Since the Founding Fathers are practically ignored, it is scarcely surprising that the Warren opinion pays no attention to the arguments of John Stuart Mill, in his classic essay on "Representative Government." In this, first published in 1861, the reasons for bicameral legislatures based on differing principles are set forth in universal terms. In a passage that might have been written for the Warren court, Mill says: "It is important that no set of persons should, in great affairs, be able even temporarily to make their sic volo [thus I wish] prevail without asking anyone else for his consent." He then argues that the most effective check on legislative blundering is provided when the second chamber is organized on a wholly different principle from that of its opposite number. "One being supposed democratic, the other will naturally be constituted with a view to its being some restraint upon the democracy."

That, of course, is the principle of check and balance underlying bicameralism in the State legislatures as well as in Congress. To strike at that principle in the case of the States is to injure it for the Nation as a whole. With tiresome statistical detail Chief Justice Warren emphasizes that in the Alabama State Senate "members representing 25.1 percent of the people of Alabama" can theoretically control that body. This the Court calls "invidious discrimination." But it is also true that Senators representing only 16.4 percent of the people of the U.S. form a majority of that body. What is invidious for 50 Capitoline geese can scarcely be admirable for the more august gander who cackles across the park from the Supreme Court's majestic home.

A final flaw in the reapportionment policy that has been ordered is that it can never be accurate. In its 1964 opinion the Court takes statistics from the 1960 census to show disparities. But population changes daily. The most meticulous reapportionment during the next few months would be outdated when made, and continuously more so until replaced after the 1970 census.

So the assumption that "dilution" of a vote is unconstitutional leads on to the unanswerable question: How much dilution? As population mounts it would appear that the condition of the country steadily deteriorates. In the first Congress no Member of the House represented more than 30,000 people. Currently, with many more Representatives, the average is 1 for approximately 425,000. The only way to stop this progressive "debasement" would be to cut off all immigration and then exactly equalize the numbers of births and deaths.

NOT A RIGHT BUT A PRIVILEGE

Reluctantly the Court concedes that "it may not be possible to draw congressional districts with mathematical precision." And this is fortunate, since if it were possible the most dangerous flaw in the argument might be concealed by feasibility. Representative government, as Mill so cogently argued a century ago, is not a right but a privilege, successful only when voters are "willing and able to fulfill the duties and discharge the functions which it imposes on them." To emphasize his point Mill was intentionally provocative. He would exclude from the franchise not only the illiterate and incompetent but also all who receive any form of relief from public funds. He also advocated multiple voting by university graduates, on the dubious assumption that higher education would have improved their minds. "It is not useful, but hurtful, that the Constitution of the country should declare ignorance to be entitled to as much political power as knowledge."

A SUPERFLUOUS COURT

Yet this, swinging to the opposite extreme, is precisely what the Supreme Court declares in its strongly egalitarian ruling. Equality means, literally, deficient in quality and to eliminate quality has never been a dominant American objective, in the choosing of legislative bodies or in any other function. Though "all men are created equal," in the sense of being entitled to equal social consideration and legal protection, they do not remain equal in their abilities and accomplishment. Equal opportunity has never implied that competition is undesirable. The customs and laws of the country have always encouraged individuals to "get ahead"—which means to become unequal.

Justice Harlan has the importance of excellence in mind when he warns that the reapportionment edicts have "portents for our society and the Court itself which should be recognized." We shall have a very different society if a dead level of mediocrity is successfully established as the national image. If the Federal structure is destroyed to gain this objective, there will no longer be any function for the Supreme Court. Its only constitutional purpose is to maintain the delicate balance between the National and State Governments. If the latter lose their autonomy the Court becomes superfluous.

There is no similar organ in the Soviet Union, where totalitarian democracy is triumphant, at the cost of representative government.

Mr. ANDERSON. Mr. President, we are now engaged in a debate which centers on the vital organs of our form of government, and reopens arguments raised and resolved by the men who shaped the Constitution of the United States. The outcome of this debate and the issue which prompted it could, over the years, have a deeper effect on more Americans than the civil rights bill we passed in June. The House of Representatives has passed a bill, the Tuck bill, which would bar the Supreme Court from acting in cases involving the reapportionment of State legislatures. This bill defies the basic principle established by the Founding Fathers that the Supreme Court should exercise the role of final arbiter in disputes of interpretation of our Constitution because it would destroy one of the foundation stones of our Republic.

The Tuck bill, in my opinion, should have been defeated. There were those, however, who believed that the extreme measure passed by the House would force this body to accept some sort of more modest counter to the Supreme Court's decisions on legislative apportionment in the States. This so-called more modest measure took the form of the Dirksen amendment. I am as strongly opposed to the Dirksen amendment—even though some would label it a modest proposal—as I am to the Tuck bill. No hearings were held on the Tuck bill in the House. We have not held hearings in the Senate on the Dirksen amendment, yet we are asked here to attach this disruptive amendment to the foreign aid bill.

If this amendment should become a part of the foreign aid bill and the foreign aid bill be sent to the President, I would rather see the President veto that vital legislation rather than let the Dirksen amendment become the law of the land. The amendment abrogates the principles for which the Founding Fathers labored long and diligently in the Philadelphia Convention of 1787. More than that, it would encourage Congress to foreclose Supreme Court actions in other areas which might be unpopular with an active and influential minority. Even when the Supreme Court in 1954 handed down its momentous decision that there should be desegregation in the public schools, I do not recall that any measure was introduced in Congress to deprive the Supreme Court of the right to rule in such cases. Could it be that this issue has generated so much opposition because reapportionment has such a profound effect on the political power structure?

I find it somewhat surprising that the distinguished Senator from Illinois, who was one of the architects of the civil rights bill, should be the principal architect of this proposal which is nothing else but a civil wrongs bill, because it would deny to many the right of equal representation and does violence to the 14th amendment which was one of the bases for the civil rights bill. There are those who say that the Dirksen amendment accepts the decisions of the Supreme Court that both houses of State legislatures must be apportioned on the basis of population, but merely delays implementation of the rulings. In truth the purpose of the Dirksen amendment is to buy time—time in which it is hoped a constitutional amendment can be adopted that will produce the same results, wholly or partially, as the Tuck bill if it were enacted. In reality, we would wind up in the same leaky boat, nullifying the action of the Supreme Court, but worse, foreclosing future decisions by the Supreme Court in this area of fundamental principle. The Dirksen amendment only delays the day of final judgment for the inequality and injustices which have been the lot of large numbers of Americans for so many decades. Malapportionment will still be with us. I am afraid that millions of our citizens will despair that nothing can be done to erase this blot on our democracy. They will believe that Congress has left them hostage to the whims and will of legislatures which do not accurately respond to their needs.

The number of taxpayer suits that have been filed in recent years and the number of organizations with large memberships which have made this issue a major cause in behalf of good government indicate that we will not be putting the problem to rest. Justice delayed is justice denied and cannot be tolerated.

Just as the Supreme Court was long reluctant to get into this reapportionment question, which Mr. Justice Frankfurter once called a "political thicket," I, too, have been somewhat hesitant. In my State, after the Baker against Carr decision in 1962, a suit was filed in an effort to bring about a reapportionment of the New Mexico House of Representatives on a more equitable population basis. The New Mexico Legislature passed, and the Governor signed, a bill that would have provided for a weighted-vote plan. This law was held unconstitutional by the State court. But over the months I have grown increasingly concerned about the perpetuation of a situation by which 14 percent of the people of New Mexico could elect a majority of members of the State senate. What holds true in New Mexico applies to a more inequitable degree in some States and to a less severe extent in many others.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. DOUGLAS. The Senator has just made a very significant statement. Do I correctly understand that 14 percent of the population of New Mexico can elect a majority of the senate or the house?

Mr. ANDERSON. Of the State senate. The figure as to the house is somewhat variable. It has been approximately 27 percent. But 14 percent of the people of our State can elect a majority of the State senate. I believe that is bad. Our State has shifted a great deal in recent years. Some new people have moved in. New industries have been developed. We have had a wonderful class of people come into our State to take part in the atomic energy installations. Those are among the people who would lose their power as voters under this situation.

Mr. DOUGLAS. I have some statistics which indicate that the Albuquerque metropolitan district in 1950 had 146,000 people. In 1960, it had 262,000 people. It had a growth of 80 percent.

Mr. ANDERSON. That is correct. There are other figures which are even more interesting. I came to Albuquerque in about 1917. I was able to go back to work in about 1919, after a little bout with tuberculosis. In the 1920 census, the population of Albuquerque was 15,200, I believe. In 1930, it was about 22,000. In 1940, it was about 36,000. In 1950, it was about 100,000. By 1960, the population was 262,000.

Mr. DOUGLAS. And if we include the metropolitan district, the growth has been even greater.

Mr. ANDERSON. That is correct. This growth has taken place to a very substantial extent, not solely, because of the development of the atomic industry. The growth of this industry brought a class of citizens to our State which, I would say, is above the national average in its possession of college degrees. There are many men and women with doctors degrees in science.

They are a very intelligent class of people. They become very intelligent voters. Yet, they realize that their vote does not begin to count when compared with the vote of certain other people. It takes about 165 of those very fine citizens to equal the vote of 1 person in some of the other counties in the State.

The 14 percent figure which I gave the Senator from Illinois is the figure for 1960. We have not had a census since then. But if we had an accurate count of the population as of today, the percentage would come down below 13 percent as of 1964. The percentage is dropping very rapidly. It will be down to 12 percent in a very short time, I assume.

Mr. President, there are those who say that this reapportionment issue is in reality a grab for power by the unions or by the city dwellers or that it will benefit the Democratic Party or the Republican Party. I personally do not feel that such a conclusion is justified. Indeed, in my own State, it is certainly difficult to determine which party, if indeed any single party, would reap the greater benefit.

One of the great unknown areas politically in the Nation is the suburbs because they are relatively new phenomena and what the future will bring in terms of political effectiveness cannot be accurately forecast at this time. It is the suburbs which hold the balance of political power in many States, and it is also the suburbs which I believe have a tendency politically to hold opinions which, in fact, represent a cross-section of the country.

Therefore, the argument that fair reapportionment would benefit a particular political party could well be wrong. What I am striving for is not political gain but political justice, and I think this is the intent of the Supreme Court ruling.

Mr. President, intemperate and misinformed critics contend that the Supreme Court of late has been doing violence to the basic principles on which this Nation was created. Some have been so extreme as to suggest that foreign ideologies—whatever that sinister phrase might mean—have come to dominate the Supreme Court. It is a pity that such extremism should receive any measure of favorable response, but it is gratifying that this response is only echoed by a distinct minority.

Throughout the framing of the Constitution delegates from the great State of Virginia took a leading role in fighting for a strong Federal Government. The Virginia delegation to the Constitutional Convention was led by the leading citizen of that State and the leading citizen of the United States as well, George Washington. Included in the delegation were Patrick Henry, Edmund Randolph, James Blair, James Madison, George Mason and others, all of whom left an indelible mark upon the history of this Nation. It is ironic that the State which led the fight for a strong Federal Government and the separation of powers among the legislative, judicial, and executive branches should now be the State whose representative introduced a bill to strip the Supreme Court of its authority to rule on a particular constitutional question. I would hope that this change in attitude exemplified by the Tuck bill is not really representative of the wishes of the citizens of the great State of Virginia.

It is no accident that the process of amending the Constitution of the United States insists that all changes to the Constitution finally be passed on by the people rather than the State legislatures. The attempt to amend the Articles of Confederation had taught by bitter experience that the objection of a single State was sufficient to block the will of all the others. It was evidently necessary that provisions should be made for amendments to the new Constitution with the consent of less than the whole number of States. It was also felt that this same principle ought to be applied in the modifications proposed in the existing instrument, and those who favored a Government responsible to the people directly advocated as a first step in this process the ratification of amendments of the Constitution by the people rather than by the legislatures.

There was an obvious theme of representation based on population running through the Constitutional Convention in Philadelphia.

Madison, an eminent Virginian, to whom we are indebted for his notes on the Philadelphia Convention, expressed his distress with the proposal for equity of votes between the States regardless of size or population. Madison said:

> The prospect of many new States to the westward was another consideration of importance. If they should come into the Union at all, they would come when they contained but few inhabitants. If they should be entitled to vote according to their proportion of inhabitants, all would be right and safe. Let them have an equal vote, and a more objectionable minority than ever might give law to the whole.

Alexander Hamilton, during the Convention in Philadelphia, voiced his objection to the plan put forward by the small States for equal representation in the Senate.

Hamilton stated:

> Another destructive ingredient in the plan is that equality of suffrage which is so desired by the small States. It is not in human nature that Virginia, and the large States should consent to it; or if they did, that they should long abide by it. It shocks too much all ideas of justice and every human feeling. Bad principles in a government, though slow, are sure in their operation and will gradually destroy it.

For in fact, Mr. President, the original constitutions of 36 of our States provided that representation in both houses of the State legislatures would be based completely, or predominantly, on population. The Founding Fathers "clearly had no intention of establishing a pattern or model for the apportionment of seats in the State legislatures when the system of representation in the Federal Congress was adopted." The Northwest Ordinance adopted in 1787—the same year as the Constitutional Convention met in Philadelphia—provided for the apportionment of seats in territorial legislatures solely on the basis of population. The Northwest Ordinance stated:

> The inhabitants of the said territory shall always be entitled to the benefits * * * of a proportional representation of the people in the legislature.

Thomas Jefferson, a great President and a great Virginian, repeatedly denounced the inequality of representation provided for under the 1776 Constitution. Often he proposed that the State constitutions provide that both houses be apportioned on the basis of population. In 1816, he wrote—I am glad that the Senator from California [Mr. KUCHEL] stated the same quotation a few moments ago—that:

> A government is republican in proportion as every member composing it has his equal voice in the direction of its concerns * * * by representatives chosen by himself.

Three years later, he stated:

> Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation because the prejudices themselves cannot be justified.

Mr. President, I cite the early history of the Republic only as a way of diminishing and diluting the opinion repeatedly charged that the action of the Supreme Court and the actions of the Congress are not in keeping or have drifted away from the original philosophy upon which this Government was constructed.

Mr. President, it is argued that the States, in establishing for themselves houses of representatives based approximately on population and Senates based on population and other factors, have adhered to the Federal plan as embodied in Congress. This resemblance between the system of representation in the Federal Congress and the apportionment schemes in the States is more superficial than actual. The apportionment of the U.S. Senate covered by the Constitution of the United States was the result of the great compromise. It represented an agreement among sovereign, independent States. After many proposals, it was decided that the sovereign States would approve the Constitution only if their sovereignties were adequately reflected in the Senate of the United States. Counties and cities draw their powers solely from the States and cannot, under any stretch of the imagination, be considered sovereign entities.

A valid argument against little federalism is that each U.S. Senator is more likely to represent, because of political realities, all interests within a State—rural, suburban, urban—so, in fact, he does represent the gross interests of the people of his State; whereas State senators from small political subdivisions of the State have a tendency to represent, with some exceptions, only a narrower interest group.

In 1955, the Commission on Intergovernmental Relations, established by President Eisenhower, submitted its report to the President for transmittal to Congress. The report stated:

> Reapportionment should not be thought of solely in terms of a conflict of interests between urban and rural areas. In the long run, the interests of all in an equitable system of representation that will strengthen State government is far more important than any temporary advantage to an area enjoying overrepresentation.

The problem of reapportionment is important, the Commission said, "because legislative neglect of urban communities has led more and more people to look to Washington for more and more of the services and controls they desire." One of the study reports prepared for the Commission makes this very clear:

> If States do not give cities their rightful allocation of seats in the legislature, the tendency will be toward direct Federal-municipal dealings. These began in earnest in the early days of the depression. There is only one way to avoid this in the future. It is for the States to take an interest in urban problems, in metropolitan government, in city needs. If they do not do this, the cities will find a path to Washington as they did before, and this time it may be permanent, with the ultimate result that there may be a new government arrangement that will break down the constitutional pattern which has worked so well up to now.

The Commission declared:

> One result of State neglect of the reapportionment problem is that urban governments have bypassed the States and made direct cooperative arrangements with the National Government in such fields as housing and urban development, airports, and defense community facilities. Although necessary in some cases, the multiplication of national-local relationships tends to weaken the State's proper control over its own policies and its authority over its own political subdivisions.

Along with other sunshine States—Nevada, California, Arizona, and Florida—New Mexico has had an extremely rapid growth in population and accompanying this change has come a change in the basic economy of our State. Agriculture, mining, and grazing are less dominant in the economy than they were. We have had an influx of relatively highly educated people to staff laboratories and test facilities, and we would hope to attract more of the kinds of activities with which they are associated. Only by keeping our State government and our State legislature in tune with the rapidly changing times can we hope to continue to attract these kinds of people and these kinds of industries. If one analyzes the kinds of people who man these laboratories and test sites, we would find that they are scholars and have been faculty members of some of the major universities in the United States and are therefore issue oriented. To deny this segment of the State's inhabitants the full participation in Government, may be denying the State the knowledge and talent which it needs to develop its capabilities to face great issues. By a more equitable distribution of representation in the State legislature, the State may attract qualified men and women. I think each of us who has experienced political life knows that there is always room for improvement in the quality of men who make our laws at the State and National level.

Mr. President, I ask unanimous consent that an article by Fred Buckles on this particular matter which appeared in the Albuquerque Journal of September 3, 1964, be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN THE CAPITAL: NEW MEXICO'S SENATORIAL IMBALANCE IS FOURTH GREATEST IN NATION

(By Fred Buckles)

SANTA FE.—New Mexico's State senatorial districts—each county is a district—have the fourth greatest population imbalance in the Nation.

Attacked in a U.S. district court suit in Albuquerque, the present State senate apportionment is highly vulnerable for this reason.

New Mexico is 1 of 10 States in which less than 20 percent of the population can elect a majority of the senate.

Only 14 percent of New Mexico's population chooses a majority of the senate. The percentage is lower only in: Nevada, 8 percent; California, 10.7 percent; and Arizona, 12.8 percent.

Less than 20 percent of the voters can also pick a majority of the senate in: Maryland, 14.2 percent; Florida, 15.2 percent; Rhode Island, 18.1 percent; New Jersey, 19 percent; Idaho, 16.6 percent; and Montana, 16.1 percent.

The pending court action was filed in Albuquerque by two women Democratic candidates for the State house of representatives—Mrs. Imogene Lindsay in district 17 and Mrs. Mary E. Beauchamp in district 11.

Their move could easily strengthen their chances for election in Bernalillo County with the general election November 3 less than 9 weeks away.

UNDERREPRESENTED

On a population basis, Bernalillo County is the most underrepresented county in the State in the senate by a wide margin.

The imbalance is 140 to 1 between Bernalillo County and Harding County on the basis of the 1960 Federal census. Bernalillo County had a 1960 population of 262,199 and Harding County's census was 1,874.

Each county is represented by one senator in Santa Fe.

The imbalance is 95 to 1 between Bernalillo and Catron counties on the 1960 census. Catron's population 4 years ago was 2,773. The ratio is 81 to 1 between Bernalillo and De Baca County which had 2,991 population in 1960.

The imbalance is steadily growing between populous Bernalillo County and the sparsely settled counties of New Mexico.

The Bureau of Business Research of the University of New Mexico estimated Bernalillo County's population in 1963 at 287,200. The bureau estimated populations of lightly settled counties as follows—Harding, 1,900; Catron, 3,000; De Baca, 2,700; Hidalgo, 5,000; Guadalupe, 5,900; Mora, 5,700; Union, 6,100; Torrance, 6,300; Sierra, 7,000; and Lincoln, 8,000.

Attorney General Earl Hartley said this week the State will ask the U.S. district court to stay action on the Senate reapportionment suit until the 1965 legislature meets and considers reapportionment.

Hartley accepted service of the Federal suit early this week for the four State defendants—himself and the State Canvassing Board composed of Gov. Jack M. Campbell, Secretary of State Alberta Miller and Chief Justice J. C. Compton of the supreme court.

TO CITE DECISION

Hartley said the State's answer which will be filed in 20 to 30 days will cite part of the historic decision of the U.S. Supreme Court on reapportionment issued June 15.

Chief Justice Earl Warren said in the majority opinion, "Under certain circumstances such as where a pending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the time of immediate, effective relief in a legislative apportionment case even though the existing apportionment scheme was found invalid."

Hartley said, "I don't think anyone will think that the (U.S. district) court's going to hear the suit before the legislature meets and has a chance to act."

Soon after the U.S. Supreme Court held both houses of State legislatures should be apportioned as nearly as practicable on a population basis Governor Campbell and First Assistant Attorney General Boston Witt announced the ticklish subject of apportionment would be left to the 1965 legislature.

Witt said then the State would immediately move to stay action on any reapportionment suit filed before the legislature meets.

Based on the present 32-seat Senate Bernalillo County would get about 11 seats, or more than one-third of the total, if reapportionment was enacted strictly on the basis of population.

The chances that this will occur in the 1965 session are remote. Senators representing sparsely settled counties, including some of the most powerful figures in the legislature, are strongly opposed to a reapportionment of the senate in the session starting January 12.

Mr. ANDERSON. Mr. Buckles, the Santa Fe correspondent of the Albuquerque Journal, is a newspaperman of long experience. I am particularly gratified to see the article which he wrote on the subject.

If time were acting to remedy this problem in the States, then I would say let us wait and over a period of a few years without any action by the Federal courts or by State legislatures equity would be achieved. I know by experience in my own State that time is not on the side of equity.

In 1950, 16 counties with a population of 145,475 had 16 senators and Bernalillo County, the most highly populated county, had 145,673 and it had 1 senator.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. DOUGLAS. May we have those figures? The Senator said that 16 counties with a population of 145,000——

Mr. ANDERSON. One hundred and forty-five thousand four hundred and seventy-five, had 16 Senators, and Bernalillo County, with a little bit more than that, had 1 Senator.

Mr. DOUGLAS. So the average person in those 16 counties would have 16 times the representation that a citizen in the county in which Albuquerque is located would have.

Mr. ANDERSON. Yes. They went back to that old political formula of 16 to 1.

Mr. DOUGLAS. Yes, that was Bryan's cry.

Mr. ANDERSON. But I should like to call the Senate's attention also to the fact that by 1960, 22 counties with 255,469 people had 22 senators and Bernalillo County with 262,199 people had 1 senator.

Mr. DOUGLAS. The ratio is 22 to 1.

Mr. ANDERSON. The ratio is 22 to 1 and going in a very bad direction.

Mr. DOUGLAS. As of 1965 does the Senator think that it might be 25 to 1?

Mr. ANDERSON. It is moving in that direction. I suppose it might be 23 or 24 to 1 by the time of the next census.

By 1960, 22 counties with 255,469 people had 22 senators and Bernalillo County with 262,199 people had 1 senator. So that the ratio in 1950 of 16 senators from the 16 smallest counties to 1 senator from the largest county had changed in 1960 to 22 senators from the 22 smallest counties to one senator from the largest county. And it is interesting, too, Mr. President, that of the 22 counties with the smallest population in 1960, 16 of them had lost population between 1950 and 1960—one of them, Harding, losing more than one-third of its population while Bernalillo experienced an 80 percent gain in population with no change in its representation in the State senate.

Now I say that time is not going to solve our problem, because the projections for the mid-1970's period show that 23 counties with a population of 386,970 will have 23 senators if the present arrangement goes unchanged. Assuming no change is made in present apportionment, Bernalillo County would have a population of 416,830 and still have 1 senator.

Time will not cure this.

So that in 25 years this imbalance will have gone from 16 to 1 to 23 to 1.

In truth, Mr. President, the equity in legislative apportionment was greater in 1910 than it is today. In 1910, Bernalillo County, then as today, the largest county in population, had 23,306 people. The house of representatives and the senate districts at that time were based to a degree on population, and Bernalillo County had 3 seats in the house and 1⅓ seats in the senate. Guadalupe County in 1910 had a population of 10,927 and it had 1⅚ seats in the house and one-half seat in the senate. Fifty years later, Bernalillo had 262,199 people and 9 members in the house, but only 1 member in the senate. Its population had increased 1,029 percent. Guadalupe County, on the other hand, had had about a 50-percent decline in those 50 years and its population in 1960 was down to 5,610. Yet it had one member of the house and one member of the senate. To sum up, Bernalillo County had lost a measure of representation in the senate while Guadalupe gained; and while Bernalillo County increased its representation in the house, Guadalupe saw its representation in the house decline hardly at all. By last year Guadalupe County had 0.59 percent of the State population and Bernalillo 28.68 percent of the State population. But one would never realize if he were simply to look at the representational system in Santa Fe.

In referring to Bernalillo County and the inequity of its representation in the State legislature, I do not mean to imply that Albuquerque, the principal city in Bernalillo County, is the only urban area in the State which is on the short end of equitable representation. In 1960 Roswell, the second largest city in the State, had 39,593 residents. Mr. President, 25 individual counties—each with 1 senator—had less population than the city of Roswell. And Roswell had to share its State senator with the rest of Chaves County. Santa Fe, the State capital, had a population of 33,394, according to the 1960 census, and 22 counties each had less individual population than the city of Santa Fe, and 21 counties in 1960 had less population each than the fourth largest city in the State, Las Cruces.

Mr. President, I ask unanimous consent that three tables which show the inequities of the senatorial apportionment in New Mexico be printed at this point in my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Counties ranked in order of population, 1950 census

	Population
Harding	3,013
De Baca	3,464
Catron	3,533
Hidalgo	5,095
Guadalupe	6,772
Sierra	7,186
Union	7,372
Lincoln	7,409
Mora	8,720
Luna	8,753
Socorro	9,670
(Los Alamos)	[1] 10,746
San Juan	12,438
Quay	13,971
Otero	14,909
Roosevelt	16,409
Colfax	16,761

Sixteen counties, 145,475 population, 16 senators. One county, Bernalillo, 145,673, 1 senator.

[1] Los Alamos did not have a senator in 1950. Not included in total of 145,475.

Counties ranked in order of population, 1960 census

County	Percentage loss ( ) or gain of population 1950–60	Population 1960
Harding	(37.8)	1,874
Catron	(21.5)	2,773
De Baca	(13.7)	2,991
Hidalgo	(2.6)	4,961
Guadalupe	(17.2)	5,610
Mora	(30.9)	6,028
Union	(17.7)	6,068
Sierra	(10.8)	6,409
Torrance	(18.9)	6,497
Lincoln	4.5	7,744
Luna	12.4	9,839
Socorro	5.1	10,168
Quay	(12.1)	12,279
Los Alamos	24.4	13,037
Colfax	(17.6)	13,806
Sandoval	14.2	14,201
Taos	(7.1)	15,934
Roosevelt	(1.3)	16,198
Grant	(13.6)	18,700
San Miguel	(11.5)	23,468
Rio Arriba	(3.2)	24,193
Curry	40.0	32,691

22 counties, 255,469 population, 22 senators. 1 county, Bernalillo, 262,199 population, 1 senator. Bernalillo, 80. 6 counties showed gain 1950–60, 18 showed loss in population.

Mid-1970 projection—Counties ranked in order of population

	Population
Harding	2,270
Catron	3,080
De Baca	3,290
Guadalupe	5,390
Hidalgo	6,100
Sierra	6,330
Mora	7,100
Union	7,550
Lincoln	8,590
Torrance	8,680
Luna	13,040
Socorro	13,440
Quay	13,530
Los Alamos	14,600
Taos	19,010
Colfax	19,290
Roosevelt	20,240
Grant	22,260
Sandoval	24,420
San Miguel	30,190
Rio Arriba	34,580
Curry	46,330
McKinley	57,660

Twenty-three counties, 386,970 population, 23 senators. One county, Bernalillo, 416,820 population, 1 senator.

Mr. ANDERSON. Mr. President, the first table shows the counties ranked in order of population according to the 1950 census. It shows that 16 counties with a population of 145,475 have 16 senators, while 1 county, Bernalillo, with a population of 145,673, has only 1 senator.

The next table is a table of the counties ranked in order of population according to the 1960 census. It shows the situation with respect to the counties.

The third table is a table of the counties ranked in order of population on a mid-1970 projection. It shows that 23 counties with a population of 386,970 will have 23 senators, and 1 county, Bernalillo, with a population of 416,820, will have 1 senator.

Another way to view this situation is on the basis of tax revenue. In July of 1964, Bernalillo County paid 30.53 percent of the State school taxes, which is the largest single tax source in the State. Guadalupe County paid 0.6 percent of these taxes, and there were counties that paid even less. I use Guadalupe County only because I have used it in previous references and because counties even smaller in population were not established as counties in 1910, the period of my comparison. If one looks at the assessed valuation of counties in New Mexico, Bernalillo has an assessed valuation of $188.5 million, while Guadalupe has $9.7 million and other counties had even smaller assessed valuations.

My remarks should not be interpreted to mean that I believe that a county's representation in the State legislature should be based on the amount of taxes it contributes. This argument was resolved by the Founding Fathers when they determined that taxes returned by the States to the Federal Treasury should not be the basis of representation in the House, but that population should be. Nor do I believe that the county that contributes the largest amount of funds should receive the greatest amount from the State. Those that have the revenue capability should be willing, and indeed have been willing, to support the needs of the less financially able counties.

One element of the changing social and economic character of our country is the automobile and its rapidly increasing numbers. In New Mexico tourism has become a major industry—an industry unheard of at the time of statehood and perhaps unappreciated when inequitable distribution of legislative seats was made part of our State constitution. As a result of rural dominance, the New Mexico State Legislature passed an antibypass law. This law has slowed down the interstate program in the State and has given a veto power to many small communities all out of proportion to their size and position of influence in the State. Yet traffic flow has a major bearing on the economy of the State and its economic growth, and this fact is dramatized by the 72 percent increase between 1952 and 1962 in the number of passenger cars registered in New Mexico. This is one of the largest increases in any State in the Union. Yet we find small towns and sparsely populated counties hamstringing plans for effective highway needs.

Why is it that our State cannot get rid of that law? I will give Senators a hint: The Bernalillo County senator might vote to do so, but these less populous counties with less total people than the lone county of Bernalillo have 22 votes out of 32 votes in our State senate. They have control—and that control the Dirksen amendment seeks to continue, world without end.

Our Founding Fathers and framers of the great American Constitution viewed their handiwork as a historic and noble experiment in unifying all citizens of the several States under a Central Government of law and not of men. The right of the judiciary to rule on constitutional questions was so implicit in the opinion of the framers of the Constitution that they saw no need to include specific language in the Constitution to confer upon the judiciary that authority. The point was debated and resolved during the discussion of the idea to create a Council of Revision which would include the judiciary and the executive departments of Government.

The framers of the Constitution had a great dream of creating a union which would withstand the test of time, adversities, and internal differences of opinion. It was a dream which is still in process of fulfillment. To strip or limit the Supreme Court by an act of Congress of the authority to rule on constitutional questions may set back this Nation's fulfillment of this dream.

From the very beginning this Union has been the envy of European countries which had for centuries been trying through various schemes to unify people of different backgrounds into a monolithic group, without violating their political heritage or individual rights. The American Constitution has already succeeded in doing so to a great degree and will continue to succeed beyond the fondest dreams of its authors. Let not one branch of Government be the cause of its faltering along in its dedicated course.

Mr. President, for the philosophical and practical reasons I have stated this afternoon, I intend to vote against cloture.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. ANDERSON. I am happy to yield.

Mr. DOUGLAS. I commend the Senator from New Mexico for the very able speech which he has delivered, and which will have a great effect on the vote tomorrow, and on any subsequent votes which may occur.

The Senator has given pungent testimony from his own State showing the way in which the metropolitan district of Albuquerque—and I assume also of Santa Fe, Roswell, and other cities—has been hamstrung by the overrepresentation of the sparsely settled counties which are sometimes referred to by those who do not live in New Mexico as sagebrush counties, and the effect that this has had on such a simple matter as transportation. He has cast the whole issue in a larger frame as well. I thank the Senator for his excellent contribution. I hope it will be studied carefully by Members of the Senate. I am sure it will have great effect. I congratulate him.

Mr. ANDERSON. I thank the Senator for his kind remarks. One of the reasons why I have spent some time on this matter is that I have been interested in the growth in our part of the country. I was forced to go to New Mexico. It was not a question of wisdom on my part that I went there, but I was fortunate in being forced to go there. I went there for another reason than choice. I landed in a region that has been growing and growing rapidly. One could hardly make a mistake in Albuquerque. One might pay too much for property, but all he had to do was hold on a little longer, because its value has been constantly growing.

The parts of our country that have been growing the fastest—and one can consult the charts—are Nevada, California, Arizona, New Mexico, and Florida. Those are the States which are most sharply out of balance so far as their representation in the senates of those States is concerned. The reason for it is that there has been a vigorous growth, and they have been unable to correct the imbalance. If anyone had stood up in the legislature of my State and tried to reapportion, he would have been voted down, because those who have the control do not want to give it up.

Mr. DOUGLAS. How long has it been since the scheme of representation in New Mexico has been in effect?

Mr. ANDERSON. If one wants to go back to the beginning—I went to New Mexico in 1917—the district of San Miguel had three senators. There was one senator from San Miguel County, and one senator from Mora County and San Miguel, and one senator from Guadalupe County and San Miguel.

Guadalupe and Mora, being small counties, had no control over the three.

All this was based on the State constitution we adopted in 1912.

Mr. DOUGLAS. Has that situation been revised?

Mr. ANDERSON. No.

Mr. DOUGLAS. It has remained the same for more than 50 years?

Mr. ANDERSON. I should say that some changes have been made. A change has been made to provide each county with one senator. Therefore San Miguel County no longer has three senators, one direct and two by proxy. It now has one senator.

Mr. DOUGLAS. No allowance has been made for the development of the cities. Is that correct?

Mr. ANDERSON. The Senator is correct. Bernalillo County, with its population, does not have anywhere near enough representation. I do not say that the apportionment must be done entirely on a population basis. However, in order to have a State government that is responsive to the needs of the people of the State, there must be some flexibility.

Mr. DOUGLAS. Is the lower house much better from the apportionment standpoint?

Mr. ANDERSON. The lower house is somewhat better. An attempt was made to reapportion through the legislature. The legislature struggled with the problem, and finally it was brought into court. It was said, "Let the court decide it." The court laid down some rules. This was done by one of our Republican judges—and I should not say it was done on a partisan basis. He laid down the basis, and the legislature tried to go on from there. When they were through, they were in such a mess that the court had to throw it out again on the ground that it was unconstitutional. But a change was approved to make for a more equitable situation in the House starting next January.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. ANDERSON. I yield.

Mr. METCALF. The Senator from New Mexico has made a fine speech, and in making it he has added to the evidence that is piling up which shows the need for reapportionment in every State of the United States.

Yesterday I pointed out that historically the State of Montana has been malapportioned deliberately against the warnings of a great Governor of the State of Montana, who said that we were violating the Constitution of the United States and had been doing so for 75 years.

The same thing has happened in State after State.

The speech of the Senator from New Mexico has added to this accumulating evidence, which shows that this subject must be taken care of at the present time. The only remedy we have is through the Supreme Court.

Mr. ANDERSON. Recently I picked up a copy of the New York Times of August 16. On one page it shows the State of Michigan and how the districts had been allocated. They were not in equal balance. On the opposite page the Times shows the new districts. The population of the districts is shown as being withon 1 percent of each other. Certainly an equitable job was done there. If this can be done in Michigan, it can be done in New Mexico and in every other State of the Union. I hope it will be done.

Mr. METCALF. Another significant contribution that the Senator from New Mexico has made is that when we have properly apportioned legislatures the States will begin to play a proper part in the government—in the Federal, State and local governments—and to bear their fair share of the burdens that we have had to take care of because of the dereliction of the States.

Mr. ANDERSON. Yes. Returning to my home county, in that county there is located the Sandia Corp., which is a Government-owned corporation—although there is some question about that—in which the stock is held by the Western Electric, a part of the American Telegraph & Telegraph Co. The individuals in this corporation are far above the average. They are fine people, and we have the benefit in our community of their wonderful presence. However, those people cannot vote—at least not to the same extent that other people in the State can vote in the sense of representation in the State senate. I would very much like to have full weight given to the vote of these people. That is all we ask.

Mr. METCALF. That is all we seek.

Mr. JAVITS. Mr. President, the real argument between the contending parties in the reapportionment issue is as much the power of the Supreme Court as it is apportionment itself.

A number of recent decisions, including the reapportionment decisions, the school prayer decisions, and the Brown decision on public school desegregation, have raised, with the intensity in which it existed in the time of Chief Justice Marshall, in the time of Chief Justice Taney, and in President Jackson's time, the issue of whether the Supreme Court shall have the power to construe the Constitution and implement its decisions as an independent third branch of our Federal Government.

Personally, I would deplore greatly in our national society a confrontation between Congress and the Supreme Court. I believe it must be and should be avoided by all who love the nature of our society and its constitutional system of checks and balance. It is in order to contribute to that end that I make this statement today.

Mr. President, for the first time in my Senate career I shall vote against cloture tomorrow on the pending Dirksen-Mansfield reapportionment stay amendment to the foreign aid bill. I am not voting for cloture now because I do not believe that, by Senate standards, those who oppose this amendment have had adequate time to debate it. I reserve the right to vote for cloture if a cloture motion on this amendment comes up again.

The opponents of the Civil Rights Act of 1964, it should be remembered, took 17 days to discuss the preliminary motion to make the bill the pending business. Then they were permitted more than 2 months of so-called educational debate on the bill itself before cloture was invoked on June 8 of this year.

In 1962 the opponents of the communications satellite bill were given 16 days to debate that measure before cloture was invoked against them.

Mr. President, we all know that it is rather the fashion in this body, with respect to filibusters, to treat conservatives much more kindly than liberals. This is, perhaps, an opportunity to right the balance. Even assuming that liberals are held to much more stringent standards than are conservatives—and there may be something to that, in view of the fact that liberals are fighting against filibusters and against rules that permit filibusters, while conservatives like them, and perhaps therefore we should practice more ardently what we preach than we ask of the others—those who oppose the Dirksen-Mansfield amendment will have had 6 days of debate out of a potential 9 days, several of which were consumed in debate on other matters. That is even less time than the short-term communications satellite debate in which the liberals were permitted to engage in 1962—and many of those liberals are now engaged in the present debate—and certainly it does not bear the remotest comparison to what we accepted as fair in the case of those conservatives who set themselves against the civil rights bill of 1964.

Therefore, I believe that the proper vote on the cloture motion is "nay."

I have consistently taken the position that the majority should have the opportunity to work its will in the Senate, as it does in every other parliamentary body in the world; but I have also sought to insure that there will be adequate opportunity for the minority to make its views known in debate. The proposal for amending the filibuster rule, rule XXII, which I have consistently supported, would permit an estimated 4 to 6 weeks of debate before a constitutional majority of Senators could finally invoke cloture.

The distinguished senior Senator from Illinois [Mr. DOUGLAS], who is in the Chamber today, is the author of that particular proposal, which I have supported on a number of occasions in our struggles in the Senate. I also had the honor, together with the Senator from Georgia [Mr. TALMADGE], to be a member of the rather famous two-man subcommittee which dealt with the question of rule XXII when I was a member of the Committee on Rules and Administration.

I can see no sound reason for imposing stricter debate limitations on the pending amendment than in other recent cases, particularly when the proponents of the amendment have themselves used the Senate rules to seek to append a highly controversial, nongermane amendment to a crucial annual foreign policy bill, the foreign aid authorization bill—a bill which we all know the President cannot veto—in the closing weeks of the session. So I do not believe we can have one side posing as a model of virtue while enforcing against the other side an unusually strict limitation of debate.

On the merits of reapportionment, I have said before that I am opposed to the Dirksen-Mansfield amendment in its present form. My position in this case is a middle position. Although I am not always found in that part of the road in respect to controversial questions, I find myself there now. I have long believed that there is a need for fairer representation of some of our urban and suburban areas, which have been disadvantaged by apportionment which was established when our Nation was less centralized in urban areas than it now is.

But I believe that some of the lower Federal court decisions purporting to implement the Supreme Court's one-man, one-vote decision of June 22 have been pressing State legislative reapportionment too rapidly, in the light of some States' electoral procedures. My own State of New York has a particularly acute case. There, a three-judge Federal court has ordered three elections in 2 years, with State senators and assemblymen serving for only 1-year terms instead of the 2-year terms prescribed by the State constitution. The Speaker of the New York State Assembly, Joseph F. Carlino, warned during the past weekend, that this would produce a "virtual legislative stalemate" in the legislature because of the practical inability to enact new revenue measures in election years. I fully agree with him that this is quite likely to occur.

Similarly in Vermont, a lower court has ordered the legislature to meet only for the purpose of reapportioning the State legislature, and then to disband without transacting further business. This is a most drastic injunction, one that is hardly compatible even with the dignity of a State.

I respectfully submit that the lower Federal courts, unless corrected by the Supreme Court, may produce a climate in Congress which, in my judgment, will be most inimical to the ultimate implementation of the decision of the Court itself and strongly against the national interest. Yet such a climate could be produced. I do not believe I would be touched by it, but I believe that others might.

The time has come for the lower Federal courts to understand two things: First, that every act that is adopted by a legislature, notwithstanding the fact that the legislature is malapportioned, is legal. This is not a case in which legislatures are acting illegally, and in which the Supreme Court has to hasten to shut down the business of a legislature because all of its acts are a nullity. That is nonsense. In my judgment as a lawyer—and I think it is borne out by the cases—the Supreme Court will hold that every one of the acts of any State legislature, no matter how malapportioned the legislature may be, is legal.

Under these circumstances, such drastic injunctions as requiring 1-year terms or forbidding legislatures to do anything except to meet and reapportion are hardly compatible with the dignity of the States. I would urge the Supreme Court, whatever may happen with respect to this proposed legislation, to pay particular and strict attention to what is said on this subject in the interests of the Nation and of the Court's own future and the future of the balance of powers between the legislature and the judiciary.

Haste of the kind which I have described might have been warranted if there were any danger that the acts of malapportioned legislatures might be considered per se invalid. But it is unthinkable that the Supreme Court would so hold; in fact, those Courts which have faced this issue since the decision in Baker against Carr, in 1962—the basic decision on this subject—have uniformly held to the contrary; namely, that the acts of a malapportioned legislature are and continue to be valid.

In addition, I believe it must be said that there may be a case for an amendment to the U.S. Constitution, if it is limited only to permitting the people of any State, if they wish it, to choose by referendum to have one house of their legislature apportioned with reference to a factor other than population. Such a proposal has been introduced in the other body by Representative MCCULLOCH, of Ohio; and I shall sponsor it in the Senate.

Along that line, the constitutional amendment proposed by the junior Senator from Illinois [Mr. DIRKSEN] has perhaps caused more difficulty than the Dirksen amendment to the foreign aid bill. The proposed Dirksen constitutional amendment would purport to do two things:

First. It would cut off the power of the Supreme Court in respect to apportionment cases. I thoroughly disagree with that. The Supreme Court should continue to have that power.

Second. It would put it within the possibility—and I emphasize the word "possibility"—of a State legislature, once the constitutional amendment were adopted, to reapportion without the action being subject to scrutiny and consideration either by the Supreme Court of the United States as to the fairness of that reapportionment or even by the citizens of that State in a referendum. I do not believe that is right.

One of the houses in every State legislature should be apportioned strictly on the basis of one man, one vote, but the people of that State should have the right to make some compact among themselves as to the apportionment of the second house, as has been made by the United States. There may be different historical reasons, but the idea of a Senate not necessarily based on population is now so thoroughly ingrained in the American public consciousness that I believe it would be difficult to convince people that it is fair to insist that both houses of a State legislature must be based strictly upon population, if—and it is a big "if"—the people of that State do not prefer it that way as to one house.

It seems to me that the concept of the United States, namely, that one house is based solely on population, is a sound one. Let us remember that the whole constitutional system is based upon the premise that the American people can rise in their might and power in 2 years—a very short period of time—

and stop all the machinery of government, if they choose, by electing Members of the House of Representatives who, for example, will not vote a nickel for any government department. That is their privilege. That is all right. That is the way it should be, according to our concept of government.

The question, then, is how Congress may constitutionally manifest its desire for time to avoid hasty solutions and perhaps to propose a constitutional amendment. I do not believe the Dirksen-Mansfield amendment can do so validly under the doctrine of the separation of powers of the coordinate branches of the Federal Government unless the Court construes it as a request, not an order. I have heretofore argued that in my judgment, the Supreme Court will strike down the Dirksen-Mansfield amendment unless it construes the words "unusual circumstances," as contained in the amendment, to allow it, for all practical purposes, to consider that amendment as a request, not an order. That is a dangerous piece of business. The Court may feel constrained, as a matter of morality in the construction of the law, to hold that this is an order to the Court, and to strike it down, and face the terrible confrontation between Congress and the Court, which I do not believe anyone who loves our country and its institutions should invite. If the amendment is mandatory, if it is a statute, then it could well be construed as an attempt by Congress to impose upon the Federal courts what is called, in words of art, "a rule of decision." This has been held invalid in cases involving constitutional rights already pending before the courts. I have argued on the floor of the Senate the famous McCardle case. There is a great likelihood, in view of the later Klein and Glidden cases, that the McCardle decision is unlikley to be the law of the land as construed by the Supreme Court at this time. It is for these reasons that I wish to avoid this confrontation.

To give us the time which I believe is properly needed for the dignity and efficiency of our system of government, the Senator from Minnesota [Mr. McCarthy] and I have introduced a "sense of Congress" resolution, requesting the Supreme Court that adequate time be given to comply with the Supreme Court's decision consistent with each State's electoral process and with its procedures for amending its constitution; and also to afford time for consideration of a proposed amendment to the Constitution along the lines which I have described.

Mr. METCALF. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. METCALF. I know that the Senator from New York has pointed out the series of cases. Especially, I am referring to Reynolds against Sims. Throughout the cases, there is the business of the Supreme Court saying that these cases will be cited on a case-by-case basis, and that there will be time, that there will be not mathematical precision but as much precision as is practicable. It would seem to me that this case-by-case approach would be much more effective than any approach we could make generally.

Mr. JAVITS. Let me say to the Senator from Montana that the Court originally laid down a strict standard as to what malapportionment would be obnoxious to justice. The Senator from Montana will remember that. I believe it is, in words of art——

Mr. METCALF. Invidious.

Mr. JAVITS. Invidious—exactly right. The Court ratified that to mean one man, one vote. What happened is that the lower courts picked up that ball and ran with it harder, faster, and more drastically than anyone expected. We do not yet know what the Supreme Court would say about the lower court orders. For example, in New York, the order of the three-judge court, with all respect and dignity, is being appealed to the U.S. Supreme Court. Other cases will come up in the same way, but I believe that on a question of this great importance to the people of each State, it would be appropriate to evidence congressional intent that the people be given an opportunity to absorb this question, and that the Congress be given an opportunity to deal with it in some fashion by a constitutional amendment. It seems to me that there is not too much difference in this approach from the many cases which the Senator from Montana, who is learned in the law, has read, in which the Court has stated, "We are deciding that such and such a thing is unconstitutional and, of course, it can be changed so that it is constitutional."

The Court does not hesitate to lay down the responsibility upon us, in just so many words, when it believes it is deserved. I believe that although it may be somewhat novel, it is not unusual in the sense that it is only reciprocal for us to lay our feelings at the door of the Court and, as the Senator from Minnesota [Mr. McCarthy] and I have suggested, say, "We intended to propose a constitutional amendment. There is a likelihood that we shall. We ask you, as a coordinate branch of the Government—just as you ask us many times to correct something in the law—to exercise a little moderation in this process and give us an opportunity to act in good faith."

Mr. METCALF. I have listened to what the Senator from New York has just stated. I agree that it is within the constitutional right of Congress to make such a request to another coordinate branch of the Government. Yesterday, I tried to point out that there is a great deal of difference between what we did and what was attempted to be done in the 85th Congress to change the statutory interpretation, and in changing the construction of legislation involving the invasion of an individual constitutional right. The proposed legislation before us now, we are told, would suspend an individual constitutional right. I agree with the Senator from New York that it would be an absolutely unconstitutional act, and would be a violation of a basic right of the separation of powers.

I feel that the Supreme Court is correct, but I would much prefer to vote for some such approach as the Senator from New York and the Senator from Minnesota have suggested than to vote for a completely unconstitutional act. We would at least demonstrate that we respect a coordinate branch of the Government of the United States. The Senator is suggesting an approach which is at least within the bounds of the Constitution and within the traditions of our American constitutional government.

Mr. JAVITS. I value very highly the favorable views of the Senator from Montana [Mr. Metcalf]. I know that he comments as an honest and studious lawyer on the approach which has been suggested.

I believe we are facing a rather grave potential confrontation between the Supreme Court and Congress. I believe that it behooves all who love our system of government to use not only their ingenuity but also their patience and forbearance in such a situation, to see whether the practical result which we all seek—the Senator from Illinois [Mr. Dirksen], the Senator from Montana [Mr. Mansfield], the Senator from Illinois [Mr. Douglas], the Senator from Montana [Mr. Metcalf]—can be achieved without this confrontation.

Incidentally, this suggestion was originally Senator McCarthy's suggestion. I told him that I should like very much to join him in carrying it out, and in his typical modesty he insisted that I should introduce it and that he would join with me. But it was originally a McCarthy suggestion.

This approach is expressly designed to give Senators like myself, who do not wish this confrontation, who wish to avoid the confrontation, and who believe it can be avoided, an opportunity to support an approach which would allow things to cool off a bit on this subject, and not endeavor to have a confrontation on constitutional powers which, in my judgment, could only be serious to the Nation.

Mr. METCALF. I am delighted to know that at least my good friend and good lawyer, the Senator from New York, agrees that we must avoid the grave constitutional crisis which this issue brings up—the confrontation which we are talking about between two separate and coordinate branches of the Government.

Mr. DOUGLAS. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. The Senator from New York has heartended us all very much by certain passages in his speech. I believe that he has driven another nail into what we hope will be the coffin of the Dirksen amendment to the foreign aid bill. For that, we are very grateful.

I take it, though, that he somewhat skirts the issue that he does not wish a constitutional amendment which would permanently prevent the Supreme Court from passing upon reapportionment measures. There is room for consideration in the other questions he raises.

In conjunction with the able address made by the Senator from New Mexico [Mr. Anderson], the Senator from New

York has given great heart to all of us about the vote tomorrow.

I can only hope that Senators who may attempt to be absent tomorrow will come into the Chamber, so that the cloture motion may be defeated by a very large margin.

Again, I thank the Senator from New York.

Mr. JAVITS. I thank the Senator from Illinois for his helpful intercession.

Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, I now yield to the Senator from Montana, with the understanding that I shall retain my rights to the floor.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). Without objection, it is so ordered.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

The Senate resumed the consideration of the bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region.

Mr. METCALF. Mr. President, I have taken this time for the purpose of calling up my amendment, No. 1264, which has already been read by the clerk.

When the bill was heard in committee, the Secretary of Agriculture, Mr. Freeman, testified in support of the general bill. I am proud to be a cosponsor of the proposed legislation. As a Senator from the West, I appreciate the many things which Congress has done for us. The only thing "West" about this bill is that West Virginia is included. But we have benefited in the western part of the United States from such general legislation as that of the Bureau of Reclamation. The Corps of Engineers has worked in our State and throughout the West. We benefit from the Department of Agriculture, and the administration of the national forests. We benefit from having the national parks, and the tourist trade that is generated. We benefit from being a part of the United States, and from participating in and enjoying the benefits that develop from being part of the United States.

I am proud to reciprocate and be able to help another region enjoy the benefits of citizenship in the United States. I express to the Senator from West Virginia [Mr. RANDOLPH] and those from the Appalachian region the sentiment that we in Montana and in the West are proud of the opportunity to pay back some of the contributions that those in the Eastern and Midwestern States have made to the development of our region. It is a development which has meant a great deal to the development of the whole Nation, just as the development of the Appalachian region will make a similar contribution to the entire Nation.

When this bill came up and the hearings were held, I mentioned that Secretary Freeman appeared. He testified in support of section 203, which provides for pastureland improvement and development. At that time, the present Presiding Officer, the Senator from Maryland [Mr. BREWSTER] was present. The Senator from Hawaii [Mr. INOUYE] was present. I was present. We interrogated the Secretary of Agriculture sharply about how this pastureland subsidy would affect the price of beef.

As the Senator knows, the price of beef has deteriorated in the past 2 years. It has resulted from several things. There has been an increase in the number of cattlemen, in the size of the beef animals, and in the availability of other meat products. There has been an increase in the kind of domestic animals slaughtered and, of course, an increase in the imports.

The other day the Senate adopted an amendment originally sponsored by the senior Senator from Montana [Mr. MANSFIELD], the majority leader, which provided for a quota in the imports of beef. That will help to take care of the disastrous slump in beef prices that has resulted in the past 2 years.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. CURTIS. In order that I may properly understand the amendment of the Senator from Montana, what the Senator is proposing to do is strike out from the Appalachia bill the section which amounts to a subsidy for further pastureland.

Mr. METCALF. The Senator is correct.

Mr. CURTIS. I not only approve of that action, but my colleague, the senior Senator from Nebraska [Mr. HRUSKA], intended to propose a similar amendment. Naturally, every citizen of the United States has a right to expect that the Government should not offer a financial inducement to one citizen to provide additional unfair and burdensome competition for another citizen.

Mr. METCALF. The Senator from Nebraska is correct. I was trying to point out that on the one hand the Government is making a contribution in order to try to assist the cattle industry, as the Senator from Nebraska [Mr. CURTIS] has made a significant contribution to the passage of the Mansfield bill as a member of the Finance Committee. We not only established a quota for imports, but we tried to develop our foreign market. We increased the purchase of beef for the school lunch program. We increased the propaganda for the eating of beef, and on the other hand, on the pastureland provision, we are providing a subsidy to compete with the present beef producers.

Mr. CURTIS. Mr. President, I support the amendment of the distinguished Senator from Nebraska.

Mr. METCALF. When Secretary Freeman testified, he pointed out that there is a cycle in the development of beef and in the price of beef.

I assure the Senator from West Virginia [Mr. RANDOLPH] and my friends from the Appalachian region that when this cycle recurs—when the price of beef goes up and there is a shortage of beef animals—perhaps that might be the time to come forward with such a pastureland proposal. But at the present time, when the Federal Government is doing so much for and making such an effort to help the impoverished beef producers, it would seem to me that this would be no time to put another program underway in an effort to help subsidize beef.

I hope the Senator from West Virginia, with the assurance that the Senator from Montana and others will help him when it is appropriate, will accept my amendment.

Mr. RANDOLPH. Mr. President, the Senator from Montana [Mr. METCALF], and the Senator from Nebraska [Mr. CURTIS] have spoken in reference to an amendment or amendments which are pending which would delete the program for improvement of the pasture land within the Appalachian region.

I want the RECORD to indicate that Senators who have expressed, by sponsorship and cosponsorship, their consensus of approach to this program, including the Senator from Montana [Mr. METCALF], the Senator from Utah [Mr. MOSS] and——

Mr. METCALF. Mr. President, will the Senator yield at that point?

Mr. RANDOLPH. I yield.

Mr. METCALF. If Senator Moss had been present and were not detained on official business, he would have submitted this amendment in his own right. I would have supported it.

I have submitted it at his request. Senator Moss is the prime mover in this amendment.

Mr. RANDOLPH. The Senator from Montana is very generous, and, in this instance, correct as to the situation. I do recall that the Senator from Montana, during the executive session of the Committee on Public Works, expressed his concern about this provision. He did not exactly say that he would offer or support an amendment to delete the provision, but indicated that he felt it was a matter that concerned him very much.

I had the feeling then, as he has now so well expressed it, that he was opposed to the proposal in view of the present depressed market for beef. I am most grateful for his assurances that he would perhaps view the pasture improvement program for Appalachia in a more favorable light when the market for beef improves in the future.

Mr. President, I continue to list the names of Senators who have shared that concern and who have been either sponsors or cosponsors of amendments relating to section 203 of the bill.

As has been indicated, the Senator from Utah [Mr. MOSS] had an amendment on this subject. Naturally he would have liked to be present in the Chamber this afternoon, but he was detained on important business. For that reason he has not been provided the opportunity to argue the point.

Yesterday the Senator from Iowa [Mr. MILLER] discussed an amendment which he had submitted. In the colloquy with the Senator from Iowa I indicated that the provision in the pending bill to which his amendment referred was important. Yet I was realistic. I said we might have to yield on this point at the present time.

Today at an earlier hour in the Senate the Senator from Iowa asked unanimous consent that his name be included as a sponsor of the Metcalf-Moss amendment, and that permission was given to the Senator from Iowa. Another proposal on the same subject was presented by the distinguished Senator from Nebraska [Mr. HRUSKA], who was joined by his colleague [Mr. CURTIS], the Senator from Colorado [Mr. DOMINICK], the Senator from South Dakota [Mr. MUNDT], the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER].

So, in effect, nine Senators have either expressed themselves as cosponsors or sponsors of an amendment to delete that section, or have spoken on the subject on the floor of the Senate.

I express to them my appreciation for the study that they have given. I reiterate my belief that this provision of the bill should be retained. At this point, I wish to indicate, however, as I said yesterday, that it will be difficult to hold section 203 in the House. I frankly believe, although I may be in error, that we could hold this provision of the Appalachian regional development bill in the Senate. I am not sure of that, of course, for there is a difference of opinion. But, I am a realist in connection with legislation of the kind proposed. It is my feeling, however, that our hearings demonstrated that such a program for Appalachia is feasible.

I call to the attention of the Senate table I, which appears on page 185 of the committee hearings. That is a presentation of data on the growth of beef cow production in the Appalachian region from 1950 to 1960. I ask unanimous consent to have that portion of the hearings and the subsequent relevant testimony by Secretary of Agriculture Freeman printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the table and testimony were ordered to be printed in the RECORD, as follows:

Senator **RANDOLPH**. Thank you, Mr. Secretary.

(The tabulation referred to follows:)

TABLE 1.—*Changes in the number of beef cows on farms, by Appalachian States, Appalachian region, and United States, 1950 and 1959* [1]

State	1950	1959	Percent change
	Thous.	*Thous.*	
Alabama	46.5	152.1	227.0
Georgia	14.8	66.5	349.6
Kentucky	32.9	79.3	140.8
Maryland	4.1	8.6	110.6
North Carolina	18.3	45.9	150.6
Pennsylvania	31.1	76.5	146.3
Tennessee	67.4	164.0	143.3
Virginia	50.3	81.7	62.5
West Virginia	82.7	141.9	71.6
Total [2]	348.0	816.5	134.6
United States			54.1

[1] Source: U.S. Census of Agriculture: 1950, 1959.

[2] Because of rounding, some totals may not equal the sum of the items listed.

Secretary **FREEMAN**. Studies of feeder calf production indicate that it is profitable even at a 20-cent per pound market price for feeder calves. A study just completed at West Virginia University shows part-time farmers operating small farms making money from cow-calf operations under good levels of management. It is the best judgment of farm management specialists in the area that cow-calf operations represent one of the best agricultural alternatives. The cow-calf operation on relatively small farms requires relatively little capital, utilizes the grass production necessary to protect the erosive soil, uses little labor, and fits well in areas where many farm operators have part- or full-time jobs off the farm. The high capital requirement of alternative livestock enterprises such as modern dairying and cattle feeding prevent these enterprises from becoming practical choices.

The principal opportunity for enhanced income from agriculture in Appalachia lies in a further expansion of livestock production. We calculate that by 1972, with the full development of Appalachia's pasture resources, farmers in the region could raise their total annual income to a level about $230 million above its present level. But a concerted effort to rebuild Appalachia's wornout pastures and convert unprofitable cropland to this purpose will require new incentives, especially for small farmers. That is the purpose of section 203, which would authorize Federal payment of 80 percent of the cost of pasture establishment or improvement, limited to 25 acres per landowner. This 25-acre limitation would apply to each landowner regardless of how many farms he may own or operate.

Loan funds would be made available through the Farmers Home Administration for improvement of pasture acreage above 25 acres, as well as for the farmer's 20-percent share on the original 25 acres. The pasture improvement program would be administered in the same manner as the present agricultural conservation program which has proven its effectiveness over the years. The technical assistance funds would be utilized by the Soil Conservation Service in making soil surveys, selecting grass mixtures, and advising on cultivation practices.

These are operating agencies, as the members of this committee well know, who are carrying forward programs comparable to this one, and have been administering them for a good many years.

Funds would be allocated among the States based on (a) the number of acres which need to be improved, (b) the estimated cost, and (c) the interest of farmers in using the program.

The increase in net returns on a typical small farm in Appalachia resulting from improvement of 25 acres of pasture will range from $200 to $500. This additional income, small as it is, will be significant to most farm families, since the typical family income in these cases is less than $3,000.

Many of these low-income farmers are boxed in, that is, they are immobile because of advanced age, lack of education and skills, limited funds, and poor health, and cannot make adjustments to a new occupation. The added income from the cow-calf enterprise may be sufficient to improve the economic opportunities for the children, for example, by prolonging the educational period, so that this boxed in situation does not carry over to the next generation. It would be less costly to assist these families in place than to encourage their movement to areas where they would become very expensive wards of the public.

Some questions have been raised as to whether this pasture improvement program is timely, in the light of the current depressed cattle price situation. I believe these questions are based in part upon a misunderstanding of the nature of this proposal. The pasture improvement program would not result in the production of fed steers, but rather feeder calves that would move to other areas, primarily in the Midwest, for fattening. Imports of feeder cattle have been heavy from Canada and Mexico, reaching the peak level of 1,216,741 cattle in 1962. In 1963, it is estimated that 821,464 feeder cattle were imported from these two countries.

We can supply our needs for feeder cattle with animals produced in the United States, particularly in areas like Appalachia which desperately need diversification.

Moreover, we must keep in mind that the program proposed in this bill is a long-term proposal. If the Appalachian bill is approved, pasture improvement would begin in 1965. The first block of improved pasture would be stocked with cows in 1966–67 and the initial crop of calves marketed in 1967–68. By that time—with the continued growth of the market and the cyclical nature of cattle prices—certainly we will have worked our way out of the present price situation.

In the longer run, no less important than the objective of increased income is conservation of the soil by establishing a perennial protective vegetative cover on the land. The unprofitability of farming in Appalachia has led to abandonment and neglect of the land. Of the 12 million acres of pastureland in Appalachia, 8.6 million acres need conservation treatment. This land will deteriorate rapidly unless plant cover is improved or established to protect it.

The pasture program will provide the most expeditious means for stabilizing and protecting the land which is best adapted to pasture use. Effective grass cover can be established within two growing seasons.

Erosion adversely affects water supply, navigation, fish and wildlife habitat, and recreation. It reduces reservoir life and water quality and increases the frequency of floods. If the water resources so relatively abundant in Appalachia are to be developed and used, it is imperative that erosion be controlled. Regrassing as well as reforestation are essential to such developments.

I submit for the record three attachments on other parts of the bill of interest to our department—on water resources, timber development, and stabilization of strip mine areas. In addition, a cost-return analysis of the cow-calf enterprise in eastern Tennessee is attached.

(The attachments referred to follow:)

"COST-RETURN ANALYSIS OF COW-CALF OPERATION IN EASTERN TENNESSEE

"A recent study conducted by the Soil Conservation Service in east Tennessee (an area representative of much of Appalachia with respect to soils and climate) indicates the extent of net returns from land, labor, management, and capital that can be expected from a cow-calf operation. In this area, calves are carried on pasture for an 8-month period. The cost-returns analysis was developed for three levels of management, three types of pasture conditions, and three price levels for beef. (See table 1.) The following analysis assumes a market price of 20 cents per pound for feeder calves.

"The number of acres of unimproved pasture to carry a cow and calf during the 8-month grazing season varies from 8 acres on the better land (classes II and III) to 12 acres on the poorer land (classes IV and VI). On unimproved pastures, which represent the present situation, the net returns per animal unit (350-pound calf) would be $21.60 on the better land, and $4.80 per animal unit on the poorer land.

"If the unimproved pastures on the better land (classes II and III) were improved, this land would carry a cow and calf on 3 acres for the 8-month grazing season and the net return per animal unit under the high level of management (B) would be $47.20 and $34.90 under the average level of management (A), as compared to the net return of $21.60 per animal unit raised on unimproved pastures.

"On the poorer land (classes IV and VI), at the 20-cent-per-pound market price for feeder calves, the net return per animal unit would be $35.20 under high level of management and $24.50 under low level of management, as compared to the $4.80 return per animal unit under the unimproved pasture condition.

"On a typical Appalachian farm averaging 106 acres, of which approximately 25 acres will be in pasture, the estimated net returns for the 8-month grazing period on classes IIe and IIIe, are as follows:

"Unimproved pasture, $64.80.

"Improved pasture (average level of management), $319.20.

"Improved pasture (high level of management), $566.40.

"On land capability classes IVe and VIe, 20-cent-per-pound market price for calves the estimated net returns are as follows:

"Unimproved pasture, $4.80.

"Improved pasture (average level of management), $171.50.

"Improved pasture (high level of management), $281.60.

"The above data are presented mainly to indicate the estimated income improvement that can be expected on a typical Appalachian farm where improved pastures have been established. I should like to emphasize that the estimated modest increase in income resulting from a cow-calf operation on improved pasture would go a long way in improving family living standards, as well as accomplishing the much-needed land conservation measures on the many small Appalachian farms.

"Since the data indicate that operators of small farms can make a positive net return from the cow-calf enterprise at the 20-cent-per-pound market price, we feel that these animals can be produced competitively."

TABLE 1.—*Pasture needs and production with estimated cost returns per animal unit and per acre in a cow-calf operation, 8 months' grazing east Tennessee* [1]

Pasture combination for 8 months' grazing	Land capability class [2] and subclass	Estimated levels of production per animal unit (pounds beef)			Acres needed					Gross returns from different prices, pound/animal unit									Annual pasture costs/animal unit		
					Unimproved	A management [3]		B management [4]		20 cents			24 cents			28 cents					
		Unit	A	B		Cool season	Warm season	Cool season	Warm season	Unit	A	B	Unit	A	B	Unit	A	B	Unit	A	B
Unimproved (native grasses and *A. Lespedeza*).	IIe and IIIe	350	-----	-----	8	-----	-----	-----	-----	$70	-----	-----	$84	-----	-----	$98	-----	-----	$33.60	-----	-----
	IVe; VIe	350	-----	-----	12	-----	-----	-----	-----	70	-----	-----	84	-----	-----	98	-----	-----	50.40	-----	-----
Orchardgrass-white clover, or tall fescue white clover; tall fescue *A. Lespedeza*.	IIe and IIIe	-----	400	550	-----	1	2	1	1½	-----	$80	$110	-----	$96	$132	-----	$112	$154	-----	$42.30	$60.10
	IVe and VIe	-----	400	550	-----	1	2	1	2	-----	80	110	-----	96	132	-----	112	154	-----	56.40	72.15
Orchardgrass, white clover or tall fescue, white clover; common Bermuda grass *A. Lespedeza*.	IIe and IIIe	-----	400	550	-----	1	1½	1	1	-----	80	110	-----	96	132	-----	112	154	-----	30.30	46.00
	IVe and VIe	-----	400	550	-----	1	2½	1	1½	-----	80	110	-----	96	132	-----	112	154	-----	40.70	58.00

Pasture combination for 8 months' grazing	Land capability class [2] and subclass	Total cost during 8 months' grazing (pasture and livestock)			Estimated net returns from land, labor, capital, and management																	
					Per annual unit, at price									Per acre, at price per pound, beef								
					20 cents			24 cents			28 cents			20 cents			24 cents			28 cents		
		Unit	A	B	Unit	A	B	Unit	A	B	Unit	A	B	Unit	A	B	Unit	A	B	Unit	A	B
Unimproved native grasses and *A. Lespedeza*.	IIe and IIIe	$48.40	-----	-----	$21.60	-----	-----	$35.60	-----	-----	$49.60	-----	-----	$2.70	-----	-----	$1.55	-----	-----	-----	-----	-----
	IVe; VIe	65.20	-----	-----	4.80	-----	-----	18.80	-----	-----	32.80	-----	-----	.40	-----	-----	-----	-----	-----	-----	-----	-----
Orchardgrass, white clover, or tall fescue, white clover; tall fescue *A. Lespedeza*.	IIe and IIIe	-----	$57.10	$76.90	-----	$22.90	$33.10	-----	$38.90	$55.10	-----	$54.90	$77.10	-----	$7.65	$13.25	-----	$12.95	$22.05	-----	$18.30	$30.95
	IVe and VIe	-----	71.20	88.95	-----	8.80	21.05	-----	24.80	43.05	-----	40.80	65.05	-----	2.20	7.00	-----	6.20	14.35	-----	10.20	21.70
Orchardgrass, white clover or tall fescue, white clover; common Bermuda grass *A. Lespedeza*.	IIe and IIIe	-----	45.10	62.80	-----	34.90	47.20	-----	50.90	69.20	-----	66.90	91.20	-----	13.95	23.60	-----	20.35	34.60	-----	26.75	45.60
	IVe and VIe	-----	55.50	74.80	-----	24.50	35.20	-----	40.50	57.20	-----	66.50	79.20	-----	7.00	14.10	-----	11.55	22.90	-----	19.00	31.70

[1] This table was adopted from data developed by D. K. Springer, State soil conservationist, SCS, Nashville, Tenn.

[2] LCC IIe, suitable for cultivation, moderate conservation practices necessary.

[3] A management represents pasture practices in use on the majority of farms in Tennessee.

[4] B management represents pasture practices used by the top 10 percent of Tennessee farmers.

APPALACHIAN PASTURE IMPROVEMENT AND DEVELOPMENT PROGRAM

Farms, farm families, acreage of pasture, farms participating, and acreage to be benefited under 1965 fiscal year cost-sharing program with $8,500,000 for cost-sharing assistance and for a 5-year program [1]

[In thousands]

State	Total number of farms [2]	Total pasture acreage [3]	Estimated number of farms to be helped		Acres pasture to be benefited	
			1st year	Life of program	1st year	Life of program
Alabama	25.2	1,428	5.0	15	40	290
Georgia	16.2	763	3.0	10	20	160
Kentucky	12.9	1,245	2.5	8	35	250
Maryland	1.8	107	.4	1	5	25
North Carolina	25.7	737	5.5	15	20	150
Ohio	17.3	1,024	3.5	10	25	210
Pennsylvania	33.4	1,829	7.0	20	50	375
Tennessee	23.8	1,749	5.0	15	45	360
Virginia	17.5	1,309	3.5	11	35	270
West Virginia	44.0	2,489	6.5	25	65	510
Total	217.8	12,680	42.4	130	340	2,600

[1] Assumes an average of 20 acres per farm and an average program cost of about $25 per acre or a cost of about $14,000,000 per year after 1965 fiscal year.

[2] 1959 Census of Agriculture, all farms, about 90 percent have pasture, number has declined.

[3] Conservation needs inventory data.

Mr. RANDOLPH. Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from a study on New Zealand grassland agriculture which were conducted by a distinguished professor of the College of Agriculture and Home Economics of West Virginia, Dr. G. C. Anderson.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

POSSIBLE APPLICATIONS TO WEST VIRGINIA

The remainder of this report represents an effort to associate what has been written about New Zealand's grassland agriculture with the solution of our own problems in terms of the future. It is based on the implicit belief that grassland agriculture has a real potential in West Virginia and that the development of this potential is necessary for the improvement of human and economic welfare.

During recent years certain trends have become established in the United States, some of which have a very definite bearing on the future of West Virginia's agriculture. Briefly the more important of these trends are—

1. The number of stomachs which must be filled is increasing rapidly. (Present population, 190 million. The Bureau of Census predicts 215 million by 1970, and 261 million by 1980.)

2. The consumption of red meats per capita is increasing (1955, 162.8 pounds; 1962, 163.7 pounds; beef from 82 pounds to 89.1 pounds; others decreased or small gain).[1]

3. Our production of red meats is not sufficient to meet the demand and our imports have increased (1952, 506 million pounds; 1962, 1,804 million pounds).[1][2]

4. Patterns of slaughter cattle production and processing have changed radically, resulting in a definite improvement in West Virginia's position as a supplier of feeder cattle.

Each of these trends has been evident for some time. All are now well established. Their effect is being felt already in West Virginia in terms of changes that are taking place in our own agriculture. This statement is based largely on a study and interpretation of recent census data and personal observation. Necessarily, a certain degree of opinion, tinged with impartial prejudice, is also involved, and it is suggested that the reader keep this in mind. As a reflection of these national trends, the following observations on the changing character of West Virginia agriculture are presented. Of course, these adjustments may be happening quite independently, but be that as it may, there are some definite changes in the State's agriculture.

First of all, the size of farms is increasing and with this the number of farms with sales of $2,500 and more have increased. Income from the sale of livestock products has increased and the number of beef cattle in the State has increased considerably. Interest in West Virginia feeder cattle on the part of midwest cattle feeders is increasing. On the basis of these items, it appears that West Virginia is already feeling the effect of national trends mentioned. It is believed that this effect will become even more pronounced in the future as the demand for red meat increases. All of this serves, it is hoped, to establish that the future for West Virginia grassland agriculture is attractive and that the opportunities that will be provided cannot be overlooked.

If it is agreed that the future is promising, and I think it is, then it is logical to ask how we can take advantage of this future.

If we agree that the pattern of the future includes profitable opportunities for grassland agriculture and that because of this West Virginia's agriculture has reason to look ahead with optimism, then we should logically ask how we can make the most of the situation. It is with this in mind that the following suggestions and comments are made. In these I have attempted to blend my evaluation of New Zealand grassland know-how with my knowledge of West Virginia and the needs of her agriculture in terms of our present position and the position I expect we can occupy in the future. Certainly, some of these suggestions and the comment that goes with them will be questioned. But, regardless of how the reader may receive them, it is hoped that he will appreciate that they are given in good faith and in the context that I believe that a flourishing grassland agriculture in West Virginia is necessary to the State's welfare and is inevitable.

There are two items that must be made clear at this point, because an appreciation of them is necessary for what is to follow: First, beyond an improvement in the use of our limited cultivatable land, the real grassland resource in West Virginia is the thousands of acres of verdant wasteland which can be transformed into productive pastures. Second, the transformation of these acres into productive pastures and their profitable use requires a grassland technology or know-how particularly adapted to the unique and particular needs of the region. Such a technology or accumulation of know-how is not available to any great extent and it cannot be formed from an adaptation of Midwest farming methods. It must be our own and fitted to our specific needs.

Before anything else, our use of fertilizer and lime must be increased, for without the necessary nutrients, no pasture is capable of producing profitably. At this time, the optimum amount to use is not a problem, but getting the material on the land and learning how to get the maximum return from the investment is. Conventional means of spreading fertilizer and lime are to a large extent useless on West Virginia's hills. To get the material on the hills economically the fertilizer spreader must be given wings. In other words, aerial farming must figure prominently in the development and use of our hill pastures.

Next, regardless of how wisely fertilizer and lime are used, they cannot increase returns unless pasture plants are capable of responding. In this respect, "bluegrass," which is the basis of most of our pastures, is seriously handicapped. "Bluegrass" is, in a sense, a minor-league pasture plant. What we need is a major-league grass and a legume to go with it if we are to have a productive grassland agriculture.

Reasonably, the next need is for the development of a system of pasture-animal management which will result in a profitable and attractive return for investment and labor. A minimum of machinery, year-round grazing, maximum livestock numbers per man, emphasis on acre yield rather than yield per animal, and the adjusting of animal production so that the critical periods in terms of nutrient needs coincide with periods of pasture abundance are a few of the characteristics of a system designed to achieve an attractive return.

A profitable grassland agriculture must be encouraged by a revision in policies of land taxation. Taxation must be designed to encourage the use of land for productive purposes and to discourage its ownership for speculative and sentimental reasons. Land held for such purposes contributes to the State's economy only in terms of direct taxation; such a contribution is generally of little importance. On the other hand, land being used productively contributes significantly to the State's economy as well as to the use of human resources.

Finally, the program needed to accomplish all of this must be founded upon the unselfish dedication and cooperation of the various agencies in the State whose purpose for existence is the development and championing of agriculture.

National trends which, to me, spell out a bright future for an agriculture based on grasslands, are already affecting us. Evidence of this will become increasingly apparent. The products of a grassland agriculture will be required in an ever-increasing amount as our population grows. West Virginia has a real potential in grassland farming, and, if we are willing to do what is necessary to take advantage of it, the future can be ours.

From the hills can flow our strength and salvation.

Mr. RANDOLPH. Mr. President, I would further emphasize my yielding on this point will not end, the efforts of the senior Senator from West Virginia, to solve these very pressing and, in many instances, unique problems of the marginal farmer in Appalachia. I point out to Senators that two-thirds of the Appalachian farm counties are in the lowest one-fifth of U.S. counties in the last agricultural census. Most of the remaining counties fell within the next lowest one-fifth. Our national farm price support programs and other programs which are designed to assist farmers are of little benefit to the people who live in the farm areas of Appalachia.

Less than one-third of the farmers in Appalachia have participated directly in price support, soil bank, and other conservation programs in the years 1957 and 1958. Direct payments for Appalachian farmers averaged less than $45, and indirect benefits have been estimated to average not more than $120 annually for the years from 1954 to 1958. I do not believe that farm conditions in Appalachia have altered significantly since then.

In this regard, Mr. President, a recent study conducted by Profs. Homer C. Evans, W. W. Armentrout, and Robert L. Jack, of West Virginia University, supports the argument that our Federal farm programs are largely irrelevant to the needs of Appalachian farmers. Because I think this is a significant study, and I wish the Record to disclose what those men have found, I ask unanimous consent to have printed in the Record an excerpt from the penetrating analysis entitled "Some Effects of Price and Income Support Programs on Marginal Farms."

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The evidence would indicate that price and income support programs have contributed to the rapid adoption of new technology in specialized areas in recent years. Marginal areas either have not adopted new technology or have adopted it at a relatively slow rate.

It would appear that price and income programs have encouraged the shifting of production from marginal areas to the specialized areas. For example, Shepherd and Richards found that as a result of all influences corn acreage and production are in fact becoming somewhat more rather than less centralized in the heart of the Corn Belt.

Cochrane et al. found that potato programs were instrumental in accelerating movement toward more efficient production. The shift in production from marginal areas to more specialized areas would increase the efficiency of production and would force marginal areas out of production, thereby reducing their income until alternatives are developed. Mackie and Baum came to similar conclusions as far as the adoption of new technology is concerned:

"These farmers (the 'have-nots'—or low-income farmers) lack adequate capital, land resources, and possible education to take advantage of the latest technical knowledge and innovations. So adjustments made by successful farmers appear to be impossible to this group. Thus, the recent technological revolution in agriculture has not only bypassed the 'have-not' farm people—it has left them relatively worse off."

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[1] "Livestock and Meat Situation," LMS 134, November 1963. Economic Research Service, USDA.

[2] "The Import Situation for Livestock and Meats" (Implications for the Beef Cattle Industry). G. A. Carpenter, University of California, Berkeley, 1963.

Mr. RANDOLPH. Mr. President, for these reasons I shall continue my efforts to bring about solutions to the problem of our farm population within the Appalachian region. In this respect, if the proposed legislation becomes law—and I hope it will during this Congress—I shall attempt in the next Congress to revive this provision of the act.

Mr. President, I will accept the amendment which is pending at the desk.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. METCALF], for himself and other Senators, to the committee amendment.

The amendment to the amendment was agreed to.

Mr. RANDOLPH. Mr. President, I send to the desk a perfecting amendment to the committee amendment.

The ACTING PRESIDENT pro tempore. The amendment offered by the Senator from West Virginia will be stated.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment offered by Mr. RANDOLPH to the committee amendment is as follows:

On page 71, strike out line 9 and all that follows down through and including line 21 on page 71 and insert in lieu thereof the following:

"SEC. 213. (a) Section 701(a) of the Housing Act of 1954 (40 U.S.C. 461(a)) is amended by striking the word 'and' at the end of paragraph (7), by substituting for the period at the end of paragraph (8) the phrase '; and', and by adding a new paragraph (9) to read as follows:

"'(9) the Appalachian Regional Commission, established by the Appalachian Regional Development Act of 1964, for comprehensive planning for the Appalachian region as defined by section 403 of such Act.'

"(b) Section 701(b) of the Housing Act of 1954 (40 U.S.C. 461(b)), is amended by adding before the period at the end of the first sentence the following: ', or to the Appalachian Regional Commission'."

Mr. RANDOLPH. Mr. President, I desire the RECORD to show that this is a perfecting amendment to bring section 213 into conformity with the recently enacted Housing Act of 1964.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. BREWSTER. Mr. President, on July 31, the Senate began consideration of the foreign aid authorization bill. After a few opening statements, this bill was laid aside each day for the consideration of other business, until August 7. Then, on August 12, an amendment was introduced which would set aside court-ordered reapportionment until January 1, 1966, or until a State legislature had "reasonable" opportunity to take action in regular session.

On August 13, formal debate began on this nongermane rider to the foreign aid bill. Today is September 9. Hoped-for adjournment dates have come and gone. Labor Day has come and gone. Considerable legislation is still pending.

A cloture petition has now been filed and will be voted on tomorrow. If this petition fails, as I hope it will, we may look forward to an indeterminate and perhaps fruitless extension of the session. We may expect further delay in the passage of long overdue appropriations, and in the clearing of other legislation on the calendar.

Mr. President, at this time the Senate is faced with no less than four major issues, each of which is of sufficient merit to warrant the most careful consideration on its own terms.

First, the pending business of the Senate since July 31 has been the foreign aid authorization. This is legislation of the greatest import. The policies which are established and the funds allocated in the pending bill go far to shape American foreign policy and the American image abroad.

It is a source of great concern to me that this vital matter—with international significance—should become submerged in an important, but totally unrelated domestic problem. The possibility that foreign aid legislation upon which the most distinguished Members of the Senate have labored hard and long might have to be permanently shelved in order to break the deadlock over reapportionment is a prospect I do not like to contemplate.

This distressing situation is caused, of course, by the attachment of a rider to the foreign aid bill. The merits of a rider as a parliamentary tactic are, therefore, the second question with which the Senate is faced.

Certainly no one can be confused about the reasons for the rider tactic. The distinguished minority leader, in his several statements on this amendment, has made clear his reasons for adopting the rider technique.

This technique is being employed because the reapportionment issue considered as an independent measure, in accordance with the regular procedures in the Senate, would almost surely ultimately fail. Therefore the rider technique is utilized to circumvent the regular procedures of the Senate and the constitutional procedures required for constitutional amendments. It is a maneuver to ram this proposal through the Senate and onto the President's desk in the closing days of this marathon session.

In essence, this amendment amounts to an illegal attempt to amend the Constitution with a statute which has not been considered by the committees of either House, which will not require a two-thirds vote for passage, and which will not be submitted to the States for ratification.

The selection of the foreign aid bill as the vehicle for this rider is also the result of considerations of expediency, although an attempt was made to excuse it on the ground that part 4 of the Foreign Assistance Act Amendments is entitled "Amendments to Other Laws."

I should like to take this opportunity to compliment the distinguished chairman of the Senate Foreign Relations Committee, my colleague the junior Senator from Arkansas, for pointing out at the time this rider was introduced that part 4 of the Foreign Assistance Act Amendments was hardly meant to indicate that the sky was the limit; or that the committee had undertaken in the bill to reach out and go into the apportionment provisions of our Constitution, or that the committee believed that amendments not reasonably relevant to the foreign aid program were germane.

Mr. President, I believe the utilization of this parliamentary gimmick cannot be rationalized. I oppose the rider technique generally, and I abhor its employment in this instance to circumvent regular procedures, and thus threaten the life of major unrelated legislation of great importance to our national security.

The third question which faces the Senate is occasioned by the filing of a cloture petition. At the appointed hour tomorrow, the Senate will vote on whether or not to limit further debate on the reapportionment rider to 100 additional hours.

Mr. President, as I previously noted, formal debate on this rider commenced on August 13. With the exception of the recess, during which many of us enjoyed the hospitality extended to our great party by the fine people of Atlantic City, the Senate has been in session every day, including some Saturdays. While I would hesitate to total the number of hours during which this rider has already been debated, the fact is that the Senate has not kept the debate germane, but has consistently laid aside the rider in question in order to conduct other business.

The Senate of the United States is both the world's greatest deliberative body and also the body in which some of the world's greatest decisions are made. Our obvious responsibility is to give careful and conscientious consideration to every request and then to vote it up or down. In this particular case, we refuse to face reality and act on issues with precision and force when we snarl up all important legislation involving U.S. foreign policy by the present disagreement on the Dirksen amendment. An obvious course of action suggests itself—namely, the withdrawal of the Dirksen amendment at this time and the separate consideration of it on its own individual merits.

Because of the parliamentary tactics now employed by the proponents of this amendment and also because my own very strong opposition to it, I will not at this time vote in favor or cloture. I sincerely hope that the cloture motion fails tomorrow and that then a motion to table the Dirksen amendment will prevail. I repeat, all the maneuvering that has gone on and will go on in the Senate will be unnecessary if the Dirksen amendment is considered on its own merits. If there were such a separate proposal, I would have no hesitancy about voting for cloture after full debate as I have heretofore voted for cloture in the recent civil rights debate.

Mr. President, the final question which faces us now is that involving the merits of the proposal that existent court-ordered reapportionment be set aside by legislative statute until January 1, 1966, or until a State legislature has had a "reasonable" opportunity to take action on reapportionment in regular session. Proponents of the reapportionment rider offer several general arguments in favor of its adoption by this body. One of the first reasons seems to me to be one of the least valid—a theory which strikes at the heart of our judicial system, of the separation of powers—a theory which contravenes the entire history of jurisprudence. This argument reasons that the dissenting opinion of Mr. Justice Harlan in the Reynolds case should prevail.

I hardly need point out that under the Constitution, the judicial power of the United States is vested in one Supreme Court. This Court is generally understood to be the arbiter of the Federal system and the last appeal on questions of law, equity, and constitutionality. I think I can confidently say that few would challenge the necessity or importance of such a body to the proper functioning of democracy.

In accordance with democratic traditions and the practices of the court, the decisions of the Supreme Court are made by majority vote, and the decision and accompanying opinion represent the final judgment on the case in question.

A second argument presented in support of the rider is that it is only intended to delay the effectiveness of the Court's decision, and not to overturn it. Mr. President, I suggest that this argument is a sham. My distinguished colleague, the senior Senator from Illinois, has made this abundantly clear at an earlier time in this debate. I quote:

> During the period of the freeze, a constitutional amendment, if passed by the House and Senate by a two-thirds vote, would be submitted to the legislatures of the various States for ratification. The terms of the amendment would then permanently freeze the legislatures of the various States in their present unrepresentative character. Therefore, the objective of the Dirksen amendment is to assure that the grossly unrepresentative legislatures would pass upon the constitutional amendment which would prevent the Supreme Court from ever changing the situation, or ever producing a reapportionment more in accordance with population.

Mr. President, I need only point out that it would, in fact, remove the Supreme Court from any jurisdiction over the apportionment of State legislatures or, in other words, it would deprive the Court of any power to protect the rights of the citizens of the United States to equal representation. I shall have more to say on this later.

Another argument made by the proponents of the rider is the argument that a democratic legislature must not only represent the people as its constituents, but also the geographic areas within its jurisdiction. I reject this argument because I believe that legislators are elected to represent people, not trees, not acres, not farms, not cities. A study of the great documents of our democracy bears this out. No phrase expresses it more clearly than Lincoln's "Government of the people, by the people, for the people."

In attempting to support the demand for geographic representation, supporters of the reapportionment rider lean heavily on the Federal analogy. They point out that each of the men elected to this body are elected equally from the States, regardless of population, and are intended to represent the interests of the State as well as those of its people. Mr. President, this analogy is erroneous.

Any student of American history or of constitutional law knows full well that the system of representation in the Federal Congress resulted from the binding together of a group of separate and independent States. They know, too, that the counties, cities, and towns within these States are the political subdivisions of the States, and never were, nor have been, considered sovereign entities. They are rather the creatures of the States, or the instrumentalities of the States for carrying out their governmental functions.

Let me cite one additional argument which is offered by the proponents of this rider. It is said that the rider offered by the distinguished Senator from Illinois has the unqualified support of the great majority of State legislators across the Nation. I say—naturally. No matter how we might wish otherwise, it is a fact that any reapportionment of a legislature almost inevitably means the loss of seats by certain of its members. This is a fact of life which we cannot ignore.

Is it surprising that State legislators are generally opposed to reapportionment, and are the more violently opposed if the plans put forward threaten the seat they hold?

I submit that this argument is not reasonable grounds for questioning the constitutional right of American citizens to equality before the law, and equal representation in the legislatures of this land.

Mr. President, if these are some of the arguments raised in support of the amendment, and if they are, as I have tried to show, arguments without substance, then it is now time to consider the persuasive arguments against the adoption of this amendment.

Fundamental to the American system is our Constitution. The Supreme Court of the United States is a creature of this great document. This Court has been under increasingly intense attack in recent months. I submit that the proposed rider to the foreign aid bill represents a frontal attack on the jurisdiction of this Court, and on the rights of all Americans which it is designed to protect.

In attempting to set aside, even temporarily, the decisions of this Court, the proposed rider strikes at the separation of powers basic to our constitutional system at the same time that it strikes at the integrity and respect of the Court itself. This proposal would make the Court a creature of the Congress and its decisions subject to congressional review.

I cannot in good conscience and under my oath to protect and defend the Constitution of the United States accept such a proposal.

Not only does the rider strike a mortal blow at the constitutional separation of powers fundamental to our democracy, but it proposes that the Supreme Court shall not be permitted to protect what must be considered among the most basic rights of American citizenship—the right to equal representation.

No events in American history are better known by every citizen than the events surrounding the American Revolution. The birth of this great democracy was occasioned more by the failure of its people to enjoy equal representation than any other single factor. No slogan is better known than the slogan, "no taxation without representation."

The progress of democracy, from monarchies to the present day, has been based on overcoming the distinctions and the privileges between citizens. And this is a battle we are continuing to fight. Up to 1919, when the country voted on the question of women's suffrage, franchise was given only to males. We have been gradually and slowly overcoming the dilution of democracy which has prevented people from being properly represented.

Mr. President, I submit that the whole history of democracy can be traced in terms of the history of representation. Malapportionment is misrepresentation in its most insidious form. It deprives the citizens of a democracy of that rule which must be considered basic to democracy—one man, one vote. No other arrangement can be justified philosophically, constitutionally, or practically. This is the essence of democracy. Thomas Jefferson saw it that way when he protested the malapportionment of Virginia where constituencies varied as much as 20 to 1. I protest it today when the ratio in some States is as great as 1,000 to 1.

In my own State of Maryland, the smallest subdivision represented in the Maryland House of Delegates has 6,541 persons per member; the largest county has 82,071 persons per member. This imbalance means that it takes 12½ times as many votes to elect a person from the largest county as it does to elect one from the smallest. It also means that 1 Senator from 1 county on the Eastern Shore of Maryland with a population of 15,000 has the same voice in the Maryland Senate as a senator from

Baltimore County with a population of 492,000. It also means that the nine counties of the Eastern Shore of Maryland have nine times the representation of Baltimore County, with a little less than half the population. The combined counties of Baltimore, Montgomery, and Prince Georges have a total population of 1,250,000 persons, yet they have only 3 senators compared to the 9 senators from that area of the State with one-sixth the population.

Mr. President, I cannot overemphasize the corruption to democracy, to the separation of power, and to our system of jurisprudence than that embodied in the rider now being debated.

Mr. President, what the Senate is being asked to do is to turn back the progress of representative government through the adoption of a proposal which has never received committee consideration, which takes the form of a rider, which comes in the rush toward adjournment, which is extremely difficult for the Congress or the President to deal with on its merits, and which, most important of all, amounts to the Congress suspending completely for a highly indefinite time an interpretation of the highest judicial tribunal in the land.

Mr. President, I am unalterably opposed to the rider for the reasons advanced above. I shall vote against it and shall hope that a sufficient number of my colleagues will do likewise in the interest of the preservation of representative democracy in this land. I certainly will not support the cloture motion which attempts to end our fight.

FOREIGN POLICY AND THE REPUBLICANS

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "It Wasn't the Republicans" published in the Duluth Publicity of August 21, 1964.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IT WASN'T THE REPUBLICANS

People who listen to rash remarks about Senator GOLDWATER being "trigger happy" and that his victory at the polls in November would turn the world into chaos, should ponder the following truths:

It wasn't the Republicans who recognized the Soviet in 1933 and gave it acceptance into our country and world society as if it were a respectable and dependable member thereof.

It wasn't the Republicans who, at Tehran, against the urgent advice of Mr. Churchill, agreed to give the Russians a free hand in the Balkans.

It wasn't the Republicans who secretly divided Poland and gave half of it to the Soviet Union.

It wasn't the Republicans who agreed to the Communist takeover of a hundred million people in Eastern Europe who are not Russian.

It wasn't a Republican administration which at Potsdam gave the Soviet Union East Germany and left West Berlin cut off from the rest of the free world.

It wasn't the Republican administration that publicly promised that Manchuria would go back to its rightful owners, the Chinese, and then secretly at Yalta gave control of Manchuria to the Russians.

It wasn't a Republican administration that divided Korea and gave control of North Korea to the Communists.

It wasn't a Republican administration that gave the Soviet Union the Kurile Islands which had never been anybody's except Japan's thereby endangering both Japan's and our own security in the north Pacific.

It wasn't under the Republicans that 600 million people disappeared behind the Iron Curtain in the first 5 years after World War II.

It wasn't the Republicans that perpetrated the Bay of Pigs disgrace, making it possible for Khrushchev to establish a base in Cuba, only 90 miles from our shores.

No. These are some of the works of the Democratic Party which is asking to be continued in office—to do what next?

THE BOBBY BAKER INVESTIGATION

Mr. CURTIS. Mr. President, I wish to speak on a phase of the Bobby Baker investigation. Because of the revelations made by the distinguished Senator from Delaware [Mr. WILLIAMS] concerning facts that may present evidence of a very serious irregularity involving Mr. Matthew McCloskey, this matter has again come before the Senate. The facts referred to by the Senator from Delaware involve the allegation of overpayment by Mr. McCloskey of a sum of money allegedly for the purpose of a performance bond, but with the excess being channeled into the 1960 political campaign of Mr. Kennedy and Mr. Johnson.

Because of these revelations, it appears that the Senate will direct renewed efforts in the Bobby Baker investigation.

The choice before the Senate will very likely be a choice between a proposal by the distinguished majority leader [Mr. MANSFIELD], that the Rules Committee again proceed to investigate, and a proposal by the distinguished Senator from Delaware [Mr. WILLIAMS] that the investigation be assigned to the Committee on Government Operations headed by the distinguished Senator from Arkansas [Mr. MCCLELLAN]. If it develops that the Senate has such a choice, I sincerely hope that it will assign the task to the Committee on Government Operations under Senator MCCLELLAN. That committee has a subcommittee entitled the Permanent Investigating Subcommittee. It has an experienced and continuing staff which can proceed to do the job.

On the other hand, it was necessary for the Committee on Rules and Administration to assemble a staff, at least to a large extent, when they were working on the unfinished investigation. Substantially all of that staff have been released, and they have gone back to the work in which they were previously engaged.

From the standpoint of economy, time, and money, the investigation ought to be carried on by the McClellan committee.

There are other reasons why the Committee on Rules and Administration should not be directed to take up the investigation.

I believe I can speak with considerable objectivity in this regard. I serve on both committees. With me it is neither a matter of seeking an opportunity to participate in an investigation nor running away from an investigation.

My reason for not having the Rules Committee conduct the investigation is that that committee had an opportunity to do so, and the majority refused to do it. They refused to call a single witness requested by the Republican minority, even though the rules of the committee provide that any member has the right to have a witness called if his testimony is relevant.

In this connection, I ask unanimous consent to have printed at this point in the RECORD, a letter dated March 9, 1964, directed to Hon. B. EVERETT JORDAN, chairman, Senate Rules and Administration Committee, and signed by the Senator from Kentucky [Mr. COOPER], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Nebraska [Mr. CURTIS].

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 9, 1964.

Hon. B. EVERETT JORDAN,
Chairman, Senate Rules and Administration Committee, Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to convey our request that the individuals listed herein be called as witnesses in the current Baker investigation. We do not discount the value of staff interviews, but we feel that testimony under oath before the committee is more beneficial.

May we also stress the point that making this request for an individual to be called as a witness does not imply wrongdoing, but he is called for the purpose of providing information for the committee.

Our hearings should include all Senate employees and past employees who were associated with Mr. Baker in his duties during the period covered by the investigation; therefore, our request for witnesses is as follows: Mrs. Margaret Broome, Mr. Rein J. Vander Zee, Mr. Jessop McDonnell.

The three pages who performed any duties in connection with Mr. Baker's business transactions.

We also request as witnesses the following people who have had business transactions with Mr. Baker or who were officers or partners in one or more of Mr. Baker's enterprises: Mr. Matthew McCloskey, Mr. Max Kampelman, Mr. Paul Aguirre, Mr. Warren Neil, Messrs. Jack Anderson and James H. Carmichael, of Riddle Airlines (newspaper clipping attached), Mr. Charles Baker, Mr. Nick Popich.

Because a portion of the testimony of Don Reynolds was contradicted elsewhere and because Robert Baker refused to clear up the matter, we, therefore, request the committee to call as witnesses the following: Mr. Walter Jenkins and Mr. George Sampson.

Mr. Chairman, we are aware that plans may already be underway to call some of the foregoing witnesses, but we felt it essential that we provide you with our request and with an expression of our feelings that these individuals should be called as witnesses in order for the committee to properly carry out the directions of the Senate. We will be submitting a further request later.

With kindest personal regards, we are,

Sincerely yours,

CARL T. CURTIS.
JOHN SHERMAN COOPER.
HUGH SCOTT.

Mr. CURTIS. Mr. President, that was on March 9. On March 13, this matter was brought up orally in the committee. Actually, it was discussed many times, but I refer to the hearings of March 13, 1964, page 2079. I quote from a statement by the distinguished Senator from Kentucky [Mr. COOPER]:

> Now, I want to speak about Mr. McCloskey—Matthew McCloskey. My judgment about the importance of his testimony would be this: Mr. Reynolds testified and made certain statements that as a result of Reynolds being awarded the business of writing a performance bond for Mr. McCloskey in connection with the construction of the stadium, that he was later asked by Mr. Baker to make a payment to him, which he said he did—although, as he said, he agreed to conceal its nature by making it appear that he had loaned Mr. Baker $4,000 rather than given it to him.

The Senator from Pennsylvania [Mr. CLARK] asked the Senator from Kentucky:

> Will the Senator yield?

Senator COOPER replied:

> Can I just finish a minute, and I will. This whole thing goes into the credibility, also, of Reynolds. I think it would be important to learn from Mr. McCloskey, if it is possible, at least have an answer from him, whether or not he had any knowledge of any arrangement between Baker and Reynolds which looked forward to the payment of $4,000 to Baker, if payment was actually made. He, by reason of being in Mr. Baker's office, and being, as Reynolds said, there with Reynolds and with Baker—I think that his testimony is of value.
>
> Senator CLARK. Will you yield at that point?
>
> Senator COOPER. Yes, indeed.
>
> Senator CLARK. Mr. Chairman, I can see no useful purpose in requesting the testimony of Mr. McCloskey.

Mr. President, how can any sense be made out of sending this issue back to the Committee on Rules and Administration? The membership of that committee has not changed. Its membership now is the same as it was on March 9, when, in writing, the minority members were asking that Mr. McCloskey be called. The committee has the same majority members now as it had on March 13, when the Senator from Kentucky [Mr. COOPER] pressed for Mr. McCloskey's testimony.

I also invite attention to the hearings on March 23, which was some time after the request that Matthew McCloskey and other persons be called as witnesses.

At this time we were going over a list of witnesses, explaining why we wanted them. The hearings as of that date, at pages 2130 and 2131, show the discussion as to why Mr. McCloskey should be called.

The Senator from Pennsylvania [Mr. CLARK] appeared on the scene then and said:

> I think it is really looking for needles in a haystack to seriously suggest, in view of the very candid statement which Mr. McCloskey has made, that he should be called to testify before this committee.

That may be a needle in a haystack to the Senator from Pennsylvania; but to the Senator from Delaware [Mr. WILLIAMS] and to other taxpayers it involves a matter of about $25,000.

The question was discussed all the way back to page 2136. Finally, the roll was called.

The committee had a rule that any Member who desired to call a witness, if his testimony were relevant to our investigation—and this certainly was—he could be called. But the chairman said:

> Well, I am going to be forced to rule that it is not pertinent to what we are doing.

So we passed on to the next item, and then we called the roll on this one. The roll was called, and by a vote of 6 to 3, the Chair was sustained. Mr. McCloskey was not called. Those same six votes are still on the Committee on Rules and Administration. Those six Senators have made no public statement of any change in attitude. Their staff has been disbanded.

Mr. President, there is something more. On two occasions the Senate cast votes of no confidence in the Rules Committee, because of the committee's failure to investigate into the Bobby Baker case. On July 24, by a yea-and-nay vote of 50 to 33, the Senate rejected the proposal of the Committee on Rules and Administration that that committee should have continuing power to investigate. Mr. President, can you imagine the Senate, on July 24, by a vote of 50 to 33, refusing the request of the Committee on Rules and Administration that it be allowed continuing authority to investigate wrongdoing in our own establishment, but, for some reason or other, assigning them the duty now? That was one time when the Senate cast a vote of no confidence in the Committee on Rules and Administration. The handling of this investigation by that committee was so flagrant that to this very hour every proposal brought in by a majority of that committee has been slapped down by the Senate. It is a matter of record.

On July 27, the majority members of the Committee on Rules and Administration brought in a proposal called A Public Disclosure by Members and Employees. It was not a good proposal; it was filled with loopholes and all manner of defects. The Senate, by a yea-and-nay vote, again slapped down the majority of the Committee on Rules and Administration, this time by a vote of 48 to 39.

How ridiculous can we be? This is a committee that asks to continue to investigate. The Senate says, "No." The committee comes forth with one other proposed solution of corruption, and the Senate says, "No." Both times, by yea-and-nay votes, the Senate voted against the committee rather emphatically. The committee staff has been disbanded. Is there any hope or expectation that there is any plan for a thorough investigation?

Mr. President, every investigator knows, whether he is a police officer in the smallest municipality or the chief of detectives of our largest and most efficient police force, that the way to investigate is to get all the facts, to pursue every avenue, and get every fact possible. We owe that to everyone to protect the innocent. It is necessary to ascertain guilt. If it is the intention to open up this investigation and have anything less than a complete and thorough investigation, I wish no part of it. We have already wasted too much time in such an endeavor. If it is to be a limited investigation, narrowed down to a small scope, in a little area, and does not bring in all the facts and all the witnesses, it will be a waste of time.

Whatever the Senate does tomorrow, I shall abide by it. I invite attention, however, to what was stated, in part, in the official report by the minority, on page 86:

> The minority pressed for the calling of Mr. Matthew McCloskey, to furnish sworn testimony for the committee. Mr. McCloskey was the longtime treasurer of the Democratic Party and had served as Ambassador to Ireland. He was the builder of the District of Columbia Stadium, as well as many other expensive Government buildings. Mr. McCloskey's testimony was vitally needed. He should have been asked to give his version of his meeting in Baker's Capitol office attended by, among others, Baker, Don B. Reynolds, Silver Spring, Md., insuranceman, and William McLeod, who at that time was clerk of the House District of Columbia Committee. McCloskey should have been asked why the performance bond on the construction of the stadium was handled by Don Reynolds when the firm which actually acted as agent was the same firm with which his son-in-law was associated. McCloskey should have been asked what he knew about Reynolds' kickback to Baker of $4,000. He should have been asked what conversation was had, if any, in his presence concerning all kickbacks. McCloskey should have been asked what he knew about Reynolds' payment of $1,500 to McLeod, whose committee handled the legislation for the District of Columbia Stadium. McCloskey should have been asked what dealings, if any, he had had with Baker or any other Senate employee or any Senator or former Senator in connection with any other Government construction contracts.

Mr. President, on page 88 of the same report, it states in part:

> The request of the minority members for the testimony of McCloskey, which, under rule 19 (app. 1) should have been honored, was resisted and ultimately denied by the majority. The formal motion made by the minority to call McCloskey as a witness was voted down.

Mr. President, that proposal was voted down by 6 to 3.

We can rest assured that if we had to call Mr. McCloskey and had him on the stand, I would have asked him about every payment he made to the Reynolds Insurance Agency all through this period. It would either have brought to light the transactions brought out by the distinguished Senator from Delaware [Mr. WILLIAMS], or it would have amounted to dangerous concealment.

The hearings of February 17, 1964, when Mr. McLeod was on the witness stand, recite in part as follows:

> Senator CANNON. You said that you were in the room when the bids were opened for the stadium.
>
> Who was present at that time?
>
> Mr. McLEOD. Well, the law required certain people to be there. It required that the members of the Armory Board be there, and they were there. Floyd Akers was Chairman of the Board. Robert E. McLaughlin—

Incidentally, that name appeared in print today. We shall have more to say about that tomorrow.

Continuing to quote:

> one of the Commissioners, was a member of the Board, and General Abendroth. He is the head of the National Guard. Then there were members—Tom McCloskey was there, who is Mr. McCloskey's nephew or son.

Mr. President, we know that if we are going to investigate this case, the only way we can get all the answers is by asking all the questions. The only way we can protect the innocent is to get all the facts. The only way we can clear up suspicion is to get all the facts. The only way we can make sure that people are guilty of the allegations made against them is to get all the facts from all the witnesses.

If that is to be done, it should be undertaken by the Government Operations Committee. Certainly, it should not be handed down to a committee with respect to which the Senate, on a yea-and-nay vote on July 24, refused by a vote of 50 to 33 to grant authority to continue the investigation.

Mr. President, I yield the floor.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HART. Mr. President, in view of our heritage, it is not surprising that many of our democratic ideas and ideals, many of our institutions and with rare exception even our basic system of law represents in considerable part an adaptation of the ideas, ideals, the institutions and laws of England. Yet, in the late 18th century, our country had reason to believe that it should break the ties that bound it to England.

Many factors entered into that decision. This is not the occasion to discuss or elaborate on the multitude of such factors. Poor government, unrepresentative government was certainly one factor. We know that America in colonial days took fire from the slogan that: "Taxation without representation is tyranny." We know that while the seeds of democratic government had been planted in England, they were still in the embryonic stage; that England was controlled by the few. It had, as you will recall, a Parliament which was unrepresentative; property qualifications still determined the vote in many areas, and the failure to redistribute seats in accordance with the movement of population resulted in the development of "rotten boroughs," boroughs which had lost most of their population but retained most of their original representation, and "pocket boroughs," which were under the control of landed proprietors who frequently sold the right to represent the borough in Parliament.

In the Scottish constituency of Bute, only 1 of the 14,000 inhabitants had the right to vote—he was, I am told, elected to Parliament unanimously. We have heard of the constituency of Old Saram, which had no residents at all, and Dunwich which had sunk beneath the sea, but each of which was still represented in Parliament.

No complete or wholly accurate analogy can be drawn between the England of the 18th century and the State governments in our country today, but let us recall clearly that our Founding Fathers objected to the lack of representation accorded them; the lack of any adequate voice in the Parliament which in large part determined their fate; and that they rebelled against what they considered tyranny.

The English sought to abolish the "rotten borough" and the "pocket borough" in the Great Reform Act of 1832 which established for them the principle that representation must approximate population—and today redistricting there and in many other countries with a tradition of representative government is accomplished regularly and on a nonpartisan basis. But redistricting in this country is still a vexing problem.

Our forefathers were acutely conscious of the pernicious character of the "rotten borough" system and, by and large, tried to avoid it. The original constitutions of some 36 States provided that representation in both houses of the State legislature would be based completely, or predominantly, on population. The system of representation in the Federal Congress—which reflected the great compromise—was not to be the pattern or model for apportionment of seats in State legislatures. This is made clear by the fact that the Northwest Ordinance of 1787—adopted in the same year as the Federal Constitution—provided for the apportionment of seats in territorial legislatures solely on the basis of population.

"Rotten borough" politics during the past two decades however, has been both the hallmark and disgrace of many of our State governments. The root of the problem, as we all know, has been the great population shift. In the last three-quarters of a century this country has changed from one that was two-thirds rural to one that is two-thirds urban and suburban. But while apportionment controversies are often viewed as urban-rural conflicts, this is not necessarily true. It is the fast-growing suburban areas which are probably the most seriously underrepresented in many of our State legislatures. We should recognize that, while the current thrust of malapportionment may result in underrepresentation of urban and suburban areas, in earlier times cities were, in fact, overrepresented in a number of States. Malapportionment or the "rotten borough" system can and historically has gone in a variety of directions. The point is that whatever its direction, it is wrong.

The problem we face today is the population shift which has not been reflected in the legislatures that govern most of the States. In some instances State constitutional provisions froze apportionments; in others there was simply a refusal to redistrict. As a consequence, the legislatures in too many States have become less and less representative of the people. By the 1960's the situation was so bad that in one State—Florida—that less than 15 percent of the people chose a majority of the members of both houses of the State legislature and, although this is a particularly bad example, it is but one of many that could be cited. In any number of States one-third or less of the voters effectively control the legislature.

The statistics of malapportionment are well known and need not be repeated here. They are in the RECORD. What is not so well known—what is often ignored or studiously avoided—are some of the effects on State government. Mass migration has developed metropolitan complexes with profound social and economic problems. The mayors of some of our principal cities have pointed out again and again that underrepresentation in the State legislatures has worked a hardship on their communities both in terms of State taxes and State expenditures. It would appear that we have come full circle and again have taxation without adequate representation and—though muted in the Federal-State context—that is still tyranny.

Domination of State legislatures by the few has prevented a sympathetic understanding at the State level of the problems of the urban and suburban citizens and their communities. On their own initiative the legislatures have been unable or unwilling to make serious attempts to solve these problems. Their magnitude has increased to such an extent—Luther Gulick as quoted in the New Republic, April 23, 1962—that one student of metropolitan affairs has predicted that "these amorphous urban complexes will soon be unfit for human occupancy." And now we find these communities in self-defense against the State's indifference and, in recognition of their limited means, necessarily and with increasing frequency are bypassing the State governments and appealing directly to Washington for aid. Although this may be necessary in some cases, the multiplication of Nation-local relations tends to weaken the State's proper control of its own policies and its authority over its own political subdivisions.

The Commission on Intergovernmental Relations has observed that:

> The more the role of the States in our system is emphasized, the more important it is that the State legislatures be reasonably representative of all the people.

It is somewhat ironic—but it seems to me to be true—that those who are most often critical of the drift of power and "decisionmaking" to Washington are the very ones who would frustrate the effectiveness of State governments.

Regardless of how desirable, how necessary, and pressing apportionment "reasonably representative of the people" had become, the unfortunate truth is that the problem was for all practical purposes insoluble without substantial intervention by the Federal judiciary. Many State legislators had such a fixed interest in the status quo that they were unwilling to apportion to achieve the end of representative government.

The fight for fair representation in State legislatures—the fight to end the "rotten borough" system—reached a turning point in March of 1962, when the Supreme Court handed down its decision in *Baker* v. *Carr* (369 U.S. 186). The Court there held that a claim asserted under the equal protection clause—challenging the constitutionality of a State's apportionment on the ground that the right of certain citizens to vote—was effectively impaired since in fact it was debased and diluted—presented a justiciable controversy subject to adjudication by the Federal courts.

While Baker against Carr represented a new step, it would seem that it was an inevitable step—to cope with a serious problem of long standing.

That the Constitution protects the right of all qualified citizens to vote at State as well as Federal elections, is hardly a startling proposition. A long and consistent line of decisions by the Court in cases involving attempts to deny or restrict the right of suffrage had made this indelibly clear. It had been repeatedly recognized that all qualified voters have a constitutionally protected right to vote—*Ex Parte Yarborough,* 110 U.S. 651. Fifty years ago the Court in *United States* v. *Mosely,* 238 U.S. 383, said:

> It is as equally unquestionable that the right to have one's vote counted is as open to protection * * * as the right to put one's ballot in a box. (286 U.S. at 386).

And many years before Baker against Carr, the Court had held that the right to vote could not be denied outright—*Guinn* v. *United States,* 238 U.S. 347, *Lane* v. *Wilson,* 307 U.S. 268—that it could not be destroyed by alteration of ballots nor diluted by ballot box stuffing—*United States* v. *Classic,* 313 U.S. 299, 315; *Ex Parte Siebold,* 100 U.S. 371; *United States* v. *Saylor,* 322 U.S. 385. The Court in United States against Classic said:

> Obviously, included within the right to choose, secured by the Constitution, is the right of qualified voters within a State to cast their ballots and have them counted (313 U.S. at 315).

Racially based gerrymandering and the conducting of white primaries, both of which result in denying to some citizens their right to vote, had already been held constitutionally unpermissive—*Gomelion* v. *Lightfoot,* 364 U.S. 339; *Nixon* v. *Herndon,* 273 U.S. 536; *Nixon* v. *Condon,* 286 U.S. 73; *Smith* v. *Allright,* 321 U.S. 649; *Terry* v. *Adams,* 345 U.S. 461.

The right to vote freely for the candidate of one's choice is the very essence of a democratic society and any restrictions on that right strike at the core of representative government. It is equally obvious that the right of suffrage can be denied by a debasement, dilution, or depreciation of the weight of a particular citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.

While Baker against Carr was concerned only with the situation in the single State of Tennessee, it served to focus attention on the problem of apportionment. Certainly, we were all aware that it was not confined to the State of Tennessee. Many of us knew of its existence in our own States. But except for students of political science, few realized the full extent of the problem. Its real magnitude was demonstrated by the fact that within 9 months of the decision litigation challenging the constitutionality of State legislative apportionment schemes had been instituted in at least 34 States.

In Baker against Carr, the Court with commendable restraint did not venture beyond the needs of the case before it. It did not state any views as to the proper constitutional standards for evaluating the validity of a State legislative apportionment scheme, or give consideration to the question of an appropriate remedy. It remanded the case with the observation that the district court would be able to fashion relief if violations of constitutional rights were found.

In the several opinions entered in the case, reference was made to "invidious discrimination" and to the need for at least a minimum standard of rationality, but the Court laid down no substantive standard. It appeared inevitable, however, that at some point a substantive standard of equal protection would have to be stated, for otherwise many malapportionment problems would be unaffected and indeed might be aggravated.

As one student—Professor Bickel—observed, a minimum rationality standard would in all probability ultimately lead the Court to uphold many apportionments containing gross population disparities. To declare these apportionments consistent with constitutional principles would be a mistake. It would endow with the Court's prestige and moral authority many malapportionments. In other words, it would entail approval by the Court of a principle that permits gross deviations from the population principle if they reflected some rational policy. The effect of such legitimization would be to generate consent for, or approval of, many existing expedient arrangements which, although not unconstitutional under a minimum rationality test, are nevertheless greatly responsible for the problems of urban decay. Some argued that the Court should not declare such apportionments constitutional but should stay its hand and allow them to continue. This is strange reasoning and the Court had a duty which it did not shirk.

As the Chief Justice pointed out in his decision in Reynolds against Sims:

> We are told that the matter of apportionment representation in a State legislature is a complex and many-faceted one. We are advised that States can rationally consider factors other than population in apportioning legislative representation. We are admonished not to restrict the power of the States to impose differing views as to political philosophy on their citizens. We are cautioned about the dangers of entering into political thickets and mathematical quagmires. Our answer is this: A denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us.

Squarely facing the problem, therefore, in Reynolds against Sims and the companion cases decided in June of this year, the Court enunciated the basic principle of "one man, one vote" and held that the legislatures of our States must be apportioned according to population. The Court could do nothing less, for there is no justification in our democratic heritage in logic, or the practical requirements of government for choosing any other course. In its rulings the Court merely upheld the fundamental principle of our democracy. The Court did not, however, bog down in any mathematical quagmire. Basically and fundamentally, it provided a set of principles upon which any proper system of legislative apportionment must be constructed. It did not proclaim mathematical nicety or mathematical exactness. It did not proclaim reapportionment on a day-to-day, or year-to-year basis. It suggested great latitude in the carrying out of the fundamental principle that one man's vote was entitled to the same weight as another's.

The purpose of legislative representation in a democratic system of government is just that—to represent. The legislature acts on behalf of the voters. The proper goal of a system of apportionment must be, therefore, to provide effective representation for the body politic. The very history of democratic institutions points compellingly in the direction of population as the only legitimate basis of representation.

The first parliamentary institutions reflected their feudal origins. Social, economic, and political power were in the hands of the few. Government as such had only a marginal effect on the lives of most of the people and in those circumstances it was natural that parliaments should represent not people but great estates, wealth or possibly great geographic strongholds. When feudal concepts of privilege and position began to disappear, political responsibility spread to the whole of the population and that responsibility under our accepted democratic theory falls today on every citizen.

In an increasingly complex and industrialized society, government becomes vastly more important to the individual and impinges more heavily on his life. It is no longer tolerable for a House of Lords to exercise real legislative power over a people with no voice in it. It is equally apparent that as transportation and communications are revolutionized, the logic of separate representation for geographical strongholds disappears. In this year of 1964, there is no basis for representation in State legislatures other than population.

Proposals have been made for area representation but when a thinly settled area is given as many representatives as one more populous, it simply means that the people in the thinly settled areas have more representation. As the Chief Justice observed in Reynolds against Sims:

> Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.

As long as ours is a representative form of government and our legislators are those instruments of government elected by and directly representative of the people, the right to elect legislators in a free and unencumbered fashion is the bedrock of our political system.

The Chief Justice also observed that it would appear extraordinary and shocking to suggest that a State could constitutionally be permitted to enact a law to provide that certain of the citizens could vote 2, 5, or 10 times for their legislative representatives while voters living elsewhere and simply because of the accident of geography could vote only once. Yet it is true that State legislative districting schemes which provide the same number of representatives to unequal numbers of constituents produce this very effect.

Any candid statement of a nonpopulation theory of representation must rest on one of two possible propositions: Either it rests on the premise that the residents of thinly populated areas are more virtuous than other Americans and accordingly deserve more representation; or, on the premise that the residents of the sparsely populated areas have special needs which only can be met by giving them greater representation than that afforded others.

I doubt that any Member of this body seriously would advance the proposition that certain of their constituents, identified only by means of geography, are so much more honest and intelligent than other constituents that each should have 2 or 3 or 10 votes. Such a proposition is manifestly untenable.

The second possible premise, that is, that certain classes of citizens have special problems that justify giving them more proportionate power in the legislature, likewise do not stand up. This contention has indeed been advanced on behalf of some of the more sparsely populated areas which are now so generally overrepresented in State legislature. We are told that the people in these areas represent a minority; that they do have special needs and that these needs would be neglected in a legislature faithfully representing the State's population as a whole. However, it is equally obvious that the problems of cities and suburbs and their need for effective government have been as great as those of rural areas in recent times. No one, however, has been heard to argue that these urban and suburban areas should, therefore, be given disproportionate weight in the legislature.

In our system habitually we protect minority groups by means other than giving them majority control of legislatures. The claim that legislative control is needed by the minority can lead to some surprising and absurd results. In one State, for example, represented with distinction by the present occupant of the chair [Mr. BREWSTER] the rural counties which contain less than 15 percent of the State's population can elect a majority of the members of the State senate. On the other hand, Negroes are a slightly larger minority in this very same State, making up almost 17 percent of the State's population. If we were to pursue the logic of the proposition—of a minority with special needs argument—to its ultimate absurdity, it should follow that Negroes are entitled to elect a majority in one house of that State's legislature. But legislative control is not our method of protecting minority rights and logic decrees that it cannot be.

As a result of the decisions of the Supreme Court, which in substance and effect would outlaw or curtail the "rotten borough" system that infects so many of our States, we find ourselves face to face with a countermove designed to destroy, deflect and ultimately defeat this basic democratic proposition. This is a countermove for more "rotten borough" politics—a countermove for more taxation without representation—a countermove for more tyranny—the tyranny of the few over the many.

An informed, an enlightened electorate would, I believe, reject these machinations out of hand. But to forestall considered, calm, objective appraisal of these maneuvers, we find ourselves confronted in the closing days of this session of Congress with a proposed amendment to the foreign aid bill. This is an important measure having nothing to do with State apportionment schemes—a measure that should be considered on its own merits and wholly apart from the problem of apportionment—but before consideration can be given to this bill, we are told we must concur in and be subservient to a continuation of "rotten borough" politics.

Of great concern to me and quite apart from the merits—or lack of merits—in the basic argument over apportionment is the attempt that is being made to subvert the position of the Supreme Court in our system of government.

None of us are unmindful of the fact that there has been introduced in the House a bill which provides in substance that the Supreme Court "shall not have the right to review the action of a Federal court or a State court" in any matter relating to the apportionment of a State legislature and that the Federal district courts shall not have jurisdiction to entertain a complaint on apportionment.

In this body the attempts at abortion take a somewhat different tack in that we find the proposal to continue "rotten borough" politics coming as an amendment of the foreign aid bill. This proposal, while not as drastic as that entertained by the House, would require the Federal courts, except in "highly unusual circumstances" to stay all reapportionment proceedings until January 1, 1966. Lest there be any doubt about the seriousness of this proposal, the implications inherent in it are as drastic and deadly as those in the more forthright proposal passed by the House. Both of these proposals in essence would accomplish their objective of continuing "rotten borough" political systems by withdrawing jurisdiction from the courts. It has been rightly observed that this device is one of the oldest tools of tyrants. If it were successful in this instance, it would mean the end of our constitutional system providing for judicial review and, therefore, in reality an end to our Constitution. We must fully appreciate that to adopt the course suggested would establish a precedent—it would make it irresistibly easy for an inflamed majority of Congress at any given time to remove one category of cases after another from the reach of the courts. We are all aware of the fact that public opinion often becomes aroused against decisions of the Supreme Court for short periods of time.

We are equally well aware of how dangerous such an easy procedure of nullification would be. I seriously doubt, for my own part, that this body has the constitutional power to suspend enforcement of constitutional rights; yet the thrust of these proposals is in that very direction. It seems clear to me that we could not withdraw the constitutional right to counsel until after conviction, or circumscribe the right to free speech and assembly. The proposal placed before this body is advanced on the untenable proposition that the decisions of the Court have produced a chaotic condition. This is manifestly incorrect. Those decisions do require adjustments in State legislatures and obviously this is not a simple matter. But they do not require the impossible—they do recognize the need for a period of adjustment where that can be shown as a necessary concomitant. The postponement of constitutional rights has been recognized by the Court as a necessary accommodation for administrative necessity, which is to be geared to the needs of each specific case.

The proposition advanced in this Senate is a blanket suspension not related to the needs of the particular case. It is quite obvious that it has but one objective, and that is to bide time for the passage of a constitutional amendment—a constitutional amendment which would, it is hoped, be passed on by the very "rotten borough" system that it seeks to sustain.

We are told that these proposals are bottomed on article 3 of the Constitution which provides:

> The Supreme Court shall have appellate jurisdiction * * * with such exceptions, and under such regulations as the Congress shall make.

The proponents claim that this provision authorizing the Congress to regulate the appellate jurisdiction of the Supreme Court is to be interpreted as overriding and in effect nullifying the whole of the judicial power which is outlined in article 3 read in its entirety. I suggest that the generality of this proviso relative to appellate jurisdiction is not wholly definitive and absolute; that it must be weighed in relation to other grants of power and to the purposes and provisions of the Constitution as a whole. This proviso, I believe, is subordinate to the basic affirmation, the basic grant of power found in the first sentence of both sections 1 and 2 of article 3, that:

> The judicial power of the United States shall be vested in one supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish; and this judicial power is to extend to all cases, in law and equity, arising under this Constitution.

Bearing in mind our tripartite system with its delegation of duties, rights, and responsibilities to the legislative, executive, and judicial bodies, we find that this "judicial power shall extend to all cases arising under this Constitution." This single sentence backed with the full force of our constitutional history, would indicate—in fact, I believe would compel—the conclusion that Congress cannot remove by its fiat one particularly disfavored category of constitutional claims from the reach of the courts. A principal reason for having an independent Federal judiciary is to uphold the constitutional guarantees in all of those cases in which its construction is necessary to a decision of the case. If this is not true, then the Court exists merely at the sufferance of the Congress. The maneuver suggested now ignores the fundamental principles that are involved in the separation of powers outlined in our Constitution. If Congress can withdraw this constitutional right from the safeguard of the Court, why not every and all such rights?

No extended legal argument is either necessary or desirable, but I suggest that neither history, precedent, nor logic support the proposition that the exception clause can be used by the Congress to abrogate all judicial power to protect any one basic constitutional right. I am aware that the case of ex parte McCardle has been cited as supporting the position of the proponents. Nevertheless, I feel this case on analysis will not support this radical departure from constitutional history and tradition. The McCardle case has been interpreted by some as standing for the proposition that the Congress has unlimited power to withdraw jurisdiction from the Federal courts in all cases involving constitutional rights. In reality, the decision does no such thing. The case has been analyzed time and time again by students of constitutional government. It seems unnecessary for me at this point to reexamine the many analyses that have been made. The distinguished senior Senator from New York [Mr. JAVITS] ably contrasted the McCardle case with *U.S.* v. *Klein*, 13 Wall. 128, cited with approval as recently as 1962 in *Glidden* v. *Zdanok*, 370 U.S. 530. Those interested should read each of these decisions and then read the comments of Senator JAVITS at pages 19824–19826 of the RECORD.

I believe it is more important at this point to emphasize that the decision in the McCardle case was a very limited one and represents dubious authority for the maneuvering that is now proposed to this body. The opinion certainly minimally represents a departure from our constitutional heritage and it is not without significance that this case—an aftermath of the highly inflamed opinion prevalent in the Civil War period—has no counterpart. In other words there has never been a similar effort to curb the Supreme Court's jurisdiction over comparable constitutional rights between that time and today by the deceptively simple expedient of curbing its jurisdiction. If the Congress can accomplish this, it can amend the Constitution—it can do away with rights guaranteed by the Constitution—by the simple expedient of a statute denying the jurisdiction of the Supreme Court. This is a monstrous suggestion that I trust the people will ultimately reject out of hand. In my view we have not as yet achieved that omnipotence, that perspicacity, that judgment or total understanding so that the people will leave in our hands completely unchecked and unfettered their fundamental rights. The procedure suggested must of necessity be bottomed on a contrary premise.

It would seem to me apparent that the proposals now made are wrong in principle, that they are wrong as constitutional law, and that they are wrong as a procedure for considering changes in our constitutional law.

There is a method for changing our Constitution, and if the people of this country, after being fully advised in the premises, desire a change, that can be accomplished. But we are confronted now with a hasty, and I think, ill-conceived, maneuver to defeat, deflect, or destroy rights now guaranteed by our present Constitution. If these are to be changed, if we are not to have the right of representative government in our State legislatures, then this should be done in the orderly process of constitutional amendment, and not through the hasty and ill-considered action that characterizes the present proposals before the House and the Senate. And let us be certain the constitutional change is not presented to and made by the unconstitutionally organized legislatures, which is exactly why the proponents of the amendment seek to "buy time."

We know that there has been no opportunity for open discussion or proper expression of public opinion. While it will be argued that these proposals are necessary in order to maintain the status quo, this argument is without real merit for nothing can be done by the courts now that cannot be undone by constitutional amendment, if the people after being informed are of the opinion that State legislatures should be unrepresentative of the population. But again, do not put to the unrepresentative legislatures the question of whether they should be "made constitutional."

While I cannot at the present time appreciate the arguments for a continuation of the "rotten borough" system, I feel that basically it presents a question to be decided by the people; not a few people—not the ones who have an ax to grind or a status or position to maintain—but all of the people. Putting that aside for the moment, however, I am much more concerned with the proposition now advanced that the Supreme Court's power to decide constitutional issues can be abrogated by a majority vote in the Congress; that our long-recognized method of amendment is to be circumvented and set to naught. To me, this strikes at the very heart of our constitutional form of government and must be rejected. Few of us, no matter what our length of service in the Senate, will face a more fundamental question than the one now pending.

Mr. President, I hope that when the roll is called tomorrow on the proposal that debate be closed on the basic question, overwhelmingly we shall say "no," and then, given an opportunity to carefully study the implications of the proposal as offered by the distinguished junior Senator from Illinois [Mr. DIRKSEN], we shall, when that roll is called, overwhelmingly reject that, too.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. DOUGLAS. I have listened with both interest and admiration to the very scholarly and logical address of the Senator from Michigan. He has developed his argument with precision, and with complete absence of passion—although there is emotion underneath—and with admirable restraint. Every sentence is packed with meaning, and the constitutional argument which he has made is profound.

The Senator has served as Lieutenant Governor of the State of Michigan. In that capacity I believe he presided over the Michigan Senate. Is that correct?

Mr. HART. The Senator is correct. That was a privilege which was given me for 4 years.

Mr. DOUGLAS. I wonder if the Senator from Michigan would describe the method by which members of the Michigan Senate were elected during the period in which he was its presiding officer.

Mr. HART. I was about to say that the representation in the 32 senatorial districts, which at that time comprised the State senate, was as unbalanced as one could imagine. However, that is not true. I realize now that there were States in which the imbalance was even greater. One member of the State senate carried, in effect, about 15 times the power of a colleague who sat probably not more than one chair away from him.

The senior Senator from Illinois [Mr. DOUGLAS] has discussed, in the 28 hours or so that Senators have been permitted to speak on the amendment, a scholarly analysis, which was printed in the Washington Post, and which was inserted in the CONGRESSIONAL RECORD.

There we saw a map of Michigan, which showed on the left side the composition prior to reapportionment and, on the right side, the new apportionment. What we are being told by the proponents of the amendment to be such a difficult problem, namely, bringing legislative districts into reasonable balance, did not prove to be so difficult in the case of Michigan, once the word was firmly established under the Supreme Court decision that it should be done.

Mr. DOUGLAS. In other words, would reapportionment have been carried through by the Michigan Legislature itself?

Mr. HART. The answer is "no," underlined and underscored.

Mr. DOUGLAS. Reapportionment only followed Baker against Carr, is that not correct?

Mr. HART. That is correct. Indeed, there was a flurry of legislative effort to reapportionment as a result of the new constitution, which was adopted in Michigan 2 years ago. Reapportionment was obtained. Lo and behold, when the Supreme Court, in the Reynolds case, finally rendered its decision, that reapportionment was found again to be faulty and violative of constitutional requirements.

Therefore I feel that while there are those who wring their hands today at what they describe as the intrusion of the Supreme Court into this thicket, the Supreme Court probably was as unhappy as anyone else at having to move into the thicket.

The finger of criticism should be pointed, not at the Supreme Court, but all across the country at State capitols, where for years legislators sat, unwilling to make adjustments which ultimately were required to be made as a result of the Supreme Court decision.

Mr. DOUGLAS. In many cases, that was in violation of the State constitutions, which required decennial apportionments according to population. Is that correct?

Mr. HART. That is correct. Why do the proponents now argue that such legislatures can be entrusted to pass judgment on the constitutional amendment if they were willing periodically to examine their constitutional obligations with respect to reapportionment and at the same time do nothing? Why are we now to assume that if they are asked, "Do you like the way you are composed," they will say, "No"?

Mr. DOUGLAS. Is it not a fact that as a practical matter, the unrepresentative character of the Michigan Legislature, and in particular of the Michigan Senate, prevented both a Democratic and a Republican Governor from placing in effect a revenue system which would relieve the State's financial difficulties?

Mr. HART. The Senator from Illinois states accurately what happened.

I am sure that when the history of the climactic, horrendous consequences which resulted from malapportionment is written, a chapter on this issue in Michigan will be included, even in a very short book on that subject. I am delighted that the senior Senator from Illinois is present, because I wish to make an admission to him. Earlier in my remarks, I discussed the rotten-borough system. I must confess that I learned about this subject from the senior Senator from Illinois, who astounds all of us by the breadth of his knowledge and the detail and retentiveness of his mental index.

I have been amazed that when a Senator rises to discuss situations in his State, whether it be Rhode Island, Arizona, New Mexico, or any other State, the senior Senator from Illinois is able to identify cities and old figures in political history in those States. I say to the Senator from Illinois that my education in the rotten-borough system and its history was at his hands.

Mr. DOUGLAS. This is very pleasant, but I am sure the Senator from Michigan does not need any instruction from me, and that his long experience in the Michigan Senate and as a student of constitutional law abundantly prepared him for the great help which he has rendered in this struggle.

I express my personal indebtedness to him. I believe that although not many Senators have been in the Chamber to hear his address, it will be read in the RECORD tomorrow by many thousands of people, and will have a profound influence not only on the vote tomorrow, but on the subsequent proceedings before this body.

Again, I thank the Senator from Michigan.

Mr. HART. The kind remarks of the senior Senator from Illinois will be remembered by me a long time after they have been forgotten by others.

Mr. McNAMARA. Mr. President, I compliment my colleague from Michigan upon the thoughtful, well ordered presentation he has made on this vital subject. The constitutional authority which he has cited at such great length demonstrates his careful legal training. As the Senator from Illinois has said, the junior Senator from Michigan has made an outstanding contribution to the cause. Long after the vote tomorrow, his remarks will help those of us who are on the side of the Supreme Court in this case.

Mr. HART. I thank my colleague from Michigan.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. PROXMIRE. It was not possible for the Senator from Wisconsin to hear all of the speech delivered by the distinguished junior Senator from Michigan; but from what I heard and the opportunity I have had to learn about the speech, it was a remarkably comprehensive talk, which covers the entire scope of the issues, and covered them thoroughly.

I recommend to other Senators that if they want a concise, comprehensive argument, they can do no better than to read the excellent speech that has just been delivered by the distinguished Senator from Michigan, who is not only a leader in the fight to sustain the Supreme Court, but also is an eminent lawyer, a member of the Committee on the Judiciary, and a man who understands this issue, from a legal standpoint, as well as does any other Member of the Senate.

AMENDMENTS NOS. 1266 AND 1267

Mr. DOUGLAS. Mr. President, I submit two amendments to the Dirksen-Mansfield amendment. I ask that the reading of the amendments be dispensed with but that they be printed and be considered as amendments parliamentarily appropriate in the future discussion of the Dirksen-Mansfield amendment.

Mr. MILLER. Mr. President, reserving the right to object, I am sure that the Senator from Illinois does not intend to do anything contrary to the rules of the Senate. I am sure that he intends by this request that the amendments to the Dirksen-Mansfield amendment be not considered until after the vote on cloture.

Mr. DOUGLAS. Oh, no; but that they be considered as appropriate for consideration.

It is my understanding that amendments to the proposal upon which cloture is obtained can be acted upon only if they have been submitted prior to the vote on cloture.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The Senator is correct; except by unanimous consent. And these amendments would be considered subject to the limitation of the cloture rule. So, without objection, the unanimous-consent request is agreed to.

The amendments will be received, printed, and lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

AMENDMENT No. 1266

On page 1, line 9, strike the word "shall" and insert in lieu thereof the word "may".

One page 1, line 10, strike the words "entry or".

On page 1, line 7, immediately after the word "action", insert the words "instituted after the date of enactment of this section".

On page 2, line 2, strike the period after word "interest" and insert a comma and add the words: "and consistent with the principles of the Constitution."

Beginning with line 3, page 2, strike out all, to and including line 16, page 2.

Redesignate succeeding subsection numbers accordingly.

AMENDMENT No. 1267

On page 2, line 2, strike the period after the word "interest" and insert a comma and add the words: "and consistent with the principles of the Constitution."

Beginning with line 3, page 2, strike out all, to and including line 16, page 2.

Redesignate succeeding subsection numbers accordingly.

AMENDMENTS NOS. 1268 AND 1269

Mr. McNAMARA. Mr. President, I submit two amendments that are in exactly the same category, and I make the same request as that made by the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1268 and 1269) were ordered to be printed and lie on the table, and to be printed in the RECORD, as follows:

AMENDMENT No. 1268

On page 1, line 9, strike out the word "shall" and insert in lieu thereof the word "may."

Beginning with line 10, page 1, strike out all, to and including line 16, page 2, and insert in lieu thereof the following: "execution of any order relating to the apportionment of membership in any house of the legislature of a State for such a period as will be in the public interest and consistent with the principles of the Constitution."

Amendment No. 1269

On page 2, beginning with line 4, strike out all, to and including line 8, page 2.

On page 2, line 9, strike out "(ii)".

On page 2, line 10, strike out the words "in regular session".

On page 2, line 16, strike the words "of highly unusual circumstances." and add in lieu thereof the words "any inconsistencies with the principle of the Constitution."

Redesignate succeeding subsection numbers accordingly.

AMENDMENTS NOS. 1270 AND 1271

Mr. HART. Mr. President, I submit two amendments and ask unanimous consent that they be considered as having been read, so as to comply with the requirements of the cloture rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1270 and 1271) were ordered to lie on the table and to be printed, and ordered to be printed in the Record, as follows:

Amendment No. 1270

Beginning with line 3, page 2, strike out all, to and including line 16, page 2.

On page 2, line 19, insert after the words "any party" the words "of interest".

On page 2, line 21, strike the words "without other authority" and insert in lieu thereof the words "by permission of the court of the United States having jurisdiction of the matter."

Redesignate succeeding subsection numbers accordingly.

Amendment No. 1271

On page 1, line 9, strike the word "shall" and insert in lieu thereof the word "may".

Beginning with the dash in line 3, page 2, strike out all, to and including the clause designation "(ii)" in line 9, page 2.

On page 2, line 10, strike out the words "in regular session."

Mr. MILLER. Mr. President, in connection with the debate on reapportionment, I ask unanimous consent to have printed at this point in the Record an extract from a portion of my recent newsletter on the subject "Reapportionment," which was published shortly before the Democratic National Convention in New Jersey. I make this request with a view to doing what I can to assist in understanding of the precise issues facing the Senate.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Reapportionment

(By U.S. Senator Jack Miller)

Widespread comment followed the recent decision of the U.S. Supreme Court in *Reynolds* v. *Sims* that, under the equal-protection clause of the 14th amendment to the Constitution, both houses of a bicameral State legislature must be apportioned as nearly as practicable on a population basis. But when the Court then applied this principle in declaring unconstitutional the apportionment of the Colorado Legislature in *Lucas* v. *Colorado General Assembly,* many Members of Congress felt the Court went too far. The reason was that two separate plans of reapportionment had been submitted to a general referendum of the people of Colorado: one plan placed both houses on a population basis; the other placed one house on population and the other house on population and area. A majority of the people voted for the latter.

Resolutions calling for a constitutional amendment on this subject have been introduced in both the House and Senate. I am a cosponsor of the one which seems to have the greatest support—at least in the Senate. It is a bipartisan proposal to amend the Constitution to provide that (a) the membership of at least one house of a bicameral legislature shall be apportioned as nearly on a population basis as possible; and (b) the people of a State shall have exclusive power to determine the makeup of the other house. There are many who believe that to have a check-and-balance legislative system, other factors than population should govern the composition of the second house. It isn't just a case of representing "acres." Economic interests which are vital to a State and its people—such as agricultural land, mineral deposits, recreational areas, industrial sections—are not necessarily accompanied by a large resident population. It would seem that the people of a State should have the right to take such factors into account, if they wished, in establishing a check-and-balance legislative system.

Congress has recessed for the National Democratic Convention, and there will be so much pressure for final adjournment when we return afterwards that it is unlikely that action can be taken on a constitutional amendment. However, it is hoped that such action can be taken early next year so that the numerous State legislatures which will be meeting in 1965 will have an opportunity to consider ratification of the amendment (three-fourths of all States must ratify). Granted that many of these legislatures will be malapportioned, it would be a question of ratifying a constitutional amendment to let the people decide the composition of the second house, so it can hardly be maintained that the legislators would be ratifying an amendment which would perpetuate themselves in office. Meanwhile, almost every State is involved with Federal court litigation over reapportioning their legislatures; and there has been no uniformity among the Federal courts regarding the time of such action (one court directed a State to reapportion itself within 15 days). Accordingly, after much bipartisan work and consultation with the Department of Justice, the Senate leaders (Dirksen and Mansfield) have offered an amendment under which the Governor, attorney general, or any member of the legislature may obtain a stay of Federal court proceedings "to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity to apportion representation in accordance with the Constitution." What would constitute "a reasonable opportunity" would be for the Court to decide; and if the State fails to apportion representation in accordance with the Constitution within the time allowed by the Court, the Court would do the apportioning. Of course, if the resolution calling for a constitutional amendment is ratified in the meantime (leaving it to the people to decide the composition of the second house) reapportionment of the second house would be left to the people rather than a court. In my judgment, the Dirksen-Mansfield amendment would not affect the interim plan under which our legislature will be operating next year. Action on the amendment will come after the Democratic Convention.

Thus far, a few so-called ultraliberal Members of the Senate have been filibustering the Dirksen-Mansfield amendment. However, Walter Lippmann, one of the columnists most favored by this group, recently said of the amendment: "It seems to me sound and in the end desirable."

Before recessing, the House passed the Tuck bill, which would deny the Federal courts jurisdiction over any reapportionment matter. Such action would prevent the courts from deciding whether the equal-protection clause of the 14th amendment to the Constitution was being violated because of an apportionment situation. I doubt that the bill will be acted on favorably by the Senate, but it could result in favorable action on the Dirksen-Mansfield amendment and also on the constitutional amendment leaving it to the people to decide the composition of the second house.

THIS IS THE YEAR OF THE CARPETBAGGER

Mr. MILLER. Mr. President, much has been said and will be said in the coming months of a new development on the American political scene this year—the advent of the carpetbagger.

I venture to say that 1964 will go down in history as the year of the carpetbagger, a year in which the laws or traditions of States were ignored, in order to seek victory in the political arena.

If this attitude should catch on and others seek to do the same thing in the years to come, it could very well establish a trend in which the traditional relationship between the State and its representatives in Congress will become a thing of the past.

If this occurs, the States and their people will be the losers. For if a State cannot boast of a congressional representative with deep ties with that State, then that State will lose its character and its people will be denied the warm and close understanding they need from their representatives in the Halls of Congress.

It is a sad indictment of a political party that it has to go outside its State to obtain a candidate.

But this has occurred. It is too bad.

Mr. President, I ask unanimous consent to have two editorials commenting on the carpetbagger issue printed in the Record. One of these editorials was published in the Christian Science Monitor of August 26, 1964, entitled "R.F.K. in November and in May"; and the other published in the September 4, 1964, issue of Life magazine entitled "A Carpetbag as Chic Luggage."

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Aug. 26, 1964]

R.F.K. in November and in May

Granted that Robert Kennedy has the political know-how and the strong convictions to be an effective liberal voice in the Senate. Yet there is something overweening about his seeking election in New York.

Last May he said that "all things being equal it would be better for a citizen of New York to run for the position [of Senator]."

What is less equal now than it was then? Surely somebody living in New York could qualify for the Democratic nomination.

Just possibly the Kennedy legend of success will have a new ending in the Empire State. Though the Attorney General is legally in the clear, he has violated the fitness of things in a way to nettle more voters than the "reform Democrats" who already have registered their opposition to him. And he has a formidable opponent in Republican

Senator KEATING who, in contrast with Mr. Kennedy's about-face on his New York candidacy, has shown unusual political consistency in his refusal to get on the Goldwater bandwagon.

Mr. Kennedy would doubtless be helped by the entry of Mrs. Luce, who would probably draw votes from Senator KEATING. But basically the question may become, will New Yorkers love Mr. Kennedy in November as he did not ask them to do in May? It does not belittle Mr. Kennedy's political talents, and their potential use to the Nation, to raise the question.

[From Life magazine, Sept. 4, 1964]

A CARPETBAG AS CHIC LUGGAGE

PIERRE SALINGER struck the first blow for carpetbagging (parlaying his Kennedy connections) when he left Washington and turned up in California as a candidate for the U.S. Senate. He had been out of the State for 9 years and had to convince a court to certify that he was really a California Democrat before being cleared to run. Now Robert F. Kennedy, bearing his own chic carpetbag, has announced his candidacy for Senator from New York, thus delivering another blow so solid that it may prove the quietus for this particular fragment of states' rights.

At least SALINGER was once a Californian. Kennedy votes in Massachusetts, where his brother Ted is a Senator, and lives in Virginia. He has not lived in New York since 1938, when he was 12 years old. His parents own an apartment there; up to last week he neither owned nor rented one. So how did he work it?

The surprising (to most people) fact is that no residence requirements apply to candidacy for the U.S. Senate. The Constitution simply says that a man must "be an inhabitant of that State for which he shall be chosen." And there is no adequate legal definition of the word "inhabitant." Whereas you must satisfy a residence requirement ranging from 6 months to 2 years (1 year in New York) before you can vote, you are an "inhabitant" the moment you move there. Kennedy has already leased a house on Long Island so he could be elected Senator even though he cannot vote for himself.

In his defense, it has been said that he is just the sort of man who should be in Government and that, judging from his record as Attorney General, he could make an admirable Senator. Furthermore, he may even be able to civilize New York's rickety Democratic Party. New blood is certainly needed and the Kennedy strain would be a strong one. But against these reasonable arguments must be placed the cynical but frighteningly efficient way in which the family organization steamrolled opposition to obtain the nomination. The legend of Kennedy omnipotence deservedly grows; other States (Sargent Shriver has been mentioned as being interested in the Governorship of Illinois) might well take note.

There is a more serious objection. In Britain, a man wishing election to Parliament chooses a district from which to run on the basis not of residence or affiliation but plain political calculation: he picks the place where he can be nominated and win. He is answerable to a constituency, but only en passant; his first duty is to his party and to the country as a whole, so it matters little just who elects him. Kennedy seems to view his own candidacy in the same light.

Americans are not, as a whole, so attached to the "Old Homestead" as they once were. New York (or New York City, anyhow) is a place where it seems practically nobody is a native son. But it does not follow that the State must thus send an itinerant politician to Congress. The American Federal system is based upon maintaining an identity between the State and its congressional representatives and we resent attempts to undermine this tradition for anybody's benefit—even a Kennedy's.

Mr. MILLER. Mr. President, it is also a sad indictment of the labor organization that its leaders seek to endorse a candidate for the Senate who is a nonresident, who has not shared their common interests, and who has never answered a rollcall vote in his life.

I refer to an article published in the September 3 issue of the New York Times entitled "Labor Delegates Endorse Kennedy," and I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LABOR DELEGATES ENDORSE KENNEDY—CRITICS SWAMPED AT STATE CONVENTION—CANDIDATE ATTACKS GOLDWATER

(By Emanuel Perlmutter)

Organized labor gave Attorney General Robert F. Kennedy its overwhelming endorsement for the U.S. Senate yesterday.

His supporters at the convention of the New York State American Federation of Labor and Congress of Industrial Organizations overrode fragmentary opposition to win Mr. Kennedy the official backing of the 2-million-member body.

Mr. Kennedy did not get the unanimous endorsement that the 1,500 delegates gave President Johnson and Senator HUBERT H. HUMPHREY earlier in the week.

About 40 delegates representing 2 maritime unions and a union of plastics and toymakers abstained from voting. Only three persons voted against the endorsement.

Mr. Kennedy received tumultuous applause before, during, and after his delivery of a vigorous address in which he attacked the views of Senator BARRY GOLDWATER and identified himself repeatedly with the cause of labor.

The delegates rose from their seats, cheered, whistled and applauded for more than 5 minutes when the Attorney General and Mrs. Kennedy entered the Commodore Hotel ballroom.

The ovation continued as the Kennedys went to the platform, and Mrs. Kennedy beamed happily as her husband acknowledged the welcome.

Mr. Kennedy departed frequently from the prepared text of his first political address since he was nominated by the Democrats on Tuesday.

CITES LINK TO JOHNSON

Although his prepared remarks contained only two references to President Johnson, and these concerned Mr. Johnson's association with the late President Kennedy, the Attorney General in his speech emphasized again and again his identification with the Johnson-Humphrey national ticket.

Many delegates said they were surprised and impressed by the power of Mr. Kennedy's oratory.

Concentrating his attack on Senator GOLDWATER rather than Senator KENNETH B. KEATING, his Republican opponent, he alluded with sarcasm to the Arizona Senator as one who spoke disdainfully of the "harmful byproducts of relief, social security, collective bargaining, and public housing."

He was similarly critical of Mr. GOLDWATER for his reported statement that "my aim is not to pass laws, but to repeal them." And he criticized him for refusing to disavow support of the John Birch Society.

Mr. Kennedy charged that the Republican Party came to the American people "not with a choice, but with an echo."

"Yes, it is an echo," he continued. "An echo of Haymarket Square. An echo of the Homestead strike. An echo of the Pullman strike. An echo of the days when labor stood alone.

"I stand for the record built by John Kennedy and Lyndon Johnson. I am against BARRY GOLDWATER. I will not have to walk a tightrope between my party and my principles."

In a discussion of local issues Mr. Kennedy charged that under the Republicans New York State had lagged in solving the problems of unemployment and of providing an adequate minimum wage and adequate unemployment insurance.

He received a prolonged, standing ovation when he asserted his belief in medical care for the aged and his opposition to section 14(b), the so-called right-to-work section of the Taft-Hartley Act.

After he had finished his address, it took several minutes for him and his wife to make their way through well-wishers to an exit from the ballroom.

Virtually all the labor federation's top leaders urged Mr. Kennedy's endorsement. The resolution urging his support was introduced by Raymond R. Corbett, president of the State AFL–CIO. Seconding speeches were made by Daniel Gilmartin, president of Local 100 of the Transport Workers Union; Charles Kerrigan, regional director of the Automobile Workers Union; Harry Van Arsdale, president of the New York City Central Labor Council, and support came from other leaders.

CRITICIZED BY PAUL HALL

A lengthy speech critical of Mr. Kennedy was made by Paul Hall, president of the Seafarers International Union. He said his union would abstain from voting until it could hear whether Mr. Kennedy had changed his position of nonsupport for the union's fight to end the practice of American shipowners' registering under foreign flags.

Joseph Curran, president of the National Maritime Union, said in a telegram to Mr. Corbett that his union could not support, although it would not oppose Mr. Kennedy. "Robert Kennedy's record contains no active friendship to the labor movement that we are aware of," he declared.

The 3-day convention closed with committee reports on the federation's financial and membership status.

Mr. Corbett reported later that he had received a telegram from George Meany, president of the American Federation of Labor-Congress of Industrial Organizations, saying that he was happy over the endorsement of Mr. Kennedy.

Mr. MILLER. The article states:

> Organized labor gave Attorney General Robert F. Kennedy its overwhelming endorsement for the U.S. Senate yesterday.
>
> His supporters at the convention of the New York State American Federation of Labor and Congress of Industrial Organizations overrode fragmentary opposition to win Mr. Kennedy the official backing of the 2-million-member body.

The article goes on to say that only three persons voted against the amendment.

Mr. President, I have had the privilege of serving with the junior Senator from New York [Mr. KEATING] for almost 4 years. He and I have disagreed on a number of issues, but one thing I should like to point out. If I were a member of a labor union, I would recognize that the junior Senator from New York has done an outstanding job not only in representing the State of New York but also in representing the interests of organized labor in that State.

For example, on page 8 of the September 10 issue of the labor publication entitled "The Machinist," published by the Machinists Union, there is a listing of Members of the Senate and their yea-and-nay votes on 10 issues which have occurred during the 88th Congress.

Personally, I take issue with any organization, labor or otherwise, selecting 10 issues which are supposed to reveal the inner thoughts and sentiments of any Member of Congress. But, be that as it may, this has been done by the Machinists Union.

I note that the junior Senator from New York has a 100-percent rating so far as the score sheet is concerned. One wonders, where were the representatives of the Machinists Union among the delegates appearing at the State convention in New York State, when only three delegates voted against making a unanimous endorsement of the recent Attorney General to oppose the junior Senator from New York?

One wonders about the depth of loyalty of those for whom the junior Senator from New York has literally fought and bled on the floor of the Senate during his past 6 years as a Member of this body.

Mr. President, let me point out further that on the 10 key issues of the 88th Congress, the committee on political education, which is supposed to represent the AFL–CIO in things political, rated the junior Senator from New York 80 percent.

Notwithstanding that fact, in the face of his record, the committee on political education, I understand, as evidenced by the delegates support in this recent convention in New York State, has seen fit to endorse someone who has never answered a rollcall in his life. One wonders about the depth of the loyalty of people who do this.

That wondering, however, then can be offset, at present at least, by the realization—and thank God it is there—that these so-called delegates and so-called leaders do not represent the rank and file of their membership.

Thank goodness, there are many members of organized labor unions today who still think for themselves, who have loyalty that is more than skin deep, and who recognize the service of a dedicated Member of the Senate, and are not about to take a chance with someone who has never answered a rollcall in his life, and who has never had the privilege of serving in a legislative body in his life.

I do not deny that the junior Senator from New York's opponent has many outstanding characteristics, and is a gifted individual. But when we measure those characteristics against a record of service, a record of loyalty on the part of the junior Senator from New York, a record not only in the Senate, but also in the House of Representatives, literally a lifetime of familiarity with the problems of the people of the State of New York, and when we realize that gifted as his opponent may be, his opponent is indeed a carpetbagger, one wonders, and in fact one must deplore, what occurred at the New York State convention of the American Federation of Labor and the Congress of Industrial Organizations.

Knowing the junior Senator from New York as I do, when he comes back to the Senate to serve a second 6-year term next January I believe that he will continue to be the big man he is and will, despite the activities of some of the so-called leaders, continue to look after the interests of the rank and file members of unions who I trust will give him their overwhelming support in the November election.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS

Mr. BYRD of West Virginia. Mr. President, customarily the Senator handling the conference report on an appropriation bill offers for inclusion in the RECORD a table setting forth the amounts appropriated for the year prior, the budget estimates, the House and Senate allowances, and the conference agreement. Unfortunately last Thursday when the Senate adopted the conference report on H.R. 10809, making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies for the fiscal year ending June 30, 1965, the table was not prepared due to the short time elapsing between the conference and the consideration of the report. I ask unanimous consent to have the table placed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1964, H.R. 10809

[Figures in parentheses not added in totals]

	Appropriation, 1964	Budget estimate, 1965	House allowance	Senate allowance	Conference agreement
DEPARTMENT OF LABOR					
Bureau of Labor Statistics	$16,345,000	$18,388,000	$18,125,000	$17,625,000	$17,925,000
Revision of Consumer Price Index	1,320,000				
Bureau of International Labor Affairs	842,000	863,000	856,000	856,000	856,000
Manpower Administration:					
Manpower development and training activities	130,000,000	411,000,000	327,906,000	307,906,000	307,906,000
Area redevelopment activities	8,500,000	9,000,000	8,500,000	8,500,000	8,500,000
Trade adjustment activities	150,000	345,000	344,000	160,000	344,000
Bureau of Apprenticeship and Training	5,460,000	5,541,000	5,541,000	5,541,000	5,541,000
Bureau of Employment Security:					
Limitation on salaries and expenses	(12,400,000)	(13,471,000)	(13,325,000)	(13,325,000)	(13,325,000)
Limitation on grants to States	(425,000,000)	(455,076,000)	(455,076,000)	(455,076,000)	(455,076,000)
Contingency fund in item next above	(15,000,000)	(15,000,000)	(30,000,000)	(22,000,000)	(25,000,000)
Unemployment compensation for Federal employees and ex-servicemen	152,000,000	126,000,000	126,000,000	126,000,000	126,000,000
Mexican farm labor program:					
Compliance activities	1,300,000	870,000	800,000	800,0000	800,000
Salaries and expenses, transfer from farm labor supply revolving fund	(1,300,000)	(850,000)	(800,000)	(800,000)	(800,000)
Total, Manpower Administration	297,410,000	552,756,000	469,091,000	448,907,000	449,091,000
Labor-Management Services Administration	7,450,000	7,736,000	7,352,000	7,502,000	7,502,000
Bureau of Veterans' Reemployment Rights	784,000	791,000	791,000	791,000	791,000
Bureau of Labor Standards	3,470,000	3,545,000	3,516,000	3,516,000	3,516,000
President's Committee on Employment of the Handicapped	(303,000)	(309,300)	(309,300)	(309,300)	(309,300)
Women's Bureau	785,000	772,000	772,000	772,000	772,000
Wage and Hour Division	19,300,000	20,528,000	20,378,000	20,378,000	20,378,000
Bureau of Employees' Compensation:					
Salaries and expenses	4,275,000	4,401,000	4,368,000	4,368,000	4,368,000
Transfer from trust funds	(60,000)	(60,000)	(60,000)	(60,000)	(60,000)
Employees' compensation claims and expenses	58,838,000	52,650,000	52,650,000	52,650,000	52,650,000
Office of the Solicitor	4,420,000	4,857,000	4,857,000	4,857,000	4,857,000
Transfer from unemployment trust fund	(127,000)	(132,000)	(132,000)	(132,000)	(132,000)
Office of the Secretary	2,269,000	3,223,000	3,198,000	3,198,000	3,198,000
Transfer from unemployment trust fund	(138,000)	(139,000)	(139,000)	(139,000)	(139,000)
Total, Department of Labor	417,508,000	670,510,000	585,954,000	565,420,000	565,904,000

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1964, H.R. 10809—Continued

[Figures in parentheses not added in totals]

	Appropriation, 1964	Budget estimate, 1965	House allowance	Senate allowance	Conference agreement
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE					
Food and Drug Administration:					
Salaries and expenses	$35,805,000	$39,200,000	$39,200,000	$39,200.000	$39,200,000
Buildings and facilities	4,466,000	11,025,000	10,875,000	10,875,000	10,875,000
Office of Education:					
Expansion and improvement of vocational education	34,756,000	183,296,000	183,296,000	158,296,000	158,296,000
Supplemental estimate, 1964		60,000,000			
Higher education facilities construction		464,000,000	463,150,000	463,150,000	463,150,000
Supplemental estimate, 1964		266,750,000			
Further endowment of colleges of agriculture and the mechanic arts	11,950,000	11,950,000	11,950,000	11,950,000	11,950,000
Grants for public libraries	7,500,000	55,000,000		55,000,000	55,000,000
Payments to school districts	320,670,000	359,450,000	359,450,000	332,000,000	332,000,000
Assistance for school construction	23,740,000	58,400,000	58,400,000	58,400,000	58,400,000
Supplemental estimate, 1964		36,606,000			
Defense educational activities	250,788,000	287,890,000	287,853,000	287,853,000	287,853,000
Supplemental estimate, 1964		4,090,000			
Educational improvement of the handicapped	14,185,000	16,500,000	16,500,000	16,500,000	16,500,000
Cooperative research	11,500,000	17,000,000	15,840,000	15,840,000	15,840,000
Educational research (special foreign currency program)	500,000	500,000	500,000	500,000	500,000
Foreign language training and area studies	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
Salaries and expenses	14,761,000	19,699,000	18,599,000	18,699,000	18,699,000
Supplemental estimate, 1964		960,000			
Total, Office of Education	691,850,000	1,843,591,000	1,417,038,000	1,419,688,000	1,419,688,000
Vocational Rehabilitation Administration:					
Grants to States	88,700,000	100,100,000	100,100,000	100,100,000	100,100,000
Research and training	34,810,000	40,620,000	40,565,000	41,065,000	41,065,000
Research and training (special foreign currency program)	2,000,000	2,000,000	2,000,000	2,000,000	2,000.000
Salaries and expenses	2,905,000	3,140,000	3,140,000	3,140,000	3,140,000
Total, Vocational Rehabilitation Administration	128,415,000	145,860,000	145,805,000	146,305,000	146,305,000
Public Health Service:					
Buildings and facilities	16,311,000	21,512,000	21,512,000	23,012,000	22,512,000
Accident prevention	4,181,000	3,823,000	4,163,000	3,823,000	3,823,000
Chronic diseases and health of the aged	55,870,000	53,743,000	53,722,000	53,722,000	53,722,000
Communicable disease activities	28,405,000	29,849,000	29,828,000	29,828,000	29,828,000
Community health practice and research	29,644,000	27,722,000	22,575,000	28,284,000	28,175,000
Control of tuberculosis	6,850,000	6,364,000	10,364,000	10,914,000	10,914,000
Control of venereal diseases	9,599,000	9,716,000	10,030,000	10,030,000	10,030,000
Dental services and resources	6,270,000	6,662,000	6,651,000	71,171,000	71,171,000
Nursing services and resources	11,250,000	21,655,000	4,031,000	21,631,000	21,631,000
Hospital construction activities	231,287,000	225,996,000	23,346,000	245,996,000	245,846,000
Health professions educational assistance		85,782,000	85,782,000	110,782,000	110,782,000
Supplemental estimate, 1964		30,390,000			
George Washington University Hospital construction	2,500,000				
Environmental health sciences	4,239,000	10,890,000	9,350,000	9,700,000	9,350,006
Supplemental estimate, 1964		1,200,000			
Air pollution	12,999,000	21,990,000	20,930,000	20,930,000	20,930,000
Supplemental estimate, 1964		2,190,000			
Environmental engineering and sanitation	9,073,000	9,187,000	9,117,000	9,117,000	9,117,000
Occupational health	5,032,000	5,195,000	5,163,000	5,163,000	5,163,000
Radiological health	19,377,000	19,640,000	19,598,000	19,598,000	19,598,000
Water supply and water pollution control	29,069,000	35,110,000	34,239,000	35,354,000	35,009,000
Grants for waste treatment works construction	90,000,000	90,000,000	90,000,000	90,000,000	90,000,000
Hospitals and medical care	51,293,000	52,710,000	52,710,000	53,338,000	53,338,000
Foreign quarantine activities	6,554,000	6,851,000	6,851,000	6,851,000	6,851,000
National Institutes of Health:					
General research and services	163,869,000	163,715,000	162,959,000	164,759,000	164,759,000
Biologics standards	4,787,000	4,969,000	4,969,000	4.969,000	4,969,000
National Institute of Child Health and Human Development	(34,000,000)	43,152,000	42,696,000	42,696,000	42,696,000
National Cancer Institute	144,340,000	140,755,000	140,011,000	140,011,000	140,011,000
Special cancer research				10,000,000	10,000,000
National Institute of Mental Health	183,288,000	188,744,000	187,932,000	187,932,000	187,932,000
National Heart Institute	129,325,000	125,293,000	124,174,000	124,824,000	124,824,000
National Institute of Dental Research	19,689,000	20,102,000	19,983.000	20,083,000	20,083,000
National Institute of Arthritis and Metabolic Diseases	113,679,000	113,075,000	112,050.000	113,250.000	113,050.000
National Institute of Allergy and Infectious Diseases	68,723,000	68,347,000	69,847,000	70,147,000	69,847,000
National Institute of Neurological Diseases and Blindness	87,675,000	88,340,000	87,621,000	87,821.000	87,821,000
Subtotal, National Institutes of Health	915,375,000	956,492,000	952,242,000	966,492,000	965,992.000
Construction of community mental health centers		35,000,000	35,000,000	35,000,000	35,000,000
Grants for construction of health research facilities	56,000,000	58,000,000	58,000,000	58,000,000	58,000,000
Scientific activities overseas (special foreign currency program)	4,000,000	1,000,000	1,000,000	1,000,000	1,000,000
National health statistics	5,949,000	6,152,000	6,152,000	6,152,000	6,152,000
National Library of Medicine	4,074,000	3,612,000	3,792,000	3,992,000	3,892,000
Retired pay of commissioned officers (indefinite)	(6,517,000)	(7,272,000)	(7,272,000)	(7,272,000)	(7,272,000)
Salaries and expenses, Office of the Surgeon General	6,111,000	6,006,000	6,006,000	6,006,000	6,006,000
Total, Public Health Service	1,621,312,000	1,844,439,000	1,582,154,000	1,871,886,000	1,869,832,000
St. Elizabeths Hospital:					
Salaries and expenses (indefinite)	(7,896,000)	(8,461,000)	(8,248,000)	(8,248,000)	(8,248,000)
Buildings and facilities	627,000	2,032,000	2,032,000	2,032,000	2,032,000
Social Security Administration:					
Limitation on salaries and expenses	(317,900,000)	(338,410,000)	(336,410,000)	(336,410,000)	(336,410,000)
Limitation on construction		(5,750,000)	(5,750,000)	(5,750,000)	(5,740,000)
International Social Security Association meeting	91,500				
Welfare Administration:					
Grants to States for public assistance	2,884,600,000	2,980,000,000	2,880,000,000	2,780,000,000	2,780,000,000
Assistance for repatriated U.S. nationals	467,000	373,000	310,000	373,000	373,000
Bureau of Family Services	4,956,000	5,623,000	5,359,000	5,359,000	5,359,000
Grants for maternal and child welfare	99,443,000	131,830,000	129,830,000	127,830,000	127,830,000
Day-care services	(4,000,000)	(8,000,000)	(6,000,000)	(4,000,000)	(4,000,000)
Salaries and expenses, Children's Bureau	3,776,000	4,295,000	4,295,000	4,295,000	4,295,000
Juvenile delinquency and youth offenses	6,950,000	15.000,000		15,000,000	11,500,000
Office of Aging	545,000	600,000	566.000	566,000	566,000
Cooperative research or demonstration projects	1,455,000	1,800,000	1,700,000	1,700,000	1,700,000
Office of the Commissioner	1,025,000	1,062,000	1,062,000	1,062,000	1,062,000
Total, Welfare Administration	3,003,217,000	3,140,583,000	3,023,122,000	2,936,185,000	2,932,685,000

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1964, H.R. 10809—Continued

[Figures in parentheses not added in totals]

	Appropriation, 1964	Budget estimate, 1965	House allowance	Senate allowance	Conference agreement
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—continued					
Special institutions:					
American Printing House for the Blind	$775,000	$865,000	$865,000	$865,000	$865,000
Freedmen's Hospital	3,880,000	3,873,000	3,873,000	3,873,000	3,873,000
Salaries and expenses, Gallaudet College	1,822,000	1,926,000	1,926,000	1,926,000	1,926,000
Construction, Gallaudet College	2,919,000	367,000	329,000	367,000	367,000
Salaries and expenses, Howard University	8,819,000	9,660,000	9,660,000	9,660,000	9,660,000
Construction, Howard University	6,245,000	1,810,000	1,810,000	1,810,000	1,810,000
Office of the Secretary	2,833,000	3,163,000	3,070,000	3,070,000	3,070,000
Transfer from OASI trust fund	(467,000)	(479,000)	(479,000)	(479,000)	(479,000)
Office of Field Administration	3,734,000	3,813,000	3,784,000	3,784,000	3,784,000
Transfers	(1,337,000)	(1,288,000)	(1,288,000)	(1,288,000)	(1,288,000)
Surplus property utilization	950,000	970,000	970,000	970,000	970,000
Office of the General Counsel	975,000	1,311,000	1,167,000	1,167,000	1,167,000
Transfers	(900,000)	(907,000)	(907,000)	(907,000)	(907,000)
Educational television facilities	6,500,000	15,300,000	13,000,000	13,000,000	13,000,000
Total, direct appropriations, Department of Health, Education, and Welfare	5,525,235,500	7,069,788,000	6,260,680,000	6,466,663,000	6,461,109,000
Indefinite appropriations	14,413,000	15,733,000	15,520,000	15,520,000	15,520,000
Total, direct and indefinite appropriations, Department of Health, Education, and Welfare	5,539,648,500	7,085,521,000	6,276,300,000	6,482,183,000	6,476,629,000
RELATED AGENCIES					
National Labor Relations Board	22,460,000	25,250,000	24,000,000	25,250,000	25,000,000
National Mediation Board	1,950,000	1,970,000	1,970,000	1,970,000	1,970,000
Railroad Retirement Board:					
Limitation on salaries and expenses	(11,065,000)	(10,500,000)	(10,500,000)	(10,500,000)	(10,500,000)
Payment for military service credits		13,834,000	13,834,000		13,834,000
Federal Mediation and Conciliation Service	5,690,000	6,100,000	6,100,000	6,100,000	6,100,000
Interstate Commission on the Potomac River Basin	5,000	5,000	5,000	5,000	5,000
U.S. Soldiers' Home	(6,622,000)	(6,888,000)	(6,888,000)	(6,888,000)	(6,888,000)
Contingent expenses of the Senate				265,000	265,000
Grand total	5,987,261.500	7,803,190,000	6,908,063,000	7,081,193,000	7.089,707,000
Consisting of—					
1964 supplemental appropriations		402,186,000			
Direct appropriations	5,972,848.500	7,385,271,000	6,892,543,000	7,065,673,000	7,074,187,000
Indefinite appropriations	14,413,000	15,733,000	15,520,000	15,520,000	15,520,000

THE CATTLE SITUATION

Mr. HUMPHREY. Mr. President, in my years in the U.S. Senate I believe I have demonstrated a deep and abiding interest in the affairs of American agriculture. I have shared the deep concern of the American farmer and the American rancher when he has been faced with the difficulties of climatic conditions and market price over which he has no control.

I have consistently sponsored and supported legislation and other governmental action designed to improve the position of the American farmer and rancher in the marketplace. Many times I have taken this floor to discuss in detail the problems of that segment of our farm economy that is considered basic in our present farm laws. Today, however, I rise to discuss a facet of our agricultural economy that is not covered in the so-called basics but is, in fact, really basic to American agriculture and indeed to our economy.

It is a fundamental fact that in our agricultural economy the production of cattle and calves is the most important single source of American agriculture cash income. Farmers and ranchers on 1.5 million farms receive more than $8 billion annually of our total agricultural income from the sale of their meat animals. This accounts for about 22 percent of our annual cash farm income. In my own State of Minnesota the sale of cattle and calves from our farms and feed lots amounts to $337 million, which is 23 percent of all farm commodity sales.

The production and sale of beef animals directly affects a great majority of those engaged in American farming. Cattle feeding in America consumes a tremendous amount of our grain; and the vast production of grass and forage on our farms and ranges is consumed by livestock which when processed provides abundant supplies of meat and dairy products. In the exciting drama of the revolution in American agriculture nothing is quite so dramatic or has contributed so greatly to our modern urban society as the cattle on our ranges and fattened in our feed lots.

BEEF SYNONOMOUS WITH PROSPERITY

Mr. President, beef on the table of America is synonomous with the prosperity of our own people. But this has developed because of the God-given wealth of our range and farm land, the ingenuity and ability of our farmers and ranchers, and the outstanding distributive system of our Nation.

These past several months, however, I have shared the deep concern of the cattlemen, who have been faced with the results of the abundance they have produced. During these months I have met with representatives of all segments of the meat and livestock industry. I have discussed with them the basic underlying economic factors that brought about their difficulties.

I have discussed this matter in detail with all the agencies of Government concerned with agricultural problems. And I have spent considerable time discussing the problem with President Johnson, a cattleman in his own right who is sympathetic to and understands the problems of the cattle raisers and feeders.

I must admit, Mr. President, that I have been attempting to get better educated on the problems of the beef industry. The President of the United States, with his intimate knowledge of ranching and his further understanding of the other facets of the beef producing mechanism of American agriculture, has been an apt teacher.

We must realize that this beef industry of ours is an immense, a tremendous, a far-reaching mechanism that touches practically every segment of our agricultural economy. Nor is it a business that is confined to the Western States. Neither is it a business that is confined to the Corn Belt States.

AN INDIVIDUAL BUSINESS

The production of beef and beef animals is part and parcel of our agricultural economy in practically every State of the Union. It is an individual business, whether it be a small cow and calf outfit in western Texas or northern Montana, or a feedlot in the sugarbeet area of Colorado or Nebraska, or a huge farm feedlot in the State of Minnesota or California. It is a business that of necessity is tied to the land but calls on our total agricultural economy, from the purchase or sale of feeder calves, to the purchase of corn and other feed grains, to the financing of a feedlot, to the shipment and final sale.

It is a dramatic business. It is a challenging business. I wish to report to the men and women who are engaged in this great cattle and beef industry the situation they face and what this administration is doing about it.

I want them to know that I am aware of their problem and am determined to be of aid to them in the tradition they so often have espoused and so valiantly advocated; namely, that Government should be an aid, not a hindrance; that, basically, the cowmen of America in the years I have been in the Senate have told me time after time that they believe firmly in a free market, that they want only fairplay to do the job they do so well of producing beef for the American people.

Mr. President, I have put together the facts as they relate today to the beef and cattle industry in the United States. I shall not attempt either to add to or detract from them, but merely ask that the following be accepted as an honest analysis of the situation and then I will add my own comments.

First. Beef cattle consume about 15 percent of all our feed grains.

Second. Many rural towns, particularly in the West, depend largely on cattle income to support schools and other community services. Commercial as well as farm feedlots operate simply as manufacturing plants, utilizing grain and forage to feed cattle to market weights, producing our high-quality fed beef.

Third. Beef and veal are major foods in the U.S. diet. Consumers count on adequate supplies at reasonable prices. Over a sixth of consumer food expenditures go to purchase beef, veal, and related products.

JOBS AND INCOMES GENERATED

Fourth. The marketing bill for beef—between the ranch and the table—is almost $6 billion each year. This total generates jobs and incomes for many thousands of people in over 30,000 packinghouses, auction markets, and similar facilities, in over 200,000 retail stores which handle meat products, and in transportation firms which move feed, cattle, beef, and products of the slaughtering industry in all areas.

Fifth. The cattle industry depends heavily on banks and other financial organizations to finance its operations. Cattle feeders typically depend on commercial credit to finance both cattle and feed purchases. Turnover is high and credit needs amount to many billions of dollars each year.

Sixth. We already export important quantities of animal products, although as yet beef exports have not reached major proportions. In 1963, exports of livestock and livestock products were valued at $364 million, including $54 million in meat products—mostly variety meats and pork. The remainder was largely tallow, hides and skins, and lard. Imports of beef and veal amounted to $354 million in 1963.

Seventh. We have established the principle that the trade negotiations on agricultural and industrial products must proceed at the same time. As Governor Herter has put it:

> The United States will enter into no ultimate agreement unless significant progress is registered toward trade liberalization in agricultural as well as industrial products.

Agricultural exports from the United States make up about 26 percent of total exports. They will be valued at more than $6 billion this year. Nearly three-fourths of these sales are for dollars and they represent a key contribution to our balance of payments.

U.S. IMPORTS DOWN

Eighth. The major exporting countries have reduced their shipments of beef and veal to the United States. During the first 7 months of this year U.S. imports of beef and veal from all countries were 19 percent lower than in the same period of 1963. In the rest of the year, imports are expected to be down about 40 percent, a drop of more than 25 percent for the year as a whole. For example, imports of boneless beef were down in July of 1964 to 39,909,850 pounds from 95,311,665 pounds a year ago. Imports in July 1964, of all beef and veal were only 46 percent as great as in July 1963.

The drought and other factors in central Europe and Argentina have reduced supplies of beef in Western Europe, at the same time that the Western European demand for beef is showing strong increases because of a growing population and rising incomes.

Ninth. The cowherd on January 1, 1964, was 32 million head as compared with only 24 million in 1958—an increase of one-third. The number of cattle on feed continued to increase sharply, and the number on feed in January 1964 was almost 9 million head, or over 30 percent higher than in 1958.

Average market weights continued to increase, and by the early spring of 1964 were some 70 pounds per animal higher than in 1958. As a result of larger marketings at heavier weights, beef slaughter in 1963 exceeded that in 1962 by 8 percent. Slaughter during the first 6 months of 1964 was 13 percent above that in the first 6 months of 1963. The production of meats competitive with beef also increased. Pork production in 1963 was the largest since 1944. Broiler production in 1963 reached an alltime high. Because of the nature of our population increase, U.S. consumers can be expected to increase their total consumption of beef by 3 to 4 percent from 1 year to the next without putting any downward pressure on prices.

Tenth. Imports of beef and veal reached an alltime high in 1963 and accounted for 9 percent of the beef and veal consumed in the United States last year. When live cattle imports are included, this figure is just over 10 percent. Most imported meat is of manufacturing quality and is used largely in the production of sausage, hamburger, and similar manufactured products.

CONSTRUCTIVE ACTION DEMANDED

These are the facts. It is obvious that no single action by the Government, by an individual State, or by farmers and ranchers acting individually or collectively can solve the problems of this industry. As delicate and as vast and as all embracing as this industry is, it demands constructive action on several fronts, bearing in mind always that our objective is a sound, constructive future for this great industry.

I am proud to report that this administration has taken several actions that are constructive and positive and aimed at one goal—to improve the price level without interfering with the free market. This administration has taken the following positive steps to help the cattlemen of America:

First. Special merchandising and promotion programs. So far this year the USDA in cooperation with the food and livestock industries has conducted the most intensive effort ever undertaken to increase consumer purchases of beef. The response has been amazing. Major food chains report increased beef sales of 8 to 20 percent this year compared with last year.

Second. Since March, the Government has conducted a special beef purchase program to procure supplies of beef for the school lunch program and to feed needy families. Purchases of both frozen and canned beef are being made and expenditures thus far exceed $120 million. The frozen beef purchased is in the form of roasts and ground beef and the canned beef purchased consists of both choice and lower grades. The purchase program is being continued on a week-to-week basis so that purchases may be directed to do the most good for the cattle industry and the general public.

The Defense Department has increased its beef purchases in order to build up supplies. The Defense Department also is buying up to 3 million pounds of beef a month in the United States for its oversea commissary needs. It has switched from oversea purchases to buying U.S. produced beef.

CHANGES IN WORLD MEAT TRADE

Third. Voluntary agreements were negotiated with Australia, New Zealand, Ireland, and Mexico early this year which limit their shipments of beef and veal to the United States. These agreements call for a reduction in shipments of about 6 percent below 1963. In addition, strong consumer demand for meat in Europe, as well as the Near East and Japan, combined with the short fall in production in Eastern Europe and Argentina, have brought about—at least for the months immediately ahead—a number of changes in the world's meat trade. Chief among these are the temporary easement of import restrictions by a number of countries—particularly the Common Market countries and Japan—and their search for new sources of imports. In view of this situation we have urged Australia and New Zealand to ship their beef to countries where additional supplies are needed, especially the Western European countries, which temporarily have reduced some of their import restrictions.

In addition, the United States is making a strenuous and vigorous effort before the Meats Group of GATT to create more liberal conditions of entry for beef in Western Europe and other markets. Other GATT countries have been forcefully advised that the United States does not propose to continue indefinitely to import unlimited quantities of beef.

Fourth. The administration is making a major effort to stimulate exports of beef. A Presidential mission investigated export possibilities in Europe in May. More recently a promotion and development contract has been negotiated with the American Meat Institute to intensively develop foreign market possibilities for beef. A similar arrangement with respect to the exportation of live cattle and calves is now under consideration. Live cattle already have been exported both by ship and air. Neither product nor transportation has been subsidized.

ADVISORY COMMITTEE FOR EXPORT PROMOTION

Individual U.S. packing firms are being encouraged to develop export markets. There are prospects for increasing exports for the European hotel and restaurant trade. The American Meat Institute has very wisely created a broad advisory committee including representatives of all major farm organizations and other producer groups to work with the packing firms in effective export promotion. Members of this advisory committee are:

Jay Taylor, cattleman, Amarillo, Tex.

Kenneth Anderson, of Emporia, Kans., president of the American Cattle Co.

Aled P. Davies, American Meat Institute vice president.

John Guthrie, of Porterville, Calif., first vice president of the American National Cattlemen's Association.

Don Magdanz, of Omaha, Nebr., secretary of the National Livestock Feeders Association.

C. W. McMillan, of Denver, Colo., executive vice president of the American National Cattlemen's Association.

All were members of the Presidential beef mission to Europe in May.

Also serving on the committee are:

John A. Killick and Floyd Segel, National Independent Meat Packers Association.

L. Blaine Liljenquist, Western States Meat Packers Association.

James G. Patton, National Farmers Union.

Herschel D. Newsom, the National Grange.

Charles B. Shuman, American Farm Bureau Federation.

Brooks J. Keogh, American National Cattlemen's Association.

Erwin E. Dubbert, National Livestock Feeders Association.

Don Walker, representing John Armstrong, National Live Stock and Meat Board.

P. O. Wilson, National Live Stock Producers' Association.

Norris Carnes, Central Livestock Association, Inc.

Charles Jennings, American Stock Yards Association.

Robert Sadler, National Livestock Exchange.

C. T. Sanders, Certified Livestock Markets Association.

Sydney M. Washer, Meat Importers Council, Inc.

FEED GRAIN PRICES HIGHER

Fifth. Actions by the Department of Agriculture have moved feed grain prices over the past 2 years 10 percent above 1960 levels. This helped discourage excessive fattening of cattle. By utilizing the normal channels of trade we have strengthened the feed grain market.

In addition, new legislation will provide a longer term increase in demand for this essential source of protein—beef. This includes:

First. The nationwide food stamp program legislation, which President Johnson signed on September 1, 1964, will boost the food-buying power of low-income families for beef and other diet improving foods.

Second. The antipoverty program has considerable long-term implications for cattlemen.

I asked the U.S. Department of Agriculture economists to analyze the potential increase in the demand for beef of low-income families if the income level of all families with incomes below $3,000 were raised to that level. The answer came back, "more than a fourth for beef." On a total food consumption basis, this would increase beef consumption by 3½ percent, and is much more significant in terms of price and income.

Third. President Johnson recommended and the Congress approved the establishment of a bipartisan Food Marketing Commission to look into marketing practices and submit recommendations as to improvements that can be made for the long-term benefit of cattlemen—as well as other producers—and consumers.

Fourth. The tax cut is leaving more purchasing power in the hands of the individual consumer—power which the housewife will utilize to some extent at the beef counter. In addition, this tax cut is helping to expand employment, a basic underpinning for beef demand.

IMPROVEMENTS IN CATTLE MARKETS

Major improvements have taken place in our domestic cattle markets since May 1964. Despite heavy runs, the market for cows has strengthened. Fed steer prices at Chicago now are near $26 per hundredweight, or more than $5 per hundredweight above the May level. The improvements in market prices of fed steers and cows have increased net incomes of cattlemen, brought about better price relationships among cattle of different types, and restored satisfactory profit margins to cattle feeders. The continuing publicity given to retail prices of beef also has helped keep retail prices in line with changing prices of slaughter cattle.

Exports of livestock and livestock products also are increasing. Comparing the January–June period of 1964 with the same period of 1963, these substantial increases have been shown: Lard exports have increased from 251,748,000 pounds to 382,486,000; tallow exports have been increased from 929,351,000 to 1,244,231,000 pounds; beef and veal exports have in fact doubled—from 11,379,000 pounds to 22,635,000 pounds; pork exports have gone up from 67,694,000 pounds to 91,723,000 pounds; export of variety meats has increased from 79,007,000 pounds to 107,743,000 pounds. Export of cattle hides has increased from 3,510,000 pieces between January and June of 1963 to 5,409,000 pieces from January to June of 1964. Live cattle exports have shown the largest increase, jumping from 9,155 head in the first 6 months of 1963 to 40,223 in the first 6 months of 1964.

This does not mean that we are out of the woods. Cattle numbers are expected to increase by about 2 million head this year. Feeders should avoid marketing cattle at heavy weights, and should watch the markets carefully to avoid bunching. Much progress has been made in reducing market weights, which now are averaging more than 30 pounds under last spring.

ACTIONS HAVE HAD IMPACT

Mr. President, cattlemen are realists. They have to be to survive. They cannot depend on conversation and empty promises. I do not intend to waste their time or mine in mouthing empty promises of a pie in the sky and a bonanza that is theirs for the asking. Rather I would say to them that this administration intends to continue along the road of helping to developing a market for their product while preserving the maximum of freedom in the marketplace for them.

First. We intend to continue our cooperation with members of the cattle and beef industry in every feasible way—to consult with them; to make available to them the services of the Government, in the field of research, marketing and regulatory activities, and to continue to preserve fair competition in the marketing of livestock.

Second. The conservation programs of the Department of Agriculture and other agencies will be designed to preserve our forests and public lands and gain the maximum grazing conditions consistent with sound conservation practices.

Third. This administration will utilize every authority to maximize aid to cattlemen in need of credit, consistent with sound business practices. We are determined to use the regular facilities of the Government so that cattlemen can work out their problems.

FREE MARKET FOR LIVESTOCK

Fourth. Consistent with the principles enunciated so often by cattlemen, we do not propose or support any direct price support programs, control programs, or subsidy payment programs—domestic or export—for beef cattle. We will support the cattlemen of America in their determination that there be a free market for livestock.

Fifth. With consultation and the aid of the cattle and beef industry we will continue to use the facilities of the Government to encourage beef promotion, purchases for school lunch and needy persons, export market development, and other actions designed to aid the profitable marketing of livestock and livestock products.

Sixth. The United States will continue to urge in negotiations in GATT that European and Japanese markets be open to all. We are interested in helping beef exporting nations find expanding markets outside the continental United States to relieve the pressure on our own people.

Seventh. The import quota legislation recently enacted into law and signed by the President now is the law of the land. This will be used when necessary, taking into full consideration the needs of the domestic cattle industry, the American consumer, and the stake of American agriculture in world markets.

Mr. President, the American cattleman is the guardian of a proud heritage. Like his father before him, he deals in the elements—birth and death, drought and storm, cold and heat. He believes in the free market and he is willing today as his forebears to raise the calves and feed the cattle that put beef on our tables. The only thing he asks, and rightly so, is to share, as do other segments of our population, in the regular services of a government dedicated to a free agriculture. We will continue to help him help himself through this period of adjustment.

Never in the history of the world has more beef been produced and consumed in as short a period. We are determined to continue to build markets, because the future of beef, as is true of all agricultural commodities, is in increased markets at fair prices.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Minnesota [Mr. HUMPHREY] may be added to amendment No. 1234, proposed by the Senator from Minnesota [Mr. McCARTHY] and myself as a substitute for the so-called Dirksen-Mansfield amendment, amendment No. 1215, to the foreign aid bill now pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank the Chair, and I thank the Senator from Minnesota for joining us in this effort which I regard as a most constructive way to deal with the reapportionment problem.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HUMPHREY. I thank the Senator for his initiative in this matter and also commend the initiative that my colleague from Minnesota has taken with the Senator from New York. I studied very carefully today the Senator's proposed amendment as a substitute for the Dirksen-Mansfield amendment. As the Senator knows, tomorrow the Senate will vote on the cloture motion. It is my hope that it will be defeated. I shall vote against it. Then it would be my hope that the Senator from New York might, on behalf of the two Senators from Minnesota—and I am sure there will be many others who will be equally interested—offer his substitute expressing the sense of the Congress.

That substitute gets at every point about which we have deep concern. It asks the courts to take into consideration the time needed for legislatures to carry out effective reapportionment under the terms of the Court order. It also provides a request for time for preparation of a constitutional amendment if such is desired.

I think it goes a long way, but we must get "off the hook" on which we are now caught in the Senate so we can proceed with the business of the Senate.

I have serious doubt about the Dirksen-Mansfield amendment, not only as to its constitutionality, although I believe lawyers have said it is constitutional. I believe it works like some of the new drugs we hear about, which are designed for a cure, but the side effects of which are sometimes worse than the conditions at which they are directed.

I have listened to the debate and have read the RECORD. I have been considerably disturbed about the difference in interpretation as to the meaning of the Dirksen-Mansfield amendment. That is why I have joined the Senator in what I think is a clear-cut proposal. I do not think there is any doubt about what the Senator's proposal is. It gets to the point. It is not ambiguous. I think it will serve the interests of constitutional government and the interests of the States deeply concerned over the impact of the Supreme Court ruling. It will be fair and judicious. I am sure no one will ever want to ignore a resolution of the Congress.

Mr. JAVITS. I thank my friend.

Earlier today I announced that I would vote against cloture. I analyzed the situation and gave my opinion that to sustain the Dirksen-Mansfield amendment would require an interpretation by the Supreme Court which would make it of no more effect than our "sense" resolution. Therefore, it seemed to me much more appropriate, under the doctrine of the separation of powers, to avoid a confrontation between Congress and the Court, as long as it could be done with dignity and propriety and achieve the same result. So I urge adoption of the substitute which, as the Senator noted, will be offered at the appropriate time. I am glad the Senator from Minnesota was able to join in that measure.

Mr. RUSSELL. Mr. President, I understand that the time on tomorrow between the convening of the Senate and the vote on cloture has already been divided by unanimous consent. I therefore wish to make a very brief statement as to my position on the cloture petition.

I wish to make perfectly clear at this time that if I ever have an opportunity, I shall vote for the amendment offered by the majority leader and the minority leader. Indeed, if I had the opportunity, I would be very happy to vote in favor of the much more far-reaching bill that passed the House of Representatives. In particular, I do not like that provision of the Dirksen-Mansfield amendment which places the stamp of congressional approval on the constitutionality of the Supreme Court's decision on the reapportionment of State legislative bodies, because I do not believe it was ever contemplated that the Court would have any legal authority in that area.

None of the original colonies had legislative bodies that were based solely on population.

In this modern day, we often lose sight of the fact that the States created the Federal Government. We seem to assume it was the other way around, and that the Federal Government in some manner created the States.

The Supreme Court decision on reapportionment denies to States rights they had when they created the Federal Government. It further denies a right the States gave to the Federal Government—that is, to have one House of the legislative branch of the Government based on population and to take other factors into consideration in the constitution of the other body of the legislative branch.

This is not the time nor the occasion to discuss that aspect of the question at length, but if Congress has any interest or any desire to maintain the form of government that has served us so well, it will soon be compelled to place some curbs on the Supreme Court.

I have never been more serious than now when I say that in my judgment the greatest threat to the future of this country is not Khrushchev or Mao Tse-tung, or all the forces that those two tyrants might bring to bear against us. The greatest menace to the rights and freedoms of future generations of American citizens is the tendency of the present Supreme Court to set itself up as an all-powerful agency that not only has the power to enact ordinary laws, but also asserts the power to amend and change the Constitution of the United States.

In the philosophy of a majority of the present Court, there are no such things as coequal and coordinate arms of Government. A majority of the present Court seems to feel that the Court cannot only exercise powers that are vested in the legislative branch by the Constitution, but also exercise powers that are reserved by the Constitution of the United States to all the people of the United States.

I therefore feel very deeply that some action should be taken, even if it is as weak a gesture as the Dirksen-Mansfield amendment appears to me to be.

Mr. President, I would like very much to be able to convince myself that I could honorably support the cloture motion. I have marveled many times at the cynicism and elasticity of conscience of many Senators. They stand here on the floor and proclaim their undying devotion and dedication to the adoption of the strongest sort of gag rule in the Senate. But when it serves their purpose they do not hesitate to conduct a first-class filibuster.

I know it has been stated on the floor by some Senators that they can assuage their conscience and reconcile their judgment by saying that, inasmuch as there is a rule that permits a filibuster, they intend to utilize it, even though they are opposed to it.

I would that my conscience and my convictions were so elastic that I could say that, because the gag rule of cloture is found in rule XXII, I will utilize it, even though I have always held to the conviction that any Senator from a State, or a once sovereign State, should enjoy and have the right of expressing the views that he holds, and the views of his constituency, on any issue as fully as he might desire to do so, bound, of course, only by Jefferson's cloture, which forbids any Senator to make more than two speeches on the same subject in the same legislative day.

Unfortunately, however, I have considered this matter carefully for the past 3 days, and I have not been able to convert my convictions into a rubberband.

I really speak the truth when I say I believe in freedom of debate in the Senate, and I refuse to resort to the specious reasoning that because there is a rule with which I disagree, I am completely justified in resorting to its use.

I am surprised at times to hear Senators make that argument, because in its last analysis it is an argument that the end justifies the means. When we come to adopting that as a principle in the Senate, our Government is on tenuous ground.

Honesty also impels me to say, Mr. President, that no real effort has been made to break the filibuster against the Dirksen-Mansfield reapportionment amendment. I do not recall that there has been a single night session. I can well remember that for a period of about 3½ months in the spring of this year, the Senate convened at 10 o'clock—and on some few days at 9 o'clock—and ran for 12 or 13 hours. That was when there was what was called a filibuster against the Federal Force Act, which was then before the Senate.

This has been a "powder puff" filibuster. I concede that. But the leadership has only undertaken to use a feather duster as a weapon to break the "powder puff" filibuster.

Mr. President, I cannot vote for cloture, because I would stultify myself in so doing. But I am perfectly willing to stay here in continuous session for such time as is necessary to bring the Dirksen-Mansfield amendment to a vote in this body.

If a majority of the Senate really believes in this effort to place a modest restraint on a judiciary that is running wild, we can stay here and bring this issue to a vote in the Senate.

Of course, if we are interested only in form and pretense and publicity, we can have the vote on cloture. The vote will lose. Then the leadership can say, "This is all we can do, and therefore we will move to lay this amendment on the table."

Mr. President, I wish to make my position perfectly clear. I am in wholehearted support of the Dirksen-Mansfield amendment. My only objection to it is that it is too weak and that it places the stamp of congressional approval on the Supreme Court's reapportionment decision.

Mr. President, I cannot bring myself to vote to gag the Senate, because I am sincerely opposed to gag rule. But I wish to make it perfectly clear to any of those who are really interested in the adoption of this amendment that I shall be willing to stay here with them until January 3, 1965, if it is necessary, in order to reach a vote, although I do not believe it would be necessary to get a vote on the question. I shall, of course, oppose any effort to table this amendment. I shall oppose any effort to water it down any further, because if it is made any weaker, we will not be able to see it.

I hope that after the cloture vote is had the leadership will take the action on this amendment that they have taken in other cases in which they were interested and give the Senate a real opportunity to debate it. Let us have a real educational campaign, if that is what the opponents wish to call it. Let them have a chance to educate for 14 hours a day by having the Senate remain in session for that long, as was the case when a handful of us opposed the Federal force bill earlier this year.

ADJOURNMENT

Mr. RUSSELL. Mr. President, I move that the Senate adjourn, under the previous order, until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 50 minutes p.m.) the Senate adjourned, in accordance with the order of September 8, 1964, until tomorrow, Thursday, September 10, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 9, 1964:

BOARD OF PAROLE

Charles E. Casey, of California, to be a member of the Board of Parole for the term expiring September 30, 1970.

COLLECTOR OF CUSTOMS

Mrs. Mavis Wyatt, of Tennessee, to be collector of customs for customs collection district No. 43, with headquarters at Memphis, Tenn.

POSTMASTER

The following-named person to be postmaster:

Leslie N. Shaw, Los Angeles, Calif., in place of O. K. Olesen, retired.

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HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 10, 1964

The House met at 12 o'clock noon.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Clerk will read the following communication.

The Clerk read as follows:

SEPTEMBER 10, 1964.

I hereby designate the Honorable ALBERT THOMAS to act as Speaker pro tempore today.

JOHN W. MCCORMACK,
Speaker of the House of Representatives.

PRAYER

The SPEAKER pro tempore. The Reverend Robert T. Harris, Temple Baptist Church, Washington, D.C., will offer prayer.

The Reverend Robert T. Harris, Temple Baptist Church, Washington, D.C., offered the following prayer:

Proverbs 3: 19–21: *The Lord by wisdom founded the earth; by understanding He established the heavens, by His knowledge the deeps broke forth.*

My Son, keep sound wisdom and discretion.

Let them not escape from your sight.

O Lord, our Lord, how excellent is Thy name in all the earth; what is man that Thou art mindful of him?

That Thou shouldst give him dominion—the awesome responsibility of which presses itself down hard upon the several momentous decisions of this day?

He is frustrated—when left alone.

But Thou hast not abandoned the work of Thine hands—Thou hast provided a judgment by which we may judge.

So as Thou art one—make us with cause to understand the underlying reasons for the causes of others.

Balance courage with the wisdom, emergent from faithful maturity.

Laden our complex over complexities by a commitment to the simple though nonetheless profound compassion.

Such as would enjoin us to ask the blessing of Thy recovery upon our absent Chaplain.

That right early, we pray, through the name of Jesus Christ. Amen.

THE JOURNAL

The Journal of the proceedings of Tuesday, September 8, 1964, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following title:

H.R. 3396. An act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes;

H.R. 7096. An act to authorize the exchange of certain property at Independence National Historical Park, and for other purposes; and

H.R. 11162. An act granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12259. An act to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Government of Cuba.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3114. An act to provide for the assessing of Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington, through a drainage and diking district formed under the laws of the State; and

S. 3143. An act to designate as Clair Engle Lake the reservoir created by the Trinity Dam, Central Valley project, California.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1186. An act to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands;

S. 2370. An act authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorizing appropriations for that purpose;

S. 2447. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes; and

S. 2701. An act to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 2, and 3, to the bill (H.R. 5159) entitled "An act to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 2, 6, 7, and 8 to the bill (H.R. 5498) entitled "An act to provide temporary authority for the sale of certain public lands."

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. JOHNSTON and Mr. CARLSON members of the Joint Select Committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 65-5.

THE LATE MRS. JOHN JARMAN

Mr. STEED. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STEED. Mr. Speaker, it is with deep sorrow and shock that I must announce to the House the death of Mrs. John Jarman, the wife of our colleague, the Congressman from the Fifth District of Oklahoma.

Ruth Jarman was known throughout Oklahoma and in Washington for her political ability, graciousness, and charm. She was stricken unexpectedly last Sunday night with a heart attack and died in a local hospital.

The loss of a person with her fine qualities would be hard under any circumstances. She was only 47 years of age and we could have looked forward to many more years of her bright presence. I know the House will share with the Oklahoma delegation a feeling of disbelief and bereavement.

Mrs. Jarman was the hostess to hundreds of people from our State who have visited Washington. She has taken part in her husband's campaigns since his first election to the House in 1950, when she went door-to-door in his behalf.

Not long ago she told a newspaper reporter interviewing her that she was not much of a joiner, that her first interest was her family. This was readily apparent to those who know Mr. and Mrs. Jarman and their three children, John Henry III, 20, a junior in religion at Duke University; Susan Virginia, 17, a senior at Jeb Stuart High School, Falls Church, and Stephen, 10, a fifth grader at the National Cathedral School for Boys.

Mrs. Jarman was born Ruth Virginia Bewley in Oklahoma City. Her late father was principal agent for the New York Life Insurance Co. there. She was a graduate of Classen High School and attended Lindenwood College at Charles, Mo.

She and her husband were married in 1942 while he was serving in the Army.

She was a member of the Westminister Presbyterian Church, Oklahoma City; the Congressional Wives Club, the Jefferson-Bryan Club, Oklahoma City, Daughters of the American Revolution, and the American Legion auxiliary.

Services will be held at 11 a.m., Friday at the Westminister Presbyterian Church, Oklahoma City.

On behalf of my wife and family and the entire Oklahoma delegation, I extend to Congressman JARMAN and his family our heartfelt sympathy.

WORK PLANS OF SECTION 2 OF THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

The SPEAKER pro tempore laid before the House the following communication which was read and referred to the Committee on Appropriations:

Hon. JOHN MCCORMACK,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture on September 4, 1964, considered the work plans transmitted to you by Executive Communication No. 2427, 88th Congress, and referred to this committee and unanimously approved each of such plans. The work plans involved are:

The watershed and State:
Willow Swamp, S.C.
Squirrel Creek, Okla.
Pennahatchee Creek, Ga.
Upper Tradewater River, Ky.
Crooked Lake, Ark.

Sincerely yours,
HAROLD D. COOLEY,
Chairman.

THE LATE HONORABLE JOHN V. BEAMER

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, it is with deep regret that I announce to the House the death of John V. Beamer, a former Member of the House. Mr. Beamer died suddenly of a heart attack while attending a meeting in the Presbyterian Church in Anderson, Ind. His wife, Letha, was at his side when he died.

Although fate had made us political adversaries, John Beamer was my friend. We served together in the State legislature in the 1949 session of the Indiana General Assembly where he gained an enviable reputation as a conscientious and able legislator. He was a militant member of his political party and one who commanded the respect of both his supporters and adversaries. His many friends will miss him. His community has lost a valued citizen for he participated in many civic and community affairs. His church has lost one of its outstanding Christian laymen.

Mr. Beamer was a veteran of World War I and had been active in veterans affairs since his discharge. He was a successful businessman. His interest in government brought him assignment to many boards and commissions. He was first elected to the U.S. House of Representatives in 1950 and served the Fifth District of Indiana until 1959. He served with distinction and reflected great honor upon his Nation and State.

The Members of the House are saddened to receive the announcement of his passing but are grateful to John for his many years of service and to the many contributions he made to our way of life. We all join in the hope and prayer that God might sustain Mrs. Beamer and their two children in this hour of deep sorrow.

Mr. ROUSH. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. HALLECK] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, all of us who knew and served with him were indeed shocked and saddened at the news that our beloved former colleague, John V. Beamer of Indiana, suffered a fatal heart attack in Anderson, Ind., on Tuesday.

The good Lord just does not create finer people than John Beamer—and I am sure that those of you here who knew him and worked with him during his four terms in the Congress share and understand my feeling of sorrow at his passing.

My sorrow also extends to Letha Beamer, John's lifelong partner, because I know of the deep affection that existed between these two wonderful people. I know my loss of a close personal friend is almost nothing compared to Letha's loss of her beloved husband.

John was born in Wabash County, Ind., in 1896, and served in the Indiana General Assembly before his election to the 82d Congress in 1950. He was a Member of this body for 8 years and served with distinction on the Committee on Interstate and Foreign Commerce.

After leaving Congress in 1959, he was appointed by former President Eisenhower to the Selective Service Review Board and in recent years has been a frequent visitor to Washington and to this Chamber.

John loved Indiana and was widely admired and respected not only in the Fifth District but throughout the State.

Mr. Speaker, I know that my sympathy is perhaps small comfort in time of such a loss, but my wife Blanche and I hope and pray that Letha Beamer will find her loss easier to bear through the knowledge of the high regard in which her husband was held by all who knew him.

We also extend our sympathy to John's son, John, Jr., his daughter, Rosetta, and to the grandchildren in whom he took such pride.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. ROUSH. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Speaker, John V. Beamer was one of the finest men I have ever known, and one of the most devoted Americans ever to have served in this body.

John and I were elected to Congress for the first time in 1950, and we came to Washington in January 1951 to begin with the 82d Congress.

He served for 8 years in the House. His contributions were many, especially on the Committee on Interstate and Foreign Commerce for which he had a very deep interest. A businessman himself prior to his election, he had great faith in our free enterprise system and was convinced it could provide us with even greater wealth and abundance in the future.

John was a thoughtful man, and one full of compassion for his fellows. His willingness to be helpful, to give careful attention to any and all points of view earned him the respect of his colleagues, and their affection as well.

John received immeasurable support from his wife, Letha, and his fine children, who were constant companions and helpers through his congressional career. We know their loss is great, and our thoughts of comfort and condolence go to them at this time.

It was a strange moment yesterday morning when I received the sad news of John Beamer's death on Tuesday. Just a few moments before I had opened an envelope from him which contained a little pamphlet titled "I Am a Hoosier." Written by John Beamer, it contains the heart of the pride of all Hoosiers, and is a true indicator of the warmth, the breadth, the patriotism, and the faith of John Beamer. I insert it in the RECORD at this point:

I AM A HOOSIER

I am a Hoosier. I was born on July 4, 1800, and I grew to full manhood on December 11, 1816. Our family was small then—only 19 of us, but that family was a proud and determined one, and I was destined to become an important part of that family of States.

I descended from a hardy stock in the hills of Virginia, North Carolina, and Pennsylvania. I came through the Cumberland Gap, down the beautiful Ohio River, and I found a land of fine hardwoods—poplar, oak, and walnut. My first home was made with logs from these trees. Wild animal skins provided the covers for our beds and the clothing and caps to keep our bodies warm.

I believed in freedom then, I believed in it when there was a conflict, and I believe in it today. Abraham Lincoln lived with me for 14 years, his formative years. Morgan and his raiders visited me. I fought at Shiloh, Gettysburg, Vicksburg, at San Juan Hill, at Chateau Thierry, at the Bulge, and in far away Guam and Korea * * * I stand ready to fight again to retain that freedom.

I am education and enlightenment. I live at Bloomington, West Lafayette, Crawfordsville, Greencastle, Franklin, Muncie, Terre Haute, Notre Dame, and in every town and city where there is a grade school, high school, of college.

I learned from the Miamis, the Delawares, Shawnees, Kickapoos, and the Potawatomies. The blood of many nations is in my veins, and the dreams of every youth have been realized by me. The English, Germans, French, Italians, Africans, Orientals, and many others sought and found homes and opportunities with me. They helped me grow in understanding and all of us believe in the universal brotherhood of man.

I have built the best roads, railroads, and canals across the breadth and length of my domain. Overhead I have helped to conquer the forces of gravity and fly as do the birds. I have tunneled and stripped our hills for coal; I have drilled and found oil. I have corn kings and sun- and wind-tanned men who follow the furrow in the rich soils that the Creator gave me. I am the crossroads of America.

The automobile is one of my great inventions. My 500-mile racetrack is a grand memorial to the industry. There are steel mills, oil refineries, and nearly every type of manufacture to bring material comfort and wealth to mankind. I am Elwood Haynes, Studebaker, Oliver, and countless numbers of brave industrialists whose accomplishments are boldly recorded in our economic history.

I am Edward Eggleston and "The Hoosier Schoolmaster," Booth Tarkington, Lew Wallace, Meredith Nicholson, Gene Stratton Porter, George Ade, Kin Hubbard and scores of authors whose pens have been given me one of the highest spots in the literary arts.

I have contributed much to the great United States of which I proudly am a part. I have given it the services of the Harrisons—William Henry and Benjamin, of a Fairbanks, Beveridge, Lane, Thomas Marshall, and many others who have served with distinction in the legislative, executive, and judicial branches of our Government.

I have dreamed dreams and had visions with George Rogers Clark as he helped to open up a new territory, with George Rapp and Robert Owen as they attempted to establish a utopia at New Harmony. My prayers always have been to an Almighty Creator.

I am as a child at play, full of hope and expectancy; as an athlete well trained for the challenging contest, as a gladiator girded for the arena, and as an old man full of experiences and understanding.

I believe in our God, the Creator of all good and perfect gifts. My greatest desire is to be helpful to others that they may share the God-given bounties that I am privileged to possess. I pray that we never shall forsake freedom for a dole nor our liberty for a false promise—JOHN V. BEAMER.

Mr. BRAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HARVEY of Indiana. Mr. Speaker, it was my privilege to be a friend of John Beamer. In many ways his family and ours enjoyed a variety of mutual interests and they were all pleasant.

John Beamer was a remarkable man. He had a keen mind, compassionate heart, and delightful personality.

The Beamer family was a close one and their wonderful devotion to one another was always obvious.

As he evinced his talents as a community and civic leader, John was destined to be called to higher service. It was no surprise indeed that he should be called ultimately to national service. We were closely associated during the 8 years of his congressional tenure. It was my privilege to observe his activities on the Interstate and Foreign Commerce Committee. I can say that he was one of its most diligent and knowledgeable members. In fact his entire career was one in which the characteristics of a truly dedicated servant of the people were outstanding.

His last hour found him in the service of his Lord and those of his friends—they are legion—know that he would not have had it otherwise.

Our deepest sympathy is extended to his lovely wife, Letha, and their family.

Mr. ROUDEBUSH. Mr. Speaker, it was with a great deal of sorrow that I learned of the passing of my dear friend, the former Congressman from the Fifth District of Indiana, the Honorable John Beamer.

It was my privilege to be a close personal friend of this remarkable man. I first met John Beamer several years ago while he was a Member of the Congress and I served in other capacities. He had a brilliant mind and was most helpful in his advice to me when I became a Member of the House.

John served his community of Wabash, Ind., as a civic leader, and even after coming to Washington to serve in Congress his ties were very close to his hometown.

Although I never had the privilege of serving with him in Congress, I have had many occasions to know this great man intimately, and to be aware of his dedicated service to those in his community and to the Congress and to the Nation.

His passing occurred during the time he was demonstrating his love of God and his church. I know his many friends in Wabash will sorely miss this great leader, and I want at this time to extend my deepest sympathy to his lovely wife Letha, and to his family. There is little one can say at such a time, but perhaps the fact that we pause to remember a great man will be some measure of comfort to his wife and family.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, I know the Members of the House—many of them his colleagues—were deeply grieved at the sudden death of former Congressman John Beamer, of Wabash. John served in the House of Representatives for four terms, beginning his service the same time as did I.

During his tenure, he was a valued and important member of the House Inter-State and Foreign Commerce Committee. He served his constituency faithfully and well and was a loyal American at all times.

John and his lovely wife, Letha, who was at his side at the time of his fatal heart attack, were well known figures on the Hill. Mrs. Beamer assisted John in his office without pay so that she too could add her warm human touch to his legislative and governmental work.

Before coming to the Congress, John also represented his home town and area in the Indiana General Assembly. There, too, he won many friends and held the respect of all Hoosiers for his fair, honest, and faithful service to the public.

He will be greatly missed in the future. My wife, Marian, and I shared many interesting and warm relationships with Mr. and Mrs. Beamer. Our hearts and sympathy go out to Letha and their children in this time of their family sorrow. This grief and sense of loss is shared by so many who knew John.

John's long-time personal friend, Howard Houghton, editor of the Huntington Herald-Press, was present at the church meeting when John Beamer died. He poignantly describes it in an editorial which I feel confident all of John's friends will want to read:

A Journey

John and Letha Beamer left their home in Wabash Tuesday morning for Anderson. They always went together when there was a trip to make. John wanted to attend a meeting of the Wabash River Presbytery in the Anderson Presbyterian Church that afternoon. There was an item on Presbytery's agenda in which he was much interested. So he arranged for some men, with whom he was to have a conference, to meet him in Anderson in the morning, that he might be in the city for the afternoon session.

The item in which he was interested had just been resolved and he had gestured his approval of the remarks of a speaker when it happened. A sound was heard throughout the sanctuary. It was a sound difficult to describe. It was sharp and harsh, but there was a note of alarm about it that preyed on the mind. More than anything else it was the sound that would be made in a desperate reach for a deep breath that was not there.

Eyes turned in that direction. A movement of persons nearby was noted as way was made for those who were giving help. Then the name "John Beamer" was heard in an area some distance away. Moving closer, Letha was seen kneeling before the pew, holding the head of her husband who lay full length on the pew cushion. First aid was being administered by one who knew its skills, and a nurse who came from the audience was holding his pulse. The Anderson Fire Department delivered its resuscitator with remarkable speed. At first when the oxygen was administered the color of his face seemed to improve. But anxiety returned when the fireman operating the instrument asked quietly, "Won't the doctor be here soon?" The doctor came. After administering an injection and continuing his ministrations, he looked up to those standing about the prostrate form and said softly, "There is no life in this man."

The shock fell no more softly upon Letha Beamer because she had lived under the dread that it might happen that way. John was in Congress when he first suffered a heart attack, at his son's home in North Carolina. It was a severe one, that kept him hospitalized some weeks before he could return to the floor of the House. The second was a year ago in July while he and Letha were at a lake. It was known that he could not have many more. Letha remained near him, and whenever they were away she carried in her purse the prescription for an injection written by his heart doctor.

John Beamer was a Wabash businessman and landowner with a lifelong interest in public affairs and politics. When it was suggested one time toward the end of the 1940's that if he held such strong opinions in public affairs he should offer himself as a candidate, he did so. He was elected to the Indiana House of Representatives, where he sponsored important bills concerning public education. In 1950 he offered himself for Congress and was elected that year and in 1952, 1954, and 1956.

The Fifth District never had a more conscientious Congressman. The issues with which he had to deal weighed heavily upon his mind and heart. He was deeply convinced of the rightness of the causes he embraced. The contention between various groups in the district over issues in which they held opposite positions troubled and concerned him as he labored painstakingly to bring about such harmony as he might, but always to serve what he believed best for the collection of Indiana counties he represented in the Congress of the United States.

It was "John and Letha" in the Fifth District. John liked it that way. She made speeches for him, she helped in his office in Washington and at Wabash, she was with him. Driving home from Anderson Tuesday evening in their car, but without John, a flood of memories came to her on the turn from the Marion bypass onto Road 15. It was the homestretch road. It seemed, she remembered, that during the years they were on the campaign trail over the district, with few exceptions, this length of Road 15 was the last lap of the way home. They had driven over it together most all hours of the day and in all weather. This time she was driving over it without him.

John V. Beamer came home over the same road later, silently and alone. He came home to receive the rites of his church and the homage of friends and admirers of all estates. He loved his God, his country, his family, his fellow men. In life he served them all, from a deep reservoir of strength and Christian charity.

Mr. ROUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record on the life and services of the late Hon. John V. Beamer.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

LYNDON JOHNSON FOR PRESIDENT

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include an editorial from the Oregon Journal.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, the Oregon Journal, second largest daily newspaper in the State, announced September 2 its support for President Johnson. Incidentally, the Journal supported Republican presidential candidates in 1960 and 1956. The editorial excerpts, which I ask be printed at the conclusion of my opening observations, open succinctly with the statement: "Lyndon Johnson should be returned to the White House."

And it ends with the statement: "In any balanced appraisal of these two men, the choice must go to Johnson."

I note a wrapup story in the New York Times of September 8, 1964, that carried the headline "Many Newspapers Shifting Allegiance on Presidency." The story points out that President Johnson is being editorially supported by the two reputable Chicago daily newspapers, the Kansas City (Mo.) Star, which has not supported a Democrat since it backed Grover Cleveland in 1892; five major newspapers in Texas, including the Houston Post, owned by the family of Mrs. Oveta Hobby who served as Secretary of Health, Education, and Welfare in the Eisenhower administration, one paper in Tennessee, and three major dailies in Vermont, one of which, the Brattleboro Reformer, has never before backed a Democratic presidential candidate, the Raleigh (N.C.) Democratic News and Observer, the Charleston (W. Va.) Gazette, and two major Kentucky dailies.

This is a partial rollcall of the Nation's press to date. Similar returns will be coming in from week to week, I am certain.

Lyndon Johnson for President

Lyndon Johnson should be returned to the White House.

The Journal's decision to support the President is in line with its traditional independence. It believes the choice should be made on the basis of the man and his program, regardless of party.

Mr. Johnson is an extraordinary man, peculiarly fitted to lead the country at this time.

His Republican opponent, Senator Barry Goldwater, is not an ordinary man, either. But his special talents have found their best outlet in the Senate. They do not qualify him as well as those of Johnson for the Presidency.

This is a fact that Mr. Goldwater himself has sensed. Before he entered the presidential race, the Arizona Senator expressed doubts that he ought to run. He raised questions about his own capacity to be President. He declared his love for life in the Senate. He gave one the impression that he was pushed into the national contest against his will.

No man ought to be President who doesn't really want to be. There has never been any doubt that Lyndon Johnson wants to be President.

His fitness for the job has been proved in the 9 months plus since that tragic moment last November 22 when an assassin's bullet felled President Kennedy in Dallas, Tex.

The smoothness and surefootedness, along with an impeccable sense of propriety, demonstrated by Mr. Johnson as he took over the enormous burden suddenly put upon him made a lasting impression not only upon the American people but upon both our friends and our enemies abroad.

Even as the country mourned the loss of President Kennedy, it moved forward in a way that must have astounded those nations where the violent death of a leader would be sure to produce a crisis. The transition might not have been so easy in the hands of a lesser man than Mr. Johnson.

The President has been trained for his job in a way that few men have. Before assuming the Vice Presidency in 1961, he had served in the Congress since 1937. In the Senate, he had become one of the most effective majority leaders in the history of that body. As Vice President he was assigned wide-ranging responsibilities. He had intimate knowledge of the workings of government in the Kennedy administration.

The "Johnson touch" became evident as Congress moved to enact legislation on which it had stalled so long as almost to earn the "do-nothing" label. Perhaps no other President has done so much with Congress in so short a period, with the exception of Franklin D. Roosevelt in his first 100 days. Johnson's influence there has been wielded with full appreciation for the independence of the branch in which he served so long.

Mr. Johnson has been remarkably successful in winning the confidence of people in all segments of the population. He has won strong support from the business community, something which no Democratic President has done since Woodrow Wilson, yet he has not rejected labor.

He risked alienation of his native South by throwing his wholehearted support behind the strongest civil rights bill ever to be enacted, yet there is evidence that he will not lose more than isolated segments of it. He has tried to be President of all the people. The response from all parts of the country would indicate that he has been just that.

Long before he reached the executive branch he authored a remarkable and oft-quoted statement which reflects the philosophy of a man who is no ordinary politician:

"I am a free man, an American, a U.S. Senator and a Democrat in that order."

As Senate majority leader, Johnson put his country ahead of his party. More than once he proved to be a strong right arm for President Eisenhower.

In Johnson's favor as he faces the November election is an unprecedented level of prosperity and rising employment, barring the possibility of serious strikes in the automotive industry.

No one can measure the impact of racial strife in large cities on the election. The President may lose some support from white voters who associate Negro unrest with the civil rights issue.

Mr. Johnson is vulnerable to attack in foreign affairs. South Vietnam is a particularly troublesome spot. So are Cuba and Cyprus. The Congo threatens more headaches. Our alliances are not as tight as we would like them to be, thanks in part to French President De Gaulle.

But most of these troubles have been years in the making. Mr. Johnson has not had a long time in which to deal with them. Foreign policy decisions now are particularly difficult because they are bound up in election-year politics. The President's severest critics have not demonstrated that they have the answers. They are able to do little more than raise questions.

It must be said of Senator GOLDWATER that he appeals to many fine, intelligent people who are concerned about the growth of the national debt and government bureaucracy.

But he is the darling also of a not inconsiderable band of zealots who do not have a proper understanding of America's role in the 20th century and whose influence in a Goldwater administration we would fear.

GOLDWATER is a decent, personable man whose philosophy of government makes him, in the eyes of his followers, the first Republican nominee since Herbert Hoover to offer "a choice" instead of "an echo."

But his essential weakness lies in the uncertainty as to where he stands when he gets beyond generalizations and into specifics.

It has been necessary for the Republican nominee to spend too much time explaining what he meant by what he said on previous occasions. Recently, he has been trying to overcome the impression of impulsiveness, but his effort has come too late.

GOLDWATER has been out of tune with his own party on a number of key issues, particularly in opposing the Civil Rights Act and the nuclear test ban treaty.

His position on civil rights is defensible. His opposition to the civil rights bill was based on doubts as to the constitutionality of two provisions. He personally believes in equal justice for all citizens and has acted in many ways to better the lot of minority groups.

But by opposing the nuclear test ban, he put himself at odds not only with the overwhelming sentiment in this country but with the position of almost every nation on earth except France and Red China.

Senator GOLDWATER's views on nuclear weapons may not be as extreme as they sometimes have been represented to be, but again he has said enough to create doubts that a man of his outlook and his temperament should be in a position to decide whether the button should be pushed.

The views of our friends abroad should not be controlling in an American election. But neither can their views be entirely disregarded. One does not have to be clairvoyant to see GOLDWATER's election would create distrust of the United States in the capitals of most of the friendly powers.

The Vice President's job is more important than it used to be. But as the Journal said last week, the race is not between HUMPHREY and Representative WILLIAM MILLER, the Republican vice-presidential nominee. It is between Johnson and GOLDWATER. In any balanced appraisal of these two men, the choice must go to Johnson.

PEACEFUL COEXISTENCE—A DISPASSIONATE ANALYSIS

Mr. MARSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MARSH. Mr. Speaker, I have been reading with great interest a small but absorbing book published under the auspices of the standing committee on education against communism of the American Bar Association. It is entitled, "Peaceful Coexistence—A Communist Blueprint for Victory."

It seems to me particularly valuable that a work of this kind has been made available under the impeccable auspices of the American Bar Association. In all of its efforts, Chairman Morris I. Leibman has demanded and achieved a realistic, noninflammatory approach by the standing committee on education against communism. As Mr. Leibman has pointed out in the foreword to the current publication:

> Obviously, no single pamphlet or publication will in itself constitute an adequate answer to communism. For this reason, the committee will continue to sponsor quality materials from responsible sources in this complex field.
>
> This study is informational and is not intended as a policy statement of the American Bar Association. We urge leaders of the organized bar, teachers, and civic leaders to acquaint themselves with the facts contained herein. It is the hope of this committee that greater knowledge of the Communist threat will be gained by all citizens, and that the real dimensions of Communist objectives will be more clearly understood in the light of principal strategic pronouncements.

In the interest of our own national and individual freedoms, it seems to me that each of us could and should undertake to learn a little more than we know about the scope and thrust of international communism. This book, representing the exhaustive research and analysis of Dr. Richard V. Allen, chairman of the study program on communism at the Center for Strategic Studies, Georgetown University, is a significant contribution to our better comprehension of this complex and deceptive menace.

SETTLEMENT OF THE CHAMIZAL BOUNDARY DISPUTE

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, in his state of the Union message to the Mexican Congress on September 1, outgoing President Lopez Mateos, of Mexico, announced that he and President Johnson would meet in El Paso, Tex., on September 25 to participate in ceremonies celebrating the settlement of the Chamizal boundary dispute. Curiously, to my knowledge there has been no announcement from the White House regarding the impending meeting.

Mr. Speaker, the Senate approved the Chamizal Convention by a resounding vote of 79 to 1. As chairman of the House Foreign Affairs Subcommittee on Inter-American Affairs it was my privilege to preside over hearings last February regarding implementation of the Chamizal settlement. The bill was reported to the full committee unanimously and subsequently ordered reported to the House by a vote of 17 to 1. The final bill to implement the Chamizal agreement, which I handled on the floor of the House, passed the House by a vote of 347 to 5. The representatives of the American people thus demonstrated overwhelmingly their approval of the fair and just settlement of the old boundary dispute with Mexico. Indeed, Mexico and the United States can be proud of the peaceful solution of their boundary dispute in a world notoriously addicted to resort to the sword over territorial questions.

In short, the Chamizal settlement is something to celebrate. However, the announcement that President Johnson will attend the ceremonies in El Paso is having grave consequences beyond Mexican-United States relations. A meeting between Presidents Johnson and Lopez Mateos may be purely ceremonial, but it comes at a delicate moment in inter-American relations.

You will recall that last July Mexico rejected the joint inter-American findings that Castro had engaged in direct intervention and subversion in Venezuela. Mexico's delegate told the hemisphere foreign ministers that he personally was not convinced that there had been intervention or a threat of intervention in Venezuela despite indisputable evidence to the contrary. Mexico voted against the decision of the foreign ministers to break relations with Castro's regime and to impose economic sanctions upon Cuba.

Mexico, of course, is entitled to its opinion. Nevertheless, under the Rio Treaty, a two-thirds vote for sanctions—other than the use of armed force—makes those sanctions mandatory upon all members, even those voting against them. Chile, Bolivia, and Uruguay, who also voted against the sanctions upon Cuba, have honored the Rio Pact and accepted the rule of law. Mexico, on the other hand, has defied the regional system and refused to abide by the decision of the foreign ministers' meeting.

It is sometimes argued that Mexico's history with the United States and consequent devotion to the principle of nonintervention leads to the Mexican refusal to consider even collective action against a sister republic. I would remind Members that Mexico felt no qualms about the severe hemisphere sanctions voted against Trujillo of the Dominican Republic in 1960. The Mexican Government, which was eager to move formally against a rightwing dictatorship, inexplicably is reluctant to move against a leftwing dictatorship.

Not only has the present Mexican Government refused to honor its hemisphere treaty obligations in the case of Cuba, but it has moved to undermine the hemisphere security system. The Mexican Foreign Office announced that it would be willing to take the question to the International Court of Justice for adjudication if another state so requested. This maneuver, in effect, would negate the inter-American system and set a precedent whereby the United Nations or World Court could intervene in hemisphere regional affairs.

It will be recalled that one of the Soviet Union's goals is to scuttle the prestige and authority of the OAS. Hence, Mexican defiance of the inter-American system, at a time when the OAS was moving with amazing unity against Cuba's Castro, can only be viewed as deplorable and dangerous.

For the President of the United States to embrace at this time a head of state whose government has set about crippling the hemisphere's system of law and security would be a grave diplomatic error. It would be extending a hand to the man who has defied, not the United States, but the inter-American system.

I hope President Johnson will reconsider this ill-advised reunion if indeed it is being contemplated.

CAPT. WILLIAM DAVID HOWSARE RAGIN, OF PALATKA, FLA.

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include several newspaper articles.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MATTHEWS. Mr. Speaker, it was my sad duty on last Friday, September 4, to go once again to Arlington National Cemetery to pay homage to an outstanding constituent of mine, Capt. William David Howsare Ragin, of Palatka, Fla., who lost his life in Vietnam. On the same day, another American hero, Capt. Byron C. Stone, who also lost his life in Vietnam, was laid to rest in this same hallowed shrine.

Mr. Speaker, there are many people in America today who are rioting and demonstrating for various reasons. It is tragic that the papers are filled with their exploits and it is most important, I think, to emphasize that there are many of America's finest manhood who are giving up their lives for their country in order that all of us might have a future life of liberty and the pursuit of happiness.

Mr. Speaker, America could not exist as the foremost Republic in the world today if it were not for the fact that heroes have given more to this country than they have demanded of it. I pay homage today to the many men like Capt. William David H. Ragin and Capt. Byron C. Stone who are on the front line of duty and answer the call with their fullest devotion. Nothing I can say here will be of comfort to the loved ones of these heroes, but I am sure that all Members of Congress join with me in expressing our humble gratitude for the lives of these men who paid the supreme sacrifice for their country. I should like, at this point in the RECORD, to include various statements about these two heroes and their burial services in Arlington National Cemetery.

[From the Palatka (Fla.) News, Aug. 21, 1964]

LIEUTENANT RAGIN KILLED IN VIETNAM

PALATKAN DIES IN RED AMBUSH

First Lieutenant William David Howsare Ragin, 24, of Palatka, was killed by ambush in Vietnam on August 20, his parents, Mr. and Mrs. E. H. Ragin, learned today.

He was returning from an operation mission when his group was ambushed.

Notice by telegram that the young officer, son-in-law of Brig. Gen. W. J. McCaffery, had been killed followed only 1 hour a previous telegram from the Secretary of the Army, Washington, telling the Ragins that their son was missing in action.

"The Secretary of the Army has asked me to inform you with deep regret that your son, 1st Lt. David H. Ragin, died in Vietnam, August 20," said the Adjutant General, Maj. Gen. J. C. Lambert, U.S. Army. "His remains have been recovered and positively identified. You will be advised promptly when further information is received. Your daughter-in-law will furnish instructions concerning the return of your son's remains. Please accept my deepest sympathy."

The telegram reporting Lieutenant Ragin missing, stated that his wife, Mrs. Mary McCaffery Ragin, was being notified. Mrs. Ragin and her two daughters, Beth, 2, and Lisa, 1, are making their home at the present time with Mrs. Ragin's parents, General and Mrs. McCaffery, at Fort Monroe, Va.

Lieutenant Ragin left for Vietnam on July 4, following his completion on June 30 of study at the Vietnamese Language Institute. He was graduated from Palatka High School in 1957 and the Citadel, in 1961. He was born in Palatka and spent his childhood and youth here.

In addition to his parents, his wife and daughters, survivors are: sisters, Mrs. J. R. Walls, of East Palatka and Miss Deborah Sue Ragin, who lives with her parents, 901 South 13th Street; grandmothers, Mrs. Callie Howsare, of Palatka, and Mrs. Ada Ragin, East Palatka, and many other relatives here.

FOUR AMERICANS KILLED IN PURSUIT OF GUERRILLAS

SAIGON, SOUTH VIETNAM.—Communist forces handed the Government one of its heaviest military setbacks of the war Thursday in a marshland ambush southwest of Saigon that left over 100 Government soldiers and 4 Americans dead.

An American military spokesman said the Communist Vietcong wiped out a battalion-sized force, killing at least 120, wounding 60, and capturing 9 others.

It was believed to be the highest number of Government forces killed in a single engagement.

The fighting took place about 45 miles southwest of Saigon on a marshy battlefield in Kien Hoa Province.

FELLED IN CHASE

The four Americans were felled by Communist gunfire just before sundown while accompanying a Government force in pursuit of guerrillas who overran a tiny outpost at Phu Tuc the day before.

Maj. Gen. Richard G. Stilwell, chief of staff of the massive U.S. establishment in Vietnam, said later he expects the four Americans killed in the ambush to be recommended for appropriate military awards.

Stilwell said the four "put up a hell of a fight" before falling to the murderous guerrilla attack.

After retaking the outpost, the pursuers advanced on the retreating Vietcong and were overwhelmed by a strong force lying in wait.

Last July rebel forces pulled a similar ambush in Chuong Thien Province farther to the southwest and inflicted 187 casualties. There were 39 killed.

An American spokesman said a fifth American was killed Thursday in another action farther north in the jungle mountains of central Vietnam. He was a U.S. Army special forces elite corpsman based at a shau near the Laotian border.

ONE AMERICAN BAYONETED

Informed American sources said that when the bodies of the four Americans killed near Phu Tuc—three officers and one enlisted man—were recovered this morning, it was found that one of the men had been bayoneted several times.

An American military spokesman denied persistent reports in the capital that the corpses of the four Americans were found headless and mutilated.

Communist losses in the ambush were not known, the spokesman said.

The deaths brought the total of Americans killed in South Vietnam combat to 187. Another 87 have died in accidents since the American buildup began in 1961.

[From the Jacksonville (Fla.) Times-Union, Aug. 22, 1964]

SON CHOSE ARMY LIFE, WAR VICTIM'S DAD SAYS

PALATKA, August 21.—"He chose a military life and he was doing his duty," E. H. Ragin said today after hearing that his son was killed in Vietnam.

First Lt. William David Ragin last visited his parents here in February, his father said. Then the young officer went to Fort Bragg, N.C., before being sent to Vietnam on July 4.

"He always wanted to be in military service," said the senior Ragin. "He started when he was a boy. He went right into a military college after he graduated from high school in 1957 and right into the Regular Army after he graduated from the Citadel in 1961."

The father, an inner construction crew foreman for Hudson Pulp & Paper Co., served in the Navy in World War II and saw action in the Pacific.

Ragin said his son didn't write about military matters but said in his letters from Vietnam that he liked the country and the people.

Young Ragin was a football player in high school at Palatka, playing guard, but didn't compete in varsity athletics at the Citadel.

[From the Palatka (Fla.) News, Sept. 1, 1964]

Funeral Friday for Palatka Officer Killed in Vietnam

Funeral services for 1st Lt. David Ragin of Palatka will be held Friday at 8:45 a.m. at the chapel at Fort Myer, Va., with burial in Arlington Cemetery, Washington.

Lieutenant Ragin was killed in South Vietnam on August 20 while on an operations mission for the U.S. Army Special Forces. He and three other Americans were ambushed by the guerrillas.

His family was notified the following day of his death. His wife, Mrs. Mary McCaffery Ragin, Ft. Monroe, Va., notified his parents, Mr. and Mrs. E. H. Ragin, of Palatka, over the weekend that his body was being returned and the rites would be held in Fort Myer. Members of the family here said that the period between the report of his death by telegram until word was received about the arrival of the body and time set for the funeral had been especially hard for them.

Planning to attend the service from here are the parents, Mr. and Mrs. Ragin of South 13th Street; sisters, Deborah Sue Ragin and Mrs. J. R. Wall and Mr. Wall, of East Palatka; Mrs. Hattie Ross, aunt; George H. Howsare, uncle, and his son, Mike; Fred C. Howsare, uncle, and his son, Fritz; Wayne Barber of Branford and James Hudgins of St. Augustine, classmates at Palatka High School; Lamar Hudgins and Earl Gore and Lt. David Neck of Fort Bragg, N.C., Palatka friends; Henry Deutsch of Palatka, now at Fort Bragg, a classmate at The Citadel, Charleston, S.C. Congressman D. R. Matthews will also attend the service.

Lieutenant Ragin, a native of Palatka, who finished high school here, was well known in the area and the announcement of his death was a blow to many people. "He was a fine young man" and "He was such a happy kind of person," were the remarks repeatedly of friends.

The lieutenant was graduated from Palatka High School in 1957 and The Citadel in 1961. At the latter, he was an outstanding cadet. He was provost marshal on the regimental staff, in the Summerall Guards, vice president of the junior class and in "Who's Who Among Students in American Colleges and Universities."

Besides his wife, the daughter of Brig. Gen. and Mrs. W. J. McCaffery, of Fort Monroe, and his parents, Lieutenant Ragin's survivors are: daughters, Beth, 2, and Lisa, 1; his sisters, Mrs. Wall and Miss Ragin; grandmothers, Mrs. Calle Howsare, of Palatka, and Mrs. Ada Ragin, of East Palatka.

According to accounts from Saigon, Vietnam, Lieutenant Ragin, two other officers, and an enlisted man were killed while they were returning with a battalion of about 500 troops heading back to their base at Ben Tre after a fruitless 4-mile push to the relief of an outpost 50 miles southwest of Saigon. The Vietcong in 2 ambushes at night killed 121 in addition to the Americans.

Apparently in a relaxed mood, Lieutenant Ragin's unit had walked at dusk into an ambush laid by an enemy force of about 1,000. The relief unit that came to answer the call for help also was ambushed. The bodies of the Americans were found the next morning in a coconut grove.

[From the Washington (D.C.) Post, Sept. 5, 1964]

Arlington Burial Given Two Killed in Vietnam

(By Lee Lescaze)

On a shady slope of Arlington Cemetery not yet set with tombstones, seven soldiers fired a salute yesterday and the volley's echo gave way to taps for two Americans killed in Vietnam.

The two, Army Captains Bryon C. Stone and William David H. Ragin, were shot 15 days ago while trying to fight out of a Vietcong ambush on the side of a dirt road in Kien Hoa province, 45 miles from Saigon.

The Army called the action "the bloodiest 60 minutes of fighting in South Vietnam this year" and reported that two other Americans and more than 200 South Vietnamese also were killed.

Stone and Ragin were given full military honors yesterday. Their bodies were drawn to the grave by a six-horse caisson led by a one-platoon escort marching to the muffled drumbeats the Nation has known so well since November.

They were buried a few yards apart, close to the cemetery's memorial amphitheater and the Tomb of Unknowns.

ENTHUSIASM FOR ARMY

When relatives speak of Stone and Ragin, they remember the enthusiasm both men had for the Army and for their roles as Vietnam advisers.

Stone, 26, whose parents live in Mobile, Ala., joined the Army the day after he graduated from Texas A. & M. in June 1960.

He took training in intelligence and guerrilla warfare, and requested his Vietnam assignment as adviser to a Ranger battalion.

Stone finished his 1-year tour last April and came home on leave, but he requested an extension of his assignment and returned to Saigon.

He was scheduled to come home in November. his family said.

When last seen, the Associated Press reported, Stone and Ragin and Lt. James M. Coyle and Sgt. Tow Ward, the other two Americans, were standing their ground and firing into an advancing swarm of enemy troops.

One Vietnamese officer said he had given an order to retreat, but the four Americans stayed. "They were professionals," an American officer said. "They had to fight in that situation."

PROMOTED TO CAPTAIN

Ragin, 23, whose promotion to captain came through after his death, was commissioned in June 1961, and served as a company commander with the 101st Airborne Division at Fort Campbell, Ky., before requesting a transfer to Vietnam.

He left for Saigon about a month ago, and his wife, Mary, and two infant daughters, Lisa Ann and Elizabeth, moved to Fort Monroe, Va.

A close friend, Lt. John G. Campbell, who won the Silver Star for gallantry in Vietnam earlier this year, by chance drew the assignment of directing Ragin's funeral.

Campbell, 26, came home in June and is executive officer on one of the Old Guard companies that handle funerals at Arlington Cemetery.

The two other men killed in the ambush, Coyle and Ward, were buried earlier this week. As senior officer, Stone was buried after his three friends.

MORE INDUSTRY AND PEOPLE SHOULD AND WILL COME TO IOWA

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, there are many reasons why it will profit industry of every nature to locate in our great State, especially since the floodwaters of most every river and stream are now harnessed or soon will be. No industry will locate in a flood danger area, while at the same time, most industries must have a constant, plentiful supply of fresh, clean water, not only for industry itself, but also for its employees, homes, and schools, and at reasonable rates. As proof of that statement, most of our largest industrial cities in the interior of the United States are located close to our main streams.

Iowa is fortunate in having the Mississippi River along its eastern border, and the Missouri River along its western border. Both are now almost completely harnessed, and with the Des Moines River near the center now in the process of being harnessed by the Saylorville and Red Rock Dams on the main stem, and the proposed dam on the Raccoon tributary above Jefferson, Iowa, as is the case on most Iowa tributaries under study by the U.S. Army Engineers at Omaha and Rock Island, who are working toward the harnessing of the historical floodwaters on all Iowa streams.

Hence, it is reasonable to expect more and more industry, both large and small, will be attracted to our smaller Iowa towns, as well as to our cities, where a constant and plentiful supply of fresh, clean water is available and where flood waters have been harnessed, as well as to other towns where a plentiful supply of well water is available, and also because Iowa has an advantage over other States in that the farmers of Iowa are world champions in producing food and feed, and where all the people enjoy the tastiest and most nourishing food on earth, our delicious, corn-fed beef, pork, lamb, and poultry, and at reasonable prices.

Also, where industry profits by our faithful wage earners, who perform a good day's work for a good day's pay. Many Iowa farmers and their wives and hired hands now work in our towns and cities in the off-farming seasons, and many more are available, and no State in our Union has less labor strikes than does Iowa.

All Iowans are proud of the fact that according to records, our State has the highest degree of literacy of any State in our Union. This speaks well for the instructors in our elementary schools, and our schools of higher learning, for our ministers who have created a high moral standard among our people, and for our people as a whole, who pay the bill.

A number of main railroad trunklines run on schedule through Iowa, connected with coast-to-coast rail systems. Also, Iowa has top bus, trucking, and transport service. Iowa now has more miles of paved highway running East, West, North, and South, than any other State in the Union, all of which makes Iowa an ideal location for industry.

Having been a member of the House Appropriations Committee for the past 22 years, and now top Republican member on that committee which is composed of 50 members, and where all appropriations must originate, and representing a district which had in many past years, suffered no end of devastating floods causing millions of dollars of crop loss and property loss annually, as well as the taking of human lives, I could see it my plain duty to see to it that, due to the fact that the Federal Government has the duty and responsibility to assist the local people in harnessing the floodwaters of our Nation, I have diligently, and without fear or favor, been successful in getting Congress to appropriate the needed funds to do the much needed job, not only for my own district but also statewide.

Eight years ago I became the top Republican member of the House Public Works Appropriations Subcommittee. That subcommittee initiates all appropriations for such things as flood control. Never have I asked my colleagues to appropriate funds for flood control for my district or State that my request was not granted. My colleagues on both sides of the political aisle know I never ask for funds for the benefit of my people unless such funds are completely justified. Our committee holds that any man in Congress or out, who plays politics with the serious business of flood control, is not worthy of his place or hire. We adhere strictly to that position and act accordingly. Remember—every flood control project that is found feasible by the U.S. district Army engineers, must then clear the Washington, D.C., Rivers and Harbors Board. If they clear the project, the report is then sent to the House Public Works Legislative Committee for its approval or denial. Congressman FRED SCHWENGEL of the First Iowa District is a longtime member of that committee, which also bodes well for Iowa.

Here are some of the urgently needed flood control projects for which Congress, at my request, has appropriated funds in the Seventh Iowa District and in other parts of Iowa.

In my first campaign for Congress, I took particular note of the need for flood control and for soil conservation practices in the Seventh Iowa District. I first worked in Congress for needed funds to construct dams on the main stem of the Missouri River from Sioux City north and on the tributaries upstream where most floodwaters originated, almost to the Canadian border. About 20 years ago, Congress appropriated the needed funds to start the building of strong, high, agriculture levees along the Missouri River from Sioux City to Hamburg, Iowa—all of which will be completed next year—to protect millions of acres of farmland, business places, and farm and city homes, where before that time, devastating floods costing millions of dollars in damage had annually occurred.

The first of such levees was built, at my request, from Plum Creek in Fremont County to the outlet of the Nishnabotna River, a few miles south of Hamburg, Iowa, thence several miles upstream along the Nishnabotna River, a total distance of 58 miles, which has since protected the town of Hamburg and other villages, and thousands of acres of good, productive, land from previously devastating floods in that area. Ask John Field, editor, Hamburg, Iowa.

Six years ago, at my request, funds were appropriated for construction of the Little Sioux River flood control project in Monona and Harrison Counties, where the floods in the lowlands had destroyed the crops of more than 300 farmers in that valley annually for many past years, and where most of those farmers were about at the end of the row. The project is now completed, and the farmers there are now doing as well as their neighbors in the highlands. Ask the Little Sioux Board at Onawa, or Logan, Iowa.

Four years ago, I had funds appropriated to build a levee on the banks of the Nishnabotna River to protect the town of Red Oak, Iowa, where floods in previous years had done great damage to the part of town which lays low along the river. Ask the mayor.

Two years ago, the town council of Van Meter, Iowa, needed some flood protection. The mayor asked me to request the Army Engineers for advice and assistance, which was rendered. Ask the mayor.

Also, several years ago, at my request, funds were appropriated to the U.S. Army Engineers to make a feasibility study for the construction of a dam on Indian Creek a short distance north of Council Bluffs, to protect Council Bluffs from annual floods. The survey proved the dam feasible, planning was completed last year, and funds were appropriated during the 1964 session of Congress to start construction with the city sharing the cost. Ask the mayor.

Congress appropriated sufficient funds, at my request, during the 1964 session, to complete flood control surveys by June 30, 1965, on the Raccoon and Nishnabotna Rivers, where a flood control dam is needed above Jefferson, Iowa, on the Raccoon, and where several flood control dams are needed on the tributaries of the Nishnabotna River. A dam is also under study, at my request, by the U.S. Army Engineers on the Raccoon in the area of Adel, Iowa.

I have cooperated fully with all other Iowa Members of the House and Senate on flood control matters. For instance, the Public Works Appropriations Subcommittee of the House initiated funds to make surveys, planning, and construction for the Red Rock, Rathbun, and Saylorville dams, and flood control levees to protect many millions of acres of farmland, and many towns and cities in most every river valley in Iowa, too numerous to mention here. Ask the Iowa Members, of both parties.

Last, but by far not the least, is the other facet protecting our most valuable natural resource, our priceless top soil, which is accomplished by the Soil Conservation Service technicians in a program administered completely by the farmers themselves and free of partisan politics, to hold every raindrop possible as near to where it falls as possible, which is truly flood prevention, as well as soil conservation.

The 13 original counties in the Seventh Iowa District were the first in the Nation to be fully organized into county soil conservation districts, thanks to the farmers, who early saw the great advantages in contouring and terracing their land. I am sure many folks will be surprised to know that there are more acres of contoured land, more miles of terraces, and more watershed projects constructed, and under construction, and on the planning board, in the Seventh Iowa District than in any comparable area in the entire United States.

Mr. Speaker, I make this speech in the House of Representatives in the hope that many large and small industry officials, nationwide, will read and know the permanence and stability of Iowa and its people, as a service not only to industry everywhere, but also to all good folks who are looking for the best place in this wide world to live and raise a family.

All Iowa welcomes you.

The SPEAKER pro tempore. The Chair joins the distinguished gentleman from Iowa in his very nice remarks.

Mr. JENSEN. Thank you, Mr. Speaker.

HURRICANE DORA

Mr. BENNETT of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT of Florida. Mr. Speaker, I had planned to go to my district this week and to be there to fill speaking engagements and things of that type, but the airlines have canceled my ticket because of the terrible havoc being wreaked in Florida at the present time. As a matter of fact, the water has not yet hit its peak. Sometime in the middle of this afternoon the water from the St. Johns River may be expected to enter many private and public buildings. The Jacksonville beach area is already entirely inundated and the estimated damage at the beach is so far about $10 million.

My good friend, Congressman BILLY MATTHEWS, and I represent, together, the St. Augustine and Jacksonville area—399 years ago St. Augustine was born in a hurricane; for the hurricane of 1565 wrecked the French fleet of Ribault and gave the Spanish a free hand in settling Florida.

The Federal Government is doing all it can to be of assistance in today's Hurricane Dora. Of course, this storm has not yet hit its peak. Conditions are still worsening. Water entirely surrounds the largest hospital in the general area in which I live.

So far there has been very little loss of life.

This storm is a tragedy, of course. I wish to say that I appreciate all the good words said by the Members of Congress and other people in Government and all that is being done to try to help in any way possible. I think this would be an appropriate time for Congress to look again into the feasibility of a program of underwriting an insurance program for losses of this type, since private insurance companies will not undertake the task. We have passed legislation of this type but it has never received the necessary implementation. Personally, I feel that such an insurance program is just as feasible as crop insurance, if not more so. I feel private industry would soon be able to handle this if the Government would give some leadership.

Mr. MATTHEWS. Mr. Speaker, will the gentleman yield?

Mr. BENNETT of Florida. I yield to the gentleman from Florida.

Mr. MATTHEWS. I wish to join the gentleman from Florida, [Mr. BENNETT]. Hurricane Dora is wreaking incomprehensible damage in the gentleman's district and in mine. I appreciate, as the gentleman has said, the remarks which have been made. I know we all hope and pray that this terrible storm will soon abate its force.

Like my colleague, surely we all want to do everything we can to help our people.

Mr. BENNETT of Florida. I thank the gentleman. He and I are acting as liaison here for our constituents in their contacts with the Office of Civil Defense and the Office of Emergency Planning, both of which are being very helpful. The gentleman from Florida, Congressman MATTHEWS, and I have requested the White House to lend every possible emergency aid to our devastated areas and have received assurances of prompt and favorable action.

CHAMIZAL SETTLEMENT

Mr. FOREMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FOREMAN. Mr. Speaker, I wish to associate myself with the remarks made earlier by the gentleman from Alabama [Mr. SELDEN] in discussion of the Chamizal settlement. Certainly, the folks of west Texas, the people of El Paso, the people of Texas, the people of all the United States and, I am sure, the people of Mexico welcome this amiable settlement of this long-standing disagreement and particularly, we welcome the Presidents of both these great neighboring countries, the United States of America and Mexico, to come together in El Paso to commemorate this settlement, but I very seriously question the advisability of such a demonstration of close national amiability at a time of our grave and serious differences with Mexico's continued recognition and trade with Castro's Communist Cuba. A ceremonial meeting between Presidents Johnson and Lopez Mateos at this time could very easily be completed misunderstood and misinterpreted by the other nations of the Organization of American States. It is indeed a delicate and most serious diplomatic consideration.

Mexico is the only country in this hemisphere that has failed to join in the OAS sanctions against Cuba. Such action by Mexico is of major concern not only to the United States but to all the nations of the Western Hemisphere.

If fully enforced, the OAS sanctions against Castro regime in Cuba could have a very strong effect, because Castro has a long way to go to convince the Cuban people that communism is good for them. If his economy, industry, and agriculture suffer from the lack of relations with all other American nations, he will find it harder to hold Cubans in line.

The Mexican Government has not only refused to honor its hemisphere treaty obligations in the case of Cuba, but it has moved to undermine the hemisphere security system by announcing that she would be willing to take the question to the International Court of Justice for adjudication if another state so requested. In effect, this maneuver would negate the inter-American system and set a precedent whereby the United Nations or World Court could intervene in hemisphere regional affairs.

As we know, one of the Soviet Union's goals is to scuttle the prestige and authority of the OAS. Therefore, Mexican defiance of the inter-American system, at a time when the OAS was moving with amazing unity against Cuba's Castro, can only be viewed as deplorable and dangerous.

For the President of the United States to embrace at this time a head of state whose Government has set about crippling the hemisphere's system of law and security would be a grave diplomatic error. It would be extending a hand to the man who has defied, not the United States, but the inter-American system.

I, therefore, join Mr. SELDEN, and others, in expressing the hope that President Johnson will reconsider this ill-advised reunion, at least at this particular time.

Certainly, we are pleased to see the amiable settlement of this long standing Chamizal dispute, and we are pleased to extend our invitation to the Presidents of these two great countries to join us in commemorating this settlement, but we believe the matter of Mexico's failure to concur in the OAS sanctions against Cuba is a more important consideration at this time.

TFX INVESTIGATION SHOULD BE REOPENED, TOO

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SHRIVER. Mr. Speaker, on February 26, 1963, the Senate Investigating Subcommittee began hearings on the contract award of the F-111—TFX—fighter aircraft. These hearings have not been completed to this day. The record remains open but incomplete.

Will the TFX mess be swept under the rug in this election year along with such other scandals of the Democrat administration as the Billy Sol Estes case and the Bobby Baker affair?

Certainly it is too late to reverse the decision made by the Department of Defense on November 24, 1962, when the General Dynamics Co., of Fort Worth, Tex., was given the development award for this new weapons system. However, I believe it is essential that the congressional investigation, launched more than a year and a half ago, be reopened and continued until all questions clouding this puzzling decision have been satisfactorily answered for the Congress and the Nation's taxpayers.

Mr. Speaker, the facts brought out in the Senate investigation earlier coupled with new developments since the hearings recessed are compelling reasons for the Congress to ferret out answers to this puzzling dilemma.

I feel that I have an obligation to bring the known facts of the case before the public so that they might judge the case for themselves.

In 1959, the Eisenhower administration started work on the TFX concept of a biservice, variable-sweep wing aircraft to fly at both subsonic and supersonic speeds and to have multimission capability. In order to develop a single airplane for both services, Secretary of Defense McNamara in 1961 downgraded military requirements as given by the Air Force and Navy.

FOUR MILITARY BOARDS RECOMMEND BOEING

The Boeing Co. and General Dynamics Co. were selected as the final competitors for a fixed price incentive development contract. Four impartial military source selection boards unanimously recommended that the award, which ultimately could reach $7 billion, go to Boeing as having submitted the proposal for the best plane at the lowest price.

However, the Secretary of Defense overruled, without consultation or objective independent data, the recommendations of the fourth source selection board, the Chief of Naval Operations, Admiral Anderson, and the Chief of Air Force Staff, General LeMay, and gave the award to the Texas-based General Dynamics.

It should be emphasized again that on November 8, 1962, the source selection board met and unanimously recommended that the Boeing Co. be awarded the TFX contract. The Air Force council on November 8, 1962, recommended the Boeing Co. for the contract. The reasons again for the recommendation were that Boeing had a superior design, superior performance and a price that was an estimated $415 million less than the General Dynamics bid.

Why did the Secretary of Defense overrule the military experts who were charged with the responsibility of evaluating the best plane for our Nation's defense system?

The Secretary's stated basis to the Senate Investigating Committee for the unusual reversal was that the Air Force and Navy Chiefs of Staff had certified that there was no significant difference between the two designs both of which would meet service requirements; that Boeing's figures were unreliable; that Boeing's proposal contained advances such as titanium, top-mounted inlets, and thrust reversers too risky for American technology; and that General Dynamics had the greatest commonality of parts which would result in greater cost savings than Boeing.

Later testimony before the committee showed that the Secretary's statement regarding certification by the Chiefs of Staff was a distortion of the record, that the Secretary's only independent cost figures were those in his head, that experts felt titanium, top-mounted inlets, and thrust reversers would present American technology no insurmountable problems and that commonality of parts was not a primary cost factor.

NEW EVIDENCE

Mr. Speaker, in recent months we have learned that both titanium and thrust reversers have been successfully utilized in the supersecret A–11 plane announced by the President earlier this year. Press dispatches also have disclosed that serious technical difficulties exist in the development of the Navy version of the TFX aircraft, and major changes must be made. The commonality of the two versions is less day by day. The following UPI press dispatch of March 25, 1964, points up the importance of resuming the TFX investigation and recalling the Secretary of Defense for an explanation of these later developments:

> **A–11 FEATURES MAY BE SAME AS IN REJECTED TFX DESIGN**
>
> WASHINGTON.—A congressional source said today the supersecret A–11 plane is equipped with a type of in-flight braking device that was cited as risky in the rejected design for the TFX warplane.
>
> The source also said the 2,300-mile-an-hour A–11 also includes parts made of titanium four times as thick as those proposed in the losing Boeing Co. bid for the TFX.
>
> The extensive use of titanium was mentioned by Pentagon civilian chiefs as a risk factor in the Boeing design. They said they preferred more conventional materials proposed by General Dynamics Corp.
>
> The existence of the A–11, fastest military plane in the world, was disclosed by President Johnson recently. It was built and flight tested in utmost secrecy.
>
> Johnson revealed that the A–11 was made of titanium, a metal resistant to the extremely high temperature encountered in supersonic flight.
>
> The braking device used on the A–11 that was called risky in Boeing's TFX design is known as a thrust reverser.
>
> Thrust reversers and titanium were two key points of dispute during the protracted and often stormy hearings last year by the Senate investigations subcommittee into the disputed TFX award.
>
> The contract, one of the largest in military procurement history, is expected to exceed $7 billion. General Dynamics won the contract to build 1,700 of the Navy-Air Force supersonic planes, despite top military preferences for the rival Boeing bid.
>
> The congressional source declined to be identified. There was no elaboration whether the thrust reversers on the A–11 were comparable to those proposed by Boeing but rejected as an untried and risky design feature by Pentagon civilian chiefs.
>
> Senator JOHN L. MCCLELLAN, Democrat, of Arkansas, said in an interview yesterday that General Dynamics was having serious difficulty in meeting Navy weight requirements for the TFX plane.
>
> MCCLELLAN is chairman of the investigations group. He said he still intended to resume the TFX hearings, but not until after the Senate civil rights fight, which may last into June.
>
> The Senator said there was a possibility the Navy might reject the plane if the weight problem were not solved.

The hearings by the investigating committee also have raised serious questions regarding possible conflicts of interest by key participants in the Department of Defense decision. It is difficult to understand why Secretary of the Navy Fred Korth and Deputy Defense Secretary Roswell Gilpatric did not disqualify themselves from participation in the decisionmaking in this project.

POSSIBLE CONFLICTS OF INTEREST

Testimony in the hearings disclosed that Navy Secretary Korth and Deputy Defense Secretary Gilpatric had close business connections with General Dynamics at the time they were playing major roles in the questionable award to that company over the low bidder.

Secretary of Navy Korth was a former president and then current stockholder of the Continental National Bank of Fort Worth which during the period of contract competition had a credit advance of $400,000 to General Dynamics. While he was Secretary of the Navy, Korth used the Navy yacht, *Sequoia*, to entertain a bank customer, used his official stationery for bank business and passed on to procurement officials letters from the bank expressing interest in contract proposals. He later was allowed to resign his post as Secretary of the Navy.

Deputy Defense Secretary Gilpatric played a major role in making the decision to give the TFX award to General Dynamics over the low bidder, Boeing. Prior to taking his position in the administration, he was responsible for bringing the General Dynamics account into his firm, Cravath, Swaine & Moore. He received $111,000 in fees from General Dynamics from December 31, 1958, through December 31, 1960, when he left to assume his post in the Pentagon. The firm received a total of $268,000 in legal fees from General Dynamics between 1958 and 1962.

While Mr. Gilpatric served in the Department of Defense as the No. 2 man from early 1961 to late 1963, his law firm continued to represent General Dynamics. Mr. Moore, a senior partner in the firm was elected to the General Dynamics Board on December 20, 1962, the first meeting following the announcement of the TFX award.

Upon his resignation from his important Defense position, Mr. Gilpatric returned to the Cravath, Swaine & Moore law firm in New York.

IMPACT ON INDUSTRY, SCIENCE, ENGINEERING

Mr. Speaker, another serious ramification of the TFX affair is the lowering of morale of American industry and of the scientific and engineering professions. In times past, in our free enterprise system, companies have felt that it was rewarding to bid on various defense contracts because the company that came up with the best design and had the lowest price was going to get the contract.

Early in the competition, the two Kansas Senators and I discussed the so-called ground rules of the design competition with the Secretary of the Air Force. We were assured at the time that long-established principles of merit and cost would be the major factors and each competitor would receive fair and equal consideration.

The impact of the TFX affair upon the scientific and engineering professions is best illustrated by a letter which I received shortly after the Senate investigation began in 1963. The letter from the Wichita Engineering Association, included the professional group that had been engaged in the TFX engineering and design for Boeing, and was addressed to Senator MCCLELLAN, chairman of the Senate Investigating Committee.

Following are excerpts from that letter which are worthy of reflection and serious consideration by every Member of Congress and those in the administration who are responsible for research and development programs:

> The group which we represent consisted of some 1,700 professional engineers at the peak of the TFX effort. They are tremendously disillusioned and demoralized to learn that, in 1963, a design proposed by a qualified contractor, that is both technically superior and lower priced, has no assurance of being favorably received by Government contracting agencies. Such disillusionment has a degrading effect upon not only our group but, also, upon every engineer and scientist in the United States, including those to whose employer this contract was awarded. The continued nationwide fostering of frustration and discouragement among this type of personnel is a major threat to our security today. The prevailing level of such was already dangerously high prior to this bizarre TFX award. Each cycle of high creative exertion which is followed by a puzzling rejection makes the arousing of these people to a subsequent peak effort more difficult. There is a limit to how many times the cry of "wolf" can be raised. The Nation's engineers and scientists particularly resent being made parties to farcical, nonsensical, and unproductive procedures.
>
> This is an era of immense domination of scientific and engineering effort by the Federal Government. The preservation of a sense of fair and intelligent direction among American engineers and scientists is vital to our national security. These people must not be forced to feel that they are pawns under the direction of officials whose decisions may be motivated by considerations which are neither rational nor technically defensible.
>
> A national pattern is already discernible in which some superior engineers and scientists have chosen to remove themselves from the frustrating environment of Government-contract oriented industries and projects. This trend must not continue or be enlarged. The TFX contract award is a monumental example of the sort of thing which triggers nationwide cynicism and apprehension in the scientific community and in the Nation at large.

Mr. Speaker, in previous statements on the floor of the House I have expressed confidence in the congressional investigation of the TFX contract. That investigation is not yet completed. The committee has a responsibility to the American people to investigate completely and report its findings.

PROGRAM FOR THE WEEK OF SEPTEMBER 14

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I ask for this time to ask the acting majority leader, the gentleman from Louisiana [Mr. BOGGS], if he will advise us as to the program for next week.

Mr. BOGGS. Mr. Speaker, if the gentleman will yield, in response to the inquiry of the gentleman from Illinois, Monday is District Day. We have scheduled one bill, H.R. 11302, to require premarital examinations in the District of Columbia.

Tuesday is the Private Calendar. Wednesday there is no legislative business. It is a religious holiday.

Thursday and the balance of the week will be announced on Wednesday. Conference reports may be called up at any time.

Mr. ARENDS. Can the gentleman give us any information at all as to what we might expect to be announced on Wednesday as to the conference report of the Senate coming up on the so-called medicare bill?

Mr. BOGGS. I might say to the gentleman that the leadership has been placed on notice that on Monday next when the distinguished chairman of the Committee on Ways and Means of the House, the gentleman from Arkansas [Mr. MILLS], asks that the bill be sent to conference by unanimous consent, there will be objection. That, of course, means that the bill will have to be referred to the Committee on Rules.

I am informed that the chairman of the Committee on Rules has scheduled a meeting on Tuesday for the consideration of this matter along with other sundry matters. We anticipate or we hope that the Committee on Rules will act. We will not have a vote on Wednesday, because, as I previously noted, there is a religious holiday on that day, but we would expect to vote on that matter on Thursday, and I would like to take this opportunity to notify all of the Members on both sides of the aisle of that eventuality.

Mr. ARENDS. The gentleman from Louisiana, then, does expect an objection will be raised on Monday which will make this come up on Thursday?

Mr. BOGGS. Our leadership on our side has notified us objection will be made.

Mr. ARENDS. I know of no one in particular that is going to object, but in view of this statement, I can rather imagine we can inform the Members of what the gentleman has said, that nothing important will come up until Thursday of next week.

Mr. BOGGS. That is correct. Of course, we reserve the right to announce any further program on Wednesday, but I anticipate no other program than that which has been announced.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Speaker, in accordance with what I understand to be the program of bringing this matter to a head as early as possible to advance the idea of early adjournment, I have announced and notified the members of the Committee on Rules that we will have a meeting on Tuesday, and if this matter is presented to the committee at that time it will be considered. I did that, however, with the understanding I have had that on Thursday, if this rule were granted, the matter would be brought up. My purpose in intervening at this time is I do not think the House ought to be left in this state of uncertainty when so many Members are away. I think in fairness to all parties concerned, we ought to have a definite time set for when this matter shall come up and so that all Members on both sides of the controversy will have an opportunity to be heard and not have to wait until Thursday and have some of them come back thousands of miles for this matter and then have it deferred again.

Mr. BOGGS. Mr. Speaker, will the gentleman yield further?

Mr. ARENDS. I yield further to the gentleman from Louisiana.

Mr. BOGGS. I do not know whether the distinguished chairman of the Committee on Rules heard the statement I made a moment ago. I said just that, that we anticipated and expected this matter to come up on Thursday, and I was using this opportunity to place Members on both sides of the aisle on notice to that effect. I appreciate the statement made by the distinguished chairman of the Committee on Rules, because it is entirely in keeping with what the leadership proposes.

Mr. ARENDS. Then, you are advising your Members—and I would like to do the same thing—that they should be here on Thursday of next week?

Mr. BOGGS. We are doing so. Of course, we did not put on the whip notice because involved there is an objection that may or may not be made and involved also is the action of the Rules Committee headed by the distinguished gentleman from Virginia [Mr. SMITH].

Mr. ARENDS. Mr. Speaker, as far as I am concerned I must say to the gentleman that I know of no one at this moment who is going to object on Monday; I am just telling the gentleman.

Mr. BOGGS. I would hope that would be the case, but one never knows.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. GROSS. Mr. Speaker, let me ask the gentleman this question. If there is no objection on Monday and a move is made to instruct conferees, then what happens on Monday?

Mr. BOGGS. I must tell the gentleman that there will be an objection to send it to conference. We have been so notified. So there is no point in the Members not knowing. We know it is going to be objected to.

Mr. GROSS. Then we have the assurance of the gentleman from Louisiana, the distinguished majority whip that there will be an objection on Monday?

Mr. BOGGS. That is correct.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 14

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, since the distinguished majority whip is on the floor I wonder if he can contribute anything to the lack of information we have had thus far on when this Congress may be expected to adjourn sine die?

Mr. BOGGS. Mr. Speaker, I would say to the gentleman that I would hope it would come today, but obviously it will not. It certainly will not adjourn sine die next week, as the gentleman well knows. So I would say to the gentleman that it will be within the next several weeks, I would hope.

Mr. GROSS. The gentleman says in the next several weeks. That goes pretty well into October, does it not?

Mr. BOGGS. That is the way my calendar reads, just like yours.

Mr. GROSS. I do not know that it is just like mine, but in view of the "heavy" work schedule—and I put quotes around the word "heavy" for next week—we might well be here until December when the snow falls.

Mr. BOGGS. Well, one never knows; we could be.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY NEXT WEEK

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on next Wednesday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SHEVCHENKO: SECOND STATUE OF LIBERTY IN UNITED STATES

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, it is my intention to have reprinted in book form this statement and all previous statements of Members which have appeared previously in the Record concerning the Shevchenko statue. If there are any objections from Members, please let me know within a reasonable time.

Mr. Speaker, the historic and unprecedented unveiling of the Taras Shevchenko statue in our Nation's Capital still is being widely discussed and marveled at. In many ways the event last June 27 was recordbreaking. Today's reference to the statue is made in terms of its standing as our second Statue of Liberty, pointing to the liberation and independence of all the captive nations in the Communist empire.

There can be no question of the fact that Moscow and its colonial puppets have been thrown for a considerable loss by the erection of this statue here in Washington. They tried to exploit Shevchenko as their own and have failed miserably. The events leading to the statue and the many events that will surely follow will make up an exciting chapter in our contemporary struggle against the threats of Soviet Russian imperio-colonialism.

The record of these events continues to grow. I am convinced this record is of the utmost importance to our American understanding of the forces of nationalism in the U.S.S.R., which are forces in natural alliance with our traditions and our future. To add to this historical record, I insert the following items in the Record:

A most revealing article by P. Vasylenko on "Taras Shevchenko, Defender of Freedom of All People," published in the major Ukrainian language newspaper Svoboda, Ukrainian Weekly, March 25, 1961; a transcript of the program devoted to the Shevchenko statue on the Georgetown University Forum, which is expertly conducted by the Reverend Francis J. Heyden, S.J., and Daniel E. Power, S.J., and is one of the best known forums in the Nation—"Shevchenko: Freedom's Symbol"; the illuminating series of articles that appeared in the summer issue of the Ukrainian Review, a British publication—"Shevchenko, An Apostle of Freedom," by Andre Francois-Ponset; "Shevchenko and Ukrainian National Idea," by Evhen Malaniuk, and "Shevchenko in the Eyes of His Contemporaries," by Dr. Karl Siehs; the brief articles on "Taras Shevchenko, His Life and Significance," "The Promethean Shevchenko," by Leo Mol, sculptor of the statue; and "The Shevchenko Monument: An Architect's View," by Radoslav Zuk, which appeared in the fascinating Taras Shevchenko memorial book; a short article "And We Remember You," written by Vera A. Dowhan on the occasion of the 31st Annual Convention of the Ukrainian Youth League of North America, in addition to two effective letters by her in the defense of the statue; and some accumulated press accounts of the Shevchenko unveiling from all sections of the country and also abroad:

[From Svoboda, Mar. 25, 1961]

Taras Shevchenko, Defender of Freedom of All Peoples

(By P. Vasylenko)

One can boldly assert that all the civilized peoples of the world have come to recognize Taras Shevchenko as one of the greatest freedom fighters and pay tribute to him on the occasion of the 100th anniversary of his death. His recognition is especially marked by official acts and nationwide observances in the United States of America, whose Founding Father, George Washington and his righteous law were singled out by Shevchenko as an example of the poet's understanding of freedom and happiness for the Ukrainian people.

It would seem that now—100 years since the death of Shevchenko—there would be no one who would dare to deny his magnitude and significance to the universal cause of freedom. Even the Russian Communist enemy of mankind, although trying to twist and rewrite his works, does not dare to underrate or underestimate his significance and his influence upon the general development of the Ukrainian people.

But, regrettably, there are in the free world, and especially in the free United States of America, some individuals who, in their hatred of Ukrainians and their national poet and prophet as a symbol, are trying through twists and distortions to obscure the all-human significance of Shevchenko and especially to prevent the erection of his monument in Washington, D.C.—a policy which alines them with the enemy of mankind.

In the January 17, 1961, issue of Rossiya, a Russian-language newspaper appearing in New York City, there is an article by Dimitri Pronin, entitled, "Let Us Be Less Melodramatic," at the end of which Pronin attacks the proposed erection of a statue of Shevchenko in Washington, D.C.

Pronin underscores that the proposal for the Shevchenko statue "came from the persons who were involved in the passage of Public Law 86–90 (the Captive Nations Week resolution), specifically, Prof. Lev Dobriansky and Senator Jacob K. Javits."

Furthermore, Pronin is trying to compromise Shevchenko by citing the fact that he is being honored in the Soviet Union: "Representatives of the Congress were not told that the Soviets a long time ago had erected a statue of Shevchenko in Kiev, and that St. Vladimir University was renamed after Shevchenko. The Russian store in Washington (Victor Kamkin's) is literally packed with marble busts of Shevchenko, while Soviet stamps have been adorned with reproductions of the monuments of Shevchenko."

But Pronin does not stop at this. In order to completely compromise Shevchenko he is endeavoring to portray him as an enemy of the Jewish and Polish peoples. For that purpose he takes out of context some quotations from the poem "Varnak," and the expressions of the principal figure of the poem he ascribes to Shevchenko; also from the depiction of the "Haydamaky" movement by Shevchenko, Pronin sees a hostile attitude on Shevchenko's part toward the Jews and Poles. But these random quotations are hardly convincing, which Pronin himself knows well. Therefore, he resorts to outright falsification of Shevchenko's works.

In the belief that no Congressmen have read the works of Shevchenko, Pronin decided to acquaint them at least with one quotation from the poem "Haydamaky," which he allegedly translated into the Russian and English languages. The quotation, allegedly taken from "Haydamaky," reads:

"Hey, the Dnieper!
. . . Ukraine
Free to the sea. There
Are no Poles and no Jews;
Enemy's bones; You gave the nobles' blood
And the blood of Jews
To the wise sea to drink,
Halt, my Dnieper!"

And Pronin writes: "For better clarity the translation into English is taken from the Moussorgsky libretto for Boris Khristov, page 82":

"In praise of Ukraina
Let Polish folk and tribe of Jew
Be driven forth from out our land,
Let the Dnieper bear away
Hated flesh and cursed bones.
In the blood of Poles, in the blood of Jews, might distant
Ocean slake thy thirst.
Stay, my Dnieper."

This is a downright falsification, because the original of Shevchenko's poem reads as follows:

"O, my Dnieper, Dnieper,
Wide and powerful.
You carried, our father, into the sea
Rivers of Kozak blood * * *."

Pronin conveniently "translated" the same passage:

"You gave the nobles' blood
And the blood of Jews
To the wide sea to drink * * *."

Pronin hopes that through his "interpretation" of Shevchenko and his falsification of the quotations, "the proposed project of Lev Dobriansky will be rejected by the new President, and Senator Jacob Javits will be calmed down by American Polish and Jewish ethnic groups. We should not make a melodrama out of it."

Pronin evidently forgets that there are Americans who well understand the Ukrainian language and do not need either the Russian or English translations which Pronin produced in the newspaper Rossiya.

POLES AND SHEVCHENKO

The Polish ethnic group hardly needs any information on Shevchenko from such people as Pronin. The Poles have an opportunity to read the works of Shevchenko either in original or in Polish translations by such prominent authors as W. Syrokomlia, L. Sowinski, J. Lobodowski, and others. They knew the Shevchenko who wrote:

"The heart is pained, when you recall
How old Slavs' children
Were satiated with blood * * *."

And in the preface these thoughts of the poet are expressed even more vividly:

"Thank God that all has passed.
The heart hurts, but we must tell: let the sons
And grandchildren see how their fathers erred;
Let them fraternize with their enemies * * *."

The Polish ethnic group well knows what great love Shevchenko bestowed the Polish national poet A. Mickiewicz; it knows also that the best friends of Shevchenko in exile were Poles, especially Bronislaw Zaleski, whom Shevchenko addressed in his letters in no other way than: "my good friend"; "my only friend"; "my friend, Godpleasing"; "my good, sincere and only friend" and the like.

Among Shevchenko's friends were such Polish revolutionaries as Ludwik Lipski, Stanislaw Domaradzki, Stach Serednicki, A. Wengrzynowski, Z. Sierakowski and E. Zeligowski (A. Sowa). One of the principal speakers at Shevchenko's funeral was the Pole B. Choroszewski.

JEWS AND SHEVCHENKO

Representatives of the Jewish ethnic group can also easily find out how falsely Pronin twisted Shevchenko's quotations, the same Shevchenko who fought for the right of all peoples enslaved by Czarist Russia, including the rights of the Jews.

Let us take, for instance, the booklet of A. Chuzhbynsky, "Vospominanie o T. H.

Shevchenke," which was published in St. Petersburg in 1861, the year in which Shevchenko died. On page 18 there is an account of how Shevchenko tried to help a Jew to extinguish a fire in his house and save his effects:

"Shevchenko along with others carried out various objects, and at the end delivered a speech to the Christian people * * * Shevchenko in ardent words castigated those present for their indifference and said that a man in misery and adversity, no matter what his nationality and religion, is our close brother."

The above was written by a contemporary of Shevchenko, the Jewish poet I. Fefer, who even wrote a poem, entitled, "A Ballad About a Fire," which was composed about this occasion.

There is another documentary source: "Polnoye sobranie sochyneniy N. A. Dobrolubova," in four volumes, published in 1911 in St. Petersburg. In volume II, pages 932 sian magazine, Illustratsia, No. 35, 1858, to 935, the writer reported that in the Rusthere appeared an article, "Western Russian Jews and Their Present Situation." The article was thoroughly anti-Semitic and its author protested against Russky Invalid, which advocated the necessity of extending civil rights to the Jews in Russia.

A protest against the anti-Semitism in Illustratsia was signed by several Russian writers: The brothers Aksakovs, I. Turgeniev, and others, and was printed in Russky Vestnik. In subsequent issues of this magazine there were printed lists of other persons who joined in the protest. Among them were outstanding Ukrainian writers, especially T. Shevchenko. Volume 2, page 935 of Dobrolubov's works, stresses this as follows:

"Moreover, Kostomarov, Kulish, Marko Vovchok, Nomys, and Shevchenko sent under their signatures a separate letter in which they stated:

"'Your magazine, M.G., was the first to become an organ of enlightened representation of the Jewish national group tribe, in the name of the independence of every self-determining nationality, and first presented a solemn manifestation of Russian and Polish writers against Illustratsia which, although bearing a European name, breathes such opinions on the Jews as were held in the times of Ivan the Terrible.'"

This document attests most clearly to the fact that Shevchenko was openly against all forms of anti-Semitism and, along with outstanding Russian and Polish writers, he condemned anti-Semitism.

It is recalled that in 1914 the Russian rightist and reactionary circles treated the problem of "Shevchenko and the Jews" somewhat differently. When thousands of students and workers staged a huge manifestation on the streets of Kiev on the occasion of the 100th anniversary of the birth of Shevchenko, Russian "Black-Hundred" reactionaries organized a counterdemonstration and instigated pogroms against both the Jews and the Ukrainians. The Russian reactionary press openly wrote that Ukrainian separatism was of Jewish origin and was being propagated and promoted by Jews and their agents. One Russian reactionary newspaper wrote that Shevchenko "was only of the Ukrainian people language but by faith he was a Jew." Novoye Vremia wrote that the Shevchenko demonstrations were directed by a "student Jew," astride a white steed and giving orders to the people.

Thus, in 1858, Shevchenko stood in defense of the Jews and against Russian anti-Semites who collaborated in the publication of Illustratsia. Yet in 1914 Russian anti-Semites, on the 100th anniversary of Shevchenko's birth, organized pogroms against the Jews and Ukrainians.

It must be recalled that the works of Shevchenko have been translated into the Yiddish language and there is a series of books and articles about him, written in the Yiddish language. Jewish poets wrote many poetic works dedicated to Shevchenko. One of the best known translators of Shevchenko's works into Yiddish is David Hofstein, and there were others, such as Resnik, Khashchevatsky and Fininberg. As mentioned before, poet I. Fefer wrote "A Ballad about a Fire" dedicated to Shevchenko, and this ballad was translated into Ukrainian by A. Katsnelson.

Shevchenko, in poet I. Fefer's words is:

"Like a sun that burns in the mist;
He loved us and the truth on earth . . ."

David Hofstein, in his poem, "Taras Shevchenko," writes:

"Your ardent love.
Let it warm us now
So that the cruel traces of the old yoke and torture
Disappear once and for all;
Accept our day
With your gentleness, Taras,
Precursor of joy
And truth and knowledge . . ."

Thus the Jewish people, through their most outsanding poets, give a reply to the lie of the slanderers who are endeavoring to besmirch the memory of great poet and humanist Shevchenko.

The Russian writer A. Chekhov, in one of his letters to A. Krymsky, wrote: "I love the Ukrainian people who gave the world such a titan as Taras Shevchenko."

On the 50th anniversary of the death of Taras Shevchenko, the great Russian actor K. Stanislavsky, wrote to A. Krymsky: "The works of Shevchenko will survive the centuries and will always arouse great and noble feelings in the hearts of men. . . . In Shevchenko I see and feel all the beauty of the human soul, for he is a true poet-singer of his people. We Russians deeply sympathize with the sufferings of the Ukrainian people and believe that the sun of new and happy life will shine over Ukraine, and her tired heart will reopen in all its beauty . . . in the powerful national creativity, in the talents of the freedom-loving people. . . . Let live for long centuries the people who gave the world the immortal Shevchenko."

Thus, Russian writers answered 50 years ago those who would compromise the great Ukrainian poet.

But to the Russian ethnic group and to the readers of Rossiya we would like to pose a question: Who is the true spokesmen of the views of the Russian people on the Ukrainian poet Shevchenko: such friends of Shevchenko as Aksakov, Nekrasov, Turgeniev, Dobrolubov, Leskov, A. Pipin, Saltykov-shche-L. Tolstoy, A. Chekhov, Stanislavsky—or the falsifier of Shevchenko's texts, Pronin?

SHEVCHENKO: FREEDOM'S SYMBOL

"Shevchenko—Freedom's Symbol," the topic for the 914th consecutive broadcast of the Georgetown University Radio Forum, another in a series of educational and informative programs from Washington, D.C. The forum was founded in 1946. This is Wallace Fanning speaking by transcription from the Raymond Rice Studio, the radio studio on Georgetown Campus, Georgetown University, the historic Jesuit university, now celebrating its 175th anniversary.

Today's discussion will be "Shevchenko—Freedom's Symbol." The participants are Dr. Lev E. Dobriansky, professor of Soviet economics, Georgetown University; Prof. Roman Smal-Stocki, head of the Slavic Institute, Marquette University, Milwaukee, Wis., and the Honorable Edward J. Derwinski, Republican Member of Congress, Fourth District, Illinois, and a member of the House Committee on Foreign Affairs.

On Saturday, June 27, from 50,000 to 100,000 Americans will assemble in the Nation's Capital to witness the unveiling of the statue in honor of Taras Shevchenko, the poet laureate of Ukraine and Europe's freedom fighter.

The 86th Congress passed Public Law 86-749 providing for the erection of the statue which will appear on the site at 23d and P Streets NW. Much has been written about Shevchenko in the past few years. In 1960 the House of Representatives published document No. 445 entitled "Europe's Freedom Fighter," which showed the 19th century poet and nationalist as an immortal symbol of freedom not only in Ukraine but throughout Eastern Europe. In 1964, the U.S. Government Printing Office issued a book on Shevchenko, "A Monument to the Liberation, Freedom and Independence of all Captive Nations." This work by Dr. Lev Dobriansky elaborates further on the significance of Shevchenko and his works for the free world, especially their historic relationship to our Founding Fathers and the American tradition. The late President Kennedy said of Shevchenko: "We honor him for his rich contribution to the culture not only of Ukraine which he loved so well and described so eloquently, but of the world. His work is a noble part of our historical heritage."

In the nature of a preview of the day-long festivities on the 27th of June, this program is devoted to Shevchenko and the heritage of freedom. The discussions will also describe how both in 1960 and in 1964 Russia and captive Ukraine reacted to America's adoption of Shevchenko as its own in the tradition of freedom. Dr. Dobriansky, what is the significance of having a Shevchenko statue in Washington?

Dr. DOBRIANSKY. Well, Mr. Fanning, in your wonderful introduction I think that you, yourself, have hit upon the significance of having a statue of Shevchenko in Washington; namely, that the statue serves as a symbol of freedom. But going beyond that, I would say that the significance of Shevchenko's mighty status involves many facets of consideration. First, the statue is really a medium—I would say an educational medium—by which Americans generally would become more interested, would become more knowledgeable, with regard to the many nations within the Soviet Union, primarily of course, the largest non-Russian nation; namely, Ukraine; but through Ukraine into other nations in the Caucasus, of course those in the Baltic that some of our Americans have forgotten, and also those in Central Asia. Now, as we go along in this program, we will of course, bring up the historical background of Shevchenko; the historical background of this whole issue between the United States and Moscow, in observing the 150th anniversary of the birth of Shevchenko. But let me give you some contemporary developments to which one can hitch this particular issue.

For example, just the other day in Aswan, Mr. Khrushchev, during his tour of Egypt, gave his address before he arrived back in Cairo. The greater part of the address is devoted to this matter of the so-called 100 nations in the U.S.S.R. He told the Egyptians that he solved the problem of bringing about many of these nations together through a Marxist-Leninist medium; namely, that they should all work together and forget nationalism. But, first, let me say this, there aren't so many nations in the U.S.S.R. Now, second, in the case of Shevchenko, he was the symbol of what we Americans call patriotic nationalism. He was a proponent of national independence and freedom, and with regard to the many captive nations within the U.S.S.R., it is in this sense that we support the statue here, since in supporting it, we are supporting the nationalism of every captive nation within the U.S.S.R. and, of course, this is not to Khrushchev's liking.

Another fact—about 2 weeks ago, President Johnson stated up in New York that the policy of this Government was to find every means by which we could establish peaceful contact with peoples in Eastern Europe. Well, I don't know of any better means of doing this than the observance such as we will conduct next month in hon- almost a demigod to not only 45 million oring Shevchenko who, in a sense, has been Ukrainians in the U.S.S.R. but also to many other non-Russians and even to some Russians in that part of the world.

Dr. Smal-Stocki. May I go into my point of view on the significance of the monument to Taras Shevchenko here in Washington. Now let us take the great respect that Americans maintain for the father of the American Nation, George Washington. He is regarded sincerely and spiritually as the godfather of the Ukrainian nation. Every nation has a consciousness—a national consciousness. Like the atom to nuclear power, like the solar system of the sun, the past each to the present give meaning and direction to the future within a heirarchy of fact. Shevchenko formed this Ukrainian whole idea. How? From three components: Christianity, the fight for liberty, and dedication to peace and law. Mazeppa, the ally of Charles XII of Sweden, put it that way back in the 18th century for Ukraine. What, then, is the highest value in life? only liberty. And the third component, in fighting for peace and dedication to the Nation of Washington's just and new law—to the ideas of the American Declaration of Independence of 1776. Americans will see what a terrific role the American ideas played in the history of Eastern Europe because Shevchenko did not fight only for the liberty of Ukraine but for Finland, for Rumania, for Poland, the Caucasus. Because he was the most fanatical fighter for freedom, and at a time that he needed all the help on earth.

So Shevchenko is a symbol of liberty—a statue of liberty. We will now have two Statues of Liberty. One is in the port of New York and the second is here in the form of a monument to Shevchenko. And finally, this statue is a symbol of the gratitude of every exile who came to America. America saved them from Stalinism.

Congressman Derwinski. I think the point that underlies the comments so far in the program is that the United States is a symbol of freedom and also is the leading country in the effectively described free world. It is certainly a focal point whereby the people who have reached the United States have freedom to express their nationalistic feelings in a manner which is suppressed in the Soviet Union. And the one educational point that we must continually make is that the Soviet Union is not a monolithic state; the peoples that are in it are, in effect, captives of a foreign policy which, despite its Communist doubletalk, is fascinatingly similar to the imperial policy of the czars. And since Shevchenko's inspiration and his expressions of freedom over 100 years ago was the suppresssion of freedom by the czarist government, his words are equally effective at the present time.

We have a number of fascinating developments in this field. Mr. Fanning referred to the fact that in both 1960 and 1964 the Soviet Union and its puppet government in Ukraine have attempted to usurp the Shevchenko spirit. What they are trying to do is to interpret Shevchenko as the proponent of their present Communist point of view. This is an historical distortion, but the reason they are making this bid is that in the Communist use of propaganda anything can be twisted. And the dramatic significance of the statue honoring Shevchenko in Washington is that it is not only the Capital of the United States but the capital of freedom. This is a tremendous psychological blow to the Communists, and an inspiration to all peoples behind the Iron Curtain.

Dr. Dobriansky. May I interrupt here? A number of points have been brought up which I think deserve some clarification. First, I have found rather intriguing the reaction of many of our fellow Americans when the matter of the legislation leading to the statue is brought up. And also the explanation that one has to give for the statue. Now, we readily admit that the one major motivation for the legislation that got underway in 1960 was actually to deprive Moscow of this opportunity to prostitute the name, the honor, and the significance of Shevchenko. And I think our fellow Americans should understand this. For the centennial, which was in 1961; namely, the 100th anniversary of Shevchenko's death and now, this year, the 150th anniversary of his birth, Moscow was preparing really to make use of both occasions to exploit Shevchenko—his name, his works, and the like. Moscow wanted to show not only the 45 million Ukrainians but others within the Soviet Union that here we are your true friends.

But how have they treated Shevchenko? Namely, as a precursor of the Bolshevik revolution—a great social reformer, a progressivist, one who advocated the elimination of serfdom and the elimination of oppression under the czars and the like. The great significance and the great attribute of Shevchenko's works were, of course, to be submerged; namely, his proponency, his advocacy of national independence and freedom not only of Ukraine but of all the nations, including Poland and Finland, as Dr. Smal-Stocki has mentioned. In the Russian Empire many of these nations find themselves in a different complex of imperial domination under Moscow, both in the U.S.S.R. and beyond. We felt that we should take the wind out of Moscow's sails on this and present Shevchenko as he truly was and as his works readily show. His works are permeated with the theme of freedom and liberty and present to the free world and, incidentally, to those behind the Iron Curtain the true nature and significance of Shevchenko.

Dr. Smal-Stocki. I completely agree. What the Communists do with Shevchenko is really the history of Communist propaganda. We are now celebrating Shevchenko and the Communists are celebrating Shevchenko. How? Celebration by falsification. And I call your attention to the works of a distinguished scholar of Columbia University on "Russian Classics in Soviet Jacket," Columbia University, 1962. All the great Russian classics are simply the front, the adornment of the Russian Communists who by doctoring and by changing them have simply made them weapons of ideological warfare. This same thing happened with Shevchenko. They created, in fact, an upside-down Shevchenko. Only in the free world can we present the true ideology of Shevchenko.

Dr. Dobriansky. In other words, you're saying, Doctor, as in the case of Lincoln, they use the term Lincoln—they have a Lincoln Brigade in Spain.

Dr. Smal-Stocki. I interrupt to say that the Russian Communists also had a Shevcehnko Brigade in Spain.

Congressman Derwinski. The point that we should underline is first the point that Dr. Smal-Stocki made; that there is consistent use by the Communists of Shevchenko for their propaganda purposes. And, as the Doctor has also underlined, there is constant recognition by Khrushchev and others of the problems that the Soviets face in maintaining their mastery over the nationalistic forces within the Soviet Union.

Then, Dr. Dobriansky raised a very important point which I think deserves one brief comment; that is, when he referred to the actions of Congress. We must recognize the fact that the Congress of the United States is the spokesman for the people of the country and the Congress wouldn't participate in any program unless it is based on public support across the country. So the actions of Congress in advancing the cause of Shevchenko is recognition of, in turn, the interest of the American public. So the congressional action then is an American action. And this enters into the very important field of the struggle for men's minds throughout the world—to see that the cause of freedom that Shevchenko espoused isn't lost to the Communists but is maintained in its proper direction with proper emphasis, and that the voice of nationalism which Shevchenko raised is the voice of nationalism at the present time of all the captive peoples of Eastern Europe, since he speaks their language in asking for freedom for his people and the other present-day victims of imperialism.

Dr. Dobriansky. Well, I must say on this point, it was a wonderful experience for me going through this and prior legislation, and not only that, but into the last phase. This was last fall, when many Congressmen had to take the floor to elaborate further on Shevchenko and what he means to Americans. The point that you are making, Congressman Derwinski, is well taken. This statue in Washington is not a statue belonging to any particular group, any vested interest here in the United States, but by virtue of the fact that it had been legislated under public law, it has been established in the name of the American people. Through Congress, the American people are reflecting their support of the very ideals and aspirations expressed in Shevchenko's works.

On this point, I think there is a great note of irony. I would say the big political joke of this year is the conferring of the Shevchenko award on Khrushchev. The Academy in Kiev last March conferred the Shevchenko award on Khrushchev, and yet Khrushchev has the established reputation of being the "hangman" of Ukraine. I cite this to show you to what extent these exploiters and really propaganda prostitutes of Shevchenko—as well as Lincoln, Jefferson, and Washington, and so on down the line—will go. The "hangman" of Ukraine receives a Shevchenko award, while Shevchenko himself was really a contemporary of Lincoln and other proponents of freedom 100 years ago. This is a manifest contradiction; it is, as I said, a political joke.

Congressman Derwinski. Dr. Dobriansky, perhaps we could have Dr. Smal-Stocki give our listeners a bit more of the historical detail of that period. I would merely wish to emphasize that we in the United States when we dedicate this statue to Shevchenko next month, are almost 2 years behind our counterpart in Canada who have a statue to Shevchenko, I believe in Manitoba, where it was dedicated by the then Prime Minister of Canada. In addition, he might point out further that the distortion of Shevchenko as a historical figure is in the classic form of Communist misuse of other spokesmen for freedom. The fact that Shevchenko fought against the serfdom of the czarist regime will put him in the present day as the leader of the fight against the type of economic serfdom that the Soviet Union extends over all the citizens of the so-called U.S.S.R., many of whom—a substantial number—are not Russian, are not, say, willing members of that country, but are the true captives of the present day.

Dr. Smal-Stocki. In answering your question about the historical background, Congressman Derwinski, I should like to call attention to the fact that Americans are not usually isolated, for way back to the creation of the Declaration of Independence they have radiated to Europe, to Poland, to the czarist empire, and to Ukraine the spirit of freedom. The contemporary background of Shevchenko is the rule of Czar Nicholas I, the so-called gendarme of Europe. He crushed with the five big powers the rebellion of the Hungarian people. Earlier he crushed the Polish revolution. Shevchenko became their spokesman, who proclaimed for Ukraine and for Eastern Europe: We want the just and new law of George Washington as our ideal. So here you have the general background. These ideas radiated, and in Ukraine and in Poland there is engraved in the hearts and minds of the people the symbol of George Washington and the ideals of the American Declaration of Independence.

Dr. DOBRIANSKY. In other words, Doctor, you are saying that we are not aware or haven't been aware of the fact that our tradition has rubbed off enormously and deeply upon many within the Russian Empire 100 years ago.

Dr. SMAL-STOCKI. Not only that. I regard the revolution after World War I—1918 in Moscow itself, St. Petersburg, Kiev, everywhere, in fact, a manifestation of the American Revolution in Eastern Europe because everywhere you have the slogan: Shevchenko and Washington.

Dr. DOBRIANSKY. Well, which means that in Shevchenko's works, you have definite references to Washington, a definite admiration of our own Declaration of Independence, which he sought for his own people and also for the captive peoples within the Russian Empire at that time. Now, in view of all this and, of course, we could mention other matters, I don't think many Americans are aware of the fact that Shevchenko was a very good friend of the Negro Shakesperian tragedian, Aldridge and many others during that period. Yet, how do you account for the apparent ignorance on the part of certain sources here in the United States? Last fall, a newspaper in Washington berated us for having brought about the legislation leading to the creation of this statue.

Dr. SMAL-STOCKI. I tell you frankly, that I think the real reason is institutional. One of the great American scholars, Henry Steele Commiger who is a specialist on American history, wrote in one of his books that we are not emerging as an ideological society. Rather, we are a business society. And President Coolidge said America's business is business. Here, I believe, is the real reason for the indifference. We seem to be indifferent to the sufferings of the world, to the captive nations. We don't have pity, we are not shocked, and we are not even interested in them.

Congressman DERWINSKI. For that reason what we must emphasize then are the ideals of Shevchenko, his perpetuation of the spirit of freedom, and that makes our contribution here in the United States extremely timely and practical.

Dr. DOBRIANSKY. I think at the close, maybe I ought to quote Shevchenko from his poem "My Legacy."

"Bury me thus I pray, and rise!
  From fetters set you free!
And with your foes' unholy blood
  Baptize your liberty!
And when in freedom, 'mid your kin,
  From battle you ungird
Forget not to remember me
  With a kind, gentle word!"

And we Americans will not forget him.

Thank you, Dr. Lev E. Dobriansky, professor of Soviet economics, Georgetown University, Prof. Roman Smal-Stocki, head of the Slavic Institutes, Marquette University, Milwaukee, Wis., and the Honorable EDWARD J. DERWINSKI, Republican Member of Congress, Fourth District, Illinois.

You have attended the weekly discussion of the program of Georgetown University Radio Forum, the broadcast of which was transcribed in the Raymond Rice studio of historic Georgetown University in Washington, D.C.

[From the Ukrainian Review, Summer, 1964]

SHEVCHENKO, AN APOSTLE OF FREEDOM

(By André François-Poncet, member of the Academie Française)

To the connoisseurs of Slavicism, this esteemed. The average Frenchman hardly name is certainly well-known and highly knows it at all, however. Nonetheless, it certainly deserves to be known. Shevchenko is the name of a Ukrainian, a man, full of vital energy and enthusiasm, who was both a painter and a poet and whose destiny was quite a remarkable one. In literary history his work holds a special place as being very typical of European literature at the time, between 1830 and 1848, when the continent was stirred by the aspirations of the peoples for freedom and national independence—aspirations, in the words, which were suppressed with great severity. His lyrical, romantic, and political writings glorify the magnificent past of the Cossacks and the great steppe where their cavalry charges and battles took place; they glorify their rustic customs, their songs, the legends of this proud and faithful people and his native country on the banks of the majestic Dnieper. Even today he is a symbol for the deepest aspirations, yearnings, thirst for freedom and the humanitarian ideal of the Ukrainian people, which regards itself as the victim of coercion and subjugation.

Taras Shevchenko was born a serf on one of the estates owned by a russified German by the name of Engelhardt. Even as a child and in his boyhood he gave signs of an extraordinary talent for drawing and painting and of an overflowing vitality. Nonetheless, his owner tenaciously declined to allow him to become a painter, for he himself intended to keep him as a valet. In the end, however, he let himself be persuaded and allowed him to study painting in Vilno, Warsaw and Petersburg.

Soshenko, a talented artist and a Ukrainian like Shevchenko, observed how he (Shevchenko) drew the statues in the Summer Park by the light of the clear Petersburg nights, and he mediated his acquaintance with a very famous painter, Karl Bryullov. He also, praised the extraordinary talent of this young man. He became his sponsor and made arrangements for a collection to raise enough money to buy his freedom to enable him to work under his (Bryullov's) guidance at the Academy of Fine Arts as a freeman.

At this time and in this environment, the other side of his nature, his poetic talent, suddenly showed itself. In 1840, Shevchenko published his first volume of poetry, Kobzar, which—just as the later works of this prolific genius—was received with great enthusiasm by Ukrainian readers. In 1845—already a known personality by this time—he settled in Kiev. Here he joined a secret society, the Fraternity of SS. Cyril and Methodius, whose members pursued the following aims: the abolition of slavery, the establishment of a liberal state organization, the formation of a Slavic federation of states, of which Ukraine also was to be a member state. They pursued a course which provoked the rancor, the terror and revenge of Tsardom and its officials as no other. Detected and incarcerated along with his fellow members, Shevchenko was sentenced to serve as a common soldier in Turkestan and Siberia. In addition, the tsar personally forbade him to write and to paint. Thus he had to endure 10 years banishment in the greatest misery. Nonetheless, he found ways and means of writing and working in secret. His old friends, several of whom belonged to the highest nobility, remained faithful to him.

Following the death of Nicholas I, he was pardoned and set free on January 1, 1857, by the intercession of Countess Tolstoy. From that time on he became one of the most important pioneers of patriotism and the intellectual life of Ukraine—celebrated, esteemed and admired in the cities (in Astrakhan, Nizhniy Novgorod, even in Moscow and in Petersburg), where he took up residence for a longer or shorter time. He had the intention of finally settling in his native country, but in March of 1861, tired and at the end of his powers, he died in Petersburg at the age of 47. According to his explicit wishes, he was buried by his friends on a knoll overlooking the Dnieper. Many people visit his grave there; it is honored like that of a hero, saint or prophet.

In reading this account of him, some people may perhaps be astonished. Is not Ukraine one of the Socialist Soviet Republics which make up the U.S.S.R.? Isn't Russia a federal state? Yes, it certainly is when one judges from appearances, but not when one considers the true nature of this so-called Socialist Republic. Communism is by no means more liberal than Tsardom was. The Soviet Republic is merely a facade which simulates independence. The central power rules it as lord and master, and the governments of the so-called republics have to carry out Moscows orders. Ukraine had to pay bitterly for its attempt to cast off this yoke. She has had to endure bloody purges, whose inexorable atrocity were intended to break her resistance forever.

But violence can only rage for a certain amount of time, and it seldom comes to pass that it has the last word. It is doomed to failure by the tenacious clinging of a nation to its own individuality and to its inflexible and never tiring will to live according to this individuality—even if this will be mute and gagged at the present time.

—"Le Figaro," March 12, 1964.

SHEVCHENKO AND UKRAINIAN NATIONAL IDEA

(By Evhen Malaniuk)

With outstretched arms he embraced Ukraine—Ukraine with its blood stained graves and its dreadful glory. He recreated the melodious language of the people into images of what was and is in Ukraine. Through him our entire nation expressed its manifold destiny.

Since that time our people have been divided into the living and the dead, and for a long time still they will be thus separated.

—P. KULISH.

THE EARLY SHEVCHENKO

I

Already from the time he was a mere lad in the classroom, Petersburg was for Hohol (Gogol) "the dreamt of field of operation," where he would carry out his future work for "the good of his country." For Shevchenko, on the other hand, the capital of the huge empire was to be only a stage in his life of serfdom: Shevchenko's landlord went to Petersburg and to Warsaw or Vilna—that is all. When Hohol arrived in Petersburg in 1829, he wrote to his mother asking her to send him descriptions of Ukrainian folk customs, folk practices, and folk costumes, as well as Ukrainian comedies written by his father, old coins, and old scripts from the bygone Hetman's time, etc. In a state of nostalgia, in this strange sober city, he created (primarily for himself) an all-comprising picture of Ukraine. In his "Evenings at a Farm Near Dikanka" (1831), he paints the picture of an "intoxicating and colorful little Russia." Torn between Petersburg and Moscow, he attempts nonetheless, to write "a history of our unique and unfortunate Ukraine" (letter to Maksymovych on the 11th of November 1833); he dreams of a chair at Kyïv University, and in a moment of ecstasy he expresses an unequivocal national consciousness in a letter to Maksymovych: "Really, I advise you simply to drop all this Katsapiva and go to Hetmanshchyna. We are really stupid when we come to think about the whole thing. For what and for whom do we sacrifice everything?" These, however, are the last quivers of national feeling in him. In June 1836, he goes abroad to search "for the fatherland of the soul" which had already died in him, however.

It was Petersburg which poisoned the last traces of national feeling in Hohol's soul, but for Shevchenko, Petersburg was the place where the miracle of "Ovid's Metamorphoses" ("Khudozhnyk," "Artist") took place; the serf became a freeman and the painter a poet who was to become a national prophet.

Petersburg had a completely different meaning for the life of these two artists, who stemmed from different classes but from the same country—a country which lost its vitality in its aristocratic upper classes, but celebrated its rebirth in its grassroots. In the historical existence of a people an inner process of change was taking shape—a process which was symbolized by the figures of Hohol and Shevchenko in literature.

II

Shevchenko, an organic part of solid peasant stock, deeply rooted in the people, had too much inner resistance to succumb to the poisonous influence of Petersburg. The city, which was later recreated into a concentrated, baleful picture in his "Dream"; this city—"lying in the valley as in a pit, dreaming in the black mud with the fog hovering over it like a dark cloud"—was, figuratively speaking, reduced to the "enchanting halls" of the Art Academy in young Shevchenko's mind. Everything else he did not notice at all, or due to his strong and healthy outlook, simply did not absorb, or what is even more probable, he did not even feel it. The liberated serf underwent a psychic process of momentous importance. "I am learning how to paint. I earn money. I do not bend my knee to anyone, and I fear God only. It is wonderful to be free." (Letter to his brother Mykyta on the 15th of November 1839). "The beloved," "the magnificent," the "enchanted"—these were the epithets which he gave to the academy, to which he a "poor dirty devil—soared on wings—from the dirty garret of an uncouth country bumpkin." (Diary.) The "golden days" during which he "completely involved himself in the curriculum" ("what a wonderful thing this curriculum is for a student") remained unforgettable to him. Then, after tearing himself away from painting for an hour, he would listen to lectures and general subjects—physiology, physics, zoology, French ("Khudozhnyk," "The Artist). The metamorphosis of a man who only the day before was still a dumb slave of Mr. Engelhardt and a servant hired by Shiryayev was almost too fabulous.

A truly restless nostalgia burnt in him: "Write to me * * * not in Muscovite (Russian) so that at least I shall feel the familiar sounds of my native tongue on paper, so that at least once I may shed tears of joy * * * Night after night I see only you, my beloved Kyrylivka (Shevchenko's birthplace) in my dreams; I see the tall grass of the steppe where I used to hide as a truant schoolboy" he wrote to his brother Mykyta on the 1st of November 1839. Day by day the terrible awareness that his brothers and sisters in Kyrylivka were still serfs tortured him. This awareness was all the more dreadful, for he himself had already gained personal freedom * * * Indeed, the more intensely and the more pronouncedly he experienced his own freedom, the more clearly he sensed the state of serfdom in which those dear to him found themselves. It grew in his awareness ever more intensely until it comprised the entire people, the whole of Ukraine. This bitter awareness was the first natural result of his psychological and intellectual growth and of his awakening political and national consciousness.

No, Shevchenko's lively nostalgia and his Petersburg "orphanhood" had no need of Hohol's Little Russia, which no longer radiated any life of its own. He himself was too deeply related to the national character of his country. Deep within his bosom, he treasured Ukraine in all her dreadful reality and terrible destiny. "Before the enchanting canvass (by Bryullov) I began to reflect and the image of the blind minstrel (Kobzar) and of the bloodthirsty Haydamaky (insurgents against Poland) awoke in me, and I cherished and cared for them. In the semidarkness of his magnificent studio, I saw the Dnieper steppes rising before me in a feverish fantasy—the shadows of those martyrs, of the hapless hetmans. The boundless endless steppe, scattered with graves, unfolded before my mental eye and there she stood before me, my magnificent, unhappy Ukraine in all her brilliant splendour * * * and I sank into deep contemplation" (Diary).

In the vision of the sculptor and painter, who work only with external colors and lines, the inner substance of Ukraine begins to take shape in him. The painter becomes a poet. His early motive—"Gray songs of dark hours, in sadness you have thrived. What has bound you into verse, you gray melodies". (Introduction to Kobzar)— becomes the leading thought and permanent mark of his creativity. This motive—"Gray songs of dark hours"—initially still nebulous and unclear, yet pregnant with enormous content, unfolds itself step by step, to burst forth at last into a full, pure and finely detailed blossom.

III

Among the most disagreeable, orthodox, pseudo-scientific Shevchenko traditions, consisting of various superstitions, we must include, beside the highly glorified "fur coat and fur cap tradition," the superstition of an "early uncritical romanticism" and of a "later social realism."

The essence of this tradition lies in the claim that initially Shevchenko, completely captivated by the past of the nation, had glorified "the days of the Cossacks and the magnificent freedom of the Hetmans," especially as he was living in a strange country and was altogether saturated with national "nationalistic" romanticism. Later, it is maintained, he liberated himself from nationalistic illusions as a result of external influences ("the Konarchyky and Petrashevtsy," imprisonment and banishment) to become a socially conscious and "class conscious" poet. That this depiction was especially popular in the U.S.S.R. can be easily understood. Since 1930, it has acquired the force of an invincible decree there. Why should one be amazed, therefore, that the authorities dug up the term "preproletariat" and declared Shevchenko the "conscious" and "convinced" poet and spokesman of this "preproletariate." The tragicomedy of this pseudo-scientific legend, however, lies in the fact that its authors, exactly as in the case of the "fur coat and fur cap" tradition, are the poet's own countrymen. The modern Belinskies merely took advantage of the work of naive Shevchenko admirers. They had only to reshape the existing material to meet their own ends and to popularize it.

It is absolutely necessary, therefore, to state clearly and explicitly that there is no room whatsoever here for an ideological change, for a "cremation of former ideals" never took place in Shevchenko. There was no limitation of a "materialistic" or "socialistic" nature in Shevchenko's creative perception—neither in his work nor in his consciousness. His development was steady and continuous—and it was a fully conscious one. In the annals of literature, his works are a unique example of an organic and conscious development of a personality and Weltanschauung. In his later works we can trace the unfoldment, extension, and deepening of the themes and motives of Shevchenko's earlier creative period.

With respect to the "idealization of the Cossacks and the Hetmans" and the "glorious" (characteristic quotes in one of Eisenstock's works) past of Ukraine, we can trace this line from the poem "Do Osnovyanenka" (To Osnovyanenko, 1839) through "Pidkova," "Hamaliya," "The Dream," "Hoholyu" (To Hohol), "Ne zarevut' v Ukraini." ("No longer will the guns roar in the Ukraine"), "Kholodnyy Yar" (The Cool Ravine) to "Chernets" (The Monk) (1847), "Zastupyla chorna khmara." (A dark cloud covered the white one) (1848) and "Ta inodi staryy kozak." (Sometimes an old cossack) (1849) and finally to "Kozak bezverhyj upade." (The dismounted Cossack will fall upon the throne.) In other words this line can be traced to 26th of November 1860, shortly before his death.

Who is not capable of recognizing Shevchenko's monolithic dedication and the Gothic development of his ingenious personality, he—with the exception of "Reve ta stohne" (The Bewitched) or "Sadok vyshnevyy" (The Cherry Orchard)—will never know his specific nature, the breath of his creativity, as well as his historical and national importance.

IV

At this point it is fitting to mention the name of the indefatigable Stepan Smal-Stockyj.

In his passionate efforts to uphold the true image of Shevchenko—an image which is indeed exaggerated at times (for example, with reference to his metrics)—he traces with fascinating directness and passionate diligence—despite possible and occasional errors—the unbroken line leading to the great truth: the understanding of Shevchenko and the elucidation of his personality are possible only if the national hero is approached from a national position.

And it is just so. In the considerable output of modern scholarly literature on Shevchenko, regardless of its quality, we find quite a number of specialized and to a certain extent exotic investigation (for example, "The Sociology of Shevchenko's verse"). Unfortunately, however, there are still very few works or articles throwing new and clarifying light on the figure of the genius, which even today is somewhat "mysterious." This is all the more so, because a purely rationalistic analysis cannot be applied to a genius as individualistic as Shevchenko. Apart from that, such works would be helpless and incomplete, which would be the lesser evil. It is hardly possible to approach Shevchenko's work without a creative as well as national intuition.

Actually, Shevchenko is by no means a figure whom one can include in the category of the "rational." Again and again we could reconstruct his period and environment and analyze the possible influences of the Kharkiv romantic school. We could examine the publications centered around Kharkiv University at that time; we could consider the tremendous enthusiasm which was prevalent in both Polish and Russian literature in the twenties and thirties for Ukraine as the center of literary exoticism. And last but not least, we could take the revolutionary propaganda of the Polish emigrants into consideration. We could search for analogies and trace influences, beginning with Byron and ending with the blind Kozlov. Nevertheless, this rational approach would neither do justice to the subject nor be of value to it. As a result of these investigations (and these only) would it be possible to explain how it came about that the former serf—who was so happy about his freedom, who was completely dedicated to painting and who was the best student of the then so famous Bryullov, who was awarded medals for his outstanding work—suddenly became "reflective" and began to reconsider his initially very confused "gray songs of dark hours, in sadness you have thrived" with ever-increasing attentiveness and intensity.

With respect to all this, we must discuss the tedious subject of whether Shevchenko was a romantic or not, as we would like to anticipate the possibility of compressing the entire genius into the pigeonhole of a hackneyed "ism."

It is a fact that the early Shevchenko who by his very nature was hungry for light and human contact (even after the "Ovid's Metamorphoses" took place in his life), assimilated all the ideas of his time and everything with which his immediate atmosphere was saturated—to say nothing of his reading, which was voluminous. ("There was no book * * * which he did not have in his hands"—Kulish.) We know, of course, that the literary circles of Petersburg were belatedly dominated by the Russian Romantic school in the 1830's. The first translation of Hugo's "Notre Dame de Paris" appeared in 1830 and completely took the reading public by storm. E. Sue and Alfred de Musset also enjoyed tremendous popularity. Chateaubriand was also well known (Shevchenko mentions him repeatedly). There is no need to mention Byron; Shevchenko knew his works (also from Mickiewicz's translations) and esteemed him. (O. Chuzhbynskyj.) Lermontov, whom Shevchenko singled out, was Shevchenko's own age. Among the strictly Russian literary figures, mention must be made of the Byronist, Marlinskiy-Bestuzhev (who probably went too far), of Lazebnikov, and of the strange and deep poet E. Boratynskiy (Eda), of the sentimental Romantic Kozlov ("Bezumnaya—The Mad Woman") and finally, of the Pushkin for his romantic contribution ("Tsygane—The Gipsies"), not to mention the translations of Zhukovskiy and the Ukrainian poems of Ryleyev.

It is certainly possible—indeed fairly certain—that Shevchenko read all of these authors. There is also no room for doubt that. on the basis of an analysis of his early poetry (at the time of the "Chyhyryn Kobzar," Shevchenko could be considered a poet of his time; i.e., a romantic poet. In regard to Shevchenko, however, this formal classification demands elucidation and clarification.

It is very difficult to encompass a genius within a specific framework. A genius strives for the fullest unfoldment of his personality, to create his own "cosmos"—he knows no limits or restrictions. A genius, therefore, lives in different periods and pursues different courses simultaneously. Romanticism, if we do not consider the historical meaning of the term, is essentially a very definite mood of the soul which almost every poet experiences in the first stage of his creative process. As far as Shevchenko's romanticism is concerned, it embraces the truly romantic changes of his personal life on the one hand; and on the other hand, it embraces the powerful romantic stirrings in the soul of the awakening poet, the literary mood of his time and finally and fundamentally, the romantic flavors of national interest in "Little Russia"—was felt initially as an awakening interest in the history of Ukraine. One should consider the popularity of works like "Istoriya Rusov" (the history of the Rus people), "Istoriya Maloy Rossii" (the history of little Russia, the work of Bantysh-Kamenskyj—1822), or "Istoriya Malorossii" (the history of little Russia by M. Markevych), as well as the historical national songs of the Ukrainian people (cf. the collections by Tsereteli in 1819, by Maksymovych, whose renditions appeared in three editions: 1827, 1834, and 1849; and also those of Sreznevskyj and others).

Because of its relatedness to the fundamentals of the romanticism of this rebirth, the highly symbolic pseudonym Perebendya can be considered most characteristic. Perebendya is more than a synonym of "kobzar" (minstrel). Indeed, boldly and without reservation, we can designate not only Shevchenko's early creation with it. Even then, i.e., in the years 1938–39, Perebendya was a far-reaching concept (cf. Franko's work "Perebendya"). This concept was, so to speak, the "living conscience of the people," the poet-apostle, and the poet as the prophet of the nation. He is the central figure at the time of the "Chyhyryn Kobzar," a time which might be called the time of "romantic nationalism" (as Franko most aptly expressed it) in Shevchenko's creative process. Over and above this, however, it is a motive, as most of Shevchenko's motives, which is woven into all his creations. Later, in his "Testament" and the "Psalms," he develops it to unsurpassable intensity. The concept of Perebendya and this is one of Shevchenko's extremely characteristic paradoxes—"is completely foreign to any folk poetry" (Franko). This figure was the fruit of Shevchenko's profound thoughts and not a sudden powerful flaring up of a transitory mood. It was this very figure of the minstrel Perebendya, nonetheless, which was taken from Ukrainian life as a figure of flesh and blood. It is even possible that this figure was suggested by the "Ukrainian bard" E. Hrebinka and the "Szkola ukrainska" (Ukrainian school in Polish literature).

The flame—or to express it more clearly, the element of this peculiar Shevchenkian romanticism—sometimes flares up with great intensity in the midst of sentimentally nationalistic works (ballads, "Kateryna") and in the midst of romantically national works in "Chyhyryn Kobzar," that one could almost designate it as neoromantic ("Smiysya, lyutyy vrazhe, ta ne duzhe * * *" Laugh, fierce enemy, but not too loud—"To Osnovyanenko"). This force finds its strongest unfoldment in the prophetic, historical expression of the time, in "Try lita" (Three Years). Incidentally, the period between Shevchenko's banishment and his return marks also a return to a peculiar "classicism" (iambic lyrics). This element of classicism, however, cuts through all Shevchenko's works (including his prose works).

We speak of a "strange" romanticism, but it must be specifically emphasized that Shevchenko's romanticism never possessed the abstract (worldwide as with Byron or "interplanetary" as with Lermontov) character of orthodox romanticism. In this very difference lies the chief characteristic of Shevchenko's romanticism. As Shevchenko himself said, "Trizna (the Funeral Repast) and "Slepaya" (the Blind Woman) are "written in the inflexible 'Katsap' (Russian) language, written after the literary fashion and intentionally in 'Byronic fashion.'" The poet, however, makes it emphatically clear that "he did not tolerate unclear dream visions and Byronic obscurities." Sharply, and more than once, Shevchenko protests against so-called "art for art's sake" ("is there anything more horrible on earth than the tasteless results of leisurely wasted years in print?"). For him, poetry served a national (not solely a social) function: it was Perebendya's prophetic cry. His romanticism was always projected onto a realistic Ukraine and always remained in touch with reality: with the landscape, the history and fate of the people. His romanticism found its adequate organic embodiment in reality. It must have been this fact which prompted several scholars (Yefremov) to call Shevchenko a realist.

But it was this very harmony of poetry and truth which conveyed the tremendous impact of "Kobzar" (which was much stronger than the purely literary impact) to his contemporaries: "I was dumbfounded" (Kvitka), or: "Shevchenko's muse tore away the curtain which concealed our national life. To look behind it was both terrifying and sweet, painful and fascinating" (Kostomarov).

Whether Shevchenko's images portray the cruel enslavement of a helpless orphan or the poet's gift for prophecy, whether they brought a girl on the scene or revealed the holy wonder of motherhood—they never had the character of the orthodox wayfaring themes or wayfaring heroes that are so prevalent in romanticism. His figures always remain concrete and true to life; Yarema, Perebendya or Kateryna are figures of flesh and blood.

To show how terribly difficult it is to include Shevchenko in any kind of literary movement, be it in one stage of his creative process only, we may compare two poems: "Ivan Pidkova" (1839) and "Hamaliya" (1842). To all appearances these two poems are very similar in both subject matter and style. Both were written at a time which is generally considered Shevchenko's most "romantic" period. Just as we can designate "Hamaliya" as a "romantic" poem, more or less; we can designate "Pidkova" as realistic with even greater justification, and this in the same way we designate "Pan Tadeusz" by Mickiewicz as realistic. It is fitting here to quote F. Yakubovskyj's statement, which—though not entirely—goes to the root of the matter: "Hohol created typical masks * * * casts as a sculptor makes * * *. In his most realistic moments he is still a romantic. Shevchenko, is still a realist." (In Search of the True Face, Za spravzhnye oblychchia, LIM 1931.)

Hohol's weak national feelings were the cause of a dead spirituality combined with a specific vividness which made his creations extremely complex and mysterious. Therefore, he is always a romantic. Shevchenko's romanticism, on the other hand, thanks to his deep national consciousness, is always drawn out to its ultimate conclusion; i.e., full, clear, and vivid reality.

Even if a "Byronic nebulousness" clouded the themes—which were still in a germinating state—in "Chyhyryn Kobzar," he knew how to dispel this "nebulousness" and to clear the atmosphere in the period which followed; i.e., "Three Years."

THREE YEARS (TRY LITA)

After 14 years' separation from his native country, Shevchenko's long cherished, painful dream was to become a reality. In the spring of 1843 he returned to "our, but not our own country," as the already famous author of "Kobzar" and "Haydamaky."

It is quite understandable that the Ukraine he found upon his return was not the same "beautiful and unhappy Ukraine" which he imagined in Bryullov's studio far away. What he saw here was concrete reality, without any trimmings, without "Byronic nebulousness" and without that hazy idealization which is a natural consequence of spatial separation and a stay in a foreign country. The poet encountered his people openly and directly. It was a truly dramatic meeting, which, however, was devoid of the catastrophic effect which the authors and followers of the theory (i.e., that the poet's "romantic national views were disappointed," following which he "became ripe for class consciousness") would like to have it.

He was always sober in the peasant's way, never knew superfluous illusions, not even now that he had become a free, educated man, a man who was conscious of Ukraine's historical tragedy.

I

Shevchenko was never "enchanted" or "blind."

Despite his deep infatuation with the fascinating myth of his Ukraine—without which he would never have become a poet—he never lost his healthy sense for Ukrainian reality. Indeed, that he always knew how to keep a balance between myth and reality—that was the secret of his creativity, of his romanticism. Therefore, it did not come to a "clash" between myth and reality in 1843. In February of that year he wrote to Ya. Kukharenko from Petersburg: "* * * I don't want to go to Ukraine at all; they are not even human beings there * * *. In March I am going abroad, but not to Little Russia. The Devil take it. Beside lamentations I can't hear anything else there." In another letter to the same person in November 1844, we find a similar evaluation of Ukrainian reality. It was written shortly after the poet's first return from Ukraine: "I was in Ukraine this year. I saw everything and I cried almost the whole time. Together with the Muscovites the damned Germanism has plundered Ukraine—I wish to God they would soon leave off raging." In terms of intuition and feeling for Ukrainian reality in all its historical breadth and depth, there was no one, not even in the ranks of the most gifted intellectuals in the Ukraine of that time, who was on the same plane with this "peasant" Shevchenko. This intuition and this sympathy, which were part of his innermost being, were above all dynamic and driving forces in his life. In this lies the essential difference between him and another representative of the intelligentsia—certainly not the worst—namely, E. Hrebinka, an author with a by no means superficial, but hopelessly immobile, conception of history.

"Sighs" of this nature were not only peculiar to Hrebinka or Markevych; even Hohol could "sigh" in this manner at times. "Gone are her (Ukraine's) glorious days of free Cossack rule on the vast battlefields; it is no longer the Cossacks' turn to tip the scales of history with their swords, for now their days of glory are just a memory of sweet songs," this characteristic tirade by Opanas Spyhotskyj (in a letter to Izmail Sreznevskyj around 1834) mirrors the resigned tragedy of this generation's Weltanschauung.

Shevchenko, on the other hand, with his healthy and determined talent, could accept neither the hopelessly dead "memory of sweet songs," nor the melancholic, grave-like "ifs" and "buts" of a Hrebinka, despite the fact there was a "high nobility" in his conception of history.

He could easily have cursed Ukraine's historical and political fate, along with her "Little Russian" reality; he could have put this "Little Russia" "out of his mind" forever, or he could easily have gone abroad to create a myth of Ukraine there. What he was not able to do, however, was to reconcile himself to this reality—not even with the help of a subtle and "rational" ideology or conception of history, which, however, would have been able to justify and rationalize this reality most clearly. But this was something he neither could nor wanted to do.

Acutely conscious of the terrible discrepancy which existed between "his" Ukraine and the real "Little Russia," he strove—with that fiery enthusiasm, of which only a poet is capable, and with the blazing fire of his passionate nature—to fill the historical and social vacuum of his fatherland. He strove to reawaken the (Hohol's) dead souls of the Ukrainian nobility and to open the eyes of the vast mass of cheated serfs; i.e., he wanted to join and revive the paralyzed elements of the nation and to breathe new life into the dead national organism. From a "rational" point of view, this was an absurd task. "The Muscovites call me an idealist, which is to say a fool. May I be nothing but a peasant poet, as long as I am a poet—that is certainly enough for me." The thoughts of the aristocratic historian M. Markevych, who had a presentiment of the disagreeable consequences of the poet's strivings even at that time, were more or less the same: ("what the devil drives you to play the Hetman and to discipline the authorities with the bulava (sceptre) of Mazepa? When the time comes, then do not cry, Taras: the Muscovites will knock you down with their hard fists and they will not even give you time to cry." Varfolomey (Bartholomew), the poet's relative also thought along these lines.

"Only to be a poet," even a "peasant poet"—this meant to be vital in national matters in the Ukraine of that time. To be a poet was to be in a position to seek for a solution for "the enslaved peasants whose eyes had not yet been opened" and to reveal it to them. He felt compelled to find an evolutionary way out from aristocratic debilitation and blind "haydamaky" recklessness. Then Ukraine would awaken from this gloomy "reality," in which "she seems to slumber forever and ever."

The first task of the poet, therefore, was to connect the torn threads of the "Little Russian" reality with those of Ukraine's great historical past. The poet was not the only one who was conscious of this responsibility: this burden was shared by his blood-brother Kulish ("it lies upon us to open our countrymen's eyes") as well as by a Ukrainian professor at Moscow University, O. Bodyanskyj. ("We will write a thing or two to this Petersburg Kobzar, as he is teasingly called. Or is he the waypointer to all of us?"—July 9, 1844.)

Shevchenko's social consciousness—so to speak "class" consciousness—which was rooted in his birth. develops hand in hand with his intellect and becomes a higher and all-embracing consciousness, a national-state consciousness. This consciousness, incidentally, is condensed into an admirably simple formula which in its ingenious simplicity seems to apply to all peoples:

"One's own right in one's own home
One's own strength and freedom."

The period which is most expressive of this process, which could be felt from time to time in his earlier works ("Ivan Pidkova," "Do Osnovyanenka"), falls most distinctly into the years 1843–45.

It is this creative period, from which a notebook "Three Years" ("Try lita") stems.

Unquestionably, these 3 years marked the zenith in the poetic creation of the national genius.

II

The complete ideological conception of the cycle "Three Years" did not come suddenly and out of nowhere as an unexpected "revelation." Preceding it were many years of search, of agony borne in solitude, and of serious vacillations; years, during which the poet had to liberate himself from transitory illusions. In a youth who had just been ransomed by strangers, all this was quite natural.

Owing to his sound commonsense, there was one thing which this youth always knew: "I have just finished writing my 'Blind Woman' and now I am crying over it. What Devil was riding me and what wrong did I commit that by means of this inflexible 'Katsap' (Russian) language I confessed to the 'Katsaps'" (Russians). There was a peculiar indefiniteness which he sensed in an especially anxious way: "it is certainly true that apart from God and Devil there is something else in our souls, something terrible, which makes our heart freeze if we touch this mystery a little." He continues, "both my own countrymen and strangers call me a dunce * * * but what am I to do? Is it my fault that I was not born a 'Katsap' (Russian) or a Frenchman?" It seems as if he were vacillating in the most important realm: "What is to be done, brother Ataman: Should one fight against the odds or bury oneself alive?" (From a letter to Kukharenko.)

His sensitivity was still a bit exaggerated, but this of course was quite natural for an "orphan in a strange country." In a minor key this oversensitivity can be heard almost throughout Kobzar from the year 1840. It gives to "Kateryna" (Catherine), for example, a flavor of romantic sentimentality which is only too obvious.

Indeed, even his epistle to Osnovyanenko, despite his famous invective ("Laugh, fierce enemy * * *") ends in a hopeless melancholy tone. His work at the academy, Bryullov's studio, an occasional night at the theater, a meal in a restaurant or a visit to Hrebinka's literary salon, his correspondence and solitude—this was the cycle of his life in Petersburg.

His departure for his native country ruptured this cycle, but his encounter with Ukrainian reality broadened his mind, stabilized his vacillations and quickly crystallized his almost formulated thoughts and ideas, which had been torturing him for quite some time.

In the organic poetry which occasionally serves as a lyrical introduction and lyrical conclusion to his cycle "Three Years" and which bears the same title, Shevchenko utters painfully:

Three short years
Have vainly flown,
But played not a little
Havoc in my home.

They have laid waste
My poor quiet heart,
Extinguished all that was good
And kindled evil.

With fumes and smoke
They dried up the good tears
Which I shed for Kateryna
On her way to Moscow.

(In the poem "Kateryna" the heroine of the same name is seduced by a Russian officer who then leaves her. She is cast off by her parents. Rejected and deserted she wanders off with her child to the Russian North.)

In the same poem the poet mentions several themes from his earlier works. And in turning over a new leaf in his life and his creativity, he writes:

And I began to see
A little—I looked closer—
It would be better not to speak.
Around me, wherever I looked,
There were not people, but snakes.

And my tears dried up,
The tears of youth.
Now I am treating
My broken heart with poison,
I do not cry, I do not sing,
But howl like an owl.

In this way Shevchenko himself described the transition from "Kobzar's" youth to hard manhood and the bitter experiences of a mature age. It is indicative that in the bitter calmness of these verses and in the irony of the end rhymes, a presentiment of the catastrophe which was to take place in 1847 is felt. It is by no means accidental, however, that his cycle "Three years" ends with the "Zapovit" (Testament).

First and foremost the vivid simile "not human beings but snakes," which goes back Shevchenko's phrase ("Be human beings" and man as the "image of God"), refers to the "fellow countrymen," types like Hnuchkoshyyenkov (Today), for example, who was immortalized in the prefaces to "Haydamaky," as well as to another unpublished "Kobzar"—to fellow countrymen, in other words, whom Shevchenko came to know only too well in Petersburg. It is likely, however, that at that time this simile did not apply solely to his fellow countrymen. It is sufficient to mention how Kobzar was received by the Petersburg critics.

Shevchenko was too proud and to nationally conscious to be deeply disturbed by the "unanimous ridicule" and the malicious hisses of the "liberal" Russian press. Reviews written by the predecessors of the present ideologists of the U.S.S.R., by Belinskiy, for example, the famous "Westerner," "leftist" and convinced imperialist, who with the scent of a good critic immediately recognized Shevchenko's danger for Russia, had no other effect on Shevchenko than to create a certain impression in his mind and to teach him a valuable lesson in regard to this "liberal Russia." This lesson confirmed what Shevchenko had long before sensed intuitively and gave him occasion to reformulate his Weltanschauung, which found its most complete expression in the cycle of "Three Years."

The poet's relationship to Russia as a state structure and to the Muscovites as the rulers of this structure had found its poetic embodiment once and for all. And since the year 1840 no traces of "liberal" or "class" illusions with respect to "a common front" (with the Russians) to fight "czardom" are any longer present in him. Such illusions may well have been present in Shevchenko in his youth. For him, "czardom" was only the most poignant symbol of the Russian Empire, especially of the Russia of Nicholas I—of this "living pyramid of misdeeds," which was supported by "600,000 organic machines with bayonets" (Herzen); for him it was a symbol for a country in which "one could neither move nor breathe without the czar's command or permission" (de Custine). This highly gifted poet, whose eyes with respect to Russia's true nature—eternally and unchangeably the same, as long as it be Russia—were opened by Nicholas' regime (and here we see clearly why Belinskiy's doctrine is applicable), this highly gifted poet states prophetically, that his "Gray song of dark hours":

> Will fall, some day, upon the earth,
> A parable become
> For crucifiers of the nations,
> Tyrants yet to come.
> —(*"The Neophytes," translated by Vera Rich.*)

In his "Dream" and in "Caucasus," as no one before or after him, he unmasks the mechanism of the empire and masterfully analyses the psychology of Russian imperialism: "only the saklya (hut of the Caucasian Mountains inhabitants) catches our eye: why does it stand in your country? We did not give it to you."

Shevchenko called for a society, which, "united and unanimously," would overthrow Russia including the symbol (the "tsar")—and not only the symbol—as present Shevchenko scholars in the Soviet Union are anxious to prove with great waste of time and paper. Hence the repudiation of Bohdan in "Chyhyryn" and the "Plundered Grave;" hence Mazepa's rehabilitation. Only in its historical context, at a time when strangers and fellow countrymen praised Bohdan unreservedly because of his "alliance" (with Moscow) and pronounced Mazepa "a villain" (because he fought against Peter I)—only in this historical context can the poet's entire ideological position, as well as the all-embracing vision of his historical conception, be properly evaluated.

Think. Become human beings, or woe unto you on the Day of Judgment—"Epistle".

It was not enough to attain ideological insight. One had to become a "human being" also, and these "human beings" had to be welded together in a "community" by an inner moral impetus, under the existing conditions in Ukraine as she really was at that time. "Unity and unanimity" had to be achieved, or to use one of Shevchenko's more characteristic and deeper expressions: "One had to know how to rule." ("Ivan Pidkova".)

But what kind of "human material" did the poet find in his country?

We may first of all find an answer to this question in several fragments of "Poslaniye" ("Epistle")—in the central work of the cycle "Try lita," in the extremely important epistle to Hohol, in a number of poems with descriptions of the social milieu, and finally in his prose works, which were written in exile and which were unfortunately artistic failures. The best and most concrete answer, however, is to be found in the works and the personality of Hohol, Schevchenko's tragic contemporary.

Already in the tales of "Mirgorod" (Myrhorod), Hohol paints a grotesquely glaring picture of the social and national atmosphere in Ukraine at the beginning of the 19th century—a picture, which, despite the fantasy which is woven throughout the work, does not obliterate the impression of reality. This raw painting portrays inhuman "halfmen" who had been reduced to the lowest human ebb, degraded in an oppressive milieu to a half-animal-like state—men who vegetate in a state which resembles that of an existence without historical past, one which life has cheated. Against the background of a sleepily rich country, amidst the ruins of a stormy past, the estates and farms, remainders of a once-prosperous elite of Cossack and Hetmans, sink into deathlike sleep. Kotlyarevskyj's "Aeneid" is the last blossom of this Ukrainian aristocracy—which is already a parody and travesty of itself. It is dissolved into two parts: One is absorbed by the "fatherland," Petersburg with its Rozumovskyjs, Bezborod'kos, and Trostsinskyjs; the second part—becomes impoverished and dissolves into the serfdom milieu of a "Little Russia" homestead, with its Natalka-Poltavkas, with "our" customs and songs—a homestead in all its totality, which, despite its degeneration into pariochialism, preserves nevertheless powerful historical reminiscences of a culturally prospering life, which never finds its full and complete expression, however. From the social waste of these processes arises the nightmarish gallery of dead souls.

A deathlike stillness pervades the conquered land. And if this still is broken, it is broken by the ballroom music of a lordly estate, or the hotly gushing tears of the misery of serfdom, or the drunken brawling of wanton banquets where the nationally crippled and morally dwarfish "miserable scions of great and glorious ancestors," do what they are capable of doing: eat, drink, and delight in "looking for a girl for the night." Concerning the classical type of this "busybody patriot," the poet writes while in exile: "I still get sick when I think about them." At times there may even be an exception. Occasionally, the drunken mood prompts a drunkard to get up and make a toast "to the Ukrainian Republic." The intoxication vanishes and the careless one is bitterly sobered by investigation and arrest.

This is how it is "on the top." But down below millions of peasants groan, oppressed by the burden of a half dead shlyakhta (Polish aristocracy) and completely crushed between the millstones of serfdom. The peasant population goes on living an increasingly parochial life. The kobzars (the living but blind conscience of the nation) sing of their glorious past. In moments, overcome by a historical responsibility for the nation, they keep the remembrance of the historical past alive. The tenaciously preserved traditional milieu—powerfully rooted in the ancient moral standards of the people—is intimately bound with the magic of the song: the cycle of life and work, which is independent of external factors in the final analysis, the language. This is the magic pattern, which the peasants have mapped out for themselves and which they defend against the impure elements of human alienation. With this simple formula, they preserve the entire nation from ruin. Later, this inspired national poet, who emerged from the womb of this peasant stock, writes in a preface to a new collection of poems (which however never appeared in print), in the so-called "Notebook No. 3" (zoshyt No. 3):

"When they read passages from the "Aeneid" and lounged around the taverns, they thought they knew the peasants very well. Oh, no, my friends, read the Dumy (ballads—Ed.); listen how they sing the songs and how they talk to each other without taking their caps off, or at friendly banquets; listen how they conjure up old times in their minds and listen how they cry * * *."

Thus the descendants of a great past deteriorated into renegades, drunkards, and cranks. The Trojan heroes of the "Cossack Rus" become the heroes of the "travestied" "Aeneid," and the Zaporozhian Iliad becomes a Hohol's "Taras Bulba" at best and a gloomy pathological "frog-mice war" of Ivan Ivanovych and Ivan Nykyforovych at worst. Parody and comedy become the most popular forms in Ukrainian literature. To make oneself ridiculous ("whom are you laughing at? at yourselves"—Hohol), to disparage the history of one's country, one's own people including its culture and its myths—always with the same circle of characters—this was the accursed psychological pattern of Russophil renegades. This was the pattern which all Hohol admirers and imitators and frequently Hohol himself followed—Hohol, who suppressed and sweetened his suicidal illusions with the help of laughter; Hohol, who realized how bitter and poisonous this laughter really was before his death. "A humoresque after Moscow's taste," as Shevchenko called the "Aeneid," embodied, despite its historical objective values, ominous seeds * * *.

"When Kotlyarevskyj came out with his 'Aeneas,' everybody roared with laughter. And this roaring laughter was the most dreadful test for our written Ukrainian word. He disparaged our customs and our country * * * and Aeneas says such filthy things about his mother in public, that one simply wants to walk away."

In this way the serf Shevchenko is seconded by the nobleman Kulish, one of the few who preserved his nationality. At that time these few noblemen formed the first cohort, so to speak, for a political awakening from the deathlike Ukrainian lethargy and from Hohol's charmed world.

"You laugh but I cry"—Shevchenko wrote in his "Epistle" to Hohol. This is the most concise formulation of two attitudes to Ukrainian reality on the part of two sons of a people, which is experiencing the most terrible crisis in history. In this crying, but together with them (the peasants), there were no more sighs of the kind uttered by Hrebinka and Kvitka. There was no longer room for an oleographic riotous "Little Russia" and for Hohol's laughter coming from the graves. This crying was a protest which had no other meaning than to stir the memory of the national past. ("The Plundered Grave," "Chyhyryn," "Subotiv".) This crying was an anathema which penetrated to the very marrow of one's bones. ("The Great Vault"); it was the eruption of consciousness in an enslaved people ("The Dream," "Caucasus") and finally this crying meant the tearing into pieces of "this beautifully painted curtain," as Kulish and Kostomariv aptly expressed it—a curtain which in a Promethean way exhibited the hopelessness of Ukrainian reality in its totality, and by which the "poetic light was sparked." According to Kulish, this light "was visible in all Ukraine and each of us knew where he had to go." (Letter III from the Farm.)

This crying which was later hardened by the flame of anger and transformed into a fortress of national defense, swept through Ukraine like a purifying thunderstorm, accelerated the process of national unfoldment, destroyed what was superfluous and destructive to the society, separated the dead from the living and with benevolent love united all those who "reflect" and who "become human beings" into an organic hierarchy of the nation.

In his "Three Years" Shevchenko laid the cornerstone to a new epoch of Ukrainian history, to a new historical national process which has been germinating—with fallow periods, it is true—for over a century. But with each decade, it grows more powerful.

Conscious of this responsibility, as only geniuses and prophets can do, he dedicated the main part of the cycle "Three Years" which represents the most perfect ideological geniuses and prophets can do, he dedicated to "the dead, the living and those not yet born." In so doing he confirms the integrity and immortality of the Ukrainian nation for all time.

NOTES

1. Katsap—from the Arabic kassab—butcher, Ukrainian derogatory name for a Russian. "Khokhol," on the other hand, is the Russian name for a Ukrainian. Khokhol is the typical tuft hairstyle of the Ukrainian Cossack. Katsapiya—Ukrainian derogatory name for Russia.

2. Hetmanschchyna, name for Eastern Ukraine. It is derived from "Hetman;" i.e., the top leader of the free Cossacks. Hetmanshchyna: Land of the Hetman.

3. Shevchenko paid his tribute to Byron, or more aptly expressed, to Byronism in his Russian poems "Slepaya" ("The Blind Woman") and more especially "Trizna" ("The Funeral Repast," 1843). Unadulterated Byronism, however, with its insatiable egocentricity and its aggressive "demonic" character was foreign to Shevchenko, just as it is foreign to the Ukrainian psyche altogether.

4. Germanism: Shevchenko calls it nimota; this term, however, does not always designate the same thing. Here it designates the administrative offices in Ukraine, which were administered by Russian bureaucrats, strongly intermingled with German elements.

5. The scholar Stepan Smal-Stockyj turned his special attention to the fact, that the cycle "Try Lita" (Three Years) was "one single cycle and a coherent unity."

SHEVCHENKO IN THE EYES OF HIS CONTEMPORARIES

(By Dr. Karl Siehs)

The number of scholarly works on Shevchenko is by no means small. Nonetheless, even to this day the true picture of this unique man has not been clearly conceived, notwithstanding the existence of studies, often of a brilliant nature, on one or another aspect of Shevchenko's works.[1] The primary cause for this lack of a complete picture is to be found not only in the fact that many different philosophical approaches on Shevchenko scholarship are sharply distinguishable from one another,[2] but also, and in the first place, by the circumstancially brought about scantiness of existing material, which was repeatedly destroyed by Shevchenko himself as well as by many of his friends and supporters, so that it would not fall into the hands of the constables of the notorious Third Department as compromising material. The destruction was to a certain degree so thorough, that today we are no longer in a position to say with whom Shevchenko was intimately associated in this or that period of his life.[3]

What is going to be attempted here is the unfoldment of the man, Taras Shevchenko, from the preserved remembrances of his friends and acquaintances, without overlooking the fact that the individual claims and accounts are tinged by a strong subjectivity and therefore do not exclude contradictions. But the origin of this kind of contradictions is to be found not only in the subjectivity of the individual claims and accounts, rather, it is mostly to be attributed to the genius of this great man, who, neither as man nor as painter, and still less as a literary figure, can be encompassed within the narrow framework of a traditional school.[4] To a greater or lesser extent, however, this is the case with every great genius.

In the garden of an estate in his well-sheltered childhood, the giant from Yasnaya Polyana sought to unearth that tablet, upon which he though to find the truth written. A few years before a young man, uncared for, humiliated and tormented, harassed by hunger and injustice, had begun to seek those iron columns, upon which the whole structure of the world is supported and behind which justice was at home in unperverted purity.[5] Whereas in the case of the "repentant nobleman" "there was a violent encounter of the most extreme oppositions in the chaos of his reflections and aspirations" and whereas "the Faustian battle in his soul tormented him his whole life long"[6] only to recognize "his dreams as well as those of his political successors who tried to realize them as utopian," the serf with a noble spirit moved forward certain of his goal and in full consciousness of the rightfulness of his actions—the beaten and freedom-robbed slave and antechamber footman of a moody master, a man who was persecuted by the Russian Government as a "dangerous revolutionary" to the end of his life, a man who was not permitted to paint and to write during a fifth of his life—this martyr moved imperturbably to his holy goal with the inner conviction to restore justice to all those who are enslaved. Whereas the great Leo Tolstoy belongs to the few Russian writers who were not politically persecuted—instead he was excommunicated by the Orthodox Church because it was considered utopian to seek truth, which belongs to God alone, here on earth—Taras Shevchenko was politically persecuted in the most violent way because it was considered utopian to seek justice, as long as "we have not reflected and become men" (Epistle), as long as there are men who suppress others politically, economically, or morally. Only after Shevchenko's demands have been fulfilled, will it be possible to come closer to the mission indicated by Tolstoy. But Shevchenko's demand for absolute justice was not a Utopia—not even today. His purposeful way of life and his behavior attest this, for he never allowed any humiliation to get the better of him: "He was like a child: goodnatured, friendly, and trustful; he was thrilled by every little thing; anyone could cheat or exploit him. Notwithstanding all the evil and all the injustice which he endured throughout his tormented life, the belief in man and in goodness was never destroyed in him; not a single drop of resentment collected in his breast."[7]

The last quote is not to be falsely understood. Shevchenko was neither a dunce, who let himself be cheated by everybody, nor a Dostoevskian Podpolnyy chelovek (underground man), who found his salvation in smireniye (humiliation) and self-degradation. This can be substantiated by the following quote: "With tears in his eyes, Mykyta recalls, 'What a good soul he was. How I used to beat him when he was a boy. With delight I used to thrash him. But he, the blessed one, he gave me everything'."[8]

At this point, it is premature to try to solve what we have presented so far. First let us hear the prophetic words of a man who perceived the character, type, and genius of the little Taras with a rare clarity. This man was his father, who wrote in his will: "My son Taras does not need anything of my household. He will be an exceptional man: either he will be very outstanding or a great good-for-nothing. My inheritance will either mean nothing at all to him or will not help him."[9]

Only too soon, little Taras demonstrated that he did not need a material inheritance to be "exceptional." With an incomparable sense of purpose he pursued the course which his nature dictated. All efforts to get him to pursue a "simple breadwinning occupation" failed, notwithstanding the hopeless and sad plight of the little painter, who disregarded all prohibitions in order to be able to gratify his passion for painting. "Mykyta Hryhorovych, the elder brother of the poet, made efforts to initiate him in his own farm, but all attempts were in vain. Taras Hryhorovych was bored by this work only too soon, and without reflecting upon it very long, he left the oxen in the field and ran off to roam about in freedom."[10]

Thoughts of material possessions never—in his whole life—appeared to disturb him: "It must still be pointed out here that beside a complete disinterestedness in all forms of financial transactions, Shevchenko even feared them. Whenever he was on more intimate terms with anyone and lived with him for a longer time, he would hand over all his money to his friend with the request to be freed from the financial worries of everyday life."[11] He was never troubled by riches: "among other things he showed me his gold watch at that time which he had purchased shortly before. It was the first watch he owned: Until that time the poverty of his circumstances did not permit him to think of any luxury. That was on a Friday. On the following Sunday he was no longer among the living." [12] But cares for his personal well-being never oppressed him. He had faith in situations like this: "Unexpectedly, his landlady appeared and informed him, "Taras Hryhorovych, I no longer have anything with which I can continue to feed you. You owe me 2 months' rent and money for food and laundry—also for 2 months. Either give me the money, or I do not know what I will do with you.'" [13] Hardly had his landlady left the room, when Shevchenko received a commission from a friend. With the advance, he promptly paid his debts.

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[1] George S. N. Luckyj: "Shevchenko Studies one Century after the Poet's Death", Slavic Review, Vol. XXI, No. 4, December 1962, p. 722.

[2] Ju. Bojko: "Shevchenkivska richnytsia ta zavdannia ukrainskoi nauky" (The Shevchenko Anniversary and the Task of Ukrainian Scholarship), Ukrainske Slovo, 1963.

[3] Leonyd Chynkulov: Taras Shevchenko, Biografiya, GICHL, Moskva 1960, p. 3.

[4] E. Malaniuk: Knyha Sposterezhen (Log-Book), Essays, Toronto 1962, Ranniy Shevchenko (The Early Shevchenko), Chapter 5, p. 39.

[5] Cf. V. H. Shevchenko: "Spomynky pro Tarasa Hryhorovycha Shevchenka", Pravda, Lviv, 1876, No. 1, 15 January, p. 23–28; No. 2, 30 (18) January, p. 64–695.

[6] Halm H., "Leo Tolstoj: Kampfer und Apostel" (Fighter and Apostle) Innsbrucker Kulturbeitrage (Innsbruck Cultur Contributions), 1955, H. 37, p. 125.

[7] L. Tolstaya-Yunge: Vospominaniya (Memoirs), Moskva 1914, cited in T. Shevchenko v vospominaniyakh sovremennikov (T. S. in Reminiscent Accounts by his Contemporaries), Moskva 1962, p. 278 and p. 456.

[8] M. K. Chalyy: "Novyye materialy dlya biografii T. G. Shevchenko" (New Material to Shevchenko's biography) Osnoya, 1862, book 5, May, pp. 45–61 and book 6, June, pp. 1–27.

[9] Al. Lazarevsky: "Materialy dlya biografii T. Hr. Shevchenko, I. Detstvo Shevchenko (1814–1828)", (Shevchenko's Childhood), Osnova, 1862, Book 3, March, pp. 1–10 (2nd paging).

[10] A. M. Lazarevsky: Ibid. Cf. also Chynkulov; L.: "Taras Shevchenko", Zhizn zamechatel'nykr lyudey (Lives of Remarkable Men), Vol. 23, Moscow 1960, p. 26.

[11] A. S. Afanasyev (Chuzbynsky), Aleksandra Stepanovicha Afanasyeva Sobraniye Sochineniy (Collected Works), Vol. VI, St. Petersburg, 1891, pp. 417–450. First printing in Husskoye Slovo, 1861, Book 5.

That Shevchenko did not like to deal with money matters is no proof that he was unfit for practical life. He had no head for money because in the greatness and largeness of his good heart, he found no place for it and its value. From the goodness of his heart, from gullibility and thanks to his complete honesty, he spent it: "He was so unfamiliar with the practical affairs of life and especially with those of a soldier's, that when a noncommissioned officer presented him with his uniform, which of course had been sewed at the cost of the state, he asked without the slightest trace of suspicion, how much the uniform cost. Without hesitation the officer answered '40 rubles'. Shevchenko promptly paid him this sum." [14] Typical of Shevchenko—he, who when sentenced to confinement in a fortress, asked how much the prisoner's uniform cost.

"Give me three karbovantsi"—said Shevchenko shyly and looked at me with his good-natured smile. By the expression of his face, it was evident that he now and then would begin to laugh.

"Surely for him?—and I indicated an unknown guest who had departed in the meantime.

"He motioned with his hand and I gave him the money. Shevchenko took his cap and went out. When he returned he told me that the young nobleman who had entered our room and introduced himself, admitted that he had lost state money in gambling and that great difficulties could arise for him, if he could not have a loan of five rubles. In the goodness of his heart, Taras Hryhorovych was innocently touched by the plight of this man and he promised help. In the meantime he invited him to tea. But when he had emptied his decanter of rum and demanded a second, Shevchenko decided, notwithstanding this praiseworthy service to Bacchus, to reduce his sacrifice to three rubles. At the same time he jokingly requested me not to tell V. A. Z(akrevsky) who might feel insulted by such indifference to a genuine drunkard.

"He never turned down a request for help and there were times when our mutual capital was reduced to a few hryvni. Taras always took small change with him to give alms to the poor. His sympathy for the suffering sometimes placed him into the most touching situations—which contributed to the fact that everybody was still more favorably inclined toward him. Sometimes, however, when he was the victim of a deception, which was a bit too insolent, he would angrily promise himself to be more careful. But some new importunate beggar, with a simulated expression of suffering, a plaintive voice—and Taras was not able to withstand him." [15]

Modesty, selfless goodness—the attributes of every great man—are also Shevchenko's most outstanding characteristics: "He lived so modestly that he had no need of cell." [16] This boundless goodness was especially evident when the well-being of others was concerned, and especially when it was a matter of promoting talent: "Before his transport to Novopetrovsk—he had already been arrested and was under guard—Taras heard of the existence of a poor man by the name of Khlebnikov, who was living in Orenburg and showed signs of an extraordinary talent for painting. He went to him, confirmed the truthfulness of the noteworthy talent of this young man and committed him to my charge before his departure." [17]

Shevchenko, however, was not made of cotton; he was made of steel. This polarity of his nature was already evident in his earliest childhood: "In order to get him out of her sight, the mother-in-law, who did not like Taras because of his taciturnity and obstinacy, commanded him to tend the calves and pigs in the vicinity of Kyrylivka and Tarasivka." [18] It was injustice that caused the little Taras to be "obstinate." "It can be imagined that Deacon Borhorsky was not especially soft with a boy like Taras Shevchenko, who had such an impudent and unstable character as a child." [19]

The test of his capacity, which Shevchenko had to endure all his life, began in earliest childhood, and the tensions which resulted from them mark off the ground, so full of conflicts, from which Shevchenko's genius blossomed. Meanness and injustice were not able to break him. On the contrary they formed his character: "His banishment and military service beyond the Ural Mountains did not coarsen him and did not harden Taras' tender, good, gentle, and loving heart." [20] But it was not his banishment that made Shevchenko what he was; this tragic duality was an inborn element of his personality. "I will recount an episode from my acquaintance with him at the time that the poet was still young, gushing with energy, assiduously educating himself, and notwithstanding the deep sorrow which enveloped his heart when he was alone with himself, still allowed himself to be swept along by the exhilaration of a joyful social gathering from time to time, as well as by his sympathetic heart—all of which produced the congeniality of his personality." [21]

Not infrequently the evidence of Shevchenko's cool and offensive ways accounts for the fact that Soviet critics state that he associated only with revolutionaries like Chernyshevsky, Dobrolyubov, and others openly and courageously.[22] Thus Shevchenko comes through as being lyrically tender and overflowing with heartfelt goodness, as well as hard and reserved, passionate and irascible: "His humanity was revealed in each of his actions, in each of his movements; his loving tenderness extended even to animals. More than once he protected little cats and young puppies against the mean pranks of street urchins, and he would sometimes buy birds, which had been bound by a string, only to let them fly away." [23] "Skoropadsky began to brag and to heap praises upon himself about how good the serfs had it on his estate. As he would have it, they lived like in Abraham's bosom. One of Skoropadsky's lackeys committed a faux pas, by forgetting to serve something. Skoropadsky sprang from his chair and raced into the servant's room and heaped blows upon the face of the servant. He forgot to close the door, however, and the guests witnessed everything. But as they were all gentlemen and were used to scenes of this kind, they were not disturbed. Only to Shevchenko this did not seem to be natural. Beside himself with anger he sprang up and in a moment of intense fury, he took hold of the table and tipped it with such force that bottles, decanters, and all the plates crashed to the floor. Hearing the noise Skoropadsky returned to the room, but Shevchenko took his cap and moved toward the door.

"What's this supposed to mean?" Skoropadsky cried.

"Shevchenko stared at him, gripped his cap with all his strength, ripped it into two and threw one half into Skoropadsky's face, shouting: 'Very well you care for your servants. You are a wonderful master. One can certainly not deny that.' Since that episode he never returned to Skoropadsky." [24]

This and numerous similar accounts of eyewitnesses are grist to the mill with respect to the theory that Shevchenko was a typical peasant who did not know how to handle himself in higher society—a peasant, whose poetry was saturated with peasantry. "Shevchenko is a poet of the people through and through * * * his whole way of thinking and his sympathies are in complete harmony with the thoughts and ways of the people. He stemmed from the people; lived with the people, and was bound to them in both body and soul, not only in his thoughts, but also in the circumstances of his life." [25]

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[12] N. I. Kostomarov: "Pismo M. I. Semevskomu" (Letter to M. I. Semevsky) in Russkaya starina, 1880, Book 3, March, pp. 597–610.

[13] V. H. S.: "Spomynky pro Tarasa Hryhorovycha Shevchenka" (Recollections of T. H. S.), Pravda, Lviv, 1876, No. 1, 15 (3) January, pp. 23–28; No. 2, 30 (18) January, pp. 64–68.

[14] M. M. Lazarevsky: "Iz vospominaniy o T. G. Shevchenko", (From Recollections of T. G S.), Russkiy arkhiv, Book 1, No. 4, April, pp. 643–647.

[15] A. S. Afanasyev (Chuzhbynsky): Russkoye slovo, 1861, book 5.

[16] K. I. Gern: "Pismo k M. M. Lazarevskomu o Shevchenko" (Letter to M. M. Lazarevsky about Shevchenko) Russkiy arkhiv, 1898, Book III, continuation 12. Dec., pp. 550–555.

[17] Ibid.

[18] M. K. Chalyy: (From the Memoirs of I. M. Soshenko) Sava C.: Novyye materialy dlya biografii T. G. Shevchenko (New Material to T. G. S.'s Biography), Osnova, 1862, Book 5, May, pp. 45–61.

[19] P. G. Lebedintsev: "Taras Grigoryevich Shevchenko. Nekotoryye dopolneniya i popravki k yego biografii" (Several supplements and corrections to his biography) Kievskaya starina, 1882, Book 9, September, pp. 567–650.

Lebedintsev Petr Gavrilovich (1819–1896) was professor at the Kiev Seminary and editor of the Kiev Archiepiscopal News. His criticism with respect to Shevchenko is on the whole negative. According to his account, the boy was refractory and the priests who were teaching him were completely in the right. Unfortunately, this criticism was greatly responsible for the fact, that in certain circles, Shevchenko was represented as the anticlerical and atheistic prototype.

[20] V. H. Shevchenko: "Spomynky pro Tarasa Hryhorovycha Shevchenka" (Recollections of T. H. Shevchenko), Pravda (Lviv), 1876, No. 1, 15 (3) January, pp. 23–28 and No. 2, 30 (18) January, pp. 64–69.

[21] A. S. Afanasyev (Chuzhbynsky): Russkoye slovo, 1861, Book 5.

[22] T. G. Shevchenko v vospominaniyakh sovremennikov (T. G. Shevchenko in Memoirs by his Contemporaries), Moscow 1962, p. 460 Footnote to 291 a.

[23] Cf. Footnote 16.

[24] M. S. Kononenko: "M. Shkolychenko, Opovidannia pro T. Shevchenka" (Tales about Taras Shevchenko), Zorya, Lviv, 1892, No. 5, 1 (13) March, pp. 94–98.

[25] N. A. Dobrolyubov: Polnoye sobraniye sochineniy (Complete Works), Volume II, Moscow 1935, pp. 562–563.

But how is one to take the following account of Princess Repnina, who belonged to the lower classes of society just as little as she belonged to the revolutionaries? "Shevchenko was a child of nature; he had no conception of the ways of polite society, but he was very tactful. He had a good heart and great regard for everything holy: he was respectful to everyone and demonstrated a corresponding esteem for older people. Everyone liked him. Even Mama, who really knew him very little, was very fond of him; and Papa even loved him." [26]

The first part of this quote certainly requires some elucidation, for it appears to confirm the theory that Shevchenko was a peasant who did not know how to handle himself in higher (to a certain extent in quotations) society. There are numerous accounts, however, according to which Shevchenko moved in the circles of superiors, officers, artists, and intellectuals during his banishment, but also his behavior in civilian life proves that Shevchenko was not only at home in servant circles. It is this very fact that gives us a picture of the many-sidedness of Shevchenko's human contacts. It appears, however, that it was more the human capacity of a man's heart, rather than his political orientation, that was decisive in Shevchenko's choice of companions.[27] His association with the so-called mochymordy (drunkards) is especially informative with respect to the elucidation of his character.[28]

Is it true then that in higher circles Shevchenko was a country bumpkin—although a tactful one—as he is often characterized with intentional distortion? "One should know that the Privy Councilor, Baron von Majdel, was an inveterate aristocrat and moved about only in the highest spheres of the ruling aristocracy. But with my own eyes I convinced myself that even here Taras was not put out of sorts. No trace of awkwardness, no dissonance with respect to any of the guests was to be noticed. He behaved himself with dignity—indeed, with a certain amount of importance. It was this about him which highly appealed to me. He was never obtrusive; he did not interfere in any conversation. Everyone turned to him and he answered reticently, with a barely detectable irony and a feeling of self-respect." [29] Instead of adding numerous similar accounts, let it suffice to add a kind of "summary quote": "He spent his evenings in the company of Count F. P. Tolstoy, Lazarevsky, Kostomarov, Polonsky, Zozulenko, of the music-loving family, I. L. Grinberg and many others. He also had access to many fashionable houses—for example, those of Demydovych, Musin-Pushkin and others, where writers and artists were often invited for soirées." [30]

Let this suffice to show that he was a man who "liked the milieu of a plain, simple family where he was received not with pomp, but with heartfelt warmth. In this atmosphere he would become very talkative." [31]

For him, human tenderness was most decisive, and where he found this tenderness, there he felt most at home, regardless whether it was in the highest social circles, among the serfs or with soldiers. "Notwithstanding the fact that he was often absorbed in himself—a fact which created the impression that he was inaccessible—he was nonetheless favorably regarded by them and liked by everyone—but most of all by the soldiers. He was that much more liked by them because they recognized a cultured man in him. They showed great understanding for his displaced position, and they expressed their gratitude for his human contact with them by refraining from uttering any kind of military cynicism in his presence." [32]

The boundless love, which the "little man" showed for Shevchenko, had its roots in the deep sympathy which the poet had for all forms of human suffering: "In the midst of this mixed crowd, Taras Hryhorovych's radiant personality, with his boundless and devoted love for his people and his native country (a love which had remained pure and holy, despite the endless suppression and all forms of moral degradation, of which he endured more than his share in his lifetime), awakened no other feelings than those of pity and sympathy * * * and this also explains the great influence * * * which Shevchenko's personality exerted on the youth of that time." [33]

Honesty was the basic component of his character. It was so pure that even when it entailed harm to the poet, it found its fullest expression: "His fellow countrymen advised him to have himself placed in the infirmary as sick for 2 or 3 weeks, for it was hoped that in the meantime someone would speak up on his behalf. He, however, extricated himself from this plan—not only because of an aversion to the infirmary, but also because, as he said, he had never deceived anyone, and he regarded his going to the infirmary (because he was to do so without a medical certificate) as a fraud against the authorities. But he forbade the request of this certificate, because he did not want to be humiliated under these conditions." [34]

Thus Shevchenko was transported from Orenburg as a common soldier. This new intensification of his situation, however, was brought about by an incident which was typical of him: "The wife of his Orenburg friend, Gern,[35] committed adultery with a young cadet, Nikolai Grigoryevich Isayev, who had recently graduated from cadet school. Shevchenko found out about it, confirmed it for himself, and despite various warnings from his friends, he informed the husband. The cadet took revenge by informing against him, and this considerably worsened Shevchenko's situation.[36] Honesty and faithfulness always compelled the poet to act in this way, without taking his own safety into account.

Such an attitude demands a heroic character, which according to various witnesses, the poet had: "During the whole time of his detention for investigation, Taras Hryhorovych was unusually brave; he appeared calm and even joyful. Before the examination, one of the officers of the guards said to him, 'God is merciful, Taras Grigoryevich. You will justify yourself and then your muse will sing again.' To this Shevchenko answered in Ukrainian: No yakyy chort vas usikh siudy zanis, koly ne sia muza. ('No other Devil than this accursed muse has brought all of you here.')" [37]

The sensitive lyricist, Ya. P. Polonsky [38] spoke about Shevchenko in the following way: "'He was free and direct in his relationships, and he never became confused, as is the case with many personalities, whom destiny has cheated. He was a man entirely without falsity, passionate and irascible, sincere and honest and even unafraid to such a degree that his passionate speeches often caused his friends to tremble for him. In moments of great spiritual excitement, he was capable of repulsing some dandy with wild expressions of passionate hatred against that which had destroyed his life.

"He was a democrat, not only in theory, but in his whole way of thinking—a born democrat, so to speak. Shevchenko did not belong to those men who are easily conciliated with others who think differently, especially when his native country was the object of this difference or conflict."

But let us not interpret this description to mean that Shevchenko was hardheaded, narrowminded with respect to his own views, and an altogether self-righteous man. Last but not least he was firmly convinced of the rightfulness of his thoughts and actions by the many demonstrations of sympathy of his fellow countrymen; in this matter he allowed for no contrary arguments. With regard to the matter of the fair treatment of his people he was uncompromising. It was not his destiny which hardened him; it was the destiny of his people, for his lot and their lot were identical: "The history of my life forms a part of the history of my people." [39]

"Shevchenko never complained about his situation, and I never saw him sad or in a dark mood. He was physically healthy, had red cheeks, and his look was always clear and direct. To be sure, he was almost always absorbed in thoughts, but they were quiet, and they nourished, so to speak, his spirit. Sometimes one could almost get the impression that he heard spherical music: so deeply his clear and familiar thoughts carried him into a land which was known and accessible to him only. One was forced to come to the conclusion that a poetic movement had taken place in his soul—a movement which served to protect him against the onslaughts of cruel reality." [40]

Thus his thinking and feeling, his whole life, was concerned with his people, for whose freedom he fought. In this respect, he demonstrated, despite the tenderness of his heart, an intrepid boldness in both word and deed—a boldness which was worthy of a hero. But his noble and brave way of thinking did not grow out of the heart of a revolutionary who was set upon subversion at all cost. It grew out of the deep sorrow of a man who witnessed his people being exposed to an outrageous slavery: "When I was a child my heart was ruptured a million times over by the abuses of a despotic schooling, that it ended by embracing revenge and flight, as is the case with defenseless people, who finally lose their patience."[41]

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[26] V. N. Repnina: Russkiye propilei (Russian Temples) Vol. 2, Moscow 1916, pp. 179-263. (Collected by M. Gershenzon, edited by M. and S. Sabashnikov.)

[27] Ju. Bojko: The Shevchenko Anniversary… Cf. above, footnote 2.

[28] N. Nevytsky: In Zhyttia i revolyutsiya (Life and Revolution).

[29] F. M. Lazarevsky: "Iz vospominaniy o Shevchenko" (From Recollections of Shevchenko). Kievskaya starina, 1899, Book 2, February, pp. 151–167.

[30] A. A. Blagoveshchensky: "Shevchenko v Peterburge" (1858–1861), Istoricheskiy Vestnik (The Historical Herald) 1896, No. 6, June, pp. 896–905.

[31] A. S. Afanasyev: Cf. footnote 16.

[32] N. E. Savichev: Nikita Savichev, "Kratkovremennoye znakomstvo s Tarasom Grigoryevichem Shevchenko (Brief Acquaintance with Taras Hryhorovych Shevchenko), Kazachiy Vestnik, Novocherkask, 1884, May 24th and 27th, No. 53, 54.

[33] M. O. Mikeshyn: In T. H. Shevchenko, Kobaz. . . Prague, 1876, pp. XIII-XXIIII.

[34] M. M. Lazarevsky: "Iz vospominaniy o T. G. Shevchenko" (From Recollections of T. G. S.) Russkiy arkhiv, Book I, continuation 4, April, pp. 643–647.

[35] Gern, Karl Ivanovich—staff captain, born in Lithuania, his wife was Russian.

[36] F. M. Lazarevsky in Kiyevskaya starina, 1899, book 2, February, pp. 151–167.

[37] Kostomarov: "Pismo M. I. Semevskomu," Russkaya starina, 1880, Book 3, March, pp. 597–610.

[38] Ja. P. Polonsky: In: Shevchenko, Kobzar—Prague, 1876, pp. IX–XIV.

[39] Shevchenko, Povne zibrannia tvoriv v desiaty tomakh. Vydavnytsvo AN URSR, 1939 r. (Complete edition of Shevchenko's works in ten volumes. Published by the Academy of Sciences of the Ukrainian Soviet Socialist Republic), vol. 5, p. 224.

[40] N. F. Savichev in Kazachiy vestnik, Novocherkask, 1884, May 24th and May 27th, Nos. 53, 54.

The conception of the Russian tsar murderers—raw open fighting, treacherous bombs thrown from ambush—was all too undignified for the greatness of Shevchenko's soul. He was a bold and fearless champion of the fundamental human rights of all nations, and especially of his beloved Ukraine. This elevated him to the pedestal of immortal internationalism: "His message is most clearly expressed in the line: 'Embrace, my brothers, the lowest one among you.' And his life, he fulfilled this behest: his love for his people served as an excellent model to his contemporaries and to the succeeding generation."[42]

He let no opportunity pass to enlighten his people, indifferent to the danger which this entailed to himself. It is not surprising therefore, that situations like the following repeated themselves frequently: "His visits were terribly disagreeable to Prechtel. He hated Taras because he talked so freely in the presence of the servants, who after listening to his liberal talk, began themselves to insist on their human rights. Shevchenko narrowly escaped a flogging on the part of the angry Prechtel."[43]

With simple but drastic means he enlightened the people. When he went into the marketplace, he always took a pocket full of corn with him. He would place one grain on a table and say, "This is your tsar." Around it he would place a circle of grains; they represented the ministers, generals, and governors. A wider circle symbolized the subordinate officials. Then he would empty the contents of his pocket onto the table and tell the people, "Find your tsar now."[44]

He was firmly dedicated to the people. Hence his preference for simple people, servants, lackeys, and peasants: "He preferred the company of priests, but most of all, Shevchenko felt close to the serfs and peasants: he knew almost all of them by name, often he would visit them in the evening, and the time passed unnoticed. Shevchenko was fully alive: he recounted much of Ukraine's past, of the heroic deeds of the Cossacks, of the battles against the Turks and the (Polish—Ed.) lords."[45]

"Along with Kostomarov and Kulish, Shevchenko was a welcome guest in the salon of M. V. Yuzefovych, it often came about that he remained with Vasiliy in the antechamber, and as their talks lasted quite a long time, he often appeared much too late in the salon. Following his return from banishment, it was with Vasiliy that he renewed his acquaintance and not with Yuzefovych."[46]

"The parson invited his colleagues so that Shevchenko would have someone to talk to. He, however, asked to see Smalko (a former school friend of Shevchenko and now a sexton), whom he embraced and kissed. When the parson complained about this and called Shevchenko a blockhead because he associated with such simple people, whereas he avoided the company of educated people, the old housekeeper said: 'What you are saying is very strange to me, Your Reverence! When Taras is among us, he is never quiet. Perhaps he doesn't know what he should talk about to you.' "[47]

Shevchenko's preference for simple people is revealed in the basic elements of his character. He was fearless and expressed his views in the company of gentlemen freely. This can be substantiated, for example, by his behavior on the occasion of a hunting party with Polish estate owners.[48] This incident did not end in a second banishment solely due to the sensible conduct of the governor; rather it ended with his kind and selfless efforts to alleviate the suffering of his people: "Taras said that all of them had declared themselves willing to work for the general enlightenment of the people. This work was to proceed in the following way: Each of them was to contribute a sum corresponding to his means to a common fund, which was to be entrusted to an elected administration when the fund had become large enough, it was to be distributed to the poor who did not have sufficient money to continue their studies at a university upon the completion of their secondary schooling."[49]

Taras Hryhorovych Shevchenko, born a serf, entangled in a hopeless fate, became the first leader of his people. The way to this goal was long and thorny, but despite affectionate help from the outside, he had to go this way alone. For this task, Shevchenko possessed all the prerequisites.

His tremendous hunger for ever-increasing knowledge was with him from the cradle. "Among all the belongings of this drunkard of a sexton, a little book with pictures, i.e., with engravings (of course they were crudely executed) appeared to me as the most treasured object. Whether it was because I was not able to see the wrongness of it, or whether it was because I was not able to resist the temptation to possess this gem—I took it and fled by night to the town of Lysianka."[50]

The tormented and half-starved young man did not take material goods to better his physical conditions; to seek for spiritual things was his destiny. With tremendous tenacity and tireless assiduity he utilized every opportunity to extend his knowledge.

Already in earliest childhood, it was possible to ascertain a special passion for drawing in Taras Hryhorovych. Whenever possible, on walls, doors, and gates—Shevchenko used to paint with coal and chalk. In school where he received paper and pencil, this passion developed steadily. Since he lost his patience to endure school life any longer, he fled (primarily prompted by this passion) to a painter-deacon in the town of Lysianka."[51]

"Naturally, in these terribly unartistic activities, he was not able to find anything which communicated to his native penchant; his passion for paintings and books, however, did not desert the boy for a minute. He took every opportunity to buy some work of the Suzdal school from a wandering book dealer with whatever few pennies he happened to earn. And when he did not have any money, then he sometimes gave himself up to the temptation to steal books in order to gratify his passion for works of art. In this way he acquired a rather good collection of art works, with which he hid himself in the garden from the numerous domestics. In the thick shrubbery of the garden, as far as possible from the house, he set up for himself a kind of art gallery, by hanging his paintings on the trees. There Taras went to sing his songs and to imitate Solovey the Robber or Kutuzov. For neglecting his duties in this way, he was sometimes beaten by the cook."[52]

He always endeavored to improve himself, and he never let an opportunity pass to learn something new. This he continued even when he had to follow his master to Petersburg, where he was given into the hands of the painter Shiryayev: "I was there quite often and we spent many an evening in conversation. Sometimes I read or recited the poetic works of Pushkin or Zhukovsky, while Shiryayev's two apprentices stood in the next room and listened at the door. Later one of these apprentices turned out to be your favorite poet, Shevchenko."[53]

Shevchenko's acquaintance with such people could not fail to influence his development. Talks which he heard by them in their houses, and books which he received from Hrebinka accelerated the pace of his education. After he had worked the whole day, commanded by his master to paint windows, ceilings, but sometimes even fences, he would spend the night in his garret reading whatever fell into his hands. His memory was amazing. The tremendous knowledge which he acquired did not stifle his capacities: the clear natural understanding of the poet systematized this knowledge and distinguished between important and unimportant matter, without burdening his mind with useless trash.[54]

After the poet's freedom had been purchased at the price of a portrait of Zhukovsky, which had been done by Bryullov, his passion for work knew no bounds: "He was up at the crack of dawn and immediately began to work. The Tatarchuks especially note his love for work. According to them, he was in his room almost the entire day; he painted portraits when he was not involved with writing. He constantly read books which he borrowed from the master's library; he seldom roamed around in the neighborhood; he often paused, viewed some distant object and sketched various scenes."[55]

Despite a constant shortage of money, which was especially great after his arrest and banishment, the poet always had access to books. Many of his friends sent them to the place of his banishment. "At the time of his arrest in the spring of 1847, all of Shevchenko's books were taken away from him; in autumn of 1850, the poet arrived in Mangyshiak without a single book in his possession. Nonetheless, already by the spring of 1852, he had a whole row of books beneath his bunk in his barracks."[56]

It is by no means surprising, therefore, that the poet's reading, despite the meagerness of his means, was prodigious: "Collecting books as an end in itself had no attraction for Shevchenko. He possessed only a small library of his favorite books (and this even in banishment). Mikeshyn claims that among the books which Shevchenko always had within his reach at that time were (besides Mickiewicz) the works of Lermontov. A book list has been preserved (Institute for Literature named after T. H. Shevchenko, of the Academy of Science of the Ukraine SSR), which remained intact after the death of the poet: many editions are to be found here with dedications from authors, publishers, and translators (I. S. Turgenev, S. T. Aksakov, M. Vovchok, P. A. Kulish, M. A. Maksymovych, A. S. Afanasyev-Chuzhbynsky, N. V. Herbel, A. F. Pisemsky, N. F. Shcherbyna, A. V. Mykytenko, P. I. Yakushin, E. Zheligovsky, N. I. Kostomarov, A. A. Blagoveshchensky, and others); besides these are five volumes of the works of Belinsky (1859–60), poems by N. Ogarev, poems by A. Polezhaev, Koltsov (in two editions, 1846 and 1857), two volumes of the works of T. N. Granovsky; works of Schiller, Hohol, Shakespeare, Bogdan Zaleski, Syrokomia, Polonsky, and many others." [57]

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[41] Shevchenko: "Autiobiography."

[42] V. L. Berenshtam: "T. G. Shevchenko i prostolyudiny . . ." (T. G. S. and the simple people . . .) Kiyevskaya starina, 1900, Book 2, February, pp. 248–260.

[43] Ivan Maksymovych Soshenko: Biograficheskiy ocherk (Biographical sketch), Kiev, 1867, pp. 31–41.

[44] Bronislaw Zaleski: In: Ivan Franko, Lysty Shevchenka do Br. Z. (Shevchenko's Letters to Br. Z.), Lviv, 1890, pp. 23–56.

[45] V. L. Berenshtam: Cf. Footnote 42.

[46] V. L. Berenshtam: Cf. above.

[47] V. H. Shevchenko: "Spomynsky pro Tarasa. . ." (Recollections of Taras. . .), Lviv, Pravda, 1876, No. 1, 15 (3) January, pp. 23–28, Nos. 2, 30 (18) January, pp. 64–69.

[48] A. S. Afanasyev (Chuzhbynsky): Collected Works, Vol. VI. St. Petersburg, 1891, pp. 417–450.

[49] V. H. Shevchenko: "Spomynky pro Tarasa . . ." (Recollections of Tarasa . . .) in Pravada, Lviv, 1876, Nos. 1 and 2.

[50] Shevchenko: "Autobiography", Kiyevskaya starina, 1885, No. 11, pp. 431–435.

[51] Al. Lazarevsky, in Osnova, 1882, Book 3, (March), pp. 1–10.

[52] Sava C.: (New) Material to Shevchenko's Biography, Osnova, 1862, Book 5, May, pp. 45–61.

[53] I. K. Zaytsev: In: Shevchenko v vospominaniyakh sovremennikov, Moscow 1962, p. 45, 405.

[54] M. K. Chalyy: Ivan Maksymovych Soshenko, Biografichekiy ocherk (Biographical Sketch), Kiev, 1876, pp. 31–41.

[55] V. L. Berenshtam, in Kiyevskaya starina, 1900, Book 2, February, pp. 248–260.

[56] Shevchenko v vospominaniyakh sovremennikov, Moscow, 1962, Footnote to p. 225, p. 443.

Since Shevchenko had to follow his master to Warsaw and Vilnius, he took the opportunity to learn the Polish language perfectly. There are many accounts attesting his mastery of this language: "Shevchenko spoke Polish well; he knew quite a few works by Mickiewicz, Bogdan Zaleski and to a certain extent also the works of Krasinski by heart." [58] His knowledge of the French language, however, which he had seriously intended to broaden upon his return to Ukraine for the first time after he had obtained his freedom, did not, it appears, progress beyond the first stages.

There are manifold accounts which attest Shevchenko's propensity for music. Although he was not much of a singer, he nonetheless liked to sing—alone as well as with others. No wonder, that accounts like the following are to be found: "Shevchenko not only liked but was also very familiar with Russian and Western classical music. Repeatedly, the names of Glinka, Dragomyzhsky, Mozart, Haydn, Beethoven, Chopin, Rossini, Meyerbeer, Weber, Verdi, Auber, Donizetti, Paganini, Bellini, Oginsky, and other composers are encountered on the pages of his 'Diary' and his short stories." [59]

Strangely enough, however, there are many—even from prominent people—contrary accounts. First, however, we want to throw more light on the man who made statements which stand in the most glaring contrast to those which we have heard so far. With respect to the relationship of Turgenev to Shevchenko, Annenkov relates the following: "He (Turgenev) sought Shevchenko's acquaintance, and he showed sincere sympathy for his former sufferings and his talent. But he did not share his enthusiasm. Among his friends he often ridiculed Shevchenko's fidelity to the Zaporozhe, to the splendor of the Cossacks, and to the time of the haydamaky." [60] It appears that the dualistic attitude of Turgenev (who, on the one hand, acknowledged the poet's personality and talent, but on the other hand ridiculed his inclination for Ukraine) laid the foundation for the attitude toward Shevchenko as a Ukrainian poet on the part of the Russians. Another quote: "Although T. Gr. already enjoyed great popularity among his fellow countrymen as a poet, the great Russians and the scholars of the academy could not appreciate his poetic talent because they could not speak the little Russian language." [61] Before quoting another passage which proves that the Russians did not have to know the "Little Russian" language perfectly, in order not to recognize Shevchenko, we first of all want to hear Turgenev's interesting attitude:

"Actually, a poetic element seldom broke forth in him: Rather, Shevchenko created the impression of being an uncouth man, who had become embittered, who had suffered much, a man who had many resentments at the bottom of his soul, which was not easily accessible to a strange eye, and from which there was seldom more than a brief, fleeting outburst of friendliness and joy. Humor and wit he did not have at all.

"Shevchenko's egotistical self-love was very strong and at the same time very naive. The rapturous admiration of his fellow-countrymen who surrounded him in Petersburg, deepened his conviction that he was a 'self-made' man in the field of literature.

"I assume that Shevchenko did not read very much (even Hohol he knew only superficially) and he knew even less than that. But the conviction, which had been planted into his soul from early youth, was unshakably strong." [62]

As it appears to me, to arrive at such an evaluation one did not have to know the Ukrainian language first. Not the poet, but Shevchenko's personality is being disparaged —or perhaps only misunderstood?

Although we threaten to deviate from our subject, let it not be considered amiss to add a few more quotes in this connection. They refer to a literary evening, at which Shevchenko along with many other poets appeared for charitable purposes:

"Shevchenko was received with such cordiality, that he had to leave the platform for he was so deeply touched that his strength deserted him. After he had calmed himself a little, he stepped onto the platform again." [63] A confirmation of this incident can be found in a letter of a Georgian who was present at the reading: "Benediktov read—superb; our Polonksy, already a noteworthy poet—good; Maykov—superb; Dostoyevsky and Pisemsky—also superb, and Shevchenko, the little Russian poet and artist—simply sublime." [64]

But let us hear a contrary account now by one who was also present at that literary evening: "Benediktov, Polonsky, Maykov, Pisemsky, Dostoyevsky, and Shevchenko read. Even if one studied his whole life long, he still would never know how an audience is going to react. Shevchenko was received as if he were a genius who had glided down directly out of heaven. Hardly had he entered the room when people began to clap, stamp their feet, and shout. The poor poet became totally confused. I think that this fanatical noise was not really directed toward Shevchenko personally. Rather, it was a demonstration: They were honoring a martyr, who had suffered for the sake of justice. Something very strange happened to Shevchenko. He hung his head and was not able to utter a single word. He stood there quite immobile; abruptly he turned around and went out, without having spoken a word. Shevchenko had become ill; after a few minutes, however, he returned. He began to read; he paused at every word; he read with difficulty. But in the end, he succeeded in reading all his poems." [65]

Also in this case, it is needless to emphasize that for such an evaluation one did not have to know the Ukrainian language either. Without wanting to enter into this problem thoroughly at this point, and without wanting to bother with Belinsky, Chernyshevsky and Dobrolyubov, it suffices to point out briefly the consequences of such a "restriction" of the poet's genius due to his Ukrainian background.

Turgenev: "His talent attracted us because of its originality and its force, although hardly any one of us acknowledged the world importance, which, I say it openly, his fellow-countrymen in Petersburg attributed to him.[66]

Herzen: "He is great in that he is an accomplished poet of the people, like our Koltsov; but he is of far greater significance than Koltsov, for Shevchenko was also active in politics and a champion of freedom."

For a whole 150 years since the poet's birth, this view has still not been refuted, at least not in "a book of gratifying objectivity and just evaluation," [67] which is "the most extensive literary dictionary in the German linguistic area." [68] In this book, among other factual errors, it is stated: "He was a literary personality, who, popular, romantic and national simultaneously, seemed to continue the works of Koltsov in idealized poetic tales about the peasant's movements and the life of the Cossacks." [69]

But the great Shevchenko would have probably been less angry about such statements than we. In his humanity he was not narrowly nationalistic; rather, he embraced all those who were human:

"After this, Shevchenko urged the Byelorussians not to slacken in their work for the people, for it was their duty, and notwithstanding the obstacles, their work would not be in vain." [70]

"A poor man's hut was on fire. The people ran to see it, but predominantly the Jews helped to put it out, because one of their faith lived in the hut. We also hurried to the place of the fire, and Taras acted quickly to save the belongings of the owner. Just like the others he carried all sorts of things out of the house, and when it was all over, he gave a speech to the Christians who were present. Because the hut belonged to a Jew, they had helped unwillingly. Shevchenko was angry with them and reproached them for their indifference. He said that a human being in need and poverty is our brother, regardless of his nationality or religious belief." [71]

"For him, all men, whether they were poor or rich, Kazakhs or Russians were equal." [72] For this reason, the Kazakhs named him the great Akyn-Tarazy (the poet-scale), because he weighed justice like a scale.

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[57] Ibid, p. 465/66, Footnote to p. 315.

[58] Lysty do Bronislava Zaleskoho (Letters to Br. Z.), Lviv, 1890, pp. 23–56, edited by Ivan Franko.

[59] Shevchenko v vospominaniyakh sovremennikov, Moscow 1962, p. 466, Footnote to pp. 315–316.

[60] P. V. Annenkov: Literaturnyye vospominaniya (Literary Recollections), Moscow 1960, p. 446.

[61] V. V. Kovalev: Vospominaniya o T. G. S. (Recollections of T. G. S.), Po moryu i sushe, 1896, No. 8, February 25, pp. 135–137.

[62] Turgenev, I. S.: In: T. G. Shevchenko, Kobzar..., Prague 1876, pp. III–VIII.

[63] L. F. Panteleyev: Vospominaniya (Recollections), Moscow 1958, pp. 220–227, 235–237 and 173; cf. also L. Panteleyev: Iz vospominaniy proshlogo (Recollections from the Past), St. Petersburg 1905.

[64] Letter by D. I. Kipiani from Petersburg to his wife in Tiflis, cited in Shevchenko v vospominaniyakh sovremennikov, Moscow 1962, p. 482.

[65] Shtakenshneyder, Diary from Tuesday, November 21st, 1860.

[66] Cf. above, footnote 62.

[67] Book review of Die Weltliteratur (World Literature) in Das Bücherblatt, Zurich.

[68] Book review of Die Weltliteratur in Bericht und Informationen, 1951.

[69] Frauwallner, E.; Giebisch, H. und Heinzel, E.: Die Weltliteratur, Vienna 1950 f., issue 11, vol. III, p. 1615.

[70] R. Zemkevych: Taras Shevchenka i Belarusy (Shevchenko and the Byelorussians), Nasha niva, 1911, No. 8, p. 118.

[71] A. S. Afanasyev: Collected Works, vol. VI, St. Petersburg, 1891, pp. 417–450. Cf. also the article: Roman Smal-Stocky: Shevchenko and the Jews, Shevchenko Scientific Society, Chicago, 1959.

[72] Iv. Voloshyn: "Akyn-Tarazy", Literaturna hazeta, 1939, January 17, No. 3, p. 2.

Concerned about others, Shevchenko had little time to think of himself. All his life, he remained alone.

" 'Whether God will some day bestow upon me the happiness of allowing me to build my own nest, to have a home, wife and children?'—We often talked to one another about such things, and Taras always asked for my advice and my help to find a place where he could settle down, and also a 'girl'. He insisted, however, that she would have to be a Ukrainian, a 'plain girl', not of 'noble blood'—one who earned her daily bread.

"We began to travel around now to find a place for his nest 'before the front door of which the Dnieper would flow by'. Soon we found such a place—in fact, a beautiful one: Right on the Dnieper, with a small woods. This small piece of land—altogether it encompassed a good two desyatines—belonged to Parchevsky's estate. We began to negotiate with this estate owner, but he refused to be straightforward and always beat around the bush.

"In the meantime Parchevsky informed me that before he could sell the land to Shevchenko, he would have to ask the governor-general 'if it was at all permissible to sell a piece of land to Taras Shevchenko? It could well be that unpleasantness might result from it'.

"Without reaching any agreement with Parchevsky, I began to look around for a piece of land in another place. I succeeded in finding more than one place, but as if cursed, I was not able to acquire any one of them. Strange enough. Everywhere I encountered the same obstacle: 'First of all I have to ask the governor-general'. We went around asking so long, that in the end, the poor devil had to be given a piece of land for his grave." [73]

Even after his return from banishment, Shevchenko still thought of establishing a household. But marriage—he was too old now—and all attempts to buy a piece of land failed. When I last saw him, he spoke to me about his intention of leasing a small piece of land on the banks of the Dnieper in 2 years. It was a small piece of land opposite to Prokhorovka, upon which he was going to build a small house and spend the rest of his life.[74]

But not only in his lifetime, even in death, the poet encountered the same difficulties. When his coffin arrived in Kiev, "no one knew where he was to be buried." [75] Indeed, it was even worse: It was not possible to find a churchwarden who was willing to display the coffin in a church until the place of burial had been decided upon.

To this end, it was first necessary to request permission from the highest authorities.[76]

Nonetheless, justice was done to him. A contemporary wrote: "From the nine ceremonial speeches which were held at the poet's grave, six were held in the Ukrainian language. Of the remaining three, two were in Russian and one in Polish. This was symbolic of the general grief of all enslaved people, who had come to pay their last tribute to the little Russian poet and martyr." [77]

Not only Ukrainians mourned his death; there were also Russians who recognized his greatness: "The Ukrainian people, thank God, have their own literature, their own speakers, their own historians. Now, however, they no longer have a lyricist, comparable to the deceased poet, T. G. Shevchenko, who was rightfully named the 'father of the mother tongue' in one of the speeches held at the grave. Oratores fiunt, poetae nascuntur." [78]

It was not granted to the poet to write a will. Nonetheless, his last wish was fulfilled by his fellow countrymen: He lies buried where his muse wanted it to be:

"When I die, then make my grave
  High on an ancient mound,
In my own beloved Ukraine,
  In steppeland without bound:

Whence one may see wide-skirted wheatland,
  Dnipro's steep-cliffed shore,
There whence one may hear the blustering
  River wildly roar.

Till from Ukraine to the blue sea
  It bears in fierce endeavor
The blood of foemen—then I'll leave
  Wheatland and hills forever:

Leave all behind, soar up until
  Before the throne of God
I'll make my prayer. For till that hour
  I shall know naught of God.

Make my grave there—and arise,
  Sundering your chains.
Bless your freedom with the blood
  Of foemen's evil veins!

Then in that great family,
  A family new and free,
Do not forget with good intent
  Speak quietly of me." [79]

Taras Shevchenko: His Life and Significance

Taras Shevchenko was born on March 9, 1814, in the village of Moryntsi, near Kiev. His father, though a serf on the estate of Vasily Vasilyevich Engelhardt, was able to read and write. His mother, also of superior stamp, died when the boy was nine. In 1826, with his father's death, the 12-year-old was orphaned.

Because he was obviously talented, Engelhardt took the boy with him on a trip to St. Petersburg, where he was apprenticed to the painter Shirayev. Life here was hard for the youth, but he did meet the Ukrainian artist, Soshenko, and through him the most fashionable painter of the day, Karl Petrovich Bryulov.

It was Bryulov, hailing from an old French Huguenot family, who painted a portrait in order to raise the money to liberate the 24-year-old from bondage. Taras began the first of the 9 years of freedom he was to enjoy in his life with formal studies at the Academy of Art, finishing them in 1845, 7 years later, as a free artist.

But Taras had also begun to write poetry, probably as early as 1837. In 1840 appeared the first edition of his "Kobzar," whose costs of publication were borne by a Ukrainian landowner, Petro Martos, whose portrait Taras was painting.

What was new and startling about this work was its emphasis upon the decay of old Ukraine and its depiction of the suffering of the people. For the first time in modern Ukrainian literature a poet had arisen who spoke out for his country.

In 1841 appeared the "Haydamaky," his longest and greatest poem. Dealing with the struggles in Ukraine in the 18th century, Shevchenko decried the tendency of the day to treat Ukrainian themes as a source of gaiety and merriment while "Ukraine is weeping." Shevchenko had begun to see the necessity for a new order founded on the rights of the common man, who had to be educated to enjoy his new privileges. His ideas often came close to those of the Russian radicals, but he was not to have much personal contact with them. His faith in a liberal solution of the Ukrainian question on its own soil shut him off from the Russians, who refused to acknowledge that the Ukrainians were wholly distinct from the Russian "big brother."

Paying a visit to his beloved country in 1843, he found himself acclaimed as the Ukrainian poet par excellence. He was royally entertained by various magnates, such as Prince Repnin, the governor, who was of Ukrainian origin. Visiting his native village he was struck anew by the hardships his people were compelled to undergo.

He returned to Ukraine again in 1845, traveling around the country and visiting the sites of famous buildings. At this time he secured a position with the archeological commission, wherein his skill in painting stood him in good stead. It was at this time also that his intense patriotic feeling directed his efforts against Russian czarism, the culprit responsible for Ukraine's misfortune. Among his political poems, "A Dream" and "The Caucasus" perhaps best express his political ideas.

"A Dream" is a satiric fantasy, probably inspired in form by Dante but wholly original in content. The poet sees himself transported in a dream to St. Petersburg, where we view through his eyes the Russian capital, built in the midst of marshes on the bones of thousands upon thousands of laborers who had succumbed as a result of the murderous working conditions.

There follows a savage scene with the czar. We glimpse into the shades of the Ukrainian Kozaks who had been ordered en masse to leave their native land for enforced labor in the St. Petersburg swamps. Appearing, too, is the shade of Hetman Polubotok, who died in the fortress of SS. Peter and Paul for having defended the rights and liberties of Ukraine before Russian Czar Peter. All these tragic ghosts accuse the czar of wanton cruelty and deceit.

The monument to Peter I, erected by Catherine II with the inscription "To the First from the Second," and glorified by Pushkin as a symbol of the greatness of the Russian Empire—this monument awakened quite different feelings in the breast of the Ukrainian bard:

"This is the 'First' who crucified our Ukraine,
  And the 'Second' dealt the finishing blow to the victim."

In his "Caucasus" Shevchenko does not linger over the landscape whose beauty enchanted the Russian Byronists, Pushkin, and Lermontov. Nor does he dwell on the battles and romantic episodes of the war with the people of the region that furnished so many happy subjects for the two poets. To Shevchenko, as to Shelley, the Caucasian Mountains mark the place where:

"From the dawn of the world
The eagle tortures Prometheus:
Daily pierces his breast,
Tears out the heart * * *"

the symbol of the sufferings of mankind and its aspiration for the divine fire of human liberty—for which so many unsung heroes have given their lives.

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[73] V. H. Shevchenko: "Spomynky pro T. H. Shevchenka." (Recollections of T. H. Shevchenko), Pravda, Lviv, 1876, No. 1 and No. 2.

[74] A. O. Kozachkovsky: "Iz vospominanniy o T. H. Shevchenko" (From Recollections of T. G. S.). Kiyevskiy telegraf, 1875, No. 25, 26 February, pp. 1–2.

[75] A. L.: Grob T. H. Shevchenko v Kiyeve... (The coffin of Shevchenko in Kiev...) Kiyevskaya starina, Book 2, February, pp. 314–317.

[76] Loc. cit. and several other accounts.

[77] N. S. Leskov: Poslednaya vstrecha i poslednaya razluka s Shevchenko (Last Meeting with and Last Parting from Shevchenko), Russkaya rech, 1861, No. 19–20, pp. 314–316.

[78] Ibid.

[79] Shevchenko: The Testament (Yak umru, to pokhovayte), Pereyaslav, 1845. Trans. by Vera Rich in "Song Out Of Darkness" Selected Poems by Taras Shevchenko, London 1961, p. 85. The Testament is the second Ukrainian national anthem. The poet died in 1861 the year of the peasants' liberation.

Turning to Nicholas I and his system of imperial expansion which extinguished every spark of liberty on the expanses of the Russian Empire, Shevchenko says in derision:

"From Moldavia to Finland in all tongues
All keep the silence of happy contentment."

Settling in Kiev, Shevchenko soon found himself part of a group of ardent young writers and scholars, including Mykola Kostomariv and Panteleimon Kulish. Swept along by those currents which were coursing ahead to the turbulence of 1848, they founded the Society of SS. Cyril and Methodius for the purpose of creating a great free union of all the Slavonic peoples under a republican form of government.

The existence of the society soon came to the attention of the authorities; St. Petersburg acted swiftly and harshly. On April 5, 1847, Shevchenko and his friends were arrested. The sentence of a police trial sent Shevchenko into the army, to serve as a common soldier in a remote area of eastern Russia bordering on Asia. Moreover, he was expressly forbidden either to write or draw.

Shevchenko had been a free man for only 9 years. Now he was back in bondage under an even more intolerant yoke, torn away from his beloved Ukraine, and forced to give up his creative work. Two clandestine efforts, "Prophet" and "To the Poles," belong to his minor poetry. Ten years later, in 1857, the intercession of influential friends resulted in a pardon by the new czar, Alexander II.

The poet returned from captivity a broken man. He did manage to turn out one of his great poems, "Neophytes," whose depiction of the Roman tyrant Nero was so patently an attack on the Russian czar that Shevchenko's friends were deeply alarmed. Yet the great bard had sung his songs. Inside of 3 years this man—a fighter for freedom and an ardent patriot, yet a profoundly religious man in whose works love and mercy was an ever-recurring theme—was dead (on March 10, 1861).

In the introduction to the chapter on Taras Shevchenko in a book, entitled, "The Ukrainian Poets" (Toronto University Press, 1963), authors C. H. Andrusyshen and Watson Kirkconnell thus described the significance of Taras Shevchenko:

"Shevchenko began as a sentimental lyricist, balladeer, and romanticist. As his muse matured, he shed, to some extent, the trammels of sensibility and became the national bard of his nation—not only the minstrel of its past, but a fulminating prophet, castigating his people for their past and present errors, and exhorting them to rise and face with determination their future struggle for freedom.

"Although his work appeals, in the first place, to his own people, in it clearly flame universal ideals that apply to any people on earth who strive for liberty and justice. He is unique among world poets in that he restored single handed a submerged folk's consciousness of its separate identity and roused it to assert itself supremely as a nation.

"His great poem, 'The Neophytes,' one of the pearls of world literature, is the compendium of his entire life's mission and reveals him as a Christian seer proclaiming the eventual triumph of truth, goodness, justice, and fraternity over the forces of evil, and the emergence of humanity above tyranny and bestiality. As in the Old Testament one may read the entire history of the Hebrews, so in Shevchenko's 'Kobzar' are to be gathered the essentials of Ukraine's vicissitudes in her thousand years of history."

SELECTED POEMS OF SHEVCHENKO

THE DAYS PASS BY

(Translated by C. H. Andrusyshen and Watson Kirkconnell)

The days pass by, nights flit away,
The summer's gone, pale leaves a-heap
Are rustling; dreams my eyelids sway,
My thoughts and heart are both asleep.
All things around me sleep—I know not
Whether I live or drowse the while.
By any plan my hours flow not,
No longer do I weep or smile . . .
Where are thou, Destiny, ah where?
My soul is stirred by none!
If Thou begrudgest me fair fate,
Lord, send a ruthless one!
Let me not sleep when I should wake;
Do not permit my heart to lie
A rotten log than men forsake
And leave in fetid infamy;
But on me let fierce fervor fall
To love all people all my days,
Or let me cast a curse on all
And set the torpid world ablaze?

Dreadful it is to lie in chains
And die in slavery at last,
Yet worse it is when sleep retains
The free man's spirit overcast,
For all eternity to slumber
And leave behind no sign or trace,
As if his days had borne no number
And there was nothing to efface . . .
Where art Thou, Destiny, ah where?
My soul is stirred by none!
If Thou begrudgest me fair fate,
Lord, send a ruthless one!

THE NEOPHYTES (1857)

(Translated by Vera Rich)

Ye sons of night,
Insensate dogs, deprived in truth of sight,
You cannot see at all! Flat on the ground
Your greasy, praying carcasses are found;
Behind a cross from devils you would hide,
And then beneath your breadth a prayer of pride
Asks God to send the worst adversity
And every kind of plague in high degree
Upon your fellow-Christians, doomed your foes . . .
May God appoint your condign overthrows,
All ye new pharaohs with your hearts of clay.
Rapacious Caesars of this later day!

THE DREAM (1844)

(Translated by Vera Rich)

The desert wilderness has stirred—
As from a coffin's narrow girth
For the last judgment day of doom,
The dead are rising for the truth.
These are not the dead, the slain,
They come not seeking Judgment Day:
No! They are people, living people,
Put in irons, they draw
Gold out of holes, to pour it
Down the Glutton's maw.

Among them, the old lags, in chains
Is the King of freedom,
The King of all the world, the King
Wearing a brand for crown.
In torment, in hard labor, he
Pleads not, nor weeps, nor groans.
Once the heart is warmed by goodness,
Cold it will never grow.

Where, then, are your thoughts, your rosy pink flowers?
Well cared for and brave, these dear children of yours?
To whom, then, to whom, my friend, did you give them?
Or perhaps in your heart for all ages you hid them?
Do not hide them, my brother! But scatter them far!
They will germinate, grow and go into the world.

O MY THOUGHTS, MY HEARTFELT THOUGHTS (1839)

(Translated by Vera Rich)

There is Ukraina;
From end to end, there, it is broad
And joyful like freedom
Which has long since passed away;
Broad as a sea, the Dnipro,
Steppe and steppe, the rapids roar,
And gravemounds high as mountains.
There was born the Kozak freedom,
There she galloped round,
With Tartars and with Polish lords
She strewed the plain about
Till it could take no more; with corpses
All the plain she strewed.
Freedom lay down to take her rest;
Meanwhile the gravemound grew,
And high above it, as a warder,
Hovers the black eagle,
And minstrels come and sing about
The gravemound to the people.

IT IS INDIFFERENT TO ME

(Translated by C. H. Andrusyshen and Watson Kirkconnell)

It is indifferent to me, if I
Live in Ukraine or live there not at all,
Whether or not men let my memory die;
Here in an alien land, mid snows piled high
It will not matter that such things befall.

In serfdom, among strangers was I reared,
And unlamented wholly by my own
In exile I shall die, in grief uncheered,
And to my nameless grave shall pass alone.
No trace of me, alas, will then remain
To see in all our glorious Ukraine,
In all that land of ours that is not ours.
No father will commend me to his son,
To pray for me to God, source of all powers:
"Pray then, my boy. For us his course was run.
He died to save Ukraine, whom Fate devours."

GOD'S FOOL (1858)

(Translated by Vera Rich)

You were not fit,
Clad in laced liveries, toads, pharisees,
You were not fit to raise in the defense
Of justice and our sacred liberty.
You have been taught to torture your own brothers,
And not to love them. Ah, you miserable
And cursed crew, when will you breathe your last?
When shall we get ourselves a Washington
To promulgate his new and righteous law?
But some day we shall surely find the man.

THE CAUCASUS (1845)

(Translated by Vera Rich)

Mountains beyond mountains, crags in stormclouds cloaked,
Wild heights sown with sorrow, soil that blood has soaked.
From the dawn of time, Prometheus
Hangs, the eagle's victim;
All God's days, it pecks his ribs,
Tears the heart within him.
Tears, but cannot drink away
The blood that throbs with life,
Still it lives and lives again
And still once more he smiles.
For our soul shall never perish,
Freedom knows no dying,
And the Glutton cannot harvest
Fields where seas are lying;
Cannot bind the living spirit;
Nor the living word,
Cannot smirch the sacred glory
Of almighty God * * *

THE PROPHET

(Translated by C. H. Andrusyshen and Watson Kirkconnell)

Loving his people well, the Lord
For righteous children planned reward
And sent a prophet down to earth
To tell his love's surpassing worth,
And teach them well in wisdom's ways

Through all the course of earthly days.
As broad as Dnieper's flood his words
Flowed freely forth, like singing birds
They penetrated every breast,
Like fire they stirred to warm unrest
Cold souls of men. The people took
Their prophet to their hearts and shook
In tearful prayers of gratitude.
And then? * * * O wretched race and rude.
The sacred glory of the Lord
They mocked * * * To foreign gods abhorred
They sacrifice as scoundrels can
And then, alas, that holy man
They stoned to death amid the corn
And laughed his piety to scorn,
With joy in shedding holy blood.
Then God's just wrath burst forth in flood—
He bade that fetters should be forged
To chain you, fierce and overgorged,
And dungeons built to be your place—
And,—O deceptive, cruel race—
The prophet's rule surpassing far,
He called on you to choose a csar.

MY LEGACY

(Translated by C. H. Andrusyshen and Watson Kirkconnell)

When I shall die, pray let my bones
High on a mound remain
Amid the steppeland's vast expanse
In my belov'd Ukraine:
That I may gaze on mighty fields,
On Dnieper and his shore,
And echoed by his craggy banks
May hear the Great One roar.

When from Ukraine that stream shall bear
Over the sea's blue sills
Our foemen's blood, at last shall I
Forsake the fields and hills
And soar up to commune with God
In His eternal hall.
But till that Day of Liberty—
I know no God at all.

Bury me thus I pray, and rise.
From fetters set you free.
And with your foes' unholy blood
Baptize your liberty.
And when in freedom, 'mid your kin,
From battle you ungird,
Forget not to remember me
With a kind, gentle word.

THE PROMETHEAN SHEVCHENKO

(By Leo Mol, sculptor of the Shevchenko Monument)

When I decided to take part in a general competition for the project of Taras Shevchenko's statue in Washington, sponsored by the Shevchenko Memorial Committee of America, I was especially impressed and encouraged by one of the several conditions of the competition—to create a statue of Taras Shevchenko in his youthful age. As a matter of fact, I always visualized Shevchenko as a young, vigorous, and dynamic man, of Byronesque image, romantic and fighting, symbolizing the era in which Shevchenko lived and created. In his praise and singing of the ancient freedom and glory of the historic past of Ukraine, Shevchenko with a deep faith and hope in God and in the creative forces of the Ukrainian people, succeeded in uniting the past, with the present and the future. Shevchenko's philosophy is most eloquently expressed in his famous poem, "The Caucasus," which is interlinked with the mythical Prometheus:

"So likewise shall our spirit never die
Nor our dear freedom wholly vanquished lie.
Sooner may foemen hope to plough with glee
A meadow at the bottom of the sea
As chain the living soul with force uncouth
Or choke to death the vital word of Truth.
The glory of our God may not be rent,
The glory of the Lord Omnipotent."

These words provided a basis for my project of the Shevchenko Monument and they are inscribed on it. And the figure of Shevchenko was so devised as though he himself were enunciating these prophetic words.

In seeking an expression in an artistic form of this great Promethean ideal, which was the cornerstone of my project of the Shevchenko Monument, I stressed this idea by creating an image of the immortal Prometheus on a separate wall near the monument of Shevchenko, which together form a harmonious unity.

THE SHEVCHENKO MONUMENT: AN ARCHITECT'S VIEW

(By Radoslav Zuk)

The architectural form of the Shevchenko monument cannot be described easily in words, because the essence of architectural art is an abstract relation of forms. These can be understood at the site of the architectural object itself. There one can also feel its significance.

One can only describe the physical characteristics of the site together with the compositional principles, which led to the final appearance of the monument.

The memorial consists of two principal parts—the main figure of Taras Shevchenko and a freestanding wall with a bas-relief of a sculpture of Prometheus, the subject of one of Shevchenko's poems.

The triangular site and its varied architectural environment demanded a special nonsymmetrical placement of the most important architectural elements. For a better and appropriate southern exposure, the monument is placed on a higher and dominating part of the site. It is also placed on a large stone foundation—a terrace. To the south of it there is a similar, but larger terrace, with benches and a fountain, separated by a sunken fence from the very active P Street. From this terrace, and in the shade of trees, one can view and admire the Shevchenko monument in all its beauty and majesty. Large monumental steps lead gracefully from this terrace to the monument of the poet, and hence bind both terraces into one harmonious unity.

All parts of the architectural composition are located in such a way as to underscore the importance of the monument. Their forms are simplified and their number limited, so that attention is not detracted from the monument itself. The principal elements of the composition, in addition to the monument, are the above-mentioned two rectangular terraces and steps which bind them into one unit. Other, secondary, elements are the fountain, benches, and hedges. The regular geometrical forms of all parts do not compete with the monument, but rather by their simplicity underscore the general monumental character of the project. Even the colors of the materials are calm and severe. There is no place for superfluous ornamentation or flowers in this geometrically pure and very serious composition.

To avoid monotony and formalism—uncommon in purely symmetrical compositions—the relation of the monument to Prometheus and the relation of the smaller architectural elements to each other is asymmetrical and free. It not only fits the irregular shape of the site, but underscores primarily the free and imaginative spirit of the poet, so eloquently expressed in the sculpture of Prometheus. This tense asymmetry, in union with more regular relations of both terraces and steps, constitutes a dynamic counterpoint which binds all elements of the composition into one monumental and well-balanced unity.

UKRAINIAN YOUTH LEAGUE OF NORTH AMERICA, 31ST ANNUAL CONVENTION, WASHINGTON, D.C., 1964

PRESIDENT'S MESSAGE

Welcome to the 31st anniversary convention of the Ukrainian Youth League of North America, and to our Nation's Capital, Washington, D.C.

As Washington was specifically selected as the convention site because of the Shevchenko Monument, may I recommend a visit to the newly dedicated statue of this great Ukrainian poet and champion of liberty.

To those who are attending their first convention, may I suggest that you attend all the social and cultural activities to make those all-important initial contacts. To the "old timers," renew old friendships and make new ones. It is most important, however, that you attend and participate in the convention sessions to assist in working out an improved program for the betterment of our young people of Ukrainian descent. This is the main purpose of our convention.

May your stay in Washington be a most pleasant one and your trip home a safe one.

JOHN KUCHMY,
President, UYL-NA.

UKRAINIAN YOUTH LEAGUE OF NORTH AMERICA, INC.

UYL-NA EXECUTIVE BOARD—1963–64

President, John Kuchmy; vice presidents, Nick Katchmar, Anne D. Petras, Natalie Bundza; treasurer, Stephen Andrews; financial secretary, Taras Horbachewsky; recording secretary, Arlene Soldressen; corresponding secretary, Kay Fedoryshyn; advisers, Walter Bodnar, Alexander F. Danko, Mary Gulick, Natalie Kornowa, Joe Yaworsky; foundation chairman, Gene Wadiak.

Washington, D.C., was the site of the 31st annual convention of the Ukrainian Youth League of North America the weekend of September 4 to 7. The UYL-NA is a nationwide educational organization comprised of Ukrainian-Americans actively engaged in the advancement of Ukrainian culture and traditions.

Because of the significance of the unveiling of the Taras Shevchenko Monument in our Nation's Capital this past June, the 1964 convention was dedicated to the bard of Ukraine, and pursuing this theme, a foreword was written by Miss Vera A. Dowhan of Washington, D.C. In one of his most stirring works, "Testament," a poem in which Shevchenko demonstrates his idea of love and mercy, he concludes with the lines:

"And as for me in this big family
In a new, free family
Don't forget to remember
With a tender, silent, word."

In her article Miss Dowhan has responded to his plea by elaborating on what is perhaps the greatest tribute of remembrance paid to him, the Shevchenko Monument in the capital of the free world.

AND WE REMEMBER YOU

(By Miss Vera Dowhan)

And we remember you: In every century Providence decrees that there shall be born one who will stand in greatness above all other men. And by the power of Providence, 19th-century Ukraine produced you, Taras Shevchenko, born in the image and likeness of God, and in that image evermindful of God's greatest gift to man—his inalienable right to be free. For this you lived, for this you fought, and for this you died. Your accomplishments helped form much of our historical heritage. Your affinity to our American traditions, in your championship of liberty not only for Ukrainians but for all peoples in their right to self-determination and human dignity, was a motivating factor in our desire to perpetuate your memory in the America which inspired so often your own national sentiments. Your patriotism partakes of the same principles and ideals as those of our Washington, Jefferson, and your contemporary, Lincoln, in their unshakeable faith that man can never be half slave and half free; that man's struggle for social justice and national independence is an unquenchable thirst satisfied only by his freedom of choice.

And we remember you: We first introduced you to America in 1959 when a resolution authored by Dr. Lev E. Dobriansky was proposed, providing for the erection of a statue in your honor in our Nation's Capital. On March 17 of that year, the Honorable Alvin M. Bentley of Michigan sponsored the resolution in the House of Representatives, and the measure become known as House Joint Resolution 311. In the months following, the U.S. Congress held hearings on your life and works. In furthering the scope of knowledge and interest about you, a short biographical documentry was recommended. The Honorable JOHN LESINSKI of Michigan introduced House Resolution 524, calling for the official publication of such a documentary. On June 1, 1960 the House Administration Committee approved and authorized the biography "Europe's Freedom Fighter, Taras Shevchenko 1814–61" (House of Representatives, Document No. 445, 1960), and on June 24 the House passed House Joint Resolution 311. On August 29 the Senate Rules Committee reported out favorably House Joint Resolution 311, and on August 31, the Senate voted for it without objection. President Dwight D. Eisenhower signed the resolution into law on September 13, 1960. Thus was born Public Law 86–749, officially granting the erection of a statue in your honor in Washington, D.C.

And we remember you: The Ukrainian Congress Committee of America, a nationwide organization representing 2½ million Americans of Ukrainian ancestry was solely and exclusively instrumental for your statue in Washington today. The initiative, effort, planning and operation of this "tree of life" extends its activities in various directions. One of its first tasks was the organization of the Shevchenko Memorial Committee with branches operating throughout the United States, their prime objective being funding the statue project. As a result, voluntary contributions by Ukrainian-American groups resulted in the sum of $250,000 for your memorial, our gift to America.

And we remember you: September 21, 1963, the date of the dedication and ground-breaking ceremonies of the Shevchenko Monument site. More than 2,000 Americans of Ukrainian descent gathered at the site amidst Government representatives, visiting dignitaries, hierarchy, guests, and friends. Our first public manifestation. We were deeply moved when the U.S. Navy Band played "Shche Ne Vmerla Ukraina" ("Ukraine Has Not Died"), our beautiful Ukrainian national anthem. It was perhaps more stirring than ever because for the first time in history a band of a U.S. Government department played the national anthem of Ukraine, a captive nation, not recognized by the United States at this time. There was a message of good wishes from our late President John Fitzgerald Kennedy.

And we remember you: The day America finally and formally met you, June 27, 1964, the unveiling of your statue, when again an unprecedented 100,000 people came from near and far to pay you homage; the day the Commissioners of the District of Columbia declared as "Taras Shevchenko Day." Gen. Dwight D. Eisenhower, who as President signed into law the House joint resolution on the memorial, unveiled the statue. Throughout this eventful day and night tributes were extended by prominent American political, cultural, and civic leaders. The National Shevchenko Memorial Honorary Sponsoring Committee was headed by the 33d President of the United States, the Honorable Harry S. Truman. We, Ukrainian-Americans, presented our gift to America, the statue referred to by the U.S. Senate Chaplain, Dr. Frederick Brown Harris, as "a new Statue of Liberty." Amidst serenity and splendor your sculptured replica, 14 feet high, 3 tons in weight and composed of pure bronze, towers above us for all to see, the result of the labors of Mr. Radoslav Zuk and Mr. Leo Mol. Dedicated to the liberation, freedom and independence of all captive nations, your memory has been perpetuated for all eternity, a challenge to us enjoying the privilege of freedom and liberty, a beacon of hope to those ever struggling to regain freedom and liberty.

And we remember you: Fashioned by the authority of Congress, standing on the soil of the Capital of the free world, you are a promise of the future, the never-ending movement for independence and freedom for all men. The Ukrainians in the United States have brought you to America, where the meaning of your name, the significance of your aspirations, will at last be presented in a true historic light: poet, patriot, nationalist, dauntless in your pursuit for the freedom of all races, colors, and creeds. Your statue will immortalize the struggle of the whole of mankind for freedom, and will, hopefully, provide inspiration to all people. The price you paid with the martyrdom of your life has not gone unrewarded. We have for always, your "Testament."

No statue erected in Washington in recent years has excited as much controversy as that dedicated to Taras Shevchenko. In the editorial "The Shevchenko Affair"—Washington Post, October 18—we find not only the integrity of the Ukrainian-Americans but also the wisdom of the Congress of the United States questioned.

Since, in the opinion of the editorialist, Shevchenko "has no universal significance," he is not worthy of the honor of a statue in his memory in the Nation's Capital.

This great literary figure, who by virtue of his pen gained the title of freedom fighter, championed the rights and liberties of not only Ukrainian people, but all people in their struggle for freedom and justice. His works have been translated into more than 40 languages, including English. It may be true that Shevchenko may not be familiar to many Americans, though he is indeed well known in literary circles. As a result of this entire movement, Shevchenko will at last take his rightful place in the literary world, and Americans too will thirst for knowledge of his genuis. If we are to know and truly understand other people and other nations, and if we are to break the narrow-minded provincialism which has so often been of detriment to this country, then this tribute to Shevchenko would be one of universal significance.

The statue of Shevchenko will be a memorial to a great humanitarian who, were he alive today, would never apologize for something as necessary to freedom's preservation as the Captive Nation's Week Resolution, for in his time he fought for this very ideal. The significance of the Shevchenko statue would make all who look upon it aware that, although the period of history and characters are different, nevertheless the circumstances are the same. This will be a monument reminding all freedom-loving people that in place of a wall built out of fear, prejudice, and mistrust; here instead, on free soil, is a monument constructed of love justice faith in God and man's trust in man. Over 40 million people in Ukraine will know that their national identity has not been obliterated because of a political situation, that Shevchenko, their Washington, is held in reverence, and that more than 1 million Ukrainian-Americans have retained their cultural heritage.

Contrary to the editorialist's opinion that a statue to Shevchenko would be a valueless and ill-advised enterprise, this monument, significant of the union of cultural heritages which make up the American Nation, will immortalize the struggle of mankind for freedom and provide inspiration to all people.

—*Vera A. Dowhan.*

WASHINGTON, D.C.

[From the Washington (D.C.) Post, Dec. 21, 1963]

LETTERS TO THE EDITOR: It seems rather infamous that the Washington Post should see fit to "solicit" the views of a Kremlin-supported puppet regarding the erection in our Nation's Capital of a statue of Taras Shevchenko. Under the guise of "Communists Love Shevchenko" (Washington Post, Nov. 29, 1963), L. Y. Kizya, chief of Soviet Ukraine's mission to the United Nations, very cunningly expressed opinions typical of a farceur whose prime objectives are parodies on the brotherhood of man in the fatherhood of God.

As for Kizya's portrayal of Shevchenko as a man with deep ties to the Russians and revolutionaries of his day, he need only to read Shevchenko's works to ascertain the latter's contemptuousness of these forced ties. But surely Kizya is familiar with "Haydamaki," "The Caucasus," "A Dream," "God's Fool," and "Great Grave," perhaps Shevchenko's most powerful work, in which he bitterly expresses his disapproval of the oppression of Ukraine by Moscow and the Russians. Shevchenko was a Ukrainian first, last, and always, never attracted by convenient or popular compromises; a humanitarian who lived and died because of his belief in man's inalienable rights—a concept from which the Soviet system has long since divorced itself. He was a man whose hopes and views of a republican form of government resulted in recurrent exile and imprisonment by imperial Russia. But the Washington Post saw fit to "solicit" the opinions of a subservient disciple of a system incompatible with order.

The planned strategy of his master has been faithfully executed; how unfortunate that Kizya is not master of his own mind.

--*Vera A. Dowhan.*

WASHINGTON.

EISENHOWER UNVEILS SHEVCHENKO STATUE

(By Robert Lewis)

Former President Dwight D. Eisenhower yesterday unveiled Washington's Taras Shevchenko Statue as nearly 100,000 anti-Communist Ukrainian Americans and Canadians cheered and applauded.

The ceremony climaxed a colorful 2¾-hour parade that traveled a 16-block-long route. Police estimated about 35,000 persons participated.

The 73-year-old former Chief Executive flew by helicopter from his Gettysburg home to officiate at the dedication.

Despite a cruelly scorching sun, he stayed to the very end of the hour-and-40-minute exercise at the base of the $250,000 statue at 23d and P Streets NW.

Standing beneath an umbrella put up to protect him from the sun, the former President said he hoped erection of the monument in the Nation's Capital would help "kindle a new world movement in the hearts, minds, words, and actions of men."

DEDICATED TO FREEDOM

Such a movement, he said, should be a "never-ending one" whose aim should be "dedicated to the independence and freedom of peoples of all captive nations of the entire world."

Speaking vigorously, Mr. Eisenhower said the "outpouring of lovers of freedom to salute a Ukrainian hero far exceeds my expectations."

In what appeared to be an obvious warning to Soviet Russian and Chinese leaders, the former President said, "We can be sure that this Nation will, with its valued allies, sustain the strength—spiritual, economic, and military—to foil any ill-advised attempt by dictators to seize any area where the love of freedom lives and blazes."

The former President was surrounded by Ukrainian-American officials, Democratic and Republican Members of Congress and Ukrainian church dignitaries on a platform in front of the 14-foot bronze statue.

AUTHORIZED IN 1950

The monument and its quarter-acre park were authorized in a 1960 bill enacted by Congress and signed by Mr. Eisenhower while he was President.

All funds for erection of the statue and its surrounding park and fountain were raised voluntarily by Americans and Canadians of Ukrainian origin.

Taras Shevchenko, who died more than 100 years ago, is revered as the Ukrainian Nation's foremost hero-poet and symbol of freedom.

Ukrainian spectators and participants in the parade and dedication poured into Washington, last night and early today by a special train, hundreds of chartered buses, planes, and private cars.

WORE NATIVE GARB

Many wore the colorful Ukrainian national costume and others, including youngsters, were khaki clad in uniforms of Ukrainian organizations.

Dozens of cities in the United States and Canada were represented. Many persons said they had traveled all night to arrive in time for the parade. Many were being unloaded along Independence Avenue, at the south edge of the Ellipse after the parade had started but succeeded in joining the line of march.

Deputy Chief of Police W. J. Liverman, who was in charge of traffic, estimated about 35,000 were in the parade and 100,000 jammed the 22d, 23d, and P Street area, just south of Massachusetts Avenue, during the dedication.

DR. DOBRIANSKY PRESIDES

Presiding at the dedication was Dr. Lev E. Dobriansky, a Georgetown University professor and president of the Ukrainian Congress Committee of America.

The welcoming address and introduction of former President Eisenhower was delivered by Prof. Roman Smal-Stocki of Marquette University, president of the Shevchenko Memorial Committee of America, which sponsored the ceremonies.

Other speakers at the dedication included Representative Derwinski, Republican, of Illinois; Representative Dulski, Democrat, of New York; Representative Feighan, Democrat, of Ohio, and Representative Flood, Democrat of Pennsylvania.

Mr. Dulski said Shevchenko stands as a "symbol of freedom, and against tyranny, for all mankind."

[From the New York Times, Aug. 16, 1964]

U.S. Ukrainians Keep Their Old Customs

Washington.—Ukrainian-Americans gave a rousing show of strength when they paraded through Washington recently.

An estimated 100,000, many in native dress, convened in the Capital to dedicate a bronze statue to their hero, Taras Shevchenko.

Former President Eisenhower unveiled the 14-foot-high statue of the poet-patriot and champion of serfs. Shevchenko was banished to central Asia by Russia and died in 1861. He has been called the "Abraham Lincoln of the Ukraine."

The ceremony was a reminder that about 2 million Americans of Ukrainian descent live in the United States. They represent the largest concentration of Ukrainians outside the Soviet Union, the National Geographic Society says.

Though virtually all Ukrainian-Americans were born in the United States, they preserve many of the colorful features of their east European culture.

Favorite foods are borscht, fruit soups, cabbage leaves stuffed with meat, rice, and buckwheat grits and dessert crepes filled with cheese or fruit.

The Ukrainians take pride in handicrafts. Women dress themselves and their children in elaborately embroidered blouses. Homes are embellished with polished wood carvings, inlay work, and decorated pottery.

Ukrainians are famous for their Easter eggs. Using brushes made of cat hair, they paint the shells in multicolored, symbolic, geometric designs that resemble batik patterns.

[From the Providence (R.I.) Sunday Journal, June 28, 1964]

Eisenhower Unveils Anti-Russian Statue

Washington.—Former President Dwight D. Eisenhower unveiled yesterday a bronze statue of a 19th-century Ukrainian hero that bears a deliberately drawn anti-Russian slogan.

At the base of the 14-foot statue of Taras Grigoriyevich Shevchenko, poet laureate of the Ukraine who died in 1861, is the following inscription:

"Dedicated to the liberation, freedom, and independence of all the captive nations * * * and the freedom of all mankind under foreign Russian imperialist tyranny and colonial rule. * * *"

The inscription was carefully worded by the statue's sponsors to embarrass the Soviet Union and to discourage Soviet delegations from laying wreaths at the memorial site.

General Eisenhower, who suggested Thursday that the Soviet Union implement its proposed "ban" on wars by freeing formerly independent nations within its borders, praised the statue as "a shining symbol of liberty."

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko," he said.

The former President spoke after an estimated 35,000 Americans of Ukrainian descent, many of them in native costume, marched from near the White House to the statue 2 miles away in a small park in the center of the Capital.

In his speech, General Eisenhower appeared to revive the captive nations issue, a domestic political controversy with international implications that figured his 1952 presidential election campaign. The issue arose again in 1959 when the then President Eisenhower signed into law a congressional resolution authorizing an annual "Captive Nations Week."

General Eisenhower's address and the weekend of ceremonial activities here honoring Shevchenko were calculated to be "a major blow for freedom and against Communist tyranny."

The statue and the events marking its dedication were sponsored largely by the Ukrainian Congress Committee of America, a coalition of Ukrainian nationalist societies in this country whose goal is the liberation of the Ukraine from Soviet imperialism.

The General's speech and the remarks of three Members of Congress calling for Ukrainian independence were broadcast by the Voice of America and by Radio Liberty, a privately financed Western propaganda organization. Many of the speeches were in the Ukrainian language.

Thousands of Ukrainian-Americans began crowding into Washington early yesterday for what police said was the biggest non-Government ceremonial event in this city's history.

More than 30,000 members of the Ukrainian-American groups and Ukrainian societies in Canada and a number of South American countries marched in a parade up Pennsylvania Avenue, past the White House, to a triangle of Federal parkland at 22d and P Streets NW.

Sponsors of the project called Shevchenko an original "European freedom fighter." The Soviet Union considers him a forerunner of communism.

Born a serf, he won freedom at 24 and became a national hero when he published his poem, "Haydamaki." This described the revolt of the Ukrainians against their Russian overlords in 1841.

He was arrested by the czar's police after helping form in 1848 a society to support a free union of Slavonic peoples under a republican form of government.

Shevchenko was in exile 10 years in eastern Russia before being allowed to return to St. Petersburg.

[From the Baltimore (Md.) Sun, June 28, 1964]

Ike Unveils Statue to Shevchenko: Ukrainians From Many Lands Hail Poet and Hero of Liberty

Washington, June 28.—While a massed chorus sang the Ukrainian national anthem, former President Eisenhower dedicated today a heroic statue to Taras Shevchenko, a serf who became his country's greatest poet.

General Eisenhower called it "a shining symbol of his love of liberty."

Police estimated 40,000 to 60,000 persons stood more than 2 hours in 94-degree temperature for the colorful ceremonies unveiling the controversial 14-foot statue.

CLAIMED BY BOTH SIDES

Sponsors of the project called Shevchenko, who died in 1861, an original European freedom fighter. The Soviet Union considers him a forerunner of communism.

Born a serf, he won freedom at 24 and became a national hero when he published his poem, "Haydamaki." This described the revolt of the Ukrainians against their Russian overlords in 1841.

He was arrested by the czar's police after helping form in 1848 a society to support a free union of Slavonic peoples under a republican form of government.

Shevchenko was in exile 10 years in eastern Russia before being allowed to return to St. Petersburg.

ENCOURAGING OPPRESSED

General Eisenhower said the statue speaks to "millions of oppressed" persons in Eastern Europe and "gives them constant encouragement to struggle against Communist tyranny until, one day, final victory is achieved."

A huge parade of colorfully native-costumed organizations preceded the dedication.

General Eisenhower was touched by the tremendous welcome and cheers of "We love Ike."

"It makes me feel almost like I was back in politics," he quipped.

The dedication was sponsored by the Shevchenko Memorial Committee of America, Inc., of New York City. Over $350,000 was raised to cover costs of the statue from Americans of Ukrainian descent.

Eisenhower Raises Issue of Freedom: Asks New Drive on Behalf of the Captive Nations

(By Ben A. Franklin)

Washington, June 27.—Former President Dwight D. Eisenhower called today for "a new world movement" to work for "the independence and freedom of peoples of all captive nations" under Communist control.

He thus appeared to revive the captive nations issue that figured large in his presidential election campaign of 1952. The issue arose again in 1959 when General Eisenhower signed a congressional resolution authorizing an annual Captive Nations Week.

The former President addressed a gathering of thousands of Ukrainian-Americans, here for the dedication of a monument to Taras Shevchenko. The 19th century Ukrainian poet and patriot is regarded as the George Washington of his country but is not widely known in the United States.

The Shevchenko statue and the weekend events marking its dedication were sponsored largely by the Ukrainian Congress Committee of America, a coalition of Ukrainian nationalist societies. The committee's goal is the liberation of the Ukraine from Soviet imperialism.

The General's speech, delivered in the 98-degree heat of the shadeless Monument Grounds, and the remarks of three Members of Congress were broadcast by the Voice of America and by Radio Liberty, a privately financed propaganda organization. The Congressmen called for Ukrainian independence. Much of the speechmaking was in Ukrainian.

More than 30,000 members of the Ukrainian groups in the United States marched up Pennsylvania Avenue, past the White House, to a Federal park at 22d and P Streets NW., for the unveiling of the 14-foot bronze figure of Shevchenko.

The ceremony was the climax of a long and sometimes bitter dispute over Shevchenko's role in the cultural and political cold war with the Soviet Union over the captive nations.

Former President Harry S. Truman, chairman of an honorary sponsoring committee of 170 persons, received the Shevchenko Freedom Award at a banquet in the National Guard Armory here tonight. On his doctor's advice, Mr. Truman did not attend the banquet, which was addressed by Senator THRUSTON B. MORTON, Republican, of Kentucky, and by six other present and former Members of Congress.

CALLS FOR NEW MOVEMENT

At the unveiling, General Eisenhower praised Shevchenko as "a poet who expressed eloquently man's undying determination to fight for freedom."

"His statue, standing here in the heart of the Nation's Capital, near the embassies where representatives of nearly all the countries of the world can see it, is a shining symbol of his love of liberty," General Eisenhowever said. "It speaks to the millions of oppressed. It gives them constant encouragement to struggle forever against Communist tyranny until one day final victory is achieved, as it most surely will be."

"My hope," he said, "is that your magnificent march will kindle a new world movement in the hearts, minds, words, and actions of men; a never-ending movement dedicated to the independence and freedom of peoples of all captive nations of the entire world."

[From the New York Times, June 28, 1964]

EISENHOWER RAISES ISSUE OF FREEDOM: ASKS NEW DRIVE ON BEHALF OF THE "CAPTIVE NATIONS"

(By Ben A. Franklin)

WASHINGTON, June 27.—Former President Dwight D. Eisenhower called today for "a new world movement" to work for "the independence and freedom of peoples of all captive nations" under Communist control.

He thus appeared to revive the "captive nations" issue that figured large in his presidential election campaign of 1952. The issue arose again in 1959 when General Eisenhower signed a congressional resolution authorizing an annual Captive Nations Week.

The former President addressed a gathering of thousands of Ukrainian-Americans here for the dedication of a monument to Taras Shevchenko. The 19th century Ukrainian poet and patriot is regarded as the George Washington of his country but is not widely known in the United States.

The Shevchenko statue and the weekend events marking its dedication were sponsored largely by the Ukrainian Congress Committee of America, a coalition of Ukrainian nationalist societies. The committee's goal is the liberation of the Ukraine from "Soviet imperialism."

The general's speech, delivered in the 98-degree heat of the shadeless monument grounds, and the remarks of three Members of Congress were broadcast by the Voice of America and by Radio Liberty, a privately financed propaganda organization. The Congressmen called for Ukrainian independence. Much of the speechmaking was in Ukrainian.

More than 30,000 members of the Ukrainian groups in the United States, marched up Pennsylvania Avenue, past the White House to a Federal park at 22d and P Streets NW., for the unveiling of the 14-foot bronze figure of Shevchenko.

The ceremony was the climax of a long and sometimes bitter dispute over Shevchenko's role in the cultural and political cold war with the Soviet Union over "the captive nations."

The Washington Post, for example, has called Shevchenko an artist "of no universal significance" It has attacked the backers of the memorial as "a tiny group" who had managed to "convert an errant private passion into a public cause, the implausible goal of Ukrainian nationhood."

The sculptor was Leo Mol, a Ukrainian-born Canadian.

Former President Harry S. Truman, chairman of an honorary sponsoring committee of 170 persons, received the Shevchenko Freedom Award at a banquet in the National Guard Armory here tonight. On his doctor's advice, Mr. Truman did not attend the banquet, which was addressed by Senator THRUSTON B. MORTON, Republican, of Kentucky and by six other present and former Members of Congress.

[From the Chicago (Ill.) Tribune, June 28, 1964]

KEEP UP HOPE, RED CAPTIVE URGED BY IKE: UKRAINIAN POET CITED AS MODEL

(By Michael Pakenham)

WASHINGTON, June 27.—Former President Eisenhower today called for a bold movement to gain freedom from Communist tyranny for the peoples of the world's captive nations, including Russia.

He made the proposal during ceremonies in which he unveiled a statue of Taras Shevchenko, a Ukrainian poet who lived from 1814 to 1861.

The ceremonies, including a large parade through the center of the Capital, climaxed a "war of the statues" between the United States and Russia. Ukrainians in this country, and their supporters in the movement to erect the monument, stanchly argue that Shevchenko was a freedom fighter and stood for principles opposed to Communist ideology.

CLAIMED AS RED, TOO

The Russians, who erected a statue to the bard of the Ukraine in Moscow on June 10, claim him as their political own. Premier Nikita S. Khrushchev, who filled a role at the Moscow ceremonies similar to Eisenhower's today, said "socialism is the true heir to the cultural treasures produced by the people's genius" of Shevchenko.

The statue unveiled in Washington today stands 24 feet tall, including base. The one in Moscow is 33 feet tall with base.

Nearly 60,000 former Ukrainians and their descendants, including 5,000 from Illinois, joined the parade and other parts of the festivities.

Speaking to them, Eisenhower said:

"My hope is that your magnificent march will here kindle a new world movement in the hearts, minds, words, and actions of men—a never-ending movement dedicated to the independence and freedom of peoples of all captive nations of the entire world.

CONSPIRACY OF THE FEW

"Of all who inhabit the globe, only a relatively few in each of the captive nations—only a handful even in Russia itself—form the evil conspiracies that dominate their fellow men by force or by fraud," he said.

"Tyranny and oppression today are not different from tryanny and oppression in the days of Taras Shevchenko," the former President said. "When he joined a society whose aim was to establish a republican form of government in countries of Eastern Europe, he was jailed, even denied the right to use pencil and paper to record his thoughts about freedom.

"Today the same pattern of life exists in the Soviet Union and in all captive nations," he said.

In those nations, Eisenhower said, "there are millions of individual human beings who earnestly want the right of self-determination and self-government."

SUPPORT IN STRUGGLE

The statue unveiled today, standing in a small park near the embassy area of Washington, "speaks to these millions of oppressed. * * * It gives them constant encouragement to struggle forever against Communist tyranny, until one day final victory is achieved, as it most surely will be," Eisenhower said.

He was interrupted many times during the course of the speech by wildly enthusiastic applause and cheers of "we love Ike." Many of his audience, coming from the parade which passed the White House, were wearing colorful Ukrainian costumes.

Eisenhower in 1960 signed the law authorizing the construction of the statue. The Ukraine has been a part of the Soviet Union since the Bolsheviks overwhelmed a 4-year nationalist movement in 1921. Before that, the area, which now has a population of 42 million and supplies much of Russia's wheat, had been dominated by Russia, Poland, and Austria.

[From the Toronto (Ont.) Globe & Mail, June 29, 1964]

UKRAINIANS FLOCK TO WASHINGTON AS EISENHOWER UNVEILS STATUE

WASHINGTON.—Dwight D. Eisenhower unveiled the Canadian-designed statue of Taras Shevchenko, 19th-century Ukrainian poet, as an estimated 30,000 spectators, including about 10,000 from Canada, wilted under a 94-degree sun that sent some dozens into fainting spells here Saturday.

For hours the almost never ending parade of Ukrainian youth groups, Scouts, bands, cultural societies—embroidered by a couple of jazzy local Negro high school bands—wound its way from the high needle-like Washington Monument to the statue site just off Embassy Row.

A number of the marchers, including some from Toronto, Montreal, Hamilton, Edmonton, Ottawa, and Winnipeg, suffered not only from the broiling heat but also from foot blisters. One Toronto woman suffered a sprained ankle.

Then, as the massive flow of humanity filled the statue site, ceremony officials noted with a shock they had almost an hour to wait before the former U.S. President would arrive and the unveiling ceremonies could begin.

Perspiring youths and oldsters tried to keep up their spirits by singing Ukrainian songs while bandurists strummed on their lute-like instruments. But the heat was oppressive and Red Cross tents filled.

Mr. Eisenhower, speaking under a hurriedly improvised canopy, expressed hope that the magnificent march would kindle a world movement for all captive nations.

Noting that Shevchenko was a freedom fighter as well as poet, he expressed faith that the "evil conspiracies" that dominate the Ukraine and other parts of the Soviet Union will one day disappear.

In countries of Eastern and Central Europe, he said, there are "millions of individual human beings who earnestly want the right of self-determination and self-government."

After lengthy invocations and speeches in both English and Ukrainian, the moment finally arrived when Mr. Eisenhower was to pull a rope and a yellow plastic cover over the 27-foot-high granite and bronze statue was to fall away.

Mr. Eisenhower tugged and tugged. Still the cover would not give. Someone in desperation gave the cover a mighty tug while the former President continued to pull at the rope. There was a rip at the seams and the cover fell.

Cheers went up as the work of Winnipeg Sculptor Leo Mol and Winnipeg Architect Radoslav Zuk, disclosed a handsome bronze statue of Shevchenko in traditional stance. Mr. Mol had been picked from a number of sculptors who competed for the job.

Speeches went on as Congressmen extolled Shevchenko and condemned Soviet Premier Nikita Khrushchev, who had unveiled a similar statue on the banks of the Moscow River just 2 weeks ago.

[From the Montreal Star, June 29, 1964]

EISENHOWER LAUDS UKRAINIAN

WASHINGTON, June 29.—Former President Eisenhower Saturday unveiled the Canadian-designed statue of Taras Shevchenko, 19th-century Ukrainian poet as an estimated 50,000 spectators, including about 10,000 from Canada, wilted under a 94-degree sun that sent dozens into fainting spells.

For hours the almost never-ending parade of Ukrainian youth groups, scouts, bands, cultural societies—embroidered by a couple of jazzy local Negro high school bands—wound its way from the high, needle-like Washington Monument to the statue site just off Embassy Row.

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Speeches went on as American Congressmen extolled Shevchenko and condemned Soviet Premier Khrushchev, who had unveiled a similar statue on the banks of the Moscow River just 2 weeks ago.

[From the Sunday News, June 28, 1964]

BOOT RED TYRANTS, IKE TELLS WORLD

(By Frank Holeman)

WASHINGTON, June 27.—Former President Dwight D. Eisenhower today called for a new world movement to encourage the people of the "captive nations," and even Russia and Red China themselves, to throw out the "handful" of Red tyrants who would hold them in a new serfdom.

Ike issued his ringing appeal at the unveiling of a monument here to Taras Shevchenko, Ukrainian poet and freedom fighter against the Czars a century ago.

Nearly 100,000 Ukrainian-Americans, many in colorful native costume, from all over the United States, Canada, and Latin America, attended the ceremonies.

A NEVER-ENDING MOVEMENT

"My hope is that your magnificent march will here kindle a new world movement in the hearts, minds, words, and actions of men," Ike declared—"a never-ending movement dedicated to the independence and freedom of peoples of all captive nations of the entire world."

"Of all who inhabit the globe, only a relatively few in each of the captive nations—only a handful even in Russia itself—form the evil conspiracies that dominate their fellow men by force or by fraud," Ike added. "But let us not forget the ageless truth, this, too, shall pass."

Ike did not advocate the use of arms to help the people behind the Iron Curtain throw off the Red shackles. But he warned that the United States and its allies will fight to keep the dictators from grabbing new lands.

THE SAME TYRANNY

"We can be sure that this Nation will, with its allies, sustain the strength—spiritual, economic, and military—to foil any ill-advised attempt of a dictator to seize any area where the love of freedom lives and blazes," he declared.

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko," Ike declared bluntly.

Shevchenko lived from 1814 to 1861. Born a serf, he gained freedom in 1838 and began to study art and write patriotic poetry, including "The Caucasus," and "Haydamaki," describing the revolt of the Ukrainians against their overlords.

He was a great admirer of the American Government and George Washington.

[From the Sacramento (Calif.) Union, June 28, 1964]

EISENHOWER DEDICATES STATUE TO EARLY-DAY UKRAINIAN HERO

WASHINGTON.—Former President Dwight D. Eisenhower unveiled Saturday a bronze statue of a 19th century Ukrainian hero that bears an anti-Russian slogan designed to make Soviet Premier Nikita Khrushchev see red.

At the base of the 14-foot statue of Taras Grigoriyevich Shevchenko, poet laureate of the Ukraine who died in 1861, is the following inscription:

"Dedicated to the liberation, freedom, and independence of all the captive nations * * * and the freedom of all mankind under foreign Russian imperialist tyranny and colonial rule."

EMBARRASS

The inscription was carefully worded by the statue's sponsors to embarrass the Soviet Union and to discourage Soviet delegations from laying wreaths at the memorial site.

Eisenhower, who suggested Thursday that the Soviet Union implement its proposed "ban" on wars by freeing formerly independent nations within its borders, praised the statue as "a shining symbol of liberty."

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko," he said.

The former President spoke after an estimated 35,000 Americans of Ukrainian descent, many of them in native costume, marched from near the White House to the statue 2 miles away in a small park in the center of the Capital.

Joining the march were persons from a dozen foreign countries and a group of Negroes honoring the poet's friendship with Ira Aldridge, an American Negro actor of his day. Police efforts to keep the marchers in line and reroute heavy tourist traffic were complicated by the fact that many taking part in the day-long ceremonies spoke little or no English.

STARES

Police instructions to begin the midmorning march were met mostly by blank stares. Finally, a corps of volunteer Ukrainian "policemen" went through the great crowd shouting translations of the marching orders.

Eisenhower said he hoped the massive anti-Communist demonstration would start a "new world movement * * * dedicated to the independence and freedom of peoples of all captive nations of the entire world."

SIGNED LAW

The former President signed into law in 1959 the controversial resolution creating an annual "Captive Nations Week" honoring "captive" peoples living under Communist rule. Saturday he said:

"In the nations of east and central Europe, in the non-Russian nations of the U.S.S.R. * * * There are millions of individual human beings who earnestly want the right of self-determination and self-government.

"We must increase our joint efforts to make peoples around the world more aware that only in freedom can be found the right road to human progress, happiness, and fulfillment."

[From the Philadelphia (Pa.) Inquirer, June 28, 1964]

POET'S STATUE UNVEILED BY EISENHOWER

WASHINGTON, June 27.—Former President Dwight D. Eisenhower on Saturday unveiled a bronze statue of the 19th century Ukrainian hero that bears an anti-Russian slogan designed to make the Soviets see red.

At the base of the 14-foot statue of Taras Grigoriyevich Shevchenko, poet laureate of the Ukraine who died in 1861, is the following inscription:

"Dedicated to the liberation, freedom and independence of all the captive nations * * * and the freedom of all mankind under foreign Russian imperialist tyranny and colonial rule."

TO DISCOURAGE REDS

The inscription was carefully worded by the statue's sponsors to embarrass the Soviet Union and to discourage Russian delegations from laying wreaths at the memorial site.

General Eisenhower, who suggested Thursday that the Soviet Union implement its proposed ban on wars by freeing formerly independent nations within its borders, praised the statue as "a shining symbol of * * * liberty."

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko," he said.

AN OLD CHANT

Tremendous cheers of "We love Ike" from the crowd of about 40,000 to 50,000 caused General Eisenhower to quip at the outset of his speech: "It makes me feel almost like I was back in politics."

More than 50 persons were treated for heat prostration from the 91° temperature. Former President Harry S. Truman, honorary chairman of the event, received one of six special Shevchenko Freedom Awards at a banquet Saturday night.

Others honored were Senate GOP Leader Everett M. Dirksen, of Illinois, Speaker John W. McCormack, of Massachusetts, the Rev. Dr. Bernard Braskamp, Chaplain of the House, the Reverend Dr. Frederick B. Harris, the Senate Chaplain, and Robert J. Lewis of the Washington Evening Star.

Eisenhower Quips, Ducks

Washington, June 27.—Former President Dwight D. Eisenhower preserved his own neutrality on the Republican presidential race Saturday but quipped that his family seems to be "very badly divided" over the leading contenders.

General Eisenhower made the comment after arriving by helicopter at the Pentagon for ceremonies unveiling a statue of Taras Shevchenko, Ukrainian poet-hero.

General Eisenhower was wearing a blue tie with white elephants—symbol of the Republican Party—and a gold colored elephant tie clip.

"You can admire the tie if you like," he told a reporter waiting to ask some political questions.

Asked what he thought of his son, John, and his brother, Milton, coming out recently for Pennsylvania Gov. William W. Scranton in the GOP race, he replied: "Some in my family have indorsed one man and some another. The family seems to be very badly divided."

He apparently referred to the fact that another brother, Edgar, of Tacoma, Wash., is a supporter of Senator Barry M. Goldwater.

Asked about his own views, the ex-President said only: "I haven't endorsed."

[From the Boston (Mass.) Sunday Herald, June 28, 1964]

Ike Dedicates Hero's Statue to Ukrainia's Greatest Poet

Washington.—While a massed chorus sang the Ukrainian national anthem, former President Dwight D. Eisenhower dedicated Saturday a heroic statue to Taras Shevchenko, a serf who became his country's greatest poet.

Police estimated 40,000 to 60,000 persons stood more than 2 hours in 91° temperatures for the colorful ceremones unveiling the controversial 14-foot statue.

FREEDOM FIGHTER

Sponsors of the project called Shevchenko, who died in 1861, an original European freedom fighter. The Soviet Union considers him a forerunner of communism.

Born a serf, he won freedom at 24 and became a national hero when he published his poem, "Haydamaki." This described the revolt of the Ukrainians against their Russian overlords in 1841.

He was arrested by the czar's police after helping form in 1848 a society to support a free union of Slavonic peoples under a republican form of government.

TEN YEARS IN EXILE

Shevchenko was in exile 10 years in eastern Russia before being allowed to return to St. Petersburg.

Eisenhower said the statue speaks to "millions of oppressed" persons in Eastern Europe and "gives them constant encouragement to struggle forever against Communist tyranny, until, one day final victory is achieved."

A huge parade of colorful native-costumed organizations preceded the dedication.

[From the Sacramento (Calif.) Bee, June 21, 1964]

Statue of Ukrainian Poet, To Be Unveiled Saturday, Sparks Bitter Controversy

(By Neil A. Martin)

Washington.—Controversy can take many strange shapes. This week, for example, it will stand 14 feet high, weigh 3 tons, and be composed of pure bronze.

The center of the controversy in this instance is a statue—a sculpture replica of Taras Grigoriyevich Shevchenko, 19th century hero and poet laureate of the Ukraine. It is scheduled to be unveiled here Saturday with possible complications.

CLAIMED BY EAST, WEST

The poet is hailed by his American anti-Communist sponsors as "Europe's freedom fighter." Ironically, he receives equal commendation in the Soviet Union as a forerunner of modern Bolshevism. And with both groups claiming Shevchenko as their hero, a tug of war has developed between Moscow and Washington.

The Soviet press is expected to react bitterly to the unveiling ceremony. And there will be reaction of a different type here between pro- and anti-Shevchenko factions.

Led by the Washington Post, opponents question the significance of a Shevchenko statue in Washington and have sought to persuade Congress to rescind its authorization of the memorial.

All efforts to stop the unveiling thus far have failed. The Shevchenko sponsors have been able to muster influential supporters including two past Presidents, many Congressmen, and thousands of Americans of Ukrainian descent.

In 1961 President John F. Kennedy praised Shevchenko for his "rich contribution to the culture, not only of the Ukraine which he loved so well and described so eloquently, but of the world. His work is a noble part of our historical heritage."

Former President Harry S. Truman agreed to act as honorary chairman of the memorial's sponsoring committee, which includes former Vice President Richard M. Nixon.

The United Nations Educational, Scientific, and Cultural Organization has dedicated this year to the observance of the 150th anniversary of the poet's birth.

A $250,000 TRIBUTE

If everybody loves Shevchenko, why all the fuss?

The controversy began in 1960 when Congress authorized the memorial and donated a small triangular park in the center of the city for its erection.

The event was intended to commemorate the 100th anniversary of the poet's death the following year, but it also coincided with similar festivities scheduled in the Soviet Union, where there are hundreds of Shevchenko memorials.

Through the efforts of the Ukrainian Congress Committee of America and the Shevchenko Scientific Society, more than $250,000 was collected for the Washington memorial. Ukrainian Sculptor Leo Mol was hired to create the statue, and groundbreaking ceremonies took place in September 1963.

Then diplomatic fireworks began exploding.

The Soviet Embassy protested the appearance of an Interior Department official at the ceremonies, as well as a proposed Shevchenko memorial stamp. Later, L. Y. Kizya, chief of the Soviet Ukraine's United Nations delegation, charged the memorial was intended to "fan up animosity toward the Soviet Ukraine, and all the more to aggravate the cold war."

ABOUT FACE

Then the Soviet Union's strategy changed abruptly from harsh criticism to praise for the project. A delegation of leading Ukrainian scholars proposed to come here for Saturday's unveiling and bring an urn of earth from the poet's grave.

Sensing subtle implications in the proposal, the statue's sponsors declared they would have no part in such a deal.

Shevchenko was a serf, a poet, a painter, a humanist, a contemporary and admirer of Abraham Lincoln, and an ardent nationalist.

During the last 50 years, his many volumes have been translated into 41 languages.

Born a serf in 1814, Shevchenko's freedom was purchased by a St. Petersburg (now Leningrad) painter in 1838. By the time of his death, the 47-year-old poet had become the Ukraine's most outstanding literary figure.

For his activities in a secret Ukrainian nationalist society in Kiev in 1846, Shevchenko was arrested and sentenced to 10 years of imprisonment and exile. Pardoned in 1857, he managed to make a brief visit to his native Ukraine before his death in 1861.

Of his 47 years, he lived 24 in serfdom, 10 in exile, 3 under Russian police supervision, and only 9 as a freeman.

Unveiling of Ukraine Poet's Statue Expected to Stir Soviet-U.S. Tiff

Washington.—Controversy can take many strange shapes. Next week, for example, it will stand 14 feet high, weigh 3 tons, and be composed of pure bronze.

The controversy in this instance is a statue—a sculptured replica of Taras Grigoriyevich Shevchenko, 19th century hero and poet laureate of the Ukraine. It is scheduled to be unveiled here next Saturday, with possible complications.

The poet is hailed by his American anti-Communist sponsors as "Europe's freedom fighter." Ironically, however, he receives equal commendation in the Soviet Union as a forerunner of modern Bolshevism. And with both groups claiming Shevchenko as their hero, a tug of war has developed between Moscow and Washington.

PROTESTS FROM ABROAD

The Soviet press is expected to react bitterly to the unveiling ceremonies. There will be reaction of a different type here between pro- and anti-Shevchenko factions.

Opponents have questioned the significance of a Shevchenko statue in Washington and have sought to persuade Congress to rescind its authorization of the memorial on varied grounds, including alleged anti-Semitism in the poet's writings.

Nevertheless, all efforts to stop the unveiling have thus far failed. The Shevchenko sponsors also have been able to muster influential supporters including two past U.S. Presidents, many Congressmen, and thousands of Americans of Ukrainian descent.

In 1961 the late President John F. Kennedy praised Shevchenko for his "rich contribution to the culture, not only of the Ukraine, which he loved so well and described so eloquently, but of the world. His work is a noble part of our historical heritage."

TRUMAN TO HELP

Former President Harry S. Truman has agreed to act as honorary chairman of the memorial's sponsoring committee, which includes former Vice President Richard M. Nixon.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) has dedicated this year to the observance of the 150th anniversary of the poet's birth.

If everybody loves Shevchenko, then why all the fuss?

The controversy began in 1960 when Congress authorized the memorial and donated a small triangular park in the center of the city for its erection.

The event was intended to commemorate the 100th anniversary of the poet's death the following year, but it also coincided with similar festivities scheduled in the Soviet Union where there are many Shevchenko memorials.

NAME WELL KNOWN

The Soviets have always considered Shevchenko as their own. They have tied his name to more than 160 institutes, libraries, and theaters, 340 collective farms, 15 industrial plants, 190 towns and villages, 140 memorials, and 775 streets and boulevards.

Through the efforts of the Ukrainian Congress Committee of America and the Shevchenko Scientific Society, more than $250,000 was collected for the memorial here. Ukrainian sculptor Leo Mol was hired to create the statue, and ground-breaking ceremonies took place in September 1963.

Then diplomatic fireworks began exploding.

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SUDDEN TURNABOUT

Then the Soviet Union's strategy changed abruptly from harsh criticism to praise for the project. A delegation of leading Ukrainian scholars proposed to come here for the unveiling and even bring an urn of earth from the poet's grave.

Sensing subtle implications in the proposal, the statue's sponsors declared they would have no part in such a deal.

Nevertheless, U.S.S.R., Moscow's English-language publication distributed in this country, began running monthly articles on Shevchenko's legacy to the modern Soviet Ukraine. And Soviet Premier Nikita Khrushchev was given the "Shevchenko Award" from the Ukrainian Government for his "outstanding social-political contributions to Ukraine."

As the date for the statue's unveiling drew near, unexpected opposition arose in the capital. The Washington Post printed a series of editorials questioning Shevchenko's literary merits and his importance to Americans.

The National Capital Planning Commission, which must approve planned statue sites, was urged by the Interior Department to restudy plans for the memorial. But a review of the project produced no grounds for delaying the unveiling.

A proposal in the Trenton, N.J., suburb of Hamilton Township to change the name of a suburban street to Shevchenko Boulevard was beaten down by angry residents who complained they could not spell or pronounce "Shevchenko."

Shevchenko actually was a serf, a poet, a painter, a humanist, a contemporary and admirer of Abraham Lincoln, a friend of the noted American Negro actor, Ira Aldridge, and an ardent nationalist.

During the past 50 years his many volumes have been translated some 400 times into 41 languages. About 12 million copies of his works in foreign languages have been distributed.

Born a serf in 1814, Shevchenko's freedom was purchased by a St. Petersburg (now Leningrad), painter in 1838. His paintings and poems soon gained prominence. By the time of his death, the 47-year-old poet had become Ukraine's most outstanding literary figure.

Typical of Russia's fermenting 19th-century intelligentsia, Shevchenko was enthusiastic about Western democracy, abolition of serfdom, and an end to the czars. As a stanch nationalist, he also supported Ukraine's independence.

For his activities in a secret Ukrainian nationalist society at Kiev in 1848, Shevchenko was arrested and sentenced to 10 years of imprisonment and exile. Pardoned in 1857, he managed to make a brief visit to his native Ukraine before dying in 1861.

Of his 47 years, he lived 24 in serfdom, 10 in exile, 3 under Russian police supervision, and only 9 as a freeman.

He is best remembered by these lines from his poem "God's Fool":

"Ah, you miserable
  And cursed crew, when will you breathe
      your last?
  When shall we get ourselves a Washington
    To promulgate his new and righteous law?
But someday we shall surely find the man."

[From the Trenton (N.J.) Times-Advertiser, June 21, 1964]

SHEVCHENKO STATUE UNVEILING SATURDAY

A national controversy that stirred more than a faint echo in the Deutzville community of Hamilton Township last winter may be resolved this Saturday in Washington, D.C.

Deutzville residents demonstrated long and vocally last December when the Hamilton Township Committee voted a tentative approval to an ordinance to change the name of Deutz Avenue to Shevchenko Boulevard.

The will of the local residents prevailed. But similar protests in the Nation's Capital have not deterred the Ukrainian-American community from erecting a 14-foot high, 3-ton, pure bronze statue to honor Shevchenko, a 19th century Ukrainian nationalist poet.

More than 50,000 Ukrainian-Americans are expected to attend the June 27 dedication and "freedom march." A large delegation from the Mercer County area will be included in that crowd.

Opposition to the statue in Washington has been led by the Washington Post which has protested that Shevchenko is little known outside his own country, that some of his writings smacked of anti-Semitism, and that he is revered in the Soviet Union.

But Ukrainian-Americans claim the Russians have merely exploited a great national hero for their own propaganda purposes. They claim Shevchenko fought valiantly against Russian imperialism.

[From the Gary (Ind.) Post-Tribune, June 27, 1964]

EXERCISES TO FETE UKRAINIAN POET

WASHINGTON.—From 60,000 to 75,000 or more Americans of Ukrainian origin or ancestry will attend the unveiling ceremonies of the statue of Taras Shevchenko, Ukraine's poet laureate in a daylong program here today.

Many Ukrainians also will come from Canada, some from Europe, and even faraway Argentina.

Former President Harry S. Truman has accepted the honorary chairmanship of the Shevchenko Monument Honorary Sponsoring Committee, while some 150 prominent American political, religious and civic leaders have become honorary members of the committee.

[From the Daily News, June 30, 1964]

GUEST EDITORIAL

By ex-President Dwight D. Eisenhower, speaking Saturday in Washington to about 100,000 Ukrainian-Americans at the unveiling of a monument to Taras Shevchenko, 19th century Ukrainian poet and anticzarist rebel:

"Of all who inhabit the globe, only a relatively few in each of the captive nations—only a handful even in Russia itself—form the evil (Communist) conspiracies that dominate their fellow men by force or by fraud. But let us not forget the ageless truth: this, too, shall pass."

[From the Gary (Ind.) Post-Tribune, June 28, 1964]

IKE HELPS HONOR HERO OF UKRAINE

WASHINGTON.—While a massed chorus sang the Ukrainian national anthem, former President Dwight D. Eisenhower helped dedicate a heroic statue to Taras Shevchenko, a serf who became his country's greatest poet.

Eisenhower called it "A shining symbol of his love of liberty."

Police estimated 40,000 to 60,000 persons stood more than 2 hours in 91° temperature for the colorful ceremonies unveiling the controversial 14-foot statue.

Sponsors of the project called Shevchenko, who died in 1861, an original "European freedom fighter." The Soviet Union considers him a forerunner of communism.

Born a serf, he won freedom at 24 and became a national hero when he published his poem, "Haydamaki." This described the revolt of the Ukrainians against their Russian overlords in 1841.

He was arrested by the czar's police after helping form in 1848 a society to support a free union of Slavonic peoples under a republican form of government.

Shevchenko was in exile 10 years in eastern Russia before being allowed to return to St. Petersburg.

[From the Long Island (N.Y.) Catholic, July 2, 1964]

IKE UNVEILS STATUE OF UKRAINIAN HERO

WASHINGTON.—A memorial to the 19th-century Ukrainian Poet-Hero Taras Shevchenko was dedicated here in religious, civil, and cultural ceremonies. More than 60,000 Americans of Ukrainian descent attended.

Former President Dwight D. Eisenhower unveiled a statue to the "Bard of Ukraine." The ceremonies also included Eastern Rite Masses, a parade and banquet.

Born in 1814, Mr. Shevchenko ignited Ukrainian nationalism with his poetry and was expelled for a time by Russian police. He formed the Society of SS. Cyril and Methodius in 1848, in an attempt to lead the Ukraine to independence which he saw idealized in the United States. He died in 1861.

[From the News, June 28, 1964]

BOOT RED TYRANTS, IKE TELLS WORLD

(By Frank Holeman)

WASHINGTON, June 27.—Former President Dwight D. Eisenhower today called for a new world movement to encourage the people of the captive nations, and even of Russia and Red China themselves, to throw out the handful of Red tyrants who would hold them in a new serfdom.

Ike issued his ringing appeal at the unveiling of a monument here to Taras Shevchenko, Ukrainian poet and freedom fighter against the czars a century ago.

Nearly 100,000 Ukrainian-Americans, many in colorful native costume, from all over the United States, Canada, and Latin America, attended the ceremonies.

A NEVER-ENDING MOVEMENT

"My hope is that your magnificent march will here kindle a new world movement in the hearts, minds, words, and actions of men," Ike declared—"a never-ending movement dedicated to the independence and freedom of peoples of all captive nations of the entire world.

"Of all who inhabit the globe, only a relatively few in each of the captive nations—only a handful even in Russia itself—form the civil conspiracies that dominate their fellow men by force or by fraud," Ike added. "But let us not forget the ageless truth, this, too, shall pass."

THE SAME TYRANNY

Ike did not advocate the use of arms to help the people behind the Iron Curtain throw off the Red shackles. But he warned that the United States and its allies will fight to keep the dictators from grabbing new lands.

"We can be sure that this Nation will, with its allies, sustain the strength—spiritual, economic, and military—to foil any ill-advised attempt of a dictator to seize any area where the love of freedom lives and blazes," he declared.

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko," Ike declared bluntly.

Shevchenko lived from 1814 to 1861. Born a serf, he gained freedom in 1838 and began to study art and write patriotic poetry, including "The Caucasus," and "Haydamaki," describing the revolt of the Ukrainians against their overlords.

He was a great admirer of the American Government and George Washington.

[From the Detroit (Mich.) Free Press, June 28, 1964]

IKE UNVEILS STATUE TO UKRAINIAN POET

Dwight D. Eisenhower dedicated a statue in Washington Saturday to the controversial 19th century Ukrainian poet, Taras Schevchenko.

The Russians consider Schevchenko a forerunner of communism. Others say he was an original European freedom fighter. Former President Eisenhower called the statue "a shining symbol of his love of liberty."

Born a serf, Schevchenko won his freedom at 24 and went on to become the Ukraine's greatest poet before he died in 1861.

He became a hero in the Ukraine after he published his poem "Haydamaki," which described the revolt of the Ukranians against their overlords in 1841.

In 1848, stirred by political currents sweeping Europe, Schevchenko joined in forming the Society of SS. Cyril and Methodius, which aimed at a free union of Slavonic people under a republican form of government.

He was arrested by the czar's police and sent into exile in eastern Russia, but was pardoned in 1858.

Honorary chairman of the dedication, sponsored by the Schevchenko Memorial Committee of America, was former President Harry Truman.

[From the Terre-Haute (Ind.) Tribune-Star, June 28, 1964]

UNVEILS STATUE THAT'S SURE TO IRK KHRUSH

(By Neil A. Martin)

WASHINGTON (UPI)—Former President Dwight D. Eisenhower unveiled Saturday a bronze statue of a 19th century Ukrainian hero that bears an anti-Russian slogan designed to make Soviet Premier Nikita Khrushchev see red.

At the base of the 14-foot statue of Taras Grigoriyevich Schevchenko, poet laureate of the Ukraine who died in 1861, is the following inscription:

"Dedicated to the liberation, freedom, and independence of all the captive nations * * * and the freedom of all mankind under foreign Russian imperialist tyranny and colonial rule * * *"

The inscription was carefully worded by the statue's sponsors to embarrass the Soviet Union and to discourage Soviet delegations from laying wreaths at the memorial site.

PRAISES MEMORIAL

Eisenhower, who suggested Thursday that the Soviet Union implement its proposed "ban" on wars by freeing formerly independent nations within its borders, praised the statue as "a shining symbol of * * * liberty."

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko," he said.

The former President spoke after an estimated 35,000 Americans of Ukrainian descent, many of them in native costume, marched from near the White House to the statue 2 miles away in a small park in the center of the capital.

NEGROES TAKE PART

Joining the march were persons from a dozen foreign countries and a group of Negroes honoring the poet's friendship with Ira Aldridge, an American Negro actor of his day. Police efforts to keep the marchers in line and reroute heavy tourist traffic were complicated by the fact that many taking part in the daylong ceremonies spoke little or no English.

Police instructions to begin the midmorning march were met mostly by blank stares. Finally, a corps of volunteer Ukrainian "policemen" went through the great crowd shouting translations of the marching orders.

VOICES HOPE

Eisenhower said he hoped the massive anti-Communist demonstration would start a "new world movement * * * dedicated to the independence and freedom of peoples of all captive nations of the entire world."

The former President signed into law in 1959 the controversial resolution creating an annual "Captive Nations Week" honoring "captive" peoples living under Communist rule. Saturday he said:

"In the nations of east and central Europe, in the non-Russian nations of the U.S.S.R. * * * There are millions of individual human beings who earnestly want the right of self-determination and self-government.

"We must increase our joint efforts to make peoples around the world more aware that only in freedom can be found the right road to human progress, happiness, and fulfillment."

[From the New Haven Register, June 28, 1964]

A STATUE TO TARAS SHEVCHENKO, UKRAINIAN BARD OF FREEDOM

Some 1,500 Connecticut residents were among an estimated 80,000 North and South Americans of Ukrainian descent who converged upon Washington, D.C., Saturday, to commemorate the 100th anniversary of the death of Taras Shevchenko, Ukrainian bard and freedom fighter.

Highlighting the ceremonies was the unveiling of a statue at 22d and 23d Streets NW., honoring Shevchenko. The statue was conceived in March 1960 and its site was granted by Public Law 86–749 on September 13, 1960, whereupon more than 300 local Shevchenko Memorial committees launched a fundraising campaign.

More than 100,000 citizens of Ukrainian ancestry, their friends and over 25,000 Ukrainian schoolchildren contributed to the fund. It had been stipulated that the statue be erected "without expense to the United States."

Traveling in buses with the Connecticut delegation to Saturday's ceremony were 250 New Haven area residents, members of the Ukrainian Congress Committee; the youth organizations, Plast and Suma, and the Ukrainian churches—Orthodox and Catholic.

Gathering at the Washington Monument, the Ukrainian groups marched to the unveiling site on 22d Street where they joined Ukrainian choirs in singing the most popular of Shevchenko's poems, "Testament" (Zapovit) in which he called upon his people "to bury him and then rise and break your chains to spatter freedom with evil enemy blood."

The statue was built as a symbol of the Ukrainian people in their continuing fight for independence. Shevchenko's works have been translated to show his service to freedom, although Ukrainian spokesmen say Moscow has distorted his works to represent Shevchenko as a revolutionist-socialist.

BORN A SLAVE

Taras Shevchenko was born in the village of Moryntsi, Svenyhorodsky district, near Kiev, Ukraine, on March 9, 1814. Born into servitude, he was orphaned as a little child, and became a house servant of his master Englehardt. As a child he learned to paint and started to compose poetry.

At the age of 15 he moved with his master to St. Petersburg. While there, Shevchenko was introduced to Karl Petrovich Bryulov, the most fashionable Russian painter of the day. It was Bryulov who became interested in Shevchenko's talent as an artist and fought to enter him as a student at the Art Academy. This was not permitted to a serf, so Bryulov bought Shevchenko's liberty and Shevchenko became a freeman at the age of 24.

Shevchenko attended the academy of art and finished his course in 1845 as a free artist. However, it was while at St. Petersburg that Shevchenko began to compose poetry seriously. His writing did not begin to attract attention, however, until after he was set free.

In 1840 he brought out the first edition of the "Kobzar," a collection of poems. These poems were something new and startling, depicting the decay of the old Ukraine and the suffering of the Ukrainian people.

Upon his return to his native Ukraine he was acclaimed the poet of Ukraine. Filled with the enthusiasm of youth, he and other Ukrainian patriots organized the Society of Saints Cyril and Methodius for the purpose of creating a free union of all Slavic peoples. First arrested, for his ardent national patriotism toward his native Ukraine, on April 5, 1847, he was severely punished and forcibly enrolled in the Russian czar's army with the rank of private and "under strict supervision with the prohibition of writing and drawing."

An amnesty was secured for Shevchenko in 1857 and he was permitted to return, a year later, to St. Petersburg, though not to his native Ukraine.

NINE YEARS OF FREEDOM

It was a sad life that Shevchenko had led. Out of his 47 years, he had been a serf for 24, in the army for 10 and under police supervision for 3½ years, so that there were only 9 years under which he could feel himself a freeman to come and go as he would.

Shevchenko's earliest writings were about the fate of the Kozaks and the misfortunes of his unhappy people. In his poetry he idealized the life of his oppressed Ukrainian nation, the stern and bitter conflicts which his people had waged for independence and he glorified the kobzars (the folk bards).

[From the Steele (N. Dak.) Ozone-Press, Inc.]

UKRAINIANS TO STAGE FREEDOM MARCH ON JUNE 27, DATE OF SHEVCHENKO UNVEILING

A freedom march on Washington, D.C., for the unveiling of the statue-monument in honor of Taras Shevchenko, the poet laureate and national hero of Ukraine and Europe's freedom fighter, will be held on Saturday, June 27, 1964, and will emphasize the call for freedom for all captive nations. The date is also the occasion of the 150th anniversary of Taras Shevchenko's birth and should be one of the greatest national events ever held by Ukrainians in this country. Some 50,000 to 100,000 Americans of Ukrainian descent and guests from all parts of the United States will assemble in the Nation's Capital.

The project is one in which the U.S. Congress and the Government of the United

States have participated. They have helped to make this project an international event whose repercussions will be felt wherever the principle of freedom is embraced, or where men are enslaved.

The 86th Congress passed Public Law 86-749 providing for the erection of the statue which will appear on the site at 23d and P Streets NW.

Much has been written about Shevchenko in the past few years. In 1960 the House of Representatives published Document No. 445, entitled "Europe's Freedom Fighter" which shows Taras Shevchenko as an immortal symbol of freedom not only in Ukraine but throughout Eastern Europe.

In 1964 the U.S. Government Printing Office issued the book on Shevchenko, "A Monument to the Liberation, Freedom, and Independence of All Captive Nations."

Since Taras Shevchenko was not only a great Ukrainian poet (his works have been translated into some 52 languages) and national prophet, but also was an outstanding humanitarian and fighter for freedom for all nations and races. In 1857, more than a century ago, Shevchenko advocated a "Ukrainian George Washington" in the belief that the Ukrainian people, then under the despotic rule of czarist Russia, would achieve their national freedom and emancipation under such a leader as was George Washington, Father of our County.

Shevchenko remains to this day a beacon of national aspirations and a symbol of freedom and independence for 45 million Ukrainian people now in the bondage of the Communist empire.

A few years ago all Ukrainian organizations in the United States created The Shevchenko Memorial Committee of America, Inc., with instructions to collect funds and erect a statue of Taras Shevchenko. Some 300 local and State committees are making preparations for participation in the ceremonies. National and local Shevchenko memorial committees are working in very close cooperation with the Ukrainian Congress Committee of America.

Over 30,000 Americans of Ukrainian ancestry and their friends and over 10,000 schoolchildren have donated to the Shevchenko Memorial Fund to help insure erection of the monument.

Recognizing the international importance of this event more than 150 prominent Americans have joined a national honorary or sponsoring committee for the unveiling. They include: the 33d President of the United States, Hon. Harry S. Truman; former Vice President, Hon. Richard M. Nixon; Governors of many States, presidents of universities and colleges, leaders of nationality groups, leading journalists; civic and church leaders; U.S. Senators and Representatives of both parties.

From our State, members of the National Honorary or Sponsoring Shevchenko Committee are: Hon. William L. Guy, Governor of North Dakota; Hon. Quentin N. Burdick and Hon. Milton R. Young, U.S. Senators; Hon. Mark Andrews and Hon. Don L. Short, U.S. Congressmen. Former President Truman is the chairman of the committee.

The unveiling ceremonies will include a program for young people in the Washington Coliseum, on June 27. Two concerts of choruses with a symphony orchestra will be presented in Constitutional Hall on that day and a banquet for 5,000 persons will be held in the National Guard Armory in Washington, D.C.

A large delegation from Argentina and a huge crowd of Canadian-Ukrainians in chartered trains and buses are expected from Canada to take part in the Washington ceremonies.

Since Shevchenko—a contemporary of Abraham Lincoln—embodied in his poetry the "holy ideas" of Ukraine as did the American Declaration of Independence, and as the words of Washington, Jefferson, and Lincoln embody the highest principles of America. Shevchenko expressed the close tie between Ukraine and America over 100 years ago not only by calling for national independence but also for the coming to Ukraine of a Washington with "his new and righteous law."

Therefore let us give them full support by joining together in making this historic event a truly memorable manifestation, both honoring the great Ukrainian poet and champion of liberty and focusing international attention on Ukrainians as a people.

[From the Baltimore News American, June 28, 1964]

Slav Poet Hailed; Ike Cites a Hero for Freedom's Side

Washington, June 27.—Former President Eisenhower dedicated a controversial statue to 19th century Ukrainian poet Taras Shevchenko today and called it "a shining symbol of his love of liberty."

Sponsors of the statue call Shevchenko, who died in 1861, an original "European freedom fighter," while the Soviet Union considers him a forerunner of communism. Born a serf, he won his freedom at 24 and became the Ukraine's greatest poet.

Eisenhower said Shevchenko "expressed * * * eloquently man's undying determination to fight for freedom and his unquenchable faith in ultimate victory."

He said the statue speaks to "millions of oppressed" persons in Eastern Europe and "gives them constant encouragement to struggle forever against Communist tyranny, until, one day final victory is achieved, as it most surely will be."

Shevchenko became a hero in the Ukraine after he published his poem "Haydamaki," which described the revolt of the Ukrainians against their overlords in 1841.

In 1848, stirred by political currents sweeping Europe, he joined in forming the Society of Sts. Cyril and Methodius whose aims were to support a free union of Slavonic peoples under a republican form of government.

Shevchenko and his friends were arrested by the czar's police and the poet was exiled to Eastern Russia. He was pardoned in 1858 and returned to St. Petersburg (Leningrad) where he succeeded in winning freedom from serfdom for his family.

Eisenhower attacked tyranny and oppression and said Shevchenko experienced "government usurpation of decisions he believed he should make for himself."

[From the New York Herald Tribune, June 28, 1964]

Ike Unveils Ukrainians' Anti-Soviet Statue

Washington.—Former President Eisenhower yesterday unveiled a bronze statue of a 19th century Ukrainian hero that bears an anti-Russian slogan, designed to make Soviet Premier Khrushchev see red.

At the base of the 14-foot statue of Taras Shevchenko, poet laureate of the Ukraine who died in 1861, is the following inscription:

"Dedicated to the liberation, freedom, and independence of all the captive nations * * * and the freedom of all mankind under foreign Russian imperialist tyranny and colonial rule."

The inscription was carefully worded by the sponsors to embarrass the Soviet Union and to discourage Soviet delegations from laying wreaths at the memorial site.

General Eisenhower, who suggested Thursday that the Soviet Union implement its proposed ban on wars by freeing formerly independent nations within its borders, praised the statue as "a shining symbol of * * * liberty."

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko," he said.

The former President spoke after an estimated 35,000 Americans of Ukrainian descent, many of them in native costume, marched from near the White House to the statue in a small park in the center of the Capital.

In the march were persons from a dozen foreign countries and a group of Negroes honoring the poet's friendship with Ira Aldridge, an American Negro actor of his day. Police efforts to keep the marchers in line and reroute heavy tourist traffic were complicated by the fact that many spoke little or no English. Finally, a corps of volunteer Ukrainian "policemen" went through the crowd shouting translations of the marching orders.

General Eisenhower said he hoped the massive anti-Communist demonstration would start a "new world movement * * * dedicated to the independence and freedom of peoples of all captive nations of the entire world."

In 1959, he signed the controversial resolution creating an annual Captive Nations Week honoring "captive" peoples living under Communist rule. Yesterday he said:

"In the nations of East and Central Europe, in the non-Russian nations of the U.S.S.R. * * * there are millions of individual human beings who earnestly want the right of self-determination and self-government."

"We must increase our joint efforts to make peoples around the world more aware that only in freedom can be found the right road to human progress, happiness, and fulfillment."

The statue's inscription points up a tug-of-war between Moscow and Washington that has gone on since Congress authorized the memorial to Shevchenko in 1960.

At a recent unveiling of a Shevchenko statue in Moscow, Mr. Khrushchev said "socialism is the true heir" of the poet's treasures. But the poet's anti-Communist supporters here hailed the bard as a freedom fighter and a Ukrainian George Washington.

Former President Truman, honorary chairman of the event, received one of six Shevchenko freedom awards at a banquet.

Others honored were Senate GOP leader Everett M. Dirksen, Ill.; Speaker John W. McCormack, Democrat, of Massachusetts; the Reverend Dr. Bernard Braskamp, Chaplain of the House; the Reverend Dr. Frederick B. Harris, Senate Chaplain; and Robert J. Lewis of the Washington Evening Star.

[From the Delaware County (Pa.) Daily Times, July 27, 1964]

Ethnic Vote Shifts

(By Robert S. Allen and Paul Scott)

Washington.—President Johnson is receiving blunt advice from Democratic Party leaders on one of his growing political problems—the defection of ethnic group voters to GOP presidential nominee Barry Goldwater.

Aroused by private polls showing shifts of 10- to 20-percent among Polish-American voters in the big Eastern and Midwestern cities, Senator Thomas Dodd, Democrat, of Connecticut, Speaker John McCormack, Democrat, of Massachusetts, and Chicago's Mayor Richard Daley have privately called on the President to take a tougher stand on the two major issues affecting these nationality groups.

They warned the President that he must publicly support a stronger stand against continued Communist expansion and control over the Eastern European satellites.

In one White House meeting, Senator Dodd, a long-time political ally, frankly told the President that if the administration's policy of seeking accommodations with the

Soviet Union isn't shelved, it could cost him the election.

GOLDWATER's charge that "the administration is seeking peace with Russia at the expense of the people in Eastern Europe" is having as much impact on the nationality groups as the backlash from civil rights, reported DODD.

"The polls are beginning to show this," agreed the President.

"You have always been a strong anti-Communist. Nobody can accuse you of being soft."

"What do you recommend I do to counteract this development?"

"I would be just as tough on the Communists as GOLDWATER," replied DODD.

"And I would begin by shelving the policy of seeking accommodations with the Soviet Union.

"This could be done by inserting a strong plank in the platform opposing Communist aggression throughout the whole world."

"If I did that, would they accuse me of junking Kennedy's foreign policy?" asked the President. "Any major changes in policy would have all the liberals on my back."

"They don't want GOLDWATER elected," said DODD.

"You go ahead and draft a strong plank, and I'll circulate it among my foreign policy advisers to see what happens," concluded the President.

Later, Speaker MCCORMACK and Mayor Daley followed up DODD's conference with meetings with the President in which they made the same foreign policy recommendations.

Mayor Daley also urged the President to take a stronger stand against racial disorder, stating that he should speak out publicly denouncing the use of street demonstrations to enforce the civil rights bill.

President Johnson said he would seriously consider these suggestions.

NEW SYMBOL

The newly erected memorial to Taras Shevchenko, 19th century Ukrainian poet and freedom fighter, is becoming a major symbol of the growing differences between the Johnson administration and Republican leaders on policies dealing with Russia and Eastern Europe.

At the historic unveiling of the Shevchenko statue here, former President Eisenhower stirred a crowd of more than 80,000 with a speech that harked back to the liberation proposals of the late Secretary of State Dulles.

Highlight of the Eisenhower speech came when he told the leaders of the most influential groups of Ukrainians, Poles, and Hungarians in America that:

"My hope is that your march from the shadow of the Washington Monument to the foot of the statue of Shevchenko will here kindle a new world movement in the hearts, minds, words, and actions of men; a never-ending movement dedicated to the independence and freedom of people of all captive nations of the entire world."

In sharp contrast to this ringing declaration was the Johnson administration's complete silence.

President Johnson and Secretary of State Rusk declined the invitations of the Shevchenko Committee to appear or even send messages honoring the Ukrainian poet, on the ground that such action would offend Russia and might upset the present United States-Soviet detente.

When one member of the committee called at the White House to discuss the possibility of either the President or Rusk attending the ceremony, Presidential assistant McGeorge Bundy told him:

"The State Department considers the Ukraine part of the Soviet Union.

"This administration is against stirring up trouble with Russia by publicly honoring Shevchenko" (who fought for the Ukraine's freedom).

Plans are underway by political strategists of GOP standard bearer GOLDWATER to emphasize these policy differences by having former President Eisenhower make at least one nationally televised speech from the Shevchenko Memorial during the campaign.

FALLOUT

With BARRY GOLDWATER the GOP candidate, the White House has passed the word to softpedal United States-Soviet relations until after the election.

The President has ruled out all visits of high U.S. officials to Moscow until after November.

The newly signed consular treaty between the United States and Moscow will not be submitted to the Senate until January.

[From the Detroit News, June 28, 1964]

IKE UNVEILS UKRAINE POET STATUE IN SLAP AT REDS

(By James K. Anderson)

WASHINGTON, June 27.—Cold war scores were evened today when former President Eisenhower unveiled the 24-foot, $250,000 bronze statue of Taras Shevchenko, Ukraine's poet laureate and bard of its lost statehood.

General Eisenhower pulled the cord to release the yellow and blue covering, the Ukraine's national colors. He acted after the free world's largest demonstration by Ukrainians was held.

A mass of marchers estimated at 50,000 to 100,000 made a solemn, silent 3-mile procession from the Ellipse at the rear of the White House and near the Washington Moument along Pennsylvania Avenue to the site of the unveiling.

Virtually every State in the Union, Latin America, and some Western European countries sent delegations to the event.

From the Detroit area the Michigan contingent carrying its banners and numbering more than 1,000, walked between the Pennsylvania and Kentucky delegations.

The cold war significance of the "battle of the monuments" lies in the fact that on June 10 Soviet Premier Khrushchev unveiled a 33-foot statue of Shevchenko in Moscow across from the Hotel Ukraine.

Communists regard Shevchenko as a Bolshevik who died before his time, while anti-Communist Ukrainians and many historians see in him a poet who denounced Moscow's rule over non-Russians and czarist imperialism.

General Eisenhower, who signed the bill authorizing the site for the Shevchenko monument in Washington, said, "This outpouring of lovers of freedom to salute a Ukrainian hero far exceeds my expectations, but its meaning does not exceed my hope.

"For my hope is that your magnificent march from the shadow of the Washington Monument to the foot of the statue of Taras Shevchenko will kindle a new world movement in the hearts, minds, and actions of men.

"The revolutionary doctrines of our free society are far from universal in their application in the world.

"Rather, we have seen the counterattacks of fascism and communism substitute for them the totalitarian state, the suppression of personal freedom, the denial of national independence and even the destruction of free inquiry and discussion.

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko."

During the march John Panchuk, past president of the Ukrainian American Federation of Michigan, said, "it is incongruous that we are honoring a man who is honored also by the Communists, but that is symbolic of this divided world."

Panchuk said the influence of Shevchenko is growing throughout the world as more non-Slavic peoples are becoming aware of his poetry.

Stephen Wichar, who was chairman of the Detroit fundraising committee that collected 10 percent of the monument's $250,000 cost, said:

"This is the Ukrainians' finest hour. Never since the first Ukrainian immigrants came from the old country in the last century has there ever been such a manifestation. Khrushchev should see this and then he would realize how we feel about Shevchenko."

At the ceremonies, representatives of major religious denominations that include Ukrainians offered prayers for their kinsmen behind the Iron Curtain.

Present were the Most Rev. Ambrose Senyshyn, of Philadelphia, metropolitan archbishop of the Ukrainian Catholic Church; and the Most Rev. Ioan Theodorovich, Ukrainian Orthodox metropolitan archbishop.

Saturday night nearly 5,000 persons took part in a banquet at the National Guard Armory where the Shevchenko Bandurist Chorus of Detroit performed several of the poet's poems set to music.

Banquet speakers included Senator THRUSTON B. MORTON, Kentucky Republican, and Representative AUGUST E. JOHANSEN, Battle Creek Republican.

Former President Harry S. Truman was honored by the Ukrainians with the annual Shevchenko Freedom Award, but he was unable to be present to accept it. He is honorary chairman of the committee sponsoring the monument.

[From the Trenton Times-Advertiser, June 28, 1964]

FIVE THOUSAND NEW JERSEY UKRAINIANS SHARE IN SHEVCHENKO DEDICATION

(By George Amick)

WASHINGTON.—It was a great day for the Ukrainians.

An estimated 60,000 men, women, and children of Ukrainian descent, including some 5,000 from New Jersey, poured into the Nation's Capital yesterday. Many of them wore the colorful costumes of their homeland.

They saw former President Eisenhower dedicate a heroic bronze statue of their folk hero, 19th century poet Taras Grigoriyevich Shevchenko.

They cheered wildly as Ike praised Shevchenko as a fighter for freedom who, if he were alive today, would be opposing Russian communism.

Earlier, many of them marched in 90-degree heat over 2 miles of city streets from the Washington Monument to the site of the statue in a small, midcity park.

And last night, at a dinner at the Washington Armory, they celebrated their national heritage in an outburst of songs, speeches, and Shevchenko's poetry.

NEW JERSEY CONTINGENT

The New Jersey group came from all across the State—Trenton, Newark, Jersey City, Passaic, Elizabeth, New Brunswick, and Camden.

The Trenton area contingent, some 800 strong, arrived just as the parade was getting underway. They came in eight chartered buses and scores of private cars.

About 700 of the New Jerseyites marched in a State delegation, flourishing blue and gold Ukrainian flags. Others marched in separate groups for Ukrainian war veterans, uniformed youth organizations, and church groups.

Shevchenko, born in serfdom 150 years ago, is venerated by Ukrainians who hold that his revolutionary poems contributed to the liberation of the serfs in his native land and throughout the Russian empire. He also urged independence for the non-Russian people in the empire.

One New Jersey marcher described the poet to a curious policeman as "our Abraham Lincoln." The Washington statue aroused controversy because Shevchenko is also claimed by the Soviet Union as a prophet of communism. (The same issue arose in Hamilton Township last year over an unsuccessful attempt to rename Deutz Avenue in honor of the poet.)

But authorization for the statue was given by Congress and signed by President Eisenhower shortly before he left office.

THANKS TO IKE

The gratitude of the Ukrainian-Americans toward Eisenhower was evident yesterday. As he rose to speak, chants of "We want Ike" rolled across the dense crowd.

The former President quipped, "You make me feel almost as if I were back in politics."

He said he hoped yesterday's "magnificent march" would "kindle a new world movement in the hearts, words, and actions of all men a never-ending movement dedicated to the independence of people of all captive nations of the entire globe."

He likened the present Russian Government to the regime of the czars in Shevchenko's day, in which "the will of a few men thwarts the will of hundreds of millions."

"But remember the ageless truth—this too shall pass. I dedicate this statute to perpetuate man's faith in the ultimate victory of freedom."

The third of a million dollars necessary to finance the monument was largely raised by an honorary committee headed by former President Truman. Members include Senator Harrison A. Williams, Jr., Democrat, of New Jersey, Representative Frank Thompson, Jr., Democrat, Mercer-Burlington, and four other New Jersey Congressmen.

[From the Toronto Daily Star, July 8, 1964]

Taras Shevchenko's Vision of Liberty Hasn't Come True for People of Ukraine

What Robert Burns is to Scots, Taras Shevchenko is to Ukrainians.

His parentage was even more lowly than Burns, his lifetime struggle harsher, but the two were alike in their vision of freedom and dignity for ordinary men.

Probably he is venerated as the Ukraine's national poet the more because his dreams have yet to be realized. And that's likely why an estimated 15,000 Canadians of Ukrainian descent went to Washington, D.C., June 27 for the unveiling of the Taras Schevchenko monument by former President Dwight Eisenhower.

Between 35,000 and 40,000 United States and Canadian Ukrainians staged a 2¾-hour parade to the site of the 27-foot-high statue. An estimated 100,000 watched the unveiling.

From all over the United States and Canada came Ukrainians to honor the man who was born a serf, and at 47 died the hero-poet of his people. Flag-bearing youth groups and hundreds in folk-dress added color to the scene.

After some difficulty, and finally with outside help, the 73-year-old former President pulled a rope that ripped a plastic cover from Shevchenko's statue.

A 14-foot figure atop a granite pedestal, it is a traditional pose with the poet striding forward purposefully and thoughtfully.

WINNIPEG SCULPTOR

Another reason why so many Canadians attended the ceremony was that the statue was the work of Winnipeg Sculptor Leo Mol and Winnipeg Architect Radoslav Zuk. Mr. Mol's concept was chosen by competition.

Who was this Taras Grigorievich Shevchenko?

He was born a serf in 1814, and he remained a serf until he was 24 years old. In that year his liberty was bought for 2,500 rubles, with the aid of the painter, Karl Bryulov.

Schevchenko, already self-educated to a degree, entered the Academy of Art in St. Petersburg (now Leningrad). Two years later, while still attending the academy, he published a volume of poems that immediately made him the first poet of the Ukraine.

It was titled "Kobzar," after the name of the folk bards who kept alive the memory of the Ukrainian past.

Schevchenko graduated from the academy, found a position with the state archeological commission and settled in Kiev in the Ukraine.

His troubles with the czar's police began when he joined the Society of SS. Cyril and Methodius, organized to agitate against serfdom and create a union of all Slavic peoples under a republican government.

In a year he was arrested and sentenced to penal exile in the Russian Imperial Army. The terms of his sentence read that he was to be kept "under the strictest supervision, with the prohibition of writing and drawing."

It was 10 years before he was pardoned by Czar Alexander III, but he remained under police supervision during the last 4 years of his life.

One of his last deeds was to buy his family's freedom from serfdom. He died in 1861.

Schevchenko was inspired by the example of Western European revolutionaries, and by George Washington.

"When will we receive our Washington, with a new and righteous law; and receive him we will some day," he wrote. The U.S. Congress heard these lines when in 1960 it voted to donate the site for the future monument and its small park.

COST $250,000

The quarter-million dollars for the statue, fountain and grounds was raised entirely by United States and Canadian Ukrainians, who remain fiercely proud of their heritage.

About 1 million live in the United States. In Canada the total is around half a million. After the 1961 census, the Dominion Bureau of Statistics placed Ukrainians as the country's fourth-largest ethnic group, following third-place Germans.

[From the Milwaukee (Wis.) Journal, June 28, 1964]

Ike Dedicates Statue of Ukraine Poet-Hero

Washington, D.C.—Former President Dwight D. Eisenhower Saturday dedicated a statue to the 19th century Ukrainian poet, Taras Shevchenko, in a Washington park and called it a shining symbol of his love of liberty.

The sponsors of the statue call Shevchenko, who died in 1861, an original European freedom fighter, while the Soviet Union honors him as a forerunner of communism. Born a serf, he won his freedom at the age of 24 and went on to become the Ukraine's greatest poet.

Eisenhower said Shevchenko "expressed * * * eloquently man's undying determination to fight for freedom and his unquenchable faith in ultimate victory."

INSCRIPTION RAPS RUSSIA

He said the statue spoke to "millions of oppressed" in Eastern Europe and "gives them constant encouragement to struggle forever against Communist tyranny, until, one day final victory is achieved, as it most surely will be."

At the base of the 14 foot statue is the inscription:

"Dedicated to the liberation, freedom and independence of all captive nations * * * and the freedom of all mankind under foreign Russian imperialist tyranny and colonial rule * * *."

The inscription was carefully worded by the statue's sponsors to embarrass the Soviet Union and to discourage Soviet delegations from laying wreaths at the memorial.

Some 35,000 persons of Ukrainian descent, many wearing native garb, paraded through Washington for the dedication. Many, possibly a large majority, did not understand English. This created a problem for a special force of police assigned to keep the paraders on the right course.

POEM DESCRIBES REVOLT

Shevchenko became a hero in the Ukraine after he published his poem "Haydamaki," which described the revolt of the Ukrainians against their overlords in 1841.

In 1848, stirred by political currents sweeping Europe, he joined in forming the Society of SS. Cyril and Methodius, whose aim was to support a free union of Slavonic peoples under a republican form of government.

Shevchenko and his friends were arrested by the czar's police. The poet was exiled. Pardoned in 1858 he returned to St. Petersburg (Leningrad), where he succeeded in winning freedom from serfdom for his family.

[From the St. Louis Post-Dispatch, June 28, 1964]

Eisenhower Unveils Statue of Ukraine Hero

Washington, June 27.—Former President Dwight D. Eisenhower unveiled a bronze statue of a 19th century Ukrainian poet-hero today at a ceremony attended by thousands of anti-Communist Americans of Ukrainian descent.

At the base of the 14-foot statue of Taras Grigoriyevich Shevchenko, poet laureate of the Ukraine who died in 1861, is this inscription:

"Dedicated to the liberation, freedom, and independence of all the captive nations * * * and the freedom of all mankind under foreign Russian imperialist tyranny and colonial rule."

Eisenhower called the memorial "a shining symbol of liberty."

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko," he said.

The Ukrainians, many of them in native costume, marched from near the White House to the statue 2 miles away in a small park in the center of Washington.

[From the Washington Post, June 28, 1964]

Ukrainians Make Eisenhower Feel "Like I Were Back in Politics"

(By Phil Casey)

Former President Dwight D. Eisenhower received an ovation when he spoke at ceremonies for the unveiling of the bronze statue of the 19th century Ukrainian poet Taras Grigoriyevich Shevchenko at 22d and P Streets NW., yesterday afternoon.

Thanking the crowd of about 36,000 Ukrainians from this country, Canada, Latin America and Europe for its warm welcome, Mr. Eisenhower said:

"You make me feel almost like I were back in politics."

The parade began at 10 a.m., at the Ellipse and ended shortly after noon at 22d and P Streets NW., after a march up 15th Street, Pennsylvania Avenue and 23d Streets NW.

The former President praised Shevchenko's poetry and his fight for freedom, saying the poet "expressed eloquently man's undying determination to fight for freedom and his unquenchable faith in ultimate victory."

He said the statue, a 14-foot figure on a 10-foot base, speaks to "millions of oppressed persons" in Eastern Europe and "gives them constant encouragement to struggle forever against Communist tyranny, until, one day, final victory is achieved, as it most surely will be."

He warned: "The touchstone of any free society is limited government, which does only those things which the people need and which they cannot do for themselves at all, or cannot do as well."

The parade and ceremonies were a demonstration against communism as well as a tribute to Shevchenko.

Nevertheless, the poet is beloved by Communists as well. The Soviet Union hails him as a fighter for the ideals of communism and the Ukrainians idolize him as a fighter for freedom from tyranny and the oppression of Communist states.

A high point of the celebration, aside from the former President's appearance, was the non-Ukrainian Royal Sabres drum and bugle crops, which swings. There were few spectators for the parade, but those who did turn out applauded that band all along the parade route.

Shevchenko became a Ukrainian hero when he wrote revoluntionary verse and worked actively for a free union of Slavonic peoples under a republican form of government. A serf, he won freedom for himself and his family.

A Ukrainian from Canada was found in the hot crowd, wilting in the 90-degree temperature. But he was glad to be there. Peter Besko, who is well acquainted with the works of Shevchenko, said, "I work in the streets for the city of Toronto. I am a laborer, but I know Shevchenko. Maybe half of these people have never read him, but they know him as a fighter for freedom, and that is enough."

Another man down from New York, explained the Ukrainians' love for the knowledge of Shevchenko.

"In the Ukraine," he said, "even the poor people know of him. When I was young, even the very poor had two books: the Bible and the poems of Shevchenko."

[From the Washington Post, June 28, 1964]

UKRAINIANS HAVE HISTORY OF FREEDOM SEEKING

The Ukranian-born Americans and Americans of Ukrainian descent who came to Washington yesterday brought with them freedom-seeking traditions inherited from Cossacks and peasants.

Although the Ukraine has been a Soviet Socialist Republic since 1920, the Ukrainian-Americans retain a distinctive language, music, and dress—all of which were in abundant evidence yesterday around the statue of Taras Shevchenko at 22d and P Streets.

According to Orest Horodyskyj, a native of Ukraine and writer for the weekly newspaper Ukrainian Life in Chicago, about a million Ukrainian-Americans now live in the United States, and some 40,000 were in Washington yesterday for the statue unveiling ceremonies.

Horodyskyj said the main immigration of these people to America was about 90 years ago, and that most initially took jobs as farmers and laborers.

They now are concentrated in the urban centers of New York State, New Jersey, Pennsylvania, Ohio, Illinois, and Michigan. About 80 percent of them speak Ukrainian, a Slavic tongue, and youngsters could be heard talking in Slavic sounds around the statue.

Standing beside his scout-uniformed, 15-year-old son under a glaring sun, Horodyskyj, 45, gave this account of Taras Shevchenko and his meaning to the Ukrainian-Americans.

Shevchenko lived from 1814 to 1861 in a time when landlords owned not only large pieces of land, but also their peasants. Shevchenko, though a peasant, was a very able painter, so friends bought him from his landlord and sent him to St. Petersburg in Russia to an art academy, from which he was graduated with a gold medal.

He began writing poems about the hard life of the Ukrainian peasant and political oppression under the czar. For these poems, and for membership in the inter-Slavic Cyrylo-Methodius Brotherhood, Shevchenko was put in the czarist army for 10 years.

Freed, he wrote anticzarist poems and became one of the first strong voices in his time against the persecution and oppression of his people.

The poems were translated into other Slavic languages and marked Shevchenko as a champion of liberty whose works are still held up as models of the independent spirit.

[From the Chicago Sun-Times, June 28, 1964]

UKRAINIAN STATUE DEDICATED BY IKE

WASHINGTON.—Former President Dwight D. Eisenhower dedicated a controversial statue to 19th century Ukrainian Poet Taras Schevchenko Saturday and called it a shining symbol of his love of liberty.

The sponsors of the statue call Shevchenko, who died in 1861, an original European freedom fighter, while the Soviet Union considers him a forerunner of communism. Born a serf, he won his freedom at the age of 24 and went on to become the Ukraine's greatest poet.

Mr. Eisenhower said Schevchenko "expressed * * * eloquently man's undying determination to fight for freedom and his unquenchable faith in ultimate victory."

The former President said the statue speaks to "millions of oppressed" persons in Eastern Europe and "gives them constant encouragement to struggle forever against Communist tyranny until, one day, final victory is achieved, as it most surely will be."

Schevchenko became a hero in the Ukraine after he published his poem "Haydamaki," which described the revolt of the Ukrainians against their overlords, in 1841.

In 1848 he joined in forming the Society of Saints Cyril and Methodius, whose aim was to support a free union of Slavonic peoples under a republican form of government.

Schevchenko and his friends were arrested by the czar's police and the poet was sentenced to military exile in eastern Russia. He was pardoned in 1858 and returned to St. Petersburg (Leningrad) where he succeeded winning freedom from serfdom for his family.

More than 60,000 Americans of Ukrainian descent were expected in the Capital over the weekend to participate in the ceremonies. Honorary chairman of the event, sponsored by the Shevchenko Memorial Committee of America, is former President Harry S. Truman.

[From the Minneapolis Sunday Tribune, June 28, 1964]

IKE UNVEILS STATUE OF UKRAINIAN HERO

WASHINGTON, D.C.—Former President Dwight D. Eisenhower, Saturday unveiled a bronze statue of a 19th-century Ukrainian hero that bears an anti-Russian slogan designed to make Soviet Premier Nikita Khrushchev see red.

At the base of the 14-foot statue of Taras Grigoriyevich Shevchenko, poet laureate of the Ukraine who died in 1861, is the following inscription:

"Dedicated to the liberation, freedom, and independence of all the captive nations * * * and the freedom of all mankind under foreign Russian imperialist tyranny and colonial rule."

The inscription was carefully worded by the statue's sponsors to embarrass the Soviet Union and to discourage Soviet delegations from laying wreaths at the memorial site.

Eisenhower, who suggested Thursday that the Soviet Union implement its proposed "ban" on wars by freeing formerly independent nations within its borders, praised the statue as "a shining symbol of * * * liberty."

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko," he said.

The former President spoke after an estimated 35,000 Americans of Ukrainian descent, many of them in native costume, marched from near the White House to the statue 2 miles away in a small park in the center of the Capital.

[From the Boston Herald, June 28, 1964]

THOUSANDS AT CEREMONY—IKE DEDICATES HERO'S STATUE TO UKRAINE'S GREATEST POET

WASHINGTON.—While a massed chorus sang the Ukrainian national anthem, former President Dwight D. Eisenhower dedicated Saturday a heroic statue to Taras Shevchenko, a serf who became his country's greatest poet.

Police estimated 40,000 to 60,000 persons stood more than 2 hours in 91° temperature for the colorful ceremonies unveiling the controversial 14-foot statue.

FREEDOM FIGHTER

Sponsors of the project called Shevchenko, who died in 1861, an original "European freedom fighter." The Soviet Union considers him a forerunner of communism.

Born a serf, he won freedom at 24 and became a national hero when he published his poem "Haydamaki." This described the revolt of the Ukrainians against their Russian overlords in 1841.

He was arrested by the czar's police after helping form in 1848 a society to support a free union of Slavonic peoples under a republican form of government.

TEN YEARS IN EXILE

Shevchenko was in exile 10 years in eastern Russia before being allowed to return to St. Petersburg.

Eisenhower said the statue speaks to "millions of oppressed" persons in Eastern Europe and "gives them constant encouragement to struggle forever against Communist tyranny, until, one day final victory is achieved."

A huge parade of colorfully native-costumed organizations preceded the dedication.

[From the New Orleans (La.) Times-Picayune, June 28, 1964]

SIXTY THOUSAND HEAR IKE DEDICATE STATUE OF UKRAINIAN POET

(By Wilbur Martin)

WASHINGTON.—While a massed chorus sang the Ukrainian national anthem Saturday, former President Dwight D. Eisenhower dedicated a heroic statue to Taras Shevchenko, a serf who became his country's greatest poet.

Eisenhower called it "a shining symbol of his love of liberty."

Police estimated up to 60,000 persons stood more than 2 hours in 91-degree temperatures for the colorful ceremonies.

FREEDOM FIGHTER

Sponsors of the 14-foot statue called Shevchenko, who died in 1861, an original "European freedom fighter." The Soviet Union considers him a forerunner of communism.

Born a serf, he won freedom at 24 and became a national hero when he published his poem, "Haydamaki." This described the revolt of the Ukrainians against their Russian overlords in 1841.

He was arrested by the czar's police after helping form in 1848 a society to support a free union of Slavonic peoples under a republican form of government. Shevchenko was in exile 10 years.

Eisenhower said the statue speaks to millions of oppressed persons in Eastern Europe and gives them constant encouragement to struggle forever against Communist tyranny until one day final victory is achieved.

FROM SEVEN NATIONS

People of Ukrainian origin from all over the United States and from Canada, England, West Germany, Peru, Argentina, and Mexico attended the ceremony.

The dedication was sponsored by the Shevchenko Memorial Committee of America, Inc., of New York City. More than $350,000 was raised to cover costs of the statue from Americans of Ukrainian descent.

The Soviet press accused leaders of the Ukrainian-American community of using the monument to heat up the cold war, the committee said.

[From the Miami Herald, June 28, 1964]

IKE UNVEILS STATUE OF UKRAINIAN HERO BEARING AN ANTI-RUSSIAN SLOGAN

WASHINGTON.—Former President Dwight Eisenhower Saturday unveiled a bronze statue of a 19th century Ukrainian hero that bears an anti-Russian slogan designed to make Soviet Premier Nikita Khrushchev see red.

At the base of the 14-foot statue of Taras Grigoriyevich Shevchenko, poet laureate of the Ukraine who died in 1861, is the following inscription:

"Dedicated to the liberation, freedom and independence of all the captive nations * * * and the freedom of all mankind under foreign Russian imperialist tyranny and colonial rule."

The inscription was carefully worded by the statue's sponsors to embarrass the Soviet Union and to discourage Soviet delegations from laying wreaths at the memorial site.

Eisenhower, who suggested Thursday that the Soviet Union implement its proposed "ban" on wars by freeing formerly independent nations within its borders, praised the statue as "a shining symbol of * * * liberty."

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko," he said.

The former President spoke after an estimated 35,000 Americans of Ukrainian descent, many of them in native costume, marched from near the White House to the statue 2 miles away in a small park in the center of the Capital.

[From the Washington (D.C.) Evening Star, June 27, 1964]

PARADE AND DEDICATION HERE TO HONOR UKRAINIAN POET

(By Robert J. Lewis)

Today is Taras Shevchenko Day in Washington, and representatives of the Nation's 2 million liberty loving Americans of Ukrainian origin have arranged an impressive show of pride in their 19th century poet-hero.

An estimated 50,000 Ukrainian-Americans and others from Canada and countries abroad converged on the city last night and today for a parade and dedication of the Shevchenko statue authorized by Congress 4 years ago.

Former President Dwight D. Eisenhower is scheduled to deliver the principle address and unveil the $250,000 monument to the Ukrainian people's foremost prophet of freedom.

LAW SIGNED IN 1960

The law authorizing construction of the statue was signed by President Eisenhower on September 13, 1960.

It is located on a triangular site at 23d and P Streets, just south of Massachusetts Avenue NW.

The parade started at 10 a.m. from the Ellipse while buses still were unloading persons who expected to participate.

A crowd gathered early this morning at the monument site to be sure of having a place to see the dedication ceremonies.

Many thousands of khaki-clad youngsters who arrived with Ukrainian youth groups were in the parade's line of march. Among musical groups and bands were the Royal Sabers of Washington. Officials said eight bands were to be in the parade.

SEVERAL TREATED

By parade time, a Red Cross first aid station at the south end of the Ellipse reported a few persons had been treated for blisters and fainting.

The influx of participants and spectators for the ceremonies was arranged for by the Shevchenko Memorial Committee of America, the Ukrainian Congress Committee of America, the Ukrainian National Association, and other groups.

The 14-foot-high sculptured figure of the poet surmounts a 7-foot polished granite base in the quarter acre landscaped park adjacent to the Episcopal Church of the Pilgrims.

The site authorized by Congress was selected by the Interior Department and approved by the National Capital Planning Commission. All funds for the monument were raised in voluntary contributions by Ukrainian-American groups.

Opening event of the gala celebration, formally marking official recognition of the Ukrainian poet laureate in the Nation's Capital, was a Constitution Hall concert last night. More than 1,800 persons from delegations arriving early, as well as others, were present for the program by Ukrainian instrumentalists conducted by John Zadorozny.

Besides the parade and dedication, today was to be crowded with other events, ending with a banquet for an estimated 3,500 persons at the District National Guard Armory at 8:30 p.m. Among events was to be the placing of wreaths on the grave of the late President John F. Kennedy and at the Tomb of the Unknown Soldier in Arlington Cemetery by the Ukrainian-American veterans' organization.

Principal speaker at tonight's armory banquet, at which five Shevchenko Freedom Awards are to be presented, will be Senator MORTON, Republican, of Kentucky. Honorary chairman of the sponsoring committee for today's celebration is former President Harry S. Truman, who has been chosen to receive one of the freedom awards.

[From the Washington Evening Star, June 26, 1964]

UKRAINIANS TO PARADE TOMORROW

A parade tomorrow honoring Taras Shevchenko, national hero and poet of Ukraine, will interrupt traffic on a number of downtown streets. Some 32,000 are to march.

Ukrainians from all over the world will march from the east side of the Ellipse to a triangular park at 23d and P Streets NW., where a statue of the 19th century hero will be unveiled.

The parade will leave the Ellipse at 10 a.m., and move to 15th and E Streets NW., by way of East Ellipse Drive. It will then proceed north on 15th Street to New York Avenue; then west on Pennsylvania Avenue to 23d Street NW. Paraders will march north on 23d Street to P Street, where they will disband for the unveiling ceremony.

Police suggest that motorists avoid the parade route from 10 a.m. to 1 p.m. Normal traffic will resume in the area of 23d and P Streets NW., after the crowds have dispersed at about 4:30 p.m.

Vehicles authorized to use reserved Government parking facilities within the restricted areas adjacent to the parade route and disbanding area and motorists desiring to use private parking spaces in these areas will be permitted to cross police lines when they indicate their intention by turning on their headlights. No traffic at all will be permitted on or across the parade route after it is closed to traffic.

[From the Washington Post, June 28, 1964]

PARADE CAUSES TRAFFIC JAM—36,000 UKRAINIAN-AMERICANS MARCH IN HEAT TO UNVEILING OF POET'S STATUE

A Ukrainian poet, dead a little more than a century now, precipitated here yesterday a traffic jam of dimensions unsurpassed by those attending the occasional visits to this city of live foreign dignitaries.

Some 36,000 Ukrainian-Americans paraded in tribute to the man whose statue they unveiled at 22d and P Streets NW. Non-Ukrainian motorists found themselves hard put to go about their normal vehicular ways during the festivities.

Coping with the various traffic impasses downtown and in the Georgetown area were 700 policemen, a number of whom were themselves casualties in the searing 91° midday heat.

One motorist said he required an hour for his usual 15-minute trip; another said he was detoured around the crush, achieving a normal 4-mile drive over an 11-mile route.

But, police reported, the massed march from the Ellipse past the White House to the Taras Shevchenko statue site was accomplished without untoward incident and by midafternoon the traffic situation had dissolved to normal.

At St. Matthew's Cathedral guests arrived for the 10 o'clock wedding of Geneve Suzanne Murnane and photographer Fred J. Maroon and waited. And waited. The wedding got off 25 minutes late and another wedding that followed was delayed also.

Inspector Charles L. Wright said 100 cars had to be towed away from temporary noparking zones.

The Ukrainian-Americans came from as far as Michigan. After their long march from the Ellipse to the statue they broke ranks to look for refreshment.

A restaurant across 22d Street from the statue did a land-office business and stores along P Street also tried to keep up with the unaccustomed rush on beer, soft drinks, ice cream, and sandwiches. One place was reported to be getting $1 a beer.

Down Connecticut Avenue a few blocks from the ceremony, a record shop quickly adjusted to the opportunity by prominently displaying records of Ukrainian music.

At one point enough persons were feeling faint from the heat for police to start calling taxis to carry away the indisposed.

Police Pvt. Charles J. Rusinak was half dragged and half ran for 150 feet when his arm was caught in a car which he had tried to stop from entering the parade zone. A bus driver then tried to chase the determined driver but lost him.

The 700 policemen were supplied with box lunches of chicken, which this time did not spoil as some had during the civil rights march on Washington last August.

Once yesterday, the police braced for what looked like trouble. After the statue unveiling ceremony, about 2,000 men started marching again, this time along P Street toward their buses and hotels. They looked determined.

However, they dispersed agreeably when told their parade permit had expired.

Inspector Wright called all of the marchers "a well-behaved group."

[From the Washington Post, June 24, 1964]

UKRAINIAN MUSIC FESTIVAL HONORING TARAS SHEVCHENKO AT CONSTITUTION HALL

A memorial statue to Taras Shevchenko, bard of Ukraine and freedom fighter, will be unveiled at 22d, 23d, and P Streets, NW., at 1 p.m., Saturday, June 27.

Shevchenko urged the coming to Ukraine of a George Washington with "his new and righteous law." He called for the liberty and independence not only of Ukraine but of all captive nations of Eastern Europe. Music presented will be based upon Shevchenko's descriptions of Ukrainian life and fight for freedom and independence.

Other Saturday events:

Ukrainian Youth Festival: Washington Coliseum, 5 and 8 p.m.

Shevchenko Jubilee Banquet: National Guard Armory, 8:30 p.m.

Six famous Ukrainian choruses: "Dumka" of New York; "Trembita" of Newark; "Kobzar" of Philadelphia; "Dnipro" of Cleveland; "Slavuta" and "Women's Chorus" of Chicago.

The Symphony Orchestra of Washington.

Ukrainian Bandurists.

The "Slovo" Theater.

The most spectacular presentation of Ukrainian music ever in Washington, D.C.

PROGRAM

Friday, June 26, 8 p.m., Ukrainian Bandurists.

Saturday, June 27, 5 p.m., Ukrainian Bandurists, United Choirs of Chicago, "Trembita" Chorus, "Slovo" Theater, Symphony Orchestra.

Saturday, June 27, 8:30 p.m., Ukrainian Bandurists, "Dnipro" Chorus, "Dumka" Chorus, "Slovo" Theater, Symphony Orchestra.

[From the Washington Post, June 27, 1964]

UNVEILING RITES SET TODAY FOR STATUE OF SHEVCHENKO

The controversial statue of Taras Shevchenko, 19th century Ukrainian poet and national hero, will be unveiled here today. Approximately 100,000 persons from all over the world are expected to attend the ceremonies, and some 32,000 Ukrainians and descendants of Ukrainians will march in a parade preceding the unveiling.

The parade will leave the Ellipse at 10 a.m., head north on 15th Street NW. to New York Avenue, west on Pennsylvania Avenue to 23d Street and north to the triangle formed by 23d, 22d and P Streets, where the 14-foot bronze statue will be unveiled.

Controversy developed over the statue because of differing views over the Ukrainian's philosophy. To Americans, Shevchenko was a champion of freedom; to Soviets, a disciple of what is now communism. He died 103 years ago.

Former President Eisenhower will unveil the statue at ceremonies set for 2 p.m. Former President Truman, who is not expected to attend, is honorary chairman of the program and nominee for one of five special "Shevchenko Freedom Awards."

A dozen bands and groups dressed in Ukrainian costumes will participate in the 3-hour parade.

Vehicles authorized to use reserved Government parking facilities in the area and motorists who want to use private parking spaces along the parade route and disbanding area will be permitted to cross police lines if they indicate their intentions by turning on their headlights. Once the parade route is closed to traffic, however, no vehicles will be permitted on or across it.

Shevchenko was born a serf, gained his freedom at the age of 24 and went on to become his country's greatest poet. He died in 1861 at the age of 47. Moscow represents him as a forerunner of modern communism, while his anti-Communist sponsors here insist he was an original European freedom fighter.

[From the Washington Post, June 27, 1964]

SHEVCHENKO MEMORIAL

The heroic statue of Taras Shevchenko is no less a memorial to the 19th century Ukrainian poet than to the dedication and fervor of his various admirers. We welcome the thousands of them who have gathered here for the unveiling today—some, we understand, from the Soviet Ukraine—and trust that Shevchenko will continue to inspire them in the best traditions of the Ukraine. The statue, situated on a becoming brow of Rock Creek Park at P Street NW., is indeed impressive.

Perhaps this is an opportune moment to paraphrase Shevchenko, who even the Communists insist is the greatest of all Ukrainian bards, and to ask: "When shall we in Washington receive a new and righteous law?"

The law to which we refer would regulate the erection of statues and monuments in the Nation's Capital and would halt the hit-or-miss procedure. A law that would establish broad criteria for honoring great men would be an appropriate sequel to the Shevchenko statue.

[From the Washington Daily News, June 27, 1964]

EISENHOWER TO SPEAK—35,000 HERE FOR UNVEILING OF STATUE

At least 35,000 people were gathering here today to take part in a parade and ceremonies dedicating the statue of Taras Shevchenko, 19th century "Bard of the Ukraine."

Former President Eisenhower who signed the law authorizing the statue in 1960, was to give the principal address at the unveiling.

The 14-foot bronze statue is in a small triangular park at 22d and P Streets NW. The nearby Fireside Restaurant had turned its sidewalk cafe into a food stand to dispense thousands of hot dogs and hamburgers. This morning police towed off some 40 cars that were parked in the ceremonial area around the small park.

VISITORS

The parade began at 10 a.m. at the Ellipse, led by several marching groups of gaily dressed Ukrainian-Americans, here from all across the country, as well as from other countries. Some 5,000 of the visitors were from Chicago alone.

Most of the Ukrainian-Americans belong to organizations dedicated to self-determination for the Ukraine. They paid for the $250,000 monument to Shevchenko, who remains the most famous poet of their homeland.

In a prepared text, General Eisenhower said that the statue "standing here in the heart of the Nation's Capital, near the embassies where representatives of nearly all the countries of the world can see it, is a shining symbol of his (Shevchenko's) love of liberty."

General Eisenhower said the poet and freedom fighter's statue "speaks" to the "millions of oppressed" in Russia and central European nations.

"It gives them constant encouragement to struggle forever against Communist tyranny, until one day final victory is achieved."

CONTROVERSY

There has been controversy over today's celebration in that the Soviet Union, of which the Ukraine has long been a part, claims Shevchenko as a forerunner of the modern Communist. Russia has erected several statues and memorials to him in his homeland.

Senator THRUSTON B. MORTON, Republican, of Kentucky, will be the main speaker at a "Shevchenko Jubilee Banquet" tonight at 8:30 p.m. at the National Guard Armory. Harry Truman, honorary chairman of the monument's sponsoring committee, will be given a Shevchenko Freedom Award, which an aid will accept for him.

[From the Buffalo Courier-Express, June 28, 1964]

DULSKI HITS REDS AT RITES IN HONOR OF UKRAINIAN

(By Lucian C. Warren)

WASHINGTON.—Many Buffalo area residents Saturday witnessed the unveiling here of a statue to Taras Shevchenko, Ukrainian freedom lover.

They heard Representative THADDEUS J. DULSKI declare that by cruel irony a statue to Shevchenko was unveiled in Moscow by Nikita Khruschev just 17 days ago. The Buffalo Democrat added:

"Those in Moscow who have imposed a new colonial rule on the Ukraine, on Poland, on Hungary, on Latvia, and on all the other captive nations, so fear Shevchenko's power to move men that they now seek to capture him and distort his message of freedom."

Unveiling of the Washington statue climaxed a 3-day celebration, in honor of the Ukrainian hero, in which many thousands of Americans of Ukrainian descent participated.

The statue was authorized by Congress in 1960 and was erected with $300,000 raised in a nationwide drive.

Shevchenko, a Ukrainian poet who was a contemporary of Abraham Lincoln, contributed to the liberation of serfs in his native country and is a national hero among the Ukrainians throughout the world.

A parade in his honor preceded the unveiling. Other events included concerts in Constitution Hall and a dinner in the armory.

DULSKI told the assembled crowd Saturday:

"As we stand before this noble statue we can see that, were Shevchenko alive in the flesh today as he is alive in the spirit, he would tell the Russian Communist imperialist: 'You shall never bury us. The courageous spirit of millions of captive people who seek freedom will inevitably prevail.'"

Dr. Nestor Procyk, chairman of the Buffalo Chapter of the Ukrainian Congress Committee, was among about 350 persons here from the Buffalo area to participate in the ceremonies.

Among those who made the trip were representatives of the Suma and Plast American Ukrainian Youth Associations. Gen. Petro Samutyn was chairman of the Buffalo Chapter Shevchenko Memorial Committee, and Michael Lysak was Buffalo organizational leader.

[From the Buffalo Evening News, June 28, 1964]

THREE HUNDRED AND FIFTY FROM BUFFALO JOIN IN HONORING BARD OF UKRAINE

WASHINGTON, June 27.—More than 30,000 gathered here to march through downtown streets from the Ellipse to the unveiling of a statue honoring Taras Shevchenko, freedom fighter and bard of the Ukraine.

About 350 came here from Buffalo in six chartered buses and in private cars. Included were an orchestra and members of two youth organizations, Ukrainian Youth Organization Plast, and the America-Ukrainian Youth Association, Suma.

Representative DULSKI of Buffalo was one of the speakers at the ceremony in which former President Eisenhower officiated at the unveiling.

Mr. DULSKI called it "cruel irony for Nikita Khrushchev to unveil a statue to Shevchenko in Moscow just 17 days ago.

"Those in Moscow who have imposed a new colonial rule on Ukraine, on Poland, on Hungary, on Latvia and on all the other captive nations so fear Shevchenko's power to move men that they now seek to capture him, to tame him, and to distort his message of freedom to their aggressive ends.

"They will never succeed. Never. It cannot be done.

"Freedom is the spirit of Shevchenko. Freedom is the spirit of the statue unveiling to him on the free soil of the United States today."

Dr. Nestor Procyk, who preceded the Buffalo group here, is head of the Buffalo chapter of the Ukrainian Congress Committee of America. Heading the Buffalo Shevchenko Memorial Committee is Gen. Petro Samutyn, with Michael Lysak in charge of organization.

[From the Seattle (Wash.) Times, June 28, 1964]

EISENHOWER DEDICATES STATUE TO UKRAINIAN "FREEDOM POET"

WASHINGTON, June 27.—Former President Eisenhower today unveiled a bronze statue of a 19th century Ukrainian hero that bears an anti-Russian slogan designed to make Soviet Premier Khrushchev see red.

At the base of the 14-foot statue of Taras Grigoriyevich Schevchenko, poet laureate of the Ukraine, who died in 1861, is the following inscription:

"Dedicated to the liberation, freedom and independence of all the captive nations * * * and the freedom of all mankind under foreign Russian imperialist tyranny and colonial rule."

The inscription was carefully worded by the statue's sponsors to embarrass the Soviet Union and to discourage Soviet delegations from laying wreaths at the memorial site.

Mr. Eisenhower, who suggested Thursday that the Soviet Union implement its proposed "ban" on wars by freeing formerly independent nations within its borders, praised the statue as "a shining symbol of * * * liberty."

"Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko," he said.

The former President spoke after an estimated 35,000 Americans of Ukrainian descent, many of them in native costume, had marched from near the White House to the statue 2 miles distant in a small park in the center of the Capital.

Joining the march were persons from a dozen foreign countries and a group of Negroes honoring the poet's friendship with Ira Aldridge, an American Negro actor of his day.

Police efforts to keep the marchers in line and reroute heavy tourist traffic were complicated by the fact that many taking part in the day-long ceremonies spoke little or no English.

[From the Jersey Journal, June 29, 1964]

Ike Unveils Statue Honoring Shevchenko, Ukrainian Hero

(By Richard Sapir)

Washington.—Rosemarie Szubak, 12, of Jersey City thinks Taras Shevchenko was "kind of a poet or something." She was born in America.

Her father, Anton of 799 Secaucus Road, was born in the Communist-dominated Ukraine He escaped to America in 1950. To him Shevchenko was "a light of freedom burning in the darkness of Communist tyranny."

Saturday, the Szubaks and more than 1,000 people from Hudson County joined an estimated 35,000 persons of Ukrainian descent to pay homage here to Taras Grigoriyevich Shevchenko 19th century poet laureate of the Ukraine and a freedom fighter.

Former President Eisenhower unveiled the 14-foot statue of Shevchenko in the 98-degree Washington heat as the crowd sang "Testament," a Shevchenko poem calling for the liberation of the Ukraine from tsarist tyranny.

"When we sang we cried," said Mrs. Helen Bilyk of 378 Palisades Avenue, Jersey City. "Everyone was crying. It was a great day for Ukrainians and Americans."

The thousands of Americans who marched under the sweltering sun along the melting asphalt of 23d Street to Northwest P Street where the memorial was dedicated, came to give symbolic support to millions trapped behind the Iron Curtain.

The inscription on the Shevchenko statue reads: "Dedicated to the liberation, freedom and independence of all the captive nations and the freedom of all mankind under foreign Russian imperalist tyranny and colonial rule."

The inscription was worded to discourage Soviet delegations from laying wreaths at the memorial site. The Communists claim Shevchenko, who died in 1861, would have been a Communist if he were alive today. They have built several statues honoring him.

But, Eisenhower told the crowd: "Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko."

He said he hoped the anti-Communist demonstration would start a "new world movement dedicated to the independence and freedom of all captive nations in the entire world.

"In the nations of East and Central Europe, in non-Russian nations of the U.S.S.R., there are millions of individual human beings who earnestly want the right of self-determination and self-government."

Former President Truman received one of five Shevchenko Freedom Awards for his fight against communism.

The Jersey City branch of the Ukrainian Congress Committee hired seven buses for the trip. Many drove down in private cars bringing box lunches with them.

Leo Fedak led a delegation of more than 150 Bayonne residents to the ceremonies.

Some came by airplane, some by train. A college student from Montreal hitchhiked to Washington. For many, the weekend expenses meant months of saving and scrimping. It was a family affair. It was a Ukrainian affair. It was an American affair.

Girls marched in brightly colored Slavic costumes. Bands of Boy Scouts, predrilled in hundreds of communities across the Nation, paraded in neat columns beneath the sweltering Washington sun, American and free-Ukrainian flags aloft.

Grown men cried. Children stood patiently beside their parents as the speeches droned on. A woman in the thick-packed crowd fell to her knees and kissed the granite base of the statue dedicated to a man born in a poverty few Americans will ever know.

Schevchenko was a serf by birth, a painter by trade, a poet by inspiration, and a Ukrainian nationalist by determination.

For his poetry demanding the Russians to leave the Ukraine, he was sent to Siberia by Tsar Nicholas, there, he met other Slavic nationalists and influenced their thinking. He died in 1861, just before his beloved serfs won their freedom.

"Shevchenko never would have been a Communist," said Nadia Potoczniak of Jersey City, a sophomore at Douglass College. "He wanted the Russians to leave the Ukraine. He fought for freedom. The Communists stand for just the opposite."

Anton Szubak agreed with her. And he was glad Rosemarie was born in this country.

"If she knew what it was like to live under the Communists," he said, "she would know more about Shevchenko."

[From the Pittsburgh (Pa.) Press, June 28, 1964]

Ike Leads Honors to Ukrainian Hero: Statue of Nation's Poet Laureate Has Slogan To Make Nikita See Red

(By Neil A. Martin)

Washington, June 27.—Former President Eisenhower today unveiled a statue of a 19th century Ukrainian hero that bears a slogan designed to make Soviet Premier Nikita Khrushchev see red.

At the base of the 14-foot statue of Taras Grigoriyevich Shevchenko, poet laureate of Ukraine who died in 1861, is the following inscription:

"Dedicated to the liberation, freedom, and independence of all the captive nations * * * and the freedom of all mankind under foreign Russian imperialist tyranny and colonial rule."

The inscription was carefully worded to embarrass the Soviet Union and to discourage Soviet delegations from laying wreaths at the memorial site.

Mr. Eisenhower, who suggested Thursday that the Soviet Union implement its proposed "ban" on wars by freeing formerly independent nations within its borders, praised the statue as "a shining symbol of * * * liberty."

Tyranny and oppression today are not different from tyranny and oppression in the days of Taras Shevchenko, he said.

The former President spoke after an estimated 35,000 Americans of Ukrainian descent, many of them in native costume, marched from near the White House to the statue 2 miles away in a small park in the center of the Capital.

(A large delegation from the Pittsburgh district attended the observance.)

Joining the march were persons from a dozen foreign countries and a group of Negroes honoring the poet's friendship with Ira Aldridge, an American Negro actor of his day.

At a recent unveiling of a Shevchenko statue in Moscow, Khrushchev said "socialism is the true heir" of the poet's treasures. But the poet's anti-Communist supporters here hailed the bard as a "freedom fighter" and a Ukrainian George Washington.

Former President Truman, honorary chairman of the event, was to receive one of six special "Shevchenko Freedom Awards" at a banquet tonight.

THE CULPABILITY OF SOVIET SECRET POLICE (KGB), AND THE WORLD COMMUNIST APPARATUS IN OSWALD'S POLITICAL ASSASSINATION OF PRESIDENT KENNEDY

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Pillion] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. PILLION. Mr. Speaker, I have, today, addressed a letter to the Chairman and honorable members of the President's Commission To Report Upon the Assassination of President Kennedy, in which I review the material evidence available relating to the motivation for Lee Harvey Oswald's assassination of President Kennedy.

The direct and circumstantial evidence overwhelmingly warrants the conclusion that Communist influences and motivations were wholly responsible for Oswald's assassination of President Kennedy.

The following is a news release summarization of my letter to the members of the President's Commission To Report Upon the Assassination of President Kennedy, and the full text of my letter follows the summary:

News Release Summarization

Lee Harvey Oswald was wholly influenced and motivated by his Communist ideology, training, associations, and objectives, in his assassination of President Kennedy on November 22, 1963, it was charged today by Representative John R. Pillion, Republican, of Buffalo, N.Y.

In a letter to Chief Justice Earl Warren, Chairman of the President's Commission, Congressman Pillion called upon the Warren Commission to make a finding of Communist complicity and culpability for the death of President Kennedy in its long delayed report. He declared, however, that he expected the Commission to "whitewash" the role of international communism.

Representative Pillion stated that the findings of the Commission will be in conformity with the State Department's policy of "ingratiation, appeasement, and convergence toward the Soviet and communism."

It is the policy of our Government, Mr. Pillion continued, "to deemphasize or suppress information that might create an antagonistic public opinion toward the Soviet-dominated International Communist apparatus."

"The circumstantial evidence is sufficient to exclude to a moral certainty, any other hypothesis, except that Lee Harvey Oswald assassinated President Kennedy to advance the world Communist plan designed to ultimately destroy the United States and the free world," Mr. Pillion asserted.

Anticipating the substance of the Commission's findings, Representative Pillion stated, "If the President's Commission absolves the Communists from direct or indirect involvement in the assassination of President Kennedy, then, it will be perpetrating a great disservice to the American people."

Representative Pillion said that Oswald's intent to assassinate former Vice President Nixon, his shooting at General Walker, his wounding of Governor Connolly and his assassination of President Kennedy constituted a pattern of premeditated, but impersonal Communist political assassinations.

Mr. Pillion traced Oswald's activities in the Soviet Union, his close association with the KGB, the Soviet secret police organization, his marriage to the niece of a lieutenant colonel of the MVD, and his later visits to Mexico City, described as the center for Communist propaganda, subversion, and terrorism in the American hemispheres.

Mr. Pillion cited a number of extraordinary privileges arranged for Oswald by the KGB during his more than 2½ years in the Soviet. "There can be no question," Mr. Pillion said, "that Oswald and Marina were considered by the KGB to be potential agents for either specific or future assignments."

Mr. Pillion compared the similarities between the assassination of President Kennedy with the murder of Leon Trotsky in Mexico City on August 20, 1940. He said that more than 10 years elapsed before sufficient circumstantial evidence was accumulated to prove that Ramon Mercader assassinated Trotsky upon orders of the Soviet Secret Police.

"Evidence already available establishes Oswald's close associations with the Soviet Secret Police. All that is lacking is direct proof of assignment by the Communist underground to assassinate President Kennedy."

Representative Pillion warned that, "It would be a gross error for the Commission to find that the Communist apparatus was not directly responsible for the assassination of President Kennedy because Oswald was a mentally deranged malcontent. Actually, the Communist apparatus recruits, conditions, trains and exploits this type of fanatic for its terroristic assignments."

Mr. Pillion concluded that, "President Kennedy's last sacrifice will have been in vain if the true cause of his death is not identified, so that the American people and their Government can be fully alerted to, and informed of the sinister, secret, complex, universality and immediacy of the dangers of the Communist world apparatus."

U.S. House of Representatives,
September 10, 1964.

Chief Justice Earl Warren, *Chairman,*
Senator Richard B. Russell,
Senator John Sherman Cooper,
Representative Hale Boggs,
Representative Gerald R. Ford,
Hon. Allen W. Dulles,
Hon. John J. McCloy,
Constituting the Membership of the President's Commission To Report Upon the Assassination of President Kennedy.

Dear Mr. Chairman and honorable members of the President's Commission, there have been persistent and continuing official and unofficial news leaks concerning the findings and conclusions to be contained in the report of the President's Commission upon the assassination of President John F. Kennedy.

The news reports have been uniform in anticipating the substance of the major conclusions. Former Attorney General Robert Kennedy has publicly stated his views concerning the causation of Lee Oswald's assassination of President Kennedy.

The FBI (Federal Bureau of Investigation) exercises prime responsibility for the investigation of this tragic homicide. This Bureau is responsible to the Attorney General of the United States.

ANTICIPATED COMMISSION CONCLUSIONS

The Attorney General's conclusions and the conclusions of the President's Commission anticipated in the advance news reports coincide.

The substance of the Attorney General's conclusions and the conclusions of the President's Commission anticipated in the news reports are:

1. That Lee Oswald, alone and unassisted, committed the assassination of President Kennedy.
2. That Lee Oswald's crime was not directed or instigated by any known or secret Communist agency.
3. That Lee Oswald was a paranoiac, antisocial personality, and his assassination of the President was the product of a disturbed mind.
4. That Lee Oswald's Communist Marxist-Leninist associations, beliefs, affiliations, and allegiances were not causally related to his assassination of President Kennedy.

COMMISSION FINDINGS A "WHITEWASH"

If this is a fairly accurate summary of the conclusions to be expressed or implied in the Commission's report, then, this report will have reached an incomplete, false and unrealistic conclusion in failing to establish the true and ultimate motivating factors which caused Lee Oswald to assassinate President Kennedy on November 22, 1963.

These conclusions would absolve internal and international communism from complicity in and guilt for this infamous crime. These findings are contrary to the known facts. They contradict our experience with, and our knowledge of, the secret terroristic operations of the Soviet Secret Police (KGB) and the thousands of subsidiary organizations throughout the world coordinated and concentrated to undermine, disrupt, and destroy all non-Communist political order.

To ignore the decisive influence of Communist ideology, Communist agents, and associations over Lee Oswald in perpetrating this crime would constitute a gross deception upon the American public and world opinion.

If the final report excludes communism as the prime motivating factor in Lee Oswald's crime, then, this report would, in effect, provide a coverup and whitewash.

COMMISSION'S REPORT LEGALISTIC—NOT REALISTIC

The conclusions reached by the Commission are apparently based upon our accepted principles of legal jurisprudence.

The proof that Lee Oswald assassinated the President is incontrovertible. Oswald is not the defendant in a murder trial, wherein the proof of guilt beyond a reasonable doubt is applicable.

The question of Oswald's commission of this crime is not the principal issue to be resolved by the Commission. The vital issue that concerns the American public is the relevancy and the full disclosure of the United States Communist, Soviet Communist, and international Communist Parties, agents, influences, and associations that motivated Oswald's act of assassination. This is the paramount danger that continues to threaten the future security and survival of this Nation.

The Lenin technique for the seizure of political power by nonmilitary means incorporated terrorism and murder as part of its revolutionary wars.

Political assassinations are standard Communist tactics intended to break down law and order, to create fear and paralysis.

The supersecrecy of the Communist operations makes direct legal evidence unavailable.

For the Commission to justify its conclusion that no Communist agency instigated or was responsible for Oswald's crime on the basis of the failure of direct legal evidence is dangerous, unrealistic, and illogical.

COMMISSION CANNOT RENDER INDEPENDENT JUDGMENT

The President's Commission is a political body. The members of the Commission are appointees of the executive department.

Any final decision reached, or findings and conclusions made, will, of political necessity, be in conformity with the State Department's policies. Over the past 30 years, the U.S. policy toward the Soviet and communism has been characterized by ingratiation, appeasement, and convergence.

It is the policy of our Government to deemphasize or suppress information that might create an antagonistic public opinion in this country toward the Soviet dominated international Communist apparatus.

The inquiries and findings of the Commission will, in all probability, be influenced toward conformity with the political policies of the State Department.

Political considerations that must be taken into account by the Commission prevent it from giving to the American public an independent, true, and accurate analysis of the motivations and causations behind the assassination of President Kennedy.

COMMUNISTS HAVE BENEFITED FROM PROLONGED DELAY IN PUBLICATION OF COMMISSION'S REPORT

The President's act in establishing this Commission had the effect of preempting all other investigative jurisdiction over this crime. Official inquiries and investigations already begun or about to begin were peremptorily terminated.

The ad hoc creation of this Commission has effectively shielded the Communist apparatus from public identification as the principal causative agency of President Kennedy's assassination.

COMMUNIST PROPAGANDA CAMPAIGN

During the 9 months that have elapsed since the appointment of the Commission, the international Communist movement has waged a massive propaganda campaign to confuse and befuddle the peoples of the free world concerning the true source and motivations behind the assassination of President Kennedy. The Communists developed and propagandized specific lines, however contradictory, that continue to divert public and official attention from the Communist influences that resulted in President Kennedy's death.

The United States Communist Party organization and the Soviet Communist press fabricated and spread the "whitewash" for communism by allegations that Oswald was a tool of American rightwing, allegedly Fascist forces, or was a spy and agent of the U.S. Government.

DAMAGING EFFECT OF COMMUNIST PROPAGANDA

The consequences of the calculated Communist propaganda and psychological warfare pressures have been that:

(a) The Communists have, without refutation, convinced world public opinion that the Communist forces are innocent of culpability and responsibility for President Kennedy's death.

(b) American official and private investigative agencies have been silenced during this 9-month period.

(c) The Commission's inquiries have suppressed the free flow of available information and prevented the American public from rendering a true and balanced judgment as to the Communist role and involvement.

(d) The delay of the Commission's report has perpetuated the false and perilous thesis that the paramount danger to our Nation emanates from the anti-Communist individuals and groups in our society, and not from domestic and foreign Communist forces.

COMMUNIST INFLUENCES UPON OSWALD

The evidence conclusively establishes that Lee Harvey Oswald was a confirmed and obsessed Marx Leninist Communist. His life and mind, since the age of 15, was influenced and shaped by the teachings and the revolutionary terroristic tactics of communism.

OSWALD SOUGHT CITIZENSHIP IN SOVIET UNION

Immediately upon his discharge from the U.S. Marine Corps, Oswald went to the Soviet Union, and denounced the United States. He attempted to abandon his American citizenship and petitioned for citizenship in the Soviet Union.

OSWALD'S ENLISTMENT IN SOVIET SECRET POLICE (KGB)

Immediately upon his arrival in the Soviet Union, Oswald voluntarily became associated with the Soviet secret police, known as the KGB. The KGB has the responsibility for the intelligence, infiltration, and terroristic operations of the Soviet Union and its allied Communist network around the world. The recruiting and training of agents for sabotage, assassination, incitement of riots, and all other forms of terror and violence is carried out by the KGB.

KGB ARRANGES EXTRAORDINARY PRIVILEGES FOR OSWALD

Following Oswald's arrival in Moscow, the KGB arranged press conferences to publicize Oswald's defection.

Shortly thereafter, the KGB provided a job for him in the sheet metal shop of a radio factory in Minsk. Oswald was not a skilled sheet metal worker. His job was a clerical job of checker. This was a sham cover job.

Oswald was given a 5,000 ruble lump-sum payment prior to going to Minsk. Thereafter, he received 700 rubles per month as wages and an additional 700 rubles per month from the KGB. The 700 ruble payment from the KGB was falsely represented as emanating from the Soviet Red Cross.

The 1,400 ruble monthly income of Oswald was comparable to the salary of the general manager of the factory where he was allegedly employed in an unskilled labor capacity.

The KGB provided Oswald with a scarce and comparatively luxurious apartment in Minsk for a period of more than 2 years.

During his long stay in Minsk, Oswald was permitted to enjoy an exceptionally active social and recreational life.

OSWALD MARRIES INTO SOVIET SECRET POLICE FAMILY

Oswald married a member of the Young Communist Party, known as Komosol. His wife, Marina, was the niece of a lieutenant colonel in the MVD (now known as the KGB).

It is probable that Marina was planted by the KGB, and induced to marry Oswald as part of the KGB operations. There is no definite evidence that Marina Oswald was a KGB control agent over Oswald. But the well-known KGB methods of operation make this a distinct possibility.

The grant of an exit visa to Oswald and to his wife, Marina, is a most extraordinary Soviet act. Oswald knew more than a month before that he and his wife would receive permission to leave the Soviet.

There can be no question but that Oswald and Marina were considered by the KGB to be potential agents for either specific or future assignments.

OSWALD'S TRAINING FOR ASSASSINATION

Oswald qualified as a rifle marksman during his training in the U.S. Marine Corps.

The KGB arranged to allow Oswald to engage in target practice and shooting during his more than 2-year stay in Minsk. The use of a rifle and practice privileges is absolutely forbidden to foreigners in the Soviet.

It is significant that a KGB-directed school for terrorism, sabotage, and assassination is located in the Minsk area. It is reasonable to assume that Oswald received specialist training and indoctrination from the KGB during his extended assignment in Minsk.

OSWALD OBSESSED WITH COMMUNISM

From about June 1962, when Oswald returned to the United States, until his arrest for the murder of President Kennedy on November 22, 1963, he was completely preoccupied with communism. His efforts to earn a living for his family were only incidental.

Oswald subscribed to, and avidly read such Communist, Marx-Leninist revolutionary publications as the Militant and the Daily Worker.

Oswald's mind and body was only an instrument for death, manipulated by sinister forces and vicious men who exploited this pliable, vulnerable and sick individual.

Oswald's mind was psychiatrically and systematically conditioned and prepared for violence and terroristic activities on behalf of the Communist cause. Oswald became a cold, calculating professional paranoid killer who was intimately associated with the Communist apparatus.

It would be a gross error for the Commission to find that the Communist apparatus was not directly responsible for the assassination of President Kennedy because Oswald was a mentally deranged malcontent. Actually, the Communist apparatus recruits, conditions, trains, and exploits this type of fanatic for its terroristic assignments.

OSWALD ESTABLISHES CUBAN AND MEXICAN COMMUNIST CONTACTS

Oswald participated in the Communist pro-Castro movement in New Orleans. He made a number of trips to Mexico, where he consorted with Communists. Mexico City, for many years has been the headquarters and center for Communist propaganda, subversion, and terrorism on the American hemispheres. Nothing is of greater significance regarding Oswald's movements than that he gravitated precisely to Mexico, not once, but on several occasions.

KENNEDY ASSASSINATION IS COMMUNIST POLITICAL CRIME

It is immaterial whether Oswald was specifically assigned to assassinate President Kennedy. The fact remains that his entire Communist background and training had conditioned him to kill.

President Kennedy was the victim of a Communist political killing. Oswald was trained to kill for the attainment of a political objective.

His murders and attempted murders constitute a pattern of political assassinations.

Oswald was dissuaded by his wife from attempting to assassinate former Vice President Nixon.

He shot at General Walker.

He assassinated President Kennedy.

He attempted to assassinate Governor Connolly.

He murdered police officer J. D. Tippett.

Each of these acts were premeditated and were impersonal. Each of Oswald's victims represented to him the political power of a hostile society.

Clearly, also, it is not necessary to prove a direct, immediate connection and participation of anyone with Oswald in order to logically deduce that the sole and whole incitation and motivation of Oswald in all these killings and attempted killings was the Communist ideology and the Communist Party world apparatus.

SIMILARITIES OF KENNEDY ASSASSINATION TO TROTSKY MURDER

There is a striking similarity between the assassination of President Kennedy and the murder of Leon Trotsky in Mexico City, on August 20, 1940. Trotsky's assailant, while using many aliases, was commonly known as Ramon Mercader. Like Mercader, Oswald used various aliases and cover names. Mercader was 27 when he killed Trotsky; Oswald was 24 when he assassinated President Kennedy. Both had abnormal mentalities, and both were obsessive "loners."

Mercader served in the Communist forces in the Spanish Civil War, receiving sabotage and terrorist training. After the war he went to the U.S.S.R., where he received further specialized training from the MKVD, one of the various names which the KGB has had in former years. Oswald received his training in the U.S. Marine Corps, and thereafter went to Soviet Russia, where he put himself under the protection and undoubted indoctrination and training of the KGB and its related agencies.

Evidence regarding Mercader's identity and background was virtually nonexistent during the time of his trial in Mexico City.

INCRIMINATING TRUTH COMES OUT YEARS LATER

More than 10 years elapsed before Mercader's true identity was established, and before sufficient circumstantial evidence was produced to conclusively prove that he had killed Trotsky on direct orders of the Soviet Secret Police. There is an abundance of direct evidence linking Oswald to the Soviet Secret Police. Evidence already available establishes Oswald's close association with the Soviet Secret Police and other Communist agencies and terroristic groups. All that is lacking in his case is direct proof of assignment by the Communist underground to assassinate President Kennedy or some other outstanding American personality.

Today, more than 20 years after the killing of Trotsky, and even without direct conclusive proof, world opinion accepts the fact that Mercader murdered Trotsky under specific orders from the Soviet Secret Police.

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE CITES COMMUNIST INFLUENCE ON OSWALD

In its report for 1963, the Committee on Un-American Activities of the U.S. House of Representatives directly placed the responsibility for President Kennedy's assassination upon the Communist apparatus.

The following quotations from this report conclude that Oswald was motivated and influenced toward his assassination of President Kennedy by the Communist network operating to destroy the United States and the free world.

"Because hate is so large an element in Communist doctrine and propaganda, it is reasonable to conclude that Oswald's close association with the Communist movement and reading of its propaganda markedly influenced his conduct.

"Within the past year, we have witnessed a shocking example of the kind of horrible act that can be committed by a fanatical Marxist who had for years been an avid reader of Communist anti-American propaganda and—not long before the slaying of the President—a leader of pro-Castro agitation on the streets of one of our major cities.

"Perhaps, it would not have happened if, during past years, the American people, as a whole, had worked harder to disclose the lies and half-truths in domestic Communist propaganda so that our youth would not be misled by it."

Mr. Chairman, I respectfully submit that the following findings and conclusions are fully justified and warranted by the facts and circumstances present in this case.

CONCLUSIONS

1. Lee Harvey Oswald assassinated President Kennedy on November 22, 1963.

2. Lee Harvey Oswald was of unstable mentality but knew the nature and quality of his act of assassination. His crime was premeditated but was not motivated by personal animus toward President Kennedy.

3. Lee Harvey Oswald's assassination of President Kennedy was part of a pattern of political assassinations and criminal anarchy. In this homicide, Lee Harvey Oswald was wholly influenced and motivated by his Communist ideology, training, associations, and objectives.

4. The circumstantial evidence is sufficient to exclude to a moral certainty, any other hypothesis, except that Lee Harvey Oswald assassinated President Kennedy to advance the world Communist plan designed to ultimately destroy the United States and the free world.

5. Lee Harvey Oswald's assassination of President Kennedy is completely consistent with Communist terroristic methodology. On the other hand, it is inconsistent to ascribe Lee Harvey Oswald's multiple murders and attempted murders to any other motivation, cause, or source than that of Communist mentality, apparatus, and operations.

6. There is no direct evidence that the Soviet Secret Police (KGB), or any other Communist agency or organization specifically assigned Lee Harvey Oswald to assassinate President Kennedy. But, the lack of available evidence does not exclude the reasonable presumption that the KGB indoctrinated, trained, and prepared Lee Harvey Oswald as a professional specialist for future use as an assassin or terrorist.

7. Lee Harvey Oswald would not have assassinated President Kennedy except for his total commitment to Communist ideology, methodology, and objectives.

EFFECT OF COMMISSION'S JUDGMENT

If the President's Commission absolves the Communists from direct or indirect involvement in the assassination of President Kennedy, then, it will be doing a tragic injustice and perpetrating a great disservice to the American people.

President Kennedy's last sacrifice will have been in vain if the true cause of his death is not identified, so that the American people and their Government can be fully alerted to, and informed of the sinister, secret, complex, universality, and immediacy of the dangers of the Communist world apparatus.

The judgment of the President's Commission must have for its prime purpose, the prevention of the recurrence of a similar assassination and the protection of the Nation, not from Oswald but from his Communist coconspirators.

This letter is respectfully submitted with the request that it be incorporated into the official record of the Commission's proceedings.

JOHN R. PILLION,
Member, U.S. House of Representatives.

THE DROPOUT PROBLEM—A REPUBLICAN VIEW

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. FORD. Mr. Speaker, the Congress recently passed the administration's so-called war on poverty bill, title I of which was aimed at meeting the problems of our young people.

For better or worse, this collection of warmed-over New Deal schemes is now law, and there is little point at this time in continuing a debate on its merits. What does concern me, however, is that in its rush to produce this election year bill the administration failed to use any ingenuity to get to the real heart of the poverty problem in America.

My good friend, Mrs. Elly Peterson, the capable former assistant chairman of the Republican National Committee who is now running for the U.S. Senate from Michigan, gave an excellent talk to the Grand Rapids, Mich., Kiwanis Club on August 5 entitled, "The Dropout Problem—A Republican View." I commend her sound and well-informed approach to the problem of school dropouts to the attention of the House and hope that she will be present in the other body next January to carry on a truly constructive program for all the people of our country.

Under leave to extend my remarks, I include Mrs. Peterson's address.

THE DROPOUT PROBLEM—A REPUBLICAN VIEW

Right here in Grand Rapids there is a 16-year-old boy with a very uncertain future. He comes from a poor home. His father has only worked on and off ever since he could remember. Neither his mother nor his father finished grammar school before they were thrown out into the adult world to sink or swim. Now, at age 16, he is following in their unhappy footsteps.

Get a job? He might like to get a job, have a little income of his own, gain even a little self-respect and a little motivation to better his lot in life. But the deck is loaded against him.

His reading and writing ability is far below that needed for reading and understanding even simple instructions. He doesn't know how to dress or how to speak to a company job interviewer. He can't understand how to fill out the forms at the employment service. He has no manual skills beyond picking up butts or pushing a lawnmower. Train him? What employer is going to invest training expenses in him, only to see him snatched away by the draft before he starts to earn money for the firm? Enlist in the Army? Maybe, if he can make the grade. But he has little incentive to enlist when he knows the chances are 50–50 that he will never have to serve in the Armed Forces at all, despite our so-called universal military draft.

So what does he do? He floats around loose, cluttering up the street corners. Now and then he snitches an apple off the fruit stand. Then, perhaps, he wants a little beer money. He steals it. Sooner or later, after his delinquency has brought sorrow to his parents and grief to his victims, he is caught. Then—a trip to Whitmore Lake. Maybe the rehabilitation program there will turn this taxeater and troublemaker into a taxpayer and responsible citizen. But most likely it is too late. At best, the dedicated rehabilitation personnel have a terrific problem on their hands.

I said this young lad was from Grand Rapids, but I might as well have said he was from any town in Michigan. This lad, and others like him, form the hard core of one of society's real hard core problems, that of providing genuine opportunity for our youth. Let's look at some figures to get some idea of the magnitude of our problem.

In 1962, excluding the summer months, there were about 5.3 million 16–21-year-olds in the work force in this country. This includes those working and those trying to find work, but not those in school.

On the average, 700,000 of these 5.3 million were out of school and out of work. The unemployment rate for this group is over 13 percent. This does not include another 240,000 16–21-year-olds were were in school seeking part-time work, and unable to get it.

Over 1 million youths drop out of elementary and secondary schools each year. One-quarter of these fail even to complete elementary school. Between 1960 and 1970, 26 million youths will enter the labor force, of which 7½ million will not have completed their elementary and secondary education.

During the 1962–63 school year here in Michigan there were approximately 27,200 dropouts. More than 44 percent of them were girls. One out of four youngsters beginning grade 9 in our State will not finish grade 12.

These few figures could be multiplied endlessly, but I think they make the point. We are faced with a situation which is social dynamite: thousands of our young people out of school, out of work, out of luck and out of hope. Unless we older citizens step in to restore opportunity to these lost legions, our future prosperity, the success of our free enterprise system, the very roots of American liberty are going to be very much in doubt.

Let me tell you what I believe to be a few simple but essential premises for dealing with this growing problem.

First, we must recognize that America's most important resources are her human resources. More than anything else, the potential of our people to lead worthwhile, responsible, constructive lives must be developed. This is far more important than paving a parking lot or replacing the old sewer on Main Street. Here is where our money brings in the dividends—and the lack of it means a terrible price in lost income, lost taxes, lost contributions, and lost happiness.

Second, we have to recognize that the real heart of the problem lies in the young person's home relationship. Children, like adults, cannot effectively be dealt with away from their environment. The basic problem is one of psychology—of attitudes toward life, of motivation to achieve, of fundamental traits of character, of willingness to learn—all things that take shape in the home long before the child even begins school.

Third, we must recognize that the quality of our educational system, especially the early years of it, has much to do with the eventual life opportunities of our young people. A promising student whose initiative is dulled by a dull teacher, a slow student who is passed on from grade to grade without ever learning to read or write properly—these are good candidates for later public assistance payments and maybe juvenile delinquency action.

Fourth, we must recognize that the progress of automation and technological change has produced a drastic change in our inventory of needed skills. Unskilled labor jobs are declining sharply. In their place more skilled labor, professional, and managerial jobs are opening up.

Our real problem today as a Nation is not a shortage of jobs, but the disparity of skills between the available jobs and the available job seekers.

Fifth, we must always recognize that the best solutions to all problems of this sort are solutions that spring spontaneously from the people. All too often today we hear the voices of the left crying out for vast new programs, governmental, usually at the Federal level. This is not to say that the governments in Washington and Lansing have no business worrying about youth unemployment. But it is to say that the people close to the problem, utilizing the advice of local experts, and motivated by a sincere desire to get genuine and lasting results, can solve problems like this without sacrificing a large chunk of their tax dollar or their American heritage of freedom from oppressive government control.

If we keep these basic premises in mind, there is no reason why a close working partnership cannot be developed between local groups and local, State, and Federal Governments. Given the number of the various programs and activities at the different levels, the problem of optimum coordination of services is not an easy one. I am happy to say that the State of Michigan, under Governor Romney's leadership, has formed a manpower development and vocational training coordinating committee to deal with just this problem.

At the State level, Governor Romney has gotten favorable action from the Michigan Legislature on four new programs in this area. One is a job upgrading program for youths 16 to 20 who have dropped out of school for at least 6 months. Another is a work training program, which will give out-of-school unemployed youths a chance to learn job skills in local units of government. And there is also the cooperative work study program, in which local businessmen provide on-the-job training for technical jobs and skilled crafts.

At the Federal level there are already in operation quite a number of specifically designed programs to help the States and local governments combat these problems of unemployed youth. The Manpower Development and Training Act, a program that has earned the support of both parties in Congress, specified that 5 percent of the funds be used to help train young workers. Legislation to enlarge this percentage is now before Congress and should be passed. Numerous other programs administered by the Departments of Labor and of Health, Education, and Welfare operate in the areas of vocational education, industrial cooperation, distributive education, and apprenticeship training.

All of these programs are useful attempts to help the States and local communities grapple with these problems. They are a good illustration of how our Federal system can provide benefits without extreme centralization of power in Washington. On the other hand, much of the so-called poverty legislation now before Congress would bypass State government, local government, and in some cases even parents. And furthermore, even a casual reading of this bill makes one strongly suspicious that the poverty package was designed not so much to meet the human problems of our underprivileged fellow citizens as to meet the equally human but less deserving problems of our politicians seeking reelection. No one seems to know what it will cost in succeeding years. If past history is any guide, a few years of the poverty package may well put more taxpayers into poverty than it will get poor people out of poverty.

Now I have a few ideas of my own about responsible Federal action to combat poverty, hand in hand with voluntary groups of citizens and the local governments.

Businessmen have already made significant contributions, in cooperation with local agencies and schools, to help school dropouts and potential dropouts. Why not allow a businessman to deduct from his taxes part or all of the expenses he puts out to train young men and women? I think this could be a realistic and workable way for the Federal Government to provide a real stimulus to local job training programs without usurping local responsibilities and functions.

Congress is just beginning to realize what a powerful and adverse effect our so-called universal military draft has on youth employment. Today's draftees are not taken until age 22—usually 4 years or more after they leave school. Sure, they could enlist at 18. But every young man is well aware that his chances of escaping military service altogether are about 50–50 for the system is not in any way universal except that everybody must register. For the 4 or 5 years between his leaving school and his draft call—if it comes—a young man has a rough time landing a decent job for the simple reason that no employer wants to invest in a young man whose future is so uncertain. I think it is time for Congress to make a thorough review of our military manpower procurement policies to see if this problem can be solved.

One of the real problems in identifying and salvaging potential dropouts early in their school life is the lack of competent, qualified social workers. We desperately need to encourage our able youngsters to go into social work as a career. Now the Navy has a college plan which pays for almost all expenses for a young man, in return for several years of active duty upon graduation. Could not such a plan be instituted for social workers as well? This might prove to be a major aid in cracking the dropout problem.

These are just a few ideas which I think need to be explored fully and conscientiously by the National Government. By ingenious and conscientious efforts to develop youth employment programs, by intelligent cooperation between the various levels of our Federal system, we can mount a full scale assault on one of our most pressing social problems without at the same time vesting all power far away in Washington. Michigan has shown how this can be done. It is my hope that other cities and States can profit by their example.

With this kind of effort, I firmly believe that 16-year-old Grand Rapids boy I told you about can be straightened out—he can get a job, get married, raise a family, pay his taxes, and vote Republican.

JACKSONVILLE POLICE DEPARTMENT HONORED

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Findley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. FINDLEY. Mr. Speaker, in this year when law officers must endure the hazards and abuse of a rising amount of public disturbances, in addition to the usual dangers of their important occupation, it is gratifying to call attention to the special honor accorded the police department of the city of Jacksonville. The department, aided in its efforts by many civic groups, individual citizens and business firms, has won national recognition for its safety efforts.

Here is the report of the honor as published by the Journal-Courier newspaper of Jacksonville:

Jacksonville Wins National Recognition for Safety Efforts: Safety Check Lane Best in Nation for City's Size

Jacksonville emerged as one of the Nation's leaders in accident prevention measures according to a telegram received at police headquarters at noon Thursday.

For the second time, the annual vehicle safety check lane, the 10-point program designed to keep cars safe and sponsored by the Jacksonville Police Department, received the national award of excellence for the 20 to 25 thousand population group.

The official word came from M. R. Darlington, Jr., director of the National Vehicle Safety Check Association, Washington, D.C. The award was also captured by Jacksonville in 1962.

During the 10 years of operation, Jacksonville's safety check lane has received eight State awards of excellence and two national honors.

Other cities honored by the national organization were: New Canaan, Conn.; Pittsburg, Calif.; and Coffeyville, Kans.

Patrolmen Norman Cottingham and John Smith, cochairmen of the 1964 safety lane conducted during May 17–23 were bubbling with excitement upon receiving the telegram Thursday.

Cottingham said, "On behalf of the entire department and all concerned with the safety lane, I would sure like to thank the more than 2,600 residents of Jacksonville and surrounding area who took the time to make sure their automobiles are in good working order. Without their cooperation and interest in joining the circle of safety, this award would not have been possible."

MAYOR PROUD TOO

Mayor Byron Holkenbrink said the award represented the community spirit "of our dedicated police officers and the cooperation of the public. I am, indeed proud of the coveted honor and thank those men in the department who spent many, many off-duty hours to make it the successful project it has been. We never know how many lives have been saved by checking the main items of auto malfunction which we so often take for granted."

A letter will be received by the police department within a few days indicating when and where the award will be presented. The award was given by Gov. Otto Kerner in 1962, as has the eight other State awards.

Rumors have already started that President Johnson might award the coveted plaque. When last seen, several pairs of freshly shined shoes were evident at police headquarters.

PASSENGER TRAIN SERVICE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Rhodes] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. RHODES of Pennsylvania. Mr. Speaker, I am today introducing a resolution authorizing Congress "to conduct a full and complete investigation and study of railroad passenger service in the United States."

The resolution empowers the House Committee on Interstate and Foreign Commerce to "study and ascertain the need for improvements in passenger train service in our growing economy."

Mr. Speaker, the proposed abandonment of passenger train service and removal of tracks in many sections of the country may cause undue hardship throughout the Nation and may prove expensive to the national economy in the long run.

The American railroad industry is, and will continue to be, vital to the American welfare both in peace and in war. That being so, responsible leadership in Government, the railroad industry and railroad labor should plan for the future so that the American public may continue to enjoy the advantages of a healthy, growing, and financially stable railroad system in the days ahead.

More convenient and attractive train service and improved scheduling appears to be necessary to increase the use of passenger trains. One of the objects of the proposed investigation authorized by my resolution is to determine the existing and potential need for passenger train service and to verify railroad complaints that passenger revenue has been declining in recent years.

The study will also attempt to determine whether improved and more attractive and convenient passenger train service and scheduling would result in more patronage.

I am particularly concerned about proposals of the Reading Railroad Co. to abandon passenger train service from Philadelphia through Reading, in my congressional district, and up into coal region communities of Pennsylvania.

I am hopeful that my resolution will receive careful consideration and approval by the House of Representatives. The study should be conducted with a view toward possible Federal assistance to help retain passenger service for areas in which such aid is in the public interest.

Abandonment of tracks and passenger service to Reading and northern areas of the Sixth Congressional District of Pennsylvania, and in many other parts of the country, might result in economic setbacks that would be more expensive than providing Federal assistance to maintenance of rail service to these areas.

THE LATE PROF. CARLTON J. H. HAYES, DISTINGUISHED TEACHER, SCHOLAR, AND DIPLOMAT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. STRATTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. STRATTON. Mr. Speaker, the other day a very distinguished constituent of mine passed quietly away at Afton, N.Y., Carlton J. H. Hayes, our wartime Ambassador to Spain. Besides a distinguished career as a scholar and a diplomat he was also a much respected and beloved neighbor and friend in his upstate New York home. We shall miss him, and we extend our deepest sympathy to his widow and family.

Under leave to extend my remarks, I enclose an article from the New York Herald-Tribune of September 9, reviewing the brilliant and impressive career of Mr. Hayes:

PROF. CARLTON J. H. HAYES

Carlton J. H. Hayes was a stage director, and his stage was on Morningside Heights at the front of any classroom at Columbia, where he taught modern European history for 47 years.

With a kind of courtly grace he marshaled onto his small stage the most exciting cast of characters that any Broadway director could have wished for: Louis Philippe, the man with the green umbrella; the beautiful Hortense Beauharnais, who stiffened the spine of the weak Louis Napoleon; the studious Karl Marx and his devoted wife, Jenny von Westphalen; and all the others who walked and strutted across the face of Europe.

He believed in the biographical approach to history though he was keenly aware of the economic and social factors, and so he spotlighted the Napoleons, Metternichs, Bismarcks, and Talleyrands.

The students who listened raptly to a Hayes lecture (performance would be a better word) never forgot it. The beautifully chiseled sentences would roll out, booming. Then there would be a pause, beautifully timed. Then the sentences would come again.

Sometimes he would tighten his double-breasted coat around himself like a cloak as if, for the moment, he had become Metternich or whomever he happened to be talking about. And once he got so carried away that he fell off the platform but nobody in the big class—Hayes' classes were always big—made a sound lest the spell of his lecture be broken. He had one trick of pronunciation that at least one student never forgot—when he spoke the word "France" it always, for some reason, came out "Farnce."

By 1950, when he held his last class at Columbia (there was standing room only) and retired as Seth Low professor of history, he had established himself as one of the most distinguished of American historians. His field was nationalism and the rise of the modern state. He wrote or helped to write 23 books, among which the best-known was his "Political and Social History of Modern Europe." Several of his books are standard texts in college and high school.

He had directed the research work of hundreds of graduate students and many of them had written books. Many universities and colleges have Hayes-trained teachers and some of them were rash enough to try to copy the master's classroom technique. Carlton Joseph Huntley Hayes was unique.

Dr. Hayes was at Columbia for 50 almost unbroken years, 7 of them as a student (A.B., college, 1904; M.A., graduate school, 1905, Ph. D., graduate school, 1909). He was away for only two periods of any length: from 1918 to 1919 he was a captain in the Army, serving with the military intelligence division of the general staff, and from 1942 to 1945 he was U.S. Ambassador to Franco's Spain. He received much credit for keeping Franco officially neutral during the war.

When he returned from Spain after the war, Dr. Hayes settled back gracefully into teaching. "That is my life," he said.

MATERIALISM

A leading Catholic layman who had received many honors from his church, Dr. Hayes deplored materialism in modern life. "It has," he said, "brought us to the status of cogs in an economic machine, to fascism and communism, essentially the same tyrannies, and finally to the atomic bomb and the threat of total destruction."

Yesterday at 82, Dr. Hayes died at Sidney Hospital, Sidney, N.Y., where he had been taken from his home, Jericho Farm, in nearby Afton. He had had a heart condition. His father had been a physician in Afton and Dr. Hayes was born in that village, northeast of Binghamton.

A funeral service will be held at 10 a.m. tomorrow at St. Agnes Roman Catholic Church in Afton, with the Reverend John Ryan, its pastor, officiating. Burial will be at Glenwood Cemetery, Afton, in the Hayes family plot.

Dr. Hayes began teaching history at Columbia as a lecturer in 1907. In 1910 he was an assistant professor, 5 years later an associate professor and in 1919 he became a full professor. In 1935 he was named Seth Low professor of history.

He once said of his 50-year career as student and teacher at Columbia: "I spent 7 years listening to other people and 43 years with other people having to listen to me."

ASK RECALL

At the time of his appointment by President Franklin D. Roosevelt in 1942 as Ambassador to Spain, which was believed to be edging closer to open intervention on the side of the Axis Powers, Dr. Hayes was known as a supporter of Franco in the Spanish civil war against the loyalists.

But he had made numerous speeches attacking Hitler and fascism. And although liberals in this country were opposed to the recognition of Spain they conceded that Dr. Hayes would make the best American Ambassador if one were to be sent to Madrid.

In 1 year, however, the liberals had changed their minds about Dr. Hayes and many were clamoring for his recall. Two incidents had led to their unhappiness.

In February 1943 Dr. Hayes made a speech in Madrid in which he disclosed that American aid to Spain had been so extensive that the amount of petroleum available there was considerably higher than the per capita amount available on the Atlantic seaboard in the United States.

Dr. Hayes added in the speech that the United States was ready to continue giving aid to Spain.

In October of the same year the Spanish Foreign Minister sent a congratulatory telegram to Joseph P. Laurel, head of the Japanese puppet Philippine Government. Although the telegram was later explained as merely a formal courtesy, the incident was highly embarrassing to Dr. Hayes.

After he came home to this country in 1945, Dr. Hayes defended his record in a book, "Wartime Mission in Spain." He wrote that he believed he had influenced Franco against overt entrance into the war on Hitler's side, and that the Falange—the only party permitted in Spain—had exercised less influence on the people and on Franco than liberals believed.

CONTROVERSY

There was another big controversy in Dr. Hayes' life. In 1927, the National Americanization Committee of the Veterans of Foreign Wars charged that "Modern History," a high school textbook of which Dr. Hayes was coauthor, was pro-British and unpatriotic. Dr. Parker T. Moon, then professor of international relations at Columbia, was the other author.

This was only the beginning of the book's misfortunes. Three years later the New York City Board of Education removed it from its list of permitted textbooks after a Staten Island minister and a local school board had charged that the book was pro-Catholic and unpatriotic.

Dr. Hayes and Dr. Moon denied the charges, and several educational and civic groups protested against the board of education's decision, but the book was not restored to the approved list.

Dr. Hayes was the Catholic cochairman of the National Conference of Christians and Jews for many years. In 1946, he won the Laetare Medal of the University of Notre Dame, an annual award made to the most distinguished American Catholic. He also received the Cardinal Gibbons Medal of Catholic University in 1949, and the Alexander Hamilton Medal of Columbia University in 1952.

Surviving are his wife, Mrs. Evelyn Carroll Hayes; a daughter, Mrs. William D. Tucker, Jr., of Pelham, and a son, Carroll J. J. Hayes, of Long Lake, N.Y.

AFRICAN FOREIGN MINISTERS ACT FOR PEACE IN CONGO

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. O'HARA] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as chairman of the African Subcommittee of the Committee on Foreign Affairs, and speaking, I am sure, the sentiment of all the members of the subcommittee, I compliment and commend the Council of Foreign Ministers of the Organization of African Unity for its efforts to bring peace and understanding to the Congo.

In the deliberations and decisions at Addis Ababa this week the African foreign ministers again showed in full measure the maturity of statesmanship that has marked the Organization of African Unity since its formation and the adoption of the Charter of African Unity in the early morning hours of May 26, 1963, at Addis Ababa, Ethiopia.

On May 29, 1963, in my remarks from this well I hailed the Addis Ababa meeting as an event in history and compared the Charter of African Unity to the Articles of Confederation that loosely bound our States together in the critical period leading to the adoption of the Constitution that perfected our Union.

With other friends and well-wishers of the African nations, I had strong faith in the organization formed at Addis Ababa in 1963 as the effective instrumentality of a united all-African drive for the protection, development, and common interest of all of Africa. With others, I was pleased and heartened by the success of the foreign ministers of Africa is resolving the differences between Morocco and Algeria on the basis of the common good of Africa.

In the handling of the Congo situation the African foreign ministers again have shown that African problems when left exclusively in African hands are far more likely to find wise, prudent, and workable solutions.

Kenya Premier Jomo Kenyatta will head a committee of representatives from 10 African nations to make possible the reconciliation of warring factions and the restoration of order in the Congo. In the work ahead they will have the best wishes of the American Government and the prayers of the American people.

SINE DIE ADJOURNMENT OF THE CONGRESS

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, if I may have the attention of the distinguished majority whip on the subject of adjournment, I wonder if perhaps I should not address the question to the White House.

Last November the present President of the United States, Lyndon B. Johnson, said he would always respect the independence and integrity of the Congress. I am beginning to wonder if this business of adjournment is not going to be decided at the White House despite his fine assertion of last November?

I am going to continue to strive to obtain some information on the subject. Perhaps, I ought to address a letter to the President in an effort to find out when he is going to let us go home and why we are being kept here.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from California.

Mr. YOUNGER. I believe it is a very pertinent question, but I am sure it is addressed to the wrong side. I doubt very much if there is anyone on the majority side who can indicate when we will adjourn. That order has got to come from the White House. The President is running on the basis that he can get anything he wants out of the Congress, and until we pass all of the measures he wants and prevent the passage of any measure that might cause a veto such as the reapportionment measure, we are going to stay here. Otherwise he would lose his campaign fodder. So I believe it is up to whenever the White House wants us out that we will go.

Mr. GROSS. If the President's protege, Bobby Baker, was still around, I would ask him when we would be permitted to adjourn and go home.

Mr. BOGGS. Mr. Speaker, I know that it would be vain and unwise to get into this kind of argument. Obviously, the President of the United States cannot tell the Congress when to adjourn, nor is he attempting to do so.

If what the gentleman from California [Mr. Younger] and the gentleman from Iowa mean is that friendly relations and a cooperative spirit exist between the Houses of Congress and the President of the United States, I think they are both quite accurate.

We do have legislative matters which have to be disposed of, and in the other body the delay might be classified as bipartisan. As a matter of fact, the distinguished minority leader is the author of the measure which is causing most of the delay in that body.

THE PROPOSED IMMIGRATION LAW

The **SPEAKER** pro tempore (Mr. Thomas). Under previous order of the House the gentleman from Illinois [Mr. Libonati] is recognized for 1 hour.

Mr. LIBONATI. Mr. Speaker, our Nation reflects the powerful influence exerted by the teeming immigrant populations that came to our shores to seek the opportunities of a new life in an underdeveloped land whose ideologies contributed to the dignity of the human race. Its laws and social norms guaranteed the liberties and freedom of every individual. Its democratic way of life stimulated human effort to seek by hard work the pursuit of a better life and greater accomplishment.

The family in its inner strength of establishing a proud heritage became the sinews of government. The father, as head of the household, and mother as its religious guidance, sacrificed to prepare their offspring as specialists in their educational business, and scientific careers to serve humanity in the ranks of an accomplished and great citizenry. Thus each new generation added to the power and greatness of a new land.

The future of a new land depends largely upon the immigrant movement to its shores. The United States was exceptionally fortunate in attracting millions of men, women, and children to settle within its borders.

To be sure, these immigrants were not only seeking a new chance for financial independence, but also had a burning desire to become citizens of a new type of government—where basic concept was the guarantee of equality among men and justice and liberty for all.

This exodus of humans from continental Europe was in the nature of a peaceful revolution against the old social order—that nobility is a sacred heritage and that mediocrity cannot be permitted to use in social status or educational accomplishment above their forebears. There were some who came to enjoy religious freedom—others to escape famine—still others banishment under political or criminal decrees, and the majority to seek a new life in a new world.

History reveals that the building of our great Nation rested in the hands and mentality of these millions of persevering people who, without invitation, under unsurmountable handicap of language, unskilled and uneducated, steeped in continental customs, tradition, and folklore, traveled to the distant shores of a strange and vast land without funds to make their fortune. The sacrifices to be endured—the fierceness of competitive tribulations—the cruel sufferings in a hostile climate, the struggles and deprivations to be suffered in the beginning—did not dim the bold spirits of the new adventurers. They came on, they stayed and prevailed. Their success contributed to the Nation's wealth and established her place among the great nations of the world.

Yet today, we the citizens of our beloved country, have forgotten American history—and now examine with a critical eye any proposal to revise our strict and unbending immigration, naturalization, and refugee laws which in effect contradict American ideals and relegate certain alien petitioners for entrance as undesirable individuals, merely because the quota system is based on a narrow national origin formula.

The problem created by the quota system based on national origin must not be confused as the result of the numerical total volume of immigration to America. And, of course, no authority on this subject would recommend the total admission of would-be immigrants to the United States—unregulated immigration limitations would not be the answer. But, on the other hand, the specific limitations for each nation is not the realistic approach—for it renders ineligible the majority of those who are qualified of talent and ability to contribute benefits to our Nation.

It is unfortunate that the unused quotas of Great Britain, 65,361; Germany, 25,814; Ireland, 17,756; are not made available to Poland, 6,488; Italy, 5,666; Netherlands, 3,136; France, 3,069; Czechoslovakia, 2,859; Norway, 2,365; Switzerland, 1,698; Sweden, 1,698; Denmark, 1,175; Austria, 1,405; Belgium, 1,297; Yugoslavia, 942; Hungary, 865; Portugal, 438; and Greece, 308.

As the leader of the freedom-loving nations of the world, the American image created by the quota-origin formula refutes every logical argument that basically we recognize the equality of all nations in their relationship as to human values established by our free institutions. The quotas set for the Asian, African, and island nations are an insult to human reasoning—fractions equal to a hundred or more. Also, nations with vast populations—India, Australia, Japan, Formosa, and the African republics are given a ridiculous quota of 100—excepting Japan—185. Such reasoning is beyond the realm of honest thinking.

The law is cruel at many levels—it does not provide for the unification of families divided through its arbitrary operative effects. It disregards our public policy in its complete disregard for emergency world refugee problems.

Its provisions are inadequate to permit the entrance of immigrants with needed skills at the industrial trades level—also in the scientific and medical fields.

It is interesting to study the changes in American policy from the period before World War I—purely regulatory as to quality prescriptions only. The only persons refused were those who failed to pass minimum tests of health, literacy, and behavior records—criminal.

The drastic changes were enacted in 1921—quota law—and the Johnson-Reed Act of 1924 that limited the immigrant quota to 150,000, and provided for the national origin quota system—that the annual quota for any nationality should bear the same ratio to 150,000 as the number of inhabitants of that nationality bore to the "total number of inhabitants of the United States in 1920." Thus the formula was fixed to the existing national structure of our population. It further excluded the descendants of slave immigrants from total population figures—a sad commentary upon honest thinking to disclassify in citizenship almost the entire Negro population.

The Johnson-Reed Act was a national indictment against the southern Europeans including Italy and Greece and the nonwhites from Asia and Africa, as well as a negation of the Emancipation Proclamation.

The Judiciary Subcommittee on Immigration and its distinguished chairman, the gentleman from Ohio, MICHAEL FEIGHAN, are to be complimented in determining that hearings should be held to give an opportunity to those interested in the subject to present their views. It is my intention to support the administration position in this matter as recommended by our martyred President, John F. Kennedy, President Lyndon B. Johnson, and our Speaker, John McCormack, as incorporated in H.R. 7700. My companion bill is H.R. 7798. A number of alternative proposals have been introduced, each with approaches that have for their basic proposal the ultimate elimination of the quota system.

But, these proposed reforms, although deserving meritorious consideration, would become more controversial and no doubt create a stalemate. However, H.R. 7700 through the unified action of these seeking to support reform and the present favorable public reaction to its acceptance would have the best chance of being enacted into law.

President John F. Kennedy's message, including the endorsements of the then President of the Senate, Vice President Lyndon B. Johnson, and Speaker John W. McCormack, on July 23, 1963, sets out in pointed terms the history of the question including the precise weaknesses of the present law in its inapplicability to meet present conditions and changes in Government policy. The work was a monumental contribution to the solution of these problems in a practical and efficient manner.

An analysis of the bill presented by the Department of State, Bureau of Security and Consular Affairs, in a prepared summary was also included.

Even though some of its provisions were modified by the McCarran-Walter Act, the basic concepts inimical to sound policy today remain in the law.

The total quota figure in itself is not a problem, but the application of the distribution formula again violates our concepts and runs contrary to our understanding and our ideals.

The figures released by the Government indicate that in the last decade 2½ million persons entered as immigrants—yet only about 1½ million of these entered through the McCarran-Walter Act controls. The others were the recipients of some eight or nine special statutory acts passed by the Congress as well as under special regulations and other arrangements. These facts in themselves dictate a reformation of the present regulatory provisions.

Presidents Eisenhower, John F. Kennedy, and Lyndon B. Johnson have demanded positive legislation in party platforms and political campaigns including messages to the Congress. Each called to our attention the injustices of the quota theory based on the national origin system—and pointed out its negative effect on foreign policy. At our very doorstep, the nations of South America, numerous citizens of those nations remember that their progenitors seeking entry into the United States were barred by our antiquated and conciliatory immigration policy—our good will policy at other levels of our relationship with these nations have never been too fortuitous.

Yet Congress has had to circumvent the present act many times through the legislative process to reflect its honest decisions on pertinent policies dealing with immigration questions. Every Member of Congress is personally identified with many perplexing problems every session because of the inadequate provisions of our present laws.

To be sure, our Nation can and should relate its immigration numerical absorption quotas to the rate of our economic growth, for the protection of our labor market against unemployment, a wide open policy of unlimited immigration could be disastrous to our economy.

But the changes in H.R. 7700 primarily effect the granting of:

First. Nonquota preference to the parents, spouses, and children of U.S. citizens—having a minor effect on quotas. These are now subject to second preference, always exhausted. The resulting separation is a travesty. The same category should include parents of permanent resident aliens.

Second. Nonquota preference to natives of the independent island nations of the Western Hemisphere. Present law grants this privilege only to those islands independent at the time of its passage—excludes those who gained their independence since its enactment.

Third. Establishes a fourth preference category for those aliens with needed occupational talents such as tailors, stonemasons, and so forth. A special Immigration Advisory Board is established having jurisdiction over these matters. Members appointed—three by the President, two by the Speaker of the House and two by the President of the Senate.

Another interesting problem presents itself specifically to the Italian American veterans of World War I who as alien residents served with the U.S. Forces and later returned to their homeland—married and had offspring born there—certainly these offspring should be given a nonquota classification. An American Legion mandate in this regard has been introduced by me—H.R. 6931.

The study of the deportation question of those losing their citizenship is not only challenging but promulgates a practice of a twisted philosophy of legal standards based on an illogical premise that no equities inure to the benefit of the deportee or his family.

I learned of several cases where individual citizens were deprived by court order of their rights and privileges as citizens and also expunging the order of court of many years' standing granting them citizenship status. Both individuals had sons who served in the military forces during and after World War II, were honorably discharged and received both presidential citations and citations of the command. Also in one instance a son-in-law as a commissioned officer served honorably.

In one of these matters the President of the United States, Franklin Delano Roosevelt, weighing these facts, canceled the order of deportation giving as his reason that the separation of the family head from his loyal patriotic sons who served with distinction as members of the Armed Forces during the war in itself was a sufficient reason for his action.

In the other matter an interesting question developed where the country of his birth refused to accept him on the grounds that the swearing of allegiance to the United States—in taking citizens oath—relieved it of any responsibility to him or the United States. This reasoning was based upon the premise that such proceedings granting citizenship represent, as to his native land, a permanent separation from his native citizenship, and regardless of a subsequent cancellation of the order granting citizenship in the proceeding—the question of his allegiance to his newly adopted country has been determined. The recalling of the citizenship grant does not restore him to the status of being a subject of the land of his birth.

There are split legal contentions on the part of authorities in these matters and the law should be explicit in the consideration of these problems. The further practice of banishing one to any other land accepting him—upon the refusal of his native land to permit his entry is purely an illegal device to dump him anywhere, just to get rid of him, disregarding what vested rights inure to him or his family that equity and good conscience dictate. The separation from family is of momentous importance to one's kinfolk as well as to the individual and must be considered important enough to spell out the law to prevent injustice.

The principal purpose of H.R. 7700 is to abolish the national origins system and to permit entrance to those filing within preference categories on a first come, first served basis.

Each country's quota will be reduced 20 percent the first year and 40 percent the second year, 60 percent the third year, 80 percent the fourth year, and 100 percent in the fifth year. The present total annual quota of 157,000 will be increased to 165,000. The increase of 8,000, as a result of increasing the minimum quotas from 100 to 200. Thus this gradual elimination of the national origin quota system is accomplished without disturbing by abrupt action the operative quality of procedures.

The bill also contains a special provision granting the President to reserve up to 50 percent of the pool after consultation with the Board; first, to avoid undue hardship resulting from quota restrictions; second, in the national security interest.

The President may also retain 20 percent of the pool for refugees.

Also provided that no more than—10 percent of the total—16,478 visas may be allocated to any nation's quota area except under the President's authority to reserve numbers from the pool.

Under the present regulations as much as 50,000 unused quota numbers are lost to the system annually.

The immigration figures for a test year ending June 30, 1963—about 306,000 immigrants were admitted. The quota was 157,000—but only 103,036 were admitted under the McCarran-Walter Act. Thus, two-thirds of these admitted were outside the act. The same is true as to other years. Thus the national policy must operate outside its prescribed act through the passage of special legislation and other procedures. Therefore, in its practical application, the act is a nullity and its purposes outmoded. It is not only offensive to friendly foreign nations, but is discriminatory—an insult to our preachments of racial equality.

It is interesting to note that the Johnson-Reed Act determined the basic quota numerical computation of national origin on population figures of 1890. Certainly prejudicing the people of Southern Europe, Asia, and Africa. The McCarran-Walter Act in accepting population figures of 1920 also paralleled this bias built into the Johnson-Reed Act.

But even so, under public pressure, the Congress has amended and modified the Johnson-Reed Act from time to time.

Finally in 1952 over President Truman's Presidential veto, the Congress passed the McCarran-Walter Act. It codified under one act all laws affecting immigration incorporating the old statutes and early conceptions of the Nation's policy in this field.

As herein before stated the quota-origin act computation was adopted as the operating formula for the unit national admission of immigrants.

It reflects in its applicability and formula racial discrimination against our very allies in a sensitive area of national policy. The token quotas of 100 per year assigned to nations numbering millions in native population is a senseless and asinine system. The administration bill is more realistic and reasonable.

After 5 years with the fading out of the national origin system, immigrant visas would be available to any alien meeting the qualifications without regard to the country of his birth. The qualifications, rigid as they may be under the McCarran-Walter Act, are preserved in H.R. 7700 with certain modifications.

Again the 10-percent limitation visas issued in any one year to any one nation prevents monopolizing the visas available under other visa prescriptions in the bill.

The bill thus meets the critical needs and balances out the inequities and impractical controls now prevalent in the law. In specific terms it eliminates the false conception that the bars to limited immigration are down.

As a member of the Judiciary Committee, I shall support H.R. 7700, and urge the subcommittee to report H.R. 7700 favorably to the full committee for passage.

COLUMBUS DAY LEGISLATION

Mr. LIBONATI. Mr. Speaker, the distinguished chairman of Subcommittee No. 4 of the Judiciary Committee, the gentleman from Georgia, Mr. E. L. FORRESTER, placed upon the agenda for a hearing my bill H.R. 8189 declaring October 12 to be a legal holiday honoring Christopher Columbus. Many leaders of the Italo-American communities throughout the Nation appeared to address the committee in support of the legislation. May I compliment the estimable gentleman from Georgia and his eminent subcommittee for considering this legislation.

My address to the subcommittee and the text of the bill follow:

Mr. Chairman, it is with a deep sense of appreciation that your distinguished committee extended to me as sponosr of H.R. 8189, the privilege of addressing you on the question of establishing by statutory enactment, October 12 as Columbus Day—a national holiday.

The greatness of a man is best measured by the impact upon the future of mankind through his works. Christopher Columbus in his four voyages to the West startled the nations of the world with his discoveries.

He had the courage and tenacity in his belief of the principle advanced by Galileo that the world was round and by sheer persistence for proof prevailed upon the Royal Family of Spain to finance this perilous experiment to find a new western route to the Indies by sailing due west.

His Christian faith gave to him a religious incentive to thwart the piratical activities of the Turkish marauders preying upon the trading ships of the Christian world. The freedom of the seas for merchantmen were at stake and he visioned that the earnings could be used to spread the doctrine of Christianity throughout the world.

The ultimate results of his important geographical discoveries have been recorded in the history of nations for centuries. Next to our Lord Jesus Christ, he and Abraham Lincoln rank as the most written of personages in the world.

Although the geographical discovery was of the greatest importance—yet the aftermath of his discovery resulting in the development of a new type of government founded by the Thirteen American Colonies based upon the inherent rights and liberties of free men given by God became a symbol to dedicate Columbus' memory.

Upon this Nation, do nations of the free world, loving liberty, depend for the leadership to protect and defend their spiritual, cultural, and economic institutions that guarantee their way of life.

We owe to this great emancipator and nobleman of the seas a signal national debt of gratitude in discovering the New World, and should pay lasting homage to his memory. Columbus belongs to all nations, but represents to us the first immigrant to the Americas—the land of liberty and justice for all. The several States have set aside this day to commemorate the glory of his name. It is fitting and proper that we as a Nation honor one whose day of discovery is celebrated in thousands of communities throughout the land as a patriotic day to rededicate ourselves to the institutions protecting our freedoms and guaranteeing our liberties for ourselves and the freedom loving nations of the world. Let us rediscover our obligation to free the captive nations and thus reinvigorate our efforts to release them from their bondage. Columbus Day is America's day to celebrate the advent of the New World.

I again thank the committee for its kind consideration in making possible this hearing for the establishment of Columbus Day as a day of national meditation in keeping alive the fires of freedom throughout the world—a Christian nation with Christian faith that opened its shores to men of every faith to worship at the altars of freedom and liberty—forever.

H.R. 8189

A bill declaring October 12 to be a legal holiday

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the 12th day of October of each year, to be hereafter celebrated and known as "Columbus Day", is hereby declared to be a legal holiday of the same character as the 1st day of January, the 22d day of Februray, the 30th day of May, the 4th day of July, the first

Monday of September, the 11th day of November, the fourth Thursday of November, and Christmas Day.

TELEVISION COMMERCIALS SUPPORTING PRESIDENT JOHNSON

The SPEAKER pro tempore. Under previous order of the House the gentleman from Illinois [Mr. RUMSFELD] is recognized for 10 minutes.

Mr. RUMSFELD. Mr. Speaker, I take this time to mention very briefly a television commercial supporting President Johnson for reelection to the Presidency which I saw on television in Chicago last weekend and which since that time has distressed me deeply.

I bring up the subject today because of my belief that at this early point in the campaign there is still time to avoid irresponsibility on either side.

Very briefly, the commercial showed a young girl counting the petals on a flower. As she counted from one to six, behind her came a voice which started to count down from six to one, which was thereupon followed by a rather frightening nuclear explosion.

Then came the campaign statement for President Johnson, attempting to leave the implication that the Republican Party and the Republican Presidential candidate were advocating or seeking nuclear war. It is my understanding this commercial may have been a test commercial. That possibly the sponsors were attempting to try it out in various parts of the country to see what the reaction would be.

Mr. Speaker, for many years men in both parties have on occasion attempted to foster the impression that the Republican Party was willingly the party which led our Nation to the depression. Others have attempted to foster the viewpoint that the Democratic Party was willingly the party which led our Nation to war. I sincerely believe that most Americans know that this is nonsense.

I think now this commercial could lead to the conclusion that today the Democratic Party is attempting to foster the impression that the Republican Party seeks nuclear war. This concerns me as an American. I do not raise this subject because I think the TV commercial will have any particular impact in the campaign; on the contrary, I believe there will be a violent reaction to this type of approach in the campaign.

We have heard a lot in recent weeks about the Ku Klux Klan, the John Birch Society, and about various organizations spreading hate and fear in this country.

I personally think that the American people deserve and demand a good deal more than the approach which is taken by this TV commercial. I raise this subject not to condemn, but to ask the question: Is it right? Is it responsible for men in public office to feed on the fear of our people rather than attempting, to the extent we are able, to appeal to their senses of responsibility, to appeal to their minds, their judgment, and their hearts rather than attempting to incite fear and then feed on these false fears?

Mr. Speaker, I am disappointed and distressed by this approach. I certainly hope that the coming weeks of this campaign will provide the American people with the facts that they will need to make an intelligent choice; and that their judgment will be based on fact; that those of us in public office will appeal to the public's senses of responsibility; and, finally, that the decisions made on November 3, 1964, will be sound and not made simply as a reaction to a false campaign.

A SPECIAL PRESIDENTIAL COMMISSION TO HELP 10 MILLION VOTELESS AMERICANS VOTE IN PRESIDENTIAL ELECTIONS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Delaware is recognized for 30 minutes.

Mr. McDOWELL. Mr. Speaker, it has been estimated that 10 million persons lose their votes by moving across State lines.

The National Conference of Commissioners on Uniform State Laws and the American Bar Association have become increasingly concerned with the present excessive and immoderate restrictions on the voting rights of this great group of voteless Americans, and are sponsoring a model statute which would permit newcomers to cast special presidential ballots in the State of their adoption by filing an affidavit showing they were eligible voters at their previous homes.

It is significant that California permits newcomers to the State to vote for President and Vice President after 54 days of residence if they can show that they have been eligible voters in another State.

The Washington Post has said that this is "a sensible arrangement," and the Wilmington Morning News and the Wilmington Evening Journal have strongly supported the proposal which I have in mind.

A citizen who has had voting rights in one State in national elections should not, in our great country, lose those rights by moving across State lines. He or she is just as competent to choose between presidential candidates in the State moved to as before. To say that this is not so is to make a mockery of our American franchise which surely is one of the most precious of our constitutional rights and privileges—and duties.

I include here newspaper editorials, the text of my legislative proposal for a special presidential commission for voting in presidential elections, and information supplied by the American Bar Association and the National Conference of Commissioners on Uniform State Laws.

Joint resolution to provide for the establishment of a special Presidential Commission to encourage and assist the several States to adopt uniform statutes for voting by new residents in Presidential elections, to end the present excessive and immoderate durational residence requirements which adversely affect an estimated ten million citizens.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That persons who move from one State to another should not be prevented by the imposition of excessive and immoderate durational residence requirements from voting for President and Vice President in national elections in the State to which they move, if they were eligible to vote in such elections in the State of their former residence. The uniform statute for voting by new residents in Presidential elections, which is being sponsored by the National Conference of Commissioners on Uniform State Laws and the American Bar Association represents a reasonable and sensible approach to the problem of voting requirements in such elections. In order to carry out the intent of this Joint Resolution, and to encourage and assist the legislatures of the several States to enact such statute as soon as feasible, it is recommended that the President establish a Special Commission on Uniform State Laws for Voting in Presidential Elections.

[From the Wilmington (Del.) Morning News, Aug. 26, 1964]

PANDORA'S FRANCHISE BOX

It is unfortunate that Representative HARRIS B. McDOWELL, JR., ran into a "hornet's nest" by asking the Democratic platform committee to extend a helping hand to an important class of disenfranchised voters in America.

What Mr. McDOWELL has in mind is the citizen who loses his voting rights when he moves to a new home. States have a variety of residence requirements which must be met before a person can register to vote. Their purpose is clear and sound: To require a newcomer to be a part of the community, familiar with the problems and candidates, before he exercises the important task of voting.

But the same consideration obviously does not apply to the nationwide offices of President and Vice President. Having once established his qualifications as a voter, the citizen ought not to be deprived of his franchise because circumstances have placed him in another part of his Nation.

The situation becomes almost ludicrous in light of the candidacy of Robert Kennedy for the Senate from New York. The Attorney General is a resident of Massachusetts, and resigned from that State's delegation to become the candidate. He is entitled by law to be a Senator from New York simply by leasing a residence there, but he will not be able to vote in that election because he cannot meet the 1-year residence requirement.

There are, Mr. McDOWELL estimates, some 10 million people who cannot vote in this election because they do not meet local residence requirements. The problem is great in Delaware with the presence of major industrial firms whose people are frequently required to change location. It is grossly unfair that they should have no voice in selecting the head of their Government.

Mr. McDOWELL has introduced an appropriate bill in Congress to change the situation. His proposal has bipartisan support in the State. He had hoped to reinforce his position by including a platform plank in support, but he ran into solid opposition, including that of the platform committee's chairman, who said it would open "a Pandora's box."

In a year when the voting rights of Americans are a particularly important political issue—as they deserve to be—it seems narrowminded to refuse to open a box in which the franchise of as many as 10 million Americans is locked up.

[From the Wilmington (Del.) Evening Journal, Aug. 26, 1964]

WE COULD HAVE HAD THIS LAW

It's a shame that U.S. Representative HARRIS B. McDOWELL, JR., didn't get any further with the Democratic platform committee than he did. Mr. McDOWELL asked the committee to include a plank urging the States to adopt reciprocal legislation that would permit Americans to vote in national elections even though they change States or districts.

Mr. McDowell didn't get to first base. Representative Carl Albert, Democrat, of Oklahoma, chairman of the committee, told him it was too late and that to push the matter would be to open a Pandora's box. He urged that the request be withdrawn. Mr. McDowell "regretfully" complied.

What Mr. McDowell proposed was an effort to correct an inequity that is a direct result of the character of our society—disfranchisement of voters because of change of residence.

There is good reason to require people to maintain residence in an area before they are qualified to vote in local elections. It takes time to become familiar with local issues and local people.

But the same rules need not apply to national elections. It can safely be presumed that most Americans are familiar with both the issues and the candidates for the country's top offices. Where they live has no bearing on what they know—or on whether they are otherwise qualified to vote.

Delaware's political parties have recognized the validity of this position and have included in their platforms planks calling for corrective legislation.

But Delaware could have had such a law now. Legislation to that effect has been introduced. But Mr. McDowell's fellow Democrats failed to pass it, just as they failed to act on other badly needed election law reforms.

[From the Washington (D.C.) Post, Aug. 20, 1964]

DISFRANCHISED

A Federal worker and his wife who voted in Maryland in 1960 have recently returned from a tour of duty in California and found that they have no vote in 1964. Conscientious citizens that they are, they registered in California and expected to vote there. But in April they were transferred once more to the National Capital area. Since then they have been frantically trying to find some way of exercising their franchise. But Maryland requires a year of residence before even former residents are eligible to vote. This couple is thus relegated into a group estimated at 10 million persons who lose their votes by moving across State lines.

Had the recent move of this disappointed couple been in the other direction, they would not have been disfranchised. California permits newcomers to the State to vote for President and Vice President after 54 days of residence if they can show that they have been eligible voters in another State. This is a sensible arrangement. Indeed, the National Conference of Commissioners on Uniform State Laws, the American Bar Association and other groups are sponsoring a model statute which would permit newcomers to cast special presidential ballots in the State of their adoption by filing an affidavit showing they were eligible voters at their previous homes.

It is a pity that this sensible proposal has been ignored in Maryland, Virginia, and the District. Whatever may be said of a 1-year residence requirement for voting in local elections, that test has no relevance whatever in the case of national contests. A citizen on the move is just as competent to choose between presidential candidates in Maryland as he would be in California. The bill to save the votes of 10 million citizens who have lost their eligibility by moving across State lines ought to be considered a "must" for the next session of all the legislatures that have ignored it in the past.

UNIFORM ACT FOR VOTING BY NEW RESIDENTS IN PRESIDENTIAL ELECTIONS DRAFTED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS AND BY IT APPROVED AND RECOMMENDED FOR ENACTMENT IN ALL THE STATES AT ITS ANNUAL CONFERENCE MEETING IN ITS 71ST YEAR, MONTEREY, CALIF., JULY 30–AUGUST 4, 1962

UNIFORM ACT FOR VOTING BY NEW RESIDENTS IN PRESIDENTIAL ELECTIONS

Prefatory note

Following the 1960 presidential election, widespread dissatisfaction with the election laws of the various States was manifest because of the disenfranchisement of millions of voters due to strict residential requirements.[1] Thereafter, conference activity in this field was suggested by several national organizations: The American Heritage Foundation, National Municipal League, and the Council of State Governments and certain of its affiliated organizations, and committees of the American Bar Association. In 1961, the Massachusetts Legislature (House No. 931) directed the Massachusetts Commissioners on Uniform State Laws to request the conference to study the laws as to residential qualifications for voting in presidential elections in order to ascertain what changes would be required to enable "every adult citizen" to qualify to vote, and to report to the legislature by December 1962. See also, Mass. Res., ch. 80 (1961). There were also introduced in the 87th Congress (1st sess.) proposed constitutional amendments designed to facilitate voting for presidential electors by persons moving from one State to another. Senate Joint Resolution 14, introduced by Senator Kefauver (Tenn.), would provide for voting by absentee ballot in the State from which the voter moves for a period of 2 years thereafter, provided he would not be qualified to vote in another State during that period and Senate Joint Resolution 90, introduced by Senator Keating (N.Y.), would limit residential requirements for voting in presidential elections to a period not to exceed 90 days. Senators Kefauver and Keating also introduced Senate Joint Resolution 128 on August 28, 1961, to the same effect as Senate Joint Resolution 90.[2] However, since these proposals are not likely to be approved by Congress for some time, if at all, and as constitutional amendments would require approval by three-fourths of the States, they are not expected to afford early relief. It is therefore incumbent upon the States to move as quickly as possible to minimize the disenfranchisement of a large number of voters in the next presidential election. The Council of State Governments in its Program of Suggested State Legislation (1963), pp. 212, 214 urges the States to take appropriate action.

In 1961 the conference appointed its Special Committee on Uniform Election Laws to consider this and other matters in the field of election laws. In its report to the conference at the 1961 annual meeting, the committee recommended that high priority be given to the drafting of legislation designed to prevent the loss of the right to vote in presidential elections by voters moving from one State to another. The committee also recommended that the conference deal with the problem of absentee voting by armed forces personnel and others whose Federal service requires them to be away from home. These recommendations were approved by the executive committee on August 3, 1961, and the Special Committee on Uniform Election Laws was authorized to draft appropriate legislation.

The conference at its 1962 annual meeting promulgated the Uniform Act for Voting by New Residents in Presidential Elections designed to facilitate voting in presidential elections by voters moving from one State to another.[3] This act, as well as the Uniform Federal Services Absentee Ballot Act, was referred by the house of delegates of the American Bar Association to the board of governors of the association for action, and thereafter the board, at its October 1962 meeting, approved these acts for submission to the States.

The preexisting legislation to facilitate voting in presidential elections is of two types:

(1) One would permit a voter leaving a State and taking up residence in another State to cast an absentee ballot until he has complied with requirements for voting in the new State;

(2) The other would permit a new resident to vote if he had been qualified to vote in the State of his prior residence or would have been so qualified had he remained there until the presidential election.

The former approach was developed in Connecticut (Conn. Gen. Stat. (1958), secs. 9-158 to 9-163) and has also been adopted in Vermont (17 Vt. Stat. Ann. 67), and in Massachusetts (Acts, 1961, ch. 582, Ann. Laws Mass., ch. 51, secs. IA–1D). A similar proposal was approved by a referendum of the voters in Wisconsin at the November 1962 general election.[4]

The second type was developed in Wisconsin (Wis. Stat. (1959), secs. 9.045–9.046) and with some variations has been adopted in Missouri (Mo. Rev. Stat. (1960), secs. 111.063–111.067, Mo. Const. art. VIII, sec. 2 (1958)), Oregon (Const. art. III, sec. 2 (1960)), Ohio (Const. art. V, sec. 1 (1957), Ohio Rev. Code (Baldwin, 1960), secs. 3504.01–3504.07), in California (Const. art. II, sec. 1½ (Amend. adopted Nov. 4, 1958), Calif. Elec. Code Ann., ch. 4, secs. 750–765), and in Massachusetts (Acts, 1962, ch. 437, Ann. Laws Mass., ch. 51, secs. 1A–1B).[5]

The advantage and disadvantages of each of these methods were discussed at length in the hearings[6] on the proposed constitutional amendments to the Federal Constitution heretofore referred to. It would appear that the preponderance of preference is in favor of the Wisconsin method, and the conference has adopted this general approach.

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[1] See note, "Federal Elections—The Disfranchising Residence Requirement," Univ. of Ill. Law Forum, Spring 1962, p. 101. In 1954 Rep. Curtis (Mass.) introduced a resolution in Congress recommending State action in this field. It was adopted as House Concurrent Resolution 94 by the House on June 30, 1955, and by the Senate on January 16, 1956.

[2] See, Hearings Before Subcommittee on Constitutional Amendments of the Senate Judiciary Committee (87th Cong. 1st Sess.), also Draft Report of that Committee to accompany Senate Joint Resolution 128 (87th Cong. 2nd Sess.).

[3] Senator Kefauver has commended the Conference for drafting this act (daily Congressional Record, p. A-6064, Aug. 8, 1962).

[4] Other referenda approved at the November 1962 election were: In Arizona, Colorado, and North Carolina the voters authorized their legislatures to reduce residence requirements for voting in presidential elections. In Idaho the residence requirement for voting in presidential elections was reduced from 6 months to 60 days and in Kansas to 45 days.

[5] For a summary of various provisions see study prepared by Walter Kravitz, Library of Congress, December 7, 1960, App., p. 844, Hearings Before Subcommittee on Constitutional Amendments, Sen. Jud. Committee (Part 4, 1961), 87th Cong., 1st sess. See also Program of Suggested State Legislation, the Council of State Governments, pp. 76–81, 1962.

[6] Hearings before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, ibid, pp. 31–38.

The special committee has concluded that under section 1 of article 2 of the Federal Constitution, the appointment of presidential electors can be exercised by State legislatures without regard to State constitutional provisions specifying residence requirements for voting.[7]

Examination of the various State constitutions discloses a wide variety of residence requirements. Several specifically deal with presidential elections. (See the California, Missouri, Ohio, and Oregon provisions previously referred to.) Tennessee expressly requires a 12-month residence period (Const. art. IV, sec. 1). In perhaps a majority of the States the constitutional provisions refer to elections generally ("any election" or similar language). In Illinois it has been held that such provision is not applicable to presidential elections (*Scown* v. *Czarnecki*, 264 Ill. 305, 106 N.E. 276 (1914)). In several States the constitutional provisions refer to State and local elections. Such language should not bar the relaxation by statute of residence requirements in presidential elections. (See, In re Opinion of the Justices, 80 N.H. 595, 113 Atl. 293 (1921).)

The Uniform Act for Voting by New Residents in Presidential Elections would relax the requirement in most States for an extended period of residence so that new residents will be allowed to vote if they would otherwise be qualified by filing an application to vote. Election officials will be given ample time to process the application and there is a penalty for making false statements or affidavits as a safeguard against fraudulent voting.

The philosophy underlying the act is that, although residence in a State for an extended period might be essential to enable a voter to pass upon State and local candidates and issues, since the President is the representative of the entire Nation, a change of residence from one State to another should not in any way detract from a voter's ability to make a choice for that office.

It is hoped that by the time of the 1964 presidential election, all of the States will have adopted legislation to attain this sound objective and thereby minimize disenfranchisement of voters to the end that all citizens will be assured of one of their most priceless heritages in a democracy.

UNIFORM ACT FOR VOTING BY NEW RESIDENTS IN PRESIDENTIAL ELECTIONS

SECTION 1. [Eligibility of new residents to vote.] Each citizen of the United States who, immediately prior to his removal to this State, was a citizen of another State and who has been a resident of this State for less than [insert period of required residence for voting] prior to a presidential election is entitled to vote for presidential and vice-presidential electors at that election, but for no other offices if

(1) He otherwise possesses the substantive qualifications to vote in this State, except the requirement of residence [and registration], and

(2) He complies with the provisions of this act.

Comment

Derived in part from section 9.045, chapter 9, Wisconsin Statutes (1959), section 3504.01, Ohio Revised Code (Baldwin, 1960), and California Election Code Annotated (1961), chapter 4, section 751, and section 111.063, Missouri Revised Statutes (1960). As in the Missouri statute but unlike the other statutes no reference is made to qualification for voting in the former State of residence.

SEC. 2. [Application for presidential ballot by new residents.] A person desiring to qualify under this act in order to vote for presidential and vice-presidential electors [is not required to register but] on or before [insert last date for registration or some other date sufficiently in advance of the election] shall make an application in the form of an affidavit executed in duplicate in the presence of [appropriate official] substantially as follows:

State of ________
County of ________
I, ________, do solemnly swear that:

1. I am a citizen of the United States.

2. Before becoming a resident of this State, I resided at ________ street, in (town) (township) (village) (city) of ________, ________ (county) of the State of ________.

3. On the day of the next presidential election, I shall be at least (21) years of age. I have been a resident of this State since ________, 19____, now residing at ____ street, in the (precinct) of the (ward) of the (town) (township) (village) (city) of ______ ______, __________ (county).

4. I have resided in (enacting State) less than (________). I believe I am entitled under the laws of this State to vote at the presidential election to be held November __________, 19____.

5. I hereby make application for a presidential and vice-presidential ballot. I have not voted and will not vote otherwise than by this ballot at that election.

Signed ________________
(Applicant)

Subscribed and sworn to before me this ________ day of __________, 19____.

Signed ________________
(Title and name of officer authorized to administer oaths.)

Comment

Derived in part from section 111.065, Missouri Revised Statutes (1960), and section 9.046, Wisconsin Statutes (1959), but unlike the Wisconsin statute no certificate is required to be sent to former State of residence for verification of applicant's qualification in that State. It will be noted that the time for filing the application is bracketed so that the period specified will fit in with the election laws of each State. Likewise the clause negativing requirement for registration is bracketed as it will not be needed where registration is not required.

SEC. 3. [Mailing duplicate application.] The [appropriate official] shall immediately mail to the appropriate official of the State in which the applicant last resided the duplicate of the application.

Comment

This provision is inserted as a safeguard against voting by the applicant in the former State of residence.

SEC. 4. [Filing and indexing information from other States.] The [appropriate official] shall file each duplicate application or other official information received by him from another State indicating that a former resident of this State has made application to vote at a presidential election in another State and shall maintain an alphabetical index thereof, for a period of (__________) after the election.

Comment

This provision is new. If the Uniform Act is widely adopted it will be valuable as a safeguard against voting by a former resident of one State who might endeavor to vote as a new resident in another State.

SEC. 5. [Delivery of ballot to applicant.] If satisfied that the application is proper and that the applicant is qualified to vote under this act the [appropriate official] shall deliver to the applicant a ballot for presidential and vice-presidential electors not sooner than [______] days nor later than [______] days prior to the next presidential election.

Comment

Derived from section 9.046, Wisconsin statutes (1959), except that the time fixed for delivery of the ballot is bracketed.

SEC. 6. [Voting by new residents.]

(a) The applicant, upon receiving the ballot for presidential and vice-presidential electors shall mark forthwith the ballot in the presence of the [appropriate official] but in a manner that the official cannot know how the ballot is marked. He shall then fold the ballot in the [appropriate official's] presence so as to conceal the markings, and deposit and seal it in an envelope furnished by the [appropriate official].

(b) The voter shall enclose the envelope containing the ballot in a carrier envelope which shall be securely sealed. There shall be imprinted on the outside of the carrier envelope a statement substantially as follows:

Certification of new resident voter:

I have qualified as a new resident voter in this State to vote for presidential and vice-presidential electors. I have not applied nor do I intend to apply for an absentee voter's ballot from the State from which I have removed. I have not voted and I will not vote otherwise than by this ballot.

Dated: __________ ________________
[Signature of voter.]

Witness ____________________
[Appropriate officer.]

The voter shall sign the certification upon the carrier envelope as set forth above, and shall then deliver the sealed carrier envelope to the [appropriate official], who shall keep the carrier envelope in his office until delivered by him to the [appropriate election official].

Comment

Derived in part from Sec. 9.046, Wis. Stat. (1959) and Sec. 111.065, Mo. Rev. Stat. (1960).

SEC. 7. [List of applicants open for public inspection.] The (appropriate official) shall keep open to public inspection a list of all persons who have applied under this Act to vote as new residents with their names, addresses and application dates.

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[7] See Memorandum entitled "State Legislators' Authority Over the Selection of Presidential Electors," prepared by Judge Harry H. Lugg, member of the special committee. James C. Kirby, Jr., Chief Counsel, Sen. Jud. Subcommittee on Constitutional Amendments, concurs in this view and stated in a recent article discussing the pertinent authorities, "Limitations on the Power of State Legislatures Over Presidential Elections," 27 Law and Contemporary Problems (1962), 495, 505, that acceptance of this view "by the courts would facilitate adoption of a uniform State law on residence qualifications recently proposed by the Conference of Commissioners on Uniform State Laws and recommended by the American Bar Association." These are the principal cases relied on by Judge Lugg: *McPherson* v. *Blacker*, 146 U.S. 1 (1892); *Commonwealth ex rel Dummit* v. *O'Connell*, 298 Ky. 44, 181 S.W. 2d 691 (1944); *In re Opinion of the Justices*, 80 N.H. 595, 113 Atl. 293 (1921); *Opinion of the Justices*, 37 Vt, 665 (1865); *State, ex rel Beeson* v. *Marsh*, 150 Nebr. 233, 34 N.W. 2d 279 (1948). Other authorities considered by the author are: *Smiley* v. *Holm*, 285 U.S. 355 (1931); *Lillard* v. *Cordell*, 200 Okla. 577, 198 Pac. 2d 417 (1948); *Ohio, ex rel Davis* v. *Hildebrant*, 241 U.S. 565 (1916); *In re Opinion of the Justices*, 118 Me. 552, 107 Atl. 705 (1919); see also, *State ex rel Hawke* v. *Myers*, 132 Ohio 18, 4 N.E. 2d 397 (1936). Under the view of the special committee, referenda such as are referred to in footnote 4 may not be required.

Comment

Provision for public inspection of the names of new resident voters is contained in Sec. 9.046, Wis. Stat. (1969); Calif. Election Laws Ann. (1961), C. 4. § 761; Sec. 3504.-06, Ohio Rev. Code (Baldwin, 1960); Sec. 111.065, Mo. Rev. Stat. (1960.)

Sec. 8. [Delivery and deposit of ballots.] (a) (Appropriate officials) shall prepare and deliver the ballots for new residents to the [appropriate election officials] in the manner prescribed by law for absentee ballots. The ballots shall be processed in accordance therewith.

(b) The (appropriate election officials) shall record the new resident voter's name with a notation designating him as a new resident voting for presidential and vice-presidential electors only.

Comment

These provisions are substantially the same as subsection (4), Sec. 9.046, Wis. Stat. (1959) and are similar to the procedure specified in other States.

Sec. 9. [Challenge of new resident's vote.] The vote of any new resident may be challenged for cause. The (appropriate election officials) have all the powers and authority conferred upon them by law in respect to hearing and determining the legality of challenged votes.

Comment

All of the statutes considered have provisions for challenging votes and the above provision is substantially the same as subsection (5), Sec. 9.046, Wis. Stat. (1969).

(Sec. 10. [Penalties.] Any person wilfully making a false statement or affidavit under this act shall be fined not less than ($------) nor more than ($------) or punished by imprisonment for a period of not less than (------) nor more than (------) or both. Any public official who wilfully refuses or neglects to perform any of the duties prescribed by this Act or violates any of its provisions shall be fined not less than ($------) nor more than ($------) or punished by imprisonment for a period of not less than (------) nor more than (------) or both.)

Comment

All of the statutes considered provide for penalties, some incorporating by reference provisions of other statutes. This section is patterned on the Missouri statute which sets forth the penalties without reference to other legislation (Sec. 111.067, Mo. Rev. Stat. (1960)), but is bracketed in case provisions of other statutes are adequate.

Sec. 11. [Application of other statutes.] Except as provided in this act, the provisions of law relating to absentee ballots apply also to the casting and counting of ballots and challenging of votes by new residents, the furnishing of election supplies, ballots, canvassing of ballots, and making proper returns of the results of the election.

Comment

This provision is new and is designed to deal with problems not expressly covered in the act.

Sec. 12. [Definition of State.] As used in this act "State" includes the District of Columbia.

Comment

The definition of "State" was extended to include the District of Columbia because of the adoption of the 23d amendment in 1961 allowing residents of the District of Columbia to vote in presidential elections.

Sec. 13. [Uniformity of interpretation.] This act shall be so construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Sec. 14 [Severability.] If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 15. [Short title.] This act may be cited as the Uniform Act for Voting by New Residents in Presidential Elections.

Sec. 16. [Repeal.] [The following acts and parts of acts are repealed: (1), (2), (3).]

Sec. 17. [Time of taking effect.] This act shall take effect ---------.

Memorandum Concerning Election Laws

(Statement of Brendan Byrne, executive director, American Heritage Foundation, hearings before the Senate Subcommittee on Constitutional Amendments, 87th Cong., 1st sess., pt. 2, p. 467.)

The occasion for this memorandum is a proposal for a uniform act prescribing the manner of selecting presidential electors. Throughout the history of the United States, the internal migration of numbers of its population has prevented them from voting because of the various State residence requirements prerequisite thereto. This problem reached its undoubted peak in the 1960 elections. While the exact number of persons so disfranchised at that time is almost impossible of accurate computation, it has been established that about 8 million otherwise qualified voters were prevented from voting in the 1960 elections by State residence requirements. That estimate finds support in the opinion of the Census Bureau that from March 1959 to March 1960, one out of five Americans moved from one place to another at least once, and 16 percent of these moved from one State to another.[1]

Among the purposes of the projected act are to provide uniformity among the States in the manner of selecting presidential electors, and to reduce the residence requirement of those voting for such electors to the minimum feasible point.

The question to be dealt with here is what, if any, limitations exist through State constitutions upon the power of the legislatures of the States to prescribe the manner in which presidential electors are chosen. The source of this power is article II, section 1, clause 2 of the Constitution of the United States, the pertinent language of which reads: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors." The presidential electors chosen pursuant to this clause "act by authority of the State that in turn receives its authority from the Federal Constitution."[2]

"The appointment of these electors is thus placed absolutely and wholly with the legislatures of the several States. This power is conferred upon the legislatures of the States by the Constitution of the United States, and cannot be taken from them or modified by their State constitutions."[3] "From this review * * * it is seen that from the formation of the Government until now the practical construction of the clause has conceded plenary power to the State legislatures in the matter of the appointment of electors."[4]

"Under the second clause of section 1 of article II of the Constitution, the respective State legislatures have the power to appoint, in whatever manner they might deem proper, electors who in turn select a President [cit. *McPherson* v. *Blacker*]."[5]

The word "appoint" as used here "was manifestly used as conveying the broadest power of determination."[6] "The word 'appoint' means 'designate,' 'choose,' 'select,' 6 CJS appoint page 87, 'appoint' may well include any method of selection whether it be election by the voters or another technique [cit. *McPherson* v. *Blacker, supra*]."[7]

Recent cases citing *McPherson* v. *Blacker* have done so with approval, although not determinative of the issue at hand.[8]

The cited section of the Constitution on the face of it hardly lends itself to doubt. Nevertheless, controversy has arisen as to whether the provisions of State constitutions circumscribe the seemingly unqualified authority of the legislatures. The issues divide themselves in the main into two points:

(1) May the legislatures provide a method for selecting presidential electors which differs from the States' constitutional requirements for selecting other public officers? This usually focuses upon allowing persons to vote for the electors upon briefer residence than that required for those voting for State officers.

(2) May the legislatures implement the U.S. constitutional authority without regard to the States' constitutional provisions re the passage of legislative acts—e.g., the gubernatorial veto?

Obviously, "The Constitution does not provide that the appointment of electors shall be by popular vote, nor that the electors shall be voted for upon a general ticket, nor that the majority of those who exercise the elective franchise can alone choose the electors."[9] Pursuant to the plenary authority in article II, section 1, clause 2, the legislatures, during the first century of the Nation's history, prescribed various methods for choosing electors, such as (1) election by the legislature itself, (2) election by popular vote by districts, and (3) election by popular vote on a statewide ticket. In many instances the legislatures chose the electors directly without any implementing legislative act.[10] By 1891, the principal method had become selection by vote on a statewide party ticket.[11] There thus does not appear, at least until that date, any such "established practice in the States" as relied upon in *Smiley* v. *Holm*[12] of post. "The prescription of the written law cannot be overthrown because the States have latterly exercised in a particular way a power which they might have exercised in some other way."[13] Unless, therefore, this clause gains a new interpretation, not heretofore given to it, the plain language in it contains the authority, already exercised in practice, for the State legislatures to choose the electors, or prescribe the manner of their choosing without regard to State constitutional limitations.

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[1] U.S. Bureau of the Census, Statistical Abstract of the United States 1961, p. 33.

[2] *Ray* v. *Blair*, 343 U.S. 223, 72 SC 659, 96 L. Ed. 901 (1952).

[3] Report of the chairman to the Senate Committee on Privileges and Elections, May 28, 1874; cited in *McPherson* v. *Blacker*, 146 U.S. 1, 13 Sup. Ct. 3, 36 L. Ed. 869 (1892).

[4] *McPherson* v. *Blacker*, supra; *Markham* v. *Bennion*, 122 Utah 562, 252 P 2, 539 (1953).

[5] The Electoral Process and the Power of the States 47 ABA Journal page 251 (1961).

[6] *McPherson* v. *Blacker*, supra; State ex rel *Beeson* v. *Marsh*, 150 Neb. 233, 34 N.W. 2, 279 (1948).

[7] *State* v. *Provenzano*, 34 N.J. 318, 169 A. 2d 136 (1961).

[8] *Lassiter* v. *Northhampton Election Board*, 360 U.S. 51, 79 SC 990, 3 L. Ed. 2, 1077 (1958); *Ray* v. *Blair*, supra; *Colegrove* v. *Green*, 328 U.S. 568, 66 SC 1210, 90 L. Ed. 1444 (1945).

[9] *McPherson* v. *Blacker*, supra; State ex rel. *Beeson* v. *Marsh*, supra.

[10] "Presidential Electors: Let the State Legislatures Choose Them" 44 ABA Journal 1182 (1958), esp. table showing methods by which electors have been selected since 1789; *McPherson* v. *Blacker*, supra.

[11] 2, Story, Constitution, 5th ed. 317.

[12] 285 U.S. 355, 52 S.C. 397, 76 L. Ed. 795 (1932).

[13] *McPherson* v. *Blacker*, supra.

The direct authority of the State legislatures thus conferred and so construed hardly lends itself to misunderstanding. Controversy has arisen, however, springing largely from two decisions, Ohio ex rel *Davis* v. *Hildebrant*[14] and *Smiley* v. *Helm*, supra. As to the Hildebrant case, "It dealt with article I, section 4 of the Constitution, which provides that the times, places, and manners of holding elections for Senators and Representatives in each State shall be determined by the respective legislatures thereof, but that Congress may at any time make or alter such regulations, except as to the place for choosing Senators. As shown in the opinion in that case, Congress had itself recognized the referendum as part of the legislative authority of the State for the purpose stated."[15] "[I]t was because of the authority of the State to determine what should constitute its legislative process that the validity of the requirement of the State constitution of Ohio, in its application to congressional elections, was sustained."[16]

Smiley v. *Holm* involved a bill which, following the Fifteenth Decennial Census, divided the State into nine congressional districts. It was vetoed by the Governor, despite which the defendant secretary of state attempted to proceed thereunder. He asserted the validity of the legislative action by virtue of article I, section 4 of the Federal Constitution, which provides: "The Times Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof." The question then is whether the provision of the Federal Constitution, thus regarded as determinative, invests the legislature with a particular authority and imposes upon it a corresponding duty, the definition of which imports a function different from that of lawgiver and thus renders inapplicable the conditions which attach to the making of State laws.

The primary question now before the Court is whether the function contemplated by article I, section 4 is that of making laws. As the authority is conferred for the purpose of making laws for the State, it follows, in the absence of an indication of a contrary intent, that the exercise of the authority must be in accordance with the method which the State has prescribed for legislative enactments. It clearly follows that there is nothing in article I, section 4 which precludes a State from providing that legislative action in districting the State for congressional elections shall be subject to the veto power of the Governor as in other cases of the exercise of the lawmaking power."[17] It is obvious that the court had no intent to modify *McPherson* v. *Blacker* nor even thought it necessary to refer to it on the main issue. The latter case is cited only on a collateral proposition.

"While the opinion in the case of *Smiley* v. *Holm*, secretary of the State of Minnesota, holds that a legislature must function in the method prescribed by the State constitution in directing the times, places, and manner of holding elections for Senators and Representatives in Congress, since in so doing it is exercising the function of lawmaking, it does not necessarily follow that when functioning in the manner prescribed by the State constitution, the scope of its enactment on the indicated subjects is also limited by the provisions of the State constitution."[18]

Hence provisions in a State constitution not connected with the legislative process are irrelevant to the point here. This is true even to the extent that "There is no color for the contention that under the amendments every male inhabitant of the State, being a citizen of the United States has from the time of his majority a right to vote for presidential electors."[19]

The Smiley decision, then, bases itself upon the ground that in acting pursuant to article I, section 4 of the U.S. Constitution, the State legislatures are exercising a lawmaking power. It points out, that the heart of the issue is the function to be performed. "The use in the Federal Constitution of the same term in different relations does not always imply the performance of the same function. The legislature may act as an electoral body, as in the choice of U.S. Senators under article I, section 3, prior to the adoption of the 17th amendment. It may act as a ratifying body, as in the case of proposed amendments to the constitution under article 5. *Hawke* v. *Smith*, No. 1, supra, id., No. 2, 253 U.S. 231, 64 L. ed. 877, 40 S. Ct. 495; *Leser* v. *Garnett*, 258 U.S. 130, 137, 66 L. ed. 505, 511, 42 S. Ct. 217. It may act as a consenting body, as in relation to the acquisition of lands by the United States under article I, section 8, paragraph 17. Wherever the term 'legislature' is used in the Constitution it is necessary to consider the nature of the particular action in view. The primary question now before the Court is whether the function contemplated by article I, section 4, is that of making laws." It is puzzling that the opinion omits from this enumeration the function performed by the "legislature" under article II, section 1, clause 2 and fails to qualify it, especially in view of the *McPherson* v. *Blacker* decision. Whatever ground for speculation there might be, obviously the older decision is not directly modified.

As noted above, the function of the legislature, in selecting presidential electors under article II, section 1, clause 2 of the U.S. Constitution, was not historically treated as a legislative process. Only comparatively recently have the State legislatures chosen to exercise this power through legislative enactment. It hence differs from the rationale of *Smiley* v. *Holm* in construing article I, section 4 which interprets the latter as a lawmaking function. Since the legislature can clearly appoint the electors directly, or by any other method it chooses, it would logically follow that it could do so by legislative resolution, or provide a method thereby, and calling the latter an act or not would be a mere matter of nomenclature. At most, it can only be held that if the doctrine of *Smiley* v. *Holm* were also applied to article II, section 1, clause 2, and if the selection of electors were now for the first time construed as a legislative function, and if the legislature chooses to exercise that function by legislative act, then and then only must the States' constitutional procedure be followed. To belabor the point, however, the distinction must be clearly born in mind that this has nothing whatever to do with the States' laws, constitutional or statutory, as to qualifications for voters for other officers or purposes. Stated otherwise, given compliance wtih the States' procedures for adopting legislative acts, the scope of such an act is not otherwise limited by the State's constitutional provisions.

On the one hand are the provisions of the State constitutions concerning voters; that is, those who vote in general elections. Separate and apart from these are the provisions governing the exercise of the legislative process; for example, referendums or veto by the Governor. They have nothing to do with each other so far as the present problem is concerned. A group of New Hampshire opinions illustrates this. A legislative act permitting absentee voting in general was held unconstitutional as conflicting with the implications of the State constitution, and of the common law that the voter must present his ballot personally.[20] The following year the same court advised that a statute to permit absentee voting for presidential electors and congressional representatives would be valid, basing the distinction in favor of the later enactment upon the authority granted the legislatures by the Federal Constitution.[21] The same distinction was reaffirmed almost 60 years later.[22] Similar holdings are to be found in other States.[23] Another holding in accord appears in a Maine report,[24] although the opinion contains some unusual implications.[25] Two other State cases also touch upon the issues here.[26] In State ex rel. *Beeson* v. *Marsh*, supra, it was held that a provision of the Nebraska Constitution reading "All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise."[27] could not operate to circumscribe the legislative power granted by article II, section 1, clause 2 of the U.S. Constitution. The McPherson case is cited as authority for that decision.

From this examination of the law, the following conclusions clearly appear:

1. The appointment of presidential electors is within the power of the State legislatures, in whatever manner they deem proper.
2. This power is not subject to modification or limitation by State constitutional provisions.
3. Where the State legislature chooses to exercise this function by adopting a legislative enactment, it possibly may be bound to follow the procedures prescribed for such enactments in the State constitution.
4. State constitutional requirements of minimum residence for voters have no limiting authority over the State legislature's power to prescribe lesser requirements for those voting for presidential electors.

HARRY H. LUGG.

ROCKVILLE, CONN., *July 17, 1962.*

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LIBONATI for 1 hour today and to revise and extend his remarks, and to include extraneous matter.

Mr. RUMSFELD for 10 minutes today.

Mr. McDOWELL (at the request of Mr. BOGGS), for 30 minutes today, to revise and extend his remarks, and to include extraneous matter.

Mr. BRAY (at the request of Mr. STAFFORD), for 30 minutes, on September 15; for 30 minutes on September 16; and for 30 minutes on September 17.

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[14] 241 U.S. 565, 36 S.C. 708, 60 L. Ed. 1172 (1916).

[15] *Hawke* v. *Smith*, 253 U.S. 221, 40 S.C. 511, 64 L. Ed. 871 (1920).

[16] *Smiley* v. *Holm*, supra.

[17] *Smiley* v. *Holm*, supra.

[18] Commonwealth ex rel. *Dummit* v. *O'Connell*, 298 Ky. 44, 181 S.W. 2d 691 (1944).

[19] *McPherson* v. *Blacker*, supra; State ex rel, *Beeson* v. *Marsh*, supra.

[20] Opinion of the Justices 44 N.H. 633 (1863).

[21] Opinion of the Justices 45 N.H. 595 (1864).

[22] Opinion of the Justices 80 N.H. 595, 113 A 293 (1921).

[23] Commonwealth ex rel. *Dummit* v. *O'Connell* (supra) Opinion of Judges 37 Vt. 665 (1864).

[24] Re Opinion of Justices 118 Me. 552, 107 A 705, 5 ALR 1407 (1919).

[25] Of discussion in 153 ALR 1066, 1071 (1932).

[26] *Lillard* v. *Cordell*, 200 Okla. 577, 198 P. 2d 417 (1948). *Markham* v. *Bennion*, 122 Utah, 562, 252 P. 2d 539 (1953).

[27] Art. I, Sec. 22, Nebraska Constitution.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. RUMSFELD.

Mr. DONOHUE.

Mr. PUCINSKI.

The following Member (at the request of Mr. STAFFORD), and to include extraneous matter:

Mr. TAFT.

The following Members (at the request of Mr. BOGGS) and to include extraneous matter:

Mr. PURCELL.

Mr. MARSH in two instances.

Mr. FOGARTY.

Mr. PEPPER in two instances.

Mr. FLOOD (at the request of Mr. PATTEN).

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3114. An act to provide for the assessing of Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington, through a drainage and diking district formed under the laws of the State; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until Monday, September 14, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2522. A letter from the Acting Comptroller General of the United States, transmitting a report on the unnecessary costs resulting from the purchase and use of paint products in uneconomical-size containers, Department of Defense; to the Committee on Government Operations.

2523. A letter from the Acting Comptroller General of the United States, transmitting a report on additional interest costs to the United States because of premature releases of funds to the social progress trust fund administered by the Inter-American Development Bank, Treasury Department and Agency for International Development; to the Committee on Government Operations.

2524. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal in accordance with the provisions of the act approved July 7, 1943 (57 Stat. 380) as amended; to the Committee on House Administration.

2525. A letter from the Secretary, Department of the Navy, transmitting annual report for fiscal year 1964 of administrative adjustment of tort claims, with copies, pursuant to section 2673 of title 28, United States Code; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS: Committee on Interstate and Foreign Commerce. S. 2049. An act to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes; without amendment (Rept. No. 1886). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GRABOWSKI:

H.R. 12589. A bill making Columbus Day a legal holiday; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 12590. A bill to amend the Internal Revenue Code of 1954 to allow an unemployed individual a deduction from gross income for expenses paid or incurred in seeking employment; to the Committee on Ways and Means.

By Mr. KEOGH:

H.R. 12591. A bill to amend the Internal Revenue Code of 1954 to provide that the taxable year of a partnership with respect to a deceased partner shall close as of the date of his death unless the successor in interest of such deceased partner elects not to have such year close; to the Committee on Ways and Means.

By Mr. MATHIAS:

H.R. 12592. A bill to provide that the American flag of 15 stars and 15 stripes may be flown at the grave of Francis Scott Key; to the Committee on the Judiciary.

H.R. 12593. A bill to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises (now exempt) engaged in laundering, cleaning, or repairing of clothing or fabrics which compete substantially in the same metropolitan area with similar enterprises not exempt and to lessen unfair competition; to the Committee on Education and Labor.

By Mr. RHODES of Pennsylvania:

H.R. 12594. A bill to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study with respect to railroad passenger service in the United States; to the Committee on Rules.

By Mr. McDOWELL:

H.J. Res. 1172. Joint resolution to provide for the establishment of a special Presidential Commission to encourage and assist the several States to adopt uniform statutes for voting by new residents in presidential elections, to end the present excessive and immoderate durational residence requirements which adversely affect an estimated 10 million citizens; to the Committee on House Administration.

By Mr. FOGARTY:

H. Con. Res. 362. Concurrent resolution requesting the President of the United States to bring the Baltic States' question before the United Nations; to the Committee on Foreign Affairs.

By Mr. RICH:

H. Con. Res. 363. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Nevada, Memorializing the President and the Congress of the United States relating to the reapportionment of State legislatures, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEROUNIAN:

H.R. 12595. A bill for the relief of Julio Machado Mendes; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 12596. A bill for the relief of Santina Capri; to the Committee on the Judiciary.

By Mr. FORRESTER:

H.R. 12597. A bill for the relief of Dr. Antonio R. Perez; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 12598. A bill for the relief of Raffaele Di Maggio; to the Committee on the Judiciary.

H.R. 12599. A bill for the relief of Biagio Polizzi; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

H.R. 12600. A bill for the relief of Francesca Bacino; to the Committee on the Judiciary.

By Mr. TOLLEFSON:

H.R. 12601. A bill for the relief of William L. Minton; to the Committee on the Judiciary.

SENATE

THURSDAY, SEPTEMBER 10, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Lord of all being, who holdest the world in Thy hand, and to whom all souls are dear: At another day's noontide, as representatives of the public trust come to counsel for the Nation's good, by their dedication make them worthy of these days of world destiny.

In this quiet moment, emptied of the strife of tongues, lifting our eyes to far horizons above the rampart confusions of the present, may today be seen in its true perspective.

Give us to discern that so often the things that disturb and agitate us most, and which loom so close to our eyes, are like the grass which groweth up: In the morning, it flourisheth and groweth up; in the evening, it is cut down and withereth. Save us, we pray, from the paralysis of mistaken magnitudes. Grant us a constant awareness of eternal principles, white and winning, whose paramount and permanent constancy arches the ages.

We ask it in the name whose truth is the same yesterday, today, and forever. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the

Journal of the proceedings of Wednesday, September 9, 1964, was dispensed with.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. McINTYRE. Mr. President, from the Committee on Armed Services, I report favorably the nominations of 10 Reserve colonels and 4 Reserve brigadier generals for promotion to the grade of brigadier general and major general, respectively, in the Army Reserve; 1 brigadier general and 4 colonels for temporary appointment in the Army to the grade of major general and brigadier general, respectively; and Prof. John Robert Jannarone for appointment as dean of the Academic Board of the U.S. Military Academy. I ask that these names be printed on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations are as follows:

Brig Gen. William Welby Beverley, U.S. Army, and sundry other officers, for temporary appointment in the Army of the United States;

Col. Arthur Frank Brandstatter, Military Police Corps, and sundry other officers, for promotion as Reserve commissioned officers of the Army; and

Prof. John Robert Jannarone, U.S. Military Academy, for appointment as dean of the Academic Board of the U.S. Military Academy.

Mr. McINTYRE. In addition, I report favorably 457 promotions in the Navy in the grade of captain. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk, for the information of any Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations are as follows:

Paul A. Adams, and sundry other officers of the U.S. Navy, for temporary promotion to the grade of captain.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

NATIONAL LIBRARY OF MEDICINE

The Chief Clerk proceeded to read sundry nominations in the National Library of Medicine.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

NOMINATION PASSED OVER

The Chief Clerk read the nomination of Robert Sargent Shriver, Jr., of Illinois, to be Director of the Office of Economic Opportunity.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be passed over.

PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the Public Health Service, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, these nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. MANSFIELD, the Senate resumed the consideration of legislative business.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—CLOTURE MOTION

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. Do I understand correctly that the time is limited, to be divided between the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and the distinguished Senator from Pennsylvania [Mr. CLARK], or some Senator representing him?

The ACTING PRESIDENT pro tempore. The Chair is about to make a statement on that subject. It is the understanding of the Chair that the Senator from Minnesota [Mr. HUMPHREY] will have charge of the time of the opponents.

In view of the unanimous-consent agreement controlling the time until 1 p.m. today on the so-called Dirksen-Mansfield reapportionment amendment to H.R. 11380, the Foreign Assistance Act of 1964, the Chair lays the bill before the Senate.

Under the agreement, the Senator from Illinois [Mr. DIRKSEN] has control of time for the proponents, and the Senator from Minnesota [Mr. HUMPHREY] for the opponents.

Mr. MANSFIELD. Mr. President, I ask unanimous consent, pending arrival of the Senator from Minnesota [Mr. HUMPHREY], that the Senator from Wisconsin [Mr. PROXMIRE] be placed in charge of the time for the opponents.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Time is running.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Idaho [Mr. CHURCH].

Mr. CHURCH. Mr. President, as the issue before the Senate is of some moment, I believe that I should state briefly the reasons why I have concluded to vote against the pending cloture motion.

In the past, I have voted for cloture only after the most extended debate has taken place, and after every aspect of the issue in question has been exhaustively explored. I have favored the blocking of further debate only when it had become irrefutably clear that no other, less drastic course could enable the Senate to reach a vote. In the instant case, neither sufficient time has elapsed, nor has enough evidence been assembled, to warrant the imposition of cloture upon either of these grounds. It must be said, at the very least, that this cloture motion is premature.

But I would be less than candid if I were to account for my vote upon these procedural objections alone. There are also substantive reasons why I cannot vote for cloture on this issue, either now or later. They can be summed up simply enough: I do not favor the Dirksen rider.

I have pondered the matter; I have reviewed the debate; I have considered the precedents. I have concluded that, regardless of how one approaches it, the Dirksen rider is wrong. It is wrong to force a vote upon it without benefit of committee hearings; it is wrong to attach it to the foreign aid bill, where it has no place, and thus to attempt to coerce the consent of the President. But, above all, it is wrong on its merits, because it seeks to suspend the Constitution of the United States as that document relates to the right of each citizen to have representation in his State legislature which is as equal as possible to that of all other citizens of his State.

I do not believe that it is within the power of the Congress to suspend the Constitution, either in this, or any other particular. If the Dirksen rider were to pass, I believe that it would be promptly struck down by the courts. The folly of our action would then be matched by its futility.

Even if one were to assume, for the purpose of argument, that the Dirksen rider might somehow be upheld as a valid exercise of congressional power, under a forced interpretation of article III, section 1, conferring power upon Congress to establish "such inferior courts as the Congress may from time to time ordain," or of article III, section 2, giving the Supreme Court appellate jurisdiction "with such exception, and under such regulations as the Congress shall make," how could one defend the wisdom of exercising such authority for the purpose of suspending a constitutional right?

It is no answer to say that the rider will suspend the right to equal representation for a period of only 2 years. If we can cross this threshold, what is then to prevent us from extending the suspension for another 2 years, or for 5, or indefinitely?

Nor is it an answer to say that the suspension is justified in this special case, in order that the legislatures of the various States might have time to deliberate whether to comply with the constitutional requirement for reapportionment, or to avoid it altogether by changing the Constitution through amendment. If the Constitution can be suspended by Congress to permit its amendment, it is nothing more than the instrument of Congress, having a stature little different from that of an ordinary statute.

This cannot be permitted.

For, if this were to come to pass, the independence of our judiciary to give force and effect to the Constitution will be thoroughly undermined, and the checks and balances upon which our system of government has long rested will be placed in the gravest jeopardy. The very underpinnings of the Constitution itself will be destroyed, as its efficacy, together with all its precious guarantees of individual freedom, will depend, from day to day, upon the shifting sands of congressional acquiescence.

What is really at issue here is the Constitution of the United States, fortified by an independent judiciary, and interpreted, in the last analysis, by the Supreme Court.

It is not possible to be a fair-weather friend of the Constitution, upholding it when a given Court decision receives general approval, but denying it when a decision proves unpopular. I concede that there is widespread disapproval in my State, in the rural and mountain areas, of the Supreme Court's reapportionment decisions. But I cannot forsake my allegiance to the Constitution, nor my oath to support it, on this account.

I, myself, would prefer to leave the question of legislative apportionment to the people of each State, provided that the people themselves, in each case, are furnished with the opportunity to ratify their system by majority vote through a popular referendum. This would place the decision directly in the hands of the people, where sovereignty properly resides.

The ACTING PRESIDENT pro tempore. The time of the Senator from Idaho has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Senator from Idaho may proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Idaho is recognized for 1 additional minute.

Mr. CHURCH. Mr. President, I would support a constitutional amendment designed to accomplish this objective. Such is the remedy we should seek. It is the only course of action which comports with the system of law—and the method of government—which we have traditionally maintained.

The Congress, to be sure, can initiate such an amendment, or any other it sees fit to adopt, and the amendment may then be ratified either by special conventions called for the purpose, or by the legislatures of three quarters of the States. But, in the meantime, the Constitution cannot be set aside. Unless and until it is changed by amendment, it must be observed as the supreme law of the land.

Because the Dirksen rider represents an attempt to set aside the Constitution for a 2-year period, insofar as reapportionment is concerned, it is inherently defective, and, in my judgment, unworthy of support. Therefore, I shall vote against this move to invoke cloture in order to force a vote upon it. And if cloture is approved, I shall then vote against the Dirksen rider itself.

This does not mean that I also oppose the sense of Congress resolution which has been submitted by the senior Senator from New York [Mr. Javits] and the junior Senator from Minnesota [Mr. McCarthy]. To express our opinion, as a guideline for the courts, that reasonable time should be given the State legislatures to comply with the constitutional requirement for reapportionment, is, in my judgment, an entirely appropriate exercise of congressional discretion. The resolution does not undertake to set aside the Constitution, or to interfere with the power of the courts to implement or enforce it. I intend, accordingly, to vote for the resolution, should the opportunity arise.

Mr. President, I ask unanimous consent that there appear hereafter the text of the Dirksen rider and of the Javits-McCarthy sense-of-Congress resolution so that all who are interested may read and compare them.

There being no objection, the texts of the Dirksen rider and of the Javits-McCarthy sense-of-Congress resolution were ordered to be printed in the Record, as follows:

S. 3069

(Mr. Dirksen (for himself, Mr. Eastland, Mr. Lausche, and Mr. Stennis) introduced the following bill; which was read twice and referred to the Committee on the Judiciary)

A bill to amend title 28, United States Code, to provide for a temporary stay of proceedings in any action for the reapportionment of any State legislative body

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 21, title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 461. Stay of proceedings for reapportionment of State legislative bodies

"Upon application made by or on behalf of any State or by one or more citizens thereof in any action or proceeding in any court of the United States, or before any justice or judge of the United States, in which there is placed in question the validity of the composition of any house of the legislature of that State or the apportionment of the membership thereof, such action or proceeding shall be stayed until the end of the second regular session of the legislature of that State which begins after the date of enactment of this section, and the court may make such orders with respect to the conduct of elections as it deems appropriate except that no order shall be inconsistent with any apportionment made pursuant to referendum. The court shall not deny any person or persons the right to make such application."

(b) The chapter analysis of that chapter is amended by adding at the end thereof the following new item:

"461. Stay of proceedings for reapportionment of State legislative bodies."

AMENDMENT No. 1234

Amendment intended to be proposed by Mr. Javits (for himself and Mr. McCarthy) to the amendment (No. 1215) intended to be proposed by Mr. Dirksen (for himself and Mr. Mansfield) to H.R. 11380, an act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes

Strike out all on and after line 1, page 1, and insert in lieu thereof the following:

"Sec. 402. It is the sense of the Congress that in any action or proceeding in any court of the United States or before any justice or judge of the United States in which there is placed in question the validity of the composition of any house of the legislature of any State or the apportionment of the membership thereof, adequate time should be accorded (1) to such State to conform to the requirements of the Constitution of the United States relating to such composition or apportionment consistently with its electoral procedures and proceedings and with its procedure and proceedings for the amendment of the constitution of such State, and (2) for consideration by the States of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification."

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the senior Senator from Rhode Island will vote against cloture and will vote to lay the Dirksen amendment on the table. He will vote to lay the amendment on the table for the simple reason that it does not belong in the foreign aid bill.

This is an unfair attempt to force upon the President of the United States the dilemma of accepting the amendment or vetoing the foreign aid bill and calling Congress back into session.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PASTORE. May I have 2 additional minutes?

Mr. PROXMIRE. Certainly.

The ACTING PRESIDENT pro tempore. The senior Senator from Rhode Island is recognized for an additional 2 minutes.

Mr. PASTORE. Mr. President, this is an important piece of legislation. I realize that it raises many practical questions that should be resolved. But there is no better place for these questions to be resolved than in committee hearings. There have been no committee hearings.

Without stating all of my reasons for opposing the Dirksen amendment, a very cogent argument is made against the Dirksen amendment and against the application of cloture in an editorial which appeared in the Washington Post this morning. I cannot state the case better than it is stated in this editorial.

Therefore, Mr. President, I ask unanimous consent that the editorial published in the Washington Post of September 10, 1964, entitled "Rotten-Borough Retreat" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ROTTEN-BOROUGH RETREAT

Senator DIRKSEN'S cloture motion comes before the Senate today with two strikes against it. In the first place sponsors of the motion have failed to show that this is a proper occasion for the limitation of debate. In the second place, the end which they seek to attain would be highly detrimental to the American system of government.

Cloture is an essential device to cut off discussion after all the arguments have been heard, thus enabling the Senate to work its will on an issue that is properly before it. In the present case, however, the arguments have not all been heard. On the contrary, this scheme to upset the Supreme Court's reapportionment decisions was hatched in secrecy and rushed out of the Judiciary Committee without hearings. In these circumstances extended debate on the floor is necessary to alert the country to what is in the wind.

Full debate is further justified by the sly tactics employed to thwart the President's veto power. Instead of submitting the issue to be determined on its own merits, Mr. DIRKSEN is determined to attach his court-curbing bill as a rider to the foreign-aid bill. This would be an easy way of getting it before the House and of forcing the President to sign it or risk destruction of the foreign-aid program. Certainly there is no obligation on any Senator to support cloture in furtherance of this highly irregular procedure. The limitation of debate is a device to curtail the abuse of power—not to promote it.

On the merits of the Dirksen-Mansfield bill behind the cloture motion the case is equally clear. Senator DOUGLAS accurately characterized this measure when he said: "I believe that what we are asked to do is to suspend for an indeterminate time the constitutional guarantee of the equal protection of the law, and to deny this protection to individuals who may wish to obtain it."

The Supreme Court has found many State legislatures to be so badly malapportioned that they cannot be reconciled with the "equal protection" requirement. These rulings have unquestionably become the law of the land. It is not the function of Congress to set aside that law, even temporarily, or to thwart its operation. The spectacle of Congress trying to use its legislative power to deny or temporarily nullify constitutional rights which the Supreme Court has clearly upheld is such a serious encroachment upon the orderly division of powers that even extraordinary measures would be justified to defeat it.

There is much controversy, to be sure, over the soundness of the Court's edict that both houses of the State legislatures must be apportioned on the basis of population. This is a matter for extended national soul-searching. The next Congress will be free, if it wishes, to propose a constitutional amendment after exhaustive hearings, analysis and debate. Meanwhile, however, Congress should not seek to short circuit judicial decisions or to prejudice a great national issue by resorting to irregular procedures of its own.

It should also be clear to everyone who probes into this controversy that the "rotten borough" system must go. Senator DOUGLAS and others have provided an abundance of details to show how grossly unrepresentative most of our State legislatures have become. The practical effect of the Dirksen proposal would be to keep this system in operation—temporarily through restrictions upon the courts and then through a constitutional amendment which would enable the "rotten borough" legislators to perpetuate their hold upon the State legislatures forever.

The whole problem needs to be debated, not from the viewpoint of irritations over a Court decision, but with the object of rescuing the State governments from the malaise into which they have fallen. The Dirksen way, like the Tuck bill passed by the House, would be merely a retreat back toward the "rotten borough" system. The Senate can begin its march in the other direction by voting down the cloture motion.

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, as I indicated earlier, it is my intention to vote against cloture. I was delighted to hear the senior Senator from Rhode Island indicate his intention—which is mine—to vote to table the amendment if the appropriate motion is made.

I should like to make one point very clear. As a member of the Committee on the Judiciary, I believe the Senate should understand that there is not one single line of testimony, not one witness, not one piece of paper that was prepared in the careful atmosphere of a committee, on which the judgment of the Senate can be based. While I have not been here very long, it would be my suspicion that this is a most unprecedented procedure. A matter which raises the gravest of constitutional questions is sought to be presented to the Senate without a single moment of hearings.

It is not unfair to suggest that those who seek to have the Senate adopt this amendment wanted to avoid hearings because the hearings would have made the case—which those of us in floor debate have been seeking to establish in the past few days—that the course that is proposed to be taken is extremely unwise.

A written constitution which provides rights for people is worth exactly the cost of the paper on which it is printed if there is no independent judicial review available to insure the delivery of those rights. Many nations in the world have magnificent sounding written constitutions. They are worth precisely what I have indicated—the cost of the paper on which they are printed. They lack an independent judiciary review to insure that the rights announced in the constitution are, in fact, available to them.

I suggest that the long-term effect of the course advocated by the proponents of this amendment would be to have a Nation in which our Constitution would continue to read magnificently, but it would be a Constitution for which there would be no judicial relief available.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I am going to vote against invoking cloture on this reapportionment rider. Yesterday I set forth at length my reasons for opposing the Tuck bill and the Dirksen amendment. I cited the historical and philosophical basis for apportioning seats in State legislatures on the basis of population with particular reference to the inequities that exist in the apportionment of the State senate in New Mexico.

On several occasions in the past I have sponsored resolutions to liberalize the rule by which the Senate might invoke cloture. To date those efforts—and I have had support from many other Senators—have been unsuccessful. But I continue to believe that cloture should be invoked only after an appropriate amount of time for thorough debate and analysis of an issue has passed.

We spent 78 days earlier this year on the civil rights bill and that was more than enough time for Members to determine the pros and cons in this case. We have been discussing the Dirksen amendment for 10 days, but I think we are only now arriving at the point where there is an increasing understanding of just what the Dirksen amendment would do to our system of government and to the representational rights of large numbers of our citizens. The fundamental issue confronting us was set out, I believe, quite clearly by the Chief Justice of the United States in his June 15, 1964, opinion when he said:

> The weight of a citizen's vote cannot be made to depend upon where he lives. Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislators are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system.

Mr. President, it is very interesting to note that the financial journals write about the growth factors in stocks. They are very much interested in preserving the growth factors. We talk about the growth factors of our cities and the growth factors of the wilderness areas. We do not seem to worry about the growth factor in the legislative bodies.

I wonder what is so foreign to our ideas of the growth factor in legislative bodies, and the growth factor for wilderness areas and for cities.

I therefore intend to vote against cloture at this time on the theory that we need these growth factors in our legislative bodies.

Mr. LAUSCHE. Mr. President——

Mr. PROXMIRE. I yield 1 minute to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, while the opponents of the Dirksen amendment have made no serious effort to present their arguments, and have allowed other subjects to be considered by the Senate, neverthless I am of the opinion that the time is not now justly at hand to shut off further debate.

I favor the Dirksen amendment, and will at a proper later time vote for cloture, if the debate continues.

Mr. PROXMIRE. Mr. President, would the distinguished minority leader agree to use some of his time now? We have already used much of our time.

It would be very helpful if the distinguished minority leader could use some of his time now. We know that he, being on the affirmative, should have the last speech. But it would be helpful if he could speak now.

Mr. DIRKSEN. Certainly.

The ACTING PRESIDENT pro tempore. How much time does the minority leader yield to himself?

Mr. DIRKSEN. Mr. President, I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 15 minutes.

Mr. DIRKSEN. Mr. President, seldom has an important issue been presented to the Senate that has been so confused and obfuscated in debate. And seldom has there been an issue where there has been such misplaced emphasis as on the matter that now engages the attention of the Senate.

It has been alleged on the floor, and in editorials, that this is an attack on the Court. I could use an inelegant term to describe those allegations. But I shall content myself with saying that nothing could be further from the truth.

It is said that the issue involved here is one man, one vote. That is not the issue. Any legislature in the land can provide for one man, one vote if it undertakes to do so.

It has been said—and I have read it in the columns—that this proposal is designed to save the legislative skins of some of our State legislators. I believe that Mr. Roscoe Drummond ought to know better than to promote a column on that subject.

It has been said that this is a rotten-borough approach. My colleague from Chicago, the senior Senator from Illinois [Mr. DOUGLAS], ought to know. If ever there was an example of one metropolitan area undertaking to dominate a legislature, it will be found there.

It has been said that no hearings have been conducted. There was no hearing on the Lausche amendment when the U.N. bond issue was before the Senate. No hearings were held on the amendment which removed Indonesia from any benefits under foreign aid. All of those questions were resolved on the floor of the Senate. It is merely a question of circumstance.

Finally it was said that we were acting too hastily, and it was said that we ought to rely on the amending process.

All this started in 1962 with the Baker against Carr case in Tennessee. The only issue in that case was whether or not the case was justiciable in the courts. That was the only question that was decided.

But then came the case of Reynolds against Sims, and with that case the damage started. As a result, that doctrine has been applied to six States, and it will apply to all the rest of them. As Senators contemplate the picture, they will know that time will run out.

That was the reason for the amendment. It was on the 23d of July that I introduced a joint resolution providing for a constitutional amendment—24 Senators were sponsors and cosponsors of that joint resolution. But we could see at once that there would be no opportunity to launch a constitutional amendment in the time that remains for the Congress to be in session; the process would take a longer time.

It is sheer nonsense to say that the proposal is an attack upon the Supreme Court of the United States. With respect to hearings, I have so indicated.

With respect to haste, the three-judge court in Colorado gave the legislature 15 days to come into being at the call of the Governor and to reapportion one of their bodies, only to have their own supreme court declare the measure unconstitutional.

Senators talk about haste. Fifteen days were allowed to get a legislature together and do the kind of job that was done. I should like to know who wishes to talk about haste. If Senators will examine the New York picture, they will see that one election is held to elect members of the legislature for a period of 1 year, when their constitution calls for a 2-year term, the second year another election, and then a third election, notwithstanding the New York constitution, before they go back on a 2-year-term basis.

We talk about haste. The decision of the Supreme Court did not come down until June of this year. We had to make the best of the time factor since the clock and the calendar were running out.

Justice Harlan, in his dissenting opinion, which blew the majority out of the water, said on page 32 of his opinion that we can forget about any stay from here on unless something is done. So another 44 States will come under the Federal hammer merely because the Court interpreted the 1st section of the 14th amendment and completely ignored the 2d section and all the historical background that was applied in 1866, not only in this body, but also in the House of Representatives.

What is the basic issue? It is a question of whether the Constitution empowers the Court, the Congress, or any other agency of Government to determine how a State legislature shall be composed. That is the issue, and nothing else. It involves the State-Federal Union or the Federal-State Union, anyway we might wish to put it, and if anyone wishes to be made knowledgeable on the subject, I suggest that he go back and read what Representative Bingham of Ohio had to say with respect to the 2d section of the 14th amendment for there it is clear as crystal as to what the Congress intended. It did not intend to infringe the rights of the States when dealing with suffrage in their own States.

Justice Harlan said that this procedure goes far beyond the authority of the Court and is actually an interposition into a legislative field.

I was rather interested in a comment that Judge Learned Hand, a great jurist, made with respect to the Supreme Court. He spoke of the Court's tendency to "become a third legislative chamber." That is precisely what was done in the Reynolds case.

There probably has been no greater student of the Constitution than Prof. Edward Corwin, late professor of jurisprudence at Princeton University, who spoke of "the aggressions of the Court." The situation is precisely in that category, and Congress will have to deal with the question.

The amendment before the Senate is a breather. It is nothing more. We had no choice on the question. Our resolution was submitted, but how could we do something about it before the present session of the Congress adjourned? It would have to go through two committees and two Chambers before it could be launched, and then it would have to be ratified by the States before it could become effective. The shortest period for any amendment to the Constitution to become a part of the Constitution would be 7 months. Obviously, if 3-judge courts should start working in the other 44 States, the damage would be done and it would be difficult indeed to retrieve it. So we had no course left except the approach that we have taken.

What would the Mansfield-Dirksen or the Dirksen-Mansfield amendment do? An action must be pending in a Federal court; otherwise, there are "no dice." The amendment would not affect State courts at all. An application could be filed for a stay of proceedings. It would not throw the proposal out the window. It could keep us in a state of suspension.

Who could file the application? A State, a Governor, an attorney general, a member of the legislature of a State, or other parties in interest.

Incidentally, my colleague from Illinois [Mr. DOUGLAS] made a great point of the fact that if we amended the Constitution, we would still have to go back to malapportioned legislatures. I suggest that Senators read the amendatory portion of the Constitution, which provides that amendments may be ratified by legislatures or conventions, and it is up to the Congress to determine what language shall go into that kind of resolution. How long shall this last? So long as there is a public interest, and in the absence of highly unusual circumstances, that there be one State election prior to January 1, 1966, and that there be a reasonable opportunity for the State legislature to work its will, if it so desires, in a regular session, in order to cure the problem that is before us.

I have made it as manifest as I could in public and private statements and on the floor of the Senate that I contemplate and have contemplated initiating such a constitutional amendment in the new Congress in January. I am not insensible to what must be done, but a time element is involved. When we speak about haste, we must be in a hurry if we are to meet the problem before Congress adjourns and Members go out on the hustings for the campaign. No other agency in Government can do it, except the Congress. With respect to this amendment and what was said a moment ago about engrafting it into the foreign aid bill, I should say that 3 weeks ago I went to the President of the United States. I submitted proposed language to him. I talked to him in private.

There was a session of an hour and a half. I said, "I will not take you by surprise. I want you to know what is going on." So he is fully advised about it. I made it clear that this proposal would be of no value unless it were put on a measure that was going to the President's desk.

Mr. President, that is not an unusual proceeding. It has been done a good many times. Suppose we managed to get before the Senate the Tuck bill, which has already passed the House. What do Senators think would happen to it at the White House? It would be vetoed. I know that.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. PASTORE. Should the President be denied that privilege? Should he have on the auction block the foreign aid bill because he does not like the rider?

Mr. DIRKSEN. Oh, I know legislative techniques. I have not been around here for 32 years without knowing the score. I said to the President, "I am going to put it on the foreign aid bill. I want to do so in order that it may be at your desk for either signature or veto."

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 5 minutes more.

What is the use of going through an exercise in futility? What is the use of going through such procedure unless results are obtained? We must be rather practical when we start on this course.

So there we are. I was advised that this "baby filibuster," as it is called by the distinguished majority leader, is to be continued. That is all right with me, because this issue will be here to be voted on, unless a substitute is accepted. There has been proposed an amendment to the amendment. It is a sense of the Congress resolution.

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. DIRKSEN. I yield.

Mr. McCLELLAN. May I inquire whether it is the Senator's intention or his contemplation, if this little filibuster to which he refers continues after the vote today, assuming cloture is rejected, to file another cloture petition at a later date, say in a few days perhaps? The Senator says that his amendment is to be voted on sometime before this session ends.

Mr. DIRKSEN. I might.

Mr. McCLELLAN. Will the Senator yield further?

Mr. DIRKSEN. Yes.

Mr. McCLELLAN. The question of voting for cloture gives me some concern. I have been against it. I am still against cloture as a legislative weapon. But the Senate, on the 10th of June, this year, employed cloture as a weapon to compel the enactment of the civil rights law—a law that I opposed and that my people opposed—a law that I think is unconstitutional, a law that I think will be of great detriment to this country. If cloture is to be used and adopted as an instrument, as a weapon, in legislative battles in the Senate, against me and my State, although I deplore the use of it, the logic of such circumstances may very well compel me on occasions to vote for cloture and thus make use of the same weapon as that with which I have been stabbed.

If cloture is to become the practical procedure for the U.S. Senate, then in order to make my vote most effective in representing my State I may desire to use it against those who employ it against me.

So, on a second cloture petition on this measure, I may vote for it.

I may not vote for cloture today, but I am not always going to maintain the position that, irrespective of what the practice may become and what precedents may be established in using this weapon, I shall continue to refrain from using it.

Mr. DIRKSEN. I have heard intimations from the opponents of the Dirksen-Mansfield amendment that this discussion would continue. Very well. I can remain here until Christmas. I can stay here until the 3d of January, when the 89th Congress will come in, if that is the way to reach a vote. But I helped on two occasions to break filibusters. The first one was on the communications satellite bill. I got on my knees on this side to beg Members to vote for cloture.

Mr. PASTORE. Mr. President will the Senator yield?

Mr. DIRKSEN. Not at the moment. My friend will thank me for that.

Mr. PASTORE. Oh, I will not. [Laughter in the galleries.]

The ACTING PRESIDENT pro tempore. The guests in the galleries will please remain in order.

Mr. DIRKSEN. Oh, Mr. President, I do not mind if they snicker a little.

The ACTING PRESIDENT pro tempore. The Chair has the responsibility to maintain order.

Mr. DIRKSEN. I know that.

I got on my knees and begged Members on this side of the aisle to vote for cloture. I hope my friend will approve. He nods his head "yes."

What is proposed is provided for under rule XXII. I am operating under the rules of the Senate; and I believe I know what the rules are. The opponents can take their time, but this amendment will still be here. They can offer a substitute. A substitute has now been proposed. It is a sense of the Congress resolution. I cannot lay my hand on it at the moment, but it expresses the sense of the Congress that the Supreme Court ought to give adequate time.

Is it not wonderful for this legislative, coordinate branch of government to get on its knees and say to the Court, "Please Mr. Court, be gracious, be graceful. Let us give them adequate time"? We are asked to beg a little. I do not propose to beg, because that demeans the dignity and authority and equality of this branch of government.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, how much time have I remaining?

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes remaining.

Mr. DIRKSEN. I yield myself 1 additional minute.

After all, it was no accident that the legislative branch was provided for in article I of the Constitution. As President Monroe once said, "It is by all odds the most important branch in all the Government, because of the powers that have been conferred on it."

Mr. President, that is the story. I said yesterday there will be a vote on the amendment one way or the other, or on a substitute, but it is going to be the business. I stood aside for the social security bill. Yesterday I had to say to our very gracious and self-effacing majority leader, for whom I have the deepest affection, that I cannot permit putting this amendment aside any longer, for the Appalachia bill or any other purpose.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 1 more minute.

When we are through with the vote on cloture, and when we are through with the Mansfield resolution on the McCloskey matter, and the Williams substitute, we shall be back on foreign aid and this amendment will be the pending business. The opponents can talk as long as they like, but it will still be here, and this issue will have to be resolved.

The country is watching, because it was alerted to this issue, starting in 1962, after the Supreme Court decision in Baker against Carr. The legislative conference of the Council of States made this one of the major matters on its agenda.

Mr. PROXMIRE. Mr. President, I yield 2 minutes to the Senator from New Jersey [Mr. CASE].

The ACTING PRESIDENT pro tempore. Will the Senator suspend for a moment until the Senate is in order?

Mr. CASE. Mr. President, I shall vote against cloture on the Dirksen-Mansfield amendment. The real question before us is not cloture but whether the people of the several States shall have the right to govern themselves or shall be compelled to accept the dictates of a relatively small minority.

Mr. PASTORE. Mr. President, will the Senator speak louder, so that we may hear him?

Mr. CASE. The reapportionment decisions of the Supreme Court involve problems which have given real concern to me as they have to many others. Ideally, the political question of how State legislatures are constituted would be much better left to the States themselves. But, in the face of obvious malapportionment resulting from population growth and shifts, many State legislatures have deliberately failed to act. And those affected have no effective recourse other than the courts.

Mr. PASTORE. Mr. President, will the Senator speak so that we can hear him?

Mr. CASE. I wish I had the vocal organs of the Senator from Rhode Island. I shall have to ask that he do his best to increase his hearing power to that of his vocal power, because today I am not able to speak much louder.

Mr. President, I have not been so honored for many years as to have the orator of the Democratic Party sitting at my feet. This is indeed a real switch. [Laughter.]

In my own State, when the legislature called a constitutional convention in 1947, it specifically provided "that the convention shall in no event agree upon, propose or submit to vote of the people, either separately or included among other provisions, any provision for change in the present territorial limits of the respective counties, or any provision for legislative representation other than" the existing basis.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. CASE. Mr. President, I ask for 2 more minutes.

Mr. PROXMIRE. Unfortunately we are rather short of time. I yield 1 more minute to the Senator from New Jersey.

Mr. CASE. There is merit to the point that in some cases the lower Federal courts have acted with what seems to be too great haste and have not given State legislatures sufficient time to do a decent job of reapportionment.

The States are not, however, helpless in this situation. Surely the courts would not arbitrarily refuse appropriate relief in this respect upon the application of States endeavoring to bring their legislative apportionment into compliance with the Supreme Court's holding.

And, in any event, the admitted purpose of the Dirksen-Mansfield amendment is not to permit more time to comply with the Supreme Court's reapportionment decisions. Its purpose is to give time for the adoption of a constitutional amendment which would make it unnecessary for any State to reapportion its legislature, regardless of inequalities, however great, in representation of the total population.

There would be considerable justification for this if the constitutional amendment were to be passed upon by the people themselves. But there is no intention that the matter should be submitted to the people of the several States. The effect of the Dirksen-Mansfield amendment is to make it possible for the State legislatures as now constituted to approve a constitutional amendment designed to enable them to perpetuate their present composition and cut off any recourse either to the people or the courts.

Mr. President, back in 1923 Chief Justice Hughes came to Columbia University to pay tribute to Chancellor James Kent. He made a memorable speech. It included this observation on the realities of democratic living:

> Democracy must be its own savior, and security is to be found, if at all, not in the denials of the right of participation in the affairs of government, but in education, public discussion, and the self-imposed restraints of an intelligent and justice-loving people. There is no shorter way.

I repeat that the real question before us is not cloture. It is whether or not the people of the several States shall have the right to govern themselves.

Accordingly, I have come to the conclusion that I cannot support the Dirksen-Mansfield move.

Mr. PROXMIRE. Mr. President, I yield 4 minutes to the Senator from Tennessee.

Mr. GORE. Mr. President, the issues raised by the pending amendment are of great importance to the American people. The amendment involves the fundamental question of representative government at the State level. It involves, also, the concept of separation of powers, which is a hallmark of our form of National Government.

In my view, the amendment in its present form should not be enacted into law.

Recent court decisions directing, and in some cases effecting, reapportionment of State legislatures, have had a serious impact upon orderly procedure in our elective processes.

Mr. President, when reapportionment is so long delayed that representation becomes so disproportionate that Los Angeles County in California, with a population of 6 million people, larger than that of any 1 of 40 States, elects only 1 member of the senate in the State legislature while another senatorial district in the same State with only 14,000 people elects 1 senator, something has gone seriously awry with representative government.

These decisions have been controversial, and to some extent disruptive; but they are predicated on findings that apportionment of representatives in the State legislature in such States is so grossly inequitable as to deprive citizens adversely affected thereby of their constitutional rights. The denial of constitutional rights is a serious matter. It is one which the courts cannot ignore.

Even so, I find considerable merit in, and I have considerable sympathy with, a proposal to provide State legislatures a reasonable period of time in which to make their apportionment and to make adjustment and accommodation to the Supreme Court decisions.

But we are not privileged to reach a decision upon that basis. The proponents have been perfectly candid in saying that they seek an interim period during which a hasty amendment may be made to the U.S. Constitution, in part, by the action of legislatures which have been held to be grossly disproportionate and unconstitutional.

Such a constitutional amendment might seek to freeze into existence, perhaps for all time to come, the grossly disproportionate, inequitable, and declared unconstitutional existing apportionment in certain legislatures.

This I cannot support.

Mr. President, there is nothing sinister about proposing a constitutional amendment. That is the procedure provided for changing our fundamental law. A constitutional amendment may be proposed and acted upon whether or not there is a stay in judicial proceedings affecting apportionment.

The fact remains, however, that if judicial proceedings are stayed, as proposed in the amendment, a constitutional amendment submitted to the States for ratification would be acted upon in some States by legislatures which would already have been judicially determined to be unconstitutionally apportioned. A State legislature resisting change in its apportionment might well be disposed to ratify a constitutional amendment which would permit perpetuation of its existence, even though such action would be contrary to the wishes of a majority of the people of that State. A constitutional amendment ratified by legislatures, some of which are unconstitutionally apportioned, would not serve the cause of representative government.

Moreover, in my view, the pending amendment is potentially a dangerous precedent in that it would constitute action by Congress to inject itself deeply into the area reserved by the Constitution to the judiciary. Some have argued that the Supreme Court in its decisions has undertaken to usurp the prerogatives of Congress in the legislative field. However that may be, it seems to me that the pending amendment would certainly put Congress into the field of administration of justice.

The amendment is sweeping in its terms. It directs our judges as to how they shall rule on petitions that may be filed in cases already decided, in cases that are pending, and in cases not even commenced. The courts are directed as to the type of judgment they shall render unless "highly unusual circumstances" which are nowhere defined or spelled out are found to exist. If it is appropriate for the Congress to so dictate to the courts on this question, future Congresses may well find it appropriate to dictate to the courts on other questions. Should such practice become common, we shall have lost one of the cornerstones of constitutional government.

The question immediately pending is the issue of limiting debate on the amendment. I have never voted for cloture. This is not to say that there are no circumstances under which I would regard limitation of debate as being warranted and necessary. But in my opinion, such action should be taken only when overriding considerations of the national interest make the need therefor both clear and compelling.

The right of free and full debate in the Senate is essential to careful, deliberative, legislative process. A vote for cloture is tantamount to approval of the pending question in its present form. Recent experience has demonstrated that meaningful changes in a legislative proposal are not feasible after cloture is invoked.

In my view, the pending amendment, in its present form, does not meet the test of clear and compelling national need which would justify invoking cloture. On the contrary, for the reasons I have stated, I believe adoption of the amendment would be unwise. Accordingly, I shall vote against cloture.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, after thorough study, I cannot support cloture on the Dirksen-Mansfield amendment.

In a brilliant address on the subject of reapportionment and the rights of States to reapportion themselves, the distinguished senior Senator from California [Mr. KUCHEL] stated it was his view that the people of each State themselves should have the continuing right to determine at the polls what basis they wished to use in creating their legislative districts. He stated that as a matter of policy he favored a constitutional amendment preserving to the people of each State a continuing constitutional authority to decide the basis of their State legislative reapportionment as they themselves may choose, with appropriate judicial systems to prevent a frustration of their authority.

I am much impressed with this suggestion; and when he submits such an amendment, I shall be glad to cosponsor it.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, the Dirksen amendment should be opposed for two very simple reasons. First, it stands on the most doubtful constitutional basis. Second, it is being pressed to bring about a result that is plainly unconstitutional.

The first point rests on a doctrine which is normally urged with much force by Members of this body. That is the doctrine of separation of powers. It is a keystone of our form of government. We in this body are rightfully concerned that the legislative power be, as article I of the Constitution prescribes, vested in the Congress. We should be equally concerned that, as article III prescribes, the judicial power shall be vested in our courts.

Yet the Dirksen amendment seeks to blur these constitutional principles. For the first time we are being asked to suspend by legislative action the enjoyment of constitutional rights. We are being asked to tell the Federal judiciary that the equal protection clause of the 14th amendment is to be temporarily suspended.

For the courts themselves to take such action would be unwise. Far better to proceed as they are doing on a case-by-case adjudication of the individual problems that may be encountered in each of the States. But for Congress to impose it own ideas of the proper functioning of the judicial process is not only unwise, it raises constitutional issues of the most serious magnitude.

If there are those who disagree with the Supreme Court's interpretation of the 14th amendment, the remedy is amendment of the Constitution. But the proponents of the Dirksen rider are not content to follow the procedures which the Constitution prescribes for amendment. They ask us to invade the judicial area and tamper legislatively with the vindication of constitutional rights. That is a strange stance to be taken by those who claim to be defenders of the Constitution.

The second objection is even more basic. Those supporting the Dirksen amendment concede with candor that their ultimate purpose is to have the Constitution amended to reverse the Court's apportionment decision. Of course they have a right to press for such an amendment. But they have no right to have their proposed amendment adopted by unconstitutional means. Yet that is what they seek to do in the course they are now urging us to follow.

The plain purpose of the Dirksen rider is to freeze the State legislatures in their present unconstitutional setup so that these malapportioned legislatures will be the ones that vote on whether to adopt a new constitutional amendment. This is unwise, unfair, and unconstitutional.

The Supreme Court has ruled on the application of the 14th amendment to State legislatures. That decision should now be promptly carried out, as most of the States are trying to do in an orderly fashion. Then when State legislatures are reapportioned on the basis of population, it will be time enough to consider whether the Constitution itself should be changed.

Mr. DOUGLAS. Mr. President, I hope the cloture motion will be decisively defeated. It should be defeated for at least three reasons.

First, only a little over 30 hours have been taken in discussing the completely extraneous Dirksen-Mansfield amendment to the foreign aid bill—which has been sprung upon this body without any prior hearings having been held before a Senate committee. In contrast, the opposition to the civil rights bill was given nearly 3 months in which to debate before a cloture motion was invoked and three Senate committees had held many days of hearings on sections of that bill.

And yet the proposed Dirksen-Mansfield amendment, and the forces which it would set in motion, are just as important and perhaps even more important than the civil rights bill. The amendment would freeze indefinitely action under the Supreme Court's decisions on fair apportionment and would suspend indefinitely an important individual right guaranteed by the Constitution. Time is needed to alert, not merely Congress, but also the country, to the issues involved. In fact, we have yet to understand the full implications and the proponents have failed to give evidence in support of their charges that the amendment would prevent chaos. There has already been a significant awakening of public opinion and there will be more if the discussion is only allowed to proceed.

Secondly, Mr. President, when the first Supreme Court decisions on this subject were handed down in 1962, they began to remedy one of the worst abuses of our political system; namely, the gross underrepresentation in the State legislatures of our metropolitan areas. In using that term, I include suburban areas as well as urban areas.

Fifty years ago, those areas included less than one-third of the population. Today they include nearly two-thirds. In future years, they will include three-quarters. Yet until the Supreme Court issued its first decision in March 1962, very few reapportionments had been carried out by the various State legislatures. Gross abuses abounded, and still abound, in all sections of the country, and in virtually every State. This has been fully documented in material which has been placed in the RECORD during the course of this debate. But the State legislatures had, in the main, refused to cure these abuses. The Supreme Court, in my opinion, was completely correct in ruling that citizens could not be guaranteed the equal protection of the laws, which is their right under the 14th amendment, unless they were granted substantially equal representation in the very legislatures which made the laws.

Under the stimulus of these decisions, some States are beginning to make progress in reapportionment; and if they are allowed to operate, much further progress will be made.

But the Dirksen-Mansfield amendment would stop all this. It would prevent the court orders from going into effect for an indeterminate period—certainly to January 1, 1966, and probably appreciably beyond that.

During this time, my colleague from Illinois [Mr. DIRKSEN] has stated with admirable frankness that it is his intention and that of his supporters to initiate a constitutional amendment which, if ratified, would forever prohibit the courts from ordering such a reapportionment. If such an amendment were submitted to the States, the present badly apportioned State legislatures could then ratify it with a rush, and seal the present abuses into effect in perpetuity.

As the urban and suburban populations increased both absolutely and relatively, as they will, they would still be under the domination of decreasing rural minorities. This is what lies at the end of the road; and unless we defeat the cloture motion by a decisive vote, it is likely to happen.

Finally, the right to the equal protection of the laws is a constitutional right. It cannot be superceded temporarily. If temporary suspension of constitutional rights is permitted in matters of representation, why can it not be done in the future so far as free speech, a free press, and trial by jury is concerned? Does Congress have the right to reverse and suspend decisions of the Supreme Court? Should it try to do so? How can such action be reconciled with the jurisdiction given to the Federal courts under article III of the Constitution over all cases under the Constitution? I believe that we do not possess that supremacy and that we should not seek it.

In conclusion, let us not muffle the trumpets which sound the alarm upon the battlements of the metropolitan areas. The forces which would seek to abridge the individual liberties of the great majority of Americans are not only at the gate, but are at the point of having their way. Rather, allow the clear notes of those trumpets to sound forth the notes of the truth, so that all may hear and have an adequate opportunity to decide.

The ACTING PRESIDENT pro tempore. Six minutes remain before the close of the debate.

Mr. PROXMIRE. Mr. President, has all time on the side of Senators opposing cloture expired?

The ACTING PRESIDENT pro tempore. The time of the opponents of the cloture motion has expired. The junior Senator from Illinois has 6 minutes remaining; then the debate will be closed.

Mr. DIRKSEN. Mr. President, I listened to the distinguished Senator from Tennessee [Mr. Gore] speak about vindicating abuses. The answers lie in the States. It is proposed, through the Supreme Court, to take a shortcut and not do the job that should have been done by Tennessee. I am familiar with what has happened there. It has lasted for nearly half a century. Why did not the people get on their high horse and go to the legislature to have the job done, instead of going to the Supreme Court of the United States?

My friend from Connecticut [Mr. Ribicoff] speaks of constitutionality. I do not know how much of an authority he is; but I do know that on the day we left Senator Mansfield's office, Archibald Cox, the Solicitor General, from the Department of Justice, and Nicholas Katzenbach, Deputy Attorney General, put the stamp of approval upon this amendment, so far as constitutionality is concerned. The Senate can take its choice as to where it wants to go from here.

The debate will continue, either on this amendment or on a substitute. I do not know how long it will require; frankly, I do not care. If my friends from Pennsylvania, Illinois, Michigan, and Wisconsin care to carry on this "baby" filibuster, it will be quite all right with me. I shall be present all the while. But that would push the adjournment of this Congress well into the future. If cloture does not prevail today, there will be another opportunity to vote on cloture, and I think before too long. Then perhaps the Senate will wish it had put an end to this interminable discussion.

A point was made the other day about how much time had been devoted to hearings and discussions. I had our assistant secretary on this side of the aisle clock the Senate all of Tuesday afternoon, starting with 3 o'clock. This is the way the attendance ran, by 15-minute quarters: Nine on the floor of the Senate; two on the floor; three on the floor, two on the floor, five on the floor. If Senators were so much interested in having a full measure of debate, why was not the Chamber full of Senators at the time? Evidently they had fixed their minds, by dint of newspaper articles and dissertations. They know what the issue was; and the issue is very simple. The people will not be confused when we get back home. They will know what the issue is. It is whether the Federal Government or the Supreme Court is going to ignore section 2 of the 14th amendment, which is an integral part of that amendment, as has been demonstrated by the opinion of Mr. Justice Harlan, and then move in and, by judicial fiat, determine how the States shall compose their legislatures. I shall not be a party to such procedure. I shall rest the case there. No amount of sophistry, no amount of discussion, no fancy words will obscure the issue, because it will be before the people. This is not a "rotten borough" amendment, as my friend from Chicago says. I have before me a little pamphlet entitled, "Is Daley going to control the legislature of the State of Illinois?" This is going to be an issue not only in my State, but in other States, as well.

So Senators may take their choice. Let the discussion continue, if they please. Let the "sense of Congress" resolution be offered as an amendment. But, oh what a business it will be tc stultify this branch of the legislature, to have it get on its knees and say, "Please, Mr. Court, do give the States adequate time. Please, Mr. Court, do not be so capricious; do not be so arbitrary."

I will not do it, because I have pride in this branch of the Government, which is coequal with any other. I do not propose to surrender its dignity or its importance in the governmental scheme. That is all I have to say.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield me one-half minute?

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator from Montana may proceed for one-half minute.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Montana is recognized for one-half minute.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record a statement I made relative to the Mansfield-Dirksen amendment on August 13, 1964, in the Congressional Record, on pages 19474–19475.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Mr. Mansfield. Mr. President, I listened with great interest, as I always do, to the remarks of the distinguished minority leader today, regarding the pending amendment. He said, at one point, that the purpose of the amendment was to buy time, and that the purpose of the additional time was to enable the Congress and the States to enact a constitutional amendment to overturn the decision of the Court in Reynolds against Sims.

I wish to say that I agree with the distinguished minority leader when he says that this amendment is to provide time, because there have arisen in several States situations which require additional time to be properly worked out in an orderly manner. However, I do not agree that the purpose of the additional time is to allow the passage of a constitutional amendment to overturn the Reynolds decision. In the first place the time allowed by this amendment, which will in most cases end at the conclusion of the first State legislative session after the election this November, will probably not be long enough to complete the processes required for the adoption of a new constitutional amendment.

Second, although I thoroughly agree that the States should have the opportunity to vote on a constitutional amendment allowing them to apportion their own legislatures as they see fit, I do not believe this chance to vote must come while the State legislatures are still apportioned as they are today. That would give an alleged malapportioned State legislature the power to validate itself, the right to pass upon its own validity, and the ability to perpetuate itself indefinitely. That does not seem just to me. I am certainly in favor of giving the people the opportunity to vote as they wish on such a proposed constitutional amendment. But when that vote comes, it should be on the basis of one man, one vote, as required by the Reynolds decision.

May I say also that, in my opinion, this amendment does not make the granting of the stay mandatory along the percentage stated by the distinguished minority leader—the figure, I believe, was 99⅔ percent—but considerably, very considerably less—perhaps 75 to 25 especially in those States well on the way to a successful and constitutional apportionment.

Mr. President, in the amendment before us, everything I am sorry to say—is not as we would like it to be. It is not all black, nor is it all white. There are shades of gray. Men of good will and men who believe in the Constitution can find a meeting of the minds if they will set themselves to it, and if they will not make up their minds before they have a chance to look up the facts and to evaluate the picture.

Last June the Supreme Court of the United States handed down its decision in the historic case of Reynolds against Sims. The decision held that equal protection of the laws, which is guaranteed by our Constitution, required, in the election of a State legislature, that each person in a State have the same value assigned to his vote as every other person. This was stated in the now famous phrase, "one person, one vote."

Since that time the district courts of the United States and the State governments have endeavored to carry out this requirement of the Constitution as speedily and with as little confusion as possible. Generally these efforts have been successful. In several cases, however, because of the demands of time and the nearness of the fall election, the actions taken have been disruptive upon these particular States governing and electoral procedures. It is clear this result was not intended by the Supreme Court which warned against hasty actions of reapportionment where the State election machinery was already in process.

We are met, therefore, with a situation not totally intended or expected and it is a situation which, I believe, the Congress can and should make some attempt to ease, within the bounds of its constitutional power to do so.

The design of the original Dirksen amendment was to put off for two meetings of the State legislatures in any State involved in the apportionment problem, the implementation of the Court rule. In the meantime, supporters of that amendment hoped that a constitutional amendment could be achieved. But, of course, that is a far cry from the proposal which is before the Senate today. It is as different as day is from night. In my opinion, the first amendment was clearly unconstitutional. This one, I believe, is constitutional. As a result of the efforts put forth by the joint leadership, the attorneys attached to the Senate, and the Deputy Attorney General, Mr. Nicholas deB. Katzenbach, we think we have come up with something which is within the requirement of the law, which recognizes the decision of the Court, which does not try to overturn that decision. It does seek through the use of a brief stay where it is necessary to bring about a settling of a situation which has developed to serious proportions in various States.

There is a need for flexibility. No Member of this body will gainsay that fact in view of what is happening in such States as Oklahoma, New York, and Colorado.

The amendment which Senator Dirksen has introduced, and of which I am a cosponsor, in my judgment is a great improvement over those proposals which would have, in effect, suspended the constitutional right of equal protection for an extended period of time. The amendment is, under section 5 of the 14th amendment, an exercise of the congressional power to enforce and implement by appropriate legislation the requirements of that 14th amendment. The amendment offered by the Senator from Illinois and myself merely attempts to establish an orderly procedure in the carrying out of the constitutional requirement of the Reynolds against Sims decision in a situation where some congressional guidance may be helpful. This amendment is not in any way an attempt to overturn or subvert that decision. The basic purpose of this amendment is to allow the States one election and one session of the legislature which could be before or after that election, so that the States might be given a chance to solve their own apportionment problem. If at the end of that limited period the State has not by its own governing processes met the constitutional requirement, then section (d) of the amendment requires the district courts to do it for them. Furthermore, the stay of action suggested by this amendment is to be measured in terms of the public interest. In the opinion of many, the public interest and the requirements of orderly government necessitate the States having this opportunity. But the amendment provides that even this chance need not be given where highly unusual circumstances would indicate that it should not be.

There are many who will not be satisfied with this amendment, and I can only say to them that there are also many who were not to be satisfied by anything else.

In my opinion we have not by this amendment interfered with the decision of the Court but have instead helped to implement it in a way which will in the long run add strength to its meaning. It would seem to me that the malapportionment, or misbalance, which existed in some States until this time has been indefensible. In one State, for example, I am informed that every voter in one county had the equivalent power in State elections of 100 voters in another.

In other States, the State legislatures had failed to redistrict and reapportion themselves for many decades despite the plain requirement of their own constitutions to do so.

To those who say that governing initiative in this country has passed from the States to the Central Government, I point out that perhaps this is one of the reasons why. A free people will not long respect nor patiently submit to an unresponsive government. Insofar as some State governments have been grossly malapportioned, it is likely also that they have been unresponsive. It may be that in the end the requirement for fair apportionment in the State governments will bring about a resurgence of strong influence by State governments upon our Nation's affairs.

Mr. Proxmire. Mr. President, will the Senator yield?

Mr. Mansfield. I yield.

Mr. Proxmire. The Senator has made a very constructive and helpful statement. It begins to give the kind of meaningful judicial discretion which is mighty important if we are to have an amendment that is not unconstitutional and is workable. I deeply appreciate the fine statement which the Senator has made.

I should like to add one further point. It seems to those of us who believe in one man, one vote that we should not delay apportionment. We should proceed. There are situations such as that in Oklahoma that from a practical standpoint are very difficult. That is why I offered the pending amendment, the Proxmire amendment to the Mansfield-Dirksen amendment. This would provide that the stay, in court action for the period necessary, shall not—I repeat, not—be deemed to be in the public interest in the absence of highly unusual circumstances. But under such circumstances, a court might find in Oklahoma that the highly unusual circumstances would make a stay wise and necessary. There may be difficulties which would cause enormous inconvenience and great difficulty for those running.

It seems that the amendment I have just called up would turn the proposal around and make it in fact as different as night and day from the other proposal. It would still rely on the one man one vote principle. It would say to the court that the court should not stay reapportionment except under unusual circumstances that would cause great difficulty to those involved. I commend the Senator from Montana, our majority leader, for his very helpful statement, which is a characteristic of his whole attitude. I appreciate it very much.

Mr. Mansfield. I am deeply grateful to the distinguished Senator from Wisconsin for his remarks.

I point out that when we try to reach an agreement which will be satisfactory to a majority of the Members of this body, it is not an easy task. We spent many days since last Thursday—in effect, until yesterday afternoon—trying to draft an amendment which would uphold the powers of the Court and at the same time bring relief to those States which are in distress because of the Court decision which had been handed down.

I did not get all that I wished in the amendment. The distinguished minority leader did not get all that he wanted. But we arrived at a consensus in the gray area which we thought would face the situation, which would recognize that the courts had powers which should be adhered to, but which also recognized a situation which affected several of the States of the Union, and in which the need for some alleviation seemed to be very apparent.

We have done our best. We hope that the Senate will understand the spirit in which we carried on these bipartisan negotiations.

In response to a statement made by a Senator earlier today, I wish to say that the negotiations were not carried on in secret. I am sure that every Senator knew about what the leadership was doing. The press reported our doings quite carefully. We did not rush out and give them bulletins every hour on the hour, because we were trying to do a constructive and workmanlike job. We think we have accomplished that. It was not easy, but we have laid our proposal before the Senate and now it is for the Senate to decide.

Mr. DIRKSEN. Mr. President, in connection with my remarks, I ask unanimous consent to have printed in the Record a letter to the editor of the New York Times written by Morris D. Forkosch, chairman, Department of Public Law, Brooklyn Law School, on August 6, 1964; also an article written by Robert N. Wilkin, a distinguished jurist, and published in the New York U.S. News & World Report in its issue of August 24, 1964, entitled, "A Noted Jurist Says, 'Repeal the 14th Amendment.' "

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 8, 1964]

CONGRESS VERSUS THE COURTS—POSITION ON DIRKSEN BILL DELAYING REDISTRICTING UPHELD

To the Editor:

Your August 6 editorial on "Congress versus the Courts" flays a legally dead horse, albeit the politicking aspect makes sense.

You write that Senator Dirksen's bill to delay the reapportionment of State legislative districts, pursuant to the Supreme Court's decision, raises "grave questions of the division of authority between the legislative and judicial branches," that the bill "ought not to be railroaded through" Congress, and that it amounts to "legislative blackmail, not deliberation."

Your final sentence mentions, however, that the reapportionment "timetables for change fixed by Federal judges in many States are so immediate" that hostile Congressmen feel they have no choice but "to act with [such] indecent speed before adjournment."

First, on the division of authority:

There are instances too numerous to list, that Congress may not only overrule judicial decisions (and this is found especially in the area of interstate commerce), but that the Court invites Congress so to do.

CONSTITUTIONAL AUTHORITY

Furthermore, the Constitution divides the Supreme Court's power into appellate and original jurisdiction, and article III gives to Congress the ability to control the former. For example, in 1867 Congress broadened the Supreme Court's appellate jurisdiction; the following year McArdle's writ of habeas corpus came up on appeal under this broadened power and the Court assumed jurisdiction; in early March of 1869 the case was argued and taken under advisement; in late March Congress, notwithstanding the President's objections, repealed its 1867 legislation and the Supreme Court thereupon dismissed the appeal for lack of jurisdiction.

Additionally, Congress may control the High Court through the number of justices sitting thereon. For example, in 1870 the Legal Tender Acts were invalidated by a 4 to 3 decision; the same day President Grant sent two nominations to the Senate to fill vacancies on the bench; the two new justices combined with the minority to overrule, in 1871, the earlier decision and uphold the law (this description is simplified).

Finally, congressionally proposed amendments may overrule Supreme Court decisions, as witness the 11th and 16th amendments, and a Civil War may likewise overrule another decision, as with the Dred Scott case of 1857.

LEGISLATIVE SPEED

Second, on the railroading and blackmail aspects: There are many instances of speed in the legislative process, and the famous 100 days of 1933 are still fresh in our minds. So, too, have amendments to the Constitution been speedily proposed and adopted, e.g., the 12th (7 months), the 17th (12 months), the 19th (15 months), the 20th (11 months), the 21st (10 months).

In 1932 the Norris-La Guardia Act withdrew from the Federal judiciary all jurisdiction over injunctions in labor disputes save as these otherwise provided. Since then Congress has relaxed these barriers in certain instances, e.g., the Taft-Hartley and Landrum-Griffin Acts, but the early statute is still effective.

There are many instances where "riders" have been attached to legislation whereby congressional desires in particular instances have been thereby effectuated.

Regardless of the policy reasons (on which I express no personal view), Congress does not deserve to be castigated as you do.

MORRIS D. FORKOSCH,
Chairman, Department of Public Law, Brooklyn Law School.
BROOKLYN, *August 6, 1964.*

[From U.S. News & World Report, Aug. 24, 1964]

A NOTED JURIST SAYS, "REPEAL THE 14TH AMENDMENT"

(By Robert N. Wilkin, U.S. District Judge, retired, Northern District of Ohio)

(NOTE.—Once again the United States is embroiled in controversy involving the 14th amendment—and how it is interpreted by the U.S. Supreme Court. Here, a former Federal judge looks at the history of this amendment and finds it responsible for some dangerous trends.)

Our country is confused and distressed by two prevalent but opposed tendencies. One is a trend to centralization of all political power in the National Government. The other is a trend toward control of all government by mass emotion and public demonstrations. People generally are divided into factions that support one or the other tendency; and some people, without awareness of the inconsistency, support both tendencies.

Both movements, however, are willful rather than lawful. They lead therefore to irrational and violent conduct. Centralization of power leads to tyranny, and mass emotion produces anarchy.

If these two evil tendencies are not corrected, the American Republic will go the way of the Roman Republic. The symptoms of disintegration today are the same as they were during the last century before the advent of the Roman Empire.

The only way in which these evil trends can be arrested is by a return to and restoration of constitutional government. That can be accomplished lawfully only by a constitutional amendment.

The U.S. Supreme Court has been the spearhead of the centralization of power in Washington. It has assumed final jurisdiction over such controversial problems as prayers in public schools, integration in State schools, apportionment of representatives in State legislatures, and determination of what is or is not obscene and immoral in public pictures and printed publications—problems which the Constitution and first 10 amendments "reserved to the States, respectively, or to the people."

Many proposals for constitutional amendments have been made with the purpose of nullifying the objectionable decisions of the Court, but such procedure would not be satisfactory. It would be useless to cancel separate decisions if the statements on which the Court based its decisions were left in the Constitution. Such procedure would produce a crazy quilt of constitutional law. Since the Court has based its assumption of authority on the 14th amendment, that article should be repealed or its pertinent language deleted.

First, it is necessary to analyze and understand what the Supreme Court has done, and how it was accomplished. The analysis is somewhat technical and tedious, but no good can be accomplished until the conditions and their cause are clearly understood.

The first amendment, adopted at the time of the ratification of the Constitution, states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The 2d sentence of the 14th amendment, which was proclaimed as a part of the aftermath of the War Between the States, says: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," etc.

Although the 14th amendment did not expressly amend or repeal the 1st amendment, the Supreme Court's interpretation has the effect of inserting the words "or a State," so that the 1st amendment is made to read, "Congress or a State shall make no law," etc.

The sole intent and purpose of the 14th amendment was to protect the colored population and secure suffrage to the freedmen. The effect, however, of the Supreme Court's decisions is to extend Federal jurisdiction into the fields of religion and education and impose restrictions on States rights.

Although the Court admitted that voluntary prayer in public schools was not "an establishment of religion," it held that authorized prayer was unconstitutional because it might lead to establishment of a religion The Supreme Court then completely ignored the following phrase in the first amendment which inhibits a law "prohibiting the free exercise" on religion.

The Court also disregarded section 1 of article I, which says: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." It is clear that a provision of law which extends Federal jurisdiction into a field where formerly it did not exist is a legislative act.

The peace and civil order of the Nation has been disturbed and life kept in turmoil by controversy and strife that surges over and around such questions as:

What is the propriety or benefit of prayer in public schools?

What is the possibility or use of efforts to integrate different races by law?

What is the proper method of apportioning representatives in State legislatures?

What is obscene and immoral?

Consideration of the problems raised by these questions impels the inevitable conclusion that they involve personal, local, social, and State conditions which are different at different times and places. A just solution therefore cannot be made by a decree or command issued out of the National Capital. Specific questions require specific answers. The effort for overall control is prompted by the arrogance of ignorance, is unjust and, in the end, futile.

Current events are revealing to open and fair minded citizens that the real, basic question is: What authority has the Supreme Court or the National Government to interfere in such matters?

"ERROR OF FEDERAL INTERVENTION"

A cursory analysis of the specific problems reveals the error of Federal intervention. It is impossible to separate religion and public action. Religion is an inherent condition of human life. Religious feeling and practice exist wherever humanity is found. Religious feeling and discipline distinguish humanity from the rest of creation.

When the lawful authorities of a State or a local community offer a plan for some voluntary religious expression in public schools, and that plan is acceptable to an overwhelming majority of citizens and is approved by the trial and appellate courts of the State, why should a majority of the judges of the U.S. Supreme Court overrule the action of the State and local authorities and hold at naught the desire of the people of the community at the request of one or two atheists or zealots?

At a time when our technological and materialistic age needs so urgently spiritual enlightment and the moral discipline of religion, why should the Court issue a decree "prohibiting the free exercise thereof"?

There may be a community where secularism is so strong and religious bigotry so rife that it would be inexpedient to try to establish any form of prayer or other religious exercise for public schools. In such a community, public authorities should not favor any religious ceremony. On the other hand, there are many communities where religious feeling is so strong and religious tolerance so general that some form of religious exercise could be established without any substantial dissent.

In any event, therefore, the problem should be solved in the local community, and national controversy and strife would be avoided.

Segregation en masse and integration en masse are both wrong for the same reason. They are efforts to settle the controversial problems as a whole on a racial basis. The position and treatment of a citizen of any race should be, and is generally, controlled by his personal worth and merit, and local conditions. When Government grants citizenship and maintains courts of law to which citizens can appeal for protection of their political rights, it has done about all that should be expected. If it attempts more, it becomes paternalistic and socialistic.

Experience warns against governmental interference in social relationships. Government can, at times of need, improve economic conditions by maintaining a public-works program in fields where private industry cannot enter, but, if it goes beyond that, it develops into state capitalism or communism and free enterprise is then suppressed.

The Negroes were brought to this continent against their will. but their presence here has not been without blessings. Some individuals have made great progress and have been respected and honored. As a race, however, they could hardly attain a development in 300 years which it took other races 3,000 years to attain. As a race they have citizenship and should be given political equality and fair economic opportunity, but they should not expect to be coddled or pampered. Misguided reformers, burdened by messianic and martyr complexes, should cease their emotional drives and insurrections.

The Supreme Court has assumed authority to determine for all the country what is not lewd or lascivious, and to restrain State and local authorities from efforts to protect their communities from what State courts had designated as "filth for profit." The Supreme Court evidently ignores the element of truth in the ancient, but somewhat cynical and paradoxical, saying that "morality is a matter of geography." It is apparent that what might be a proper exposition or publication for an association devoted to the science of psychology or criminology or art would not be proper for a boys' or girls' preparatory school. It is also apparent that standards of morality and esthetics differ in different communities.

Now, that the Supreme Court has assumed control of apportionment of representatives in State legislatures and also the administration of criminal law by State courts, it becomes doubtful whether there are now any powers "reserved to the States respectively, or to the people." By what the late Judge Learned Hand referred to as the Court's tendency to become "a third legislative chamber," and what Prof. Edward Corwin (late professor of jurisprudence at Princeton University) designated as "the aggressions of the Court," the status of the States in the Union becomes about the same as the status of counties in the States.

A TREND "CONTRARY TO THE CONSTITUTION"

Careful analysis and detached deliberation reveal that the trend of recent events is contrary to the spirit and letter of the original Constitution and universal principles of natural law. Public opinion is aroused and there is grave apprehension that the dual nature of government by the Nation and the States, and the balance of powers among legislative, executive, and judicial departments are being undermined. There is wide fear that the Constitution and government of law are being eroded.

Those who champion the Court's usurpation by interpretation argue that such power is necessary in order to effect needed reforms. A prominent columnist recently advocated that such power is absolutely required when reform is needed and other government agencies fail to act. It was, of course, implied that the Court would determine when reform was needed and other branches had failed. Such political sophistry was emphatically rejected by the Founding Fathers. Washington said, "The spirit of encroachment tends to consolidate the powers of all departments in one, and thus to create, whatever the form of government, a real despotism." Adams, Jefferson, and Madison expressed the same opinion in almost the same terms.

Currently the daily newspapers are reporting public demonstrations that create counterdemonstrations and violence, riots that destroy life and property, bomb-throwing, secret murders and insurrections by sitdown, lie-down and defiance of law and resistance against law-enforcement officers. Conditions today recall the statement made by a perceptive and courageous statesman 2,000 years ago, during the disintegration of the Roman republic. He said:

"Laws are made to be men's defenses not only against others but against their own emotions. They are man's safeguards against man's passions.

"Whenever in the past the great bulwark of the law has been weakened, the consequences have been invariably calamitous. If by any act it should now be seriously impaired, the danger is that it may be ultimately completely overthrown, to the disaster of all within the state."

That pronouncement was abundantly confirmed by subsequent events. Unfortunately, however, history reveals that one generation seldom heeds or profits by the experience of preceding generations.

THE SPECIFIC REMEDY: REPEAL

The prevalent trends to despotism and to anarchy are causing general expressions of alarm and regret, but there is little agreement as to a remedy. Since the Supreme Court has decided that it has authority to make the controversial decisions, there is no other court to which an appeal can be made for a reversal. To indulge in denunciation and disobedience only adds to the general lawlessness. The champions of civil order must proceed by lawful means, and the Constitution specifies the only method available. Article V provides that a movement for amendment may be initiated by two-thirds of both Houses of Congress or by the legislatures of two-thirds of the several States.

Three former Presidents—Hoover, Truman, and Eisenhower—many Congressmen, editors, and commentators have suggested constitutional amendment as the proper and necessary remedy. There has been no specification of the exact terms or purpose of such an amendment. Since the Court has based its assumption of authority on the 14th amendment, the specific remedy would seem to be the repeal of that amendment.

Such a movement would require time, effort, and education. If the issue is clearly defined, its purpose can be accomplished just as the 18th amendment was repealed by the 21st amendment.

The proposal to repeal the 14th amendment would be favored and supported by many citizens. That amendment has never had the respect and reverence accorded to the original Constitution and its Bill of Rights. The 14th amendment was prompted in great part by vindictiveness toward the vanquished Southern States. It was part of the same policy that motivated the carpetbaggers and their deplorable conduct in the South. The repeal would in a way be an act of belated justice.

Furthermore, respected historians have maintained that the 14th amendment never was adopted in accordance with the requirements of the Constitution. When Congress passed the resolution declaring it adopted, the legality of proceedings in some States was questioned, and some States had repealed their resolutions of approval before the action by Congress. The country should welcome another opportunty to act on the amendment. Repeal would naturally be favored in the Southern States, and it would be approved in many Northern States, where there is strong opposition to further centralization of power in Washington.

RESTORING GOVERNMENT OF LAW

The repeal of the 14th amendment would restore constitutional government, government not of men but of law, and local self-government—and national disrupting controversies would subside.

The National Government, however, could still render great public service by maintaining and expanding public works programs, devoted mainly to conservation and development of natural resources, but not competing with private industry or suppressing individual initiative. Such program would improve the economic conditions of all races. They would tend to place idle men on idle land, and, by training dependent citizens in the crafts of science and arts of husbandry, they would create independent citizens of respectability. The popular vortex, which the Founding Fathers feared and which now threatens civil order, would be converted to a spiral of improvement that would support a law-abiding community.

Such developments as the Muskingum Conservancy District [in Ohio] have proved that National State and local agencies, private corporations and individuals can work together harmoniously for the public welfare, national economy and individual security without loss of political freedom. They have demonstrated that scientific capitalism, with its regard for the dynamic spiritual power of religion, can be much more beneficial than can atheistic communism.

People who have lived in both the South and the North know that there are communities in Virginia, Tennessee, the Carolinas, Florida and other States that have much better race relations than the Northern cities have been able to establish since the great influx of Negroes to the industrial centers.

The further industrialization in the South, development of natural resources and technical education will extend the better racial relations of the advanced and enlightened communities to the retarded and undeveloped localities, if the self-appointed reformers cease their intrusion and imposition and direct their efforts to improvement in their home communities.

It is a hopeful sign that people of intelligence and character, who make and express public opinion, are beginning to understand that lawful and constructive programs and work will do more good and less harm than factional demonstrations, racial drives, insurrections and riots. "The Federalist," which John Fiske [the historian] said "is the greatest treatise on government that has ever been written," proclaimed that "it is the reason, alone, of the public, that ought to control and regulate the government. The passions ought to be controlled and regulated by the Government."

Whoever breaks away from the law is a runaway; whoever defies the law is an outlaw; whoever resists or attacks a law-enforcement officer is an enemy of society—he abandons all right to protection by the law; he is still, however, subject to the punishment which the law imposes for the protection of society.

The ACTING PRESIDENT pro tempore. All time has expired.

It now being 1 hour after the meeting of the Senate today, the Chair, under the rule, preparatory to placing before the Senate the cloture motion on the so-called Dirksen-Mansfield amendment to the Foreign Assistance Act of 1964, directs the Secretary to call the roll for a quorum.

Mr. DOUGLAS. Mr. President——

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. DOUGLAS. Mr. President, is this a call for a quorum or is this a call for the yea-and-nay vote?

The ACTING PRESIDENT pro tempore. This is a quorum call.

Mr. DOUGLAS. I thank the Chair.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 563 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Salinger
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Washington [Mr. JACKSON], the Senator from Wyoming [Mr. MCGEE], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from Louisiana [Mr. LONG] is absent on official business.

I further announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Alabama [Mr. HILL] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

A quorum being present, the Chair, in further pursuance of the rule, submits to the Senate, without debate, the question, Is it the sense of the Senate that the debate shall be brought to a close?

On this question, the yeas and nays are required by the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Louisiana [Mr. LONG], is absent on official business.

I also announce that the Senator from Alabama [Mr. HILL], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Washington [Mr. JACKSON], the Senator from Wyoming [Mr. MCGEE], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that if present and voting, the Senator from Louisiana [Mr. LONG], and the Senator from Washington [Mr. JACKSON] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The yeas and nays resulted—yeas 30, nays 63, as follows:

[No. 564 Leg.]

YEAS—30

Aiken
Allott
Bennett
Boggs
Carlson
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Fong
Fulbright
Hickenlooper
Holland
Hruska
Jordan, Idaho
Mansfield
Mechem
Miller
Monroney
Morton
Mundt
Pearson
Prouty
Saltonstall
Smathers
Smith
Walters
Williams, Del.

NAYS—63

Anderson
Bartlett
Bayh
Beall
Bible
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Clark
Dodd
Douglas
Edmondson
Ellender
Ervin
Gore
Gruening
Hart
Hartke
Hayden
Humphrey
Inouye
Javits
Johnston
Jordan, N.C.
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Robertson
Russell
Salinger
Scott
Simpson
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Young, N. Dak.
Young, Ohio

NOT VOTING—7

Goldwater
Hill
Jackson
Kennedy
Long, La.
McGee
Yarborough

The ACTING PRESIDENT pro tempore. Two-thirds of the Senators present and voting not having voted in the affirmative, the cloture motion is rejected.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in accord with the half pledge or promise made to the Senate on yesterday, I should like at this time to ask unanimous consent to call up the resolution which I introduced, unless the distinguished Senator from Delaware [Mr. WILLIAMS] wishes to have his resolution considered first.

I make the last comment because, if I remember correctly, when the Senator from Delaware submitted his resolution yesterday, he had not determined then whether it would be offered as a substitute or as an original resolution.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, could I get an answer first?

Mr. WILLIAMS of Delaware. Mr. President, I am willing to offer it as a substitute for the resolution of the distinguished majority leader.

Mr. MANSFIELD. Fine.

The ACTING PRESIDENT pro tempore. The unfinished business is the so-called Dirksen-Mansfield amendment. Does the Senator desire to have it laid aside?

Mr. MANSFIELD. Yes, because of the promise made yesterday that on the completion of the cloture vote, the Senate would be given an opportunity to vote on the two resolutions which were submitted yesterday afternoon.

Mr. DIRKSEN. Mr. President, when this matter was discussed yesterday afternoon, the majority leader, the distinguished Senator from Montana [Mr. MANSFIELD], the distinguished Senator from Delaware [Mr. WILLIAMS], and I had a colloquy in the office of the majority leader. I was willing at that time, because of the urgency of the matter, to have the pending business temporarily laid aside in order to dispose of both the Williams substitute and the Mansfield resolution dealing with the McCloskey matter. But, at the same time, I made it abundantly clear that foreign aid would not be set aside for any other measure.

I would have to object. And if a motion were made, I would have to do the best I could to defeat the motion until consideration of the Dirksen-Mansfield amendment and the foreign aid bill has been concluded.

I believe the distinguished Senator from New York [Mr. JAVITS] proposes to offer a substitute. I am quite opposed to it. But, that is neither here nor there.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Montana has the floor. Does the Senator yield?

Mr. MANSFIELD. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I propose to offer a substitute for the Dirksen amendment, and then stand aside, pursuant to the commitments of my own leader, so that other measures may be considered.

I should like, if it is in order, and agreeable to the Senator from Montana [Mr. MANSFIELD], to offer a substitute on behalf of the senior Senator from Minnesota [Mr. HUMPHREY], the junior Senator from Minnesota [Mr. MCCARTHY], and me, to be laid before the Senate in place of the pending business.

Mr. RUSSELL. Mr. President, I object. If there is no other way, I object.

The ACTING PRESIDENT pro tempore. The question before the Senate is the unanimous-consent request of the Senator from Montana to temporarily lay aside the pending business——

Mr. RUSSELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. RUSSELL. Mr. President, I was trying to get into the discussion before it got beyond this stage, in order that we might ascertain what the real purpose is with respect to the so-called Mansfield-Dirksen substitute.

As I stated here yesterday, this has been a "powder puff" filibuster up to now. Only a feather duster has been used to attempt to break it.

I wish to know whether it is proposed to try to obtain a vote on the Dirksen-Mansfield amendment, or whether it is proposed that it shall be laid aside until the Senate is driven by necessity to lay the amendment on the table. I believe that there should be a test of strength in the Senate that will indicate whether or not any substantial number of Senators think that the Senate should proceed with the Mansfield-Dirksen proposal. I am supporting that proposal, although I am not altogether happy about it. I think it is about as weak a proposal as I have seen in some time, and I have been unable to understand why all of our friends who are so strongly dedicated against a filibuster have seen fit to filibuster this very pale proposal. It leaves the question in the discretion of the courts. Worse than that, it would put the seal of congressional approval on the constitutionality of the Supreme Court's decision in the reapportionment cases. That is an extremely high price to pay for a delay of 1 year, which would probably come about anyway due to the litigation in the various States and the time that would be required to bring it to a final decision in the Supreme Court.

The present members of the Supreme Court have frequently said that they are not bound by the doctrine of stare decisis, and will reserve the right to change their minds whenever they please—and they do so with great frequency and velocity. There is a possibility that they might change their minds. Some of them might read Mr. Justice Harlan's dissenting opinion in the Reynolds against Sims case and decide to proceed in accordance with the Constitution.

Mr. President, yesterday I said that if we were interested only in form, pretense, and publicity, we could vote on cloture and the vote would lose. Then the leadership could say that that is all that we could do. Therefore, the majority leader would move to lay the amendment on the table. I did not think the motion would be made immediately after the cloture vote.

It seems that we are going ahead now into a number of other highly controversial questions, and we shall proceed to lay the Dirksen-Mansfield question aside whenever any other business comes before the Senate. If the distinguished majority leader wishes to make a motion to lay aside the pending bill, he is at liberty to do so, and undoubtedly he has the votes to assure the adoption of that motion. But I do not believe that the Senate should play that kind of game with an issue as vital as the one before the Senate. The issue is whether the Senate will recognize that the Supreme Court is capable of error and would suggest that the error be postponed for 1 year, or whether we shall say that the Supreme Court is omnipotent and cannot err. The question should be brought to a conclusion by a vote.

I have observed with some interest the difference in the procedure that has been applied to the present proposal as compared with the procedure followed in relation to a bill which was pending in the Senate in the spring, which I call the Federal force bill. At that time the Senate met at 10 o'clock in the morning and, if I am not mistaken, some mornings at 9 a.m., and remained in session until 10 p.m., 11 p.m., or midnight to consider and discuss that bill. Those of us who were opposed to the bill conducted our educational campaign, which failed—not for want of merit, but because of the fact that we could not get our discussions and arguments disseminated across the country to the people.

Mr. President, I should like to hear some statement as to how far we are going. I should like to know if the pending bill will be further considered, laid aside, then taken up again and laid aside again. We ought to bring it to a conclusion now. If a serious effort is to be made to obtain a vote on the amendment, I believe that some indication of it should be given.

Personally I am for the Mansfield-Dirksen proposal solely because there is no stronger measure before the Senate to support in order to express the self-respect of the Congress of the United States. After all, we will merely be expressing our own self-respect and saying that the Court is not only invading the legislative field but also is preempting to itself powers to exercise rights that are vested in all the people of the United States; and under those circumstances I believe we ought to stop this little game.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois.

Mr. RUSSELL. Mr. President, I have not surrendered the floor. The Presiding Officer cannot take me off my feet in that cavalier fashion.

The ACTING PRESIDENT pro tempore. The Chair is sorry.

Mr. RUSSELL. Mr. President, have I the floor?

The ACTING PRESIDENT pro tempore. The Senator from Georgia has the floor.

Mr. RUSSELL. I yield to the Senator from Massachusetts with the understanding that my doing so will not in any wise affect my right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President, the Senator from Georgia has said that the issue is the self-respect of the Congress. In my opinion, involved also is the self-respect of the States as well as the people of those States.

Mr. RUSSELL. Of course certain rights are reserved to all the people of the United States. That is the issue involved here. We can brush it aside. We can lay the amendment aside while the newspaper barrage continues to assail any criticism whatever of any decision that is handed down by this Court until the Congress is intimidated by newspaper editorials, or we can stay here and make a serious effort to obtain a vote on the amendment. I am in favor of making a serious effort to reach a vote on the amendment. I do not know of any other way to get a test of strength except by objecting to a unanimous-consent request, thereby bringing about a motion to lay the bill aside. Then there will be an indication.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, I yield to the Senator from Florida with the understanding that my doing so will not result in my losing the floor.

Mr. JAVITS. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. RUSSELL. I yield to the Senator from Florida for a question.

The ACTING PRESIDENT pro tempore. The Senator from Georgia yields to the Senator from Florida for a question.

Mr. HOLLAND. I thank the distinguished Senator from Georgia and I thank the distinguished Senator from New York for his courtesy.

Does not the distinguished Senator feel that after the vote which has been taken it would be highly appropriate, within a short time, to take a vote on a motion to lay the measure on the table to test the sentiment of the Senate with reference to the Dirksen-Mansfield amendment?

Mr. RUSSELL. At the outset of my remarks I gave some indication that it seems to me that the leadership should either pursue the matter by trying to bring the amendment to a vote on the merits, or that a motion should be made to lay it on the table and get it out of the way.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. If the Senator will keep it in the form of a question, because the last thing I would desire to do would be to displease the distinguished Senator from New York [Mr. JAVITS]. I therefore ask the Senator to keep anything that he might say in the form of a question in order to conform to the ethics and high ideals of the Senator from New York.

Mr. HOLLAND. Does the Senator still feel, as he did when he voted to upset the Supreme Court's decision in the so-called Tidelands case, when he voted to upset the Supreme Court's decision in the so-called railroad rates conference case, and when he voted to upset the Supreme Court's decision in the so-called insurance rate conference case, that this legislative body of the Congress, as directly elected representatives of the people of the several States and of the United States, has the authority and the duty, when it feels that the Supreme Court has wandered far afield, to assert itself in the way we asserted ourselves on those three occasions?

Mr. RUSSELL. I most assuredly do. I answer the Senator's question in the affirmative. I am not one of those who believes that the Congress of the United States has outlived its usefulness and should be a shrinking violet every time the executive branch of the Government or the judicial branch of the Government asserts itself.

I think we should defend our rights and prerogatives as a legislative body. Even as the other two branches of Goverment assert their rights and expand their rights. The legislative branch has been stepping back and back from year to year. I refer not only to this instance, but to other cases in which we have abandoned our responsibility. When we abandon our responsibility and leave a vacuum, either the Court or executive branch, headed by the President, steps into that vacuum.

I should like to see a Congress that has pride in discharging its responsibility as the legislative branch and is willing to defend its prerogatives as a coequal, coordinate branch of Government, which has just as much power in this field under our system of checks and balances that has brought us our greatness, as was displayed in former days. I realize that it is a vain hope, because so many Senators think that any statement by the President—and I do not refer to any particular President, but to the Office of the Presidency—or any edict of the courts is sacrosanct. Without examining to see whether it is correct or not, they salaam and say, "O Almighty President, O Exalted Court, we have no rights. We will not challenge you for a moment, but we will step back, back, back," to the point where Congress has very little to do except to appropriate money. We do that in such a way and provide such discretion on the part of the executive branch as almost to paralyze the power of the purse—the great weapon the legislative branch has by which to defend itself.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Florida for a question.

Mr. HOLLAND. Does not the distinguished Senator, who has read every word of the debates in the Congress on the submission of the 14th amendment—as has the Senator from Florida, incidentally—agree with the Senator from Florida that the opinion of Mr. Justice Harlan to the effect that not only was the Supreme Court not given the authority which it has sought to exercise in these legislative reapportionment cases by the 14th amendment but that such authority was specifically and deliberately withheld by the Congress of the United States which submitted the 14th amendment? Does the distinguished Senator agree with that conclusion?

Mr. RUSSELL. I will say, in response to the query by the Senator from Florida, that the authors of the 14th amendment would be shocked beyond the power of expression if they could see the application of that amendment and the way it has been construed by the judiciary. They knew what they were undertaking to do. The debates clearly demonstrate their objective.

The 14th amendment has been designed as a cover-all which has been stretched to embrace not only the remainder of that Constitution but all the laws of the Congress as well as the constitutions and laws passed by the legislative bodies of the States.

As a matter of fact, to the present Court the 14th amendment is the Constitution, and the construction they place upon it makes it paramount; to this Court, every other provision of the Constitution, all the laws enacted by the Congress, and the constitutions and laws of all the States are completely subservient to the strained construction that has been placed upon the 14th amendment.

Mr. **HOLLAND**. Mr. President, will the Senator yield for another question?

Mr. **RUSSELL**. I yield for a question.

Mr. **HOLLAND**. Does the Senator agree with the recent article of Mr. Walter Lippmann that the historical statement of Mr. Justice Harlan in his dissenting opinion in the Reynolds case is completely unanswerable except for the fact that State legislatures have failed to act, and that therefore the action is on the basis of expediency rather than on the basis of right or wrong?

Mr. **RUSSELL**. I have not read the article to which the Senator has referred. I have earlier stated, however, that I hope the Members will get around to reading and studying and analyzing the dissenting opinion of Mr. Justice Harlan in this case, for it expresses very clearly what is the proper construction of the 14th amendment.

Mr. **HOLLAND**. Mr. President, will the Senator yield for one more question?

Mr. **RUSSELL**. I yield for a question.

Mr. **HOLLAND**. Does not the Senator from Georgia agree with the Senator from Florida that many of those who oppose the Dirksen-Mansfield amendment do so because of their grief over the failure of the State legislatures to properly redistrict, rather than upon any defense of the constitutional right of the Supreme Court so to act? Does not the Senator believe that is taking the position that the end, regardless of how desirable, justifies the means, no matter how wrong?

Mr. **RUSSELL**. I would not undertake to examine into or analyze the motives of a Member of the Senate. It would not be appropriate or proper for me to do so. No Senator has any right to question the motives or the reasons that prompted any other Member of the Senate to take the position he has taken, and I do not do so.

I say, however, that this issue should not continue to hang fire and be batted back and forth like a shuttlecock in a game of badminton until it is swept under the table with the argument that, "Congress must adjourn and get out of here. The last amendment remaining is this amendment. The foreign aid authorization bill must be enacted. The appropriation bill from the House is before us. We must get rid of this amendment and get it out of the way."

I did not think it was possible to get a much weaker amendment than the one before us, but I understand there is one that will be proposed. It will be one that Senators can see through. The pending amendment is of such a coloration that one can scarcely see it.

Mr. **MANSFIELD**. Mr. President, will the Senator yield?

Mr. **RUSSELL**. For a question.

Mr. **MANSFIELD**. Mr. President, I would hope that the distinguished Senator from Georgia would not object to taking up Senate Resolution 367, having to do with a study and investigation covering allegations raised in connection with the construction of the District of Columbia Stadium and matters related thereto.

Senators may recall that when this resolution was submitted yesterday a promise was given by the leadership that, at the conclusion of the cloture vote, an attempt would be made to take it up. The distinguished Senator from Delaware [Mr. WILLIAMS] likewise has a resolution.

At that time the distinguished minority leader [Mr. DIRKSEN] made it very clear that, except for this particular resolution, it was not his intention to have the pending business laid aside any further until a decision was reached one way or the other. I should like to ask the Senator to defer his objection to the request that the resolution be laid before the Senate for consideration.

Mr. **RUSSELL**. We are confronted now with exactly the same situation we shall face in connection with other legislative proposals.

I believe the resolution should be considered. The Senate would be remiss in its obligation to the American people unless it reopened this inquiry, in the light of the new matter that was submitted to the Senate by the distinguished Senator from Delaware [Mr. WILLIAMS].

However, everything in its season. There are other legislative matters that should be disposed of before the Senate adjourns. If we proceed to lay aside temporarily the pending business for this matter, that matter, or some other matter, until everything that is mandatory and on the so-called "must" list of legislation has been acted upon, I know that the Senate will get rid of this amendment, and it will probably do it by adopting a paler version which declares that it is the sense of Congress that it hopes the Supreme Court will not make so many errors in the future, or will delay applying this particular rule; but it will be only a hope—not even a pious hope, but an expedient hope, which will enable the Congress to get away.

The Senate should adopt a resolution. I am prepared to vote for such a resolution.

Other legislative matters will come before the Senate and the Senator from Montana, our distinguished leader, will say, "Are not Senators in favor of this bill? It is an important bill."

How about Appalachia? That bill is of vital concern to a great many people in the part of the country whence I come. I would like to see it passed.

When we bring up one bill after another and leave this amendment as the last matter, after the House has passed the foreign aid appropriation bill, I know what will happen to the amendment. I have seen it happen before.

This is a serious matter, and we should reach a vote on this amendment. It is high time to go about it. It is high time to do something about it.

The Senator from Montana has referred to what the Senator from Illinois said yesterday. Unfortunately, I was not on the floor yesterday. I regret it very much, because I always like to hear the distinguished Senator from Illinois speak. I like to hear him even when I wholly disagree with what he has to say. The distinguished Senator from Illinois can cut my throat with such beautiful verbiage that I hardly feel the razor as it cuts. I would have liked very much to hear his remarks yesterday. However, I have not heard the Senator from Montana say that he is determined to get to a vote on the amendment of which he is the sponsor, jointly with the Senator from Illinois. When it came to the matter I adverted to earlier, what I call the Federal force bill and what the Senator from Illinois calls the civil rights bill, the Senator from Illinois was in a different position, and he utilized that position to the fullest, to my great sorrow and, I believe, to the detriment of our country. However, that is not the point of debate now. The Senator from Illinois utilized the power of the minority then. But the minority will not decide whether or not there is a vote on the pending amendment. It will require the majority to determine if the Senate is to remain in session to bring this matter to a vote.

If the Senator from Montana does not have the same dedication that the Senator from Illinois has expressed, and as the Senator stated yesterday, what I fear will happen is sure to come about.

Mr. **MANSFIELD**. Mr. President, will the Senator yield?

Mr. **RUSSELL**. I yield.

Mr. **MANSFIELD**. I stated earlier during the course of the debate that I had completely stated my position. What I had to say I said in 10 minutes or less. There is nothing I can add to my remarks. So far as I am concerned, I am prepared to stay here until January 3, 1965, at 12 o'clock noon, to dispose of this matter one way or another. I have so stated on a number of occasions.

Mr. **RUSSELL**. Mr. President, I had not heard the Senator make that statement. I do not like to act contrary to the wishes of a large number of Senators. I would not like my friend from Illinois or the Senator from New York to take umbrage at something that I had done.

Relying on the statement of the Senator from Montana, even though I know that if he does not do so, his right arm, the Senator from Minnesota [Mr. HUMPHREY], will be here to urge the passage of other bills, I shall not interpose an objection now.

I yield the floor.

Mr. **LAUSCHE**. Mr. President, will the Senator yield?

The **ACTING PRESIDENT** pro tempore. Does the Senator from Georgia yield the floor?

Mr. **RUSSELL**. I yield the floor.

Mr. **DIRKSEN**. Mr. President, first I should like to propound a parliamentary inquiry.

The **ACTING PRESIDENT** pro tempore. The Senator will state it.

Mr. **DIRKSEN**. What is the pending business?

The **ACTING PRESIDENT** pro tempore. The pending business is the Dirksen-Mansfield amendment to the foreign aid authorization bill, the Senator's own amendment.

Mr. **DIRKSEN**. Mr. President, I wish to say to my distinguished friend from Georgia that yesterday, in the colloquy with the majority leader, he expressed the hope that perhaps I would be willing to let the Appalachia bill come ahead of the unfinished business. I said I was sorry. I had yielded on social security, and for a good reason; namely, the well-being of many senior citizens in the United States. Also, that bill had to go to conference, and it might take some time to iron out the differences between the House and the Senate.

I said I had no objection to seeing it go to conference but, I said that after that and after action on the resolution that was brought in yesterday afternoon, which I trust will not take very long, there will be no further setting aside of the foreign aid authorization bill and the pending amendment until it is disposed of.

I give the Senator from Georgia my solemn word that I shall use everything in the rulebook to see that that is done.

Mr. RUSSELL. With that assurance from the Senator from Illinois, and on the basis of the statement of the Senator from Montana, I withdraw any objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DIRKSEN. Mr. President, I wish to say further that I can appreciate what the Senator from Georgia has said with respect to this matter getting lost in the adjournment rush.

However, a supplemental appropriation bill is still to come before the Senate. That bill will carry more than a billion dollars. We still must finish action on the foreign aid authorization bill. We still must pass the foreign aid appropriation bill. We still must finish action on the Appalachia bill, which contains perhaps a billion dollars over a 5-year period.

Therefore, there is still work ahead for us to do so far as the "must" calendar is concerned.

I sit at the feet of the Senator from Georgia, who has been here a long time, and from whom I am always glad to take counsel when it comes to trying to get things done and at the same time not be subjected to the charge that I am stalemating the Senate or stultifying myself.

Mr. RUSSELL. The Senator cannot be charged with stalemating or stultifying the Senate. Is not the Senator ready to vote on his amendment?

Mr. DIRKSEN. Yes; I am ready to vote.

Mr. RUSSELL. How can the Senator be charged with stalemating the Senate when he is ready to vote on the amendment?

Mr. DIRKSEN. The Senator would be surprised to hear what I have been charged with. Some of it is not printable or expressible. Never have I had so much exposure. I have been the subject of a Drew Pearson article for three full columns. I have been subjected to Herblock's cartoons for the past week. Law school deans have been writing to the Vox Pop columns of the newspapers, and the Sunday editions have been filled up.

I have become sympathetic, with a melting heart, to the Senator from Georgia in undertaking to get before the country his story on civil rights. I have been trying as best I can to get this story to the country.

Even in the New York Times, I am excoriated by means of blackmail tactics. I have asserted over and over again that this issue will be resolved one way or another, so long as there is any life, or breath left in me. I am ready to vote. But the Senator from Illinois [Mr. DOUGLAS], my senior colleague; the Senator from Pennsylvania [Mr. CLARK], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. HART], and other Senators who have participated in the baby filibuster do not want a vote to take place. They go on the theory that the longer the debate continues, the more votes they will be able to gather, and perhaps they will be able to put the tag of defeat on it.

Some say we should have done better in cloture. They ask, "Are you not frustrated?" I am never frustrated. I know what happens around here. I know how arms are twisted and other things happen that finally decide what a vote will be. But despite the cloture vote, the issue is still before the Senate, and the Senate will vote on it one way or another. We shall vote either on a substitute or on the Dirksen-Mansfield proposal; Senators can take their choice.

In addition, the Tuck bill is on the Calendar, to deal with the appellate jurisdiction of the courts, and even the jurisdiction of Federal district courts. That bill can be offered as a substitute for the Dirksen-Mansfield proposal, if any Senator wishes to offer it.

Now I wish to address my friend from Georgia, who has reflected a little upon the Dirksen-Mansfield amendment as a sort of pale amendment. I believe it was Aristotle who said that politics is the art of the possible. We might apply that statement to legislation. It is the art of the possible. We cannot get all we want, so we have to settle as we go along. I was seeking a breather. I thought we did a fairly competent job. That is all we had in mind. We could not get a resolution for a constitutional amendment passed by the two bodies and started through the country and have it ratified in time. Until it was ratified, it would have no effect. The Supreme Court could continue, in Georgia, in Illinois, and other States, to mandate three-judge courts to allow legislatures 15 days in which to try to comply with their orders.

Mr. RUSSELL. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I will yield if my friend from New York will be so kind as to permit me to do so.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield to me to explain that point? I am being put in a false light.

I have never failed to agree to unanimous consent for any Senator to make a speech or for any other purpose; but there is a question now as to whether a motion to table the Dirksen-Mansfield amendment should come before the consideration of a substitute. When one is speaking of substantive rights, that is different from the normal courtesies of the Senate. Of course I do not object to any speech that any Senator may wish to make at any time.

Mr. DIRKSEN. If the motion to table should prevail, that would be the end.

Mr. JAVITS. I realize that.

Mr. DIRKSEN. If it did not prevail, the Senator could still offer his proposal to express the sense of the Congress that the Supreme Court ought to listen, please, to our entreaties and give adequate time, and not be so capricious.

I said when the Senator from Georgia [Mr. RUSSELL] was not in the Chamber that I will not bend the knee to another branch of the Government. I intend to assert the dignity and authority of this branch because, in my judgment, it is the most powerful branch. There would not be a single court of Federal status in the country, except the Supreme Court, if Congress abolished them.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. All I had in mind was that, although there is always the risk in the Senate of recognition of another Senator, I did not want the question decided simply because one Senator yielded to another who then made a tabling motion. I am sure the Senator from Georgia, and probably the Senator from Florida, did not have that in mind; but that was the only reason for my making the point. I will take my chances of recognition. If I am recognized, fine; if not, the motion to table may come. The only reason I sought to offer my substitute was to provide the Senate with an opportunity to consider such a proposal. If I was unsuccessful, the Senator from Illinois or the Senator from Florida could still move to table the whole ball of wax. But at least, the Senate could, in an authoritative way, have the proposals juxtaposed.

Mr. RUSSELL. Mr. President, in response to what was said by the Senator from New York, I absolutely fail to see the connection between his position and the position I take about the Senator from Florida engaging in a colloquy. Not only has the Senator from Illinois said that the Senator from New York could offer his substitute; but if the amendment of the Senator from Illinois were tabled, the Senator from New York could still offer his amendment to the foreign aid bill. So there is absolutely no relationship between having a colloquy and the parliamentary situation that is pending. The Senator would still be within his rights, under the rules—not always applied—to confine any colloquy to a question, if he desired to do so.

I did not intend to be critical of the Senator from Illinois when I referred to his amendment as being a pale means to correct what I regard as a monumental invasion of the right of Congress to preserve the rights of all the people of the United States under the Constitution. The Senator from Illinois did well to get this much of a concession. The Senator is quite adept at obtaining concessions from the Department of Justice and others. He has proved it on a number of other occasions. I shall not go into that, because one of the occasions was too excruciating to deal with it at any length. But I commend the Senator. I expressed the view that it would be desirable to have something that would be even more stringent and would have more effect upon the operation of the Supreme Court.

So far as I personally am concerned, I am prepared to vote for the so-called Tuck bill as a substitute for the amendment of the Senator from Illinois. I doubt whether it could be passed. But I should like to go on record as supporting it.

I was not criticizing the Senator from Illinois. I commend him for his courage in standing up for his belief. I hope he does not weary of doing good. I hope he will not be deterred by the slings and arrows of calumny and the tirades of abuse that are hurled at him. All of us are human. None of us likes to be lampooned or attacked or misrepresented or ridiculed. There are times when such things occur.

The Senator from Illinois and the Senator from Montana [Mr. Mansfield], in the finest traditions of Congress, have at least put the country on notice that Congress is still here, still meeting; and that if it desires to assert itself, it still has some power.

Mr. DIRKSEN. Mr. President, I wish to be sure that the language of the amendment intended to be offered by the distinguished Senator from New York [Mr. Javits] will come to the attention of the Senate. I shall read it now.

Strike out all on and after line 1, page 1, and insert in lieu thereof the following:

"Sec. 402. It is the sense of the Congress that in any action or proceeding in any court of the United States or before any justice or judge of the United States in which there is placed in question the validity of the composition of any house of the legislature of any State or the apportionment of the membership thereof, adequate time should be accorded (1) to such State to conform to the requirements of the Constitution of the United States relating to such composition or apportionment consistently with its electoral procedures and proceedings and with its procedure and proceedings for the amendment of the constitution of such State, and (2) for consideration by the States of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification."

That is the amendment. It begins, "It is the sense of the Congress." There is not a binding word in it. We would merely say to the Supreme Court, "Please, Mr. Court."

Mr. RUSSELL. Supplication.

Mr. DIRKSEN. Yes—definitely so. I have no recollection in all the years I have served in the House and Senate that the Congress ever has fairly supplicated the Supreme Court to give adequate time and to give consideration. It seems to me that when we do it, we demean our own branch.

Mr. President, without losing my right to the floor, I yield to the distinguished Senator from Montana [Mr. Mansfield].

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside and that Senate Resolution 367 be laid before the Senate and made the pending business.

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. AIKEN. Mr. President, I object to the unanimous-consent request.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. Edmondson in the chair). Is there objection to the unanimous-consent request?

Mr. AIKEN. Mr. President, I object.

Mr. MANSFIELD. This is the Bobby Baker resolution.

Mr. DIRKSEN. Mr. President, I have the floor, and I yield to the Senator from Vermont [Mr. Aiken].

The PRESIDING OFFICER. Does the Senator from Vermont object?

Mr. AIKEN. Mr. President, I believe that the Senator from New York is on soft ground when he states that anything we could do would be unfair to him. The most unfair thing we could do now would be to let Senators who come from the congested centers of population go home and say to their political leadership, "We have sustained the Supreme Court by a 2-to-1 vote. From now on we are running the show."

The amendment intended to be offered by the Senator from New York and others is merely a commendation of the Court. It does not do anything else. It says that it is the sense of the Senate that the States should have sufficient time in which to reapportion. The courts have already said, "We have given the States sufficient time, and we accept the compliment of the U.S. Senate, which shows conclusively that it is in full agreement with the judicial coup which we are pulling off on the Government."

So, the way to determine whether we are to stay here for 1, 2, 3, 4, or 6 weeks longer is to find out how the Senate stands on the Mansfield-Dirksen amendment.

In order to find out, there must be a vote on it.

Mr. President, I move to table the Dirksen-Mansfield amendment.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. WALTERS (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Massachusetts [Mr. Kennedy]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Indiana [Mr. Bayh], the Senator from Pennsylvania [Mr. Clark], the Senator from Alabama [Mr. Sparkman], the Senator from Ohio [Mr. Young], and the Senator from Louisiana [Mr. Long] are absent on official business.

I also announce that the Senator from Alabama [Mr. Hill], and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from Washington [Mr. Jackson], the Senator from Wyoming [Mr. McGee], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. Bayh] and the Senator from Washington [Mr. Jackson] would each vote "yea."

On this vote, the Senator from Pennsylvania [Mr. Clark] is paired with the Senator from Louisiana [Mr. Long]. If present and voting, the Senator from Louisiana would vote "nay," and the Senator from Pennsylvania would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] is necessarily absent.

The result was announced—yeas 38, nays 49, as follows:

[No. 565 Leg.]

YEAS—38

Anderson
Beall
Brewster
Burdick
Case
Church
Dodd
Douglas
Edmondson
Fulbright
Gore
Hart
Hartke
Humphrey
Inouye
Javits
Keating
Kuchel
Long, Mo.
Magnuson
McCarthy
McGovern
McNamara
Metcalf
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Salinger
Scott
Symington
Williams, N.J.

NAYS—49

Aiken
Allott
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fong
Gruening
Hayden
Hickenlooper
Holland
Hruska
Johnston
Jordan, N.C.
Jordan, Idaho
Lausche
Mansfield
McClellan
McIntyre
Mechem
Miller
Monroney
Morton
Mundt
Pearson
Prouty
Robertson
Russell
Saltonstall
Simpson
Smathers
Smith
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—13

Bartlett
Bayh
Clark
Goldwater
Hill
Jackson
Kennedy
Long, La.
McGee
Sparkman
Walters
Yarborough
Young, Ohio

So Mr. Aiken's motion to lay on the table was rejected.

Mr. AIKEN. Mr. President, I move that the vote by which the motion to table was rejected be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCARTHY. Mr. President, I ask unanimous consent that amendment No. 1234, submitted by the Senator from New York [Mr. Javits] for himself and me on August 17, in which amendment the senior Senator from Minnesota [Mr. Humphrey] joined as a cosponsor, be laid before the Senate.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The Chief Clerk read as follows:

Amendment intended to be proposed by Mr. Javits (for himself and Mr. McCarthy) to the amendment (No. 1215) intended to be proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) to H.R. 11380, an act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, viz: Strike out all on and after line 1, page 1, and insert in lieu thereof the following:

"SEC. 402. It is the sense of the Congress that in any action or proceeding in any court of the United States or before any justice or judge of the United States in which there is placed in question the validity of the composition of any house of the legislature of any State or the apportionment of the membership thereof, adequate time should be accorded (1) to such State to conform to the requirements of the Constitution of the United States relating to such composition or apportionment consistently with its electoral procedures and proceedings and with its procedure and proceedings for the amendment of the constitution of such State, and (2) for consideration by the States of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification."

The PRESIDING OFFICER. The question is on agreeing to the request of the junior Senator from Minnesota [Mr. McCARTHY]. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I yield to the junior Senator from Illinois.

Mr. DIRKSEN. Mr. President, the Senate, in its wisdom, has determined not to limit debate on the Mansfield-Dirksen proposal. The Senate, in its great wisdom, has decided not to table this proposal.

We are somewhat in the dilemma of the old lady from a town in Massachusetts who died and went to heaven. She used to be quite a gossip. St. Peter said, "I am sorry, but you cannot stay here. You might go elsewhere." So, she went to another place identified with eternity and the Devil said, "I am sorry. You cannot stay here." She said, "What shall I do?" He said, "Well, I guess you had better go back to your hometown of Duxbury."

We are back in Duxbury now.

I yield to the distinguished Senator from Georgia.

Mr. RUSSELL. Mr. President, I appreciate the story of the Senator. But I do not believe we are exactly in the position of anyone from Massachusetts. We are in the position in which the Senate has been on a number of occasions. And on those occasions, I have heard distinguished Senators who are opposing this amendment rise and say, "When a majority of the Senate wishes to act, it ought to have the right and the power to act. The majority should not be deferred and delayed by the ill-timed remarks of the minority."

Has the distinguished junior Senator from Illinois [Mr. DIRKSEN] not heard that statement made here time and time again?

Mr. DIRKSEN. Indeed, yes.

Mr. RUSSELL. More eloquently, of course, and in more different forms than Heinz has varieties. But it boils down to the fact that Senators say that when a majority of the Senate wants to act, the Senate should be permitted to vote. The vote that has just been had indicates very strongly to me that a majority of the Senate is ready to vote on the Dirksen-Mansfield amendment.

Mr. DIRKSEN. I believe so.

Mr. RUSSELL. I wonder how many of our eloquent friends will rise and repeat the speeches they made so often during the spring to the effect that it is a disgrace to think that when a majority of the Senate of the United States is ready to take action, and when a matter has been discussed, it should be postponed by the dilatory tactics of the minority.

I shall await with interest to see how many Senators who made such statements in the spring are willing to make them now as we are moving into Indian summer.

Mr. DIRKSEN. I can hardly wait.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I repeat my unanimous-consent request that the Senate proceed to the consideration of Senate Resolution 367.

The PRESIDING OFFICER. Is there objection?

Mr. LAUSCHE. Mr. President, reserving the right to object——

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. LAUSCHE. Mr. President, may I ask——

Mr. DIRKSEN. Mr. President, I have the floor.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. Earlier this afternoon the Senator from Montana made the statement that there were two resolutions that he might wish to bring up. That was one. What other resolution does he have which might interfere with the unbroken consideration of the pending bill?

Mr. MANSFIELD. The distinguished senior Senator from Delaware [Mr. WILLIAMS] has an amendment on the same subject, which I understand he intends to offer as a substitute for the resolution.

Mr. LAUSCHE. Do I correctly understand that no other extraneous business would then be brought up to interrupt the pending bill?

Mr. MANSFIELD. We have so informed the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. HICKENLOOPER. Mr. President, reserving the right to object——

Mr. HOLLAND. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. HICKENLOOPER. I believe I know what the resolution is, and I should like to see it considered. But I should like to ask the sponsor of the proposal, the majority leader, whether the resolution would be subject to unlimited debate if it were taken up.

Mr. MANSFIELD. It would.

Mr. HICKENLOOPER. Would it be subject to discussion? Does the Senator from Montana have any assurance that there would not be a filibuster on the part of certain Senators in connection with that resolution?

Mr. MANSFIELD. The Senator from Montana never has such assurance.

Mr. HICKENLOOPER. Has the Senator any thought of proposing a limitation of debate on the proposed resolution if consent is given to supplant the pending business in order to bring up that resolution?

Mr. MANSFIELD. No Senator would be more agreeable to such a limitation because, in fact, I should like to catch a plane tonight to visit my home State.

Mr. HICKENLOOPER. Would the Senator——

Mr. MANSFIELD. But I have raised the question with Senators most interested in these resolutions, and the answer has been to take it easy, that we would not spend too much time on these resolutions.

Mr. HICKENLOOPER. I appreciate that the Senator from Montana would be glad to expedite consideration of the resolution, but the Senate happens to be a body composed of 100 Senators. On occasion they assert their independence of thought and do not always agree. I wondered if the Senator might test the question to see if there could be a limitation of, say, 2 hours of debate on the measure, which should be sufficient. I believe there is no question about the awareness of all Senators as to the general subject of the proposal. I can see from my standpoint no particular reason for not having a reasonable limitation of discussion on the question by unanimous consent. If such a limitation could be obtained, I would have no particular objection to the consideration of the resolution.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I have made soundings, and they have not been too encouraging. I would prefer not to make such a request unless I had the assurance of certain Senators that they would go along.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. SALTONSTALL. I agree entirely with the Senator from Iowa. I would feel constrained to object to bringing up the resolution unless there were an agreement to finish debate on the resolution and the substitute this afternoon and evening.

Mr. MANSFIELD. This is a fine kettle of fish. I have been trying to bring up Resolution 367 and the Williams resolution. We find delay and procrastination taking place on the floor of the Senate, which is the body most vitally interested, and which supposedly has the most at stake. For the life of me I cannot understand why we cannot get my resolution and the Williams resolution before the Senate and have them discussed in some fashion or other.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Mansfield resolution be considered under a limitation of time; namely, 1 hour, a half hour on each side, and that an hour be devoted to the Williams substitute, the time to be divided equally a half hour on each side. That would be a total of 2 hours.

The distinguished Senator from Delaware [Mr. Williams] has several meetings back home that he wishes to attend, and I believe we ought to accommodate him.

The distinguished majority leader will go to Montana tonight. He must leave this hilltop at 5 o'clock if he is to catch his plane. Surely, the Senate can forbear and spend, let us say, an hour on each of the resolutions and then vote. That would give Senators time to get away for their——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I deeply appreciate what the distinguished minority leader has said, but if we cannot make a 6 o'clock plane, we shall make another plane at some other time. So I shall not let that plan interfere.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. While Senators are present on the floor of the Senate, I should like to say that we should stand aside and let this question be handled on the basis of a limitation of debate. I hope that Senators—though the resolution sponsored by the Senators from Minnesota [Mr. Humphrey and Mr. McCarthy], and myself has been treated as a supplication—will await the debate before making up their minds on it. I assure Senators that, in my judgment, it is the only clearly effective thing we can do, and unless the Dirksen resolution itself were construed in that way, it would be held unconstitutional, and we should be in hotter water than we are in. For those reasons I am perfectly willing to stand aside and let the issue to which the majority leader has referred be determined.

Mr. MUNDT. Mr. President, I should like——

Mr. DIRKSEN. Mr. President, I have the floor.

Mr. MUNDT. Then I shall reserve the right to object.

Mr. DIRKSEN. Very well.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. MUNDT. Mr. President, today we are discussing a great many interesting subjects, including the necessity of protecting the sanctity, the rights, and the power of the Senate. I agree wholeheartedly with that posture. In that connection I should like to have the attention of the Parliamentarian, because I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota may proceed.

Mr. MUNDT. The Senator from South Dakota desires to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MUNDT. The inquiry grows out of what seems to me to be an increasing tendency of the long arm of lobbyists to extend through the Senate doors from the corridors down to the very desks of the individual Senators here on the Senate floor.

I do not know what the rules are, in this connection and therefore I wish to make a parliamentary inquiry about the rule insofar as it pertains to lobbying on the floor of the Senate by outside influences. I was frankly disturbed when I walked into the Senate today and found on my desk a propaganda piece directed against the Dirksen-Mansfield substitute, unattributed and unattributable to any Member of the Senate.

It was apparently placed on my desk by either some agent of the St. Louis Post Dispatch or the New York Times, because it is not attributable to a Member of the Senate. My parliamentary inquiry is as follows: Is there a rule in the Senate which prohibits the distribution of lobbying material or other propaganda on the desks of Senators if it is not attributable to a Member of the Senate? If not, I think there should be.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MUNDT. I shall yield as soon as I have an answer to my parliamentary inquiry.

Mr. DOUGLAS. I should like to say that I had that document put on the desks of Senators. I thought that the information——

Mr. MUNDT. Mr. President, my parliamentary inquiry still stands.

It is not attributable to the Senator. I did not happen to be present when he was at my desk distributing the material. I believe that there should be a rule so that when we come to our desks we shall be assured that we are not being propagandized by someone, without knowing who it is. I find now, long after the vote, that the Senator from Illinois [Mr. Douglas] put it there.

Mr. DOUGLAS. I directed that it be put on the desks of Senators.

Mr. MUNDT. The Senator has a right to do so. I still desire an answer to my parliamentary inquiry, however, because if there is no rule to protect the sanctity of the Senate against lobbying from the outside, there ought to be such a rule.

Mr. DOUGLAS. Mr. President, may I be heard on that?

The PRESIDING OFFICER. If the Chair may answer the Senator from South Dakota, there is no rule, but there is a precedent in the Senate that these matters can be placed on desks of Senators only when a Senator will take authority for it and say he is putting it there at his direction.

Mr. MUNDT. Do I correctly understand the parliamentary situation to be that there is no rule that protects a Senator from the possibility of coming to his desk and finding there a 3-foot pile of propaganda from every pressure group in the country, without the necessity of having that propaganda attributed to any Member of the Senate? I want to know what the rule is, because if that is the kind of void and vacuum we have in the rule book, there ought to be a rule on the subject. I think it is a reprehensible policy to make the private desks of U.S. Senators the depositories for propagandists from all over the country.

I am not criticizing the Senator from Illinois [Mr. Douglas], because I did not know he was responsible for it, but I think there should clearly be some rule or precedent which would identify the source of the material placed on the desk of a U.S. Senator. I think the prevailing practice is carrying the technique of lobbying much too far.

The PRESIDING OFFICER. Let the Chair respond to the Senator from South Dakota that there is no written rule pertaining to this subject. Matters are placed on Senator's desks only at the request and under the jurisdiction of some Senator.

Mr. DOUGLAS. Mr. President, may I be heard?

Mr. DIRKSEN. Mr. President, I have the floor.

Mr. MUNDT. I had the floor on a reservation of the right to object.

Mr DOUGLAS. I believe that taking the floor and yielding only to certain Senators who wish to speak is transgressing the courtesy of the floor.

Mr. DIRKSEN. The Senator can obtain the floor if he reserves the right to object.

Mr. DOUGLAS. I would like to clarify the matter which the Senator from South Dakota has raised. I would like to do that on my own right, and not by courtesy of any other Senator.

Mr. DIRKSEN. I am trying to get action.

Mr. MUNDT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER The Senator from South Dakota will state his parliamentary inquiry.

Mr. MUNDT. I should like to buttress my position by reading for the benefit of the Senate a letter published on the stationery of the United States Senate Committee on Rules and Administration, dated April 24, 1947, it being a letter signed by C. Wayland Brooks—another distinguished citizen of Illinois—at that time chairman of the Committee on Rules and Administration. The letter is as follows:

> The Committee on Rules and Administration at its meeting on April 23, 1947, took up the problem presented by your letter—

This being a letter to Mr. Mark Trice—

> dated April 17, 1947, relating to the placing of articles, publications, and printed material on the individual desks of Senators in the Senate Chamber.
>
> It is the opinion of the committee that only official Government documents, and articles or statistical information prepared by Senators relating to the subject under con-

> sideration by the Senate should be placed on the individual desks of Senators in the Senate Chamber and the committee suggests that such a policy be carried out.

I do not know whether this is considered a precedent, I do not know whether it is considered a Senate rule, but I think we ought to know about it, because this is a dangerous situation that can come back to plague us all. I continue with the letter:

> The committee is cognizant of the fact that the promulgation of a Senate standing rule on this specific subject would require the adoption by the Senate of a Senate resolution, and the committee is of the opinion that an attempt should be made to reestablish the rule of custom referred to in your letter of April 17, 1947, and that only official Government documents and articles or statistical information prepared by Senators relating to the subject under consideration by the Senate should be placed on the desks of Senators in the Senate Chamber.
>
> In the event, after a trial, it is found impossible to enforce such a rule of custom without the existence of a formal standing rule of the Senate, it is suggested that the committee be advised and further consideration will be given to the problem.
>
> Sincerely yours,
>
> C. Wayland Brooks,
> *Chairman, Committee on Rules and Administration.*

If it is a custom to prevent this form of lobbying, I should like to inquire from the Parliamentarian if it is enforceable. If it is not enforceable, I again suggest that the Senate write a rule so that all Senators may be guided by the same code of ethics when it comes to the distribution of propaganda material on the desks of Senators.

The **PRESIDING OFFICER.** The Chair rules that is not a parliamentary inquiry. It is not the duty of the Chair to answer.

Mr. **MUNDT.** This then is a parliamentary inquiry. Is there an enforceable rule, practice, or custom prohibiting lobbyists from placing lobbying material unattributable to any Senator on the desks of Members of the Senate if some Senator asks a page to distribute the anonymous propaganda? That is a parliamentary inquiry.

The **PRESIDING OFFICER.** The Chair states to the Senator from South Dakota that there is no rule of the Senate on that matter.

Mr. **MUNDT.** Very well, there is no rule.

Is there an enforceable custom?

The **PRESIDING OFFICER.** As the Chair stated, there is a precedent, or the Senator can call it a custom——

Mr. **MUNDT.** I will take the Chair's word. Is there an enforceable precedent?

The **PRESIDING OFFICER.** The Chair does not know of any.

Mr. **MUNDT.** There not being any, no rule of precedent has been violated, but I think there should be such a rule. Otherwise, this is an invitation to every lobbyist in town to ask to have placed on the desk of Senators all the anonymous propaganda that lobbyists might induce a Senator to have distributed by pages of the Senate. It is wrong. I think when that is permitted it invades the sanctity of the Senate Chamber.

Mr. **DOUGLAS.** Mr. President, I understand that technically I can obtain the floor if I reserve the right to object.

Mr. **DIRKSEN.** Yes.

Mr. **DOUGLAS.** Mr. President, reserving the right to object, may I reply to the Senator from South Dakota? Since the three sheets which I asked the pages to place on the desks of Senators have become a stimulant for the Senator from South Dakota's making the comments he made, may I say that this morning I asked the pages, through an assistant of mine, to distribute on the desks of Senators an editorial from the St. Louis Post-Dispatch for Tuesday, September 8, 1964, which I now ask unanimous consent to have made a part of the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

AGAINST THE CONSTITUTION

> Senator Everett M. Dirksen intends to file a petition to shut off debate on his rider aimed at fair voting legislatures, at the Supreme Court, at judicial review and the Constitution itself. What follows should be a dramatic lesson in the workings of our Government.
>
> For some weeks a small band of Senators has been filibustering against the Illinois Senator's rider to the foreign aid bill. Their numbers have grown, however, and it is no longer certain that Mr. Dirksen can find the two-thirds vote necessary for cloture.
>
> The issue pits many who do not believe in the filibuster rule, but are now using it, against other Senators who traditionally uphold the filibuster, or at least the two-thirds rule that makes it difficult to overcome. In this case, the filibusters are right to use the weapon, and not just because it is there.
>
> Certainly the two-thirds rule should be ended, because it encourages the kind of talkathon by which a minority can prevent any Senate action at all. But the rule should not be ended without establishing procedures to guarantee ample public hearings and ample debate. The cloture issue is essentially one of reasonable consideration versus unreasonable suffocation.
>
> In the case of the Dirksen rider, consideration has been anything but reasonable. There were no committee hearings on it. The author jammed it into what he thought were the last days of the session, and tied it onto a foreign aid bill he thought the President could not veto. The technique was that of a rush job. And to what end?
>
> The end is to overcome the Supreme Court's historic decision that both houses of State legislatures should be based on population. The Dirksen rider would require all Federal courts to stay at least until 1966 all orders to redistrict in line with this decision. In that time, the malapportionment forces hopes to press a constitutional amendment through the malapportionment legislatures, forever ending Federal court jurisdiction.
>
> Even if the Dirksen rider were intended only as a temporary block to judicial authority, it would be highly objectionable. What it signifies is that Congress can tell the courts they cannot enforce the Constitution, temporarily or otherwise. The Supreme Court's decision is based on the 14th amendment requirement of equal protection of the laws. There is nothing equal in the voting laws of a State which allow 12 percent of its people to elect a majority in one house.
>
> If Congress can thus limit court protection of one constitutional liberty, why cannot Congress limit others? Why can't it withdraw from court jurisdiction the defense of Negro voting rights, or of free speech, freedom of the press, property rights, fair trial or due process of law?
>
> The path of the Dirksen proposal is the path of indirect amendment of the Constitution, which is the path the Dirksen forces have accused the Supreme Court of taking. More is involved here than the right of new urban majorities to be fairly represented in rural-dominated legislatures. The Dirksen rider represents a ride against the power of judicial review and an independent judiciary. It is a legislative attack on the third branch of government and on the fundamental doctrine of separation of powers.
>
> So serious is the nature of this issue that President Johnson, who has not spoken out on it publicly, should lend all his help to the embattled band of Senators trying to stave off the Dirksen challenge. The President is sworn to uphold the Constitution. The Constitution is deeply involved in the Senate struggle. It must be upheld.

Mr. **DOUGLAS.** Mr. President, I also asked to have distributed two tables or charts from the New York Times of Sunday, August 16 and June 21, 1964, respectively.

Since charts cannot be printed in the Congressional Record, but tables can be, may I say that the chart for August 16 classified States into three categories—States in which less than 20 percent of the voters elected more than a majority of State senators; those where the ratio was from 20 to 40 percent; and those where over 40 percent elected a majority.

While I do not wish to take the time of the Senate unnecessarily, let me point out that the chart illustrates that in Montana, Idaho, Nevada, California, Arizona, New Mexico, Florida, Maryland, New Jersey, and Rhode Island less than 20 percent of the voters elected a majority of members of the State senates.

In the State of Nevada, only 8 percent can elect a majority, in Arizona 12.8 percent, in New Mexico 14 percent, in Montana 16 percent, in California 11 percent, in Florida 15 percent, in Maryland 14 percent, and in Rhode Island 18 percent, can elect majorities of the State senates.

In the following States 20 to 40 percent of the voters can elect a majority of the State senates: Washington, 33.9 percent; Nort Dakota, 31.9 percent; South Dakota, 38.4 percent; Wyoming, 24.1 percent; Utah, 21.3 percent; Texas, 30.3 percent; Iowa, 38.9 percent; Illinois, 28.7 percent; Louisiana, 33 percent; Mississippi, 37.2 percent; Alabama, 27.6 percent; South Carolina, 23.2 percent; Connecticut, 32 percent.

In the remaining States between 40 and 50 percent of the population can elect majorities of the State senates.

I also included a chart which was printed in the New York Times for June 21 which gave the figures for the senates as of June and the figures for the lower houses as of June. Since June there have been some changes in the composition of the senates, but I think not too great changes in the composition of the houses.

As of June, in four States less than 20 percent of the population can elect majorities of the State lower house: Kansas, 19.4 percent; Delaware, 18.5 percent; Connecticut, 12 percent; Vermont, 11.9 percent.

In the following States between 20 and 40 percent of the population can elect a majority of the lower house: Washington, 35.3 percent; Nevada, 29.1 percent; Utah, 33.3 percent; Texas 38.7 percent; South Dakota, 38.6 percent; Minnesota, 34.5 percent; Missouri, 20.3 percent; Oklahoma, 32.5 percent; Louisiana, 33.1 percent; Tennessee, 39 percent; Arkansas, 33.3 percent; Alabama, 37.9 percent; Georgia, 22.2 percent; Florida, 29.6 percent; Illinois, 39.9 percent; North Carolina, 27 percent; Ohio, 29.4 percent; Maryland, 35.6 percent; New York, 34.7 percent; and Maine, 39.7 percent.

Then there are States in which from 40 to 50 percent of the people elected a majority, in many cases it being close to 49 percent: Oregon, California, Idaho, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, Nebraska, Iowa, Wisconsin, Michigan, Indiana, Mississippi, Pennsylvania, Massachusetts, Rhode Island, West Virginia, Kentucky, Virginia, South Carolina, New Jersey, and New Hampshire.

Mr. President, I did not put 3 pounds of material on the desk of Senators. I placed these three very slender sheets there. I regard the statistical studies in the New York Times as completely accurate so far as one can tell. I regard the St. Louis Dispatch one of the great newspapers of the Nation. I am proud to place in the RECORD the editorial from the St. Louis Post-Dispatch. No outside person suggested that I do this. I did this completely on my own initiative. I am very glad to make this explanation.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes, which was to strike out all after the enacting clause and insert:

That the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows:

(1) Effective January 1, 1965, that part of Section 103(b) of such Act which precedes the colon is amended to read as follows: "Agreements shall not be entered into under this title during the period beginning January 1, 1965 and ending December 31, 1967 which will call for appropriations to reimburse the Commodity Credit Corporation in a total amount in excess of $4,000,000,000 plus any amount by which agreements entered into in prior years have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than authorized for such prior years by this Act as in effect during such years."

(2) Section 104 of such Act is amended by striking out in subsection (c) the word "military" and inserting after the words "common defense" the words "including internal security".

(3) Section 104 of such Act is amended by adding the following new subsection:

"(u) None of the foreign currencies generated under this Act shall be used to promote or to help promote, or to increase production of any farm commodity units of which shall have been exported from such country in the preceding calendar year, in competition with production in the United States."

(4) The first proviso at the end of section 104 of such Act is amended by striking out "to not less than 10 per centum of the foreign currencies which accrue under this title:" and substituting ", effective with respect to agreements entered into during the period beginning January 1, 1965 and ending December 31, 1967 to not less than 20 per centum in the aggregate of the foreign currencies which accrue under such agreements:".

(5) Section 107 of such Act is amended by adding at the end thereof the following: "For the purposes of titles I and IV of this Act, the term 'friendly nation' shall not include any country which permits ships or aircraft under its registry to transport to or from Cuba (excluding United States installations in Cuba) any equipment, materials, or commodities, so long as Cuba is governed by the Castro regime."

(6) Section 108 of such Act is amended by striking out the words "six months" and inserting in lieu thereof the word "year".

(7) Sections 109 and 204 of such Act are amended by striking out "1964" and substituting in lieu thereof "1967".

(8) Section 203 of such Act is amended by striking out "1961" and substituting "1965"; by striking out "1964" and substituting "1967"; by striking out "$300,000,000", and substituting "$450,000,000"; and by inserting after "charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto" the following: "or donated under said section 416, section 308 of this Act or section 9 of the Act of September 6, 1958."

(9) Section 203 of the Act is amended by inserting after the third sentence of said section the following new sentence: "In addition to other funds available for such purposes under any other Act, funds made available under this title may be used to purchase foreign currencies accruing under title I in order to meet costs (except the personnel and administrative costs of cooperating sponsors, distributing agencies, and recipient agencies, and the costs of construction or maintenance of any church owned or operated edifice or any other edifices to be used for sectarian purposes) designed to assure that commodities made available under this title or under title III are used to carry out more effectively the purposes for which such commodities are made available or to promote community and other self-help activities designed to alleviate the causes of the need for such assistance: *Provided, however,* That such funds shall be used only to supplement and not substitute for, funds normally available for such purposes from other non-United States Government sources," and by inserting after the word "costs" in the last sentence the words "or for the purchase of foreign currencies".

(10) Section 101 of such Act is amended by striking out in subsection (f) the words "from the government or agencies thereof" and further by striking the period at the end of subsection (f) and adding the following: ", and which are not less favorable than the highest of exchange rates obtainable by any other nation.".

(11) The President is directed that no funds under this Act shall be spent in any country unless he finds such country is not (a) an aggressor, in a military sense, against any country having diplomatic relations with the United States, or (b) using funds, of any sort, from the United States for purposes inimical to the foreign policies of the United States.

(12) Section 107 of such Act is amended by striking the phrase "(2) any nation or area dominated or controlled by the foreign government or foreign organization controlling the World Communist movement." and insert in lieu thereof the phrase "(2) any nation or area dominated or controlled by a Communist government or by the world Communist movement."

SEC. 2. Subsection (b) of section 612 of the Foreign Assistance Act of 1961, as amended, is amended (1) by redesignating it as subsection (t) of section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended.

(2) By striking "this Act" and substituting "the Foreign Assistance Act of 1961, as amended.".

(3) By changing the period at the end of the subsection to a comma and adding "except that in the case of any such foreign currencies acquired through operations under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, the United States dollars received from the sale of such foreign currencies shall be deposited to the account of the Commodity Credit Corporation and shall be treated as a reimbursement to Commodity Credit Corporation under section 105 of this Act."

SEC. 3. Section 416 of the Agricultural Act of 1949, as amended, is amended by adding the following at the end of such section: "The assistance to needy persons provided in (4) above shall, insofar as practicable, be directed toward community and other self-help activities designed to alleviate the causes of the need for such assistance.".

Mr. ELLENDER. Mr. President, I move that the Senate disagree to the amendments of the House and request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. JOHNSTON, Mr. HOLLAND, Mr. EASTLAND, Mr. TALMADGE, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. HICKENLOOPER conferees on the part of the Senate.

DISTRICT OF COLUMBIA STADIUM CONTRACT

Mr. DIRKSEN. Mr. President, I modify my unanimous-consent request. I ask unanimous consent that the pending business be temporarily laid aside and that Senate Resolution 367 be made the pending business.

The PRESIDING OFFICER. The resolution will be stated.

The resolution (S. Res. 367) authorizing and directing the Committee on Rules and Administration to reopen the study and investigation begun under the authority of Senate Resolution 212, a resolution to inquire into the financial or business interests of any officer, employee, or former employee of the Senate, was read, as follows:

Resolved, That the Committee on Rules and Administration or any duly authorized subcommittee thereof is hereby authorized and directed to reopen the study and investigation begun under the authority of S. Res. 212, a resolution to inquire into the financial or business interests of any officer, employee, or former employee of the Senate.

Resolved further, That the study and investigation authorized by this resolution is directed to give particular emphasis to the allegations raised in connection with the construction of the District of Columbia Stadium and matters related thereto.

Resolved further, That in the conduct of this investigation the committee is directed to cooperate to the fullest extent possible with the Federal Bureau of Investigation, the government of the District of Columbia, and any other agency having jurisdiction of the subject matter.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, I have very little to say about the resolution, and much of what I shall say about it was said on yesterday.

As a result of the charges made on the floor of the Senate early last week by the distinguished senior Senator from Delaware [Mr. WILLIAMS], a promise was made to him and to the Senate at that time that this matter would be brought before the Democratic Policy Committee. That promise was kept. The Democratic Policy Committee met yesterday, and it unanimously agreed to the sense of the resolution, which is now the pending business.

That is all there is to it. There is nothing for me to say except that we have acted, we have made a proposal, and I hope we can shortly come to the adoption of this resolution or some other resolution.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Montana has stated the situation accurately.

After presenting my statement on the floor last week, I conferred with the Senator from Montana and the minority leader, the Senator from Illinois, and I told them that under the circumstances I felt that the Senate had no choice other than to proceed to reopen the Baker investigation, not only as it related to this particular case but also as it related to the many other matters that were left hanging as a result of the previously incompleted investigation.

The Senator from Montana wished to confer with the Democratic Policy Committee. I told him I would wait and not offer a resolution until after he had had an opportunity to do so. I thought it was a reasonable request on his part.

I appreciate his taking this question up with his policy committee.

While I am glad that they recognize the fact that something must be done, I must say that I am disappointed in the proposal that the matter be referred to the same Committee on Rules and Administration which had gone over this case once before and refused to call witnesses whom it would have been necessary to call in order to establish all the facts in the case.

This is the same committee which was alerted some time back to the fact that there was a suspicion—at that time only a suspicion—that there had been an overpayment by Mr. McCloskey on the amount that was actually due for the performance bond; yet it failed to act.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MUNDT. Whatever the Senator has in mind, it is certainly important to the Senate. The majority leader has a resolution which he feels will be a solution to this matter, and I understand that the Senator from Delaware has a substitute. I see no reason for discussing a matter of this magnitude in an empty Chamber. Therefore, Mr. President, I suggest the absence of a quorum, and I ask that it be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 566 Leg.]

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Gore
Gruening
Hart
Hartke
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Salinger
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the resolution of the Senator from Montana [Mr. MANSFIELD].

Mr. WILLIAMS of Delaware. Mr. President, I call up my amendment No. 1265, which I am offering in the nature of a substitute to the so-called Mansfield resolution and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Resolved, That S. Res. 278, Eighty-eighth Congress, agreed to February 10, 1964, is amended by renumbering sections 4, 5, and 6 as sections 5, 6, and 7, respectively, and by inserting after section 3 a new section 4 as follows:

"SEC. 4. The Committee on Government Operations, or any duly authorized subcommittee thereof, is authorized and directed, through January 31, 1965, to make a full and complete study and investigation with respect to—

"(1) all matters relating to the construction of the District of Columbia Stadium, or any other Government building or facility, (A) for the purpose of ascertaining whether any such matter has involved fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, improper expenditure of Government funds, kickbacks or other improper payments (including political contributions), tax evasion, or any violation of law or other impropriety of any kind, on the part of or involving any Member or former Member of the Senate, any officer or employee or former officer or employee of the Senate, any other officer or employee or former officer or employee of the Government (including the municipal government of the District of Columbia), any party to a contract or subcontract relating to the construction of the District of Columbia Stadium or other Government building or facility, or any officer, employee, or agent of any such party, and (B) for the purpose of ascertaining whether any changes are required in the laws of the United States relating to any of the foregoing; and

"(2) any financial or business interests or activities, or any other activities, on the part of or involving any Member or former Member of the Senate, any officer or employee or former officer or employee of the Senate, or any other officer or employee or former officer or employee of the Government who is employed or was formerly employed in either of the Senate Office Buildings or in the Senate wing of the Capitol, for the purpose of ascertaining (A) whether any such interests or activities have involved any violation of law, any conflict of interest, or any other impropriety of any kind, or have reflected unfavorably on the integrity of the Senate, and (B) whether additional laws, rules, or regulations are necessary or desirable for the purpose of prohibiting or restricting any such interests or activities."

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I shall be brief, because I know that the Senator from Montana wishes to leave. I shall confine my remarks to a few minutes.

The issue is simple. It is generally agreed by all Senators that the investigation should be reopened. The question is whether it should be done by the Committee on Rules and Administration, which previously conducted an investigation into some of the phases of this operation, or whether it should go to the Senate Committee on Government Operations.

The majority leader himself, in colloquy last Tuesday, suggested that we should consider giving this investigation to the Government Operations Committee since the other committee had completed its work in this direction.

I agreed with him. This resolution, has, therefore, been drawn up with that understanding.

I realize that the Senator from Arkansas [Mr. MCCLELLAN] would rather not conduct the investigation. I respect his position; nevertheless, knowing the Senator as I do, if the Senate decides to adopt the amendment there is no doubt in my mind that he will hold the investigation and pursue it to its end, regardless of where it may lead. In fact, the Senator from Arkansas [Mr. MCCLELLAN] has made the statement that he would do so.

The reason I believe it is far more appropriate for the Government Operations Committee to conduct the investigation is that in the proposal we would only need to amend the existing authority of the Government Operations Committee. This committee is a standing committee of the Senate already set up to conduct such investigations. It has a full staff. It could proceed immediately without any further authorization or the hiring of any additional personnel. In fact, it could start tomorrow morning.

Some of the charges do involve problems which should by all lines of reasoning go before this committee—questions as to the propriety of the handling of Government contracts and whether there have been overpayments on those contracts in order that such overpayments could be used as payoffs or as contributions to a political party.

These are rather serious suggestions and charges, and, therefore, I believe that the Senate must investigate them. Such an investigation should certainly go to a committee in which the whole country and the Senate have the utmost confidence; namely, the Government Operations Committee, under the chairmanship of the distinguished Senator from Arkansas [Mr. McClellan].

I hope that this resolution will be adopted and that we can reopen this investigation and pursue it in whatever direction it may lead.

The issue is clear. It is merely a choice of how we wish to proceed.

Mr. CURTIS. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I am glad to yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, late yesterday afternoon I spoke on this subject briefly.

I favor the Williams resolution. I believe that this investigation should be conducted by the Government Operations Committee.

I shall be brief. The Rules Committee, for all practical purposes, disbanded its staff. Early in July, the Rules Committee asked for continuing authority to investigate wrongdoing. On a yea-and-nay vote the Senate turned the committee down.

On another occasion, the Rules Committee brought in a disclosure act as a part of its remedy to the situation. On another yea-and-nay vote, the Senate repudiated the Rules Committee a second time.

There are six majority members and three minority members on that committee. The membership has not changed since it had this matter before it.

On the issue as to whether to call Mr. Matthew McCloskey, there were six votes against calling him and three votes for, the same as the vote on calling every other witness requested by the minority.

On two rollcalls, the Senate expressed an unwillingness to approve what the majority of the Committee on Rules and Administration had done.

I realize that this will be an unpleasant task for whoever gets it. In taking this position, I am in the peculiar position of serving on both committees. I want it known that in this fight for a full exposure, the distinguished Senator from Pennsylvania [Mr. Scott], and the distinguished Senator from Kentucky [Mr. Cooper] have stood firmly for a full and complete investigation. They will do a good job if the investigation goes to the Committee on Rules and Administration. But the majority of the Committee on Rules and Administration has refused to investigate the matter.

Mr. President, while I have the floor, I should like very much to speak on another matter. But the Senate should proceed with this vote. If it is in order, I should like to ask unanimous consent that after the completion of the rollcall on the Williams substitute, I may be recognized and permitted to continue my remarks.

Mr. CASE. Mr. President, reserving the right to object, would the Senator mind waiting until the entire matter is completed before he goes into the extraneous matter?

Mr. CURTIS. I have been trying to obtain the floor. I have the floor now. And I could proceed if I wished.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. What is the request?

The PRESIDING OFFICER. The request is that the Senator from Nebraska [Mr. Curtis] may be permitted to yield the floor for the rollcall and then be recognized afterward to speak on another matter.

Mr. McCLELLAN. That does not mean an immediate rollcall. I have no objection, if the Senator from Nebraska yields the floor on this matter.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Delaware [Mr. Williams] has said that this issue is pretty clearcut. The question is whether it should go to the Committee on Rules and Administration or the Committee on Government Operations.

Prior to meeting with the Democratic policy committee yesterday, I discussed various possibilities with Senators on this side of the aisle. The general opinion seemed to be that the logical committee to handle this matter, in view of the responsibilities involved, is the Committee on Rules and Administration.

Therefore, when the Democratic policy committee met, the question was raised again. It was the unanimous opinion of that committee that a resolution directing the Committee on Rules and Administration to resume its investigation and specifically pinpointing what should be done, should be introduced on the basis of the allegations made by the distinguished Senator from Delaware [Mr. Williams].

This is not intended to take the place of the Federal Bureau of Investigation. We think that both investigations can proceed simultaneously. We believe that what the FBI is able to discover will be of great help to the committee.

Therefore, in accord with the wishes of the distinguished Senator from Delaware [Mr. Williams], I hope that we can reach a vote shortly. And I hope that the Senate will uphold the action taken by the Democratic policy committee, vote for Senate Resolution 367, and vote to defeat the amendment offered by the distinguished Senator from Delaware in the nature of a substitute.

Mr. WILLIAMS of Delaware. Mr. President, I, too, hope that the Senate can soon vote on this proposal. I shall not delay the Senate, but I feel very strongly that if we want to do the job right we should turn it over to a committee which has a staff and which is equipped to do the job.

We cannot escape the fact that the particular incident which brought this whole question back into discussion today was the question of there having been an overpayment by Mr. McCloskey on the amount that was actually due on the performance bond. This allegation was brought to the attention of the committee some time ago, and no action was taken. The committee, to my knowledge, did not attempt to obtain the check. At least, I have heard nothing from the committee as to whether it proposed to obtain the check later.

I feel that we should agree to this resolution and instruct and direct the Committee on Government Operations to take jurisdiction.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware in the nature of a substitute for Senate Resolution 367.

Mr. McCLELLAN. Mr. President, I shall be very brief. It is a little difficult for me to make a presentation on this issue. It is true that the Committee on Government Operations may have, within its regular authority, jurisdiction to look into one or two aspects of this Bobby Baker issue.

It had such jurisdiction at the time the question first came to the attention of the Senate. But it does not have jurisdiction to investigate every aspect of the controversy. It could not, without additional resolution authority, make a thorough and complete inquiry into all the issues that have been raised by the Bobby Baker case.

The Senate, I assume, recognized at the time it took the original action and passed the original resolution—which I believe is Senate Resolution 212—that the subject matter involved the conduct of one of the official employees of this body. Taking cognizance of that, the Senate passed Senate Resolution 212 and vested full authority in the Committee on Rules and Administration to conduct the inquiry. I had no objections at the time. I thought it was a proper decision of the Senate in the circumstances. Therefore, I felt that a thorough investigation would be made.

An investigation was conducted. The Committee on Rules and Administration has made a report. There are those who are not satisfied with the work of the committee. There have been questions raised as to lack of fairness, and the contention that the committee did not make a complete investigation. But the committee filed its reports. And, according to the majority, the committee concluded what it felt was its responsibility. Subsequently, there have been other developments that indicate that a further investigation is not only proper, but also desirable.

Mr. President, I believe almost everyone agrees that the Baker inquiry should be reopened. I believe that is the import of both resolutions that are now pending—the resolution of the distinguished majority leader, and the substitute resolution of the distinguished Senator from Delaware [Mr. Williams].

There is unanimity of agreement that the subject matter should be reopened and that a further investigation should be made. Now, I should like to call attention to what the Senate would be doing if it now, under these circumstances, were to say, "Although some further investigation is needed, we will not send it back and direct the committee to which we originally gave the assignment to conduct this investigation."

I wish Senators to think about what they are asked to do. Senators may wish to take such action. But, make no mistake about it, if there is unfinished work that that committee should do, the problem—the assignment—should return to that committee. If there is unfinished work to be done, that committee should do it and it should not be sent to some other committee.

If the investigation were referred to another committee, such action would be interpreted as a public repudiation by the Senate of the Committee on Rules and Administration. Is that what Senators desire to do? That would be the effect of such action. There is no reason why, if further investigation is needed, the Committee on Rules and Administration cannot conduct it.

We have heard that the committee does not have a staff. Every Senator in this body knows that it is expected that two, three, or four witnesses are to be examined and interrogated at a committee hearing. That is the purpose of reopening the investigation. I could name those witnesses. After all the disclosures that have been made, little or no further staff work is needed? On the Committee on Rules and Administration are good lawyers, capable of asking pertinent questions and examining those witnesses. Then, why not send the inquiry back to the Committee on Rules and Administration and let it call the witnesses that are desired? The committee could bring the witnesses before it, interrogate them, give them an opportunity to answer the questions or to plead the fifth amendment, whatever they might choose to do.

There is no reason why, by our action, we should make a record here that will reflect that the Senate believes that its Committee on Rules and Administration is incompetent, incapable, or unwilling to do the job.

If Senators wish to do that, I suggest that they vote to repudiate the Rules Committee and send the question to the Committee on Government Operations or some other committee. I do not think that should be done. The Committee on Rules and Administration should be given an opportunity to develop the further testimony to which reference has been made. The committee has its reasons why the evidence was not developed before. The committee felt that its work was finished. Perhaps subsequent events and developments have caused its members to think otherwise now. I do not know. But I do know what the import of this proposed action would be. I know what its significance is. The significance of it would be a public repudiation of the Committee on Rules and Administration of the Senate.

I favor continued investigation, proper inquiry, or whatever is necessary in order to get the facts. I am not opposing that. Unless Senators mean to do exactly what I have said the impact of the action would be, unless Senators mean publicly to condemn and repudiate a regular standing committee of this body—unless that is the purpose and intention—in my judgment, the issue should be returned to the Committee on Rules and Administration and that committee should proceed to take any additional testimony that is indicated and make its report.

I do not see how we could adopt the Williams resolution without in effect saying what the distinguished Senator from Delaware [Mr. WILLIAMS] said yesterday on the floor of the Senate. He said that he had no confidence in the Committee on Rules and Administration to do this job. I do not know whether that is what the Senate wishes to do; if so, it has the opportunity to do so. A vote for the Williams resolution as a substitute for the Mansfield resolution would in effect carry with it that connotation.

I believe the right thing to do would be to adopt the resolution submitted by the distinguished majority leader. That resolution would refer the investigation back to the Committee on Rules and Administration and give that committee an opportunity to take any further testimony that is indicated. The committee could then make a further report.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield.

Mr. SCOTT. I should like to address an inquiry to the Senator from Arkansas. One of the reasons that I would hope and would prefer that any further unearthing of an unsavory scandal be referred to the committee over which he so ably and honorably presides is that his committee is equipped with a permanent staff—hard working, I know, and busy, I am sure—whereas, as a member of the Committee on Rules and Administration, I can say that our procedures involve the hiring of outside counsel and a number of investigators, all of whom have completed their work so far as the decision of the committee is concerned. The staff has been disbanded. It would not, by any stretch of the imagination, be in a position to renew an investigation of the scope contemplated in the resolution without rehiring at considerable expense a new staff or bringing back the old staff, most of whom, I believe, would rather continue their present labors. If ever there was a committee which was glad to get out of its assignment, if ever there was a staff that was glad to get home, that would be true in the situation which we are now discussing.

That is why I hope that perhaps the Senator might not mind, if the Senate wishes to bestow upon his committee this honor and this responsibility.

Mr. McCLELLAN. I thank the Senator for his complimentary references to the Committee on Government Operations and its staff.

I appreciate that. But that could have been thought of in the beginning.

Mr. SCOTT. I wish it had.

Mr. McCLELLAN. The Committee on Government Operations might have been given the assignment in the beginning. I did not seek it and did not want it then, and I do not want it now. I know what this investigation means. I have had a little experience. I know that it is not pleasant. I know it is rough. I know that many times one must consult his conscience as to what he will do and what he will not do. It is not a pleasant assignment. But had this assignment been referred to the Committee on Government Operations in the beginning, I would take the same position that I am taking now. If we had made a report on the investigation and there was somethink further to be done on it, I would want to think that I would be assigned the task of carrying on to completion the work I had begun. If I were not—if this body would take it away from the Committee on Government Operations and send it to the Committee on Rules and Administration under circumstances that prevail in this instance—I would regard it as a complete repudiation and condemnation of our work. I would regard it as a vote of lack of confidence. I could not regard it in any other way. I do not see how anyone else could. That is the issue.

Mr. President, I should like to see the investigation referred to the Committee on Rules and Administration. I should like to see the Committee on Rules and Administration call the witnesses that are indicated. A long investigation would not be required in order to call Mr. McCloskey and ask him about this check and anything else that is pertinent to the inquiry. There are good lawyers on that committee. They know how to ask questions. That is all that is required.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield.

Mr. COOPER. I have always respected the judgment of the distinguished Senator from Arkansas. He has made a point which deserves consideration. It is that the Rules Committee which has been charged with the responsibility has an obligation to continue the investigation and to refer the investigation to another committee could be construed as a repudiation of the committee.

But I would ask the Senator if the nature of the investigation which was committed to the Rules Committee has not changed, and if how an issue has been developed which makes the investigation properly one for the Committee on Government Operations.

I make my point upon this basis: When the matter was committed to the Rules Committee, it was for the purpose of examining and investigating the conduct of employees of this body which, later, according at least to some of us, was expanded to include the conduct of Senators. When the McCloskey matter came before the Rules Committee, it was in the context of an issue as to whether an employee of the Senate, Mr. Baker, had acted either with impropriety or illegality. The only evidence before the committee, was the report of a trans-Atlantic telephone conversation between a member of our staff, Mr. Meehan, with Mr. McCloskey in Ireland. This is a part of the conversation which Mr. Meehan reported to our committee:

> Mr. McCloskey stated that later, when he obtained the contract for constructing the stadium, he recalled his conversation and did purchase his performance bond through Don Reynolds. He recalled the approximate

> total premium paid by him was about $73,000; that, of this amount, about $10,000 was commission for, as he understood it, Reynolds and Baker. Mr. McCloskey said it was his option to purchase this performance bond through anyone he preferred, and there was nothing unusual about this.

I have quoted from page 2131 of part 25 of the record of hearings before the Committee on Rules and Administration. It is noted that, according to Mr. Meehan's report to the Rules Committee, Mr. McCloskey told him, in this transatlantic telephone conversation, that he had paid $73,000 as a premium on the performance bond, and that $10,000 of the amount was to be the commission of Mr. Reynolds.

It developed that Mr. Reynolds said that he paid to Mr. Robert Baker $4,000 and Mr. McLeod $1,500, of the $10,000.

At the time, I moved to call Mr. McCloskey, as a witness, but my motion was rejected. Upon the basis of testimony before us, we wanted to inquire whether the money paid to Mr. Baker was an improper or illegal payment. It was an inquiry chiefly into the conduct of an employee of the Senate.

The Senator from Delaware [Mr. WILLIAMS] has now developed that Mr. McCloskey now says he paid a total of approximately $109,000 as premium for the performance bond. It is alleged that approximately $35,000 of this sum, was in excess of the true cost of the premium of the performance bond. So a new question has arisen. Was it a kickback on a Government contract? If so, it is an entirely different situation from that which was stated by Mr. McCloskey to Mr. Meehan.

This is a different kind of issue than originally submitted to the Rules Committee. It involves payment by Mr. McCloskey—if the allegation is correct—of $35,000 more than the actual cost of the premium bond, which was included as a part of the cost of the stadium. It becomes a kickback—if the allegation is true—on a Government contract. I think I am correct when I say that that kind of question is within the jurisdiction of the Committee on Government Operations.

Mr. McCLELLAN. It would be true as to that one aspect. I said in the beginning that my committee had some jurisdiction. But the Government Operations Committee does not have jurisdiction to investigate elections. The Government Operations Committee does not have jurisdiction to investigate the conduct of employees of the Senate. If there was a kickback, there was a linking of it for a specific purpose. What was the purpose? A standing committee has jurisdiction of that question. I believe it is the Privileges and Elections Subcommittee.

Mr. COOPER. If the Senate made the decision to send it to the Committee on Government Operations, it does not have to be considered as having repudiated the entire Rules Committee. For if Mr. McCloskey, charged the U.S. Government $35,000 more than the actual cost of the performance bond—and I do not say that he did without further proof—it would amount to defrauding the Government.

Mr. McCLELLAN. Let me ask the Senator a question.

Mr. COOPER. Yes.

Mr. McCLELLAN. Would the Rules Committee have jurisdiction to inquire into that question under the original resolution?

Mr. COOPER. Yes; the committee had jurisdiction.

Mr. McCLELLAN. The situation has not changed.

Mr. COOPER. It has changed by reason of the new allegation with respect to McCloskey. The payment of $35,000 which—if the allegation is true—was charged to the U.S. Government, has introduced a new factor—which could properly place the investigation within the jurisdiction of the Committee on Government Operations.

Mr. McCLELLAN. If I understand correctly, this is a development of fact that the Rules Committee did not know of at the time of the inquiry.

Mr. COOPER. The Senator is correct. But suppose all these facts had been developed if we had been permitted to call Mr. McCloskey, and suppose we had found out that, instead of paying $73,000 for the bond, as reported through Mr. Meehan, he had actually paid the $109,000—which he now admits he paid. Recognizing that Mr. McCloskey has a great number of contracts with the Government and if it is true that this was a kickback, I believe the Senator's committee would have said, "we will want to look into this transaction."

Mr. McCLELLAN. Perhaps we shall, but that is no reason for the Rules Committee not to finish its job. I hope the Senator is not taking the position that the Rules Committee ought not to finish its job.

Mr. WILLIAMS of Delaware. Mr. President, I agree fully that the Rules Committee should have finished its job. I only regret that it did not do so while it had the job underway. But there is a simple way out of this situation; and that is, to accept the proposal I first made—to let the leadership on both sides name the membership of the select committee which the Senate established last July to investigate such procedures. Let us modify the resolution of the Senator from Montana to instruct the select committee to investigate this whole matter. We could put them in business and let them get to work.

Really this is the proper committee to handle this investigation.

I would have preferred that by far, but it seems we have a skeleton committee of the Senate with nobody being appointed to it. In the absence of anyone being appointed to it I agree with the suggestion made by the majority leader in our colloquy last week that we give consideration to asking the Government Operations Committee to look into this matter.

I am agreeable to either procedure. All I want is to get the job done.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. This is the second time the Senator has made a statement about my mentioning the Government Operations Committee. I think the record should be made straight. I also referred to the Rules Committee at the same time, as well as the Justice Department.

Mr. WILLIAMS of Delaware. Yes. The Senator referred to the Privileges and Elections Subcommittee of the Rules Committee. That is correct. But I do not know how we could get it to the Privileges and Elections Subcommittee. I think the most appropriate suggestion is to have the Government Operations Committee take jurisdiction. Besides that subcommittee is a subcommittee of the Senate Rules Committee which failed so miserably before.

I made mention last week that we should give consideration to using the select committee. As I pointed out in my statement then, Hutchinson, Rivinus & Co. sent an invoice to Reynolds for $73,631.28, as being the total cost of the insurance which they were brokering through his office. Mr. McCloskey's testimony as given to the Rules Committee by its staff confirmed this figure of $73,000 as being the cost of the insurance bond. A copy of the performance bond is on file with the District government in Washington, and it likewise shows that the cost of this performance bond, which was delivered to the District government, was $73,631.28. Yet the record shows that Mr. McCloskey received an invoice from Mr. Reynolds for $109,205.60, and Mr. McCloskey has confirmed that the check which I produced last week was a copy of the check that he paid. Certainly it is reasonable to ask why there was this overpayment. And certainly Mr. McCloskey should have been called as a witness.

This matter of overpayment on a Government contract is under the jurisdiction of the Government Operations Committee. It involves an alleged overpayment on a Government contract by an individual who has done millions of dollars worth of business under Government contracts.

I admit that it was under the jurisdiction of the Committee on Rules and Administration under the previous resolution. That committee could have proceeded with the investigation. Yet they missed their chance, and it most certainly is also under the jurisdiction of the Government Operations Committee.

Let us give that committee an opportunity.

Mr. McCLELLAN. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. McCLELLAN. I understand—the Senator has fuller knowledge of the facts than I have, of course—that the reason for the overpayment and the reason for the kickback was to place it into a political campaign fund; is that correct?

Mr. WILLIAMS of Delaware. The statement that was made to me was that a part of it was for a kickback or payoffs, and a part of it was to go to the Democratic campaign fund. That explanation is based upon the statement by one of the participants in the transaction, Mr. Reynolds. I said I thought that both Mr. Baker and Mr. McCloskey should be called to have them give us their versions of the story.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield the floor.

Mr. SCOTT. Then I ask for the floor in my own right.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. I should like to ask the Senator from Delaware whether it has occurred to him that a good way to get rid of the whole matter would be to refer it to the FBI, with instructions to report next year.

Mr. WILLIAMS of Delaware. The FBI is investigating it under the direction of the President. I suspect that the Senator asked his question facetiously.

Let us face it. The FBI can do a wonderful job of investigating. We all have great respect for its work, but all that the FBI can do is develop the facts. I do not think they can take testimony under oath from witnesses. After they develop the facts they turn the case over to the Department of Justice. The Department can evaluate the facts and decide whether it wishes to present them to the courts.

Assuming that the Department of Justice receives the report of the FBI and it does not wish to prosecute or does not wish to release the information, the FBI would be powerless to make any public statement as to what it had found or as to whether the information it had developed was fully disclosed to the public.

With all due respect to the FBI, in my opinion, the Senate has a responsibility to do its own work.

Mr. SCOTT. I do not wish the Senator from Delaware to think that the Senator from Pennsylvania is being facetious. I may be Scotch, but rarely wry. Incidentally, I always allow some time to pass for an appreciation of these things.

Mr. President, the danger in burying a live issue is that the ghost returns to haunt the happy morticians.

Mr. McCLELLAN. Mr. President, when did I lose the floor?

Mr. SCOTT. When I was recognized. I should be glad to yield to the Senator.

Mr. McCLELLAN. I thought I had the floor. I permitted free discussion.

Mr. SCOTT. I sought recognition in my own name.

Mr. HOLLAND. I thought the Senator from Arkansas had the floor. I had a series of questions I wished to ask.

Mr. McCLELLAN. I did not know that I had lost the floor.

Mr. SCOTT. I shall be glad to yield to the Senator. I have a brief statement that I wish to make. It is only two pages long.

Mr. McCLELLAN. By all means, finish.

Mr. SCOTT. I find it rather difficult to obtain the floor at suitable hours, and I am always grateful when a junior Senator is allowed that opportunity.

The Senate majority cynically ignored the facts of corruption in the Bobby Baker case and not only ratified the whitewash, but thereafter refused even to name the Committee on Standards and Ethics as required by the Cooper resolution.

I do not recall any instance in my service in the Senate when a resolution authorizing the naming of a committee was adopted and then so long a time elapsed before the skeleton became enfleshed. There may be reasons for it. I think there are. However, I think the reasons are not those which the public would approve.

Let us not compound this fraud on the public by pushing Bobby Baker and his payoffs to public officials back through the swinging door of the Rules Committee.

The majority ought not to fool the public by another coat of Rules Committee whitewash.

The result of new Rules Committee action is altogether predictable. One more time the committee will hire an expensive staff.

One more time the committee will save those accused from the embarrassment of testifying in answer to charges.

One more time the committee will extend to prominent and powerful people the courtesy of denial of charges by phone call or affidavit, or the privilege of ignoring the committee altogether—courtesies and privileges denied to all the people.

One more time—if there is anyone who would like to take some odds on that vote, I shall be very glad to announce the vote in advance—one more time the committee will vote by 6 to 3 that it cannot uncover anything wrong.

One more time, the committee will flatly refuse to investigate under-the-table compaign contributions.

One more time, the committee will show disinterest in alleged income tax violations by big money people, except as heretofore, where inadvertently required to do so by charges of forgery or other illegality.

One more time, the Democratic Senate majority will refuse to track down corruption and violations of the law.

One more time the issue will be prejudged before the facts are unearthed.

The whole farce reminds me of the logic of the queen of hearts in "Alice Through the Looking Glass":

> "No, no," said the Queen, "sentence first, verdict afterwards."

In the Bobby Baker scandal, it is a case of not guilty first, Rules Committee action afterward.

The only courageous course, in keeping with legislative integrity, is to refer the new stench to the Government Operations Committee's Permanent Subcommittee on Investigations, known as the McClellan committee, or to a committee on ethics as authorized by the Cooper resolution. There must be a fresh approach as the only means to avoid a new whitewash.

The present Rules Committee can offer no answer to the public demand for full and free disclosure.

I believe that the McClellan committee, with its trained present staff, can and will get the truth and tell it, no matter who may be involved.

Mr. President, how long will the U.S. Senate ignore the public, which watched with incredulity and disdain, the unearthment—I know there is a better word, but I cannot think of it.

Mr. CASE. Disinterment.

Mr. SCOTT. Disinterment. I thank the Senator from New Jersey—the further burial and subsequent disinterment; the swinging door policy of into the Rules Committee, the whitewash out of the Rules Committee, and into the Rules Committee and out again. Someone will be hurt by those swinging doors. It is high time that we stopped all this elaborate minuet by which the Senate seeks to act as if nothing is going wrong in the whole country, even though something is going wrong, and the whole country knows it. The whole truth has not been told. The whole country knows the Senate does not want to go into these matters, which can be potentially embarrassing, and are now more embarrassing by reason of their concealment. It is time we stopped going through the motions and substituted for them, for once, a thorough-going, complete investigation, conducted with true regard for the facts, rather than for the personnel involved.

No committee should give one kind of treatment to one witness and another kind of treatment to another. No committee ought to refuse to call any single witness requested by the minority. No committee ought to conduct an ex parte, one-sided, discriminatory poking into a mess of garbage, to avoid the discovery of scandal, even though that scandal would rock the big-money people, even though that scandal certainly would interfere with the activities of those who are engaged in finding ways and means to conduct a campaign. Every one of us has great sympathy for persons who are trying to raise money in a political campaign; but I do not believe any of us has any right to say that because that is involved in the kickback or a payoff, it is a warrant whereby a gentlemen's club of 100 will continue to ignore the fact that this matter has never really been investigated; will continue to ignore the fact that the truth never has come out; will continue to ignore the minority views of members of the Committee on Rules and Administration, who said they were denied their normal, customary, traditional rights to call witnesses.

No, Mr. President; I do not know how fully malodorous a scandal has to be to upset the calm and steady course of the Senate of the United States. But if Senators are not shocked by this scandal, we shall have to devise new scales and new measurements by which to determine whether there is any scandal which will shock the Senate as it has shocked the people.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. HOLLAND. Did the Senator from Pennsylvania sign the minority views of the report of the Committee on Rules and Administration?

Mr. SCOTT. I believe so.

Mr. HOLLAND. Is there any reference in the minority views to the McCloskey matter?

Mr. SCOTT. Yes. If the Senator would permit me to have the ranking minority member of the committee answer that, I should like to have him do so; he is fully familiar with the subject.

Mr. CURTIS. That information appears in my remarks in the Congressional Record of yesterday, page 21816. I referred to the hearings, where we repeatedly asked that Mr. McCloskey be called; and also I quoted at length from the minority views, beginning at page 21816 of the Record, the middle column, at the bottom, and continuing on the next page.

Mr. SCOTT. Or on page 86 of the report of the Committee on Rules and Administration.

Mr. CURTIS. Yes. We repeatedly asked that Mr. McCloskey be called, but our request was denied. A motion was made to that effect, and the minority was voted down by a vote of 6 to 3.

Mr. HOLLAND. Mr. President, will the Senator yield for another question?

Mr. SCOTT. I yield.

Mr. HOLLAND. Am I incorrect in my understanding of what we heard before, to the effect that the witness, Reynolds, who went into the whole transaction, made no reference to any overpayment in this transaction, and made no reference to such a situation of any sort? I got that definite impression. I have had the impression constantly, from reading the press, that the witness, Reynolds, stated that he had told the committee all that he knew, and gave no indication whatever that he knew of any such item as this, until the distinguished Senator from Delaware produced a copy of the check, which he produced several days ago.

Mr. SCOTT. Mr. President, in order to keep my promise to the Senator from Arkansas [Mr. McClellan], may I at this point yield the floor to the Senator from Arkansas, so that the Senator from Nebraska may answer the question of the Senator from Florida?

Mr. HOLLAND. I should be happy to have any Senator answer it. My strong impression from the press and from what I heard before is that the witness Reynolds had denied any impropriety in this matter, and that no knowledge of the existence of this check, much less any alleged irregularity about it, was within the knowledge of the committee at that time. Am I correct?

Mr. CURTIS. There are two things that ought to be called to the Senate's attention in that regard. One is—at least, this was the understanding of the Senator from Nebraska—that the calling of witnesses in executive session was preliminary in nature, and that the witnesses would later be called in public session. When they were called in executive session first, it was the first attempt to get the facts. We did not know in advance what questions to ask. He certainly never concealed anything. We had expected to ask that Reynolds be called in public session. He was never called. His first testimony, which I regarded as preliminary, was released to the public. He informed the Senator from Delaware [Mr. Williams], that he could not locate the check for more than $100,000. The Senator from Delaware has since received the check and has photostated it.

Also, the public press and other news media have been filled with the request of Mr. Reynolds to be called back and be permitted to complete his testimony of the things he knew about. He was never called.

I should like to have the Senator from Delaware add to that statement anything which will complete the picture.

Mr. HOLLAND. I believe my understanding is substantially correct, from what the Senators have said, namely, that there was no knowledge of the existence of the check and no knowledge of the overage that it contained.

Speaking only as one Senator, it is an affront to the Committee on Rules and Administration, which did not have that knowledge, which knowledge is now available, to withhold from the committee the opportunity now to get the full story and to make a report that will show a clear understanding of what actually happened. I do not blame the distinguished Senator from Arkansas [Mr. McClellan] at all for not wanting to chew the cud of the earlier investigation.

Members of the Rules Committee now have an additional fact, which seems to be admitted by everyone. We have all seen a copy of the check printed in the public press, and there could not be any argument as to its amount. It is a matter of simple justice that the Rules Committee be given the opportunity to go back and find out something which apparently it knew nothing about earlier.

Mr. SCOTT. Let me say to the Senator from Florida——

Mr. HOLLAND. Does the Senator from Pennsylvania have the floor?

Mr. SCOTT. I have tried to yield it. I shall do so after this. I believe no action was taken on the——

Mr. HOLLAND. If the Senator from Pennsylvania does not have the floor, I am glad to yield to him.

Mr. SCOTT. I believe that I have it for the moment.

Let me say to the Senator from Florida that the record not only shows that Mr. Reynolds requested an opportunity to return, but he also stated that there were certain reasons why he wished to return. He stated that there were other matters which he wished to bring to the attention of the committee. The vote was 6 to 3 in deciding not to recall Mr. Reynolds, so the question was pursued no further.

Mr. HOLLAND. I read the Record at the time, and I recall perfectly well—and the Senator can correct me if I am mistaken—that Mr. Reynolds said that he had told the committee all about the matter. It seems to me that the Senator from Pennsylvania, as a member of the committee which took jurisdiction, and should retain jurisdiction, should wish to pursue the question further.

Let me say with complete good humor that if that committee is to be displaced, I believe it would be an affront to displace it by transferring the investigation to another standing committee.

The select committee was set up, as I recall, under the sponsorship of the minority members of the Rules Committee, as a kind of duenna to sit and look and peer over old-fashioned specs and from a crinoline dress at the activities of all the Senate and its employees.

I believe that the select committee would be a much more reasonable place to refer the investigation than to ask the Senator from Arkansas, who has done such a grand job with his Government Operations Committee through the years—everyone respects him for the job he has done, everyone knows he has been thorough, everyone knows his committee goes to the bottom of things—to take over something which has been delved into by the Rules Committee—as to a large part of it—and to act as a substitute to finish the job.

So far as I am concerned, I cannot approve of the resolution.

Mr. SCOTT. I wish to make it perfectly clear that I should like the investigation continued, but that I should like it handled by someone holding a loaded weapon, if necessary, rather than an empty musket.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I am glad to yield to the Senator from Delaware [Mr. Williams].

Mr. WILLIAMS of Delaware. I fully agree with the suggestion made by the Senator from Florida that the select committee be permitted to conduct the investigation.

If he can persuade the majority leader to modify his amendment to instruct the select committee to pursue the investigation, I will withdraw my substitute and then support the amendment of the Senator from Montana.

Mr. MANSFIELD. Mr. President, will the Senator from Delaware yield?

Mr. HOLLAND. Mr. President——

Mr. MANSFIELD. I would have to refuse that request. There are no volunteers on this side of the aisle, so the issue is clear.

The distinguished Senator from Delaware has brought new information before the Senate. The Senate has been asked to act on it in an expeditious manner.

I would hope that the issue would be between the resolution of the Senator from Delaware and the resolution submitted by me.

Mr. HOLLAND. Mr. President, if the Senator will yield one moment further, the clerk of the committee has just handed me a note which states that it was the distinguished Senator from Kentucky [Mr. Cooper], as a member of the Rules Committee, who addressed a question to the witness, Mr. Reynolds. I remember reading the question and answer at the time. I cannot quote it exactly, but the substance of it was to ask whether Mr. Reynolds had any further information pertinent to the inquiry and investigation which he wished to bring to the attention of the committee. My recollection—and the Senator from Kentucky can correct me if he wishes to do so, should I stray—is that the witness, Mr. Reynolds, answered that he had nothing further that was pertinent to the inquiry to add.

Mr. COOPER. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I am glad to yield.

Mr. COOPER. The Senator is absolutely correct. I hasten to add that I did ask him the question whether he had any other evidence to give to us, and he said, "No."

I believe that he did have more evidence. I did not consider him the most credible witness to come before us. But taking into consideration the evidence which he had given us about the McCloskey matter and the payment of $4,000 to Robert Baker, who had taken the fifth amendment, and Mr. McLeod on the House side who had admitted receiving $1,500 from Reynolds. I pointed out, in moving Mr. McCloskey be called as a witness, that these suspicious circumstances demanded that he be heard so that we could secure all the facts.

Mr. HOLLAND. I believe that the intuition of the Senator from Kentucky, as a former distinguished judge with a very fine record, has been borne out as being correct. My hope will be that he will finish it up now as a member of the Rules Committee, by traveling along the path which he apparently suspected was there but which he was not permitted to traverse at that time, by bringing out the actual facts. I hope that the Rules Committee will not have its motives impugned. I hope that the Senate will not adopt a policy of passing this investigation on to another standing committee on a question which now appears not to have been completed—not completed because of the dearth of information then available—so that the standing committee—and it is a highly reputable one—may be permitted to go to the bottom of this matter.

No Senator wishes to see this corpse undisturbed. So far as I am concerned, I hope that all the facts will be brought out; but I say with vigor that I believe the Rules Committee has the jurisdiction, that it has gone a long way in following up its jurisdiction, that it should be permitted to continue and to complete its job, and that its job should not be unceremoniously taken away by turning it over to the Government Operations Committee under the chairmanship of the Senator from Arkansas [Mr. McCLELLAN], merely because he has done a good job on other investigations.

Mr. WILLIAMS of Delaware. Mr. President, I wish the RECORD to show that the Rules Committee was put on notice and that it had been warned that there was an overpayment; yet they did nothing.

Not only was the committee alerted to the possible overpayment, but had the committee been on the job and had it really been eager to get the true facts it could have called Mr. McCloskey.

The majority members of the Rules Committee even now show no enthusiasm to investigate these charges.

Mr. SIMPSON. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SIMPSON. Did the Rules Committee have the same source of the information which came to the Senator from Delaware, which would have enabled it to obtain the evidence which the Senator from Delaware has presented?

Mr. WILLIAMS of Delaware. It had a better source than I did because all the committee had to do was subpena the records of Mr. McCloskey, call him in, and ask him for a copy of the check. Let him testify under oath.

Mr. SIMPSON. May I ask the Senator one further question? I have seen the face of the check. I have never seen the back of the check. Is there any indication as to what was on the back of the check?

Mr. WILLIAMS of Delaware. It was properly signed. The reason I did not release the back of the check is that it would show where it had been intercepted—whether in Mr. McCloskey's office or elsewhere. I did not consider that to be pertinent to the question at all. I shall certainly protect my source of information.

Mr. SIMPSON. I thank the Senator.

Mr. WILLIAMS of Delaware. I appreciate the fact that we did obtain the check.

On July 27 of this year in colloquy on the floor of the Senate with the chairman of the committee, who is now in the Chamber, I made this statement. The Senator from Nebraska [Mr. CURTIS] had just made the point that the minority members of the committee had tried to call Mr. McCloskey for questioning and that the request had been refused by a 6-to-3 vote in the committee.

Here is my statement:

> I concur in what the Senator from Nebraska stated. Mr. McCloskey should have been called. It would have been far better.
>
> There is one other missing link which may have only supported the other testimony or it may have raised other questions. Some of the canceled checks were in the committee hearings and I have them before me.
>
> The committee has also the canceled check by which Bobby Baker got his $4,000. The committee has the canceled check for $1,500 that Mr. McLeod received. But what the committee does not have and which the committee should have and which I hope it will still try to obtain, is a copy of Mr. McCloskey's check to Mr. Reynolds as payment for this stadium insurance. I think it would be very important to have that information.
>
> Mr. JORDAN of North Carolina. I think Mr. Reynolds' record shows what the amount is. The report shows what he paid for the performance bond. But I shall not argue that point.

(At this point Mr. MCINTYRE took the chair as Presiding Officer.)

Mr. WILLIAMS of Delaware. Mr. President, continuing I urged that the committee obtain the check. The record did show a copy of an invoice which Mr. Reynolds had received from Hutchinson, Rivinus & Co., Philadelphia, dated September 13, 1960, and I ask unanimous consent to have that invoice printed in the RECORD.

There being no objection, the invoice was ordered to be printed in the RECORD, as follows:

> HUTCHINSON, RIVINUS & CO., INSURANCE BROKERS, AVERAGE ADJUSTERS, FIRE, MARINE, CASUALTY, LIFE, GROUP, PENSION CONSULTANTS,
> *Philadelphia, Pa., September 13, 1960.*
>
> Re McCloskey & Co., bond No. 4S-40225, the Aetna Casualty & Surety Co., contract for construction of Columbia Stadium, Washington, D.C.
>
> Mr. DON B. REYNOLDS,
> *President, Don Reynolds Associates, Inc., Silver Spring, Md.*
>
> DEAR MR. REYNOLDS: In accordance with instructions from Mr. J. B. McHale, Jr., of this office, we enclose herewith our invoice for the premium of $73,631.28 covering performance bond in connection with the above captioned contract, less commission of $10,031.56, or net owing us of $63,599.72.
>
> Yours very truly,
> ATWOOD H. BENT.

Mr. WILLIAMS of Delaware. In the committee records is a statement which was referred to by the Senator from Kentucky earlier as representing Mr. McCloskey's explanation of this transaction. This appears on pages 2130, 2131, and 2132 of part 25 of the committee hearings. This quotes Mr. W. Ellis Meehan, chief investigator for the committee. Mr. Meehan told the committee that he had interrogated Mr. McCloskey via transatlantic telephone. I ask unanimous consent that this statement as appearing in the committee hearings be printed at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

> Mr. MEEHAN. March 18, 1964, Matthew McCloskey, U.S. Ambassador to Ireland, was interviewed via transatlantic telephone. The phone number is listed. At that time he furnished the following information.
>
> In 1959 or 1960, Mr. McCloskey occupied the position of treasurer of the Democratic National Committee, and in that position had much contact with Robert G. Baker, secretary to the majority. This contact grew out of the relationship, and took the form frequently of unannounced and unscheduled visits to Baker's Capitol Hill office whenever Mr. McCloskey found himself in the city of Washington.
>
> Senator PELL. Could you talk a little louder?
>
> Mr. MEEHAN. He recalls that late in 1959 or early in 1960 he was in Baker's Capitol office at the time, and Baker introduced him to Don Reynolds. Mr. McCloskey stated that this meeting had not been set up, to his knowledge, but it was possible that Baker had arranged for Reynolds to be there, knowing that he, Mr. McCloskey, was coming to his office.
>
> Mr. McCloskey did not recall that any other persons were present at this meeting, but he felt that it was possible that others could have dropped in from time to time. He did not recall that William McLeod, Congressman JOHN MCMILLAN, or any other persons specifically were there. He contended that after Baker introduced him to Reynolds, Baker stated that Reynolds was in the insurance business, and he, Baker, had an interest in this business, also. Baker went on that since he knew Mr. McCloskey was going to bid on a construction contract for District of Columbia Stadium, he wanted to request McCloskey to consider Reynolds when it came

time for the performance bond to be purchased.

Mr. McCloskey stated that later, when he obtained the contract for constructing the stadium, he recalled his conversation and did purchase his performance bond through Don Reynolds. He recalled the approximate total premium paid by him was about $73,000; that, of this amount, about $10,000 was commission for, as he understood it, Reynolds and Baker. Mr. McCloskey said it was his option to purchase this performance bond through anyone he preferred, and there was nothing unusual about this.

He pointed out that he has a son-in-law who has an interest in Hutchinson, Rivinus & Co., Philadelphia, Pa., through which he could have purchased this performance bond, but that his son-in-law has his own contacts and in fact has a very lucrative business there, and needed no help from him.

Ambassador McCloskey stated this is the only operation that could be construed as being business that he has ever been any part of with Robert G. Baker or any other Senate officer or employee.

He further stated that he had never requested any business favors from any Senator, officer, or employee, and had never received any. He concluded by stating he would be glad to be of any help to the present inquiry before the Senate Rules Committee, but that in the light of his minute involvement, he did not think he could be very helpful.

Senator COOPER. It seems to me, in reviewing the testimony that has been heard by the committee, that the testimony Reynolds gave about this transaction, if it is true, is quite damaging. He testified that after being given the business of writing this performance bond by McCloskey, he paid Robert Baker $4,000 in a kind of fake transaction between them, where it appeared there was a note given to Reynolds and that he made a loan to Baker.

I think the significance of McCloskey's testimony would be to see if he knew of this transaction, if it is true, between Reynolds and Baker—if he is connected with it in any way, and why he gave this bond to Reynolds when, as he himself says, his ordinary procedure would have been to give it to his son-in-law, or the company with which his son-in-law is associated. And whether there was any consideration to Baker or any other employee going to his benefit—from Baker going to his benefit.

Senator CLARK. For McCloskey's benefit?

Senator COOPER. Yes. I do not know Mr. McCloskey. I have no interest in this thing.

Senator CLARK. I just asked you.

Senator COOPER. The whole circumstances are rather peculiar. I think anybody would admit that. That is the reason I have suggested that he could be helpful. I have no interest in McCloskey.

Senator CLARK. It is very difficult for me to understand the point of view of my friend, the Senator from Kentucky. It seems to me the whole transaction with respect to Mr. McCloskey is entirely on top of the table. Anybody who has the remotest understanding of the insurance business realizes that it makes not the slightest difference to a contractor who has to get a performance bond, who gets the premium. It makes no difference to him in his financial arrangements whatever.

The fact of the matter is that Hutchinson, Rivinus, a well-known and honorable Philadelphia firm, in which Mr. McCloskey's son-in-law is a partner, are primarily insurance agents. A well-known practice in the insurance business is that a broker writes a bond through an agent, who in turn places the bond with a bonding company. The procedure followed in this case is standard operating procedure.

A man in Mr. McCloskey's position bidding on Government contracts all over the country, very successfully and, I may say, very honorably, naturally wants to give brokerage commissions to various people around town—Washington, Los Angeles—wherever it may be, who are friendly to him.

Mr. McCloskey was for years not only the treasurer of the Democratic National Committee, but the chief fundraiser for the Democratic Party in Pennsylvania. I have no doubt in the course of those activities he gave scores of brokerage commissions to scores of interested Democrats. It seems to me there is nothing in the slightest degree unusual that he should give this brokerage commission to Mr. Reynolds when Mr. Baker asked him to.

I think it is really looking for needles in a haystack to seriously suggest, in view of the very candid statement which Mr. McCloskey has made, that he should be called to testify before this committee.

Mr. WILLIAMS of Delaware. Mr. President, I shall read one paragraph of Mr. Meehan's testimony. It reads:

> Mr. McCloskey stated that later, when he obtained the contract for constructing the stadium, he recalled his conversation and did purchase his performance bond through Don Reynolds. He recalled the approximate total premium paid by him was about $73,000; that, of this amount, about $10,000 was commissioned for, as he understood it, Reynolds and Baker. Mr. McCloskey said it was his option to purchase this performance bond through anyone he preferred, and there was nothing unusual about this.

Here Mr. McCloskey is confirming the same figure which is in the invoice that was sent to Mr. Reynolds by Hutchinson, Rivinus & Co. Under date of November 4, we find—and the committee has this information—a canceled check by Don Reynolds & Associates, by Don B. Reynolds, to Hutchinson, Rivinus & Co. This check represented payment to them of $63,599.72.

Then on July 7, 1960, there was filed in the District office in Washington a performance bond on the stadium contract. I have a copy of it here, and it is available to anyone who desires to get it. The bond is dated June 18, 1960. It was submitted to the District Government on July 7 by Mr. McCloskey, and on the last page is shown the amount of premium on this bond as $73,631.28.

On September 14 there was a letter signed by Mr. Don Reynolds to Mr. Matthew McCloskey. It reads:

> DEAR MATT: Enclosed is invoice as agreed. Please authorize payment at your earliest convenience.

It is signed "Don Reynolds."

Mr. LAUSCHE. Mr. President, will the Senator from Delaware reread the contents of that letter?

Mr. WILLIAMS of Delaware. "Enclosed is the invoice as agreed."

Mr. LAUSCHE. Do the words "as agreed" imply conformance with the amount that was to be paid as premium for the bond, or does it imply an understanding that there would be a larger amount paid than indicated on the invoice for the premium on the bond and the amount set forth in the bond?

Mr. WILLIAMS of Delaware. Mr. Reynolds gave a statement which I placed in the RECORD last week. Mr. President, I ask unanimous consent that Mr. Reynolds' answer in that connection be printed at this point in the RECORD. It shows that there was significance to this phrase "Enclosed in the invoice as agreed."

There being no objection, the answer was ordered to be printed in the RECORD, as follows:

> Sometime subsequent to this breakfast meeting which Bobby had arranged with Mr. McCloskey, Bobby telephoned me and told me that I should personally bill Mr. McCloskey, and Bobby gave me instructions as to the amount. He said that I should direct the communication marked "personal and confidential" to Mr. Matthew McCloskey. The amount given to me by Bobby was $109,205.60. I complied with the instructions that Bobby gave me. Along with the statement submitted to Matt McCloskey I enclosed a note stating that I was enclosing invoice as agreed.

Mr. LAUSCHE. The query is whether the check was in conformance with the agreement. What was the agreement?

Mr. MANSFIELD. That is what the committee can find out.

Mr. LAUSCHE. But it indicates the gravity of this matter. Those words belie everything else that was said prior to that time. And it shows that there was an agreement.

Mr. WILLIAMS of Delaware. I shall read again Mr. Reynolds' explanation of this transaction. This is Mr. Reynolds' explanation as to why the bill to Mr. McCloskey was for $109,205.60 instead of for $73,631.28, which was the actual cost.

Mr. Reynolds said:

> Sometime subsequent to this breakfast meeting which Bobby had arranged with Mr. McCloskey, Bobby telephoned me and told me that I should personally bill Mr. McCloskey, and Bobby gave me instructions as to the amount. He said that I should direct the communication marked "personal and confidential" to Mr. Matthew McCloskey. The amount given to me by Bobby was $109,205.60. I complied with the instructions that Bobby gave me. Along with the statement submitted to Matt McCloskey I enclosed a note stating that I was enclosing invoice as agreed.

Mr. President, next I ask unanimous consent that a copy of the invoice which Mr. Reynolds sent to Mr. McCloskey for this insurance be printed at this point in the RECORD. The invoice is in the amount of $109,205.60.

There being no objection, the invoice was ordered to be printed in the RECORD, as follows:

INVOICE FROM DON REYNOLDS ASSOCIATES, INC.

Date: September 12, 1960.
To: McCloskey & Co., Philadelphia, Pa.
Company: Aetna Casualty.
Property and coverage:

Performance and completion bond (general liability)	$14,198,000
Premium total	109,205.60

Mr. CASE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CASE. Would the Senator also have printed in the RECORD the letter that transmitted the invoice?

Mr. WILLIAMS of Delaware. I have just read the letter in the RECORD.

Mr. CASE. Is the letter already in the RECORD?

Mr. WILLIAMS of Delaware. Yes, and I have also inserted the $109,205.60 invoice in the RECORD. This is the invoice under which Mr. Reynolds boosted the figure to $109,205.60. This invoice is dated September 12, 1960.

Mr. President, the check which was sent to Mr. Reynolds by McCloskey & Co., 1620 Thompson Street, Philadelphia, was dated October 17, 1960. The check is drawn on the Chase Manhattan Bank of New York, payable to Don Reynolds Associates, Inc. The check is in the same amount as is Mr. Reynolds' invoice—$109,205.60. This is the check that was in payment of the invoice for the performance bond which Mr. McCloskey had described to the committee as having cost around $73,000. This is significant. I read again from the hearings of the Committee on Rules.

This is the committee's own investigator speaking:

> Mr. McCloskey stated that later, when he obtained the contract for constructing the stadium, he recalled his conversation and did purchase his performance bond through Don Reynolds. He recalled the approximate total premium paid by him was about $73,000; that, of this amount, about $10,000 was commission for, as he understood it, Reynolds and Baker. Mr. McCloskey said it was his option to purchase this performance bond through anyone he preferred, and there was nothing unusual about this.

Mr. Reynolds in his testimony before the committee, in outlining where the $10,000 commission went, said that he paid $4,000 to Mr. Baker as a kickback for his assistance in arranging to get the stadium bill passed. Mr. Baker, when questioned, took the fifth amendment. Mr. Reynolds said that he gave $1,500 to Mr. McLeod, one of the staff men in the House Committee on the District of Columbia, who likewise had assisted in getting this bill passed. Here were direct charges that these were kickbacks to these Government employees. He made no bones about the fact that what he had done was wrong. He was not trying to excuse his part of the transaction. Mr. Reynolds said he knew he had done wrong. Mr. Reynolds has asked repeatedly for an opportunity to appear at a public session. It was well known that he had additional information, but the committee rejected his request, and frankly they were rather harsh with him. There seemed to be a rather organized movement by the administration to discredit him as a witness. Someone in the administration leaked what the columnists described as confidential material from his personnel file. What were they afraid of? Mr. Reynolds came to my office and said there was overpayment on the performance bond. He said he had collected above the amount which it should have been. He said, "I do not have the exact amount. I did not keep the records. If you can get that check or get the committee to get the check I can reconstruct it from there."

What more could the man offer?

It was on that basis that I again in my remarks of July 27 suggested to the chairman of the Committee on Rules and Administration that he should get Mr. McCloskey's check and follow the transaction through to see whether there was an overpayment. I recognized that if Mr. McCloskey could produce a check for $73,000, then Mr. Reynolds' allegations were wrong. On the other hand, if it were found that Mr. McCloskey's check was for somewhere in the neighborhood of $100,000, then certainly there was an explanation forthcoming as to the overpayment.

The Rules Committee just ignored this allegation. It did take me a little time to get this check; however, I did obtain the check sometime during the week of August 15. As soon thereafter as I was able to do it I reconstructed the transaction and reported it to the Senate.

Mr. President, I have already asked that a part of Mr. Reynolds' statement be printed in the RECORD. He not only outlined his part in the conspiracy to raise the amount for the purpose of getting the money into Washington, but as he stated, it was his understanding that it was to go to the Democratic campaign fund. Mr. Reynolds explained why he was reluctant to present this to the committee and why he had not disclosed it earlier, and at this point I ask unanimous consent that Mr. Reynolds' statement explaining this transaction be printed in the RECORD.

There being no objection, the statement by Mr. Reynolds was ordered to be printed in the RECORD, as follows:

> There may be a question asked as to why I had not brought out this information before. The reason is that although I knew the story I was not in a position to prove it and I had to bide my time until others could help me obtain the necessary documentation.
>
> I had hoped that the Senate Rules Committee would have provided this cooperation and assistance. It had been my intention to call this to their attention and ask their assistance in getting certain documents; however, after my official interview with Major McLendon and the ex-FBI agent who tried to intimidate me in his questioning I decided otherwise. For example, when he asked me who discussed the purchase of television advertising space with me and I stated that Walter Jenkins and Walter Jenkins alone had, he, the interrogator, thereupon threw a book on the floor and in a boisterous manner informed me that I did not discuss this with Walter Jenkins, that I had discussed it with Bobby Baker. At this point I became somewhat reluctant to discuss openly anything further, knowing that his attitude was more toward defending certain people than toward ascertaining the real facts of the case. At two subsequent appearances before the Rules Committee I soon learned that the majority of that committee was more interested in discrediting me as a person and as a witness than it was in developing the actual facts of the case.
>
> Having established a personal contact with Senator WILLIAMS and having apprised the Senator of the general circumstances surrounding these irregularities I asked for his help in obtaining such documentation as we could to substantiate my statements regarding excess payment on the stadium bond. In order to do this it was necessary to get a copy of the check issued by Mr. McCloskey. In some manner Senator WILLIAMS was able to obtain a photostatic copy of the $109,205.60 check McCloskey & Co. had issued to me, and with this information I was able to put together the composite picture of this highly irregular transaction. Once I had evidence of this check I then felt free to furnish the additional information which would show how the money had been distributed.
>
> It was during the latter part of the week ending August 15, 1964, that Senator WILLIAMS called and informed me that he had obtained a photostatic copy of the check issued to me by McCloskey & Co., and an appointment was set for me to meet him in his office on Monday night, August 17. At that time he showed me a copy of the check, and I verified it as being the check and my endorsement on the back of the check.

Mr. WILLIAMS of Delaware. Mr. President, all this information was available to the committee. Mr. Reynolds stated that the reason he had not disclosed the information earlier was that he had come to the conclusion that the committee was not so much interested in developing the facts as to these irregular transactions as it was in persecuting him. Whether he was right or wrong in that assertion, that was his conclusion, and frankly I am not sure but that he was right. He said that he would not proceed until the check was procured because without the check his charge could not be proved.

I repeat that the Committee on Rules and Administration was on notice that there may have been an overpayment. My statement of July 27 was adequate notice to anyone who was really interested in getting the facts. The majority members of the Rules Committee just did not want the facts.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. The Committee on Rules and Administration is made up of nine members. Is that correct?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. LAUSCHE. Six members on the committee are Democrats and three are Republican?

Mr. WILLIAMS of Delaware. That is correct.

Mr. LAUSCHE. To obtain the presence of a witness or the introduction of testimony, when a challenge is made, a majority vote of a quorum is required?

Mr. WILLIAMS of Delaware. That is the rule under which the committee operates. That is where the trouble developed.

Mr. LAUSCHE. If nine members of the committee were present, such action would require five affirmative votes.

Mr. WILLIAMS of Delaware. That is correct.

Mr. LAUSCHE. It is the position of the Senator from Delaware that he desired to have McCloskey called to explain the situation and that call was not made.

Mr. WILLIAMS of Delaware. Yes, and the Senator from Kentucky [Mr. COOPER] made the request. I am not a member of the committee. The Senator from Kentucky made a motion at least once, and perhaps two or three times, that Mr. McCloskey be called as a witness. All I did was to make a suggestion, because that is all I was in a position to do.

Mr. LAUSCHE. So if the resolution which would refer the investigation back to the Committee on Rules and Administration were agreed to, the rule that a majority vote would be needed to procure the mandatory presence of a witness would still prevail, and the committee would still be made up of six Democrats and three Republicans?

Mr. WILLIAMS of Delaware. That is correct. No witness could be called without the agreement of the majority.

I regret that this discussion has developed into a political atmosphere. I have never felt that either political party has a monopoly on good men. Both parties have equally honest men. I respect the Democratic Party as being composed of men who are just as honest and law-abiding citizens as are any members of the Republican Party.

No political party has a monopoly on virtue.

I am not unmindful of the fact that there have been scandals before. In the 1920's there was the Teapot Dome scandal. That happened in a Republican administration. I regret it. But I would resent anyone using that scandal as a background for charging that all Republicans are dishonest. I would resent any such blanket indictment. By the same token I would resent any such blanket indictment being made in the present instance against the members of the Democratic Party. I think we should proceed on the premise that there are as many honest men in one political party as in the other. But I am also very proud of the fact that at that time President Coolidge took steps which I think would be very much in order today. After the question of irregularities was called to the attention of President Coolidge he immediately appointed two men—Owen J. Roberts and Atlee Pomerene, one a Democrat and a former member of the U.S. Senate and one a Republican and a former judge. He conferred upon those two men, one from each political party, the responsibility of cooperating with a committee in the Congress under the chairmanship of Senator Wheeler, who also was a Democrat investigating a Republican administration. President Coolidge instructed these two men to cooperate with the Senate committee and to make available all the information from any agency and to prosecute everyone they found who had been doing something wrong.

As a result, a member of the President's own Cabinet was sent to the penitentiary.

I have not raised this point before, but now that the question has come up I will state that I believe the proper procedure now would be to entrust the proposed investigation to a strictly bipartisan committee composed of an equal number of Members on both sides of the aisle. It would be a committee such as the recently authorized select committee. That committee could then pursue all the facts and develop the information that we have, regardless of whether it finds a man on my side of the aisle or the other side of the aisle involved. The case should be approached from a bipartisan angle. We should proceed on the premise that we are looking for the facts and not trying to indict anyone on the basis of political affiliation—nor will anyone be cleared on that basis.

Mr. CASE. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CASE. I thank the Senator. I agree with the Senator that the best course would be to refer the question to the select committee which will be created by the amendment to our rules which was adopted on the motion of the Senator from Kentucky [Mr. Cooper].

I understand the reason why the Senator from Delaware has not made such a motion. In the present motion he is making, he is responding to what he understood to be the suggestion of the majority leader that one of the committees to which the investigation might be referred is the Committee on Government Operations.

I shall support his motion. But believing that the select committee would be the best committee to which the matter should be referred, if the motion of the Senator from Delaware fails, I shall then offer—and the Senator from Delaware has agreed to be a cosponsor at that time, under those circumstances—an amendment to refer the proposed investigation to the select committee mentioned. I thank the Senator.

Mr. WILLIAMS of Delaware. I thank the Senator. I agree that such an approach would be the proper procedure. I do not believe we should be investigating on a partisan basis either in this instance or in some future instance which may develop where there may be similar circumstances that need investigating. Any investigation involving employees or Members of the U.S. Senate should be done on a strictly bipartisan basis.

Mr. MANSFIELD. Mr. President, the issue is clear. The distinguished Senator has presented the Senate with new evidence. The Senate now has a choice. I hope we can reach a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware [Mr. Williams] to the resolution of the Senator from Montana.

Mr. McCLELLAN. Mr. President, I wish to make an observation. I believe that the question ought to go back to the Committee on Rules and Administration, and that committee should take up where it left off if the facts justify and warrant such a course.

There has been some question about calling witnesses. The Committee on Rules and Administration is an arm of the Senate. A majority may vote not to call a witness or to call witnesses, as the case may be. But I remind the Senate that if there is a witness whose testimony the Senate wishes to hear and have recorded under oath, it can by resolution direct its committee to call such a witness and take his testimony. So there is no reason to say that a witness cannot be called. If testimony is pertinent, and the Senate thinks it is pertinent, at any time a witness is not called and is not heard and a full investigation is not made, the Senate has the power to adopt a resolution directing that such a witness be called and interrogated. I am sure I am right about that. A committee is an arm of the Senate. The Senate has just as much power and authority to do that as it does to direct a committee to conduct an investigation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware [Mr. Williams] to the resolution of the Senator from Montana. On this question, the yeas and nays have been ordered.

Mr. McNAMARA. Mr. President, much has been said about the composition of the committee—six Democrats and three Republicans. Some dissatisfaction has been expressed in respect to that. I believe the Record should show somewhere along the line that the voters of the United States decide the makeup of the Senate, and the Senate then decides the makeup of the committees. I am not about to change the will of the people of the United States. They have decided that we have a majority and a minority, and sometimes they switch. But under the existing conditions I believe we ought to maintain the ratio of 6 to 3 in the Committee on Rules and Administration. I believe it would be a terrible affront to the Committee on Rules and Administration to take the investigation away from that committee.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield the floor.

Mr. SIMPSON. Mr. President, I wonder if the Senator and the people of the United States might not believe that sweeping an investigation such as the Baker investigation under the rug resulted by virtue of their having made a mistake in their voting upon their representatives in the Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. Williams] to the resolution. On this question the yeas and nays have been ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the question now before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. Williams] to the resolution offered by the Senator from Montana [Mr. Mansfield]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Pennsylvania [Mr. Clark], the Senator from Louisiana [Mr. Ellender], the Senator from Louisiana [Mr. Long], the Senator from Georgia [Mr. Russell], the Senator from Ohio [Mr. Young], and the Senator from Georgia [Mr. Talmadge] are absent on official business.

I also announce that the Senator from Alabama [Mr. Hill] and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from Washington [Mr. Jackson], the Senator from Wyoming [Mr. McGee] and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Louisiana [Mr. Ellender], the Senator from Washington [Mr. Jackson], the Senator from

Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], and the Senator from Georgia [Mr. RUSSELL] would each vote "nay."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Ohio would vote "Yea," and the Senator from Pennsylvania would vote "Nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The result was announced—yeas 37, nays 50, as follows:

[No. 567 Leg.]

YEAS—37

Aiken
Allott
Beall
Bennett
Boggs
Byrd, Va.
Carlson
Case
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Fong
Hickenlooper
Hruska
Javits
Jordan, Idaho
Keating
Kuchel
Lausche
Mechem
Miller
Morton
Mundt
Pearson
Prouty
Robertson
Saltonstall
Scott
Simpson
Smith
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—50

Anderson
Bayh
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Church
Dodd
Eastland
Edmondson
Ervin
Fulbright
Gore
Gruening
Hart
Hartke
Hayden
Holland
Humphrey
Inouye
Johnston
Jordan, N.C.
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Salinger
Smathers
Sparkman
Stennis
Symington
Walters
Williams, N.J.

NOT VOTING—13

Bartlett
Clark
Ellender
Goldwater
Hill
Jackson
Kennedy
Long, La.
McGee
Russell
Talmadge
Yarborough
Young, Ohio

So Mr. WILLIAMS' amendment in the nature of a substitute was rejected.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Chair, under a previous unanimous-consent agreement, recognizes the Senator from Nebraska.

AN OPEN LETTER TO ROBERT E. McLAUGHLIN, CHAIRMAN, REPUBLICANS FOR JOHNSON

Mr. CURTIS. Mr. President, yesterday there appeared in the three Washington newspapers a distorted, false, and vicious charge against the distinguished Senator from Arizona [Mr. GOLDWATER].

This vicious advertisement purported to be published by a group alleged to be Republicans for Johnson. Its chairman is one Robert E. McLaughlin. I shall read to the Senate an open letter I have written to Mr. McLaughlin. It reads as follows:

DEAR MR. McLAUGHLIN: Your advertisement in yesterday's Washington Post comes as no surprise to any true Republican. You were opposed to Senator GOLDWATER long before he was an announced candidate for the Republican nomination, yes, long before there was any basis to attack him for the alleged reasons set forth in your advertisement. These are not the real reasons—they are merely rationalizations; they are not the cause of your hostility, they are merely the occasion for it. Had they not existed, even in the garbled and totally misleading form in which you stated them, you would have found others to justify your opposition.

The truth is that you are the kind of Republican who follows the strategy of "rule or ruin," a strategy which is the hallmark of the liberal left who have acquired great skill in that kind of strategy. If your point of view cannot dominate the Republican Party, you would prefer to see it destroyed. How striking is the contrast with Senator GOLDWATER who, whatever his differences with other Republican leaders, always remained a loyal party worker who gave all of his time and energy to supporting every Republican candidate regardless of differences in political viewpoints.

Where were you, Mr. McLaughlin, when the radical left in the early years following World War II were demanding that our atomic military secrets be turned over to Communist Russia? Where is that same radical left in this Presidential campaign?

Where were you, Mr. McLaughlin, when your candidate for the vice-presidency, Mr. HUBERT HUMPHREY, stated in 1950 in the Progressive magazine, a socialist publication, "The United States should stand ready to turn over its stockpile of destruction to the U.N. as part of an international agreement for a police force to maintain world peace"?

Mr. Lyndon Johnson personally selected Mr. HUBERT HUMPHREY, a long-time official in the Americans for Democratic Action, for a running mate, thereby embracing Mr. HUMPHREY's viewpoint.

I am curious about the source of that advertisement. Are you ready to declare upon oath that you drafted the text yourself? Are you willing to reveal its author? Did the ADA, that instrument of the "radical left," have anything to do with it?

Why do you adopt the distortions that have been used by a hostile press to misrepresent the views of Senator GOLDWATER? You are perfectly aware that he has never advocated dropping "atomic bombs * * * on Chinese supply lines in North Vietnam," nor issuing such bombs to NATO troops, nor authorizing some "nameless commander" in the field to drop the first atomic bomb. These are merely the mouthings of the "radical left."

You are prepared to swallow President Johnson despite the unfinished business of the Bobby Baker scandal, the Billie Sol Estes connection, and the mystery of a $14 million fortune built up from nothing at all by a man who has spent his entire adult life in government service and public office. You, Mr. McLaughlin, were President of the Board of Commissioners and hence directly involved in the construction of the District of Columbia stadium. What can you tell the Senate about Matt McCloskey and Bobby Baker?

I might ask, Could it be possible that Lyndon Johnson has McLaughlin under his thumb?

Your advertisement carries a list of quotations from Senator GOLDWATER under the caption "Extremism on Parade." Have you ever publicly protested the extremism of the ADA and the liberal left? I do not recall ever hearing you condemn the ban-the-bombers and the unilateral disarmers, who are committed to an extremist doctrine of total anarchic pacifism in the face of an enemy armed to the teeth, and who engage in sitdowns, disruption of defense operations, who call for violation of the draft laws and refusal to obey military orders.

When have you spoken out against groups who publicly call for support of Castro, the Vietcong, the Pathet Lao and other enemies of the United States busily killing Americans and striving to destroy our Nation? Do you raise your voice against groups which openly call for and practice civil disobedience, block public highways, prevent the public magistrates from entering their offices, and rouse the dregs of the cities to mass violence, looting, and arson? In supporting the Johnson-Humphrey ticket aren't you approving the Democratic platform which condemned as extremists certain specified groups by name and hence gave its stamp of approval to organizations not named in the indictment such as I have described above?

You ask if Senator GOLDWATER's record is in the mainstream of the Republican Party's political philosophy. The answer to that is plain for all who stop and read. No one, regardless of party, challenges the accuracy of the political record-keeping which appears in the publication the Congressional Quarterly. Let us see what its tabulations reveal about Senator GOLDWATER's posture within the Republican Party.

The party unity scores kept by Congressional Quarterly measure the percentage of times a member of the House or Senate voted with the majority of his party on roll call votes. In the 83d Congress Senator GOLDWATER's unity score was 89 percent against an average of 87 percent for all Republican Senators. In the 84th Congress his score was 81 percent as compared with a 73 percent average for all the Republican members of the Senate. Again, in the 85th Congress his score was 70 percent, while the Republican average was 66 percent and only in the 86th Congress was he slightly below the party average of 69 percent with a unity score of 67 percent. And finally, in the 87th Congress, Senator GOLDWATER scored 76 percent, well above the party average of 67 percent.

Does this record sound like a Republican outside the mainstream of his party? No, it merely confirms my conviction that the liberal leftist mentality selects the few issues among many which it regards as important, and if it cannot compel acceptance of its views on those issues, prefers to destroy the party rather than see its own views rejected or even subordinated by the party majority.

I would like to call your attention to one passage in your advertisement which lets the cat out of the bag. It clearly reveals that your antagonism to Senator GOLDWATER really has very little to do with the reasons given for your hostility. In it you refer critically to his reply to a question in which he states that he believes in a policy of "brinkmanship."

If I remember correctly, "brinkmanship" was a policy publicly and boldly asserted by the late John Foster Dulles, Secretary of State under President Eisenhower, with the full approval of Ike himself. I do not recall that you bolted the Republican Party and supported President Eisenhower's Democratic opponent in any presidential election. I cannot even recall that you threatened to do so. So when you attack BARRY GOLDWATER on that score, it obviously cannot be the true reason. Hence, the inference is plain and I leave it to both my fellow Republicans and fellow Americans to draw it.

In conclusion, may I remind you that those who ignore the lessons of history are bound to repeat the errors which history records. In the 1930's after Hitler's rise to power, England, the leader of the Western coalition, lulled itself to sleep in the face of the approaching danger. Like BARRY GOLDWATER today, only one prominent British voice sought to awaken England from its perilous slumber. Winston Churchill recognized the nature of the enemy and the almost complete state of unpreparedness in which Great Britain slept. But no one listened, and those who heard castigated him as an

> alarmist, a warmonger, an irresponsible politician. But history proved Churchill right.
>
> BARRY GOLDWATER presents no danger of hurling us into war. To the contrary, if we listen to him, if we recognize as he does that Communism is bent on our destruction, if we prepare our defenses as he recommends, war will be averted. I pray that America will not delay in listening to BARRY GOLDWATER's warnings, that it will not repeat England's error in ignoring Winston Churchill until it was too late to avert a war which English lack of resolution not only invited but made inevitable.
>
> Sincerely yours,
>
> CARL T. CURTIS.

Mr. President, the political advertisement to which I referred in the foregoing letter was published in three Washington newspapers. Calls to the advertising departments of the Washington newspapers brought these figures:

Post	$2,793.36
Star	2,719.20
News	2,210.00
Total	7,722.56

I think that Mr. McLaughlin should say where each and every dollar of this expenditure truly and actually originated.

Mr. President, within the past few days, an interesting article about this liberal Americans for Democratic Action group and its Johnson-Humphrey ticket was written by Lee M. Cohn and published in the Washington Evening Star. I wish to read a portion of that article.

> These are happy, proud, busy days for the earnest liberals of Americans for Democratic Action.
>
> Senator HUMPHREY, ADA's favorite son, is the Democratic candidate for Vice President.

The article also says:

> ADA has formally endorsed the Democratic ticket, as it always does, and is waging an enthusiastic campaign.
>
> It is a very special campaign to the ADA, which sees it as a showdown between liberals and conservatives.

Reading on:

> Now, however, ADA supports President Johnson enthusiastically.

It also says:

> ADA leaders explain that they now like Mr. Johnson because he has changed.

An item of real significance in this article is in this paragraph:

> ADA also accepts as evidence of Mr. Johnson's liberalism his selection of Senator HUMPHREY as his runningmate. Senator HUMPHREY was a founder and until recently, a vice chairman of ADA. For years he has been one of its most active members.

Also, Mr. President, I shall read three other paragraphs from this article:

> ADA has an annual spending budget of about $150,000 raised mainly through membership dues, individual contributions, and donations by labor unions. Union donations totaled $27,000 last year.
>
> ADA's dominant concern now is the presidential election. Chapters are busy with State and local elections.
>
> Aside from that, the organization now is concentrating on such issues as reform of congressional rules and procedures, civil rights, and disarmament.

Mr. President, it is clearly established that the ADA is out to disarm the country. Instead of openly opposing the policy of peace through firmness and strength, which was pursued successfully all through the Eisenhower administration, and which will be pursued if Senator GOLDWATER is elected, the ADA'ers resort to falsification, misstatements, and fear.

IDEOLOGY AND THE POLITICS OF SURVIVAL

Mr. FULBRIGHT. Mr. President, I should like to correct one of the less important of the Republican presidential candidate's recent misunderstandings.

According to an article published in today's Washington Post, the Senator is under the impression that I called him a Communist in my speech to the Senate on September 8.

I should like to reassure the Republican nominee on this point. I do not now and never have thought of him as a Communist. Indeed, on past occasions I have expressed my absolute certainty that the striking similarity between some of Senator GOLDWATER's views and views held by Chinese Communists and Russian Stalinists is entirely coincidental.

I should further like to have the Republican candidate know that I have as unshakeable a faith in his dedication to our country as he has in mine.

I might add that I believe the recent statement made by the Republican nominee that President Kennedy's action in the missile crisis with Cuba was deliberately delayed until shortly before the election, in order to influence that election, is a gross libel upon a great man who is not here to defend himself.

It is most unfortunate that political vituperation is carried to such an extent.

Mr. President, in a recent national political campaign, one of the candidates often concluded his speech with a declaration that he would do "what is good for America."

Exactly what might be good for America he did not say. He was elected.

Today, Americans are still concerned with what is good for America and surely survival is included.

In the nuclear age, as Aldous Huxley wrote, we must concern ourselves with the "politics of survival." We must look beyond ideology and beyond nationality to the requirements of survival in the nuclear age. To do this, we must try to understand the traits of human nature which are common to all men, the hopes and fears and prejudices and ambitions that have nothing to do with ideology and everything to do with humanity. We must try to understand that God did not endow any nation with a monopoly of virtue or of malice. We must try to understand that our view of the world is not always moral and wise, and that the view of our adversaries is not invariably evil and corrupt. We must try to temper our judgments about the world by an active awareness that men, including Russians and Americans, are endowed with a considerable capacity for misconception and self-deception.

We must recognize that certain political labels and political symbols have sharply different meanings for different people and that out of these differences unnecessary misunderstandings and conflicts are spawned. We Americans are puzzled, for example, by the widespread disrepute abroad of "capitalism," which to us means individual initiative, socially responsible private enterprise, and high productivity. "Socialism," on the other hand, has the meaning to most Americans of regulation, regimentation, inefficiency, and a general loss of freedom. Indeed, in the minds of many Americans socialism is equated with communism, although in the minds of some of our allies such as Great Britain, the Netherlands, and particularly the Scandinavian democracies there is no such equivalent. How can it be, we Americans wonder, that so much of the world is opposed to capitalism with its obvious benefits and in favor of socialism with its obvious defects.

The answer, in part, is that these words have a substantially different meaning in many parts of the world, referring to substantially different conditions from those prevailing in the United States. A recent research report of the U.S. Information Agency shows that in much of the world "capitalism" means to the people not individual initiative but ruthless exploitation and that "socialism" carries the meaning not necessarily of government ownership but simply of policies supporting the welfare of the common people—policies not unlike many that are carried on by the U.S. Government. Most Americans, of course, are opposed to exploitation and in favor of human welfare, but owing to nothing more than the different meanings of the term "capitalism" and "socialism," we sometimes find ourselves opposing governments which are pursuing human welfare policies that we would not object to but for the fact that they are called "socialism." Many foreigners, in turn, failing to understand the meaning of "capitalism" as it is practiced in America, attribute to the United States a high degree of exploitation by greedy oligarchies and grave deficiencies of social justice.

I do not suggest that there are no important differences between "capitalism" and "socialism." On the contrary, I suggest that the substantive differences between two different concepts of economic organization are great enough without being compounded by purely semantic differences. I further suggest that there are overlapping areas between "socialism" and "capitalism" that bring elements of each into the practice of the other. I further suggest that this overlap is not necessarily a bad thing, that "socialists" and "capitalists" can even learn something from each other about promoting human welfare.

Most of all, I suggest that the differences between "socialism" and "capitalism," the real as well as the semantic differences, do not come near to justifying the kind of reckless ideological crusade called for by the Goldwater Republicans. I suggest again, as I have many times, that it is not "socialism" or "communism" or any set of beliefs in itself that threatens the free world but the efforts of the Soviet Union and other

Communist states to impose these beliefs on other nations. The danger to the free world, in short, is not Communist ideology but Communist aggression.

A foreign policy which takes some cognizance of the realities of human nature will recognize that rewards as well as threats are a useful device in discouraging Communist aggression. In a study of deterrence of a few years ago, the psychologist Thomas Milburn pointed out that the threat of punishment, though often effective in inhibiting aggression, leaves the underlying motivation unchanged and may in fact generate a stronger impulse to strike out when the threat is removed or seems to be removed. Reward, on the other hand, reinforces responsible behavior and a more favorable attitude toward the one who gave the reward. Deterrence, says Milburn, thus can take positive as well as negative forms—referred to by Jerome D. Frank, M.D., in "Contributions of Behavioral Scientists Toward a World Without War," presidential address, American Psychopathological Association, February 28, 1964.

In its positive form a policy of deterrence can help bring about new and favorable situations. In this sense, our recent improvement of relations with Rumania may be regarded as a reward for Rumania's growing independence of Soviet control and as a positive deterrent to a backsliding toward internal Stalinism and subservience to Moscow. Indeed, one can conceive of a pattern of selective acts of positive deterrence designed to encourage greater independence among the Communist countries of Eastern Europe.

The Goldwater Republicans might regard such a policy as "appeasement." It is more nearly one of limited "liberation," far more so, indeed, than the grandiose pronouncements of John Foster Dulles or Senator GOLDWATER's call for subversion and rebellion in Eastern Europe.

The overriding challenge of our time is to reduce and perhaps eliminate the challenge of nuclear war. For this purpose we can draw to great advantage on our general understanding of human nature and specifically on concepts developed by psychiatrists and psychologists. To those, like Senator GOLDWATER, who believe that it is cowardly and immoral to make the avoidance of nuclear war a preeminent goal of our foreign policy, I commend the words of the distinguished psychiatrist Dr. Jerome D. Frank, who writes that:

> If there is any such thing as immorality, it is certainly immoral to plan to kill millions of people immediately, to condemn millions of others to a lingering, horrible death infinitely worse than death in a gas chamber and to blight future generations for centuries to come. Tamerlane, Genghis Khan, and Hitler could exterminate whole peoples without violating their own moral standards, but a society that values the worth of the individual cannot defend itself by these tactics without destroying its own moral basis, even if some remnant should survive. (Jerome D. Frank, M.D., "Group Psychology and the Elimination of War," International Journal of Group Psychotherapy, January 1964, pp. 47–48.)

The elimination of war, Dr. Frank points out, requires the substantial modification of existing standards which justify war and the development of alternative methods of defending a society, methods that are compatible with the nuclear age. First, we must recognize that absolute national sovereignty is a dangerous anachronism, that no nation can pursue what it considers its "vital interests" without regard to the "vital interests" of other nations. Second, we must recognize that the idea of a "just war"—the belief that war is morally justified when it is waged for a noble cause—is a dangerous absurdity in the nuclear age. Third, we must break through the widespread illusion—so liberally encouraged by the Republican candidate for President—that there is a direct equation between courage and the willingness to use force.

Breaking the link between courage and the use of force is perhaps the most important psychological requirement for reducing the threat of nuclear war. To the extent that force is equated with courage, then disarmament, compromise, and negotiated settlements carry overtones of weakness and cowardice. Dr. Frank writes:

> Much of the psychological impetus for resort to violence to settle disputes seems to be in each side's fear of appearing afraid to itself or to the adversary. Nations, like individuals, respond to threats by threats and to violence by violence, at least partly to convince themsleves and their opponents that they cannot be intimidated. (Ibid., p. 43; "Contributions of Behavioral Scientists Toward a World Without War," p. 18.)

The equation of courage with force is one of the themes of Senator GOLDWATER's campaign. Again and again he exhorts the Nation not to be "afraid" to risk nuclear war, as if it were craven and dishonorable to wish to avoid the incineration of a hundred million Americans, to say nothing of hundreds of millions of human beings in other countries including Russia. When he speaks of courage in these terms, Senator GOLDWATER is trying to apply the ethics of a college football game to a contest involving the survival of the human race. The rules he purports to apply were cut out for a different league altogether, and so, one suspects, was the Republican candidate himself.

Woodrow Wilson once said that there is such a thing as a nation being too proud to fight. There is also such a thing—and it is greatly to be encouraged—as a nation being sure enough of its own strength and confident enough of its own courage not to have to prove them by bluster and bellicosity, by responding to every annoyance as if it were an intolerable affront and to every provocation as if it were an all-out attack. A mature nation, like a mature man, does not need to prove its courage by boastfulness and display. It knows that it is strong and it knows that courage and the use of force are not identical, that, on the contrary, there is no greater cowardice than the bullying use of force and no greater courage than restraint in the use of power.

Mr. CURTIS. Mr. President, I appreciate that part of the Senator's remarks to the effect that he did not wish to convey the thought that any Senator was a Communist or was to be likened to a Stalinist.

The record of BARRY GOLDWATER has been written in the Senate. It is there for the public to read.

I challenge anyone to point to a subject with respect to which BARRY GOLDWATER ever rose in the Senate to offer an irresponsible, dangerous, or destructive proposal on any subject, domestic or foreign.

The Senator from Arizona is forthright. People may disagree with him, but the Senator's record has been made in the Senate and it is one of responsibility on all questions.

No one's social security has ever been jeopardized by any proposal offered by the Senator from Arizona.

Never has there been any move made by the Senator from Arizona in reference to the defense of our country other than to strengthen it.

Never has there been an irresponsible proposal offered in the field of foreign affairs. The Senator from Arizona might offer something when he stood all alone, but it would be responsible.

If there is a man in America who loves this country, who wishes to keep it at peace, who wishes to keep it strong, it is BARRY GOLDWATER.

Disagree with him, if we will, but I resent such scurrilous things as Robert McLaughlin has published in the Washington newspapers.

I wonder where he got the money for such vilification and such lies?

The testimony of the Rules Committee by Mr. McLeod was that Mr. Robert McLaughlin was present at some of the meetings concerning the District of Columbia Stadium when the bids were opened.

I do not know why Mr. McLaughlin has rushed pellmell to support one ticket. Of course, he has that right. He also has an obligation to tell the truth. He has not done so.

Mr. FULBRIGHT. I do not wish to prolong the discussion, but I wish to reaffirm my position, that I did not question the motives of the Senator from Arizona.

I have never stated that I thought he was a Communist, and I do not believe so; but I strongly question his wisdom.

Many of the suggestions he has made in the past, both in his writings and recently in his speeches, make me question their wisdom. I question their effectiveness, even for keeping the country strong.

In my speech the other day, I did not question the motives or the integrity of the Senator from Arizona. I tried to make it clear that I was questioning his judgment.

That is what campaigns are all about. That is what debates are about on the floor of the Senate.

I do not believe that many of the proposals of the Republican presidential candidate which I mentioned would contribute to the objectives which the

Senator from Nebraska [Mr. CURTIS] has stated to be the candidate's objectives.

I believe that the objectives of the Senator from Arizona are to keep America strong. I believe that his objectives are to make a secure America. It is the means which he suggests and recommends to the American people which I believe are not reasonably designed to achieve those objectives.

There is thus a difference in judgment as to the effectiveness of what the Senator from Arizona proposes.

I did not say he was a Communist. I said that there was a very close similarity to that of the Communists in his fanatical devotion to certain ideological concepts. The concepts are different, but the devotion is similar.

I am sure that if the Senator takes my whole statement in the RECORD made last Monday, it will be quite clear to him that I did not question his motives. My statement merely draws attention to the fact that different people become so devoted to different dogmatic attitudes that there is a similarity. That is the point I made.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. Certainly.

Mr. CURTIS. Is it the implication of the Senator that Senator GOLDWATER is devoted to the same thing that Stalin was devoted to?

Mr. FULBRIGHT. Not at all. But the degree of devotion is very similar.

Mr. CURTIS. Is it evil to love one's country in the manner in which the head of a Communist country loves his country?

Mr. FULBRIGHT. That is not my point. It is a question of being so determined, as the Senator from Arizona seems to be from his statements, that there is no room on this earth for differing points of view, different concepts of society, and that therefore our objective should be to eradicate every vestige of Communist society.

This is quite similar to the extreme position of the Communists, that there is no room for a free society such as ours. Their objective is to eradicate every vestige of free governments. In this sense, there is a similarity. That is the point I made. It absolutely could not be interpreted to mean that they are seeking the same objective—that is, to communize the world. Obviously, that is not so.

Mr. CURTIS. I respect the Senator. But I believe that perhaps the Senator has been a victim of the same thing that Senator GOLDWATER has been the victim of. When the Senator from Nebraska heard the news, the impression was conveyed—and I do not so charge—that the Senator from Arkansas likened the Senator from Arizona to Stalin.

Mr. FULBRIGHT. The remarks are in the RECORD. The Senator can read them.

Mr. CURTIS. That is the point. The Senator from Arkansas was the victim of the same kind of interpretation as was the Senator from Arizona, so far as attaching a meaning to the language which the Senator now says he did not intend. I believe and respect the Senator.

Mr. FULBRIGHT. I believe that any reasonable person reading those remarks would not draw the impression that I was trying to leave the impression that the Senator from Arizona [Mr. GOLDWATER] was a Communist.

Mr. CURTIS. I appreciate that. And I believe it. I believe the sincerity of the Senator. I believe that if any Senator of the United States in any manner resembles Stalin, or the head of any Communist government, we ought to move now to investigate him.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the last paragraph in the middle column of page 21676 of the CONGRESSIONAL RECORD of September 8, 1964, to show what we are discussing.

There being no objection, the paragraph was ordered to be printed in the RECORD, as follows:

> Permeating Senator GOLDWATER's view of the cold war is an unshakable belief that Communist and free societies cannot survive together in the same world, that sooner or later one must prevail over the other. There is a kind of romantic mysticism in the Goldwater view of the world, not unlike that of the Communists themselves. Both he and they seem to believe that there is something unnatural and immoral about the survival in the world of more than one set of beliefs about man's nature and about the organization of human societies. Just as the medieval Christians could not bear the existence of heretical sects and alien religions, the ideologists of our own time have persuaded themselves that life is intolerable unless it is governed everywhere by uniform standards and values. This view is held as a kind of revealed truth, certainly not as an inference from history, which far from suggesting that there is anything "natural" about uniformity in political ideas, leads us to the conclusion that if there is any "law" of historical development, it is a law of infinite variety, especially in men's ideas about their own nature and their relations with other men.

FIRE ISLAND

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a fine article from the New York World Telegram & Sun pertaining to Fire Island, our first national park in New York State. The bill is now pending before the President for his signature.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRE ISLAND: OUR FIRST NATIONAL PARK

(By William Longgood)

Fire Island broiled in the intense sunlight of late summer. Boats rocked at anchor, youngsters shouted and waived from sailboats, and clam diggers plunged nets and tongs into the shallow water off shore in search of bounty.

Behind this tranquillity was a long and often bitter struggle over the future of the sandy strip that stands as a barrier between the fury of the Atlantic and the southern shore of Long Island. Now designated a national seashore by the Federal Government it will belong to the people and be preserved for recreational and conservation use.

ALONG THE BURMA ROAD

Maurice Barbash and Charles Lowry, two Fire Islanders who were among the leaders in the fight to make the island a national seashore—and New York's first national park—discussed the recent legislative victory on the ride to Fire Island in Lowry's cabin cruiser, the *Addlepate.*

"We feel pretty damn good about being part of this," shouted Barbash over the throb of the motor. Lowry nodded his head, nosing the craft toward its home base at Point O' Woods, one of several communities on Fire Island.

Point O' Woods consists of little more than a few weathered wooden houses, Flynn's casino, a miniature railroad spur on the wooden pier, and some concrete walks where women talked together and children furiously pedaled tricycles. Leading out of the club community is a wickedly bumpy land trail known as the Burma Road.

We took the Burma trail a mile and a half to Sunken Forest, a unique growth of ancient holly trees that lurch at wild and grotesque angles, their roots exposed and the tops windplaned to the height of surrounding dunes. The tangle of vegetation includes many varieties of trees, sassafras, shadbush, and red cedar; poison ivy, fern, and wild rose. Sunlight filtered through the leaves to dapple the sandy path which muffled footsteps. Many of the centuries-old holly trees are laced with initials cut into their bark.

BUGGIES SCURRY

The forest will probably be left about the same when the National Park Service takes over ownership of Fire Island, although paths may be widened slightly. Scientists regard the forest as a magnificent laboratory that should be preserved.

A few yards south of Sunken Forest is a rampart of rolling sand dunes, covered with beach grass, beach plum, bayberry, winged sumac, reindeer moss and other vegetation, and behind it is the mighty Atlantic, sending endless waves volleying against the shore. Small beach buggies scurry along the sandy shore, near the water, the only transportation connecting the isolated communities along Fire Island.

Under the new bill, the Government will purchase some 4,300 acres between Robert Moses State Park and Smith's Point County Park on the 32-mile island, acclaimed to have one of the best beaches in the world. The park is expected to be opened to the public sometime between the fall of 1965 and the following summer.

The facilities to be offered include swimming, picnicking, fishing, hunting, clamming, crabbing, hiking, camping, boating, beachcombing, nature study and other outdoor activities.

PLAN PROTECTION

The Park Service says these facilities will be available through a network of hiking and bicycling trails but no roads will be built. Ferries will provide direct service to several points along the bay shore not now served by ferries, and small inlets will accommodate private boats. The plan is expected to provide the island with protection from its ancient enemies—erosion and storm damage.

Despite heavy building activity in recent years, only about one-quarter of Fire Island is developed. There are now some 2,460 private homes and 64 commercial dwellings, most of them in the western half of the island.

Boundaries have been designated for developed communities. Within these communities owners of both improved and unimproved property can retain and develop their properties in accordance with local zoning regulations approved by the Secretary of the Interior. Outside the designated communities, the Government could acquire all undeveloped land.

SALTY SOLITUDE

The undeveloped parts of the island offer a solitude of salt marshes, dunes, beach grass, shrub, and reed grass that waves in the wind, tall as a man. Robert Cushman Murphy, curator emeritus of the American Museum of Natural History, has called the island the best thing of its kind from Cape Cod to Cape May. "It's the only land left that has not been heavily trampled, destroyed and bulldozed," he adds.

A great variety of animal life exists on Fire Island and in its surrounding water. There are foxes, deer, snakes, opposum, muskrat, mink, and crabs, clams, oysters, all kinds of fish and even whales. Ducks and geese live in the quiet bay waters; the bays are important wintergrounds for waterfowl on the Atlantic flyway.

Fire Island varies in width from 500 to 1,500 feet. Some of its dunes rise to 30 feet but most of the island is only a few feet above the sea. Two bridges connect the island with the mainland, at Smith Point County Park on the east and Robert Moses State Park on the west, but there is no connecting road.

The island, which got its name from the fires lighted there as signals to vessels during the war of 1812, has about 25,000 summer residents. It is only about 50 miles from Manhattan. The Park Service has pointed out that approximately 16 million people live within a 100-mile radius of the island, and nearly one-third of the Nation's population is within a day's drive.

In 1962, according to the Army Corps of Engineers, 1,058,520 persons were transported to the island by ferry from all centers which service it from Amityville to Patchogue. It is estimated that within a few years there will be as many as 6 million visitors annually—4 million from the metropolitan area and 2 million overnight guests from outside the area.

BATTLE MOSES

The battle to make Fire Island a national seashore, before it fell victim to the devastating blows of nature and the bulldozer, began many years ago. Each successive effort came to nothing. Then, in 1962, the island was brutally hammered by a storm that wrecked scores of homes, forced the evacuation of thousands of people and caused millions of dollars in damage. Conservationists warned that one more such blow could well mean the end of the barrier beach and leave Long Island to the ravages of the sea.

Robert Moses, the master builder, proposed a four-lane highway along the island. For the first time, Barbash and Lowry point out, all the opposing factions had a common rallying point—to stop Moses' superhighway. Committees were formed, funds were raised, support came from all over the Nation.

Barbash, a builder who headed the Citizens Committee for a Fire Island National Seashore, and Lowry, a sugar broker who is president of the Fire Island Association (18 communities on Fire Island), now agree that it was Moses who really was responsible for making Fire Island a national seashore. "In a strange way it is a victory for him," they say.

Many Congressmen, Senators, and private citizens worked for passage of the bill, which was supported by Secretary of the Interior Stewart L. Udall. Sponsors of the measure were Representative OTIS G. PIKE, Democrat, of Suffolk, and Senator KENNETH B. KEATING, Republican, of New York.

TIME OF PUBLICATION OF RESULTS IN IMPENDING NATIONAL ELECTION

Mr. JAVITS. Mr. President, I invite the attention of Senators to the action of the election officials in Prince George's County, Md., in delaying the results in the impending presidential election on November 3 until the polls close in later, western time zones.

I call attention to the bill which I have introduced on that subject, S. 3118, which would have the same effect by setting a uniform poll-closing time nationally. The purpose of both the bill and what the Prince George's County election board has agreed to do is to avoid having the early publication of and extrapolation from results in early-closing areas affect the vote in areas in which the polls have not yet closed.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, an article published in the Washington Evening Star of September 9, 1964, entitled, "County To Hold Results Till West's Polls Close."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COUNTY TO HOLD RESULTS TILL WEST'S POLLS CLOSE

(By Robert Walters)

Prince George's County election officials will withhold the results of the county's November 3 presidential balloting for 4 hours to help keep voters in Western States from being influenced by Eastern results.

Tabulations of all other races—from senatorial elections to local contests—will be announced as soon as possible following the 7 p.m. poll closing in Prince George's County.

But results of the presidential election in the county will be withheld until 11 p.m., eastern standard time, or 8 p.m., Pacific standard time, when California's polls close.

The plan was approved last night by two members of the county's three-man board of election supervisors, who said they knew of no similar action in any other county, but were determined to "show the way" for the Nation.

Board Chairman R. Thomas Loftus said the proposal was formulated after the National Broadcasting Co. approached him for permission to station observers in five "bellwether" Prince George's precincts.

The network planned to obtain early results in the precincts to aid in its forecast of the election outcome, Mr. Loftus said.

"I told them that we not only would refuse to cooperate, but would withhold all presidential returns until after the California vote," Mr. Loftus said.

"In 1960, we had to wait 3 days for the outcome of the California vote to become clear," he added. "They can wait 3 hours for Prince George's County."

Mr. Loftus said the decision was motivated by "commonsense" and noted that several bills had been introduced in Congress to require such a delay in reporting Eastern results. None of the bills are expected to be approved this year.

Voting with Mr. Loftus to approve the plan was James S. Brady, Jr., the only other board member present.

EXPANDED RESEARCH IN NARCOTICS ADDICTION—NATIONAL ASSOCIATION FOR THE PREVENTION OF ADDICTION TO NARCOTICS

Mr. JAVITS. Mr. President, I very much regret that the 88th Congress may soon end without having acted on measures to meet the grave national problem of addiction to narcotics. The report early this year of the President's Advisory Commission on Narcotic and Drug Abuse had been hoped to provide a consensus of expert opinion on steps to be taken. But, like a number of other expert reports, it has generated more controversy than agreement. I believe this result is as unnecessary as it is discouraging to congressional action, because underlying the disputes is fundamental agreement on several important matters, especially the proposition that too little is now known about addiction, its causes, or its cures, and that an extensive program of research is absolutely vital. Recent hearings before the permanent Subcommittee on Investigations on Narcotics Addiction indicated wide support for such a research program, from medical authorities to the Bureau of Narcotics itself.

An expanded research effort could include a carefully controlled and limited experiment in the outpatient treatment of addicts in their home neighborhoods, at clinics which afford social service and psychiatric help as well as medical administration of drugs or drug substitutes. There are, however, a number of obstacles to such an effort. One is that many doctors are unwilling to take the risks involved in participating in such research efforts. I believe much of this fear could be overcome if the Narcotics Bureau revised its regulations to make it clear that doctors may engage in adequate experimental activity toward the cure of narcotics addiction without violating the law. It would also be helpful if one central clearinghouse were established so that all interested agencies, the Narcotics Bureau, the Public Health Service, the relevant State agencies, and interested private groups, could benefit from the information gained through the proposed experiments.

But the major deterrent to expanded research is the usual one—money. Section 303 of the Public Health Service Act authorizes Federal grant assistance to experiments in the field of mental health, and a small percentage of the funds disbursed under that section have been made available to narcotics addiction research. But the Service believes that much more could be done if the narcotics authority under that section was clarified, and I have introduced S. 862 with Senator KEATING and other Senators for that purpose. It would also be helpful if the Institute of Mental Health was given the clearinghouse authority to which I have referred.

One of the private groups which is most devoted to spurring an adequate research effort in narcotics addiction is the National Association for the Prevention of Addiction to Narcotics, whose headquarters are in New York and on whose national advisory board I serve. NAPAN's president, Nathan Straus III, recently contributed an article to the Saturday Evening Post dealing with the subject, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GIVE DRUGS TO ADDICTS

(By Nathan Straus III)

Free drugs for addicts—no plan for coping with the national tragedy of narcotics addiction prompts greater outrage. All manner of experts from Government officials to heads of citizens' groups, denounce the plan as immoral and dangerous.

"We can't let dope fiends get drugs from clinics and then stalk the streets," the typical argument runs. "They'll prey on women and children—no one will be safe. Addicts will have a free-drug ride through life, and addiction simply will be perpetuated, made acceptable.

All such objections are shortsighted. Allowing addicts to obtain drugs legally from doctors, instead of from underworld "pushers," is the one step that may end the chaos of drug abuse.

Today, after years of hysteria, neglect, and downright cruelty to the addict, we are still woefully ignorant about his disease. We still don't know exactly what addiction is, or what causes it or cures it. We do know that the police method of treating addicts—throwing them in jail—does not work. Addicts must not be punished or put away but treated in their own communities, if science is ever to make meaningful discoveries about their shattering sickness.

Even if there are risks, we must try treating addicts in clinics, for all else has failed. In our big cities there are tens of thousands of addicts, perhaps hundreds of thousands. Every year they consume at least $350 million worth of heroin and related opiates. Increasingly, young people are turning to cheaper, addictive dangerous drugs, amphetamines and barbiturates. (Of the 10 billion barbiturate and amphetamine pills produced annually in the United States, it is estimated that half end up on the illegal market.) The underworld thrives on illicit drug sales to addicts, and addicts themselves are forced to become criminals. Desperate for money to support their habit, they commit millions of thefts annually, and occasionally they murder.

The situation has become uncontrollable. A Presidential commission reported recently that 95 percent of the heroin that smugglers bring to the United States every year gets past law enforcement officials. Police freely admit that one addict may commit 500 or 1,000 or even 1,500 crimes before he is apprehended. In New York City alone addicts commit about half the city's crimes, resulting in losses of more than $1 million per day. And the total is constantly increasing.

Of the addicts jailed or locked in hospital wards to "detoxify," an estimated 90 percent or more soon return to "shooting dope." Many of them resume taking drugs the day they are freed. Their "connections" wait for them outside the jail or hospital walls.

To combat this horror, we must bring addiction out into the open, as we have epilepsy, mental retardation and, to a certain extent, emotional illness. We must regard it as a disease that can be studied, treated and, hopefully, cured. "Actually, the addict is a sick person, not a criminal," says a report of the New York Academy of Medicine. "He needs medical care, not a jail sentence."

Where should we start? The organization of which I am president, the National Association for the Prevention of Addiction to Narcotics, will initiate this year a program with two goals: to help addicts conquer their addiction, and to provide medical and social scientists with sorely needed facts about the fundamental nature of the disease. With the cooperation of law-enforcement officials, NAPAN plans to establish two outpatient clinics for addicts, one in New York, the other in California. These are the States with the most serious addiction problems. The program, the first of its kind, will be operated on a strictly scientific, experimental basis.

In these clinics small groups of addicts, carefully selected and closely supervised, will receive drugs in gradually decreasing quantities. And, because addiction is related to emotional distress, the addicts will receive psychiatric treatment, counseling about education and jobs, and other forms of assistance. Only through such a comprehensive assault will we learn how to take the addict off drugs and keep him off.

Why attempt such studies of addiction? Because experience has shown that by studying illness in the "walking patient," science learns things it never learns from patients confined to hospitals. Researchers in heart disease, for example, learned a great deal about anticoagulant drugs by studying their effect on heart patients leading their usual lives in the outside world. We may never find the secrets of addiction unless we study the addict who is out in the world and being tempted to take drugs by forces in his usual environment. The locked hospital ward simply does not permit this kind of searching and practical inquiry.

Through research with these selected addicts, we may learn whether addiction is fundamentally psychological or environmental, or whether it has a physical basis. Why does one person succumb to addiction while his brothers and sisters often do not? Why are teenagers so susceptible to the disease? And why do some 30- and 40-year-old addicts simply "walk away" from their addiction? At present we do not have the answers.

Is it unreasonable to hope for a specific, valuable treatment for addiction? I think not. It is just possible, for example, that addiction stems from an abnormality in body chemistry. If this is true—and we'll never know unless we study patients—perhaps we can isolate and neutralize the guilty chemical factor. Then we might be able to prevent addiction altogether, either through medication or by some "immunizing" injection.

Even if research fails to yield quick answers, the very fact that addicts can get drugs from doctors will have one tremendous effect. The addict will be lifted from the cellar of the criminal world to the level of the medical center where, as a sick person, he can be helped. This one measure will do a great deal to rid the addict of the stigma of his disease and to end his degradation. This has happened in England, where the punitive approach to addiction has been abandoned, and with excellent results. There doctors are allowed to treat addicts as exactly what they are—sick people. Most addicts in England are treated in doctors' offices. Only a handful are involved with the underworld. (The English, however, have yet to mount the intensive research effort outlined above.)

It has taken years, but the American Medical Association has finally come around to the conclusion that addiction is basically a medical problem. Recently the AMA conceded for the first time that it would be ethical for physicians to treat addicts on an experimental, outpatient basis. Similar endorsements have come from the New York County Medical Society and from the New York Academy of Medicine. The latter organization has declared that as long as the police approach to addiction prevails, the disease will continue to spread.

What until now has prevented organized medicine and individual doctors from supporting clinical research with addicts? For one thing, police agencies, especially the Federal Bureau of Narcotics, have threatened and intimidated doctors. Federal regulations restrain doctors from treating addicts—even though Supreme Court decisions clearly indicate that doctors are entitled to do so. As the New York Academy of Medicine report states, the Federal Bureau of Narcotics opposes the practice "because it really does not trust doctors." The Bureau, says the report, maintains that the only way to treat addicts is by abruptly depriving them of drugs. Its insistence on this harsh and futile method has crippled narcotics control in this country.

Organized medicine, too, has been shamefully timid about addiction. Doctors, like most of the rest of us, have passed the buck to the police, saying in effect, "We aren't interested in this kind of sickness. Lock up the addicts. Keep them away from nice people." Today the climate is changing. More and more doctors and law-enforcement officials are convinced that something new must be attempted—simply because all previous efforts have failed.

What of the bitter objections to outpatient treatment of addicts? For example, will addicts on maintenance doses endanger innocent people? Hardly. An addict becomes desperate only when he has no access to drugs or has no money to buy them. Under the influence of drugs, most addicts are quite harmless.

Will addicts use free drug doses simply as a "convenience"? Critics believe that the addict will not be content with controlled doses but will use them as a starting point for his "kicks." After leaving the clinic, the argument goes, the addict will return to his criminal sources for additional drugs.

This objection is ill-founded. Soon precise new laboratory techniques will let doctors determine exactly how much narcotic is in the blood. If an addict-patient obtain drugs from a criminal pusher, the doctor will know immediately and the addict will have to answer to the police about his criminal sources of supply.

Many opponents of maintenance doses feel the most compelling argument of all is that if addicts are provided drugs, the door will be opened wide to lifetime addiction. As one misguided doctor said to me recently, "Let's not permit doctors to lead the addict down the primrose path."

I must say that this objection, too, is shallow. In the treatment of cancer, heart disease, arthritis and all other illness, we do everything we can to cure the patient. However, if we fail to cure, we then try to control the patient's symptoms, so that he will remain productive and relatively comfortable, physically and emotionally. Perhaps after years of research we will find that some addicts cannot be cured. We may find, however, that by giving these incurables maintenance doses, we can control the symptoms of their disease and enable them to lead productive and relatively normal lives.

In short, it is just possible that some addicts will need continued, reduced doses from the clinic in order to function in society. It is just possible, too, that their addiction itself serves to control a more serious and socially dangerous psychological sickness. Wouldn't it be ironic if we discovered that drugs keep some addicts from becoming murderers, rapists or arsonists?

As hopeless as the narcotics picture may appear, much can be accomplished if we view the addict with compassion, not fear. Fear has led us to punish the addict instead of helping him. But we can no longer afford to indulge ourselves in this barbarity. For, as crime statistics grimly show, when we punish the addict we punish ourselves.

DISTRICT OF COLUMBIA STADIUM CONTRACT

The Senate resumed the consideration of the resolution (S. Res. 367) authorizing and directing the Committee on Rules and Administration to reopen the study and investigation begun under the authority of Senate Resolution 212, a resolution to inquire into the financial or business interests of any officer, employee, or former employee of the Senate.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from New Jersey and I have an amendment which we shall offer jointly, the purpose of which is to amend the Mansfield resolution and refer this matter to the select committee.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I offer an amendment to the resolution of the Senator from Montana [Mr. MANSFIELD], send it to the desk, and ask that it be stated.

The amendment is submitted on behalf of the Senator from Delaware [Mr. WILLIAMS] and myself.

I ask unanimous consent that the amendment be not read, but printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, ordered to be printed in the RECORD, is as follows:

Beginning with the word "That" on page 1, line 1, of the resolution (S. Res. 367), strike out all to and including line 6, page 1, and insert in lieu thereof the following:

"That the powers conferred and the duties imposed upon the Committee on Rules and Administration by Senate Resolution 212, 88th Congress, agreed to October 10, 1963, and by Senate Resolution 221, 88th Congress, agreed to November 1, 1963, are hereby conferred and imposed upon the Select Committee on Standards and Conduct established by Senate Resolution 338, 88th Congress, agreed to July 24, 1964. The Select Committee on Standards and Conduct is hereby authorized and directed to reopen the study and investigation begun under the authority of Senate Resolution 212 and Senate Resolution 221, and to continue such study and investigation until the facts concerning the subjects therein described have been fully and completely ascertained."

On page 2, after line 4, insert the following:

"*Resolved further*, That the expenses of the Select Committee under this resolution, which shall not exceed $ until February 1, 1965, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. MANSFIELD. Mr. President, I have discussed with the distinguished Senator from New Jersey [Mr. CASE] the possibility of a time limitation, if agreeable to the Senate. I therefore at this time ask unanimous consent that there be a time limitation of 30 minutes on the pending amendment—15 minutes under the control of the Senator from New Jersey [Mr. CASE] and 15 minutes under the control of the Senator from Montana [Mr. MANSFIELD].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CASE. Mr. President, the amendment which I have sent to the desk on behalf of the Senator from Delaware [Mr. WILLIAMS] and myself has one purpose, and one effect. Instead of referring the question of further investigation into the Bobby Baker matter to the Committee on Rules and Administration, as the Senator from Montana [Mr. MANSFIELD] would have us do, it would send it to the select committee created pursuant to the motion of the Senator from Kentucky [Mr. COOPER] several weeks ago.

I believe, and the Senator from Delaware [Mr. WILLIAMS] believes that this is where the investigation really should go. The Senate has an opportunity today—perhaps the last one in this session of Congress—to strengthen the confidence of the American people in our process of government, and particularly in the branch in which we have the honor to serve.

Serious questions have been raised by the Senator from Delaware [Mr. WILLIAMS]. They indicate the necessity of a full and impartial investigation. The seriousness of the questions has already been recognized by the action of President Johnson in the executive branch, and by the unanimous vote, as I understand, of the Democratic policy committee in recommending that the Bobby Baker investigation be reopened, and, so far as I know, by all the Republican Members of the Senate.

The record of the Senate in the handling of the Bobby Baker affair has been a sorry one in the eyes of most Americans. Many of us have pointed out that this matter affects not only the good standing and integrity of the committee, but also the good standing and integrity of each one of us, and of the Senate itself.

Yet, the Senate majority had permitted this investigation to be handled in a most inadequate and unusual way.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. CASE. Mr. President, the failure to call a number of witnesses, despite the request by members of the committee and by some Senators outside of the committee, suggested that the committee, with its 2-to-1 party makeup, is not willing to do the job and let the chips fall where they may. The facts submitted by the Senator from Delaware [Mr. WILLIAMS] involve McCloskey, and others on the list of witnesses proposed by some members of the committee.

I urge that the investigation be referred to the Senate Select Committee on Standards and Conduct, which we voted into being last July 24 on the recommendation of the Senator from Kentucky [Mr. COOPER], a member of the Committee on Rules and Administration. That committee would be composed of 3 members from each party to be appointed by the President of the Senate. I suggest that only such a balanced committee could avoid the inevitable suspicions, however undeserved, of political motivations, especially in a presidential year such as this.

Also such a committee would not be in the position of attempting to justify or having to justify its own prior handling of the Bobby Baker case. Instead, it could begin afresh to study all the facts and make a report that would restore the confidence of the people in our legislative process.

A collateral advantage which I believe to be of some consequence in that course is that it would spur the appointment of the membership of the Select Committee on Standards and Conduct. Appointment of the members of that committee should not be delayed any longer. I am confident that if the Senate adopts that view, the leadership on both sides of the aisle will be prompt in appointing the members of the Select Committee on Standards and Conduct.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I wholeheartedly support this amendment of which I am a cosponsor. In fact, the proposal was the one which I made originally because I, too, felt that the investigation should be handled by the recently approved select committee. This will be a committee composed of three Republicans and three Democrats. All such investigations should be handled on a strictly bipartisan basis.

As I pointed out earlier, that is the manner in which the Teapot Dome scandal was handled. President Coolidge appointed a member of the Democratic Party and a former Member of the U.S. Senate, along with a Republican and a former member of the Court, and he asked those two gentlemen, Atlee Pomerene and Owen J. Roberts, to work jointly with the Democratic chairman of the committee to investigate wrongdoings in his administration and to take appropriate steps. As a result of that bipartisan effort a member of the President's own Cabinet and a few lesser officials were prosecuted.

As I said last October when the resolution was first submitted, I felt that the integrity of the Senate was at stake. The manner in which the Senate has thus far discharged that responsibility has not been the best. Yesterday I stated that I regretted being put in a position of being forced to say that I have no confidence in what the Committee on Rules and Administration would do with the investigation if it is referred back to them. The proposal which is now before the Senate was called to the attention of the Committee on Rules and Administration some time ago, and that the committee completely ignored any reference to it. So far as I know, the committee gave it no recognition and made no effort whatever to assist in obtaining any of the documents to which I have alluded. It was only after we were able to obtain the check through channels other than the Committee on Rules and Administration that the suggestion was made that that committee, which was negligent in its original responsibilities, should now be given another chance. I feel that in fairness to the other Members of the Senate and to the people of the country we have no choice but to instruct that the investigation be reopened and that all the facts surrounding all phases of the charges be ascertained and laid before the American people. But this should be done in a bipartisan manner and by a more responsible committee, one in which the country will have confidence. As far as I am concerned, to let the Senate Rules Committee handle this reopened investigation will merely mean the mixing of another batch of whitewash.

As the facts are fully explored there may be mention of some Members on both sides of the aisle. Certainly we hope that such would not be the case. An investigation should not be started on the basis that we are looking for anyone; but on the other hand, it should not be started on the premise that we consider certain individuals above being called.

The question which is in the minds of many of us today is, If we do not give this authority to the newly organized select committee what action would the Committee on Rules and Administration take? Would that committee call Mr. McCloskey as a witness, or would it take his testimony by telephone, as was done by the Rules Committee before? Would other witnesses be called? Would the committee give sanctity to some of those witnesses by saying, "They are now working in certain places in the executive branch and therefore not subject to being called or held accountable before any congressional committee"? Suppose Bobby Baker had been working in the White House. Would that have given him immunity?

In my opinion no man ever holds a public office that raises him so high above the people that if there is something wrong in his conduct he cannot be called to account.

Mr. President, in the interest of preserving the integrity of the Senate we have no choice other than to adopt the pending amendment.

Mr. CASE. I thank the Senator.

I reserve the remainder of my time.

Mr. MANSFIELD. Mr. President, I yield myself 3 minutes. At least so far as the Democratic side of the aisle is concerned, there is no rush of volunteers to become members of the select committee. I believe there is a great deal of merit to the proposal made by the distinguished Senators from New Jersey and Delaware. But I point out that if there is one way that the Senator—and I am speaking personally—wished to be assured that there would be no investigation and no inquiry into the new charges brought before the Senate by the distinguished Senator from Delaware, the way proposed would be the way to do it, because six Senators would have to be selected, and they would be hard to find. A staff would have to be secured; counsel would have to be hired; and the committee would have to start from scratch. If we were fortunate, perhaps by the first of December the committee could get underway.

So I would hope that, in view of the fact that we have a committee which has at least laid a foundation, even though Senators may disagree with what it has come forth with, the amendment would be rejected, and that the authority would be placed fully in the Committee on Rules and Administration, where I believe it belongs.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. I cannot say that I agree with the Senator that we could not find six Members of the U.S. Senate who would volunteer or agree to serve on the select committee. It is not a task which any Senator would seek, and I am sure we shall not find Senators soliciting membership on that committee. But I believe we would have reached a sad state of affairs in the Senate if we cannot find six Senators who would serve if asked to do so. I do not believe for one moment that we would have difficulty getting six Senators. I, too, would rather not serve on the committee, but if I were chosen I would serve. Of course I expect there are some who would not be glad to have me on the committee. Certainly we can find six Senators who would serve on this committee. The other day I said that I thought it would be better if we did not select Members who had been active in discussing this pending investigation, and I eliminated myself on that basis.

While I do not believe that members of the committee should be selected on the basis of seniority, I point out as a suggestion that if we took the six senior Members of the Senate whom would we have? We would have the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. HILL], the Senator from Virginia [Mr. BYRD], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from Vermont [Mr. AIKEN]. If the Senate desires a suggestion, I make that as a suggestion to start with. This would be a strong committee. There are plenty of other suggestions.

Certainly we have not reached the stage where we cannot find six Members of the Senate who would serve on such a committee.

So far as concerns the necessity of the committee having to organize, form a staff, and start anew, I point out that the Committee on Rules and Administration, has discharged its staff. They, too, will also have to start anew. Yes, that committee, too, would have to organize and start all over again. It was to avoid such a situation that I suggested to the majority leader, that the Senate might authorize the investigation to be conducted under the Committee on Government Operations. That committee could begin tomorrow morning. But that suggestion has already been rejected by the Senate. The next best alternative is to authorize this select committee of the Senate to do the job, and I hope that the Senate will adopt the pending amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a series of editorials throughout the country endorsing the proposal that the Senate should reopen the Baker investigation under the auspices of the select committee.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Oakland Tribune, Sept. 2, 1964]

THE ISSUE IS CORRUPTION

It is not our purpose here to assess the accuracy of charges against President Johnson's former protege, Robert Baker, made by Senator JOHN WILLIAMS of Delaware.

We would point out, however, that Senator WILLIAMS' dogged determination to expose to full public view the machinations of Baker and his coterie, in the teeth of partisan efforts to bury the issue, is a service to the American people which transcends mere partisanship.

Neither party is immune to scandal. The American people have a right to know about any malevolent activity by persons in either party. Such knowledge helps voters assess the character of the men who ask at each election for the privilege of wielding great power over the affairs of state.

When a political party attempts to suppress the investigation of possible malefactors in seats of power, the public is entitled to assume that the truth must be so damaging that the party would prefer to risk accusations of whitewashing rather than let the facts be known.

In the instant case, Senator WILLIAMS' charges could indeed hurt the Democrats. According to WILLIAMS, Baker was allegedly instrumental in arranging a large, illegal campaign contribution to the Kennedy-Johnson ticket, from wealthy contractor, and Democratic finance chairman Matthew McCloskey.

If the charge is true, then it is no wonder that the party preferred to withstand accusations of whitewash rather than make full public disclosure of the matter.

We believe that Senator WILLIAMS' information deserves a full scale, nonpartisan, senatorial hearing now, before the elections. We believe that the overwhelming majority of Senators from both parties are eager to get to the bottom of the matter, regardless of the political consequences. The issue is corruption, and the elimination of it requires bipartisan and nonpartisan dedication.

[From the Nashville (Tenn.) Banner, Sept. 3, 1964]

SUDDENLY THE ORDER CAME: "INVESTIGATE"

Senator JOHN WILLIAMS, Republican, of Delaware, evidently touched a nerve Tuesday—felt all the way from the Senate floor to the White House. He waved what he said was the facsimile of a bank check, and he posed the climactic question of the series he has been asking since—almost a year ago—he started probing the Bobby Baker case.

Baker was the wheeler and dealer extraordinary who attained eminence in that field as secretary of the senate majority—having risen to that capacity from the position of page boy. His wealth, estimated at $2 million, was accumulated while he was down on that public payroll at $19,600 a year. He was a wheeler and dealer among wheelers and dealers; their man-to-see.

Senator WILLIAMS' question was as direct as he could make it. For he wanted to know—without any equivocation—whether Matthew McCloskey, contractor tycoon and former Ambassador to Ireland, had, as charged, made an outsize contribution to the 1960 Kennedy-Johnson campaign fund; and did the check in question involve a kickback for handlers, including Bobby Baker?

That was the set of allegations, the testimony to that effect supplied by insurance man Don Reynolds.

For a while then, there was official silence. But silence didn't fit the occasion. This is, after all, another campaign year.

So it was announced that President Johnson had ordered the FBI to investigate the charges. And that is fine. The FBI is eminently qualified to do that, and this isn't the first time it has dug into the Baker case. It was after the FBI dug into that case the first time that the Senate majority asked Baker's resignation as its secretary; but the Democrats on the Senate Rules Committee ultimately whitewashed the whole business.

The pertinent question is not one concerning the proprieties of the Presidential order; but why only now it comes.

This is the same Bobby Baker whose lucrative operations and political involvement were the subject of prolonged scrutiny this year; the same Bobby Baker who was Mr. Johnson's protege through those Senate years, and on whom he heaped encomiums. It is the same Matthew McCloskey, too, whose name more than once had been mentioned during the proceedings.

There is a slight discrepancy in the report bearing on the inquiry ordered. For the broad allegation is that the money in question went to the Kennedy-Johnson campaign fund in 1960. But Williams read into the CONGRESSIONAL RECORD the Reynolds statement that Baker's instructions concerning the overpayment on McCloskey's "performance bond" on a Government contract was that "these funds were to be directed for use in Mr. Johnson's campaign." Obviously the FBI inquiry can clear that up.

As one who keeps close tab on who is—and who is not—a campaign contributor, is it possible that Mr. Johnson had no inkling of where in this case the money was coming from, and how much?

Or did he hope that Senator WILLIAMS of Delaware might not—just might not—drop that other shoe?

If so, he just didn't know his man. The Delaware Senator is a quiet individual, who grinds away slowly but exceedingly fine. He is nonpartisan in his unearthing of hanky-panky—the relentless foe of corruption and irregularity whether such occurs under Democratic or Republican auspices.

It is time to get on with the Baker investigation, and the Senate itself no longer can ignore that duty to retrieve the case from under the rug—where the Democratic majority swept it.

There's a job for the FBI, too, and President Johnnson was well advised to so instruct.

But there must be no delay, for disclosures after November.

The best guarantee that a concerned public will be kept informed as he chips away at this whitewash is Senator JOHN J. WILLIAMS.

[From the Richmond (Va.) Times-Dispatch, Sept. 4, 1964]

AGAIN—BOBBY BAKER

The U.S. Senate may think the Bobby Baker case is dead, but the darned thing refuses to lie down.

Now comes Senator JOHN J. WILLIAMS' charge that Matthew H. McCloskey Jr., longtime big wheel in Democratic Party fund-raising, provided a kickback of $25,000 to Baker for use as a secret contribution to the Kennedy-Johnson campaign fund 4 years ago.

If this allegation can be sustained, it will be serious evidence, indeed, of improper shenanigans by the Democrats. President Johnson has directed the FBI to begin an investigation. Whether this can be completed before the November election is a question. It could easily be that the FBI's findings will not be forthcoming for several months.

The amount of smoke surrounding the hushed up Bobby Baker case indicates that there is still fire beneath, irrespective of whether this particular claim of a kickback to the Democrats from "Matt" McCloskey sticks.

Senator WILLIAMS—who is a Republican, and hence suspect in some quarters, despite his well-known honesty and concern for the public weal—quoted Don Reynolds as his authority in making this latest charge. A check for $109,205.60 put in evidence by the Senator was made out to Don Reynolds Associates, Inc.

McCloskey, a bigtime contractor, had been the low bidder on the District of Columbia Stadium, and he had to post a performance bond for a required fee, claimed to have been $73,631.28. WILLIAMS quotes Reynolds as saying that the difference between this sum and the amount for which the check was made out, approximately $35,000, was divided three ways.

He quotes Reynolds as saying that he (Reynolds) got $10,000 for his own services, and that $15,000 went to Bobby Baker in cash "for use in Mr. [Lyndon] Johnson's campaign." The remaining $10,000 presumably went for other political purposes according to the Washington Star.

Mr. McCloskey, Ambassador to Ireland in the Kennedy administration, flatly denies the foregoing, and says he welcomes the FBI investigation.

This whole Bobby Baker case is a stench in the nostrils of the public. Every effort should be made to force it completely into the open, and to find out just who is involved in the widely ramified operations which enabled Baker to pile up a fortune in his influential post, while drawing a modest Government salary.

[From the Memphis (Tenn.) Commercial Appeal, Sept. 3, 1964]

STILL IN THE CLOSET

Senator JOHN WILLIAMS, Republican, of Delaware, who has been trying to get the Bobby Baker case out of the closet for months, has run into obstacles on every side.

With the help of Senator CLIFFORD CASE, Republican, of New Jersey, and others, WILLIAMS gave the public a glimpse into the closet last year when the Senate Rules Committee laid some of the facts about Baker's private life on the table. But when WILLIAMS and CASE tried last spring to get the investigation broadened to cover Baker's business dealings the Senate angrily rejected the move.

President Johnson also has shown no disposition to have the affairs of his erstwhile protege, friend, and confidant brought to light.

But on Tuesday, Senator WILLIAMS rose on the Senate floor to renew his charges against Baker. Specifically, he talked about a mysterious $25,000 campaign contribution, said to have been made by construction contractor Matthew McCloskey in 1960 to help the Kennedy-Johnson ticket.

A short time later he presented his material to the Justice Department.

Immediately thereafter President Johnson decided the Justice Department should act, and he ordered it to put the Federal Bureau of Investigation on the case.

Why the Chief Executive had become so intensely interested in the case was not explained. The same day the White House had announced that it had "no knowledge" of the McCloskey matter.

If McCloskey is tied to Baker it apparently is because Baker served as secretary of the Senate Democratic Campaign Committee from 1955 to 1961, and as treasurer of the committee in 1960, the period of the last presidential election.

Allegations of kickbacks and under-the-table financial favors involving Baker have not been limited to the McCloskey contribution, but until now most of them have been successfully buried as fast as they appeared.

Wth a new presidential campaign about to get into full swing, it has been clear that Baker and his friends were destined to become a headline issue. A new Senate Select Committee on Ethics—as yet unnamed—was expected to investigate some of the Baker dealings. But the Senate Members want to wrap up this session and get into the business of election campaigning. Moreover, there are those in Washington who throughly dislike headlines in which the name of Baker appears.

The President may have circumvented such an inquiry for the present by swinging back from WILLIAMS' punch and thrusting the matter into FBI hands. An FBI investigation would be carried out in secrecy, and the report—whatever it showed—would go to the Justice Department and thence to the President. Its contents would be revealed at his own discretion.

In the meantime, if BARRY GOLDWATER and the GOP harp on the Baker issue, President Johnson undoubtedly will remind them that the FBI is investigating.

Such an investigation is unlikely to produce anything for the headlines before November 3, or perhaps for some time afterward.

For the present, it seems, the Baker case will remain in the closet.

[From the Birmingham News, Sept. 3, 1964]

THE B. BAKER "GHOST"

Senator JOHN J. WILLIAMS, a Delaware Republican, is persistent. He has taken upon himself the role of watchdog over the public interest in all manner of things, from spending of the tax money to Bobby Baker. It was WILLIAMS who first drew attention to Baker and it is WILLIAMS, now, who refuses to let the matter drop.

The Delaware Senator alleges that Baker was middleman in a kickback to the 1960 Democratic campaign fund by contractor Matthew McCloskey after McCloskey was given the contract on the new District of Columbia Stadium. WILLIAMS says $35,000 was involved—$25,000 to the Democratic National Committee and $10,000 to a former associate of Baker.

McCloskey is former finance chairman of the Democratic National Committee. President Kennedy appointed him Ambassador to Ireland, a post he since has resigned.

WILLIAMS' charges are serious. They involve more than is suggested by Presidential Press Secretary George Reedy's comment that he doubts the President was surprised by them because "this is a campaign year."

The fact that it is a campaign year is irrelevant. Feeling was widespread at the time the Senate completed its investigation into the Baker case that the full story had not been made public and that more would come out. Republicans had and have every right to pursue the subject, just as have Democrats who might feel that an appearance of whitewash is more damaging to the name of their party and the name of the U.S. Senate than disclosure of wrongdoing on the part of individuals.

It should be kept in mind, also, that Republican Majority Leader EVERETT DIRKSEN was among those who opposed further investigation into the Baker affair earlier. DIRKSEN said then he believed the Senate's reputation was being tarnished.

DIRKSEN now says that WILLIAMS' charges come "at an awkward time" since many Senators want to get away to campaign. His observation appears restricted. Campaign pressures are no excuse for Democrats or Republicans refusing to come to grips with serious allegations of misconduct involving individuals at high governmental and political levels.

Bobby Baker is a campaign issue. But he is more than that.

Democrats—specifically including Lyndon Johnson—are going to have to live with the ghost of Baker, and WILLIAMS' new charges make coexistence more uncomfortable than ever.

It should be said in President Johnson's favor that he immediately ordered an FBI investigation to determine whether any Federal law had been violated. That is a much more creditable stance by the President than one of appearing to ignore WILLIAMS, who will not be ignored.

[From the Richmond (Va.) News Leader, Sept. 4, 1964]

OVERPAYMENT $35,474.32

Bobby Baker, President Johnson's embarrassing genie, won't stay corked in his bottle.

Senator WILLIAMS of Delaware, pulled the stopper, just as he had threatened, and Bobby's all-pervasive influence loomed up again and settled over the Senate Chamber. Not satisfied with the Senate report that found Bobby guilty only of gross improprieties, Mr. WILLIAMS charged Bobby with participating in a conspiracy of corruption that violated Federal law on two counts.

The transaction is described as an ordinary kickback, cleverly disguised. Mr. WILLIAMS said (a) that builder Matthew McCloskey wrote out a check for $109,205.60 to insurance man Don Reynolds for insurance that cost $73,631.28; (b) that Reynolds kept $10,000 and, according to agreement, gave the rest to Bobby Baker as a contribution to the 1960 Lyndon Johnson campaign; and (c) that no one ever heard of the $25,000 again. Mr. WILLIAMS showed the Senate a photostat of Mr. McCloskey's company check. The curious overpayment of $35,474.32 was intended "to confuse anyone who might later try to audit the transaction," according to Reynolds.

The significant facts of the transaction are these:

Reynolds says that Baker offered to help get the stadium bill passed in the Senate, if McCloskey agreed to the kickback on the insurance premium.

McCloskey subsequently got the $14 million stadium contract as low bidder; but profitable "changes" added $3 million to the cost.

McCloskey turned up as finance chairman of the Democratic National Committee in 1960.

McCloskey's use of a company check enabled the entire amount, including the alleged kickback, to be charged off as business expense in company tax returns.

Since $25,000 of the funds supposedly were earmarked for the Lyndon Johnson campaign, two Federal laws would have been violated—one making it illegal for a corporation to give a political contribution, and another requiring a fine of up to $5,000 and 5 years in prison for contributing more than $5,000 on behalf of a candidate for Federal office.

It is not the sum which staggers the conscience, but the thought that Senator WILLIAMS of Delaware, may have opened up a cross section of the daily workings of our Government. The actors in this plot are not men on the fringe of the Democratic leadership. This is summit stuff. It is an often-told tale, especially by those who lack specific proof for their stories, that Bobby Baker was the habitual broker for those who wanted to make large, quiet contributions to Lyndon Johnson and the Democratic Party. Legend has pictured him as the arbiter and dispenser of anonymous funds which leave no record behind. Those who wanted to court Lyndon Johnson knew how to court Bobby Baker. No wonder there were those high in party councils who were scared of the whole Bobby Baker investigation, and refused to hear any additional witnesses.

However, now Senator WILLIAMS of Delaware, has brought forward two eager witnesses: Don Reynolds, and the photostat of Matt McCloskey's check. President Johnson has called for an FBI investigation; but with Bobby Kennedy's resignation that report probably won't be ready until after the election. Mr. Baker and Mr. McCloskey ought to be eager to step up and tell their side of the story right now.

[From the Atlanta (Ga.) Times, Sept. 4, 1964]

FULL TRUTH SHOULD BE KNOWN, SENATE OUGHT TO INVESTIGATE

Senator JOHN J. WILLIAMS, Republican, of Delaware, charged in the Senate this week that $25,000 was channeled to the Kennedy-Johnson campaign through Bobby Baker in an illegal conspiracy by a Philadelphia contractor.

He demanded on the basis of new evidence from Don B. Reynolds, a Washington insurance man, that the Senate reopen the Bobby Baker investigation.

Reynolds, according to the Senator, also indicated that an additional $10,000 had been sent via him through Bobby Baker by the same contractor. These funds, said Reynolds, were "contributed in return for a contract to build a new stadium in Washington."

Calling on the President and the leaders of the Senate to join him in demanding the reopening of the case and prosecution of the investigation to its ultimate conclusion, no matter who might be involved, WILLIAMS said:

"The choice lies between full disclosure or political whitewash, and the Johnson administration will be judged by their decision."

L.B.J. has now ordered the FBI to investigate, disclaiming any knowledge of the deal.

The hue and cry of the Democrats and the people are well remembered when Sherman Adams in Eisenhower's administration was removed from the National Government scene as a result of being charged with questionable dealings with private individuals.

The U.S. Senate should back Senator WILLIAMS fully in his effort to bring out the truth in this matter. When shoddy and sleazy deals are charged against high leaders of our Government, the matter should be pursued until the full truth is known. If innocent, the accused have nothing to fear: if guilty, those involved should face a day of reckoning.

[From the Newark (N.J.) Evening News, Sept. 4, 1964]

BOBBY BAKER—CONTINUED

No matter how hard Senate Democrats try to forget him, Bobby Baker keeps on popping up. The latest embarrassment stems from allegations so serious that President Johnson has been impelled to order an inquiry by the FBI.

The charge this time is of a $25,000 "kickback" which Matthew H. McCloskey, former Ambassador to Ireland and former Democratic national finance chairman, allegedly made to the 1960 Kennedy-Johnson campaign fund. According to Senator JOHN J. WILLIAMS, Republican, of Delaware, the man whose persistence set off the Senate's reluctant and abbreviated investigation of last winter, this was channeled through Baker and Don B. Reynolds, an insurance broker in whose business Baker owned an interest.

The donation was buried, Senator WILLIAMS told the Senate, in a $35,574.28 overpayment for a performance bond which Mr. Reynolds sold Mr. McCloskey after the latter's Philadelphia firm won the construction contract for the Washington Stadium. Mr. McCloskey has denied the allegation.

The President's call for the FBI was in order, also prompt. But it reemphasized the failure of the Senate to make a thoroughgoing inquiry of its own. As an instance, the FBI won't tell us how Bobby Baker built his reputed $2 million fortune while serving as Secretary to Senate Democrats at $19,000 a year. Nor will it show from where or from whom his influence derived since the FBI's assignment is limited to possible violation of the election laws governing contributions.

Accordingly, the Baker case was—and remains—the responsibility of the Senate. For what the public got was not an investigation so much as a coverup. Accordingly, neither Senate nor White House is in a position to cry politics now that the issue of public morality has been raised by the Senator from Delaware in his latest installment of the Baker serial.

[From the Daily Oklahoman, Sept. 4, 1964]

STAINS THAT WON'T WASH OFF

There are ample reasons why Senator JOHN J. WILLIAMS, Republican, of Delaware is called "the conscience of the Senate." That may be a misnomer. His disclosures of skulduggery in government, while leading to some convictions and reforms, have done little to upgrade the collective ethical conscience of the Senate.

The former feed dealer does not make careless charges. He always has documentary proof of his charges but the line between legality and ethics is thin. WILLIAMS was responsible for cleaning up the Truman administration mess in the Internal Revenue Service and Justice Department.

Now he says Democratic fundraiser Matthew McCloskey, recently resigned Ambassador to Ireland, made a $35,000 kickback on a contract to build the District of Columbia stadium, a Government job. WILLIAMS says the overage was hidden in a performance bond fee. He asserts $25,000 of this was funneled through Bobby Baker, into the 1960 Kennedy-Johnson campaign fund illegally.

Baker was the protege of Senator, and Majority Leader Lyndon B. Johnson. The newest charge in L'Affaire Baker adds fuel to a smoldering fire which democratically controlled Senate committees wish to ignore. President Johnson has asked the FBI to check whether any Federal laws were violated. He could hardly do anything else.

It will be unlikely that admissible legal evidence of illegal action is found. There is ample evidence, almost open scandal in the Baker case, that ethical conduct of Senators is involved. As a body the Senate believes in a double standard. It needs urgently to have its collective conscience awakened.

[From the San Diego (Calif.) Union, Sept. 4, 1964]

L.B.J. WRONG IN TASK FOR FBI

President Johnson has asked the FBI to look into the charge that a $25,000 kickback was illegally and surreptitiously channeled into the Kennedy-Johnson campaign fund in 1960.

This smacks of Mr. Johnson's investigating Mr. Johnson.

As an agency of the Department of Justice the FBI is a part of the executive branch of Government and under the authority of the President of the United States.

In his instructions Mr. Johnson asked the FBI to determine if any Federal law had been violated but he did not disclose whether the results of the investigation would be made public.

Thus Mr. Johnson, presumably, will sit in judgment on findings related to matters concerning his official family.

This is an embarrassing if not intolerable position for the FBI. It suggests though it does not necessarily prove, that the FBI could be used for political whitewashing or a political harassment.

It will be recalled that FBI agents were used for midnight interviews and the seizure of records in the political steel price issue. Their reports never saw the light of day.

Under J. Edgar Hoover, the FBI has achieved an unparalleled reputation for integrity. At the personal request of the President himself, Mr. Hoover has remained as Director beyond his normal retirement, which further places him in a difficult situation.

The FBI does not prosecute, but investigates. Its authority ends when its reports are turned over to the proper authorities, in most cases, to Federal attorneys, and in this case, to the President himself, which would be normally by way of the Attorney General.

There is more than the possibility of a violation of the election statutes in the case brought to light by Senator JOHN J. WIL-

> liams, Republican, of Delaware. It is also one of morality in Government.
>
> It belongs not with the FBI but with Congress.
>
> Senator Williams, who was responsible for the original disclosures concerning Bobby Baker, former secretary of the Senate Democrat majority, now charges that Mr. Baker and Matthew McCloskey, a contractor and former Ambassador to Ireland, conspired with an insurance agent to boost the amount on a performance bond for building a Washington stadium and diverted $25,000 of the extra amount to the Kennedy-Johnson campaign fund.
>
> The Senate and the House should assign an investigation to a joint committee composed evenly of Members of both political parties, and all hearings should be open and under oath.
>
> If people are to have faith in their Government, investigations of Government itself must not be conducted in secret, or by agencies directly responsible to the people or bureaus involved.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute. The committee named by the Senator from Delaware would be a most distinguished committee. But the arguments I have made previously still hold, and I hope that the amendment of the distinguished Senator from New Jersey [Mr. Case] will be rejected. I yield back the remainder of my time.

Mr. CASE. Mr. President, I understand that there are 7 minutes left on my side of the question.

Mr. MANSFIELD. I have yielded back the remainder of my time.

Mr. CASE. I yield myself 2 minutes. I do not believe that I shall take all of it.

On the basis of precedent—for example, the investigation of Teapot Dome and other subjects referred to today—a special select committee is a very good instrument. The fact that an investigation might take a little while would not be a handicap. It is much better to take several weeks to get a job done properly than not to have it done properly at all.

I do not really think that is an answer to our proposal that will commend itself to the American people. I hope it will not commend itself to the Members of the Senate. I feel very strongly that a bipartisan, high level investigation ought to be made. I really cannot believe that it is impossible to find on both sides of the aisle three Senators who will be able and willing to accept the high responsibility of membership on the select committee.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. MANSFIELD. I am sure we can get the six Members, but they are not volunteering very rapidly at the moment.

Mr. CASE. Mr. President, I have no further requests for time. I yield back the remainder of the time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. Case] for himself and the Senator from Delaware [Mr. Williams]. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Virginia [Mr. Byrd], the Senator from Pennsylvania [Mr. Clark], the Senator from Louisiana [Mr. Ellender], the Senator from Indiana [Mr. Hartke], the Senator from Louisiana [Mr. Long], the Senator from Oregon [Mr. Morse], the Senator from Connecticut [Mr. Ribicoff], the Senator from Virginia [Mr. Robertson], the Senator from Georgia [Mr. Russell], and the Senator from Ohio [Mr. Young] are absent on official business.

I also announce that the Senator from Alabama [Mr. Hill], and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from Washington [Mr. Jackson], and the Senator from Wyoming [Mr. McGee] are necessarily absent.

I further announce that if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Louisiana [Mr. Ellender], the Senator from Massachusetts [Mr. Kennedy], the Senator from Louisiana [Mr. Long], the Senator from Connecticut [Mr. Ribicoff], the Senator from Virginia [Mr. Robertson] and the Senator from Georgia [Mr. Russell] would each vote "nay."

On this vote, the Senator from Pennsylvania [Mr. Clark] is paired with the Senator from Washington [Mr. Jackson].

If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from Washington would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] is necessarily absent.

The Senator from Kansas [Mr. Carlson] is detained on official business, and if present and voting, would vote "yea."

The result was announced—yeas 38, nays 45, as follows:

[No. 568 Leg.]

YEAS—38

Aiken
Allott
Beall
Bennett
Boggs
Case
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Fong
Gore
Hickenlooper
Hruska
Javits
Jordan, Idaho
Keating
Kuchel
Lausche
McIntyre
Mechem
Miller
Morton
Mundt
Pearson
Prouty
Saltonstall
Scott
Simpson
Smith
Symington
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—45

Anderson
Bayh
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Church
Dodd
Eastland
Edmondson
Ervin
Fulbright
Gruening
Hart
Hayden
Holland
Humphrey
Inouye
Johnston
Jordan, N.C.
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McNamara
Metcalf
Monroney
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Salinger
Smathers
Sparkman
Stennis
Talmadge
Walters
Yarborough

NOT VOTING—17

Bartlett
Byrd, Va.
Carlson
Clark
Ellender
Goldwater
Hartke
Hill
Jackson
Kennedy
Long, La.
McGee
Morse
Ribicoff
Robertson
Russell
Young, Ohio

So the amendment offered by Mr. Case for himself and Mr. Williams of Delaware was rejected.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Montana [Mr. Mansfield].

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Is this vote on final passage?

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Montana. (Putting the question.)

Mr. CURTIS. Mr. President——

Mr. HUMPHREY. I ask for the yeas and nays.

Mr. CURTIS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Is the request for the yeas and nays sufficiently seconded?

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, the Senator from Nebraska was on his feet seeking recognition.

Mr. CURTIS. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk. On page 2 it is proposed to insert a new paragraph, beginning on a new line 5, which would read as follows:

> *Resolved further,* That any three members of the committee may request that a witness or witnesses be called to testify before the committee and all such requests shall be honored by the chairman.

Mr. WILLIAMS of Delaware. Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, can the amendment be put to a vote? It is very plain.

Mr. CURTIS. I am prepared to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from Virginia [Mr. Byrd], the Senator from Pennsylvania [Mr. Clark], the Senator from Louisiana [Mr. Ellender], the Senator from Louisiana [Mr. Long], the Senator from Connecticut [Mr. Ribicoff], the Senator from Virginia [Mr. Robertson], the Senator from Georgia [Mr. Russell], and the Senator from Ohio [Mr. Young] are absent on official business.

I also announce that the Senator from Alabama [Mr. Hill] and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from Wyoming [Mr. McGee] and the Senator from Washington [Mr. Jackson] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Bartlett], the Senator from Virginia

[Mr. Byrd], the Senator from Pennsylvania [Mr. Clark], the Senator from Massachusetts [Mr. Kennedy], the Senator from Louisiana [Mr. Long], the Senator from Connecticut [Mr. Ribicoff], the Senator from Virginia [Mr. Robertson], and the Senator from Georgia [Mr. Russell] would each vote "nay."

On this vote, the Senator from Washington [Mr. Jackson] is paired with the Senator from Louisiana [Mr. Ellender]. If present and voting, the Senator from Washington would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] is necessarily absent.

The Senator from Kansas [Mr. Carlson] is detained on official business, and if present and voting, would vote "yea."

Also, the Senator from North Dakota [Mr. Young] is detained on official business.

The result was announced—yeas 39, nays 45, as follows:

[No. 569 Leg.]

YEAS—39

Aiken
Allott
Beall
Bennett
Boggs
Case
Cooper
Cotton
Curtis
Dirksen
Dominick
Fong
Gruening
Hickenlooper
Hruska
Javits
Jordan, Idaho
Keating
Kuchel
Lausche
McClellan
McIntyre
Mechem
Miller
Morton
Mundt
Nelson
Pearson
Prouty
Proxmire
Saltonstall
Scott
Simpson
Smith
Symington
Thurmond
Tower
Williams, N.J.
Williams, Del.

NAYS—45

Anderson
Bayh
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Church
Dodd
Douglas
Eastland
Edmondson
Ervin
Fulbright
Gore
Hart
Hartke
Hayden
Holland
Humphrey
Inouye
Johnston
Jordan, N.C.
Long, Mo.
Magnuson
Mansfield
McCarthy
McGovern
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Neuberger
Pastore
Pell
Randolph
Salinger
Smathers
Sparkman
Stennis
Talmadge
Walters
Yarborough

NOT VOTING—16

Bartlett
Byrd, Va.
Carlson
Clark
Ellender
Goldwater
Hill
Jackson
Kennedy
Long, La.
McGee
Ribicoff
Robertson
Russell
Young, N. Dak.
Young, Ohio

So Mr. Curtis' amendment was rejected.

LEGISLATIVE PROGRAM

(At this point Mrs. Neuberger took the chair as Presiding Officer.)

Mr. DIRKSEN. Madam President, while Senators are in the Chamber, I should like to ask the majority leader about the program for tomorrow and whether there will be a session of the Senate on Saturday or not—I hope.

Mr. HUMPHREY. Not?

Mr. MANSFIELD. Madam President, there will be a session tomorrow.

Madam President, the pending business then will be the Javits-McCarthy amendment to the foreign aid bill. Whether it will be voted on tomorrow I cannot say. It is not anticipated at the moment that there will be a session on Saturday.

As the minority leader has indicated, the Senate will stay with the foreign aid bill until the questions connected with it are completed. How long that will take, I do not know.

I would hope that now that we have reached the end of the road, we could pass the resolution now pending, which I am sure no Senator opposes. The sooner we adopt it the better off we shall be.

Mr. SYMINGTON. Madam President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. If the Senate does not come to a vote on the resolution tomorrow, would it not be logical to continue to try to get a vote on Saturday?

Mr. MANSFIELD. It would; but unfortunately some of us have to take a Saturday off once in awhile. I happen to be one of them. If it is desired to have a session while I am not in Washington, I would say to go ahead. That decision will be up to the distinguished Senator from Hawaii [Mr. Inouye] who will be acting majority leader tomorrow. What he decides, along with the minority leader, will determine what will happen on Saturday.

So far as I am concerned, I hope that there will be a Saturday session, and that some business will be transacted.

Mr. DIRKSEN. I would much rather enjoy the fellowship and good company of the majority leader so that when he is away we can all enjoy his absence with him.

Mr. MANSFIELD. I would rather there should be a Saturday session, if it brings the Senate that much closer to adjournment. I wish to get out of here and go home and spend a little time there.

Mr. DIRKSEN. We shall all be lonesome if the Senator is not with us.

Mr. MANSFIELD. Oh, no.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Madam President, I ask unanimous consent that when the Senate concludes its business today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA STADIUM CONTRACT

The Senate resumed the consideration of the resolution (S. Res. 367) authorizing and directing the Committee on Rules and Administration to reopen the study and investigation begun under the authority of Senate Resolution 212, a resolution to inquire into the financial or business interests of any officer, employee, or former employee of the Senate.

Mr. WILLIAMS of Delaware. Madam President, I have an amendment which I send to the desk and ask to have stated. I hope the chairman of the committee will accept the amendment.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The Chief Clerk. On page 1, after the period in line 6, insert the following:

> In the conduct of the study and investigation authorized by this resolution, the committee is authorized and directed (1) in addition to its investigation of the financial or business interests or activities of any officer or employee, or former officer or employee, of the Senate, to investigate any other interests or activities of any such officer or employee, or former officer or employee, and (2) to extend its investigation to include investigation of the interests or activities of Members or former Members of the Senate, for the purpose of determining whether or not any of such interests or activities have involved any violation of law or any other impropriety of any kind or have reflected unfavorably on the integrity of the Senate.

Mr. WILLIAMS of Delaware. Madam President, the amendment is simple. I am sure there will be no objection to it.

It would merely extend the authority of the Senate Rules Committee, if it decides to go into the question, to make the investigation which it is being directed to do, as to whether any Member of the U.S. Senate or former Member of the Senate is involved. The Rules Committee would have the authority to check into that particular matter.

Some time back, this question was before the Senate. The question was raised and the point was made by the chairman of the committee that, as he interpreted the resolution or as the chief counsel interpreted it for him, the committee had no such authority even if it were found that a Member of the Senate was involved.

Mr. MANSFIELD. Madam President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I wish to make it very clear that nothing, so far as I know in this particular case, involves a Member of the Senate or a Member of the House.

Mr. MANSFIELD. Madam President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. On the other hand, if it does, there is no reason why it should not be pursued to its ultimate end.

I feel that the Senate should accept the amendment. Certainly, it was my intention, as it was the intention of the majority leader at the time I submitted the first resolution, that the resolution conferred upon the Senate Rules Committee such authority to investigate any improprieties or activities if they involved a Member of the Senate or a former Member of the Senate or if they involved other improprieties as well as business activities.

Mr. MANSFIELD. Madam President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. What the Senator is asking, in my opinion, is already included in Senate Resolution 212, and the present resolution, which is a resurrection of Senate Resolution 212. I personally see no objection to accepting it.

Mr. WILLIAMS of Delaware. If the Senator will accept the amendment I appreciate his consideration. It is important to clear up any doubts that this is the intention of Congress.

Mr. CURTIS. Madam President, the proposal of the Senator from Delaware has great merit. Let us not be mistaken as to what has been accomplished in the Senate today. The Senate has gone on record in substance as asserting that a committee cannot call witnesses without a majority vote—not only that a Senator cannot call witnesses, but also that the entire minority cannot call witnesses. It is a travesty upon committee procedure. It is going a long way toward sweeping something under the rug.

Mr. LAUSCHE. Madam President, I commend the majority leader for agreeing to accept the amendment of the Senator from Delaware. What is the use of arguing further about it? Let us vote.

Mr. MANSFIELD. Madam President, can we vote?

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Delaware [Mr. WILLIAMS].

The amendment was agreed to.

Mr. MILLER. Madam President——

Mr. WILLIAMS of Delaware. Madam President, if the Senator from Montana will yield further, I should like to have his attention.

Mr. HUMPHREY. Madam President, a parliamentary inquiry.

Mr. WILLIAMS of Delaware. This next amendment is my last.

Mr. MANSFIELD. I thought the last amendment was three amendments ago. If the Senator wishes to continue to offer amendments, the Senate is in session, and that is fine with me; but I must leave the Chamber.

Mr. WILLIAMS of Delaware. I hope that the Senator from Montana will also agree to this amendment. I have checked with the legislative counsel. As his resolution is drawn I am fearful that if in the course of this investigation it were found that there was another contract in which the same contractor may have been involved and a similar pattern were established as to kickbacks, that the interpretation would be made that the committee would not have the authority to go into it.

This amendment provides: On page 1, before the period in line 11 it is proposed to insert a comma and the following: "and to any matters relating to the construction of any other Government building or facility".

I want to make it clear that I have no evidence that what was done in this case goes beyond into any other contract. But this contractor has had several other contracts. If in the course of this investigation it is found that this method of overpayment represents a pattern or an indication that this may have happened in another instance the committee should have the authority to go into it.

I am sure that the majority leader thought that was the way it was drafted, but I wish to make it clear beyond any shadow of doubt.

Mr. MANSFIELD. Madam President, it appears to me that what the Senator is doing before the committee gets underway is to raise questions as to its fairness. I believe that the resolution speaks for itself. I believe that the committee would do the things the Senator wishes; but if it would please him and he wishes that provision included, it is all right with me.

Mr. HOLLAND. Madam President, let me ask the Senator from Delaware a question: Would this not permit the committee to go into any question of Government construction, regardless of whether it related to the Senate or to Senate employees?

Mr. WILLIAMS of Delaware. No. Not as I interpret it.

Mr. HOLLAND. As I interpret it, it would. If the Senator will read it back, perhaps I have it wrong.

Mr. WILLIAMS of Delaware. If the Senator remembers the whole section, starting with line 7—of the resolution itself—it reads:

> *Resolved further*, That the study and investigation authorized by this resolution is directed to give particular emphasis to the allegations raised in connection with the construction of the District of Columbia Stadium and matters related thereto.

I am afraid that this may be interpreted as confined to an inquiry solely with respect to this one stadium contract.

Mr. McCloskey built many other Government buildings. Should it be found that there was an indication that this practice related to other contracts I feel that the committee should clearly have jurisdiction to go into it. It would not have been necessary with the Committee on Government Operations to spell out such authorization. That committee already has authority to go into all Government contracts.

Let us not instruct the Committee on Rules and Administration to inquire into this one contract only and say that it is not to look for anything else or any other possible kickbacks. I know that that is not the intention. I believe that we need to clear up this question.

Mr. MANSFIELD. The resolution reads as follows:

> *Resolved further*, That the study and investigation authorized by this resolution is directed to give particular emphasis to the allegations raised in connection with the construction of the District of Columbia Stadium and matters related thereto.

In the preceding paragraph, we resurrect Senate Resolution 212, which is already all embracing. I suggest that we should have some faith and some belief in the committees of this body, which are selected by the Members of the Senate as a whole.

I would hope also that the Senator from Delaware [Mr. WILLIAMS] would recognize that what I have said is implicit in both these resolutions, and that what I believe the Senator is trying to do is unnecessary, and in a sense uncalled for at this time.

Mr. WILLIAMS of Delaware. Mr. President, as a layman I could place a similar interpretation on it. If the Senator from Montana [Mr. MANSFIELD] were on this committee and were to interpret the resolution I would accept it as drafted. But I am not unmindful of the fact that when we were discussing the original resolution last October the Senator from Montana [Mr. MANSFIELD], the Senator from Illinois [Mr. DIRKSEN], and I, all agreed that the resolution did have authority to question Senators. Later, it was interpreted differently than we had intended at that time.

Mr. MANSFIELD. But, now we are saying ahead of time, and we are emphasizing what we intend, that it shall pertain to previous Members and employees.

Mr. WILLIAMS of Delaware. But at the time we submitted the original resolution we emphasized our interpretation. Later when the question was raised by the committee we restated our interpretation and thought at that time that we had concurrence in that interpretation by the chairman of the Rules Committee, the Senator from North Carolina [Mr. JORDAN]. But later we found that the committee was operating under an interpretation given the committee by the committee counsel, that it had no such authority.

It is to preclude such a possibility again that I am offering this amendment. All I am trying to do is to carry out what I know the Senator from Montana intends to do.

Mr. MANSFIELD. But the second resolve in the resolution applies specifically to the allegations made on the floor by the distinguished Senator from Delaware [Mr. WILLIAMS].

I believe I can give the Senator my assurance that the committee will look into other matters relating thereto. I believe we ought to have some faith in the committee. What we are doing is trying to dilute, dilute, and dilute. We should give the committee an opportunity to look into the matter and investigate the allegations. We should not try to tear it down in the process. The committee members are Members of this body. I think they are entitled to our confidence and good will. They have a tough job.

Mr. WILLIAMS of Delaware. Will the Senator accept the amendment?

Mr. MANSFIELD. No.

Mr. WILLIAMS of Delaware. Madam President, I ask for the yeas and nays.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Louisiana [Mr. LONG], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Georgia [Mr. RUSSELL], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Alabama [Mr. HILL], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Wyoming [Mr. MCGEE] and the Senator from Washington [Mr. JACKSON] are necessarily absent.

I further announce that if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from Louisiana [Mr. ELLENDER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Georgia [Mr. RUSSELL] would each vote "nay."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the

Senator from Washington [Mr. JACKSON]. If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from Washington would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Kansas [Mr. CARLSON] is detained on official business; if present and voting, he would vote "yea."

The result was announced—yeas 38, nays 48, as follows:

[No. 570 Leg.]

YEAS—38

Aiken
Allott
Beall
Bennett
Boggs
Case
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Fong
Hickenlooper
Hruska
Javits
Jordan, Idaho
Keating
Kuchel
Mechem
Miller
Morton
Mundt
Nelson
Pearson
Prouty
Proxmire
Robertson
Saltonstall
Scott
Simpson
Smith
Symington
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—48

Anderson
Bayh
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Church
Dodd
Eastland
Edmondson
Ervin
Fulbright
Gore
Gruening
Hart
Hartke
Hayden
Holland
Humphrey
Inouye
Johnston
Jordan, N.C.
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Neuberger
Pastore
Pell
Randolph
Salinger
Smathers
Sparkman
Stennis
Talmadge
Walters
Yarborough

NOT VOTING—14

Bartlett
Byrd, Va.
Carlson
Clark
Ellender
Goldwater
Hill
Jackson
Kennedy
Long, La.
McGee
Ribicoff
Russell
Young, Ohio

So the amendment of Mr. WILLIAMS of Delaware was rejected.

Mr. HUMPHREY. Madam President, I ask for the yeas and nays on the passage of the resolution.

The yeas and nays were ordered.

Mr. MILLER. Madam President, I should like to ask the distinguished acting majority leader a question for clarification. Page 1 of the resolution provides for special emphasis being given to allegations raised in connection with the construction of the District of Columbia Stadium and "matters related thereto." I wonder if "matters related thereto" would include possible income tax violations?

Mr. HUMPHREY. I presume it would include all items.

Mr. MILLER. I think it should be made clear, because the reason which prompted the question is that on page 2 particular attention was given to the Federal Bureau of Investigation and the District of Columbia——

Mr. HUMPHREY. And any other agency.

Mr. MILLER. Yes; but nothing was said about the Internal Revenue Service. The Senator may recall that the Senator from Iowa earlier pointed out that if these allegations which came on the floor of the Senate were true, they could involve possible income tax violations; and I would trust that the intention of the Senate would be that such matters as that would be embraced in the resolution.

Mr. HUMPHREY. The Senator's interpretation would seem to me to be correct. The amendment of the Senator from Delaware, which was accepted a while ago, was rather broad in its coverage, and I think all matters are fully covered.

Mr. MILLER. I thank the Senator.

Mr. WILLIAMS of Delaware. Madam President, I am glad that the Senate accepted one of our amendments, but I regret that it rejected the others. I wish it had accepted the amendment which the Senator from Nebraska [Mr. CURTIS] offered. That amendment would have given us assurance that the minority could have some of its witnesses called to testify. The complaint of the minority previously was that the committee would not call witnesses when there was an indication that their testimony might be embarrassing to the administration. Such procedure only invites the charge of whitewash.

In final passage I shall support the resolution since it is the only choice we have. I only hope that at this time next year I shall be able to say that my present complete lack of faith in the Senate Rules Committee to do the job was unfounded.

Mr. CASE. Madam President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CASE. Does the Senator understand that there is at least an implied commitment on the part of the majority to call Mr. McCloskey if the resolution is adopted?

Mr. WILLIAMS of Delaware. It would be utterly inconceivable if the committee did not call Mr. McCloskey, Mr. Baker, and Mr. Reynolds in public sessions. I emphasize the words "public sessions" so that the country can see what is going on. They should not be called in executive session where someone might leak out his interpretation of what has been said. The people should know what is developed.

Mr. CASE. Madam President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. CASE. Does the Senator suppose that we can get any kind of assurance from some of the Senators who are present and listening to what is being said as to whether we shall get that sort of result if we support the adoption of the resolution?

Mr. WILLIAMS of Delaware. I hope so. I should like to think so, because that was the trouble before. The majority refused to call witnesses as requested by the minority members.

Mr. CASE. I do not hear any response from the other side of the aisle.

Mr. WILLIAMS of Delaware. Mr. Reynolds asked for an opportunity to testify before the committee in a public session where under oath he could present his testimony. Sure, his testimony had already been take in executive session. Are the members of the committee afraid to let the country hear what the man has to say? The witness is entitled to that privilege. Other witnesses were called, and all the other witnesses were allowed to testify in public. Let them take his testimony first in executive session, then in public session. Let us lay out all the evidence, regardless of what is involved.

Mr. CURTIS. Madam President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. It would be very appropriate, in view of the fact that the majority has denied the right to call witnesses, that the majority should state whom they expect to call as witnesses. I make that statement in all sincerity because we have wasted a year now trying to have the investigation. We have been denied our right to call witnesses. Is the majority now asking us to vote on a sham, or will the majority state the names of at least some of the witnesses whom they expect to call?

Mr. LAUSCHE. Madam President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Ohio?

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. If the majority of the committee refuses to call witnesses who the minority feels are necessary for a complete investigation, might not the minority come before the Senate with a resolution asking for the mandatory calling of the witness whom the minority wishes? Out of the discussions which we have had, the majority will realize that the question requires leading in the direction of mistakes in calling witnesses rather than mistakes in not calling them. This afternoon it was stated by one of my colleagues that when the people voted to elect two-thirds of the Senate from one political party, they did not expect that that overwhelming majority in control would lead to abuses in the exercise of authority. I feel that out of the discussions of the past several days has come clearly the mandate of the thinking of the Senate, that there must be a complete and thorough investigation of what has happened.

Madam President, I do not propose to have the people of Ohio suspect me of dishonesty and of misdoings because of a fear to investigate. I notice that the Senator from Illinois [Mr. DOUGLAS] has voted completely in the direction of a thorough investigation, and I am glad to be on his side.

Madam President, I am not casting any reflections, but I should like to know if it is a fact that the wife of Mr. Baker is now on the payroll of the Federal Government, and I should like to know what her salary is and for what department she works. The question is not intended to cast any reflection, but I think the people of the country ought to know the answer. We have spent many hours and weeks discussing this item, and it was only a few days ago that I learned that Mrs. Baker was on the payroll of a committee.

Whether it is true or not, I do not know. I do not claim it to be a fact, but it is stated that her salary is $16,000 or $17,000 a year.

Can any Senator answer that question for me?

Mr. WILLIAMS of Delaware. I believe I can answer it. The answer is "Yes." I do not know what the salary is, but the statement that she is on the Federal payroll is correct.

Mr. LAUSCHE. Can any Senator answer as to what her salary is? I have been told it is $16,000 or $17,000 a year. So how far can we go in removing from the minds of the people of the Nation the fear that things are bad?

Mr. WILLIAMS of Delaware. That is only one of the indications to show how the Senate committee has been scraping over the top of the whole Baker issue. The very point we are here today directing the Rules Committee to investigate is one the Rules Committee refused to investigate when this specific allegation was called to its attention. Apparently it was hoping and praying that no one else would obtain the evidence and thereby embarrass them.

Well, they missed their guess. The cancelled check was produced, and now we have another investigation pending.

The big question is—what else is left under that rug?

Mr. COTTON. Madam President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. The only result which the minority members of the committee can expect if they are again denied the privilege of calling witnesses to insure a thorough investigation and a revelation to the country, is to come back to the Senate and appeal again to the Senate.

We can at least have the consolation in the Senate, after this long and weary deliberation, that there will be an early adjournment of the Senate so that the Senate will not be here to receive their plea.

Mr. WILLIAMS of Delaware. The point made by the Senator from New Hampshire is well taken.

Mr. MUNDT. Madam President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MUNDT. I subscribe to what the Senator from Ohio said about a shocking development that has taken place. For what reason, I do not know. I do not know why there should be this attempt, tending to downgrade the whole investigatory reputation of the Congress, and especially of the Senate. To me it is utterly unheard of and a fantastic situation when a majority of any committee denies the minority members of that investigating committee the right to call witnesses. If that is inherent in what we are supposed to vote for now, we are voting for something which is sheer hypocrisy. I hope that the majority members of the Rules Committee, who have a heavy responsibility to the public weighing on their shoulders will not be without action. While I can understand why some of our colleagues on the other side of the aisle might not want to have witnesses called when the Republican members asked them to call such witnesses, I appeal to them, as I did once before on the floor, not to use this power arrogantly by denying the minority the right to call witnesses.

The Senator from Ohio [Mr. LAUSCHE] is so right. The public will not feel that there has been anything but a glorified whitewash unless the witnesses suggested by the minority are called. Obviously they should call Bobby Baker, Reynolds, McCloskey, and others. Why in the world are we engaging in this political hocus-pocus here today, with this effort on the part of the majority members to resurrect an investigation which they buried and whitewashed, unless they intend to call witnesses?

So I shall vote for the resolution, but I shall vote for it in the expectation that the majority will not make the colossal blunder they made last time in refusing to call witnesses who are important and relevant to the investigation, witnesses who are suggested by the minority members of the committee, who have a right to have them called.

I have one further suggestion to make.

Mr. CURTIS. Madam President, will the Senator yield on that point?

Mr. MUNDT. In just a moment. I suggest to Senators COOPER, SCOTT, and CURTIS that they go back in senatorial history. Ten or twelve years ago we had a situation in which a committee under a certain chairman refused to pay attention to the minority. The minority members walked out of the committee and said they would have nothing to do with that kind of procedure. The walkout was led by a well recognized Member of the Senate, now a member of the Senate Permanent Investigating Subcommittee. I think he was right in taking the minority members out of the committee with him.

As a result, we have devised a procedure and an arrangement by which the minority is protected.

I suggest that, if the majority members refuse to call witnesses, our three Republican members walk out of the investigation, stay out of it, and let those having the majority put the imprimatur of one political party on the whitewash.

Mr. CURTIS. Madam President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. CURTIS. I point out that but for the majority members of the Rules Committee, the Curtis amendment would have prevailed today. How anyone can base any hopes that we shall be able to call any witnesses by appealing to them is beyond me.

Is it any wonder that lawlessness is running rampant in this country, that women and girls are not safe on the streets of Washington, that bloodshed is taking place over this country, when there is a Government of the United States that is corrupt, and the Senate will not investigate it? The acting majority leader, the Senator from Minnesota [Mr. HUMPHREY], voted against full investigation three or four times. He will have to take the responsibility.

Mr. HUMPHREY and Mr. LAUSCHE addressed the Chair.

Mr. MUNDT. Madam President, the Senator from South Dakota is an eternal optimist. I hope that the majority members of this committee will have learned their lesson. They railroaded one investigation into a whitewash, and the country is rebelling against it. I pleaded with them, as one who has been a member of investigating committees of the Congress longer than any other Member, not to use their power of numbers. They used it. Their action has come back to plague them. I hope they will not use it again.

I shall vote for the investigation in the hope, confidence, and optimism that the majority members will learn from that sad mistake and call the witnesses required. If they do not, I hope the Republican members will walk out of the committee and let the whitewash be conducted by one political party only. I hope that will help correct the situation.

Mr. LAUSCHE. Madam President, will the Senator yield to me?

Mr. MUNDT. I yield.

Mr. LAUSCHE. Following the statement I made earlier, the wife of Bobby Baker is on the payroll of the Internal Security Subcommittee. Her base pay is $2,939.34 a quarter. I have been told that that amount should be multiplied by 4, which brings her pay to about $12,000 a year. I have referred to the report from January 1, 1964, through March 31, 1964. Whether she is still on the payroll, I do not know.

Mr. MUNDT. I think the Senator will find that that is base pay, and that her actual pay is greater. At least I am delighted that as a result of the Senator's inquiry it did not develop that she was employed as a staff member of the Rules Committee.

Mr. ERVIN. Madam President, if the Senator will permit me to comment—without his losing the floor—I wish to make an observation on the point concerning Mrs. Baker.

Mr. MUNDT. Madam President, I yield to the Senator from North Carolina.

Mr. ERVIN. For the information of the Senate, it is my understanding that Mrs. Baker was an employee of one of the subcommittees of the Committee on the Judiciary; namely, the Internal Security Subcommittee, prior to her marriage. So far as the Senator from North Carolina has ever heard, she is not charged wtih any complicity in the matters of a derogatory nature. So far as the Senator from North Carolina is concerned, her service on that committee has been honest, honorable, and efficient.

So far as the Senator from North Carolina is concerned, no member of the majority of the Rules Committee has been guilty of any crimes in connection with molesting any girls or women on the streets of Washington.

Mr. HICKENLOOPER. Madam President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. HICKENLOOPER. Am I correct in assuming or understanding that the witness source of the alleged evidence raised by the Senator from Delaware in connection with the alleged payoff of $25,000, or one of the witness sources, is one of the witnesses the minority members wanted to call in the previous investigation? They had laid down certain facts and connections, but the minority was ruthlessly voted down by the majority, who refused to go into these things, and now we are going through the same hassle again because of this refusal. I further understand that this is one case, and that there are a number of other witnesses who should have been called. Is that correct?

Mr. MUNDT. The Senator from South Dakota is not a member of the Committee on Rules and Administration. I shall yield to the Senator from Delaware [Mr. Williams], who has done the spadework, to answer the question. The Senator from South Dakota has injected himself into the situation today solely because we have had this hassle before.

With both arms waving, the Senator from South Dakota has been flashing an orange light before the Rules Committee, asking them not to use their power to sweep this matter under the rug. I told them that they could refuse to call witnesses, but that the American public would not let them get by with it. The public has not let them get by with it.

I plead with them now to call the witnesses and let the facts speak, and to let hearings be held in public, where the American people can find out all about this matter, and not merely hand out press releases from a star chamber proceeding.

Mr. HICKENLOOPER. Madam President——

Mr. MUNDT. I now yield to the Senator from Delaware. He can answer the Senator's question.

Mr. WILLIAMS of Delaware. The answer is——

Mr. JORDAN of North Carolina. Madam President, I can answer the question.

Mr. WILLIAMS of Delaware. If the Senator from North Carolina wishes to answer, very well.

Mr. MUNDT. I am glad to yield to either Senator.

Mr. JORDAN of North Carolina. Madam President, if the Senator will obtain a copy of the hearings and look at page 45, he will find the answer. Counsel, Mr. McLendon asked Mr. Reynolds:

> Now, Mr. Reynolds, I ask you and you have testified to all of the business transactions that you had with Baker or in which Baker had been instrumental in promoting? Can you think of any others that we have not asked you about?
>
> Mr. Reynolds. I do not recollect any others, sir.

There is the answer. Mr. Reynolds testified under oath. This is the report of his testimony. He was under oath twice before our committee. All I know is what he testified.

An allegation has been made by the Senator from Delaware [Mr. Williams], and I wish to read something on what he has said. This is found at page 1894, when the Senator appeared before our committee. He was before our committee twice. He laid a good deal of information before our committee at that time, and a great deal since then. I read from page 1895 of the hearings:

> The Chairman. You have been mighty generous with your information. I presume, as you told me in the beginning, that you will keep on supplying us with anything which comes into your possession.
>
> Senator Williams. I will make available to you any information which I get; yes, sir.

In answer to the allegation made on the floor of the Senate this afternoon, and previously by Senator Williams, the information about the new check was never presented to our committee. I heard about it on the floor of the Senate for the first time in my life. I heard about it only a few days ago. No one on the staff of the committee heard of it being sent to the committee. It is new information. I accept it as new information. It was never brought to our attention by anyone.

Mr. WILLIAMS of Delaware. Madam President, will the Senator yield?

Mr. MUNDT. I am happy to yield.

Mr. WILLIAMS of Delaware. I should like to keep the Senator from North Carolina straight on this information because I know he wants to be, yet he is far off base. First, he read the question by him in the committee asking me whether I had presented all the information I had. As of that date I certainly had. That statement was made on November 14, 1963, nearly a year ago.

Yes, I told the Senator from North Carolina that I would cooperate with his committee, and I did cooperate with the committee. I only wish I could say that the committee had given me its cooperation in return.

Some of what the Senator's committee disclosed later was presented to him through my testimony. He knows that.

Mr. JORDAN of North Carolina. I do not know it.

Mr. WILLIAMS of Delaware. So far as the testimony of Mr. Reynolds is concerned, he later asked for an opportunity to testify in public session. The Senator from North Carolina and his committee refused to call him. The committee refused to call Mr. McCloskey. I told the Senator from North Carolina plainly, in colloquy on the floor of the Senate, not a week or so ago, but back in July of this year that this particular check of Mr. McCloskey's should be obtained by his committee. The Senator from North Carolina took no action whatever.

Madam President, I ask unanimous consent to place in the Record again the colloquy in July wherein I specifically told the Senator from North Carolina that he should obtain this particular check.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

> Mr. Williams of Delaware. I concur in what the Senator from Nebraska stated. Mr. McCloskey should have been called. It would have been far better.
>
> There is one other missing link which may have only supported the other testimony or it may have raised other questions. Some of the canceled checks were in the committee hearings and I have them before me.
>
> The committee has also the canceled check by which Bobby Baker got his $4,000. The committee has the canceled check for $1,500 that Mr. McLeod received. But what the committee does not have and which the committee should have and which I hope it will still try to obtain, is a copy of Mr. McCloskey's check to Mr. Reynolds as payment for this stadium insurance. I think it would be very important to have that information.
>
> Mr. Jordan of North Carolina. I think Mr. Reynolds' record shows what the amount is. The report shows what he paid for the performance bond. But I shall not argue that point.
>
> Mr. Williams of Delaware. It shows that Mr. Reynolds was to get $73,631.28 from Mr. McCloskey.
>
> He paid Hutchinson, Rivinus & Co., who handled the insurance for Reynolds, $63,599.72. That left a difference for his commission of $10,031.56. Out of that $10,031.56 he wrote a check for $4,000 to Bobby Baker and two checks to Mr. McLeod, one for $1,000 and one for $1,500.
>
> While it may be merely routine, I should like to see the $73,631.28 check to see if that is exactly what was paid. I would suggest that even now the committee could obtain a copy of that check. It may be interesting.

Mr. WILLIAMS of Delaware. The committee flatly refused to call Mr. Reynolds in public session. When the committee was told he had additional testimony he should have been called back.

I regret very much that the committee did not do a better job. I went before the Senator's committee in good faith last October and November. I presented to the committee all the evidence I had. I told the Senator that I would continue to supply any information I later developed. Later I told the Senator from North Carolina that I was very much disappointed in how his committee was operating. I said I was a little annoyed to find that someone—either he or someone high in the administration—had passed instructions that all my correspondence with agencies of the Government should be intercepted and copies of it transmitted to the Senator's committee. The Senator from North Carolina accepted that without telling me what was being done. Why?

I cooperate; but was that the proper way for the committee to reciprocate?

If the Senator did not run down all the leads and if he did not read all of this mail that was intercepted he missed a golden opportunity to find out what was going on.

From the time that I found that the committee was more interested in investigating how I was obtaining my information than in the information itself my cooperation stopped, and it has not been resumed with anyone connected with the majority side of the committee. Nor will it be resumed until I get more of an indication that such cooperation is appreciated.

Mr. JORDAN of North Carolina. Madam President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. JORDAN of North Carolina. I have no recollection of the Senator's showing me a check for $109,000. I heard the Senator discuss it on the floor. He stated on the floor of the Senate that there was a check for $5,000, and he read a letter about it. It was a check for $5,000 that was cashed in the Disbursing Office of the Senate.

Mr. WILLIAMS of Delaware. That $5,000 check was a different case entirely. It had nothing to do with this McCloskey case.

Mr. JORDAN of North Carolina. I know that, but the Senator never said anything about the $109,000 check of Mr. McCloskey.

Mr. WILLIAMS of Delaware. Oh, yes; the Senator was alerted about the possible overpayment.

Mr. JORDAN of North Carolina. It was never referred to my committee or to any member of the committee at any time. If it was, I have no knowledge of it. The Senator never said anything to me about it. I heard the Senator discuss it on the floor. He made this allegation. I did not deny it, because I did not know anything about it. It never came before our committee until now. It will be before our committee if the case is referred to the committee.

Judging by the statements of the Senator from Delaware, one would get the impression that he dug up all the information that is before the Committee on Rules and Administration.

Mr. WILLIAMS of Delaware. Oh, no.

Mr. JORDAN of North Carolina. We dug up a great deal of information, too.

Mr. WILLIAMS of Delaware. The Senator and his committee certainly did, but what did they do with it? Where is it?

Mr. JORDAN of North Carolina. To the extent of several thousand pages.

Mr. WILLIAMS of Delaware. I wish to give full credit to the Rules Committee for digging up the check for $5,000. This was a check Mr. Baker cashed at the Senate Disbursing Office, taking fifty $100 bills. Yes, the committee discovered that strange transaction about 6 months before I found it out.

Why had the committee not released it before? Why was it kept under the rug until I discovered it?

I know that the Senator picked up much information long before I did. The Rules Committee also was on notice because the Senator from Kentucky [Mr. COOPER] pleaded with the committee to call Mr. McCloskey so that the committee could question him. The committee rejected his request by a vote of 6 to 3. Why did the committee reject the request? What was it afraid of?

I will again read to the Senator from North Carolina exactly what I told him on July 27. This was in answer to the refusal to call Mr. McCloskey.

> Mr. WILLIAMS of Delaware. I concur in what the Senator from Nebraska stated. Mr. McCloskey should have been called. It would have been far better.
>
> There is one other missing link which may have only supported the other testimony or it may have raised other questions. Some of the canceled checks were in the committee hearings and I have them before me.
>
> The committee has also the canceled check by which Bobby Baker got his $4,000.

That $4,000 was the kickback he received.

Mr. JORDAN of North Carolina. It is in the record.

Mr. WILLIAMS of Delaware. It is in the record. The committee saw nothing illegal about it. I continue to read:

> The committee has the canceled check for $1,500 that Mr. McLeod received. But what the committee does not have and which the committee should have and which I hope it will still try to obtain, is a copy of Mr. McCloskey's check to Mr. Reynolds as payment for this stadium insurance. I think it would be very important to have that information.
>
> Mr. JORDAN of North Carolina. I think Mr. Reynolds' record shows what the amount is. The report shows what he paid for the performance bond. But I shall not argue that point.
>
> Mr. WILLIAMS of Delaware. It shows that Mr. Reynolds was to get $73,631.28 from Mr. McCloskey.
>
> He paid Hutchinson, Rivinus & Co., who handled the insurance for Reynolds, $63,599.72. That left a difference for his commission of $10,031.56. Out of that $10,031.56 he wrote a check for $4,000 to Bobby Baker and two checks to Mr. McLeod, one for $1,000 and one for $500.
>
> While it may be merely routine, I should like to see the $73,631.28 check to see if that is exactly what was paid. I would suggest that even now the committee could obtain a copy of that check. It may be interesting.

I now ask the Senator from North Carolina: Did the committee try to obtain the check? What did the committee do about it?

Mr. JORDAN of North Carolina. I take it that the Senator has a copy of that from the record. There are photostatic copies of a number of checks in the hearings.

Mr. WILLIAMS of Delaware. I am speaking of this McCloskey check. Did the Senator try to obtain the check? Had he obtained it he would have found that it was a check for $109,000. That was the check Mr. McCloskey sent in payment for the performance bond, rather than a check for $73,000, the amount which he should have paid. Several weeks ago I suggested that the Senator obtain that check to see if it was for the exact amount.

I ask the Senator again: Did he make any effort whatsoever to obtain that check, or did he do nothing until I disclosed the check before the Senate last week?

Mr. JORDAN of North Carolina. The Senator's suggestion was made on the floor of the Senate, not before the Committee on Rules and Administration.

Mr. WILLIAMS of Delaware. Just a moment. That is no answer. A few days earlier the majority leader had lectured all of us on this side of the aisle when we were trying to extend the authority of the Committee on Rules and Administration and said that if we had any evidence the floor of the Senate was the place to present it. We accepted his recommendation.

When I became convinced that the committee was intercepting my mail I presented the evidence on the floor of the Senate. If the Senator from North Carolina and his committee will demonstrate that they are really going into this subject I shall again pledge my cooperation. But I want that demonstration of good faith on the part of his committee evidenced first.

I should like to ask the Senator if in his next inquiry he intends to call Mr. McCloskey as a witness.

Mr. JORDAN of North Carolina. I shall answer the question in this way: If the resolution is turned over to the Committee on Rules and Administration, we will do the investigating. We shall be glad to hear the Senator from Delaware any time he wishes to appear with any information he has. Let me go further——

Mr. WILLIAMS of Delaware. Will the Senator from North Carolina call Mr. McCloskey as a witness?

Mr. JORDAN of North Carolina. That will be for the committee to decide. I wish to go a little further. Neither the chairman of the Committee on Rules and Administration nor anyone else connected with the committee intercepted any mail of the Senator from Delaware, to my knowledge.

Mr. WILLIAMS of Delaware. Again no answer. The Senator from North Carolina is not trying to state, is he, that copies of my correspondence were not sent to his committee? He has already confirmed that point on the floor of the Senate in earlier debate.

Mr. JORDAN of North Carolina. I did not. I said this, if I am not badly mistaken: On two occasions, if my recollection serves me correctly—I cannot remember everything the Senator from Delaware said on the floor; he said so many things, I cannot remember them all—one or two agencies sent me copies of answers to requests that the Senator from Delaware had made. They sent me copies of answers they had sent to the Senator from Delaware, because my recollection is that the Senator had asked for certain information. We were making an investigation, and our agents or investigators said, "We thought the committee was entitled to the information which the Senator from Delaware had asked for." We had not asked for it; they sent it of their own volition. I do not remember who it was that sent it, but we never asked anybody to shadow the Senator from Delaware.

Mr. WILLIAMS of Delaware. I do not say who ordered it; I do say it was someone high in the administration who did it. It did not accidentally happen. My mail was intercepted.

Mr. JORDAN of North Carolina. The Senator from Delaware is intimating that I did it. I resent that statement, because I did not.

Mr. WILLIAMS of Delaware. No, I said I did not know who gave the instructions; but it took somebody in high position to do it. I have letters confirming that copies of some of my correspondence were sent to the Committee of the Senator from North Carolina. I do not know how much he read, but they were sent to his committee. I consider it a highly improper procedure for any department of the executive branch of the Government to take it upon itself to transmit to one Member of the Senate copies of the correspondence of any other Member of the Senate. I do not say that the Senator from North Carolina instructed that that be done, but I hope the committee did put dependence enough in it to read it. If the chairman did not read it, I suggest that he go back and read it even at this late date because he may have missed a few points. It might have avoided the unpleasantness of having last week's episode exposed in the Senate had he really read the correspondence that was sent to him and then acted.

The Senator from North Carolina said that the decision as to whether or not the committee would call Mr. McCloskey will be made later by the committee. Will the Senator tell us how he personally will stand on the question of calling Mr. McCloskey as a witness?

Mr. JORDAN of North Carolina. If the Senator from Delaware will wait until we have an opportunity to act, we will determine how to proceed. In the first place, the resolution has not been adopted. The final vote has not been taken. If the resolution is adopted and the Committee on Rules and Administration is directed to act, I assure the Senator that the committee will conduct its own investigation. I invite the Senator from Delaware to come before the committee again with any information he has. If he has any information to submit to us, I hope he will do so.

Mr. WILLIAMS of Delaware. I hope the Senator from North Carolina is not indicating to the Senate that all he was interested in investigating is that which the Senator from Delaware indicated he knew about. Certainly the Senator and his committee have some responsibility. Last November I never dreamed of such a thing as the McCloskey overpayment. If I had I would have told the Senator about it. I was acting in good faith; but the fact is, I did not know anything about the check at that time. I found out about that later. I do not want the Senator to infer that I was misleading him at the time. I was not. As soon as I got the information, I presented it to the Senator from North Carolina, and when he seemed uninterested I presented the information to the Senate. If he did not take advantage of it, that is his own fault.

I express the hope again that we may have some assurance from either the Senator from North Carolina or some Member on the majority side that a thorough investigation will be conducted and that these witnesses will be called.

I shall vote for the resolution, but it will be with grave misgivings.

Mr. GORE. Madam President, I call for the regular order.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The Senator from South Dakota [Mr. MUNDT] has the floor.

Mr. JORDAN of North Carolina. Madam President, will the Senator from South Dakota yield further?

Mr. MUNDT. If the Senator's colleague from Tennessee will withhold his request for the regular order, I shall be happy to yield.

Mr. GORE. I withdraw my demand for the regular order.

Mr. MUNDT. In that event, perhaps we should let the Senator from Delaware finish his sentence.

Mr. PASTORE. He had not finished?

Mr. MUNDT. He was half way through a sentence when he was interrupted.

Mr. JORDAN of North Carolina. I wish to say with all the honesty I possess that the Committee on Rules and Administration had no intention of hiding anything; and that we did not hide anything that we knew anything about.

We talked with Mr. McCloskey twice by transatlantic telephone. There were allegations against Mr. McCloskey. Mr. Reynolds testified under oath—and it is in the record—that he met with Bobby Baker in his office and that Bobby Baker introduced him, Mr. Reynolds, to Mr. McCloskey. He said that Bobby told Mr. McCloskey he had an interest in the Reynolds Insurance Agency—or whatever the correct name of it is—and that if he was successful in his bid to build the stadium, he hoped he would give Mr. Reynolds the performance bond.

Mr. Reynolds testified that he did get it. He got a fee of $10,000, for which he gave Baker $4,000. This is all in the record. The check was there. There was nothing denied about it. There was nothing to hide. We called Mr. McCloskey in Ireland. He was Ambassador to Ireland at that time. He said the same thing. He said that Baker told him he had an interest in the Reynolds company, and that he hoped he would give him that business, because he would benfit by it. What Mr. Reynolds paid Baker he had no idea, but we did get to him. We felt it was not necessary to bring Mr. McCloskey back from Ireland to tell us the same thing he told us over the telephone.

All the information we are now discussing is completely new information. We had no knowledge of it before. We did place in the record, in the last 2 or 3 weeks, the bids that were made on the stadium. Mr. McCloskey was the low bidder. We went down the list. I believe there were 10 bidders. We verified that and placed it in the record. We did what we thought was necessary. We do not deny there is additional information which has now been brought before the Senate. This resolution would direct us to look into it. If it is referred to us, we shall look into it. There is no argument about that.

Mr. CASE. Madam President, will the Senator yield?

Mr. MUNDT. Madam President, I yield first to the Senator from Delaware, and then I shall be glad to yield to the Senator from New Jersey.

Mr. WILLIAMS of Delaware. Madam President, the point has been made that Mr. McCloskey was the low bidder. That is true. He was. It is also true that after he got the contract additional changes were made which cost $2,990,000 more, which was added to the contract. I wish that to show in the RECORD.

Six of those changes represented changes in the installation of 14 additional toilets. They did not even know how to build toilets. It required six changes at a cost of $150,000 to do it.

Mr. CASE. Madam President, will the Senator yield?

Mr. MUNDT. I am glad to yield to the Senator from New Jersey.

Mr. CASE. I am concerned that we seem to be getting into the same kind of situation in regard to the result of the adoption of the resolution—that is, one of frustration and no action—that we got into when we first adopted the Williams resolution to make the investigation.

That resolution, as the Senate knows, we were advised by the majority leader, would include Members of the Senate. The chairman of the Rules Committee decided that it would not.

Now we are given a resolution by the majority leader for the investigation of the current information. And now the Rules Committee chairman refuses to say whether he will call the chief person mentioned in this information.

I believe that it is about time we knew where we stood—or are we going to get another runaround?

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. JORDAN of North Carolina. Madam President, will the Senator yield?

Mr. MUNDT. I yield first to the Senator from North Carolina [Mr. JORDAN].

Mr. JORDAN of North Carolina. I never made such a statement as that.

Mr. CASE. I did not say the Senator made any such statement as that. I said——

Mr. JORDAN of North Carolina. The Senator from New Jersey said that I refuse to——

Mr. CASE. The Senator did not call the Members of the Senate. The Senator refused to do it. The Senator was upheld, in the last analysis, against the protests from the Democratic side. For instance, the Senator from Tennessee had been assured a second time by the majority leader that the investigation would cover Members of the Senate, and then we were overruled by the chairman of the Rules Committee.

Are we to be overruled again?

Mr. JORDAN of North Carolina. I told the Senator from New Jersey on the Senate floor—and I will tell him again—that if he has any charges to make against a Senator, he should make them, and we will investigate them. We have not received any yet.

Mr. CASE. We have heard this argument ad nauseam. The Senator knows that is no answer to the point. My point is, as a result of the adoption of this resolution, are we going to get results, or are we doing an entirely futile thing?

Mr. JORDAN of North Carolina. Let me say to the Senator that I did not say a few minutes ago that I would not call Mr. McCloskey. I said that if we conducted this investigation, we would call those we thought we needed to hear. It may include him—I would presume it would—but we are going to conduct the investigation, and not the Senator from New Jersey, unless he becomes a member of that committee.

Mr. CASE. It is the Senate of the United States, Madam President, which is determining the policy here. We are not going to be lectured to by a person who will decide, when he gets the authority and direction of the Senate, what he is going to do about this investigation.

Let the Senate know ahead of time what it is doing. We have earnestly and sincerely tried to get to the bottom of this question. We meet a blank wall every time we get anything specific. I should like to know what we can do here and now, before we vote.

Mr. HOLLAND. Madam President, I do not believe that there is any monopoly on honesty and integrity on the other side of the aisle, or on this side of the aisle, or on the part of any one Senator. There are honest Senators on both sides of the aisle. So far as I am concerned, every Senator is honest unless he shows himself to be otherwise.

The statements made here are not chronologically correct.

When the Senator from Delaware offered his original resolution it included the words, "employees of the Senate."

There was no contention at that time that it included Senators. Later, the Senator from Delaware came back and offered an amendment—or the Senator from Tennessee offered it—in which it was desired to include an interpretation that would clearly include Senators.

At that time it was claimed by the Senator from Delaware and others—I thought facetiously for a time, and then I realized that they were serious about it—that the word "employees" had always included Senators.

Mr. CASE. Madam President, will the Senator from Florida yield at that point?

Mr. HOLLAND. Just a moment—please let me finish.

Mr. CASE. Pardon me.

Mr. HOLLAND. I pointed out at that time, on the floor of the Senate, that that could not be the case, because no Senator is an employee of the Senate. We are Senators of the United States. We comprise the Senate.

The idea that "employees of the Senate," or any term of that kind would include Senators themselves, has been ridiculous all the time and was ridiculous when it was first made. I stated that as clearly as I could on the floor of the Senate.

Later, other Senators stated they were going to interpret it that way. That was quite all right with me. But, so far as I am concerned, I have never agreed, and I stated on the floor of the Senate what now seems to be assumed by everyone as being completely correct, that the words, "employees of the Senate" could never include Senators. That question did not come up in the beginning. It came up on the subsequent question raised by the Senator from Tennessee in which the Senator from Delaware and others contended that the word "employees" had always included Members of the Senate.

So far as I am concerned, I am perfectly willing for any Member of the Senate to be called on any investigation. So far as I am concerned, I believe that the point made by the Senator from Kentucky, that the Rules Committee had inherent authority to check into matters which seemed improper on the part of any Member of the Senate, is something with which I thoroughly agree. But to say in the beginning that this resolution included Members of the Senate is ridiculous, because it did not. It included employees of the Senate.

Mr. CASE. Madam President, will the Senator from Florida yield at that point?

Mr. HOLLAND. As soon as I have finished. So far as I am concerned, I am becoming tired of all this bickering. Senators on both sides of the aisle are honest. We would not be sent here time after time by our people if they did not believe that we were dependable and honest, and had integrity.

So far as I am concerned, I am here to defend the Senator from North Carolina, the other members of the majority on the committee, and also all three members of the minority on the committee. I would fight to defend any one of them.

I believe that they are trying to do the decent thing. To say in advance, as the Senator has just stated, that we are going to be frustrated before we begin, is another ridiculous thing to say, because I believe that the Senator from North Carolina [Mr. JORDAN] and his associates will get to the bottom of this newly discovered matter.

I congratulate the Senator from Delaware for finding this new evidence. I believe that every Member of the Senate wishes it to be brought out into the open where everyone can see it, but let us not start this backbiting process before the members of this fine committee have an opportunity to show that they can look into this newly discovered evidence with complete accuracy and bring out all the facts.

Madam President, we are mature people. I believe that we are all honest people. We have been through the fire, politically, and every other way. So far as I am concerned, I am willing to say that this Senate committee, both the majority and the minority members, will go to the bottom of this new matter and any other matter that is called to their attention.

I believe that to prejudge them in advance by saying we are frustrated before we start is not complimentary to them or to the Senate. It is not in accord with the ethics of the Senate. As far as I am concerned, I shall not stand idly by and see that kind of a charge made and go unanswered.

I am sure that this fine committee, and every member of it is a fine Senator, will bring back a report which correctly reflects what they think should be reported on this matter.

I thank the Senator for yielding.

Mr. CASE. The Senator from New Jersey regrets the weariness that the Senator from Florida feels about the statements that have been made. But the Senator from New Jersey feels that it is nothing compared to the weariness of the American people. The Senator from New Jersey further feels that it is nothing compared to the frustration that the American people feel about the inactivity that has marked this whole investigation.

Mr. HOLLAND. Madam President——

Mr. CASE. Madam President, the Senator from Florida does not have the floor. The Senator from Florida is out of order. Madam President, I ask——

Mr. SCOTT. Madam President, I demand the regular order.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. MUNDT. Madam President, I yield to the Senator from New Jersey.

Mr. HOLLAND. Madam President, I demand——

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. CASE. Madam President, will the Senator from South Dakota yield for a question?

Mr. MUNDT. I yield for a question.

Mr. CASE. Does the Senator from South Dakota think that the Senator from Florida [Mr. HOLLAND] is above the rules of the Senate?

Mr. MUNDT. The Senator from South Dakota did not stand up to speak about the conduct of fellow Senators. He was trying to say a few words about how the investigation should be conducted. I shall take that question into long consideration before I answer it.

Mr. CASE. Madam President, will the Senator from South Dakota yield for another question?

Mr. MUNDT. I yield.

Mr. CASE. Does the Senator from South Dakota think that it is ridiculous for the questions that have been raised on this side of the aisle to have been raised today in the light of the history of this investigation?

Mr. MUNDT. No. I must say that I do not. We are not dealing with a vacuum, or a new committee. We have had a long controversy, it seems to me, for month after month. It arose solely from the fact that, for reasons best known to it, the committee did not call the witnesses.

Before the Senate votes on this resolution, it has been most helpful to find out how the committee intends to conduct the investigation this time.

I agree with one point that the Senator from New Jersey has made. The Committee on Rules and Administration, and every committee of the Senate, is a creature of the Senate.

I do not think it is appropriate for any Senator to stand up and say, "Give us the power. We will conduct the investigation." It must be conducted in conformity with the rules of the Senate. The Senate is the parent body. I believe we all agree on that.

Mr. CASE. Madam President, will the Senator yield for another question?

Mr. MUNDT. I yield.

Mr. CASE. Does the Senator recall that when the question was raised by the Senator from Tennessee as to whether the authority of the committee embraced an investigation of Members of the Senate, the majority leader assured this body that the resolution as originally drawn and originally adopted did include authority to investigate Members of the this body?

Mr. MUNDT. That is in conformity with the memory of the senior Senator from South Dakota. I could be wrong, but I thought that was generally understood at the time. That was the impression I got. And certainly I do not agree with any of my colleagues who hold that a Senator is above the investigative power of a committee. I believe they should be included.

Mr. CASE. Madam President, will the Senator yield for another question?

Mr. MUNDT. I yield.

Mr. CASE. Is it conceivable to the Senator from South Dakota that so careful and conscientious a Member of this body as the Senator from Tennessee would have failed to have pursued his objective at that time, in his own words, if he had not felt that the assurance given him by the majority leader and others as to the inclusion of investigative authority in the resolution was adequate?

Mr. MUNDT. I believe the Senator from Tennessee—and he can contradict me, if I am wrong—felt that it was included. The Senator from South Dakota felt that it was. I believe that most of us felt that it was.

If I may try to read the mind of the distinguished Senator from Florida [Mr. HOLLAND], he himself thought it was. But what he is trying to point out is that Senators were in a different category semanticswise than the employees of the Senate. I hope that he was not trying to hold that Senators should not be subject to the investigative process.

Mr. CASE. Madam President, will the Senator yield for a question?

Mr. MUNDT. I yield.

Mr. CASE. The Senator from Florida is always an occupant of the Chamber, being a most conscientious man, and often a vocal occupant of the Chamber. The Senate is the beneficiary of this characteristic of the Senator from Florida. Does the Senator recall that the Senator from Florida on that occasion made any protest to the effect that the position of the majority leader was utterly ridiculous?

Mr. MUNDT. I cannot recall what the admission of the Senator from Florida was. I do remember that the Senator from Florida made a long argument to the effect that a Senator was something different than an employee. But I thought he was relating that not to the particular investigation, but simply as a matter of precedent, that he did not want Senators to be placed in the same category as employees of the Senate.

May I ask the Senator from Florida if I have interpreted his remarks correctly?

Mr. HOLLAND. Not completely so. I stated on the floor at that time—and the RECORD will show what I stated—that I felt it was completely wrong to say that the wording of the resolution first introduced by the Senator from Delaware [Mr. WILLIAMS] included Senators, because it included instead employees of the Senate. I stand upon that. I do not believe there would be five Senators who would find fault with that.

So far as I am concerned, I would rather stand upon the RECORD. I cannot remember exactly what I said. But I made it just as clear as I do now that I thought it was completely ridiculous and completely wrong for anyone to claim that the words "employees of the Senate" included Senators. I do not believe that any Senator will be heard to deny that now. Senators have had an opportunity to think it through.

I have already said during this particular colloquy that I approve of the statement made on the second occasion in the argument of this matter by the distinguished Senator from Kentucky [Mr. COOPER]. He made the statement that the Committee on Rules and Administration has some inherent authority to investigate into improper conduct of a Senator if there be any appearance of such. But that authority was not given by this resolution. It was not given by the wording of the resolution. I do not believe that any Senator now will seriously question that fact.

I have already said that so far as I am concerned I am perfectly willing for the Committee on Rules and Administration, even for the minority members of the Committee on Rules and Administration solely, to look into any matter on which they think the Senator from Florida requires investigation. I am sure that most, if not all, Senators feel that way. We are going far afield here.

The sole question before us today is whether the Committee on Rules and Administration is sufficiently empowered to make an investigation of the so-called Bobby Baker matter in the light of the new facts produced. I have commended the distinguished Senator from Delaware [Mr. WILLIAMS] for producing the facts on the stadium matter.

I thought the situation would be clarified by the acceptance of the amendment offered by the Senator from Delaware [Mr. WILLIAMS]. I suggested to the majority leader that he accept it. Others suggested the same thing. He accepted it and I am sure he would have accepted it anyhow. There could not be any question, looking at that resolution, and particularly with that amendment, with as much detail as it contains—I think much of it is reiteration—that the committee now has full authority. I am sure it will elect to use its authority wisely.

I am sure the Senate and the country will be benefited by the action of the committee. But to answer the question of the Senator, I have never said, I do not say now, and I shall never say that the words "employees of the Senate" cover Senators.

Mr. CASE. Madam President, will the Senator yield for a question?

Mr. MUNDT. I yield.

Mr. CASE. To bring this phase of the matter to a close, I should like to say that I have not been interested in semantics, either.

I have been interested in substance. I am deeply concerned, not as to whether the resolution would give authority to the Committee on Rules and Administration to investigate the question to the bottom, but as to the motivation of the committee in accepting the investigation, and whether it will do a job. That is the whole point. I am not very happy with the results of the investigation, or the specific failure to pick up matters that all Senators felt, whether the words included it or not, would be embraced within the investigation. Therefore, I am deeply concerned at what seems to be a refusal and an unwillingness to answer simple questions about calling Matthew McCloskey as a witness.

That is all I have to say. I believe we are entitled to that at least, and at the very least, before final action is taken.

Mr. SCOTT. Madam President, will the Senator yield?

Mr. MUNDT. I shall be glad to yield, but I wonder if the Senator would not prefer to obtain the floor in his own right. I have held the floor longer and said less than I have at any other time in my experience in the Senate. I would much rather yield the floor, because the debate has gotten into different areas than that in which I was especially interested.

Mr. SCOTT. I thank the Senator.

Madam President, I seek recognition.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Madam President, the Senator from Pennsylvania was present during the colloquy relating to the question as to whether Senators were or were not included in the terms of the resolution. This Senator remembers quite clearly that the Senator from Delaware [Mr. WILLIAMS] made the point that he had intended, and believed he had succeeded in his original resolution, to include Senators in the investigation. He offered to proceed further to clarify his original resolution and to offer other resolutions which would specifically include Senators.

At that time the majority leader, the Senator from Montana [Mr. MANSFIELD], during the colloquy said that it was his understanding that Senators were included. Upon that assurance the Senator from Delaware withheld an attempt otherwise to expand or further clarify his resolution.

The question was discussed in the Committee on Rules and Administration. For a few days it was accepted generally that Senators were indeed included. Whether they were included as employees by reason of the Federal withholding tax or whether they were included because they should have been included in all decency is beside the point, since all Senators on the floor of the Senate heard the colloquy and no Senator dissented from the fact that they were included.

Thereafter the Committee on Rules and Administration continued to take the position that it would not seek to compel the appearance of any Senators, but that it might at some subsequent occasion make available the committee as a forum for Senators, and it would certainly be glad to hear volunteers if they wished definitely to be heard. That is what really went on.

After all, if the word of the majority leader could not be taken in every case, there would be no way in which we could properly transact business except in writing. It is a fortunate thing that the Senate does not have to transact its agreements in writing. Indeed, by oral discussion in the Senate, we ended with a clear and unmistakable understanding that Senators were included in the resolution.

Moreover, the issue at the present time is not whether Senators are included or not. The issue is whether the Senate understands what the people of the United States understand, or whether the Senate exists in vacuo or operates in nebulae and has an existence far from and unrelated to the general life and reactions of the people of the United States.

The people of this country know that the majority of the Senate is engaged in sweeping under the rug the charges of corruption, payoffs, and under-the-table campaign contributions made to Mr. Bobby Baker and distributed by him for the benefit of some.

The people of this country thoroughly understand that what is going on is a disinclination by the majority to investigate itself and an unwillingness, demonstrated by their votes here today, to permit the right of a minority to be heard. They have denied the minority rights—the civil rights, or what have you, of the minority Members of the Senate—by voting—and their votes are of record. On other occasions they have castigated and chastised. They will not permit the calling of witnesses by the minority of three members of the committee, but will use the majority system and the oppression and tyranny of majority power to prevent an investigation taking place. That is what is underway here. The whole public knows it.

If Senators do not think they know it, I suggest that they watch the newspapers for the next 3 or 4 days and look at the cartoons. Consider the way the cartoonists in this country take a unanimous and critical look at Senators for what they have done on this unseemly occasion. There will be cartoons of burial and reinterment.

There will be cartoons of skeletons in closets, sweeping under rugs, taking money by the back door and under the table.

There will be a virtually unanimous condemnation from the press of this country for what is done here, and Senators will have to live with it. What Senators are doing here is blandly, carelessly, and cynically deciding that a repudiated investigation shall go back to a committee which the public has repudiated and whose action the Senate has joined in sweeping under the rug. No committee on ethics has been appointed. No action has been taken on the Baker investigation, and such is not intended. It is not intended because the case is being sent back to the same committee, whose record is one of failure, concealment, confession, and avoidance. The investigation is being sent back to a committee because Senators are sure that that committee will not act. If Senators thought the committee would act, they would not send it there. Another committee would be selected. It is because Senators do not want the people of this country to know what is going on that they indulge in these acts of concealment.

Make the decision. Deny the right of the minority to call witnesses. Deny the right of the minority to be heard. Deny the right of the minority to demand that those who indulge in payoffs, corruption, concealment, and kickbacks shall not be honestly investigated. Find a way to refer the question to some agency that will not report until next year. Underestimate the intelligence of the American people, if you will. Let Senators be happy in their sublime confidence, if they dare, that the people of this country do not know what they are doing, because they do. Go right ahead. I say to Senators, "Say that you are for the rights of the minority and deny them. Say you are for honesty in government and conceal it. Say that you are for the integrity of the Senate and avoid it. Say that you believe the minority party has some rights, and see that they do not get them. Then go out and tell the American people that you are the party of the people. Go out and tell the American people that you believe in clean and honest government. Go out and tell the American people that you protect their rights, including the right to know. Go out and tell the American people that you believe in integrity and honesty in government, but deny it and disprove it by your actions here."

Let Senators obfuscate if they will; confuse, if they can; fog the issue, if they must: But when they are through, the issue will remain, so there is a pattern by which money-mad men become wealthy and powerful through the illegal and improper use of their influence.

Was Bobby Baker a bagman and a money man? Was he the man who made possible the corruption of others? Were there concealments in the way in which bills were presented and payoffs and kickbacks managed and maneuvered, or not?

Let Senators make statesmenlike statements. Make them all and then try to make the American people believe them. I do not think they will. If this case is sent back to the Rules Committee, the Senate will indulge in what is mildly called an act of supererogation, but which is more plainly called a further attempt at a whitewash of a situation which embarrasses Senators so deeply.

Do not send the investigation to the McClellan committee. It might find out something. Do not name the committee for which the Senate voted under the Cooper resolution. The Senator from Kentucky is a man who believes in getting at the facts; and he might get at the facts if he were a member of the committee, or if the Senator from Delaware [Mr. WILLIAMS] were.

The distinguished majority leader [Mr. MANSFIELD] has said he has had no volunteers to serve on that committee. I ask Senators of the majority, "Where is your resolution? You outnumber us 2 to 1. There are 67 valiant Members of the Senate on your side of the aisle." The Senator from Montana [Mr. MANSFIELD] says, "I have no volunteers." Is this the old GI excuse—never volunteer? Is this refusal to volunteer an awareness of what a volunteer might discover and then be honor bound to reveal?

I am amazed that among the 67 Members of the majority there are no volunteers to serve on a committee on standards and ethics. I am amazed that among the 67 Members of the majority none can be found willing to investigate concealment, payoffs, kickbacks.

I am amazed that there are no volunteers; but if there are no volunteers, let us have a draft, because this is one instance in which I favor the continuance of the draft. Let us draft Senators.

I know that there is no problem on this side of the aisle. We will supply three Senators. Cannot the majority find 3 out of 67 who want the truth in this investigation? I am sure they can be found.

I suggest to the majority leader that he try again and again and again, until there stand forth from the tattered ranks of the two-thirds majority and its reluctant forces Senators who will say, "I am the man. I will investigate corruption. I will look into Bobby Baker. I will not do what the Rules Committee did and turn my back on the evidence. I want to know the truth."

Out of 67 Senators, surely 3 stand ready to answer the plaintive call of the majority leader.

Give us men, strong men, men who will not waiver or falter. Give us men to find the truth.

It is up to Senators. Let them try to kid the American people, if they can. They are not going to do it. Every candidate has hoped, at some point or another, to fool his constituents into believing that he stood for one thing when he stood for some paler version of that same thing. We soon find that it does not work. There is an old saying, "When in doubt, do right."

Is any Senator on the other side of the aisle in doubt? When in doubt, do right.

I say to Senators once more that the American people are entitled to have an airing of the stench, the crookedness, the corruption which has festered within the Senate establishment.

Senators have heard my views, and they will ignore them, as indeed they must, because the word has come down from on high, from "allah" himself, "Let this investigation die in the Rules Committee." But when cometh the judgment cometh not the decision—which is an old Biblical quotation which I have made up on the spur of the moment.

Senators may be judged in party discipline by those who whip the lash over them, but they will be judged at the polls by their peers, who will know the difference between evasion and straight-forwardness.

I am aware that I have not changed a vote, in all probability; that I have not convinced my beloved friends on the other side of the aisle; but I have given them at least fair warning that if they do not want to find out the truth of the ills which infect their house, the public will hold them responsible, as indeed it should.

Mr. LAUSCHE. Madam President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. LAUSCHE. I am of the opinion that out of the discussions that have taken place this afternoon, there is one lesson to learn. The lesson is that if the overwhelming majority——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield for a question?

Mr. SCOTT. Yes, indeed. I am permitted to yield only for a question.

I ask unanimous consent that the Senator from Ohio may yield for an observation.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **LAUSCHE.** My thought has been broken.

Mr. **SCOTT.** Shakespeare says:

> How sour sweet music is when time is broke, and no proportion kept.
> So it is in the music of men's lives.

So I hope the sweet music of the Senator's thoughts may rearrange themselves.

Mr. **LAUSCHE.** How beautiful. There are men who can have their thoughts broken, and at a later, belated time, pick up their broken thoughts and chain them together in beautiful coherence. I am not capable of doing that.

My experience in politics over 30 years has been that when the public adopts a policy of a one-party overwhelming control of government, trouble is bound to arise. Whenever there is a minority that is incapable of even speaking its views, without attaining them, corruption is bound to follow.

Those in power become obsessed with the belief that they are omnipotent in their thinking. They believe that the minority knows nothing, that the overwhelming majority has been gifted by the divine power of infallibility. They fail to see errors. They fail to see transgressions. And when they see them, they do not recognize that it is clear or advantageous to follow the errors which they seek to correct, in the interest of the public.

Madam President, that is the state in which we are.

We do not recognize that errors, transgressions, and oppressions can be committed by an overwhelming majority. The overwhelming majority does not recognize that by the limitless power which it possesses, free from challenge, it can go abysmally wrong. We cannot have a one-party government.. If we do, we have a communistic government. We must have a minority with strength adequate to assert itself.

I am on the majority side. I am, however, unwilling to be with it in the evil possession of power which is possessed by it.

Yesterday I participated in the discussion of the significance of the maintenance of law and order. No government can survive unless law and order is maintained. Without law and order, there is anarchy.

In Shakespeare's play "Troilus and Cressida," there is a most interesting discussion of what happens when obedience to the law of nature and to the law of government is abandoned. My recollection is that in dealing with the life of the bee, in that play, it is stated that when order is abandoned, the bees go wild and sting everywhere.

In our society, because of the overwhelming majority placed in one side of Congress, we suffer the situation of disaster following when obedience to law is disregarded. The minority shall be oppressed, and it shall have no ability to assert itself, even when it is clearly apparent that transgressions of the worst type have been committed.

Who is McCloskey? What is his great power? McCloskey is deeply involved in the wrongs that were committed, but the committee said that McCloskey was unchallengeable, that he shall not be called as a witness, that he shall not be put before the white light of public scrutiny.

What did the committee do? It put in a telephone call to McCloskey, as Ambassador to Ireland, and there abjectly and beseechingly asked him to tell the truth. Of course he told the story that fit his defense. There the case was allowed to rest.

I was a judge of a court for 10 years. If I had followed the course of allowing witnesses to tell me by telephone conversation, without subjecting them to cross-examination by those who had other views, never would justice have been achieved.

I ask again, Who is McCloskey? Why was he not called? Why did they show to him the special consideration of calling him on the telephone, without having him come in through the door, with people looking at him, with the understanding that he would be subjected to cross-examination?

No one can answer that question by saying that justice was to be achieved by getting his testimony over the telephone.

I know that what I have said will not meet with the approval of many Members on this side of the Senate. However, Madam President, what I have said cannot be challenged.

I began with the proposition that whenever there is overwhelming representation of one philosophy in government, the end is corruption. Excessive power leads to corruption.

Forgetting the Baker case, and looking only into the future of the country, I say to the Senator from Pennsylvania [Mr. SCOTT] that when we come to the position of a one-sided government, the problems which we have discussed here in the past 2 days will be with us, and we shall not be able to forget them.

If I have one prayer it is this: "People of the United States, if you want good government, try to make certain that you have a close balance in the political views of your Congress. If you have a close balance, the views of the minority will conflict with the views of the majority, and the majority will not have the audacity to ride down the minority."

I do not know what will happen in the future, but if it were my way, I would like to see in Congress a majority adequate to carry into effect the views expressed by the victors, yet giving the minority an opportunity of being heard and having their views felt.

Madam President, that is not the situation today.

Mr. **SCOTT.** Madam President, I feel that we have heard from a man who is, in Ohio, the voice of integrity, and whose voice of integrity transcends Ohio's boundaries, because it is a moral voice and is the voice which arises from moral convictions, and of a Senator who knows, as he has so cogently said, that it is still true that it is good to have a giant's strength but it is tyranny to use it as a giant.

I say to the Members of the majority: "You have the giant's strength. You have overridden us point by point over the months. You have won every round in the committee and on the floor of the Senate. Yours has been the victory, hollow as it is; yours has been the triumph, not the triumph of an honorable battle, to be sure, but a shoddy triumph such as it is, and such pleasure as you may have from it.

You have won all the rounds. You have demonstrated your power. You have shown there are too many of you to permit fair, equal, balanced government. You have shown the evils of overbalance and overbearing attitudes within a two-party system. You have demonstrated the strength of a giant. You have prevailed. You have convinced everybody but the American people, who overwhelmingly have viewed with disapproval and distaste and in many cases have condemned what you have done here to dishonor the good name of the Senate of the United States.

If I speak sharply, it is not because I love the Senate less, but because I love honor more. It is not because I love my colleagues less, but because I think truth is more to be honored.

It is not because this is a partisan disagreement, because the vote has been, indeed, on partisan lines, but because the people have decided that whatever differences there may have been between the parties, one point of view is right in this case, and the other is wrong.

I have seen, to my sadness, many times when the majority has been right, and we have been wrong, and I have suffered from it. I have known that the majority has been right, and that we have not prevailed because they were right.

But here is an issue in which right is equated with justice; in which the position of the minority is equal to the truth; and we can never, so long as we serve in this body, have a better position than the position which we hold now; namely, that we demand that the truth come out, and that you seek to conceal it.

Enough has been said. We have all held one another, if not enthralled by our oratory, at least attentive to our demands. If they be feeble, they are reasoned, nevertheless.

Therefore, I plead with the majority not to add to their triumph of hollow victories one more shabby gain.

Mr. **McCLELLAN.** Let us vote.

Mr. **SCOTT.** The Senator from Arkansas says, "Let us vote." The Senator from Arkansas is right. Let us vote. Let us see what is the judgment of the American people if one more time they are denied their right to know the truth; because truth is mighty, and ultimately it will prevail.

Mr. **MILLER.** Madam President, I have an amendment at the desk. Before having it read, I am hopeful that the acting majority leader may accept it. In order to give him time to return to the Chamber, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Salinger in the chair). Without objection, it is so ordered.

Mr. MILLER. Mr. President, I ask that my amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. On page 1, line 11, it is proposed to strike the period and insert in lieu thereof: "including the prompt calling as witnesses, in public session, of all principals involved in said allegation."

Mr. MILLER. Mr. President, I thought the Senator from New Jersey [Mr. Case] made a persuasive argument with respect to the calling of certain witnesses in this investigation. Personally, the junior Senator from Iowa does not believe it is wise policy to name specific names in a resolution such as this. There is some doubt whether or not a resolution such as this should direct the committee involved to take certain actions. But the resolution as it is presently before the Senate has already done so. It provides:

> That, in the conduct of this investigation, the committee is directed to cooperate to the fullest extent possible with the Federal Bureau of Investigation, the government of the District of Columbia, and any other agency having jurisdiction of the subject matter.

Mr. President, ordinarily, one would not believe it would be necessary for the Senate to direct one of its committees to so cooperate, but it was seen fit by the drafters of the resolution to do so. I do not believe that by adding my amendment to this resolution it can be suggested that the Senate does not have confidence in the committee, any more than we might say that by directing the committee to cooperate with the FBI we do not have confidence in the committee. The fact remains that on the floor of the Senate certain allegations have been made, certain names have been named, and these names have been repeated in the press. It seems to me we should expect the committee to call those individuals in public session and give them the right and the opportunity to redeem themselves.

If I were one of the principals who had been named on the floor of the Senate, and my name had appeared in the newspapers, and I knew that I was innocent, I would not be satisfied merely by having the opportunity to testify before the committee in a closed session. I would wish to be able to testify in an open session.

I was deeply disappointed this afternoon when, by virtue of a large vote on the other side of the aisle, the amendment offered by the Senator from Nebraska [Mr. Curtis] was defeated.

In the eyes of the public, this means that the Senate by its majority has decided that the minority could not call witnesses except at the pleasure of the chairman.

I believe that what has taken place since that time, particularly the eloquent speeches made by the Senator from Pennsylvania [Mr. Scott], and the Senator from Ohio [Mr. Lausche], may—I hope—have changed the minds of a few Senators on the other side of the aisle.

I commend particularly the Senator from Ohio and other Senators who voted in favor of the amendment by the Senator from Nebraska.

It is most unfortunate and deplorable that three Senators, at least, whom I observed, who originally voted for the Curtis resolution, when the vote was a little close saw fit to change their votes. They changed from statesmen back to cold-blooded politicians, with no particular regard for the outcome of the investigation.

I am not offering this resolution with the idea of providing anyone anything but an opportunity to be heard in open session, to defend his name, which has possibly been destroyed, or is about to be destroyed by certain allegations. I believe that this should be done soon—the sooner the better.

I hoped that my resolution might be accepted by the leadership because it has been offered in the utmost good faith. I have not named any specific names. But, so long as the door has been opened by the resolution, directing the committee to cooperate with the FBI—which should go without saying—so long as that door has been opened, it can do no harm to say that in the course of this particular emphasis, the activities of the committee should include the prompt calling of all the principals in public session involved in these allegations, to which the resolution specifically refers.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I am glad to yield.

Mr. JORDAN of North Carolina. Would the Senator mind naming whom he has in mind to call?

Mr. MILLER. I recall that Mr. McCloskey's name was bandied about a great deal in the allegations, so that he would naturally be one. There are undoubtedly others. It would seem to me that those whose names have been included in the allegations should be given an opportunity in open hearings to clear themselves.

Mr. JORDAN of North Carolina. For the benefit of the Senator and other Senators now in the Chamber, the committee has tried conscientiously not to hurt the good name of anyone. I assure the Senator that wherever the case merits it, it will be heard in open hearing. I would not wish to agree to all the hearings being open because I do not believe that would prove to be necessary. That would be a matter for the committee to decide as it came to them.

The resolution definitely states that particular attention would be directed at all times to an investigation of Mr. McCloskey, because that is the point upon which this debate has now turned.

I am sure that the investigation will be handled fully, but I could not accept the Senator's amendment.

Mr. MILLER. I regret that very much. I believe that the distinguished Senator from North Carolina [Mr. Jordan], with whom I have had an opportunity to serve at one time on the Rules Committee, knows that I recognize his sincerity.

If I were chairman of the Rules Committee, I might be a little offended by the fact that the Senate is about to say to me that we are supposed to cooperate with the FBI.

Since when is it implied that any committee of Congress is not going to do so?

But it is in the resolution. The same thing is true with regard to any other agency having jurisdiction of this subject matter. I would think that it would go without saying. But it is being stated in the resolution. I have not heard any particular objection to that. I do not like to name specific names. I believe that the better approach is merely to say that all the principals who have been involved in these allegations should be called in open session. The reason is to give them an opportunity to clear their names in open session. If they cannot clear their names, that is something else again, but if they can, that is little enough for us to do for them.

I believe that so long as the door has been opened by directing the committee to cooperate with the FBI, we are in perfect order to include in the activities of the committee the calling of these particular witnesses, or others. That is up to the committee to decide.

Mr. JORDAN of North Carolinia. I am glad the Senator brought in the point about cooperating with the FBI. The Rules Committee has cooperated with the FBI, the Treasury Department, and other agencies of government, ever since this case was referred to it. We still have the same chief investigator that we have had from the very beginning of the investigation. He is still on the payroll of the Rules Committee. He is still working with the agencies of government, and he is now working on the information which is available.

This week alone the Treasury Department's Income Tax Division asked for information from us which we possess. He has supplied it to them. He is working with them, so this requirement will be nothing new. We have worked with the FBI, the Justice Department, and the Income Tax Division. We have worked with every agency of the Government all the way through. Our records have been made available to them. We even went so far as to photostat any particular piece of information which they wished, because we did not wish records to leave our files, but we did photostat any information which we had available and ready to give to them.

They have worked with us on every occasion that we have asked for information from them. They have, of course, asked us not to reveal it, because they are making the investigations. We have not betrayed that trust. We could do the same thing here.

Mr. MILLER. I have every reason to accept what the Senator from North Carolina has just said as being true. I do not know of any Member of the Senate who would not accept it as being true. Yet, we are about to pass a resolution telling the Senator and his committee to cooperate with the FBI. It seems to me that if we are going to do that, the chairman of the committee should not object if we include in the resolution the direction that all principals involved in the allegations, to which the committee has been directed to pay specific attention, be called in open session.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Iowa yield further?

Mr. MILLER. I yield.

Mr. JORDAN of North Carolina. I believe that the reason the resolution is as specifically worded as it is, is that the President, in his wisdom—in which I concur thoroughly—when the allegation was made, called the FBI and told them to get the information and pursue it to its end. The FBI is already working on this case. It is active in it. I do not know of any better agency in the world to get information than the FBI. The reason this provision is included is that the FBI was put on the case before it was asked to return it to the Rules Committee. I am willing to work with the FBI. I have been working with them. When I say, "I," I am speaking of the Rules Committee. We intend to keep on doing it, if this investigation is referred to the committee. It is an interlocking problem. I believe that is the reason why that provision is put in the resolution.

Mr. MILLER. Mr. President, I thank the Senator from North Carolina for his remarks. I deeply regret that he cannot see fit to accept my amendment which has been offered in the utmost of good faith, not naming any names.

May I say to the Senator from North Carolina that I believe if the amendment is agreed to the confidence of the American people in our committee will be immeasurably strengthened. But, if the amendment is not agreed to, we shall have publicity all over the United States concerning the fact that the Curtis amendment was rejected, which amendment would have permitted the minority members to call witnesses, and the statement that there seems to be some feeling that perhaps some of the principals involved in the allegations will not be called.

This is not the kind of situation that lends itself to public confidence in the Senate or in its committees.

I ask this merely for the good of the Senate, not for the good of the Republicans or the Democrats.

I would appreciate it if the Senator from North Carolina would reconsider and accept this proposal. It would not cause any harm. I assure the Senator from North Carolina that it would not cause any harm to the Senate or to the Senate's committee, or to the American people. As far as suggesting or impugning the integrity of the committee is concerned, I do not think there is a single Senator who will vote for this resolution, who intends to impugn the integrity of the committee by directing the committee to cooperate with the Federal Bureau of Investigation; although, as I say, that is something that I would believe would be understood.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield further?

Mr. MILLER. I yield.

Mr. JORDAN of North Carolina. I believe we are prolonging this conversation needlessly. Most of the hearings that were held previously were open sessions. Some of them were not. But in every case in which there was not an open session or open hearing, the testimony was released in its entirety, and the public had complete knowledge of everything that was said in the hearing. So, we have not denied the public any testimony which we received. We do not intend to deny the public any testimony we receive in the future. I would not want to say that all of the hearings must be in the open. I do not know whether that will be necessary or not. But I assure the Senator that whatever action the Committee on Rules and Administration takes will be thorough, and I hope it will be to the satisfaction of the American public.

Mr. MILLER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CURTIS (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished majority leader [Mr. MANSFIELD]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Louisiana [Mr. LONG], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from Georgia [Mr. RUSSELL], the Senator from Texas [Mr. YARBOROUGH], the Senator from Ohio [Mr. YOUNG], and the Senator from Montana [Mr. MANSFIELD] are absent on official business.

I also announce that the Senator from Alabama [Mr. HILL] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Washington [Mr. JACKSON], and the Senator from Wyoming [Mr. McGEE] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Virgiina [Mr. ROBERTSON], and the Senator from Georgia [Mr. RUSSELL] would each vote "nay."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Washington [Mr. JACKSON]. If present and voting, the Senator from Washington would vote "yea" and the Senator from Pennsylvania would vote "nay."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Kansas [Mr. CARLSON], and the Senator from Massachusetts [Mr. SALTONSTALL] are detained on official business, and, if present and voting, would each vote "yea."

The result was announced—yeas 31, nays 47, as follows:

[No 571 Leg.]

YEAS—31

Aiken
Beall
Bennett
Boggs
Case
Cooper
Cotton
Dirksen
Dominick
Douglas
Fong
Hickenlooper
Hruska
Jordan, Idaho
Keating
Kuchel
Lausche
Mechem
Miller
Morton
Mundt
Nelson
Pearson
Prouty
Proxmire
Scott
Simpson
Smith
Thurmond
Tower
Williams, Del.

NAYS—47

Allott
Anderson
Bayh
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Church
Dodd
Edmondson
Ellender
Ervin
Gore
Hart
Hartke
Hayden
Holland
Humphrey
Inouye
Javits
Johnston
Jordan, N.C.
Long, Mo.
Magnuson
McCarthy
McClellan
McGovern
McIntyre
McNamara
Metcalf
Monroney
Morse
Moss
Muskie
Pastore
Pell
Randolph
Salinger
Smathers
Sparkman
Stennis
Symington
Talmadge
Walters
Williams, N.J.
Young, N. Dak.

NOT VOTING—22

Bartlett
Byrd, Va.
Carlson
Clark
Curtis
Eastland
Fulbright
Goldwater
Gruening
Hill
Jackson
Kennedy
Long, La.
Mansfield
McGee
Neuberger
Ribicoff
Robertson
Russell
Saltonstall
Yarborough
Young, Ohio

So Mr. MILLER's amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Montana [Mr. MANSFIELD].

The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). On this vote I have a pair with the distinguished majority leader, the Senator from Montana [Mr. MANSFIELD]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Louisiana [Mr. LONG], the Senator from Montana [Mr. MANSFIELD], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Connecticut [Mr. RIBICOFF], are absent on official business.

I also announce that the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Alabama [Mr. HILL] are absent because of illness.

I further announce that the Senator from Wyoming [Mr. MCGEE] and the Senator from Washington [Mr. JACKSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Washington [Mr. JACKSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Massachusetts [Mr. SALTONSTALL] are detained on official business, and if present and voting, would each vote "yea."

The result was announced—yeas 75, nays 3, as follows:

[No. 572 Leg.]

YEAS—75

Aiken
Allott
Anderson
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cotton
Dirksen
Dodd
Dominick
Douglas
Edmondson
Ellender
Ervin
Fong
Gore
Hart
Hartke
Hayden
Hickenlooper
Holland
Hruska
Humphrey
Inouye
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Magnuson
McCarthy
McClellan
McGovern
McIntyre
Mechem
Metcalf
Miller
Monroney
Morse
Moss
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Salinger
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—3

McNamara
Morton
Scott

NOT VOTING—22

Bartlett
Byrd, Va.
Carlson
Clark
Curtis
Eastland
Fulbright
Goldwater
Gruening
Hill
Jackson
Kennedy
Long, La.
Mansfield
McGee
Neuberger
Ribicoff
Robertson
Russell
Saltonstall
Yarborough
Young, Ohio

So the resolution (S. Res. 367) was agreed to.

EXPLANATION OF FAILURE TO RECORD VOTE

Mr. YARBOROUGH. Mr. President, just as the final vote was being taken on the Mansfield resolution, I was coming through the door of the Chamber. Before I could get into the Chamber, the result of the vote was announced. Had I gotten through the door in time to answer to my name I would have voted "yea" for the Mansfield resolution. I ask unanimous consent that the RECORD show this explanation.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON LOAN TO NORTHERN MINNESOTA POWER ASSOCIATION

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on a loan to the Northern Minnesota Power Association, Grand Rapids, Minn., in the amount of $2,837,000, to finance certain transmission facilities (with accompanying papers); to the Committee on Appropriations.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on Export Control, for the quarterly period ended June 30, 1964 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF THE INTERIOR

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on tort claims paid by that Department, for the fiscal year 1963 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY GENERAL SERVICES ADMINISTRATION

A letter from the Assistant Administrator for Finance and Administration, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Administration during fiscal year 1964 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY NATIONAL CAPITAL TRANSPORTATION AGENCY

A letter from the Assistant Administrator for Finance and Administration, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by the National Capital Transportation Agency during fiscal year 1964 (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment.

S. 3116. A bill to establish the Lewis and Clark Trail Commission, and for other purposes (Rept. No. 1531).

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 2753. An act to disclaim any title of the United States to certain real property in Modoc County, Calif. (Rept. No. 1532).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

H.R. 11913. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of antimony from the national stockpile and the supplemental stockpile (Rept. No. 1538); and

H. Con. Res. 320. Concurrent resolution to express the sense of the Congress on disposal from the national stockpile of certain materials (Rept. No. 1539).

By Mr. THURMOND, from the Committee on Armed Services, with amendments:

S. 2021. A bill to amend the Contingency Option Act in order to protect the right to annuity of survivors of retired servicemen (Rept. No. 1533).

By Mr. BYRD of Virginia, from the Committee on Armed Services, with an amendment:

H.R. 12308. An act to authorize removal of a flight hazard at the U.S. Naval Air Station, Norfolk, Va. (Rept. No. 1534).

By Mr. CANNON, from the Committee on Armed Services, without amendment:

H.R. 2509. An act to authorize Reserve officers to combine service in more than one Reserve component in computing the 4 years of satisfactory Federal service necessary to qualify for the uniform maintenance allowance (Rept. No. 1535); and

H.R. 12091. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 9,500,000 pounds of sisal from the national stockpile (Rept. No. 1537).

By Mr. ERVIN, from the Committee on Armed Services, without amendment:

H.R. 10328. An act for the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes (Rept. No. 1536).

By Mr. STENNIS, from the Committee on Armed Services, with an amendment:

H.R. 9718. An act to authorize the crediting of certain military service for purposes of Reserve retired pay (Rept. No. 1540).

REPORT ENTITLED "OPERATION OF ARTICLE VII, NATO STATUS OF FORCES TREATY"—REPORT OF A COMMITTTEE (REPT. NO. 1541)

Mr. ERVIN. Mr. President, on September 10, 1964, the full Committee on Armed Services approved the annual report entitled "Operation of Article VII, NATO Status of Forces Treaty," together with other jurisdictional operations, for the period December 1, 1962, through November 30, 1963.

I submit to the Senate this report and ask that it be printed, with illustrations.

The PRESIDING OFFICER. Without objection, the report will be received and printed, as requested by the Senator from North Carolina.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING:

S. 3179. A bill for the relief of Maria Panagiotis Boutsalis; and

S. 3180. A bill for the relief of Srecko Strika; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 3181. A bill for the relief of Diamando Apostolakos Marini; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3182. A bill for the relief of James Marshall Gordon; to the Committee on the Judiciary.

By Mr. HART:

S. 3183. A bill for the relief of certain displaced nationals of the Netherlands; to the Committee on the Judiciary.

(See the remarks of Mr. HART when he introduced the above bill, which appear under a separate heading.)

By Mr. BURDICK:

S. 3184. A bill for the relief of Choy-Sim Mah; and

S.J. Res. 201. Joint resolution to authorize the President to issue a proclamation designating the month of October 1964, as Co-op Month"; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S.J. Res. 202. Joint resolution providing for the establishment of an agency in the Executive Office of the President to be known as the President's Advisory Staff on Scientific Information Management; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. HUMPHREY when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. DOMINICK (for himself, Mr. ALLOTT, and Mr. SIMPSON):

S.J. Res. 203. Joint resolution proposing an amendment to the Constitution with respect to the qualifications of Members of the Senate; to the Committee on the Judiciary.

(See the remarks of Mr. DOMINICK when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

RESOLUTION TO PRINT ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "EAST-WEST TRADE—A COMPILATION OF VIEWS OF BUSINESSMEN, BANKERS, AND ACADEMIC EXPERTS"

Mr. FULBRIGHT submited the following resolution (S. Res. 369); which, under the rule, was referred to the Committee on Rules and Administration:

Resolved, That there be printed for the use of the Committee on Foreign Relations 3,000 additional copies of the committee print "East-West Trade—A Compilation of Views of Businessmen, Bankers, and Academic Experts."

RELIEF OF CERTAIN DISPLACED NATIONALS OF THE NETHERLANDS

Mr. HART. Mr. President, I introduce, for appropriate reference, a bill for the relief of certain displaced nationals of the Netherlands. A companion bill, H.R. 12191, has been introduced in the other body by the distinguished chairman of the House Judiciary Committee, the gentleman from New York, EMANUEL CELLER.

The bill authorizes, over a 3-year period, the issuance of approximately 10,000 special nonquota immigrant visas to Dutch nationals displaced from Indonesia and West New Guinea by the extreme nationalism of the Sukarno regime. Only those Dutch refugees residing in continental Netherlands at the time of the bill's enactment, would benefit from this legislation. They would be found eligible for issuance of immigrant visas, and admitted to the United States, under the provisions of the Immigration and Nationality Act.

Mr. President, nearly 40,000 refugees remain unsettled in the Netherlands. They include some 2,500 persons whose applications for admission under previous legislation, Public Law 85–892 and Public Law 86–648, were not fully processed before the acts expired on June 30, 1962. They also include persons who had not reached the Netherlands from Indonesia before enactment of the previous legislation, and the recent arrivals from New Guinea.

Several thousand Dutch-Indonesian refugees were admitted to the United States under the public laws just mentioned. Many others were resettled in Australia, Canada, and countries in Latin America.

Those admitted to the United States have adjusted rapidly. As a group they were unusually proficient in English. A very substantial number possessed skills and professional abilities urgently needed in our society.

Today these Dutch nationals are proving to be sturdy members of their adopted communities, and are contributing their talents unselfishly to our economy and democratic way of life. Certainly it is true of those who came to Michigan, and spokesmen of America's voluntary agencies assure us this story is repeated throughout the country. I need only refer Senators to recent testimony before a House subcommittee by Mr. Richard F. Smith, of the American Friends Service Committee, and the Reverend John W. Schauer, director of Immigration Services for Church World Service. Similar information has come to me from Dr. Ralph J. Danhof, stated clerk of the Christian Reformed Church.

The earlier resettlement program for Dutch-Indonesian refugees is one of the most effective on record. The program's success is a tribute to the fine qualities of the refugees, and to the men and women who directed the splendid efforts of America's voluntary agencies, religious bodies and civic organizations.

Experience would indicate, Mr. President, that the bill I offer today has considerable merit from the standpoint of all concerned, including that of the interested governments, but especially the refugees, who count many relatives and friends among our citizens. I sincerely hope that Congress will act favorably on this bill.

Parenthetically, Mr. President, I would add that special circumstances prompt the introduction of this bill. They include the serious doubt that the subjects of this bill would benefit under the refugee provisions of S. 1932 and H.R. 7700, the pending immigration bills. I would hope, however, that the bill I offer today, and other limited bills offered by my colleagues, do not detract from continuing efforts to abolish the national origins quota system of selecting immigrants. This objective is of major importance, and one which, hopefully, will be accomplished before Congress adjourns.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3183) for the relief of certain displaced nationals of the Netherlands, introduced by Mr. HART, was received, read twice by its title, and referred to the Committee on the Judiciary.

THE PRESIDENT'S ADVISORY STAFF ON SCIENTIFIC INFORMATION MANAGEMENT

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a joint resolution providing for the establishment of an agency in the Executive Office of the President to be known as the President's Advisory Staff on Scientific Information Management.

Today, the United States of America broadly rides the crest of an unprecedented wave of social, economic, technological, and political achievement, the very magnitude and complexity of the elements which give rise to the preeminence threaten to destroy it.

This strange paradox arises from the fact that since World War II our Nation has been thrust forward into a new environment of revolutionary, scientific, and technological change, with corresponding social and economic stresses and changes. The rapid rate of change, the breadth and depth of new knowledge, and the complexity and interdependence of today's sociological, technological, economic, and governmental factors, has exceeded the normal capacity of the human mind for assimilation on a scale equal to the demands of this new environment. Many of the best techniques for organizing, storing, retrieving, integrating, analyzing, and testing data in a rational decisionmaking process are totally inadequate for the new demands placed upon responsible decisionmakers in government and industry.

There is an urgent need in industry and Government alike for new techniques and systems for managing information and assisting officials responsible for the crucial policies and decisions of our society. Upon the discovery and use of such new techniques and systems depends not only the solution of many current problems, but our continued status as a world leader.

I am introducing this joint resolution so that we may begin immediately to discover and apply new information management and decision-aiding techniques to the major unsolved problems of our society. This resolution is an outgrowth of hearings held by my subcommittee of the Select Committee on Small Business. From these hearings it became abundantly clear that many of the current and impending problems of our society will remain insolvable until we discover and adopt information management and decision-aiding techniques which are commensurate with the changes which have occurred and will occur in our national and international environment. We were fortunate to have appear before our subcommittee many of the Nation's leading authorities from Government, industry, universities, private and public foundations. From the aggregate of their testimony it appears evident that we have many serious unsolved problems which exceed in scope and complexity present information management and problem-solving structures. The organization of our present information management and decision-aiding structures represents the dichotomy of a past era when operation of the social, technological, economic, and political sectors of our society could be treated relatively independently, and problems could be analyzed and solved separately.

Today, the impact of change has drawn sectors of our society together into a status of closed interdependents, and the problems of one sector are inextricably connected to and interwoven with the problems of another sector. Consequently, the major problems of our society cut across sector lines and demand that information management and decision-aiding techniques be structured to permit an interdisciplinary approach on an intersector basis.

To deal forthright with the problem of evaluating, developing, and operating properly structured information management and decision-aiding systems this resolution provides for the establishment of a President's Advisory Staff on Scientific Information Management—PASSIM. Positioned at the Presidential level the staff of PASSIM will be permitted to necessary overview of information management practices within Government, and will be better situated to develop and organize data and decision-aiding systems on an interdisciplinary and interagency, intergovernmental, interindustry, or intersector basis.

The use of interdisciplinary, multistructured organizations for information management, research and decision-aiding systems as applied to the large intersector problems of our society would appear to be validated by the successes of such techniques in our military and space programs. As Assistant Secretary of Defense, John H. Rubel, pointed out to our subcommittee:

> The techniques of organizing and directing vast team efforts on an interdisciplinary, multi-industry base has emerged as a new power, a new social instrument, out of the military and space programs of the past two decades. Perhaps this new found ability to combine a great diversity of scientific and technical skills and discipilnes to make a massive assault on very large-scale problems will turn out to be a social innovation of even greater consequence in the longrun than the scientific and technical innovation on which most of our attention is generally focused. The question remains open: How can this new social invention be used outside the space and defense sector to which it is presently so largely confined?

The limitation of present information management and decision-aiding structures for dealing with our major problems was voiced by Dr. Milton Harris, vice president of research, the Gillette Co. Dr. Harris indicated that we are not well equipped to approach many of our major problems:

> It has been a policy to call committees together to evaluate needs. These are knowledgeable, sincere, able people, but they are busy and they will generally sit together—and I have been on many such committees—for perhaps a half day or a day a month, and in 3 months come out with a report.
>
> What do we say? We look back at past experiences. We say, "In a given area in 1940 we spent $5 million for research; in 1950 we spent $60 million; and in 1960, we spent $100 million; ergo by 1970 we are going to spend a billion dollars."
>
> They do this sincerely. Nobody looks into this thing in depth and says. "In 1970, some of these things will be outmoded."
>
> You know these extrapolations won't hold, because if we carry out these extrapolations we get the amusing conclusions that by the year 2000, or before, every man, woman, and child is going to have a Ph. D. in the physical sciences, and our research budget is going to equal the gross national product. We know this is not going to happen.
>
> The question must be asked, "Where should this level out? What should we be doing more of? What have we been doing wrong? This we have not done. We have not coordinated the thinking of the sophisticated industrial researcher, the sophisticated government science man, the sophisticated economist, and so forth."

It is currently evident that the traditional, one shot, shortlived, ad hoc committee is an anachronism when faced with many of our serious space age problems. We must develop and use structures and methods of managing information and organizing decisionmaking which will provide the penetration and continuity commensurate with the magnitude and complexity of the major problems of our society.

The absence of adequate information management structures in our society has led to information deficiencies, and to policy and decisionmaking voids. During our subcommittee hearings the lack of information for analyzing, interpreting, and understanding large-scale problems brought forward such recurring responses as: "we do not now possess the factual data on which to reach sound judgments"; "the result of our past accomplishments has been an avalanche of noncritical statistics and cliche's about future expectations"; "I suspect that the statistics available to us conceal or fail to reveal some important facts"; "I doubt that these arguments can be resolved by quoting statistics, at least not the kind of statistics to which we are presently limited. We need statistics that are more detailed."

I believe Dr. James R. Killian, chairman of the corporation, Massachusetts Institute of Technology, underscored the informational deficiencies relating to major problems when he responded to my question concerning adaptation of our economy from military aspects to civilian aspects in the event of partial disarmament or reduction in our defense budget:

> I do feel that we are in a period now—and this bears directly upon the point that you have made—where national decisions, Federal Government decisions that tend to move great masses of people, particularly professional people, scientists, and engineers, must be decisions now and henceforth made with an understanding of what the effects are going to be. That when we embark on a great new technological program, a space program in the future that requires thousands of engineers, we must recognize that we may pay a price for that over in the civilian economy, and we ought to have better facts than we now have in order to arrive at sound decisions in regard to policy questions of that kind.
>
> I don't feel that we have the information now to make these decisions to have large-scale effects.

I predict that substantial information voids will be filled if we adopt the philosophy of this resolution, and establish broadly structured information management and decision-aiding systems which utilize an interdisciplinary, intersector approach. There is a strong correlation between the structural aspects of our information systems and the degree and type of information which is made available to our decisionmakers. Dr. Jesse P. Hobson, vice president, Southern Methodist University, made this evident to our subcommittee when he stated:

> On a national basis we need to make studies of the relationship between science, research, and economic development.
>
> At the level I think that should be made, I think it is very appropriate for the Federal Government to undertake them and to sponsor such studies.
>
> I would like to see some of the best universities involved in such studies: A combination of economic, social, scientific, and technical studies. I think they are very, very important.
>
> We need to know a lot more about these relationships. I think our good economists, sociologists, and scientists can develop some of these fundamental relationships.
>
> The kind of studies we have usually made have been limited studies on a particular situation, or a particular company, or a particular industry.

Urgently needed along with the establishment of newly structured information systems are decisionaiding techniques which directly assist decisionmakers in assimilating, analyzing, and upgrading large bodies of data, in understanding the complex interrelationship between the static and dynamic factors of an operation, and in pretesting and predicting the validity and effect of a policy or decision. Such techniques are of particular importance in dealing with the large-scale problems where a policy or decision can have far-reaching effects on all segments of our society. Both the accelerated rate of change and the close interdependence of all segments of our society make it imperative that we develop and apply new analytical and predicted techniques to major problems.

Beginning with World War II a new approach to the problems of decisionmakers was started with the application of operations research and scientific management techniques to military problems. Operations research techniques indicate that we can apply the methodology of the physical sciences to operations, and through such analysis abstract the fundamental cause and effect mechanism and determine the underlying relationship of such factors. Once the physicist developed an adequate theory of the atom, he was able to predict and discover unknown elements, predict and bring about the energy release of the atom through atomic fission. Once the underlying mechanism of an operation is understood, the decisionmakers also have a powerful new tool for developing new information and predicting the impact of policies and decisions.

Since World War II efforts have been made to utilize a scientific approach to management and to develop new techniques to aid decisionmakers in our environment of increasing complexity in rapid change. Some of these new techniques make substantial use of mathematics and the computer sciences—mathematical programing, mathematical simulation, econometrics.

The purpose of this resolution is not to make a wholesale endorsement of all such techniques. It is the goal of this measure to assemble an extremely high-caliber staff of economists, sociologists, mathematicians, and scientists as the nucleus staff of PASSIM, and to have such staff systemically evaluate, and develop scientific decision-aiding systems for use of Government and newly established information management structures, and in particular, to provide for the application of such decision-aiding techniques to the large-scale problems of our society.

The magnitude of our large-scale problems and the potential techniques for aiding in the development of policy and decision dealing with large-scale problems of our society are historically unique. Consequently, it is difficult to precisely communicate a full understanding of this subject without stretching the semantical meaning of traditional words, or without engaging in untried neologisms. However, two examples drawn from the subcommittee investigation serve to highlight the potential of such decision-aiding techniques.

One example which I am particularly proud to relate concerns a Minnesota-based company—Honeywell, Inc. Back in the days when I was mayor of Minneapolis this company was known as Minneapolis-Honeywell Regulator Co. Today with production ranging from thermostats to computers, and with operations extending from the east coast to the west coast, as well as abroad, they have dropped the geographical limitation of their name and changed it to Honeywell, Inc.

Honeywell, Inc., is one of the leaders in American industry to both recognize the serious problem of increasing complexity in management decisionmaking, and to invent a new procedure to help solve this problem.

Honeywell officials have explained the problem of modern decisionmaking in this context. The human mind has difficulty in considering more than 10 or 20 factors at the same time in making decisions. Yet decisionmaking problems of the spaceage may require thousands or hundreds of thousands of factors and subfactors to be considered. During the past two decades of rapid change the human mind has remained relatively static in its capability, while the complexity of decisionmaking at certain levels of Government and industry has increased a thousandfold or more. The solution, therefore, rests with developing new techniques which will permit the decisionmaker to successfully deal with problems involving thousands of factors, but limits the number of factors which must be simultaneously considered to the limited capacity of the human mind.

The new technique developed by Honeywell is called pattern—an anachronym for planning assistance through technical evaluation of relevance numbers. Honeywell's pattern is definitely a milestone in the development of procedures for integrating and analyzing our complex body of knowledge, and for organizing an involved decisionmaking process into quantities which are manageable by the human mind. Briefly explained, pattern provides for the organization of complex subject matter into a series of simpler subdecisions. The subject matter of each subdecision can then be handled by many experts, each in his own field of expertise. The subdecisions are reduced to numbers which in turn permits the many subdecisions to be integrated into the ultimate decision. Thus, subsequent arithmetic operations performed on the subdecision numbers can reveal relationships which would be too complex to evaluate by a traditional intuitive mental practice. Because the subdecisions are reduced to numbers, these arithmetic operations can be mechanized on a computer, permitting problems of great magnitude and complexity to be handled by the pattern technique.

Honeywells' pattern technique permits the use of an interdisciplinary approach to problem solving. Although not employed on a massive interindustry scale, the first application of pattern in 1963 by Honeywell utilized such diverse discipline as history and political science, economics, mathematics, science, and engineering, to incorporate into the decision-aiding techniques factors of equal diversity.

Another example of data management decision-aiding techniques is one developed by the Office of Emergency Planning. This technique is called PARM—program analysis for research management—and was developed primarily to support emergency preparedness planning. PARM is a system of analytical models for simulating mathematically very detailed operations of the total U.S. economy, using modern computer-type computational and display equipment. For such emergency preparedness purposes, it represents a dynamic system of analytical models capable of tracing the time phase effects on the economy of various emergency situations over a 2-year period. By changing data input and various conditions of the mathematical model, PARM can be used to simulate the effects of either real or hypothetical courses of action on the economy.

I am happy to report that in response to recommendations contained in a report of my subcommittee entitled "The Impact of Defense Spending on Labor Surplus Areas," dated August 19, 1963, OEP officials are seeking to expand the application of PARM techniques beyond the scope of emergency planning and nuclear disaster problems. As an input-output mathematical model, PARM exceeds any previously known effort at mathematical simulation, and should find a great range of applicability to many problems of government, labor, industry, and other public and private groups.

For example, the industry classification of PARM includes over 300 production sectors, and has associated with it a large data bank at the National Resource Planning Center. PARM can be made flexible or adaptable for many applications since its mathematical structure permits the introduction of leadtime, capital coefficients, capital constraints, autonomous creations of new capacity, and conversion between similar industries. Since it is a computer phased system it has the capacity to deal with such an enormous subject matter as the detailed impact on every industry resulting from changes in Federal, State, and local governmental expenditure programs; business investments; and of changes in consumer expenditures, as related to disposable income and population factors.

These are just two examples of the new kind of techniques which must be developed and applied on a much greater scale in Government, industry, and other segments of our society if we are to successfully cope with the problems of our space age. There is still a vast chasm between what new techniques are being applied and what must be done to bring order out of impending chaos, and to reorient our data management, information management, analytical, and decision-aiding procedure to deal with the scope and complexity of our space age problems.

It should be emphasized that such decision-aiding techniques are only to aid decisionmakers by providing them with the type of information which will, along with other factors, including their own judgment and experience, assist them in establishing sound policies and in making meaningful decisions. Thus the Advisory Staff provided for in this resolution can be a valuable accessory to the democratic process of Government. Traditionally, in American democracy we fix the responsibility for policy and decisionmaking in certain elected and appointed offices, and American citizens seek to hold such officeholder responsible for their policies and decisions. However, when the operations of an office become overwhelmed with a large number of decisions and a myriad of unmanaged information, the resultant congestion may cause the responsible decisionmaker to be unconsciously expropriated by others in the amorphous process, and both the situs of the decision becomes lost and the point of responsibility diluted. This growing problem was alluded to by Secretary of State Dean Rusk recently when he stated:

> Decisions that 15 years ago were made by an Assistant Secretary of State are now made by desk officers.

Even in Congress, the avalanche of information and flood of material which we must digest, and the increasingly large number of requests, decisions, and policies for which we must assume responsibility, are becoming an almost unmanageable burden.

The benefits to Members of Congress, as well as to other Government and private officials, will be substantial if Project PASSIM can assist in developing for our major problems the critical information necessary to avoid ill-conceived programs, inefficiency, and waste, which are the inevitable products of poorly managed information and decisionmaking systems.

If, from the efforts of Project PASSIM, we help to solve only one perplexing problem, the need to provide a sustained economic growth commensurate with the needs of our society, this project will be extremely worth while. This has been one of the serious problems considered by our subcommittee, and a problem which has many unknowns and a substantial information deficiency. For example, our economic growth must during this decade of 1960 to 1970 provide employment for 22 million workers whose jobs are expected to be replaced by automation and technology. At the same time another 12½ million new jobs must be created for young people entering the labor force for the first time. During this same period the exodus of workers from the agricultural sector will continue at the rate of 200,000 per year.

Yet we do not fully understand the interrelating factors which bring about economic growth. How important is research and development to economic growth? Does the fact that 70 percent of the Nation's research dollars are spent by the Federal Government have an adverse effect on economic growth? What percentage of our top scientists and engineers have been drawn into military programs? Has this eroded growth in the private sector of our economy by stagnating civilian research and development? Have we overemphasized research and development? What effect and what interrelationship do other factors have on our economic growth rate—such as taxes, monetary policies, capital constraints, trends in wage and labor management agreements, the size and integration of plants and industries? Or is it true, as one authority indicates, that it is very difficult and there is very little that we can do to accelerate our rate of growth? If we cannot accelerate our rate of growth, what are the social and economic consequences? These are only a small number of unanswered questions about economic growth which require concerted action of Government, labor, and industry, sociologists, economists, and scientists in operating in new information management structures with new decision-aiding tools.

However, since one important purpose of Project PASSIM is to develop information structures and decision-aiding techniques which discover and define the complex interrelationships between the major problems of our society, consideration of economic problems would not ignore information deficiencies for sociological problems and the need to integrate information and decision-aiding techniques to cover all sectors of our society. The need to correlate technological, scientific, economic, and other sociological factors is implicit in the statement which Dr. Nathan Koffsky gave to our subcommittee:

> It is clear that research in the social sciences has not had the kind of support given the physical sciences. In agriculture, rapid technological advance has created severe problems of adjustment—to maintain incomes of those who produce our food and fiber so efficiently and to make possible new employment opportunities for those who cannot find a satisfactory living in farming. The research and development necessary to show how to alleviate and solve the low income and employment problems of agriculture and rural areas still remains largely for the future. This constitutes one of the major challenges facing us today.

Dr. Koffsky's statement has reference to the rapid changes produced in particular by the replacement of animal power with mechanical power, and the adaption of chemistry to agriculture. As a result, in the past 25 years the productivity of the farmworker has increased threefold. In 1940, one farmworker supplied farm products for about 10½ persons, today one farmworker supplies products for almost 30 persons. This in turn has released workers from agriculture. During the past 40 years about 28 million people have been released from agriculture to seek employment in the nonagricultural sector of our economy. While we are still seeking solutions to provide for those who have already made an exodus from agriculture, 200,000 additional people leave agriculture each year. At the same time the average age of the farmer has increased. It is now 50 years, and at this age, with low income, the surviving farmer still faces the unsolved problem of finding additional financial resources so that he can continue to adapt to the very rapid technological changes. While the average age of the farmer continues to increase, there is yet the unsolved problem of providing adequate financial resources for the young people who might get into agriculture to replace the retiring farmers. If this problem is not solved, agriculture will continue to be made up of older and older people, and one day agriculture as we know it today will finally die out.

Project PASSIM is not proposed as an instant pain killer for all of our perplexing problems, those which we recognize and those which we do not recognize. Project PASSIM is a beginning. Its purpose is to make a beginning by bringing together for information management and decision-aiding techniques the top minds of our country, just as two decades ago we brought together our top scientists to harness the atom. I shudder to think of how the court of history might have changed if two decades ago we had not started the Manhattan project. It is my hope that Members of Congress will be equally alert to asses both the need and the great advantages which may ensue to our country through the establishment of Project PASSIM. The failure to deal effectively with our new environment can have far-reaching implications for the United States on both a short-term and long-term projection.

We are all familiar with the cyclical movement of history: the birth, growth, climax, decline, and death of past nations and civilizations. Whether the United States of America, having reached a climax of achievement, will now begin the process of decline and death may depend to a great extent upon our capacity to assist the responsible decisionmakers of Government and industry is assimilating and utilizing our new knowledge to achieve the goals of our democratic society.

If we cannot develop new techniques to master the new knowledge, to better perceive the ultimate nature of our changing institutions, and to assist our policy and decision makers in performing their responsibilities, we may be turned down the dusty road to ruin, a road cluttered with the rubble of dimsighted decisions and poorly programed policies.

We need not be reminded that several nations stand ready to take our place, and in fact are actively seeking to displace the United States from its position of preeminence. Nikita Khrushchev has promised to bury us. It is a matter of serious concern that several achievements of the Russians during the past 5 years now show evidence of a highly developed and highly sophisticated technique for assisting their decisionmakers in analyzing and managing data, and in organizing operations.

The development of new techniques to aid our decisionmakers, is therefore, as much a part of the competition between the United States and the Communist world, as the space race, or the development of sophisticated military systems, and is more crucial to the ultimate success of our democratic mission in the world.

It is my fervent hope, therefore, that all Members of Congress will assess the urgency of this joint resolution I am today introducing, and will join in a bipartisan effort to support Project PASSIM and to encourage the participation of all sectors of our society. The close interdependence between social, economic, scientific, technological and political factors is a phenomenon of our new environment. It is a fact which demands new attitudes and requires a partnership for progress between Government and industry, labor and management, agriculture and nonagriculture, public and private institutions, if we are to sustain our position of domestic and international preeminence.

Mr. President, I ask unanimous consent that the text to the joint resolution be printed at this point in my remarks.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 202) providing for the establishment of an agency in the Executive Office of the President to be known as the President's Advisory Staff on Scientific Information Management, introduced by Mr. Humphrey, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

Whereas during the past two decades the rapid and profound changes in the content and structure of our social, economic, and technological systems have greatly increased the complexity of our Government processes; and

Whereas the explosive growth and unprecedented change in our body of data and knowledge have confounded past procedures for extracting, assimilating, and organizing data and knowledge critical to Government policy and decisionmaking, and have placed excessive burdens upon the effort and time of officials responsible for the essential decisions of Government; and

Whereas in order that the operations of Government may keep pace with the fast-moving changes and almost intractable problems of this atomic age, and continue policy and decisionmaking in harmony with the traditions and objectives of our democratic system, it is vital that we adopt and utilize in our Government the techniques of analysis, research, and data management which are equal to the scope of today's intricate and manifold problems; and

Whereas a concomitant of modern changes and complexities has been the development of new techniques and scientific methodologies for analysis, research, and data management, among which are the methods of mathematical programing, mathematical models, quantitive investigation, simulation, econometrics, the scientific attitude of operation research, and the use of electronic data processing; and

Whereas, the users of such techniques and scientific methods have demonstrated the effectiveness of such methods in:

(1) providing large scale storage, continuous updating, and timely retrieval of information;

(2) assisting in prompt and effective analysis of an operation or institution, and to single out critical issues requiring executive or legislative policy for decision;

(3) assuring a factual and objective basis to guide and sustain executive and legislative type judgments;

(4) strengthening the potential of the executive and legislative policy and decision making role;

(5) pretesting the effectiveness and impact of alternative policies and decisions for obtaining selective objectives; and

(6) keeping the process of policy and decision making within the grasp and control of elected and appointed officials responsible to the people for the ongoing needs of our democratic society; and

Whereas it is expedient that an immediate beginning be made on the Presidential level to systematically evaluate the use of such new policy and decision making tools for Government operation, to organize and plan procedures whereby they can be incorporated into Government operation, to develop an awareness of and to train Government personnel in the use of such techniques and scientific methods, and to put into use and operation such new techniques and methods: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "President's Advisory Staff on Scientific Information Management Act".

ESTABLISHMENT OF THE PRESIDENT'S ADVISORY STAFF ON SCIENTIFIC INFORMATION MANAGEMENT

SEC. 2. There is hereby established, in the Executive Office of the President, an agency to be known as the President's Advisory Staff on Scientific Information Management (hereinafter called the "Advisory Staff").

MEMBERSHIP OF THE ADVISORY STAFF

SEC. 3. (a) The Advisory Staff shall be composed of seven members to be appointed by the President, by and with the advice and consent of the Senate. Persons appointed to the Advisory Staff shall be persons with substantial knowledge or experience in the development, application, evaluation, or use of new systems and methodologies for analysis, research, and data development, such as the use of mathematical models and mathematical programing, simulation, econometrics, quantitative and qualitative analysis systems, methods of operation research, and electronic data processing.

(b) One member of the Advisory Staff shall be designated by the President to serve as Director of the Advisory Staff and the Director shall have such supervisory and administrative duties with respect to the work of the Advisory Staff as the President may prescribe.

DUTIES AND FUNCTIONS OF THE ADVISORY STAFF

SEC. 4. It shall be the duty and function of the Advisory Staff to advise and assist the President, as he may request, on any and all matters relating to creating, developing, improving, evaluating, establishing, and operating techniques, methods and systems for analysis, research, and data management. Such duties and functions may include, but shall not be limited to, the following:

(1) The evaluation of existing Government techniques, systems, and methods.

(2) The evaluation of the feasibility of utilizing new and different techniques, systems, and methods in various departments and agencies of the Federal Government.

(3) The development, organization, coordination, and operation of programs, techniques, methods, and systems applicable and useful on an interagency or intergovernmental basis, including cooperative programs with State and foreign governments.

(4) The formulation of plans for future development and growth of techniques and systems for analysis research, data management, and operations research.

(5) The development of personnel training programs and the training of Government personnel.

COMPENSATION OF MEMBERS OF THE ADVISORY STAFF

SEC. 5. The Director of the Advisory Staff shall receive compensation at the rate of $30,000 per annum and other members of the Advisory Staff shall receive compensation at the rate of $28,500 per annum.

PERSONNEL

SEC. 6. (a) The Director is authorized to appoint, subject to the civil service laws, such secretarial, clerical, and other staff assistants as are necessary to enable the Advisory Staff to carry out its duties and functions, and to fix their compensation in accordance with the Classification Act of 1949.

(b) The Advisory Staff is authorized to procure, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not in excess of $100 a day.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated to the Executive Office of the President such sums as may be necessary to carry out the provisions of this joint resolution.

ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. THURMOND. Mr. President, on September 1, I introduced Senate Joint Resolution 198, proposing an amendment to the Constitution with respect to the election or appointment of Members of the Senate. I ask unanimous consent that the name of the Senator from Mississippi [Mr. STENNIS] be added as a cosponsor of this joint resolution and that his name appear on all future prints of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SCOTT:

Speeches delivered by him and Christopher Emmet at meeting of Polish Army Veterans, in Philadelphia, Pa., on August 31, 1964.

THE GENTLEMAN FROM PUERTO RICO

Mr. BARTLETT. Mr. President, after 18 years of devoted and outstanding service in Congress to the people of Puerto Rico, Resident Commissioner A. FERNÓS-ISERN is returning home for good. Even then, he will continue to serve the public interest.

For many years, Puerto Rico, Alaska, and Hawaii have had similar problems and interests; and because of this, I came to know TONY FERNÓS as well as any other Member of Congress. He is a wonderfully fine human being, dedicated, and able, warmhearted, and responsible.

The years behind him have been fruitful and rewarding. Dr. FERNÓS, a cardiologist, was a former commissioner of health in Puerto Rico, before coming to Washington in 1946. During his service in Washington, more than 80 bills bearing his name became law. He was influential in obtaining approval of numerous other measures of interest and importance to Puerto Rico.

Because of the very special nature of his duties as Resident Commissioner, Dr. FERNÓS has been exceedingly active in working with executive departments on behalf of the Commonwealth, and his success in handling his responsibilities is outstanding.

Puerto Rico became the first U.S. Commonwealth in 1952, largely through his political genius and ingenuity. He was ceaseless in energy and toil.

Dr. FERNÓS introduced in the House, and the late Senator Joseph C. O'Mahoney, of Wyoming, as chairman of the Senate Committee on Interior and Insular Affairs, introduced in the Senate, legislation which resulted in the adoption of Public Law 600, of the 81st Congress. Public Law 600 provided for the organization of a constitutional government by the people of Puerto Rico. Pursuant to this law, the people of Puerto Rico held a constitutional convention to draft a constitution to replace the Organic Act under which they had previously been governed. Dr. FERNÓS presided over this constitutional convention, as its president. Subsequently, he authored in Congress legislation which resulted in Public Law 447, approved July 3, 1952, approving the constitution adopted by the people of Puerto Rico. On July 25, 1952, the Commonwealth of Puerto Rico was proclaimed by Governor Luis Muñoz Marín

The creation of the Commonwealth, as in the case of of the admission of the new States of Alaska and Hawaii, required overhauling previous laws affecting these areas, by reason of the new political status. In the case of Puerto Rico, Dr. Fernós and his staff had the responsibility for researching this problem and providing for the repeal or change of obsolete provisions in the laws. This was no small task.

Shortly after arriving in Congress in his new role of Resident Commissioner of Puerto Rico, Dr. Fernós worked for, fought for, and achieved the first important change in the Organic Act of Puerto Rico since 1917; namely, approval of the bill which authorized Puerto Rico to elect its own Governor and principal officials of government. As a result of this legislation, the people of Puerto Rico turned to Luis Muñoz Marín as their first elected chief executive.

Following the creation of the Commonwealth of Puerto Rico on July 25, 1952, Dr. Fernós was selected in 1953 as Alternate Delegate of the U.S. delegation to the United Nations, to assist the Federal Government in presenting to the United Nations its case that Puerto Rico had become fully self-governing, and no longer was subject to reporting to the United Nations as a non-self-governing territory. The United Nations agreed; and since that time no such reports concerning Puerto Rico have been submitted to the United Nations.

Among his legislative achievements, Dr. Fernós has been responsible for the extension to Puerto Rico of the old-age and survivors insurance program of the Social Security Administration; for the extension to Puerto Rico of the program of unemployment compensation; for important changes in the immigration laws affecting a particular situation in Puerto Rico; for the expansion of the school-lunch program to Puerto Rico; for the extension of the Federal Deposit Insurance Act to Puerto Rico; for the extension to the Commonwealth of Puerto Rico of the power to enter into certain interstate compacts relating to the enforcement of the criminal laws and policies of the United States and the supervision of parole probationaries; and for numerous other Federal laws to assist the Commonwealth government in carrying out important functions, in cooperation with Federal authorities.

Not the least of Dr. Fernós' accomplishments has been participation with the House Committee on Agriculture in obtaining in sugar legislation terms favorable to the Puerto Rican segment of the sugar producers and processors, which in Puerto Rico is a vital element of the economy. In addition, Dr. Fernós and his staff have continually studied literally thousands of bills in Congress, to determine their effect in Puerto Rico, and have assisted with the formulation of legislative provisions to carry out the intent of these laws, so that they will apply with proper effectiveness to Puerto Rico.

Because of his great knowledge of insular problems, Dr. Fernós has been helpful in serving on three great committees during his tenure of office; namely, the House Committees on Agriculture, Interior and Insular Affairs, and Armed Services.

On February 20, 1964, the President signed into law an act to establish a United States-Puerto Rico Commission on the Status of Puerto Rico.

Again, Dr. Fernós' participation assisted in the enactment of this legislation, which created a Commission composed of three appointees of the President of the United States, two of the U.S. Senate, and two of the House of Representatives, as well as six representatives of the Commonwealth government, representing a cross section of prevailing political thought in the island.

The Commission has as its responsibility an exhaustive study of Puerto Rico's relationship with the United States, and will report its recommendations to the President of the United States, to the Congress of the United States, to the Governor of Puerto Rico, and to the Legislative Assembly of Puerto Rico.

Surely, this is an admirable public record, and many persons would rest comfortably on such laurels; but Dr. Fernós is not going to retire to the veranda. Already the convention of the Popular Democratic Party, of which he is a member, has nominated him to serve in the senate of the Legislative Assembly of Puerto Rico as a senator at large. With his popularity throughout the island, it is almost assured that the people of Puerto Rico will want to make use of his services; and with his great knowledge of island problems and of legislative and administrative procedures, Dr. Fernós will continue in the service of his people, to insure the continued political and economic advancement of the Commonwealth of Puerto Rico, which already has become somewhat of a miracle to those both at home and abroad.

We shall miss him.

We salute him.

We wish him luck and many green years.

THE ROLE OF GOVERNMENT AND OF LABOR LAW

Mr. MUSKIE. Mr. President, I ask unanimous consent to have printed in the Record a perceptive analysis delivered by Charles Donahue, Solicitor of the Department of Labor, before the Maine State Bar Association. In this address the author has related clearly the role of government and of labor law in a dynamic, growing economy.

The author analyzes recent developments in industrial relations, in terms of general trends over the past 25 years. He describes clearly the use of labor relations laws in the establishment of rules of conduct for the bargaining process. I commend this knowledgeable address to those seeking a better understanding of current issues in industrial relations.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Charles Donahue, Solicitor of the Department of Labor, Before the Maine State Bar Association, Rockland, Maine, August 27, 1964

I count it quite an honor to have a chance to say a few words to you distinguished members of the Maine bar. While I must say I have not practiced before the courts of Maine, I take a personal and an understandable pride in belonging to the Maine bar, and it is with a real sense of belonging that I come before you today.

Driving up here last night, I got to thinking about a traveling salesman here in Maine some time ago when traveling was more difficult than it is today. He was held over in a sleepy little village one sultry August weekend. Now this salesman was not only a good salesman, he was also an ambitious young Republican. It was Saturday afternoon and, out of boredom, he left the little hotel and wandered down the street past a little white church. The door was wide open and there was obviously a wedding going on. He stopped a moment, hearing the familiar words, "If anyone knows of any reason why this man and this woman should not be joined in holy wedlock, let him step forward or else forever after hold his peace." At that moment, there was complete silence. This was too much for our young salesman to resist. He rushed forward up the aisle saying, "Parson, if no one else wants to use this time, I would like to put in a good word for the Republican Party."

I do not, of course, come here to put in a good word for any political party. Instead, it is my purpose to discuss with you in as detached a way as possible, some of the various labor problems confronting us in the Department of Labor because they confront our Nation as a whole.

Our Nation is a land of peace and plenty—more than anywhere else or anytime before.

Midst peace and plenty, however, problems confront us right here at home. In a growing and prosperous nation we have with us the problems which growth and change create. One matter of largest concern which has hardest impact at the bargaining table is the rapid change in jobs and skills needed to produce the myriad things that make up our GNP—our gross national product—initials not to be confused with another famous national product known as the GOP.

But turning to the point, a matter of developing importance in industrial relations, is the change in jobs.

Now, a job used to be—and this was true not very long ago—a job used to be something that a man expected to have all of his life. And our trouble today is that that is what he still expects. But it is no longer true.

It was not very long ago that a man on a job, particularly on a craftsman job, thought in terms of passing it on to his son. He had inherited it from his father, and he expected to pass it on to his son. It was like the family name, which came from the craft which was being performed, Smith, Mason, Chandler, whatever it may have been.

That was the period when a boy in the country grew up and went to school past fields which he would probably work for the rest of his life. It was a period in which most sons grew up around a mine or a mill or a plant, which was the economic center of every family's thinking.

And collective bargaining, when it emerged, as it did in most places, about 25 years ago, was also built up around the idea of protecting a man's particular job and his rights to a progression to another job.

I suggest to you that today this is no longer true; that in this era of accelerated change, an age of technology triumphant, of exploding population, where maps change as fast as women's fashions and where continents are now closer together in time than county seats seem to be, in this age a man's job is also the uncertain product of unpredictable but almost certain change.

Within the next 30 days, one-half a million people will move to new employers. Six hundred thousand of them will be working in a different line of work from what they are working in today. Four hundred thousand of them will be working in different areas from that in which they are working today.

And one other statistic: Since 1957, the number of production workers in this country has dropped by 960,000, nearly a million.

A job is no longer something which most people can reasonably expect to have or to perform the rest of their lives. There is going to be a change.

This, if you will, is why some of us in the Department of Labor have been toiling at many different levels to keep railroads running and labor and management at peace. This, if you will, is why so much of the time of the Secretary of Labor has gone into these disputes which it seems so hard for some people to understand.

They are not isolated disputes. These disputes are the reflection of the fact that we have not thought out, as a society, the problems which result from the fact that there is now such a large degree of change in the concept of a job. We just have not thought it out completely.

Not only have we not thought it out, but we, as an industrial society, are not doing a very good job of approaching it right now in the area of private enterprise. For the moment, if you will, there is the problem of semantics, which reflects this whole thing.

Mr. Justice Holmes once said that "The word is the skin of a living thought." I suggest to you that it is likely to be the skin of a dead idea.

Take the words which today dominate the dialog and the discourse about the problems of labor relations and manpower. Such problems as featherbedding, automation, compulsory arbitration.

These phrases, in our general use of them, corrupt the conversation and prevent the application of wisdom to the real underlying problem before us.

As against Mr. Holmes' fiction about the meaning of a word, I would set George Orwell's analysis in an essay with which I hope a good many of you are familiar, an essay entitled "Politics and the English Language." It appears in a book of essays called "Shooting an Elephant," which is not a political tract at all.

In "Politics and the English Language," George Orwell develops better than I have ever seen it developed by anyone else, the thought that we have gotten to the point where we let our words do our thinking for us and where the discourse and the dialog of public affairs is dominated by an approach in which somebody pushes a button, and that is all the thinking that goes into it. Because by pushing a button, a lot of reactions are stimulated in people's minds. And I suggest to you that this is peculiarly, particularly, and unfortunately, true in this field of labor relations.

Take this word "featherbedding." It is almost at the risk of your public position that you even mention the word "featherbedding." It has become a scare word, an ugly word, and when you punch it people's reactions immediately arise on one side or the other, and the reaction is that featherbedding is a phrase that reflects people's not wanting to work.

That is not it at all. There is, of course, some featherbedding that reflects people's not wanting to work. But there is a lot of featherbedding, if you will, which is a reflection, however improper, however unjustifiable, a reflection of people's wanting very much to work and wanting enough to work that they will hang on to a job to the bitter end—to a job which, perhaps, should not be there.

This change has been the outstanding issue in major labor disputes during the past few years. This change has been a major source of chronic unemployment in many parts of the country. For example, in the Appalachian Mountains of the east, coal was once the king. Generations of men found a hard, proud livelihood underground mining coal. But now, for many reasons, coal is no longer king. And now we are beginning to find generations of the unemployed leading wasted and useless lives senselessly, apathetically but in human terms, understandably rooted to the soil where once their fathers dug for the black gold feeding the furnaces of the past.

Another example is the steel industry, where, for instance, electric open hearth furnaces using new processes supplant semiskilled workers who, likely as not, can't find other work.

Everywhere one looks he can see the same thing happening in differing ways and degrees—in steel, in coal, on production and assembly lines, in atomic energy plants, in oil refineries, on airlines and railroads, on ships and along the waterfront, everywhere there is change or resistance to change, producing labor disputes, unemployment or resort to the nasty term "featherbedding."

These circumstances underlie almost every important issue in major industries today. They place the heaviest burden on collective bargaining today. They have resulted in nearly all the labor disputes in recent years disturbing the emotional, if not the economic, stability of the Nation. Parenthetically, I have gradually acquired a conviction after many futile years of observation and thought devoted to finding fair solutions to the problems of so-called national emergency disputes, that they create or threaten a national emergency if and when the public thinks there is an emergency, regardless of any other conclusion one might reach upon a sober and detached view of the facts.

When I look at every recent vital or potentially explosive or nationwide dispute, I find automation and job change at its base.

The first day Mr. Justice Goldberg took office as Secretary of Labor, he rushed to New York to settle a tugboat strike threatening international lifelines. The basic issue was reducing the size of the crews.

Before that, the prior administration had to grapple with a long and bitter steel strike. There the hard core issue was changing work rules and wiping out jobs.

Greeting us as we arrived in the Department of Labor, shortly after President Kennedy took office, was the flight engineers' dispute. This was indeed a dying breed gradually disappearing due to the jet age of air transportation. Desperate men—high paid air mechanics being grounded at lowly pay—fighting for their economic lives, some hoping to become pilots, some hoping their hopeless prospect was a nightmare and, somehow, would go away; men using every vitality of their threatened union to preserve a disappearing "status quo."

Turning to the longshore industry, that thorny dispute last year had many prickly issues, but a major source of trouble was a felt need for the industries to package their cargoes and cut down on the numbers needed to load and unload ships.

Recently, the Department of Labor has been figuratively riding the railroads on a 4-year-old dispute, during which that ugly word "featherbedding" has been prominently used in ways hardly conducive to settlement. First, we had the telegraphers who are another disappearing race. They reached agreement on all lines—here again ultimately through collective bargaining—excepting Chicago Northwestern. The telegraphers on this road struck and the other crafts respected their picket lines. This was the going away present that Mr. Justice Goldberg left to Secretary of Labor Wirtz when the Justice donned his judicial robes at the Supreme Court of the United States. In fact, both were in Chicago seeking settlement when the President asked the Justice to succeed the then resigning Justice Felix Frankfurter.

Here, it is most important to note mediation and negotiation finally produced a settlement through voluntary arbitration. But, unfortunately, at a price to the public.

Finally, change—in this case a change from coal to oil on diesel engines, faster transit, and longer trains—produced an understandable demand for fewer workers, not just firemen in engine cabs, but other crafts as well.

As you know, this dispute progressed from crisis to crisis from month to month year after year.

President Eisenhower appointed a Railroad Commission, but its recommendations were rejected.

President Kennedy appointed an Emergency Board under the Railway Labor Act, but its recommendations were also rejected. Then followed a series of notices by the carriers and one deadline upon another, finally ending in a law passed by Congress for this dispute and this dispute alone.

Briefly, this law, Public Law 88–108, provided a 180-day or 6-month moratorium in any change in working conditions or in any strike or lockout during which two issues, namely, the fireman issue and the crew consist issue were arbitrated by a seven-man Board. Two from the carriers, two from the unions and three named by the President where the parties can't agree.

All other issues in dispute were left to negotiation, with aid of the Secretary of Labor and the National Mediation Board. The arbitration was final and binding and enforceable in any court of the United States having jurisdiction of the parties.

As many of you may perceive, this ad hoc legislative assist toward settlement raised many interesting practical, if not legal, questions.

First, how was the arbitration of two issues going to be coordinated with the negotiation of all other issues? Both were interrelated. Whatever happened on two issues obviously could affect the ability to get agreement on all others and vice versa.

But the $64,000 question was what would happen at the end of 180 days if one of the parties expressed dissatisfaction with the arbitration by refusing to agree on negotiable issues?

Obviously, the situation called for consummate skill on the part of the arbitrators and the mediators. As we all now know, negotiations actually did break down and President Johnson very rightly and personally intervened in the dispute with signal success.

Some of you may well ask, Why are these issues so hard to settle? The answer we learned by experience is, first, that involved here is not a simple issue of how much does a man get but whether he gets any pay or any job at all.

What's more, in some cases, the economics and other realities of change simply mean some day not too far away the membership of the union will simply disappear. This is hardly a glowing prospect for the head of the union. For some reason, not hard to understand, he has every incentive to fight a change spelling the end of his union.

This is why an impatient cry of "featherbedding" presents no answer to the problems involved. The answers are, of course, as difficult as the problems and, in impossible situations the answer, as in the railroad case, must come from Congress, and, as Senator Bob Taft once stated, must come on a case-by-case basis only after all other measures and emergency procedures have been exhausted. In this way and only in this way can full freedoms and the system of collective bargaining, in many ways peculiar to this country, receive those protections to continued life which self-restraint provides.

Speaking of some of the other pushbutton phrases in the field of labor-management relations, let's look at some of the other common ones like "compulsory arbitration." Many seek this as a solution. Others see it as a dead end—a death knell to collective bargaining.

All of this debate, or much of it at least, is an attempt to get away from the question of what really causes the problems which get to such a severe stage that we have to consider what most of us would think of as the unfortunate possibility of compulsory arbitration.

Take another phrase: "right-to-work laws." I don't care how you feel for the moment about right-to-work laws. You will agree with me that that is a corruption of the English language which prejudices the consideration of the real problem involved. In teaching labor law, on the first day of each course, the present Secretary of Labor used to give a series of questions to the new incoming class.

One question read: "Are you in favor or opposed to the right-to-work laws?" Two-thirds of the class said that they were in favor of the right-to-work laws. Who would oppose a right-to-work law?

And then further on down another question was worded about this way: "If an employer and a majority of its employees agree with respect to whether all employees should or should not become a member of the union, should the Government by law interfere with that decision?" And two-thirds of them answered that question exactly the other way around, just exactly the other way around. And these are third-year students in a graduate school.

Or take the question, if you will, of the 35-hour or now the 32-hour workweek. I happen to disagree with that particular proposal.

But I say to you this: That proposal is honorably put. It is not a proposal for people to work less. It is not a proposal for people to make more money. It is a proposal that all the people in this country have an opportunity for a job. And on that basis it ought to be considered honestly.

And I repeat: Let there be no misunderstanding that that would not be my answer. But if we could pose that problem frankly and directly, maybe we could get to the answer to it.

I rather think, when I hear about this discussion about the 35-hour workweek, of the story which you may remember about the little boy who came home from school from third grade, I think it was, proudly waving a book that he had gotten. His mother said, "What is that?" He said, "It is a prize." She said, "What is it a prize for?" He said, "It is for answering a question in class."

She said, "That is nice. What is the question?"

"The question was: 'How many legs has an ostrich?' "

"What did you answer?"

"I answered, 'Three.' "

"How in the world did you get the book, then?"

"Well, everybody else said, 'Four.' "

There is only one honest answer to the proposal of the 35-hour workweek. And that is a proposal as to how we come up with the jobs which will supply work opportunities to the additional 4 or 5 million people in this country who want them. And, until we come up with that answer, I take it that one proposition is as much entitled to the field of our consideration as another.

To get the answers to the hard questions, we must avoid this corruption of debate, these polarized reactions to words which stifle the though which would be necessary to get to the right answer.

And that right answer is simply that this economy has got to be put on a basis which will supply work opportunities for all of those who want to work and who have something to offer.

So far, in considering our policies and free collective bargaining, we have only looked at the hard-core cases and problems which seem, in some ways, to defy solution. Yet sooner or later some solution is found and, with a good deal of midwifery, it is true, nevertheless found through the institution of collective bargaining.

On most railroads, the telegraphers accepted arbitration.

On the airlines, the parties reached an uneasy agreement on the plight of the flight engineer—except, of course, on Eastern Airlines, where the flight engineer was killed off when the parties got locked on a collision course.

In big steel, the agreement on work rules produced a committee to bargain during the life of the new agreement. A similar harmonious result with progressive results occurred in a separate agreement in Kaiser Steel.

The longshore solution provided a study group to find answers or adjustments to the unanswered problems created by automation.

Answers, I insist to myself, must be sought in free collective bargaining during the life of the contract. We need year-round and not year-end bargaining, as in steel and, to some extent, in the construction industry, and in others. But perhaps there is also needed and, today in many instances, there is sought some neutral or outside help to find a way where none seems to exist.

In the construction industry, on the railroads, in the steel industry, in meatpacking in Chicago, in the transit industry in New York, to refer to only a few instances among many, the private parties are voluntarily experimenting with new and various procedures for getting an independent viewpoint on the problems they must face in their bargaining.

If these neutrals serve only as agreement brokers, bringing the private parties perhaps more painlessly to the same conclusions their own devices would lead them to, these developments are of only secondary significance. The accumulating evidence suggests, however, something quite different. It is that these procedures are resulting in the development of factual data from which more rational bargaining can proceed; that points of view are being presented to the parties which are based not just on compromise, but on more responsible reason; that the parties are being given in advance a clearer picture of what they may expect in terms of public reaction to their positions, which will ultimately be so influential on any disputed settlement.

There is substantial indication here of an evolving pattern of resort in one form or another to that arbitrament of reason, rather than of economic force which may well be essential to the continued vitality and effectiveness of significant private collective bargaining.

In solving the hardest problems the Government also has a part in providing information for bargaining on the problems presented by automation. In fact, the thought suggests itself to me that in some ways solutions may be beyond the reach of the particular bargaining table, and that preservation of pension rights as jobs end, retraining and other measures need public help because they are beyond private help.

Lest this discussion of our industrial relations should seem to suggest that the obstacles to progress in and through collective-bargaining approach the insuperable, let me quickly place my comments in proper focus.

First, as to the past 25 years, there were, in the relationship between American labor and American management, elements of intransigence and incipient hatred threatening destruction. That was the period of the sit-down strike and the "Mohawk Valley formula," the time when the now respected John L. Lewis was a personal devil in the minds of management and pickets faced Pinkertons outside locked gates patrolled by armed guards.

Over many years the Government and devoted citizens among management and labor, and others with the highest interest in dedicated public service, have been gradually producing a miraculous if uneasy and uncertain change for the better—a change hard to see in the darkness of contemporary sight but seen with startling clarity viewed against the background of the past.

I am reminded of the Beaver and the Butcher in that poem of Lewis Carroll's called "The Hunting of the Snark," where the lines run something like this:

"But the valley grew narrow and narrower still
And the evening grew darker and colder,
Till (merely from nervousness, not from good will)
They marched along shoulder to shoulder."

Second, the larger problems I bring to you today are the seen surface of the iceberg. The unseen part, by far the largest part, represents the thousands upon thousands of local, industrywide or national agreements which are the product of collective bargaining—the overwhelming number of successful settlements without any strikes at all. This is because, to reverse a phrase, "Good news is no news" in the collective bargaining business. Only the spectacularly bad, the dramatic, the threatening, the damaging and the violent receive the searching light and sound of public display in the press and over the air.

Last year, for example, the total man-days lost in strikes was 0.13 percent of the man-days worked and was only about 1½ percent of the total days of unemployment of those who were ready and willing to work and unable to find jobs. In other words, if you totaled all of the hours lost through unemployment they would add up to about the height of the Washington Monument and, measured against them, the number of hours lost through strikes is the size of a new lead pencil. These are considerations which should have a firm place in our minds when we consider these matters.

It is also well to bear in mind that the law, as such, has only a peripheral function in this whole process. True, agreements must be clear, and certainly lawyers are useful advisers in the bargaining process. Beyond this, my observations tell me that, once a successful bargaining relationship has been established, the rules of conduct laid down in labor relations laws are simply used tactically as part of the give and take, the byplay which precedes but rarely produces a settlement hardly helps to produce that settlement. The issues producing the order are by then gone, if not forgotten.

I conclude then with this picture of the future of collective bargaining: that it will necessarily, if it is to preserve its meaningfulness, take a larger account of the responsibilities which the new forces loose in the world have thrust upon the Nation; that the procedures of collective bargaining are already developing along new lines which make it a more reasoned sort of process, and that an essential part of this development will be a converging and a coordination of public and private decisionmaking in the whole area of labor relations.

I see, in short, a prospect of more reliance in collective bargaining on the principles of Government, more use in Government of the resources and procedures of collective bargaining, and that coordination of the two processes which will enhance the effectiveness of both.

Nothing I have spoken of here is suggested as dogma. It is plainly not the product of any divine revelation, but is subject rather to the futility of trying to see ahead, a privilege which is, fortunately, denied to men.

I urge only the imperative of recognizing the new demands today's ferment of progress and change places on the administrators and architects of American labor relations—the crucial need that man's administrative invention keep up with his scientific genius.

THE FUTURE OF AGATE NATIONAL MONUMENT

Mr. HRUSKA. Mr. President, last weekend the Western Nebraska United Chambers of Commerce met at Agate, Nebr., with one of the principal subjects of discussion being the prospects for establishing a national monument at the site of the famous Agate fossil beds.

It had been my hope to address the group; but an important vote in the Senate forced me to forgo that privilege. My prepared remarks were kindly presented by Mr. Keith Miller, superintendent of the Scotts Bluff National Monument.

I ask unanimous consent to have printed in the RECORD the brief remarks prepared for the occasion, together with a news story of the meeting and an editorial from the Scottsbluff Star-Herald.

There being no objection, the remarks, article, and editorial were ordered to be printed in the RECORD, as follows:

THE FUTURE OF AGATE NATIONAL MONUMENT

(Remarks by Senator ROMAN L. HRUSKA, of Nebraska, to the Western Nebraska United Chambers of Commerce, at Agate, Nebr., Sept. 3, 1964)

Mr. Chairman, ladies and gentlemen, it is a pleasure to greet you today, and to have this opportunity to discuss with you our programs and projects for this completely unique, invaluable, irreplaceable deposit in the soil of Nebraska, the paleontological fossil beds which are located here.

First of all, you will probably wish for a report from the legislative scene. As most of you know, of course, we—that is, Senator CURTIS and I in the Senate, with five cosponsors on our bill from neighboring States, and your Congressman MARTIN in the House—are engaged in an effort to secure congressional enactment of legislation which will create the Agate Fossil Beds National Monument, as a permanent unit among the areas and attractions protected, operated, and developed by the National Park Service.

On the legislative front we have made good progress. At the time this meeting was being arranged early in June, the outlook for our bill, S. 1481, was not particularly optimistic. All legislative action on all subjects had been slowed down in the Senate by our preoccupation with the civil rights legislation. It seemed almost hopeless to expect any real progress on our bill at this session of Congress.

Since then, much has happened. The subcommittee chairman, Senator BIBLE, of Nevada, was helpful and cooperative in granting a hearing promptly. Our hearing was a resounding success. Our most effective witness, I believe, was a lady who talked very little but who charmed the Senators on the subcommittee with her obvious sincerity and with her complete dedication to the scientific objectives of the legislation. I refer, of course, to Mrs. Margaret Cook, of Agate Springs Ranch.

Thereafter, the subcommittee and the full committee reported the bill with only technical and clarifying amendments, and the Senate passed it promptly. Senate passage occurred early last month, shortly before our temporary adjournment prior to the Democratic Convention.

So, here is where we stand now. This Congress may adjourn for good in another week, or two, or three. The bill still has to be acted on by the House subcommittee and committee and then by the full House of Representatives itself. Whether all that could possibly be done before the final adjournment this year is hard to say. The time is very short, and certainly it is an uphill battle.

However, of this much I am fairly confident. Even if it is not acted on finally this year, the prospects for prompt action in both Houses early next year are excellent. We have a favorable climate of opinion on this bill. We are rolling along full speed ahead. Even if adjournment should interrupt our further progress at this time, there is very little fear that it would stop us permanently.

So this is a very optimistic report. You may wonder at the basis of my optimism. Partly it is based on the overwhelming support for the bill among leading members of the subcommittee. Partly it is based on the very broad interest by leading scientists from all over the county. Partly it is based on greater knowledge on my part as to how exceptionally valuable and important these deposits are.

You may be interested in some of the points brought out during the hearing before the Senate committee. We have talked a great deal of the importance of these deposits, but I am not sure that all Nebraskans realize just how unique they are.

Among our witnesses was Dr. Malcolm McKenna, associate curator of the American Museum of Natural History. He was asked directly by Senator BIBLE about the significance of these fossil quarries. He answered in these words:

"Professor Osborn once stated that this was, in his opinion, unique, and I would second that opinion, perhaps 30 or 40 years after Osborn made that statement. Well, in the last 60 years, there have been no comparable deposits discovered anywhere in the United States."

Senator BIBLE said, "How about the Western Hemisphere?"

Dr. McKenna answered, "I know of none. I do know of a similar one in Africa."

So what we are calling attention to here is not merely some local curiosity. It is a deposit of tremendous richness and importance.

Another point in which we Nebraskans can take special pride is the manner in which the deposits have been preserved and used to date. One of our own people, Capt. James Cook, discovered them. At the time he was simply an Indian scout, roaming the prairies. Nevertheless, he was a man of extraordinary understanding and imagination. It took a man of unusual perception to grasp the potential scientific importance of such a find. Remember, in that day and age, science did not enjoy the tremendous respect that it does today.

Then he did something even more unusual. He took steps to secure control of the property on which the deposits were located. Thus, he made sure that they would be preserved and used for scientific purposes. Then, having done that, he and after him his son, Dr. Harold Cook, made the deposits freely available to scientific workers, without charge or profit to themselves. They virtually turned their ranch into a headquarters for the protection and the development of the quarries.

What an extraordinarily fortunate accident of history it was that these deposits fell into the hands of such a family. Think what irreplaceable scientific values might well have been destroyed by casual carelessness, if some lesser individual had come into possession of them.

That is a point that seemed to impress some of the Senators on the subcommittee most powerfully. The sympathetic attitude we received from all the members of the subcommittee who were present was most gratifying. All of them were westerners, without exception. That is because it is generally the westerners who want to serve on the committee controlling activities of the Interior Department, which, of course, includes the Park Service.

It was especially interesting to me to see the pride that several took in the historical relics of the Old West. Thus far, I have not mentioned the fine collection of Indian artifacts and other relics of the Old West collected by Captain Cook and Dr. Cook, and the fine paleontological library of the Cooks. For example, Senator ANDERSON, of New Mexico, took occasion to point out the extreme importance of placing any such valuable relics promptly under the protective custody of the Park Service, before they might become dissipated. Under the legislation in its present form, of course, the entire Cook library and collection of Indian artifacts would be preserved for display to the public and use by serious students.

One other aspect which deserves special mention is the plan to attract public visitation through making it possible for visitors to inspect the deposits in their natural state in the quarries, and to observe the scientific exploration work as it is carried on. Most of the major museums of the world already have fossils from Agate. In fact, by and large they have all the fossils from Agate that they can conveniently use, for the time being.

No doubt other museums and learned institutions will be coming along, wanting additional fossils for study and for display. However, in the meanwhile we have been told that the quarries have only been about one-quarter developed. The deposits are so great in size that there are plenty enough to permit the development of sites to show the public the fossils as they are in the rock, and also to demonstrate the scientific methods by which such fossils are removed and analyzed. Exhibits of this sort should be of special interest in intriguing the passing tourist to make a special trip to our new national monument, when we get it established.

Before closing, I want to mention the economic stimulus to this area which we are confident will result from establishing the national monument. In talking to you previously, I have pointed out that this may mean, on a conservative estimate, the bringing in of $560,000 of new money from tourism into the economy of western Nebraska. In addition, the Park Service plans a development program—that is, the construction of buildings, roads, and so forth—amounting to $1,900,000 over a 5-year period, plus a payroll of $135,000 for the permanent staff for management and maintenance of the area.

These are tangible things. They are worth working for, quite aside from the scientific values to which I have devoted most of my talk. It is fortunate, for this area, in an economic sense, that the deposits are located here. Certainly we should do our utmost to publicize them, to draw public patronage to them, and to provide adequate facilities for the tourists who are moved to visit this part of our State in order to see them.

[From the Scottsbluff Star Herald, Sept. 4, 1964]

PROSPECTS FOR AGATE BILL ARE EXCELLENT, SAYS SENATOR HRUSKA

(By M. M. Van Kirk)

AGATE.—Prospects for final passage of the Agate Fossil Beds National Monument bill in Congress by early next year are excellent, U.S. Senator ROMAN HRUSKA advised persons attending the Western Nebraska United Chambers of Commerce meeting here at the historic Cook Ranch Thursday evening.

Senator HRUSKA, who had planned to be present, was detained in Washington, D.C., by consideration of the medicare bill and his message was delivered by Keith Miller, superintendent of the Scotts Bluff National

Monument, who represented the National Park Service and spoke in HRUSKA's absence.

The bill creating the national monument passed the Senate in early August, but Senator HRUSKA advised that it is unlikely that it will get through the House before adjournment. However the Senator stated in his message, the bill has had strong support from Senate subcommittee members and from the Nation's leading natural scientists and curators who testified at the Senate hearings.

Miller pointed out that most of the natural history museums of the world have exhibits from the Agate fossil beds and congressional people along with the Park Service are well informed of the fact that there is only one other such known fossil center in the world and that location is in Africa.

Establishment of a national monument at Agate on approximately 3,150 acres, including the quarries at Carnegie and University Hills and their immediate surroundings, was the dream of the late Dr. Harold J. Cook, renowned paleontologist and son of Capt. James H. Cook, frontiersman who had established the ranch and made the initial discovery. Dr. Cook's widow, Mrs. Margaret Cook, testified at the Senate hearings on the bill.

She was hostess to Thursday night's WNUCC meeting held on the lawn in front of the big old Cook ranchhouse on the banks of the Niobrara. In such a setting, she gave a brief history of Captain Cook's frontier life, and the discovery of the fossil beds and their development which made them a mecca for natural history scientists from throughout the world.

Miller noted that establishment of the national monument at Agate would result in expenditure of about $2 million in land acquisition and buildings and provide an annual payroll of over $100,000. He also said it would tie in well with circular travel pattern tying in existing national monuments in this region plus State facilities which would be natural tourist attractions.

Miller also gave information on the Wild River project, which includes a study of the feasibility of designating a part of the Niobrara River from Antelope Creek to the lower Snake River as a Wild River segment.

More than 200 people from 13 towns ate a picnic-style barbecued beef dinner served by ladies of the Harrison Community Club. In addition to nearly all western Nebraska towns in the WNUCC membership, Lusk, Wyo., and Edgemont, S. Dak., were also represented.

Ernest Johnson of Chadron, president of the WNUCC, praised the work of Mrs. Cook in pushing the Agate Monument development.

The Agate Fossil Beds National Monument Association held its first annual meeting at the Cook Ranch and reelected all the present officers. They are Earl Cherry of Mitchell, president; Gene Ramsey of Crawford, vice president; the Reverend Robert O'Neill of Harrison, secretary; and Paul Hefti of Chadron, treasurer. The association was formed to provide continuous support and promotion for the development, and has just published a booklet tracing the history of the fossil beds, detailing the feasibility report on the project, and giving the current status of the authorization bill.

The WNUCC board of directors met in the afternoon at Harrison. Resolutions approved included support for the proposed State constitutional amendment to set up a central accounting system for the State; support of State rights in matters of reapportionment, and support for the establishment of a summer Governor's mansion at Fort Robinson.

The November WNUCC meeting is tentatively slated for Chadron. The annual meeting in January is traditionally held at Alliance.

[From the Scottsbluff Star-Herald, Sept. 5, 1964]

AGATE OUTLOOK APPEARS GOOD

A feeling of genuine optimism over the prospects for authorization of the Agate Fossil Beds National Monument on the site of the historic Cook Ranch pervaded the meeting of the Western Nebraska United Chambers of Commerce Thursday evening at Agate.

Although it is unlikely that the U.S. House of Representatives will act favorably during this session on a bill to put the area under the wing of the National Park Service, the fact that the proposal already has the full blessing of the Senate and, additionally, is receiving so much support from so many of the Nation's leading natural scientists and curators, lends encouragement to the hope legislative action can be completed and the project officially launched in 1965.

Much credit can be given to Senator ROMAN HRUSKA for the relatively quick and favorable consideration accorded by the Senate. Congressman DAVE MARTIN is steering the bill through House committee hearings and faces several hurdles, none insurmountable, in his part of the lawmaking procedure needed for full approval.

Areawide enthusiasm for the project is one of its distinguishing marks, and assures a broad base of support not only in this region but also throughout the State.

Broad recognition is evident of the unique and historic character of the fossil remains and of the famous Cook Ranch which embraces them.

Not only would the establishment of the monument serve to preserve for all time a priceless natural treasury in the history of mammals, but it would also become a repository for Indian and frontier relics and displays in a setting of distinctive western beauty.

Unless such steps as are contemplated in the Agate bill are taken by the Congress, these things will be lost forever. Now is the time for action and, fortunately, the initiative for positive action has already been supplied.

That the area will become another outstanding tourist attraction in western Nebraska is to be expected. The economic impact will be substantial, but the real importance of the whole effort lies in its promise of conservation and preservation.

LAW DAY ADDRESS BY CHARLES J. BLOCH

Mr. TALMADGE. Mr. President, there has been published in the August issue of the Journal of the Georgia State Bar Association a fine address delivered by Charles J. Bloch, of Macon, Ga., who is an outstanding authority on constitutional law.

Mr. Bloch's address, delivered on the occasion of naturalization ceremonies held in the U.S. district court at Macon, was indeed an inspiring message. I commend it to Members of the Senate.

I ask unanimous consent that this address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AN ADDRESS ON LAW DAY 1964

(By Charles J. Bloch, editor, Georgia State Bar Journal, delivered May 1, 1964, upon the occasion of naturalization ceremonies held in the U.S. district court at Macon, presided over by U.S. District Judge W. A. Bootle)

My fellow citizens, I have the privilege of being among the first so to address you—and to welcome you as fellow citizens.

It is perhaps fitting that I should have that privilege at this time. For, the Lord willing, in a few weeks I shall have been a member of the Bar of Georgia for 50 years.

For another reason it is fitting.

My grandfather—my mother's father—emigrated to Louisiana from Alsace—then a French province—more than a century ago. His departure from France came just after the end of the Napoleonic Wars of the early part of the 19th century.

My own father also came as an immigrant from Alsace, and settled in Louisiana almost a century ago. When he left the old country, the Prussians had conquered Alsace. It had became a German province.

Neither of them desired to live under a tyrannical form of government, whether the tyranny was that of a Napoleon or a Kaiser Wilhelm. They did desire to live in a country where law, order, organized government reigned and ruled. And I like to think that they wanted to help build and perpetuate that form of government. Memorializing the past and perpetuating for the future is the settlement of Alsatia, in East Carroll Parish, La., where my father lived for many years.

I have my own decided views as to who should be permitted to come from foreign lands, settle here, and become citizens of this republic.

I measure such aspirants by the rule of those two ancestors of mine—and many other collateral relatives—who came to build, not to tear down; who sought a haven of orderly, established government, not an edifice to be demolished by their notions and actions.

I measure such aspirants by a poem which I read many many years ago:

"Wide open and unguarded stand our gates,
Named of the four winds, North, South, East and West
Portals that lead to an enchanted land—
Here it is written, Toil shall have its wage,
And Honor honor, and the humblest man
Stand level with the highest in the law—
Of such a land have men in dungeons dreamed
And with the vision brightening in their eyes
Gone smiling to the faggot and sword.

"O Liberty, white Goddess, is it well
To leave the gates unguarded?
On thy breast, Fold Sorrow's children;
Soothe the hurts of fate;
Lift the downtrodden;
But with hands of steel,
Stay those who to thy sacred portals come,
To waste the gifts of Freedom."

I am hopeful—may I say I am sure—no one of you will waste the gifts of freedom.

But, is that enough?

Will you be content not to waste, and merely enjoy the gifts of freedom?

Will you not conduct yourselves so as to assure a continuance of that freedom which was established for you and me by the blood, and sweat and tears of those who have gone on?

Will you not—as so many others who came from foreign lands have done—help build for the future of America?

To be builders, you must thoroughly learn the real nature of this constitutional government which you have sworn to uphold and defend.

To be builders, you must know the real meaning of the word freedom—what those who founded this Government in 1787 meant when they contracted and agreed with one another to form a more perfect union, establish justice, insure domestic tranquillity, provided for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity.

Thus spake those who ordained and established the Constitution for the United States of America.

Who were "they"? How did they propose to accomplish their noble purposes for themselves, their posterity—and for those like you who would come to these shores to share their blessings?

Answers to each of these two questions are the foundation stones upon which any thorough study of the real nature of this Government of ours must rest.

This very court has characterized the proposed real nature of this Government as a "healthy federalism"—listen carefully, and heed the two words—not only a federalism, but a health federalism.

Federalism means a union of states formed by a compact or agreement in which union each member agrees to subordinate its power to that of a central authority in common affairs, retaining its respective power and authority pertaining to internal domestic affairs.

When you again read and study the Constitution of the United States, notice the very last article of it: "The ratification * * * of nine States shall be sufficient for the establishment of this Constitution between the States so satifying" (art. VII).

And notice then the concluding paragraph begins: "* * * done in convention by the Unanimous Consent of the States present."

And notice then how the deputies, agents of the States, subscribed their names. They signed not as individuals contracting with one another, not as agents of the people, but as agents for the 12 States which proposed the agreement.

Those States were willing to establish a central authority to regulate their common affairs.

What were those common affairs control of which they relinquished?

They did not think there would be any guesswork about that. They specified what they meant. They meant and said that they would permit the central authority to do for the contracting parties certain things including laying and collection of taxes to pay the debts and provide for the common defense and general welfare of the United States; regulating commerce among the several States; establishing rules of naturalization; declaring and waging war; coining money; establishing post offices and post roads. To be doubly sure of what they meant they spelled out in plain English that what they did not delegate to the Central Government they reserved to themselves, or their people. For example, declaration of war was a "common affair"; establishment and regulation of schools was not.

How did these States propose that those common affairs were to be regulated by this new Central Government?

Mind you, they were weary and leery of tyrannical rule. They had just finished waging a war to be free of George III.

So, they established three separate and distinct branches of that centralized government.

They delegated to the legislative branch—the Congress—the Senate and the House of Representatives—the power to make laws, but that power to make laws was definitely restricted to certain specified subjects.

They delegated to the judicial branch—the Supreme Courts and such interior courts as the Congress might ordain and establish—the power to construe those laws pertaining to those specified subjects.

They delegated to the executive branch—headed by the President for whose election they provided—the power to enforce the laws so made and construed.

So long as the "federalism" thus created remains within the bounds prescribed by its creators it will be a healthy federalism.

So long as each branch of the regulatory groups or individuals acts only within the sphere of its or his authority, there will be a healthy federalism.

But when any of the three branches assumes to exercise an authority which was not given to any one of them, or when any of the three branches attempts to exercise an authority which was not given to it, but to another, the federalism loses its vigor, and strength, and health, and becomes unhealthy.

It is our job—yours, and mine, and all of ours—to see that that doesn't happen, for when an individual, or a State or a Federal union becomes unhealthy, it not only may die, but in its illness, its weakened condition, it cannot act completely and capably.

There has never been a time of peace in the world unless there was a group of people—a nation, if you please—strong enough, healthy enough, and willing enough to stand up for, and enforce right.

There has never been a time of domestic tranquillity in these United States unless we then had a central authority strong enough and willing enough to enforce laws constitutionally made.

So you must know the real meaning of the word "freedom."

Real freedom emanates from the formation of a more perfect union, real freedom comes from the establishment of real justice; real freedom exists when domestic tranquillity exists, and domestic tranquillity can only exist when laws on proper subject matters are properly enacted, construed and enforced.

The blessings of liberty cannot be secured for us, and our posterity; the defense of our country and its general welfare can not be insured and assured except under a government of laws.

The blessings of liberty cannot be perpetuated if any group of people is permitted to decide which laws they will obey and which they will not.

Liberty is immunity from arbitrary commands and capricious prohibitions, but not absence of reasonable rules for the protection of the community.

Freedom means liberty, regulated by law.

Freedom, therefore, is twofold.

First, the reasonable rules for the protection of society must not be arbitrary or capricious.

Second, those rules must be fairly and impartially construed and applied.

Of what good are rules if either they cannot be enforced or are not enforced, impartially, firmly, and fairly?

Let me give you examples of freedom—of liberty under the law.

Any normal person is at liberty to, free to, buy an automobile.

But before he can operate it legally on the roads or streets, society requires that he comply with certain rules and regulations. He must prove his ability to drive the motor vehicle, and procure a driver's license. He must purchase a tag for his car. He is now free to drive.

But he cannot drive it just where and how he pleases.

Society—the good of the whole community—demands that he so use his private property as not to harm or impede others.

He must drive it at a speed regulated by law. He must drive it on the right side of the street or road. When a traffic light flashes red, he must obey and stop. He must obey other traffic regulations.

If we did not have such rules and regulations, no one could safely operate an automobile.

If one, shouting liberty—freedom—deliberately refused to obey the rules and regulations, the liberty and freedom of all others who wanted to drive in comfort and safety would be destroyed.

If the courts failed or refused to compel the violator to obey—or failed and refused to punish him for his disobedience—the liberty and freedom of all others would be destroyed.

There is no liberty or freedom for anyone when rules of conduct cannot be enforced, or are not enforced impartially, firmly, fairly.

There is no liberty or freedom for anyone unless the Government is ready, able, and willing to enforce the laws fairly and without partiality.

Laws regulating fishing, hunting, the establishment of television stations, radio stations, banks, railroads, buslines, are all based on the simple idea that one of the basic concepts of real freedom and liberty is public convenience and necessity.

It is written in the Old Testament: "And the whole earth was of one language, and of one speech, and it came to pass, as they journeyed from the east, that they found a plain in the land of Shinar, and they dwelt there. And they said one to another, 'Go to, let us make brick, and burn them thoroughly.' And they had brick for stone, and slime had they for mortar. And they said, 'Go to, let us build us a city, and a tower whose top may reach unto Heaven; and let us make us a name, lest we be scattered abroad upon the face of the whole earth.' And the Lord came down to see the city and the tower, which the children of men builded. And the Lord said, 'Behold, the people is one, and they have all one language; and this they begin to do; and now nothing will be restrained from them, which they have imagined to do. Go to, let us go down, and there confound their language that they may not understand one another's speech.' So the Lord scattered them abroad from thence upon the face of all the earth; and they left off to build the city. Therefore is the name of it called Babel, because the Lord did there confound the language of all the earth. And from thence did the Lord scatter them abroad upon the face of all the earth." (Genesis, ch. 11, 1–9.)

There has been built on this continent a great nation, an edifice based and founded on constitutional government—law and order. The people have been one; they have had but one aim, but one language. They have been a law-abiding people; a God-fearing people; a patriotic people; an honorable people; an unselfish people.

Today, there are those who would confound our language; our purposes; our aims, so that we may not understand one another; they seek to array race against race, creed against creed, class against class, section against section; they seek to destroy our structure.

Our task is to prevent them from converting our structure into a modern tower of Babel.

In welcoming you as citizens of these United States of America, I entreat your aid in the accomplishment of that task.

REFORM OF RESTRICTIVE DEPRECIATION POLICIES

Mr. HARTKE. Mr. President, the need for effective reform of restrictive U.S. depreciation policies remains as urgent today as it was when I introduced S. 2231 in 1963 and when I submitted amendment No. 319 to this administration's 1964 tax bill.

The purpose of the bill and the more recent amendment was to incorporate in law effective depreciation reforms and sound policies upon which business can depend in planning long-range programs for the future. Such legislation is now vital. Without it, no one can insure that our current general economic expansion is soundly based and includes all American industry.

Important legislative advances have been made in reforming U.S. tax policies; but the policies covering depreciation allowances, which are so desperately important to all American businessmen—small and large—remain an administrative responsibility of the U.S. Treasury.

In 1962, the Treasury Department took an important forward step in Revenue Procedure 62–21, setting simpler and more realistic guidelines for measuring the useful life of productive equipment, and instituting certain administrative reforms designed to make easier the computation of depreciation. It is generally agreed that in this step the Treasury has gone as far as it can toward genuine liberalization of depreciation policies without legislative action.

But the need for legislative action was dramatically shown in the results of a survey made last month by the National Small Business Association. The survey showed that two-thirds of small business in the United States—the backbone of the American economy—have not been able to available themselves of the new, more liberal administrative procedures.

Certainly the complexity of the new procedures played a part in barring small business from their benefits. But the most important barrier was the very fact that the procedures were administrative, rather than a matter of law. As with all administrative procedures, they are always subject to change, modification, and reinterpretation. Business was naturally apprehensive. In fact, modification was already promised in the complex and confusing reserve ratio test which the Treasury has proposed to apply at the end of this year.

The significance of these factors to small business was well described in an editorial from the Muncie, Ind., Star of July 14:

> Two years ago, Federal income tax rules were modified to enable businesses to take faster writeoff of obsolescent plants and machinery. The purpose was to spur business investment, thus stimulating the economy and increasing employment.
>
> The National Small Business Association now reports a survey which indicates that only 35 percent of small businesses have taken advantage of the new rule, and many of those with misgivings. Among the others, 70 percent of those who gave reasons for not using the new rules said that the procedures and accounting were too complicated. The other 30 percent expressed fear of the end result, in the light of a Treasury warning that after 3 years the new rules would be reevaluated and perhaps changed. Some said the new rules would require accounting and tax advisory services which their small businesses simply could not afford. Some even suggested more of the savings of faster writeoff would go into new bookkeeping than into new plant and equipment.
>
> Measures to ease the tax burden on business are fine, and more are needed. But another thing business sorely needs is easing of the paperwork required for dealing with the Internal Revenue Service and various other Government agencies. This is a burden which is incredibly expensive in manpower, office space and equipment, and the time of executives. If Congress really wants to give a lift to business, here is a wonderful place to start.

The Shelbyville, Ind., News, on July 15, quoted an excellent editorial from the Wall Street Journal explaining the significance of this failure, not only for small business, but also for the American economy as a whole:

> The results of a new poll on the subject are more than a little ironic, in view of Washington's longstanding concern for the welfare of small business.
>
> According to the National Small Business Association, two-thirds of the small companies responding to an NSBA survey indicated that they have not been able to make any use of the more liberal depreciation rules laid down by the Treasury Department in 1962.
>
> Now, it isn't that the new rules are more complex than the old ones. On the contrary, in its effort to spur economic growth, the Treasury Department greatly reduced the number of classes of equipment for which it designated "useful lives"—the periods during which the cost of equipment can be charged off in computing taxable income. Moreover, the useful lives on the average were substantially shortened, and thus made more realistic.
>
> These surely were steps in the right direction. The trouble is that depreciation accounting, though simplified, is still far from a simple matter. For companies lacking staffs of tax specialists, the prospect of a complete changeover from one depreciation system to another can be pretty frightening. "Just try changing depreciation on a partly depreciated item and not have an argument with an Internal Revenue Service agent," one businessman told the NSBA.
>
> But the businessmen are fearful of more than the initial changeover. In 1962 the Treasury said that after a 3-year transition period, it would apply a "reserve ratio" test to companies that adopted the new rules. If the test indicated the companies were not actually replacing old equipment at the rate indicated by their depreciation schedules, the schedules might have to be revised once again—not one costly changeover, but two.
>
> Thus, the depreciation system remains for many companies an obstacle to replacement of obsolete equipment. The saddest part of this is that there really is no reason why the Treasury should concern itself with such things as determining the useful lives of trucks, machines, and office equipment, either for small firms or large ones.
>
> The best judges of such matters are clearly the companies that use the equipment. If the companies were permitted to make such decisions, as they were prior to 1934, there probably would be increases in depreciation chargeoffs, and therefore an immediate drop in Federal revenue. But this drop would be largely offset in later years when writeoffs would be smaller than they otherwise would have been.
>
> In summary, it would seem that it's high time for Congress to take a fresh look at a depreciation system that finds no support either in terms of logic or long-run Federal revenue, especially since a more sensible approach would aid not only small businessmen, but also the whole economy.

The NSBA survey pointed out that "the economic goals set by the late President Kennedy, and endorsed by President Johnson—modernization of American industry, increased trade, full employment, and expanded economic growth for America—require immediate action to enable industry to build new and better plants and machines."

As a short-range action, the Treasury can, and must, declare a moratorium on the application of the reserve ratio test until permanent long-range solutions can be achieved; but only Congress can take the long-range action that is necessary now.

A bill which I will introduce at the next session of Congress, similar in intent and effect to the proposed amendment No. 319 to the present Revenue Act, will retain all the many good features of the guideline depreciation procedures, and will remove present doubts and uncertainties.

This will enable business—the small man, as well as the large corporation—to move ahead and with confidence with programs of modernization and improvement which will insure continuation of our present prosperity, and will provide the tools and equipment needed in order to make good jobs for workers trained to use them.

If we are to move forward, we must end the doubts and uncertainties that surround the recovery of the capital invested in productive machinery and equipment, and we must cut through the unnecessary complications and paperwork that are so troublesome and expensive to businessmen and the Internal Revenue Service, alike.

My bill will do this without revenue loss and without causing confusion or unsettlement, either in the taxpayer's own business or in the Internal Revenue Service.

In conclusion, Mr. President, I ask unanimous consent that a discussion of this subject which was published in the August 6 issue of Iron Age may be printed in the Record at the close of these remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reserve Ratio Test Comes Under Fire as Barrier to Spending

Next year the reserve ratio test is to be applied to depreciation guidelines.

But the rules are complicated—maybe too complicated. And this could lead to cutbacks in spending for new equipment.

The day of reckoning is at hand for depreciation guidelines. It could have a severe effect on capital spending programs.

The day is the application of the reserve-ratio test of tax depreciation guidelines. The test was written into Revenue Procedure 62–21 which applied new guidelines in replacing old Bulletin F.

Between 1962 and 1965, industries taking advantage of the new guidelines could follow them without challenge. But in 1965, the reserve-ratio test is to be applied to guideline procedure.

The reserve-ratio test defies description. It is a complicated procedure intended to determine if the guidelines are conforming with actual service lives; in other words, if they are too short.

WARNING SOUNDED

When Revenue Procedure 62–21 was adopted, the reserve-ratio test was viewed with alarm by many tax experts. But to a great extent, their warnings were lost in the general cheering for liberalized depreciation.

But now that the test is at hand, the voices of alarm are growing louder. The Treasury Department itself is polling industry to see if changes or improvements are to be made.

It is now possible, or even probable, that the Treasury will grant another year extension of the 3-year period where the guidelines can be used without challenge.

During that year, it is also possible that new legislative action could be taken on depreciation.

WIDESPREAD COMPLAINTS

Initially, the reserve-ratio test appeared so complicated that many in industry declined to follow the new guidelines because of the complexity and fear that they would be penalized if they did not meet the test.

Further, companies in specific situations felt that their special circumstances would make it impossible for them to meet the test under any conditions.

Complaints against the test come from a complete cross section of metalworking—both large and small.

CURBS INVESTMENT?

Robert C. Tyson, chairman of the finance committee, United States Steel Corp., contended that the reserve-ratio test could hurt capital spending programs.

"I seriously doubt that very many would be able to substantiate under the text the amount they are taking. Therefore, there stands to be a considerable reduction, particularly in the durable goods field, of the amount of depreciation that has been permitted.

"If this happens, then it cuts back on the amount of the availability of money for investment purposes."

Roger M. Blough, United States Steel chairman, said he thought "tax regulations should be revised to permit the use of the guideline as a matter of right."

TOO COMPLEX

In another segment of industry, Frederick P. Austin, Jr., vice president and treasurer of Brown & Sharpe Mfg., Co., has much the same thought.

"I feel definitely that capital spending could be curtailed next year because of the reserve-ratio test in new depreciation rules," he told Iron Age.

Mr. Austin said both big and small companies can be hit by this requirement. He pointed out that it is almost an impossibility to compute correctly in the case of large, multi-plant operations. Also, it is too complex for small companies to understand and use profitably.

He agreed that the Government "would do well to scrap this reserve-ratio approach altogether."

TREASURY DISAGREES

While industry's contention is that the reserve-ratio clause is a threat to capital spending, Treasury Department people take a different view.

"When the new guidelines were put into effect, the main reason given for the revision was to attain realism and equity in depreciation. It was felt that a step toward realism was a step toward better guideline lives for companies," one spokesman told Iron Age.

He said it was never the sole intent to make depreciation reform an investment stimulating device. Such stimulation would be a byproduct, it was thought.

INDUSTRIALIST TAKES ISSUE

Mr. Tyson takes sharp issue with this line of thinking.

"There should be a revision to permit use of guidelines as a matter of right because the purpose is to encourage capital investment," he said.

"What is the purpose of depreciation? To recover what is spent. The only way to recover your investment is to have more flowing in than from your previous facilities. Otherwise, you do not generate a flow. If you don't generate, you don't spend."

Mr. Tyson has long contended that any valid method of depreciation should take historical inflationary factors into account.

ON EDGE

There is no question but that the approach of the reserve-ratio test has the Treasury Department edgy. It is expected to have its industry poll in its hands in early autumn and make a decision on an extension—probably before election day.

Meanwhile, Senator VANCE HARTKE, Democrat, of Indiana, told Iron Age he would reintroduce reform legislation proposed earlier at the next session.

This would stipulate that the new guidelines could be used as a matter of right, without reserve-ratio test.

Senator HARTKE says he has heard complaints about the capital spending effect of the test, but has heard more about the unwieldiness of it.

HANDS ARE TIED

It appears that a change in the law is the only remedy. The Treasury is tied by the wording of the law and is empowered merely to extend the moratorium.

Under section 167 of the Internal Revenue Code, depreciation has to be reasonable and the tax courts have ruled that guideline lives must be commensurate with actual lives.

"Thus, the Treasury Department's hands are bound," a spokesman said. "If we did not have a check on guideline lives, it would violate section 167." Tax lawyers agree.

CENTER OF ATTENTION

Treasury tax experts are concentrating on three major points in the depreciation review:

1. They are considering extension of the 3-year grace period.
2. They are trying to find if there is a defect in the reserve-ratio test.
3. They need to know what companies are doing on accounting practices.

But even if the survey shows that 100 percent of the firms were going to fail the reserve-ratio test, the test would not be killed if it was found to be valid, a Treasury tax expert contends.

THREAT TO SPENDING

Just how serious a threat to capital programs is the reserve-ratio test?

Mr. Tyson said his company's studies indicate it could cut 20 percent into the steel industry's capital spending programs. Other steel industry tax experts put the figure at about 18 percent.

However, Edmund F. Martin, chairman of Bethlehem Steel Corp., took a different view. "I don't see any cutbacks, at least as far as Bethlehem is concerned," he said.

SHARP CUTBACKS

The more general feeling is the rule will cut depreciation something like 18 percent to 20 percent in the first year. This would either mean cutbacks or stretchouts in existing programs. Or it could mean that spending will not be increased above present programs.

In the case of one large steel mill, the guideline change in 1962 almost doubled depreciation. If the reserve standard is applied next year, depreciation will drop 18 percent.

The adjustment to the actual balance is made over a period of years with 25 percent of it in the first year. In 1966, the impact of the change will be less because of programs coming on stream.

THREE TESTS

The reserve-ratio test is not going to hit every industry in the same way. The complex test is based on three factors: The tax life; the tax depreciation method; and the past growth rate.

The tax life is considered too short if the reserve ratio rises over the ceiling of the range prescribed by these factors.

Without going into detail, this leaves three principal types of business vulnerable.

First are the new businesses. These will show low reserve ratios in their early years.

Second are the businesses which make a large expenditure at one time, instead of a smooth flow of investment and replacement.

The third are the companies which continue to use fully depreciated equipment. This could result in an expansion where it was deemed advisable to continue to use old equipment rather than retire it.

POSTAGE RATES ON PHONOGRAPH RECORDS

Mr. HARTKE. Mr. President, it may come as a surprise to some of my colleagues to learn that the State of Indiana is now one of the major centers of phonograph-record production in the world. Three of the major manufacturers of phonograph records employ approximately 16,000 citizens of Indiana, in plants located in Bloomington, Indianapolis, Marion, Terre Haute, Monticello, and Richmond.

Naturally, it is disturbing to these fine people and to me to learn that the Post Office Department is contemplating the arbitrary act of revising the postage rates on phonograph records, on the ground that they represent entertainment value only, rather than educational value.

Mr. President, I find the reasoning of the postal officials absurd.

For many years, phonograph records have played an increasingly important role in the education of our young. They have been a major tool in the development of language skills among students of all ages.

From a cultural point of view, the manufacturers of phonograph records have been responsible for raising the entire national level in connection with the appreciation and the performance of classical music. Our libraries of recorded music form a panorama of the talents and the tastes of our generation. They will be one of the major sources by which future generations will be able to judge the quality of our culture and our civilization.

In relatively recent years, the recording companies have made the most brilliant theatrical performances of our time available in permanent form throughout the entire world.

What would not our students of the theater give, for instance, to be able to hear the great actors of the past play their most famous roles? What would they not give to hear Garrick, Irving, Booth, Ellen Terry, Duse, Bernhardt, and all the rest of the dramatic geniuses of the ages in their prime? But the recording companies of this age have made and are making it possible for future generations to hear the geniuses of our generation exactly as they portrayed the classical and contemporary roles in our dramatic repertory. No future historian will ever have to wonder and surmise about the talents of Gielgud, Olivier, Lunt and Fontaine, Edith Evans, and all the other performers whom we consider great. The recording companies have caught all these performers at the height of their powers, and have frozen their greatness into permanence.

Mr. President, this is not only an educational service; it is one of the very highest forms of educational service. The recording companies, through what they are achieving today, are enriching the education of generations to come, in a way that never before was possible.

I invite my colleagues to visit my office. We have arranged there a display of albums of records manufactured in Indiana. I defy anyone to look at that display and deny that its value is just as educational as the displays to be found in any bookstore or in any news agent's store.

The recording industry has had a hard economic struggle against the competition of television and radio. It has survived in that struggle, mostly because of the educational values, of a permanent nature, which it has created.

The makers of phonograph records, Mr. President, deserve from the Post Office Department the same consideration that all other manufacturers of educational devices receive. I sincerely hope the Post Office Department will not persist in the arbitrary and ill-considered plan to discriminate against these manufacturers.

A statement prepared by the general counsel of the Record Industry Association of America, Mr. Ernest S. Meyers, will be of interest to my colleagues; and I ask unanimous consent that it be included in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MR. ERNEST S. MEYERS

I. THE ARTISTRY AND CULTURE OF THE RECORDED ART

A. Language records

Records have long been accepted as the best way to learn a foreign language. A fast-shrinking world brought closer together by vast improvements in transportation and communications has wrought a phenomenal upsurge of interest in foreign language study in the United States. Indeed, fluency in at least one foreign language by a substantial segment of a country's population is, in the mid-20th century, a concomitant of an effective foreign policy. The Modern Language Association of America reports that more than 2½ million high school and college students, an alltime record, are currently studying at least 1 foreign language.

One of the fastest growing and most popular methods of studying foreign languages today is the phonograph record. Put a record on the phonograph and you can learn any of 23 different languages for the price of a good standard textbook. In addition, records offer English courses for the foreign born, spelling courses for children and adults, and pronunciation courses designed primarily for use by children with speech impediments. More than 10 percent of the students studying a foreign language in school are doing so with the aid of records. Many language disks are bought by business and professional men and their wives who simply want to learn a language. It is estimated that Americans spent about $17.5 million in 1962 on language records of all types.

B. Recorded drama and literature

America's leading theatrical center, New York City, has been a rather barren place for lovers of Shakespeare. On and off Broadway, there was only one Shakespearean production during the year 1960–61.

Today there are 35 complete performances of 22 Shakespeare plays available on records—nearly a third of them introduced in the last 2 years—plus some 17 sets of readings. Lovers of Shakespearean poetry can choose between two complete recorded sets of sonnets; those who prefer their Elizabethan poetry in smaller quantities have several single records from which to choose. Yet each record is heard by a substantially greater number of people than the 101 audiences who saw "Hamlet" at New York's Phoenix Theater in 1962.

Two of the most acclaimed dramas of the 1963 Broadway season—Edward Albee's "Who's Afraid of Virginia Wolff?" and the Actors Studio revival of Eugene O'Neill's "Strange Interlude"—were produced on records with their original casts and made available throughout the country to millions who could not come to New York to see the live performances. This season's dramatic hits—Alec Guinness in "Dylan" and Richard Burton in "Hamlet"—have likewise been recorded with the original casts and have brought the living theater into homes in every city, town, and hamlet in the Nation.

Conversely, a recording has just been made of the London production of "Othello" starring Sir Laurence Olivier, which will enable Americans to enjoy one of the most lauded productions to have occupied the British stage in recent years.

C. Talking books and the blind

No aspect of the record business better illustrates its present-day cultural and educational importance than the phenomenal growth of the so-called talking book.

The Library of Congress, through its Division for the Blind, provides books printed both in Braille type as well as complete books recorded on phonograph records. This activity is made possible by an annual appropriation authorized by an act of Congress. A few years ago 43,000 blind persons made use of this service and 10,000 books printed in Braille were loaned as against 33,000 talking books.

Talking books distributed by the Library of Congress are loaned and not sold, and consequently bear no excise tax. Also, some talking books which are sold by charitable institutions are exempted from paying the excise tax.

However, the activity of the Library of Congress in the talking book field serves but a very small fraction of the needs of blind people everywhere. Talking books of all types are becoming increasingly important since the reading tastes of the blind are indistinguishable from those of sighted readers.

Notwithstanding the purpose of Congress to provide many concessions and advantages to the sightless in other respects, all talking books sold by commercial record companies are still taxed at the same rate as all other records. The Audio Book Co., which specializes in the manufacture of talking books for the blind and has distributed over 5,000 copies of the "Audible Edition of the New Testament" (23 hours' playing time, price $20), has applied to the Treasury Department for exemption of the excise tax on this product, and has been refused.

Consequently, we have the anomalous situation in which on the one hand, Congress appropriates a million dollars for the blind for talking books to be supplied them by the Library of Congress, while on the other hand, it collects a substantial part of this sum in excise taxes from the blind who prefer to buy and select records of their own choice.

D. Religious music

When the Pilgrims landed at Plymouth Rock in 1620, they brought with them two books, the Bible and the Ainsworth Psalter. The latter, a collection of 39 tunes to which the words of all 150 psalms had been set, indicates the common bond between music and religion which has lasted in America for more than 300 years.

This bond was further strengthened by the phonograph record which, for the first time, permitted the world's great religious music, as performed by some of the greatest artists of their time, to be brought into the home.

The record industry today offers more than 2,400 records of religious music ranging from Bach's cantatas and Mozart's masses and requiem to spirituals and the hymns of Homer Rodeheaver. There are more than a hundred records of Hebrew Cantorials and chants, over a dozen records of Russian Orthodox services, as well as records devoted to the music of the Mormon and Mennonite sects. One company has included records of Coptic, Buddhist, and Islamic services in its catalog.

E. Opera on records

One evening in 1961 the golden curtain rose in New York's Metropolitan Opera House as the Nation's foremost opera company opened its 79th season with a production of Verdi's "The Girl of the Golden West." The opera had not been performed in New York since the days when Enrico Caruso strutted the Metropolitan's stage as the rootin', tootin' cowboy. But revivals of the opera on records in 1959 had generated so much interest among Met subscription holders in this near-forgotten work that it was decided to make it the season's featured presentation—its stars selected from among those who had recorded the opera on records.

One company has just recorded Verdi's "Luisa Miller," which was last performed by the Metropolitan Opera Co., during its 1930–31 season. The issuance of the recording may well result in that opera's being restored to the Met's repertoire within the next 2 years. An official commented: "After all, you helped us discover Ferruccio Tagliavini by issuing his records here."

Indeed, such other foreign-born opera stars as Joan Sutherland were well known here through their records long before making their debut in this country. And the fame of our native singers—George London, Robert Merrill, Anna Moffo, Jan Peerce, Leontyne Price, Rise Stevens, Richard Tucker and Leonard Warren, et al.—preceded them abroad because of records sold there.

The average Met season includes about 175 performances of some two dozen operas—impressive enough to rank the Metropolitan with the world's other two leading companies, the Vienna State Opera and LaScala in Milan. However, the schedule seems small in comparison with the 720 complete performance of 219 operas available on phonograph records today. It would take the Met slightly more than four 175-performance seasons to equal the number of complete operas on records today.

F. American music on records

The old chestnut "A prophet is not without honor save in his own land" seems almost to have been written with American composers in mind. The average concert goer or music lover might be able to name a few—George Gershwin, Leroy Anderson, Ferde Grofe, Morton Gould, Aaron Copland, Samuel Barber—but then the list would run out. Few indeed are the symphony orchestras or concert soloists in America today who perform the music of these well-known composers, to say nothing of the 255 American composers whose serious music has been recorded.

If concert managements are not providing American music for their audiences, the Nation's record companies are. A recent count showed some 22 companies recording American music, producing among them a total of 893 recordings. Of the 255 composers on these disks, some 214 are contemporary.

One record executive who has had extensive experience recording American music said recently: "With a few exceptions, American music still doesn't pay its way. Collectors still are willing to support 22 recordings of a Beethoven symphony, while a single recording of a piece by Herbert Elwell or Deems Taylor has trouble recouping its recording costs."

Some 90 percent of the American music on records today is the result of efforts made by the producers themselves—without charitable foundation support or Federal subsidies. No other nation can claim this kind of support of its musicians, living or dead.

If American music doesn't pay its way, why do the record companies bother with it? "We feel an obligation to music and to the public to turn at least a part of our profit from a hit album back into a project like this," one manufacturer explains. "We know we're not going to make back our costs when we release an album of Samuel Barber, but we do it because it's worth doing. The music should be heard—and there are hundreds of towns across the country where that record will be on sale where the local symphony orchestra may never schedule a work by Barber. Naturally, we can devote only a very small portion of our catalog to this sort of thing, because we must show a profit. But we will continue to do it."

The executive of another company puts it this way: "We feel that we have an obligation to the art, not only the business. In a way, it's a matter of robbing Peter to pay Paul because we do use the profits from the more popular, better selling records to pay the costs of recording the serious works of American composers. We think that eventually these composers will come into their own and receive a long-due acknowledgement of their great talents. This will accrue to the prestige of our company, as indeed it already has. We will certainly continue to make these records as long as we can afford it."

G. Jazz on records

If one spent 40 hours a week listening to jazz on records it would take more than 16 months to hear all of the music available today on more than 4,200 long-playing jazz records. Through the medium of the phonograph record, jazz has been established as America's principal indigenous art form and has captivated a worldwide audience.

The late U.S. Secretary of State, John Foster Dulles, saw the advantages of including jazzmen in State Department good-will tours. Mr. Dulles told Congress: "It is important in the current battle with international communism that America send its culture abroad, as well as its men, its money, and its arms. For it is through our culture—our books, our artists, our musicians, and our theater—that we can best win the minds of freemen in Europe, in Africa, in South America, and throughout Asia." The ensuing tours by such jazz artists as Louis Armstrong and Lionel Hampton were outstanding successes largely because people throughout the world had become familiar with their work through phonograph records.

H. History on records

Thomas Alva Edison himself made what can be regarded as the first historical phonograph record back in 1890. It was a recording by Kenneth Landfrey, who had sounded the charge of the Light Brigade at Balaklava during the Crimean war, playing into his old, battered trumpet.

In the intervening years records have captured the sounds of America's space pioneers making their historical flights, the voices of our Presidents and most of their election opponents, and such historical events as: rejection by Congress of the League of Nations; the first regularly scheduled radio broadcast in 1920; Lenin speaking; Lindbergh's triumphal return to New York in 1927; the emergence of Hitler in Germany; the burning and crash of the German dirigible Hindenburg, in Lakehurst, N.J.; the sounds of the Battle of Britain with a lone nightingale bravely warbling against a background of Nazi bombers; General Eisenhower announcing the landing of Allied troops in Normandy; sounds of celebrations marking the end of World War II in Europe and Asia; New York's Mayor La Guardia reading the comics to the city's children during a newspaper strike; the developing cold war and the coronation of a Queen in England, floods in New England and sit-in demonstrations in Nashville.

In a recent newspaper column, Langston Hughes, eminent author, playwright, and lyricist, commented on the great contributions records have made toward perpetuating for posterity the voices of today's great figures in the arts, the sciences, and politics. He wrote: "unfortunately, we cannot hear the great personalities who sang, spoke, or performed 100 years ago * * * [but] everybody famous now living who sings or speaks or dazzles the public can be heard just as clearly tomorrow—if not better amplified—than they are heard now in theaters, concert halls, or forums."

I. Pop songs, broadway musicals, and comedy records

There are, of course, many records of current popular music, of comedy and of today's musical theater whose purpose is merely to entertain, just as there are many books published for no more serious a purpose than to amuse. The songs from Tin Pan Alley and Broadway's musical stages are another aspect of this country's indigenous culture and are a contribution to the enjoyment of the peoples of the world. Today's popular hits become the standards of tomorrow just as some of the popular music of fifty and a hundred years ago still survives today. Irving Berlin, Rodgers & Hammerstein, Lerner and Loewe, Frank Loesser, Jerome Kern, Cole Porter, Kurt Weil, Leonard Bernstein, George Gershwin and Harold Arlen will undoubtedly take their places alongside Victor Herbert, George M. Cohan, Rudolf Friml, Franz Lehar, Stephen Foster, and Sigmund Romberg.

The pop singers of yesteryear—Al Jolson, Nora Bayes, Eddie Cantor, George Jessel—have given way to today's Comos, Crosbys, Sinatras, and Presleys, but they will be forever enshrined in the hearts of their contemporaries and their memories perpetuated through recordings.

Similarly, future generations may be as well acquainted with Bob Hope, Mort Sahl, Jonathan Winters, Mike Nichols and Elaine May, and Bill Dana as our generations have been with the humor of Mark Twain and Will Rogers.

II. RECORDS AS EDUCATIONAL AND REFERENCE TOOLS

A. Records in schools

The American Music Conference, a nonprofit organization dedicated to fostering interest in the extension of music education in schools and the improvement of standards of music instruction and administration, recently declared: "In our communications with the general public via literature, articles and interviews we point out * * * that recordings provide a great opportunity for youngsters and adults to be exposed to the broad spectrum of musical performances and experiences, and urge the readers and listeners to build their own record library as the basis for music appreciation in the home. In some special instances we explain how records can be used in individual music instruction in the home."

Mr. James L. Bixby, executive vice president of AMC, notes that most of the song textbook companies now include recordings to illustrate and dramatize their texts, which schools also supplement with regular commercial recordings.

Mr. Bixby goes on to say: "The American Music Conference takes the position that music by recorded means is an integral part of music appreciation and music instruction, the uses of which are many and varied depending on the instructional need and the age and proficiency level of the individuals involved."

B. Records in libraries

Harold Spivacke, chief of the music division of the Library of Congress, has noted that "recordings have been used with marked success by circulating libraries in the United States for about half a century" (Library Journal, Oct. 15, 1963, p. 3783). He declared:

"It might be argued that the very term 'library' is derived from the word for 'book' but this has not deterred most reference libraries from including manuscripts, maps, prints, photographs, and other materials which receive the same care and respect as the bound printed book. * * * The general community looked with disdain upon phonograph records for decades. The phonograph recording was regarded as something intended for light entertainment, and even the recordings of concert music were referred to as 'canned music' until the development of the long-playing record and the hi-fi set. After the advent of these technological improvements, the intellectuals and even the 'intelligentsia' turned with interest to the recording and not infrequently preferred it to the live performance in the concert hall."

Gordon Stevenson, head of the art and music department at the Kansas City, Mo., public library, recently stated: "Recorded sound has four uses (at least) that seem to relate to the professional functions of the library: documentation, research, education, and entertainment."

Tackling the problem of what kind of records should be stocked in a library, Mr. Stevenson said: "The practical selector realizes that music, like the library itself, means many things to many people; and it behooves him to give his public credit for knowing what they like and what they don't like—for they are in somewhat of a better position to know what music means to them than he is. All of his patrons may not like the kind of music he would prefer them to like, but if in the music of their choice, people find esthetic satisfaction, relaxation, peace, or amusement, then this music (regardless of where it originates or what we call it) is not without a certain nobility of purpose."

Noting that records can be coordinated with and can complement various types of books, Mr. Stevenson advised: "When you provide books about music for your patrons see that they have records to go with the books * * * (They) gain real meaning when used with recordings of the music discussed. For every book about music, there are a dozen phonograph records that will enhance the significance of the book for the reader—try to get the three of them together: the patron, the book, and the record."

HOSPITAL INSURANCE THROUGH SOCIAL SECURITY FOR SENIOR CITIZENS

Mr. McGOVERN. Mr. President, because of widespread continuing interest in the problems of hospital care for senior citizens, I take this opportunity to affirm my own position on the issue.

During my 1962 senatorial campaign, I pledged to support legislation designed to provide through social security, hospital insurance to those past age 65. I kept that pledge by supporting the Senate medical care bill which passed the Senate on September 2 by a vote of 49 to 44.

It may be helpful to review some of the factors which entered into my decision to support the medicare amendment on the Senate floor.

There are now in the United States 18 million people age 65 or over. According to the 1960 census, South Dakota's aged population was 71,513. The median income of aged couples in 1962 was only $2,875. A sizable percentage of older people are subsisting on a fraction of that amount.

The most pressing need of these older citizens, over and above the need for adequate housing, food, and other costs of normal living, is for health care. Costs for medical care have risen 36 percent, and hospitalization expenses have risen 65 percent, in the last decade. A major illness can wipe out the savings of a lifetime for those who no longer have earning power.

Indeed, the problem of how a growing number of older citizens can prepare for the day when they are unable to meet the rising cost of hospital care is serious. For that reason, I have given very careful attention to it. I have weighed the arguments pro and con that have been offered by all interested groups—insurance companies, the medical profession, senior citizens' organizations, and private individuals.

Private insurance companies and many doctors have tried hard to meet the needs of older citizens. In some cases, doctors have offered their services without charge to those unable to pay.

The best of the commercial health insurance plans—the so-called blue ribbon policies—are so expensive, however, that they are beyond the reach of most elderly persons. Although they offer only partial protection, such policies now cost an elderly couple from $500 to $600 a year, with the strong probability that further premium increases will be forthcoming.

Only 1 in 4 older people holds adequate hospital insurance under the definition of adequacy established by the American Hospital Association; and well over half of those policies pay only $10 a day or less toward hospital room and board charges, which now cost an average of $20. For the hospital extras, insurance is even more lacking. This is significant, because these services cost about as much as do the room and board.

Furthermore, under competitive and cost pressures, even the private insurance companies offering the best coverage for the aged have been employing a variety of deductible devices which reduce the extent of protection. The aged who have been adequately covered in the past will find their hospital insurance covering smaller and smaller proportions of their bills in the future. Thus, the older subscriber is subjected to double pressure. His premium is being increased, and his benefits are being cut.

With the number of older people increasing, due in large part to the advances in modern medicine and energy-saving improvements, the extensive data and testimony presented to congressional committees demonstrate that private health insurance with respect to the aged is losing ground, not making progress. This statement is not intended as a criticism of private insurance companies. The problem is simply beyond their reach, considering the risk involved and the necessary profit motive, and is also beyond the reach of our older citizens who are unable to pay the premium charges or the large hospital bills resulting from illness and major surgery.

It has been suggested that the Kerr-Mills program is adequate. After reviewing the experience thus far with this program, I do not agree. First of all the Kerr-Mills program is not a national answer to a national problem. After 4 years of operation, only 33 States have even a meager program in effect, which means it is not available at all in 17 States. And in the States that have acted, there is wide variation in eligibility requirements and the types and duration of benefits. Geography, not need, determines whether an ailing older person will be helped.

The Kerr-Mills program employs a means test to determine eligibility. This is a vital flaw, because it offers some help only after the irreplaceable assets of an older person have been depleted to the point where he is dependent.

For example, the South Dakota Legislature has limited participation in the program to a small fraction of older citizens who must meet the following means test:

First. A net worth, including liquid assets and cash reserves, under $10,000.

Second. An annual income less than $1,500; or, if married, less than $1,800.

Third. No responsible relative—husband, wife, parents, or children—who is financially able to provide for his medical needs.

Fourth. Personal property, less all encumbrances, worth less than $2,500, of which not more than $1,500 may be in liquid assets and cash reserves; if married, the applicant and his spouse may own personal property, the combined value of which—less all encumbrances—does not exceed $5,000, with not more than $1,800 in the form of liquid assets and cash reserves.

In addition, under the Kerr-Mills program, the wealthier States, most able to raise the matching funds required, have received the lion's share of the Federal funds spent on the program. The poorer States, where the need is greatest, have been unable to offer much more than token programs, even with Kerr-Mills Federal money.

In many cases, the Kerr-Mills program has been used by the States as a vehicle to secure greater Federal matching funds for the cost of caring for persons previously eligible for other Federal programs in existence prior to the Kerr-Mills program. Some 100,000 persons have been transferred from other programs to the Kerr-Mills program.

From congressional testimony and information available, it appears, however, that both the Kerr-Mills program and the commercial insurance companies have important roles to perform in meeting the health needs of the elderly. They may function much more effectively as a supplement to, rather than a substitute for, a program of hospital insurance financed through social security. The Kerr-Mills program would still operate under the amendment adopted by the Senate.

A proposal by Senator Javits was incorporated in the amendment to set up an association of private insurance companies to provide to the aged low-cost health insurance for services, such as surgery, not covered by the social security proposal. The Javits amendment authorizes insurance companies to form associations, exempt from the antitrust laws, and to pool their resources, to provide health insurance at cheaper rates than those an individual company could afford.

The medical-care provisions adopted by the Senate on September 2 were not included in the House version of the bill; so the differences will be resolved by a conference committee. In all probability, a compromise bill will be reported by the conference committee, with possibly a choice between an increase in social security cash payments or a limited hospital insurance provision, or part of both.

The American people invest billions of dollars in the conservation of natural resources. Is any resource more precious than humanity itself, even the part of our humanity that has reached the afternoon period of life? I have long believed that the quality of any society can be measured by the attitude it takes toward its older citizens. As the most blessed nation in the world, what less can we do than provide a mechanism whereby our people can, through our social security system, share the risks of expensive hospital care? This is not a gift to the people; it is a practical formula under which, during their working years, they can contribute to a fund that will be available, if needed, when they are no longer able to work to finance the cost of hospital care.

This will not spell the end of private enterprise in the insurance business, or the end of the medical profession. Indeed, it should strengthen them. It will insure that a national problem beyond the scope of current programs will be provided for by means of a dignified, practical pay-as-you-go formula, leaving basic individual freedoms intact.

THE "CONSERVATION CONGRESS" HAS EARNED THIS TITLE—IT SHOULD ALSO PASS THE INDIANA DUNES BILL

Mr. GRUENING. Mr. President, the Senate has shown that it is aware of the tremendous need for preserving our natural beauty and for providing recreational facilities for the public. During the 87th and 88th Congresses, the Senate passed bills to create several parks and seashores. Among them were the bills to establish the Ozark Rivers National Monument, in Missouri; the Canyon Lands National Park, in Utah; the Fort Bowie National Historic Site, in Arizona; the Big Hole Battlefield National Monument, in Montana; the Fort Union Trading Post National Historic Site, in North Dakota; the Sleeping Bear Dunes National Lakeshore, in Michigan; the Fire Island National Seashore, in New York; the Agate Fossil Beds National Monument, in Nebraska; the Big Horn Canyon National Recreational Area, in Montana;

the Chesapeake and Ohio Canal National Historical Park, in Maryland; and the Great Basin National Park, in Nevada. A bill to establish the Oregon Dunes National Seashore is pending on the Senate calendar.

The 87th and 88th Congresses may take pride in passing conservation measures. As I said on the Senate floor on August 12, when the land and water conservation fund was being discussed:

> I believe that when history is written, these two Congresses will be known above all for their great achievements in the field of conservation, in setting aside magnificent areas of the national seashore and the national lakeshore by legislation with respect to them, some of which is still pending, and undoubtedly will be enacted in the 89th Congress. The projects are all a part of the same important movement to save, in as nearly as possible their primitive state, the still not fully developed and built-up areas, for the future pleasure of all the American people.

In the 87th Congress, Padre Island National Seashore, Point Reyes National Seashore, and Cape Cod National Seashore were created. Let us now move ahead and pass legislation creating the Indiana Dunes National Lakeshore, thereby insuring that the wonders of that area will be preserved.

I urge the passage of Senate bill 2249, to provide for the establishment of the Indiana Dunes National Lakeshore. This proposed legislation recognizes the great need of providing recreational areas for our ever-expanding, ever-enlarging metropolitan centers. It will preserve for all the beautiful Indiana Dunes.

Now is the time to bring to an end the stormy controversy which for years has plagued the creation of the Indiana Dunes National Lakeshore. The industrialists have fought long and hard to use the entire duneland area for the construction of steel mills and a harbor. The conservationists, with the Save-the-Dunes Council as the most active voluntary citizen group, have fought equally as hard to make the entire duneland area a national seashore.

Senate bill 2249, preserving the dunes and now on the Senate Calendar, represents a compromise that has been long in the making. The President of the United States, the Interior Department and its National Park Service, the Corps of Engineers, both the Senators from Indiana [Mr. HARTKE and Mr. BAYH] and the senior Senator from Illinois [Mr. DOUGLAS] must all be given credit for hammering out the compromise embodied in Senate bill 2249, which provides a victory for both the conservationists and the industrialists.

The bill provides that 11,700 acres, including the 2,200 acres in the Indiana State Park, if the State wishes, be preserved in a national lakeshore park. The Bureau of the Budget has also approved construction of the Burns Ditch Harbor, provided that specific economic conditions first are met. Construction of one or two integrated steel mills and definite assurance that a certain amount of tonnage will be shipped through the harbor are required before the Federal Government will spend the estimated $25½ million that will be needed for construction of the harbor.

One of the reasons why the conservationists fought so vigorously against the Burns Ditch Harbor and the construction of steel mills in the dunes area was that they feared that pollution from these industrial developments would destroy the recreational value of Indiana State Park, which lies adjacent to the duneland now under discussion. The conservationists had, and still have, reason to fear the construction of the harbor and the mills, for acrid fumes of steel mills, sewage from mills, and chemical wastes could destroy the recreational value that the creation of this national seashore would provide.

The Public Health Service has said that air and water pollution of the dunes in the national seashore can be prevented. If the mills and the harbor are built, we must seek assurances that any and all pollution will be prevented, for to say that something can be done is quite different from saying that something will be done.

The reasons for preserving the dunes are many. They are one of God's most beautiful creations; they are His gift to all mankind. As Carl Sandburg has said, "The dunes are to the Midwest what the Grand Canyon is to Arizona and Yosemite is to California." Furthermore, the scientific and recreational values of the dunes are beyond compare.

The Indiana Dune region is a unique natural phenomenon which the timeless winds and water action have been building for centuries. Here is one of Nature's wonders, filled with untouched places and primal freshness. Here unspoiled forests still exist. Man with his metal machines and his factories has not yet despoiled all the land of the United States.

The dunes and their fauna and flora are a paradise for scientists. The eminent botanist, Prof. Henry C. Cowles, stated, when he pleaded for the preservation of the dunes:

> There are few places on our continent where so many species of plants are found in so small a compass * * *. Within a stone's throw of almost any spot one may find plants of the desert and plants of rich woodlands, plants of the pine woods and plants of swamps, plants of oak woods and plants of the prairies. Species of the most diverse natural regions are piled here together in such abundance as to make the region a natural botanical preserve * * *. Here one may find the prickly pear cactus of the southwestern desert hobnobbing with the barberry of the arctic and alpine regions.
>
> Nowhere perhaps in the entire world of plants does the struggle for life take on such dramatic and spectacular phases as in the dunes. A dune in the early days of its career is a moving landscape, a place that is never twice alike; it is a body of sand which, under the influence of wind, moves indifferently over swamp or town or forest. Perhaps nothing in all nature except a volcano with its lava flow is to be compared with such a moving dune.

The Indiana dunes are an area of shifting landscape that has inspired man for ages. One can walk from beautiful beaches to wooded areas, and from there to lowlands or to prairie lands. All these different types of land areas are found within the confines of the Indiana dunes.

The dunes are incomparable in their recreational value. The rapid growth of our population in huge urban centers has made it a necessity that, wherever possible, recreational facilities be located near the people who will use them. The 1962 Report of the Outdoor Recreation Resources Review Commission, commonly known as the Rockefeller Commission, emphasized this fact, and advised that the "highest priority should be given to acquisition of areas located closest to population centers and other areas that are immediately threatened. The need is critical—opportunity to place these areas in public ownership is fading each year as other users encroach."

The dunes are near the people they serve.

Today, about 6½ million people live within 50 miles of the Indiana Dunes, and nearly 10 million live within 100 miles. The marvelous beaches of the dunes are easily accessible to them.

The dunes rightfully belong to the people.

Unfortunately, Mr. President, one beautiful section of the dunes, the section called unit 2, is not included in the compromise bill before us. This is a real tragedy. Much of this section had already been leveled and destroyed by bulldozers while the controversy between the industrialists and conservationists has raged. Now is the time for us to insure that the rest of the dunes do not meet a similar fate from the bulldozers.

Let us never lose sight of the fact that once these dunes are destroyed, they are irreplaceable. Once the bulldozers flatten the area, once steel mills are built, the dunes will be gone forever. Man can destroy with ease what has taken nature millions of years to create.

The distinguished senior Senator from Illinois [Mr. DOUGLAS] has long recognized the value of these dunes. It was he who, back in 1958, had the wisdom and the vision to see the need to preserve the dunes. The senior Senator from Illinois has fought a tireless battle as the leader of the conservationist movement. He has never surrendered to the demands of the industrialists his dream of a national lakeshore. He has campaigned long and hard for the dunes which he and millions of other Americans love so dearly.

I have long supported the proposal to establish the Indiana Dunes National Lakeshore. As a member of the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, I am well acquainted with the Indiana Dunes, and have chaired many of the subcommittee's public hearings on the dunes.

In 1959, when the subcommittee was discussing Senate bill 1001, I had the pleasure, along with the distinguished Senator from Utah [Mr. MOSS], to make a personal inspection of the dunes. I saw the dunes from every possible angle. I saw the dunes from the sky, in a helicopter. I traveled throughout the dunes, on a jeep. I walked over much of the land in the dunes. I swam at the fine beaches of the dunes. I became convinced that the area should be preserved. Subsequently, in our report, the able junior Senator from Utah [Mr. MOSS] and I stated:

> It would be a great tragedy if the Indiana Sand Dunes are not preserved for posterity,

but, instead, are leveled to create sites for a harbor and heavy industries which could be located elsewhere

Mr. President, I ask unanimous consent that the report which the Senator from Utah [Mr. Moss] and I submitted to the Subcommittee on Public Lands be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. **GRUENING.** Mr. President, since 1959, I have been a cosponsor of every bill that has been introduced in the Senate to establish the Indiana Dunes National Lakeshore. My only regret is that Alaska did not achieve statehood until 1959, and that therefore I was unable to be a cosponsor of the original bill on the Indiana Dunes, which was introduced in the Senate in 1958 by the Senator from Illinois [Mr. DOUGLAS].

I strongly urge the passage of Senate bill 2249.

The President has labeled the 88th Congress as the conservation Congress. I have touched on some of these accomplishments. A compilation of conservation accomplishments of this Congress appears in an informative article written by Mr. William Steif, and published on September 8, 1964, in the Washington Daily News. I ask unanimous consent that the article be printed in the RECORD at the close of my remarks, and appear as exhibit 2.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

REPORT OF SURVEY PARTY ON VISIT TO INDIANA SAND DUNES MONUMENT AREA, JUNE 13–14, 1959, TO THE PUBLIC LANDS SUBCOMMITTEE OF THE INTERIOR AND INSULAR AFFAIRS COMMITTEE, U.S. SENATE, JULY 1, 1959

It would be a great tragedy if the Indiana Sand Dunes are not preserved for posterity, but are levelled instead to create sites for a harbor and heavy industries which could be located elsewhere.

After a thorough inspection of the southern shore of Lake Michigan by car, jeep, helicopter and on foot, from the Lake Calumet area in Illinois east to Warren Dunes State Park in Michigan, we are convinced that S. 1001 by Senator DOUGLAS, of Illinois, should be enacted.

There can be harbors and industrial development in Indiana at locations other than the dunes monument site. The dunes do not need to be destroyed. They are unique and irreplaceable, and therefore priceless. They offer not only an unduplicated natural phenomenon of great interest to tourists and scientists, but also a playground readily accessible to the Nation's second greatest concentration of population—the Chicago area.

For tens of thousands of years the lake, sun, winds and other natural forces have been at work forming the Indiana sand dunes. Lake currents have ground sand from glacial boulders and then thrown it up on the beach. The sun has dried it and the wind has blown it up into dunes. Soil has slowly formed and an unusual variety of vegetation has grown up.

In the area of the monument site, there are three tiers or ranges of dunes, not repeated at alternative sites. The tier farthest inland is the oldest and was formed more than 10,000 years ago. The next tier is 6,000 to 10,000 years old. The dunes closest to the lake range from recent origin to 6,000 years.

It is proposed to acquire 5,000 acres under S. 1001. This tract is a worthy monument site. It contains splendid dunes, marshes, dune blowouts, and the finest of horticultural and ornithological life which distinguishes the dune area from adjacent country. While it may be desirable in the future to expand the area to bring in nearby old and high dunes—and this might well be accomplished by gift—the proposed tract of itself would be a magnificent monument. There is no equivalent site for the proposed Dunes Monument.

The opposition to a monument has attempted to bracket the monument bill as an issue between a playground and industrial development. This is not the true issue.

The Bi-State Harbor Commission, composed of representatives of both Indiana and Illinois, has recommended that an area of more than 6,000 acres of the lake at the State line should be enclosed by a breakwater connecting the Calumet Harbor breakwater and Indiana Harbor. Large port facilities would be built on the Indiana side. Industrial sites could be created by filling on either side of the State line.

Michigan City, Ind., a few miles east of the monument site, is seeking to improve its harbor. It has just received approval for a project to deepen its harbor and this has been put on the top priority list of the National Rivers and Harbors Congress. Adjacent to the city are undeveloped lands which could be reached by a canal.

Because of technological improvements in steel production, the need for vast new areas for development of this industry is highly questionable. We are advised that new processes installed in Germany in the reconstruction of the steel industry there, considerably reduce areas necessary for steel plant construction. With the rebuilding of steel plants in the western 16 miles of the Indiana shore—old plants which are polluting both air and water intolerably—it is likely that more industrial space will become available there.

Creation of the Dunes Monument, contrary to placards displayed during our trip to the site, is not an issue of "paychecks" versus "picnic." There will be expansion of the steel industry in the area.

Counsel for Midwest Steel, Mr. John Laughlin, tacitly admitted this when he told us:

"If we're kept out [of the dunes site], then of course, our competitors in this area will be able to continue to supply the market. They, perhaps, will expand, but we can't."

It is difficult to believe that Midwest Steel will be unable to find a satisfactory location in the area. Like most landowners faced with a conflicting public use for their property, Midwest Steel is making an intense effort to hold on to its site. But, assuming that it cannot find another location, the result will be the construction of new steel capacity and creation of new jobs by the several firms already in the field in the area instead of a new entry. New jobs will be created in either event, so labor's concern about the issue is not well founded.

The unnecessary destruction of an irreplaceable dune area, and the subsequent inevitable deterioration of the communities and the Indiana Dunes State Park is far too high a price to pay to get one additional "competitor" in a tightly managed industry in the northern Indiana area.

Densely populated Eastern States need to preserve and protect their natural recreational sites with far greater diligence than the West, and Alaska, where there remain vast unspoiled areas. Opportunities for parks, monuments, and recreational areas are fast declining throughout the East. The existence of an area such as the Indiana Dunes so close to millions of citizens—actually contiguous to the Chicago metropolitan area—is a piece of good fortune that should be seized upon and not thrown away.

We firmly and warmly support the provision of harbor facilities to assure northern Indiana her share of the development and industrial growth which will result from opening the St. Lawrence Seaway. There is abundant room in the area for both industry and recreational facilities. There will be both if the citizens of Indiana plan for them wisely, resisting the excited exhortations of real estate boomers and speculators.

We urge the subcommittee to report S. 1001 to the full committee with its approval.

ERNEST GRUENING,
U.S. Senator.
FRANK E. MOSS,
U.S. Senator.

EXHIBIT 2

[From the Washington Daily News, Sept. 8, 1964]

"CONSERVATION CONGRESS"—L.B.J.'S LABEL WAS APT

(By William Steif)

The record bears out President Johnson's contention that the 88th Congress will be "remembered as the 'conservation Congress.' "

The President made the statement in a White House ceremony last week as he signed into law the wilderness bill and the land and water conservation fund bill.

Mr. Johnson also outlined the Nation's three major conservation areas:

"Under the leadership of a great Republican, Theodore Roosevelt, the Reclamation Act was passed and the national forests were created.

"Under a great Democratic President, Franklin D. Roosevelt, the United States undertook to rebuild the land and develop the resources through TVA, the Soil Conservation Service, big water projects, and the CCC.

"Finally, the 88th Congress passed the land and water bill, major park measures, and, after an 8-year battle, the wilderness bill."

BILLIONS

The land and water fund—$150 million a year for 25 years—will provide mass outdoor recreation across the Nation, but especially in crowded, park-shore areas east of the Mississippi.

The money will come from the motorboat fuel tax, sale of surplus Federal and land user fees.

States will get 60 percent on a 50–50 matching basis; the Park and Forest Services will get most of the rest.

The wilderness bill preserves 9.1 million acres of national forests in virgin condition and over the next 10 years may preserve up to 60 million more acres.

SEASHORES

Actually, the conservation upswing traces back to the 1950's and was reflected in the 87th Congress by creation of three national seashores—Cape Cod, Mass., Padre Island, Tex., and Point Reyes, Calif.

Under Mr. Johnson, conservation legislation boomed late but profusely.

The President last week signed a bill creating the Ozarks Rivers National Riverway in Missouri.

Awaiting his signature are bills creating Fire Island National Seashore for New York's sweltering millions, and Canyon Lands National Park in Utah, first new national park on this continent in 17 years.

White House pressure also has brought to life a bill to set up river basin planning commissions.

The Senate-passed measure, reported out of the House Interior Committee this week, makes $50 million available to the States on a matching basis.

Mr. Johnson already has signed a water resources research bill, introduced by Senator CLINTON ANDERSON, Democrat, of New Mexico, providing funds to scientific institutions in all 50 States.

TRIBUTE TO SENATOR BYRD OF WEST VIRGINIA

Mr. HUMPHREY. Mr. President, the junior Senator from West Virginia [Mr. BYRD] is known in the Senate for his thoroughness in handling any task assigned to him. We saw this recently when he was called upon in an emergency to become the acting chairman and floor manager for the $7 billion appropriation bill for the Departments of Labor and Health, Education, and Welfare. He did a masterful job of explaining the legislation and defending the appropriations on the Senate floor.

In his home State of West Virginia, Senator BYRD is also known for his tireless efforts to serve. He is concerned about the education and the economic welfare of his people, and he deserves great credit for the time and energy he expends in his efforts to promote the best interests of his State.

A morning newspaper of Wheeling, W. Va., the Intelligencer, appropriately referred to Senator BYRD as "a man at work" in an editorial published on September 9, which I now ask to have printed in its entirety in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wheeling (W. Va.) Intelligencer, Sept. 9, 1964]

MAN AT WORK: "WEST VIRGINIA FIRST" SEEMS TO BE MOTTO OF PERSISTENT BOB BYRD

Not all of his constituents, of course, agree with the political philosophy of ROBERT C. BYRD, U.S. Senator from West Virginia. But all who are familiar with his record must admire the man's independence and the industry he has brought to the promotion of measures or projects he believed to be in the interest of his home State, and his readiness to oppose policies or undertakings he believed detrimental to West Virginia.

An example of the former is found in his refusal to vote for the civil rights bill in spite of his friendship with President Johnson. Examples of the latter are furnished by his objection to policies detrimental to the coal industry and his continuing effort to bring public works and projects to West Virginia. The matter of the National Environmental Health Center is a case in point.

BYRD was a key figure in restoring funds for continuation of this work after Congress shut them off when location of the facility became a political football. Now, in renewing his request for location of the $34 million center in Martinsburg, BYRD points out in letters to the President and other officials concerned in the matter that, House conferees having eliminated a previously favored site by barring everything within a 50-mile radius of Washington, Martinsburg is the logical location. It is 70 miles by highway—85 minutes by automobile—from the National Capital. It is 57 miles from the National Bureau of Standards. It is 81 miles from the Food and Drug Administration Laboratory. It has excellent highways and a good airport, and is free of "the congestion of traffic in the more populous areas of Washington."

The Senator makes out a convincing case. Assuming the facility is built, Martinsburg looks like the place for it. So if it comes to the State Senator BYRD will be the man responsible, both because of his persistence in keeping the money coming, and because of his salesmanship.

COMMENDATION OF THE AMERICAN MEDICAL ASSOCIATION AND THE FOOD AND DRUG ADMINISTRATION ON THEIR TEAMWORK TOWARD A NATIONAL "DRUG ALERT" SYSTEM

Mr. HUMPHREY. Mr. President, on Wednesday, August 19, I commented in the Senate on the tremendous importance of strengthening medical communication, particularly communication on thousands of drugs.

On August 20, the Wall Street Journal published an excellent article on welcome progress on this very front. The article described a splendid new program of drug cooperation between the American Medical Association and the Food and Drug Administration. Together, these two great organizations will create what will amount, in effect, to a new nationwide "Drug Alert" network.

AMA–FDA PARTNERSHIP WELCOME

I express my warmest commendation of this AMA–FDA teamwork. Their technical partnership is gratifying to the Congress, to the healing arts, and to the American public.

A helpful release, recently issued by the AMA, and reported in the Wall Street Journal article, symbolizes, I believe, a new era of closer working relationship between the AMA and the FDA. Such a relationship, as both know, hinges on mutual trust and confidence. Contributing greatly to such trust and confidence is the able new medical director of FDA, a distinguished physician, Dr. Joseph Sadusk.

AMA–FDA cooperation is especially gratifying to members of the Senate Committee on Government Operations and, in particular, to its Subcommittee on Reorganization and International Organizations, of which I am privileged to be chairman.

SIX YEARS OF HEARINGS AND REPORTS URGED IMPROVEMENTS

Why? Because, over a period of 6 years, we have held hearing after hearing and we have issued over 20 publications—hearing-exhibit volumes, committee prints, reports, and Senate documents stressing the need for improved scientific—including drug—communication.

In all this time, we have acted unanimously in our recommendations to the Senate.

It was in May 1958 that I held our first subcommittee hearing with medical experts, on the problem of managing the rising "flood" of medical literature.

Six months later—in November 1958—I visited in Paris with leaders of the Excerpta Medica Foundation. We discussed, for example, the problem of central indexing of the over 1 million abstracts of medical articles which that organization, alone, had sponsored and printed in the postwar period.

From Paris, I proceeded to Geneva, Stockholm, Helsinki, Moscow, and London, discussing with medical leaders ways and means of improving communication in all areas of medicine, particularly the health of the newborn. Findings from that trip were presented to the Senate and the Nation in a series of reports and statements.

In the half-dozen years which have followed, I have kept at this task. It has been a "labor of love." I have written literally hundreds of letters to Federal agencies, to drug companies, to physicians, to researchers, and to documentalists, urging that drug communication be modernized.

What point, I asked, is there to discovering some great new drug, unless that information is put promptly into the hands of those who can manufacture, prescribe, and dispense it?

On the other side of the coin, what point is there in learning about some unexpected side effect, if this information becomes lost like a "needle in a haystack?"

Fortunately, the message has now taken hold, inside and outside of Government.

Always, I have stressed that, in our American system, it is not Government, but the private professional community, which properly bears the fundamental responsibility in this area.

PROFESSIONAL UNITY NEEDED IN "THE GREAT SOCIETY"

In the past, there have been differences between the AMA and the FDA on certain issues of broad policy. Such differences may persist. But that does not prevent agreement at the working level in countless scientific areas in which there can be complete, professional unity.

I recall here the inspiring words from the Good Book which President Johnson has so soundly recalled on the many occasions when he has urged partnership in the great society:

> Behold how good and pleasant it is for brethren to dwell together in unity.

There is far more basis for agreement than there is for disagreement on man's health.

The goal of every physician in the United States is healthy patients.

The goal of the great organization which represents physicians, the AMA, is excellence in preventive, in diagnostic, in curative, and in restorative medicine.

The goal of the FDA is to assure the purity, the safety, and the efficacy of drugs.

The goal of the dynamic drug industry is to make available the finest possible medications for our own people and other peoples.

The goal of Congress is to serve the well-being of America by writing sound laws, by overseeing sound administration, and by encouraging sound public-private cooperation.

ARTICLE TOUCHES UPON 12 AREAS OF OUR SUBCOMMITTEE'S ACTIVITY

As to Congress' role, many committees and subcommittees and individual legislators have been active.

As to our own subcommittee, the Wall Street Journal article mentions well over a dozen subjects in which, as public records show, our Subcommittee on Reorganization and International Organizations has been active.

The overall progress which the article reflects did not happen by accident. Many sources served as a catalyst. We have factual reason to believe that our subcommittee was one.

To what extent did we, in particular, serve? How big a role did we play? Answers to those questions can best be made by others, not by ourselves.

SUBCOMMITTEE PRAISED BY PUBLICATIONS FOR "INFORMATION" REVOLUTION

It is, however, merely to state a fact to observe that medical and trade publications have been kind enough to credit our subcommittee with having started a constructive "revolution" in scientific information, including in drug communication.

But let the record speak for itself. Here are the facts.

THREE BACKGROUND MATERIALS TO BE PUBLISHED

I ask unanimous consent that there be printed at this point in the RECORD:

First. The fine Wall Street Journal article by Jonathan Spivak;

Second. Excerpts from my comments and questions in the subcommitee's drug hearings of August 1962, together with a few of the answers we received, indicating how unsatisfactory the communication situation was 2 years ago; and

Third. A summary, showing for 12 of the areas of drug cooperation touched upon in the Wall Street Journal article some background facts as to what our subcommittee sought and what progress has since occurred.

There being no objection, the article, excerpts, and summary were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 20, 1964]

GOVERNMENT, DOCTORS JOIN FORCES TO DETECT NEW MEDICINE HAZARDS: NATIONAL "DRUG ALERT" SYSTEM SET UP; HELP SOUGHT FROM HOSPITALS AND 200,000 M.D.'S—SIDE EFFECTS MAY HIT 1 IN 10

(By Jonathan Spivak)

WASHINGTON.—Organized medicine and the Federal Government, not always the closest of comrades, have embarked on a common crusade against an insidious enemy: Hidden drug dangers.

The American Medical Association and the Food and Drug Administration are pooling their resources to create a new nationwide "drug alert" network designed to detect potentially adverse side effects of the thousands of pharmaceutical products now on the market. The warning system will rely primarily on regular reports from hundreds of hospitals and thousands of physicians throughout this country; but foreign sources, such as the World Health Organization, will be tapped, too.

The ultimate objective, of course, is to help perfect the American public's health protection. One method may be AMA professional education efforts to alert physicians to proper drug precautions. Ultimately, though, the FDA may restrict the use and promotion of unduly dangerous drugs or even bar their sale in extreme emergency.

Whatever the means, officials insist the effort's success rests in large part on the collection of statistics sufficient for enlightenment. That's because drug dangers may first show up in only a handful of individuals, after apparent safe use by hundreds of thousands. Such unwanted side effects may range from the pound-producing proclivities of birth control pills to disability and death caused in a small percent of susceptible patients by such powerful products as Chloromycetin, an antibiotic and Parnate, an antidepressant. Because of such hazards, both drugs, one widely marketed, have been rigidly restricted on Government request by their respective manufacturers, Parke, Davis & Co. and Smith Kline & French Laboratories.

SIDE EFFECTS HIT 10 PERCENT

While there are no firm figures, experts estimate perhaps 10 percent or more of hospitalized patients suffer some side effects during drug treatment. Not all of these reactions, of course, are unexpected or avoidable. The harmful effects on blood and bone marrow of many anticancer drugs, for example, are well known, but such risks are outweighed by the compounds' life-prolonging potential. All drugs have some toxicity and experts caution that even the mildest, such as aspirin, can be deadly in overdoses.

What worries medical men, though, is the possibility of serious side effects remaining unrecognized because of the proliferation of products and absence of an adequate intelligence system. Such concern perhaps was crystallized by thalidomide, the apparently harmless sedative that caused thousands of birth deformities abroad 2 years ago before its dangers were detected.

Careful animal testing and preliminary human drug trials may catch only the most obvious dangers. The ideal answer, officials agree, is an accurate and instantaneous alarm system functioning after products are placed on the market.

A SINGLE STRATEGY

Toward this end, the FDA and the doctors, after months of meetings, recently reached agreement on a single strategy and a division of duties. The AMA will energetically expand existing efforts to obtain drug reaction reports from its 200,000 physician members, as well as from thousands of the Nation's smaller hospitals. A major difficulty is persuading busy doctors to fill this function; so, the AMA intends to promote heightened physician participation through exhibits, articles, county medical society activities and other measures.

The FDA, in turn, will concentrate on collecting data from 600 military, Veterans' Administration and other Government hospitals plus some 500 teaching hospitals, such as university medical centers, where the broadest range of drug treatment is provided. To insure success of its collection effort among non-Government sources, Uncle Sam is purchasing the drug information; each participating hospital is paid $50 a month plus $5 for each adverse reaction report.

Contracts already have been signed with 80 institutions, including the Charity Hospital, New Orleans; the University of Michigan, Ann Arbor; Baltimore city hospitals; and the Cedars of Lebanon Hospital, Los Angeles. Another group of 28 hospitals is expected to be added to the network within weeks and the ultimate goal of 500 attained by mid-1966, if not before.

Before planning a common campaign, the AMA and the FDA frequently duplicated data-gathering efforts, requested different information, and failed to regularly inform one another of their findings. Only recently has progress been made to straighten out the difficulties. Dr. Joseph F. Sadusk, Jr., the agency's newly installed medical director, and Dr. Hugh Hussey, the AMA's top scientific official, are professional associates and personal friends. Both believe increasingly intimate cooperation between the two groups, in the drug field at least, is essential and long overdue.

REPORTS POUR IN

As a result, several steps are being taken. A common drug reaction report form, satisfying the FDA's regulatory needs and the AMA's demand for simplicity, is being adopted. Later this month the two organizations will begin a continuing exchange of drug danger information. The doctors' group now receives 200 reports a month from physicians and the FDA receives 400 to 500 from hospitals. Hopefully, these numbers will mount in the months ahead.

Then there's what the FDA calls Project Rapid (an abbreviation for retrieval and automatic processing of information on drugs). It deals with reports pharmaceutical companies are required by law to file on any unexpected or severe patient reactions to their products. The drug industry, for its own protection as well as other reasons, favors the new AMA–FDA effort to gather together side effect information.

These drug reaction reports, identified only by patients' initials to preserve confidentialness, will be coded on IBM punch cards and fed into data-processing machines here and at AMA headquarters in Chicago. The equipment will perform different duties, though similar information is analyzed.

The FDA's Project Rapid is designed to recall and reproduce any knowledge the agency possesses on suspect drugs, knowledge obtained from such sources as manufacturers' marketing applications and drug-testing requests. The goal is to produce a detailed drug dossier for the guidance of Federal officials who must decide whether the side effects are serious enough to require regulatory action. The critical question, of course, is: Did the drug actually cause the dangerous reaction or was the drug merely given to the patient at the time the difficulty occurred? "Computers can help, but humans must make the difficult decisions," cautions an FDA official.

But, as drug reaction reports pile up, Rapid will automatically alert FDA medical men to problem products. And, it's hoped, the system eventually might be able to predict drug dangers early in the game by assessing trends on the basis of only a few reports.

The FDA also is establishing a system of non-Government advisory groups to help its own experts assess side effects and make other difficult drug decisions. By October, officials hope to appoint the first and most prestigious panel, a seven- or eight-member "medical advisory board." Within another 3 or 4 months, a dozen other subgroups will be set up to deal in detail with particular drug problems.

In Chicago at the AMA the side effects reports, after preliminary assessment, will be compiled by computer and the tabulations then referred to one of eight expert advisory panels for more exhaustive analysis. These groups, specializing in such fields as allergy, dermatology and pediatrics, will examine the cause-and-effect question and, if a relationship appears to be established, alert physicians.

PUBLICITY BROADSIDE

In the past, such warning usually went to a limited audience of those medical men most directly concerned with the problem; now, AMA policy will emphasize the broadest possible publication. The panels, for example, are preparing articles for the weekly Journal of the American Medical Association (circulation 60,000) outlining the dangers and necessary precautions for common categories of drug reactions. The first series, now appearing, deals with the sometimes deadly blood disorders which may be caused by chloromycetin; furadantin, another antibiotic; butazolidin, an anti-inflamatory and analgesic agent, and several other compounds.

The AMA's annual drug reference book, New and Nonofficial Drugs, is undergoing an ambitious overhaul to meet more adequately the needs of practicing physicians. Among other changes, the new version will concentrate on fewer, more frequently used compounds and seek to highlight side effects.

Association officials, with FDA encouragement, are also examining other drug education endeavors, though no decisions have been made. The possibilities include: Publication of a separate drug newsletter, or the addition of a regular section on drugs to the weekly Journal; compilation of an index of all drugs now on the market to aid physicians in prescribing; and distribution to doctors in some fashion of current FDA-approved drug labeling, which fully describes all known side effects and other hazards.

Excerpts From Senator Humphrey's Questions and Comments on the Weaknesses of Drug Communication During the Subcommittee Hearings of August 1962

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(On the international thalidomide tragedy)

Senator Humphrey. We do feel that the problem here is one of communication. I think at least the immediate evidence that we have, the surface evidence, indicates that there was a lag, if not a total inadequacy, at least a lag of communication between the West German manufacturer to the British manufacturer, and to the American licensee.

IMPROVING INTERNATIONAL FLOW OF DRUG INFORMATION

And apparently no interchange of information between official bodies, such as the World Health Organization, or other international organizations, nor, according to the testimony thus far, has Commissioner Larrick or yourself indicated that either the British or the German Government presented any information to the Government of the United States, to the Food and Drug Administration.

Is that a correct statement, Commissioner Larrick?

Commissioner Larrick. That is correct.

Senator Humphrey. Would you suggest that it might be a good idea for the Congress to look into the possibility of improving this international communication on an official basis?

Commissioner Larrick. Yes, I think it would be well to look into it. I do not know how much of it could be done under present law or how much more law would be indicated.

Senator Humphrey. What has been somewhat disturbing to me is the fact that, despite all of the international activities we have, and the exchange of information in a host of fields, with this new technology—what one might call the new breakthrough in miracle drugs, and all sorts of new drug compounds, there has not been a more determined effort to make all of this information available as to the testing of the drugs.

Now, you, Mr. Commissioner, said yourself in your opening statement that one of the reasons we have this problem we are dealing with now is because there are so many new drugs, and there is such a tremendous advance in the field of pharmaceuticals, which is true. And may I say that our country has led the world in a very real sense in terms of the perfection and the improvement of new drugs and pharmaceuticals which have been a blessing to mankind.

Nevertheless, with these breakthroughs, and with this literal "busting out all over" of new drugs, does it not appear that one of the great needs today for the scientific community and the pharmaceutical community and the medical community is communication, coordination, the indexing of the effects of drugs, the coordination between countries and manufacturers, the translation from foreign languages into English and vice versa, and the retrieval of information.

* * * * *

Senator Humphrey. Sometimes we get to thinking in this Government in terms of agencies, rather than in terms of the Government.

Now, you have NIH, which is under the U.S. Public Health Service, but has a rather autonomous standing. You have the U.S. Public Health hospitals, excellent hospitals. Then over here, you have the Department of Defense. They are running a show, too. And they have hospitals: Army, Navy, Air Force hospitals. And then way off over here you have this vast medical program; the greatest clinical program in the world—the Veterans' Administration medical program—it is huge and costs hundreds of millions of dollars.

Now, what I am getting at is, is there a system that has been prescribed by an interagency committee, or by the President of the United States, or by somebody, or some organization—is there a system that requires interchange of information so that if a layman like Senator Humphrey or an expert like my friend, Senator Mundt, wanted to find out what had really happened in terms of thalidomide, in all of the many medical facilities of the Federal Government, there would be one place you could go to, and on one machine you get this information?

ELECTRONIC DATA PROCESSING AT AIR FORCE BASE

Now, let me assure you, when I was at Offutt Airbase, they had a machine down there that had collated all of the information from thousands of people on any one particular intelligence problem. There was no problem at all. The Defense Department has the machine. They just push the button, and things start to happen—about how you can kill people. It is right there.

In fact, they told me that the machine was a little too slow. It took one-hundredth of a second to get something; they are going to speed it up to one-thousandth of a second. So they are going to spend a hundred million dollars to get new machines.

Now, what kind of machines do you have to collate all the information on experimental drugs out of all the Federal Government establishments? I think the State and local governments ought to be brought in, and then the private agencies ought to be brought in.

Do you have any such gadgets?

Commissioner Larrick. No, we do not.

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STATEMENT OF DR. JAMES A. SHANNON, DIRECTOR, NATIONAL INSTITUTES OF HEALTH

Senator Humphrey. Well, let me lead off by asking: Has the Public Health Service, and particularly the National Institutes of Health, established a centralized, coordinated system for handling research information on the many hundreds and thousands of drugs that are seeking a place in the market?

Dr. Shannon. We have not, sir, except in those areas that we have accepted as more or less specific responsibility for development. I have in mind, for example, cancer chemotherapy——

* * * * *

Dr. Shannon. Certain specific areas, where we have developed a particular interest and competence, such as psychopharmacology, and cancerchemotherapy. There are other areas of drug development, such as the effects of various drugs on blood pressure where we have only limited activity. We make no attempt at comprehensive coverage of drug evaluation as a thing in itself, sir.

Senator Humphrey. Just as a word of background on this, may I say for my colleague, Senator Javits, and the witnesses, on June 20, 1961, I testified before the Senate Appropriations Subcommittee, chaired by Senator Hill, urging that a system, a centralized, coordinated system for handling research information on drugs and other matters of research be established in the National Institutes of Health.

I pointed out that only three of the seven National Institutes of Health categorical institutes had even fragments of a drug research system: the National Institute of Mental Health, the National Heart Institute, and the National Cancer Institute are the ones that have some elements of centralized research information on drugs.

In the case of this particular sleeping pill, we are dealing with a drug which has had adverse neurological effects.

LACK OF A COORDINATED SYSTEM ON NEUROLOGICAL DRUGS

Now, why is there no drug research information system within the National Neurological Institute? You have one in the Cancer Institute. Why not in the Neurological Institute?

Dr. Shannon. Well, it is correct that the Neurological Institute has no systematic study for drug action as such at this time.

* * * * *

DIVERSITY OF FEDERAL INFORMATION RESOURCES

Senator Humphrey. This Government is loaded with all kinds of information services that are not correlated or used. Often, you just plain do not know where to go.

You have the Library of Congress; you have your National Medical Library; you have libraries in each of the departments, such as over in the Department of Agriculture. You have the Science Exchange and the National Science Foundation.

We have had hearings in this room by the dozen, trying to find out just who is responsible for coordinating all of the information exchange activities relating to science in the Government of the United States.

If any man can tell me who that is, he will get some kind of an award—a Pulitzer or an "Oscar" or something. We cannot find out.

I think this is one of our real problems today, lack of information on information.

The 12 Areas in Which Senator Hubert H. Humphrey and the Senate Subcommittee on Reorganizations Have Been Active on Behalf of Drug Progress

1. Governmentwide drug cooperation.
2. NIH–FDA communication.
3. Drug clearinghouse.
4. Computer information for FDA.
5. Postgraduate medical education on drugs.
6. FDA communication to physicians.
7. Mailbox form for physicians.
8. Specific AMA–FDA cooperation.
9. Outside medical advisers for FDA.
10. Impartial drug evaluation.
11. Better coverage of the world literature.
12. Strengthened international drug cooperation.

The Unsatisfactory Communication Situation in 1962 and in Earlier Years and the Improved Situation Today

1. Governmentwide drug cooperation: The Wall Street Journal article mentions current teamwork on drug activities of the Federal agencies.

In August 1962, we of the subcommittee published the first evidence that no such teamwork existed at that time. For example, not a single Veterans' Administration or Department of Defense hospital bothered, then, to report adverse drug reactions to FDA. Only 8 of the 15 U.S. Public Health Service hospitals reported (sporadically) to FDA. I summarized this lack of cooperation in a letter of December 1962, to Dr. Jerome Wiesner, President Kennedy's Science Adviser.

Progress: Many of the types of cooperation, mentioned by the Wall Street Journal, have occurred:

(a) As I had urged, the President's Office of Science and Technology established top-level review of interagency drug (and, later, pesticide) issues.

(b) An Interagency Procurement Advisory Council on Drugs (IPAD) was organized. At our direct suggestion, the charter of the Council was later broadened to cover—not only coordinated policy in annual purchase of around $100 million in drugs, but coordinated exchange of drug information.

(c) Thus, every Federal hospital is now included in a uniform adverse reaction reporting program.

(d) IPAD, again, at our suggestion, acted to extend interagency coordination to related areas, involving hundreds of millions of dollars of medical equipment and materiel.

2. NIH–FDA communication: I pointed out in 1961 and again in 1962 that intra-agency communication, i.e., within the Department of Health, Education, and Welfare—was weak, not to mention the problems between Departments. The Government's great medical research arm, the National Institutes of Health, had little relationship to or communication with an almost completely "separate" arm, the Food and Drug Administration.

Progress: One month after our first hearing, at a third hearing—which we held in September 1962—the Director of the National Institutes of Health announced reforms—a new 11-point program to improve all types of medical communication.

In May 1963 there became effective a formal agreement for NIH–FDA cooperation. the agreement provides for inter-agency consultation, for joint conferences, joint representation on technical groups, two-way flow of information, etc.

3. Drug clearinghouse: In January 1958 I introduced—with Senator JOHN L. MCCLELLAN and Senator RALPH YARBOBOUGH, the first bill ever to be offered for a coordinated, Government Center for Scientific and Technical Information. In the hearings and reports which followed, the intolerable nature of the status quo was pointed out and the essential nature of information reform was stressed: The Federal Government was crippled with dozens of unsatisfactory, separate, overlapping, duplicating, uncoordinated information systems. (NIH, alone, then had eight separate, unrelated systems, few of which mentioned drugs in any detail.)

The result, we proved, was practically information choas, from a Government-wide standpoint. No agency had effective access to what any other agency was doing or had done.

Technology was, moreover, primitive. Manual systems had to be replaced by electronic systems. Over and over, I urged a high-speed system of agency systems, an electronic-based clearinghouse or network. This would extend across not only the physical (e.g., space-military) sciences, but the biomedical, including the pharmaceutical, sciences.

Progress: Step by step, the agencies came around to the committee's and the subcommittee's way of thinking. Our major victory was the gradual acceptance of the underlying concept of integration of uncoordinated systems, through compatible or convertible indexing. Thus:

(a) In January 1963 the historic Weinberg report of the President's Science Advisory Committee accepted this idea.

(b) Even earlier, we had won support by the Crawford task force, in its report to the President's Science Adviser.

(c) We repeatedly recommended a special drug clearinghouse. Our idea won backing at the November 1962 Conference on Health Communication.

(d) We kept repeating our requests. In March 1963, the Surgeon General's able Assistant for Scientific Communication, F. Ellis Kelsey, responded with an outstanding statement on behalf of this goal.

(e) But still, there were skeptics and doubters in the agencies. They urged more "study" of Dr. Kelsey's and our suggestion. The study was made; and, once again, it vindicated our position. An October 1963 report to the U.S. Public Health Service brilliantly analyzed weaknesses in drug information. This report (coauthored by a former secretary of the AMA Council on Drugs) urged a Chemical and Biological Information Network (CABIN).

(f) Still, some Agency resistance continued. Finally, in response to our repeated demands came a firm promise: At the subcommittee's May 28, 1964, hearing of the Reorganization Subcommittee, the Special Assistant to the Secretary for Health, Education, and Welfare, Mr. Boisfeuillet Jones, committed the Agency to include in the 1966 fiscal year appropriation the first funds for, specifically, a drug information clearinghouse.

4. Computer information for FDA: I emphasized in many statements that the U.S. Government could not have a modern interagency system or systems, unless there were first modern intra-agency systems. In 1962, FDA had no such system, not even a plan, hope or expectation of such a system for its Bureau of Medicine, much less for its other Bureaus. I pointed out that, meanwhile, the agency was "bursting at the seams" (and in an extra warehouse) with valuable files containing masses of virtually irretrievable information on over 13,000 drugs. And, I showed that, externally, the National Library of Medicine had not bothered to consult with FDA about the Library's plans for a bold, new computer system.

Progress:

(a) With more resources provided by the Congress, FDA has responded. It has begun to establish a modern data processing system through what is known as project RAPID (retrieval and automatic processing of information on drugs).

(b) The Arthur D. Little Co. is making an analysis of FDA's total information needs.

(c) A National Library of Medicine-FDA formal agreement on drug information was signed and is being implemented. The Library's high speed electronic Medlars ("medical literature analysis and retrieval system") is assisting in meeting FDA's awesome information needs.

5. Postgraduate Medical Education on Drugs: Throughout the hearings, it was pointed out that the drugs which the physician learned about in his undergraduate days or as an intern or resident have been rapidly replaced by a vast number of complex, potent new medications. The physician needs to have available postgraduate medical education resources of the very highest professional quality. At the subcommittee's hearing of September 1962, the Surgeon General was urged to take the initiative toward this and related goals.

Progress: Two months afterward, the Surgeon General did precisely that. A Conference on Health Communications was held at Airlie House. The conference agreed on major recommendations for strengthening postgraduate medical education.

Two years afterward, the Surgeon General was asked for a progress report. He replied in July 1964 that the Public Health Service had taken certain key steps. More steps will become possible, thanks to a favorable ruling by the Comptroller General that medical research appropriations can be used to support communication studies. This would include support of pioneering efforts in closed circuit medical television, in FM broadcasting, programed learning, and so forth.

6. FDA Communication to Physicians: Throughout the hearings, it was urged that FDA find some better means to get across its drug messages to American practitioners. The postman brings to the physician deluges of direct mail, drug samples, journals, medical newspapers, etc. Crucial, high priority messages, such as drug warning letters from individual companies can and do get lost in this deluge.

Progress: FDA sent out is own first drug warning letter. (This was on steroid ophthalmics—which are made by so many companies that many such letters on their part would otherwise have been necessary.) FDA is considering other actions to improve direct communication to practitioners, for example, the possibility of a medical letter to physicians, containing the latest, high priority FDA drug news.

7. Mailbox form for physician reporting: At the August 9, 1962, hearing, an expert witness, Harold Aaron, M.D., editor, the Medical Letter, urged that American physicians be provided with a convenient mailing form. In this way, they could drop into the corner mailbox information about effects of drugs which they might otherwise not find the time to transmit.

Progress: On April 27, 1964, the Journal of the American Medical Association published a convenient mailing form which physicians can fill in and send to the AMA Registry on Adverse Reactions.

(On May 4, 1964, the British Committee on Safety of Drugs likewise circulated a mailing form to practitioners in the United Kingdom.)

8. Specific AMA–FDA cooperation: In March, May and June 1963, the AMA was invited by subcommittee letters to prepare testimony for our forthcoming hearing. Among specific points mentioned in the letters were possible plans for AMA–FDA cooperation on strengthened postgraduate medical education, on coordination of the separate adverse drug reaction reporting programs, etc.

(It should be noted that, for years, respected publications in the drug trade had factually reported wide "gaps" as having developed between the two organizations, on not only high-level policy issues, but on technical working areas.)

At the hearing of June 26, 1963, AMA witnesses did not mention any specific plans for coordination with FDA.

Progress: 1½ months after the hearing, on August 7, 1963, a private FDA–AMA meeting was held in Chicago. The meeting was headlined by a trade publication as "Closing Gap." The publication described the meeting as including "initial discussions on establishing a closer working relationship between FDA and AMA," particularly on FDA's administering of the 1962 law.

In August 1964, a press release was issued by the AMA ("Data Processing Machines Will Speed Latest Drug Information to Doctors"). The release confirms that very substantial progress has been made in AMA–FDA cooperation.

9. Outside Medical Advisers for FDA: FDA can never hope to have enough in-house professional experts to decide all its complex problems in dozens of drug specialty areas. Evidence compiled by the subcommittee in 1963 showed that, as far back as 1955, a report by the First Citizens Advisory Committee on FDA had urged establishment of continuing (not merely ad hoc) Medical Advisory Panels by the Food and Drug Administration. Appeal after appeal for the same action by FDA was made by other sources—unsuccessfully—for 7 years thereafter.

The subcommittee urged FDA, therefore, to act on the appeals and to set up "outside" panels, representing the best talent of the profession.

(Reasonable caution was, of course, necessary in setting up such panels to avoid conflicts of interest or interference with FDA's statutory responsibilities.)

Progress: An FDA Advisory Group on Investigational Drugs was established and has served effectively. An FDA Medical Advisory Board will soon be established. A Drug Research Board under the universally esteemed National Academy of Science-National Research Council has been established.

10. Impartial Drug Evaluation: Throughout 2 years of hearings and correspondence, we pointed out that what busy practitioners (especially general practitioners) need is not merely an accurate, careful package circular (which they may never see), but a handy, impartial evaluation of available drugs by leading authorities.

Authorities can judge masses of often conflicting drug evidence and can objectively compare a new drug with older drugs and with other types of therapy. Average busy practitioners find it almost impossible to choose—singlehandedly—among 30 or 40 or 50 drugs on the market for the very same purpose. The timing of evaluation of drugs was also indicated as essential. (For example, by the time the expert AMA Council on Drugs had published its warning on the anticholesterol drug, MER/29, 18 months had elapsed and 400,000 patients had received it.)

Progress: The AMA Council on Drugs—which is rightly esteemed as the world's foremost such group—has been given more resources and has speeded up its valued evaluation service. Meanwhile, improvements are being made in the AMA's helpful volume of accumulated monographs, "New and Non-Official Drugs."

(A different type of book, a "Handbook on Drugs"—which the AMA had contemplated in July 1961, is still urged by many physicians as the sort of definitive guide which they need.)

11. Better coverage of world literature: I have repeatedly pointed out wasteful duplication of effort as many sources try to keep up with adverse reaction reports from all over the world. Thus, they repeat each other's efforts by reading, abstracting and indexing the very same medical journals over and over again. Meanwhile, no source whatsoever has the resources to cover literally thousands of other journals. For example, in Washington, the Public Health Service's Poison Control Center reads a mere 15 of the world's 5,000 medical journals for its particular purpose. In Chicago, the AMA covers one-tenth of the world's literature—500 journals—for overall adverse reaction reports. In Washington, FDA covers only 300 journals. At Bethesda, the National Library of Medicine indexes 2,000 journals (but it covers the titles of articles only). In Amsterdam and elsewhere, Excerpta Medica abstracts many, but far from all, of the world's journals. Meanwhile, too, individual drug companies, depending on their size, duplicate many of these other efforts by trying to cover as many journals as they, individually, can.

Progress: A number of proposals have been made for an agreement among the various sources on a better division of labor in prompt coverage of the world's literature. The expert, private Institute for Scientific Information (which was responsible for an important advance—citation indexing) has made one such proposal. Other private sources—like Mr. Paul de Haen, a consultant to industry—have submitted others. Agreement has yet to be reached, however, on any one public or private proposal. So, present limited efforts to cover the global literature continue to go their separate, disuniform ways.

12. Strengthened international cooperation: In November 1958, at a meeting in Geneva with the Director-General of the World Health Organization, I urged the goal of establishing an "early warning network" on epidemics, as well as on drug and other medical problems.

Three and three-fourths years later, in August 1962, the subcommittee heard evidence of the worldwide tragedy of thousands of babies who had been deformed because their pregnant mothers had taken a "harmless sedative," thalidomide. Babies continued to be deformed—in Brazil, in Japan and elsewhere—long after West Germany had discovered that thalidomide was to blame. Part of the problem was confusion over hundreds of different names for the very same drug in various countries.

Progress: on September 27, 1963, President John F. Kennedy adopted my suggestion for a world center. In an address before the United Nations General Assembly, the President urged establishment of a "World Center for Health Communication" at WHO.

Meanwhile, WHO has taken at least limited action to improve and speed international exchange of information on drug effects. Some limited action has also been taken toward minimizing confusion over foreign drug names.

NATIONAL CITIZENS COMMITTEE FOR COMMUNITY RELATIONS—HELP FOR THE DISADVANTAGED

Mr. INOUYE. Mr. President, recently President Johnson named a National Citizens Committee for Community Relations, to advise the Community Relations Service, headed by former Gov. LeRoy Collins, of Florida.

Hawaii is privileged to have three members serving on the National Citizens Committee for Community Relations. They are: Mayor Neal S. Blaisdell, of the city and county of Honolulu; Councilman Masato Doi, president of the City Council of the City and County of Honolulu; and Mr. George Chaplin, editor of the Honolulu Advertiser.

In an article entitled "Civil Rights—Help for the Disadvantaged," Mr. Chaplin gives an interesting account of the little publicized first meeting of the Citizens Committee for Community Relations, together with some of his own observations on the issue.

If there is no objection, Mr. President, I ask that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Honolulu Star-Bulletin & Advertiser, Aug. 23, 1964]

Civil Rights: Help for the Disadvantaged

(By George Chaplin)

In Washington, as elsewhere, civil rights wears many faces.

It is the Negro taxi driver who says: "There's a lot of ignorance around. This thing will take time. When my daughter—she's 16—is my age it will be a lot more right than it is now."

It is the Negro Park Service officer at the Lincoln Memorial who says, "Chief, we get 3 million people a year here. Seventy-five percent of them rush in, snap a picture, rush out. They call it modern times. The other 25 percent stop, read the writing on the walls, look at the pictures and leave a little better. What we really need today is heart, caring something about the other fellow."

It is the mother of two young children, who has brought them to the memorial from Ithaca, N.Y., by way of Gettysburg, and is now bending down reading them Lincoln's Second Inaugural Address and the inscription behind and above the Great Emancipator's steady, solemn face: "In this temple as in the hearts of the people for whom he saved the Union, the memory of Abraham Lincoln is enshrined forever."

It is the little kid with specs tugging at his father's arm as they stand in front of the Gettysburg Address on the south wall of the memorial and asking, "What's that, Daddy?" It is another boy of perhaps 10, wearing a souvenir Confederate cap, looking out toward the Washington Monument and the Capitol.

It is a hotel bell captain who says, "The Government? I think it's doing all it can. Maybe too much. You know, it can only do so much without stepping on people's toes. People have to do some things for themselves."

It is a second Negro cab driver who says: "We'll never have any riots here. When the worst bigots come to Washington they comply. They know the atmosphere."

It is the President of the United States speaking in the rose garden of the White House, telling a group of fellow Americans in a soft Texas voice that the time has come to reject "street rioters and night riders" if we are to have racial peace in this Republic.

THE MOOD OF THE CAPITAL

Civil rights is the mood of this great capital, where Chief Executive, Congress, and Court are seeking to give full meaning to the words of the Declaration and of the Constitution, to have those words "lived" in daily practice across the land.

It was here a month and a half ago that Congress passed the Civil Rights Act of 1964, reflecting the vast social revolution of our time, the end of the Negro's century-old patience, the Government's determination that denial of equality under the law will no longer be tolerated.

The Civil Rights Act covers voting rights, public accommodations, public facilities such as parks and libraries, public education, federally supported programs, equal employment opportunity (effective next July). It extends until January 1968 the Civil Rights Commission. And under title X it creates in the Commerce Department (because the authority of the law is derived from the commerce clause of the Constitution) a Community Relations Service.

This Service's function, in summary, is to assist communities and individuals in resolving disputes arising from discriminatory practices based on race, color, or national origin.

The Federal courts can utilize the staff of the Service, and the Service itself is authorized to cooperate with both public and private agencies. It may initiate actions itself or upon request from local officials or individuals.

HEADED BY EX-GOVERNOR

The Community Relations Service is directed by a former Florida Governor, LeRoy Collins, who came to the post from the top spot in the National Association of Broadcasters. He is a highly intelligent, highly articulate man with the quality of forthrightness.

On a "Meet the Press" radio-TV program earlier this month, Collins was questioned by the strongly prosegregationist editor of the Richmond, Va., News-Leader, James J. Kilpatrick:

"Governor, in his remarks opposing your confirmation as director of the Service, Senator Thurmond made public a letter that you wrote to one of your Florida constituents 8 years ago yesterday. In this letter you said, 'I have stated repeatedly, of course, that I favor segregation.' Can you tell us why you favored segregation 8 years ago?"

Collins replied: "Mr. Kilpatrick, I have tried to be consistent in my lifetime in standing for and speaking for what I thought was morally right and legally right and I did that at that time in my lifetime, and I have done that since that time.

"Now since that time there has been a great change in conditions in this country. There has been a great change in the law of this land. There has been a great change in my own understanding of moral responsibility in respect to this matter.

"I was raised in an environment that recognized a segregated society. I don't make apologies for having recognized that, but I have come to see and to understand that it is our Nation's basic goal to reach for a society that does not separate a class of its citizens for discriminatory consideration."

Collins, in growing with change, exemplifies the qualities that in time will assure the success of the Civil Rights Act.

COMMITTEE GIVES ADVICE

To advise the Community Relations Service which Collins heads, President Johnson recently named a National Citizens Committee for Community Relations and I went to Washington this past week for a meeting of this committee.

The meeting was in the auditorium of the new State Department Building. In welcoming the committee, Secretary of Commerce Hodges cited how "civil rights strife strongly affects the business atmosphere—it breeds distrust, it rends neighborhoods, it keeps new business out of troubled communities, and brings local business to a crawl."

Our society, he said, "is going through a transition and the job is not whether to change but how to effect the change with profit rather than waste—how to move forward gainfully in peace and not in disorder."

I had known Hodges when he was Lieutenant Governor of North Carolina. Like Collins, he typifies what is best in the South.

Collins spoke next, observing that "the recent riots in Rochester and the murders in Mississippi have their origins in the origins of the Nation.

"For decades and decades and decades, millions of Americans have been deprived of the full benefits of citizenship. Too many of our ancestors and too many of us, as the ancient Greeks before us, have indulged in the fallacious assumption that a society of citizens of unequal opportunity could endure as a land of free men.

"We can no longer temporize. The time has come to act, the national decision has been taken, we have turned the corner into the future: that is the real meaning of the Civil Rights Act of 1964."

He said that if the Community Relations Service does its conciliation job properly "we will likely come out of a community not only having helped put out a fire, but with the people of that community having developed as their own solution a broad plan for community development aimed at eradicating a wide spectrum of social and economic and legal wrongs."

The Chairman of the Citizens Advisory Committee is Arthur H. Dean, noted attorney and diplomat, who served in the Korean peace talks, as Ambassador to Korea, as delegate to the U.N. General Assembly, and, more recently, as chairman of the U.S. delegation to the Geneva Disarmament Conference.

Dean outlined the committee members' role as advisors but also as workers "to promote a spirit of acceptance and observance in your own community and business area" in carrying out the new law.

ROBERT KENNEDY SPEAKS

Attorney General Robert Kennedy was next up. He began with a light story of the man who'd phoned the office which is administering the new antipoverty legislation and asked: "Is this where you get information on the war on poverty?" The girl in the office: "Yes, what do you want to know." The man: "Where do I surrender?"

Kennedy urged the committee members to fill the vacuum of leadership that existed after the Supreme Court 10 years ago ruled against public school segregation.

After the 1954 ruling, he said, the pulpit, press, and public officials were silent. In this vacuum "the leadership was provided by demagogs and mobs. We got what we deserved."

Kennedy continued:

"Rarely in history are nations presented with a second chance, with a new opportunity to correct a deep failure of the past. I believe we have been given such a chance."

He mentioned the basic problems related to racial discord—the slums, the inadequate education, the lack of jobs, the deep-seated hopelessness.

He said he was hopeful about compliance with the new law. There had been isolated areas of resistance, but the bigger story was the thousands of communities and businesses accepting the statute.

A number of other Federal officials spoke.

A REALISTIC APPROACH

Labor Secretary Willard Wirtz was extremely impressive with his perceptive, realistic approach.

He said we ought to talk less about race and talk instead about the disadvantaged—which we have in all colors, although the problems among the racial minorities are the greatest.

Wirtz said that to figure unemployment for the minorities, you simply multiply the national percentage by two. He said we have 10 to 11 percent unemployed among minorities, but it's up to 20 to 25 percent for teenagers in the minority groups.

He reaffirmed a statement he'd made some days before at a press conference that street rioting is less a matter of race than of disadvantage and told of trip he'd made to Harlem last spring.

He asked a 20-year-old Negro if he was in school. "No." Was he working? "No." Was he looking for a job? "Why?"

The Nation, he reiterated, should focus on the minority that is disadvantaged rather than those who are in the minority because of skin color. When a committee member in the auditorium spoke about the problems of the Spanish-speaking minority, Wirtz simply repeated his basic contention that the question is of all the disadvantaged.

"We're trying to eliminate inequality," he said. "We should get at the roots of the problem instead of cutting off the top."

He said that quotas and job preference policies on behalf of minorities sound appealing as short cuts, but, in fact, they are "quicksand" that will set things back. The emphasis should be on special programs to teach people the skills with which they can hold jobs, rather than giving them jobs they can't really fill.

On unemployment, he had kind words for the programs of the new antipoverty law because of his view that lack of jobs and violence are related. We need some kind of "early warning system" on unemployment, Wirtz said.

He added that about 5 days after street violence, Washington gets calls regarding special programs. He said the time element is almost predictable—5 days. "Why not in advance?" he asked.

And he summed up: The most significant minority is of the disadvantaged, the poor, the unemployed, products of their environment. This knows no racial line. It must be met by education, retraining, more jobs.

MEANING OF EDUCATION

U.S. Commissioner of Education Francis Keppel said he'd been meeting with teachers and found two things: many of them—most—were unaware of the educational implications in this (civil rights) act. So much attention has been given to other parts that they didn't see the relationship to the classroom. And, second, once they learned, they recognized that the only forward steps could be taken with the support of their communities.

"The educational implications," said Keppel, "may be the longest running effect" of the law. Only 40 percent of segregated school districts have begun any desegregation.

Assistant U.S. Attorney General Burke Marshall pointed out that Federal law enforcement policy has been and is to try to resolve racial disputes out of court. An FHA official spoke briefly on the relationship of the act to housing. And Labor Secretary Wirtz, responding once more during a question period, observed that under the antipoverty act the Government will be in a position to work out job-training programs for 400,000 youths between 16 and 21.

After lunch, the committee members broke into six discussion groups. I was seated near Mayor Ivan Allen, Jr., of Atlanta, who has shown effective leadership in his city. Not long ago Mayor Allen said this:

"Are we going to say that it is all right for the Negro citizen to go into the bank on Main Street and to deposit his earnings or borrow money, then go to department stores to buy what he needs, to go to the supermarket to purchase food for his family, and so on along Main Street until he comes to a restaurant and hotel * * * and (then) are we going to say it is right and legal for the operators of these businesses, merely as a matter of convenience, to insist that the Negro's citizenship be changed and that, as a second-class citizen, he is to be refused service? I submit that it is not right to allow an American's citizenship to be changed merely as a matter of convenience."

EMPHASIS ON SUCCESS

The discussion groups were to talk out ways the committee could be helpful. Someone made the point that there should be more emphasis on the "success stories"—on the extent of compliance.

He meant the sort of thing President Johnson recently told a group of businessmen on their White House visit: "Privately owned facilities of public accommodations are now open to everyone, regardless of race, in some 390 of the 566 communities in southern cities of over 10,000. Two-thirds of this progress has been made since May of last year. This has been voluntarily; the rest can and should be done by compliance with the law."

There was the comment that when mayors and police chiefs let it be known that the law had to be obeyed, whether an individual liked the law or not, this helped create a climate for compliance.

Someone told the story of a mayor's statement which appeared in a rural Georgia weekly relative to observing the Civil Rights Act. The mayor said, "It takes two to argue; don't be one."

I'd recently read that Mayor R. W. Grabarek, of Durham, N.C., a city where there had been demonstrations, had successfully encouraged desegregation of all of that city's hotels and most of its restaurants and hiring halls. The mayor said: "I believe most (citizens) will agree with me that the days of inaction are past. The time is here for us to reexamine our moral, social, and economic consciences."

And in Alexandria, Va., Mayor Frank E. Mann viewed theater and lunch counter integration as bulwarking the "premise of fair treatment for all citizens."

Preventive action to avert racial disputes; formation of committees covering all races; meeting the school dropout problem; job training and retraining programs; clearing out slums—these were but some of the many suggestions advanced in the discussion group in which I sat.

A LACK OF DIALOG

The lack of a dialog in the riot cities was commented upon. Someone said: You can't reason with a hoodlum but you can become more aware of the root problems which create hoodlums.

There was considerable emphasis on the economic liabilities of racial trouble and the economic assets of racial amity. Many felt this was the key point in terms of persuading businessmen and others to comply with the new law.

The Potomac Institute, Washington, which does research and consultation in human relations, has cited some pertinent examples:

"A large convention of the American Legion scheduled for last September was transferred from New Orleans to Miami because Negro delegates would not be accepted in New Orleans' hotels and motels. Anticipated attendance was over 50,000. Later the same month, four New Orleans hotels owned by national chains agreed to accept some Negro delegates rather than lose profitable convention business."

"The owner of the Brownie Drug Co. in Huntsville, Ala., remarked last summer that though his business slumped a little for several weeks after lunch counters were desegregated there, he had picked up all that he had lost. "I could name a dozen people who regarded it as a personal affront when I started serving Negroes, but have come back as if nothing had happened."

In Memphis (according to the Wall Street Journal) the 126-room Downtowner Hotel, which began serving Negroes, "is doing so well its occupancy rate is even running ahead of last year's booming 95 percent rate * * *. All signs point to a record year."

Before the Civil Rights Act was passed, Labor Secretary Wirtz said that "if Negroes felt as free to travel and explore the country as white families of similar income, the economic stimulus would be very large indeed in the transportation, apparel, travel goods, sports, gifts and camping goods industries and in the full range of service industries—hotels, motels and eating and drinking establishments * * *."

He also declared that discrimination in the field of public accommodations retards the Negro: "Even the best educated Negro cannot contribute to his profession as much as a white man, assuming equal ability and no prejudice, if he cannot attend professional meetings, luncheons and functions on an equal basis. How do Negro parents succeed in raising their children to be studious, ambitious and forward looking when so many doors are closed to them?"

THE PROBLEMS OF SLUMS

Committee members kept coming back to the matter of slums. One New Yorker said it had been reported that one square block in a certain section of Harlem houses 31,000 people. Another said that if throughout New York the population density was as high as Harlem's, New York would hold the entire population of the United States.

After the six discussion groups concluded their work, the committee reassembled in the auditorium for a plenary session. Spokesmen for each of the groups reported on what had been talked about and Chairman Dean said a report of the entire day's proceedings would be produced and distributed.

Director Collins of the Community Relations Service said that after the 1954 school desegregation decision there had not been enough community support for people who urged compliance. As a result the people who had spoken up in behalf of carrying out the Court's ruling backtracked. A Louisiana man next to me turned and said, "He's exactly right." This time, said Collins, "it must be different."

Senators DIRKSEN and HUMPHREY were scheduled to speak, but were detained on the Senate floor. Senator KUCHEL, the Republican whip, filled in. He called the work and challenge of the citizens' committee "a remarkable and important adventure."

He quoted from Churchill's works on the last war—how the great democracies emerged triumphant and thus were able to resume the follies which almost cost them their life. He made clear that in the civil rights field, this mustn't happen.

KUCHEL said that what sets us apart from the rest of the world is that we are a heterogeneous nation. Most of the people in Italy are Italians; most in Germany are Germans. Here we have rich and poor, black and white, Christians, Jews, Buddhists, all Americans, presumably living equally under justice.

Hate does walk some of our streets, in all regions, he said, "including my Pacific coast." And there is some danger from an extremist, no matter his color or religion. He noted some cries from Havana and Peiping for "Negro guerrilla warfare" in the United States.

The inscription on top of the Supreme Court building—"equal justice under law"—should reflect what's in the heart of the American people, KUCHEL said.

He called the Civil Rights Act "fair legislation—there's nothing in it that's extreme. It breathes legislative life into the American dream."

(Earlier I had read that three former Attorneys General, four former presidents of the American Bar Association, and the deans of four leading law schools had studied the legislation and found it constitutional.)

TAKEN TO WHITE HOUSE

The meeting ended and the committee members filed into buses which drove us into the White House grounds. Mrs. Johnson peeked out a time or two from the President's office as we assembled in the rose garden. A few minutes later, the President came out on the porch with Mrs. Johnson, Director Collins, Committee Chairman Dean, Executive Vice Chairman Julius Manger of the Manger hotels, and Vice Chairman John Wheeler, a Durham, N.C., bank president who is chairman of the Durham Committee on Negro Affairs.

Mrs. Johnson was introduced then stepped back and to one side where she stood during the 15 minutes that the President spoke. After his talk the President stepped down into the garden and shook hands all 'round. My "aloha" to him brought a little extra smile.

Walking out of the White House grounds, I was asked by two Negro committee members from the South about human relations in Hawaii. Why, they wanted to know, were they so good?

I said they were good, the best I'd known, but they were far from perfect. The reasons for their being good were probably a mosaic. Early in the last century the New England ethic had been superimposed on Polynesian laissez faire and then had come Asian cultures—all to make a vigorous multiracial society.

ALL ARE IN MINORITIES

A most important fact, possibly the most important, is that everyone in Hawaii is a member of a minority group—no group has 51 percent. There is some prejudice and some discrimination and if there were a sudden heavy influx of Negroes there would undoubtedly be a great deal more. Some Negroes have had difficulty finding apartments to rent.

I said there are a couple of "restricted" neighborhoods and a few private organizations which in terms of status are really community organizations but which are thus far laggard in making the aloha spirit a reality. I said these do not come within the purview of the Civil Rights Act but they do come within the purview of the human spirit.

The next morning, I took the bus to Dulles Airport to fly home. There was a sign: "Seating aboard this vehicle is without regard to race, color, creed or national origin by order of the Interstate Commerce Commission."

The sun was bright and the Virginia countryside was beautifully green. I thought, this is a nation with problems but also a nation with answers, and that most Americans have come to recognize with Lincoln that "those who deny freedom to others deserve it not for themselves and, under a just God, cannot long retain it."

STREAM POLLUTION

Mr. MORSE. Mr. President, the September issue of "American Forests" includes an article written by a Portland resident, John Clark Hunt, on the problem of stream pollution. It is entitled: "Pollution: Everybody's Fight." The article gives particular attention to the discharge into rivers and streams of industrial wastes and sewage from wood-products plants.

Mr. Hunt's article is useful to everyone who is concerned about this problem; and I ask unanimous consent that the article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLLUTION—EVERYBODY'S FIGHT

(By John Clark Hunt)

One would think that the Pacific Northwest, a region blessed with shining streams, rivers, and lakes, would have clean, pure water for every purpose. True, the high country snowbanks are still clean and pure. Rain falls on millions of acres of national forests and trickles down to feed these streams and rivers. This water is clear and clean. But what happens to it after it leaves the high beauty of the Rockies and the Cascades and the shining green of the forest?

As an example let's trace the Snake River to see what man has done to it. The Snake, rich in history and the lore of Indians, mountain men, and the wild frontier, is born in one of the spectacularly beautiful spots of the Nation. It begins at Shoshone and Lewis Lakes in Yellowstone National Park between Yellowstone Lake and Jackson Hole. At first it is a wild, sparkling mountain stream. Then it enters Jackson Lake, emerges larger and stronger, and roars down a vicious canyon where Wilson Price Hunt and his American Fur Co. companions, known as the Astorians, almost died of starvation and exertion in 1811 when they tried to follow the canyon west to establish the trading post as Astoria, Oreg.

In its mad race the Snake soon reaches lower elevations and the valleys of Idaho. Here pollution begins.

A Public Health Service report shows that approximately 550,000 people live in the upper Snake River Basin. In 1960, 59 towns and cities and 156 industries were discharging waste into the Snake and its tributaries. No doubt there are more by now. Only 18 percent of these had adequate sewage treatment facilities, and pollution was increasing every day. In fact, the pollution load pouring into the Snake was equal to the waste from a population of 2,400,000. Most of this was caused by 24 food processing plants.

Farther down the river in the Lewiston-Idaho area the situation is as bad or worse. At a water pollution meeting at Lewiston early this year it was reported that several towns were adding to the pollution load but these were of little consequence compared to the waste poured into the Snake and Clearwater Rivers by food processing plants and particularly by Potlatch Forest, Inc. This one wood products plant, according to a statement by the Public Health Service, is discharging industrial waste and sewage from its work force equivalent to the raw sewage from a population of 299,000 people.

Murray Stein, Chief of the Public Health Service Water Pollution Control Enforcement Branch in Washington, D.C., told the conference that a Federal study of the pollution showed it to be of an interstate nature and therefore subject to abatement under the Federal Water Pollution Control Act. He said that the Public Health Service would work with Idaho and Washington in extending the study with a report to be completed and available by January 1, 1965. After that date a reasonable time—perhaps 2 years—would be allowed for the completion of water pollution abatement in the area.

The Snake River empties into the Columbia, the River of the West, which was the home of more than a score of Indian tribes and was the canoe and pirogue highway from the Pacific to the great inland country of the United States and Canada, the trail of Lewis and Clark, Wilson Price Hunt, and Captain Bonneville. The Columbia is a big rivers. Its current was fast and its waters were alive with salmon and steelhead, the big seagoing trout—until the white man began building dams to change it into a series of lakes and loaded its tributaries with many kinds of pollution.

The Yakima River Basin is another pollution problem. It is an important tributary of the Columbia, draining about 5,000 square miles east of the Cascades in Washington. Some 200,000 people live in the Yakima Basin. All of the communities have sewage treatment facilities and most of the industries not connected to municipal sewer systems have some type of water treatment of their own. But in spite of the facilities, which have all been built in recent years, pollution is serious and the low percentage of oxygen in the river below Yakima often becomes critical.

THE LOWER COLUMBIA IS A SEWER

On down the Columbia there is Camas, Wash., with its papermill; and then the cities of Vancouver and Longview and several small towns and woodworking plants. The Willamette River enters from the south carrying a load of pollution from Portland, Oregon City, Salem, and Eugene, Oreg.

The Columbia from the Camas-Vancouver area and the confluence of the Willamette downstream to the Pacific Ocean is a sewer. Commercial fishermen often find that the goop of pollution loads their nets until they can raise them only with extreme difficulty. That is how bad pollution has become in the lower Columbia. It is as bad, or worse, than it has ever been. This enormous mess will be cleaned up only when strong measures have been taken and agreements honored.

In 1959 the Willamette River at Portland was described in this way—"One swallow would contain enough germs to make a person deathly sick." There were 80 outfalls pouring untreated sewage and commercial waste into the river. The Public Health Service and the Oregon State Sanitary Authority got tough. They told Portland to live up to her responsibility or face a suit in which she knew she could not possibly defend herself. What has been the result? Many millions of dollars have been spent building sewage treatment plants. But to date not enough have been built for some untreated sewage and some industrial poison is still drained into the river. The condition of the water is still considerably below that of the sanitary authority's minimum standard.

WORST POLLUTION PROBLEM

What appears to be the worst pollution problem in the Northwest is that of Puget Sound. Many streams and rivers flow into this large estuary. They carry waste from numerous towns, cities, and industries. With the best cooperation and dedicated effort the condition would be difficult to control, but with aggravated stalling it is serious.

A report published in 1962 by the Public Health Service and the State of Washington Pollution Control Commission states—"Seven pulp and paper mills in Puget Sound and the Strait of Juan de Fuca area are contesting the Washington Pollution Control Commission's order requiring the mills to control the pollution created by them."

The report told of the efforts made by State officials since 1940 to bring about an abatement of pollution at these seven mills. But the commission is patient. It says a reasonable solution can be found and points to the record. Of the 532 industrial plants subject to permit regulations in the Puget Sound-Juan de Fuca area 493 are in compliance with effluent requirements established by the State—an average of 93 percent.

A last minute check with the Public Health Service indicates that prospects do appear better for solving the pollution problem on both the Snake River and on Puget Sound.

It has been reported that the State of Idaho will take action to enforce pollution control at the industrial plants along the Snake. It is expected that waste disposal facilities will be built within less than 2 years to prevent solids from reaching the river.

The Washington Pollution Control Commission has now issued operating permits to the seven mills which have been problems for more than 20 years. The State says that the mills have made some improvements and are developing plans for constructing waste disposal facilities. In the meantime the Public Health Service and the Washington Pollution Control Commission are continuing a study of Puget Sound pollution. The study has been underway for over 2 years and has cost the Federal agency $780,000 with another $300,000 to be spent in fiscal year 1965.

ACTION REQUIRES SCIENTIFIC PROOF

In a suit involving two State of Washington corporations, *Olympia Oyster Co., Inc.* v. *Rayonier, Inc.*, the U.S. district court judge said in dismissing the case last February, that he was convinced beyond a reasonable doubt that the evidence presented contained no issue of fact for the jury to determine. The Rayonier case involving dumping sulphite waste into Oakland Bay. Rayonier, however, like many companies, had a State permit to discharge a certain amount of waste per week into the water; the court said that the plaintiff failed to meet scientific standards of proof to show that Rayonier had exceeded its waste quota.

A word of caution should be added here. Often emotion-charged accusations or a tendency to go into court with a lack of proof or with unsubstantiated charges hurts the conservationists cause. Too often newspaper headlines indict, try, and convict the accused company in one terse headline; too often an emotionally aroused public assumes that if the company has been haled into court it must be guilty of a violation. No one contends, of course, that allowing a certain amount of pollution of our rivers and streams is good; but in the eyes of the court, laws which allow such partial pollution are valid, and if the violation is unproven, the court must uphold the law in favor of the defendant.

SEVEN MILLS CAUSE 58.3 PERCENT OF THE POLLUTION

The latest action to abate serious and long-standing pollution problems in the Northwest was taken in May 1964, this time by the Oregon State Sanitary Authority.

After careful study the authority released a 74-page report showing that seven pulp and paper mills are causing 58.3 percent of the pollution in the Willamette River, the principal stream in western Oregon and the drainage of the Willamette Basin in which the bulk of Oregon's population lives.

The report predicts that if the mills continue to allow their loads of waste to reach the river after the cities and communities have completed their sewage disposal plants the mills will account for 82.6 percent of the pollution by December 1966. These were the mills listed as offenders:

Crown Zellerbach Corp. (a sulfite plant), West Linn; Publishers Paper Co. (sulfite), Oregon City; Spaulding Pulp & Paper Co. (sulfite), Newberg; Columbia River Paper Co. (Oregon Pulp & Paper), (sulfite), Salem; Crown Zellerbach Corp. (sulfite), Lebanon; Western Kraft Corp. (a kraft plant), Albany; Weyerhaeuser Co. (kraft), Springfield. The sulfite plants are listed separately because their pollution in the Willamette is reported to be much more serious than that of the kraft plants.

During August and September of 1963 a minimum daily dissolved oxygen content of only 2 parts per million was recorded in Portland's harbor. The minimum permitted by Oregon's strong pollution law is 5 parts per million. Slime growths were found to be excessive. So were fiber and other settleable solids contained in pulp and paper mill effluents which have created bottom sludge deposits. It is obvious that salmon and steelhead runs cannot be maintained nor water recreation continued in such filthy water. Concern is felt for the 70 million Chinook salmon planted in the Willamette during the spring of 1964 by the State fish commission and the U.S. Fish and Wildlife Service. It is doubted that these fish can return and spawn successfully during 1966, 1967, and 1968 unless the water quality has been improved.

The Oregon State Sanitary Authority is holding a series of meetings with the pulp and paper companies to learn the steps each mill can take to reduce pollution to meet the required water purity standard. A date for compliance will be set after the meetings are concluded.

WATER NEEDS FOR THE FUTURE

The question is—what are we really doing to stop it?

Our population is growing rapidly. In 1900 there were 76 million Americans. In 1950 there were 150 million. In 1960 there were 180 million. By 1980 it is expected that our population will reach 260 million. Obviously the more people there are the more water we have to have and the more sewage there will be. In the past 100 years water consumption in the United States has risen from a few gallons a day per person to about 700 gallons daily per person. Today the Nation is using approximately 323 billion gallons of water daily. Of this amount, industry uses 160 billion gallons; irrigation, 141 billion; municipal, 22 billion. In 1980 it will jump to 597 billion gallons per day, with industry using 394 billion; irrigation, 166 billion; and municipal, 37 billion.

It takes an ocean of water to maintain our jobs—1,400 gallons to produce a dollar's worth of steel; nearly 200 gallons for a dollar's worth of paper; 500 gallons to manufacture a yard of wool and 320 gallons to make a ton of aluminum. Water quality and quantity requires careful planning and only clean water will do for most of our needs. So, the water supply must be protected to keep it clean or it must be treated each time it is used until it is clean.

WHAT TO DO?

Anyone who has taken the trouble to check knows that it will cost a fantastic amount of money to cope with the tide of pollution. But if we can spend billions to put a man on the moon we can afford clean water. First, the Nation will have to exert itself to wipe out the backlog of pollution and start even with the problem. Then, each year, it must build new facilities, expand and rebuild old ones to keep abreast of the increase in population and industrial expansion.

One thing that we must not tolerate is the building of new towns, subdivisions or factories without adequate sewage facilities to guarantee that they will not add to the pollution burden. We know that the job can be done. The whole job—for old towns and cities and factories as well as the new ones. Since 1956 when the first Federal water pollution control legislation was passed, about 4,500 communities have built sewage treatment plants. Others are under construction. Federal grants of approximately $400 million have been approved. And for each Federal dollar granted, local communities have spent $5 for waste disposal.

THE BRIGHT SIDE OF THE COIN

The outstanding example of successful cooperative pollution control is the work of the Ohio River Authority. States, cities, towns, villages, and industries have worked together to clean up the filthy Ohio River from Pittsburgh to the Mississippi. They had to do it if they were to continue to use the water and live beside the river. Now, they are proud of the job they have done.

In the Pacific Northwest another pollution headache shows some promise of finally being solved. In the very heart of the city of Seattle is beautiful Lake Washington. Like some other waters in the fast growing region it became polluted and infested with algae. A metropolitan organization was formed a few years ago to clean up the lake. It is succeeding in spite of the fact that all towns and communities are said not to be cooperating. In 10 years Seattle expects its big, jewel-like lake to be clean. It will be an important victory.

The rest of the country must do a similar job. The pressure for clean water will never stop. It cannot. Conservation groups, including the American Forestry Association, report that pollution is the topic most on the minds of many of their members today. In days gone by, the AFA could meet in almost any part of the country and talk forestry and only forestry. But not any more. Today, more and more members are saying, "Fine, fine—but what are you doing about stream pollution?"

THE COLD WAR GI BILL

Mr. MORSE. Mr. President, the summer issue of the George Washington University magazine contains an article written by James S. Gleason, Jr., a business executive, and a former national commander of the American Legion. As Administrator of Veterans' Affairs, he speaks with special competence in this area. I ask unanimous consent that his analysis of the 20th anniversary of the GI bill be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GI BILL AT 20: 1964 MARKS THE 20TH ANNIVERSARY OF THIS HISTORIC EXAMPLE OF LONG-RANGE PLANNING

(By John S. Gleason, Jr.)

Immediately after the guns stopped shooting, the bombs stopped raining down, and the lights went on again all over the world, the United States emerged from World War II to confront a serious domestic crisis.

The largest military force in U.S. history was encamped all over the world hoping for quick discharges, and jobs, houses, and education on their return. Mindful of the upheaval, unemployment, and bonus marches that followed the relatively short and smaller First World War, there was widespread fear about the potentially explosive reaction of 15.3 million World War II veterans whose lives had been uprooted in a longer, more far-flung and disruptive war.

One economist predicted a whopping 19 million unemployed if the postwar economy dropped back to its 1940 level of output. More conservative estimates placed the figure at a staggering 8 million. A sociologist, recalling that Hitler and Mussolini had recruited idle veterans, wrote gloomingly: "Veterans have written many a bloody page of history and those pages have stood forever as a record of their days of anger."

That the United States won victory in this great peacetime battle is a tribute to an unique piece of legislation—the GI bill of rights.

Exactly 16 days after D-Day, when U.S. Armed Forces made history with the sword, President Roosevelt made another kind of history with the stroke of his pen. He signed the GI bill of rights on June 22, 1944.

This year marks the 20th anniversary of the birth of this historic example of long-range planning, which has been compared with the Morrill Act creating land-grant colleges, the Monroe Doctrine, and the Marshall plan.

What was the GI bill of rights, actually titled "The Serviceman's Readjustment Act of 1944"? It provided for loans, education, readjustment allowances for veterans, and expanded veterans hospitals and employment service.

There were those who scoffed at the proposal for the GI bill. They called it an "all-time gravy train," aiming particularly heavy fire at the readjustment allowances. Yet only 10 percent exhausted this benefit. Some opponents claimed that veterans returning to school under the GI bill would breed "educational hobo jungles" on college campuses. Instead, they raised the intellectual level of the entire country.

Gloomy prophets hourly predicted that GI homes would be a haven for "deadbeats," that veterans would move in when housing was scarce and then walk out from their obligations. On the contrary, veterans have proved to be excellent credit risks.

But the opposition faded away along with their dire predictions. "With the signing of this bill," said President Roosevelt at a White House ceremony, "a well-rounded program of special veterans' benefits is nearly completed. It gives emphatic notice to the men and women of our Armed Forces that the American people do not intend to let them down."

The feeling was mutual. Veterans certainly did not intend to let America down. "They would be a potent force for good or evil in the years to come," as one veterans' leader predicted at the time. "They could make or break our country. But given the opportunity provided by the GI bill of rights, there was only one alternative—veterans would be a tremendous force for good, and help built a better America, after they had destroyed Nazi, Fascist, and Nipponese totalitarianism."

The words could not have been more prophetic. Here's a rundown on their GI bill record after 20 years.

1. Under the education and training provisions of the bill, 7,800,000 veterans—nearly half of all who served during the war—received training. With well over 2 million in college and another 3,500,000 in other schools, veterans filled every nook and corner of the dormitories, laboratories, and classrooms. They attended classes at 19,000 trade and technical schools, and Quonset huts dotted 2,600 campuses from the University of Maine to the University of Southern California.

About 1,400,000 veterans increased their skills in on-the-job training, and about 700,000 learned the newest agricultural techniques in on-the-farm training.

Today we are a far stronger nation for the infusion of the skills manpower gained through the GI bill: 450,000 engineers, 180,000 doctors, dentists, and nurses, 360,000 schoolteachers, 150,000 scientists, 243,000 accountants, 107,000 lawyers, 36,000 clergymen, 17,000 writers, 711,000 mechanics, 383,000 construction workers, 288,000 metalworkers, 138,000 electricians, and the almost 700,000 who trained for business and executive careers.

Altogether, it was the largest program of mass adult education ever undertaken at bargain rates. The $14.5 billion cost has been more than recouped.

The GI bill continues to pay for itself at close to $1 billion a year. The return comes from additional income tax paid by better-educated, higher-earning GI bill veterans.

2. Equally beneficial has been the long-range effects of the GI bill loan program. Structural evidence of it dots the countryside. One out of every five homes built since the end of World War II was financed with a GI loan. As someone said, the landscape architect of postwar America has been the VA loan guarantee officer.

More than 5,268,000 World War II veterans were granted Veterans' Administration home, farm, or business loans totaling more than $43 billion. The almost 5 million home loans in this total helped touch off a postwar housing boom that turned Americans into a nation of homeowners. This infusion of credit, of course, resulted in an enormous stimulus to our national economy. For purchases of new housing dilate the economic arteries. Purchases of new furniture, new appliances, new cars follows; and school construction and other public works are not far behind as new suburban communities mushroom. (These are communities with good credit ratings, it might be said, for more than a third of the GI loans are paid in full.)

3. Often under fire, the GI bill readjustment allowance program helped tide nearly 9 million veterans through the initial period while they looked for jobs. The average stay on the rolls was only 19 weeks, and some $3.8 billion was expended in this program, only 900,000 veterans, or about 1 out of 10, exhausted their full rights to unemployment benefits. Most veterans just weren't content with $20 a week, when they could be bringing home $100 from a job, or improving their skills and education.

It was an underappreciated bulwark against adversity for unemployed veterans. In most instances, the payments were not strung together. They were spread over periods when veterans were changing jobs, trying to find themselves in a new world.

4. Millions of veterans skipped school; most of the older, married and previously employed veterans, headed back to their old jobs, or better ones, if they could land them. One of the lessons that World War I demobilization drove home was that a strong, well-financed, public employment service is indispensable to a smooth readjustment process.

One Government official evaluated the GI bill by paraphrasing Winston Churchill. "Never before," he said, "has so much been done for so many for so little."

A leading industrialist, who knew a good investment when he saw one, agreed. Said Henry Ford II:

"Millions of veterans, who otherwise might not have had the opportunity, have been enabled to enter college or to complete specialized training.

"The Nation gains by having created a great new source from which to draw its leaders."

Leaders they are and leaders they will be, for years to come, according to Dr. Amos Yoder, who made a survey of the GI bill's impact on men listed in the 1960–61 Who's Who. He found approximately 1,000 who had benefited. All were under 46 years, which, he said, is a sizable number when it is realized that almost all of the men who make Who's Who are older.

Since the past is also prolog, the lessons of the GI bill have great value on the contemporary scene. In his message to Congress outlining plans for a war on poverty, President Johnson pointed out that if annual earnings of 10 million among the poor could be raised by only $1,000, it will add $14 billion a year to the national output; reduce the $4 billion in public assistance payments; and lower the costs of fighting crime, delinquency, disease, and hunger.

"Our history has proved," President Johnson said, "that each time we broaden the base of abundance, giving more people the chance to produce and consume, we create new industry, higher production, increased earnings, and better income for all." The GI bill is an excellent example of the wisdom of his words.

Mr. MORSE. Mr. President, the article by the Administrator of Veterans' Affairs takes on additional significance in connection with the cold war GI bill of rights, a measure for which I have fought shoulder to shoulder with the distinguished Senator from Texas [Mr. YARBOROUGH] and many of our colleagues over the years.

There is a great and continuing demand from the citizens of our Nation for enactment of the cold war GI bill. On August 24, for example, I received from President Marvin P. Busbee, of the National Association of State Approval Agencies, a letter and a resolution which had been passed by his organization on this subject.

I ask unanimous consent that the letter and the resolution be printed in the RECORD at this point in my remarks.

There being no objection, the letter and the resolution were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
STATE APPROVAL AGENCIES,
August 24, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am enclosing herewith a resolution which was unanimously adopted during the 17th annual conference of the National Association of State Approval Agencies—an organization consisting of the Approvâl Agencies for Veterans' and War Orphans' Training.

As a cosigner of S. 5, I know that you are fully cognizant that prior education and training legislation for veterans resulted in the greatest advances in education which the State and Nation has ever experienced within one generation as well as benefits to future generations.

The expenditures by the Federal Government to finance this education and training is not a gift—it is an investment which will be repaid through a higher tax being paid by the veterans through increased earnings. In addition to this repayment, another important factor is the effect upon our national economy. This additional income, necessary to sustain the veteran and his family during his period of training, goes to expand our national economy, resulting in more jobs and greater income for producers of goods and services who in turn pay a higher standard of living and we will benefit from the increase in skilled and professionally trained manpower.

The N.A.S.A.A. with its 17 years of experience, and its members, many with 20 years of experience, being fully aware of this need, respectfully request that favorable consideration be given to education and training legislation for our cold war veterans.

Sincerely,
MARVIN P. BUSBEE,
President.

RESOLUTION OF THE NATIONAL ASSOCIATION OF STATE APPROVAL AGENCIES

Whereas education and training programs of readjustment for veterans of World War II and the Korean conflict have proven to be educationally and economically sound and a tremendous investment in our human resources for the continued benefit of these veterans, their families, and the Nation as a whole; and

Whereas our national policy requiring compulsory military service for certain selected persons is continued; and

Whereas the ranks of the unemployed and underemployed are increasing daily by the release from service of cold war veterans; and

Whereas no legislation old or new has met the special needs of veterans with the satisfaction and success of the GI bills; and

Whereas there is an obvious need for a program of readjustment benefits for cold war veterans: Now, therefore, be it

Resolved, That the National Association of State Approval Agencies in annual conference assembled in Miami Beach, Fla., June 19–24, 1964, urgently request the Congress of the United States to enact at an early date appropriate legislation to provide education and training as well as other readjustment benefits for veterans who first entered the military service after January 31, 1955, and for as long as the national interests demand that we maintain a policy of compulsory military service; be it further

Resolved, That copies of this resolution be sent to the President of the United States, chairmen of the appropriate congressional committees, a copy to each member of said committees, and a copy to other interested groups and individuals.

Mr. MORSE. Mr. President, I urge all citizens interested in obtaining this needed educational assistance to join me in attempting to persuade the administration of the importance of the early enactment of the bill into statute.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DIRKSEN and several other Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. Mr. President, first let me direct a parliamentary inquiry to the Chair——

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. The pending business, as I understand, is the Javits-McCarthy amendment to the Dirksen-Mansfield amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. I understand it would be agreeable on both sides if a vote on that amendment were deferred until Tuesday next at 2:30 p.m. There are some compelling reasons for that undertaking, but I think mainly it is agreeable to both sides. I would, therefore, present a unanimous-consent request that, on the Javits-McCarthy proposal a vote come at 2:30 on Tuesday next.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. In the first place, it is the amendment of the Senator from Minnesota [Mr. MCCARTHY], myself, and the senior Senator from Minnesota [Mr. HUMPHREY]. Aside from that, I think there should be 2 hours' debate immediately preceding the vote, to be equally divided and to be controlled on the part of the proponents by me or the Senator from Minnesota [Mr. MCCARTHY], and on the part of the opponents by the majority or minority leader. Which would the minority leader prefer?

Mr. DIRKSEN. After the convening of the Senate on Tuesday next, I would assume there would be the usual morning hour, and after 2 hours of debate—to be equally divided by the proponents and opponents, without specifying who would be in control, but I think it might be me so far as the opposition is concerned, and either the Senator from New York or the Senator from Minnesota—the Senate would vote, and that vote would be held at 2:30 p.m.

Mr. JAVITS. Mr. President, the unanimous consent would include the provision that the morning hour would end at 12:30.

Mr. DOUGLAS and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DIRKSEN] has the floor.

Mr. DOUGLAS. Mr. President, reserving the right to object—and it is not my present intention to object—I am sure those of us who were active in opposing cloture and who have been charged with filibustering will be happy to vote on Monday, so any delay until Tuesday is not at our request. But if the proponents of the amendment and the majority and minority leaders believe we should vote on Tuesday, we will reluctantly put it over. But we are ready to have a vote on Monday.

The PRESIDING OFFICER. The Chair wishes to direct a question to the Senator from Illinois. Is the understanding of the Chair correct, that the Senator from Illinois is proposing that the morning hour conclude at 12:30?

Mr. DIRKSEN. Yes; but it offers one difficulty. There may be one more amendment offered, either before or after the Javits amendment is pending. We shall have to make provision for that, also, because the Tuck bill may be offered as an amendment to the Dirksen-Mansfield amendment.

Mr. PASTORE. Mr. President, reserving the right to object, in view of the last development, why would it not be proper to have this unanimous consent cover any amendment that might be offered and in the meantime have the vote on this amendment immediately follow? In other words, the Senator from South Carolina [Mr. THURMOND] has an amendment to offer. We would take a vote on it at 2:30, with this amendment to follow immediately.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is it a fact that the amendment I have proposed is an amendment in the second degree and that it cannot be amended?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Therefore, we had better vote on this amendment. It cannot be amended. If it is turned down, any Senator can offer an amendment to the Dirksen-Mansfield amendment.

Mr. DIRKSEN. Mr. President, may I interpose this thought? There will be a religious holiday next week, and I think we should be respectful of what that faith requires as to when the holiday begins. The hour of 2:30 was therefore set so as to accommodate all persons who might be involved. After action on the Javits amendment, an amendment can then be offered. I am sure there is no objection to that.

Mr. JAVITS. Of course not. Any amendment will then be in order.

Mr. PASTORE. Mr. President, if the Senator will yield, is it proposed to have a vote on the McCarthy-Javits-Humphrey amendment at 2:30 p.m.?

Mr. JAVITS. Yes.

Mr. DOUGLAS. Mr. President, reserving the right to object—and it is not my present intention to object—I would like a parliamentary clarification as to what will be in order between now and Tuesday noon? Will any amendment to the Javits-McCarthy-Humphrey amendment be in order, or will this unanimous consent supersede that, so no further amendment can be offered?

The PRESIDING OFFICER. First the Chair will state to the Senator from Illinois that the Javits-McCarthy-Humphrey amendment is not open to amendment.

Mr. DOUGLAS. Then, it will be the pending business?

The PRESIDING OFFICER. Debate would not be possible on the amendment until 2:30 p.m. on Tuesday, and the work of the Senate would be whatever the Senate wished to have before it.

Mr. DOUGLAS. In the interim, however, no amendment to the Javits-McCarthy-Humphrey amendment could be offered; nor could the Javits-McCarthy-Humphrey amendment be set aside. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOUGLAS. Except by unanimous consent.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOUGLAS. I serve notice that some of us will not give unanimous consent to any motion connected with or variant of the Javits-McCarthy-Humphrey amendment.

Mr. DIRKSEN. Obviously, the Javits-McCarthy-Humphrey amendment is in the second degree; therefore, there can be no amendment of it until it is disposed of. The only way the Senate could proceed to other business would be by unanimous consent or motion to lay the pending business aside to take up bills on the calendar. To that I would have to object. So, Mr. President, this is going to be the business until the foreign aid bill, with the Dirksen-Mansfield amendment, or amendments thereto, have been disposed of.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MORSE. I thank the Senator for his clear explanation. I am now able to reinstate an invitation which I have to be in Miami to address the Machinists, which invitation I had to cancel because I thought my duties would keep me here.

Mr. DIRKSEN. Mr. President, the distinguished Senator from Oregon can go as far as Stanleyville in the Congo to make his speech and still be back in time.

Mr. PASTORE. He can begin to spend his honorarium.

Mr. DIRKSEN. Yes; or he can go to a cattle show.

Mr. MORSE. My friend from Rhode Island is usually right, but in this case I am making a gratuitous speech.

Mr. JAVITS. I wish one other point to be clearly understood. I ask unanimous consent that I shall have the right to modify my amendment until the yeas and nays are ordered.

The PRESIDING OFFICER. The Senator has that right.

Mr. DIRKSEN. That is guaranteed under the rule.

Mr. JAVITS. Not after the yeas and nays have been ordered. We had that problem the other day.

Mr. DIRKSEN. As long as the yeas and nays have not been ordered.

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

UNANIMOUS CONSENT AGREEMENT

Ordered, That the Senate, on Tuesday, September 15, at 2:30 p.m. proceed to vote on the pending Javits amendment No. 1234, as a substitute for the Dirksen amendment No. 1215, with the time between 12:30 p.m. and 2:30 p.m. on that day to be equally divided and controlled by the proponents and the opponents, respectively, and that the Senator from New York [Mr. JAVITS] have the right to modify his amendment until the yeas and nays are ordered thereon.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

Mr. BYRD of West Virginia. Mr. President, by legislating to authorize a program of public works and human and economic developments for the Appalachian region, we will be doing for our own country what we have been generously doing for other countries through foreign aid for the past 17 years, and we will be helping people who want to be useful partners in the expanding economic progress of our great country. In short, the program represents a sound investment in an area which—though rich in human and natural resources—is going to waste.

The program embodied in the Appalachian Regional Development Act of 1964 should not be looked upon as welfare for the people in the nine States who will participate in the projects. We shall all benefit from this effort by making another area of our Nation more self-sufficient.

I must admit to having a personal interest in the legislation because of its importance to West Virginia and her bordering States. We look with hope to the development of better health and treatment centers, vocational education facilities, long-needed highway expansion, a better utilization of our rich timber resources, and to a revitalization of the coal industry which, we all know, is the economic backbone of the region.

In each case, the proposed legislation would answer specific needs and, in the long run, would increase the standards of living of all Americans.

For the moment, I would ask the Senate to consider the plight of the men and women in this section of our country—men and women who are the sons and daughters of pioneers who, themselves, gave to the United States and the world, in peace and in war, their best years and efforts.

Through the years, children have been taught in schools about the value of coal in the industrial revolution that propelled America into the forefront of world developments. In years to come, history will record the role of Appalachia in rebuilding Europe from the rubble of World War II.

The achievements of coal miners, their daring and bravery in their daily work, and the advancement made by the industry have helped to instill a deep love for America in the hearts of our schoolchildren.

When the coal industry was going full force, Appalachia was also progressing. However, the advancement of science and automation was also moving ahead. In recent years, increased use of residual oil has added to the problems of the coal industry, and unemployment has resulted.

By 1960, the ranks of the unemployed had swelled to 380,000, or 7.1 percent of the Appalachian labor force, compared to 5.0 percent throughout the United States.

With the slowdown in employment, there was an understandable lack of investment in the area by business enterprises looking for expansion. This withdrawal of investment had its effect, too, on job opportunities in the region.

While each pitfall spelled a new hardship for families who were born and reared in these States, these problems, when combined, were even more devastating. They forced a massive outmigration of this native population from its homeland to other States.

Many of the people who remained now find themselves casualties of the era of automation.

The report of the President's Appalachian Regional Commission contains an endless number of important facts about this area. These are a few of the most vital:

In Appalachia, almost one in three families lives on an annual income of $3,000 or less. Elsewhere in the United States, that figure drops to one family in every five.

The average per capita income for the balance of the United States—$1,900—is 35 percent greater than the Appalachian figure of $1,400.

For every 100 persons over 25 years of age elsewhere in the United States, 8 have failed to finish 5 years of school. In Appalachia, that figure rises to more than 11, or 45 percent higher than the balance of the United States.

Thirty-two out of every 100 Appalachian citizens over 25 have finished high school, contrasted to almost 42 persons out of every 100 in the balance of the United States.

Retail sales in Appalachia in 1962 were equal to 6.4 percent of national totals, a figure well below Appalachia's 8.5 percent share of U.S. population.

In this area, 26.6 percent of the homes need major repairs and 7.5 percent are in such a dilapidated condition that they endanger the health and safety of the families. The comparable percentages for the rest of the United States are 18.1 and 4.7, respectively.

If it were not for the faith of these people in their land, these figures would certainly have discouraged the most hearty among them.

Let us now look at this program of self-help to rebuild the land of Appalachia—that ribbon of neglect which stretches from Pennsylvania to Alabama.

The milestones are, of course, the projects that will improve health, education, and economics. We will be ever grateful for those efforts to educate both the children and young adults in the grants to construct vocational education centers.

Grants to build vitally needed hospitals and regional health diagnostic and treatment centers will be similarly welcomed.

We have heard much talk about the highway program about which the report from the President's Commission says:

> Instead of upgrading or expanding the most heavily traveled routes, a development system seeks to stimulate the flow of people and goods to and through remote areas which have a developmental potential; it seeks, in short, to create traffic and to open up areas where commerce and communication of people with people have been sorely inhibited by lack of ready access.

Those of us who have long believed that highways are the key to economic growth in West Virginia welcome this recognition by our Federal Government.

Important, too, is the $5 million fund that would be set up to spur the development of the timber industry.

A revitalized timber industry can be a key element to the economic growth of Appalachia. The present growth of timber is underutilized within the region, and its possible contribution to employment and local wealth is far from realized. Measures to expand and diversify the region's forest industries must and will be undertaken by this legislation.

The investment of $21.5 million to rehabilitate areas damaged by careless mining practices is sound and practicable.

It will be used for grants to States to seal and fill voids in abandoned coal mines; it will assist in planning and executing projects for extinguishing underground and outcrop mine fires; it will expand and accelerate fish and wildlife restoration projects; and it will carry the intent of Congress to provide for the development of a comprehensive, long-range program for the purpose of reclaiming and rehabilitating strip- and surface-mining areas in the United States.

Much more could be said about the needs of Appalachia, but it is more essential that the emphasis now be placed on action.

At this moment, I am reminded of a suggestion by the late President John F. Kennedy concerning the problems facing the country when he took office in 1961. They are many, he said, and there could be endless debate as to the proper place to begin. The important thing, he said, is, "Let us begin."

So, too, should we begin on Appalachia.

KEYNOTE ADDRESS BY SENATOR PASTORE AT THE DEMOCRATIC NATIONAL CONVENTION

Mr. BREWSTER. Mr. President, 2 weeks ago those of us on this side of the aisle returned from Atlantic City with a deep sense of pride in the great party to which we belong.

The Democratic Convention brought together many of the great leaders of this country. It paid tribute to our past, and set the tone for our future.

Compared to the performance at the Cow Palace in San Francisco, the Democratic Party presented the country with a program of progress—a program which promises increased economic and educational opportunities for all Americans and a continuing growth in our already unprecedented prosperity.

The Democratic Party is a party dedicated to peace, to dignity, to reason, and to the people of this country. The Democratic Party has proved itself capable of leading this Nation through crisis to greatness—capable of keeping its promises.

Mr. President, the Democratic Convention which nominated for President and Vice President of the United States two men with a distinguished record of service in the Senate chose for its keynoter another brilliant Member of this body, the capable and convincing senior Senator from Rhode Island.

Mr. President, no words that I could add here could contribute to the eloquence of Senator PASTORE's address to the convention and to the Nation. It was a magnificent summary of our party's achievements, a thrilling call for four more years of progressive Government, and a biting indictment of the decadent philosophy which has captured the opposition.

I ask unanimous consent that the keynote address of the Honorable JOHN O. PASTORE be printed at this point in the RECORD for the edification of my colleagues on the other side of the aisle, and for the consideration of all Americans.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

KEYNOTE ADDRESS OF U.S. SENATOR JOHN O. PASTORE, AT THE DEMOCRATIC NATIONAL CONVENTION, ATLANTIC CITY, N.J., AUGUST 24, 1964

Fellow delegates and fellow Americans, this is not in my script, but, indeed, it is in my heart. I would be a strange person, indeed, if I did not acknowledge this marvelous and wondrous manifestation of good will.

This is something that could happen in America alone. I am a first-generation native American of immigrant parents who came to this great land at the turn of the century. My State has already honored me with the two highest positions in the gift of our people to bestow upon any citizen; namely, the governorship of the State and now membership in the U.S. Senate for 14 years. [Applause.]

And, if that were not enough, my party has seen fit to grant me the privilege to speak to you tonight as your keynoter. [Applause.]

My cup tonight runneth over—and the best way I can express it is to say—God bless America. [Applause.]

We meet here tonight to proclaim as the first business of this convention to assure the people of the United States of America and the people of the world that—on the American political scene—reason—and respect—and responsibility still survive. [Applause.]

In this hour of decision for America, this is a time for plain talk.

This is no time for any party to speak in any language that has to be explained away tomorrow—and tomorrow—and tomorrow. [Applause.]

As the party in office we must speak of the facts of life as they are, in a way that every American home will understand them—and we will not be misunderstood either in Moscow—in Peking—or anywhere else in the world. [Applause.]

Our responsibility is now.

We Democrats meet tonight in the glow of the four inspiring Kennedy-Johnson years—a showpiece of partnership, progress, and leadership. [Applause.]

Truly, it is a record of which every Democrat can be justifiably proud.

In this campaign we shall talk—and we shall talk proudly—of these past 4 inspiring years—4 years replete with accomplishments for our people—for the prosperity of the Nation—and for peace in the world. [Applause.]

Our task—yours and mine—is to bring this great record to the attention of every home and every heart in America—for what we do here and how well we do it—will be of no avail unless we carry the convincing story of the Democratic Party to every voter in our land. [Applause.]

Our economy has moved through 42 months of continuous climb. We are breaking all records of peacetime good times.

Never before in the history of this great Republic have we known such prosperity.

We have more income—more profits—more jobs—more security today than we had 4 years ago.

Moreover—in the process—we have built up the mightiest military power this world has ever known—greater than the military might of all the other nations of the world combined. [Applause.]

But—in the words of President Johnson—we maintain this power not for plunder—not for conquest—but in order to avoid conflict—and to preserve the peace of the world. [Applause.]

We have helped the new nations to freedom and friendship—and our Peace Corps is winning the hearts of the world.

This is what President Johnson means when he speaks of people and prosperity—preparedness and peace.

Speaking of peace, we can be proud that only 3 weeks ago we celebrated the first anniversary of the nuclear test ban treaty—and this was the greatest victory for mankind in our time. [Applause.]

And, mind you this—this treaty was sought by President Truman. This treaty was sought by President Eisenhower. This treaty was opposed by the Republican nominee—and this treaty was brought to fruition by our beloved President John F. Kennedy. [Sustained applause and ovation.]

This year, fellow delegates and fellow Americans, we reached another milestone in humanity.

It is truly a memorial to President Kennedy as in this session of the Congress we passed a civil rights law. [Applause.]

It has been due for a hundred years. [Applause.]

We debated it for another year. We acted neither in haste nor in hate—and finally the conscience of America spoke—and it spoke impressively.

The vote was overwhelming.

In the House of Representatives it was passed by 289 to 126—better than 2 to 1.

In the Senate it was passed by 73 to 27—almost 3 to 1.

The Republicans voted for civil rights 4 to 1—and in full fairness tonight, we acknowledge the support and assistance given to us by these Republicans. [Applause.]

After all, it is a Democratic habit to give credit where credit is due. [Applause.]

This was not a partisan performance. It should not be partisan. It was in the spirit of our Founding Fathers. It is in keeping with our American concept that all men are created equal. [Applause.]

This act of justice was the dream of President Kennedy—and it was brought to fulfillment by President Johnson. [Applause.]

Now—this, to be sure, is not the whole record of this administration.

There is much more—and, in due time, we shall bring it to the attention of every voter in America by chapter and by verse. [Applause.]

We are a positive party. We are a party that can boast of a record we have made—of promises made and promises kept. [Applause.]

But we cannot rest on our laurels of the past or the present. Ours is a vision of an even brighter future. We know that times change and we are ready to meet each new challenge.

When we go forth from Atlantic City, it will be with a platform that speaks in language powerful but plain. [Applause.]

Just as no Democrat has to apologize for our performance of the past, no Democrat will have to explain away the promises of our platform.

We will move forward in decency and dignity. [Applause.]

We invite every American to contrast our record—and contrast our conduct here with the spectacle in the Cow Palace only 6 weeks ago. [Applause.]

The Cow Palace is only a continent away—but we Democrats are a world apart from all the confusion—all the dissension—and all the defection that took place at the Cow Palace 6 weeks ago. [Applause.]

Will the American viewing public ever forget how the Governor of New York was rebuffed and jeered when he tried to speak.

As for the Republican keynoter, I must say tonight that he tried real hard, but he just didn't quite make it. [Applause.]

He wrote his speech for Rockefeller—he made his speech for Scranton, and he ends up with GOLDWATER—and now GOLDWATER won't buy it. [Applause and laughter.]

Oh—how eager they were to drag the Bay of Pigs into the Cow Palace.

Why didn't they tell the American people of the real Cuban crisis of October 1962—when the world stood still—and all of us held our breath—and there stood President John F. Kennedy—10 feet tall [applause] 10 feet tall—determined, courageous, and strong—and for the first time—yes, for the first time—the world saw Nikita Khrushchev pick up his marbles and go home. [Applause.]

Now I hear that BARRY GOLDWATER doesn't think we have the mightiest military power in the world. Well, I can understand that—he is a candidate. [Applause and laughter.]

But I say to BARRY GOLDWATER—when Nikita Khrushchev looked down the barrel of that Kennedy cannon—he knew differently—and that, my fellow Americans, is where it counts. [Applause.]

And only 3 weeks ago in the Gulf of Tonkin, Hanoi and Peiping felt the sting of President Johnson's determination. Now they, too, know differently—and I say to BARRY GOLDWATER that is exactly where it counts. [Applause.]

As for the feuding that took place at that convention as to whose finger should be on the trigger of the atomic bomb—that power today rests solely with the President of the United States [applause] that is exactly where it should be [applause] and that is where we Democrats intend to keep it [applause] keep it there safe with President Lyndon B. Johnson. [Applause and demonstration.]

As chairman of the Joint Committee of the Congress on Atomic Energy, I believe that I have some understanding of the awesome power of nuclear and thermonuclear weapons. Only a short while ago I stood on an American airfield close up to one of those 1,100 planes that President Johnson talked about in the film we have just seen. That plane had two hydrogen bombs—and there was more destructive power in just those two bombs than in all the bombs that rained down on all the earth in World War II.

So when I hear anyone speak glibly and loosely about whose finger should be "on the trigger," I am deeply disturbed. I am deeply concerned when people discuss the use of nuclear weapons—and who should make the decision to use them. For—in an all-out atomic war, there will be no winner—and surely weapons of this tremendous magnitude should be used only as a last resort—and then solely on the decision of the President of the United States. [Applause.]

The challenge of our time is to maintain peace with honor and to avert a thermonuclear holocaust.

If an all-out atomic war ever comes—please understand—please understand—every home—every kitchen—every cradle could well become a cemetery.

The sanity of America is the security of the world.

Ours is a world in ferment. It is a world of 3 billion people with new freedoms and old hates. Crises not of our creation confront us in Asia—in Africa—in Cyprus—and in the Middle East. These problems have deep roots—and the seeds of some were sown long before we became a republic.

Now we have a new crisis here at home.

A sinister element has crept into our political life. It is the element of extremism.

Six weeks ago—despite the efforts of responsible members of the opposition, reactionaries, and extremists captured the Republican Party—lock, stock, and barrel. [Applause.]

A minority captured their candidates, too.

No matter how much the factions within the Republican Party stumble over one another trying to define the word "extremism" to the American people, the union of responsible Republicans and reactionaries is absolutely irreconcilable. [Applause.]

As far as I am concerned—extremism is akin to fanaticism.

And when these fanatics dare to call a President of the United States—a Republican at that—a conscious agent of the Communist conspiracy, then I say shame—shame on all your houses. [Applause.]

Now they profess to offer a clear choice to the American people. Oh, what a Trojan horse. [Applause.]

What is this clear choice?

Do they mean the choice to renounce the nuclear test ban treaty—and to begin testing again in the atmosphere—and further contaminating the air?

Do they mean to change our social security system—first by making it voluntary—and then making it weaker—and weaker—until they have destroyed it?

Do they mean the repeal of the minimum wage law?

Do they mean to weaken the labor unions in America under the pretext of a right-to-work law?

Do they mean that we should withdraw from the Atlantic Alliance and stand alone—after spending billions and billions of dollars to make our allies strong?

Do they mean that we should withdraw from the United Nations and fight over our problems rather than to talk them over?

Do they mean the end of President Johnson's war against poverty?

Do they mean to turn the clock back 32 years and take away from the American people all our hard-won social reforms? [Applause.]

What does the Republican candidate choose to have anything mean at any given moment?

This world cannot wait until Saturday to learn what he meant when he spoke on Monday. [Applause.]

The man in the White House does not have the luxury of a second choice. He has to be right the first time. [Applause.]

In the Presidency there is no substitute for coolness—there is no substitute for clarity—there is no substitute for experience.

No man ever came to the Presidency of the United States with more experience than President Johnson. [Applause.]

For 32 years he has been at the very heart of Democratic inspiration in the most dynamic generation of America and all mankind.

He was close to President Roosevelt.

He was close to President Truman.

He was the partner—and the personal choice of President Kennedy.

Yes—the American people have a clear choice—and they will find it here in the Democratic Party. [Applause.]

Our party has a clear challenge—and we accept it.

Together we shall preserve the hard-won progress of a great people.

We are here this week to repledge that our great society shall move forward. We shall move with all devotion to America's destiny—with all dedication that the true character of America shall endure for our children and for our children's children. [Applause.]

We invite every American, Democrat, Independent, and moderate Republican, to march forward with us in the more perfect union that is our American ideal.

Our times are too troubled to turn class against class, to turn creed against creed, to turn color against color, and to turn rich against poor. [Applause.]

Who does not thrill to an America that opens her heart to the less fortunate, and to President Johnson's call to his war on poverty?

It is Lyndon Johnson's tribute to a voice we can never forget, a voice that said, "If a free society cannot help the many that are poor, how can it save the few who are rich?" [Applause.]

That beloved and eloquent voice is now stilled, suddenly silenced by an assassin's bullet; the mad act of a twisted mind.

As a watching world stood still and bewildered, we saw another great personality—the choice of his predecessor—rise up in that moment of tragedy, resolute and determined.

In the tragic hour of Presidential transition, the world took the measure of this man—and Lyndon Johnson measured up to his awesome hour. [Applause.]

In the free world there was no fear for the continuity of our democracy.

In that other world—not a single spiked Communist boot dared to move an inch. [Applause.]

America moves on with the majesty of these 9 miracle months. Never, in so short a time, has so much been accomplished that is good and great for our country.

These months confirm the wisdom of our fallen leader, and the vision of President Kennedy lives on in the character, in the capability, and in the courage of the teammate of his choice. [Applause.]

With the full sincerity of my soul, I say that God did bless American on that day, 4 years ago at Los Angeles, when John F. Kennedy said, "I need you, Lyndon Johnson."

And on November 3, the American people will echo that call, "We need you, President Johnson."

[Standing ovation.]

CONSTITUTIONAL AMENDMENT WITH RESPECT TO THE QUALIFICATIONS OF MEMBERS OF THE SENATE

Mr. DOMINICK. Mr. President, on behalf of myself, the Senator from Colorado [Mr. Allott], and the Senator from Wyoming [Mr. Simpson], I send to the desk, for appropriate reference, a proposed constitutional amendment which, if adopted, would increase the qualifications necessary to hold the office of U.S. Senator.

The proposal is simple. In order to qualify for that office, one must not only meet present constitutional requirements, but also be an inhabitant of the selecting State for a period of at least 1 year prior to election or appointment.

Mr. President, I ask unanimous consent to include at this point in my remarks the text of the proposed amendment.

The **PRESIDING OFFICER** (Mr. Brewster in the chair). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 203) proposing an amendment to the Constitution with respect to the qualifications of Members of the Senate, introduced by the Senator from Colorado [Mr. Dominick] (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article—

"Section 1. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected or appointed, have been an inhabitant of that State for which he shall be chosen for at least one year immediately prior to his election or appointment.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

Mr. DOMINICK. Mr. President, under existing circumstances, it may seem that this proposal is a partisan political move. I assure my colleagues, however, that it is not offered in that spirit, and I will detail for you some of the reasons and circumstances leading me to this step.

This Senate has recently had occasion to debate the validity of the appointment of our distinguished colleague from California, Senator Salinger. I am glad the Senator is in the Chamber. A good part of the debate revolved around the question of whether the State of California through its legislature had the right to limit the qualifications of persons eligible to be appointed by the Governor to this high office. The precedents indicate that States do not have power to add qualifications to those set forth in the Constitution in the case of a person seeking the office of Senator by election.

Quite properly all Senators stated that the Senate has the final right to determine the qualifications of its Members and since Senator Salinger is 30 years old, has been a citizen for more than 9 years and apparently presently inhabits California, it determined to seat Senator Salinger. Nevertheless, the hearings developed several interesting facts. Our distinguished colleague, although born in California, has lived in Virginia for more than 8 years and in 1963 was a voting taxpaying resident of Virginia. On March 20, 1964, at about 4 a.m. he went to the Fairmont Hotel in San Francisco for the purpose of filing as a candidate for Senator from California and actually filed in that office at about 5 p.m. the same day. To say the least, 13 hours is not a long period of time to become acquainted with the contemporary circumstances of that great State and certainly would not fulfill residency requirements for voting purposes in any State. During his 8-year absence, many things may have happened in California. By the time of the general election this fall, he will have "inhabited" the State for 7½ months.

Mr. Robert F. Kennedy, former Attorney General of the United States, lived in Massachusetts until the early 1950's when he moved to the District of Columbia and later to Virginia. He has maintained his home in Virginia during that time, although retaining voting residency in Massachusetts. He has now been nominated by the Democratic Party in New York to seek election to the U.S. Senate, not from Massachusetts, his ancestral home, nor from Virginia, his newer home, but from the State of New York.

To do so, he even resigned as a delegate from Massachusetts to the National Democratic Convention. Mr. Kennedy claims to meet all constitutional qualifications for the office. He is certainly 30 years old, and he has been a citizen for more than 9 years. He claims to be an "inhabitant" of the State of New York, apparently on the basis of preparing to rent a home in Long Island. At best, Mr. Kennedy will have been an "inhabitant" of New York for only 2½ months prior to the general election and cannot even vote in that State in this election. He has been quoted as saying that he will not vote at all, and his wife has been quoted as saying that there is no point in buying a home in New York, as if elected he will continue to live in Virginia and if defeated will return to Hyannisport, Mass. To an average person his inhabitancy of New York must seem tenuous at best and as illusory as the tail light of a firefly.

Each of the 50 States, Mr. President, imposes residency requirements on its citizens as a prerequisite to the right to vote. These requirements are imposed in order to prevent multiple voting and to insure that each voter has an opportunity to know the candidates running for office so that his or her vote may be an informed one. In 33 States, residency requirements for voting purposes for all offices, except President and Vice President, are established at 1 year. In two States it is established at 2 years. In 14 States it is fixed at 6 months. In one State, Hawaii, it is 1 year or 9 months by registration. The vast majority of States, therefore, require residency for 1 year or more before their citizens can vote. I suggest that it is just as important to good government to require that a candidate for the office of U.S. Senator should reside or actually inhabit the selecting State for an equal length of time prior to election or appointment so that he or she may be fully conversant with the geographic, cultural, economic, and political circumstances of the State to be represented.

It will be noted that the proposed constitutional amendment would require that a U.S. Senator be an inhabitant of the State from which he is elected or appointed for at least 1 year immediately prior to such election or appointment. At first I contemplated substituting the word "resident" for "inhabitant." However, after some discussion about this, I found that it had been the subject of some debate in the original Federal Convention assigned to write the Constitution. I ask unanimous consent to insert the pertinent portions of that debate at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

In Convention

Mr. John Francis Mercer, from Maryland, took his seat.

Mr. Rutledge delivered in the report of the committee of detail, as follows—a printed copy being at the same time furnished to each member:

"We, the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, do ordain, declare, and establish, the following Constitution for the government of ourselves and our posterity:—

"Article I. The style of the government shall be, 'The United States of America.'

"Art. II. The Government shall consist of supreme legislative, executive, and judicial powers.

"ART. III. The legislative power shall be vested in a Congress, to consist of two separate and distinct bodies of men, a House of Representatives and a Senate; each of which shall in all cases have a negative on the other. The Legislature shall meet on the first Monday in December in every year.

"ART. IV—SEC. 1. The Members of the House of Representatives shall be chosen, every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be the same, from time to time, as those of the electors, in the several States, of the most numerous branch of their own legislatures.

"SEC. 2. Every Member of the House of Representatives shall be of the age of 25 years at least; shall have been a citizen in the United States for at least 3 years before his election; and shall be, at the time of his election, a resident of the State in which he shall be chosen.

"SEC. 3. The House of Representatives shall, at its first formation, and until the number of citizens and inhabitants shall be taken in the manner hereinafter described, consist of 65 Members, of which 3 shall be chosen in New Hampshire, 8 in Massachusetts, 1 in Rhode Island and Providence Plantations, 5 in Connecticut, 6 in New York, 4 in New Jersey, 8 in Pennsylvania, 1 in Delaware, 6 in Maryland, 10 in Virginia, 5 in North Carolina, 5 in South Carolina, and 3 in Georgia.

"SEC. 4. As the proportions of numbers in different States will alter from time to time as some of the States may hereafter be divided; as others may be enlarged by addition of territory; as two or more States may be united; as new States will be erected within the limits of the United States—the legislature shall, in each of these cases, regulate the number of representatives by the number of inhabitants, according to the provisions hereinafter made, at the rate of 1 for every 40,000.

"SEC. 5. All bills for raising or appropriating money, and for fixing the salaries of the officers of Government, shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No money shall be drawn from the public Treasury, but in pursuance of appropriations that shall originate in the House of Representatices.

"SEC. 6. The House of Representatives shall have the sole power of impeachment. It shall choose its Speaker and other officers.

"SEC. 7. Vacancies in the House of Representatives shall be supplied by writs of section from the executive authority of the State in the representation from which they shall happen.

"ART. V.—SEC. 1. The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

"SEC. 2. The Senators shall be chosen for 6 years; but immediately after the first election, they shall be divided, by lot, into three classes, as nearly as may be, numbered one, two, and three. The seats of the members of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; of the third class at the expiration of the sixth year, so that a third part of the Members may be chosen every second year.

"SEC. 3. Every Member of the Senate shall be of the age of 30 years at least; shall have been a citizen in the United States for at least 4 years before his election; and shall be, at the time of his election, a resident of the State for which he shall be chosen."

Mr. Sherman moved to strike out the word "resident" and insert "inhabitant," as less liable to misconstruction.

Mr. Madison seconded the motion. Both were vague, but the latter least so in common acceptation, and could not exclude persons absent occasionally, for a considerable time, on public or private business. Great disputes had been raised in Virginia concerning the meaning of residence as a qualification of representatives, which were determined more according to the affection or dislike to the man in question than to any fixed interpretation of the word.

Mr. Wilson preferred "inhabitant."

Mr. Gouverneur Morris was opposed to both, and for requiring nothing more than a freehold. He quoted great disputes in New York, occasioned by these terms, which were decided by the arbitrary will of the majority. Such a regulation is not necessary. People rarely choose a nonresident. It is improper, as, in the first branch, the people at large, not the States, are represented.

Mr. Rutledge urged and moved, that a residence of 7 years should be required in the State wherein the member should be elected. An emigrant from New England to South Carolina or Georgia would know little of its affairs, and could not be supposed to acquire a thorough knowledge in less time.

Mr. Read reminded him that we were now forming a national government, and such a regulation would correspond little with the idea that we were one people.

Mr. Wilson enforced the same consideration.

Mr. Madison suggested the case of new States in the west, which could have, perhaps, no representation on that plan.

Mr. MERCER. Such a regulation would present a greater alienship than existed under the old Federal system. It would interweave local prejudices and state distinctions in the very Constitution which is meant to cure them. He mentioned instances of violent disputes raised in Maryland concerning the term "residence."

Mr. Ellsworth thought 7 years of residence was by far too long a term; but that some fixed term of previous residence would be proper. He thought 1 year would be sufficient, but seemed to have no objection to 3 years.

Mr. Dickinson proposed that it should read "inhabitant actually resident for — years." This would render the meaning less indeterminate.

Mr. WILSON. If a short term should be inserted in the blank, so strict an expression might be construed to exclude the members of the legislature, who could not be said to be actual residents in their States, whilst at the seat of the general government.

Mr. MERCER. It would certainly exclude men, who had once been inhabitants, and returning from residence elsewhere to resettle in their original State, although a want of the necessary knowledge could not in such cases be presumed.

Mr. Mason thought 7 years too long, but would never agree to part with the principle. It is a valuable principle. He thought it a defect in the plan, that the representatives would be too few to bring with them all the local knowledge necessary. If residence be not required, rich men of neighboring States may employ with success the means of corruption in some particular district, and thereby get into the public councils after having failed in their own States. This is the practice in the boroughs of England.

On the question for postponing, in order to consider Mr. Dickinson's motion,—

Maryland, South Carolina, Georgia, aye, 3; New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania Delaware, Virginia, North Carolina, no, 8.

On the question for inserting "inhabitant," in place of "resident,"—agreed to, nem. con.

Mr. Ellsworth and Col. Mason moved to insert "one year" for previous inhabitancy.

Mr. Williamson liked the report as it stood. He thought "resident" a good enough term. He was against requiring any period of previous residence. New residents, if elected, will be most zealous to conform to the will of their constituents, as their conduct will be watched with a more jealous eye.

Mr. Butler and Mr. Rutledge moved "3 years," instead of "1 year," for previous inhabitancy.

On the question for "3 years,"—

South Carolina, Georiga, aye, 2; New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina no, 9.

On the question for "1 year,"—

New Jersey, North Carolina, South Carolina, Georgia, aye, 4; New Hampshire, Massachusetts, Connecticut, Pennsylvania Delaware, Virginia, no, 6; Maryland divided.

Article 4, sec. 2, as amended in manner preceding, was agreed to.

The term "resident" was struck out, and "inhabitant" inserted,

Article 5, sec. 3, as amended, was then agreed to, nem. con.

Mr. DOMINICK. Mr. President, I believe that the language I have chosen would most nearly conform to the original intent that the delegates expressed in this debate.

It has also been suggested that the term "qualified elector" be used. However, this could potentially lead to 50 different sets of qualifications under individual State laws. It appears to me that it is preferable to have uniformity in the qualifications for this high office.

In addition to the foregoing points, Mr. President, there are even more compelling reasons for proposing this amendment—reasons which have not often been discussed. It will be recalled that in 1960 Lyndon B. Johnson ran for Vice President of the United States and U.S. Senator from Texas in the same election. In Texas, of course, this meant that his name appeared on the ballot in two places for two different offices. To the best of my knowledge, this was the first time that anyone had run for two national offices in the same election. Mr. Johnson, of course, was successful in both races, although his subsequent resignation as U.S. Senator left open the question of whether he could have been seated in both offices. This development, plus the recently announced intentions of the Senator from California [Mr. SALINGER] and Mr. Robert F. Kennedy to run for the office of U.S. Senator in States where they do not apparently have the required residency for voting purposes, raise other very important questions.

Is there, Mr. President, any provision in the Constitution or any precedent which would prevent a person from running for election for the office of U.S. Senator from two or more States in the same election? In these days of cross-voting, it might even be possible with a well-known name to file in two States on different tickets—in Kansas on the Republican ticket and in Oklahoma on the Democratic ticket—in Ohio on the Democratic ticket and in Pennsylvania on the Republican ticket.

Is there, Mr. President, anything in the Constitution which would prevent the Senator from Idaho, for example—I am sorry he is not in the Chamber—while holding office, from also seeking election to the office of U.S. Senator from Montana?

Is there any Senate precedent or any Supreme Court decision which would prohibit the same person from holding the office of U.S. Senator from two or more States?

If the Senate decided to seat one person as a Senator from two States, would he or she be entitled to two offices, two staffs, and two votes? Would he or she be entitled to two salaries? These are only a few of the very troublesome questions which leap to mind.

It is, of course, within the province of this Senate in a challenge proceeding to refuse to seat a person as Senator from more than one State. But if the Senate were faced with a valid certificate of election and the person had met the other constitutional requirements, it would certainly be difficult to reject the choice of that State. It would generate many unpleasantries, to say the least; and it would, in effect, be constitutional legislation without constitutional process.

Mr. President, these points appear to be at least legal possibilities although many of my colleagues may think they are farfetched. But with present day mobility, present day news coverage, radio and television programs spanning several States, and increased interest in political affairs, they are far from inconceivable. I remind my friends from the South of the origin of the word "carpetbaggers," referring largely to people from the North who came to their States and took over their governments and businesses during Reconstruction days. I doubt whether many of us desire to see this attitude extended to this day and age and to membership in this body.

Mr. President, before undertaking to introduce an amendment of such consequence, I asked several prominent law firms if they would give me opinions on at least two points. First, would the proposed amendment prevent a person residing in one State from filing for the office of U.S. Senator in another State? Second, are there provisions in the Constitution or are there valid precedents which would prevent a person from filing for the office of U.S. Senator from two or more States in the same election and if successful from holding such offices in the Senate.

These opinions are most interesting and clearly indicate that the amendment would be helpful in solving many questions and that the weird problems raised in my discussion are very real indeed.

Mr. President, I ask unanimous consent to include at this point in the Record the opinions of these distinguished firms, the opinion of the Legislative Reference Service of the Library of Congress, and recent newspaper and magazine articles on the same subject.

There being no objection, the opinions and articles were ordered to be printed in the Record, as follows:

The Library of Congress,
Washington, D.C., August 21, 1964.

To: Hon. Peter H. Dominick (Attention Mr. Richards).
From: American Law Division.
Subject: Answers to certain questions as to election of a candidate as a U.S. Senator from two of more States.

Question 1. If a candidate is possessed of the constitutional qualifications exacted of a U.S. Senator, and is deemed by each of two or more States to be a legal resident thereof, is there anything in the Constitution and laws which would prevent such person from running as a candidate for a seat in the Senate in two or more States?

No. Since Congress, consistently with article 1, section 4, clause 1 of the Constitution, has been disposed to rely on State laws for the election of Members of Congress, each State is privileged to determine, in conformity with its own laws, whether a candidate for the office of U.S. Senator is eligible to be placed on its election ballots. Accordingly, if the officials and courts of a given State were convinced that a prospective candidate was a bona fide resident, conceivably it would not be dissuaded from so ruling by the knowledge that the courts of one or more other States were prepared to make, or had made, a ruling to the effect that the same individual also was a bona fide resident of the latter, or other States. Presumably, the courts of the first State would view the decision of the others as the product of error.

Question 2. If a person were elected as a U.S. Senator from two or more States, is there anything in the Constitution and laws of the United States, or in Senate precedents, which would prevent a person from being seated as a U.S. Senator from two or more States, and casting two or more votes?

It is highly probable that the Senate would construe the following constitutional provisions as a bar to the candidate-elect being accorded more than one seat; to wit: article 1, section 3, clause 3, and amendment 17. The first provision, in enumerating the qualifications of a Senator, stipulates that he shall "be an inhabitant of the State from which he shall be chosen." Since it is inconceivable that an individual simultaneously can be an inhabitant of more than one State, the Senate probably would rule that only one of the several States had correctly concluded that the candidate-elect was indeed a resident thereof. In addition, amendment 17 provides that the Senate "shall be composed of two Senators from each State; and each Senator shall have one vote." The last quoted phrase also would seem to preclude the seating of a single individual as a duly elected Senator from several States, and according him more than one vote; that is, a vote from each of the States from which he has been elected ("Senate Election, Expulsion and Censure Cases"; S. Doc. No. 71; 87th Cong., 2d sess. (1962), pp. 5, 44; refusal to seat Adalbert Ames from Mississippi on the ground that he was not a resident thereof). Apart from the last mentioned instance, no other relevant example has been found in published treatises on the Senate or in compilations of Senate precedents.

There remains to be considered the highly unlikely possibility that the Senate might disregard all of the aforementioned considerations; and by an arbitrary exercise of its virtually unlimited powers as the final judge of the qualifications of its Members (art. 1, sec. 5, cl. 1) accord more than one seat and vote to an individual elected to the Senate as an inhabitant of more than one State. In so ruling it also would find it necessary to alter its own rules with reference to the maximum number of committee assignments to be allotted each Member; but since the Senate enjoys virtually unlimited competence to formulate its own rules, amendment of the latter to accommodate the Member-elect as the delegate of several States would occasion no serious problem.

Question 3. Is there anything in the Constitution and laws of the United States which would prevent such Member from drawing two or more salaries or having two sets of staffs?

The Constitution merely provides that "Senators * * * shall receive a compensation for their services, to be ascertained by law" (art. 1, sec. 6, cl. 1). A companion provision against dual office holding (art. 1, sec. 6, cl. 2) stipulates that "no person holding any office under the United States shall be a Member of either House during his continuance in office."

Whether the phrase, "shall receive a compensation," would be strictly construed as barring the receipt of compensation for more than one seat in the Senate is a matter for speculation; for this provision hitherto has not been officially construed. The second provision is inapplicable; for it refers to dual office holding arising when an officer in the executive or judicial branches attempts to acquire and retain a seat in the Congress.

As to statutory provisions, one pertaining to the "salaries of Senators" (2 U.S.C. 36) is silent as to the hypothetical problem presented; and has not been the subject of a relevant interpretation by the Comptroller General. Other statutory provisions prohibiting the receipt of dual compensation are directed principally at officers and employees in the executive branch of the National Government (5 U.S.C. 58, 62, 69–72). However, 5 U.S.C. 70, might be susceptible of a construction which would render it operative as a bar to the collection of multiple salaries by an incumbent holding more than one Senate seat. Section 70 provides that "no officer in any branch of the public service * * * shall receive any additional pay, extra allowances, or compensation, in any form whatever * * * for any service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation."

Norman J. Small,
Legislative Attorney.

Chickering & Gregory,
San Francisco, Calif., September 1, 1964.

Hon. Peter H. Dominick,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Dominick: Your letter to us of August 19, 1964, requests our opinions regarding certain questions arising out of the existing qualifications of a U.S. Senator and regarding a proposed constitutional amendment relating to these qualifications. Our opinions are set forth below, together with a general discussion of the applicable law upon which we based these opinions.

Your proposed amendment and questions are addressed to the two principal problems of the "stranger senatorial candidate" and the "holding of multiple Senate seats."

As we see it, the "stranger candidate" situation involves a case in which a person, who is not a permanent inhabitant or resident of a State, attempts to establish such residence or habitancy shortly before deciding to run for the U.S. Senate in this State. In this connection, it should be noted that a "stranger candidate" could be either a "complete stranger", as in the cases of Robert Kennedy and Pierre Salinger who have had few or none of the usual indicia of residence or habitancy for any long period of time, in the State in which they chose to run, or a "temporary" resident or inhabitant who, by maintaining a home, voting status or other incidents in several States for some period of time, has established more substantial indicia of residence or habitancy in more than one State.

The problem of the "holding of multiple Senate seats" could involve a case in which a person seeks to run for several Senate seats simultaneously in the same national election, or one in which a person who has already been elected and seated as a U.S. Senator, subsequently seeks to be elected as a U.S. Senator from another State in another election.

Furthermore, these two problems will often interrelate in that a "multiple seating" situation will invariably involve a "stranger" situation, although the "stranger" situation will not always involve a "multiple seating" situation.

Your specific questions and our answers to those questions are as follows:

"(1) Would the proposed amendment in effect restrict a citizen to running for the office of U.S. Senator from one State only, and in that connection is the word "resident" sufficient to prevent the type of situation with which we are presently faced in the Salinger-Kennedy cases?"

In our opinion, your proposed amendment would not restrict a citizen from running for the office of the U.S. Senator from one State only nor is the word "resident" sufficient to prevent the type of situation presented in the cases of Pierre Salinger and Robert Kennedy, although the adoption of such an amendment would make it more difficult for a person to run for the office of U.S. Senator from more than one State or to run in a State in which he has not established a permanent residence.

"(2) Is there anything in the present constitutional requirements or Federal precedents which would prevent a person:

"(a) From running for the office for U.S. Senate in two or more States?"

In our opinion, no existing constitutional requirement or Federal precedent specifically prevents a person from filing or running for the office of U.S. Senator in two or more States.

"(b) From running while holding the office of U.S. Senator from one State for the same office from another State?"

In our opinion, no existing constitutional requirement or Federal precedent specifically prevents a person from filing or running, while holding the office of U.S. Senator from one State, for the same office from another State.

"(c) If elected from two or more States, be seated in such capacity from each of the States and thereby having the right to multiple votes, multiple staffs, and even perhaps multiple salaries?"

The problem of the simultaneous holding of more than one Senate seat does not appear to be discussed by any of the authorities. However, in our opinion, a correct construction of the Constitution would prevent the seating of a person as a Senator from two or more States.

DISCUSSION OF QUESTIONS

The constitutional and legal principles applicable to the answers to these questions and the reasoning upon which we based our answers are as follows:

Article I, section 3, clause 3 of the U.S. Constitution provides:

"No person shall be a Senator who shall not have attained the Age of thirty years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen."

Article I, section 5, clause 1, provides:

"Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide."

The 17th amendment to the U.S. Constitution adopted May 31, 1913, provides:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures."

Pursuant to article I, section 5, clause 1 of the U.S. Constitution, the U.S. Senate has the sole authority to judge the elections, returns, and qualifications of its Members. However, the U.S. Supreme Court may construe the language of the Constitution relating to this authority (*Barry* v. *United States ex. rel. Cunningham,* 279 U.S. 597; 73 L. Ed. 867).

The words "resident" and "inhabitant," have no precise, separate, and distinct legal definition. The meaning of these words must be determined by the contexts in which they are used and they are often used interchangeably.

The individual States select their nominees for election to the office of U.S. Senator through varying procedures and filing requirements. Some States, as in the case of California, provide for the selection of the party nominees by party primaries. Others, as in the case of New York, provide for such nominations through State conventions. After nomination, pursuant to the 17th amendment to the U.S. Constitution, all U.S. Senators must be elected by the direct vote of the people. Such election is then followed by a certification from a State official to the Senate of the fact of such election.

No existing provision of the U.S. Constitution or Federal precedent prevents a person who is over 30 years of age and has for 9 years been a citizen of the United States from moving to a State other than that of his permanent residence, establishing a temporary habitation or residence, filing and running for the office of U.S. Senator and being elected from said State if, at the time of his election, he is an "inhabitant" of that State. Moreover, no minimum period of time is required within which a person must have been an inhabitant and no State can enact any laws regarding residence, habitancy, or other requirements which add to or vary the constitutional qualifications for a Senator.

No existing provision of the U.S. Constitution or Federal precedent specifically prevents a person who is over 30 years of age and who has been 9 years a citizen of the United States from filing in two or more States for the office of U.S. Senator and running simultaneously for such offices or from filing for the office of U.S. Senator and running for such office in one or more additional States after he has already been elected and seated as a U.S. Senator. However, we believe it probable that, based upon some or all of the following arguments, the U.S. Senate would refuse to seat such person as a Senator from two or more States.

Multiple Senate seating accomplished by simultaneous election appears to be prevented by U.S. Constitution, article I, section 3, clause 3, providing that "no person shall be a Senator * * * who shall not, when elected be an inhabitant of that State for which he shall be chosen," if the applicable Senate elections take place on the same day, because it would be difficult for a person to be an "inhabitant" of more than one State at once.

In addition, the 17th amendment to the U.S. Constitution clearly sets forth that each State shall have two Senators and that each Senator shall have one vote. It appears to be even less in keeping with the historic regional-representational basis of the U.S. Senate to permit the same person to hold Senate seats from different States than to permit the same person to hold different seats from the same State.

Furthermore, since the composition of the U.S. Senate is stated to be two Senators from each State, not merely representing each State, it appears that a Senator must continue to be an inhabitant from the State for which he has been chosen after he has been elected and during his continuance in office. Therefore, he could not qualify as an "inhabitant" of another State "when elected" during the continuation of another Senate term from another State.

Finally, the provision that each Senator shall have one vote appears to refer to an individual rather than to a Senate seat. Under this construction, if an individual were to hold several seats he would have only one vote with the result that only one of the several States whose seats he held would be able to vote both its seats.

It should be noted, in this connection, that article I, section 3, clause 1 contained provisions similar to those discussed immediately above, before superseded by the 17th amendment.

DISCUSSION OF PROPOSED AMENDMENT

In our opinion, the proposed amendment, while helpful in both the "stranger candidate" and "multiple Senate seats" problems, does not completely prevent these practices for the following reasons:

The substitution of the word "resident" for the word "inhabitant," without setting forth more specific criteria does not, in our opinion, make the provisions of article I, section 3, clause 3 more restrictive because, as seen above, the words "inhabitant" and "resident" are used interchangeably.

The addition of the 1-year requirement would tend to restrict the practice of "stranger candidacies," particularly in a "complete stranger" situation in which such a person would appear to be barred from filing or running by any reasonable interpretation by State officials of your amendment. However, in the case of a "temporary resident," the 1-year requirement, without further criteria, might not be such an effective prohibition.

The proposed 1-year residence requirement, does not, in and of itself, prohibit a person from filing and running for multiple Senate seats. Nevertheless, particularly in a "complete stranger" situation where a person is running simultaneously in two or more States, it would be of some indirect assistance, because it would be more difficult for one person to meet this 1-year residence requirement in two or more States. However, where a person is a "temporary resident" in two or more States or where a person who has been elected a Senator subsequently attempts to file and run in one or more States, this amendment would not be of such great assistance because such person may have established, to the satisfaction of State officials or courts, a 1-year residence for the purpose of filing and running.

This amendment does not specifically prohibit a person from being seated as a U.S. Senator from two or more States, if he has filed, run, and been elected as such. However, because of the additional 1-year requirement, the U.S. Senate might base a refusal to approve multiple seating on a failure of the person to meet the somewhat stronger residence requirements in one or more States.

Very truly yours,

Chickering & Gregory.

Holland & Hart,
Denver, Colo., September 1, 1964.

Hon. Peter H. Dominick,
U.S. Senator,
Senate Office Building, Washington, D.C.

Dear Senator Dominick: You have requested our opinion whether, under the Constitution of the United States, (i) there is any restriction, by nature of qualification provision or otherwise, upon a candidate for the office of U.S. Senator seeking election in more than one State; (ii) if elected in more than one State, could he hold two seats, or, indeed, could he hold two different Federal elective offices? Also we understand that you desire our opinion and observations upon the State residency qualification for a U.S. Senator.

The Constitution negatively states the qualifications of a Senator as follows:

"No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen." (U.S. Constitution, art. I, sec. 3, par. 3.)

Despite what this would seem to require literally, it was early established that it is sufficient if a Senator possesses the necessary qualifications when he takes his seat or oath of office. The case of Henry Clay, who was not 30 years of age when elected, established this precedent. Age at the time of assuming office and not at election was used again in 1935 in the case of Senator Rush D. Holt (Corwin, "The Constitution and What It Means Today," 12th ed. 1958, pp. 7, 9–10; "Constitution of the United States of America Annotated," S. Doc. 170, 82d Cong., 2d sess., 1953, p. 88). In the case of Senator Adelbert Ames, of Mississippi, in 1870, it was held that residency at the time of taking his seat in the Senate rather than at the time of election was a sufficient qualification (S. Doc. 71, 87th Cong., 2d sess., p. 44). This is contrary to the case of James Shields, of Illinois, in 1849, where it was held that the qualification of having been a citizen for 9 years must be fulfilled "at the commencement of the term for which he was elected" (S. Doc. 71, 87th Cong., 2d sess., pp. 14–15).

Residency (an "inhabitant" is a resident (Corwin, supra, p. 7)) in a State at the time of election not being either required nor a disability, it appears quite possible that a candidate could run wherever he chooses. If he is successful in one State, he can establish residency there after the election and become one of its Senators. If he be successful in more than one, presumably he can elect which State he will represent, become a resident of it, and effectively deny the other the representation it chose. Furthermore, the Senate has refused to question whether a Senator-elect was a bona fide inhabitant of the State from which he was elected, holding that the certificate of the Governor that he is an inhabitant is sufficient qualification. See the case of Senator Stanley Griswold, of Ohio, in 1809 (S. Doc. No. 71, 87th Cong., 2d sess., p. 5).

We find no provision against this hedging possibility. However, there may be some deterrent effect in article I, section 5, paragraph 1, which we shall discuss shortly.

The problem of simultaneously holding two Federal elective offices is not solely related to the residency problem. In any event, there is no positive constitutional barrier to such possibility. The real deterrent would probably be article I, section 5, paragraph 1, which provides that "Each House shall be the judge of the elections, returns, and qualifications of its own Members." The "qualifications" referred to do not mean only the qualifications of sections 2 and 3 of article I. A House may disqualify "for reasons that appeal to the common judgment." For example, the House excluded a polygamist and the Senate excluded as a Member one whose credentials were deemed tainted by fraud and corruption because of the acceptance of certain sums of money in promotion of his candidacy. It might reasonably be anticipated that a House would exclude one who sought a seat there plus another Federal elective office.

At first blush it might appear that paragraph 2 of section 6 of article I would prohibit the holding of multiple Federal elective offices. That paragraph provides in part: "no person holding any office under the United States shall be a Member of either House during his continuance in office." First excluding an officeholder from "either House" indicates that "office" in this sense is not that of the office of a Member of either House. Further the literature indicates that "office" in this sense means an appointive office (*United States* v. *Hartwell*, 6 Wall. 385, 393 (1868)); these are the offices created by the Constitution or by act of Congress and, usually, filled by the President under provisions relating to the executive establishment (see Schwartz, "The Powers of Government," vol. II, (1963), pp. 40–47, passim).

From the foregoing, it is our opinion that there is no constitutional bar to seeking election to the Senate from more than one State. There probably is a practical deterrent in occupying more than one Federal elective office.

As to the State residency qualification which would be desirable in the event the Constitution is amended to require more stringent residency requirements, we have some opinions and thoughts.

It has been this country's general constitutional scheme to leave to the States the determination of who is a qualified elector but the Constitution has prescribed the qualifications of the elected. We believe it would be desirable that any amendment leave the qualifications for the Senate in this posture, otherwise there can be 50 varieties of qualifications.

A quick survey shows that even for the electors there are very wide divergences among the several States. For example, 33 States have residency periods of 1 year to qualify as a voter. Seventeen States have residency periods other than a year, 2 of which require 2 years, 1 State 9 months and 14 States 6 months. Nineteen States have different qualifications to vote in presidential elections. In some this is as low as 20 days.

It is our feeling that any constitutional amendment should require that the candidate have been a bona fide resident of the State from which he seeks election for at least 1 year and it would be good if there could be built into the amendment or into its historical background the even tighter concept of domicile because this carries with it the implication of a "home." The following two observations of the late Justice Jackson illustrate what we mean:

"Domicile means a relationship between a person and a locality. It is the place, and the one place, where he has his roots and his real, permanent home" (*Williams* v. *North Carolina*, 317 U.S. 287 at 322).

"The search for the domicile of any person capable of acquiring a domicile of choice is but a search for his 'home'" (*District of Columbia* v. *Murphy*, 314 U.S. 441 at 455).

If as a matter of expediency it is deemed advisable to give the States a greater share in the residency qualification, we believe that that qualification should be at least the qualification of an elector eligible to vote for representatives to the most numerous branch of the State's legislature. This would get away from extremely short periods of time which prevail in some instances for presidential elections. There may be a very good reason to have a short period for presidential election because of the great national importance of the office. One who is already a citizen should not be easily disenfranchised. As to Members of Congress, however, while they are national officers, their area of concern must include in some large measure the concerns of the State from which they are elected and in order adequately to discharge this duty, they should have had more than a formal or nominal contact with their States.

We hope that this opinion will assist you in answering the questions which you have raised.

Very truly yours,

Holland & Hart.

Dickenson, Wright, McKean & Cudlip,
Detroit, Mich., September 1, 1964.

Hon. Peter H. Dominick,
U.S. Senate,
Washington, D.C.

Dear Senator Dominick: You have submitted to us a draft of a Senate joint resolution proposing an amendment to article I, section 3, clause 3 of the Constitution of the United States, which establishes the qualifications for the office of United States Senator. The proposed amendment is as follows (new language in italic, matter to be deleted in black brackets):

"No person shall be a Senator who shall not have attained [to] the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected *or appointed,* [be an inhabitant] *have been a resident* of that State for which he shall be chosen *for at least one year immediately prior to his election or appointment.*"

You have asked whether this proposed amendment, if adopted, would prevent recurrence of situations such as those in which Senator Salinger seeks election in California and in which Attorney General Kennedy seeks election in New York. As we understand the factual situations involved in these cases, neither Senator Salinger nor Attorney General Kennedy claims to have been an inhabitant of the State in which he seeks election until immediately prior to the commencement of the nominating process (filing as a candidate in the California primary election, and indicating candidacy at the party nominating convention in New York, respectively). Thus, neither makes any claim that he will have inhabited, resided in, or been domiciled in the State from which he seeks election for 1 year immediately prior to the election date.

It is clear that your proposed amendment, if adopted, would disqualify a candidate seeking election in the future under these factual circumstances.

However, it should be noted that the proposed amendment, could, if adopted, create new problems of construction. The term "resident" is one which has been variously defined in judicial decisions. The scope of these definitions is such that the proposed amendment might be construed to require little more than the acquisition of a dwelling place within the State a year prior to the election, with the announced intention to reside there, but without very much in the way of actual physical presence during the year. At the other extreme, the proposed amendment might be construed to bar an incumbent Senator from seeking reelection, on the ground of his residence in Washington, D.C., rather than in the State from which he was originally elected. Admittedly, these examples lie at the extremes.

However, review of the debates of the Constitutional Convention of 1787 (as reported by James Madison; Elliot, "Debates in the Federal Convention," vol. V. pp. 389 et seq.) suggests that while these examples may be improbable, they are not completely fanciful. An amendment proposed to the 1787 convention which would have required that a Senator be an "inhabitant actually resident — years" prompted one delegate to state that "a short term * * * inserted in the blank * * * might be construed to exclude the members of the legislature, who could not be said to be actual residents in their States, whilst at the seat of the general government."

It is interesting that the draft originally proposed to the 1787 Convention required Senators and Representatives to be "residents" when elected, rather than "inhabitants." This was changed on motion of Mr. Sherman, of Connecticut, who proposed that "resident" be stricken, and "inhabitant" inserted, as being "less liable to misconstruction." James Madison, supporting this change, said that both terms were "vague" but "inhabitant" less so than "resident." Madison pointed out that "inhabitant" "would not exclude persons absent occasionally, for a considerable time, on public or private business." He concluded on a note worthy of current consideration:

"Great disputes had been raised in Virginia concerning the meaning of residence as a qualification of representatives, which were determined more according to the affection or dislike to the man in question than to any fixed interpretation of the word."

The debate is instructive, and it may be significant that after full consideration of many possibilities, the delegates adopted the present provision. Copies of the report of pertinent portions of this debate are attached for your ready reference.

You have also asked whether there is "anything in the present Constitution or Federal precedents which would prohibit one person * * * from being elected in the same election as U.S. Senator from two or more States * * * [or] * * * from seeking election as a U.S. Senator in another state while holding office as a U.S. Senator." We have not had time to research these questions adequately, and have advised you that we are not able to give our opinion with respect to these points. You have nevertheless requested that we repeat here some observations which we have made to you by telephone after brief consideration of these questions. So qualified, those comments follow:

It does not appear to have been the intention of the draftsmen of the U.S. Constitution that one State be represented in Congress by a citizen of another State, or that one individual could simultaneously be an "inhabitant" of more than one State. Madison, for example, deplored in the 1787 Convention the fact that Delaware had on two occasions been represented in the Continental Congress by citizens of other States. Elliot, "Debates in the Federal Convention," vol. V, p. 210.

However, the term "inhabitant" has been variously construed, and has sometimes been equated with the concept of "domicile." Logically, one individual should not, at any given moment, be "domiciled" in more than one State. Nevertheless, in at least one case involving substantial sums in inheritance taxes, a single individual was found, in separate proceedings carried to the highest courts of the respective States, to have been domiciled in two different States at the time of his death. (See *Dorrance's Estate*, 309 Pa. 151; *In re Estate of Dorrance*, 115 N.J. Eq. 268, 116 N.J. Eq. 204; *New Jersey* v. *Pennsylvania*, 287 U.S. 580; *Hill* v. *Martin*, 296 U.S. 393. See also *Texas* v. *Florida*, 306 U.S. 398, esp. pp. 410, 411.) It is not inconceivable, therefore, that an individual might similarly be found, in separate tribunals, to be an "inhabitant" of more than one State at a single point in time. The possibility would be greatly enhanced, of course, in the case of an individual who habitually divided his time on a more or less equal basis between residences maintained by him in two different States.

Furthermore, the requirement that the Senator be an "inhabitant" seems, under article I, section 3, clause 3, to be confined to the time "when elected." This might affect the question you pose regarding the qualification of an incumbent Senator from one State seeking election from another during his term of office.

In summary, while the suggestion of dual candidacy may seem farfetched, the technical adequacy of the constitutional language to preclude such dual candidacy is a question which cannot be answered casually. As indicated above, we do not express our opinion on these questions.

As a practical matter, of course, it is not to be expected that the people of two different States would be disposed to share a Senator, even if he were given two votes, and the possibility of such dual election seems unbelieveably remote. Furthermore, even if some form of dual candidacy were successful, the Constitution does give the Senate the means of dealing with the situation. It provides, in article I, section 5, clause 1, that "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members." This provision would appear to give the Senate ample power to prevent a single individual from occupying two seats, even if two States each asserted that he was an inhabitant thereof.

We recognize that the foregoing is not completely responsive to your request, but we hope it may prove helpful.

Very truly yours,

DICKINSON, WRIGHT, MCKEAN & CUDLIP.

[From the Denver (Colo.) Post, Aug. 27, 1964]

HOW TO CHEER UP BYRON ROGERS

(By Jack Guinn)

Out in our neighborhood, where we have been criticized for being independent voters, we have decided to cast objectivity aside and do something for the Republicans. Actually, all we plan to do is give them advice but, the way we see it, that will do them about as much good as anything else.

What brought about this decision was the inspiring spectacle of Bobby Kennedy's announcement that he will run for the U.S. Senate from New York, although he lives in Virginia and votes in Massachusetts.

We have hailed this as a practical application of the Democratic political philosophy of one world.

We have decided to recommend to the Republicans that they do the same thing, starting here in Colorado. Of course, it is a little late for this season but they could take the matter to the Supreme Court and, all else failing, plan ahead for the next election.

A good way to start would be to run in some candidate to challenge Representative BYRON ROGERS, who hasn't been easy to defeat any other way.

The selection of a statesman who would be able to match Mr. ROGERS' pace up and down 17th Street naturally would be up to the Republican national leadership, with whatever hints might be found in Mao Tse-tung's manual on infiltration, but we suggest they pick a fellow who isn't likely to be doing anything else at the time.

We had in mind Richard Nixon, who did well in Colorado in his last contest, or somebody like Harold Stassen, untried but always willing.

Following Bobby Kennedy's tactic of showing up at the announcement ceremonies with two dogs, it might be better to run Mr. Nixon, already established as a dog lover campaigner. After all, we don't know how Mr. Stassen stands on this essential question. He may hate dogs. This undoubtedly would gain him a lot of friends, and even more if he can't abide cats, but this position unfortunately has never been tested in a campaign.

Mr. Kennedy said he has based his candidacy in New York "on the belief that New York is not separate from the Nation in the year 1964," which is sound reasoning, any way you look at it.

Mr. Nixon or Mr. Stassen could safely use the same approach right here, perhaps developing a slogan that would be flavored with international brotherhood, such as:

"Denver today, tomorrow the world."

[From the Denver (Colo.) Post, Aug. 27, 1964]

THE CANDIDATE OF A LIFETIME

(By Russell Baker)

(News items: PIERRE SALINGER, of Virginia, has just been appointed Senator from California. Robert F. Kennedy, of Massachusetts, plans to run for Senator from New York. Gov. George Wallace, of Alabama, warns that southerners may run for Senate seats in the North unless the Democratic Party mends its ways.)

ATLANTIC CITY.—"As you know, Mr. Montgomery, we have an important senatorial election coming up in our State. We have a couple of solid-looking young Democrats who want to try for the seat, but we are still a little uneasy about them image-wise, you know."

"You needn't be delicate about stating your problem to us, sir. We at Dynamic Political Personnel Placement deal with these matters all the time. 'A glamour name for every campaign.' That's our motto. You are trying to say that your own State hasn't a candidate with any kind of a chance, and you want us to line up a glamorous outsider with some real poll-pull."

"That's the nub of it, yes."

"Well let's see who we have available here on the out-of-office file. Hmm. Here's a fellow you might be interested in. Has 20 years of national exposure. Experience in State and National Government. Good talker. Limited but faithful following, and he's willing to run anywhere."

"It sounds too much like Harold Stassen."

"It is."

"What I had in mind was somebody more closely identified with the Kennedys. Somebody like Sargent Shriver or Kenny O'Donnell."

"Thinking big, eh? I'm sorry, but I didn't catch what State you were from."

"North Dakota."

"You're shooting a little high, Bill. I'm afraid that Sarg and Kenny wouldn't run any place smaller than Michigan or Ohio. We could place them in campaigns in Tennessee, Maryland, or Utah on a moment's notice if they were available for smaller State Senate seats."

"That's a pity."

"Well, they have their futures to think about, you know. Listen, I've got just the person for you. Clare Booth Luce. She wants to run against Keating and Kennedy in New York, but Barry Goldwater has asked her to stay out. She ought to run like a million bucks in North Dakota."

"But does she know anything about wheat?"

"Wheat? Who's going to think about wheat out on the prairie when they get a chance to vote for one of the most glamorous women in America?"

"I think the wheat's important."

"Okay, what about KEN KEATING? He'd probably like to get out of this contest with Bob Kennedy in New York. What's more, he's been in the Senate, so he's probably heard speeches about wheat."

"We ought to have a Democrat."

"Nonsense. Image, national recognition—those are the ingredients of the great candidate today. Does he have glamour? That's the question to ask when picking a candidate."

"A Democrat."

"All right how about Governor Wallace? Democratic to the core. Likes to run in strange territory. National recognition. A few years representing North Dakota might help him get the magnolia off his image and set him up to run later in Pennsylvania or California * * * Excuse me, Bill, while I answer this phone. * * *

"Hello, Montgomery here * * * Adlai. How are you? * * * Great. * * * I've been working on your problem, Adlai. I talked to London yesterday, to Lord Spume, or whatever his name is * * * Home? Right. Now here's what he says, Adlai. If you want to be Prime Minister, you have to go to England and establish some kind of residence.

"If he loses this fall, he's willing to endorse you, but he wants you to endorse him for a Senate seat. * * * You don't want to live in England? * * * It's just for the campaign. You establish residence, get elected and then you come back to Washington and enjoy life with all the glamorous Senators. * * *

"Sure you can get away with it. The Senators are getting away with it. Why can't a prime minister? What's more, I've got just the seat for Lord Home. I'll call you when it's firm * * * 'Bye Adlai."

"That was Mr. Stevenson?"

"Yes, Bill, and we've got North Dakota the candidate of a lifetime."

"Oh, I don't think——"

"Nonsense. He can't lose. Everybody can vote for Kennedys, but what other State has ever had a chance to vote for a genuine prime minister?"

[From the Kansas City (Mo.) Star, Aug. 26, 1964]

THE SENATE CANDIDACY OF ROBERT KENNEDY

To begin with, we frankly state that it's not our business, but New York's, on what to do about the candidacy for the U.S. Senate of Attorney General Robert F. Kennedy. We've got a hunch that New York will tend to its own knitting without any advice or assistance from us.

Yet there is one phase of the candidacy of this attractive young Democratic leader over which we do have real concern. We don't question his genuine ability, his aggressiveness, and competence in governmental affairs, or his capacity to absorb quickly and understand the specific problems of New York State. What does concern us is the pattern and example that is being set by a nonresident of a State moving in and asking the voters to elect him as their spokesman and representative. A U.S. Senator often becomes a recognized national leader. But this usually comes after long years of service. In the beginning—and through his career—he is a representative of his State.

The sharp line of cleavage between the State and Federal Governments has been eroded away through these complex times we're living through. Probably it can't be helped. But now you see this trend accelerated with national figures moving in to represent States where they have been nonresidents. It symbolizes the continuing loss of State representation. And this distinction between State and Federal Government has been one of our safeguards against the complete dominance of a Federal bureaucracy.

Under the British parliamentary system, a leader may run from any constituency that his party deems advisable. Under our carefully nurtured system of State and Federal balances, we have had direct and outright representation from the States.

[From the Kansas City (Mo.) Star, Aug. 26, 1964]

PIERRE SALINGER, John F. Kennedy's press secretary, who later served Lyndon Johnson in the same capacity, was the first candidate around whom this issue arose. But SALINGER, at least, was born and brought up in California. Because of his duties in Government, he lived and voted in Virginia. But he was a native Californian. The "carpetbagger" tag that was pinned on him didn't stick in the California primary. He still has to face up to that challenge in the general election.

Robert Kennedy is not and never has been a citizen of New York. His roots go back to Massachusetts. Like SALINGER, because of political and governmental duties in Washington, he has lived in Virginia. He really is a national spokesman, not a State spokesman, and certainly he is not a New Yorker.

Without questioning Robert Kennedy's capacity to pick up the problems of New York, and to properly represent that State, we think his candidacy is a weakening of the precious quality of local representation. We recognize the political genius of the Kennedy family and we join the people who have a special sentiment for the memory of John F. Kennedy. But that doesn't affect this situation. We believe the candidacy disturbs the political stability of the country. We believe it is tremendously important to retain the balance of State power in restraining the influence of centralized government as far as possible.

Again, we say, it's up to the people of New York to make the decision, not us. But we'd suggest that the great Empire State may need an antipoverty act of its own if it can't produce any homegrown candidates of stature.

[From Time magazine, Aug. 21, 1964]

NEW YORK: THE CARPETBAGGER

Another chapter in the engrossing political drama of Robert Francis Kennedy—a drama that asks the question: Can a little fellow from a big family that comes from an Irish town in New England find happiness as a U.S. Senator from New York? As of last week, Bobby Kennedy decided that yes, he could. But there were as yet a few stumbling blocks.

SUPPORTING THE PITCH

The biggest block was New York's Democratic Mayor Wagner, who was being pressured by Kennedy forces to endorse Bobby's candidacy. As it happens, Wagner would just as soon see Bobby search elsewhere for his happiness. First of all, Wagner had struggled mightily in recent years to wrest a working control of the New York State Democratic machinery from oldtime bosses like the Bronx's Charles Buckley, Buffalo's Peter Crotty, Brooklyn's Stanley Steingut and Harlem's Adam Clayton Powell. And these men were now the very ones who were supporting Bobby Kennedy's pitch. To welcome Kennedy into New York would mean collaborating with that bunch, and Wagner had no desire to do that.

Another factor militating against a Wagner endorsement was pressure from New York's highly vocal reform Democrats, some of whom consider Kennedy not only an interloping carpetbagger, but, what's worse, much too conservative for their liking; he's all right on civil rights, but then there is the question of civil liberties. The liberals would prefer to have U.N. Ambassador Adlai Stevenson, who is not interested.

Bobby was also getting the cold shoulder from major New York State newspapers. A survey of comment in 12 of them showed 9 opposed to his candidacy, 2 in favor and 1 neutral. The New York Times, a stanch backer of Jack Kennedy in 1960, scoffed that Bobby "apparently needs New York. But does New York really need Bobby Kennedy?"

OFF ON A CRUISE

While Kennedy himself stayed away from last-minute politicking by scooting off to Maine for a cruise, he was leaving nothing to chance. Kennedy workers, led by Brother-in-Law Stephen Smith, have lined up a sizable number of delegates to the State Democratic convention, to be held in Manhattan on September 1, and Smith & Co. have already managed to persuade some of Wagner's friends to go along with Bobby. As a result, Bob Wagner may have no choice other than to unbag the carpet for Kennedy this week.

If, as is likely, Bobby should get the nomination, he will probably run against Republican KENNETH KEATING, who has yet to announce officially that he will run for a second term. KEATING still has to decide whether he can in good conscience support BARRY GOLDWATER, with whose views he differs strongly. He has an additional problem in that the Conservative Party wants to run former Congresswoman and ex-Ambassador Clare Boothe Luce for the Senate. Mrs. Luce is seriously considering the idea. If she rejects it, most Republicans figure that KEATING might be able to take enough Republican and Democratic votes together in November to beat the carpetbagger.

[From U.S. News & World Report, Aug. 24, 1964]

IS ROBERT KENNEDY ELIGIBLE TO BE A SENATOR FROM NEW YORK?

If Robert F. Kennedy gets the Democratic nomination for U.S. Senator in New York State, he may have to go to court to prove his eligibility.

Mr. Kennedy, the U.S. Attorney General, now lives in Virginia and votes in Massachusetts.

Representative SAMUEL S. STRATTON, of New York, who is after the senatorial nomination himself, is threatening to challenge any Kennedy candidacy on the ground of nonresidence.

Mr. STRATTON's unofficial campaign manager, George V. Palmer, of Schenectady, said a suit would be filed in the State supreme court.

Cited was article I, section 4, of the U.S. Constitution, which states: "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof."

Mr. Palmer contends that both the election law and the public officers law in New York State make it clear that a candidate for Congress must be a bona fide resident of the State, "not someone like Kennedy, who just plans to hang his hat here."

Mr. Kennedy's supporters are relying on article I, section 3, of the Constitution, which says: "No person shall be a Senator who shall not * * * when elected, be an inhabitant of that State for which he shall be chosen."

Mr. Kennedy, his friends contend, still has time to establish New York residence.

Meanwhile, a Kennedy bandwagon was rolling through New York State. The Attorney General delayed a final commitment, pending endorsement by New York Mayor Robert Wagner. But Mr. Kennedy's backers remained confident he would be nominated at the State Democratic convention on September 1, then go on to whip the Republican nominee.

[From the Washington (D.C.) Daily News, Aug. 17, 1964]

"CARPETBAGGER" CRY REVIVED

(By Dickson Preston)

The carpetbagger issue threatens to rear its moth-eaten head in at least three major U.S. Senate elections this year—in New York, California, and Texas.

Just what effect it will have is problematical. But the Republicans think they can make some hay with it against PIERRE SALINGER in California and Robert F. Kennedy, if he runs in New York.

And the Democrats are likely to use it against GOP candidate George Bush in Texas.

Historically, a carpetbagger was a brash young man from the North who went South after the Civil War to take advantage of the chaotic conditions of Reconstruction.

The name came from the fact that many of them traveled light, with all their worldly goods packed in the common carpet-cloth suitcase of the day.

In modern politics, however, the term has come to signify any officeseeker who runs in an area where he has not lived long. And that is where Messrs. Salinger, Kennedy, and Bush come in.

CALIFORNIA

Republicans charge Senator SALINGER isn't qualified to represent California in the U.S. Senate because even though he was born in that State he has lived in Virginia for the past 8 years.

In fighting Senator SALINGER's right to be seated by appointment, GOP Senators knew they wouldn't win their case in that Democratic-dominated branch.

But they were laying the groundwork for crying "carpetbagger" at Senator SALINGER and asking Californians: "Why should we have three Senators from Virginia?"

They'll make much of the fact that the former White House press secretary can't even vote for himself (because he hasn't been a California resident for 1 year) and became an "inhabitant"—by flying out to San Francisco—only a few hours before he filed as a candidate for the Senate.

Actor George Murphy, Senator SALINGER'S opponent, wasn't born in California. He is a native of New Haven, Conn.

But he has been in Hollywood since the early 1930's and has been active in Republican politics for 20 years. That makes him—by California terms, at least—something less than a carpetbagger.

During his primary campaign, Mr. SALINGER answered the "carpetbagger" taunt by asking all those in his audiences who were not California natives to raise their hands. When most of the crowd put their hands up, he would observe:

"That just goes to show we natives are in the minority out here."

NEW YORK

In New York, Mr. Kennedy's only claim to residence is that he maintains an apartment in New York City.

He lives in Virginia and up to now has voted in Massachusetts, where he was born.

That doesn't disqualify him under New York law—but the GOP is hoping it will hurt him with the voters.

Republican Senator KENNETH B. KEATING, whom Mr. Kennedy presumably will oppose, is a lifelong resident of upper New York State.

The carpetbagger issue against George Bush in Texas is of a different caliber.

He has been in the State since 1948, when he was graduated from Yale University, and has long been identified with the oil-drilling business.

But Texas, like all Southern States is long on "native son" traditions.

And Mr. Bush—son of former Senator Prescott Bush of Connecticut—doesn't have them.

He still lacks a Texas drawl and doesn't even walk bowlegged.

His opponent, Democratic Senator RALPH YARBOROUGH, was born in Chandler, Tex., and has spent most of his adult life as a Texas lawyer and judge. He can drawl with the best of them.

[From the Washington (D.C.) Post, Aug. 20, 1964]

KENNEDY AND THE CARPETBAGGER ISSUE

(By Edward T. Folliard)

If Attorney General Robert F. Kennedy runs for U.S. Senator in New York and is elected, he might bring about a profound change in American politics.

A Kennedy victory would be a blow to the "carpetbagger" argument—that is, the cry now heard that the Attorney General is a registered voter of Massachusetts and a resident of Virginia, and that therefore he would be an intruder in the Empire State.

Also, a Kennedy victory might start a trend that could give American politics a British flavor.

In Britain anyone can stand for Parliament for any constituency. Sir Winston Churchill lives in Westerham, southeast of London, but represents Woodford, a suburb northeast of London, in the House of Commons. Harold Macmillan represents Bromley, a London suburb, but lives in Sussex, 40 miles away. Harold Wilson, leader of the Labor Party, a Yorkshireman, lives in London and has his constituency in Huyton, a Liverpool suburb, 200 miles from the capital.

William Pitt Lambert, in a letter to the New York Herald Tribune the other day, rebuked that newspaper for its editorial stand against the Kennedy-for-Senator boom. He said such a line of reasoning "would have cost Britain its world leader, Sir Winston Churchill," since the wartime Prime Minister represents an area in which he does not live.

Lambert went on to say:

"If the Buckleys and such are unable to produce statesmen from their backrooms or cellars and if the people who now pay $33,000 to the Senators desire to import a Borah of Idaho, a Taft, or a Douglas of Illinois to provide adequate representation, they should have that right."

However reasonable this argument may seem to Lambert and others, it frightens many politicians, including some now in the U.S. Senate. A Senator may hold what he regards as a "safe" seat, safe in the sense that he fears no competition from within his State. But where would be his security if it became the practice to import attractive candidates from other States?

The New York Times, like many other newspapers in the Empire State, has been criticizing Attorney General Kennedy for eyeing the seat of Senator KENNETH B. KEATING, a Republican first-termer. It contends that the real issue is whether New York is so poverty-stricken for U.S. Senate material that it has to import a young man "so obviously nonresident that he is about to be a Massachusetts delegate to the Democratic National Convention."

James (Scotty) Reston, chief of the Washington Bureau of the New York Times, does not go along with his editors. In his column Sunday, Reston said that the carpetbagger cry "is probably a less valid argument today than it was a generation or so ago."

He went on to say: "This is no longer a continent of isolated communities whose problems can be understood only by longtime local residents, but a vast mobile society where the problems of New York are not so different from the problems of Massachusetts."

However the Kennedy-for-Senator boom may have started, there is no mystery about the identity of those who are keeping it going—or why. The Democratic professionals in New York say they want Kennedy because he would be a winner. They say they have been taking a continuing poll for months and that this shows he could defeat Senator KEATING on November 3.

[From the Washington (D.C.) Post, Aug. 24, 1964]

MR. KENNEDY'S CANDIDACY

The Attorney General's intention to seek the Democratic nomination for the Senate in New York raises two separate considerations. First, there is the principle of residency; and second, the particular question of Mr. Kennedy's qualifications for the office that he seeks. On both points, there will be spirited debate for the Kennedy family displays a resolute indifference to the political axioms that guide the decisions of humbler folk.

On the first question, Mr. Kennedy's candidacy raises the same issue posed by PIERRE SALINGER's return to California to run for the Senate. The two largest States in the Union have turned to Washington for candidates who cast their last ballots in Virginia. Both men owe their prominence to national politics, and neither has ever held an elective office. But so powerful is the advantage of a national reputation that both men have been able to extinguish the hopes of local Democratic candidates whose residence is not in doubt.

And yet should it be an immutable law of American politics that the test of residence must prevail over all else in candidacy for national office? Writing a century ago, Lord Bryce called the excessive localism of American politics a "blemish" in the system. Since Bryce's time, we have become a national constituency to a far greater degree—the mobility of the population, the reach of the Federal Government, and the pervasiveness of mass communications have all eroded the boundaries of the States.

In theory, the country could gain from a less rigid approach to residence requirements. States barren of political talent could draw on a wider pool of possible candidates. As in Great Britain, a candidate lacking in popular appeal but nevertheless possessing outstanding abilities could seek a safe district. Insurgents combating entrenched local machines could also call upon national figures in order to assure a more evenly fought contest.

Yet in the cases of Mr. Kennedy and Mr. SALINGER none of these conditions exist. It is absurd to speak of either New York or California as barren of talent; both men possess considerable popular appeal; in neither case is the candidate championing an insurgent cause—indeed in New York, the Attorney General is getting the support of the old line machine politicians like the ineffable Mr. Buckley.

Instead, in both cases, the candidates have sought office in a large State—the State has not come seeking the man. The danger implicit in this tendency is obvious. As the statehouse declines as the training ground for talent, appointive national office can increasingly offer a shortcut to power. The advantage of a big publicity buildup could cancel out local experience—and a manipulative-minded President could turn his Cabinet into a nursery for candidates.

In the end, to be sure, both Mr. Kennedy and Mr. SALINGER must submit themselves to the test of the ballot, and this may be sufficient check on the potential for centralized control. It will be up to the voters of New York to determine the personal qualifications of Mr. Kennedy as against those of Senator KEATING.

Mr. DOMINICK. Mr. President, I do not pretend that this particular proposed amendment would begin to solve all of the problems I have discussed. However, it does provide a vehicle by which the entire subject could be explored.

There is no doubt, Mr. President, that hearings before the distinguished membership of the Judiciary Committee would bring forth still more possibilities which might need solution, might be treated in the same proposal, and might require some rewording of the proposed amendment.

Since these problems are very important, not only to this body but also to the country as a whole, I urge strongly that the Judiciary Committee schedule hearings as soon as possible so that the public can be fully informed and action can be taken in the near future to remedy the present chaotic situation.

Mr. President, I ask leave that the resolution be allowed to lie at the desk until September 15, 1964, so that other Senators may join me as sponsors if they see fit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. SIMPSON. I compliment the Senator from Colorado on the interesting observation he has made with reference to the proposed legislation which now lies at the desk. I compliment him for bringing to the attention of the Senate some astute and pertinent observations with respect to a situation that now exists in the United States and that augurs discouragement to political figures in many of the States of the Union unless it is corrected.

I am happy to join the Senator from Colorado. As a lawyer, although not so distinguished as the Senator from Colorado, I concur in the opinions of the lawyers with respect to the situation that confronts the United States and the U.S. Senate at this time.

Mr. DOMINICK. I deeply appreciate the comments and the help afforded by the Senator from Wyoming. As usual, he is most helpful, and his support is most welcome.

Mr. SALINGER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the Senator from California.

Mr. SALINGER. I thank the Senator from Colorado.

First, I do not rise to quarrel with the purpose of the proposed constitutional amendment which the Senator from Colorado has introduced. If it should be the will of the Senate and the States that it should become the law under which candidates for the U.S. Senate must run, I would be perfectly agreeable to that.

However, I wish to make it entirely clear that I became a candidate for the U.S. Senate under the Constitution as it is now written and that I was qualified to be a candidate under the Constitution as it is now written. The supreme court of my State on two occasions has upheld my fight to run for and my right to serve in the U.S. Senate.

So far as my residency in and my relationship to the State of California are concerned, I think I should place in the RECORD a statement to refute the statement of the Senator from Colorado.

First, the Senator from Colorado said that I had lived in Virginia for more than 8 years. I moved to Fairfax, Va., in June 1959, a little more than 5 years ago. I moved there while I was an employee of the U.S. Senate.

I moved to Washington in 1957 to become an employee of the U.S. Senate. Prior to that, I had been a lifelong resident of California. I was born in that State and was raised there. I was educated there. I worked there most of my life. All my children were born in California. My ties to California are very clear. I worked for the Democratic Party of California for 12 years. My political ties to California are very clear.

Furthermore, two Presidents, President Kennedy and President Johnson, appointed me to the post of press secretary. Two Presidents gave me commissions which stated:

> PIERRE SALINGER, of California, is appointed to the post of press secretary.

I desire the RECORD to be clear that I consider myself a Californian. The people of California and the Democratic Party of California have accepted me as a Californian.

I am confident that the people of the entire State of California will accept me as a Californian in this election. Let me say to the Senator from Colorado that I do not question the motives of his constitutional amendment; neither do I quarrel with what he intends to do. But I am 30 years old. I have for 9 years been a citizen of the United States. I am an inhabitant of the State of California. I am more than that, I am a lifelong resident of the State of California. There are many Members of this body, including the Senator from Colorado, who were not born in their home States. My opponent in this election moved to California when he was 39 years old. I do not consider him to be a carpetbagger.

I am sure that the Senator from Colorado will agree that the reason the West has become what it is today, the reason the West has become great is that millions of people moved from other parts of the country into the West and helped make it what it is.

I do not consider those people to be carpetbaggers. I would not consider a person, a native son, who has lived in the State during his entire life, and who on two occasions served his country, once in war and once in peace, to be a carpetbagger.

Mr. DOMINICK. I am glad to have the comments of the Senator from California. The reason I used his case as an example is that it is a well-known example, so far as the fact is concerned—as of last year, at least, if my understanding is correct from the record of the hearings, from which I obtained my information—that he was a taxpaying and voting resident of the State of Virginia, and then moved to California.

Let me make it crystal clear that I believe the amendment is important not only because of the cases which I have cited, but also because of conceivably creating a pattern of this kind.

The Senator from California is not even in the same class, so far as Mr. Kennedy is concerned, moving into New York, for which I can see absolutely no basis whatever except that he wished to become a Senator and New York seemed like a good opportunity to move in, despite the fact that there are some 17 million people living in the State of New York.

Mr. SALINGER. Mr. President, will the Senator from Colorado yield for a question?

Mr. DOMINICK. I am amazed that the Democrats in New York could not find a candidate in New York. It seems to me that we could have a national pattern—I shall yield to the Senator from California in a moment—where someone could come into the national office and be built up by name and reputation in one form or another, with the national publicity that would come to him from it, and then he could move from spot to spot, wherever there might seem to be a soft spot in the ticket.

I do not believe that is what the Founding Fathers meant when they wrote the qualifications for the U.S. Senate. I certainly do not believe that should be true today.

Mr. SALINGER. The former Attorney General needs no defense from me, but I would ask the Senator from Colorado whether he does not agree that the Attorney General qualifies to run for the Senate from New York under the terms of the U.S. Constitution as it is now written.

Mr. DOMINICK. I would not have the foggiest idea whether he does or not. He is 30 years old. He has been a citizen for 9 years. He is an inhabitant of New York. I would not have any idea.

Mr. SALINGER. Is it not a fact that the Constitution reads, "an inhabitant at the time of his election"?

Mr. DOMINICK. No; it does not. It reads, "an inhabitant of the State."

Mr. SALINGER. The former Attorney General is well capable of defending himself, but I believe that a careful reading of the Constitution, and a reading of the debates at the time of the founding of the Constitution, would lead a person to believe that those who wrote the Constitution foresaw the day when a person or a legislature—because the people of those days did not elect Senators at the time the Constitution was written—looking into the State to try to determine who should be a Senator from that State, would find that it did not have anyone whom it felt to be qualified to be a Senator, and would invite someone from a nearby State to become an inhabitant of their State in order to appoint him to the U.S. Senate.

Mr. DOMINICK. I invite the attention of the Senator from California to the fact that the Senator from Illinois [Mr. DOUGLAS] referred to the rotten borough system in England. I suggest that this is not something that we wish to put into effect in our States and have it called the "rotten State" system.

Mr. SALINGER. The Senator from Colorado misunderstood me. I am not advocating that. I am asking the Senator from Colorado whether a reading of the debates at the time of the founding of the Constitution would not lead him to believe that there were those at that time who believed this was a good thing.

Mr. DOMINICK. There were some who in the process of the debates thought it was a good idea, certainly; but there were more who indicated they thought it was a poor idea.

At this time, in a State like New York, which has a population of 17 million, it seems to me to be incomprehensible that it has to go to Massachusetts to find a Senator from New York.

Mr. President, I yield the floor.

ETHICS AND FAIRPLAY IN A POLITICAL CAMPAIGN

Mr. MILLER. Mr. President, on Wednesday, September 9, the Washington Daily News published an advertisement which I ask unanimous consent to have excerpts which I have circled printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER** (Mr. SALINGER in the chair). Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. MILLER. Mr. President, the ad to which I have referred is one of the most scurrilous political-type ads I have ever seen. In fact, I cannot recall ever having seen a worse one. To me, it completely violates the bounds not only of ethics and fairplay in politics but also of good taste.

I should like to refer to the code of fair campaign practices promulgated by the Fair Campaign Practices Committee of New York City, which contains on its board of directors, under the chairmanship of Charles P. Taft, some of the leading Republican and Democratic spokesmen, including former U.S. Senator from Iowa, Guy M. Gillette.

On page 11 of the "Fair Play in Politics" pamphlet, promulgated by this committee, there appears the code of the Fair Campaign Practices Committee. One of these codes reads as follows:

> I shall immediately and publicly repudiate support derived from any individual or group which resorts on behalf of my candidacy or in opposition to that of my opponent to the methods and tactics which I condemn.

Mr. President, the sum and substance of this most unfortunate advertisement is that one who would support the Senator from Arizona [Mr. GOLDWATER] for President of the United States would in effect be leading the United States into a nuclear war.

Such is the kind of vituperation used in this advertisement, which is about as low as one can get. All Senators know that in the arena of partisan politics various charges and countercharges are made. I suppose, when we look back through the early history of our country, we can find many vindictive statements which have been made about political candidates by members of both parties.

In 1958, the Fair Campaign Practices Committee was established for the purpose of doing away with this kind of campaigning. It states as one of its objectives the education of the public so that smear-type campaign tactics will backfire.

It points out that in the 1960 campaign, some 38 cases were investigated—4 of which the committee concluded had resulted in effective use of smear campaign tactics, 14 of which backfired, and the remainder were placed in the "effect undetermined" category.

Mr. President, I should like to suggest that inasmuch as the principals of both sides of the national campaign have indicated their adherence to the Fair Campaign Practices Committee code, those on the Democratic side follow this code of the Fair Campaign Practices Committee to which I have referred, and immediately and publicly repudiate the support of those people whose names are on this ad, and also the ad itself.

Mr. President, quite apart from the ethics of campaigning and fairplay in politics, which causes me to bring this matter to the attention of the Senate, there is another matter. This type of smear is dangerous to our country.

If the leaders in the Kremlin get the idea that the American public rejects the policy of firmness toward communism which the Senator from Arizona [Mr. GOLDWATER] adheres to—and which, I might add, is one of the planks in the Republican Party's platform—because the American public is afraid that a policy of firmness toward communism will lead to nuclear war, our beloved country and the free world is in for a period of nuclear blackmail, the like of which we have never seen.

I hope, Mr. President, that we shall see no more advertisements such as this. In fact, I hope we shall see no smear tactics used by the members of either side.

I know that in retaliation for this type of advertising and this type of campaigning, some Republicans are saying that the Democrats have been in control when we have had the last three wars, and therefore they want war. This type of tactic, whether it is used by Republicans or Democrats, is not calculated to provide an intelligent vote. It is calculated to appeal to emotions. It is not the kind of campaigning which I think the majority of us wish to see.

I regret that such a thing has occurred. But I believe the sooner this is repudiated, the better this campaign will be for the American public.

EXHIBIT 1

SORRY, SENATOR, THIS IS WHERE A LOT OF US REPUBLICANS GET OFF—WE CAN'T GO ALONG WITH YOU, SENATOR GOLDWATER, DOWN A RECKLESS ROAD TO NUCLEAR WAR

WILL IT BE BRINK, BOMB, AND OBLIVION?

You gave us something to think about, Senator, when you granted that interview to Der Spiegel. And we quote:

Question: But would you go to the brink of war?

GOLDWATER: Yes; just as your country (Germany) has used brinkmanship down through the years, and done so very, very successfully.

Then came your casual suggestion that we might drop a few atomic bombs—low-yield ones, of course—on Chinese supply lines in North Vietnam.

Next your insistence that atomic bombs should be issued to NATO troops as "conventional weapons"—so that every infantryman will have his finger on the trigger.

And that the awful word on where and when to drop the first atomic bomb should be given, not by the President of the United States, but by some nameless commander in the field.

This, Senator GOLDWATER, adds up to an irresponsibility that could destroy us all.

BOMBS FROM THE HIP?

For we cannot brush off your amazing admission: "Now I'll have to admit that I possibly do shoot from the hip."

With atomic warheads, Senator?

You are a military man; you well know that the first bomb dropped would not be the last.

It would be followed by bigger, and bigger, and bigger ones—until 100 million people in this country could be destroyed in 60 minutes.

Would any Republican, any American, ever knowingly cast his vote for such a dreadful possibility? Let us pray that none does in a fog of double-talk and confusion.

Make no mistake, Senator: all Republicans—not only your followers—are for a strong America. We support nuclear deterrence—under mature and responsible leadership.

But not a juvenile obsession with nuclear weaponry. Not total tragedy.

REPUBLICANS FOR JOHNSON

Robert E. McLaughlin, chairman; Mrs. Arthur Gardner, Jr., cochairman; J. Noel Macy, treasurer; Edward B. Burling, Sr.; H. Struve Hensel, and James A. Suffridge.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 10, 1964:

NATIONAL LIBRARY OF MEDICINE

Dr. Walsh McDermott, of New York, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for term expiring August 3, 1968.

Dr. Morris Tager, of Georgia, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for term expiring August 3, 1968.

Dr. Barnes Woodhall, of North Carolina, to be a member of the Board of Regents, National Library of Medicine, Public Health Service, for term expiring August 3, 1968.

IN THE PUBLIC HEALTH SERVICE

The nominations beginning Mark S. Beaubien to be senior surgeon and ending Philip C. Hoyer to be senior assistant health services officer, with the exception of Jay W. Wiedeman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on August 17, 1964.

ADJOURNMENT

Mr. INOUYE. Mr. President, if there is no further business, I move that the Senate adjourn, under the previous order, until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 9 o'clock and 12 minutes p.m.) the Senate adjourned, in accordance with the order previously entered, until tomorrow, Friday, September 11, 1964, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Labor Day Statement of Robert Taft, Jr.

EXTENSION OF REMARKS
OF
HON. ROBERT TAFT, JR.
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1964

Mr. TAFT. Mr. Speaker, under unanimous consent, I include in the CONGRESSIONAL RECORD a statement which was issued by me on this Nation's observance of Labor Day:

LABOR DAY STATEMENT

(By Congressman BOB TAFT, JR.)

Labor has made our country great and rich and powerful. It has built our cities, our roads, our dams. It has transformed arid desertlands into lush green fields. Our cars, our radios, our television sets are all the work of American labor.

This record of past achievement is excelled only by the prospects for future growth and progress. Benefits almost inconceivable only 50 years ago now stand within reach. One danger places this potential in peril, however:

If it is not alert and aware, labor could lose the progress it has attained through the freedoms of our system.

These freedoms, the bulwark of our American society, are threatened by:

Persistent interference by the Federal Government in the free collective bargaining process which is essential to our private enterprise system.

Suppression of an individual member's political preferences and priorities by some power-hungry union leaders.

Compulsory arbitration of grievances, enforced by the Federal Government, causes the free bargaining process to disintegrate. Rigid postures are assumed by labor and management when both know the Government will intervene as the final referee. Each holds back, in the belief that complete candor at the bargaining table will weaken the case to be made ultimately during arbitration.

I am most certainly in favor of equitable and impartial administration of our labor laws. But I am unalterably opposed to compulsory arbitration.

It serves no purpose other than to delay agreement which should be reached freely through the interchange of proposals by the participating parties, and this delay generally is costly to all concerned. It interjects the Government into an area where it does not rightly belong, and represents dictatorial domination by external authority. It puts labor in a position where it must try to dominate Government.

Collective bargaining agreements spring from a sensitive balancing of rights and privileges. The Government should not be allowed to upset this balance, no matter which way the scales dip.

Under the recent "case by case" review policy adopted by the National Labor Relations Board, for instance, neither labor nor management can be sure of their rights or their obligations. The principle of equal opportunity is firmly established as part of the American tradition. Both labor and management should be permitted to function in the knowledge that they are assured of equal opportunity to solve their own difficulties without external interference.

The Government can assume a proper role in this field, and there is no better example of this than recent enactment of changes in the Davis-Bacon Act covering wages paid to workers employed on federally aided projects. The act stipulates that fringe benefits must be included in computation of prevailing wage rates for the locality in which a project is located. The contractor must pay at least the prevailing rate.

I voted for this measure because I believe we in Congress have a responsibility to see that the principle of equal opportunity is protected, especially when the use of tax revenues collected from all Americans is involved.

Individual union members must not become partisan pawns in the hands of a few greedy men. They must not be forced to turn over political proxies to union leaders who will cast them as they see fit, regardless of the sentiments of the rank and file.

Such a trend, which is a danger today, ultimately will break down individual citizen responsibility. It will supplant individual representation with representation based only on economic and functional factors.

A man's politics relate directly to not only his job—but to his home, his community, his family, his children's education. He must be permitted to make a free choice when determining how he will exert his influence as a voter. Certainly, his employment and economic situation will guide him. But in individual instances, they might not be the determining factors. He should be allowed the opportunity guaranteed by our Constitution to weigh each factor independently before making a final judgment.

In our society, no group has the right to act without due regard for the effects of their actions upon others. Many union leaders recognize that they assume this responsibility when they take office, and hopefully more of them will meet it in future political deliberations.

The rank and file of the labor movement are beginning to watch carefully the pattern of increasing Government influence. In a growing number of instances, they have focused a jaundiced eye upon the abuse of political influence by some union leaders.

Labor wants to reach its own decisions. It resents desk-made decisions handed down from Washington. It knows how to fight and win its own battles. The independent spirit that is America is very much alive in our great labor population today. As we pause to celebrate Labor Day this year, we fervently pray it may ever be so.

Mrs. Michael Kutzmonich's Homemade Delicacies

EXTENSION OF REMARKS
OF
HON. DANIEL J. FLOOD
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1964

Mr. FLOOD. Mr. Speaker, a short time ago while reading one of the distinguished weekly papers published in my district, the Mountain View, I came across a story where a well-known TV personality, Nick Adams—"The Rebel"—was visiting relatives in the area. Later on, as a guest on Jack Carson's program, he loudly praised the cooking and canning prowess of his cousin, Mrs. Michael Kutzmonich, of Mountain Top, Pa., my congressional district.

I noticed that the products which were put up and canned were peaches, pears, pickles, strawberry and plum preserves.

As you know, I make it a point from time to time to call attention to the Members of the House that I have other things than coal mines in my district. I have quite a substantial agricultural economy, and whether they are farmers' wives or miners' wives, I have always known there are no better cooks or home canners in the country than I have in my district.

I got in touch with the editor of the Mountain Top View, Mr. Andrew Yurkanin, asked him to get in touch with the lady in question, and if she had any extra jars of these wonderful preserves and fruits, I would be tickled to death to bring them down here, take them to the House dining room, and see that you, Mr. Speaker, had a sample.

Within a week Mrs. Kutzmonich appeared at my residence and left for me some of her peaches, pickles, pears, strawberry and plum preserves.

Well, as you know, Mr. Speaker, I put them on the table in the House dining room, and I never saw anything go so fast in my life. If I had not been there when they were opened, I would never get a taste of them myself. As it was, I got a taste of one pickle, one peach and some of the plum preserves out of the whole batch. I noticed, particularly, the "Big City" boys from New York and Philadelphia, really gobbled up these homemade delicacies—and I know you enjoyed your little taste as well.

Nikola Petkov

EXTENSION OF REMARKS
OF
HON. ROMAN C. PUCINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1964

Mr. PUCINSKI. Mr. Speaker, at the end of the last war, the leaders of western democracies were in for some severe shocks and disappointments. As late as 1947 they still nursed the hope that the Communist leaders of the Kremlin would abide by certain basic international agreements and honor at least some of their contractual agreements. One of these was that the Communists were to allow free and unfettered elections in Communist-dominated countries, and that the non-Communist candidates to office were free to express their views. But these illusions and hopes were shattered, and the West learned that these Communist leaders were no better than the fanatical Fascists and Nazis. This was proved to them by the Communist treachery in Bulgaria.

There the Communists took steps to crush effectively all opposition groups and elements. Under the all-powerful steamroller policy of the Communist Party, all opposition was eliminated and their leaders liquidated. By 1947 there was left only the agrarian group led by its courageous leader Nikola Petkov. He with his group carried on the first against heavy odds, and while doing this he was arrested, condemned as an "enemy of the people," and executed on September 23, 1947. On the 17th anniversary of this heinous crime, this judicial murder of this upholder of democracy, we pay tribute to his blessed memory.

Goldwater's Tax Cut Proposal

EXTENSION OF REMARKS
OF
HON. GRAHAM PURCELL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1964

Mr. PURCELL. Mr. Speaker, under leave to extend my remarks, I include my newsletter, Report From Congress, dated September 14, 1964.

REPORT FROM CONGRESS

(By GRAHAM PURCELL, Representative, 13th District, Texas, September 14, 1964)

DEAR FRIENDS: I was surprised, to say the least, when Senator GOLDWATER made his proposal last week to reduce personal and corporate income taxes by a total of 25 percent. The surprise was partly the result of my recollection that the Senator was such a vocal opponent of the tax reduction and reform measure which was enacted this year.

However, when I studied the Senator's proposal more closely, my surprise turned to shock. For, if the Republican candidate for President is the strong advocate of balanced budgets and deficit reduction he claims to be, his proposal is surely not consistent with his previous statements.

Let's examine our Federal expenditures, and see what would be necessarily eliminated by the tax reduction of the magnitude contemplated by the Senator. A reduction of 25 percent in personal and corporate taxes would amount to $18.7 billion per year.

The Federal budget calls for spending $54 billion per year on national defense. Surely Mr. GOLDWATER would not want to reduce this figure. He is a strong advocate of complete preparedness, and has even criticized this administration for not maintaining our defense capabilities at a high enough level.

The budget includes $11.1 billion for interest payments which cannot be avoided. There is no way to reduce this figure significantly in the near future.

The budget includes $5.1 billion for veterans' benefits and services. These programs have been promised to our veterans, and Senator GOLDWATER would surely not want the United States to go back on its word to those who fought to defend our freedom.

International affairs and finance, another necessary item, amounts to $2.2 billion. And general Government operations, the cost of operating Congress, the courts, and other necessary parts of the Government, amounts to $2.2 billion per year.

Senator GOLDWATER has had some criticism of our space program. So, for the purposes of this examination, let's assume that he would suggest a 10-percent reduction in this program. That would leave a total of $4.5 billion which is necessary for the space program.

These necessary expenditures come to a total of $79.1 billion. A reduction of 25 percent in taxes as suggested by the Senator would leave the Federal Government with almost exactly this amount for its operation. This obviously means there would be no funds at all left for any other governmental functions at the Federal level.

Let's look at what would be necessarily eliminated under the Senator's proposal. The complete operations of the Department of Agriculture, costing $7 billion, would be eliminated. This would mean discontinuing all farm commodity programs, which is consistent with the Senator's views. But it would also mean complete elimination of those valuable services to all Americans which consume the major portion of the Department of Agriculture budget, operation and maintenance of national park system, agricultural research programs, the Federal Extension Service, the Rural Electrification Administration, and many others.

Also eliminated necessarily would be all services and programs under the Departments of Commerce, Labor, Health, Education, and Welfare, and others. And elimination of the programs of such vital agencies as the Housing and Home Finance Agency, the Small Business Administration, and many others. Funds would be eliminated for the Pure Food and Drug Administration, National Institutes of Health, the U.S. Weather Bureau, the Federal Aviation Agency, just to mention a very few. Also eliminated would be contingency funds for such emergency programs as the current fight against the encephalitis outbreak in Texas. I could go on and on, but I think you get the idea.

On the other side of the ledger, the Senator is on record as favoring an increase of $5 billion per year in defense expenditures over the next decade. He has advocated increases in veterans' benefits. He proposes central Arizona version of the TVA which would cost billions. And his platform, which he says he fully endorses, has recommended tax credits for elderly, medical and hospital care, education, and fishing vessels which would cost at least $2 billion annually in lost revenue, as well as excise tax cuts and tax transfers to the States.

It appears obvious to me that the Senator is making an irresponsible and desperate appeal for votes with a proposal he does not really feel is proper, or he has become the most fiscally irresponsible man in Government. He just doesn't make sense. His statements are becoming more and more inconsistent.

Congressman Donald Rumsfeld Reports

EXTENSION OF REMARKS
OF
HON. DONALD RUMSFELD
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1964

Mr. RUMSFELD. Mr. Speaker, during this 88th Congress, I have periodically mailed a newsletter commenting on the work of the Congress to interested individuals in the 13th Congressional District of Illinois. The following is my final newsletter of the 88th Congress, dated September 15, 1964:

CONGRESSMAN DONALD RUMSFELD REPORTS

WASHINGTON, D.C.—With Labor Day behind us, the conventions concluded, and fall election campaigns gaining momentum, Congress is still in session and seems headed for another record-breaking year, having already passed over 700 bills and resolutions. With reelection campaigns facing all (435) of us who serve in the House, as well as 35 Senators, Congress is attempting to complete its business, but there is every indication that we may still be on the job in Washington, D.C., in early October. Major legislation passed by the House since my last report included the following:

EDUCATION

Certainly this will be known as the education Congress. Bills in some way connected with education passed by this Congress with my support included an urgently needed and greatly improved vocational education program, an expansion of the Manpower Retraining Act (both aimed at alleviating unemployment), and mental health and retardation legislation including training grants. Bills for Federal aid to medical schools and aid to higher education also passed. I opposed these latter two bills because of the current $8.3 billion Federal deficit and the serious need to establish priorities in Federal spending, the already substantial efforts in these areas of private as well as public resources, the fact that antidiscrimination amendments to both bills were omitted, and because of my strong preference for the education bill I have introduced. My bill would provide individual income tax deductions for education expenses, thereby enabling such schools to charge the tuitions necessary to meet their needs. Regrettably, it has not had a hearing in the House.

Within the past month, two additional education bills passed the House, both with my support. First, the National Defense Education Act was expanded and extended, raising student loan authorizations annually to $200 million by fiscal year 1967, increasing the number of graduate fellowships to 6,500 by 1967, and providing matching grants to States for the purchase of equipment for use in teaching science, mathematics, and foreign languages. This bill extended the program for construction, operation, and maintenance of schools in districts "impacted" by Federal military and civilian activities, such as Glenview. The second was the Nurse Training Act, which authorizes $90 million in Federal funds over a 4-year period for construction or rehabilitation of nursing schools, a program of grants to the improvement and expansion of nurse training programs, and a new student loan program, to help alleviate the shortage of trained nurses.

"FOOD FOR PEACE"

The House passed, and I supported, an extension of Public Law 480, the law permitting the sale in local currencies and grants of U.S. surplus agricultural commodities to needy foreign countries. Under this program, needy peoples of over 100 nations have enjoyed the abundance of our Nation, and, I believe, the free world has in certain instances been strengthened, and communism weakened, by our participation in the program. Regrettably, this has not been the case with the United Arab Republic. In the past 10 years, Nasser's U.A.R. has received over $1.1 billion of U.S. agricultural commodities, and, recently, $200 million in annual grain shipments, enabling him to divert his resources for the purchase of modern arms from the Soviet Union through a cotton-for-arms barter agreement. By so doing, the United States of America has helped, and, in fact, encouraged, Nasser to continue his arms buildup, continue U.A.R. aggressions against Yemen (thousands are already dead in the Yemen war) and against Israel, and step up his frequent anti-American diatribes. An amendment was offered to discontinue further U.S. aid to the U.A.R. after the current agreement expires (a new 3-year agreement is apparently now being considered). I supported and spoke for this reasonable amendment. Unfortunately, it was defeated by a narrow margin only after President Johnson and the Democratic leaders of the House marshaled their forces after a forced 24-hour delay in the debate. Copies of the debate are available on request for those who may wish to attempt to better understand this unfortunate situation.

FOREIGN AFFAIRS

United Nations: 15 member countries of the U.N. are more than 2 years behind in paying their U.N. assessments. Under the U.N. Charter, these nations are subject to a loss of their vote in the General Assembly unless they reduce their debt before the Assembly meets in November. A resolution was passed by the House, with my support, clearly expressing the recommendation that the U.N. Charter be enforced on these nonpaying member nations. Note: The 18th Annual Report covering U.S. participation in the U.N. during 1963 is being printed as House Document 188 and will be available through my office on request.

Vietnam resolution: The House passed, and I supported, a resolution supporting U.S. action in the Bay of Tonkin, following the attack of North Vietnamese gunboats on U.S. destroyers off the coast of North Vietnam. The resolution restated U.S. intention to "take all necessary steps, including the use of armed force, to assist any member of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Coffee agreement: A bill to implement the International Coffee Agreement by authorizing the President to limit imports of coffee from countries which have not joined in the agreement was passed by the House last year, and amended by the Senate. The conference report was recently rejected by the House. I opposed this bill last year and also opposed the conference report. The fact that since 1962, the year the Coffee Agreement was accepted, the price of coffee has gone up over 20 cents per pound should be some indication of the inadvisability of this international cartel which the administration has sponsored.

MISCELLANEOUS BILLS PASSED

Veterans: Bills increasing and revising non-service-connected disability and death pensions for veterans of World War I, II, and the Korean conflict and their widows, and authorizing programs of nursing care for aged veterans, affecting some 8.3 million veterans, passed with my support. Securities and Exchange Act: The House passed a bill amending the Securities and Exchange Act providing standards and safeguards for investors dealing in over-the-counter securities. The Migrant Farm Labor Contractor Registration Act: Passed with my support, and requires registration of labor contractors and proof of financial responsibility and liability insurance on migrants' transportation vehicles, to minimize abuses of migrant farmworkers. I supported a bill providing for repayments to the Seneca Indians for land lost to them due to construction of a dam on the Allegheny River. Commission on Automation: The House, with my support, approved legislation to establish a National Commission on Technology, Automation, and Economic Progress, to study past and current effects of technological change, innovations in production and employment which will likely occur in the next 10 years, and means for channeling new technology into existing industries. The Housing Act of 1964, funding housing and urban renewal programs, passed with my support and included plans for construction of low-cost rental housing for domestic migrant farmworkers and training grants for city planning. Nuclear materials ownership: I voted to amend the Atomic Energy Act to allow commercial ownership of special nuclear materials under certain prescribed circumstances.

ODDS AND ENDS

Pressure is building up to pass the proposed Becker constitutional amendment to reverse the Supreme Court prayer decision, with more than 176 of the needed 218 signatures now on the discharge petition to bring the bill up for an immediate vote. Last month, I introduced a resolution expressing the concern of the U.S. Congress over the increasingly alarming reports of anti-Semitism in the Soviet Union, including the confiscation of synagogues, restrictions on cultural expression, and executions for so-called economic crimes. The Senate is currently holding hearings and might act on this matter before adjournment. Senator BYRD, Democratic chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, reports President Johnson has added "7,948 new Federal employees in the first 6 months of this year" or at the rate of 325 per week. End of the session tempers are high in Congress, with one Member calling another Member the "No. 1 hoodlum of the United States," and a third Member calling the first "cowardly and not deserving of the name 'Congressman.'" Comment: How fortunate we are that duels are out of vogue. The Bobby Baker scandal continues to smolder with the latest revelations of $25,000 kickbacks for political contributions—a Federal offense—bringing the FBI into the investigation.

PERSONAL NOTE

This will be the last "Rumsfeld Reports" newsletter of the 88th Congress (1963–64). With the anticipated adjournment of Congress in late September or early October, I will be returning to Illinois for the remainder of the year. If you have friends who would like to receive these periodic "Reports," or if there is an error in your address, please let me know. After the conclusion of Congress, I will, as last year, prepare and mail a "Legislative Report" summarizing the work of the 88th Congress.

I sincerely hope that these "Reports from Washington, D.C." have been of interest to you.

With my best wishes,

DON RUMSFELD.

Speeches by Senator Scott and Christopher Emmet at Polish Army Veterans Meeting

EXTENSION OF REMARKS

OF

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 10, 1964

Mr. SCOTT. Mr. President, on August 31, I had a statement read for me before an important meeting of the Polish Army Veterans, in Philadelphia. Appearing in my place was the distinguished Christopher Emmet, chairman of the American Friends of the Captive Nations, who delivered an eloquent address.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD my own remarks and those of Mr. Emmet.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR HUGH SCOTT TO MEETING OF POLISH ARMY VETERANS, AT PHILADELPHIA, ON AUGUST 30, 1964, COMMEMORATION OF THE 20TH ANNIVERSARY OF THE WORLD WAR II WARSAW UPRISING

Twenty years ago this month hundreds of thousands of Polish patriots rose up in revolt against their Nazi oppressors. Outmanned in everything but courage, they fought and bled and died, while their beautiful and historic capital of Warsaw literally crumbled into ruins around them.

Some 20,000 Polish soldiers were killed, and untold thousands of civilians slaughtered. But they could not know that their lives, given for their country and ancient heritage, also constituted the opening of Communist Russia's imperialistic onslaught against free men everywhere.

The mighty Red army, ostensibly an ally in the war against Nazism, camped outside the gates of Warsaw while Poland's finest were being slaughtered and Warsaw destroyed. Then, and only then, did they move in and take over the ruined city, and eventually the entire country.

This aspect of the Warsaw uprising, the ruthless tactics employed by the Soviets to replace Nazi domination of Poland with their own, must not be allowed to be forgotten.

Yet, many in our country today seem to fear that somehow we might wound Soviet sensibilities by references to their brutal conquests and oppression of East European peoples. The administration's recent proclamation of August 1 as Warsaw Uprising Day did not even mention the calculated treachery of the Soviet Union and the part it played in the tragic outcome of that uprising.

I do not believe that the so-called detente which many say now exists between the United States and the Soviets justifies our ignoring the harsh history of Soviet imperialism.

SPEECH BY CHRISTOPHER EMMET AT MEETING OF POLISH ARMY VETERANS IN PHILADELPHIA COMMEMORATING THE 20TH ANNIVERSARY OF THE BATTLE OF WARSAW, AND HONORING THE COMMANDER OF THE UNDERGROUND ARMY, GEN. BOR KOMOROSKI, WHO SPOKE AT THE MEETING

Mr. Chairman, Gen. Bor Komoroski, ladies and gentlemen, I am deeply honored to take part in this meeting, and I share your regret that Senator SCOTT, who has been such a good friend of Poland and the other captive nations could not be here. It is a very rare and a very thrilling experience to be able to celebrate one of the glorious deeds of history in the presence of a living hero of those events, as we are doing today in the presence of General Bor.

I know that Senator SCOTT would have been as moved as I am if he could have been with you. It seems to me very appropriate that you invited Senator SCOTT to address you, for you are commemorating one of the heroic episodes of Polish history. For centuries the Poles have been known among the nations for their bravery. And as for Senator SCOTT, whatever else his political opponents may say about him, no one could ever accuse him of lacking political courage, as he has proved once again in recent months.

THE OTHER BATTLE OF WARSAW

Before giving you some reflections on the meaning of the Battle of Warsaw for us today, I would like to recall two other dates in modern Polish history when Poland rendered a service to the whole free world—and suffered for it. In 1920 the Poles stopped the advance of communism into central Europe by the great victory of General Pilsudski before the gates of Warsaw. With the chaotic conditions existing in central Europe at that time, and the disunity of the Western Allies, there is no telling what the course of history might have been if that first Battle of Warsaw had not been won by the Poles.

It was not until 24 years later that Communist armies ventured into central Europe again in 1944. And as we shall see in a moment, if the Western Allies had learned the lessons of the second Battle of Warsaw, Soviet Armies would not be where they are today.

The Poles rendered the same service in preventing a final Nazi conquest of Europe, which they rendered in protecting Western Europe from communism. In 1939, when the Poles refused to surrender to Hitler as Czechoslovakia had done, the Polish people knew that it was physically impossible for the British or the French to give them substantial military aid. The Poles fought although they did not have any mountain barriers or fortifications to defend their frontier against the Nazi armies. If Poland had not fought then, and thus forced the British and French to go to war to honor their pledges, Hitler would have taken all Europe without firing a shot. The British would have been isolated, and eventually the United States would have had to fight Hitler and Japan almost alone.

SECOND BATTLE OF WARSAW JULY 30–OCTOBER 2, 1944

And now turning to the second battle of Warsaw in 1944, you have already heard an outline of the facts from General Bor—how the Nazi armies were in demoralized retreat, how the Soviet armies crossed the Vistula and were within 10 miles of Warsaw, how the Soviet Air Force controlled the air over Warsaw, how the Moscow radio and the Soviet generals called on the Polish armies to rise against the Germans, because the Russians were at the gates to help them—and, finally, how the Polish underground army rose and within 24 hours captured most of the city, only to see the Soviet Air Force disappear from the skies over the city, to hear the Soviet guns go silent, and to wait in vain for the promised Russian aid. This was a betrayal on the most gigantic and diabolical scale that we know of in recorded history.

I need not add to the facts which General Bor has told you, but I would like to read you a few quotes from Winston Churchill, because they confirm everything which the general has said. These quotes are taken from the sixth volume of Churchill's great history of the war, "Triumph and Tragedy." Here is part of a message Churchill sent to President Roosevelt on August 18:

"An episode of profound and far-reaching gravity is created by the Russian refusal to permit American aircraft to bring succor to the heroic insurgents in Warsaw, aggravated by their own complete neglect to provide supplies by air when only a few score of miles away."

In answer to this and similar messages from Prime Minister Churchill and President Roosevelt, Stalin replied, on August 22:

"Sooner or later the truth about the group of criminals who had embarked on the Warsaw adventure will become known to everybody."

The criminals Stalin referred to were General Bor and the people of Warsaw, whom Stalin himself had urged to rise against the Germans.

Weeks later, after the Polish underground army and the people of Warsaw had been fighting the Germans for nearly 6 weeks, Stalin pretended to yield to the pressure of Roosevelt and Churchill. He then ordered the Soviet armies to advance into the suburbs of the city, as they could have done weeks before. This was a move to deceive the West and to pretend that the Russians were finally coming to the aid of the Poles. But it was just another ruse, for they stopped in the suburbs and gave no aid to the Poles, whom the Germans continued to decimate.

Describing this Soviet tactic Churchill says on page 144:

"The following day the Russians occupied the Praga suburb but went no farther. They wished to have the non-Communist Poles destroyed to the full, but also to keep alive the idea that they were going to their rescue.

THE LESSONS OF WARSAW AND THE YALTA AGREEMENT

By their incredibly prolonged resistance, the people of Warsaw and the Polish underground army had torn the mask from the Soviet Communists. The betrayal of Warsaw revealed that Stalin was stepping into Hitler's shoes as a menace to the free world, 6 months before the Yalta Conference. It was not the fault of the Polish people that this lesson was either ignored or quickly forgotten. Taking the facts as Churchill himself described them, the Soviet incitement and abandonment of Warsaw was an unforgettable act of treachery—yet, we made the Yalta agreement 6 months later.

We are told now that there was nothing wrong with the Yalta agreement, except that Russia violated it. I cannot accept this because the agreement itself violated the key provisions of the Atlantic Charter, which was the only joint statement of Allied war aims, accepted by the Soviets on January 1, 1942. But leaving that aside, we must still ask why, after the battle of Warsaw, did Churchill and Roosevelt imagine that Stalin would not violate it? That will remain one of the mysteries of history.

Even earlier, ever since the tide was turned against Hitler in December 1942 by the Nazi defeats at Stalingrad and at El Alamein, Stalin had given evidence that he was already plotting for the control of Europe and the world even at the cost of postponing the victory against Hitler. He refused to grant bases in Russia for the bombing of the Rumanian oil wells, which would have shortened German resistance. He even refused to grant the United States fighter bases at Murmansk to protect the American ships which were delivering lend-lease oil to Russia, from the Nazi air force in Norway. As a result, hundreds of American sailors were drowned, many ships were lost, also many American planes and airmen were downed when we tried to bomb the Ploesti oilfields from distant bases. Think of the losses to the Russian people and the Russian armies by this refusal of Stalin which prolonged the Nazi war effort. Yet he preferred to have hundreds of thousands of Russian soldiers die rather than let the Russian people know the extent to which they were being aided and saved by America's help.

That was why Stalin feared to have American airmen based on Soviet soil. That is why, when Stalin briefly agreed to an American air base at Poltava, the Americans were forced to destroy every scrap of American newspapers and magazines, lest Soviet military personnel should be granted a glimpse into the truth about the West. Stalin refused to let the Russian people know that the lend-lease supplies, on which the Russian armies moved, came from America, until Ambassador Admiral Stanley, acting on his own initiative, forced one grudging admission from Stalin by threatening to cut off the supplies.

Finally, Stalin revealed his postwar plans by the murder of 11,000 Polish officers who were trying to organize the Polish armies to fight with the Russians against the Germans. The Polish troops in Russia would have fought as bravely as the Polish troops under General Anders in Italy, but Stalin did not want there to be any Polish Army, so he had the officers murdered. When the Nazi army on their invasion of Russia discovered the mass graves of thousands of these officers in the Katyn Forest, they called in neutral scientists from Switzerland and Sweden, who testified, from the state of the bodies and the uniforms that they wore, that they could not have been killed by the Germans and must have been killed earlier by the Russians.

It was perfectly natural that the Allied governments refused to admit the truth of this publicly in wartime, for the sake of the common war effort against the Nazis. But what excuse was there for the Allied leaders not to recognize the facts privately and draw the inevitable conclusions about Stalin's character and policy toward the West, as revealed in this monstrous crime?

In the Katyn murders Stalin killed thousands of Polish officers who had chosen to surrender to the Russians rather than to the Germans when Hitler attacked Poland and Stalin stabbed Poland in the back. In short, he was murdering men who were friendly to Russia and who hoped to fight on Russia's side against the Germans. He murdered the Polish officers because he wanted to destroy the possibility of a Polish Army which could defend an independent Poland. And he incited the Polish underground army to its revolt against the Germans for the same reason.

WHAT MIGHT HAVE BEEN

Even if the eyes of Roosevelt and Churchill had only been opened by the similar Soviet crime in the battle of Warsaw, in the summer of 1944, there was still time after that for them to profit by the lesson. The Yalta Conference took place 6 months after the battle of Warsaw began. General Patton still could have occupied Prague and we still could have occupied Berlin, instead of letting the Russians get there first. And by telling the American people the truth our Government knew about our Communist allies, we could have prevented or at least reduced the hysterical, and partly Communist instigated, agitation to bring the American troops prematurely home from Europe in 1945, which enabled Stalin to take over Central Europe with impunity.

All this was the result of the tragic wishful thinking which caused even the greatest of Western leaders to deceive themselves about communism, until it was almost too late to save Western Europe from the Soviet armies. Even when Winston Churchill warned the West as late as March 1946 in Fulton, Mo., few American leaders or newspapers agreed with him.

Since President Roosevelt was a Democrat, and lest this appear to be a partisan attack in an election year, let me stress that General Eisenhower, as our Commander in Chief, shared some of the responsibility of what happened in Prague and Berlin. Let me also stress that nothing in this criticism of Roosevelt and Churchill detracts from the immeasurable previous services both those great men rendered to the whole free world.

WHAT WE SHOULD DO

But what are the lessons of the battle of Warsaw for us today? Once again I fear that we face the danger of wishful thinking. We are told that there was a new Soviet Russia after the death of Stalin. We are even told now that there is a new Khrushchev. But the record shows that Khrushchev has learned the lessons of treachery well from his master, Stalin.

We need only remember the reinvasion of Hungary after the pretended Soviet withdrawal, the arrest of the Hungarian Commanding General Maleter, who was negotiating under a flag of truce; and the kidnaping of Premier Nagy under a safe conduct granted by the Soviets. Above all, we need only remember the secret installation of the missiles in Cuba, behind the friendly assurances of Khrushchev in personal letters and messages to President Kennedy.

We have been giving aid to Poland since the Polish revolution in 1956, which won some freedom of religion and of speech, as well as freedom from farm collectivization for the Polish people. But while receiving generous American aid designed to maintain and encourage those new freedoms, the Gomulka government has been steadily whittling them away. The American Friends of the Captive Nations have just issued a pamphlet describing conditions in Poland today, by a distinguished Pole who is known to members of our committee but who writes under a nom de plume to protect his relations at home. Copies of this pamphlet are available if you will write to us. As the author says, we should make continued American aid conditional upon a change in these Gomulka policies, so that the generosity of the American people is not used to strengthen a Communist dictatorship.

The same thing applies to the proposed American credits and aid for the other Communist countries of Eastern Europe. We must aid the people to win back their freedom, not bolster the satellite governments which still deny them every basic liberty despite minor relaxations. These satellite governments desperately need American credits, chemical plants, and other factories. The Communists use trade and aid as a weapon of subversion. We must use America's economic power and the Communist economic crisis to defend and extend freedom.

The 88th Congress: Record of Appropriations

EXTENSION OF REMARKS

OF

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1964

Mr. MARSH. Mr. Speaker, before many more weeks have passed, it is to be hoped, we will have before us the complete appropriations record of the 2d session of the 88th Congress. It may be worth while, in this connection, to have at hand for reference a tabulation of the appropriations voted during the first session of this Congress.

Under leave to extend my remarks in the RECORD, therefore, I include such a tabulation prepared by the Coordinator of Information:

Departmental appropriations, 88th Cong., 1st sess.

[For regular activities]

Title	Budget estimates	Amount as passed (House)	Amount as passed (Senate)	Amount enacted	Public Law No.
Interior	$674, 169, 000	$597, 860, 200	$627, 859, 900	$612, 061, 750	88-79
Related agencies	354, 340, 000	330, 765, 500	357, 833, 500	346, 394, 750	
Treasury [1]	1, 153, 230, 000	1, 095, 910, 000	1, 112, 200, 250	1, 103, 650, 000	88-39
U.S. Tax Court	1, 893, 000	1, 890, 000	1, 890, 000	1, 890, 000	
Post office	4, 976, 964, 000	4, 885, 000, 000	4, 940, 750, 000	4, 925, 500, 000	
Executive Office of President	14, 058, 000	13, 641, 000	14, 041, 000	13, 841, 000	
Labor	427, 220, 000	384, 844, 000	384, 844, 000	350, 078, 000	88-136
Related agencies [2]	30, 950, 000	29, 550, 000	29, 550, 000	30, 105, 000	
Health, Education, Welfare	5, 301, 314, 000	5, 035, 542, 000	5, 036, 742, 000	5, 090, 904, 000	
Supplemental, 1963	1, 641, 507, 106	1, 438, 691, 506	1, 488, 683, 841	1, 467, 430, 491	88-25
Supplemental, 1963 (CCC)	508, 172, 000	508, 172, 000	508, 172, 000	508, 172, 000	88-190
Agriculture	1, 582, 417, 000	1, 530, 934, 000	1, 564, 207, 340	1, 548, 973, 315	88-250
Related agencies [3]	4, 786, 338, 000	4, 448, 523, 000	4, 483, 781, 000	4, 675, 396, 900	
Legislative [4]	182, 218, 450	140, 038, 919	168, 273, 069	168, 273, 069	88-248
State	359, 721, 000	305, 051, 000	325, 033, 000	322, 696, 000	88-245
USIA	208, 236, 000	163, 470, 000	170, 620, 000	166, 220, 000	
Justice	355, 506, 000	343, 799, 000	344, 477, 000	343, 899, 000	
Judiciary	59, 084, 900	58, 127, 900	58, 127, 000	58, 127, 000	
Commerce	996, 572, 000	833, 818, 000	798, 300, 100	804, 500, 000	
Related agencies [5]	172, 716, 000	139, 204, 000	116, 985, 000	116, 850, 000	
Defense	49, 014, 237, 000	47, 082, 009, 000	47, 339, 707, 000	47, 220, 010, 000	88-149
District of Columbia [6]	289, 581, 800	284, 286, 800	319, 587, 725	313, 093, 424	88-252
Independent offices [7]	14, 658, 588, 000	13, 102, 718, 700	13, 300, 214, 650	13, 224, 518, 000	88-215
Military construction	1, 966, 400, 000	1, 562, 964, 000	1, 617, 489, 000	1, 585, 880, 000	88-220
Public works [8]	4, 561, 747, 000	4, 276, 116, 400	4, 500, 963, 200	4, 406, 272, 700	88-257
Foreign aid [9]	4, 525, 325, 000	2, 801, 700, 000	3, 273, 203, 000	3, 000, 000, 000	88-258
Supplemental, 1964 [10]	41, 886, 000	41, 886, 000	258, 090, 000	289, 688, 000	88-268

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[1] Does not include permanent and indefinite appropriations for debt service, tax refunds, trust funds payments, etc.

[2] Includes National Labor Relations Board, National Mediation Board, and Federal Mediation and Conciliation Service.

[3] Includes credit agencies and corporations (Rural Electrification Administration, Farmers Home Administration, Commodity Credit Corporation, etc.) and special programs and functions, including school lunch and foreign assistance.

[4] Figures include funds for Library of Congress, Government Printing Office, Architect of the Capitol, etc., in addition to House of Representatives and Senate.

[5] Includes Small Business Administration, Civil Rights Commission, Maritime Commission, Foreign Claims Settlement Commission, Tariff Commission, U.S. Arms Control and Disarmament Agency.

[6] Includes Federal contribution of $37,500,000; balance derived from District of Columbia revenues.

[7] Principal agencies provided for in this bill: Veterans' Administration, National Aeronautics and Space Administration, Federal Aviation Agency, Housing and Home Finance Administration, General Services Administration, FCC, FTC, ICC, SEC, and National Science Foundation.

[8] Includes funds for Atomic Energy Commission; Army Engineers' programs for navigation improvements and flood control; Tennessee Valley Authority; Bureau of Reclamation and power agencies of Department of Interior, etc.

[9] Above figures do not include unrelated items carried in this bill.

[10] Originally introduced to finance new programs to combat mental retardation, funds were later added for impacted school districts, National Defense Education Act scholarships, and for operation of Mexican farm labor program.

NOTE.—The Congress enacted Public Law 88-55, Public Law 88-109, Public Law 88-162, and Public Law 88-188, joint resolutions, continuing appropriations through Aug. 31, Oct. 31, and Nov. 30, 1963, and Jan. 31, 1964, respectively.

Acceptance Address of the Honorable Hubert H. Humphrey, U.S. Senator From the State of Minnesota

EXTENSION OF REMARKS

OF

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1964

Mr. PEPPER. Mr. Speaker, the great address made by Senator HUBERT HUMPHREY in accepting the Democratic nomination for Vice President at the Democratic National Convention was a magnificent statement of the high principles of the Democratic Party and of President Johnson and the Democratic nominee HUBERT HUMPHREY. I am proud to be able to offer this magnificent address for the RECORD and I commend it to my colleagues and to my fellow countrymen:

ACCEPTANCE ADDRESS OF THE HONORABLE HUBERT H. HUMPHREY, U.S. SENATOR FROM THE STATE OF MINNESOTA

Mr. Chairman, Mr. President, my fellow Democrats, my fellow Americans, I proudly and humbly accept your nomination. Will we ever be able to forget this unbelievable, this moving, this beautiful, this wonderful evening? What a challenge to every person in this land to live up to the goals and the ideals of those who have gone before us, and have charted the course of our action.

I was deeply moved last night. I received a singular tribute from a friend and a great President, a tribute that I shall never forget, and I pray to Almighty God that I shall have the strength and the wisdom to measure up to the confidence and the trust that has been placed in me. And please let me say thank you, my fellow Democrats.

I believe that I know President Johnson as well as any man. So let me tell you about him. I have known for 16 years his courage, his wisdom, his tact, and his persuasion, his judgment, and his leadership.

But I shall never forget those hours and those days of tragedy and crisis last November that we once again relived tonight, when a dear and wonderful friend and a great President was taken from us. And another stepped forward without a falter, without a moment of hesitation or a moment of doubt.

I was among those that he called to his side. He asked us, we, the people, Republicans and Democrats alike—Americans all—for our help. And I say thank God that John Fitzgerald Kennedy was the patriot that he was, that he had the foresight that day in Los Angeles to provide for his country.

Thank God for this country and for the peace of the world—that President Kennedy had the wisdom to choose a Lyndon Johnson as his Vice President.

I am sure you remember these words: "Let us continue." Those simple and direct words of President Johnson reached the hearts of our people. Those words rallied them, lifted them, and unified them.

In this world, disaster is ever but a step away. There is no margin for error. The leader of the free world, the leader of the American democracy, holds in his hands the destinies not only of his people, but holds in his hands the destinies of all mankind.

Yes, the President of the United States must be a man of calm and deep assurance who knows his country and knows his people. Above all, he must be a man of clear mind and sound judgment, a man who can lead, a man who can decide, a man of purpose and conviction. And, Lyndon Johnson is that man.

He is a man with the instincts of a teacher, who would rather persuade than compel, who would rather unite than divide.

President Johnson is respectful of the traditions of the Presidency, and he understands the compelling need for restraint in the use of the greatest power ever assembled by man.

In President Johnson's hands, our people know that our power is for justice, and in his hands our people know that our power is for peace. In his hands, our people know that our power is for freedom.

President Johnson has helped to make the Democratic Party the only truly national party. And this very convention demonstrates our strong and our abiding unity and brotherhood.

And what a contrast—what a contrast with the shambles at the Cow Palace in San Francisco. What a contrast with that incredible spectacle of bitterness, of hostility, of personal attack.

The American people have seen the contrast. The American people do have a clear choice, and I predict their choice will be Lyndon Johnson in November.

Ralph Waldo Emerson once spoke of "The two parties which divide the state"—the party of hope and the party of memory, my fellow Democrats. They renew their rivalry, he said, from generation to generation.

This contest, between the party of hope and the party of memory lies at the very heart of this campaign.

During the last few weeks, shrill voices have tried to lay claim to the great spirit of the American past. But they long for a past that never was. In their recklessness and in their radicalism, they distort the American conservative tradition.

Yes, those who have kidnapped the Republican Party have made it this year not a party of memory and sentiment, but one of stridency, of unrestrained passion, of extreme and radical language.

And by contrast, which is clear to all, under the leadership of President Lyndon Johnson, the Democratic Party stands today as the champion of great causes, as the party of purpose and conviction, as the party of national unity, and as the party of hope for all mankind.

Now let me document my case. Above all, the contrast is between the Democratic leadership and that of the Goldwater party is sharp and decisive on the question of peace and security. For 25 years, my fellow Americans, both parties have held the conviction that politics should stop at the water's edge, that we must be united in the face of our enemies, and we must be united in support of our allies and our friends.

And I say here tonight, to every American, to every friend of freedom, woe to that party of that spokesman that turns its back upon bipartisan foreign policy. Woe to those who are willing to divide this Nation, and beware of those who cast false doubts upon our great strength.

What great problems there are to solve: Problems to control the awesome power of the nuclear age, to strengthen the grand alliance with Europe.

To continue the task of building a strong and prosperous and united hemisphere under the Alliance for Progress.

To assist our friends in Asia and Africa in preserving their freedom and promoting their progress.

And to defend and extend freedom throughout the world.

Now, my fellow Americans, these urgent problems demand reasoned solutions, not empty slogans. Childlike answers cannot solve man-sized problems.

These problems demand leadership that is prudent, restrained, responsible. They require a President who knows that Rome was not built in a day, but who also knows that the great edifice of Western civilization can be brought down in ruins in 1 hour.

The American Presidency is not a place for a man who is impetuous at one moment, and indecisive the next; nor is it a place for one who is violently for something one day and violently opposed to it on the next, nor is it an office where statements on matters of major policy are so confusing and so contradictory that neither friend nor foe knows where he stands.

And my fellow Americans, it is of the highest importance that both friend and foe know that the American President means what he says and says what he means.

The temporary spokesman of the Republican Party—yes, the temporary Republican spokesman—is not only out of tune with the great majority of his countrymen; he is even out of step with his own party.

In the last 3½ years, most Democrats and Republicans have agreed on the great decisions our Nation has made. But not the Republican spokesman, not Senator GOLDWATER. He has been facing backward, against the mainstream of American history. Most Democrats and most Republicans in the U.S. Senate, for example, voted for the nuclear test ban treaty. But not the temporary Republican spokesman.

Most Democrats and Republicans in the Senate voted for an eleven and a half billion dollar tax cut for the American citizens and American business. But not Senator GOLDWATER.

Most Democrats and Republicans in the Senate, in fact four-fifths of the members of his own party, voted for the Civil Rights Act. But not Senator GOLDWATER.

Most Democrats and Republicans in the Senate voted for the establishment of the U.S. Arms Control and Disarmament Agency that seeks to slow down the nuclear arms race among the nations. But not the temporary Republican spokesman.

Most Democrats and most Republicans in the Senate voted last year for an expanded medical education program. But not Senator GOLDWATER.

Most Democrats and most Republicans in the Senate voted for education legislation. But not Senator GOLDWATER.

And my fellow Americans, most Democrats and most Republicans in the Senate voted to help the United Nations in its peacekeeping functions when it was in financial difficulty. But not Senator GOLDWATER.

Yes, my fellow Americans, it is a fact that the temporary Republican spokesman is not in the mainstream of his party. In fact, he has not even touched the shore.

I believe in the two-party system, but there must be two responsible parties, and there must be men who are equipped to lead a great nation as the standard bearers of the two parties. It is imperative that the leadership of the great parties move within the mainstream of American thought and philosophy.

I pledge to this convention, I pledge to our great President, to all the American people, my complete devotion to this task: To prove once again that the Democratic Party deserves America's affections, and that we are indeed the party of hope for the American people.

So tonight let us here and now pledge that the campaign that we will wage will be worthy of our great President Johnson, and, my fellow Americans, let us hereby resolve and pledge tonight that that campaign will be worthy of the memory of the late and beloved President, John Fitzgerald Kennedy.

While others may appeal to passions and prejudices, and appeal to fear and bitterness, we of the Democratic Party call upon all Americans to join us in making our country a land of opportunity for our young; a home of security and dignity for our elderly; and a place of compassion and care for our afflicted.

I say to those responsible and forward-looking Republicans who put our country above their party—and there are thousands of them—we welcome you to the banner of Lyndon Baines Johnson. We welcome your support.

Yes, we extend the hand of fellowship. We ask you to join us tonight, for this President, my fellow Americans, is the President of all of the American people. He is the President in the great American tradition—for labor and for business; no class conflict—for the farm family that will receive the unending attention and care of this President and for the city worker; for North and for the South; for East and for the West. This is our President.

President Lyndon Johnson represents—in fact he is the embodiment of the spirit of national unity, the embodiment of national purpose, the man in whose hands we place our lives, our fortunes and our sacred honor.

I am proud to be the friend of this great President. I am very proud that he has asked this convention to select me as his running mate.

And I ask you, my fellow Americans—I ask you—to walk with us, to work with us, to march forward with us—to help President Johnson build the great society for America of the future.

Yes, let us continue. Let us, fellow Democrats and fellow Americans, go forward. Let us take those giant steps forward to which the President has called us, to end the shame of poverty, to end the injustice of prejudice and the denial of opportunity, to build the great society and to secure the freedom of man and the peace of the world. We can do no less, and to this, tonight, let us resolve to pledge our every effort. Thank you.

Congressman Fogarty Continues To Keep Rhode Island Nation's Better Health Pace Setter

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1964

Mr. FOGARTY. Mr. Speaker, the closing days of the 88th Congress affords a propitious time for reviewing the actions taken by this Congress in securing the health and well-being of the American people and a time for surveying the effects—present and projected—of health legislation on my home State of Rhode Island and on all the States of this great Nation.

In the area of social and health legislation—an area with which I am particularly concerned—the 88th Congress made notable contributions toward meeting the health needs of the people, and will be remembered by posterity for its record of outstanding achievements. First, I would like to review briefly some of the health measures passed by this Congress, and then I would like to show how my home State of Rhode Island well illustrates the ways in which congressional health legislation may be used for the greatest benefit of all our citizens.

One of the most significant pieces of new legislation was signed into law by the late President Kennedy on September 24, 1963. This was, of course, the Health Professions Educational Assistance Act, which provides a total of $236,400,000 over a 3-year period for the construction and renovation of educational facilities to be used in training medical, dental, and other health workers. The bill also authorizes the establishment of a student loan program to help these students—so desperately needed—meet the continually rising costs of this vital training.

As chairman of the House Subcommittee on Appropriations for Health, Education, and Welfare for over 15 years, I have had the critical and ever-increasing need for more health-trained workers repeatedly placed before me by doctors, scientists, educators, and many interested citizens. Time and again I myself have introduced legislation in previous Congresses in an effort to meet this need, but the time was not ripe. The passage of this act gives me such a sense of deep personal gratification that I would like to take this opportunity to thank my colleagues and the many individuals and groups who have worked so diligently for the enactment of this legislation.

My only disappointment in the passage of the Health Professions Educational Assistance Act is the deletion of the forgiveness clause on student loans to physicians and dentists who practice in areas of the Nation which have the greatest need for their services. I have, as many of you know, introduced a bill—H.R. 9396—which would reinstate this clause and I am still hopeful that this Congress will extend the progress made in meeting the critical manpower shortage by the passage of this measure.

The clearing of the congressional mind as to the critical need for support of education of health workers has been again evidenced by the passage by both the House and Senate of the Nurse Training Act of 1964. Although nurses were included in the Health Professions Educational Assistance Act, the report of the Surgeon General's Consultant Group on Nursing clearly indicated that the provisions of that act would never come close to answering the problems faced by the nursing profession in training adequate numbers of new nurses.

The Nurse Training Act provides separate appropriations to establish a 4-year program of grants for construction and rehabilitation of our nursing schools, along with a program of project grants to aid these schools in meeting additional costs necessary to strengthen and improve their training programs. The bill will extend and expand the existing programs of traineeships to help professional nurses meet the growing costs of desperately needed advanced training, and will establish a student loan program for nurses modeled after the National Defense Education Act to encourage more of our Nation's youth to enter nursing.

Another monumental step was taken by this Congress to help alleviate a sadly neglected area of public health when it passed the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. This act provides $329 million for the construction of research centers for mental retardation, for research into the causes and cures of mental retardation, for the construction of community mental health centers and a small amount for the training of teachers of the mentally retarded and otherwise handicapped children.

The original bill as passed by the House contained a clause authorizing $427 million over an 8-year period, to pay part of the cost for initial staffing of the community mental health centers. This clause was deleted by the Senate. With the favorable climate of opinion that exists today, I am confident that we shall see this provision reinstated.

In passing the Maternal and Child Health and Mental Retardation Planning Amendments of 1963, this 88th Congress once again proved its readiness to accept responsibility for health measures and social legislation. This act doubles the authorization for Federal grants for maternal and child health services administered by the Children's Bureau and provides grant funds for health care of expectant mothers as well as research into maternal and child health problems.

In reviewing the legislation of the 88th Congress, I would be remiss if I did not also mention the passage of the vocational education bill, the youth training program, the monumental civil rights bill, the extension of the Hill-Burton program of hospital construction funds and the health research facilities program. I would like also to thank this Congress for its continued support of the recommendations of my committee favoring high level support for this Nation's medical research programs.

It has been my privilege to serve the people of Rhode Island as their Representative to Congress from the Second District for 24 years. In that time I have seen my home State emerge as a national leader in health care and medical progress. I have watched the people of Rhode Island take advantage of Federal programs for health care support and initiate new State and local programs for improving the health of the people of Rhode Island.

I now watch with pride as Rhode Islanders again apply the new congressional measures—measures for which I have urged support—and develop new programs to answer the needs in many areas of health care. One notable example of Rhode Island's taking the initiative can be seen in the field of mental health planning.

In anticipation of a national effort, Rhode Island adopted a law providing for the establishment of Community Mental Health Boards in 1962. Within the State department of social welfare, a coordinator for mental health planning was appointed, and a special council on mental health was established. The council, working under Federal grant-in-aid planning funds made available through the National Institute of Mental Health, is meeting regularly in task forces concerned with planning in specialized areas to meet the mental health needs of the State.

Rhode Island is ready to put to use the new Federal laws regarding the construction of mental retardation and mental illness facilities. In fact, Washington County, the southernmost county of the State, has already taken the initiative and has sponsored a community mental health center for children. This is a pioneering effort—Rhode Island is among the first of the States to direct its attention to the mental health of the young people in its communities. Following the Rhode Island tradition of effective community action, I know that other counties will soon follow the example of Washington County. I hope that they will cut through administrative redtape—if need be—and establish similar and much-needed facilities.

In utilizing Federal funds provided under the Hill-Burton program, Rhode Island has not lagged. Since the initiation of the program in 1946, Rhode Island hospitals, nursing homes, and rehabilitation centers have applied for and received at least 50 grants-in-aid for the construction and renovation of hospital and medical care facilities. Some 1,500 new beds have been placed in Rhode Island hospitals and about $10 million in Federal funds have served to produce new medical care units at a total expense of over $55 million.

Three of Rhode Island's seven schools of nursing have already made use of the funds provided by Hill-Burton—Our Lady of Fatima Nursing School has a new nurses' home in use; the Roger Williams General Hospital School of Nursing has a nurses' residence and school under construction; and, last fall, it was my privilege to speak at the dedication of the new nurses' residence at the Rhode Island Hospital School of Nursing.

These facilities were much needed and much appreciated, yet Rhode Island nurses saw the continuing need for more and better facilities and training. Miss Mildred Schwier, director of nursing of the Rhode Island Hospital School of Nursing, presented effective testimony of the need for more help in this area to the Subcommittee on Public Health and Safety, during the hearings on the Nurse Training Act. Letters from the dean and assistant dean of the College of Nursing at the University of Rhode Island prompted me to speak out strongly in its behalf before the House and Senate acted favorably on the measure.

Because many institutions plan to construct both their educational and research facilities simultaneously, I am sure Rhode Island will take full advantage of the Nurse Training Act and of the new Health Professions Educational Assistance Act. Many applications under the latter act's provisions have already been made, and as soon as funds are appropriated by Congress and made available for use, Rhode Island will be ready to benefit from them.

Rhode Island has for the past 10 years been utilizing another congressional program—the health research facilities construction—to transform itself into the leader in medical and health-related research.

Through the merit and excellence of its institutions and personnel, it has been awarded $2,164,601 on a matching basis for the construction of health research facilities. As of December 31, 1963, six projects had been completed. Brown University has a new laboratory for psychology research in addition to a new building and a remodeled building for biology studies. Providence College has a new structure housing basic medical research laboratories. Rhode Island has at its disposal a new research building and facilities devoted to cancer research. These completed projects represent only about half of the work being carried out with funds made available through the health research facilities program.

Rhode Island is today benefiting from and contributing significantly to medical research. In fiscal year 1963 some 67 individual research grants totaling well over $1,600,000 were awarded to researchers in Rhode Island to initiate or to continue support of research in many significant areas of disease and basic biology. One of these grants, to Dr. Glidden Brooks at Brown University, was awarded for the establishment of a center for aging research in Rhode Island, an area of research that has previously been neglected. This is, as many of you know, an area of particular interest to me, and in which I have stimulated research interest. Through such work as Dr. Brooks' we may learn to distinguish between the processes of aging and those of diseases with which they are so closely related.

Rhode Island is also a key State in the collaborative perinatal project coordinated by the National Institute of Neurological Diseases and Blindness. In this project over 50,000 expectant mothers will be examined throughout pregnancy and mothers and their children will be examined during the years of childhood to accumulate a mass of data in an effort to discover factors in perinatal development that lead to cerebral palsy, mental retardation, and many other congenital conditions. Brown University in Providence served as a model for the participation of 14 other institutions throughout the country.

In the past few weeks, the Nation has been given the heartening news that research in the area of virus causation of leukemia is nearing the "payoff stage" and that a vaccine against this dread killer of little children may be in the not too distant future. I share the hopes of the Rhode Island Hospital, that their new cancer research laboratories, built with the help of Federal funds, will play a role in the hopes for conquest of leukemia.

In the past 20-odd years, the years of my experience in Congress, I have seen many diseases as dreaded as leukemia, virtually wiped out as a result of progress in medical research. I have seen the pace of this research quickened under the stimulus of Federal support.

However, one of the greatest challenges remaining before us in health matters is the problem of assuring adequate facilities and educational resources to provide sufficient numbers of health-trained workers to carry our research results to all the people of the Nation. The 88th Congress can be proud of its record in taking several affirmative steps toward meeting this need.

I have seen the results of research successes clinically applied in a well-organized team effort by the people of my home State. With continued excellence in leadership, with continued public interest and support, Rhode Island will maintain its position of prominence as a leader in the inauguration of new programs to spread the wealth of medical know-how to all of its people.

The 89th Congress will continue the work of this Congress, and the individual States—utilizing such measures as we have applied in Rhode Island—will bring to the American people the finest health care in the world.

A Report to The People

EXTENSION OF REMARKS

OF

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1964

Mr. DONOHUE. Mr. Speaker, as has been my custom, throughout my public life, I desire to include at this time a summary account of my activities and speeches during this 88th Congress.

A MORAL OBLIGATION

In my conscientious conviction, the Biblical mandate "to render an account of thy stewardship" imposes upon every responsible public officeholder a moral obligation. It is an obligation that I have consistently attempted to fulfill.

It is obviously impossible to completely cover the whole record, especially in view of space restriction regulations; however, I shall, herein, try to present and reveal my personal pronouncements and actions upon some of the more important and more widely publicized legislative issues that occurred in this 88th and recent Congresses.

AN EXPLANATORY WORD

Mr. Speaker, because I desire and intend to strictly observe the space limitations, the outlines of the background and significance of particular bills I have included in the past will here necessarily and mostly be omitted. However, I will try to present, in these extracts of my remarks, paragraphs that will lead, I hope, to the fullest understanding of the subject involved.

This task is made somewhat easier because, of course, the great majority of our people are aware that most of our modern legislative actions are for the continuation or the amendment of laws that are already in effect and which are expanded or modified, by our determinations here, through the succeeding years.

TRUTH FROM THE RECORD

Mr. Speaker, there follows a review, under appropriate subject headings, of the speeches and remarks I have made in the House Chamber on particular occasions which reveal my convictions and actions on the prominent legislative issues that were determined:

THREE PARAMOUNT OBJECTIVES: MILITARY PREPAREDNESS, COMMUNIST CONTAINMENT, FISCAL RESPONSIBILITY

Mr. DONOHUE. Mr. Speaker, the manifest destiny of this Nation, in opposition to atheistic communism, is to safeguard our own freedoms and thereby preserve the light of liberty in a threatened and frightened world.

It is equally obvious that to accomplish this task we must ever strive to be war-deterrently equal, or even superior, to the Kremlin dictatorship in military might and space exploration; anything less than that could well provide a desperate temptation to reckless and ruthless individuals.

At the same time, it would be the height of folly and imprudence and an invitation to economic disaster for ourselves if we lessened our vigilance, or relaxed our supervision, in preventing waste and extravagance in our required military procurement and space research programs.

Our problem, then, is to provide for our full security against the Communist projection but to do it within a financial system and atmosphere of the most careful planning and the most frugal spending. This is the conviction with which I considered our military appropriations in this Congress, as well as in the past.

Mr. Speaker, indeed, there is no question about the imperative necessity, in the light of the belligerent attitude of the Kremlin, of our military forces being fully prepared to protect the security of the United States against any surprise move by the Soviets.

However, when the House returns to the consideration of this grave subject, in the near future, I most earnestly hope we will not be of a spirit to disregard the necessity for including every reasonable safeguard against and restriction upon wasteful and extravagant military spending that we can.

Adequate national defense is indeed vital but the people of this country are seriously disturbed by the continuing revelations of wasteful and extravagant spending by the military without regard to the fact that each and every penny spent comes out of the hard earned, and highly taxed, pay of the average American workingman and business. The duty of the Defense Department to guarantee our security does not carry with it any license to indulge in loose and careless financial practices.

THE REVENUE ACT OF 1963—TAX REDUCTIONS PROVIDE EMPLOYMENT, CREATE CONSUMER DEMAND, STIMULATE BUSINESS, AND SUSTAIN THE LONG-RANGE ECONOMY

Mr. DONOHUE. Mr. Chairman, this bill, H.R. 8363, we are now debating, and which I earnestly hope we will forthwith approve, is unquestionably the most important measure that has yet come before this 88th Congress; it could well prove to be the most significant legislative tax act of modern history.

The anticipated impact of this bill practically constitutes the core upon which further major Government purposes are founded; it represents a vital segment in this Nation's future economic expansion plans; it provides a keystone in the overall architectural design to keep this country moving ahead in the basic areas of economic development, domestic progress, and world leadership.

Briefly, the objectives of this tax reduction proposal, accompanied with pledged economies in and prudent control of future Federal expenditures, are to encourage the long-term economic growth of the Nation, restrain the tendencies of increasing unemployment, restrict the historically recurrent forces of recession, contribute to the balancing of our international payments, and eventually eliminate the distressing pattern of chronic budgetary deficits.

To determine our action on this vitally important legislation it seems to me we must each ask of, and answer for, ourselves this simple question—do the provisions of this bill hold forth a reasonable prospect of fulfilling its objectives, which are admittedly in the best national interest?

To get the right answer to this question, I think it wise to use our time-tested first principles of decision, which are the lessons of past experience, attention to the voice of authority, acceptance of the weight of the evidence, and the exercise of conscientious judgment.

A summary application of these principles reveals that, in the economic history of our own and other countries, most recently in England, tax reduction does undoubtedly tend to stimulate the economy, encourage capital investment, and relieve unemployment.

With regard to the voice of authority, I think all Members here would agree there is none in this country higher or more respected than the distinguished chairman of the House Ways and Means Committee. He, with his dedicated associates on this great committee, have spent some 8 long and arduous months listening to witnesses, evaluating testimony, and formulating the bill they have now presented to us with recommendation for passage.

The President of the United States, in conformity with his sworn and solemn duty to make recommendations to improve the state of the Nation, has testified before the country in explanation and favor of this legislation. Beyond these expert sources a majority of our leading economists; the Business Committee for Tax Reduction in 1963, composed of some 2,400 of our most respected industrial leaders; the officials of our great labor organizations; major insurance groups; the U.S. Chamber of Commerce, and the Republican Governors' Association have also recorded their voices and sentiments in support of this bill's objectives.

It would appear then that the lessons of history and multitudinous voices of authority provide us, in this instance, with an overwhelming weight of evidence for approval of this bill. There remains then only the exercise of our own individual conscientious judgment.

Let us then, today, demonstrate our faith in the authority and dedication of a distinguished chairman and members of a great committee of this Congress. Let us avoid furnishing any further inspiration and material to Communist propaganda by showing proper confidence in the pledge of a President of the United States. Let us recall that our American citizens, through the Congress, have been exceedingly generous over a great period of time toward the people and welfare of other nations in the world. This is our opportunity to prove our concern for our own too long and too greatly burdened taxpayers and businesses. For the future progress of our country let us give the American taxpayer and businesses the tax relief they so urgently need and let us do it right now.

Mr. Speaker, this bill is now Public Law 272 of the 88th Congress.

Social Security Amendments of 1964—Social Security—America's Answer to Communist Propaganda

Mr. Donohue. Mr. Chairman, I most sincerely hope that the Members of this House will, with unanimous voice, sanction the further improvements in the benefit and coverage provisions and the financing structure of our social security system, as recommended in this bill before us, H.R. 11865.

Although the improvements contained in this measure are not as liberal or expansive as a great many of us had hoped they would be, the changes projected, nevertheless, will beneficially affect some 20 million of our American people. For the vast majority of these Americans social security benefits are their major source of support and for a great many they are the only source.

As has been already technically explained by the esteemed committee chairman the bill, among other things, will, in summary, provide a 5-percent across-the-board increase in old-age, survivors, and disability benefits; and eventual increase of family maximum benefit to $300 and the maximum individual benefit to $143.40; a continuation of a child's insurance benefit past the age of 18 and up to the age of 22 if the child remains in school; an election for widows to retire, with reduced benefit, at the age of 60; a special provision under which payment of benefits would be permitted, at age 72, to certain of our older people who did not work long enough under social security to meet the current work requirements for eligibility.

These proposed changes in the present system, with other coverage expansion provisions, are all in accord with past policies of the Congress and add improvements that are financially sound and economically imperative. The increases and improvements are adequately underwritten by the small addition to the contribution rates and insure that our system of social security continues in actuarial integrity.

There can be no question, Mr. Chairman, but what the overwhelming majority of the American taxpayers approve and urge the continuation and reasonable expansion of our social security system in accord with the economical trends of this nuclear age.

This measure offers us the opportunity to carry out the desires and instructions of our people to move forward toward further reasonable adjustment of this program in line with the economical standards under which we live.

May I say it offers us, also, Mr. Chairman, an opportunity to demonstrate to our American taxpayers and fellow citizens that, while we may have earnest interest in the rehabilitation of peoples in foreign lands our primary concern and obligation is and ought to be for our own people who are still making tremendous sacrifices for the promotion of peace and progress throughout a tense world.

The Civil Rights Act of 1963—Equal Justice and Equal Opportunity for All

Mr. Donohue. Mr. Speaker, as a matter of supreme legislative conscience and duty I most earnestly urge and hope this Senate-amended version of the Civil Rights Act of 1963, which we passed here last February 10, will be unanimously accepted and approved.

The work the Senate performed on this measure follows the general lines of the House bill we acted upon here and there is no substantial alteration of the principles of equality embodied in the original measure. An overwhelming majority of both Chambers, as representatives of the American people, have already, in substance, approved this measure. In patriotic unity let us all close ranks and approve this bill.

For our inspiration toward this action we may timely remind ourselves of the immortal words of our late President John F. Kennedy when he urged us, just about a year ago, on June 19, 1963, to pass a comprehensive civil rights law. On that occasion President Kennedy appealed to the Congress with these words:

"Justice requires us to insure the pleas of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy, and domestic tranquillity—but, above all, because it is right."

This measure will not, nor was it ever pretended that it could, resolve all of our racial problems. Such will not occur until each of us applies the lesson taught centuries ago, to do unto others as we would have others do unto us; only when we have universally adopted the practice of that divine law will discrimination, attitude, and oppression cease in this troubled world. History shows us the best intended legislation does not, overnight, change personal attitudes nor dissolve all animosities. Only human charity, love, respect, and consideration that come from the moral culture and religious heritage of a people can do that. On this score we, the American people, will certainly be on trial for a long time to come but at least we have begun this glorious journey with the proper legislative first step.

We have upon us now the promise of a new birth of freedom throughout every neighborhood in this Nation. To nourish this birth to maturity will require from all Americans everywhere great forbearance, great kindness, great understanding, great love for one another, and great patriotic dedication to America. This is the challenge of our time, this is the call of our destiny.

For God, for country, for our fellow Americans, and for men everywhere, let us meet the challenge, let us heed the call, let us fulfill our destiny.

Mr. Speaker, this historic act is now known as Public Law 352 of the 88th Congress.

The Higher Education Facilities Act of 1963—Education Is the Foundation of Progress

Mr. Donohue. Mr. Chairman, in these days of continuing crisis, few, if any, legislative subjects will be presented to this body more vitally important to the national welfare than this bill, to authorize assistance to higher education institutions in financing the construction, rehabilitation, or improvement of their academic and related facilities.

In the light of the current and increasing Communist challenge, there is nothing more obvious, to meet and turn back this challenge, than our national need to perseveringly produce more and better trained scientists, engineers, doctors, teachers, and other educated personnel.

This measure before us is designed precisely to provide this Nation with the most urgent and essential services of these specially trained and disciplined people in the various sciences and arts.

The only possible source from which such personnel can come are institutions of higher education, and the authoritative testimony that has been revealed clearly shows they cannot do the job with their current resources; they need material help and encouragement to provide for the tidal wave of new enrollments that is just over the horizon.

To meet the pressing demands of today, and prepare for the enrollment crush of tomorrow, these higher educational institutions must rehabilitate and expand their academic facilities or else they will be forced to turn away thousands of qualified applicants and deprive the Nation of their trained talents during the most perilous hour of our history.

The prohibitions against any attempt or form of Federal control in the methods of instruction or administration of any educational institution involved are clearly defined and amply sufficient to prevent any Federal interference. That is certainly what practically all of us want to closely guard against, and the language of this measure surely accomplishes it.

The objectives of this bill, and the means defined to accomplish them, are firmly in accord with the foundation traditions of American policy and progress, and I earnestly hope the bill will be approved without crippling amendment or extended delay in the national interest of this day and forever after.

Mr. Speaker, this bill is now recorded as Public Law 204.

National Defense Education Act Amendments of 1964

Mr. Donohue. Mr. Chairman, as one who was privileged to have participated in the enactment of the original National Defense Education Act of 1958, I am particularly pleased to rise in support of this measure, H.R. 11904, to amend and extend the original act.

Certainly there is no better investment for the lasting good of this country we can make than providing the fullest educational opportunities for our youth and encouraging them to take the utmost advantage of these opportunities.

Certainly the history of this legislation, which has enjoyed continuing bipartisan support since 1958, clearly demonstrates it was wisely conceived, it has been soundly administered at all levels, and has made an increasingly vital contribution to the progress of this country.

Since this legislation was first enacted the testimony shows there have been over 680,000 loans made to needy students who very likely could not otherwise have obtained a college education. The record further shows that the rate of repayment by students borrowing under the program has been five times as fast as the law specifies. I think this fact alone should renew our faith in the youth of this Nation and the worth of this legislation. However, beyond this fact, growing school enrollments, rising tuition costs, a continuing manpower shortage in crucial fields and ever-increasing demands for quality instruction convincingly appeal for the proposed extension and expansion of this program as proposed in the bill before us now. Indeed, it is my hope that it may become possible for us to provide a 3-year extension of this education act to permit participating educational institutions to more wisely and practically plan the best educational programs and I most earnestly trust that Public Laws 815 and 874, familiarly called the Federally Impacted School Districts Acts will be extended for at least 2 years so that local community officials and school administrators can plan and project their budgets accordingly.

Vocational Education Act of 1963

Mr. Donohue. Mr. Chairman, I most earnestly urge my colleagues here to overwhelmingly approve this bill, H.R. 4955, before us and to reject all amendments, however well intentioned, that would tend to cripple the effective provisions of this measure.

Even a brief examination of the statistics related to vocational education will clearly reveal that the need for this program is obvious and imperative in the national welfare. These figures show that the number of workers in the lower skilled occupations is rapidly declining each year. Between 1957 and 1962 there was a drop of 772,000 workers in these classifications within the manufacturing area. On the other hand, jobs for professional and technical workers will rise about 40 percent in the 1970's, and jobs for salesworkers, managers, and proprietors will rise about 20 percent. In health occupations at all levels the demand far exceeds the supply, and this situation will continue for a long time.

Young people are seeking work in greater numbers—2.6 million of them a year, estimated for this decade alone. At the other end of the scale, the number of older workers continues to increase. Moreover, half the women between the ages of 35 and 54 are expected to be in the labor market by 1970, some for the first time, some after long absence. Most will need training or retraining opportunities to obtain employment.

In our continuing appraisal of the need for expanding vocational education opportunities it is primarily important to bear in mind that perhaps 80 percent of our fifth grade students today will not graduate from any college and, if the present rate of dropouts goes on probably more than 30 percent of these will not even complete high school. It is particularly urgent upon us, in my opinion, to make provision, in the public and national interest, for these citizens of tomorrow.

Mr. Speaker, this measure is now Public Law 210 of the 88th Congress.

Juvenile Delinquency Act Extension

Mr. Donohue. Mr. Chairman, I rise to most earnestly urge my colleagues to unanimously approve this bill before us, H.R. 9876, to amend the Juvenile Delinquency and Youth Offenses Control Act of 1961 by extending its provisions for 2 additional years and providing for a special project and study.

This bill is designed, with certain amendments, to continue and expand the program we adopted 3 years ago providing Federal grants to help local communities combat juvenile delinquency; the program initiated under that original legislation is just beginning to bear fruit and it would be obviously and extremely unwise to cut it off now.

Besides extending the act of 1961 for 2 additional years this bill additionally provides for a special study of school attendance and child labor laws and a national demonstration project on juvenile delinquency prevention and control in the Capital area.

This Capital City is now embarked on a broad and extremely promising program, in cooperation with the schools, which could very well develop new and more effective ways to work with underprivileged and delinquent children. Out of the lessons learned here there is every reason to believe there will emerge, for national application, a pattern of types of effective community action to combat delinquency throughout the country.

Mr. Chairman, basically and fundamentally this program is an investment in a substantial part of our youth and, therefore, it is an investment in the future welfare of this Nation. Many legislative proposals have come before us in this Congress with what we might call greater publicity but, I daresay, few, if any, of them will prove to be more important to national progress than this particular bill, H.R. 9876.

Mr. Speaker, this proposal is now known as Public Law 368 of the 88th Congress.

Legislation for the Good of All Americans

THE ECONOMIC OPPORTUNITY ACT OF 1964

Mr. Donohue. Mr. Chairman, the vicious social and economic cycle that has been projected and threatens to be perpetuated by the combined problem of poverty and unemployment is very probably the most stirring challenge our generation faces and upon which this body has the awesome duty to legislate.

The chance for us to do something about this problem is before us now in the form of this measure, H.R. 11377, designed to mobilize the human and financial resources of the Nation to combat poverty in the United States.

The various provisions of this measure have already been carefully, technically, and exhaustively explained to this House by the managers of the bill.

Mr. Chairman, let us solemnly reflect upon the unquestioned fact that in this land of plenty we have some 35 million American citizens living in poverty.

To those who would question the costs of this program we must ask them to consider the cost of not adopting this program, in terms of direct public assistance payments alone, which amount to $4 billion per year. In addition to these direct payments, the indirect costs of poverty to this country which show up in juvenile delinquency, crime, health hazards, and higher police and fire protection costs, totals billions more.

To those who would fear the possibility of Federal intervention in local affairs let us unite in action against such a danger which no sensible person desires and accord the various Governors the power of negating any local community program unless it were sponsored by local public authorities.

Let us vividly realize that a teenage jobless rate of 16 percent has explosive possibilities that are of potential fearful and frightful consequences.

It is not suggested here that a program of perpetual care is to be established. It is intended only that poverty-stricken people who need and will respond to help will be given such help so that they may help themselves and gradually the desperate need of such help will be reduced and the programs themselves will be accordingly restricted and eliminated.

Mr. Chairman, in the course of his historical and inspirational inaugural address, our late and beloved President John F. Kennedy spoke these memorable words:

"If a free society cannot help the many who are poor, it cannot save the few who are rich."

With this sentiment and in his spirit let us enact this legislation because it is right and because it is good for all Americans.

May I say it offers us also, Mr. Chairman, an opportunity to demonstrate to our American taxpayers and fellow citizens that although we should have earnest interest in the rehabilitation of peoples in foreign lands our primary concern and obligation is and ought to be for our own people who are still making great sacrifices for the promotion of peace, progress, and prosperity throughout an uncertain world.

Mr. Speaker, this act is now Public Law 452 of the 88th Congress.

A NATIONAL COMMISSION ON TECHNOLOGY, AUTOMATION, AND ECONOMIC PROGRESS

Mr. Speaker, I most earnestly hope that legislation, H.R. 11611, which I vigorously supported and which passed in the House, will be promptly approved in the Senate and thereafter signed by the President into law.

A brief review of the purposes of this measure obviously reveals its paramount importance to our sustained economic progress and necessity to begin, now, to deal with the complex effects, including serious unemployment, of this otherwise blessed automatic age.

Mr. Speaker, the problems of providing employment, encouraging retraining programs, making adjustments to the shift in the employment structure, including the displacement of workers through defense cutbacks and so many others arising out of the automatic age present one of the greatest challenges of our time. This challenge will require the fullest cooperation of all levels of government and demand the utmost concentration of all our intellectual resources to the planning of wise, constructive uses of the benefits of automation.

It is only too apparent the impact of automation and mechanization on our economy must inspire new economic thinking and the most comprehensive planning in protecting and projecting our general progress and continuing welfare. As an imperative step toward this patriotic objective I most earnestly hope that the provisions of H.R. 11611 will soon become the law of our land.

Mr. Speaker, this bill is now Public Law 444 of the 88th Congress.

MANPOWER DEVELOPMENT AND TRAINING

Mr. Chairman, I most earnestly hope and urge that this bill, to amend the Manpower Development and Training Act of 1962, will be overwhelmingly approved without extended debate and delay.

The history of this measure, in operation, clearly reveals that it has been an unqualified success since its origin. The authorities have presented substantiating evidence that the goal set by Congress, for the 3-year program of some 400,000 unemployed workers retrained and placed in productive work, will be attained.

Mr. Chairman, this bill offers us a chance to alleviate serious unemployment in the country. It also enables us to take a significant step toward meeting the problems generated by the ever-increasing technological revolution of American industry, especially as such revolution drastically threatens the economic security of our undereducated and unskilled youth. Without encouragement and opportunity this group of young Americans is practically doomed to a lifetime of joblessness and dependence upon public assistance. If they can be trained to become part of our productive force, at any reasonable cost, then the saving to society is incalculable.

Mr. Speaker, this bill is now Public Law 214 of the 88th Congress.

PRESERVING DOMESTIC INDUSTRIES AND EMPLOYMENT

Mr. Chairman, I have never been, nor am I now, opposed to the basic principles underlying our trade-agreements program. However, there appear to be very serious grounds upon which this bill in its present form should be patriotically questioned.

Certainly it does not completely conform with the sentiment expressed in the President's own statement on trade policy contained in his state of the Union message February 2, 1953, when he declared:

"This objective must not ignore legitimate safeguarding of domestic industries, agriculture and labor standards." Nor does it conform with the statement contained in the report of the Commission on Foreign Economic Policy that "American labor should not be subjected to unfair competition as a part of any program to expand our foreign trade."

Even the advocates of this bill admit it will inevitably visit great hardships upon great numbers of employees and many industries in certain sections of the country, such as New England, where textile manufacturing and innumerable other products will be hardest hit. Yet there are no provisions or proposals, nor are we permitted to offer any for adoption, in this measure to prevent the imposition of serious economic suffering upon such American workers and industries.

Therefore a great many of us here, trying to conscientiously represent our people, very deeply feel that the tariff-cutting features of this bill should be wisely held in abeyance until, with Government assistance, new industries are encouraged and developed for areas that would be so disastrously affected and proper precautions are taken to safeguard the employment opportunities rightfully belonging to so many patriotic American working people. Toward that objective, labor, industry, and all levels of government should sincerely cooperate.

It is truly not a simple or easy problem to solve but it is just as truly our representative responsibility to work out a fair trade program that will be fair to Americans as well as our foreign friends. I earnestly hope the House will vote to recommit this bill for the sole purpose of writing in new provisions designed to prevent great hardships from falling upon many regional industries and workers, not to mention other provisions to retain and preserve essential defense resources that we can ill afford to dissipate in the face of threatening Communist aggression.

SMALL BUSINESS MUST BE LEGISLATIVELY ENCOURAGED

Mr. Speaker, I most earnestly believe it is our very deep legislative obligation and the practically unanimous intention of the Congress to make every reasonable effort to preserve and encourage the life and activities of small business which is the foundation stone of our private enterprise system.

Because of my belief I advocated and supported the original legislation, in 1953, that led to the establishment of the Small Business Administration, the first comprehensive agency of the Federal Government devoted wholly to small-business problems. Before and since that time I have supported every sound legislative proposal projected for the particular benefit of small business in this country.

While this Congress has perhaps not accomplished as much for the wider encouragement of small business as most of us would have liked, we have nevertheless recognized their needs on appropriate legislative occasions.

For instance, Congress has thus far approved legislation granting special consideration to small corporations, those with taxable incomes of $25,000 or less, by providing tax cuts of about 27 percent; broadening and liberalizing existing authority to extend disaster loans to small enterprises; establishing under the Economic Opportunity Act, a new program of loans over a 15-year period under greatly reduced collateral requirements; offering, under the new Housing Act, special FHA loan procedures for small business, in urban renewal areas, to improve and rehabilitate their property; authorizing SBA, under certain conditions, to increase the amount they can loan to small business investment companies, from $400,000 to $700,000; and, among others, expanding the set-aside program to assure small business a fairer share of Government contracts. I supported all of these legislative proposals.

OUR MORAL OBLIGATION TO THE VETERAN AND HIS FAMILY

Mr. Speaker, as we appear to be approaching the end of this session and this Congress I most earnestly hope we will not leave here without extending imperatively needed legislative consideration to our veterans and their families. This need has become even greater because of action on the social security amendments providing a 5-percent increase. Unless we take prompt action to prevent it this social security increase will unintentionally but adversely affect a great number of our veterans, veterans' widows, and veterans' dependents presently receiving pension payments.

The provisions contained in H.R. 1927 will insure among other features, that no veteran or dependent will lose pension payments because of any increase in social security allowances. The bill accomplishes this by providing that 10 percent of payments to an individual under any public or private retirement entitlement of any kind, including social security, will be excluded in determining income for pension purposes. This pending bill would improve the veterans' pension system in many other respects. For instance, it raises the pension amounts for veterans and widows with low income. Such changes in these limitations will make it possible for more veterans and their dependents, who are being hard pressed to meet today's basic living costs, to qualify for pensions and at the same time it will increase the monthly pensions of many now on the rolls by placing them in a different income limitation category.

Of special interest to World War I veterans is a provision in the measure designed to eliminate the present requirement of a 10-percent disability with resulting unemployability for a veteran of 65 years of age or over to qualify for a pension.

Mr. Speaker, on other occasions such as this I have expressed my very deep conviction that the best patriotic incentive and encouragement we can provide for those who may be called to future military service is the example of the equitable treatment we demonstrate of those loyal veterans and their dependents of our past wars.

The time is getting late, the economic needs of so many of our veterans and their dependents are urgent, the provisions of H.R. 1927 are equitable, the overall measure is reasonable, and its purpose is in the best interest of this Nation. I urge and hope, therefore, that H.R. 1927, on behalf of all our veterans and their dependents, will be brought before us and overwhelmingly approved in the immediate future.

EQUAL PAY FOR WOMEN

Mr. Chairman, as our immediate inspiration to unanimously approve this legislation, the Equal Pay Act of 1963, we need only to look around us and observe the most competent, industrious, distinguished and gracious ladies whom we are privileged to call our colleagues.

For our background inspiration to promptly and favorably act on this bill, we need only to reflect that it is designed simply and solely to provide wage justice for workingwomen.

Under the legislative proposal before us now, we can accomplish this just objective without the creation of any new Government compliance unit and through procedures of the Fair Labor Standards Act, with which labor and industry have long been familiar.

We all realize that the origin of the wage rate differential for men and women performing comparable jobs is the false concept that a woman, because of her very nature, somehow or other should not be given as much money as a man for similar work.

This antiquated concept has been long and completely demonstrated to be false and it is indefensible from every standpoint.

Recognizing that the concept of wage payment discrimination against women is false; having before us the surprising but overwhelming evidence that such discrimination still continues to exist; and realizing that this measure represents the correction of basic injustice being visited upon women in many fields of endeavor, let us, I urge you, firmly reject any crippling amendments and proceed immediately and unanimously to the enactment of this bill extending simple wage justice to the increasing corps of America's workingwomen.

Mr. Speaker, this measure is now Public Law 38 of the 88th Congress.

LUXURY TAXES—A PLAGUE ON BUSINESS, BEAUTY, AND BABIES

Mr. Speaker, the problem of what to do about Federal wartime excise taxes continues to plague the Congress while it continues to penalize our people and our businesses. Surely it is time to deal with it forthrightly and realistically. Reductions made in a few areas have been too little and patchwork proposals, as recently made, have been and should be rejected because of discriminatory tendencies. The existing situation projects real hardships, contradicts the term "luxury" in this modern world, and it is economically unjustifiable. Piecemeal corrections should not be further tried; the cure should be overall and complete.

Who, in this atomic age, can really feel that cosmetics, furs, luggage, automobiles, television sets, long-distance telephone calls, washing machines, refrigerators, window air conditioners, and babies' things should be classed as luxuries and placed in the same category, for instance, as tobacco and alcohol for Federal tax purposes.

The repeal of these excise taxes would, according to expert economic testimony, eliminate elements of drag and discrimination in our fiscal system and inject a further factor of significant influence into our economy which must be encouraged to expand, especially during this period of unemployment adjustment to the challenging impact of automation.

IMMIGRATION WITHOUT DISCRIMINATION

Mr. Speaker, the boasted basic standards by which we Americans claim to measure a man are his integrity of character, his conscientious industry, and his personal ambition. In theory his place of birth has nothing to do with the kind of person he may be.

However and unfortunately, our current immigration laws openly contradict this theory. Under present laws, it is, for instance, clearly intimated that the Italian people are about one-thirteenth as acceptable for prospective American citizenship as the English and that the Greek people are about 200 times less desirable for American admittance than the English. There is simillar discrimination against many other nationalities under the present system.

Mr. Speaker, there is now pending before the Congress a bill, actually the first bill our late and beloved President John F. Kennedy sent to Congress, designed to remove the bias, the prejudice, the discrimination, and the injustices of our present immigration laws. This bill is known as H.R. 7700 and I myself have introduced a bill that is practically identical to it, H.R. 8863.

These bills, and many others of like nature, would, fundamentally, along with other revisions and reforms, eliminate the present inequitable discriminatory overall quota system and set up a new method, with no great increase, of quota allocations without regard to national origins; they would insure that an individual with special talents that could be used here would not be faced with inordinate delay in admittance because of his birthplace and they would halt the existing hardships on separated families from Italy or Greece or other countries who must now most often experience agonizing postponements of family unity while large quotas for England and Ireland remain unused.

Mr. Speaker, I most earnestly hope this Congress will not adjourn without taking action on these pending revisions in our immigration laws that will demonstrate, both to ourselves and the world, that we are really serious in desiring to eradicate discrimination based on race and national origin.

THE HOUSING ACT OF 1964

Mr. Chairman, because the evidence and expert testimony clearly show that slum clearance, urban renewal, housing for the elderly, low-cost public housing and similar programs are still urgently needed in almost every section of this country, I consider it a legislative obligation to urge support and prompt enactment of this bill, H.R. 12175, designed to extend and amend the present laws relating to housing, urban renewal, community facilities and other purposes.

Mr. Chairman, the record shows that in general, the program has been well administered and it has been exceptionally free from misuse of funds or authority.

Mr. Chairman, this housing bill is certainly a relatively modest one. It surely seems essential for the continuation of programs that are vital to our efforts and our obligations to encourage better housing in better surroundings for all of our people. Because it is clearly in accord with our national traditions, because it is designed to prudently meet a foundation national need and because it is obviously intended to promote the health, the safety, and the happiness of all our citizens, I urge that it be promptly enacted.

Mr. Speaker, this bill is now Public Law 560 of the 88th Congress.

HONORABLE PEACE MUST BE PERSEVERINGLY PURSUED

Mr. Chairman, as one of the original sponsors of legislation that resulted in the creation, back in September of 1961, of the Arms Control and Disarmament Agency within the executive department of our Government I earnestly urge my colleagues here to unanimously approve this measure authorizing an additional appropriation of $30 million for the Agency to continue its operations over the next 2 years.

Let me, please, remind you that the Congress is not, by this bill or through this Agency, relinquishing one whit of its constitutional, traditional, or legislative power over U.S. disarmament procedures or treaties. If it did I would not be in favor of it.

Let me further and respectfully observe that when few question an appropriation of some $50 billions for an arms race it is difficult to appreciate how anyone can hesitate over approving $30 million for the pursuit of honorable peace.

When we realize that the destructive power of one thermonuclear bomb surpasses that of all the bombs used in World War II it appears it would be just plain old-fashioned commonsense to encourage an agency of our Government to continue and expand its limited efforts of research and exploration to find ways and means to accomplish honorable peace through a guaranteed system of arms control and disarmament. Penny for penny it could well be the best investment the American taxpayer could make or that we can make for him and the civilized world. Let us then promptly approve this measure without further delay.

MUTUAL SECURITY—INTERNATIONAL DEVELOPMENT

Mr. Speaker, I remain most deeply impressed with the foundation principle involved in our mutual security and foreign assistance programs. That principle is the prevention of the necessity for American fathers and sons to fight, and perhaps die, again, all over the world.

Mr. Speaker, over the past few years, when we have been debating this mutual security appropriations bill, I have emphasized my belief that the parts of the program which have proved of substantial worth by experience, such as technical assistance to underdeveloped countries and Development Loan Fund operations, should be adequately supported, and the most careful examination, in the interests of the American taxpayers, should be concentrated upon those phases of the program in which impressive evidence has been demonstrated in revelation of great waste and extravagance.

Let us strive to conscientiously enact a measure that will provide reasonable assistance to our allies, in the fields where such help is most needed, while we insure elimination of those parts of the program which have been proved wasteful and worthless.

THE COMMUNIST CAPTIVE NATIONS MUST NEVER BE ABANDONED

Mr. Speaker, as a cosponsor of this resolution, designed to influence the restoration of the fundamental freedoms and God-given rights of the subjugated peoples now existing in Communist captive nations, I most earnestly hope this House will promptly and unanimously approve it.

URBAN MASS TRANSPORTATION

Mr. Chairman, I rise to urge prompt approval of this urgently needed measure before us, H.R. 3881, the Urban Mass Transportation Act of 1963.

As you are aware this bill, already enacted by the Senate, proposes an expenditure of $500 million to provide a long-range program, of cooperation between the Federal Government and State and local units, to bring some order out of the increasingly chaotic condition of transportation facilities in so many urban and metropolitan centers throughout the Nation, including my own home State and area.

Mr. Chairman, any objective review of this transportation improvement challenge throughout the country proves the need for this legislation is imperative; the Federal participation proposed is reasonable; the projected program over a long-range period is prudent; that failure to act now could well precipitate a major crisis and the program proposed is beyond any doubt in accord with our traditions and legitimate concern for the national safety and welfare. Let us, therefore, approve this measure without extended delay.

Mr. Speaker, this measure is now Public Law 365 of the 88th Congress.

COORDINATING PLANNING, NOW, FOR THE PRESERVATION AND DEVELOPMENT OF OUR WATER AND LAND RESOURCES IS IMPERATIVE FOR FUTURE NATIONAL WELFARE

Mr. Speaker, back on July 13, 1961, our late and beloved President John F. Kennedy recommended to Congress the original river basin planning bill whose fundamental objectives, to provide for development of comprehensive river basin plans, biennial assessments of regional water needs and supplies, aid to the States and encouragement of more efficient water development, management and use, are practically the same as S. 1111 that passed the Senate late last year and is now pending in the House Interior and Insular Affairs Committee. I very earnestly urge and hope the leadership of both sides and the distinguished chairman and members of this outstanding committee will cooperate in their efforts to present this vitally important measure to the House for action before this Congress concludes.

Mr. Speaker, the prominent provisions of S. 1111, which carry out the basic purposes recommended by President Kennedy, are briefly these: it will establish a Water Resources Council with the responsibility to make plans now for the conservation of our water resources; it will set up a pattern of operation for the Federal-State River Basin Planning Commissions; it will provide a program of aid to States for water resources planning by authorizing an annual appropriation of money for 10 years for apportionment to the States on a matching basis to develop their independent, intrastate and interstate water resource planning by whatever agencies with which the States work.

In this connection, Mr. Speaker, it is my sincere hope and appeal that this Congress will approve legislation, which this House passed in the last Congress, creating a New England water and related land resources compact which would consider the whole of New England as an interdependent geographical unit for the development and managing of our regional natural land and water resources. Already four of our New England States, Massachusetts, Connecticut, New Hampshire, and Rhode Island have ratified such a compact by State legislative action.

Mr. Speaker, this country has been struggling for 55 years to set up an intelligent, comprehensive, practical plan to adequately deal, throughout the Nation, with the desperately urgent problems of water supply, distribution, pollution, variability, and floods. Every recognized authority and conservation organization in the United States has recommended such action. The opportunity to take such action, in the national welfare, is contained in the excellent measure, S. 1111, and I again urge that appropriate steps be taken to promptly bring the bill before us for passage, in the near future, before the Congress ends.

ESTABLISHING A NATIONAL POLICY FOR WILDERNESS PRESERVATION

Mr. Speaker, I understand that this body may be very soon granted an opportunity, by approval of H.R. 9070, to establish a national wilderness preservation system and I most earnestly urge and hope the opportunity will be overwhelmingly grasped.

We have, Mr. Speaker, a legislative responsibility to establish guidelines for wise management of federally owned lands in order to assure that future generations will have the opportunity of enjoying the benefits of an enduring resource of wilderness.

When we recently and overwhelmingly adopted the Land and Water Conservation Fund Act this House evidenced its interest and recognized its duty to provide adequate recreational opportunities for our expanding population that will be looking for better and healthier outlets for the greater leisure time that is anticipated. Prompt enactment of H.R. 9070 will add to that action by protecting certain designated federally owned acreage from unwarranted commercial intrusion.

Mr. Speaker, H.R. 9070 is designed to preserve, for current and future generations, Federal land in its original state for the healthy use and enjoyment of all Americans who are interested in outdoor life and conservation and I trust it will be unanimously adopted in the near future.

Mr. Speaker, the substance of this bill is now Public Law 577 of the 88th Congress.

Congress Should Not Be Adjourned While Vital Problems Remain Unsolved

Mr. Donohue. Mr. Speaker, at this point I desire to express my opposition to any early sine die adjournment of the House of Representatives while vitally important legislation remains pending.

Bills Introduced in 88th Congress

Mr. Donohue. Mr. Speaker, limited as this summary necessarily is, it would be even more inadequate if a partial list of some of the measures I introduced in this Congress were not included; they follow:

H.R. 3933, to provide public knowledge of progress and achievement in astronautics through the designation of a special day in honor of Dr. Robert Hutchings Goddard.

H.R. 3934, to amend the Legislative Reorganization Act of 1946 to provide for more effective evaluation of the fiscal requirements of the executive agencies of the Government of the United States.

H.R. 5182, to establish a Commission on the Organization of the Congress.

H.R. 5184, to amend the Internal Revenue Code of 1954 to provide an income tax deduction for certain expenses of attending colleges and universities.

House Joint Resolution 373, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

House Resolution 347, establishing a Special Committee on the Captive Nations.

H.R. 8368, to amend section 401(d) of the Federal Aviation Act of 1958 to provide for the issuance of certain certificates of public convenience and necessity.

H.R. 8883, to amend the Immigration and Nationality Act, and for other purposes.

House Concurrent Resolution 239, to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia.

H.R. 9329, to provide for the greater protection of the President and the Vice President of the United States.

House Joint Resolution 826, to establish a commission to be known as the John F. Kennedy Memorial Commission.

H.R. 10942, to establish a National Economic Conversion Commission, and for other purposes.

H.R. 11135, to amend the Antidumping Act, 1921.

H.R. 12144, to amend the Internal Revenue Code of 1954 to provide that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household.

Conclusion—Timely Counsel From a Great American

Mr. Donohue. Mr. Speaker, the words of wise authority remain forever as comforting beacons of guidance in troubled, distressing hours. A counseling message to all Americans is contained in the following extract from a speech given at Harvard University graduation exercises on June 30, 1910, by the late great Chief Justice Charles Evans Hughes:

"The most important agencies of democracy are, after all, not the organs of government, but the influences that shape public opinion. * * * Democracy must prize its public life. It has stripped it almost altogether of ceremonial and of meaningless and absurd forms. It has placed the public officer in a position of power, to be used for service. * * * Having surrounded him with none of the pomp which makes appeal to the thoughtless and ignorant, it must invest him with the higher honor which should be the reward of fidelity. Those who cultivate the true democratic spirit will be as earnest in their support of faithful officers as they are unsparing in their condemnation of the faithless."

The 88th Congress—Summary of Major Legislation

EXTENSION OF REMARKS

OF

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1964

Mr. MARSH. Mr. Speaker, as we approach the adjournment sine die of the 88th Congress, each of us will make an independent judgment as to the overall worth of our legislative accomplishments during the 2-year span of this Congress. With the thought that it might be worthwhile to have before us a summary of major legislation, I include at this time a compilation for the 1st session of the 88th Congress, as prepared by the coordinator of information of the House of Representatives:

NATIONAL DEFENSE AND INTERNAL SECURITY

H.R. 2438. Extends for 4 years, to June 30, 1967, authority of President to draft 18½-26-year-olds into military service; also extends Doctor Draft and Dependents' Assistance Acts, and the suspension of personnel strength limitation on Armed Forces. Public Law 88-2.

H.R. 2440. Authorizes $15.3 billion for procurement, construction of planes, missiles, ships, in fiscal 1964; includes $363.7 million additional for RS-70 manned bombers. Public Law 88-28.

H.R. 6500. Authorizes $1.6 billion for construction projects at Armed Forces bases at home and abroad, including 10,000 family-housing units for members of Army, Navy, and Air Force. Public Law 88-174.

H.R. 7500. Authorizes $5.3 billion for National Aeronautics and Space Administration in fiscal 1964, for research, development, construction of facilities, and administration. Public Law 88-113.

S. 1745. Authorizes $216.2 million for Atomic Energy Commission in fiscal 1964, including $172.5 million for new construction projects. Public Law 88-72.

S. 2267. Authorizes supplemental appropriation for Atomic Energy Commission to make possible resumption of atmospheric nuclear tests in event of violation of ban treaty. Public Law 88-189.

H.R. 2842. Permits prosecution in U.S. district courts of offenses against this country committed abroad. Public Law 88-27.

INTERNATIONAL AFFAIRS

H.R. 7885. Authorizes $3.59 billion for mutual security programs, continuing foreign assistance for 1964; includes $1 billion military aid, $925 million development loans, $225 million grants and technical aid, and $160 million contingency fund. Public Law 88-205.

H.J. Res. 778. Authorizes funds for U.S. participation in Hague Conference on private international law. Public Law 88-244.

H.R. 5207. Authorizes final payments of $43 million to Philippine war-damage claimants; establishes $30 million educational exchange fund; bars payment of any part of funds to any former member or employee of the U.S. Philippine War Damage Commission.[1] Public Law 88-94.

S. 777. Authorizes $20 million for operations and research of Arms Control and Disarmament Agency for 1964 and 1965. Public Law 88-186.

H.R. 3872. Extends Export-Import Bank 5 years to June 30, 1968; increases its lending authority from $7 to $9 billion and its authority for guarantees and insurance, under the export credit program, by $1 billion to a total of $2 billion. Public Law 88-101.

H.R. 7405. Authorize U.S. Governor on Board of International Bank for Reconstruction and Development (World Bank) to vote for proposed increase of $1 billion in its capital. Public Law 88-178.

H.R. 6791. Extends for 2 years the reduction from $500 to $100 the value of duty-free imports allowed returning American tourists. Public Law 88-53.

H.R. 9009. Increases authorization for U.S. Peace Corps to $102 million, number of volunteers to 11,300. Public Law 88-200.

H.R. 4374. Proclaims Winston Churchill an honorary American citizen. Public Law 88-6.

TREATIES

Executive M (88th, 1st). Treaty banning nuclear weapons tests in the atmosphere, in outer space, and under water, signed at Moscow, August 5, 1963, by the United States, the United Kingdom, and the Union of Soviet Socialist Republics. Ratified September 24, 1963.

Executive H (87th, 2d). International Coffee Agreement, signed at New York, September 28, 1962, by 58 nations, to be effective for 5 years after ratification, to stabilize and regulate prices of coffee by a world system of export quotas established by an International Coffee Organization. Ratified May 21, 1963.

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[1] Embodied as amendment in the Foreign Service Buildings Act.

Executive N (88th, 1st). Convention with Mexico, signed August 29, 1963, for solution of problem of the Chamizal (parcel of land north of Rio Grande near El Paso). Ratified December 17, 1963.

NATIONAL ECONOMY

S.J. Res. 102. Authorizes binding arbitration on two issues of rail labor dispute: Use of firemen and makeup of yard and train crews; bars new work rules or strike for 180 days from August 28, 1963. Public Law 88–108.

H.R. 8720. Extends to June 30, 1967, the Manpower Development and Training Act; waives for 1965 requirement that States match Federal grants for training allowances for unemployed but requires one-third matching in 1966; increases authorization for 1965 from $161 to $422 million; broadens program to train uneducated and jobless youth. Public Law 88–214.

H.R. 7195. Apportions through 1971 funds for completion of Interstate and Defense Highway system; fixes January 1965 as cost estimate deadline; raises Federal payments for construction engineering; continues billboard control program for 2 years. Public Law 88–157.

H.R. 8969. Increases temporary limit on national debt from $309 to $315 billion through June 1964.[2] Public Law 88–187.

H.R. 6755. Extends for 1 year up to July 1, 1964, the 52-percent corporate income tax and the current schedule of excise taxes on liquor, cigarettes, automobiles and parts, telephones, and airline tickets. Public Law 88–52.

H.R. 5389. Withdraws silver backing of paper currency, averts shortage of silver for coinage by repealing tax on silver transfers and other obsolete sections of Silver Purchase Act of 1934. Public Law 88–36.

H.R. 4655. Reduces for 1963 temporary increase in unemployment compensation tax rate; fixes new formula for determining allotments to States for administrative expenses. Public Law 88–31.

H.R. 5795. Permits Postmaster General, for 3 years, to continue parcel post at present rates, pending congressional action on problem of deficits from fourth-class operations. Public Law 88–51.

H.R. 134. Requires that auto seat belts shipped in interstate commerce meet certain safety standards. Public Law 88–201.

S. 1035. Extends for 1 year, to April 4, 1964, period in which Maritime Commission may act on proposed rates in dual-rate shipping contracts. Public Law 88–5.

H.R. 1597. Provides for deduction from income taxes of redeemable ground rent. Public Law 88–9.

S. 1031. Repeals Inland Waterways Corporation Act and authorizes Secretary of Commerce to liquidate its affairs. Public Law 88–67.

GOVERNMENTAL REORGANIZATION

H.R. 9413. Authorizes the coinage of a 50-cent piece bearing the likeness of the late President John Fitzgerald Kennedy. Public Law 88–256.

H.R. 9291. Provides office facilities and assistance for 1 year, Secret Service protection up to 2 years and lifetime free mailing privileges for Mrs. Jacqueline Bouvier Kennedy. Public Law 88–195.

S.J. Res. 137. Authorizes the Commission investigating assassination of President Kennedy to compel attendance of witnesses and production of evidence. Public Law 88–202.

S. 1652. Extends for 3 years to September 1, 1966, period for raising contributions for construction of National Cultural Center. Public Law 88–100.

H.R. 3369. Extends life of Civil Rights Commission for 1 year to September 30, 1964.[3] Public Law 88–152.

S. Res. 78. Grants former Presidents of the United States privilege of the floor of the Senate and right to address that body. (Adopted—House action not required.)

H. Res. 504. Creates a select committee to investigate expenditures for research programs conducted or sponsored by Federal departments or agencies. (Adopted—Senate action not required.)

H. Doc. 117. Reorganization Plan No. 1, 1963, transfers to General Services Administration complete authority for operation of Franklin D. Roosevelt Library at Hyde Park, N.Y., now run jointly with Department of the Interior. Became effective July 27, 1963.

SOCIAL SECURITY, HEALTH, AND WELFARE

H.R. 12. Authorizes 3-year program of $175 million in matching grants to expand teaching and research facilities of medical, dental, and related-type colleges, and $30.7 million in student loans to increase health personnel. Public Law 88–129.

H.R. 6143. Authorizes 3-year, $1.1 billion program of loans and grants to aid colleges and universities in financing construction of academic and related facilities. Public Law 88–204.

H.R. 4955. Expands vocational education programs; authorizes annual increases through fiscal year 1967 in scale of grants to States, on matching basis beginning in fiscal year 1965; extends National Defense Education and Aid to Impacted Areas Acts to June 30, 1965. Public Law 88–210.

H.R. 6518. Strengthens air-pollution control program by: encouraging State and local prevention and enforcement activity, increasing fund authorizations for grants-in-aid through fiscal year 1967. Public Law 88–206.

H.R. 7544. Authorize 5 year, $350 million to increase aid to States for maternal and child health services and for crippled children's programs; provides grants for maternity care and research projects to prevent mental retardation. Public Law 88–156.

S. 1576. Authorizes 3 year, $238 million program to aid States in providing mental retardation research facilities, construction of community mental health centers and grants for training teachers of deaf. Public Law 88–164.

H.J. Res. 724. Authorizes increase of $50 million, from $225 to $275 million, for direct loans to nonprofit corporations and cooperatives for construction of housing for elderly. Public Law 88–158.

H.J. Res. 467. Extends for 2 years, to June 30, 1965, authority of FHA to insure mortgages for sale and rental housing for low and moderate income groups. Public Law 88–54.

H.R. 2085. Grants deserted wives tax relief for child-care expenses. Public Law 88–4.

S. 1409. Requires equal pay for persons performing same work, regardless of sex, by amending Fair Labor Standards Act. Public Law 88–38.

H.R. 8100. Increases contributions and benefits under the Railroad Retirement and Unemployment Compensation Acts; strengthens fund's financial position. Public Law 88–133.

VETERANS AND SERVICEMEN

H.R. 5555. Provides $1.2 billion increases, effective October 1, 1963, in basic pay and subsistence for all members of the Armed Forces and Reserve components, except personnel with less than 2 years' service, and for the Coast Guard, Coast and Geodetic Survey, and the Public Health Service; and readjusts retirement pay. Public Law 88–132.

H.R. 6996. Permanently fixes 6 years of service, including 4 months of active duty, for enlistees in Reserve program to fulfill their military obligations. Public Law 88–110.

H.R. 211. Increases payments to parents and children of veterans who died of service-connected disabilities. Public Law 88–21.

H.R. 5250. Increases payments to widows of veterans whose death was due to service-connected disabilities. Public Law 88–134.

H.R. 242. Permits Veterans' Administration to waive recovery on default on home loans in certain hardship cases. Public Law 88–151.

H.R. 199. Provides additional compensation for service-incurred loss of hearing in both ears. Public Law 88–20.

H.R. 214. Increases compensation for veterans suffering complete loss of speech. Public Law 88–22.

AGRICULTURE

H.R. 4997. Extends through 1964 and 1965 crop years the feed grains program in effect on 1962 and 1963 crops, providing price support for producers who make voluntary acreage reduction. Public Law 88–26.

H.R. 40. Authorizes Federal assistance to States, on a matching basis, to help finance additional research facilities for State agricultural experiment stations. Public Law 88–74.

S. 1703. Extends for 1 year, to December 31, 1964, the program for use of Mexican farm laborers. Public Law 88–203.

H.R. 5860. Permits livestock producers, packers, and related interests to join in voluntary program of promotion, research, and education for their industry. Public Law 88–61.

S. 581. Extends for 2 years permission to lease and transfer tobacco acreage allotments. Public Law 88–68.

H.R. 5067. Permits operators of cotton farms to transfer flooded-out acreage to another nearby farm operated by same farmer. Public Law 88–12.

S. 582. Extends for 2 years exemption of peanuts for boiling from marketing quotas. Public Law 88–76.

NATURAL RESOURCES

S. 20. Authorizes development and coordination of Federal and State outdoor recreation plans through studies, research, and education programs under guidance of Secretary of the Interior. Public Law 88–29.

H.R. 8667. Authorizes 2-year, $816.8 million program of improvements in 11 river basins and navigable streams, flood control, waterpower projects of Army Engineers, and 1-year authorization for Bureau of Reclamation projects. Public Law 88–253.

S.J. Res. 33. Extends for 4 years to September 1, 1967, the interstate oil and gas conservation compact. Public Law 88–115.

H.R. 131. Provides for renewal, subject to negotiation, of long-term contracts between Secretary of the Interior and municipal, industrial, and domestic users of water service under the Reclamation Project Act of 1959. Public Law 88–44.

H.R. 4062. Authorizes Secretary of the Interior to market electric energy generated at Amistad Dam on Rio Grande River. Public Law 88–237.

S. 1523. Abolishes Beach Erosion Control Board; transfers functions to Board of Engineers for Rivers and Harbors; and establishes a Coastal Engineering Research Center. Public Law 88–172.

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[2] Earlier enactments: Public Law 88–30, raised temporary limit from $305 to $307 billion to July 1, 1963, and to $309 billion to September 1, 1963; Public Law 88–106 extended $309 billion limit to December 1, 1963.

[3] Embodied as amendment in minor bill.

Address by Hon. Willard Wirtz, Secretary of Labor, to League of Women Voters

EXTENSION OF REMARKS
OF
HON. CLAUDE PEPPER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 10, 1964

Mr. PEPPER. Mr. Speaker, a noteworthy address was delivered to the League of Women Voters National Convention in Pittsburgh, Pa., on April 24 of this year by the Honorable Willard Wirtz, Secretary of Labor.

Of particular interest in this address is the excellent data the Secretary gives as to how the purchasing power of this country could be increased if we could raise the income of a relatively small group of people at the bottom of the economic ladder to a decent income. I commend it to my colleagues and fellow citizens:

REMARKS BY SECRETARY OF LABOR W. WILLARD WIRTZ TO THE LEAGUE OF WOMEN VOTERS NATIONAL CONVENTION, PITTSBURGH, PA., APRIL 24, 1964

Thank you very much, Mrs. Phillips and Mrs. Stuart. Ladies of the League of Women Voters, I come here ill prepared in some respects but well armed with advice. The advice was given me just a couple of days ago by a friend of mine and of yours in Washington who said to me very quickly as I talked to her in the hall, "I have a suggestion to make to you when you go to Pittsburgh, don't talk about 'women's rights.'"

I have no trouble accepting this advice at all. It seems to me perhaps the basic difference between men and women as citizens of this country is that men are too much preoccupied with "rights" and too little with "responsibilities," and that you ladies complement that interest by an emphasis on "responsibilities" and less concern with "rights."

I am reminded, though, by that advice of a statement of Mr. Dooley's about 60 years ago; some of you may not remember but may have seen Mr. Dooley's essay on "Women's Suffrage." That was back when that was a question, and I am not going to try the dialect, but you will perhaps remember that he said this:

"Women's rights? What does a woman want of rights when she has privileges? Rights is the last thing we get in this world. They are the next thing to wrongs. Rights are just wrongs turned inside out. All the rights I enjoy, I don't enjoy. I enjoy the right to get money, but I never have any money to spend. The Constitution guarantees me the right to life but I die. To liberty but if I try being too free, I am locked up, and 'to the pursuit of happiness' but happiness has the right to run when pursued, and I have never been able to tree her yet. Here I am at ever so many years of age, blown and exhausted by the chase, and happiness is still able to do her hundred yards in 10 seconds flat whenever I approach. I would give all the rights I read about for one privilege. If I could go to sleep the minute I go to bed, I wouldn't care who done me voting."

No, I am not going to talk with you about women's rights. I would like to say only this by way of subtle suggestion about my feelings toward the League of Women Voters. On the night of April 15, at about 11 o'clock I faced the question that comes to me every year as I go through my book of check stubs. I always put down when I am listing my deductions a contribution to the League of Women Voters. Now, I know that I am not going to be able to put it into the tax return, but it just seems to me that anybody or any organization whose interests are such as these ought to be someway tax deductible. I may add, at the risk of being misunderstood, that I am not quite clear yet why an interest in the past makes you tax deductible but an interest in the future does not.

I must say very frankly to you that I am unprepared today. This has been a very busy week. There was one night I didn't get to bed at all. There were other evenings and times during the day when I had to face squarely the issue of whether it would be more important to you to have a well-prepared speech this morning or to be able to take the train home tonight. It seemed to me that the latter was the controlling consideration, and in any event, I decided to shorten my speech so that you could take the train, which seemed to me to make you gainers on both counts.

I thought I would talk just a little about the railroad case, and take from it the principal lesson that I find in that experience and then, if you will, try to apply that lesson as it came up in that particular instance to this matter of your most recent agenda item, the development of human resources.

The railroad case is still too close to us to permit our assessing fully its significance, and yet I think it would be impossible to exaggerate the significance of that settlement, which was reached day before yesterday, as far as the railroad controversy was concerned.

Now the specific issues in the railroad case were of exceeding importance, particularly because they involved this problem of what is to happen when machines or new processes reduce the need for men. This agreement, as it was finally worked out by the parties, includes terms which reconcile the necessity of technological advance and the equal necessity of protecting the human interests and the rights of those whose jobs are made temporarily obsolete. But that was not the overriding issue in the railroad case.

The overriding issue in that case was whether collective bargaining was or was not to have any continuing influence in the railroad industry. Now, I know that collective bargaining is not an overly popular phrase with the public at large. The phrase is equated with strikes, with waste, and with a history that includes some violence. Even the more understanding of people are inclined to view collective bargaining as one of the necessary evils, or at least, as one of the difficult or evil necessities along with such things as taxes, military service, policemen, housekeeping, and taking Latin in high school—that kind of thing. I sometimes wonder why it is that so many of the things that are good for us aren't very much fun. And yet, collective bargaining is the keystone in the arch of private industrial democracy. Collective bargaining is the difference between people making their own decisions, on the one hand, and on the other hand, having somebody else make those decisions for them. It's democracy with its shirtsleeves rolled up. It's democracy in a blue collar, and the significance of the settlement in the railroad case is that collective bargaining has been greatly strengthened as an instrument in the service of private democracy in this country.

Very briefly, this settlement followed 4 to 4½ years of futile attempts by a very great number of people to settle the case; those previous efforts had failed. I made a list which included 467 representatives of the public who, at one point or another, were interested in the settlement of the railroad case. They were not successful, but then 2 weeks ago last night an extraordinary thing happened. There was a meeting in the Cabinet room of the White House. These men met with the President of the United States, and in the course of 2 hours of discussion it was decided to go on and make a last try at settlement of this case.

That discussion was characterized by the President's reference to the Prophet Isaiah, "Come let us reason together." It was concluded with the President's statement to these people: "If this system isn't going to work, if you decide that it isn't going to work, before you make that decision, decide what system is better." And the same men who had worked for 4½ years without being able to reach an agreement went out and made an agreement in 13 days. By drawing upon the infinite human capacity which is within them and within us, these men settled the railroad dispute with no new laws being passed and with no new forces being brought to bear.

The assumption had been made for 4½ years that somebody else was going to have to assume responsibility for handling that matter, and that is the most dangerous assumption that can be made in a free society. Overnight that assumption was set aside, and within 2 weeks that case, which had defied settlement for so long, was settled.

I would now like to very briefly apply that same principle to the problem of "human resources." That problem, as you have very properly stated in your agenda item adopted yesterday, is not going to be settled by the Federal Government. It is going to be settled by enlisting that human capacity which was illustrated in the railroad case, and which can be brought to bear on this general problem too—that human capacity and desire which was reflected in the establishment of the Peace Corps; that human capacity and desire which was reflected in the Nation's response when a President said, "Ask not what your country can do for you—ask what you can do for your country"; that capacity which was reflected in people's reactions to what happened almost 3 years later in Dallas, and the country's attempt to find something other than brutal irrelevancy in the assassination of a President; and in its attempt today in its declaration of a war on poverty to find, in the good of people, the answers to the problems which we face.

There isn't time to talk about the precise nature of the poverty problem as it exists today in this country. You have in your agenda item identified the two top roots of that problem: the need for more education, and the need for more jobs. The problem of poverty is becoming concentrated in two areas: one geographical in nature, the other among those who lack education. The most important right in this country today, as far as the approach to the problem of poverty is concerned, is the right to be ready. We won last year, to a substantial extent, the battle against discrimination. Now we face the battle against disadvantage, the disadvantage which results from 100 years of discrimination. It is not just a racial problem. You very properly point out that the problem is much broader than that and affects a whole group who have been disadvantaged over the years, over the decades. We know now that poverty and unemployment and lack of education are inextricably intertwined. We know that they are inherited characteristics, not through the human genes, but through the social genes of slums, lack of adequate schools and so forth.

I would question, if there were more time, your exclusion of consideration of the general education program from your consideration of this particular problem. I can see the reasons for doing that as a practical matter, but really, there will not be ultimate answers found in this area until there is full and complete educational opportunity for everybody. I applaud your identification of this problem in terms of human resources instead of in terms of a phrase that means different things to different people. Let's get the phrases out of the way and let's get down to work on the problem. I hope you will agree with me that there is the necessity of supporting the Civil Rights Act; I hope you will bring your support to the economic opportunities legislation which is before the Nation now. I hope you will support the proposition that we must do more about meeting poverty which centers its evils upon the older people in this country. I hope that all of these programs will have your support, but I hope, too, that the program of the League of Women Voters, the human resources program, will recognize that this job is going to be done in the local communities; it is going to be done more privately than it is by the public.

I think of Oliver Goldsmith's pregnant couplet: "How small of all that human hearts endure, that part which laws or kings can cause or cure."

This program is going to be done in the local communities. It is going to be done, as it is being done today in New Haven, in New York, and in a number of other cities, by people who realize the resources that lie in the human individual, and who bring to bear all that we hope for as far as the capacity of ourselves as individuals.

There would be more of a programatic nature to discuss if the circumstances and time were different, and yet I should like to take the moments which remain to me to assert what seems to me the central element as far as the accomplishment of this purpose is concerned. I rather think that we have become so "intellectualized" that we are making cynics of ourselves—at least to some degree. We are overawed by the fact that our scientific knowledge is increasing exponentially while our understanding of our human problems seems to advance very, very slowly.

Mrs. Phillips, you said to this group the other day that the second of two dangers is the extent to which we have tended to leave all mention of morality out of public discussion, and Barbara Ward spoke to you day before yesterday in similar terms.

I think it will be essential to the meeting of this problem that if we assert, along with our belief in reason, our belief in faith—faith in the future.

I see the future more clearly in the soft lanternlight of faith than in the glaring headlight of reason. Eternity is already shrunk and we know it, in the illumination of logic, to a matter of minutes: just that little time that can run while we live a single spark away from ultimate destruction, our knowledge of our power daily outstripping our wisdom about its use, with more and more democracy's decisionmakers knowing less and less of what they are deciding. To care and to care deeply about the future, only as it will see the ascendancy of human over material values is to watch with a fascination that fights against fear, a generation of machines maturing as no generation of human beings ever has—so that any moment now one of these clanking, idiotic robots is going to pull itself erect and announce in Descartes' terms, "cognito, ergo sum."—"I think, therefore I am."

And yet the facts are that we're still children of unfathomable mystery, surrounded still by secrets that dwarf to insignificance all that we know. We have no basis at all—unless the premise be taken as itself the conclusion—for asserting that only what can be proved is true. I think of Emerson when he said, "We think our civilization near its meridian, but we are as yet only at the cock crowing and the morning star." The only dangers we face, except for cataclysmic accident, are that we will build our syllogisms too much on experience, and too little on vision, that we will forget the inevitable is only what we don't resist and that we will forget that the unattainable is only what we don't attempt. The danger is that we will stumble and we will fall on the sword of our own stupidity. Not the stupidity of the ignorant, that isn't what threatens us so much as the stupidity of the successful. Those who seek to protect their petty conceits behind maginot lines of race, or religion, or geography, content with the little innovations of their own dubious piety, fighting change because the status quo has been good to them individually. The divine right of the successful is as false a notion as the divine right of kings.

The future is still infinite if we will stretch our minds far enough and fast enough to keep our ideals abreast of ideas; if we will reassess, under technology's pressure, the revolutionary new relationship between war and peace and between work and leisure; if we will seize the sense of the future that will let us stand on a clear night and look up at a heaven full of more stars than the number of all the men and women who ever lived, and realize that those stars are now very close to our reach and that they are part of our children's future.

If we are because we think, we will be because we believe—even if only in the grand mystery of it all and that's worth the eternal quest. We have got to push reason beyond reason to faith in a fuller future.

Barbara Ward said to you at the end of her remarks 2 days ago, "We must love each other or we must die." And I would add, we must believe and believe in each other. If we do, we will live, and we will prosper, and we will find our fullest meaning.

And now, the President will be here shortly and it is my part to speak to you just briefly on a kind of accordion basis until he does. I should warn you that the other day I was seized with this same situation at the White House. He was due at 4:58 on a very split-schedule basis. I was to start speaking at 4:55 and then speak until he came in. I was still speaking at 20 minutes of 6. That won't happen to you here.

I'd like to present, subject to momentary interruption, some of the fuller details of what I would have had in mind under other circumstances. I can apologize a little bit in my own mind and to you for speaking of a program to fight poverty, to fight ignorance, and to achieve more jobs which is based on understanding and belief. I could apologize for that, and I would, if that is where it stopped. But there are so many things to be done by way of specific details in backing up this kind of belief. I spent a day about a month ago in New Haven. Some of you would know what's going on there. I saw in the course of that day people from that city, not government officials but volunteers, working with what turned out to be some 54 different programs in the community high schools that they are now building.

I saw a man sitting there working with 9 or 10 little children teaching them to paint. I saw a boy from Yale preparing another group of youngsters from the worst part of New Haven, the most disadvantaged part of the city, for the presentation of a play. It wasn't "peace, love and justice," or something like that. They had given the week before "The Mad Women of Chaillot" and they were working this week on "Antigone." That kind of thing is being done.

I've seen in Chicago students from the universities working with the dropouts. I've seen in New York the program which is being worked out there and in Philadelphia, in Syracuse. I recall what's happening in Flint, Mich., where 80,000 people are now involved in an adult education program. These things are going on all over the country. There is in the heart of America, to be applied to its own problems, all that was expressed in what was developed as the Peace Corps as far as the rest of the world is concerned. There are 750,000 dropouts in this country. I could find 750,000 college and university students who would be glad to take them one by one by the hand and bring them back to the area of opportunity. The country doesn't know the things that are being done in the communities in this country. I would urge upon you, as you continue your study of this problem, that you also make yourselves—this organization—a clearinghouse for all that's already being done. I'm tired of hearing about pilot programs in various parts of the country which are so much like the same programs in other parts of the country. We need a clearinghouse for information. Although there is a part of the proposed antipoverty bill which provides for community action, you can do it better than we can do it.

I would like to say a word, too, about the importance of this point which you have set to the side of this particular agenda item; I mean the point on education. I have spared you any statistics this morning, but let me give you one.

If you take the group who completed high school last year, graduated from high school in June of 1963, and lined them up on the basis not of their ability but on the income of their parents, you will find this: Among the upper 30 percent in terms of the income of their parents, 46 percent of those boys and girls are in college today, and if you take the bottom 30 percent in terms of the income of their parents, only 12 percent of them are in college today. That isn't fair. It isn't good sense, and it isn't good democracy. It means there is not a right to work, to be prepared to work—I almost said "opportunities" but in its broadest sense. There is not equality of the right to be ready. It was enough a hundred years ago to say, and importantly at that point, that all people are created equal. That was the point that had to be made first. It is equally imporant today to face the fact that all people are not created equal. Or at least, that when they are born into a family which is in the second generation of disadvantage, there must be special attention given to the problem of giving them the opportunity to be ready for work and for what lies ahead.

There is a great deal more to be done as far as the educational system is concerned. I wish the League of Women Voters would think through the question of whether—where a hundred years ago we decided that there ought to be 12 years of free education, that that is still the right answer. I am not at all sure it is. In fact, we were either wrong then or we are wrong now, because the world now demands a higher degree of education on the part of its boys and girls.

I believe in the essentiality of technology and automation to bring us the new quality of living to which we aspire. I know that, at the same time, the machines are driving out any need for untrained or uneducated people. The problem of poverty in this country is becoming more and more a concentrated problem on the part of a comparative few, but it is becoming a worse problem. The chasm between most of us and a few is becoming deeper and deeper every day. It is harder to move across the tracks today than it was some time ago.

I am concerned about those statistics which show that between 1935 and 1947 5 percent of those whom we would identify as being in poverty families moved across the line to prosperity every year. We were diminishing the number of people who we would identify as poverty stricken 5 percent a year from 1937 to 1947. From 1947 to 1953 that number dropped to an average of 3 percent, and since 1953 it has dropped to about 1 percent. Now that's partly because we have licked part of the problem so that the percentages are applied to a smaller base. It is partly because the machines now have a high school education or its equivalent, and the people who don't have a high school education aren't able to compete with the machines. And yet there will come into the work force in this country in the next 2½ years, 5½ million boys and girls who will not have high school diplomas, and employers simply aren't going to be hiring people without high school diplomas from here on.

I would wonder whether we can't find a way without diluting the quality of higher education to add at least 2 more years of education—of free education—for the boys and girls who now need more training than they did a hundred years ago. I would wonder whether there is any sense any longer in a law that provides that a boy or girl can drop out of school when he or she reaches the age of 16. If that was right when most States adopted it 50 years ago, it is wrong now. There are 6½ million teenagers in the work force today. Some of them employed, some of them unemployed, and even those who are employed are probably there without the training and education which they'll need to fill the jobs which will be present in the future.

I would wonder whether we shouldn't do something about reviewing the age for compulsory education. Now, don't misunderstand me, if anybody has the thought of sending the dropouts back into what they dropped out of, there is no point in that. None at all. The point is rather, and I speak with the license of 20 years of teaching school, that the school system is based on a standard of preparing for excellence. I was proud of that. I was proud as a high school teacher to be teaching Hamlet and the difficulties of the split infinitive to people who I knew were going into the local boiler works or into the glass factory. That was fine. They could have at least a vision of what excellence might be. We have got to face up to the fact that whereas it didn't do any good or didn't do any harm then, because they didn't need any special preparation, now they need special preparation and very badly.

You have on your Agenda Item emphasis upon the retraining program and I am glad you do because that's a program which we administer, and we need your help. You also have on it vocational education and I am very glad you do, although that falls in another department's responsibility, because there is a great deal to be done now about taking those people who will not go on to college and preparing them for a different kind of work which requires special preparation. There is a great deal to be done as far as a review of the educational situation is concerned.

Now, your Agenda Item, turning to its other aspect, is very vague on the question of what you are going to do about more jobs. You recognize, and very properly, that it will mean only frustration if we train and educate people—boys and girls—and then there are no jobs at the end of that preparation. This must not be permitted to happen. As long as we are at the point of statistics, let me give you one other, although I warn you about the danger of statistics. These percentages, these averages—they confuse us so. All the figures you see are in terms of averages, almost all of them. And yet I point out to you that the law of averages is only a law which establishes the fact that if a person is standing with one foot in the ice box and with the other foot on the stove, that person is "on the average" comfortable.

But let me give you another figure, that illustrates the problem as far as job opportunities are concerned. We must depend for the increased jobs on the private sector of the economy in this country. Between 1957 and 1963 the work force in this country increased by five million people. During that time the increase in the number of full-time jobs from the profit sector of the private economy was 200,000. It went up by only that number.

Now, employment went up very markedly in some other areas: government service, not Federal Government service—State and local government service, and most of those were schoolteachers which is all to the good, and it went up as far as nonprofit operations of one kind or another are concerned, and that's good. It went up as far as part-time work is concerned, and most women think that is good. I should make clear that the statistic I gave you before was in terms of full-time jobs. As far as the profit part of the operation of the economy during that 6-year period is concerned, the total of full-time jobs went up by only 200,000, while the work force was going up by 5 million. There has been a marked shift in that in the last year and there has been an increase of some 500,000 in that same statistic. That the figure, if I had given it to you a year ago, would have been a net loss instead of some increase. The situation is improving. That's why the tax reduction is so important. It ought to mean a difference of between a million and 2 million job opportunities.

But my point, in general, is that you are very right that the educational part of this program will have no sufficient significance unless there is the job opportunity for which these people are prepared. So I ask you to think as clearly as you can about that part of this job and to recognize again that the answers are not going to come from the Federal Government. The Federal Government, I think of, as a kind of catalytic for the work of the local governments, and the whole of the governmental program is only a kind of catalytic for the work of the private sector of the economy. It's got to be done privately; it is going to be done, I think, by a reassertion of the kind of faith and vision that we had before.

I think of Barbara Ward again, that most remarkable woman of whom I can say nothing to you that you did not know now firsthand, and I wish you would see her Williamsburg address of last year in which she pointed out the difference between 1776 and 1963. Her point was that in 1776 the people in this country had only one thing, that was vision. They were completely without tools, but that didn't deter them. Today there is no shortage of tools. Our problem is an excess capacity of production. We have all the tools we could possibly use and nothing in the world lacking to achieve the kind of affluence of which she talked, but we are a little short on vision at the moment.

And so I say to you, that it seems to me that it is completely legitimate to emphasize this aspect in our thinking about the problem. It's a problem of ways and means it's also a problem of belief, a belief in the past, a belief in the future. I mentioned briefly in my more general remarks this problem of automation. Don't be scared of the machines. The machines are absolutely essential to the achievement of the standard of living which we want for ourselves in this country. Technology is the only possible way that we can maintain the standard of living above that of the other nations with which we compete more actively now every day. Technological development is absolutely essential, but it will be the worst kind of progress if we have to pay for it in human terms. We did in the industrial revolution.

I don't think anybody looks back with pride on the progress that we call the industrial revolution, because we had to pay too high a price for it in human terms. If you go back still further, you know how the pyramids were built and the story that the laying of every block cost the breaking of a human back. We did better than that in the industrial revolution. We are doing better than that in the technological revolution, but we have got to consider the fact that our understanding must be brought up even with our knowledge. I think it was Solomon who said, "Knowledge is a wonderful thing; therefore get knowledge but with all thy getting, get understanding." We must do that. We can't let the machines take away the human values from us.

I think of the most dangerous side of automation and technology in terms of the play of Karel Capek with which some of you may be familiar. Somebody should put it back on the boards. That was the story in 1923 or 1927, you remember, about universal robots, about the scientists who invent the machines, and how they improve them until finally one day the machines learn how to make other machines, and at that point the jig is up. You may remember the end of the third act. The curtains and the backdrop part, and these clanking robots come marching in and form in solid phalanxes on the stage. Then they start plodding stolidly toward the audience, and just as they reach the footlights, the lights go out and the play is over.

But it is act IV now, and our problem is to make use of technology and machines so that they will be the instruments not of man's destruction but rather of man's service, of the achievement of his purpose. I said "man's"—Esther Peterson has almost housebroken me but not quite. I am always impressed when I'm talking about technology that although machines may replace men, I know they will never replace women.

But there is so much to do as far as taking care of the human aspect of technology. A lot of it was done in the railroad case this week. What you will not read, because it is a part of the fine print of that settlement, is that there were great advances recognized as far as the use of new machines on the railroads is concerned. It was also provided in that settlement that if a person loses his job as a result of technological development, there will be provision made to take care of the human interests of that individual. He will be taken care of for a period of at least 3 or 4 years. The details of that have not yet been worked out. Technology will come faster if we recognize that we are not entitled to charge a price in human terms for the progress upon which we are so dependent.

And so I say to you that technology is not something about which to be concerned. It is rather a matter upon which we are wholly dependent, and there are ways and means of taking care of those human aspects of the problem.

I would like to return to the phrase with which I opened—the dichotomy between rights and responsibilities. I meant very sincerely the compliment that I think the political difference between men and women is that men are preoccupied with their rights, and women concerned about their responsibilities. I point out to you that this society has grown up and the law has developed around an emphasis on rights—the Declaration of Independence, the Magna Carta, the Bill of Rights, and the Constitution. You can't find any comparable milestone documents in our literature, or in our legal history which talks about responsibility. And yet I suggest that at the present stage of the development of this complex society, it is going to be essential that we start doing our thinking in terms of responsibilities rather than rights.

Now that creates some dangers. Whenever you start talking about responsibilities, especially as they may be exercised not by but through the Government, people start getting concerned about planning. Well, it doesn't need the kind of planning that people get concerned about. I can testify to you bitterly on the basis of the last 2 weeks experience, that you don't have time for planning in Federal Government. You spend 99½ percent of your time completely on the defensive fighting the telephone, fighting the desk, and fighting the papers that have to be disposed of. Don't worry about the planning. There is too little of it, not too much. It is a dangerous situation when you can't think, or can't think enough about how we will make use of the possibilities of peace, because there will be concern on somebody's part about doing too much planning.

It leads people to wondering whether we could stand peace, economically in this country. Why of course, we can stand peace. Anybody who has any doubts about the capacity of this system to turn its productive powers from producing munitions to fighting poverty doesn't realize that democracy, like life itself, is an act of faith. There would be difficulties and dislocations but think of the things that there are left to do.

Think of what it would take to eliminate the slums in this country, to build the schools we need, to bring income up above the $3,000 level for almost everybody. To come through with the water resources which only the League has been aware of for the last 15 years. You started back before anybody else knew even what you were talking about.

You know, if we set out to eliminate the slums in the cities, to build the schools we need, to provide the water resources which we need so acutely now, and to bring the standard of living in the lowest fifth of the Nation up to $3,000, we would have the most terrible manpower shortage in this country that you can possibly imagine. And then somebody worries about whether we would have enough to do if peace came along. Well, it just isn't even an issue. I'd like you to believe and to know that there is the capacity, not only as a matter of economics but as a matter of political strength, in this country which would mean that we could make full use of the human and the economic capacity if peace should come to the world.

I welcome this opportunity to make another point. It is another aspect of an event that I mentioned very briefly before, and it has a bitter side to it. I think the country is still thinking very much in terms of the experience of 5 or 6 months ago. I don't believe this country is going to settle for letting the assassination of a President be a brutal irrelevancy. We started off by saying, you know, that this must be a reflection of an upsurge of hate and nonreason in the country. I don't believe that's right. You can't allow one or two maniacal minds to distort the reality of the great human mind of this country. We were wrong about that. We were going through a very difficult experience, and sometimes you don't realize at the moment how hard it is to have to live history. Let me simply say that I think there is still much to be done about realizing our capacity, but the one thing we have learned in the last 5 months is that there is, in the leadership of this country and in the capacity of our people, a power for continuity that has carried us through a period of crisis which would have destroyed almost every other nation in the world.

That is the contribution of all of us. It is the contribution of an unbelievably brave woman, and her family. It is the contribution of an individual of whom it is going to be our great privilege to meet in just a moment, but most of all, it seems to me to be the complete earnestness of the proposition that whatever it is that we have developed in the name of democracy, it is able to meet not just the problems of a railroad case, but the problems, too, of fighting ignorance, of fighting poverty, of fighting unemployment in this country, and then going on to the affirmative of finding that full meaning for which the human individual was certainly intended.

It is a heartwarming experience to have the feelings I have about the things that you and I believe in together, to have the opportunity I have to work for them as part of the Government, and also to come and talk with this organization about them.

The opportunity for this kind of communion, I suppose, would not be found in any other country in the world. I don't know anyplace else where you would have a situation in which a group of us could get together and talk this freely about things of this kind. That isn't maudlin. It is part of the strength that we honor; it is part of the strength that we have developed; it is part of the strength that we find in government; it's more a part of the strength that we find in ourselves. So I would just like to express what I know is also on your minds—the pride of being part of this country, the pride in having a past which is beyond parallel, and a pride in believing in a future which is going to be characterized by change, which is the order of things as a whole.

I hope you change your minds about a filibuster. Like so many things it can be an agent of good as well as of evil, which is not in defense of filibusters.

I'm terribly reminded at the moment, I think it was Josh Billings who said, "Silence is golden, but brevity is the child of silence, and a great credit to the old man."

Ladies of the League of Women Voters, the President of the United States.

SENATE

FRIDAY, SEPTEMBER 11, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Gracious God, our Father: As we bow at this altar of Thy grace, we are conscious that if we live a life of prayer, Thou art present everywhere.

Thou knowest that our lot is cast in fearsome times when we face, in an embittered world, those who have sworn to destroy our liberty and to enslave the world with fetters for the body and the mind.

May we ever be jealous for a just and righteous peace; but while we would be harmless as doves, we would at the same time be wise as serpents, lest we, ourselves, be the unwitting agents for betraying and destroying the free heritage of the generations following.

May we follow the gleam of the highest and best we know, as it leads o'er moor and fen and crag and torrent, till the evening comes and the fever of life is over and our work done.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. INOUYE, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 10, 1964, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. INOUYE, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE SESSION

Mr. INOUYE. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. LONG of Missouri, from the Committee on the Judiciary:

Mrs. Frankie Muse Freeman, of Missouri, to be a member of the Commission on Civil Rights; and

Ziegel W. Neff, of Missouri, to be a member of the Board of Parole.

By Mr. LONG of Missouri (for Mr. EASTLAND), from the Committee on the Judiciary:

Gerald J. Weber, of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania;

Philip Nichols, Jr., of Massachusetts, to be judge of the U.S. Customs Court; and

Francis C. Whelan, of California, to be U.S. district judge for the southern district of California.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

NOMINATION PASSED OVER

The Chief Clerk read the nomination of Robert Sargent Shriver, Jr., of Illinois, to be Director of the Office of Economic Opportunity.

Mr. INOUYE. Over, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be passed over.

U.S. ARMY

The Chief Clerk proceeded to read sundry nominations in the U.S. Army.

Mr. INOUYE. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. NAVY

The Chief Clerk proceeded to read sundry nominations in the U.S. Navy, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, these nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. INOUYE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. INOUYE, the Senate resumed the consideration of legislative business.

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on defense procurement from small and other business firms, for the fiscal year 1964, which, with the accompanying report, was referred to the Committee on Banking and Currency.

REPORT ENTITLED "SERVICES FOR SENIOR CITIZENS"—REPORT OF A COMMITTEE—MINORITY AND INDIVIDUAL VIEWS (S. REPT. NO. 1542)

Mr. SMATHERS. Mr. President, I submit a report from the Senate Special Committee on Aging, entitled "Services for Senior Citizens." I ask unanimous consent that the report be printed, together with the minority views of Senators DIRKSEN, GOLDWATER, CARLSON, PROUTY, KEATING, and MECHEM, and the individual views of the Senator from Hawaii [Mr. FONG].

The report was prepared by the Subcommittee on Federal, State, and Community Services for the Elderly, chairmaned by the junior Senator from Massachusetts [Mr. KENNEDY], under whose leadership the subcommittee held four hearings and made an extensive study of services for the elderly. The report includes 15 recommendations for establishing and expanding public and private services for America's senior citizens. Implementation of these recommendations would provide a maximum of needed services to America's elderly at a minimum cost to the taxpayers. It would do much to enrich life and make it more meaningful and enjoyable for today's senior citizens as well as for those of the future. The report has been approved by the full committee with minor modifications.

At this time, I would like to commend the very able and distinguished junior Senator from Massachusetts [Mr. KENNEDY] for the great service that he and his subcommittee have rendered in behalf of our senior citizens.

The ACTING PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from Florida.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MAGNUSON (by request):

S. 3185. A bill to improve the aids to navigation services of the Coast Guard; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate **heading.**)

IMPROVEMENT OF AIDS TO NAVIGATION SERVICES OF THE COAST GUARD

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to improve the aids to navigation services of the Coast Guard. I ask unanimous consent to have printed in the RECORD a letter from the Secretary of the Treasury, requesting the proposed legislation, together with a comparative type showing changes in the existing law made by the proposed legislation.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter and comparison will be printed in the RECORD.

The bill (S. 3185) to improve the aids to navigation services of the Coast Guard, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter and comparison presented by Mr. MAGNUSON are as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., August 21, 1964.
Hon. CARL HAYDEN,
President Pro Tempore of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill, "to improve the aids to navigation services of the Coast Guard."

The proposed bill would amend sections 81 and 82 of title 14, United States Code, which contain the basic authority for the Coast Guard to establish, maintain, and operate aids to navigation. The modifications to these sections may be summarized as follows:

Under the present terms of section 81 the Coast Guard has only limited authority to establish aids to navigation beyond the territorial limits of the United States. This authority does not extend to marking of wrecks which are beyond the territorial waters of the United States. Nor does it include authority to mark harbor entrance channels which extend beyond the territorial waters. Finally, there is no authority for marking areas where offshore structures are located beyond our territorial waters. Experience has shown, however, that there is a need for navigational aids in these areas. To enable the Coast Guard to meet this need, the proposed bill would extend the Coast Guard's authority to establish navigational aids to include the waters above the Continental Shelf.

A second area in which the present law is unduly restrictive concerns electronic aids to navigation. Here the statute authorizes the Coast Guard to establish loran stations for certain purposes. The word "loran" has been interpreted as referring to a specific type of pulsed electronic aid to navigation system. This interpretation would restrict the Coast Guard from developing and utilizing other types of electronic aids to navigation systems. The Department feels that the service must be in a position to utilize any electronic systems which will aid navigation and that it should not be restricted to a single specific system. Therefore, the proposed bill would broaden section 81 by substituting authority to establish electronic aids to navigation systems for the present authority to establish loran stations.

The expansion of authority mentioned above is not intended to impinge on the authority of the Federal Aviation Agency which has statutory responsibilities in this field. At present, section 81 provides the Coast Guard with authority to establish loran stations required to serve the needs of the air commerce as determined by the Federal Aviation Agency. The proposed bill would make a slight change in the language of the present law to indicate more clearly that the Coast Guard would only establish electronic aids to air commerce upon request of that agency. (This would also conform the language to that used elsewhere in the section.) In addition, an amendment to section 82 of title 14 would update the statutory references found in that section to confirm that nothing in title 14 would limit the authority of the Federal Aviation Agency.

One minor change is made to clarify section 81(2) by including the Secretary of Defense among those who may request the establishment of air aids to navigation to serve the Armed Forces.

Enactment of the proposed bill would enable the Coast Guard to improve its services to the maritime community in many areas. Its enactment would not in itself result in any increased costs to the Government. However, the extension of aids to navigation services beyond the territorial limits would require increased expenditures, depending upon the extent to which these additional services become necessary. It is estimated that annual costs for the next 3 years to mark wrecks which are beyond the territorial waters of the United States and to provide necessary aids to navigation should not exceed $50,000. While the Corps of Engineers has only tentatively designated fairways in the coastal waters of the Gulf of Mexico, the increasing numbers of offshore oilwell structures in this area will ultimately make the marking of some fairways essential for the safety of navigation. When this marking becomes necessary, it is estimated that it would result in annual costs for buoys and minor aids to navigation structures not exceeding $100,000. In some instances, however, some more sophisticated major offshore aids to navigation may also become necessary or desirable to mark fairways. The cost of such installations would, of course, be greater than that for buoys or simple aids but we cannot now predict what these costs would be. Expenditures for any form of aids to navigation would, of course, be included in the Coast Guard's appropriations and subject to the usual review by the Congress.

A comparative type showing changes in existing law made by the proposed bill is attached.

It would be appreciated if you would lay the proposed bill before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

DOUGLAS DILLON.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY THE PROPOSED BILL

[Matter proposed to be omitted is enclosed in brackets; new matter is in italic]

SECTION 81 OF TITLE 14, UNITED STATES CODE

§ 81. Aids to navigation authorized.

In order to aid navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft, the Coast Guard may establish, maintain, and operate:

(1) aids to maritime navigation required to serve the needs of the Armed Forces or of the commerce of the United States;

(2) aids to air navigation required to serve the needs of the Armed Forces of the United States as requested by the Secretary [of the appropriate] *of Defense or the Secretary of any* department within the Department of Defense; and

(3) [Loran stations] *electronic aids to navigation systems* (a) required to serve the needs of the Armed Forces of the United States; or (b) required to serve the needs

of the maritime commerce of the United States; or (c) required to serve the needs of the air commerce of the United States as [determined] *requested* by the Administrator of the Federal Aviation Agency.

[Such] *These* aids to navigation other than [loran stations] *electronic aids to navigation systems* shall be established and operated only within the United States, *the waters above the Continental Shelf,* [its Territories] *the territories* and possessions *of the United States,* the Trust Territory of the Pacific Islands, and beyond the territorial jurisdiction of the United States at places where naval or military bases of the United States are or may be located [, and at other places where such aids to navigation have been established prior to June 26, 1948].

SECTION 82 OF TITLE 14, UNITED STATES CODE

§ 82. Cooperation with Administrator of the Federal Aviation Agency.

The Coast Guard in establishing, maintaining, or operating any aids to air navigation herein provided shall solicit the cooperation of the Administrator of the Federal Aviation Agency to the end that the personnel and facilities of the Federal Aviation Agency will be utilized to the fullest possible advantage. Before locating and operating any such aid on military or naval bases or regions, the consent of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be, shall first be obtained. No such aid shall be located within the territorial jurisdiction of any foreign country without the consent of the government thereof. Nothing in this title shall be deemed to limit the authority granted by the [provisions of section 458 of title 5, or by section 475(e) of title 49 or subchapter III of chapter 9 of that title. As amended Aug. 23, 1958, Public Law 85–726, title XIV, § 1404, 72 Stat. 808.] *Federal Aviation Act of 1958, as amended (chapter 20 of title 49) or by the provisions of sections 7392 and 7394 of title 10.*

LACK OF EMPLOYABILITY

Mr. BOGGS. Mr. President, an editorial published in the Wilmington (Del.) Morning News of September 10 makes the valid point that "the big problem is not unemployment but lack of employability."

The chief problem of out-of-work teenagers is not to find a job, the editorial emphasizes, but to qualify for one.

It has been this thought which has led me to introduce and support legislation to improve our "education for employment" facilities.

Mr. President, I ask unanimous consent to have printed in the Record the editorial entitled "Scattershot at Unemployment."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Scattershot at Unemployment

Although not intended that way, the employment and unemployment figures of the U.S. Department of Labor make good arguments against the Johnson administration's scattergun technique of going at economic problems. The $1 billion war on poverty, for example, is made up of such variety of programs that the money gets split up into small bits both in purpose and effectiveness.

Major programs, costing vast sums of money, are promoted in Congress as aids to eliminating unemployment, when the rate of unemployment provides little or no justification for them. The big problem, at the moment at least, is not unemployment but lack of employability. It does no good for jobs to be available for people not qualified to fill them.

The latest job statistics show a small rise in joblessness during August. But the increase is not where it counts, among adult family heads. It is among teenagers. Unemployment for all adult men is only 3.7 percent—well below the 4-percent maximum tolerance level of the Johnson administration.

Even hard-core unemployment—people without jobs for 6 months or more—is relatively insignificant in the totals (important as it might be to the individual involved)—only a half million in a total civilian labor force of nearly 76 million. And many individuals are in the hard core because they are not qualified for jobs or are otherwise unemployable (alcoholics, criminals, etc.).

The high unemployment is in the 14-to-19 age category, with a rate of 13 percent. The figures are, however, inflated by the manner in which they are collected. Any person who says he is looking for a job—even a 14-year-old schoolboy looking for part-time employment—is put down as unemployed.

The solution to most teenage unemployment is outside the economic arena. Their problem is not to find a job, but to qualify for one. The need is to keep youngsters in school or other training until they become employable. None of the business incentives the administration shoots into the economy will help much without that basic requirement.

Money spent to increase skills and knowledge of young people would pay greater dividends than many other existing and planned Washington spending programs. Admittedly, many jobless teenagers will never be able to acquire skills—one reason they are on the job market instead of in school.

But those that can should be encouraged to study to their full capacity. And there is no better time to keep that thought in mind than right now, when school is opening for the new academic year.

WHEAT AND COTTON LEGISLATION

Mr. AIKEN. Mr. President, on the whole, the 88th Congress has been a constructive Congress. We have enacted a great deal of needed legislation, particularly in the field of education, health, recreation, and the use of our natural resources.

However, we have also enacted some legislation of which we have little to be proud and would probably like to have the public forget—and also forget it ourselves.

One piece of legislation which might well have been left unborn was the so-called wheat and cotton bill enacted last spring.

The results have not been such as its sponsors anticipated or promised to the world.

So far as wheat is concerned, the price has now dropped to the lowest levels to the farmer in a generation, while the price of bread has gone up. I shall not go into that in detail.

A large subsidy was provided for the cotton mills of this country. The price of cotton to the farmer has remained about the same. The price of cotton to the mills has dropped materially because of the subsidy. We were told that the price of cotton goods would go down as a result, and that our mills would be able to compete with foreign mills on a good basis.

While the price of cotton to the farmer has remained stable, and the price to the mills has gone down, the price of cotton shirts and other cotton goods has gone up.

We are paying subsidies to the mills in this country which, I am told, will cost more than the total value of all of the cotton imports into this country during the year the subsidy will be paid. This subsidy will amount to some $300 to $400 million this first year.

In other words, it would have paid us better to have bought all these imports coming in from foreign countries and given them to the people of the underdeveloped countries of the world and we would have still saved some money.

On August 28, the chairman of the Senate Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. Ellender], delivered an address before the Louisiana Cotton Forum. It is a most constructive address, and I ask unanimous consent to have it printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Allen J. Ellender Before the Louisiana Cotton Forum, Monroe, La., August 28, 1964

I have looked forward to this meeting for some time, but until this week I was not sure that I would be able to make it. Sometimes Washington moves quickly, but, by and large, it moves very slowly.

I am particularly happy to be here since my subject today is cotton, and more specifically cotton legislation.

I will direct my views to law and the background of its enactment, as well as the claims the proponents made for it.

Essentially, the new program provides for acreage allotments in the same manner as the old law, based upon a 16 million acre minimum national allotment plus release and reapportionment. This is the so-called effective allotment. Price supports in 1964 are set at 30 cents per pound Middling inch and price support loans are provided for in the same manner as last year.

The major differences relate to the domestic allotment which has been established for each farm, and the export acreage. As you know, the domestic allotment on a particular farm is the number of acres estimated to produce that farm's share of the cotton needed for domestic consumption in the United States. The national domestic acreage allotment this year was set at 10.8 million acres. Additional price support above the basic level of 30 cents in the amount of 3½ cents per pound is paid this year to producers who participate in the domestic allotment program.

Second, if they so choose farmers are allowed to plant up to 5 percent this year in excess of the regular farm acreage allotment with the condition, however, that the cotton produced on the additional acreage be exported without Government assistance.

The same program will be in effect for the 1965 crop with these exceptions. First, the Secretary of Agriculture is authorized to set price supports at between 65 and 90 percent of parity as he determines. Second, the additional payment for those farmers who choose the domestic allotment can be set at up to 15 percent above the basic support rate, and third, there is no limit to the amount of so-called export acreage that the Secretary may allow except that he must find that, notwithstanding this additional acreage, the carryover will be reduced by 1 million bales.

There is one important point that I want understood, however. That is, that this new legislation clearly changes the basic policy and philosophy upon which cotton legislation has rested since the enactment of the Agricultural Adjustment Act in 1938.

This new legislation provides for the first time, direct payments. Under this new legislation direct payments of 3½ cents per pound are made to farmers, and another direct payment of 6½ cents is made to cotton merchants in order to enable domestic mills to pay no more for their cotton than do foreign mills. In my opinion this is the most far-reaching change that has ever occurred in cotton legislation.

I wish to digress at this point to give you a little background on how this legislation came about. As some of you may recall, both the Senate and House Committees on Agriculture held hearings last year on new legislation for cotton. The Senate hearings were held in May 1963. The House hearings were held in January and February 1963.

At that time a number of bills were before Congress, some of which provided for direct payments. I introduced, upon request, two bills. One was sponsored by the American Farm Bureau and the other by the Delta Council. There were two other bills before the Senate committee sponsored by other Senators. There were also four bills before the House Agriculture Committee.

After the hearings were completed it was quite evident there was no agreement among the various segments of the cotton industry as to what Congress should do.

It was my opinion then, and still is my opinion, that the 1958 law would have worked had it been administered properly. In 1960 former Secretary Benson set cotton acreage allotments at 18.2 million acres for the 1961 crop. In my opinion it was unnecessarily high. But it was irrevocable and could not be changed. This error was compounded when price supports were set at about 33 cents per pound by the Kennedy administration.

The choice program that had been in effect in 1959 and 1960 and the lower price that had resulted caused cotton consumption to increase. Stocks on August 1, 1961, amounted to only 7.1 million bales, less than half of the 14.4 million bale carryover in 1956. Actually we were down to about a normal carryover. However, the increased acreage and the high price that year, as well as the high price maintained in subsequent years, caused consumption to decline and stocks to increase.

I had recommended to the administration in 1961 that price supports be set at about 75 percent of parity and that supports in succeeding years be lowered slightly as acreage allotments could be increased. In other words I envisioned a slowly expanding consumption based on a slightly lower price with constant acreage increases. All of this could have been done under the 1958 law. Most of you know I am sure, that the 1958 act gave the Secretary of Agriculture discretionary authority to set price supports at between 65 and 90 percent of parity as he determined, and to set the national allotment at any level above 16 million acres that he felt was warranted by the supply and demand situation. Had my recommendations been followed, I do not feel we would have a cotton problem today. However, this is all water over the dam now, and we do have a problem.

At any rate, there were certain segments of the cotton industry which early last year proposed payments to farmers in order to get cotton prices down. There were also other proposals, but all pointing to lower farm prices.

The House Committee on Agriculture from the time it began hearings in early January 1963 attempted to reach some agreement as to what kind of cotton law we should enact. After much jockeying and considerable work the House Committee on Agriculture in June of last year approved a cotton measure. This bill languished on the calendar until December 1963 when it was finally approved by the House on a vote of 216 to 182.

This bill then came over to the Senate. It was among the bills upon which we held hearings from January 28 to the 31st and on February 11 of this year. It was evident during the early stages of our hearings in January that the various segments of the cotton industry had still not resolved their differences and new cotton legislation seemed impossible. The hearings were closed upon a note of disagreement.

However, during the time of the January hearings and before the hearings on February 11 a group of people interested in cotton was meeting regularly in Washington trying to devise a program acceptable to all. On the last day of the hearings the Under Secretary of Agriculture, Mr. Murphy, presented to the committee the program that these cotton producers and merchants had finally agreed upon.

Then on February 18 and 19, the Senate Committee on Agriculture and Forestry met in executive session and approved the program presented by Mr. Murphy. On March 2, the bill agreed upon came up for Senate debate.

During the period February 20 to March 2, I studied this new cotton proposal very closely and came to the conclusion that I would oppose it vigorously.

There were a number of reasons for this decision which I will go into later. At this moment, however, I would like to point out what the proponents of this measure claimed. They stated it would (1) eliminate the inequity of the two-price system under which domestic mills were paying substantially more for cotton than their foreign competitors; (2) enable cotton to meet the price competition of synthetic fibers, thereby increasing the long-range market for cotton; (3) reduce Government expenditures for the cotton program; (4) reduce excessive stocks of cotton; and (5) maintain producer income.

The picture they painted of the cotton situation was dark indeed. They pointed out that cotton was the No. 1 surplus problem in agriculture and that without new legislation the carryover would continue to increase, not only this year but in the future. They estimated that the carryover on August 1 of this year would amount to about 12.8 million bales, and that it would increase to about 13.6 million bales by the end of this marketing year. They further estimated that by August 1, 1968, the carryover would be an astronomical 18 million bales and that the carrying charges alone on this cotton would amount to well over $100 million a year.

The proponents further estimate that without new legislation Government outlays would increase from $566 million for the 1964 crop to over $800 million for 1967.

They further charged that because textile mills had to pay approximately $42.50 per bale more for cotton than foreign mills they were unable to compete with textile imports which in 1962 amounted to the equivalent of about 650,000 bales of cotton.

They charged that because of the higher price for cotton, domestic mills were changing rapidly to manmade fibers and that the reduced consumption of cotton in this country could be contributed primarily to this factor.

The proponents of the bill claimed that it would be less costly than any other program considered by the committee. The cost estimates as prepared by the Department of Agriculture indicated that total major expenditures for the measure before the Senate amounted to $448 million for the 1964 crop, as compared to $566 million under the old program with price supports at 32½ cents per pound and to $451 million under the old program with price supports at 30 cents per pound.

Other estimates used by the proponents of the bill included a domestic production this year of 12,850,000 bales, and a total disappearance of 14.6 million bales, composed of 9.6 million bales domestic, plus 5 million bales for export. Simple arithmetic indicated a net decrease in the carryover of 1,750,000 bales in 1964.

These were the promises. Now, to the extent that we can, let us see what has actually happened. In my study of the legislation I first concentrated on cost and then attempted to outline legislation that should be enacted in lieu of the proposals made by the cotton industry.

My study of the cost figures revealed that the actual expenditures under the new cotton law would amount to $753 million. This was undisputed. The sponsors of the bill, in arriving at the $448 million costs had credited $363 million as income. But this represented the total stocks that were to move out of CCC inventories. They ignored the acquisition cost of the cotton. But, even more important, their cost figures could come to pass only if a reduction in stocks took place.

Now that cotton is beginning to be harvested and we have the latest estimates from the Department of Agriculture, let us see what the picture looks like. On August 10, the official estimates from the Department of Agriculture indicated a cotton crop this year of about 14.8 million bales, just about 2 million bales higher than the proponents of the bill estimated in March of this year.

On the other hand, estimates by the Department of Agriculture issued on about the same date, indicated that domestic consumption this year would amount to 9.6 million bales with exports of approximately 5.2 million bales, for a total disappearance this year of 14.8 million bales. This is precisely the same as the estimated production. If these more recent estimates come to pass there will be no reduction in stocks. Therefore, the cost of the program this year will be at least $753 million and may amount to more. This is quite different from the $448 million estimated by the sponsors of the bill. And, as a matter of fact, it is considerably more than the cost of the program under the 1958 law.

I cannot overemphasize that among these costs will be a direct payment charge amounting to an estimated $312 million. This direct payment will be made to any qualified cotton merchant or the mills this year and next. This $312 million outlay will result in an increased domestic consumption of about 1 million bales. Therefore, it is costing the Federal Government $312 a bale for every bale that the mills consume over and above last year. In my opinion, it would have been less costly to give them the additional cotton used.

To me, this is unconscionable and I so stated at the time we were debating the bill.

Although I felt that the 1958 act could be made to work, I proposed a substitute for the committee bill on the floor of the Senate.

My reason for doing so was to head off, if possible, the enactment of a program which I thought detrimental not only to the cotton industry but more particularly to cotton producers.

I also wanted to give the mills a chance to prove their sincerity in increasing their use of cotton.

I proposed instead of this new cotton measure that we set price supports for the 1964 crop at 30 cents per pound, and make a payment to all producers on the first 10 bales of production of about 2½ cents per pound. In order to provide a real incentive for domestic mills to increase the use of cotton, I proposed a payment-in-kind of up to 10 cents per pound on all increases in the use of cotton by mills over a base period. This proposal was rejected by the Senate.

The estimates released by the Department of Agriculture show that mill consumption will increase this year by slightly over 1 million bales. In this regard the proponents of the act were correct, but as I said earlier, $312 million is an awfully high price to pay for only a 1 million-bale increase in domestic consumption. This is especially outrageous when under my proposal the Department estimated that consumption would increase by 600,000 bales, but at a cost of only $53 million.

In the debate I contended that our mills were selling in the best market, and that our prosperous economy could afford to pay a price for cotton which would give producers a reasonable chance for making a profit. I contended that the mills could and should pay at least 30 cents per pound for cotton and at this price level they would not only have a profitable operation, but that cotton would be more competitive and synthetics as well.

It was my opinion, and still is my opinion, that a price drop of 10 cents per pound was inimical to the best long-run interest of cotton. That with a price drop of this magnitude, adjustments within the industry would be difficult if not impossible to achieve. Further, it is my opinion that little of this price reduction will be passed along to consumers.

As a matter of fact, a report from the Department of Agriculture titled "Cotton Price Statistics," published August 10, shows that mill margins in July 1964 were higher than in 1963. It shows further that cloth prices; that is, the average of 20 constructions, had increased from 60.68 cents per pound in July 1963 to 60.95 cents per pound in July 1964. This is in spite of the fact that since April 11 of this year the mills have been receiving a payment of 6½ cents a pound on every pound of cotton consumed, or a total of over $70 million.

I wish to point out in fairness, that not all constructions have increased. Prices for "ducks" for example, decreased from 63.34 cents last year to 62.02 cents this year. It is also my understanding that prices of yarns have decreased almost to the extent of the 6½-cent payment, and that the Bureau of Labor Statistics index of wholesale prices declined from 101.1 percent of the 1957–59 average in March of 98.7 percent in June. But the fact remains that the average of the 20 constructions is up.

My friends, remember this, textile mills in this country are now receiving cotton at 23½ cents per pound, 6½ cents per pound below the support price. In fact the same as the world price. This situation bothered me as much or more as the increased cost of the program.

In my thinking I tried to determine just what course future cotton legislation could take in like of these facts. As I saw it, once the mill got the price down to this low level, the producers of cotton would be at a distinct disadvantage when the Congress considers new legislation next year. How, I asked myself, could the price of cotton to domestic mills be increased again to 30 cents per pound without serious injury to cotton producers. I could find no satisfactory answer to this question.

This year and next year the 6½-cent payment is being made to the merchants, traders and mills but to whom will the payment be made in 1966. Obviously domestic cotton farmers cannot produce for 23½ cents.

Farm production expenses for cotton, as well as for the rest of the crops have continued to increase. In 1963, for example, production expenses for all crops and livestock were $870 million higher than in 1962 and this year the Department of Agriculture estimates that total production expenses will increase by another $500 million or so.

The Congress has appropriated increased funds for research and the Department of Agriculture is making a concerted effort to determine methods whereby production expenses can be lowered. However, we cannot expect a substantial reduction in costs immediately. That is for the long run.

In the past years we have tried in a number of ways to bolster the farm economy at the lowest cost to the Government. As to cotton we have tried the soil bank, the choice program in 1958, and 1959, and now in 1964 and 1965 a partially direct payment program.

There are many who feel that we should dispense with Government programs. That might well be so, but I would not sponsor such a proposal. I remember too well that in 1938 and 1939 before the price support program was in effect that cotton prices were at 8 cents per pound and in 1933 were less than 5 cents per pound.

A special report made to the Senate Committee on Agriculture and Forestry a few years ago showed that in what was essentially a free market, cotton prices would fall to 25 cents per pound. The prices of the commodities would likewise decrease and that net farm income would drop to about $7 billion as compared to the $12.5 billion in 1963.

I have stated on a number of occasions that our national economy was no stronger than the weakest link in our productive complex. Unless the agricultural economy is strong and prosperous the national economy will suffer.

Agriculture is the Nation's largest industry. The number of workers in agriculture exceed the combined employment in transportation, public utilities, the steel and automobile industries.

The assets of agriculture amount to $216 billion, equal to nearly two-thirds of the market value of all corporation stocks on the New York Stock Exchange. The investment in agricultural production assets represents over $24,000 for each farmworker.

Farmers have invested about $18 billion in cars, trucks, tractors, and other farm machinery.

In 1961, farmers used enough steel products to make almost 5 million compact cars, enough rubber to put tires on more than 6 million cars, and enough electricity to power the 6 New England States. They used the equivalent of 15 billion gallons of crude oil, more than any single industry, and they spent over $1.5 billion for fertilizer and lime. Surely a segment of our economy as large and important as agriculture must remain strong if the rest of the economy is to be prosperous.

Next year the Congress will be required to consider new legislation for cotton, for corn and the other feed grains, for wheat, for wool, and perhaps for dairying. This is a large order but I am hopful with your help that the Congress will be able to devise a successful solution to the problems that face us.

In an effort to obtain information and advice from the best possible sources I am inviting comments and proposals from the trained scientists and technicians at our land-grant colleges, from all major farm organizations, and from other experts in the field.

I am sending personal letters, as chairman of the Senate Committee on Agriculture and Forestry, to those leaders in the hope that from their suggestions, the Congress can develop legislation which will provide agriculture with a strong foundation for future growth and prosperity at little or greatly reduced cost to the Government.

I hope, and as a matter of fact I feel sure, that the great agricultural brains in this country will be able to contribute materially to a new policy for agriculture that will meet with general approval.

I ask only that you keep an open mind. I ask that you not become so wedded to a particular program that you are blind to the benefits of others.

Ever since I entered the Senate in 1937 I have attempted, to the best of my ability, to provide agriculture with the help that it needs in order to secure the best possible price and income with the least possible interference by the Government.

I wish I could lay on the table for you today the direction that new farm legislation will take; that I cannot do. But I can promise you that I will work and strive to achieve the goals of a strong and prosperous agriculture within the framework of the free enterprise system which has made this the greatest of nations.

SENATOR DIRKSEN'S CLOTURE MOTION

Mr. **DOUGLAS**. Mr. President, this morning an interesting editorial was published in the Washington Post.

It begins by stating:

> The Senate marched up the hill and down again yesterday in the reapportionment fight, but it appears to be making progress.

The editorial goes on to state:

> The defeat of Senator DIRKSEN's cloture motion was exhilarating. Instead of winning the necessary two-thirds of those present to close off debate, he had only 29 Senators with him and 63 against him.

In the third paragraph, the editorial states:

> The ideal solution would be to drop the Dirksen rider to the foreign aid bill without wasting any further time on it.

In speaking about the Javits-McCarthy-Humphrey resolution, the Washington Post states:

> While this recommendation to the courts would be much less offensive than the Dirksen rider or the Tuck bill passed by the House to deny the courts jurisdiction in all future reapportionment cases, it would create a very unfortunate precedent. The courts should operate free of pressure from Congress or any other body. If such a declaration of congressional wishes should delay court-ordered realinements of State legislatures for any length of time, the danger of a reactionary constitutional amendment being approved would be increased. For malapportioned legislatures would have a vested interest in perpetuating their own power.

The editorial concludes with the sentence:

> We hope that the courageous Senators who have led this struggle will be able to avoid any legislative encroachment upon the judiciary and at the same time persuade their colleagues to get ahead with their legislative tasks.

Mr. President, I do not believe that we deserve the commendation of being especially courageous, but I can say we will do our best to convince the country and the Congress.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE IDEAL SOLUTION

The Senate marched up the hill and down again yesterday in the reapportionment fight, but it appears to be making progress. The defeat of Senator DIRKSEN's cloture motion was exhilarating. Instead of winning the necessary two-thirds of those present to close off debate, he had only 29 Senators with him and 63 against him. The outcome was a properly administered rebuke for the minority leader's attempt to invoke a highly restrictive remedy to bull his irregular and unconstitutional maneuver through the Senate.

When Senator AIKEN sought to clinch this victory by killing the Dirksen scheme, however, it was a very different story. The Dirksen court-curbing proposal escaped annihilation by a vote of 49 to 38. Presumably, then, the fight will go on with a serious threat of disrupting the remainder of the session. That would be extremely unfortunate. In the interests of both Congress and the country the two Houses should wind up their business as soon as possible and go home.

The ideal solution would be to drop the Dirksen rider to the foreign-aid bill without wasting any further time on it. Pressure for such a course is likely to build up as the political campaigns begin to gain momentum, but yesterday's vote suggests that the Senate is still a substantial distance from such a decision. In this predicament Senators JAVITS, MCCARTHY, HUMPHREY and others have brought forward a proposed compromise. It is a resolution declaring it to be "the sense of Congress" that legislative reapportionment be delayed to give the States time to comply with the Supreme Court's ruling on reapportionment.

While this recommendation to the courts would be much less offensive than the Dirksen rider or the Tuck bill passed by the House to deny the courts jurisdiction in all future reapportionment cases, it would create a very unfortunate precedent. The courts should operate free of pressure from Congress or any other body. If such a declaration of congressional wishes should delay court-ordered realinements of State legislatures for any length of time, the danger of a reactionary constitutional amendment being approved would be increased for malapportioned legislatures would have a vested interest in perpetuating their own power.

Approval of the Javits-McCarthy-Humphrey resolution may prove to be the only way of averting something worse. But it is not yet time to give up the fight. We hope that the courageous Senators who have led this struggle will be able to avoid any legislative encroachment upon the judiciary and at the same time persuade their colleagues to get ahead with their legislative tasks.

REVIVING AREA REDEVELOPMENT

Mr. DOUGLAS. Mr. President, I ask unanimous consent that an editorial published this morning in the New York Times, entitled "Reviving Area Redevelopment," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REVIVING AREA REDEVELOPMENT

Area redevelopment is in danger of getting lost in the shuffle as Congress hurries toward adjournment. This would be an ironic fate for the program in a Democratic-controlled Congress, in view of the party's long struggle on its behalf. Twice vetoed by President Eisenhower, the area redevelopment bill became a lively issue in the 1960 campaign. It was the first major piece of legislation which President Kennedy signed into law.

Inevitably the program has encountered administrative difficulties and been the target of criticism. It is not easy to devise workable criteria for loans and grants to revive economically depressed communities, since, by definition, if such communities could meet normal banking standards they would not need special Government help.

Despite these inherent problems, the Area Redevelopment Administration over the past 3 years has retrained 35,000 workers and helped create 110,000 new jobs, mostly in rural areas and small towns. It has stimulated fresh economic activity in several long-stagnant localities across the country such as southern Illinois, the upper peninsula of Michigan, and the abandoned coal towns of Kentucky and West Virginia. For the first time scores of communities have learned the techniques of identifying their economic problems and of working out solutions through local and regional planning.

For more than a year the Area Redevelopment Administration's various activities have been limping to a halt for lack of money. In June 1963 the House refused a new authorization of funds by a vote of 209 to 204, which reflected in large part an unthinking southern retaliation against the Kennedy administration for proposing civil rights legislation. Now that tempers have cooled, the prospects for a second attempt in the House are improved, but time is running out. If Congress is sincere in its commitment to wage war on poverty, it makes no sense to let the area redevelopment program die now.

Mr. DOUGLAS. It points out that "the Area Redevelopment Administration over the past 3 years has retrained 35,000 workers and helped create 110,000 new jobs, mostly in rural areas and small towns."

I hope very much that the administration will be successful in pushing this bill through the other body. I believe that public and legislative sentiment for it is much stronger than many of the doubters have implied.

CONSTITUTIONAL AMENDMENT WITH RESPECT TO THE QUALIFICATIONS OF MEMBERS OF THE SENATE

Mr. SALINGER. Mr. President, I ask unanimous consent that I may be recognized for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SALINGER. Mr. President, last night, in colloquy with the Senator from Colorado [Mr. DOMINICK], in discussion about the Constitution and election to States, I stated:

> Is it not a fact that the Constitution reads, "an inhabitant at the time of his election"?

The Senator from Colorado [Mr. DOMINICK] replied:

> No; it does not. It reads, "an inhabitant of the State."

Mr. President, I ask unanimous consent to have printed in the RECORD that provision of the U.S. Constitution relating to the election of U.S. Senators, which clearly includes the words, "when elected."

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> No person shall be a Senator who shall not have attained to the age of 30 years, and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

THE MISSILE CRISIS—AN ANSWER TO SENATOR GOLDWATER

Mr. SALINGER. Mr. President, I am sure that all of us read with interest and amazement the recent statement on foreign policy by our colleague from Arizona. I refer to his speech of the night before last in Seattle. I say "with amazement" for good and obvious reasons. We are all used to some measure of exaggeration in an election year. And in the heat of a campaign, much can be forgiven. But in this case, exaggeration has given way to the wildest distortion. The facts of history have been bent beyond recognition. Permit me to help set the record straight.

I shall not try to answer all of the Republican candidate's allegations, or to correct all of his many errors. I will address myself to only one of the many distortions that made up his version of foreign policy. I refer to the missile crisis of October 1962. I was in the White House during those fateful days. So I have some firsthand knowledge of what happened and what it meant to the world.

The men in this body, the American people, and the Communists, too, know what really happened—even if the Senator from Arizona has forgotten. Blocked in his efforts to nibble away at one country or another in the non-Communist world, the Soviet leader tried, with one stroke, to reverse the trend against him. Operating in the greatest secrecy, he put offensive missiles and bombers in Cuba. But soon after these offensive weapons arrived in Cuba—and before any of them became operational—they were discovered and photographed by U.S. reconnaissance planes.

The American response was prompt, firm, and unmistakably clear. President Kennedy demanded that the offensive weapons be removed without delay. It became very clear to the Kremlin that failure to comply would lead to the use of more forceful means to eliminate this threat to the United States and the rest of our hemisphere. The U.S. Navy immediately enforced a strict quarantine on Cuba.

Mr. Khrushchev heard the President's words and he understood their meaning. Rather than risk the total destruction of his own country, he backed down. Soviet ships bound for Cuba reversed their course. The missiles and bombers were dismantled, packed on ships, and returned to the Soviet Union.

This was the first real nuclear crisis in the world. And American courage and wisdom paid off. Everywhere in the civilized world, our handling of this major threat to peace and freedom was recognized as perhaps the most successful blending of strength and diplomacy in modern times. And many experts have called this event the turning point in the cold war.

Never before had the Soviets been forced into such clear retreat. And since October 1962, the Soviet leader abandoned nuclear missile rattling as a tool in diplomacy. Even the Communists—in Peiping, Havana, and elsewhere—have described the event as a major setback.

Our action had the support of leaders of both parties. It was backed by a unified people. It was hailed throughout the world as a major success. And it was recognized by the Communists themselves as a tremendous defeat.

Why any American would want now to try to picture a great national success as a setback surpasses all understanding. But that is what the Republican candidate has tried to do.

Why any American would try to describe a triumph for all free men as a domestic political move defies reason and the facts. But that is what the Republican candidate has tried to do.

Everyone knows—even the Senator from Arizona—that it was not this administration that put the missiles into Cuba. Mr. Khrushchev chose his own time, his own place, and his own methods. And he failed.

It may be that the Soviet leader thought that fall in an election year was a good time to make his move. Perhaps he calculated that we would all be too occupied with our congressional elections to pay much attention to Cuba. Possibly he thought that even if his scheme were discovered, no administration here would want a major nuclear confrontation in an election year.

But he was wrong on all counts. He learned what most men know—that election year or not, the American people are united in any time of danger. We are never preoccupied that we cannot recognize threats to our safety—or to the safety of our friends—and act quickly to meet them.

Yes, Mr. Khrushchev learned a valuable lesson. Apparently the only one who did not learn from this triumph of courage and wisdom in defense of freedom is the Senator from Arizona.

BUT NOT SENATOR GOLDWATER

Mr. SIMPSON. Mr. President, one of the favorite themes of the Senate's own candidate for the Vice Presidency, the gentleman from Minnesota, is that everybody is doing such and such—"But not Senator GOLDWATER." That this is a telling speech technique is unquestionable. Indeed, many things have been done, especially by the last two Democrat administrations, that are pleasing to certain Democrats, "But not Senator GOLDWATER." The importance lies in the example cited.

The Indiana News of August 31 carried an editorial which at first glance could well be a verbatim excerpt from one of Senator HUMPHREY's campaign speeches. Each neatly blocked paragraph ends with "But not Senator GOLDWATER." Upon reading the editorial, it becomes delightfully clear why Senator HUMPHREY, in the words of the editorial, "For some reason did not deliver" the speech.

Rather than ask that this editorial be printed in the RECORD, I am going to read as much of it as time and the generosity of my colleagues permits. In this editorial are numerous examples of errors of omission and commission in which the Democrats may take pride, "But not Senator GOLDWATER"—or the Nation.

NOT GOLDWATER

(NOTE.—Following is part of the text of a speech prepared for Democratic Vice-Presidential Nominee HUBERT HUMPHREY by a ghostwriter in Indianapolis, but which Senator HUMPHREY for some reason did not deliver:)

"This Democratic administration presided over the Bay of Pigs fiasco, pulling back crucial air cover and allowing Cuban freedom fighters to be slaughtered by Fidel Castro.

"But not Senator GOLDWATER.

"This Democratic administration has cracked down still further on exile forces trying to combat Castro and allowed allied trade with the Cuban dictator to increase by hundreds of millions of dollars.

"But not Senator GOLDWATER.

"This Democratic administration by its own confession lied to the American people about the Cuban missile buildup in the summer and fall of 1962, bringing grave danger to our Nation.

"But not Senator GOLDWATER.

"This Democratic administration has presided over the disarray and collapse of the NATO alliance.

"But not Senator GOLDWATER.

"This administration stood by idly while the East German Communists built the Berlin wall in violation of the postwar treaties and imprisoned free men and murdered those who attempted to escape.

"But not Senator GOLDWATER.

"This administration violated its pledge to defend Laos against communism and helped topple the anti-Red government of Prince Boun Oum by withholding promised grants in aid.

"But not Senator GOLDWATER.

"This Democratic administration financed and supplied confessed acts of aggression and brutality against the anti-Red African State of Katanga, subjugating it to the anti-Western Central Government of the Congo.

"But not Senator GOLDWATER.

"This administration connived in the overthrow of the anti-Communist Diem government of South Vietnam which led to the murder of the ousted President.

"But not Senator GOLDWATER.

"This Democratic administration has phased out American manned bombers and pulled back intermediate-range missile bases in order to 'ease Soviet anxieties.'

"But not Senator GOLDWATER.

"This administration believes the Communists are 'mellowing' and that they will stop bothering us if only we are nice to them and show them we are willing to make concessions.

"But not Senator GOLDWATER.

"This Democratic administration has supplied a haven for con men and grafters like Billie Sol Estes and Bobby Baker, the last-named being described by President Lyndon Johnson as 'my strong right arm.'

"But not Senator GOLDWATER.

"This Democratic administration has set new records for distortion and manipulation of news, openly announced its willingness to lie to the American people, censored and muzzled military officers, leaked confidential information to discredit private citizens, engaged in wire-tapping and harassment of dissenters.

"But not Senator GOLDWATER.

"This Democratic administration has bestowed a $50,000 award on physicist J. Robert Oppenheimer, declared a security risk by the Atomic Energy Commission in 1954, and has moved to dismantle the security apparatus of the American State Department.

"But not Senator GOLDWATER.

"This administration has publicly embraced the radical Americans for Democratic Action, symbolized by my own candidacy, which is the American counterpart of the Fabian Socialists in Great Britain, dedicated to collectivism at home and appeasement abroad.

"But not Senator GOLDWATER.

"This Democratic administration has racked up multibillioned deficits in the past 4 years, injecting immense inflationary pressures into the economy and bringing the cost of living to a new alltime high.

"But not Senator GOLDWATER.

"This Democratic administration in short, has plugged steadfastly toward calamity and chaos in the world struggle with communism. It has worked unremittingly toward the centralization of power and the destruction of American constitutional checks and balances.

"But not, needless to say, Senator GOLDWATER."

ADDRESS IN KANSAS CITY BY SECRETARY CELEBREZZE

Mr. SYMINGTON. Mr. President, recently one of our most able public servants, Anthony J. Celebrezze, Secretary of Health, Education, and Welfare, delivered a thoughtful and most constructive address at the annual banquet of Unico National in Kansas City.

We were proud to have this able talk delivered in our State and especially because of the comments about Missouri's number one citizen, Harry S. Truman.

Because of the facts contained in the address, I am sure my colleagues will enjoy reading it. Accordingly I ask unanimous consent that Secretary Celebrezze's address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY ANTHONY J. CELEBREZZE, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

(Presented at the annual banquet of Unico National, Kansas City, Mo., Saturday, Aug. 22, 1964, 7:30 p.m., c.s.t.)

This remarkable Nation of ours has had a generous share of remarkable leaders. And none of them more so than the man you are honoring tonight—a man I am privileged to know—Harry S. Truman. He is unique. There is no one else quite like him. He is a man of the people. He walks among us. He thinks our thoughts. He even, occasionally, speaks our mind when we might not dare. He is a leader of people, with a philosopher's appreciation of human strengths—and a politician's understanding of human weaknesses.

He is a man of peace—a man who had the vision and courage to rebuild a whole world shattered by war.

He is a man of unswerving principle—a man who did not hesitate to fight for freedom when freedom was threatened.

A truly great President—a truly great leader—by some rare kind of magic Harry Truman seems to share his greatness with people.

By assuming that he is just an ordinary person he inspires us to rise to his extraordinary heights.

He once said he would like it remembered of him that "He did his damndest."

With his example before us and with each of us doing the same, there is no limit to the heights we can reach together.

We are grateful to Mr. Truman for strengthening our faith in ourselves and for pointing the way.

When Mr. Truman was in the White House he kept a small sign on his desk. Those of you who have visited the Truman Library have probably seen it. The sign reads: "The Buck Stops Here."

With earthy wisdom, this sign tells us something of the awesome responsibility that rests upon the President of the United States.

The decisions he must make are fateful decisions—involving not only the well-being of his own countrymen but also of the entire free world.

And there is no one to whom he can pass the buck.

This does not mean, however, that the President can do whatever he wants or whatever he thinks should be done. He has to depend on the people. He is responsible to the people. He reflects their will, their strength, their aspirations.

In the final analysis, in our democracy, responsibility for the well-being of our society rests with the people. "We the people" are sovereign here.

In America, the buck actually stops with each of us. The responsibility is ours.

We are particularly aware of this in an election year. But I am not going to talk about political responsibilities.

I want to talk with you tonight about some of the social responsibilities that we have in America today—some of the challenges that we face in our common effort to serve the cause of humanity.

Under the leadership of President Johnson, we are striving to build a new society in which human needs will be met and human aspirations realized.

The great society that the President envisions reflects the hopes and aspirations of generations of Americans.

It reflects the promise of greatness that was seen so clearly by the men who founded this Nation.

It reflects the hopes and dreams of those who came from other lands to seek a new life in America.

It is a society in which you and I are called upon, not to deny our heritage but to draw upon it to enrich our personal, our community, and our national life.

The great society, President Johnson has said, is not only the rich society and the powerful society.

It is a society with abundance and liberty for all.

It is a society built on equality and justice—an open society which welcomes the flow of diverse ideas just as it has welcomed, over the years, the flow of diverse peoples.

It is a society that cultivates the talents of its people, a society that thirsts for knowledge and that uses its knowledge to better the condition of all mankind.

It is a society that values beauty and nature—that builds and embellishes what nature has given it—that seeks to create not to destroy.

But most of all, the President said, this great society that we are pointed toward "is not a safe harbor, a resting place, a final objective, a finished work. It is a challenge, constantly renewed, beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor."

Let us this evening consider that challenge and the destiny toward which it beckons.

The challenge is at hand.

The challenge at hand is new in form but old in substance.

Mankind since the dawn of time has struggled against ignorance and disease, injustice, and poverty.

Mankind has borne what John Kennedy called "the burden of a long twilight struggle year in and year out. * * *" With meager means and correspondingly faint hopes for ultimate success.

Today, the challenge remains, but the knowledge and means available to meet it are greatly enlarged and our hopes for ultimate success are justifiably high.

Today's challenge is, to a greater extent than ever before in history, a challenge of change.

It is the challenge of meeting the physical and educational needs of a growing, shifting population, under the new conditions of automated agriculture and industry.

It is the challenge of keeping our air and water pure in a new technology, which with all its benefits has brought new problems of air and water pollution.

Perhaps the greatest and most unique challenge that we face is the challenge of change itself. There has never been anything like it before.

Whatever else happens in our time, history is sure to record this era as an age of profound, revolutionary change.

We live so close to it, are so immersed in it, that we often do not realize the magnitude of change.

It is best seen, I think, in terms of people, in terms of its effects on people.

Take just the change in numbers of people:

In 1800, when Thomas Jefferson was elected President, the population of this country was only 5 million. By 1900, there were about 76 million Americans. Today, our population is over 192 million.

Within 50 years it will probably double that figure, so that we shall be a Nation of 400 million people.

And consider the length of life that Americans today can expect to enjoy. In 1800, the average life expectancy was 35 years. In 1900, it had gone up to 47 years.

Today, thanks to progress in the medical sciences, the average life expectancy is more than 70 years—twice what it was in 1800.

These added years of life mean that there are many more older people in our population than ever before and, of course, many more children—millions more, old and young, in the dependent stages of life.

And where do all these people live? More than two-thirds live in the cities and suburbs—a complete reversal of the rural-urban population ratio of 1900. Before long we will see 80 percent in the cities.

They have moved to the city because they are no longer needed on the farm.

The technological revolution has so completely transformed agriculture that less than 3 percent of today's population is actually engaged in agricultural production—growing the food and fiber needed to support the other 97 percent.

In Thomas Jefferson's day, more than 90 percent of the population was needed for that task, and only 4 percent lived in the cities.

And the kinds of work that people perform are also changing.

We are only on the threshold of that revolution.

Automation today has virtually taken over the jobs requiring little or no skill.

It is only a mater of time before its impact will be felt on the junior and middle management levels.

The kinds of work that people do, increasingly, will require more education, more training, higher skills, deeper and broader knowledge.

All these changes have not been accomplished without hurt or heartache.

Unemployment statistics are unemployed people—many of them with families to support. The stress of change has been hard on many people, especially on those who have had little opportunity to cushion themselves for this shock.

For the majority of Americans, however, change today means prosperity.

This country this year is in the midst of the longest period of uninterrupted prosperity in its peacetime history: Our gross national product is at an alltime high. Employment and personal income are at an alltime high. The recession tide of the 1950's has been reversed, and the economy is booming.

But this is not the time to sit back and rest on our laurels.

We have much left to do. First, we must insure that all Americans—not just some Americans—share in our Nation's abundance. For the 9 million families who live "on the outskirts of hope," we must kindle a new flame, light a new light, end the darkness of poverty.

President Johnson's war on poverty is pledged to this end. This is not a relief operation. There will be no handouts.

This is an effort—a total effort—to attack the root causes of poverty: to get our young people off the streets and back into classrooms where they can prepare themselves for today's changing world of work; to wipe out illiteracy and give the jobless a chance to learn new skills; to build decent housing in place of slums, housing which people with moderate incomes can afford; to protect the economic security of older, retired Americans against the high costs of illness; to give all Americans a chance—an equal chance—to build for themselves a full, rich, and happy life.

This war is an old war. Its scope, however, is new. For the first time our total resources will be mobilized in support of this great effort. For the first time we will mount a broadside attack on the causes of poverty, using every tool at our disposal.

Some of these, like the manpower training programs, are already in operation.

Others, such as the Job Corps and community action programs, will be underway as soon as the President antipoverty bill is put into effect.

All these programs are directed toward building and fortifying our human resources, creating both the ability and the opportunity for individuals—and therefore the Nation—to grow and to prosper.

A second great task concerns our efforts on behalf of education. We are concerned about the needs of our schools and colleges, not only for their vital role in the war on poverty but also for their vital role in the preservation of freedom and the perpetuation of the democratic way of life.

We know that in a democracy like ours—a free and open society—a strong system of education is the first requisite of safety, of growth and renewal, and individual happiness.

We know that the need for education in a changing world is especially acute.

If we are to be the masters of change rather than its victims, we must be able to adapt to new conditions as they arise.

We must be prepared to match the achievements of science and technology with equal progress in the realm of social development and human understanding.

We must have sufficient people trained in the new technologies to bring the benefits of progress home to the individual members of society, to man our industrial complex, and to staff our schools and colleges. Otherwise that progress loses much of its meaning.

Our schools today need help, or what we have attained may be lost. Many communities with limited resources can move no further toward providing the kind of quality education—and it is costly—that our citizens require.

Every year the school population increases by about 1 million individuals.

We are not building classrooms fast enough to accommodate them.

We are not training enough teachers to teach them.

We have too few counselors to guide and advise them.

Each year, more than 100,000 able high school graduates fail to go to college because they can't afford it.

And some 40 percent of those who go on to college fail to finish.

We cannot afford this waste of talent and brainpower, this loss of our human resources.

We have acted to meet some of our educational needs, particularly in higher education. President Johnson has named the 88th Congress the "Education Congress" because of the long list of education legislation that this Congress has produced.

But we have still not reached the heart of our educational shortcomings: Strengthening our public elementary and high schools by building more classrooms, raising the quality of teaching, and equalizing opportunities for every American child. This remains an urgent and foremost national task.

And, finally, we are concerned about our natural resources, about preserving the beauty and purity and profusion of America's rich natural endowment not only for ourselves but for the generations to come.

We are concerned about pollution of our rivers and lakes and contamination of the air we breathe. An environment hostile to fish and fowl, we know, is an environment hostile also to man.

We are moving rapidly now to safeguard those resources.

But protecting our natural environment will be a continuing task, a continuing challenge, and never an easy one.

The press of our growing population into the open spaces is continuing at a rapid clip.

Cities and suburbs sprawl over land that just a short time ago was field or forest.

The need for urban planning and renewal, for thought given to preserving some of the green open spaces, was never so urgent as today.

If our children and grandchildren are to enjoy the open country for rest and recreation, we must plan for it now.

And finally there is the question of how to accomplish all these tasks.

My answer is that we shall do these things together—as we have over the years, ever since this Nation was founded.

You in UNICO can be proud of the way in which you have met your responsibilities to your communities, to your country, and to your fellowman.

In putting service above self, in dedicating your efforts to the betterment of your communities, in creating broader opportunities for young people, in lending others a helping hand, you are meeting the challenge—the responsibility—of citizenship in this blessed land.

We are here today, you and I, because those who came before us had a vision, a hope, a conviction that on these shores mankind could build a new and good society. America was a promise. It was a promise of freedom—a promise of prosperity. It was a promise to every individual that he would have a chance—just a chance—to live and work and make of himself whatever he wanted to be.

That chance is our American birthright. And it is our responsibility to see that every American enjoys this birthright. For our free and open society is built by individuals whose combined strength is our Nation's strength—whose combined promise is our Nation's promise.

Multiply the promise of America by more than 190 million individuals, and you have the promise that President Johnson has so clearly seen—the promise of a truly great society—the promise that you in UNICO and we in Government and all responsible Americans are determined to fulfill.

We must meet our responsibilities now, so that some future historian, paraphrasing words used 2,400 years ago to describe Athens, may say:

"Day by day, feast your eyes upon the greatness of America, until you become filled with the love of her; and when you are impressed with the spectacle of her glory, reflect that this Nation has been built by men who knew their duty and had the courage to do it."

LOWER TETON DAM FOR IDAHO

Mr. CHURCH. Mr. President, on Labor Day, it was my privilege to be present, along with Congressman RALPH HARDING, when President Lyndon Johnson signed into law the authorization bill for the Lower Teton Project, to be located near Rexburg and St. Anthony in eastern Idaho. This was a happy climax in the long-sustained effort to bring about the construction of this badly-needed multiple-purpose water project.

Four years ago, Representative Harding, Gracie Pfost, and I met with Interior Secretary Stewart Udall and Reclamation Commissioner Floyd Dominy to review the future water development program for Idaho. We were told, at that time, that it was hoped a final planning report on the Lower Teton project would be completed by 1966. Since then, severe floods have plagued eastern Idaho, and Representative HARDING and I have repeatedly urged officials in the Interior Department to speed up the studies on the Lower Teton Dam. The Department, I am happy to say, responded to our pleas, making it possible to establish the feasibility of the project in time for us to obtain its authorization this year, well ahead of schedule.

Many are entitled to share the credit for this accomplishment. I salute the Secretary of Interior, Stewart Udall, for his personal interest and unflagging support. I appreciate the backing we received from Commissioner Dominy and from our own Regional Director of the Bureau of Reclamation, Harold Nelson. I acknowledge gratefully the cosponsorship of the authorization bill by my Republican colleague [Mr. LEN JORDAN]. And I think special credit should be extended to those citizens from the area who came to Washington to testify in favor of the project, at hearings held before both the Senate and House committees: Henry Eagle of Idaho Falls, Larue Franson of Ashton, Leonard Graham of Rigby, Frank Jacobs of Rexburg, Marvin Meyers of Sugar City, and Willis Walker of Rexburg.

I am especially conscious of the fact that no Federal dam, however meritorious, can ever be authorized without the consent of the House of Representatives. In recent years, I have seen the Senate approve such proposed projects for Idaho as Hells Canyon and Burns Creek Dams, only to have them later rejected by the House. So I am particularly appreciative of the effective work of Idaho's two Representatives, RALPH HARDING and COMPTON I. WHITE, in lining up the necessary support to secure approval of Lower Teton by the House—as this is the first major reclamation dam to be authorized in Idaho since Palisades was approved in 1950, over 14 years ago.

In this case House approval came because our Idaho Representative hammered home the great need for Lower Teton. During his testimony, Representative RALPH HARDING effectively answered questions from members of both political parties, and Lower Teton won quick approval. Anyone who believes in multipurpose reclamation will want to read a particularly important portion of the transcript of the hearings before the House Interior Committee. This portion explains exactly what Lower Teton will accomplish and how it will be financed, and also sheds light on why both Democrats and Republicans supported the project.

I ask unanimous consent that this portion of the transcript from the House Interior Committee may appear in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. ASPINALL. The next witness to come before the committee is the author of the bill and sponsor of the bill, who has appeared before this committee many times. Even though some of his projects have long been controversial Congressman HARDING has deported himself in the finest demeanor a Congressman could possibly use.

STATEMENT OF HON. RALPH R. HARDING, MEMBER OF THE HOUSE OF REPRESENTATIVES FROM THE STATE OF IDAHO

Mr. HARDING. Mr. Chairman, I want to express my appreciation for the cooperative attitude you, the chairman of the subcommittee, and the members of this committee have shown in allowing the people of Idaho to come in and be heard in support of the lower Teton project in the southern part of our State.

The timing of this hearing is most appropriate. There is presently a real sense of urgency for the authorization and construction of this project. Only last Saturday, I was in the area of this proposed project and saw the Teton River flooding thousands of acres of farm and pasture land, washing out roads and approaches to bridges, and generally creating havoc and damage as it swept widely out of its normal channels of flow. The Teton River is completely uncontrolled.

We had in 1961–62 the unfortunate experience of having this area declared a drought disaster area and a flood disaster area within the short period of 6 months. The construction of this project would allow us to store the high spring runoff that is presently causing the floods which are resulting in great damage and destruction in eastern Idaho. The water so stored will then be available for supplemental irrigation water during the dry summer months.

This project is especially desirable inasmuch as a resource that is presently being allowed to go to waste, and at the same time is creating damage as it wastes, will be preserved for beneficial use at a later time. In addition to the flood control and the supplemental irrigation features of this project, a second stage development of the project provides for an additional 37,000 acres of land to be brought under irrigated cultivation with a system of pumps, laterals, and canals.

However, because of the water exchange complexities that must be completed before the second portion of the project is concluded, this new irrigated land development stage would be deferred until a later date rather than allow it to hold up the much-needed flood control and supplemental storage first stage of the project.

I would like to point out that the proposed damsite is located in a deep brushy canyon and there would not be any farmlands or valuable private property inundated in the reservoir area. The dam would rise 310 feet above the bed of the river and form a 315,000 acre-foot reservoir capacity. A 22,000-kilowatt powerplant would be installed and power revenues would be used to help pay for the project. The total project would cost about $52 million, with $35 million being spent on the first stage phase and approximately $17 million being spent on the second stage.

This is not only a good project, but one that is needed as soon as possible to prevent floods, provide supplemental irrigation water, provide recreational and wildlife benefits, and also a small amount of electrical power. This is truly a much needed and worthy multiple-purpose reclamation project and I sincerely urge favorable action and early approval of H.R. 2337.

Mr. Chairman, I might point out at this point that I have read the Department's report and their suggested amendments, and I concur with them. I would be very happy to see the committee take whatever action it wants to substitute the amendments proposed by the Department for the legislation that I have introduced.

Mr. ASPINALL. What is your position, my colleague, on the question of tying this to power revenues of the area concerned, as compared with trying to relate it to the proposed relationship of the Bonneville area, which is not possible at the present time unless by contracts with private utilities?

Mr. HARDING. I would support the amendment that was adopted in the Senate, which would tie this project to the power revenues from Federal projects in Idaho, until such time as we do have a basin account and we can get full utilization of the power revenues from the larger dams downstream.

Mr. ASPINALL. Now, as I understand it, the second phase of this project, although dependent upon the building of the dam, does have far better benefit-cost ratio, as far as the economic position is concerned, than the first phase; is that correct?

Mr. HARDING. That is correct. The second phase will make it a much better project, economically.

Mr. ASPINALL. And if this committee should see fit at this time, because the matter has not been thoroughly studied, to leave the second phase out of the legislation until later on with the prospect that the feasibility is apparently much better—which does not destroy, by the way, the feasibility of this project under the ratio now used—what would be the position of our colleague?

Mr. HARDING. Well, Mr. Chairman, I would defer to the wishes of the committee there. I think the project is more economical as a whole unit; but because of the water exchange complexities and because of the floods that are occurring nearly every year—there is a million dollars damage out there this year, the same last year, and more the year before—I would like to see the dam constructed with the flood control protection, and the water storage features available as soon as possible. I would defer to the wishes of the committee in authorizing only the first stage now.

Mr. ASPINALL. I do not know what will be the position of the committee, but I did want my colleague to know the matter will have to be resolved by this committee. I certainly do not want to have our colleague from Idaho, Mr. HARDING, placed in the same position that he has been placed in as far as the development along the Palisades area is concerned.

The Palisades area has been deferred for 2, or 3, or 4 years. We could have brought in a secondary dam. There is no question in my mind but what it would all have been authorized as part of the original Palisades area project. But the way it was brought up, of course, made it almost impossible for this committee to report it out, and it received a great deal of misunderstanding, because we wish we could.

But I think when we get the representatives from the Department on the stand, they will be able to show us that the secondary position—the secondary part of this project will be able to stand on its own feet without any difficulty whatsoever as far as economic feasibility is concerned.

Are there any further questions?

The gentleman from Florida.

Mr. HALEY. Mr. Chairman, I have no questions.

I want to say to my colleague, both of them by the way, Congressman HARDING always makes a fine presentation to this committee. Many times I have been unable, as the gentleman knows, to support some of his projects. But he certainly, ably and well, represents the people of the great State.

I am happy to welcome you here to this committee this morning.

Mr. ASPINALL. Any further questions?

Mr. SAYLOR. Mr. Chairman.

Mr. ASPINALL. The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. HARDING, I would join welcoming you before this committee. You and I have had our differences with regard to projects in your district. While our differences have been on projects, they have never been personal.

As one who supported and actively spoke for the enactment of Palisades legislation, in view of the controversies that have arisen since that time with regard to that area, I would like to know whether or not, Mr. HARDING, the second stage of this project involves a construction of any other reservoir below the site of the Lower Teton Reservoir as proposed in the first stage?

Mr. HARDING. I would like to say to my good friend, my colleague from Pennsylvania, that there is no further reservoir below the Lower Teton on the Teton River contemplated. There is no reregulating reservoir, if that is what he means. This is not a power dam and the power is a minor part of this project. And in the second phase, there will be no new power facilities.

If the gentleman from Pennsylvania will allow me at this time, I would like to present to the committee some photos here of the site to show the site of the Lower Teton, the canyon it is in.

Next I would like to show—these pictures were taken just last Saturday when I was in the area—some of the flood damage that is presently going on, inundated lands and washed-out bridges and roads.

We had the experience of seeing one farmer with a herd of cattle stranded on high ground surrounded by water. He had a rowboat available to transport bales of hay out to the small island in what used to be a dry pasture. All of this flood damage was a discouraging sight and I thank the gentleman for allowing me to send the pictures up at this time.

Mr. SAYLOR. Mr. Chairman, I ask unanimous consent that the photographs just presented by our colleague from Idaho be made a part of the committee file.

Mr. ASPINALL. Unless there is objection, so ordered.

Mr. SAYLOR. I wish to say to our colleague, I think the statement that has just been made will clarify the thinking of some of the members on this committee with regard to the project.

Mr. HARDING. I thank my colleague.

Mr. ASPINALL. The gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I just wanted to thank my colleague for a very impressive and important statement, which he has made. He is one of the most vigorous Members of Congress. I wanted to assure him of my wholehearted and enthusiastic support for this legislation.

Mr. HARDING. I appreciate it.

Mr. ASPINALL. The gentleman from California.

Mr. JOHNSON. I want to welcome my colleague, Mr. HARDING, here this morning. I know of no other Congressman who has worked harder for water development in Idaho than Congressman HARDING. While these other projects were before this committee and the Public Works Committee, of which I am also a member, he fought hard to bring about authorization, but it was never forthcoming.

On this one, RALPH, I am glad to hear there is no opposition.

I want to say I am in full support of the project.

Mr. HARDING. I appreciate that, also.

Mr. ASPINALL. The gentleman from Oregon.

Mr. DUNCAN. Mr. Chairman, I serve with Congressman HARDING on the Agriculture Committee, and I am pleased to see he knows as much about flood control as he does about agricultural problems that face the State of Idaho. He has been a very valuable member of the Agriculture Committee.

Do I understand the first stage of this project is involved with construction of the dam for flood control benefits only, or will there be some irrigation in the first stage?

Mr. HARDING. Flood control and also supplemental irrigation on 114,000 acres.

Mr. DUNCAN. Acres already getting some irrigation?

Mr. HARDING. That is correct.

Mr. DUNCAN. The second stage will consist of a series of canals, pumps, and additional wells for bringing additional water, is that right?

Mr. HARDING. Additional wells and laterals. This will consist of, first, irrigation of 37,000 acres of land, most of which is already in cultivation and producing wheat at the present time.

Mr. DUNCAN. Dry land?

Mr. HARDING. Dry land.

Mr. DUNCAN. Is each stage feasible by itself? The first stage would be feasible by itself?

Mr. HARDING. That is true. However, as the chairman pointed out, the second stage has the better benefit-cost ratio and will make a better project economically.

Mr. DUNCAN. But standing by itself, the first stage is economically and engineeringwise feasible?

Mr. HARDING. It certainly is.

Mr. DUNCAN. And you plan to draw for your payout on this from power revenues from another project?

Mr. HARDING. From a number of projects; from the Federal projects in Idaho, which would include not only those in southern Idaho, but those that will be constructed in northern Idaho as well, until such time as we have a basin account in the future, which I sincerely hope we will have.

Mr. DUNCAN. Now you are drawing on what projects? You are drawing on Palisades, is that it?

Mr. HARDING. That is correct; Palisades, Anderson Ranch Dam, Milner Dam, Black Canyon Dam, and in the future the Bruces Eddy, or Dworshak Dam in northern Idaho.

Mr. DUNCAN. So you have to draw from revenues on yet unconstructed projects to pay out this one?

Mr. HARDING. We do not, to pay out this one. But as I understand it from the Bureau, this would be the last project that could be constructed on the basis of the revenues from projects in southern Idaho. We feel that inasmuch as we furnish 25 percent of the water that goes downstream to northern Idaho, Oregon, and Washington to turn generators down there, that our irrigators and farmers are entitled to assistance from the power revenues from those projects also to help in building projects such as this.

Mr. DUNCAN. Well, are these projects in the same basin, or in the Snake River Basin?

Mr. HARDING. Columbia River Basin, yes.

Mr. DUNCAN. Columbia River Basin?

Mr. HARDING. All in the same basin.

Mr. DUNCAN. But not in the Snake River drainage?

Mr. HARDING. Some of them are, but those farther downstream are not in the Snake River Basin.

Mr. DUNCAN. As I understand the proposal that is presently before the committee, it is there will be no attempt made to go into the Columbia River to Chief Joseph, Dalles, or Bonneville; is that correct?

Mr. HARDING. That is correct. Under the Senate amendment there will be no attempt made to go outside the State of Idaho.

Mr. Duncan. But you will go outside the Snake River drainage?

Mr. Harding. That is correct.

Mr. Duncan. Into what river drainage?

Mr. Harding. The Clearwater River in north Idaho.

Mr. Duncan. Clearwater.

I think that is all. Thank you.

Mr. Aspinall. Any other questions?

The gentleman from Colorado.

Mr. Chenoweth. Mr. Chairman, I want to join in extending a cordial welcome to our colleague from Idaho. I think the reception you received proves you are among friends here. I am happy to see you here with a noncontroversial project. Over the years, you have had more than your share of controversial projects in Idaho.

Mr. Harding. I am happy to be here with a noncontroversial project, Judge Chenoweth.

Mr. Chenoweth. We are delighted to have you.

Thank you very much.

Mr. Aspinall. Would the gentleman yield?

Mr. Chenoweth. Yes.

Mr. Aspinall. The authorization of the Palisades project has placed our colleague, Mr. Harding, and his predecessor, Mr. Budge, almost in a hopeless position as far as the House of Representatives is concerned in endeavoring to get what they thought was necessary and what they were entitled to.

Is that not right? I think the people of Idaho should understand this as far as either one of these fine Members of Congress is concerned.

Mr. Chenoweth. Could I ask just one further question?

You mentioned two phases of this project.

Mr. Harding. That is correct.

Mr. Chenoweth. Why do you not construct the project all at once?

You remember the difficulty you have had with another project in your State.

Mr. Harding. The Bureau is presently engaged in some water exchange problems that makes the project more complex and would delay it, Judge Chenoweth. We are interested in getting the dam built for the flood control and the supplemental irrigation portion of the project as soon as possible. A year means a lot out there.

In the second phase, we do not have the controversial power question we ran into on Burns Creek.

Mr. Chenoweth. This is essentially a flood-control project?

Mr. Harding. No, this is a true multiple-use project; not only with flood control and supplemental irrigation, but on 37,000 acres, we will be putting water for the first time. We will have fish and wildlife benefits. And in addition, we will have 22,000 kilowatts of power.

Mr. Chenoweth. How much power?

Mr. Harding. 22,000 kilowatts.

Mr. Chenoweth. How long have you been working on this project?

Mr. Harding. About 30 years.

Mr. Chenoweth. How long?

Mr. Harding. 30 years.

Mr. Chenoweth. Is that about par for the course for an Idaho project?

Mr. Harding. Well, this project was considered at the same time that the Palisades project and the Grassy Lake project were considered, and this one was deferred. So this is not a Johnny-come-lately.

Mr. Chenoweth. This is not a new project?

Mr. Harding. No.

Mr. Chenoweth. I see. Thank you very much.

That is all, Mr. Chairman.

Mr. Saylor. Will the gentleman yield to me?

Mr. Chenoweth. Certainly.

Mr. Saylor. Mr. Harding, the flood damages which you have referred to in this area, how far down the river do these damages extend?

Mr. Harding. Well, the damages from the Teton River, Mr. Saylor, extend down—oh, I would say within a 20-mile radius there.

We have in addition to the farmlands three communities—Newdale, Teton, Sugar City, and Rexburg—all suffer flood damage directly from the Teton River.

Shortly below the Teton joins with the Henrys Fork, or the North Fork of the Snake River. If both rivers are high, then they contribute to flood damage on down as far as Idaho Falls.

Mr. Saylor. In other words, if this facility is built, it will not only aid those immediate communities, but if you should get a runoff or heavy rainfall on the North Fork of the Snake at the same time, you might have flood control benefits far down the river?

Mr. Harding. Very definitely.

I am glad the gentleman brought that up. I would like to point out that at the present time we have got the Island Park Reservoir on the North Fork of the Snake, we have got Palisades on the South Fork, and so we do have a means of regulating to some extent the runoff in the spring.

On the Teton River it is completely uncontrolled. When the snow melts and it starts to run, there is no way in the world to defer or regulate it in any way.

Mr. White. Mr. Chairman?

Mr. Aspinall. The gentleman from Utah.

Mr. Burton of Utah. Mr. Chairman, I would like to say I have the privilege of representing a district which adjoins our colleague's, and I have the highest personal regard for him. I am sure he is pleased to be here today representing a project for which there is no controversy. I know from my experience Monday what a real treat this is.

I would like to say also, Ralph, up to this point your part on the program has been as much like a testimonial dinner as it has a hearing, and I hope that our colleague can bask in this warm glow right on through until November. [Laughter.]

That is all I have.

Mr. White. Mr. Chairman?

Mr. Aspinall. That comes as near to being a compliment or commendation as has ever been made in this committee.

Mr. White. Mr. Chairman, I, too, would like to compliment my colleague, and also I represent an adjacent or contiguous district to Mr. Harding's. I think that Ralph should feel very good here this morning, after having had his past experiences in this committee, to have some of the people that before did not exactly agree with him indicate their possible support at this time.

I hope this continues. I hope we can pass this legislation and prevent further depredation that this stream has caused and gain the benefits that can accrue from the construction of this project.

Mr. Aspinall. The gentleman from North Dakota.

Mr. Andrews. I would like to join the parade and compliment my colleague on the good testimony given, and on the good job of preparing us for this by the letters you sent around.

You know, we serve with Mr. White from the other district of Idaho. We are glad to see both districts are well represented.

You sent your photographs around showing the flood damage and we have heard of the rain out in Idaho and Montana. Would you estimate this flood damage is something that will recur once every 4 years, once every 10 years, or what amount of rain did you have, and how often is this flood damage, this degree of flood damage going to happen?

Mr. Harding. In answer to my colleague's question, our flood damage this year—these pictures were taken last Saturday when I was in the area, and our damage this year is not as bad as it was in 1963; and in 1963 it was not as serious as it was in 1962, when we had in the late summer of 1961 a drought disaster area declared in the same area, and in 1962 we had a terrible flood. I feel that it is a continuing problem. Every year we are vulnerable, Mark. That is why the project is so essential.

Mr. Andrews. I wondered where these rains have been stopping that we needed so badly in North Dakota. If you just let them come a little farther east, we would welcome them. I appreciate your clearing up that question.

Mr. Aspinall. The gentleman from Kansas.

Mr. Skubitz. Mr. Chairman—I am sorry I was not here to hear this statement of yours, but I want to assure you I will read this record very carefully, and I want to join my colleagues in welcoming you to this hearing.

Mr. Haley. Will the gentleman yield to me?

Mr. Skubitz. Yes.

Mr. Haley. Ralph, I just want to say to you that you kind of expect your colleagues on this side to say something nice about you. It is getting pretty close to election time. It just seems to me like a little bit of the milk of human kindness is beginning to flow from the Republican side.

Mr. Saylor. Well, now, my colleague—— [Laughter.]

Mr. Haley. I will yield.

Mr. Saylor. I just said to the chairman here just a little bit ago that I am surprised that our colleague, Mr. Harding, did not remind me of the fact that he was appearing here on a very controversial project, and during the course of that hearing I asked him why he did not get out and bring up a project like the Lower Teton. Now that he is here, I'm delighted to take a real good look.

Mr. Harding. I might say at this point, Mr. Chairman, knowing the astuteness of the gentleman from Pennsylvania, I knew there was no need to remind him, because I realized he would remember. [Laughter.]

And I appreciate his good memory, too.

Mr. Aspinall. Mr. Skubitz.

Mr. Skubitz. My colleague does not seem to be in any trouble with this committee. I say this because when I was first elected, some of my supporters came to me and said, "Joe, remember this, as long as they refer to you as 'Joe,' you are not in trouble. It is when they say 'Mister' or 'Congressman' that you had better start watching out."

Mr. Aspinall. Thank you very much.

Mr. Harding. Thank you, Mr. Chairman.

IMMIGRATION REFORM—RESOLUTION OF BOARD OF ALDERMEN, CITY OF SOMERVILLE, MASS.

Mr. SALTONSTALL. Mr. President, the Senate has received a resolution adopted by the Board of Aldermen of the city of Somerville, Mass., which is directed to my colleague [Mr. Kennedy]. In his absence I ask unanimous consent that the resolution be printed at the proper place in the Record.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

City of Somerville,
Massachusetts, September 1, 1964.

RESOLUTION

Whereas President Johnson's immigration reform proposal, cosponsored by Senator Edward M. Kennedy is currently under consideration by Congress; and

Whereas the existing law—the McCarran-Walter Act—sets up favored national origin quotas where some 70 percent of the yearly immigration allotment goes to Anglo-Saxon and Western European origins, while the remaining 30 percent is divided between Southern and Eastern Europe, the Near East, Asia, and Africa;

Whereas passage of President Johnson's immigration reform proposal would replace this discriminating "National Origin" quota system with an equitable worldwide system. The system would be based on skills and benefits of an applicant, need for reuniting families and priority of registration, thereby placing immigration on individual and family need rather than on accident of birth: Therefore be it

Resolved, That the Board of Aldermen of the city of Somerville, Mass., in session assembled, does hereby go on record as favoring the passage of the immigration reform proposal, and in behalf of the citizens of Somerville, and with reference to the obvious benefits to our Nation, we urge its early passage and enactment; and be it further

Resolved, That this resolution be spread upon the records of the Somerville Board of Aldermen, and that copies be forwarded to the U.S. Senate, and House of Representatives, to President Lyndon B. Johnson, Senator Edward M. Kennedy, Senator Leverett Saltonstall, and to Congressman Thomas P. O'Neill, Jr., Washington, D.C.

T. PETER RUSSO.

INACCURATE, BIASED REPORTING BY DREW PEARSON

Mr. TOWER. Mr. President, on August 20, I entered in the CONGRESSIONAL RECORD, page 20593, certain letters and comments that completely refuted a printed column by Mr. Drew Pearson, in which Mr. Pearson said that the Republic of Costa Rica had lodged a protest with the U.S. State Department over some alleged "fascist" conversation that was supposed to have taken place on the King Ranch in Texas.

Today I should like to enter in the RECORD a supplement to my earlier remarks. This is a letter from the President of Costa Rica to Mr. Robert Kleberg, Jr., completely contradicting Mr. Pearson's article. Since it is self-explanatory, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SAN JOSÉ,
August 12, 1964.

Mr. ROBERT KLEBERG,
King Ranch,
Kingsville, Tex.

DEAR MR. KLEBERG: I wish to refer an article published by Drew Pearson Thursday, August 6, in the Daily Journal regarding supposed conversations during my visit to your ranch. Neither I, nor any of the members of my party, nor, for that matter, the American Ambassador nor his wife, heard any remark whatsoever with reference to the assassination of President Kennedy. There was obviously, then, no protest of any kind made to the State Department. Our Ambassador in Washington has already sent you a denial of Pearson's charges but I wished to do so personally. The courtesy we received at your ranch and the interest and enjoyment derived from viewing your many experiments was of the highest order and I sincerely thank you for it.

FRANCISCO J. ORLICH.

FREEDOM OF INFORMATION

Mr. LONG of Missouri. Mr. President, one of the country's outstanding newspapers, the Milwaukee Sentinel, published a powerful editorial on September 1, 1964, asking for final congressional action on the freedom of information bill (S. 1666).

If this bill does not get through the House of Representatives before adjournment, I shall make every effort to have it passed by the Senate early in the 89th Congress so that it can be considered by the House in circumstances involving less pressure of time.

I ask unanimous consent that the excellent Milwaukee Sentinel editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RIGHT TO KNOW

The freedom of information bill, to provide the public with greater access to the workings of its Federal Government, rests in a congressional pigeonhole, but is certain to be near the top of the agenda of the Congress that convenes in January 1965.

SUPPORT IS NEEDED

There is a compelling necessity for the legislation to enlist and retain the support of all Americans. Nothing is so vital to the effective functioning of free people in a democratic society as a government which transacts its business in full public view. Senate bill 1666 is based, in part, upon the charge that Federal departments and agencies, on varying pretexts usually involving the catchall "national security," withhold far too much information from the public. The charge is amply supported, as a few of many examples will attest:

In August 1960, Army officials restricted dissemination of news about new helicopter records so that the results could be announced at a Washington banquet.

In the summer of 1960, a financial writer was informed by the Navy that the prices paid for certain jet aircraft engines could not be made public because the information was "proprietary."

Late in 1960 the Air Force refused to release the names of 800 high-ranking officers who had been "excused from flying" but continue to draw flight pay. The argument used was that it might be embarrassing to the officers involved.

Three years after the U.S. Information Agency conducted its first poll to rate American prestige abroad, it agreed to make public its future surveys only after they were at least 2 years old. The reason for the delay, the USIA said, was to avoid possible damage to our foreign relations by publicizing current studies.

MOON DATA IS WITHHELD

Aside from considerations of military security, there is no valid reason for withholding information about the Nation's moonshot program, which is costing American taxpayers $20 billion. Yet an Army study on how to put men on the moon has had 10 separate security reviews by three Government agencies. The original four study volumes have been cut to two by censors. The study, completed in 1959, is still barred from public scrutiny by the State Department. In 1962 the Government placed our entire space program under a "military secrecy" policy. To reinforce this secrecy, it was even decreed that military satellites would no longer have special names.

Governmental secrecy, on whatever official basis, is a tacit claim that the public does not really have the right to know how its affairs are being handled. Such a policy repudiates not only the public's right to know, but assumes that the public does not have the intelligence, the wisdom or the judgment to react properly to the dissemination of such information. This policy can be outlawed by passage of bill S. 1666.

NEED FOR NORMALIZATION OF RELATIONS BETWEEN KOREA AND JAPAN

Mr. DODD. Mr. President, within the past few weeks, the United States has for the first time made it clear that it strongly favors the normalization of relations between Japan and the Republic of Korea.

On Monday, August 17, the American Ambassador to Korea, Mr. Winthrop Brown, and Korean Foreign Minister Tong-won Lee met for 3 hours, and at the end of their conference an official statement was issued which said that the United States was prepared to assist a reconciliation between the two nations in an "appropriate way."

When queried about the joint communication, a State Department spokesman said that it was not the intention of the Department to become directly involved in any negotiations between Japan and Korea. However, the Department described the statement as an expression of hope on the part of the United States that Korea and Japan, as sovereign nations, would be able to arrive at an agreement normalizing relations between them and paving the way for economic and political and cultural cooperation.

I think that all of us will welcome this public commitment by the Department because it should be clear by now that a Japanese-Korean reconciliation is the key to the future economic and political stability of the area. Provided the hatred and bitterness of the past can be forgotten, both the Japanese and Koreans have nothing to lose from such a reconciliation and everything to gain.

Korea has been suffering since the close of the war from economic underdevelopment and a high rate of unemployment, especially among its university graduates. Nothing could do more to help Korea lift itself up by its bootstraps than an understanding with Japan that paves the way for Japanese participation in a Korean development program.

By virtue of its proximity and its experience in the area, Japan is in a better position than any other nation to give Korea the technical assistance and directed investments essential to the modernization of the Korean economy. Moreover, it is simply impossible to see how any rational defense of the area against Chinese Communist aggression can be devised so long as Japan and Korea continue to prolong the enmity of the past and fail to establish the normal friendly relations which are essential to political and military cooperation.

I would like to point out in this connection that earlier this year, Japan and Korea seemed to be on the verge of normalizing their relations. Indeed, Kim Jong Pil, the chairman of President Park Chung Hee's Democratic Republican Party, had actually persuaded the Japanese to accept the terms of an agreement that was farsighted and generous with regard to Korea. In doing so, General Kim was risking his entire political standing because of the extremely delicate nature of the issue in Korea.

To me it is a matter for regret that the Department did not at this early date publicly throw its moral authority behind this almost successful effort to effect a reconciliation. Perhaps if we had done so, there would have been no student riots and the promising negotiations might not have floundered. Instead, we let matters run their course, without any public indication of our own preference and without using our moral authority in a discreet and appropriate manner. When tens of thousands of Korean students took to the street to protest against the normalization of relations with Japan, the talks in Tokyo had to be broken off, and Kim Jong Pil was obliged to resign his position as chairman of the party, although he retained his influence as a party leader.

I cannot refrain from commenting on the recent Korean student riots because to me they seem so incongruous. None of the students who participated in the riots had lived under Japanese imperialist rule or had ever suffered personal abuse by Japanese imperialists. Yet the students for some reason were the most violently opposed to reconciliation, while Koreans of the adult generation who had actually lived under Japanese rule and had personal reason to hate Japanese imperialism, were, according to reports, generally sympathetic to the need for normalization.

The Korean students perhaps have some legitimate grievances, including the lack of employment opportunities for university graduates. But it is regrettable that they have permitted their discontent to be channeled into demonstrations that were directed against the one political measure that could perhaps do more than anything else to provide them with employment opportunities and to reduce their grievances.

I am encouraged by reports that the atmosphere in Korea now seems to be clearing and that, after a period of being intimidated by the riots, the press and political leaders are now discussing the need for normalization in an open manner.

I believe that I speak for the majority of this body when I say we share the State Department's hope that Korea and Japan will in the very near future be able to achieve an agreement that overcomes the differences and the bitterness of the past and paves the way for normal and friendly relations. Nothing could do more for the people of Japan for the people of Korea, and for the stability of freedom in this entire critical area.

The legacy of the past will not be easy to overcome. But that old enemies can become firm friends has been dramatically demonstrated by the development of the Franco-German entente. Let us hope that the free peoples of Korea and Japan will emulate the example that has been given to the world by those two ancient and powerful European nations.

FOOTNOTE ON BRINKMANSHIP

Mr. MUNDT. Mr. President, the Republican presidential nominee has been bitterly castigated in the national press and on the floor of the Senate for calling for the return to the Dulles foreign policy of establishing a hard line against the Communists in the cold war. It is said that a return to "brinkmanship" will only lead us to war.

This morning's Wall Street Journal carries an editorial entitled "Footnote on Brinkmanship" calling attention to the fact that once again success has been scored when two adversaries talk tough. This time, however, the example does not come in the area of international relations but rather in the recently concluded contract negotiations between the United Auto Workers and Chrysler Corp.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FOOTNOTE ON BRINKMANSHIP

> Nobody—well, hardly anybody—contemplated with equanimity the prospect of an auto strike. Had it occured then the victor, the vanquished, and the neutrals would all have suffered.
>
> The auto companies would have lost millions in sales, the workers millions in wages, and the innocent bystanders would have suffered a shortage of autos in the dealers' showrooms.
>
> Still, it's hard to fault Walter Reuther for the tactic of proclaiming the threat of a strike right up to deadline moment. Or the companies for saying that they would take a strike rather than yield, right up to the moment Chrysler agreed to the contract that may set the industry pattern.
>
> Neither side may have been quite as brave as each sounded. But it's self-evident that if Mr. Reuther had let the company think he was afraid to strike he wouldn't have gotten nearly as good a deal. For its part, by acting scared the company might have had to give even more than it did.
>
> This situation, though patently less dire in its consequences than a negotiation with the Russians, nonetheless suggests some thoughts about the whole current controversy over "brinkmanship," a concept that has caused emotional explosions ever since it was first used by Secretary of State Dulles.
>
> Mr. Dulles was simply expressing what might be called the Reuther doctrine; namely, that even if you think you're going to have to make concessions, you have no choice but to talk to the brink of a showdown and stand there boldly looking at it.
>
> Actually, of course, that's precisely what the United States has done on two recent and notable occasions, the Kennedy blockade of Cuba and the Johnson air retaliation against North Vietnam. Both times the world held its breath, but both times the results were successful.
>
> Yet curiously those most enthusiastic about these deeds seem to be the most eager to hurl denunciations at anyone—Senator GOLDWATER, for instance—who so much as whispers the word "brinkmanship."
>
> We know this is a political year, but even so it seems a bit odd that those who discuss brinkmanship should be castigated as madmen while those who perform it are praised as great Presidents. Neither is any more crazy than Walter Reuther, who would not have gained victory now had he fled the brink.

I.O.U. NO. 29

Mr. METCALF. Mr. President, the Nation's electric light and power companies—the I.O.U.'s—spend millions of dollars every year for advertising.

Some of this advertising is for legitimate business purposes—for example, sales advertising aimed at increasing consumption of electricity.

Then there are the scurrilous propaganda "ads"—such as those the late President Kennedy described as "particularly ugly"—which portray rural cooperatives and municipal power systems as socialistic, and the Federal Government as an enemy of freedom.

There is also a third general category of I.O.U. advertising—what the industry refers to as "good will" or "institutional" advertising. In 1963, 150 of the more than 220 private power companies in the United States reported spending nearly $14 million on this type of advertising alone—all of which was charged as operating expenses, which means the consuming public paid the bill.

As with sales promotion advertising, some of this "good will" or "institutional" advertising is a legitimate operating expense. Some of it is not, however.

For example, on August 26 and 27, the Montana Power Co. ran in newspapers throughout Montana full-page advertisements entitled "Who Owns Montana Power?" The answer, according to the advertisement was:

> Many people. Here you have a chance to meet 79 of the 11,762 people in Montana who own nearly $50 million worth of Montana Power stock. Chances are there is a friend or neighbor of yours pictured below.

The rest of the page then consisted of 79 photographs of Montanans from all parts of the State and all walks of life—workingmen, ranchers, housewives, physicians, businessmen, schoolteachers, students, nurses, retired people, one janitor, and one 5-year-old boy.

There can be little doubt that such an ad would create good will toward the company. The problem, however, is that it did so by creating a false impression; namely, that Montanans are the major owners of Montana Power Co.

Actually, nothing could be further from the truth. Instead of being primarily locally owned, the Montana Power Co. is a prime example, among the Nation's 220 private power companies, of absentee ownership.

As evidence of this fact, I cite the Montana Power Co. itself. As of January 1 of this year, 219,589 shares of preferred stock and 7,640,414 shares of common stock were outstanding, according to the company's annual report to its stockholders. The preferred stock is worth more than $100 a share and the common stock was selling for $42.25 a share when the market closed on August 26, 1964.

Thus, on August 26 and 27, when the "Who Owns Montana Power?" ads appeared throughout the State, the Montana Power Co. was worth about $343 million. A simple exercise in arithmetic, then, will show that the $50 million in stock owned by Montanans represents only 15 percent of the total value of the company. This leaves $293 million—or 85 percent of the Montana Power Co. stock—in the hands of out-of-State absentee owners.

It would have been far more appropriate had the Montana Power Co. answered the question "Who Owns

Montana Power?" by listing some of the out-of-State investment houses and corporations that own the bulk of this 85 percent. For example, the company could have listed the 10 financial houses it named as the top 10 owners—actually, they are nominees for other corporations and organizations—in its 1963 annual report to the Federal Power Commission.

These 10 firms, their locations, and the amount and value of Montana Power stock each holds are:

Company	Shares	Aug. 26 value
Carothers & Clark, Wilmington, Del.	300,000	$12,675,000
J. & W. Seligman & Co., New York	258,447	10,919,386
King & Co., New York	145,168	[1] 6,134,544
Don & Co., Kansas City	141,000	5,957,250
Dean & Davis, Wilmington, Del.	115,000	4,858,750
Mara & Co., New York	113,088	4,777,968
Perc & Co., Minneapolis	107,400	4,537,650
Shaw & Co., New York	86,450	3,652,512
Cudd & Co., New York	75,059	[1] 3,177,043
Touchstone & Co., Philadelphia	74,600	3,151,950
Total	1,416,212	59,842,053

[1] Includes preferred stock—King & Co., 20 shares; and Cudd & Co., 100 shares—valued at $100 each.

Thus, 10 out-of-State firms alone own nearly $60 million—or 18 percent—of the Montana Power Co.—$10 million more than the nearly $50 million—or 15 percent—owned by all 11,762 Montanans to whom the company refers in its advertisement.

Further, not only do out-of-Staters own all but 15 percent of the Montana Power Co., but their average holding per person—or per company—is three times larger than the average holding of Montana stockholders. In its report to the FPC, the company noted that the number of stockholders—both individual and company—totaled 32,008 as of January 1 of this year. Thus, if 11,762 Montanans own nearly $50 million, that leaves 20,246 out-of-Staters with $293 million to divide among themselves.

Not only did the company completely ignore its majority out-of-State owners in its "Who Owns Montana Power?" ad; but it also forgot to mention some of the most significant local owners. I refer to the officials of the Montana Power Co. who are among the 11,762 Montana owners.

Again referring to the company's 1963 report to the FPC, I find that 21 company officials owned 81,601 shares which were worth $3,466,000 on August 26–27, and that 13 of these officials had options to buy—at far less than market value—an additional 103,427 shares, which were worth $4,369,791 on August 26–27.

Thus, nearly $8 million in Montana Power stock is owned or under option to company officials themselves. Furthermore, 86 percent of this $8 million—or $6,764,140—is owned or under option to the company's 10 top executives.

According to the company's annual report to the FPC, these 10 officials—whose combined salaries total over $300,000 a year—owned a total of 62,071 shares, which were worth $2,622,500 on August 26–27, and had options on 98,027 shares, which were worth $4,141,640 on August 26–27.

I ask unanimous consent to have printed in the RECORD a list of these 10 top officials, their annual salaries, the amount of stock each owned and had under option on January 1, 1964, and the total value of this stock on August 26, 1964.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Montana Power Co. officials	Annual salary	As of Jan. 1, 1964		Aug. 26 value of shares owned and under option
		Shares of stock owned	Shares under option	
John E. Corette, president and general manager	$75,000	37,770	35,000	$3,074,532
Robert D. Corette, attorney and director	28,000	4,601	13,500	764,767
Sam B. Chase, senior vice president and counsel	30,793	9,001	3,827	541,983
Colin W. Raff, vice president	27,250	253	11,100	479,664
L. S. Stadler, vice president	26,750	3,760	6,800	446,160
J. J. Harrington, vice president and treasurer	25,750	2,300	7,200	401,375
George W. O'Connor, vice president	26,500	1,231	8,050	392,122
C. H. Kirk, vice president	26,250	2,500	4,250	285,188
W. W. Talbott, vice president	17,625	400	4,100	189,125
D. J. McCaig, secretary and assistant treasurer	17,625	255	4,200	188,224
Total	301.543	62,071	98,027	6,764,140

NOTE.—In regard to the stock under option, it should be remembered that this represents only stock under option on Jan. 1, 1964. Actually, Montana Power Co. officials have gained far more through the company's stock option plan than these figures indicate. For example, as I have noted previously, the company set aside 10 percent of its stock or 750,000 shares in the late 1950's to sell to company insiders at cutrate prices. As of Jan. 1, 1964, the company reported to the FPC that 479,132 shares had already been put under option or sold to company officials—usually for less than half of their current market value. These 479,132 shares were worth more than $20,000,000 on Aug. 26, 1964. Still available for option before June 1969 are 270,868 shares which were worth $11,400,000 on Aug. 26. The reason the entire $20,009,000 already optioned is not reflected in the current holdings of company officials is that many officials sell stock obtained under option to gain an immediate dollar profit.

LEGISLATIVE REAPPORTIONMENT

Mr. METCALF. Mr. President, last Wednesday, September 2, I had printed in the RECORD 68 editorials, from more than 40 newspapers throughout the Nation, regarding the attempts being made in this Congress to delay or thwart the Supreme Court's legislative reapportionment ruling. I noted that those editorials were overwhelmingly opposed to the so-called Dirksen-Mansfield amendment and other anti-Court proposals.

Since then, I have received 18 more editorials, from 8 other newspapers, on the same subject. They show the same trend of overwhelming opposition. Only one of the 18 editorials speaks favorably of the Dirksen-Mansfield amendment. I ask unanimous consent that these editiorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Missoula Sentinel, Sept. 9, 1964]

GOP HAS ITS HEAD IN THE SAND

Many Republican leaders nationally are fighting legislative reapportionment on a population-only basis, and we submit they have their heads in the sand.

Legislative reapportionment on the principle of one man, one vote in each house of every legislature is now the law of the land, due to a decision by the Supreme Court of the United States.

Politicians of both parties are resisting it. Particularly loud are the cries of some Republicans, who attack the decision partly because they think it illegitimate interference with State affairs, and partly because it means big city Democratic control of legislatures hitherto run by rural Republicans.

That view is shortsighted. The Court's decision not only can return power to the States which the Federal Government has usurped, but is the best vehicle for the Republican Party to use to become the Nation's majority party. Here are the facts as we see them:

1. The Nation is becoming more urbanized every year, and this trend will continue.

2. But the core cities, controlled mostly by Democratic machines, some of which are corrupt, are not gaining population very fast if at all.

3. It is the suburbs that are growing by leaps and bounds.

4. The suburbs, for the most part, are Republican or at least contain strong GOP blocks of voters.

It is commonsense to figure that the party that espouses the cause of the suburbs has the brightest political future. The suburbs want political independence from the city but also want things done for the entire urban area, city and suburb alike.

Look at the facts. New York City lost 109,973 people between 1950 and 1960, while the New York metropolitan area population grew by 1,138,690. Chicago dropped 70,558 people in the decade ending in 1960, while its metropolitan area grew by 1,043,045.

The same trend—dropping population in the core city and growing population in outlying areas—can be seen in Boston, Buffalo, Cincinnati, Cleveland, Detroit, Minneapolis-St. Paul, Philadelphia, Pittsburgh, St. Louis, and San Francisco, to name only a few.

Cities that grew did not grow as fast as their suburbs. Los Angeles, for example, gained 602,058 people between 1950 and 1960. Yet metropolitan areas outside Los Angeles' city limits gained 1,772,727 people during the same period.

The suburbanite right now cannot be typified as belonging to either party. Some suburbs are closely joined to one party or the other, but the national outlook is undecided.

The suburbanite working in the city wants fast and easy transportation to the downtown area. That means a good transit system and throughways. It means public parking downtown. It means feeling unafraid, he and his wife, walking around downtown. It means he has a direct stake in the entire metropolitan area's orderly growth and development.

He is not generally a radical man, but he will come to vote for the party that will help his entire urban area solve some of its problems.

Right now his vote for legislative candidates often counts for much less than a rural man's. But the suburbanite's vote for President, U.S. Senator, and Congressman counts for exactly as much as that of the rural voter.

The urban dweller is turning for help to where his vote counts. That means he is turning to the Federal Government. He will continue to turn there until such time as he can find a response to his needs in the State capital.

Federal intervention to solve city problems means growth of Federal power at the expense of the States. That power growth can only be stopped when legislatures respond to city needs. That means city control of legislatures. And that means reapportionment on a population-only basis.

The party that helps the urban voter solve urban problems at the State and Federal level is going to get the urban voter's support.

And the party that captures the suburbs captures the future majority party power in America, Representative WILLIAM E. MILLER, now GOP vice presidential nominee, saw that and hailed the court's reapportionment decision when it was announced last spring.

The GOP already has strong suburban support. Unless the party acts to hold that support by catering to urban problems and needs, it will lose all hope of ever becoming the majority party. Instead, the suburbs will turn to the Federal Government and to the Democrats.

The legislative reapportionment decision is the first instrument presented in modern times to return power to the States and give the GOP leverage to become the Nation's majority party.

Wake up, Republicans, and act with some sense.

[From the St. Petersburg Times, Sept. 2, 1964]

BALANCE OF POWER

Many and ingenious are the arguments which have been advanced by status quo Members of Congress in support of the Tuck bill or the Dirksen amendment to halt reapportionment of State legislatures on a purely population basis.

But that put forth by Senator SPESSARD HOLLAND, of Florida, appears ingenuous rather than ingenious.

Senator HOLLAND, defending the Dirksen amendment, warned of dire consequences of permitting the Supreme Court to upset the balance of power between the States and the Federal Government.

For the life of us, we cannot see how giving each citizen equality of representation in both houses of a State legislature would affect the balance of power between that State and Washington.

Certainly it could not weaken the State relative to the Federal Government.

Conceivably, by making the legislature responsive to the needs of the majority of its people, it might strengthen the relative power of the State. If the people can get what they need and want from their State capitals, they are less likely to turn in desperation to Washington.

Is this not what advocates of States rights desire?

When the Supreme Court ruled that both houses of legislatures must be apportioned on a population basis, we commented in all seriousness that this was the greatest victory for the principle of States rights in many years.

Washington has not seized power from the States. The States have abdicated powers to the Federal Government by being derelict in fulfilling their obligations to the majority of their people.

Even when President Eisenhower offered at the National Governors Conference to lead a movement to restore to the States certain responsibilities which Washington had assumed by default, he found no takers.

It's not the balance of power between the Federal Government and the States which worries those attempting to arrest the progress of reapportionment.

The issue is the balance of power between the majority of the people and the entrenched minorities, which have controlled almost every State legislature for a half century.

No amount of rationalization by Senator DIRKSEN, Senator HOLLAND, or anyone else can obscure this fact.

[From the Milwaukee Journal, Aug. 9, 1964]

ONE-MAN, ONE-VOTE RULING PERILED BY DIRKSEN MOVE

Senator DIRKSEN, of Illinois, Senate minority leader, is trying to upset the Supreme Court's ruling requiring that legislative apportionment in the States be based on the theory of one man, one vote.

DIRKSEN has introduced a measure which would forbid the courts to act on redistricting cases for a period of from 2 to 4 years—during which time an attempt would be made to amend the Constitution to allow apportionment of one house of a legislature to be based on other factors than population.

DIRKSEN wants his measure to be a rider on the foreign aid bill. As Robert B. McKay, associate dean of New York University Law School, told the chief justices of the 50 States meeting in New York, the rider is irresponsible. It is particularly unconscionable, he said, to try to put the rider on a completely unrelated bill. McKay also feels that it is doubtful that the Congress can constitutionally interfere with the Supreme Court's function of assuring constitutional uniformity.

As Prof. Robert G. Dixon, Jr., of George Washington University Law School, says, the idea of removing Federal court jurisdiction in particular kinds of cases would cut the heart out of their central and vital power of constitutional adjudication.

The courts wisely ruled for the one-man, one-vote concept. In no other way can our people be adequately represented in their legislatures. The system automatically gives proper representation to the various social, political, and population segments of our country. For Congress to try to overthrow the ruling would not only be tampering with the balance of power in our Federal system but weakening the democratic processes.

[From the Milwaukee Journal, Aug. 14, 1964]

DANGEROUS ATTACK ON COURTS AND RIGHTS OF PEOPLE

Moves in both Houses of Congress to block legislative reapportionment decisions by the Supreme Court are not only bad policy but probably unconstitutional. They involve a legislative rather than a constitutional determination of the rights of Americans.

In the Senate the Dirksen amendment to the foreign aid bill would slow down Federal court rulings in apportionment cases for as much as 2 years. It would give time for what Senator DIRKSEN, minority leader, hopes will be a constitutional amendment to allow one house of a State legislature to be apportioned on some basis other than population.

In the House the Rules Committee has sent to the floor a bill which would remove Federal court jurisdiction over State legislative reapportionment. It forced the bill from the Judiciary Committee in what Chairman CELLER, Democrat, of New York, of the latter committee calls an extraordinary action. Chairman SMITH, Democrat, of Virginia, of the Rules Committee agrees, but he calls it an extraordinary situation. It certainly is, and SMITH has made it so.

If the Congress can remove from the courts the power to determine proper apportionment, it can remove jurisdiction over other areas—civil rights, for instance. Under our system of separation of powers it is the responsibility of the courts to determine the constitutionality of our laws. That is at the heart of the court's reason for existing—to serve as a balance wheel to the executive and the legislative branches of Government. What is proposed that Congress do is dangerous interference with the judicial branch and a threat to our whole system of government.

The Supreme Court's recent one-man one-vote rule for legislative reapportionment is not only good policy but basic to a democratic system. Congressional action to allow one house of a State legislature to be based on land area or cows or bushels of wheat instead of people would freeze into the system the antiquated rural power over urban interests that exists in some States. The very legislatures that decided to use some form of apportionment other than population would be those that have inequities in representation now.

Urban population is growing and rural population is shrinking and the proportions grow every day.

Our courts must keep their proper powers. Congress must not intrude in the area of judicial decision. People must have proper representation in their legislatures. The efforts of those Congressmen who want to upset our system of balanced government and whittle away the people's rights must be thwarted.

[From the Milwaukee Journal, Aug. 21, 1964]

BACKLASH ON EQUAL VOTES

Every Supreme Court affirmation of a right under the Constitution evokes a backlash of proposals in Congress to nullify the decision, from those who have cherished or profited by the opposite tradition.

Actual House passage of such a nullification bill on Wednesday, however, was a shocking deed—shocking not only in its hostility to the one-person, one-vote rule of electing State legislatures, but as a precedent for barring other recourses to the Federal courts. If Congress could do this, could it not also withdraw Court protection against illegal searches and seizures, for instance, or anything else in the bill of rights?

The measure purports not merely to defer immediate implementing of the one-person, one-vote rule, but permanently to abolish any Federal court power to enforce the rule, leaving aggrieved voters as helpless as they ever were. The Rules Committee had yanked the bill away from the Judiciary Committee to bring it on the floor, and a House coalition of mostly rural Republicans and southern Democrats put it through.

Shocking as it is that any House majority would do such a thing, that may be the end of it. The bill seems sure to be stopped in the Senate, and even if not, it is hard to picture President Johnson signing such a raw measure. The Senate is working more subtly on some way to slow up the implementing of equal districts for legislators.

That intent is scarcely less dangerous, however. The plot is to keep the legislatures unreconstructed long enough to ratify an amendment that would do constitutionally the same thing that the House bill attempts. Of course, the amendment would come too late to win ratification if the legislatures are reconstructed first.

The one-person, one-vote rule is causing such a commotion among politicians only because it came so tardily. It merely rights an old wrong, which had prevailed so long as to undermine the very structure of State government. The people should not sit idly by while Congress manipulates the rule into a nullity again.

[From the Dayton (Ohio) Daily News, Aug. 16, 1964]

REAPPORTIONMENT DECISION MATTER OF SIMPLE JUSTICE

Is equal representation a U.S. voter's constitutional right?

The Supreme Court said so June 15 when it told State legislatures to district their upper and lower houses on a basis of substantially equal population.

Howls of pain rose from courthouse gangs and statehouse crowds the country over. Cries of "States rights violated" were shriller even than when the highest court ordered school integration in the 1950's.

Defenders of State government status quo have since rushed into the fray with almost 100 constitutional amendments and legislative proposals, some simply to stall Federal court implementation of the ruling (the much-discussed Dirksen rider), others seeking to deprive the Supreme Court of all future jurisdiction over State government patterns.

Thus has war been declared on the Federal judiciary by entrenched State and local political interests. A first major battle is now being fought by the conservative opposition in Congress, which races against time to delay Court-ordered State reforms. Hopes are then pinned on passage of an amendment that would freeze unequal representation in constitutional law.

Arguments supporting the reapportionment ruling are best phrased as questions. Then the word play of those who champion barnyard State rule is better revealed for what it is—a smokescreen defense of unjustly wielded political power against the forces of national change.

Is it the province of the Supreme Court to reinterpret the Constitution? If not, then the anti-Red Smith Act is illegal.

Does "equal representation" mean equal in numbers? Or does it mean in this country, as in totalitarian fantasylands, that "some are more equal than others"?

Because State apportionment formulas are political, does this remove them from Federal court jurisdiction? Then how can the same courts constitutionally protect the political rights of citizens or minorities?

Is the Supreme Court ruling a cure-all for the ills of democracy? By no means. Reapportionment, if unimpeded, will hurt some good guys. In the reshuffle, some bad guys will land on their feet. Urban problems can't be cured simply by a fairer redrafting of State subsidy formulas. Good citizens will have to do better homework than is their custom to harness and channel in the right directions new democratic energies released from the chain reactions.

What can't be denied is that voter equality is mathematically right and necessary as a matter of simple justice. To deny it is to assert that American government is not flexible, not self-correcting—a sellout to Communist doctrine that democracy is the wave of the past.

[From the Dayton (Ohio) Daily News, Aug. 20, 1964]

CONGRESS ASSAULT ON SUPREME COURT

The almost stampede-like passage by the House last night of the Tuck bill on legislative reapportionment represents a dangerous assault by the Congress against the Supreme Court.

The bill, introduced by Representative WILLIAM M. TUCK, Democrat, of Virginia, was pushed to the floor by the Rules Committee, under Judge SMITH, of Virginia, after an unusual capture of it from the Judiciary Committee of the House. It would deny the Court the right to interpret the Constitution with respect to apportionment of State legislatures. As such, its own constitutionality is doubtful, but that is not the point.

The recent Court decision, declaring that legislatures must be apportioned to represent roughly equal groups of people, has roused fierce emotions in Congress. There is at the moment almost the spirit of the lynch mob.

None of this is necessary. The Justice Department and the administration have offered assurances that they will not push for redistricting before this year's election. There is a Dirksen amendment in the Senate to make a breathing space mandatory. A provision for an amendment to the Constitution, making possible population inequities in legislative apportionment, is being pushed and can be offered the electorate.

If it is the will of the country to continue having legislatures that represent other things than people, there is time to affirm that decision under orderly processes.

Meanwhile, some States already have begun moving to comply with the ruling on their own. To complicate their actions further is certainly a disservice.

[From the Daily Oklahoman, Aug. 12, 1964]

KEEP IT CHURNING

It's hard to see how the Senate's reported compromise reapportionment rider to the foreign aid bill could have much bearing on Oklahoma's complicated situation.

The compromise version wouldn't have the effect of law but simply would say it was the sense of Congress that a delay ought to occur in implementation of the Supreme Court's one-man, one-vote legislative apportionment edict.

But of course speed is of the essence in Oklahoma if unshirted chaos is going to be avoided. Governor Bellmon points this out in announcing September 29 as the date for special legislative primary elections. He notes that the Federal court "has set aside the results of the May primaries, with certain exceptions, and effective November 18 will vacate all legislative offices." Accordingly, he considers it his duty to arrange for special elections or otherwise the State will be without a legislature after November 18.

The Governor properly observes that "unless prompt action is taken, the time required for holding a special primary and for making preparations for special general election will escape and Oklahoma will find itself facing one or more elections in December or January, resulting in a chaotic condition."

What purpose any further appeals would serve in Oklahoma's case isn't apparent inasmuch as the Supreme Court already has ruled in effect that both branches of the State's legislature must be apportioned substantially on a population basis.

It's by no means likely that Senator EVERETT DIRKSEN's modified rider to the foreign aid bill is going to be the last word from Congress in this connection. The reported decision favoring the milder discretionary language was said to have resulted from doubts concerning the original version's constitutionality.

The House Judiciary Committee, headed by Chairman EMANUEL CELLER, is holding hearings on various proposals aimed at denying the Supreme Court the final voice in apportionment matters.

One approach consists of a proposed constitutional amendment which would base the election of at least one legislative branch on some consideration other than population. But since the amendment's submission and ratification by the various legislatures would be a slow process, another proposal looks toward congressional enactment of a measure specifically placing State apportionment matters outside the jurisdiction of the Federal judiciary.

There can be no question about the constitutional authority of Congress to enact such a measure. Article III, section 2, of the Constitution restricts the Supreme Court's appellate jurisdiction to "such exceptions and under such regulations as the Congress shall make."

The intense interest of incumbent Congressmen in this matter is understandable. A great many of them conceivably would lose their seats under a strict application of the Supreme Court's dictum in the Georgia redistricting case requiring that "as nearly as is practicable, one man's vote in a congressional election is to be worth as much as another's." Some of the incumbents thus threatened hold the most influential positions in Congress. One such Congressman is Oklahoma's CARL ALBERT, who is outspoken in his opposition to the Court's assumption of powers over legislative apportionment.

A possible aim of the congressional delaying strategy is to keep matters fluid until Congress has had time to clip the Court's wings or the present rurally dominated legislatures have had time to ratify a constitutional amendment having the same purpose.

[From the Sunday Oklahoman, Aug. 16, 1964]

CHERISHED PRIVILEGE

This sudden congressional storm blowing up around legislative apportionment illustrates why the Senate isn't likely ever to curtail significantly its present privilege of extended debate.

For the liberal Senators who resorted to extended debate in support of the Supreme Court's one-man, one-vote apportiontment ruling were the very ones who complained the loudest when opponents of the year's civil rights legislation were exercising the same privilege.

The liberals finally managed to shut off the civil rights debate and push the bill to passage. But in order to do so they were required under the Senate's rule XXII to muster a two-thirds majority of all Senators present and voting, something accomplished only rarely and with great difficulty.

Whether the nearly unlimited floor privilege is called extended debate or filibuster depends altogether on whose ox is being gored. But whatever it's called, the privilege isn't the exclusive parliamentary weapon of any particular party, political philosophy or section. Senators from every part of the country representing nearly every conceivable shade of political opinion have resorted to it on various occasions.

It's a key safeguard in the delicate congressional balance whereby minority rights are defended against the clamorous and sometimes tyrannical demands of the majority. As long as it endures, the smallest and poorest State in the Union may speak with the same authority in the Senate as the largest and wealthiest State.

It is argued cogently that in the absence of this unique prerogative the Senate would become nothing more than an ineffective appendage to the House of Representatives. Senators of all political persuasions are sensitive to this possibility and jealous of their present ascendancy.

They know also that Senators who find themselves on the side of the majority on one occasion may be with the minority on another occasion. For such reasons the Senate isn't likely to forfeit the right of extended debate.

After the Senate had voted last June to cut off the 75-day civil rights debate, Senator RICHARD RUSSELL, of Georgia, was asked to name the individual he considered most responsible. He named President Johnson.

The President for his part hailed the two-thirds cloture vote as a historic event. This is interesting in view of his earlier position as stated in a March 9, 1949, Senate speech opposing modification of the cloture rule.

"It matters not," said Johnson on that earlier occasion "whether cloture permits Senators to speak 1 hour, 1 week, or 1 month. If this resolution is adopted, the bridle will be upon the tongues of all minorities. I sincerely believe that the right of unlimited debate in the Senate is an essential safeguard against potential supremacy in the executive branch. A man elevated to the office of the Presidency has virtually unlimited powers of influence over his countrymen. If on occasion you grant to this titular head of Government the further intoxicant of an overwhelming majority of loyal supporters in the legislative branch, then you have a force well nigh irresistible."

Of course Johnson himself now occupies the White House, a circumstance possibly having something to do with his changed views toward cloture.

[From the Daily Oklahoman, Aug. 17, 1964]

HIGH TIME TO GET ON WITH IT

Two key elements largely are overlooked in the nationwide uproar about legislative reapportionment.

In the first place, it's usually assumed that all urban area dwellers share the same interests and problems. That's not true.

Again it's assumed that the primary purpose of a second legislative branch is to give special interests special representation. That's not true, either.

A person may live in one part of a State's most populous county which is completely unlike other parts of the same county. In some respects it may be urban in its interests. In other respects it may be as provincial in its outlook as any rural village. It competes not only with the remote hamlets for legislative attention but also with maybe 25 or 30 similar localities within the urban area.

If the house of a legislature is to have 1 member for every 25,000 or so population, why should persons living in an urban area such as the one aforementioned have to share their man with some district that has different interests, different problems, and different people?

The second consideration is more basic: Even in the U.S. Senate we are being treated currently to learned discourses about the need for the States to organize one legislative chamber so that special interests may be represented. As a matter of fact, the rubber-stamp Supreme Soviet in Moscow is organized exactly that way.

A valid function of a second legislative arm is to establish a check on the first. A bill debated twice before passage is less prone to be the result of some concerted pressure on the legislators. Continuity and stability are built into the lawmaking process by creating a second branch with longer terms, greater prestige, and staggered tenure.

The U.S. Congress is not a proper parallel. There the House represents the people. It's based on districts of nearly equal population, except that each State is entitled to at least one Representative. The Senate represents the sovereign States. Each State has two Senators elected on staggered dates to afford stability. The electoral college reflects this proportional representation.

Robert Bendiner's recent book, "Obstacle Course on Capitol Hill," contains an interesting and sound observation. "A Congressman has two principal functions," Bendiner says, "to make laws and to keep laws from being made." Both functions also are to be found in the various State legislatures. Often the second function is more important than the first.

Reapportionment is required now to give all citizens fair representation. Resentment on the part of some petty political baron must not be allowed to defeat this objective. The cry for more time is 50 years late or more in most States. There is ground to question the sincerity of such pleas, since the legislatures have had ample prior opportunity to demonstrate their good intentions, if any.

Disregard of constitutional reapportionment requirements didn't begin the day before yesterday. In most States it should be the basis for disqualification of legislators seeking reelection who have made no effort to comply with the requirements of State and Federal constitutions and the State statutes. In this regard they have stultified the constitutions they were sworn to uphold.

It's high time now to get on with it. It's too bad the Federal courts had to step in, but it's a bit late to cry over that. If the Dirksens and Mansfields and the Alberts and the Monroneys will put their amendments, resolutions, and speeches on the subject in the wastebasket, the States can proceed to elect the most representative legislatures of the 20th century.

[From the Daily Oklahoman, Aug. 19, 1964]

"CHAPS" CUTS TWO WAYS

Plaintiffs seeking a stay in Oklahoma's court-ordered legislative reapportionment make an issue of the chaos and disorder they say will occur if their appeal is denied.

They inquire whether the Federal district court which largely vacated last May's legislative primary had any proper power to interfere in an election previously completed.

Similar questions are raised by Senator **A. S. MIKE MONRONEY** who often sides with the Senate's liberals but parts company with them in their present effort to defeat or soften the Dirksen amendment seeking to delay Court-ordered reapportionment.

MONRONEY and other champions of the status quo rely heavily on the admonition against precipitate and disruptive action that appears in the U.S. Supreme Court's June 15 ruling calling for the apportionment of both branches of bicameral legislatures on the basis of population.

He cites this language from that ruling:

"With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes."

But the same consideration was present last June 22 when the Supreme Court turned down appeals from a July 17, 1963, Federal district court ruling reapportioning both branches of the Oklahoma Legislature on a population basis. The May legislative primary had been completed when the Supreme Court acted in that instance. Inasmuch as the Supreme Court refused to interfere then, it would be reasonable to suppose it would refuse again in any subsequent appeal.

But the chaos and disorder envisaged if Justice White refuses now to stay the lower court's order would be insignificant in comparison to the confusion that could result if the general election were allowed to proceed on the basis of the May primary and the Supreme Court as a whole thereafter invalidated the outcome and sustained the original three-judge reapportionment order.

In the resulting shambles the State would be without a legislature and without any immediately available means of obtaining one. Thus the cited admonition against precipitate and disruptive change cuts both ways.

To weigh the whole text of the June 15 ruling in the Alabama case is to be persuaded that the Supreme Court almost certainly would have to support in the long run the district Federal judges' order affecting Oklahoma. Consider this explicit language from the Alabama ruling:

"Legislatures represent people, not trees or acres. Legislators are elected by votes, not farms or cities or economic interests. It is inconceivable that a State law to the effect that, in counting votes for legislatures, the votes of citizens in one part of the State would be multiplied by 2, 5, or 10, while the votes of persons in another area would be counted only at face value, could be constitutionally sustainable. We hold that, as a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis."

In light of the foregoing the Federal district court in Oklahoma City plainly was following the only available guideline in reapportioning both branches according to population and in refusing thereafter to stay its order. It's hard to believe the Supreme Court can do anything other than uphold the lower court in the long run. Therefore it's devoutly to be hoped that Justice White also will deny the requested stay lest even worse chaos and disorder result.

[From the Daily Oklahoman, Aug. 18, 1964]

DICTATING TO THE COURTS

Senator **EVERETT DIRKSEN** rejects a proposed liberal substitute to his pending amendment to delay Court-ordered legislative reapportionment.

The Senate liberals argue that **DIRKSEN'S** proposed rider to the foreign aid bill would entail an unconstitutional invasion of the powers of the judiciary.

Senators **JACOB JAVITS** and **EUGENE MCCARTHY** offer a compromise they say should solve this dilemma by pronouncing it the sense of Congress that the courts give adequate time for States to apportion their legislatures on a constitutional basis and for action on a constitutional amendment covering the question.

Senator **DIRKSEN** dismisses this proposal as being meaningless because its language is advisory rather than mandatory. But of course any mandatory language also would incur a risk of being declared meaningless in the long run because of its attempted dictation to the coequal judiciary.

Certainly a court that was bold enough to assert Federal jurisdiction in the first place should have no difficulty deciding it wasn't under any constitutional obligation to take orders from Congress.

All requests for further delay in this connection are somewhat suspect in view of the many years in which the various legislatures did absolutely nothing about reapportioning according to the mandates of their own State constitutions which they were sworn to uphold.

In the case of Oklahoma, the legislature had ample opportunity to reapportion in good faith. It was only after it had demonstrated it had no intention whatever to do so that the Federal court assumed the responsibility.

[From the Oklahoma City Times, Aug. 12, 1964]

NEW ELECTIONS CALLED

Governor Bellmon is to be commended for his immediate implementation of the apportionment ruling by calling for a new legislative primary September 29.

Urban citizens who might have doubted Bellmon's stance on the subject heretofore should applaud his forthright action.

This is a calculated risk for Bellmon who has angered the legislative old guard with his steadfast insistence upon carrying out the three-judge Federal court's ruling on reapportionment. On the one hand, a reapportioned 1965 legislature would weaken the old guard and make Bellmon's programs easier to accomplish.

But on the other hand, if reapportionment is halted somewhere along the way the old guard would be much harder for Bellmon to get along with than it was 2 years ago. It wouldn't help either that Bellmon more than anyone torpedoed an ambush attempt by some legislators against Fred Daugherty as National Guard general for what Fred Daugherty as Federal judge had done on reapportionment.

Current efforts in Congress to freeze reapportionment action show why speed is essential.

For the forces of reapportionment don't want one more session to make amends. They want one more session in order to rush through the legislatures of three-fourths of the States a constitutional amendment to halt reapportionment entirely by taking it out of the jurisdiction of the Federal courts.

The composition of the 1965 legislatures of the various States, including ours, therefore is crucial and the urban areas have no choice but to push hard for their just due, lest it be snatched from them at the 11th hour.

[From the Oklahoma City Times, Aug. 14, 1964]

Highly Unusual

Regardless of the fate of the Dirksen reapportionment freeze effort, Oklahoma's reapportionment should go ahead.

Needed is continued fortitude on the part of the three Federal judges, Governor Bellmon, and the U.S. Supreme Court itself.

In order to be constitutional the Dirksen amendment had to leave a slight loophole. It could not directly override the U.S. Supreme Court's "one-man, one-vote" prescript of June 15.

Therefore it had to be worded to say "it shall be deemed in the public interest" to hold up for 16 months any further court action on reapportionment "in the absence of highly unusual circumstances."

But if ever a case fitted the latter definition, it is the Oklahoma situation. We definitely have highly unusual circumstances.

In the first place, the three-judge Federal court handed down the original order of reapportionment back in June 1962. Since then there has been ample time for action to be taken by the State to comply with reapportionment requirements.

The legislature refused to do so, and in fact didn't reapportion even one house properly. The people had their chance in May and voted for Senate Question 416 which made our apportionment worse than ever before.

So Oklahoma already has had its one more chance. That is a highly unusual circumstance in which we differ from most States.

The second highly unusual circumstance is that our reapportionment process already is underway, our present legislature dissolved, and elections called. We would be in a terrible mess if events were frozen at this transition point. That would put us in the most highly unusual circumstance of all—no legislature.

So Oklahoma should plan to go right ahead with its present reapportionment process. If the Dirksen amendment is rewritten to be completely mandatory, it surely will be struck down as unconstitutional.

If it goes through in any compromise fashion, it will have to include an exception category into which Oklahoma obviously fits.

[From the Oklahoma City Times, Aug. 14, 1964]

Albert Disappoints

Congressman Carl Albert is disappointing urban Oklahomans who have had high regard for his abilities and achievements through the years.

His attempt to overturn the court decisions which for the first time have brought fair apportionment for urban citizens is a disheartening application of the talents of this former Rhodes scholar, who now is House majority leader.

It contrasts with the fortitude being shown by Governor Bellmon, who is complying with the Federal court by ordering new legislative elections.

To put Albert's disappointing stand into perspective, one must realize that he is pulling his own chestnuts out of the fire as well as those of the rural legislators. For Albert comes from a vastly overrepresented district, the Third. Its 227,000 population is far below the 388,000 average each Oklahoma congressional district should have, according to the 1960 census.

Beyond that, Albert's district is 20th smallest in terms of population of any district in the Congress. No wonder he is anxious to halt fair apportionment, for well he knows it is coming his way, too.

But isn't it a sad misuse for the great abilities of this man to be working to thwart the basic rights to fair representation of his fellow citizens of Oklahoma?

[From the Oklahoma City Times, Aug. 19, 1964]

Argument Reversed

Even as the three-judge Federal court here continues to stand firmly for reapportionment, the debate rages around the State.

It is to be supposed that it is the rural politicians and some weekly newspaper editors who mostly are critical, rather than the public as a whole in rural areas.

Most Oklahomans are fairminded and know that the setup in the past has been grossly unfair to urban citizens. Rural voters may feel that the Federal courts have gone farther than they would have preferred, but they recognize that the time for action is long past.

But some curious arguments do come up. For instance, in the past we've heard a lot about how the cities didn't deserve their share of legislators since people in the urban areas didn't know each other well enough to select good legislators or to keep track of them once they were elected. Conversely, the argument went, people in the sparser rural areas knew each other better and legislators could stay in touch better with their constituents and vice versa.

Dispersal rather than proximity constituted the virtue.

Now comes a reverse twist on that old argument, in an editorial in the Ada Evening News. It is particularly interesting coming in that newspaper, which has been much more fairminded than most about reapportionment. Says the News:

"It doesn't take either a computer or genius to determine that we presently have a malapportioned legislature. It doesn't require an attorney to determine that present apportionment does not meet the original constitution.

"Neither does it seem difficult to reach the conclusion, on the other hand, that voters in sparsely populated regions of the State will be more weakly represented under the court's formula than voters in cities. In some metropolitan areas, the legislator will be a distance from all his constituents that can be measured in blocks. In the Oklahoma Panhandle the distance may be a major automobile undertaking.

"The whole point is that we may so strictly adhere to equal voice in electing legislators that we deny equal representation," the News concludes.

How that does try to put the shoe on the other foot. All of a sudden the spreadout nature and sparseness of rural life no longer is a virtue. And suddenly the cities are granted an advantage in compactness, one that never counted before with those who somehow thought that one senator was enough for Oklahoma County and another for Tulsa County.

What is overlooked is that people are people everywhere and it takes time to see them properly in any environment. It is difficult to ride across miles of plains to see all the voters, but so is it difficult to visit each voter in a crowded city district.

Yet the disadvantages in one place will cancel those in another so long as there are an equal number of people in each district. And that is all that equal apportionment means.

[From the Oklahoma City Times, Aug. 21, 1964]

A Serious Delay

The threat of a deteriorating situation at Lincoln Park Zoo is but one example of the strains being placed on city government by the council's failure to approve a new annual budget.

Once again this week the budget was laid over because holdover councilmen continued to object to its contents. The budget was supposed to have been completed by July 20. Now it looks as though it will be September before final action can be taken.

The attitude seems to be that it doesn't matter how soon the budget is completed and that city functions can go along just the same.

But that just isn't so, as a letter from Dr. Warren Thomas, city zoo director, to City Manager Robert Tinstman has made clear. Dr. Thomas warns that the valuable animal collection at Lincoln Park Zoo is in immediate danger of disease and death because of the shortage of personnel and the quality of the workers obtainable in the present precarious situation.

While the proposed budget would cure the deficiencies, Dr. Thomas wrote, "unfortunately, to date, this budget has not been passed." He suggests that it might be advisable to close down the zoo to the public and concentrate available funds on keeping the animals alive.

Oklahoma City shouldn't have to do this. This summer more than ever before it has become obvious that the zoo is becoming one of our great tourist attractions, judging by the large number of out-of-State cars that can be seen at its parking lots any day.

The zoo already is luring traffic off U.S. 66 in the same fashion expected of the Cowboy Hall of Fame eventually. That's because its collection of rare animals from Africa already is making it one of the unique zoos in the entire world.

This is but one example of what the continued budget delay is doing to our city. The new (ARG) councilmen have said they are ready to approve it. The holdovers have raised questions about reorganization and salary factors in the budget, but the suspicion has grown that their real hope is to use the budget impasse as a lever with which to oust Tinstman.

With the four ARG councilmen standing rock solid behind Tinstman and with Mayor George Shirk apparently committed to retaining him, this looks like a futile hope. So it's time to get the budget worked out and approved so city departments will know where they stand, and let the battle over Tinstman come on another issue at another time, if come it must.

A Futile Act?

All is far from lost for reapportionment even though the U.S. House of Representatives has passed a bill taking reapportionment out of the hands of the Federal courts.

In the first place, there are grave doubts about the constitutionality of the Tuck bill passed by the House. And it is the U.S. Supreme Court, target of the Tuck bill, which decides on constitutionality. It is hard to believe the High Court would let stand this effort to reduce its power.

Secondly, the Tuck bill approaches the reapportionment question from a diametrically opposite direction from the Dirksen apportionment "freeze" bill now in the Senate. The Dirksen bill seeks only to delay until 1966 any implementation of Federal court reapportionment orders, but does not strip "forever" the courts of their powers in this matter.

It's unlikely that the Senate will accept the Tuck bill, which would exclude the Supreme Court permanently from exercising jurisdiction in apportionment matters, Eventually the House may have to accept the Dirksen measure.

But the speed with which Southern leaders in Congress—usually advocates of going slow on important legislation—have jammed through these reapportionment measures should convince urban voters of the importance of this "fair play" they've been denied to date.

As the Chicago Daily News said editorially: "In the narrow, political sense the Court's ruling threatens to upset the cozy world of statehouse politicians. Hence the fury of the attacks."

[From the Sacramento (Calif.) Fresno and Modesto Bee, July 27, 1964]

FIGHT ON APPORTIONMENT TAKES DANGEROUS TURN

The U.S. Supreme Court's ruling that membership in both houses of State legislatures must be based on population is encountering from the rural politicians the bitter opposition which might have been expected.

The most likely program of the Court's opponents is to promote a constitutional amendment to require that, at least, one State legislative chamber may use bases other than population for the apportionment of members.

The most immediate and challenging counter to the Court is a proposed congressional act which would strip Federal courts of any authority to pass on State apportionment matters.

The constitutional amendment process is a respectable one which would decide by democratic means whether or not to retain the present status. The proposed congressional act is another matter.

Such an act could begin what might be a runaway procedure of curtailing the power of the courts to pass on the constitutionality of the actions of governing bodies. The proposal is based on the dubious theory that the Federal courts, while having the right to pass on the constitutionality of congressional acts, do not necessarily have this authority with respect to State legislative acts.

An extraordinary philosophy is represented here. It is that the Supreme Court may rule on the constitutionality of the highest legislative body in the land but cannot obligate lesser legislative bodies to follow the Constitution.

Not even the most ardent states righter before the Civil War could have conjured up a more decisive proclamation that the States are above the supreme law of the land.

This proposal opens up a new danger. It threatens the basic American concept of three separate but equal branches of government with each one subordinate to the Constitution.

It may be that the Constitution should be amended to permit the States to follow the Federal plan of legislative apportionment on some similar method. Maybe not. But the battle of the rural areas to retain their power in State legislatures should not be won at the cost of chewing away the authority of the courts.

Clearly we have here the effort of an element in the population to find a principle to support its self-interest. The Court acted in accordance with the principles of the Constitution. If the American people do not like the result, let them alter the Constitution rather than make the Constitution off limits to the Court.

[From the Salt Lake City, Utah, Deseret News, Aug. 24, 1964]

THE PEOPLE SHALL JUDGE

In the decade since the U.S. Supreme Court's historic decision on school integration, compliance has been painfully slow and often given only grudgingly. That's to be expected whenever a social change is instituted that, however right or wrong it may be, calls for a striking departure from previous practices.

For the same reason, it would be unrealistic to expect overnight compliance with the recent U.S. Supreme Court decision on reapportionment.

That decision, like the 1954 ruling on integration, represents a wrenching departure from time-honored practices. Historically, the legislatures in 80 percent of the States—indeed, Congress itself—are constituted so that membership in one Chamber is based on population, in the other on geography. The Supreme Court, however, would have both houses based on population. That would erase much of the distinction between the two Chambers, carry the States a long way toward unicameral legislatures, and thus erode the system of checks and balances that helps make for intelligent lawmaking.

Moreover, for years the individual States have been accustomed to being the final authorities on their own legislative apportionment. Now, however, it seems that the Federal Government is to have the last word.

Except, of course, unless the American people themselves have the last word in voting on a proposed constitutional amendment that would permit State legislatures to have a nonpopulation chamber "if the citizens of the State shall have the opportunity to vote upon the apportionment."

In view of these complications, Senator DIRKSEN's suggestion of a 2-year delay in putting the Supreme Court's decision into effect makes sense. It would give the States time to draw up carefully thought-out, rather than hastily assembled, reapportionment plans along lines laid down by the Supreme Court. It also would provide time for voters to determine if that is actually how they want their legislatures organized.

It's rare that Congress takes such a step as to rescind or suspend a Supreme Court ruling. Franklin D. Roosevelt's attempt to win judicial approval of more New Deal measures by "packing" the Supreme Court was rebuffed by an angry Congress.

Still, it has happened. In 1868 a Reconstruction Congress acted to prevent the Supreme Court from holding that the trial of a Mississippi editor by a military tribunal had violated the Constitution. The editor, William McCardle, had published allegedly "incendiary and libelous" articles critical of the occupation forces. The high court bowed to the will of Congress in that case and unanimously dismissed McCardle's appeal on the ground that Congress had denied it authority to consider it.

Only once has such a step been taken. But that once is enough to open the way for the Dirksen proposal. Now let's listen to what the voice of the people has to say about how they want their public servants organized so as to get the best service.

THE GORE MEDICARE AMENDMENT

Mr. ROBERTSON. Mr. President, a recent issue of the U.S. News & World Report calls the social security bill passed by the Senate on September 3 "a $4 billion package of hospital care and bigger pensions—all financed through social security taxes."

After hearing the testimony and arguments pro and con, the Senate Finance Committee turned down the Gore medicare amendment. The committee report, amplified by arguments on the floor, stressed the following objections to the medicare amendment:

The workingman will bear the brunt of this program. Nine million Americans not in social security, who paid more than 40 percent of taxable income, will escape the responsibility for assisting in the program. Since all persons may benefit from medicare, there is considerable merit to the argument that the tax will take from the poor and will give to the rich.

It is not right that we abolish the means test as a basis for deciding who will enjoy the benefits of medicare. Commonsense dictates that one who does have sufficient means should not be included.

The program will help those who do not need help. Also, since it will cover only 25 to 30 percent of the total costs of caring for the aged, it will not give enough help to those who are in dire need. Thus, the social security approach is an ineffective solution of the problems of the aged. No existing Federal welfare program is based on the principle of helping everyone, regardless of need.

A program of this nature should be financed through the general revenues, rather than by an additional social security tax, if it is needed.

This program will interfere with the freedom of choice of an individual as to the medical facilities he may use.

It will undermine confidence in certain voluntary insurance programs, such as Blue Cross.

The program will affect the kind and quality of medical care than an elder citizen receives. Inferior treatment would not be acceptable; but there is the possibility that such would be the case under medicare.

There may also be a shortage of doctors and nurses, as a result of the beginning of a compulsory health-care plan. Young persons will be discouraged from entering the medical profession, for fear that one day all persons will be included in a program similar to medicare. Medical research will be discouraged, as a result of medicare.

Medicare will expand to an even greater extent the already vast Federal bureaucracy. Private enterprise will suffer again at the hand of big Government. The program assumes that Americans are incapable of working out their own problems, and that they do not possess sufficient foresight to plan for their old age, without the help of Government to guide them all along the way, by withholding large amounts of their earnings. It would appear to be an insult to the resourcefulness and intelligence of these people, and I do not believe the people actually want such a program.

By the time the average man completes paying all his regular income taxes, plus this increased social security tax for old-age health benefits, he will have precious little left, to enjoy for his own use. He will have protection; but it will have been provided to him by the Government, not by private enterprise.

It is right that our 17 million elder citizens receive the best possible medical treatment; but medicare will not insure that they do.

I was a member of the House Ways and Means Committee when the social security bill was originally passed. I had doubts then about the soundness of a so-called trust fund to be created by special taxes to be invested in Government bonds. I realized that the bonds would be wholly dependent upon the soundness of the fiscal policies of the Government; and that while in the early stages of the program, the receipts would exceed current pension payments, eventually the current receipts, including interest on the trust fund bonds, would be hopelessly inadequate to meet the accumulated pension requirements. The 3-percent Government bonds that have been placed in the social security trust fund have no security except the good faith of the Government, and have no priority for payment over any other part of the public debt, which now exceeds $300 billion. We already know what inflation has done to the value of the bonds that were placed in the trust fund soon after it was created: They have lost approximately 60 percent of their purchasing value; and even the bonds that were placed in the trust fund as recently as 1948 have lost 23 percent of their purchasing value.

There are indications that we have been committed to a policy of deficit financing; and, if so, we are, by the same token, committed to a policy of creeping inflation, under which the cost of living may advance 1 or 2 percent a year, and the purchasing power of the dollar may decrease at a similar rate.

The inadequacy of the trust fund to meet the pension requirements will be reached much earlier than I anticipated when the program was initiated. The number of retired persons has increased above that anticipated, and the pensions they are receiving have been increased without a commensurate increase in social security taxes. So a pension system, never actuarily sound, was thus made more unsound.

The present tax is 7.25 percent of the first $4,800 of income, divided equally between worker and employer. Under the present law, the tax is to rise to 8.25 percent 2 years from now, and to 9.25 percent 4 years from now. And that, of course, is without hospital care for retired persons. The Senate has voted for hospital care for retired persons, accompanied by a tax of 8.5 percent on the first $5,600 of income, effective January 1, next, to rise to 10.4 percent by January 1, 1971. The total of the present tax is now $348 a person for the top income; and that is to move up to $582 a person, divided equally between employer and employee.

The reason why I say the trust fund will be exhausted, either for pensions or for hospitalization, long before young workers reach retirement age, is that the taxes now barely cover the benefits of the present plan, without hospital care. The tax is estimated at $16.46 billion, and current pension costs are estimated at only $10 million less. At the present time, the trust fund is about $22 billion; but under present plans the cost will increase a billion dollars or more a year; and the Gore medicare amendment, if enacted, would result in an additional $2 billion or more, a year. So without the medical care program, we shall start to reduce the trust fund by from $1 billion to $2 billion a year; and by the addition of medical care, by from $3 billion to $4 billion a year.

In addition, if it be politically expedient to provide medical care for some 16 or 17 million persons who have never paid 1 penny into the trust fund, and who are eligible for free medical care, even though they have personal incomes in the millions of dollars, how much more expedient will it be to provide medical care for those who for some years have been paying into the fund, and then have become totally and permanently disabled; and what is eventually to prevent the program from becoming what we describe the socialized medical program in Great Britain—a cradle-to-the-grave medical-security program.

If we include relief, the Kerr-Mills health plans now in effect, and other welfare plans, the cost of our current welfare State is $23.5 billion, or double what it was just 8 years ago.

In projecting an antipoverty program, an Appalachia program, and other programs to increase the income of everyone now earning less than $3,000 a year, some Members of Congress are pointing to the possibility of cutting the defense program $5, $10, or $15 billion a year, and transferring those expenditures to the overall welfare program. They will not have to worry about how to use any amount which, as a result of a feeling of false security, we may save on defense appropriations, now totaling about $50 billion a year. Once we start on a program of "cradle-to-grave security," hospital insurance alone, which the Senate bill proposes to start for those now age 65 or more, will be extended to all the people; and in the foreseeable future it could easily cost $50 billion a year. But that program would likewise entail billions of dollars to be spent in the expansion of hospital facilities, and additional billions of dollars for subsidies to train doctors and nurses to take care of the increased number of persons then demanding hospital care. From our experience with veterans hospitals, we already know that those who go to a hospital without paying, stay in the hospital, on the average, three times as long as do those who have to pay.

Notwithstanding the great pressure being brought to bear on the Members of the House to accept the Senate amendments to H.R. 11865, I hope they will not yield to that type of political expediency.

THE INACCURACY OF SENATOR GOLDWATER'S STATEMENTS

Mr. ANDERSON. Mr. President, in this morning's New York Times, James Reston, the representative of that newspaper well known as Scotty to most Senators, who are delighted with his recent promotion in the Times organization, has developed a very worthwhile point of view. In his article, he points out the inaccuracy of Senator GOLDWATER's statements during the past several days. The article should be read by every Senator, and I hope it will be read by every citizen. Therefore, I ask unanimous consent that it be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THOSE DARNED FACTS KEEP GETTING IN BARRY'S WAY

(By James Reston)

WASHINGTON, September 10.—One of the minor mysteries of the election campaign is why Senator GOLDWATER refuses to look at the official foreign policy and security information President Johnson has offered to make available to him.

As a result of this refusal, he continues to make serious charges, based on wildly inaccurate information, which open him up to counterattack and make him look ridiculous.

His charge yesterday that President Kennedy timed the missile crisis in Cuba for political reasons at home is a case in point.

The record on when the long-range missiles were first spotted in Cuba is available to him. It is precise, down to the exact minute when the photographs were taken, who took them, and where and when.

CUBA AND NATO

If the Senator does not trust John McCone, the head of the CIA and a prominent Republican, who was instructed by the President to brief him on such information, he can doublecheck the information with his friends in the Air Force, where he is a Reserve officer.

Yet he has chosen instead to affront the memory of the late President by suggesting that Kennedy actually risked atomic war with the Soviets at a time calculated to pick up votes for the Democrats in the 1962 congressional elections.

His public suggestion that tactical nuclear weapons in the North Atlantic Treaty command be controlled not by the President but by the NATO commander is equally mysterious.

"Let me stress," he said in a speech at Cleveland, "that these small conventional nuclear weapons are no more powerful than the firepower you (Veterans of Foreign Wars) have faced on the battlefield."

This is not the sort of subject an Air Force general, let alone a presidential candidate, should trifle with before an audience of old soldiers. But, as a matter of fact, the smallest operational nuclear weapon in Europe today—the Davey Crockett or the 8-inch nuclear howitzer, for example—is tens of times more powerful than the biggest conventional blockbuster of the last World War. If the Senator had checked on this, he would have learned—for reasons that cannot be published but are much more available to

Senator GOLDWATER as a member of the Senate Armed Services Committee than they are to a newspaper reporter—how foolish his talk about the Davey Crockett is, and how fantastic it is to talk of the average tactical nuclear weapons as if they were either small or conventional.

The average sized tactical nuclear bomb in Western Europe today has an explosive power of 98 kilotons, which is five times the yield of the first atomic bomb dropped on Hiroshima in the last war. This means that just one of these modern tactical bombs has a force equivalent to 100,000 tons of TNT.

There are other less powerful tactical nuclear weapons in Europe today—antidemolition weapons, air defense weapons, etc.—with a force of 18 kilotons, or approximately the force of the Hiroshima bomb, yet he proposes that these tactical nuclear weapons be "thought of in terms of conventional weaponry" and controlled not solely by the President but by the NATO commander.

The Republican candidate has also been concerned that much of the Nation's nuclear power would be lost by 1970 unless we produced new delivery systems. He has charged that "deliverable nuclear capacity may be cut by 90 percent," in the next decade under present plans, and he has issued detailed figures to sustain his point.

Yet the odd thing about this is that his own friend, Gen. Curtis LeMay, gave him accurate figures on this problem, which he ignored in favor of his own inaccurate figures.

There is a powerful case to be made against the foreign and defense policies of this administration, but Senator GOLDWATER is spoiling it by shooting from the lip.

THE OTHER QUESTIONS

The real question about Cuba is not, as GOLDWATER suggests, that we didn't go far enough at the Bay of Pigs but that we got involved in it against our treaty commitments in the first place.

The telling charge in Vietnam is not, as GOLDWATER implies, that the administration is too timid in attacking the Communist supply lines, but that it plunged into a war on a misconception and has misjudged the problem and misled the country most of the time ever since.

The really important question about the atomic power of this Nation is not, as GOLDWATER asserts, that it is declining, but that it is piling up at astronomical cost long after we already have enough explosive power to incinerate the entire human race several times over, and contaminate the earth in the bargain.

GOLDWATER is certainly right on one thing: foreign policy, as he said this week, is an issue and should be debated, but he is not likely to benefit from that debate unless he gets the available facts and asks the right questions.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 1234, proposed by Mr. MCCARTHY (for himself, Mr. JAVITS, and Mr. HUMPHREY) as a substitute for the so-called Dirksen-Mansfield Amendment No. 1215.

Debate is in order on the amendment, but, under the unanimous-consent agreement entered into, a vote thereon is not in order until 2:30 p.m. September 15.

IMPLEMENTATION OF NUCLEAR TEST BAN TREATY SAFEGUARDS

Mr. STENNIS. Mr. President, I should like to report to the Senate on the activities of the Preparedness Investigating Subcommittee regarding the implementation of the nuclear test ban treaty safeguards. The Senate will recall that last year the subcommittee held extensive hearings on the military aspects and implications of our various nuclear test ban proposals. The latter portion of the hearings focused on the treaty subsequently ratified by the Senate.

During the course of these hearings, several of the 24 witnesses heard, including the Joint Chiefs of Staff, expressed a need for positive action on the part of the United States which would tend to reduce to a minimum the adverse effect of the test ban treaty. These various expressions achieved a formal status during the testimony of the Joint Chiefs when their support of the limited treaty was conditioned on the effective implementation of some safeguards. Subsequently, on a motion by the distinguished Senator from Washington [Mr. JACKSON], unanimously adopted by the subcommittee and approved by all the members of the Committee on Armed Services, assurances on safeguards implementation were received from the Secretary of Defense and the Chairman of the Atomic Energy Commission. Later, the late President Kennedy gave similar assurances to the majority and minority leaders of the Senate.

The four treaty safeguards are:

First. The conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future.

Second. The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain, and insure the continued application of our human scientific resources to these programs on which continued progress in nuclear technology depends.

Third. The maintenance of the facilities and resources necessary to institute promptly nuclear tests in the atmosphere should they be deemed essential to our national security or should the treaty or any of its terms be abrogated by the Soviet Union.

Fourth. The improvement of our capability, within feasible and practical limits, to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of Sino-Soviet nuclear activity, capabilities, and achievements.

The Senate will also recall that the Preparedness Investigating Subcommittee, in its interim report on the treaty hearings, said:

> To permit the U.S. Senate to monitor the treaty safeguards it is necessary that the expressed good intentions be supplemented by definitive programs against which progress can be compared. * * * If the treaty is ratified it is the intention of the Preparedness Investigating Subcommittee to monitor the implementation of the safeguards.

The staff of the subcommittee has made an extensive review of the activities of the Department of Defense and the Atomic Energy Commission in implementation of the safeguards. This review covered the first year of the safeguards operation. During the course of the safeguards review, numerous meetings, briefings, discussions, and visits occurred between the staff and the responsible officials of the Department of Defense, the Atomic Energy Commission, the Arms Control and Disarmament Agency, the Central Intelligence Agency, and the nuclear laboratories.

I might say at this point that one of the most encouraging aspects of the review was the expression by many of these officials of deep gratification that the Senate had established safeguards and was maintaining a continuing interest in seeing that they are implemented adequately.

By and large, although a few soft spots are evident, the safeguards implementation program carried out in fiscal year 1964 and planned for fiscal year 1965 appears to be extensive, vigorous, and effective. The large number of underground nuclear tests directed to the development of nuclear weapons which have been publicly announced make it clear that this area is receiving a great deal of emphasis and attention. The end result should be a strengthening of the military preparedness segment of our national security.

The soft spots appear to be in the area of underground nuclear testing which is directed to obtaining additional information on nuclear weapons effects. As the report of the Preparedness Investigating Subcommittee which was issued last year indicates, this is a vital and important area. At the same time, there is a clear and manifest difficulty in mounting underground tests which will yield meaningful information in this field. In any event, it does not appear that this area has been pursued as vigorously as has the area of underground testing directed to the development of nuclear weapons.

However, the information available to us indicates that these soft spots in the program have been identified and that corrective action has been initiated by the responsible officials. The efficacy of these corrective actions is yet to be determined. The subcommittee will maintain a continuing interest in and surveillance over the problem areas and all other areas in an effort to insure that the maximum benefits are obtained from all phases of the underground nuclear testing program.

The underground testing program that has been carried out—coupled with a fine, large, and imaginative laboratory research program—has added significantly to our nuclear weapons knowledge. The plans which have been made and implemented for the resumption of nuclear testing in the atmosphere, if this should become necessary, appear to be satisfactory and adequate.

The capability to monitor the terms of the treaty and to detect possible violations has been improved. In addition, the surveillance of the intelligence agencies has been increased to carry out the fourth safeguard.

The subcommittee will continue to give close attention to this matter. We believe that it is important to insure that the "euphoria" which the Joint Chiefs warned against does not develop.

From time to time we will give further reports to the Senate on the facts developed during the course of our surveillance.

One additional word. A great deal of work has been done by an added member of the staff of the Preparedness Investigating Subcommittee, Col. Glenn Smith, who is very conversant in this field and who has a background of training and knowledge with the Army and with several other agencies. He has done a remarkable job in the last 6 or 8 months for us. Our conclusion and report are based in large part upon his excellent and fine work.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. STENNIS. I am happy to yield to the Senator from Massachusetts, who has taken a special interest in this matter and has given much attention to it.

Mr. SALTONSTALL. Mr. President, I merely want to add a few words. First, I commend the distinguished Senator from Mississippi, who, as chairman of the Preparedness Investigating Subcommittee, has directed the efforts of the staff in maintaining a watchful surveillance over the implementation of these safeguards by the executive agencies involved. The chairman of the committee has done a responsible and thorough job.

It has been almost a year since the Senate voted to give consent to the nuclear test ban treaty, by which the testing of nuclear weapons in the atmosphere, in outer space, and underwater would be denied to those nations which would agree to be bound by its terms.

The relative advantages and disadvantages of becoming a party to the treaty were fully discussed and properly identified in the debate immediately preceding ratification on September 24, 1963. Although the provisions of the treaty would restrict us somewhat in the full military application of our nuclear technology, nevertheless the Joint Chiefs of Staff unanimously recommended that the treaty be approved—an approval, however, that was conditioned upon the vigorous implementation of the treaty safeguards which were considered to be essential.

As the chairman of the subcommittee pointed out, those safeguards were four in number.

Underground testing is perhaps one of the most difficult of the safeguards to carry out and further our knowledge of advanced nuclear technology, but we are making progress on it.

Mr. STENNIS. Particularly, the effects tests which affect our ballistic missile systems. These are as important as are weapon development tests.

Mr. SALTONSTALL. One of the points that concerned us when the question of voting on the treaty was before us, was the matter of maintaining our nuclear laboratories. That has gone forward, satisfactorily from the testimony that has been given to us. The personnel there have been maintained to a better degree than we had thought they could be maintained. The people have stayed on. Their work is going on.

We are informed that perhaps the readiness to test in the atmosphere has not gone on quite as well and that we are not as ready as we had hoped to be; but that phase is going forward.

Finally, improving our detection system is difficult, but we believe progress has been made in that field.

I commend the chairman of the committee and the whole committee, including the Senator from Missouri [Mr. SYMINGTON], and others, upon their commendable interest in seeing that these four safeguards are vigorously maintained in order to have our support of the treaty effective, in the interest of preparedness and readiness and security for our country and peace in the world.

I thank the Senator from Mississippi for making his statement.

Mr. STENNIS. I thank the Senator from Massachusetts. I think he has succinctly stated the points involved, the work of the subcommittee, and our expectations for the future.

I am glad now to yield to the Senator from Missouri [Mr. SYMINGTON] who is quite conversant in this field and who has shown an interest in this subject for many years.

Mr. SYMINGTON. Mr. President, I have the honor to serve on the committee of which the distinguished Senator from Mississippi [Mr. STENNIS] is the chairman, and the distinguished Senator from Massachusetts [Mr. SALTONSTALL] the ranking member. It is a privilege to serve on a committee that has the type and character of staff the chairman has built up. Typical of the way we operate is that when we get into a particularly technical subject of this character, where it is relatively difficult for laymen to understand the scientific details. The chairman gets someone comparable to Colonel Smith, in this instance, one thoroughly conversant with the technical problems involved.

Without exaggeration, this committee could be the most important committee of its kind in the country today.

When the question came up as to whether we should have or should not have a nuclear test ban treaty, for many months we discussed that problem; and later the Senate ratified the treaty. However, anyone who has read the RECORD knows that the ratification was made with reservations—the four points the able chairman of the committee brought up this morning.

Mr. SALTONSTALL. Mr. President, will the Senator yield at that point?

Mr. SYMINGTON. I shall be glad to yield in a moment.

Those of us who have had some experience in this field know the apprehension that comes into the minds and hearts of many, including the fighting forces, when they realize that a weapons breakthrough has been made by a possible adversary in the technological field.

We all know about the first use of gas in World War I.

During the Battle of Britain, it is fair to say that if it had not been for a technological breakthrough in the radar field, through which they were able to put radar on Beau fighters, the Germans would have had largely a free hand over Britain at night, and possibly won the Battle of Britain.

It is also interesting to note that radar was discovered on about the same day by three different countries—England, the United States, and Japan.

Therefore, followup work of this character, properly supervised by a committee of this character, is essential to the security of the country.

Shortly after Pearl Harbor I can remember Admiral Davidson telling me that we did not know the Japanese had hundreds of Zero fighters. For many weeks and months they gave us a bad time.

Later the British and all the rest of us were greatly upset at inauguration by the Nazi of the V–1 buzz bombs. If it had not been for a lucky picture taken of Peenemunde, the later second generation missile, the V–2—the first ballistic missile in world history—this new weapon, a clear technological breakthrough, might have changed the course of World War II, or at least prolonged it.

I again wish to commend the able Senator from Mississippi for the care he takes in recalling the warnings the military made at the time the Joint Chiefs of Staff agreed to the signing of the test ban treaty. One cannot imagine anything more important to the future of the country than the work being done, as outlined in the able address he has made on the floor today, as emphasized by the able senior Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SALTONSTALL. The Senator has emphasized the fact that the Senate ratified the treaty and gave its approval to it. I know that the Senator agrees with me that the reason or the underlying foundation, for such approval was the fact that the four military conditions were put on and we wanted to insure their implementation. Does the Senator agree that the four conditions which were made by the Joint Chiefs of Staff really assured the ratification of the treaty?

Mr. SYMINGTON. Without reservation. Speaking for myself, I would not have voted for the treaty if it had not been for these four recommendations, and am confident my able friend from Massachusetts would not have voted for it either. Nor do I believe a majority of the Senate would have voted for it without the four points in question. Therefore I think their emphasis is of significance.

Mr. STENNIS. I thank the Senator from Missouri for his fine remarks and his advice and counsel. As in many other matters, they have proven themselves highly valuable and effective in the subcommittee's work generally, and particularly in connection with the test ban hearings and the planning and carrying out of the surveillance, as well as our findings on it.

I wish to say, too, that the Senator from Washington [Mr. JACKSON], who is necessarily away from the Chamber today on official business, was instrumental in evolving and establishing these safeguards which have proved to be so practical and sound.

I wish to underscore, too, the cooperation that we have had from the armed services, the Defense Department, the Atomic Energy Commission, and other related agencies of Government. They have cooperated toward carrying out these safeguards in a fine way.

The other members of our subcommittee, the Senator from Maine [Mrs. SMITH] and the Senator from Arizona [Mr. GOLDWATER] could not be present in the Chamber at this moment, but they have had briefings on this subject, and they have been interested in it.

I see that the Senator from South Carolina [Mr. THURMOND], a member of the subcommittee, is present. I know he is interested. I am glad that he is in the Chamber at this time.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield.

Mr. THURMOND. I wish to commend the able Senator from Mississippi for the great work he has done in connection with the subject referred to in the report he has made to the Senate today. I have had the pleasure of working with him in the Preparedness Subcommittee for several years. It has been a very fine experience to be with him on the subcommittee.

I should like to propound to the distinguished Senator from Mississippi a few questions concerning what appears to be the one outstanding inadequacy in the administration's implementation of the safeguards which were promised as an inducement to the Senate to ratify the Moscow Treaty.

First, is it not true that the Preparedness Subcommittee found, and so reported to the Senate, that one of the greatest disadvantages to our defense effort which would result from the treaty was the impairment of the U.S. ability to test for weapons effects?

Mr. STENNIS. Yes; the Senator is correct. That is what we called, I believe, the soft area or the soft spot. That is the most difficult area in the opinion of the Senator from Mississippi.

Mr. THURMOND. Is it not a fact that not one underground test solely for weapons effects has been conducted by the United States since the ratification of the treaty?

Mr. STENNIS. There have been some tests which involved weapon effects experiments. This phase of the safeguards has been most difficult and the slowest in getting started. It should be emphasized, in fairness, that it is a very difficult area. We found, too, that they have begun to move, and it is believed they are now on the way. We have had underground tests to develop weapons, but the effect on weapon systems is what the Senator has in mind and about which he is concerned. We are continuing our surveillance and hope that that part of the program will move faster.

Mr. THURMOND. Is it not also true that the Defense Department has still not completed its personnel reorganization and staffing which were planned to expedite weapons effects testing for which the Department of Defense is responsible?

Mr. STENNIS. Generally, that is true. To get the right man in the right place and to implement this kind of program has proven to be very difficult. Some progress has been made in that field, and it is believed that the efforts will continue.

Mr. THURMOND. My last question is this: Is it not also true that the $22.6 million requested by the Department of Defense for funding the testing in fiscal year 1965 is clearly inadequate to finance a vigorous program of weapons effects testing, and is inadequate even to finance the programed underground testing for weapons effects?

Mr. STENNIS. The Senator from Mississippi does not have the exact figure in mind at this time.

I understand that they are able to draw funds from other sources by reprograming and otherwise. I know that the Appropriations Committee intended that there would be no lack of funds if they should be needed.

I know that we made inquiry along these lines.

Even though I cannot give the Senator a figure that I could stand on firmly as to the total, I believe we have arranged for the funds to be available.

Mr. THURMOND. I know the Senator's generous interest in this matter. I wish to commend him for his work in protecting our national security.

Mr. STENNIS. I appreciate the Senator's assurance. That assurance is backed up by deeds. The Senator has been very helpful in the past. I know he will continue to be so in the future. He has a very thorough knowledge of the subject matter.

I yield the floor.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. PELL. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn to meet at noon on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRESENT CONDITIONS IN LATIN AMERICA

Mr. SMATHERS. Mr. President, since the dark days of the Cuban missile crisis, we have witnessed in Latin America a breakthrough of brilliant sunlight.

What was, just 2 years ago, an ominous and threatening area has quickly undergone a metamorphosis and is now entering that bright future historians promised.

Some of the steps in this remarkable change—such as the April revolution in Brazil and the recent OAS sanctions against the Castro regime in Cuba—have been more dramatic than have others. But these and the others, which I shall shortly cite, have all served to further the cause to which our Nation has dedicated itself in this hemisphere; that is to say, the establishment of social justice and economic prosperity within independent, enlightened, and humane political frameworks.

This is a great cause, a noble cause, rooted in our devotion to the cherished democratic ideals, and to the moral precepts for life, liberty, and the pursuit of happiness which inspired our independence and guided our growth.

It is shared by the people of this hemisphere and has the greatest meaning for all of us, because it constitutes a strong and enduring bond between our Nation and the nations of Latin America.

One of President Johnson's first acts upon moving into the Presidency was to make it unmistakably clear that Latin America is of major concern to him. He quickly and vigorously recommitted this Nation to a defense of the Western Hemisphere and to a continuation of the noble goals and programs of the Alliance for Progress.

In his first major address to Congress, the President said:

> Let all the world know, and none misunderstand our determination to strengthen freedom in the Americas.

He subsequently reiterated this pledge on January 8, 1964, in his State of the Union message, when he said:

> We must become better neighbors with the free states of the Americas, working with the councils of the OAS, with a stronger Alliance for Progress, and with all the men and women of this hemisphere who really believe in liberty and justice for all.

He stated this Nation's commitment to Latin America again on March 16, when he spoke to the Ambassadors of the Organization of American States; again, on April 20, in an address to the membership of the Associated Press; again, on May 11, at the White House to Latin American Ambassadors and to the leaders of the Alliance for Progress; but he expressed it most eloquently in a letter of last December 15, when he said:

> Next to keeping the peace—and maintaining the strength and vitality which makes freedom secure—no work is more important for our generation of Americans than our work in this hemisphere.

President Johnson has said and done a great deal in connection with this area. He has put his personal stamp on many aspects of our policies there. He couples compassion and sympathetic understanding with unquestioned firmness in dealing with problems affecting our national interests in that area.

But nothing better shows the President's understanding of the situation in Latin America, nor is there a better demonstration of his judgment of men, than his appointment of Thomas C. Mann as Assistant Secretary of State for Inter-American Affairs. This was the first major appointment of the Johnson administration.

It was of great significance because it was a departure from previous practice in that it vested in one person, Tom Mann, complete authority over all three Latin American bureaus: the Bureau of Inter-American Affairs; the U.S. Coordinator of the Alliance for Progress; and the Special Adviser to the President. The President said:

> We expect to speak with one voice on all matters affecting this hemisphere, and Mr. Mann will be that voice.

In the past, the conduct of our policy in Latin America has suffered from a chorus of different and often discordant voices. There was no office, no agency, no man—below the President or the Secretary of State—who could speak with authority for all our agencies—financial, cultural, technical, and diplomatic—to the often confused governments of Latin America.

I remember when I visited Tom Mann in 1961, while he was our Ambassador to Mexico, he was distressed by the division of authority—especially with regard to the application of aid funds—which tended to work at cross-purposes with our Nation's political objectives. To Tom Mann's way of thinking, politics and economics are indivisible in today's world, and they must go hand in hand in the conduct of our foreign policy.

Mr. President, I heartily approve of this approach. In a speech on the Senate floor on August 16, 1958, I strongly urged a change in our existing divided policy and the adoption of the centralized authority approach. But then, my words went unheeded; so it was a source of satisfaction to me that President Johnson, within a few weeks after assuming office, clearly recognizing the need for such centralized authority, brought about the reorganization within the Latin American Division of the Department of State which funneled power for immediate and final decisions on both political and economic matters into the capable and experienced hands of Tom Mann.

Tom Mann has—and will continue to have—many difficulties in dealing with the complex and challenging problems of countries that are chronically bedeviled by political instability, social injustices, illiteracy, poverty, and a population explosion.

But he is qualified for his delicate and difficult job, for he is a man who is thoroughly American, deeply committed to the heritage and ideals of the United States, and intimately familiar with Latin American affairs and, most importantly, Latin American thinking. Tom Mann has spent almost all of his 22 years in Government service in positions, both here in the United States and abroad, directly connected with Latin America.

He was a U.S. representative at the Chapultepec Conference, which established the bases for hemispheric defense later incorporated in the Rio Treaty of 1947.

Later, as Ambassador to Mexico, Mann earned high praise when he successfully negotiated the Kennedy-Johnson settlement of the Chamizal dispute between Mexico and the United States. In this historic settlement, the United States ceded back to Mexico a long-disputed portion of the city of El Paso, which Mexico lost during a shift of the Rio Grande River. The return of the Chamizal to Mexico signaled the willingness of a great power to rectify its past errors in policy, and Mann's name will always be identified with this treaty by a grateful Mexican people.

Behind Secretary Mann's indisputable record of achievement lies a sure and comprehensive understanding of Latin American reality. He recognizes that this area cannot be treated as a package deal. Each of the 20 nations south of the border is a distinct entity; each has its own heritage, traditions, and problems. Each must be treated accordingly. As Mann himself says:

> Cultures, conditions, and problems vary from country to country, and exact conformity is neither practical nor desirable. Each country has to be studied as an individual case with individual idiosyncracies and approaches.

Tom Mann's sensitivity toward the many-sided Latino is facilitated by his fluent knowledge of Spanish. This all-too-unusual linguistic ability has enabled him to grasp the hidden implications behind the sometimes elaborate Spanish phraseology. In tradition-minded Latin America, where the highest premium is placed upon dignidad, where the maintenance of face is an ingrained social moré, frankness is often mistaken for boorishness and frequently creates the embarrassments and occasionally tragic misunderstandings that have plagued our lesser equipped envoys. Mann is keenly sensitive to these cultural subtleties.

Thus, while he considers himself a pragmatist and takes a realistic approach in his dealings with Latin Americans, he is careful to gear it to their cultural framework. This primary emphasis on a correct tactical approach, and his firm adherence to his own motto "Lo Cortez No Quita Lo Valiente"—"Courtesy is not inconsistent with valor"—have been important intangibles in enhancing the effectiveness of our Latin American policies.

The first major crisis in this hemisphere to test the Johnson-Mann team was the explosive dispute with the Republic of Panama. Significantly, this was the first major foreign policy crisis to face the Johnson Administration and was therefore of special concern and interest to the world at large. Everyone watched to see how our new President would respond in this difficult situation. President Johnson promptly sent Tom Mann, along with then-Army Secretary Cyrus Vance, to discuss the situation with Panama's Chief Executive, Roberto Chiari. The story of the protracted negotiations which led to the final restoration of normal and friendly relations without jeopardy to our position, our legal rights, or our continued use of the canal needs no detailed retelling here. What is of the utmost significance, however, is that the United States firmly but politely refused to accept any preconditions to the resumption of our relations or our negotiations with the Republic of Panama.

Yes, our stand was firm, but it was just. We did not shoot from the hip, nor did we permit others to shoot their way into the negotiating room. President Johnson and Tom Mann indicated clearly that the United States would negotiate fairly and forthrightly, on an equal footing. They did not adopt the false position, as some of our own people suggested, of assuming that because we were big, because we were strong, we were somehow wrong.

Rather, understanding that it is not in the Latin temperament to admire a nation that would capitulate to those who slap it in the face, the Johnson-Mann team used skilled diplomacy to calm a dangerous conflict without compromising our basic rights.

In short, they maintained our dignidad while remaining simpatico.

If the world learned from our response in Panama that we will be firm in the right, it later learned, in April of this year, that firmness does not mean inflexibility.

Take the case of Brazil. I recall our concern a few months ago when it appeared likely that the Brazilian giant, with its 70 million people and untold natural resources, would be carried into the Communist camp by the demogogic and Communist-oriented Joao Goulart. Such an occurrence would have been catastrophic for the cause of freedom in this hemisphere and, indeed, throughout the world. Had Brazil gone Communist, it would have become the Red Pied Piper of the hemisphere, working with Castro to lead the other Latin American nations into the Communist camp.

But the Christian and democratic elements in Brazil were not prepared to accept such a fate. At the risk of bloody civil war, they deposed Goulart, ousted the Communists from their midst, and reestablished a democratic, fiscally responsible government in April of this year.

I am proud to say that the Johnson-Mann team did not hesitate in extending its full moral and material support to the new constitutional Government of Brazil. It quickly tailored policy to the new developments. On June 24, the United States, through the Alliance for Progress, granted a $50 million loan to Gen. Humberto Castello Branco's government to help to ease Brazil's financial crisis. At the same time, the payment of much of Brazil's outstanding long-term debt was renegotiated.

As President Castello Branco, in an eloquent address to the graduating class of the Brazilian Foreign Service Academy on July 31, 1964, pointed out, his government and his country have made a fundamental commitment and have declared their cultural and political loyalty to the democratic system of the Western World. And as our actions demonstrated, the United States of America stands ready to help them fulfill their commitment.

Undoubtedly, the Brazilian revolution is one of the great anti-Communist victories of our time. It represents an emphatic repudiation by a free people of Communist totalitarianism. It has significantly bolstered the ground swell of resentment against Castro-communism which is sweeping the Americas.

President Johnson's and Tom Mann's wholehearted endorsement of the anti-Goulart government was nonetheless subject to criticism. It was felt in some quarters that U.S. recognition of regimes established through coups was wrong. We were accused of inviting flagrant disregard for constitutional processes and paving the way for revolutionary turmoil.

But in this as in other situations, the Johnson-Mann policies of recognition and aid were tailored to accept reality. They understood that while democracy must be encouraged, it is still a scarce commodity in Latin America, and that, therefore, the United States must decide whether or not to recognize a government established by coup on the basis of its individual merits.

Under this policy:

> The new regime must appear to have control of the governmental machinery of State. * * * It must have the assent of the people without "substantial resistance to its authority". * * * It must be in a position to fulfill all its international obligations and responsibilities, and where the circumstances are such * * * as to "outrage the conscience of America" we reserve our freedom to register our indignation by refusing to recognize or to continue our economic cooperation.

This guideline laid down by Mann in a June 7 commencement address at Notre Dame University keeps the United States out of a "doctrinaire straitjacket." Clearly, we must accept the fact that governments born of coups are common in Latin America. As Secretary Mann put it:

> Unilateral U.S. interventions in the hemisphere have never succeeded in themselves in restoring constitutional government for any appreciable period of time. And they have in every case left for our country a legacy of suspicion and resentment which has endured long after our interventions were abandoned as impracticable.

Implicit in this statement is the acknowledgment that the United States must not impose its concepts of social and governmental change on countries whose history and political experience differ radically from ours.

Instead it is my belief that we can inspire the Latin nations by the example of our flourishing and prosperous democracy. We cannot force them into political and social patterns they are not yet prepared for, but, as Tom Mann says:

> We must convince the Latin Americans that their interests lie parallel to ours, not because of sentiment, but in their own self-interest. Democracy is a tie in these cases, economics is a tie, and Christianity is another tie. The total of these ties is where our interest lies, and when these ties are strong enough, no Marxist can separate us.

It is our deep and abiding faith in the ethical and moral principles which characterize our democratic way of life that causes our absolute and unquestioned opposition to the Castro-Communist totalitarianism which threatens all of the Americas. The Johnson administration is upholding these principles in continuing the forceful and effective measures against Castro, which have already isolated him, economically and politically, and which I believe will bring his downfall in 1965.

We must—we will—press forward toward the return to Cuba of a free and democratic government. We do not stand alone in the hope that Cuba will soon rejoin its free partners among the American republics.

But when Tom Mann first took up his new duties, Venezuela's charges of aggression against Fidel Castro presented in the OAS had long lain dormant. The spark of leadership that could have fired that organization into action had been missing. Tom Mann helped provide that spark, and his efforts played no small role in finally getting the OAS to take action. The July 21 meeting and the sanctions it voted demonstrated the solidarity of the republics of the hemisphere in the face of the menace of Castro-communism.

As the distinguished former President of Venezuela, Romulo Betancourt states in an excellent article published in the August 13 issue of the Reporter:

> These measures—the suspension of diplomatic relations and an economic boycott—will have worldwide repercussions. The non-Communist governments of Europe and America still trading with Communist Cuba must now think carefully before continuing to defy the democratic consensus of the Americas * * * the results of the Foreign Ministers meeting prove that the machinery of the inter-American system can be effective when governments with faith in collective action are disposed to invoke it.

Today, all Latin American countries, with the exception of Mexico, are living up to the letter and the spirit of the OAS agreements. Mexico's position is beginning to isolate her from her neighbors, a situation that I know distresses the great majority of the Mexican people.

The stand taken by President Lopez Mateos has made it exceedingly difficult for those who are Mexico's friends to defend her here in the United States. I am confident, however, that in December, when President-elect Diaz Ordaz takes office, he will cause his nation to join her sister republics in repudiation of Castro-communism, a system which is alien to our hemisphere.

But these anti-Communist resolutions and measures by themselves are not enough to insure Latin America's political and economic well-being. No one was more keenly aware of this truth than our martyred President Kennedy, whose vision created the Alliance for Progress; and no one is doing more to make that vision a reality than President Johnson.

Under Tom Mann's guidance, tremendous progress is being made. During the fiscal year 1964 the U.S. Government's aid to Latin America was a record $1.23 billion, including Alliance for Progress credits, those of the Import-Export Bank and the social progress trust fund, the food for peace plan, and the Peace Corps.

Since December 1963, the Alliance has stimulated necessary fiscal, administrative, and agrarian reform. It has extended loans and credits for feasible and sound economic programs.

More that 52,000 homes and 7,000 classrooms have been built with Alliance funds. It has provided more than 1½ million schoolbooks; made more than 25,000 loans to farmers; put into operation health programs to care for 4 million people; initiated food for peace programs to feed more than 10 million; built more than 500 miles of roads; trained more than 10,000 teachers and 1,000 public administrators; established more than 200 credit unions; and created 300 water systems to benefit 10 million people. These day to day, unpublicized accomplishments have contributed significantly to greater stability in Latin America.

In addition to our own efforts, we are encouraging and pressing Latin governments to aid themselves. Today, these governments are doing more than they were 5 years ago—or are even doing more than they were last year. They are trying to give their people the better deal they seek: the development of their economies, greater social justice, and a more equitable distribution of national wealth and equality of opportunity for all.

Each step they take toward reaching the goals of the Alliance for Progress, either through their own individual efforts or, where appropriate, with our help, brings each of them that much closer to the social climate in which freely elected, representative democracy can flourish.

Only last week, we witnessed the most resounding and dramatic endorsement of these goals yet seen in the Americas. The citizens of Chile, aware of the horrors Communism has wrought in Cuba, and confident that the highest aspirations of the Alliance can be realized, went to the polls and voted overwhelmingly to follow the path of freedom, rather than stumble down the dark road to an alien totalitarianism.

Mr. President, I am optimistic about the situation in Latin America. I feel that we have come a long way in recent months. I know we are going to go a lot further under the leadership of President Johnson and Tom Mann.

We have seen the Communists defeated in Brazil, pushed back in Venezuela, rebuffed in Panama, isolated in Cuba, and voted down in Chile. At the same time, the forces of freedom are uniting.

The Alliance is strong, and the dream for a democratic, prosperous, and secure hemisphere, from the "Arctic Circle to Tierra del Fuego," shows greater promise than ever before of becoming a reality.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY

Mr. PELL. Mr. President, I now move that, pursuant to the order previously entered, the Senate adjourn until Monday at noon.

The motion was agreed to; and (at 1 o'clock and 7 minutes p.m.) the Senate, under the order previously entered, adjourned until Monday, September 14, 1964, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 11, 1964:

U.S. Army

The following-named officers for temporary appointment in the Army of the United States, to the grades indicated, under the provisions of title 10, United States Code, sections 3442, 3443, and 3447:

To be major general

Brig. Gen. William Welby Beverley, O21107, U.S. Army.

To be brigadier generals

Col. Cuyler Llewellyn Clark, Jr., O22947, Army of the United States (lieutenant colonel, U.S. Army).

Col. Gilbert Hume Woodward, O23102, Army of the United States (lieutenant colonel, U.S. Army).

Col. Delbert Earle Munson, O23156, Army of the United States (lieutenant colonel, U.S. Army).

Col. Vernon Anthony Walters, O1284614, Army of the United States (colonel, U.S. Army Reserve).

The officers named herein for promotion as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3384:

To be brigadier generals

Col. Arthur Frank Brandstatter, O351996, Military Police Corps.

Col. Robert Frank Cocklin, O1165715, Artillery.

Col. Harry Jack Mier, Jr., O537865, Infantry.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be major generals

Brig. Gen. Robert Aye Ballard, O342774.

Brig. Gen. Harold Raymond Bauer, O298149.

Brig. Gen. William Reuther Douglas, O373402.

Brig. Gen. Donald Charles Grant, O360644.

To be brigadier generals

Col. Robert Glen Elder, O1014892, Armor.

Col. Hugh Barbee Mott, O1056820, Armor.

Col. Donald Paul Radde, O348479, Infantry.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier generals

Col. William Charles Doyle, O1307380, Infantry.

Col. Herber Lowe Minton, O1010514, Infantry.

Col. Robert Outsen, O258366, Adjutant General's Corps.

Col. Norman James Walton, O391347, Artillery.

The following-named person for appointment as indicated:

Prof. John Robert Jannarone, O21053, U.S. Military Academy, to be dean of the Academic Board of the U.S. Military Academy, under the provisions of title 10, United States Code, section 4335.

In the Navy

The nominations beginning Paul A. Adams to be captain, and ending Roy W. R. Zimdars to be captain, which nominations were received by the Senate and appeared in the Congressional Record on September 1, 1964.

HOUSE OF REPRESENTATIVES

Monday, September 14, 1964

The House met at 12 o'clock noon.

The Right Reverend Monsignor Maurice King, pastor of St. Peter's Church, Washington, D.C., offered the following prayer:

Almighty and Eternal God, who did write Thy law on human hearts, as our consciences attest; and when men forgot, did give it to Moses on tablets of stone, pour out Thy knowledge and justice into the minds and hearts of those who have been chosen lawmakers by the people of our beloved country.

Stand by them, O Lord, and strengthen their human frailty amid their great responsibilities in bringing order to our own land and to all nations.

Let the light of Thy divine wisdom shine upon their deliberations, that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, and useful knowledge, and preserve to us the blessings of liberty. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 10, 1964, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 2687) entitled "An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes," agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Ellender, Mr. Johnston, Mr. Holland, Mr. Eastland, Mr. Talmadge, Mr. Aiken, Mr. Young of North Dakota, and Mr. Hickenlooper to be the conferees on the part of the Senate.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Iowa makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 257]

Abbitt
Abele
Adair
Addabbo
Alger
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Ashley
Ashmore
Aspinall
Avery
Ayres
Barrett
Barry
Bass
Battin
Becker
Beermann
Bell
Berry
Betts
Blatnik
Boland
Bolling
Bolton, Oliver P.
Bonner
Bow
Brademas
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Buckley
Burton, Calif.
Burton, Utah
Byrnes, Wis.
Cahill
Carey
Casey
Cederberg
Celler
Chenoweth
Clancy
Clark
Clawson, Del
Cohelan
Collier
Colmer
Corbett
Corman
Cramer
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Dawson
Delaney
Dent
Denton
Derounian
Derwinski
Devine
Diggs
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edmondson
Evins
Fallon
Farbstein
Fascell
Finnegan
Fino
Flood
Flynt
Fogarty
Forrester
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gary
Giaimo
Gibbons
Gilbert
Gill
Glenn
Goodell
Goodling
Grabowski
Grant
Green, Pa.
Griffiths
Grover
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Halpern
Hanna
Hansen
Harding
Hardy
Harris
Harrison
Harvey, Ind.
Healey
Hébert
Henderson
Herlong
Hoffman
Holland
Horton
Hull
Hutchinson
Jarman
Jennings
Johansen
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kastenmeier
Kee
Kelly
Keogh
Kilburn
King, N.Y.
Kluczynski
Knox
Kornegay
Kunkel
Kyl
Laird
Landrum
Lankford
Latta
Lesinski
Lindsay
Lloyd
Long, Md.
McDade
McDowell
McIntire
McLoskey
Macdonald
Madden
Mailliard
Martin, Calif.
Martin, Mass.
Martin, Nebr.
Mathias
Matsunaga
Meader
Michel
Miller, Calif.
Miller, N.Y.
Milliken
Minish
Monagan
Montoya
Moorhead
Morgan
Morris
Morse
Morton
Moss
Multer
Murphy, N.Y.
Nedzi
Nix
Norblad
O'Brien, N.Y.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill
Ostertag
Patten
Pelly
Pepper
Perkins
Philbin
Pilcher
Pillion
Pirnie
Pool
Powell
Price
Pucinski
Quie
Quillen
Rains
Reifel
Rhodes, Ariz.
Riehlman
Rivers, S.C.
Roberts, Tex.
Rodino
Rogers, Colo.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rostenkowski
Roudebush
Rumsfeld
Ryan, Mich.
Ryan, N.Y.
St. George
St Germain
St. Onge
Schwengel
Scott
Senner
Sheppard
Shipley
Shriver
Siler
Smith, Iowa
Snyder
Staebler
Stafford
Staggers
Stephens
Stinson
Stratton
Taft
Taylor
Teague, Tex.
Thompson, La.
Thompson, Tex.
Thomson, Wis.
Toll
Tuten
Udall
Ullman
Van Deerlin
Van Pelt
Vinson
Wallhauser
Watson
Watts
Westland
Whalley
Wharton
White
Willis
Wilson, Ind.
Winstead
Wright
Wydler

The SPEAKER. On this rollcall 166 Members have answered to their names, not a quorum.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 15, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2526. A letter from the Acting Secretary of the Army, transmitting semiannual report of the Department of the Army contracts for military construction awarded without formal advertisement for the period January 1 through June 30, 1964, pursuant to section 605 of Public Law 88–174; to the Committee on Armed Services.

2527. A letter from the Secretary of Commerce, transmitting the 68th quarterly report covering the second quarter 1964, as required under the Export Control Act of 1949; to the Committee on Banking and Currency.

2528. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting report on Department of Defense procurement from small and other business firms for fiscal year 1964 pursuant to section 10(d) of the Small Business Act; to the Committee on Banking and Currency.

2529. A letter from the Comptroller General of the United States, transmitting report on unnecessary costs being incurred for the maintenance and payment of allotments of military personnel, Department of the Army, pursuant to the act of 1921 (31 U.S.C. 53) and the act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

2530. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2531. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders issued in behalf of certain aliens in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercised pursuant to section 212(d) (6) of the act; to the Committee on the Judiciary.

2532. A letter from the Acting Secretary of the Interior, transmitting report covering all tort claims paid by the Department in the fiscal year 1963, pursuant to the provisions of the Federal Tort Claims Act (28 U.S.C., sec. 2673); to the Committee on the Judiciary.

2533. A letter from the Assistant Administrator, Office of Finance and Administration, General Services Administration, transmitting report on tort claims paid by National Capital Transportation Agency during fiscal year 1964, pursuant to title 28, section 2673, United States Code, to the Committee on the Judiciary.

2534. A letter from the Assistant Administrator, Office of Finance and Administration, General Services Administration, transmitting report on tort claims paid by General Services Administration during fiscal year 1964, pursuant to title 28, section 2673, United States Code; to the Committee on the Judiciary.

2535. A letter from the Chairman, Federal Communications Commission, transmitting report on backlog of pending applications and hearing cases in the Federal Communications Commission as of July 31, 1964, pursuant to section 5(e) of the Communications Act as amended July 16, 1952, by Public Law 554; to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ROBISON:

H.J. Res. 1173. Joint resolution proposing an amendment to the Constitution with respect to the election or appointment of Members of the Senate; to the Committee on the Judiciary.

By Mr. MILLS:

H. Res. 880. Resolution providing for taking H.R. 11865 from the Speaker's table, disagreeing to the Senate amendments and agreeing to the conference requested by the Senate on the disagreeing votes of the two Houses; to the Committee on Rules.

By Mr. KING of California:

H. Res. 881. Resolution providing for taking H.R. 11865 from the Speaker's table, agreeing to Senate amendment No. 64; disagreeing to the remaining Senate amendments and agreeing to the conference requested by the Senate on the disagreeing votes of the two Houses; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BRUCE:

H.R. 12602. A bill for the relief of Mrs. Matild Gizella Kovacs; to the Committee on the Judiciary.

By Mr. COHELAN:

H.R. 12603. A bill for the relief of Romana Costa Edwards; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 12604. A bill to confer jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Frank K. Johnston for disability retirement as an officer of the Army of the United States; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 12605. A bill for the relief of Aristotelis G. Papaevangelou and Constantina Papaevangelou; to the Committee on the Judiciary.

By Mr. SCOTT:

H.R. 12606. A bill for the relief of Jivan R. Tabibian; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 12607. A bill for the relief of Mrs. Sophia Takacs and Sophia Kondor; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1029. By the SPEAKER: Petition of the general manager, M. & A. Electric Power Cooperative, Poplar Bluff, Mo., petitioning consideration of their resolution with reference to asking Congress to pass legislation which would exclude the question of apportionment of State legislatures from the Federal courts and return to and leave these questions for determination by the States themselves; to the Committee on the Judiciary.

1030. Also, petition of Berlin Lions Club, Berlin, Md., petitioning consideration of their resolution with reference to the reapportionment of State legislatures; to the Committee on the Judiciary.

1031. Also, petition of Henry Stoner, Suffern, N.Y., stating that the constituency represented by those voting against the Tuck bill is considerably more than represented by those Representatives voting for the bill which passed 218 to 175, proving that the majority of the people are against the bill; to the Committee on the Judiciary.

SENATE

Monday, September 14, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, who hath taught us that only in the reach of our love is the richness of our life, and that we are only as big as our sympathies and our understanding of others: May no concern for self, or ill will for others, blur in our minds the goal of our glorious destiny, as the instruments of Thy providence, to free the earth of tyranny. To this end, our God, bless America.

Grant us the grace to cherish and preserve ever more the heritage that is ours through the valor and virtue of those whose records within these very Halls have helped make the greatness of our Nation. Inspire those who now serve here to follow their shining example, that we may not only hold our inheritance as a sacred and precious trust, but also by our love and labor leave it with increased luster to those who come after us.

We ask it in the Master's name and in His Spirit. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Friday, September 11, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On September 3, 1964:

S. 4. An act to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes; and

S. 2950. An act to authorize the mint to inscribe the figure 1964 on all coins minted until adequate supplies of coins are available.

On September 7, 1964:

S. 524. An act to provide for the registration of contractors of migrant agricultural workers, and for other purposes;

S. 692. An act to establish Federal agricultural services to Guam, and for other purposes;

S. 1123. An act to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes;

S. 1875. An act for the relief of Thomas M. Talley; and

S. 2170. An act for the relief of Mary Lane Laycock.

On September 11, 1964:

S. 400. An act to establish penalties for misuse of feed made available for relieving distress or preservation and maintenance of foundation herds;

S. 1365. An act to establish the Fire Island National Seashore, and for other purposes; and

S. 2905. An act to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes.

On September 12, 1964:

S. 27. An act to provide for establishment of the Canyonlands National Park in the State of Utah, and for other purposes;

S. 277. An act to amend the Federal Crop Insurance Act, as amended, in order to increase the number of new counties in which crop insurance can be offered each year;

S. 1909. An act to amend the joint resolution establishing the Battle of New Orleans Sesquicentennial Celebration Commission to authorize an appropriation to enable the Commission to carry out its functions under such joint resolution;

S. 2082. An act to authorize the Secretary of the Interior to accept a transfer of certain lands within Everglades National Park, Dade County, Fla., for administration as a part of said park, and for other purposes;

S. 2995. An act to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds; and

S.J. Res. 49. Joint resolution authorizing the Secretary of the Interior to carry out a continuing program to reduce nonbeneficial consumptive use of water in the Pecos River Basin, in New Mexico and Texas.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Post Office and Civil Service.

(For nominations this day received, see the end of Senate proceedings.)

ORDER DISPENSING WITH CALL OF THE CALENDAR

On request by Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar, under rule VIII, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The Chair, by request of the President pro tempore, announces the appointment by him of the Senator from Alaska [Mr. BARTLETT] and the Senator from Hawaii [Mr. FONG] to attend the meeting of the North Pacific Ocean High Seas Fisheries Convention, at Ottawa, Canada, September 9 to 30, 1964.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Plans for Works of Improvement in Connecticut, New Mexico, and Wisconsin

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Farm Brook, Conn., Cass Draw watershed, New Mexico, and Plum Creek, Wis. (with accompanying papers); to the Committee on Agriculture and Forestry.

Report on Military Construction Contracts Awarded Without Formal Advertisement

A letter from the Acting Secretary of the Army, transmitting, pursuant to law, a report on military construction contracts awarded without formal advertisements, for the 6-month period ended June 30, 1964 (with an accompanying report); to the Committee on Armed Services.

Report of U.S. Advisory Commission on International Educational and Cultural Affairs

A letter from the Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting, pursuant to law, a report of that Commission, dated August 1964 (with an accompanying report); to the Committee on Foreign Relations.

Report on Unnecessary Costs Being Incurred for the Maintenance and Payment of Allotments of Military Personnel

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs being incurred for the maintenance and payment of allotments of military personnel, Department of the Army, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Plans for Works of Improvement in Idaho and Oregon

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Montpelier Creek, Idaho, and Sutherlin Creek, Oreg. (with accompanying papers); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A letter in the nature of a petition from Vera Richardson, president of the Noncommissioned Officers' Wives, Fort MacArthur, Calif., relating to the closing of military commissary stores and exchanges; to the Committee on Armed Services.

A resolution adopted by the City Council of the City of Newberry, S.C., favoring the issuance by the Federal Power Commission of a permit to the Duke Power Co. to construct a steam generating plant at Middleton Shoals in Anderson County, S.C.; to the Committee on Commerce.

A resolution adopted by the Board of Directors of the M. & A. Electric Power Cooperative, of Butler, Mo., favoring the adoption of a constitutional amendment which would specifically exclude the question of apportionment of State legislatures from Federal courts; to the Committee on the Judiciary.

A resolution adopted by the Black River Electric Cooperative, of Reynolds County, Mo., favoring the exclusion from Federal courts of the question of apportionment of State legislatures; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

H.R. 7348. An act for the relief of Frank B. Rowlett (Rept. No. 1557).

By Mr. JOHNSTON, from the Committee on the Judiciary, without amendment:

H.R. 4989. An act to amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the northern division to the southern division of the eastern judicial district and to authorize a term of court at Ann Arbor (Rept. No. 1556).

By Mr. BAYH, from the Committee on the Judiciary, without amendment:

S. 416. A bill for the relief of Patrick E. Eagan (Rept. No. 1543);

S. 2243. A bill for the relief of Clarence C. and Lucy W. Russell (Rept. No. 1544);

S. 3117. A bill for the relief of Vermont Maple Orchards, Inc. (Rept. No. 1545);

S.J. Res. 45. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women (Rept. No. 1558);

H.R. 5500. An act for the relief of Lt. John P. Mann (Rept. No. 1546);

H.R. 6593. An act for the relief of Earnest O. Scott (Rept. No. 1547);

H.R. 7788. An act for the relief of Jack B. Fisher (Rept. No. 1548);

H.R. 8300. An act for the relief of Gordon W. McGrew (Rept. No. 1549);

H.R. 8596. An act for the relief of Patrick J. Clyne (Rept. No. 1550);

H.R. 9201. An act for the relief of Capt. Charles H. Glassett, Jr. (Rept. No. 1551);

H.R. 10526. An act for the relief of Marvin S. Kline (Rept. No. 1552); and

H.R. 10634. An act for the relief of the Quality Bedding Co. (Rept. No. 1553).

By Mr. BAYH, from the Committee on the Judiciary, with an amendment:

S. 2578. A bill for the relief of M. Sgt. Richard G. Smith, U.S. Air Force, retired (Rept. No. 1554); and

H.R. 9976. An act for the relief of Elmer Levy (Rept. No. 1555).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 96. Concurrent resolution to print additional copies of a committee print entitled "Catalog of Federal Aids to State and Local Governments" (Rept. No. 1559).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. BIBLE, from the Committee on the District of Columbia:

Edward A. Beard, of the District of Columbia, to be associate judge of the District of Columbia court of general sessions.

JOINT RESOLUTION INTRODUCED

A joint resolution was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S.J. Res. 204. Joint resolution to amend the Constitution of the United States to permit any State to apportion one house of its legislature on factors other than population with the approval of a majority of its voters; to the Committee on the Judiciary.

(See the remarks of Mr. JAVITS when he introduced the above joint resolution, which appears under a separate heading.)

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT (AMENDMENT NO. 1272)

Mr. PEARSON. Mr. President, on behalf of myself, the Senator from North Dakota [Mr. YOUNG], and the Senator from Wyoming [Mr. SIMPSON], I submit an amendment to House bill 11380, the foreign aid authorization bill, to increase the amount of domestic beet sugar and mainland cane sugar authorized for marketing during 1964, and the years 1965, 1966, 1967, 1968, and 1969.

I submit this amendment, Mr. President, because it has become quite obvious that the administration does not plan to propose any new sugar legislation for congressional consideration this year.

In the absence of congressional approval of new sugar legislation, the current sugar global quota system will expire December 31. This leaves the assignment of foreign sugar allocations entirely within the discretion of the Secretary of Agriculture. I submit, Mr. President, that such a situation would be chaotic. It would leave our beet sugar and mainland cane growers dangling on a rope with a half-tied hangman's noose.

It has been implied that the inability of cane sugar refiners to strike a compromise with mainland sugar growers has resulted in the lack of enthusiasm to submit new legislation. No public hearings have been scheduled or held so that the refiners and mainland growers could tell their story publicly.

It is indeed strange that we should forgo a clarification of our world and domestic sugar policy, that we should condemn the producers to a period of chaos, because of an intraindustry fight and without at least a reasonable congressional effort to resolve it.

The administration has permitted a state of confusion to develop in the hope that some compromise on a cutback of mainland sugar acreage could be reached which would satisfy the importers and refiners. Last week industry discussions reached an impasse when our mainland growers understandably refused to accept a 20-percent reduction in their marketing quota as demanded.

Since when has the legislative process been required to await a compromise on the part of conflicting sugar interests to define our national policy?

Since 1962 our mainland sugar growers have filled their quota to supply sugar required by the Nation. This production was increased at the request of our Government which feared a world sugar shortage because of crop failures among many of our foreign suppliers.

Now that the sugar market supply has been stabilized, the administration is ready to acquiesce to a domestic cutback, to return to the bosoms of foreign suppliers, and to leave domestic producers dangling in midair. Nearly 40 percent of our annual sugar supply comes from foreign countries, many of which trade with Eastern-bloc nations in direct opposition to U.S. trade policies, and, in many instances, have records of unstable governments. Without increases in domestic sugar marketing quotas, the administration would again leave this Nation in the precarious position of trusting foreign sugar sources when domestic producers have a background of reliability. The administration would again undermine an expanding and profitable aspect of agriculture when many other parts of our agricultural economy are on the decline.

I propose this amendment also to focus attention on the necessity for new processing plants required to process the domestically grown sugar. Unless some stabilization of marketing quotas is provided by new sugar legislation, financing for new plants will be nonexistent. You simply do not arrange for capital investment in a $20 million processing plant with uncertain acreage and marketing quotas extending only a few months ahead of present crops.

Mr. President, I introduce my amendment with full knowledge that the increased marketing quotas called for must come from the global quota. The hour is far too late to once again return to an unreliable foreign supply when domestic agriculture can serve a larger proportion of our needs. I believe it is completely unreasonable to cut the ground out from under responsive domestic producers for the benefit of foreign producers who have failed to meet their responsibilities.

I am not suggesting, Mr. President, that we entirely disregard our friends in foreign countries for the sake of domestic sugar production. Rather, I am insisting that we attempt to bring our domestic agricultural situation back into balance.

My amendment is not designed to rob Peter to pay Paul. Rather, it was developed to accent the need for a revision in our present national sugar policy. We cannot continue to rely on old programs with new coats of paint to perpetuate a propped-up phase of our agricultural economy when this portion of it, if given half a chance, can become self-sufficient.

Mr. President, I ask that the amendment be held at the desk for 2 days for additional cosponsors.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table; and, without objection, the amendment will be held at the desk for additional cosponsors, as requested by the Senator from Kansas.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. JOHNSTON. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Charles E. Casey, of California, to be a member of the Board of Parole, for the term ending September 30, 1970.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday September 21, 1964, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON CERTAIN POSTMASTER NOMINATIONS

Mr. JOHNSTON. Mr. President, pursuant to the rules for committee procedure of the Committee on Post Office and Civil Service, the standing Subcommittee on Contested Nominations will hold a hearing in room 6202, New Senate Office Building, Thursday, September 17, 1964, at 10:30 a.m., on the following postmaster nominations:

New Jersey: Brielle, Hackettstown, Holmdel, Levittown, Normandy Beach, Quakertown, Rahway, Vincentown, and Waretown.

Pennsylvania: Fairfield, Laceyville, Stoneboro, West Hickory, and Farrell.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. McCLELLAN:

Address by Representative WILBUR D. MILLS on August 27, 1964, delivered before the annual meeting of the east central area of the Arkansas Association of Soil and Water Conservation Districts, Stuttgart, Ark.

WOMEN PIONEERS IN SOUTHERN RHODESIA

Mr. BAYH. Mr. President, recently the Christian Science Monitor carried a moving story about the pioneering spirit of women of South Africa who were in the United States participating in an 11-week community service program sponsored by the Women's Africa Committee of the African-American Institute.

During their visit to Washington this group talked with Deputy Assistant Secretary of State Katie Louchheim, who has done so much to help the cause of women throughout the world.

This account of their achievements is most inspiring and encouraging. I ask unanimous consent that it be printed in the RECORD as a tribute to these courageous people and the fine work by Secretary Louchheim.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW AFRICA: WOMEN PIONEERS

(By Josephine Ripley)

They came filing quietly, almost shyly, into the office of Deputy Assistant Secretary of State Katie Louchheim in the State Department.

They were a long, long way from home, these women from Africa—from Northern and Southern Rhodesia.

Most of them were teachers. Two were nurses. One described herself as a "businesswoman." Another was wife of a chief. All in Western dress.

They seated themselves in chairs around the room. Present also were several women with high-ranking jobs in the American Government, and two newspaperwomen. The purpose, a brief exchange of views and experiences.

I looked at them with awe—these women pioneers in the new Africa. Women who faced an enormous task. "So few of us," they said, "to do so much—to teach other women and to teach our children."

The informal conference was bright with vivid word pictures, as each of the visitors told of her work.

One woman from Southern Rhodesia said her school had trained 400 teachers.

"There was one woman," she said, "who walked a great distance to come to our school. She had to cross a river. Sometimes it was waist deep. She came with her clothing all wet.

"And after school, she returned home to take care of her children."

A teacher of young children explained: "Some of our pupils walk 6 or 7 miles to school. They have to start so early they come without breakfast.

"No; we have nothing to give them to eat. But we let them out early, by 11 o'clock, so they can go home and be fed."

Another told of her work in adult education. "So many women do not know how to read or write. If they wish to write to their husband who works in the city they have to find someone to do it for them.

"This matter of communication is a real one," she explained. "For there, many of the men have jobs in the city but their families remain in the countryside."

It takes about 3 months to teach a woman to read and write, by means of a special, simplified American system.

Classes are held at the YWCA. Some of the women taught there in their spare time, they said.

They often teach very elementary things—cleanliness, neatness, "how to dress up and make themselves pretty. We show them how to cut out a dress; how to use a sewing machine."

An attractive young woman, with a lively expression described herself as a broadcaster. She makes recordings, in two native languages. They are directed to the woman in the home.

"I tell them how to take care of their children. How to teach them cleanliness. How to make a dress. How to cook simple, nutritious meals.

"These are broadcast daily. Where there is no radio in the home, the women congregate in some hall, or a home, where there is one."

The "businesswoman," too, was very young. She had a store 17 miles out of town. "I sell soft goods and food," she said. "Soft goods" meaning dry goods, clothing.

"At first, I brought my goods to town by bicycle. Later I bought a secondhand car and learned how to drive. In 3 weeks," she added with a smile of achievement.

This was in 1954. Now she has two stores and two cars. "Yes," she said, "I am the only woman in my part of Africa in this business."

It was another world they had brought with them. A world of emerging nations. Northern Rhodesia will become an independent nation in October. It will be known as Zambia.

"Our country is very beautiful," said one woman simply. Others nodded proud agreement.

They were here to participate in an 11-week community service program sponsored by the Women's Africa Committee of the African-American Institute, a nonprofit, nongovernmental organization.

This includes a 6-week course at Connecticut College in New London, Conn. Also, trips around the country, like this one to Washington. One to Williamsburg, to New York.

Later, to meet with American community leaders in various cities, live with American families, and participate in community events.

The names of the women were hard for an American to pronounce, but they had the soft sound of bells in the distance. Mrs. Linah Bulawayo, Mrs. Mary Chifunda, Mrs. Namukolo Ikafa, all of Lusaka, the capital of Northern Rhodesia.

From Southern Rhodesia, Mrs. Chikwanha of Umtali, Mrs. Sylvia Chunga of Que Que, Mrs. Polyanna Mahlangu, Mrs. Maggie Mabeza, Mrs. Tabitha Masona.

They were, indeed, a long way from home but not too far to remember their mission. As one woman put it: "We will not go back with swollen heads. We will go back very humble."

ATCHISON, KANS.—THE MIRACLE CITY OF THE MIDWEST

Mr. PEARSON. Mr. President, Atchison, Kans., is a city of about 13,000 population, located on a bluff on the Missouri River in northeast Kansas. Today it proudly claims the title of "The Miracle City of the Midwest." Few who visit the city will deny that it deserves the title.

Atchison is involved in a redevelopment program which is unique. It has drawn the attention of observers of community development from all over the country.

The program has resulted in a physical redevelopment of a major portion of the core of the city. It has also produced a revitalization of leadership so essential to todays cities. It has rekindled the faith in the city among all elements of the community.

The Atchison program has been an outstanding example of local, State, and Federal cooperation in the coordination of separate programs. Of special note is the integration of programs normally considered to be of exclusive urban and rural intent—the Soil Conservation Service watershed program and the urban renewal program of HHFA.

The program includes the rebuilding to 12 commercial blocks, a flood control system, a 2½-block downtown pedestrian mall, and the total investment by the Federal and city governments in this program is set at $6 million. The city's share of the entire redevelopment program is $1,200,000.

On July 11 and again on July 30, 1958, disastrous floods all but wiped out the business district of the city. Three lives were lost and property damage exceeded $4 million. On August 5, 1958, President Eisenhower declared the city a disaster area. The floods were a result of heavy rains in the watershed of the White Clay, Brewery and Whiskey Creeks which drained into the Missouri River. The storm sewer drainage system of the city proved inadequate to handle the tremendous runoff.

The city has been concerned with the problems of downtown redevelopment, a declining business district and the possibilities of shopping centers taking further business away from the downtown area or losing the business to neighboring cities. The mayor had appointed a citizens' committee in 1957 to seek ways to resolve these problems. After the floods of 1958 it was obvious that no downtown redevelopment program would be possible until a greater measure of flood control could be provided.

The question of flood control had traditionally been considered in Atchison as a task for the U.S. Army Corps of Engineers. The flood control program presented by the corps in September 1958, envisioned the construction of storm sewers large enough to absorb a greater flow of water than the existing system. The Soil Conservation Service presented a program on detention damsites. It was decided to use the soil conservation plan along with the added construction of storm sewers. The detention damsites were to hold the water where it falls and then gradually release the water within the normal capacity of stream channels and thereby reduce the volume of water flowing into the city's storm sewer system.

Plans were made to create a watershed district. Signatures of 51.6 percent of the property owners in the area who owned 66.9 percent of the land within the area petitioned for the creation of the White Clay, Brewery, and Whiskey Creeks Watershed District No. 26 of Atchison County, Kans. It was incorporated on January 29, 1959. One of the leading supporters of the watershed district program was Mr. A. D. Warnock, who later served as president of the watershed district board and is presently the contracting officer for the watershed district.

The incorporation of the watershed district was vested with power to levy taxes, the right to eminent domain and all other powers necessary to plan, construct, operate, and maintain flood prevention works of improvement. The work plan as finally adopted provided for the construction of 26—later reduced to 25—earth embankment dams which would detain water falling upon 64 percent of the drainage area. This storage capacity was designed to permit such a slow rate of release that an expensive controlled release system would not be required. Emergency spillways were to be provided to assure safety of the dams from storms producing as much as 33 inches of rainfall within a 6-hour period.

The urban renewal law, as it existed in 1958, did not permit an exclusive commercial and industrial redevelopment program. However, when Atchison was declared a disaster area, the city became eligible to concentrate on the redevelopment of its commercial area. The city prepared an urban renewal plan, adopted adequate land-use controls, and incorporated a comprehensive physical plan for the entire community. The preliminary study of the business district indicated that redevelopment and modernization could prevent loss of business and enable the community to better its trade area.

Business and governmental leaders, along with many other interested citizens, worked tirelessly in support of the program. Probably no other issue has so united the community. Citizens were consulted and kept informed on the progress of and planning of the program. "Block" meetings were held with the merchants of the redevelopment area to obtain their views on the program and to inform them about what the program could and could not do with regard to their businesses. Opponents to the program cited the threat of increased taxes, Federal control, and socialism as a basis for their position. On election day 3,753 voted "yes" on urban renewal while 916 voted "no" on a central bond issue. The actual start of the program was August 24, 1960, when the first Federal funds arrived. The program at that time sought to accomplish several goals.

The first phase of the program entailed the acquisition and subsequent clearance of 91 parcels of land within the redevelopment area. All structurally unsound buildings in the project area were to be demolished. Other buildings in the area were to be rehabilitated to meet the code requirements of the city.

Part of the land acquired by the Urban Renewal Agency would then be resold to private enterprise for redevelopment. Forty-eight parcels of land would be purchased by private firms in this manner. Another portion of the cleared land—16 parcels—would be used to provide off-street parking lots with spaces for 1,100 cars immediately adjacent to the pedestrian mall. The lots would be landscaped, widened, and resurfaced.

A pedestrian mall with a free-standing canopy on both sides of the street with arcades conveniently located to provide access to the parking lots was planned for 2½ blocks of the downtown area.

Funds were also to be used to acquire land rights for the first seven Soil Conservation Service dams to increase the flood protection of the downtown area. A 7-foot diameter underground storm sewer system to divert floodwaters around the business district was also constructed in a 15-block area. An interceptor sewer system which provided for the separation of storm and sanitary sewers was also programed.

In relation to the watershed district and the urban renewal program, the city in March 1961, with the approval of the watershed district, assumed all local responsibilities for five of the dams planned in the flood control project. In 1962 the city assumed all local responsibilities for the remainder of the dams with one exception. The action broadened the program to enable construction of the remaining 17 dams planned in the original proposal. This also insured protection of the investments in the redevelopment areas.

Many governmental units were involved in the program. The Corps of Engineers and the Soil Conservation Service were involved in the flood control program; city, county, and State agencies—the Kansas Water Resources Board and the legislature—were involved in both the flood control and redevelopment programs, and the HHFA was the Federal directional agency for the urban renewal project. The Atchison City Commission gave overall coordination to the entire program. The area Congressman, William H. Avery, and we who serve in the Senate were proud to give our support to the program. Mr. Alfred Mangesldorf, mayor of Atcheson since 1957, in commenting on the relationship between all the agencies of government involved, said that the cooperation was excellent and that the city could not have asked for better assistance than it had received from all concerned.

The HHFA officials, who were responsible for the administration of the urban renewal program, were outstanding in their assistance to the city officials. The program was a pilot project as it was the first downtown redevelopment program in the United States under a disaster plan.

After receiving bids on several parcels of land for resale to private developers, the first contract for private redevelopment was issued on January 1962. In March 1962 the first new construction began in the cleared area.

The city called for an election in 1962 to issue bonds for $345,000 to finish the city's share of the program. Of this amount $175,000 was earmarked for the urban renewal project. These funds were needed to complete the original plan and to provide for additional improvements: installation of a new centrally controlled traffic signal system, the widening and paving of the alleys in the downtown area, and installing permanent street markings. All substandard curbs and sidewalks in the redevelopment area were replaced. The remainder of the bonds were used to secured the land rights for the 17 additional dams in the flood control program. Prior to the vote, the downtown redevelopment area outside the mall, was reduced one block with the general agreement of businessmen and city and urban renewal officials. In a light vote the bond issue passed 1852-1251. The opposition stemmed from the fact that at that time, the downtown redevelopment area was a mass of construction work and no tangible results of the program were readily evident. There was also an adverse reaction to higher local taxes.

In July 1963 work began on the pedestrian mall and canopy. The main street was closed at one end and the mall of 2½ blocks was constructed in the heart of the business district. The mall itself was closed to all vehicular traffic except emergency vehicles and firefighting equipment. The mall area was landscaped with trees, lawn areas, benches, shrubbery, and flowers. In each section of the mall a pool with fountains and changing colored lights was constructed and each pool and fountain was of different design. Playground equipment was also installed. Parking lots surrounded the mall and the central business core and pedestrian arcades gave access from the parking lots to the mall. The arcades were also landscaped and lit and contained distinctive design features to please the shopper. A protecting canopy was built on both sides of the mall area.

Results of the program to date are readily noticeable. The urban renewal development program has resulted in the facelifting of the commercial district of the city. Businesses within the redevelopment area have reported an increase in retail sales ranging from 8 to 18 percent over previous sales. Retail sales figures from the sales tax division of the Kansas Department of Revenue indicate that retail sales from 1956–57, a year before the flood, compared with those of 1962–63, show an 11-percent increase in sales. During the first 6 months of 1964, when the mall was opened for use, retail sales were up an additional 7½ percent.

The full economic effect of the redevelopment program will not be felt until the summer of 1965 when all the project improvements are completed. The free parking lots, well landscaped and lighted themselves, plus the mall, have proven to be great attractions for shoppers and tourists as well. Numerous business, civic, and governmental groups throughout the Midwest have come to Atchison to view the redevelopment program and examine the results.

The storm sewer construction and the construction of the earthen dams have greatly added to the flood control protection of the city. The dams already provided recreational benefits for the citizens of the community. Thirteen of the dams have been or will be stocked for fishing, and swimming is permitted in some of the reservoirs. Studies are being made of the various areas to determine the type of recreation which will be most advantageous to potentials of each site. These studies are to be supplemented by a study of an area recreational program best suited to the community.

The program has not been a simple one. It was quite an undertaking for a city the size of Atchison. There were some businesses which were not able to return to their former locations in the urban renewal area although some new businesses have come into the area. Business promotion of the downtown area has rapidly increased and further plans for promotion have been made. As the program nears completion local leaders and the general public have become unquestionably proud of what has been accomplished. One businessman remarked that the program had given the citizens new pride in their city. Mayor Mangelsdorf evaluated the program as "a dream come true, a rebirth of the city." He pointed out that there was new life in the business district, a new atmosphere, and that the citizens of the community were interested in the improvements that have been made. Private investment in development of new businesses or redevelopment of existing businesses has exceeded $3 million. The city also has constructed a new sewage plant costing over $1 million.

All things considered, the events in Atchison have shown what interested citizenry and responsive governments—at all levels—can accomplish for the public benefit. In slightly more than 6 years a city marred by disaster has become "The miracle city of the Midwest."

PRESIDENT JOHNSON'S MEAT IMPORT BILL, A POLITICAL ILLUSION

Mr. BENNETT. Mr. President, I am deeply disappointed in the final form of the meat import legislation which was passed. The American cattlemen have been "taken for a ride" by the Johnson administration. Instead of a meaningful quota on beef imports, they have been given a political illusion.

During the hearings in the Senate Finance Committee and in the Tariff Commission, very excellent and able testimony was given by representatives of the Utah Cattlemen's Association, the American Cattlemen's Association, and the Woolgrowers' Association. I particularly commend those representing the industries from Utah.

As a result of the strong stand taken and the effective testimony given in presenting the case of domestic cattle and sheep industries, the Senate passed by an overwhelming majority a meaningful quota bill with teeth in it. Faced with a meaningful bill, which the Johnson administration opposed, the White House subjected congressional leaders to tremendous pressures, so that President Johnson would not have to veto the bill and be embarrassed politically. What came out of this exercise in political sleight of hand was a magnificent dose of shadow, having no substance whatever insofar as quotas on imports are concerned. In short, the welfare of the American cattlemen has once more been ignored by the Johnson administration.

Of course, I could not oppose the bill, because it is at least a recognition by Members of Congress that imports have had a detrimental effect on our domestic industries. But it is certainly a far cry from the meaningful legislation which I cosponsored or, for that matter, the bill which originally was passed by the Senate.

The whole purpose in introducing proposed legislation restricting meat imports was to protect our domestic industries from ruinous foreign competition. We had no false illusions that imports were the entire cause of the extreme price decline which had forced many cattle producers to the wall, while others were obliged to accept bankruptcy. I am familiar enough with the economics of livestock production and the cattle cycle to know that domestic production figured importantly in the price decline. But import increases at a time when domestic production was high made a serious situation into a disaster. The imports thus could be credited with a far larger percentage of the price drop than would be indicated by their proportion of production.

We did not ask for unreasonable restrictions on imports. Actually, our request was that they be held at the average of the past 5 years.

The Senate agreed by an overwhelming majority that such a restriction would not be too severe. Certainly, it would have given domestic producers some assurance of imports, and would have made it possible for them to adjust their own production downward, if that were necessary to avoid an oversupply of meat.

Instead of the 725-million-pound quota which we requested, this bill provides for a much higher quota. It begins deceptively with the same figure approved originally by the Senate. Then it provides for an increase in imports based on U.S. production. This increase would add an additional 16.5 percent to the base of 725 million pounds, or 845 million pounds. Before the quota would go into effect, however, it would be necessary for imports to reach 110 percent of that amount, or 929 million pounds. Imports in that amount are not much less than the amount which came into the country in 1963, the highest year—by a large margin—of meat imports. Thus the quotas as approved are an illusion.

Concern has been expressed that even the compromise bill would unduly restrict imports of meat. I cannot agree with such a conclusion.

JOHNSON ADMINISTRATION OPPOSES QUOTAS

The Secretary of Agriculture admittedly has opposed any quota legislation. On June 4 of this year, a news release from the Agriculture Department stated that imports were expected to be at the 5-year average requested by meat producers. Later, the Secretary said that even the Senate version limiting imports to 725 million pounds a year would not have been restrictive either this year, next year, or any year in the foreseeable future.

FINAL BILL IS USELESS

What this means is that the conference bill which has been accepted in good faith by producers and their associations will have no effect whatsoever on imports.

I am convinced that this is the case. It will be noticed, however, that in addition to making the quota high enough to be meaningless, this bill also provides for three methods of escape from the obligation to protect our domestic industries.

The President may suspend or increase the quotas if: first, that is required by overriding economic or national security interests; second, meat imports are inadequate to meet domestic demand at reasonable prices; third, the policy of the act is carried out by trade agreements.

Let us be realistic about these provisions. Conditions which exist at the present time could be used as a basis to increase or suspend the quota limitations, through any one of the three alternatives. This means that the President has full discretion to decide whether he wants to limit imports or not, regardless of the intent of Congress.

The arguments and concern that domestic prices would increase as a result of this legislation are simply not founded. If it does not result in any restrictions of imports, how could it possibly result in an increase in price?

Perhaps the Prime Minister of Australia was also deceived. In his letter to President Johnson, as reported in the New York Times, he threatened retaliation if this legislation were enacted. I suppose the administration was quick to point out to him that the bill would have no effect.

Lest I be accused of being too critical of the measure, let me say that the bill is better than nothing. There is a possibility that it may prove useful under certain very unlikely circumstances. It would prevent such rapid rises in imports as those which occurred in 1962 and 1963; but it is highly unlikely that the European markets will be closed to beef imports and that this country will again be used for dumping to that degree.

LAMB PRODUCERS LEFT OUT

Producers of lamb were not even given this token protection. I am aware of the administration's position on lamb; but there is no doubt that lamb imports have been increasing at a rapid rate. In 1957, lamb imports were 1.8 million pounds. In 1963, lamb imports had increased to 19 million pounds, or more than an 800 percent increase in 7 years. This rapid rise in imports resulted from the fact that the tariff on dressed lamb was reduced to a point where domestic producers are simply unable to compete in the American market with foreign producers, and still make a profit.

Not only is lamb not protected in the bill, but if the time ever comes when other types of meat imports are restricted, we can expect to see increased lamb imports offsetting the restrictions on other types of meat. We included lamb in the original Senate bill, because we determined that such quotas were justified. I am sure our conferees did what they could to retain this important provision; but with the White House, the Agriculture Department, the State Department, and the House conferees in opposition, it is no surprise that the Senate conferees were unable to retain the provision.

Cattle organizations have expressed their approval of the conference bill. I am confident that they are not satisfied with it; but when they had a choice between this bill and nothing, obviously they chose the bill, because in the circumstances previously mentioned it could be of some protection to them. However, they should have been given something tangible to assist them in their economic plight; but this was not done.

The real value of the bill is to the election campaign of the Democratic Party. If an effective bill had been passed by the Congress, the President would have either vetoed it or been in opposition to administration policy. A veto would have alienated many voters in the vast cattle-producing areas of the country.

THE COST OF MEDICARE

Mr. WILLIAMS of Delaware. Mr. President, in the Philadelphia Evening Bulletin of September 12, 1964, there appeared an excellent article by Mr. Raymond Moley in which he outlined what a political farce the administration's medicare program is.

I ask unanimous consent that this article, entitled "Medicare's Cost," be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICARE'S COST—30-YEAR-OLD FATHER OF TWO LEARNS IT WILL BE EXPENSIVE

(By Raymond Moley)

WASHINGTON.—As you approach this strange scheme called medicare from almost any point of view, your amazement mounts. How, even in the make-believe of politics, can this be taken seriously as national policy? Let us consider on this occasion only the burden it would place upon a young worker who is 30 years of age in 1964.

This man started to work for a corporation when he was 25. He married on the strength of his new job. He made a downpayment on a home and on its furnishings and on an automobile. Also, he took out insurance on his life and for medical and hospital care and on his possessions.

Now he is 30. He has two children and, despite pay raises, he has real problems in meeting his financial obligations.

He realizes that the next 10 years are likely to be the most demanding of his life.

One September evening he read in the newspaper that the Senate has passed something called medicare. And so the next afternoon he has stopped on his way home to see the man who always helped him with his income tax returns and other financial problems. His question was, "If this thing gets to be a law, what does it mean to me?"

His adviser spread out some papers on his desk and replied:

"If this passes, your social security tax on $5,600 of your income will go up from $174 this year to $238 in 1965. There are other increases ahead, and when you are 37 you will pay $291.20, or $117.20 more than now. Your employer will pay an equal amount for you. But he can pass on this cost in the prices of what he sells. And so will other employers. So you will be paying more for things that you buy."

"What do I get for this money that I pay?"

"Thirty-five years from now you will be entitled to 50 days in a hospital and 150 days in a nursing home. Your wife will be entitled to certain benefits also."

TALKS TO POLITICIAN

After dinner our bewildered friend dropped into his Democratic district club and told his story to the worldly wise district leader.

"Don't worry," said the leader, "our President knows what he is doing. This medicare plan will please the old folks. They will know that they won't have to worry about sickness. And in an election like this our candidates need all the votes they can get."

"But what about guys like me? We seem to be paying for a lot of old people now and when we get old all that we get is a turn in the hospital or nursing home. How do I know I will be sick then? What's going to happen during all those year that I will be paying these higher taxes? I have trouble enough now to meet all my bills, with a family growing up and other expenses."

The leader beamed with that special benignancy due a loyal party follower who means two votes for the ticket.

FREE SERVICES LATER?

"Don't bother your head about that, young man. There's a lot more like you. More, in fact, than the old folks who will get medicare now. Before long, the party will take care of you. It will put through a law to give free medical services for everybody—free doctors, dentists and everything. They did that in England and made everybody happy. This man Johnson is a great statesman. Didn't you hear him say in Atlantic City something about the great society? That's his plan for the future. Everybody will get theirs. But we have to get things one at a time. The word is 'moderate.' We don't want to stir up too many extremists this year."

At home, the wife heard the news with enthusiasm. And she said, "That's the kind of party to belong to. I heard somebody in Atlantic City say it was the party of hope. So we are going to hope for the best."

"I don't know," her husband answered. "Hope won't pay the bills we are going to have for the next 35 years."

THE BOBBY BAKER INVESTIGATION

Mr. WILLIAMS of Delaware. Mr. President, in the Evening Star of Washington, D.C., on September 13, 1964, there appeared an excellent editorial calling our attention to the manner in which the majority members of the Rules Committee have tried to cover up the Baker case.

I ask unanimous consent to have this editorial entitled "No Confidence" printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO CONFIDENCE

There is little or no reason why anyone should have any confidence in the Senate's revived investigation of the Bobby Baker case. For despite the significant new evidence which has been produced, the Senate apparently is determined to spread a second coat of whitewash on this already whitewashed political scandal. For our part, we think what the Senate has done is nothing short of disgraceful.

Some weeks ago the Senate Rules Committee hopefully "buried" the Baker case, scrubbed its hands and offered up a small prayer to the effect that all would be forgotten. But there was one man—Delaware's Senator WILLIAMS—who is not the forgetful type.

Had it not been for this Republican there might not have been any investigation of Bobby Baker. Senator WILLIAMS was the moving spirit behind the Democratic majority's hasty peek into the closet where the skeletons were hidden. And it was he who advised the Rules Committee to ascertain, before signing off, the exact amount of the check which Matthew H. McCloskey wrote for the premium on a bond required in connection with the construction of the District of Columbia Stadium. Instead, the committee, for reasons best known to the Democratic majority, accepted the version given in a transatlantic phone call by Mr. McCloskey, who was then Ambassador to Ireland. Mr. McCloskey said the fee was about $73,000. But Senator WILLIAMS has produced a check which indicates that it was approximately $109,000. And the accusation is that part of the difference was a "kickback" which, through Bobby Baker, found its way into Democratic campaign funds.

The Rules Committee had ample reason to call Mr. McCloskey and Don Reynolds, the insurance broker to whom the fee was paid, and to compel them to testify under oath and in public. But the committee, on a straight party-line vote, didn't do so. One of the majority members, Senator CLARK, of Pennsylvania, offered this fascinating observation: "I think it is really looking for needles in a haystack to seriously suggest, in view of the very candid statement which Mr. McCloskey has made, that he should be called to testify before this committee."

Well, where do we stand today? The Senate on Thursday, again largely on party-line votes, decided to refer the new investigation, not to a tough investigating committee, but of all things to the Rules Committee. Perhaps the reasoning was that having once whitewashed this squalid business, the Rules Committee at least had the benefit of experience.

Two things stand out. One is the unwillingness of Senator JORDAN, chairman of the Rules Committee, to give firm assurance that even Mr. McCloskey will be called as a witness in the new investigation. The other is the vote by the Democratic majority in the Senate to deny Republican members of the committee the right to call witnesses.

To us, this smells to high heaven. It has every hallmark of another coverup. Perhaps, as Senator WILLIAMS suggested, the word has come down from on high to bury this malodorous business in the Rules Committee—at least until after the election. At any rate, the Senate's performance last week tends to support the charge by Senator SCOTT, of Pennsylvania, that this revived investigation will be another fraud on the public. If so, there can be but one proper public reaction—a loud, clear vote of no confidence in the Senate of the United States.

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

Mr. MANSFIELD. Mr. President, what is the pending business?

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the McCarthy-Javits-Humphrey amendment to the Dirksen amendment.

SENATOR GOLDWATER'S VIEWS ON NATURAL RESOURCES

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an excellent article published in the September 10 issue of the Reporter magazine concerning the somewhat parochial views of the junior Senator from Arizona [Mr. GOLDWATER] on the development of the Nation's natural resources.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAP AND TVA: BARRY'S FINE DISTINCTION

(Don Oberdorfer)

On the morning of July 31, the Senate Committee on Interior and Insular Affairs approved S. 1658, commonly known as the Central Arizona project (CAP), which is expected to be the most expensive Federal water-and-power project ever authorized in a single bill by the U.S. Congress. Senator CARL HAYDEN, of Arizona, one of the two cosponsors of the billion-dollar plan and a powerful member of the Interior Committee, was present. The other sponsor, Senator BARRY GOLDWATER, was in California at a place called Cave Man's Camp in Bohemian Grove, expounding his philosophy of rugged individualism and shrunken government to an assemblage of wealthy citizens.

The seeming contradiction between political principle and political interest has plagued GOLDWATER'S role in this remarkable project since he joined in cosponsoring it in June of last year. This was just a few weeks before he publicly suggested that the Government sell the Tennessee Valley Authority to private investors. "Apparently (his) position," remarked Representative CARL ELLIOTT, of Alabama "is that if you spend $1.7 billion for a public power project to serve seven Southern States, that is socialism. But the spending of $1.1 billion for the same purpose in one State is enlightened conservatism—if that State just happens to be Senator GOLDWATER'S."

GOLDWATER subsequently retorted that he has been both maligned and misunderstood. The Central Arizona project, he explained, "is not a public works project * * * it will pay back at least 85 percent of the money invested in it by the Federal Government." On another occasion, when a reporter asked him to square his consistent opposition to Federal rivers-and-harbors schemes with his sponsorship of CAP, GOLDWATER replied: "That's different. That's a reclamation project, and reclamation is a loan project."

Submerged beneath the contradictions and the semantics are some truths that are vital both for GOLDWATER and his home State. The first is that Arizona, in many respects the fastest growing State in the Nation, is on the verge of a strange and horrible form of bankruptcy—the bankruptcy of its water supply. The second is that the only institution in a position to do much about it is the U.S. Government. The third is that Arizona voters expect the men they send to Washington to save them from this deadly thirst. "I think BARRY sincerely believes in the CAP," said another of the State's leading political figures, "but when you come right down to it, he doesn't have much choice. Failure to push it ahead is the one thing that could kill him back home."

Federal projects are nothing new to Arizona. Governor Paul Fannin, a Goldwater protege, has said that Teddy Roosevelt's National Reclamation Act of 1902 made Arizona what it is today. That program harnessed untamed rapids to irrigate the arid land, provide valuable electricity, and make the desert bloom. The very first Federal reclamation endeavor in the United States was the Salt River project near Phoenix, which still provides public power for Senator GOLDWATER'S own famous electrically operated flagpole at home, his ham radio rig, and the cleverly concealed controls in the headboard of his oversized Hollywood bed, by which he can actuate floodlights, turn on the TV set, and pull the curtains to darken the room at the flick of a finger. R. J. McMullin, general manager of the Salt River project, estimates that GOLDWATER'S electric bill is 15 percent lower than it would be at private-power rates. "The Senator is one of our better residential customers," he reports.

In the years 1950 through 1962, Arizona ranked first among the States in the growth of manufacturing employment, bank deposits, agricultural income, and life insurance in force. It ranked second in population growth, shooting up from 750,000 people to more than 1.4 million. At the same time, however, the water supply has hardly grown at all. In populous central Arizona, surface sources provide only one-third of the water the area requires. The rest is laboriously mined from underground like precious ore—at a rate four times as fast as it is replenished by rainfall percolating through the parched ground. Wells must be drilled deeper each year. In large areas of GOLDWATER'S home county of Maricopa, the water table has been dropping an average of 11.5 feet a year, which is courting economic disaster.

The last major source of water is the Colorado River, which for much of its meandering course forms the boundary between thirsty Arizona and equally thirsty southern California. In 1947, about the time GOLDWATER was a member of the Interstate Streams Commission in Arizona, the U.S. Bureau of Reclamation devised the central Arizona project to tap this roaring river. In 1950 and again in 1951, the plan passed the Senate despite vehement objections from California, which stood to lose some of the precious Colorado River water it is accustomed to drain away. GOLDWATER, by then a Phoenix city councilman, flew to Washington as a volunteer lobbyist for the central Arizona project.

After a heated fight, California won the day. The House Interior Committee refused to budge on central Arizona project until Arizona could obtain a Supreme Court determination of its rights in the Colorado River. For more than 11 years, the case of *Arizona* v. *California* dragged through court hearings. Finally Arizona won the right to 2.8 million acre-feet of water, the amount it had claimed from the beginning. On June 4 of last year, the day after the Supreme Court order, HAYDEN and GOLDWATER introduced S. 1658, the central Arizona project bill.

DOES PUBLIC POWER CORRUPT?

The plan itself is grandiose in conception and elaborate in design. Water is to be taken from the Colorado River near the existing Parker Dam on the California border, pumped to a height of 985 feet, and then channeled downhill 219 miles toward Phoenix through a concrete-lined trench 15 feet deep. From that point four more pumping plants, 191 miles of aqueduct, 6.3 miles of canals, three large dams with extensive lakes, and complexes of distribution pipes are necessary to bring water to the housewife's tap and the irrigation lines.

This giant siphon will cost the U.S. taxpayers some $600 million. According to reclamation policy, nearly all of this must be returned to the Treasury in project earnings over a 50-year period, with interest. However, income from the sale of water at reasonable rates would be woefully insufficient to repay these funds. How then can this magnificant reclamation project pay for itself?

Public power is the way to do it. Some 252 miles up the Colorado River in the other direction from the water diversion point, the Government will erect the Bridge Canyon Dam, a thin-arch concrete structure towering 740 feet above the bedrock. It will be the highest dam in the Western Hemisphere, creating a gigantic lake and backing up the water behind it for 93 river miles into almost inaccessible gorges and riverbeds of the Grand Canyon. When the floodgates are opened, the falling water will actuate six huge turbines and generators to produce enormous quantities of Government power. Bridge Canyon is designed to produce 5.8 billion kilowatt-hours of electricity a year, more than three times as much power as the pumping job will require. The excess would be sold to finance both the irrigation and hydroelectric operations. As if this were not enough, the Senate Interior Committee recently added a second large owner dam at Marble Canyon, 198 miles farther up the Colorado, to produce 2.25 billion kilowatt-hours of electricity annually. Under this plan, which has been endorsed by the Arizona cosponsors, the new dam would provide enough power (1.85 billion kilowatt-hours) to run the pumping operation in the other part of the project. This means that power equal to the entire output of the Bridge Canyon Dam will be available for revenue to repay the investment and provide regional development funds.

In other circumstances, GOLDWATER has sounded a resonant alarm bell against the insidious growth of public power. "Government is constantly moving in on you," he informed the Edison Electric Institute, an organization that needed little notification of the fight between private and public power. That was in 1959, when Arizona's claim to the waters of the Colorado was still being processed at a snail's pace by the Supreme Court, and GOLDWATER preferred to speak of other perils. "There was a time," he told the private power men, "when the vehicle used for Government competition and expansion was hydroelectric development, but that time has passed. You now have the atom. That puts the threat of a Government powerplant in any area, be it Maine or Chicago."

Since the High Court ruled that Arizona can have its water, GOLDWATER has rarely, if ever, dwelt on the dangers from hydroelectric expansion. Even in the case of TVA, he explained on "Meet the Press" this January, he has "no complaint" with "selling the power from falling water." On the other hand, he said that the kilowatts generated in coal-burning steamplants to "provide cheap power for the people in the South" are another matter. "I don't buy it."

Comparisons between TVA and the central Arizona project began to be made as long ago as 1955, when Editor W. R. Mathews of the Arizona Daily Star wrote that if TVA is "socialistic," then so are the Salt River project and CAP. A modest portion of GOLDWATER'S time since then has been absorbed in writing letters and public statements to explain away such misconceptions. TVA and CAP "are not at all related," he declared last November 6 in reply to a Washington Post editorial entitled "Sauce for the Goose." GOLDWATER explained that "TVA, as far as power and fertilizer are concerned, is entirely a proprietary business undertaking. It is producing and merchandising a commodity, heavily subsidized by Federal investment and exempted from Federal taxes that 80 percent of the people in the United States purchasing a similar commodity have to pay for. The central Arizona project is truly a reclamation development."

One of the objectionable features of TVA, he explained later, is the duplication he believes results from its coordinated control of numerous activities normally assigned to different agencies and boards of the Federal Government. By contrast, he observed, "In many regional resource development activities such as flood control, navigation, and irrigation * * * the Federal Government must work with the States and other levels of government. This is true of irrigation work in the West—and is why I support the central Arizona project for irrigation in my State."

Despite the many differences between TVA and CAP, limited yardsticks are available.

Under the Hayden-Goldwater CAP bill, the project must repay to the Treasury about 95 percent of the estimated $1.1 billion in construction costs, plus annual interest at a specially computed Government long-term rate (currently 3.125 percent). The money would be paid to the Treasury over 50 years.

The burdens of TVA are somewhat different. In 1959, Congress ordered it to repay to the Treasury $1 billion of the $1.2 billion that had been appropriated for power facilities. These repayments are to be completed by 2015. The annual interest charge is equal to the average cost of the Treasury's marketable obligations. This year its rate is 3.659 percent, somewhat higher than that which CAP would have to pay. TVA is also required by law to pay 5 percent of its private power revenues to State and local governments in lieu of taxes. TVA is now Tennessee's largest taxpayer, but there is no requirement that CAP pay any State or local taxes at all.

BARRY'S WATERED-DOWN PRINCIPLES

In the recent maneuverings over CAP, Senator Carl Hayden, Goldwater's 86-year-old Democratic colleague, has assumed the lion's share of the leadership. Now stooped and wizened, Hayden came to Washington as the Congressman from Arizona in 1912, when Arizona became a State, and has served in the Senate since 1927. The Central Arizona project has been the dream of his life. Were it not for CAP, friends have said, Hayden might not have run for reelection in 1962.

Two years ago Goldwater relinquished his seat on the Interior Committee—normally the most highly prized committee assignment for a western Senator—to take a vacancy on Armed Services. To protect the CAP, Hayden promptly arranged to be assigned to a vacancy on Interior. Though a "new man" on the committee and supposedly one of its junior members, Hayden is in fact a major power. No one forgets that he is also President pro tempore of the Senate, or, much more important, the chairman of the immensely powerful Senate Appropriations Committee. "The old man has done more favors than anybody in Congress," says an informed observer. "Plenty of Democratic Senators would dearly love to cut back Arizona projects to give Barry a taste of what he preaches. They don't dare try it because of Carl Hayden.

Despite Goldwater's continuing preoccupation with his own political fortunes, he has been careful to preserve at all times the appearance of full participation in the battle for CAP. This April, for example, he dropped 5 days from his crowded primary campaign schedule in Oregon to return to Washington to sit in on the Interior Committee hearings as a privileged observer. Inside the committee, he questioned witnesses and made several pleas for support of the program.

According to Goldwater, the justification for CAP goes beyond the narrow bounds of economics—because it is a project that involves people: "One and a half million Arizonans * * * are not just a statistic." At one point he asserted that six civilizations have perished in his part of the Southwest for lack of water: "The future of Arizona depends to a great extent on the completion of the central Arizona project and without this source of water, it is entirely possible that Arizonans may someday find themselves in the same predicament as civilizations before them which were forced from the land through lack of water."

During the preprimary campaign in California, Nelson Rockefeller informed Republican voters that Goldwater was trying to steal their water for Arizona in a "narrow, self-interest, one-State approach to a major regional problem." Goldwater did not try to explain, nor did he waver. Through it all he has remained steadfast, despite the obvious danger to both his immediate political objectives and his national reputation as a dedicated conservative. In his scale of values, the central Arizona project seems to transcend all his theories of laissez faire. His grandfather, "Big Mike" Goldwater, did not cross the desert country in a wagon train for them, and it was not conservatism that furnished the water and power to transform Phoenix from a wasteland.

About noon on April 20, after a heated session of the Interior Committee in which California attorneys argued incessantly against CAP, the Senator emerged, disgusted, to meet the press outside. "They want everything, as usual," he reported bitterly. "They haven't changed in 40 years." When a newsman reminded him that at the very moment he was asking for the support of Californians in his quest for the Presidential nomination, he paused for only an instant. Then he answered back with the bluntness that has marked his rise in American politics. "I don't give a damn," he said. "I live in Arizona."

LEWIS DOUGLAS' VIEWS ON SENATOR GOLDWATER

Mr. FULBRIGHT. Mr. President, my attention has recently been called to a statement written by Hon. Lewis W. Douglas on August 10 regarding the Republican candidate for President.

Mr. Douglas, who lives in Arizona and has known the Senator from Arizona [Mr. Goldwater] for many years, is unusually well qualified to judge his fitness for the Presidency.

I ask unanimous consent to have his statement as published on August 10, 1964, printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Hon. L. W. Douglas

I intend to support President Johnson in the coming campaign.

Although I am normally—though not always—a faithful Democrat, this decision is exceptionally difficult for me to make because my friendship for Senator Barry Goldwater and his family stretches over more than half a century and because we have many bonds of common association.

But there are weightier considerations than those of personal friendship.

This election is more charged with danger to our country than any other that I can recall in my lifetime.

The pursuit of policies which may lead to war or peace is, I believe, the essential issue of this campaign. It reduces all other questions to insignificant dimensions.

Many thoughtful people are deeply disturbed lest the Senator's election—in the light of his own many statements and commitments—may increase the possibility, or even the probability, of plunging the world into the most completely devastating catastrophe of modern history.

War very frequently merely resolves one issue to create another. There are a few rare occasions when war is the lesser of two evils, or when our vital national interest demands risking war. But no one can assess the history of the last half century without concluding that modern war is the most revolutionary of all human institutions and the greatest enemy of human freedom.

Many are very concerned by the contradictions in the Republican platform and by the many striking inconsistencies in the Senator's statements.

But through the haze of irrelevancies and anomalous incongruities, it begins to be clear that he proposes to pursue policies which carry us to the very edge of the chasm.

It is not unlikely that a consistent policy of brinkmanship will, in some crisis, at some time, cause a slip and a headlong plunge over the brink into mutual destruction.

Many view with alarm what they call a slow drift toward socialism. But how much of the American society which we would like to preserve will remain should brinkmanship carry us over the brink.

As a function of many social forces, every society is constantly changing. This fundamental statement of historic fact is no less true in the case of the Soviet and the Soviet's sphere of influence, including middle Europe, than it is of other countries. It is, therefore, imprudent to base policy on the presumption that the Communist societies will never change.

It is more conservative, without entertaining any illusions about Communist objectives, to search continuously for every possible avenue that may lead to a more effective modus vivendi for the free world as well as for the several Communist or bits of authority, without, of course, unilaterally letting our guard down.

I believe very sincerely that President Johnson is the better equipped, intellectually and by experience, properly to weigh international developments, to avoid the holocaust of a major international conflict, and at the same time to make advances—even though slow and gradual—toward a more tranquil, if not completely peaceful existence. Without this, there can be little left of our great society.

THE BASIC ISSUE IN DOMESTIC AFFAIRS

Mr. FULBRIGHT. Mr. President, as I suggested in a speech a few days ago, our country might survive the domestic policies of a Goldwater administration although the same prognosis cannot be made in the case of foreign policy. To survive, however, is not to prosper. Indeed, were a Goldwater administration to try to carry out policies at all like those which the Republican candidate says he favors, the Nation would not prosper. It would be subjected, I believe, to something between stagnation and general physical and moral deterioration.

More likely it would be the latter, because the core of the Goldwater domestic policy is the removal of the hand of Government—which is to say, the hand of the people working through their Government—from the powerful forces for change which are at work in our own society—forces such as the growth of population and the mushrooming of cities, racial tensions, and the scientific and technical revolution. All of these forces, insofar as they are disciplined and directed, have great potential for enriching American life; all, insofar as they are left to take an unguided course, have all the potential for destruction of a driverless locomotive.

I spoke the other day of the foreign policy issue in this year's election. The second basic issue in the campaign pertains to change in American life—not to whether we will have change, but to whether the inevitable changes will be guided in our own interests or will be directionless and chaotic. The Goldwater Republicans propose to let nature take its course—to let problems of racial tensions and crowded schools and urban sprawl and unemployment somehow take care of themselves. They believe that it is dangerous and undemocratic for the American people, acting through their freely elected Federal Government, to try to guide these problems toward constructive solutions and, rather than permit such guidance, they are prepared to pay—or, more exactly, to have the American people pay—whatever the price may be in poor education, spreading slums, blight, rising crime, and rising racial tension. All these things they would allow in the name of "freedom."

The Democratic Party under President Johnson is guided, as it has been historically, by the principle that change is inevitable, but that the people acting through their elected representatives—men who are as wise, as competent, and as responsible as the people themselves—have the power to determine whether change will be constructive or destructive, purposeful or haphazard.

The issue is between two different concepts of Government. The Goldwater concept is that Government is the enemy of the people, to be mistrusted, despised, and circumvented, whatever the cost in poverty, blight, and social injustice. The concept of President Johnson and the Democratic Party is that there are dangers, to be sure, in Government, but there are still greater opportunities, and that our Federal Government is not the enemy of the people but their partner in a partnership for progress and a better life.

While the Republican candidate has been calling angrily for foreign adventures and fearfully for domestic retrenchment, the President of the United States has been saying, and demonstrating, that the world is not really so bad a place at all, that America is as strong and as secure as any nation can be in the nuclear age, and that the problems which we face at home are largely problems of success, having as much to do with achieving good things as with preventing bad things.

Contrary to Senator GOLDWATER's beliefs, our society is not sick but healthy, strong, and confident. The problems we face are large indeed, but they are problems of growth and improvement, problems of making an essentially good life better and a strong society stronger. As President Johnson said recently, our generation has "spent most of its time and efforts, energies and talents on trying to preserve Western civilization." That effort has been successful, and because "we now have the preparedness that is essential to preserve that civilization," said the President, "we now have an opportunity to develop it and cultivate it and enjoy it and share some of its blessings."—Speech to delegates to International Rural Development Conference, July 28, 1964, New York Times, July 29, 1964.

The internal problems of our country are nonetheless serious for being problems of success, and it is illusory to suppose that they will solve themselves, disappear, or even fail to grow very much worse if they are not subjected to vigorous and organized guidance through the agencies of our Federal Government. None of these problems—of racial tensions and education, of crime, slums, and unemployment—is likely to be solved in our lifetime, or even much alleviated, except through the constructive and creative action of a partnership for progress between the people and their Government.

Among the problems that beset our society the one that is most certain to agitate this election campaign is that of racial tensions, both in the urban North and the rural South. It is therefore essential to compare carefully the proposals of the Goldwater Republicans and the proposals of the Democrats under President Johnson to see which are more likely to meet the legitimate demands of Negro Americans and at the same time cultivate tolerance and understanding between the races.

The problem is not one of civil rights legislation. In my own view it never was and, largely for that reason, I opposed the Civil Rights Act of 1964. That act, however, is now the law of the land and it is our duty to comply with it. I do not think that it will make a decisive contribution to the solution of race problems in America. But neither do I think the Civil Rights Act itself is a relevant issue in this campaign. A decision, however unwise some of us may think it, has been reached with due process of law, and it would now be tragic folly to turn away from tomorrow's problems and tomorrow's opportunities for the sake of an angry and futile replay of yesterday's battles.

It is difficult, but nonetheless necessary, for southerners to recognize that there are many issues at stake in this election campaign, that race relations is only one of these issues, and that the real arena of the race problem is no longer one of civil rights legislation but rather one of education, employment, and economic opportunity. It is in these areas that the problems of racial tensions in America will be resolved if they are to be resolved at all. It is in these areas that the positions of the two parties and of the two presidential candidates have real meaning for the future of the South and for the prospects for harmonious race relations in both the North and the South.

The question in this election, as Representative CARL VINSON, of Georgia, has aptly put it, is whether the South will "cut off its nose to spite its face." "Will the South," asked Congressman VINSON, "blinded by its anger and frustration of the moment regarding its civil rights problem, reward a political enemy and punish an old friend."—Statement reported in New York Times, August 10, 1964.

Senator GOLDWATER has one claim, and only one claim, to the votes of southerners—the fact that he voted against the Civil Rights Act of 1964. It is, of and by itself, a very poor claim indeed. Its appeal is to spite and its promise is futility. Senator GOLDWATER is pledged to enforce the Civil Rights Act, not to ignore it and certainly not to seek its repeal. He is also pledged—and this should be the vital consideration—to weaken and destroy other programs which are vital to the prosperity and growth of the South. He is hostile to the Tennessee Valley Authority and to such programs generally as the Arkansas River development program. He says now that he supports the social security system, but he has said before that he wished to make it voluntary—which would destroy it—and who can say what his attitude will be next week or next year? He is emphatically on record as favoring the "prompt and final termination of the farm price support program."—BARRY M. GOLDWATER, "The Conscience of a Conservative," New York: Macfadden Books, 1963, page 43.

All these are programs which, over the last 30 years, have brought new hope, new growth, and new opportunity to the South. The question which southerners must now ask themselves is whether they are willing to risk all these programs—to say nothing of the risks of a reckless foreign policy—for the sake of a single, futile act of political vengeance.

In addition to destroying programs vital to the welfare of the American people, Senator GOLDWATER proposes to finance those that might remain in such a way as to put the maximum burden on those least able to pay. The Republican candidate is opposed to the principle of the graduated income tax, under which the percentage of income paid in taxes increases with the size of the income. As he says in "The Conscience of a Conservative," Senator GOLDWATER regards the graduated income tax as a "confiscatory tax."—Ibidem, page 64. Apparently, as a first step toward the elimination of the graduated income tax, Senator GOLDWATER has proposed—in his speech at Los Angeles on September 8—that all individual and corporate income taxes be reduced by 25 percent over a 5-year period regardless of amounts of income. In terms of dollars, this would mean a large tax reduction for the rich and a small or negligible reduction for the poor. It would be a step toward the elimination of the graduated income tax principle.

In an interview with Stewart Alsop a year ago, the Republican candidate left no doubt whatever of his preference for a regressive tax system.

"You have been quoted as saying that you oppose the progressive income tax," said Alsop, "that everyone should pay the same rate."

"Yes," said Senator GOLDWATER. "Yes, I still believe that."

"But," asked Alsop, "do you really think it is fair that a man with $5 million a year should pay the same rate as a man with $5,000?"

"Yes," replied the Senator. "Yes, I do."

In the Nation as a whole, the Goldwater policies raise the prospect of greater rather than reduced racial tensions and violence. These tensions will only be reduced, and the danger of violence eliminated, by programs of better education, better health, and better housing, by programs of expanded economic opportunity, and by a sustained national effort to eliminate poverty from American life. These are not racial programs but national programs, designed to benefit all Americans who need help, both white and Negro. These are not Republican programs, let it be remembered, most emphatically not Goldwater programs, but Democratic programs, conceived and executed by Presidents Roosevelt, Truman, Kennedy, and Johnson.

The critical fact about the racial tensions and violence that so deeply concern us is that their elimination requires concerted action on every level from the neighborhood and the community to the Federal Government. Senator GOLDWATER is unalterably opposed to the kind of Federal programs which are indispensable to the relaxation of racial tensions and the elimination of racial violence, and for this reason his election as President would almost certainly mean 4 years of rising animosity and increased violence between Negroes and whites. "For the indisputable truth of the matter," as Walter Lippmann recently wrote:

> Is that in general throughout the country, it would be impossible to provide better houses, better schools, and better jobs through the State and local governments alone. Without substantial increases of Federal aid to the States and localities, without an effective fiscal policy which increases employment, neither the mayor of New York nor the mayor of Phoenix can alone deal with the causes of crime and disorder.[1]

I have attempted, in three statements over the past few days, to set forth the basic issues on which the election of 1964 must be decided. The domestic issue has to do with the kind of future America will have; the foreign issue has to do with whether we shall have any future at all. On both counts there is only one rational choice for Americans, the election of President Lyndon Johnson, a man of experience, competence, and judicious temper, a man who in less than a year as President has demonstrated vision and humanity in his conduct of domestic affairs, and decisiveness, prudence, and moral courage in his conduct of foreign relations.

There has been a great deal of talk, and there will undoubtedly be a great deal more, in this campaign about freedom. The Republican candidate is especially fond of talking about it. He talks about freedom from governmental restraints as if it were a spiritual condition with little or no relevance to human desires and human experience. He talks about freedom from a tyrannical government as a basic human need, which it is, but as if it were incompatible with other human needs, which it is not. He talks about his own special interpretation of what freedom should be as if it were a religious truth, taking for divine revelation what is in fact only the preference of a single politician.

Freedom has many dimensions but Senator GOLDWATER knows only one. Fearing above all things the power of Federal authority, he has come to regard freedom from Federal restraint as freedom in the fullest sense, and more, as a spiritual condition so sublime as to warrant the sacrifice of other human needs, both material and moral.

Freedom does indeed require definite, enforcible limits on the power of government, but it also requires much more. It requires limits on all the groups and institutions and individuals whose unrestricted activities infringe on the right of any individual to pursue his own life objectives in his own way. A meaningful freedom requires restrictions on the power of corporations and unions, of social cliques and economic oligarchies, of private clubs and private individuals, as well as restrictions on government, because all of these, as well as government, are capable of infringing on the freedom of the individual when their power is left unchecked.

How can their power be checked? The answer of course is by Government, which, though capable itself of encroaching on liberties, is the one instrument available to all the people for protecting their freedom. We are thus confronted with a simple but enormously important paradox, one which Senator GOLDWATER patently fails to understand: that all forms of power are a threat to freedom and must be curbed, but one form of power can only be curbed by another. The meaning of this, which Senator GOLDWATER also fails to understand, is that there never was and never will be such a thing as perfect freedom from restraint because no one freedom can be protected except at the price of accepting some restriction on another form of freedom.

The problem of democratic government, therefore, is not to choose between freedom and restraint, which is easy, but to choose between degrees of freedom and restraint in different areas of our lives, which is not easy. Democratic government indeed is a continuing process of decision as to which forms of liberty need most to be strengthened at any one time and by what means. If Government itself is showing a tendency to exercise heavy-handed controls over business or labor or over individual freedom of expression, then it is necessary, through the process of free government, to curb the power of Government itself. If, on the other hand, powerful economic groups are wasting or misappropriating the Nation's resources, or if labor organizations threaten to paralyze a large segment of the national economy, or if self-appointed vigilante groups try to censor the expressions and restrict the activities of individual citizens, then it is necessary, again through the processes of free government, to curb the power of those who threaten freedom.

This is the real problem of democratic government—to choose between degrees of freedom and degrees of restriction in different areas of our lives. When Senator GOLDWATER tells us that he prefers limited government to powerful government and imagines he has told us something important about freedom and how to protect it, he is mistaken. He has not answered the question; he has begged it.

Beyond the dimension of freedom as the absence of external restraints is another and equally important kind of freedom: the positive freedom to have a good education and good health and the opportunity to find a good job and to earn enough to have a decent home and family security; the freedom to pursue one's interests and abilities to the limit of one's capacity; the freedom to realize some meaning and satisfaction in life; and the freedom to enter self-respecting relationships with others.

These are the positive freedoms of civilized society. They are not realized by man in his "natural state" or by individuals striving in isolation. They are realized by those who are trained and prepared and encouraged to realize them—by their families and their teachers, by their communities and by their leaders.

The task of a democratic government is to help its citizens to be free in the fullest sense, not merely to provide protections against Government itself. It must provide a measure of protection against all forms of power, private as well as public, and it must help its citizens to realize their hopes and abilities, to achieve the positive as well as the negative freedoms.

When we talk about freedom and its meaning in our politics, we do well to avoid the confusion of human preference with divine revelation. The concept may be God's but the way freedom is practiced in our society is our own doing and our own responsibility. If we remember this, we will avoid the danger of assuming that we know more than we do, of assuming that our idea of freedom is the only valid one and that it is universally valid. A mature society, like a mature man, is modest in the face of the universe, distinguishing clearly between what it knows and what it cannot know. It recognizes that its proper work is not in the area of sweeping theories and romantic abstractions, but in the area of human experience and human needs. Just as Christ taught that the Sabbath was for man, not man for the Sabbath, we do well to remember that freedom is a human condition, to be valued not as a sacred abstraction but as a necessary condition of human happiness.

The freedom which we practice in America is good, but far from perfect. Having achieved a great measure of security from external danger as a result of our extraordinary efforts of the last 20 years, we are now in a position to turn some part of our energies in upon ourselves to take up again the task of making freedom more meaningful and life more rewarding. The challenge is a great one, but should also be a welcome one. It gives us the chance, after a generation of preventing bad things, to turn to the accomplishment of good things. When we have accomplished all the good that we think can be accomplished in our society, when we have made our freedom as nearly perfect as anything can be in human life, then and only then will we be able in good conscience to launch a crusade for the redemption of mankind.

Mr. MORSE. Mr. President, I commend the Senator from Arkansas for the speech he has made today with regard to his views in contradistinction to the views of the Republican candidate for the Presidency and some of the abstract basic principles of our form of government, the implementation of which determines the preservation of our freedoms.

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[1] Walter Lippmann, "Harlem and the Cow Palace," Washington Post, July 23, 1964.

It is very difficult to persuade people to stop long enough from their busy lives to contemplate the abstract principles of Government which the Senator from Arkansas has been discussing. Yet they are the warp and woof that give us our freedoms, and from which our freedom is woven. I commend him for his discussion.

ORDER OF BUSINESS

Mr. President, before I proceed, I raise a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER (Mr. BAYH in the chair). The pending business is the Javits-McCarthy-Humphrey amendment to the Dirksen-Mansfield amendment.

Mr. MORSE. Mr. President, I ask unanimous consent for a waiver of the rule of germaneness for the length of time it will take me to make a few comments on American foreign policy.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, will the Senator yield to me?

Mr. JAVITS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Just a moment. The Senator has the floor, pending objection.

Mr. JAVITS. Mr. President, I reserve the right to object.

Mr. MORSE. I yield first to the Senator from New York.

Mr. JAVITS. Let me ask the Senator from Oregon a question. How long will it take?

Mr. MORSE. About half an hour.

Mr. JAVITS. Very well.

Mr. MORSE. I yield now to the Senator from South Carolina [Mr. JOHNSTON].

Mr. JOHNSTON. Mr. President, I join the Senator from Oregon in commending the Senator from Arkansas for the remarks he has just made. I hope the people will heed his warning and not determine this election on one issue alone, for many issues are of vital interest to this Nation. What is more important than anything else, probably, is to have peace, rather than to have our boys on battlefields, or having to go through an atomic war.

All issues which face us should be taken into consideration. The economy of the Nation should be considered. If the people will look into all the problems facing us, and not merely one issue, and then vote according to the dictates of their hearts, I have no fear as to what will happen in the next election. People should stop, look, and listen along the way, for we are passing through days that will probably mold our form of Government for years. Unless the people do some serious thinking, they are likely to get off on a tangent on one issue alone.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I wish to express my appreciation for the comments of the Senator from Oregon and the Senator from South Carolina. I have tried to utilize some of the time here, since we cannot go home in the usual manner, to try to develop some ideas about the election. Unfortunately, we must remain here in Washington. We cannot go into our States and speak throughout the country in the normal course of events. I thank the Senators from Oregon and South Carolina for their comments.

U.S. FOREIGN POLICY

Mr. MORSE. Mr. President, last Saturday evening the Washington Post published an editorial entitled "Sukarno's Jungle Law." I ask unanimous consent that the editorial in the Post be published at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SUKARNO'S JUNGLE LAW

Indonesia's Deputy Foreign Minister Sudjarwo quite gave the show away during his incredible appearance before the United Nations Security Council. Mr. Sudjarwo was nominally before the world organization to defend his country against charges of aggression brought by Malaysia. But Mr. Sudjarwo really didn't bother to deny the charges. Instead, he doubted the legal validity of the concept of aggression, and he proclaimed a might-makes-right doctrine of such brazen ruthlessness that even a Palmerston might have blushed to pronounce such words.

When the Malaysian representative placed captured Indonesian mortars and machineguns before the Security Council, Mr. Sudjarwo blandly remarked, "Why all the fuss?" After all, he explained, even the U.N. has not been able to agree upon a definition of what constitutes aggression. Then came this extraordinary passage:

"Legal arguments, particularly when they are based on the so-called international law of the world of the colonial powers, cannot be applied to this struggle. What would have happened if we had had to abide by the application of legal arguments under that international law? The Indonesian revolution (against the Dutch) would have been strangled and smothered."

What poppycock. Mr. Sudjarwo's argument is wrong on the facts and pernicious in its implications. In equating an anticolonial revolution that occurred within the boundaries of a single national jurisdiction with the law that governs relations between nations, Mr. Sudjarwo convicts himself of appalling legal incompetence or of a cynicism so blatant as to be an insult to his audience.

Mr. Sudjarwo's argument is pernicious in its implications because international law is a system of restraints, however imperfect, intended to protect the weak from the strong. It is not the great powers that benefit from the existence of international law—it is the weaker powers. Thus it was that Egypt appealed to the United Nations against France and Great Britain at the time of Suez—and the U.N., it will be recalled, condemned the Anglo-French attack against Egypt as a flagrant breach of international law.

But it is obvious from Mr. Sudjarwo's argument that Indonesia now regards itself as a big country entitled to practice its own version of imperialism. There can be no other plausible interpretation of President Sukarno's policy of "confrontation" against Malaysia, a policy which has advanced by degrees from violent words to sanctioning of violent deeds. Mr. Sudjarwo's unabashed defense of Indonesian aggression recalls the famous definition of the Yiddish word "chutzpah." The word means unimaginable gall, and is defined by referring to the behavior of a boy who murdered his father and mother and then appealed for clemency on the grounds that he was an orphan.

It remains to be seen what the Security Council will do to meet the Indonesian challenge. The very least that should be done, as Ambassador Stevenson has urged, is to call for an immediate cease-fire in this undeclared war, and to demand immediate negotiations to end Indonesia's indulgence in jungle law—and jungle warfare. To do any less would be to grant clemency to an "orphan" with a smoking revolver in his hand.

Mr. MORSE. Mr. President, in the interest of continuity, I ask unanimous consent that there also be published, immediately following that editorial, my reply to it, which I sent to the editor of the Washington Post. I propose now to discuss both the editorial and my reply.

There being no objection, the reply was ordered to be printed in the RECORD, as follows:

SEPTEMBER 14, 1964.

EDITOR, THE WASHINGTON POST,
Washington, D.C.

DEAR SIR: Your editorial condemnation of Indonesia and its President Sukarno ("Sukarno's Jungle Law," September 12) is an ironic application of the old dictum: Do as I say, but not as I do.

When U.N. Ambassador Stevenson told the Security Council on May 21 this year that the United States would continue to make war in Vietnam, in complete disregard of the spirit and letter of the U.N. Charter, he furnished the example for Turkey, Greece, Cyprus, Indonesia, and any other country that finds the U.N. Charter an inconvenient obstacle to its national aims. He, too, found reasons why the legal arguments of "so-called international law" did not apply to American participation in the war in Vietnam.

This country claims it is fighting for freedom from communism in Vietnam; Indonesia claims it is fighting for freedom from colonialism in Malaysia. Neither is fighting in self-defense; but in someone else's country and in violation of the charter. It is not the source of aggression or the instigator of a war that determines the U.N.'s jurisdiction; it is the existence of any breach of peace or even a situation that threatens to breach the peace. Even when nations fight to defend their own territory, which neither the United States nor Indonesia is doing, they are still obliged to take the problem to the U.N.

A major reason why the undersigned has urged the United States to put the Vietnam issue before the U.N. is that our present policy is bound to undermine the charter and to undermine our admonitions to other nations to observe it.

Until the State Department, Ambassador Stevenson, the editors of the Washington Post, and other defenders of the present U.S. policy in Asia call upon this country to stop flouting the U.N., their abuse of Indonesia for flouting the U.N. is both futile and hypocritical.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, I shall read parts of the editorial, now that I have put the entire editorial in the RECORD:

Indonesia's Deputy Foreign Minister Sudjarwo quite gave the show away during his incredible appearance before the United Nations Security Council. Mr. Sudjarwo was nominally before the world organization to

> defend his country against charges of aggression brought by Malaysia. But Mr. Sudjarwo really didn't bother to deny the charges. Instead, he doubted the legal validity of the concept of aggression, and he proclaimed a might-makes-right doctrine of such brazen ruthlessness that even a Palmerston might have blushed to pronounce such words.

I do not think there is any doubt that this blatant defense of Sukarno's aggression in Malaysia deserves these words of the Washington Post.

However, it is too bad that the Washington Post has not been as insistent on protesting aggression committed elsewhere in the world, even when committed by the United States in South Vietnam and North Vietnam. The Washington Post has a very interesting split journalistic personality.

I do not yield to the Washington Post in my detestation of Surkarno and everything he stands for. I happen to be one Member of the Senate who has taken the position for some time that not a single dollar of the American taxpayer's money should go to that international rat. I have been opposing foreign aid to Indonesia because we are dealing with a despicable character at the head of that Government.

The last time I criticized him in such a manner, he made a vehement protest to the Secretary of State. I welcome his further protest now. This is one Senator who is not going to vote in the Senate to send a dollar of American taxpayers' money to such despicable characters as are the heads of totalitarian governments such as Indonesia.

Neither do I intend to sit in the Senate, short of a declaration of war, and not protest my Government's outlawry in South Vietnam.

Our Ambassador to South Vietnam, Mr. Taylor, made a recent visit there. I shall always be proud to have my descendants read that I voted against confirmation of his nomination in the Foreign Relations Committee and on the floor of the Senate. But since Mr. Taylor's return to the United States and his so-called briefings of last week, I am more convinced than ever that we made a great mistake in confirming the appointment of Mr. Taylor as American Ambassador to South Vietnam.

To return to the editorial in the Washington Post:

> When the Malaysian representative placed captured Indonesian mortars and machineguns before the Security Council, Mr. Sudjarwo blandly remarked, "Why all the fuss?" After all, he explained, even the U.N. has not been able to agree upon a definition of what constitutes aggression. Then came this extraordinary passage:
>
> "Legal arguments, particularly when they are based on the so-called international law of the world of the colonial powers, cannot be applied to this struggle. What would have happened if we had had to abide by the application of legal arguments under that international law? The Indonesian revolution (against the Dutch) would have been strangled and smothered."

Thus we have a foreign minister of this great totalitarian Government in Indonesia completely repudiating international law. I am very sorry that the United States is setting such a bad precedent for him as we are setting in South Vietnam, because we, too, have repudiated principles of international law. In respect to international law, this country has completely repudiated its professings that it favors substituting the rule of law for the jungle law of military force. The United States is a hypocritical nation in regard to the difference between its ideals and its professings about supporting a rule of law and its practicing the jungle law of military might in southeast Asia.

However, we must expect such chickens to come home to roost. We are not in a very good position to be protesting what Sukarno is doing in Malaysia in view of what we are doing in southeast Asia. Both Sukarno and the United States ought to be called to task their blatant defiance of international law.

The editorial goes on to state:

> What poppycock. Mr. Sudjarwo's argument is wrong on the facts and pernicious in its implications. In equating an anticolonial revolution that occurred within the boundaries of a single national jurisdiction with the law that governs relations between nations, Mr. Sudjarwo convicts himself of appalling legal incompetence or of a cynicism so blatant as to be an insult to his audience.
>
> Mr. Sudjarwo's argument is pernicious in its implications because international law is a system of restraints, however imperfect, intended to protect the weak from the strong.

The editorial writer is correct in his application of these principles to Indonesia's conduct, but he has certainly been silent in regard to making the same application of the same principles to the United States.

The editorial continues:

> It is not the great powers that benefit from the existence of international law—it is the weaker powers. Thus it was that Egypt appealed to the United Nations against France and Great Britain at the time of Suez—and the U.N., it will be recalled, condemned the Anglo-French attack against Egypt as a flagrant breach of international law.
>
> But it is obvious from Mr. Sudjarwo's argument that Indonesia now regards itself as a big country entitled to practice its own version of imperialism.

Along, I might add, with the United States. We, along with other great powers, have flouted international law in recent years in the thought that the end justifies the means. I have been saddened to see what has been happening to our whole system of international law, as various nations, in this period of great world crisis, have been flouting it. That is why I have stood on the floor of the Senate and made many speeches in the past 6 months—and I intend to continue to do so, until there is a declaration of war, until my country starts following the Constitution, until Congress stops flouting its obligations, as it did when it passed the unfortunate resolution, giving to the President of the United States the power to make war without first declaring war.

We cannot afford to send down the drain this whole system of international law, on which permanent peace is so dependent. Yet if we do not stop these flagrant violations of international law, and if the Security Council of the United Nations and the other powers of the world do not bring the violators of international law to an accounting before the Security Council and before the General Assembly, we are headed straight for the third world war.

Military might will not prevent it, but only cause it. It will only be prevented if the nations of the world, including the United States and Indonesia, rededicate themselves to the substitution of the rule of law for the jungle law of military force.

I wish to comment particularly on the last paragraph of the editorial:

> There can be no other plausible interpretation of President Sukarno's policy of "confrontation" against Malaysia, a policy which has advanced by degrees from violent words to sanctioning of violent deeds. Mr. Sudjarwo's unabashed defense of Indonesian aggression recalls the famous definition of the Yiddish word "chutzpah." The word means unimaginable gall, and is defined by referring to the behavior of a boy who murdered his father and mother and then appealed for clemency on the grounds that he was an orphan.

Where was Mr. Stevenson's voice when war was threatening, as it continues to threaten in southeast Asia through the illegal action of the United States? That is why I said a few months ago, and repeat on the floor of the Senate today, that when Adlai Stevenson read that speech before the Security Council—the speech written for him in the State Department—he extinguished his lamp of world statesmanship. It is hypocritical of him to be arguing in the Security Council about a violation of international law by Indonesia when his own country is violating international law in Asia 24 hours of the day and night, and there is not a whisper out of Stevenson.

The editorial closes by saying:

> To do any less would be to grant clemency to an "orphan" with a smoking revolver in his hand.

Mr. President, Indonesia needs to be called to an accounting before the Security Council of the United Nations. With that objective of the editorial writer of the Washington Post, I agree. But I am at a loss to understand why the writer of the editorial in the Washington Post and Mr. Stevenson, too, are so prone to call attention to violations of international law by Indonesia, which is patently guilty, and so silent about the violations of international law by the United States.

So I wrote the following letter to the editor of the Washington Post:

> SEPTEMBER 14, 1964.
>
> EDITOR, *the Washington Post,*
> *Washington, D.C.*
>
> DEAR SIR: Your editorial condemnation of Indonesia and its President Sukarno ("Sukarno's Jungle Law," September 12) is an ironic application of the old dictum: Do as I say, but not as I do.
>
> When U.N. Ambassador Stevenson told the Security Council on May 21 this year that the United States would continue to make war in Vietnam, in complete disregard of the spirit and letter of the U.N. Charter, he furnished the example for Turkey, Greece, Cyprus, Indonesia, and any other country that finds the U.N. Charter an inconvenient obstacle to its national aims. He, too, found reasons why the legal arguments of "so-

> called international law" did not apply to American participation in the war in Vietnam.
>
> This country claims it is fighting for freedom from communism in Vietnam; Indonesia claims it is fighting for freedom from colonialism in Malaysia. Neither is fighting in self defense; but in someone else's country and in violation of the charter. It is not the source of aggression or the instigator of a war that determines the U.N.'s jurisdiction; it is the existence of any breach of peace or even a situation that threatens to breach the peace. Even when nations fight to defend their own territory, which neither the United States nor Indonesia is doing, they are still obliged to take the problem to the U.N.
>
> A major reason why the undersigned has urged the United States to put the Vietnam issue before the U.N. is that our present policy is bound to undermine the charter and to undermine our admonitions to other nations to observe it.
>
> Until the State Department, Ambassador Stevenson, the editors of the Washington Post, and other defenders of the present U.S. policy in Asia call upon this country to stop flouting the U.N., their abuse of Indonesia for flouting the U.N. is both futile and hypocritical.
>
> Sincerely yours,
>
> WAYNE MORSE.

I would have the Senate examine the developments in South Vietnam over the past months. Some interesting tactics have taken place. There is a desire to reach a certain goal. Yet at the time, apparently, that that desire develops, there is a recognition that the Government cannot announce to the American people that we are going to escalate the war into North Vietnam. So it is done secretly at first. It is done by keeping from the American people the facts about South Vietnam. The American people have never been given the facts about South Vietnam. The kept press in this country, by and large, has not given the American people the facts. Some fearless, courageous correspondents, in spite of editorial policy, have been able to have certain articles printed now and then. Some periodicals have done a remarkable job in providing the American people with some of the ugly facts about what has been taking place in South Vietnam. But there has not been too much. There has been too little to make much of a dent on American public opinion, although, in my opinion, in the past 60 days, particularly since the Tonkin Gulf fiasco, the American people are really beginning to doubt and become suspicious about what the Government is up to.

Some 6 months ago, as a member of the Committee on Foreign Relations, I warned the Senate that I was satisfied that the United States was establishing and supporting a puppet regime in South Vietnam; and so we are. It is a complete puppet regime—a puppet regime, in my judgment, that takes its directions from the United States.

It is remarkable that there can be the kind of tragicomedy that took place in Saigon over the weekend, but I do not believe it is fooling anyone. Most Americans will recognize that the little military, tyrannical dictator whom we support as our puppet in South Vietnam, General Khahn, is being kept in power by the United States. But we are playing a losing game; for the longer we follow the policies that we are maintaining in South Vietnam, the more widespread and the deeper the hatred of the yellow race for the white man, particularly the United States, will develop in Asia. If the United States believes it can keep this problem confined to Vietnam, it could not be more mistaken.

The policy of the United States is wrong, because it lacks a moral premise. A foreign policy that is not based upon morality is a foreign policy that is eventually doomed. Do not confuse semantics with morality. Do not confuse the talk about freedom of a Taylor, a McNamara, or a Lodge with freedom, for there is no freedom in South Vietnam. The Pentagon and the State Department know how important it is in some way, somehow, to convince the American people that we are on moral grounds in South Vietnam. So a large amount of paper work is being done. There is to be a civilian government; but it will be controlled, we may be sure, by the South Vietnam military, with the American military in the back of the stage, pulling the strings on our puppets.

There is no freedom in South Vietnam. South Vietnam is a tyrannical State. There are no civil liberties, and there have been none since Dulles helped to create the American directorate in 1954, when he persuaded South Vietnam not to sign the Geneva Accords of 1954. The United States has been professing hypocritically, by way of justification of our outlawry in South Vietnam ever since, that we are in that country because the Geneva Accords of 1954 are being violated. But the United States never signed the Accords, and Dulles persuaded South Vietnam not to sign them. That is how bad our record has been. But signing them or not signing them, we had a clear obligation, I say to the editor of the Washington Post, to take this threat to the peace of the world to the United Nations. That, the United States has not done.

But where is Great Britain, that great citadel of Anglo-Saxon justice, that country to which we owe so much by way of heritage in respect to our governmental system? Where has Great Britain been? Is it not important to Great Britain that the peace of the world be maintained?

Where are France and Italy? Where are the other great powers? Is it not in their interest to bring this issue under the rule of international law through the procedures of the United Nations? Is the United States too powerful for them? Or is it really the position of the British Government, so long as it has the great problem of colonialism in Malaysia, that it would be a case of the kettle calling the pot black if Great Britain raised any question in regard to our course of conduct in South Vietnam?

Mr. President, Great Britain, the United States, France, Italy, Japan, and all the other so-called great powers of the world on the free side of the curtain owe it to future generations of mankind to call the violators of international law to an accounting. That is why Sukarno should be called to an accounting in regard to Malaysia, and why the United States should be called to an accounting in regard to South Vietnam.

I have asked the State Department to submit an international law brief to justify our course of action in South Vietnam on the basis of international law, under the United Nations. No brief has been forthcoming, and it will not be forthcoming. However, if a brief should be submitted, I state in advance that it will be easy to answer, for there is no international law basis for United States action in South Vietnam.

In some of my longer speeches on the floor of the Senate, I have pointed out, section by section of the Charter of the United Nations, the articles in respect of which we stand in violation. Not only that, but we have violated the Geneva Accords. We are also not keeping within the spirit and the intent of the SEATO treaty. There is no inkling from the Washington Post editorial writer that the United States might also be guilty of violating international law the same as this despicable man called Sukarno who heads the Indonesian Government.

For months we have been told that it was not our intention to escalate the war into North Vietnam, that such a possibility would be held in abeyance.

The United States has been a party to escalating the war into North Vietnam for many weeks past. No full-scale escalation has taken place, but the use of American military personnel in connection with the movement of South Vietnamese into North Vietnam by land, air, or water, has been an escalation of the war. American military personnel have participated in such forays.

I took much castigation at the time of the Tonkin Bay fiasco, when I stated on the floor of the Senate that the United States was a provocateur. Many Senators now recognize how right I was. Of course, we were a provocateur in the Tonkin Bay episode.

We were a provocateur, in that we supplied the South Vietnamese armed naval vessels. We were fully aware of their plan to bombard the two North Vietnamese islands. We kept American naval vessels in such close proximity that no one should have had any reason to question that their presence—although on the high seas—would be a provocation.

I stated then, and repeat now, that if Castro had bombarded Key West and the Russians had a destroyer or submarines as far as 75 miles away—our destroyers were much closer to the two islands which were bombarded—we know what we would have done. We would have given those Russian ships an opportunity to run up the white flag and if they did not run it up, we would have sunk them.

We would have recognized that their proximity to the bombardment was a clear provocation and made them provocateurs.

So many Americans do not wish to face the ugly reality that we could be wrong about something. It is rather difficult for an American to face the ugly reality that we cannot always be right and are not always right. But, when we make a mistake, it is my position that we should do what we can to rectify the mistake, and not continue to make the same mistake.

We are continuing to be a provocateur in connection with escalating the war. Each and every time we do it, we violate further the United Nations Charter, which has our signature attached to it and our pledge that we will not resort to armed force, but will resort to the rule of law as a substitute therefor.

I know that it is an election year. But I will not follow the doctrine of expediency for as many weeks as it may take to get the election behind us, because too many American boys are going to die during those weeks. Each and every one of them who dies in South Vietnam dies unjustifiably and without any cause that the Government can advance to support that death.

I shall continue to insist that the whole crisis in southeast Asia be placed before the United Nations, or before the 14-nation conference preparatory to eventually going to the United Nations, and that the responsibility be placed on every other country of the world that is a member of the United Nations, including Great Britain, New Zealand, Australia, our neighbor to the north, Canada, Italy, France, and all the other signatories. Why not?

We cannot possibly be the policeman for the world. If we had a right to be—and we have no right to be—we cannot possibly force the peace unilaterally. The only hope of leaving a heritage of freedom to our grandchildren is that we stop this preparation for war.

I know about the semantics, that we are not preparing for war, that we are doing only the minimum amount necessary to stop the expansion of communism.

The United States cannot stop the expansion of communism if it tries to take a policeman's attitude toward it. Such an attitude makes Communists. The sad, sad thing is that our foreign policy in Asia today is making Communists.

Time is with them. Time to them, means nothing—whether it be a quarter of a century or half a century. The difficulty with so many Americans is that they are overnighters. They insist on the accomplishment in the present of results which any student knows cannot be accomplished for 25, 50, 75, or even 100 years.

We cannot impose our system of government upon Asia and enforce it by American military might.

Let me review for the Senate a few vital statistics in regard to South Vietnam.

What is the size of the South Vietnam army? According to the latest statistics available, 500,000.

What is the size of the Vietcong forces? It is a maximum of 35,000, but those in a position to know think the figure is closer to 25,000. The 500,000 South Vietnamese army cannot conquer 25,000 to 35,000 Vietcong.

What is the population of South Vietnam? Fifteen million. But admittedly we must now have 22,000 American boys over there to do their share of the dying. Five hundred thousand South Vietnamese soldiers and a population of 15 million people cannot control 25,000 to 35,000 Vietcong. How silly can we be? How absolutely absurd can we be? Why do we set ourselves up as the policemen of South Vietnam, violating one treaty after another? Why do we not call upon the signatories to the United Nations to live up to their obligations?

We can be sure that most of them will continue to take the position, so long as we are willing to do what we are doing, that they will not challenge the United States. Because we are the mightest nation in the world, we have an even greater moral obligation than the others to live up to our ideals of substituting the rule of law for the jungle law of military force.

We cannot improve on the great tenet of my great teacher here in the Senate, a great Republican, as I have said so many times. I shall continue to say it, because the American people must come to understand the truth of Arthur Vandenberg's great tenet. When Arthur Vandenberg said there is no hope for permanent peace in the world until all nations of the world—not merely some, not merely those we like—are willing to set up a system of international jurisdiction through law, to the procedures of which will be submitted each and every issue that threatens the peace of the world for final and binding decision, to be enforced by an international organization such as the United Nations, the scourge of war will continue to threaten the survival of mankind itself until that glorious day comes.

I want to see my country stop building up military might that can only end in war. For, if history has taught anything, it has taught that when nations think they become an all-powerful country, war is the result. Armaments never produce peace. Armaments only produce breathing spells between wars; and some people call those breathing spells peace.

We shall not save mankind from destruction unless we are willing in our time to think ahead 100 years. Unless in our time we are willing to subordinate partisan politics to the cause of peace, we shall not implement that unanswerable tenet of Arthur Vandenberg, which is the basis of the foreign aid policy of the senior Senator from Oregon. Until we are ready to practice our preaching, what hypocrisy we hear from the lips of so many, that unless we follow a course of unilateral military action on the part of the United States in southeast Asia, the whole area will fall to communism. It was nonsense when Dulles first announced it 10 years ago. It has remained nonsense ever since—the domino theory. Tell it to Cambodia. Cambodia is not Communist. Cambodia kicked the United States out. A little prince in Cambodia said, in effect: "You cannot buy me. Get out. And take your foreign aid with you. I want none of it."

Burma is not Communist. India is not Communist. Even Indonesia is not Communist. They have not even been the targets of communism to any extent comparable to the Communist efforts to topple the American puppets in Asia. It is in these client countries of ours that communism makes the greatest inroads among the population. It is one thing to have the United Nations enforce the peace. It is another thing to have the United States set itself up unilaterally to enforce what it considers to be right in regard to a fact situation. It is that policy that opens the door to Communist leadership of rebel elements.

Mr. President, the farce we are sponsoring and financing in South Vietnam is going to be a prelude to collapse unless American policy there changes very quickly. One might almost begin any comments on this subject by asking "Who's on first" in South Vietnam this morning in that game of international baseball.

It is ludicrous to receive the reports that we get from the Pentagon Building and the State Department. How optimistic they are, when, at the very time that they give us the reports, a great crisis is about to break forth in South Vietnam.

Is it any wonder that the American people have lost a great deal of confidence in and respect for American intelligence? Or, if the intelligence information is correct, what about the reliability of our informers? McNamara, Lodge, and Taylor have been misinforming the American people about the facts in South Vietnam for months. But the truth will catch up with them. And, once the American people understand how indefensible our policy is, the resentment will be deep and prolonged.

Whoever it is "on first," he is not likely to be there for long, because that country has had three different governments in less than a year and the one technically in power this morning has all the stability of a weak reed growing in quicksand.

How do the framers of this policy think they are going to stick it out until November? How do they think a political vacuum in Saigon is going to lead South Vietnam to unity and victory over the rebels?

As if the facts of the situation in that country were not bad enough, we are also reaping another harvest of our bad policy within the United Nations. In recent weeks Turkey and now Indonesia have defied the United Nations Charter by using force against others. They have done little more than follow our example, because on May 21, our Ambassador at the United Nations made it perfectly clear that the United States would continue to make war in Vietnam so long as we thought it in our national interests to do so, irrespective of anything to the contrary in the United Nations Charter.

That is the legacy and the excuse we are framing for other nations who wish to use force outside their borders.

The major purpose of my speech today is to warn the country that we are setting an example for international violations by country after country, and when we protest before the United Nations, we shall get the answer, "Look who is talking. Look who is talking—the United States, with its sordid international outlawry in southeast Asia—no longer limited to South Vietnam." As I said earlier in my speech, today there is no question that our military advisers are now participating with the South Vietnamese in incidents of escalating.

There has been no announcement by the State Department that we have at long last decided to escalate the war as a formal matter, but every incident of escalation is further evidence of U.S. outlawry and further proof of our violation of the United Nations Charter. We are not only destroying peace in Vietnam, but we are destroying peace wherever any other nation finds it convenient to ignore the dictates of the U.N. Charter.

Defiance of the U.N. Charter is defiance of the charter, no matter who practices it and no matter whose freedom is invoked to justify it. So long as the United States chooses to use force in defiance of the charter, others will find it easier to do the same. That is how a world organization can come to an end, and that is how the United States will contribute to its demise.

ROOSEVELT POLICY FOR INDOCHINA STILL BEST

It was just 20 years ago, in September 1944, that a policy for Indochina was laid down by the United States that we will yet have to return to. The occasion was a State Department memorandum to President Roosevelt, suggesting that positive announcements should be made of American policy toward the former colonial areas of southeast Asia which were being liberated from Japanese rule. It suggested that specific dates for their self-government be announced as objectives of American policy.

We know from Cordell Hull's memoirs that President Roosevelt heartily endorsed that policy. We know also that Roosevelt held strong views about the future of Indochina, in that he believed that French dominion over Indochina should not be restored. He urged at the Cairo and Teheran conferences that Indochina be placed under an international trusteeship after the war, as a final step toward independence.

What an unfortunate thing for the history of mankind that that recommendation of Roosevelt was not carried out. It is sound in principle and much sounder in practice than the 20 years' war that has been conducted there.

Senators know that at the time of the Congo crisis I stood on the floor of the Senate and urged a United Nations trusteeship for the Congo. As Senators know, I have supported the United Nations trusteeship approach in those underdeveloped areas of the world where there is a threat to the peace and the people are not ready for self-government. They are entitled to be free of domination from a colonial power that has exploited them for generations. But we all have an obligation to see to it that they are given an opportunity to develop a government of their own. That is why I have been heard to recommend so frequently the substitution of a United Nations trusteeship, permissible under the charter and within the framework of international law, as offering the best hope for preserving peace until those people are so strengthened that they can maintain their own peace.

Cordell Hull records that only Prime Minister Churchill disagreed, and he reports Roosevelt as saying:

> The only reason (the British) seem to oppose it is that they fear the effect it would have on their own possessions and those of the Dutch. They have never liked the idea of a trusteeship because it is, in some instances, aimed at future independence.

The British Empire tried to hold on too long to its colonial possessions. It will discover it is trying to hold on too long in Malaysia. Continuing to quote:

> Each case must, of course, stand on its own feet, but the case of Indochina is perfectly clear. France has milked it for 100 years. The people of Indochina are entitled to something better than that.

One of the sad things about the southeast Asia crisis is, that, whether we want it or not, whether we like it or not, we are inheriting the yellow man's hatred of the French. In spite of all our pious, pontifical professings about seeking to protect freedom in southeast Asia, the international instrument for protecting freedom in southeast Asia is the United Nations, not the United States. The United States ought to use its great prestige, influence, and power to call upon the United Nations to assume its responsibilities.

But the plan for a trusteeship died with Roosevelt. France did try to regain control of Indochina. In 1950, when the United States was almost desperately anxious to organize NATO and when France's merest wish became our policy, we began providing military aid for France's war effort in Indochina to the tune of $1¼ billion. That is what we did for France—a little better than $1¼ billion.

Although I have been critical of a good many of the international trade policies of De Gaulle, history will write a more glorious chapter for him on South Vietnam than for the United States unless we change our course and agree to go to a 14-nation conference or agree to take the whole issue and all aspects of the issue to the United Nations.

The dismal story of the French failure was not enough for us, however, and when the French finally gave up, we took over the task in South Vietnam.

The story since 1954 has been no different from what it was from 1946 to 1954. The United States has had no more success than the French did, although the money spent in the effort has been vastly greater. Including the amount we gave to France, I may say to the American taxpayers, it has cost us $5.5 billion and the precious lives of American boys, any one of whom was worth more than the $5.5 billion.

We ought to start giving some consideration to national mourning. If we do not stop this holocaust and sacrifice of precious American lives, I think we ought to start giving some consideration to wearing black armbands as a constant reminder of the loss of precious American lives, until this unjustified killing of American boys in South Vietnam stops.

The great Senator from Alaska [Mr. **GRUENING**] has said time and time again in the past 6 months—and I have joined him in the statement—that all South Vietnam is not worth the life of a single American boy. It continues to be true, but we continue to have American boys over there killed.

It will continue unless we completely change our program and policy, unless we change our program from one of making war to one of joining other nations in the United Nations in keeping the peace, until we apply the principle that we applied in the Middle East, until we apply the principle that we applied in Cyprus, until we apply the principle that we applied in the Congo. We got out of the Congo too soon; I hope as a result of the United Nations General Assembly it will result in a decision to go back into the Congo as a part of a United Nations force.

Franklin Roosevelt's prescription for Indochina is still the soundest one yet advanced. After everything else has been tried and countless thousands of people have died in the effort to preserve a vestige of colonialism, the world will still have to turn to the proposal of an international trusteeship for that part of southeast Asia. Whether it is a United Nations trusteeship, or a trusteeship under some other grouping of nations, it is still the only alternative to perpetual war there that is going to escalate throughout Asia.

The U.S. Government should take the lead in arranging such a trusteeship, before millions more dollars and more hundreds of lives are wasted on a policy that has been pursued for 20 years by other countries, and now by us, without any hope of success.

If there are any doubters left who have any doubt about the position of the senior Senator from Oregon, I believe that Red China is violating the Geneva accords, and has violated the Geneva accords almost from the beginning. North Vietnam is violating the Geneva accords and, in my judgment, has been almost from the beginning. The Communist Pathet Lao in Laos are violating the Geneva accords. But does that justify the many violations of the Geneva accords by the United States and South Vietnam? Of course not. For every parent knows the lesson he or she has tried to teach a child—that two wrongs never make a right. Because someone else misbehaves does not justify other misbehavior.

The place to right the wrong, the place to enforce the peace, is through the procedures of the United Nations. I pray to my God that my country will stop violating its international law obligations, for I see no end to the war in South Vietnam but a full-fledged Asian war in the years ahead. And I see no end of a full-fledged Asian war but a world war. This is the stuff out of which wars are made. Go back and read the beginnings of wars, the histories of wars. These peripheral, so-called brush fires, or an incident like the killing of an archduke, lead to wars. The killing of an archduke was only an excuse for the great contest between Serbia on the one hand and her enemies on the other, with Germany and Russian coming in, followed by France and Great Britain, which give us World War I.

It is easy to use hindsight now. It is perfectly easy to see the stuff out of which World War I was made. What is wrong with using some foresight today? What is wrong with taking advantage of the lessons that hindsight has taught us as we have studied the history of past wars, and recognizing today in Asia, in Africa, and in the Mediterranean that the ingredients of war are being mixed?

Mr. President, my prayer is that we should not wait for an election. My prayer is that we face the ugly realities, and that God give us the strength to face the ugly realities in South Vietnam now. I pray that we officially, as a government, as the Senator from Alaska has pleaded for many, many months, call upon the United Nations to call for a cease-fire; that we lay the entire matters before the United Nations for its jurisdiction; that we announce in advance to the United Nations that we will supply our full share of manpower and material to support a United Nations peacekeeping force. But a peacekeeping force is not a warmaking force, and the American military in South Vietnam today is making war, not keeping peace.

We must change completely the approach to the war in South Vietnam, or history will record, through its hindsight, that the United States, along with Red China and North Vietnam, must assume the historical responsibility for a full-scale war in Asia. No one can be sure it will be limited to Asia. We shall win every military victory; we shall bomb out their cities; we shall kill the yellow people by the millions—and inherit the hatred of mankind, if there is any survival, for centuries to come.

It is not too late to make a beginning in our march down a new road with the marks pointing to the rule of law under the procedures of the United Nations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PEARSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OCEAN FREIGHT RATES AS A BARRIER TO DEVELOPING OUR MARITIME COMMERCE

Mr. SPARKMAN. Mr. President, the Joint Economic Committee, in a series of hearings over the past year, has brought to light disparities between outbound and inbound ocean freight rates and has raised the possibility that these disparities are seriously adverse to American business. In an article published in the May 22 National Maritime Day edition of the Journal of Commerce, the chairman of the committee, Senator DOUGLAS, made the point that export rates are "so high in fact that on certain routes the exporters pay the entire cost of the roundtrip voyage." It seems to me that when this situation prevails, American businessmen are actually subsidizing their own competition.

In the course of its hearings the Joint Economic Committee gathered available rate information on 40 export items. This study showed that, to carry goods in the so-called triangle trade to South America, Africa, and India, the freight charges for American shippers were 138 percent higher than would be paid by Japanese merchants, and 86 percent higher than for European businessmen wishing to ship the same goods.

At this stage, it is difficult to assess the full significance of such structural disparities. However, in this respect, the following observation by Secretary of Commerce Hodges in a letter of May 26, 1964, to the Chairman of the Federal Maritime Commission, is illustrative:

> During my recent trip to Central America, Colombia, and Venezuela, a persistent theme by businessmen and by government officials was the existence of markedly higher freight rates on shipments of U.S. goods to the area than on comparable shipments from Western Europe. In Nicaragua, for example, we were told that it cost $586 to ship a tractor from New Orleans to Corinto; and $314 to ship a tractor from the United Kingdom to Corinto. The Minister of Finance of Honduras lodged a similar complaint.

On June 4, the Chairman of the Maritime Commission released a letter to the White House which stated his opinion that disparities such as those discovered by the Joint Economic Committee "can have a profound and detrimental effect on this Nation's exports and its balance of payments."

Businessmen are taking the same view. On July 14 a meeting of the National Export Expansion Council was held in Washington, D.C. This is a group of 33 leading businessmen that directly advises Secretary of Commerce Luther Hodges on trade matters. Following the meeting, its chairman, Neil C. Hurley, Jr., was reported to have commented at a press conference that discriminatory freight rates "were definitely hurting" the American trade balance.

On July 15, the press summarized a report of the Southern California Research Council which expressed the opinion that the structure of ocean rates discriminates even more heavily against west coast than east and gulf ports.

In this era of growing world trade, the development of our own export markets is of paramount importance. At home, more than half of our States border the oceans and the seaways. The economies of these States are in a position to benefit directly from the opportunities created by the Trade Expansion Act of 1962, which could double our ocean trade over the next 20 years. Abroad, our maritime commerce supports not only our military security, but our vital economic and political interests as well. In the words of President Johnson's Maritime Day Proclamation:

> This country * * * looks upon the sealanes as highways of international goodwill and opportunity.

Nevertheless, the state of the Nation's maritime commerce in the recent past and present has been discouragingly far from its potential.

For example, the percentage of American gross national product moving in international commerce has actually declined since 1951, from almost 6 to 5.2 percent. Further, this percentage stands significantly below the level of other Atlantic nations, as illustrated by the following table:

Export trade as percentage of gross national product, 1963

[Native currency, in millions]

	Gross national product	Exports [1]	Export percent of gross national product
Belgium	608,000 francs	208,000 francs	34
United Kingdom	25,000 pounds	5,114 pounds	20
France	285,000 francs	43,000 francs	15
United States	585,000 dollars	30,700 dollars	5.24

[1] Includes goods and services.

Source: Department of Commerce, National Income and International Trade Analysis Divisions.

It is somewhat startling that the U.S. exports amount to less than 5½ percent of our gross national product, while the Belgian level of 34 percent is almost seven times as large. France and the United Kingdom, exporting 20 percent and 15 percent of their gross national products, exceed the U.S. percentage by nearly four and three times respectively.

These are not less developed countries, but possess advanced industrialized economies comparable to our own. This makes it even more compelling that the causes of this disproportion should be firmly identified and thoroughly explored by the business organizations and government agencies concerned.

Let me give one example of the vast possibilities that might be opened to American enterprise with elimination of freight rate differentials. For the first time since World War II, an effort is being made this year to develop a market for American beef in Europe.

The countries of the European Economic Community and their neighbors represent a prime market area, not only because of their booming population, but because of higher per capita income and the desire to spend some of this income on consumption commodities such as beef. At the same time, the supply of beef grown on the European Continent is declining. It is likely to continue declining because land is becoming more expensive and is being converted to uses other than rangeland. What is more, traditional sources of European meat, such as Eastern Europe and Argentina, have not been able to keep pace with the increasing demand.

As a result, the Foreign Agricultural Service of the Department of Agriculture estimates that there is a beef deficit in Europe of between 50,000 and 200,000 tons per year. At the average price of $850 per ton, this makes a potential annual market for U.S. beef of between $42,500,000 and $170 million.

Why has the United States been unable to tap this rich market?

It is quite plausible that the determinative reason is discrimination in ocean freight rates. From Argentina and Uruguay to Europe the rates are only about one-half of those from the United States to Europe, which is actually a shorter distance. If these rates were equalized, it would reduce the price differential between U.S. beef and South American beef by about 50 percent. This would permit Americans to be competitive in the European market even with the remaining difference in price, because of the quality and the favorable delivery terms that this country can offer.

Next, let us examine the small business consequences of an entry into this market. Of the approximately 1,000 meat packers in this country, it is estimated that about 70 percent are small businesses. Of the beef breaking plants or processors, a majority are estimated to be small businesses. Certainly, nearly all of the cattlemen and ranchers, and the persons who supply them, are in the small business category.

If a solution to the freight rate problem unlocked this one market for the United States, it would be a bonanza for our beef industry and its significant small business segment.

Another maritime factor, our merchant fleet, was recently reviewed by the chairman of the House Committee on Merchant Marine and Fisheries [Mr. BONNER]. Representative BONNER declared that between the years 1951 and the present time, while the world fleet has increased by 44 percent in number, the U.S. privately owned fleet has decreased 22 percent. Further, American-flag participation in U.S. commerce has dropped from about 42 percent to about 10 percent.

These steep declines came during a period when our gross national product had doubled from about $300 billion to almost $600 billion, and free world exports expanded from approximately $80 billion to $140 billion.

Because of such statements and statistics, the committees of Congress and many Senators are becoming increasingly concerned with this unfortunate state of affairs in maritime commerce. It is becoming more apparent with every passing week that freight rate discrimination must be remedied, and that the health of our merchant marine cannot be neglected.

The basic shipping policy of the United States is contained in the Shipping Act of 1916, which exempts shipping conferences from the operation of our antitrust laws, providing their rate schedules are approved by a governmental regulatory body, which since 1961 has been the Federal Maritime Commission. Under section 18(b)5 of that act the Commission and its predecessors have been directed to disapprove any rate which is "so unreasonably high or low as to be detrimental to American commerce."

The Maritime Commission is now making a perceptible effort to strengthen the surveillance of rates and take the action necessary in order that the mandates of Congress can be carried out.

An indication of the reaction to these congressional and regulatory activities is contained in the following newspaper and magazine articles:

First. "Maritime Squall—Commission's Stiffer Regulation Runs Into Rough Sailing," from the Wall Street Journal of May 12, 1964.

Second. "When Congress Tries To Rule the Waves," from the New Republic of June 6, 1964.

Third. "Europe Ship Unit Raps Disparity Claims," from the New York Journal of Commerce of June 11, 1964.

Fourth. "British Introduce Bill To Protect Shipowners From U.S. Interference," from the Wall Street Journal of July 9, 1964.

Fifth. "Douglas Raps United Kingdom Ship Position," from the Journal of Commerce of July 10, 1964.

Sixth. "Southern California Held Hurt by High Ship Rates," from the Journal of Commerce of July 15, 1964.

I believe these materials provide a useful chronology, and I ask unanimous consent that they be inserted in the RECORD at the conclusion of these remarks.

I also ask unanimous consent that the letter from the President of the United States to the Chairman of the Federal Maritime Commission, dated May 14, 1964, and the reply to that letter be printed in the RECORD.

I also ask that the letter from the Secretary of Commerce to the Chairman of the Federal Maritime Commission, dated May 26, 1964, and the reply to that letter be printed in the RECORD. I have copies of this correspondence available, and I submit them for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 12, 1964]

MARITIME SQUALL: COMMISSION'S STIFFER REGULATION RUNS INTO ROUGH SAILING

(By Eric Wentworth)

WASHINGTON.—It was just last August that a retired rear admiral took the helm of the Federal Maritime Commission, opened his sailing orders, and set out on a policy of full-speed-ahead law enforcement.

But already he's banking his fires rapidly, a weathered and wiser commander. And the lesson learned is quite familiar to the captains of other regulatory agencies in the Federal fleet; international waters are fraught with treacherous diplomatic squalls and jurisdictional fogbanks.

The seasoned admiral is John Harllee, a much-decorated Navy veteran who once picked a young officer named John F. Kennedy for PT boat duty and, in turn, was picked by the late President for first a seat on and then the chairmanship of the Maritime Commission.

The promotion of Mr. Harllee came in response to congressional demands for more active maritime policing. The tight little agency (only 250 hands) quickly set to work on a couple of major ventures. One sought to probe ocean freight rate disparities thought to be hurting U.S. exports. In another, the Commission ordered American and foreign shipowners doing business with the United States to give shippers a better break in rate contracts.

Both barely got out of port before encountering storms of protest from foreign governments that forced Mr. Harllee to slow down. In that, the Maritime Commission joins the Civil Aeronautics Board and the National Labor Relations Board, just to mention two other regulators who've run into similar difficulties.

The CAB tangled with International Air Transport Association members in trying to block an increase last spring in transatlantic passenger fares. The European governments which own or have big financial interests in their nations' carriers insisted on the increase and the British threatened reprisals against U.S. carriers unless they went along. The CAB, heeding State Department pressure, gave in.

SUPREME COURT RULING

The NLRB thought it could order elections, wanted by U.S. maritime unions, among foreign crews on foreign-flag ships doing a substantial business in U.S. ports, despite protests from the shipowners and their oversea governments. But the Supreme Court last year denied the Board.

Diplomatic and jurisdictional limitations are especially important in the case of Mr. Harllee's agency, which was established under a 1961 reorganization aimed at more effective maritime regulation. Such programs as subsidizing the U.S. merchant fleet are now run by the Commerce Department's Maritime Administration. While the commission wears a number of domestic hats, too, a far greater proportion of its responsibilities involve U.S. foreign commerce. The independent agency is charged with regulating the rates and practices to and from the United States on regular routes and schedules, and about 335 fly foreign flags. None wants to be bossed around by Mr. Harllee.

Prodding Mr. Harllee and the Commission to be vigorous regulators is Congress' Joint Economic Committee, and in particular its chairman, Senator DOUGLAS, Democrat, of Illinois. Over the past half-century, Congress has built up a formidable stock of maritime laws to protect U.S. ships and shippers, and Senator DOUGLAS for one thinks it's high time these laws were enforced.

Last May, the Douglas committee, concerned about the U.S. balance-of-payments position, blasted the Commission for not investigating reported disparities in which shipping rates on U.S. exports were higher than those on similar imports. When Mr. Harllee assumed command of the agency 3 months later, he plunged into the task.

As a first big step toward studying rate disparities, the Commission ordered a number of ratesetting steamship conferences and individual lines, some based in this country and others abroad, to hand in quantities of data and documents under pain of $100 daily penalties.

The foreign shipowners and their governments protested vehemently, claiming the Commission had no authority to secure materials located overseas. A group of 11 foreign governments, considered U.S. friends on most counts, filed a formal objection with the State Department, charging the Commission with among other things, commercial espionage.

After several delays, Mr. Harllee, flanked by State Department representatives, attended truce talks in Paris and agreed the Commission would drop its "section 21" orders aimed at oversea documents if the foreign governments would get at least part of the information—but not documents—from their ship lines and relay it to the United States. The Commission hopes to receive a final answer from the foreign governments later this spring.

"If the Commission cannot obtain this type of information," Mr. Harllee told the Joint Economic Committee in March, "then it can not perform its statutory functions of regulating conferences." Even if the diplomatic approach proves fruitful in this situation, however, it's doubtful if secondhand information, as a substitute for the original documents, suffices as a general rule in regulation. A high official elsewhere in Government observes: "If I'm charged with regulating somebody and only know what he chooses to tell me, there's a question of how much I really know."

In hopes of strengthening the Commission's hand in dealing with foreign-based ship lines and conferences, the Joint Economic Committee may recommend that Congress pass provisions included in the original House version of the 1961 maritime legislation known as the Bonner Act. These would have required foreign ship operators to maintain agents on U.S. soil to answer Federal process servers and to furnish whatever records and information the Commission might request.

OBSTACLE IN SENATE

These recommended provisions, however, would face a formidable obstacle in the Senate Commerce Committee which scuttled them 3 years ago, bowing to pressures from foreign governments, the State Department, and both foreign and U.S. ship lines. The Senate committee said it saw no point in legislating powers the Commission couldn't exercise: "We would only muddy the waters and do violence to our foreign policy were we to leave such provisions in the bill."

Mr. Harllee's second assault, on shipper contracts, was in direct response to congressional mandate. Under the so-called conference system which dominates global shipping, the world's scheduled steamship lines set uniform rates on major trade routes, including "dual rate contracts" that provide savings for loyal shippers, and make other arrangements for their mutual benefit.

The Bonner Act required conferences, under threat of stiff fines, to modify their dual rate contracts in ways generally favorable to shippers. As amended, it set an April 3 deadline for the Commission to enforce the changes. The Commission's 11th hour announcement in late March that it meant business set off a new round of protests among the foreigners, who had fought this and other Bonner Act provisions from the beginning.

The British, in particular, were furious about what they saw as U.S. interference in relations between British ship lines and shippers, even if trade with the United States was involved. The Manchester Guardian weekly ran a cartoon showing two cigar-chomping American pirates forcing a British tar to walk the plank.

Once again, the foreign governments took their case to the State Department, protesting U.S. infringement on their rights. And once again, Mr. Harllee has had to trim sail. The Maritime Commission now says it recognizes that modifying contracts means a difficult transition period. It won't be punitive; it is willing to sit down and talk with anyone who has problems in meeting the new requirements; and it will use "administrative discretion" generously when it comes to enforcing deadlines.

FOREIGN COOPERATION

Nothing so far, in either the rate information or rate contract cases, suggests the foreign governments will compromise on jurisdiction principles, though they may offer limited cooperation when these principles and their own national interests permit. The U.S. State Department, which takes a dim view of international ventures in diplomacy by regulatory agencies, supports "reasonable" approaches aimed at such cooperation. Foreign willingness to play the Commission's game will be tempered, however, by the natural assumption abroad that whatever Mr. Harllee's agency wants is geared primarily to U.S. interests.

Meanwhile, any future Commission efforts at strict enforcement of U.S. maritime laws against conferences or individual foreign carriers will meet continued resistance not only from overseas, but from the U.S. lines, most of which appear to favor the conference system for competitive reasons and fear Commission toughness will spur retaliation by foreign governments. Congressional pressure on the Commission to be firm may drop when Senator Douglas steps down from the Joint Committee's revolving chairmanship at the end of the year. There's no evidence the Douglas view has broad support on Capitol Hill.

If congressional pressure does abate, it's likely Mr. Harllee will steer his Commission with a gentler hand, especially after the recent rough sailing. The chairman assured a House panel recently that his agency doesn't intend "oppressive overregulation." On the contrary, he said: "Our goal is to create a proper atmosphere for self-regulation of the steamship industry because I am convinced that self-regulation can be effective regulation."

[From the New Republic, June 6, 1964]

When Congress Tries To Rule the Waves

(By David Shears)

For years the U.S. Congress has been trying to regulate other nations' shipping. Britain and 10 other maritime nations protested in Washington last month, after the Federal Maritime Commission again demanded the right to review contracts between unprotected shippers and organizations of shipping lines. These contracts slip 15-percent discounts to shippers who promise to send their cargoes only in ships belonging to the members of the organized shipping lines. The FMC also claimed the right to make the shipping lines hand over written information about their freight rates; it is alleged that the organized shipping lines charge higher cargo rates on American exports than on imports.

The FMC Chairman, Rear Adm. John Harllee, wanted the shipping lines to accept standardized freight contracts drawn up by the FMC; the FMC contracts would give shippers 30 days' notice of increases in cargo rates, and would also contain an escape clause enabling shippers to get out of their agreements if they felt they were being exploited. In seven different ways the standardized contracts assert U.S. jurisdiction over foreign shipping engaged in U.S. commerce. When the governments of 11 maritime nations called this an invasion of their sovereignty, the FMC offered to change the wording where it seemed to assert U.S. jurisdiction; but only if the Europeans in turn agreed to the substance of the standardized contract.

A tentative settlement was reached along those lines, and the State Department is waiting now to see if the foreign governments will accept it. It is far from certain that they will. Even if they do, it will still leave the dispute over freight-rate documents unsettled. The 11 nations say that to produce those at the behest of the FMC would imply acceptance of U.S. jurisdiction over their shipping.

Organized shipping lines, called shipping "conferences," are cartels and are therefore illegal combinations under U.S. antitrust laws. But the Europeans and the Japanese say that they as foreigners shouldn't come under U.S. laws. Mostly they agree that cartels should not be allowed to sail right over unorganized shippers, but they tend to argue that U.S. shippers should get organized as others have done. This, however, might be illegal for American shippers, under the same antitrust restrictions that the whole argument is about. No one has yet displayed enthusiasm for the alternative of an international shipping convention.

Similar trouble has arisen over airlines. There is an airline cartel, the International Air Transport Association. Last year it decided that transatlantic fares should go up 5 percent. But the Civil Aeronautics Board refused to let Pan American and Trans World Airlines raise their fares by that amount—this would be collusion and therefore illegal. Had CAB had its way, PanAm and TWA would have undercut all the other airlines, so the Europeans threatened to close their airports to American planes. This forced the administration to back down and permit the American carriers to raise their fares to the new IATA level. Last month, however, Alan Boyd, the chairman of CAB, asked the House Commerce Committee for legal authority to fix passenger and cargo fares in foreign air transportation. He said: "Foreign governments have been able to take unilateral action against our carriers, while we have not been able to do the same to theirs." The foreigners say it wasn't unilateral action, because most world airlines belong to IATA. But the U.S. Government won't allow U.S. airlines to behave as IATA members until it is pressured into doing so.

The root of these shipping and aviation disputes is not in the regulatory agencies, but in Congress. The British Transport Minister, Ernest Marples, showed his awareness of this last month in Washington when he called on Senator Douglas and Representative Herbert Bonner (Democrat, of North Carolina), the key figures in the controversy.

The antitrust laws puzzle the foreigners. So does the Buy American Act which applies to Government contracts and gives U.S. manufacturers a 6-percent preference rising to 12 percent where the U.S. bidder is in an area of substantial unemployment. However, the margin of preference can be considerably widened in the national interest by executive decree. Two years ago, Defense Secretary McNamara hiked it to 50 percent, but without formally announcing he had done so: U.S. importers only found out when they began losing defense contracts.

[From the Journal of Commerce, June 11, 1964]

Harllee Letter Hit: Europe Ship Unit Raps Rate Disparity Claims

(By George Panitz)

The Federal Maritime Commission and foreign shipping interests appeared yesterday to be at loggerheads again in the year-old controversy over ocean rate disparities for moving American export and import trade.

The latest chapter in the running fight that has already embroiled the United States in protest actions from a dozen foreign governments came in a new challenge by the Committee of European Shipowners to FMC Chairman Admiral John Harllee on the complicated rate issue.

FMC ALLEGATIONS HIT

A spokesman for the European shipowners charged in effect that allegations about the adverse effects of ocean freight rates on U.S. exports and balance of payments made by

Admiral Harllee in a letter to President Johnson will not stand up to analysis.

Albert A. Van L. Maas said in a statement made public here yesterday that he was speaking for the shipowner group in charging that the statements made by Admiral Harllee are "an oversimplification and distortion of a very complex economic problem."

Mr. Maas said that it is difficult to understand how such charges continue to be made after the testimony by competent witnesses presenting convincing evidence that ocean freight rates are not affecting adversely U.S. exports. He referred to evidence given by both American and foreign steamship officials at a hearing last year into the rate disparity issue that was raised in May 1963 by Senator PAUL DOUGLAS' Joint Economic Committee for the Congress.

The new dispute over the rates followed release of a letter by Admiral Harllee to the White House in which he said rate disparities such as those pointed to by Senator DOUGLAS and his committee can have a profound and detrimental effect on this Nation's exports and its balance of payments.

SHIPOWNERS' DENIAL

Mr. Maas and his committee flatly deny this. Ocean freight rates, he said, represent only 12 percent of the value of U.S. exports and even if it were economically feasible to reduce these rates by 10 percent, which would amount only to 1.2 percent of the export value, the net effect would hardly stimulate more exports or affect the balance of payments.

Admiral Harllee told the President that the FMC is engaged in an all-out effort, involving informal investigations, factfinding investigations and formal hearings to insure that there are "no unwarranted discriminations against this country's exports." He said that as far as the Commission was concerned a study of the rate disparities that now exist in many inbound and outbound ocean trade routes is a prime responsibility to the national goal of achieving balance-of-payment equilibrium.

In raising the issue with Admiral Harllee, the European shipowner group pointed out that the United States already has a favorable balance of payments in the movement of ocean freight. Mr. Maas said that a U.S. Department of Commerce study in August 1963 reported this favorable balance as $54 million during 1962.

REPORT FINDINGS

According to Mr. Maas, this report showed that for ocean transportation of commodities in 1962, the United States showed credits of $1,277,000 and debits of $1,224,000. He added that port expenditures make up a substantial part of total costs in ocean freight transportation and that in 1962, foreign ships spent $684 million on port costs in the United States at the same time that American ships spent only $241 million in foreign ports.

Mr. Maas said that in all the furor over balance of payments, the United States last year sold $5 billion more than it bought in dealings with other countries. In the case of the 10 major West European countries, the United States had a favorable balance of $1.7 billion, he added.

The issue over the rate disparities involves claims by congressional critics that the steamship industry, dominated by foreign lines, charges American exporters more to carry their products abroad than is charged foreign producers to move the same goods to the United States.

At hearings of Senator DOUGLAS' committee in the spring of 1963, it was charged that steel products from Europe and Japan could be brought to the United States at considerably less than it would cost to move the same item abroad. Senator DOUGLAS charged that this practice hurt American exporters.

[From the Wall Street Journal, July 9, 1964]

BRITISH INTRODUCE BILL TO PROTECT SHIPOWNERS FROM U.S. INTERFERENCE—COMMONS TOLD OF RISING CONCERN OVER MOVES BY UNITED STATES TO APPLY ITS RULES TO FOREIGN SHIPPING

LONDON.—The British Government introduced a bill in the House of Commons designed to protect British traders and shipowners from interference by the U.S. Maritime Commission.

Transport Minister Ernest Marples told Commons the Government has become increasingly concerned about the attempts by the Federal Maritime Commission to apply to the shipping of any nation the same regulations applied under U.S. law to U.S. shipping. The most recent example of such unilateral regulation was the attempt by the Commission to impose conditions on shipping contracts made in the United Kingdom.

The Federal Maritime Commission last April 3 gave steamship conferences 90 days to modify their so-called dual-rate contracts. Conferences are rate-setting associations of steamship companies serving a special trade route. There are about 60 of them in ocean trade to and from the United States. Members of such conferences—such as the North Atlantic United Kingdom Freight Conference—include both U.S.- and foreign-flag firms.

The Federal Maritime Commission has ordered all conference carriers serving the United States to change the dual-rate contracts or face fines of $1,000 a day. Dual-rate contracts require shippers to send all their goods with conference members in order to get a 15-percent rate reduction. The conferences defend these contracts on the ground that without them rate wars would ensue.

The Commission says the contracts should be altered to provide for the release of a shipper to use nonconference vessels if a conference ship isn't immediately available. The Commission has also been ordering the conferences to provide data dealing with rate disparities between inbound and outbound shipments. But the deadline for these orders has been extended many times.

Foreign-flag members of the rate conferences—particularly steamship companies flying the flags of 10 European nations—are riled by the Commission's orders, contending the United States has no jurisdiction over their activities. Mr. Marples said the Commission agreed to extend until September 1 the date on which it will require British shipowners to comply with its orders in the contracts case.

"This, of course, is helpful. We earnestly hope that the outcome of our discussions with the U.S. Government will be satisfactory," he said. Mr. Marples said, however, the duty of the Government is to safeguard the rights of British subjects, including traders and shipowners. Therefore, in view of the present uncertainty and in order to make the British position clear, "we have decided to present a bill to the House of Commons."

The purpose of the bill is protect Britain's jurisdiction over persons conducting business in Britain from the imposition by any foreign country of requirements or documents relating to the transport of goods or passengers by sea.

[From the Journal of Commerce, July 10, 1964]

DOUGLAS RAPS UNITED KINGDOM SHIP POSITION—TERMS IT "UNPRECEDENTED"

WASHINGTON, July 9.—Senator PAUL H. DOUGLAS, Democrat, of Illinois, today called extraordinary and unprecedented a move by the British Government yesterday to oppose what it called U.S. attempts to apply American regulations to British shipping.

British Minister of Transport Ernest Marpels introduced in Parliament a bill under which he would have the power to prohibit any person in Britain from complying with the demands by the court of a foreign country for the production of documents of information located outside Britain. According to the bill the British regard any such orders as an infringement of British jurisdiction.

Senator DOUGLAS, chairman of the Joint Economic Committee, has in the past year led a probe aimed at ferreting out freight rate practices that discriminate against U.S. exports.

He said today that irrefutable evidence presented to his committee indicates that on 65 to 80 percent of American exports ocean freight rates are substantially higher than on comparable Japanese or European exports to this country.

While this discrimination is more acute in the new Japanese-United States trade than in the European-U.S. trade, the Senator said in all trades the United States is at a competitive disadvantage.

"The FMC after many years of inaction has finally taken steps to alleviate freight rate discrimination," he said, "but prior to taking direct action, it has sought statistical information and documents from steamship carriers and conferences carrying American commerce. The Commission wants to make doubly certain that no real justification exists for this discrimination against the United States.

"I, myself, have encouraged the Commission to eliminate these disparities on the information they already have at hand, but the Commission has taken a more moderate approach in requesting additional facts," Senator DOUGLAS said.

DEFY U.S. LAW?

He said further that the steps proposed by the British Government indicate that it is willing to order its lines to defy American law rather than produce the information requested by the FMC.

"This certainly implies that the discrimination against American exports is even greater than current facts indicate," Senator DOUGLAS said.

"It implies that the British lines are so frightened of the consequences resulting from revelation of additional facts that they have successfully lobbied the Government of Great Britain to take this unheard of action against its most friendly ally."

The Senator said that the fact that the British Government is willing to risk "an international crisis" rather than reveal information concerning the rates charged by British carriers on the transportation of American commerce is extraordinary.

"I am not prepared at this moment to develop in full the implications of such a defiance directed by the public authority of Great Britain. That they may be grave is obvious. That this constitutes an extraordinary event in international law is also obvious," he said.

UNDERSTANDING NEEDED

Senator DOUGLAS remarked that there must be a clear understanding that the U.S. Shipping Act is sound and necessary legislation and that the proceedings of the FMC under it have thoroughout its history been moderate and indulgent, to say the least.

"Concessions have been made in the present controversy at the request of the same government that now seems about to challenge our elementary jurisdiction over our own commerce. It has been my belief that these concessions compromise the efficient administration of the law. Even these have not been deemed sufficient, it seems. To go further would involve a capitulation that I believe would be injurious to the national interest and to international principles of fair competition," Senator Douglas said.

In conclusion, he said, if the "moderate actions" of the FMC cannot be carried out the United States "may be obliged to abolish the conference system of oceans transportation and to rigorously control ocean freight rates."

The State Department today announced its interest in the proposed British legislation to the extent that it might affect international shipping in the U.S. trades.

FMC SUPPORTED

At a press briefing, late today, a Department spokesman backed up the FMC's statutory responsibility to investigate freight rates which may be discriminatory to U.S. exporters.

The spokesman said that over the years the United States and Britain have had different views on the regulation of international shipping and that these differences have been discussed frequently at all levels of government, and are continuing.

The spokesman said, "We share the hope that the British Ministry of Transport reportedly expressed that settlement of these difficulties can be reached by friendly discussion and negotiation."

There was no comment by the FMC.

[From the Journal of Commerce, July 15, 1964]

IN AREA COUNCIL REPORT: SOUTHERN CALIFORNIA HELD HURT BY HIGH SHIP RATES

WASHINGTON, July 15.—Most statistical evidence indicates that existing ocean freight rates discriminate against southern California producers, according to a report on that area's position in international trade put out today by the Southern California Research Council.

On the matter of outbound and inbound ocean freight rates the council gave the following examples:

"Freight rate charges on cargoes outbound from the United States are usually higher than inbound rates for the same commodity and the same trade route," the council reported.

"American producers pay from 25 to 50 percent more to ship many products to Europe and Japan than European and Japanese producers pay to land similar products in the United States. Steel angles, beams and girders, for example, can be shipped from the United States to Japan for $31.10 a ton, the same products transported in the opposite direction cost $15.50 a ton—about half as much."

UNITED STATES VERSUS BRITAIN

It costs General Motors more to ship a Chevrolet to England than it costs British producers to deliver a Rolls Royce to this country.

It costs more per ton-mile to ship U.S. exports to countries in South America, Africa, and southeast Asia than it does to transport similar goods from Europe or Japan to the same countries.

The council held that the structure of ocean freight rates discriminates more heavily against goods shipped from the west coast then those shipped from east coast or gulf ports.

"This results from a wider spread between outbound and inbound rates on routes linking west coast ports with markets than exists between east coast or gulf ports and the same foreign markets. One study of a recent period shows, for example, that outbound rates from the west coast to Japan were 60 percent higher than inbound, but the difference between outbound and inbound rates on the east coast-Japanese routes was only 43 percent," the council said. "This, of course, makes it harder for local producers to compete effectively with other American producers in foreign markets," it added.

The council, in its report, said that regional discrimination, disadvantageous to local producers, was also inherent in the structure of port charges.

"Such charges are not only higher in the United States than in most other countries, but seem to be higher on the west coast than on the east or gulf coasts. To cite one example, terminal charges—called wharfage and handling charges—are assessed in western ports on outbound cargo, but are not charged on the east coast."

THE WHITE HOUSE,
Washington, May 14, 1964.

Hon. JOHN HARLLEE,
Chairman, Federal Maritime Commission,
Washington, D.C.

DEAR MR. HARLLEE: One of the most pressing national problems facing this Nation in recent years has been the continuing deficit in our balance of payments and the resulting outflow of gold. In order to maintain the strength of the dollar and meet our national objectives, both at home and abroad, it is imperative that we restore equilibrium in our international accounts.

Since the initiation of the program announced by President Kennedy on July 18, 1963, we have recorded substantial progress toward equilibrium. But the job is not yet finished. It requires the attention and effort of every individual concerned with the national welfare.

I am sure that you are entirely aware of the national importance of achieving balance-of-payments equilibrium. I ask you fully to take into account this urgent national problem in carrying out your mandate as head of an independent regulatory agency of the United States.

Sincerely,

LYNDON B. JOHNSON.

MAY 20, 1964.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: With reference to your letter of May 14, 1964, which describes the necessity of making every effort to achieve balance-of-payments equilibrium, I would like to report to you that this agency regards that goal as perhaps its most important responsibility.

As you know, our agency is charged with the responsibility of facilitating U.S. exports by assuring that export freight rates are reasonable and nondiscriminatory; and promoting the economic welfare of the U.S. merchant marine by eliminating foreign discrimination against U.S. shipping. Both of these responsibilities are directly related to this country's balance-of-payments position.

The most important program being undertaken by the Commission is an investigation into ocean freight rate disparities; in our most important export trades, the export freight rates are substantially higher than the import rates on the same or similar commodities. As pointed out by the Joint Economic Committee of the Congress such disparities can have a profound and detrimental effect on this Nation's export capacity and, consequently, upon its balance-of-payments situation. The Commission is engaged in an all-out effort, involving informal investigations, factfinding investigations, and formal hearings, to insure that there are no unwarranted discriminations against this country's exports.

This agency is, likewise, energetically engaged in the removal of foreign discriminations against our merchant marine which have the effect of reducing its revenues, thereby reducing the dollars earned by these companies which would otherwise contribute to a favorable balance-of-payments position.

I assure you that this agency recognizes the national importance of these programs and will continue to devote its fullest energies to the solution of this most urgent national problem.

Sincerely yours,

JOHN HARLLEE,
Rear Admiral, U.S. Navy, Retired,
Chairman.

TEXT OF THE CORRESPONDENCE BETWEEN THE SECRETARY OF COMMERCE AND THE CHAIRMAN OF THE FEDERAL MARITIME COMMISSION

MAY 26, 1964.

DEAR ADMIRAL HARLLEE: During my recent trip through Central America, Colombia, and Venezuela, a persistent theme by the businessmen and by government officials was the existence of markedly higher freight rates on shipments of U.S. goods to the area than on comparable shipments from Western Europe. In Nicaragua, for example, we were told that it costs $586 (plus inland freight charges) to ship a tractor from New Orleans to Corinto; and $314 (including any inland freight charges) to ship a tractor from the United Kingdom to Corinto. The Minister of Finance of Honduras lodged a similar complaint.

I realize that you have been working on this problem for some time. I especially appreciate the fact that your instituted factfinding investigation No. 6 at the request of this Department. I also realize that the Joint Economic Committee of Congress, under Senator Douglas' leadership, also has held extensive hearings on the subject.

However, I thought you would like to know about some of the complaints made to me on my recent trip to help improve our commercial relations and to expand our exports. To the extent that these complaints are valid, there is an inevitably bad effect on our export expansion drive. I am confident that the Federal Maritime Commission will continue to make every effort to remove these freight rates impediments which hamper our exports.

This Department remains willing to assist you in whatever ways it can.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce.

JUNE 3, 1964.

DEAR MR. SECRETARY: I was very pleased to receive your letter of May 26 reporting on some of the information you gathered on your recent trip to Latin America. Your report of complaints that freight rates are often higher on shipments of U.S. goods than on comparable shipments from Western Europe coincides with facts developed by Senator Douglas in his investigation of freight rate disparities. As was developed by the Joint Economic Committee hearings, disparities in the foreign-to-foreign trade can have an even more profound effect upon our export expansion program than inbound-outbound disparities. I want to assure you that the Commission is sensitive to the very real problem created for our exporters by such rate disparities.

I must point out, however, that the corrective action that can be undertaken by this Commission is severly limited. As you are aware, the Commission has no jurisdiction, and of course desires none, over foreign-to-foreign rate levels. It is, however, a violation of U.S. laws for a carrier to discriminate unjustly against an American exporter as compared with his foreign competitor in the rates the carrier charges. But this means that the Commission can act only where it is the same carrier who is operating both in U.S. trade and the foreign-to-foreign trade. This severely limits what the Commission can do, as does the lack of information about foreign-to-foreign shipping rates and the identities of carriers engaged in foreign-to-foreign commerce.

You will be interested, I believe, in the current investigation being conducted by the

Commission on disparities in rates applicable to boilers. There is some evidence to suggest that American exporters of boilers must pay significantly higher freight rates than their foreign competitors.

You may be assured that where the Commission has jurisdiction to act, it will act to insure that no carrier engaged in U.S. commerce is discriminating against American exporters. Needless to say such discrimination can have an adverse effect not only on the U.S. trade expansion program but on the economy of the recipient nation as well.

I would again like to thank you and your Department for the assistance you have consistently offered to the Commission in discharging its regulatory responsibilities.

Sincerely yours,

JOHN HARLLEE,
Rear Admiral, U.S. Navy, Retired, Chairman.

Mr. SPARKMAN. Mr. President, I understand also that the Merchant Marine Subcommittee of the House of Representatives is presently holding hearings to review the operations and activities of the Maritime Commission since it was reconstituted by Reorganization Plan No. 7 in 1961.

As a further measure, the Senate Small Business Committee, upon which I serve as chairman, has begun to look into the impact of ocean freight rate disparities upon small shippers, who are especially vulnerable because of their lack of bargaining power. The committee would like to determine the extent to which opportunities for continuing business and profits on the part of American business, particularly small business, are being sacrificed because of these disparities and the complexities which surround them.

Mr. President, it is my hope that the combined efforts of all who are active in this field will in time eliminate completely the "freight rate barrier," so that American goods can participate freely and profitably in international maritime commerce.

BIG BUSINESSMEN FOR JOHNSON

Mr. CURTIS. Mr. President, some 2 weeks ago, a committee of big businessmen was formed to promote the election of the Johnson-Humphrey ticket. An examination of the membership of that committee will reveal a wide interest by some of the major companies in our country. It has been well said that one of the issues in this campaign is contracts versus conscience.

The Omaha World-Herald of September 8, 1964, published an excellent editorial entitled "The 45 for Johnson," which clearly sets forth what is involved in this action of these "Wall Street darlings" of the Johnson-Humphrey ticket. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Omaha (Nebr.) World-Herald, Sept. 8, 1964]

THE 45 FOR JOHNSON

The fact that 45 eminent big businessmen last week formed a national independent committee to work for the Johnson-Humphrey ticket should surprise no one.

For the truth is that big government and big business are necessarily allies. They depend upon each other.

Government needs big business to carry out its massive projects. Big business needs big government to pay the bills.

The economics of the matter are quite simple.

The Federal Government this year will spend in excess of $100 billion. Directly or indirectly, it will be by far the biggest customer of every major steelmaker, every automobile concern, every computer builder, and every airplane factory in the land.

If you, dear reader, were the executive head of such an institution, would you declare war on your best customer?

To do so might be rather imprudent.

Are we being overly cynical?

Perhaps. In fairness it should be added that there is a certain political compatibility between the men of big business and the men of big government which is not directly related to tomorrow's contracts.

The issue which brings them together is inflation. They both like it.

Big government, as exemplified by the Johnson administration, is dedicated to more welfare, more foreign aid, greater spending, and lower taxes. This course, naturally, will lead to greater deficits, which in turn will produce continuing spirals of inflation.

And why is the prospect of more inflation pleasing to some big businessmen?

Most of them are hired managers, not principal owners. Their reputations are enhanced when the dollar profit of their companies go up year by year. Their personal fortunes are enhanced when the value of their stocks rises. Inflation is helpful toward both those ends.

Thus there is a community of interest between the welfare politicians of big government and the latter-day managers of industry who have taken the places of such giants as John D. Rockefeller, Andrew Carnegie, and Henry Ford.

We are not here trying to explain American politics entirely in terms of economic determinism. Some people have convictions and stand by them at any cost—and damn the torpedoes.

But we think it is true that people who are in the same boat, or on the same roller coaster, are likely to have a common interest in the conveyance they are riding. That is why we say it is not particularly surprising that certain spokesmen for big business have declared themselves in favor of the political ticket which emphatically supports big spending.

We hope the time will come when those who are harmed by inflation—primarily men and women who work on salaries or on farms and those who live on fixed incomes—will become equally interested in maintaining an honest dollar.

FEDERAL FARM SPENDING FIGURES

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Those Federal Farm Spending Figures," published in the Stockman's Journal, of Omaha, Nebr., for August 26, 1964.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THOSE FEDERAL FARM SPENDING FIGURES

The New York Times tells us that nearly all the defense savings achieved by Robert S. McNamara, Secretary of Defense, were offset in the fiscal year just ended "by another large and unexpected spending increase in the program that has been the despair of successive administrations for 15 years—the farm program."

Warming to its subject, the Times says that "detailed figures for the fiscal year reveal that farm spending hit a record of $7 billion. This was $1 billion more than had been estimated in January of this year and $1.3 billion more than had been estimated when the budget for the fiscal year was first presented more than 18 months ago.

"If the record of the past is any guide, it is highly unlikely that this spending will drop to $4.9 billion as estimated in the budget for the current fiscal year. If the President's target of holding total spending below $98 billion is to be met, there will have to be savings elsewhere. Despite the changes in the farm program proposed by the present administration, most of which Congress has accepted, farm spending has risen steadily. The administration has regularly claimed that the changes would reduce costs.

"In all but 1 year of the decade of the 1950's farm outlays were less than $5 billion. But in fiscal 1961, they rose to $5.2 billion, then to $5.9 billion in 1962, $6.9 billion in 1963, and $7 billion in 1964. And in nearly every year they have turned out higher than the budget estimates."

This record may be difficult to run on in the campaign ahead, though members of the Democratic Party have demonstrated an adeptness at turning a record of spending and budget deficits into votes in national elections. Perhaps they will succeed in doing so again, but we lean to the view that, if they are successful at the polls in November, it will be more in spite of their Federal farm programs than because of them. It will be interesting to see what is singled out to brag about in this administration's handling of the farm question.

Just exactly how the farmer's cause has been advanced during the past 4 years of steadily increasing farm spending, we aren't sure. But perhaps the campaigners will enlighten us. Despite what the general public may erroneously think, the condition of the farmer's pocketbook would seem to indicate that those billions of dollars appropriated and spent in the farm name must have been sidetracked and diverted from their intended destination.

It would help a great deal, of course, if farm budget figures were broken down and analyzed for the public in their true light. For instance, the cost of administering farm programs takes a healthy sum. How much? The public should be told. And, too, how about the welfare and relief programs—school lunches, food for the needy, etc., both at home and abroad—that are being financed out of the agriculture budget?

Surely all these and other such ventures should not be lumped together in Federal farm spending totals. No wonder the public is confused and tired of hearing about the farm problem.

There is more than a touch of irony, incidentally, in the fact that just about the time that record farm spending figures were being publicized and worried over in high places, it was also revealed that the farm parity price ratio had skidded to its lowest level in around 20 years. It will also be interesting to see what there is in this situation to brag about on the campaign trail.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. SIMPSON. Mr. President, the Constitution of the United States says without equivocation in article 4, section

4, that "the United States shall guarantee to every State in this Union a Republican Form of Government, * * *."

The Constitution does not say that after 1¾ centuries as a republic, the Federal courts will summarily reorganize the governments of the many States. But that is exactly what the Supreme Court is requiring in its June 15 edict on reapportionment.

The importance and impact of this edict are the reasons why we have spent the last month debating proposals by the distinguished majority and minority leaders and why we will tomorrow vote on a compromise offered by the Senator from New York. Let me point out at this juncture of my remarks that I cannot lend my support to a compromise which is, in the words of the Senator from Georgia [Mr. RUSSELL] and the Senator from Illinois [Mr. DIRKSEN], supplication to the High Court. As the distinguished minority leader pointed out in debate on last Thursday:

> There is not a binding word in (the Javits proposal).

I would hope that not only would the proposal by the Senator from New York be rejected by the Senate, but that the stronger, although not completely adequate, amendment authored by the minority and majority leaders would be passed subsequent to the rejection of the proposal by my friend and colleague from New York.

The Mansfield-Dirksen amendment is brief. It embodies substantially more than supplication. Simply stated, it provides for the halting of reapportionment actions until January 1966, to permit States to hold elections under existing laws. It would also allow State legislatures reasonable opportunity to reapportion in regular session or to amend the U.S. Constitution.

For nearly 200 years, Mr. President, the many States of the Republic managed to transact their constitutionally lawful affairs, protect the welfare of their citizens, and enjoy general prosperity with State governments organized as the Federal Constitution provides—by the States themselves within the framework of a republican form of government.

As the Senator from Illinois has so eloquently stated, and as the title of his bill substantiates, a stay of proceedings is all that is being sought in this proposal. We are not asking nor can we ask that the Congress override the ruling of the Court. We ask only that the system which has endured, which has prospered, and which has given us a chain of union forged of 50 strong and viable links not be summarily destroyed. We ask only that a reflective pause be granted long enough to allow voluntary reapportionment or the consideration of a constitutional amendment to lawfully and properly overrule the High Tribunal's edict and allow bicameral legislatures their historic prerogative of constituting one house on other than a population basis.

The Mansfield-Dirksen measure is not an anti-Court amendment, it is not an antimetropolitan amendment, it is not an antisuburban amendment. It is a proposal to the Senate that we agree to a reapportionment breather; that we grant the governments of the 50 States time in which to rethink the question of their own composition without the specter of the Federal courts hovering above their capitols ready to snip the horse hair and send a juridical sword of Damocles cleaving through their governments, their philosophies, and their institutions.

Senators supporting this bill seek not to use it as a vehicle for changing the Constitution. We seek not to deny any groups or any areas or any classes or segments of our society their constitutional representation in the governments of the States.

We seek in this legislation to protect those individual and States rights by providing time for serious consideration by the States of the whole question of legislative apportionment.

My sentiments on this bill are as those of the Judiciary Committee on an earlier proposal. I feel this bill "would provide the Congress with sufficient time to consider proposed amendments to the Constitution dealing with this subject. It would relieve the States from hurried acts of reapportionment made pursuant to Court order issued before the matter is fully resolved."

The committee further noted:

> Many proposed amendments to the Constitution dealing with the right of the citizens of a State to determine the apportionment of the membership of the State legislature are pending in committee both in the House of Representatives and in the Senate. There may not be sufficient time remaining in this session of the Congress to give adequate study to these proposals. A breathing spell is needed both for the harassed States and for the Congress.

Mr. President, the one sentence, the one rationale absolute, which in itself cries out to the Senate to pass legislation of this kind is the committee's assertion that it "does not believe that reasonable reapportionment laws or amendments to State constitutions, when required, can be contrived in haste."

Mr. President, contriving apportionment in haste is precisely what the Federal courts seek to do behind the impetus of the High Tribunal's June 15 decision.

Contriving in haste is precisely the purpose of the special interest groups who have filed reapportionment suits in States whose legislative compositions are clouded by the High Court's decision.

Contriving in haste is the purpose of metropolitan power cliques who seek to prostitute the Court's edict and derive from it a greater measure of Tammany-type control over State governments.

One of the principal champions of the city-dominated State legislature system, the Washington Post, published an article datelined August 9, announcing:

> Fifteen prominent law school deans and professors wired Senate leaders that this proposal to delay reapportionment "dangerously threatens the integrity of our judicial process."

The dispatch further stated that these "legal scholars" denied their protest had anything to do with the correctness of the Court's June 15 decision on reapportionment—which is a stroke in their favor. Instead, their fears are based on the contention that the bill would be "a drastic interference" with the powers of the courts to enforce the Constitution.

Even though their bête noire—the original Dirksen amendment—has been abandoned, it gladdens my heart and elevates my spirits to think that any group of men whose credentials are those of bona fide legal scholars would suddenly be so concerned about drastic interference.

If they seek to occupy themselves with issues of drastic interference, let these gentlemen consider the instances—and they are legion—in which the Supreme Court has interfered drastically in the affairs of Congress.

In the Sanders case, the Court interjected itself into the question of congressional districts, and in the issue before the Senate today, we must remember that the Supreme Court has invaded the domain not only of the Congress but also of the States themselves in asserting—in Reynolds against Sims—the specious "one man, one vote" thesis.

Furthermore, the Chief Justice of the Supreme Court has been quoted as saying that he is more than willing to interject the Court into any social, moral, religious, or political question.

Where, then, is the concern of the legal scholars for the drastic interference of the Court into the affairs of the other two-thirds of government?

America, in her greatness, is anchored firmly to her constitutional framework of laws respecting the rights of individuals and the rights of States. Surely, no national issue has ever affected or threatened these rights more than the wiping out of nearly two generations of law and precedent with Justice Warren's summary announcement:

> The fundamental principle of representative government in this country is one of equal representation for equal numbers of people.

Reapportionment is an issue which requires not sophomoric presumption in haste and indignation but intellectual deliberation in research and thought. It is an issue in which the States must be given an opportunity to act either through voluntary reapportionment or in the drafting and ratification of a remedial amendment to the Constitution.

I importune and I implore my colleagues to pass this bill. Let it become a part of the foreign aid bill, and let it be signed into law, so that the legislatures of the States may continue to be constituted on the historically tenable dual basis of area and population—rather than on capricious edicts "contrived in haste."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC DEVELOPMENT PROGRAMS FOR THE APPALACHIAN REGION

Mr. SIMPSON. Mr. President, unfortunately, I was not present in the Chamber on Tuesday, September 8, during the colloquy between the senior Senator from West Virginia [Mr. RANDOLPH] and the junior Senator from Iowa [Mr. MILLER] on S. 2782, but I should like to associate myself with the position and the remarks of the Iowa Senator. I have every sympathy for the plight of the people in the Appalachian area, and particularly for the people of West Virginia. Indeed, the senior Senator from West Virginia has made an eloquent plea for this proposed legislation. One might say that he has plucked a mournful melody upon our heartstrings.

However, Mr. President, I am concerned at this time with the pasture-improvement feature of this bill. I hold in my hand a copy of a news story which was published on the front page of the Bluefield Daily Telegraph, Bluefield, W. Va., on Friday, September 4, 1964. This story, datelined Lewisburg, W. Va., carries the byline of John Hall, Associated Press writer, and announces that one of the finest cattle herds east of the Mississippi will be put on the auction block. We wonder why a top Hereford cattle herd, in a State which is requesting Federal assistance to encourage the cattle industry, must end on the auctioneer's block. The reason given in this newspaper article is:

> Sources close to the family said the sale was undertaken to avoid both corporation and personal income taxes.

Has the State of West Virginia implemented such tax laws as to make the cattle industry, and maybe others, in that State prohibitive? This news story certainly gives that impression.

This is no ordinary cattle herd. The Morlunda herd, situated in the rolling hills of southern West Virginia, is composed of 115 bulls, 627 cows, and 350 calves, and has won 253 blue ribbons over the last 2 years. On the first day of the auction, 131 head sold for a total of $133,950. This included $29,500 paid for the 1,900-pound merit bull "Morlunda Coxswain the 23d," and $10,000 for "Morlunda Matador the 77th."

Mr. President, in order that Senators may have the full details of this incident, I ask unanimous consent to have this news story, entitled "Bull Brings $29,500 as Morlunda Sells Herefords" printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. Mr. President, this article indicates that there are problems within the boundaries of West Virginia, and they would appear to be problems which must be resolved within that State. It is the responsibility of every State to provide a climate to make it possible for business to grow, to progress, to flourish. When businesses are forced to the auction block because of the tax structure of that State, such a climate has not been provided. This situation, unfortunate as it is, substantiates my conviction that this proposed legislation is not an aid but a handout. The people in the Appalachian area are too fine to receive this kind of treatment. Neither the pasture-improvement feature, nor any other portion of this bill will be a kindness to these people.

EXHIBIT 1

BULL BRINGS $29,500 AS MORLUNDA SELLS HEREFORDS

(By John Hall)

LEWISBURG, W. VA.—Cattlebuyers from 30 States and Canada were lured to the rolling acres of Morlunda Farms Thursday as one of the top Hereford cattle herds in the Nation went on the auction block.

The Nelson family, owners of the Morlunda and blue-ribbon Hereford breeding stock with such names as "J. H. Beau Promino 826th," planned to sell its entire herd during a 3-day auction.

Sources close to the family said the sale was undertaken to avoid both corporation and personal income taxes.

Auctioneers had sold 131 head by late Thursday for a total of $133,950.

THE SUM OF $29,500 FOR A BULL

Bringing the biggest price was "Morlunda Coxswain the 23d," a register of merit bull weighing 1,900 pounds. Coxswain's new owner, K. D. Owen, of New Harmony, Ind., paid $29,500 for the animal.

Morlunda President Oscar Nelson termed the auction one of the biggest in years east of the Mississippi River.

The buyers and lookers ate barbecued beef—Hereford, of course—as they wandered over the Nelsons' farm set among green hills and highlighted by the stately, white-columned family home.

The Morlunda herd, composed of 115 bulls, 627 cows and 350 calves, had won 253 blue ribbons over the last 2 years.

HORSES, DOGS

By Sunday morning, the only animals belonging to the Nelsons should be 15 quarter horses and several dogs.

"But it will take us 2 months to get them out of here," said Eric Nelson, a brother of Oscar.

Another top bull sold Thursday was "Morlunda Matador the 77th," for which A. P. Van Winkle of Buffalo, Tex., paid $10,000.

Joe Katz of the Double-T ranch of Conyers, Ga., put down $8,200 for "J. H. Beau Promino" and $4,600 for "Morlunda Ellen the 3d," a cow.

Mr. SIMPSON. Mr. President, I yield the floor.

(At this point Mr. EDMONDSON took the chair as Presiding Officer.)

EMPLOYMENT REDUCTION IN CERTAIN NAVAL YARDS

Mr. JAVITS. Mr. President, in yesterday's Washington Star it was reported that Secretary of Defense McNamara has had in his possession for the last month the long-awaited report on the efficiency of the Nation's naval yards, and that this document suggests that the Philadelphia and Brooklyn yards be abandoned.

The article states further that although the report contains no classified material, it has been marked "Confidential" and "For Official Eyes Only," because it is not to be released until after the November elections.

If this is true—and I have taken steps this morning to seek to determine if it is true—the Department of Defense should release the report or reject it publicly. Otherwise, it would be blatantly playing politics with our defense effort and with the livelihoods of the more than 90,000 employees of our 11 naval yards, including the 10,000 in the New York naval shipyard. If the report does now exist and is based strictly on defense requirements and naval yard efficiency, and not on politics, then it will be claimed to be just as accurate today as it would be after the people of the communities involved cast their votes in November and the people should have a chance to consider it now. I have asked Secretary McNamara for an immediate answer as to whether this report exists, and if so, why it has not been made public.

If the report does in fact exist, then I shall call on the President—who as Commander in Chief of the Armed Forces must hold the final responsibility for decisions with such far-reaching consequences to our defense—to make it public immediately. I shall call on him to allow the people of the country to evaluate it, as one gage of the ability of this administration to conduct our defense effort.

I make this request because it should now be clear to everyone that the pronouncements of the Department of Defense on this subject are not sacrosanct. In a similar report 6 years ago, the Department suggested that seven naval yards be closed. Last December, it was learned that the Secretary was prepared to suggest that the yards at Philadelphia, Boston, and San Francisco be closed. Apparently there are some very serious questions in the Department itself on this whole subject.

This is exactly the reason why I and my colleague, Senator KEATING, and Senators COTTON, MUSKIE, SCOTT, INOUYE, MCINTYRE, and FONG sought an amendment to the military appropriation bill that would have required the Department of Defense to give the Senate Armed Services Committee a chance to review any closing order affecting the Nation's naval yards. In the absence of review by an appropriate congressional committee, the people should be allowed to make such a review. That is the reason I made the request today. If there is such a report, it should be made public, and if the Department of Defense rejects that report, it should make public the information it contains. The people are entitled to know.

Mr. President, I ask unanimous consent that the article published in the Washington Star of September 13, 1964, entitled "Cuts Weighed for Shipyards," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUTS WEIGHED FOR SHIPYARDS—TWO BIG PLANTS FACE CLOSING

(By Allen M. Smythe)

Defense Secretary McNamara has on his desk a document recommending the immediate closing of the Navy's two largest shipyards—the billion-dollar bases in Brooklyn and Philadelphia.

The 260-page report, which is not scheduled to be released until after the November elections, could also pave the way for the closing of the San Francisco and Portsmouth (N.H.) shipyards if a slight policy change is made regarding the Navy's wartime requirements. And it could mean sharply reduced activities for the Boston yard and California's Long Beach and Mare Island yards.

The politically potent report, which has been in the hands of Mr. McNamara for more than a month, is the result of a survey made to determine which of the 11 big Navy yards are surplus for the needs of the Nation's present-day fleet of 860 ships. At its peak in World War II, the Navy had 10,600 vessels.

OPPOSED BY M'CORMACK

Last December, when Mr. McNamara was shutting down many small military bases, plans were made to announce the closing of the Boston, Philadelphia, and San Francisco Navy Yards. This recommendation had been made 2 years ago by Adm. Ralph K. James, former Chief of the Bureau of Ships.

The day before the planned release, the news leaked out of the White House. There was an uproar in Congress, dominated by the protesting voice of House Speaker McCormack, of Boston.

Senator Edward M. Kennedy, of Massachusetts, younger brother of the late President Kennedy, and Robert F. Kennedy, then Attorney General and legal resident of Massachusetts, also were said to have been strong advocates of a go-slow policy on the Boston yard.

NEW SURVEY MADE

Ironically, Brooklyn seems now to have replaced Boston on the chopping block at the time Robert Kennedy has shifted his residence to New York to seek a Senate seat from that State.

As a result of the uproar, a new survey was ordered. Mr. McNamara promised to inspect each Federal shipyard and visit the private shipyards that were handling new construction and repair work on naval vessels at 12- to 32-percent savings.

The survey was completed by July 1, as promised. Mr. McNamara has visited some private shipyards but has not inspected all the vulnerable Navy yards.

MEMBERS OF TEAM

The inspection team, called the "executioners," is composed of Mr. McNamara, Assistant Secretary Thomas Morris, Navy Secretary Paul H. Nitze, and Rear Adm. William Brockett, the new Chief of the Bureau of Ships.

The present study has had a number of previous surveys to review. Because of the impact on local communities all such reports were withheld.

About 6 years ago a report suggested seven yards be closed. Only one of the smallest was closed. It was the Washington Navy Yard here in the District of Columbia.

There is nothing classified about the recent survey but the document and supporting reports are labeled "Confidential," "Secret" and "For Official Eyes Only." Extraordinary precautions were taken to prevent leaks.

MANY FACTORS CONSIDERED

Under rigid rules laid down by Mr. McNamara, the survey team based its recommendations on docking facilities, modern overhaul equipment, proximity to naval operating areas, "homeporting" of naval personnel, and the obligation to the civilian employees. The heavy base maintenance costs were recorded as were the repair costs on marine structures and equipment.

New construction and repair costs on warships compared unfavorably with private industry. Navy Secretary Nitze stressed this and pointed out: "Cost is a valid criterion. New construction costs in private yards are currently 15 to 30 percent lower than such costs in public yards."

The 792-acre Philadelphia Navy Yard is on the bottom of the list as far as its usefulness to the present day fleet is concerned. The original acreage bought in 1801 cost $494,555. Navy estimates of present day land values vary from $16,000 to $150,000 per acre.

The buildings and marine structures cost $149,164,000. Their replacement value is $466,156,000. The equipment, including much specially designed, cost $51.3 million and is easily worth twice as much. During World War II this base served our battleships, heavy cruisers, and aircraft carriers.

BOSTON FACES CUTBACK

Until recently Boston was low on the list of useful Navy yards but a very careful review stressed its anchorage and base maintenance capabilities. Because of a trend to give naval repair work to the lower cost, private shipyards employment there will continue to drop. However, along with Norfolk and Charleston bases, the Boston yard will continue to serve the Atlantic fleets but on a reduced scale.

The Brooklyn Navy Yard now has a low rating for naval usefulness. The 488 acres of swampland brought in 1801 for $12.5 million now have an estimated value that varies from $61,000 to $500,000 an acre. The buildings and marine structures cost the taxpayers $183,607,000 and have replacement value of $603,766,000. The $52,352,000 spent on equipment now is valued at $120 million.

Navy officials cannot forget the disastrous fire on the aircraft carrier *Constellation* 2 years ago, when the ship was near completion at the Brooklyn Navy Yard. Fifty lives were lost and 425 men were hospitalized. Repairs delayed delivery 8 months and cost $31.6 million.

Top Pentagon officials are emphatic that the White House has given Mr. McNamara complete authority for all base closings and state that no political pressure has or can change his decisions.

THE NEGRO HERITAGE IN THE UNITED STATES

Mr. JAVITS. Mr. President, too little is known about the Negro heritage in the United States—especially about the history of the Negro in this country. A central fact in our concern over improving the Nation's climate on race relations is the need for all Americans to know more about their own interrelated role in our national heritage. America is a blending of world peoples, each ethnic component contributing its own share to our total greatness. All too often history texts and reference materials used in our schools and libraries omit or subordinate the significance of this cultural blend as it relates to the total.

This has a special applicability to the role of the Negro in the total American experience, and we pay a heavy price because we have allowed myth and stereotype to overshadow the true role of the Negro in the saga of our history. The result is a cultural lack of grave consequence in shaping the minds and motivation of Negro youth.

This concern is not a new development. For several decades, the Negro press and educational institutions have participated in Negro History Week and have called attention to the scholarly writings of Carter G. Woodson, John Hope Franklin, Charles Wesley, and J. A. Rogers.

Recognizing the need for developing the presentation of the history of the Negro as an integral part of the whole history of the United States, a Yonkers, N.Y., publishing firm, Educational Heritage, Inc., has taken steps to broaden the whole concept of heritage studies.

The first of a contemplated 20-volume Negro heritage library has been published in New York and I ask unanimous consent to have printed, at this point in the Record, the foreword entitled "A Note From the Publisher," by Noel N. Marder, president of Educational Heritage, Inc.

There being no objection, the foreword was ordered to be printed in the Record, as follows:

A Note From the Publisher

The Negro Heritage Library is Educational Heritage's response to a major historical, social and psychological necessity of our times. There is little question that the Negro has emerged as the dominant figure on the American scene today, and yet he remains a stranger to most white Americans and often to himself as well.

Too many Americans, Negro and white, have scant knowledge of the fact that the Negro has a proud heritage of notable achievement. This ignorance—and euphemisms serve no valid purpose here—is easily explained. The standard texts on the history of America and the Western World, the very sources from which we have drawn our knowledge of man and society, have consistently excluded the Negro's contribution. I submit that this omission has been a significant factor in the perpetuation of white prejudice and the distortion of Negro self-esteem. An honest reckoning of the Negro's contribution to the building of our society is long overdue.

Accordingly, we have set ourselves the combined task of strengthening the Negro's confidence and assurance that he has historical roots deep within the soil of Western civilization, and restoring to history those missing pages whose absence has crippled America's ability to understand the Negro, hence retarding fulfillment of the American ideal of equal justice to all men, regardless of race, creed, color, or national origin.

This can only be done by a truthful and accurate recounting of the Negro's remarkable story. It is our hope that the content of these volumes will serve this high purpose.

Noel N. Marder.

Mr. JAVITS. Mr. President, recognition of this publishing event is underscored in these comments of Negro leadership regarding the Negro Heritage Library:

Dr. Martin Luther King, Jr.: "The idea of the Negro Heritage Library is a tremendous one. I can think of no venture in the world of ideas that is going to be more critical to the Negro community. In a real sense it is the next frontier in our struggle."

Langston Hughes: "Glory hallelujah. It's about time we took a good look at a great heritage."

Roy Wilkins: "The Negro Heritage Library will make readily available, to both Negro and white readers, the facts needed to set the record straight. It should be a continuing source of enlightment and inspiration to people."

A. Philip Randolph: "I am pleased to know of the development of the Negro Heritage Library. It is eminently important that the Negro direct his attention to the realm of ideas, the book, and the mind, for it is here alone that he will find the creative resources to consolidate gains of the civil rights revolution."

It is noteworthy that the board of education of the city of New York has already moved to meet the need for expanding knowledge of the history of the Negro in the United States. I ask unanimous consent that an article from the New York World-Telegram and Sun of Wednesday, August 19, 1964, entitled "School Board Preparing Own Negro History Text," by Helen T. Emery, be printed at this point in the RECORD. The article outlines the steps being taken in that direction.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

School Board Preparing Own Negro History Text

(By Helen T. Emery)

Because most history textbooks fail to give a true picture of Negroes and their place in the life of the Nation, the board of education is preparing its own history of the Negro people in the form of a bulletin for teachers.

The new bulletin will be given to all members of the city's teaching staff when they return to school on September 14. Other interested persons will be able to buy the publication from the school board at 110 Livingston Street, Brooklyn.

The publication, called the Negro in American History, will relate historical developments in Europe, Africa, and Latin America to the story of American Negroes.

Though the book has not yet appeared, its contents are reviewed in Curriculum and Materials, official publication of the curriculum division of the board of education.

ADVANCE REVIEW

"The (forthcoming) bulletin focuses on what scholars have called the 'why questions of the past,' the article explains.

"It attempts to identify the major forces which have influenced the American Negro community and to describe that community's impact upon broader national and international developments."

A large part of the bulletin will be devoted to topics in American history that have been the subject of major revision in recent historical writing.

These include accounts of slave ownership, slavery as a cause of the Civil War, the role of Abraham Lincoln in the emancipation of the slaves, Reconstruction and the Negro in politics, and the period of "reaction" during which Jim Crow statutes were enacted throughout the South.

OMISSIONS, DISTORTIONS

The bulletin will close with an account of the current civil rights struggle.

The article in Curriculum and Materials charges that many textbooks "either distort or omit important information on the history and achievements of the Negro people."

"At a time when there is considerable interest in teaching about the Negro's role in American history and culture, teachers are confronted with a paucity of suitable instructional materials dealing with the largest minority group in American life," it continues.

For some time past, the board of education has recognized the need for balanced accounts of the role of minority groups in the Nation's history.

Publishers accordingly, have been urged to revise their textbooks to give a more satisfactory picture of the status of minority groups. While improvements have been made in some of the more recent texts, "much still needs to be done to provide teachers and students with adequate resources," the curriculum pamphlet says.

SHOWDOWN WITH NASSER FOR THE MIDDLE EAST

Mr. JAVITS. Mr. President, I call the attention of the Senate, and of the country, to the fact that we are heading for a very serious showdown with President Nasser and the United Arab Republic in regard to the Middle East.

Let us remember that while the attention of our diplomats remains focused on Cyprus, Malaysia, Indonesia, and the events occurring in south and southeast Asia, the conference of Arab kings and leaders held in Alexandria, Egypt, last week, provided ample warning of new Middle East trouble to come in the days ahead.

The 13-nation Arab conference failed to arrive at any solutions of the grave problems that threaten Middle East peace. It offered no help toward resolving the Yemen deadlock or relieving the tensions between Syria and her neighbors. Indeed, the impasse between President Nasser and Prince Faisal, of Saudia Arabia, over the presence of Egyptian troops in Yemen was not broken, and hostilities in that embattled land are likely to become worse now that the United Nations observers have withdrawn from the scene.

Moreover, the United States has not helped in this threatening situation by continuing to recognize the Egyptian-supported Yemen regime and by continuing to help President Nasser out of the economic and financial troubles brought on by his Yemen adventure.

It should be remembered that Nasser promised the United States in 1962 to withdraw his army from Yemen in return for American recognition of the puppet regime.

Mr. President, we should now be using every means open to us, including firm conditions on renewal of our food-for-peace and surplus food programs to Nasser, to bring about a cessation of hostilities and the withdrawal of Egyptian troops from Yemen.

There are a few other facts on why the Middle East caldron is very likely to boil. Let us remember that at the Alexandria conference water was ostensibly the new element that threatened to disrupt the Middle East. But this threat has evaporated under the realization that it would be many years before any proposed Arab construction projects to dam the headwaters of the Jordan River could seriously affect Israel's water supply. Israel has made it very clear that it would draw from the Sea of Galilee only what was allocated to it under the famous Johnston plan.

Water is very important to the Middle East. But it is not the issue now. The real threat to peace now comes from President Nasser's frustrated ambition to unite the Arab States under his hegemony.

The Middle East policy of the United States bears a heavy responsibility for making Nasser's leadership possible, and for sustaining it. The Arabs are trying to push matters very far. In their meeting in Alexandria, they proposed to set up a joint military force to be headed by an Egyptian officer, which would have introduced, for all practical purposes, President Nasser's force in the countries surrounding Israel. Fortunately, that effort failed. It would have been a direct incitement to hostility in that area of the world.

The Egyptians said that this would be done in order to strengthen and better equip the armies of Jordan, Syria, and Lebanon. But, Mr. President, such a joint Arab force, with its preponderance of Egyptian soldiers, would, in effect, have enabled President Nasser to take over in all those countries.

In addition, Nasser is trying to open the door to the whole Middle East to the Soviet Union by seeking to reach agreement on equipping Middle Eastern armies, including that of British-equipped Jordan, with Soviet weapons. Obviously, this means an open door to Soviet teachers, technicians, and political agents.

We must not forget, either, that it was Lebanon that spoiled this little plan. And it was Lebanon that the U.S. policy in 1958 saved from both communism and Nasserism when President Eisenhower, with the support of Congress, sent in the marines for a temporary period in order to maintain stability in that country.

President Nasser is also moving to get the United States thrown out of Wheelus Air Base, in Libya; the British out of their bases in Cyprus and Aden; and the Baathist government out of Syria. He is bringing extreme pressure on Saudi Arabia to recognize the Yemen Republicans; he continues to stir up agitation in Iran for the overthrow of the Shah; and he is maneuvering to isolate Israel from the United States and other Western countries. In short, in terms of the basic interests of the United States in peace in the Middle East, President Nasser is responsible for constant dissension, with the end objective of driving the United States and Britain out of every position they hold in the Middle East and North Africa, and then destroying Israel. Israel has warned this very day against complacency in the face of the threats at the Alexandria conference.

We have been temporizing with President Nasser for more than 10 years in the vain hope that he would see the light and cooperate with the West in pursuit of its objectives of peace, stability, and economic development for the Middle East. We have tried in succession to be his friend, his rescuer, as in the Suez and Sinai crises, and his protector. We have treated him as a doting parent would a spoiled child, and he has responded in the way one might expect him to—not with appreciation but with hostility.

He has made promises and has failed to keep them. He has played the Communist game for everything that it is worth. He has voted against us in the United Nations on almost every major issue—not that that is the end desideratum—but it indicates one factor on where Nasser is going.

Our policy toward the United Arab Republic is one major issue on which the Congress has sharply differed with the Department of State. The long series of "sense" resolutions and amendments to foreign aid legislation adopted by the Congress since 1955 shows that the public, as we speak for it, has very different views from the executive on this subject. Only the other day there was a close vote in the other body modifying an amendment to bar aid to Egypt in the food-for-peace program. That was another indication that the time for a showdown on our policy is fast approaching.

Congress has been putting the administration—not only the present administration but the preceding one—on notice for a long time that there are limits to the patience of the American people and their willingness to continue to give aid to Egypt or to any other nation which seeks constantly to undermine our foreign policy and go against our best interests.

It is a matter of realism—not a threat—to say that either the administration must convince the Congress that its policy toward Egypt is the right one, or Congress will one day have to mandate the administration.

Incidentally, I am very much opposed to that kind of mandate on a policy question. I voted against it in respect of a very difficult vote on Indonesia, and so I deprecate a continuous policy by our Executive which may bring on such a resolution by the majority of the Congress in respect of the United Arab Republic. However, I do not believe that we ought to continue to extend aid to Egypt without conditions while that country pursues hostile and aggressive policies against other Arab States, against the Yemen and against Israel. I am deeply convinced that it could not be done if the United States were not lending aid and support in the way that it is to the Nasser regime.

In addition, we face the buildup of Egypt's armies with the equipment of the Soviet Union, with all that it implies in terms of renewal of that equipment, which can only be done from Soviet sources. We also face the danger presented by Nazi scientists who continue to work in Cairo to develop missiles, perhaps nuclear missiles, for use against Israel and anyone else with whom Nasser is dissatisfied.

Our objectives in the Middle East are good and are well worth bipartisan support. We seek a firm basis for peace by creating political stability. We seek to advance economic development. We seek to limit Communist influence in the area. We seek an end to Arab hostility toward Israel. We seek to keep air and sea routes open through the Middle East. But we have learned the hard way that merely talking about those objectives does not bring them about. We should be initiating some active means to bring about the realization of our objectives.

I suggest the following means as very important: We should be supporting efforts to bring countries like Turkey, Israel, Greece, Iran, and others in that area, through some form of association, into close trade relations with one another and with the European Common Market. We should be moving in a very substantial way to buttress the independence and national security of Arab States like Lebanon and Jordan, as well as of Israel, by initiating measures to halt the arms race and by seeking to end the present state of belligerency in the Middle East.

Most important, we should drive home to Egypt the uselessness of its hostile policies toward Israel and the West, the waste of its resources which is involved, and the extravagance of maintaining its oversized armed forces. We should insist that the United Arab Republic fulfill its promise to withdraw its troops from Yemen.

Mr. President, we are getting nowhere by indulging President Nasser.

Mr. President, I think it is high time to try another tack. We must try another tack, not solely on the basis of cutting off Nasser—we certainly ought to do that—from the aid which we give him now, which is so important to him in carrying on his policy, but also we ought to try another tack in bringing together those nations of the whole Middle East, including the African nations, who wish to cooperate with one another. For the moment let us leave out the United Arab Republic or anyone else who wishes to stay out of it; but at least let us begin to form a coalition of nations and people on the basis of mutual respect, cooperation, and self-interest which will give us a counterforce to Nasser.

The real problem in the Middle East is that while we are playing ball with Nasser and getting exactly nowhere, and allowing him to do with our resources whatever he chooses in order to buttress his adventures. We are not building up any aggregation of nations or peoples in the Middle East in order to meet the situation which may be created if Nasser finally cuts loose 100 percent and really makes himself the danger to trade and to the whole Middle East which he is capable of becoming.

I urge the State Department, based upon the notice served upon us in this Alexandria meeting, to get about the business of dealing with what will be the next crisis after the crisis which we have had—probably they will be overlapping in the Middle East—which is coming up the pike, as far as anyone can see, as sure as fate.

A nation like ours, with all its resources and power, cannot stand by and wait until crises break. We may be faced with two, three, or more crises in the world at one and the same time. The way to handle those in our case is not to step away from them but to meet them, because in that way we can head off far worse disasters than crises. So I urge the President of the United States to take a personal hand in what is happening in the Middle East now. I believe the State Department is inclined to pursue a policy of appeasement and of placating Nasser on the theory that it will get results. It has not gotten them up until now. The situation is technically peaceful, but this is a very temporary state, and the dangers are overwhelming. Here is one area in which we can head off a real conflagration by acting with intelligence now. That is the reason I have spoken today in the light of news reports which indicate the fact that a storm is brewing in the Middle East and we had better batten down the hatches and handle our resources in such a way as to deal with it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. JAVITS. Mr. President, I should now like to address myself to the amendment in the nature of a substitute, which has been offered by the junior Senator from Minnesota [Mr. McCarthy], the senior Senator from Minnesota [Mr. Humphrey] and myself to the so-called Dirksen-Mansfield reapportionment amendment to the foreign-aid bill.

I wish to state, because I think it is important to clarify it, the basis upon which we have acted and exactly what we are trying to effect, as I understand it.

First, we must appreciate that when we deal with the Supreme Court of the United States, we are dealing with a completely coordinate branch of Government. In the give and take here the other day, my distinguished colleague and personal friend, the minority leader [Mr. Dirksen], spoke of a supplication by the Congress to the Court.

One supplicates a superior—he does not supplicate an equal. Neither can one dictate to an equal or order an equal. This is a very important distinction which must be made. One deals with an equal as an equal. One can express to an equal one's opinion, deeply held, and which one considers persuasive. One can expect that the equal will listen to that opinion, and have every right in good faith to ask that the equal act on that opinion, unless some strong reason to the contrary can be demonstrated.

If the equal will not act in accordance with that opinion, there is not much one can do about it at that level. But there are other things that can be done if one is unhappy about it, because certain relationships exist, either relationships of money—which was evidenced in the dissatisfaction with respect to raising salaries for members of the Supreme Court—or in some other direction. But upon the fundamental point of coordinate power, the Supreme Court has such power.

Whether my judgment in that respect is important or germane or relevant at all, I believe the Supreme Court decided these reapportionment cases under the 14th amendment in the only way in which it could have decided them, under the modern concepts of constitutional law.

Where does that leave us? We are a legislature, to which the decision in the case of Baker against Carr, and as it affected many State legislatures, has come as a matter of first impression. That had not been the law before the decision in Baker against Carr, as we understood it. Those last words are critically important. This doctrine is not written in letters of fire in the heavens which were suddenly pulled apart to reveal it to the earth. This is a situation which matures in the minds of nine judges and in which they, as we do, seek the support of the American people. They do not have to say so, and they do not campaign, but, for all practical purposes, that is what it comes down to.

I see a great analogy between the reapportionment decisions and the decision in the landmark case of Brown against Board of Education, the famous civil rights decision, as it related to segregation in the public schools. Prior to the decision of the Supreme Court in 1954 in the public school desegregation cases, the doctrine of Plessy against Ferguson had been the law of the Nation so far as we all knew. That case had held that separate but equal facilities fulfilled the constitutional mandate of equal protection of the laws under the 14th amendment.

That concept began to be changed in many cases and in many ways before the Brown case decision, but in the final analysis it was the Brown case which made the change solid as a position for the country to observe. The Court realized it, as well as we did, and in that case provided that in the decrees of the lower courts, accommodation should be given to compliance, in the famous words, "with all deliberate speed."

In the apportionment cases, the Court did not provide that standard, specifically; but even there the Supreme Court did say that it expected some time must elapse until the legislatures could conform to this standard, which the Court had now enunciated in these cases. It contemplated that time would elapse, that good faith to comply would be recognized by the lower courts, and that the process would then proceed to take a measurable period of time. After all, the State legislatures have existed as long as the Republic. This decision had just come down after more than a century and a half of practice which did not accord with that decision. That was the status of law prior to that decision.

Where does the Congress come in? We come in in two ways. First, the lower courts have acted, in the judgment of many, including myself, with undue pressure upon the States—again I emphasize the word "undue"—and have in some cases required what, when we are dealing with the States, is a somewhat undignified procedure.

For example—and I have given these examples before, but I shall repeat them here to illustrate my point—in the case of the State of New York, the Court has bobtailed the legislators' terms from 2 years to 1 year. It has provided for three elections in 3 years, instead of the normal number of elections, which would be two in that period of time. It has provided that the terms of office be curtailed. That, to most citizens, seems like rather an overstrong use of the Court's power when dealing with a State.

In the case of the State of Vermont, the Court has forbidden the legislature to transact any business, except to deal with reapportionment, no matter what the needs of the State may be. Again, I believe that to the normal citizen this seems an overly strong use of the Court's power when dealing with a State that is trying to change a situation which has persisted for 160 or 170 years.

That is the first point.

We wish to call to the Court's attention the fact that we believe the way the lower courts have carried out the Supreme Court's decision in these mandates and in other cases is oppressive. The Supreme Court has full power to correct the situation. It is a matter of judgment as to what is reasonable.

It seems to me, therefore, that we have a right to express ourselves as to what is reasonable, in our judgment, or to urge upon the Court that we consider a number of things that are going on to be unreasonable.

The second point is that we have a right to press upon the Court the fact that we may wish to do some things under the Constitution to deal with this situation, which may not be entirely congenial to the point of view of citizens in many States. For example, many citizens find it difficult to understand—though perhaps we, as historians, might understand it—why the U.S. Senate can be organized on a basis not of population and the other House on the basis of population, but the individual States, even if their people so elect—which I emphasize, cannot have the same privilege.

I believe that in many States, even in States that have very heavy concentrations of people in the cities and suburbs—like my own—that is likely to be the result when, as, and if the question is submitted to the people.

If we should with reasonable celerity submit such a constitutional amendment to the people of the United States, an amendment which would permit the citizens of the individual States to opt, if they choose, to set up one house on a basis of other than population, there is no reason why we cannot turn to the Court and say, "We are starting a process which will make a change in the situation that you have interpreted. Give us a reasonable opportunity, first, to pass it through Congress and, second, to see how it takes with the States."

At this point I come to the interpretation of the sense resolution which my colleagues, Senators McCarthy and Humphrey, and I have presented to the Senate. The important point about that resolution is that, while it seeks an opportunity to do these things, it does not ask for a stay until they are done; nor does it imply that they will be done. It does not imply that Congress will author and submit a constitutional amendment. It does not imply that the State legislatures will act to conform, in a way satisfactory to the Court, to the individual decrees or to the principles which the Court has laid down in its decisions.

All it says is this: Do not give us a stay for the whole time span necessary to effectuate these acts, because we do not know whether they will be effectuated. Neither do we know that individual legislatures or Congress itself will proceed with celerity in doing what might be done under these provisions of the resolution to which I am referring. All that we say to the Court is: "This is what we have in contemplation. Go along with us, step by step. As we make progress, give us time to make more progress. If we fall down and fail to make progress, then you can stop the process at any stage, either for any State or, so far as we are concerned, for a constitutional amendment."

What does that mean practically? It means the following: Congress will return in January 1965. The Senator from Illinois [Mr. Dirksen] has a constitutional amendment proposal. Representative McCulloch has a constitutional amendment proposal. I shall introduce as my own, in a few minutes, a revised draft of the McCulloch proposal. I shall ask that it remain at the desk for a week for cosponsorship.

I do not favor the Dirksen constitutional amendment, because I do not believe the legislatures ought to be allowed to decide for themselves whether one house in each legislature should be apportioned on a basis other than that of population. I believe that only the people of each State should decide that question, and that any constitutional amendment should be only permissive in character. To show my good faith, I shall introduce such a proposed constitutional amendment myself today.

Congress will return in January. The various proposed constitutional amendments will be before us. They may or may not be reported by committees. They may or may not be acted on by Congress. But our resolution says to the Supreme Court: "If we do move into this situation and act with respect to it with reasonable celerity, then, as we go along, you will go along." This does not mean, necessarily, 1, 2, 3, 4, 5, 6 months, or a year. The Court should judge when it wants to continue with us, giving us an opportunity to correct this situation or, at least, to make available the means for correction, and when it wants to quit. As the Court goes along with us, we will go along with it. It seems to me that that is the only way in which we can deal with two coordinate bodies in a great Federal system such as ours.

The same is true of the States. We say to the Court: "The States have now learned what is desired. Give the States a reasonable opportunity to reapportion." The Court might say, "All right. We will wait 3 months. See what you can do. If we are satisfied that the States are proceeding in good faith and are submitting the proposal to the people, we might wait 3 months more, or 3 months after that."

The sense of the resolution we have presented is that we will have informed the Court as to our intentions and desires, so that that will become an element of good faith on our side as well as on the side of the Court. The Court would retain the power. We would not give the Court power or deny it power. Nor would we be giving ourselves power or denying ourselves power. There is no presumption of different or greater powers that either we or the Court would have, or that a State legislature or the people of any State would have. The only thing that would happen would be that, just as the Court has advised us of what it deems should be done, so we apprise the Court of how we would like to continue with our process of conforming the practices and procedures of the States of the United States to the law, now the supreme law of the land as enunciated by the Supreme Court.

I emphasize, therefore, that what we are talking about in this "sense" amendment is not a stay of proceedings, in a kind of wholesale way, until all the legislatures have had a chance to act in respect of apportionment and until Congress has had a chance to act in respect of a constitutional amendment, and holding everything to wait until those great events have developed throughout the country. On the contrary, what we are recommending is that, on a case-by-case basis, the Court go along with us as we go along with it, and that the timing be based upon the reasonableness of the timing of the actions that are being taken by Congress and by the State legislatures.

The whole concept of a step-by-step basis by us and by the courts is premised upon one fundamental proposition; namely, that Congress has no power to order the Court. That is the concept of the Dirksen-Mansfield amendment. The concept there is that Congress does have the power to order the Court; that it is thought that we save our act from being declared unconstitutional by a provision which entitles the Court to refuse to grant a stay contemplated by the Dirksen-Mansfield amendment, when it finds highly unusual circumstances which dictate against granting a stay.

In my judgment, the Court would have to construe that phrase to mean any conditions, in its own judgment, which dictate that the stay should not be granted. On the other hand, if the Court wishes to show Congress the respect which it should, it will probably have to declare the Dirksen-Mansfield proposal unconstitutional; because if the Court is really going to construe unusual circumstances to be unusual circumstances as a matter of fact, requiring a factual finding to that effect, I believe the Dirksen-Mansfield amendment would be construed by the Court to be a direction, or what might be called a rule of decision, which, in my judgment, the Court would have to strike down as unconstitutional, exactly as it did in respect to a statute which prescribed a rule of decision in the classic Klein case, a case decided some time ago, but which is much in point in this situation. In the Klein case, the Court said:

> We must think that Congress has inadvertently passed the limit which separates legislative from judicial power.

In United States against Klein, decided in 1872, the Court sharply distinguished from the so-called McCardle case, decided 3 years earlier, and upon which so much reliance is being placed in respect of the Dirksen-Mansfield amendment. In that case, the Court passed on an act by which Congress purported to withdraw jurisdiction from the Court of Claims in a class of pending cases. The Supreme Court thereupon held that that statute sought to change for the Court a rule of decision in a pending case, and was unconstitutional.

The Dirksen-Mansfield amendment makes no distinction between pending cases and new cases; nor, indeed, could it make such a distinction, because, after all, in the normal case, the authors of an amendment would say, "We will change it"; but they cannot. The reason they cannot is that most of the cases in the country now are pending cases. Therefore, the fat is in the fire in terms of jurisdiction of the Supreme Court and of the Courts of the United States, both original and appellate, and very little can be done about it.

Suits for reapportionment are pending in the following States: Alabama, Arizona, California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

Most of the States are now in litigation. Hence, we face a fact, not a theory. The Mansfield-Dirksen amendment, therefore, cannot be changed to apply prospectively because if it did, it would be discriminatory and wash out, or seek to wash out its applicability to the vast number of pending cases, which involve most of the States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent to modify the unanimous-consent agreement entered on Thursday last, which reads in part as follows:

> *Ordered,* That the Senate on Tuesday, September 15, at 2:30 p.m. proceed to vote on the pending Javits amendment.

Mr. President, I ask unanimous consent that the time—2:30 p.m.—be changed to 2:20 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. The unanimous-consent agreement will then read as follows:

> *Ordered,* That the Senate, on Tuesday, September 15, at 2:20 p.m. proceed to vote on the pending Javits amendment No. 1234 as a substitute for the Dirksen amendment No. 1215, with the time between 12:20 p.m. and 2:20 p.m. on that day to be equally divided and controlled by the proponents and the opponents, respectively, and that the Senator from New York [Mr. JAVITS] have the right to modify his amendment until the yeas and nays are ordered thereon.

The reason I make this request is that it will fit in with the plans of certain Senators for that day. It will allow the time to be shortened by 10 minutes between 12 o'clock and 12:20, rather than between 12 o'clock and 12:30. It will also allow for the vote to get underway at 2:20, if the modification is agreed to. I would hope that the vote would be slowly taken at that time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unanimous-consent request is agreed to.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

> *Ordered,* That the Senate, on Tuesday, September 15, at 2:20 p.m. proceed to vote on the pending Javits amendment No. 1234, as a substitute for the Dirksen amendment No. 1215, with the time between 12:20 p.m. and 2:20 p.m. on that day to be equally divided and controlled by the proponents and the opponents, respectively, and that the Senator from New York [Mr. JAVITS] have the right to modify his amendment until the yeas and nays are ordered thereon. (Sept. 10, 1964.)

Mr. JAVITS. Mr. President, I send to the desk a joint resolution to amend the Constitution of the United States to permit any State to apportion one house of its legislature on factors other than population, with the approval of a majority of the voters. I ask unanimous consent that this resolution may be printed in the RECORD and may lie on the desk for additional sponsors until 1 week from today.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD, and held at the desk, as requested by the Senator from New York.

The joint resolution (S.J. Res. 204) to amend the Constitution of the United States to permit any State to apportion one house of its legislature on factors other than population with the approval of a majority of its voters, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:
>
> "ARTICLE XXV
>
> "SECTION 1. Nothing in the Constitution of the United States shall prohibit a State having a bicameral legislature from apportioning the membership of one house of its legislature upon the basis of factors other than population, if such apportionment has

been submitted to the qualified voters of the State through a statewide referendum held in accordance with law and with the provisions of this Constitution, and such apportionment has been approved by a majority of those voters in that referendum.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Mr. JAVITS. Mr. President, I introduce this joint resolution not because I expect it to be acted on at this session of Congress. We all know that this subject will come before us next year. It may very well have different sponsorship at that time, although I shall hope to be one of its sponsors.

I have introduced the joint resolution to show my good faith, and to show what I have in mind with respect to this matter. I desire to show how I feel with respect to the people in each respective State deciding what they wish to do. These are the very same people, on the same basis of one person, one vote, to whom the Supreme Court in its decision has given the power in respect to the State legislatures. Under the joint resolution that I introduced, this power could be applied within each State by a majority vote in a referendum to change the way in which one house of that State's legislature is organized.

Mr. President, to sum up my position, this is a unique situation in which Congress and the Supreme Court have coordinate power. Congress has the power to propose an amendment to the Constitution under which the legislature of each State would determine what it wishes to do about apportionment. The Supreme Court has the power to declare acts of the States unconstitutional under the 14th amendment equal protection guarantee. I believe the Court has properly exercised such authority in respect to its decisions in Baker against Carr, Reynolds against Sims, and the other cases.

Nonetheless, the time must now elapse, short or long, as the facts may warrant—I emphasize that "short or long as the facts may warrant"—to give the people and the legislature of every State an opportunity to conform to the supreme law of the land enunciated by the Supreme Court.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, as I started to say a moment ago, we are in a situation with relation to two coordinate branches of the Government—one coordinate branch in charge of determining what is and what is not lawful under the constitutional mandate of the 14th amendment for equal protection of the laws; the other, under the constitutional mandate to legislate, including constitutional amendments, which may permit a change in the 14th amendment requirement with relation to the apportionment of State legislative bodies. We are turning to the Court at a time when the law has been declared for the first time, after many years, and saying, "Now that you have determined the law, give opportunity, so long as steps are being taken to implement what you have determined, in good faith and with reasonable celerity, to the State legislatures and to the Congress to proceed in accordance with what has now been declared to be the supreme law of the land."

Mr. President, this is not a statute, because it could not be. As I have explained, in the face of all the pending cases for State reapportionment, which represent most of the States of the United States, and the Supreme Court's holding in the Klein case, such a statute requiring the Court to stay its hand, would, in my judgment, be declared unconstitutional unless the Court construed it solely as a request. In respect to the dignity of the two coordinate bodies, we should accordingly make the request, in order to do what the Constitution permits us to do.

I believe that the Supreme Court will honor our desires if they are presented with respect for the coordinate equality of the two branches of government—the judiciary and the legislative—seeking the application of a rule of reason to enable implementation of the legal concept to go forward. I base this on what I think is an excellent quotation from the majority opinion in one of the major reapportionment cases, the case of Reynolds against Sims, at page 50 of the pamphlet opinion, which reads as follows:

> In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the Court's decree.

Mr. President, it seems to me that that is an admirable statement when joined with the expression of our intention, which is the resolution which the Senators from Minnesota [Mr. McCarthy] and [Mr. Humphrey] and I have presented to our colleagues. We would express our intention. The Court has said that it is willing to accommodate itself and to make provision against unreasonable or embarrassing demands on a State in adjusting to the requirements of the Court's decree.

Joining our intentions, plus the Court's expressed intention, both parties may be treated with utmost dignity, and may accommodate each to the other's needs and ideas with full respect for the coordinate authority in both bodies of government. If, on the other hand, we order the Supreme Court to do something, and the Court then construes the language "except in the case of highly unusual circumstances" as it ordinarily would construe that language, we run into the danger of an unnecessary confrontation between the Supreme Court and Congress, for the Court knows, as a matter of principle—and this involves very much more than the reapportionment cases—that it would have to strike down such a statute.

Therefore, for reasons of policy and comity between two great branches of government, and for the most fundamental reason of all, the ability to proceed under our own system without governmental paralysis or undue confrontation between two coordinate branches of government, I urge upon the Senate the adoption of the McCarthy-Humphrey-Javits substitute which I have been describing today.

Mr. President, I yield the floor.

Mr. DOUGLAS. Mr. President, does the Senator from New York mean the Javits-McCarthy-Humphrey amendment which was printed and submitted last week?

Mr. JAVITS. The Senator from New York has reserved the right, under the unanimous-consent agreement kindly allowed by the other Senators participating, to modify that amendment if we care to make some modification. I was speaking only of the fundamental principle and thrust which was involved in the substitute for the Dirksen-Mansfield amendment.

Mr. DOUGLAS. Mr. President, in its present form, while the intentions of the sponsors of the amendment are excellent, it is unacceptable to those of us who believe that the decisions of the Supreme Court have been correct and that they should not be interfered with by Congress.

The amendment in its present form would put psychological pressure upon the legislatures to delay reapportionment, even if ordered by the Court, and it would also put psychological pressure upon at least the lower courts not to issue apportionment rulings under the previous decisions of the Supreme Court. Since we believe the reapportionment decisions of the Court, we do not want such pressures to be applied.

Perhaps more important than those two considerations is the effect of the language on page two of the amendment which at present reads as follows:

> Adequate time should be accorded * * * for consideration by the States of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification.

It seems to many of us that this proposal would be a tacit commitment by the Congress to submit a constitutional amendment to the States. I am opposed to any constitutional amendment because I think the courts have been completely correct in this matter, both as regards representation in one house and in both houses of the various State legislatures.

Furthermore, this language would tend to constitute a stay of an indefinite period during the time the amendment was before the States. During this time the malapportioned State legislatures would again have the power to approve the amendment and thus to seal themselves into office almost in perpetuity And during the time that the amendment was before the State legislatures any further action in the way of reapportionment would be stayed and prevented. This could be as long as 7 years.

I appreciate the intentions of my good friend from New York It is my hope that we can reach an agreement upon the language It pains me to have to say this but I must state that in the form in which the amendment was originally presented it is unacceptable.

Mr. JAVITS. In response to my beloved friend's comments—and I shall answer every one of the items to which he has referred—I shall tick them off to be sure I understand them. What he has said is not within the contemplation of this Senator, and I think it should be reflected also that it is not within the contemplation of either Senator from Minnesota, Senator MCCARTHY or Senator HUMPHREY. What we have to do, if we can, is to make it clear to our colleagues who entertain these doubts. I hope we can do that. That is why I welcome the opportunity to make any modifications which may be necessary in the language.

With respect to the reference to psychological pressure upon State legislatures, we have no desire to have any psychological impact brought to bear upon them. When I was stating my case for the substitute, I made it clear that we hoped to find a good faith quotient in the way of the time given the legislatures to proceed to conform to the Supreme Court's decrees. I did not state that we were going to deal with a wholesale stay until everything was completed.

The second point is that the Senator does not personally favor any constitutional amendment of any kind and, therefore, does not think we should leave any implication that we are going, in good faith, to respond to the Court's giving time by getting time to have one. I happen to favor some kind of constitutional amendment. The one which I favor and have submitted would require approval by the people of each State before one house of a State legislature could be apportioned on a basis other than population.

The Senator from Illinois does not wish to be committed—neither do I—to the proposition that based upon this "sense" resolution, we are by implication committing ourselves to proposing an amendment to the States, expressly or by implication.

Third, the Senator from Illinois stated that indefinite time would be granted. I pleaded my case on the basis that the best way for the coordinate branches of government to proceed would be step by step. As the State legislatures move forward or as Congress moves forward, at every step the courts, by a series of relatively short steps, can determine whether enough action is being taken to justify further stays, knowing of the intentions of Congress and of the State legislatures. So I do not contemplate any wholesale stay of 1 or 2 or 3 years, but contemplate instead that the courts will take a look at the matters and determine, within the intention of Congress that stays are deserved.

Finally, on the question of malapportioned State legislatures, I point out that nobody—neither the Senator from Illinois nor any of his colleagues, no matter how strongly they may feel about this matter—is saying that the acts of the State legislatures which are malapportioned are invalid. If that were the result, as the Circuit Court of Appeals for the 10th Circuit has said, there would be anarchy. The processes of government have existed for a long time, and must continue. Therefore, the idea is to move forward—I do not even use the words "with all deliberate speed," because those words were used in another context, and I do not want to use them in this context. But we should go forward with all the celerity of which we are capable. I read one of the Supreme Court's own decisions on this subject as to what it means to go forward. It is found at page 50 of the pamphlet decision in the case of Reynolds against Simms:

> With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the Court's decree.

All that we are trying to do by our amendment is to state to a coordinate branch of the Government our desire to afford some period in which to determine the intentions of State legislatures, so that the Court may itself determine what are and what are not unreasonable or embarrassing demands on a State.

Answering the four points the Senator has raised—and again I make no plea for the original language of our proposal; it may very well be that it will be very much better expressed, and I hope we can come to that conclusion—the intent of our proposal is certainly no different from what we have just been discussing. It is not intended to put psychological pressure upon the States; there is no intention to guarantee that a constitutional amendment will be proposed; it is not the intention to stay the matter on a wholesale basis; and there is no intention to defer all actions to correct malapportioned legislatures beyond what is required to avoid dealing with States in an unreasonable or embarrassing manner, and within that definition to see that the situation is corrected at the earliest time, but bearing in mind that what the legislatures are doing is not invalid, that we are not in anarchy, and that it is possible to accomplish the purpose in a way that is reasonable and not embarrassing, which is very much the standard that the Court has laid down.

Mr. DOUGLAS. I find myself in general agreement with what the Senator from New York has stated, however, I believe that the language in the present amendment is susceptible of a different interpretation. I am very glad he has made this statement. I suggest that the language needs to be made clearer on this point.

Until there is a definite provision in the Constitution which limits the power of the Supreme Court to interpret the 14th amendment, so far as it refers to the apportionment of State legislatures, I believe the Court should be allowed so to interpret the Constitution, and that the decisions of the Supreme Court should be followed by the lower courts and by the various State legislatures. And I am also opposed to any such amendment since I submit that the Court's decisions have been substantially necessary.

My chief concern is that we should not stay the processes of constitutional interpretation pending the ratification of a supposititious amendment by three-fourths of the States.

If in the meantime the ordinary constitutional process should go on with rulings in various States, but with time given for equitable plans to be worked out, that would be highly desirable. That would as a matter of fact be in conformity with the Court's own standards. However, if the language is to be interpreted as meaning that everything must come to a stop, while an amendment was being proposed and acted upon, which might take years before action was finally completed, it would be in effect a polite form of the Dirksen-Mansfield amendment. As such it should not be supported. But I hope the language may be revised to connote a meaning similar to that which I have suggested.

Mr. JAVITS. I am very grateful to my colleague for his always constructive and informed intercession. I am hopeful that we will find ways in which, having come to a meeting of minds—we need not agree on everything—we may be able to come to an agreement.

Mr. DOUGLAS. I hope that very much.

Mr. JAVITS. I yield the floor.

Mr. INOUYE. Mr. President, since Wednesday, August 12, I have sat in the Senate listening to the proponents and opponents of the Dirksen amendment which seeks to authorize temporary stays in execution of court orders for immediate institution of reapportionment in State legislatures based upon the principle of "one-man, one-vote." Except for a relatively brief period when the distinguished senior Senator from Illinois held forth, the discussions have mainly centered on substantive questions concernings the validity or invalidity of the arguments presented in the series of Supreme Court cases handed down last June. Facts and figures have been cited to prove or disprove, as the case may be, the under or over representation, of rural or urban areas.

I have no particular brief against such discussions for the Supreme Court decisions most certainly are based on concrete and specific cases from Alabama to Colorado, all dealing with substantive questions of the equity or inequity of the prevailing mode of representation in the various State legislatures. Political and other social scientists have for years written scholarly articles analyzing the merits or demerits of a system of apportionment tending to favor the nonurban areas of our various State governments.

Historians have pointed to various tracts from American history for the purposes of either proving or disproving whatever line of reasoning they were inclined to follow. Far be it for me to cover ground so well traveled by so many experts.

However, I personally believe that a more constructive approach to the question before us is to face up to the procedural questions involved. Indeed, the Dirksen amendment itself does not raise substantive questions of the propriety or impropriety of the court's decisions, although much has already been implied on this floor. The issue raised is mainly procedural. And that issue is one which goes to the very nerve center of our constitutional form of government.

I am deeply convinced that any tampering with this nerve center is to seriously endanger a system which has enabled this country to endure and survive a multitude of internal and external stresses and strains which have weakened or destroyed a number of governments not as prudently endowed. Were I to be alined against the majority of the Justices in the Supreme Court decisions, I would still have to raise my voice against the present attempt to initiate by legislative fiat an inexorable deterioration of the very structure of constitutional government. For to say that the issue is procedural only underscores the fact that the basic precepts of American constitutionalism are being undermined.

Without any attempt to delve into the motives of the sponsors of the Dirksen amendment, and without trying to analyze what appears to be a puzzling conflict in interpretation of the two major sponsors as to the ultimate purpose behind it, I can only see the effect as being detrimental to the concept of separation of powers. I do not know, at this point, whether the aim is to buy time so as to enable Congress and the States to initiate and ratify a constitutional amendment leaving inviolable existing systems of apportionment, or simply to provide the time necessary for the various State legislatures to work out reapportionment schemes more closely in line with the case of Reynolds against Sims. I do not know that these varying opinions are necessarily germane to the basic procedural question. All that I do know is that the Senate, and the Congress, are being asked to stay an interpretation delivered by the Supreme Court. All that I do know is that this amounts to a temporary restraining order from the legislative arm preventing the due execution of a decision rendered by the judicial branch of our Government. And may I add that the period of validity of the restraining order has also very little to do with the procedural question involved.

The fact of the matter, it seems to me, is that a judicial decision has been deemed to be in dire need of legislative moderation. If this can be done with Reynolds against Sims and Lucas against the 44th General Assembly of Colorado. Why was it not done with Brown against the Board of Education of Topeka? And why cannot it be done with any and all Supreme Court decisions which may run counter to the political interests of those affected?

I am sorry to say that I believe a precedent is being created by this amendment which would wreak havoc with our traditional views that the judicial and legislative functions should be kept separate. What other possible interpretation is there for the proposed amendment? A judicial decision has been made. The Constitution has been held to be violated by the existent system. The Court has said, in effect: Correct that system so as to make it consonant with the Constitution. But correct it within certain reservations, to wit:

> Remedial technique in this new and developing area of the law will probably often differ with the circumstances of the challenged apportionment and a variety of local conditions. It is enough to say now that, once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan. However, under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislation apportionment case, even though the existing apportionment scheme was found invalid.

How more reasonable can the Supreme Court be?

The Founding Fathers were very clear about the division of legislative, judicial, and executive powers. As the wording of article III, section 1, of the Constitution states:

> The judicial power of the United States shall be vested in one Supreme Court, and such inferior courts as the Congress may from time to time ordain and establish.

Section 2 sets forth the jurisdiction of the Court as follows:

> The judicial power shall extend to all cases in law and equity arising under this Constitution.

The only power Congress has over the courts is in the establishment of them and in the approval of appointees. The Founding Fathers were very careful to limit the judicial power of the legislative branch to cases of impeachment only.

Since we are quoting authorities while debating an idea as revolutionary as this amendment. It would be wise to reread the thoughts of the framers of the Constitution on the doctrine of separation of powers. What do they say? Alexander Hamilton, in Federalist Paper No. 78, states:

> The complete independence of the courts of justice is peculiarly essential in a limited constitution. By a limited constitution, I understand one which contains certain specified exceptions to the legislative authority, such for instance, as that it shall pass no bills of attainder, no ex-post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty must be to declare acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

Further on in the same paper Hamilton discusses the questions of supremacy if the legislature and the Constitution are divergent in their views:

> The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity, ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

Yet by the Dirksen amendment I think we are saying that Congress is supreme. The Supreme Court in Reynolds against Sims and Lucas against the 44th General Assembly of Colorado held that the equal protection clause of the 14th amendment guarantees to all citizens the principle "one-man, one-vote." The Dirksen amendment, by saying that these decisions may not be enforced, at least for a period of time, is overriding the Supreme Court. I am certain that all of us are familiar with the case of Marbury against Madison, which sets forth the principle of judicial review and supremacy of the judicial branch as the proper one to determine the constitutionality of our laws. This proposal comes dangerously close to violating that principle by denying the courts the right to execute their decisions.

In addition, not only would the Dirksen amendment violate the law of the land, it would force others to do the same. By forbidding the execution of the law, it would be hampering the legal process and force law-abiding citizens to live under and vote for unconstitutional governments. In other words, we may be enacting a law to force citizens to live under unconstitutional governments, as it were.

There have been charges that law and order will give way to chaos and uncertainty if the State legislatures followed the Court's decision and reapportioned immediately. But the effect of this measure is far worse—it would validate unconstitutional assemblies, and force, by an act of Congress, the people of the United States, in effect, to disobey and ignore the supreme law of the land.

Another factor to consider is that a dangerous precedent would be set by this proposed amendment. The execution of any reapportionment order could be permanently stayed. The Dirksen amendment could grant stays to January 1, 1966. But what would prevent Congress from changing the year to January 1, 1976, or January 1, 1986? The time limit of this proposal could be extended indefinitely, permanently usurping the power of the Supreme Court to execute its proper functions. What guarantees would there be that this proposal would only be "temporary"? Temporary emergency laws have an unusual habit of taking on the character of permanence.

As I have previously intimated, even if all sorts of guarantees were given that this measure will be a temporary one, that it will not be extended beyond its original duration, it will still set a dangerous precedent. For while this amendment is limited to granting stays only in cases dealing with reapportionment, the principle of the legislature interfering with the functions of the judiciary would have been set. The original purposes, including the "special factors" which compose the situation, may be forgotten in the future.

What is to stop Congress from passing other bills staying the execution of Court orders in any field which any Member of Congress finds repugnant? Reapportionment is the issue today. What is to stop voter registration from being the issue tomorrow, or the practice of certain religions the issue next week? This amendment would strip the courts of their constitutional power and thereby tend to undermine the Constitution. It would tend to reduce the judiciary to a position of subservience to the legislature. It would render it a branch whose pronouncements could only be executed by the grace of Congress. Cases would be decided, claims adjudicated, laws interpreted, but no executions would be allowed without the advice and consent of Congress. Such a situation would make a mockery of the Constitution as the supreme law of the land. We would have, in effect, a system whereby the branch of government enacting a law, would decide the constitutionality and the enforcement of the law, a system which the framers of the Constitution regarded as tyranny, and a complete abdication of the rights of the people.

May I emphasize in closing that my remarks today were not made in haste nor with any intemperance or malice. I have given long and serious thought to the implications of the amendments as I personally saw them. I would be remiss were I to remain silent on the matter. The issue is much too great and far too significant for one who is deeply committed to our system of government. The issue has far too many implications for the future of American constitutionalism to be ignored.

Reapportionment may be right or wrong, but the role of the Court and the doctrine of the supremacy of the Constitution can never be, should never be, challenged.

Mr. DOUGLAS. Mr. President, will the Senator from Hawaii yield?

Mr. INOUYE. I am glad to yield.

Mr. DOUGLAS. I congratulate the Senator from Hawaii on his able argument. He has proved himself to be as good a lawyer and authority on the Constitution as he was a soldier.

The Senator from Hawaii—although he is modest about this—has one of the most distinguished war records in the Nation. The battalion in which he served, the 442d, had the finest record of any unit in the American Armed Forces. They had more men killed, more wounded, and more decorated than any comparable unit.

The Senator from Hawaii was one of the bravest and most skillful members of that magnificent battalion. He has now shown himself to be a scholarly constitutional lawyer. The position he takes is, in my judgment, completely sound.

The decisions of the Court were substantively correct. The Senator from Hawaii has not gone into that subject, but he has pitched his argument on the ground that it would be really scandalous were the legislature to insist that it interpret the Constitution and put the Constitution in the deep freeze, so to speak, while it proceeded to act upon the matter, or while a constitutional amendment was before the country.

I conclude as I began, in congratulating the Senator for his excellent argument.

Mr. INOUYE. I am most grateful for the generous remarks of the Senator from Illinois. I am happy to be on his team.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, over the weekend, two significant editorials were published in two great American newspapers.

The first one was published in the St. Louis Post Dispatch for Friday, September 11, and deals with what the St. Louis Post Dispatch properly entitles "Attack on the Court."

It begins by stating:

> Senator Dirksen's rider against the Supreme Court has been stalled. Only 30 Senators voted to shut off debate on his plan to restrict the Court's power to support legislative apportionment, while 63 (including Missouri Senators Symington and Long) voted against cloture.

Mr. President, it is significant that while it would have required a two-thirds vote to obtain a limitation of debate, we had more than a two-thirds vote against limitation of debate.

The editorial, however, correctly goes on to state:

> Unfortunately, the rider to the foreign aid bill is not dead. A motion to table it was defeated by 49 to 38.

Mr. President, parenthetically, let me say that there were 5 Members of the Senate who were absent who would have voted for tabling, so that the true strength was about 43; that the motion to table made by the Senator from Vermont [Mr. Aiken] came from a Senator whom we all honor, but he was for the Dirksen amendment and then voted against his own motion to table in the belief that by this unexpected move he would throw the forces against the Dirksen amendment into confusion and that the vote to table would be relatively slight.

The fact that 38 stood fast and voted for tabling was, I believe, most indicative.

The editorial continues that "those who are opposed to the plan are free to go on talking against the Dirksen plan."

The editorial states further:

> As the debate proceeds, the public should become fully aware of the grave issues involved. Senator Dirksen insists he is not attacking the Supreme Court. He says the issue is whether the Constitution empowers the Court to say how State legislatures shall be composed. What he means is that Congress should decide the Court's power; but the Constitution has already decided that.

I reaffirm the able argument which has just been made on the floor of the Senate by the distinguished Senator from Hawaii [Mr. Inouye].

The St. Louis Post-Dispatch editorial continues:

> The Court was enforcing the Constitution in holding that its equal-protection-of-the-laws clause requires both houses of State legislatures to be elected by popular vote.

Mr. President, can we have equal protection of the laws if people are unequally represented in the legislatures, and if groups are grossly underrepresented in the legislatures which make the laws? How can it be said that they will be given the equal protection of the laws?

The St. Louis Post-Dispatch continues:

> Senator Dirksen is ignoring the Constitution in proposing that Congress, by simple legislation, tell the courts they cannot enforce the equal voting rights principle for a year and more.

It may well be much more than a year.

The St. Louis Post-Dispatch continues:

> In that time the Senator hopes for passage of a constitutional amendment to override the Court decision permanently.
>
> This is not the first attack on the Supreme Court, but it is one of the more serious. Only once in history has Congress actually restricted the Court by legislation. In 1868, during a struggle over Reconstruction, Congress withdrew the Supreme Court's authority to hear habeas corpus appeals from lower Federal courts. Even so, Congress did not tell the High Court it could not hear direct appeals on this great writ, and soon a more thoughtful legislature rescinded its ruling. President Franklin D. Roosevelt tried to pack the Court in 1937, when he was dissatisfied with decisions adverse to the New Deal. He proposed that he be given power to name an additional Justice, up to a total of 15, for each one who failed to retire at the age of 70. The Senate of those days was properly outraged, and killed the plan.
>
> As a result of the McCarthy period hysteria, former Senator Jenner, of Indiana, in 1957 tried to remove Supreme Court jurisdiction from cases involving contempt of Congress, Federal loyalty actions and various subversive activities. The Jenner proposals were tabled and never even reached a vote.
>
> Now, for the first time, Congress is asked to interpret the Constitution for itself, taking from the Court that responsibility which the Constitution gives it. Could there be any stronger attack on one branch of Government by another, or any heavier assault on judicial review and separation of powers?
>
> The Dirksen forces have suffered a deserved defeat, with a stalemate as the result. Perhaps Senator Humphrey will succeed with his effort to turn the Dirksen command to the courts to advisory legislation only, though there is no great reason for Congress to advise the courts to give States time to comply with the Court decision. The States will have to have time in any case.

The colloquy which we had a few minutes ago with the Senator from New York [Mr. JAVITS] indicates the reasons why we are dissatisfied with the present draft of the Javits-McCarthy-Humphrey amendment. It is not as bad as the Dirksen-Mansfield amendment. But, in its present form, it is dangerous. It could bring psychological pressure to bear on the legislatures and the courts to slow up the process of carrying out the constitutional requirement for substantial equality of representation in the legislatures.

It might well be interpreted to induce courts and State legislatures to freeze the existing apportionment of membership, pending the ratification of a constitutional amendment. It, in a sense, psychologically commits Congress to submit such a statement, because it carries with it the phrase, "which shall have been duly submitted by the Congress to the States." It makes no provision that any amendment thus submitted should be passed upon by the people either by direct referendum or by a constitutional convention chosen specifically by the people. But it would still permit the rotten borough malapportioned legislatures to ratify such an amendment and have it be legal.

As I indicated, there are many of us who cannot accept the Javits-McCarthy-Humphrey amendment in its present form. We hope that the negotiations which are now being conducted for a revision may be satisfactorily completed.

The editorial concludes with this ringing paragraph:

> But when Senator DIRKSEN insists that he is willing to fight for his cause until Christmas or after, the champions of the High Court cannot depend on leaving their trenches by Christmas. However long it takes, however long the Senate must remain in session, the authority of the Supreme Court to uphold the Constitution must be maintained.

My colleague from Illinois issued a ringing statement last week that he was prepared to stay here until Christmas to get his amendment passed.

Some of us are equally determined to stay here until Christmas in order to prevent the Dirksen-Mansfield amendment from being passed. We believe that we are fighting on the side of the Constitution. We are very glad to have our position supported by so great a newspaper as the St. Louis Post-Dispatch. Mr. President, I ask unanimous consent that the editorial published in the St. Louis Post-Dispatch of September 11, 1964, entitled "Attack on the Court" be printed in full at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis (Mo.) Post-Dispatch, Sept. 11, 1964]

ATTACK ON THE COURT

> Senator DIRKSEN's ride against the Supreme Court has been stalled. Only 30 Senators voted to shut off debate on his plan to restrict court power over State legislature apportionment, while 63 (including Missouri Senators SYMINGTON and LONG) voted against cloture.
>
> Unfortunately, the rider to the foreign aid bill is not dead. A motion to table it was defeated by 49 to 38. So the situation is as it was, with Senator DOUGLAS, of Illinois, and his band free to go on talking against the Dirksen plan. As the debate proceeds, the public should become fully aware of the grave issues involved.
>
> Senator DIRKSEN insists he is not attacking the Supreme Court. He says the issue is whether the Constitution empowers the Court to say how State legislatures shall be composed. What he means is that Congress should decide the Court's power; but the Constitution has already decided that.
>
> It is true, as critics of the Court have said, that the Constitution gives Congress some control of appellate jurisdiction and of lower courts. But the Constitution also creates the Supreme Court, and gives to that Court full jurisdiction in all cases arising from the Constitution.
>
> The Court was enforcing the Constitution in holding that its "equal protection of the laws" clause requires both houses of State legislatures to be elected by popular vote. Senator DIRKSEN is ignoring the Constitution in proposing that Congress, by simple legislation, tell the courts they cannot enforce the equal voting rights principle for a year and more. In that time the Senator hopes for passage of a constitutional amendment to override the Court decision permanently.
>
> This is not the first attack on the Supreme Court, but it is one of the more serious. Only once in history has Congress actually restricted the Court by legislation. In 1868, during a struggle over Reconstruction, Congress withdrew the Supreme Court's authority to hear habeas corpus appeals from lower Federal courts. Even so, Congress did not tell the High Court it could not hear direct appeals on this great writ, and soon a more thoughtful legislature rescinded its ruling.
>
> President Franklin D. Roosevelt tried to "pack" the Court in 1937, when he was dissatisfied with decisions adverse to the New Deal. He proposed that he be given power to name an additional Justice, up to a total of 15, for each one who failed to retire at the age of 70. The Senate of those days was properly outraged, and killed the plan.
>
> As a result of the McCarthy period of hysteria, former Senator Jenner of Indiana in 1957 tried to remove Supreme Court jurisdiction from cases involving contempt of Congress, Federal loyalty actions and various subversive activity. The Jenner proposals were tabled and never even reached a vote.
>
> Now, for the first time, Congress is asked to interpret the Constitution for itself, taking from the Court that responsibility which the Constitution gives it. Could there be any stronger attack on one branch of Government by another, or any heavier assault on judicial review and separation of powers?
>
> The Dirksen forces have suffered a deserved defeat, with a stalemate as the result. Perhaps Senator HUMPHREY will succeed with his effort to turn the Dirksen command to the courts to advisory legislation only, though there is no great reason for Congress to advise the courts to give States time to comply with the Court decision. The States will have to have time in any case.
>
> But when Senator DIRKSEN insists that he is willing to fight for his cause until Christmas or after, the champions of the High Court cannot depend on leaving their trenches by Christmas. However long it takes, however long the Senate must remain in session, the authority of the Supreme Court to uphold the Constitution must be maintained.

Mr. DOUGLAS. Mr. President, this morning, the Washington Post published another very able editorial under the title "Shadow of a Shadow." I suppose this is drawn from the passage in Richard II, when Richard II, who had been dethroned, looked in the mirror and it was said that the shadow of his shadow had displaced the reflection of his face.

The editorial states:

> The best that can possibly be said in favor of the administration-sponsored compromise of the Dirksen apportionment rider is that it might help to break a Senate deadlock and that it would do serious damage, really, only to the good name of the Congress.

As one who is very jealous of the good name of Congress, I do not wish to contribute gratuitously to its further denigration.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. McCARTHY. I suppose the next step would be that we might pass a resolution giving advice to the Senate as to what it should do.

Mr. DOUGLAS. That would be equally appropriate or incongruous. The article goes on to say:

> But it is essentially a silly solution, insulting to the Supreme Court and pointless even from the point of view of its supporters; and while it is, to be sure, not nearly so dangerous or offensive as the Dirksen rider itself, it would still trench damagingly on the constitutional separation of powers.

I am very glad that the junior Senator from Minnesota [Mr. McCARTHY] has just made the statement which he did. I take it that he, in a sense, is detaching himself from the amendment, and publicly assented to it only in the sense of harmony and unity.

The editorial goes on to say:

> The compromise, introduced by Senators JAVITS and McCARTHY, with an apparent assent from the White House, would express the "sense of Congress" that "adequate time" be afforded to the States "to conform to the requirements of the Constitution." It would also add a more objectionable provision declaring it to be the sense of Congress that the States be given adequate time to consider any proposed constitutional amendment relating to the composition of State legislatures.

The editorial then goes on to say further:

> Some of the Senators who have so ably and sensibly led the fight against the Dirksen rider have now proposed a modification of the administration compromise. They would limit it to a reiteration of the Supreme Court's own language allowing flexibility and patience in implementation of the apportionment decision.

I do not know where the Washington Post editors got the information, but they are apparently mind readers. They have stated the general purpose of our efforts fairly accurately. The editorial continues:

> There can be no objection to this proposal except that it is an exercise in futility; it amounts to the shadow of a shadow of the Dirksen rider.

It may be remembered that Abraham Lincoln once referred to a promise as being about as substantial as soup made from the shadow of a crow which had starved to death.

The editorial concludes:

> It would be better to avoid casting even this shadow of a shadow on the independence of the judiciary. But perhaps it is

justified as the price of getting this mischievous matter settled. And it has the virtue of a reductio ad absurdum.

Mr. President, I ask unanimous consent that the editorial published in the Washington Post of September 14, 1964, entitled "Shadow of a Shadow," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Sept. 14, 1964]

SHADOW OF A SHADOW

The best that can possibly be said in favor of the administration-sponsored compromise of the Dirksen apportionment rider is that it might help to break a Senate deadlock and that it would do serious damage, really, only to the good name of the Congress. But it is essentially a silly solution, insulting to the Supreme Court and pointless even from the point of view of its supporters; and while it is, to be sure, not nearly so dangerous or offensive as the Dirksen rider itself, it would still trench damagingly on the constitutional separation of powers.

The compromise, introduced by Senators JAVITS and MCCARTHY, with an apparent assent from the White House, would express the sense of Congress that adequate time be afforded to the States to conform to the requirements of the Constitution. It would also add a more objectionable provision declaring it to be the sense of Congress that the States be given adequate time to consider any proposed constitutional amendment relating to the composition of State legislatures.

The first provision serves no purpose whatever. The Supreme Court itself said plainly that "with respect to the timing of relief," an inferior court "can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree." The second provision amounts to nothing less than a demand that U.S. courts suspend application of the equal protection clause of the Constitution until Congress finds time to subvert it altogether.

Some of the Senators who have so ably and sensibly led the fight against the Dirksen rider have now proposed a modification of the administration compromise. They would limit it to a reiteration of the Supreme Court's own language allowing flexibility and patience in implementation of the apportionment decision. There can be no objection to this proposal except that it is an exercise in futility; it amounts to the shadow of a shadow of the Dirksen rider. It would be better to avoid casting even this shadow of a shadow on the independence of the judiciary. But perhaps it is justified as the price of getting this mischievous matter settled. And it has the virtue of a reductio ad absurdum.

Mr. DOUGLAS. Mr. President, I join the Senator from Minnesota [Mr. MCCARTHY] in feeling that if we can defend the courts, I am willing to pay the price of appearing somewhat ridiculous.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. McCARTHY. Mr. President, I would have to differ with the position expressed by the Senator from Illinois. I do not believe that what we propose in the amendment to which he referred is quite as absurd as that which was proposed in the Dirksen-Mansfield amendment.

Mr. DOUGLAS. No. That is correct.

Mr. McCARTHY. We have really backed away a little from the ultimate.

Mr. DOUGLAS. We have reduced the absurdity.

Mr. McCARTHY. That is correct. As I said when I spoke previously, the Dirksen-Mansfield proposal, if it had any authority in it, immediately moved into the area of the unconstitutional. If it had no authority, it was nothing more than a piece of advice or recommendation to the Court. So at least we were honest in our amendment in doing nothing other than to offer advice to the Court; and I would say that that is a less absurd action than it would be if we were to proceed on the assumption that we had authority in a field in which we have no authority. I suggest that this often happens with regard to the Washington Post. I often find myself in agreement with its conclusions and its recommendations, but sometimes we do well not to read too carefully its justification for its position.

Mr. DOUGLAS. I am glad to find that the Senator from Minnesota seems to be in rough general accord with some of the criticisms which some of us have advanced.

Mr. McCARTHY. As I have said to the Senator, I would prefer to have no amendment or resolution.

Mr. DOUGLAS. So would I.

Mr. McCARTHY. I would leave the Court free to act.

Mr. DOUGLAS. So would I. I hope that the legislative record will be made clear that the current proposal is not a substantive one.

Mr. McCARTHY. The Senator from Illinois and I have discussed the subject before. There are certain areas of confusion because we have let the executive branch of the Government "legislate" in some areas in which I think we ought to act; and we have put too great a burden of the executive responsibility on the Court in a number of critical areas, including civil rights, and now in the area of reapportionment. If we moved each area of responsibility one step to the right, Congress might be left with nothing but a kind of unofficial judicial review as its clear responsibility.

Mr. DOUGLAS. But that has been because of the failure of the Congress and of the various State legislatures to act.

Mr. McCARTHY. In most cases.

Mr. DOUGLAS. In slang parlance, we have "asked for it."

Mr. McCARTHY. In most cases it is the result of our failure to act when we should have acted.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, the question of reapportionment is an issue in my State of Minnesota, as it is in many other States.

The Minnesota State constitution provides that both houses, the senate and the house of representatives, shall be apportioned equally in proportion to the population, but this provision has not been followed in any strict way.

I requested the attorney general's office in Minnesota to provide me with a brief summary of the judicial action which has taken place over the years in regard to this provision of our State constitution.

I ask unanimous consent that the review may be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The judicial construction has been as follows:

In *State ex rel. Meighen* v. *Weatherill* (1914), 125 Minn. 336, 147 N.W. 105, an attack was made on the reapportionment act of 1913, claiming that it was in violation of the above constitutional provisions. The Minnesota court stated that the legislature is vested with wide discretion in forming legislative districts and the courts will not interfere except when there has been a clear and arbitrary departure from the requirement of equality. The court did state that there was a constitutional mandate imposing a duty of reapportionment upon the legislature and that duty continues beyond the legislative session after the decennial census if the legislature had not complied.

In *Smith* v. *Holm* (1945), 220 Minn. 486, 19 N.W. 2d 914, another legal attack was made upon the reapportionment act of 1913. The Minnesota court adhered to the rule in the Weatherill case, supra, and characterized the law as follows:

"In short, if the legislature exercises its judgment and discretion in enacting an apportionment law, the result is not vulnerable to attack in the courts."

The court went on further to say that if a reapportionment act was valid when enacted, it may not be held unconstitutional by reason of subsequent changes in the relative population of the districts, and that it continues in force until superseded by a valid act.

In 1958, an action was initiated in the Federal court, *Magraw* v. *Donovan* (1958), 163 Fed. Supp. 184, similar to that now pending. The plaintiffs argued that unequal representation deprived them of the right guaranteed by the 14th amendment to the U.S. Constitution and that the reapportionment act of 1913 was unconstitutional in 1958.

The three judge Federal court in *Magraw* v. *Donovan* (March 21, 1958), 159 Fed. Supp. 901, held that the action was within the jurisdiction of the Federal court. It should be noted that initially the defendants were secretary of state and the county auditors of St. Louis, Hennepin, Ramsey, and Olmsted Counties, but that subsequently the county auditors of Houston, Grant, and Ottertail intervened. The latter counties were overrepresented on a population basis in the State legislature.

In *Magraw* v. *Donovan* (July 10, 1958), 163 Fed. Supp. 184, the Federal court made a determination that there was substantial inequality in the composition of the Minnesota legislative districts. The court pointed out in the Minnesota case of *Smith* v. *Holm* no question of the equal protection clause under the 14th amendment was presented or considered. The court stated: "* * * it is the unmistakable duty of the State legislature to reapportion itself peri-

> odically in accordance with recent population changes. * * * It is not to be presumed that the legislature will refuse to take such action as is necessary to comply with its duty under the State constitution."
>
> The court retained jurisdiction with the provision that following the adjournment of the 1959 session of the Minnesota Legislature the parties could petition the court for such action as they may deem appropriate. The Minnesota Legislature did reapportion in 1959, effective January 1, 1962. Subsequently the plaintiffs moved for an order to dismiss the action without prejudice and the Federal court permitted this in *Magraw* v. *Donovan* (October 26, 1959), 177 Fed. Supp. 803, over the objection of the intervening defendants.

Mr. McCARTHY. Mr. President, the present range of population in Minnesota legislative districts covers extensive differences. If the population of the State is divided by the 67 senatorial districts, the average would be 50,953. The largest district at the present time has a population of 100,000, or nearly twice the proportionate number. The smallest senatorial district has a population of 24,587, roughly one-half what it would be if the average were applied.

The population of the State divided by 135 house districts would average out to 25,288. The largest house district has 56,000, which is roughly twice the size of what it would be if proportionate representation had been achieved. The smallest is only 8,343. It is the result of reapportionment which took place following the census of 1960.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. McCARTHY. I yield.

Mr. DOUGLAS. This followed the census of 1960?

Mr. McCARTHY. Yes; this was the most recent reapportionment.

Mr. DOUGLAS. This was "reform" reapportionment?

Mr. McCARTHY. Following the census of 1960.

Mr. DOUGLAS. I use the word "reform" in quotation marks.

Mr. McCARTHY. I understand the implication.

Mr. DOUGLAS. And is not the State grossly malapportioned? The cities of Minneapolis, St. Paul, and Duluth are grossly underrepresented in relation to other districts. Is that not correct?

Mr. McCARTHY. That is true. I would have to state that, from the viewpoint of being advantageous to Democrats or Republicans, strict reapportionment would be somewhat disadvantageous to the Democrats; but we are acting on principle.

Mr. DOUGLAS. That is correct as to Illinois also, since reapportionment is not going to help the Democrats. In fact, the suburbs are considerably more underrepresented than are the cities, and the suburbs tend to be Republican.

Mr. McCARTHY. And the rural districts are liberal in my State. So in this case we are doing what we think is best for the State of Minnesota.

Mr. DOUGLAS. The Senator is an authority on the Bible, and he is, therefore, familiar with the Biblical quotation:

> He that sweareth to his own hurt, and changeth not.

Mr. McCARTHY. I hope we receive credit not only for using Biblical quotations, but also for the action we have taken.

It is estimated that, theoretically, 40.1 percent of the population could control the senate and 34.5 percent could control the house in the Minnesota Legislature.

Following the decision of the U.S. Supreme Court in Reynolds against Sims, a case was filed in the U.S. district court in the district of Minnesota, entitled "Honsey, et al., Against Joseph Donovan, Secretary of State, et al.," asking for reapportionment of the Minnesota legislative districts.

The attorney general of the State of Minnesota and other officials have filed an answer to the plaintiffs' complaint. This matter is now pending before the U.S. district court.

It is possible that the court could render its decision any day, and it is possible that the court decision would enjoin the November 3 election for the Minnesota House of Representatives, or in the alternative, order the election of the representatives from the various districts to be an at-large election. But I am confident that the court will not take such action and that the election will proceed on November 3 under State law.

The disproportionate representation of our State is rather obvious and clear. I hope that through either the case which is pending in the district court of Minnesota or other action reapportionment may come about in Minnesota.

In any event, I believe it is to be a very serious matter for Congress to attempt to interfere with the decisions which have been made by the court, or in any positive way to try to obstruct the actions which might follow from what we now call the historic decisions, although they have been late in coming.

ADJOURNMENT

Mr. McCARTHY. Mr. President, if there is no further business to come before the Senate, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to and (at 4 o'clock and 44 minutes p.m) the Senate adjourned until tomorrow, September 15, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 14, 1964:

POSTMASTERS

The following-named persons to be postmasters:

CALIFORNIA

Robert B. Ross, Orinda, Calif., in place of L. G. Mallary, retired.

Salvatore J. Montalbano, St. Mary's College, Calif., in place of J. J. Shanahan, retired.

FLORIDA

Harry R. Collier, Deerfield Beach, Fla., in place of E. V. Morrow, deceased.

MARYLAND

Ralph H. Barrett, Bladensburg. Md., in place of C. H. Brown, deceased.

Evelyn E. Lednum, Tilghman, Md., in place of B. V. Sinclair, retired.

MISSISSIPPI

Mamie L. Holland, Glendor, Miss., in place of M. B. Lowe, retired.

MISSOURI

Catherine J. Sinnott, Wayland, Mo., in place of T. H. Sinnott, deceased.

NEBRASKA

Dorothy M. Turner, Firth, Nebr., in place of Delmer Vandewege, transferred.

NEW JERSEY

Leonard F. Errico, Stockton. N.J., in place of W. J. Ledger, retired.

NEW YORK

Jerome P. Meyer, Corfu, N.Y., in place of Celestine Reynolds, retired.

SOUTH DAKOTA

Jennie M. Swartz, Baltic, S. Dak., in place of C. R. Dregseth, retired.

TEXAS

Annie M. Whittley, Barksdale, Tex., in place of Lillie Perkins, retired.

Austin Skinner, Ferris, Tex., in place of A. T. McCarson, transferred.

MONTANA

Lawrence A. Wendel, Helena, Mont., in place of H. K. Potter, deceased.

EXTENSIONS OF REMARKS

Soil and Water Conservation

EXTENSION OF REMARKS

OF

HON. JOHN L. McCLELLAN

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Monday, September 14, 1964

Mr. McCLELLAN. Mr. President, the distinguished chairman of the Ways and Means Committee of the House of Representatives, the Honorable WILBUR MILLS, made an excellent address recently, August 27, to the annual meeting of the east central area of the Arkansas Association of Soil and Water Conservation Districts at Stuttgart, Ark.

In his address, he reviewed the splendid progress being made in soil and water conservation, watershed protection, and river basin surveys, and he also made several recommendations for improvement in legislation pertaining to the watershed program administered by the Soil Conservation Service.

Because I am extremely proud that Arkansas leads all the States in several phases of soil and water conservation, and because I believe these recommendations for improvement merit serious consideration, I ask unanimous consent to have the address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Talk by Representative Wilbur D. Mills, of Arkansas, Before the Annual Meeting of the East Central Area of the Arkansas Association of Soil and Water Conservation Districts, Stuttgart, Ark., August 27, 1964

Once again it is my great pleasure to join with my friends in the annual meeting of the east central area of the Arkansas Association of Soil and Water Conservation Districts.

It's always good to come home. And it is especially stimulating to participate in your affairs. You are the leaders in work that is bringing lasting benefits to our State, to each of our communities, and to our Nation.

Soil and water resources are the basis of our strength as a people and as a nation. If these resources are abundant and strong, then the people and the Nation will be strong. If they are not strong, America will not realize her destiny but will join countless other civilizations lost in antiquity through neglect of their natural resources.

You are doing a job of tremendous significance for all of us, and you deserve the respect and admiration of all citizens for the manner in which you are doing it. You have my respect and admiration. And you have my support. You shall continue to have it.

As you know, your east central area and my congressional district cover about the same territory. It is a source of pride to me that the soil and water conservation districts in this area stand out in the State for their accomplishments, and that Arkansas itself stands out in the Southeast and in the Nation as well. That puts your activities right near the top in the national picture.

I've been digging into the records a bit, thanks to Bill Davey at Little Rock and to our old friend Hollis Williams in Washington. I'd like to highlight some of my findings.

First, let's look at how Arkansas soil and water conservation districts stood in the Southeast and in the Nation in fiscal year 1963.

In average acres of soil surveys per man-year, Arkansas ranked second in the Southeast and 14th in the Nation. In basic conservation plans and revisions, both in average plans per man-year and cost per plan, Arkansas ranked first in the Southeast and first in the Nation.

In landowners and operators assisted per man-year and the cost per operator assisted, Arkansas ranked first in the Southeast and first in the Nation.

In services provided per man-year, Arkansas ranked second in both the Southeast and the Nation and first in both the Southeast and the Nation in average cost per service in this category.

In percent of landowners and operators assisted in applying practice, Arkansas ranked first in the Southeast and third in the Nation.

In the dollar value of watershed project agreements, Arkansas was first in the Southeast and third in the Nation.

Arkansas indeed is in the front line of accomplishments in both the Southeast and the Nation.

Arkansas is a frontrunner among the States also in its contributions of funds and services to the soil conservation districts program. In fiscal year 1963, for example, Arkansas contributed a total of $1,437,320 in funds and services to the districts program. Sources of the funds and contributions were local government, State government, private individuals, commercial companies, and institutions and organizations.

While we're on the financial end of your conservation work, let me point out that the east central area was second only to the Northeast area in quorum court appropriations and contributions to soil and water conservation districts in 1964. The east central areas appropriation from the counties was $6,000 and the county contributions totaled $1,200. Throughout the State, the quorum court appropriations totaled $32,835, and the contributions were $10,040. The contributions were mainly in office space, storage space, and utilities.

You should be proud, too, of the fact that in the east-central area 11,600 landowners and operators—about 68 percent of the total number of farms in the area—are cooperators with your local soil and water conservation districts and are developing conservation plans on their farms. More than 9,600 basic conservation plans have been prepared with the assistance of the Soil Conservation Service on more than 2 million acres.

In Arkansas as a whole, as of March 1964, 83,357 landowners and operators were district cooperators. This is 70 percent of the farms in the State. Of these 73,324 had basic conservation plans for their farms covering more than 14.8 million acres.

The Soil Conservation Service informs me that new standard soil surveys have been completed on about 8.5 million acres in Arkansas and that soil conservation type surveys are available for conservation planning on about 15.6 million acres.

In the east central area, standard soil surveys have been made on about 1.6 million acres, and soil conservation type surveys are available on 2.5 million acres.

I'm pleased to note, too, that Arkansas and east central area farmers have become interested in recreation for profit as a new farm enterprise.

In the past fiscal year 73 landowners and operators, 16 of them in the east central area, have established one or more recreation enterprises, and 179, including 34 in the east central area, planned to do so.

Your districts in the east central area are moving forward with watershed protection and flood prevention projects, too.

I understand that you have filed 20 project applications and that plans have been completed and approved on 3 of these: Flat Creek, Upper Cultoches Bay, and Mud Creek. The plan on a fourth project, Cooper Creek, is almost complete, and planning authorization has been requested on the 212,000-acre tricounty project in Independence, Lawrence, and Sharp Counties.

Since watershed projects are initiated and carried out by local people, they inevitably stand or fall on the ability of the local participants to work together for solutions to their common problems. Ewell Ray Coleman, supervisor of Moorefield Soil Conservation District, says that in organizing for the tricounty projects their association levied a voluntary assessment on all lands to be benefited by the project. The funds will be used for organization purposes, including the creation of a taxing district under State laws for paying local costs. The fact that almost 100 percent of the landowners have paid this voluntary assessment is a good indication that the project will move forward.

This spirit of cooperation is exemplified by accomplishments in the Flat Creek watershed in Lawrence County. Here a multitude of people have joined forces to install a project that will protect hill land from erosion and good bottomland from flooding, provide drainage for wet land, water for fish and wildlife development, and facilities for recreational use by the general public.

Substantial help has come from the Arkansas Game and Fish Commission, the Arkansas Highway Department, the Lawrence County government, the Craighead County Electrical Cooperative, the soil and water conservation district, and the benefited landowners themselves, represented by the Flat Creek watershed improvement district. The Federal Government has helped through assistance from the Soil Conservation Service, Forest Service, and the Farmers Home Administration.

Six dams have been completed in this project, including a 645-acre lake for flood protection, recreation, and fish and wildlife development. A contract has been awarded to complete the planned channel improvement, and work is in progress on the recreational facilities planned for the State park adjoining the lake. Of the 147 farmers in the watershed, 141 are district cooperators and have applied almost 80 percent of the planned land treatment measures.

I'm told that throughout the State, 89 watershed applications have been filed, and 35 of these have been authorized for planning. Plans have been completed and construction authorized on 22 projects. Plans for three additional projects are complete and subject to approval by House and Senate Agricultural Committees. Construction has been completed in five of the watersheds, and contracts awarded that will complete four additional projects. Nationwide, I'm proud to say that Arkansas ranks fifth in the number of watershed project applications submitted and in number of operational projects.

During the past year, plans were completed on six projects. This is well above past production. The increase resulted from the action of the Arkansas General Assembly in increasing the State appropriation for watershed planning from $50,000 to $100,000, annually.

The success that has been attained in the State in soil and water conservation work is due in no small measure to the strong support of the State and county governments. In addition to the direct appropriation for watershed planning, the State legislature also voted over $2,000 annually for each of the 76 soil and water conservation districts in Arkansas. County quorum courts appropriate about $33,000, annually, as I have mentioned. These actions not only add to the district's resources—they also pay tribute to the services freely given by the district supervisors. And I might add that they also endorse congressional support for soil and water conservation appropriations.

The State has helped in other ways. State laws have been enacted that provide for the creation and operation of watershed improvement districts to cosponsor watershed projects, to enable water distribution districts to cooperate in Public Law 566 projects, and to provide for the formation of the Arkansas Soil and Water Conservation Commission to lend direct guidance and support to the supervisors of soil and water conservation districts.

There has been personal attention from Governor Faubus, who has supported and approved State appropriations and enabling legislation, encourage the cooperation of State agencies in the development of multiple-purpose watersheds, such as the Flat Creek project, counseled with sponsors and landowners in proposed watershed projects as to their willingness to assume local obligations, and participated in countless meetings of conservation groups.

I should like to comment also on another very important phase of resource conservation. I refer to comprehensive river basin surveys that are conducted cooperatively by the Departments of Agriculture, Interior, Corps of Engineers, and Health, Education, and Welfare at the Federal level, and by agencies of the State.

Two of these surveys are in progress in this area—those on the red and the white—and two others participated in by the Department of Agriculture and the Corps of Engineers are underway elsewhere in our State—on the Arkansas and the Poteau.

These basin surveys tie into our overall resource program in several ways. One of the most important, certainly in communities needing watershed help, is that the surveys identify and recognize potential Public Law 566 projects.

I believe you district supervisors should associate yourselves with these river basin surveys in every possible way. They are worthy of your time and effort in much the same way as are regular district operations and watershed projects.

At my last meeting with you in October 1960, I discussed several legislative proposals with you—proposals that pertained to the small watershed program—proposals that would strengthen operation of that program and make it more useful to all groups.

I'm pleased that two of these proposals are now in effect. I refer to definite and specified cost sharing for agricultural water management structures in place of the former complicated, indefinite, and unworkable formulas. The other measure adopted is authority to provide storage for future water supply at Federal expense on guarantee that the cost will be repaid when use of the stored water begins.

But still to come are other desirable proposals that we should continue to fight for.

We need authority for the Federal Government to administer watershed construction contracts if requested by the local sponsoring organization to do so. Many local organizations are not equipped to let contracts and are being forced into an untenable and dangerous position by present requirements.

We need authority at the State level to provide assistance to local organizations in obtaining land, easements, and rights-of-way for watershed projects.

Some forms of such aid might be: giving local organizations condemnation authority; providing some degree of reimbursement from State funds; providing State financed legal aid to local organizations; having rights-of-way and easements purchased in the name of the State with State funds. I don't think it is fair to expect all easements to be either donated by private citizens or all such costs to be borne by small local organizations. The State governments benefit greatly from watershed projects.

As another aid in obtaining land, easements and rights-of-way, we should amend Public Law 566, the Small Watershed Act. Presently, this law prohibits the use of funds appropriated under the act to acquire land rights. Perhaps this is all right, but there is no reason why the act should not be amended to make it possible to use other Federal funds, obtained for community improvements and other purposes, to acquire land rights for watershed projects.

We need to substantially increase Federal appropriations for watershed planning. This is a point that we must get across to the Bureau of the Budget and the Senate in particular.

The House of Representatives, I'm pleased to report, acted favorably on an amendment to raise the limitation on the size of watershed dams from 5,000 to 12,500 acre-feet. This amendment should be passed. The limitation should be lifted. It is hampering the program in many areas. Let us all continue to work for this change.

This year, I was one who made my wishes known to the House Subcommittee on Agricultural Appropriations concerning the 20 percent cut in planning funds in the budget. The House committee restored this cut and the House adopted the report. Unfortunately, the Senate did not go along and the matter is in conference between the House and the Senate.

More funds are needed for planning because each year the number of watershed applications filed by local sponsoring organizations exceeds the number the Soil Conservation Service is able to service with planning funds provided by the State and Federal Governments. The net result is the accumulation of a growing number of unserviced requests for assistance.

An additional major need in the watershed program is to accelerate the installation of land treatment measures.

The best possible way to accomplish this, in my opinion, is through cost-share contracts based on complete farm conservation plans similar to the provisions of the Great Plains conservation program.

This would get the land treatment job done on a planned, scheduled basis, and the entire cost-sharing would be guaranteed at the time the plan is developed and the contract signed.

Land treatment in watershed projects is proceeding haphazardly, as you know. This situation is particularly critical in the drainage areas above reservoirs where local organizations are required by law to carry out needed treatment measures on not less than 50 percent of the land.

These are recommendations that I think would strengthen the watershed program. I shall do all that I can to help bring about these desirable changes.

Indeed, I pledge you my support in all your ventures. You are engaged in a great work—noble work—the benefits of which are not for the present alone but will multiply manifold and accrue in even greater measure to future generations.

You are building for the future. You are investing in the future. You are giving of your time and your energy, not for pay, not for glory, but to serve your fellow men. This is the supreme gift of mankind. I salute you, and wish you well.

SENATE

TUESDAY, SEPTEMBER 15, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, spirit of light and truth, of beauty and freedom, bestow upon us, we pray, Thy sustaining grace, that our strength fail not, nor the vision splendid fade, as we toil on in the heat and burden of the day.

Protect us from every evil way, that when evening comes, there may be no stain or shame on our record. To this end, give us this day the grace of a grateful heart and an uncomplaining spirit; the grace of courage to stand for what our conscience tells us is the right; the grace of silence, that we may refrain from unkind speech; the grace of charity, that we may not give way to hasty judgment; the grace of refusing to conform, rather than to crucify our convictions; and in all and through all the quiet confidence that,

We steadier step when we recall
That though we slip, Thou dost not fall.

We ask it in the name of the One who is able to keep us from falling and to lead us on from strength to strength. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 14, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Ratchford, one of his secretaries.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1186. An act to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands;

S. 2370. An act authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorizing appropriations for that purpose;

S. 2447. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes;

S. 2701. An act to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans;

H.R. 3396. An act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes;

H.R. 5159. An act to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes;

H.R. 5498. An act to provide temporary authority for the sale of certain public lands;

H.R. 7096. An act to authorize the exchange of certain property at Independence National Historical Park, and for other purposes;

H.R. 8070. An act for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes; and

H.R. 11162. An act granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Edward W. Dempsey, of St. Louis, Mo., to be Special Assistant on Health and Medical Affairs to the Secretary of Health, Education, and Welfare, which was referred to the Committee on Finance.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

COMMISSION ON CIVIL RIGHTS

The Chief Clerk read the nomination of Mrs. Frankie Muse Freeman, of Missouri, to be a member of the Commission on Civil Rights.

Mr. LONG of Missouri. Mr. President, it is a privilege indeed to urge Senate approval of the nomination of Mrs. Frankie Muse Freeman, a distinguished fellow Missourian, as a member of the U.S. Commission on Civil Rights.

Mrs. Freeman has, by her personal and professional qualities and actions, brought honor and renown to both herself and her State. She has been nominated for this responsible position with the highest recommendations from both friends and colleagues alike.

All St. Louisians and all Missourians are proud of the recognition given Mrs. Freeman's achievements by this nomination.

Mr. President, Mrs. Freeman will be an asset to the Civil Rights Commission, as it strives to meet the responsibilities placed on it by the Congress. She is qualified and experienced. Moreover, she is concerned—concerned that this country meets the challenges of this decade by resolute action.

Mr. President, I urge my colleagues to act favorably on the nomination of Mrs. Frankie Muse Freeman as a member of the U.S. Commission on Civil Rights.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

U.S. DISTRICT JUDGE

The Chief Clerk proceeded to read sundry nominations of U.S. district judges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. CUSTOMS COURT

The Chief Clerk read the nomination of Philip Nichols, Jr., of Massachusetts, to be a judge of the U.S. Customs Court.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

BOARD OF PAROLE

The Chief Clerk read the nomination of Zeigel W. Neff, of Missouri, to be a member of the Board of Parole for the term expiring September 30, 1970.

Mr. LONG of Missouri. Mr. President, it is with the greatest enthusiasm that I urge the Senate to confirm the nomination of Mr. Zeigel W. Neff to be a member of the Board of Parole. Mr. Neff is a good friend of mine and I can personally vouch for his outstanding ability as a lawyer. His professional experience, his demonstrated judicial temperament, his energy, his high moral character and his keen mind eminently qualify him for this position.

Mr. Neff is a graduate of Southwest Missouri State College. He received his LL.B. from the University of Missouri in 1948 and his LL.M. from Georgetown University in 1958. His professional experience includes the general practice of law as well as legal positions with the Federal Government. During the Korean conflict, he was recalled to active duty in the Navy and served 4 years as a law specialist. Since then, he has served as a Commissioner on the U.S. Court of Military Appeals, Special Assistant to the Judge Advocate General of the Navy, member of the Navy Board of Review, and at the present time, he is serving in the Security Division of the Department of Defense. Mr. Neff has made an admirable record in each of these positions. During these years, he also has been an active legal writer receiving favorable comment in the American Bar Journal on his articles and receiving the Certificate of Literary Merit in the Field of Military Law from the Judge Advocate General of the Navy.

During World War II, Mr. Neff served as a Navy pilot winning the Navy Cross, the Air Medal with seven gold stars, the Presidential Unit Citation with Silver Star and the Asiatic Pacific ribbon with six combat stars.

Mr. Zeigel Neff comes to the Board of Parole well prepared for the responsibilities which will be his. Without reservation, I urge the Senate to confirm this nomination.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

COURT OF GENERAL SESSIONS

The Chief Clerk read the nomination of Edward A. Beard, of the District of Columbia, to be associate judge of the District of Columbia Court of General Sessions for the term of 10 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. MANSFIELD, the Senate resumed the consideration of legislative business.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The Chair (for the President pro tempore) announces the appointment by him of the following Senators as delegates to the NATO Parliamentary Conference to be held in Paris, November 16–20, 1964; J. W. FULBRIGHT, BIRCH BAYH, ALBERT GORE, B. EVERETT JORDAN, CLAIBORNE PELL, THOMAS J. MCINTYRE, QUENTIN N. BURDICK (alternate), EDMUND S. MUSKIE (alternate), KARL MUNDT, JACOB JAVITS, LEN B. JORDAN, and THOMAS KUCHEL (alternate).

The Chair (for the President pro tempore) also announces the appointment of the Senator from Alabama [Mr. SPARKMAN] as a delegate to the British Commonwealth Parliamentary Conference in Jamaica, November 15–22, 1964, in lieu of the Senator from Arkansas [Mr. FULBRIGHT], resigned.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON UNNECESSARY COSTS RESULTING FROM DEFICIENCIES IN CONSTRUCTION ACTIVITIES OF THE INTER-AMERICAN HIGHWAY PROGRAM IN THE REPUBLIC OF COSTA RICA

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs resulting from deficiencies in construction activities of the Inter-American highway program in the Republic of Costa Rica, Bureau of Public Roads, Department of Commerce, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON NEGOTIATED CONTRACTS MADE FOR DISPOSAL OF MATERIALS

A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a report on negotiated contracts made for disposal of materials, for the 6-month period ended June 30, 1964 (with an accompanying report); to the Committee on Interior and Insular Affairs.

RESOLUTIONS CONCERNING WATER POLLUTION FACILITIES

Mr. KEATING. Mr. President, many small communities in upstate New York have found it difficult to finance water facilities improvements under terms of existing Federal and State aid programs. Accordingly, the Boards of Supervisors of Rockland, Greene, Dutchess, Herkimer, and Niagara Counties have passed resolutions calling upon the State legislature and the U.S. Congress to enact legislation providing for a more generous matching grant program.

I ask unanimous consent that the text of these resolutions be printed at this point in the RECORD and that copies thereof be transmitted to the appropriate Senate committees.

There being no objection, the resolutions were referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

AUGUST 18, 1964.

RESOLUTION No. 391

Resolution recommending legislation for financial aid towards sewage and pollution elimination

Whereas both the State and Federal Governments have for a number of years urged the carrying out of local programs for the elimination of sewage and pollution from streams and rivers of New York State, and in connection therewith, for example, the Federal Government has contributed approximately 30 percent of the total approved construction costs of any sewage treatment plant, the interception and the outflow only, which usually represents only 10 percent of a complete or nearly complete new system; and

Whereas the cost of sewage and pollution elimination systems has been very great and frequently beyond the reasonable financial capabilities of the municipalities involved, and greater State and Federal aid is necessary to accomplish the worthwhile purposes of such elimination programs: Therefore be it

Resolved, That the Board of Supervisors of Rockland County does approve reasonable sewage and pollution elimination programs but believes the cost thereof is beyond the capacities of the municipalities involved, particularly rural or semi-suburban municipalities, and that such municipalities need greater State and Federal aid, and that legislation should be promptly enacted by the New York State Legislature and by the Congress of the United States, and the necessary funds provided and appropriated, to provide that the State and the Federal Governments should each contribute one-third of the total approved cost of any necessary complete sewage and pollution elimination program and the facilities thereof, with the remaining one-third of such cost to be provided by the local municipality concerned; and be it further

Resolved, That the clerk of this board forward copies of this resolution to the representatives of the county in the State legislature and in the Congress of the United States.

AUGUST 14, 1964.

RESOLUTION OF THE BOARD OF SUPERVISORS OF GREENE COUNTY

Whereas both the State and Federal Governments have for a number of years urged the carrying out of local programs for the elimination of sewage and pollution from streams and rivers of New York State, and in connection therewith, the Federal Government has contributed about 30 percent of the total approved construction costs of any sewage treatment plant, the interception and the outflow only, which usually represents only 10 percent of a complete or nearly complete new system; and

Whereas the cost of sewage and pollution elimination systems have been very great and frequently beyond the reasonable financial capabilities of the municipalities involved, and greater State and Federal aid is necessary to accomplish the worthwhile purposes of such elimination programs: Now, therefore, be it

Resolved, That this Board of Supervisors of Greene County does approve reasonable sewage and pollution elimination programs but believes the cost thereof is frequently beyond the capacities of the municipalities involved, particularly rural or semirural municipalities, and that such municipalities need greater State and Federal aid, and that legislation should be promptly enacted by the New York State Legislature and by the Congress of the United States, and the necessary funds provided and appropriated, to provide that the State and Federal Government should each contribute one-third of the total approved cost of any necessary complete sewage and pollution elimination program and the facilities thereof, with the remaining one-third of such cost to be provided by the local municipality concerned; and be it further

Resolved, That the clerk of this board forward copies of this resolution to the representatives of the county in the State legislature and in the Congress of the United States.

JOHN E. PARSLOW,
Clerk of the Board of Supervisors of Greene County.

RESOLUTION 298

Resolution recommending legislation for financial aid toward sewage and pollution elimination

Whereas both the State and Federal Governments have for a number of years urged the carrying out of local programs for the elimination of sewage and pollution from streams and rivers of New York State, and in connection therewith, for example, the Federal Government has contributed about 30 percent of the total approved construction costs of any sewage treatment plant, the interception and the outflow only, which usually represents only 10 percent of a complete or nearly complete new system; and

Whereas the cost of sewage and pollution elimination systems have been very great and frequently beyond the reasonable financial capabilities of the municipalities involved, and greater State and Federal aid is necessary to accomplish the worthwhile purposes of such elimination programs: Now, therefore, be it

Resolved, That this Board of Supervisors of Dutchess County does approve reasonable sewage and pollution elimination programs but believes the cost thereof is frequently beyond the capacities of the municipalities involved, particularly rural or semirural municipalities, that such municipalities need greater State and Federal aid, and that legislation should be promptly enacted by the New York State Legislature and the Congress of the United States, and the necessary funds provided and appropriated, to provide that the State and the Federal Governments should each contribute one-third of the total approved cost of any necessary complete sewage and pollution elimination program and the facilities thereof, with the remaining one-third of such cost to be provided by the local municipality concerned; and be it further

Resolved, That the clerk of this board forward copies of this resolution to the representatives of the county in the State legislature and in the Congress of the United States and to the several boards of supervisors of the State of New York for necessary or proper action.

ARTHUR H. MARX,
Clerk of the Board.

RESOLUTION OF THE COUNTY OF NIAGARA, STATE OF NEW YORK

Whereas both the State and Federal Governments have for a number of years urged the carrying out of local programs for the elimination of sewage and pollution from streams and rivers of New York State, and in connection therewith, for example, the Federal Government has contributed about 30 percent of the total approved construction costs of any sewage treatment plant, the interception and the outflow only, which usually represents only 10 percent of a complete or nearly complete system; and

Whereas the cost of sewage and pollution elimination systems have been very great and frequently beyond the reasonable financial capabilities of the municipalities involved, and greater State and Federal aid is necessary to accomplish the worthwhile purpose of such elimination programs: Now, therefore, be it

Resolved, That the Board of Supervisors of the County of Niagara approve reasonable sewage and pollution elimination programs but believes the cost thereof is frequently beyond the capacities of the municipalities involved, particularly rural or semirural municipalities, and that such municipalities need greater State and Federal aid, and that legislation should be promptly enacted by the New York State Legislature and by the Congress of the United States, and the necessary funds provided and appropriated, to provide that the State and the Federal Governments should each contribute one-third of the total approved cost of any necessary complete sewage and pollution elimination program and the facilities thereof, with the remaining one-third of such cost to be provided by the local municipality concerned; and be it further

Resolved, That the clerk of the Board of Supervisors of Niagara County forward copies of this resolution to the representatives of the county in the State legislature and in the Congress of the United States for necessary or proper action.

Respectfully submitted,
LOUIS E. CAGGIANO,
STANLEY C. RALPH,
JOSEPH S. DISALVO,
BERT J. MURPHY,
Laws and Legislation Committee.

RESOLUTION No. 109

Report and resolution of the Committee on Rules and Legislation

Whereas both the States and Federal Governments have for a number of years urged the carrying out of local programs for the elimination of sewage and pollution from streams and rivers of New York State, and in connection therewith; for example, the Federal Government has contributed about 30 percent of the total approved construction costs of any sewage treatment plant, the interception and the outflow only, which usually represents only 10 percent of a complete or nearly complete new system; and

Whereas the cost of sewage and pollution elimination systems have been very great and frequently beyond the reasonable financial capabilities of the municipalities involved, and greater State and Federal aid is necessary to accomplish the worthwhile purposes of such elimination programs: Now, therefore, be it

Resolved, That this Board of Supervisors of Herkimer County does approve reasonable sewage and pollution elimination programs but believes the cost thereof is frequently beyond the capacities of the municipalities involved, particularly rural or semirural municipalities, that such municipalities need greater State and Federal aid, and that legislation should be promptly enacted

by the New York State Legislature and the Congress of the United States, and the necessary funds provided and appropriated, to provide that the State and the Federal Governments should each contribute one-third of the total approved cost of any necessary complete sewage and pollution elimination program and the facilities thereof, with the remaining one-third of such cost to be provided by the local municipality concerned; and be it further

Resolved, That the clerk of this board forward copies of this resolution to the representatives of the county in the State legislature and in the Congress of the United States for necessary or proper action.

RUSSELL ROOF, JR.,
JOHN STRUMLOCK,
ELLIS KOTARY,
Committee on Rules and Legislation.
SEPTEMBER 8, 1964.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 1225. A bill for the relief of Dr. Marshall Ku (Rept. No. 1563); and

S. 1339. A bill for the relief of Lester W. Hein and Sadie Hein (Rept. No. 1564).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2119. A bill for the relief of Gerhard Hofacker (Rept. No. 1565);

S. 2653. A bill for the relief of Claire Angelillo (Rept. No. 1567);

S. 2689. A bill for the relief of Christos Stratis (Rept. No. 1568);

S. 2736. A bill for the relief of Georges Fraise (Rept. No. 1569);

S. 2767. A bill for the relief of George Tillson Weed (Rept. No. 1570);

S. 2789. A bill for the relief of Nikolai Artamonov (Rept. No. 1571);

S. 2868. A bill for the relief of Andreas, Gregorios, Eleni, Nikolaos, and Anna Chingas (Rept. No. 1572);

S. 2952. A bill for the relief of Specialist Manuel D. Racelis (Rept. No. 1573);

S. 3064. A bill for the relief of the estate of R. M. Clark (Rept. No. 1574);

S. 3132. A bill for the relief of Dr. Josefina Quintos Marcelo (Rept. No. 1575);

S. 3133. A bill for the relief of Dr. Bernardino D. Marcelo (Rept. No. 1576);

H.R. 1851. An act for the relief of Chester A. Brothers and Anna Brothers, his wife (Rept. No. 1577);

H.R. 3642. An act for the relief of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami (Rept. No. 1578);

H.R. 5042. An act for the relief of certain officers of the naval service erroneously in receipt of compensation based upon an incorrect computation of service for basic pay (Rept. No. 1579); and

H.R. 9435. An act to improve judicial procedures for serving documents, obtaining evidence, and proving documents in litigation with international aspects (Rept. No. 1580).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2583. A bill for the relief of Ivan Radic, his wife, Ester Radic, and their daughter, Olivera Radic (Rept. No. 1566).

By Mr. DODD, from the Committee on the Judiciary, without amendment:

H.R. 5759. An act for the relief of Connecticut Beverage Co., Inc. (Rept. No. 1560).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

H.J. Res. 753. Joint resolution to authorize the President to proclaim October 15 of each year as White Cane Safety Day (Rept. No. 1562).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S. 2286. A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Frank E. Lipp (Rept. No. 1581);

H.R. 1853. An act for the relief of Patti Jean Fulton (Rept. No. 1582); and

H.R. 2859. An act to provide for the promulgation of rules of practice and procedure under the Bankruptcy Act, and for other purposes (Rept. No. 1561).

By Mr. INOUYE, from the Committee on Armed Services, without amendment:

H.R. 11626. An act to authorize the payment of expenses incident to the evacuation of dependents of military personnel from Panama and Cyprus (Rept. No. 1583).

By Mr. McINTYRE, from the Committee on Armed Services, with an amendment:

H.R. 2512. An act to clarify the status of members of the National Guard while attending or instructing at National Guard schools established under the authority of the Secretary of the Army or Secretary of the Air Force, as the case may be, and for other purposes (Rept. No. 1584).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARTLETT (for himself and Mr. GRUENING):

S. 3186. A bill to provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. BARTLETT when he introduced the above bill, which appear under a separate heading.)

By Mr. KEATING:

S. 3187. A bill for the relief of Nikola Pavlovic; to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 3188. A bill to provide for the judicial review of certain determinations made by the Secretary of the Interior in connection with claims for moving expenses resulting from land acquisitions; to the Committee on the Judiciary.

(See the remarks of Mr. HRUSKA when he introduced the above bill, which appear under a separate heading.)

By Mr. DOUGLAS:

S. 3189. A bill for the relief of Jozefa Pietka; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 3190. A bill for the relief of Mrs. David S. Fedson; to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself, Mr. DIRKSEN, and Mr. DOMINICK):

S. 3191. A bill to authorize the U.S. Secret Service to protect the persons of the nominees of the major political parties for President and Vice President of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. MANSFIELD when he introduced the above bill, which appear under a separate heading.)

CONCURRENT RESOLUTION

APPLICATION OF THE PRINCIPLE OF SELF-DETERMINATION TO CYPRUS

Mr. KEATING (for himself and Mr. DOUGLAS) submitted a concurrent resolution (S. Con. Res. 98) favoring application of the principle of self-determination to Cyprus, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. KEATING, which appears under a separate heading.)

REPAIR OF EKLUTNA

Mr. BARTLETT. Mr. President, on behalf of myself, and my colleague, the junior Senator from Alaska [Mr. GRUENING], I introduce, for appropriate reference, a bill providing for the rehabilitation of the Eklutna hydroelectric project near Anchorage, Alaska.

That project, authorized by the act of July 31, 1950, as amended by the act of August 13, 1953, utilizes the water of Lake Eklutna and provides an installed generating capacity of 30,000 kilowatts. Although additional Federal hydroelectric facilities in Alaska have been authorized, Eklutna is the only such Federal project in existence in Alaska. It harnesses only a fraction of Alaska's teeming water resources but is vital to the needs of the areas it serves.

At the time the Eklutna project was authorized to supply electric power in the Anchorage-Palmer areas, the city of Anchorage—then, as now, Alaska's largest city—was largely dependent upon power generated from a ship tied up in the harbor. Since that time the needs of the area have grown with the growing population, and the benefits of Eklutna have been supplemented by additional power furnished by the city of Anchorage and the several REA cooperatives operated there. The principal users of the Eklutna project are still the city of Anchorage, the Matanuska Electric Association, and the Chugach Electric Association. Mr. President, the Congress authorized the project at a cost not to exceed $33 million. The law provided that the capital investment allocable to each unit of the Eklutna project would be amortized over a period of not to exceed 50 years from the time such unit was first put into service. Construction began in April of 1951, and the first 15,000-kilowatt unit went on the line in January of 1955 and the second in March of the same year.

The construction cost of the project was $30,521,183, about $2½ million below the authorized cost.

The gross revenue through the 1963 fiscal year was $12,932,943 and the net revenue $3,534,668.

Studies indicate that the project investment would be paid off in 41 years, or by 1996, at the current rate.

There was a real possibility that because of the success of the project favorable consideration would be given to a rate reduction which would have extended the repayment period from 41 to 47 years, well within the 50-year amortization period established by Congress in the enabling act.

The earthquake on March 27 of this year cast doubts on the prospects of a rate reduction, and subsequent events confirmed those doubts. At first it appeared that earthquake damage to the Eklutna project was relatively minor. The Bureau of Reclamation has spent

$553,841 from emergency funds, largely for temporary repair of transmission lines and the intake structure, and another $150,000 is expected to be spent for this same purpose.

Following the earthquake, it appeared that the dam and the earth remained solid but inspections following the spring thaw demonstrated the existence of a far more serious problem. The thaw created an open area below the outlet structure; the earth below the dam subsided. The dam is still standing, but because of the potential danger the Bureau of Reclamation is not storing any water; instead the water is going through the dam.

Estimates place the need for permanent repair at about $3.1 million, or $1,390,000 for the dam and spillway and $1,700,000 for a new tunnel and inlet structure, the total cost to be budgeted over a 3-year period.

The cost, therefore, of both temporary and permanent repair to Eklutna will be in the neighborhood of $3.8 million. This money, under the terms of the law authorizing the Eklutna project, is reimbursable from the project unless otherwise provided by law. The Bureau of Reclamation has no alternative.

The bill introduced today would provide that alternative. It provides, in effect, that the costs of repairing the earthquake-damaged Federal facility will be nonreimbursable and thus not charged against power revenues from Eklutna.

Otherwise the payment schedule for the Eklutna project would be extended because of the costs of the repair and the hoped-for rate reductions could not be effected.

It is realized, of course, Mr. President, that introduction of this measure comes late in this session and there is no prospect for consideration before adjournment. It is my thought, however, that its introduction will give the Interior Department and any other agencies which might be concerned, including the Bureau of the Budget, ample time to consider the proposal so that when the measure is reintroduced in January the executive departments will be in a position to report promptly on the legislation.

I ask unanimous consent that the bill be included at this point in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3186) to provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes, introduced by Mr. Bartlett (for himself and Mr. Gruening), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives, in Congress assembled, That rehabilitation of the Eklutna project, Alaska, from damage caused by the earthquake of March 27, 1964, shall include measures determined by the Secretary of the Interior to be justified for protection of the project from possible future earthquake damage, and sums expended by the Secretary in effecting such rehabilitation shall be nonreimbursable and nonreturnable, and not subject to the provisions of the second sentence of section 1 of the act of July 31, 1950 (64 Stat. 382), as amended.

JUDICIAL REVIEW OF CERTAIN DETERMINATIONS BY THE SECRETARY OF THE INTERIOR IN CONNECTION WITH CLAIMS FOR MOVING EXPENSES RESULTING FROM LAND ACQUISITIONS

Mr. HRUSKA. Mr. President, I introduce, for appropriate reference, a bill to provide for the judicial review of certain determinations made by the Secretary of the Interior in connection with claims for moving expenses resulting from land acquisitions.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3188) to provide for the judicial review of certain determinations made by the Secretary of the Interior in connection with claims for moving expenses resulting from land acquisitions, introduced by Mr. Hruska, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, the right to own and enjoy property, both real and personal, is one of the cornerstones of our culture. It is treated with utmost deference and properly so.

However, many of the agencies of the Federal Government require for the fulfillment of their duties and obligations the right to take private property and devote it to the public use. Lawyers call this the Government's right of eminent domain. It cannot be exercised frivolously but only in the pursuit of lawfully constituted programs and according to well established procedures. Of course, the payment of just compensation is an absolute requirement.

While a substantial number of rules have been created to provide sound and meaningful guidelines for the adjudication of all condemnation cases, problems arise from time to time. One requiring immediate and effective remedial action has been recently brought to my attention. It involves the procedure for the payment of relocation expenses suffered by private landowners whose property is taken for public use.

In most, if not all, instances where the Government has taken private property, the dispossessed owner or tenant, is compelled to gather his family and possessions and move to a new location.

Until 1954 the relocation costs suffered by such landowners were not considered compensable. However, in that year Congress gave the U.S. Corps of Engineers the discretionary power to make administrative settlements of such claims arising out of all land acquisitions accomplished by that agency. Similar authority was extended to the Department of the Interior in 1958 and a bill, S. 1509 giving it to all executive agencies recently passed the Senate and now is pending in committee in the House.

Under the authority now possessed by the Corps of Engineers and the Department of the Interior and proposed for all executive agencies, the head of each agency is authorized, to the extent administratively determined by him to be fair and reasonable, to reimburse the owners or tenants of land acquired for the expense and other losses and damages incurred by them in the process and as a direct result of moving themselves, their families and their possessions as is occasioned by the acquisition.

In other words as respects relocations costs suffered by individuals whose land is taken by the Corps of Engineers and the Department of the Interior, the Congress has said that these costs are compensable. Relief has been provided and properly so. This issue now is whether the form of the relief is adequate. In my view it is not adequate because it does not provide for judicial review.

In acknowledging the validity of claims for relocation costs and in providing some administrative machinery for settling these claims, Congress has gone two-thirds of the way required for full justice. The remaining distance, the adoption of a requirement calling for judicial review, still must be traveled. The bill I have introduced completes the journey as respects lands acquired by the Department of Interior.

The purpose of my bill is not to impugn the motives or good intentions of those administering the present law. I am sure they all are honorable and fair-minded men. The point is that ours is a government of laws and not of men, yet, here is an area in which this concept simply has not been applied.

The possibility that injustice in some form will slip through this hole that has been left in the law is particularly sharp in cases involving the Bureau of Reclamation's exercise of its right of eminent domain in the Western States.

As a consequence of the nature of its mission and the programs it administers, the Bureau is often compelled to condemn large tracts of land. Sometimes whole farms and ranches are taken. Having been totally dispossessed the owner must look for an entirely new unit. Many times this involves a protracted and expensive search. Then, after finding a comparable piece of land, which may be a considerable distance from his former residence, he must move all his machinery, livestock, harvested crops and other possessions. The costs of such a move can be devastating.

As I have said, the bill I have introduced does not create a new cause of action for these claims. This already has been done. It merely provides for the full and fair disposition of them by providing judicial review. It gives those citizens who already have been put upon in the name of the public good, the right to their day in court. Certainly, they deserve and are entitled to no less.

SELF-DETERMINATION FOR CYPRUS

Mr. KEATING. Mr. President, the situation in Cyprus grows increasingly serious. The conflict between two NATO allies of the United States serves only the interests of the Communists and of dictators like Nasser, who are using the Cyprus issue to weaken Western strength in the eastern Mediterranean. It is strongly in the interest of the United States and of the entire free world to bring to an end this civil conflict and to find a solution for Cyprus that will bring peace and justice to that land.

No solution is possible, Mr. President, without basic recognition of the need for majority rule and self-determination on the island of Cyprus. The U.S. Government has for 10 months searched for a solution but has failed to take the one step which, diplomatically, morally, and strategically, is necessary to any satisfactory solution. That one step is a clear recognition that Cyprus must be allowed self-determination and majority rule, without a minority veto by 18 percent of the population over vital government activities. A plebiscite in Cyprus, or whatever form of self-determination may be brought into play, would very likely result in union of Cyprus with Greece. Such a move would be very strongly in the interests of the United States and of Greece. It would in no way injure the vital interests of Turkey, provided, of course, that there were adequate guarantees of the individual rights of the minority of Turkish descent.

Mr. President, I believe it is time that the Congress of the United States make clear its backing for self-determination in Cyprus. I introduce on behalf of the Senator from Illinois [Mr. Douglas] and myself, a concurrent resolution expressing the sense of the Congress on this matter.

I ask unanimous consent that the resolution be printed at this point in the Record, and that it lay on the table until September 25 for additional cosponsors.

The **ACTING PRESIDENT** pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will lie on the table until September 25 for additional cosigners, and will be printed in the Record.

The concurrent resolution (S. Con. Res. 98) was referred to the Committee on Foreign Relations, as follows:

Whereas the people of the United States respect the principle of self-determination and majority rule for all nations; and

Whereas the people of the United States deplore the violence and civil conflict that has erupted on the island of Cyprus where the right of the people of Cyprus to majority rule has been restricted; and

Whereas this conflict has brought two NATO allies into a quarrel endangering the long-term interests of both nations and of the Western alliance; and

Whereas the principal benefactors of the conflict are Communist nations and neutralist dictators trying to destroy NATO and eliminate American defenses and Western influence throughout the Eastern Mediterranean; and

Whereas self-determination for the people of Cyprus, including possible union with Greece, would reduce Communist influence in Cyprus, bring Cyprus within NATO, and eliminate the threat of war between Greece and Turkey: Now, therefore, be it

Resolved, That it is the sense of the Congress that the historic American principle of self-determination should be applied to Cyprus with unconditional and internationally assured guarantees for the freedom and security of life, religion, and property for all minorities on Cyprus.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11865) to increase benefits under the Federal old-age, survivors, and disability insurance system, to provide child's insurance benefits beyond age 18 while in school, to provide widow's benefits at age 60 on a reduced basis, to provide benefits for certain individuals not otherwise eligible at age 72, to improve the actuarial status of the trust funds, to extend coverage, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Mills, Mr. King of California, Mr. Boggs, Mr. Byrnes of Wisconsin, and Mr. Curtis were appointed managers on the part of the House at the conference.

SALARIES OF TRAMWAY CAR OPERATORS IN THE CAPITOL

Mr. **MORSE**. Mr. President, a few weeks ago, Senators voted themselves a salary increase, effective January 1, 1965. Although I preferred at the time a substitute for that increase, by way of an increase in the office expenditures of Senators in amounts necessary to carry on the public's business without the Senator having to pay such costs out of his own pocket, with the understanding that there would be a public accountability of all office expenditures which would be involved in such an expense account increase—which the Senate will recall I mentioned on the floor of the Senate—I found no support for my position. Therefore, I voted for the salary increase because I thought it was justified in the absence of an office expense account increase.

We certainly cannot justify that increase and at the same time have other public servants in the Capitol suffer a salary decrease.

If I am correctly informed—and I believe that I am—there is a small group of dedicated public servants working within the precincts of the Capitol—namely, those who operate the tramway cars between the Senate Office Buildings and the Capitol—who, I was advised yesterday, are in effect suffering a salary decrease by reason of a new order which has been handed out, limiting their tour of duty to 30 hours of pay a week.

That will mean, in most instances, an annual salary reduction of approximately $1,000.

The operators of the tramway cars are mostly family men. They cannot support a family on 30 hours of work a week at the salaries which they receive on an hourly basis.

Let me say to the Committee on Rules and Administration, or whatever committee of the Senate has jurisdiction over this matter, that it should proceed with an immediate investigation of the question, so that these dedicated public servants may be allowed to continue working at least without any reduction in their annual take-home pay.

Everyone knows that it is the annual take-home pay which feeds families, and not the legerdemain which may come out of the personnel office in the Senate which will, somehow, rationalize the wage reduction.

Mr. President, unless the Committee on Rules and Administration, or the appropriate committee of the Senate, proceeds to find out the facts in regard to this matter, I shall, on my own account, as a member of the Committee on Labor and Public Welfare, insist that the Committee on Labor and Public Welfare, or an appropriate subcommittee of which I am a member, although not the chairman, take immediate jurisdiction of the problem.

If the facts are as I have been advised, the operators of the tramway cars are not deserving of any cut in their annual take-home pay.

Mr. **SIMPSON**. Mr. President, I wish to associate myself with the remarks of the Senator from Oregon.

The operators of the tramway cars work many arduous hours of overtime. They are always willing to give of their time without any extra pay for overtime.

SENATOR WILLIAMS' TENACITY

Mr. **SIMPSON**. Mr. President, as certain Senators rekindle the fire beneath the whitewash still in preparation for another coat on the antics of the affluent Lothario of the Upper House, I invite the attention of Senators to a perceptive column written by Mr. Holmes Alexander which was published in the September 7 Atlanta Times.

Columnist Alexander calls the Bobby Baker episode the "totally unanswerable case for plowing the popular party under the sod and sowing the furrows with salt so that nothing grows there for a long, long while."

Mr. Alexander pays homage to the investigatory skills of my friend and colleague, the Senator from Delaware [Mr. Williams], who has brought to the public's attention the latest Baker-oriented episode involving $35,000 of heretofore unaccountable funds which apparently found their way into various Democrat war chests.

Mr. President, I ask unanimous consent to have the brief column written by Mr. Alexander printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Senator Williams' Tenacity on Baker Has Democrats All in a Lather

(By Holmes Alexander)

Washington.—The Democratic Party, assured of a majority in next year's Senate and almost assured of a House majority, may find it easier to live with Barry Goldwater in the White House than with John Williams, Republican, of Delaware, back in his seat in the Upper Chamber.

It is Williams, more than Goldwater to date, who makes the totally unanswerable case for plowing the popular party under the sod and sowing the furrows with salt so that nothing grows there for a long, long while.

Williams, the lanky, flat-voiced, hard-fact investigator is no philosopher of the conservative creed, no panegyrist of the Constitution, no waver of the flag, no prophet of national downfall or world's end—and yet he is the master of low-keyed political philippics which have the unique quality of asking people to write their own remarks between the lines.

His most recent exposé on Bobby Baker says that Baker and Matthew McCloskey connived to soak the public for $35,000, most of which was intended to be illicitly slipped into the Democratic campaign fund kitty of 1960. But, beyond that, the Williams disclosure of this boodle deal asks the American public to say to itself:

"You know, those Democrats are worse than crooks. They're swindling, sniveling hypocrites. In lustier days than these they would have been taken down to the District line and ridden out of the National Capital on a rail. We American people have been hornswoggled by all that pious piffle about the New Frontier and the great society, and meanwhile these Democrats have been playing the confidence game of blubbering through their tears while they dipped into our pockets to buy their way to power."

SENATOR GOLDWATER'S STAND ON SOCIAL SECURITY

Mr. RIBICOFF. Mr. President, during the past months, a debate has raged over the various stands of the Republican Presidential candidate.

Senator Goldwater's position on social security is obscured in the deepest depths of all.

Senator Goldwater is indisputably on the record as stating:

> I think that social security should be voluntary. This is the only definite position I have on it. (New York Times magazine, Nov. 24, 1963.)

But he also says he favors a strong social security system and wishes to see it strengthened. Since Mr. Miller now admits that making social security voluntary would destroy it, the discrepancy has required explanation.

Senator Goldwater has claimed he was misquoted, quoted out of context, or misinterpreted. Republican orators have hinted at a dark conspiracy of columnists and commentators. Last week, Representative William Miller toured New England—attempting to set the record straight.

Never have so many had to explain away so much, but Mr. Miller is trying.

Mr. President, one can imagine my surprise when, out of the murkiness, a new Goldwater position began to emerge. Mr. President, Senator Goldwater does not want to make social security voluntary—he wants voluntary medicare.

I welcome Senator Goldwater aboard. I am sorry he is not able to cosponsor my amendment to the social security bill, but I can understand that the press of the campaign may not allow enough time.

My amendment was, of course, a proposal for a voluntary medical care for the aged under social security. It seems clearly to fit all the Senator's criteria.

According to Carroll Kilpatrick in the Washington Post of September 13:

> When the Arizonan last year said, "I think the social security system should be voluntary," he really meant it should be voluntary in terms of whether a person received benefits in money or in services.

That is exactly what my proposal would do. At the age of 65, the beneficiary gets a free choice. He can choose money, $7 additional each month, or services, a medical care plan plus $2 each month in cash.

On "Meet the Press" this past Sunday, Congressman Miller was even more explicit. Again the question was:

> What did Senator Goldwater mean when he talked about voluntary social security?

Mr. Miller said:

> He is talking about the services to be rendered, as to whether they should be prescribed by the Government or whether voluntarily a person could get back money instead of being told he has to go to the hospital for 45 days.

May I again point out that that is exactly what my proposal would do.

Mr. President, Mr. Miller has either put his foot in his mouth or his finger on the crux of the issue.

My voluntary medical care plan—which has been termed "medichoice"—is still very much alive. It is my hope and the hope of many of my colleagues that the free choice plan will be endorsed by the Senate and House conferees. Mr. Miller will get his chance to prove his position this Thursday, when the House votes to instruct its conferees. I will await his vote anxiously, for he will determine whether his running mate, the Senator from Arizona [Mr. Goldwater], will have the opportunity to support voluntary medical care here on the floor of the Senate.

A few months ago, Senator Goldwater said that "by our votes you can judge us, not by our talking." The judges are waiting.

HOLD WHAT YOU HAVE—THE "FARLEY LAW" OF ELECTIONS

Mr. RIBICOFF. Mr. President, there recently appeared in the Philadelphia Bulletin a perceptive article about one of America's most perceptive politicians. Jim Farley has well earned his reputation as one of the sages of the Democratic Party, in fact of all American politics. I think this interesting commentary on "Farley's law" will be of interest to Congress and the public. I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hold What You Have—The "Farley Law" of Elections

(By Thomas O'Neill)

Atlantic City.—James A. Farley, political analyst without a peer, holds it to be a firm rule that the bulk of voters make their choice between presidential candidates as soon as the nominees are known, and thereafter are unlikely to be influenced in any significant measure by anything the candidates say and do short of the scandalous.

Quite clearly, the patriarch of the New York delegates to the Democratic National Convention has limited faith in such instant experts as Richard Nixon and their theories that the campaign is the thing, and can be so manipulated as to sweep up votes toward an election day peak.

It can hardly be disputed that Mr. Farley has the superior credentials. Unapproached in electoral forecasting is his precise pinpointing of the only two States, Maine and Vermont, that would be lost to his candidate, Franklin D. Roosevelt.

HOLDING OPERATION

The application of "Farley's law" to the current contest is that from last week onward, with the Democratic ticket as well as the Republican unveiled, the aim of each side ought to be to hold the voters it begins with and do its best to attract the wavering minority.

It is Mr. Farley's conviction that his law holds good under the unusual conditions governing the 1964 election. His long experience has witnessed an unbroken string of elections in which the conditions seemed unusual to those involved.

Out of the ordinary in the current year, nevertheless is the preponderance of the electorate that by the testimony of the pollsters took sides without waiting for the Democrats to name their ticket.

GALLUP FINDINGS

Soundings made between the two conventions by Dr. Gallup uncovered all but a miniscule 6 percent ready to vote without any further preliminaries.

A factor in this early judgment assuredly was the certainty that President Johnson would be named at Atlantic City to run in his own right, but the strong suggestion is conveyed that the voters interviewed were pronouncing judgments pro and con on Senator Goldwater.

The cons had it in imposing degree, 65 percent for President Johnson to 29 percent for the Republican nominee, the remaining few unsettled.

Although he has scant cause to admire polls, Mr. Farley's appraisal of the November election prospect runs in the same direction.

A 1932 COMPARISON

Looking ahead before the Democrats filled out their national ticket with a nominee for Vice President, Mr. Farley thought it reasonable to believe President Johnson would run as strongly as did President Roosevelt in 1932 as a first-term candidate, when Mr. Farley was his campaign manager.

He carried all but six States in unseating a White House incumbent, Herbert Hoover. The six Hoover States, all in the East, were Connecticut, Delaware, Maine, New Hampshire, Pennsylvania, and Vermont, a corner of the Nation now thought to be leaning heavily toward the Democrats.

Mr. Farley's license to disparage polls if so inclined was earned 4 years after that first Roosevelt election.

LITERARY DIGEST POLL

In the years before the rise of the professional polling organizations the national election previews were conducted by a magazine, the Literary Digest. It foresaw a victory by an avalanche for Mr. Roosevelt's Republican challenger, the hapless Alf Landon.

Campaign manager Farley dismissed this prediction and offered his own, which seemed laughable at the time, that Mr. Landon could carry only Maine and Vermont. When the votes were counted those were the only States that had gone Republican, and it was Mr. Farley's opportunity to laugh.

His insight into national elections is supported by a voluminous correspondence carried on—still in green ink—across the country with old friends in fraternal orders and from his years as party chairman and Postmaster General, all of them politically knowledgeable.

VP'S DRAWING POWER

With Farley's law in mind, attention to the early polls following the Democratic proceedings and the nomination of the complete ticket ought to bring illumination on a much disputed topic, whether the identity of a presidential running mate bolsters a ticket, puts a drag on it, or makes no difference.

The prevailing opinion, possibly cynical, is that the choice of the nominee for Vice President influences only those moved by dislike, wins no new votes for the ticket. A poll-backed estimate holds that President Johnson would run strongest running alone, which is impossible.

Admirers of persistence were rewarded at the nominating session when they brought home a long-struggling winner in Texas Gov. John Connally, who made his third trip to a convention rostrum to offer the name of Lyndon Johnson for President. The offer went untaken in 1956 and 1960, but was snapped up on this third try.

NO AID TO NASSER

Mr. KEATING. Mr. President, what nuclear power finances and disseminates anti-American and anti-Western propaganda in both the Eastern and Western Hemispheres? What country has a political and propaganda network in South America that rivals that of the Nazis in the 1930's?

What nation with a literacy rate of 30 percent utilizes its nationals studying in this country to carry on propaganda programs?

What country with a population of 28 million can boast that it is responsible for the withdrawal of key American and British military bases?

What nation introduced Soviet arms and influence in a part of the world where it had hitherto not penetrated and now keeps its troops there at a cost of $500,000 daily despite pledges to withdraw?

What nation acts as a headquarters for and finances, in cooperation with the Soviet Union and Red China, a Communist-oriented Afro-Asian "solidarity" organization?

What nation acted as a staging area for the shipment of Communist arms to forces in the Congo and today furnishes a refuge to Lumumba's family?

What nation is endeavoring to lead a "socialist revolution" to drive private enterprise out of its part of the world?

What nation is seeking to use the Moslem faith as a means of spreading its own political philosophy and advancing its own national ambitions?

What nation has placed restrictons on its own Jewish and Christian nationals?

What nation has repeatedly attempted to subvert its pro-West neighbors and sway them toward the Soviet Union? The leader of what nation participated this spring in a joint communique with Premier Khrushchev that, in the words of the New York Times, "followed the Soviet foreign policy in fields ranging from Laos to South Africa," including Cuba?

What nation has endeavored with arms and with propaganda to stir strife in Cyprus and elsewhere in the Mediterranean?

What nation has had its diplomats expelled from several of the African States after spending huge sums for political agitation?

What nation votes consistently against the United States and with the Soviet Union in the United Nations?

What nation has a U.N. peace force within its borders but is more than a quarter of a million dollars in arrears in its own United Nations obligations?

What nation receives extensive modern Soviet arms aid? What nation continually threatens a war of extermination against its smaller neighbors and refuses to discuss peace?

Mr. President, there is one nation in the world which answers this description. There is one nation which has been a consistent recipient of U.S. foreign assistance, yet which has taken every opportunity to strike out at U.S. interests and to encourage Communist objectives in the Middle East, Africa, and Asia. There is one nation which, without hesitation built up its military forces, hired former Nazi scientists to develop missiles and nuclear weapons, sent its forces to fight against the people of neighboring nations, and threatened murder and destruction to all who thwart this new imperialism.

Today Americans of Jewish faith observe Yom Kippur, the Holiest of Holy Days. Only two decades ago 6 million Jews were destroyed by the Nazis. Today 2 million Jews in Israel, many of them survivors of the Hitler holocaust, are again threatened by Nazi scientists working for Nasser. Can we remain indifferent to the ominous portents of a repeated genocide?

This threat comes from the United Arab Republic under the leadership of President Nasser. Yet, incredibly enough the United States continues to provide assistance to Egypt, and in fact to send the food and grain which keeps Nasser's subjects from physical starvation while he exhorts them on to still greater sacrifices for pan-Arab expansionism.

Mr. President, there is clear language in the Foreign Assistance Act, language approved by the Congress last year after a full and thorough debate which authorizes, and in fact, in my judgment, requires an end to U.S. assistance to Egypt. Section 620(i) of the Foreign Assistance Act of 1961 as amended, provides:

> No assistance shall be provided under this or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which the President determines is engaging in or preparing for aggressive military efforts directed against—
>
> (1) the United States,
>
> (2) any country receiving assistance under this or any other Act, or
>
> (3) any country to which sales are made under the Agricultural Trade Development and Assistance Act of 1954, until the President determines that such military efforts or preparations have ceased and he reports to the Congress that he has received assurances satisfactory to him that such military efforts or preparations will not be renewed. This restriction may not be waived pursuant to any authority contained in this Act.

What further proof is required than the facts, revealed day by day in the press, of Nasser's aggression? We have seen stories, even photographs of Nasser's troops in Yemen. One has only to listen to Egyptian diatribes against Israel. One has only to read of the Nazi scientists' efforts in constructing weapons of war for Nasser. One has only to remove the blinders of our present so-called even-handed policy in the Mideast to recognize that Nasser is our enemy, not our friend, and that every dollar of U.S. assistance and every grain of American wheat that goes to Egypt will support one of the most virulent anti-American campaigns in the world, a campaign designed to drive U.S. influence out of the Mediterranean, out of the Middle East, out of Africa, and replace it by a neutralist-Communist empire dedicated to the ambitions of Egypt's President Nasser.

Mr. President, the time has come to end U.S. taxpayer support for this menace. The time has come to recognize Nasser for what he is and stop trying to maintain him on an American foreign aid allowance. This aid cutoff is not, ideally, an action that should be taken by the Congress. It should be taken by the President and the State Department and I am asking the Department of State for a full report on current U.S. assistance to Nasser, and on the legal justification for such assistance in the light of existing law. If the executive branch of the Government will not act, if it will not obey the clear mandate of Congress, there will be increasing need for stronger congressional action to block further abuse of U.S. foreign aid funds and prevent U.S. subsidies for Nasser's aggression.

Mr. JAVITS. Mr. President, will the Senator yield on this subject?

Mr. KEATING. I yield.

Mr. JAVITS. Yesterday I joined in exactly such a demand. I wish to be recorded as joining the Senator in the very urgent and essential demand which he makes to head off a new major crisis in the Mideast.

Mr. KEATING. I thank my colleague.

EXTREMISTS ATTACK U.N. TV SERIES

Mr. KEATING. Mr. President, it is shocking to learn that the John Birch Society is conducting a deliberate campaign for censorship of television presentations. The Xerox Corp., of Rochester, is the target of an all-out effort aimed at forcing Xerox Corp., sponsor of the proposed programs on the U.N., to drop its plans for sponsoring the $4.5 million series on ABC and NBC.

Xerox Corp. has received more than 9,000 letters from members of the John Birch Society objecting to the company's sponsorship of these programs. One official of the John Birch Society has stated:

> We hate to see a corporation of this country promote the U.N. when we know that the U.N. is an instrument of the Soviet Communist conspiracy.

Mr. President, I understand that the July bulletin of the John Birch Society called on its members to flood the Xerox Corp. with thousands and thousands of letters. In the past, the John Birch Society waged a successful campaign against United Airlines to force removal of a U.N. emblem from its wings which the society opposed.

Mr. President, I take this occasion to congratulate the Xerox Corp. for refusing to yield to this kind of pressure. Everyone in public life is accustomed to receiving vile and abusive letters including criticism of his behavior from organized groups of all kinds. In my view, no one in public life, and, equally, no corporation which seeks to serve the public interest and the national interest, can permit itself to be influenced by this type of extremist propaganda. The Xerox Corp., by its firm stand is setting an example in commercial courage that will I hope, be widely observed and commended throughout the country.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I ask for an additional 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for an additional 2 minutes.

TRANSPORTATION MAN OF THE YEAR

Mr. KEATING. Mr. President, with the continuing effort to bring about the fullest educational opportunities for our youth, I wish to bring up a project that has gone almost unnoticed, a project in which the youth of today is receiving practical training which fits him for tomorrow's business world.

On October 24th of this year, the Delta Nu Alpha Transportation Fraternity will award Stephen Tinghitella, editor in chief of Traffic Management magazine, 211 East 42d Street, New York, its coveted prize "Transportation Man of the Year."

The organization chose Mr. Tinghitella for the 1964 award because of his long record of activity on behalf of education in transportation and traffic. Among his recent contributions, he has been instrumental in setting up the Nation's first traffic and transportation course on the high school level in cooperation with the New York City Board of Education and is chairman of the Industry-Education Advisory Committee formed to help guide the course.

Since the end of World War II, traffic and transportation has mushroomed into a $100 billion industry. But, until recently training for the field could only be found in specialized schools in a few major cities and at the college level.

This vast and productive field—which affects nearly every person and thing in this Nation through the railroads, airlines, trucking industry, bargelines, and pipelines—came down to the high school level when Gene Korenthal, New York City's director of distributive education, launched his course in traffic and transportation.

Transportation executives were delighted with the high school training project and formed an advisory committee. The members of this group are: Victor Condello, vice chairman and general counsel of the New York Association of Railroads; H. W. Little, director of cargo sales, American Airlines; Charles H. Trayford, transportation consultant; Harold B. Brown, general traffic manager, Socony Mobil Oil Co.; E. Albert Ovens, vice president and dean of Manhattan Academy of Advanced Traffic; Norman Foreman, president of American Freightways and president of the Empire State Highway Transportation Association; and Edward J. McCabe, vice president, national accounts, Sea-Land Service, Inc.

The new course will teach the secondary school student specialized typing and how to cope with the endless forms involved in this complicated business. He will learn about rates and tariffs and how to bring about the economies that in so many instances mean success or failure for an industry. The course will include practical problems using regular forms and the students will follow shipments of goods from the school store which will serve as the retail sales laboratory. There will also be field trips.

I point out that this award has been well earned because Mr. Tinghitella has emphasized the need for training young people to fit into one of the largest industries of our time—the transportation industry. The program he has helped to advance will start the young man—or woman—into an area vital to our commerce. It is an area that should be given priority attention because of the savings that can be realized. Nearly every major industry in this country has its traffic expert. The big defense industries are constantly working to reduce their traffic costs. Certainly if more attention is given to training a potential traffic man during his high school years, the result will be a credit for the businessman and for the taxpayer who must pay the estimated $4 billion defense and other Federal traffic bills each year.

ANNIN BETSY ROSS AWARD TO MRS. HELEN BURPEE

Mrs. SMITH. Mr. President, Mrs. Helen Burpee—Otto N.—Larsen, of Waterville, Maine, brought great honor to the State of Maine and Maine people during the past year in winning the Betsy Ross Award. I ask unanimous consent that an excerpt from the March 1964 issue of the Annin Banner with respect to this award be placed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mrs. Otto N. Larsen, of Waterville, Maine, the Truitt family of Fairborn, Ohio, and the Lions Club of Red Bluff, Calif., became recipients of the Annin Betsy Ross Award in nationwide presentations during November and December 1963.

Mrs. Larsen—the first woman to receive the award—has long been recognized in Maine as an authority on the U.S. flag. She also writes and lectures on the traditions and etiquette of our flag. Mrs. Larsen was cited in the award for "meritorious contribution to the patriotic spirit of our Nation."

In her expression of appreciation, Mrs. Larsen thanked the Betsy Ross Award Committee and Annin & Co. for making the event possible. She also thanked her family and the people of Waterville who assisted her in the instruction of the laws of the flag of the United States of America.

Said Mrs. Larsen, "May God bless and protect all the peoples of this great land of ours, who love our national emblem and respect it."

Mayor Cyril M. Joly, Jr., of Waterville, made the presentation to Mrs. Larsen.

CONNECTICUT ELKS OPPOSE REMOVAL OF WORDS "UNDER GOD" FROM PLEDGE OF ALLEGIANCE, AND WORDS "IN GOD WE TRUST" FROM CURRENCY

Mr. DODD. Mr. President, recently I received from the Connecticut Elks Association a letter and a copy of a resolution opposing the removal of the words "under God" from the Pledge of Allegiance and the words "In God We Trust" from our currency.

I agree fully that these phrases should be retained; and I was very much pleased to receive this expression of opinion from an organization which represents close to 24,000 people in my State.

I ask unanimous consent that the association's resolution and the letter explaining briefly the Connecticut Elks' position be printed at this point in the RECORD.

There being no objection, the letter and the resolution were ordered to be printed in the RECORD, as follows:

CONNECTICUT ELKS ASSOCIATION,
August 27, 1964.

Hon. THOMAS J. DODD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Enclosed is a copy of a resolution adopted by the Connecticut Elks Association and forwarded to President Lyndon B. Johnson.

Membership in our order is denied to men who do not believe in a Supreme Being. The founders of this Nation prayed God for wisdom and guidance as each Member prays at the opening of every session of the Congress, and this resolution represents the feelings of nearly 24,000 members of the Benevolent and Protective Order of Elks residing in the State of Connecticut.

Sincerely yours,
THADDEUS J. PAWLOWSKI,
Secretary, Connecticut Elks Association.

A RESOLUTION TO THE PRESIDENT OF THE UNITED STATES

Whereas the Connecticut Elks Association is distinctly an American organization sincerely believing in God and country; and

Whereas there are subversive forces at work endeavoring to destroy our belief in God and our sense of duty to our country: Now, therefore, be it

Resolved, That the Connecticut Elks Association is unalterably opposed to the removal of the words "under God" from the Pledge of Allegiance and "In God We Trust" from our currency.

GILBERT A. RICH,
President, Connecticut Elks Association.
Attest:
THADDEUS J. PAWLOWSKI,
Secretary, Connecticut Elks Association.

JUSTICE DEPARTMENT AN INDEPENDENT AGENCY

Mr. MUNDT. Mr. President, "many Members of Congress have read with amazement that the Department of Justice in the last 3 years has supposedly been manipulated for political purposes by the Attorney General, Robert F. Kennedy."

That statement is the opening sentence of a recent column by David Lawrence dealing with the role of the Department of Justice and what he terms the need for divorcing the Department from the Cabinet and from the control by any President, just as the courts are independent of the Executive.

Mr. President, David Lawrence hits pointblank what is becoming one of the great problems confronting the country with respect to our National Government: The developing attitude of Cabinet officers to become more and more political and partisan in their responsibilities.

We already have ample evidence of this new trend—at the recent Democrat National Convention platform hearings, the Secretary of State and the Secretary of Defense testified, speaking before a 100-percent partisan political group.

We have had the Postmaster General running around the country spewing political diatribes at the Republican candidate for President.

And there are other instances of Cabinet officers spending a good deal more of their time than is warranted—at least by the one who is the footing the salaries, the taxpayer—engaging in partisan political activities.

Perhaps these activities do not have any impact on the operations of their respective departments, which, in some instances, comes as no surprise, for some, such as the Secretary of Agriculture, seem to have little understanding of the problems confronting the segment of our populace in which their departments are concerned, and are unable to effect any worthwhile and productive solutions to these problems.

But whether or not such political activity has an impact, the question remains as to the propriety of such action.

If a Cabinet officer can be excused from his nonelective position of serving all the people to devote a few months of his time to electioneering in the presidential campaign in behalf of one political group, what is to prevent him from doing so in off year elections, or from doing so all the time just on the basis of it being "good politics"?

How much confidence can the public have in an official—perhaps one who admits he is of the "other" party but is chosen by the President because of his "organizational ability" or his "computermind brilliance"—who is appointed to head an important department and then yields to the expediency of the moment to go on the political stump?

Can the public view without any question decisions made by such officials as being made in the "national interest" or will there be doubts and the belief that perhaps some decisions are also made in the "political interest"?

I admit that Cabinet officers do have to walk a very narrow line in the performance of their duties. But I also submit, Mr. President, that is why Presidents in the past have prided themselves in getting for such positions the best men possible who are capable of walking that very narrow line of nonpartisan service in the public interest.

Mr. President, Mr. Lawrence's discussion of the Attorney General's activities, particularly with respect to the role of the Federal Bureau of Investigation, should be a source of deep concern to all citizens, but also a source of deep pride in the FBI in that this vital agency of our National Government has yet to become the tool of any political whim or any mandate by a partisan official.

Not that such efforts have not been made. The important thing is that they have not succeeded. I am confident that under the direction of J. Edgar Hoover, such efforts will never succeed.

But the point is that such efforts are made to utilize this Department of Justice agency for activities which can be subjected to the challenge of "political use."

David Lawrence's recommendation concerning the Department of Justice is one deserving of more than passing attention and it may well be that the Congress, in its next session, will have to turn to this matter and give it thorough study.

Mr. President, I request permission that Mr. Lawrence's article, appearing in the September 11 edition of the New York Herald Tribune, be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Sept. 11, 1964]

TODAY IN NATIONAL AFFAIRS: A PLEA FOR JUSTICE DEPARTMENT AS INDEPENDENT AGENCY

(By David Lawrence)

WASHINGTON.—Many Members of Congress have read with amazement that the Department of Justice in the last 3 years has supposedly been manipulated for political purposes by the Attorney General, Robert F. Kennedy. The published stories were intended to compliment the outgoing Cabinet officer and call attention to important steps he had taken.

But these same published accounts have served also to emphasize that the American people ought never to permit a system wherein a politician can run the Department of Justice. In fact, it would be a big step forward if the Department could be divorced from the Cabinet altogether and from control by any President, just as the courts are independent of the executive.

Mr. Kennedy, in the tributes of praise in certain newspapers after he resigned, is said to have advised J. Edgar Hoover to "redirect" the major efforts of the Federal Bureau of Investigation. The reports say the FBI was told to cut down on its Communist-hunting activities and pay more attention to "civil rights," even though this might involve a slackening of FBI operations against espionage agents and particularly Communists.

Why weren't the American people informed of this interference with the FBI? The "civil rights" laws which now spell out Federal jurisdiction on certain matters were not in effect during the last 3 years. Yet the FBI was supposed to allow itself to be used as a political tool to help the voting fortunes of the administration. If the FBI could be manipulated for one purpose on a given day, it could be ordered on another day to carry on vendettas and otherwise distort the whole system of honest law enforcement.

The FBI has been directed for 40 years by Mr. Hoover. He sticks to the letter of the law. He does not favor either political party as he supervises the operations of a huge detective force. He has won the admiration of police officers throughout the country because he has adhered strictly to the law without political bias.

It will come as a surprise to many people that the FBI actually was told to cut down on its Communist-hunting activities. For if political intrigue can direct the FBI, then every administration will be suspected of using its influence for such purposes.

The record, however, doesn't bear out the boasts of those who claim the FBI pursued other channels while presumably neglecting its prescribed functions. There have been a number of arrests and convictions of espionage agents—far more than ever before. It was the FBI which caught a Navy enlisted man in the act of handing vital documents to a member of the Soviet mission to the United Nations. It was the FBI which detected the State Department employee who passed classified information to the Polish Government. More than a dozen Soviet officials and satellite agents were expelled from the United States in the last 3 years, and most of these expulsions were based on information obtained by the FBI showing involvement in espionage or sabotage activities inside the United States.

To charge that the FBI has been neglectful of organized crime and has had to be goaded by Mr. Kennedy into action in that area sounds like an attempt to make a campaign boast. For the one man who has year after year spoken out against organized crime in America and at the same time has directed the FBI's vast personnel to ferret out wrongdoing is J. Edgar Hoover. It was the FBI which first obtained the disclosures by Joseph Valachi about the "Cosa Nostra" syndicate, and these confirmed information previously uncovered by Mr. Hoover's men.

Both before and during Mr. Kennedy's service as Attorney General, the FBI is known to have filed thousands of reports to Department of Justice officials which reveal the effectiveness of the bureau in investigating organized crime and reporting on the activities of the leaders in the underworld. Much of the anticrime legislation now in effect was recommended by the FBI—as, for example, the broadening of the fugitive felon act which enables the bureau's agents actively to assist State and local authorities in arresting fugitives who cross State lines.

But, for the most part, the country will be surprised to learn that, even though the latest effort was unsuccessful, it is possible for an Attorney General's edict to endeavor to tie the hands of the FBI and cause it to slacken its efforts in dealing with Communist activities in the United States.

The sooner the Department of Justice is made an independent agency the quicker will public confidence be assured in the impartial enforcement of the law.

REACTION TO THE INACCURATE CHARGES ON IMMIGRATION LEGISLATION BY THE REPUBLICAN VICE-PRESIDENTIAL NOMINEE

Mr. HART. Mr. President, as I pointed out in remarks to the Senate on September 8, in his Labor Day address in South Bend, Ind., the Republican vice-presidential nominee made serious and inaccurate statements about two areas of public concern—immigration reform and asylum for refugees from Communist tyranny. As I said at that time, his charges against the pending immigration bills, S. 1932 and H.R. 7700 were echoes of the know-nothing days of American history. There is no justification that I can imagine for turning time back to those days of division and discord.

To help set the record straight, Mr. President, I call attention to a release by the American Immigration and Citizenship Conference. The release contains the full text of a letter sent to the Republican vice-presidential nominee. The letter was signed by more than 40 national civic, labor, and religious groups which take strong exception to his attack on the pending immigration reform measures.

I commend the conference members for their forthright stand on immigration reform and for their splendid efforts to alert the American people to the onslaught of negativism born of suspicion and ignorance.

I join them and the thousands of American citizens they represent in the hope that before adjournment, Congress will put on the books an immigration law which reflects the American mainstream of morality and commonsense. In my book, its enactment would mark a great achievement for the American people.

Mr. President, I ask unanimous consent that the release by the American Immigration and Citizenship Conference and the full text of its letter to the Republican vice-presidential nominee be made a part of my remarks at this point in the Record.

There being no objection, the release and the letter were ordered to be printed in the Record, as follows:

Press Release: American Immigration and Citizenship Conference

Washington, D.C.—More than 40 national civic, labor, and religious groups took strong exception today to the recent attack upon national immigration legislation by the Republican vice-presidential nominee William E. Miller.

In a letter to the candidate, the organizations said that contrary to the impression Mr. Miller gave in a recent speech, the proposed immigration bill would not abolish the present selective system of immigration but would actually increase selectivity. "Immigrants to be admitted would still have to pass the rigid selective admission requirements as to mental and physical health, good moral character, literacy, that they are not likely to become a public charge, and that they are not a security risk."

Far from increasing the number of immigrants "threefold," as Mr. Miller is reported to have predicted, expert estimates are that the bill would not increase immigration more than 15 percent, from 306,260 admitted in 1963 to approximately 350,000,'" the letter continued.

The signators pointed out that President Eisenhower during his term of office repeatedly called on Congress to amend the immigration law and they urged Mr. Miller not to make a partisan issue out of immigration during the present campaign.

The text of the letter to Congressman Miller was made public by the American Immigration and Citizenship Conference, of which all the signatory groups are members.

The Honorable William E. Miller,
House of Representatives,
Washington, D.C.

Dear Congressman Miller: In your remarks on immigration as reported in the New York Times of September 8 from your speech given in South Bend on September 7, you stated that President Johnson has given top priority to legislation that "would completely abolish our selective system of immigration and instead open the floodgates for virtually any and all who wish to come and find work in this country." May we point out that the proposed immigration bill that you refer to does not abolish our selective system of immigration but in fact increases selectivity. Immigrants to be admitted would still have to pass the rigid selective admission requirements as to mental and physical health, good moral character, literacy, that they are not likely to become a public charge, and that they are not a security risk. The one basic change in selection is that people will ultimately be admitted not according to where they were born but with particular emphasis on whether their skills and abilities are needed by the United States and of family relationship to people already in the United States.

Further, the New York Times has quoted you as saying that "if the law were enacted the number of immigrants next year will increase threefold and in subsequent years will increase even more." According to estimates made by experts, the bill will not increase immigration more than 15 percent—from 306,260 admitted in 1963 to approximately 350,000.

In reference to jobs, it is to be noted that in all imigrant groups approximately one-half do not enter the labor market as they are the spouses and children of immigrants. They do, however, add to the consumer demand and this, consequently increases work opportunities. The strong support for the legislation given by the AFL–CIO should speak for itself.

We regret to see that immigration is being made a partisan issue. The leadership for a revised immigration policy has always been in the past the concern of members of both parties. Not only the Democratic platform but the Republican 1960 platform called for revision. President Eisenhower during his terms of office repeatedly called on the Congress to amend the immigration law, as well as Presidents Kennedy and Johnson. We hope we may return to this objective bipartisan approach.

Sincerely,

Amalgamated Clothing Workers of America; American Baptist Home Mission Societies; American Civil Liberties Union; American Council for Judaism Philanthropic Fund; American Council for Nationalities Service; American Committee on Italian Migration; American Federation of Musicians; American Friends Service Committee; American Fund for Czechoslovak Refugees; American Jewish Committee; American Jewish Congress; Anti-Defamation League of B'nai B'rith; Brethren Service Commission; Catholic Relief Services, NCWC; Christian Reformed World Relief Committee; Church World Service, National Council of Churches of Christ; Council for Christian Social Action of the United Church of Christ; Industrial Union Department, AFL–CIO; International Rescue Committee; International Social Service, American Branch; International Union of Electrical, Radio and Machine Workers, AFL–CIO; Iuliu Maniu American Romanian Relief Society; Italian Welfare League; Japanese American Citizens League; Jewish Labor Committee; Lutheran Immigration Service; Methodist Committee for Overseas Relief; National Board YWCA; National Catholic Welfare Conference, Department on Immigration; National Chinese Welfare Council; National Community relations Advisory Council; National Council of Jewish Women; National Council Protestant Episcopal Church; Order of AHEPA; Polish American Immigration and Relief Committee; The United Presbyterian Church in the U.S.A., Committee on Resettlement Services; Tolstoy Foundation; Union of American Hebrew Congregations, Social Action Commission; United Automobile Workers of America, AFL–CIO; United HIAS Service; United States Committee for Refugees; United Steelworkers of America.

TEST BAN TREATY AND RADIOACTIVE FALLOUT LEVELS A YEAR LATER

Mr. HART. Mr. President, the test ban treaty has been on the books for over a year. The treaty was sought for many reasons, not the least of which was the growing danger to public health from the radioactive fallout of continual nuclear testing. A brief but pointed article on the fallout levels a year after the treaty was published in the September 3 issue of the Miami Herald. As the article points out—

> The absence of testing has affected fallout levels in two basic ways:
>
> First, the danger from short-lived radioactive substances has virtually ended.
>
> Second, the danger from long-lived radioactive elements is no longer increasing.

Mr. President, I commend the article to Senators, and ask unanimous consent that it be made a part of my remarks at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Miami Herald, Sept. 3, 1964]

Many Health Dangers Are Gone: What Has the Test Ban Done?

(By Morton Mintz)

Washington.—On August 5, 1963, Great Britain, the Soviet Union, and the United States signed a treaty banning nuclear testing in the atmosphere, in space, and under water.

This is a report on the radioactive fallout situation a little more than a year later. The source is Dr. Donald R. Chadwick, Chief of the Division of Radiological Health of the Public Health Service.

Apart from underground testing, which the treaty does not prohibit, there has been no nuclear testing for about 20 months. The last American detonations were in November 1962 and the last Russian explosions were at the end of December 1962.

The absence of testing has affected fallout levels in two basic ways.

First, the danger from short-lived radioactive substances has virtually ended, except in certain local and regional situations.

Second, the danger from long-lived radioactive elements is no longer increasing. But it continues, and will do so for an extremely long time.

The extent of the harm that has been done, and will continue to be done, by the nuclear tests of 1962 and earlier years is controversial. In the scientific community there is complete agreement only that radiation is harmful, and that average radiation figures obscure the dangers to which certain local populations are subjected.

The best guess of the Federal Radiation Council is that all past testing could cause gross mental or physical defects in a total of 3,000 Americans. But the Council says such defects could occur in as few as 600 persons, and in as many as 15,000. These estimated encompass all future generations in the United States and assume a numerically stable population.

The council has a different kind of projection for leukemia, a fatal blood cancer. Its view is that over the next 70 years the number of leukemia cases attributable to past weapons testing could fall in a range between zero and 2,000.

Also over the next seven decades, the council has said, the incidence of bone cancer attributable to testing could range from zero to 700.

The radiation council has set guides for what it considers "an acceptable health risk for large general population groups for a lifetime compatible with the orderly development" of the Nation's nuclear industry.

For strontium-90, a long-lived radioactive element that may increase the incidence of leukemia, the guide is 200 units a day. A peak of about 42 was recorded in July 1963. In the succeeding months there was a gradual decline to about 32, although seasonal upswings are expected.

The other two principal long-lived elements, cesium-137 and carbon-14, expose reproductive organs and threaten genetic defects in subsequent generations. In addition, cesium-137 may cause leukemia.

The pattern of concentration of cesium-137 resembles that of strontium-90. The peak was reached in July 1963.

The radiation council has said that weapons testing in 1961 and 1962 alone "probably produced about 100 times more carbon-14 than was produced naturally by cosmic rays during the same period."

Among the short-lived radioactive elements, the guide exposure for strontium-89, which exposes bones and marrow to radiation, is 2,000 units a day. Milk monitoring indicates that the highest average daily intake, in June 1963, was 140. Each month since there has been a sharp decline. In the first quarter of 1964 the figure has been less than 7.

Iodine-131, whose radioactive life is very short, concentrates in the thyroid gland and may contribute to thyroid cancer, which can be fatal.

In areas where testing has occurred, infants and children, whose small thyroid glands make them the most susceptible, have absorbed iodine-131 in abnormally high concentrations.

Although its conclusions have been challenged, the radiation council has said that it does not believe the result will be a detectable increase in thyroid cancer, and that causation of thyroid cancer by radioactive iodine has not been proved.

The council deems acceptable for infants an intake of 100 units a day over a year's time.

From March 1960, through August 1961, the milk-sampling network indicated that the national average daily intake was zero. During the next 2 months it was 100, a record. When testing ceased in December 1962, it was 51. Since June 1963, it has been zero.

A VISIT TO CROATIA—THEY SING IN THE VALLEY NO MORE

Mr. LAUSCHE. Mr. President, in the Canton Repository of Ohio, there is published an article, by Mary Peebles, describing the experience of Frank Butorac during his visit to Croatia, his homeland of 25 years ago.

It is a rather interesting and revealing story. Standing out in what Mr. Butorac had to say is his statement:

> I often used to hear the happy sounds of singing from the valley below my boyhood home—but now there is no singing.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THEY SING IN THE VALLEY NO MORE—CANTONIANS UPSET BY CONDITIONS IN CROATIA

(By Mary Peebles)

A Cantonian who returned recently from a visit to his native land, Croatia, summarizes the current situation in the Communist-dominated republic in this sentence: "I often used to hear the happy sounds of singing from the valley below my boyhood home—but now there is no singing."

Frank Butorac of 2932 Mahoning Road NE., who left his homeland 25 years ago, came to Canton in 1953 with his German wife, whom he met and married in a refugee center in West Germany.

With their three children, Gabriela, 11, Tommy, 7, and Anna Marie, 4, they spent 7 weeks this summer revisiting the countries in which they lived until forced to flee Russian persecution.

They flew by Lufthansa German Airlines to Hanover, Germany, where Mrs. Butorac's mother lives. Then they traveled by train to Croatia, one of the six republics comprising Yugoslavia.

"Sometimes we traveled half an hour before seeing a car on the roads," Mr. Butorac said. "There is one main highway from the southern end of Yugoslavia to the northern end and extending over to Zagreb. Most of the cars belong to tourists. The roads become clouded with dust in dry weather and deep with mud when it is wet."

His 80-year-old father and 73-year-old mother live at Gospic in the Velebit Mountains. The town of 10,000 population is 70 miles southeast of the Adriatic seaport of Rijeka.

Mrs. Butorac found shopping for food a frustrating experience and she was amazed at the prices as compared with wages.

"One egg costs the equivalent of a half-hour's work," she explained, "and it takes an hour and a half of work to earn enough to buy a 2-pound loaf of bread. A bakery is allowed only so much output a day and when the supply is gone, there is nothing until the next day."

The family stopped at a bakery one day to buy a dozen buns and found that such purchases are never wrapped.

"We each took some of the buns and carried them without any paper," Mrs. Butorac said.

Another unexpected food incident occurred when the family was in the city of Split, a seaport that has had great industrial growth since World War II.

"I went into a butcher shop there and saw a good cut of meat," Mrs. Butorac said. "I speak Croatian well enough that the woman in the shop knew what I wanted but I saw her put something else with the piece of meat. When I asked her what she was doing, I learned a customer must buy a certain percentage of bones and fat with every portion of good meat.

"There is one price for meat, regardless of the cut. If a customer buys a piece of the head or the tail, the price per pound is the same as it is for lean meat."

Most stores are government controlled and the salespersons have no incentive to sell. They are completely indifferent to the customers, as Mrs. Butorac discovered when she asked to see a pair of shoes displayed in a shop window. She was told flatly that the shop didn't have any shoes like that.

She found clothing and household furnishings very expensive. A towel that would sell for about 50 cents in the United States cost $3 in Split.

Potatoes and plums are plentiful but most of the plums are used in the manufacture of the country's well-known plum whisky, slivovica.

"It is easier to get than bread or meat," Mr. Butorac remarked.

He inquired about wages and learned the average worker earns about a dollar a day. All of the larger industries are operated by the government.

The couple saw no advertisements of products but there are pictures of Yugoslav President Tito prominently displayed everywhere. They looked for indications of how the average persons may have been helped by America's foreign aid to Yugoslavia but the only visible signs were American nameplates on diesel engines.

The Butoracs were concerned with the Communist-controlled government's lack of interest in preserving ancient sites or structures of religious or historical significance. The indifference was especially regrettable at Split, where the greatest attraction, Diocletian's Palace, dates back to 305 A.D.

"The government is more concerned with modern facades," Mrs. Butorac said. "Buildings that are impressive on the outside have faulty plumbing and stoves that burn wood. Even in the most beautiful apartments, the tenants must carry up their wood supply. There is little actual progress in spite of the building program."

Mr. Butorac said the streets were in better condition 25 years when he left Croatia.

"But the biggest difference I noticed was in the people," he said. "They seem to be on edge all the time. It is as though they are waiting for something."

THE 25TH ANNIVERSARY OF HELICOPTER FLIGHT

Mr. DODD. Mr. President, 25 years ago today, Igor Sikorsky made a dramatic and courageous breakthrough in air science which has had great significance for air transportation, for industry in Connecticut and other places, and for many other activities in peace and in war, for on this day, in 1939, he made the first successful flight in the VS-300, the Western Hemisphere's first practical helicopter. Thus began another revolution in transportation, a revolution whose greatest benefits are yet before us.

The early helicopters were one-seaters with 75 horsepower piston engines, capable of traveling 75 miles an hour. Now we have helicopters that can carry 60 troops, helicopters with gas-turbine engines of over 4,000 horsepower, helicopters capable of traveling more than 200 miles an hour.

Also on that day, 25 years ago, a new industry began. Igor Sikorsky built the first VS-300 with only a handful of helpers. Today, the helicopter industry employs more than 26,000 workers, not counting the many others employed in related industries.

Connecticut has been a particular benefactor of this growth, for Sikorsky Aircraft employs 8,000 people in Stratford. The helicopter industry, with its continued progress and glowing future, is certainly one of the bright stars on the Connecticut economic horizon.

A few days ago it was my privilege to take part in the American Helicopter Society's annual outing, at Sherwood Island State Park. I told the great throng assembled there for the air show that the advent of the helicopter could be as important an event in the life of average people as the coming of the automobile; that, in the same way as the automobile, the helicopter could help the American family conquer time and space, and could help solve commuter problems, by giving a mobility not now enjoyed in this age of crowded highways, congested areas, and failing commuter transportation.

Thus have the vision and courage of one man meant so much to so many.

It is fitting that today we honor Igor Sikorsky; that we pay our tribute to this great inventor and industrialist, now in his 75th year; and that we determine that in the future we shall try to be a fraction as visionary and as courageous in developing uses for his great invention as he was in giving it to us.

AIR POLLUTION

Mr. MUSKIE. Mr. President, this summer produced several days when the smog level in our Nation's Capital reached eye-irritation proportions. As most of us know, this alarming situation occurs daily in many of our metropolitan centers. Mr. C. W. Griffin, Jr., provides us with a brief, but excellent, survey of Federal-State-local efforts to combat this menace, in an article entitled "The Air Around Us," which appears in the September 10 issue of the Reporter magazine. The author also cites reliable evidence linking air pollution to the dramatic increase in lung diseases.

This sobering article, I believe, again makes clear the need for sharply increased action in this field. The Federal Clean Air Act is a start; but, unless it is fully implemented by State and local government, additional Federal assistance may be needed. I ask unanimous consent that this article be printed in the Congressional Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Air Around Us

(By C. W. Griffin, Jr.)

Late last October a stagnant mass of warm moist air hung over the New York metropolitan region. Smoke plumes flattened near the ground and merged with the ubiquitous haze. On several mornings, a thick smog reduced visibility and stretched normal traffic jams well into midmorning, as motorists, their eyes smarting, inched through the atmospheric soup.

By the fourth day, the pollutant counts had approached hazardous levels, causing the U.S. Public Health Service to issue an "air pollution warning" for the entire New York area. Powerless to enforce its alert, the PHS could only urge united action among the hundreds of local governments surrounding New York City, while Arthur J. Benline, the city's air pollution control commissioner, renewed his perennial plea for the creation of an emergency regional warning unit empowered to ban nonessential traffic, open fires, and polluting industrial operations.

On the fifth day, a cold air mass from the northwest carried away most of the contaminants, restoring metropolitan air to its normal state of merely heavy pollution. The timely advent of the cold front, according to some health authorities, saved New York from a disastrous smog incident similar to a 1953 episode that accounted for some 200 deaths. But as the metropolitan area awaits the next air pollution alert, its local governments still remain unconvinced of the need for action on a regional basis.

Though apathy is the usual reaction to the problem, one State recently won a crucial technical battle in its long war against air pollution. In June, after a 5-year research and testing program, California officials approved four types of afterburners for compulsory installation on all 1966-model automobiles. They plan to approve similar devices for used cars in time to start compulsory installations within 2 years.

Despite the expected cost of about $40 a year to the motorist, California had little choice in requiring these afterburner smog-control devices. Automobiles are the chief source of smog in California, and their proliferation is outpacing population growth. Just keeping Los Angeles habitable through the next decade will require a massive effort against automobile fumes.

Already a worldwide problem, air pollution accompanies expanding industry and the trend toward urban living. From such diverse sources as automobiles, apartment buildings, steel mills, and even hospitals come pollutants in bewildering variety. They often cause changes in the local climate, reducing the beneficial ultraviolet radiation of the sun. They can dissolve nylon stockings, darken housepaint overnight, corrode metal, and disintegrate stonemasonry. They can damage or kill vegetable and animal organisms, including man.

Primarily an urban problem, air pollution today afflicts more than 7,000 urban areas inhabited by 115 million Americans. And as our cities grow, air pollution grows at an even faster rate. With its myriad sources and photochemically produced irritant gases, today's air pollution is harder to control than the older forms of industrial pollution. In the 1940's, St. Louis and Pittsburgh rebelled against the traditional tolerance of smoke and soot as the price of prosperity. By prohibiting the sale of bituminous coal containing more than 20 percent volatile matter, these cities rid themselves of soot-laden atmospheres capable of creating darkness at noon. An increasing supply of cleaner fuels—high-grade oil and natural gas—has brightened the air of many cities. But the invisible, sometimes odorless gases that foul today's air can and do pose a greater hazard than the smoke-darkened air of old industrial centers.

Basically there are two kinds of smog. The first is composed chiefly of sulfur dioxide gas and smoke released from the burning of bituminous coal and low-grade or residual fuel oil. The second type consists mainly of gaseous hydrocarbons released from petroleum refineries, organic solvent industries, and motor vehicles. London, of course, is the prime example of the highly lethal sulfur-compound smog, whereas Los Angeles exemplifies the hydrocarbon variety; the polluted air of most cities lies somewhere in the chemical spectrum between these polar extremes. Suspended in fog, coal smoke gives London a true sulfur-dioxide smog, whose lethality has been well publicized. But New York City, its air polluted with effluents from residual heating oils, records average sulfur dioxide counts approaching London's and has escaped catastrophic killer-smog incidents only because of its superior atmospheric ventilation.

The virulence of Los Angeles' smog stems from the very meteorological factors that give southern California its superb mild climate. Warm air, trapped in the basin bounded on three sides by mountains, often hangs over the city. When it is warmer than the air at ground level (a condition known as thermal inversion), this stagnant air mass becomes a transparent lid, preventing the rise and dispersion of the contaminants. Sunlight then "cooks" the hydrocarbon byproducts of incomplete combustion, converting them into noxious polluting gases and vapors that sting eyes, hamper breathing, scorch vegetables, and embrittle rubber. Low-altitude temperature inversions, common throughout the United States, create this photochemical smog in at least 19 States plus the District of Columbia. Los Angeles' smog differs more in frequency than in severity from that of most large U.S. cities.

At its worst, air pollution is demonstrably lethal. The killer smog that covered London with intense sulfur dioxide pollutants for 4 days in December 1962, took 750 lives. But the toll was low compared with the 4,000 deaths attributed to that city's 5-day killer smog of 1952.

Perhaps the most thoroughly studied air-pollution incident occurred in Donora, Pa., 16 years ago. Located in the western industrial zone of the State, Donora occupies a mountainous basin at a bend in the Monongahela River. Blast furnaces and a zinc-reduction plant pumped smoke and fumes into Donora's atmosphere. In October 1948, a stagnant, fog-laden air mass covered the basin. Seventeen persons died in a 4-day period that normally would have recorded two deaths, and nearly half of Donora's 14,000 citizens suffered from smarting eyes, dripping noses, coughs, sore throats, shortness of breath, nausea, or diarrhea. More than 10 percent suffered from orthopnea, the inability to breathe except in an upright position. When three out of five autopsies disclosed acute lung irritation, U.S. Public Health Service researchers concluded that the chief causes of the Donora tragedy were sulfur dioxide, which reached the extremely high range of 0.5 to 2 parts per million, and its oxidation products.

FREE AIR, FREE POISON

Although less dramatic than the killer smogs, the long-range hazards of ordinary air pollution have become a source of growing concern among health officials. An accumulating mountain of circumstantial evidence has linked air pollution with the common cold, asthma, pneumonia, tuberculosis, influenza, chronic bronchitis, pulmonary emphysema, and lung cancer. At the last National Conference on Air Pollution, the chairman of a panel of medical experts concluded: "The evidence that air pollution contributes to the pathogenesis of chronic respiratory diseases is overwhelming."

Paralleling the calamitous, well-publicized increase in lung cancer, which cannot be attributed solely to cigarettes, is a rise in two commonly associated respiratory diseases—chronic bronchitis and pulmonary emphysema, both characterized by chronic coughing and difficulty in breathing. They usually run a prolonged and undramatic course, often ending in heart failure. Emphysema entails a breaking down of the tiny air sacs in the lungs, a process that lowers their oxygen-absorbing efficiency and forces the heart to pump harder. The accompanying constriction of the bronchial tubes aggravates the illness.

Some 10 million Americans, suffer from pulmonary emphysema, according to Chest Surgeon Ernest E. Rockey. Its national death rate increased more than four times between 1950 and 1959. Though fatal in proportionally fewer cases than lung cancer, pulmonary emphysema accounted for 16,000 deaths in 1959. But as a contributory cause of death, it outranks lung cancer. As a basis for social security disability payments from serious illness, it ranks second only to arteriosclerotic heart disease.

Some medical authorities are convinced that air pollution initiates as well as aggravates bronchitis-emphysema. Studies of a hundred bronchitis-emphysema patients at the University of California's School of Medicine showed that breathing pure air brought remarkable improvement in the patients' lung performance.

Probably the most clear-cut evidence linking air pollution with high death rates from respiratory disease is a recent mortality study sponsored by the Public Health Service and Vanderbilt University. The locale was Nashville, Tenn., whose residents are exposed to concentrations of benzpyrene (a carcinogenic byproduct of coal burning) equivalent to smoking two packs of cigarettes a day. The researchers discovered that the death rates from major respiratory disease, notably tuberculosis, influenza, and pneumonia, were 64 percent higher (123 per 100,000 against 75 per 100,000) in the city's most highly polluted sections than in the slightly or moderately polluted sections.

That air pollution inflicts tremendous economic losses on the Nation is even more obvious than its harmful effects on health. President Kennedy, in his 1963 health message, estimated the total national losses at $11 billion a year. But even this estimate is somewhat conservative, for it cannot include all the less tangible economic costs, such as the time lost from work because of pollution-caused illness.

Corrosion is a particularly costly consequence of air pollution. Sulfur dioxide, the culprit blamed for disintegrating nylon stockings, reacts chemically with moisture to form sulfuric acid, which eats away metal roofs, eaves, downspouts, and other exposed metals, and even attacks building stone and statuary.

Nowhere in the United States, of course, have the health hazards and economic problems of air pollution been joined more dramatically than in Los Angeles. During the Second World War, industry and population grew rapidly there, and in September 1943 the city experienced its first smog-caused daylight dimout. Within a year the hazy blue smog had become a regular visitor, lingering sometimes for days.

The ensuing public outcry ignited a blaze of activity, but the fragmented political organization of the Los Angeles Basin blocked effective action. Finally, in October 1947, through enabling legislation by the State, Los Angeles County created its Air Pollution Control District (APCD), which soon began to crack down on suspected offenders.

The APCD's first target was industry. Covers went on oil refineries' storage tanks to prevent escape of volatile petroleum products. A steel mill spent millions on electrostatic precipitators for its furnaces. Salvagers could no longer burn old automobile bodies. But the total effect was almost undetectable. As population and industry continued to grow, the smog grew worse.

Los Angeles' smog-control officials fought their next battle against homeowner trash burners. Every day 1.5 million backyard incinerators loosed 500 tons of pollutants, one-sixth of the total, into the Los Angeles atmosphere. The battle against homeowners soon degenerated into a lengthy war of attrition, and it was not until October 1957, that backyard trash burning was finally outlawed.

Obviously, the rest of the Nation is far behind Los Angeles County in air-pollution control. In 1961, only 17 States spent as much as $5,000 annually. Collectively, the 50 States spend about $2.2 million a year, of which more than half is spent by California. Some States have failed to grant their local governments the necessary authority to regulate polluting offenders. And even by a generous definition of enforcement, only six States enforce air-pollution regulations.

Local agencies do somewhat better. In 1961 they spent about $8 million across the Nation. But Los Angeles County's budget accounted for $3.4 million of this. Thus, despite the cities' improvement over the States' efforts, the overall picture portrays failure. According to a U.S. Senate Committee on Public Works report, "most control programs are operating on a more or less arbitrary approach which tends to equate the acceptable with the readily attainable."

Until enactment of the Clean Air Act last December, the Federal Government's role in smog control was limited mainly to air sampling, research, and technical assistance. The Federal program began in 1955, after the smog in Los Angeles had reached hazardous levels and polluted air had begun to plague other cities. By 1963, Federal expenditures for air-pollution programs had climbed to $11 million annually. But still lacking after 9 years and expenditures of $41 million are definitive Federal standards like the California State Board of Public Health standards establishing hazardous levels of sulfur dioxide, nitrogen dioxides, hydrocarbons, and other air-borne pollutants.

The Clean Air Act promises to invigorate the previously passive Federal program, granting new powers and responsibilities to the Department of Health, Education, and Welfare. For the first time, the Federal Government will award grants-in-aid to State and local control units. HEW will focus research on two major unsolved pollution problems: motor vehicle exhausts, which plague all cities in varying degree, and sulfur contained heating fuels, which have created especially serious problems in New York City and Chicago. The act also gives the Federal Government limited enforcement power, mainly in cases involving interstate pollution.

THE SPREADING CLOUD

Although pollution from all sources tends to increase with population growth, the automobile appears to be the Nation's chief polluter, outranking industry, commercial and municipal refuse incineration, and domestic sources. Gordon P. Larson, former chief of the Los Angeles Air Pollution Control District, asserts that in every major U.S. urban area, automobiles contribute at least as much pollution as all other sources combined.

The PHS Air Pollution Division experts take a more cautious view, citing the extreme variation in pollutant sources in different cities. In Los Angeles, motor vehicles contribute about 80 percent of the total pollutants; in Washington, D.C., they contribute about 45 percent; in New York, about 30 percent; but in Louisville, where 85 percent of the pollution is ascribed to its coal burning industries, motor vehicles contribute only about 5 percent. (If carbon monoxide were included in these counts, the automobiles' contribution would be much higher.)

Naturally, one reason for the wide variation in pollutant sources is the varying degree of municipal control of industry, domestic, and other stationary sources. As the Nation's exemplar in all phases of control, Los Angeles has brought control of stationary sources close to the limit of present technology. Some 10,500 industrial control devices, costing more than $100 million, keep nearly 5,000 tons of contaminants out of the air every day. Powerplants contribute a daily total of 250 tons, about 2 percent of the 11,300 tons spewed into the air by the county's 3.5 million motor vehicles. Yet even with this degree of control, Los Angeles' officials are still trying to reduce powerplant emissions by requiring natural gas fuels instead of oil.

In dismal contrast, some cities have not succeeded in banning the burning of residual oil, a cheap, sulfur-contaminated fuel used to heat apartment buildings, office towers, municipal facilities, and even public and private hospitals. To reduce the quantity of lethal sulfur compounds in the air, the New York City Air Pollution Control Board recently approved a regulation, proposed by Commissioner Benline and opposed by the heating oil industry, to upgrade the oil burned in and by the city. As always, the question was whether cleaner, healthier air is worth the price—in this case a higher community fuel bill.

Although California's recent approval of the afterburners promises a breakthrough in controlling automobile pollution, little has actually been achieved, and California is the only State even trying. The one realized success is the crankcase blowby device, installed for about $5 on 1962-model automobiles sold in California and on all 1963 and later models in the United States. The blowby returns gases from the crankcase to the combustion chambers for burning, thus reducing an automobile's hydrocarbon pollutant emissions by about 25 percent. The rapid increase in California's automobile population, however, soon overcame this temporary gain, according to Smith Griswold, chief of the Los Angeles Air Pollution Control Board. Moreover, to continue working effectively, these devices periodically require expert maintenance that they may not get.

Far more important are the afterburners. These devices, attached to the tailpipe, complete the combustion of unburned exhaust gases, the major source of auto pollutants. In conjunction with the blowby, an afterburner conforming to California's standards would theoretically eliminate about 80 percent of the automobile's hydrocarbon emissions and 60 percent of the carbon monoxide.

The rigorous standards set by California's Motor Vehicle Pollution Control Board delayed approval of the afterburners for several years. To relieve the motorist of more than one maintenance check a year, the device had to operate without maintenance for 12,000 miles. And the cost, including installation and annual maintenance, had to average about $40 a year to remain within the undue-burden limit established by the State.

At a recent MVPCB hearing, the most hopeful news ever to come from the automobile industry's desultory control program blackened the future of the afterburner program. In a sudden switch, the four major automobile manufacturers assured the MVPCB that they can produce new automobiles designed with economical, pollution-abating engine modifications to comply with State standards in time to meet next year's deadline. It is far from certain, however, that these redesigned engines will meet the MVPCB emission standards. If they don't, the MVPCB will doubtless encounter tremendous pressure to relax the standards. General Motors and Ford have already requested complete exemptions for some models, constituting about 4 percent of their California sales.

Approval of these redesigned engines even under existing standards might prove a mixed blessing, for it could jeopardize the afterburner program for California's 9 million used cars. The loss of the State's expanding new-car market might discourage afterburner manufacturers from competing for the larger but inevitably shrinking used-car market.

THE SKEPTICAL OPTIMISTS

The complexity of air-pollution control makes it particularly vulnerable to the opposition of those resolved to do nothing until all the facts are in.

The latest invocation of this durable theme came from the Automobile Manufacturers Association, protesting proposals that California's pollutant emission standards be adopted on a national scale. Despite the abundant evidence of growing motor vehicle pollution, an industry spokesman told a Senate subcommittee that "there is a surprising lack of factual information to warrant any such action on a national basis."

Fuel industry spokesmen take a similarly obstructive view: "we should be particularly cautious in ascribing or assuming a cause-and-effect relationship between air pollution and health," Jerry McAfee, a vice president of Gulf Oil, told the latest national conference on air pollution. To wait for irrefutable cause-effect proof could, of course, delay action forever. The assumption that each disease has a single, discrete cause, so fruitful in the etiology of communicable diseases, appears false in analyzing chronic diseases like bronchitis. Moreover, the theory that a public agency confronted with a community health hazard should proceed like a murder trial jury, taking action only if the hazard is proved guilty beyond reasonable doubt, could have disastrouus consequences. If the sanitation pioneers of the 19th century had postponed action on water purification and sewage treatment until they had irrefutable proof that filth causes disease, the world would have suffered untold thousands of unnecessary deaths. The etiological proof came many years after institution of the sanitation programs.

Since air masses conveying pollutants refuse to recognize political boundaries, effective smog control often demands regional enforcement. Even if New York City eradicated every source of pollution within its borders, prevailing western winds would still blow in contaminants from New Jersey's oil refineries, smoke-belching factories, and perpetually smoldering meadowland dumps. Chicago has a similar problem with neighboring Illinois and Indiana counties, which do little or nothing to control air pollution. Such hazards exist in most of the Nation's interstate metropolitan regions, inhabited by 40 million persons. But despite the obvious need, there is only one interstate air pollution control agency (the New York-New Jersey-Connecticut Interstate Sanitations Commission), and it lacks enforcement power.

The abysmal failure of rural-dominated State legislatures to cope with the many instances of interstate pollution belatedly brought the Federal Government into the enforcement picture via the Clean Air Act. Its compromised enforcement provision, however, permits at least 1 year's procrastination by an offending State before the Federal Government can take judicial action. Furthermore, quite a few State governments, with plenty of company in Congress, oppose Federal assistance in enforcing smog control.

Though some industries cooperate, others do not. Ohio steel producers several years ago won either compromise or unconditional surrender from officials in Cleveland and Youngstown on ordinances requiring smoke controls for furnaces recently converted to the highly polluting oxygen-injection process.

Such experiences are not unusual. In 1947, when California was considering a bill authorizing the creation of local air-pollution control districts, the major oil companies unsuccessfully opposed the strong enforcement powers granted in the enabling legislation. Several years ago representatives of the Automobile Manufacturers Association paid a visit to the office of New York City's department of air pollution control to denounce the department's proposal to require the installation of crankcase blowby devices. Still the NAM insists that air pollution control cannot be achieved through an ordinance or statute; it is the result of the members of a community working together toward a common goal.

TAX ON POLLUTION

The question of how to finance air-pollution control has yielded several proposals. One potentially effective enforcement tool is to tax the polluters for use of the public air supply as an atmospheric sewer, just as one pays a tax or fee for use of a municipal sewerline. Such a tax of about $25 a ton for exhausting sulfur dioxide or dust was suggested at the 1962 national conference. If used to finance smog-control programs, these taxes would have several advantages, apart from the inherent equity of making the polluters themselves pay. In addition, the tax would tend to goad offenders into cleaning up and, as pollution grows, would automatically increase the funds to combat it.

Few if any control programs incorporate these principles. Fines are either set too low or imposed too sparingly to prod offenders. Penalties collected by New York City in 1963 totaled only $35,600, or less than 4 percent of the Air Pollution Control Department's $800,000 annual operating expense. Though the situation is improving, according to Commissioner Benline, some judges still do not recognize the gravity of air pollution and coddle offenders liable to fines up to $500. The maximum $100-a-day fine established in the Federal Clean Air Act for polluters who fail to file required reports will encourage big polluters to delay corrective action as long as possible. Since the cost of control equipment average about one-quarter the cost of production equipment, an industry with over $2 million worth of production equipment might find it more economical to pay the $100-a-day fine indefinitely than to invest in control equipment.

Tax exemption on industrial control devices would encourage compliance with smog-control ordinances and reduce the handicap to public-spirited industrialists who must compete with those who foul the air. Only six States have any tax-abatement policy on smog-control equipment, and some of these merely allow rapid tax amortization. The new Federal tax law takes a tiny step in the right direction by doubling the 7 percent investment credit for pollution-control devices.

Motorists should also get an opportunity to pay for their major contribution to air pollution. Since the pollutants emitted by an automobile rise with increasing gasoline consumption, a surtax on gasoline would conform with the principle of taxing polluters as a fair way to finance part of State and local control programs.

Through the methods of financing air-pollution control are still open to debate, the need for more drastic control is not. Conservative projections of the present growth rate indicate a total U.S. population above 250 million by 1980, when the urban population of 200 million will be nearly 70 percent greater than today's. From this tendency to congregate in sprawling metropolitan regions springs a spiraling problem beyond control by conventional methods. Costly smokestacks over 600 feet high to disperse contaminating effluents are becoming less and less effective with the expansion of inhabited areas. As the tentacles of urban growth advance into the countryside and urban sprawl fills in the vanishing open space, industrial zoning also becomes less effective. Accompanying a 30-percent population increase by 1980 will be a 50-percent increase in the number of cars, to a total of 100 million. Since traffic volume will double or triple in outlying areas, pollution from automobile exhausts will rise most rapidly in the suburbs.

From such ominous projections, Dr. Helmut E. Landsberg, the U.S. Weather Bureau's Director of Climatology, concludes that most of our present pollution-control programs, even if successful, are only interim palliatives. Long-range solutions must entail large-scale electrification of heating and city transit systems. We have already begun planning large powerplants in remote areas, connected to distant urban centers by high-voltage, long-distance power transmission lines. But without some unforeseen revolution in automobile engine design, the sheer growth in traffic may force us to challenge the right of commuting motorists to drive their air-contaminating cars whenever and wherever they please. While such a proposal is admittedly extreme, it underlines the threat. The longer we postpone the inevitable massive struggle for clean air, the greater the cost in lives, health, and money.

URBAN RESEARCH PROJECTS

Mr. MUSKIE. Mr. President, in January 1963, as chairman of the Subcommittee on Intergovernmental Relations, of the Committee on Government Operations, I requested the Director of the Bureau of the Budget to furnish information on urban research projects currently supported by Federal funds. The Advisory Commission on Intergovernmental Relations, of which I am a member, also stressed the need for a study along these lines.

Federal programs of assistance in the development of our cities and other urban areas have been increasing at a considerable rate in recent years. At the same time, there has been a general recognition of the need for better understanding of urban growth and development and for more systematic study of the economic, social, technological, and governmental problems facing our urbanized and soon-to-be-urbanized populations. I felt that such better understanding of the complex phenomenon of urbanization could benefit the Federal Government, both in dollar savings and in the achievement of national goals reflected in Federal legislation.

The Bureau of the Budget completed its investigation by April 1964; and in its report entitled "Urban Research Under Federal Auspices," the following information was supplied to the subcommittee:

First. A listing of Federal research activities on the subject of urban development and urban problems;

Second. A description of present methods and procedures for coordinating these urban research activities; and

Third. Recommendations for possibly improving present coordinating machinery for federally sponsored research.

After reviewing the Budget Bureau survey, I expressed concern over the relative neglect of this area of research and the lack of balance among urban research projects now being financed by Federal agencies. A third finding noted the relative lack of what might be called basic, as distinguished from applied, urban research. Most of the projects reported by the Bureau appeared to be geared to solving current operational problems, rather than to achieving a better understanding of the basic forces shaping the Nation's urban areas and the impact of urban environment on the behavior of its citizens.

Finally, the survey disclosed that there was no one focal point for making information available to the many Federal agencies concerned with such federally sponsored research. This last finding suggested to me a logical first step in dealing with the other problems listed above. By assigning this clearinghouse function to one agency, responsibility would be fixed within the Federal Government for cataloging urban research being financed with Federal funds. In my opinion, such action would also lead to the elimination of overlapping and duplication of effort resulting from failure to identify research activities of mutual interest among the various agencies. In fact, it might point the way to a better balance among urban research efforts, by revealing significant areas that at present are underresearched.

The need for reporting of federally sponsored urban research is confirmed by the Budget Bureau's report. In analyzing the agencies' responses, it was found that few formal coordinative mechanisms exist with respect to such research. Recommendations for improving coordination by the departments and agencies largely centered around the establishment of a clearinghouse for urban research. The study concluded:

> There appeared substantial agreement that some reference point was necessary to discover what had been done, what was going on, whether certain data had been developed, etc., in relationship to any given urban research project contemplated. Here again it is clear that such an information facility can best serve not so much to assure that particular projects are not duplicatory, but to assure that, in similar or related projects, the same data and information inputs are not gathered afresh for each project. Also, it is very important to know what complementary, supplementary, or contradictory evidence exists that may facilitate the progress of a particular project.

A number of the agencies responding to the Bureau of the Budget survey specifically recommended wider utilization of the Science Information Exchange services, or the establishment of a similar service for urban research. The Bureau did note that, while the Science Information Exchange can serve as a coordinative device of considerable utility, by no means was it a substitute for the development by the various agencies of their own internal clearinghouse and information retrieval systems. At present, the Exchange catalogs a substantial amount of Federal urban research under the various biological, physical, and social science projects falling within its existing jurisdiction. It is not classified under an urban-research heading, however. I urged, therefore, that the Science Information Exchange provide this inventory and clearinghouse function for such research.

It gives me pleasure to report that my recommendation has been favorably acted upon. In affirming the need for this service, Mr. Colin M. MacLeod, Acting Director of the Office of Science and Technology, in the Executive Office of the President, has just informed me that he has asked the National Science Foundation to direct the Science Information Exchange to catalog all Federal urban-research activities within an urban-research context.

I am pleased that this recommendation, arising from the Budget Bureau study, has been adopted. I am convinced that it will eliminate much duplication and overlapping among urban-research projects, and will provide to interested Federal agencies much needed information relating to such research.

It is hoped that attention will also be directed to other problems cited in this extremely useful report.

OUR RESPONSIBILITY TO AGRICULTURE

Mr. McGOVERN. Mr. President, I call to the attention of the Senate an address on agricultural policy delivered in Denver, on September 11, by Robert C. Liebenow, president of the Chicago Board of Trade, a native South Dakotan.

In it, he reviews the crisis created in the world by hunger—a crisis aggravated by the rapid increase in the world population. He discusses Communist farm failures, and urges that we use our ability to produce abundantly as a conscious instrument of foreign policy. He calls this ability to produce abundantly a "blessing", and urges that we point out to the underdeveloped and undernourished areas of the world that all they can hope for from communism is more hunger and famine.

I agree with much of what Mr. Liebenow says. It is clear that the production ability of American farmers is a tremendous security asset, as well as a boon to the economy. Our urban population is able to purchase adequate food for a smaller percentage of its income than any other people in world history. We take this sustained and nutritious food supply as a matter of course, and there are some who begrudge the farmer an adequate return for what he does for us. Farm income should be a matter of great concern to all of us. Lack of a reasonable profit could very quickly wreck our farm plant. Communist farm failure traces back primarily to lack of individual incentive; or, to put it another way, the Communist producer has no reason to produce more.

Mr. Liebenow has a farm background, and today owns a farm. He is coming to be recognized as a keen student of farm problems. He takes the constructive view that the board of trade, which is the world's largest commodity exchange, should go beyond the services which the exchange performs in helping market farm products efficiently and economically. Last year, for example, the board placed in national magazines and newspapers a series of full-page advertisements in which the efficiency of American agriculture was contrasted with the inefficiency of the Communists in this field. In many speeches he has praised the ability of American farmers, and has stressed the contribution they are making to the national economy.

Mr. President, I ask unanimous consent that Mr. Liebenow's speech be printed in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FARM SURPLUSES—FOREIGN POLICY ASSET

(Speech by Robert C. Liebenow, president, Board of Trade of the City of Chicago, at the annual meeting, American Society of Agricultural Consultants, Denver, Colo., September 11, 1964)

I would like to talk for a few minutes about how I think we Americans can make more effective use of one of our greatest national assets and one of our most convincing arguments against communism. That asset—that proof of the value of our free enterprise—is American agriculture.

We have in this country our own persistent and deep-seated farm problems, but they are so minor when compared with Communist farm problems that the contrast throws doubt on the entire Marxist gospel. The fact is that our agricultural productivity is one of our most important weapons in the worldwide struggle now in progress, whereas agricultural shortages and shortcomings symbolize Communist failures and inability to live up to its promises.

Our problem of what to do with too much food and fiber is puny indeed alongside the Communist problem of what to do about too little. The spectacle of both the Soviet Union and Communist China compelled to buy wheat and other farm products from the capitalist countries must be starkly impressive in every part of the world, including the newly independent countries which are now deciding whether to follow the governmental trail of freedom or of Communist regimentation. So, too, the example of Cuba must be impressive. Cubans in pre-Castro days enjoyed one of the best diets of any Latin American country but now, under Castro's communism, they are often on what amounts to a virtual starvation diet.

Khrushchev, Mao, and other Communist leaders have done everything they could think of to improve their agricultural production. Everything, that is, except the one thing that would do the trick—restore to their farmers the free enterprise, the personal profit incentive, that has spurred our farmers to develop the most efficient and most productive agriculture the world has ever known.

The failure of Communist agriculture is not only an embarrassment to the Communist leaders and a cause for backsliding among converts, but it hampers Communist plans in a very practical way by preventing the Reds from industrializing their countries and producing more of the materials they need to speed their policies of aggression. Approximately half the labor force in the Soviet Union, and more than half in Communist China, work to produce food and fiber—only 7 or 8 percent in the United States. If the Communist leaders could spare them, they would put their farm workers into factories and produce badly needed consumer goods, and munitions. They cannot be spared now, there is no prospect that they can be at any time in the near future.

Viewed objectively, this contrast puts our own agriculture in the light of an asset of incalculable value. Hunger is a tremendous factor in the series of revolutions occurring all around us. These revolutions, peaceful and otherwise, will continue, but if we can make the revolutionaries realize that communism and hunger go hand in hand, the chances are much less likely that they will choose communism for their own countries.

Against this background, we should take a fresh look at our own farm problems, particularly in this period of apparent transition when most of us have come to the conclusion that at least some of the concepts of Federal farm programs of the past have outlived their usefulness. We must develop farm policies which will be more economical domestically, and at the same time make better use of our extremely valuable agricultural resources in the global effort to repel communism. Our ability to produce abundantly is a blessing, not a curse, and we should make the best possible use of that blessing.

May I go back somewhat in time for a moment to discuss briefly the Federal farm programs and policies which now are being called into question. They were instituted in the early 1930's, when the Roosevelt New Deal realized that something had to be done to improve the income of farmers who then were compelled to sell their products at such low prices as to give them little or no return for their efforts. The Government began making what it called price support loans—that is, it established price levels for certain heavy-surplus commodities calculated to give the farmer at least a minimum return for his effort, and if prices fell below the established level it would loan that much to the farmer and put the product in storage.

World War II brought a sudden need for more farm products instead of fewer. Price-support levels were boosted, production increased. For some years after the war ended, this added production was absorbed without too much difficulty by other countries which had trouble getting their own agricultures back into production after having been ravaged and destroyed by shot and shell.

But whereas it was easy to raise support prices to artificially high levels during the war, it was difficult if not impossible, politically speaking, to lower them when the artificial demands of war ceased to exist. They stayed so high as to give farmers a real incentive to boost their production, a process aided by the development of hybrid seed, the steady improvement in mechanical equipment, more knowledge of fertilizers, and other developments. Ultimately, we found the Government taking title to tremendous quantities of wheat, cotton, feed grains and other agricultural commodities.

This of course proved costly in many ways. In direct costs, storage, transportation and other charges for handling of Government commodities at one stage approximated a billion dollars a year. Indirectly, the support-price loans were perhaps even more costly. Export subsidies had to be resorted to to get commodities like cotton and wheat into foreign markets, and we now even have a domestic subsidy for cotton in order to permit our own textile processors to compete with imported textiles and with makers of synethetic fibers. Furthermore, the acreage allotments to individual farms necessarily involved in the price-support system have become in effect a license to market, a license having value in itself, and thus have prevented desirable shifts in production.

Faced with the mountainous surpluses which had been accumulated during the fifties, the new Washington administration in 1961 first proposed stricter production and marketing regulations but this was rejected by farmers and by the Congress. Today we still have the high support prices for cotton with what amounts to a subsidy for users, but on wheat and feed grains support prices have been dropped to lower levels and supplemented with direct payments to growers.

Obviously, one of the first tasks of the new administration that will be elected this November will be to develop and perfect a long-range farm policy as equitable as possible for all concerned—farmers, consumers, and taxpayers alike.

Realistically, we must say there is quite likely to be a persistent surplus problem for quite a while—a persistent surplus problem which under existing policies would, to put it mildly, nag and vex us constantly. But there is a way our surpluses could be used to the benefit of not only our own people and our own country, but to the benefit of the broad anti-Communist effort and assuredly to the benefit of many people in developing countries. This is to use our agricultural surpluses as an effective instrument of foreign policy—to help people in other parts of the world where hunger is the major preoccupation because their agriculture has not yet developed to a point of self-sufficiency.

The stark truths of food and population in the world today are very grim realities. It is estimated that today more than 1.5 billion people, more people than there were in the world in 1900, suffer from malnutrition. Included are the peoples of many vast, troubled and heavily populated areas—China, India, Pakistan, to mention only a few.

The population increase is fantastic. World population doubled between 1900 and 1962. Approximately 115 million babies are born each year, while deaths, overall, are around 58 million. World population today is estimated at over 3 billion. And the fastest growth rates are taking place in deficit food areas, in Asia, Africa, and Latin America.

The fact is that nowhere in the world save in North America—in the United States and Canada—is the rise in food production keeping pace with population increases. In many places, including the Communist bloc, production has decreased rather than increased.

We can, and should, make effective use of our surplus commodities for the humanitarian purpose of helping to ease the pangs of hunger for these people and for the political purpose of showing them that free enterprise has more to offer than communism. We should make it clear to them that our capitalistic system not only has a heart but also has the ability to prove its compassion by offering material help.

We already have done much to feed other people, of course, under the so-called food-for-peace program but unfortunately this program up to now has been regarded primarily as a means of getting rid of embarrassing surpluses. The emphasis should be shifted so that we regard our food help to other countries as a major instrument of foreign policy, as a major asset in our struggle against communism. Don Paarlberg of Purdue University, in his book "American Farm Policy," puts it in these words: "Agriculture represents our greatest absolute and relative advantage over the Communist world."

This salient fact should be proclaimed far and wide; it should be hammered home in formulating our agricultural policies and our national policies.

Assistant Secretary of Agriculture George L. Mehren put a different angle to the same thought in a brilliant paper delivered recently in San Francisco. Mr. Mehren said:

"North America is the only region that in the decades ahead can sustain a high level of consumption and yet provide a food surplus sufficient significantly to affect development of the poor nations."

Up to now there has been inadequate, if any, recognition of our agriculture's potential effectiveness as an instrument of foreign policy. There has been virtually no such recognition as far as budget costs are concerned, and our food shipments to hungry countries have been appropriated and paid for under the heading of "Agricultural relief." If they are to become an instrument of foreign policy, as they should be, they should be paid for as such and as a part of our foreign aid. Our farmers bear the brunt of a general public dislike for expenditure of enough billions of dollars on a myriad of farm programs without having this cost saddled onto them as well.

Obviously, our food alone is not the complete answer to the catastrophes which threaten hungry areas of the world. It will, of course, be up to the countries concerned to determine whether they will try to curtail their birth rate. But there is another way by which we can and should help them: By helping them to develop their own agricultural production, by showing them the technology and the methodology by which we are able to produce so much ourselves, by helping them obtain the machinery and the materials they will need, by helping them to become self-sufficient for food.

I can figuratively hear some of you suggesting that this would be shortsighted policy because to help other countries develop their own farm production ultimately would dry up those countries as a market for our commodities. The answer to that, of course, is that along with the rest of the world, our own population is soaring by leaps and bounds. By the time these other countries become self-sufficient, we may well be hard put to produce enough to feed our own people.

So all of this is one means by which we can make constructive and effective use of our food and fiber resources, of our amazing agricultural productivity. There is another use to which we should put it, too. Part of these resources should be laid aside as an emergency store for possible emergency use.

As a first step in this direction, there should be a comprehensive study of the reserve food needs of the free world. In effect, the United States has assumed the burden of maintaining such free world reserves but we do not really have any exact knowledge of how much is needed. Whatever quantity is finally determined to be a necessary reserve, it should be held in such form that it can be brought into use quickly in event of war or of drought or other natural disaster. Let us not forget that it can happen here; the great drought of 1934 cut crop production in this country by 26 percent below the 1930–32 averages, with corn production alone dropping by more than 1 billion bushels, and the drought of 1936 was about as disastrous. We have in this country a recurring history of searing droughts in the Midwest and the Great Plains about every 30 years, and we should be prepared for another one when and if it occurs.

On the possibility of war, there is a growing belief that nuclear conflict has been forestalled for an indefinite period because all concerned realize it would be mutually destructive, and it could produce no winner. There is no belief, however, that small, or even large, conventional wars have been precluded. In fact, one is going on now in Vietnam in which the United States is directly involved. This struggle, or some other struggle, could grow into a clash which would make food a decisive outcome in its conclusion, just as food was one of the decisive factors in World War II. While we hope earnestly that it does not transpire, we should be prepared for the situation that might develop if such a shooting conflict should come about.

Overall, I am convinced that a program such as I have just outlined would solve, or at least greatly alleviate, the agricultural surplus problem which has cost many billions of dollars and which has resulted in most of the farm legislation in effect today. It would make the best use of our agricultural productivity and would increase and stabilize the income of American farmers. It would free markets here and abroad and would permit overdue shifts in production internally. It could result in a conservation land reserve which would help production adjustment at home, a fertile reserve which would be available for immediate use if drought or other catastrophe should curtail output drastically here or in other parts of the world.

To sum up, our agricultural policymakers should begin modifying existing programs without political partisanship, and should frame new policies with the world's food, population, and political crises in mind. To be truly effective, these policies should:

1. Place increasing emphasis on agricultural exports as an effective instrument of foreign policy.

2. Assist countries outside the Iron Curtain to develop modern and efficient agricultural production systems.

3. Allocate the Federal costs of farm programs more equitably, with food shipped abroad as foreign aid appropriated and paid for as foreign aid.

4. Conduct a study to consider establishment of food reserves which would be adequate to meet drought or other natural calamity needs, or war requirements, here or in other countries outside the Communist bloc.

5. Conduct a nationwide educational campaign to acquaint the American people with the significance and value of the most efficient farming system the world has ever seen.

The last-named point can be of great value in making the people realize the true worth of our tremendous farm productivity. It can help to make them realize our agriculture is not the mess many of them think it is, it can help to make them realize the comparative low cost of an amazingly varied diet in this country as compared with food costs anywhere else.

Over the years, urban Congressmen generally have shown a statesmanlike approach to agriculture. They have voted for farm programs on many occasions when this vote was against their own immediate political interests. In recent years these Congressmen have been increasingly on the defensive. They need not be, for agriculture's contribution to national stability and national security is indisputable once the fundamental facts are accepted. This contribution will grow if we meet the challenge of the future.

Along with millions of others, I wish that the world in which I live were a simpler and more peaceful place. I wish we did not face the nuclear threat, or the threat of hunger on an awesome and dramatic scale. Yet we do face these threats. They will not go away even if we pull the covers over our heads. The only way to deal with them is firmly, adequately, and realistically.

I believe the program I have outlined in the last few minutes would deal firmly, adequately, and realistically with our problem of agricultural surpluses, and that in so doing it would contribute substantially to the solution of many of the other world problems we face today.

Thank you.

YOM KIPPUR

Mr. DODD. Mr. President, at sundown on Tuesday, September 15, Americans of the Jewish faith begin their observance of the holiest day in the Jewish religious calender. This is the Day of Atonement or Yom Kippur. It concludes the Days of Awe or of Repentance which began with the Jewish New Year—Rosh Hashana—on September 7.

The Day of Atonement is a day of fasting, a day when all physical and material considerations are put aside. It is a day when the individual concludes 10 days of stern self-examination, and seeks to make his peace with both God and man. On this day, Jews ask forgiveness of those whom they have wronged, and question deeply, through prayer and meditation, their entire way of life.

Unlike most other holidays, I am told, this holiday has no link with a specific historical occurrence, although it has been commemorated since the early days of Judaism. It does not celebrate a specific event or development. Rather, it was born of the individual human conscience, and in response to a deeply felt need to examine that conscience, and, from time to time, to clear it of feelings of guilt.

The emphasis of this holy day is on man's relationship with man, even as it is on man's relationship with God, for the two are interrelated. There is a statement from the Talmud, the great book which contains the body of Jewish civil and canonical law, which puts this significant day in perspective. This is a free translation of it:

> For transgressions between man and God, Yom Kippur provides the opportunity for atonement; but for transgressions between man and his fellow man, Yom Kippur does not bring atonement until one has first reconciled his fellow man.

Mr. President, in the conviction and deep sense of history communicated by the Day of Atonement, there is a lesson for men of all races, creeds, and religions. That lesson, which comes to us from the heart of prophetic Judaism, has a meaning for the here and now, as well as for the hereafter. To my way of thinking, that lesson is a very important part of the great contribution Judaism has made to the evolution of western civilization and, indeed, to the democratic thought upon which our Nation is constructed.

Simply put, that lesson stresses the importance of a constant reaffirmation of the basic values which lie at the bedrock of the Judeo-Christian tradition. It stresses the truth that all progress is based, in one way or another, on respect for the individual and for his rights. It stresses the point that material wealth is truly secondary to individual freedom and dignity, and that all our political institutions exist for the sole purpose of protecting and furthering that freedom and dignity.

We in this country sometimes tend to forget the virtues which have made us a great society and the values which will insure our continued growth as a Republic dedicated to the preservation and broadening of freedom. I think we need to be reminded that individual freedom and a concern for the rights and needs of others are concepts bought for us with the blood and tears of millions who have fought for them, here and elsewhere.

The Day of Atonement is, then, even more than the holiest day for Americans of the Jewish faith. It is a reminder to all Americans that individual freedom and conscience are interrelated, and that the latter must be searched and cleared at regular intervals if the former is to be preserved. I think that we who worship the same God through other churches owe a debt of gratitude to those for whom the Day of Atonement is one of intensive self-searching and worship.

THE FEDERAL BAR ASSOCIATION—ADDRESS BY SENATOR JOHNSTON

Mr. LONG of Missouri. Mr. President, on the evening of September 12, 1964, here in Washington, at the Statler Hotel, the senior Senator from South Carolina delivered an address at the annual dinner of the Federal Bar Association which concluded a very fine and large national convention of Federal attorneys, past and present, held in Washington during the week of September 7.

Continuously, for several days, the convention conducted legal panel discussions on practically every major category of law relating to the operations of the Federal Government. Able and outstanding lawyers, administrators, and jurists led or participated in these discussions. I am sure that all branches of our Government have benefited by these up-to-date discussions of developments in various fields.

It was altogether fitting for the convention to be closed by a dinner at which the senior Senator from South Carolina [Mr. JOHNSTON] spoke, and at which Mr. Justice Clark, of the Supreme Court, also spoke. Justice Clark is a past president of the Federal Bar Association; and the senior Senator from South Carolina is a charter member of the Capitol Hill chapter, of which I am pleased to be a member. An award was presented to Mr. Justice Stanley F. Reed, whose able and longstanding contributions to the law and to the Nation more than deserve such a tribute.

The remarks by the senior Senator from South Carolina were most appropriate. He called attention to the unprecedented present era of prosperity, the recent pay raise for Federal employees, and the valuable role of the lawyer in our ever-increasing governmental structure. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR OLIN D. JOHNSTON AT ANNUAL DINNER OF FEDERAL BAR ASSOCIATION, SEPTEMBER 12, 1964, STATLER HOTEL, WASHINGTON, D.C.

Mr. President, Mr. Chief Justice, Justices of the Supreme Court, distinguished guests, ladies and gentlemen.

It is with extreme pleasure that I respond to the hearty welcome given by the distinguished president of this fine bar association.

I respond proudly Mr. President as a bona fide dues paying member representing the Capitol Hill chapter as well as all of you present here tonight.

I am sure that I speak the sentiments of everyone here tonight in all branches of the Government and in private practice as well, when I respond by saying that we are glad to be here to commemorate a great year of expansion and progress of the Federal Bar Association under the fine leadership of President Conrad D. Philos, who has made sure that we have chapters in every State in the United States and appropriately in foreign countries as well.

We look forward to a great year that lies ahead. One of the contributions that I hope I have made to the year ahead is the sponsorship in the Senate of the administration pay raise bill. This bill provides that the compensation of Federal attorneys and of legal executives and judges will be substantially more than it was during the past year, and will be more in line with what I consider necessary for the splendid service that they are rendering. Moreover, this is a healthy aid to the economy of the Nation which is flourishing more under the present administration than at any time in the history of our Nation. There is indeed a vast difference between the gross national product of our Nation of $56 billion in 1933 and the flourishing and unprecedented present figure of $618 billion.

To me the importance of the attorney in the Federal service cannot be overemphasized. The lawyer is dedicated through his lawyers' oath to full ethical professional service to his client. His true aim is the truth and his guiding light is the law.

As complex as our Government is becoming while the thousands of laws controlling it increase rapidly, we need more and more lawyers to make, examine, administer, and interpret those laws. We need good lawyers and we should pay them well and give them reasonable security.

It is always a pleasure for me in the Senate to work with my fellow lawyers at both the Senate and staff levels. In like manner, when I was Governor of my State, I enjoyed my relationships with my attorney general. There is an unwritten understanding among lawyers that is difficult for the laymen to understand. It is born of brotherhood and is nurtured by an eternal quest to drink deep from the chalice of thoroughness in the laws.

This intangible and important feeling of understanding and cooperation is growing. The Federal Bar Association was established 44 years ago to foster it. It has done much toward accomplishing this purpose. With the growth of this association to its present large and strong status there has come a greater professional understanding between attorneys in private practice and attorneys representing the Government. We now have all three branches of the Government, legislative, executive, and judicial, well represented in carrying forward our mutual ideals, ethical standards, and purposes.

I am proud to be a part of this growing movement and I pledge you my heartfelt cooperation.

COFFEE COUNCIL ESTABLISHES COFFEE QUOTAS FOR 1964–65

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the State Department's response to my request for information regarding the recent quota actions taken by the International Coffee Council. I believe the Council's action indicates that in its efforts to stabilize world coffee prices, it is aware of the needs of coffee consumers.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., August 21, 1964.
Hon. JACOB K. JAVITS,
U.S. Senate.

DEAR SENATOR JAVITS: The following data are submitted in response to your quest of August 12, 1964, for more detailed information with regard to the quota actions taken by the International Coffee Council at its recent meeting.

The Coffee Council established export quotas for the coffee year beginning October 1, 1964, at 48.5 million bags. Of this quantity, 47.5 million bags will be distributed immediately among the exporting members of the Council. An additional 500,000 bags will be distributed automatically on January 8, 1965, unless the United States and other importing countries agree that the initial quantity made available is entirely adequate to meet consumption requirements under the market conditions then prevailing. The market situation will again be reexamined in April, and an additional 500,000 bags will be made available if producers and consumers together so decide.

The foregoing decision by the Coffee Council assures that the consuming countries can plan that a minimum of 48 million bags will be made available to the market next year. The question of comparing this with the quantity made available this year immediately arises.

An unqualified comparison of the figures is quite misleading, for the quota level of the present year was deliberately enlarged to check the rapid runup in prices. With prices now well below the level of early this year and with inventories near record highs in consuming countries, quite obviously, it will not be necessary to make these same allowances again. European inventories are very high, and will be drawn down during the coming year, just as inventories in the United States are currently being reduced toward more normal levels.

A more meaningful comparison is whether the quota for next year is adequate to satisfy anticipated consumption. Consuming countries generally agreed that 46.8 million bags of coffee would need to be imported during the 1964–65 coffee year to satisfy their needs—and 48 million bags is the level at which quotas were set. The difference is 1.2 million bags represents a safety margin against risks that cannot be foreseen at this time. Inevitably, we must anticipate crop damage in a few countries due to weather. The safety factor, however, appears fully adequate to protect consumers in the United States and elsewhere.

We shall be pleased to furnish any additional information you may require.

Sincerely yours,
ROBERT E. LEE,
Acting Assistant Secretary for Congressional Relations.

ELEVATION OF ATTORNEY GENERAL STANLEY MOSK TO THE CALIFORNIA SUPREME COURT

Mr. DODD. Mr. President, in California this month one of the great State officials in this Nation was appointed to his State's highest court. The elevation of Attorney General Stanley Mosk to the California Supreme Court promises to the judiciary the services of a most able lawyer. Those of us in the Senate who have worked with the Honorable Stanley Mosk can attest to the fairness, the intellect, and the devotion which this gentleman will bring in full measure to this high judicial office.

But it is not to his judicial promise that I wish to speak today. Rather, I wish to call attention to the work of Stanley Mosk as attorney general of California, and more particularly to those areas of jurisdiction which have brought him into contact with the U.S. Senate. I know that others on this floor can speak firsthand of his knowledge and helpfulness in the fields of water law, consumer protection, and intergovernmental cooperation.

Over the past 5½ years he has had many contacts with this body and under his capable direction his office has worked most effectively with the Committees on Interior and Insular Affairs, Government Operations, the Judiciary, and the Special Committee on the Aging.

It is my pleasure to cite to you today the assistance which this fine law enforcement officer and humanitarian has given the Subcommittee on Juvenile Delinquency. As chairman of that subcommittee I know personally of the effort which Stanley Mosk has been willing to exert in the quest of finding some meaningful enforcement answers to the most complex social questions of our time.

As a former Los Angeles County superior court judge, with juvenile bench experience, Stanley Mosk brought to the attorney general's office a keen awareness of the complex factors which characterize today's juvenile delinquency. He recognized that the initial causes of a youngster's criminal activity are often remote and obscure and that they may well be entwined with outdated concepts in the community and in government. His awareness was coupled with the courage to speak up even when it meant incurring the wrath of entrenched bureaucracy and the pressure groups of the vested interests.

He was the first State official to call attention to the failure of the Federal effort to curb the illicit narcotic traffic over the Mexican-California border. He was the first State official to speak out on the grave threat which the uncontrolled flow of psychotoxic drugs posed to the youth of our Nation. He alerted his State and helped to alert the Congress to the problem posed by the traffic in pills. The superb efforts of his enforcement personnel made it possible time and time again for his office to provide detailed information on the magnitude of the illicit interstate and international traffic in pills—an illicit flow which put harmful 10-cent "joy" pills within the physical and financial reach of teenagers throughout America. He has worked unceasingly for Federal and State legislation to bring some measure of control to the production and distribution of these dangerous drugs.

He was the first State official to call for the tightening of Federal restrictions on the drug Percodan, which heroin addicts seized upon as a substitute narcotic. He worked both with my subcommittee and that of the distinguished senior Senator from Minnesota to bring the facts of this drug to public attention and eventual Federal reclassification.

He has sought the cooperation of local officials in California's neighboring Mexican States. Finding his Mexican neighbors willing to cooperate, but often ill-prepared and ill-equipped, he has again and again urged his Government to undertake the establishment of a Joint United States-Mexico Commission on Narcotics to speed and strengthen the efforts against the illicit production and trafficking of drugs.

He has worked unceasingly in behalf of better gun regulations because as an enforcement officer he could clearly see the causal relationship between violent crime and the too-easy flow of mail order weapons.

In addition, he has been one of the most effective leaders in the effort to give law enforcement the status and accord which it so richly deserves. Through his leadership, California has pioneered in providing a program of uniform standards and training and inservice education for the 400 local law enforcement agencies within the State. This program, which is paid for entirely by the criminal element through a system of assessments on court-imposed fines, is now being favorably studied by some 35 States. His has been a steady voice for law enforcement and against jungle law.

He has repeatedly urged parents, educators, and those who shape public opinion to do all in their power to inculcate children with respect for the law and its officers.

The California bench is gaining one of the great law enforcement officers of the country, and I do not want this occasion to pass without commending Attorney General Mosk on his splendid career and congratulating Judge Mosk on the assumption of his new responsibility.

CONSTITUTIONAL RIGHTS OF THE AMERICAN INDIAN

Mr. ERVIN. Mr. President, recently I introduced on behalf of myself and Senators JOHNSTON, BURDICK, BAYH, FONG, HRUSKA, and KEATING, nine bills to guarantee to American Indians the same constitutional rights and safeguards enjoyed by other American citizens.

These measures, designated as S. 3041 through S. 3048, are the culmination of a 3-year nationwide investigation of the status of Indians' rights by the Subcommittee on Constitutional Rights.

North Carolina ranks fourth among the States in the number of Indians residing within its borders; and North Carolinians take great pride in its first citizens and their heritage. In order to inform my constituents of the problems the subcommittee found were facing Indians, and to inform them of the nature of the remedies I have proposed, I discussed these measures during three radio programs of 15 minutes each which were broadcast by a number of North Carolina radio stations.

On these programs, Bill Creech, chief counsel and staff director of the Subcommittee on Constitutional Rights, and I discussed the background, findings, and recommendations pertaining to the subcommittee's study.

The problems faced by the Indians and the need for the legislation which has been proposed are great. Mr. President, in order that my colleagues in both Houses of Congress may become better informed of the work of the Subcommittee on Constitutional Rights concerning the rights of the American Indian, I ask unanimous consent that the edited transcripts of the broadcasts of August 2, 9, and 16, 1964, be printed at this point in the RECORD.

There being no objection, the transcripts were ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF SENATOR ERVIN'S AUGUST 2, 1964, BROADCAST

HALL SMITH. From Washington, D.C., here is the report to the people of North Carolina for the week of August 2, from U.S. Senator SAM J. ERVIN, JR.

Senator, during this past week, you introduced certain bills in the Senate that are the result of your interest and hard work in one specific area of constitutional rights. In keeping with the policy of having guests on this program, from time to time, I'd like for you to introduce today our guest and then discuss with him the background and the meaning of these bills.

Senator ERVIN. Well, Hall, when I became chairman of the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, I decided I'd follow the custom which ordinarily prevails and select my own chief counsel. The first name that popped into my mind when I considered this matter was the name of our guest speaker. I think that I can truthfully claim I have a fairly good acquaintance among the people of North Carolina, particularly among the lawyers. The more I thought of the first name that popped into my mind, the more I became convinced that I had an inspiration in thinking of our guest as the chief counsel. Subsequent to this, the fine work he has done has proved that that was truly an inspiration. We have the pleasure today of having the chief counsel and the staff director of the Subcommittee on Constitutional Rights as our guest. He is Bill Creech from Smithfield, N.C. Bill, Hall Smith and I are delighted to welcome you to our program.

BILL CREECH. Thank you Senator, I am delighted to be here.

Senator ERVIN. We want to discuss today one of the subcommittee's areas of interest in which you have done a magnificent job as chief counsel, that is the field of the American Indians. I think it is natural for anyone from North Carolina to be interested in the American Indian. We have two tribes of Indians in North Carolina.

One is the eastern band of Cherokees, a remnant of the original Cherokee Nation, who hid in the North Carolina mountains when Andrew Jackson began moving all the Indian tribes to Indian territory. This journey is depicted in Cherokee history as the "Trail of Tears." It has been my pleasure, since coming to the Senate, to work on a number of occasions with the leaders of that tribe. I've had the pleasure of working with the Cherokees at the request of Osley B. Saunooke and Jarreth Blythe who have served as chief of this great tribe of Indians.

The other tribe, the Indians of Robeson County, are known according to North Carolina law and by act of Congress as Lumbee Indians. Incidentally, it was my privilege to join the late Congressman Ertel Carlyle in securing the enactment of the bill which recognized the Indians of Robeson County and entitled them to be called and designated by an act of Congress as the Lumbee Indians. As you know, Bill, one of the best, most efficient and most loyal members of our staff is a member of the Lumbee Tribe—Mrs. Helen Maynor Scheirbeck. Her father, Judge Lacey Maynor, is judge of the recorder's court in Robeson County which embraces the Pembroke and Maxton area of Robeson County. She has done a magnificent job.

Now I wish you would outline for us, as briefly as you can in the time at our disposal, some of the problems which we found in our study of the constitutional rights of the American Indian.

BILL CREECH. Thank you Senator. First of all, I think it would be very interesting for your listeners to know, that by authorizing this study and the work which you have done in this area, you have undertaken the first congressional study in the history of this country of the constitutional rights of the American Indian. Congress has surveyed and resurveyed the American Indian. There have been numerous studies on the Indian's economic conditions; but there has been no previous inquiry of the status of the American Indian's rights. The investigation which you inaugurated 3 years ago, of course, began with subcommittee hearings in Washington, D.C. During the initial hearings, the subcommitee heard from representatives of various organizations who represent the Indians and representatives of the various governmental departments which administer Indian affairs. Then you decided that we should hold field hearings and investigations to ascertain just how many of the allegations of deprivations of constitutional rights which the subcommittee had received had validity. As a result of your instructions, the subcommittee and the staff members traveled to the western part of the United States and held hearings in southern California, Arizona, New Mexico, Colorado, and North Dakota. In addition, staff investigations were conducted in Arizona, Idaho, Nevada, North and South Dakota, and North Carolina.

Senator ERVIN. Incidentally, if I may interject myself at this point, as you will recall when the National Congress of American Indians met at Cherokee, N.C., several years ago, I had accepted an invitation to make a speech at the banquet. However, because of pressure of my duties in the Senate I could not leave Washington, so I had set up one of these telephone speech arrangements by which I could sit in my office in Washington and make a speech to the banquet at Cherokee. Chief O. B. Saunooke introduced me and I could hear him just as plainly as if I were there. After giving my speech, Chief Saunooke said my talk came through just as clearly as if I were in the room. He also said that he suspected I was there and looked under the table to find me and couldn't. Then he made this observation, "You have undoubtedly made the longest speech that any North Carolina Senator ever made. As near as I can figure, it must be about 440 miles as a crow would fly from your office in Washington to Cherokee. I am sure that no other Senator from North Carolina ever made a speech that was 440 miles long."

BILL CREECH. Senator, the work which the subcommittee did certainly indicated to us that there is no American citizen who lives under a greater complexity of laws than the American Indian.

Senator ERVIN. Bill, I think it would be well if you would explain to our audience exactly what we found when we investigated the legal situation with respect to the Indians. Exactly what was the law and the constitutional provisions relating to these citizens?

BILL CREECH. Senator, one of the first problems we encountered in the study was finding out exactly what the law is under which the American Indian lives. Our staff went to the Department of the Interior to review the opinions of the Solicitor and into the Bureau of Indian Affairs to check tribal law and order codes and various regulations concerning the administration of justice on Indian reservations. To our consternation, it was very difficult. As a matter of fact, it was virtually impossible to locate all of the various codes and the Solicitor opinions. We were never satisfied that we reviewed all these necessary documents.

One of the bills which you introduced this week calls upon the Department of the Interior, by congressional resolution, to do a compilation of various solicitor opinions, laws, and treaties so that the Indians, themselves, and others who are interested in their welfare might know the exact type of laws and regulations under which these citizens are governed.

Senator ERVIN. To describe in a nutshell our early relations with Indian tribes, would it be correct to say that in the early days of our history, indeed, up to 1871, the Federal courts recognized Indian tribes as sovereign powers in respect to their internal affairs and that the rules which guided them prohibited them from having external negotiations with any other nations than the United States.

BILL CREECH. Yes, Senator. This has been the background of one of the problem areas to which you have addressed yourself and the bills you introduced. The Indian, who is of course an American citizen, and entitled to all of the safeguards of the U.S. Constitution, is in fact being denied these very rights, because the courts have held that the limitations placed upon the Federal and State Governments, by the U.S. Constitution, are not applicable to the tribes.

Senator ERVIN. I believe that Chief Justice Marshall said in *Worcester* v. *Georgia* that the provision in the Constitution that the treaties of the United States made shall be the supreme law of the land have considerable reference to Indian tribes and to other treaties made up to that time. He laid down the doctrine that the Indian tribes govern their internal affairs but could not deal in reference to any external affairs other than with the United States.

BILL CREECH. Yes, sir; that is exactly correct, Senator, and of course during this interim, the American Indians gradually have become American citizens through various treaties negotiated with the U.S. Government and by the Citizenship Act of 1924 and the Nationality Act of 1941.

Senator ERVIN. We are going to have to continue this subject on our next program. As you pointed out in the committee report, we have consulted with approximately 85 different tribes during this investigation. I think that we are going to have to devote another program to this matter in order to give the people of North Carolina an adequate understanding of this situation on how the law was relating to American Indians and what we propose to do to remedy the unfortunate conditions that have arisen out of the fact that the Indians are recognized as in some senses as an independent nation and in other respects are not.

Hall Smith. Thank you Senator Ervin. We'd like to offer our special thanks to our guest today, Bill Creech, the chief counsel of the Senate Subcommittee on Constitutional Rights. This is Hall Smith inviting you to join us again next week, when direct from Washington, D.C., U.S. Senator Sam J. Ervin, Jr., reports to North Carolina.

Transcript of Senator Ervin's August 9, 1964, Broadcast

Hall Smith. From Washington, D.C., here is the report to the people of North Carolina for the week of August 9 from U.S. Senator Sam J. Ervin, Jr. Senator Ervin, on our last broadcast we were delighted to have our special guest talk with you about the work you have done in the field of constitutional problems concerning the American Indians. Inasmuch as our time expired before we had covered the subject fully, I think it was your decision that we continue on this particular topic.

Senator Ervin. Yes, Hall, and we are delighted to have Bill Creech, the chief counsel of the Subcommittee on Constitutional Rights, back with us today as our guest. Bill, last week we were discussing the background of the Indian situation in America. You had pointed out that the Indian tribes were recognized, for all practical purposes insofar as their internal affairs were concerned, in earlier days as a sovereign nation. The only limitation on their powers was the fact that they could only deal externally with the United States and, of course, the United States having superior power, could impose its will upon them. Now I think that our audience would be interested in hearing about the evolution of the legal status of the Indian as it has transpired since those early days.

Bill Creech. Yes, Senator. Well originally, of course, the Indian tribes were treated as sovereign nations and the earliest negotiations with these tribes were by treaty. One such treaty has been in the limelight within the past couple of years. This treaty which George Washington negotiated back in the 1790's was with the Senecas, of New York. It concerned the rights of the Senecas to certain lands, and just recently, the Federal Government has felt the necessity for taking these lands to build a dam or reservoir. This taking has created a great deal of consternation because the Senecas point to their original treaty relations with the United States. During the intervening years, the courts have held that the Indian tribes are no longer sovereign nations and cannot be considered as such in their relations with the United States.

Senator Ervin. Well, Bill, let me ask you a question at this point. As a result of the judicial holding that the Indian tribes were to be considered as sovereign nations, or quasi-sovereign nations, the courts held that Indians were not entitled originally to vote as American citizens and that the constitutional rights which all other Americans enjoyed under the Bill of Rights, did not belong to them and could not be enforced upon their tribal authorities.

Bill Creech. That is exactly correct, Senator. The American Indians did not become citizens in the early days of our Republic except in very rare instances. During the intervening years, as the Nation expanded westward, many Indians obtained citizenship by various acts of Congress, and finally in 1924, citizenship was conferred upon virtually all American Indians. It is interesting to note that as recently as 1960, one of the circuit courts of appeals pointed out in a case in the Southwest of the United States that an Indian does not have the protection of the Federal Constitution when he is dealing with his tribe; that the tribe is not limited by the Bill of Rights; it is not limited by any provision of the Federal Constitution in dealing with its tribal members. It was very shocking for many people to learn that there are American citizens living within the continental bounds of the United States who do not have the protection of the Federal Constitution.

Senator Ervin. In the absence of recent legislation on the subject, what is the status of the Indian in respect to his trial and punishment from criminal offenses committed upon reservations?

Bill Creech. Well, Senator, we have today three types of courts for the administration of justice among tribal groups. We have the traditional courts which are encountered in the southwestern part of the United States among the Pueblo Indians. The law there is very much akin to the law which existed 500 years ago because the Pueblo Indians had a very highly developed civilization. Their system of jurisprudence, their administration of justice is very much akin to the situation when the Spaniards first came.

Senator Ervin. Is it not very much like our common law that just grew up out of the traditions of the people and their experience?

Bill Creech. Yes, indeed, Senator. That is correct. Subsequently, as the Indian became more a part of the mainstream of American life—the anthropologists like the term "acculturation"— some of the tribal groups adopted new law and order codes and set up their own tribal courts. The formal development of law and order codes was made possible by the Indian Reorganization Act, which provides that the Secretary of the Interior approve law and order codes for Indian tribes. As a result of this act, Indian tribes have set up tribal courts. At the end of the last century, a small number of Indian tribes were given courts, called Courts of Indian Offenses, which were established by administrative regulation of the Secretary of Interior. So today, you have the American Indian living under three difference types of court systems on the reservation. The off-reservated Indian, the Indian who lives in any community of the country other than a reservation, is subject to the same laws as any other citizen.

Senator Ervin. Among the Indians who are not reservated Indians are the Lumbee tribe in Robeson County, N.C.

Bill Creech. Yes, sir.

Senator Ervin. The Lumbees are governed by the law of North Carolina just like all other citizens of the State.

Bill Creech. Yes, sir, Senator. I think they are considered unique in the American Indian community, since the Lumbees never have been under Federal reservation jurisdiction. I believe that the statute which concerned the Federal Government designating the Robeson County Indians as Lumbees is the only time in the history of the country that the Congress has enacted legislation concerning this tribe.

Senator Ervin. You know, for a long time we thought of the Indian and in fact he was so described by many writers, as the "Vanishing American." What observation can you make on that point, Bill?

Bill Creech. Well, my feeling Senator is that the reverse is true today. The American Indian today numbers somewhere between a half million and 600,000 and he is the fastest growing ethnic group in the United States. This points up the necessity for Congress to enact legislation to meet the needs and basic requirements of the American Indian in regard to his active participation in American life. For instance, a hundred years ago, there were between 8,000 and 9,000 Navajos. If the Federal Government had acted then to provide the Navajos with the means of becoming acculturated into the mainstream of American life—instead of waiting until today—it would have been a fairly simple matter. Today, there are between 80,000 and 90,000 Navajos and we have perhaps, five times as many as we had a hundred years ago who are living at substandard levels of existence in this country.

Senator Ervin. Bill, I think that most of us have become accustomed to think of the Indians as residing in the far West in such States as Arizona, New Mexico, Montana and in the Dakotas. And we think of them as a people, who, in large measure, have vanished from the eastern part of the United States. I think it would be interesting for you to make any observation you might wish to in respect to the North Carolina Indian communities.

Bill Creech. Yes sir. Well, Senator, of course we in North Carolina take great pride in our Indian community and we note, of course, that North Carolina ranks fourth in Indian population. Now I believe that on the tribal rolls of Cherokee, there are about 6,000 Indians. However, in eastern North Carolina, there are many Indians who never have been reservated. I believe the official census lists something like 25,000 Indians in North Carolina, though unofficially we are told that perhaps there are as many as 40,000 Lumbees in the eastern part of the State. It's interesting how many southerners have Indian ancestry including some of the Members of Congress who have Indian antecedents. I was interested to note that in Arlington at the Lee-Custis Mansion, the first person buried there was a cousin of Gen. Robert E. Lee and of George Washington. Parke Custis was a young lady who was a descendant of Pocahontas and John Rolf.

Senator Ervin. We have one of the Members of Congress now, who is an American Indian.

Bill Creech. Yes, Congressman Ben Reifel, a Sioux Indian from South Dakota.

Senator Ervin. To my mind, they are great people and I have enjoyed my contacts with them. One thing that has surprised me is their wonderful sense of humor. I had the privilege of visiting the Cherokee Reservation in 1960, the only time I have been there in the summertime. While there, I saw "Unto These Hills," that magnificent drama of early Cherokee history. Afterward, I went around and saw the making of the bows and arrows and the exhibition of the arts and crafts. Then they took my wife and me down to the storehouse and said they would like to give us a present. They gave Mrs. Ervin a very fine picnic basket and I said I would take some bows and arrows. After they gave those to me, they said, "Well Senator, we think we have something here that is more appropriate for a U.S. Senator than a bow and arrows. We would like to make you a present of it." I said, "What is that," and they said, "a blowgun."

So I was given a blowgun. I believe that in order to complete this, we are going to have to have another session on Indian affairs. Our time is almost up, and we haven't told exactly what we think of the present method of handling affairs of the reservated Indian through the Secretary of Interior, the Bureau of Indian Affairs and what we propose to do in order to confer upon the Indians, by Federal legislation, what we conceive to be their basic constitutional rights or what should be their basic constitutional rights like those of all other American citizens.

Hall Smith. Thank you, Senator Ervin. We would like to offer our special thanks to our guest today, Bill Creech, who is the chief counsel of the Senate Subcommittee on Constitutional Rights from Smithfield, N.C. This is Hall Smith inviting you to join us again next week when direct from Washington, D.C., U.S. Senator SAM J. ERVIN, JR., reports to North Carolina.

TRANSCRIPT OF SENATOR ERVIN'S AUGUST 16, 1964 BROADCAST

HALL SMITH. From Washington, D.C., here is the report to the people of North Carolina for the week of August 16 from U.S. Senator SAM J. ERVIN, Jr. Senator, first let me review the fact that the last two programs were devoted to a discussion of the American Indian and some of his problems. We have been indeed fortunate in having Bill Creech, of Smithfield, N.C., who serves as chief counsel and staff director of your Senate Subcommittee on Constitutional Rights as our guest speaker on this topic. Bill has given us some of the background of the areas of difficulty facing the Indians and certain facts which the subcommittee has developed in its 3-year-long study. I think that it would be highly appropriate, Senator ERVIN, if you and Bill Creech will talk about some of your plans to remedy many of these wrongs through Federal legislation.

Senator ERVIN. Well, Hall, I think it is well for us to continue our discussion on this subject. I am delighted to have Bill Creech here because he has done so much work in this field. He has supervised the investigation which the subcommittee has made and in which we have consulted Indians belonging to virtually all the tribes in North America. I think it is well to talk today on what we think should be done to cure the situations we have found to be true among American Indians. As pointed out on the previous broadcast, we found that the American Indian—that is the reservated Indian, as they call the ones who live on a reservation—occupies a status unlike that of any other American; that during the early days of the Nation that the Indian tribes were considered to be foreign nations in a way—not just foreign nations but separate nations—separate sovereignties subject only to the requirement that they could not deal externally with people other than the United States. We had changes of this by legislation from time to time, but as a result of this view of the nature of the tribes we had court decisions which were to the effect that the reservated Indian did not enjoy the same constitutional rights that other Americans had; such as the right to be represented by counsel and the like. So we are delighted to have Bill Creech with us today. Bill, I wish you would explain to our audience what specific steps we have taken in the form of bills to cure the conditions we have discussed on the two previous broadcasts.

BILL CREECH. Thank you, Senator. First of all, Hall, I think that it would be very interesting for our audience to know that Senator ERVIN has been so very kind to give me a great deal of credit for the work which has been done in this area when, actually of course, we all know that this work has been done because of his decision and under his supervision. I think that it would be interesting also for our audience to know that Senator ERVIN's interest in the American Indians is one which stems from his boyhood. I know that he won a prize as a freshman in college for writing a paper on the Cherokees. He has had an abiding interest in the American Indians and he has focused a great deal of attention on the Indians and other minority groups in this country who previously have not enjoyed the benefit of congressional scrutiny and assistance. This has been his primary motivation since becoming chairman of the Subcommittee on Constitutional Rights some 3 years ago. Well, with regard to the reservated American Indian, Senator, I think that it is fair to say that his life is regulated by the Federal Government from the cradle to the grave. For, virtually everything he does, if he stays on the reservation, from the time he is born until he dies, is under the influence or is in the hands of the Secretary of the Interior. One of the things that was most surprising to me to learn was that even today a reservated Indian can't make a will without the approval of the Secretary of Interior. If he makes a will and the Secretary disapproves of it, the will is invalid. It may take him months, even years, to obtain the approval of the Secretary of Interior. By the same token, one of the things which you have been so much concerned with is the right to counsel. The American Indian tribes who want to employ legal counsel—attorneys to represent them—cannot do so without the approval of the Secretary of the Interior.

Senator ERVIN. Don't you consider it unfortunate in many instances that the Indians have to deal with the Secretary of Interior and Bureau of Indian Affairs as their guardians and, sometimes, their views and those of the Secretary of the Bureau do not coincide. They certainly ought to have a capable spokesman to present their case.

BILL CREECH. Precisely, Senator. This is one of the great problems for the American Indians today. The subcommittee had this pointed out at our hearings here in Washington and it was very graphically described by the tribal representatives who appeared before the subcommittee in Sacaton, Ariz. At that time, one of the tribal groups presented to the subcommittee a letter which the tribe had received from a reputable law firm in that part of the country, saying that though the tribe had asked the firm to represent them some 11 months earlier, approval had not been received during that interim by the Secretary of the Interior. The letter further stated that inasmuch as they had received retainers from a number of other clients in the meantime, it could no longer entertain the possibility of representing the tribe. So the tribe had to start all over again to find another law firm to represent them, because of the delay of the Secretary of the Interior in approving their contract with this law firm. One of the bills which you have introduced, would provide a remedy for this. That bill would provide that if the Secretary of the Interior does not approve a contract between a tribe and a law firm within 90 days, that the contract is valid and the Indians may proceed with their retainer.

HALL SMITH. Bill, may I ask you a question here? Now this is the counsel for the Indian tribe rather than the individual Indian?

BILL CREECH. That's true, Hall, but of course the counsel for the Indian tribe, frequently is counsel for the individual Indian. For instance, the Navajo Tribe will furnish legal counsel to any member of the tribe any place in the United States.

Now the Indians have had a great deal of difficulty in obtaining legal counsel; this frequently is true because they are indigents—they haven't the funds to employ legal counsel. So the Navajo Tribe has a legal staff which it will send to any part of the country to represent members of the tribe who are involved in private litigation.

Senator ERVIN. Don't you think the fact that the tribal council cannot employ their own counsel without the consent of the Secretary of the Interior really deprives the tribes, in many cases, of any real right to petition the Government for redress of grievances as possessed by all other Americans under the first amendment?

BILL CREECH. Yes, Senator, I do indeed. I think that this is one of the real problems that the Indians have because, obviously, if they don't have adequate counsel to represent them, then it is going to be very difficult for them to be effective in overcoming their problems. One of the allegations which has also been made, is that the Indian tribes are being deprived of due process in pursuing their various claims, or in litigation, by the Secretary of the Interior's failure to approve counsel. If they have to wait years just to have counsel approved, during the interim their witnesses frequently die, or move on, or situations change so abruptly that it is detrimental to their case. Therefore, they are not able to pursue their cases as actively as they might.

Senator ERVIN. What do these bills do with respect to the right of the individual Indian? You mentioned the fact, on a previous broadcast, that the individual Indian is usually denied the right to be represented by counsel when he is tried before tribal courts. In this case, you not only have denial of his rights by the codes that have been adopted under the supervision of the Department of Interior, but you have a denial of his rights in many cases by the tribal council itself.

BILL CREECH. Yes, sir. Well Senator, of course, you have introduced two bills which would directly touch upon this. One of the bills which you have introduced would provide for the strictures of the Constitution on the tribal government, in that it would carry to the tribal government the prohibitions which presently exist with regard to the Federal and the State governments. These are the safeguards for the individual which the Constitution holds for every American citizen. As we pointed out earlier, the tribal governments have been held not to be subject to the Constitution with regard to individual rights. Another of the bills which you have introduced would provide that in all of the law and order codes, which must be approved by the Secretary of Interior, there shall be the provision for the same constitutional safeguards that the individual American citizen enjoys when he goes before State courts or our Federal courts. This, of course, would include the sixth amendment provision for counsel in criminal cases and would be of great assistance to the Indian who finds himself in the tribal courts and in the traditional courts where he is not permitted to have counsel of his choosing but is actually precluded by the tribal rules from having legally trained counsel represent him.

Senator ERVIN. One of these bills is designed to remove some of the imperfections in the administration and in the provisions of the Federal statutes, which a few years ago, allowed the State to assume jurisdiction over tribal lands under certain conditions.

BILL CREECH. Yes, sir; that is correct. There was a statute which was passed back in 1957, Public Law 280, which permitted the States to assume civil and criminal jurisdiction over the Indian reservated areas located within their States. This has created a great problem in many parts of the country because some States have attempted to assume piecemeal jurisdiction and as a result, the Indian community is not certain under which laws they live today. As a matter of fact, this is not just circumscribed to the Indian community, there has been testimony which the subcommittee received from district attorneys and States attorneys indicating that the local law-enforcement officers themselves are not certain whether they have jurisdiction. So as a result, we have vacuums within the law in various parts of the country in which the Indian community lives.

Senator ERVIN. Can it not be said in summary, that if these bills all pass, that the American Indian on the reservation will enjoy for the first time in our history the same rights which other Americans have under the Bill of Rights?

BILL CREECH. Yes, Senator; that is a very fair statement.

HALL SMITH. Thank you, Senator ERVIN. We would like to offer our special thanks today to our guest, Bill Creech, of Smithfield, N.C., who is the chief counsel and staff director of the Senate Subcommittee on Constitutional Rights. This is Hall Smith inviting you to join us again next week when direct from Washington, D.C., U.S. Senator Sam J. Ervin, Jr., reports to North Carolina.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. The hour of 12:20 p.m. having arrived, the unanimous-consent agreement goes into effect. The time will be under control equally by the Senator from New York [Mr. Javits] and the opponents of the amendment.

Mr. JAVITS. Mr. President——

The ACTING PRESIDENT pro tempore. Does the Senator yield himself time?

Mr. JAVITS. I yield myself 1 minute.

Mr. President, I offer a modification to the pending amendment, which I send to the desk and ask to have stated.

The ACTING PRESIDENT pro tempore. The modification of the amendment will be stated.

The Legislative Clerk. The following is the modification of the Javits-McCarthy-Humphrey amendment:

> Sec. 402. It is the sense of the Congress that in any action or proceeding in any court of the United States or before any justice or judge of the United States in which there is placed in question the validity of the composition of any house of the legislature of any State or the apportionment of the membership thereof, (1) reasonable time should be accorded to such State to conform to the requirements of the Constitution of the United States relating to such composition or apportionment, and (2) in the event that a proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, has been duly submitted by the Congress to the States for ratification, such fact be taken into consideration in framing a decree for relief.

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, the Senator from New York [Mr. Javits] has the right to modify his amendment, and it is so ordered.

Mr. JAVITS. I thank the Chair.

Mr. President, I yield 3 minutes to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, there are two things wrong with the modification offered by the Senator from New York [Mr. Javits] and the Senators from Minnesota [Mr. McCarthy and Mr. Humphrey] to which I quite seriously object.

First, the modification of the amendment would give gratuitous advice by a coordinate body of our Government, the legislature, to the Supreme Court of the United States, which I believe is presumptuous.

Second, the parliamentary procedure under which this and the preceding amendments have been offered is a legislative monstrosity. There can be no excuse whatever, in justice and equity, in ordinary legislative procedures, for attaching a nongermane rider of this sort to the Foreign Assistance Act of 1961. I doubt if it could be done in any other legislative body in the civilized world. It is a cynical approach to perhaps the most serious of the problems which confront the country, if not the most serious, which is the proper reapportionment of State legislatures. Nevertheless, because of the pragmatic and practical situation which confronts us, I intend to vote for the amendment.

My reasons for doing so are two:

First, the amendment does not say anything that the Supreme Court of the United States would not do anyway. I am sure that in the infinite wisdom of the members of the Court, but also in their dignified reticence, they will ignore it, and I hope that to the extent that the amendment would conflict in any way with their judicial duties, they will ignore it. I do not think it would.

Second, it seems to me that the amendment represents a pragmatic, political method of getting out of the way a very difficult problem which has held the Senate unnecessarily in session for several weeks. I am a pragmatist. I like to think of myself as being practical. I would hope that by voting for the faintly ridiculous modification of the amendment, which I shall do, we shall be able to solve a parliamentary snarl which has kept the Senate in session long beyond the necessary time, and which, if adopted, could do no serious harm.

Mr. MORSE. Mr. President, will the Senator from Illinois [Mr. Dirksen] yield me 5 minutes?

Mr. JAVITS. Mr. President, will the Senator from Oregon withhold his request for a minute? I should like to yield myself a brief period of time. Having presented the modification, I thought I ought at least explain what the modification is about, and then perhaps what I would say would be a frame of reference for others to speak to the modification.

Mr. MORSE. Mr. President, I withhold my request.

Mr. JAVITS. Mr. President, the reason for submitting the modification is very well known. It is an effort to bring together the support of as many Senators as possible for a solution of the problem which faces the Senate.

It is impossible to suppose that men of conscience and fidelity to their principles would take positions other than those consistent with their principles. Hence the Senator from Pennsylvania [Mr. Clark], as we have heard, thinks that the amendment could do no harm and it would be a way of resolving the parliamentary dilemma. I believe it would be a serious and meaningful expression of our desires to the Supreme Court of the United States, which the Supreme Court would listen to. I think we would make very clear what we want, and I invoke two doctrines in respect of the effectiveness of what the proposal represents.

The first doctrine is the so-called doctrine of equitable abstention under which the Federal courts in innumerable cases have stood aside upon occasion in order to let other bodies, such as State courts, interpret a State statute. We are dismissing cases in equity. Therefore, the Court could, with complete authority, based upon decided cases, state, "As this is the demonstrated intent of the Congress expressed to us, we shall now stand aside and let it operate."

Second, for those who will call the amendment—and I suspect that some will—an apparition of an apparition, or try to dismiss it as completely superficial, I point out that time and again, upon the most serious matters, the Congress has passed sense-of-Congress resolutions.

Upon a sense-of-Congress resolution the marines went into Lebanon. Upon a sense-of-Congress resolution the 7th Fleet defended Taiwan. Upon a sense-of-Congress resolution we premised action which resulted in oceans of treasure being expended and the blood of American troops being shed in various parts of the world. Even those who violently oppose the sense-of-Congress resolution have offered such resolutions, including my distinguished friend, the minority leader, upon very serious questions, because we realize that there are cases in which two branches of the Government have coordinate powers—this is such a case—and that is the only way in which coordinate bodies can really express their considered intention and desire to each other.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, in my judgment, therefore, the amendment, as modified, would be a very meaningful act, thoroughly in accordance with the traditions of our country, juxtaposing one coordinate body to the other.

Finally, when we talk about supplication—and it has been said here that we are "supplicating" the Supreme Court—the Supreme Court is a coordinate body. It is our duty and responsibility to respect it as much as it respects us. If we have no power, the least we can do is to inform the Court of our intention. It is my judgment—and Senators must vote on the question yea or nay—that we do not have power to direct the Supreme Court to carry out a rule of the decision in pending cases. We could not now make the principle applicable merely to new cases, because the apportionment of the legislatures of 34 of the 50 States is already before the Federal courts. So we cannot backtrack on that. Hence, we cannot mandate the Court, and the proposed amendment is the only way in which two great, dignified, and coordinate bodies can express their intention and desire to each other.

The ACTING PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 30 seconds.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 30 seconds.

Mr. JAVITS. There are many things in our Government that must work by self-discipline. The Congress could sit on its hands and not give any agency of the Government a dime. We could destroy the country, and there is no provision in the Constitution which states that we must vote money. No one could draw a penny from the Treasury if we did not vote for the appropriation. The Supreme Court could do the same thing. It will not. We shall not, provided we are dignified and cooperative with each other. That is the purpose of the resolution.

Mr. MORSE. Mr. President, will the Senator from Illinois yield 5 minutes?

Mr. DIRKSEN. I yield 5 minutes to the Senator from Oregon.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, no matter how it is disguised nor how Senators swear to the purity of their intentions, the measure being voted on is, and is intended to be, a rebuff to the U.S. Supreme Court. Advocates of a strong proposal along the lines of the Dirksen measure are trying to accomplish something positive: They are trying to overturn the result of one of the finest decisions of the U.S. Supreme Court.

Advocates of a meaningless substitute are trying to replace it with only an insult to the U.S. Supreme Court.

I shall be party to neither. I shall vote for no proposal that in any way casts disrespect upon the Federal court system, or that in any way encourages others to show disrespect to the courts, or that expresses advice or disapproval of Congress of the way the courts do their job.

That kind of proposal is one of the key issues in this election. The confidence of the American people in their judicial system is being undermined and challenged in this presidential election, and it will continue to be challenged. No vote of mine will ever lend aid and comfort to that kind of vote seeking.

Moreover, the back seat driving that the Javits substitute represents is always an unsound disruption of our constitutional system, no matter how innocuously it may be framed. The only reason in the world it is offered, the only reason it is voted on, is to express at least a concern on the part of Congress that the courts are not acting the way the Congress thinks they should act.

In the political context, that expression of views is of very great impact upon public opinion. In law, it may mean nothing; but among the public it means a great deal and it is the public as much as the courts to which this language is directed. Senators may say: "But it is meaningless; the courts will ignore it." The courts will ignore it, but the public will not and the politicians will not ignore it. For those who want to stir up resistance to court decisions and resentment against the courts in general, any critical advisory opinion from the Congress is a victory.

Once Congress starts to travel that road, it can lead only to the destruction of our constitutional system. We have wisely resisted it for 10 years. For at least 10 years, "court busting" bills have been on this calendar in every session. We have had bills to overturn the Nelson decision on State subversive laws; bills to overturn the passport decisions; bills to overturn the protection of persons charged as security risks; bills to overturn the Mallory rule; bills to limit the jurisdiction of the Federal courts to pass upon the right to practice law in State courts.

We have had bills to restrict the jurisdiction of the courts in habeas corpus cases; and we twice received from the House the Smith bill, H.R. 3, passed by large majorities. That "court buster" tried to instruct the Court that all Federal statutes should be construed as not affecting State laws on the same subject unless the statute specifically preempted the State laws. We had quite a fight on the Smith bill, whose sponsor in the House was the honorable chairman of the House Rules Committee. It, too, came over late in the session; a companion bill had been reported from the Senate Judiciary Committee. H.R. 3 was offered as a floor amendment to a pending bill, and the motion to table it failed by 39 to 46.

But we had a great and cherished colleague then, who served with perpetual vigilance on the Senate Judiciary Committee. I am referring to John Carroll, of Colorado. Senator Carroll wisely moved to recommit H.R. 3 to the Senate Judiciary Committee and the Senate took his advice.

The result has been that Senators will look in vain for any one of these "court busting" bills on the statute books. They have all been blocked by a small but determined group of Senators who were determined that no midnight Congresses should interfere with our judicial system and with our constitutional system.

It has always been possible for a determined majority, if there is one, to come back the next year and pass any one of these bills. But we do not hear anything any more about overturning the Nelson case, or Cole against Young, or the passport decisions, or the security risk decisions, and we do not hear anything today about H.R. 3. The habeas corpus bill is still around, and so are the Mallory rule changes, but much of the steam has gone out of them.

The PRESIDING OFFICER (Mr. NELSON in the chair). The time of the Senator has expired.

Mr. MORSE. I ask for 2 more minutes.

Mr. DIRKSEN. I yield 2 minutes to the Senator.

Mr. MORSE. If we who fought these measures had started dickering with their advocates to find something we could all agree on, most of them would have been adopted in one form or another. But it is remarkable how the American people come to understand and appreciate the function the Supreme Court performs for them as the umpire of our Constitution. But they need a little time to digest the meaning of some of these Court rulings.

And a very important function of the Senate is to give them that time. That is the only reason we have 6-year terms. We are supposed to be just enough removed from popular passions to resist snap judgments in the enactment of legislation.

Insofar as the Supreme Court is concerned, we have served that purpose very well. In the case of Brown against the Board of Education and other civil rights decisions, the long-term public reaction was in support of these decisions, and the legislation Congress passed provided for their enforcement. But it did not come until 10 years later. It did not come until the American people had digested the rulings of the Court.

But had there been any "sense of the Congress" resolutions passed calling upon the Federal courts to hold off on civil rights cases, there never would have been a Civil Rights Act of 1964, and probably not one in 1974.

Aside from the merits of these decisions and their application, I cannot, as a lawyer, accept the proposition that Congress has any business advising the courts. What would Senators say about a Supreme Court opinion that expressed the sense of the Court that Congress ought not to pass the Dirksen amendment? Or the Javits substitute? Or that Congress ought not approve a proposed constitutional amendment? Or that Congress should not pass upon a constitutional amendment until the courts had time to wind up these reapportionment cases?

The shock and outrage of Senators and Members of the House would reverberate throughout the country. Would we say: "Oh, but the Court only said it was concerned about what we were about to do. It isn't binding on us?"

Of course not. We would say it was an unmitigated interference in the functions of Congress, that it was an attempt to undermine public confidence in Congress, and that the Court had plenty to do in its own jurisdiction without butting into ours.

That is exactly how I regard all resolutions and expressions of opinion telling the courts what we think they should do in given cases, and how they should handle those cases.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Will the Senator yield me 1 more minute? I will try to get it back from the Senator from Montana [Mr. MANSFIELD].

Mr. DIRKSEN. I yield 1 minute to the Senator.

Mr. MORSE. The Federal courts are charged by the Constitution to consider all cases and controversies arising under said Constitution. It was not Earl Warren who laid down the theorem that the Supreme Court is the final arbiter of the application of the Constitution: it was a great Virginian, John Marshall. The decision of Marbury against Madison was not handed down by the Warren Court, or the Roosevelt Court. It was handed down by the John Marshall Court in 1803. The principle that the courts shall determine constitutional issues has served this country in good stead ever since, and I do not propose to change that principle now with any Dirksen amendment or Javits substitute.

It is always the right of the people, with the help of this Congress, to change their Constitution if they do not like its application to a given situation. Our job is not to coach the courts on reapportionment; our only job in this field is to pass upon a constitutional amendment.

If we are not going to consider a constitutional amendment, let us adjourn and go home. Let us stop interfering in the function, the duty, and the operation of the Federal courts.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I ask for half a minute more.

Mr. DIRKSEN. I yield the Senator half a minute.

Mr. MORSE. If the American people are adamant in their opposition to the Court rulings on reapportionment, if they are determined to have malapportionment in their State legislatures, they will make their will known and felt in the years ahead. A constitutional amendment can always undo what the Supreme Court has already done. A constitutional amendment can permit States that have reapportioned under Court order to go back to their previous disproportionment, if there really is basic, grassroots, long-term public support for malapportionment.

The people will not need any hasty action in the dog days of the 88th Congress to permit them to have area representation in their States. It is only those who do not want to put the people to the test who want to forestall these Court orders and decisions. It is those who know that once popular representation is a fact the people will welcome it, who are trying to suspend the administration of justice.

All these reapportionment propositions are bad on their merits, and they are bad in their effect on our system of government. All should be rejected, and I shall vote against them.

Mr. DIRKSEN. Mr. President, I never cease to be astonished by how skilled debaters in this body can beg the question. Yet the question has been begged almost from the beginning of the discussion of the Mansfield-Dirksen amendment, or the Dirksen-Mansfield amendment, and then the proposals that are offered as a substitute therefor.

I have freely conceded from the beginning that the way to go about this is by the constitutional process. Anyone familiar with the Constitution knows it. But we are up against a time factor, and in that interim period a great many things can happen to freeze something that probably would require many years to be undone.

One need only consider that there is no time in the 88th Congress to get a constitutional resolution through Congress and send the proposed amendment on its way to the States for ratification. That is a job that remains for the 89th Congress. What, then, is required to enact such a resolution and to send the proposed constitutional amendment to the people and to the States?

First. The new Congress must be organized.

Second. The committees must be appointed, and whatever gap may develop must be filled.

Third. The subcommittees must be established. Then a resolution must be referred to committee. It must go through that process both in the House and in the Senate. I presume that then would come the hearings. Then comes the discussion on the floor of the House and on the floor of the Senate. It takes time. However, we are not up against a theory; we are confronted with a condition. That is the reason for the Mansfield-Dirksen amendment, which is now before the Senate. It is designed to provide a breather until a constitutional amendment can be sent out to the country.

I do not know how much simpler the question can be put. I recognize, of course, that that power lies in the people.

People talk about court "busting." It makes an interesting phrase. However, I do not know that it has any significance or meaning. This is no attack on the Court. This is an exercise of what I think is a constitutional power that Congress possesses.

Congress can change the membership of the Court at any time, and it has done so many times in the history of the Republic. Congress can pass upon the appellate jurisdiction of the Court, and it has done so from the days of the McCardle decision when that Mississippi editor was in durance before the military authorities.

Those facts are all conceded.

All that is asked for in the original amendment is to stay the application of the Supreme Court's decision on the application of a responsible person. Who would be a responsible person?

Certainly the Governor of a State would have an interest. Certainly the attorney general of a State would have an interest. Certainly a member of the State legislature would have an interest. They are provided for as potential applicants under the Dirksen-Mansfield proposal.

It is that simple.

Now it is proposed to substitute first one proposal and then the modification that has been submitted today by the distinguished Senator from New York [Mr. JAVITS].

What appears in the substitute? It is another "sense of Congress" resolution. It provides:

> It is the sense of Congress that in any action or proceeding in any court—

And so forth—

> reasonable time should be accorded to such State to conform to the requirements of the Constitution relating to such composition or apportionment.

How effective is a "sense of Congress" resolution? In the international domain it means one thing; in the field of domestic policy, it means quite another. If there be any doubt about it, let us take a look at what happened in connection with the wheat controversy, when it was proposed to sell wheat on long-term credits, ostensibly to be supported by the Export-Import Bank, a Federal instrumentality. It became quite an issue.

Those who opposed it relied upon a provision in the 1961 Agricultural Act, which contained a declaration of policy to the effect that Congress looked askance upon a practice of that kind. The whole matter was thoroughly examined by the Attorney General, and he filed a brief with respect to this matter.

What did he say? Let me read from the Attorney General's opinion. He said:

> I have examined the history of the declaration with care and find no indication that Congress itself viewed the amendment as more than an expression of its policy, to be given consideration by the executive in making decisions within the framework of the authorizations and prohibitions established by prior law. Representative LATTA—

Parenthetically, I add that he is from Ohio—

> who offered the amendment to the 1961 act and who sponsored the declaration, himself stated that its purpose was to have the Department of Commerce know what the sense of this Congress is with respect to the transactions in question.

What did the Attorney General say? Here it is buttoned up in one sentence:

> Congress could, of course, have embodied its policy in a provision of positive law, to which the executive branch would have been bound to adhere. That it did not choose to do so is significant, not only in establishing that that section is without legal effect, but in determining its proper interpretations and application as policy.

No legal effect. Congress had an opportunity to speak affirmatively and positively. It did not do so. It merely said that it was the sense of Congress, and the Attorney General chose to ignore that expression on the part of Congress.

So, Mr. President, where are we?

Incidentally, the Attorney General fortified his opinion with quite a number of cases, and thought he was standing on good ground.

I am content to take that as an expression of the intention on the part of the executive branch as to what it would do under similar circumstances.

Is it not reasonable to suppose that the Supreme Court and the three-judge courts that are set up under the Reynolds against Sims decision would do precisely the same thing? I think it is susceptible of easy proof. First, we can go back to the opinion of the Chief Justice with respect to whether or not the lower courts should give some reasonable time in order to apply the decision of Reynolds against Sims.

Let me read the language of the Chief Justice himself. It appears under title X of the Court decision, page 50. The Chief Justice said:

> However, under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of

> relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree.

There the Chief Justice laid down the guidelines for the use of the rule of reason in applying the decision in Reynolds against Sims. Did the lower courts heed that decision? Certainly they did not. The court in Oklahoma allowed 15 days to convene a legislature and to pass a new apportionment bill. The legislature convened, it had a quorum, and then, when the legislature finished its labors, the Oklahoma Supreme Court declared the act unconstitutional.

Then the court set itself to doing the job. Here are the order, the statement, and revised order of the court in the Oklahoma case. What does the court say? On page 12, the three-judge court order reads:

> Once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan.

That was a three-judge court quotation from the Supreme Court decision in the Simms case. Further:

> It is suggested that an unusual case is where an impending election is imminent and the State's election machinery is already in process.

Then what does the three-judge court say? They say:

> If confusion and hardship result from the vacation of the primary elections, it is not of our making.

The three-judge court disclaimed any responsibility for it. They said:

> Our duty is to reapportion the Oklahoma legislature in acocrdance with the established law of the land.

And in the doing, they made an unholy mess of the whole matter.

Senators ought to read the judicial apportionment of some of the districts. One in particular, district No. 35, requires three pages of single-spaced typewriting to define it. When one looks at the map, he sees, for instance, shoestring districts, he sees squiggled districts, he sees districts running into alleys and streets. It is a phenomenal thing; in fact, it is incredible. Yet there was the Supreme Court's admonition about the rule of reason. Did the three-judge court adhere to it? Did they heed it? Did they take that admonition? Indeed, they did not. They said:

> The confusion is not of our making.

So when we talk about the sense of Congress, the Attorney General said it has no validity, it has no force, it has no effect, it has no legal standing. The executive branch can proceed to do exactly what it wishes and pay no attention to the Senate or House of Representatives, or to both bodies jointly, in pursuing the application of the decision in Reynolds against Sims.

My friend the distinguished senior Senator from New York [Mr. JAVITS] comes to us with a new substitute. I have already alluded to the first part. But it is still the sense of Congress; and in that respect, it is meaningless to the extent that if a judge does not wish to pay heed to it, he does not have to do so, because the language is not binding.

But the second part of the new Javits-McCarthy-Humphrey amendment goes even further and is, therefore, even more objectionable. This is how it reads:

> And (2) in the event that a proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, has been duly submitted by the Congress to the States for ratification, such fact be taken into consideration in framing a decree for relief.

"In the event that a proposed amendment to the Constitution of the United States relating to" this matter has been duly submitted. Exactly when does that event take place?

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. AIKEN. Does not the Senator from Illinois, the minority leader, interpret that language to mean that if any attempt is made to submit a constitutional amendment to the States, there will be a filibuster against submitting anything to the States, merely because those who are opposing the Mansfield-Dirksen amendment are evidently determined that the people of the States shall have no opportunity whatsoever to vote on what they want? Does not this language serve fair notice on us that the opponents will filibuster any effort to submit a constitutional amendment relating to the apportionment of legislatures?

Mr. DIRKSEN. I would do no injustice to any Member of this body; but on the basis of all that has been said thus far, that is not an unreasonable assumption. But I come back to the fact that in the event a proposed amendment relating to this subject has been duly submitted, that event will not take place until a new Congress is organized, committees are organized, subcommittees are organized, the proposal is referred, it is finally reported by the committees, and is finally approved by both the Senate and House. That is when the event would be reached; and who shall say when that will be?

Then, of course, it shall "be taken into consideration in framing a decree for relief."

I have set this proposal in rather vulgar terms, but to me it is absolutely meaningless. It gets nowhere. It has no teeth in it. That is what I object to. If we are to undertake to challenge the Supreme Court decision under the 14th amendment, as to whether or not under the Constitution there is the power to interfere with the States in the composition and the constitution of their legislative bodies, it is necessary, first, to stop further action by a stay of proceedings, and then to move toward the submission and adoption of a constitutional amendment. That is what we have undertaken to do from the very beginning.

Moreover, I think we must demonstrate our good faith, first, by introducing such a constitutional proposal, and second, by seeking to define what is a constitutional approach by statute to stay the application of the court order until the proposal can be presented.

We do not involve the danger of freezing a pattern which cannot be undone.

Mr. President, that is the story in brief compass. I hope, therefore, that the new Javits amendment will be defeated and that at long last we can get to a vote on the Dirksen-Mansfield proposal which is the pending business.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from New Jersey [Mr. CASE].

The **PRESIDING OFFICER.** The Senator from New Jersey is recognized for 3 minutes.

Mr. CASE. Mr. President, I thank the Senator from New York for yielding to me. I have asked the Senator from New York to allow me this time so that I may ask some questions of him in regard to the effect of his amendment in the form in which we shall vote upon it.

I am particularly concerned about that part of the amendment which comes after the numeral 2, which would express the sense of Congress that in the event "of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification," such fact be taken into account in framing a decree of relief in any action or proceeding for the reapportionment of a State legislature.

I believe that, as a result of the modifications which have been made by the Senator from New York and his cosponsors in the amendment as it was originally proposed by him, he has eliminated some concern which I had felt in regard to the interpretation of his amendment. But I wish to get his own views from his own lips on the floor of the Senate in confirmation.

Am I right in understanding that there is no intent by the resolution, in the form in which we shall vote upon it, to have Congress express any sense that a court should be deterred from enforcing reapportionment, in any case in which under the Constitution it is necessary, by the pendency of any constitutional amendment unless such constitutional amendment is to be submitted for approval by the people, and not by the malapportioned legislatures themselves?

Mr. JAVITS. My answer to that question is "Yes." Yesterday I submitted a proposed constitutional amendment which is now lying on the table awaiting the signatures of cosponsors, carrying out the idea that the people of the State should participate directly in what happens to apportionment.

There are two ways in which the people can participate. One is by constitutional convention—that is, by approving or ratifying a Federal-type legislature by the convention method. The other way is by making the Federal method permissive only, but requiring the people of every State to vote in a referendum before there can be a reapportionment of their legislature on the Federal model.

Personally, I prefer the latter method. I do not exclude the former. The principle is the same. Therefore, my answer to the Senator can be "Yes." The people will determine what will happen. The Senator may prefer the alternative—that is, the constitutional convention method. Personally, I prefer the permissive method, by a vote of the people of each State respectively.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from New Jersey may proceed for 1 additional minute.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 additional minute.

Mr. JAVITS. My answer is that the people will determine, rather than the malapportioned State legislatures.

Mr. CASE. The Senator has given me precisely the assurance, which is to me essential to casting an affirmative vote on his amendment. I am most grateful to him for the explicitness of his assurance. For myself, there can be different ways—the two ways the Senator from New York has mentioned—by referendum on which all people can vote, or by the constitutional convention method; provided, in the case of a constitutional convention, that the delegates to the convention are chosen in a way which is representative of the whole population and does not reflect any malapportionment.

Mr. JAVITS. Of course, they would have to be, because the Supreme Court still has jurisdiction in respect to the composition of a constitutional convention.

Mr. CASE. I thank the Senator. I state to him and to his cosponsors that I believe he has performed a most important service to the country, now and for generations to come.

Mr. JAVITS. Mr. President, I thank the Senator from New Jersey for his comments.

Mr. HART. Mr. President, will the Senator yield?

Mr. JAVITS. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. HART. Mr. President, the original Javits "sense of Congress" resolution appeared to me to set a vexatious precedent. This body has no right to thwart or delay the realization of basic constitutional rights, and it seems to me that we cannot, consistent with our duty, tell the courts to delay the realization of those rights; nor should we instruct or seek to influence the courts.

The Supreme Court did not ignore the complexities of the reapportionment problem presented by its decision in Reynolds against Sims. It did not ask for precipitous action on the part of the States. It correctly recognized that it may take some time for the realization of those rights. It recognized "that legislative apportionment is primarily a matter for legislative consideration and determination—and that judicial relief becomes appropriate only when a legislature fails to reapportion according to Federal constitutional requisites—in a timely fashion after having had an adequate opportunity to do so."

The Court observed that the remedial technique be tailored to the demands of the specific case, and that the "relief accorded can be fashioned in the light of well-known principles of equity." Beyond that the Court did not, and—I believe—could not go.

Mr. President, it is with reluctance that I support this resolution as now modified and I do so only because of the greater danger involved in our failure to meet this situation. More specifically, I support it only to escape the probability or at least a high degree of possibility of a direct affront to the Supreme Court, if we fail to adopt this modified "sense" resolution. While I do not like it, in its present form it will not serve to thwart or delay the realization of basic constitutional rights, recognized by the Supreme Court.

While I do not like it, I know that many Senators who now propose to support it are also reluctant. In its present form, it will not serve to thwart or delay the realization of the constitutional rights recognized by the Supreme Court.

All Senators should express to the Senator from New York and the Senator from Minnesota [Mr. McCarthy] the acknowledgment that much thought and deep concern has been given to the inherent respect of the Court which is reflected in the efforts they have contributed to bring the Senate to this moment in debate.

Mr. JAVITS. I am grateful to the Senator from Michigan for his comments. Mr. President, under my agreement with the Senator from Illinois [Mr. Douglas], I now suggest the absence of a quorum, the time to be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 4 minutes.

The fundamental point which I believe separates us from the so-called Mansfield-Dirksen forces is a very important and critical one to the whole issue. It is simply that we do not believe that the Congress has the power to direct the Court as to what it shall do with pending cases.

Obviously, those who are opposed to us believe that Congress has such power and that, therefore, it is a question of discretion which we are arguing about as to whether Congress will exercise or withhold such power. It is true that if it were a question of discretion, I myself would urge the Congress to exercise its discretion to withhold the exercise of the power. But I do not premise my argument for the substitute presented by the Senators from Minnesota [Mr. McCarthy and Mr. Humphrey] and myself upon that ground.

It is very clear to me, from the decided cases, that if we endeavored to assert authority to require the Court in pending cases to stay its hand, which is the purpose of the Mansfield-Dirksen amendment, the Court must say, because that would be dictating a rule of decision to the Court, that it is unconstitutional; and once the Supreme Court strikes down such an enactment we would have a direct confrontation between the Supreme Court and the Congress which no responsible official in his right mind, in my judgment, would invite.

That is the very thing which constitutional lawyers, Presidents, Senators, high officials of our Government, historians, and other thoughtful Americans have always feared—that our system could break down at exactly the point where there was a confrontation between the power of a coordinate branch and that of another branch. Each could work irreparable mischief with the other if it chose. So such confrontations ought to be avoided like the plague. That is what we mean when we speak of a constitutional crisis. Therefore, Senators who believe that we do not have the power to deprive the Supreme Court of jurisdiction in the pending case and who take the view that the Court should afford more time to enable the States to conform and that there should be an opportunity for the Congress, if it chooses, to develop a constitutional amendment, should see the course of the modified amendment which we have submitted as the only course which can both practically and legally be taken by the Congress.

Mr. President, I should like to answer some of the points which were raised with respect to our argument upon the subject. In discussing the question, the Senator from Oregon [Mr. Morse] spoke of the fact that Court "busting" bills have always failed. In my judgment, that is not quite an accurate statement, and for the following reason: Court "busting" bills which would overturn the institution of the Court and the Court as an institution have failed.

The PRESIDING OFFICER (Mr. Pastore in the chair). The time of the Senator has expired.

Mr. JAVITS. I yield myself 2 additional minutes. So, too, have Court "busting" bills which sought to carry out the exercise of powers which we do not have. But it is not a fact that the Congress has not acted to change law in cases in which it was dissatisfied with the decisions made by the Supreme Court and the Supreme Court decision indicated that a change of law could be made by the Congress.

For example, it is a fact that we changed the law in the Subversive Activities Control Act in respect to the decision in the Yates case. It will be remembered that in the Yates case the Court raised certain problems of definition under the Subversive Activities Control Act. We found it desirable to act in respect to that subject. We redefined our definitions in order to make them more precise, and to answer what we thought were points made by the Court which would invalidate what we considered to be the proper thrust of the law.

It seems to me that that case is distinguishable from what we are contending with here, because in that case we had the power, and the Supreme Court made it very clear that we had the power, to amend the law.

The PRESIDING OFFICER (Mr. NELSON in the chair). The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The Supreme Court made it clear that we had the power to amend the law in order to deal with a situation which was presented to us by that decision. Now we are dealing with a constitutional interpretation within the inherent power of the Court as a coordinate branch of the Government. In my judgment, we are not dealing with a statute which should be enacted, because we ourselves know, or we should know, that we do not have the power to enact such a statute. Therefore, it seems to me, there is a clear distinction between the action of the Congress to the extent that it can act and the Congress withholding its hand where it cannot act; and the argument made by the Senator from Oregon [Mr. MORSE], it seems to me, bears us out for contending for the substitute rather than the contrary.

Mr. President, before I take my seat, I should like to acknowledge the great constructive and creative work of drafting the language of what is now the modified amendment before the Senate, and revising the language of the amendment which the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY] and I had submitted, on the part of the distinguished present occupant of the chair, the Senator from Wisconsin [Mr. NELSON] and the distinguished Senator from Illinois [Mr. DOUGLAS]. I understand that both Senators worked upon the language which is now before the Senate.

I also wish to pay my tribute of respect to the Senator from Montana [Mr. METCALF], our Acting President pro tempore, who was most influential in bringing about such wide acceptance of the proposed formula as the way in which to resolve the controversy.

Mr. President, again pursuant to my agreement with the Senator from Illinois [Mr. DIRKSEN], I suggest the absence of a quorum, the time taken for the call to be charged equally to each side.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I yield 5 minutes to the Senator from Nebraska [Mr. HRUSKA].

APPALACHIA BEEF SUBSIDY UNFAIR TO REST OF UNITED STATES

Mr. HRUSKA. Mr. President, the Senate has followed a wise course in striking section 203 from the Appalachia bill, S. 2782.

Section 203 would provide special Federal subsidies to build up beef cattle production in the Appalachia area. The section is entitled "Pasture Improvement and Development," and, in the form reported by the Public Works Committee, would have authorized Federal grants for improving the pastures in that region.

Several weeks ago, I had made known my opposition and my intention to fight the provision on the floor of the Senate. In fact, an amendment was formally proposed and put in print on August 18, for myself and six cosponsors, to accomplish that purpose. The Senator from Iowa [Mr. MILLER] had a similar amendment. Others had likewise made known their opposition, including leading Members of the House. It is good to know that the administration apparently finally got the word. One must assume that the administration concurred, since the amendment to strike section 203 was actually offered by a member of the majority and adopted without opposition.

However, we have been told very openly by the Senator from West Virginia [Mr. RANDOLPH] that even if this pasture improvement program is not enacted this year, he intends to revive the proposal next year, or at the earliest opportunity.

His forthrightness is to be commended. We have been fairly warned. Under the circumstances it is appropriate to reemphasize some of the objections to the proposal.

Certainly it is not necessary to tell the Senate all over again about the problems of the beef industry. We have just completed a lengthy consideration of that situation. After the most extended debate and the most thorough hearings, we finally enacted Public Law 88-482 to place some restrictions on imports of foreign beef.

That legislation was passed only after a last-ditch fight against it by the administration. Secretary Freeman testified against it before the Finance Committee—he was almost the only witness who did so—and stated flatly that he was opposed to any legislation imposing quotas or other restrictions on imports.

His idea of how to solve the beef problem was a typical New Deal one—take it out of the taxpayer, and give it away to some worthy foreign recipient. It seems absurd, but the facts are that while we have permitted these tremendous quantities of beef to be shipped in here from abroad to invade our markets, at the same time the Department of Agriculture has been buying up and giving away choice American beef to countries like Egypt.

Simultaneously, the Appalachia bill was being pushed by the same Department of Agriculture, providing special Federal grants to help one section of the country build up its production of beef cattle.

The bill would authorize the Federal Government to pay 80 percent of the cost of the development or improvement of pasture for 25 acres for any landowner in the Appalachian region. The bill would place no dollar limit on the amount of Federal money that might be expended for the benefit of any one farmer.

As a matter of fact, the bill was not even very clear as to how the benefits were to be restricted so that each landowner would have not more than 25 acres of pasture created or improved at Government expense. The statement of minority views points that out clearly. For example, if four members of one family each owned 25 acres of a 100-acre farm, then all 100 acres could be improved, largely at Federal expense.

The administration program proposed that 9,500,000 acres in Appalachia be improved in this manner. At least, that is the version described by the Under Secretary of Commerce, Mr. Franklin D. Roosevelt, Jr. He spoke of an increase in the value of beef cattle production in the region amounting to $230 million annually, which would be equivalent annually to something over 1 billion pounds of livestock on the hoof, additional to our present production.

Mr. President, for weeks and months the Secretary of Agriculture went up and down the land, arguing that the real source of our troubles in the cattle industry has been domestic overproduction. Again and again, we have been told, on the basis of expert analysis by the statisticians of the Department of Agriculture, that increased imports were of only minor importance in their impact on the market price of cattle. The real problem, we have been told, is the overproduction of cattle here at home. Now, in this Appalachia bill, it was proposed to stimulate a substantial increase in beef cattle production, which would come into immediate competition with the feeders produced by the stockmen and ranchers throughout the Middle West and West, including such areas as the Nebraska sandhills.

Mr. President, in the course of our frequent debates in the Senate on the beef import quota legislation, most of the discussion has focused around the collapse in the market prices of fed cattle. I hope that no Member of the Senate on that account was under the impression that the market for stockers and feeders had been insulated from damage. On the contrary, feeder prices have declined disastrously along with the prices for slaughter animals. Furthermore, whereas the market for fed cattle has started to improve encouragingly, that has not happened for the feeder cattle. The fact is that feeder cattle and calves today are quoted from $5 to $6 a hundred pounds below the levels of 12 months ago.

We are also told that these additional feeder calves and cattle from Appalachia would substitute for the imported feeders we now receive from Mexico and Canada. What an argument of sophistry that is. We have been importing feeder cattle from Mexico and Canada for a good many years. It is not because we could not produce enough stockers and feeders here at home. The number of beef calves and of feeder steers produced in this country has steadily increased but imports have continued to come in. In practice, Mexico and Canada will continue to send us their surplus feeder cattle and calves as long as our tariff remains low and as long as we are receptive to such imports. Any increase in numbers of feeders from Appalachia will simply add that much supply to the market and compete directly with our own feeders produced here at home.

Furthermore, it must be recognized that it is absurd to give Federal funds to landowners of one region to bring land into production, while simultaneously landowners in other regions are being paid to take better land out of production.

Mr. President, it is my earnest hope that the Federal Government will refrain from injecting itself into every situation which appears troublesome to any group of people anywhere in the United States. It is not hard to sympathize with people in Appalachia or elsewhere who are having problems that they find it difficult to solve. It is easy to say, "Let us help them," and then plunge in hastily with Federal money and Federal programs. But we have an obligation to give these problems thoughtful consideration. It is simply absurd to use Federal funds to induce more people to go into the cattle business. It is unfair and discriminatory to tax people in other parts of the country in order to give assistance to one selected region. If the people of Appalachia need help, so do the people of various other parts of the country. We have no right to play favorites, to help one area at the expense of others, to worsen the market for the cattle producers of the West and Midwest in order to help out the farmers of the East.

I ask unanimous consent that an article from the Stockman's Journal of June 24, 1964, and a release from the Department of Agriculture dated June 18, 1964, be printed at this point in the RECORD.

There being no objection, the article and release were ordered to be printed in the RECORD, as follows:

[From the Stockman's Journal, June 24, 1964]

AS "FOOD FOR PEACE": U.S. BEEF NOW ELIGIBLE FOR EXPORT FINANCING, FREEMAN ANNOUNCES

WASHINGTON.—Secretary of Agriculture Orville L. Freeman has announced that U.S. beef is now included among agricultural commodities eligible for export financing under Public Law 480 (food for peace program).

"Beef is in surplus in the United States and meets the basic requirements of Public Law 480 eligibility in every respect," Secretary Freeman said.

"Several of the developing countries have expressed interest in buying U.S. beef under title I of title IV of Public Law 480.

"Under title I, such countries would pay for U.S. beef with their own currencies. Under title IV, they would buy for dollars, under special long-term low-interest payment arrangements.

"In some of the pending Public Law 480 negotiations, beef is actively being considered along with other U.S. farm commodities and we fully expect that beef will be included in some of the final agreements.

"I would stress that while we intend to export beef under Public Law 480, at the same time we will do so in a way that is not detrimental to established commercial trading relations, either our own or those of other friendly countries. A number of beef-exporting countries, some of whom currently are short of supplies, have a long history of supplying the world market with beef. It would not be right for the United States to step in with its large supply of beef and upset the established world market, and we do not intend to use Public Law 480 to do so.

"To avoid any harmful effects of export sales under Public Law 480, we will insist in our sales agreements that the purchasing country regard such beef as additional to its usual purchases from its traditional free world suppliers.

"In beef export operations, we do not intend to use any export subsidies," the Secretary said.

U.S. BEEF TO BE EXPORTED UNDER PUBLIC LAW 480

U.S. DEPARTMENT OF AGRICULTURE,
Washington, June 18, 1964.

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WATER RESOURCES RESEARCH ACT OF 1964

Mr. HRUSKA. Mr. President, the Senate Appropriations Committee presently is considering a supplemental budget request for fiscal year 1965. Included in the bill is an item from the Department of Interior asking for $1,535,000 to initiate the water resources research program authorized by Public Law 88–379 enacted a few weeks ago. As all the members of this body know, the legislative antecedent of this statute was S. 2, which I was privileged to cosponsor.

The future water needs of the Nation were thoroughly examined, studied, and reported by the Senate Select Committee on National Water Resources organized in 1959. A full report was made to the Senate by the committee in 1961. Public Law 88–379 which bears the title, "Water Resources Research Act of 1964", is one product of that report. Specifically, it embodies recommendation No. 3 of the committee urging that a coordinated research program on water be undertaken to include both research into ways to increase available supplies and ways to increase efficiency in the use of water required to produce manufactured goods and crops.

The Congress wisely has followed through on this recommendation, and while many factors converged to make this new legislation possible, it was the diligence and dedication of the distinguished Senator from New Mexico [Mr. ANDERSON] that provided the moving force. The work he has done in the area of water conservation needs no glorification. It stands proudly on its own merits, and I salute and commend him for his many contributions.

The findings of the select committee have shown how rapidly America is approaching the point at which shortages of available water supplies will constitute a significant barrier to our economic and social progress.

The committee's report identified major portions of the United States, equal to more than one-fourth of the land area—excluding Alaska and Hawaii, which by 1980 will have very little water to meet the requirements of expanding industry and growing population.

It further points out that by the turn of the century this condition of water scarcity will extend to an area comprising virtually one-half of the land area of the contiguous States. Shortages are not the only concern. Maintenance of water quality also will be a critical problem everywhere in the United States.

The demands on our water resources have increased tremendously in recent years. The present 300 billion gallons of daily withdrawal will double by 1980 and triple by the year 2000. If called upon, how many localities in this country could presently double their water output let alone triple it? And yet, this is exactly what will be required sooner than we care to think.

One of the observations made in the committee's report is that on the basis of median projections of population growth and water use and depletion, the regions of the upper Missouri, upper Rio Grande and Pecos, Colorado, Great Basin, and South Pacific will be short of water by 1980.

This brings the problem very close to home for all the people of my State because the upper Missouri River region contains the entire State of Nebraska. In other words, the States—including

Nebraska—in the five water regions referred to will be required to develop fully all available water resources by 1980, or sooner, if the projected increase in population is experienced and economic activity achieved. The year 1980 is only 16 years away.

In Nebraska, as elsewhere, it behooves all interested people to exert utmost good faith and diligence to the end that workable and acceptable solutions for our water resources problems are found as expeditiously as possible.

The foregoing information is just an indication of the findings contained in the select committee series of 32 committee prints. They cause thoughtful individuals to pause; to wonder at the benefactions of nature which have so generously provided for our wants until now; and to consider seriously the methods we must adopt and means we must provide in order to conserve, develop, and wisely use water upon which all human endeavor so heavily depends.

In passing legislation to establish water research institutes at the various land-grant colleges across the Nation, the Congress wisely has taken a long step forward toward finding answers for the intermittent and more permanent water problems confronting many communities in many areas.

The programs carried on under Public Law 88-379 will contribute to the discovery of these new means and methods by stimulating and supplementing present research programs and by encouraging the training of young scientists and engineers for work in this vital field. It is only by harnessing our human resources that we can ever hope fully to use and conserve our natural resources. Water research and the training of young scientists logically are linked together. By committing our colleges and universities to a more active part in research we are assuring ourselves of a constantly growing cadre of trained and dedicated minds.

Among the ancillary benefits of S. 2 are the possibilities it offers for increasing the number of trained and qualified water resources specialists available for work with State and local governments either on a permanent or consultant basis. Clearly, the need for trained personnel is sharpest at this level. Happily, most of the provisions in Public Law 88-379 are pointed in the direction of the States and their political subdivisions. The statute recognizes that each area of the country, and even their subareas, have problems unique to that particular region. These problems cannot be solved in a vacuum. They must be tackled by skilled people fully acquainted with all the facts and dedicated to finding sound and workable solutions. The broad and enthusiastic support given to S. 2 is a testimonial to the wisdom and popularity of this approach.

Perhaps more than most States, Nebraska has water resource problems. There are several irrigation projects either under construction or in planning in the Lower Loup Valley. It is important to know their ultimate effect upon the streamflow in the lower reaches of this river after these projects are completed. Nebraskans need to know what effect, if any, these and other projects will have on domestic water supplies. We want to know more about our underground water supply. If signs appear that we are overpumping from that supply and depleting it, we want some technical advice and assistance on what to do. All of these and many other subjects and problems will fall within the areas of inquiry supported by this legislation.

As a land-grant college, the University of Nebraska is eligible for participation in the program established by this year's act. Officials of the school have assured me of their keen interest in cooperating in this new effort and have already given a great deal of thought to the plans and proposals that will be submitted for approval.

The work that has been and is being done at the university both in Lincoln and throughout the State in the field of water research and related disciplines enjoys international recognition. The care and diligence with which the people there have approached this new program is in keeping with the clear thinking that has guided all their undertakings.

Our soil and water conservation programs in Nebraska are internationally recognized and admired. Many people in the State have contributed to their success. Our university has made a significant contribution and we Nebraskans take pride that the perimeters of that institution's obligations and responsibilities are not the boundaries of its campuses in Lincoln and Omaha but the boundary lines of the State itself. Once the expected research institute in Nebraska is established and operating smoothly, no community, no watershed, indeed no Nebraskan will be without a place where information and counsel can be obtained.

The need for sound planning even in the initial stages of the implementation of the new act must be clearly recognized by all. If our new research programs are to provide maximum benefits, the planners in each State must carefully think through what they want to do with the funds that will be made available to them. They must ask themselves, where do we want to go and what problems do we want to study.

In this regard, those administering the program on the Federal level must take pains not to encourage the States to shortcut the processes of sound thinking and careful planning. The States must not be led to believe that when an application for a grant is filed is more important than what the application contains.

I have been very pleased to learn that officials at the agency within the Department of Interior responsible for moving this program forward are aware of the dangers I have outlined. It is my understanding that discussions with water resource leaders in all the 50 States are planned and that these should be completed by January. These talks undoubtedly will contribute much toward building a solid basis on which a meaningful long-range program can be constructed.

Once the deliberations on the appropriations request for this program have been completed, the Congress will be able to judge what funds are needed to assure that good progress is made. The guidelines provided by the Appropriations Committee will be very useful in this regard. To insure that no time is lost and that the Department will be in a position to start receiving applications for grants at the earliest practicable time, every consideration should be given to providing needed staff and facilities.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum, the time to be charged equally to each side.

The **PRESIDING OFFICER.** Without objection, it is so ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 584. An act for the relief of Yih-Ho Pao and his wife, Joanne T. Pao;

S. 1737. An act for the relief of Arthur Wendell Bolta;

S. 1966. An act for the relief of Glenda Williams;

S. 1986. An act for the relief of Hattie Lu;

S. 1999. An act for the relief of Francisco Navarro-Paz;

S. 2205. An act for the relief of Giuseppe DiCenso;

S. 2629. An act for the relief of Czeslaw (Chester) Kaluzny; and

S. 2812. An act for the relief of Joanne Irene Taylor.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 66) withdrawing suspension of deportation of Joe Quong.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. CURTIS. Mr. President, on behalf of the minority leader [Mr. Dirksen], I yield 3 minutes to the distinguished Senator from Ohio [Mr. Lausche].

The **PRESIDING OFFICER.** The Senator from Ohio is recognized for 3 minutes.

Mr. LAUSCHE. Mr. President, I shall not support the substitute amendment, for the following reasons:

In Ohio, in 1903, the Constitution was amended so as to give each county within the State one member in the lower house. The size of the population was not at all considered in making that allocation of one member to each county to represent it in the lower house of the legislature.

In 1903 an amendment was adopted by the people of Ohio which further provided for an increased number of representatives for the larger counties.

The argument has been made on the floor that State legislatures have refused to reform the law dealing with representation, so as to conform more closely to population representation, and therefore something had to be done by the courts.

I point to the situation as it prevails in Ohio.

In 1913 a constitutional convention was held. One of the issues discussed in the convention was whether there should be an amendment of the constitution to provide representation on the basis of population in both houses of the legislature. In that convention the proposal was disapproved.

In 1932, in accordance with the provisions of the constitution of Ohio, the following question was submitted to the people: "Shall there be a constitutional convention?"

City political bosses, labor leaders, and others argued that equality of representation did not exist in the legislature. It was argued that the big cities did not have an adequate voice, and that therefore the constitution ought to be amended.

The appeal was made to the voters of Ohio that a constitutional convention should be held, and that the constitutional convention should reform the State law. That issue went to the voters. The voters rejected it overwhelmingly. They declared that they wanted no tampering with the constitution of Ohio as it then existed.

Now we come down to 1952, 20 years later. I was Governor of the State at the time. The issue again was on the ballot. It was submitted to the people of Ohio, then about 8 million. The question was: "Shall there be a constitutional convention?"

The proponents argued that it was needed to procure equity in representation in the legislature.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. Again the proponents were those who said that the big cities did not have adequate representation. The opposition argument was that it was impossible to have good government if the legislature was dominated by the big city political bosses and the labor leaders. That was in 1952. Good government is obtainable only when there exists the moderating influence of city and rural representation—one upon the other.

There are 88 counties in Ohio. Canton, an industrial city, is located in Stark County. Akron is located in Summit County. Akron is also an industrial center. Cleveland, our large industrial center, is located in Cuyahoga County. Lucas County has located in it the city of Toledo, an industrial community. Dayton is located in Montgomery County. Hamilton County contains in it Cincinnati, another industrial center.

The query could be made: How did the people of Ohio vote in 1952 on this issue? The answer is that not one county in the State—and that included the counties in which Cincinnati, Dayton, Cleveland, Toledo, Steubenville, Columbus, Lima, Youngstown, Canton, and Akron are located—voted in favor of that measure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield 1 minute to the Senator from Ohio.

Mr. LAUSCHE. The people of Ohio felt that their legislature was properly apportioned. They did not wish to change, Mr. President. If they wanted to change, they had the opportunity to effectuate the change. They rejected the proposal.

It is on this basis, representing the views of the people of my State, that I shall not vote for the substitute amendment which is now before the Senate.

Mr. JAVITS. Mr. President, I yield myself 30 seconds to inform the majority leader that we have reserved as much of his time as possible, except that the Senator from Nebraska [Mr. Curtis] yielded 3 minutes to the Senator from Ohio [Mr. Lausche], and that in order to equalize the time I also yielded 3 minutes to the Senator from Ohio.

I yield myself 1 minute.

Mr. President, it has been said that the "sense" resolutions to which I referred in my preliminary presentation were directed primarily to foreign affairs.

I used the analogy only to demonstrate that where we do not have the power to tell the President what to do in a given situation, the only way we can communicate our intention and desire to a coordinate branch of the Government is to adopt a "sense" resolution.

These resolutions are very serious matters. Under a "sense" resolution the Marines went into Lebanon. The 7th Fleet defended Taiwan under a "sense" resolution. The United States stood firm, in the face of the danger of atomic war over Berlin, under a "sense" resolution.

I point out also that where a coordinate branch of the Government is concerned, we do not hesitate to adopt a "sense" resolution on domestic as well as foreign policy matters. For example, I have before me Senate Concurrent Resolution 53, which expresses the sense of the Senate and the House of Representatives that Government employees should travel on U.S.-flag air carriers. This is a matter within the province of the executive branch.

Therefore, Mr. President, a "sense" resolution is a technique expressly designed for this kind of situation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

Before my good friend the distinguished minority leader came into the Chamber I said what I think he should hear and what I think is fair to say, namely, that those of us who support the amendment which we have proposed do not feel that we have the power to mandate the Supreme Court in pending cases. That is what it comes down to. In at least 34 of the 50 States cases are pending in the Federal courts right now. Therefore, we do not have the power to mandate because it is unconstitutional to try to write a rule of decision for a coordinate body. The only other alternative we have is to express our intention and desire. I am deeply confident that the Supreme Court would listen to us, just as the President on many occasions has listened to us. He did so because it represented the will and the view of the Congress.

This is the only course we can follow and the only way in which we can express ourselves to a coordinate body.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. How stands the time with respect to the proponents and opponents?

The PRESIDING OFFICER. The proponents have 18 minutes remaining, and the opponents have 13 minutes remaining.

Mr. DIRKSEN. Mr. President, I yield myself 5 minutes.

I pointed out earlier today what the Attorney General of the United States said about sense-of-Congress items in any kind of measure, insofar as their binding effect is concerned. I am sure my friend from New York [Mr. Javits] will readily admit that these resolutions are wholly advisory, even in the international domain. The President of the United States, in his capacity as Commander in Chief under the Constitution, could have done everything that the Senator recited without having come to Congress. Our action had only a shoring-up effect, in order to put some steam into it, to show that there was unanimity of purpose as between the executive branch and the legislative branch. But as the Attorney General said, Congress could, of course, have embodied its policy in a provision of positive law, to which the executive branch would have been bound to adhere. That, Congress did not choose to do. So it is significant, not only in establishing that section without legal effect, but in determining its proper interpretation and application as policy.

Out of that, the Attorney General said, with respect to the wheat deals, that what was written into the 1961 act had no binding effect, and the executive proceeded accordingly.

Either we are going to do something that will have a positive, affirmative effect, or we shall leave it on an advisory basis. But the Supreme Court had already indicated to the lower courts, and particularly to the three-judge panels, that they could exercise discretion, they could exercise reason; but they did not do so.

The Senator from Colorado [Mr. Allott] is in the Chamber. He knows that Colorado had 15 days in which to convene its legislature. The three-judge court said, "The confusion is not of our making." Its order is before us. So the court fairly washed its hands of the matter and took an arbitrary position with respect to redistricting—and some of the districts are amazing, to say the least.

The same thing happened in Oklahoma. I presume the same thing will happen everywhere. Although the Supreme Court said that the lower courts should use the rule of reason, still the lower courts did not do so. In consequence, it is necessary to provide some teeth.

I remember a story about an English rector who was describing the glories of heaven and all the felicity there. He said there would be ambrosia and nectar for everybody; no cares, no worries, no anxieties. When he had finished his sermon, an old man came up and said, "Rector, what am I going to do when I get to heaven? I don't have any teeth."

The rector looked at him and said, "Mister, teeth will be provided."

That is what we are trying to do. We are trying to put a few teeth into this matter. That is why the substitute of my friend from New York [Mr. JAVITS] is, in my judgment, meaningless. In fact, it is a little more than meaningless in the sense that the first part expresses the sense of Congress; but the second part states that in framing any kind of future decree, the courts shall consider whether or not a constitutional amendment has been initiated. Obviously, that will require the organization of a new Congress, the filling in of gaps on committees, the establishment of subcommittees, the holding of hearings, the reporting of a proposed amendment to the Senate and the House; and then launching it to the country. How long will that take? In that time, the Court could freeze a pattern in so many States as to cause no end of trouble.

Mr. ALLOTT. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. ALLOTT. The Senator referred to the Colorado stituation, which is as bad as any situation as a result of the Sims decision. It is only fair to say—and it also demonstrates the ridiculous situation in which various elements of the country are put—that the same three-judge court that was subsequently forced to give the Governor 15 days in which to convene the legislature to reapportion the State had previously declared the constitutional amendment in Colorado constitutional by a 2-to-1 majority. That decision was appealed to the Supreme Court, and as a result of the Sims case the same lower court was required to follow the decision of the Supreme Court. It finally declared the new apportionment constitutional; but it was immediately declared unconstitutional by the State supreme court.

Mr. DIRKSEN. It is an impossible situation.

I allude to a letter I received from a State senator in Oklahoma. The Oklahoma primary election law was invalidated, and the constitutionality of the legislature was invalidated. The senator to whom I refer was elected in 1960 for a 4-year term. The invalidation took away half of his term. He had engaged in the primary contest and spent what money he had. He has no more to spend. Now he will have to run in a second primary. What an amazing state of affairs.

I wish to allude to one other event. Only a few days ago, in the great State of Michigan, according to the Washington Star of September 12 and the Washington Post of Sunday, September 13, a decision by the circuit court of Kent County, Mich., was reported. The court ruled that, pursuant to the decision of the Supreme Court, there must be a reapportionment on the basis of one man, one vote, the Kent County Board of Supervisors must be reapportioned. Mr. President, this situation could be carried out to apply to park districts and irrigation districts. I do not know where it might lead but it is what Justice Frankfurter referred to, when he was a member of the Supreme Court, as the "political thicket" that we get into when the Court assumes legislative responsibility.

This is serious business. I earnestly hope that the substitute amendment offered by my good friend from New York will be voted down and that, at long last, we may have a vote on the Dirksen-Mansfield provision, which has been before the Senate for a good many weeks.

Mr. JAVITS. Mr. President, I yield myself 4 minutes. I do so in order to answer several points made by the distinguished Senator from Illinois. He has constantly referred to the amendment as my amendment. It is not.

Mr. DIRKSEN. I am sorry.

Mr. JAVITS. That is quite all right. The amendment is joined in by the two Senators from Minnesota [Mr. HUMPHREY and Mr. McCARTHY]. It is very much a bipartisan effort. The language that has now been substituted has been developed—and I say this with their permission—by the Senator from Illinois [Mr. DOUGLAS] and the Senator from Wisconsin [Mr. NELSON]. We have had the intermediation of a number of other Senators, including the junior Senator from Montana [Mr. METCALF].

What does our proposal come down to? It comes down to this practical question: If one does not agree that the Supreme Court has the power to make the decisions that it made in Baker against Carr and in Reynolds against Simms, and if one feels that Congress has the power to mandate the Supreme Court as to how to decide pending cases, then obviously this "sense" amendment is meaningless. But if one believes, as I do, and as I deeply believe a majority of the Senate should, that the Supreme Court has the power to decide cases under the 14th amendment and that the Supreme Court has power to deal with pending cases, notwithstanding any mandate we may give the Court to the contrary, then we face a problem of power as between two coordinate branches of Government. In my judgment, it is essential to the security of this Republic that each branch respect the other as it would itself wish to be respected, and that the legislative branch not seek to assert power which would compel the Supreme Court to say, if it is to be left as an institution at all, and to have any self-respect, that we do not have.

It is the function of governance to avoid dreadful confrontations. That is the reason we take the position we do; and, also, because there is a doctrine in the courts, secure in law, known as equitable abstention. I shall be happy to give the citation to sustain my view. There is the case of *Louisiana Power & Light Company* v. *City of Thibodaux City*, 360 U.S. 25, and also the case of *Harrison* v. *N.A.A.C.P.*, 360 U.S. 167. Both cases invoke the doctrine of equitable abstention, which means that the Court, dealing with equity cases—and the apportionment cases are all equity cases—has the power to stay its hand, and will stay its hand, for whatever reason it believes equity dictates.

One of the classic reasons for doing so is in a case involving the construction of State statutes, to give an opportunity to the State courts to decide that issue in the first instance, without in any way surrendering Federal power. Another instance, which we are now invoking, is to give the States and the Federal Government a reasonable opportunity to work their will. By passing the "sense" resolution, we inform a coordinate branch of government as to what we wish done in this regard.

I do not believe that we have the power to tell the Supreme Court how it must decide a great majority of State apportionment cases, because they are all pending cases. The precedents, in my judgment, are clear that it represents a rule of decision which the Court would have to strike down.

We face another practical question. There are not enough votes in the Senate for cloture. We realized that recently.

The PRESIDING OFFICER (Mr. BAYH in the chair). The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. Cloture failed not by a yard, but by a mile. There are not enough votes to table the Mansfield-Dirksen proposal. The country is standing still right now in terms of our activities. It is our duty as legislators to find some honorable way out. I believe that we have given the Senate an honorable way out, consistent with the powers of coordinate branches of government, consistent with respect and dignity of each body, and consistent with the needs of the situation.

The Senator from Colorado, the Senator from Illinois, and I, complaining about the New York case, state that we believe some lower courts have gone haywire in this matter and it needs to be corrected by the Supreme Court. What better way to correct it than by declaring to the Court exactly what we propose to do, step by step, from now on—whether a constitutional amendment in the Federal Establishment, or State action to meet the standards set by the Supreme Court on apportionment.

Finally, our country is growing into an urban society. More than 70 percent of the American people now live in urban centers. This, it seems, is but a sociological certification of the march of time and the march of progress. What we need is the opportunity to conform to it.

What we need is to give the people of each State the opportunity to decide, if they choose; and they may choose to have one house of their legislature not apportioned by population. They may take a Federal constitutional amendment. This takes time, so that the decision as between Senators who will vote for our substitute and those who will vote against it, I believe in all fairness, is one between those who agree or disagree with the fundamental premise of the Supreme Court. We seek the time to bring that about. They feel that it is wrong. They want to direct the Court not to do it. I do not believe that they can do that constitutionally, except by a constitutional amendment.

I seek to avoid that dreaded confrontation. Hence, this substitute.

Mr. President, I reserve the remainder of my time.

Mr. DIRKSEN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DIRKSEN. I wish I could share the optimism of the distinguished Senator from New York as to the impact the sense of Congress will have on thinking. In the realm of the decision of Reynolds against Sims, it seeks to invoke the lower court to be reasonable, to take into account the extraordinary circumstances. But did they do it? Let me read from the final order in the Oklahoma case:

> If confusion and hardship results from the vacation of the primary elections, it is not of our making.

They washed their hands of it.

Continuing further:

> Our duty is to reapportion the Oklahoma Legislature in accordance with the established law of the land.

If we look to that final order, what does the three-judge court say?

> There is ample time and sufficient funds for the special elections. In these circumstances, we decline to withhold the immediately available remedy to which the plaintiffs are clearly entitled. We accordingly vacate the primary elections conducted under the Oklahoma court's standby order, and we find and hold that a vacancy exists in all of those offices, within the meaning and as contemplated by (a decision).

Yet in Reynolds against Sims, the Chief Justice himself stated, "be reasonable."

There is the example of reasonableness. That is why it requires something more than to say, "Pretty please, Mr. Court. Do this. Do that. Be reasonable. Go slow."

I should like to see it nailed down and have some teeth in it, until we can get around to the constitutional amending process.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Minnesota [Mr. MCCARTHY].

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. McCARTHY. Mr. President, I hope that the Senate will support the modified amendment of the Senator from New York [Mr. JAVITS], which has been sponsored also by the senior Senator from Minnesota [Mr. HUMPHREY] and myself.

I believe that it is a prudent and practical solution to a rather difficult problem. The effect of it should be satisfactory to everyone who is concerned about the problem of reapportionment.

The adoption of the amendment would help to get the Senate on its way toward passage of the foreign aid bill and completion of the other unfinished business which lies before us before we can finish this session of Congress.

There is a practical problem as to what would be the effect of the Court's decision on the structure of State legislatures, in the long run and in the short run. Most Senators are concerned that State legislatures should not be elected at large in the next election, if it can possibly be prevented. In this amendment we are proposing a reasonable accommodation of the position taken by many Members of this body and of the House who are concerned over their State legislatures.

I have some concern as to what might happen in my own State, because there is a case in court in Minnesota relating to this problem. I believe that if we have a reasonable time—it should mean not more than 2 years during which the legislature of the State could act—the problem could be taken care of; whereas, if action were taken so as to force an election at large in this November's election, it would certainly cause undue hardship in the State of Minnesota.

Therefore, I believe that any Senator concerned merely with the practical and prudent approach to this problem should be able to see his way clear to support this amendment.

Those who wish to express some kind of legislative declaration that the Court should be reasonable and orderly in its approach to reapportionment will find enough in this amendment to merit their support.

Then there are those who support a constitutional amendment as the proper way to proceed in meeting the problem of apportionment and representation in the States.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. JAVITS. Mr. President, I yield 3 additional minutes to the Senator from Minnesota [Mr. MCCARTHY].

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 additional minutes.

Mr. McCARTHY. The "sense of Congress" amendment we are proposing would enable those who are actively opposed to the Court's decisions to express—as much as Congress has the power—what their intention is: to try to secure action on a constitutional amendment. If Congress, following public hearings and proper procedures, were to propose a constitutional amendment in the next session, and if it should be ratified, then it would be the law of the land and the States could proceed to establish legislative districts in accordance with its provisions.

I therefore believe that this modified amendment offers to any Senator—no matter what his point of view may be with regard to the problem of apportionment—a place in which he can find a justifiable home and a proposal which he can support.

It does no violence to the Supreme Court or to the judicial system of our country. It does no violence to the House of Representatives or to the U.S. Senate. It in no way intrudes upon or interferes with the operation of the State legislatures of our land.

This is sometimes not the case in actions which we take. It seems to me it would not have been the case if we had proceeded with the original Dirksen amendment, or if we adopted the Mansfield-Dirksen modification.

I urge all Senators to support this amendment.

Mr. JAVITS. I thank my colleague for his cooperation on this occasion, which I consider to be historic in the history of our Nation.

I yield 1 minute to the senior Senator from California.

Mr. KUCHEL. Mr. President, the American system of government is unique. The American system provides for an independent judicial establishment.

I urge the Presiding Officer and all my fellow Senators to reject any type of rider which would destroy the independent American judiciary.

There is a way to provide that that kind of a rider will not be attached to the foreign aid bill and that is to support the proposal offered by the senior Senator from New York [Mr. JAVITS], the senior Senator from Minnesota [Mr. HUMPHREY], and the junior Senator from Minnesota [Mr. MCCARTHY].

My personal desire is to object to any kind of attempt to restrict the independence of the judiciary. But I am not in the position of being completely free in this Chamber. I cannot ask the Senate to do what I want it to do. So I am taking what I frankly feel is the lesser of two evils. I shall support the proposal offered by my colleagues because it is, in the order of magnitude, far less than the other alternatives presented to us.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, it has been said time and again that this is a grave constitutional test. I believe that it is a grave constitutional test, because it calls upon the Senate to exercise that spirit of self-discipline which alone can make this Government work.

That spirit of self-discipline inheres in the fact that a particular body of Congress will restrain itself from exercising authority which it believes to be contrary to the Constitution, because it believes in the coordinate powers of the Government to such a degree.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. Mr. President, may I have 1 additional minute?

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, in this particular case we have a unique reason for staying our hand. That reason is that it seems to be the overwhelming, prevailing weight of opinion that under the Constitution, the Supreme Court has the right to act as it did in these particular reapportionment cases.

If that is the case, the only way in which we can act to assert ourselves in the face of what we consider to be the abuses of discretion in the lower courts is in this fashion. The history of our Government, in terms of comity extended by one coordinate branch to the other, is well known. The difference between this case and the case that the Senator from Illinois [Mr. DIRKSEN] has been using, of the shipment of wheat into the Communist bloc, is that in that instance we had the power to act by law, and in this instance, the basic premise under which we are proceeding, we who propose the amendment, is that we do not have the power to mandate the Supreme Court in respect to these respective cases. Therefore, we are doing what respect for the other coordinate branch of the Government requires that we do, in the only way we can do it.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 minute.

Mr. FONG. Mr. President, I oppose this amendment.

The logical extension of the Supreme Court's decision would be an amendment to the U.S. Constitution or a Supreme Court decision requiring reapportionment of the U.S. Senate on the basis of population in spite of the prohibition "that no State without its consent, shall be deprived of its equal suffrage in the Senate" under article V.

The Supreme Court may rule this provision has been superseded by the 14th amendment.

Hawaii has only 700,000 of our Nation's 192 million people. On the basis of population, with 100 Senators, Hawaii would be entitled to but one-third of a Senator—in other words, none.

As a Senator from Hawaii, I must vigorously protect Hawaii's voice in the Senate and oppose any moves which might deny or diminish that voice.

The State of Hawaii did not send me here to liquidate the representation of the State of Hawaii in the Senate of the United States.

A move to so amend the U.S. Constitution is not at all farfetched. Recently the New Republic, a well-known liberal publication with nationwide circulation, cited Hawaii as a State which is grossly overrepresented in the U.S. Senate. It further stated that the "wildly malapportioned U.S. Senate, like the British House of Lords, has got to be reformed."

Therefore I ask my colleagues to vote down this proposal.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I should like to raise two or three points. First of all, the Mansfield-Dirksen amendment is not a mandate to the Supreme Court. It is a substantive piece of law which would prevent the continuation of a decision which is utterly wrecking the legislative process in the legislative systems of the country.

I believe Senators should understand that this is not a matter of telling the Supreme Court what to do. We cannot do that. It is, rather, a piece of substantive law to prevent the decision of the Supreme Court from going into effect.

Second, I wish to make the point that I have just read article V of the Constitution. We are asked now to act upon a totally meaningless amendment. It has no meaning. It has no substance. It is a "sense" amendment. In fact, it is a negative amendment. If we were to pass it, we would be saying that we did not have the will or the courage, as the case may be, to vote on a substantive amendment that meant something.

The real significance of the amendment now being offered and of the Dirksen-Mansfield amendment, is that they assume that the Congress of the United States will, in the next few months, submit, by a two-thirds vote of each House, a constitutional amendment to the legislatures of the States. By that time, the legislatures of the country will be legislatures which have been built up under the one man, one vote principle in both Houses. No one in the country can possibly be so foolish as to believe that they would adopt a constitutional amendment which would legislate themselves out of office.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I join in the comments made by the senior Senator from California [Mr. KUCHEL]. I would prefer that there be no amendment or no resolution pending.

I believe the issue at stake is not whether a Senator is for or against a population apportionment of both houses of the legislature. No matter what a Senator's position may be on that issue, he ought to stand firm against any resolution which requests the Supreme Court to suspend temporarily, or which expresses the sense of Congress that the Supreme Court suspend any constitutional right for any period of time.

This resolution does not do that. It expresses our concern that a reasonable time be given in which to comply with the Constitution. That is what the Supreme Court has done, anyway. It simply says that in the event a constitutional amendment is submitted to the States, the Supreme Court should take that into consideration in drafting their decree.

It is a perfectly reasonable, sensible resolution. It does not compromise the integrity of the Supreme Court.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PASTORE. Mr. President, I shall vote for this amendment, not because I believe it belongs in the bill. I believe that it has no place in the foreign aid bill. But I believe it is the only way out of the impasse that the Senate finds itself in.

I wish to make one observation to the Senate. This is no decision of a packed Court. Two of the Judges who decided this matter, 8 to 1, were appointed to this Court by Franklin Roosevelt. One of them was appointed to this Court by Harry Truman. Some were appointed to this Court by General Eisenhower, some were appointed by John F. Kennedy. Eight members of the Court were appointed by four Presidents. To sit here and say that this is an awful decision, I believe is a reflection upon the free expression of the Supreme Court of the United States.

I do not believe they are disrupting anything. They are merely saying that ours is a representative form of government, and every man is entitled to the full force and effect of his vote. That is the reason I am voting for it—not because I like it, but because it is innocuous and it is the way out of this impasse.

The PRESIDING OFFICER. The sponsors of the amendment have 1 additional minute remaining.

Mr. JAVITS. Mr. President, I yield the remainder of my time to the Senator from Minnesota [Mr. HUMPHREY].

First, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. HUMPHREY. Mr. President, in the minute that remains I should like to underscore what I believe is involved in the amendment offered by my colleague from Minnesota [Mr. MCCARTHY], the Senator from New York [Mr. JAVITS], and myself, and which I know is widely supported by other Senators.

First, the amendment would protect the integrity of the Senate.

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Minnesota may proceed.

Mr. HUMPHREY. First, it would protect the integrity of the Senate as a parliamentary body.

Second, it would protect the integrity of the Court in its responsibility under our Constitution to interpret and apply the constitutional provisions.

Third, it would respect the doctrine of the separation of powers between the different branches of our Government.

Finally, the amendment is one of reason. It would express the sense of the Senate, asking that the Court take into consideration some of the factors which are involved in the time that is necessary for reapportionment by the State legislative bodies. It also takes into consideration the possibility of a constitutional amendment.

I hope that the question may now be decided by an affirmative vote for the amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS] and the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY], as modified, to the so-called Dirksen-Mansfield amendment. On this question, the yeas and nays have been ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. My understanding is that the vote comes upon the new language which was offered in place of the earlier substitute by the same authors who reserved the right to change their amendment.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from New York [Mr. JAVITS] and the Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY] to the so-called Dirksen-Mansfield amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALTERS (when his name was called). I have a pair with the Senator from Missouri [Mr. SYMINGTON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], and the Senator from Utah [Mr. MOSS] are absent on official business.

I also announce that the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Alabama [Mr. HILL] are absent because of illness.

I further announce that the Senator from Washington [Mr. JACKSON], the Senator from Wyoming [Mr. MCGEE], and the Senator from Missouri [Mr. SYMINGTON] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. HARTKE] would vote "yea."

On this vote, the Senator from Kansas [Mr. CARLSON] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Kansas would vote "nay."

On this vote, the Senator from Idaho [Mr. CHURCH] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Idaho would vote "yea," and the Senator from Texas would vote "nay."

On this vote, the Senator from Alaska [Mr. GRUENING] is paired with the Senator from Iowa [Mr. MILLER]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from Iowa would vote "nay."

On this vote, the Senator from Washington [Mr. JACKSON] is paired with the Senator from Massachusetts [Mr. SALTONSTALL]. If present and voting, the Senator from Washington would vote "yea," and the Senator from Massachusetts would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Arizona [Mr. GOLDWATER], the Senator from Idaho [Mr. JORDAN], the Senator from Iowa [Mr. MILLER], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

On this vote, the Senator from Kansas [Mr. CARLSON] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Kansas would vote "nay," and the Senator from Massachusetts would vote "yea."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Idaho [Mr. JORDAN].

If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from Idaho would vote "nay."

On this vote, the Senator from Iowa [Mr. MILLER] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Iowa would vote "nay," and the Senator from Alaska would vote "yea."

On this vote, the Senator from Massachusetts [Mr. SALTONSTALL] is paired with the Senator from Washington [Mr. JACKSON]. If present and voting, the Senator from Massachusetts would vote "nay," and the Senator from Washington would vote "yea."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Idaho [Mr. CHURCH]. If present and voting, the Senator from Texas would vote "nay," and the Senator from Idaho would vote "yea."

The result was announced—yeas 40, nays 42, as follows:

[No. 573 Leg.]

YEAS—40

Anderson
Bartlett
Bayh
Beall
Brewster
Burdick
Case
Clark
Dodd
Douglas
Edmondson
Fulbright
Gore
Hart
Hayden
Humphrey
Inouye
Javits
Keating
Kuchel
Long, Mo.
Magnuson
McCarthy
McGovern
McIntyre
McNamara
Metcalf
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Salinger
Smith
Williams, N.J.
Yarborough
Young, Ohio

NAYS—42

Aiken
Allott
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cooper
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fong
Hickenlooper
Holland
Hruska
Johnston
Jordan, N.C.
Lausche
Long, La.
Mansfield
McClellan
Mechem
Monroney
Morse
Morton
Mundt
Pearson
Prouty
Robertson
Russell
Simpson
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—18

Carlson
Church
Cotton
Goldwater
Gruening
Hartke
Hill
Jackson
Jordan, Idaho
Kennedy
McGee
Miller
Moss
Saltonstall
Scott
Symington
Tower
Walters

So the amendment of Mr. JAVITS, Mr. MCCARTHY, and Mr. HUMPHREY, as modified, to the DIRKSEN-MANSFIELD amendment, was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment to the amendment was rejected.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the Dirksen-Mansfield amendment.

Mr. THURMOND. Mr. President, on behalf of the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from Nebraska [Mr. CURTIS], the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], and myself, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from South Carolina, for himself and other Senators, will be stated.

The Chief Clerk read the amendment, as follows:

At the end of the bill, add the following new title:

"TITLE V—DEFINING THE JURISDICTION OF THE UNITED STATES SUPREME COURT AND ALL FEDERAL COURTS INFERIOR THERETO, IN CERTAIN INSTANCES

"SEC. 501. Following section 1258 of title 28 of the United States Code (28 U.S.C., sec. 1258) add a new section as follows:

"'1259. Supreme Court, limitation of appellate jurisdiction

"'The Supreme Court shall not have the right to review the action of a Federal court or a State court of last resort concerning any action taken upon a petition or complaint seeking to apportion or reapportion any legislature of any State of the Union or any branch thereof.'

"SEC. 502. Amend title 28, section 1331 of the United States Code (28 U.S.C., sec. 1331) by adding at the end thereof a new subsection to read as follows:

"'(c) The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union or any branch thereof.'"

Mr. THURMOND. Mr. President——

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield, without losing his right to the floor?

Mr. THURMOND. I yield.

Mr. MANSFIELD. May I have the attention of the Senate? I am about to propound a unanimous-consent request.

I ask unanimous consent that there be a time limitation on the pending Tuck amendment of 2 hours, 1 hour to a side.

Mr. DOUGLAS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THURMOND. Mr. President, I would have no objection to the request that was propounded. However, I do not think it would take an hour to a side. I have only about a 15- or 20-minute speech. Perhaps other Senators would like to say a word about it.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. Is this an amendment to the Dirksen-Mansfield amendment or a substitute for that amendment?

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. This is a substitute for the Dirksen-Mansfield amendment.

The PRESIDING OFFICER. The amendment is a substitute.

Mr. HOLLAND. Is that the ruling of the Chair?

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. HOLLAND. I thank the Chair.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the Senator from Virginia.

Mr. ROBERTSON. Has the Senator from South Carolina listed the junior Senator from Virginia as a cosponsor of this amendment?

Mr. THURMOND. Yes.

I will ask the clerk again to read the names of the sponsors of the amendment.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. An amendment offered by Mr. THURMOND for himself and Messrs. BYRD of Virginia, ROBERTSON, CURTIS, EASTLAND, and STENNIS.

Mr. ROBERTSON. Mr. President, will the Senator yield again?

Mr. THURMOND. I am pleased to yield.

Mr. ROBERTSON. If we could get the unanimous consent of the Senate to grant 30 minutes to the Senator from South Carolina and 30 minutes to the opposition, we could get to a vote. This is an issue we have been debating for a month. I do not think the debate is going to change any Senator's viewpoint, and it seems to me we might be permitted to vote if we had a short debate.

Would the Senator be willing to have a unanimous-consent agreement for 30 minutes on a side and then vote?

Mr. THURMOND. The majority leader has already obtained unanimous consent for 1 hour to the side.

Mr. MANSFIELD. No.

Mr. ROBERTSON. There was objection.

Mr. THURMOND. Excuse me. There was objection to it.

I would not object to 30 minutes to a side. I do not want to cut any Senator off. I do not think I will take more than 15 or 20 minutes, but I would like to give any other Senator an opportunity to debate it.

Mr. ROBERTSON. Will the majority leader make such a request?

Mr. MANSFIELD. It would not do any good. I tried to obtain a unanimous-consent agreement. I think the time is propitious for it. I tried to get 1 hour on a side, but there was objection.

Mr. RANDOLPH. Mr. President, will the esteemed Senator yield?

Mr. THURMOND. I am pleased to yield to the Senator from West Virginia.

Mr. RANDOLPH. Is this the amendment, sponsored by Representative TUCK, of Virginia, which was passed in the House, and is now advocated by the junior Senator from South Carolina, and other Senators?

Mr. THURMOND. That is correct. It passed the House by a very large margin, and it is almost identical to a bill I introduced on June 16 of this year, which was referred to the Judiciary Committee of the Senate and is still pending, I believe, in that committee.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, the amendment is identical to H.R. 11926, the so-called Tuck bill, which has been passed by the other body, and is now on the Senate Calendar. The purpose of the Tuck bill and this amendment is to withdraw from the Supreme Court the appellate jurisdiction which the Court has assumed in cases arising from the apportionment of State legislatures. The appellate jurisdiction of the Supreme Court would be withdrawn whether the case was attempted to be appealed from the highest State court or a lower Federal court. In addition, the amendment withdraws all jurisdiction in reapportionment cases from the Federal district courts, in the same manner as the Tuck bill. This would leave the decision affecting the apportionment of any State legislature with that State's courts, the State legislature itself, or the people of the State—where such matters rightfully belong.

There is sound constitutional authority for Congress to withdraw jurisdiction from all Federal courts in the field of apportionment of State legislatures. Article III, section 2, clause 2 of the Constitution reads as follows:

> In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Only in the three specific grants of original jurisdiction is Congress denied the authority to make exceptions to the jurisdiction of the Supreme Court. In all other cases the Congress can modify, regulate, or completely withdraw appellate jurisdiction of the Supreme Court, as it sees fit.

This interpretation was made irrevocable in the case of Ex parte McCardle, an 1868 case in which Congress withdrew the appellate jurisdiction of the Supreme Court in certain habeas corpus proceedings after the case had been argued before the Supreme Court, but before a decision had been rendered. The McCardle case is an extreme example, but it has been frequently reaffirmed and approved. The result is to vest an unrestrained discretion in Congress to curtail and even abolish the appellate jurisdiction of the Supreme Court, and to prescribe the manner and forms in which it may be exercised.

The power of Congress to vest, withdraw, and regulate jurisdiction of the lower Federal courts is derived from the power to create tribunals under article I of the Constitution, the necessary and proper clause, and article III, section 1 which vests the judicial power of the United States in the Supreme Court and "in such inferior courts as the Congress from time to time may ordain and establish." The Supreme Court itself has interpreted article III of the Constitution to mean that Congress has plenary powers over the jurisdiction of any inferior Federal court which it has established by statute. The first case which so held was Turner against the Bank of North America, a 1799 case. The most clearly stated decision on this point, however, is the case of Cary against Curtis, an 1845 case where it was stated that the judicial power of the United States is dependent for its distribution and organization entirely upon the action of Congress, which possesses the sole power of creating inferior courts and "of investing them with jurisdiction, either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good." No clearer and more definite statement could be found, and no clearer or more compelling occasion for the exercise of this power by Congress in the public good can be found than exists now.

Just as there can be no question as to the authority of Congress over the jurisdiction of the Federal courts, there can be no question that the Supreme Court has overstepped its jurisdictional bounds. Beginning with its first decision on reapportionment of State legislatures in the case of Baker against Carr, March 1962, down through the decisions handed down on June 15 of this year, the Supreme Court has been treading in a political no man's land. In discussing the reapportionment decisions, there is no need, and indeed no way, to become involved in legal technicalities. This is because the fundamental issue involved is not a legal question. It is purely a political question, and as such is not within the jurisdiction of the Court. In this regard a statement by Chief Justice Chase speaking for the Court in Ex parte McCardle is fitting:

> Judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer.

Unfortunately this well stated philosophy seems to have escaped the attention of the majority of our present day Supreme Court Justices.

Political questions are not given to judicial determinations. They are for decision of the people exercised by the ballot and through legislative bodies. Justice Harlan, dissenting in the Alabama case said:

> What is done today deepens my conviction that judicial entry into this realm is profoundly ill-advised and constitutionally impermissible. I believe that the vitality of our political system, on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform.

Justice Harlan has pinpointed the key to the apportionment decisions—the Supreme Court is undermining the structure of our political system. In so doing, the Court is usurping the power which has been reserved to the States and to the people under the 10th amendment to the Constitution.

To understand the full consequence of these decisions, we must, however, look even beyond the Court's usurpation of power of the people to decide a political question. The substance of the new rule of political order sought to be imposed by judicial fiat must be carefully examined.

The new political principle sought to be imposed by the Court is commonly characterized as "one person, one vote." This catchword phrase, "one person, one vote," which the apologists for the Supreme Court have now adopted as their battle cry, is a vast oversimplification of the issue involved. It is by no means descriptive of the result of the reapportionment decisions of the Court. It is, however, a noble sounding oratorical gimmick with which it is difficult to argue, because it is difficult to define as it applies to any given situation. In application, this "one person, one vote" doctrine means that a State must alter the weight given to each individual vote. At the present time the Court is interested in requiring the State to assure that the vote of an individual in an urban area has the same influence in an election as the vote of an individual in a rural area. If this theory were applied nationwide in presidential elections, for example, the present electoral college system would also be ruled unconstitutional by the Supreme Court. To illustrate this point, a single individual in the State of New York casts only one vote in an election for President and Vice President. However, his vote influences the election of 43 presidential electors. A voter in South Carolina also casts one vote, but his one vote influences the election of only eight electors. Yet, Mr. President, there is no hue and cry on the part of the advocates of "one person, one vote" for the application of this principle in presidential elections. As a matter of fact the opponents of sound reform in this area, which has been pending before Congress for a number of years in the form of a proposed constitutional amendment, are by and large the same ones who are most vocal in their support of the Supreme Court decisions as they affect the States. I have been a stanch advocate of electoral college reform based on the district plan preferably, but if not, then the proportional plan, to bring about a more equitable voice on the part of individuals in the smaller States since I became a Member of the Senate. However, I have not advocated resort to the courts to solve this pressing problem, because I have felt that the Federal courts have no jurisdiction in such political questions.

Population is, of course, the principal basis for apportionment of legislative representation in all States. But the various States have found it practical, workable, just, and beneficial to weight the apportionment of legislative representation with various other factors in their own States, just as was done in framing the structure of the Central Government. One factor which has been considered in many, if not most, States has been the integrity of local governing units, such as the counties. Their independence of action and ability to best serve the needs of their own people is guaranteed by their separate representation in both bodies of the State legislature.

The Supreme Court seemed to be overly sensitive when it was considering the apportionment of the upper bodies of the State's legislatures, which they found to be constituted in such a way as to favor the rural areas.

Let me point out that such departures from apportionment based only on population result in purely defensive powers to those so favored. The U.S. Congress provides a good example. Each State has equal representation in the Senate, regardless of its population. Thus Delaware has equal representation in the Senate with New York, although New York has at least 35 times more population. But Delaware, even with its equal representation in the Senate, nor even in combination with other small population States which might give them a majority in the Senate, does not have the affirmative power to pass legislation; for the House of Representatives must also concur, and its membership is based on population, or "one person, one vote." Thus the equal representation of Delaware in the Senate gives it at most an increased defensive power to what it would have were representation in Congress based solely on "one person, one vote."

Similarly, the weighting of representation in favor of rural residents gives them an increased defensive power, leaving them less vulnerable to the whims of a majority.

Agricultural areas are necessarily less densely populated than nonagricultural areas. We in the United States, with our consistent departure from the concept of "one person, one vote," have progressed to the point where approximately 8 percent of the population of the Nation produces the entire food and fiber for its consumption, with a large margin for export. This progress has been undoubtedly due in part to the fact that the agricultural sector through its defensive power stemming from its weighted representation has managed to protect its vital interests in the intertwined political and economic order.

Nor is the nature of agricultural enterprise such that those engaged therein can protect their vital interests outside the formal political structure by combined economic action through organization, as is done by industrial labor through the means of labor unions. So long as political issues have been left to the decision of the people, where they rightfully belong, these factors have been recognized, and the departures from the "one person, one vote" concept have not only been tolerated, but affirmatively approved by the majority of the people.

Mr. President, it has been stated on the floor of the Senate that the structure of the States differs in substantial degree from the structure of the Central Government. In some cases this is true, but in most States, there is a striking similarity; for example, in my own State of South Carolina each county is represented by one senator regardless of its population, and a number of representatives according to its population. This is, of course, in the same pattern as the Central Government.

Benjamin Franklin, when asked what form of government was established by the Constitution, said that it was a republican form. Since its basic structure has not been changed since the Constitution was adopted, the Central Government still is a republican form. It is only logical, therefore, that those States whose structure of government is patterned upon the Central Government have a republican form of government. Article IV, section 4 of the Constitution provides:

> The United States shall guarantee to every State in this Union a republican form of government.

Rather than guaranteeing a republican form of government in these States, the Supreme Court is depriving them of the republican form of government which they already have.

Mr. President, there is a necessity for urgent action on this question. Almost all of the States of this Union can be reconstructed by judicial fiat if these decisions are implemented across the board. The resulting chaos would be detrimental to the continuance of sound governmental practices in these States.

I urge that the Senate adopt my amendment to guard against this impending upheaval.

Mr. ROBERTSON. Mr. President, I support the motion to substitute the Tuck bill as an amendment to the foreign aid bill. This amendment would exercise the authority vested in the Congress by article III of the Constitution to give appellate jurisdiction to the Supreme Court, with such exceptions and under such regulations as the Congress shall make, and to ordain and establish inferior courts, and in doing so to prescribe the jurisdiction of such inferior courts.

For more than 170 years, up to the 1962 decision in Baker against Carr, it was universally agreed that questions relating to the organization of States, including particularly the composition of State legislatures, were political questions beyond the power of the Federal courts.

The internal organization of States and the relationship between the several States and their inhabitants are clearly matters reserved to the people and to the States by amendments 9 and 10 of the Constitution. Equally clearly, amendment 14 was not intended to change this principle or to authorize the Federal Government, including particularly the Supreme Court, to interfere with the internal organization of States. None of the congressional sponsors of that amendment and none of the State legislators who ratified it ever dreamed of its being misused for any such purpose, either by the Congress, which was given power to enforce it, or by the Supreme Court which was given no power either to rewrite it or enforce it.

Now, in Baker against Carr and in subsequent cases, the Supreme Court has engaged in judicial legislation of an extraordinary nature, overturning 170 years of history; tossing aside, as scraps of paper precedents by such formerly respected Judges as Felix Frankfurter; and embarking on a new course of constitutional amendment and statutory enactment.

Each year, in celebration of the birthday of our great first President, his Farewell Address is read to the Senate. We all believe it is worth while to be reminded of the parting comments of our first President; and I should like to call attention to George Washington's views on amendments to the Constitution—words which are just as applicable today as they were when first read:

> The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.
>
> * * * * *
>
> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

The Supreme Court, by entering into the political field of the internal organization of States, has engaged in changing the Constitution by usurpation. I believe we can best carry out George Washington's recommendation by removing this field entirely from the jurisdiction of district courts and courts of appeal and from the Supreme Court's appellate jurisdiction. This would be done by the proposed amendment.

I ask unanimous consent that an article entitled "Heartbreaks and the Constitution," written by S. Bruce Jones, Esq., of the Virginia Bar, and published in the 1964 issue of the American Bar Association Journal, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HEARTBREAKS FOR THE CONSTITUTION

(By S. Bruce Jones)

(NOTE.—A look at the changes wrought by the Federal courts in the meaning of the Federal Constitution is a heartbreaking experience, Mr. Jones writes. He points out the numerous fields in which these decisions have made the Federal courts the supervisors of the States' affairs, contrary to the basic principle that the meaning of the Constitution was fixed when it was adopted.)

"The basis of our political system is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all * * *.

"If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."—GEORGE WASHINGTON, Farewell Address.

Thomas M. Cooley wrote: "A cardinal rule in dealing with written instruments is that they are to receive an unvarying interpretation, and that their practical construction is to be uniform. A constitution is not to be made to mean one thing at one time and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable. A prinicpal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or be modified by public opinion. It is with special reference to the varying moods of public opinion, and with a view to putting the fundamentals of government beyond their control that these instruments are framed, and there can be no such steady or imperceptible change in their rule as inheres in the principles of the common law." [1]

To those lawyers who were taught and believed in this fundamental principle a look at the changes made by the Federal courts in the meaning of the Federal Constitution is a heartbreaking experience. They find that at one time the courts say the Constitution means one thing and at another time they say it means something else or even the exact opposite. The clauses interpreted remain the same; only the meaning is changed.

INTERSTATE COMMERCE'S MEANING IS CHANGED

The power to regulate commerce between the States and with the Indian tribes was changed by a divided Court to mean the power to regulate wages, hours, and working conditions of persons engaged in the manufacture of goods destined for interstate commerce.[2] As late as 1935 commerce meant commerce. It did not mean processing or the wages and working conditions of those engaged in processing before reaching the stage of commerce.[3]

For 70 years the courts held that insurance was not commerce [4] but in 1946 it held that it was commerce.[5] Even products raised on a farm for consumption on the same farm are now held to be subject to regulation by Congress under the interstate commerce clause. Under this interpretation of the power to regulate commerce, farmers are now being fined or imprisoned for raising wheat on their own farms for use on the same farm. Under this extension of power the latest wage-and-hour statutes practically disregard the commerce clause and look chiefly to the type or volume of business as the basis for Federal control—for example, Mrs. Murphy's boarding house.

On this question Woodrow Wilson wrote: "May it [Congress] also regulate the conditions under which the merchandise is produced which is presently to become the subject matter of interstate commerce? May it regulate the conditions of labor in field and factory?

"Clearly not, I should say; and I should think that any thoughtful lawyer who felt himself at liberty to be frank would agree with me. For that would be to destroy all lines of division between the field of State legislation and the field of Federal legislation. Back of the conditions of labor in the field and in the factory lie all the intimate matters of morals and of domestic and business relationship which have always been recognized as the undisputed field of State law; and these conditions that lie back of labor may easily be shown to have their part in determining the character and efficiency of commerce between the States.

"If the Federal power does not end with the regulation of the actual movements of trade, it ends nowhere, and the line between State and Federal jurisdiction is obliterated. But this is not universally seen or admitted. It is, therefore, one of the things upon which the conscience of the Nation must make test of itself, to see if it still retains that spirit of constitutional understanding which is the only ultimate prop and support of constitutional government. It is questions of this sort that show the true relation of our courts to our national character and our system of government.

* * * * *

"No one can doubt that it was necessary for the maintenance of the system that the courts of the Federal Government should be the arbiters of all questions of disputed jurisdiction or conflicting authority. But of course such a principle constitutes the courts of the United States the guardians of our whole legal development. With them must lie the final statesmanship of control."

BILL OF RIGHTS APPLIED TO STATES

The first eight amendments were limitations on the powers of the Federal Government and were expressly held not to be limitations on the powers of the States. Beginning with *Gitlow* v. *New York*, 268 U.S. 652 (1925), the courts began the process of making these limitations applicable to the States by applying the doctrine of their incorporation into the 14th amendment.

In 1949 the Supreme Court held in *Wolf* v. *Colorado*, 338 U.S. 25, that in a prosecution in a State court for a State crime the 14th amendment does not forbid the admission of evidence obtained by unreasonable search and seizure. But in 1961 Wolf was expressly reversed by *Mapp* v. *Ohio*, 367 U.S. 643, which held that the prohibition against unreasonable search and seizure in the 4th amendment does apply by virtue of the 14th amendment to the admission of evidence in a State court. In another case the Court had stated, "We think that the Wolf decision should not be overruled." [6] And the Wolf case was overruled although appellants' counsel expressly disavowed such purpose (dissenting opinion, footnote 6). The Court recognized that it was imposing a new rule of exclusion on the States, some of which had a nonexclusionary rule.

LEGISLATIVE APPORTIONMENT NOW COURT CONTROLLED

The power of the States to apportion their representatives is now subject to review by the Federal courts under their own rules.

Until 1962 the Constitution was held to mean that State apportionment statutes did not present a justiciable question. In *Baker* v. *Carr*, 369 U.S. 186 (1962), the exact opposite was held. No guidelines were given as to what relief the courts would afford. As was said by Justice Frankfurter in his dissenting opinion: "In effect, today's decision empowers the courts of the country to devise what should constitute the proper composition of the legislature of the 50 States. If State courts should for one reason or another find themselves unable to discharge this task, the duty of doing so is put on the Federal courts or on this Court, if State views do not satisfy this Court's notion of what is proper districting."

What the Court's notion may be is immaterial here. The point is that the Court is writing into law its own notions, which will be followed by all the lower Federal courts and will take the place of the express provisions of the Constitution. That they are notions is shown by the majority opinion in *Wesberry* v. *Sanders,* 376 U.S. 1 (1964), and that they are not law is demonstrated by the dissent.

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[1] 1 Cooley, "Constitutional Limitations," 123 (8th ed. 1927).

[2] *National Labor Relations Board* v. *Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937).

[3] *Schechter Poultry Corp.* v. *United States*, 295 U.S. 495 (1935).

[4] *Bothwell* v. *Buckbee, Mears Co.*, 275 U.S. 274 (1927).

[5] *United States* v. *South-Eastern Underwriters Association*, 322 U.S. 533 (1944).

[6] *Irvine* v. *California*, 347 U.S. 128, 134 (1954).

The first amendment provides that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. This is an express limitation on Federal power, but it is now interpreted by the courts to be an express limitation on State power. By this interpretation the Court practically added an amendment that James G. Blaine had unsuccessfully attempted to have included in 1876 and which was defeated in both the House and the Senate.[7]

FEDERAL COURTS BECOME SUPERVISORS OF STATES

The incorporation of the Bill of Rights into the 14th amendment so that a Federal constitutional question is raised has resulted in the Federal courts becoming the supervisors of all procedures in the State courts.

In *Griffin* v. *Illinois,* 351 U.S. 12 (1956), in a 5-to-4 decision, the Supreme Court held that an indigent defendant in a noncapital case in a State court should be furnished without cost a transcript of the record, although apparently a narrative bill of exceptions was available.

In another case, *Naim* v. *Naim,* 350 U.S. 891 (1955), it vacated judgment and remanded a case to the Virginia Supreme Court of Appeals in order that it might be "returned" by it to the circuit court for rehearing, when no such procedure is possible. It is also requiring the State courts to provide counsel for indigent defendants when the Federal courts have no provision to compensate counsel who are appointed to defend indigents in a Federal court.

By applying its own definition of due process of law and its own concept as to evidence that is admissible, the Supreme Court reviews appeals from the State courts of convictions under State laws and lays down rules inconsistent with the laws and constitutions of the State from which the appeals are taken.

This power of review of State courts formerly was exercised only in cases that had been appealed from the State court. It did not affect convictions obtained many years ago. Now by a completely new and unique use of the writ of habeas corpus the Federal courts are reviewing State convictions of many years ago. In *Lane* v. *Brown,* 372 U.S. 477 (1963), Indiana felt the use of this power. In *Fay* v. *Noia,* 372 U.S. 391 (1963), decided the same day, New York encountered the same supervision.

In Tennessee a man released from a Texas prison kidnaped and shot the driver and killed the driver's wife, for which in a State court, after trial by jury, he received a sentence for a term of years. Ten years later, with his surviving victim in Sweden, a Federal district court ordered a new trial because his court-appointed attorneys refused to appeal his conviction.

The Federal district courts are now being flooded with writs of habeas corpus filed by prisoners who pleaded guilty or were long ago convicted of State crimes by State courts after jury trials. The Federal district courts have now been appointed supervisors over the actions of all the State courts where alleged unlawful detention can be claimed.[8]

FEDERAL POWERS ARE INCREASED

These interpretations of the Federal Constitution extend the power of the Federal Government, particularly its courts, and decrease the powers of the States. They have invalidated parts of State constitutions and stand ready to invalidate others. On the three subjects of schools, courts and State legislatures, the Federal courts are making their own rules and then changing them from time to time as they please.

By their own action the Federal courts have extended their jurisdiction to fields they formerly refused to enter because they said they had no right to enter them. Without the aid of legislation of any kind, they have taken over the supervision of apportionment of representation in the State legislatures, attendance at public schools, supervision of State court procedures and Bible reading. Since there were no statutes, the courts are now engaged in writing legislation in the form of court opinions that will supersede the State laws and constitutions and even their own former opinions. The Supreme Court imposed its restrictions on Bible reading, although the first amendment imposes its limitations on Congress alone and an attempt to put the same limitation on the States by express amendment had been defeated. This attempt and defeat occurred after the 14th amendment (which the Court says makes the first amendment applicable) was in effect, but the Court now construes the Constitution to reach the same result as if the defeated amendment had been adopted.[9]

Each change of the Constitution by judicial fiat is usually looked on with favor by those who like the particular change and with disfavor by those who dislike it. Sometimes the praise reaches a crescendo—calling the Court the keeper of the peoples' conscience, praising the Justices as activists, and berating those who believe the Constitution means what it says. The evil is that the Court changes the meaning of the Constitution by what its apologists call interpretation. The real amendatory processes are thus circumvented in violation of the Constitution itself. Thus the changes are made by persons who have no constitutional power to amend and who by later decisions may amend it again.

These decisions are not the law of the land but they become precedents binding on all the lower courts and the determination of the case, right or wrong, must be written into all future decisions of the lower courts. The rule established by the Supreme Court cannot be changed by the lower courts and it cannot be reversed or modified except by the Supreme Court itself in another case subsequently involving the same question. The only reason these decisions remain unchallenged is that there is no higher court to which an appeal can be taken.

HOW FEDERAL JUDGESHIPS ARE WON

The freehold estate referred to by Jefferson as held by the judges in the Federal Establishment has been received by them in some instances as a reward for political activities or as a result of a political trade. Some are kicked upstairs to create a vacancy somewhere else. All are recommended by the Department of Justice, which will later appear and litigate before them hundreds of Government cases. If they expect promotion it will be only upon recommendation of the same department. All are expected to be in reasonably near accord on basic Government theory with the administration that appoints them.

The majority of Federal judicial appointments comes from the membership of the party in power. Some have been appointed although the American Bar Association or even the State bar association has certified they were not competent. For their high office there is no specific qualification of education, judicial experience, or ability. Being human beings, they must have at least some of the bias, predelictions, and frailties of other humans.

Impeachment being the only remedy and seldom used, they hold their jobs for life. Once on the bench they can influence decisions for years without accountability to anyone. Public opinion is ignorant or indifferent, it has been shaped by the press and the schools to believe that the courts can do no wrong. Even to question the correctness of their pronouncements is to court ostracism. In their own opinions they have stated that the only limitation upon their power is their own restraint.

The great Cooley had his own opinion about making the Constitution mean one thing at one time and another at a subsequent time: "A court or legislature which should allow a change in public sentiment to influence it in giving construction to a written constitution not warranted by the intention of its founders, would be justly chargeable with reckless disregard of official oath and public duty; and if its course could become a precedent, these instruments would be of little avail. The violence of public passion is quite as likely to be in the direction of oppression as in any other; and the necessity for bills of rights in our fundamental laws lies mainly in the danger that the legislature will be influenced by temporary excitements and passions among the people to adopt oppressive enactments. What a court is to do, therefore, is to declare the law as written, leaving it to the people themselves to make such changes as new circumstances may require. The meaning of the Constitution is fixed when it is adopted, and it is not different at any subsequent time when a court has occasion to pass upon it."

Mr. DOUGLAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McNAMARA. Mr. President——

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield first?

Mr. McNAMARA. I am happy to yield to the Senator from Montana.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I should like to propound a unanimous-consent request, if it meets with the approval of all concerned.

I ask unanimous consent that there be 30 minutes on the pending Thurmond substitute, 15 minutes being under the control of the Senator from South Carolina [Mr. THURMOND], and 15 minutes being under the control of the Senator from Illinois [Mr. DOUGLAS].

Mr. DIRKSEN. Mr. President, reserving the right to object, is the time 30 minutes altogether?

Mr. MANSFIELD. Yes. Then the Senate will vote. The yeas and nays will be asked for.

Mr. DIRKSEN. That is not much time, is it?

Mr. MANSFIELD. Mr. President, I modify the unanimous-consent request to make it 1 hour on the pending Thurmond substitute, with 30 minutes to a side, under the control of the same two Senators.

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[7] Baker, "The Supreme Court and the Freedom of Religion Melange," 49 A.B.A.J. 439, 440 (1963).

[8] See, *Urbano* v. *New Jersey,* 225 F. Supp. 798 (D. N.J. 1964).

[9] Baker, supra note 7 at 440.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McNAMARA. Mr. President, in an earlier speech——

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield to me again?

Mr. McNAMARA. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. THURMOND. Mr. President, I have already obtained the yeas and nays on my substitute.

The PRESIDING OFFICER. Will some Senator, under the unanimous-consent agreement, yield time to the Senator from Michigan [Mr. McNAMARA]?

Mr. McNAMARA. Mr. President, I do not wish to speak on the Tuck amendment, I wish to speak on another subject, the substance of the Supreme Court bill now before the Senate.

Mr. President, I yield the floor.

Mr. DOUGLAS. Mr. President, I yield 10 minutes to the Senator from Pennsylvania [Mr. CLARK].

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. CLARK. Mr. President, perhaps I should note for the RECORD that until about 30 seconds ago, I had had no intention of speaking against this incredible amendment. In fact, so unlikely did I think it was that any Senator would seriously propose it, that I have only now had an opportunity to read it. Accordingly, I would hope that Senators would indulge me if my speech in opposition tc the amendment is less erudite and less closely reasoned than it perhaps could have been had I had at least a little time for preparation.

Needless to say, I regret very much that the substitute amendment proposed by the senior Senator from New York [Mr. JAVITS], the senior Senator from Minnesota [Mr. HUMPHREY], and the junior Senator from Minnesota [Mr. McCARTHY] was defeated a short while ago. It had seemed to me that that proposal presented a face-saving way—which would have been acceptable to all parties—out of the ridiculous dilemma in which the Senate finds itself. Unfortunately, a majority of those Senators present and voting decided otherwise.

So, we are now back where we were a few days ago, with the Dirksen amendment undisposed of, and with an overwhelming majority of the Senate unwilling to impose cloture, but with a clear majority of the Senate unwilling to table the Dirksen amendment. There are hopeful procedures and techniques available to us by which, in due course, that dilemma can be resolved.

I point out again how fantastic it is to be operating under rules which permit a nongermane amendment dealing with reapportionment—one of the most important questions ever to come before Congress—to be added to the foreign aid authorization bill. No other legislative body in the civilized world would permit such chaotic procedure. The only way out of this situation in the long run, and the only way out of the problem of the filibuster, is a drastic revision of the rules of the Senate.

If anything could make this clear, it was the 3 months and 10 days we spent on the civil rights bill earlier this year, as a result of which we are still here when we should have gone home months ago. But, before we can get to an effort to come to some solution of the Dirksen amendment, we must dispose of the Thurmond amendment.

It seems to me that, to most Senators, it should be enough merely to read the amendment in order to make clear why it should never be passed. It is very short. It contains only two clauses, really.

The first clause reads:

> The Supreme Court shall not have the right to review the action of a Federal court or a State court of last resort concerning any action taken upon a petition or complaint seeking to apportion or reapportion any legislature of any State of the Union or any branch thereof.

I suggest that this is a bald-faced and patent effort to repeal the 14th amendment. It is true that the proponent of his amendment, my good friend the Senator from South Carolina [Mr. THURMOND], believes that the 14th amendment was illegally adopted and is therefore null and void. But, I suggest that that viewpoint is shared by few, if any, of his colleagues.

I believe that we must assume for purposes of this discussion that the 14th amendment is a valid part of the Constitution of the United States and that the appropriate interpretation of that amendment is not for the Congress of the United States as a last resort, but for the Supreme Court of the United States, the judicial branch.

This has been the history of the interpretation of the Constitution of the United States ever since it was adopted in 1789. I see no reason to believe that it has been changed since that time. I would therefore take a curbstone view, because I have not had an opportunity to review the cases. But I suspect that my good friend the senior Senator from Oregon [Mr. MORSE], who is a far greater constitutional lawyer than I shall ever pretend to be, will in a few moments have something to say on the constitutional question. I believe that the first clause of the Thurmond amendment—which is, in effect, the Tuck bill, a bill which was passed in a hurry by the House without adequate consideration—is unconstitutional.

The argument will be made that Congress has the power under the Constitution to determine the jurisdiction of the various courts of the United States. It is suggested that under that provision, the 14th amendment can be ripped out of the Constitution, the Supreme Court can be deprived of jurisdiction over a matter of this sort, and Congress can usurp the judicial power by a technical device which would deprive one of the three coordinate branches of our Federal system of the power to interpret the law, or the Constitution, on a matter of great importance to every citizen of the United States. Whether this provision is unconstitutional or not, it is clearly unwise, more than it is presumptuous. It was in a fit of pique that this amendment was proposed seriously, in an attempt to chastise and punish the Supreme Court of the United States by removing its jurisdiction over a matter with which it is clothed with jurisdiction, and with respect to which it has issued a series of excellent opinions. The Supreme Court has asserted what the 14th amendment is supposed to mean, that the equal protection of the law has to do with the right to vote, and the equal right to vote is given to every citizen under the Constitution of the United States. So, beyond that presumption, I believe it is folly to seriously consider the adoption of this amendment.

I turn now to the second clause of the Thurmond amendment which reads:

> The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union or any branch thereof, nor shall any order or decree of any district or circuit court now pending and not fully disposed of by actual reapportionment be hereafter enforced.

My comment with respect to the first clause applies with equal validity to the second clause. It, too, I believe to be unconstitutional. Very clearly, it is unwise. Equally clearly, it is presumptuous.

I would hope very much that the Senate would defeat this amendment which, in effect, is the Tuck bill, passed by the House, I say again, in a fit of pique against the Supreme Court of the United States.

Mr. President, I yield back the remainder of my time so that that great constitutional lawyer, the senior Senator from Oregon [Mr. MORSE] may be heard.

Mr. DOUGLAS. Mr. President, I yield 11 minutes to the senior Senator from Oregon.

Mr. MORSE. Mr. President, I wish to say to my teacher on constitutional law, the senior Senator from Pennsylvania [Mr. CLARK], that I share completely the views he has expressed on the 14th amendment vis-a-vis both the Tuck bill and the Dirksen amendment.

Some time earlier today I listened to the distinguished Senator from Illinois [Mr. DIRKSEN] speak in support of his amendment. In my opinion, he is overlooking and ignoring the fact that a constitutional amendment does not require a stay in court decisions first, but rather a program by way of his amendment that seeks a constitutional amendment does not require a stay of court decisions first. Of course, that is what the Senator from Illinois wishes to prevent. He wishes to prevent the implementation of court decisions carrying out this historic decision of the Supreme Court in regard to reapportionment.

Mr. President, under the Court decision all States could be reapportioned by the courts. If there is a desire on the part of the people of this country for area apportionment—for apportionment based on area rather than population—the people can go back to that malapportionment system by way of a constitutional amendment.

I am at a loss to understand how in the name of logic it is constantly represented to the Senate by the proponents of the Dirksen amendment that someway, somehow, we must stay the application of the 14th amendment in order to protect what the people may ultimately decide is their desire.

God forbid that the day shall ever come when such a constitutional amendment is adopted. But if that day ever comes, carrying out the rotten borough system that the Dirksen amendment seeks to shackle as a yoke around the people of this country, the people, through that constitutional amendment will in effect be able to set aside the decisions of the Court. That is the check that the Constitution gives to the people. It was never contemplated under our system of three coordinate and coequal branches of Government that the Congress should exercise a check upon the U.S. Supreme Court in its exercise of its constitutional powers decreed in the landmark decision of Marbury against Madison in 1803. What the senior Senator from Oregon has been protesting in this case, as I have protested on the floor of the Senate for the past 10 years—and I shall shortly refer to some of those incidents—is the so-called court "busting" bills that have been attempted to be steamrollered through the Senate in the dying days of Congress, without a single hour, without a single minute of committee hearings on such bills.

What I have been trying to point out is that under our Constitution we are exceeding our legislative authority when we seek to enact the kind of proposed legislation which the Dirksen amendment represents, because it seeks to dictate to the Supreme Court how its procedure shall operate.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Should not every Senator—indeed, every citizen—read section 2, article 3, of the Constitution which begins as follows:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution——

Mr. MORSE. The Senator is so correct.

Mr. DOUGLAS. Article 2, section 1, states:

> The judicial power of the United States, shall be vested in one Supreme Court—

Mr. MORSE. The Senator is so correct.

Mr. DOUGLAS. The Constitution does not provide that the Congress shall have judicial power or can suspend the operation of the Constitution. It is the Supreme Court and the inferior courts that have jurisdiction over subjects which involve the Constitution. Is that not true?

Mr. MORSE. The Senator is correct. As the Senator will recall, earlier in the debate—a couple of weeks or so ago—I made my major legal argument against the Dirksen amendment. One of the major premises of that speech was the very section of the Constitution that the Senator from Illinois now cites.

Mr. President, I say most respectfully that in my judgment all the Senator from Illinois [Mr. DIRKSEN] is saying in effect is that he does not want the people to have a test of equal representation because when they do, they will never go back to the rotten-borough system. As I said earlier in the course of the debate, I speak in behalf of the people of the first State in this Nation to eliminate malapportionment. The people of Oregon led this Nation in doing away with the rotten-borough system. The people of Oregon did it because the most direct democracy under the control of the people in this whole Nation exists in my State under the so-called Oregon system of initiative, referendum, and recall.

Back in 1951 the people of the State of Oregon by initiative brought to an end the rotten-borough system of my State. The people of my State, by an initiative election, brought to an end an area apportionment system that exists still in too many States of this country. So I know whereof I speak, based upon the experience of my State, of the improvement in government that flows from the application of the Court's decision of one vote to one person.

As I said a couple of weeks ago in a major speech I made on the subject, there are areas in States in which the vote of 1 citizen has the weight of 40 votes in a city.

We cannot reconcile that with all our professing about a democratic system of government, for that is not democracy. It is not representative government. That happens to be a polluting of the stream of democracy. We are seeking to preserve the judicial functions of the U.S. Supreme Court without uncalled-for encroachment by the legislative branch of the Government.

I shall close, since my leader tells me that the debate on the Tuck amendment is about to close. That is what the Thurmond amendment really is. This is not the first time in 10 years that the senior Senator from Oregon, during the dying days of a session, has been willing to stand on the floor of the Senate and talk until Christmas, if necessary, for I believe it is important, if necessary, that the Congress remain in session, election or no election, until Christmas rather than write a precedential record in an attempt on the part of the legislative body to invade the constitutional prerogatives of the U.S. Supreme Court. In that 10 years the senior Senator from Oregon, along with a little band—and we had all kinds of unkind names directed at us—stayed on the floor of the Senate and made clear to the leadership that we would talk until Christmas in order, for example, to defeat the attempt to invade the rights of the courts in connection with habeas corpus. We stood on the floor of the Senate and made it clear that we would fight until Christmas against an attempt to repeal the Mallory rule when there had not been a moment of committee hearing on the Mallory rule.

There was an attempt on the part of the Senate of the United States to reverse the Supreme Court; to substitute itself for the Supreme Court. We stood on the floor of the Senate when an attempt was made, in the dying days of one session of Congress, to steamroller through this body, without committee hearings, a complete revision of the passport system of this country because there were those in this body who resented decisions of the Court which protected the constitutional rights of free Americans.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. I yield one-half minute to the Senator from Oregon.

Mr. MORSE. Those were Court "busting" bills. The Dirksen amendment and the Thurmond amendment and other similar measures are Court "busting" bills and attempts on the part of Congress to supersede the U.S. Supreme Court and to change our Government from one of three coordinate, coequal branches of government into a government of legislative supremacy.

So to the American people I say, if that happens they will have lost a share of their freedom.

Mr. DOUGLAS. Mr. President, in view of the fact that the proponents of the Thurmond-Tuck amendment have taken very little time, and that most of the time has been used by the opponents, I think the proponents ought to state their case at this time.

The PRESIDING OFFICER. Who desires the floor? Who yields time?

Mr. CLARK. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I have been designated by the Senator from South Carolina [Mr. THURMOND] to have charge of the time that is allotted to the proponents of this proposed substitute. I allot myself 5 minutes or such additional time as I may see fit to use.

We are dealing now with a matter that has already been debated to some extent, but certainly has not been overdebated, nor has the time spent on it been enough, in the opinion of the Senator from Mississippi, considering the importance and the consequences of the constitutional question before us.

I speak not in derogation of the Court as an institution, but I speak in the performance of my responsibility as a Member of this body. As I was saying, this matter is so far-reaching and so important that I think the Senate has not only been justified, but doubly justified, in the time it has used in the consideration of this question. With great deference to the Court as an institution of our Government, and a highly important one, I think it clearly extended its basic constitutional jurisdiction when it first went into the matter of apportionment of State legislatures. I said so at the time. I said, when the Baker case was decided in 1962, that it spelled trouble. I meant by that that it spelled the most serious kind of trouble not only for the Court, but for the Congress and for every State and every State legislature in our great system.

Mr. Justice Frankfurter, one of the great, strong minds on the Court, pointed out with great force at that time, with great learning and lucidity, the problem involved and the consequences that would follow from the decision of the Court's going into the matter of legislative apportionment.

It was shown at that time, and it has been shown by the Senator from Illinois and others, that there have been abuses in the system; that the State legislatures have been tardy; that they have not performed in an ideal way; that they have delayed apportionment that in some cases has been long overdue.

But if that is to be the reason for damaging our system in important aspects, then, if it had a mind to do so, the Court could rewrite our system on any basis it desired.

Our system is not designed for perfection. Our system is not designed to carry everything out with ultimate precision and in a completely and most satisfactory way to all people.

More recently when the Court went further into this forest, in the Reynolds against Sims case, decided this year, 1964, it gave a further illustration of the trouble and further confusion and further problems that are irreconcilable and which should be left for solution by the State legislatures.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **STENNIS**. I yield myself 5 additional minutes.

In the great State of New York, for example, a Federal district court has actually changed the term of the members of the State legislatures to a 1-year term, when they were elected for a 2-year term.

In the great State of Illinois, according to what I read last evening, a special election has been called wherein all members of the legislature will run at large, and each voter will therefore be required to vote for all 177 members of the legislature. These are illustrations of the trouble and confusion which have resulted from the Reynolds decision. They constitute a sweeping aside, by the Federal courts, of the constitutional provisions of these States merely because the reapportionment was not satisfactory to the Court. It is a great exercise of implied powers, if it can be said to be based on any constitutional authority. Here we have two cases in which the people of these States are thrown into complete confusion as to how they shall select the membership of their legislative bodies.

The provisions we have been debating and voting on would have delayed the application of this principle, but the proposal we now have before us would bring in the constitutional powers of Congress, not to be quickly exercised, of course, but to meet the problem head on, and to furnish a solution to it.

I find, too, that a great many thinking and impartial people, even those who can accept the first decision in Baker against Carr, do not accept the second decision, this year, by any stretch of reasoning or imagination. The average American cannot accept as a sound constitutional principle the decision of the Court in Reynolds against Sims that the least numerous legislative body of the State legislature may not be apportioned by the authorities of the State in any way except on a one-man-one-vote basis. It is beyond the grasp of the average American and beyond his imagination and beyond his logic. One reason is that it is in direct contradiction to the theory of our Federal system which has been in use until this day, and in direct contradiction of the pattern that was in effect when the Constitution was adopted. It was in effect then. It was in effect when the 14th amendment was adopted. It is in effect today, or at least it was until it was disturbed without any authority by the Supreme Court in the Baker case.

Congress not only has the power, but also the duty and responsibility, to bring into this forest of confusion, this trouble area, order out of chaos, and, in the next place, has the responsibility to make a bold, clear-cut assertion of the legislative authority under our Constitution to clear up this matter.

I yield the floor.

Mr. **DOUGLAS**. Mr. President, I yield 3 minutes to the Senator from Michigan.

Mr. **HART**. Mr. President, it has been said before in the course of the debate, and I believe accurately, that few of us will be permitted service in this body over a period of years sufficient again to be confronted with a more basic question than the one that confronts us in this series of efforts to put our thumb in the eye of the Supreme Court.

Much of the debate has dwelt on the question of whether the apportionment of State legislatures on the formula of one man, one vote is good or bad.

The junior Senator from Michigan feels that this indeed is the correct application of the 14th amendment's guarantees of equal protection of the laws. I think, however, that more time should and well could be devoted to a consideration of what is even more basic than the argument as to whether it is desirable or is not desirable to assure that one man's vote in a State does not carry 10 times the weight of another man's vote, even if that man is 10 times smarter. Of course that is not the basis on which he is given 10 times the vote.

Whatever one's attitude may be with respect to the effect of the Reynolds case decision, I suggest that we are confronted in the Thurmond amendment with a far more fundamental concern. It would be the first step on the road which would result, sooner or later, in the discovery that the written Constitution, with its guarantees of rights, is worth exactly the cost of the paper on which it is written. That is a lesson of history which our society should clearly understand.

Other nations have magnificent written constitutions. They read beautifully. The trouble is that life in those nations is not desired by free people. Why? It is because there is no independent judiciary available to enforce the guarantee of rights in that beautifully written Constitution.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **DOUGLAS**. I yield 2 more minutes to the Senator from Michigan.

Mr. **HART**. What is proposed here is to say that the Court shall not be allowed to review this particular matter of State apportionment.

If that is done, it is possible to add 10 more constitutional rights and say that the courts shall not have an opportunity to review those rights, or, for that matter, to review anything, except within the jurisdiction which was given to the court as basic jurisdiction in the Constitution. We could say to the court: "You are not to pass upon apportionment," and then we could add 10 or more rights on which the court could not pass. Having enjoined the court thus far, we are in a position to deny it other jurisdiction also.

Do not Senators realize where we are going?

We have a written Constitution. A formula is provided for changing the Constitution. It is by way of constitutional amendment. We have three independent branches of government. The Congress is one of them. Any more than we would want the Supreme Court to tell us to stop legislating in the area of civil rights, or in any other area, we have no business telling the court, "Do not sit as judges in matters like civil rights or reapportionment."

Mr. **METCALF**. Mr. President, will the Senator yield?

Mr. **HART**. I yield.

Mr. **METCALF**. Except that the Supreme Court is the weakest branch of government. It is a branch that has neither the sword nor the purse. The executive branch has the power of administration. We have the power of the purse.

So we should be careful, in order to preserve the separation of powers, that we adhere to a proper confidence in the dignity of our coordinate branches.

The **PRESIDING OFFICER**. The 2 minutes of the Senator from Michigan have expired.

Mr. **HART**. I hope that the vote on the Thurmond-Tuck amendment will be decisive and will reflect the deep conviction that although there may be times when I or some other Member of the Senate may not like a decision of the Supreme Court, we are not the reviewing authority of the Supreme Court, and we are not supposed to put the Supreme Court out of business. The day we do that, history will mark as the day when this Republic began to disintegrate.

The **PRESIDING OFFICER**. Who yields time?

Mr. **DOUGLAS**. Mr. President, the Senator from South Carolina is not in the Chamber.

Mr. STENNIS. I am representing the Senator from South Carolina.

Mr. DOUGLAS. I shall be happy to yield back the remainder of my time if the Senator from Mississippi will yield back the remainder of his time.

Mr. STENNIS. Mr. President, on my time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. I yield 3 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator from South Carolina in his presentation of this amendment has already cited, as a part of his presentation, a part of article III of the Constitution to show the authority as well as the responsibility of Congress to pass on the question presented by the proposed amendment. I now read from article III, section 2, which I believe will complete the record on this question:

> The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States; between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

That outlines the entire judicial power of the Federal courts.

The section relating to the original jurisdiction of the Supreme Court has already been quoted.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. THURMOND. I yield 3 more minutes to the Senator from Mississippi.

Mr. STENNIS. The second sentence of the third paragraph of article III provides:

> In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

So this is a case in which Congress has the authority and responsibility to pass on the question of whether we shall make this exception. Thus the argument of the junior Senator from Michigan [Mr. HART], with all deference to him, that Congress should not touch this subject, regardless of the subject matter, will not hold up in the face of the plain language of the Constitution of the United States.

If we adopt that formula, we can never go into any subject, grave, serious and far reaching as it might be. Thus, our constitutional authority is clear and positive. Our duty is clear and positive.

I am delighted to support the amendment of the Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, in closing the argument, there is no question about the Senate and the Congress having the constitutional authority to adopt this amendment. Under the Constitution, Congress has the clear power to restrict the appellate power of the Supreme Court. This amendment would restrict that power in apportionment cases. It is clear that the field of apportionment of State legislatures has never been delegated to the National Government. It is reserved to the States. Since the Supreme Court has seen fit to go into the field of apportionment and hand down its decision, as it has done on this question, this amendment would merely put the matter back as it was before the Supreme Court handed down its decision.

Our National Government is so constituted that Senators come from large and small areas. A small State such as Rhode Island, for instance, has two Senators, just as many Senators as the State of Texas, a big State, or the State of Alaska, the biggest State. To counterbalance this, the House of Representatives is based on population.

What is wrong with allowing the people of a State to say whether they wish to have the kind of system similar to the National Government, or whether they wish to have a unicameral system, or some other kind of system?

The people of each State, in my judgment, should have that power. If they did not have it already under the Constitution—which they clearly do—I would favor giving that power to the States of the Nation.

We must remember that in this country there are 51 governments. We do not have a United States composed of subdivisions. We have 50 sovereign States which have all the powers in the world except certain specific powers which the States have delegated to the National Government. They have not delegated the field of apportionment. Therefore, they have reserved it to themselves. But the Supreme Court has entered the field and has deprived the States of their authority in this field.

Thus, my amendment is intended to correct that decision of the Supreme Court.

As I stated, we have 50 States and we have a Central Government. There are functions for the States and there are functions for the Federal Government. The function of State legislative apportionment should be left to the States. That was the intention of the Founding Fathers. It was left with the States throughout the 173 years of American history until the Supreme Court handed down its initial decision. It is strange that it took the Supreme Court of the United States down through history, all the years of the existence of our National Government, before it acted in this field. Previous Supreme Courts have not dared to enter this field because there was no jurisdiction for the Supreme Court to act in the field of apportionment. But the present Supreme Court has seen fit to do so.

My amendment is intended to correct that situation. It is intended to leave the field of jurisdiction with the States just as those who wrote the Constitution, our Founding Fathers, intended, in the first instance.

Mr. President, if the Senator from Illinois speaks, I may wish to reply to him.

Mr. DOUGLAS. I had not intended to speak on the proposal of the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has 4 minutes remaining.

Mr. DOUGLAS. Mr. President, I had not intended to speak on the amendment of the Senator from South Carolina, but certain of his recent statements demand a reply.

The Senator from South Carolina is assuming that there have been no amendments to the Constitution after the 10th amendment, which provided that:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

We are all aware, or should be aware, that there is a 14th amendment. The 14th amendment provides, in section 1:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

That is as much a part of the Constitution as any other feature—indeed, it supersedes other features.

As the Supreme Court has properly asked, how can we have equal protection of the laws if we have grossly unequal representation in the legislatures which make the laws. I believe that the Supreme Court was completely correct in its decisions, both in the Tennessee case and in the Alabama case, because if we have grossly unequal representation in one house, that can be a power of veto over the State's laws.

The Tuck amendment would close off both the Supreme Court and the courts of lower Federal jurisdiction from considering any reapportionment cases, and would perpetuate the existing, unequal, unjust situation which the State legislatures have refused to correct.

Mr. ROBERTSON. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. Not on my time, but the Senator may do so on the time of the Senator from South Carolina.

Mr. ROBERTSON. I need only 30 seconds.

Mr. THURMOND. Mr. President, I am happy to yield to the Senator from Virginia, and ask unanimous consent that the Senator may proceed for 30 seconds.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized for 30 seconds.

Mr. ROBERTSON. Does the Tuck amendment apply to the house or to the senate of the State?

Mr. DOUGLAS. What is before us is the proposal of the Senator from South Carolina.

Mr. ROBERTSON. Does the amendment apply only to the senate? I do not know whether the amendment applies to both house or senate of a State.

Mr. CLARK. It does not apply to either. It strips the Court of all jurisdiction. It has nothing to do with either senate or house.

Mr. DOUGLAS. The Senator from Pennsylvania is correct. If we can deny——

Mr. THURMOND. Mr. President, I wish it understood that I am not yielding any more time while the Senator from Illinois continues.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. DOUGLAS. If we can deny jurisdiction to the Supreme Court, or to the district or circuit courts, on any matter dealing with reapportionment, then we can deny jurisdiction on any other matter—such as the right to vote, and the other feature of equal protection of the laws. Thus, I hope that the amendment will be soundly beaten.

I wish that we might have been able to discuss this amendment for a longer period of time. In a moment of good fellowship, I agreed to a limitation of debate. I now regret that I did so, but it was done in a desire to oblige.

Mr. PASTORE. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. How can we legislate to deprive the Supreme Court of authority which it has under the Constitution?

Mr. DOUGLAS. I cannot understand it.

Mr. PASTORE. This amendment is absolutely unconstitutional.

Mr. DOUGLAS. If the amendment should be adopted, it would require 3 or 4 years for the Court to pronounce it unconstitutional; in the meantime it would have done vast damage.

Mr. PASTORE. Apart from that, I do not believe that any Member of the Senate should vote for any amendment which is patently unconstitutional.

Mr. DOUGLAS. Mr. President, so far as I am concerned, I am ready to yield back the remainder of my time.

Mr. THURMOND. Mr. President, it has been suggested that my amendment is unconstitutional. That is not true. As I stated in my original statement, article III, section 2 of the Constitution provides:

> In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases—

I repeat—

> In all the other Cases—

That includes reapportionment—

> before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

It is absolutely clear that Congress has the power to remove jurisdiction in the field of apportionment from the Supreme Court if it wishes to do so. I am amazed that some Senators should wish to deprive the people of their own States—the people of Illinois, the people of Rhode Island, the people of Wisconsin, or of any other State—of the right to decide on the type of legislature they want. They want to let the Supreme Court decide it.

I am willing to trust the people. I am willing to trust the people of South Carolina. If they want a unicameral legislature, they ought to have the right to have it. If they want some other kind of general assembly, they ought to have the right to have it.

I do not believe that the Supreme Court of the United States ought to dictate to any State the type of legislative body it should have. I do not believe the Supreme Court should say to the States: "You are compelled to have this type of legislative body, although you desire another type of legislative body."

This amendment would merely give the decision to the people of the States, and let each State have the type of legislature it desires.

There is no question as to the constitutionality of this amendment. I hope the Senate will see fit to adopt it. That would remove the jurisdiction in apportionment cases from the Supreme Court, as those who wrote the Constitution intended it in the first instance.

Mr. President, I yield back the remainder of my time.

The **ACTING PRESIDENT** pro tempore. All time has been yielded back. The question is on agreeing to the amendment of the Senator from South Carolina.

The yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALTERS (when his name was called). Mr. President, on this vote I have a pair with the Senator from Missouri [Mr. Symington]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. Church], the Senator from Alaska [Mr. Gruening], the Senator from Indiana [Mr. Hartke], the Senator from Utah [Mr. Moss], and the Senator from Missouri [Mr. Long] are absent on official business.

I also announce that the Senator from Massachusetts [Mr. Kennedy] and the Senator from Alabama [Mr. Hill] are absent because of illness.

I further announce that the Senator from Washington [Mr. Jackson], the Senator from Wyoming [Mr. McGee], and the Senator from Missouri [Mr. Symington] are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. Church], the Senator from Alaska [Mr. Gruening], the Senator from Indiana [Mr. Hartke], the Senator from Washington [Mr. Jackson], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Missouri [Mr. Long] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. Carlson], the Senator from New Hampshire [Mr. Cotton], the Senator from Arizona [Mr. Goldwater], the Senator from Idaho [Mr. Jordan], the Senator from Iowa [Mr. Miller], the Senator from Massachusetts [Mr. Saltonstall], the Senator from Pennsylvania [Mr. Scott], and the Senator from Texas [Mr. Tower] are necessarily absent.

Also, the Senator from Utah [Mr. Bennett], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], and the Senator from Delaware [Mr. Williams] are necessarily absent.

On this vote, the Senator from Utah [Mr. Bennett] is paired with the Senator from Idaho [Mr. Jordan]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Idaho would vote "nay."

On this vote, the Senator from New Hampshire [Mr. Cotton] is paired with the Senator from Nebraska [Mr. Hruska]. If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Nebraska [Mr. Curtis] is paired with the Senator from Pennsylvania [Mr. Scott]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Texas [Mr. Tower] is paired with the Senator from Delaware [Mr. Williams]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Delaware would vote "nay."

If present and voting, the Senator from Kansas [Mr. Carlson], the Senator from Iowa [Mr. Miller], and the Senator from Massachusetts [Mr. Saltonstall] would each vote "nay."

The result was announced—yeas 21, nays 56, as follows:

[No. 574 Leg.]

YEAS—21

Byrd, Va.
Byrd, W. Va.
Eastland
Ellender
Ervin
Hickenlooper
Holland
Johnston
Jordan, N.C.
Long, La.
McClellan
Mundt
Robertson
Russell
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond

NAYS—56

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Cannon
Case
Clark
Cooper
Dirksen
Dodd
Dominick
Douglas
Edmondson
Fong
Fulbright
Gore
Hart
Hayden
Humphrey
Inouye
Javits
Keating
Kuchel
Lausche
Magnuson
Mansfield
McCarthy
McGovern
McIntyre
McNamara
Mechem
Metcalf
Monroney
Morse
Morton
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Salinger
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—23

Bennett
Carlson
Church
Cotton
Curtis
Goldwater
Gruening
Hartke
Hill
Hruska
Jackson
Jordan, Idaho
Kennedy
Long, Mo.
McGee
Miller
Moss
Saltonstall
Scott
Symington
Tower
Walters
Williams, Del.

So Mr. THURMOND's amendment, in the nature of a substitute for the Dirksen-Mansfield amendment, was rejected.

Mr. McNAMARA obtained the floor.

HEALTH CARE FOR THE ELDERLY UNDER SOCIAL SECURITY

During the delivery of Mr. McNAMARA's speech,

Mr. CLARK. Mr. President, I desire to propound several parliamentary inquiries to the Chair with respect to the appointment of Senate conferees on the social security bill. In order that the Chair may understand the inquiries, I ask the Chair to turn to page 22 of the calendar of business for Tuesday, September 15, on which are listed the Senate conferees appointed on September 3. I call the attention of the Chair to the generally recognized rule that a majority of the conferees representing the Senate on any legislative controversy must have supported the position of the Senate on questions in disagreement with the House of Representatives. I suggest to the Chair—and if the Chair is in disagreement with me, I have no doubt that he will so advise me—that the principal matter in disagreement between the House and the Senate in relation to the social security bill was the Gore amendment, which established health care for the elderly under social security.

Then I call attention to the voting record of Senators listed as conferees. I note that Senator BYRD of Virginia voted against the Gore amendment. Senator LONG of Louisiana voted against the Gore amendment. Senator SMATHERS of Florida voted against the Gore amendment. Senator WILLIAMS of Delaware voted against the Gore amendment. Senator CARLSON of Kansas voted against the Gore amendment.

Of the seven Senators listed as conferees, only two—Senators ANDERSON and GORE—voted for the Gore amendment, which is the principal matter in disagreement between the House and the Senate.

My first parliamentary inquiry, with respect to which I would ask the Presiding Officer to turn to page 172 of "Senate Procedure," authored by our Parliamentarians Messrs. Watkins and Riddick, is to ask whether it is not the precedent in the Senate that conferees are designated by the friends of the measure who are in sympathy with the prevailing view of the Senate, and with consideration for the usual party ratio.

The ACTING PRESIDENT pro tempore. The Senator is reading from page 172 of the manual entitled "Senate procedure," which states that conferees are designated by friends of the measure, who are in sympathy with the prevailing view of the Senate, and with consideration for the usual party ratio.

Mr. DIRKSEN. Mr. President——

Mr. CLARK. Mr. President, I have the floor. Would the Senator like me to yield?

Mr. DIRKSEN. Yes.

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield to the Senator from Illinois for a question, without losing the floor.

Mr. DIRKSEN. It will be partly a question and partly an observation.

Mr. CLARK. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. The Chair will state that the Senator from Michigan [Mr. McNAMARA] has the floor. He yielded to the Senator from Pennsylvania to propound some parliamentary inquiries.

Mr. CLARK. Mr. President, will the Senator from Michigan permit me to retain the floor? Does he wish me to yield the floor, or does he wish me to yield to the Senator from Illinois?

Mr. McNAMARA. Mr. President, I will yield, under the previous unanimous-consent agreement, to the Senator from Pennsylvania, and he can yield to whatever end he wishes so far as I am concerned.

Mr. CLARK. I thank the Senator from Michigan. I may say to the Senator from Illinois that I shall not be long, and I shall then be glad to yield to him. I do not wish the continuity of my inquiries to be interrupted by an observation.

Mr. DIRKSEN. This will be in the mainstream of the Senator's inquiries——

Mr. CLARK. I decline to yield.

Mr. DIRKSEN. Very well.

Mr. CLARK. Does the Chair agree that the critical vote, on which it was determined whether conferees are friends of the measure who are in sympathy with the prevailing view of the Senate on matters in disagreement with the House, was on the Gore amendment?

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania has not propounded a parliamentary inquiry. The Chair, who voted with the Senator from Pennsylvania, cannot agree that was the principal vote or was not the principal vote upon the bill.

Mr. CLARK. I therefore propound a further parliamentary inquiry. Under the precedents of the Senate, as set forth on page 172, and as amplified by the precedents set forth in note 8 on that page, which include a precedent to the effect that Senators who are appointed as conferees in violation of the precedents of the Senate should resign so places are made available for friends of the measure with respect to the disagreement between the House and the Senate, should not Senators be appointed to assure that a majority of the Senate conferees support the position of the Senate?

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania has again not propounded a parliamentary inquiry as to whether or not, in the opinion of the Chair——

Mr. CLARK. May I ask the Chair, then, whether the precedents do not reveal that where the situation exists which I have called to the attention of the Chair, it has been the practice for Senators who have been appointed as conferees and who are not in sympathy with the prevailing view of the Senate on matters in disagreement between the House and the Senate to resign so Senators who support the position of the Senate—or at least a majority of them—with respect to matters in disagreement, may be appointed?

The ACTING PRESIDENT pro tempore. In order to make it clear what "Senate Procedure" states, the Chair will read the precedents into the RECORD at this point:

> In order to obtain the appointment of certain conferees on the Muscle Shoals Bill in 1925 favorable to the position of the Senate, members of the committee senior in rank were successively elected and excused by unanimous consent until the desired conferees were reached in the order of their seniority.[1]
>
> In 1952, a motion to reconsider was entered for the purpose of securing the appointment of a majority of conferees favorable to the provisions of the bill as passed by the Senate.[2]

The conferees in this instance have been appointed.

This question could be reached by a motion to reconsider, if the motion were made in time.

Mr. CLARK. I thank the Chair for his ruling.

The ACTING PRESIDENT pro tempore. The statements of the Chair were not rulings; they were only statements made in response to parliamentary inquiries.

Mr. CLARK. I make one further comment. Then I shall be happy to yield to the Senator from Illinois, or to any other Senator, or I shall be glad to yield the floor.

I make no parliamentary inquiry now. I suggest that under the circumstances the appointment of conferees, in accordance with Senate precedence, should be the appointment as conferees, or a majority of the Senate conferees, of Senators who supported the Gore amendment, which I suggest is the principal matter in disagreement between the two Houses. That would require an adequate number of conferees who voted against the Gore amendment—namely Senators BYRD of Virginia, LONG of Louisiana, SMATHERS, WILLIAMS of Delaware, and CARLSON—to ask to be excused from serving in order that friends of the measure could be appointed in their places.

I am now happy to yield to my friend from Illinois.

Mr. DIRKSEN. Mr. President——

The ACTING PRESIDENT pro tempore. May the Chair make one comment before the Senator from Illinois proceeds? The Chair does not appoint the conferees in his own right under the rules of the Senate. The Chair appoints the conferees as a result of a motion from the floor in each instance that he be authorized to appoint certain conferees. At the time the motion was made the Senator challenging the appointment of the conferees could have called attention to the provisions of "Senate Procedure" that have been cited by both the Senator from Pennsylvania and the Chair, and at that time the Senate itself would have decided, because the Chair does not make the appointments as a matter of right as the Presiding Officer.

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[1] Jan. 28, 1925, 68–2, Journal, pp. 120–121, RECORD, pp. 2552–2563.

[2] CONGRESSIONAL RECORD, vol. 98, pt. 3, pp 3580, 3678–3679.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. CLARK. Let me yield first to the Senator from Illinois. I may state to the Senator from New Mexico that the parliamentary situation is that the Senator from Michigan [Mr. McNamara] has the floor and has yielded to me without losing his right to the floor. He has given me the right to yield to other Senators. The Senator from Illinois [Mr. Dirksen] has been pressing me to yield to him, and I do so.

Mr. DIRKSEN. I never press the Senator on anything. I hope the Senator will permit me to observe that he spoke in error when he said the conferees had to come from those who voted on the prevailing side. There is neither precedent nor practice for that. All that is necessary is for the conferees who have been appointed to contend for the Senate position as long as they reasonably can. There is in the rule book, no other obligation on the conferees beyond that, insofar as I know.

Mr. CLARK. With all due respect and with due deference to my very dear friend from Illinois, whose erudition is almost without end, I suggest, that the Senator from Illinois is incorrect in connection with the precedents of the Senate that I have undertaken to cite to the Chair, on which the Chair has ruled. This is a matter on which I have done research for some years.

Mr. DIRKSEN. Mr. President, those are exceptions. That is not the practice. Certainly there is no precedent under the rule.

Mr. CLARK. I cite again page 172 of "Senate Procedure," where it is very clearly stated that the conferees are designated by friends of the measure who are in sympathy with the prevailing views of the Senate. The conferees who have been appointed in this case are not in sympathy with the prevailing views of the Senate.

I suggest again that enough of them should resign so that we can send to conference a majority of conferees who would be in support of the Gore amendment.

Mr. DIRKSEN. I should like to make two observations. First, there is nothing in the precedents that requires that conferees shall have voted with the prevailing side. Second, it would be an affront to every conferee if we started with the assumption that a conferee would not honestly contend for the Senate position as long as he could reasonably do so.

Mr. CLARK. No one has suggested that the Senate conferees would not support the Senate position as long as they reasonably could. I challenge no man's integrity. The Senator from Illinois may recall that I raised this question on one occasion with the late Senator from Oklahoma, Mr. Kerr, when I clashed with him on the floor. At that time the sponsors of the measure were unwilling to support my position, and I withdrew my motion.

The man who established this precedent is the junior Senator from Louisiana [Mr. Long], who well recalls when, as a result of his intrepid efforts, Senators resigned as conferees in order to assure that the position which he had carried successfully before the Senate would be supported by a majority of the conferees.

Mr. DIRKSEN. I make one last observation, Mr. President. One incident does not establish a precedent.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. CLARK. I wonder to whom I should yield now.

Mr. ANDERSON. Perhaps I would be able to say something that the Senator from Louisiana would not be able to say.

Mr. CLARK. I shall yield first to the Senator from Louisiana, who was the Senator in charge of the bill.

Mr. LONG of Louisiana. The references to the procedure, in the judgment of the Senator from Louisiana, are not practical procedures. I have repeatedly supported the position taken by the Senate, and I have complained bitterly about conferees failing to support the Senate position in conference. I have complained specifically about conferees who are members of the Committee on Finance not supporting the Senate's position.

Mr. CLARK. Did not the Senator on one occasion press his complaint to the point where he succeeded in persuading several members of the Finance Committee who did not support the view of the Senate to resign—the Senator will correct me if I am wrong—so that the Senator from Louisiana could be appointed as a conferee?

Mr. LONG of Louisiana. I do not believe that happened. I believe I had gained enough seniority to be appointed as a conferee. I believe the Record will show that the way in which conferees have been appointed for the 16 years that I have been a Member of this body, is that the chairman of the committee or the Senator in charge of the bill merely sends up a list of names and makes a motion that the Chair appoint the conferees shown on the list. He sends that list to the desk.

The Chair merely reads off the list of names that the Senator in charge of the bill has sent to the desk.

That is how it has been done as long as I have been a Senator. I recall only one case when it was handled differently. That was when the late Senator McCarran of Nevada was in charge of an immigration bill on the floor of the Senate. It was an important piece of legislation, and his position was diametrically opposed and bitterly opposed, almost to the point of a filibuster, to the Kilgore substitute, which prevailed on that occasion. When Senator McCarran made his motion, objection was made. It requires only one objection to submit the question to the Senate for decision. The question did not come to a vote. The chairman of the committee, Senator McCarran, who was then chairman of the Judiciary Committee, talked to those who were the sponsors of the substitute, and they agreed on what they thought should be——

Mr. CLARK. The slate.

Mr. LONG of Louisiana. The group of conferees. We are now talking about a bill that I managed on the floor. I discussed with the other members of the committee the names I proposed to send to the desk. I discussed them with the Senator from Tennessee [Mr. Gore]. I discussed the subject with the Senator from New Mexico [Mr. Anderson]. I discussed it with the Senator from Illinois [Mr. Douglas]. I suggested that we should depart from the usual procedure under which the five senior Members—three Democrats and two Republicans—would be named as conferees, and that we should add two additional conferees, both of whom had been the principal sponsors of the controversial amendment that we have in mind, namely, the Senator from New Mexico [Mr. Anderson], who had been the sponsor of the Anderson amendment, which had failed by only two votes in the previous Congress, and the Senator from Tennessee [Mr. Gore], who had been the sponsor of this important amendment this year, which was agreed to.

The best I could make of it was that Senators were satisfied. I then discussed what I proposed to do with the Republican leadership, because the ratio would then be 5 to 2. That would tend to prejudice the membership on the Republican side of the aisle.

Mr. CLARK. Every member of which on the Finance Committee had voted against the Gore amendment, and every member of which had voted against the bill on final passage.

Mr. LONG of Louisiana. It occurred to me, however, that the Republican side might believe that the Republican Party was not adequately represented in the conference. Therefore, I discussed the question with the senior Republican member on the committee. This arrangement was agreed to.

I had touched all bases, and had discussed the subject with all Senators who had a right to be concerned. As a result, I sent the names of the conferees to the desk.

If the Gore amendment does not come back from conference, it will not be because I voted to recede in conference. I have repeatedly criticized those who have failed to support the Senate's position. As one member of the conference, I expect to support the amendment. I have made by position clear to the Senator from New Mexico and the Senator from Tennessee.. I propose to vote in conference in support of the amendment. If the House makes it very clear that there is no possibility under the sun that that amendment can be agreed to, we shall have to see what we can do further.

Let me say, as one Member of the Senate, that one of the most controversial amendments on the tax bill was the capital gains amendment. We prevailed, as Senate conferees, against the House, because the House was willing to recede. The Senate conferees, even though most of them had voted against the Senate position stood by the Senate position long enough so that the House conferees could recede.

With respect to this amendment, if the House conferees have any disposition to recede, they will have plenty of opportunity to recede. As to whether or not we shall accurately reflect the will of the

Senate, that will have to be seen when we bring in the conference report. The Senator from Pennsylvania, of course, can oppose the conference report.

As important as the Gore amendment is, it is not the only one. I have 12 amendments on the bill, one of them involving as much as $100 million. We shall go to conference and do what we can. Of course, the most important amendment in conference will be the Gore amendment. The Senator from Tennessee [Mr. GORE] will be present. He was put on the conference committee for that purpose. So was the Senator from New Mexico [Mr. ANDERSON] who was the sponsor of a similar amendment in the previous Congress.

Mr. CLARK. Mr. President, I have no serious disagreement with the Senator from Louisiana on what he has said, other than to insist, as the Chair has ruled, that the conferees appointed by the Senate have been appointed in disregard of the procedures of the Senate. The end result is clear that five of the Senate conferees voted against the Gore amendment, and that several of the conferees, including both Republican members voted against the bill on passage.

I am sure they are conscientious, earnest, honest Senators. I point out that, in my opinion, it is a bad precedent, and that it is not in accord with the usual procedure of the Senate, as set forth in that bible written by the old testament prophets, our Parliamentarians, to appoint conferees in this way.

Whenever the question has been raised, the Chair has ruled that the Senate has decided that friends of the measure should be in the majority.

I am now happy to yield to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, the point stressed by the Senator from Louisiana, that the bill contains other items, is equally important. The bill contains several amendments by the Senator from Louisiana. I did not favor one of those amendments. I was strongly opposed to it. I hope that that will not disqualify me as a member of the conference. I intend to vote for that one amendment in conference because it was the vote of the Senate; not because I approved it, but because the Senate approved it.

I have sat with the Senator from Louisiana [Mr. LONG] as a member of the Committee on Finance in other conferences with Members of the House. I am well satisfied in my own mind that more than one vote will be taken by the Senate conferees on the Gore amendment, and that the Senator from Louisiana will not fail to express the sentiment of the Senate up to the point he mentions. If an absolute impasse occurs, he says he will then take another look. If that impasse comes, I hope that we will tell the House conferees that they also have some things in the bill that we want to consider carefully, and that we may resist them as vigorously as they will resist the Gore amendment.

I know that the Senator from Louisiana is always extremely careful with amendments of the Senate. I am confident that when the conference is over, the Senator from Pennsylvania will be well pleased with the leadership that will have been given by the Senator from Louisiana.

The Senator from Louisiana made an excellent suggestion that there be on the conference committee two Members of the Senate not qualified to be on it. The amendment originally was the King-Anderson bill. The Senator from Tennessee [Mr. GORE] again proposed it this year. The Senator from Louisiana, as the Senator in charge of the bill, was extremely careful to make certain that representation was given it. I therefore desire to say that I am certain the Senator from Louisiana will be equally fair when we go to conference. The conference will begin tomorrow and will last all day Wednesday and Thursday. We hope that it will result in bringing out a bill that will be favorable to the Senate.

Mr. CLARK. Mr. President, I have one further comment. In order that the RECORD may be complete, I should like to place a few other facts in the RECORD with respect to the conferees.

The Senator from Virginia [Mr. BYRD] voted against the Gore amendment and did not vote for the bill on final passage. The Senator from Louisiana [Mr. LONG], who voted against the Gore amendment, voted for the bill on passage.

The Senator from Florida [Mr. SMATHERS], who voted against the Gore amendment, nevertheless voted for the bill on final passage.

The Senator from New Mexico [Mr. ANDERSON] voted both for the Gore amendment and for the bill on passage, as did the Senator from Tennessee [Mr. GORE].

Both the Senator from Delaware [Mr. WILLIAMS] and the Senator from Kansas [Mr. CARLSON] voted against the Gore amendment and against the bill on passage.

I hope, as a result of the colloquy, which I think has been conducted in good humor by all concerned, that some of the conferees will give rather serious thought as to whether they wish to place themselves in the position of going into a conference with the House, whose conferees, I am informed, are 4 to 1 against the Gore amendment, and who believe that they do not want to be placed in the position of supporting the Gore amendment, which they do not favor, in view of the attitude of the Senate conferees.

I thank the Senator from Michigan for his courtesy in yielding, and I thank all other Senators for their courtesy.

Mr. LONG of Louisiana. Mr. President, will the Senator from Michigan yield?

Mr. McNAMARA. I yield to the Senator from Louisiana under the same conditions as I yielded to the Senator from Pennsylvania.

Mr. LONG of Louisiana. As one member of the conference, this is not the first time I find myself in a position of trying to have a Gore amendment agreed to in conference. I sought such agreement on a Gore amendment which I had opposed on the floor of the Senate earlier in the session.

The Senator from Louisiana was in charge of the Revenue Act of 1964. Only one amendment was voted into it which I undertook to defeat on the floor of the Senate, and it was a Gore amendment that was designed to tax people overseas. I do not believe any member of the conference voted for the Gore amendment when it was before the Senate; but we brought about half of it back from conference, although the House did not want to take any of it. I am frank to say that one reason why we brought half of it back was that the Senator from New Mexico [Mr. ANDERSON] and the Senator from Louisiana fought for it in conference. We thought it was our duty. That is my attitude toward the conference to be held sometime this week.

Mr. GORE. Mr. President, will the Senator from Michigan yield?

Mr. McNAMARA. I yield to the Senator from Tennessee under the same conditions as I yielded previously to the Senator from Pennsylvania and the Senator from Louisiana.

Mr. GORE. I should like to corroborate the statement made by the distinguished junior Senator from Louisiana, and also to recall that there was an amendment with respect to the interest-equalization bill which he brought back from conference partly as a result of his work and also the work of other Senate conferees, who had voted against the amendment in committee. However, the Senator from Louisiana was in charge of the bill, and he brought back the amendment virtually intact.

So the Senate has made great progress, largely, I think, under the leadership of the junior Senator from Louisiana, in having the conferees recognize their responsibility to represent not their individual views, but the views of the Senate, whose agents they are when they go to conference. I compliment the Senator from Louisiana.

Mr. MORTON. Mr. President, will the Senator from Michigan yield?

Mr. McNAMARA. Mr. President, I yield to the Senator from Kentucky under the same conditions as I have previously yielded to other Senators.

Mr. MORTON. As a member of the Committee on Finance who has seen this practice work as the Senator from Tennessee has pointed out, when conferees have accomplished something that they were individually opposed to, I respectfully suggest to the Senator from Pennsylvania that the time for this debate was when the Senate appointed the conferees, and not now, when the great statesman from Michigan is about to give us his wonderful words of wisdom.

Mr. McNAMARA. Mr. President, I am certainly glad I yielded to the Senator from Kentucky.

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield 5 minutes to me, without losing his right to the floor?

Mr. McNAMARA. Mr. President, I am happy to yield to the distinguished majority leader upon the same conditions under which I yielded previously to other Senators.

SECRET SERVICE PROTECTION FOR ALL PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES OF THE MAJOR PARTIES

Mr. MANSFIELD. Mr. President, public life involves personal risks of considerable magnitude for the safety of those who occupy the highest offices in the land and, indeed, for the candidates to those offices in an election year. As the Senate knows, Secret Service protection is provided for an incumbent President and Vice President on a 24-hour basis, wherever they may be, wherever they may go.

Similar protection is not provided to candidates for these offices although, it is my understanding, that it is provided to the President- and Vice-President-elect.

Mr. President, it would seem to me desirable that we face the facts of political life as it is today. All the presidential and vice-presidential candidates of the major parties are required by its exigencies to appear personally in many parts of the land. And as the Senate well knows from recent events, the Nation has its share of hate, fear, ignorance, arrogance, and other reservoirs of incipient violence. All of the candidates for high office who are, of course, in the constant focus of public attention during a political campaign are natural targets for this latent hositility.

As we know, to our everlasting sorrow from the events of last November, no form of police protection, however effective, can protect absolutely. But it can do much to discourage and deter all but the seriously psychopathic from giving vent to violent impulse. It can help to prevent tragedies which might otherwise occur.

At the present time, all of the candidates, except the Democratic nominee for the Presidency, depend on local police efforts for their personal safety. Local forces, no matter how able and adequate, are rarely skilled in the specialized problem of safeguarding national figures who may be under their protection for a brief period during a political campaign. Yet the injury or the loss of one of those figures would be a calamity of national dimensions.

In the circumstances, Mr. President, I think it is appropriate, wise, and desirable that the protection of the U.S. Secret Service, which is especially trained and skilled in this type of police work, be given responsibilities for protecting all of the principal candidates for the office of President and Vice President.

A number of Senators have given consideration to this problem, including the distinguished Senator from Wyoming [Mr. SIMPSON], the Senator from Nebraska [Mr. CURTIS], the Senator from Colorado [Mr. DOMINICK], and the Senator from New Mexico [Mr. MECHEM]. I take the liberty at this time of introducing as a new bill, their bill with slight modification, on behalf of the distinguished minority leader and myself, and ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3191) to authorize the U.S. Secret Service to protect the persons of the nominees of the major political parties for President and Vice President of the United States, introduced by Mr. MANSFIELD (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANSFIELD. Mr. President, let me say——

Mr. DOMINICK. If the Senator will yield a moment, I should like to be added as a cosponsor of the bill.

Mr. MANSFIELD. I am delighted.

Mr. President, the minority leader and I have had a conference with the chairman of the Committee on the Judiciary, the Senator from Mississippi [Mr. EASTLAND], and he has informed us that there will be a meeting of his committee on Friday and that at that time the matter will be considered.

I thank the Senator from Michigan [Mr. McNAMARA] very much for his courtesy in yielding to me.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. McNAMARA. Mr. President, in an earlier speech opposing the various efforts in Congress to nullify the Supreme Court decision on legislative apportionment, I devoted a considerable portion of my remarks to the situation in Michigan.

I cited numerous examples of how a rural-dominated, minority-controlled Michigan State Senate consistently, over the years, vetoed progressive legislation both needed and wanted by a majority of the people of the State.

Further, I pointed out how this tyrannical minority usurped the appointive powers of the Governor and indulged in the most outrageous gerrymandering of legislative and congressional districts for partisan advantage.

Today, I intend to deal with this issue of equal representation in a more general sense and discuss some of its national implications.

In my view, this is perhaps the most vital issue to come before the Congress in this century. Certainly, it is the most important matter to come before the Senate during the 10 years I have served in this body.

Why do I say that?

Because for this first time in the history of this Republic, the United States stands on the threshold of achieving a truly democratic and fairly representative government at the State level.

This is due entirely, in my mind, to the historic apportionment decision of the Supreme Court, first, in Baker against Carr, and second, in Reynolds against Sims.

There is no question in my mind—and there seems to be substantial agreement on all sides—that fair apportionment of our State legislatures and in our congressional districts would still be a remote probability in the distant future were it not for the "one-man, one-vote" principle established by the Supreme Court.

In my previous remarks I cited the Michigan experience as an example of the impossibility of obtaining equal representation through the legislative route. And the experiences of many other States confirm this.

Many years ago—back in the 1920's—H. L. Mencken, who was an implacable foe of what he described as "barnyard government," asserted that the stranglehold maintained on most State legislatures by rural minorities was "not only unjust and undemocratic; it is absurd," and predicted that it "couldn't last."

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. McNAMARA. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, it is my understanding that there are other Senators who wish to speak on other matters. The Senator from Michigan [Mr. McNAMARA] has been, as always, kind and gracious in yielding to other Senators, after he had been given his rights and privileges of the floor.

Therefore, Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it adjourn to meet at 11 o'clock a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow, the Senator from Michigan [Mr. McNAMARA] be recognized for the purpose of completing the address which he began this evening.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McNAMARA. Mr. President, with that understanding, I yield the floor.

DUMPING CZECHOSLOVAKIAN SHOES IN THE U.S. MARKET

Mr. MUSKIE. Mr. President, on a number of occasions recently, I have brought to the attention of the Senate the rapidly worsening conditions in our Nation's shoe industry brought about by the increasing levels of imports. I present today some new and rather startling information about the latest threat to the industry which has me greatly concerned.

The simple fact of the matter is that the industry is once again taking a beating from foreign footwear suppliers and their governments who show little concern for the disruption and damage they cause the American shoe industry.

The most recent aggravation is the dumping of Czechoslovakian shoes in the American market, a matter which concerns me not only for its immediate impact but also for its longrun significance. I fear, unless we take proper remedial steps, that what Czechoslovakia can do with impunity today can be done tomorrow, equally without fear, by other countries, and what happens today in shoes can happen tomorrow in other vitally important industries.

The present situation is not a matter only of local interest. The shoe manufacturing industry consists of mostly small- to medium-sized companies operating some 1,300 factories situated in 38 different States. Taken as a whole, the business of shoemaking provides nearly a third of a million jobs for American men and women, and contributes over a billion dollars to the country's total annual payroll. These facts, and the additional consideration that the shoe industry has sales of some $4½ billion annually, clearly make what happens to the industry a matter of vital national concern.

This industry and its workers now face a potentially catastrophic future, and the direct cause is the importation of shoes.

Let me cite some figures. In the past 9 years, footwear imports have increased well over 1,000 percent, and in 1963 accounted for 13 percent of domestic production. In this same period, 1955 to 1963, unemployment has been edging higher, and the loss of job opportunities now exceeds 35,000 annually.

Projection of these trends indicates an even more serious condition. It is estimated that by 1965 a total of 125 million foreign shoes will enter the United States, equal to 20 percent of anticipated U.S. production. It appears on the basis of current data that approximately 50,000 job opportunities will be lost annually to foreign imports.

As I have frequently explained, and has been explained in detail by the industry in numerous briefs and statements filed with various Government agencies, there is one and only one cause for the increasing penetration: wage rates and employment costs in foreign countries are substantially lower than such rates and costs in the United States. Each of these figures means something in human terms, and the unemployment statistics in particular are simply a cold, if precise way, of stating that there are an increasing number of human beings who are suffering.

What most people do not realize is that in many towns throughout the country the shoe industry is the principal and often the only source of income and employment. Because of imports, many such plants find it necessary to curtail or cease operations. While it may be possible for the company to move its operations elsewhere, the abandoned employees have nowhere to turn. My own State of Maine, in which the shoe industry is the largest single employer, has already suffered serious economic dislocation and will continue to do so unless we take the necessary remedial action.

But, as I mentioned before, the problem is not local in its occurrence. The national scope of the critical situation in the shoe industry, and the widespread concern for it, were underscored in 1963 when 235 Members of the House and 33 Members of this body petitioned President Kennedy to prevent further permanent injury to this vital sector of our economy. In October of last year, a representative delegation of both Houses, accompanied by labor and management, met with the late President and found him concerned with the problem. This spring, a similar group met with President Johnson, and we were pleased to find him concerned with the problem.

Let it be made clear that the shoe industry is not running to the Government to solve a problem which the industry itself could rectify. It has done everything in its power to impress upon foreign suppliers the mutually beneficial gains to be achieved by multinational negotiations aimed at giving all countries a fair share in the world market without seriously disadvantaging any one country. Unfortunately, foreign suppliers evidence no desire to negotiate; in fact, they are hostile to the suggestion.

I had the privilege of traveling in May to Milan, Italy, with representatives of the American shoe industry, management and labor, for the purpose of discussing with representatives of the Italian shoe industry the problem relating to shoe imports into this country. The fact that 33 Senators and 235 Members of the House were concerned about the shoe import problem persuaded the representatives of the Italian shoe industry to discuss it in a meaningful way. I have no conviction whatsoever that these talks will lead to a voluntary solution to the problem.

If talks fail, if there is no inclination on the part of foreign industry to have its representatives discuss a mutually satisfactory resolution with our Government, we shall be faced with the alternative of possible unilateral action to preserve the domestic industry.

Let it not be said that the American shoe industry has not sought every lawful private means at its disposal to seek a voluntary solution to the chaotic situation. The fact is, there is as yet no mutuality of concern, and no feeling of mutual obligation. At this point, foreign suppliers feel that they may with impunity continue to damage the U.S. shoe industry. The example I cite today underscores the same point, although involving a different country and a different means of inflicting injury.

The dumping tactic currently being used is the old weapon of unfair inequitable pricing, whereby a foreign supplier sells in the U.S. market at prices for less than those prevailing in his own market, or in that of a third nation. The purpose of the tactic is to seize a foothold in the American market for the sake of future leverage, and the obvious result is injury to American industry.

The most recent exercise of this predatory tactic has resulted in the influx of Czechoslovakian shoes. I bring this to the attention of the Senate because it is another burden which an industry, already heavily burdened, is forced to carry.

This dumping tactic is a relatively easy matter for a state-controlled economy such as Czechoslovakia's. The Czechs have no worries about decent wages paid to workers, and there are no stockholders to whom an accounting must be made. They can afford to sell at a loss in the hope of gaining a future economic advantage. The temporary impact is absorbed for longrun political purposes by the state planning agency, buried in the ledgers which have no genuine record of, or concern for, profit and loss.

So far as the American shoe industry and its employees are concerned, the particular source of dumping is relatively unimportant. At the present time, to be sure, the volume of shoe imports from Czechoslovakia does not approach that of Japan and Italy, but the general pattern of a callous attitude on the part of foreign suppliers of all types has dangerous implications. If we are not prepared to take remedial steps, we may witness the destruction of large segments of the American shoe industry. I am dedicated to seeing to it that no such thing will happen.

The Members of this body cannot afford to be indifferent toward predatory dumping practices. If we fail to act now, it will in effect be an open invitation to other countries to pursue any trade policy they wish, without regard to the impact on this country's economic way of life. I would remind Senators that what happens to shoes today can happen to other products tomorrow. The time to search for remedy occurs when the first symptoms of disease make themselves known, not when the patient is to far gone to be cured.

The task facing us is a much-needed and long-talked-about revision of the presently inadequate antidumping law. As it now stands, the law may not offer the kind of protection which serious problems such as the one I have discussed today necessitate. Relief under present law is too little and too late.

I suggest to my fellow Senators that two particular questions should meet with especial attention. The first involves creating adequate means for proving dumping when it is perpetrated by a Communist country. The second is to discover a way by which the antidumping law can forestall damage to industry in its initial stages. While the Senate considers these suggested revisions, an interim step is necessary. I am asking the Treaury Department to begin an investigation of the practices described today and to take the appropriate remedial action. But I repeat that this is only an interim step. In the long run only an amendment of the antidumping law will be adequate to the task.

To be sure, a voluntary settlement of these problems would be the most desirable solution. I have yet to see any genuine sign of willingness on the part of foreign manufacturers to discuss the matter reasonably and to negotiate a solution equitable to both parties. In the face of this intransigence, we have no choice but to take the necessary steps through governmental action to put the world on notice that this country will not stand idly by while a major industry suffers serious harm.

Mr. President, the Senator from Missouri [Mr. SYMINGTON], who shares my views on this problem, is unfortunately unable to be in the Chamber today to participate in the colloquy.

I ask unanimous consent that a statement prepared by him on this subject be included in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SYMINGTON

My distinguished colleague from the State of Maine, Mr. MUSKIE, has once again been constructive in bringing to our attention the widespread unfortunate practice of the dumping of shoes on the U.S. market by countries behind the Iron Curtain.

In so doing, he has again reminded us of the glaring inadequacies in existing law.

In this session of Congress alone, over 40 bills have been designed to amend our current antidumping law, this number in itself a clear indication of the prevalent dissatisfaction.

The Treasury Department has announced its intention to take a closer look at existing procedures; and I am convinced that Congress should recognize the widely voiced discontent of both management and labor.

"Dumping," a trade term widely known, is simply unfair price discrimination carried out at any level, in this case on an international basis. But whereas we have adequate laws governing such practices by domestic manufacturers, we have nothing comparable when the same procedure is carried on by foreign suppliers.

The worst defect of the existing law is that it fails to strike at the heart of the problem. In those rare instances when a dumping violation is found to have occurred, the only remedy available is the imposition of an equalization duty.

It is small wonder that dumping is on the increase. Foreign producers feel that they have little to lose, and everything to gain. Actually, the complexity of our present law fosters just such an attitude.

Current procedure requires that, first, a price discrimination must be found. It must be shown that imports sell here at prices lower than those in the exporter's country.

Second, it must be shown that an American industry is injured, or likely to be so; or that it is prevented from going into business because of the discriminatorily priced imports.

"Injury," according to the Tariff Commission, does not mean what it actually says; rather, it means "material injury."

Recently, the Tariff Commission looked for injury to American cement manufacturers hurt by Japanese dumping, but apparently failed to see the obvious damage which resulted in one producer being driven out of the relevant market altogether. I was glad to see that two of the Commissioners filed a dissent, the gist of which was that an industry does not have to collapse before evidence of "injury" is found.

Too often those responsible for interpreting and carrying out a law become hidebound to a set of words, as if they were applying a mathematical formula to a physics problem. In the process, they lose sight of the broader purposes of the law. The injury this Nation now faces in the shoe industry is far more than a matter of dollars; it is concerned with human lives. There are, today, literally thousands of shoe workers who cannot find employment.

Unemployment which can flow only from dumping is always a problem in shoe manufacturing, because in so many towns, it is virtually the sole source of employment.

Many other countries—including Great Britain, Austria, Turkey, Spain, and Brazil—have streamlined procedures for imposing dumping duties, without being forced to go through the complicated process of finding injury, or its likelihood. Those countries would not tolerate the extent of damage already suffered here, which can only increase unless adequate legislative steps are now taken.

Proposals now pending to amend the antidumping law were considered carefully; thereupon they were drafted to accommodate previously voiced objections during the last session. Therefore, they represent extensive planning in an effort to make progress in the right direction.

Those who may oppose the current bills in their present form will have ample opportunity, in hearings or by amendment, to make their objections known. I feel sure, however, that the Members of this body will not permit any parochial approach or selfishness to interfere with the goal of a just amendment to the existing law.

Every unreasonable delay means additional unemployed workers. It is my hope that the Senate will consider these proposals affirmatively.

THE IMPLICATIONS OF COMMUNIST BLOC TRADE

Mr. TALMADGE. Mr. President, I am grateful to my colleagues for bringing this important matter of Czechoslovakian dumping to the attention of the Senate. It is simply another addition to the longstanding economic injury that the shoe industry has sustained at the hands of foreign importers, an extra burden that I trust this body will not long countenance.

It is not my intention today to launch a large-scale attack on the wisdom of trading with Communist bloc nations. I wish only to state in the clearest possible terms, as this newest of the shoe import problems shows, what the probable ramifications of trading with the Communists are; and why, if we decide to trade with them for reasons of foreign policy, we must constantly be on our guard that other interests of equal or higher value are not sacrificed in the process. Whatever our general trade policy may be, and whatever we hope to gain in particular from exchange with the satellites, no policy should grant license to other countries to dump their products to the detriment of American industry. We should pursue such a policy only so long as it furthers this country's interests and protects its economic livelihood. We are not, I trust, in the business of international charity when we determine our trade objectives. If it comes to a choice, as indeed I believe it does in the matter discussed today, between protecting jobs for American men and women, and the distant, hazy hope of "decommunizing" a satellite regime, I do not hesitate in the slightest in coming down foursquare in defense of the American worker. I have no doubt that my fellow Senators will similarly refuse to tolerate any unemployment caused by trade with Communist regimes.

As my able colleagues have pointed out, a general reconsideration of the present inadequate antidumping law is clearly necessary. It is equally important that we concern ourselves with dumping by Communist nations in particular. The economic structures of these regimes create special problems. Today, I should like to emphasize the context in which such problems must be analyzed.

First, whether we like it or not, we are engaged in a not-so-cold war. That simultaneously simple and complex fact marks the chalklines for our actions on the world stage, outside of which we venture at our peril. A second and corollary fact of life we cannot ignore is that, to the Communist mind, all non-Communists are dangerous, and some are more dangerous than the others. It follows, third, that Communist trade policy has longrun political as well as economic considerations behind it; and we would do well to understand how these objectives are carried out.

We must not lose sight of the dual function of Communist trade policy. One is clearly economic; that is, these regimes have the natural desire common to all nations to create the highest standard of living consonant with whatever their primary national goals happen to be. In so doing, there is every reason in the world why these countries should turn to the United States, which has, after all, succeeded in producing the most efficient economic machine in history. But, as with any other country, only more so in a government-controlled economy, economic considerations are often subordinated to all-encompassing political goals. When Czechoslovakian shoes begin appearing in large quantities on the American market, and at outrageously low prices, one of two things may be happening: either the commissars have decided to secure a foothold for future economic leverage, or they have decided to pursue an ulterior motive; namely, dislocation and disruption in the American shoe industry. Or, it is quite possible, their present policy of dumping shoes is designed to achieve both objectives. The important thing to remember, however, is that either way, this country and its vitally important shoe industry stand to lose; and that loss, Mr. President, is measured out in unemployment.

A state-controlled economy finds it reasonably easy to pursue such a dual policy, because the normal checks and balances of a market price system are not present. It is able without long delay to speed up production of a given item without regard to its immediate marketability, and without having to worry about the loss side of the income statement. There are, moreover, as has been pointed out many times, no worries about wage rates or fringe benefits.

The potential glut of Czechoslovakian shoes—or, for that matter, of any product from state-operated economies—might be caused by one of two things: either a miscalculation on the part of the czars who predetermine production quotas, or an intentional design to create a surplus.

If the first hypothesis is true, they stand to lose nothing by selling the surplus shoes at prices well below cost. If the second hypothesis is true, the regime is prepared to take an economic loss as a cost of subordinating trade policy to political objectives. Again, I wish to point out, it makes no difference to the unemployed shoe workers in the United States which cause is responsible for the loss of employment opportunities.

When it comes to a reconsideration of the antidumping law, we must take special care to understand why it is virtually impossible to find a violation in the case of a Communist country. Because these countries do not have an open market or a price system set by supply and demand, no one, not even a battalion of professional economists, much less the Tariff Commission, can determine what the cost or selling price is in that country. We might use a third nation price as a barometer, assuming we could find one, but even there the same problem would confront us: the items are very likely dumped at below cost prices elsewhere for precisely the same reasons that they are dumped in the United States.

In short, if we wish to put an immediate stop to dumping by satellite nations—and I believe it imperative that we do—we must derive an adequate formula that fits the facts, and not rest content with one which is impossible to apply. Above all, we must not tie ourselves down to a new mathematical complication which is only a reworked version of the old, and we must always be on guard to protect American industry and their workers from the economic and political machinations of the Communist regimes.

Mr. President, I yield the floor.

Mr. McINTYRE. Mr. President, I am glad to join my distinguished colleagues from my neighboring State of Maine and from the great Southern State of Georgia in voicing concern for this new addition to the shoe industry's import difficulties. No one who has knowledge of the situation could be other than alarmed at the sharp increase in shoe imports and the consequent growing unemployment. I am glad once again to join with the Senator from Maine in bringing this matter to the attention of the Senate.

As the Senator points out, this is truly a matter of national concern. There was a time, many years ago, when shoe manufacturing may have been confined to a few regions of the country. Such is no longer the case. Missouri, Pennsylvania, Arkansas, and even California—to name only a few—are now major shoe-producing States. Each has felt, in varying degrees, the persistent unemployment resulting from unrestrained import competition; and each is vitally interested that the Congress take appropriate steps to alleviate the problem.

The immediate distress caused by the appearance of these unfairly priced Czechoslovakian shoes has a broader significance, which very much needs some talking about. What I fear is that if we let this matter pass without comment or corrective action, there are going to be a lot more foreign suppliers profiteering at the expense of working American men and women.

The difficulty is, of course, the ease with which other countries can dump their products, relatively unrestricted, onto the U.S. market. The techniques to combat dumping under present law are so cumbersome as to be no weapon at all. A brief glance at the record indicates the startling infrequency of occasions when dumping violations are found, and the current strictures are such as to offer the shoe industry little hope of relief.

The situation is made worse by the particular ease with which a state-owned and state-operated industry, such as Czechoslovakia's, can use the device of dumping. The Communist controlled economy has no balance sheet other than one which shows political assets and liabilities, and any damage inflicted on the United States is a prime entry on the asset side. But, in a broader perspective, Czechoslovakia shares with non-Communist Italy and Japan the one major weapon above all which gives foreign suppliers their increasing share of the U.S. market—that is, their abundant supplies of cheap labor.

A comparison of labor costs is enlightening. In this country, the average shoe worker receives slightly under $2 an hour, including fringe benefits, while in Japan—which is responsible for 62 percent of our shoe imports—he receives only 40 cents an hour; in Italy, which supplies 24 percent of imports, the average hourly wage is but 56 cents. Both figures include fringe benefits. American workers are more productive than their foreign counterparts, but wage differentials in the multiple of 4 or 5 could not possibly be overcome by the most efficient plants and workers imaginable; which is why foreign footwear can sell from 15 to 25 percent below comparable U.S. articles.

Mr. President, I ask unanimous consent to have printed in the RECORD a comparison of U.S. employment costs with those in certain foreign supplying nations.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Hourly employment costs in the footwear industry by countries

[Includes fringe benefits for all nations]

Country	1958	1959	1960	1961	1962
Japan	$0.27	$0.29	$0.32	$0.35	$0.40
Italy	.43	.44	.44	.47	.56
United Kingdom:					
Males	.81	.83	.93	.98	1.03
Females	.51	.53	.57	.60	.64
Switzerland:					
Males	.99	1.03	1.09	1.15	1.25
Females	.52	.55	.57	.61	.66
United States	1.81	1.84	1.90	1.95	1.97

Sources: ILO "Yearbook of Labor Statistics"; Bureau of Labor Statistics, U.S. Department of Labor; National Shoe Manufacturing Association (for U.S. fringe benefits).

Mr. McINTYRE. Mr. President, this wide wage differential affects other industries as well—and coming from the State of New Hampshire I can testify that it has hurt our textile industry—and it is especially important in the shoe industry where labor input accounts for a disproportionately large share of total manufacturing costs, averaging 25 to 35 percent. This is simply a requirement of an industry which prizes product quality as much as quantity. The shoe industry has traditionally maintained high production standards as to fit specifications, symmetry of construction, and stitching, all of which require visual inspection and manual craftsmanship which no machine can yet match.

No one knows or can tell what the cost of Czechoslovakian labor is, but we may rest assured that the commissars do not stay awake nights worrying about their workers, any more than they worry about the thousands of American employees who have been, and will be, thrown out of work because of dumping. It is time we took a good, hard look at the inadequacies of the present antidumping law. I join my colleague in seeking an investigation of the practice as apparently carried on by the Czech industry. We owe it to the shoe industry, to their workers, and to the American people.

DAMAGE DONE BY UNFAIR TEXTILE IMPORTS

Mr. McINTYRE. Mr. President, from time to time I have taken the floor to alert my colleagues to the ever-growing threat to our country's shoe and textile industries represented by unfair imports of cheap shoes and textiles. From time to time, I have had the sad duty of announcing the death of yet another factory in the New England region, buried by the dumping of products from nations whose economies we have built up, but which now are taking the traditional posture of the dog which bites the hand which fed it.

I wish to read a reference to a statement by the president of a wool-textile plant in Massachusetts which was forced to go out of business last week. He said imported good, particularly fabrics coming from Japan, were the chief reason for the company's decision to close. He said he had hoped the Government would take steps to limit imports, but that it had failed to take any action along these lines.

Mr. President, the time has long since come for our Government to take action. The 1,100 workers who lost their jobs in Holyoke, Mass., comprise just a few of the American workers who will be out of work if immediate action is not taken.

In the hope that my colleagues may be informed by reading the article to which I have just referred, I ask unanimous consent that it may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIVINGSTON WORSTED WILL CLOSE SOON

HOLYOKE, MASS.—Livingston Worsted Mills, Inc., worsteds manufacturer here will close its doors when it runs out of work in about a month, according to Julius H. Stursberg, president.

Mr. Stursberg said that imported goods, particularly fabrics coming from Japan, were the chief reason for the company's decision to close. He said he had hoped the Government would take steps to limit imports but that it had failed to take any action along these lines. Japanese goods, Mr. Stursberg said, are coming into this country at a price below the cost of manufacturing here.

He said the company had been losing

money for the past 3½ years and that it could no longer continue to operate on this basis.

Mr. Stursberg's great-grandfather, Herman, started the company about 100 years ago as a woolen mill. At that time it was known as the Germania Mills, and specialized in chinchilla fabrics. The present company was started in 1934. The company currently employs about 60 people compared to the 1,100 just prior to World War II.

Frank G. W. McKittrick Co., of Lowell, Mass., has been commissioned to sell the real estate, buildings, water rights and machinery, except the inventory when the mill closes, Mr. Stursberg said.

STATEMENTS BY SENATOR GOLDWATER

Mr. INOUYE. Mr. President, while reading the September 11 issue of the Baltimore Sun, I came across a very short, but interesting article relating to an ad lib statement by Senator GOLDWATER in his recent Seattle speech.

The Baltimore Sun quotes the Senator from Arizona as saying to the people of Seattle:

> You turned out aircraft which shot down a lot of enemies and you are going to do it again.

I have noted with some personal interest the many statements attributed to the Senator from Arizona and his supporters. For example, he and his associates have eloquently denied that the Senator from Arizona "shoots from the hip." And, more recently, he and his supporters have made statements portraying the Senator from Arizona as a man of peace.

However, if the Senator did make the statement in Seattle that "you turned out aircraft which shot down a lot of enemies and you are going to do it again," I am wondering if the Senator once again shot from the hip. I am also wondering what he meant by that statement. Did he want to convey an assurance to the people of Seattle that if he is elected President of the United States the bombers that are manufactured in Seattle will be used "to shoot down a lot of enemies"? Does he further mean that if he becomes President he will bring about a military confrontation with our potential enemies?

Mr. President, I confess that I am a bit confused. One day the Senator says that he will do away with the draft and cut the costs of government by 25 percent. And, on another day, he states that he is going to build more bombers to shoot down our enemies.

This is most confusing, Mr. President. But, I expect that the Senator from Arizona will once again provide an explanation for his Seattle speech. I am certain that many of my colleagues will be waiting for his explanation.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I suggest to the Senator from Hawaii that the Senator from Arizona is only stating what seems to be apparent to those who are hoping for progress in the manned aircraft program; that is, that the Defense Department, the Secretary of Defense, and this administration have made no move to do anything about the manned aircraft program, that we can see, in the future for 1970, 1972, and 1974. All that the Senator from Arizona is saying is that Boeing has been a tremendous creator of weapons for the defense of this country, and that he hopes that the company will be able to continue in this respect despite this administration's actions under the Secretary of Defense.

Mr. INOUYE. I thank the Senator from Colorado for his explanation. I hope that the Senator from Arizona will agree with his explanation.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CEREMONY TO FINALIZE THE COLUMBIA RIVER TREATY

Mr. MANSFIELD. Mr. President, it is my intention to accompany the President, along with other Senators, on a journey to the Pacific Northwest. The purpose of this trip will be to finalize the Columbia River Treaty, which means a great deal in the development of the northwestern part of our country.

The President will land at Malmstrom Air Force Base at Great Falls, Mont. There he will meet the Canadian Prime Minister, Mr. Lester Pearson, who will be flying in from Ottawa. From there, the two Chiefs of State will go to Vancouver. And from there they will proceed by helicopter to Washington for the purposes of performing the necessary functions and procedures to bring this treaty to a conclusion.

We, in Montana, consider it quite an honor to have two Chiefs of State land at Great Falls for the purpose of getting together to finalize this agreement which has been in progress and in process for so many years. It is not very often that the State of Montana is privileged in this manner. Therefore, we appreciate the honor that much more. I think it is interesting to note that the President will leave Great Falls, Mont., and fly to Vancouver in the plane of the Prime Minister of Canada, Mr. Lester Pearson. That flight will mark the first occasion since President Johnson assumed the Presidency that he will have left the borders of the United States. It is, of course, an honor that is being accorded in relation to the treaty which will be consummated, and it indicates also the high regard which our President has for our neighboring nations.

As I said, I do not intend to be in the Senate for the next day or so because it is my intention to accompany the President of the United States. However, I hope that during the next 2 days votes will be taken, and that the Senate will not delay any action, because I think it is imperative that the Senate get on with the business whether we are here or not. If we do not get on with the business, instead of getting out somewhere in the vicinity of October 1, I am afraid it may well be mid-October or the first of November.

THE AFL–CIO SUPPORTS THE DEMOCRATIC PLATFORM

Mr. METCALF. Mr. President, with the 1964 campaign underway, each party's platform is undergoing careful scrutiny. This year, as in past years, the AFL–CIO offered both parties an identical series of recommendations on policies for the years ahead. After the conventions, it prepared a detailed comparison of the two parties' platforms, as well as an examination of the records of the candidates for President and Vice President. I believe this statement has a great deal of merit, and shows a keen understanding of our Nation's problems and the issues at stake in this election. Therefore, I ask unanimous consent that the statement be printed in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE GENERAL BOARD OF THE AFL–CIO ON THE PLATFORMS OF THE TWO POLITICAL PARTIES AND THE RECORDS OF THE CANDIDATES OF BOTH PARTIES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Article II of the AFL–CIO Constitution sets forth "objects and principles" which are the foundation upon which this federation stands.

This article delineates the AFL–CIO's determination to build, through the democratic processes, a better world for all Americans. This article has special application to any national election and to the election of 1964 in an unprecedented degree.

Of course, every presidential election is important and we have, in the past, given full stress to that fact. But it is our deep conviction that the election of 1964 is the most critical this country has faced since 1932.

Therefore, we feel a deep obligation to report to union members and to the public as a whole our estimate of the party platforms and of the candidates in the coming election.

The AFL–CIO, in accordance with our established practice, offered to both parties an identical series of recommendations on policies for the years ahead. We have prepared a detailed analysis of what action each party took on these recommendations, copies of which accompany this statement.

This statement is, therefore, a summary of that analysis, along with an examination of the established records of the candidates for President and Vice President and, finally, our recommendation and endorsement.

However, let us first look briefly at the present state of the Nation and the unsolved problems it faces.

The United States has made impressive progress in many respects during the last 4 years.

Economic growth has proceeded at a rapid pace, stimulated by a prudent cut in Federal taxes.

The right of every American to equal opportunity, equal citizenship, and equal access to all facilities open to the public has been unequivocally affirmed by law.

The protection of the Federal minimum wage has been extended to millions of workers previously excluded and the minimum itself has been increased.

A program has been established to extend Federal assistance to economically depressed areas.

Federal aid to higher education has been materially increased.

The most comprehensive housing program in a generation has been enacted.

A Peace Corps has been created to make available to underdeveloped nations the skills of American volunteers.

Poverty is no longer ignored but recognized as a chronic blight on America's affluent society and steps have been initiated to attack its roots.

The military strength of the United States has been enhanced and made more versatile; while at the same time, this country has gained, in every crisis, new respect from friend and foe alike.

We in the AFL-CIO welcome these and other gains. We are proud of our role in helping to bring them about.

But we are deeply alarmed at the fact of chronic unemployment. Despite the economic gains of the last 4 years and some improvement in the jobless picture, unemployment is still at or near the level of 5 percent.

In our view, the solution to this problem is the key to the ultimate attainment of America's highest aspirations. Only through full employment can the United States provide full and equal opportunity. Only through full employment can this country maintain moral and economic leadership in the free world.

Thus, we view with approval the many significant accomplishments of the last 4 years.

But much remains to be done.

One-fifth of the Nation still struggles against poverty. Four million workers cannot find jobs.

Our assessment, therefore, looks to the future as well as the past.

We have weighed what each party proposes to do about the great domestic and international problems that remain and the approach to these problems of the nominees, as indicated by their records and their positions.

These are the matters that concern the labor movement—as they concern the country. Our findings follow.

THE PLATFORMS

Labor legislation

The Republican platform is virtually silent on labor-management relations. Its only substantive references are: (1) a thinly veiled threat to put unions under the antitrust laws, as if people could be equated with commodities, and (2) an attack upon the National Labor Relations Board.

The Democratic platform, in sharp contrast, promises substantive improvement in labor-management legislation. It calls for repeal of section 14(b) of the Taft-Hartley Act which permits the so-called right-to-work laws which outlaw union security agreements. In addition, the Democratic platform pledges removal of inequities in Federal laws which hamper organization of workers and unfairly penalize unions for legitimate strikes and legitimate picketing.

AFL-CIO analysis: Clearly the Republican platform promises nothing to the American labor movement except an attempt to hobble unions with even more restrictive legislation and to stack the cards against unions in the application of existing laws.

On the other hand, the Democratic platform promises to improve the existing framework of Federal legislation and to provide long-needed relief to unions in the legitimate conduct of their affairs.

The domestic economy

The Republican platform demonstrates absolutely no concern for the No. 1 domestic economic problem of our time—unemployment. The AFL-CIO suggested a long list of specific proposals to meet this problem. Our suggestions were ignored—in fact, in some instances, the Republican platform specifically calls for the exact opposite. For example, the Republican platform opposes higher premium pay for overtime and endorses more teenage employment at less than the Federal minimum wage. We can only view this as an invitation to return to the days of the exploitation of child labor.

The list of proposals which would improve the economy, improve our social security system, improve our educational system and, in general, provide an economic roadmap for 20th century America—which we suggested to both parties—received absolutely no support in the Republican platform.

The Democratic platform, in sharp contrast, clearly recognizes the importance of solving the problem of unemployment and achieving full employment in America as a matter of the highest priority. The Democratic platform commits its candidate to a program of steady economic advancement; to the goal of putting all Americans, who want and can fill a job, back to work; and to meet the problem of automation by insuring that no worker be unfairly penalized by being denied a job because of this new technology.

The platform proposes a higher minimum wage, extension of coverage to all workers in interstate commerce, higher premium pay for overtime, and continued study of the length of the work period.

In addition, this platform takes sound and progressive positions on housing, hospital insurance for the aged, social security improvements, improved unemployment compensation standards, and many other necessary domestic economic policies.

AFL-CIO analysis: In this area, the issue is most sharply drawn. The Republican proposals would do absolutely nothing to solve the problem of unemployment or to improve the conditions of work and life of the American people. The Democratic platform faces squarely up to the problem of unemployment and recognizes the responsibility and duty of the Federal Government to provide for the general welfare.

CIVIL RIGHTS AND EQUAL OPPORTUNITY

The Republican platform promises "full implementation and faithful execution of the Civil Rights Act of 1964." However, an effort to strengthen this section of the platform by writing in a commitment that the Civil Rights Act of 1964 would be enforced was rejected by the Republican convention despite the fact that Republicans in both Houses, with the conspicuous exception of the Republican candidate for President, voted for the bill by a 4-to-1 margin.

In addition, the Republican platform ignores the clear fact that to achieve equal opportunity in America there must be full opportunity—a fact the AFL-CIO has repeatedly called to the attention of the American people.

The Republican convention overwhelmingly rejected proposals from its moderate leaders that the platfrom clearly spell out opposition to extremists of both the far right and the far left.

The Democratic platform is unequivocal on the civil rights issue. It pledges enforcement of the Civil Rights Act of 1964 and deplores lawlessness of any sort whether for or against the achievement of full civil rights.

It fully recognizes the necessity of providing full opportunity so that equal opportunity will be more than a phrase in our political vocabulary.

In addition, the Democratic party has specifically rejected extremism and the advocates of extremism—the Communist Party, the Ku Klux Klan and the John Birch Society.

AFL-CIO analysis: The AFL-CIO was a long and strong advocate of the civil rights legislation which has just been passed. We believe in its fair and vigorous enforcement. As we noted earlier, we want the kind of society in which full and equal opportunity for all Americans will be a matter of accomplished fact—and we mean to achieve exactly that.

In addition, the AFL-CIO has no use for the extremists or for their tactics. We feel that in this case, as in the case of the domestic economic issues discussed earlier, the choice is obvious.

FOREIGN POLICY AND NATIONAL DEFENSE

The platforms of both parties are committed to the continuation of America's role as the leader of the free world and to continued and forthright opposition to communism. With this, the AFL-CIO is in hearty accord.

The differences between the parties in this area are not in their goals but in the methods of achieving these goals.

The Democratic platform commits the party to a continuation of the strong yet peacefully motivated policies of the Kennedy and Johnson administrations. These policies have demonstrated to the entire world that we mean to protect the forces of freedom everywhere without impulsive action or aggressive intent.

The Republican platform, on the other hand, has already alarmed our allies without frightening our enemies. It places its major reliance on America's atomic superiority without recognizing, as the AFL-CIO repeatedly pointed out, that we must have a flexible military capability, for brushfire wars cannot be fought with an atomic bomb.

The Democratic administration in the last 4 years has built this kind of military flexibility, prepared to respond to any challenge from any quarter. It has thus won the confidence of our allies and the understanding in the ranks of our enemies, that we mean business.

In the trying times in which we live, atomic superiority is a necessity. But this awesome weapon can only be entrusted to the President of the United States.

The Democratic platform specifically reaffirms this fact; the Republican platform does not—and its candidate would spread this responsibility among military field commanders.

AFL-CIO analysis—we feel most strongly that the hand on the atomic trigger must only be that of the President of the United States. A foreign policy and a national defense policy geared to any other concept must be flatly rejected by the American people.

THE CANDIDATES FOR PRESIDENT

The Republican candidate, BARRY M. GOLDWATER, has been a Member of the U.S. Senate for 12 years. During that time he has cast 53 votes on legislation considered by the AFL-CIO to be of primary importance to the Nation. In every case—whether the issue involved world affairs, such as the atomic test ban treaty, or social justice, such as the civil rights bill, or economic progress, such as the wage-hour law—he voted wrong.

A Goldwater victory would mean a radical change of direction in national policy. Even more ominous is the Senator's outlook on world affairs, for its results would be measured in terms of human survival. He would jettison the consistent and primarily bipartisan policies of our generation, and in their stead would embark upon a new and independent course, which in our view is fraught with the gravest risks.

There is no argument here as to who is the more resolutely opposed to communism. The issue is not purpose but methods. We believe Senator GOLDWATER's approach, if applied, would heighten the risk of an atomic holocaust.

In the same way, Senator GOLDWATER has blithely—and thoughtlessly—advocated, at one time or another, putting social security on a voluntary basis which would, of course, kill it; selling TVA to private utilities, and letting the poor fend for themselves because, in his view, their own shortcomings are the reason for their poverty. The course he advocates, the prescription he offers, are an invitation to depression and economic disaster.

Above all, it is our considered judgment that Senator GOLDWATER is basically an impulsive man, not given to deep thought or careful consideration, unversed in the historical background against which every national leader must function, seemingly unaware of basic human needs and wholly unresponsive to the subtleties of international relations upon which the survival of mankind depend.

The Democratic candidate, Lyndon B. Johnson, has been President of the United States for nearly 10 months, was Vice President for the preceding 3 years, was a Senator for two 6-year terms—serving for 6 years as majority leader—and for 11 years sat in the House of Representatives. Since 1937, therefore, he has been recorded on virtually every piece of legislation brought before the Congress, and has had an active role in much of it.

Four years ago, when Lyndon Johnson was the nominee for Vice President, we frankly acknowledged that we had not agreed with him in all particulars over the years. As a matter of record, during the years President Johnson and Senator GOLDWATER both served in the Senate (1953–1960), President Johnson voted right 28 times and wrong 7 times, while Senator GOLDWATER was wrong on every vote he cast.

But, in 1960, we added: "On balance he (Johnson) has a liberal record; and what is more important, it has become more liberal with the years."

These were prophetic words.

As Vice President, he loyally, diligently, and effectively served President John F. Kennedy. In both foreign and domestic affairs, he was a strong right hand to the President.

When tragedy thrust upon him the duties of President, he undertook with unsurpassed vigor the task of fulfilling the program launched by John Kennedy. The legislative achievements of President Johnson's nearly 10 months in office are the greatest since the first Roosevelt administration. The unflagging concern of Lyndon Johnson for the poor and the deprived has in all truth aroused the conscience of all Americans.

THE CANDIDATES FOR VICE PRESIDENT

The Republican candidate, WILLIAM E. MILLER, has served without distinction in the House of Representatives since 1951, and has also been national chairman of the Republican Party. His voting record, while not quite as absolute as that of his running mate, is one of consistent opposition to social progress on virtually every front.

To put it in the kindliest way, Congressman MILLER has been a wheelhorse of the least enlightened wing of the Republican Party. There is nothing in his record to suggest that he is equipped to be the Nation's No. 2 officer—much less to assume the Presidency itself.

The Democratic candidate, HUBERT H. HUMPHREY, has been a U.S. Senator since 1949, and from his entry on the national scene has been a vigorous and articulate spokesman for human rights and human progress.

Senator HUMPHREY has, through skill and hard work, won the respect of his colleagues on both sides of the aisle, and of citizens in all parts of the country. As majority whip, he played a major role in the legislative victories of the Kennedy and Johnson administrations.

America today needs to choose a Vice President who could, if called upon, ably assume the duties of the Presidency as did President Johnson on that awful day last November 22.

There is no doubt, as President Johnson himself pointed out, that HUBERT HUMPHREY is best qualified to meet that test.

This, then, is the picture as we see it.

The choice is obvious, both as to the platforms and the candidates.

Therefore, it is the considered judgment of the general board of the AFL–CIO that the election of Lyndon B. Johnson and HUBERT H. HUMPHREY is a matter of the most vital concern to the labor movement, to all the people of the United States and to the cause of peace and freedom throughout the world.

We endorse their candidacy.

We urge every union member to give these candidates their most wholehearted support.

THE IMPACT OF FEDERAL EXPENDITURES ON MONTANA'S ECONOMY

Mr. METCALF. Mr. President, one of the most respected of the organizations working in the field of analysis is the Tax Foundation, Inc., of New York City. Tax Foundation statistics have been widely used by research organizations, newspaper editors, and others—and for a very good reason. The names of the Foundation's officers, board of trustees, and advisers are a "who's who" of American business and industry. Among them are the top brass of General Motors, Westinghouse Electric, the Pennsylvania Railroad, the Weyerhauser Co., Ideal Cement, Bankers Trust, John Hancock Mutual Life Insurance, Gillette, Olin Mathieson Chemical Corp., Borg-Warner, American Telephone & Telegraph, the Singer Co., United States Steel, and Ford Motor Co. Trustees include Maurice Stans, President Eisenhower's Budget Director; and Dr. Arthur F. Burns, who was Chairman of President Eisenhower's Council of Economic Advisors.

The Tax Foundation recently issued its annual report. Two significant tables are reprinted here. The first table—table 6 on page 30 of the Foundation's 1964 report—shows that, excluding highway trust fund grants and "shared revenues," Montanans pay in Federal taxes 61 cents for every dollar of Federal aid received. The second table—table 7 in the same report—shows that, including highway trust fund grants, but excluding "shared revenues," Montanans pay 51 cents in Federal taxes for every dollar of Federal aid received.

I ask unanimous consent that these tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD.

TABLE 6.—*Federal grants to State and local governments and estimated burden of Federal grants, excluding highway trust fund grants*[1] *and shared revenues,*[2] *fiscal year 1962*

State	Federal grants-in-aid (millions) [3]		Amount paid for every dollar of aid received
	Payments to States	Estimated burden	
Total	$4,896.3	$4,896.3	
Alabama	128.6	48.0	$0.37
Alaska	30.7	5.9	.19
Arizona	46.8	31.8	.68
Arkansas	76.3	23.0	.30
California	453.8	549.9	1.21
Colorado	73.5	49.5	.67
Connecticut	54.0	108.2	2.00
Delaware	10.9	24.5	2.25
Florida	115.8	121.4	1.05
Georgia	133.0	66.6	.50
Hawaii	36.2	18.1	.50
Idaho	24.7	12.7	.51
Illinois	217.7	344.7	1.58
Indiana	67.0	114.1	1.70
Iowa	64.3	60.2	.94
Kansas	56.7	49.0	.86
Kentucky	100.9	50.9	.50
Louisiana	163.6	56.8	.35
Maine	28.2	20.1	.71
Maryland	69.5	96.5	1.39
Massachusetts	138.7	174.8	1.26
Michigan	177.1	214.9	1.21
Minnesota	83.0	82.3	.99
Mississippi	84.3	23.5	.28
Missouri	144.3	113.1	.78
Montana	21.8	13.2	.61
Nebraska	31.8	32.8	1.03
Nevada	12.4	11.3	.91
New Hampshire	15.0	16.6	1.11
New Jersey	99.8	210.5	2.11
New Mexico	43.0	17.6	.41
New York	406.7	655.6	1.61
North Carolina	123.4	72.0	.58
North Dakota	21.6	9.3	.43
Ohio	191.6	276.2	1.44
Oklahoma	141.8	46.0	.32
Oregon	50.5	44.6	.88
Pennsylvania	260.5	320.7	1.23
Rhode Island	26.6	24.5	.92
South Carolina	55.4	31.3	.56
South Dakota	23.0	10.8	.47
Tennessee	106.2	59.2	.56
Texas	254.9	214.0	.84
Utah	28.0	19.1	.68
Vermont	11.6	8.3	.72
Virginia	83.0	87.6	1.06
Washington	89.5	77.4	.86
West Virginia	78.3	33.3	.43
Wisconsin	71.7	102.3	1.43
Wyoming	10.9	7.8	.72
District of Columbia	57.7	33.8	.59

[1] Excludes all direct grants to States for Federal-aid highways. However, a small amount of forest highway and public lands highway grants paid from the general fund is included.

[2] "Shared revenues" income from timber sales, grazing and mineral leases on public land, including that administered by the National Forest Service and the Bureau of Land Management. In the same year covered by the tables, such income to Montana amounted to $2,436,240, which is not included in this table.

[3] Based on the net budget tax burden.

Source: Treasury Department and Tax Foundation, Inc.

TABLE 7.—*Total Federal grants to State and local governments and estimated burden of Federal grants including highway trust fund grants, but excluding shared revenues*[1] *fiscal year 1962*

State	Federal grants-in-aid (millions) [2]		Amount paid for every dollar of aid received
	Payments to States	Estimated burden [3]	
Total	$7,638.9	$7,638.9	
Alabama	193.2	96.6	$0.50
Alaska	44.5	8.3	.19
Arizona	83.6	58.0	.69
Arkansas	109.6	53.0	.48
California	724.4	824.1	1.14
Colorado	105.0	82.6	.79
Connecticut	88.2	144.6	1.64
Delaware	15.6	33.0	2.12

TABLE 7.—*Total Federal grants to State and local governments and estimated burden of Federal grants including highway trust fund grants, but excluding shared revenues*[1] *fiscal year 1962*—Continued

State	Federal grants-in-aid (millions)[2]		Amount paid for every dollar of aid received
	Payments to States	Estimated burden[3]	
Florida	$158.4	$205.8	$1.30
Georgia	194.1	129.2	.67
Hawaii	40.1	24.6	.61
Idaho	48.0	26.3	.55
Illinois	359.5	483.5	1.34
Indiana	134.5	194.2	1.44
Iowa	102.8	106.6	1.04
Kansas	93.6	88.0	.94
Kentucky	159.6	92.5	.58
Louisiana	226.8	100.8	.44
Maine	41.6	35.7	.86
Maryland	113.9	139.6	1.23
Massachusetts	200.0	240.7	1.20
Michigan	275.7	331.9	1.20
Minnesota	141.4	137.3	.97
Mississippi	119.7	54.8	.46
Missouri	223.6	187.6	.84
Montana	53.6	27.3	.51
Nebraska	61.1	59.8	.98
Nevada	27.9	19.4	.70
New Hampshire	32.2	26.2	.81
New Jersey	169.7	305.1	1.80
New Mexico	63.6	38.2	.60
New York	548.3	832.8	1.52
North Carolina	166.2	142.4	.86
North Dakota	38.1	19.0	.50
Ohio	367.0	420.9	1.15
Oklahoma	177.0	90.7	.51
Oregon	97.4	78.4	.80
Pennsylvania	359.3	469.3	1.31
Rhode Island	35.1	36.0	1.03
South Carolina	89.3	64.8	.73
South Dakota	59.2	23.3	.39
Tennessee	174.0	111.9	.64
Texas	383.6	396.0	1.03
Utah	54.0	35.1	.65
Vermont	40.9	14.5	.35
Virginia	158.9	148.5	.93
Washington	144.0	123.2	.86
West Virginia	100.3	56.4	.56
Wisconsin	126.5	159.9	1.26
Wyoming	37.4	17.0	.45
District of Columbia	76.8	43.4	.57

[1] "Shared revenues," income from timber sales, grazing and mineral leases on public land, including that administered by the National Forest Service and the Bureau of Land Management. In the same year covered by the tables, such income to Montana amounted to $2,436,240, which is not included in this table.

[2] Excludes shared revenues; includes highway aids.

[3] The tax burden for aid payments is assumed to be equal to aid payments. The burden of aid payments financed through the budget is distributed by State on the basis of an estimated distribution of the burden of general taxes; the burden of highway payments is distributed by State on the basis of a Bureau of Public Roads estimate of the State distribution of taxes going to the highway trust fund.

Source: Treasury Department and Tax Foundation, Inc.

Mr. METCALF. Mr. President, both tables are conservative. Both leave out "shared revenues"—income from timber sales, and grazing, and mineral leases on public land, including that administered by the National Forest Service and the Bureau of Land Management. In the same year covered by the tables, such income to Montana amounted to $2,436,240, which was not included in either table.

These public lands also contribute indirectly to Federal revenues which go to Montana. For example, the Federal Aid Highway Act contains a formula under which the Federal Government absorbs a part of the State's obligation, in proportion to the area of certain Federal lands in the State. In his speech in Miles City last November, Assistant Secretary of the Interior John A. Carver, Jr., reported that Montana and Iowa let contracts, under this program, which were just about equal in dollar amount—$58 million—and were substantially parallel in other significant respects. Yet the Federal share in Montana was $45.7 million, compared to Iowa's $39.7 million. For this one program alone, and for a single year, the Federal lands thus provided Montana $6 million.

On the same subject matter, an article was published recently in the Montana Business Quarterly, a publication of the Montana School of Business Administration, at Montana State University, Missoula, Mont. The article sets forth the impact of Federal expenditure on Montana's economy. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE IMPACT OF FEDERAL GOVERNMENT EXPENDITURE PROGRAMS ON MONTANA'S ECONOMY

(By Maxine C. Johnson, assistant director, Bureau of Business and Economic Research, Montana State University, Missoula, Mont.)

Most Montanans are accustomed to close contact with the Federal Government. Approximately 1 of every 15 persons at work in Montana is directly employed by some Federal agency or is a member of the Armed Forces in the State. A good many other Montanans, although paid by private contractors, have been at work in recent years on projects supported financially by the Federal Government—highways, dams, or defense installations. Indeed, in cities such as Great Falls and Glasgow, the economic health of the community hinges heavily on developments at adjoining air bases. Montana lumbermen depend upon national forests for their timber supply; cattlemen graze their cattle on Federal lands. Much of the outdoor recreation in the State involves the use of federally owned forest lands or national parks.

In short, the Federal Government is among Montana's major employers, with approximately 16,000 civilian and military personnel on its payrolls; it is the State's largest investor, with buildings, structures, and facilities valued at over $800 million;[1] and it is the largest landowner in the State, with almost 28 million acres.[2] It is also the biggest spender in the State; its purchases of goods and services and its financial assistance to State and local governments are of great importance to Montana. Just how important has never been quite clear, although widely varying claims have been made, depending partly upon the individual's reaction to Federal programs in the State.

This report is an attempt to assess the significance of Federal activities and expenditures in Montana. The task is made easier by the existence of a growing amount of data on the subject of Federal revenue and expenditures in relation to the States. Among them are reports by Tax Foundation, Inc., a private nonprofit organization engaged in research and education on Government spending and taxation, various congressional reports, and a very comprehensive study, "Federal Revenues and Expenditures in the Several States, Averages for the Fiscal Years 1959–61," prepared by J. M. Labovitz for the Library of Congress, Legislative Reference Service.

The Library of Congress report is an attempt to tell the whole story, to measure the total flow of money between the Federal Government and the public in the various States. Estimates of Federal revenues and expenditures by States are defined as all "revenue receipts from the public" and all "payments to the public"—they are derived from Federal budgetary tabulations known as consolidated cash statements. The "cash budget" includes receipts and expenditures of the conventional or administrative budget plus the financial transactions of Federal trust funds, such as the social security and highway trust funds, and of Government-sponsored enterprises such as the Federal Deposit Insurance Corporation, items which are omitted in the more familiar administrative budget.

In an attempt to reduce year-to-year fluctuations, annual average figures of total revenues (both tax and nontax) and of total expenditures (from the Federal cash budget) for the 3 fiscal years beginning July 1, 1958, and ending June 30, 1961, were used; insofar as possible these totals were then allocated among the various States. Total revenues allocated amounted to $88 billion, or 99 percent of the annual average revenue collected by the Federal Government during 1959–61 ($89 billion); total expenditures allocated amounted to $81 billion or only 87 percent of the average total expenditures of more than $93 billion.[3] Included in the amount not allocated were unidentified sums expended for space and atomic energy programs and spending done overseas.

Other reports of the geographic distribution of Federal revenues and expenditures have covered less than one-tenth of the amounts involved in the Library of Congress study. They generally include such limited portions of Federal expenditures as grants-in-aid[4] or intergovernmental expenditures.[5] Tax Foundation, Inc., for example, has estimated the total tax burden by States but has limited its estimates of Federal payments to States to Federal grants-in-aid, including highway trust fund grants, which in fiscal 1962 amounted to $7.6 billion.[6]

The Library of Congress study allocates revenues by geographic origin (incidence) rather than by place of actual collection. Federal cigarette tax collections, for example, come almost entirely from North Carolina, Kentucky, and Virginia, although the tax is paid by smokers throughout the country. Cigarette taxes, therefore, were allocated on the basis of cigarette consumption by State, as estimated by the Tobacco Tax Council. In the same manner, payments to the public were allocated on the basis of State of residence or location of activity rather than the place where payments were made—in many cases the head office of a prime contractor.

Obviously, the results of this report are only estimates and they should be treated as such. The figures, as presented in the tables and in the text, seem to be very precise;

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[1] Value at cost. Does not include value of Federal lands. From General Services Administration, "Inventory Report on Real Property Owned by the United States Throughout the World, as of June 30, 1963," table 6, p. 52.

[2] General Services Administration, op. cit. table 4, p. 45.

[3] Unemployment trust fund deposits and withdrawals by the States and District of Columbia revenues and expenditures were excluded from these totals.

[4] Payments made by the Federal Government to State or local governments for specified purposes. They represent Federal support for a State or locally administered program, such as highway construction.

[5] Payments to State and local governments as grants-in-aid and shared revenues or as reimbursements for the performance of services for the Federal Government.

[6] Tax Foundation, Inc., "Allocating the Federal Tax Burden by State," Research Aid No. 3, p. 31. On page 21, the following statement appears, "The difficulties of attributing benefits from Federal spending among the people of different States is so great—if not insuperable—that Tax Foundation has ventured no such estimates."

actually they are only rough measurements of the relationships among the States.[7] Nevertheless, the study does provide the best guide we have as to how the various States share in the incidence of Federal revenues and as to how they share in the receipt of Federal expenditures. We can, with reasonable confidence, compare revenue collected in Montana with dollar amounts collected in other States, on a total or a per capita basis, and we can compare Federal payments in Montana with payments in other States or in the United States as a whole.

We cannot compare the dollar amount of Federal expenditures made in a State with the dollar amount of revenue collected. Dollar estimates from the two series are not comparable, largely because of limitations in the basic data; as noted above, only 87 percent of total Federal expenditures could be allocated to the States as opposed to 99 percent of revenues collected. Thus in spite of the tremendous amount of work involved in the Library of Congress study, we cannot say with any degree of certainty that Montana, for instance, received X dollars of Federal funds for each dollar sent to Washington.

If comparisons between the two series, revenues and expenditures, are to involve any degree of confidence, they must be expressed as percentages of the national total or as index numbers comparing the State with the National average. Using these measures, the Library of Congress figures do indicate that, however onerous we may feel the Federal tax burden to be, our Montana dollars are not being drained away to Washington never to be seen again. Indeed the Mountain States, including Montana, and parts of the South appear to be the chief beneficiaries of Federal Government activity, in the sense that the percentage of total Federal payments which their residents receive is greater than the percentage of total Federal revenue which they contribute. The eight Mountain States of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada combined contributed an estimated 3.45 percent of all Federal revenue collected during the period 1959–61; they received 4.41 percent of all allocated payments. On a per capita basis, residents of the Mountain States paid approximately 91 percent of the national average per capita revenue and received 116 percent of the average payment (table 1). Our region appears to benefit at the expense of the more populous and higher income mid-Atlantic and east north central regions, where the Federal Government in general collects more than it spends.

TABLE 1.—*Federal revenues and payments, Mountain States and Montana, annual average for fiscal years 1959–61*

	Percent of revenues	U.S. total payments	Index of per capita amount relative to U.S. average	
			Revenues	Payments
United States	100.00	100.00	100	100
Mountain States [1]	3.45	4.41	91	116
Montana	.35	.42	92	111

[1] Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada.

Source: The Library of Congress, Legislative Reference Service, "Federal Revenues and Expenditures in the Several States, Averages for the Fiscal Years 1959–61," September 1962, table 1, pp. 12–13.

There are a number of reasons why this should be so. In the first place, per capita incomes, and therefore revenue from the progressive income tax—the most important single source of Federal revenue, tend to be somewhat below the national average in most of the Mountain States. On the other hand, the Mountain West's wide open spaces have proved advantageous for defense installations, resulting in large military expenditures in four of the States—Arizona, Colorado, Nevada, and New Mexico. At the same time, the region's large area and sparse population plus the concentration of federally controlled lands help to explain, and perhaps to justify, somewhat larger Federal expenditures for nondefense purposes. The 8 Mountain States average only 8 persons per square mile, compared to 50 per square mile in the United States as a whole. Almost one-half (271.6 million acres) of their total land area consists of public lands.[8] Of this tremendously large acreage, approximately 40 percent has been reserved for national parks and forests (the remainder is mostly unreserved and unappropriated public domain). Although local residents benefit most directly from Federal expenditures for their preservation and maintenance, the parks and forests belong to all Americans and are being used more and more by them. The same can be said for the many miles of highways in the region, so vital to national travel and commerce.

Our own State of Montana, with less than 5 persons per square mile and approximately 30 percent of its land area federally owned, also appears to enjoy a modest net gain in its fiscal relations with the Federal Government. While contributing 0.35 percent of total revenues, the State and its citizens received 0.42 percent of total Federal payments during the years 1959–61. Per capita comparisons show Montanans paying 92 percent of the average national per capita revenue and receiving 111 percent of the average payment.

Tables 2 and 3 provide rough estimates of the total and per capita amounts of Federal revenue collected in Montana, and list the major sources of that revenue. For those who are under the impression that the individual income tax constitutes their principal tax liability to the Federal Government, these tables should provide considerable illumination. On a per capita basis, Montanans contributed a little more revenue than residents of the Mountain region as a whole, but significantly less than the typical U.S. citizen, mostly because their incomes also were smaller than the national average.

Table 4 indicates for what general purposes approximately $341 million of Federal funds were returned to the State; table 5 permits per capita comparisons with the Mountain region and the United States. Among the most striking aspects of the figures, aside from the large sums involved, are the very high nonmilitary payments and the relatively low amount of military expenditures in Montana. On the average, Montanans received substantially higher sums for nonmilitary purposes, in the form of income payments to individuals and as assistance to State and local governments, than do U.S. citizens generally. Indeed, on a per capita basis, our State and local governments received approximately twice as much Federal assistance (grants-in-aid and shared revenues) as did such governments in the country as a whole. These large payments to State and local governments are the basis for many of the statements as to the big return Montanans receive for their Federal tax dollars. Such comparisons do not present the whole picture, since they represent only a small portion of total Federal transactions in the State, and a part of the transactions where Montana fares very favorably.[9]

TABLE 2.—*Federal revenue from Montana, annual average for fiscal years 1959–61*

[In millions of dollars]

Source of revenue	Amount	Percent of total
All revenue	306.3	100
All taxes	291.8	95
Individual income tax	126.7	41
Employment taxes [1]	46.9	15
Corporate income tax	65.7	21
Estate and gift taxes	3.2	1
Excise taxes and customs [2]	49.3	16
All nontax revenue [3]	14.5	5

[1] Includes employer and employee shares of taxes under the Federal Insurance Contributions Act and Railroad Retirement Act, employer taxes under Federal Unemployment Tax Act, self-employment taxes and State-local government employee contributions.

[2] Includes highway user excises, alcohol and tobacco excises, and other customs and excise taxes.

[3] Includes fees, miscellaneous trust fund receipts, Federal Reserve System dividends, product sales (timber, minerals, power, etc.), rent, veterans' life insurance premiums, interest on loans (Rural Electrification Administration, Farmers Home Administration, etc.), loan repayments, etc.

Source: The Library of Congress, Legislative Reference Service, "Federal Revenues and Expenditures in the Several States, Averages for the Fiscal Years 1959–61," September 1962, table 5, pp. 40–41.

TABLE 3.—*Per capita Federal revenue, Montana, the Mountain States, and the United States, annual average for fiscal years 1959–61*

Source of revenue [1]	Montana	Mountain States [2]	United States
All revenue	$456	$448	$495
All taxes	434	429	477
Individual income tax	189	191	222
All other taxes	245	238	255
All nontax revenue	22	19	18

[1] See definitions in table 2.

[2] Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada.

Source: The Library of Congress, Legislative Reference Service, "Federal Revenues and Expenditures in the Several States, Averages for the Fiscal Years 1959–61," September 1962, table 10, pp. 50–51.

A comparison (table 5) of the per capita expenditures for procurement purposes, defined as outlays for military equipment, military assistance, and for research and management, indicates that those Montanans who are attempting to attract space research operations to the State have hit upon the one area where Federal expenditures are clearly well below the regional and national averages. Lacking the very large defense installations which are located in some of the other Mountain States and with little or no defense industry and a limited amount of manufacturing of any type, Montana receives a rather small portion of total defense expenditures. Indeed, average annual military expenditures in Montana during 1959–61 may have been higher than in most other recent years. Readers will recall that the Minuteman missile project in the State got under way in early 1961. Estimates of the project's total cost have ranged from $330 to $600 million.[10] Obviously, at least some of the Minutemen contracts were let in fiscal 1961 and their value would be included in the

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[7] However, the results of the study, in whole or part, are similar to those obtained in earlier, independent studies by the Department of Health, Education, and Welfare for the year 1952, the Tax Foundation (1960), and the Council of State Chambers of Commerce (1960). For comparisons of data and full citations, see pp. 42–45 and 86–87 of the Library of Congress report.

[8] General Services Administration, op. cit., table 4, p. 45. This figure does not include Indian trust lands.

[9] On pages 30–31 of its report, "Allocating the Federal Tax Burden by State," Tax Foundation, Inc., estimates that in fiscal 1962 Montanans paid 61 cents in taxes for every $1 of Federal aid to State and local governments and 51 cents per $1 when highway trust fund grants are added.

[10] The Great Falls Tribune, July 4, 1963, p. 1.

1959–61 annual average figures. The high per capita expenditure for military construction verifies this conclusion.

TABLE 4.—*Federal payments in Montana, annual average for fiscal years 1959–61*

[Dollars in millions]

Type of payment	Amount	Percent of total
Total payments	341	100
Military	130	38
Payments to personal income [1]	32	9
Procurement contracts	20	6
Construction	43	13
Operation and maintenance	35	10
Nonmilitary	211	62
Payments to personal income [2]	128	38
Payments to State and local Governments [3]	51	15
Interest payments to business and others	18	5
All other [4]	14	4

[1] Includes pay of military personnel and civilian employees of the Department of Defense.

[2] Wages and salaries of employees of all Federal departments except Defense and payments to individuals in the form of other labor income, interest, and transfer payments (social security benefits, etc.).

[3] Grants and shared-revenue payments to State and local governments.

[4] U.S. Department of Agriculture payments under the soil bank, conservation, and Sugar Act programs; various grants of the Department of Health, Education, and Welfare; National Science Foundation research grants and awards; National Guard expenditures not included in income payments to individuals.

Source: The Library of Congress, Legislative Reference Service, "Federal Revenues and Expenditures in the Several States, Averages for the Fiscal Years 1959-61," September 1962, table 14, pp. 84-85, and table 20, pp. 94-95.

TABLE 5.—*Per capita Federal payments, Montana, the Mountain States, and the United States, annual average for fiscal years 1959–61*

Type of payment [1]	Montana	Mountain States [2]	United States
Total payments	$507	$527	$456
Military	193	281	239
Payments to personal income	48	108	76
Procurement contracts	30	52	94
Construction	64	41	10
Operation and maintenance	52	80	58
Nonmilitary	314	246	217
Payments to personal income	190	148	147
Payments to State and local governments	76	68	37
Interest payments to business and others	27	17	26
All other	21	14	7
Payments per $1,000 of personal income	253	260	210

[1] See definitions in table 4.

[2] Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada.

NOTE.—Totals may not add due to rounding.

Source: The Library of Congress, Legislative Reference Service, "Federal Revenues and Expenditures in the Several States, Averages for the Fiscal Years 1959-61," September 1962, table 17, p. 90, and table 18, p. 91. Detail calculated by Bureau of Business and Economic Research from data appearing in tables 14, 20, and 21.

But no matter what the purpose of the expenditures, tables 4 and 5 point out the tremendous importance of Federal Government spending in the State. Table 4 indicates that we are concerned with an average of well over $300 million of expenditures per year (an amount twice as large as average annual net agricultural income during the period). Table 5 shows that during 1959–61, while Montana's per capita income averaged $2,006, per capita payments by the Federal Government amounted to an estimated $507; or, stated another way, the State received $253 in Federal payments for every $1,000 of personal income.

One may feel that the Federal Government has assumed too great an importance in State economic affairs; or he may disagree with the way in which the funds were spent, but it is foolish to deny the significance of Federal expenditures to the Montana economy. The fact is that in recent years Federal activities have been extremely important to the economic growth of the State. Without the Minuteman missile project, the interstate highway program, and Yellowtail Dam—to name only the largest projects—total nonagricultural employment and personal income in Montana would have been alarmingly low. The alternatives to these Federal investments in the State almost surely would have been higher unemployment, lower incomes, and or increased loss of population through out-migration. It is not likely that many Montanans would have preferred this course.

Instead of fretting about the amount of Federal investment in Montana's economy, Montanans, if they wish to curtail the economic influence of the Federal Government, should use every means they can—including Federal programs—to promote the growth of the State's private economy. A rapidly growing, healthy private economy is one of the best deterrents to a disproportionate amount of government activity.

As a free people we should and do have wide differences of opinion not only as to the desirable level of Federal expenditures, but also as to the purposes for which Federal money is spent and the public programs our Federal Government engages in. Questions such as these are matters for continuous public debate; the issues are decided at the ballot box in the election of our representation to the Federal Government. The data presented show that the present nature of Federal expenditure patterns results in a net gain to Montana, and that without Federal expenditures the State's economic position would be weakened considerably.

Fifteen percent of the Federal money spent in Montana during 1959–61 went to the State and local governments, mostly for the support of specified programs. The following pages will explore the significance of this Federal assistance to government in Montana.

IMPACT ON STATE GOVERNMENT FINANCES

State and local governments receive most of their financial aid from the Federal Government in one of two forms: shared revenues or grants-in-aid. Grants-in-aid are payments to a State or local government for a specified purpose, frequently on a matching or other cost-sharing basis and in accord with prescribed standards and requirements. Recently most Federal grants-in-aid have been made for either highway construction or public welfare purposes. Shared revenues are payments to State or local governments of a portion of the proceeds derived through the sale of Federal property, products, or services within their boundaries—for example, revenues from timber sales on national forests. State and local governments also receive payments from the Federal Government for particular governmental functions performed by them, such as employment security administration. Such payments, however, are a very small part of total financial assistance.

Federal grants-in-aid which account for the bulk of Federal financial assistance to State and local governments, are almost as old as the Nation itself. Since the ordinance of 1785 authorized grants of public lands to help States and territories establish school systems, aid programs have been extended until they touch almost every area of government operation. In 1862—before Montana was established as a territory—the modern form of grants-in-aid was set by the Morrill Land Grant Act which provided for assistance to States in establishing and maintaining land-grant colleges. The objectives of the grants were carefully spelled out and conditions were placed on the use of the revenue derived from the sale of granted lands.

In 1887, the first annual money grant for agricultural experiment stations was established; in 1911, cooperation between the National and State Governments in forest fire protection was authorized by the Weeks Law. Grants for vocational education were authorized in 1917. During the 1930's a dozen or so new grant programs, nearly all directed toward social welfare, health, unemployment, or agricultural relief, were inaugurated.

Since World War II, another large group of grants has been established, covering such areas as airport construction, hospital construction, urban renewal, and various health and educational activities.[11]

Today, although particular aid programs are frequently subject to question or criticism, the principle of Federal aid to State and local governments has been firmly established by more than 100 years of experience and development, originating during the Lincoln administration. A study by the Advisory Commission on Intergovernmental Relations, going back to 1902, indicates that increases in Federal expenditures for grant-in-aid programs have occurred regardless of which party controlled the Congress or of the political affiliation of the President.[12]

Since this report is particularly concerned with Montana's experience with Federal fiscal aid it is unfortunate that annual data on the finances of State and local governments combined (including Federal payments) are not available by State. Such figures will soon be released for 1962 in reports of the 1962 Census of Governments; in the meantime information based upon the 1957 census is the latest available. The 1957 report indicates that of total Federal payments to State and local governments in that year only 10 percent went directly to local governments and that these Federal payments amounted to only 1 percent of total government revenues both in Montana and in all States combined.[13] Thus it is clear that Federal aid is chiefly the concern of State governments. While it would be preferable to consider Federal payments to State and local governments combined, the following discussion will be based upon Federal payments to State governments only. Complete data on State government finances, compiled from official records and reports of the various States, are published by the U.S. Bureau of the Census in an annual report entitled "Compendium of State Government Finances." Such data frequently are not readily available in published form from the various State governments.

Let us keep in mind, however, that in discussing State government finances alone we are ignoring the sizable fiscal operations of local governmental units—counties, cities, and school districts.

Although Federal aid to State governments is nothing new, it was relatively unimportant before the 1930's. Since then Federal funds have become an important part of State government finance. In the depression year of 1934, hard-pressed State governments received $933 million in Federal payments

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[11] See Advisory Commission on Intergovernmental Relations, Periodic Congressional Reassessment of Federal Grants-in-Aid to State and Local Governments, June 1961, Washington, D.C., pp. 7–15.

[12] Report of the Committee on Government Operations, U.S. Senate, Intergovernmental Relations, 88th Cong., 1st sess., Rept. No. 84, pp. 19–23.

[13] U.S. Department of Commerce, Bureau of the Census, State and Local Government Special Studies, No. 43, "State and Local Government Finances in 1942 and 1957," Dec. 11, 1959, Washington 25, D.C., pp. 34 and 66.

(grants-in-aid, shared revenues, reimbursement for services rendered). The $933 million amounted to 29 percent of total State general revenue in 1934.[14] In later years, prior to and during World War II, the amount of Federal aid was reduced and its importance as a percent of total State revenues declined.

TABLE 6.—*Federal payments to all State governments, selected years, 1902–63*

Fiscal year	Amount (millions)	Percent of total State general revenues
1902	$3	1.6
1927	107	5.3
1934	933	29.0
1940	667	15.2
1946	802	12.8
1948	1,643	17.7
1950	2,275	20.2
1951	2,359	19.0
1952	2,329	17.3
1953	2,570	17.7
1954	2,668	17.4
1955	2,762	17.1
1956	3,027	16.5
1957	3,500	17.2
1958	4,461	20.5
1959	5,888	24.1
1960	6,382	23.3
1961	6.412	22.3
1962	7,108	22.8
1963	7,832	23.1

Source: U.S. Department of Commerce, Bureau of the the Census "Historical Statistics of the United States, Colonial Times to 1957, a Statistical Abstract Supplement," 1960, p. 727, and "Compendium of State Government Finances, 1954, 1962, and 1963," p. 6.

TABLE 7.—*Federal payments to all State governments, by function, 1948 and 1963*

[In millions of dollars]

Function	1948	1963	Percent change
Total	1,643	7,832	377
Education	320	1,156	261
Highways [1]	303	3,024	898
Public welfare	731	2,707	270
Employment security administration	152	409	169
Other	137	536	291

[1] Of the $3,024,000,000 in highway funds disbursed to State governments in fiscal 1963, over $2,000,000,000 was designated for the interstate highway program. This program was not in effect in 1948.

Source: U.S. Department of Commerce, Bureau of the Census, State and Local Government Special Studies: No. 23, "Revised Summary of State Government Finances, 1942–50," p. 4, and "Compendium of State Government Finances in 1963," p. 6.

After the war, rapidly growing populations, particularly among the school age groups and those over 65, plus demands for more and better services of all types, necessitated a tremendous increase in State expenditures. Surplus funds accumulated during World War II were soon exhausted and additional sources of State revenue became necessary. Tax levies were increased and new taxes were established; in addition, State governments frequently turned to Washington for help. Between 1948 and 1958, Federal payments increased from $1.6 billion to $4.5 billion and accounted for from 17 to 20 percent of total State general revenues. Thus while Federal assistance almost tripled in size, its relative importance changed very little. After 1958, the Interstate Highway Act, passed in 1956, rapidly increased both the amount of Federal funds disbursed to State governments and their relative importance. In fiscal 1963, State governments received almost $8 billion in Federal aid, nearly five times the amount involved in 1948, and these payments were equal to 23 percent of their total 1963 general revenues. Almost $7 billion (88 percent) of the $8 billion in Federal funds dispersed in 1963 was transmitted to the 50 States for 3 major purposes: highways, $3 billion; public welfare, $2.7 billion; and education, $1.2 billion.

We noted above that during 1959–61, average annual per capita payments to Montana's State and local governments amounted to twice the national average. A quick comparison of tables 6 and 8 indicates that Federal aid to the State government has consistently assumed greater importance in Montana than in many States. Since 1959, over one-third of the State's general revenue has come from Federal sources, compared to from 22 to 24 percent for all State governments combined.

TABLE 8.—*Federal payments to Montana's State government, 1946, 1948, and 1950–63*

Fiscal year	Amount (thousands)	Percent of total State general revenues
1946	$5,483	21.8
1948	12,520	28.2
1950	17,931	31.5
1951	20,004	30.7
1952	17,352	24.2
1953	20,822	29.1
1954	19,081	26.5
1955	21,639	28.3
1956	21,790	25.0
1957	31,795	31.5
1958	32,117	30.4
1959	46,789	37.3
1960	47,872	36.4
1961	44,698	33.7
1962	48,343	34.3
1963	58,216	37.3

Source: U.S. Department of Commerce, Bureau of the Census, State and Local Government Special Studies: No. 32, "Revised Summary of State Government Finances, 1942-50," p. 29, and "Compendium of State Government Finances, 1951–63."

TABLE 9.—*Federal payments to Montana's State government, by function, 1948, 1956, and 1963*

[In thousands of dollars]

Function	1948	1956	1963
Total from Federal Government	12,520	21,790	58,216
Education	2,294	1,410	4,527
Highways	4,389	9,806	39,696
Public welfare, total	3,941	5,950	7,189
Old-age assistance	(1)	3,320	3.734
Aid to dependent children	(1)	1,375	2,182
Aid to blind	(1)	174	196
Aid to disabled	(1)	552	871
Other public welfare	(1)	529	206
Health and hospitals	(1)	638	858
Natural resources	(1)	1,221	1,645
Agriculture	(1)	706	1,028
Other	(1)	515	617
Employment security administration	720	1,169	2,217
Other [2]	1,176	1,596	2,084

[1] Not available

[2] 1948 figure includes funds for health and hospitals and natural resources.

Source: U.S. Department of Commerce, Bureau of the Census, State and Local Government Special Studies: No. 32, "Revised Summary of State Government Finances, 1942–50," p. 29, and "Compendium of State Government Finances, 1956 and 1963," pp. 14–15.

The greater significance of Federal funds to Montana's State government occurs for some of the same reasons that total Federal spending is of such importance to the State's economy. Because of the large amount of Federal land in Montana, the State government receives substantial payments in the form of shared revenues; at the same time, it is required to provide a lesser percentage of matching funds for interstate, primary, and secondary highway construction. And, since World War II, the financial abilities of the various States have been receiving greater attention in determining both the amount of money apportioned to each State and matching requirements. The measure used has been per capita personal income, and because Montana's per capita income has been below the national average since the mid-1950's the State presumably has benefited from this policy. It should be noted, that the purpose of Federal assistance to State governments is not to equalize incomes, but to support minimum standards of government services.[15]

In fiscal 1963, Montana's State government received over $58 million in Federal money—a figure equal to 37 percent of its total general revenue and 38 percent of its expenditures. The terms "general revenues" and "general expenditures" refer to all State revenues or expenditures except those related to liquor store and insurance trust[16] operations. The major sources of the State's 1963 general revenue were:[17]

	Million
Taxes	$74
Revenue from Federal Government	58
Revenue from local governments	2
Charges and miscellaneous	22
Total	156

When the $58 million is broken down into programs or functions, the tremendous dependence of Montana's State highway and welfare programs upon Federal funds becomes clear. Sixty-three percent of total State expenditures for highways and 57 percent of total public welfare expenditures by the State government were made with Federal money. Indeed, over three-fourths of the funds for cash assistance to the aged, to dependent children, the blind, and the dis-

TABLE 10.—*Federal payments to Montana's State government as a percent of State government expenditures, by function, Montana, 1963*

Function	Amount of Federal payments (thousands)	Percent of total State general expenditure
Total from Federal Government	$58,216	38.3
Education	4,527	10.2
Highways	39,696	62.6
Public welfare [1]	7,189	57.3
Old-age assistance	3,734	80.5
Aid to dependent children	2,182	75.7
Aid to blind	196	77.5
Aid to disabled	871	78.0
Other public welfare	206	5.6
Health and hospitals	858	13.4
Natural resources	1,645	20.6
Agriculture	1,028	25.5
Other resources [2]	617	15.7
Employment security administration	2,217	104.4
Other	2,084	13.8

[1] See footnote 18.

[2] Includes fish and game, forestry and parks.

Source: Computed from U.S. Department of Commerce, Bureau of the Census, "Compendium of State Government Finances in 1963," U.S. Government Printing Office, Washington, D.C., 1964, pp. 14–15, 22–23, 29, and 32.

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[14] General revenue includes all State revenue except liquor stores revenue and insurance trust revenue. All Federal payments to State governments are classified as general revenue.

[15] I. M. Labovitz and L. L. Ecker-Racz, "Practical Solutions to Financial Problems Created by the Multilevel Political Structure," "Public Finances: Needs, Sources, and Utilization," a report of the National Bureau of Economic Research, Princeton University Press, Princeton, 1961, pp. 135–227.

[16] Employee retirement, unemployment compensation, and workmen's compensation, and other State-administered social insurance programs.

[17] Data from U.S. Department of Commerce, Bureau of the Census, "Compendium of State Government Finances in 1963," U.S. Government Printing Office, Washington, D.C., p. 10.

abled were supplied by Federal sources.[18] Some $4.5 million came to the State in the form of Federal aid to education; not included in this figure are payments to the agricultural extension service and experiment stations, which recently have amounted to almost $1 million and which are included under "natural resources" in table 10.

Table 11 is presented for those readers who are interested in more detail as to the purposes of Federal payments to the State government. The figures are not comparable to those in table 10. They represent payments to both State and local governments and they are prepared by a different source (the U.S. Treasury Department) in a different manner (classified by disbursing agency). They do, however, give considerable insight into the purposes for which Federal funds are disbursed to governments (local as well as State) in Montana.

Keeping in mind that in 1959–61, per capita Federal payments to Montana's State and local governments were approximately twice the national average (table 5), it is interesting to study tables 10 and 11 and to contemplate how the State government would raise the amount of money involved ($58 million in 1963) or, indeed, the willingness of its citizens to undertake such a burden at the State level. In fiscal 1963, State individual income tax collections totaled only $14 million (about $20 per capita), or one-fourth the amount of Federal payments to the State government. But while it would be difficult for the State government to raise an amount equal to Federal payments, there also undoubtedly would be a great deal of reluctance to discontinue many of the programs supported by Federal funds. Where should the cuts be made—in the highway program? Public welfare? Education? Should the State employment offices and the Unemployment Compensation Commission (which receive substantially all their administrative expenses from Federal grants) be curtailed or discontinued?

TABLE 11.—*Federal aid payments to Montana's State and local governments, fiscal year 1963—Agency and type of payment*

Department of Agriculture:	
Agricultural experiment stations	$447,429
Cooperative agricultural extension work	555,908
School lunch program [1]	643,974
National forests, shared revenues	865,119
Cooperative projects in marketing	25,149
State and private forestry cooperation, etc	189,053
Watershed protection and flood prevention	60,757
Special milk program [2]	192,742
Removal of surplus agricultural commodities:	
Food stamp program [3]	113,938
Value of commodities distributed	265,499
Commodity Credit Corporation—value of commodities donated	766,437
Total	4,126,005
Department of Commerce:	
Bureau of Public Roads—construction:	
Federal-aid highways (trust fund)	$39,352,839
Other [4]	3,067,203
Total	42,420,042
Department of Defense:	
Army:	
Lease of flood control lands—shared revenues	6,512
National Guard	285,462
Civil defense	55,624
Total	347,598
Department of Health, Education, and Welfare:	
American Printing House for the Blind	2,354
Office of Education	5,467,765
Colleges of agriculture-mechanical arts	216,038
Cooperative vocational education	238,635
Assistance for school construction	2,062,591
Maintenance and operation of schools	2,412,763
Library services	73,006
Defense education activities	453,332
Expansion of teaching in education of mentally retarded	11,400
Public Health Service	1,443,488
Control of venereal diseases	6,721
Control of tuberculosis	16,905
Community health practice and research	81,969
Mental health activities	66,732
National Cancer Institute	27,333
National Heart Institute	43,082
Water supply and water pollution control	24,400
Chronic diseases and health of the aged	46,846
Radiological health	3,000
Construction:	
Hospital activities	509,699
Water treatment works	616,801
Welfare Administration	6,970,773
Children's Bureau:	
Maternal and child health services	147,192
Services for crippled children	189,475
Child welfare services	157,279
Bureau of Family Services:	
Old-age assistance	3,475,671
Aid to dependent children	2,011,483
Aid to permanently and totally disabled	806,050
Aid to the blind	183,623
Vocational Rehabilitation Administration	313,654
Total HEW	14,198,034
Department of the Interior:	
Federal aid in wildlife restoration and fish restoration and management	456,434
Migratory Bird Conservation Act—shared revenues	9,818
Payments from receipts under Mineral Leasing Act—shared revenues	2,037,772
Payments under certain special funds—shared revenues	$129,353
Bureau of Indian Affairs [5]	235,631
Total	2,869,008
Department of Labor: Unemployment Compensation Commission and Employment Service Administration (trust fund)	1,760,320
Federal Aviation Agency: Federal airport program	583,826
Federal Power Commission: Payments to States under Federal Power Act—shared revenues	10,881
Housing and Home Finance Agency:	
Office of Administrator—urban planning assistance	432
Public Housing Administration—low-rent public housing program	158,228
Total	158,660
Veterans' Administration:	
State homes for disabled soldiers and sailors	53,543
Approval and supervision of training establishments	4,654
Total	58,197
Grand total	66,532,571

[1] Includes value of commodities distributed.

[2] Payments to States to increase consumption of fluid milk in schools.

[3] Federal share of value of food stamps redeemed under pilot food stamp plan.

[4] Forest highways and public lands highways.

[5] Education and welfare services, resources management.

Source: "Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1963," Treasury Department Document No. 3231, U.S. Government Printing Office, Washington, D.C., 1964, pp. 669–678.

Obviously some painful decisions would be involved if any substantial or sudden declines in Federal assistance programs were to occur.[19]

On the other hand, there are a number of Federal programs in which Montana is either not now participating or is not participating fully. One example is the Kerr-Mills program for medical assistance to the aged. In some cases enabling legislation would be required before more Federal funds could become available to the State. Here, however, is an area of possible expansion for the Montana economy, if Montanans wish to pursue it.

In addition to economic considerations there are, of course, important social and political factors involved in Federal assistance. To some extent, grants-in-aid have tended to promote a more uniform level of services among the States. In doing so, they have undoubtedly influenced decisions of State legislatures; they also have effected administrative changes in accounting, budgeting, personnel qualifications, etc., so that States could qualify for Federal assistance. For those who feel strongly about States rights, consequences such as these will be cause for concern. These issues deserve a large amount of study in their own right, but the reader should note that the purpose of this report has been to present information on the financial or economic significance of Federal programs to Montana's overall economy and not to analyze or debate the political and ideological issues surrounding these programs. Therefore, it is worth repeating that, as in the case of all Federal activities, it is the public which must determine the extent and direction of Federal aid to State and local governments. If Montanans are to participate wisely in these decisions, they must first recognize what the present situation is with relation to their State and what alternatives exist.

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[18] In Montana, all welfare funds are administered by county welfare boards under the supervision of a State administrator. As a result all welfare expenditures are treated as State expenditures even though they are disbursed at the local level.

[19] It is understood, of course, that the very large grants for the interstate highway construction program are temporary and that highway grants-in-aid may be curtailed significantly when the interstate program is completed.

CHARLES E. DANIEL

Mr. THURMOND. Mr. President, I regret to report to the Senate the passing of a former Member, Senator Charles E. Daniel, of Greenville, S.C., who served with distinction as a Member of this body in 1954. His passing represents a profound loss to the State of South Carolina and the Nation, for his contributions to his fellow men extend beyond our ability to measure. He was an able man, dedicated to fulfilling his civic responsibilities and to improving the lot of his fellow men.

Senator Daniel will long be remembered in our State as a leader for economic progress. He devoted his untiring efforts to the attraction of industry to South Carolina, as well as to the provision of the physical facilities for industry, through his construction firm, which, in a short span of years, has grown to become one of the 10 largest such firms and employers in this country. No one in the South has done as much to industrialize the Southern States as has Senator Daniel; and his place in public life will be difficult to fill in view of the confidence and prestige he enjoyed throughout the Nation. If any measure of his contributions could be taken, I feel that he would wish that they be weighed in a manner which would reflect the number of lives he touched by bringing together the means which resulted in thousands of jobs, both in construction and in production for our people, and especially for our youth.

In addition to these concrete accomplishments, he was a man of warm personal feeling; and he won the affection and admiration of all those with whom he came in contact. Senator Daniel was a man of convictions, and he possessed the courage of his convictions. He unselfishly aided every worthy cause which came to his attention, and he was always loyal to his friends and to his God.

I feel a deep personal loss in his passing, and extend my deepest sympathy to Mrs. Daniel and other members of his family and to his friends.

His name, like that of Abou ben Adhem, should be entered by the angel on the book, in gold, as one who loved his fellow man.

As further evidence of the high esteem and affection in which he was held, I ask unanimous consent to have printed in the RECORD a series of news accounts and editorials.

There being no objection, the articles and editorials were ordered to be printed in the RECORD,

[From the Greenville (S.C.) Piedmont, Sept. 14, 1964]

CHARLES E. DANIEL: BUILDER, BENEFACTOR

He was called "builder of the South," "a real giant of this generation," "one of the greatest South Carolinians of all times."

Charles E. Daniel was these—and more.

He was a warm, compassionate man. Some of his benefactions were public; many were known only to him and the recipient.

With all his warmth and consideration, he was a fighter. He stood erect in victory and in adversity in espousing the principles of honesty, fair dealing, and dignity that were the core of his being.

He built $2 billion worth of industrial and educational plants. He built immeasurably more in the integrity that undergirded his personal and business life and the respect, admiration, even love, that it commanded.

Mr. Daniel died yesterday at 68. It has been given to few men to accomplish so much in a lifetime or to leave such a lasting imprint on his State and region and on the memories of those who knew him.

[From the Greenville (S.C.) News, Sept. 14, 1964]

THE LATE CHARLES DANIEL: BYRNES PAYS HIGH TRIBUTE TO FRIEND

(EDITOR'S NOTE.—James F. Byrnes, former Senator, Supreme Court Justice and Governor of South Carolina, today paid tribute to the memory of his long time friend, Charlie Daniel.)

COLUMBIA.—In Charlie Daniel's passing South Carolina has suffered a great loss. He brought to this State more industry than any other man in either public or private life. Many citizens were equally anxious to serve the State in this regard but they did not have the prestige nor enjoy, to as great an extent, the confidence of the industrialists who had the power to decide the location of plants.

By securing industries, Mr. Daniel provided thousands of jobs for young people enabling them to live within the State instead of going elsewhere to seek employment. In the short time he served in the U.S. Senate he won the respect, confidence, and affection of Senators of both political parties. He did not seek that appointment and I succeeded in persuading him to accept it only because he decided it would help him to serve South Carolina. Senator Daniel was a man of convictions and had the courage of his convictions. He generously assisted every worthy cause and was loyal to his friends always. I shall miss him.

[From Greenville (S.C.) News, Sept. 14, 1964]

NIXON CALLS DANIEL "REAL GIANT": REGRETS POURING IN ON NEWS OF DEATH

Former Vice President Richard M. Nixon led the parade of public figures, local, State and National, in paying homage to Charles E. Daniel, industrial giant, who died early yesterday.

When informed of the death of Mr. Daniel, Mr. Nixon, who was president of the Senate during Mr. Daniel's tenure, paid him this tribute:

"Charles Daniel was one of the real giants of this generation.

"I had the privilege of presenting to him the award as the Industrialist of the Year in the United States for 1963. No American businessman could have deserved this honor more than he.

"In his enlightened service to his community, State, and Nation, he set an example worthy for all Americans to follow.

"In the brief period when he served in the U.S. Senate, he won the admiration and affection of Democrats and Republicans alike. No man has ever served in that exclusive club who was more universally beloved than Charlie Daniel.

"Mrs. Nixon joins me in expressing deepest sympathy to Mrs. Daniel, his associates and his legion of friends in South Carolina."

SENATOR THURMOND

Senator STROM THURMOND said the death of former U.S. Senator Charles E. Daniel was a loss to both the State and the Nation.

In a statement issued Sunday, THURMOND said Daniel was one of South Carolina's "most distinguished citizens."

"No one in the South has done as much to industrialize the Southern states, especially South Carolina, as has Senator Daniel," THURMOND said.

His place in public life will "indeed, be very difficult to fill. I feel a deep personal loss in his passing and extend my deepest sympathy to Mrs. Daniel and other loved ones and friends."

A spokesman for THURMOND said the Senator planned to attend Daniel's funeral today.

GOVERNOR RUSSELL

Gov. Donald Russell, who will attend the funeral, called Mr. Daniel's "contributions to the industrial and economic advancement of South Carolina immeasurable."

The Governor said "his monument is the prosperity he has helped bring to so many of our people. We shall all miss him."

E. SMYTHE GAMBRELL

E. Smythe Gambrell, an Atlanta attorney and boyhood friend of Mr. Daniel and former president of the American Bar Association said: "The new South has lost its inspirational leader, who did more than any other man to bring to fulfillment the prophecies of Henry W. Grady. Charlie Daniel's life has been the story of America at its best. He will be sorely missed throughout the Nation."

ALESTER G. FURMAN, JR.

Alester G. Furman, Jr., textile financier and longtime friend, said, "Charles E. Daniel was a true example of what made the United States a great nation. He only asked for the opportunity to work and use, his talents to help develop the nation, particularly the South. His great ability and personal charm was only matched by his generosity of time and material possessions for every good cause, particularly education. He was, without doubt, one of the Nation's greatest citizens but he never forgot his home city and State. His humility made him respected by all who had the privilege of knowing him. I share with all his friends a great personal loss in his death."

ROGER C. PEACE

Roger C. Peace, publisher of the News-Piedmont, said, "I do not know any man who has lived in South Carolina who has contributed more to its physical growth and welfare than Charles Daniel. He was unique. He was unselfish. He thought of the other fellow far more than he ever thought of himself."

Ben Gilmer of Atlanta, president of Southern Bell Telephone Co., on whose board of directors Mr. Daniel served, said, "It was a privilege to be associated with Charles Daniel. His passing is a great loss to the South and the Nation.

R. M. COOPER

R. M. Cooper, president of the board of trustees of Clemson University and a member of the board with Mr. Daniel, said he did not know of any way that Mr. Daniel hasn't contributed to the prosperity and wealth of this State.

"I think we have lost one of the most aggressive and successful businessmen in this State. He has contributed so much to the upbuilding of the State's industry and as a member of the Clemson University board of trustees, he has done a magnificent job."

ROGER MILLIKEN

Roger Milliken, textile magnate, called Mr. Daniel a great man in the true American tradition.

"Starting from scratch and by dint of working 14 hours a day, 7 days a week he built not only more manufacturing buildings in shorter time than any other contractor before him, but he also built and led an organization of management and loyal coworkers that will carry on in his great tradition.

"He contributed more than any one man I know to the growth of the Southeast and his native South Carolina which he loved so much. I feel fortunate to have known such a man."

JAMES W. HARRELL

James W. Harrell, vice president in charge of cotton division manufacturing, J. P. Stevens & Co., Inc., speaking on behalf of company management in the Greenville area, said, "Greenville County and South Carolina have lost one of their finest citizens in the death of Charles E. Daniel. The buildings and plants he has erected stand as memorials to Mr. Daniel throughout his beloved Southland. His contribution to the industrial growth of this area is unsurpassed.

"We of the J. P. Stevens organization feel a particular sense of loss because of his long and valued association with our company."

Robert T. Stevens, president of J. P. Stevens, was unavailable last night for comment.

ROBERT S. SMALL

Robert S. Small, president of Woodside Mills, said South Carolina had lost one of its leading citizens with the death of Mr. Daniel.

He called Mr. Daniel one of the State's foremost citizens over the history of the State. "He was more than just an industrialist, he was a friend of the people of South Carolina and had the State as the backbone of his industrial success."

ERNEST F. HOLLINGS

Former Gov. Ernest F. Hollings said the death of Mr. Daniel is a tremendous loss to the State.

"No one did more for our progress and industrial expansion for South Carolina than he. We will miss his leadership."

MAYOR DAVID G. TRAXLER

David G. Traxler, mayor of Greenville, said, "I feel the city of Greenville and this community have lost a wonderful leader and an excellent friend. Since I have been in office he has been responsible for us acquiring the new civic center. He has given the city of Greenville $107,000 worth of rights-of-way on College, Townes, and Alford Streets. He has also brought to this community millions of dollars worth of new industry, creating in excess of 10,000 new jobs here. I feel like I have suffered a personal loss as well has the city of Greenville, in losing a wonderful friend."

SENATOR BRADLEY MORRAH, JR.

State Senator P. Bradley Morrah, Jr., said, "Our city, the region and the Nation lost an outstanding and dynamic citizen when Charlie Daniel was taken. His dedication and mark will be remembered for years to come for this man, indeed, is almost without parallel. The future generations of South Carolina will benefit as a result of his astounding accomplishments."

JAMES M. HENDERSON

James M. Henderson, president of the Greater Greenville Chamber of Commerce, said, "It is not only a tremendous loss to South Carolina but to the whole country. Charlie Daniel stood for the type of free enterprise on which America was founded and he was one of the few men who have had the courage to continually remind everyone, big and little, of the importance of our freedom. I am in hopes that some recognition can be made here in the community to perpetuate his name."

DR. R. C. EDWARDS

Dr. Robert C. Edwards, president of Clemson University, said: "Charlie Daniel's character and his contributions to the industrial growth of South Carolina and the Nation are well known to all. He was one of the great builders of our time. Less known to the general public, but of equal value to the State's future, was his work for Clemson University. He was responsible for important parts of Clemson's physical plant, and he was a valued life trustee of the university. Clemson men and women everywhere will mourn his death."

REPRESENTATIVE R. T. ASHMORE

U.S. Representative ROBERT T. ASHMORE of the Fourth District, said, "Greenville, South Carolina, and the South, particularly, has lost one of their greatest men. In fact, Mr. Daniel was a tremendous asset to the entire Nation. My deepest sympathy goes to Mrs. Daniel and the entire family."

CONGRESSMAN DORN

U.S. Representative W. J. BRYAN DORN of the Third Congressional District said this about the death of Mr. Daniel:

"Senator Daniel was unquestionably one of the greatest South Carolinians of all times. He contributed more to the progress of the State and the entire South than any one individual in history. He was a pioneer in diversified industry, higher wages, and more opportunity for the working man.

"In this age of public relations, Charlie Daniel was our very best salesman for the South Carolina philosophy. He was South Carolina's ambassador for private enterprise and economic development. A great humanitarian, he was dynamic, energetic, and devoted to his associates, his employees, and his State. He gave much of his time to good government and more opportunity for all of our people, regardless of race or station. Mr. Daniel was a warm personal friend, who asked of me in Washington that I do what was best for our country."

W. FRED PONDER

W. Fred Ponder, Commissioner of Labor, said: "I was deeply grieved to learn of the passing of Senator Charles E. Daniel. To give an adequate appraisal of the life of Charlie Daniel would require much time and space. Yet as I recall his great contributions to his State and Nation the term 'constructive' seems to be descriptive of his character.

"He gave liberally of his time and abilities to almost every phase of both our economic and civic interests. Almost every community in South Carolina has felt the impact of his influence in the industrial field. His civic leadership qualities were effectively demonstrated when Governor Byrnes appointed him U.S. Senator from South Carolina. South Carolina has lost a stalwart citizen, and I have lost a good and loyal friend."

FRED C. GLASCOE

Fred C. Glascoe, blind concessionaire at the main post office in Greenville, said: "I admired him greatly, and loved and respected him. He was very kind and generous and thoughtful to me, always. He gave me the stand I use each day in the post office and I shall love him forever for it. He bought his papers from me every Sunday if he was in town and it was always a lot of fun with people gathering around and talking and laughing with him. We always had a good visit, too. It is a great loss to the State and to the Nation, but especially to Greenville."

DR. JOHN L. PLYLER

Dr. John L. Plyler, president emeritus of Furman University, said, "His death is a great loss not only to Greenville, but to the entire area. He was an outstanding and public spirited citizen. He did a great deal for many people. He assisted many young men and young women to obtain an education and he was always very generous, but especially in helping deserving people. As a longtime friend I also feel a deep personal loss in his death."

OWEN CHEATHAM

Owen Cheatham, president of the Georgia-Pacific Co. at Portland, Oreg., speaking from Crossett, Ark., said, "He is one of the greatest persons our firm has ever known. Mr. Daniel had been a member of our board of directors for nearly 10 years. He was a terrific person in every possible way. We are shocked to learn that he has passed away so early in life."

[From the Greenville (S.C.) News, Sept. 14, 1964]

CHARLIE DANIEL: BUILDER OF DREAMS

"When nature removes a great man, people explore the horizon for a successor; but none comes, and none will. His class is extinguished with him. In some other and quite different field, the next man will appear"—RALPH WALDO EMERSON.

Charles E. Daniel would have agreed with a former President of the United States who said there is no indispensable man. Perhaps this is true, but there is no doubt whatever that some men are irreplaceable. He was such a man.

So complex and yet so simple were his extraordinary personality and character, and so vast and spectacular his achievements that we recall none, living or dead, who could be compared to him.

So great were his contributions to the community, State, region, and Nation and so numerous his personal accomplishments that it is hard to imagine what they would be like had he not lived and worked in his time and in this place.

He leaves behind an indelible imprint on the economic, civic, political, and cultural life of the huge area of which he and his company were and are a part, and on the minds and hearts of all who knew him.

We shall never know his likes again. He had become a living—and true—legend in his lifetime.

It had been rather general knowledge that Charlie Daniel was unwell and for some time now reports that he had taken a turn for the worse after ground was broken for the new Daniel Building on North Main Street were too persistent to be doubted. Yet his death came as a profound shock to the community and to all outside of it who knew him.

It seemed that this rugged individualist was himself as indestructible as some of the mightiest structures of steel, stone, and cement he and his associates erected.

And, while Mr. Daniel was a man who never showed fear if he ever felt it, and had no reason to fear death, we are sure it did not come easy. His indomitable spirit, his God-given will to live and to work would hardly have allowed him consciously to give in even to that to which all men must inevitably succumb. He had much unfinished business.

It was fitting that one of his last public acts was the groundbreaking for a building which will be one of the finest of its kind anywhere and will contribute much, materially and inspirationally, to the rebuilding of downtown Greenville.

That building will endure about as long as the handiwork of any mortal and will stand as a memorial to a man and, more than that, a monument and reminder of daring dreams and distant vision dedicated to building a better life for an entire region.

Charlie Daniel's approach to business was strictly his own, and, therefore, unique. His method of operation was not merely to seek his company's share of the construction contracts as the buildings and plants were conceived by others. Rather, he went hunting for new businesses and industries for which South Carolina and the South held promise and sold their owners on building plants in his homeland.

He didn't build every plant he attracted to the region, but he built enough to expand what some 30 years ago was a small contracting and building supply business into one of the five or six largest construction companies in the country. Only months ago an oversea operation was started.

Here again, he had his own method of operation. He sometimes was almost casual in his offer to erect a plant or an office or any other kind of building. Much of his work was done on a cost-plus contractor's fee basis and as often as not, building conditions being favorable, the final cost was below the original estimates.

When asked by one industrialist interested in building a plant in Greenville what his terms would be, Mr. Daniel facetiously replied, "Well, I'll build it and you send me a check for what you think it is worth." The deal was consummated on a more formal basis, of course, but Daniel Construction Co. built it, and it wasn't the last.

So great was the man's integrity and so established his company's reputation for performance, that a verbal cost-plus agreement to build was just as safe for the owner as an elaborately detailed contract based on a specific and firm bid.

Emerson once said that, "An institution is the lengthened shadow of one man." Mr. Daniel built in his company a great institution, and it is his "lengthened shadow." But he built it, as he built everything else he did, to endure.

The company will never be quite the same without him, but he selected and trained a corps of young men and molded them into a management team that is capable of carrying on and of perpetuating itself and the company's role in the future of the region.

The picture most of the public had of Charlie Daniel was that of the dynamic, hard-driving man who lived to work and worked to get things done. True, he was a man of immense energy and little patience with things he felt were unfair, petty, mean, or stood in the way of progress. Against these he was "the angry man," the restless and implacable foe.

Less known was his personal side, the friend, companion, and humanitarian. He made money, but not for the sake of amassing wealth; money was but another working tool for him. He seldom spoke of a new plant in terms of cost or size, but in terms of so many "new jobs," new opportunities for workers, supervisors, and executives, especially young people.

He felt a deep and personal responsibility to the 7,000 to 10,000 persons on the company's payroll at all times. He once ruefully told the story of a brick mason who had worked for him for over 30 years and had expressed this attitude: "I don't worry about being out of work ever; I know Charlie Daniel is going to keep me busy."

"And, you know," said Mr. Daniel, "I guess that's why I work night and day—to keep that fellow busy."

That was one of the ways his rare ability to laugh at himself came out. He had that quality, but he couldn't laugh unkindly at others.

Mr. Daniel's philanthropies were extensive and many of them known only to himself. As builder and benefactor, he left his imprint on education, especially at Furman, the Citadel, and Clemson, of which he was a life trustee. He was one of the most effective advocates of technical education for those who couldn't go to college. He saw economic development, education, and good government as the fundamentals of a sound society, essential to social and cultural development and religious inspiration.

That, perhaps, is his greatest legacy to his fellow citizens. He was a visionary in many ways, a dreamer, but more than that a man of action who dared to make those dreams reality.

William Shakespeare wrote: "Some are born great, some achieve greatness, and some have greatness thrust upon them."

In Charlie Daniel's case, it seems to have been a matter of living as best he knew how a full life wherein he achieved greatness.

[From the Columbia (S.C.) State, Sept. 14, 1964]

A Builder for the People

The extraordinary talents and energies of Charles E. Daniel came at a time when they were of incalculable value to South Carolina.

With industry moving South, and the States of our region competing among themselves for the new enterprises, Mr. Daniel exercised an ingenious and decisive hand in directing a full share of it to South Carolina.

Thousands of South Carolinians employed in manufacturing today can attribute to Mr. Daniel's accomplishments their lifegiving jobs. These were provided in an era when agrarian change was forcing many a Carolinian from the farm in need and quest of jobs. Instead of crisis from this transition, South Carolina was blessed with success. No other individual contributed as much to bringing it about as Mr. Daniel.

With a vision of the potentials of a new South Carolina, Mr. Daniel plunged, with his great competency and resolve, into the building of his construction business. He achieved substantially for himself, but in so doing did infinitely more for his State and its people.

In it all, he was actuated by a passion for the advancement of the economy of South Carolina and all that that could mean, in the ultimate, for the welfare and culture of its people. He supported, ably and often daringly, those measures, in government and out, which contributed to the unprecedented development he lived to see bear its fruit.

Sensing the basic changes occurring in the State, Mr. Daniel was among those progressives who stood for meeting change face to face and turning it to the State's advantage.

He sought to cooperate with government in its efforts at economic improvement. There were times when Governors and others failed to grasp the full extent of Mr. Daniel's value, but this never deterred him or his work.

Investment and employment which Mr. Daniel helped so mightily to bring to South Carolina cannot be measured entirely in terms of what was done for the individual; the yardstick must also be applied to what this achieved in public service. A computation of the increased tax funds flowing into the governmental treasuries at all levels would give a striking result; hence the enlarged resources for education and other public services.

While sentiment placed South Carolina and its progress first with him, Mr. Daniel's activity extended well beyond the borders of this State and spread itself into a vast construction operation. His proven ability was recognized nationally. This in itself was an asset for his State.

The death of such a man stirs fresh evaluation and appreciation of his achievements and turns much of the panorama of South Carolina's new industrial might into a living and life-sustaining memorial.

He was a man of the century in this State, a builder for the people.

[From the Greenville (S.C.) News, Sept. 14, 1964]

Builder of the South: Daniel, Industrial Giant, Dies at 68

Charles E. Daniel, 68, head of one of the world's leading construction companies, onetime interim U.S. Senator, outspoken citizen of Greenville and South Carolina, and man whose influence on the State may well have been the greatest of any one person in the years of the late 1940's, 1950's, and early 1960's, died yesterday at 2:35 a.m. at his home on Roe Ford Road.

He had been in declining health for 7 months and critically ill for 3 weeks.

Mr. Daniel called himself "builder of the South"—with a double-barreled meaning—construction of buidings and builder in the sense of promoting the South.

Funeral services will be conducted today at 3 p.m. at the Mackey mortuary by Dr. L. D. Johnson. Entombment will be made privately.

The men of Daniel Construction Co. will compose the honorary escort.

Surviving are his wife, Mrs. Homozel Mickel Daniel, and two brothers, R. Hugh Daniel of Birmingham, Ala., who is president of the company, and Earl W. Daniel of Greenville.

The body is at the mortuary.

It is respectfully requested that flowers be omitted.

Mr. Daniel was born in Elberton, Ga., November 11, 1895, the eldest of five sons of James Fleming and Leila (Adams) Daniel. When he was a small boy, the family moved across the Savannah River to Anderson, S.C., where he received his education in the public schools.

His father was a freelance millwright and he encouraged his oldest son to learn a trade. Charles E. Daniel worked as a carpenter's helper for 7½ cents an hour at the Townsend Lumber Co. during summer months, learning to make crates for hauling heavy machinery.

A keen student, Charles won a competitive examination for a scholarship to the Citadel and was a rising senior when he joined the Army in World War I. He served as an officer with the 6th Division in Europe, and at the war's end, returned to Anderson for his first regular full-time job, for $18 a week, with Townsend.

The firm placed him in charge of the building of small houses and in 1924, with him doing the estimating, the company was awarded a contract to erect 175 houses for a textile plant for $25,000. Mr. Daniel was rewarded for his efforts with a $3,500 bonus and promptly married Homozel Mickel of Elberton, November 25, 1924.

In January 1935, he resigned his vice presidency with Townsend and formed his own company. He established his brother, R. Hugh Daniel, in Birmingham in 1935, where Daniel Construction Co. of Alabama was formed the following year. In 1942, the Daniel central office was moved from Anderson to Greenville.

The Daniel organization set up divisions in Jacksonville, Fla., in 1955; Richmond, Va., 1956; Atlanta, Ga., 1959; Greensboro, N.C., 1960, and Kingsport, Tenn., in 1962. A permanent sales office was opened in New York City in 1958, and in February of this year Daniel Construction Co. International was organized with headquarters in Brussels.

Over the years, Mr. Daniel served as president, treasurer, and director of his own company, and was chairman at the time of his death. He held directorships in the Chemical Bank New York Trust Co., Eastern Air Lines, Georgia-Pacific Corp., Prudential Insurance Co. of America, South Carolina National Bank, Southern Bell Telephone & Telegraph Co., and J. P. Stevens & Co., Inc.

He received numerous honorary degrees recognizing his contributions to his State and country, including: doctor of laws, Furman University, 1951; doctor of textiles, Clemson University, 1951; doctor of science, The Citadel, 1952; doctor of engineering, Lander College, 1960, and was offered a doctor of engineering degree by Manhattan College of New York earlier this year.

He served as a life trustee of Clemson University, an institution in which he took much pride; a trustee of the South Carolina

Foundation of Independent Colleges, the Committee for Economic Development, and was a member of the Business Council, formerly the Business Advisory Council of the U.S. Department of Commerce. He was named to the National Citizens Committee for Community Relations in 1964. In November 1963, he was named "Industrialist of the Year" by the Society of Industrial Realtors.

Mr. Daniel served in the U.S. Senate. He was appointed September 6, 1954, by Gov. James F. Byrnes to fill the unexpired term of the late Burnet R. Maybank.

Mr. Daniel held membership in several clubs, including the Augusta National Golf Club; American Airlines Admirals Club; Biltmore Forest Country Club of Asheville; Commonwealth Club of Richmond; the Cotillion Club of Greenville; Greenville and Green Valley Country Clubs, of Greenville; Links Club, Inc., of New York; New York Southern Society; Piedmont Club of Spartanburg; the Pinnacle Club of New York; Poinsett Club of Greenville; University Club of New York; Weavers Club of New York; Palmetto Club of Columbia; Capital City Club of Atlanta; and the Commerce Club of Atlanta.

His civic organization memberships included the Greenville Chamber of Commerce; Greenville County Foundation; Textile Hall Corp.; the American Legion; Anderson Chamber of Commerce; Greenville Civic Center; and an honorary member of the Greenville Rotary Club.

He also was a member of the American Cotton Manufacturers' Institute; Associated General Contractors; Newcomen Society in North America; and the South Carolina Textile Manufacturers Association.

Charles Ezra Daniel once said with a smile, "I've been told that all a contractor needs is plenty of cash and 17 yards of guts."

The down-to-earth description of his business appealed to him because, as he said, "I'm just a tough contractor. I would not be anything else."

The record that he left pictures the founder of Daniel Construction Co. as infinitely more than "just a tough contractor."

The record shows that:

As of this year, the plants he had built during a career that spanned almost 30 years were valued at about $2 billion. And this year has seen his company record its greatest volume in a decade—104 projects valued at $271 million.

The record shows that:

Charles E. Daniel was the prime mover in locating—and then building—more than 400 industrial plants in Southern States. More than 250 of those plants were built in South Carolina.

The plants furnished over 150,000 new jobs that contributed in great measure toward balancing and strengthening the economy of the South.

MORE THAN TOUGH

The times in which he lived challenged him to be much more than "just a tough contractor." To compile the enviable Daniel record, he not only had to build better, more quickly, and less expensively than his competitors, but he had to be, in turn, an adroit, politically wise negotiator and a dedicated supersalesman.

Cash and courage being among the essentials for a successful contractor, it must be noted that, in the Daniel story, the courage came first, cash later.

Indicative of his courage was his action in 1935 when he abandoned the comparative safety of a vice presidency with the Townsend Lumber Co. of Anderson to strike out on his own. After some negotiating he launched the Daniel Construction Co., with his brother Hugh as one of his partners.

In an America still recovering from the great depression, it took daring to risk borrowed funds in a venture so beset with uncertainties and competitive pitfalls as the construction field.

The cash was slow in accumulating, but gradually the Daniel Construction Co. prospered and with World War II, the firm's fortunes soared. The challenges presented by wartime building demands brought into full play the Daniel talents that were to lift the company to even greater heights in later years.

Government officials with whom the firm dealt, found Daniel management unwilling to be satisfied with the conventional way of doing things. There had to be a better, quicker method of building, of cutting through Government procurement redtape, of meeting and beating construction deadlines. Where such methods existed, the Daniel team took full advantage of them. Where such methods did not exist, the Daniel organization invented them. Quickly, the company found it had more business than it could handle.

New methods were only part of the story. Underlying and sharpening the new techniques were the basic ingredients of Daniel success: perpetual drive, dedication to getting the job done, organizational ability, impatience with things as they always had been, and the functioning of a well balanced, highly efficient executive team.

The success that came to the firm in wartime building continued through the postwar 1940's and early 1950's as the South's agricultural economy retreated before the advance guard of northern industry moving South—with initial accent on textiles.

CHANGED HIS HAT

Somewhere in these growing years, Charlie Daniel exchanged the hard hat of a construction boss for the soft hat of an industrial salesman. He became Charles E. Daniel, of Greenville, missionary to northern industry, dedicated to converting big business to the belief that the best place to relocate and expand was the South generally, and South Carolina particularly.

With his management team running affairs at home, Salesman Daniel hit the road north, sometimes in the company of South Carolina Governors, sometimes alone, to sing the siren song of the South in Yankee board rooms.

Competitors were quick to point out that the Daniel pilgrimages sought not only new industry for the South, but new contracts for Daniel Construction Co., with emphasis on the latter. There was no arguing that point, but similarly there was no arguing the fact that what was good for Daniel Construction Co., was also good for the South. And there were cases, such as when the Daniel persuasion was exerted successfully in locating a huge plant at Camden with the full knowledge that Du Pont does its own building.

There were also outcries that he manipulated politicians, browbeat officials into giving land, highway, and utility concessions to smooth the way for new industry. But the criticisms and the outcries faded as new firms, lured by Daniel, crowded into the South. The Daniel millions multiplied as the southern economy first stabilized, then crept upward, pushed along by substantial, year-round payrolls.

Like many other South Carolinians, Charles Daniel was ever aware of the State's low ranking in per capita income, in schools, and in many areas of progressive life. Unlike many South Carolinians, he wanted, and was able, to do something to improve conditions.

As he expressed it, South Carolina was "in the ditch." He wanted to get it out of the ditch, to help it lift itself by its bootstraps to a level where it could compare favorably with any other State.

NEW INDUSTRY PUSHED

The Daniel way of getting South Carolina "out of the ditch" was to bring in new industry with resulting benefit, through payrolls and taxes, to the State's economy, its schools, its roads, and the living conditions of its people. If any condition existed in the State that militated against his crusade for new industry, the considerable Daniel influence was brought to bear to change or eliminate that condition.

Business is averse to moving into an area where local or State government is unfriendly. With that in mind, Charles Daniel took every step he could to insure that South Carolina government would be friendly to business, that the laws of the State would not penalize or discourage new industry.

In concert with other leaders and groups in the State, efforts were made to insure that only representatives friendly to business were elected to the State legislature. The efforts were largely successful and a potential roadblock to new industry was removed.

With politics, government and business becoming more and more intertwined, it became helpful for Charles Daniel not only to know his way around State government, but also to become almost as familiar with some phases of Federal Government.

APPOINTED TO SENATE

A brief but valuable insight into the mysteries of the Federal Government was obtained when Gov. James Byrnes appointed his good friend, Charles Daniel, of Greenville, to the U.S. Senate in 1954, to fill the unexpired term of the late Senator Burnet R. Maybank. The fledgling Senator served briefly before stepping down in favor of his good friend, Senator STROM THURMOND.

Membership, however brief, in the world's most exclusive club—the U.S. Senate—was a heady experience for the son of a freelance millwright from Elberton, Ga. He remained however, outwardly unchanged, still the Charlie Daniel from Greenville who spoke his mind and voted his conscience. He was a Democrat but he had voted, as he informed the press, for President Eisenhower in 1952 and would do so again in 1956. He voted for Nixon in 1960; Nixon was a friend and visited him at his Williamsburg-style mansion on Roe Ford Road.

Politics may have had its temptation but it appeared mainly a means to an end for Charlie Daniel—a necessary tool in bringing more and more industry to the South. He returned home to step up his new industry crusade and to deal with every roadblock that might interfere with the southward migration of manufacturing plants.

One such roadblock loomed only a few years ago—a situation that could cause racial unrest and cool the ardor of any northern firm intent on moving South. The situation was potentially explosive.

The date was July 1, 1961, the place, Hampton, S.C., where Charlie Daniel stood up and told his State to open its eyes "to the realities surrounding us."

"The desegregation issue," he declared, "cannot continue to be hidden behind the door. The situation cannot satisfactorily be settled at the lunchcounter and bus station levels. We must handle this ourselves, more realistically than heretofore, or it will be forced upon us in the harshest way. Either we act on our terms or we forfeit the right to act * * *."

"We have a definite obligation to increase the productivity of our Negro citizens, to provide them with good jobs at good wages, and to continue to assure them of fair treatment. By raising their education and economic status, we would raise the whole economy of the State."

It took boldness to speak so about the desegregation issue in the summer of 1961, but timidity was never a Daniel trademark, not when it came to situations that could adversely affect South Carolina's social and economic progress. The Daniel words on desegregation did not go unheeded throughout South Carolina. Community and civic groups tackled the problem on local levels and the mounting tide of new industry has continued unabated and untroubled.

The Daniel views on desegregation were shared with the North as well as the South.

"You can't force social change through legislation," he told a gathering of political and industrial leaders in New York in November 1963, when he was honored as Industrialist of the Year. After criticizing the then pending civil rights bill, Mr. Daniel declared:

"Our Negro friends are entitled to, and do, vote freely in South Carolina on the same basis as white people * * * presently the Daniel organization employs about 8,000 construction workers, 26 percent are Negro, including over 800 skilled mechanics * * * Construction companies in neither New York City nor any other major cities have anywhere near as many Negro employees as our company * * * Because the dominating union bosses refused to take them as members. The discrimination which they practice is of the rankest sort. Their exploitation of these people is a national disgrace."

UNION PRODUCED IRE

Few topics of conversation produced more Daniel ire than the subject of unions.

"In my opinion," he once said, "the most important domestic problem facing America today is the unregulated, unchecked monopolistic power of the vast international labor unions and their bosses."

He did not care whether his own workers were union men or not. He operated an open shop, except in his Alabama company where he had to accept a closed shop deal with the building trades. He admitted that his men had a definite right to join a union, but added "we do not believe that any man anywhere, especially Americans, should be forced to pay tribute to others for the privilege of working."

Great as his desire was to bring new industries to South Carolina, he would discourage only two types: those who paid substandard wages or those operated under a union contract. He was not above building a plant for a unionized company, and in fact, built many. But South Carolina has been among the least unionized of States, and Charlie Daniel did his best to keep it that way.

Battles with the unions inevitably lead to fights with the National Labor Relations Board. He scored an impressive victory by a 3-to-1 vote in an NLRB-sponsored election in his mechanical department in 1961, but the union appealed on the ground that the company had used coercion. Another election was ordered but it was fought in court and many of the charges against Daniel were thrown out. The case is still pending.

Less than 3 years after the Hampton speech, even as his success story reached new heights, the Daniel health began to fail.

Early this year, when two more northern industries succumbed to the Daniel lure, the city of Abbeville rolled out the red carpet for its new arrivals. There was a luncheon at the armory, with all the familiar panoply and ceremony attendant upon industrial announcements in South Carolina. And at that luncheon, looking so worn and drawn that his friends were shocked at his appearance, was Charles Daniel.

AN IMPATIENT PATIENT

Gov. Donald S. Russell remarked at the luncheon on how difficult a time Mrs. Daniel and the doctors had attempting to keep their impatient patient at home, and away from work.

The pattern of failing health became more apparent as the months passed. Gradually, some of the directorates held by Charles Daniel were relinquished and taken over by Buck Mickel, the firm's executive vice president, and other officers.

But the Daniel drive, the dedication to work, persisted in the face of illness. In early summer, his employees reported that "the old man" was at the office frequently, although his working days were cut short. And there came the day in June when, after some 10 years of dreaming and planning, plans for the new Daniel Building, a 25-story skyscraper in downtown Greenville, were announced. And on June 29, many of his friends from all walks of life attended the groundbreaking ceremonies for the new building. Friends said Mr. Daniel was a proud and happy man that day as speaker after speaker praised him as a great American and the Nation's No. 1 builder.

The ceremonies and the luncheon that followed marked the last public appearance of Charlie Daniel. Rumors of his worsening health were circulated with greater frequency in the weeks that followed.

When the Daniel story came to an end, the South he had known as a boy was no longer. It had moved forward with a rush, economically, industrially, socially, and the record proved he had played a vital part in that progress.

Those who were closest to him said it will take many years to measure accurately the true dimension of the influence that Charles E. Daniel wielded in shaping the new South. His contemporaries say it will take even longer for his friends, his coworkers, State government, and industry to forget him. They point to the fact that the Daniel memorial has been wrought in steel and brick in hundreds of cities and towns throughout his native land.

NO STATUE NEEDED

"They'll never have to erect a statue to Charlie Daniel," an associate once said.

"He's got them all over the South."

SPEECH BY ROBERT MOSES AT DEDICATION OF MARTIN MARIETTA SPACE EXHIBIT

Mr. MORSE. Mr. President, Mr. Robert Moses, president of the New York World's Fair 1964–65, made a speech at the dedication of the Martin Marietta space exhibit named "Rendezvous in Space."

Robert Moses is one of my favorite public servants. He is a dedicated man who always places the welfare of the people above the selfish interest of any group.

In his short but penetrating speech, he spoke of "the extraordinary public interest in space exploration." I ask unanimous consent that his speech be printed in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF ROBERT MOSES, PRESIDENT OF THE NEW YORK WORLD'S FAIR 1964–65 CORP., AT THE DEDICATION OF THE MARTIN MARIETTA SPACE EXHIBIT, "RENDEZVOUS IN SPACE," HALL OF SCIENCE, FLUSHING MEADOW, SEPTEMBER 9, 1964

At this unveiling of the Martin Marietta space exhibit, I would like to make a few observations which are trite but will bear repetition.

Science was old 2,500 years ago. Willard Gibbs and Albert Einstein, working with logic rather than elaborate laboratory equipment, gave us basic formulas of mathematical physics, but Democritus of Abdera, with no laboratory at all, was there long before them. The relation of science to the humanities plagued the sages of Athens. The Greeks anticipated Freud. They had a word for it—psychiatry. As the preacher in the Old Testament remarked, there is really nothing new under the sun.

I remarked at the June 15 opening of the Hall of Science that we at the fair have been charged with favoring business above culture, science above the arts, and fun above religion and the eternal verities, as though the sum total of human knowledge, faith, and endeavor can be exactly and mathematically divided into exclusive, sealed, vacuum-packed, airtight compartments. This is nonsense. These objectives overlap and run together. The subdivisions are for convenience only. There is contrast and emphasis, but not necessarily conflict between science and the humanities. We promised that our Hall of Science would in the broadest sense include all the humanities. It will.

If the assertive, bright minds who chatter about form and function were familiar with the classics they would know that useful things are not necessarily beautiful, but that beauty always has use. I believe Wallace Harrison has illustrated this maxim in this hall. It is, of course, impossible to explain architecture. I have admitted before that I don't know what Wally Harrison had in mind, and perhaps he doesn't know himself—the cleft rock, convolution, whelk, at once a fortress and a cathedral where some unseen organ is to play without bells, bellows, pipes, keyboards, or human hands, literally a tour de force where a gigantic toy seeks to elucidate science to the multitude.

As to the future, the campus we envision here in the park after the fair will be large enough to accommodate whatever Government research and private philanthropy can be persuaded to provide. On this auspicious occasion, the moon is one of our objectives. I like particularly the concept of Frank Capra and his sponsors of a sort of second shift or changing of the guard high above our small planet, a strategic way station to the galaxies of outer space.

There is today extraordinary public interest in space exploration. Where man's mechanical forerunner has gone, he is bound to follow. Meanwhile, an ingenious three-dimensional show will serve to explain the fourth dimension. A man's reach, as Browning said, should exceed his grasp, or what's a heaven for?

Millions will see this counterfeit presentment. Our thanks to the city, to the National Aeronautics and Space Agency, to Martin Marietta, and to all the others who have been engaged in producing this extraordinary spectacle.

SCHOOL DROPOUTS

Mr. MORSE. Mr. President, last summer, in a very wise move, President Kennedy allocated $250,000 from his emergency fund, to have school counselors return to work in August, in an effort to contact students who had dropped out of school or had indicated that they would not return in the fall. The results of that campaign was dramatic. In the 63 cities that took part, more than 30,000 returned to school, although otherwise they would not have continued their education. That is not a theoretical platitude; but numbers of boys and girls who returned to school might otherwise be out of school and out of work. Even more important, over 90 percent of those who came back to school in September stayed through the first semester, and the vast majority completed the entire year. It is a remarkable record.

During the past year, the Commissioner of Education, Francis Keppel, and professional associations, such as the American Personnel and Guidance Association, have been encouraging schools and counselors to work hard to keep their students in schools and to plan programs which would encourage students who did drop out to return for the start of school this week.

The record is again magnificent as the reports come in from around the country—Boston, Miami, Chicago, Orange County, Calif., and right here in Washington. Thousands of young people returned to school, to complete their education, because someone showed interest and concern for them. The Washington story was reported by Gerald Grant in the Washington Post on September 1 and 2.

I ask unanimous consent that the two articles to which I have referred be printed at this point in my remarks, together with a summary and analysis of the 1963 dropout campaign, as prepared by the Office of Education.

I further request unanimous consent that following these materials there be printed in the RECORD the nonpictorial portion of an Office of Education report entitled "Commitment to Youth," relating to the progress of counseling and guidance programs under title V of the National Defense Education Act.

There being no objection, the articles and attached documents were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 1, 1964]

RECORD 852 DROPOUTS PLAN RETURN TO SCHOOL

(By Gerald Grant)

A record 852 dropouts will return to Washington classrooms this fall as a result of a campaign that was far more successful than officials expected it to be.

In releasing the dropout figures yesterday, Superintendent Carl F. Hansen said a supplemental request for 30 teachers was now a must and that even more teachers were needed to care for unexpected student increases.

School counselors, teachers, and guidance workers, traveling in teams of twos, this summer contacted 1,391 students, all but 95 of whom had actually quit school before the end of the year.

The 852 who definitely said they would return are 61 percent of the total.

Last summer, in the first such effort, counselors reached 1,701 students, only 1,078 of whom were actual dropouts. Of these 643 or roughly a third returned.

Benjamin L. Hunton, supervising director of secondary schools and head of the campaign, attributed the success this year to increased funds that enabled counselors to visit each dropout at least twice.

He said that the interviews in the students' homes often revealed that the real reason a youngster left school was different from that listed on his official school record.

While many said they left school to take a job, only 242 had full-time jobs and few of these paid a family wage.

Real reasons ranged from such causes as conflict with faculty members, pregnancy, or embarrassment because of inability to dress as well as other students.

In descending order, the reasons were lack of interest, money, pregnancy, illness, marriage, needed at home, legal detention, armed services, personality problems, faculty conflicts, dissatisfaction with subjects, and feeling out of place because of age.

Counselors induced students to come back by offering them work-study programs, transfers to different schools or other courses of study. They also reported that students who could not find jobs were eager to return to school to obtain a skill or a diploma.

The fact that school officials cared enough about them to visit in their homes was also a factor, especially in cases where parents had not stressed the necessity for staying in school.

The interviewers found that dropouts were in all three major ability groups and concluded that more frequent reassignment within the tracks, both up and down, was needed.

There were 370 dropouts in the slow group, 175 in the middle, and 615 in the academic and college prep track.

Of those visited, 338 were receiving welfare aid and 114 had contact with juvenile court. However, the counselors said they believed a higher percentage had such contact than would admit it in initial interviews.

Nearly 200 students could not return to school because they had to support others, were ill, or had incurred debts and could not afford to quit a job.

[From the Washington Post, Sept. 2, 1964]

COUNSELORS GO BEYOND SCHOOL RECORDS: KEY TO DROPOUT'S RETURN IS HOME VISIT

(By Gerald Grant)

Hannah dropped out of a District junior high school last spring. The school record indicated she was pregnant.

School counselors, who made several visits to her home this summer to encourage her to return to classes, found out a great deal more.

Hannah is the ninth child in a family of 13. She entered District schools as a first grader in 1955 and by 1958 had attended four different elementary schools.

Even with these frequent moves, Hannah acquired a good grade school record. She has a slightly above average IQ, and hoped to become a teacher.

Her father died and in 1960 the mother abandoned the family. The children spent 6 months in Junior Village. Not very surprisingly, from November 1960, to the time she dropped out, her marks dropped from B's to D's. She repeated the seventh grade and dropped out while repeating the eighth.

Hannah will return to a different school this year and her counselors now are trying to arrange baby care for her child and thereby enable Hannah to finish school.

This is an example of the case studies counselors compiled while interviewing 1,391 dropouts this summer as part of a back-to-school effort.

They convinced 852 to return. Perhaps just as importantly, the interviews provided some of the most detailed information District educators have yet had about dropouts.

Hannah's case is not typical. The safest generalization that can be drawn from the study is that there is no typical dropout.

He is neither stupid nor average nor bright but falls in all three categories. More (473) were found in the high or academic track than in the slow group (370).

While many were on welfare (338), more were not.

Poverty was the most common characteristic of the dropouts. Interviewers' reports show that home conditions frequently were squalid and crowded.

Of the parents, 276 were unemployed, 676 were domestics or laborers and 198 were white collar workers. The occupations of 241 were unknown.

Educational attainment of the parents was lower than average. A total of 280 had not gone beyond the elementary grades, 381 had reached junior high, 432 senior high, 50 college, and the level of 248 is unknown.

In an interview yesterday, Superintendent Carl F. Hansen said one of the "most compelling aspects" of the study was the kind of understanding and support that could be obtained through contact with the home.

He said the summer program started the kind of "real contact that must be continued."

Hansen declared that the study also showed that:

The school counseling program must be stepped up, especially at the elementary level, to cope with a wide variety of emotional problems and home difficulties that affect school success.

More funds are needed to subsidize youths who drop out of school for economic reasons.

Preschool centers are needed in deprived areas to provide compensatory education for children who start school with language and cultural handicaps that they sometimes can never overcome.

The summer dropout campaign itself should be expanded and continued.

THE 1963 DROPOUT CAMPAIGN

(Summary and analysis of the special summer program to combat school dropout financed from the President's emergency fund)

FOREWORD

The results of last summer's dropout campaign should bring a new spirit of hope to everyone interested in the education of all young Americans, including those who need special guidance and encouragement. School representatives participating in the program have developed a variety of thoughtful, provocative approaches to the problem, and their efforts deserve our gratitude.

But the end of this campaign is only the start of our real task.

The job of providing an education that is both attractive and valuable to all our youth is never ending. It deserves our urgent attention and our full and constant support.

FRANCIS KEPPEL,
U.S. Commissioner of Education.

INTRODUCTION

Background of the campaign

The national summer dropout campaign of 1963 was initiated by President Kennedy. In company with many educators and other Americans, he had long been concerned with the thousands and thousands of youngsters who leave school before finishing their secondary education.

On June 19, at a meeting of over 250 leading educators called to the White House to discuss civil rights, the President emphasized the close relationship between civil rights and educational opportunity, and he made a special plea to the group to make a strong effort that very summer to increase the number of students returning to school in the fall to finish their studies.

The educators present voiced enthusiastic support of the proposal. One school superintendent asked the President if he would lend his assistance to the effort by writing personally to the chairmen of school boards and college boards of trustees across the country to convey to them his sense of urgency about the problem. The President agreed, and early in July he sent more than 7,000 letters asking the board chairmens' assistance in civil rights and in supporting a nationwide effort "to persuade our young people to return to school in September."

At the same time, Commissioner of Education Francis Keppel and several of the school superintendents who were present at the White House meeting attempted to work out specifically what might be done that summer to respond to the President's appeal to reduce dropouts. A group of 28 school superintendents from large cities, their board president, several public welfare directors, and juvenile court judges were invited to meet in Washington, D.C., on July 13 with Secretary of Health, Education, and Welfare Anthony J. Celebrezze; Commissioner Keppel; and Commissioner of Welfare Ellen Winston; and representatives of the Departments of Labor and Commerce, the National Science Foundation, and the National Education Association. Together they discussed possible actions that might be undertaken on such short notice. The Federal agencies pledged their support.

Of the several ideas presented, two seemed most practical under the circumstances: (1) The mounting of a nationwide publicity campaign, and (2) the use of school counselors and other personnel to identify dropouts and potential dropouts and persuade them to return to school in the fall. Because of the lack of time for preparations it was agreed to focus effort on the largest cities of the Nation, where the largest number of dropouts are concentrated.

The national publicity campaign was generously supported by the mass media across the country. Local radio and television stations and newspapers prepared news and publicity in cooperation with local schools, and the advertising council arranged for coast-to-coast distribution of special 1- and 5-minute radio and television appeals by the President.

To help implement local dropout campaigns using school counselors or other personnel, Commissioner Keppel, on July 19, distributed to the superintendents attending the July 13 meeting guidelines to assist in the identification of potential dropouts and suggestions from several Federal agencies as to how Federal programs might contribute to the support of local programs.

To help finance the programs stimulated across the country, President Kennedy on August 1 announced he was making $250,000 available from his emergency funds. Within a few days most of the funds were allocated by telephone to the cities represented at the July 13 meeting whose spokesmen stated they needed and would use their allocation to pay school counselors to work on the program. Additional allocations were made on a first-come, first-served basis, and by mid-August the entire $250,000 had been allocated to 63 communities in 23 States and the District of Columbia.

In addition to the programs supported from the President's emergency fund, other agencies and organizations—National, State, and local—contributed substantially to the total summer campaign. For example, the National Education Association, which for several years has conducted a special Project School Dropouts, stepped up its efforts and mounted an "each one reach one" project in which teachers were encouraged to contact known and potential dropouts and urge their return to school.

Chief among the Federal agencies which sponsored special summer dropout activities were components of the U.S. Department of Health, Education, and Welfare and the U.S. Department of Labor, as follows:

The Welfare Administration assisted public welfare departments throughout the United States in making special efforts to assure that the children with whom they had contact returned to school in the fall. Complete data on the number of children contacted are not available, but in the 24 States reporting figures some 195,000 children had been visited. In addition, demonstration funds allocated by the Bureau of Family Services paid the expenses of project staffs in eight selected local welfare agencies of five States. Under this program, 2,384 teenagers and their parents were interviewed and counseled on how the public welfare agency might assist them in continuing their educational or vocational preparation.

The National Institute of Mental Health allocated funds for a demonstration project in Philadelphia to illustrate techniques and procedures useful in dropout prevention and reclamation. During August, 24 counselors representing all but 2 of the city's senior and technical high schools made 1,567 home visits, talked with 2,229 persons, and explored problems and plans of 1,433 youths.

The Vocational Rehabilitation Administration as part of the President's summer crash program approved eight special planning grants to help State and local public education and rehabilitation agencies, as well as private nonprofit agencies, plan action programs for school age youths at or near the working age. These special grants were over and above the continuing efforts of the State vocational rehabilitation agencies to provide services to physically, mentally, or emotionally disabled youth of school age which are also preventive in terms of dropouts.

The U.S. Department of Labor gave priority attention to expansion or initiation of youth programs under the manpower development and training program. (Three communities reported herein, for example, received substantial grants for dropout programs conducted simultaneously with those receiving allocations from the President's emergency fund.) In addition, the Department distributed films and pamphlets and, through the services of local employment counselors, cooperated actively in the conduct of numerous specific dropout projects.

The summary and analysis which follows relates only to dropout programs launched with grants from the President's emergency fund and conducted through the U.S. Office of Education.

I. CAMPAIGN SUMMARY

Statistically, the results of the Office of Education dropout program of summer 1963 can be summarized as follows:

A total of 1,375 counselors and other professional workers whose salaries were paid from the special fund participated in the campaign.

A total of 59,301 young people identified by these workers as dropouts and potential dropouts were contacted during the campaign.

A total of 30,361, or 51.5 percent of the total, returned to school in September.

A total of 28,078, or 92.4 percent, of the youths who returned to school as a result of the summer campaign were still enrolled as of November 1.

But statistics do not tell the complete story. The benefits of this brief period of concerted activity go beyond the number of students who returned to school.

"The sense of unity achieved as the community joined with the schools to help the youth of the city was profoundly impressive and no less beneficial to the adult participants than to the youth who were helped," one superintendent noted. Summary after summary stressed the "public relations" value of the campaign—the heightened spirit of school-community cooperation—as being of incalculable value. For the first time, many reports said, there was community-wide recognition of the dimensions and seriousness of the dropout problem—a necessary preliminary to effective community action.

Equally important, reports frequently stated, school officials were spurred to take a fresh look at customary ways of doing things and to weigh the need for change.

As a result of the program, many schools are now placing special emphasis on helping youngsters who responded to the appeal that they return to the classroom. This activity includes:

Improved personal counseling to help students set and achieve realistic goals, to select appropriate courses of study, and to find ways of dealing with their personal problems.

Establishment of special classes, after-school study programs, tutorial help, and other means of giving students the individual attention they need.

Release of certain students from fixed regulations to permit them to take the courses they want and can benefit from or to study part time while they hold part-time jobs, or to make up the course credit or two they need to meet graduation requirements. In one school, for example, a returned student was allowed to give full time to remedial reading and another concentrated entirely on mathematics courses.

Development of improved course offerings and school activities to make the school more interesting and meaningful to individual students.

Greater involvement of the school with the community and with welfare and other public and private agencies to meet social and economic needs that have a bearing on the student's attendance and success in school.

The increased attention given to matters such as these may be expected to have a profound impact on educational programs of the future and to hasten the development of improved methods of retaining young people in school.

II. CONDUCT OF SUMMER CAMPAIGN

The campaign began and ended within a span of only 2 months—August 1 to September 30. Some communities conducted activities of various sorts throughout that period. Others limited their actual work with dropouts and potential dropouts to a week or two.

The "crash" nature of the program inevitably produced certain flaws. Participants had to make hasty plans; they could not develop well-rounded orientation programs for school and community workers. Lacking a history of similar projects to use as models, organizers of individual projects had to rely for the most part on trial-and-error methods. Some school officials reported that they did not have the facilities or personnel to develop new curriculums or programs adapted to the special needs of returnees. Further, the diversity of approaches to the campaign and the lack of systematic reporting procedures made evaluation difficult.

In spite of these flaws, however, all of the cities which participated felt the program had been a remarkable success—in many cases, far beyond original expectations. Furthermore, the "crash" nature of the campaign also had positive effects. Among other things, local initiative and ingenuity were at a premium, and the need for quick decisions focused attention on the necessity of establishing appropriate priorities.

Types of programs

Principal activities of the dropout campaigns might be classified as promotional, counseling, exploratory, remedial, preventive, and experimental.

Promotional activities consisted of newspaper coverage, radio and television programs and spot announcements, public meetings and conferences, and the preparation of leaflets and pamphlets distributed to parents and students or displayed prominently throughout the community.

Primarily directed toward individual dropouts and potential dropouts and their families, the publicity was both national and local—originated and prepared by the schools, mass media, and community organizations. News releases concentrated on the value of education in general as well as on publicizing details of the current campaign locally.

Almost all participating communities reported a heavy emphasis on promotional projects. One community, for example, estimated that $50,000 of air time, newspaper space, and other promotional devices were volunteered for the dropout campaign.

While most campaign directors attributed much of the overall success of their programs to the widespread publicity, they were less specific in its effect on individual dropouts. Analysis of the report suggests, however, that a major benefit was to get dropouts, potential dropouts, and their families into face-to-face contact with counselors. A report from one community reasoned that the large number of self-referrals at its guidance clinics was a result of the "propaganda broadside" which had "apparently encouraged youngsters to take a second look at their decision to quit school."

Counseling activities were generally identified as the heart of the dropout campaign. Most reports pointed out that student-counselor contacts were the single most important factor in persuading youths to return to school in the fall. During the counseling sessions, students and counselors together worked out suitable program schedules for the returnees and, when necessary, discussed possible sources of outside help for pressing economic, social, and welfare needs.

Counselors appreciated the opportunity to work with individual students without the normal diversions of teaching and administrative duties. Many counselors noted that this freedom to concentrate their efforts significantly improved their ability to help young people develop worthwhile goals and comprehend the importance of education for success in their future plans.

Further, campaign directors almost unanimously declared that the person-to-person counseling contacts constituted an invaluable public relations benefit.

Exploratory surveys of three basic types carried out during the course of the summer campaign were reported by various communities: (a) Localized studies focused on the dimensions of the dropout problem, age and grade groupings of dropouts, the segment of school term during which the dropout occurred, and characteristics of the typical dropout as noted from cumulative records. (b) Detailed information from records and followup studies about why students drop out of school. (c) Preregistration information as to whether students who had been enrolled during the previous June were planning to return for the fall term.

The first two of these types of surveys were considered essential in any long-range planning for effective dropout programs. The third focused on identification of individual students who needed immediate attention during the summer campaign so that there would be no break in their school career.

One important overall finding from these surveys was the frequent inadequacy of school records and reporting procedures. Many schools had no record of reasons for students having dropped out. Others had been classifying all school leavers—including transfers to other schools—as dropouts. This not only distorted the dropout picture but made followup extremely difficult and hampered the school in estimating needs for suitable preventive and remedial measures.

Remedial action: The problem of reclaiming dropouts after they returned to class was approached in a number of ways. Some schools tried to fit returnees into the same old situation. Others took care to find appropriate places in existing programs, evening classes, or out-of-school training programs. Many helped individual students find part-time jobs and adapted school schedules appropriately.

Still others—and this includes the majority of participating schools—modified their curriculums or programing. A number of these adaptations are identified in a separate section of this report.

Many schools noted that time limitations of the summer crash campaign were such that they were unable to follow through on remedial plans to the extent they would have desired. By and large, needs identified during the summer campaign served as a distinct eye opener for most schools.

Preventive activities stressed early identification of potential dropouts and prompt attention to their individual needs. Many schools drew up criteria for the identification of potential dropouts, sometimes from the results of the exploratory surveys made during the summer and sometimes from statewide and national studies conducted during recent years. Most school reports recommended the strengthening of guidance services and outlined ways school programs, activities of social and welfare agencies, and cooperation of community leaders might be harnessed to deal with the dropout problem.

Some schools adopted experimental projects to combat a single phase of the dropout problem or to concentrate on a special type of dropout reclamation or prevention activity.

Los Angeles, for example, instituted a program to work with 100 "hard core" dropouts. The entire community—school, welfare agencies, employers, parents—has been mobilized to deal with the multiple needs of the participating youths. The program focuses on making the youths independent and self-sustaining and is continuing throughout the school year with local funds.

Numerous communities conducted prevention programs involving work-study activities. Set up as pilot projects, these had the purpose of providing intensive help to limited numbers of well-screened youth who had previously rejected or been turned out of the "normal" academic situation.

Experimental programs are not yet widespread, primarily due to the fiscal limitations of most schools. However, many reports of the summer campaign identified projects which should be of value on a long-term basis in resolving separate facets of the dropout problem.

Techniques of organizing

There was general agreement that the complexity of the dropout problem demands a well-coordinated attack on many fronts. Schools alone cannot do the job. Help must be enlisted from all appropriate sectors—welfare organizations, press, employment services, labor, civic, business, and other community groups—to cope with the many factors that bear on ability and desire to attend school.

On the national front, for example, the Welfare Administration, Bureau of Family Services, Children's Bureau, National Institute of Mental Health, Vocational Rehabilitation Administration, Office of Education (all components of the U.S. Department of Health, Education, and Welfare), and the U.S. Department of Labor collectively played an important part in making the overall program successful beyond original expectations.

Communities reporting the most dramatic results were those in which school officials already knew the scope of their dropout problem and were ready to work with other agencies and groups toward effective solutions.

Typically, superintendents of schools invited community leaders to join in planning an integrated, complementary attack on the local dropout problem. In 1 community, for instance, cooperating units consisted of 13 radio stations, 5 television stations, 10 neighborhood newspapers, 5 groups of labor representatives, and 22 other agencies, social and welfare organizations, employment services, and other major community groups.

Then, during and after a series of conferences, participants mounted their own subcampaigns. Characteristically:

Mass media representatives were responsible for publicity and continuing coverage of events.

School administrators were responsible for adapting curriculums and scheduling classes to meet the needs of returnees and for enlisting the support of the school staff to insure a suitable climate for learning.

Counselors were responsible for identifying dropouts and potential dropouts, contacting them, and giving them special guidance in face-to-face meetings in the student's home or at school. In some cases referrals were made to such additional sources of training and guidance as State employment agencies or Manpower Development officials, private trade and technical schools, vocational postgraduate schools, colleges, probation officers, welfare agencies, rehabilitation services, and the like.

Employment services and employers cooperated in placing students in appropriate full-time or part-time jobs.

Community groups participated in a variety of ways to encourage young people to return to school and to enable them to do so. Some groups provided volunteer tutoring services while others sponsored scholarship programs or contributed in other tangible ways, as well as giving enthusiastic moral support to the program.

Public welfare agencies, which conducted their own national campaign with Federal grants available through the Welfare Administration, were especially well organized to cooperate with local back-to-school drives.

Project directors set up channels for close working relationships. Evaluation meetings were held to gage the efficacy of programs and to suggest ways of shoring up. Special effort was made to keep the community fully informed of all activities.

As a result of the summer campaign, most of the participating communities now have a firm basis for cooperating more efficiently in the future. The experience has stimulated a better understanding of the ways and means by which schools and communities can work together on behalf of youth—more particularly, disadvantaged youth.

Many communities reported that the public relations value of the campaign was itself well worth the total time, effort, and expense involved—an extra bonus to the restoration of thousands of youth to the classroom.

Methods of identifying dropouts and potential dropouts

Of the actual dropouts contacted during the campaign, most were attritions of the 1962–63 academic year or summer 1963 dropouts. A few schools, primarily those with well-developed evening or adult programs as well as comprehensive day school facilities, delved into records of the past 5 years for names of dropouts.

Principal sources of information were school attendance records and withdrawal cards, classroom teachers' first-day records, employment permit requests, and such individual sources as teachers, counselors, parents, employers, welfare workers, probation officers, and dropouts themselves.

Characteristics of dropouts as reported in certain previous studies of the problem gave some schools fairly reliable clues to follow in identifying potential dropouts. Other schools developed their own criteria. And still others used the following summary provided by the Office of Education:

Primary factors: Consistent failure to achieve in regular school work. Age 16 years or older (35 percent drop out at age 16, 27 percent at age 17). Low reading ability. Grade level placement 2 or more years below average for age. Retained in grade at least once in the elementary school. Irregular attendance and frequent tardiness. Frequent changes of schools. Refusal to participate in extracurricular activities. Performance consistently below potential. Parents usually have less than an 8th grade education, are in low-income groups—usually in a trade or labor occupation. Boys are more likely than girls to become dropouts.

Related factors: Active antagonism to teachers and principals. Marked disinterest in school and a feeling of "not belonging." Not accepted by the school staff. Unhappy family situation. Marked differences from schoolmates, such as in interests, social level, physique, national origin, dress, or personality development. Inability to afford the normal expenditures of schoolmates. Inability to compete with brothers and sisters. Serious physical or emotional handicaps. Discipline cases. Record of delinquency. Activities centered outside school. Male car owners. Often in difficulty with community agencies and the law. An air of purposelessness and no personal goals for achievement. Negative attitude of parents toward graduation.

The usual method of identifying potential dropouts consisted of reviewing cumulative and anecdotal records and applying criteria such as those listed above. In some cases, classroom teachers were asked to identify students known to them to be potential dropouts.

Some schools worked with all dropouts and with all students identified as potential dropouts. Others limited their efforts to the more desirable students or those whom they believed to have the best chance of profiting scholastically in the local public day school with appropriate individual attention.

It was typical of this latter approach that considerable research went into the screening process. Each student—dropout and potential dropout—was evaluated on the basis of information from test scores of his mental ability, academic achievement, interests and aptitudes, attendance record, discipline record, age, number of credits earned at the junior or senior high school level and, if a dropout, his reasons for having left school. In addition, conferences were held with junior and senior high school principals, deans, and guidance directors to estimate the advisability of the individual's return and to determine the conditions under which he might do so.

Methods of contacting dropouts and potential dropouts

Methods of establishing contact with students and their parents or guardians included telephone conferences, letters encouraging students to return, mass media announcements, home visits and conferences, and interviews in the counselor's office.

Typical reports stressed the importance of individual counseling conferences. Most counselors felt these interviews were more successful when conducted in the student's home, where the whole family could participate freely, rather than in an office.

The following materials were among those most often provided to counselors: A list of students to contact, an information form for dropout contacts, a card with which dropouts returning to school could make an appointment with the school's counseling coordinator, an interviewing form, and booklets and materials that would encourage dropouts to continue their educational experiences. Interviewers also studied the school records of dropouts prior to personal visits.

Methods of encouraging students to return

Reports of the program repeatedly made the point that each dropout is unique. In most cases, moreover, his decision to leave school or to return is not a result of an idle whim. Typically, he has been overcome by an array of pressing problems—personal, economic, or social, as well as scholastic—which must be remedied before he reenrolls in school.

Alleviation of specific conditions and encouragement to return therefore had to come from a number of sources.

Most communities which participated in the summer campaign found that personal economics comprised a major factor in the dropout problem. Students either needed to work, felt they needed to work, or had little confidence in what the school was doing to prepare them vocationally.

Frequently in these cases school-community cooperation through work-experience programs, part-time jobs, and the establishment of special classroom schedules to permit outside employment became the decisive factor in the return of a dropout.

Special classes for remedial work, particularly in reading and methematics, helped many young people regain confidence in their ability to complete regular graduation requirements. In one community, the assistance of volunteer tutors (all college graduates) provided not only remedial help—leading to better school performance of several dozen academically retarded students—but also acted as a powerful morale booster.

The feeling that somebody "cares" was found to be of overwhelming importance for most of the young people involved in the summer campaign.

In some cases, introduction to the activities of such organizations as the YMCA, YWCA, or Scouts was found to be enough to satisfy a student's immediate social needs. Youth centers and expanded activities in the schools provided the answer for many others.

The ability of schools to meet the individual needs of students was found, as might be expected, to be the chief determinant in whether most dropouts will return to school and remain there until graduation. (Some promising adaptions and innovations made or suggested as a result of the summer campaign are identified in a separate part of this report.)

Selected case studies

The four cases described below illustrate approaches to solving the problems of individual dropouts. Although not typical of the American school population in general, they are nonetheless representative of a sizable segment of the local dropout picture in many communities.

Case 1

Charles C. left school immediately after reaching the age limit for compulsory attendance. He conceded that he was penalizing himself by dropping out but said he felt compelled to contribute to the support of his mother and several half-brothers and half-sisters who were periodically abandoned by his stepfather. Moreover, he said, the school in his district was oriented primarily toward college preparatory programs and offered no courses that would train him to hold a job.

After consultation with the boy, a school counselor in cooperation with an all-community dropout committee considered his problems and set out to deal with them one at a time.

A suitable program consisting of both job oriented courses and English and mathematics classes were established at a school in a nearby neighborhood, and transfer arrangements were made. A job for evenings and weekends was found so that Charles might contribute to the support of his family. Funds made available by a local businessman provided a small loan to take care of his immediate financial needs for lunch and bus fare until his first paycheck was due. The Mutual Help Agency supplied him with needed clothing. The school counselor provided him with books.

Case 2

Marvin B. was another youngster who said he felt compelled to drop out of school and take a job, in this case because his parents were in financial straits. One day late in the summer his foreman, who had taken an interest in the boy, got into a discussion with him about the advantages of continuing his education. By chance, when Marvin got home that evening he learned that a high school counselor had telephoned to set up a meeting to discuss the possibility of his return to school. Stirred by this show of interest, Marvin talked with the pastor of his church and received similar advice. On the basis of conversations with these three persons and the encouragement of his parents, Marvin decided that he could afford to return to school after all.

Case 3

Helen R., a girl in a large city, said she had dropped out of school because she could not take the school courses she wanted and did not get along with the teachers to whom she was assigned. What was more important, she felt socially rejected because she had a hairlip and several facial scars. Her health was bad; the effort of climbing the stairs of the school building made her legs and neck swell.

The school alone could not take care of all these problems. But as a result of the sympathetic attention of a counselor working in the summer dropout campaign, sufficient solutions were found to reclaim her for the school.

A community agency helped to obtain plastic surgery for her face and to provide other medical care. The attention she received diminished her fears of social rejection. For her school problems, a transfer to a vocational institute located in an elevator-equipped building served the twofold purpose of offering the career training she wanted and eliminating the necessity of climbing stairs. At last report, she was doing fine in her new situation.

Case 4

Harry J., an engaging Indian lad in his middle teens, could neither read nor write. His curiosity aroused by the campaign publicity, Harry asked his mother to approach school authorities, and shortly thereafter he was enrolled in one of the junior high schools. He dropped out almost immediately, however, subsequently explaining that he could not endure school regulations requiring him to wear short pants during physical education class and take community showers.

A school counselor following up his case suggested that the youngster enroll in the adult education program. Harry was willing but said he could not afford the $2 enrollment fee and the additional $4 necessary for books and supplies. The counselor had no trouble arranging for one of the local civic clubs to meet these costs, and Harry was soon enrolled in remedial English classes.

III. FINDINGS FROM CAMPAIGN

As anticipated from previous studies of school dropouts, communities participating in the summer 1963 campaign generally found that dropouts occur most frequently in the 10th and 11th grades, when youths are 16 and 17 years old. The highest attrition period is the summer closest to the time the student has reached the age limit his State requires for compulsory school attendance.

Reasons for dropping out

Major reasons students dropped out of school, according to school officials and individual dropouts, were as follows (composite report):

Disinterest in school, compounded from such matters as discouragement because of failing grades; other adverse school experience, including rejection by fellow students or the school staff, and dissatisfaction with the school program, particularly because of the absence of specific vocational training desired by the student.

Home responsibilities, including a real need to work to help support the family or to stay at home and care for younger brothers and sisters or ailing parents. In a low economic area in one community, for example, a dropout peak was reached in the age group too old to qualify for welfare assistance.

Unfavorable parental attitude, including lack of feeling for the importance of school, general lack of concern for the child, inability to cope with or influence the child's behavior, desire for financial assistance from the child or to train child in father's business, and support of child's desire to leave school and be "independent." As anticipated from previous studies, parents of most dropouts were dropouts themselves.

Peer influence, sometimes translated by the student as economic pressure—the compulsion to earn money in order to afford to dress as well as classmates, have equivalent spending money, and the like. Teenage boys, especially, were found to have dropped out of school to buy or maintain a car. In some cases, peer influence had resulted in general delinquent behavior and trouble with school authorities.

Unhappy home situations coupled with the desire to be independent of parental ties led many youngsters to take jobs, enter the military service, or get married rather than continue to live at home and attend school.

Reasons for returning

A new feeling for the value of education was identified as an underlying factor in the decision of most returnees to go back to the classroom. Many young people said they had found that "You really need an education." Some had come to think of a high school education as "insurance for the future."

Reports repeatedly stressed that the personal interest shown them by school staff members and the community during the summer influenced the return of many dropouts and deterred many potential dropouts from their plans to leave school. The students themselves frequently acknowledged this fact in such comments as, "I didn't know anybody cared about me."

Counselors noted that many young people interviewed "seemed anxious to return to school but had been fearful or reluctant to take the first step on their own." Many dropouts said they had been waiting for a counselor to call.

Typically, when students decided that someone had genuine interest in them and that the attention they were receiving was directed at their personal, individual needs, they forgot their resentment over past school experiences and welcomed the opportunity to continue their education.

Their experience as dropouts influenced many young people to ask for another chance. Predictably, many who had left school to work had been unable to find jobs and now were "tired of sitting around." One 16-year-old girl phrased her experience this way: "I've been trying to find a job for the last 4 months—babysitting, clerking, anything. I know now that you really need that piece of paper—the diploma."

A mother in another participating community wrote the following about her son: "He wishes to return to high school and graduate because he has learned that there is nothing he can do without an education. He has tried to get a job and failed. He has tried to enlist in the service, but was unable to pass the test. He has learned now that the school doesn't need him, but that he needs the school and what it has to offer."

Also predictably, most of the dropouts who had found employment were working at jobs which brought in an unsatisfactory income and held no promise for the future. When they found, as they said, that "You can't get anywhere without a high school diploma," they returned to school.

Parental pressure was instrumental in returning other dropouts and potential dropouts to school. Reports from many participating schools said that the campaign publicity influenced at least some parents to encourage their children to return to the classroom.

Alleviation of pressing needs through the services of community agencies helped many students who had left school because of conditions beyond their control. Typical of this assistance was welfare aid for the destitute, part-time employment, and provision of babysitting services to eliminate the need for school-age youths to stay at home to care for younger members of the family. Medical care helped a number of youths. Scholarships provided by the American Legion assisted several young people in one city to return to full-time academic schedules.

School adaptations made to suit the requirements of individual students returned many young people to the classroom. Representative examples are given in a separate part of this report.

Reactions to summer campaign

In the majority of the areas in which dropout campaigns were conducted last summer, there was "vast, eager, spontaneous participation," to use the terminology of one school superintendent. Several participants who had begun the program with only lukewarm feelings experienced a change of heart and expressed strong hopes for the future as a result of these activities.

Parental reactions: All participating communities found parental reaction predominantly favorable. Most parents appreciated the special interest shown their children and expressed gratitude for the opportunity of person-to-person contact with counselors and other school personnel. "It's wonderful that the schools would actually send somebody out to talk to my boy," was a typical comment.

Only a few contacts revealed lack of parental interest in the education of the dropout. This is particularly significant in view of the common assumption that dropouts usually come from homes where education is not valued.

"Contrary to popular belief, many parents of the dropouts and the potential dropouts are in favor of their children returning to school," a typical report read. Another report stated that "parents seemed pleased that the school was interested" and that they had "someone to back them up" in trying to get the student back to class.

A parent in a culturally deprived area said this of a special evening guidance clinic: "It's good to see the lights in your school. The kids and we parents need help all of the time."

Counselor reactions: "Our counselors are different people now," one superintendent said. The following statements from campaign summaries reveal what counselors gained as a result of their summer experience with dropouts:

"Initially the counselors assigned to the dropout project merely exhibited a willingness to be involved in the arduous task of counseling dropouts to return to school. As the program progressed there was a steady mounting enthusiasm for their work. Many expressed personal satisfaction in helping an individual youngster decide to reenroll in September. Great satisfaction was derived in having the opportunity to do real counseling with students and parents. * * * Many of the participants expressed surprise at the enthusiasm with which they were greeted by both students and parents.

"Our field counselors gained new insight in working intensively with these young people. Going into the community and discovering the 'hidden poverty' had impact on even the veteran teacher and counselor of the school. A new awareness and unique sensitivity to the problems these young people face is having its effect on the majority of the school staff as they follow the progress of this program.

"The entire program was an excellent opportunity for doing some good counseling. How much more effective it would be to be able to do this before the student drops out.

"Our counselors were unanimous in their feeling that it provided them with an opportunity to do an intensified type of individual counseling which is not possible during the regular school year.

"This is the most rewarding experience in education that I have had in the 14 years I've been in the business.

"Home visits served as good counselor training. All agreed they felt the home contacts and the experience will make them more understanding of the problems connected with the homes of the dropouts. We also felt that it was good public relations for the guidance department and the school."

Teacher and administrator reactions: Administrators were grateful for the unexpected funds especially earmarked for this purpose. "We couldn't have financed the project from local sources," one said. Another commented, "There is so much we would like to do for the young people that we cannot because of budgetary limitations and crowded school buildings."

The demonstrated national interest "and a profound concern on the part of the total community for the welfare of its youth have created a climate for change that has already paid great dividends," still another administrator commented.

There were, however, isolated examples of negative reactions of teachers and other school personnel. A report from a large city declared that many of the dropouts and potential dropouts "are not very desirable as students, are not sincere, do not make a good impression as students, and are generally indecisive."

The same report went on to add that, "We must at least try because they will be even less desirable as citizens if something is not done to improve them."

IV. PROMISING TRENDS AND ACTIVITIES

"Dropouts are not beyond the reach of the school," wrote the superintendent of schools from one large city in his campaign summary. "The converse seems true, too," he continued, "that school is not sufficient for all youth."

Or, in the words of another campaign participant, "Doors were opened, and our concern now is to provide a school program which will keep in school those who did return."

School adaptations made

In planning the summer program it was recognized from the start that most dropouts leave school, among other things, because the school program does not seem to meet their needs. A number of superintendents commented that the summer program would be of relatively little value unless it served to awaken the community to the need to make changes in school programs so that students would see their way to continuing their education until graduation.

Although the main hope was for long-term changes in educational programs, many communities were able to make adjustments immediately in order to take care of many students returning to school as a result of the campaign. Typical of the adjustments were:

Adjustments in educational offerings. A high percentage of schools reported a need for greater strength and diversification in vocational courses of their curriculums. Specifically mentioned most frequently were distributive education, office occupations, and shop courses. Correspondingly, students themselves said they wanted technical and skill courses in fields such as electronics and auto mechanics designed to lead to immediate job placement. Many schools found work-study programs outstandingly successful in motivating students who said they would otherwise be dropouts.

Increased remedial help. Since most dropouts and potential dropouts are academically retarded in reading or other "solid" subject matter fields, many schools scheduled remedial classes to meet their special needs. Others provided afterhours, Saturday, and summer tutorial or study-help sessions. Aimed at improving the academic skills of individual students, some of the most successful of these programs were staffed by volunteer college graduates from the community, local college students, and talented upper-level high school students, as well as by teachers and other qualified school personnel.

Adjustments in time schedules. Perhaps the most frequent of all school adaptations involved provision for part-time scheduling to permit outside employment. Similar arrangements for abbreviated schedules encouraged a number of young mothers as well as employed youths to return to school part time to follow diploma programs.

Waiving of requirements. Some schools adopted ungraded programs at the high school level so that potential dropouts might elect only the courses they wanted rather than the full course leading to graduation. For example, some students were permitted to carry only shop programs or to concentrate specifically on remedial English and mathematics while pursuing a work-study program. Other schools experimented with trial promotions of students who lacked a single course or two so as to permit them to be with other students of their own age, size, or maturity level. Still others reviewed their policy of accepting transfer credits, taking a more lenient attitude toward study completed in evening or other classes conducted outside the public school system or training programs not under the auspices of the local school.

Improved counseling services. Most campaign participants stressed that improved guidance procedures in the schools could be of profound benefit to the students—especially to dropouts and potential dropouts. Counselors were urged to pay more attention to individual needs of students in helping with subject selection and in making assignments to the most competent and sympathetic teachers. Further, the strengthening of counseling services to permit early identification of potential dropouts was frequently recommended as necessary for instituting prompt and effective preventive and remedial measures.

Although the overwhelming majority of schools reported at least some of the foregoing adaptations as already made or presently contemplated, a certain number of reports questioned the value of reinstating dropouts. The reasoning was that the "welfare of the school as an institution as well as the welfare of students who are achieving well in school" might be harmed by the inauguration of special programs benefiting youngsters who did not appear truly interested in school.

However, even those who appeared most doubtful about reenrolling actual dropouts typically saw value in extending school counseling services to help youths select meaningful educational programs outside of regular school hours in summer school, evening school, adult day high school, and Saturday morning classes. Several reports recommended that youths be helped in programs leading toward high school equivalency certificates rather than graduation diplomas or be placed in appropriate training situations other than those of the local public school.

Suggested future activities

Time and again the reports of the campaign stressed the need for early identification of potential dropouts and for year-round preventive measures. As one campaign director noted, "It is important to accept the fact that dropouts, underachievers, and others who have frustrating experiences in school did not get that way overnight and are not likely to become markedly different overnight."

Activities suggested for the future therefore emphasized two major areas of effort—conduct of an annual summer campaign and continuing emphasis on preventive measures.

All reports urged the repetition of special dropout programs each summer. Most pleaded the allocation of Federal funds for this purpose.

A majority of those who engaged in the campaign suggested that procedure improvements be made in future years. They foresaw the possibility of broadening the scope of the campaign and predicted results even more dramatic than those of the 1963 "crash" program.

Communities which had limited their work with dropouts to a period of 1 or 2 weeks in August almost without exception stressed the need for more time in the conduct of the dropout program. One report, for example, stated that counselors should be available for 5 weeks before the start of school. A period of this length, it was pointed out, would allow time to get cumulative records transferred to the guidance center, to schedule testing sessions when necessary, and to permit unhurried counseling of students before setting up appropriate individualized school programs.

Some reports mentioned the need for better communications. It was particularly important, they said, that individual dropouts and potential dropouts be notified of the name, telephone number, and appointment hours of a school counselor who might be called upon during the summer for educational and other guidance.

Other reports recommended unified, districtwide policy decisions for identifying and screening potential dropouts. Most reports proposed ways in which preventive help might be provided as soon as evidence of a potential dropout problem became noticeable, preferably in the elementary school. School administrators in some communities cited plans to establish closer working relationships between counselors at the various grade levels to facilitate the introduction of more effective remedial programs. Some suggested that all junior and senior high school counselors be responsible for drawing up lists of potential dropouts for referral to summer programs.

Many school officials said they plan pilot projects, generally of a work-study nature, to encourage the retention or return of vocationally oriented youngsters. Others outlined plans to work with the community on economic and welfare projects, such as part-time jobs, scholarship help, and provision of lunches and clothing where necessary. In line with local findings as to the need for improving the community's awareness of its obligations for the education of its youth, some schools plan to stress closer involvement of parents, businessmen, employment and welfare agencies, and other community groups with activities of the school.

Many participating schools reported that they had been handicapped in the 1963 summer program by insufficient knowledge of their local dropout situation. They recommended further study to determine the causes and scope of the problem and careful followup of all returned dropouts and potential dropouts.

Typically, reports told of plans to study curriculums in terms of student needs. Most campaign participants foresaw a sizable expansion in vocational and skill courses, and especially in work-study programs. Some predicted that sweeping changes will be necessary to make sure that suitable opportunities are in fact provided for all youth.

"A large part of the answer to the dropout problem," observed the report from one community, "is 100 percent dedication by schools to make school experiences meaningful to the individual child."

APPENDIX

City-by-city campaign activity summary

(NOTE.—The following highlights of campaign activities in the 63 participating communities are not comparable in all respects due to diversity in approaches and reporting procedures.)

Akron, Ohio: Emphasis on guidance. Extensive promotions. Plans work-study project for dropout prevention. Contacted 611 dropouts and potential dropouts, registered 537 for classes.

Annapolis, Md.: Emphasis on promotions and preregistration survey. Contacted 334 dropouts and potential dropouts; reenrolled 185 of the most academically promising youths.

Atlanta, Ga.: One school system had comprehensive program to reclaim dropouts; included numerous school adjustments and wide community support. Contacted 1,733 youths, registered 401 for regular day school. Other school system conducted survey of dropout scope as preliminary to comprehensive attack on problem.

Baldwin, N.Y.: Preregistration survey; emphasis on individual counseling; numerous school adaptations. Contacted 315 youths, registered 305 in classes.

Baltimore, Md.: Comprehensive school-community program; counseling emphasis; extensive school adaptations. Contacted 3,080 youths, registered 1,396 in day school programs.

Belleville, N.J.: Emphasis on counseling; several community surveys initiated for dropout preventive use. Contacted 105 youths, registered 43 in classes.

Boston, Mass.: Establishment of guidance clinics; cooperation with employment agencies. Remedial and tutorial programs developed and study underway for wider curriculum changes. Contacted 598 youths, registered 403 in classes.

Bound Brook, N.J.: Survey showed no summer dropouts, so no campaign made. Contacted 13 potential dropouts, registered all 13 in regular day school classes.

Bridgeton, N.J.: No details of campaign. Contacted 66 youths, registered 12 in classes.

Buffalo, N.Y.: Campaign conducted as supplement to many continuing programs for dropout prevention and reclamation. Extensive counseling; refining of followup procedures. Contacted 437 youths, registered 382 in classes.

Champaign, Ill.: No details of campaign. Contacted 75 youths, registered 37 in classes.

Chenango, N.Y.: Survey of dropout situation; contact of last 3 years' dropouts to encourage return to school. Contacted 35 youths, registered 28 in classes.

Chicago, Ill.: Campaign conducted as continuation of summer guidance clinics inaugurated in 1962; involved personal counseling, preregistration survey, and school orientation. Contacted 8,884 youths, registered 1,929 in classes.

Cincinnati, Ohio: Promotional emphasis. Survey of dropouts among school leavers. Experimental programs for counseling and financial aid. Contacted 1,164 youths, registered 423 in classes.

Cleveland, Ohio: Extensive promotions program. School emphasis on guidance to reclaim and prevent dropouts. Area has comprehensive school system capable of meeting wide range of needs as supplement to public school programs. Contacted 1,600 youths, registered 655 in classes.

Danville, Ill.: Dropout study, preregistration survey, and screening of dropouts and potential dropouts to reclaim or retain most able. Contacted 397 youths, registered 318 in classes.

Dayton, Ohio: Four schools participated, each using different approaches, to reclaim dropouts of last academic year. Best success reported in school which had comprehensive school-community approach. Many community activities begun as result of campaign. Contacted 161 dropouts, registered 114 in classes.

Denver, Colo.: Survey of dropout situation, contact with actual and potential dropouts. Counseling services will be expanded. Contacted 1,802 youths, registered 394 in regular day classes.

Detroit, Mich.: Extensive promotions campaign. Counselors screened dropouts of summer and previous academic year and encouraged most able to return; provided personal and employment guidance to others. Contacted 1,888 youths, registered 534 in school classes.

Dover, N.J.: Identification of actual and potential dropouts, extensive counseling efforts to encourage return of all youths. Appropriate curricular and scheduling adaptations to meet immediate and long-range needs of students. Contacted 90 youths, registered 86 in classes.

Elizabeth, N.J.: Efforts at senior high school level were to reclaim actual dropouts, at junior high school level to prevent dropouts. School adaptations to benefit returnees. Contacted 220 youths, registered 44 returnees.

Flemington, N.J.: Survey of dropout situation of 5 years, including reasons for leaving, as guide in adapting school programs to meet student needs. Counseling of actual dropouts to encourage return. Plans increased guidance services. Contacted 104 youths, registered 56 in classes.

Flint, Mich.: Study of dropout situation in last year's enrollment. Extensive school adaptations in recent years to meet needs of students has resulted in extremely high holding power of school. Excellent out-of-school educational program meets special needs; credits transferrable for meeting high school graduation requirements. Contacted 216 youths, registered 189 in classes.

Fredericksburg, Va.: Survey of school leavers of past 3 years to determine scope of dropout problem. Counseling of dropouts to encourage return; arrangements for loans for needy returnees. Contacted 440 youths, registered 138 in classes.

Garden City, Mich.: Extensive promotions aimed at getting dropouts to come to school for counseling. Student attitude and readiness for school were stressed at conferences. School was selective in accepting returnees. Contacted 124 youths, registered 38 in school classes.

Kansas City, Mo.: Extensive promotional activities. Home-school coordinators contacted known dropouts and encouraged their visit to school for counseling. Suggestions made for curriculum and scheduling adaptations to benefit returnees and prevent future dropouts. Attention paid to school "misfits" and the relation of this problem to the common good. Contacted 3,302 youths, registered 519 in classes.

La Grange, Ga.: Study of actual dropout situation, identification of potential dropouts; contacts to encourage return. Schools added special education courses and improved vocational offerings and guidance procedures. Four elementary schools are conducting a comprehensive school-community pilot project for dropout prevention and followup study. Contacted 383 youths, registered 137 for classes.

Langhorne, Pa.: Study of dropout situation; contact with actual and potential dropouts to encourage return. Guidance activities to improve placement of returnees. School plans several curriculum revisions, possible change in graduation requirements. Contacted 37 youths, registered 10 in classes.

Lansing, Mich.: Counseling emphasis on recent dropouts and potential dropouts. Study of possible school adaptations for dropout prevention includes many promising programs. Contacted 178 youths registered 99 for classes.

Laramie, Wyo.: Contact of actual and potential dropouts; emphasis on individual programing for returnees. School plans curriculum adaptations and closer work with community agencies. Contacted 106 youths, registered 72 in classes.

Lima, Ohio: Extensive promotions campaign; tutoring program for potential dropouts; study of dropout causes; close community cooperation. Contacted 49 youths, registered 48 in classes.

Los Angeles, Calif.: Pilot project to reclaim 100 hard-core dropouts; involves comprehensive school adaptations, close school-community cooperation.

Madison, N.J.: Study of dropout situation, followup of dropouts of past 4 years. Contact with dropouts to encourage return. Recommendations for increasing guidance services and establishment of vocational school. Contacted 26 youths, registered 10 in classes.

Memphis, Tenn.: Contact with dropouts to encourage return to some formal school activity. Results reported include reclaiming several dropouts to public day schools and a sharp increase in night school enrollments. Contacted 892 youths, registered 492 in classes.

Miami, Fla.: Campaign conducted as part of a larger project to identify, contact, and counsel potential and recent dropouts. Extensive promotions. Comprehensive guidance and followup. Plans to evaluate and improve curriculum, instruction, and guidance services. Emphasis on better utilization of community resources. A number of experimental groupings and kinds of course offerings are being initiated in participating schools. Contacted 6,183 youths, registered 4,451 in classes.

Milwaukee, Wis.: No details of campaign. Contacted 277 youths, registered 95 in classes.

Minneapolis, Minn.: Comprehensive school-community program, with well-developed promotions activities. Study to identify scope of dropout problem. Counselors contacted some dropouts and other dropouts on own initiative came to school for counseling; emphasis placed on appropriate programing rather than on actual counseling. Schools reportedly have budget problems, so were not able to make special provisions for returnees other than placing them in meaningful course and study opportunities. Much consideration as to whether schools could and should accept all returnees in light of needs of successful student population. Contacted 938 youths, registered 508 in classes.

Newark, N.J.: Counselors identified dropout, interviewed and provided guidance as necessary to dropouts and their families—including referrals to welfare and employment agencies, followed up on dropout contacts. School adaptations to accommodate needs of returnees. In-school promotions elicited full support and enthusiasm of staff. Closer school-community activities initiated, plans speeded on work-study program, guidance efforts strengthened. Contacted 725 youths, registered 492 in classes.

New Brunswick, N.J.: Summary of dropout situation, contact to encourage return of dropouts; followup planned. Suggestions for pilot projects for remedial reading course in summer for potential dropouts and for psychiatric assistance for special cases. Contacted 170 youths, enrolled 102 in classes.

New Orleans, La.: Counseling emphasis in contacts with recent and summer dropouts as identified locally in statewide study; study of dropout reasons. Plans for closer work with community groups and agencies and for in-depth study of dropout problem with emphasis on identification, prevention, and reclamation of dropouts. Curricular changes likely after further study. Contacted 1,077 youths, reenrolled 436 in classes.

New York, N.Y.: September evening guidance and testing centers provided educational and vocational counseling for dropouts up to age 20 as supplement to August counseling program partially financed from other sources. Suggestion for pilot project of dropout followup. Total of 3,524 youths contacted during 2-month program, 2,423 registered for classes.

Norwalk, Conn.: Counseling for extensive list of recent and potential summer dropouts. Need found for curricular changes and other fundamentals of dropout prevention. Contacted 73 youths, registered 55 in classes.

Orange, N.J.: Identification of potential dropouts, study of dropout reasons. Counseling of youths; class scheduling adaptations. Number of curriculum changes planned. Strong guidance department plans continued efforts for early identification and assistance of potential dropouts with community support. Contacted 108 youths, registered 69 in classes.

Parsippany, N.J.: Encouragement of recent and former dropouts to return to school. Contacted 31 youths, registered 11 in classes.

Pawtucket, R.I.: Study of dropout situation; counseling of actual and potential dropouts. Curriculum adjustments. Contacted 154 youths, registered 42 in classes.

Pennsville, N.J : Study of dropout situation; contact with recent dropouts to encourage return to school. Contacted 197 youths, registered 10 in classes.

Philadelphia, Pa.: Extensive promotions program. Identification and intensive counseling of potential dropouts; study of reasons for dropout. Scheduling changes, work-study programs, and a number of individual adjustments made for the benefit of returnees. Contacted 1,368 youths, registered 1,188 in classes.

Pittsburgh, Pa.: Using 1961–62 study of dropouts, a large staff of counselors identified and studied methods of attacking local dropout problem. Contacted and counseled individual youths, utilized community resources. Extensive promotions campaign. Contacted 1,825 youths, registered 794 in classes.

Point Pleasant, N.J.: Compilation of list of actual dropouts; contact and counseling. Placement of some youths in new vocational school. Plans to continue special guidance services, open remedial reading classes, and start work-experience program. Contacted 33 youths, registered 20 in classes.

Providence, R.I.: Counselors studied cumulative records to identify potential dropouts; from select list of most-likely-to-drop-out students, contacts were made to encourage remaining in school. Program and scheduling changes made, financial help referrals made. Needs revealed for thorough curriculum study. Contacted 252 youths, registered 235 in classes.

Richmond, Va.: Contact with and counseling of dropouts of 1962–63 as identified in list prepared for recent statewide study. Program and scheduling changes made, tutorial help provided. Strengthening extracurricular activities, improving guidance procedures. Plans to identify and work with potential dropouts and to thoroughly evaluate curriculum. Contacted 493 youths, registered 158 in classes.

St. Louis, Mo.: Thorough review of records to identify potential dropouts. Counselor contact with actual and potential dropouts, individualized attention given to student needs. Followups planned and further study of adaptations schools can make to improve holding power. Close cooperation with community agencies. Contacted 4,859 youths, registered 4,095 in classes.

San Antonio, Tex.: Contact of actual and potential dropouts. Some special scheduling arrangements, but no curricular changes due to lack of planning time. Support of community agencies. Contacted 796 youths, registered 182 in classes.

San Diego, Calif.: Study of school leavers to determine extent of dropout problem; early accounting of summer dropouts. Counseling emphasis in personal contact with students; study made of dropout reasons. Cooperation with community agencies. Contacted 1,692 youths, registered 1,426 in classes.

San Francisco, Calif.: Extensive publicity campaign. Contact with recent dropouts at home, counseling emphasis; early accounting of summer dropouts. (NOTE: Report noted that this school system had in effect procedures for identification of potential dropouts; curriculum studies underway and plans for curriculum revisions; work-experience programs, adult classes; experience in cooperation with community agencies. Many school-community projects are underway for improving conditions which contribute to school dropout, including projects supported by Ford Foundation grant, Manpower Development and Training Act, chamber of commerce, mayor's committee on youth, youth opportunity centers.) Contacted 969 youths, registered 657 for classes.

Seattle, Wash.: Identification and contact of recent and potential dropouts. Counselors invited youths to school for guidance interviews. Schools made scheduling adjustments, launched new prevocational classes. Plans include followup and evaluation of crash campaign, pilot study with Washington State Employment Security Department in counseling and testing dropouts and potential dropouts, evaluation of experimental programs in food services and data processing, operation and expansion of new occupational guidance centers of district, and continuation of work-experience programs. Contacted 1,732 youths, registered 1,271 in classes.

Sidney, Ohio: Preregistration survey to account for summer dropouts, contact to return to school. Needs found for work-study program for potential dropouts. Contacted 27 youths, registered 6 in classes.

Sussex, N.J.: Study of pupil mobility to determine range of dropout problem locally. Followup contacts with dropouts. Need shown for vocational school in area. Contacted 35 youths, registered 15 in classes.

Trenton, N.J.: Activity undertaken as part of planned study to determine nature and scope of local dropout problem. Extensive publicity. Conferences arranged with dropouts; some followup planned. School examined curriculum and made some revision in offerings to better meet the needs of nonacademic minded students. Report noted that area has cultural enrichment programs. Contacted 214 youths, registered 92 in classes.

Urbana, Ill.: Extensive publicity. Contact by counselors with recent dropouts and probable summer dropouts; reasons found for dropout. School made scheduling changes and improved counseling efforts. Plans to make thorough study of dropout problem and curriculum adaptations to meet the needs of special students. School had underway various dropout preventive measures. Contacted 41 youths, registered 21 in classes.

Washington, D.C.: Study of dropout situation. Provision of counseling services for actual and potential dropouts with aim of returning as many as possible to school; identifying problems faced by early school leavers, and discovering characteristics common in these students. Plans to continue survey. Contacted 1,512 youths, registered 1,077 in classes.

Yonkers, N.Y.: Intensive study of current dropout situation, emphasis on reasons for leaving. Complete counseling services for dropouts during period of campaign. Needs uncovered for evening programs, so immediate arrangements were made to implement through expansion of adult program. Special scheduling arrangements made for many returnees; attempts made to care for employment and welfare needs. Contacted 329 youths, registered 192 in classes.

Youngstown, Ohio: Identification of potential dropouts from school records; criteria from recent local dropout study. Followup of students whose prospects appeared best for satisfactory school achievement; guidance procedures coordinated with activities of community agencies. Compiled list of dropout reasons. School plans intensive curriculum study to determine how to best meet needs of potential dropouts. Extensive publicity. Contacted 102 youths, registered 91 in classes.

COMMITMENT TO YOUTH

(A report on 5 years of progress in guidance, counseling, and testing under title V of the National Defense Education Act, 1958–59/1962–63 from the U.S. Department of Health, Education, and Welfare, Anthony J. Celebrezze, Secretary, Office of Education, Francis Keppel, Commissioner.)

FOREWORD

Rapid social, economic, and technological changes in the modern world have forced a reevaluation of our commitment to youth. The challenge of these changes has brought a clear realization that the potential of the Nation depends in large measure on the quality of our efforts to develop the talents of all citizens.

Our schools, of course, are intimately involved in this commitment. School programs of guidance, counseling, and testing are an important part of the services needed to assist students to identify and develop their abilities.

In title V of the National Defense Education Act of 1958, as part of the larger commitment, the Congress sought to expand local guidance programs and to train more school counselors. The program is now in the seventh year. This publication presents information and statistics on the first 5 years of Federal, State, and local efforts to identify and develop the talents of young people. It is, in a larger sense, a brief accounting of part of the commitment to youth. Some indication is also given of the resources required in the next few years if we are to maintain and surpass the present level of commitment.

School administrators, counselor educators, and guidance personnel at the State and local level; National and State legislative groups; and others interested in educational development may find the report helpful in an evaluation of this National Defense Education Act program.

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INTRODUCTION

Rationale

In 1957–58 the American people and their representatives became alarmed at the condition of education in the country as a whole, and at its implications for the Nation's future. At a time when the number of public secondary school students was increasing at an unprecedented rate and the labor market was seriously short of technicians, mathematicians, engineers, scientists, and linguists, more than half of the students of superior ability were not entering college and almost three-quarters of them were not graduating from college. The school counselors who might have helped prevent this waste of skill and brainpower numbered only 1 for every 960 high school pupils—the equivalent of 12,000 full-time counselors compared to the 38,000 who were needed—and only 2,500 new counselors were being graduated annually to meet the need for guidance and personnel work at all levels of education. Two-thirds of the school counselors failed to satisfy minimum requirements for certification, and more than half served one-third of the Nation's school children in only 7 States. In State educational agencies, only 99 persons were charged with either full-time or part-time responsibilities for guidance and counseling.

This weakness in the educational system was one of many that the National Defense Education Act of 1958 was designed to correct or diminish. In approving the act, the 85th Congress found that "the security of the Nation requires the fullest development of the mental resources and technical skills of its young men and women," and added: "We must increase our efforts to identify and educate more of the talent of our Nation." Title V of NDEA, accordingly, is concerned with guidance, counseling, and testing, and with the identification and encouragement of able students.

Provisions

Part A of title V has authorized (during the first 4 years and 1 year of extension) an annual Federal appropriation of $15 million for grants to State educational agencies to help them establish and maintain programs of guidance, counseling, and testing. From the sum appropriated, the U.S. Commissioner of Education has allotted to each State an amount proportionate to its school-age population or $20,000, whichever is greater. To receive such payments, a State must submit to the Commissioner a State plan setting forth a program to identify students with outstanding aptitudes and abilities, and a program of guidance and counseling to advise students of courses of study best suited to their qualifications, and to encourage superior students to complete their secondary education, prepare for admission to institutions of higher education, and enter such institutions. The State plan must include both minimum and recommended standards for approving local programs of guidance and counseling. These standards include: The qualifications for local school guidance positions, the guidance, and counseling activities to be provided, the counselor-student ratio, and the physical facilities, equipment, and materials. The State plan programs are limited to the public secondary schools, except that testing may be carried out in nonpublic secondary schools if authorized by law.

Part B of title V authorizes the Commissioner to contract with colleges and universities for the establishment and conducting of short-term and regular-session institutes. These institutes are designed to improve the qualifications of counselors in public secondary schools, and to train teachers in such schools who are preparing to engage in counseling and guidance.

Impact

Since the enactment of title V, the full-time equivalent of counselors has increased 127 precent from 12,000 to 27,180, and the ratio of full-time counselors to students has improved from 1 to 960 to 1 to 530. Of 14,464,000 students in grades 7 through 12 in public secondary schools during the 1962–63 school year, 10,848,000, or 75 percent, were enrolled in schools with guidance and counseling programs meeting State standards. Members of professional guidance staffs in State educational agencies have grown in number from 99 to 257, an increase of more than 140 percent. This progress has been achieved in 5 years with a Federal expenditure, under title V–A, of $62.4 million matched by $420.4 million in State and local funds. Under title V–B, funds amounting to approximately $29.7 million have been used to support 328 institutes conducted during the summer and 88 during the academic year, for the 5-year period.

Future

A shortage of adequately trained guidance personnel remains, however, and presents a serious obstacle to the expansion and improvement of programs of counseling, guidance, and testing. Amendments to title V made in 1963 under Public Law 88–210 have authorized reallotment of unused funds among other States, raised the total authorization for State grants from $15 million to $17.5 million annually, and extended support for guidance services to students in the seventh and eighth grades in both elementary and secondary schools. But the social economic, and educational problems with which counseling and guidance are concerned are increasing in size and intensity. The campaign against school dropouts, the war on poverty, efforts to equalize opportunity, assurance of an adequate national supply of scientific and technological manpower—all make escalating demands on personnel work in the public secondary schools. (Consideration is even being given to extending guidance services to grades below seven.) If the effectiveness of these programs is to become in any degree commensurate with the needs, much greater efforts will be required on Federal, State, and local levels throughout the next decade.

THE FACTS AND THE FIGURES

About 11 percent of NDEA funds are used for guidance, counseling, and testing programs

In the first 5 years of operation of the National Defense Education Act, almost $843.5 million of the more than $1 billion in Federal funds authorized was used to aid education at every level from elementary to graduate school. Of these expenditures, 11.2 percent was allotted to title V, including 7.7 percent for guidance, counseling, and testing under part A, and 3.5 percent for guidance and counseling training institutes under part B.

Percent of dropouts decreased during 5-year period

Thirty-four percent of the 5th grade students in 1955–56 dropped out before graduation in 1963.

Forty-two percent of the 5th grade students in 1950–51 dropped out before graduation in 1958.

Seventeen percent reduction in the percentage of dropouts between 1955–63 and 1951–58.

There were 2,211,000 public and 389,000 nonpublic 5th grade students enrolled in school in 1950–51. Of this number (totaling 2,600,000), 1,332,000 public and 168,000 nonpublic or 1,500,000 in all, graduated from high school in 1958, the year Congress passed the National Defense Education Act.

Of the 1950–51 5th grade students, 1,100,000 did not graduate in 1958. There were 2,495,000 public and 505,000 nonpublic (in all 3 million) 5th grade students enrolled in school in 1955–56. Those graduating from high school in 1963 numbered 1,711,000 public and 249,000 nonpublic, or 1,960,000. These figures show that 1,040,000 of the 5th grade students in 1955 did not graduate from high school in 1963, 5 years after NDEA was enacted.

In spite of the fact that there were 400,000 more 5th grade students in 1955–56 than in 1950–51, there were 60,000 fewer dropouts, a 17-percent reduction in the dropout rate.

Number of high school graduates, first time college students, and college enrollment increased about one-third

Thirty percent increase in the number of high school graduates between 1958 and 1963.

Thirty-five percent increase in first time college students between fall 1958 and fall 1963.

Thirty-nine percent increase in total college enrollments between fall 1958 and fall 1963.

In 1958, 1,500,000 students graduated from high school; in 1963, 1,960,000 graduated, an increase of 30 percent. The number of first-time college students in the fall of 1958 was 775,000; in 1963 this number had increased by 35 percent to 1,046,000. There were 3,236,000 students enrolled in college in the fall of 1958–59, and 4,495,000 in the fall of 1963, a rise of 39 percent.

Number of students enrolled in post-high school vocational-technical schools quadrupled

Two hundred and seventy-seven percent increase in enrollments between 1958–59 and 1962–63.

In the 5 years since enactment of the National Defense Education Act, there has been a large increase in enrollments in post-high school vocational-technical schools. During the 1958–59 school year, there were 14,896 students enrolled in these programs; by 1961–62, before passage of the Manpower Development and Training Act, enrollments had risen to 40,043, and by 1962–63, to 56,226, representing an increase of 277 percent.

Federal, State, and local expenditures for State-approved title V–A guidance programs reached nearly $150 million in 1962–63

Expenditures in State-approved guidance, counseling, and testing programs in 49 States, the District of Columbia, and 3 territories. In 1958–59, 44.5 percent of the $10,833,440 expended for these programs came from Federal funds under NDEA. The proportion of the Federal share of the total costs has been reduced each succeeding year to 9.9 percent during the 1962–63 school year, when $149,900,745 was spent. The States' share of guidance, counseling, and testing expenditures increased from $420,128 (or 3.9 percent) in 1958–59 to $7,988,242 (or 5.3 percent) in 1962–63.

The extent of the efforts of local schools to provide adequate programs is reflected in their contribution in 1958–59 of $5,593,322, or 51.6 percent of the total cost. By 1962–63, local schools had increased the amount of their participation to $127,139,211, or 84.8 percent of the total cost.

Statements on NDEA, title V–A from annual narrative reports

North Dakota

"From the study of post-high school plans of the current senior class in terms of ability level, there appears to be a significant increase in the number of top-quarter students planning to enter college-level education and a decided decrease in the number of seniors in the lowest quarter with similar plans. In addition, there are more seniors with definite post-high school plans and the need for further post-high school education of some kind is revealed in the overall increase in the number planning to seek some post-high school training."

Maine

"A project in a small school in Maine concerned with dropouts involved 15 young people who would never have entered high school if a counselor had not taken an interest in each individual, visited the parents, and provided the pupils with materials at the level which they could understand and use. The counselor also secured the cooperation of the businessmen in the area and thus helped the pupils to have part-time work opportunities."

Georgia

"Thanks to NDEA we have been able to purchase the necessary equipment and materials to carry out a good guidance program. Without these funds the program could not have existed for many years yet."

Oklahoma

"College deans and placement officials have reported that during the last 5 years, a higher percentage of the students who enrolled stayed and received their degree. They were of the opinion that secondary-school counselors have helped all students, and in particular the college-bound student, make more realistic educational and career plans."

New Hampshire

"Many schools, through assistance and often initiation of the guidance department, have organized programs for the superior and talented student. Many schools have also worked with counselors to study the need for curriculum changes."

Kansas

"In comparing the status of 1962 graduates from high schools with and without persons assigned time for counseling, schools with assigned time sent 53 percent of their graduates to college as compared to 41 percent of graduates sent to college from schools without counseling time."

South Carolina

"Data have been collected to provide evidence on the tremendous progress that has been made in South Carolina schools in their programs of guidance, counseling, and testing. These data show growth, change, or improvement in the following: More realistic educational and career plans and choices by students; decrease in number of dropouts; increased understanding and support of guidance, counseling, and testing programs by school administrators, teachers, parents."

Vermont

"Placement of students, especially in institutions of higher education, continues to occupy a good deal of counselor attention and skill. Counselors are extensively aided in this respect through the utilization of up-to-date materials which present a clearer picture of college freshman classes and admission practices at the various universities."

Washington

"Counselors were asked to make special efforts to reach dropouts * * * cooperation and a pooling of resources were urged for an on-going program to alleviate the dropout problem."

Colorado

"Counselors are gradually becoming increasingly aware of the need to foster public relations, not only with the lay groups and with boards of education, but with administrators and teaching staffs. However, as counseling services and guidance programs become more firmly established in the schools, communication with members of teaching staffs seems to improve. It is much more common than was the case 3 or 4 years ago to find committees of teachers serving in an advisory capacity to counselors in planning guidance programs."

Oregon

"Clerical workers for counselors made available through title V–A funds have been responsible for improving a systematic recording of information and making it readily available for more effective use by counselors and others."

Virginia

"Again this year counselors reported that the information on individual pupils is more comprehensive and more widely used. There is also a notable improvement in the amount and use of educational and career information."

North Carolina

"The demand for qualified counselors still exceeds the number available. Despite increasing numbers of guidance majors in all counselor-preparation programs, this situation is likely to continue."

Maryland

"In many ways, the impact of title V NDEA has had a very positive influence upon the growth and development of the guidance program. The most readily observable influences are in four major areas: (1) Availability of additional materials and equipment; (2) employment of additional guidance personnel; (3) provision of clerical assistance; and (4) extended periods of employment."

Illinois

"The Illinois Education Association, the Illinois Association of School Boards, and other lay and professional groups continue to demonstrate understanding of and support for guidance as an essential element of the total educational process. The fact that more than 80 percent of the secondary-school students in the State are being reached through participation in the State program for the improvement of guidance, counseling, and testing is also evidence of the statewide interest in guidance."

Missouri

"The picture in Missouri has changed rapidly since the implementation of title V-A of the NDEA. In 1947–48 there were 13,592 students in secondary schools who had the services of certificated counselors. This represented 12.8 percent of the high school pupils (grades 9–12). In 1957–58, 72.4 percent or 107,784 of the high school students were enrolled in schools having certificated counselors. This past year 81.5 percent of the high school students were enrolled in schools having certificated counselors."

New Jersey

"Ninety-four percent of the total public secondary school enrollment was in districts that had approved title V-A programs; only 6 percent of the secondary-school enrollment was in nonparticipating districts * * * during 1962–63."

Guam

"There is an increased interest in and demand for educational counseling by the secondary pupils."

Connecticut

"Each year the number of certified counselors in Connecticut is increasing and the student-counselor ratio is slowly but steadily improving. This trend is due, in no small measure, to funds made available through NDEA."

Idaho

"Through observation, visits, and investigations, it has been noted that the title V-A program is largely responsible for the improvement and expansion of guidance services."

Arkansas

"Counselors assist the students in their educational planning from year to year—some planning a year ahead, some planning a 4-year block at one time. In 1961–62, 4.7 percent of the seniors came to graduation time without definite plans. In 1962–63, 2.9 percent reached graduation without definite plans. This shows a steady gain in the number that have fairly definite plans for the future."

Florida

"Many of the personnel managers in Florida's large industries have made a special effort to tell us that applicants from secondary schools in the State show far greater evidence of seriousness of purpose than have applicants of a previous generation. We are told that students have a better idea of their long-range goals, know more of their own strengths and weaknesses, and are better informed than were their counterparts of a decade ago. The personnel managers are telling us that the guidance services to which these young people have had access have made most of the difference between the two generations. Personnel managers are our most enthusiastic supporters."

Iowa

"At the end of the 1962–63 school year, 256 secondary schools had organized guidance programs, or 55 percent of the 469 approved public secondary-school districts. Guidance services were made available to approximately 79 percent of the secondary-school population. The counselor-pupil ratio for 1962–63 is approximately 506 pupils to 1 full-time counselor."

Kentucky

"Our total guidance program has been extended by title V-A of NDEA because we were allowed to secure tests, files, films, books, office equipment, etc. * * * It is a definite fact that without this program the services that we were able to render would have been impaired."

Montana

"Counselors are using test data, particularly the multiple-aptitude test data, as indicators to assist students in arriving at more self-understanding, in exploring possibilities shown in the special aptitude areas, and in making more realistic choices and decisions concerning their educational and vocational plans."

New York

"As in the past, NDEA funds have effectuated both provision of and improvement in counseling through making possible an increase in the number of counselors, additional summer and/or counseling services, and relief of counselors from clerical tasks through employment of additional secretarial and clerical aid."

Virgin Islands

"Since the establishment of the guidance services, more students have been showing an interest in college."

West Virginia

"An * * * illustration of the impact of NDEA on the development of a county guidance program has its setting in a southern coal-mining county. Prior to NDEA this county had a formalized guidance program in only one of its secondary schools. During the 1962–63 school year, of the 15 secondary schools in the county 9 were assigned at least 1 part-time counselor. There were 12 guidance workers employed; of these, 5 were full-time counselors, 6 were half-time-plus counselors, and 1 worked less than half time as a counselor."

Alaska

"In the report for 1961–62 a comment was included to the effect that elementary guidance is badly needed in Alaska. Because of the number of small schools, distances between centers of population, and the racial-cultural handicaps under which many of the students must function, many students drop out of the educational picture before a guidance person has an opportunity to work with them."

Delaware

"Our guidance program was helped this year by NDEA funds which enabled us to employ some counselors for a few weeks after the regular school year to complete records, send transcripts, help to group those youngsters who will be in their schools for the next school year, etc. * * * We could benefit from much more of this type of service."

Nebraska

"The first year that the NDEA program was in operation in Nebraska (1959–60) only 15 schools would have been able to meet the eligibility requirements for participation. The rather dramatic improvement illustrates the impact which the NDEA program has had in Nebraska. Such improvement far exceeds what might have been expected in terms of the appropriations made under the provisions of the National Defense Education Act."

Tennessee

"Educators and laymen agree that there is need for improved and expanded guidance services at all levels of schooling."

California

"California counselors are not so much concerned over whether counseling is an art or a science. They are so busy in the central task that they are forging new and more effective programs out of firsthand acquaintance with the students themselves, who are determined to pit their growing maturity against the complexity of tomorrow's world. The youthfulness to dream—the courage to commit oneself—the maturity of purposeful action: It just may be that California's counselors have caught from their counselees the very elements to make dreams come true."

New Mexico

"The National Defense Education Act has served as a catalyst in expanding guidance services and improving the quality of these services to youth in New Mexico."

Alabama

"Two hundred and eighty-four schools reported using test results as a regular and planned function of the guidance program, 398 schools have used test results in helping select classes for slow-learning pupils, 393 schools have used test results as a partial basis for grouping gifted or talented students, 260 schools in the State used the test results in making special curriculum studies. These studies have produced some significant curriculum changes, 57 schools in the State used test results in making special productive studies, and 166 schools have developed local norms from test summaries."

Michigan

"Contacts with local schools clearly indicate that the title V-A program has a high level of support from school administrators, teachers, parents, and students."

Minnesota

"Parent-counselor conferences were held with parents whose sons and daughters were planning to attend college. A booklet, "All About College and You," was developed for parents and senior students."

Pennsylvania

"Many counselors now have evening office hours, for the purpose of counseling students and parents."

Wisconsin

"We are convinced that the Federal funds made available under the National Defense Education Act of 1958 for guidance, counseling, and testing, have had a tremendous initial influence upon Wisconsin's program. The impact of the National Defense Education Act has been significant in terms of the increase of the number and quality of counselors and the number of local programs. However, the continuing improvement of the quality of guidance services is the great challenge for the years ahead. Continuing aid and leadership must be maintained to assure the consolidation of gains realized, as well as to assure the extension of qualitative services into areas which still remain relatively untouched."

District of Columbia

"The results of surveys and individual tests are analyzed carefully to determine appropriate placement of all pupils.

"All test results are available to teachers. Achievement tests are of special value in revealing reading and mathematics retardation of students. These students are usually assigned to remedial classes where teachers try to correct weakness and raise grade levels.

"Counselors make every effort, not only to inform pupils of their test scores but also to analyze and interpret the results so that students will understand them and use them as guides in making proper choices and adjustments. Test results are also sent to parents who are invited to confer with counselors."

Texas

"Provision of educational placement services is one of the strongest phases of guidance and counseling programs in the State. A number of factors have had definite influence on the provision of this service, such as the objectives of title V–A, the new curriculum standards in the State, increased concern about dropouts and unemployment, and accreditation standards which stress the provision of instructional programs to meet individual needs."

Arizona

"Test scores are utilized in many ways throughout the State. In Phoenix, freshmen test scores are interpreted to the students in the light of their present programs of studies and the projected 4-year (educational) plan. The test scores are then sent to parents with a letter of explanation."

Ohio

"The effects of the guidance programs most frequently mentioned by counselors attending a series of workshops in Ohio were as follows: A higher percent of pupils enrolled in post-high school education; pupils made better high school course selection, and fewer schedule changes were needed; the pupil dropout rate was lowered; more effective ability grouping of pupils in high school was achieved; better school-community relations were established; there was a better understanding of pupils' abilities by the school staff; more pupils received scholarships; revisions in the school curriculum were stimulated; favorable effects were implied by an increase in the number of self-referrals by pupils, increased requests for the counselors' assistance by parents and teachers."

Hawaii

"Electronic scoring, processing, and reporting (of test results) to individual schools have continued to contribute to a better understanding and use of test data."

Louisiana

"A survey of 249 counselors revealed that 27,555 parents had come to them during the year for consultation concerning their children."

Indiana

"It is readily evident that the National Defense Education Act program has been an invaluable aid in strengthening and promoting guidance services to the pupils of the secondary schools of the State."

Massachusetts

"The impact of the National Defense Education Act funds was readily evident from the responses received from guidance directors throughout the State—90 percent of programs of guidance, counseling, and testing were expanded; 48 percent provided regularly scheduled parent conferences. The remainder offered this service but on a basis of requests; 97 percent provided career information programs; 50 percent conducted a yearly followup. The remainder conducted a followup every other year, or were junior high schools under an overall guidance director who conducted the junior high followup on an informal basis; 94 percent of schools coordinated the guidance program with teaching services."

Nevada

"School administrators have indicated that guidance services have resulted in better relations between the students' potential and achievement, and better adjusted student bodies. There is evidence of more realistic educational and career plans, and a decrease in the number of dropouts. School administrators have also indicated an increased understanding and support of the guidance, counseling, and testing program."

South Dakota

"Several schools in the State have made studies concerning the relationship between student potential and student achievement. These have resulted in some instances in selective grouping, enrollment procedures, and/or new curricular offerings."

Mississippi

"Approximately 166 supervisory visits were made to local schools by State supervisors to observe and evaluate programs conducted under the plan and to assist in the further development of such programs. Supervisory personnel participated in 47 State or regional conferences, meetings, or local workshops. Ten workshops, attended by approximately 537 people, were sponsored and conducted by the supervisory personnel in the direct promotion of activities provided under title V-A programs."

Puerto Rico

"All counselors made followup studies of the school graduates. As a result of these investigations the guidance counselors are able to emphasize those areas in which the students need more help and orientation."

Rhode Island

"Educational and career information is disseminated widely and effectively in most school districts. NDEA funds have been a tremendous impetus in equipping and maintaining current files."

Utah

"In reviewing guidance, counseling, and testing programs in the State of Utah during the past 5 years it seems that the National Defense Education Act has had a tremendous positive impact in the districts of the State. It is felt that a continuation of Federal assistance will bring even further growth in guidance, counseling, and testing in the State of Utah."

Federal, State, and local expenditures for State-approved title V–A programs totaled almost $500 million for 5-year period

State-approved guidance, counseling, and testing programs during the first 5 years under the National Defense Education Act cost $482,892,984. Of this amount $21,756,788, or 4.5 percent, was derived from State funds; $62,405,686, or 12.9 percent, from title V–A funds; and $398,730,510, or 8.2 percent, from local funds.

Number of guidance counselors increased 127 percent

In 1958–59, there were 12,000 full-time equivalent counselors. By 1959–60, the number had grown to 18,739; by 1960–61, to 21,828; by 1961–62, to 24,492; and by 1962–63, to 27,180, representing a 5-year growth of 127 percent.

Proportion of public secondary school students without State-approved guidance and counseling programs decreased from 50 percent in 1958–59 to 10 percent in 1962–63

It is estimated that in 1958–59, 50 percent of the public secondary school students attended schools with negligible or no guidance and counseling programs. Forty to forty-five percent of the students were in schools with limited programs, and 5 to 10 percent in schools that could have met title V–A standards comparable to those set by the States in 1962–63.

The impact of title V–A is reflected in the number of programs implemented and improved during the first 5 years of its operation. In 1962–63, only about 10 percent of public secondary school students attended schools with no guidance and counseling programs, and only 15 percent were in schools with limited guidance and counseling programs. The annual statistical reports of the States indicate that 75 percent of the public secondary school students were enrolled in schools meeting the State-plan standards for guidance and counseling under title V–A.

NDEA guidance programs increased 50–90 percent regardless of school size

The first year for which information was available on the number of State-approved local programs of guidance and counseling, classified by average daily membership (ADM) of students, was 1959–60. The number of programs approved, whether by schools, districts, or units, with students in average daily membership of 0–299, was 1,198 in 1959–60 and 1,816 in 1962–63. The number of approved programs with an ADM of 300–999 in 1959–60 was 2,284, as compared to 3,083 in 1962–63. Approved programs with an ADM of 1,000–4,999 in 1959–60 numbered 1,937, increasing to 2,774 in 1962–63. Programs with an ADM of 5,000 to 9,999 in 1959–60 amounted to 306, whereas in 1962–63 the count was 530. Programs with an ADM from 10,000 to 49,999 increased from 288 in 1959–60 to 546 in 1962–63. Those with an ADM of 50,000 and over rose in number from 67 in 1959–60 to 110 in 1962–63. Students in both rural and urban schools have participated in the expanded and improved guidance programs.

A total of 13,784 students attended title V Counseling and Guidance Institutes

The Counseling and Guidance Training Institutes conducted under title V–B of NDEA have aided considerably in preparing more and better educated guidance and counseling personnel. During the first 5 years, 11,043 counselors received training at short-term summer institutes and 2,741 at regular-session, full-academic-year institutes. The total number of students receiving training in sort-term and regular-session institutes was 13,784. They were either high school counselors or teachers preparing to become counselors. The trend has been to increase the emphasis on a full academic year of graduate professional education in counseling and guidance through regular-session institutes.

Institute attendance in regular sessions increased counselor time with pupils 30 percent

Personnel who attended NDEA Counseling and Guidance Training Institutes spent more time in counseling activities following institute experience than they had before. On the average, persons who attended short-term institutes in the summer increased their time in counseling from 59.8 percent to 69 percent; persons who attended regular-session institutes during the academic year increased their time from 27.9 percent to 59.6 percent.

School guidance services

The school counselor works with students, teachers, and parents on an individual basis, as well as in group situations. Among the guidance services he performs in carrying out the commitment to youth are:

1. Individual counseling services and group procedures by means of which a student is helped in making educational and vocational decisions and in resolving matters of personal concern.

2. Orientation services through which assistance is given students in making adjustments to school and post-high school situations.

3. Consultative services with teachers and other guidance specialists in the interest of each student's growth and development.

4. Informational services to help students on an individual and group basis in obtaining information about the world of work, and relating this information to their future educational and vocational plans.

5. Individual appraisal services which include the administration of standardized tests to students, and interpreting this information to students, teachers, and parents.

6. Services to parents, including individual and group conferences, to help them understand, work, and plan with their children more effectively.

Number of standardized tests administered to nonpublic secondary students increased 186 percent

Standardized tests administered in nonpublic secondary schools under title V–A programs in 1958–59 numbered 202,139, as compared to 578,217 in 1962–63. This represented a total increase of 186 percent.

From 1958–59 to 1962–63, there was an increase in the number of single-subject achievement tests administered (from 8,463 to 349,821), a decrease in the number of achievement test batteries (from 73,099 to 39,264), an increase in the number of multifactor aptitude test batteries (from 43,308 to 63,306), and an increase in the number of scholastic aptitude tests (from 77,269 to 125,826).

Test definitions

A standardized test is a systematic sample of performance obtained under prescribed conditions, scored according to definite rules, and capable of evaluation by reference to normative information.

An achievement test is designed to measure the amount of knowledge and skill a pupil has acquired in one or more subject fields or in the general aspects of schooling.

An achievement test battery is a group of achievement tests in which the results can be used individually, in combination, or in total.

A single-subject achievement test is a test designed to measure achievement in one specific subject area.

A scholastic aptitude test is designed to measure a combination of native and acquired abilities needed to do schoolwork.

A mutlifactor aptitude test battery is a group of tests designed to measure several relatively independent abilities, such as spatial relationships, verbal reasoning, numerical reasoning, and finger dexterity.

Number of standardized tests administered to public secondary-school students increased 100 percent

One of the tools used to identify the aptitudes and abilities of students is the standardized test. As the number of counselors grew, public-school testing under title V–A increased by 300 percent during 5 years and total public-school testing by 100 percent. Title V–A tests increased in number from 1,915,357 to 7,653,967, and total testing from 10,264,220 to 20,539,244.

There were 82,750 single-subject achievement tests administered in 1958–59 under title V–A programs, compared to 1,654,308 in 1962–63, and 3,443,558 single-subject achievement tests were given in total secondary-school testing in 1958–59. The number increased to 6,909,655 in 1962–63.

Achievement test batteries administered under title V–A in 1958–59 amounted to 827,714. This number rose to 2,336,221 in 1962–63. A total of 2,870,434 achievement test batteries were administered in all secondary grades in 1958–59, and 5,510,253 in 1962–63.

During 1958–59, 300,031 multifactor aptitude test batteries were administered under title V–A, compared to 1,036,051 during 1962–63; 910,256 multifactor aptitude test batteries were administered in all grades in 1958–59, and 2,456,659 during 1962–63.

Scholastic aptitude tests administered under title V–A during 1958–59 amounted to 704,862, and in 1962–63, to 2,627,387 tests. During the 1958–59 school year, 3,039,972 scholastic aptitude tests were given in all secondary grades, compared to 5,662,677 in 1962–63.

Sixty-eight percent of all secondary students were tested at least once in 1962–63

Forty-six percent (5,228,007) of all public secondary-school students were tested at least once in 1958–59, as compared to 68 percent (9,756,915) during 1962–63. The number and percentage of students tested at least once is also reported by grade. In both 1958–59 and 1962–63 it was the 9th grade where the largest number of students were tested at least once, and in the 12th grade the least amount of testing occurred. There was a fairly equal distribution of testing among the other grades.

Secondary-school enrollments, public and nonpublic, increased 26 to 30 percent

The definition of secondary-school students varies greatly among the States. Some include all students enrolled in grades 7 through 12 regardless of whether they attend elementary or secondary school, others include only secondary students in grades 7 through 12. In still others, the determination is based on the educational structure, whether it is 6–3–3, 8–4, or 6–6 system.

When these variations are taken into account, public secondary-school enrollments are calculated to have increased from 11,469,000 in 1958–59 to 14,464,000 in 1962–63, representing a 26-percent rise.

Nonpublic secondary-school enrollments increased from 1 million in 1958–59 to 1,300,000 in 1962–63, a 30-percent increase.

Percentage of State educational agency guidance personnel increased 160 percent

On July 1, 1958, there were 99 professional guidance personnel in State departments of education devoting time to guidance, counseling, and testing programs. By 1962–63 this number had expanded to 257, an increase of 160 percent. The number of equivalent full-time professional guidance personnel on July 1, 1958, was 78. This number rose to 203 in 1962–63, also reflecting a 160-percent increase. The number of full-time equivalent supportive personnel, including all clerical and other nonprofessional persons who assist professional staff members, was 100 on July 1, 1958. By 1962–63, this full-time equivalent had increased by 126 percent to 226.

Ratios of State guidance supervisors to students and counselors improved substantially

The amount and adequacy of State supervision of guidance, counseling, and testing programs are determined to some extent by the ratios of State guidance supervisors to students and to guidance personnel. The ratio of State guidance supervisors to public secondary-school students in July 1958 was 1 to 147,000, and was reduced to 1 to 71,000 by the fall of 1963. The ratio of State guidance supervisors to both public elementary and public secondary-school students in July 1958 was 1 to 437,000. This ratio decreased to 1 to 190,900 in the fall of 1963. That of State guidance supervisors to full-time equivalent local public secondary-school guidance personnel in July 1958 was 1 to 154. By the fall of 1963, it was 1 to 134.

Counselor ratios varied according to accrediting regions, 1962–63

Forty-nine of the 50 States and the District of Columbia are affiliated with regional educational accrediting associations. California and the three territories do not belong to any of the five regional accrediting associations. Each of these associations has established criteria for approving high school educational programs. One of them relates to standards for guidance services. The counselor-student ratio, the number of full-time equivalent counselors, and the number of additional full-time equivalent counselors needed to achieve a counselor-student ratio of 1 to 300, by accrediting region data appear in the following tabulation:

Educational accrediting associations	Counselor-student ratio	FTE counselors	Additional FTE counselors needed for 1:300 ratio
New England	1:397	1,867	600
Middle States	1:408	6,953	2,495
Northwest	1:421	1,861	752
North central	1:573	8,201	7,457
Southern	1:856	4,676	8,659
California	1:352	3,421	591
Guam, Puerto Rico, and Virgin Islands	1:1,018	204	488

The North Central Association has established as a recommended standard a counselor-student ratio of 1 to 300; the Northwest Association requires 1 to 400, and the Southern Association requires 1 to 500. The New England and Middle States standards require guidance services but do not require or recommend specific counselor-student ratios.

If continued, Federal funds needed to maintain number of counselors at the 1958–59 level would reach $65.6 million by 1969–70

If the Federal Government had contributed, and were to contribute, as much money to support each full-time equivalent counselor in each of 4 later years as it did in 1958–59, these sums would have been $33,886,250 in 1962–63 and $37,052,500 in 1963–64, and would require $40,757,500 in 1964–65 and $65,641,250 in 1969–70.

Expenditures and counselors needed to achieve counselor-pupil ratio of 1 to 300, optimum in secondary schools

It is estimated that public secondary school enrollments will increase from 11,469,000 in 1958–59 to 17,975,000 in 1969–70. From 1959–60 to 1962–63, the number of full-time equivalent secondary-school counselors increased from 12,000 to 27,180. The additional number of full-time equivalent secondary school counselors needed for a counselor-student ratio of 1 to 300 was 26,230 in 1958–59. The shortage had been reduced to 21,033 in 1962–63. The total number of full-time equivalent secondary-school counselors needed for a conselor-student ratio of 1 to 300 in 1958–59 was 38,230. By 1962–63, this number had risen to 48,213. During 1965–66, 54,300 secondary-school counselors will be needed, and by 1969–70, 59,920.

Costs for 1958–59 are not available. During 1959–60, the total guidance, counseling, and testing cost was $104,226,000. By 1962–63, it had risen to $181,617,000. The amount of additional funds needed during 1959–60 for these programs on the basis of 1 counselor for every 300 secondary-school students would have been $117,514,000. By 1962–63 additional needs amounted to $140,542,000. The total required to support a counselor-student ratio of 1 to 300 in 1959–60 would have been $221,740,000. By 1962–63, total funds required would have amounted to $322,159,000. Projected enrollments during 1965–66 would demand 54,300 secondary school counselors to sustain a counselor-student ratio of 1 to 300, and would call for $407,250,000. During 1969–70, 59,920 secondary-school counselors would be needed to maintain a counselor-student ratio of 1 to 300 and would require $515,286,000 in funds.

(Figures are determined by dividing all reported guidance, counseling, and testing costs by the total number of counselors to establish a counselor unit cost. The counselor unit cost is then multiplied by the number of counselors needed.)

Over 95,000 counselors needed to provide optimum counselor-pupil ratios in grades K–12

A fall 1963 enrollment of 23,163,000 pupils from kindergarten through grade 6 required 38,600 full-time equivalent counselors on the basis of a 1-to-600 ratio. In elementary grades 7 and 8, 5,824 full-time equivalent counselors were needed, and 51,023 in secondary grades 7 through 12.

Financial reports to the Office of Education indicate that to provide 1 counselor for every student in kindergarten through grade 6 during 1963–64 would have required $268,656,000, 1 counselor for every 300 students in elementary grades 7 and 8, $40,535,000, and 1 for every 300 students in secondary grades 7 through 12, $355,120,000. A total of 95,447 counselors was needed at a required expenditure of $664,311,000. These statistics include all reported guidance, counseling, and testing expenditures in figuring costs per counselor.

More than 53,000 counselors would be needed to extend guidance programs to public elementary schools by 1969–70

It is estimated that public elementary school enrollments, grades K through 6, will increase from 24,372,610 in 1962–63, to 34,125,000 in 1969–70. During 1962–63, 40,621 elementary counselors were needed to sustain a counselor-student ratio of 1 to 600, and the cost of supporting these programs would have amounted to $271,430,000. During 1965–66, 42,350 counselors will be needed to achieve the ratio of 1 to 600, necessitating an expenditure of $317,625,000. By 1969–70, 53,875 counselors will be needed on this basis at a cost of $463,325,000.

SUMMARY

During the period covered by this report a number of changes and improvements have occurred in the educational programs of the Nation:

School enrollments have continued to rise.

The percentage of school dropouts has shown a marked decline.

College enrollments are growing rapidly.

Students are attending post-high-school vocational-technical schools in greater numbers.

Significant increase in the number of full-time equivalent counselors has resulted in a decided improvement in counselor-student ratios in public secondary schools.

The proportion of public secondary-school students in State-approved, title V–A, guidance and counseling programs has expanded in both urban and rural areas.

The number of standardized tests used to help identify the aptitudes and abilities of secondary-school students has increased.

There has been an increase in the number of State educational agency guidance personnel, reducing considerably the ratio of State supervisors to public school students and to local school counselors.

The proportion of the total expenditures by local schools to provide adequate guidance, counseling, and testing programs has increased annually since the enactment of NDEA. During the 1962–63 year local schools contributed over four-fifths of the total expenditures.

During the 5 years covered by the report, nearly 14,000 counselors have attended guidance and counseling institutes. One of the results of attending these institutes has been an increase in the amount of time counselors have spent in actual counseling.

ADDITIONAL NEEDS DURING THE 1960'S

Even though secondary-school counselor-student ratios have been reduced in each of the regional educational accrediting associations, critical shortages still exist in each. The North Central and Southern Associations have the largest counselor needs.

If the Federal Government were to provide for the incentive support of guidance, counseling, and testing on the basis of the same amount for each full-time equivalent counselor in 1969–70 as in 1958–59, the amount of Federal funds required would need to be increased more than four times.

In order to have one counselor for every 300 secondary school students in 1969–70 to deal adequately with the school dropout problem, delinquency, youth unemployment, and changing manpower needs, and to capitalize on the manpower capacities of all our citizens, twice as many counselors as we presently have will be required.

To extend guidance services to the elementary school level, where these services are presently extremely limited and where many of the problems of children could be identified earlier and resolved much more easily, would require nearly 54,000 elementary school counselors by 1969–70.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 15, 1964, he presented to the President of the United States the following enrolled bills:

S. 1186. An act to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands;

S. 2370. An act authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorizing appropriations for that purpose;

S. 2447. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes; and

S. 2701. An act to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

ADJOURNMENT TO TOMORROW AT 11 A.M.

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move that the Senate adjourn, under the order previously entered, until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 22 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Wednesday, September 16, 1964, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 1964:

Edward W. Dempsey, of Missouri, to be Special Assistant on Health and Medical Affairs to the Secretary of Health, Education, and Welfare.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 15, 1964:

COMMISSION ON CIVIL RIGHTS

Mrs. Frankie Muse Freeman, of Missouri, to be a member of the Commission on Civil Rights.

U.S. DISTRICT JUDGE

Gerald J. Weber, of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania.

Francis C. Whelan, of California, to be U.S. district judge for the southern district of California.

U.S. CUSTOMS COURT

Philip Nichols, Jr., of Massachusetts, to be Judge of the U.S. Customs Court.

BOARD OF PAROLE

Ziegel W. Neff, of Missouri, to be a member of the Board of Parole for the term expiring September 30, 1970.

COURT OF GENERAL SESSIONS

Edward A. Beard, of the District of Columbia, to be associate judge of the District of Columbia court of general sessions for the term of 10 years. He is now serving in this office under an appointment which expired July 2, 1963.

HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 15, 1964

The House met at 12 o'clock noon.

Rev. Edward G. Latch, Metropolitan Memorial Methodist Church, Washington, D.C., offered the following prayer:

O God, our Father, to whom we belong and in whom we live and move and have our being, we come unto Thee in this our morning prayer seeking a fresh consciousness of the reality of Thy presence. Help us to know and to deeply believe that Thou art with us and that Thou art always with us seeking to guide us along the way we should go. If some of us have been shattered by doubt or hurt by disbelief until life has been drained of its worth—restore to us such a vision of Thee that we may believe triumphantly once again. In the midst of our work may we hear Thy voice speaking to each of us, stimulating us and summoning us to a dedicated and victorious living.

For our Nation we pray and we pray that it may not miss the true path amid the world's confusion. Bless Thou all the leaders of our people and crown with success the efforts of those who seek to create an ordered and a peaceful human family upon this planet. In all integrity and in truth steady Thou our faith that life for us may not be a drifting raft but a ship with a course. In the name of Jesus we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE SYSTEM

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11865) to increase benefits under the Federal old-age, survivors, and disability insurance system, to provide child's insurance benefits beyond age 18 while in school, to provide widow's benefits at age 60 on a reduced basis, to provide benefits for certain individuals not otherwise eligible at age 72, to improve the actuarial status of the trust funds, to extend coverage, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

Mr. **UTT.** Mr. Speaker, reserving the right to object, I would like to ask the chairman of the Committee on Ways and Means, Is there any agreement that this shall go directly to conference without any intervening move by either the majority or the minority?

Mr. **MILLS.** That is correct. It is my understanding, if we can send this matter to conference by unanimous consent, that will be correct.

Mr. **HALLECK.** Mr. Speaker, will the gentleman yield?

Mr. **UTT.** I yield to the minority leader.

Mr. **HALLECK.** That is my understanding, and I have discussed the matter with Mr. Byrnes of Wisconsin, the ranking Republican member.

Mr. **ALBERT.** Mr. Speaker, will the gentleman yield?

Mr. **UTT.** I yield to the majority leader.

Mr. **ALBERT.** That is my understanding, also.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

The Chair hears none and appoints the following conferees: Messrs. Mills, King of California, Boggs, Byrnes of Wisconsin, and Curtis.

A POLITICAL APPEAL TO FEAR

Mr. **HALLECK.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. **HALLECK.** Mr. Speaker, I was home over this past weekend and I have seldom heard as many indignant protests as I did about the Democratic National Committee's television commercial on behalf of President Johnson in which a little girl and an atomic bomb are used to create the illusion that if one does not vote for Lyndon Johnson we will all be destroyed.

The decent people of this Nation, I submit, resent this kind of play on emotions, this appeal to fear, this scare campaign that outdoes a horror movie. A President of the opposition party once said: "The only thing we have to fear is fear itself." But this vicious and unjustified political commercial has fear as its only objective. It can have no other purpose. Imagine the terrifying effect it must have on children.

Since the beginnings of radio, this Nation has become accustomed to listen with respect to the voice of the President. Thirty years ago, the fireside chat gave the Presidency a personal, intimate association with our people. In time of war, emergency, and crisis, whoever has been in the White House has taken to the airways to explain our position or status of a particular development.

There have been suggestions in the press and elsewhere that this presidential campaign of 1964 would be rough and tough. I deplore some of the literature that has already raised its ugly head, but to my knowledge none of the really scurrilous material had come from either of our two great political parties. But the commercial to which I refer does bear the sponsorship of the Democratic Party and does use the Presidential voice. If the Democratic National Committee does not promptly withdraw this commercial, then President Johnson should order it withdrawn himself.

Meanwhile, all right-thinking Americans must be asking themselves: If the Democrats will stoop to these tactics to win an election, what can the country expect next?

PROPER CAMPAIGN ISSUE

Mr. **ALBERT.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. **ALBERT.** Mr. Speaker, I did not expect this matter to come to the floor this morning.

Since it has been raised, however, I think it is fair to say that the pronouncements of Senator Goldwater with respect to the use of nuclear bombs and the control of nuclear weapons are well known. I know of no subject matter which the Democratic Party has introduced that is sacrosanct, that is excluded from public discussion or which is not open to being made a campaign issue, whenever the Republican candidate or the Republican National Committee deem it in the interest of their campaign to do so. Having arrested the attention of the Nation on this issue, Senator Goldwater cannot now ring down the curtain on further discussion or argument. The issue itself actually transcends political considerations.

Mr. Speaker, I would like to refer the gentleman to many editorials on this subject, including an editorial in the Saturday Evening Post and statements of outstanding authorities who have analyzed the statements of the Republican candidate for President.

Mr. Speaker, the people of this country are concerned over this issue, and that is why it is an issue in this campaign. Of course, any incorrect inference made with respect to either candidate is wrong, but in this instance the facts speak for themselves. It is Senator Goldwater who has been making nuclear war a campaign issue.

Mr. **BOGGS.** Mr. Speaker, will the gentleman yield?

Mr. **ALBERT.** I yield to the gentleman from Louisiana.

Mr. **BOGGS.** The gentleman knows, and properly so, that the American people are very much concerned about who handles atomic bombs. If there is any confusion about Senator Goldwater's position he has made it himself.

Mr. Speaker, I commend the editorial which appeared in the Saturday Evening Post, one of the outstanding conservative journals in this country, which points out Senator Goldwater's record.

As a matter of fact, Mr. Speaker, there will be issues made on his stands on many things. For instance, he voted against the tax bill, and now he says he is for that bill. He says he was not for voluntary social security and now he says he is for voluntary social security.

Mr. Speaker, if the gentleman from Indiana wants to engage in a political discussion, we are very happy to have it right now.

Mr. **ALBERT.** Mr. Speaker, I might also add that Senator Goldwater voted against the test ban treaty.

Mr. Speaker, these are matters which the American people want to be brought out in the campaign and which will be brought out in the campaign and which will be decisive in the campaign.

INVESTIGATION INTO THE CONSTRUCTION OF THE NEW HOUSE OFFICE BUILDING

Mr. **GROSS.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. **GROSS.** Mr. Speaker, I am pleased to note that the General Accounting Office will launch an investigation into the construction of the new House Office Building which is being erected by Matthew McCloskey, a fund raiser for the Democratic Party.

This is the same McCloskey who built a veterans' hospital in Boston which started to show defects before it was fully occupied.

This is the same McCloskey who built the District of Columbia Stadium which, we hear, is starting to crack at the seams.

This is the same McCloskey who, with Bobby Baker, allegedly padded $35,000 of payola into the premium on the performance bond in connection with the stadium.

At least the GAO may be able to tell Members of the House whether the new $100 million House Office Building is likely to crack at the seams if ever they have the opportunity to move in.

CAMPAIGN ORATORY

Mr. **BOGGS.** Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. **BOGGS.** Mr. Speaker, with further reference to campaign tactics, I happened to be one of those who was summoned from a day or two off to attend in Washington a meeting several years ago when we had a crisis of monumental proportions in Cuba. I went there with leaders from both political parties and watched the action of the late President of the United States under those circumstances. When he looked down the nuclear barrel which was pointed at us by Mr. Khrushchev he unflinchingly called Mr. Khrushchev's hand, and the world breathed easier.

When one talks about campaign tactics, I was appalled, amazed, and disgusted with the Republican candidate for the Presidency last week when in a campaign oratory he attempted to call that a manufactured crisis. If one wants to look at cheap campaign politics that is about the cheapest I ever heard of.

CAMPAIGN ORATORY

Mr. HOSMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOSMER. Mr. Speaker, I address myself to the campaign oratory just heard in this Chamber relative to the control of nuclear weapons. This issue is very basic to the survival of the United States. The debate over it can do irreparable mischief to America's defenses if those who engage in it confuse rather than inform the public accurately regarding the nature, the potentialities, and the limitations of these weapons. I point out that the President of the United States thus far has done nothing to lift the level of public understanding of these matters. I must admit that Senator GOLDWATER, who raised the issue, did so in language somewhat ambiguous.

This need to inform the public arises because for the first time in history, control over a weapon has shifted from military commanders to the civilian population. Even though by law the U.S. President's finger is on the nuclear trigger, that finger is, in turn, controlled by the attitudes of the people of the United States. Wise decisions regarding the intelligent use or nonuse of nuclear weapons may decide the worldwide contest between communism and freedom. These decisions will not depend on the skill, wisdom, and training of professional military officers. They will be governed by public opinion. Thus it is that every citizen must possess the knowledge basically needed to achieve rational opinions which will control the finger on the trigger in a manner which is to our real national interest and not otherwise.

We still have far to go to achieve the degree of public understanding of nuclear problems required for this purpose. Today's attitudes toward nuclear weapons churn on a frothy sea of emotion ripped by black tides of ignorance which frequently flow from unneeded atomic security restrictions. These attitudes are buffeted ceaselessly by Soviet propaganda blasts calculated to immobilize the West's nuclear defense capabilities by sowing doubts over the morality of even possessing it.

The presidential contenders and others engaged in this debate face a formidable challenge to shed upon this subject the light it so badly needs. The time is brief. Only a few short campaign weeks remain. The subject matter is difficult. The atom is complex. The military and diplomatic considerations involved are wide ranging. Ever present is a necessity to resist temptation to reap partisan political advantage by confusing, unscrupulous emotional distortions such as the television advertisement mentioned by the gentleman from Indiana [Mr. HALLECK] which has been sponsored by the Democratic campaign committee.

Such actions as that pose to either presidential candidates the possibility of a pyrric victory in November. The next President of the United States should not be placed at the helm of a country for 4 years whose vital nuclear policies are guided unwisely by misinformed or uninformed public clamor. It is the responsibility of the contenders for the Presidency and all who seek national offices swiftly to bring to being a U.S. citizenry properly informed regarding our nuclear problems and capable of resolving them wisely.

I suggest that a proper beginning can be made if both President Johnson and his supporters and Senator GOLDWATER and his supporters point out that we already have abandoned to the Russians all control over strategic nuclear weapons. These are the warheads carried by SAC aircraft and ICBM's. We have constantly restated our position that these are deterrent weapons. As such they will be used only to strike back should the Russians attack us with nuclear weapons. Thus the control of this class of nuclear weapons is not an issue. Their control has been handed to the Kremlin.

My next suggestion is that both sides agree that basically the argument is over battlefield nuclear weapons. As such the dispute does not involve all of what are known as tactical nuclear weapons. The tactical nuclear weapons category includes those which may be carried by aircraft or intermediate range ballistic missiles far into enemy territory for the purpose of interdicting supply lines and generally disrupting those activities outside the actual battlefield which contribute to strength on the battlefield. Use of these weapons often involves the civilian population and supporting civilian installations. The warheads for such tactical nuclear purposes may often involve yields equal to or exceeding by several times those of the Hiroshima and Nagasaki bombs.

By way of contrast, battlefield nuclear weapons, around which the current dispute revolves, are weapons whose use is restricted to the area of combat and whose application is against enemy combat personnel. Ideally weapons suitable for this use should be put to swift use by commanders on the battlefield as fluid situations occur. No one who has experienced combat under such conditions will argue that that delay or indecision in the application of force at opportune targets at opportune times courts anything but quick and certain defeat. Weapons suitable for battlefield use must possess certain characteristics, however.

The real crux of the present dispute lies basically in the fact that, even admitting military commanders can safely and rationally be preauthorized by the President under strictly specified conditions of emergency and interruption of communications to employ suitable battlefield nuclear weapons, we do not now actually possess such weapons with the necessary characteristics for this purpose.

True, we possess such weapons in subkiloton and low kiloton yield ranges. Senator GOLDWATER properly points out the possibility of utilizing a battlefield nuclear weapon of less explosive force than a conventional one. However, in addition to its blast the nuclear weapon will release radiation, which the conventional weapon will not. Although the radiation released by a single small battlefield nuclear weapon might be small, it is not anticipated that only a single weapon would be fired. The cumulative radioactivity of several such weapons could result in conditions much more severe than the firing of an equal number of conventional warheads. Without the ability to guarantee the confinement of such radioactive effects to the battlefield it is readily apparent that the tactical commander's decision might well have strategic implications ranging far beyond the boundaries of his command.

Thus the real crux of the current argument is not really whether field commanders should be preauthorized to employ suitable nuclear weapons. Senator GOLDWATER is right in his feeling that they should. The real crux of this argument is that we do not possess suitable battlefield nuclear weapons so to employ and President Johnson is right in his feeling that field commanders should not be preauthorized to employ the unsuitable ones now in stockpile.

The pity of the debate ranging on this political battlefront so far is that Johnson has been talking about one thing, GOLDWATER has been talking about another, and neither has made it clear they are really talking about different things. The further tragedy of the debate so far is that nobody yet has pointed out that it is possible for them to get on common ground. This possibility exists within the present state of the nuclear weapons art. It only awaits the proper direction of the effort of our atomic scientists to go about it.

It is possible within the immediate future to develop and quickly place in stockpile tonnage yield battlefield nuclear weapons with such small radiation effects that no concern need be held over the confinement of these effects to the battlefield. On only a slightly longer time scale it should be possible for our laboratories to supply field commanders neutron emitting nuclear weapons whose radiation effects are limited to the immediate firing range and whose explosive yield is so slight that physical destruction to cities and structures would be far less extensive than that from use of conventional weapons. In the not too distant future beyond these first developments, others are in store which would permit a further discrimination in response truly affording us the "wider choice than humiliation or all-out nuclear action" for which the late President Kennedy so wisely pleaded.

It is important to note that President Johnson at no time has ever claimed to have ordered the nuclear laboratories to proceed with the developments I have outlined. If there is fault to be found it is in failure of this initiative.

AWARD OF CIVIL RIGHTS SCHOLARSHIPS AT THE UNIVERSITY OF NOTRE DAME, SOUTH BEND, IND.

Mr. McCLORY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, it was my privilege yesterday to participate in a significant ceremony held in your office in connection with the award of the President John F. Kennedy Civil Rights Scholarships at the University of Notre Dame, South Bend, Ind. These scholarships were created through the devotion and generosity of John and Ouida Bundschuh of Scarsdale, N.Y.

Mr. Speaker, Mr. and Mrs. Bundschuh recognized in the late President Kennedy a profound interest in the cause of civil rights for all Americans. In undertaking to express their respect for the late President and their gratitude to the Almighty, they have created these two scholarships at the University of Notre Dame.

My particular part in the ceremony today in the Speaker's office resulted from the fact that my constituent, Jacques Frank Yates, of Waukegan, in Illinois' 12th Congressional District, is one of the first recipients of the President John F. Kennedy civil rights scholarship. The other recipient is Leon John Roos, of Houston, Tex.

These two students are outstanding examples of fine, young, American manhood. Frank Yates achieved a record of scholarship at Notre Dame last year which included a 3.8 average in mathematics. In the case of John Roos, he achieved a 4.0 average during his junior year at Notre Dame.

Mr. Speaker, I would like to congratulate John and Ouida Bundschuh for their demonstration of gratitude to God and to their country by the creation and awarding of the President John F. Kennedy civil rights scholarships. In addition, I want to congratulate Notre Dame University for its faithful work in administering these scholarships, as well as in its other important academic and spiritual work in the field of education, under the brilliant guidance and direction of Father Theodore Hesburgh, president of the university.

Of course, Mr. Speaker, I want to express special congratulations to the two fine young men who are the recipients of these awards—Jacques Frank Yates and Leon John Roos.

THE LATE STATE AUDITOR OF MASSACHUSETTS, HON. THOMAS J. BUCKLEY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCORMACK. Mr. Speaker, one of the most dedicated public officials of the history of Massachusetts, Hon. Thomas J. Buckley, State auditor for the past 24 years, died suddenly on September 9 last. He was recognized, and properly so, as the most outstanding State auditor of the Commonwealth's history.

For 24 years, State Auditor Buckley, or Tom, as he was respectfully and endearingly called, served Massachusetts with great ability, with dedication, honorably and trustworthy in every respect, and above all, with courage. Tom Buckley was a political institution in Massachusetts based on respect of all the people. From the first time he was elected 24 years ago, he was reelected every 2 years by overwhelming majority, leading other constitutional officers by tens of thousands of votes.

On Wednesday last, State Auditor Buckley suddenly died. He was not opposed in the primary of the next day and would have been reelected in November for his 13th term. His death was most unexpected, and the people of Massachusetts mourn his loss.

In his first campaign, 24 years ago, his opponent on election day was heralded throughout the press and otherwise as a "great orator." Tom Buckley countered by saying, "I am an auditor, not an orator." In a few words he drove home a point that was most effective. He won easily, and has never had any trouble since in being reelected, his majorities increasing with each campaign. On November next Tom Buckley would have been elected for his 13th term which his sudden death denies him.

In the passing of State Auditor Buckley, I have lost a very close and personal friend—Massachusetts has lost one of its most outstanding sons.

Mrs. McCormack and I extend to his brother and sister our deep sympathy in their great loss and sorrow.

THE LATE NORMAN J. GOULD OF SENECA FALLS, N.Y., FORMERLY A REPRESENTATIVE FROM NEW YORK

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, one of my distinguished predecessors from the upstate New York district which I have the honor to represent, the Honorable Norman J. Gould, of Seneca Falls, passed away the other day. Norman Gould was a Member of the House from 1917 to 1923.

Under leave to extend my remarks I include here an editorial from the Geneva Times of Geneva, N.Y., for August 21, 1964, extolling the character and accomplishments of former Congressman Gould. The editorial is as follows:

NORMAN J. GOULD

An industrial giant passed from the Finger Lakes scene yesterday and his loss will be felt in many areas.

Norman J. Gould, like his grandfather and others who made the pump company in Seneca Falls the world's largest, was practically an institution in his beloved hometown. Since 1848, when the company was founded, Goulds Pumps has provided employment for generation after generation.

"N.J.," as president for 57 consecutive years, deserves major credit for the solid growth of the company and the institution of employee benefits in many cases far ahead of their general acceptance by industry.

But, important as were his contributions to the economic health of Seneca County, Mr. Gould will be well remembered in many other areas. He was devoted to the Boy Scout movement and gave countless hours to development of the Finger Lakes Council. He was a prime mover in making possible the new community center and the Seneca Falls Hospital. He aided community projects devotedly.

Politics were always a passion with Mr. Gould and he remained alertly interested in national, State, and local developments throughout his life. Having served as a Congressman while still a young man, Mr. Gould had an exceptional circle of contacts many of whom sought—and received—his political advice over the years. He served as chairman of the board of the citizens public expenditure group—an agency devoted to ending waste in government—for many years.

The successful pump works in Seneca Falls stands today as a monument to the business acumen and drive of Mr. Gould. But to many—including his friends on this newspaper—the end to the friendly visits, the countless kind acts of a Finger Lakes neighbor will long remain as important memories.

SOCIAL SECURITY BENEFITS

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, I am tremendously concerned with the action we have taken today to send the social security bill to conference without instructions to report back legislation including the Senate amendments on hospital care for the aged.

It is extremely unlikely that the conferees will report a bill including hospital care provisions, since most of the conferees have expressed themselves in opposition to this legislation.

Under the circumstances it appears very unlikely that a record vote will be taken in the House this year on this issue. If the conferees report the social security amendments back without the hospital care provisions, the House will only have the choice of voting the modest social security increases either up or down.

It is quite obvious that this modest and insignificant increase in social security benefits will increase the contributions to a level which may practically preclude the addition of hospital benefits in the future.

It is my sincere hope that the parliamentary situation will permit a rollcall vote on this issue, so that the House can be permitted to work its will beyond the simple privilege either of accepting or rejecting the modest increases in social security benefits.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

DR. AND MRS. ABEL GORFAIN

The Clerk called the bill (H.R. 2706) for the relief of Dr. and Mrs. Abel Gorfain.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHARLES WAVERLY WATSON, JR.

The Clerk called the bill (H.R. 2728) for the relief of Charles Waverly Watson, Jr.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

JOHN F. MacPHAIL

The Clerk called the bill (H.R. 5145) for the relief of John F. MacPhail, lieutenant, U.S. Navy.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ESTATE OF J. W. GWIN, SR.

The Clerk called the bill (H.R. 2747) for the relief of the estate of J. W. Gwin, Sr.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

HELEN J. GOOGINS

The Clerk called the bill (H.R. 6839) for the relief of Helen J. Googins.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

JONG WAN LEE

The Clerk called the bill (H.R. 6479) for the relief of Jong Wan Lee.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

BENJAMIN A. RAMELB

The Clerk called the bill (S. 353) for the relief of Benjamin A. Ramelb.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHARLES MAROWITZ

The Clerk called the bill (H.R. 1219) for the relief of Charles Marowitz.

Mr. ELLSWORTH. Mr. Speaker, on behalf of the gentleman from Illinois [Mr. ANDERSON], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

MAXIE L. STEVENS

The Clerk called the bill (H.R. 6183) for the relief of Maxie L. Stevens.

Mr. ROBERTS of Alabama. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

OSCAR V. JOHNSON

The Clerk called the bill (H.R. 7176) for the relief of Oscar V. Johnson.

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

LT. COL. JOHN W. CASSELL, U.S. ARMY

The Clerk called the bill (H.R. 9286) for the relief of Lt. Col. John W. Cassell, U.S. Army.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the gentleman from Kansas?

There was no objection.

CLARENCE L. AIU, ET AL.

The Clerk called the bill (H.R. 9406) for the relief of Clarence L. Aiu and others.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each of the following claimants, or to his survivors, the sum designated, in full satisfaction of his claim against the United States, which sum represents the reasonable value of each claimant's personal property lost, damaged, or destroyed by, and personal expenses incurred as a result of, typhoon "Karen" which occurred at Guam, Marianas Islands, on November 11, 1962, where each claimant was required to be incident to his service as an employee of the United States Government:

Clarence L. Aiu, $652.06; Ralph C. Alexander, $225; Ronald E. Bereman, $570; Donald F. Berrigan, $660.77; John M. Bonvissuto, $1,919.60; Thomas G. Brown, $2,475.45; Norman L. Butner, $675; George T. Candy, $1,886; Willis S. Cannon, Junior, $2,134; Harry Clark, Junior, $2,537.50; George DeLima, $801; John C. Enlow, $198; Wilfrid F. Gehrkin, $325; Marvin A. Gradwohl, $7,221.28; Emil E. Guenther, $881; Harold W. Hamm, Junior, $235; Chester D. Hand, $1,638;

George T. Harris, $3,084.74; George F. Hartley, $1,951.50; William A. Hawkins, $618.22; Yushio Hirata, $1,290; Guy R. Hudson, $1,476.10; Ronald H. Inefuku, $843.19; William G. Jackson, $1,909; Loren E. Jones, $1,146.95; Leroy E. Joppie, $260; Arthur K. Kawai, $529; Lyle V. Kilpatrick, $489; Verden Kim, $876; Albert S. C. Kong, $2,181.40; James T. Kushima, $264.25; William A. Lawless, $1,503.83; Roy S. Makio, $797; Manuel Marin, $6,856; K. Steward McClelland, $329;

Lestel D. McQuay, $54.77; Alexander S. Melligio, $2,584.45; Wallace T. Morioka, $3,128.19; Thomas J. Morris, $1,284; Judson S. Munsey, $3,463.05; Gary J. Nelson, $510.50; Cornelius E. O'Brien, $1,023; James T. O'Donnell, $2,436.97; Robert E. Orr, $675; John H. Outcalt, $1,108.25; Daniel J. Pereira, $1,453; James V. Powell, $214; Agnes M. Pratt, $1,144.20; John B. Pratt, Jr., $807.90; Joe C. Price, $947.55; Lloyd V. Richmond, $2,495; Leroy Rosa, $80; Kenneth H. Short, $1,768;

Vianne C. Stream, $626.50; Chester K. Tatsumura, $1,106.90; Raymond S. Tokumoto, $971.22; Charles M. Unten, $3,184.75; Arthur H. Watt, $545; James A. Wene, $449; Homer L. Willess, $1,834.85; Robert G. C. Wong, $135; Gordon R. Yen, $400.

Provided, That no part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding.

Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. This Act shall become effective immediately upon its enactment.

With the following committee amendments:

Page 2, line 10, strike "$7,221.28" and insert "$6,500".

Page 2, line 20, strike "$6,856" and insert "$6,500".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LT. COL. JAMES P. HUBBARD, U.S. ARMY

The Clerk called the bill (H.R. 9430) for the relief of Lt. Col. James P. Hubbard, U.S. Army.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DANIEL WALTER MILES

The Clerk called the bill (H.R. 9847) for the relief of Daniel Walter Miles.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

McKOY-HELGERSON CO.

The Clerk called the bill (H.R. 9949) for the relief of McKoy-Helgerson Co.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

TRYGVE A. ROVELSTAD

The Clerk called the bill (H.R. 10259) to provide for the remuneration of artistic services rendered by Trygve A. Rovelstad in the creation of certain designs for the "American Roll of Honor," a memorial book, now reposing in the American Memorial Chapel of St. Paul's Cathedral, London, England.

Mr. ROBERTS of Alabama. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

COL. WILLIAM W. THOMAS AND LT. COL. NORMAN R. SNYDER, U.S. AIR FORCE

The Clerk called the bill (H.R. 11468) for the relief of Col. William W. Thomas and Lt. Col. Norman R. Snyder, U.S. Air Force.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

C.M. SGT. ROBERT J. BECKER, U.S. AIR FORCE

The Clerk called the bill (H.R. 11469) for the relief of C.M. Sgt. Robert J. Becker, U.S. Air Force.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COL. THOMAS O. LAWTON, JR., U.S. AIR FORCE

The Clerk called the bill (H.R. 11484) for the relief of Col. Thomas O. Lawton, Jr., U.S. Air Force.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LT. COL. CLAUDE E. TABOR, JR., U.S. AIR FORCE

The Clerk called the bill (H.R. 11485) for the relief of Lt. Col. Claude E. Tabor, Jr., U.S. Air Force.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

E. F. FORT, CORA LEE FORT CORBETT, AND W. R. FORT

The Clerk called the bill (H.R. 5898) for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort.

Mr. ELLSWORTH. Mr. Speaker, on behalf of the gentleman from Illinois [Mr. ANDERSON], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

YIH-HO PAO AND HIS WIFE, JOANNE T. PAO

The Clerk called the bill (S. 584) for the relief of Yih-Ho Pao and his wife, Joanne T. Pao.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 2 of the Act entitled "An Act to facilitate the entry of alien skilled specialists and certain relatives of United States citizens, and for other purposes", approved October 24, 1962 (76 Stat. 1247), Yih-Ho Pao shall be held and considered to be an alien eligible for a quota immigrant status under the provisions of section 203(a)(1) of the Immigration and Nationality Act on the basis of a petition filed with the Attorney General prior to April 1, 1962.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARTHUR WENDELL BOLTA

The Clerk called the bill (S. 1737) for the relief of Arthur Wendell Bolta.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212 (a)(1) of the Immigration and Nationality Act, Arthur Wendell Bolta may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: *Provided,* That, unless the beneficiary is entitled to care under chapter 55 of title 10, United States Code, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GLENDA WILLIAMS

The Clerk called the bill (S. 1966) for the relief of Glenda Williams.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Glenda Williams may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of that Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Hercules Ellis, citizens of the United States, pursuant to section 205(b) of the Immigration and Nationality Act, subject to all the conditions in that section relating to eligible orphans.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HATTIE LU

The Clerk called the bill (S. 1986) for the relief of Hattie Lu.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Hattie Lu, the fiancee of A/1C Ronald E. Payne, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months, if the administrative authorities find (1) that the said Hattie Lu is coming to the United States with a bona fide intention of being married to the said A/1C Ronald E. Payne and (2) that she is otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Hattie Lu, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Hattie Lu, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Hattie Lu as of the date of the payment by her of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCISCO NAVARRO-PAZ

The Clerk called the bill (S. 1999) for the relief of Francisco Navarro-Paz.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Francisco Navarro-Paz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALEXA DANIEL

The Clerk called the bill (S. 2163) for the relief of Alexa Daniel.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GIUSEPPE DiCENSO

The Clerk called the bill (S. 2205) for the relief of Giuseppe DiCenso.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Giuseppe DiCenso may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of that Act, upon approval of a petition filed in his behalf by Mrs. Antonio DiCenso, a citizen of the United States, pursuant to section 205(b) of the Immigration and Nationality Act, subject to all the conditions in that section relating to eligible orphans.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DENISE HOJEBANE BARROOD

The Clerk called the bill (S. 2599) for the relief of Denise Hojebane Barrood.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CZESLAW (CHESTER) KALUZNY

The Clerk called the bill (S. 2629) for the relief of Czeslaw (Chester) Kaluzny.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of sections 203(a)(2) and 205 of the Immigration and Nationality Act, Czeslaw (Chester) Kaluzny shall be held and considered to be the natural-born alien son of Mr. and Mrs. Joseph D. Malinowski, citizens of the United States: *Provided,* That the natural father of the said Czeslaw (Chester) Kaluzny shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEBRA LYNNE SANDERS

The Clerk called the bill (S. 2673) for the relief of Debra Lynne Sanders.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JOANNE IRENE TAYLOR

The Clerk called the bill (S. 2812) for the relief of Joanne Irene Taylor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Joanne Irene Taylor shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN EMPLOYEES OF THE ALASKA RAILROAD

The Clerk called the bill (S. 1640) for the relief of certain employees of the Alaska Railroad.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That employees and former employees of the Alaska Railroad who are members of Lodge No. 1735 of the International Association of Machinists are hereby relieved of all liability to refund to the United States all amounts erroneously paid to them without competent administrative authority as retroactive wage increases for the period October 9, 1962, through January 9, 1963, such amounts having been paid without fault on the part of such employees. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for any amounts for which liability is relieved by this Act.

SEC. 2. Upon application filed with the Secretary of the Interior within one year after the date of enactment of this Act by any employee or former employee of the Alaska Railroad, the Secretary of the Interior is authorized and directed to pay, out of any money available for the payment of wages to employees of the Alaska Railroad, to any such employee or former employee, the sum of any amount received or withheld from him on account of any amounts erroneously paid to him as described in the first section of this Act.

With the following committee amendment:

Page 1, line 4, strike "members of" and insert "represented by".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HONORATA A. VDA DE NARRA

The Clerk called the bill (S. 2063) for the relief of Honorata A. Vda de Narra.

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

WITHDRAW SUSPENSION OF DEPORTATION OF JOE QUONG

The Clerk called the Senate concurrent resolution (S. Con. Res. 66) withdrawing suspension of deportation of Joe Quong.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress, in accordance with section 246(a) of the Immigration and Nationality Act (8 U.S.C.A. 1256(a)), withdraws the suspension of deportation in the case of Joe Quong (A-5635350) which was previously granted by the Attorney General and approved by the Congress.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

UICHI KAYAHARA

The Clerk called the bill (H.R. 2306) for the relief of Uichi Kayahara.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Uichi Kayahara shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all of the enacting clause and insert in lieu thereof the following:

"That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Uichi Kayahara. From and after the date of the enactment of this Act, the said Uichi Kayahara shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE A. GRABERT

The Clerk called the bill (H.R. 4758) for the relief of George A. Grabert.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROBERT J. BEAS

The Clerk called the bill (H.R. 5853) for the relief of Robert J. Beas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert J. Beas of 6441 Grosse Drive, Cleveland, Ohio, hereby is relieved of all liability to repay to the United States the sum of $800. Such sum represents the amount which he was required to pay for the loss of a package of registered mail while he was employed at the United States post office at Cleveland, Ohio.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay to the said Robert J. Beas, out of any money in the Treasury not otherwise appropriated, any amounts paid by him in reduction of the indebtedness referred to in section 1 of this Act or withheld from amounts otherwise due him because of that indebtedness: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MARIA EDUVIGIS ARAN HEFFERNAN

The Clerk called the bill (H.R. 5978) for the relief of Mrs. Maria Eduvigis Aran Heffernan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Maria Eduvigis Aran Heffernan, the widow of a United States citizen, shall be deemed to be within the purview of section 101(a)(27)(A) of the Immigration and Nationality Act, and the provisions of section 205 of that Act shall not be applicable in this case.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REV. DONALD AKSEL OLSEN

The Clerk called the bill (H.R. 6008) for the relief of the widow and minor children of the Reverend Donald Aksel Olsen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of determining the entitlement of the survivors of the Reverend Donald Aksel Olsen (social security account numbered 399-28-0634) to monthly insurance benefits under title II of the Social Security Act on the basis of his wages and self-employment income (and for purposes of determining the amount of such benefits), the said Donald Aksel Olsen shall be held and considered to have filed a valid waiver certificate under section 1402(e) of the Internal Revenue Code of 1954 on (and effective from and after) June 16, 1957.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LYNETTE MARGARET WARRILOW

The Clerk called the bill (H.R. 8967) for the relief of Lynette Margaret Warrilow.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lynette Margaret Warrilow and child, the fiancée of Corporal Joseph Frecas, United States Marine Corps, a citizen of the United States, and her minor child, shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided,* That the administrative authorities find that the said Lynette Margaret Warrilow and child are coming to the United States with a bona fide intention of being married to the said Corporal Joseph Frescas and that they are found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Lynette Margaret Warrilow and child, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within three months after the entry of the said Lynette Margaret Warrilow and child, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Lynette Margaret Warrilow and child, as of the date of the payment by them of the required visa fees.

With the following committee amendments:

On page 1, line 4, after the name "Lynette Margaret Warrilow" strike out the words "and child".

On page 1, line 5, strike out the name "Frecas" and substitute the named "Frescas".

On page 1, line 7, after the word "and her minor child,", insert the name "Michael Warrilow,".

On page 1, line 10, strike out the language "and child are" and substitute the word "is".

On page 2, line 5, after the first word "child,", insert the name "Michael Warrilow,".

On page 2, line 11, after the words "and child,", insert the name "Michael Warrilow,".

On page 2, line 13, after the words "and child", insert ", Michael Warrilow,".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill for the relief of Lynette Margaret Warrilow and her child, Michael Warrilow."

A motion to reconsider was laid on the table.

STAIMAN BROS.-SIMON WRECKING CO.

The Clerk called the bill (H.R. 9029) for the relief of Staiman Bros.-Simon Wrecking Co.

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

C. R. SHAEFFER & SONS

The Clerk called the bill (H.R. 9647) for the relief of C. R. Shaeffer & Sons.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SGT. DONALD E. HURRLE, U.S. MARINE CORPS

The Clerk called the bill (H.R. 10198) for the relief of Sgt. Donald E. Hurrle, U.S. Marine Corps.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sergeant Donald E. Hurrle, United States Marine Corps, is hereby relieved of all liability for repayment to the United States of the sum of $129.49, representing the amount of compensation earned by him during the period July 30, 1963, through August 8, 1963, as an employee of the Bostonia station of the El Cajon, California, post office when, through a misunderstanding, he continued his employment at the post office while officially in the Marine Corps on advance leave.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sergeant Donald E. Hurrle, an amount equal to the aggregate of any amounts paid by him or withheld from sums otherwise due him by reason of the liability referred to in this Act. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 3, strike "Donald E." and insert "Donald R.".

Page 2, line 3, strike "Donald E." and insert "Donald R.".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Sergeant Donald R. Hurrle, United States Marine Corps."

A motion to reconsider was laid on the table.

GERALD ST. JOHN

The Clerk called the bill (H.R. 10242) for the relief of Gerald St. John.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JOSEPH B. STEVENS

The Clerk called the bill (H.R. 10725) for the relief of Joseph B. Stevens.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JOHN HENRY TAYLOR

The Clerk called the bill (H.R. 10879) for the relief of John Henry Taylor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John Henry Taylor, of Columbus, Georgia, is relieved of liability to pay to the United States the sum of $923.51, representing the amount of salary overpayment received by him from the Post Office Department in the periods of January 1, 1953, through November 30, 1957, and January 11, 1958, through September 15, 1962, due to administrative error in the certification of service for longevity credit and without fault on his part. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to John Henry Taylor, of Columbus, Georgia, the sum certified to him by the Postmaster General as the aggregate of amounts paid to the United States by John Henry Taylor and amounts withheld by the United States from sums otherwise due him from the United States on account of the liability referred to in the first section of this Act. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of the preceding sentence shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF CERTAIN ALIENS

The Clerk called the House joint resolution (H.J. Res. 1157) for the relief of certain aliens.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Severia Cortes Naranjo may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Perfecto Nopasa Naranjo, a citizen of the United States, and Remedios Cortes Naranjo, a lawfully resident alien of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

SEC. 2. In the administration of the Immigration and Nationality Act, Dorian Whang and Bonita Whang may be classified as eligible orphans within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in their behalf by Mr. and Mrs. Vincent C. Licatesi, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans. Section 205(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

SEC. 3. In the administration of the Immigration and Nationality Act, George Scargall (formerly George Zammit) may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Joseph Scargall, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

SEC. 4. In the administration of the Immigration and Nationality Act, Mirjana Tomas may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Mark A. Tomas, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

SEC 5. In the administration of the Immigration and Nationality Act, Maria Stella Pezzo Calafato may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. George Calafato, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

SEC. 6. In the administration of the Immigration and Nationality Act, Czeslawa Podgorska may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Frank Helma, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

SEC. 7. In the administration of the Immigration and Nationality Act, Liliana Vrchkovska Pandoff may be classified as an eligible orphan within the meaning of section 101 (b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. William S. Pandoff, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

SEC. 8. In the administration of the Immigration and Nationality Act, Krystyna Horoszko Powell may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Lyndall G. Powell, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

SEC. 9. In the administration of the Immigration and Nationality Act, Letizia Geta may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Domenico Geta, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

SEC. 10. In the administration of the Immigration and Nationality Act, Annunziata Zingarelli (also known as Pedone) may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Pasquale Pedone, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

SEC. 11. In the administration of the Immigration and Nationality Act, Despina E. Foudoulakis may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Nick Matheakis, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

SEC. 12. In the administration of the Immigration and Nationality Act, Krystyna Zielinski (formerly Krystyna Widz) may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Frank Zielinski, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

LOUIS ST. LAURENT

The Clerk called the bill (H.R. 6184) for the relief of Louis St. Laurent.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Louis St. Laurent shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 30, 1956.

Amend the title so as to read: "A bill for the relief of Louis Stephen Edouard St. Laurent."

With the following committee amendments:

On page 1, line 4, strike out the name "Louis St. Laurent" and insert in lieu thereof the name "Louis Stephen Edouard St. Laurent".

On page 1, line 6, strike out the date "April 30, 1956" and substitute in lieu thereof the date "May 16, 1959".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "For the relief of Louis Stephen Edouard St. Laurent."

A motion to reconsider was laid on the table.

RELIEF OF CERTAIN ALIENS

The Clerk called the House joint resolution (H.J. Res. 1159) for the relief of certain aliens.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Yu Bing Chuck, Yu Lai Jin, Yu Lai Chum, and Yu Bing Cheong shall be eligible for visas as nonimmigrant temporary visitors: *Provided,* That the administrative authorities find that the said Yu Bing Chuck, Yu Lai Jin, Yu Lai Chum, and Yu Bing Cheong are coming to the United States for the purpose of being adopted by Mr. and Mrs. Henry Lee, citizens of the United States, and that they are found otherwise admissible under the immigration laws. In the event the adoption relationship between the above-named persons does not occur within the time proscribed by the Attorney General, the said Yu Bing Chuck, Yu Lai Jin, Yu Lai Chum, and Yu Bing Cheong shall be required to do part from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the adoption becomes valid, the said Yu Bing Chuck, Yu Lai Jin, Yu Lai Chun, and Yu Bing Cheong may be classified as eligible orphans within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in their behalf by the said Mr. and Mrs. Henry Lee, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans, whereupon the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Yu Bing Chuck, Yu Lai Jin, Yu Lai Chun, and Yu Bing Cheong, upon payment of the required visa fees, as of the date of their entry pursuant to this Act.

SEC. 2. In the administration of the Immigration and Nationality Act, Leonora Guevara Villanueva shall be eligible for a visa as a nonimmigrant temporary visitor: *Provided,* That the administrative authorities find that the said Leonora Guevara Villanueva is coming to the United States for the purpose of being adopted by Mr. and Mrs. Benny C. Fajardo, citizens of the United States, and that she is found otherwise admissible under the immigration laws. In the event the adoption relationship between the above-named persons does not occur within the time proscribed by the Attorney General, the said Leonora Guevara Villanueva shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the adoption becomes valid, the said Leonora Guevara Villanueva may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by the said Mr. and Mrs. Benny C. Fajardo, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans, whereupon the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Leonora Guevara Villanueva, upon payment of the required visa fee, as of the date of her entry pursuant to this Act.

SEC. 3. In the administration of the Immigration and Nationality Act, Clarence Earle Davis shall be eligible for a visa as a nonimmigrant temporary visitor: *Provided,* That the administrative authorities find that the said Clarence Earle Davis is coming to the United States for the purpose of being adopted by Mr. and Mrs. Clarence Rupert Davis, citizens of the United States, and that he is found otherwise admissible under the immigration laws. In the event the adoption relationship between the above-named persons does not occur within the time proscribed by the Attorney General, the said Clarence Earle Davis shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the adoption becomes valid, the said Clarence Earle Davis may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by the said Mr. and Mrs. Clarence Rupert Davis, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans, whereupon the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Clarence Earle Davis, upon payment of the required visa fee, as of the date of his entry pursuant to this Act.

SEC. 4. In the administration of the Immigration and Nationality Act, Marcia Patricia Connell shall be eligible for a visa as a nonimmigrant temporary visitor: *Provided,* That the administrative authorities find that the said Marcia Patricia Connell is coming to the United States for the purpose of being adopted by Mr. and Mrs. Roy E. Licorish, citizens of the United States, and that she is found otherwise admissible under the immigration laws. In the event the adoption relationship between the above-named persons does not occur within the time proscribed by the Attorney General, the said Marcia Patricia Connell shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the adoption becomes valid, the said Marcia Patricia Connell may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by the said Mr. and Mrs. Roy E. Licorish, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans, whereupon the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Marcia Patricia Connell, upon payment of the required visa fee, as of the date of her entry pursuant to this Act.

SEC. 5. In the administration of the Immigration and Nationality Act, Slovenka Perusko shall be eligible for a visa as a nonimmigrant temporary visitor: *Provided,* That the administrative authorities find that the said Slovenka Perusko is coming to the United States for the purpose of being adopted by Mr. and Mrs. Antonio Rodani, citizens of the United States, and that she is found otherwise admissible under the immigration laws. In the event the adoption relationship between the above-named persons does not occur within the time proscribed by the Attorney General, the said Slovenka Perusko shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the adoption becomes valid, the said Slovenka Perusko may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by the said Mr. and Mrs. Antonio Rodani, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans, whereupon the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Slovenka Perusko, upon payment of the required visa fee, as of the date of her entry pursuant to this Act.

SEC. 6. In the administration of the Immigration and Nationality Act, Wlodzimiesz Cielecki shall be eligible for a visa as a nonimmigrant temporary visitor: *Provided,* That the administrative authorities find that the said Wlodzimiesz Cielecki is coming to the United States for the purpose of being adopted by Mr. and Mrs. Walter Cielecki, citizens of the United States, and that he is found otherwise admissible under the immigration laws. In the event the adoption relationship between the above-named persons does not occur within the time proscribed by the Attorney General, the said Wlodzimiesz Cielecki shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the adoption becomes valid, the said Wlodzimiesz Cielecki may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by the said Mr. and Mrs. Walter Cielecki, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans, whereupon the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Wlodzimiesz Cielecki, upon payment of the required visa fee, as of the date of his entry pursuant to this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Yu Bing Chuck, Yu Lai Jin, Yu Lai Chun, and Yu Bing Cheong shall be eligible for visas as nonimmigrant temporary visitors: *Provided,* That the administrative authorities find that the said Yu Bing Chuck; Yu Lai Jin, Yu Lai Chun, and Yu Bing Cheong are coming to the United States for the purpose of being adopted by Mr. and Mrs. Henry Lee, citizens of the United States, that the preadoption requirements, if any, of the State of proposed adoption have been met, and that they are found otherwise admissible under the immigration laws. In the event the adoption does not occur within the time proscribed by the Attorney General, the said Yu Bing Chuck, Yu Lai Jin, Yu Lai Chun, and Yu Bing Cheong shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that final decrees of adoption are issued, the said Yu Bing Chuck, Yu Lai Jin, Yu Lai Chun, and Yu Bing Cheong may be classified as eligible orphans within the meaning of section 101(b)(1)(F) of the Act and the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Yu Bing Chuck, Yu Lai Jin, Yu Lai Chun, and Yu Bing Cheong as of the date of their entry pursuant to this Act upon submission and approval of applications for adjustment of status under section 245 of the Act.

"SEC. 2. In the administration of the Immigration and Nationality Act, Leonora Guevara Villanueva shall be eligible for a visa as a nonimmigrant temporary visitor: *Provided*, That the administrative authorities find that the said Leonora Guevara Villanueva is coming to the United States for the purpose of being adopted by Mr. and Mrs. Benny C. Fajardo, citizens of the United States, that the preadoption requirements, if any, of the States of proposed adoption have been met, and that she is found otherwise admissible under the immigration laws. In the event the adoption does not occur within the time proscribed by the Attorney General, the said Leonora Guevara Villanueva shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that a final decree of adoption is issued, the said Leonora Guevara Villanueva may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act and the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Leonora Guevara Villanueva as of the date of her entry pursuant to this Act upon submission and approval of an application for adjustment of status under section 245 of the Act.

"SEC. 3. In the administration of the Immigration and Nationality Act, Clarence Earle Davis shall be eligible for a visa as a nonimmigrant temporary visitor: *Provided*, That the administrative authorities find that the said Clarence Earle Davis is coming to the United States for the purpose of being adopted by Mr. and Mrs. Clarence Rubert Davis, citizens of the United States, that the preadoption requirements, if any, of the State of proposed adoption have been met, and that he is found otherwise admissible under the immigration laws. In the event the adoption does not occur within the time proscribed by the Attorney General, the said Clarence Earle Davis shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that a final decree of adoption is issued, the said Clarence Earle Davis may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act and the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Clarence Earle Davis as of the date of his entry pursuant to this Act upon submission and approval of an application for adjustment of status under section 245 of the Act.

"SEC. 4. In the administration of the Immigration and Nationality Act, Marcia Patricia Connell shall be eligible for a visa as a nonimmigrant temporary visitor: *Provided*, That the administrative authorities find that the said Marcia Patricia Connell is coming to the United States for the purpose of being adopted by Mr. and Mrs. Roy E. Licorish, citizens of the United States, that the preadoption requirements, if any, of the State of proposed adoption have been met, and that she is found otherwise admissible under the immigration laws. In the event the adoption does not occur within the time proscribed by the Attorney General, the said Maricia Patricia Conneil shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that a final decree of adoption is issued, the said Marcia Patricia Connell may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act and the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Marcia Patricia Connell as of the date of her entry pursuant to this Act upon submission and approval of an application for adjustment of status under section 245 of the Act.

"SEC. 5. In the administration of the Immigration and Nationality Act, Slovenka Perusko shall be eligible for a visa as a nonimmigrant temporary visitor: *Provided*, That the administrative authorities find that the said Slovenka Perusko is coming to the United States for the purpose of being adopted by Mr. and Mrs. Antonio Rodani, citizens of the United States, that the preadoption requirements, if any, of the State of proposed adoption have been met, and that she is found otherwise admissible under the immigration laws. In the event the adoption does not occur within the time proscribed by the Attorney General, the said Slovenka Perusko shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that a final decree of adoption is issued, the said Slovenka Perusko may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act and the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Slovenka Perusko as of the date of her entry pursuant to this Act upon submission and approval of an application for adjustment of status under section 245 of the Act.

"SEC. 6. In the administration of the Immigration and Nationality Act, Wlodzimiesz Cielecki shall be eligible for a visa as a nonimmigrant temporary visitor: *Provided*, That the administrative authorities find that the said Wlodzimiesz Cielecki is coming to the United States for the purpose of being adopted by Mr. and Mrs. Walter Cielecki, citizens of the United States; that the preadoption requirements, if any, of the State of proposed adoption have been met, and that he is found otherwise admissible under the immigration laws. In the event the adoption does not occur within the time proscribed by the Attorney General, the said Wlodzimiesz Cielecki shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that a final decree of adoption is issued, the said Wlodzimiesz Cielecki may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act and the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Wlodzimiesz Cielecki as of the date of his entry pursuant to this Act upon submission and approval of an application for adjustment of status under section 245 of the Act."

The committee amendment was agreed to.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 92) favoring the suspension of deportation of certain aliens.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

A–3787267, Rosales-Villanueva, Jesus.
A–12615068, Lieu, Kim-Yew.
A–2984458, Moreno-Perez, Jesus.
A–1481950, Razo, Graciano.
A–12617044, Wong, Leonard Chan.
A–1228745, Highbloom, Maurice.
A–5427225, Milgrom, Joseph.
A–10774247, Yin-Soon, Woo.
A–5458343, Tamayo-Jasso, Francisco Mario.
A–4892479, Garcia-Maciel, Guadalupe.
A–3060369, Kasimoff, Myer.
A–10415990, Tescher, Harry Dent.
A–2106097, Uryga, John.
A–5557528, Zeleski, John.
A–4344720, Cusimano, Matteo.
A–2331535, Lagsdin, Paul.
A–5551391, Michelev, Theodor.
A–1551766, Salas, Gavino Rossas.
A–3490589, Wingert, Joseph Peter.
A–1455368, Zuk, George.
A–1281051, Chapchuk, Alexander Wasilewiz.
A–7961806, Daniels, Abraham.
A–10416224, Gavialis, Olgard Victor.
A–2929432, Mikalauskas, Antanas.
A–8993441, Rivera, Dionicio.
A–3964345, Tur, Theodore.
A–10639796, Alicoff, George.
A–12517043, Haw, Wong Ming.
A–6519257, Miles, Jadwiga.
A–6082963, Nurse, George Eric.
A–5718139, Rodriguez-Ochoa, Jesus Maria.
A–3995157, Thaler, Harry.
A–5932930, Siegel, Lydia Lorraine.
A–2493224, Tong, Lee See.
A–13452360, Torrez-Lopez, Ignacio.
A–5486037, Tye, Wong Fook.
A–1344623, Zielinski, Stanislau Viktor.
A–4448147, Mlongian, Mike.
A–10414728, Mossotti, Edward.
A–3520411, Rzeczkowski, Edward.
A–4350398, Soffra, Joseph Losano.
A–13088696, Estrada-Perez, Cesario.
A–10416202, Freeman, Mary.
A–5937239, Mohammed, Abdulleh.
A–1852835, Rios-Gonzalez, Porfirio.
A–3097327, Tow, Ben.
A–1744555, Basar, Nick.
A–12534391, Chin, Kun.
A–12519941, Chun, Ong.
A–3498265, Guraves, Stanley.
A–3173756, Nicora, John.
A–4088206, Talian, Isidor Teodor.

With the following committee amendments:

On page 2, strike out all of line 2.
On page 2, strike out all of line 3.
On page 2, strike out all of line 10.
On page 2, strike out all of line 25.

On page 3, at the end of the concurrent resolution add a new section 2 to read as follows:

"SEC. 2. The Congress approves the granting of the status of permanent residence in the case of the alien hereinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 6 of the Refugee Relief Act of 1953, as amended (67 Stat. 403, 68 Stat. 1044):

"A–15411809, Anghelatos, Franghi."

The committee amendments were concurred in.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

The **SPEAKER**. This concludes the call of the Private Calendar.

THE LATE HONORABLE DONALD LAWRENCE O'TOOLE

Mr. **KEOGH**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **KEOGH**. Mr. Speaker, it is my sad duty to announce to the House the passing on last Saturday of former Representative Donald L. O'Toole, of Brooklyn. Mr. O'Toole was first elected from a district in Brooklyn in 1936. He and I came to Congress together that year. It is interesting to note, Mr. Speaker, in connection with his great career, that he served on the Board of Aldermen of the City of New York, and after the termination of his office here in the House in 1952, he served as a deputy commissioner of the New York State Department of Commerce under the able leadership of the former Governor, Averell Harriman. Also it is interesting to note, Mr. Speaker, that on the occasion of one of Mr. O'Toole's reelections to the House of Representatives, he was elected by a majority of 210,000 votes more than his nearest opponent received in a district which then encompassed upward of 1 million people.

Mr. Speaker, he served those people well and faithfully. He served the Borough of Brooklyn, the city of New York, the State of New York, and his country with great diligence, with great effectiveness, and with great ability. To his lovely wife and to his family I am sure I bespeak the sentiments of all his colleagues in the House when I express to them my deep and abiding sympathy.

Mrs. **KELLY**. Mr. Speaker, will the gentleman yield?

Mr. **KEOGH**. I am glad to yield to the lovely lady from New York.

Mrs. **KELLY**. I thank the gentleman.

Mr. Speaker, it is with regret that I join my colleague from New York in extending to the House the sad news of the death of our late colleague, Donald O'Toole. Last night I spent the evening with his widow and children and I must confess it was one of the saddest moments of my life, for the simple reason that Donald was a great personal friend of mine. He was, I think, one of the greatest legislators and Members of this House that I have ever known.

Mr. Speaker, the late Donald L. O'Toole, a former Member of the House of Representatives from Brooklyn was known to many of you, my colleagues. There are others who did not have the good fortune to serve in the House at the time he was one of our great members from the Borough of Brooklyn, Kings County, N.Y.

Donald L. O'Toole was not only a personal friend of many but a person whom I know will be recorded as one of the great Members of Congress. I am sure he was great as far as Brooklyn is concerned. He served during many trying years and crises in this House. He was known for his wonderful sense of humor, deep loyalty and his foresight into the legislative needs of our country. He always knew that which ought to be done for the good of our country and the welfare of our citizens. He sought at all times to protect our way of life and our Government. He was proud of his responsibility to serve in the House of Representatives and I often heard him remark that it was with awe and great humility that he served. Donald was a family man and sought at all times to protect the family which as he, and many of us realize is the basis of our country's greatness.

His father was an outstanding public servant in the city of New York and survives his son. Donald's dear wife, Mary, said to me that the "captain" as she refers to her father-in-law, said there was no man who had the full life and exerted his abilities to the utmost as his son Donald.

Donald O'Toole was respected by all who worked and served with him. His effervescence, his great qualities of heart, integrity, and loyalty were such that all who were associated with him sought his respect and devotion.

I wish to express my deep sympathy to his dear wife, Mary, and his family, and I pray that God will protect them in the years to come.

Mr. Speaker, with the privilege to extend my remarks at this point in the RECORD, I insert the biography of the former Representative, Donald O'Toole, as it was written up in the New York Times and so aptly expressed:

EX-REPRESENTATIVE O'TOOLE, OF BROOKLYN, DIES—DEMOCRAT, IN HOUSE 16 YEARS—LATER WAS STATE OFFICIAL

Donald L. O'Toole, former Member of the House of Representatives from Brooklyn and former deputy commissioner of the New York State Department of Commerce, died Saturday night in Ocala, Fla., while en route to St. Petersburg, where he had planned to take up residency. He was 62 years old and most recently had lived at 95 Marion Avenue, Merrick, Long Island.

Mr. O'Toole, a Democratic liberal, represented the 13th Congressional District in Brooklyn from 1936 until his defeat in the Eisenhower landslide of 1952. In that year, he ran in the newly created 12th Congressional District, which had been gerrymandered into existence by the State legislature to give Republicans an island of strength in the borough's sea of Democratic votes.

Two years later he was again an unsuccessful candidate in the 12th District. In March 1955, Gov. W. Averell Harriman appointed him director of the commerce department's division of commerce and industry and in August of that year he was promoted to deputy commissioner of the department, in charge of promoting the State for industrial development. He was injured in an automobile accident in 1959 and was forced to retire.

SUPPORTER OF NEW DEAL

Mr. O'Toole, an affable, independent-minded man was a loyal supporter of most New Deal measures but did not hesitate to speak his mind when he differed with Franklin D. Roosevelt's administration.

In 1941, just before the municipal elections in New York, President Roosevelt publicly praised the administration of Mayor Fiorello H. La Guardia. Shortly thereafter, at a White House legislative conference, Mr. O'Toole candidly took exception to Mr. Roosevelt's friendliness to the mayor, leading the President to comment later that the Congressman was "one of the most refreshing young men I have met."

Mr. O'Toole was instrumental in bringing the Fort Hamilton Veterans' Hospital to Brooklyn. He was one of the first Congressmen to call upon the Roosevelt administration to protest the actions of the Nazis in Germany, and before World War II he introduced resolutions to sever relations and trade with Germany and to ban the sale of helium gas to the Reich.

OPPOSED SUCCESSION BILL

He supported most of the labor and social legislation in the House and was author of a bill to bar the transportation of strikebreakers across State lines.

In 1947, Mr. O'Toole was one of 11 Congressmen voting against the Presidential succession bill, which made the Speaker of the House next in line for the Presidency after the Vice President.

"Look at it this way. When the people vote for a President, they elect either a Republican or a Democrat. Under this bill they can choose a Democrat and wind up with a Republican," he said in explaining his vote.

Mr. O'Toole was born in Brooklyn on August 1, 1902. He was graduated from Fordham Law School in 1925 and practiced law before entering politics. Before his election to Congress, he was a member of the city's board of aldermen.

In 1930 he married Mary T. Martin, who survives. Also surviving are his father, Thomas O'Toole; a daughter, Mary C. O'Toole; two sons, Thomas M. and Donald L. O'Toole Jr., and 14 grandchildren.

A funeral service will be held at 9:30 a.m. Thursday at Our Lady of the Angels Roman Catholic Church, 74th Street and 4th Avenue, Brooklyn.

Mr. **McCORMACK**. Mr. Speaker, will the gentleman yield?

Mr. **KEOGH**. I yield to the distinguished Speaker of the House.

Mr. **McCORMACK**. Mr. Speaker, I was very sorry to learn of the death of my late dear friend, Donald O'Toole. He and I developed a very close friendship which I valued very much. He served the people of his district with great distinction, sincerity, and devotion, in this body for a number of years, always reflecting great credit upon the people of his district. He served not only the people of his district but the people of his great State and of our Nation in a manner which should bring great consolation to Mrs. O'Toole and her loved ones in the knowledge that he performed his duties in an honorable and trustworthy manner, with faithfulness to the great principles of our Government and the policies that were for the best interests of our people.

Mr. Speaker, I join with my distinguished friend the gentleman from New York [Mr. KEOGH] in extending to Mrs. O'Toole and her loved ones my deep sympathy in their great loss and sorrow.

Mr. KEOGH. I appreciate the remarks of the distinguished Speaker.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from Oklahoma, our great majority leader.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding. I join him and his colleagues from New York and our distinguished Speaker in this word of tribute to a former colleague who passed away recently.

Mr. Speaker, Donald O'Toole was a distinguished, able, and effective Member of this House. He was a man of warm personality, having a sense of humor, and love for his fellow man. This love was always reciprocal because everyone who knew Donald also loved him. He was a fine, noble character.

Mr. Speaker, I join the gentleman from New York in extending to Mrs. O'Toole and her children my heartfelt sympathy.

Mr. KEOGH. I thank the gentleman.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from New York yield?

Mr. KEOGH. I yield to the gentleman from New York, who was one of the late Representative's close friends.

Mr. ROONEY of New York. Mr. Speaker, it was not until I was on a train returning here from New York yesterday afternoon that I learned of the passing of my boyhood friend and distinguished former colleague in the House of Representatives, the Honorable Donald L. O'Toole.

Donald O'Toole and I were born and brought up within a few blocks in the same neighborhood in Brooklyn, N.Y. We were boyhood friends during grammar school days, then high school, and later we attended Fordham University Law School at the same time.

Mr. Speaker, it was then my good fortune to be elected to the House of Representatives in 1944 where Donald O'Toole had already carved out an illustrious career for himself and was greatly respected for his ability, his integrity, and his inherited Irish wit on both sides of the aisle.

Mr. Speaker, I should like to extend my heartfelt sympathy to his devoted widow, Mary, their three children, young Donald, Tommy, and little Mary, as her father always called her, and his fine and respected father in their great loss. May his soul rest in peace.

Mr. KEOGH. I thank the gentleman.

Mr. CELLER. Mr. Speaker, we all loved Donald in his lifetime. We do indeed mourn his loss. He is now in the iron sleep of death. But his kindliness, his cheerful spirit, his keenness of mind, his broad-gaged charity are memories that will live with us for many a day.

Trouble and frustration will no longer worry him.

Sickness will no longer irk him.

It is said death is a punishment to some, to others a gift, to many a favor. Donald suffered much in his last years. So maybe his passing is surcease from pain and thus a blessing.

It was my good fortune to have known Donald for many decades. He early earned my respect and affection.

He was ever kind and benign, soft spoken, and of high integrity. We have often recalled the merry moments we spent with him. Latterly he was a stoic. He bore unflinchingly the disabilities visited upon him.

His was a glowing record in the Congress, where he left his mark—a mark of honor and distinction. He was a beloved father and devoted husband. He walked in paths hewed out by his loving father, who survives him.

We say with Alexander Pope:

> Weep not, ye mourners for the dead,
> But in this hope your spirits soar.
> That you can say of those ye mourn
> They are not lost, but gone before.

Mr. CAREY. Mr. Speaker, it was with deep sorrow that I learned of the passing of the Honorable Donald L. O'Toole, one of the truly great public servants to occupy a seat in this House.

Donald O'Toole was a close, personal friend of mine. He was my Representative in this body for 16 years. For the past four it had been a great distinction and privilege for me to serve as his Representative. In fact, election to the former 12th District of New York, which my constituents bestowed on me in 1960, was a goal Donald O'Toole sought for both of us.

It would be impossible at this time to enumerate the major legislative accomplishments of Donald O'Toole while a Member of Congress or measure the great influence he exerted among his colleagues, some of whom are present here today. He served with sincerity, devotion, and dedication the people of Brooklyn, the people of New York, and even more important, the people of America.

Donald O'Toole will long be remembered as a champion of the social legislation enacted during the turbulent and eventful years he served in this House. Although a progressive in the truest sense, he never hesitated to exercise an independence of judgment or oppose legislation, which though popular in the public's view, he regarded as undesirable or deemed detrimental to the well-being of the Nation as a whole.

A man of unusual foresight, Donald O'Toole was among the first to recognize and warn against the threat of Nazi Germany to the world; to introduce legislation restricting the exporting of strategic materials to the Axis powers; and to recommend a severance of diplomatic relations with the totalitarian countries.

The borough of Brooklyn, the State of New York, the country, and the world is a better place in which to live because Donald O'Toole was once among us.

To his father, "Cap," a man who has given his life to community service, to his wife, Mary, his sons Donald and Thomas, and his daughter Mary, I extend on behalf of our family our deepest sympathy on our common loss of an uncommon man.

GENERAL LEAVE TO EXTEND

Mr. KEOGH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the Record on the life and character of the late Representative O'Toole.

The SPEAKER pro tempore (Mr. Rivers of Alaska). Is there objection to the request of the gentleman from New York?

There was no objection.

VISIT OF REGIONAL COMMISSIONERS OF GHANA

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as the chairman of the African Subcommittee of the Committee on Foreign Affairs I am happy to report to the House that this morning the subcommittee met with the visiting delegation of regional commissioners from Ghana, and that the meeting was cordial, informative, stimulating, and contributory to a deepening of the understanding and the friendship between the United States and Ghana.

The Honorable H. E. Miguel Augustus Ribeiro, the distinguished, able, and popular Ambassador of the Republic of Ghana, who accompanied the delegation, explained that the Office of Regional Commissioner combines the functions of a State governor in the American setup with those of a member of the President's Cabinet.

The visitors from Ghana in their conversations with the subcommittee placed emphasis on the desire of the Government of Ghana for private American investments.

Hon. Joseph E. Hagan, regional commissioner for the central region, with a broad background in government, pointed to the strong legislation already enacted for the encouragement and protection of outside capital invested in Ghana and said that American investors could come into Ghana with the fullest confidence.

Mr. Hagan has been regional commissioner for the central region since 1960 and was commissioner for the western region from 1957 to 1960. He was born in 1912 and received his education at Nyakrom Methodist School and at St. Nicholas grammar school in Cape Coast. He was a storekeeper and was a member of the Cape Coast Town Council. A foundation member of the Convention Peoples Party, he was elected to Parliament from the Abura-Asebu rural constituency in 1951 and has served since that time. He served as assistant government whip in his first year in the assembly. In July 1956, he was appointed Ministerial Secretary to the Ministry of Interior with responsibility for local government. Hagan visited Moscow in July 1963 and called on A. I. Mikoyan whom he had met when the Soviet official had visited Ghana. He attended the 43d session of the National Labor Organization in Geneva in June 1959.

The Volta project was reported a year ahead of schedule by the Honorable Hans Kofi-Boni, regional commissioner for the

Volta region. The Volta project is expected to open up a brilliant industrial future for Ghana, and Mr. Kofi-Boni is most optimistic in his outlook.

Mr. Kofi-Boni is a member of the National Assembly for Ho West Constituency and was elected in 1960. He was born on May 14, 1928, in the village of Klave, near the town of Kpedze. He graduated from Accra High School in 1951, worked for a while as a teacher, and became active in politics. He served as an executive in various regional offices of the Convention Peoples Party. He is now the regional commissioner for the Volta region. Present address is Post Office Box 1, Kpedze, Volta Region.

Other members of the delegation included:

Hon. Owura A. Asumda, regional commissioner of Upper Ghana.

Hon. Ebenzer Adam, regional commissioner for the northern region. He was first elected to the National Assembly in 1951 from the northern territory region on the slate of the Convention Peoples Party. He has served as an organizer and party leader in the northern territories, as chairman of the Tamale branch of the CPP and of the executive committee of the Ghana Youth Congress, and as chairman of the Tamale Urban Council. He was a member of the Ghana delegation to the 12th session of the U.N. General Assembly in 1957, and also attended the 14th and 15th sessions.

Hon. R. O. Amoako-Atta, former regional commissioner for the Ashanti region and Minister of Labor and Cooperatives, and now regional commissioner for Brong-Ahafo region. He was born at Akrokerri in the Ashanti region of Ghana in 1913. He received his primary education at the Obuasi Catholic school and worked for a time as an accountant with the Breman Goldmines. He was appointed state secretary to the Akrokerri Native Authority Council in 1951, became a member of the Obuasi Urban Council and was elected from this constituency to the National Assembly in 1954. Appointed Ministerial Secretary in 1956. He received his first assignment as Regional Commissioner for the Ashanti region in 1959. In July 1960 he entered the Cabinet as Minister of Labor and Cooperatives. It was in this capacity that he led a delegation of Ghanaians interested in cooperatives on a trip to the U.S.S.R. in November 1960. He relinquished his cabinet position to return to the Ashanti region as Commissioner in September 1961 and exchanged positions with S. W. Yeboah in October 1963 to become Regional Commissioner for Brong-Ahafo.

Hon. John Arthur, regional commissioner for the west region, was elected to the National Assembly in 1956. He was shortly named a Ministerial Secretary without portfolio. Then in 1957 was appointed Parliamentary Secretary in the Ministry of Labor, Cooperatives, and Social Welfare. He retained this position until 1958 when he moved to the Ministry of Housing. When the Ministry of Housing was abolished in January 1959. Arthur was reassigned to the Ministry of Information and Broadcasting. A few months later it was as a representative of the Ministry that Arthur came to New York to open the Ghana Information and Trade Center, 605 Fifth Avenue. In July 1960, he was appointed regional commissioner for the western region. He visited Belgrade, Yugoslavia, in June 1962.

Hon. S. W. Yeboah, regional commissioner for the Ashanti region. He had been first appointed to the post in the Brong-Ahfo in 1959. He was born in 1926, and received his education at the Roman Catholic school at Bekwai and Elthanus Commercial Academy at Saltpond. He joined the Convention Peoples Party in 1949; worked for a time as a produce buyer and as a clerk with the Cocoa Purchasing Co. He became a member of the National Executive of the CPP in 1952 and was elected to the National Assembly for the Snyani West constituency in 1956. He served as parliamentary secretary in the Ministry of Agriculture in 1956–58, and in the Ministry of Interior in 1958 before being named the Shanti regional commissioner.

Mr. Speaker, our distinguished visitors from Ghana, with whom the African subcommittee has passed such a memorable morning of mutual interest and profit, will leave Dulles Airport at 7:30 o'clock this evening, returning home by way of London. They arrived in Washington September 3, 1964, as participants in the foreign leaders program of the Bureau of Educational and Cultural Affairs of the Department of State.

Springfield, Ill., with its Lincoln shrines, Chicago, San Francisco, where they were entertained by our former beloved colleague, now Mayor John F. Shelley, and New York were other American cities visited by the delegation.

They return home with our every good wishes. The members of the delegation made a fine impression on Americans everywhere they went, and they were good and gracious enough to tell the subcommittee that our country and our countrymen whom they met made a fine impression on them. This, Mr. Speaker, is the surest way to build enduring international friendships.

"BUCK" JENKINS, OF BIRMINGHAM, ALA., VFW COMMANDER IN CHIEF

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, on August 28 at Cleveland, Mr. John A. Jenkins, of Birmingham, Ala., was elected national commander in chief of the Veterans of Foreign Wars of the United States. The election was one of the final events of the recently concluded national VFW convention.

It was with a feeling of pride that I learned of this high honor which has been accorded John—or "Buck"—Jenkins as he is known to his friends. He is a highly respected citizen of Alabama, a distinguished attorney at law, and a tireless worker for community betterment. Additionally, I am pleased to point out he is a longtime friend of mine. I join with all of Buck's friends in Birmingham in congratulating him on the high honor which has come to him through his election as commander in chief of the 1,300,000 oversea combat veterans comprising the VFW. His achievement, in turn, reflects honor upon our community in which he lives and serves.

We who have had the privilege of knowing "Buck" Jenkins are confident that under his leadership the VFW will continue to exert a leading and constructive influence within our Nation. National Commander Jenkins, by professional and personal attributes, is highly qualified to discharge the heavy responsibility which he has assumed.

Following his election by the delegates to the 1964 VFW national convention, Commander in Chief Jenkins addressed the convention. On September 2, 1964, I inserted his inspiring and thoughtful address into the CONGRESSIONAL RECORD. Those remarks set forth clearly and eloquently his views with respect to the critical problems that face our Nation, both internally and externally. In particular, I was impressed by his understanding of the problems of our Nation's veterans. He will, I am sure, fairly and intelligently champion their just cause.

Commander in Chief Jenkins' views with respect to national security and our struggle for survival against Communist aggression demonstrate a rare insight into the nature and methods of communism. His thoughts with respect to the nature of Communist objectives, and what we must do to survive, merit the attention of all thoughtful citizens of our Nation.

While we of the Birmingham area of Alabama are proud of "Buck" Jenkins, his achievement comes as no surprise to us. We are not surprised that he has been entrusted with the leadership of such a large and respected national organization as the VFW because we have long known of his patriotism, his knowledge of national and international issues, and his desire to serve his Nation.

A native son of Alabama, "Buck" attended Marion Military Institute, Washington and Lee University, and Birmingham Southern College, and was admitted to practice law before the bar of Alabama in 1932.

John A. Jenkins entered military service as a private in 1942, following which he was graduated from the Field Artillery Officers Candidate School and commissioned as a second lieutenant. He served overseas with the U.S. Army Field Artillery, and held the rank of captain when discharged from military service.

"Buck" Jenkins' interest in veterans affairs, and service to our veterans through the VFW has been both longstanding and devoted. He served through all the chairs of his home post, Kelly-Ingram Post No. 668, which has been among the 10 largest of the department of Alabama. He has been a member of the VFW's National Council of Administration, representing the departments of Alabama, Florida, and Georgia; and of both the national legislative and the national security committees, in the latter instances as chairman. Prior to his election to the office of junior and senior vice-commander in chief, he served the VFW as judge advocate general.

Commander in Chief Jenkins is a highly respected attorney in Birmingham, Ala., where he is engaged in the practice of general law with the firm of Jenkins & Cole. Additionally, he is an instructor at the Birmingham School of Law, and has served as city attorney for Vestavia Hills, a suburb of Birmingham. He is married and has three children, one son and two daughters. A daughter, Bonham, is a recent graduate of Auburn University, and his son, Jim, is attending the University of Alabama Law School. His youngest daughter, Jennie, is a senior at Berry High School.

"Buck's" public service activities are extensive; he is a member of the board of directors, Alabama Antituberculosis Society; vice president of Marion Institute Alumni Association, member of the American Legion, Eagles, Lions, and the Alabama and American Bar Associations.

Those in Alabama who have, through the years, been privileged to know "Buck" Jenkins and be counted among his friends, congratulate him for his achievement and for the honor which has been accorded him by his election as commander in chief of the Veterans of Foreign Wars of the United States.

I am confident, too, that the many Members of this House who are friends of "Buck" Jenkins share my belief that under his leadership the Veterans of Foreign Wars will continue to increase in prestige as it dedicates its efforts to the strengthening of our Nation.

CAMERON'S WRAP-UP REPORT ON THE 88TH CONGRESS

Mr. **CAMERON**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **CAMERON**. Mr. Speaker, as the residents of my congressional district know, I believe it to be my duty and my trust to exercise independent judgment on the merits of each proposal which comes before the Congress, as well as to publicly report my stands to my constituents. This wrap-up report on the major accomplishments and shortcomings of the 88th Congress is a reflection of these responsibilities. Each registered voter in California's 25th Congressional District will receive a copy, which I hope will be read and discussed prior to the Second Annual Congressional report I will personally hold in the district as soon as possible after adjournment.

Following the 1st session of the 88th Congress, I held nonpartisan report meetings throughout the district with gratifying results. Interest was high, questions were penetrating, and citizen discussion of the issues was both articulate and knowledgeable. I am hopeful that this wrap-up on both sessions of Congress will further serve to sharpen the interest of the body politic in the affairs of our National Government.

Because this report is a summary of legislative activity, it does not deal with my individual voting record. However, a complete tabulation and commentary on my attendance and stands on the issues can be found in the rollcall reports which I have periodically provided to my constituents during the past 2 years. Limited copies of these reports are still available and can be obtained upon written request from my district office, 9125 East Whittier Boulevard, Pico Rivera.

I do not expect—in fact, I would be dismayed and disturbed if it were the case—that all of my views are shared by all of my constituents. Controversy and vigorous disagreement are vital to our democratic way of life—but only if disagreement stems from intellect and not emotion, from fact and not hearsay, from careful thought and not reckless conclusions. To this end, I hope that the period between receipt of this report and commencement of my personal congressional reports will be spent in critical but careful review of the work which has been performed by the 88th Congress.

Mr. Speaker, President Johnson has called this Congress one of the most productive Congresses in recent history. Certainly the record speaks for itself in this regard. The virtue of its productivity lies in the comprehensiveness of the legislation which it has enacted. Rather than isolated acts operating often at the expense of one another, the proposals for the most part complement each other, dealing with the various problems in their complicated relationships and thus insuring both efficiency and effectiveness in Government operations.

Encouraged by congressional economic legislation, the Nation is currently enjoying the longest and strongest peacetime expansion in its history. Our gains and prosperity are evident by any index—personal income, employment, corporation profits, industrial expansion and production, or gross national product. And while promoting the general wellbeing, Congress has also moved to improve the lot of the poverty-stricken minority of invisible Americans. We have made a strong effort toward erasing the paradox of want in the midst of plenty.

FISCAL POLICY

The Revenue Act of 1964 provided the biggest tax cut in our Nation's history—$11.5 billion in individual and corporate incomes. Designed to bring our free enterprise economy to its fullest potential, the largest share of the individual tax cut is going to the workingman, to families with incomes of $10,000 or less—and this group accounts for 85 percent of all taxpayers. Business gains from the $2.5 billion investment incentive for modernization and expansion, the corporate tax cut of more than $2 billion, and the release of millions of dollars into the spending stream. The added spendable income from California alone amounts to $904 million. President Johnson did not understate its importance when he called it the single most important step that we have taken to strengthen our economy since World War II.

Congress took affirmative action to curb the outflow of U.S. gold reserves and insure the stability of the dollar when it passed much needed equalization legislation. By taxing the purchase of certain foreign securities, we also increased the cost to foreign investors of obtaining long-term capital in the United States.

To assure and advance the position of small business in our economy, the 88th Congress broadened the disaster loan authority of the Small Business Administration and raised the amount the Small Business Administration may invest in the debentures of the Small Business Investment Corporation, and the amount the latter may invest in any one firm.

DEPRESSED AREAS AND UNEMPLOYMENT

Mr. Speaker, the Economic Opportunity Act of 1964, better known as President Johnson's antipoverty program, was enacted in the belief that our system can and must offer to all its citizens the opportunity for self-help. While there were some aspects of the program which I could not enthusiastically embrace, the overall package is a positive step toward the eradication of poverty in our affluent land. Currently, 20 percent of our Nation's families and 45 percent of our citizens living alone are in poverty. For those thus afflicted, as Secretary Udall succinctly put it:

> Grinding poverty and lack of opportunity takes a disastrous toll in erosion of the human spirit. A people without hope soon becomes devoid of the moral strength needed to combat adversity and raise its own standards.

The attack on poverty is waged on several fronts. It establishes an Office of Economic Opportunity in the executive branch to control all poverty-related programs; provides youth with the opportunity to develop essential skills, continue education and find useful work; establishes a community action program providing Federal contributions to antipoverty programs planned and administered at the community level, and aid to States for adult basic educational training; creates a rural poverty program to provide loans to very low income families for enterprises which will produce permanent income increases, plus aid programs for migrant workers; and authorizes funds to encourage State programs of training and work experience for welfare recipients.

A key provision specifies that Governors of States which participate in the war on poverty have veto power over Federal-local projects in the act. This is certainly a strong rebuttal to critics who falsely charge that the antipoverty program is merely a disguise for a "Federal power grab."

Mr. Speaker, President Kennedy called the Manpower Development Training Act of 1962 "perhaps the most significant legislation in the field of employment since the historic Employment Act of 1946." There can be little doubt that since 1962 the program has proved its merit. By 1965 it will have retrained and placed in employment about 400,000 unemployed Americans. The 88th Congress recognized the program's worth for it extended the Manpower Development Training Act through fiscal 1966, authorized $531 million in new funds, and broadened its scope for increased emphasis on youth and literacy training measures.

Although I supported amendments to the Area Redevelopment Act when the measure was before the House in 1963 and was defeated, I could not support the move for its reconsideration in 1964. My change of position was prompted by passage of poverty legislation which is designed to assist recovery of economically depressed areas. The poverty program, in my judgment, can get to the heart of the problem more effectively and more economically than can area redevelopment projects.

Other legislation adopted by Congress which is aimed at improving the standard of living of American workers included equal pay for women who perform the work of men with equal skill, effort, and responsibility. We also amended the original act which requires Federal contractors, when working on Federal construction projects, to pay workers not less than the prevailing wage in the area for similar work. The amendment requires the inclusion of local area fringe benefits in determining this wage level, and it eliminates the disadvantages in competitive bidding for those bearing the burden of social progress in offering the benefits.

Congress also extended minimum wage coverage and overtime guarantees to thousands of employees of certain laundry, hotel, motel, restaurant, and other food enterprises.

URBAN AFFAIRS

In the remainder of this century, Mr. Speaker, we will have to construct homes, highways, and facilities equal to all those built since the country was first settled—if we are to accommodate the increased urban population. Already, three-fourths of the American population is urban and the migration is continuing at a rapid clip. Our aim must be a decent home and suitable living environment for every citizen. The 88th Congress forwarded this goal in a number of ways.

The growing, national problem of polluted air causes annual damages estimated at $3.5 billion, with untold adverse effects on health. Congress first came to grips with the problem in 1955 when it enacted the original air pollution control law. The 88th Congress improved the program by accelerating Federal participation and authorizing new programs to encourage State and local prevention and enforcement activity. A measure welcomed by southern Californians, it provides specifically for increased research and dissemination of information aimed toward victory in our battle against smog.

To my regret, Congress authorized $375 million in grants and loans to States and communities for mass transit facilities and services. Among my objections to the program was the complete lack of provisions calling for private and municipal transit systems to be self-supporting through the fare box. Nor will the money appropriated even begin to solve the problems of our larger cities. The Mass Transit Act will be of no help to California or to Los Angeles County. The $375 million to be doled out over a 3-year period can go to any city of 2,500 or more people. There are some 6,000 communities throughout the Nation which meet this criteria. In the first place, it is incredible to me that a city of 2,500 can have a mass transit problem, and even more incredible that it would have to turn to Washington for help. The amount of annual "help" each city would get is $37,500—a sum which can easily be raised at the State or local level. Furthermore, I believe mass transit is a local problem which our cities are capable of solving by themselves, and more cheaply than if done by the Federal Government. Southern California endeavored to solve its problems earlier this year when the State legislature adopted a mass transit act. Other States and communities should show similar initiative and thereby head off Federal activity in this area.

HEALTH

Mr. Speaker, in response to President Kennedy's plea for a bold new approach to attack mental illness and retardation, Congress, for the first time, acted on a program to meet our largest health problem. The Mental Health Act of 1963 provides grants for the construction of community mental health centers, emphasizing care and treatment in patients' home communities. It also authorizes a broad program to prevent and treat mental retardation by providing States and communities with needed research, manpower development, and facilities for health, education, rehabilitation, and vocational services.

Congress also expanded the Hill-Burton Act of 1946 which provides Federal assistance for the construction and remodeling of hospitals, nursing homes, and other centers. Credited as a milestone in successful Federal, State, and local grant-in-aid programs, Hill-Burton has already resulted in the approval of 6,810 hospitals and other health facility projects. Unfortunately, there are still cynics who allege that it is impossible to see the fruits of any Federal assistance programs. In my congressional area, however, the charge is easily refuted by pointing to hospitals which have grown and prospered with the help of Hill-Burton, hospitals such as Queen of the Valley, Covina Inter-Community, Presbyterian Inter-Community, Beverly Hospital, Pomona Valley Community, and others.

EDUCATION

Mr. Speaker, the 88th Congress' record is a dramatic illustration of the national consensus that education is indeed America's first line of defense. We did well to heed President Kennedy's message to Congress on the meaning of education to the citizen and the Nation:

> For the individual, the doors to the schoolhouse, to the library, and to the college lead to the richest treasures of our open society. * * * For the Nation, increasing the quality and availability of education is vital to both our national security and our domestic well-being. A free nation can rise no higher than the standard of excellence set in its schools and colleges.

The 1960's are a critical time in education. The number of college students will rise 94 percent between 1960 and 1970, and the last 10 years has already seen an 86-percent increase in tuition fees. Currently one-third of our brightest high school graduates fail to enter college, mainly because of financial considerations.

As President Johnson has said, history will record the 88th Congress as the "education Congress." Under the Higher Education Facilities Act, $1.2 billion in grants and loans was authorized for the construction of academic facilities for public and private nonprofit graduate schools, 4-year colleges, 2-year community colleges, and public technical schools. Funds are not available to academic institutions for religious purposes.

Foes of Federal aid to education in my congressional district who charge that Federal aid means Federal control have only to look to the outstanding schools attended by their children to find proof to the contrary. Institutions of higher learning such as Mount San Antonio and Citrus Junior Colleges, Pasadena City College, and Whittier College, to name but a few, certainly are not being squashed under the Federal heel. Unfettered and unhampered by Government, these schools are performing a great service to students, community, and Nation. Federal aid and academic freedom can and are marching side by side in the quest for a better tomorrow.

The Health Professions Assistance Act provides $175 million in matching grants over a 3-year period for the construction or rehabilitation of health-teaching facilities—medicine, dentistry, osteopathy, nursing, optometry, pharmacy, and public health. In addition, $30.7 million is provided for loans to assist students of medicine and dentistry to complete their lengthy professional education.

Although the American Medical Association supported those sections of the act which provided funds for construction, much to my dismay it opposed those provisions which called for loans to students. The loans, together with accrued interest, are to be repaid after graduation. Doctors, more than anyone else, are aware of the costly and lengthy process of obtaining a medical education, yet their position was to virtually rule out M.D. degrees for thousands of able students who come from modest and low income families. The irresponsibility of the AMA is accentuated by today's great demand for doctors. California, for example, must license 2,500 physicians annually to maintain its presently inadequate physician-patient ratio; yet our schools are graduating only 700 doctors a year. The Health Professions Assistance Act will help correct this imbalance, to the apparent consternation of the AMA but to the gratification of the American people.

The 88th Congress also approved far-reaching legislation in the area of vocational education. Federal effort in vocational education is as old as the 1917

Smith-Hughes Act, yet it has been 17 years—a period of automation's greatest impact—since Congress enacted meaningful provisions for vocational education. Considering that an individual's loss of 1 year's income due to unemployment costs more than 12 years of education through high school, it is clear that such legislation is sound fiscal policy. The act authorizes $958 million for increased support of vocational education, gearing the program to the technical age and directing it to those who need it most: young people in or just out of high school who want and need specialized training, unskilled school dropouts, employed adults who wish to improve their skills because of job insecurity, and workers displaced by automation.

OUTDOOR AMERICA

Our countrysides, like our cities, must prepare for the doubling of the present population by the year 2000. The 88th Congress made significant contributions toward assuring the most efficient use of our land for production and recreation. Under the land and water conservation fund, considered by many to be the most important conservation legislation ever before Congress, a 25-year program was inaugurated to finance the planning, acquisition and development of State and Federal outdoor recreational facilities. Leaving States to occupy the key role in the development of a balanced national outdoor recreation program, the new act provides for substantial recreation land acreage usage—before the land becomes unavailable or prohibitively expensive. Funds are to be derived from admission fees for use of federally administered recreation areas, and receipts from sales of surplus Government real estate.

Mr. Speaker, perhaps one of the greatest achievements of this Congress was the enactment of the wilderness bill. Coming to grips with a controversial issue which has been debated since 1949, we authorized creation of the National Wilderness System: 9.2 million acres of Federal land throughout the country has now been closed to commercial use for preservation in its primitive state.

WHEAT-COTTON PROGRAM

In my judgment, Mr. Speaker, one of the greatest failures of this Congress was passage of the odious wheat-cotton bill. Enacted under strong pressure from political leaders and special interest groups, it not only continues the present cotton price subsidy program and provides new wheat marketing supports, but more regrettably provides some $360 million in cash credits to the cotton textile industry—a sum $100 million more than the industry's total profits in 1962. The effect of this legislation is to give the cotton mills an unfair competitive advantage over U.S. synthetic fiber mills, thereby encouraging the undesirable practice of Government handouts to disguise the effect of technological progress and economic changes. The wheat subsidy section of the measure is equally as bad for it creates, in effect, a "bread tax" on the consumer through artificially high-priced wheat. According to the Wall Street Journal, bread prices are already up 1 to 2 cents a loaf in some cities, and the increases are expected to spread.

CIVIL RIGHTS

Mr. Speaker, the 88th Congress will always be recalled with pride as the Congress which enacted into law the first meaningful civil rights legislation in 100 years. We took a much-needed step toward guaranteeing to a minority of Americans the protection of the Constitution which the majority of our citizens have long enjoyed. We gave to all our people what is implicit in the American philosophy and a source of strength both at home and abroad. We gave to all Americans what, I am proud to say, California had already legislated for every resident within its borders.

Aware that ignoring the issue or failing to take positive national action on civil rights would only delay the inevitable and necessary—and intensify the hazards of change—an overwhelming majority of Republicans and Democrats in the House and Senate joined forces for the common good. It was a memorable legislative achievement.

The Civil Rights Act of 1964 has been distorted beyond belief by its detractors, Mr. Speaker, and the record should be set clear as to what it does and does not do. The act guarantees the right to vote, as declared in the 15th amendment to the Constitution; makes discrimination on the basis of race, religion or national origin unlawful in establishments serving the public, if operations effect interstate commerce; guarantees equal access and full use of public facilities such as parks, playgrounds, athletic stadiums and concert halls; grants the legal assistance of the Government to individuals, and technical aid of the U.S. Commission on Education to school districts to augment effective school desegregation; continues and expands the work of the Civil Rights Commission as a clearinghouse and evaluator of desegregation information; denies the legality of discrimination in federally financed programs, so that, with the exhaustion of informal measures, and the ratification by Congress and the President, such funds may be withheld, subject to appeal in Federal courts; prohibits on-the-job discrimination as it applies to labor unions, employers and employment agencies, and establishes an Equal Employment Opportunities Commission to apply informal and formal measures in cases of violation.

It does not in any manner establish so-called quotas whereby Negroes must be hired to replace Caucasians, nor does it affect the seniority rights of union or nonunion workers.

In my judgment, the provisions of the Civil Rights Act are morally right, intellectually sound, legally correct, and socially necessary. It provides an opportunity to translate into action one of the basic truths that the Founding Fathers held to be self-evident—that all men are created equal.

NATIONAL SECURITY

Mr. Speaker, 60 percent of all money spent by this Congress went for a purpose to which all Americans would subscribe—maintaining the strongest defense establishment in the world. This sum is eight times more that the total financing of all health, education, labor, and welfare programs, the second largest category of Federal spending which accounts for only 7.6 percent of the national budget.

Still, under the responsible and effective leadership of Secretary McNamara, economy has been a guidepost in defense spending. Last fiscal year alone more than $2.5 billion was saved through prudent budget management, and this without in any way impairing our Nation's superior defense posture. On the contrary, our military might today is greater than at any time in history.

Legislation strengthening the defense establishment was not limited to programs and funding for more guns, planes, ships, and missiles. Congress extended the draft authority for 4 more years, raised the authorized strength of the cadet corps at West Point and the Air Force Academy while increasing the obligated active duty service for graduates, and improved military reserve programs.

Our men in uniform—except those with less than 2 years' service—received two well-deserved pay raises from the 88th Congress. Taken together, they increased service pay by 19.5 percent.

To maintain U.S. space programs second to none, the National Aeronautics and Space Administration appropriations totaled $10.5 billion for fiscal 1964 and 1965. The result of our space effort was dramatically pointed out with the recent successful Ranger moonshot, an historic achievement which muted the cries of those skeptics who describe all space ventures as "moondoggling."

The Atomic Energy Commission received a $216.2 million authorization for fiscal 1964, plus additional appropriations to enable rapid resumption of atmospheric nuclear testing should the Soviet Union decide to violate the test ban treaty. The fiscal 1965 AEC authorization was $2.6 billion, which included funds for a prototype reactor for atomic merchant ships, and a new weapons system.

VETERANS

Mr. Speaker, the veterans of World Wars I and II and the Korean conflict, and their widows and children, were not forgotten by this Congress. H.R. 1927, approved during the closing days of the session, increased veterans pensions by excluding certain types of income in determining income for pension purposes. These exclusions amount to 10 percent of payments to an individual under any public or private retirement annuity. Cash benefits accruing to veterans under this bill alone are estimated at more than $330 million during the next 5 years.

H.R. 1927 was a fitting climax to other veterans' legislation passed by the 88th Congress. We increased payments to parents, widows, and children of veterans who died of service-connected disabilities; permitted the Veterans Administration to waive recovery on defaulted home loans in certain hardship cases; provided educational assistance to children of veterans with total and permanent service-connected disability; extended disability income provisions of national service life insurance policies through age 65 under certain conditions; and authorized a 5-year, $25 million program of matching aid to States for nursing facilities in State veterans' homes.

INTERNATIONAL AFFAIRS

Mr. Speaker, no commentary on the 88th Congress would be complete without mention of the Limited Test Ban Treaty. Signed by Great Britain, the Soviet Union, and more than 100 other nations, and ratified by an 80–19 bipartisan vote in the U.S. Senate, the treaty advances our national interest by checking the spread of nuclear weapons and reducing fallout hazards.

The agreement bans nuclear tests in areas where detection capability is good—space, the atmosphere, and under water. Underground testing can continue, however, as long as radioactive debris does not spread beyond the testing nation's territory. The treaty in no way restricts the use of nuclear weapons in wartime, and it contains a withdrawal clause if "extraordinary events . . . have jeopardized the supreme interests" of the Nation. While America does not relax its guard—maintaining on a standby basis testing facilities silenced by the ban—we have demonstrated our genuine interest in the health and peace of the world.

Another indication of congressional commitment to the cause of peace came with approval of an increased appropriation for operations and research of the Arms Control and Disarmament Agency. Established to provide information for U.S. officials in their conduct of arms control and disarmament negotiations, the Agency cannot obligate our Nation to reduce its military forces or weaponry without congressional consent. It should be noted that the Agency played a key role in forwarding test ban negotiations, and was instrumental in developing the Washington-Moscow "hot line" to reduce the risk of accidental war.

The 88th Congress also approached foreign affairs on a bipartisan front when it authorized increased funds and additional manpower for the Peace Corps. Perhaps the best expression of the idealism of the late President Kennedy, the Corps has added a new dimension to American foreign policy: people-to-people grassroots aid which encourages individual responsibility for world conditions.

Mr. Speaker, world peace was foremost in the minds of Members when, by a vote of 416 to 0, the House declared its support of President Johnson's firm but prudent action regarding the unwarranted attacks by North Vietnam upon American vessels in the Gulf of Tonkin. If there was ever any belief in the minds of world Communist leaders that the United States was a "paper tiger" those misapprehensions were wiped out with our retaliatory airstrikes on key North Vietnamese military installations. I emphasize retaliatory because U.S. action was not an act of war. It was an act aimed at promoting peace in Southeast Asia and throughout the world.

President Johnson's posture in the incident was not unlike that taken by President Kennedy during the Cuban missile crisis. On both occasions, the United States stood eyeball-to-eyeball with Communists and it was the Communists who flinched. Presidents Kennedy and Johnson were not trigger happy. They did not plunge the Nation and the world into nuclear war through miscalculation. They were cautious, yet strong, and resolute. Americans can indeed be thankful that such firm hands were at the wheel, guiding the Ship of State safely through turbulent seas.

SHORTCOMINGS

Mr. Speaker, as I stated at the beginning of this report, the 88th Congress has truly been productive. Yet, to my regret, it left much important business undone.

Perhaps the chief item on this unfinished agenda is medicare. It will be difficult when I return to my congressional district to look into the eyes of senior citizens and say "I am sorry, but the Congress did not care enough about your health problems to enact meaningful legislation to assist you."

True, medical care for the aged financed through social security is opposed by powerful lobbyist groups. But are legislators sent to Washington to represent lobbyists or are we here to represent the people? If anyone is in doubt as to where the sympathies of the House are in this matter, let medicare be brought to the floor to be voted up or down. The public is being bombarded this year with the slogan "A Choice, Not an Echo." Let the Congress—let the American people—make a choice on the important issue of health care for the elderly. If we are to meet our responsibilities with forthrightness, we can do no less.

This year I had also hoped that the Congress would revise the archaic national origins provisions of our immigration laws. There can be no intelligent or logical reasoning behind the present system which arbitrarily sets up quotas based on so-call "ethnic superiority"—a system which only serves to separate families and denies a home in America for highly skilled and educated individuals who can and want to contribute substantially to our national wealth and well-being. The 89th Congress must vigorously devote itself toward correcting this deplorable situation.

Mr. Speaker, the darkest day of the past 2 years was November 22, 1963, when bullets fired by an extremist assassin took the life of our brave and beloved leader, John Fitzgerald Kennedy. Fortunately, the torch was passed to then Vice President Lyndon Johnson, who, during his brief tenure as President, has continued to hold it high.

But today, the American people are without a Vice President, without a person who is actively being prepared for the Presidency should some emergency require that he assume this awesome responsibility. Since President Eisenhower's heart attack 9 years ago, congressional committees have grappled with the problem of Presidential inability and Vice-Presidential vacancy. But no legislation has been enacted, no constitutional amendments adopted. This trend of hesitancy and inaction must be reversed by the 89th Congress.

Mr. Speaker, in his 1963 state of the Union message, President Kennedy observed that among Americans there was "a heightened respect for the national purpose and power, a courageous calm of a united people in a perilous hour, a steady improvement in the opportunities and well-being of our citizens—I can report to you that the state of this old but youthful Union is good."

If President Kennedy were with us today, I am sure that he would again issue a similar report.

CARTOON MISREPRESENTATION

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, the cartoonist for the Washington Post, in his customary attitude of deceptive, vulgar abuse of honorable men, dipped his pen in muck several days ago to lampoon a Member of this body for whom there is no feeling there except admiration and respect. I refer to our colleague, the gentleman from Michigan, the Honorable JOHN LESINSKI.

The cartoon pictured this good man in the most degrading manner and carried the cutline:

> An interesting case of backlash backfire.

It is little enough to resent the coarseness of the cartoon, but, in addition, I would like to correct the obvious and deliberate falsification the cartoon was intended to convey.

In a very decisive manner, the voters of Detroit, in that election, expressed their feelings about the loss of their property rights and forced integration: they are overwhelmingly against both propositions.

An ordinance was on the ballot to permit housing discrimination. It was approved by the voters by a vote of 137,000 to 114,000. In addition, the author of the homeowners rights ordinance, Thomas Poindexter, was nominated for the Detroit Common Council by a 2-to-1 plurality and Samuel Olsen, despite all-out opposition by the NAACP was renominated Wayne County prosecutor.

Every force which could be mustered by the racemixers was arrayed against the homeowners rights ordinance: both the Republican and the Democratic gubernatorial candidates, the mayor of Detroit, the State civil rights commission, the NAACP, and similar organizations. Yet, the people decisively passed the proposal.

The proposal was put on the ballot after homeowners collected petitions bearing 34,000 signatures. It declared simply that a homeowner has the right of freedom of choice of persons with whom he will negotiate or contract with reference to such property and to accept or reject any prospective buyers or tenant for his own reasons.

Nothing could be more reasonable; nothing could be more in keeping with this Nation's traditional freedom of choice in the conduct of our personal affairs. It comes as no surprise to me that Detroiters are no different from any other Americans: they cherish their freedom.

This, then is the true story of whether or not there was a backlash. It is not to be found in the defeat of our colleague, the gentleman from Michigan, Representative LESINSKI, or the victory of the gentleman from Michigan, Representative DINGELL.

The race between the gentlemen from Michigan, Representative LESINSKI, and Representative DINGELL, was a contest between two personalities in a reapportioned district. It was nothing more and nothing less. They are both respected Members of this House and colleagues.

The issue of backlash or no backlash was pointedly decided in the homeowner rights ordinance. To pretend otherwise is to whistle while going by the graveyard.

ANOTHER COUP IN VIETNAM, AND WHY

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, the recent attempted coup in Vietnam points up the problem that existed and still is present in that beleaguered country. The various dissident groups have, during the former President Diem's tenure, perpetrated five coups before the unfortunate overthrow and assassination of President Diem on November 1 of last year.

Since that time, there were two changes in government. General Minh's government lasted 3 months. Now General Khanh in his eighth month of leadership weathered an attempted coup by opposition military factions.

This emphasizes the disunity in the country and indicates the need for a truly strong leader, even though he may be charged with being a dictator. In my opinion, the next few months will be most critical to the final outcome of what will be the fate of Vietnam; therefore, firmness by the government in power is vital.

Further, U.S. efforts must be made clear and forceful; for example, pressure for Cambodian border settlement, shutoff the Ho Chi Minh trail infiltration and the infiltration by sea with a better patrol of the coastline.

This can be accomplished without a major increase in American troops. The United States must help insure that the declaration of General Khanh to first, exert every effort to defeat the Communists—Vietcong—and second, to prepare for a civilian government, will be accomplished.

The problems that plague General Khanh are the same that caused trouble for President Diem. There is a dire need for discipline, honor, and unity as called for by General Khanh. These qualities were not demonstrated by certain Buddhist leaders in the past. The leaders in Vietnam must not only hope for discipline, honor and unity for Vietnam, but must strive for it.

Not the least of the troublemakers in Vietnam is Thich Tri Quang, a ruthless and power-seeking Buddhist. He led the charge of Buddhist persecution by the Diem government which was refuted by the United Nations special mission sent to investigate the charges. Now Tri Quang makes the same accusation of General Khanh's government. He appears to be the mastermind behind mobocracy that has kept the country in turmoil and very likely will keep that country in this situation unless something is done.

In the latter months of the Diem government, he sought and obtained asylum in our U.S. Embassy on the plea of Buddhist persecution and that his life was in danger. Now he has shown his true color and intentions by turning on the United States and charging that the religious strife in Vietnam is inspired by the United States.

An article by Miss Marguerite Higgins, entitled "Close Look at Tri Quang," very succinctly puts the religious problem and the Buddhist influences in proper perspective. I commend her article, which I am including in my remarks, to my colleagues as must reading:

CLOSE LOOK AT TRI QUANG

(By Marguerite Higgins)

Vietnam's most militant—but by no means most representative—Buddhist leader has now declared virtually open political warfare against the United States. It may be the best thing that has happened in a long time.

For a cold clear look at the venerable Thich Tri Quang is getting increasingly imperative now that he is talking more and more as though the Vietnamese Government is a puppet dancing on his string and as his threats (of street demonstrations, hunger strikes, suicides by fire) grow with each political concession wrested from the current Vietnamese leaders.

A cool hard look is above all in order if it brings some perspective and finally induces Washington to realize that the Tri Quang is not 20 feet high.

Although masterfully successful in the campaign that brought down the Diem family, the Tri Quang may nonetheless have overplayed his hand in taking on the United States.

Last week in his weekly newspaper he sought to pin on the United States responsibility for stirring religious feelings in Vietnam, and particularly for the hostility that resulted in the burning down of a Catholic village and the beating and beheading of eight of its inhabitants.

UNITED STATES WANTS STABILITY

Such a charge could not, of course, be more absurd. What the United States urgently desires in Vietnam is stability and harmony so that the people can fight the Communist enemy rather than each other.

Tri Quang's anti-American campaign has been going on for nearly 6 months and probably more. This Buddhist leader, who is a kind of political overlord of the Hue region of northern Vietnam, was the author of pamphlets distributed in May that called on the students to "struggle against the cruel American-Khanh authorities" whom Tri Quang accused of "persecuting Buddhists."

In a series of newspaper interviews this spring he made the same complaints of persecution which are as absurd as his complaints that America is stirring up religious rivalries.

By such conduct Tri Quang has been a thorn in the side of every leader in Vietnam who has sought stability beginning with Diem and ending—so far—with General Khanh.

How much truth is there in his frequent claim that he represents "80 percent of the Vietnamese people" in his capacity as a Buddhist leader?

This claim is as absurd as all the rest and if Tri Quang is going to be the leader of the Yankee-go-home movement of Vietnam it is important that the American people know it.

HAS MANY DIVISIONS

The truth is that Vietnam, far from being divided into Buddhists and Catholics, is composed of an extraordinarily diverse number of tribes and faiths.

There are a million Montagnards (mountain people) who carry spears and believe in spirits of stone and water and who have little resemblance to the more Mongol-looking Vietnamese of the plains.

There are 3 million Confucianists and ancestor worshipers—a holdover from the 900-year Chinese rule.

Taoists number about 500,000. The strange Cao Dai religion which worships Joan of Arc and Victor Hugo as well as Buddha, numbers at least a million and a half. There are 500,000 members of the Hoa Hao faith which is a mixture of animism, miracle working and Buddhism.

Catholics number a million and a half. There are 500,000 other Christians including Baptists, Mennonites, Seventh-day Adventists, and converts of the Christian and Missionary Alliance. And finally there are 500,000 Hindus and Moslems, including the beautiful people of the non-Mongol Cham tribes.

ONE-THIRD BUDDHIST

Add up all these people and the result is that out of the 14 million people in Vietnam 9 million are not Buddhists. This leaves 5 million Buddhists at most or slightly more than 33 percent of the population.

In any case, Tri Quang represents only 1 of 14 rival sects in the united Buddhist movement of Vietnam, and his militancy is in vivid contrast to the moderate, rather passive attitudes of most of the Vietnamese monks.

Indeed, he lost his bid to be elected senior Buddhist monk. But his will has prevailed because he is the toughest and most ruthless and because of his demagogic hold over students and street mobs whose violent actions can affect events in a way that is all out of proportion to their importance or their contributions.

But if the Government of Vietnam were at least to resist the mobocracy that has kept the country in turmoil, wouldn't Tri Quang's powers for trouble be checkmated?

REPORT TO MY CONSTITUENTS ON THE 88TH CONGRESS

Mrs. FRANCES P. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. FRANCES P. BOLTON. Mr. Speaker, it has been my custom to report to my constituency upon the work of each Congress. I am therefore including my current report today.

The 1st session of this 88th Congress was the longest in the peacetime history of our Nation. Overshadowing all facets of activity in that session was the tragic and shocking assassination of our President, John F. Kennedy. It remains incomprehensible how in 20th century America such a terrible deed could occur. On December 5, 1963, I joined with other Members of the House of Representatives in a memorial tribute to our 35th President of the United States.

Although the first session was one of the longest in history, there were very few real legislative accomplishments. In December we were still working on departmental appropriation bills which should have been passed by July 1. However, a Congress must be looked at as a whole rather than on a piecemeal basis, and the second session began in earnest just 1 week after the first session adjourned. Whether a Congress is a success or failure should not be judged alone on the quantity of new laws enacted, for the true measure of a Congress could very well be the number of bad bills it refuses to pass. While it is impossible to list all legislation considered by the Congress, here are some of the major issues and a summary comment on them:

TAX REDUCTION ACT OF 1964

This provided overall personal and corporate tax cuts totaling $11.5 billion. When the House considered the bill in September 1963, I joined in supporting a Republican effort to condition the tax cut on a further reduction of fiscal year 1964 expenditures and a level of spending for fiscal year 1965 not to exceed $98 billion. At that time we could not get such assurances from the administration nor from the majority leadership in Congress. The Senate considered and passed the bill in February 1964. There had been some changes in the meantime. For example, the Congress—through the leadership of the Republican task force on expenditures—had been able to reduce 1964 appropriations by $6.5 billion and the President limited his new budget to $97.9 billion. In view of this I voted for the final Senate-House conference report.

In addition to the tax cut, many other changes were made with respect to such matters as deductions for sick pay, dividends and investment credits. I did not agree with all these changes. For example, I regret very much that the dividend tax credit of 4 percent will be eliminated over a 2-year period, and that no provision was added to allow those paying college tuition to deduct a portion of it from taxes. For years I have supported a tuition tax credit proposal and sponsored legislation on this subject. On the other hand, the provision in the bill, allowing those taxpayers 65 years of age or over, relief on the capital gains tax from the sale of their homes, is a very much needed reform.

EXCISE TAXES

Despite Republican efforts, the House rejected an amendment to the excise tax extension bill which would have repealed such tax on cosmetics, handbags, furs, and jewelry. During the debate over whether to do something for the ladies, there was general agreement that our excise tax schedule is outmoded. A study is being made by the House Committee on Ways and Means, but it may not be finished until 1966. Such a study is not needed to demonstrate the unfairness of the excise tax on these items which are really a necessity and not a luxury. More than 20 years ago such taxes were imposed as a wartime measure to restrict production as much as to produce revenue. Today there is no reason for discouraging the production or purchase of cosmetics, handbags, furs, and jewelry.

The effort to repeal these taxes which I supported would not have embarrassed the Federal Government financially.

The current rate of 10 percent would have been reduced to 5 percent on July 1 and completely eliminated a year later. This discriminatory excise tax nets about $517 million annually, an amount representing less than one-half of 1 percent of the 1965 budget. Granted that our tax structure needs further study so that inequities can be corrected, it seems hardly fair that women should continue to be penalized while this study is underway. I regret that the Republican effort to redress this wrong, at long last, was not a success.

NATIONAL DEBT LIMIT

Once again the Congress was called upon by the administration to raise the debt limit, this time from $315 billion to $324 billion. I opposed this, but it was passed 203 to 182. Republicans voted unanimously against the increase and we were joined by 28 Democrats. We should not forget that an increase of $1 billion in the public debt means an increase of $33.3 million in the annual interest charges. The high cost of public debt is a direct burden on the Nation's taxpayers. According to Tax Foundation, Inc., the Federal debt alone represents a burden of $5,042 per family. Next year's interest payment on a per family basis amounts to an additional $187.

HILL-BURTON HOSPITAL CONSTRUCTION ACT

The Congress passed legislation to extend the Hill-Burton Hospital Construction Act for 5 years until June 30, 1969. This program, which bears the name of Cleveland's former mayor and U.S. Supreme Court Justice Harold Burton, has been extremely successful in helping provide needed health care facilities. It has produced 289,489 general, mental, tuberculosis, and long-term-care beds as well as 1,522 rehabilitation centers, public health centers, diagnostic and treatment centers, and other health laboratories and outpatient facilities. The Hill-Burton program has served as a model of Federal-State-local cooperation as the Federal Government has provided about one-third of the total funds with the remainder coming from State and local sources. Administration of the program is at the State level.

A major change this year puts greater emphasis on modernization of existing hospitals in urban areas. A total of $160 million will be provided over the 5-year period for remodeling older hospitals. I supported this legislation.

NURSE TRAINING ACT OF 1964

The purpose of the Nurse Training Act passed by Congress is to increase the supply of nurses in the United States through a variety of approaches recommended by a consultant group on nursing appointed by the Surgeon General. This bill does the following:

First, establishes a 4-year program of grants totaling $90 million for construction and rehabilitation of nursing schools.

Second, establishes a program totaling $17 million over a 5-year period to assist collegiate—4-year—and associate degree—2-year—schools of nursing to meet the additional costs of strengthening, improving, or expanding their training programs; and establishes a 5-year program of grants totaling $41 million to aid diploma—hospital—schools of nursing.

Third, extends for 5 additional years the existing program of traineeships for advanced training of professional nurses to be teachers, administrators, and supervisors.

Fourth, establishes a student loan program, modeled after the National Defense Education Act for students of nursing at collegiate, associate degree, and diploma schools of nursing. Over a 10-year period, $85 million would be provided. There would be a forgiveness clause in that up to 50 percent of the loan would be forgiven at the rate of 10 percent for each complete year of full-time employment as a professional nurse in any public or nonprofit institution or agency.

As one who has been interested in the whole nursing problem for a great many years, I supported this bill in a statement before the Subcommittee on Public Health and Safety of the House Interstate and Foreign Commerce Committee and on the House floor. I am hopeful that it will be helpful in alleviating the tragic shortage of bedside nurses.

MEDICAL SCHOOLS

Public Law 88–129 which I supported, provides for a 3-year, $175 million program to expand facilities of medical, dental, nursing, and related type colleges. The construction grants must be matched by the institutions. This bill also included $30.7 million for student loans.

HIGHER EDUCATION ACT

Public Law 88–204, which I supported authorizes $400 million per year for 3 years to aid college classroom construction. This was a brick-and-mortar bill—funds for teachers' salaries and scholarships were not included. Colleges and universities are required to pay at least two-thirds of the cost of each construction project.

EXTENSION OF JUVENILE DELINQUENCY AND YOUTH OFFENSES CONTROL ACT

A bill to extend for 2 years the Juvenile Delinquency and Youth Offenses

Control Act of 1961, which I supported, was passed by Congress. It is this program which makes possible such projects as the Cleveland Hough area's community-action-for-youth program.

EQUAL PAY FOR EQUAL WORK

An equal-pay-for-equal-work bill had been introduced in every Congress since 1945 by both Republicans and Democrats. A bill was finally passed in this 88th Congress, Public Law 88-38, prohibiting discrimination in pay on the basis of sex in work that is subject to the minimum wage laws. This excludes from coverage those workers in hotels, motels, restaurants, laundries, and agriculture, as well as certain professional, managerial, and administrative work. Because of this exclusion, this bill was not as strong as those of us who have long worked for equal pay would like it to be. However, it is an important step in the right direction.

THE POVERTY PROGRAM OR ECONOMIC OPPORTUNITY ACT

This legislation has six main titles: The first, and the one on which most emphasis has been placed, is concerned with youth 16 to 21 years of age. It would establish a Job Corps in which young people would be enrolled for a 2-year period in either a conservation corps or training center. This program would be 100-percent federally financed. Work-training programs would be set up whereby young men and women would be hired to work in hospitals, on playgrounds, et cetera, with the Federal Government paying 90 percent of their wages and work-study programs would be established to help needy college students. Title II provides that programs in the fields of health, education, et cetera, now conducted by local public or nonprofit organizations could be financed in whole or in part by the Federal Government. The Senate added a States rights amendment in that the Governor of a State could veto any projects contracted between the Federal Government and private agencies, otherwise there would be no say-so at the State level.

Title III provides that farm families certified as needy would be eligible for $1,500 loans—as originally reported the bill provided grants instead of loans—to acquire or improve real estate, to operate or improve the operation of farms, and to participate in farm co-ops. Title IV would authorize Government loans to expand or establish business enterprises in order to create additional jobs, individuals could also obtain loans to establish small business enterprises. This, of course, duplicates the efforts of the Small Business Administration. Under title V, the Federal Government, in cooperation with the States, would establish pilot projects to help unemployed fathers find work, and title VI would establish the Volunteers for America, a Domestic Peace Corps, to work in community projects, on Indian reservations, and so forth. This proposal has been pending for several years in the Congress as a separate bill. The whole is estimated to cost $963 million the first year. In addition to these provisions, the bill also creates a new and unbelievably powerful Office of Economic Opportunity, whose Director has absolute control and absolute power.

It is constantly being said of Republicans that they do nothing but object to administration plans with no constructive alternatives. This is not true at all. For example, in this area of legislation, the gentleman from New Jersey, Representative PETER FRELINGHUYSEN, ranking Republican member of the Education and Labor Committee, introduced an alternative proposal which was given no consideration at all by the committee. Indeed, the committee doors were shut against Republican members of the committee during a very important part of both the hearings and actual consideration of the bill, something which has never happened before and is quite incredible to those of us who believe in the two-party system. He proposed a broadgaged, 3-year, $1.5 billion program to combat poverty. Money would be allotted to the States on the basis of population, per capita income, and number of unemployed persons. The Frelinghuysen proposal would coordinate existing Federal antipoverty programs—there are some 42 in existence—through the Secretary of Health, Education, and Welfare and relate such programs to the State plans. It would also establish a Federal Commission on Poverty composed of agency heads, Members of Congress, and public members to study existing Federal antipoverty programs and recommend coordination, combination or revision of Federal laws. Under the Frelinghuysen proposal no new Federal agency would have to be established and there would be no duplication of existing programs.

There is no doubt that our cities and certain rural areas need help in providing opportunities for those who for one reason or another are in destitute circumstances. A sound solution has been offered by the Frelinghuysen proposal which uses the many existing programs rather than setting up one all-powerful Director with complete control of all programs—surely preferable to the administration bill.

I would be the last one to say that there is no need in this country for assistance to those who are unable to live decently and to take their legitimate part as full citizens of this great country, but I do not believe that the only way, and certainly not the best way, to do it is to establish a new agency with complete Federal control of all areas covered by the bill, under the direction of one man who would have absolute power. I voted for the motion to substitute the Frelinghuysen proposal, but it failed. Consequently I voted against final passage of the bill.

CIVIL RIGHTS

The civil rights bill passed by this Congress relates mainly to voting rights—presumption that a person who has at least a sixth grade education is literate for purposes of voting; public accommodations; desegregation of public facilities such as playgrounds, and so forth; 4-year extension of Civil Rights Commission; equal employment opportunity; withholding of Federal financial assistance to recipients practicing racial discrimination.

This bill is designed to remove the legal incentives for discrimination and to create an atmosphere or climate in which the constitutional rights of all individuals may be enjoyed.

In the matter of voting rights, the bill is designed to prohibit discrimination by reason of race, color, sex, religion, or national origin. The bill neither authorizes nor permits the Federal Government to interfere in State voter qualification laws. It does provide that anyone with a sixth grade education is presumed to be literate for purposes of registering and voting. Such presumption may be rebutted by the presentation of valid evidence.

With respect to housing, there is nothing in the bill that would permit the Federal Government to tell any home or apartment owner or real estate operator to whom he must rent, sell, or otherwise use his real estate.

In the area of education, the bill does not permit the Federal Government to transfer students to create racial balancing. However, it does authorize the Attorney General to bring civil suits to desegregate public schools when requested to do so.

In the area of equal employment opportunity, the bill does not require an employer to hire, or a union to accept, a quota of employees from any particular minority group. It does authorize a bipartisan commission to investigate charges that an employer has refused to hire solely because of race, sex, religion, or national origin.

The public accommodations section applies mainly to establishments which cater to those traveling in interstate commerce. Places of lodging with five or more rooms for rent, eating places, and places of entertainment are expected to serve all who are well behaved and able to pay. There is a States rights provision in that in all cases where States have public accommodation laws, the State law takes precedence over the Federal law. In our own State, Ohio has a law which in most cases is stronger than the Federal law. I joined with the vast majority of the Members of the House, including 23 of the 24 Representatives from Ohio, in support of the legislation.

HOUSING ACT

The Congress passed a housing bill that extends for 1 year FHA, urban renewal, public housing, and other programs. The more revolutionary administration proposals, such as Federal aid in construction of satellite towns and new public housing programs that would permit leasing or purchase of homes for rehabilitation were not included. The bill does permit the Federal Housing Administration to insure mortgages on one-family homes up to $30,000 instead of the current $25,000 and provides added protection against foreclosure if a home buyer fails to meet payments on time because of circumstances beyond his control.

In addition, authorization was included for the construction of 37,500 public housing units for low income families.

Other provisions in the bill include: $75 million for construction of special housing for the elderly, $30 million for urban planning grants, and $25 million for open space grants for parks and recreation facilities. As a longtime worker for better housing for all our citizens, I was glad to support this legislation.

VETERANS PENSION ACT

The House considered and passed a bill to improve and liberalize the non-service-connected pension program for veterans. This measure, which I supported, was endorsed by all major veterans organizations. It allows new exclusions from income in determining pension eligibility. For example, the veteran may now exclude 10 percent of the total social security payments he receives in a year. This will insure that the recently voted 5-percent increase in social security benefits will not cut his veterans pension. All of the wife's earned income can be excluded, instead of only the first $1,200 of her income. These exclusion provisions will extend assistance to many needy and disabled veterans. But, the bill liberalizes the pension program in other areas as well. For example, present law requires that veterans must be 10-percent disabled and unemployable in order to receive a pension at age 65. This requirement is now removed. Moreover, the new bill increases the additional allowance for aid and attendance cases from $70 to $100 per month and provides an increase of $35 a month to any veteran who is permanently disabled.

Americans have long believed that the men who have defended this country in wartime deserve the protection of pension programs. The bill we passed provides a long-needed revision. It is an important step in the direction of insuring that veterans and their widows will be able to afford the goods and services essential for a healthful and self-respecting life. As I write, the Senate has not acted on the bill and the final outcome is in doubt because of opposition by the administration.

SOCIAL SECURITY AMENDMENTS OF 1964

This bill, as passed by the House, provides for a 5-percent, across-the-board increase in all social security benefits to partially offset the cost-of-living rise of about 7 percent since the last change in benefits in 1958. The minimum individual benefit will be raised from the present $40 to $42 and the maximum individual benefit from $127 to $143.40.

The Social Security Amendments of 1964 will also liberalize the eligibility requirements of people who are 72 years of age or older. Widows, especially, will benefit by this provision. Men and women workers with a minimum of three quarters coverage since 1937 will receive $35 per month. The widow of a worker with three quarters coverage will be eligible for this benefit also.

In addition, this legislation includes the subject matter of a bill I introduced early in this Congress to provide that benefits to a dependent child still in school or college will continue to the age of 22. Under the present law, a child's benefits end at age 18, unless the child is disabled. Generally speaking this provision will apply to a child who is going to any accredited school or college. I am happy to say that some 275,000 children will benefit from this new provision.

It has been the objective of many Members of Congress to keep the social security program responsive to current needs, to remove inequities when possible wherever they occur, and to keep the system financially sound so that it will continue to pay benefits. To pay for the increases in this bill, the wages upon which the social security tax is based will be increased from $4,800 to $5,400.

When this bill reached the Senate a provision was added to include compulsory medicare under the social security program. As of this writing the final outcome is in doubt because a majority of both Democrats and Republicans on the House Ways and Means Committee have opposed this plan. They feel it would be far better to have a medicare program, for those who need it, financed through general revenues. To include such a program under social security may do irreparable damage to the social security trust fund and thus jeopardize the whole program. Along with many of my Republican colleagues, I would hope that alternative plans would be considered such as the one advanced by the gentleman from Ohio, Congressman Bow, to permit persons over 65 to deduct $150 a year from their income tax for the purpose of purchasing a noncancellable all-inclusive health insurance policy. Those who owe no tax would be given a certificate to be used to pay the premium on such a policy. This would be an entirely voluntary program.

THE WILDERNESS ACT

This Congress moved a step closer to setting up an enduring resource of wilderness for future generations by passing the Wilderness Act. This sets aside 54 tracts in 13 States—a total of 8,139,721 acres—to be preserved in their natural state. These lands are already owned by the U.S. Government. Therefore, the bill contains no new authorizations for funds and it does not establish any new bureau, committee, or council. The bill does establish by legislative action a firm reservation of these great remaining natural scenic areas, so that they will remain inviolate in their present form for future generations to enjoy as we can enjoy them today. I was happy to support and vote for this bill.

FEDERAL AID HIGHWAY AUTHORIZATIONS

A bill was passed authorizing appropriations for fiscal years 1966 and 1967 to continue the Federal aid primary and secondary road construction program and their extensions in urban areas. This legislation which received my support is traditionally acted on several years in advance by the Congress in order that the States may have sufficient time for planning their individual road construction programs, including any financing procedures necessary to provide the required State matching funds. Under the allocation formula, Ohio will receive $39,549,000 for primary, secondary, and urban roads in 1966 and 1967. For the Interstate System, we will receive $190,081,000 in 1966 and $196,870,000 in 1967.

Ohio has made wonderful progress in its highway program. Of the 1,523 miles of the Interstate System to be constructed, 741 miles are now open to traffic and 704 miles are well underway. It has been estimated that Ohio will have 95 percent of its mileage completed by 1965, putting our State ahead of schedule by about 6 years. Ohio ranks sixth among the States in highway progress.

MASS TRANSIT

The Senate and House passed a $375 million 3-year program of grants and loans to assist publicly owned urban transportation systems. I voted against this bill for a number of reasons. First, the name is a complete misnomer. It is not going to be mass transit because, as passed, there is hardly enough money authorized to take care of Ohio, let alone the 50 States of the Union. It will be necessary to appropriate $10 to $15 billion to make it an effective program. The Federal Government will have to borrow more money to finance the program, thereby further increasing our national debt. Municipalities invariably can borrow at a lower interest rate than can the U.S. Government by issuing tax-free securities. The bill was drafted loosely to give the Housing and Home Finance Administrator very broad powers either to grant or to withhold funds. Using the promise of Federal money as bait, what is to prevent him from dictating in all sorts of areas? He could become a virtual mayor or czar of every main street.

FEDERAL PAY INCREASE

Two bills to increase the pay of Federal classified and postal employees, as well as Members of Congress, the Judiciary and Cabinet Members were considered by the House. The first bill was defeated by a vote of 184 to 222. The second bill passed by a vote of 243 to 157. The second bill differed only slightly from the one defeated. Instead of getting a $10,000 increase, as first proposed, Members of Congress and top administration officials, will get $7,500. The bill will cost taxpayers $533 million per year. I could not in good conscience vote for such a bill which will contribute so substantially to the annual Federal deficit and ever-growing public debt. I opposed both bills.

CLEVELAND HARBOR

Again this year I joined my congressional colleagues and city and business interests from Cleveland in urging the House Appropriations Committee to favorably consider the funds to continue our Cleveland Harbor improvement program. The committee approved and the Congress voted $1.8 million for bridge replacement, $51,000 for completion of the flood control survey of the Cuyahoga River, and $500,000 for construction work in deepening the outer harbor in the east basin from 23 to 27 feet. This work is necessary to enable Cleveland to become a truly world port.

VETERANS' HOSPITAL

On August 25 of this year I was very happy and proud to attend the dedication of the new veterans' hospital in Cleveland which replaces the old Crile Hospital building erected by the Army in Parma in 1942 and taken over by the VA in 1946. The new facility was authorized by Congress in 1948 and in 1950 the VA acquired some 19 acres in the Wade Park area near Western Reserve University for its location. Because of disagreements with civil defense officials over whether the building should be bombproofed, no construction money was forthcoming until 1956 when funds were provided for architects and engineers to prepare plans and provide technical services. The total amount needed for construction and equipping was finally approved by Congress in 1960.

Many of the men who were in those great sprawling buildings in Parma, which the new facility replaces, have told me down the years, that they felt an odd sense that somebody really cared—that they were not just cases—because it was George Crile's hospital.

Crile Hospital has been Crile Hospital for many, many years. Our veterans surely have the right to his name and his dreams for them. Since this is not a new hospital—it is a new building for a hospital that has existed for many years, it would seem that the name should continue. I brought this to the attention of the House in a speech on September 1 and hope we will obtain favorable results.

FOREIGN ASSISTANCE ACT OF 1964

Before bringing the Foreign Assistance Act to the House floor, my Committee on Foreign Affairs held 26 meetings during which we heard 29 executive branch witnesses, 4 Members of Congress, and 23 public witnesses. Following the hearings, we held nine additional meetings in executive session to write and report the bill. As finally reported, the bill authorized the appropriation of a total of $3,516,700,000 for fiscal year 1965. The actual appropriation made through a separate bill from the Appropriations Committee was $3.3 billion—although I had voted to reduce this further to about $3 billion.

Over the years I have supported the basic objectives of our mutual security programs under both Democratic and Republican Presidents. But I have differed with each from time to time on specific items in the program and in the dollar amounts to be spent.

We spend over $50 billion a year or better than 50 percent of the Federal budget on national defense. There are more than 2.7 million Americans under arms with over 1 million outside the continental United States. The foreign assistance program helps us to protect and build the strength of the free world without expecting our men to keep the peace all over the world. Two-thirds of all military assistance funds requested for next year are earmarked for Greece, Turkey, Iran, Pakistan, India, Thailand, Vietnam, Laos, the Philippines, Nationalist China, and Korea. Together, these nations maintain 3½ million men under arms, not Americans, but their own manpower for our common defense.

There is no question but that the aid programs under their various names have not been without mistakes of both original decisions and administration. How could it have been otherwise when there were 11 directors in 15 years? The consequent changes of reorganization and poorly defined, shifting lines of responsibility and authority, paint a tragically clear picture. But in spite of all this, aid all along has had the purpose of, first, strengthening the will and capacity of emerging countries; second, reminding ourselves and others of the soundness of freedom as an alternative to the slavery of communism; third, building a system whereby people control government instead of the opposite.

We must recognize the fact that what we hope to accomplish by our foreign aid program is a very difficult and complex task. Full of problems as this program is, it remains a most important asset of our foreign policy.

PEACE CORPS ACT

The House appropriated $87 million with a carryover of $17 million or a total of $104 million to expand the Peace Corps to a level of 14,000 volunteers, an increase of 3,500 above the number for which funds have already been appropriated.

The demand for volunteers by foreign governments far exceeds the number provided for in the bill. The additional 3,500 to be financed by this increase of funds, are to expand the number of volunteers where operations are already underway rather than to initiate programs in other nations. The volunteers have not been an embarrassment to the American people. Every country that now has volunteers has asked for more. During the crisis in Panama last January, Panamanians protected Peace Corps workers from would-be attackers. Ghana has requested more volunteers despite increasing anti-American propaganda from the Government-controlled radio and press.

What all this means, of course, is that the applicants have been screened carefully. The high standards are being raised each year and the quality—while always good—increases with rising applications.

The record of the Peace Corps indicates that it has been careful in the handling of its funds. Unused money has been returned to the Treasury. Moreover, the average annual cost per volunteer has been reduced from $9,000 in previous years to an estimated $8,560 in fiscal year 1965.

Nearly 3 years of Peace Corps operations has demonstrated that the men and women already serving overseas as well as the thousands who are seeking an opportunity for such service, constitute a resource of which the American people can be justly proud. This program is worthy of our support.

RESOLUTION ON SOUTHEAST ASIA

The House gave overwhelming approval, by a vote of 414 to 0, to an emergency resolution requested by the President to strengthen his hand in dealing with Communist aggression in southeast Asia.

The resolution gives prior congressional approval of all necessary measures which the President may take both to repel any armed attack against U.S. forces and to prevent further aggression. It also gives advance sanction for all necessary steps taken by the President to help any nation covered by the Southeast Asia Collective Defense Treaty that requests assistance in defense of its freedom.

Once again in times of crisis this resolution, as other preceding ones have done, demonstrates to all the world that regardless of political differences, Americans are determined to prevent aggression and to work firmly and steadily for peace with freedom.

MY OWN BILLS

Among the bills I have sponsored in the 88th Congress, have been the following: H.R. 45, to repeal the excise tax on telephone service; H.R. 621, to amend the Social Security Act to permit an individual to earn an unlimited amount without losing social security benefits; H.R. 622, to permit a dependent child to continue receiving social security benefits after age 18—up to 22—so long as he remains in school; H.R. 983, to make tuition payments tax deductible; H.R. 1034, to give regular commissions in the armed services to men nurses; H.R. 2828, to make the fraudulent use of credit cards in interstate commerce a Federal offense; House Joint Resolution 109, to make Sir Winston Churchill an honorary American citizen; and House Joint Resolution 1146, to promote the maintenance of peace and security in southeast Asia.

CONCLUSION

This, of course, is little more than an outline of the work of the 88th Congress. Many, many hours were spent in committees, in conferences, and otherwise in tedious behind-the-scenes work on all phases of legislation and other business of the Congress and the Federal Government. As the ranking Republican member of the House Committee on Foreign Affairs, I spent many hours in hearings and considerations of the bills before that committee, and also participated in leadership meetings at the White House.

It is a very great privilege to serve the 22d Ohio District in the many areas of national life that grow increasingly important to each individual American. May I take this opportunity to thank each of my constituents for the support given me throughout my service in the Congress of the United States.

REAPPORTIONMENT

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Speaker, I have repeatedly warned the Congress, and the country, that the Supreme Court's decisions on legislative reapportionment would lead us, as Mr. Justice

Frankfurter has stated, into a "political thicket."

In the hearings before the House Judiciary Committee, in the hearings before the House Rules Committee, and in debate before this House, I have warned that the effect of the Supreme Court's decisions would be to cast doubt on the composition of not only State legislatures, and the Congress, but on the composition of each and every political subdivision of every State throughout the Nation, including flood control, irrigation, reclamation and drainage districts.

Little did I realize, however, that my prophesy would so soon and so ominously come true.

In the Washington Evening Star of Saturday, September 12, 1964, and in the Washington Post of Sunday, September 13, there was reported a decision by the circuit court of Kent County, Mich. The court ruled that, pursuant to the Supreme Court's one-man, one-vote apportionment decisions, the Kent County Board of Supervisors must reapportion.

The import of this decision is clear, and, if it be a correct interpretation of the Supreme Court decisions, could be disastrous. Every county office, every city ward, every judicial district, every board of supervisors, and every other elective local office shall be required by Federal court order to elect its officials on strictly a head-count basis.

The result, of course, is that the Supreme Court will dictate either directly or indirectly the composition of elected legislative, administrative, and judicial offices on every level of State and local government.

The further result is that the Supreme Court decisions might place in jeopardy the future, if not the past, financial obligations, the judicial decisions, and the peoples trust in all the legislative, judicial, and structures of most States in the Union.

Every proper effort must be made to overcome this new rule of law which, by a divided Court, changed basic nationwide law of 173 years of unquestioned constitutionality. My able colleague, the Honorable Gerald Ford, of Michigan, joins me, for a part, at least, in my remarks.

If we too long delay, we surely are at the end of a glorious era in our history.

A copy of the news story, as it appeared in the Washington Post, is as follows:

[From the Washington Post, Sept. 13, 1964]

One-for-One Vote Rule Applied to County

Grand Rapids, Mich., September 12.—The U.S. Supreme Court's one-man, one-vote apportionment formula for State legislatures has been applied at the county level in Michigan for the first time.

Circuit Judge Fred N. Searl, ruled yesterday that the Kent County Board of Supervisors must be reapportioned on a population-only basis.

But he did not issue an immediate order for redistricting, saying he would leave it up to the 1965 session of the Michigan Legislature to carryout reapportionment of county governing units.

Judge Searl's 36-page opinion held that the equal protection clause of the 14th amendment to the U.S. Constitution requires that the board of supervisors meet the same basic standards applied to the legislature under the High Court decision.

Five professors from Calvin and Aquinas Colleges in Grand Rapids had asked Searl in a suit to order reapportionment of the county board. They noted that in one Grand Rapids ward, 1 supervisor represents 8,500 residents, while in the outlying town of Cedar Springs, 1 supervisor represents 925 persons.

[In the Washington metropolitan area, the Fairfax County supervisors are the only county officials elected by districts. In the 7 districts populations range from 14,785 in Centreville District to 81,295 in Mason District. Other district populations are Dranesville, 37,624; Falls Church, 57,429; Lee, 40,933; Mount Vernon, 44,129, and Providence, 45-129.]

PEOPLE OF CYPRUS DENIED SELF-DETERMINATION AND UNION WITH GREECE

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. Tupper] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TUPPER. Mr. Speaker, when we consider that centuries ago the people of Greece gave the world the concept of democracy and political self-government, it seems incongruous that the people of Cyprus today are denied self-determination and union with Greece that a majority apparently desire.

The crisis in Cyprus has threatened the NATO alliance and continuation of the impasse has benefited only the Communist Party and the Soviet Union. The indecision of the West has resulted in substantial political, psychological, and commercial gains for Communist bloc countries in Cyprus.

There has been much said concerning the protection of Turkish minority rights on Cyprus. No one can logically dispute the necessity for protecting minority rights of Turks on Cyprus as well as minority rights of Greeks in Turkey.

However, the real issue is whether a minority of 17 percent of the population of Cyprus should have extraordinary veto rights on foreign, domestic, and defense policies despite the wishes of an 82-percent Greek majority. This final veto power goes far beyond the laudable protection of individual rights of a minority, and hamstrings the majority in governing.

It would seem clear that the best interests of the United States, Greece, Turkey, and Great Britain would be served by allowing Cypriots to fully determine whether they wished a union with Greece. Most observers agree that a referendum conducted by the United Nations would show that an overwhelming majority of Cypriots desire such union.

Union with Greece would diminish the influence of the Soviet Union on Cyprus and prevent the possibility of creation of a Communist stronghold in the Mediterranean. Cyprus would then become a part of NATO, and the serious controversy between two NATO allies, Greece and Turkey, would end.

Moreover, freedom of speech, religion, assembly, equal protection of the laws, and freedom from persecution would be guaranteed to all minorities.

The United States must make it clear that we favor self-determination on Cyprus as in other areas of the world. When we show a reluctance to defend free institutions because of fear of hurting feelings of an ally, we actually do a disservice to our own country and the system of government we cherish.

HOEVEN HITS FREEMAN CLAIM ON FEED GRAIN PROGRAM

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. Hoeven] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOEVEN. Mr. Speaker, when Secretary Freeman was on a political tour in Iowa a few days ago, he said that "farmers would not get a feed grain program from the Republican Party."

This is simply preposterous.

If Secretary Freeman knew his facts, he would know that as early as 1960 I and over two dozen other Republican House Members sponsored bills to set up a voluntary feed grain program.

There has never been an issue among Republicans as to whether there should be a voluntary feed grain program. The only issue has been whether the Secretary of Agriculture should have the power to dump surplus corn to break market prices.

Republican Members of Congress from Iowa are on record in support of a voluntary feed grain program and its extension, but we opposed vigorously the dumping procedure used by Secretary Freeman in 1961 and 1962.

Secretary Freeman apparently has forgotten that in 1962 he opposed the present feed grain program, claiming it was too costly and ineffective, and plugged hard to get Congress to accept the infamous and unfair strict control marketing quota plan for corn and feed grains that he favored.

The Freeman strict control bill failed by only 10 votes in the House. Both President Johnson and Senator Humphrey, who supported the strict control plan, would have succeeded if they had five more rubberstamp votes in the House.

Iowa farmers can look forward to that same mandatory program in 1966 if the Democrats take complete control of the White House and the Congress next year.

The Republican Party, on the other hand, offers Iowa farmers a voluntary feed grain program using payments-in-kind on acreage devoted to conservation practices together with strong market prices, so they should stop, look, and listen when they go to the polls in November.

BOBBY BAKER WHITEWASH: CASE STUDY OF POLITICAL ARROGANCE BY SENATE DEMOCRATS

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the action of Senate Democrats in arrogantly refusing to support a real investigation of the Bobby Baker affair of political corruption, influence peddling, and financial manipulation insults the American people. In spite of evidence that former Democratic National Committee Treasurer Matthew McCloskey paid an illegal kickback to Bobby Baker and the Democratic Party, the Senate, controlled 2 to 1 by Democrats, has cynically rejected any move to undertake a serious investigation of the case by calling upon all involved officials to testify. It is clear that by referring this seamy situation again to the Senate Rules Committee, administration forces intend to undertake another whitewash of the Bobby Baker case to avoid personal and political embarrassment to President Lyndon B. Johnson.

The Washington Star states that "this smells to high heaven" in a powerful editorial of September 13, 1964, which I would like to include here in the RECORD. I commend this editorial to my colleagues and all who believe in the cause of good government:

NO CONFIDENCE

There is little or no reason why anyone should have any confidence in the Senate's revived investigation of the Bobby Baker case. For despite the significant new evidence which has been produced, the Senate apparently is determined to spread a second coat of whitewash on this already whitewashed political scandal. For our part, we think what the Senate has done is nothing short of disgraceful.

Some weeks ago the Senate Rules Committee hopefully "buried" the Baker case, scrubbed its hands, and offered up a small prayer to the effect that all would be forgotten. But there was one man—Delaware's Senator WILLIAMS—who is not the forgetful type.

Had it not been for this Republican there might not have been any investigation of Bobby Baker. Senator WILLIAMS was the moving spirit behind the Democratic majority's hasty peek into the closet where the skeletons were hidden. And it was he who advised the Rules Committee to ascertain, before signing off, the exact amount of the check which Matthew H. McCloskey wrote for the premium on a bond required in connection with the construction of the District of Columbia Stadium. Instead, the committee, for reasons best known to the Democratic majority, accepted the version given in a transatlantic phone call by Mr. McCloskey, who was then Ambassador to Ireland. Mr. McCloskey said the fee was about $73,000. But Senator WILLIAMS has produced a check which indicates that it was approximately $109,000. And the accusation is that part of the difference was a kickback which, through Bobby Baker, found its way into Democratic campaign funds.

The Rules Committee had ample reason to call Mr. McCloskey and Don Reynolds, the insurance broker to whom the fee was paid, and to compel them to testify under oath and in public. But the committee, on a straight party-line vote, didn't do so. One of the majority members, Senator CLARK of Pennsylvania, offered this fascinating observation: "I think it is really looking for needles in a haystack to seriously suggest, in view of the very candid statement which Mr. McCloskey has made, that he should be called to testify before this committee."

Well, where do we stand today? The Senate on Thursday, again largely on party-line votes, decided to refer the new investigation, not to a tough investigating committee, but of all things to the Rules Committee. Perhaps the reasoning was that having once whitewashed this squalid business, the Rules Committee at least had the benefit of experience.

Two things stand out. One is the unwillingness of Senator JORDAN, chairman of the Rules Committee, to give firm assurance that even Mr. McCloskey will be called as a witness in the new investigation. The other is the vote by the Democratic majority in the Senate to deny Republican members of the committee the right to call witnesses.

To us, this smells to high heaven. It has every hallmark of another coverup. Perhaps, as Senator WILLIAMS suggested, the word has come down from on high to bury this malodorous business in the Rules Committee—at least until after the election. At any rate, the Senate's performance last week tends to support the charge by Senator SCOTT of Pennsylvania that this revived investigation will be another "fraud on the public." If so, there can be but one proper public reaction—a loud, clear vote of "no confidence" in the Senate of the United States.

FOREIGN AID: A CRITIQUE—THE RICH GET RICHER?

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the League of Women Voters of New Hampshire recently quizzed candidates in the New Hampshire primary on a variety of questions. The candidates' answers to these questions were widely publicized and the New Hampshire voters benefited by being advised of the candidates' positions on important issues.

One of their questions concerned my opinion on economic aid to developing nations in Asia, Africa, and Latin America. In answer to this question, I suggested that economic aid for the developing nations has been overemphasized and that I preferred technical assistance programs, setting a good national example, educational assistance, Peace Corps, and people-to-people-type programs. I pointed out that economic aid poured in at the top often stays at the top, fails to attain intended goals, and enriches wealthy ruling classes. At least one of my constituents interpreted my last observation as reflecting a position hostile to foreign aid. For this reason, Mr. Speaker, I was particularly interested in an article in the Washington Post of September 14 written by their staff reporter, Mr. Dan Kurzman, entitled "Upper Crust Latins Get U.S. Housing Aid."

There are many thoughtful people who are perfectly willing to support foreign aid programs. It is unfair to question their motives when they constructively criticize existing programs. The rather violent reaction to constructive criticism indulged in by many so-called friends of foreign aid is actually one of the factors contributing to the increasing suspicion that many of these programs are not being wisely and well directed. As Mr. Kurzman points out in his article, more than $330 million under the Alliance for Progress is apparently being devoted to the construction of houses designed mainly for the families in the upper one-fourth income strata in Latin America. This is a good example of economic aid being poured in at the top and staying there, failing to attain the intended goals, and enriching already relatively wealthy ruling classes. Because of my belief that constructive criticism and discussion of foreign aid programs is important, I am enclosing Mr. Kurzman's article for the RECORD at this time:

TOP 25 PERCENT INCOME GROUP—UPPER CRUST LATINS GET U.S. HOUSING AID

(By Dan Kurzman)

The United States has loaned or committed itself to loan more than $330 million under the Alliance for Progress for the construction of houses designed mainly for families in the upper one-fourth income strata of Latin America.

This policy is drawing sharp criticism from many housing experts, including some U.S. officials, experts in inter-American institutions, and private American building contractors.

They maintain that the United States, which has helped to build or agreed to help build some 400,000 homes in Latin America since 1962, could and should contribute principally to the construction of houses for lower income groups now living in mud hovels and oilcan shacks.

Even when the United States has tried to build low-cost houses, these experts say, American officials and engineers have often run the price up from two to three times by insisting that U.S. housing standards be applied though such standards may be unreasonably high for the Latin American environment.

"The housing program reflects one of the things wrong with the Alliance for Progress," one critic commented. "We're not reaching the people who most need a peaceful social revolution—simply because it's easier and cheaper to help people who already have money."

Investigation has indicated that the average house being built with U.S. funds costs almost $3,000—some in Venezuela cost more than $18,000—and is intended for families earning in the range of $1,300 a year. Of Latin America's estimated 18 million urban families only about 4 million earn this much.

Virtually no U.S. funds at all are being channelled to the bottom 5 million urban families that earn less than $600 a year, nor is much aid going to the even poorer rural inhabitants who represent more than half of Latin America's total population—except in some newly developed areas.

When asked why such people were not getting houses, one U.S. official, taken aback by the question, replied: "You mean we should extend our program to the poorest of the poor? But they haven't got the money for a house."

Some American building contractors say that the United States could in fact reach the lowest income groups at very little, if any, increase in the program's cost. They maintain that instead of financing relatively expensive homes, the Alliance should concentrate on building houses costing from $700 to $1,200, which, they say, would be adequate.

Some experts point to an unusual project being financed in Brazil from the counterpart proceeds of the U.S. surplus wheat sales program as evidence that houses can be built even more cheaply yet. About 4,500 houses costing as little as $350 have been constructed for families earning not more than $500 a year, 20 percent of which goes for payment.

"They're dream houses compared to what those people used to live in," one U.S. expert said.

When cheap houses are planned, some contractors said, the plans seldom materialize. In one case, U.S. engineers insisted on putting a concrete slab under a tile-topped floor though this was "entirely unnecessary." In another case, the size of plumbing pipe had to fit U.S. requirements. And in still others, front-entrance structures had to be built and rear approaches to some houses paved, though concrete stepping stones would have sufficed.

SHAVER OUTLET DEMANDED

One American engineer even demanded that an electrical outlet be installed in the bathroom for electric shavers, which few Latin Americans use.

In any event, U.S. officials make no secret of the fact that their program is designed primarily for "middle income" groups rather than for the less fortunate.

They argue that at best the United States can help provide only a small fraction of the estimated 40 million houses needed in Latin America. Therefore, since it can't satisfy everybody, it is economically desirable to build houses for those who both need them and can pay for them most easily.

This policy, they say, assures that new homeowners will be able to repay loans to Latin housing agencies, which themselves borrow from the United States, and thus help to maintain a permanent revolving fund for new housing projects—also for middle income earners.

Furthermore, this policy has stimulated thousands of middle-income Latin Americans to save money. Five Latin countries have already established a total of 74 savings and loans associations with 165,000 savers who have saved almost $40 million. And other countries are now setting up such associations.

Such savings have, to date, financed the construction of 21,000 houses—at prices ranging from $2900 in Chile to $18,000 in Venezuela.

U.S. housing funds are dispensed through two organizations—the Agency for International Development (AID) and the Social Progress Trust Fund, which has been administered by the Inter-American Development Bank. Although AID is financing higher cost houses, the Trust Fund also deals mainly with middle income groups.

SEEP DOWN THEORY

Both organizations maintain that the financing of low-cost housing would amount to subsidization, and that, except to a limited extent, their policies are opposed to this in principle. The theory, one U.S. official said, is that as the economy improves with such innovations as the savings and loan associations, housing, and other benefits would eventually "seep down" to the poorest people.

But critics argue that not only is this theory contrary to the spirit of the Alliance for Progress, but that it is based on a false notion: that the poorest could not pay for minimal-cost homes. They say that a family earning, for example, $500 a year or less, could afford to pay up to $12 a month as illustrated by the Brazilian experience.

It's simply, say these critics, that the United States-backed Latin lending institutions don't want to take the risk and Washington is not prodding them to do so. Some American officials are opposed, on economic grounds, to the financing of any kind of housing program.

A few critics charge that some building contractors, seeking the larger profits to be gained from more expensive projects, have exerted considerable pressure on U.S. officials to favor such schemes.

It is noted in particular that one AID program for guaranteeing private U.S. housing investments in Latin America is actually encouraging investment in higher cost, rather than low cost, projects despite a huge backlog of applicants receptive to almost any AID requirements.

ONE NATION, ONE PEOPLE—THE 1964 PLATFORM OF THE DEMOCRATIC PARTY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I submit for the Record "One Nation, One People," the 1964 platform adopted last month at the Democratic National Convention, and "An Accounting of Stewardship 1961–64," which accompanies this platform and sets forth for the American people the Democratic Party's accounting of its policies and actions since the elections of 1960:

One Nation, One People

America is one Nation, one people.

The welfare, progress, security and survival of each of us reside in the common good—the sharing of responsibilities as well as benefits by all our people.

Democracy in America rests on the confidence that people can be trusted with freedom. It comes from the conviction that we will find in freedom a unity of purpose stonger than all our differences.

We have drawn upon that unity when the forces of ignorance, hate, and fear fired an assassin's bullet at the Nation's heart, incited violence in our land, and attacked the outposts of freedom around the world.

Because of this unity, those who traffic in fear, hate, falsehood, and violence have failed to undermine our people's deep love of truth and quiet faith in freedom.

Our program for the future is to make the national purpose—the human purpose of us all—fulfill our individual needs.

Accordingly, we offer this platform as a covenant of unity.

We invite all to join us who believe that narrow partisanship takes too small account of the size of our task, the penalties for failure and the boundless rewards to all our people for success.

We offer as the goal of this covenant peace for all nations and freedom for all peoples.

PEACE

Peace should be the first concern of all governments as it is the prayer of all men.

At the start of the third decade of the nuclear age, the preservation of peace requires the strength to wage war and the wisdom to avoid it. The search for peace requires the utmost intelligence, the clearest vision, and a strong sense of reality.

Because for 4 years our Nation has patiently demonstrated these qualities and persistently used them, the world is closer to peace today than it was in 1960.

In 1960, freedom was on the defensive. The Communists—doubting both our strength and our will to use it—pressed forward in southeast Asia, Latin America, Central Africa, and Berlin.

President Kennedy and Vice President Johnson set out to remove any question of our power or our will. In the Cuban crisis of 1962 the Communist offensive shattered on the rock of President Kennedy's determination—and our ability—to defend the peace.

Two years later, President Johnson responded to another Communist challenge, this time in the Gulf of Tonkin. Once again power exercised with restraint repulsed Communist aggression and strengthened the cause of freedom.

Responsible leadership, unafraid but refusing to take needless risk, has turned the tide in freedom's favor. No nation, old or new, has joined the Communist bloc since Cuba during the preceding Republican administration. Battered by economic failures, challenged by recent American achievements in space, torn by the Chinese-Russian rift, and faced with American strength and courage—international communism has lost its unity and momentum.

NATIONAL DEFENSE

By the end of 1960, military strategy was being shaped by the dictates of arbitrary budget ceilings instead of the real needs of national security. There were, for example, too few ground and air forces to fight limited war, although such wars were a means to continued Communist expansion.

Since then, and at the lowest possible cost, we have created a balanced, versatile, powerful Defense Establishment, capable of countering aggression across the entire spectrum of conflict, from nuclear confrontation to guerrilla subversion.

We have increased our intercontinental ballistic missiles and Polaris missiles from fewer than 100 to more than 1,000, more than four times the force of the Soviet Union. We have increased the number of combat ready divisions from 11 to 16.

Until such times as there can be an enforceable treaty providing for inspected and verified disarmament, we must, and we will, maintain our military strength, as the sword and shield of freedom and the guarantor of peace.

Specifically, we must and we will—

Continue the overwhelming supremacy of our strategic nuclear forces.

Strengthen further our forces for discouraging limited wars and fighting subversion.

Maintain the world's largest research and development effort, which has initiated more than 200 new programs since 1961, to insure continued American leadership in weapons systems and equipment.

Continue the nationwide civil defense program as an important part of our national security.

Pursue our examination of the selective service program to make certain that it is continued only as long as it is necessary and that we meet our military manpower needs without social or economic injustice.

Attract to the military services the highest caliber of career men and women and make certain they are adequately paid and adequately housed.

Maintain our cost-reduction program, to insure a dollar's worth of defense for every dollar spent, and minimize the disruptive effects of changes in defense spending.

BUILDING THE PEACE

As citizens of the United States, we are determined that it be the most powerful nation on earth.

As citizens of the world, we insist that this power be exercised with the utmost responsibility.

Control of the use of nuclear weapons must remain solely with the highest elected official in the country—the President of the United States.

Through our policy of never negotiating from fear but never fearing to negotiate, we are slowly but surely approaching the point where effective international agreements providing for inspection and control can begin to lift the crushing burden of armaments off the backs of the people of the world.

In the nuclear test ban treaty, signed now by over 100 nations, we have written our commitment to limitations on the arms race, consistent with our security. Reduced production of nuclear materials for weapons purposes has been announced and nuclear weapons have been barred from outer space.

Already the air we and our children breathe is freer of nuclear contamination.

We are determined to continue all-out efforts through fully enforceable measures to halt and reverse the arms race and bring to an end the era of nuclear terror.

We will maintain our solemn commitment to the United Nations, with its constituent agencies, working to strengthen it as a more effective instrument for peace, for preventing or resolving international disputes, and for building free nations through economic, technical, and cultural development. We continue to oppose the admission of Red China to the United Nations.

We believe in increased partnership with our friends and associates in the community which spans the North Atlantic. In every possible way we will work to strengthen our ties and increase our cooperation, building always more firmly on the sure foundation of the NATO treaty.

We pledge unflagging devotion to our commitments to freedom from Berlin to South Vietnam.

We will:

Help the people of developing nations in Asia, Africa, and Latin America raise their standards of living and create conditions in which freedom and independence can flourish.

Place increased priority on private enterprise and development loans as we continue to improve our mutual assistance programs.

Work for the attainment of peace in the Near East as an urgent goal, using our best efforts to prevent a military unbalance, to encourage arms reductions and the use of national resources for internal development, and to encourage the resettlement of Arab refugees in lands where there is room and opportunity. The problems of political adjustment between Israel and the Arab countries can and must be peacefully resolved and the territorial integrity of every nation respected.

Support the partnership of free American Republics in the Alliance for Progress.

Move actively to carry out the resolution of the Organization of American States to further isolate Castroism and speed the restoration of freedom and responsibility in Cuba.

Support our friends in and around the rim of the Pacific, and encourage a growing understanding among peoples, expansion of cultural exchanges, and strengthening of ties.

Oppose aggression and the use of force or the threat of force against any nation.

Encourage by all peaceful means the growing independence of the captive peoples living under communism and hasten the day that Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, and the other captive nations will achieve full freedom and self-determination. We deplore Communist oppression of Jews and other minorities.

Encourage expansion of our economic ties with other nations of the world and eliminate unjustifiable tariff and nontariff barriers, under authority of the Trade Expansion Act of 1962.

Expand the Peace Corps.

Use even more of our food for peace.

THE CONQUEST OF SPACE

In 4 vigorous years we have moved to the forefront of space exploration. The United States must never again settle for second place in the race for tomorrow's frontiers.

We will continue the rapid development of space technology for peaceful uses.

We will encourage private industry to increase its efforts in space research.

We will continue to insure that any race in space is won for freedom and for peace.

THE LEADERSHIP WE OFFER

The complications and dangers in our restless, constantly changing world require of us consummate understanding and experience. One rash act, one thoughtless decision, one unchecked reaction—and cities could become smoldering ruins and farms parched wasteland.

The leadership we offer has already been tested in the crucible of crisis and challenge. To this Nation and to all the world we reaffirm President Johnson's resolve to " * * * use every resource at the command of the Government * * * and the people * * * to find the road to peace."

We offer this platform as a guide for that journey.

FREEDOM AND WELL-BEING

There can be full freedom only when all of our people have opportunity for education to the full extent of their ability to learn, followed by the opportunity to employ their learning in the creation of something of value to themselves and to the Nation.

The individual

Our task is to make the national purpose serve the human purpose: that every person shall have the opportunity to become all that he or she is capable of becoming.

We believe that knowledge is essential to individual freedom and to the conduct of a free society. We believe that education is the surest and most profitable investment a nation can make.

Regardless of family financial status, therefore, education should be open to every boy or girl in America up to the highest level which he or she is able to master.

In an economy which will offer fewer and fewer places for the unskilled, there must be a wide variety of educational opportunities so that every young American, on leaving school, will have acquired the training to take a useful and rewarding place in our society.

It is increasingly clear that more of our educational resources must be directed to preschool training as well as to junior college, college, and postgraduate study.

The demands on the already inadequate sources of State and local revenues place a serious limitation on education. New methods of financial aid must be explored, including the channeling of federally collected revenues to all levels of education, and, to the extent permitted by the Constitution, to all schools. Only in this way can our educational programs achieve excellence throughout the Nation, a goal that must be achieved without interfering with local control and direction of education.

In order to insure that all students who can meet the requirements for college entrance can continue their education, we propose an expanded program of public scholarships, guaranteed loans, and work-study grants.

We shall develop the potential of the Armed Forces for training young men who might otherwise be rejected for military service because their work skills are underdeveloped.

The health of the people is important to the strength and purpose of our country and is a proper part of our common concern.

In a nation that lacks neither compassion nor resources, the needless suffering of people who cannot afford adequate medical care is intolerable:

We will continue to fight until we have succeeded in including hospital care for older Americans in the social security program, and have insured adequate assistance to those elderly people suffering from mental illness and mental retardation.

We will go forward with research into the causes and cures of disease, accidents, mental illness, and mental retardation.

We will further expand our health facilities, especially medical schools, hospitals, and research laboratories.

America's veterans who served their Nation so well must, in turn, be served fairly by a grateful Nation. First-rate hospitals and medical care must be provided veterans with service-connected injuries and disabilities, and their compensation rates must insure an adequate standard of living. The national service life insurance program should be reopened for those who have lost their insurance coverage, and an equitable and just pension system must help meet the need of those disabled veterans and their survivors who require financial assistance.

Democracy of opportunity

The variety of our people is the source of our strength and ought not to be a cause of disunity or discord. The rights of all our citizens must be protected and all the laws of our land obeyed if America is to be safe for democracy.

The Civil Rights Act of 1964 deserves and requires full observance by every American and fair, effective enforcement if there is any default.

Resting upon a national consensus expressed by the overwhelming support of both parties, this new law impairs the rights of no American; it affirms the rights of all Americans. Its purpose is not to divide, but to end division; not to curtail the opportunities of any, but to increase opportunities for all; not to punish, but to promote further our commitment to freedom, the pursuit of justice, and a deeper respect for human dignity.

We reaffirm our belief that lawless disregard for the rights of others is wrong—whether used to deny equal rights or to obtain equal rights.

We cannot and will not tolerate lawlessness. We can and will seek to eliminate its economic and social causes.

True democracy of opportunity will not be served by establishing quotas based on the same false distinctions we seek to erase, nor can the effects of prejudice be neutralized by the expedient of preferential practices.

The immigration laws must be revised to permit families to be reunited, to welcome the persecuted and oppressed, and to eliminate the discriminatory provisions which base admission upon national origins.

We will support legislation to carry forward the progress, already made toward full equality of opportunity for women as well as men.

We will strive to eliminate discrimination against older Americans, especially in their employment.

Ending discrimination based on race, age, sex, or national origin demands not only equal opportunity but the opportunity to be equal. We are concerned not only with people's right to be free, but also with their ability to use their freedom.

We will:

Carry the war on poverty forward as a total war against the causes of human want.

Move forward with programs to restore those areas, such as Appalachia, which the Nation's progress has bypassed.

Help the physically handicapped and mentally disadvantaged develop to the full limit of their capabilities.

Enhance the security of older Americans by encouraging private retirement and welfare programs, offering opportunities like those provided for the young under the Economic Opportunities Act of 1964, and expanding decent housing which older citizens can afford.

Assist our Indian people to improve their standard of living and attain self-sufficiency, the privileges of equal citizenship, and full participation in American life.

The social security program, initiated and developed under the national leadership of the Democratic Party and in the face of ceaseless partisan opposition, contributes greatly to the strength of the Nation. We must insure that those who have contributed to the system shall share in the steady increase in our standard of living by adjusting benefit levels.

We hold firmly to the conviction, long embraced by Democratic administrations, that the advancing years of life should bring not fear and loneliness, but security, meaning, and satisfaction.

We will encourage further support for the arts, giving people a better chance to use increased leisure and recognizing that the achievements of art are an index of the greatness of a civilization.

We will encourage the advance of science and technology—for its material rewards, and for its contribution to an understanding of the universe and ourselves.

The economy

The American free enterprise system is one of the great achievements of the human mind and spirit. It has developed by a combination of the energetic efforts of working men and women, bold private initiative, the profit motive and wise public policy, until it is now the productive marvel of mankind.

In spite of this, at the outset of 1961, America was in the depths of the fourth postwar recession.

Since then, in 42 months of uninterrupted expansion under Presidents Kennedy and Johnson, we have achieved the longest and strongest peacetime prosperity in modern history:

Almost 4 million jobs have been added to the economy—almost 1½ million since last December.

Workers' earnings and corporate profits are at the highest level in history.

Prices have been more stable than in any other industrial nation in the free world.

This did not just happen. It has come about because we have wisely and prudently used our increasing understanding of how the economy works.

It is the national purpose, and our commitment, to continue this expansion of the American economy toward its potential, without a recession, with continued stability, and with an extension of the benefits of this growth and prosperity to those who have not fully shared in them.

This will require continuation of flexible and innovative fiscal, monetary, and debt management policies, recognizing the importance of low interest rates.

We will seek further tax reduction—and in the process we need to remove inequities in our present tax laws. In particular we should carefully review all our excise taxes and eliminate those that are obsolete. Consideration should be given to the development of fiscal policies which would provide revenue sources to hard-pressed State and local governments to assist them with their responsibilities.

Every penny of Federal spending must be accounted for in terms of the strictest economy, efficiency, and integrity. We pledge to continue a frugal government, getting a dollar's value for a dollar spent, and a Government worthy of the citizen's confidence.

Our goal is a balanced budget in a balanced economy.

Our enviable record of price stability must be maintained—through sound fiscal and monetary policies and the encouragement of responsible private wage and price policies. Stability is essential to protect our citizens—particularly the retired and handicapped—from the ravages of inflation. It is also essential to maintain confidence in the American dollar; this confidence has been restored in the past 4 years through sound policies.

Radical changes in technology and automation contribute to increased productivity and a higher standard of living. They must not penalize the few while benefiting the many. We maintain that any man or woman displaced by a machine or by technological change should have the opportunity, without penalty, to another job. Our common responsibility is to see that this right is fulfilled.

Full employment is an end in itself and must be insisted upon as a priority objective.

It is the national purpose, and our commitment, that every man or woman who is willing and able to work is entitled to a job and to a fair wage for doing it.

The coverage of the Fair Labor Standards Act must be extended to all workers employed in industries affecting interstate commerce, and the minimum wage level and coverage increased to assure those at the bottom of the economic scale a fairer share in the benefits of an ever-rising standard of American living.

Overtime payment requirements must be increased to assure maximum employment consistent with business efficiency. The matter of the length of work periods should be given continuing consideration.

The unemployment insurance program must be basically revised to meet the needs of the unemployed and of the economy, and to assure that this program meets the standards the Nation's experience dictates.

Agricultural and migratory workers must be given legal protection and economic encouragement.

We must develop fully our most precious resource—our manpower. Training and retraining programs must be expanded. A broad-gage manpower program must be developed which will not only satisfy the needs of the economy but will also give work its maximum meaning in the pattern of human life.

We will stimulate as well as protect small business, the seedbed of free enterprise and a major source of employment in our economy.

The antitrust laws must be vigorously enforced.

Our population, which is growing rapidly and becoming increasingly mobile, and our expanding economy are placing greater demands upon our transportation system than ever before. We must have fast, safe, and economic modes of transportation. Each mode should be encouraged to develop in accordance with its maximum utility, available at the lowest cost under the principles of fair competition. A strong and efficient American-flag merchant marine is essential to peacetime commerce and defense emergencies.

The industrial democracy of free, private collective bargaining and the security of American trade unions must be strengthened by repealing section 14(b) of the Taft-Hartley Act. The present inequitable restrictions on the right to organize and to strike and picket peaceably must also be eliminated.

In order to protect the hard-earned dollars of American consumers, as well as promote their basic consumer rights, we will make full use of existing authority, and continue to promote efforts on behalf of consumers by industry, voluntary organizations, and State and local governments. Where protection is essential, we will enact legislation to protect the safety of consumers and to provide them with essential information. We will continue to insist that our drugs and medicines are safe and effective, that our food and cosmetics are free from harm, that merchandise is labeled and packaged honestly and that the true cost of credit is disclosed.

It is the national purpose, and our commitment to increase the freedom and effectiveness of the essential private forces and processes in the economy.

RURAL AMERICA

The roots of our economy and our life as a people lie deep in the soil of America's farmland.

Our policies and programs must continue to recognize the significant role of agricultural and rural life.

To achieve the goals of higher incomes to the farm and ranch, particularly the family-sized farm, lower prices for the consumer, and lower costs to the Government, we will continue to carry forward this three-dimensional program.

1. Commodity programs to strengthen the farm income structure and reach the goal of parity of income in every aspect of American agriculture. We will continue to explore and develop new domestic and foreign markets for the products of our farms and ranches.

2. Consumer programs including expansion of the food stamp program and the school lunch and other surplus food programs, and acceleration of research into new industrial uses of farm products, in order to assure maximum use of and abundance of wholesome foods at fair prices here and abroad. We will also study new low-cost methods and techniques of food distribution for the benefit of our housewives to better feed their families.

3. Community programs and agricultural cooperatives to assure rural America decent housing, economic security, and full partnership in the building of the great society. We pledge our continued support of the rural telephone program and the Rural Electrification Administration, which are among the great contributions of the Democratic Party to the well-being and comfort of rural America.

THE NATION'S NATURAL RESOURCES

America's bountiful supply of natural resources has been one of the major factors in achieving our position of world leadership, in developing the greatest industrial machine in the world's history, and in providing a richer and more complete life for every American. But these resources are not inexhaustible. With our vastly expanding population—an estimated 325 million people by the end of the century—there is an ever-increasing responsibility to use and conserve our resources wisely and prudently if we are to fulfill our obligation to the trust we hold for future generations. Building on the unsurpassed conservation record of the past 4 years, we shall—

Continue the quickened pace of comprehensive development of river basins in every section of the country, employing multipurpose projects such as flood control, irrigation and reclamation, power generation, navigation, municipal water supply, fish and wildlife enhancement, and recreation where appropriate to realize the fullest possible benefits.

Provide the people of this Nation a balanced outdoor recreation program to add to their health and well-being, including the addition or improved management of national parks, forests, lakeshores, seashores, and recreation areas.

Preserve for us and our posterity through the means provided by the Wilderness Act of 1964 millions of acres of primitive and wilderness areas, including countless beautiful lakes and streams.

Increase our stock of wildlife and fish.

Continue and strengthen the dynamic program inaugurated to assure fair treatment for American fishermen and the preservation of fishing rights.

Continue to support balanced land and forest development through intensive forest management on a multiple-use and sustained yield basis, reforestation of burned land, providing public access roads, range improvement, watershed management, concern for small business operations and recreational uses.

Unlock the resources of the sea through a strong oceanography program.

Continue the attack we have launched on the polluted air that envelops our cities and on eliminating the pollution of our rivers and streams.

Intensify our efforts to solve the critical water problems of many sections of this country by desalinization.

Sustain and promote strong, vigorous domestic minerals, metals, petroleum, and fuels industries.

Increase the efficient use of electrical power through regional interties and more extensive use of high-voltage transmission.

Continue to promote the development of new and improved methods of generating electric power, such as the recent important gains in the field of atomic energy and the Passamaquoddy tidal power project.

Preserve the TVA, which has played such an instrumental role in the revitalization of the area it serves and which has been the inspiration for regional development programs throughout the world.

THE CITY

The vitality of our cities is essential to the healthy growth of American civilization. In the next 40 years urban populations will double, the area of city land will double, and we will have to construct houses, highways, and facilities equal to all those built since this country was first settled.

Now is the time to redouble our efforts, with full cooperation among local, State, and Federal Governments, for these objectives:

The goal of our housing program must be a decent home for every American family.

Special effort must be made in our cities to provide wholesome living for our young people. We must press the fight against narcotics and, through the war against poverty, increase educational and employment opportunities, turning juvenile delinquents into good citizens and taxusers into taxpayers.

We will continue to assist broad community and regional development, urban renewal, mass transit, open space, and other programs for our metropolitan areas. We will offer such aid without impairing local administration through unnecessary Federal interference.

Because our cities and suburbs are so important to the welfare of all our people, we believe a department devoted to urban affairs should be added to the President's Cabinet.

THE GOVERNMENT

We, the people, are the Government.

The Democratic Party believes, as Thomas Jefferson first stated that "the care of human life and happiness is the first and only legitimate object of good government."

The Government's business is the people's business. Information about public affairs must continue to be freely available to the Congress and to the public.

Every person who participates in the Government must be held to a standard of ethics which permits no compromise with the principles of absolute honesty and the maintenance of undivided loyalty to the public interest.

The Congress of the United States should revise its rules and procedures to assure majority rule after reasonable debate and to guarantee that major legislative proposals of the President can be brought to a vote after reasonable consideration in committee.

We support home rule for the District of Columbia. The seat of our Government shall be a workshop for democracy, a pilotplant for freedom, and a place of incomparable beauty.

We also support a constitutional amendment giving the District voting representation in Congress and, pending such action, the enactment of legislation providing for a nonvoting Delegate from the District of Columbia to the House of Representatives.

We support the right of the people of the Virgin Islands to the fullest measure of self-government, including the right to elect their Governor.

The people of Puerto Rico and the people of the United States enjoy a unique relationship that has contributed greatly to the remarkable economic and political development of Puerto Rico. We look forward to the report on that relationship by a commission composed of members from Puerto Rico and the United States, and we are confident that it will contribute to the further enhancement of Puerto Rico and the benefit that flows from the principles of self-determination.

The Democratic Party holds to the belief that government in the United States—local, State, and Federal—was created in order to serve the people. Each level of government has appropriate powers and each has specific responsibilities. The first responsibility of government at every level is to protect the basic freedoms of the people. No government at any level can properly complain of violation of its power, if it fails to meet its responsibilities.

The Federal Government exists not to grow larger, but to enlarge the individual potential and achievement of the people.

The Federal Government exists not to subordinate the States, but to support them.

All of us are Americans. All of us are freemen. Ultimately there can be no effective restraint on the powers of government at any level save as Americans exercising their duties as citizens insist upon and maintain free, democratic processes of our constitutional system.

ONE NATION, ONE PEOPLE

On November 22, 1963, John Fitzgerald Kennedy was shot down in our land.

We honor his memory best—and as he would wish—by devoting yourselves anew to the larger purposes for which he lived.

Of first priority is our renewed commitments to the values and ideals of democracy.

We are firmly pledged to continue the Nation's march toward the goals of equal opportunity and equal treatment for all Americans regardless of race, creed, color, or national origin.

We cannot tolerate violence anywhere in our land—North, South, East, or West. Resort to lawlessness is anarchy and must be opposed by the government and all thoughtful citizens.

We must expose, wherever it exists, the advocacy of hatred which creates the clear and present danger of violence.

We condemn extremism, whether from the right or left, including the extreme tactics of such organizations as the Communist Party, the Ku Klux Klan, and the John Birch Society.

We know what violence and hate can do. We have seen the tragic consequences of misguided zeal and twisted logic.

The time has come now for all of us to understand and respect one another, and to seek the unity of spirit and purpose from which our future greatness will grow—for only as we work together with the object of liberty and justice for all will the peace and freedom of each of us be secured.

These are the principles which command our cause and strengthen our effort as we cross the New Frontier and enter upon the Great Society.

AN ACCOUNTING OF STEWARDSHIP, 1961–64

One hundred and twenty-four years ago, in 1840, the Democratic National Convention meeting in Baltimore adopted the first platform in the history of a national political party. The principles stated in that platform are as valid as ever:

"*Resolved*, That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which makes ours the land of liberty, and the asylum of the oppressed of every nation, have ever been cardinal principles in the democratic faith."

One hundred and twenty years later, in 1960, our Nation had grown from 26 to 50 States, our people from 17 to 179 million.

That year, in Los Angeles, the Democratic National Convention adopted a platform which reflected, in its attention to 38 specific subjects, the volume of unfinished business of the American people which had piled up to the point of national crisis.

The platform declared that as a party we would put the people's business first, and stated in plain terms how we proposed to get on with it.

Four years have passed, and the time has come for the people to measure our performance against our pledges.

We welcome the comparison; we seek it.

For the record is one of 4 years of unrelenting effort, and unprecedented achievement—not by a political party, but by a people.

THE RECORD

National defense

In 1960, we proposed to "recast our military capacity in order to provide forces and weapons of a diversity, balance, and mobility sufficient in quantity and quality to deter both limited and general aggression."

Since January 1961, we have achieved:

A 150-percent increase in the number of nuclear warheads and a 200-percent increase in total megatonnage available in the Strategic Alert Forces.

A 60-percent increase in the tactical nuclear strength in Western Europe.

A 45-percent increase in the number of combat-ready Army divisions.

A 15,000-man increase in the strength of the Marine Corps.

A 75-percent increase in airlift capability.

A 100-percent increase in ship construction to modernize our fleet.

A 44-percent increase in the number of tactical fighter squadrons.

An 800-percent increase in the special forces trained to deal with counterinsurgency threats.

In 1960, we proposed to create—"deterrent military power such that the Soviet and Chinese leaders will have no doubt that an attack on the United States would surely be followed by their own destruction."

Since 1961, we have increased the intercontinental ballistic missiles and Polaris missiles in our arsenal from fewer than 100 to more than 1,000.

Our Strategic Alert Forces now have about 1,100 bombers, including 550 on 15-minute alert, many of which are equipped with decoy missiles and other penetration aids to assure that they will reach their targets.

In 1960, we proposed "continuous modernization of our forces through intensified research and development, including essential programs slow down, terminated, suspended, or neglected for lack of budgetary support."

Since 1961, we have increased funds for research and development by 50 percent over the 1957–60 level.

Added 208 major new research and development projects including 77 weapons programs with costs exceeding $10 million each, among which are the SR–71 long-range, manned, supersonic strategic military reconnaissance aircraft, the Nike-X antiballistic missile system, the A7A navy attack aircraft, and the F-111 fighter-bomber and a new main battle tank.

Increased, by more than 1,000 percent, the funds for the development of counterinsurgency weapons and equipment, from less than $10 million to over $103 million per year.

In 1960, we proposed "balanced conventional military forces which will permit a response graded to the intensity of any threats of aggressive force."

Since 1961, we have increased the regular strength of the Army by 100,000 men, and the numbers of combat-ready Army divisions from 11 to 16.

Increased the number of tactical fighter squadrons from 55 to 79 and have substantially increased the procurement of tactical fighters.

Trained over 100,000 officers in counterinsurgency skills necessary to fight guerrilla and antiguerrilla warfare, and increased our special forces trained to deal with counterinsurgency by 800 percent.

Acquired balanced stocks of combat consumables for all our forces so that they can engage in combat for sustained periods of time.

In reconstructing the Nation's defense establishment, the administration has insisted that the services be guided by these three precepts:

Buy only what we need.

Buy only at the lowest sound price.

Reduce operating costs through standardization, consolidation, and termination of unnecessary operations.

As a result, our expanded and reconstituted defense force has cost billions of dollars less than it would have cost under previous inefficient and unbusinesslike methods of procurement and operation. These savings amounted to more than $1 billion in the fiscal year 1963, and to $2.5 billion in the fiscal year just completed. Furthermore, under the cost reduction program we have established, we will be saving $4.6 billion each year, every year, by fiscal year 1968.

We have successfully met the challenges of Berlin and Cuba, and attacks upon our naval forces on the high seas, thus decreasing the prospect of further such challenges and brightening the outlook for peace.

Arms control

In 1960, we proposed "a national peace agency for disarmament planning and research to muster the scientific ingenuity, coordination, continuity, and seriousness of purpose which are now lacking in our arms control efforts."

In 1961, the United States became the first nation in the world to establish an "agency for peace"—the Arms Control and Disarmament Agency.

This Agency is charged by law with the development of a realistic arms control and disarmament policy to promote national security and provide an impetus toward a world free from the threat of war. Working closely with the senior military leaders of the Department of Defense, the Arms Control and Disarmament Agency has enabled the United States to lead the world in a new, continuous, hardheaded, and purposeful discussion, negotiation and planning of disarmament.

In 1960, we proposed "to develop responsible proposals that will help break the deadlock on arms control."

In the aftermath of the Cuban crisis the United States pressed its advantage to seek a new breakthrough for peace. On June 10, 1963, at American University, President Kennedy called on the Soviet leadership to join in concrete steps to abate the nuclear arms race. After careful negotiations experienced American negotiators reached agreement with the Russians on a nuclear test ban treaty—an event that will be marked forever in the history of mankind as a first step on the difficult road of arms control.

One hundred and six nations signed or acceded to the treaty.

In the United States it was supported by the Joint Chiefs of Staff, and ratified in the Senate by an 80-to-20 vote.

To insure the effectiveness of our nuclear development program in accord with the momentous test ban treaty, the Joint Chiefs of Staff recommended, and the administration has undertaken:

A comprehensive program of underground testing of nuclear explosives.

Maintenance of modern nuclear laboratory facilities.

Preparations to test in the atmosphere if essential to national security, or if the treaty is violated by the Soviet Union.

Continuous improvement of our means for detecting violations and other nuclear activities elsewhere in the world.

In 1960, we proposed "to the extent we can secure the adoption of effective arms control agreements, vast resources will be freed for peaceful use."

In January and April 1964, President Johnson announced cutbacks in the production of nuclear materials: 20 percent in plutonium production and 40 percent in enriched uranium. When the U.S.S.R. followed this U.S. initiative with a similar announcement, the President welcomed the response as giving hope "that the world may yet, one day, live without the fear of war."

Instruments of foreign policy

In 1960, we proposed that—

"American foreign policy in all its aspects must be attuned to our world of change.

"We will recruit officials whose experience, humanity and dedication fit them for the task of effectively representing America abroad.

"We will provide a more sensitive and creative direction to our oversea information program."

Since 1961, the Department of State has had its self-respect restored, and has been vitalized by more vigorous recruitment and more intensive training of foreign service officers representing all elements of the American people.

Forty days after taking office President Kennedy established the Peace Corps. The world did not change overnight. Neither will it ever be quite the same again. The foreign minister of one large Asian nation has called the Peace Corps "the most powerful idea in recent times."

One hundred thousand Americans have volunteered for the Peace Corps. Nine thousand have served in a total of 45 countries.

Nearly every country to which volunteers have been sent has asked for more. Two dozen new countries are on the waiting list.

Volunteer organizations on the Peace Corps model are already operating in 12 countries and there has been a great expansion of volunteer service in many others.

An International Secretariat for Volunteer Service is working in 32 economically advanced and developing nations.

The U.S. Information Agency has been transformed into a powerful, effective, and respected weapon of the free world. The new nations of the world have come to know an America that is not afraid to tell the truth about itself—and so can be believed when it tells the truth about Communist imperialism.

World trade

In 1960, we said:

"We shall expand world trade in every responsible way.

"Since all Americans share the benefits of this policy, its costs should not be the burden of a few. We shall support practical measures to ease the necessary adjustments of industries and communities which may be unavoidably hurt by increases in imports.

"Our Government should press for reduction of foreign barriers on the sale of the products of American industry and agriculture."

This pledge was fulfilled in the Trade Expansion Act of 1962.

The Trade Expansion Act of 1962 gives the President power to negotiate a 50-percent across-the-board cut in tariff barriers to take place over a 5-year period.

Exports have expanded over 10 percent—by over $2 billion—since 1961.

Foreign trade now provides jobs for more than 4 million workers.

Negotiations now underway will permit American businessmen and farmers to take advantage of the greatest trading opportunity in history—the rapidly expanding European market.

The Trade Expansion Act provides for worker training and moving allowances, and for loans, tax rebates, and technical assistance for businesses if increased imports resulting from concessions granted in trade agreements result in unemployment or loss of business.

Where American agriculture or industrial products have been unfairly treated in order to favor domestic products, prompt and forceful action has been taken to break down such barriers. These efforts have opened new U.S. export opportunities for fruits and vegetables, and numerous other agricultural and manufactured products to Europe and Japan.

The long-term cotton textile agreement of 1962 protects the textile and garment industry against disruptive competition from imports of cotton textiles. The Cotton Act of 1964 enables American manufacturers to buy cotton at the world market price, so they can compete in selling their products at home and abroad.

Immigration

In 1960, we proposed to—

"Adjust our immigration, nationality and refugee policies to eliminate discrimination and to enable members of scattered families abroad to be united with relatives already in our midst.

"The national-origins quota system of limiting immigration contradicts the founding principles of this Nation. It is inconsistent with our belief in the rights of men."

The immigration law amendments proposed by the administration, and now before Congress, by abolishing the national-origin quota system, will eliminate discrimination based upon race and place of birth and will facilitate the reunion of families.

The Cuban refugee program begun in 1961 has resettled over 81,000 refugees, who are now self-supporting members of 1,800 American communities. The Chinese refugee program, begun in 1962, provides for the admission to the United States of 12,000 Hong Kong refugees from Red China.

The underdeveloped world

In 1960, we pledged "to the non-Communist nations of Asia, Africa, and Latin America: We shall create with you working partnerships based on mutual respect and understanding" and "will revamp and refocus the objectives, emphasis and allocation of our foreign assistance programs."

In 1961, the administration created the Agency for International Development, combining the three separate agencies that had handled foreign assistance activities into an orderly and efficient instrument of national policy.

Since 1961, foreign aid has been conducted on a spartan, cost-conscious basis, with emphasis on self-help, reform and performance as conditions of American help.

These new policies are showing significant returns.

Since the beginning of the Marshall plan in 1948, U.S. economic assistance has been begun and ended in 17 countries. In 14 other countries in Asia, Africa, and Latin America, the transition to economic self-support is well underway, and U.S. assistance is now phasing out. In the 1965 AID program, 90 percent of economic assistance will go to just 25 countries.

In 1960, only 41 percent of aid-financed commodities were purchased in America. In 1964, under AID, 85 percent of all aid-financed commodities were U.S. supplied.

The foreign aid appropriation of $3.5 billion for fiscal year 1965 represents the smallest burden on U.S. resources that has been proposed since foreign aid began after World War II.

Since 1961, the United States has insisted that our allies in Europe and Japan must share responsibility in the field of foreign assistance, particularly to their former colonies. They have responded with major programs. Several nations now contribute a larger share of their gross national production to foreign assistance than does the United States.

The Alliance for Progress, launched at the Conference of Punta del Este in Uruguay in 1961, has emerged as the greatest undertaking of social reform and international cooperation in the history of the Western Hemisphere.

The American Republics agreed to work together "to make the benefits of economic progress available to all citizens of all economic and social groups through a more equitable distribution of national income, raising more rapidly the income and standard of living of the needier sectors of the population, at the same time that a higher proportion of the national product is devoted to investment."

The results so far:

Major tax reform legislation has been adopted in eight countries.

Agrarian reform legislation has been introduced in 12 countries, and agricultural credit, technical assistance and resettlement projects are going forward in 16 countries.

Fifteen countries have self-help housing programs, and savings and loan legislation has been adopted by nine countries.

Private or public development banks have been established or are being established in eight countries, providing new sources of capital for the small businessman.

Education budgets have risen by almost 13 percent a year, and 5 million more children are going to school. U.S. aid has helped build 23,000 schoolrooms.

A Latin American school-lunch program is feeding 10 million children at least one good meal every day, and the program will reach 12 million by the end of the year.

The Alliance for Progress has immeasurably strengthened the collective will of the nations of the Western Hemisphere to resist the massive efforts of Communist subversion that conquered Cuba in 1959 and then headed for the mainland.

In 1960, we urged—

"Continued economic assistance to Israel and the Arab peoples to help them raise their living standards.

"We pledge our best efforts for peace in the Middle East by seeking to prevent an arms race while guarding against the dangers of a military imbalance resulting from Soviet arms shipments."

In the period since that pledge was made the Near East has come closer to peace and stability than at anytime since World War II.

Economic and technical assistance to Israel and Arab nations continues at a high level, although with more and more emphasis on loans as against grants. The United States is determined to help bring the revolution in the technology of desalinization to the aid of the desert regions of this area.

The Atlantic Community

In 1960, we said: "To our friends and associates in the Atlantic Community: We propose a broader partnership that goes beyond our common fears to recognize the depth and sweep of our common political, economic, and cultural interests."

In 1961, the United States ratified the conventions creating the Organization for Economic Cooperation and Development, a body made up of ourselves, Canada and 18 European states which carries forward on a permanent basis the detailed cooperation and mutual assistance that began with the Marshall plan.

Since 1961, we have progressed in the building of mutual confidence, unity, and strength. NATO has frequently been used for consultation on foreign policy issues. Strong Atlantic unity emerged in response to Soviet threats in Berlin and in Cuba. Current trade negotiations reflect the value of the Trade Expansion Act and the utility of arrangements for economic cooperation. NATO military forces are stronger in both nuclear and conventional weapons.

The United States has actively supported the proposal to create a multilateral, mixmanned, seaborne nuclear missile force which could give all NATO countries a direct share in NATO's nuclear deterrent without proliferating the number of independent, national nuclear forces.

The Communist world

In 1960, we said:

"To the rulers of the Communist world: We confidently accept your challenge to competition in every field of human effort.

"We believe your Communist ideology to be sterile, unsound, and doomed to failure.* * *

"We are prepared to negotiate with you whenever and wherever there is a realistic possibility of progress without sacrifice of principle.

"But we will use all the will, power, resources, and energy at our command to resist the further encroachment of communism on freedom—whether at Berlin, Formosa, or new points of pressure as yet undisclosed."

Following the launching of sputnik in 1957, the Soviet Union began a worldwide offensive. Russian achievements in space were hailed as the forerunners of triumph on earth.

Now, 7 years later, the Communist influence has failed in its efforts to win Africa. Of the 31 African nations formed since World War II, not one has chosen communism.

Khrushchev had to back down on his threat to sign a peace treaty with East Germany. Access to West Berlin remains free.

In Latin America, the Alliance for Progress has begun to reduce the poverty and distress on which communism breeds.

In Japan, where anti-American riots in 1960 prevented a visit from the President, relations with the United States have been markedly improved.

In the United Nations the integrity of the office of Secretary General was preserved despite the Soviet attack on it through the troika proposal.

When Red China attacked India, the United States promptly came to India's aid with modern infantry supplies and equipment.

On the battlefield of the cold war one engagement after another has been fought and won.

Frustrated in its plans to nibble away at country after country, the Soviet Union conceived a bold stroke designed to reverse the trend against it. With extreme stealth Soviet intermediate range and medium range offensive missiles were brought into Cuba in 1962.

Shortly after the missiles arrived in Cuba, and before any of them became operational, they were discovered and photographed by U.S. reconnaissance flights.

The U.S. response was carefully planned and prepared, and calmly, deliberately, but effectively executed. On October 22, President Kennedy called on the Soviet Union to dismantle and remove the weapons from Cuba. He ordered a strict quarantine on Cuba enforced by the U.S. Navy.

The Organization of American States acted swiftly and decisively by a unanimous vote of 20 to 0 to authorize strong measures, including the use of force, to insure that the missiles were withdrawn from Cuba and not reintroduced.

At the end of a tense week Khrushchev caved in before this demonstration of Western power and determination. Soviet ships, closely observed by U.S. pilots, loaded all the missiles and headed back to Russia. U.S. firmness also compelled withdrawal of the IL–28 bombers.

A turning point of the cold war had been reached.

The record of world events in the past year reflects the vigor and successes of U.S. policy:

Berlin, October–November 1963: Communist efforts to interfere with free Western access to Berlin were successfully rebuffed.

Venezuela, March 1964: Despite the threats and terror tactics of Castro-inspired agitators, over 90 percent of the people voted in the election that chose President Leon to succeed Romulo Betancourt—the first democratic succession in that office in Venezuela's history.

Panama, 1964: Patient negotiation achieved a resumption of diplomatic relations, which had been severed after the riots in January; President Johnson achieved a dignified and an honorable solution of the crisis.

Vietnam, August 1964: Faced with sudden unprovoked attacks by Communist PT boats on American destroyers on the high sea, President Johnson ordered a sharp immediate retaliation on the hostile vessels and their supporting facilities.

Speaking on that occasion, the President said:

"Aggression—deliberate, willful, and systematic aggression has unmasked its face to the world. The world remembers—the world must never forget—that aggression unchallenged is aggression unleashed.

"We of the United States have not forgotten.

"That is why we have answered this aggression with action."

Cuba, 1961–64: Cuba and Castro have been virtually isolated in the hemisphere.

Only 2 out of 20 OAS countries maintain diplomatic relations with Cuba.

Cuban trade with the free world has dropped sharply from the 1958 level.

Free world shipping to Cuba has fallen sharply.

Isolation of Cuba by air has tightened greatly.

Hundreds of thousands of Cubans have left the island or have indicated their desire to come to the United States.

The Castro regime has been suspended from participation in the OAS.

The Cuban economy is deteriorating: the standard of living is 20 percent below pre-Castro levels, with many items rationed; industrial output is stagnant; sugar production is at the lowest level since the 1940's.

The United Nations

In 1960, we pledged—"to our fellow members of the United Nations: we shall strengthen our commitments in this, our great continuing institution for conciliation and the growth of a world community."

Over the past 4 years the administration has fulfilled this pledge as one of the central purposes of foreign policy.

During that time the United States has supported—and frequently led—efforts within the United Nations—

To strengthen its capacity as peacekeeper and peacemaker—with the result that the U.N. remained on guard on armistice lines in

Korea, Kashmir, and the Middle East; preserved peace in the Congo, West New Guinea, and Cyprus; provided a forum for the United States during crises in the Caribbean and the Gulf of Tonkin; began to develop a flexible callup system for emergency peacekeeping forces; and moved toward a revival of the Security Council as the primary organ for peace and security without loss of the residual powers of the General Assembly.

To discover and exploit areas of common interest for the reduction of world dangers and world tensions—with the result that the orbiting of weapons of mass destruction has been banned and legal principles adopted for the use of outer space; projects of scientific cooperation in meteorology, oceanography, Antarctic exploration, and peaceful uses of atomic energy, have been promoted; and the search for further moves toward arms control have been pursued to supplement the limited test-ban treaty.

To further the work of the United Nations in improving the lot of mankind—with the result that the decade of development has been launched; the world food program undertaken; aid to children extended; projects to promote economic and social progress in the developing world have been expanded; and the impact of technology and world trade upon development has been explored.

To maintain the integrity of the organization—its Charter and its Secretariat—with the result that the troika proposal was defeated; the functions of the Secretary General have been kept intact; the authority of the General Assembly to levy assessments for peacekeeping has been sustained despite attempted financial vetoes by Communist and other members.

In fulfilling its pledge to the United Nations, the administration has helped to strengthen peace, to promote progress, and to find areas of international agreement and cooperation.

Economic growth

In 1960, we said:

"The new Democratic administration will confidently proceed to unshackle American enterprise and to free American labor, industrial leadership, and capital, to create an abundance that will outstrip any other system.

"We Democrats believe that our economy can and must grow at an average rate of 5 percent annually, almost twice as fast as our average annual rate since 1953. We pledge ourselves to policies that will achieve this goal without inflation."

In January 1961 the Nation was at the bottom of the fourth recession of the postwar period—the third in the 8-year period, 1953–60. More men and women were out of work than at any time since the great depression of the 1930's. In February 1961, the unemployment rate was 6.8 percent, with a total of 5,705,000 unemployed.

Today we are in the midst of the longest peacetime expansion in our history. During the past 42 months of unbroken economic expansion:

Our economic growth rate has risen now to over 5 percent—twice the average rate for the 1953–60 period.

Three million nine hundred thousand jobs have been added to the economy, and the unemployment rate was down in July 1964 to 4.9 percent.

The gross national product has risen by $120 billion in less than 4 years. No nation in peacetime history has ever added so much to its wealth in so short a time.

The average manufacturing worker's weekly earnings rose from $89 in January 1961, to $103 in July 1964—an increase of over 15 percent.

Industrial production has increased 28 percent; average operating rates in manufacturing have risen from 78 percent of capacity to 87 percent.

Profits after taxes have increased 62 percent—from an annual rate of $19.2 billion in early 1961 to an estimated $31.2 billion in early 1964.

Total private investment has increased by 43 percent—from an annual rate of $61 billion in early 1961 to $87 billion in the spring of 1964.

There are a million and a half more Americans at work today than there were a year ago.

Our present prosperity was brought about by the enterprise of American business, the skills of the American work force, and by wise public policies.

The provision in the Revenue Act of 1962 for a credit for new investment in machinery and equipment, and the liberalization of depreciation allowance by administrative ruling, resulted in a reduction of $2.5 billion in business taxes.

The Revenue Act of 1964 cut individual income taxes by more than $9 billion, increasing consumer purchasing power by that amount; and corporate taxes were cut another $2.5 billion, with the effect of increasing investment incentives. Overall individual Federal income taxes were cut an average of 19 percent; taxpayers earning $3,000 or less received an average 40-percent cut.

The Temporary Extended Unemployment Compensation Act of 1961 provided $800 million to 2.8 million jobless workers who had exhausted their benefits.

The Area Redevelopment Act of 1961 has meant a $227 million Federal investment in economically hard-hit areas, creating 110,000 new jobs in private enterprise.

The Accelerated Public Works Act of 1962 added $900 million for urgently needed State and local government construction projects.

An end to tight money

In 1960, we proposed:

"As the first step in speeding economic growth, a Democratic President will put an end to the present high interest, tight money policy.

"This policy has failed in its stated purpose—to keep prices down. It has given us two recessions within 5 years, bankrupted many of our farmers, produced a record number of business failures, and added billions of dollars in unnecessary higher interest charges to government budgets and the cost of living."

Since 1961, we have maintained the free flow of credit so vital to industry, home buyers, and State and local governments.

Immediately, in February 1961, the Federal Housing Agency interest rate was cut from 5¾ to 5½ percent. It is now down to 5¼ percent.

Today's home buyer will pay about $1,700 less for FHA-insured financing of a 30-year $15,000 home mortgage than he would have had he taken the mortgage in 1960.

Today after 42 months of expansion, conventional home mortgage rates are lower than they were in January 1961, in the midst of a recession. So are borrowing costs for our States and municipalities, and for long-term corporate issues.

Short-term interest rates have been brought into reasonable balance with interest rates abroad, reducing or eliminating incentives to place short-term funds abroad and thus reducing gold outflow.

We have prudently lengthened the average maturity of the Federal debt, in contrast to the steady shortening that characterized the 1950's.

Control of inflation

In 1960, we asserted:

"The American consumer has a right to fair prices. We are determined to secure that right.

"A fair share of the gains from increasing productivity in many industries should be passed on to the consumer through price reductions."

Today, after 42 months of economic expansion, wholesale prices are lower than they were in January 1961, in the midst of a recession. The Wholesale Price Index was 101.0 in January 1961; in July 1964, it is 100.4.

The Consumer Price Index, which measures the price of goods and services families purchase, has been brought back to stability, averaging now less than 1.3 percent increase per year—as compared, for example, with an increase rate about three times this large in the European Common Market countries.

Since January 1961, the increase in average after-tax family income has been twice the increase in prices.

The administration has established guideposts for price and wage movements alike, based primarily on productivity developments, and designed to protect the economy against inflation.

In the single year, 1960, the overall balance-of-payments deficit reached $3.9 billion, and we lost $1.7 billion in gold. Now for 1964, the prospective balance-of-payments deficit has been cut to $2 billion, and the gold outflow has ceased.

FULL EMPLOYMENT

In 1960, we reaffirmed our "support of full employment as a paramount objective of national policy."

In July 1964, total employment in the United States rose to the historic peak of 72,400,000 jobs. This represents an increase of 3,900,000 jobs in 42 months.

In the past 12 months, total civilian employment has increased by 1,600,000 jobs, and nonfarm employment by 1,700,000. Most of this job expansion has occurred in the past 8 months.

In July 1964 the jobless total was one-half million below a year ago, and was at its lowest July level since 1959.

In July 1964 the overall unemployment rate was 4.9 percent—compared with 6.5 percent in January 1961; and the jobless rate for men who are heads of families was down to 2.7 percent.

There have been more than a million full-time jobs added to the private profit sector of the economy in the past 12 months. This is the largest increase in any 1-year period in the past decade.

We have brought ourselves now within reach of the full employment objective.

Aid to depressed areas

In 1960 we recognized that "general economic measures will not alone solve the problems of localities which suffer some special disadvantage. To bring prosperity to these depressed areas and to enable them to make their full contribution to the national welfare, specially directed action is needed."

The Area Redevelopment Administration was created in 1961 to help depressed areas organize their human and material resources for economic growth. Since its establishment, the ARA has—

Approved 512 financial assistance projects involving a Federal investment of $243.5 million.

Created in partnership with local government, private workers, and other investors, 118,000 new jobs in private enterprise.

Provided retraining programs, with tuition and subsistence, for 37,327 jobless workers, equipping them with new skills to fill available jobs in their areas.

In 1961, Congress authorized $900 million for the accelerated public works program to speed construction of urgently needed public facilities and increase employment in areas which had failed to recover from previous recessions.

Between October 1962, when the first appropriations were made available, and April 1, 1964, 7,762 projects, involving an estimated 2,500,000 man-months of employment, were approved.

In early 1961, there were 101 major areas in the United States in which unemployment was 6 percent or more, discounting seasonal or temporary factors. By July 1964, this number had been cut two-thirds, to a total of 35.

The concept of "depressed areas" has been broadened in these 3½ years to include clear recognition of the inequity and waste of poverty wherever it exists, and in the Economic Opportunity Act of 1964 the Nation has declared, in historic terms, a war on poverty.

Title I of the Economic Opportunity Act creates the Job Corps, work-training programs, and work-study programs to provide useful work for about 400,000 young men and women. Job Corps volunteers will receive work and vocational training, part of which will involve conservation work in rural areas. The work-training, or Neighborhood Youth Corps program, is open to young persons living at home, including those who need jobs in order to remain in school. The work-study programs will enable youth from poor families to earn enough income to enable them to attend college.

Title II of the act authorized $340 million for the community action programs to stimulate urban and rural communities to mobilize their resources to combat poverty through programs designed especially to meet local needs.

Title III provides for special programs to combat poverty in rural areas, including loans up to $1,500 for low-income farmers, and loans up to $2,500 for families, to finance nonagricultural enterprises which will enable such families to supplement their incomes. This section of the law provides funds for housing, sanitation education, and day care of children of migrant farmworkers.

Title IV of the act provides for loans up to $25,000 for small businesses to create jobs for the long-term unemployed.

Title V of the act provides constructive work experience and other needed training to persons who are unable to support or care for themselves or their families.

The report of the President's Appalachian Regional Commission, submitted to President Johnson in April 1964, proposed a wide-ranging development program. The Appalachian Redevelopment Act, now before Congress, provides for more than $1.1 billion investment in needed basic facilities in the area, together with a regional organization to help generate the full development potential of the human and material resources of this mountain area.

Registration and regulation of migrant labor crew chiefs has been provided to require that crew chiefs or labor brokers, who act on behalf of domestic migrant labor and operate across State lines, shall be registered, show financial responsibility, and meet certain requirements as to moral character and honest dealing with their clients.

Discrimination in employment

In 1960, we insisted that "the right to a job requires action to break down artificial and arbitrary barriers to employment based on age, race, sex, religion, or national origin."

The great Civil Rights Act of 1964 is the strongest and most important law against discrimination in employment in the history of the United States.

It states unequivocally that "it shall be an unlawful employment practice for an employer * * * an employment agency * * * or a labor organization" to discriminate against any person because of his or her "race, color, religion, sex, or national origin."

On March 6, 1961, President Kennedy issued an Executive order establishing the President's Committee on Equal Employment Opportunity to combat racial discrimination in the employment policies of Government agencies and private firms holding Government contracts. Then Vice President Johnson, in his capacity as Chairman of the new Committee, assumed personal direction of this program.

As a consequence of the enforcement of the Executive order, not only has discrimination been eliminated in the Federal Government, but strong affirmative measures have been taken to extend meaningful equality of opportunity to compete for Federal employment to all citizens.

The private employers of 8,076,422 men and women, and trade unions with 12,500,000 members, have signed public agreements establishing nondiscriminatory practices.

The Equal Pay Act of 1963 guarantees equal pay to women doing the same work as men, by requiring employers who are covered by the Fair Labor Standards Act to pay equal wages for equal work, regardless of the sex of their workers.

Executive Order No. 11141, issued by President Johnson on February 12, 1964, establishes for the first time in history a public policy that "contractors and subcontractors engaged in the performance of Federal contracts shall not, in connection with the employment, advancement, or discharge of their employees, or in connection with the terms, conditions, or privileges of their employment, discriminate against persons because of their age."

COLLECTIVE BARGAINING

In 1960, we pledged "an affirmative labor policy which will encourage free collective bargaining through the growth and development of free and responsible unions."

These have been good years for labor-management relations. Time lost from strikes is at the lowest point in history.

The President's Advisory Committee on Labor-Management Policy, made up of distinguished leaders of business and trade unions, has spoken out consistently in favor of creative and constructive solutions to common problems.

Executive Order No. 10988, issued by President Kennedy on January 17, 1962, extended the rights of union recognition to Federal employees—a goal which some employee organizations had been trying to reach for three-quarters of a century.

In the spring of 1964, under President Johnson's personal leadership, the 5-year-old railroad dispute that would have resulted in a critical nationwide strike, was at last ended—by free collective bargaining. A cause many thought lost was won; industrial self-government was saved from a disastrous setback.

PLANNING FOR AUTOMATION

In 1960, we proposed to "provide the Government leadership necessary to insure that the blessings of automation do not become burdens of widespread unemployment. For the young and the technologically displaced workers, we will provide the opportunity for training and retraining that equips them for jobs to be filled."

The Manpower Development and Training Act of 1962 provides for the training or retraining of unemployed or underemployed people, particularly those threatened or displaced by technological advances. The 1963 amendments to the act emphasize the problem of youth employment.

In the 2 years of the administration of this program, training projects for 240,471 persons have been approved, and more than 54,000 persons have completed their training.

Under the Manpower Development and Training Act an active manpower policy is being developed to keep the Nation ahead of the problems of automation.

Congress has now enacted, in August 1964, legislation creating a National Commission on Technology, Automation, and Economic Progress to undertake a searching inquiry into the problems created by automation, and means by which they can be prevented or solved.

In its own activities, the Federal Government has taken full account of human considerations in instituting technological developments.

Minimum wages

In 1960, we pledged "to raise the minimum wage to $1.25 an hour and to extend coverage to several million workers not now covered."

The Fair Labor Standards Act Amendments of 1961 raised the minimum wage to $1.25 over a 3-year period, and extended the coverage of the act to 3.6 million additional workers.

The administration has proposed further amendments to the Fair Labor Standards Act, which are now before the Congress, and which would extend minimum wage coverage to near three-quarters of a million workers in laundry and drycleaning establishments. Overtime coverage would be extended to an additional 2.6 million workers.

It has proposed a fringe benefit amendment to the Bacon-Davis law to provide that the cost of fringe benefits should be included in the definition of "prevailing wage" under the Bacon-Davis law, so that wage rates required in Government construction contracts will be in accord with prevailing practice.

Agriculture

In 1960, we said: "In every way we will seek to help the men, women, and children whose livelihood comes from the soil to achieve better housing, education, and decent earnings and working conditions."

This is the record:

Total net farm income in 1961–63 averaged nearly a billion dollars a year higher than in 1960.

Total net income per farm was 18 percent higher in 1963 than in 1960.

Farm purchasing power, or gross farm income, rose from $37.9 billion in 1960 to nearly $42 billion in 1963.

Percent of family income spent for food today has declined. In 1960, 20 percent of disposable family income was spent for food. This has now been reduced to less than 19 percent.

Grain surpluses have been brought down to manageable levels; wheat surpluses this year will be the lowest since 1958, and feed grains have been reduced from 80 to 70 million tons.

Reduction of wheat and feed grain surpluses from their 1960 levels to present levels has resulted in an accumulated savings of about a quarter of a billion dollars in storage, transportation, interest, and other costs.

Total farm exports have increased 35 percent in 4 years, and have reached a record high in fiscal 1964 of $6.1 billion.

Credit resources administered by the Farmers Home Administration are up 141 percent over 1960, and are averaging now $687 million a year.

Commodity programs to strengthen the farm income structure and reach the goal of parity of income in every aspect of American agriculture. We also cite the parity program providing American cotton to American factories and processes at the same price at which they are exported.

The rural areas development program has helped create an estimated 125,000 new jobs, and more than 12,000 projects in the process of approval will provide new employment for as many as 200,000 persons.

Participation in the agricultural conservation program has increased 20 percent since 1960.

More than 20,000 farmers have received technical help to develop recreation as an income-making "crop" on land which had been producing surpluses.

Over 600 rural communities have been aided in providing modern water services.

During the winter of 1964, a special lunch program was instituted for 315 schools and

12,000 children in rural areas where families have extremely low incomes.

Since January 1, 1961, $1.1 billion in electric loans has been made by the Rural Electrification Administration to rural electric cooperatives, or some $350 million more than in the previous 3½ years. Improved service, as a result, had meant customer savings of $7.5 million a year.

American farmers, in 1964, have protected crop investments totaling $500.5 million with Federal all-risk crop insurance—more than double the amount of insurance in force 3 years ago, and an alltime record.

Soil and water conservation activities in the past 3½ years have shown a constant upward trend in their contributions to the physical, social, and economic welfare of rural areas: 289 new small upstream watershed projects were authorized; 3,000 local soil and water conservation districts have updated their long-range programs to reflect the broadened concepts of economic development; the Great Plains conservation program has been extended for 10 years and 36 counties have been added to the program.

In June 1964, Congress authorized the creation of a National Commission on Food Marketing to investigate the operation of the food industry from producer to consumer.

On January 24, 1961, President Kennedy established by Executive order, the food-for-peace program to utilize America's agricultural abundance "to promote the interests of peace * * * and to play an important role in helping to provide a more adequate diet for peoples all around the world."

In the last 3½years, over $5 billion worth of surplus farm commodities went overseas under Public Law 480 programs. This is $1½ billion more than during the previous 3½ years.

Small business

In 1960 we pledged—

"Action to aid small business obtain credit and equity capital at reasonable rates.

"Protection of the public against the growth of monopoly.

"A more equitable share of Government contracts to small and independent business."

Through liberalizing amendments to the Small Business Investment Act in 1961 and 1964, and special tax considerations, the investment of equity capital and long-term loan funds in small businesses has been greatly accelerated by privately owned and operated small business investment companies licensed under that act. Moreover, since January 1961, over 21,000 small businesses have obtained SBA business loans, totaling over $1.14 billion, as a result of liberalized and simplified procedures.

The Federal Trade Commission has stepped up its activities to promote free and fair competition in business, and to safeguard the consuming public against both monopolistic and deceptive practices.

The reorganized Antitrust Division of the Department of Justice has directed special emphasis to price fixing, particularly on consumer products, by large companies who distribute through small companies. These include eyeglasses, salad oil, flour, cosmetics, swimsuits, bread, milk, and even sneakers.

Since January 1961 some 166,000 Government contracts, with $6.2 billion have been set aside for small business. In the preceding 3½ years there were 77,838 contracts set aside, with a worth of $2.9 billion.

Housing

In 1960 we proposed—

"To make possible the building of 2 million homes a year in wholesome neighborhoods, the home building industry should be aided by special mortgage assistance, with low interest rates, long-term mortgage periods and reduced down payments.

"There will still be need for a substantial low-rent public housing program authorizing as many units as local communities require and are prepared to build."

The Housing Act of 1961 provides many of the necessary new and improved tools for providing housing for low and moderate income families, and for housing for the elderly.

For the 3½-year period ending June 30, 1964, some 5.3 million new units of public and private housing have been built at a cost of approximately $65 billion. The construction rate has risen above 1.5 million units a year, with an annual output of over $20 billion, and we are moving close now to the goal of 2 million a year.

Since January 1961, nearly 400 local housing authorities have been formed to provide housing for low income families. More than 100,000 new units have been approved for construction, at an annual rate about three times that of 1960.

The annual rate of grant assistance for urban renewal has risen from $262 million per year (1956 through 1961) to a rate of better than $630 million during the past 12 months.

In the past 3½ years, more than 750 new urban renewal transactions have been approved, equal to nearly 90 percent of the number approved for the entire period from 1949 to 1960.

Cities with community urban renewal programs jumped from a cumulative total of seven in December 1960 to 118 by mid-1964.

To house families whose income is not quite low enough to qualify for public housing, a new rental housing program providing a "below market" interest rate (currently 3⅞ percent) insured by FHA, has been made available. Mortgage purchase funds have been allocated for about 78,000 such rental units.

Reflecting the fuller recognition of the special equities and needs of older people:

FHA mortgage insurance written on housing projects for the elderly since 1961 has provided more than three times as many units as were being provided prior to that time.

Low rent public housing under Federal assistance is being provided senior citizens at an annual rate more than twice that for 1960.

Direct loan authorizations for housing for the elderly increased from $50 million in 1961 to $275 million in 1963.

Maximum loan amounts have been increased to 100 percent of development cost.

The Housing Act of 1961 expanded and strengthened the Federal program in this area.

The Senior Citizens Housing Act of 1962 moved us another long step forward.

Applications for the provision of nursing homes increased from 30 in January 1961 to more than 580 by the middle of 1964, involving more than 50,000 beds for community nursing homes.

Assistance has been given for more than 1,000 college housing projects including housing for more than 290,000 students and faculty, plus dining halls and other school facilities.

The 1963 Executive order on equal opportunity in housing assures that the benefits of Federal housing programs and assistance are available without discrimination as to race, color, creed, or national origin.

Health

In 1960, we proposed to—

"Provide medical care benefits for the aged as part of the time-tested social security system.

"Step up medical research on the major killers and crippling diseases.

"Expand and improve the Hill-Burton hospital construction program.

"Federal aid for construction, expanding, and modernizing schools of medicine, dentistry, nursing, and public health.

"Greatly increased Federal support for psychiatric research and training and community mental health programs."

More health legislation has been enacted during the past 3½ years than during any other period in American history.

The Community Health Services and Facilities Act of 1961 has made possible 149 projects for testing and demonstrating new or improved services in nursing homes, home care services, central information and referral centers; and providing additional personnel to serve the chronically ill and aged. It has also provided additional Federal funds for the construction of nursing homes.

The Hill-Burton amendments of 1964, extend the program of Federal grants for construction of hospitals, public health centers, long-term facilities, rehabilitation facilities and diagnostic or treatment centers for 5 additional years. For the first time provision is made for the modernization and renovation of hospitals and health facilities. Funds for the construction of nursing homes and other long-term care facilities are substantially increased.

The Mental Retardation Facilities and Community Mental Health Construction Act of 1963 authorized grants of $150 million to States for constructing community mental health centers, which emphasize the new approach to the care of the mentally ill, centered on care and treatment in the patients' home communities. Thirty-six States have already budgeted more than 75 percent of their share of Federal funds for planning these new systems.

The Maternal and Child Health and Mental Retardation Planning Amendments of 1963, along with the Mental Retardation Facilities and Community Mental Health Construction Act of 1963, authorized a broad program to prevent, treat, and ameliorate mental retardation. The program provides States and communities needed research, manpower developments, and facilities for health, education rehabilitation, and vocational services to the retarded.

As part of the Federal Government's program to employ the mentally retarded in suitable Federal jobs, the State rehabilitation agencies are certifying persons as qualified for specific suitable Federal jobs. A rising number of placements already made in Federal installations over the country constitutes an encouraging start.

The current need for another 200,000 qualified teachers for the estimated 6 million handicapped children of school age has been recognized in legislation authorizing grants-in-aid for the training of professional personnel.

Other legislation provides funds for training teachers of the deaf.

A 1962 amendment to the Public Health Act authorizes a new program of project grants to help meet critical health needs of domestic migratory workers and their families through establishment of family health service clinics.

Forty-nine projects in 24 States have received grants to assist an estimated 300,000 migrant workers.

One out of every 10 migrant laborers is estimated to have received some health services through these projects.

The National Institute of Child Health and Human Development, authorized in 1962, is now supporting research and training in eight major areas.

The National Institute of General Medical Sciences, also authorized in 1962, gives recognition to the significance of research training in the sciences basic to medicine. Two thousand research projects are currently being supported.

A $2 million radiological health grant program was established in 1962 to provide matching grants to assist States in assuming responsibility for adequate radiation control and protection. During fiscal year 1964, 49 States and Puerto Rico and the Virgin Islands participated.

After 2 years of scientific evaluation of research and findings, the Report of the Surgeon General's Advisory Committee on Smoking and Health was released in January 1964, calling attention to the health hazards of smoking. An information clearinghouse and a public education program directed toward preventing young people from acquiring the smoking habit are being developed.

A program for the aging

In 1960, we proposed to "end the neglect of our older citizens. They deserve lives of usefulness, dignity, independence, and participation. We shall assure them not only health care, but employment for those who want to work, decent housing, and recreation."

The Social Security Act Amendments of 1961 broadened benefits to 5.3 million persons, increased minimum benefits for retired workers from $33 to $40 per month, permitted men as well as women to begin collecting reduced benefits at age 62.

The social security program now provides $1.3 billion in benefits each month to 19.5 million persons. One out of every 10 Americans receives a social security check every month.

The Welfare and Pension Plans Disclosure Act Amendments of 1962 put "enforcement teeth" into this measure, protecting workers' assets in pension programs.

The Housing Act of 1961 increased the scope of Federal housing aids for the elderly by raising from $50 million to $125 million the authorization for low-interest-rate direct loans. In 1962, this was raised further to $225 million and in 1963 to $275 million.

Insurance written by the Federal Housing Administration for mortgage insurance for the elderly since 1961 provides three times as many units as during the preceding Administration.

Low-rent public housing under Federal assistance have been provided senior citizens at an annual rate more than twice that for 1960.

The Community Health Services and Facilities Act of 1961 raised the ceiling on appropriations for the construction of nursing homes under the Hill-Burton legislation from $10 million to $20 million; and authorized $10 million per year for a 5-year program of special project grants for the development of new or improved methods of providing health services outside the hospital for the chronically ill or aged.

Executive Order No. 11114, issued by President Johnson on February 12, 1964, establishes for the first time the policy of nondiscrimination in employment based on age by Federal contractors.

Welfare

In 1960, we proposed to—

"Permit workers who are totally and permanently disabled to retire at any age, removing the arbitrary requirement that the worker be 50 years of age.

"Amend the law so that after 6 months of total disability, a worker will be eligible for disability benefits, with restorative services to enable the worker to return to work.

"Continued support of legislation for the rehabilitation of physically handicapped persons and improvement of employment opportuniites for them.

"Persons in need who are inadequately protected by social insurance are cared for by the States and local communities under public assistance programs. The Federal Government, which now shares the cost of aid to some of these should share in all, and benefits should be made available without regard to residence.

"Uniform minimum standards throughout the Nation for coverage, duration, and amount of unemployment insurance benefits.

"Legislation which will guarantee to women equality of rights under the law, including equal pay for equal work.

"The child welfare program and other services already established under the Social Security Act should be expanded. Federal leadership is required in the nationwide campaign to prevent and control juvenile delinquency.

"A Federal Bureau of Intergroup Relations to help solve problems of discrimination in housing, education, employment, and community opportunities in general. The Bureau would assist in the solution of problems arising from the resettlement of immigrants and migrants within our own country, and in resolving religious, social, and other tensions where they arise."

The 1961 public assistance amendments extended aid for the first time to families with dependent children in which the parent is unemployed. Currently, 18 States have adopted this program. Aid is being provided to about 75,000 families with nearly 280,000 children.

The food stamp program is providing improved purchasing powers and a better diet for families and persons receiving general assistance.

The 1962 public welfare amendments provide the authority and financial resources for a new approach to the problems of prolonged dependency and some of the special needs of children.

Under these enactments and related provisions:

Forty-nine States have now qualified for increased Federal financial aid to provide help to families with economic and social problems, and to assist families dependent on public assistance back to economic independence.

Nine pilot projects have been initiated to help children stay in school.

Forty-one demonstration projects have been designed to improve public assistance operations and to find ways of helping low-income families and individuals to become independent.

Eighteen thousand unemployed fathers in needy families are currently on community work and training projects.

Three million children are now covered by the program of aid to families with dependent children; and under the 1962 amendments these children receive, in addition to financial assistance, other needed help toward normal growth and development.

Forty-six States now have approved plans for day-care services.

Grants for research and demonstrations in child welfare were first awarded in 1962, and 62 projects have since been approved.

Starting for the first time in 1963, grants for training child welfare workers have been made to 58 institutions of higher learning.

Approximately 453,000 older persons received medical assistance under the Kerr-Mills program in fiscal year 1964.

The Temporary Extended Unemployment Compensation Act of 1961 provided 13 additional weeks of benefits to the long-term unemployed; 2.8 million jobless workers received $800 million in assistance.

The Juvenile Delinquency and Youth Offenses Control Act of 1961 made possible the establishment of training centers at 12 universities. By the end of fiscal year 1964, the program will have reached 12,500 trainees for work in delinquency prevention and control.

The Equal Pay Act of 1963 and the work of the President's Commission on the Status of Women, which reported to the President that same year, were events of historic importance in the struggle for equal opportunity and full partnership for women. The inclusion of women in the employment provisions of the Civil Rights Act of 1964 makes equality in employment at long last the law of the land.

Title X of the Civil Rights Act of 1964 establishes a Community Relations Service "to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin."

Education

In 1960, we pledged—

"We believe that America can meet its educational obligations only with generous Federal financial support, within the traditional framework of local control. The assistance will take the form of Federal grants to States for educational purposes they deem most pressing, including classroom construction and teachers' salaries. It will include aid for the construction of academic facilities as well as dormitories at colleges and universities.

"We pledge further Federal support for all phases of vocational education for youth and adults; for libraries and adult education; for realizing the potential of educational television; and for exchange of students and teachers with other nations.

"As part of a broader concern for young people we recommend establishment of a Youth Conservation Corps, to give underprivileged young people a rewarding experience in a healthful environment."

The Higher Education Facilities Act of 1963 provides $1.2 billion for college construction over a 3-year period. Over 2,000 institutions are eligible to benefit from its provisions in helping them meet current enrollment increases of 350,000 students each year.

The Health Professions Educational Assistance Act of 1963 will increase the number of professional health personnel through construction grants for health teaching facilities, and through low-interest student loans to assist up to 10,000 students of medicine, dentistry, or osteopathy to pay for their high-cost education.

The Vocational Education Act of 1963 authorizes a $956 million increase in Federal support for vocational education over the next 5 fiscal years—1964 through 1968. It is estimated that 7 million students will be enrolled in vocational education in 1968, an increase of about 3 million over present annual enrollment.

Legislation approved in 1963, which increased authorization for loans to needy students for college education, will mean that in the coming school year approximately 280,000 students will be borrowing about $142 million from the loan funds to help pay for their higher education, as compared with 115,450 students borrowing $50,152,000 in 1960.

In the last 3 fiscal years, there have been grants of $153.1 million in Federal funds to the States for purchases of equipment and materials, and remodeling classrooms to strengthen instruction in science, mathematics, and modern foreign languages.

A $32 million program of grants to help establish noncommercial educational television stations was approved in 1962. Thirty-seven grants have been approved, totaling $6.1 million—18 for new stations and 19 for expansion.

The Library Services and Construction Act of 1964 broadened Federal aid to cover urban as well as rural areas, and to provide construction grants in addition to other library services. The new legislation increased the authorization for Federal aid to develop libraries from $7.5 million to the present level of $25 million and included a new program of assistance for public library construction, with an appropriation for fiscal year 1965 of $30 million.

The Youth Conservation Corps envisioned by the 1960 proposal is provided for under title I of the Economic Opportunity Act of 1964.

Natural resources

In 1960, we said:

"A thin layer of earth, a few inches of rain, and a blanket of air makes human life possible on our planet.

"Sound public policy must assure that these essential resources will be available to provide the good life for our children and future generations."

After the 1960 election President Kennedy and President Johnson implemented this platform by a whole series of new conservation policies and programs, some of which emanated from the first White House Conference on Conservation called by any President since the 1908 conference called by President Theodore Roosevelt.

During this administration two historic conservation measures were enacted. These were the wilderness bill and the land and water conservation fund bill which will together do more to help conserve outdoor America than any legislation passed in a generation.

In addition to this landmark legislation new emphasis has been placed on science as the modern midwife of conservation, and new impetus has been given across the board in the conservation of natural resources.

In the Field of Water Conservation

Twenty-one new major water resources projects have been authorized or started in the West;

A highwater mark has been achieved in the annual level of national investment in water resource projects;

The saline water conversion effort has been quadrupled, and should achieve a dramatic cost breakthrough during the next administration.

In Electric Power

Ending 16 years of argument, a bold plan was developed under President Johnson's personal leadership to interconnect the electric power systems of the Pacific Northwest and the Southwest, thus providing benefits for power users in 11 Western States; under this plan, construction will soon begin on the first direct current long-distance lines in the United States, stretching all the way from the Columbia River to Los Angeles—and a new era of public and private power cooperation will commence.

Federal hydroelectric generating capacity has been increased by 2,600,000 kilowatts, and 5,150,000 kilowatts of non-Federal capacity has been licensed by the Federal Power Commission.

Three thousand three hundred and fifty miles of vital transmission lines have been added to Federal systems and about 25,000 miles of new transmission lines have also been built by non-Federal power systems.

The FPC has conducted a national power survey to encourage both public and private power companies to join in power pools which are bringing lower cost electricity to consumers throughout the Nation.

The world's largest atomic electric powerplant (at Hanford, Wash.) was funded and will soon be generating as much power as two Bonneville dams.

Federal REA loans have made it possible to open up the lignite coalfields of the Dakotas, and to exploit the coal fields of western Colorado.

In addition, the Congress authorized the Delaware Basin compact to permit the multipurpose development of that river, and the Senate ratified the Columbia River Treaty which enables the joint United States-Canadian development of the full potential of that great river to begin later this year.

In Outdoor Recreation

The Congress created three superb new national seashores at Cape Cod (Mass.), Padre Island (Tex.) and Point Reyes (Calif.).

Pioneering a new park concept, Ozark Rivers National Riverway (Mo.) was established as the first river preservation national park in the Nation, and 12 other major new additions to the park system were recommended for action by future Congresses.

A Bureau of Outdoor Recreation was created. As a vital part of the war on poverty, during the next year, 20,000 young Americans will set to work in conservation camps across the land tackling the big backlog of work in the land and water areas owned by all of the people.

In the Conservation and Development of Mineral Resources

Research helped coal production surge upward, and there were initiated a series of action steps (including activation of the huge Rifle, Colo., research center) which will lead to the orderly development of the vast oil shale resources of the Colorado Plateau.

For Wildlife

Enactment of the wetlands bill of 1961 made it possible to create more new waterfowl refuges—27—than during any previous 4-year period in our history.

The Clean Air Act of 1963 is already providing the first full-scale attack on the air pollution problems that blight living conditions in so many of our cities.

Enactment of the Federal Water Pollution Control Act of 1961 launched the first massive attack on this conservation problem which has already resulted in 1,300 municipal waste treatment plants and the approval of projects that have improved the water quality in 18,000 miles of streams that provide water for 22 million people.

Cities and their suburbs

In 1960, we declared: "A new Democratic administration will expand Federal programs to aid urban communities to clear their slums, dispose of their sewage, educate their children, transport suburban commuters to and from their jobs, and combat juvenile delinquency."

The Housing Act of 1961 marked the beginning of a new era of Federal commitment to the problems of a nation in which three-fourths of the population has come to live in urban areas.

Under that act, funds available for urban planning grants were increased by $55 million and a new $50 million Federal grant program to assist localities in the acquisition of permanent open space land to be used as parks and playgrounds was established.

The Housing Act of 1961 and the Area Redevelopment Act of 1961 authorized public facilities loans of $600 million.

The Juvenile Delinquency and Youth Offenses Control Act of 1961 launched a broad attack on youth problems by financing demonstration projects, training personnel in delinquency work, and providing technical assistance for community youth programs.

In 1960, we pledged "Federal aid for comprehensive metropolitan transportation programs, including bus and rail mass transit, commuter railroads as well as highway programs, and construction of civil airports."

The Housing Act of 1961 launched the first efforts to help metropolitan and other urban areas solve their mass transportation problems; $75 million in loans and demonstration grants were provided to States and localities to construct and improve urban mass transportation systems.

The Urban Mass Transportation Act of 1964 establishes a new long-range program for this purpose and authorizes $375 million in Federal grants, over 3 years, for capital construction and improvement which local transit systems cannot otherwise finance.

Transportation

In 1960, we observed: "Over the past 7 years we have watched the steady weakening of the Nation's transportation system, and we noted the need for 'a national transportation policy.' "

The national transportation policy was enunciated in the first Presidential message ever to be sent to the Congress dealing solely with transportation.

The Highway Act of 1961 resolved the lagging problem of financing the 41,000-mile interstate highway program, and the finished construction rate has almost doubled.

The Federal Maritime Commission has been established as an independent agency to guard against prejudice or discrimination harmful to the growth of U.S. world trade.

The Maritime Administration, U.S. Department of Commerce, was set up to give it full attention to promoting a vigorous policy of strengthening and modernizing our merchant fleet. Seventy big modern cargo and cargo-passenger ships have been added to the U.S. merchant fleet. The *Savannah*, the world's first nuclear-powered merchant ship, is now on her first foreign voyage.

The far-reaching decision has been made that the United States will design and build a supersonic air transport plane—and thereby maintain our leadership position in international aviation. Congress has provided $60 million for the development of detailed designs. Twenty airlines already have placed orders.

On August 13, President Johnson signed a new highway bill to provide better primary and secondary highways on a 50-50 basis with the States. In addition, it will support needed efforts to improve forest highways, public land roads and national park roads.

Science

In 1960 we declared: "We will recognize the special role of our Federal Government in support of basic and applied research," mentioning in particular space, atomic energy, and oceanography.

Space

Since 1961 the United States has pressed vigorously forward with a 10-year, $35 billion national space program for clear leadership in space exploration, space use, and all important aspects of space science and technology.

Already this program has enabled the United States to challenge the early Soviet challenge in space booster power and to effectively counter the Soviet bid for recognition as the world's leading nation in science and technology.

In the years 1961 to 1964, the United States has—

Successfully flown the Saturn I rocket, putting into orbit the heaviest payloads of the space age to date.

Moved rapidly forward with much more powerful launch vehicles, the Saturn IB and the Saturn V. The Saturn IB, scheduled to fly in 1966, will be able to orbit a payload of 16 tons; and Saturn V, scheduled to fly in 1967 or 1968, will be able to orbit 120 tons or send 45 tons to the Moon or 35 tons to Mars or Venus.

Mastered the difficult technology of using liquid hydrogen as a space rocket fuel in the Centaur upper stage rocket and the Saturn I second stage—assuring American leadership in space science and manned space flight in this decade.

Successfully completed six manned space flights in Project Mercury, acquiring 54 hours of space flight experience.

Successfully flight-tested the two-man Gemini spacecraft and Titan II space rocket so that manned Gemini flights can begin late in 1964 or early in 1965.

Developed the three-man Apollo spacecraft which will be able to spend up to 2 months in earth orbit, operate out to a quarter of a million miles from earth, and land our first astronaut-explorers on the moon.

Taken all actions to conduct a series of manned space flights in the Gemini and Apollo programs which will give the United States some 5,000 man-hours of flight experience in earth orbit, develop U.S. capabilities for rendezvous and joining of spacecraft in orbit, and prove out man's ability to perform valuable missions during long stays in space.

Made man's first close-up observations of another planet during the highly successful Mariner II fly-by of Venus.

Obtained the first close-up pictures of the moon, taken and relayed to earth by Ranger VII.

Initiated an ambitious long-range program for scientific investigations in space utilizing large, versatile spacecraft called orbiting observatories for geophysical, solar and stellar studies.

Operated the world's first weather satellites (Tiros).

Set up, under the Communications Satellite Act of 1962, the Communications Satellite Corp., which is well on the way to establishing a global satellite communications system to provide reliable, low-cost telephone, telegraph, and television services to all parts of the world.

In short, the United States has matched rapid progress in manned space flight with a balanced program for scientific investigations in space, practical uses of space, and advanced research and technological pioneering to assure that the new challenges of space in the next decade can also be met, and U.S. leadership maintained.

Atomic Energy

The number of civilian nuclear power plants has increased from 3 to 14 since January 1961; and now the advent of economic nuclear power provides utilities a wider choice of competitive power sources in many sections of the country.

The world's largest nuclear power reactor, the Atomic Energy Commission's Production Reactor near Richland, Wash., achieved a controlled, self-sustained nuclear reaction on December 31, 1963.

The first deep-sea anchored, automatic weather station powered by nuclear energy has gone into unattended operation in the Gulf of Mexico, and the first lighthouse powered by nuclear energy flashes now in Chesapeake Bay.

Nuclear energy was extended to space for the first time in 1961. Compact nuclear generators supplied part of the power for instruments in two satellites, and in 1963 provided all of the power needs of two other satellites.

Vigorous support has been given to basic research in atomic energy. The world's highest energy accelerator, the AGS, has come into productive operation.

Oceanography

For the first time in history the United States is building a fleet expressly designed for oceanographic research. Since 1961, 29 ships have been completed or are currently under construction. Shoreside facilities and training programs have been established as part of a major Government-wide effort, begun in 1961, to capture the enormous potential rewards of research in this area which until now have been almost as remote and inaccessible as space itself.

Government operations

"We shall reform the processes of Government in all branches—executive, legislative, and judicial. We will clean out corruption and conflict of interest, and improve Government services."

This administration has brought the personnel, morale, ethics, and performance of the Federal service to a point of high excellence. To accomplish this transformation it made improvements in a broad range of activities affecting the operation of the Government.

The conflict-of-interest laws were strengthened by the first major revision in a century. The comprehensive new law eliminates ambiguities and inconsistencies in existing laws, and increases the range of Government matters in which conflict of interest is prohibited. In addition, President Kennedy issued an Executive order which established more rigid standards of conduct for Federal officials and employees.

The regulatory agencies were made more effective by reorganization programs and by the appointment of highly qualified officials, dedicated to protecting the public interest.

The Department of Justice has cracked down effectively on organized crime under new antiracketeering statutes, has uncovered and prosecuted important foreign spies, and has made progress toward more effective procedures for protecting the rights of poor defendants to bail and counsel.

Federal employee organizations, many of which have existed for over half a century, were at last extended formal recognition under Executive Order No. 10988, issued by President Kennedy.

The Federal Pay Raise Act of 1964 updated the pay structure for Federal employees on a basis of equal salary rates for comparable levels of work in private industry. Completing the reforms initiated in the act of 1962, it provided for long-needed increases in salary for top level Government administrators upon whom major responsibility for program results must rest. In President Johnson's words, this law established a basis for a standard of "brilliance" and "excellence" in the Federal Government.

Congressional procedures

In 1960, we urged action "to improve congressional procedures so that majority rule prevails."

In 1961, the House Rules Committee was enlarged from 12 to 15 members, making it more representative of the views of the majority, and thereby enabling much important legislation to be reported to the floor for a vote by the entire House membership.

In 1964, for the first time in history, the Senate voted to limit debate on a civil rights measure, thus permitting the Civil Rights Act to come to a vote, and thereby to be enacted.

Consumers

In 1960, we proposed "effective Government representation and protection" for consumers.

In 1962, President Kennedy became the first Chief Executive to send a message to Congress on consumer matters.

This Executive action was closely followed by the creation of a Consumer Advisory Council.

In 1964 President Johnson appointed the first Special Assistant to the President for Consumer Affairs, and created a new President's Committee on Consumer Interests.

The Kefauver-Harris Drug Amendments of 1962 were the most far-reaching improvements in the Food, Drug, and Cosmetic Act since 1938. Under these amendments:

Effective legal tools were provided to insure greater safety in connection with the manufacture, distribution, and use of drugs.

Vital safeguards were added for drug research and manufacture.

Interstate distribution of new drugs for testing was barred until an adequate plan of investigation was made available to the Food and Drug Administration.

Domestic drug manufacturing establishments will now be required to register annually and be inspected by the FDA at least once a year.

The administration has vigorously supported truth-in-lending, truth-in-packaging, and truth-in-securities bills.

The titles of these bills explain their objectives. Together, they form a triple armor of protection: for buyers of packaged goods, from prevailing deceptive practices; for borrowers of money, from hidden and unscrupulous interest and carrying charges; and for investors in securities from unfair practices threatening to vital savings. The first two bills are still awaiting congressional action; the third is now a law.

The upward spiral in the price of natural gas which took place in the decade of the 1950's has been halted by vigorous regulatory action of the Federal Power Commission and the Nation's 36 million consumers of natural gas have benefited from rate reductions and refunds in excess of $600 million. Natural gas moving largely in interstate pipelines now supplies almost a third of the Nation's energy requirements. Regulation to insure its availability in ample supply and at reasonable prices is an important consumer protection function which is now being effectively discharged.

Veterans affairs

In 1960, we proposed "adequate compensation for those with service-connected disabilities," and "pensions adequate for a full and dignified life for disabled and distressed veterans and for needy survivors of deceased veterans."

Since 1961, we have achieved:

Increased disability payments for veterans with service-connected disabilities. In the first year alone, this increase provided veterans with additional payments of about $98 million.

An increase of about 10 percent a month in the compensation for widows, children, and parents of veterans who died of service-connected disabilities.

An increase from $112 to $150 a month in the dependency and indemnity compensation payable to widows of veterans who died of service-connected disabilities.

Increased compensation benefits to veterans disabled by blindness, deafness, and kidney disorders, and increased benefits to widows and orphans of veterans whose deaths were service-connected.

In 1960, we endorsed "expanded programs of vocational rehabilitation for disabled veterans, and education for orphans of servicemen."

Since 1961, vocational rehabilitation and training has enabled thousands of GI's to choose occupations and acquire valuable training. For the first time, veterans with peacetime service-connected disabilities have been afforded vocational rehabilitation training. In addition, vocational rehabilitation was extended to blinded World War II and Korean conflict veterans, and war orphans' educational assistance was extended in behalf of certain reservists called to active duty.

In 1960, we stated: "The quality of medical care furnished to the disabled veterans has deteriorated. * * * We shall work for an increased availability of facilities for all veterans in need and we shall move with particular urgency to fulfill the need for expanded domiciliary and nursing-home facilities."

Since 1961, we have—

Approved the construction of new, modern hospitals, a number of which are being built near medical schools to improve veterans' care and research.

Added more full-time doctors to the VA staff, bringing it to an alltime high of nearly 5,000.

Provided hospital and medical care, including outpatient treatment, to peacetime ex-servicemen for service-connected disabilities on the same basis furnished war veterans.

Stepped up medical research programs, which have made outstanding contributions to American medicine.

In 1960, we pledged: "We shall continue the veterans home loan guarantee and direct loan programs and education benefits patterned after the GI bill of rights."

Since 1961, legislation has extended veterans home loans for both World War II and Korean conflict veterans. The GI bill of rights for Korean veterans was also extended for the benefit of certain reservists called to active duty.

Despite this considerably increased activity, the Veterans' Administration has reduced its operating costs.

American Indians

In 1960, we pledged "prompt adoption of a program to assist Indian tribes in the full development of their human and natural resources and to advance the health, education, and economic well-being of Indian citizens while preserving their cultural heritage."

In these 3½ years:

New classrooms have been provided for more than 7,000 Indian children; summer educational programs have been expanded tenfold so they now serve more than 20,000 students; and a special institute to train artistically gifted Indian youth has been established.

Indian enrollment in vocational training programs has been doubled.

For the first time in history, Federal low-rent housing programs have been launched on Indian reservations, and more than 3,100 new housing units have now been authorized.

Industrial plants offering employment opportunities for thousands of Indians are being opened on Indian reservations.

Accelerated public works projects on 89 reservations in 21 States have provided nearly 30,000 man-months of employment.

The Vocational Education Act and the Adult Indian Vocational Training Act have been amended to provide improved training for Indians.

The arts

In 1960, we observed "the arts flourish where there is freedom and where individual initiative and imagination are encouraged."

No single quality of the new administration was more immediately evident to the Nation and the world than the recognition it gave to American artists.

President Kennedy early created an advisory commission to assist in the growth and development of the arts, and the administration secured amendments to the Educational and Cultural Exchange Act to improve the quality and effectiveness of the international educational and cultural exchange programs. This past year, the John F. Kennedy Center for the Performing Arts was established to stimulate widespread interest in the arts.

On Washington's Birthday 1963, President Kennedy, by Executive order, created a new Presidential Medal for Freedom as the highest civil honor conferred by the President in peacetime upon persons who have made distinctive contributions to the security and national interest of the United States, to world peace, or to cultural activities. Henceforth, those men and women selected by the President for the medal will be announced annually on the 4th of July and will be presented with medals at an appropriate White House ceremony.

In his address to the University of Michigan in May 1964, President Johnson proposed that we begin to build the Great Society first of all in the cities of America, restoring the beauty and dignity which urban centers have lost.

That same month the President's Council on Pennsylvania Avenue presented to him a sweeping proposal for the reconstruction of the center of the city of Washington. The proposal has been hailed as "a blueprint for glory * * * a realistic and far-seeing redevelopment scheme that may be Washington's last chance to save its 'Avenue of Presidents.'"

Civil liberties

In 1960, we reaffirmed "our dedication to the Bill of Rights, freedom and civil liberties, far from being incompatible with security, are vital to our national strength."

The era of fear and suspicion brought on by accusations, true and false, of subversive activities and security risks has passed. The good sense of the American people, and the overwhelming loyalty of our citizenry have combined to restore balance and calm to security activities, without in any way diminishing the scope or effectiveness of those activities.

The administration has jealously guarded the right of each American to protect his good name. Except in those instances where the national security is overriding, confrontation of the accuser is now required in all loyalty hearings. Individuals whose loyalty is being questioned must also be notified of the charges in sufficient time for them to prepare their defense.

The Criminal Justice Act of 1964, now before the President for signature, will for the first time in history ensure that poor defendants in criminal cases will have competent legal counsel in defending themselves in Federal courts.

Fiscal responsibility

In 1960, we promised "we shall end the gross waste in Federal expenditures which needlessly raises the budgets of many Government agencies."

Since 1961, we have moved boldly and directly to eliminate waste and duplication wherever it occurs.

For example, the Department of Defense has embarked on a far-reaching program to realize savings through improvements in its efficiency and management. This program has already produced savings of more than $1 billion in fiscal year 1963 and $2.5 billion in the fiscal year just completed. By 1964, it is expected that the program will produce yearly savings of over $4 billion.

At the close of the past fiscal year Federal employment had been reduced by 22,000 over the total 1 year earlier. The 1965 budget calls for lower expenditures than in the preceding year—only the second time such a feat has been accomplished in the past 10 years.

In 1960, we pledged "we shall collect the billions in taxes which are owed to the Federal Government but are not now collected."

To handle additional work in income tax collection, 3,971 new employees were added to the Internal Revenue Service by the Congress in fiscal 1961; 2,817 new positions were added in fiscal 1963; and about 1,000 more in fiscal 1964. The additional revenue which these employees will produce will far exceed the cost of their employment.

In 1960, we pledged "we shall close the loopholes in the tax laws by which certain privileged groups legally escape their fair share of taxation."

The Revenue Acts of 1962 and 1964 eliminated more loopholes than all the revenue legislation from 1941 to 1962 combined. They raised $1.7 billion annually in new revenue, nine times the sum raised in this manner during the 1953–60 period. These bills sharply limited expense account abuses, special preferences to U.S. firms and individuals operating abroad, escapes from taxation through personal holding companies and many other unjustified advantages.

Civil rights

In 1960, we pledged "we shall * * * seek to create an affirmative new atmosphere in which to deal with racial divisions and inequalities which threaten both the integrity of our democratic faith and the proposition on which our Nation was founded—that all men are created equal."

That pledge was made from the deepest moral conviction.

It was carried out on the same basis.

From the establishment of the President's Committee on Equal Employment Opportunity, under the chairmanship of the then Vice President Lyndon B. Johnson, on March 6, 1961, to this moment, the efforts of the administration to provide full and equal civil rights for all Americans have never relaxed.

The high point of achievement in this effort was reached with passage of the Civil Rights Act of 1964, the greatest civil rights measure in the history of the American people.

This landmark of our democracy bars discrimination in the use of public accommodations, in employment, and in the administering of federally assisted programs. It makes available effective procedures for assuring the right to vote in Federal elections, directs Federal technical and financial assistance to local public school systems in desegregation, and strengthens the Civil Rights Commission. This comprehensive legislation resolves many of the festering conflicts which had been a source of irritating uncertainty, and smooths the way for favorable resolution of these problems.

We have also insisted upon nondiscrimination in apprenticeship, and have made free, unsegregated access a condition for Federal financial assistance to public libraries, programs for training of teachers of the handicapped, counseling, guidance, and foreign language institutes, adult civil defense classes, and manpower development and training programs.

In supporting construction of Hill-Burton hospitals, mental retardation, and community health facilities, we have required nondiscrimination in admission and provision of services and granting of staff privileges.

We have been equally firm in opposing any policy of quotas or "discrimination in reverse," and all other arbitrary or irrelevant distinctions in American life.

This, then, is the accounting of our stewardship.

The 1960 platform was not directed to any one sector or group of Americans with particular interests.

It proclaimed, rather, the rights of man.

The platform asserted the essential fact of that moment in our history—that the next administration to take office would face as never before the "responsibility and opportunity to call forth the greatness of the American people."

That responsibility was met; that opportunity was seized. The years since have been times of towering achievement.

We are proud to have been a part of this history. The task of leadership is to lead, and that has been our purpose. But the achievements of the Nation over this period outreach the contribution of any party: they are the work of the American people.

In the 1,000 days of John F. Kennedy, in the eventful and culminating months of Lyndon B. Johnson, there has been born a new American greatness.

Let us continue.

PARTISAN POLITICS AND THE CUBAN MISSILE CRISIS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. JOELSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOELSON. Mr. Speaker, I want to take this opportunity to express my personal shock and resentment at a recent statement by a highly placed political campaigner that President John F. Kennedy timed or engineered the Cuban missile crisis in 1962 for partisan political advantage.

Although it is expected that candidates for political office should have wide latitude in discussing the issues, the candidate who made such a charge has abandoned the rules of simple decency in charging that our late President risked plunging our Nation into war in order to win the congressional elections in the autumn of 1962. Respect for the memory of John F. Kennedy requires an unequivocal retraction and apology.

I brand these tactics as deplorable, and I suggest that the man who employed them should use as his theme song the 1964 award-winning song "Call Me Irresponsible."

A REPORT ON THE TOKYO MEETING OF THE WORLD BANK AND THE INTERNATIONAL MONETARY FUND

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. REUSS] is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, last week the 103 member nations of the International Bank for Reconstruction and Development, popularly known as the World Bank—and its subsidiaries, the International Finance Corporation and the International Development Association and of the IMF convened for their annual meeting in Tokyo, Japan. The views exchanged, and the actions taken, add up to a constructive contribution toward a free world community.

The U.S. delegation was headed by the U.S. Governor, Secretary of the Treasury Douglas Dillon, and the temporary Alternate Governors: Under Secretary of the Treasury Robert Roosa; Executive Director of the IBRD, Assistant Secretary of the Treasury John Bullitt; and Executive Director of the IMF William Dale. Participating as congressional advisers were the Senator from Louisiana [Mr. LONG], the gentleman from New York [Mr. KILBURN], and myself; participating as congressional observer was the gentleman from New York [Mr. MULTER].

ACTIONS TAKEN

The principal actions taken were:

First. For the World Bank:

The Bank was authorized to lend directly to the IFC, thus increasing the ability of the IFC to make loans to private enterprise abroad.

The Bank was authorized to transfer the sum of $50 million from its fiscal 1964 earnings to IDA, a sum which can be increased in future years by an additional provision adding to the Bank's earnings the 1 percent special commission it charges on loans.

Second. For the IMF, the executive directors were directed to undertake and complete a study at an early date of quota increases, both general and selective. Probably this will mean an overall increase of 25 percent in the quotas, with additional increases for such countries as Germany, Canada, Japan, and Sweden. In addition, steps will be taken so as to minimize the impact of the gold contribution by the United States.

Both actions at least move in the directions which have for some time been pointed out as desirable by the House Committee on Banking and Currency, and particularly by its Subcommittee on International Finance—to enlarge the multilateral aid to the developing countries of the World Bank family, and to move toward an improved international monetary mechanism. I include a number of documents which give some of the background on both matters.

WORLD BANK QUESTIONS

On May 28, 1964, I addressed a letter to Secretary Douglas Dillon raising a number of fundamental questions with respect to the World Bank:

MAY 28, 1964.

HON. DOUGLAS DILLON,
Secretary of the Treasury, Treasury Department, Washington, D.C.

DEAR MR. SECRETARY: The recent signing by the President of the legislation authorizing continued U.S. participation in the International Development Association through 1968 makes timely a more fundamental inquiry into the future of the World Bank and its related agencies than was possible during the congressional action.

Accordingly, the members of the Subcommittee on International Finance would appreciate your views on a number of questions which will deeply affect possible congressional legislation in the next 5 years. Wherever possible, we should appreciate receiving your own views as U.S. Governor, the view of World Bank officials, and the views of other major member countries of the World Bank family.

The questions, which have been suggested by a number of experts concerned to maximize free world assistance to the developing nations, follow:

1. Transfer of World Bank resources to IDA. As is indicated in the World Bank's most recent annual report, its mission of reconstruction has long since been accomplished. As to development loans, the fiscal 1963 commitment declined to $449 million from the previous year's $882 million. As the Bank explains, many former Bank borrowers are now strong enough so as not to require World Bank aid; many more are so heavily loaned up that they can no longer afford the Bank's interest charges and repayment terms, and must resort to IDA or to other programs having less stringent repayment terms. However, many experts point out that the World Bank proper has a lending capacity of at least $500 million a year, and IDA of barely $250 million a year. In their view, this anomaly requires a new look at the allocation of free world resources as between the World Bank, whose mission has been so largely accomplished, and the IDA, whose mission is barely beginning. Specifically:

(a) It has been stated that the World Bank will shortly vote to devote a fraction of its net income (currently $80–$100 million a year) to IDA. Could not all such income promptly be devoted to IDA?

(b) In addition to the World Bank's $254 million special reserve, required under the charter "to be set aside as a special reserve to be kept available for meeting obligations of the Bank created by borrowing," there is a supplemental reserve of $558 million to which net income of the Bank has been allocated by simple action of the Board of Governors, as a reserve against losses rather than "for meeting obligations of the Bank created by borrowing." Since there would seem to be no obligation in this supplemental reserve to the Bank's bondholders, could not this $558 million be paid over for IDA's purposes rather than held immobile?

(c) What repayments can be expected from existing World Bank loans in the next 10 years? What has been the past repayment record by year? As future repayments are received, could not the World Bank Board of Governors (with the consent of the member countries) allocate such repayments to IDA (minus what is needed for clearly defined essential business of the Bank)?[1]

2. The proposed liberalization of the scope and terms of World Bank loans: Recently suggestions have been made that World Bank loans be made for other than its traditional purposes (largely transportation and power), and that there be a lengthening of the repayment period for loans. Would widening the scope of possible World Bank loans and extending their terms weaken the Bank's ability to raise private capital? Would it necessarily be in the interest of potential borrower countries? So long as the World Bank must charge high interest rates, would not further borrowing from the World Bank add undesirably to the debt servicing burdens of the devoloping countries? What are the countries among potential World Bank and IDA borrowers which could safely add to debt on terms less generous than those now offered by IDA? How do loans to such countries satisfy the World Bank's reconstruction and development purpose? Please give documented estimates of the annual amount of World Bank lending for the next 5 years.

3. The balance of payment and other effects of World Bank financing and lending policies on the United States: What proportion of World Bank loans is it reasonable to expect will be spent in the future on purchases in the United States? Does the balance of payments effect on the United States vary with the type of loan, the location of the borrowing country, or some other major factor? Is it desirable to continue the policy of selling World Bank loan participations to private American investors in view of its disadvantage from a balance-of-payments point of view? Does not the availability to American investors of high-interest World Bank loan participations tend to place an undesirable upward pressure on medium- and long-term interest rates in the United States?

4. Relationship between the World Bank, IDA, IFC, the Inter-American Development Bank, and the U.N. Special Fund: The United States has responsibilities in and commitments to a variety of multilateral development agencies devoted to similar objectives. On what bases and in what proportions should the United States allocate its development assistance capital among the various agencies?

5. Possible use of IMF resources for IDA: In the event that current efforts to reform the IMF succeed in producing (a) an ability on the part of IMF to create new international money, subject to careful controls, through such methods as open-market purchases, and (b) a curb on the unrestrained gold-demanding powers of leading IMF member nations, some monetary experts have favored the release of such "new money" in a manner which aids the developing countries. For example, could not the IMF purchase IDA bonds, using some portion of any "new money" created in a given period?

Sincerely,

HENRY S. REUSS,
Chairman, Subcommittee on International Finance.

MR. DILLON'S REMARKS

Secretary Dillon's reply of August 5, 1964, follows:

AUGUST 5, 1964.

HON. HENRY S. REUSS,
Chairman, Subcommittee on International Finance, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am happy to reply to your letter of May 28, 1964, in which you pose a series of questions concerning the future operations of the World Bank and the International Development Association.

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[1] For example, since the Bank's capital is about equally divided between equity capital and borrowed capital, perhaps a 50–50 split would be in order.

I would like to preface my specific answers with an observation on what seems to be an underlying theme of several of the questions. While I agree that the mission of IDA is barely beginning, I do not feel that the World Bank's mission "has been * * * largely accomplished." There is a need which will continue and probably increase in the years ahead for both these institutions. If the view that the World Bank has largely accomplished its purposes and might partly be dismantled rests on the fact that the Bank's fiscal 1963 commitments were $449 million compared to fiscal 1962 commitments of $882 million, it is only necessary to point out that fiscal 1964 commitments of $810 million approximately equaled their 1962 record. With the variety of new policies for the Bank's operations which have been established in the last year, I am confident that this level will be maintained or exceeded for some time to come. Operations of this magnitude only emphasize the continued necessity which you point out for increased lending on concessional—or IDA—terms. In this connection, I am sure you will be interested in the enclosed statement of the Bank's President made at the opening of the recent U.N. Conference on Trade and Development in Geneva.

I turn now to the specific questions you have raised.

Question 1(a) suggests that the entire amount of the World Bank's net income be turned over to IDA for lending. You will be interested to know that it is not a small fraction of estimated current earnings that the management has recommended be transferred to IDA, but a very substantial proportion—$50 million, or somewhat in excess of 50 percent. It is expected that this recommendation—after a long period of debate in the Board of Executive Directors—will be approved by the Governors in September. I regard this initial transfer as a very promising first step and one which we have sought for over 2 years. Because it is the first time in the Bank's history that any use of its net income other than to allocate it to reserves will be made, I consider the amount appropriate. If this use of the Bank's net income proves to be entirely satisfactory over the period ahead, I see no reason in principle why a considerably larger share could not be transferred to IDA in any year in which there was no compelling requirement to retain these earnings in the Bank.

In this connection, it will also interest you to know that the Bank's practice of attributing 1 percent of its total interest charge to its segregated loan commission account (the "special reserve") will soon be eliminated on virtually all outstanding loans and on all future loans. Accordingly, the amounts formerly credited to this account will now be available as net income. The amount of net income transferred to IDA in future years would thus be calculated on a larger base than this year.

Question 1(b) contains the suggestion that not only the Bank's current earnings be paid over to IDA, but also its supplemental reserve of over $550 million, which arose out of accumulated net earnings of past years.

The fundamental and compelling reason for not divesting the Bank of its supplemental reserve is the one I stated in my testimony of March 23, 1964, before the House Banking and Currency Committee on the increase in IDA resources:

"The supplemental reserve, amounting to $558 million, differs from the special reserve in that it is not a segregated fund, but is rather in the nature of an earned surplus and is used in the Bank's regular operations. As its name implies, it provides an additional reserve against losses on the Bank's loans and guarantees. In order to maintain an adequate reserve against these risks, the Board of Governors of the Bank have deemed it necessary to allocate all net income to the supplemental reserve from the time of its creation in 1950 to the end of the last fiscal year, June 30, 1963. The Bank sold its bonds to the public constantly throughout this period and the financial statements of the Bank reflected the amount of the supplemental reserve existing at the time each issue of bonds was sold.

"Any reduction at this time in the supplemental reserve could, therefore, be considered a breach of faith by the holders of the Bank's bonds. Thus it would have a most serious adverse effect on the Bank's ability to continue mobilizing private capital for development by selling its bonds to the public."

I continue to be convinced that it would be extremely unwise to seek to transfer these funds out of the Bank—particularly in view of the likely increased scale of the Bank's operations, as pointed out above.

Question 1(c) inquires as to the volume of past and future loan amortization payments, and suggests that, as future payments are received, the Bank reduce its capital funds by granting up to half of such repayments to IDA. Table 1, which is attached to this letter, shows the situation in regard to amortization payments to the Bank as of December 31, 1963. A maximum of $322 million would be repayable to the Bank in fiscal 1970, after taking account of sales of portions of loans.

Since Bank disbursement requirements substantially exceed the volume of repayments and are likely to continue to do so for many years, the effect of the Bank's granting away part of its capital—leaving aside the legal questions of its authority to do so under its charter, or the probable impact such a reduction of capitalization would have on the Bank's financial standing among investors—would simply be to increase the amount it would have to raise through sales of bonds or sales from portfolio.

In question 2, a number of points are raised which relate to liberalization of the scope and terms of World Bank loans. As you know, a start has already been made by the Bank in this area with the granting of its first 35-year loans in the power field. I am entirely satisfied that none of the proposals recommended by the management and approved by the Executive Directors will adversely affect the Bank's ability to raise private capital. Many of the changes are changes of degree and emphasis, rather than the complete abandonment of existing activities. The President of the World Bank has been in close contact with financial leaders in the United States and abroad concerning the current proposals, and has outlined his ideas in numerous well-received public statements. Representatives of potential borrowing countries, speaking at the United Nations Conference on Trade and Development in Geneva and elsewhere, have warmly welcomed the initiatives of the Bank management.

As to the suggestion that World Bank loans might represent undesirable additions to the debt service burden of developing countries, I should point out that the Bank has been a leader in analysis and awareness of the debt service burden of the developing countries. To continue its great advantages as a means of mobilizing and furnishing private capital for sound and constructive development requires that it impose charges to cover its borrowing costs. Without this capital, development would be burdened and slowed. In light of these factors, the very real requirement for easy repayment terms by the developing countries must be met by its affiliate, the IDA, and by other economic assistance programs. The single management of IBRD/IDA can assay the debt position of a given country and tailor the "mix" of IBRD and IDA loans to fit the particular requirements. In effect, development capital can be made available from the two institutions. By varying the composition of total lending in a country from the Bank/IDA complex—as it does most notably in consortium countries such as India, Pakistan, and Colombia—the management can do its part to help meet the concerns expressed in question 2.

Like other banking institutions, the World Bank operates on broad assumptions as to the probable volume of lending in the years ahead, but does not program fixed amounts for lending in forward fiscal years. A statement of the factors underlying a continued high level of activity by the World Bank is contained in a speech of the President of the Bank before the Investment Bankers Association on December 5, 1963. I am enclosing the relevant excerpt with this letter. While Mr. Woods' statement is not, of course, a documented estimate of annual Bank lending over the next 5 years, it does, when taken in conjunction with the historical evidence and particularly the likely 1964 outturn, give reasonable assurance that the Bank will maintain a preeminent position in the development financing field in the years immediately ahead.

Question 3—balance of payments: The relationship between IBRD operations and the U.S. balance of payments, which is the subject of question 3, received considerable attention during the hearings of your Subcommittee on IDA last December. You will recall that our presentation at that time showed that over the period of the Bank's existence the United States enjoyed a positive balance in its transactions with the Bank, and that the balance favorable to the United States was greater during the most recent 5-year period—when we were experiencing payments difficulties—than in the Bank's earlier years.

In this connection, I should also note the great emphasis that has been placed on participation by private capital in the development process, regardless of its impact on the U.S. balance of payments. Participation by American investors through the World Bank—by purchases of its securities or from its portfolio—makes cheaper private financing available to the developing countries than they could obtain by alternative means.

I am attaching, as table 2, the most recent edition of one of the tables submitted for the December hearings, showing identified World Bank procurement, by country, since the establishment of the institution. Identified procurement in the United States now is running slightly above one-third of total identified procurement, having risen in the last 3 years from a low point of about 29 percent. There is no reason to assume that the various new types of Bank lending per se will, taken together, either markedly increase or markedly decrease the proportion of total Bank-financed procurement the United States enjoys. As is now the case, the general competitiveness of American industry, which in turn depends on continued price and wage stability, will be the decisive factor.

There are, as the question suggests, numerous additional factors which enter into the procurement picture and hence into the balance-of-payments picture as well. For example, power loans by the Bank involving procurement of very large capacity equipment in which the United States has a competitive advantage are more likely to benefit the U.S. balance of payments than loans involving fields in which the United States is not fully competitive. The economics of location may assume particular importance in some projects in central and south Asia, where the freight advantage of Western

European and Japanese suppliers may be heightened by transportation costs within the United States that must be absorbed by potential U.S. suppliers. Where facilities are being expanded or partially replaced, non-U.S. proprietary items may be required for compatibility with existing plant.

It is clear from the preceding paragraph that no hard and fast statements can be made as to Bank-financed procurement; in any given case, both plus and minus factors will be operating. Overall, our success will depend on our pursuit of the same policies of export expansion as we have adopted to meet our general balance-of-payments problem.

In regard to World Bank sales of portions of its loans to U.S. investors, there is attached, as table 3, the factual record of such sales to U.S. and non-U.S. investors. In the aggregate, about two-thirds of all portfolio sales have been made to non-U.S. investors.

Since the announcement of the proposed Interest Equalization Tax in July 1963, the Bank has refrained from offering to U.S. investors portions of loans relating to any country which would be subject to the tax. This policy is reflected in the sharply lower level of sales in the United States in fiscal year 1964 to date. In my judgment, the Bank's portfolio sales are within limits that are entirely consistent with our total balance-of-payments posture.

The volume of Bank portfolio sales to U.S. investors in proportion to the total financial market in which such sales are made is very small. The rates of interest reflect the levels prevailing in competitive financial markets. The loans sold do not carry the guarantee of either the Bank or the U.S. Government. The interest rates on these obligations are based on appraisals by investors of the degree of risk involved and do not exceed rates on domestic paper of comparable quality. There is no evidence that these sales have had any impact on the level of medium- and long-term interest rates in the United States.

Question 4—Institutional relationships: A few comments on the role and mode of operations of the institutions mentioned in question 4 will help to narrow the scope of the problem considerably. First, the U.N. special fund concentrates on preinvestment type projects likely to develop opportunities for capital financing. It does not provide capital financing itself. The special fund, therefore, may be set to one side for purposes of the present discussion. The other agencies cited in the question operate with a capital fund. As the need has been demonstrated, steps are proposed to augment or replenish these funds.

Likewise, in the case of the International Finance Corporation (IFC) roughly $99 million of its authorized capital of $110 million is fully paid in and there are no present plans to call upon governments for additional capital. In fact, the management has recommended that the articles of the Bank and IFC be amended to permit expanded IFC operations in support of private enterprise, based upon borrowing by it from the Bank.

Both the World Bank and, more recently, the ordinary capital window of the Inter-American Development Bank (IDB) obtain their current funds for lending from private sources through the sale of securities in financial markets. Except for possible increases in the callable capital in order to facilitate their continuing bond sales, there are no further governmental contributions now foreseeable to the World Bank or the ordinary capital of the Inter-American Development Bank, so that the problem of allocation of U.S. funds again does not arise.

It thus appears that the question of allocation of our development assistance given through international bodies is narrowed down to the relationship between the Fund for Special Operations (FSO) of the Inter-American Development Bank and the International Development Association. On July 2, I forwarded proposed legislation to the Congress which would authorize U.S. participation—to the extent of $250 million per year over 3 years—in a $900 million total increase in the resources of the Fund for Special Operations. Further U.S. contributions to the Social Progress Trust Fund would be ended, and the expanded FSO would function in place of the earlier separate easy-repayment window of the IDB, both as to types and levels of financing.

Since the expanded FSO is to be a vital part of the financial machinery of the Alliance for Progress, the criteria for decisions as to the volume of U.S. funds to be committed through this channel will be shaped in the light of (a) the total of U.S. public financial assistance to Latin America, including AID assistance and Export-Import Bank lending, (b) the capacity and willingness of the Latin American countries themselves to participate equitably in further capital contributions, and (c) the experience and future likelihood of the IDB utilizing funds.

The limiting factor in determining the level of U.S. contributions to IDA, on the other hand, has been the willingness of the other part I countries to make their proportionate contributions to the institution. The need for funds on IDA terms—as well as IDA's ability to commit funds—is clearly greater than the volume of such funds now being made available or to be made available under the recent increase in IDA resources.

Question 5—IMF and IDA: The subject area of question 5 is certainly a provocative one, as well as one which has brought forth numerous proposals in recent years, including notably the so-called stamp plan. Such proposals require two independent developments: First, agreement to endow the International Monetary Fund with the power to create new money; and second, agreement to include the development of the less developed countries among the purposes to which the new money would be initially devoted, through IDA or other means. It seems clear that the second step depends, even as a technical possibility, on reaching agreement as to the first and fundamental question. At present, there is no indication that the governments principally involved are prepared to equip the International Monetary Fund with powers of money creation and it is unlikely that changes in the international monetary mechanism in this direction will take place in the immediate future. Insofar as the International Monetary Fund is concerned, the attention of the governments which have been discussing the international monetary mechanism has been focused on the use of the Fund's resources for monetary purposes rather than for long-term development ones. Whether, how or when additional money acceptable for international reserve purposes might appropriately be created is expected to be the object of further studies. As such studies progress concerning this possible eventuality, a number of issues may be resolved which will have a bearing on the adaptability of such facilities, if any should be developed, toward the second point.

In conclusion, Mr. Chairman, I would like to say that I welcome this opportunity to review with you these important questions affecting the major international financial institutions in which we participate.

Sincerely yours,

DOUGLAS DILLON.

TABLE 1.—*International Bank for Reconstruction and Development—Summary of net loan amortizations repayable to the Bank, Dec. 31, 1963*

[Expressed in thousands of U.S. dollars]

	Loan amortization less cancellations (as of Dec. 31, 1963)	Principal payments to Bank		Obligations of borrowers sold or agreed to be sold	Net amortization repayable to IBRD
		Repayments	Prepayments		
1. 1949—1st half	$600.0	----------	----------	$600.0	----------
2. 2d half	650.0	$50.0	----------	600.0	----------
3. 1950—1st half	1,199.0	599.0	----------	600.0	----------
4. 2d half	3,679.1	3,079.1	----------	600.0	----------
5. 1951—1st half	2,999.5	2,354.5	----------	645.0	----------
6. 2d half	2,821.9	1,935.9	----------	886.0	----------
7. 1952—1st half	3,298.8	2,321.8	----------	977.0	----------
8. 2d half	5,260.1	514.5	----------	4,745.6	----------
9. 1953—1st half	7,858.9	1,266.6	----------	6,592.3	----------
10. 2d half	9,643.8	2,042.6	$302.0	7,299.2	----------
11. 1954—1st half	12,165.1	816.8	8.0	11,340.3	----------
12. 2d half	14,539.6	2,476.6	21.0	12,042.0	----------
13. 1955—1st half	16,658.7	8,259.1	38.9	8,360.7	----------
14. 2d half	23,328.5	9,366.6	492.0	13,469.9	----------
15. 1956—1st half	26,829.7	12,077.7	1,262.0	13,490.1	----------
16. 2d half	29,503.0	11,588.6	1,988.0	15,926.4	----------
17. 1957—1st half	35,638.8	11,747.3	2,013.0	21,878.5	----------
18. 2d half	38,909.8	12,513.4	2,041.0	24,355.4	----------
19. 1958—1st half	44,604.7	15,730.3	1,571.0	27,303.4	----------
20. 2d half	49,264.4	16,875.5	1,588.0	30,800.9	----------
21. 1959—1st half	54,525.1	20,721.8	1,451.0	32,352.3	----------
22. 2d half	76,734.9	28,306.6	1,483.0	46,945.3	----------
23. 1960—1st half	83,182.2	43,114.7	812.3	39,255.2	----------
24. 2d half	89,192.6	47,974.6	1,237.0	39,981.0	----------
25. 1961—1st half	$100,059.1	$50,058.1	$1,143.0	$48,858.0	----------
26. 2d half	110,040.1	49,883.7	1,022.0	59,134.4	----------
27. 1962—1st half	118,127.9	54,004.4	1,173.0	62,950.5	----------
28. 2d half	122,159.0	60,986.8	1,083.0	60,089.2	----------
29. 1963—1st half	125,450.7	53,596.4	893.0	70,961.3	----------
30. 2d half	133,313.0	56,979.3	804.0	75,529.7	----------
31. 1964—1st half	136,534.3	4,578.6	553.0	74,927.0	$56,475.7
32. 2d half	145,081.4	----------	518.3	82,739.3	61,823.8
33. 1965—1st half	154,448.9	----------	366.0	80,170.3	73,912.6
34. 2d half	160,711.7	----------	373.0	70,040.3	90,298.4
35. 1966—1st half	169,210.8	----------	34.2	69,423.5	99,753.1
36. 2d half	173,857.7	----------	6,090.4	60,357.4	107,409.9
37. 1967—1st half	179,509.1	----------	6,190.6	56,754.9	116,563.6
38. 2d half	184,509.3	----------	6,291.9	55,313.1	122,904.3
39. 1968—1st half	189,693.4	----------	7,916.2	37,042.4	144,734.8
40. 2d half	195,576.2	----------	8,045.6	35,452.0	152,078.6
41. 1969—1st half	198,733.3	----------	8,177.0	29,265.9	161,290.4
42. 2d half	198,192.4	----------	8,310.4	29,743.6	160,138.4
43. 1970—1st half	192,968.6	----------	8,406.5	23,266.3	161,295.8
44. 2d half	192,131.9	----------	8,538.0	23,014.2	160,579.7
45. 1971—1st half	189,553.0	----------	8,677.0	19,400.8	161,475.2
46. 2d half	184,107.1	----------	8,818.0	18,724.6	156,564.5
47. 1972—1st half	181,587.5	----------	8,961.0	18,253.7	154,372.8
48. 2d half	180,729.7	----------	9,106.0	16,258.6	155,365.1

TABLE 1.—*International Bank for Reconstruction and Development—Summary of net loan amortizations repayable to the Bank, Dec. 31, 1963*—Continued

[Expressed in thousands of U.S. dollars]

	Loan amortization less cancellations (as of Dec. 31, 1963)	Principal payments to Bank		Obligations of borrowers sold or agreed to be sold	Net amortization repayable to IBRD
		Repayments	Prepayments		
49. 1973—1st half	$164,077.8	------	------	$17,394.7	$146,683.1
50. 2d half	166,124.2	------	------	17,855.1	148,269.1
51. 1974—1st half	163,746.7	------	------	16,978.7	146,768.0
52. 2d half	161,187.8	------	$20.0	18,599.1	142,568.7
53. 1975—1st half	153,989.8	------	------	17,883.0	136,106.8
54. 2d half	150,575.8	------	------	22,405.8	128,170.0
55. 1976—1st half	140,516.7	------	------	14,578.8	125,937.9
56. 2d half	133,926.1	------	------	16,854.9	117,071.2
57. 1977—1st half	124,115.1	------	------	13,154.8	110,960.3
58. 2d half	113,927.4	------	------	4,293.8	109,633.6
59. 1978—1st half	110,643.2	------	------	8,569.8	102,073.4
60. 2d half	99,344.1	------	------	5,191.0	94,153.1
61. 1979—1st half	96,596.9	------	------	2,010.1	94,586.8
62. 2d half	93,746.1	------	------	2,200.1	91,546.0
63. 1980—1st half	89,073.0	------	------	1,630.2	87,442.8
64. 2d half	87,832.4	------	------	1,745.4	86,087.0
65. 1981—1st half	85,058.0	------	------	1,536.6	83,521.4
66. 2d half	81,336.0	------	------	743.4	80,592.6
67. 1982—1st half	74,689.0	------	------	231.7	74,457.3
68. 2d half	73,777.0	------	------	471.5	73,305.5
69. 1983—1st half	69,254.0	------	------	1,236.2	68,017.8
70. 2d half	60,416.0	------	------	1,353.6	59,062.4
71. 1984—1st half	47,478.7	------	------	55.2	47,423.5
72. 2d half	45,955.0	------	------	469.6	45,485.4
73. 1985—1st half	$45,206.0	------	------	$110.4	$45,095.6
74. 2d half	34,902.0	------	------	956.0	33,946.0
75. 1986—1st half	31,264.0	------	------	------	31,264.0
76. 2d half	29,555.0	------	------	------	29,555.0
77. 1987—1st half	23,410.0	------	------	------	23,410.0
78. 2d half	15,881.0	------	------	------	15,881.0
79. 1988—1st half	14,929.0	------	------	------	14,929.0
80. 2d half	13,125.0	------	------	55.2	13,069.8
81. 1989—1st half	6,758.0	------	------	110.4	6,647.6
82. 2d half	6,625.0	------	------	------	6,625.0
83. 1990—1st half	3,780.0	------	------	------	3,780.0
Undetermined:					
Loan 286-PAK	2,622.3	------	------	------	2,622.3
Loan 312-IN	9,624.0	------	------	------	9,624.0
Loan 329-MOR	13,488.0	------	------	------	13,488.0
Loan 330-PAK	18,313.0	------	------	------	18,313.0
Loan 331-PH	15,000.0	------	------	------	15,000.0
Loan 340-IN	28,635.0	------	------	------	28,635.0
Loan 348-MA	8,000.0	------	------	------	8,000.0
Loan 352-FI	7,000.0	------	------	------	7,000.0
Total	7,464,878.5	$585,820.9	$127,819.3	1,727,392.6	5,023,845.7

TABLE 2.—*Procurement under IBRD loans* [1]

[In millions of U.S. dollars and percentages]

Imports from—	Through fiscal year 1948		Fiscal year 1949		Fiscal year 1950		Fiscal year 1951		Fiscal year 1952		Fiscal year 1953		Fiscal year 1954		Fiscal year 1955		Fiscal year 1956	
	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent
Belgium	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	9.9	3.9	1.8	0.8	6.5	2.9
Canada	12.5	2.6	1.9	3.3	20.4	23.3	10.7	13.8	16.2	8.8	9.7	5.4	7.2	2.8	7.9	3.3	16.0	7.0
France	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	12.3	4.9	10.1	4.2	7.5	3.3
Germany	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	22.9	9.0	15.3	6.4	32.0	14.1
Italy	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	2.7	1.1	1.3	.5	3.8	1.7
Japan	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	.4	.2	(2)	------	.3	.1	.5	.2
Netherlands	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	5.6	3.1	2.5	1.0	1.2	.5	1.0	.4
Sweden	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	2.8	1.1	4.4	1.8	3.4	1.5
Switzerland	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	5.5	2.2	4.6	1.9	5.3	2.3
United Kingdom	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	(2)	------	54.9	21.7	57.4	23.9	30.0	13.2
United States	356.4	75.9	44.0	78.3	51.9	59.0	53.3	68.6	120.6	65.3	102.0	56.4	128.5	50.7	129.3	54.0	114.9	50.5
All other	101.2	21.4	10.3	18.3	15.5	17.7	13.6	17.5	48.0	26.0	63.3	34.9	4.1	1.6	5.9	2.5	6.6	2.6
Total	470.1	100.0	56.2	100.0	87.8	100.0	77.6	100.0	184.8	100.0	181.0	100.0	253.3	100.0	239.5	100.0	227.5	100.0

Imports from—	Fiscal year 1957		Fiscal year 1958		Fiscal year 1959		Fiscal year 1960		Fiscal year 1961		Fiscal year 1962		Fiscal year 1963		Fiscal year 1964 (to Mar. 31)		Cumulative through Mar. 31, 1964	
	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent
Belgium	6.4	2.7	10.7	2.9	13.9	3.3	10.7	3.3	5.7	2.1	8.6	2.5	6.5	1.6	4.9	2.0	131.0	3.0
Canada	14.0	6.1	4.2	1.1	8.3	2.0	2.8	.9	6.2	2.3	5.2	1.5	4.2	1.1	4.7	1.9	152.1	3.5
France	8.0	3.4	4.3	1.2	22.2	5.3	17.9	5.6	17.8	6.7	41.7	12.0	49.2	12.3	10.6	4.2	221.0	5.0
Germany	43.1	18.7	63.3	17.2	69.2	16.4	50.6	15.7	45.1	17.0	46.8	13.5	43.5	10.9	35.6	14.2	492.1	11.2
Italy	6.9	3.0	21.4	5.8	26.8	6.3	16.4	5.1	20.4	7.7	23.0	6.6	33.1	8.3	28.1	11.2	193.6	4.4
Japan	5.2	2.2	29.6	8.0	26.3	6.2	9.6	3.0	10.5	3.9	21.0	6.1	20.0	5.0	9.1	3.6	130.9	3.0
Netherlands	2.8	1.2	1.5	.4	2.7	.6	9.6	3.0	5.6	2.1	10.2	2.9	9.8	2.4	3.1	1.2	55.6	1.3
Sweden	6.2	2.6	3.5	.9	8.8	2.1	7.7	2.4	6.0	2.3	10.6	3.1	10.4	2.6	4.4	1.8	72.6	1.7
Switzerland	4.4	1.9	4.7	1.3	11.4	2.7	8.6	2.7	11.4	4.3	15.6	4.5	14.2	3.6	9.9	4.0	117.7	2.7
United Kingdom	25.3	11.0	69.4	18.8	87.0	20.5	75.8	23.5	44.0	16.5	47.5	13.7	54.6	13.7	42.0	16.8	647.2	14.8
United States	102.7	44.3	142.8	38.8	125.8	29.7	93.8	29.1	79.3	29.7	102.6	29.6	132.4	33.2	79.6	31.9	1,964.2	44.8
All other	6.6	2.8	13.1	3.5	21.0	5.0	19.5	6.0	14.3	5.4	13.8	4.0	21.3	5.3	17.9	7.2	205.7	4.6
Total	231.6	100.0	368.5	100.0	423.4	100.0	323.0	100.0	266.3	100.0	346.6	100.0	399.2	100.0	249.9	100.0	4,383.7	100.0

[1] Identifiable items. Excludes local procurement and goods not identified as to source which are procured under broad development program loans.

[2] Included in "All other."

NOTE.—Totals may not add due to rounding.

TABLE 3.—*IBRD participations and portfolio sales*

[Dollars in millions]

	U.S. investors	Non-U.S. investors	Total
Cumulative through fiscal year—			
1957	$134.1	$200.0	$334.1
1958	39.3	46.7	86.0
1959	27.0	121.4	148.4
1960	94.6	148.0	242.6
1961	33.9	168.2	202.1
1962	94.7	224.1	318.8
1963	122.8	150.5	273.3
May 31, 1964	27.9	136.1	164.0
Total	574.3	1,195.0	1,769.3
Percentage taken by U.S. investors			32.5
Percentage taken by non-U.S. investors			67.5
Total			100.0

FUTURE IBRD LENDING

(Excerpt from speech of George D. Woods, President of IBRD, before the Investment Bankers Association)

I think our prospects for an active future are good. We ourselves, to be sure, have pointed repeatedly to the fact that in some countries, the burden of debt is rising toward a point where they will become doubtful risks. In these countries, for the time being at least, the Bank will be limited in its ability to operate. These clients will have to turn increasingly to sources able to offer capital on more lenient terms, including the Bank's own affiliate, the International Development Association, which financially is quite separate from the Bank and therefore not part of my story here today.

But as some of the Bank's customers turn elsewhere, others arrive. Among important new arrivals, for instance, are Spain and New Zealand. We made our first loan in Spain 2 months ago and our first loan in New Zealand last month; and we expect to be quite active in these countries for the next several years at least. Another new arrival is Portugal, where we recently lent money for power development.

In many other places, we will continue to do our normal business and in some, the pace is likely to be more than normal. In Nigeria, for instance, we are looking at a proposal to finance the development of a large hydroelectric site on the Niger River. In Venezuela, to cite another example, we have already lent $130 million for highway development and for the Guri hydroelectric power project; but our operations in that developing country are just beginning and, politics permitting, should become much more important in years to come. Moreover, I think that from time to time we will be lending to some of the more developed countries which need our financing as a supplement to their borrowings in the private markets of the world. In recent weeks, for example, we have made $100 million of loans to Japan and Norway, and I would expect this kind of activity to continue.

While we intend to press ahead with the big and basic public utility projects that have constituted most of our business in the past—and doubtless will constitute most of our business in the future—I have recommended to the Bank's Executive Directors that we widen our efforts on other fronts. We ought to be prepared, I believe, to give more technical advice and assistance to help in the formulation of projects in those countries which are inexperienced in administration and technology. Even in countries where the development process has been well begun, it may be advisable to follow development into its more advanced stages and to finance enterprises of a more varied and complex sort than the large powerplants and transportation projects that have been our specialty up to now.

I have proposed that we do more to help agriculture, extending our assistance beyond loans for large-scale irrigation and flood control to such activities as helping to finance comprehensive agricultural improvement programs and strengthening organizations that could extend credit and technical help to the farmer.

In the industrial field, we have in mind becoming more concerned with the financing of individual industrial projects, and helping, through technical assistance as well as finance, to develop industries of kinds new in the developing countries. In addition, we are exploring the desirability of long-term financing in appropriate cases, for the import of pieces of equipment, components and spare parts, where the shortage of foreign exchange with which to buy such equipment from abroad has prevented full use of existing industrial capacity. It makes little or no sense to finance spectacular new capacity when production facilities already in place are only partially in operation because of the lack of maintenance parts.

I have also recommended to the Bank's Executive Directors that we enter the field of education, by lending for technical and vocational education and training projects and for general secondary school facilities.

We are also considering the modification in suitable cases, of the terms of our lending. In particular instances, it may be desirable to lengthen the grace period, to allow the project being financed to be brought into full earning power or to give a longer breathing spell to a borrower whose repayment capacity may take some years to build up. It may also sometimes be appropriate to lend at somewhat longer term than our maximum, up to now, of 25 years.

I have already said, and let me repeat, that these new kinds of lending would supplement, not supplant, the kinds of lending the Bank already does. Let me add one other thing: in new fields, as in the old ones, the Bank is not going to try to supply all the capital needed—that would be far beyond our resources in any case. What we are going to do, as we have already done in other instances, is to develop techniques of organization and finance that will encourage others to follow the way. We want to finance pilot projects, not to try to do it all.

Having set out some of the things which the Bank may do in the future, let me mention a few things the Bank certainly will not do. We will not finance projects, of whatever kind, unless we think they are of high priority, have been well studied and will be efficiently carried out. We will not lend more money in any country than we feel it reasonable to expect can ultimately be repaid. We do not intend to make loans on so-called soft terms. On the contrary, we will continue to relate our interest charges to the cost of money to us—not only to assure our own financial strength but also to facilitate the ultimate transfer of the business of financing our clients to the established money markets of the world.

ADDRESS TO THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, GENEVA, MARCH 25, 1964

(By George D. Woods, President, World Bank, International Finance Corporation, and International Development Association)

The World Bank welcomes the opportunity to participate in the deliberations of this United Nations Conference on Trade and Development—and we intend to participate actively and affirmatively. For world trade is not a subject of remote interest to the Bank; it is a matter of direct and immediate concern. Indeed, our charter explicitly recognizes the intimate connection between international investment and international trade. And, as the agenda of this Conference clearly demonstrates, both investment and trade are basic to economic development, which is the essential preoccupation of the Bank.

I suggest that, in approaching its agenda, the aim of this Conference must not be merely to stimulate debate, to exchange views, and to formulate issues. It must be nothing less than to make a real start in evolving international trade and development policies which are more adequate than those presently prevailing for stimulating economic growth throughout the developing world.

Fortunately, the conference is meeting at a propitious moment. World trade is growing as fast today as at any time in the present century. The long decline in commodity prices has now been arrested and, in some degree, reversed. Nearly 20 years of development effort have brought many countries to a better position to undertake the decisive changes of production they must achieve for a better standard of living. And, not least important, there is in prospect a sustained rise in the prosperity of the industrial countries. The consequences of good that can flow from that are enormous—a greatly increased demand for imports generally, including a continuation of the more buoyant demand for primary commodities; an increased ability on the part of the industrial countries to accommodate imports from the developing countries without causing severe hardship to their own producers; and perhaps most significant of all, an enhanced capacity to provide development assistance.

The scope for action on many fronts is greatly increased by the present state of the world economy. We can advance on our problems in a mood, not of caution and misgivings, but of confidence and high expectancy.

Not all of the questions which this Conference will consider lie within the reach of the Bank and its affiliated organizations; but we nevertheless are prepared to consider a wide range of actions in an effort to assist in reaching cooperative solutions to these questions. We are ready, for instance, to join actively in the search for answers to the vexing question of how to stabilize income from commodity exports. We want to assist in enhancing both the quantity and the quality of assistance to the developing countries, and in seeking ways of making the burden of international indebtedness more manageable. We want above all to increase our own contribution to the efforts of the developing countries themselves to diversify and strengthen their economies, for it is here that we think the most fundamental solutions lie.

The trade issues facing this Conference are many and complex. They are not going to be solved by any simple formula or master stroke. One guiding idea, however, can make our task easier: that what we can accomplish in the middle and long run will be worth more than it will cost us in the short run. In the short run, measures to change the existing patterns of trade in order to increase the export markets for the developing countries are likely to be painful. In the long run, however—and it need not in fact be such a very long run—such an expansion of trade necessarily brings advantages to both industrial and developing nations. It also requires action by both industrial and developing nations.

So far as the industrial countries are concerned, the required action is of many different kinds. These nations will have to move toward elimination of those elements of restriction that now exist on the importation of primary products. They will have to become considerably more receptive to imports of manufactured goods from the developing countries. And they will have to encourage regional groupings of the developing countries designed to stimulate trade in manufactured goods among themselves. Above all, the industrial countries must not let their own regional groupings freeze into closed systems, locking out exports in which particular developing countries can excel. For only if larger markets are available will the less developed nations be able to go beyond mere import substitution to develop really efficient industries based on economies of scale.

The industrial countries must, in addition, move to help liberate the underdeveloped countries from a difficulty particularly well known to many participants in this Conference. Some 30 countries, accounting for nearly half the trade of the developing world, are dependent on a single commodity for more than half their export earnings; and many other countries are dependent on only two or three. Despite the overall increase in world trade, the demand for primary commodities has grown only slowly, and prices have faltered. The value of the exports of the underdeveloped nations as a group has increased since the war at a rate only of some 3 to 4 percent a year. This is less than the growth in the volume of such exports and, more significantly, less than enough to support the level of developmental imports needed for a satisfactory growth of income. To use but one striking example, the Latin American countries increased the volume of their exports of primary commodities by 25 percent during the period from 1956 through 1962, but they actually earned less foreign exchange in the last year of the period than in the first.

The need to help the developing countries escape from their overdependence on the export of primary goods appears to me incontrovertible. In the long run, as I have said, the only real solution is for those countries to produce economically for the home market more of the goods which they now import and to diversify their export production. This means both increased industrialization and increased productivity within the agricultural sector. These processes take time, however, and prompt consideration needs to be given to measures for moderating the adverse effects upon the orderly development of these countries which result from the wide swings in their export earnings. This Conference will be discussing over the weeks ahead whether the answer, or part of the answer, is to seek greater price stability through commodity agreements, or to try to mitigate the effects of price fluctuations through some new form of compensatory financing, or to try some new approach altogether. The important thing for present purposes is the increasing awareness on the part of the industrial nations that the problem is serious and that practicable solutions must be sought

As I have already indicated, it seems likely that the World Bank's role will be primarily to help in the longrun process of diversification and modernization, rather than to finance mitigating measures. But we are quite prepared to join in exploring the issues involved; indeed, we are already deeply committed to studies of the coffee problem and of the market for extra-long-staple cotton. And I feel confident that such explorations will enable the Bank and the International Development Association (IDA) to formulate, within our means and within the authorization of our charters, increasingly effective measures to assist countries afflicted with difficult commodity problems.

Let me turn now from the shorter term trade issues to the longer run and more fundamental problem of bringing about in the developing world more diversified and more efficient production. On this front, where we in the Bank can claim some expertise, I am convinced that there are promising opportunities for advance. During the 1950's, the developing countries as a whole achieved an average annual rate of growth of nearly 4½ percent, despite the slackening of the rate in the later years of the period and in the face of a rate of population growth that in many cases represented a heavy burden on already limited resources. Over this decade of accomplishment, there was an impressive accumulation of new assets in the form of basic supports to a productive economy—roads and railroads, ports and power stations—and a growing experience and wisdom in dealing with development. Many countries—although, unfortunately, by no means all—are now in a position to go forward into new kinds of production and into better balanced patterns of trade. Development assistance to them ought to be increased. Merely to hold that assistance level, or even, as at times appears to be a possibility, to let it decline, would be to waste foolishly all the hard-won gains of the postwar era.

Now also is the time to improve the quality of development assistance. This means, in particular, supporting those programs and projects which promise the greatest economic return to the developing countries and avoiding those which serve primarily the short-range political or commercial ends of the industrial nations. The quality of aid has recently benefited by the coordination efforts of the Development Assistance Committee of the OECD and the growing sophistication of the developing countries themselves. Consultative groups organized by the Bank for several countries are also helping, and we expect to expand this activity as we find appropriate opportunity to do so. But more progress needs to be made, and in particular there must be more concentration of effort upon those countries which show that they are able to utilize aid effectively.

Moreover, the terms of aid must continue to be improved, for the problem of debt service continues to be pressing. In the 7-year period, 1955–62, the public indebtedness of the developing world appears to have increased two and a half times. Over the same period, debt service payments rose by almost four times, due largely to the high proportion of the debt represented by short- and medium-term suppliers' credits. It is a striking fact, I believe, that the average life of the aggregate public debt outstanding at the end of 1962 was only about 8 years. Because of the seriousness of the debt burden, some governments have moved to lighten the terms of their assistance, by forgoing interest for a initial period of years or otherwise reducing the amount of the interest burden, or by extending the length of their loans. Other governments, unfortunately, appear to be offering development assistance on harder rather than easier terms, a tendency which, in my view, can only be self-defeating in the end.

A few countries are now caught in an acute cash squeeze which may require special action by their creditors. Others may find themselves in the same position unless both they and their creditors use greater discretion in connection with offering and accepting future short-term credits. This kind of difficulty cannot be removed simply by a debt reorganization unless that reorganization is accompanied by appropriate and effective agreements:

"On the part of the debtor country, to take all measures within its capacity to bring its balance of payments under control and to meet its obligations as they fall due;

"On the part of the creditors, to provide the debtor with capital on long term to meet legitimate development need; and

"On the part of both debtor and creditors, to avoid, in the future, the kind of short-term credit transactions which caused the trouble in the first place."

Let me add that, where all parties concerned are willing to agree to appropriate disciplines in connection with a debt adjustment, they will find the Bank ready to consider adapting its own financing to the necessities of the situation and to assist, when requested to do so, in working out the required new financial regime.

I have spoken up to now primarily of steps which the industrial nations can take to help those less developed. Much—indeed most—of what needs to be done, however, must be done by the developing countries themselves. The industrial countries can provide a favorable trade environment for building up production within the developing nations, and they can help in that process by supplying skills, equipment and finance. But the development process itself is essentially a matter of domestic effort, for which no amount of external help can be a substitute.

First and foremost, what is required of the developing countries is a set of policies and conditions conducive to productive investment. I have in mind not only such basic elements as political and financial stability; I have in mind equally the provision of incentives to productive investment through appropriate changes in land tenure systems and through the enactment and enforcement of proper tax regimes.

I have in mind, too, the building of educational systems adapted to development needs. And I have in mind the formulation of public investment programs designed, not to advance the immediate political interests of the particular government in power or the business interests of particular economic groups or localities, but to make the maximum contribution to the long-term balanced economic growth of the entire country.

The determined and singleminded pursuit of such a set of policies could well arouse a spirit of confidence in the developing countries, with effects that would be dramatic. Not the least of these effects might be to recapture or unearth those large amounts of domestic capital which have fled many less developed countries for investment elsewhere, or which have simply disappeared into hoards for safekeeping. To bring this blood coursing back into the veins of the developing nations' economies would be an achievement of major importance. It would also help bring about another consequence of great moment, by attracting more foreign investment. Foreign investment in the developing countries is not merely desirable, it is indispensable. It not only adds to capital inflow and facilitates the introduction of new productive techniques; it is also likely to bring in international partners whose knowledge of trade channels can provide the leading edge for the entry of home industry into world markets.

One other significant opportunity lies at the doorstep of the developing world. As the Secretary General's report points out, nearly 100 of the developing countries have populations of less than 15 million. Two-thirds have populations of less than 5 million, less, that is, than the population of any one of many of the world's leading cities—of Chicago, for instance, or London, Los Angeles, Moscow, New York, Paris, or Tokyo. Few of these countries, standing alone, offer a sufficiently large base for the efficient use of productive resources. For these countries the hope for satisfactory development lies largely in regional arrangements to eliminate trade barriers, enlarge markets, and rationalize production among themselves. We in the Bank have for a long time sought to encourage regional groupings of this kind and will not only welcome but seek out similar opportunities in the future, since for many countries this is clearly the path to healthy growth.

Any country or group of countries prepared to adopt economic development as a central objective of its policy will find the Bank, together with its affiliates, a willing and, I hope, a powerful ally. Our own development role has been constantly expanding and our operations have, over the years, proceeded at an ever faster tempo. Loans and investments made by the Bank group of institutions in support of projects to increase production in the less developed countries now aggregate more than $5½ billion. In the 1963 calendar year, the level of our financing reached the equivalent of a billion dollars and for the current fiscal year ending June 30 it may be above that figure, to stand at the highest level in our history.

Of this record and of the momentum it reflects we can justly be proud. We are proud, but we are not satisfied. The decade of the 1960's confronts the Bank with problems different from those it faced in the 1950's; the approaches and solutions which have served the Bank well in the past as it sought to meet the needs of its members are no longer fully adequate or appropriate. Among other things, we had only 56 members 10 years ago; now we have 102, and 20 of these became members in the last year. Many of our most recent members are new not only to the Bank but to the international community. Inexperienced in development administration, they need different kinds of assistance, both financial and technical, from those appropriate for countries which have been longer on their own. If the Bank is to go on being a dynamic agent of economic progress, it must adapt itself to the changing development environment and respond to the changing needs of its membership. The Bank, no less than its members, must continue to grow.

And so, we have embarked on a program of critical self-analysis, to consider wherein and to what extent our policies and internal organization need to be modified and the direction or emphasis of our activities changed.

The first consequence of this reexamination has been a decision to expand the scope of our financing. Up to now, the Bank has been concerned chiefly with large-scale projects to develop better transportation and new sources of energy. We do not propose to abandon these fields, and indeed, they no doubt will continue to absorb the major portion of our funds.

Building infrastructure, however, is not an end in itself. We have concluded that we should now greatly increase our assistance to agricultural and industrial production which infrastructure is intended to support and promote.

We have in mind, for example, assisting comprehensive agricultural schemes to increase productivity on individual land holdings, and hope especially to help strengthen organizations which extend credit or technical help to farmers. And because the investment requirements of agricultural projects call primarily for local currency expenditures, I am recommending to the Executive Directors that the Bank evidence greater willingness to help finance such expenditures. Moreover, I am pleased to say, we have enlisted the cooperation of the Food and Agriculture Organization of the United Nations (FAO) in our plan to intensify our support of agricultural development on this broader scale.

We are also seeking ways to vary and broaden the nature of our assistance to industry. One approach will be to provide long-term financing for programs to import individual pieces of equipment, components and spare parts in cases where existing industrial capacity is not fully used because there is a lack of foreign exchange with which to buy such equipment from abroad. Other approaches, designed particularly to enable us to be of greater help to private industrial enterprises, are being explored. Above all, we intend to continue to press forward with our support of private industrial development companies. Seventeen such institutions, in Asia, Africa, and Latin America, have already been set up or strengthened by the Bank group under the leadership of the International Finance Corporation (IFC). This growing network of organizations, equipped to tap both international and domestic capital and to provide managerial and technical assistance for growing industries, is giving a new impetus to the economic development of many of our member countries.

The success of our efforts in the fields of agriculture and industry depends in large part, however, on how effectively the initiative, intelligence and skills of the people of the borrowing countries are mobilized for productive purposes. Efforts to enable human beings to realize their fullest potential must be of many different kinds, but somewhere near the root of the process must be education. IDA entered this field some time ago and the Bank expects shortly to make its first loan for education purposes. In our efforts to do more to help create the facilities for the spread of education we shall have the cooperation of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), with which we plan jointly to explore and support new projects. We hope that one important consequence of our decision to enter the field of education financing will be to encourage others to intensify their efforts in this sector.

So much for an indication of the ways in which the Bank is determined to expand the horizons of its lending. A second result of our reexamination of our policies has been the adoption of some greater flexibility in the terms of our financing. We have already, in one significant case, given a borrowing country the unusually long grace period of 8 years before requiring the first amortization payments on our loan, in order to take account of the borrower's difficult short-term financial situation. We have also begun to lend at somewhat longer term than was our practice in the past, where this is justified by the prospective life of the project and is desirable in light of the country's economic position. And we are examining the whole problem of local expenditure financing which I have already mentioned in connection with agricultural projects.

A third decision which has emerged from the review of our activities is that our technical assistance and training activities must be greatly enlarged. As most of you know, the Bank decided long ago that the effective discharge of its development responsibilities required it to supplement its lending operations with many types of technical assistance. We have been particularly concerned, up to now, with development planning. We have helped 25 countries to draw up programs of economic development; we maintain an Economic Development Institute as a senior staff college whose purpose is to improve both the formulation and execution of development programs; and we have established a Development Advisory Service whose members are now functioning as program advisers to 11 governments in the less developed world.

Without in any way reducing these efforts, we propose now to put greatly increased emphasis on assisting our members to identify and prepare projects. We have come to this decision because the flow of sound, economically viable projects coming forward from many developing countries today is not enough to enable these countries to realize the growth rate which it is within their capacity to attain. It is not that good investment opportunities are lacking; what is lacking is initiative and proper organization to enable those opportunities to be realized.

Assistance in project preparation is not a new departure for us. The Bank, and IFC as well, seldom finance a project without having made suggestions which will add to its practicability and increase its economic and financial return. In recent months, however, we have given increased attention to the project problem. We have added specialized courses in project evaluation to the curriculum of our Economic Development Institute.

We have undertaken more and more preinvestment studies of possible projects and sector programs, both as executing agency for the United Nations Special Fund and on our own. For the future, we are giving serious consideration to increasing the number of our field representatives responsible for providing assistance in project planning on the spot. And the partnership arrangements with FAO and UNESCO which I have mentioned are designed, among other things, to expand the number and improve the quality of agricultural and education projects available for financing. But we are fully aware that these efforts, in relation to the need, are modest and we are anxious to explore suggestions for helping still further to accelerate the flow of good investment projects. For such a flow is a sinequa non for economic progress.

There is, of course, another sine qua non—adequate resources with which to finance those projects. And that brings me to my last point: however much success we may have in reorienting Bank policies and in expanding the scope of Bank lending and technical assistance activities to meet the development needs of the 1960's, the effectiveness of our efforts will, as a practical matter, be circumscribed by the adequacy of the funds available to us.

Certainly the minimum acceptable target for Bank/IDA activity over the next decade should be to make as large a net contribution to the needs of the developing countries as these institutions have made in the past; our aim must in fact be much higher if the goal of satisfactory economic progress is to be achieved. Since the Bank is entering upon a period in which it will be receiving very sizable repayments of the principal of loans made in earlier years, even the minimum goal will call for a correspondingly large increase in the gross level of financing by the Bank and IDA in the years ahead. The Bank, with access to private capital markets, should be able to find resources adequate to the demands of the proposed new dimensions of its lending. But a greatly increased proportion of development assistance must in future be made available on terms which impose a minimal burden of debt service upon the recipient countries. Insofar as multilateral development assistance is concerned, this calls for a greater role to be played by IDA. And IDA can play that greater role only if its own resources are considerably augmented.

The terms on which IDA makes its credits available preclude the possibility of raising funds through borrowing in the private market, as the Bank does. IDA must instead look primarily to governments for its resources. The relative speed with which IDA's initial funds have been committed or earmarked for sound and priority development projects, and the volume of applications for additional credits now under consideration or clearly visible in the offing, are evidence of the importance of adding substantially to the resources at IDA's disposition. Fortunately, the financial situation of the Bank itself is now such that it is in a position to make a contribution to this end. Because of the level which the Bank's reserves have reached, it no longer seems necessary to add to those reserves each year, as in the past, the full amount of the Bank's net earnings. It is accordingly my intention to recommend to the Bank's Executive Directors at the end of the current fiscal year that the Bank transfer to IDA a portion of the Bank's net earnings for the year which might prudently have been distributed as a dividend. This policy, if approved and continued by the Executive Directors, as I am confident that it will be, should over a period of time provide IDA with considerable supplemental strength.

But let me promptly add that, even with such transfers from the Bank, the needs which IDA was created to meet cannot be satisfied by governmental subscriptions at their present level. I earnestly urge, therefore, that the contributing governments participating in this Conference reexamine the amount of their pledges to IDA in the light of the pressing investment requirements of the developing countries as they may be revealed during the course of our deliberations here.

I should like to conclude on the same note which I struck at the outset of these remarks. The problems with which we will be grappling here, despite their urgency, are likely to prove insoluble if our vision is obstructed by the blinders of immediate self-interest. But if we cast those blinders aside, if we seek solutions within the framework of our common interest in long-term economic growth, the outlines of the path to progress will, I am confident, soon appear. And surely it must be our aim that, by the time this Conference adjourns, we shall have moved a measurable distance along that path, we shall have identified and isolated a number of specific programs worthy of further investigation, and we shall have agreed upon organizational and other arrangements to carry this work forward. It must in short be our unalterable resolve to press on with the deliberations here and now beginning until constructive solutions to our problems of trade and development are reached.

As I have said, the World Bank moved at Tokyo to marshal its resources more effectively for the great task of aiding the developing world. Much more remains to be done, but what was done at Tokyo is all to the good.

THE GROUP OF TEN REPORT

Turning now to the IMF, in October 1963 it directed the Group of Ten countries—the United States, Belgium, Canada, France, Germany, Italy, Japan, the Netherlands, Sweden, and the United Kingdom—to examine "the outlook for the functioning of the international monetary system and of its probable future needs for liquidity." There follows the statement of the Ministers of the Group of Ten of August 10, 1964:

Group of Ten Ministerial Statement

1. The Ministers and Governors of the 10 countries participating in the general arrangements to borrow have, over the past year, examined, with a long-range perspective, the wider implications of the obligations which they have accepted for helping to assure the stability and adequacy of the international payments system. They have reviewed the functioning of the international monetary system and its probable future needs for liquidity. The necessary studies were entrusted to a group of deputies, to be carried out in cooperation with the International Monetary Fund and with the participation of representatives of the staffs of the International Monetary Fund, the Organization for Economic Cooperation and Development, and the Bank for International Settlements, as well as of an observer of the Swiss National Bank. The conclusions and decisions of the Ministers and Governors were greatly assisted by these studies, the results of which are described in the accompanying annex.

2. In reviewing the functioning of the international monetary system, the Ministers and Governors reaffirmed their conviction that a structure based, as the present is, on fixed exchange rates and the established price of gold, has proved its value as a foundation on which to build for the future. They further agreed that increasingly close cooperation among monetary authorities was an essential element supporting the system. As concerns liquidity, the Ministers and Governors are agreed that, for the international monetary system as a whole, supplies of gold and reserve currencies are fully adequate for the present and are likely to be for the immediate future. These reserves are supplemented by a broad range of credit facilities. The continuing growth of world trade and payments is likely to entail a need for larger international liquidity. This need may be met by an expansion of credit facilities and, in the longer run, may possibly call for some new form of reserve asset.

3. The smooth functioning of the international monetary system depends on the avoidance of major and persistent international imbalances and on the effective use of appropriate policies by national governments to correct them when they occur. The Ministers and Governors have therefore decided to initiate a thorough study of the measures and instruments best suited for achieving this purpose compatibly with the pursuit of essential internal objectives. In view of the experience it has already acquired in this field, working party 3 of the OECD is being invited to take charge of this study.

4. A significant development in the evolution and strengthening of the system has been the emergence of a wide range of bilateral and multilateral credit facilities, notably to cope with speculative movements and sudden pressures. There has at the same time been increasing recognition of the fact that the way in which balance-of-payments deficits and surpluses are financed has implications for countries other than those directly concerned.

The Ministers and Governors have consequently agreed on the usefulness of participating, through the international institutions which are already concerned with these problems, in a "multilateral surveillance" of the ways and means of financing balance-of-payments disequilibria. To this end, they have approved arrangements which will give the monetary authorities of countries participating in them a more comprehensive and up-to-date view of major trends and will afford them a better basis for strengthening their policy cooperation in the international monetary sphere. This should help them to avoid excesses or shortages in the means of financing surpluses or deficits in the balance of payments, as well as to discuss measures appropriate for each country in accordance with the general economic outlook. The Ministers and Governors of the group will meet from time to time to survey current developments in this field.

5. Looking further into the future, since there is a possibility that the supply of gold and foreign exchange reserves may prove to be inadequate for the overall reserve needs of the world economy, the Ministers and Governors, without prejudging any aspect of this question, have approved the arrangements made by their deputies for a study group to examine various proposals regarding the creation of reserve assets either through the IMF or otherwise.

6. Finally, the Ministers and Governors have exchanged views on the adequacy of international credit arrangements. The International Monetary Fund, with large resources of credit and a code of obligations, occupies a central position. In order to further the Fund's capabilities and while recognizing that the responsibility for decisions concerning the provision of additional resources rests with the competent authorities of the IMF, itself, the Ministers and Governors, for their part, are agreed that they will, in the forthcoming quinquennial review of Fund quotas during 1965, support a moderate general increase in member quotas. At the same time, they will support relative adjustments of those individual quotas which are clearly out of line. In addition, the Deputies are instructed to study the questions related to the renewal of the General Arrangements to Borrow and to make recommendations to the Ministers and Governors before September 1965.

7. The Ministers and Governors believe that the review of the international monetary system conducted during the past year has helped to clarify the fundamental considerations which underlie the various national points of view and has brought a fuller recognition of common interests. They believe that the spirit and practice of cooperation that have now been achieved warrant confidence that fully adequate, but not excessive, resources will be made available to meet the liquidity requirements of the world as a whole. This readiness of their countries to work together in meeting unexpected developments or longer range requirements will strengthen the capacity of the international monetary system to support and sustain the objectives of growth, employment, and price stability that are shared among all people.

RECOMMENDATIONS HELD INADEQUATE

The Subcommittee on International Finance of the House Committee on Banking and Currency, after considering the statement of the Group of Ten, issued a report on August 21, 1964, which found the August 10 recommendations inadequate:

Statement of International Finance Subcommittee, House Committee on Banking and Currency, on the August 10, 1964, Recommendations of Group of Ten on the International Monetary System

The subcommittee has considered the report of the representatives of the Group of Ten issued on August 10, 1964, on the international monetary system. The Group of Ten are the 10 major industrial countries of the IMF—Belgium, Canada, France, Germany, Italy, Japan, the Netherlands, Sweden, the United Kingdom, and the United States.

The report is a consensus reached after numerous meetings among the ministerial representatives of the Group of Ten and their deputies during the past year. These consultations followed the decision of the 10 countries at the September 1963, conference of the IMF "to undertake a thorough examination of the outlook for the functioning of the international monetary system and and of its probable future needs for liquidity. This examination should be made with particular emphasis on the possible magnitude and nature of the future needs for reserves and for supplementary credit facilities. * * * The studies should also appraise and evaluate various possibilities for covering such needs" (IMF press release, Oct. 2, 1963).

GROUP OF 10 RECOMMENDATIONS

The August 10 report recommends:

1. With respect to reserves: Supplies of gold and reserve currencies are "fully adequate for the present and are likely to be for the immediate future." The inadequacy

of international reserves for the longer term future is viewed as a "possibility" which should be examined, along with ways of creating new reserve assets, by a study group whose work is to proceed "without undue haste."

2. With respect to international credit arrangements:

(a) On long-term credit, "no general arrangements for such longer term lending should be laid down, since this might unjustifiably lessen the pressure for adjustment of existing imbalances." Action on exceptional cases of need for long-term lending should be considered on an ad hoc basis by the group.

(b) On short- and medium-term credit, the IMF's lending capacity should be expanded by a "moderate general increase in member quotas," with adjustments of individual country quotas "which are clearly out of line." The IMF principle of requiring 25 percent of quota contributions to be in gold is reaffirmed. However, it is recognized that purchases of gold from the United States and the United Kingdom by nonreserve countries, in the latter's attempts to meet IMF gold requirements, would reduce total world reserves. The report states that, therefore, attention should be given to methods of minimizing gold drain from the reserve countries.

(c) With respect to emergency support operations: The bilateral currency swap and ad hoc central bank support arrangements, largely initiated by the United States, have been "effective in maintaining orderly conditions for international payments in the exchange markets." Therefore, through cooperation in the Bank for International Settlements, there should be "multilateral surveillance" and development by the group of the existing series of bilateral emergency and short-term support arrangements.

WHY THESE RECOMMENDATIONS SEEM INADEQUATE

The subcommittee is disappointed that these recommendations go only a short distance toward providing necessary improvements in the international monetary system. Such improvements are needed if the free world is to attain its goals of (1) economic progress in the major industrial countries, within a framework of expanding trade and greater freedom in international transactions; (2) sustained assistance to developing countries; and (3) defense strategy not unduly warped by balance of payments considerations. The report's recommendations insufficiently recognize that in recent years the United States, the United Kingdom, and more recently, Canada, Japan, and Italy, have had, in varying degrees, to resort to deflationary or restrictive unilateral measures in order to defend or to restore their monetary reserves.

In the case of the United States, the need to eliminate large and continuing payments deficits discouraged expansionary domestic fiscal and monetary policies needed to stimulate a higher rate of economic growth and to reduce high levels of unemployment. It has resulted in policies such as "tied" aid and "buy American" restrictions on defense and other Government procurement, practices which the United States has worked hard to reduce among the prosperous industrial countries. It has greatly strengthened protectionism and thus hampered U.S. efforts to accelerate trade liberalization. Had an adequate international monetary system been in existence, the United States might have eliminated or reduced its deficit in better ways.

In the effort to ward off gold and exchange crises as well as to finance a continuing deficit without engaging in actions even more injurious then these, the United States has had to proliferate ad hoc bilateral arrangements, such as securing the prepayment of loans made in earlier periods, standby currency swap agreements to assure access to 90-day loans of foreign currencies, and the issuance of 15- to 24-months bonds, payable in foreign currencies. The very existence of these bilateral arrangements, now officially acknowledged by the group as a way of providing additional liquidity, testified to reserve deficiencies in the present system.

In these circumstances, the subcommittee cannot agree with the ten's judgment that overall world reserves are fully adequate. As long as reserves are as badly distributed as they are today, they cannot be said to be "fully adequate." For a more efficient use of existing reserves, a mechanism is needed whereby surplus reserve countries would extend credits to deficit countries, readily, in adequate amounts, and for long enough periods to permit orderly adjustments to be made. If surplus countries prove reluctant to lend their reserves on the ground that such reserves are essential for their own protection, the total supply of reserves is hardly "fully adequate." In such a case, what is needed is a mechanism for the creation and channeling of additional reserves to particular deficit countries requiring reserves to enable them to avoid deflationary or restrictive actions which would be damaging not only to themselves but to the free world economy generally. If such additional reserves could be provided, surplus countries would not need to be deprived of their reserves.

Neither a way to create new reserves nor a fundamentally improved system of providing credit is recommended by the Group of Ten. While in both the deputies' section of the Group of Ten report and the 1964 annual report of the IMF, there is thoughtful and constructive discussion of these needs, the subcommittee is disappointed to find no specific actions proposed. New reserve creation is merely to be studied, "without undue haste."

General arrangements for long-term lending of reserves are specifically rejected, in favor of sustaining pressure on the major countries to eliminate payments imbalances. If such balancing of international accounts occurs through action by surplus countries such as increasing imports from or exporting capital to other countries, reserve lending facilities need not be extensive. However, the unwillingness of surplus countries in recent years to take these initiatives in sufficient amount has shifted most of the burden of adjustment to the deficit countries. Withholding credit and exerting pressure for adjustment of payments imbalances will, under these circumstances, continue to aggravate tendencies toward international deflation. To provide time for unharmful adjustments by deficit countries, new reserves or long-term lending of existing reserves, or both, may be necessary.

The only action recommended by the Group of Ten is an increase in IMF resources usable for short- and medium-term credit. This increase is to be accomplished by a "moderate" general increase in IMF quotas, together with unspecified upward revisions in the quotas of some countries.

In the subcommittee's view, this recommendation for an addition to the short- and medium-term credit facilities of the IMF through a general increase in quotas does not remedy a fundamental problem for IMF borrowers, even though larger general quotas will enlarge automatic drawing rights in proportion to contributions. The United States, for example, would benefit from such enlarged drawing rights.

The fundamental problem is the immediate need of the IMF for the currencies of the surplus reserve and payments countries. To meet the needs of those IMF countries, including some major industrial countries, which are likely to require reserve help, there are available $2.3 billion in gold and $2 billion in holdings of currencies other than dollars and sterling, apart from $3 billion in highly qualified borrowing rights under the special supplementary credit agreement available only to the 10. Additional contributions of U.S. dollars and sterling, as deficit country currencies, cannot now increase the IMF's capacity to lend. This problem can be met only by substantial, and largely selective increases, in appropriate amount, in the quotas of the surplus countries.

In the 20 years since the establishment of the IMF, there has been no substantial reallocation of quotas. For example, the European Economic Community countries together hold gold and foreign exchange reserves of about $18 billion, compared to U.S. reserves of about $16 billion. Yet the EEC countries have IMF quotas totaling only $2,595 million while the U.S. quota is $4,125 million. The subcommittee would not agree that U.S. interests would be sufficiently served by a general quota increase without a substantial reallocation to correct these inequities.

If the increase in IMF resources were achieved largely through selective quota increases for the principal industrial countries and paid in entirely in national currencies, the problem of decreasing world reserves through the cancellation of dollar and sterling reserves in order to transfer gold to the IMF could be avoided. Moreover, the problem of limiting demands for increased drawing rights on the part of countries not contributing to quota increases would not arise.

SUBCOMMITTEE RECOMMENDATIONS

Accordingly, the subcommittee recommends that the United States should undertake the following:

1. Try to obtain agreement within the IMF for selective quota increases, or for a new formula to determine member country quotas which takes account of changes since 1944 in the international economic and monetary reserves position of member countries. In either case, it is important to consider the elimination or reduction of the gold portion of new contributions.

2. Initiate a plan for long-term lending by the IMF. As a step toward this goal, propose the liberalization of the $6 billion standby agreement, adopted by the 10 in 1962, to permit use of the funds under IMF rules for long-term lending. There will be opportunity to advance such a proposal since the agreement is up for review before September 1965. At present, this agreement permits any participating country a veto power over its own contribution even when a loan has been approved. This may appear to be an advantage to the major contributors—the United States and the United Kingdom—at a time when their reserve and payments positions are weak. In fact, elimination of the veto power would give a balance of advantage to these countries since borrowing of the currencies of the surplus countries would become possible. Moreover, protection of the national reserves of deficit countries can be adequately safeguarded by appropriate IMF rules of the kind already followed by the IMF on intermediate term lending.

3. Give full support to the suggestion of the IMF Managing Director for creating additional liquidity through acceptance of deposits by IMF and by IMF investment in member country securities, or to other measures, as a first step toward a modern system of creating monetary reserves.

4. U.S. participation in the Group of Ten must not be considered as in any way giving up our right of independent judgment or our right to vote as we see fit in the IMF. The Group of Ten will no doubt continue to be useful for consultation on the joint responsibility of the leading industrial countries in the IMF, particularly on problems of immediate and particular concern for these countries. However, the subcommittee believes

that the United States should continue to regard its obligations to itself and to the larger membership of the IMF as primary for action to improve the international monetary system. If the Group of Ten diverges widely in its views as to a desirable action program, the United States should not consider itself bound to accept a program which it considers undesirable, and should present its case before the larger forum of the IMF with a view to securing majority support for action on a U.S.-endorsed program.

DIRECTOR SCHWEITZER'S STATEMENT

Although the action taken at Tokyo does not go appreciably beyond the August 10 recommendations of the 10, the debate at the conference offers hope that the free world may soon be moving toward a more adequate monetary mechanism. As IMF Managing Director Pierre-Paul Schweitzer said in his opening statement on September 7:

> Our concern about international liquidity—its level, its composition, and its distribution—arises from the objectives which guide our policies and which we hope to see achieved in the world economy. These objectives include high levels of employment and an adequate rate of economic growth, freedom of trade and payments from restrictions and reasonable price stability. Measured against these criteria, the record of the two decades since the end of the war, although not perfect, cannot be considered unsatisfactory. Much has been achieved: a tremendous expansion of world trade; the convertibility of all major currencies; greatly reduced reliance on restrictions and on bilateralism; considerable, though still insufficient, progress in the developing countries; high levels of employment; and avoidance of the extremes of inflation and deflation in most areas of the world. The record looks even better if we recall the experience of the 20 years after the end of World War I. We want to insure that the liquidity conditions for the future will be such as to make it possible for us to earn a similar verdict, or an even better one, during the next decade—although we fully realize that action in many fields other than that of liquidity will be necessary to achieve this end.
>
> In the past decade a large part of the supply of international liquidity arose in the form of liquid claims on the United States, associated with the U.S. balance-of-payments deficit. It is unlikely that the payments deficit of the United States will contribute to the creation of reserves in the future on the same scale as it has done in recent years, and this would not indeed be desirable. Increased reliance has thus to be placed on other, more deliberate, measures to provide international liquidity as needed. It is obvious that any new developments in this direction raise many economic, technical, and also political problems. They deserve and will receive the most careful study, and I do not here want to anticipate the outcome of such study.
>
> However, at this time I do wish to direct particular attention to two propositions of a general character that are contained in the report of the Executive Directors and that have my strongest personal support. In the first place, while thinking about possible reform of the present monetary sytsem, we must remain continually aware that this system is very much a going concern. Its benefits have been great and continue to be great. In our efforts to supplement and improve this system, we must continually be conscious of the need for orderly development. Secondly, where decisions are taken to create and administer liquidity by deliberate international action, it is particularly important that the advantages of the multilateral institutional approach be kept in mind. An international organization provides the forum for a balanced consideration, and hence the best reconciliation, of the various objectives in the international financial field as they affect all countries.

Secretary Dillon, in his opening statement on September 8, 1964, said:

> While an increase in Fund quotas will meet the current requirements of the international monetary system, we cannot rest on our oars. Both the Group of Ten and the Fund report recognize the possibility that new and additional measures may become necessary. We particularly appreciate the concluding statement in the liquidity section of the Fund report indicating that the Executive Directors intend to carry forward the Fund's studies of new approaches, including easier access to a portion of the credit tranches, the possible use of gold certificates in place of the presently required gold subscription, and the possibility of Fund investments. Meanwhile, the Group of Ten will be carrying on parallel studies of these and other possibilities, including the use of composite reserves. The results of these studies should put us in a position to meet any need for enlarged supplies of unconditional liquidity that may develop over the coming years.

THE FRENCH VIEW

The next day, on September 9, 1964, the French Minister of Finance and Economic Affairs, Valery Giscard D'Estaing, presented his view of the international monetary system:

> As might be expected, the conclusions of the Group of Ten are the result of a compromise. We accepted them in a spirit of conciliation, while putting these conclusions in the light of what we, on the French side, consider to be the essential objectives.
>
> I will recall them here, with candor, clarity, and simplicity.
>
> The present system of international payments is an empirical creation. Empirical schemes have their own merit, since they necessarily result from an adaptation to the pressure of circumstances. But there is no evidence that such schemes can spontaneously take on a form that will permit them to meet, over a period of time, the requirements of the situation to which they are applicable.
>
> Such is the case in regard to the present gold exchange standard.
>
> Although, as has been emphasized, this standard has been able to meet, with limited adjustments, the needs of a period of exceptional world economic expansion, it has nevertheless shown some signs of inadequacy and deviation recently, and the least we can say is that it has not prevented the inflationary trends which, during the last few years, have affected large areas of the industrial world.
>
> These inadequacies and deviation may be explained by the serious imperfections in a system which allows the reserve currency countries to finance lasting balance-of-payments deficits without the creditor and debtor countries being fully aware of this fact and without the adequate corrective mechanisms being necessarily implemented in due time.
>
> In this way, excessive facilities may be granted which may lead to the spreading of international inflation. It may even lead to the strange paradox that, since this system in practice permits the deficits of the reserve currency countries to be financed without limit, the creditor countries are somehow invited to "create a deficit" in order to compensate for the outflow of reserve currencies, which is a phenomenon for which they have no responsibility whatever.
>
> Moreover, as was excellently stressed yesterday by the Governor for the Netherlands, the creation of owned reserves should clearly not be linked to changes in the balance of payments of the reserve currency countries. There may very well be no relationship between the amount of the reserves which is deemed desirable and the positive or negative trend in the external settlements of a country, important as this may be. In the same way, there may very well exist no concordance of interest between the national policy of a country which, for quite justifiable reasons, tries to curtail its money supply, and the total amount needed for owned reserves in the world economy.
>
> The imperfections of the present system lead us to hope that it will develop in a way which, from our point of view, would be as follows:
>
> The world monetary system must be set in concentric circles; the first one being gold, and then, the second, if necessary, recourse to deliberate and concerted creation of either reserve assets or credit facilities.
>
> The inner circle is gold.
>
> Experience in recent years has shown us that, aside from any theoretical preference, gold remains the essential basis of the world payment system.
>
> This is true at the psychological level. Indeed, public opinion, by a kind of universal consensus, attaches a very high price to gold; it is even sometimes inclined to reappraise its judgment in regard to the strength of the various currencies in relation to changes in the gold holdings in their reserves. This is also true of governments, and in proof of this, it is sufficient to allude to the problems raised by the reserve currency countries regarding the conditions affecting gold tranche subscriptions on the occasion of the next increase of Fund quotas.
>
> The importance of the role of gold does not arise from any charm inherent in the metal itself, but from the following fact: as long as the present situation prevails, with separate national sovereignties throughout the world acting freely in the monetary field, without recourse to arbitration, and certainly not subject to coercion, reference will have to be made to gold, the only monetary element outside the scope of Government action.
>
> While noting the basic role of gold, we do not believe that the pace at which it is mined will spontaneously adjust its volume to the needs of a world, the rapid technological transformation of which may be observed here more clearly than anywhere else.
>
> Thus it may be necessary to seek out supplementary sources for supplying owned reserves.
>
> The basic distinction has rightly been made between credits for balance-of-payments support, such as those so usefully granted by the Fund under M. Schweitzer's inspiring management, and the creation of fiduciary means for supplying reserve assets.
>
> Internally, the action of the Fund might be compared to that of a bank which grants credits to help its customers bridge over temporary difficulties. On the other hand, the creation of reserve assets would be akin to the role of a central bank whose operations are geared to the general needs of the economy.
>
> If and when fiduciary means must be added to gold, they should be issued in accordance with objective rules and through mutually undertaken action.
>
> I do not wish, at this juncture, to discuss the technicalities of such a system nor the choice of the appropriate administrative body. In my mind, three considerations should underlie the studies to be made on this subject: (1) if such reserve assets are, over the long run, to be added to, and possibly substituted in part for gold in its present function, they must be of an objective nature, governed by strict rules concerning their creation and volume; (2) as there is always temptation to accumulate an oversupply of world liquidities, cautious regula-

> tions would be required in order to assess the need for such a creation and to adjust its amount; (3) the group of those with whom would rest the responsibility and burden for such operations should act in close cooperation with the Fund and with due regard to the interest of the world community as a whole.
>
> To sum up: First, under present circumstances, gold remains, in our minds, the basis of the international payment system.
>
> Secondly, if the need were to arise for an increase in the amount of owned reserves, there should be a concerted and limited recourse to additional fiduciary means, instead of to the uncertainties and instabilities of the gold exchange standard. Such a substitution should be brought about gradually and not by disrupting the present system which, under present circumstances, provides an adequate safeguard for the functioning of international payments. Indeed, it is normal that various central banks will go on keeping, in their reserves, dollars pounds sterling or French francs, owing to the particular financial relationship they maintain with the countries issuing such currencies.
>
> Having thus set forth our general views regarding the future of the international monetary system, it seems to me that the spirit in which we envisage the implementation of the two main practical recommendations of the Group of Ten, namely, the establishment of a multi-lateral surveillance and the increase in Fund quotas will be readily understood.
>
> 1. Multilateral surveillance appears to us an essential step toward straightening out the international monetary system. It should give us the means of avoiding the misuses which may occur within the framework of the gold exchange standard. Indeed, the noticeable reduction of the U.S. payments deficit has lessened the worrying aspect of the situation which prevailed in this field a year ago. But what has happened once may happen again, and, generally speaking, we must avoid the use of short-term facilities to finance deficits which are actually of a more lasting nature.
>
> Implementation of this surveillance will call for much caution, but also for much candor. Much caution, because these are delicate operations involving the functioning of the exchange market and may give rise to serious psychological reactions. Much candor, since, obviously, the system would be hampered from the start if governments or central banks permit their partners to ignore major developments which might affect the functioning of the international monetary system.
>
> 2. To be quite frank, the new increase of the Fund's quotas which is recommended by both the Board of Directors of the Fund and by the Group of Ten did not seem to us to respond to an evident and urgent need. We have never concealed the fact that we do not consider the increase of international liquidities to be the main target of the studies which have been undertaken. However, nobody could pretend that the Fund resources should remain fixed at the level established 5 years ago. Since we have the opportunity under the quinquennial review, to reconsider the level of fund's quotas, we are willing to go along with a moderate increase of quotas, which should not exceed 25 percent. Of course, if some individual quotas have to be adjusted, these adjustments should be limited to cases where the present quotas are clearly out of line with the economic situation of the countries concerned.
>
> The principle of the payment in gold of 25 percent of the increase should be firmly maintained. In our opinion, this quota increase could be implemented, for instance, in two stages: the first one taking place just after the parliamentary ratification of the final decisions; the second one, for instance, 1 or 2 years later.
>
> The implementation of this set of measures is a step in the evolution of the world monetary system toward a more rational and realistic structure. We will bring our contribution both to implementing those measures and to carrying on actively the studies which will prolong them.
>
> * * * * *
>
> The process of life is indeed slow; but, even so, it seems that one of the features of our times is that the pace of facts is nearly always ahead of the pace of thought.
>
> The monetary matter is too important, its management may be too dangerous or too rewarding, for us to leave this field—a product of man's ingenuity—as one in which thought would not precede and master the facts.

AN IMPROVED MONETARY MECHANISM

To me, the rose among the thorns of M. Giscard D'Estaing's statement is his recognition, however tentative, of the need for "the creation of fiduciary means for supplying reserve assets." This means, I take it, that an international organization of free world countries must create reserves—"international money"—just as the Federal Reserve in the United States creates money when it adds to bank reserves. This sounds very much like the "first step toward a modern system of creating monetary reserves" which the House Subcommittee on International Finance called for in its August 21, 1964, report.

Such an improved system is necessary. When the United States succeeds in bringing its international payments into balance, there will likely be an acute shortage of world reserves. A new method of "creating monetary reserves" will then be necessary if the free world is not to starve for reserves, and it would be desirable that the free world have a year or two of experience in creating and accepting such reserves before this day occurs.

True, M. Giscard D'Estaing's proposal is Olympian in tone, but Spartan in detail. It is wrong-headed, as British Chancellor of the Exchequer Reginald Maudling and Secretary Dillon were quick to point out, in its reliance on the Group of Ten—a potential rich man's club—rather than on the IMF itself as a source of new reserves.

It may very well have lurking within it restrictive features which could actually decrease free world reserves and thus generate a downward cycle of inadequate means of payment, restricted international trade, and domestic unemployment and stagnation.

When fully disclosed, it could well be an attempted vehicle for enhancing the grandeur of France rather than the welfare of the free world as a whole.

But the kernel of a good idea—"the creation of fiduciary means for supplying reserve assets"— is there. We should negotiate it, we should explore it for all we are worth, in the IMF, in the Group of Ten, and wherever we can.

If "the creation of fiduciary means for supplying reserve assets" can be negotiated, within the IMF and subject to proper controls to insure that neither too little nor too much additional international money is created, we shall have made a great stride forward, and we should be the first to hail the French initiative. If, on the other hand, the French have some different end in view, let the negotiators uncover that.

Perhaps the most disappointing facet of the French position relates not to "the creation of fiduciary means for supplying reserve assets," but to providing additional credit facilities whereby surplus countries lend reserves to deficit countries. The French take a dim view of this. Yet such credit facilities are the best method of enabling deficit countries to get out of deficit status in an orderly manner.

MR. MAUDLING'S REACTION

This point was well made by British Chancellor of the Exchequer Reginald Maudling in his statement of September 10:

> I turn now to the two studies of the world's payments system, which have been taking place since we met in Washington last October. The two studies by the Fund and the Group of Ten, respectively, have been complementary and, taken together, provide an excellent analysis of the problems before us. I am very glad to see this progress because, as my colleagues will recall, I first raised the need for it at our meeting in 1962.
>
> Clearly there is still a lot more work to be done. This is not surprising since this is the most comprehensive survey of the world's payments system to be undertaken since Bretton Woods 20 years ago. But the way in which this difficult subject, which often arouses rather strong feelings, has been tackled encourages me to expect that we shall make further progress reasonably soon.
>
> I have never expected, and have never led others to expect, a swift and simple panacea. But, when I spoke last year, I said that I hoped we would be able to take some practical decisions at Tokyo on this occasion. I very much hope, therefore, that we shall now adopt the resolution on a general quota increase which is before us—and thus open the way to one such practical decision. I am sure there is very wide agreement that a general increase is due. The common ground and the confidence on this point in both the documents to which I have referred will not have escaped notice. It is a matter of judgment how large the increase should be, and that in turn depends among other things on how long we think it may be before another increase would be desirable. While I would have preferred to see a larger increase, I am prepared to go along with those who argue that a general 25 percent would be a suitable figure for the present. But I keep an open mind on the period for which this will be adequate, and I also await the outcome of the further study of detailed implementation which, as the draft resolution before us suggests, should be remitted to Executive Directors for their prompt attention.
>
> For example, the 10 Ministers have recorded their intention to support relative adjustments of those individual quotas which are clearly out of line. Which quotas qualify for adjustment will have to be carefully considered. Then there is the question of the gold subscription, which becames due when an increase in quotas takes effect. Any call up of gold leads to an equivalent fall in the total of owned reserves in member countries' hands. It is true that gold tranches are equally increased, and we recognize that the gold tranche is a good reserve asset. But for members who have already borrowed beyond the gold tranche, the gold subscription represents a compulsory debt repayment at a moment which may not be well judged; and in the case of the reserve currencies, the provision of gold by

them to others to enable them to pay their gold subscription does not increase their gold tranche, while the countries to whom the gold is sold have to pay for it out of their reserve currency holdings. I therefore attach special importance to finding the best method of minimizing the impact, particularly on reserve currency countries, of transfers to the Fund of gold from national reserves. Various ways of doing this are referred to in the Fund report. This is a job which I hope the Executive Directors will be able to tackle with all reasonable speed.

Closely related to these problems is the future of the general arrangements to borrow. As the Group of Ten have pointed out, a decision whether to renew or modify the general arrangements to borrow must be taken by October 1965, and should be related to any increases in IMF quotas—general or selective—that may be agreed in the meantime. There are good grounds for thinking that it would be sensible for the resources of the general arrangements to borrow to be kept broadly in line with increases in Fund quotas. I welcome the fact that Ministers of the Ten have already instructed their Deputies to study the questions involved. They will no doubt take account of the passages in the Fund's annual report about the advantages to the Fund of having the resources it requires readily available.

These practical proposals for increasing quotas, and thus increasing conditional liquidity, are helpful and important. But we have plenty of evidence in the two reports that other measures may later be required. We should now consolidate our gains, and, backed by an increased source of conditional liquidity in the Fund, press forward with our further studies. In this connection I would like to emphasize that the Fund itself exercises a very proper control over the use of international credit, and I am sure it must continue to do so in respect of all its members, perfecting its methods in the way that experience shows most promising. Confidence that the Fund will do this is the answer to any fears that there may be about increasing the Fund's resources before the need is conclusively proved.

Perhaps I might say a word about the meaning of the phrase, "multilateral surveillance" of the ways and means of financing balance-of-payments disequilibria, which appears in the Group of Ten ministerial statement. This phrase was very carefully chosen because the possible alternative of "discipline" has a different significance in different languages. It is intended to represent a step forward along the road of increasing consultation and cooperation in monetary and economic affairs which we have been following ever since the end of the war. Our agreement does not give any member of the Group of Ten, or indeed the group as such, a veto on the setting up of new facilities within the group or between members of it, or on the use of existing facilities. It does, however, recognize very clearly that agreements made between individual countries may well be of close interest to other members of the group, and that the interest of these other members should be taken fully into account when new arrangements are made.

What then of further studies? The Fund report points out that, if the need arises, it is possible for the Fund to provide unconditional, as well as conditional, liquidity. With the same contingency in view, the Group of Ten have set up a study group to examine various proposals for the creation of reserve assets, either through the IMF or otherwise. I very much welcome this work being done. We must examine all reasonable proposals to make sure that the world's payments system evolves on the right lines.

My own view is that our best course is to build on the Fund. I believe this because the Fund has already shown that it can successfully adapt itself to new needs, and it is quite clear that it is capable of further adaptations in a wide variety of ways. I am sure, therefore, that the right course is to continue to develop the Fund's own facilities and to strengthen its resources.

We hope it will be increasingly realized—as we and other countries have pointed out, and is now emphasized in the Fund's report—that drawings on the Fund not only provide a solid benefit to those who draw, but also enable those countries whose currencies are drawn to acquire a good reserve asset in exchange. When a currency is drawn, the country managing that currency improves its position in the Fund, acquiring an asset the gold value of which is guaranteed. Once this fact is appreciated, the way is open to a whole range of possible developments.

I suggested 2 years ago the idea of a mutual currency account. My thesis then was that the needs of an expanding world could not indefinitely be met by newly available gold plus increasing holdings of the reserve currencies because, as I pointed out, the gold exchange system in its present form means that owned reserves other than gold represent the liabilities of the reserve currency countries and these cannot be expanded without limit. Some additional form of liquidity is therefore needed and the more rapidly the United States approaches equilibrium in its balance of payments the more urgent that need will become.

To this extent, therefore, I find myself in agreement with a good deal that the distinguished Governor for France said yesterday in a speech of great intellectual quality. But I must add the qualification, an Anglo-Saxon one, that I do not regard his description of the present system as empirical as being a criticism. I prefer to build on what has stood the test of time and experience, and has brought great benefits to the world. I know that some people question this, but I would not myself accept the views of those who think that the imbalance in world payments with which we have been faced has been aggravated by the workings of the gold exchange standard. I do not believe that the sources of that imbalance lie solely in conditions of inflation in the deficit countries. Nor do I believe that adjustments in domestic economic conditions leading to improved international balance would come about quickly and smoothly if only the role of gold were strengthened, and if the only fresh supply of owned reserves allowed in the principal industrial countries in addition to gold was a strictly limited amount of some new form of reserve asset distributed to that restricted group of countries on some uniform basis without regard to their present payments position. I think indeed there is danger in too much emphasis on owned reserves as opposed to credit facilities. In the Fund, we have a system which operates by making available to deficit countries on a temporary basis the currencies of surplus countries. I believe that, for many purposes, such a system may be the most suitable and flexible instrument. In simple terms, the danger of too much reliance on owned reserves is that while we cannot all be in deficit at once we tend in practice to manage our reserves as if we could. But so far as owned reserves are concerned, I am sure that countries should be free to hold them in whatever form best meets their needs, and I do not see the problem before us as being mainly one of countries having to hold more reserve currencies than they wish. The problems of an excess of cash often yield to the process of lending and spending.

I have said that I have some doubts about a diagnosis which maintains that our present situation is one of world inflation. When I look at the level of commodity prices, for example, or at the amount of unused capacity in the world, or at the fact that in the United States, the greatest economy in the world, the value of money has been outstandingly stable for many years, I find it difficult to accept that there is evidence of general world inflation.

The fact is surely that the international disequilibrium which undoubtedly exists is far less the consequence of creeping inflation in the main deficit countries than of the continued strength and durability of the industrial recovery over the postwar period of the main creditor countries. Their very success has no doubt put them in an awkward dilemma in adapting their policies to their creditor positions. But it could hardly be to the advantage of the world economy if the debtor countries were forced to assume the whole burden of adjustment to the changed situation.

We should no doubt be on our guard against the dangers which might arise from an excess of liquidity in the world. But I should be sorry if, at the same time, we were to neglect our main duty, namely, to see that the supply of liquidity both in its amount and in its distribution is such as to insure that no unnecessary brake is placed on the proper expansion of the world economy. For surely, when all is said and done, this is what the International Monetary Fund exists to do.

MR. DILLON'S PRESS CONFERENCE

Secretary Dillon's view of the French proposal was given at his September 11, 1964, press conference:

Question: "Mr. Secretary, will the French statement on liquidity at this meeting advance, fail to advance or retard the achievement of a formula for supplementing the liquidity?"

The SECRETARY. We have been discussing the question of liquidity for a year within the International Monetary Fund and also within the Group of Ten. The discussions within the Group of Ten have been private and the details of the positions put forward by various countries have not been on the public record. I think it is a constructive and helpful thing that the French Minister outlined the basic French position publicly because I think that will advance the general discussion of the problem. We have a very basic and important difference of view on matters of substance with the French position, but I do think that it is useful to have the French position on the public record so that we can now proceed with a more informed discussion on a worldwide basis regarding the best solution to the problem.

Question: "Mr. Secretary, would you please be willing to spell out the American difference particularly in reference to the currency rate of the unit of the Monetary Fund?"

The SECRETARY. I would be glad to spell out our differences with the French proposals which are far more fundamental than the details of a composite unit. I think our basic differences can be summed up in four categories. In the first place, we believe strongly in the multilateral framework for handling problems of world liquidity. We believe that the Group of Ten countries was an important and is an important group for discussion to advance the final decision, but it is not, and we have never considered it an action group to take decisions regarding a matter that is as important for the rest of the world as the value of international liquidity. We think these decisions should be taken within the Fund and they should be multilateral. The French position looks clearly to the establishment of a small group of presumably the 10 to take these decisions and to decide for the rest of the world how much liquidity they should have. We strongly reject that thesis since we believe that this is a matter of interest to all the countries of the world and we very strongly support the position taken by the Managing Director of the Fund, Mr. Schweitzer, in this regard. That's our first basic objection.

Our second point is that the French proposal is basically designed to be restrictive in nature and to limit the amount of additional liquidity that may be available. We do not think that that is the problem. We do agree with the French view—I think everybody agrees with this, too—that the world should not be dependent solely on deficits, payment deficits in the reserve currency countries for the supply of liquidity. Some additional means will probably have to be found in the future to make an adequate supply of liquidity available as world trade grows and we think that the problem is to find in adequate time a new way and a new source of making additional liquidity available to the world as the U.S. balance-of-payments deficits comes to an end. And this is quite contrary to the basic French thesis.

Third, we disagree with the diagnosis in the French thesis as to what may be wrong with the present system. They apparently feel that because a few industrialized countries in Western Europe, including France, are having troubles with inflation that this is not their own problem but is due primarily to the continuance of deficits in the balance of payments of the reserve countries and they talk of this as "imported inflation." We do not feel that we are to blame here. We do not feel that there is general inflation in the world. There is certainly no inflation in the United States, so we have no inflation to export. I was glad to see that Mr. Schweitzer this morning clearly agreed with our thesis and said that he did not believe that there was much substance to this idea of "imported inflation." Certainly there have been inflationary problems in some of the countries of Western Europe because they have grown very rapidly and the demands for goods have been greater than what they could supply. But it is very easy for them, if they wish, to handle this problem by removing some of the many trade restrictions which they still maintain in spite of the fact that they are in heavy surplus, particularly in the agricultural field, where the countries of the European Economic Community are highly restrictionists. They could solve the whole problem of their inflation by removing some of these restrictions and, secondly, in the question of capital flows, they could greatly ease any inflationary problem they have by—for example—traditional method of handling a serious long-term excess of demand by sending some of their capital abroad. This is what the United Kingdom did in the 19th century. This is what the United States did after the First World War and again after the Second World War. An example of how quickly action in the capital field can change a situation was shown in Germany this year when they had a very large surplus in the early months of the year which was embarrassing to them and it was caused by an inflow of capital into Germany which was entirely unnecessary at this time. So they changed—they made some new legal proposals which would reduce the incentive for outside capital to come into Germany, increased the incentive for German capital to go abroad, and now for the last few months their payments are in balance. So it is our feeling that the problems of the European countries with inflation, the surplus countries of Europe, are their own problems, that they can be solved by corrective action largely in Europe. We intend to end our deficit; we are moving to end it; we will end it, but it is not responsible for their inflation and certainly because they happen to have inflationary problems is no reason to deprive the rest of the world of liquidity which they may need.

On the final point, and a short one, we believe that we should build on the system we presently have, which everyone recognized has worked well, rather than try to develop a new and substitute system just because there are some theoretical difficulties that lie ahead with our present system. As for the specific suggestions that the French may have, the French Minister did not make any such suggestions. We do look forward with interest to a detailed development of the French position which we expect will take place in discussions that are scheduled to continue through the next year in the Group of Ten.

As to the idea of a composite currency reserve, we are glad to explore such an idea in detail. It may be possible that it can be found to be useful, provided that it is used as a way of adding to what we now have and of creating additional liquidity when that is necessary rather than being used as a means to restrict what we now have, which we understand is the basic thrust of the French position. But we look forward open-mindedly to discuss all these questions in detail, subject to the broad considerations which I have outlined earlier.

Question. "I base this question on the tenor and tone of the remarks about the French position. Do you think the United States intends to press actively in the months ahead for new ways of creating expanding international liquidity, presumably through the Fund, or otherwise?"

The Secretary. My answer to that, certainly the United States believes, as does the International Monetary Fund and other students of the problem, that international liquidity, as of now, is adequate—fully adequate. We hope that the important step which has been taken here in Tokyo to agree to an increase in quotas of the IMF will take care of any problem that we can foresee in the next few years—2, 3, 4 years. We do foresee, however, the possibility, maybe the likelihood, that as U.S. balance of payments comes into balance and the deficit disappears, that there will be a need of some additional method of creating reserve assets to back up expanding world trade. Therefore, we hope that we have a space of time now where we can look at this problem, not in an atmosphere of crises, but in an atmosphere of calm, but that does not mean we did not move ahead. We would like to look ahead and come to some conclusions which would strengthen the monetary system of the world in the long run. This does not mean that we feel it necessary to install such a new system in the next few months.

Because I have tried to bring together the relevant documents and statements into one place; this report has been lengthy. I hope it will prove helpful.

SERGEANT YORK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Libonati] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. LIBONATI. Mr. Speaker, in every war, heroic deeds of valor have been recorded with honors listed as "beyond the call of duty" by our Government—but the Medal of Honor awarded to Sgt. Alvin C. York for courage and bravery in the Argonne Forest, World War I, won for him legendary acclaim, and everlasting fame.

He held no hate toward anyone, for it destroys the soul. He fought not for the purpose of wreaking vengence upon the enemy, but rather to preserve the American way of life with liberty and justice for all.

In his exploit he withstood many foes as easily as one. As to those that he did conquer, they yielded to him with trusting confidence as his prisoners.

He played with life when danger was thrust upon him, and it was not of his choosing to do battle. His religious precepts were against creating danger, but his soldiering in the depths of battle made him fear the great fear—death—but in his valor he lived the great life—honors.

At his hour of death, the Nation knew the purpose for which he was created.

Sergeant York was a religious man throughout his entire life, actively participating in church work.

He was not a vain man, and did not pursue honors but rather flew from them. Yet he fully realized that the Lord had approved his honors, for no one ever questioned his deserving them.

He was a simple, gentle, understanding backwoodsman, who loved people and left fanfare and spectaculars to the professional exhibitionists.

He refused political preferment in his State as well as promotional programs for financial gain.

He believed, according to his teachings, that prayers were not heard where there was no peace.

He disliked intensely being showered with honors, which he said tended to self-pride when welcomed by a committee.

He showed no anxiety in life in a world that he did not consider his own in the religious sense.

He believed God was present when the treaty of peace was signed.

He often said that, "He lived his life given by his Creator that he might learn to die."

He survived recent bad times through the intercession of our devoted and lamented former Speaker, Sam Rayburn, and Congressman Joe Evins, who in his greatest period of distress raised by private subscription the moneys to pay delinquent Federal income taxes—effecting a compromise—and with a healthy surplus to provide a sizable monthly pension to relieve financial pressures. Public and congressional cooperation felt this chore a sacred obligation in a just cause.

He is gone, his yearning for rest is given. He knows now the true value of his deeds. He stands before his Maker with the honored legions of the dead gone before—having died in war and held by the Almighty as blessed in defending liberty.

The Nation has lost its hero of the ages and Tennessee a worthy son named amongst its greatest patriots to the Republic. He left his loving family a great heritage:

[From the Chicago (Ill.) Tribune, Sept. 3, 1964]

Sergeant York, 76, Famed Hero of World War I, Dies

Nashville, September 2.—Sgt. Alvin C. York, 76, the Tennessee mountain sharpshooter whose exploits in World War I brought him everlasting fame, died in veterans hospital here today.

Death was attributed to the ravages of old age which he had been battling for a decade. He had been paralyzed since 1954. Since his admittance to the hospital Saturday, he had been in a coma almost constantly.

FAMILY OF EIGHT AT BEDSIDE

York was brought to the hospital from his beloved farm home at Pall Mall, Tenn., a hamlet 140 miles northeast of here in the Cumberland mountains. It was his third trip to the hospital this year and the last of a dozen hospitalizations in the last 2 years.

The old soldier's wife, Gracie, his five sons and two daughters had maintained a bedside vigil during his last hours.

FUNERAL DETAILS TOLD

His children are Mrs. Betsy Lowrey and Mrs. Alice Franklin, both of Pall Mall; Alvin Jr., of Indianapolis; the Reverend Edward York of Nashville, a minister of the Church of the Nazarene, and Woodrow, Thomas and Andrew, of Pall Mall.

His son, the Reverend Mr. York, said the funeral would be held either Friday or Saturday at York's chapel in Pall Mall, where the former soldier taught Sunday school for many years before he became ill.

Alvin York, who won the Medal of Honor and acclaim, as the greatest individual soldier hero of World War I, spent his final years as a nearly blind invalid with the Internal Revenue Service hounding him for income taxes.

The Government's tax claims were based on a ruling concerning receipts of slightly more than $150,000 in 1942 and 1943 from selling the rights to a book and film about his exploits as a soldier. This was more money than York ever earned before or afterward, but the Government ruled it must be taxed as current income rather than a capital gain.

CITES IKE MEMOIRS

This ruling came after York had paid a capital gains tax and spent much of what remained traveling around the country giving patriotic speeches. The Government said he owed an additional $85,422.03. By 1961 this had been swelled by accumulated interest claims to $172,723.10.

York argued in vain that other persons, such as former President Truman and former President Eisenhower, got capital gains treatment for profits from memoirs. He was unable to understand why the same treatment was denied him.

So were many of his countrymen. The late Sam Rayburn, Democrat, of Texas, then Speaker of the House, announced a campaign in March 1961 to pay off the claims against York. He said he believed the Government might settle for $25,000. This sum, by a coincidence, equaled York's net worth at the time, a 395-acre farm near his boyhood home where he had learned to be a sharpshooter.

"These tax folks have been a'hounding me so long and I been a'fighting them so long, I just thought it would never end," he said, speaking from an electrically operated pushbutton bed the American Legion had given him.

KILLED 25 GERMANS

His Medal of Honor came for an exploit October 8, 1918, in the Argonne fighting when, singlehanded, he killed 25 Germans and accepted surrender of 132 others. For this, Gen. John J. Pershing hailed him as the "greatest civilian soldier of the war."

York was born December 13, 1887, in the village of Pall Mall, Tenn. He was one of 11 children. Intensely religious, he became a member of a little-known mountain sect, the Church of Christ in Christian Union. Unable to reconcile war with the commandment "Thou shalt not kill," he pleaded exemption from military service in 1917 because of religious scruples. His local draft board denied the plea and he lost two appeals. He was inducted into the Army in November 1917.

ASKS DIVINE AID

His battalion commander, Maj. George Edward Buxton, Jr., talked with him sympathetically about his objections to war and gave him a leave to go home and think things over. York knelt on a mountainside to ask divine aid and got to his feet with the belief his prayer had been answered and he could fight.

He was a corporal with Company G, 2d Battalion, 328th Infantry, in October 1918, when the 83d Division went into the frontline in the Argonne Forest. On October 8 advance of the battalion was held up by a nest of German machineguns on a hill. A detail made up of a sergeant, Corporal York, 2 other corporals, and 13 privates was ordered to silence the enemy guns.

RAKED BY GUNFIRE

This group, advancing in a skirmish line through thick undergrowth, burst unexpectedly into the headquarters of the German machinegun battalion. A German major and two other officers surrendered to the charging Yanks but the Americans found themselves raked by fire from machinegun pits on a hill 30 yards away. York and six privates were the only American survivors of this fire.

Seated in the mud with his rifle, York kept firing, "teching off" each German who exposed his head above his gun pit. His position was charged by a squadron with bayonets, led by a lieutenant. With rifle and pistol, York exterminated this squadron, using Tennessee turkey hunting technique of firing first at the most distant targets. The lieutenant was the last to fall.

The German major thereupon agreed to order his command to surrender. York started back to his lines with 90 prisoners, a number which swelled to 132 as other machinegun crews surrendered in obedience to their major's orders. A count subsequently indicated York had killed at least 25 Germans.

[From the Chicago (Ill.) Sun-Times, Sept. 3, 1964]

SERGEANT YORK IS DEAD AT 76; FAMED WORLD WAR I HERO

NASHVILLE, TENN.—Sgt. Alvin C. York, whose World War I exploits made him a legend in his own time, died Wednesday in Veterans Hospital. He was 76.

President Johnson issued a statement in Washington saying that Mr. York "epitomized the gallantry of American fighting men and their sacrifices in behalf of freedom." Mr. Johnson said that as commander in chief "I know that I express the deep and heartfelt sympathy of the American people to his wife and family."

The White House said Mr. Johnson later will designate a representative to attend Mr. York's funeral.

The spectre of death had hung over the Medal of Honor winner for 2 years. He fought his way back from serious illness 10 times during that period.

Death came at 10:40 a.m., the result of general debility in the words of a hospital announcement.

At his side during his closing hours were his wife, Gracie, and his seven children.

An offer by Gov. Frank Clement to have the body lie in state at the State capitol was declined with thanks by the family. "We think it's best just to take him on back to Jamestown," said a son, the Reverend George Edward York.

The Reverend Mr. York said the funeral would be held Saturday at York's Chapel at Pall Mall, where Mr. York taught Sunday school for many years before he became ill. Burial will be in Wolf Creek Cemetery.

An American Legion guard of honor stood by as the body of the old soldier was taken from the hospital to an ambulance. Mrs. York accompanied the body to Jamestown. She had gone with him on his many trips to hospitals in the last dozen years.

Mr. York's last hospitalization came Saturday and his final days were spent in a coma. Multiple diseases, including a stroke that left him partially paralyzed and bedridden, finally took their toll, doctors said.

SEVEN CHILDREN

Surviving children are two daughters, Mrs. Betsy Lowrey and Mrs. Alice Franklin, both of Pall Mall, and five sons; the Reverend Mr. York of Nashville, a Church of the Nazarene minister; Alvin Jr. of Indianapolis, and Woodrow, Thomas, and Andrew of Pall Mall.

Mr. York, a Tennessee backwoodsman, changed from a conscientious objector into the "greatest civilian soldier of World War I." He had said, "I don't want to fight," in registering for the selective draft. Later he was credited officially with putting a German machinegun battalion out of action "practically unassisted."

The feat was performed in the battle of Argonne on October 8, 1918. The Tennessean killed 25 German soldiers and took 132 prisoners, including the battalion commander and 3 other officers.

Gen. John J. Pershing, commander of the American Expeditionary Force, described Sergeant York, then 31, as "the greatest civilian soldier of the war," and cabled the recommendation that brought him the Medal of Honor, America's highest military decoration.

PRAISED BY FOCH

Marshal Ferdinand Foch, commander in chief of the Allied armies, said in pinning the Croix de Guerre with palm on the American: "What you did was the greatest thing accomplished by any private soldier of all the armies of Europe."

"I wanted to do the best I could," said Sergeant York.

It was such modesty that endeared Mr. York to millions through his life.

When the red-haired Tennessean arrived in New York from France he found himself the center of cheering and admiring crowds. He said the attention "plumb scared me to death."

SCORNED OFFERS

Yet Mr. York waved aside offers to go in the movies, on the stage, and on the lecture platform—and 2 weeks after landing went home to marry his childhood sweetheart, Gracie Williams. The couple settled down on a farm in Fentress County, Tenn.

But America never forgot Sergeant York.

He was known by that title because his exploit in France brought him promotion from corporal to sergeant, and "Sergeant York" was the title of a 1941 motion picture of his life. Gary Cooper won the Academy Award for his performance as the war hero. An act of Congress in 1941 made Mr. York a full colonel on the retired list.

The movie renewed national interest in the crack rifle shot and brought Mr. York a new generation of fans. It also brought a round of troubles with the Internal Revenue Service.

LONG TAX FIGHT

The IRS claimed in 1951 that Mr. York owed $172,000 in taxes and interest on royalties from the movie. The fight dragged on 10 years before the IRS announced agreement on settlement of $25,000.

When the word went out that Mr. York was in financial trouble, the Nation responded.

In 1961 House Speaker Sam Rayburn and Representative JOE EVINS, Democrat, of Tennessee, launched a nationwide drive to raise the money. The fight ended on April 19, 1961, with presentation of a $25,000 check to the IRS in Mr. York's behalf.

The drive ultimately was oversubscribed by about $25,000 and this amount was placed in a trust fund. The next month S. Hallock duPont, of Wilmington, Del., set up a trust fund to provide Mr. York $300 a month for the rest of his life.

[From the Washington (D.C.) Post, Sept. 3, 1964]

SGT. ALVIN YORK, WORLD WAR I HERO, DEAD AT 76

President Johnson issued the following statement yesterday after the death of Sergeant York:

"Sgt. Alvin Cullum York has stood as a symbol of American courage and sacrifice for almost half a century. His valor, above and beyond the call of duty, in World War I was recognized with the Nation's highest award, the Medal of Honor. As the citizen-soldier hero of the American Expeditionary Forces, he epitomized the gallantry of American fighting men and their sacrifices in behalf of freedom.

"As Commander in Chief, I know that I express the deep heartfelt sympathy of the American people to his wife and family."

Alvin Cullum York, who marched off to World War I fighting his draft board every step of the way, but returned with the Medal of Honor to the plaudits of millions, died yesterday in a veterans hospital at Nashville in his native Tennessee.

Completely paralyzed since 1954 by a series of strokes, the storied doughboy-hero had been hospitalized numerous times in the interim for treatment of complications incidental to his paralysis and advancing years. He was 76.

At his bedside when the end came were his wife, Gracie, and the five survivors of their six children.

It was in the Argonne on October 8, 1918, that the Tennessee backwoodsman performed his amazing feat of killing 25 Germans and taking 132 prisoners, including the battalion commander and three other commissioned officers.

Gen. John J. Pershing, commander of the American Expeditionary Forces described the then 31-year-old York as "the greatest civilian soldier of the war," and cabled the recommendation that brought him the Medal of Honor, America's highest military decoration.

Marshal Ferdinand Foch, commander in chief of the Allied armies, said in pinning the Croix de Guerre with palm on the American: "What you did was the greatest thing accomplished by any private soldier of all the armies of Europe."

York's modest explanation was this:

"I wanted to do the best I could."

His exploit brought him promotion from corporal to sergeant and thereafter he was known as "Sergeant York." That was the title of a 1941 motion picture of his life. Gary Cooper won an Academy Award for his performance as the war hero.

The Allies were engaged in their final big push in the fall of 1918 and the 82d Division had moved into the front line to participate in the drive. Moving up with it was Corporal York of Company G, 2d Battalion, 328th Infantry.

At 6:10 a.m. on October 8, Company G started for an objective about a mile and three-quarters away. The advance met heavy resistance and casualties were heavy.

Machineguns on a heavily-wooded hill were mowing down the attackers, and a detail of 17 men, including a sergeant, Corporal York and two other corporals, was ordered to put them out of commission.

TOOK ON MACHINEGUNNERS

The Americans flushed two Germans who took refuge in heavy undergrowth. Pursuing them through the bush, the York detail suddenly burst into an open space and came upon a group of enemy soldiers. A German major and two other officers were seated in conference and a score or more of their men were lying around at ease. They had just finished breakfast.

Both sides were startled by the unexpected encounter, but the Americans had the advantage of catching the Germans off guard and they followed this up by opening fire. Some of the enemy soldiers leaped to their feet immediately, yelling "kamerad," and it appeared that all were going to surrender. It developed that this group was the machinegun battalion headquarters.

But the action was far from over. Bursts of fire came from machinegun nests located on a hill some 30 yards away. The Germans dropped to the ground to protect themselves, and York and some of his companions followed suit. But others in the American group were caught in the fire.

Sergeant York was the only noncommissioned officer to escape being hit, and only seven privates escaped. All the survivors except York scrambled behind trees or other shelter, but the lanky Tennessean "just sat in the mud and used my rifle."

Now in charge of the platoon as the top-ranking member, he ordered the sheltered men to guard the prisoners lying on the ground while he fired away at the machinegunners. None of the other Americans was firing.

USED HUNTING TRICK

When he had used up all the clips for his rifle, he continued the fight with his pistol. With both weapons he was a crack shot.

Bullets cracked close to Sergeant York, but he was crouched so near the prone Germans that machinegunners could not hit him without wounding their own men. From this position he sniped each German who exposed his head above a machinegun pit.

Suddenly the fighting corporal found himself imperilled from a new quarter. A squad of Germans with bayonets flashing rushed toward him, a lieutenant leading the charge.

While hunting wild turkeys back in Fentress County, Tenn., Sergeant York had learned to shoot the most distant bird of a flock first so as not to alarm the rest and he used that strategy on the charging Germans.

Despite their proximity, he continued to pick off the most distant of the squad until the lieutenant, leading the charge, was taken care of last.

The major commanding the Germans was lying on the ground near the deadly shooting corporal. Amazed by his accuracy, he asked Sergeant York if he were English. When the latter replied in the negative, the English-speaking officer inquired, "What?"

"I said 'American'; he said 'Good Lord'." Sergeant York related.

The major said if Sergeant York would cease firing he would order his command to surrender. The American agreed and found himself with some 90 prisoners. It was then that he discovered he had only seven companions.

After the sergeant had lined the prisoners up in a column of twos, the German commander noted the small number of guards. He apparently had believed the group was only a part of a large force that he could not see because of the underbrush.

"How many men have you?" he asked.

"I got a-plenty," was Sergeant York's noncommittal reply.

TOOK MORE PRISONERS

He did not know how to get out of the place and the major, sensing his indecision, suggested a route that led through a valley. Fearing a trick, Sergeant York decided to find his own way.

He took his place at the head of the column of prisoners, forcing a captured officer to walk on each side of him and another in front. That was a precaution against the Germans picking him off. The seven privates he scattered alongside the column so they could not be fired upon without endangering the prisoners.

But safety was still a long way off. More of the enemy were between him and the American lines and the column soon was menanced by machineguns. At the command of the German major, these gun crews surrendered and the sergeant proceeded with his augmented company of prisoners, including another officer.

Approaching his post of command, the strange outfit was challenged by a guard and Sergeant York had to shout quickly to prevent being fired on by his own side. He was ordered to take his prisoners to brigade headquarters. Official count showed 132.

York's account of the combat was so extraordinary as to be almost unbelievable and an immediate check of it was ordered. Twenty-five dead Germans bore mute testimony to the accuracy of his aim. There were no wounded. Twenty-eight machineguns had been put out of commission. Meanwhile, York's company had proceed to its objective.

Maj. Gen. George B. Duncan, who commanded the 82d Division said: "The more we investigated the exploit the more remarkable it appeared. He is one of the bravest men and entitled to all the honor that may be given to him."

REJECTED RICH OFFERS

When the 6-foot 2-inch, red-headed, freckle-faced, blue-eyed Tennessean arrived in New York from France he found himself the center of cheering and admiring crowds wherever he went and said the attention "plumb scared me to death."

Contracts calling for fabulous sums were tendered Sergeant York. There were offers to go in the movies, on the stage, on the lecture platform. He said later he could have realized half a million dollars, but he turned them all down.

Two weeks after landing on his home shores, York married his childhood sweetheart, Gracie Williams, in an open-air ceremony in Tennessee at which the Governor of the State officiated. There were 2,000 spectators, including many dignitaries.

The couple went to Nashville on a wedding trip and a campaign was started there to buy him a home in Fentress County. Within a short time enough had been subscribed by popular donation to purchase a farm and build a house on it.

When York finally succumbed to Hollywood and permitted the filming of his life story, he ran into trouble with the Internal Revenue Service.

The IRS claimed in 1951 that York owed $172,000 in taxes and interest on royalties from the movie. After a 10-year battle, the IRS agreed to settle for $25,000, and the public responded.

The late House Speaker Sam Rayburn lent his weight to a nationwide drive that resulted in the presentation of a $25,000 check to the IRS on April 19, 1961.

"Those tax folks been ahoundin' me so long and I been afightin' them so long I thought it'd never end," York said.

HAD SIX SONS

Sergeant and Mrs. York were the parents of six boys and one girl. The first was named Alvin C., Jr., and the others were Woodrow Wilson, Sam Houston (now deceased), Andrew Jackson, George Edward Buxton, Thomas Jefferson, and Betsy Ross.

George Edward Buxton was named for Sergeant York's battalion commander who took time out to discuss with him his religious inhibitions against war and explain why the United States was fighting Germany.

[From the Washington (D.C.) Star, Sept. 3, 1964]

SERGEANT YORK'S FUNERAL SET FOR SATURDAY IN TENNESSEE

Taps will sound in the Cumberland Mountains Saturday as the Nation offers its final salute to Sgt. Alvin C. York, the legendary doughboy hero of World War I.

Gen. Matthew Ridgway will attend the funeral services for the Medal of Honor winner as President Johnson's personal representative.

The rites will be at 2 p.m. Saturday at York's Chapel in Pall Mall, Tenn., on the banks of the Wolf River in the Cumberlands.

PRESIDENT'S PRAISE

Before designating General Ridgway to represent him at the funeral, the President said of Sergeant York:

"His valor, above and beyond the call of duty in World War I, was recognized with the Nation's highest award, the Medal of Honor. As the citizen-soldier hero of the American Expeditionary Forces, he epitomized the gallantry of American fighting men and their sacrifices in behalf of freedom.

"As Commander in Chief, I know that I express the deep and heartfelt sympathy of the American people to his wife and family."

The White House noted that General Ridgway was commander of the 82d Airborne Division in World War II; Sergeant York was a soldier of the 82d Infantry in World War I when he killed 25 German soldiers and captured 132 prisoners in the feat that gained him a place in history among the greatest of fighting men.

BUGLER TO SOUND TAPS

At the funeral services, which will be held around a bend of the Wolf River from the big white farmhouse in which Sergeant York had lived for the last 42 years, a bugler from his old outfit—the "All American Division"—will sound taps.

The Army is furnishing an escort, band, firing party, and the bugler to participate in the services which will be attended by civilian and military leaders from Tennessee and the Federal Government. Sergeant York's family declined Gov. Frank Clement's offer for the body to lie in state at the Tennessee capitol.

A choir will sing three of the soldier's favorite songs during Saturday's service, "Fairest Lord Jesus," "Faith of Our Fathers," and "Onward Christian Soldiers."

[From the New York Daily News, Sept. 3, 1964]

TAPS FOR A HERO—SERGEANT YORK

NASHVILLE, TENN., September 2.—Sgt. Alvin C. York fought his last battle today. His 76 years and the effects of a decade of crippling illnesses brought death to the famed World War I hero at 10:45 a.m. His wife, Gracie, his five sons and two daughters had kept a bedside watch.

Hospital spokesmen said death came from a "general debility resultant of a combination of conditions incident to his age and complicating illnesses over the past 10 years." His final illness was described as an acute infection of the urinary tract. He had been in a coma almost since admittance to the veterans' hospital August 29.

HIS 1949 STROKE

He had suffered a paralytic stroke in 1949 and had been in and out of hospitals ever since. During the past 2 years he was hospitalized 11 times.

The living legend of Sergeant York began in the Tennessee backwoods on December 13, 1887. His youth was routine, and he grew into a fighting, hard-drinking mountaineer. After one close scrape during a drunken spree, he swore off and in 1915 became a singing elder in the Church of Christ in Christian Union.

Then came World War I. York, because of his religious principles, didn't want to go, but the draft wouldn't take no. After basic training he returned home and made his famous "trip to the mountain," where he wrestled with his conscience for 2 lonely days.

THAT MEMORABLE DAY

"I'm goin'," he said when he came down. And go he did, to France. There, during one incredible morning—October 8, 1918—the redheaded, sharpshooting hillbilly killed 25 German soldiers, put 28 machineguns out of action, and brought 132 prisoners back through the enemy lines—and he didn't get a scratch.

It was in the Argonne Forest, and York, then a corporal in Company G, 328th Infantry, 82d Division, headed a patrol of 17 men which stumbled into a Germany company. That company surrendered, but other Germans opened fire. Ten Americans were killed, and York yelled to the others to watch the prisoners while he went on the attack.

Worming forward Indian fashion, he shot every German who showed his head, and when his rifle ammunition was gone he used his pistol. One by one he knocked off German officers and machinegun crews, and the appalled major in command finally shouted an offer to surrender.

DUMBFOUNDED THE HQ

York found himself with 90 prisoners. He marched them back with his seven men. Coming to another group of Germans, he forced the major, with a pistol at his head, to order them to surrender, then quietly led the entire 132 prisoners up to a dumbfounded American headquarters.

General Pershing called him the "greatest civilian soldier of the war," and he won the Medal of Honor.

Marshal Ferdinand Foch, commander in chief of the Allied Armies, said in pinning the Croix de Guerre with palm on the Yank: "What you did was the greatest thing accomplished by any private soldier of all the armies of Europe."

"I wanted to do the best I could," answered York. "I'm a pretty good shot with the rifle," he admitted modestly.

JUST DOING HIS DUTY

Then came 40 other high allied decorations, banquets, ovations, public receptions, and movie offers. But the hero turned down the offers, saying he wasn't entitled to anything for "doing my patriotic duty."

The attention, he said, "plumb scared me to death."

He went back to Fentress County, Tenn., and on June 7, 1919, married his childhood sweetheart. They settled down on a 400-acre farm donated by grateful Americans and raised their family.

In 1941 a movie, "Sergeant York," was made of his life. It brought Gary Cooper an Academy Award, but brought the real Sergeant York only headaches.

TAX TROUBLES

He made $50,000 from the picture, and used it to set up a nondenominational Bible school. But the Government later insisted he owed $85,000 in taxes and interest.

In 1961, House Speaker Sam Rayburn and Representative JOE EVINS, Democrat, of Tennessee, launched a nationwide drive to raise money. On April 19, 1961, the Internal Revenue Service accepted $25,000 in full settlement. The drive ultimately was oversubscribed by a like amount, and this went into a trust fund to provide York $300 a month for the rest of his life.

"I'm mighty grateful," York said when the matter was settled. "Those tax folks been ahoundin' me so long and I been afightin' them so long I thought it'd never end."

WORLD WAR II DAYS

During World War II, York tried to enlist, but could not pass the physical. He served instead on his local draft board, which drafted two of his five sons, and he made speeches around the country supporting the war effort.

Then ill health began plaguing him.

The name "York" went back into military records in January 1962, when his granddaughter, Mary, was inducted into the Women's Air Force. The old soldier watched proudly.

A 3-YEAR REVIEW OF THE AREA REDEVELOPMENT ADMINISTRATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, there have been a lot of charges and countercharges about the Area Redevelopment Administration's performance over the past 3 years. While some of these assertions have been objective and highly beneficial, others unfortunately have been biased and destructive.

It is my pleasure at this time to read into the RECORD a careful and studied evaluation of the ARA program, compiled by the 23-member National Public Advisory Committee on Area Redevelopment, a committee of outstanding citizens in many walks of life who have been watching the progress of this pioneering effort the past 3 years. I can attest to the ability and judgment of the members signing this report because I have worked with many of them as chairman of the House Banking and Currency Committee and have found them to be most informative and helpful on matters affecting the Nation's economy. They have prepared this report at my request. Their report reviews the first 3 years of ARA's operation and suggests some changes for improving the agency.

The report follows:

AREA REDEVELOPMENT 3 YEARS IN REVIEW—INTERIM REPORT OF NATIONAL PUBLIC ADVISORY COMMITTEE ON AREA REDEVELOPMENT, AUGUST 1964

NATIONAL PUBLIC ADVISORY COMMITTEE ON AREA REDEVELOPMENT

Dr. Eveline M. Burns, professor of social work, Columbia University School of Social Work, New York, N.Y.

John P. Carey, attorney, Maine Industrial Building Authority, Bath, Maine.

Hon. Jerome P. Cavanagh, mayor of Detroit, Detroit, Mich.

Clyde T. Ellis, general manager, National Rural Electric Cooperative Association, Washington, D.C.

Frank L. Fernbach, assistant director of research, American Federation of Labor—Congress of Industrial Organizations, Washington, D.C.

J. Leland Gourley, president and chairman, State Capitol Bank, Oklahoma City, Okla.

Dr. Frank P. Graham, chairman, the United Nations, New York, N.Y.

Albin J. Gruhn, president, California Labor Federation, AFL–CIO, San Francisco, Calif.

Dr. William Haber, professor of economics, the University of Michigan, Ann Arbor, Mich.

Dr. Seymour E. Harris, University of California, S.D., La Jolla, Calif.

Walter L. Hart, editor, West Virginia Newspaper Publishing Co., Morgantown, W. Va.

Joseph T. Kennedy, assistant to the president, United Mine Workers of America, Washington, D.C.

Reuben H. Levy, Miner's National Bank Building, Wilkes-Barre, Pa.

Kenneth D. Naden, executive vice president, National Council of Farmer Cooperatives, Washington, D.C.

Robert S. Nickoloff, attorney and counselor, Hibbing, Minn.

Herschel D. Newson, master, National Grange, Washington, D.C.

Dr. John H. Nixon, director of area development, Committee for Economic Development, New York, N.Y.

James G. Patton, president, National Farmers Union, Denver, Colo.

Milton J. Shapp, chairman of the board, the Jerrold Corp., Philadelphia, Pa.

Miles C. Stanley, president, West Virginia Labor Federation, AFL–CIO, Charleston W. Va.

John S. Stewart, president, Mutual Savings & Loan Association, Durham, N.C.

Lazare Teper, director, research department, International Ladies' Garment Workers' Union, New York, N.Y.

John D. Whisman, special assistant to the Governor, Kentucky area program office, Frankfort, Ky.

(NOTE.—The views expressed are those of the members of the committee and not necessarily those of the organizations with which they are affiliated.)

NATIONAL PUBLIC ADVISORY COMMITTEE ON AREA REDEVELOPMENT,
August 3, 1964.

Hon. LUTHER H. HODGES,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: The National Public Advisory Committee, established under the terms of the Area Redevelopment Act to advise you with respect to the implementation of this new and important program, deems it timely to issue this interim report. The Committee is composed of representatives of industry, banking, labor, agriculture, education, civic organizations, State and local governments and the public in general.

The Committee is unanimous in the view that the ARA as a pioneering agency has, on the whole, made a most effective use of the funds appropriated by the Congress and the tools provided in the act. ARA, with its limited funds and tools, has responded creatively to the provisions of the act which require private initiative, local community-wide participation, and State cooperation for the purpose of increasing jobs, developing know-how, retraining unskilled workers, and lifting community morale in the industrial and rural redevelopment areas.

During its first 3 years, ARA has made significant progress. At the same time, various problems have been encountered, some inherent in the nature of the program's difficult assignment, others that have emerged because of the nature of the legislation that created the program.

The Committee unanimously holds that Federal aid to help the distressed areas share in the Nation's overall economic growth is essential. We also hold that this worthwhile effort must be realistically recognized to be a long-term undertaking if success is to be assured.

We view this statement to be an interim report. Later we shall issue a more comprehensive statement which we hope will assist the administration and the Congress in their effort to improve the work of the ARA in the years ahead and to coordinate effectively the special functions of this program with others designed to achieve maximum employment and to eradicate poverty in the United States.

But the first need of ARA is immediate approval by the Congress of several changes in the act, so that the program will have sufficient resources to effectively carry on its work during the remainder of its original 4-year authorization. Thereafter, we urge the continuation of the program, but with such changes in the enabling legislation which experience indicates to be desirable.

Sincerely,

FRANK P. GRAHAM, *Chairman.*

ARA IN PERSPECTIVE

Even during times of prosperity for the Nation as a whole, there have always been geographical areas whose economies have lagged behind and where conditions of excessive unemployment and low income have persisted. These areas represent at once an intolerable condition of human suffering and eroded self-respect, as well as a national waste of potential wealth creation.

The acute lack of jobs in these areas has not been the fault of the people who live there. In many cases, local economies were dislocated when factories were closed there and at times moved elsewhere. Changes in technology also led to unemployment. This, for example, occurred when coal lost markets to oil and gas and when coal production became increasingly mechanized. Elsewhere depletion of natural resources, such as timber or ore, left workers and their families stranded. At the same time, with the increase in the size of farms and their mechanization, unemployment among agricultural workers has risen and the problem of underemployment, accompanied by substandard incomes, became more severe.

Continuous adjustment to a dynamic economy is always taking place in many urban and rural areas throughout the country. These adjustments proceed most smoothly in times of high employment levels. High school and college graduates move to find the best location to earn a living, and to a lesser extent, so do older workers. Employers continually seek new workers and new locations for expansion. When change adversely affects an area with only one large employer or one type of product, the normal processes of adjustment often have not been effective enough or fast enough. In some cases, the impact affects an entire region extending over several States. These cases generally require assistance in adjustment beyond the capability of local areas or States to provide.

It was to meet the areawide problems of chronic and concentrated unemployment and underemployment that the Congress enacted, and the President signed, the Area Redevelopment Act in 1961. The urban industrial areas to be assisted are defined under section 5(a) and the low-income, rural areas of underemployment, including Indian reservations, were defined in section 5(b) of the act.[1]

The national unemployment situation in the recent past has been aggravated by the relatively slow tempo of economic growth. The problem of distressed areas, however, is one that cannot be solved by broad measures designed to combat unemployment on a national scale and designed to increase the overall tempo of economic activity. Even during periods of relatively full employment, pockets of unemployment tend to persist. This is why a special approach is needed to deal with the depressed areas as a special problem. The Area Redevelopment Act is a major instrument in the arsenal of weapons against poverty, unemployment, and underemployment. Its effectiveness is enhanced by conditions of national growth and prosperity.

The redevelopment tools

Distressed areas suffer from a combination of ills making the adjustment process very prolonged, sometimes a generation or two. While accelerated technology, foreign trade fluctuations, changing defense requirements, and many other factors force continued adjustments in our economy, the distressed areas are least able to adjust to accelerated changes. The ARA, by combining several kinds of aid all focused on the central problem of economic revitalization, aims to supplement and expand the local capacity for restoring or establishing a going economy. Its purpose is to develop new jobs to take the place of those that had suddenly disappeared or had never existed.

The Congress in the Area Redevelopment Act provided a kit of tools designed to cope with the variety of conditions and problems in the depressed areas. Some of these tools are made available for the first time. Most important, however, is that under ARA they are available in combination and may be used at the same time to attack the complex and varied problems of area redevelopment, which generally will not yield to application of a single tool alone. The tools provided by the act include:

1. A requirement that each local area initiate action in its own behalf and draw up an overall economic development program ("OEDP") which would guide redevelopment efforts.
2. Long-term, low-interest loans to help private entrepreneurs to establish new industrial or commercial job-creating enterprises and to help firms already existing in redevelopment areas to expand their operations and employment.
3. Loans or grants to help build supporting public facilities—like sewer or water systems, railroad spurs or access roads—which communities must provide to accommodate new or expanded permanent employment.
4. Technical assistance, to help break economic development bottlenecks and help the redevelopment areas find the answers to their economic problems. This usually takes the form of resource and industrial potentials studies by private firms, universities, State agencies, or other Federal agencies financed in whole or in part by ARA funds.
5. Programs to retrain jobless workers so that they might acquire skills necessary to fill newly created or already available jobs in the area (included are subsistence payments for the workers during training).

The funds authorized by the act for each purpose were as follows:

For the duration of the program:	
Commercial and industrial loans:	
Urban-industrial areas	$100,000,000
Rural areas	100,000,000
Public facilities:	
Loans	100,000,000
Grants	75,000,000
Per year:	
Training	4,500,000
Technical assistance	4,500,000

To assure that the eligible communities would not use the act to pirate industry and jobs from other more fortunate communities, the Congress expressly and unequivocally forbade the extension of any Federal assistance to the relocation of an enterprise from one area to another.

Pioneering Nature of ARA

The Area Redevelopment Administration represents a new and bold departure in public policy in the United States. Its goal is to get people and communities back into the mainstream of U.S. economic life, working through the free enterprise system. Once they are restored as full participants, the administering Federal agency (ARA) withdraws.

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[1] In summary, section 5(a) areas are those in which "there has existed substantial and persistent unemployment for an extended period of time." The annual average rate of unemployment for eligible areas ranges from over 50 percent above the national average for three of the preceding 4 years to over 100 percent above the national average for one of the preceding 2 years. Section 5(b) areas are those other redevelopment areas (including Indian reservations) which "are among the highest in numbers and percentages of low income families, and in which there exists a condition of substantial and persistent unemployment or underemployment."

The program helps to establish a new role for community action and responsibility above and beyond that of providing fire and police protection, basic education, health, and similar local services. The act calls upon the communities to think about and plan for their orderly economic development. Their new function is to plan and assist in the process of matching jobs and workers. Communities thus can serve as a focal point for information about job opportunities, training, site availability, and general economic information about the community. In repeated testimony during congressional hearings on the area redevelopment program, the afflicted communities indicated the need for financial, public facility, technical, and training assistance. At the same time, they expressed a willingness, indeed a desire, to take on the responsibilities for planning their redevelopment on a long-run, permanent-job basis and for financial sharing of the costs of the program.

Local action finds expression in the development of an overall economic development program (OEDP) prepared and submitted by a representative local committee. Such program must be approved by the Area Redevelopment Administration before the community can be eligible for the several forms of financial assistance provided by the act.

The Federal role in the redevelopment process as expressed by the Area Redevelopment Act is thus one of stimulation, of financial and technical assistance, and of participation in the coordination process with State and local authorities. It is a vital, but basically a supplemental role. The Federal assistance is designed to help overcome those obstacles to economic rebirth and vitality which the community itself, or working with its State government, is unable or powerless to handle.

ARA PROGRAM RESULTS

The ultimate test and measure of the usefulness of the ARA program is its impact on the unemployment and underemployment problem of the redevelopment areas. Recognizing that the redevelopment problem is extraordinarily difficult of solution and that the new program has been in effect only since October 1961 when funds were first appropriated, the committee believes that ARA has made substantial progress. This progress has been made not only on the employment front. Hundreds of local communities were reinvigorated and are now proceeding to program and work out their economic futures in a way that was not thought possible a few years back.

Employment progress in redevelopment areas

The story told by the figures available from the Bureau of Employment Security of the Department of Labor give an indication of the progress made to date. A study of 79 areas of substantial and persistent unemployment designated on June 9, 1961, for which data are available, shows that between 1961 and 1963 average employment rose from 5,019,000 to 5,127,000, a gain of 108,000. The data further show that 92 out of every 100 persons in the work force had jobs in 1963 compared with only 89 in 1961.

This job improvement, of course, was not due solely to ARA activities. In part it reflects the effects of the general improvements in economic conditions. Yet ARA activities contributed materially to the employment gains which have taken place. Each of the 79 areas had submitted OEDP's and all but 6 had received direct ARA assistance—almost $61 million was authorized by ARA in the form of industrial, commercial, and supporting facility loans and grants (of this amount nearly $25 million has been disbursed). ARA estimates that some 17,700 direct jobs will have been generated by these programs when facilities are completed and fully operational. These jobs will lead to creation of additional job opportunities in the service fields. (In addition nearly $8 million were authorized for training over 13,000 persons and over $1½ million for technical assistance projects for these areas.)

It is also worthy of note that although there was an improvement in the employment situation in these 79 areas, their work force; i.e., the total of those at work and those unemployed, declined by some 92,000 persons, or 1.6 percent between 1961 and 1963. Some of this decrease in work force was due to outmigration. While some observers argue about which solution is better for redevelopment areas—direct area development or outmigration—it is a significant fact that in actuality both of these processes seem to be going on together.

Economic improvement in a number of redevelopment areas has led to the termination of their designation status. As of July 22, 1964, a total of 77 areas have improved sufficiently for termination or termination notice purely on economic grounds (all areas having sufficient improvement are given notification of impending termination several months in advance).[2] These figures do not take account of improvements that might have taken place in rural areas because income data for rural data are available only at wide intervals without special studies. The difficulties of keeping up-to-date check on improvements in the rural, underemployment areas will be discussed in a later report.

Particularized impacts of ARA program

The ultimate purpose of the program is to help redevelopment areas to improve their economies to satisfactory levels. This objective is the important thing, whether or not ARA's contribution in the process of improvement happens to be minor or major.

It is sometimes difficult, if not impossible, to identify with precision ARA's direct and indirect contributions to the improvement of an area's economy as distinct from private, local, State, and other Federal efforts—particularly since ARA's program depends on the cooperation of all these forces. However, it is possible to trace some of the more obvious effects of individual parts or phases of the ARA program.

Financial assistance impacts: First, what has been the experience with the financial assistance provisions of the act? As of July 31 of this year, 359 private firms have been encouraged to establish a new factory or business in a redevelopment area or to expand an existing business through the receipt of loans amounting to $154 million. For the dominantly rural areas (as represented by 5–b designations) 219 projects representing an ARA investment of $93 million were approved, and for the dominantly urban-industrial areas (5–a) 140 industrial and commercial projects representing an investment of $61 million were approved.

It is to be noted that the $154 million in industrial and commercial loans are all repayable to the U.S. Treasury with interest. Moreover, they are accompanied by an additional $221 million in private, State, and local investments.

Loans are made to new or expanding private business where a demonstration is made that the product has a reasonable chance of success and that such a project would have a beneficial economic impact on the area in which it is located. Some loans made by ARA were criticized on the grounds that they encouraged projects in industrial fields already overcrowded with producing units and suffering from excess capacity. The ARA has made strenuous efforts to correct this and to develop a definitive policy in this regard. This was a constructive development which needs continued attention.

The loan record of the industrial and commercial loans has been surprisingly good, particularly in view of the fact that the law permits loans only to applicants who are not able to get financial assistance from private or other Federal sources on reasonable terms. Of the 359 industrial and commercial projects approved, only 4 thus far have either failed completely or have been recommended for liquidation. Recreation-tourism loans, particularly suitable for employment-generation in isolated but scenic areas, also had a good financial record—only one recipient of such a loan has been delinquent in his payments.

The second principal financial activity has been in the area of public facility loans and grants. As of July 31, 1964, $89.7 million has been advanced for 153 public facility projects. Slightly over half of these loans and grants went to the smaller (5–b) redevelopment areas which are generally rural, and the remainder were made to the larger (5–a) areas, generally of an urban-industrial character.

To assure that the public facility assistance results in a maximum of permanent jobs, loans and grants are made in this field only when the facility is necessary to trigger the location or expansion of a factory or business which will create new employment in a redevelopment area. Accordingly, the committee is greatly concerned regarding the exhaustion of ARA's grant money for public facilities projects which has brought the public facility program almost to a standstill. This situation in turn will adversely affect the industrial and commercial loan program, and will hurt primarily the hardest-hit communities in need of public facility improvements. These communities at best have the ability to finance only part of the cost of a facility on a loan basis and must have a grant for the remainder of the investment.

In making applications for business loans or for public facility loans or grants, applicants are expected, subject to a review by ARA, to make reasonable estimates of the number of permanent jobs that would be generated by such financial assistance. In the case of the current projects, it is estimated that ultimately, when they are in full operation, a total of some 110,000 jobs may be generated—66,500 jobs created directly and an additional 43,500 indirectly. These estimates do not include the jobs which result primarily from ARA retraining projects.

Worker training and retraining: An indispensable part of the ARA effort to shift the jobless from unemployment rolls to payrolls has been its worker retraining program. While administered by the Departments of Labor and Health, Education, and Welfare, the ARA staff plays an important part in its implementation.

This ARA program, although small when compared to the newer nationwide Manpower Development and Training program, has pioneered new trails:

1. By training workers for specific employer needs—as a supplement to the inducement of long-term, low-interest industrial and commercial loans—it is an important spur to job growth in the distressed areas. Although there have been instances of training projects in industries where skill and training are not and never have been a precondition of employment, the Committee is confident that this is no longer a practice.

2. As the first Federal manpower training program, it provided the experience base for subsequent Federal undertakings.

3. Working with Federal, State, and local governmental and private groups, ARA manpower specialists are performing a pioneer role in retraining, particularly in aiding the hard-core unemployed.

ARA initiated the first training programs for migratory workers (in New Jersey and

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[2] In addition to these 77 areas, 17 areas were terminated because of failure to submit an OEDP and 2 areas requested withdrawal of their designation status.

Texas), and proved that unskilled agricultural laborers can be successfully retrained for industrial and commercial employment.

The first literacy program was added as a supplement to an ARA vocational training program. Its success demonstrated that adults can become literate when given the additional motive of vocational skill training and ultimate employment.

ARA training has also resulted in pioneer work on Indian reservations.

Under the law, training is to be provided for individuals "who can reasonably be expected to obtain employment as a result of the skill they will acquire in the training which is to be made available." The experience to date indicates that the placement rate for ARA retraining participants who finish their courses is near 70 percent. This is gratifying in the face of the limited new job opportunities in distressed areas, and the fact that many ARA trainees have had little formal education.

In summary, the Administrator reports that 748 individual training projects involving some 34,000 workers had been approved by June 30 of this year. Total ARA allocation for retraining to date is $18 million, or approximately $527 per trainee.

Technical assistance tool: The Area Redevelopment Administration provides technical assistance in a variety of ways. The main objective is to strengthen local plans and efforts to bring about economic growth and diversification. This is done by providing expert consultation to local development groups and by making authoritative investigations of local resources and their industrial possibilities. This activity has developed somewhat slowly, owing to the necessity for training staff people in this field. Hence, heavy reliance was placed on contracting with outside firms for expert help.

In a number of cases economic development may become possible only after an investigation and study regarding the character and nature of potentially useful projects utilizing local natural resources. This may be illustrated by the example of Caddo Lake in northeast Texas. Caddo Lake was once a well-known tourist attraction. Its waters were open for fishing, boating, swimming, and waterskiing, and tourism was a substantial industry for the area. In recent years Caddo Lake has generally become infested with a dense growth of acquatic plants. Many resort and restaurant owners have had to close down. Efforts to remove the obnoxious vegetation with chemicals were doomed to failure by the prohibitive cost and the certainty that a return of the growth could be expected within 2 years.

ARA financed a $62,000 study to determine how to turn a liability into an economic asset. Results of this study have established the high value of these plants as animal and poultry feed supplements, and have identified certain chemical constituents in the plants that can be utilized by the drug industry. Based on these findings, plans are now in the development stage for the processing of these plants for use in the livestock feed industry.

Another example of technical assistance relates to Monroe County in southeastern Ohio. This county long had inquiries from potential industries concerning its underground salt resources. When the local development groups were unable to specify the quantity and quality of the resource, the inquiring manufacturers invariably lost interest. The Monroe County OEDP recommended a technical assistance project which would test drill for the vital information. The project was approved and completed. A bed of an estimated 300 million tons of salt was discovered at 6,500 feet, and with this new authoritative information the area is confident of ultimately attracting a branch plant of a chemical company.

Other technical studies have dealt with ways of processing low grade ores in the Upper Lakes, forest product possibilities in east Kentucky, and specific food processing opportunities in the South. Still other assistance studies result in "how-to-do-it" guides for communities based on actual and successful develement experiences in various areas of the country.

As of June 30 of this year, a total of 344 technical assistance projects, representing an investment of $11 million, had been approved by the agency.

Every technical assistance project by its nature represents a financial investment risk. There is a shortage of personnel with training and experience in the economic development field. Experts must be trained or sought out wherever they are available. Yet projects run by competent personnel may yield negative or relatively modest results because the research may reveal a lack of growth potential in the subject of study. The rewarding feature of technical assistance projects, however, rests in the fact that the economic benefits from outstanding successful ones more than compensate for the projects that yield lesser results.

OEDP and community revitalization: Perhaps the most difficult impact of ARA to measure is its effect on community planning and action. The chief instrument for stimulating redevelopment areas to assess and plot their own economic future is the overall economic development program (OEDP). A primary incentive for developing an OEDP has been that such a community program is a requirement for eligibility for an industrial loan or a community loan or grant. The results of locally produced development programs, the the Congress noted in considering the various elements of the Area Redevelopment Act, may well prove to be the most far-reaching and important part of the total program.

The OEDP and the process for putting it together has had several kinds of community effects. For many areas—particularly the smaller communities—this represents the first time community leaders have gotten together, examined their problems, attempted to identify the full range of their opportunities, and then determined what needed doing in order to realize them. As the editor of the Sevier County (Tenn.) News-Record, has stated:

"Even if our county never received one penny of loan or grant money from ARA, I am convinced that by starting our overall economic development program, we have benefited—benefited in a concentration of interest that has led to a great deal of local initiative that might otherwise have taken years to get started."

Beside stimulating constructive planning and areawide cooperation, the OEDP in some instances has provided a wholesome redirection in area development activities. A redevelopment committee in North Carolina reported as follows:

Thinking has evolved from where procurement of a new industry * * * seemed an end in itself to a present opinion that industry, while important, is but one of a number of ingredients necessary to the ultimate objective of a better life for the individuals constituting Avery County.

Area goals now involve an economy balanced on a tripartite base of (1) tourism and resort development; (2) agricultural specialties such as nurseries of ornamental shrubbery, Christmas tree farms, commercial orchards, berry plantings, greenhouse flower production, cash crops, and livestock traditional to the area; and (3) industrial and service enterprise of a magnitude consistent with real rather than imagined resources and limitations.

It is to be expected that the OEDP's would focus on and attempt to stimulate employment-creating projects of an industrial and commercial nature. The varied nature and wide range of community development activity that the OEDP process has stimulated in the redevelopment areas is noteworthy. Many of these activities growing out of the local economic development programs have no direct dependence or relationship to ARA's financial or other forms of assistance. This is illustrated by the case of the Johnson County, Tenn., redevelopment committee. This group reported that it had completed a 30-acre industrial park, had underway a water and sewerage project, and was making plans for the construction of a new modern high school. Red River County, Tex., reported as actual accomplishments on their OEDP program a number of projects, very few of which were related to ARA financial help; the completion of a new library, resurfacing of main street, construction of a new sewer disposal plant, the building of a nursing home, and the completion of a test facility for breeding beef cattle.

Of the areas designated for redevelopment, 1,051 have submitted overall economic development programs to the Area Redevelopment Administration for approval, and of these, 982 have been approved. Thus, in a third of the counties of the Nation, programs have been developed by local groups for charting the broad outlines of their future economic development. This is commendable progress. However, the Committee observes that the ARA obviously does not have sufficient trained personnel to give all these areas the expert guidance and counseling they require. Although local OEDP's are reviewed at State and Federal levels to assure better coordination of programs, further attention is required to directing coordination efforts towards positive action rather than simple removal of conflicts.

The accelerated public works program

Passage by Congress of the Public Works Acceleration Act, Public Law 658 (87th Cong.), on September 13, 1962, and its approval by the President on the following day, added a new responsibility to the fledgling ARA organization. Under the Executive order, the Secretary of Commerce, Luther H. Hodges, was designated to coordinate the accelerated public works program. Secretary Hodges, in turn, assigned this responsibility to the Area Redevelopment Administration.

The purpose of the Public Works Acceleration Act was "to provide immediate useful work for the unemployed and underemployed * * * and to help these communities, through improvement of their facilities, to become more conducive to industrial development and better places in which to live and work." The program was aimed to mitigate national conditions of unemployment by helping provide temporary jobs in the areas that needed them the most. The magnitude of this additional ARA responsibility is reflected in the fact that the program, in 17 months, has had total appropriations of $880 million, and has approved 7,700 projects with a total construction cost of $1.7 billion—including State and local matching funds. These projects are expected by their sponsors to generate an estimated 220,000 man-years of on-site and off-site employment.

Besides its immediate effects on employment, the APW program has longer range results. The projects involved had been long planned to fill real needs and were on the shelves of the various Federal, State, and local agencies awaiting availability of the necessary funds. Thus the APW program has made possible the construction of hospitals, waste treatment plants, water and sewer systems, libraries, municipal buildings and other local public works, and aided in the development of natural resources and public lands. The essential facilities made possible through the APW program have made many communities better able to accommodate new factories and other business expansions. Nevertheless, because of its limits in funds, time and purposes, the APW program has succeeded only partly in meeting the public facilities needs in the eligible communities.

Job costs and tax returns

A basic idea behind the entire ARA program is that it makes more sense and costs far less in the long run to help put people on business payrolls than to let them remain idle. What are the Federal costs of providing a job under ARA and what are some of the benefits?

Most of ARA's efforts are in the loan field, and thus are repayable. There are certain nonreturnable costs, however: public facility grants, technical assistance services, loan losses, and administrative expenses. The estimates made by the Area Redevelopment Administration indicate that the final cost to the Federal Government for each new job resulting from the loan and grant program once the potential job prospects are realized will average less than $800. On the other hand, the Federal Treasury benefits through tax receipts from persons who obtain jobs on such projects as well as through business taxes from their employers. Accordingly, each year that these repayments are made, the net cost to the Federal Government diminishes. Obviously also, the national economy benefits from the added production of the new workers.

Even if there were no tax return on the $800 cost of generating a new job, this cost must be weighed against such results as the useful production of goods and services and the contributions to national growth by persons formerly unemployed, by the fuller use of idle facilities and resources, by the development of the less congested areas of the Nation, and the gains in individual self-respect and family living that are associated with productive and remunerative employment.[3]

INTERIM RECOMMENDATIONS

Our review of the ARA program in its first 3 years has been summarized in the foregoing pages. The Committee is of the unanimous opinion that ARA has made substantial progress, that the fundamental worth of the redevelopment approach to long standing area unemployment and underemployment problems has been amply demonstrated, and that the program should be given the resources to continue to move forward. The job of generating employment in depressed areas is a long-term undertaking. We are sure that in the final analysis the results will be most beneficial. It is a mistake, however, to expect too rapid results.

The Committee recognizes that the program and approach are new and as experience in administration develops ways and means are suggested for improvements. The review process has revealed a number of problems and program shortcomings, and has also indicated some specific ways in which the program and operations might be modified, strengthened, and improved. The Committee wishes to explore and deliberate on these aspects of its review at greater length before reporting on them. Accordingly, this report is in the nature of an interim document, and a later report will treat the other matters which will be in the nature of suggestions for program improvement.

At this time, the Committee wishes to go on record with respect to certain observations and recommendations.

1. First, the Committee urges that the Congress pass amending legislation to authorize additional funds which will keep the ARA program moving forward.

Certain amendments to the original ARA legislation contained in S. 1163 (as passed by the Senate on June 26, 1963, and as modified by the House Banking and Currency Committee in its report of August 3, 1963) are particularly crucial in preventing important phases of the program from coming to a complete halt.

Reference is made particularly to the urgent need for authorizing (a) additional commercial and industrial loan funds for the smaller labor market and rural development areas, designated under section 5b of the Area Redevelopment Act and (b) additional funds for public facility grants.

The Congress has appropriated up to the full extent of the original authorization of $100 million for the small and rural areas as designated under section 5b of the act. The authorized loan funds for these areas have been exhausted more quickly than the equivalent authorization for the larger, urban-industrial areas primarily because when the act was passed no data were available to indicate the number and extent of small labor market areas having a problem of substantial and persistent unemployment. Following passage of the act, the Department of Labor was able gradually to develop unemployment data concerning these areas. Whereas the original expectations were that 200 to 300 such areas would qualify for designation under the act, almost 500 such areas were actually found eligible.

Without increased authorization and subsequent appropriations, the 5b loan program will come to a halt in early fiscal 1965. As of June of this year, there were over $75 million in project applications for industrial and commercial loans from these areas.

The same type of situation is true of the public facility grant program. The original authorization for this phase of the program was $75 million. As with the 5b industrial and commercial loan program the demand exceeded expectations, and ARA is currently without funds for public facility grants. As has been pointed out, this is particularly unfortunate since the communities needing public facility improvements the most cannot finance these improvements on a loan basis alone and must have a portion of their projects financed by grant money. The stoppage of public facility projects in turn will directly discourage industrial projects whose implementation is conditional on the provision of such facilities.

S. 1163 and its companion House bill provide not only for the above additional authorizations but certain other changes to improve ARA's ability to carry on a more effective program of community development. These include:

(a) An amendment to enable local and area organizations supplying the statutory 10-percent funds to enjoy concurrent repayment of their loans along with the repayment of the ARA loan (this would make the local contribution easier to raise and would permit quicker reuse of the funds, thus making possible more projects and more jobs).

(b) An increase in technical assistance from $4½ million per year to $10 million, thus proportionately increasing the effectiveness of this important tool in aiding local redevelopment.

One provision of S. 1163, however, limits financial assistance to the development of the tourist industry by prohibiting loans for construction or expansion of hotels and motels. These facilities are an essential part of a balanced tourist development which in many distressed areas offers a major, or the sole, hope of a strengthened economic base. This leads to the Committee's second recommendation.

2. Second, the Committee urges that no limitation be placed on the authority of ARA (as in S. 1163) to make loans for development of the tourist industry in designated areas.

A major problem facing the economy of the United States is the absorption of the record number of entrants who are flooding the labor force and who will continue to do so throughout the 1960's. The traditional basic employment activities of agriculture, forestry, mining, and manufacturing are decreasing either in absolute numbers of employed or in their relative share of total employment. This means that the major burden for absorbing the new entrants to the labor force will fall upon the so-called service industries.

One of the fastest growing activities in the United States is outdoor recreation and the tourist industry. Says the First National City Bank of New York, "Tourism today is not only big business; it is one of the most vigorous of growth industries." More people with higher incomes, more leisure and greater mobility create an ever mounting demand for recreation and recreation facilities.

Fortunately many of the areas in the United States best able to accommodate these additional recreation tourist demands are the areas of notable underdevelopment or unemployment, such as mountain areas of the Southeast, the upper lakes areas of the North, and certain scenic areas and Indian reservations of the Northwest and Southwest. Some of the characteristics of these regions which have impeded normal economic development are the very characteristics which will make them attractive for accommodating the growing demands of outdoor recreation and tourism—isolation, mountainous terrain, river gorges, and variegated flora and fauna. The major lacks in many of these areas are technical know-how and the supporting facilities and other developments to accommodate tourists.

Through the provision of technical assistance and loan capital ARA is helping many redevelopment areas to develop their tourist potential and to achieve an economic rebirth otherwise not possible for them.

It would be unfortunate if ARA's lending authority were to be restricted in this growing economic activity.

3. Third, the Committee recommends that the Congress extend the area redevelopment program beyond the termination date of June 30, 1965, now provided in the act.

The Committee is unanimous concerning the advisability of continuing the ARA program. It is satisfied that this approach of working through local OEDP committees and with other private and public groups to generate employment in areas of great need is an eminently sound one. In a subsequent report, however, the Committee intends to enumerate how the law and the current program should be modified to strengthen redevelopment efforts. It is important that a new program such as ARA be reviewed in this light and strengthened where experience indicates there are opportunities to improve it. For ARA is not only a new program to generate jobs in the areas suffering from chronic unemployment and underemployment. It is a vital beachhead in the war on poverty and the essential underpinning of special regional development programs such as Appalachia.

HIGH DRUG PRICES AND THE CONSUMER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, I had intended to speak yesterday on the subject of high drug prices, but unfortunately, we were unable to muster a quorum and hence I shall proceed today instead.

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[3] For the cost of training, see previous paragraph under "Worker Training and Retraining."

This is an issue which has long drawn my interest and concern. The Congress must face the great and challenging need for legislation to reduce the often exhorbitant and prohibitive prices of prescription drugs.

This is an area of enormous importance to the American people. On September 3, I spoke on this subject before the House and do so again today with the continuing hope that some positive legislative action may still be forthcoming prior to the session's conclusion.

I have introduced H.R. 10118, an efficient and reasonable vehicle for protecting the consumer against astronomical drug costs by enabling all manufacturers to produce a patented drug after 3 years if the price of the medicine exceeds 500 percent of production, research, and overhead expenses. This cause was championed by the late Senator Estes Kefauver, of Tennessee.

The 1962 Drug Act went a long way toward protecting the public against harmful effects of medical drugs; but it is quite obvious that we need additional legislation protecting the consumer against the outrageous prices which often place vital medicines beyond his reach.

The Congress has collected great mounds of information, much of which point indisputably toward the need for rectification. We have learned of cases where monopolistic conditions have allowed exhorbitant markups of either several hundred, or a thousand percent of actuarial cost.

I insist that medical drugs are a unique category. We must recognize, as the overwhelming majority of other nations do, that prescription drugs are a special commodity requiring special arrangements; the health of people everywhere is involved, particularly among our elderly citizens who can least afford highly priced medicines and yet who need it most.

We have an obligation to insure that this special category is not wholly subject to the profit motive. In reality the patent system has created in this area a monopolistic mechanism injurious to the public. I am fully aware that the rights of the researchers and original producers should be protected, and H.R. 10118 in no way destroys the patent system, as some have claimed.

In fact, the measure provides that even in cases when open competition is induced, the original developer will receive a royalty. And open competition is not permitted if the manufacturer does not price his product excessively.

In truth this bill is moderate and equitable. It recognizes that the consumer has a special interest in prescription drugs, and it protects him against an arbitrary system which, under existing conditions, is heavily weighed against him. The bill will set certain limitations to the system whch are needed to correct abuses in the area of medical drugs; no industry is more important to the American people, and its very uniqueness and importance to the Nation requires that we act speedily before this Congress adjourns.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Feighan, for 30 minutes, on September 17.

Mr. Patman, for 30 minutes, today, and on Thursday; to revise and extend his remarks and include extraneous matter.

Mr. Halpern (at the request of Mr. Harsha), for 10 minutes, today.

Mr. Bray (at the request of Mr. Harsha), for 30 minutes, on September 22; 30 minutes on September 23; and 30 minutes on September 24.

Mr. Reuss, for 1 hour, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Roberts of Alabama.

(The following Members (at the request of Mr. Harsha) and to include extraneous matter:)

Mr. MacGregor.

Mr. Barry in two instances.

Mr. Ellsworth.

Mr. Dole.

Mr. Anderson.

Mr. Westland.

(The following Members (at the request of Mr. Albert) and to include extraneous matter:)

Mr. Fisher.

Mr. Rooney of New York.

Mr. Matsunaga.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3396. An act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes;

H.R. 5159. An act to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes;

H.R. 5498. An act to provide temporary authority for the sale of certain public lands;

H.R. 7096. An act to authorize the exchange of certain property at Independence National Historical Park, and for other purposes;

H.R. 8070. An act for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes; and

H.R. 11162. An act granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1186. An act to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands;

S. 2370. An act authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorizing appropriations for that purpose;

S. 2447. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes; and

S. 2701. An act to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that the committee did on September 8, 1964, present to the President, for his approval, bills of the House of the following titles:

H.R. 1642. An act to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clifton to provide for the establishment of a new station and for other purposes;

H.R. 6601. An act to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo., and for other purposes; and

H.R. 10809. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 47 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 16, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2536. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement on watersheds Farm Brook, Conn.; Cass Draw, N. Mex.; and Plum Creek, Wis., which have been prepared under the provisions of that act, pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005); to the Committee on Agriculture.

2537. A letter from the Comptroller General of the United States, transmitting report on unnecessary costs resulting from deficiencies in construction activities of the Inter-American Highway Program in the Republic of Costa Rica, Bureau of Public Roads, Department of Commerce, pursuant to 31 U.S.C. 53 and 31 U.S.C. 67; to the Committee on Government Operations.

2538. A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting copies of reports covering disposal of materials during the period January 1 through June 30, 1964, individual and consolidated reports of negotiated contracts under Public Law 87–689 (76 Stat. 587), in addition to the type of information covering the first half of fiscal year 1964, indicating State, county, and grazing and congressional district for each sale area; to the Committee on Interior and Insular Affairs.

2539. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement which have been prepared for the watershed Montpelier Creek in Idaho, and the watershed Sutherlin Creek in the State of Oregon, pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEGGETT:

H.R. 12608. A bill reauthorizing the Central Valley reclamation project to include New Hogan and Black Butte projects; to the Committee on Interior and Insular Affairs.

H.R. 12609. A bill to designate the service area of the Sacramento canals unit of the Central Valley project, as the Clair Engle Canal; to the Committee on Interior and Insular Affairs.

By Mr. RIVERS of Alaska:

H.R. 12610. A bill to provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COLLIER:

H.J. Res. 1174. Joint resolution to authorize the President to proclaim the second Sunday in September of each year as Bataan Day; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 1175. Joint resolution to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury of persons and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FARBSTEIN:

H.R. 12611. A bill for the relief of Michele, Maria, and Francesca Catalanotto; to the Committee on the Judiciary.

By Mr. HEALEY:

H.R. 12612. A bill for the relief of Francesco Canale; to the Committee on the Judiciary.

H.R. 12613. A bill for the relief of Corrado Mauceri; to the Committee on the Judiciary.

H.R. 12614. A bill for the relief of Ada Levinson Schimmel; to the Committee on the Judiciary.

By Mr. MARTIN of Massachusetts:

H.R. 12615. A bill for the relief of Antonio Coelho Morgado; to the Committee on the Judiciary.

By Mr. PILLION:

H.R. 12616. A bill for the relief of Alfreda Cesira Calcagni; to the Committee on the Judiciary.

H.R. 12617. A bill for the relief of Antonia Ida Conforto; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

1032. The SPEAKER presented a petition of the Legislative Chamber of the Republic of Haiti, petitioning consideration of their resolution with reference to reaffirming its complete and continuous adherence to the principles and purposes of the Charter of the Organization of American States, which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Legislative Research Team of Congressman Fred Schwengel, of Iowa, Compiles Impressive Record of Legislative Studies

EXTENSION OF REMARKS

OF

HON. CLARK MacGREGOR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1964

Mr. MacGREGOR. Mr. Speaker, few Members of Congress call upon the talent of the colleges in their districts with the same success as Congressman FRED SCHWENGEL, of the First District of Iowa, does.

Ever since he came to Congress in 1955, SCHWENGEL has looked to the campus for constructive ideas and significant research. His legislative research team at the State University of Iowa has compiled an impressive record of legislative studies and I feel it appropriate to present a summary of this activity as an example of a resource which is available to all Members if an effort is made to develop it.

The summary follows:

SUMMARY OF CONGRESSMAN FRED SCHWENGEL'S LEGISLATIVE RESEARCH TEAM AT STATE UNIVERSITY OF IOWA

Students have always been given top priority in the office of Congressman FRED SCHWENGEL. Besides entertaining over 100 college students and professors in his home under his "Week in Washington" program during his first 10 years in Congress, SCHWENGEL has also maintained a research team of college students at the State University of Iowa.

Dr. Russell Ross, of the political science department, supervised the program from the beginning and was later joined by Dr. Deil Wright, also of the political science department, as the activity grew. Fifteen college students have been members of SCHWENGEL's research team during the years it has been in operation.

Beginning in 1955 with just one team member, SCHWENGEL expanded the team to three members and now has three researchers on a regular basis. They are supplemented by two other researchers who are on Senator BOURKE HICKENLOOPER's staff.

Projects developed and researched by the team have been varied and cover a wide range of materials.

From the beginning the team has worked on the problems of financing higher education. Surveys were made to determine who bears the major expense of a student's college education. Different plans were explored and legislation was considered, introduced, and later refined. Finally the Iowa plan for growth and progress in higher education evolved out of the years of work and study. Taking the tax credit approach to financing the costs of a college education, the Iowa plan consists of three phases. The first two are in bill form, H.R. 22 in the 88th Congress. The team is still working on phase III, hoping to get it into bill form soon.

Problems confronted by the small businessman have been another major concern of the research team. Interviews were conducted, questionnaires sent out, meetings held, in an attempt to pinpoint the problems of the main street businessman and to develop answers to them.

A number of bills to help small business were introduced by Congressman SCHWENGEL as a result of the work of the research team. One of them, a bill to allow independent oil jobbers to pay their Federal gasoline tax after they sold the gas instead of before they sold it, was included as an amendment to a more inclusive tax measure. The efforts of the team and Congressman SCHWENGEL were primarily responsible for its inclusion in the broader tax bill. This provision has solved to a great extent the problems of enough working capital for the small oil jobber.

Three other bills were introduced by Congressman SCHWENGEL on behalf of the small businessman. During the summer of 1958 three members of the Congressman's research team—William O'Connell, Arthur Kudart, and Lloyd Courter, along with team adviser Prof. Russell Ross—appeared before the House Select Committee on Small Business to present their findings and recommendations. While in Washington, the team members also consulted with the then Secretary of the Treasury, Robert Anderson, and one of the President's economic advisers, Gabriel Hauge.

The team was well received in Washington and got wide acclaim for their knowledgability of the problems of small business and the solutions they proposed.

But the team did not stop there. After the Small Business Administration was established, a survey was conducted to see what use small businessmen were making of SBA and how it could be improved. Questionnaires were used again on the reaction to quality-stabilization legislation and research was continued on the capital gains tax.

Through the years the team at different times has worked on and researched various other areas, including proposals to revise the electoral college, bill concerning Presidential disability and succession, revision of the food for peace law, Public Law 480, water pollution, minority staffing, and statistical sampling.

A more efficient method of collecting the Federal gasoline tax was also thoroughly researched by the team. Proposals to have the States collect that tax were carefully studied and evaluated.

One of the team's current projects is Mission 76, a proposal to complete all the major watersheds in this country by 1976. As a result, the entire field of soil conservation has been under study by the team. They have become intimately acquainted with the problem and the causes and effects of soil erosion and the procedures needed to combat it.

In the fall of 1962, Congressman SCHWENGEL along with his legislative assistant, Dave Ibsen, and various members of the team, held meetings with soil conservation leaders throughout the First District to get a better insight into the problems and to elicit suggestions as to possible solutions. Records were kept and every participant received a summary of all the meetings held during that fall.

Members of the team have also put on programs on soil conservation for various groups and organizations in the district.

This year the team prepared and distributed a soil conservation kit. It was sent to every newspaper, weekly and daily, in the First District to coincide with Iowa Soil and Water Conservation Week in June (14–20).

The contributions made by the research team and their advisers have been extremely helpful and valuable to Congressman SCHWENGEL. They have enabled him to better serve the people of the First Congressional District. These college students have made and continue to make a significant contribution and to perform a great public service.

RESEARCH TEAM ACTIVITIES

Years 1956–57

1. Survey of parents of State University of Iowa students on educational costs.
2. Oil jobbers interview-research problem on prepayment of independent oil jobbers of Federal tax on gasoline.
3. Problems of small business taxes:
   a. Must work under same tax codes as big business.
   b. Needed definition of small business.
4. Work and research on loan help to farms.
5. Tax credit research—first bill introduced.

Year 1958

1. Poll of oil jobbers.
2. Testimony before Select Committee on Small Business:
   a. Increase in surtax exemption from $25,000 to $100,000.
   b. Provide for rapid amortization for depreciable assets over 5 years.
   c. Provide additional $30,000 deduction for depreciable assets over 5 years.
3. Held meetings with small businessmen.

Year 1959

1. Did research on which agency or group should administer small business grant.
2. Questionnaires to small business about services of SBA use of those services. Extensive research on feasibility of small business extension service.
3. Research on education cost and possible drafts for bills. Analyzed cost expenditure of education—who pays for the student's education.
4. Did research work on quality stabilization.
5. Did research on capital gains tax.

Year 1960

1. Conducted extensive item veto study.

Year 1961

1. Continuing work on tax credit bills.
2. Research on proposals to revise the electoral college.
3. Research on tax collection of Federal gas tax by States.
4. Started work on Mission 76.

Year 1962

1. More research on fair trade legislation.
2. Continued study of Federal gasoline tax.
3. Continued study of watersheds.
4. Study of problems of small business.
   a. Fair trade questionnaire.
   b. Polled druggists and hardware dealers.
5. Water pollution.

Year 1963

1. Continuing work on soil conservation Mission 76.
   a. Work on farm unemployment.
2. Continuing work on State collection of Federal gas tax.
3. Extension work on soil conservation.
   a. Explored avenues to fulfill Mission 76 under State and Federal Governments.
4. Supplemented research on minority staffing.
5. Presented soil conservation program to county committees.

MEMBERS OF SCHWENGEL'S RESEARCH TEAM

Members of Representative SCHWENGEL's research team are: Carl Zimmerman, Waterloo; Beth Howard, Imogene; Martha Putney, Gladbrook; William J. O'Connell, Oelwein; Arthur Kudart, Cedar Rapids; Rodney Miller, Des Moines; James Hootman, Davenport; Lloyd Courter, Boone; D. T. Doan, Ainsworth; Bob Downer, Newton; Ivan Ackerman, Allison; Tom Scheuerman, Iowa City; William Burger, Fairfield; Lee Theisen, Sioux City; Richard Winga, Washington; Gene Krekel, Burlington; John Shors, Pocahontas; Charles O. Campbell, Clarion; and Janet Ackerman, Allison.

States and Cities Withholding Taxes Not Actually Payable From Truckdrivers, Railroad Employees, and Airline Pilots

EXTENSION OF REMARKS

OF

HON. ROBERT F. ELLSWORTH

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1964

Mr. ELLSWORTH. Mr. Speaker, one of the unfinished items of the business of this Congress is the enactment of my bill, H.R. 10743, which would relieve truckdrivers, railroad employees, and airline pilots of the burden of having taxes withheld from their paychecks by cities and States where they actually do not owe taxes to those cities and States.

The problems of the cities and States withholding on employees who are engaged in interstate commerce, such as interstate truckdrivers, came to my attention because of the fact that I have a great many such drivers living in my district. The problem is that a number of cities and States are insisting on withholding on a pro rata basis the men's wages on what is in my opinion a tenuous basis.

For example, in the case of one State, the taxing authorities will withhold a pro rata share of the driver's wages if he just drives his truck through a corner of the State in the middle of the night.

The second point to be made is that all employee and employer associations and organizations are in agreement on the necessity for some kind of legislation in this field and the benefits that will come from it, and the inequities that will be corrected by the enactment of this bill.

And the third point to be made is that this legislation has no effect whatsoever on the States rights or powers to tax. That is a completely separate question. My bill goes only to their right to withhold taxes. It appears from the record that some cities and States are taking advantage of the withholding device to get taxes from truckdrivers and others when, really, they do not have a basic right to levy a tax.

Once again, I urge the Congress to give its immediate attention to this matter.

Bulgaria as a Captive Nation

EXTENSION OF REMARKS

OF

HON. ROBERT R. BARRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1964

Mr. BARRY. Mr. Speaker, all captive nations in Europe share one unenviable lot in common; they all suffer under the unrelenting Communist totalitarianism, devised and imposed upon them by the Soviet Union. The Bulgarians, as one of the captive nations, share that fate. Their case is somewhat different in that they were one of the first, even before the end of the war, to be brought under communism. During the war it was agreed among Western leaders and the Soviet authorities that Bulgaria was to become a Soviet sphere at the conclusion of the war. But the leaders of the West never thought that this would eventually mean the isolation of the country from the West, and the enslavement of its people by the Soviet system. Unfortunately, since the Bulgarians were not masters of their own fate at the time, Soviet authorities took full advantage of the situation and quickly established their hegemony over the country with the aid of the Red army and local Communists. And so it came to pass that, at the end of the war the governments of the West were faced with a sad and appalling situation in Bulgaria. They soon learned that the country was under the complete control of the Soviet Union, and they were in no position to alter this situation.

Since then, for nearly 20 years, these brave fighters of the Balkan Peninsula, who are also among the most industrious peasants of the whole region and who in the past had defied many a powerful foe, have now been enslaved and held down in their historic homeland by ruthless Communist totalitarianism. To be sure, they did not submit to their overlords without a struggle; to the end, until 1947, they fought hard to maintain at least a part of their internal political freedom. Before the Soviet-backed local Communist Party emerged as the only party in the country, numerous other parties had large followers—the peasant or the agrarian party alone was more powerful than all Communists and leftwingers combined. The agrarian leaders, headed by the inimitable Nikola Petkov, fought the Communists with all their might. But in the end their efforts were doomed. Though they could have coped with opposing Bulgarian elements, they were no match for the Soviet authorities in the country, supported by the mighty Red army. And the Communists were determined to have it all their way; they wanted to bury the agrarian party and do away with its leader. This they did by mid-1947, when they arrested Nikola Petkov, put him on trial on charges of conspiring against the people, and then executed him on Sepetmber 23. With Petkov's death all opposition to Communist rule was crushed, but Petkov's memory lives on in the hearts and minds of his loyal followers who fervently cling to their ideals of freedom and independence.

Tribute to Dr. Norman Welch

EXTENSION OF REMARKS
OF
HON. KENNETH A. ROBERTS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 15, 1964

Mr. ROBERTS of Alabama. Mr. Speaker, Dr. Norman Welch, president of the American Medical Association, died suddenly on September 3, 1964, in Wyoming. I would like to add my voice to the numerous well-deserved tributes this fine gentleman received, and to add my expression of wholehearted sorrow at learning of his passing.

In recent years I have had the occasion to meet Dr. Welch when he testified before the House Interstate and Foreign Commerce Subcommittee on Public Health and Safety and at various meetings across the country. To all of us in the House who knew him, and there are many, I know I express our united sentiment that the medical profession has lost an eminent and devoted practitioner and spokesman, and that we have lost a friend.

We can share to some extent in the deep grief of his widow and five children and offer them our heartfelt sympathy.

Dr. Welch was a man of quiet dignity. He was amiable and had the wit of his Irish ancestry. He was forceful in his opinions, but never clamorous. He was a devoted parent, a devoted physician, and a devoted exponent of the principles of the American Medical Association. Those who knew him liked and respected him. His deep, calm voice, rich with Boston accent, presided over many meetings of the AMA's house of delegates when he served as speaker of the house and became an expert parliamentarian whom nothing fazed. This is the memory of him that thousands of fellow physicians undoubtedly will carry.

But many others in the Boston area where he was raised and practiced knew Dr. Welch primarily in another role—that of one of the best-liked and capable physicians in New England.

He took his medical degree at Tufts in 1926 and later served as clinical professor of medicine at that college. He served as president of the Massachusetts Blue Shield, which he was instrumental in founding, and was chairman of the National Blue Shield Commission from 1955 through 1958. At the time of his death, Dr. Welch was consultant physician to five Massachusetts hospitals—Carney, Leominster, Winthrop Community, Marlboro, and Metropolitan State. He was also a president of the Council of the New England Medical Society.

Dr. Welch was born in 1902 in Brockton, Mass., the son of parents of Irish descent who had emigrated to the United States from Canada. He considered himself to be a friend of labor, since his father, John J. Welch, was engaged in road construction and was president of a local of the bricklayers' and stonemasons' union. It was not a wealthy upbringing, but Dr. Welch and his family somehow saw him through medical school.

This New Englander was a vigorous advocate of his profession. Once he told a group of reporters that too often newspapers "give publicity to the things that, admittedly, catch the eye but are done by men who do not stand for what we stand for. The doctor who never sends a bill because he knows the patient is in difficulties, the man who works all night with no hope of reward—you don't hear about this."

Dr. Welch was describing the type of physician he was and that most physicians are.

Dr. Welch was a stout believer in the AMA's stands. He was a registered Democrat and a member of a physicians committee for John F. Kennedy when the late President ran for the Senate against Henry Cabot Lodge. He disagreed with the party's platform in 1960 on the issue of financing medical care for the aged, but stated later that in doing so "I still have tremendous respect for President Kennedy."

Dr. Welch was a courteous and gentle man. I mourn his death. But the true mark of this man's greatness is the sorrow and sense of loss of those thousands upon thousands of patients that he treated and who came to love him as a friend and a healer of the sick and injured. A physician could wish no better epitaph.

The Late Honorable William J. Green, Jr.

EXTENSION OF REMARKS
OF
HON. JOHN J. ROONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 15, 1964

Mr. ROONEY of New York. Mr. Speaker, I was truly mortified when the bound volume containing the memorial addresses on the passing of the late Honorable William J. Green, Jr., was issued to find that I was not included among those paying a tribute of respect to him. I regret this very much inasmuch as Bill Green was one of my dearest and closest friends here in the House of Representatives. I was a member of the congressional funeral committee and accompanied President Johnson to his funeral in Philadelphia.

At the time of his passing, Bill Green was one of our outstanding party leaders, serving with distinction since 1953 as chairman of the Philadelphia Democratic City Committee. He was a competent member of the Committee on Ways and Means and a respected Member of the House of Representatives. I have greatly missed him.

A Great Moral Issue: Bobby Baker and the Stereo-Taker

EXTENSION OF REMARKS
OF
HON. JOHN B. ANDERSON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 15, 1964

Mr. ANDERSON. Mr. Speaker, I am sure you have heard the nursery rhyme which is currently titillating the country—the rhyme about Bobby Baker and the stereo-taker. It really is more of a bedtime story because the explanation which comes from Bobby Baker and his friend, mentor, and close associate, Lyndon Johnson, is believable only to simple-minded people.

The result of the stereo farce is that the stereo set now has become the national symbol for the easy virtue and uneasy morals which seem to abound in Washington today. The most discouraging part of the matter is that the majority party expresses no interest in clearing up the mess. They defy their constitutents to do something about it.

The stereo case epitomizes the ugliest concept in our political life—the kickback. This obviously was standard operating procedure during the reign of Bobby Baker, the follower, disciple, and close associate of Lyndon Johnson.

Several characteristics marked Mr. Baker's dealings. One was that he always seemed to make more money than anyone else from his deals; the second was that a kickback nearly always was involved, and the third was that he shared his windfalls with his friends and associates.

It is not surprising, therefore, that an expensive stereo set became the price which Silver Spring Insurance Agent Don Reynolds had to pay in order to write several large life insurance policies on Lyndon Johnson.

The fact of the kickback is indelibly imprinted on the record. At the suggestion of Mr. Baker, Mr. Reynolds purchased a $542.25 stereo set and paid another $42.50 to have the set installed in Mr. Johnson's home.

Mr. Johnson's explanation of the kickback stretches the imagination beyond bounds. He said he assumed it was a gift from Bobby Baker. We are asked to believe this explanation in the face of an invoice—introduced into the record—which shows the bill went to Don Reynolds. Mr. Johnson reads the polls well enough; it is difficult to believe that his eyes failed to record the origin of the kickback.

Over the years we have seen many cases of influence peddling and under-the-table deals. But they pale into insignificance alongside the manipulations of Bobby Baker, a $19,000 clerk who managed to accumulate a fortune valued at nearly $2 million while he was on the public payroll.

Granted that he was an astute young man, it is impossible to believe that Mr. Baker accumulated his fortune without the knowledge of his close associates, such as Lyndon Johnson.

It is difficult to believe that many bosses would accept $542.25 stereo sets from a $19,000 employee without at least casually wondering what was behind it.

It is difficult to believe that there were not many other kickbacks.

It is difficult to believe that this was not an acceptable procedure as far as Lyndon Johnson and Mr. Baker's other close associates were concerned. If it was not acceptable, one wonders why they made no effort to stop it.

One wonders still further why Mr. Johnson to this day has not publicly deplored the activities of his friend, disciple, and close associate.

In the face of this sordid picture, it is unbelievable to me that the majority party cannot wish to clean up the doubts and the entire mess surrounding Mr. Baker's operations. What a cynical attitude toward Government—to believe that the voter has no right to know about stereo kickbacks and similar deals.

I think the picture presented by the stereo is a miniature of a much larger picture—a picture of the moral decay which has beset our Government. If we value our Government, we had better do something about ridding ourselves of this infestation; otherwise it will destroy us.

A Joint Resolution To Settle the Ryukyu Islands Pretreaty Claims

EXTENSION OF REMARKS

OF

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1964

Mr. MATSUNAGA. Mr. Speaker, I have today introduced a joint resolution to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury of persons, and for use or damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952.

This is the same joint resolution—with a minor change in the recitals—that was recommended to the Congress by the Secretary of the Army, with the concurrence of the Department of State by letters dated August 26, 1964, and which was thereupon introduced in the Senate by Senator FULBRIGHT and others on September 8, 1964, as Senate Joint Resolution 199.

I am gratified that this proposal has finally been sent to the Congress by the administration, because I have been concerned about this subject since I came to the Congress and have refrained until now from introducing a bill pending receipt of the administration's official recommendation. The joint resolution serves the same objectives as the bills introduced by the then Representative from Hawaii, Senator INOUYE, and others in the 87th Congress, and that was introduced by Senator INOUYE in the present Congress as S. 270.

The purpose of this resolution is to rectify a serious omission in the U.S. administration of the Ryukyu Islands and to do justice to hundreds of thousands of the inhabitants whose relatives were killed, or who were injured, or who suffered deprivation of property through the acts of our Armed Forces during the period following the termination of hostilities and prior to the Treaty of Peace with Japan. The United States exercised direct and exclusive governmental authority at that time, and we had substantial forces in Okinawa in the strategic interest of the United States, not simply as a consequence of the war against Japan.

The claims of the people affected have been analyzed and reviewed by a joint committee established by our High Commissioner in the Ryukyus, in consequence of which they were scaled down from $43 million, as originally submitted, to approximately $22 million. This includes claims for personal injury and death, for land rentals for the years 1947–50, for restoration of lands released to their owners in damaged condition, for appropriation of water rights, and for damage to buildings and growing crops and trees. Land use claims are not included for the year 1946 because this was a period of postwar adjustment in which owners had generally not yet returned to their lands and produced crops. No interest is included, although the claims have gone uncompensated for 12 years and more.

As a matter of international law, it is unquestioned that the people of Okinawa are entitled to be compensated for these various acts on the part of the U.S. forces. In the main islands, this was done by the Japanese Government under the supervision of the Supreme Commander for the Allied Powers. In the Ryukyu Islands, there was no financially responsible local government that was able to do this, and the Japanese Government was cut off from all participation. The people of Okinawa have repeatedly presented their claims to the U.S. Government as the administering authority. Since the United States exercised direct and exclusive control during the entire period, there can be no doubt of U.S. responsibility to assure that compensation is effected.

Action on the part of the U.S. Government was delayed by a question with respect to U.S. responsibility in international law to pay the claims, in view of the fact that in the Japanese Peace Treaty, Japan waived all claims of Japanese nationals aginst the United States arising from the war and the occupation of Japanese territory. The executive branch has recommended that without accepting legal responsibility, compensation nevertheless be made by the United States in the recognition of the facts that the individual claimants were, through no fault of their own, left uncompensated during the 7 years of the occupation, contrary to the practice followed in other occupied areas; that the United States, as the administering authority for the Ryukyus is concerned with the well-being of the people; that such payment would promote the security interests of the United States; and that it would foster respect for the spirit of fairplay and equity of the U.S. Government.

In introducing this bill, I should like to stress just two facts: that these sums have been due to the individual claimants now for many years, and that payment by the United States is an act of simple justice in view of our complete responsibility for what occurred in the Ryukyu Islands since 1945.

I realize that it is too late in this Congress for action to be taken upon this bill, but I assume that the proposal will be made again soon afer the 89th Congress convenes, and that it will receive prompt and serious attention in that Congress.

Civil Rights and the Riots

EXTENSION OF REMARKS

OF

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1964

Mr. FISHER. Mr. Speaker, supporters of the so-called civil rights legislation are being kept busy these days trying to convince themselves that there is no relationship between the Negro riots and the enactment of the law. There is, of course, no way of proving the point, one way or the other. Since direct proof is not available we must turn to circumstantial evidence. In that respect all the evidence is against the force bill that was approved.

It will be recalled that during the prolonged Senate debate on the bill Negro leaders warned that unless a strong bill was enacted the Negro community would revolt, and there were dire warnings of riots and catastrophe. That threat was echoed by the politicians. And a strong bill was enacted.

Now, less than 3 months later, what do we find? Almost before the ink was dry after the bill was signed, the Negroes staged demonstrations and riots unprecedented in American history. The law-abiding segment of the Negro community was helpless in the face of overwhelming outbursts of Congo-type violence and destruction throughout the land. One who refuses to recognize the relationship between the enactment of the law and the outburst of racial violence simply blinks his eyes to reality.

Mr. Speaker, under leave to extend my remarks I include my current newsletter in which I discuss this unfortunate development:

NEWSLETTER

The aftermath of the civil rights legislation is gradually being felt. It triggered outbursts of lawlessness throughout the land. Already, in the first half of 1964, according to the FBI, serious crimes were up 15 percent over the first half of last year. Negro riots have cost $10 million in property damage, with several killed, 952 injured, 2,484 arrested, and 1,080 shops looted or damaged. Most of this came after the civil rights legislation.

In Chicago, in three New Jersey cities, in Rochester, New York City, and in Philadelphia, the biggest riots were staged—following the civil rights legislation.

Some of this would probably have happened had the civil rights bill not been debated. But the yearlong period of agitation, freedom rides, sit-ins, sit-downs, demonstrations, and repeated assurances from the politicians that the Negroes were at last going to be given their "freedom," served to create psychological climate for the outbursts and reactions from Negroes after the bill was enacted into law.

The same thing happened after the civil rights legislation was enacted in 1957—a round of crime and racial clashes evidently inspired by the agitation employed by politicians in promoting the legislation.

Right here in Washington, the "showcase of democracy," Negro crime jumped sharply after the civil rights bill was enacted. Here, more than any place, the plaintive pleas of the politicians were brought to bear on the minds of the Negro populace during the past year. This served to encourage the criminal element who in a spirit of "new freedom"—which the politicians had promised them—flexed their freedom muscles and celebrated.

During the past year 2,634 major crimes were reported in the District of Columbia, only 206 of which were committed by whites.

One of the sad and unfortunate effects of all this is the image that America presents to the world a Congo-type image of wholesale crime and interracial strife throughout the country.

And the end is not in sight. It will take a long time for this Nation to return to a state of normalcy and overcome the setback in the progress that was being made in the field of race relations before appetite for the Negro vote got the better of the politicians.

Legislation Reviewed

EXTENSION OF REMARKS

OF

HON. JACK WESTLAND

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1964

Mr. WESTLAND. Mr. Speaker, looking back over this session of the Congress, three bills stand out in my mind because of their particular importance to the Pacific Northwest and to my district, the Second Congressional District of Washington State. These bills are the Northwest power preference bill, the wilderness bill, and the land and water conservation bill, all of which have recently been enacted into law.

Because of their importance, and because these bills were of special interest to me as a member of the House Interior and Insular Affairs Committee, I made them the subject of a newsletter report to my district. I believe other Members of Congress may be interested in my views on these matters and, therefore, Mr. Speaker, I insert my newsletter, "The Northwest and Congress," together with the section entitled "As I See It," in the RECORD:

THE NORTHWEST AND CONGRESS

Three bills of major importance to the Pacific Northwest have been passed by this session of the Congress. Because of my membership on the House Interior and Insular Affairs Committee, I was able to participate in the writing of this legislation.

The Northwest regional power preference bill is now law, guaranteeing Pacific Northwest users first call on electric power produced in the Northwest. Before this bill was passed, existing "preference" legislation gave any public or semipublic entity the first chance to purchase federally produced power. It was possible that the city of Los Angeles or the Sacramento Utility District, for example, could claim "preference" over private industry in the Pacific Northwest. This is no longer the case.

With plans for the construction of an intertie system linking the Bonneville Power Administration with California now well underway, the impact of the Northwest power preference bill is tremendous. The Federal Government has agreed to include private and public utilities in a combination effort to build a $700-million intertie network, with the Federal Government paying no more than 40 percent of the total cost. Congress has already authorized $45.5 million to initiate the Federal phase of construction, and the Bonneville Power Administration will soon be able to sell excess power to California and Arizona. The BPA, which has been operating at a deficit, is expected to increase its annual income by $20 to $30 million, and a rate increase, which seemed inevitable for all Northwest power users, will not be necessary. Should BPA's excess power ever be needed in the Pacific Northwest, however, the Federal Government has guaranteed that's where it will be used.

The wilderness bill was also passed this session, climaxing nearly 6 years of effort to write legislation suitable to all. This meant lumbering, mining, recreation and conservation interests had to be satisfied. After many hearings, this has been done with legislation giving statutory protection to some 9 million acres designated as wilderness area. The wilderness system can be expanded, but the final bill retained the view of the House of Representatives that Congress should have the power to initiate legislation providing for any expansion. Had an earlier Senate version of the bill triumphed, Congress would have had only veto power over recommendations of the Executive, and an ill-conceived reversal of the constitutional separation of powers between the Executive and Congress would have resulted.

Still another bill of great importance to the Pacific Northwest and to Washington State is the land and water conservation bill, also approved by Congress this session. I opposed portions of this legislation because it provides funds for the acquisition of more land by the Federal Government when the Government already owns 34 percent of all land in the continental United States. These funds would be financed partly by admission fees, which are not the same as user fees, where facilities such as stoves or launching docks are actually utilized. The admission fee charges a fellow simply to get into a forest or park area, and I'm against this.

Another section of the bill, however, will provide Federal matching for State funds to both acquire and develop recreation areas. Normally, 60 percent of the appropriations will be for State and 40 percent will be for Federal purposes, but the ratio can be varied by annual appropriations acts. It also may be varied up to 15 points by the Executive. I hope the Congress and administration will keep this in mind by designating a greater portion of the Federal money for State-matching purposes, including the development of recreation areas. I have never heard a complaint that the Federal Government owns too little land, but many of you have pointed to the need for greater development of recreational facilities. I would hope this law will be administered to meet this need.

AS I SEE IT

(By Helen Westland)

Have you ever seen that sign "Plan Ahead"? This is just about the predicament of all we congressional wives who are anxious to get out to our various districts, and truly be of some help to our husbands in their campaigns. I got the winter clothes out of storage, then the temperature in the District of Columbia went up into the nineties. I saw to it that the car was in shape for cross-country traveling, had the maps marked with new highways, and here I am, ready to go. Then JACK says, "No, we won't be going this week, but I'll be flying out there to vote in the primary. I'll be back, but you be ready to depart, just in case." Apparently, I'm what you call a slow starter, but believe me, one of these days Congress will adjourn, we will arrive, and we'll both be looking forward to seeing all of you again.

A Great Moral Issue

EXTENSION OF REMARKS

OF

HON. ROBERT DOLE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1964

Mr. DOLE. Mr. Speaker, the American public has been waiting for many months for action to be taken in the Bobby Baker case. They are still waiting.

They are waiting for the Senate to have a real investigation. They are waiting for this body to face the issue of influence peddling in the House. They are waiting for the executive branch to start proceedings against Bobby Baker.

The Senate, having been prodded again by the Senator from Delaware [Mr. WILLIAMS], may start with a flurry of activity. Many feel the "second" investigation will end up in another whitewash.

In the House of Representatives, there may be hope that sharp questions raised as to the integrity of this body will quietly go away if ignored. They may be disposed of in this way, but what happens to the reputation of the House? What kind of Congress will the American people picture in Washington if both Houses sit on their hands and refuse to act quickly and decisively?

These are questions for all of us to ponder. They are questions on which the Democratic leadership must surely take a stand before we go to the people, if and when this session of Congress ends.

Either we will have a Congress which has ignored, covered up, and whitewashed flagrant cases of corruption and influence peddling right in its midst, or we will have a Congress which can proudly say to the people that its hands are clean and that the wrongdoers have been punished.

So far, our hands are not clean.

Turning to the executive branch, there are just as many unanswered questions. A few of them are:

Why has not Bobby Baker been prosecuted for filing a false statement with the Small Business Administration?

Why has not Bobby Baker been prosecuted for the forged signature on his income tax return?

Why has not Bobby Baker been prosecuted for his false affidavit to the Federal Housing Administration?

Why has not Bobby Baker been prosecuted under the Foreign Agents Registration Act for his dealings with and representation of foreign interests?

Why was not Bobby Baker prosecuted for his willful failure to file District of Columbia income tax returns until years late?

These are indictable offenses, yet no indictments have been sought, nor has any action been initiated. Consider the circumstances in these cases.

The first instance was the false information given to the Small Business Administration by Bobby Baker in regard to a loan application in behalf of the Carousel Motel. The fact he listed a $100,000 short-term loan as a capital asset is in violation of Federal law, the Federal false statement statute (18 U.S.C. 1001).

In this connection, included is a press release from the Small Business Administration issued early this year in which a defendant was charged under this same statute for a violation of a similar nature. Why does the law apply to one but not to Bobby Baker?

There was evidence presented to the Senate Rules Committee concerning the forged signature on Bobby Baker's income tax return. This is an indictable Federal offense. Everyone knows it, but why has action not been taken?

There is the apparent false and fraudulent affidavit which was submitted by Bobby Baker to the Federal Housing Administration in connection with his loan for a house in southwest Washington. The evidence shows this was not a house in which Baker ever lived or planned to live. He apparently falsely avowed to the FHA that the house was to be occupied by him or a close relative, as the FHA requires. But, in actuality, Miss Carol Tyler, his secretary, lived in the house.

These offenses have been public knowledge for months. The American people have been waiting for action to be taken. As I said earlier, they are still waiting.

There have been two outstanding success stories of rags to riches—in Washington. They feature Bobby Baker and Lyndon Johnson. These two men were, and still are, I presume, as close as two peas in a pod. Baker's first allegiance was to Lyndon Johnson, his mentor and best friend. Yet publicly Lyndon Johnson now seems barely able to recall Bobby Baker, and the press has done very little digging to learn why.

There is througout America a strong suspicion that someone in a high office is shielding Bobby Baker and others involved from proper Federal prosecution.

The American people will not wait forever—or will they?

The press release follows:

> The Small Business Administration, announced today the return of a three-count indictment on January 23, 1964, in the U.S. District Court for the District of Columbia, charging Louis M. Ray, of Monroe, La., president of First Louisiana Investment Corp., a federally licensed small business investment company, with violations of the Federal false statement statute (18 U.S.C., sec. 1001).
>
> Small Business Administrator Eugene P. Foley said the indictment resulted from information referred to the Justice Department by the Small Business Administration.
>
> The indictment charges that on three separate occasions during 1962 and 1963, the defendant, Ray, as president of the SBIC, executed and submitted to the Small Business Administration, a financial report in which he stated that United Construction Co., Plant City, Fla., was indebted to First Louisiana Investment Corp. in the sum of $47,500, by reason of a loan made to the Florida company.
>
> The indictment alleges that the defendant knew, at the time the statements were made, that there was no such indebtedness. If convicted, Ray could be fined up to $10,000 or imprisoned up to 5 years, or both on each count of the indictment.

Public Policy

EXTENSION OF REMARKS

OF

HON. ROBERT R. BARRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1964

Mr. BARRY. Mr. Speaker, appearing in the Hastings News, a New York weekly newspaper, is a strong editorial purporting to relate a vote in favor of the Tuck bill as a position in opposition to reapportionment of State legislatures and an effort to reverse the one-man, one-vote formula.

The editorial naively went on to say that a vote for the Tuck bill was a vote against greater representation by the town of Greenburgh on the Westchester County Board of Supervisors. Nothing could be less true nor more farfetched.

In the interest of public policy, I would like to clarify these points:

The basic controversy in the Tuck bill lies solely in the matter of jurisdiction over legislative reapportionment of State legislatures. The Tuck bill removes the Supreme Court and lower Federal courts from involvement in this matter in which the Supreme Court itself has refused to intercede throughout its history—that is until 1962. The Tuck bill in effect would place State reapportionment matters back in the hands of the State legislatures and State courts where it had always been before the 1962 decision—Baker against Carr.

A vote for the Tuck bill does not signify opposition to the principle of reapportionment. Although I voted for the Tuck bill, I am decidedly in favor of reapportionment of legislatures when it becomes evident that inequities in representation exist. But, I would stress that the controversy is one of who has jurisdiction to decide, not one of opposition to the principle.

Furthermore, passage of the Tuck bill would leave completely untouched the one-man, one-vote decision handed down this year—Reynolds against Sims. A constitutional amendment would be necessary to reverse this ruling since the decision establishes a constitutional right to one man, one vote.

Contrary to the editorial, local county reapportionment for Westchester is not affected by recent Supreme Court decisions, nor is Westchester County awaiting a U.S. Supreme Court decision on reapportionment of its board of supervisors. Never in the history of the Supreme Court has the Court established jurisdiction over county government reapportionment matters.

Those who would like to pin a "liberal" versus "conservative" label on each side of the argument—terms which are misnomers anyway and which tend to obscure the actual issues—would be interested to look back at the dissent in the 1962 Supreme Court decision. Two apostles of judicial restraint, Mr. Justice Frankfurter and Mr. Justice Harlan, dissented against the decision on the basis that no matter how desirable reapportionment may be in itself, the use of the judiciary for such political reforms reflects a mistaken view of the function of the Federal Courts.

When the Supreme Court by its decisions overruled the will of the people as expressed in public referenda results—it ignored the fact that ours is a Government of, by, and for the people. Thus, the nullifying of the results of a legally constituted election by the Federal courts, is probably the most outrageous and dangerous byproduct of its interference in legislative matters.

I agree with Senator JAVITS, who recently said:

> There may be a case for an amendment to the U.S. Constitution, if it is limited only to permitting the people of any State, if they wish it, to choose by referendum to have one house of their legislature apportioned with reference to a factor other than population.

The Senator has introduced a resolution calling for such an amendment, and I am proud to sponsor an identical measure in the House of Representatives.

The text of the resolution follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:
>
> "ARTICLE XXV
>
> "SECTION 1. Nothing in the Constitution of the United States shall prohibit a State having a bicameral legislature from apportioning the membership of one house of its legislature upon the basis of factors other than population, if such apportionment has been submitted to the qualified voters of the State through a statewide referendum held in accordance with law and with the provisions of this Constitution, and such apportionment has been approved by a majority of those voters in that referendum.
>
> "SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 16, 1964

The House met at 12 o'clock noon.

Rev. Edward G. Latch, Metropolitan Memorial Methodist Church, Washington, D.C., offered the following prayer:

Eternal God, our Father, so high above us that we cannot comprehend Thee and yet so deep within us that we cannot escape Thee, make Thyself real to us as we pray today.

Tired are we of our littleness and we pray that Thou wilt lift us into the fellowship of great minds. Tired are we of our thoughts of discouragement and disappointment and pray that Thou wilt lift us into the companionship of great hearts that in their fellowship our faith may be renewed, our hope strengthened, and our courage confirmed.

Bless Thou the citizens of our country and the leaders of our people. May they and we in these days be wise with Thy wisdom, strong in Thy power, and faithful in Thy faithfulness to us. According to our needs may the riches of Thy grace enter our hearts. In Jesus' name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday were read and approved.

AMENDING AND EXTENDING THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Mr. POWELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3060) to amend and extend the National Defense Education Act of 1958 and to extend Public Laws 815 and 874, 81st Congress (federally affected areas), insist upon the House amendments thereto and agree to the conference asked for by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BRUCE. Mr. Speaker, reserving the right to object, and I shall not object at this time, there has been a great deal of concern on the side of the minority as to what the approach is going to be in the conference committee. We are not at this point completely assured that the House position is going to be firmly maintained. We also recognize the importance of this legislation and feel that we cannot any longer take the position of objecting, although we feel, from the standpoint of many of us, that there are some objectionable possibilities coming out of this conference report. It is our firm hope that the House members of the conference committee will stand as firmly as humanly possible for the House position on this piece of legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none and appoints the following conferees: Mr. POWELL, Mr. PERKINS, Mrs. GREEN of Oregon, Mr. BRADEMAS, Mr. ROOSEVELT, Mr. SICKLES, Mr. GIBBONS, Mr. DENT, Mr. FRELINGHUYSEN, Mr. QUIE, Mr. GOODELL, Mr. GRIFFIN, and Mr. FINDLEY.

WHEAT DUMPING HURTS FARM PRICES

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, the dismal failure of the Johnson farm program is nowhere better demonstrated than in the wheat certificate plan which is robbing most American farmers of at least 11 cents on each bushel of wheat they market.

If Agriculture Secretary Freeman would stop his unprecedented dumping of Government wheat, the price to farmers would quickly rise to the world price, a gain of at least 11 cents per bushel. The U.S. Department of Agriculture is currently pricing Soft Red Winter wheat—the variety widely grown in the Midwest—in export position, Baltimore, at $1.61. This places U.S. wheat 11 cents below the world market price.

However, under the Johnson-Freeman wheat program, the exporter must purchase from the U.S. Government an export certificate amounting to 25 cents for each bushel of wheat he contracts to move overseas.

As a result, the export price of U.S. wheat is boosted 14 cents per bushel over the world price. As a next step in this ridiculous rigmarole, the U.S. Department of Agriculture pays the shipper a 14-cent-per-bushel export subsidy to make him competitive in the world market.

Meanwhile, Secretary Freeman is dumping massive amounts of Government wheat on the local market at the lowest price permitted by law—and thus keeps domestic prices below world prices.

To summarize, our Government dumps wheat at home to keep farm prices down, levies what amounts to an export tax to price U.S. wheat above the world market and then pays an export subsidy to bring it down again.

Obviously, if no export certificate were required, U.S. wheat prices would rise at least to the world market level. Moreover, there would then be no need for an export subsidy to move domestic wheat abroad, and the saving to taxpayers on this subsidy alone would reach an estimated $100 million annually.

This contradictory, indefensible, and patently silly program is costing wheat producers who refused to sign up in the 1964 wheat program at least 11 cents a bushel on this year's crop. And it should be pointed out that nearly two-thirds of the Nation's wheatgrowers—82 percent in Illinois—elected to stay out of the program.

The farmer who complied will, of course, receive a 25-cent-per-bushel subsidy on that part of his crop which moves into the export market. His gain will be offset many times over by the loss sustained by noncompliers as a result of the wheat program operation.

To insure absolutely that there will be no increase in domestic wheat prices which would benefit noncomplying farmers, the USDA continues to dump its price-depressing surpluses on the market in competition with farmer sales of wheat. Since July 1, the Government has sold 90 million bushels of wheat to the private grain trade, double the amount for the same period a year earlier. In addition, USDA has devised a further penalty for Midwestern producers of Soft Red Winter wheat. The Government has boycotted Soft Red wheat under title I of Public Law 480, thus keeping this wheat from many potential outlets overseas.

CONGRATULATIONS TO GEN. THOMAS S. POWER

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, it is reported that when Gen. Thomas S. Power was told that the only subjects that upset Chairman Nikita Khrushchev were God and SAC, a big grin came across the general's face, and he happily replied: "That puts SAC in pretty good shape."

America's Strategic Air Command is indeed in perfect shape and Americans, as well as the free world, can thank the untiring efforts of the man who has headed almost 90 percent of the free world's airpower since July 1, 1957. When General Power is forced to retire on November 30, he will leave a legacy not often matched by a retiring military professional. As we think of his 7 years as commander of SAC, we see:

His position—as the director of the free world's nuclear airpower.

His powers—as large and effective as any military man today.

His deep concerns—many and crucial, involving the security of the Western alliance.

His purpose—peace by deterrence.

His plan—superior airpower.

And his primary concern for SAC—increasing reliability and efficiency. That there is peace today strongly suggests that General Power has been most successful in this demanding job.

During his 7 years as commander of SAC, General Power became an important member of the Omaha, Nebr., community. His civic efforts will be long remembered.

Not only for the people of the Second District and for myself, but for all the Members of the House of Representatives, I send congratulations to Gen. Thomas Power for a job well done.

MILITARY ASSISTANCE TO INDIA

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, it ought to be a jolt to the foreign aiders in Congress to learn that India, the beneficiary of at least 5 billion of our handout dollars, is now buying the latest model supersonic Mig fighter planes and other military weapons including tanks from Communist Russia.

Under a 5-year military aid agreement this administration has agreed to give India $60 million a year in grants and $50 million a year in credits. This is for military assistance alone and does not include economic assistance and handouts under Public Law 480.

Thus "Uncle Sucker" continues to spoon-feed India, that paragon of neutrality, while it takes our money, either directly or indirectly, to help beef up the Communist economy, while depriving American workers of jobs.

How stupid can this administration be?

SOCIAL SECURITY ACT AMENDMENTS OF 1964

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, I wish to express my wholehearted support for the Senate amendment to H.R. 11865, the Social Security Act Amendments of 1964, which would increase the annual earnings limitation for those who receive social security benefits, and urge the House conferees, now meeting on H.R. 11865, to accept this amendment.

Under existing law, social security beneficiaries can earn up to $1,200 annually without losing any benefits, but for each dollar earned above $1,200 and up to $1,700 the beneficiary loses 50 cents in benefits, and for each dollar earned above $1,700 per year, the beneficiary loses $1 in benefits.

The Senate amendment would increase the annual earnings limitation to $1,500 and would provide that for every dollar earned between $1,500 and $3,000 a beneficiary would lose 50 cents in benefits and for every dollar earned over $3,000 a beneficiary would lose $1 in benefits.

In July, 1963, I sponsored a bill, H.R. 7449, to raise the earnings limitation provision in the Social Security Act. The Senate amendment now being considered partly accomplishes the goal of my bill. The earnings limitation of $1,200 a year has not been changed since 1954, whereas during that period, wage rates and living costs have substantially increased.

The present $1,200 annual earnings limitation penalizes those persons who must work in order to augment their social security benefits and discourages many elder citizens who have valuable skills that can contribute materially to the economic well-being of the Nation. The present limitation is discriminatory, in that persons who are over 72 years of age are permitted unlimited earnings without loss of benefits and individuals receiving investment income as opposed to earnings, are not denied benefits.

Mr. Speaker, our Government continues to seek ways and means of improving the lot of our elder citizens, and this is one of the best and most immediate ways we can help those who wish to help themselves.

TRIBUTE TO DINAH KOHNER AND PROJECT HOPE

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, just 1 hour ago the great, white hospital ship, the SS *Hope*, returned to the United States after a 10-month mission to Ecuador.

Aboard her when she docked in New York City this morning were 87 American physicians, surgeons, dentists, nurses, and medical technicians who made up the permanent staff of the floating medical center. Another 165 doctors—many of them specialists—served without pay for 2-month periods.

In 10 months these dedicated Americans gave training to 200 Ecuadorian doctors and three-fourths of Ecuador's registered nurses; performed 1,000 major surgeries; treated 50,000 persons; inoculated half a million, and distributed 200,000 pints of milk to a country which is 80 percent undernourished.

Mr. Speaker, I regret to inform you that one member of the *Hope* staff is not returning home. She is 28-year-old Dinah Kohner.

Dr. Kohner, of Belfast, North Ireland, died last week from injuries sustained in a plane crash deep in the jungles of Ecuador, where her work with undernourished children had earned the gratitude of that nation. She was called a guardian angel by the Ecuadorian press.

Mr. Speaker, I wish to pay tribute to Dinah Kohner and her colleagues of Project Hope. They have made great contributions in this country's continuous war against poverty, sickness, and communism.

LEGISLATIVE PROGRAM

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I make this request for the purpose of inquiring of the majority leader as to the program for the remainder of the week and what he can tell us about next week. I realize, Mr. Speaker, making this request at this time is a little unusual, because it is not the end of the legislative week; however, probably it would be very helpful to many of our Members who are away and to some who would like to get away if they could know at this time what the situation is.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Oklahoma.

Mr. ALBERT. No further business is contemplated for the remainder of this week. In response to the gentleman, Monday is Consent Calendar Day. There will be no suspensions. Tuesday the supplemental appropriations bill for 1965 will be considered.

On Wednesday and the balance of the week H.R. 1096, authorizing the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, will be considered with an open rule and 1 hour of debate. Also, House Resolution 847, to create a select committee to conduct a study and investigation of all factors relating to the general welfare and education of congressional pages, will be considered.

I might advise Members that three very important conference reports are outstanding and that Members should govern themselves accordingly. Any time after Monday of this week any of these could be in order. It will not be called up on Monday, but there is the Public Law 480 conference report and the National Defense Education Act conference report and the social security conference report, and there may be others. Of course, we make the usual reservation that conference reports may be brought up at any time and that any further program will be announced later.

Since we hope we are nearing the closing days of the session, I want to maintain some flexibility in revising the program as often as necessary but in every instance giving Members as much notice as possible.

Mr. HALLECK. May I just make this one further observation, Mr. Speaker, and I am sure the majority leader would not object.

As I understand it, the rules of the House still apply and we have not reached that point coming up for a sine die adjournment when conference reports can be considered the day they are filed. As I understand it, if they are filed one day, they cannot come up until the next day.

Mr. ALBERT. That is correct.

Mr. HALLECK. And I am sure the gentleman, together with all of us who want to cooperate, want to do the best job we can in trying to alert Members as to when, as the gentleman says, these very important conference reports are to come on for action here in the House of Representatives.

Mr. ALBERT. We will certainly endeavor to let Members know. I should think that Members would want to be present after Monday of next week. We will have important business next week. Except for Monday, I think that next week might be an important week. I would like to give that much notice. If there is any change, I would hope to be able to make that announcement on Monday.

Mr. RUMSFELD. Mr. Speaker, will the gentleman yield to me?

Mr. HALLECK. I yield to the gentleman from Illinois.

Mr. RUMSFELD. I would like to ask a question of the majority leader. Could he itemize the legislation that he feels may be before the House not next week but the following week or for the remainder of the Congress?

Mr. ALBERT. Of course, I respectfully suggest to the gentleman that this is a matter that I could not comment upon at this time, because the various committees, the other body, and the leadership on both sides are to be considered in such an announcement.

Mr. RUMSFELD. Does the gentleman anticipate that there will be business in the House of Representatives the following week?

Mr. ALBERT. Yes, I do anticipate that there will be business the week after next. Yes.

Mr. RUMSFELD. May I ask the gentleman this: would you anticipate there would be business the week after that?

Mr. ALBERT. Well, I cannot go that far.

The SPEAKER. The time of the gentleman has expired.

COMMITTEE ON RULES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

WHY LYNDON JOHNSON MUST BE ELECTED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the daily Record and include an editorial from the Saturday Evening Post entitled "Why Lyndon Johnson Must Be Elected."

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I would ask the gentleman is that the same malicious editorial that was mailed out by the Democrat National Committee well before the press release was made concerning the editorial?

Mr. ALBERT. If it was not and they had a copy of it, I would think it was one they should have sent out.

Mr. GROSS. Can the gentleman tell me where the editorial was written—at Democrat national headquarters or where?

Mr. ALBERT. Mr. Speaker, I think the gentleman is downgrading the editorial staff of one of the most illustrious and influential magazines in the country.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE GREAT SOCIETY OR THE WELFARE STATE

Mr. UTT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, when a ship piles up on a well-known reef, while the captain thought he was sailing a true and proper course, it may be interesting, although far too late, to determine the winds and the tides that carried him to his fateful end.

The American ship of state is sailing straight into reef-infested waters. Even now, the submerged reefs are scratching the barnacles from the bottom of the ship. The next reef may well be fatal to our Republic.

Now is the time to determine the winds and the tides that have taken us so far from our charted course, and to correct our bearings before disaster overtakes us.

The American public should understand that the great society, to which President Johnson so enticingly refers, is another example of dialectical materialism. It ranks with "peaceful coexistence," "interdependence," and "making the world safe for diversity." The phrase, "the great society," will entice many flies into the spider web. It is a high-sounding phrase and makes the listener believe that he is to be a part of "the 400" society, which is very respectable. The truth of the matter is that the real meaning of this phrase is the "corporate state" or the "welfare state." If the President used the words, "to create a corporate state," he would attract only the support of the liberals and the Communists, all of whom are working toward a socialist America, with the complete destruction of the capitalist system.

This dangerous course was brought into focus by the late President Kennedy in his speech of July 4, 1962, at Independence Hall, when, after 186 years of freedom, liberty, and independence, he told his audience we are now ready for "interdependence."

In one brief minute, he turned his back on independence and turned the American clock back 186 years. Interdependence is one step away from abject slavery, both in the rise and fall of every civilization. Is that what America wants? Political ties with Europe? We fought the Revolutionary War to break these bonds asunder. Was President Kennedy saying that America must be interdependent to survive? Was he saying that our economic structure had become so weakened since he took office that we must depend upon England, Germany, and Japan to bail us out? Forbid it, Almighty God. The chains of slavery, though cast of solid gold, are not the heritage that I want to leave to my children and my children's children.

This was followed by his speech at American University when he invented the phrase, "We must make the world safe for diversity." This phrase was repeated by Secretary Rusk and by President Johnson, after he assumed office. That phrase again is dialectical materialism, and means exactly nothing but coexistence. Making the world safe for diversity means to bring extreme opposites together in one simple hodgepodge.

And now, the great society. How does the administration propose to create this great society? Not by the expansion of free enterprise. Not by fiscal responsibility. Not by the expansion of freedom and liberty. Not by a strong military posture to preserve this country from external military threat. But rather, the exact opposite of all of these things. We are proceeding on unilateral disarmament which will subject us to destruction or surrender, or to blackmail and appeasement.

To implement the great society, we passed the antipoverty bill, extending welfare beyond the 40 different Federal agencies already engaged in welfare. The President also advocates the reduction of tariffs, leaving many of our industries unable to compete with products from low-wage countries. The proposal for medical care under social security takes us further into the welfare state, for it is the intention of the sponsors of this legislation to expand this program to equal the British system. This would cost the American taxpayers about $22 billion annually, and the social security tax would have to be increased from 10 to 20 percent.

The Appalachia bill, now pending in the House, with a billion-dollar price tag as a starter, is for welfare in the Appalachian region, covering more than 300 counties and overlapping several States. This is a move toward regional Federal governments instead of our historic State governments. One of the counties involved has the highest per capita income of any county in that State—but what does that matter, if the administration can establish the idea of regional Federal governing bodies?

This is the great society, which is simply a corporate state, complete anathema to our historic form of government. It can only be maintained by force, and not by the consent of the governed.

East Germany has a corporate or welfare state—a great society—but the Berlin wall was built to keep the people in this Utopia and not to keep people out of it. There is a complete welfare state in our State and Federal penitentiaries, but the guards are there to keep people in rather than to keep people out. There is no individual freedom or liberty in a welfare state. Your complete life, from the cradle to the grave, is controlled and regulated by the governing bodies. The great society should be exposed for what it really is.

No man escape when freedom fails,
The best men rot in filthy jails,
And those who cried, "Appease. Appease."
Are hanged by those they tried to please.

OAKLAND COUNTY ROLE IN FOREIGN POLICY

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from

Michigan [Mr. BROOMFIELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, a streetsweeper donated by a California city is cleaning 150,000 tons of debris dumped by an active volcano on a Costa Rican village.

A pump from Idaho is supplying water for the residents of an Ecuadorean city being rebuilt after destruction by an earthquake.

A vital farm-to-market road in Peru was built by farmers themselves with tools provided by a Texas labor organization.

These are but a few of the hundreds of projects and programs now underway or being started in Latin America under a unique program called "Partners of the Alliance" which had its beginnings in Oakland County, Mich., the area I represent in Congress.

This new concept of self-help and cooperation is spreading hope for the future throughout South and Central America and is bringing bonds of friendship and understanding where too few existed before.

What is the difference between the "Partners" program and more traditional forms of foreign aid?

First, and most important, is emphasis. Where foreign aid funds are often funneled through Washington and the capital cities of recipient nations, this program deliberately avoids this route. Instead, every effort is made to link an area in the United States with another area with as little to do with Washington as possible.

By taking this direct route, the bureaucratic "middlemen" are eliminated and assistance goes directly to where it will do the most good.

Second is cost. Rather than mammoth "prestige" projects designed to grab headlines and sway political opinion, the "Partners" program sets itself less ambitious goals. It simply tries to help those who need help with as little fuss and as few complications as possible.

Third is participation. Projects and programs are deliberately designed to make use of what already is available whenever possible. Local resources, whether they be human or physical, are not ignored. They are put to use productively and energetically.

Fourth is flexibility. Rather than attempting to fit a program into a bureaucratic mold, the framework is formed after the problem is understood and is tailored to the need.

This flexibility permits the "Partners" program to provide a number of kinds of assistance, ranging from a specific machine tool for a specific task to assistance of a broad nature in providing a generalized land-use plan.

Fifth is cooperation. The "Partners" program is not a one-way street. There is true rapport between the participants. Quite often, participants in the United States will benefit as much as their Latin American counterparts.

An example is the program now underway in an Oregon school district. Students there will benefit by having Latin American teachers in their Spanish classes with a complete grasp of the subject. The teachers will learn American teaching methods during their year's stay here in the United States.

Although the "Partners of the Alliance" program is less than a year old, its roots go back several years.

As a member of the House Foreign Affairs Committee, it became obvious that there was a gap in the foreign aid program as it was being carried out by the newly created Agency for International Development.

AID placed its main emphasis upon economic planning at the country level.

While this method has some advantages, it had the distinct disadvantage of being almost totally incomprehensible to anyone except another economist.

The economists' preoccupation with such indices as the gross national product, per capita income and balance of payments seemed to turn foreign assistance into a table of statistics rather than a direct confrontation with forces out to destroy freedom.

The people in the developing nations simply were unable to understand where they fitted into these tables of statistics and quite often they did nothing.

Furthermore, citizens of many of these countries—particularly those in Latin America—were not used to seeing progress at the local level. Taxes were sometimes paid and sometimes not. In either case, they simply disappeared in the capital city and their results were never seen outside the city limits.

Therefore, I proposed that the bottlenecks in foreign aid be bypassed and that we try assistance from one local unit of government to another.

Numerous meetings were held on this concept with AID, but with too little progress. Finally, I proposed that Oakland County, Mich., join hands with the Cauca Valley, Columbia, and its principal city of Cali to give this concept a try.

In many ways, these two areas are cross sections of what has happened and what will happen here in the United States and in Latin America.

Oakland County has been in the midst of rapid population growth for the past two decades. It has changed from a peaceful, rural countryside with a few small towns to a dynamic, urban area with 700,000 residents.

Some cities in Oakland County grew as much as 800 percent in a 10-year period. Yet, despite this growth, they managed to win national recognition for their sound preparation for the future and the efficient manner in which they handled their many municipal problems.

Cali and Cauca Valley were just entering this period of rapid growth, as hundreds of thousands of former farmers flocked from the countryside into the new cities.

The framework for municipal and local government, devised to meet rural needs in a leisurely fashion, began to fall apart in the face of a population growth in Cali matching that of any other area in the world.

Cali and the Cauca Valley were deeply interested in finding a solution to their pressing problems, and Oakland County was willing to give this area in Colombia the benefit of its experience in coping with an identical situation.

First, a five-man team from Oakland County visited the Cauca Valley to take a firsthand look at its problems and to meet the local officials who were attempting to find the means of meeting them.

The survey team was headed by Mr. Delos Hamlin, chairman of the Oakland County Board of Supervisors and an officer in the National Association of County Officials. Other members of the team were Dr. D. B. Varner, chancellor of Oakland University, at Rochester, Mich.; Mr. George Catlin, director of industrial development for the Detroit Edison Co.; Mr. George Skrubb, director of planning for Oakland County, and Mr. Mark Jaroszewicz, an architect and planner with the firm of Tarapata-McMahon.

The team was paid no wages. Their only reimbursement was for transportation and living costs.

The survey team found want and hunger in the midst of almost unbelievable natural resources. Topsoil in the Cauca Valley ranges from 10 to 30 feet deep. The climate is springlike almost all year around.

Yet, on the hillsides and in Cali itself lived tens of thousands of people in makeshift shacks, without running water or electricity, living with little hope. In most cases, children did not go to school after the third grade, and less than 3 out of every 100 children of school age graduate from high school.

Average wages for a man with a family of three or four children were $1.50 a day, and the cost of living was almost as high as here in the United States.

They found that tax collection at the local level was largely ignored. Of the amount collected in local taxes, almost all went for salaries with less than 5 percent for improvements in living conditions.

There was little understanding of the role that local governments can play in solving local problems.

Following the return home of the Oakland County group, the Cauca Valley sent five of its public officials to Oakland County to study steps which could be taken at the local level to meet these pressing problems.

Oakland County raised private funds to send a full-time representative to the Cauca Valley. Mr. John Madole and his family are now leaving for Cali and a year's stay.

Mr. Madole, a public administrator on leave of absence from Oakland County, will act as liaison between the Cauca Valley and Oakland County.

A 12-point program has been agreed upon by the two groups, and parts of this program already are being put into effect.

The program includes assistance in the fields of regional planning, engineering and public works, public safety, education, industrial development and promotion, medical services and job training.

Funds from Oakland County are already on the way to help equip a vocational education school in Cali, and more equipment is expected to be forthcoming soon.

Two Oakland County students are now studying at the Universidad del Valle in Cali, and two students from the Cauca Valley are enrolled at Oakland University.

The United Automobile Workers sent a representative to take part in a regional labor conference held in Cali last summer. He was asked back by local officials to help free labor unions in their efforts to stay out of the clutches of the Communists and Castroites.

A regional planner will soon journey to Colombia to assist the Cauca Valley in determining its human and natural resources and for working out plans for orderly growth and development.

A public safety expert will go to Cali to assist that community in strengthening its police force and its fire department.

An education expert soon will start a survey on the ways in which public schools can exchange teachers and possibly students between the two regions.

A group of doctors is working on a plan to provide funds and equipment to establish mobile health centers in rural areas and to give assistance to the medical school and hospital at the university in Cali.

Firms have expressed an interest in hiring architects and engineers from Cali on a short-term basis so that they will have the advantage of American experience in working with new techniques and materials.

A number of industries have already inquired about business possibilities in Cali, and an industrial promotion program has been started.

The Cauca Valley-Oakland County program shows great promise for the future and I am certain it will lead to other programs of a similar nature in many other parts of Latin America and the United States.

Programs are already underway between Utah and Bolivia, Idaho and Ecuador, California and Chile, Texas and Peru, Oregon and Costa Rica, southern Arizona and El Salvador, Alabama and Guatamala, and a number of other areas.

There is no doubt in my mind that one of the reasons the "Partners of the Alliance" program will succeed is because of Mr. James Boren.

A former deputy mission director for AID in Peru, Mr. Boren believes in this concept of local self-help and cooperation because he has made it work under difficult conditions.

He has resisted the temptation to dictate to these local "partners" committees and instead has shown rare good sense in staying in the background and letting these committees make their own plans for cooperation.

All of us who are acquainted with this program want to thank him for his judgment and his energy in an approach we are convinced is right.

In my estimation, the "Partners of the Alliance" program will give us firmer allies under the Alliance for Progress. Tomorrow belongs to both hemispheres of the Americas, and we are moving steadily toward greater understanding and recognition of this fact of the future.

THE 150TH ANNIVERSARY OF "THE STAR-SPANGLED BANNER"

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. YOUNGER. Mr. Speaker, unfortunately the House did not meet long enough on September 14, due to the lack of a quorum, so I could not call the attention of the House to the 150th anniversary of the writing of "The Star-Spangled Banner." However, I think, even at this late date, we should give some consideration to this very important date.

It was on the morning of September 14 that Francis Scott Key, then a prisoner on a British ship which had bombarded Fort McHenry during the night, was surprised and inspired, when "at the dawn's early light" he saw that the Star-Spangled Banner was still flying over the fort. Under the inspiration of the occasion, he took an envelope from his pocket and wrote what is now our national anthem.

On this 150th anniversary we are happy to pay homage to the memory of this lawyer who, as a prisoner, wrote the words which have been a source of inspiration to all of us since that day 150 years ago.

RESIDUAL OIL QUOTAS AND THE CONSUMER

Mr. QUIE. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the Littleton Courier, published weekly in Littleton, N.H., in its September 10 edition has two interesting editorials which I would like to call to my colleagues' attention. The first editorial comments on the unfairness of residual oil quotas in the State of New Hampshire and to the New Hampshire consumers. These quotas are costing the State of New Hampshire an estimated $40,000 a year and New Hampshire consumers more than $1 million a year.

As I have pointed out before, here in the House, residual oil quotas are discriminatory and unfair to New Hampshire and New England. In effect, they are nothing more or less than political tribute. There is no evidence that residual oil imports are causing unemployment among coal miners. Their problem is one of automation and should be approached through manpower retraining programs and not by artificial barriers which are paid for by New Hampshire consumers. The irony of all this is that New England already is paying more than any other part of the country for its power and this aggravates the situation further.

The Littleton Courier also has an interesting editorial on consumer protection and comments on steps being taken by this administration to protect the consumer. The Courier wisely notes that the best protection the consumer has is the canniness of the American housewife who does not have to buy a product twice if she is dissatisfied. The Courier points out that Government agencies can never take her place. As I have commented before in connection with this matter, much of the present administration's plans to protect the consumer are hypocritical. They propose truth-in-packaging, truth-in-labeling, and truth-in-borrowing legislation but what the people in this country really need is truth in politics. The manner in which this administration socks the New Hampshire consumer through residual oil quotas to the tune of more than $1 million a year is a case in point.

Because of their general interest and timeliness, I enclose the editorials from the Littleton Courier to which I have referred at this point in the RECORD:

WHY PENALIZE NEW ENGLAND?

Did you know that the State of New Hampshire is paying over $40,000 in premium prices to obtain sufficient heavy fuel to heat State institutions?

This is a direct result of Government restrictions on imports of residual fuel oil used exclusively throughout New Hampshire and the other New England States, notes the New England Council.

Figures recently released by the Bureau of Mines show that during 1963 New Hampshire consumers used a total of 2,524,000 barrels of residual fuel oil. Elimination of import quotas could mean an immediate saving of over $1,262,000 for the people of New Hampshire.

The New England Council, through its Washington office, has been intensifying its efforts to obtain relief for New England from the stifling effects of this discriminatory program. It has found that most New England residents do not realize that they are being penalized unduly because of the restrictions which have been found not in the best interest of our national security and which benefit neither the domestic petroleum nor the coal industries.

There is no justification for east coast consumers paying higher prices for their fuel oil. Industries could expand and more jobs could be provided the 10 million residents of New England, while hospitals, schools, apartment rental and electric costs would drop, if the restrictions were relaxed by the Federal Government. Why aren't they?

CONSUMER PROTECTION

The drive toward consumer protection at the topmost Federal level is making swift progress—if progress is the proper word to apply to it.

Little by little the picture has been clearing. The effort is to build a permanent and powerful organization dealing with consumer affairs in the broadest sense of the phrase.

An Assistant Secretary of Labor is charged with consumer matters, and has close access to the President. A Presidential Committee on Consumer Interests is being organized, with representatives from nine Government agencies. And the Consumer Advisory Council, which has been in existence for some time, is being reorganized with new people.

What will ultimately come of all this remains to be seen. Everything will depend on the attitude of those involved, from the Assistant Secretary on down. If it is a constructive attitude which recognizes the problems and proper responsibilities of all concerned—producer, retailer, and consumer—the work can be helpful. But if it is a destructive attitude, taking the position that consumer protection demands a barrelfull of new laws and regulations, accompanied by a vast extension of bureaucratic control over the processes of production and distribution, enormous harm can be done.

What needs to be remembered is that the best protection the consumer has is the canniness of the American housewife. She does not buy a product twice if she is dissatisfied wtih it, or considers it overpriced. She does not return to a store whose dealings she regards as unfair. Government agencies can never take her place.

THE WAR AGAINST REAPPORTIONMENT

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, we who have become accustomed to such terms as world war, limited war, the cold war, and the war against poverty, must now come to grips with a new concept: The war against reapportionment. This war is now being fought in the Senate where a group of stalwarts are fighting against heavy odds and great public misunderstanding to stave off the current attempt to hamstring the Supreme Court of the United States. The objective of this attempt is to avoid the impact of the Court's recent rulings that the Constitution means what it says, that the people are entitled to the equal protection of the laws, and that those State legislatures which are not in conformity with this constitutional principle will have to be reapportioned. The leader of the fight is Senator Paul H. Douglas, of Illinois, in my opinion destined to be recorded by history as one of the great Senators of the 20th century. Among those who have stood up with Senator Douglas during this critical debate are Senator Clinton P. Anderson, of New Mexico, Senator Clifford P. Case, of New Jersey, Senator Frank Church of Idaho, Senator Joseph S. Clark, of Pennsylvania, Senator Albert Gore, of Tennessee, Senator Philip A. Hart, of Michigan, Senator Lee Metcalf, of Montana, Senator Wayne Morse, of Oregon, Senator John O. Pastore, of Rhode Island, and Senator Abraham Ribicoff, of Connecticut.

The Nation will long be indebted to these men and, if they prevail, our parliamentary procedures may be preserved. For though the issues involved in this struggle are many and complex, nothing less than the democratic process is in the balance. In fact, we may now be witnessing the last gasps and dying breaths of the original concepts of parliamentary procedures infused into Congress by the Founding Fathers. Certainly the integrity of the Supreme Court as a coequal branch of the Federal Government is involved. Certainly the question of whether or not the rural areas of this Nation will continue to dominate the State legislatures at the expense of the urban areas, where most of the people happen to be, is also involved. But overriding these momentous issues is the question of whether there yet remains in Congress a place where representatives of the people may carefully and deliberately consider legislative proposals and hold public hearings if necessary, and a forum where ideas and opinions may be freely discussed and hotly debated.

I charge that the proponents of the statutes and riders that have been introduced to thwart or disturb the Supreme Court's decisions in the State legislative apportionment cases have set out to circumvent the normal legislative processes. If they succeed in this instance they may destroy those processes altogether. It was because of my desire to protect the legislative process, as well as my objections to the merits of the bill, that I voted against the Tuck bill, H.R. 11926. The admitted purpose of this bill is to withdraw appellate jurisdiction from the Supreme Court over State legislative apportionment cases, and to forbid U.S. district courts from deciding such cases in the first place. In other words, the bill would prevent the Federal courts from enforcing the constitutional right to equal protection of the laws, under which the State legislative apportionment cases were decided. Such a bill is obnoxious in itself. It is as obnoxious and as repugnant to a free people as would be a bill to prevent the Federal courts from enforcing the right to freedom of speech, or freedom of the press, or the right of the people to assemble peaceably or to petition the Government for a redress of grievances, or trial by jury, or due process, or any other constitutional right.

Still, bad as this law would be, it would not be as damaging in total effect as are the implications of the manner in which the Tuck bill was brought to the floor of the House and passed. It was introduced July 2, 1964, and assigned to the Judiciary Committee. Normally, of course, a committee considers bills over which it has jurisdiction, holds hearings, entertains the views of interested persons as well as the members of the committee, and decides by majority rule whether to approve or reject the bill. A report is written, together with the minority views if there are any, and the bill may be then brought up on the floor of the House for debate and a vote. In the meantime, when the normal procedures are followed, all the Members of the House and the Senate may have the benefit of the testimony that has been received by the committee and, perhaps of even more importance, the public may be educated as to the full significance of the proposal. But in the case of the Tuck bill none of these steps were taken. Instead, the bill was snatched up by the chairman of the House Rules Committee and without hearing any testimony whatsoever was rushed, "flushed" would be a more appropriate term, to the floor, where it was hastily considered and passed.

Mr. Speaker, that is not the way things are done in a democracy.

In the other august body men of convictions similar to the proponents of the Tuck bill are trying to do the deed in a different way. But the intent and the effects are the same. The purpose of the Dirksen rider to the foreign aid bill is to overturn the decision of the Supreme Court in the State legislative apportionment cases. Again, in order to emphasize the point, I want to say that I happen to agree with the Supreme Court that the concept of political equality can mean only one thing: one person, one vote. This concept has held true in American history from the earliest days and is found in the language and the spirit of the Declaration of Independence, the Constitution, and the 14th, 15th, 17th, 19th, and 24th amendments, Lincoln's Gettysburg Address, and the Civil Rights Acts of 1957, 1960, and 1964. And I agree that the right of each person to vote, and to not have his vote diluted, is applicable in State elections no less than in Federal elections. In the development of our Nation, the forward thrust has been to expand the right to vote so as to include all qualified persons. The Dirksen rider, and the Tuck bill, seek to legitimize State apportionments in which some citizens' votes have 2 times, 5 times, 10 times, and in one instance 420 times, the weight of other citizens' votes. Such situations cannot be squared with the American concept of political equality. I might add that the Texas Constitution, and the constitutions of some other States, already contain provisions consistent with the Supreme Court's decision.

According to the Texas constitution, both the house and the senate of the legislature are to be apportioned substantially in relation to population. The facts are clear that if the members of the State legislatures had done their constitutional duties by reapportioning in relation to population there would have been no need for the Supreme Court to have acted.

But the evil of the contents of the Dirksen rider are outdone by the methods employed by its proponents. Once again, the normal legislative processes have been circumvented. Hearings were never held by a proper committee on the Dirksen proposal, testimony was never received, a report was never written. Neither the Members of Congress nor the public have been able to benefit from the parliamentary procedures which were intended to control this branch of the Federal Government. Instead, the Dirksen proposal was attached to the foreign aid bill, a bill which is as relevant to the rider as the price of tea in China is to the price of chili peppers in San Antonio.

In the Senate, however, floor debate cannot be so arbitrarily limited as it is in the House. That is one light in the legislative process which has not yet been snuffed out. Of course, any procedure may be abused, and there have been times when the right of unlimited debate has been abused. When the other procedures have been taken, when all the arguments have been heard, and both sides have had ample opportunity to present their views, then the need for unlimited debate may be exhausted. But in the present instance the arguments have not been heard.

Thanks to Senator DOUGLAS and his stalwarts, they may be.

With unanimous consent I would like to insert in the RECORD an extremely thoughtful and pertinent statement that appeared in the letters to the editor section of the Washington Post today, September 16, 1964, and an editorial that appeared in the Washington Post on September 10, 1964.

[From the Washington (D.C.) Post, Sept. 16, 1964]

APPORTIONMENT TANGLE

I have retired from regular active service as a circuit judge of the U.S. Court of Appeals for the District of Columbia Circuit and am interested in apportionment only as a citizen.

The Constitution says: "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." And "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States," etc. In cases "arising under" the clause of the Constitution that forbids a State to deny to any person the equal protection of the laws, the Supreme Court has decided that both houses of a State legislature must be apportioned on a population basis so that each person's vote shall have equal weight with every other person's.

The House of Representatives has passed a bill that would nullify these Supreme Court decisions by (1) forbidding the Supreme Court to review cases concerning apportionment of State legislatures, and (2) forbidding U.S. district courts to decide such cases in the first place. If this bill were to become law and were observed, it would remove such cases from the "judicial power of the United States." Because these are cases "arising under this Constitution," Congress has no power to do so. For the same reason, Congress has no power to require delay in such cases, as a different bill now pending in the Senate proposes to do.

The Constitution says: "The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make." And Congress may "ordain and establish" inferior courts. But these constitutional provisions no more authorize Congress to prevent the judicial power of the United States from enforcing the right to equal protection of the laws than the same provisions authorize Congress to prevent the judicial power from enforcing the right to freedom of speech, or trial by jury, or any other constitutional right.

Congress cannot nullify constitutional rights by the simple device of forbidding U.S. courts to decide cases in which these rights are involved. Congress may redistribute among U.S. courts the judicial power to enforce constitutional rights, but Congress cannot eliminate or reduce that power. The Constitution, like other documents, must be read as a whole.

The constitutional grant to U.S. courts of the judicial power to decide all cases "arising under this Constitution" is not subject to any implicit proviso to the effect: provided Congress is willing. The constitutional grant to Congress of the legislative power to determine what questions may be decided by what courts is subject to an implicit proviso to the effect: provided, that the judicial power conferred by the Constitution upon U.S. courts may not be abridged."

HENRY W. EDGERTON.

WASHINGTON.

[From the Washington (D.C.) Post, Sept. 10, 1964]

ROTTEN-BOROUGH RETREAT

Senator DIRKSEN's cloture motion comes before the Senate today with two strikes against it. In the first place sponsors of the motion have failed to show that this is a proper occasion for the limitation of debate. In the second place, the end which they seek to attain would be highly detrimental to the American system of government.

Cloture is an essential device to cut off discussion after all the arguments have been heard, thus enabling the Senate to work its will on an issue that is properly before it. In the present case, however, the arguments have not all been heard. On the contrary, this scheme to upset the Supreme Court's reapportionment decisions was hatched in secrecy and rushed out of the Judiciary Committee without hearings. In these circumstances extended debate on the floor is necessary to alert the country to what is in the wind.

Full debate is further justified by the sly tactics employed to thwart the President's veto power. Instead of submitting the issue to be determined on its own merits, Mr. DIRKSEN is determined to attach his court-curbing bill as a rider to the foreign aid bill. This would be an easy way of getting it before the House and of forcing the President to sign it or risk destruction of the foreign aid program. Certainly there is no obligation on any Senator to support cloture in furtherance of this highly irregular procedure. The limitation of debate is a device to curtail the abuse of power—not to promote it.

On the merits of the Dirksen-Mansfield bill behind the cloture motion the case is equally clear. Senator DOUGLAS accurately characterized this measure when he said:

"I believe that what we are asked to do is to suspend for an indeterminate time the constitutional guarantee of the equal protection of the law, and to deny this protection to individuals who may wish to obtain it."

The Supreme Court has found many State legislatures to be so badly malapportioned that they cannot be reconciled with the equal protection requirement. These rulings have unquestionably become the law of the land. It is not the function of Congress to set aside that law, even temporarily, or to thwart its operation. The spectacle of Congress trying to use its legislative power to deny or temporarily nullify constitutional rights which the Supreme Court has clearly upheld is such a serious encroachment upon the orderly division of powers that even extraordinary measures would be justified to defeat it.

There is much controversy, to be sure, over the soundness of the Court's edict that both houses of the State legislatures must be apportioned on the basis of population. This is a matter for extended national soul searching. The next Congress will be free, if it wishes, to propose a constitutional amendment after exhaustive hearings, analysis and debate. Meanwhile, however, Congress should not seek to short circuit judicial decisions or to prejudice a great national issue by resorting to irregular procedures of its own.

It should also be clear to everyone who probes into this controversy that the "rotten-borough" system must go. Senator DOUGLAS and others have provided an abundance of details to show how grossly unrepresentative most of our State legislatures have become.

The practical effect of the Dirksen proposal would be to keep this system in operation—temporarily through restrictions upon the courts and then through a constitutional amendment which would enable the "rotten-borough" legislators to perpetuate their hold upon the State legislatures forever.

The whole problem needs to be debated, not from the viewpoint of irritations over a court decision, but with the object of rescuing the State governments from the malaise into which they have fallen. The Dirksen way, like the Tuck bill passed by the House, would be merely a retreat back toward the "rotten-borough" system. The Senate can begin its march in the other direction by voting down the cloture motion.

MINORITY

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, Roland R. Hegstad wrote an interesting and stimulating editorial in the current issue of Liberty, a bimonthly magazine, from which we may all benefit.

I ask unanimous consent for permission to insert Mr. Hegstad's statement in the RECORD.

You are about to read a dirty word.

Scrawled on the wall of a Greek Orthodox church by a Cypriot Turk, it would look like this:

EKALLIYET—

Here it is as a Greek would write it on a Turkish mosque:

MEIONOTHE—

Crayoned on a gas-chamber wall at Auschwitz, by a Nazi stormtrooper, it read:

MINDERHEIT—

You can find it in a Pakistani village.

In Bucharest.

Moscow.

In one form or another, it is one of the oldest words in any language.

It echoed in ancient Sumer.

It sparked a decree of death in the kingdom of Darius the Mede.

Nebuchadnezzar, of Babylon, spat it out at three captive youth who would not bow to his golden image.

The Roman Army carved it on a thousand mileposts.

The English used it to blow wind into Pilgrim sails.

But words change meaning, and here in the New World the founders of a new nation took a new look at the word. Out of bitter experience they rewrote its definition.

It became a paragraph in the "noblest instrument ever devised by human pen," as Gladstone called the American Constitution.

Lincoln wrote it into the Gettysburg Address, and we yet strive to capture its full meaning.

Bartholdi engraved it into a line of welcome on a tablet within the Statue of Liberty.

But words change meaning. And today it is in danger of becoming what one columnist has called the "dirtiest word in the language." Here it is:

MINORITY—

Or some would write it nonconformist. Or dissenter.

However they write it, here is how they say it:

"What right has a minority of atheists and agnostics to tell our children they can't pray or read the Bible in the public schools? Isn't this a democracy? And in a democracy, doesn't the majority rule?

"We can't let the minority set the rules for religious freedom."

A searching analysis of results of a recent public opinion poll reveals that "today the American teacher, preacher, or writer who voices an unpopular view can find himself branded not merely 'heretic' but also a traitor. This joining of unorthodox opinion with treason gives enormous power to the forces of conformity, and it presents peculiarly complicated problems to those connected with civil liberties."[1]

Walter Lippmann says it this way in his book "Public Philosophy":

"Mass opinion has acquired mounting power in this century. It has shown itself to be a dangerous master of decisions when the stakes are life and death."[2]

Is it true that the majority rules in a democracy?

You have heard the question.

Now hear this:

In a democracy—or to be specific, our Republic—the majority rules, but not in matters of conscience. In political processes, yes. In consequence, no; for "all men (majority and minority) are created equal, * * * they are endowed by their Creator with certain unalienable rights."

Our forefathers wrote that, remember? They were a minority, a dirty word in the teeth of the Old World. They had fled from lands where the majority ruled the conscience. They came here because the majority ruled the conscience. That was why they wrote their convictions into the Bill of Rights.

Here it was that minority and rights were united in an enduring partnership—unalienable rights. Rights given by God. Rights, therefore, that government is established to protect.

There are minority viewpoints that each of us despises. Human nature being what it is, we must be protected from one another, lest one again cry, "It is expedient for one man to die that the whole nation perish not."

It was that cry that cost the Son of God His life.

In one form or another, it has slain millions of His children.

It is another way of saying, "Minority, get lost."

Words have meaning as we give them meaning. In the Freeman's Dictionary of Unforgotten Lessons we must restore the definition hallowed by our forefathers:

You are about to read a blessed word—minority.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. St. George, for 1 hour, on Tuesday, September 22; to report on the Interparliamentary Union Conference recently held in Copenhagen.

Mr. Schwengel (at the request of Mr. Quie), for 15 minutes, on September 17; to revise and extend his remarks and to include extraneous matter.

Mr. Younger (at the request of Mr. Quie) for 1 hour, on September 24; to revise and extend his remarks and to include extraneous matter.

Mr. Utt (at the request of Mr. Quie), for 1 hour, on September 24; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Rhodes of Arizona.

(The following Member (at the request of Mr. Quie) and to include extraneous matter:)

Mr. Siler in two instances.

Mr. Montoya (at the request of Mr. Albert) and to include extraneous matter.

(The following Members (at the request of Mr. Long of Louisiana) and to include extraneous matter:)

Mr. Powell.

Mrs. Kelly.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 584. An act for the relief of Yih-Ho Pao and his wife, Joanne T. Pao;

S. 1737. An act for the relief of Arthur Wendell Bolta;

S. 1966. An act for the relief of Glenda Williams;

S. 1986. An act for the relief of Hattie Lu;

S. 1999. An act for the relief of Francisco Navarro-Paz;

S. 2205. An act for the relief of Giuseppe DiCenso;

S. 2812. An act for the relief of Joanne Irene Taylor; and

S. 2629. An act for the relief of Czeslaw (Chester) Kaluzny.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on September 15, 1964, present to the President, for his approval, bills of the House of the following titles:

H.R. 3396. An act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes;

H.R. 5159. An act to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes;

H.R. 5498. An act to provide temporary authority for the sale of certain public lands;

H.R. 7096. An act to authorize the exchange of certain property at Independence National Historical Park, and for other purposes;

H.R. 8070. An act for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes; and

H.R. 11162. An act granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Thursday, September 17, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2540. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting report on unnecessary costs to the Government for insurance on Government-owned inventories and special tooling held by contractors under negotiated fixed-price contracts, Department of Defense, was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ELLIOTT: Committee on Rules. House Resolution 847. Resolution to create a select committee to conduct a study and investigation of all factors relating to the general welfare and education of congressional pages; without amendment (Rept. No. 1887). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 882. Resolution for consideration of H.R. 1096, a bill to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes; without amendment (Rept. No. 1888). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 12618. A bill to provide that the expenses incurred by a defendant to certain proceedings for the acquisition of real estate for the United States shall be borne by the United States; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 12619. A bill to amend section 165 of the Internal Revenue Code of 1954 with respect to the taxable year for deducting losses sustained by reason of the seizure of property by a foreign government; to the Committee on Ways and Means.

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[1] Look, Mar. 22, 1955, p. 27.

[2] Walter Lippmann, "Public Philosophy" (Boston: Little, Brown & Co., 1955), p. 20.

By Mr. MONTOYA:

H.R. 12620. A bill to amend the Classification Act of 1949 to restore the granting of step increases on the basis of performance ratings of satisfactory in lieu of the standard of acceptable level of competence, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PHILBIN:

H.J. Res. 1176. Joint resolution authorizing the Italian American War Veterans of the United States, Inc., to erect a national shrine in the District of Columbia; to the Committee on House Administration.

By Mr. MURRAY:

H. Res. 883. Resolution taking H.R. 5932 from the Speaker's table and agreeing to Senate amendments; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. KELLY:

H.R. 12621. A bill for the relief of Giacomo Impastato; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 12622. A bill for the relief of Jesus T. Kangleon and his wife, Solita A. Kangleon; to the Committee on the Judiciary.

H.R. 12623. A bill for the relief of Keun Tak Rim and his wife, Ju Hyun Rim; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1033. By the SPEAKER: Petition of city officials of Newberry, S.C., petitioning consideration of their resolution with reference to requesting a permit be issued to Duke Power Co. to construct a steam generating plant at Middleton Shoals in Anderson County, S.C.; to the Committee on Interstate and Foreign Commerce.

1034. Also, petition of Henry Stoner, Suffern, N.Y., asking Congress to enact legislation requiring uniformity of age minimum for voting in all elections for Federal officials; to the Committee on House Administration.

SENATE

Wednesday, September 16, 1964

The Senate met at 11 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, in whose keeping are the destinies of men and nations, imbue with wisdom those whose lips here speak for the Nation, as they face decisions always with the background of fearful forces of nature which, if not harnessed by mutual good will, may destroy us utterly.

Give us greatness of soul, that the stubborn ounces of our strength may be used to open doors, not of peril, but of plenty, for the whole earth. So distill upon us the dews of quietness and confidence, that in simple trust and deeper reverence we may be found steadfast and abounding in the work of the Lord, knowing that in Him, and for Him, and with Him, our labor is not in vain.

So, send us forth with serenity and calm to meet an agitated world with an unruffled tranquillity which is strength, and an inner candor which is the courage of the soul.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. Humphrey, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 15, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on September 15, 1964, the President had approved and signed the act (S. 935) to protect the constitutional rights of certain individuals who are mentally ill, to provide for their care, treatment, and hospitalization, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Jay W. Wiedeman to be junior assistant sanitarian in the Regular Corps of the Public Health Service, which were nominating messages referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. Humphrey, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETING DURING SENATE SESSION

On request by Mr. Humphrey, and by unanimous consent, the Committee on Finance was authorized to meet during the session of the Senate today.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Subcommittee on Internal Security of the Committee on the Judiciary be permitted to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Loan to Louisiana Electric Cooperative, Inc., New Roads, La.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to the Louisiana Electric Cooperative, Inc., of New Roads, La., in the amount of $56,521,000, for the financing of certain generation and transmission facilities (with an accompanying paper); to the Committee on Agriculture and Forestry.

Report on Unnecessary Costs to the Government for Insurance on Government-Owned Inventories and Special Tooling Held by Contractors Under Negotiated Fixed-Price Contracts

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs to the Government for insurance on Government-owned inventories and special tooling held by contractors under negotiated fixed-price contracts, Department of Defense, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Receipt of Project Proposal Under Small Reclamation Projects Act of 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of a project proposal from the Camarillo County Water District of Camarillo, Ventura County, Calif., under the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alabama; to the Committee on the Judiciary:

"House Joint Resolution 42

"Joint resolution memorializing Congress to initiate a constitutional amendment in relation to residential qualifications of U.S. Senators

"We, your memorialists, the Legislature of the State of Alabama, in extraordinary session assembled, most respectfully represent that there is an urgent necessity for clarification and settlement by law of certain questions pertaining to residential requirements for holding office as a Senator of the United States; and

"Whereas the Constitution clearly contemplates that Senators come to the Congress as representatives of the States and the people thereof and not be designated merely as the Senators representing a State; and

"Whereas there is a danger to the political stability of this country to allow nonresidents and persons not qualified to vote within a State to become U.S. Senators representing the State in the Congress; and

"Whereas no person ought to be eligible to election or appointment as a U.S. Senator unless he is a bona fide resident and qualified elector of the State for which he is chosen: Now, therefore, be it

"*Resolved by the House of Representatives of the Legislature of Alabama (the senate jointly concurring)*, That the Congress be memorialized to act immediately under the authority of article V of the Constitution of the United States and propose an amendment to clause 3 of section 3, article I, of said Constitution, so that the same shall read in substance as follows:

"'No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be a resident of that State for which he shall be chosen, and at said time shall have been a legal resident of that State for six years next preceding his election'; and further

"*Resolved*, That copies of this memorial shall be sent by the clerk of the house to the Speaker of the House of Representatives of the United States, to the President of the U.S. Senate, and to all Members of Congress from Alabama.

"Adopted by the house of representatives August 21, 1964.

"Concurred in and adopted by the senate August 25, 1964.

"Approved by the Governor September 2, 1964."

A resolution adopted by the Board of Trustees of the Village of Tarrytown, N.Y., favoring the repeal of legislation recently enacted to authorize the National Trust for Historic Preservation to establish a museum honoring Jay Gould; to the Committee on Finance.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. WALTERS in the chair). The Chair, for the President pro tempore, announces the appointment of the Senator from South Dakota [Mr. McGOVERN] and the Senator from Wyoming [Mr. SIMPSON] as congressional advisers to the U.S. delegation to the General Conference of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), to be held in Paris, October 20 to November 30, 1964.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment:

H.R. 10294. An act for the relief of Mrs. Lois Graybill (Rept. No. 1585); and

H.R. 11332. An act to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding directly to or returning directly from active duty for training or inactive duty training (Rept. No. 1586).

By Mr. DODD, from the Committee on the Judiciary, with an amendment:

S. 2413. A bill for the relief of Nora Isabella Samuelli (Rept. No. 1587).

By Mr. DODD, from the Committee on the Judiciary, with amendments:

S. 2414. A bill for the relief of Nora Isabella Samuelli (Rept. No. 1588).

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of July 1964. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, JULY 1964 AND JUNE 1964, AND PAY, JUNE 1964 AND MAY 1964

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for July 1964 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In July numbered—	In June numbered—	Increase (+) or decrease (−)	In June was—	In May was—	Increase (+) or decrease (−)
Total[1]	2,491,885	2,481,582	+10,303	$1,391,414	$1,320,466	+$70,948
Agencies exclusive of Department of Defense	1,461,169	1,451,741	+9,428	798,017	762,410	+35,607
Department of Defense	1,030,716	1,029,841	+875	593,397	558,056	+35,341
Inside the United States	2,336,462	2,325,423	+11,039			
Outside the United States	155,423	156,159	−736			
Industrial employment	550,908	549,983	+925			
Foreign nationals	136,707	140,310	−3,603	26,047	25,609	+438

[1] Exclusive of foreign nationals shown in the last line of this summary.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figures to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during July 1964 and comparison with June 1964 and pay for June 1964 and comparison with May 1964*

Department or agency	Personnel				Pay (in thousands)			
	July	June	Increase	Decrease	June	May	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	112,049	108,487	3,562		$56,250	$49,052	$7,198	
Commerce	32,461	33,270		809	21,865	20,941	924	
Health, Education, and Welfare	84,048	83,293	755		47,320	44,193	3,127	
Interior	69,804	69,707	97		40,499	37,410	3,089	
Justice	32,668	32,485	183		22,738	21,832	906	
Labor	9,393	9,258	135		6,340	5,958	382	
Post Office	588,065	585,313	2,752		289,604	284,970	4,634	
State[1,2]	41,697	41,402	295		22,854	22,286	568	
Treasury	88,041	86,748	1,293		55,481	53,664	1,817	
Executive Office of the President:								
White House Office	353	349	4		253	248	5	
Bureau of the Budget	524	520	4		463	446	17	
Council of Economic Advisers	47	41	6		37	34	3	
Executive Mansion and Grounds	76	74	2		56	49	7	
National Aeronautics and Space Council	25	25			24	22	2	
National Security Council	43	43			38	36	2	
Office of Emergency Planning	351	350	1		321	309	12	
Office of Science and Technology	119	69	50		44	58		$14
Office of the Special Representative for Trade Negotiations	30	28	2		27	25	2	
President's Commission on the Assassination of President Kennedy	21	22		1	34	29	5	
President's Committee on Consumer Interests	13	16		3	9	6	3	
President's Committee on Equal Opportunity in Housing	10	6	4		5	5		

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during July 1964 and comparison with June 1964 and pay for June 1964 and comparison with May 1964*—Continued

Department or agency	Personnel				Pay (in thousands)			
	July	June	Increase	Decrease	June	May	Increase	Decrease
Independent agencies:								
Advisory Commission on Intergovernmental Relations	26	31		5	$24	$24		
American Battle Monuments Commission	442	439	3		98	98		
Atomic Energy Commission	7,363	7,270	93		5,950	5,631	$319	
Board of Governors of the Federal Reserve System	638	633	5		440	417	23	
Civil Aeronautics Board	843	840	3		700	669	31	
Civil Service Commission	3,850	3,887		37	2,489	2,409	80	
Civil War Centennial Commission	5	5			5	4	1	
Commission of Fine Arts	6	6			6	6		
Commission on Civil Rights	97	89	8		51	50	1	
Delaware River Basin Commission	2	2			3	2	1	
Export-Import Bank of Washington	295	292	3		223	209	14	
Farm Credit Administration	229	233		4	182	182		
Federal Aviation Agency	45,431	45,438		7	35,588	33,300	2,288	
Federal Coal Mine Safety Board of Review	7	7			$5	$5		
Federal Communications Commission	1,531	1,527	4		1,140	1,076	$64	
Federal Deposit Insurance Corporation	1,342	1,316	26		917	845	72	
Federal Home Loan Bank Board	1,299	1,299			887	903		$16
Federal Maritime Commission	237	231	6		193	195		2
Federal Mediation and Conciliation Service	411	414		3	390	373	17	
Federal Power Commission	1,131	1,132		1	852	791	61	
Federal Radiation Council	4	4			4	4		
Federal Reconstruction and Development Planning Commission for Alaska	6	8		2	5	1	4	
Federal Trade Commission	1,148	1,144	4		896	849	47	
Foreign Claims Settlement Commission	205	207		2	117	105	12	
General Accounting Office	4,363	4,346	17		3,090	2,935	155	
General Services Administration	35,140	34,897	243		18,110	17,230	880	
Government Printing Office	7,369	7,352	17		4,583	4,302	281	
Housing and Home Finance Agency	13,883	13,840	43		9,379	8,853	526	
Indian Claims Commission	20	20			31	22	9	
Interstate Commerce Commission	2,390	2,390			1,789	1,712	77	
National Aeronautics and Space Administration	33,153	32,510	643		26,895	24,035	2,860	
National Capital Housing Authority	431	439		8	232	206	26	
National Capital Planning Commission	58	63		5	45	40	5	
National Capital Transportation Agency	37	43		6	40	41		1
National Gallery of Art	319	[3] 316	3		144	139	5	
National Labor Relations Board	2,075	2,030	45		1,557	1,468	89	
National Mediation Board	136	139		3	121	118	3	
National Science Foundation	1,019	1,063		44	761	692	69	
Panama Canal	14,795	14,773	22		5,282	5,449		167
President's Committee on Equal Employment Opportunity	63	61	2		43	42	1	
Railroad Retirement Board	1,845	1,847		2	1,134	1,086	48	
Renegotiation Board	202	206		4	192	180	12	
St. Lawrence Seaway Development Corporation	163	160	3		108	102	6	
Securities and Exchange Commission	1,375	1,379		4	1,025	978	47	
Selective Service System	7,130	7,108	22		2,393	2,274	119	
Small Business Administration	3,384	3,378	6		2,363	2,246	117	
Smithsonian Institution	1,731	1,569	162		852	799	53	
Soldiers' Home	1,113	1,123		10	381	387		6
Subversive Activities Control Board	29	27	2		24	24		
Tariff Commission	291	289	2		222	207	15	
Tax Court of the United States	155	156		1	137	133	4	
Tennessee Valley Authority	17,551	17,353	198		11,538	10,876	662	
U.S. Arms Control and Disarmament Agency	174	170	4		147	140	7	
U.S. Information Agency	11,936	11,971		35	6,223	5,768	455	
Veterans' Administration	171,884	[3] 172,171		287	83,601	79,950	3,651	
Virgin Islands Corporation	568	591		23	148	255		107
Woodrow Wilson Memorial Commission	1	1			(4)	(4)		
Total, excluding Department of Defense	1,461,169	1,451,741	10,734	1,306	798,017	762,410	35,920	313
Net increase, excluding Department of Defense			9,428				35,607	
Department of Defense:								
Office of the Secretary of Defense	2,135	2,090	45		1,785	1,738	47	
Department of the Army	370,445	369,560	885		210,355	194,175	16,180	
Department of the Navy	330,048	332,682		2,634	194,294	186,903	7,391	
Department of the Air Force	292,406	289,798	2,608		165,839	156,150	9,689	
Defense Atomic Support Agency	1,917	1,931		14	1,039	990	49	
Defense Communications Agency	891	883	8		551	796		245
Defense Intelligence Agency	2,087	2,093		6	1,599	1,472	127	
Defense Supply Agency	30,264	30,274		10	17,616	15,536	2,080	
U.S. Court of Military Appeals	41	40	1		36	34	2	
Interdepartmental activities	8	8			6	5	1	
International military activities	55	54	1		41	40	1	
Armed Forces information and education activities	419	428		9	236	217	19	
Total, Department of Defense	1,030,716	1,029,841	3,548	2,673	593,397	558,056	35,586	245
Net increase, Department of Defense			875				35,341	
Grand total, including Department of Defense [5] [6]	2,491,885	2,481,582	14,282	3,979	1,391,414	1,320,466	71,506	558
Net increase, including Department of Defense			10,303				70,948	

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[1] July figure includes 15,545 employees of the Agency for International Development as compared with 15,642 in June and their pay. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The July figure includes 4,070 of these trust fund employees and the June figure includes 4,084.

[2] July figure includes 1,171 employees of the Peace Corps as compared with 1,082 in June and their pay.

[3] Revised on basis of later information.

[4] Less than $500.

[5] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

[6] In July no employees were reported under the Public Works Acceleration Act (Public Law 87-658). The June figure includes 406 reported by the Interior Department.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during July 1964, and comparison with June 1964*

Department or agency	July	June	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	110,858	107,309	3,549	--------
Commerce	31,816	32,616	--------	800
Health, Education, and Welfare	83,353	82,636	717	--------
Interior	69,208	69,098	110	--------
Justice	32,310	32,124	186	--------
Labor	9,310	9,162	148	--------
Post Office	586,479	583,729	2,750	--------
State [1] [2]	11,107	10,830	277	--------
Treasury	87,376	86,083	1,293	--------
Executive Office of the President:				
White House Office	353	349	4	--------
Bureau of the Budget	524	520	4	--------
Council of Economic Advisers	47	41	6	--------
Executive Mansion and Grounds	76	74	2	--------
National Aeronautics and Space Council	25	25	--------	--------
National Security Council	43	43	--------	--------
Office of Emergency Planning	351	350	1	--------
Office of Science and Technology	119	69	50	--------
Office of the Special Representative for Trade Negotiations	30	28	2	--------
President's Commission on the Assassination of President Kennedy	21	22	--------	1
President's Committee on Consumer Interests	13	16	--------	3
President's Committee on Equal Opportunity in Housing	10	6	4	--------
Independent agencies:				
Advisory Commission on Intergovernmental Relations	26	31	--------	5
American Battle Monuments Commission	7	7	--------	--------
Atomic Energy Commission	7,330	7,233	97	--------
Board of Governors of the Federal Reserve System	638	633	5	--------
Civil Aeronautics Board	843	840	3	--------
Civil Service Commission	3,847	3,884	--------	37
Civil War Centennial Commission	5	5	--------	--------
Commission of Fine Arts	6	6	--------	--------
Commission on Civil Rights	97	89	8	--------
Delaware River Basin Commission	2	2	--------	--------
Export-Import Bank of Washington	295	292	3	--------
Farm Credit Administration	229	233	--------	4
Federal Aviation Agency	44,325	44,327	--------	2
Federal Coal Mine Safety Board of Review	7	7	--------	--------
Federal Communications Commission	1,528	1,524	4	--------
Federal Deposit Insurance Corporation	1,340	1,314	26	--------
Federal Home Loan Bank Board	1,299	1,299	--------	--------
Federal Maritime Commission	237	231	6	--------
Federal Mediation and Conciliation Service	411	414	--------	3
Federal Power Commission	1,131	1,132	--------	1
Federal Radiation Council	4	4	--------	--------
Federal Reconstruction and Development Planning Commission for Alaska	6	8	--------	2
Federal Trade Commission	1,148	1,144	4	--------
Foreign Claims Settlement Commission	174	173	1	--------
General Accounting Office	4,287	4,267	20	--------
General Services Administration	35,116	34,872	244	--------
Government Printing Office	7,369	7,352	17	--------
Housing and Home Finance Agency	13,678	13,637	41	--------
Independent agencies—Continued				
Indian Claims Commission	20	20	--------	--------
Interstate Commerce Commission	2,390	2,390	--------	--------
National Aeronautics and Space Administration	33,140	32,495	645	--------
National Capital Housing Authority	431	439	--------	8
National Capital Planning Commission	58	63	--------	5
National Capital Transportation Agency	37	43	--------	6
National Gallery of Art	319	[3] 316	3	--------
National Labor Relations Board	2,042	1,998	44	--------
National Mediation Board	136	139	--------	3
National Science Foundation	1,015	1,059	--------	44
Panama Canal	169	172	--------	3
President's Committee on Equal Employment Opportunity	63	61	2	--------
Railroad Retirement Board	1,845	1,847	--------	2
Renegotiation Board	202	206	--------	4
St. Lawrence Seaway Development Corporation	163	160	3	--------
Securities and Exchange Commission	1,375	1,379	--------	4
Selective Service System	6,981	6,956	25	--------
Small Business Administration	3,326	3,320	6	--------
Smithsonian Institution	1,713	1,552	161	--------
Soldiers' Home	1,113	1,123	--------	10
Subversive Activities Control Board	29	27	2	--------
Tariff Commission	291	289	2	--------
Tax Court of the United States	155	156	--------	1
Tennessee Valley Authority	17,549	17,351	198	--------
U.S. Arms Control and Disarmament Agency	174	170	4	--------
U.S. Information Agency	3,483	3,475	8	--------
Veterans' Administration	170,897	[3] 171,183	--------	286
Woodrow Wilson Memorial Commission	1	1	--------	--------
Total, excluding Department of Defense	1,397,931	1,388,480	10,685	1,234
Net increase, excluding Department of Defense	--------	--------	9,451	
Department of Defense:				
Office of the Secretary of Defense	2,088	2,040	48	--------
Department of the Army	324,143	322,889	1,254	--------
Department of the Navy	307,314	309,439	--------	2,125
Department of the Air Force	269,373	266,933	2,440	--------
Defense Atomic Support Agency	1,917	1,931	--------	14
Defense Communications Agency	843	834	9	--------
Defense Intelligence Agency	2,087	2,093	--------	6
Defense Supply Agency	30,264	30,274	--------	10
U.S. Court of Military Appeals	41	40	1	--------
Interdepartmental activities	8	8	--------	--------
International military activities	34	34	--------	--------
Armed Forces information and education activities	419	428	--------	9
Total, Department of Defense	938,531	936,943	3,752	2,164
Net increase, Department of Defense	--------	--------	1,588	
Grand total, including Department of Defense	2,336,462	2,325,423	14,437	3,398
Net increase, including Department of Defense	--------	--------	11,039	

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[1] July figure includes 3,068 employees of the Agency for International Development as compared with 2,942 in June.

[2] July figure includes 777 employees of the Peace Corps as compared with 696 in June.

[3] Revised on basis of later information.

Table III.—Federal personnel outside the United States employed by the executive agencies during July 1964, and comparison with June 1964

Department or agency	July	June	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,191	1,178	13	--------
Commerce	645	654	--------	9
Health, Education, and Welfare	695	657	38	--------
Interior	596	609	--------	13
Justice	358	361	--------	3
Labor	83	96	--------	13
Post Office	1,586	1,584	2	--------
State [1] [2]	30,590	30,572	18	--------
Treasury	665	665	--------	--------
Independent agencies:				
American Battle Monuments Commission	435	432	3	--------
Atomic Energy Commission	33	37	--------	4
Civil Service Commission	3	3	--------	--------
Federal Aviation Agency	1,106	1,111	--------	5
Federal Communications Commission	3	3	--------	--------
Federal Deposit Insurance Corporation	2	2	--------	--------
Foreign Claims Settlement Commission	31	34	--------	3
General Accounting Office	76	79	--------	3
General Services Administration	24	25	--------	1
Housing and Home Finance Agency	205	203	2	--------
National Aeronautics and Space Administration	13	15	--------	2
National Labor Relations Board	33	32	1	--------
National Science Foundation	4	4	--------	--------
Panama Canal	14,626	14,601	25	--------
Independent agencies—Continued				
Selective Service System	149	152	--------	3
Small Business Administration	58	58	--------	--------
Smithsonian Institution	18	17	1	--------
Tennessee Valley Authority	2	2	--------	--------
U.S. Information Agency	8,453	8,496	--------	43
Veterans' Administration	987	988	--------	1
Virgin Islands Corporation	568	591	--------	23
Total, excluding Department of Defense	63,238	63,261	103	126
Net decrease, excluding Department of Defense	--------	--------	23	
Department of Defense:				
Office of the Secretary of Defense	47	50	--------	3
Department of the Army	46,302	46,671	--------	369
Department of the Navy	22,734	23,243	--------	509
Department of the Air Force	23,033	22,865	168	--------
Defense Communications Agency	48	49	--------	1
International military activities	21	20	1	--------
Total, Department of Defense	92,185	92,898	169	882
Net decrease, Department of Defense	--------	--------	713	
Grand total, including Department of Defense	155,423	156,159	272	1,008
Net decrease, including Department of Defense	--------	--------	736	

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[1] July figure includes 12,477 employees of the Agency for International Development as compared with 12,700 in June. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The July figure includes 4,070 of these trust fund employees and the June figure includes 4,084.

[2] July figure includes 394 employees of the Peace Corps as compared with 386 in June.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during July 1964, and comparison with June 1964*

Department or agency	July	June	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,911	3,535	376	--------
Commerce	5,787	5,969	--------	182
Interior	9,470	9,176	294	--------
Post Office	275	274	1	--------
Treasury	5,389	5,380	9	--------
Independent agencies:				
Atomic Energy Commission	278	276	2	--------
Federal Aviation Agency	2,661	2,597	64	--------
General Services Administration	2,001	1,952	49	--------
Government Printing Office	7,369	7,352	17	--------
National Aeronautics and Space Administration	33,153	32,510	643	--------
Panama Canal	7,318	7,323	--------	5
St. Lawrence Seaway Development Corporation	159	160	--------	1
Tennessee Valley Authority	14,417	14,230	187	--------
Virgin Islands Corporation	568	591	--------	23
Total, excluding Department of Defense	92,756	91,325	1,642	211
Net increase, excluding Department of Defense	--------	--------	1,431	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 134,952	[2] 134,432	520	--------
Outside the United States	[1] 5,840	[2] 5,887	--------	47
Department of the Navy:				
Inside the United States	186,513	188,146	--------	1,633
Outside the United States	1,275	1,275	--------	--------
Department of the Air Force:				
Inside the United States	126,973	126,272	701	--------
Outside the United States	966	998	--------	32
Defense Supply Agency: Inside the United States	1,633	1,648	--------	15
Total, Department of Defense	458,152	458,658	1,221	1,727
Net decrease, Department of Defense	--------	--------		506
Grand total, including Department of Defense	550,908	549,983	2,863	1,93
Net increase, including Department of Defense	--------	--------	925	

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of July 1964 and comparison with June 1964*

Country	Total		Army		Navy		Air Force	
	July	June	July	June	July	June	July	June
Canada	--------	9	--------	--------	--------	--------	--------	9
Crete	85	84	--------	--------	--------	--------	85	84
England	2,490	2,597	--------	--------	97	108	2,393	2,489
France	16,411	17,049	13,097	13,699	9	8	3,305	3,342
Germany	67,827	69,552	57,130	58,760	71	69	10,626	10,723
Greece	285	273	--------	--------	35	[1] 35	250	238
Japan	43,065	44,178	14,792	15,273	12,520	[1] 13,155	15,753	15,750
Korea	5,506	5,528	5,506	5,528	--------	--------	--------	--------
Morocco	626	637	--------	--------	626	637	--------	--------
Netherlands	54	55	--------	--------	--------	--------	54	55
Trinidad	358	348	--------	--------	358	348	--------	--------
Total	136,707	140,310	90,525	93,260	13,716	14,360	32,466	32,690

[1] Revised on basis of later information.

STATEMENT BY SENATOR BYRD OF VIRGINIA

THE MONTH OF JULY 1964

Civilian employees

Executive agencies of the Federal Government reported civilian employment in the month of July totaling 2,491,885, compared with 2,481,582 in June. This was a net increase of 10,303, including a net decrease of 406 in temporary employment under the public works acceleration program authorized by Public Law 87-658.

Employment by civilian agencies for the month of July was 1,461,169, an increase of 9,428 as compared with the June total of 1,451,741. Total civilian employment in the military agencies in July was 1,030,716, an increase of 875 as compared with 1,029,841 in June.

Civilian agencies reporting the larger increases were Agriculture Department with 3,562, Post Office Department with 2,752, and Treasury Department with 1,293. The largest decrease was reported by Commerce Department with 809.

In the Department of Defense the largest increases in civilian employment were reported by Department of the Air Force with 2,608, and the Department of the Army with 885. The largest decrease was reported by the Department of the Navy with 2,634.

Total employment inside the United States in July was 2,336,462, an increase of 11,039 as compared with June. Total employment outside the United States in July was 155,423, a decrease of 736 as compared with June. Industrial employment by Federal agencies in July totaled 550,908, an increase of 925.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

Foreign nationals

The total of 2,491,885 civilian employees certified to the committee by executive agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 136,707 foreign nationals working for U.S. agencies overseas during July who were not counted in the usual personnel reports. The number in June was 140,310. A breakdown of this employment for July follows:

Country	Total	Army	Navy	Air Force
Crete	85	--------	--------	85
England	2,490	--------	97	2,393
France	16,411	13,097	9	3,305
Germany	67,827	57,130	71	10,626
Greece	285	--------	35	250
Japan	43,065	14,792	12,520	15,753
Korea	5,506	5,506	--------	--------
Morocco	626	--------	626	--------
Netherlands	54	--------	--------	54
Trinidad	358	--------	358	--------
Total	136,707	90,525	13,716	32,466

SUMMARY OF FEDERAL CIVILIAN EMPLOYMENT COSTS FOR FISCAL YEAR 1964 (ENDED JUNE 30, 1964)

For the past 8 years the committee, in its statement accompanying the monthly civilian payroll cost for June (the last month in the fiscal year) has compared the annual cost with the totals for previous years. The following comparison continues this practice.

The cost of civilian employment in the executive branch of the Federal Government in fiscal year 1964, ended June 30, totaled $16,205 million. This was $858 million higher than the preceding fiscal year 1963; and it was an all-time high. The 1964 payroll costs rose, while average employment for the full 12 months of the year decreased 5,009, compared with average employment in 1963.

The 1964 civilian agency payrolls totaled $9,387 million as compared with $8,743 million the year before; and payroll costs for civilian employment of the military agencies totaled $6,818 million as compared with $6,603 million in fiscal year 1963.

Figures by fiscal years since 1954 follow:

Annual Federal expenditures for civilian payroll, executive branch, fiscal years 1954–64

[In millions of dollars]

Fiscal year	Civilian agencies	Defense Department [1] (civilian employment)	Total
1954	$4,865	$4,588	$9,453
1955	4,921	4,700	9,621
1956	5,359	5,167	10,526
1957	5,602	5,399	11,000
1958	6,040	5,415	11,455
1959	6,564	5,766	12,330
1960	6,877	5,760	12,637
1961	7,622	6,026	13,648
1962	7,978	6,318	14,296
1963	8,743	6,603	15,347
1964	9,387	6,818	16,205

[1] Excludes U.S. pay for foreign nationals not on regular rolls (totaling $330,000,000 for fiscal year 1964).

Executive branch employment during fiscal year 1964 averaged 2,488,365, as compared with 2,493,374 in 1963. Civilian agency employment averaged 1,445,813, an increase of 16,159 over the previous year; civilian employment by military agencies averaged 1,042,552, a decrease of 21,168.

Average employment by fiscal years since 1954 follows:

Average civilian employment by Federal agencies, executive branch, fiscal years 1954–64

Fiscal Year	Civilian agencies	Defense Department [1] (civilian employment)	Total
1954	1, 183, 389	1, 252, 775	2, 436, 164
1955	1, 182, 663	1, 184, 627	2, 367, 290
1956	1, 189, 458	1, 174, 584	2, 364, 042
1957	1, 219, 835	1, 174, 263	2, 394, 099
1958	1, 242, 941	1, 104, 403	2, 347, 344
1959	1, 266, 566	1, 085, 676	2, 352, 242
1960	1, 331, 605	1, 054, 740	2, 386, 345
1961	1, 335, 089	1, 037, 356	2, 372, 445
1962	1, 385, 132	1, 058, 676	2, 443, 808
1963	1, 429, 654	1, 063, 720	2, 493, 374
1964	1, 445, 813	1, 042, 552	2, 488, 365

[1] Excludes foreign nationals not on regular rolls (averaging 155,056 for fiscal year 1964).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. JOHNSTON (for Mr. EASTLAND), from the Committee on the Judiciary:

Linton M. Collins, of the District of Columbia, to be judge of the U.S. Court of Claims.

By Mr. GORE, from the Committee on Finance:

Mrs. Mavis Wyatt, of Tennessee, to be collector of customs for customs collection district No. 43, with headquarters at Memphis, Tenn.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPARKMAN:

S. 3192. A bill to create a Small Business Capital Bank, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 3193. A bill for the relief of Kraemer Mills, Inc.; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 3194. A bill for the relief of Aleksandr Kaznacheev; to the Committee on the Judiciary.

By Mr. MUSKIE (for Mr. KENNEDY):

S. 3195. A bill for the relief of M. Sgt. Bernard L. LaMountain, U.S. Air Force (retired); to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 3196. A bill to amend the Internal Revenue Code of 1954 to treat income from property created by the taxpayer as earned income for certain purposes; to the Committee on Finance.

FOREIGN AID—ADDITIONAL TIME FOR AMENDMENT TO LIE ON THE DESK

Mr. CASE. Mr. President, I ask unanimous consent that the amendment (No. 1272) of the Senator from Kansas [Mr. PEARSON], to the foreign aid bill, and which is at the desk, be subject to a further 2-day extension for the purpose of adding cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1640) for the relief of certain employees of the Alaska Railroad, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 92) favoring the suspension of deportation of certain aliens, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House insisted upon its amendment to the bill (S. 3060) to amend and extend the National Defense Education Act of 1958 and to extend Public Laws 815 and 874, 81st Congress (federally affected areas), disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POWELL, Mr. PERKINS, Mrs. GREEN of Oregon, Mr. BRADEMAS, Mr. ROOSEVELT, Mr. SICKLES, Mr. GIBBONS, Mr. DENT, Mr. FRELINGHUYSEN, Mr. QUIE, Mr. GOODELL, Mr. GRIFFIN, and Mr. FINDLEY were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 2306. An act for the relief of Uichi Kayahara;

H.R. 5853. An act for the relief of Robert J. Beas;

H.R. 5978. An act for the relief of Mrs. Maria Eduvigis Aran Heffernan;

H.R. 6008. An act for the relief of the widow and minor children of the Reverend Donald Aksel Olsen;

H.R. 6184. An act for the relief of Louis Stephen Edouard St. Laurent;

H.R. 8967. An act for the relief of Lynette Margaret Warrilow and her child, Michael Warrilow;

H.R. 9406. An act for the relief of Clarence L. Aiu and others;

H.R. 10198. An act for the relief of Sgt. Donald R. Hurrle, U.S. Marine Corps;

H.R. 10879. An act for the relief of John Henry Taylor;

H.J. Res. 1157. Joint resolution for the relief of certain aliens; and

H.J. Res. 1159. Joint resolution for the relief of certain aliens.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 584. An act for the relief of Yih-Ho Pao and his wife, Joanne T. Pao;

S. 1737. An act for the relief of Arthur Wendell Bolta;

S. 1966. An act for the relief of Glenda Williams;

S. 1986. An act for the relief of Hattie Lu;

S. 1999. An act for the relief of Francisco Navarro-Paz;

S. 2205. An act for the relief of Giuseppe DiCenso;

S. 2629. An act for the relief of Czeslaw (Chester) Kaluzny; and

S. 2812. An act for the relief of Joanne Irene Taylor.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated:

H.R. 2306. An act for the relief of Uichi Kayahara;

H.R. 5853. An act for the relief of Robert J. Beas;

H.R. 5978. An act for the relief of Mrs. Maria Eduvigis Aran Heffernan;

H.R. 6184. An act for the relief of Louis Stephen Edouard St. Laurent;

H.R. 8967. An act for the relief of Lynette Margaret Warrilow and her child, Michael Warrilow;

H.R. 9406. An act for the relief of Clarence L. Aiu and others;

H.R. 10198. An act for the relief of Sgt. Donald R. Hurrle, U.S. Marine Corps;

H.R. 10879. An act for the relief of John Henry Taylor;

H.J. Res. 1157. Joint resolution for the relief of certain aliens; and

H.J. Res. 1159. Joint resolution for the relief of certain aliens; to the Committee on the Judiciary.

H.R. 6008. An act for the relief of the widow and minor children of the Reverend Donald Aksel Olsen; to the Committee on Finance.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 16, 1964, he presented to the President of the United States the following enrolled bills:

S. 584. An act for the relief of Yih-Ho Pao and his wife, Joanne T. Pao;

S. 1737. An act for the relief of Arthur Wendell Bolta;

S. 1966. An act for the relief of Glenda Williams;

S. 1986. An act for the relief of Hattie Lu;

S. 1999. An act for the relief of Francisco Navarro-Paz;

S. 2205. An act for the relief of Giuseppe DiCenso;

S. 2629. An act for the relief of Czeslaw (Chester) Kaluzny; and

S. 2812. An act for the relief of Joanne Irene Taylor.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. YARBOROUGH:

Excerpt from speech by him on the welfare of the Federal worker, delivered to the American Federation of Government Employees, at Dallas, Tex., on September 8, 1964.

ORDER OF BUSINESS

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS OF THE ANNUAL CONFERENCE OF THE THIRD JUDICIAL CIRCUIT OF THE UNITED STATES ON RETIREMENT OF JAMES B. BENNETT AND WILL SHAFROTH

Mr. JOHNSTON. Mr. President, I ask unanimous consent to have printed in the the Record resolutions adopted at the judicial session of the 27th Annual Judicial Conference of the 3d Judicial Circuit of the United States, on September 10, 1964, at Atlantic City, N.J. These resolutions, adopted by standing vote of the Judicial Conference, concerning the retirement of James V. Bennett, Director of the U.S. Bureau of Prisons, and Will Shafroth, Deputy Director of the Administrative Office of the U.S. Courts.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolution on Retirement of James V. Bennett, Director of the U.S. Bureau of Prisons, at the 27th Annual Judicial Conference, 3d Judicial Circuit of the United States, Atlantic City, N.J., September 10, 1964.

Whereas Attorney General Robert F. Kennedy has recently announced that the Honorable James V. Bennett, Director of the U.S. Bureau of Prisons, retired from office on August 28 last upon his 70th birthday; and

Whereas Mr. Bennett had drafted the legislation establishing the U.S. Bureau of Prisons in 1930 and became Assistant Director at that time, and then, in 1937, became the Director of the Bureau, a position which he had more than capably filled ever since; and

Whereas Mr. Bennett has been responsible for countless reforms in the Federal prison system, including the legislation establishing Federal Prison Industries, Inc., which have been successfully proven and which serve as models for corrective systems in the United States and also for those in other countries; and

Whereas Mr. Bennett has been largely responsible for the enactment of a number of sentencing and correction acts such as the Youth Corrections Act, and the Omnibus Sentencing Act of 1958 permitting courts to impose sentences designed to help the defendant as well as society and more appropriately serve the ends of justice; and

Whereas Mr. Bennett as Director has been of great assistance to the courts and the judges of the U.S. judicial system; and

Whereas Mr. Bennett has on a great many occasions attended these conferences of the third judicial circuit and participated therein as a panelist: Now, therefore, be it

Resolved by the 27th Annual Judicial Conference of the 3d Judicial Circuit of the United States, That this body commend the Honorable James V. Bennett for the great service beyond the requirements of his normal duties that he has performed for the Government of the United States and congratulate him upon his retirement. We wish him a long, healthy, and happy life.

A true copy of the resolution adopted at the judicial session of the 27th Annual Judicial Conference, 3d Judicial Circuit of the United States, on September 9, 1964, and by standing vote at the general session on Thursday, September 10, 1964.

Ida O. Creskoff,
Secretary of the Judicial Conference.

Resolution on Retirement of Will Shafroth, Deputy Director of the Administrative Office of the U.S. Courts, at the 27th Annual Judicial Conference, 3d Judicial Circuit of the United States, Atlantic City, N.J., September 10, 1964

The members of the Judicial Conference of the third Judicial Circuit of the United States hereby express their sincere appreciation and deep gratitude to Will Shafroth upon the occasion of his retirement of July 31, 1964, as Deputy Director of the Administrative Office of the U.S. Courts, and who, for almost 25 years, has served in various capacities in that office.

Will Shafroth has been of great service and inestimable assistance and help to each of the judges, the members of the judicial conference individually and as members of many committees in which he has guided and aided in the many problems that would arise and be presented, through his wise and thorough counsel, his untiring dedication to duty and extreme patience, his outstanding, warm and penetrating personality.

Will Shafroth has been most sincerely devoted and dedicated to the betterment and improvement of the administration of justice, and an aid to each of the judges within the circuit, in manners and ways that words cannot express. We all wish him the best of health, luck, good fortune, and Godspeed.

A true copy of the resolution adopted at the judicial session of the 27th Annual Judicial Conference, 3d Judicial Circuit of the United States, on September 9, 1964, and by standing vote at the general session on Thursday, September 10, 1964.

Ida O. Creskoff,
Secretary of the Judicial Conference.

OPERATION OF THE ST. LAWRENCE SEAWAY

Mr. LAUSCHE. Mr. President, at the present time a Senate conference committee is making a study of the operation of the St. Lawrence Seaway.

The purpose of the study is to ascertain whether the income that was predicted when the seaway was built was being met. It is further intended that the committee making the investigation and study will ascertain how traffic on the St. Lawrence Seaway might be increased and why the use of the seaway is less than estimated.

I am the chairman of the committee making that study. Hearings have been held in Washington, Detroit, Cleveland, Toledo, and Baltimore. Other hearings will be held in the future.

Today I shall discuss a development in my home city of Cleveland. It is my conviction that what is occurring there is also occurring in a similar degree in other places served by the St. Lawrence Seaway along the Great Lakes.

On Sunday, September 13, the Cleveland Plain Dealer carried a story under the heading, "Job Racket on Docks Bared."

The article states:

> A job shakedown on Cleveland's waterfront is forcing longshoremen to work thousands of hours without pay.
>
> Workers are being compelled to give up an estimated $30,000 or more a year, former officers of International Longshoreman's Local 1317 told the Plain Dealer.
>
> Enforcer of the shakedown is the union local.

The money—in checks made out to the workers—goes into a union treasury over which the union has control. The investigation was capped with signed affidavits from a score of longshoremen union members, supported in detail by what was learned during the investigation.

Local 1317 of the International Longshoremen's Association is unique in that it is an employer and, at the same time, it is a union. In Cleveland, we have the International Milling Co., and Sherwin-Williams Co. For years those two companies have contracted with the union for unloading grain and flax, used to produce flour, cereal, and paint.

The boats are unloaded at company facilities along the Cuyahoga. Union members have said that since 1962 they had been working grain boats and giving up all or a part of their pay.

A Plain Dealer reporter in September 1962 worked a 12½-hour day on a ship after being hired through Fargo's agency. From his earnings of $43.93, he received a check for $24.10.

And they had no choice.

If they refused to work for the union without pay, they would find the hiring hall would not hire them on other jobs or that their jobs were changed or their hours sharply cut in work they performed for pay.

They would find the hiring hall would not hire them on other jobs, that their jobs were changed or their hours sharply cut in work they performed for pay.

According to the report, those two companies—the International Milling Co. and the Sherwin-Williams Co.—whenever a boat came in with goods to be delivered to them, would hire the International Longshoremen's Association hiring hall to provide stevedores to unload the ships. The hiring hall was paid an agreed price for doing the unloading. The hiring hall operated by the union would then call in its members to do the unloading. It required the members either to unload and work without receiving any pay, or a part of the pay to which they were justly entitled.

The operations began in 1962. They have continued ever since. Workers had given of their time and labor for hours in many instances without receiving any pay whatsoever.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I might have 5 additional minutes.

Mr. KUCHEL. Mr. President, I would be happy to join with my friend in urging that he be granted the additional time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. The Senator from California always shows good judgment.

Mr. KUCHEL. I thank my able friend.

Mr. LAUSCHE. In the city of Cleveland there has been trouble along the docks. Foreign ships coming into port have had to pay what has been claimed to be excessive charges for the work that has been done in their behalf. Situations have arisen in which dockworkers have refused to unload ships from foreign countries because of a dispute with the stevedoring company requiring those ships to leave the Cleveland port and to go to other ports along the lake to unload.

Mr. President, I should like to point out more material dealing with the situation. The article states that in the investigation one of the workers was asked—

> "Why was it necessary to work for nothing on the grain boats?" A longshoreman replied:
>
> "Because they say I have to. If I say no, they wouldn't hire me for other jobs."
>
> Another said:
>
> "If I wanted to work, I had to work the grain boats. If I wanted to work I had to. I wouldn't be hired for any other work."
>
> And another:
>
> "Well, if I didn't (work grain boats for nothing) I wouldn't have been hired the next day, or it would have cause some sort of friction on the job."
>
> A boss explained why the men kicked back their pay:
>
> "They either worked or they didn't work anyplace else. If they were premium men (skilled machine operators) they wound up in the hole."

In other words, if they did not agree to work for nothing, they received no jobs at all or wound up in the hole.

Some men did refuse. Their answers in affidavits were as follows:

> Answer. Yes, I refused to work when they asked me—refused unless I would get paid—so they won't hire me.
>
> Question. How many days are you working now?
>
> Answer. Two or three days a week.
>
> Question. Do you think you are not getting hired now because you refused to work on the grain boats?
>
> Answer. Yes. They said if you work the boats you get preferred hiring.
>
> A second longshoreman, asked the outcome of his refusal to work grain boats this year, said bluntly:
>
> "Less hours and less work."

That was the situation which prevailed.

The excuse given for making those men work without pay was that the money which they would have earned was to go toward the building of a new structure or union headquarters for the union. The practice was begun in 1962. It was originally stated that 1 day's work would be demanded of them. That has been going on now for practically 3 years without any indications that there will be a reduction in the practice.

I wish to read further what the investigation shows. One longshoreman explained what happened:

> Question. Were these men (at the beginning of the program in 1962) under the impression they were going to get paid?
>
> Answer. The way this started, they were going to use (wages from working) one or two grain boats for the building fund.
>
> Question. By that, you mean that money that would have been wages for men working grain boats would instead be deposited in a building fund?
>
> Answer. That's correct.
>
> Question. What happened?
>
> Answer. This thing, once it got started, it never stopped. It was too good a thing.

Mr. President, the present occupant of the chair (Mr. WALTERS) was not in the Senate in 1959 when we passed the Landrum-Griffin bill. When that bill was debated, one of the issues under protracted discussion was the formulation of a bill of rights for workers. The principle involved was that the workers had rights similar to the rights that were declared to be the bill of rights of American citizens. Into the Landrum-Griffin bill we wrote provisions that membership in unions was not to be exploited by taking from the members of unions their duly constituted rights as citizens.

Here we have a situation in which men wishing to work, though belonging to a union, were not permitted to work unless they surrendered their inherent rights.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, may I have 5 more minutes?

Mr. KUCHEL. I join with the Senator in urging the Chair to grant his request.

Mr. LAUSCHE. Again the Senator is showing good judgment.

Mr. KUCHEL. I thank my friend.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. That phase of the Landrum-Griffin bill with relation to enforcement has been assigned to the Department of Labor.

The Labor Department is supposed to investigate complaints of workers who have been denied their rights by unions. I know that the attention of the Labor Department has been called to this situation. Statements have been made that the Department will investigate.

I appear on the floor today mainly to request the Labor Department to go into this situation and others similarly existing, and determine whether or not there has been a violation of the Landrum-Griffin Act, and, when the determination is made, to take such action as the law provides.

The citizens of the interior, and especially of the Midwest, argued for the establishment of the St. Lawrence Seaway. They did so because they believed the cost of transportation of their products, to be distributed around the world, would be substantially reduced if the seaway were built. I believed that to be a fact. Now, however, we find that in various communities along the lakes the longshoremen's union has gained control. It is operating the docks. It is practically determining who shall be hired and who shall not be hired. It is laying down rules that, if one wants to work, he must bow to the dictations of that union. The result is an indefensible denial of the rights of workers. It is an exploitation of the worker. It is a theft of the taxpayers who paid $135 million, being the U.S. share to build the seaway. It forebodes an abysmal control by the union, especially in the city of Cleveland, and the destruction of the dreams as to what the St. Lawrence Seaway would produce.

In the hearings that were conducted on the St. Lawrence Seaway, two subjects of extreme importance were brought out. One concerned the control of the union on ships on the high seas. The testimony disclosed that our Government built the U.S. nuclear ship the *Savannah*. Eighty-two million dollars of the taxpayers' money was expended in the construction of that ship. It was supposed to be the pride of the United States sailing on the high seas.

The odd aspect with respect to that nuclear ship was that the Government spent thousands of dollars training the engineers to man the nuclear ship. The wages of those engineers were to be from $14,000 to $22,000 a year. They received the training at the Government's expense. But when the time came to sail, the leader of the labor union told them they could not man the *Savannah*.

Consequently about 2 years were needed to train new men. I point out that fact to show the abnormal control the unions have over what is done at our ports and over sailing on the high seas.

Another situation involves the steamship *America*. It also involved a dispute between the National Maritime Union and the Marine Engineers Beneficial Association. It involved a jurisdictional dispute which tied up all the ships along the Atlantic seacoast for a lengthy period.

The steamship *America* was ready for movement out of the port of New York on its first trip to carry passengers, but that departure never took place. It did not take place because of a dispute between the Marine Engineers Beneficial Association on the one hand and the National Maritime Union on the other. These two rivals got into a jurisdictional dispute. The result was that, instead of taking its initial voyage with passengers, the ship lay idle in the port of New York. It had on board 1,600 passengers. They were waiting for the whistle to blow to announce the departure. They waited through the day and through the night, but the ship did not leave. In the morning came notice that, because of the dispute between the labor unions, the ship was not leaving. The 1,600 passengers had to leave the ship the *America*.

This condition ought not to be permitted to exist. We speak of our freedoms; yet we surrender the management of our economy to self-constituted labor czars, labor czars who have complete control over the ability of the members of the unions to work, to be told who shall or who shall not work. They run the economy of this country. Yet we stand by idly and do nothing about it.

Unless the Labor Department takes action in this matter and makes certain the law is complied with, we shall be contributing further to the surrender of government to men who have no right to try to operate the Government.

I have in my hand a number of articles dealing with this subject appearing in the Cleveland Plain Dealer of September 13 and 14. I ask unanimous consent that the articles be printed in the RECORD, and I yield the floor.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, Sept. 13, 1964]

U.S. PROBES DOCK KICKBACKS

(By Samuel F. Marshall)

U.S. Attorney Merle M. McCurdy this morning will launch a Federal investigation of job shakedowns on the Cleveland waterfront.

McCurdy told the Plain Dealer he would meet with top Department of Labor officials here to discuss charges by former officers and members of Longshoremen's Local 1317 that dockworkers have been required by the union to work thousands of hours without pay.

The shakedowns, in which workers were compelled to give up an estimated $30,000 or more a year, were revealed in a copyrighted article in the Plain Dealer yesterday.

In other developments yesterday in the wake of this newspaper's disclosures:

Melvin J. Burton, district director of the Internal Revenue Service, said he would investigate for possible violations of income tax laws in the union's activities.

Thomas F. Coakley, president of the Cleveland Stevedore Co., called for a painstaking investigation of charges that union members had been forced by the union to unload grain boats without pay since 1962. "Someone ought to go to jail for this," Coakley said.

The shakedown charges were made in signed affidavits by a score of longshoremen. The affidavits backed up findings uncovered in a 6-week investigation by the Plain Dealer.

Union members said if they refused to work the grain boats without pay, the union hiring hall would not hire them on other jobs, their jobs were changed or their hours sharply cut in other work.

The hiring hall is run by union chief Daniel J. Greene. He negotiated the hall deal in 1962 with three Cleveland stevedoring companies, (1) the Lederer Warehouse Terminal Co., (2) Cleveland Stevedore Co., and (3) Nicholson Cleveland Terminal Co.

The contract gives the union the exclusive right to decide who is eligible to work on the ILA-represented docks.

McCurdy said he had been concerned about the situation on the docks "for some time."

He said he had heard rumors of kickbacks on the waterfront but had not been able to come up with anything definite.

The Plain Dealer investigation, he said, "could give us our toehold."

Meeting with McCurdy today will be Aaron A. Caghan, regional attorney for the Department of Labor; Joseph Caiola, area director of the office of Labor Management and Welfare Pension Reports; and Philip Fusco, regional director of the National Labor Relations Board.

Caiola's department is directly responsible for probing suspected violations of the Labor-Management Reporting and Disclosure Act of 1959 (Landrum-Griffin Act).

Caiola said he would have to study the grain boat charges before making any comment.

McCurdy said the primary purpose of today's meeting would be to "study the possibility of asking for a grand jury investigation."

The next Federal grand jury is to be impaneled a week from today, he said.

"The Plain Dealer investigation should be a great help to us," McCurdy said, "especially if the affidavits were made available. Whatever confidences you have extended we would honor in our investigation."

Caghan said he was "not entirely sure" any violation of the Landrum-Griffin Act had taken place.

He added, however, that the possibility would be explored along with possible violations of the Taft-Hartley Act and the Copeland Act, an antikickback law that applies to contracts entered into by the Federal Government or contracts that involve Federal funds.

The affidavits charged that most of the money paid to the union by the companies served by the grain boats—the Sherwin-Williams Co. and International Milling Co.—went into a union "building fund" controlled by Greene.

Greene contends the payments were made willingly and that the complaints were attempts to stir up trouble by a few "dissidents."

The union members say they had been paid for unloading some grain boats and had been required to sign over other paychecks to the union.

In many cases, they said, they never saw the checks for unloading the boats.

Later, the longshoremen said, they were sent W-2 forms (withholding tax statements) that showed wages they said they had not received.

Burton said the IRS, in the matter of the W-2 forms, would "size the situation up and decide what action to take."

"We will consider whether there are any income tax angles to this thing." Burton said.

Coakley, a frequent critic of the ILA operations here, said he had "been aware of what is going on but I could not get anyone's ear."

"He (Greene) has intimidated them (union members) to the point where nobody would say anything. But apparently the Plain Dealer has broken through," Coakley said.

[From the Cleveland Plain Dealer, Sept. 13, 1964]

Homegrown Product: Dock Boss Greene Is No Mystery Man

(By Samuel F. Marshall)

Daniel J. Greene, ruggedly handsome strongman of International Longshoremen's Local 1317, has been called a mystery man who sprang from nowhere into the top spot on Cleveland's turbulent waterfront.

It isn't so.

He's a homegrown product. His father, Daniel J. Greene, Sr., 77, is a retired typographer who was active politically and, according to former Mayor Thomas A. Burke, "worked hard for me in my campaigns."

The local's lawyer, Joseph P. Sullivan, has long known the son. He knew Greene's father. And like the senior Greene, Sullivan was close to Burke—being his secretary when Burke was mayor.

Suddenly, after apparently securing himself in his powerful post, Greene faces an uprising from his ranks. A score of longshoremen have bolstered a Plain Dealer investigation into Greene's handling of union affairs.

In yesterday's Plain Dealer these workmen told of being pressured by the union to work free on grain boats, or otherwise to lose favor with the union which has the say-so over who works and where on Cleveland's waterfront.

Danny—the appellation he prefers next to "Mr. Greene"—was a rough-and-tumble Irish kid reared in the tough Collinwood area. He never finished high school—a move he now says he regrets.

"I'm studying to get my high school diploma and then I want to go to this Cleveland Community College," he has said.

Greene, 34, served in the Marine Corps, and from there got a job as a brakeman in the New York Central Railroad's Collinwood yards.

He appeared first on the waterfront in 1957.

In 1961 he was named trustee of the local through the graces of former ILA International President William V. Bradley. Bradley dumped the former local 1317 president, Walter Weaver, for, ironically, operating as an employer in accepting contracts to unload grain.

Greene immediately became controversial—and thrived on each controversy.

First he weathered an election storm involving the selection of officers for the Great Lakes District of the ILA.

His tenure as waterfront boss has coincided with a series of shootings, pilferage, and violence on the docks.

In the fall of 1962 the Plain Dealer exposed a hiring hall racket, set up with Greene's approval in which Peter Fargo, 58, operator of Best Labor Service, Inc., was hiring casual labor for dock work for a fee.

A Plain Dealer reporter in September 1962 worked a 12½-hour day on a ship after being hired through Fargo's agency. From his earnings of $43.93, he received a check for $24.10.

His feuds with management, and particularly with Thomas Coakley, president of Cleveland Stevedore Co., have been many and have worried port officials.

Daniel John Patrick Greene is a restless sort.

Few people stay in his inner circle for long.

Robert Quinn, a former railroad buddy, became a first vice president of the union only later to become a former longshoreman.

Chauncey Baker, another friend from railroading days, was Greene's first business agent and hiring boss, lasted a year in that post, then was chosen Greene's second vice president. He is now an ex-officer.

Edward Stromsky, a veteran longshoreman, suited Greene's fancy for only a few weeks before becoming an officer, now deposed. Michael Kocuba, local president when Greene became secretary-treasurer, met a similar fate.

Greene in 1962 became president and business agent, with John Baker, Chauncey's brother, becoming first recording secretary and then administrative secretary—a paid position—of the local. John Baker is now another union member without title. The same for Kevin Hanratty, who served a stint as recording secretary.

Earlier this year a girl filled the spot held by John Baker.

Paul Kocuba has survived two terms as a vice president; Leon (Skip) Ponikvar, focal point in one shooting scrape on the docks, identifies himself as a vice president, but members don't recall his being elected.

The color green is a fetish for Greene.

His car is a green Cadillac. The union hall is painted green. The ink in his pen is green. The jackets worn by those in his favor are green. The union's bylaws are printed in green ink. Green paper is used on some bulletin board notes.

He is equally fervent in his liking for Democrats.

Bronzed busts of the late President John F. Kennedy and Jacqueline Kennedy—which he said are gifts of the Nicholson Cleveland Terminal Co.—adorn his office. Between them is a plastic encased new Kennedy half-dollar.

On a wall are drawings of former Presidents Harry S. Truman and Franklin D. Roosevelt. And in his bookcase are "The Enemy Within," by former U.S. Attorney General Robert Kennedy, and "The Last Hurrah," a book depicting the life of former Boston Mayor James Michael Curley.

Nothing is halfway with Greene. This includes his penchant for cleanliness.

The union hall—even the parking lot—is spotless. And he himself is immaculate. That a nail brush in the sparkling bathroom in the hall is used regularly can be seen by eyeing Greene's well-manicured fingernails.

He sometimes boasts of his power, as in saying, "Sure, I rule with an iron hand, but that hand is with society and the port, not against them."

That he does indeed rule with an iron hand can be seen in the revolving door aspect of his membership. Nearly 500 men have entered or left the union in less than 4 years. It now has a membership of about 210.

Many have paid steadily rising initiation fees—fees that were $150 a man when Greene assumed command and are now $410 a man. Each member also pays the steadily rising dues—dues that were $3 a month before Greene have skyrocketed to $10 a month every month plus 6 cents an hour for each hour worked.

This is a brief outline of the unusual man who leads Cleveland's longshoremen.

[From the Cleveland Plain Dealer, Sept. 14, 1964]

STEVEDORE FIRM CHIEF ASKS PROBE

Thomas F. Coakley, president of the Cleveland Stevedore Co., yesterday called for a sweeping investigation of Longshoremen's Local 1317 and its president, Daniel J. Greene.

Coakley said he had been hearing for some time of kickbacks by union members to the local.

He applauded the Plain Dealer for its probe of charges by unionists that they were required to go along with the shakedown or be given inferior and fewer jobs.

"I have been aware of what's going on but I couldn't get anyone's ear," Coakley said, "and I couldn't prove it."

"No one ever had these problems in the 50 years of relations before Danny Greene took over," Coakley added.

(Greene, at the time an unknown dockworker, took over leadership of the union in 1961.)

"He's intimidated them to the point where nobody would say anything," Coakley said. But apparently the Plain Dealer has broken through.

"Someone ought to go to jail for this," he commented.

"They're (the union leadership) exploiting the common workingman and now these poor guys are having trouble making a living," Coakley said.

[From the Cleveland Plain Dealer, Sept. 14, 1964]

ILA KEEPS WORKERS' PAY

(By Samuel F. Marshall)

A job shakedown on Cleveland's waterfront is forcing longshoremen to work thousands of hours without pay.

Workers are being compelled to give up an estimated $30,000 or more a year, former officers of International Longshoremen's Local 1317 told the Plain Dealer.

Enforcer of the shakedown is the union local. Its weapon is the union hiring hall. Its boss is dapper Daniel J. Greene, controversial leader of the union.

The money—in checks made out to the workers—goes into a union treasury over which Greene exercises tight personal control.

The racket was uncovered in a 6-week investigation by the Plain Dealer. The investigation was capped with signed affidavits from a score of longshoremen backing up in detail what was learned during the investigation.

Local 1317 of the International Longshoremen's Association is unique in that it is an employer in the same field in which it is a union.

The International Milling Co., and Sherwin-Williams Co. for years have contracted with the union for unloading grain and flax used in producing flour, cereal, and paint. The boats are unloaded at company facilities along the Cuyahoga River.

Union members told the Plain Dealer that since 1962 they have been working grain boats and giving up all or part of their pay. And they had no choice.

If they refused to work for the union without pay, they would find the hiring hall would not hire them on other jobs or that their jobs were changed or their hours sharply cut in work they performed for pay.

The hiring hall, negotiated by Greene with three Cleveland stevedoring companies, gives the union exclusive rights to determine who is eligible to work on all ILA-represented docks.

The contract covers Lederer Terminal Warehouse Co., and Cleveland Stevedore Co., which handle almost all general cargo work in the port of Cleveland. It also is binding on the Nicholson Cleveland Terminal Co. Nicholson unloads primarily newsprint for the Plain Dealer and the Press.

Lederer and Cleveland Stevedore are the main source of employment here for longshoremen in the loading and unloading of foreign and domestic general cargo ships that come to Cleveland all summer long.

Men working on their docks are picked daily at the union's hiring hall at the foot of West 3d Street in what is called a shapeup.

Here the union bosses pick the men who will or will not get a day's work as well as those who get the fat-paying jobs that range up to $3.45 an hour.

Those who refuse to work grain boats or otherwise complain told the Plain Dealer they got no work or were sent down into the ship's holds, doing the toughest and lowest paying job at laborers' rates of $2.90 an hour.

To the question "Why was it necessary to work for nothing on the grain boats?" a longshoreman replied:

"Because they say I have to. If I say no, they wouldn't hire me for other jobs."

Another said:

"If I wanted to work, I had to work the grain boats. If I wanted to work I had to. I wouldn't be hired for any other work."

And another:

"Well, if I didn't (work grain boats for nothing) I wouldn't have been hired the next day or it would have caused some sort of friction on the job."

Grain boat work is hot work, dusty work, hard work. The men who unload the grain must wear protective masks to prevent their lungs from filling with the pulverized dust that packs the surrounding air.

Their primary job is holding down and guiding motorized plows that push the grain under a conveyor belt. The belt carries the grain into silos.

Not all men who work the grain boats go unpaid. Bosses get paid. In normal crew of a dozen, two union bosses and a union timekeeper may get paid.

A boss explained why the men kicked back their pay:

"They either worked or they didn't work anyplace else. If they were premium men (skilled machine operators) they wound up in the hole."

Some men did refuse. Here are their answers in affidavits:

"Answer. Yes, I refused to work when they asked me—refused unless I would get paid—so they won't hire me.

"Question. How many days are you working now?

"Answer. Two or three days a week.

"Question. Do you think you are not getting hired now because you refused to work on the grain boats?

"Answer. Yes. They said if you work the boats you get preferred hiring."

A second longshoreman, asked the outcome of his refusal to work grain boats this year, said bluntly:

"Less hours and less work."

This man reported he earned about $3,900 in the 1963 shipping season. For the privilege of earning this, he said he paid the union:

A $410 initiation fee.

Ten dollars a month—even in the no-work winter months—plus 6 cents an hour in union dues, a total of nearly $200.

Assessments estimated at $45.

Grain boat work for which he estimates he should have received $500.

Handling ship lines—ropes that secure ships to the docks—for which he wasn't paid. He estimates this lost income at $300.

"It cost me about a third of all I got to earn $3,900," he said.

Under the union arrangement with Sherwin-Williams and International Milling, the companies pay in a lump sum the price of unloading a ship. The price is computed at $10.50 for each 1,000 bushels of grain unloaded. Additional labor costs are added if they exceed the $10.50 rate. Sherwin-Williams pays an average of $4,000 for each ship unloaded.

The ILA local in turn issues pay checks to the workers—its members. Longshoremen have seen many of the checks. They have signed some—only to return them to the union representative who presented it for signatures.

Several longshoremen told of how they never saw their paycheck for grain work but later in the mail received Federal income tax W–2 (withholding tax) forms showing they had earned—and owed taxes on—income they never saw.

One longshoreman told of how he received a W–2 form showing income of nearly $1,000 for work on grain boats.

"In 1963 I didn't work (on grain boats) but my name was used on the payroll and I never received any money for it," he told a reporter.

"Question. How do you know your name was used?

"Answer. Through the W–2 form."

A longshoreman, worried about earning sufficient money to support his young family, told of unloading 20 or more grain boats in an effort to gain the favor of the union leaders. His story vividly describes the paycheck routine.

"Question. Have you been paid for this work?

"Answer. Most of the time, no. I have been paid for about four boats.

"Question. The four times you were paid, were you paid by check?

"Answer. Yes.

"Question. About how many other times did you see checks?

"Answer. The ones I got paid for I had to give the checks back.

"Question. How many times were you given a check to sign and then had it taken back by an officer of the union?

"Answer. About three times. The rest of the times I worked and saw nothing."

The work-without-pay racket began in a wholesome fashion.

Members were asked in late 1962 to donate 12 hours time on the grain boats toward "a building fund." They agreed.

Here is how one longshoreman explained what happened.

"Question. Were these men (at the beginning of the program in 1962) under the impression they were going to get paid?

"Answer. The way this started, they were going to use (wages from working) one or two grain boats for the building fund.

"Question. By that, you mean that money that would have been wages for men working grain boats would instead be deposited in a building fund?

"Answer. That's correct.

"Question. What happened?

"Answer. This thing, once it got started, it never stopped. It was too good a thing."

The union's 1962 Landrum-Griffin financial report to the Department of Labor gave the scope of the grain operation.

It noted that $24,168.05 was received from Sherwin-Williams, $26,723 from International Milling. The report, signed by Greene, reports that $52,779.81—a figure that exceeded the income—was paid out in wages and expenses to the union members for the unloading operation.

A 9-month Landrum-Griffin report to the Department of Labor for January 1 through September 30, 1963, showed receipts of $32,500 from the companies.

ADDRESS BY ROBERT T. MURPHY, VICE CHAIRMAN, CIVIL AERONAUTICS BOARD

Mr. MONRONEY. Mr. President, I ask unanimous consent to have printed in the Record the address given by the Honorable Robert T. Murphy, vice chairman of the Civil Aeronautics Board, on September 11 at the summer-fall quarterly regional meeting of the Association of Local Transport Airlines, in Jackson Hole, Wyo. His comments are particularly appropriate at this time when there is a clamor for review of the Board's policies on air service to our small communities. His address also contains a challenge to the local-service carriers to increase their markets by giving passengers the kind of service and convenience they deserve. Every Senator interested in air service to the small communities of his State should take the time to read this address.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by the Honorable Robert T. Murphy, Vice Chairman, Civil Aeronautics Board, Before the Quarterly Regional Meeting, Association of Local Transport Airlines, Jackson Hole, Wyo., September 11, 1964

It was indeed a great pleasure for me to accept your kind invitation to visit with you submitted through your general counsel and executive director and my good friend, Gen. Joseph P. Adams. It seems particularly fitting that you should have chosen this beautiful resort for your quarterly meeting since it is the gateway to the Grand Tetons, and the scenic wonders of northwest Wyoming are made conveniently accessible by the air services of our host and one of our outstanding local service carriers—Frontier Airlines. This part of our great country, so blessed in natural beauty, so rich in resources, is surely destined to enjoy an accelerated economic growth in this decade—a growth to which the local service carriers will contribute in large measure and from which they will reap some just reward.

On two prior occasions, once in the North Carolina highlands in Asheville and again in our great new State of Alaska, I have had the privilege of discussing some matters of common interest with you. These three visits with your association have afforded me a valuable opportunity to appreciate firsthand the significant importance of the air transport services you and our other carriers are providing throughout the 50 States. Particularly, it gives me a chance to get a better insight into the effective job you are doing, in cooperation with other carriers, in blanketing the country with a well-integrated pattern of intercarrier services.

As a preliminary to selecting some thoughts for mutual review at this meeting, I reviewed again my earlier comments to you and leafed through some of the very well prepared materials which have been presented to the Board on behalf of your organization and its members. I concluded, and I think most of you would agree, that ALTA's industry program has been very clearly and cogently presented to the Board in written submissions, in our annual get-togethers at the Board and, of course, in the various formal and informal proceedings coming before the Board.

The carriers' views with respect to the "use it or lose it" policy have come before us frequently in cases since I last talked with you. A number of points which were provided with an air service have been dropped from the route maps. By now, most all of the authorizations made temporary at the time of the permanent certification cases beginning in 1955, have been reviewed and either dropped or renewed for an indefinite period. The indefinite renewals have added permanency and stability to the resultant carrier systems. Relatively few temporary authorizations remain in the certificates.

Our five-a-day standard has been applied with commonsense, I believe, and those points where service is required for a lesser number of passengers than five because of factors of isolation, national defense or continuing growth have been continued. These points as well as all others in the certificates are subject to continuing "use it or lose it" surveillance but as our quarterly reports to the cities indicate, the number of points not generating the "use it or lose it" traffic standard is steadily decreasing. This is excellent progress toward a sound, productive national route pattern.

With the conclusion of the presently pending group of cases involving "use it or lose it" and renewal issues, and the relatively few still to be instituted, local service carriers will have achieved a 100 percent permanent route system with future certificate modifications limited to our continuing "use it or lose it" surveillance and such other amendments as are called for by the public convenience and necessity. Thus, the permanence and stability of your licenses, which are so important to financing and long-range planning, are being significantly enhanced.

The essence of ALTA's program is covered by the phrase "route strengthening" under which you include increased access to dense markets and freedom from burdensome operating restrictions. At the time of institution of the recently concluded west coast "use or lose it" case, the Board included route segment realinement issues intended to permit greater carrier flexibility and opportunity to operate a better, more useful service. Realinement issues are part of the pending review of Lake Central's system.

As I have had occasion to remark before, this type of carrier route system review was not always possible in the major area cases where frequently only parts of a carrier's system were in issue. Therefore, it seems fitting that we should now be giving attention to this important aspect of the national route pattern. I understand our staff is now at work on such a review of the present authorizations of three more local service carriers. In this connection, perhaps it would be well for each company to give attention to the filing of an application which would better integrate and describe existing route authority in a manner providing you with an increase in operating flexibility and in a manner which would better describe and accommodate the actual flow of traffic as indicated by operating experience. I am confident the Board would be desirous of considering such requests promptly to the extent they do not involve complicated new issues of public convenience and necessity, competition or subsidy.

Just as I believe the Board fully appreciates your hopes and aspirations, so too, I am sure you are equally appreciative of the proper governmental concern that the public interest in adequate air transport services be discharged without excessive costs or mounting burdens to the taxpayer.

Personally, I have long believed that the Federal Government could not make a more needed or prudent investment in any essential, national enterprise than its support of our local service system—a support which has produced demonstrable benefits flowing to all segments of our economy. And you and I know very well that the Government is receiving more for its subsidy dollar today than in years past. However, the absolute amounts of subsidy support required each year show little trend downward with the result that continuing attention is and will be focused on the matter at all levels of Federal responsibility. Recent developments foreshadow an increasing public awareness and insistence that the subsidized carriers not only continue present levels of service, but also seek to improve the quality and quantity of service to the smaller communities if the program is to receive the continued support that it otherwise merits. None of us, then, can afford to encourage or countenance any significant downgrading of present airline service. Such a move would clearly be out of keeping with the present level of subsidy support and with the ever-improving traffic and revenue picture.

A review of the airline situation in general, and, for present purposes, the ALTA membership group in particular, indicates very substantial and heartening increases in all categories of traffic over the last year and one-half. You have all read the reports and know as well as I that traffic has shown a very strong and excellent trend upward. Trunkline reports for the first 6 months of 1964 show an excellent profit picture. The same is true for most local carriers. Not that you are getting unduly rich or enjoying excess profits, but it is true that all but one local carrier showed an operating and net profit for the first 6 months of 1964.

More and more people are using airline services every day. The continuing growth of the overall national economy is reflected in the airline results and air transportation is, in turn, a significant contributor to a generally healthy situation at the moment. Government policies have fostered these developments and, specifically, acceptance of the substance of President Kennedy's message to the Congress on transportation, which has been supported by President Johnson, will, I am convinced, further assist the growth and development of a healthy, responsible and coordinated U.S. transportation system.

The class rate, which, in my opinion, still has a number of deficiencies, has, in large part, been a successful tool. Much remains to be done to refine the operation of the class rate machinery, particularly in devising a better tie-in between the formula for payment and the specific product for which subsidy should be paid. But, insofar as the class rate is intended to afford stability to the industry, it has been eminently successful. This is reflected, for example, in the very substantial increases in the selling price of local service carrier stocks, the ability to obtain equity in the open market and the ability to finance capital improvements. The class rate has made the planning and operations of carrier managements easier. It has enhanced your position in financial circles. The public interest in the protection of stockholders and lenders has certainly received favorable consideration from the Board. Here, again, an important element of local service carrier stability has resulted from adoption of the class rate approach to subsidy ratemaking.

Traffic growth and financial stability have permitted serious consideration of, and action on improvement of the fleet, a matter which poses most difficult problems for you and for the Government. We are pleased but somewhat concerned about these developments because there is a delicate balance between our primary interest of insuring an adequate service to the public and the potential problems of skyrocketing subsidy resulting from expensive new plant investment. You and the board both realize the difficulties inherent in seeking a true DC-3 replacement. There isn't one and perhaps not everyone would want it if there were one. Carrier needs and requirements differ—so everyone has been moving cautiously in this area. I think we have taken the proper course thus far but know I speak for all concerned when I say this matter must be approached conservatively.

I would be the last to minimize your problems in operating under the present system in your day-to-day operations, and with respect to long-range planning as well. However, it is certainly fair to say that the entire industry is experiencing a very favorable traffic growth and enjoys an improving financial position. Our concern of recent years about the carriers as strong, viable entities, our concern about the stability, growth and competence of the air transportation labor force, our concern for the investors and suppliers to the industry, are all generally, with few exceptions, satisfied or considerably lessened. Thus, in my opinion, now is the time for action with respect to fulfillment in all aspects of our responsibility to the consumers. All those efforts to improve the product for sale to the traveler and shipper which may have, rightly or wrongly, been put aside in earlier years when continuation of the basic service may have been touch and go, must now be pursued with all the vigor expected of American businessmen. There should be no excuse now for an inferior product. Nor is there any excuse for holding back improvements that can be made in the product.

During a period of domestic route stability and favorable financial conditions, air carrier public service obligations must be met, not just adequately, but with the public getting a high-quality product for its money. Provision of an excellent service cannot but improve your financial position as air transportation becomes a routine part of the business and pleasure regime of an ever-increasing percentage of the total population. It is not in the long-range self-interest of the carriers merely to maximize profit on the existing traffic base. Now is the time to improve the service and expand the base. This is what the public should be able to expect from a mature, prosperous public service industry.

There are a few specifics which come to mind.

A superior air transportation product means schedules which operate on time and the availability of seats for which reservations have been sold. You will recall the Board recently issued a temporary reporting requirement on denied boardings, a problem which the entire industry must eliminate. This is a problem which must be considered in terms of the absolute numbers of persons inconvenienced and is not a problem subject to treatment like breakage or bad debts where a certain percentile of total is tolerable. Our studies of oversales and overbooking have been fruitful in pinpointing areas for improvement. The mechanization of reservations systems should help considerably. However, only by keeping at it can this great disservice to the traveling public be eliminated. I am hopeful we can learn from these reports and can foresee an end to one category of serious complaints about air carrier service.

Passengers rightly expect an airplane seat which affords them decent comfort and a seat designed and structured to afford protection. I sometimes think the subject of most intense competition among carriers involves who can crowd the most seats into the same cabin space. Seating density, seat pitch, sale of lounge seats, etc., are all extensively debated before us. I know basic distinctions must be maintained between the various classes of service for which different fares are collected. On the other hand, with the great efficiency of the jets in particular, I am not convinced that each passenger cannot legitimately expect—at all fare levels—a seat which affords a decent degree of comfort. Air service is a premium service and passengers have come to expect a fair amount of comfort. I do not wish to see that comfort downgraded to a steerage service.

Another aspect of the on-board service which is important to passengers is a pleasantly appointed and soundproofed cabin. Passengers notice and comment on the cleanliness and general appearance of the interior. Many of the older aircraft types are tastefully and attractively appointed so the newness of the aircraft is not a relevant consideration.

Passengers are entitled to courtesy, civility, and full information from airline personnel. They must feel they are a welcomed customer rather than a victim of a system. There are bound to be trying circumstances on bad weather days, for example, but a customer who is honestly and courteously dealt with can understand and appreciate your problems. It is when they are given what they regard as the runaround that they become disgruntled and may be lost to a particular carrier. Here again, this is a matter which requires constant attention if a product of excellence is to be maintained.

Passengers expect that their basic need for sustenance will be met. We have all had that unfortunate experience, I suppose, when a tight or delayed schedule has interfered with mealtime. Remember how you would gladly have paid a premium for a cup of coffee and a stale cookie. The fancy meals on long-haul jet flights are excellent but sometimes a little snack, paid for if necessary, on a shorter flight may seem almost a matter of life or death.

Carriers all tell us and we know the difficulties of scheduling flights which will meet the needs of an entire system within the limitations of size of fleet and the geography which must be served. This puzzle challenges the ingenuity of your experts and lessons are learned as schedules are operated and revised. However, good scheduling is the essence of the airline product and every attention must be given to insure that each schedule considers the convenience of each city and its users. For proper traffic response, schedules must be patterned so far as possible to the optimum arrival and departure time of the greatest number of passengers. You know how important it is to have schedules which connect with other carriers at hub airports. We also know how important it is that the schedules be relatively stable. Many cities have complained to us about the depressant effect on traffic generation of constant changes in the timing of schedules. A degree of experimentation is, of course, necessary but a time should come when a city can rely on certain schedules to certain points at a fixed hour.

The prime base of government and taxpayer interest in your operations is the communities which cannot themselves support a profitable operation. Since these operations are supported by the taxpayers, they have a right to expect that equal attention will be given to their convenience in terms of good and sufficient scheduling as in the case of more profitable markets. It is patently reasonable for the taxpayers to ask why they should support a plethora of services in the more lucrative markets and only an inferior service in the lesser markets. Your answer is the touchstone to continued enthusiastic public support.

That this is the appropriate time for renewed and increased attention to the air transportation product offered for sale applies to the entire industry. What I have said is pertinent to this assemblage and to all air carriers alike. Increases in traffic in any one segment of the industry mean an increase for all. Connecting traffic is a high percentage of total. An improved airline product will bring about an increase in the entire air transportation market to the financial advantage of all. An increase in the air transport market with an increase in revenues will add stability and strength to the industry and broaden the base from which an even better operation can be launched. This, I hope, will be uppermost in the present thinking and planning of all airline managements. If it is, we cannot but achieve greater strength, stability and affluence in the airline and related aviation industries.

These few selective thoughts are offered for your earnest consideration and for your evaluation in the full knowledge that I am neither an infallible prophet nor a misty-eyed soothsayer. I want to thank you for allowing me to share them with you.

In conclusion, I wish only to compliment all of you for your achievements of the past year and to express the appreciation of the Board for the valued cooperation given us by your officers and your able, even-tempered executive director and general counsel, Joe Adams.

A NISEI FOR GOLDWATER

Mr. SIMPSON. Mr. President, I call to the attention of my colleagues a thoughtful and perceptive editorial by Mr. Ben Kuroki, the editor and publisher of the Williamston Enterprise, of Williamston, Mich., on a subject of the greatest importance—the selection of the next President of the United States.

Writing in the July 15 issue of the Williamston Enterprise, Mr. Kuroki, an American veteran of Japanese ancestry, who has 88 bombing missions in the European and Pacific theaters under his belt, asserts that he is "pleased that Goldwater has won the Republican nomination for President." The editorial continues by giving a number of valid reasons why not only the Williamston Enterprise, but also hundreds of other newspapers and millions of Americans, have thrown their support to Senator Barry Goldwater.

I ask that the Williamston Enterprise editorial be printed in the Congressional Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Williamston (Mich.) Enterprise, July 15, 1964]

What the Editor Thinks on the Man From Arizona

We are pleased that Goldwater has won the Republican nomination for President.

Several months ago we editorialized that the Republicans did not offer much in choice of presidential candidates and Goldwater was included in our grassroots viewpoint.

Our position has changed for several reasons, none of which is expert. The more we heard and read of Goldwater, the more we liked him.

For instance, the foreign reaction. There was great alarm in the foreign press that Goldwater should even be considered a candidate. This alarm was particularly noted in France and England.

Obviously the alarm results from Goldwater's negative attitude on foreign aid.

For years the United States has been pouring billions of dollars in aid into "friendly" and neutral nations. In the day of the Marshall plan, there was a need for it. But more recently foreign aid has become a big political football of small purpose or success.

When the chips were down, what happened? Where were our so-called friends and allies? For instance, England. They refused our request to boycott Cuba. And now England is signing pacts with Russia.

Remember De Gaulle and his Frenchmen? They thumbed their noses at the United States and NATO and openly insulted us when he visited Mexico recently and bypassed the United States.

Goldwater, at least, is one politician who has the courage to take the stand that we can't buy friendship and allies with foreign aid.

We like his stand, too, on civil rights and States rights. Our Government is getting bigger and bigger and Federal power is fast becoming overwhelming. And now the Feds will exercise a little more of that awesome power with the new civil rights legislation to their advantage.

This newspaper, like GOLDWATER, is not against civil rights per se for Negroes. But we do agree that there are indeed some questionable sections in the new civil rights legislation, particularly in the area of employment. When employers are told whom they must hire and what percentage must be of a racial minority, then there is indeed a question of constitutionality. This area in fact amounts to Federal dictatorship because the burden of proof is upon the employer, not the Federal investigators or Government. And our experience has already proved that Government investigators possess awesome and ruthless power.

GOLDWATER had great courage to vote "no" on the civil rights bill and we respect him for voting his own convictions.

For these and other reasons we have changed our position in regard to the Senator from Arizona.

ELECTION RETURNS

Mr. SALINGER. Mr. President, we come closer to election day still without a solution of the problem of how to insure that millions of voters will not be influenced by predictions by means of electronic computers, based on voting patterns in another section of the country.

As I pointed out when I introduced my resolution on this subject, last month, because of a difference in time zones and voting hours, the polls in New York City close 4 hours earlier than those in San Francisco. The California voter who intends to go to the polls in the evening will probably be told ahead of time, by means of an electronic computer, that certain candidates have won. Will this voter then proceed to cast what he already believes to be only a token vote?

The Press-Enterprise, of Riverside, Calif., recently published an excellent editorial on this problem. It recommends that some approach be found "to keep a large part of the electorate from being shortcircuited in its exercise of one of the free citizen's most cherished privileges."

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Press-Enterprise, Riverside, (Calif.), of Sept. 6, 1964]

HOW EARLY TO DECLARE A VICTOR?

In the recent California presidential primaries, radio-television networks, jockeying for position and prestige, raced for early projections of the outcome. By various devices, including computers and the sampling of partial returns from carefully selected "voting profile" precincts, they "declared" the "victor" almost before the official vote count had begun.

Indeed, CBS "declared" Senator GOLDWATER the winner in the Republican race only 22 minutes after the polls closed in southern California and 38 minutes before they closed in San Francisco.

That leadtime may not have affected many voters on their way to beat the northern California poll closings, but consider what the time zone differential could do if a nationwide election were reported on the same basis, with the time difference between East and West.

Since it is the habit of large numbers of people to vote late in the day, after getting off work, the differential could be significant, not only on the west coast but in the entire country west of the Appalachians.

It is immaterial whether the most frequent reaction of persons yet to vote when a winner might be "declared" will be to leap for the bandwagon, rally to the underdog or to abandon the trip to the polls as unnecessary. But the last-mentioned is the most likely.

In any case the final count can be distorted—perhaps not enough to change the outcome of the presidential race, although this is far from a certainty remembering the closeness of the most recent one, but certainly enough to affect the result of some State and local elections.

A basic issue has been raised by Max Lerner, writing in Show.

"The voter is modern man, subject to pressures, riddled by anxieties, sometimes apathetic. * * * It is crucial that he be allowed to resolve his inner debate by himself in the polling booth before he becomes the target for another attack—this time not on how he ought to vote or on how others will vote, but on how others have already voted."

Lerner adds that voters notified that the issue is settled before they come up to the line become, in their own view, "surplus" to the democratic process—a feeling by which "they are demeaned, and the society is thereby diminished."

How to keep the electronic marvel, like the atomic marvel, from pulverizing the democratic process instead of serving it, is of course a puzzler. In the Columbia Journalism Review, public opinion analyst Samuel Lubell points to Canada's prohibition on the broadcasting of election results in any province until after the polls have closed. The Federal Communications Commission says Lubell, "should serve broadcasters with a 'show cause' order as to why this same rule should not be promulgated in the United States."

A proposal of gentler nature and with greater constitutional practicality is one that networks and news wire services, which already have worked out a pooling arrangement for the gathering of returns, agree voluntarily to delayed release of computerized projections.

And a middle ground approach, is embodied in a concurrent resolution introduced in the U.S. Senate by California's newest Member, PIERRE SALINGER and five colleagues. It would advise news media that it is the "sense of the Congress" that they should refrain from premature projections, waiting until the polls are closed.

A way surely needs to be found to keep a large part of the electorate from being, in effect, short circuited in its exercise of one of the free citizen's most cherished privileges and most solemn obligations.

COMMERCIALS OF THE DEMOCRATIC NATIONAL COMMITTEE

Mr. MORTON. Mr. President, in my 18 years in public service I had thought I had seen and heard nearly everything in the way of slam and slime in campaigns. Seldom have the gutter-type approaches originated, I am glad to say, with either of our two great political parties. Rather, they have historically emanated from the extremists on the far-out side of the political spectrum with no party status whatsoever.

But this year, the citizens of this Nation are apparently going to be beseiged by the most uncouth subjection to mental torture they have ever experienced through commercials of the Democratic National Committee. We have heard in the cold war the phrase about winning the war for men's minds. We now encounter President Johnson's effort over national television through paid time to win the election by scaring the wits out of children in order to pressure their parents.

The President of the United States, who controlled the every thought and action of a massive political convention in Atlantic City last month, cannot escape the responsibility for this indignity. My research indicates that never in the history of either of our political parties has business been transacted without a single rollcall vote by the delegates. Not a single rollcall vote; the boss controlled it completely. It is his officialdom; it is his campaign. In part of one of the two spot commercials thus far presented, it is his voice.

There were those in the 1960 election who said the reverse twist on the religious issue made it appear if you did not vote an indicated way you were a bigot. Now the psychological intent is clear—if you do not vote the suggested way, you will disappear into a mushroom cloud—as is so clearly emphasized in the first commercial—or you will become violently and perhaps fatally ill from strontium 90 or cesium 137 or iodine 131 as in the second of the series.

Now, when the first commercial broke around Labor Day and was repeated last week, you heard the chairman of the Republican National Committee lodge a protest. You have read that the minority leader of the Senate, the Senator from Illinois [Mr. DIRKSEN], has filed a letter with the National Association of Broadcasters wondering if use of this commercial did not violate their code of ethics we hear so much about. You may have heard that Gov. Robert Smylie, chairman of the Republican Governors Association, noted that a former Chairman of the Federal Communications Commission made much of the so-called reign of terror on television and called it a vast wasteland. Teachers have been asked by their students at the elementary level to explain the meaning of what they saw. Mothers have comforted their children in hysteria.

The second commercial has been so recent its contents may not be so widely known. It has a child eating an ice cream cone and contrasts vitamins A and D with radioactivity poison, describes the test ban treaty in fairytale like voice, and then lowers the boom on one presidential candidate by naming BARRY GOLDWATER in connection with the test ban treaty. It ends:

> But now there's a man who wants to be President of the United States, and he doesn't like this treaty. His name is BARRY GOLDWATER and he fought against it. He wanted to go on exploding more bombs. Even

though there's enough now to kill just about everybody in the whole world. And do you know how the story ends? On November 3, vote for President Johnson. The stakes are too high for you to stay home.

What will we see next? Herr Goebbels in his heyday could not compete with such gruesome, panic-inspiring falsehoods calculated to instill fear into our citizenry. It is one thing for politicians to exchange bromides with each other—as much as the public tires of that commonplace occurrence—but it is quite another thing to involve little children. I suggest the President of the United States, who has sat stony silent on this subject, must take great delight in these performances as a wily subsititute for face-to-face confrontation with his opponent. He who pushed the buttons and pulled the strings at Atlantic City could end these despicable, distasteful acts of cowardice by sticking to the issues. It is his campaign. Are you proud, Mister President?

I ask unanimous consent, Mr. President, that the texts of the two commercials be printed in the Record.

There being no objection, the commercials were ordered to be printed in the Record, as follows:

No. 1 Democratic TV Spot Transcript

VIDEO

Shot of child eating ice cream cone.

AUDIO

Voice over, female (almost like a fairy tale): Do you know what people used to do? They used to explode atomic bombs in the air. You know children should have lots of vitamin A and vitamin D and calcium. But they shouldn't have any strontium 90 or cesium 137 or iodine 131. They're radioactive and make you sick.

Do you know what people finally did? They got together and signed a nuclear test ban treaty. And then the radioactive poison started to go away.

But now there's a man who wants to be President of the United States, and he doesn't like this treaty.

His name is Barry Goldwater and he fought against it. He wanted to go on exploding more bombs.

Even though there's enough now to kill just about everybody in the whole world. And do you know how the story ends? On November 3, vote for President Johnson. "The stakes are too high for you to stay home."

No. 2 Democratic TV Spot Transcript

VIDEO

Little girl in a field pulling daisy petals.

Camera begins to zero in on little girl's right eye and reaches it as the audio portion reaches zero.

Atomic bomb explodes.

AUDIO

One, two, three, four, five, six, seven, eight, nine.

Voice (male). Nine, eight, seven, six, five, four, three, two, one, zero.

Sound of bomb exploding.

Voice (President Johnson's). These are the stakes; to make a world in which all of God's children can live or go into the dark. We must either love each other or we must die.

Banner: "Vote for Lyndon Johnson on November 3." White letters on black background.

Announcer. Vote for President Johnson on November 3. The stakes are too high for you to stay at home.

Running time: 60 seconds.

MEXICAN INDEPENDENCE DAY

Mr. HART. Mr. President, today, the 16th of September, is Mexican Independence Day; and this year, once again, joyful celebrations will commemorate the heroic struggle, over 150 years ago, of the Mexican people for independence.

Against formidable odds, the Mexican people, armed with little more than courage and determination, waged their fight for more than 10 years against foreign domination.

Today, Mexico stands as a symbol of progress and a bulwark in the fortress of democracy. Her achievements in gaining economic justice for all her citizens, making educational opportunity available to the remotest village, and employing and improving the techniques of this age of technology, testify to the quality and vision of her leadership.

The destinies of the United States and Mexico are joined in the common cause of freedom for all men. Our borders are cemented in a permanent bond of friendship.

Mr. President, we are fortunate that thousands of our citizens are of Mexican background. These industrious people have enriched our life with their language, their music, and their colorful customs.

On the anniversary of Mexican independence, our citizens of Mexican cultural heritage take pride in the achievements of their forebears.

Mr. President, on this occasion, I am proud to extend my very good wishes to our Mexican friends south of the border, and to join all our citizens of Mexican background in celebrating this important day.

HARTFORD CHAMBER OF COMMERCE WORK-STUDY PROGRAM AND POLICY OF EQUAL EMPLOYMENT OPPORTUNITY

Mr. DODD. Mr. President, two issues have been of particularly great concern to Congress and the Nation this year—the best possible education for our young people, and equal opportunities in all areas for our Negro population.

The antipoverty program and other legislation is intended to help meet the serious problem of school dropouts and to equip these youngsters with the skills and knowledge needed to play an active and productive role in our modern society.

The Civil Rights Act stands as a landmark in the efforts to assure equal rights for all and to provide minority groups with an equal opportunity for the best life America has to offer.

But these national efforts cannot alone solve such problems, for, in the end, tangible results depend upon the interest and participation of the individual communities.

I would like to take this opportunity to point out the significant work which Hartford, Conn., and the Greater Hartford Chamber of Commerce are doing in these two important areas.

The chamber of commerce last year initiated a work-study program for youngsters similar to those envisioned in national legislation. With the cooperation of 20 of the larger employers in the Greater Hartford area, efforts were made to convince young people that they should continue their educations rather than drop out of high school.

The program was an unqualified success, and this year it is being expanded. The Hartford Board of Education is appointing a full-time coordinator and the chamber of commerce is seeking the participation of more business and industrial employers.

It is a program such as this which can have a profound effect on a student's future and which can greatly benefit the community as a whole. As the Greater Hartford Chamber of Commerce has said, this type of work-study program serves a threefold purpose:

First, it is effective in convincing the youngsters participating that they really do need further education and higher skills.

Secondly, this realization seems to spread effectively to other students not personally involved in the program.

Finally, it helps develop these youngsters into the types of permanent employees, equipped with skills, for which the employers in the area are looking.

The Greater Hartford Chamber of Commerce has also taken an active and leading role in the efforts to make Hartford a community which truly provides challenge, equal opportunity, and a rewarding life for all its people.

In this connection, the chamber has devoted considerable attention to what it feels to be a basic problem—communications.

This stems from the strong realization that the best business policies of equal employment opportunity may be blunted and lose much of their effectiveness if not communicated throughout the business organization and throughout the entire community.

The chamber board of directors has recently adopted a statement of policy which reiterates its basic principles in this important matter.

I ask unanimous consent that this statement regarding the employment policies of its members be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Board of Directors, Greater Hartford Chamber of Commerce, Employment Policy Statement, August 14, 1964

Although its members have long since committed the Greater Hartford Chamber of Commerce to work with every resource at its command to make this a community that provides challenge, equal opportunity, and a rewarding life for all its people, it is recognized that serious economic and social problems still remain to be solved before this goal is attained.

For welfare of the Greater Hartford community, it is an urgent necessity that its organizations, agencies, corporations, and individual businessmen accelerate their efforts to arrive at ultimate solutions to these problems.

To assure that all persons are considered for employment and promotion as individuals on the strengths of their skills, talents, aptitudes, and potential development, it is the policy of the Greater Hartford Chamber of Commerce that—

1. Management of every business and industrial firm increase their use of every possible avenue of communication within their organization to keep all their employees actively aware of their firms' established equal opportunity policies in hiring and promoting.

2. Employers take positive steps to keep the labor market informed that such policies do exist and are being followed.

3. Individual companies periodically review the qualifications of their own employees to identify those qualified for advancement or who have a potential for higher skilled employment, a practice now successfully being applied by many companies.

4. In dealing with advancement of people or the initial filling of a job opening, greater efforts be made to evaluate the aptitude and potential of candidates as well as their present experience, training, and ability. These efforts should include a review and analysis of selection procedures.

THE SOVIET SUBMARINE BUILDUP IN CUBA

Mr. DODD. Mr. President, I have recently received through the Citizens Committee for a Free Cuba—which had frequenly turned out to be right in the past—two alarming reports on the Soviet maritime and submarine buildup in Cuba, and on other developments which indicate the existence of a continued but highly selective Soviet military buildup in Cuba.

Because I consider it important that we follow this situation closely, I ask unanimous consent that the reports of the Citizens Committee for a Free Cuba be printed in the RECORD.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

Soviet Buildup in Cuba Includes Submarine Explorations

The Russian military presence in Cuba has been augmented sharply in the past 30 to 45 days. New Soviet bases are being constructed in Guanabacoa, on the north coast of Havana Province, as well as the Gonzalo hills, near the Hershey sugar mill, also on the north coast of Havana Province.

This information has come to light at the time of the arrival of a Soviet Naval mission, which will investigate the waters of the Caribbean Sea and the Gulf of Mexico.

All indications are that the Soviets have embarked upon a heightened military buildup in Cuba which includes oceonographic studies of the sea currents in the Caribbean and the Gulf of Mexico. The reasons for these latter studies, it is believed by competent Navy authorities, are related to finding stratus of water in which submarines may lie undetected by sonar devices and other means of detection.

While the sea investigations are termed peaceful, it is noted that the Soviets will be in charge of the Castro navy and the Lambda fishing fleet which is incorporated into the Cuban Navy command, together with various other sections of the Castro government. According to the Cuban radio, over 250 Soviet personnel are involved in this expedition, which will last "approximately a year or longer." Private sources in and out of Cuba estimate that the actual number of Soviets will be in the neighborhood of 1,000 or more. In addition, the Cuban radio states that an unspecified number of Czechs will join the expedition at a later date.

On land, a new shipment of arms from Russia was unloaded at the port of Matanzas on August 11. They were unloaded from four Soviet ships of various tonnage under the by-now familiar security precautions.

Included in the cargo are amphibious tanks of undetermined number, security cargo, and new military trucks and trailers.

One convoy unloaded from the ships comprised 12 enormous 26-wheeled truck trailers.

Still another convoy, larger than the first, carried cylindrical objects which were covered with tarpaulins. They are believed by the underground to be missiles. Each truck contained two Russians, and the convoy, like the previous one, was escorted by Soviet soldiers in jeeps and by truckloads of Cuban militia. All entrance roads to the highway were blocked by security guards armed with machineguns. The route of the convoy took them to the south of Las Villas Province, east of Matanzas.

The use of the port of Matanzas for the introduction of missiles has been reported on previous occasions.

On the heels of these reports come others:

Russian youth of 17 and 18 years of age, newly recruited into the Soviet Army, are being sent to Cuba. They are in camps at Torrens, and Guajay El Chico, Havana suburbs.

General headquarters of the Soviet Army of occupation has been located in the Kohly section of Havana. The building housing the Russian General Headquarters in Kohly is known to the Cubans, ironically, as the White House.

The few remaining Cuban families in the Kohly section have been removed. Their houses have been reconditioned for occupancy by newly arriving Soviet personnel.

More Russians and their families have been located in the section called Plaza del Medio Dia.

Another area is being readied for the arrival of more Soviets. The section is the beach of Vista del Mar, between Quiebra Hacha and Mariel on the north coast of Pinar del Rio Province.

Soviet soldiers are busily constructing underground bases in a hill near Guanabacoa, on the north coast of Havana Province. This work, which commenced 6 months ago, followed the destruction of obsolete military emplacements.

Eye witnesses, among them Victor Alegria Torres, former Secretary of Foreign Affairs of the now Communist captured Cuban Confederation of Labor, believe that missile silos are being constructed in that area.

He reports that the familiar 26-wheeled truck trailers arrived at the site of construction bearing hollow cylindrical objects. Sections of these tubes or objects, were then lowered vertically into the ground and assembled by Russian crews. The diameter of these sections are described as between 6 to 8 feet. They were installed by heavy-duty cranes.

Immediately following their placement, the entire area was camouflaged in grass and eucalyptus trees.

Reports on the Soviet Naval mission came from Cuban Government sources—revolucion of August 19. According to those statements, the expedition started Tuesday, September 1, under the command of a Professor Rosov. Four Soviet ships, fully equipped with electronic gear, are leading the expedition.

The Citizens Committee for a Free Cuba notes the testimony of State Department Aid William C. Herrington, last January 29, in which he pointed out the peril to our shores. Herrington told the Senate Merchant Marine Subcommittee that many of Castro's "fishing" craft are thought to be spy vessels, and testified that they had increased in number over the past year or two.

Other sources, among them the Organization of American States, have established the military nature of Castro's fishing fleet in gun-running and infiltrating terrorists into Latin American countries. Units of the fishing fleet, which will comprise a great part of the Soviet underwater expedition, are known to be equipped with electronics equipment in no way related to the task of fishing.

The Cuban Student Directorate has the plan of operation of the Soviet venture in hemisphere waters. It notes that areas of underwater exploration include the west coast of Florida, the mouth of the Mississippi River, and areas offshore of Galveston and Corpus Christi in Texas.

Soviets Explore Carib Waters—Military Purpose Seen

On August 19, Revolucion, Castro's official spokesman, announced the arrival of a Soviet mission which will investigate the waters of the Caribbean Sea and the Gulf of Mexico. The group arrived aboard the Soviet ship *Kovaliesky* and is headed by a Professor Rosov. All indications are that the expedition has a military purpose.

According to statements made by the Castro government, the expedition will be carried out by four Soviet vessels—*Kovaliesky, Lomonosov, Xiphias,* and *Delfin.* They range in tonnage from 5,000 tons to the 60-ton *Delfin*.

Headquarters for the undersea expedition is on the 400-ton *Kovaliesky* which is completely equipped with electronic instruments, and is under the command of Soviet Captain Dolgocenko.

While the investigations are termed peaceful, it is noted that the Soviets will command the Castro navy, the Lambda fishing fleet which has long been identified with spying and infiltration of arms and men into Latin America, the Cuban merchant marine and various sections of the National Fishing Institute and the Department of Oceanology of the Cuban Academy of Science.

Testifying before the Senate Merchant Marine Subcommittee on January 29, State Department Aid William C. Herrington pointed out the peril posed to our shores by Cuban "fishing" craft. Many are thought to be spy vessels, and have increased in numbers over the past year or two.

According to the Cuban radio, well over 250 Soviet personnel will be involved in the expedition. In addition, a Czech detachment is scheduled to join the expedition in October. The explorations commenced this week. The Cuban student directorate in exile has reported extensively on the basic military nature of Castro's fishing fleet, and states that this new expedition is to develop a strategic plan for the unprotected southern frontier of the United States. The DRE is in possession of information regarding the areas which will be covered in deep-sea explorations. They include:

The areas of Puerto Rico, British Guiana, the eastern section of Dominican waters; the Goajira Peninsula in Venezuela; Cabo Beata in Dominican Republic, Cabo Tiburon in Haiti, offshore from the U.S. Guantanamo Naval Base in Cuba; Cayo Gran Inagua in the Bahamas; Baracoa and Nipe Bay in Cuba.

Also to be covered in these underwater explorations are the Crooked Passage of the Bahamas, the Island of Turiguano, Isabela de Sagua in Cuba, and Andros Island. Waters off Mexico will be explored in the area of Veracruz, and the Mujeres Island. Also scheduled for underwater explorations in Central America and the Caribbean are Cape Gracias a Dios in Honduras; offshore from the Panama Canal; and the eastern extremes of Jamaica, and Gran Caiman.

The Gulf of Mexico area is also included, along with the entire west coast of Florida up to Pensacola, the mouth of the Mississippi River, and offshore from Galveston and Corpus Christi.

The DRE believes that this Soviet expedition is another in a chain of events relating to the Soviet military buildup in Cuba. So-called fishing boats which have been operating in the Gulf of Mexico and the Bahamas are equipped with the latest electronic devices in espionage. They also have been used to observe maritime traffic, and have been employed, under the command of the Cuban Navy, in military exercises.

Information submitted to the Citizens Committee for a Free Cuba, by reliable underground sources in Cuba relate all of these activities to the development of a submarine potential in Cuba. According to these reports, the expedition will study western currents and temperatures which will permit submarines to lie undetected by sonar and other devices. It is for this reason that aereological and meteorological studies have been made over the past year. Marine traffic is related to these studies.

Information from the same reliable underground sources confirm that submarine pens are being constructed in Cayo Fragoso, located offshore on the north coast of Las Villas Province. According to this intelligence, a system of underground and underwater pens have been under construction for some time, and will be completed in the near future. It is the judgment of this report that they will be used by Soviet submarines.

In May of this year, a Soviet submarine was seen at dawn from a short distance. The craft was towing a huge projectile-like object by cable. After a half hour of these maneuvers, the object was drawn into the submarine. The submarine was estimated to be 90 meters long.

Other reports state that in addition to Cayo Fragoso, construction is underway to establish permanent bases for submarines in other areas of Cuba. The area is at Punta Mulas, near Nipe Bay in the easternmost Province of Oriente. The construction is sufficiently far advanced, say these sources, that three Soviet submarines are expected shortly and will be permanently based there.

RURAL HOUSING PROGRAM

Mr. HUMPHREY. Mr. President, our Nation needs to move at a faster pace in wiping out the slums that exist in rural America. We take pride in the fact that in the past 4 years we have revitalized and greatly expanded the rural housing program of the Farmers Home Administration. But we must redouble our efforts.

Since 1961 the Farmers Home Administration has loaned $450 million to rural people so they might have modern homes in which to live. But we should be extending that much credit every year.

More than a million rural families still live in homes that are a menace to their health and safety.

During the fifties, when we should have been attacking this problem with all our force, the activities of the Farmers Home Administration were throttled. In fact, for a time, the rural housing program was discontinued.

Now we have to make up for lost time.

Recently the Congress authorized $150 million to continue the housing program of the Farmers Home Administration for another year.

Before 12 months pass we must enact legislation that will really move us toward the goal of a decent home for every rural American. Perhaps this can be done by expanding the current insured loan program of the Farmers Home Administration, a program that utilizes funds obtained from private investors to help family farmers improve their farms and help rural communities develop water systems. I introduced a bill last year for this purpose and am hopeful it will receive Senate consideration prior to adjournment.

The agency is experienced, the need is obvious, the method is well tested—losses are only one-hundred of 1 percent of the funds advanced. All that is needed is an adequate system of providing the needed funds.

An excellent article by Leland DuVall in the Arkansas Gazette calls rural housing "the forgotten orphan in the private-public program that has enabled the United States to become the best housed Nation in the world." In suggesting steps that can be taken to modernize all rural homes, Mr. DuVall tells of the need for improving the housing of farm laborers as well as other rural families. We have every reason to believe that the recently enacted Omnibus Housing Act of 1964, with its provisions for Federal financial assistance to rural groups that want to build better homes for farm laborers, will do much to help eliminate the shacks that too often pass for housing in areas where migrant laborers harvest the crops. The new legislation will enable the Farmers Home Administration to contribute up to two-thirds of the cost of farm labor housing.

BROADENING THE SMALL WATERSHED PROGRAM

Mr. DuVall, in the September 6 edition of the Arkansas Gazette, also discussed another important subject—a proposal made by Representative WILBUR MILLS, of Arkansas, for broadening the small watershed program.

Mr. President, I have been a longtime advocate of the watershed approach to soil and water conservation in America. It provides for a combined effort of local, State, and Federal organizations and agencies to team up for community improvement. The key to the success of the small watershed program has been the fact that individual projects are started at the local level and are carried out under local leadership.

During the past 10 years the Congress has broadened and made Public Law 566 more useful at least four times. I call to the attention of fellow Senators this proposal for further broadening the legislative authority for the small watershed program.

Mr. President, I ask unanimous consent to insert at this point in the RECORD Mr. DuVall's article on rural housing and his column on the small watershed program.

There being no objection, the article and column were ordered to be printed in the RECORD, as follows:

FORGOTTEN ORPHAN: RURAL HOUSING

(By Leland DuVall)

Rural housing remains the forgotten orphan in the private-public program that has enabled the United States to become the best-housed Nation in the world. Here, as in other areas, we often are so pleased with our accomplishments that we overlook the unfinished part of the job.

We can claim, for example, that the ratio of bathrooms to people is at a record level. A closer look reveals that the distribution pattern leaves part of the problem unsolved. Some families own bathrooms on a 1-to-1 ratio with an extra or two for guests; others have none at all.

People who raise the subject of distribution sometimes are accused of proposing that we should take the un-American approach and—figuratively speaking—pull out the extra plumbing so that it can be installed where there is a greater need. They seem to overlook the fact that the American industrial system is quite capable of turning out a sufficient number of tubs and pipes to fill all needs. The prosperity of the whole country depends on the production of goods and services and the wheels of the factories turn only when there is a demand.

Obviously, there still is a strong demand for improved housing in urban areas but the problems here can be solved. Funds are available for loans to qualified buyers and builders and the new housing law eases the path of the borrower and lender. In the more extreme cases, urban renewal may help solve the problem.

THE RURAL DEMAND

In the rural areas, the situation is different. Conventional lenders are none to anxious to pick up mortgages outside the towns and cities and the Federal Housing Administration cannot offer loan insurance that would strengthen the paper. The result of this concentration of home promotion in cities, has left the greatest existing backlog of demand for homes in the rural part of the country.

The nature of the problem varies with location and with the business of the man who would like to have a new house. Consequently, no single solution would be adequate.

SOME OF THE SOURCES

Starting at the bottom of the list (with the people who are least able to obtain loans), here are some of the sources:

The Farmers Home Administration makes direct loans to farmers for home construction—provided the potential borrower can show that he will be able to repay and can demonstrate that the money is not available from conventional sources. H. H. Hankins, State administrator of the agency, said the demand here was strong and the Government does not provide adequate funds. The new housing law gives the Farmers Home Administration an additional $150 million for direct loans but Hankins said his agency had enough approved applications in its files to take the State's share of the money.

Congress has considered—and, so far, has not approved—a plan to extend Federal Housing Administration loan insurance to rural areas. Such a law would enable private lenders to make loans on rural houses. By reducing the risk, the insurance would trim the interest rate and open up the market.

Over in east Arkansas, where the problem is a little different, Davis Fitzhugh, of Augusta, has come up with a suggestion that could help solve the problem of adequate housing for tenants and hired farmworkers. In a letter to R. Sargent Shriver, Director of the War on Poverty, Fitzhugh said thousands of Arkansas farmowners (and he included himself) needed to build new houses for their tenants or farm employees.

HIGHER CALIBER WORKER

"The numbers of these employees are fewer now," he said, "but they are of much higher caliber than the oldtime sharecropper. These men have to be good, competent workers if they are to be placed in charge of a $15,000 combine or a $20,000 picker."

Fitzhugh explained that the farmworkers demanded (and were entitled to have) modern homes with good bathrooms, insulation, adequate heating facilities and a cooling system.

"The landowner who sits down with his employee to discuss building a modern house often backs away when he realizes the size of the investment and the discouragingly slow rate of depreciation," Fitzhugh wrote.

He suggested that part of the problem might be solved by giving the landowner an opportunity to depreciate the building in a relatively short time. The fast writeoff has been used repeatedly to stimulate capital investment in industry and Fitzhugh thinks the same approach could be used in agriculture. He said the accelerated depreciation should be allowed only if the house was used for employees or tenants and the rate should not be permitted for structures built for the farmer's immediate family.

SAYS PLANS NEEDED

The other suggestion called for the Government, through some of its appropriate agencies, to offer plans and specifications for adequate housing of this type. He mentioned concrete masonry (blocks) as a possible building material that might meet the needs of landowners and tenants but he noted that few farmers knew how to use this building method effectively.

Fitzhugh and many other farmers know that the shotgun house no longer is acceptable shelter. The reasons are economic as well as humanitarian and the solution must be found.

FARMER AND HIS HOME

While the industry-tested trick of the fast writeoff, coupled with good planning and engineering, may help solve the housing problem of the east Arkansas tenant or farmworker, it will do nothing for the man who operates his own farm and is unable to find a lender who will finance his new house. Neither will it help the man who has a job in town (because his little farm no longer will produce a living) but lives in the country.

Here, then, are three tools that could help provide rural housing: Fitzhugh's faster writeoff, the extension of FHA authority so that loans on rural property can qualify for insurance, and an adequate supply of funds for direct loans by the Farmers Home Administration.

The Nation has the raw materials and potential borrowers have demonstrated ability and willingness to repay the loans. The whole economy would benefit from a fuller use of our resources.

PROPOSALS BY MILLS SEEK TO BROADEN WATERSHED PROGRAM

(By Leland DuVall)

The tendency to waste natural resources—minerals, soil, water and timber are examples—is inherent in a free economic system where supplies seem to exceed all possible demand. The United States went through this evolutionary phase in the early years of its history but the 20th century brought a realization that the Nation, with all of its assets, could not continue to destroy its inherent bounty and still feed the growing population.

The first Roosevelt was an evangelist of conservation but the situation had to grow worse before the country would accept the kind of reforms that would change the direction. By the time Franklin D. Roosevelt became President, the myth of superabundance had disappeared and virtually everyone who had studied the inventory of natural resources knew that the stocks had been depleted to a dangerous level.

Conservation, once regarded as a violation of the free enterprise system, became a word that could be used in the best circles. The petroleum industry, stimulated by the threat that the Federal Government might insist that it halt the waste that resulted from uncontrolled pumping, put together its Interstate Oil Compact Commission. In the name of conservation, the Commission worked out a program under which companies in the major producing States pumped only the amount of petroleum that would find a market. Lumber companies formerly solved their supply problem by moving their mills when the timber was cut out. When they saw the other side of the woods they realized that future supplies could be obtained only by growing the trees they would need. Forest conservation became an important phase of the business—with the Federal Government providing major assistance.

Despite the fact that no shortages of agricultural commodities actually developed, soil and water conservation programs were established as part of a plan to assure a continuing supply of food and fiber. The work moved slowly at first because farmers had acquired a well-established habit of land waste. In the early years of the Nation, a man could homestead and clear a new farm at less expense than would be required to save the old land.

The small watershed program, as authorized by Public Law 566, has become one of the more popular approaches to soil and water conservation. It provides for complete conservation on a stipulated area (watershed) through the combined efforts of local, State, and Federal organizations and agencies. In a report on the status of watershed applications in Arkansas, the Soil Conservation Service has released this scorecard: Applications have been received for 89 projects; 35 of them have been authorized for planning; 22 have been authorized for operations, and construction has been completed on 5.

Perhaps the key to the success of the small watershed program has been the fact that individual projects are started at the local level. Appropriate State agencies and the Soil Conservation Service provide their assistance on invitation.

Here, as in other developing programs, the needs change constantly. Despite its success, the small watershed program needs to be altered from time to time if it is to serve its purpose.

Representative Wilbur D. Mills, Democrat, of Arkansas, outlined some of the needed legislative changes at a recent meeting of the east central area of the Arkansas Association of Soil and Water Conservation Districts. Some of his suggestions have been written into proposed legislation that is in various degrees of progress. Mills listed these needs:

Authority for the Federal Government to administer watershed construction contracts, if requested by local sponsoring organizations to do so.

Authority at the State level to provide assistance to local organizations in obtaining land, easements and rights-of-way for watershed projects.

An amendment to Public Law 566 that would permit the use of funds authorized for community improvement to acquire land rights in the watershed program.

Federal appropriations for watershed planning should be increased.

Installation of land treatment measures should be speeded.

Under the present arrangement, construction contracts on small watershed projects must be administered at the local level and only the sponsoring organization (usually a district formed for the purpose) can sign the pact. Mills explained that, in many cases, these districts lacked experience in negotiating contracts and had no permanent staff that could do the job. His proposal would leave the authority at the local level if the sponsors preferred this arrangement but the Government agency would have authority to make the contract if the sponsors asked for assistance.

The law, as it now stands, prohibits the use of funds appropriated under Public Law 566 for obtaining land, easements, or rights-of-way. Mills agreed that there was nothing wrong with the arrangement but he said it might be possible to use other Federal funds for this purpose. Several programs offer Federal funds for community improvement projects such as water systems. Sometimes the best source of water is a reservoir created as part of a small watershed program. According to Mills, the community should be authorized to use some of this Federal money to help obtain land needed for the watershed work.

The popularity of the watershed program has created a need for additional funds to be used in the planning stages but the Budget Bureau has succeeded in holding down the appropriation. Mills believes it should be increased.

Mills also believes the maximum size of an impoundment should be increased from the present 5,000-acre feet to 12,500-acre feet. The House approved an amendment that would have provided for the increase but the Senate failed to go along with the proposal.

These proposed changes would broaden the scope of the small watershed program and make a major contribution to conservation in the United States. One other suggested change is essential.

If a watershed project is to serve its primary purpose (conservation of soil and water resources) land in the drainage areas must be managed wisely. Local organizations are required to carry out conservation treatment on at least half the land in the drainage areas but this part of the program is hampered by a lack of long-term planning. The Great Plains conservation program, where cost-share contracts are based on complete farm conservation plans, could serve as a model for agreements with owners of land in the drainage areas. The plan apparently is working well and could be extended to cover the small watersheds.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The LEGISLATIVE CLERK. A bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The Senate resumed the consideration of the bill (H.R. 11380).

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the order of yesterday, the Senator from Michigan [Mr. McNamara] is entitled to the floor.

Mr. SPARKMAN. Mr. President, will the Senator from Michigan yield to me for a few minutes without his losing the floor? I make that request.

Mr. McNAMARA. I yield for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS CAPITAL BANK

Mr. SPARKMAN. Mr. President, I am today introducing for appropriate reference a bill which would authorize the establishment of a Small Business Capital Bank.

This new financial institution is designed to buttress the small business investment company program and to make available for independent businesses vitally needed equity capital and long-term credit.

I think all of us have followed closely the operations of the SBIC program in the 6 years since we established it by legislation in August 1958. Most of us feel that this new industry has made some significant progress during this period; on the other hand, we are aware that the 700 SBIC's currently in operation have not come close to filling the real needs for these funds on the part of qualified small business firms.

When we passed the Small Business Investment Act of 1958, we recognized that it would be a pioneering venture and that changes would have to be made in the structure of the program. Throughout these intervening years, we have made a number of amendments to the basic act and to the various provisions of the Internal Revenue Code touching upon SBIC's.

The bill which I am introducing today is a further step to strengthen the program and to help SBIC's render greater financial support to worthy business firms.

Briefly stated, I propose the establishment of a Small Business Capital Bank which would raise funds through the sale of debenture bonds to the public and would channel these resources to SBIC's. Thus, the Capital Bank would be a secondary source of funds for SBIC's and would increase the resources they have available for lending to and investing in small businesses.

I believe that this proposal follows sound precedents set in other areas where the Federal Government has found a strong public interest involved. For example, the Bank for Cooperatives has been effective for over 30 years in directing private dollars into farm cooperative associations. Similarly, the Federal National Mortgage Association has been a mechanism for providing secondary markets for mortgages insured under FHA or VA programs. As a matter of fact, the recently passed 1964 Housing Act specifically brings Fanny Mae closer to the Capital Bank concept by giving authority to the Association to pool all its mortgages and sell general securities based upon the collateral of these mortgages.

Therefore, there are sound precedents for the action I am proposing in this legislation.

I also think that the establishment of a Small Business Capital Bank is wise Federal policy in that it would reduce the dependence of the SBIC program upon Federal funds and curtail direct dealings with the Federal Government. Just as the SBIC program itself has set up privately organized, privately managed, and largely privately financed SBIC's to assist small business firms—rather than authorizing direct Federal dealings with those companies—so the Small Business Capital Bank would substitute largely nongovernmental funds for many of the present transactions between SBIC's and the Small Business Administration.

As I will explain later, there will be no need for further expenditures to establish the new Small Business Capital Bank. Furthermore, a section in my bill specifically calls for an end to Government loans to SBIC's 5 years after the new secondary source of funds is authorized by the passage of this legislation.

Initial capitalization of the Capital Bank would come from the sale of $50 million of preferred stock to the Secretary of the Treasury. The Treasury will draw these funds from the revolving fund in the Small Business Administration already approved for the use of the SBIC program. Common stock in the Bank will be sold to SBIC's which will be required to purchase such stock with a portion of the funds they receive from the Bank. The preferred stock will gradually be retired and, as has been the case with the Federal Reserve System and the Bank for Cooperatives, Federal funds will be repaid from the earnings of the Capital Bank.

Although I have named only two governmental agencies, several others which have followed a somewhat similar pattern come to mind and could be named.

The Bank would be authorized to raise additional funds through the sale of debenture bonds to the public.

The new Bank would be directed by a nine-man Board of Governors named by the President, with the Secretary of the Treasury, the Small Business Administrator, and the Deputy Administrator for Investment of the SBA as three of the members.

The nominations of members would be subject to confirmation by the Senate.

The Bank will set standards of eligibility for SBIC's requesting Bank funds. When an SBIC meets these standards, the Bank may either purchase stock in that SBIC or make a loan to it. Thus, the resources of the Small Business Capital Bank will augment those of the SBIC and allow the licensee to provide greater financial assistance to the small business community.

As I visualize the ideal situation, this Small Business Capital Bank will eventually stand on its own feet without any financial backing from the Federal Government. Through its capital structure and from borrowings from the public and from institutional lenders, it will make available to SBIC's large amounts of funds for investing in worthy small business concerns. This could remove, completely or in large part, the call SBIC's may presently make upon the Federal Government through borrowing from the Small Business Administration.

My preliminary study of this proposal leads me to believe that such large institutional lenders as insurance companies and pension trusts, will be much more likely to purchase debenture bonds from this capital bank than they would to provide funds to any one particular SBIC. The principle of safety through diversification provided by the Bank and the economies possible through a single transaction with one borrower make this a logical conclusion.

Let me say at this point that I am not wedded to the particulars of this legislative proposal. I submit it now so that it may be studied and improved upon during the coming months.

In closing, let me summarize the reasoning behind this bill:

First. The SBIC program has demonstrated beyond doubt that worthy and well-qualified small businesses do need equity capital and long-term capital. The present resources of the program fall far short of the demonstrable need.

Second. SBIC's have shown themselves to be effective instruments for providing these funds. As all of us expected, some SBIC's have done very well; others have not. Some have been conservative; others liberal in their investment policies. Some have specialized in certain industries or situations; others have not. Taken overall, however, many SBIC's have shown imagination and the ability to prosper.

Third. The most basic problem facing the industry today is the problem of obtaining sufficient resources. To make a decent return on their capital, SBIC's, like all financial institutions, must have enough funds to carry their costs and allow a profit.

Fourth. The establishment of a Capital Bank is the best way I know to provide additional resources to SBIC's. An alternative, which I find far less palatable, would be to increase SBA's ability to lend directly to SBIC's.

For these reasons, I recommend to the attention of my colleagues in the Congress, interested officials in the executive branch, and the business and financial community this proposal for the establishment of a Small Business Capital Bank.

I have discussed it with members of the industry and with NASBIC, which is the trade association dealing with small business investment companies. I have given some thought to it, so I realize that there are details and particulars that may be varied. I realize that at this late point of this session of Congress, there will not be time to get action on the bill this year. I am not introducing it for that purpose. I am introducing it now so that it may be studied and discussed preparatory, possibly, to holding hearings and taking action during the next Congress.

Mr. PROXMIRE. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I am glad to yield to the Senator from Wisconsin, who is, as everyone knows, chairman of the Subcommittee on Small Business Legislation of the Committee on Banking and Currency.

Mr. PROXMIRE. This could be a significant day for small business. The Senator from Alabama is introducing an extremely important measure. Can he indicate how big a capital bank he has in mind? How much, in terms of debentures, would the authorization permit for sale to the public?

Mr. SPARKMAN. That is not spelled out; at least, I do not have the amount in my notes. If the Senator will permit, I shall be glad to see if a limitation is provided.

The involvement of the Government would be $50 million. The Senator understood me to say that. It would simply be a substitute.

Mr. PROXMIRE. That would be held by the Treasury?

Mr. SPARKMAN. Yes; and it would be a substitute for the $50 million revolving fund that is in the Small Business Administration now for SBIC's.

Mr. PROXMIRE. In addition, the debentures that would be sold to the public might be on the order of $1 billion or $500 million? At any rate, the amount would be far larger than the Government contribution.

Mr. SPARKMAN. It would have to be in order to provide ready capital.

Mr. PROXMIRE. Would the debentures be guaranteed by the Government?

Mr. SPARKMAN. I do not believe there is any guarantee provision in the bill.

Mr. PROXMIRE. At the present time.

Mr. SPARKMAN. Yes. The purpose of the proposal is to organize the bank along the lines that other Government agencies have been organized, in which debentures are made available or are purchased. As I stated, a part of the money obtained would have to be used—I am getting back to the capital stock—for the purpose of drawing in capital funds. The purpose of the debentures would be to draw in capital funds that could be used. They would be for sale to private investors. For the moment, I am sorry I have not inquired into this question more thoroughly. I do not see a reference to limitations on debentures, but I should think there would be a limitation.

Mr. PROXMIRE. As I understand, what would happen would be that the Small Business Investment Company would go to the capital bank to borrow. It would be in a position to borrow a substantial amount, so that it could have investment leverage that would give it an incentive to function. One of the disappointments of the SBIC program—although the program has been a good one—is that those who now operate SBIC's say they cannot get leverage—the borrowed capital; that when they make a 7-percent or an 8-percent loan, there is not sufficient incentive or sufficient margin for them to cover their costs.

Mr. SPARKMAN. That is correct.

Mr. PROXMIRE. All the financial institutions of this country that have been successful have functioned on the basic principle of leverage, of borrowing capital, paying 5 or 6 percent, and then investing the money at 7, 8, or even 10 percent, thus securing a profit, an incentive, and a basis for operations. Is not that correct?

Mr. SPARKMAN. That is correct.

I wish to correct a statement I made a moment ago. The amount of the debentures would be $1 billion. I knew the amount was in that neighborhood, but I did not recall whether it was $1 billion or $1,500 million. One billion dollars would be authorized.

This is the correction I wish to make: The debentures or bonds of the bank, when duly authorized and issued by the Board, shall constitute obligations guaranteed as to principal and interest by the United States.

Mr. PROXMIRE. They will be guaranteed?

Mr. SPARKMAN. That is correct.

Mr. PROXMIRE. There will be a Government guarantee?

Mr. SPARKMAN. Yes.

Mr. PROXMIRE. Is there any limitation on the amount that any SBIC could borrow in relationship to its capital and surplus? This is a good principle. There should be leverage. But I wonder if there is a limitation, such as there is upon banks—a limitation of 8 to 1 or 10 to 1 or 5 to 1.

Mr. SPARKMAN. I am quite certain that before a bill was reported, such a provision would be included. I am not sure whether it is spelled out in this bill. The bill represents almost entirely the handiwork of representatives of the industry itself. I have discussed it with them. I understand that they have discussed it to some extent with the Senator from Wisconsin, too.

Mr. PROXMIRE. Yes, indeed.

Mr. SPARKMAN. I am not so familiar with the measure as I would be if I had drawn it myself. I am introducing it for the purpose of study, and I am sorry I cannot give the Senator from Wisconsin the details that he seeks.

Mr. PROXMIRE. One more question. The usefulness of introducing the bill now is that it will enable the agencies concerned to provide reports between the sessions of Congress. One of the most serious criticisms of the SBIC program has been that small businesses—and I underline the word "small"—businesses that most people visualize as small—have received relativey little benefit from the program. In my judgment, one of the finest things that SBIC has done recently is to inaugurate a pilot program in cities like Philadelphia, a program that permits modest loans, with little or no collateral, based on a repayment record.

I am wondering if any consideration has been given as to how the SBIC program can be designed so that genuine small businesses will have an opportunity that they do not now have to take part in the program, and to get the capital they need for growth. I realize that it is difficult to plan such a program. At the same time, this is a massive extension of Government in behalf of SBIC. After all, a $1 billion guarantee is a substantial assignment, in view of the fact that the basic legislation, as the Senator from Alabama knows so well, provided for the termination of Government participation after a few years. Now we are apparently shifting to more Government assistance on the basis of a Government guarantee to the extent of $1 billion to get the SBIC program moving. That is a vast amount of money. I am wondering if a part of the program could be designed to help small businesses that need additional capital to obtain capital without great difficulty under the SBIC program.

Mr. SPARKMAN. I am in sympathy with the point the Senator from Wisconsin makes. I have recognized it as one of the weaknesses of the present system.

The point the Senator is speaking about—the requirement, let us say, that these small businesses be taken care of—is a matter to be controlled by regulation.

There is another point that I should certainly stress in any proposed legislation such as this—which will be, of course, subject to Federal regulation—I would insist that the regulations be such as to cover the board. It would be much easier for the individual SBIC to do this, because there would be more elasticity in the amount of funds which might be available.

The trouble now is that there is a limitation of funds which can be spent. So long as that limitation applies, they have to spread their loans out in such a way as to make a reasonable profit. That means that the little business, the small, small business, upon which there might actually be a net loss, often would go without its loan.

I recall the days of the Reconstruction Finance Corporation, the agency which made loans not only to small businesses, but also to businesses across the board. A great many people used to complain that they made too many large loans—large loans to railroad companies, and to industries of that kind. The defense of the RFC representatives was, as I remember it—when they came before our committee back in the days when the RFC was functioning—that the RFC made a great many very small loans. They brought out the point that they could not possibly make any profit on those very small loans, that they could not even afford to carry such loans, if they had not been able to carry the large loans.

The trouble with the SBIC so far has been that it has not had sufficient funds available to make the spread such as RFC used to do. I should think that a central bank arrangement would give them more nearly adequate funds.

Mr. PROXMIRE. What I have in mind, as the Senator from Alabama will recall, is that when the head of the biggest SBIC in the country, with assets of between $20 and $30 million, came before the Banking and Currency Committee last year, I asked him, if we removed the limitation of $500,000 on the size of investments by the SBIC, whether he would still make the more modest investments.

Mr. SPARKMAN. I recall that.

Mr. PROXMIRE. He stated that if Congress removed the $500,000 limitation on investments, every single loan they made would exceed $500,000 and almost all of them would exceed $1 million.

Mr. SPARKMAN. Yes.

Mr. PROXMIRE. That is understandable. It is easier to make money if one makes a few big loans in terms of making a study of the soundness of each company, and so forth; so I wonder, in view of the significant impact of the proposed legislation of the Senator from Alabama, and the fact that it does provide a billion-dollar guarantee, if it means a great opportunity for the SBIC's to have the leverage which they have not had before, whether it would not be wise—perhaps during the period before we hold hearings next year on this question—to consider something analogous to the fine program the SBA now has for very small businesses, where they make modest loans of $10,000 to $15,000 without collateral, and make them on the basis of a repayment record. Perhaps some incentive system along that line could be devised.

Mr. SPARKMAN. I should be very glad to do that.

Mr. PROXMIRE. It would be an encouraging thing.

Mr. SPARKMAN. I join the Senator from Wisconsin in expressing pleasure over the recent change in the SBA. One complaint I have heard has been that the very small businesses which really needed help could not get it. Many small businessmen have said to me, "If I had the collateral which SBA demands, I would not have to go to SBA to get a loan." I know that the Senator from Wisconsin has had the same experience. I am glad they are loosening up on small loans.

There is an experimental program going on in the District of Columbia at the present time, called the "Six by Six." These are loans not to exceed $6,000, over a period of time not to exceed 6 years. That is quite liberal as far as those terms are concerned.

Mr. PROXMIRE. In a recent article published in one of the leading Philadelphia newspapers, it was stated that after a very careful study, this was the most successful and most popular Government program of any kind in many years. It has been working very well. The repayments have been good. Small businesses can take part in it, and they are obtaining the loans. This is a point which needs to be encouraged. I hope that the legislation which the Senator from Alabama is introducing today might in some way embrace the success which has been attained in this other field.

Mr. SPARKMAN. I would join the Senator in trying to have such a measure enacted into law and into regulations—one or the other, wherever it would properly belong.

Mr. President, I ask unanimous consent that the bill may be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3192) to create a Small Business Capital Bank, and for other purposes, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, STATEMENT OF PURPOSE, AND DEFINITIONS

Short title

SEC. 11. This Act, divided into titles and sections according to the following table of contents, may be cited as the "Small Business Capital Bank Act".

Table of contents

Title I—Short title, statement of purpose and definitions

Sec. 11. Short title.
Sec. 12. Statement of purpose.
Sec. 13. Definitions.

Title II—Establishment of Small Business Capital Bank

Sec. 21. Establishment of the Bank.
Sec. 22. Board of Governors.
Sec. 23. Executive Director.

Title III—Incorporation and funding of Small Business Capital Bank

Sec. 31. Incorporation.
Sec. 32. Capitalization.
Sec. 33. Borrowing power.
Sec. 34. Operating funds.
Sec. 35. Curtailment of Government obligations.

Title IV—Provision of assistance to small business investment companies

Sec. 41. Use of Bank's funds.
Sec. 42. Standards of eligibility for assistance.
Sec. 43. Provision of equity capital to small business investment companies.
Sec. 44. Provision of loan funds to small business investment companies.
Sec. 45. Purchase of Bank stock by small business investment companies.

Statement of purpose

SEC. 12. (a) The Congress hereby finds that there is an increasing need among small business investment companies for funds to increase their operations to the end of providing additional funds to the small business concerns of this Nation in order to promote and facilitate their growth, expansion, and modernization; that this need must be met in the interest of a sound national economy; and that the funds which are presently available to small business investment companies from the Federal Government and from other public and private sources are insufficient to meet this need.

(b) It is therefore declared to be the policy of the Congress and the purpose of this Act to improve and stimulate the national economy in general and the small business segment thereof in particular by establishing a Small Business Capital Bank to serve as a secondary source for funds for small business investment companies in order to enable such companies to provide to the small business concerns of this Nation the equity capital and long-term loan funds which they need for the sound financing of their business operations and for their growth, expansion, and modernization.

Definitions

SEC. 13. As used in this Act—

(1) the term "Bank" means the Small Business Capital Bank established under section 201 or any branch thereof;

(2) the term "Board" means the Board of Governors of the Small Business Capital Bank;

(3) the term "small business investment company" means a company licensed by the Small Business Administration and operating under the Small Business Investment Act of 1958, as amended;

(4) the term "small business concern" shall have the same meaning as in the Small Business Investment Act of 1958, as amended, and in the regulations promulgated thereunder by the Small Business Administration.

TITLE II—ESTABLISHMENT OF SMALL BUSINESS CAPITAL BANK

Establishment of the Bank

SEC. 21. There is hereby established, as an independent agency of the Government of the United States, a Small Business Capital Bank. The principal office of the Bank shall be located in the District of Columbia, but the Bank may establish such district and branch offices throughout the United States as it deems necessary and appropriate.

Board of Governors

SEC. 22. (a) The management of the Bank shall be vested in a Board of Governors consisting of nine members. The Secretary of the Treasury, the Administrator of the Small Business Administration, and the Deputy Administrator for Investment of the Small Business Administration shall serve as members of the Board. The remaining six members of the Board shall be appointed by the President by and with the advice and consent of the Senate. In making such appointments, the President shall have due regard to a fair representation of the public interest as well as of the particular interests and needs of small business investment companies and the special contributions which can be made by such companies to the sound development of the national economy.

(b) Each member of the Board appointed by the President shall be appointed for a term of six years; except that (1) of the six members first appointed by the President, two shall be appointed for terms of two years, two for terms of four years, and two for terms of six years, as designated by the President at the time of appointment, and (2) any member appointed to fill a vacancy shall be appointed only for the unexpired portion of his predecessor's term.

(c) Each member of the Board shall be a citizen of the United States and shall receive the sum of $100 for each day or part thereof spent in the performance of his official duties; provided, however, that such per diem compensation shall not be paid to the Secretary of the Treasury, the Administrator of the Small Business Administration, nor to the Deputy Administrator for Investment of the Small Business Administration. In addition to receiving such per diem compensation, each member of the Board, including the Secretary of the Treasury, the Administrator of the Small Business Administration, and the Deputy Administrator for Investment of the Small Business Administration, shall be reimbursed for necessary travel, subsistence, and other expenses actually incurred in the discharge of his duties as such member, without regard to any other laws relating to allowances for such expenses.

(d) As soon as practicable after the first members of the Board have been appointed as provided in subsection (a), the members shall meet, subscribe to the oath of office, and organize by electing from among the membership a Chairman, a Vice-Chairman and a Secretary. The Chairman, Vice-Chairman, and Secretary shall be elected annually for terms of one year, and shall serve until their respective successors are elected and take office. The Chairman shall preside at all meetings and the Vice-Chairman shall preside in the absence or disability of the Chairman. The Board may, in the absence or disability of both the Chairman and Vice-Chairman, elect any of its members to act as chairman pro tempore. Five members shall constitute a quorum of the Board for the transaction of business, and the Board may function notwithstanding vacancies provided a quorum is present. The Board shall meet at such times and places as it may fix and determine, but shall hold at least six regularly scheduled meetings a year; and special meetings may be held on call of the Chairman or any three members.

(e) Notwithstanding subsection (b), any member of the Board may at any time be removed from office for cause by the President or, if cause exists but the President does not act, by the Congress through impeachment proceedings.

Executive Director

SEC. 23. (a) The Board shall appoint an Executive Director, who shall serve at the pleasure of the Board and shall, subject to the general supervision and direction of the Board as to matters of a broad and general supervisory, advisory or policy nature, and, except as otherwise specifically provided in this Act, be responsible for the execution of the functions of the Board.

(b) The Board shall fix the compensation of the Executive Director, but his annual rate of basic compensation shall not exceed $. In addition to receiving such compensation, the Executive Director shall be reimbursed for necessary travel, subsistence and other expenses actually incurred in the discharge of his duties without regard to any other laws relating to allowances for such expenses.

(c) The Executive Director shall comply with all orders and directions which he receives from the Board; but as to all third persons his acts shall be presumed to be in compliance with the orders and directions of the Board.

(d) The Executive Director, subject to the approval of the Board, shall employ such personnel (including attorneys, economists, accountants, experts, assistants, clerks, and laborers) as may be necessary to carry out the functions, powers and duties vested in the Board, and fix their compensation, without regard to the civil service laws or the Classification Act of 1949, as amended. All functions, powers, and duties of the Board, except those specifically reserved to the Board itself by this Act, shall be exercised and performed by the Executive Director and may be exercised and performed by him through such employees of the Board as he may designate.

Regulations

SEC. 24. The Board shall prescribe and publish such regulations, and take such other actions, as may be necessary and appropriate in carrying out this Act and in effectively exercising the functions expressly and impliedly vested in it under this Act.

TITLE III—INCORPORATION AND FUNDING OF SMALL BUSINESS CAPITAL BANK

Incorporation

SEC. 31. (a) The members of the Board of Governors shall, under their hand, forthwith execute and file with the Secretary of the Senate and with the Secretary of the House of Representatives articles of incorporation which shall specifically state the amount of the Bank's authorized capital stock and the number of shares into which such stock is to be divided, and all other matters necessary or appropriate to the organization of the Bank and the accomplishment of the purposes of this Act.

(b) The Board is authorized to direct such changes in or additions to any such articles of incorporation not inconsistent with this Act, as and when it may deem necessary or expedient.

(c) Upon the Board's duly making and filing the articles of incorporation, the Bank shall become, as of the date of the filing of such articles, a body corporate, and as such, it shall have power—

(1) to adopt and use a corporate seal;

(2) to have succession until it is dissolved by Act of Congress or under the provisions of this Act;

(3) to make contracts;

(4) to sue and be sued, complain, interplead, and defend, in any court of law of equity, as fully as a natural person;

(5) to elect, by its Board of Governors, a Chairman, a Vice-Chairman and a Secretary, and to appoint an Executive Director and other officers and employees, define their duties, require bonds of them and fix the penalty thereof, and dismiss any such officers and employees at pleasure and appoint others to fill their places;

(6) to prescribe, by its Board of Governors, bylaws not inconsistent with law, regulating the manner in which its stock shall be issued, held, and disposed of, its officers elected, its staff appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed; and

(7) to exercise, by its Board of Governors or its duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry out its functions under this Act.

Capitalization

SEC. 32. (a) The Bank shall be established with an authorized capitalization of $150,000,000, of which $50,000,000 shall be paid-in capital subscribed for by the Secretary of the Treasury on behalf of the United States, and the remainder shall be provided through purchases of capital stock of the Bank by small business investment companies pursuant to Sec. 45.

(b) The capital stock of the Bank shall consist of two classes, common and preferred, the rights and preferences of the separate classes to be as specified in the articles of incorporation of the Bank; provided, however, that the authorized capital to be subscribed through the issuance of common stock shall not exceed $100,000,000, and the authorized capital to be subscribed through the issuance of preferred stock shall not exceed $50,000,000.

(c) The common stock shall be available for purchase only by small business investment companies pursuant to section 45.

(d) The preferred stock shall be issued only to the Secretary of the Treasury in exchange for the contribution to the paid-in capital of the Bank pursuant to section 32 (a), and such preferred stock shall be redeemed and retired by the Bank from earnings available therefor at any time after the Bank has received a minimum of $50,000,000 in exchange for its common stock.

Borrowing power

SEC. 33. (a) In addition to its authorized capitalization, the Bank shall have authority to obtain funds through the sale to the public of its debenture bonds, which shall bear interest at such rate and contain such other terms as the Board may fix.

(b) The aggregate amount of obligations which may be outstanding at any one time pursuant to section 33(a) shall not exceed $1,000,000,000. The proceeds of the issues of such obligations shall be used only for the purchase of obligations of small business investment companies as provided in section 43 and section 44.

(c) The debenture bonds of the Bank, when duly authorized and issued by the Board, shall constitute obligations guaranteed as to principal and interest by the United States. Said debenture bonds shall be a lawful investment for all fiduciary and trust funds, and may be accepted as security for all public deposits.

Operating funds

SEC. 34. The Small Business Administration shall lend to the Bank, upon application by the Board, a sum not to exceed $—— in each fiscal year, to defray the operating expenses of the Bank. Such loans shall be made from the revolving fund of the Administration devoted to operations under the Small Business Investment Act of 1958, as amended, shall bear interest, and shall be subject to repayment from earnings of the Bank available therefor.

Curtailment of Government obligations

SEC. 35. For the purpose of curtailing Government obligations under the small business investment company program—

(1) Effective on the date of the enactment of this Act, funds authorized under any other law for the revolving fund of the Small Business Administration for purposes of the small business investment company program shall be reduced by $50,000,000; and

(2) Effective five years from the date of the enactment of this Act, section 303(b) of the Small Business Investment Act of 1958, as amended, is hereby repealed.

TITLE IV—PROVISION OF ASSISTANCE TO SMALL BUSINESS INVESTMENT COMPANIES

Use of Bank's funds

SEC. 41. It shall be the primary function of the Bank to use any funds available to it from its capital account or from any of its other accounts—

(1) to provide capital to small business investment companies as provided in section 43; and

(2) to make direct loans to small business investment companies as provided in section 44.

Standards of eligibility for assistance

SEC. 42. The Board shall promulgate standards to determine the eligibility of small business investment companies for the assistance provided by this Act. In promulgating such standards, which may differ according to the type of assistance involved and any other relevant factors, the Board shall give consideration to—

(1) the need to promote the development and growth of small business investment companies so as to enable them to make their maximum contribution to productive investment and employment and to the economic stability and growth of the Nation;

(2) the need to make capital and loan funds for such concerns more readily available in adequate amounts and on reasonable terms;

(3) the need to facilitate maximum participation of private financial institutions and investors in financing small business investment companies and eligible small business concerns; and

(4) the need to supplement the existing facilities of the United States Government and of banks and other private financial institutions through the program of assistance provided under this Act.

Provision of equity capital to small business investment companies

SEC. 43. (a) It shall be a function of the Bank to provide a source of needed equity capital for small business investment companies which meet the standards of eligibility promulgated by the Board under section 42, by advancing funds to such concerns in the manner and subject to such terms and conditions as may be prescribed by the Board.

(b) The Bank is authorized to supply equity capital to any eligible small business investment company through the purchase of either the common stock or the preferred stock issued by such small business investment company.

(c) The aggregate amount of stock of any one small business investment company which may be acquired and held by the Bank at any one time shall not exceed the lesser of 5 per centum of the paid-in capital of the bank or 25 per centum of the issued and outstanding voting stock of such small business investment company.

Provision of loan funds to small business investment companies

SEC. 44. (a) The Bank is authorized to make loans, in the manner and subject to such terms and conditions as may be prescribed by the Board, to small business investment companies which meet the standards of eligibility promulgated by the Board under section 42, in order to provide such concerns with funds needed for their financing activities.

(b) Loans made under this section may be made directly, or in cooperation with banks or other lending institutions, through agreements to participate on an immediate or deferred basis.

Purchase of Bank stock by small business investment companies

SEC. 45. (a) Whenever the Bank advances funds to a small business investment company under section 43 or section 44, such small business investment company shall be required to become a stockholder of the Bank by investing in the common stock of the Bank.

(b) A small business investment company receiving equity capital from the Bank pursuant to section 43 shall be required to become a stockholder of the Bank by investing in the common stock of the Bank 5 per centum of the amount of the capital so provided by the Bank.

(c) A small business investment company receiving loan funds from the Bank pursuant to section 44 shall be required to become a stockholder of the Bank by investing in the common stock of the Bank an amount equal to 1 per centum per annum of the amount of the loan funds so provided by the Bank; provided, however, that the maximum funds so invested by the small business investment company shall not exceed 5 per centum of the loan funds so provided by the Bank.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. **McNAMARA**. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER**. The Senator from Michigan will state it.

Mr. **McNAMARA**. What is the pending business?

The **PRESIDING OFFICER**. The pending business is the Dirksen-Mansfield amendment to the foreign aid bill.

Mr. **MANSFIELD**. Has the pending business been laid before the Senate?

The **PRESIDING OFFICER**. It has.

Mr. **McNAMARA**. Mr. President, yesterday I started to make some remarks, and by unanimous consent I relinquished the floor. Since I had not gotton very far in my remarks, I shall start from the beginning again.

Mr. President, in an earlier speech opposing the various efforts in Congress to nullify the Supreme Court decision on legislative apportionment, I devoted a considerable portion of my remarks to the situation in Michigan.

I cited numerous examples of how a rural-dominated, minority-controlled Michigan State Senate consistently—over the years—vetoed progressive legislation both needed and wanted by a majority of the people of the State.

Further, I pointed out how this tyrannical minority usurped the appointive powers of the Governor and indulged in the most outrageous gerrymandering of legislative and congressional districts for partisan advantage.

Today, I intend to deal with this issue of equal representation in a more general sense and discuss some of its national implications.

In my view, this is perhaps the most vital issue to come before the Congress in this century. Certainly, it is the most important matter to come before the Senate during the 10 years I have served in this body.

Why do I say that?

Because for the first time in the history of this Republic, the United States stands on the threshold of achieving a truly democratic and fairly representative government at the State level.

This is due entirely—in my mind—to the historic apportionment decision of the Supreme Court—first, in Baker against Carr, and second, in Reynolds against Sims.

There is no question in my mind—and there seems to be substantial agreement on all sides—that fair apportionment of our State legislatures and in our congressional districts would still be a remote probability in the distant future—were it not for the one-man, one-vote principle established by the Supreme Court.

In my previous remarks, I cited the Michigan experience as an example of the impossibility of obtaining equal representation through the legislative route. The experiences of many other States confirms this.

Many years ago—back in the 1920's—H. L. Mencken—who was an implacable foe of what he described as "barnyard government" asserted that the stranglehold maintained on most State legislatures by rural minorities was "not only unjust and undemocratic; it is absurd." He predicted that it "could not last."

But Mencken was wrong. What he called "barnyard government" has not only lasted, it has become even more absurd as the population of the country shifted from countryside to city and from central city to suburb.

Until these landmark Supreme Court decisions in the 1960's, malapportionment and minority control have repulsed all efforts by the downtrodden urban majority to obtain relief.

A major reason for this is that the bias, once built in, is almost impossible to remove by political means because the politicians simply will not vote themselves out of office.

Legislative apportionments, no matter how outrageously unfair, have been "frozen" into State constitutions by amendment with no provision for change. Rural minorities have further protected themselves with cunningly devised procedures to make change extremely difficult, if not practically impossible.

And now we have serious efforts in both Houses of Congress to nullify the Supreme Court apportionment decisions and, in effect, deny forever, the one chance that the urban majority of this country has for fair and equal representation in both the State legislatures and in the House of Representatives.

Since I last spoke on this issue in the Senate, the House of Representatives approved the so-called Tuck bill. We debate here the Dirksen amendment to the foreign aid bill.

The Dirksen amendment and the Tuck bill have the same intent and are equally dangerous because the purpose of both is to remove the issue of legislative apportionment from Supreme Court jurisdiction.

The Tuck bill would accomplish this by a law of dubious constitutionality.

The Dirksen amendment—which I think is even more dangerous—would "buy time" so that an effort could be made to deny the Supreme Court jurisdiction in apportionment cases by a constitutional amendment.

Presumably, malapportioned legislatures that the Supreme Court already has held to be illegally constituted in several States would be allowed to participate in this effort to legalize themselves.

The logic of this escapes me.

I am opposed to all efforts to nullify, delay, cancel, repeal, or postpone the Supreme Court decisions on apportionment—be they in the form of a separate bill, a rider on the foreign aid bill, or a proposed amendment to the Constitution. I intend to oppose them with all resources at my command and that includes voting against the foreign aid bill if this noxious proposal is a part of that measure.

I am opposed to removing apportionment from Supreme Court jurisdiction for the following reasons:

First. It is undemocratic in its purpose and intended result.

Second. It is a reactionary attempt to stem the tide of history that has enormous potential for bitter, divisive strife.

Third. It is based on the indefensible premise that an American citizen living in a rural area is superior or to an American citizen lying in a city or suburb, and thus should be given control of the Government.

Fourth. It is a dangerous intrusion upon the principle of separation of powers in our Government and would establish a perilous legislative precedent.

Fifth. It would prolong minority control in the House of Representatives and thus make the Congress less responsive to the national will.

Sixth. It would further weaken the role of the State government.

Seventh. It would further enfeeble the principle of political party responsibility and accountability which is essential to the successful operaton of a representative democracy.

I now propose to examine these seven points in some detail:

First, why is it undemocratic?

It is undemocratic because it seeks to preserve a system of minority rule, while democracy requires equality of representation.

The very word "democracy" was created to distinguish government by the people from government by kings or aristocrats.

In democratic countries, the people elect representatives who are continued in office by reelection so long as they carry out the will of the people.

It is a fundamental premise of democracy that "all men are created equal"—as we so proudly asserted in our Declaration of Independence.

This means that all citizens must have equal political rights. And the most important political right, if "government of, by, and for the people" is to endure, is equality of representation according to the principle of "one man, one vote."

If a minority of the people, with overweighted voting power in a legislature, can continually frustrate the will and desires of a majority of the people, this principle is violated.

An argument made by those who favor the malapportioned status quo is that, even in a democracy, the rights of the minority must be protected. I agree.

The rights of the minorities should be protected—and they are—but not by giving them the power to rule the majority.

Minorities are protected by the Bill of Rights, enforced through the courts, through rules of legislative procedure, and other methods.

The right of protection, however, does not include the right to determine policy for the majority.

Those who would perpetuate minority rule express horror at the prospect that one or two large counties would dominate the government of a State.

To me, this is a specious argument because it assumes that all residents of these large counties have identical interests that are in conflict with the rest of the State.

We all know that many different occupational, religious, ethnic, and political groups live within every metropolitan area.

I do not believe there is any way to identify interest groups, as such, for purposes of special representation, without violating the principle of equal representation of each citizen, as an individual.

Second, I contend that this effort to repeal or nullify the Supreme Court's reapportionment decision is a reactionary attempt to stem the tide of history.

What is more, it has a great potential for bitter, divisive strife.

The entire thrust of history in the Western World, with few exceptions, has been toward a more direct translation of the desires of the people into the policies of the Government. This in turn, has led to a willingness to experiment with reforms in hopes of solving the problems of a changing world.

In general, there has been a broadening of the franchise—the right to vote—both in the United States and elsewhere.

As inequalities in representation were eliminated, democracy flourished. The rise of democratic institutions in the West is the history of the removal of class privilege from government.

The first to win representation in government from the kings and the emperors were the lords and the princes who claimed that noble birth entitled them to special political rights.

As democracy grew, the right to representation in the Government was extended to the "commoners." A whole series of historic struggles have been fought to eliminate special qualifications for voting based upon ancestry, property, religion, race, sex, and colonial status.

Extension of the democratic processes in the United States has been a somewhat gradual process even though the direction has mostly been forward. It took time before constitutional limitations on popular government were removed.

The direct election of U.S. Senators, and the initiative, referendum, and recall of public officials are relatively recent changes.

Conversely, the argument has been made by opponents of equal representation that we should not "upset tradition."

I am indebted to a Michigan constituent, Mr. Maurice Waters, an assistant professor of political science at Wayne State University, for an eloquent rebuttal to this argument.

In a recent letter to me, urging opposition to the Dirksen amendment, Mr. Waters said in part:

> As for the argument that historically we have had a malapportionment system and that therefore we ought not upset tradition, one need only reply that any tradition which encompasses injustice is not worth citing as a ground for its continuation.
>
> We have long since recognized this by virtue of having freed the slaves, given women the right to vote, and, in the past several years engaged in efforts to supplement our ideals of civil rights.
>
> In every instance cited, tradition had to be overcome, but it is equally true that those who had a deep appreciation for the lack of justice which those traditions represented, saw fit to take appropriate action.
>
> My dismay and concern regarding the present moves to thwart the Supreme Court's decision is deep, because I feel that many basic needs confronting the American people have been partially or totally ignored, in large measure because millions have been inadequately represented * * *.

Mr. President, it is in this area of ignored needs that there exists a great potential for bitter division and strife among the American people.

To millions of city-dwelling Americans concerned with an equal voice in their State legislatures, the Supreme Court has, indeed, been "the court of last resort". Frustrated by constitutionally frozen districts and defeated in their efforts to change matters at the polls, they have turned finally to the Supreme Court for relief.

And now it is proposed to bar them from this last avenue of assistance.

One of the compelling arguments for passage of the Civil Rights Act of 1964 was that it would take the issue of equal treatment out of the streets and put it in the courts, where it belonged.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. PROXMIRE. A most convincing argument on the side of supporting what the Senator has been saying about ignored needs and about how malapportioned legislatures have prevented the people from getting the kind of relief and legislation which they want was made by the senior Senator from Michigan. Indeed, by far, the best exposition on that subject was given by the senior Senator from Michigan earlier in a speech which he delivered. In that speech the Senator cited case after case in which, as I understood, State senators who constituted a minority in the Michigan State Senate but represented a very big majority of the Michigan people voted for reforms and for badly needed programs, but were frustrated by those senators who constituted a majority of the State senate but a minority of the people. Those senators voted against the measures.

Is it not true that under those circumstances, unless the decision of the Supreme Court is honored, this inability of the State legislatures and State governments to meet the needs of the people will continue, be expanded, and be multiplied throughout the country by the number of States that we have?

Mr. McNAMARA. That certainly is true. I thank the Senator for referring to my previous remarks. I documented and provided irrefutable evidence, naming the incidents involved, in which a portion of the Senate that represented the minority of the people of the State of Michigan was able to thwart the will of the representatives of the majority.

Mr. PROXMIRE. It seems to me that that is the kind of argument which has been very telling. It is true that when we have spoken on the subject, the number of Senators in the Chamber has been small—perhaps very few. Nevertheless, the debate is reported to the country. It is read in the CONGRESSIONAL RECORD. The speech delivered by the Senator from Michigan a few weeks ago was obviously considered by other Senators.

I wish to call attention to the fact that probably the most dramatic switch in congressional sentiment that has taken place in a long time was demonstrated yesterday when the Tuck bill, which passed the House by 40 or 50 votes—not an overwhelming number, but a decisive victory—was brought up in the Senate. Judging from the performance in the House, if that bill had come up in the Senate without any debate a month ago, it is clear that it would have passed. But what happened after our debate? It did not pass the Senate. It was defeated crushed by a vote of 56 to 21, which was about as bad as beating as any proposal that has passed this House has received here in a long time.

What the Senator from Michigan is doing today is making his carefully reasoned and persuasive speech is not merely passing time but, it seems to me, he is winning people who have open minds and are willing to consider the issue and the merits of the argument, winning people to our side. Debate has done this and it is being done every day the debate continues.

Mr. McNAMARA. I thank the Senator from Wisconsin for his complimentary remarks. I assure him that everything he has said about my feeble efforts in this case could be said for him, but to a much greater degree, because he has been a real leader in this effort to support the decision of the Supreme Court.

Mr. President, the proponents of status quo malapportionment now propose to take the question of equal voice at the ballot box out of the courts and leave the aggrieved citizens only the recourse of the streets.

I do not suggest that nullification of the Supreme Court "one man, one vote" decision would result in immediate street riots of protest.

But I think perhaps that a good case could be made for the argument that some of the unfortunate rioting we are experiencing this summer is caused—in part—by the failure of malapportioned, rural-dominated State legislatures to make any attempt at all to solve the urgent social and economic problems of the big cities within their jurisdiction.

And if we confirm this minority control for years to come, the ignored problem of the big cities and the suburbs will become even more explosive, and the desperate efforts to solve them even more violent.

They will be aggravated even more by the continuing shift of population from the farm to the city—a movement that is inevitable.

This massive population shift that already has changed our country from a rural, smalltown society to an urban, highly industrialized nation makes inevitable the eventual defeat of the effort to deny equal voting privileges to the city-dwelling majority.

It might well be said that the longer this justice is denied and delayed, the more drastic will be the reaction when equality is finally achieved and the majority does indeed govern.

My third basic criticism of malapportionment—and the efforts to perpetuate it—is it is based on the indefensible premise that an American citizen living in a rural area is somehow superior to an American citizen living in a great city or suburb.

This is an inherent, though often unspoken argument of the malapportioners—that only those who live in the wide open spaces can be entrusted with self-government and that there is something inherently wicked and evil in city and suburb, that disqualifies those who live there from exercising equal power at the ballot box.

This viewpoint was never true—even during the pioneer days when it received its widest credence, and it is preposterous that it would continue to survive in our urban society today.

The overwhelming majority of mail I am receiving on this issue from Michigan is in opposition to the Dirksen amendment and the Tuck bill.

At the latest count, I had received only five letters urging me to support status quo malapportionment, compared to more than 100 in opposition. And two of the five "pro" letters were from the Farm Bureau and the Lumberman's Association.

My fourth major objection to the Dirksen-Tuck proposals is that they constitute a dangerous intrusion upon the principle of separation of powers in our Government and would establish a perilous legislative precedent.

As a resident of Jackson, Mich., wrote me recently:

> For if Congress passed an unconstitutional law, it could simultaneously pass a provision withdrawing the jurisdiction of the Court on that law. Obviously, this precedent would gravely endanger the people.

The basic question here may be broken down into three parts:

First. Can Congress withdraw jurisdiction of the Federal courts over State legislative apportionment?

Second. Can Congress prohibit judicial review in any Federal court of a question concerning a violation of the U.S. Constitution, and

Third. Can Congress withdraw jurisdiction over such a question from the inferior Federal courts and at the same time deny appellate review by the Supreme Court over such decisions by the highest courts of the various States?

If apportionment jurisdiction is taken from the Supreme Court, a dangerous precedent will have been established. This precedent—withdrawal of jurisdiction—would in effect destroy the system of checks and balances—the check of the Supreme Court to invalidate an unconstitutional statute—and result in a radical change in constitutional structure.

These specific questions have not been finally disposed of by the Supreme Court.

The celebrated McCardle case of Reconstruction days is often cited as precedent for congressional withdrawal of jurisdictional authority from the Supreme Court.

William H. McCardle, it will be recalled, was editor of the Vicksburg, Miss., Times during the Reconstruction period after the Civil War. He was outspoken in his editorial criticism of the Union troops, and the officer in charge of the occupation forces had him arrested and held for trial on charges of what amounted to sedition.

McCardle, alleging unlawful restraint and challenging the validity of the Reconstruction Acts which were the authority for his arrest, filed a petition for a writ of habeas corpus in the Federal Circuit Court of southern Mississippi.

The writ was issued, but after a hearing, McCardle was returned to the custody of the military authorities. He then appealed to the Supreme Court, and it looked very much like he might win, since the Court had previously held unconstitutional the Reconstruction Act requiring test oaths from southerners.

Arguments were heard on the case, but before the Justices could hold conference and reach a decision, the Congress in 1868 intervened, enacting a statute withdrawing appellate jurisdiction from the Supreme Court in habeas corpus cases.

The issue then became whether the Court had jurisdiction, in light of the new law, and the Court held that it did not, dismissing the case.

A few years later, the Congress evidently regretting what it had done, repealed this ill-advised law.

Although the McCardle case is cited as a precedent, there is some question whether it would be applicable in the present instance.

It is worth noting that the Court was not faced with the question of total denial of Federal judicial review of Federal constitutional questions, as is proposed in the Tuck bill and—eventually—by the Dirksen amendment.

It is extremely doubtful whether the Court would sustain as constitutional, legislation denying both original jurisdiction and judicial review by the Supreme Court of State court decisions on matters of legislative apportionment.

As Anthony Lewis stated in the New York Times of August 16, 1964:

> Foreclosing enforcement of the right to equal representation would be a precedent for picking out any other constitutional right that Congress did not like at the moment and excluding it from the courts.

In other words, denial of equal voting rights today could be followed by denial of freedom of speech, press, or worship tomorrow, given the appropriate emotional and political climate.

My fifth point in opposition to freezing the status quo on legislative malapportionment is that it would prolong minority control in the House of Representatives and thus make the Congress less responsive to the national will.

Malapportioned State legislatures have a habit of stamping their distorted image upon congressional districts within their own State, as we know from bitter experience in Michigan.

And while the Constitution requires that the States be represented in the House of Representatives according to the population of the several States, the distribution of that representation within the State is determined by the State legislature.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. McNAMARA. I am glad to yield to the Senator from Pennsylvania.

Mr. CLARK. The Senator is making a most important address on the matter of reapportionment, and, needless to say, I am in complete accord with the position he has taken, which I think is completely sound both legally and from the point of view of justice and equity.

I had called to my attention by a rather prominent member of the Johnson administration the other day an article which appeared in the San Francisco Chronicle a couple of weeks ago. I wonder if my friend from Michigan saw it. I thought I would put it in the RECORD. It is written by a columnist named Arthur Hoppe, and it is entitled "Fairplay for Rocks."

Does the Senator recall having seen it?

Mr. McNAMARA. I do not recall having read it.

Mr. CLARK. The article points out:

> Our Supreme Court says we have to rearrange our State legislatures to conform to

the conservative doctrine of "one-man, one-vote." And naturally this has deeply angered all liberals committed to the truly democratic concept of equal representation for all—for all rocks, trees, gravel pits, wheatfields, gold mines, and oil wells.

Mr. Hoppe intends to organize a special committee to see to it that the rocks get fair treatment. He points out that the fervor of those who want to see every rock have a vote must bring a lump to one's throat:

> And if we can just stir up our brothers, the rocks, to seek their freedom now, we shall win our rightful place in our society. In a landslide.

Mr. President, if the Senator from Michigan is agreeable, I ask unanimous consent to have the article from the San Francisco Chronicle printed in the RECORD at this point.

Mr. McNAMARA. I have no objection. I thoroughly agree with the sentiment expressed. Whether it is measured in terms of rocks or trees or acres, or by whatever yardstick, it all comes to the same conclusion: There is no justification for it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FAIRPLAY FOR ROCKS!

(By Arthur Hoppe)

Our Supreme Court says we have to rearrange our State legislatures to conform to the conservative doctrine of "one-man, one-vote." And naturally this has deeply angered all liberals committed to the truly democratic concept of equal representation for all—for all rocks, trees, gravel pits, wheatfields, gold mines, and oil wells.

"Are these great, economically important land areas to go unrepresented," cries our State chamber of commerce, "just because they are low in population?" "Would that be democratic? Of course not. It's rank discrimination by those narrow-minded bigots who believe in human supremacy.

So to coordinate the efforts of all us fighters against intolerance and injustice, I'm forming the National Association for the Advancement of Rocks. Let us march forward together under the ringing battle cry: "One rock, one vote."

And if we must reapportion our State legislature, let us do so fairly. Look at the sorry mess it is now. We have 80 assemblymen in the lower house, each elected on the basis of populaton. Fair enough. Humans should have a voice, too.

But our State senate is a complete hodgepodge. As is often pointed out, the State senator from Los Angeles, the able Mr. Tom Rees, represents 7 million people. But who cares that most rural senators must struggle against overwhelming odds to guard the legislative interests of at least six times that many rocks? Is this fair?

Worse, several of our State senators representing oil wells also have people in their districts. One can scarcely imagine the difficulties this causes. For no man can serve two masters. And consequently our oil wells are definitely not receiving the full-time legislative representation they deserve.

There is obviously only one equitable method of bringing order out of this chaos: Let our assemblymen continue to represent people and allow our distinguished State senators to represent rocks. Not only rocks, of course, but trees, gravel pits, oil wells, and the like. A senator for each, I say—a dedicated statesman who could devote full time to whatever special interest he represents. Instead of part time, as he does now.

Yes, rock lovers, we must end this taxation of oil wells without adequate representation. We must put a stop to this exploitation of our resources by revenue agents. We must lift up our downtrodden gravel.

Ah, the fervor of us upholders of true democracy brings a lump to your throat. And if we can just stir up our brothers, the rocks, to seek their freedom now, we shall win our rightful place in our society. In a landslide.

Mr. McNAMARA. Mr. President, a legislature controlled by a rural minority usually ties itself into gerrymandering knots in order to give a rural, conservative weighting to its congressional delegation, at the expense of the underrepresented cities and suburbs.

As a result, the city dweller is denied equal voice in both his State and National legislatures.

A Congress that is heavily weighted in favor of the Nation's rural and conservative community has difficulty in responding to the needs of a rapidly-growing, urban-centered society.

A recent study by Congressional Quarterly indicates that of the 435 Representatives, 250 came from districts that were rural-based. Furthermore, most congressional districts of this type are fairly "safe" politically. According to the Quarterly study, about 300 congressional seats almost never change party hands, leaving only 125 seats that are genuinely competitive.

As a result, conservatives of both parties become entrenched in dominant positions on the all-important committees. They tend to become more and more preoccupied with the narrow concerns of their districts at the expense of national needs.

Most of the opposition to such needed programs as aid to depressed areas, manpower training, urban renewal, mass transit, slum clearance, air and water pollution control and juvenile delinquency comes from the over-represented rural areas.

The fact that many of these programs have managed to scrape through the Congress in recent years—often in diluted and inadequate form—is no argument for continuing malapportionment. It merely emphasizes the need for correction.

Mr. Justice Black, in writing the majority opinion in the landmark case of Wesberry against Sanders, in October 1963, that struck down a Georgia congressional districting law, stated in part:

> We agree with the district court that the 1931 Georgia apportionment grossly discriminates against voters in the Fifth Congressional District.
>
> If the Federal Constitution intends that when qualified voters elect Members of Congress, each vote be given as much weight as any other vote, then this statute cannot stand.
>
> We hold that, construed in its historical context, the command of article 1, section 2, that Representatives be chosen "by the people of the several States" means that as nearly as is practicable one man's vote in a congressional election is worth as much as another's.

A fifth basic objection to continuation of legislative malapportionment is that it would further weaken the role of State government in our society.

It is somewhat ironic that the most vociferous proponents of States rights are most prominently identified in the campaign to cancel the Supreme Court's jurisdiction over legislative apportionment, since it is the rural-dominated State legislatures that have ignored the 20th century problems of their metropolitan areas that are most responsible for their own decline.

In my earlier remarks I described how a rural minority controlled State senate in Michigan had exercised a ruthless series of legislative vetoes over progressive programs proposed by a popularly elected Governor and favored by a clear majority of the people of the State.

I do not believe that the Michigan experience is unique. It has been duplicated in many States in all sections of the country.

The fact is that the legislatures of this country have remained citadels of conconservatism during the past 50 years at a time when the liberal sentiments have been confined to the executive and judicial branches of Government.

Despairing of assistance from their State capitols in solving the severe problems of industrial development and urban growth, the great cities of the country have been forced to turn to the Congress for Federal help—in slum clearance, urban renewal, mass transit, hospital construction, and other critical areas.

By placing undue emphasis on economy at the expense of social need; by making niggardly appropriations for education, welfare, mental health; by shortchanging the cities in the distribution of tax moneys, the rural-dominated legislatures have been a primary cause of the drastic decline of the role of the State government.

I believe—as I have said previously—that when and if the States achieve truly representative government much of the noisy arguments over States rights versus concentration of power in Washington will disappear.

Truly representative State governments—working in harmony with Federal and local governments to meet the problems of America that confront us in the 1960's—will win back the prestige and esteem they once had.

But if we seek to perpetuate the malapportionment that has brought about their present state of ineffectiveness and public disrepute, State government will continue to wither and decline.

Finally, to prolong legislative malapportionment would be to further enfeeble the principle of political party responsibility and accountability which I believe is essential to the successful operation of a representative democracy.

Political scientists, generally, are in agreement that inequal apportionment handicaps political party responsibility; that modern democracies depend upon political parties to make representative institutions work.

An urban, industrial society such as ours needs the help of political parties to narrow down the field of potential candidates; to find a simple, short-hand way of knowing what candidates stand for, and to take on the chores of organizing and financing election campaigns.

Within the legislatures, too, the parties should perform the necessary functions of organizing committees and acting upon legislation to carry out the programs they have promised in their campaign platforms.

Most important, the two-party system provides—or should provide—the voters with records on which they can judge the candidates.

But this rational and logical system of political accountability is frustrated and defeated by unrepresentative apportionment. Too often we have the situation where one party with broad popular appeal elects a Governor by a substantial majority.

But through malapportionment he is forced to deal with a legislature controlled by senators and representatives—usually of the other party—that have been elected by a minority of the voters.

As an example of this, I cite the 1958 election in Michigan where Gov. G. Mennen Williams was reelected to an unprecedented sixth term by a handsome plurality of nearly 150,000 votes.

But in the same election, the Democrats and Republicans each got the same number of seats in the house of representatives, even though the Democratic house candidates received 627,000 more votes statewide.

In the State senate, where malapportionment was even more flagrant, Republicans won 10 more seats than the Democrats, despite the fact that the Democratic senatorial vote—statewide—was 45,642 votes higher than the Republican.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. PROXMIRE. What was the division of the Michigan State Senate? Did the Senator say that there were 10 more Republican State senators than Democratic senators in the 1959 legislature?

Mr. McNAMARA. I repeat—in the State senate, where malapportionment was even more flagrant, Republicans won 10 more seats than the Democrats, despite the fact that the Democratic senatorial vote, statewide, was 45,642 votes higher than the Republican.

Mr. PROXMIRE. That is a dramatic demonstration of the frustration of the popular will. We have a situation in which a majority of the people vote for representatives of one party. But they do not get a majority in the State senate. Instead, they get a relatively small minority. Ten senators in a body the size of the Michigan State Senate would be a very clear and decisive—in fact, almost overwhelming—majority. It would be in the Wisconsin State Senate. I believe that it is true also of the Michigan State Senate.

Mr. McNAMARA. As I recall, it was 22 to 12.

Mr. PROXMIRE. Almost 2 to 1.

Mr. McNAMARA. That is correct.

Mr. PROXMIRE. I believe that is a dramatic demonstration of the evils of the malapportionment of the rotten borough system.

Mr. McNAMARA. I thank the Senator for emphasizing that point. It impressed me in that manner.

Thus, unequal apportionment of the legislature made it impossible for the majority party in the State to assume its proper responsibility for the conduct of the State government.

The result in Michigan, and in a host of other States with similar situations, is governmental stalemate and political frustrations.

I have spoken here today, as I did on August 17, with what is unusual length for me.

I do so because I feel that legislative apportionment is the most important issue facing this Congress.

I believe that we have been acting with undue haste in considering these measures without public hearing and without proper deliberation.

For that reason, I think it is essential that we have extended discussion of this vital matter so that public opinion will have time to mobilize and make itself known to the Congress.

Therefore, I have spoken twice at length and am prepared to do so again in the future should that prove necessary.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. DOUGLAS. I congratulate the Senator from Michigan for the very able address which he has just delivered. While I did not hear all of it, I read it all. I believe it is one of the clearest and most forthright statements that have been made. It is characteristic of the Senator from Michigan, who is always forthright in his statements and in his attitude.

I believe it can be said of the Senator from Michigan: "Behold a Senator in whom there is no guile." Everyone always knows where he stands. He does not make any ambiguous statements. He does not cast any ambiguous votes. His statement will have a real effect on public opinion.

I was especially interested in the opening part of the Senator's address. It sketched some of the historical developments. As I study the pattern of legislative representation, it appears that the rough outlines of the pattern of representation in most of the States was laid either by 1900 or in the years around or before 1900. In Vermont, the pattern in the lower house follows the Constitution of 1793. That is 171 years in the past. I believe that in most of the States the legislative districts were laid out in the years around 1900, or in the years preceding 1900.

At that time, the United States was a country consisting primarily of farms, small towns, and small cities, and the representation in 1900 was approximately correct. It was not precisely correct, for in such States as Vermont, New Hampshire, and Connecticut there were grave disparities in the lower houses, and in States such as Rhode Island, grave disparities in the composition of the State senates, but in many States it bore a rough approximation to the population. Indeed, in the constitutions of many States—probably in most of the States—there was an injunction that there should be periodic apportionment after the decennial census according to population. What has happened recently has been the burgeoning of cities and then of the suburbs.

I believe that some figures I had printed in the RECORD several weeks ago are very appropriate. As late as 1910, only 31 percent of the population lived in what might be termed metropolitan districts; that is, cities and suburbs.

In 1960, 63 percent of the population lived in those districts. So we had changed from a nation in which less than one-third of the population were residents of metropolitan areas to a nation in which nearly two-thirds of the population were residents of metropolitan areas.

In the years since 1960, this process has been accelerating. I believe it is safe to say that now two-thirds of the population live in the cities and suburbs, with the suburbs becoming a constantly increasingly factor. Ten years from now, probably 70 or 75 percent of our population will live in those areas. And yet, in the main, until the Supreme Court decision was handed down, we were confined to a pattern of representation that was laid down around 1900, or, at the latest, 1910.

As the Senator has said, the State legislatures refused in the main to apportion themselves. The Supreme Court decision therefore liberated the cities and suburbs and offered, for the first time, hope that the legislatures might bear some pattern to population, with all the great possibilities that this decision opened up; namely, that the cities and suburbs would now have, at least, a larger degree of home rule and not be subject to the domination of a rural minority.

If this process were allowed to continue, we could have legislatures which would correspond to the relative distribution of population. If this process were denied, or arrested, and a constitutional amendment were put through which would prohibit the courts from intervening, there would be very little prospect that the legislatures would redistribute the seats. The situation would be frozen with a 1900, or earlier, pattern of reapportionment in the face of a changing population.

That is the historic situation which is created. The Senator from Michigan put his finger on it in his usual forthright fashion, without any doubletalk. He made his position clear.

I thank the Senator from Michigan for his very clear exposition. There may not be many Senators in the Chamber who have heard the Senator speak. But there are approximately 50,000 subscribers to the CONGRESSIONAL RECORD. A goodly percentage of those subscribers read the RECORD every day. The CONGRESSIONAL RECORD has an influence on newspapers, magazines, and thoughtful attorneys in small towns and cities and those interested in government. So the words of the Senator will go out across the country through the medium of the printed page. They will have a tremendous influence on public opinion. Again, I thank the Senator from Michigan for once again putting us all in his debt.

Mr. McNAMARA. I thank the distinguished Senator from Illinois, who time and again has expressed his deep concern, his dedication, and his desire to support the Supreme Court decision.

I point out, however, that the Senator talked about malapportionment that has dated back for a great many years. We recently heard of the constitutional convention that was held in Michigan. Governor Romney and those in control of that constitutional convention came forth with a proposal based 80 percent on population and 20 percent on geography.

Mr. DOUGLAS. Namely, our trees, acres, and cows, as well as people.

Mr. McNAMARA. That is correct. Even as late as a year ago, this was the thinking in a great many areas of the country. So we do not have to go back as far as the Senator goes in order to show the injustices that have existed and do exist, and would have continued to exist in the future, as the Senator from Illinois correctly concluded, if it were not for this great landmark decision of the Supreme Court.

I thank the Senator from Illinois very much.

Mr. McGOVERN. Mr. President, I take this opportunity to express my own personal appreciation and admiration to the Senator from Illinois [Mr. DOUGLAS], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Pennsylvania [Mr. CLARK], and the others for the courageous and effective fight they have waged here on the Senate floor for the past few weeks in connection with the so-called Dirksen amendment.

I say quite frankly that when this amendment was first offered, I did not fully realize all of inherent dangers in the proposal. But, after reading the scholarly presentations that have been made on the floor of the Senate by these Senators I have just named, I have come to the conviction that this is indeed a dangerous and ill-advised proposal. I am happy to join my colleagues in opposing it here today.

I am strongly opposed to the amendment of the Senator from Illinois [Mr. DIRKSEN] which seeks to set aside a historic ruling of the Supreme Court relative to the apportionment of our State legislatures. The weaknesses of the Dirksen amendment are many. The proposal is not only subject to fundamental procedural objections; it is ill-conceived in substance. The seriousness of the issues raised by the amendment and the dangerous precedent which would be set by its passage cannot be ignored. We may be facing here the most far-reaching, historic decision of this Congress. Let no one fail to realize that our decision on this amendment will profoundly influence the future course and development of the American constitutional system. The amendment poses a grave blow to the traditional constitutional principle of judicial review; it is procedurally unsound.

On procedural grounds, the proposal is ill-advised at the outset because it offers no opportunity for careful committee examination. There have been no hearings on this amendment although the problem of reapportionment of State legislatures raises legal and constitutional issues of grave importance.

These complicated legal issues ought to have been carefully explored in hearings before the Judiciary Committee. Instead they were pushed without careful and deliberate consideration onto the floor of this body in the closing days of the session.

As a consequence, the Senate has not been able to give this question the careful examination it deserved and that it received by the Supreme Court. To set aside what our highest judicial tribunal has declared to be an individual constitutional right is bad enough. But to do so in haste, without proper legal analysis and attention, is excessive legislative license.

The U.S. Senate has often been referred to as the most deliberative body in the world; from its treatment of the important question now before us one wonders whether such a lofty description is always merited. As Dean Rostow of the Yale Law School pointed out in his brilliant article recently in the Washington Post, criticism of the Supreme Court ought to be offered carefully and thoughtfully. Yet, only because of the determined efforts of several Senators, most notably Senators DOUGLAS, PROXMIRE, CLARK, and METCALF has public opinion been alerted to the serious danger posed by passage of the Dirksen amendment. Haste is never a sound procedure for fundamental changes in constitutional law.

Secondly, on procedural grounds, the foreign aid bill is a strange vehicle for an amendment on the reapportionment of State legislatures. The practical effect of this technique is all too clear. We are all aware that the likelihood of a Presidential veto of the foreign aid bill is slim. By attaching the Dirksen amendment to this vital oversea program a way is sought to circumvent the President's constitutional veto power. It seeks to avoid executive consideration of the merits of the Dirksen amendment by attaching it to foreign assistance and American foreign policy.

A further objection to this amendment is that it is not geared to the specific needs and problems of reapportionment in each individual State. In legislative reapportionment cases the Supreme Court has given great weight to the varying problems of the several States. Its orders have taken into account special needs and circumstances. The proposed amendment, on the other hand, orders a blanket stay of all judicial proceedings. The current proposal is a broad and sweeping one, very unlike the particularized opinions of the Court. Inherent in this attack on the independence of the courts is a stifling of judicial discretion.

It has been urged in support of this amendment that it is intended to bring relief from the disruption caused by the recent Supreme Court decisions. That supposed disruption, however, is nothing as compared to that which would be caused by the amendment now before us. The amendment would void hard-won reapportionment in several States and reinstate the inequitable situation existing prior to the Supreme Court decisions. The senior Senator from Wisconsin has already indicated the dire consequences that the amendment might have in his State. The legislatures of numerous States have taken steps to comply with the Supreme Court decisions. This amendment, if passed, would tend to negate the progress made in these States and would frustrate orderly compliance with a constitutional mandate.

Another factor, which has been emphasized by the Senator from New York [Mr. JAVITS], is the dubious constitutionality of the Dirksen amendment. Following the passage of this amendment, there would undoubtedly be disagreement in the lower Federal courts as to its constitutionality. Confusion would exist as to whether the amendment was merely a "request" to the courts or an outright "order." The disruption that would be caused to orderly reapportionment by such a situation is apparent. And if, as many of us believe, the framers of this amendment are seeking to rebuke the Court and establish congressional control over decisions of the courts, then the amendment is pernicious and unconstitutional.

Finally, we must ask ourselves whether there is any practical necessity for this procedure. Time and again the courts have granted stays to their reapportionment orders where unusual circumstances have made immediate compliance with the Supreme Court decision impossible. This amendment is to a large extent superfluous. The courts do not need to be told by Congress when justice demands that a stay be granted to a reapportionment order. Justice is a matter with which our Federal tribunals are well acquainted. The courts are in fact allowing the States a "reasonable opportunity" to reapportion.

The Dirksen amendment is even more objectionable on grounds of substance than procedure. The amendment would lead to a dangerous confrontation of Congress and the Supreme Court. By passing this amendment, we would in effect be directing the verdicts of the Supreme Court. We would be striking at the Constitution itself and the fundamental principle of the separation of powers. The Supreme Court would no longer be the umpire of the Federal system; Congress would have assumed this role. Respect for the independence of courts demands that we, as Members of Congress, respect the Supreme Court when it acts within its proper sphere. Traditionally, constitutional adjudication has been a matter for the courts, and not for Congress. Government under law becomes a meaningless slogan if Congress can tell the courts how they must decide cases involving individual constitutional rights.

And as the distinguished junior Senator from Montana [Mr. METCALF] has ably demonstrated, the one-man, one-vote principle is not merely a result of statutory construction. Voting equality is an individual constitutional right. The Dirksen amendment does not seek to suspend a certain judicial construction of a statute; it would suspend a fundamental constitutional right. By legislative fiat we would prevent the Supreme Court from protecting a basic right of American citizenship—the right to an equal vote. If Congress can so suspend one fundamental constitutional right, why not another? What would there be to prevent Congress from suspending the right of free speech or freedom of religion? There is great danger in thus attempting to remove certain categories of cases from judicial consideration. A pernicious precedent would thereby be set. To substantially delay the realization of a basic constitutional right is beneath the dignity and the proper function of the Senate.

The decisions in Baker against Carr and the cases following it were designed to correct a situation in which some areas were grossly underrepresented in numerous State legislatures. The shocking inequities of the overweighted vote are alien to our basic concepts of political democracy. Yet the right of fair representation is now denied many American citizens by improper legislative apportionment. It was this situation which led the Supreme Court to rule that unequal representation was not equal protection of the laws. We must not forget that political equality is the fundamental principle of any democracy. The recent decisions of our Supreme Court are yet another proof that democracy acts to correct its own evils. The Court seeks to correct an imbalance in legislative representation that now tends to be weighted against the town dweller, but tomorrow it may be the rural resident whose rights will need the protection of the Court. The Dirksen amendment seeks to preserve an unrepresentative, undemocratic system.

The Dirksen amendment has been aptly labeled the "rotten borough" amendment. Its effect would be to permit unbalanced State legislatures to perpetuate themselves by ratifying a constitutional amendment legalizing the imbalance. The senior Senator from Montana, our distinguished and honored majority leader, a cosponsor of the bill, has said that it was not his purpose to encourage a constitutional amendment if it was to be submitted for approval by legislatures as currently constituted. But make no doubt about it, this bill will be attempted if we pass the amendment as Senator DIRKSEN, the original architect of the proposal, has made perfectly clear. We ought not to give the malapportioned legislatures this chance to so preserve themselves. Any vote on such a constitutional amendment must be on the basis of the one-man, one-vote rule announced in Reynolds against Sims.

It has been urged that if the people wish their State legislature to be apportioned on a basis other than population, they may so decide by majority vote. This proposition is unsound. The Supreme Court has stated that an equally weighted vote cannot be abridged by the vote of a majority of the State electorate if the resulting apportionment scheme violates constitutional requirements—W.M.C.A., Inc. against John P. Lomenzo. The right to an equal vote is an inalienable right which cannot be destroyed by the majority. Again, it should be emphasized that the Dirksen amendment suspends a constitutional right which is personal in nature.

The senior Senator from Wisconsin [Mr. PROXMIRE] has said that "poor apportionment prevents State action, and makes Federal action more likely." Under the apportionment systems declared unconstitutional by the Supreme Court, our town dwellers are not adequately protected by the State legislatures. As a consequence, the cities and local communities have been encouraged to resort to the Federal Government for assistance. Reapportionment on the basis of population is destined to lead to more healthy State and local government and to breathe fresh life and vitality into the principle of local responsibility. It is indeed ironic to see certain Senators who continually defend the virtues of States rights supporting this amendment, which can only serve to perpetuate a situation of increasing reliance on Washington on the part of local populations. A vote against the Dirksen amendment will go a long way toward ending political inertia in many State legislatures. A truly representative State legislature will be able to do a better job at the State level. Malapportionment can only be a hurdle to effective State and local government.

Mr. President, I have attempted to summarize my objections to the Dirksen amendment. I wish to close by concurring in the excellent closing statement of the junior Senator from Montana [Mr. METCALF] when he said on Tuesday:

> I am convinced that the Dirksen amendment is wrong, it is wrong in the spirit of the Constitution, it is wrong in the principle of the separation of powers, it is wrong in the doctrine of the supremacy of law. It should be rejected.

THE THREAT TO RURAL AREAS

Mr. President, turning to another matter, but a related matter, it has been argued by some of the proponents of the Dirksen amendment, and some of the opponents, that it is designed to favor the rural districts of the country. To whatever extent that argument has any merit—and I would seriously question that it has, because I think any action which abridges any constitutional right is in the long run a fundamental threat, not only to town dwellers, but to all Americans—that kind of unprecedented and dangerous act can set a pattern for a later threat aimed at rural America. But if those who are pressing this amendment on the ground that it will assist the rural sections of the country are sincerely concerned about that issue, then I am sure they will also be carefully and thoughtfully concerned about the agricultural problem that faces us in 1964 and the years ahead.

It is to that subject, which is somewhat related to the question now under consideration, that I should like to turn my attention briefly at this time.

THE AGRICULTURAL RECORD

Mr. President, it is not possible to predict at this moment in the current Presidential campaign where Senator GOLDWATER will be on the farm issue in November.

It is time, however, to clear the record to date.

In 1960, Senator GOLDWATER proposed to eliminate the farm programs built over the past 30 years. He said in September 1960 in Los Angeles, Calif.:

> I favor placing agriculture back under the law of supply and demand, with provisions for farmers hit by acts of God."

In 1960, in his book, "The Conscience of a Conservative," he wrote:

> What has been lacking is not an understanding of a problem that is really quite impossible not to understand but the political courage to do something about it.
>
> Doing something about it means—and there can be no equivocation here—prompt and final termination of the farm subsidy programs. The only way to persuade farmers to enter other fields is to stop paying inefficient farmers for produce that cannot be sold at free market prices.

This rash condemnation of farm programs and price supports was modified when Senator GOLDWATER had captured the Republican nomination for the Presidency. He then concluded that there should be:

> Price supports—designed to help farmers achieve orderly marketing within the framework of our dynamic American market system. Price support programs should be voluntary and should be established for specific commodities, in order to widen markets, ease production controls, and help achieve increased family income.

But that view did not last.

In an exuberant moment, a few days ago, in the town of Oregon, Ill., according to the Washington Evening Star, the candidate returned to his off-the-cuff, off-the-hip position when he demanded to know:

> What is wrong with the American farmer planting what he wants, when he wants, and as much as he wants, and taking his chances in the marketplace?

If Senator GOLDWATER would look at the results of several recent studies he would find a clear answer to the question he asked in Illinois. He would know that a direct answer has been given at least six different times by leading farm economists or teams of economists, and that in each instance they found that the results of uncontrolled farm production in a free market would be catastrophic.

LEGISLATIVE REFERENCE SERVICE STUDY

There was a study published in the Journal of Farm Economics in August 1958 by Walter Wilcox, farm economist on the staff of the Legislative Reference Service, Library of Congress. Mr. Wilcox concluded that in the absence of price support programs—the programs under which production is controlled and a minimum price maintained in the markets—realized net farm income would have been 20 to 55 percent lower in the years 1937–39, 14 to 43 percent lower in 1940–42, 24 to 34 percent lower in 1943–49, and 28 percent or more lower from 1952 to the date of the study.

Prof. Goeffrey Shepherd and associates at Iowa State University in August 1960 issued a study, Iowa State University Special Report No. 27, which showed that if price supports, production controls, and the conservation reserve were abandoned—in effect, if the American farmer "planted what he wants, when he wants and as much as he wants, taking his chances in the marketplace"—the prices of hogs and cattle respectively would decline to 11 and 12 cents per pound. The price of corn would fall to 66 cents per bushel and wheat would drop to 74 cents. They estimated that net income of livestock producers might go down 50 percent.

AGRICULTURE COMMITTEE STUDY

Using a somewhat different approach, and assuming a continuation of export subsidies and the food-for-peace program, economists in the Department of Agriculture and in the land-grant colleges made a study for the Senate Agriculture Committee in 1959, published as Senate Document 77 in January 1960—which indicated that the removal of price supports would result in a 46-percent drop in realized net farm income in 1965.

This study indicated that if commodity programs were discontinued, prices of key farm products would be expected to fall to the following levels:

Wheat, 90 cents a bushel; corn, 80 cents a bushel; beef cattle, 15 cents a pound; and hogs, 11 cents a pound.

THE CORNELL STUDY

Professor Robinson, of Cornell University, in a similar study published in Farm Economics, 1960, concluded that even though a conservation reserve of 30 million acres, marketing orders and special distribution programs were continued, if direct price supports and average controls were dropped, net farm income would fall 19 percent. Hog prices would fall to 14 cents a pound, beef cattle to 15 cents per pound, wheat to $1.18 a bushel, and corn to 98 cents a bushel.

PENNSYLVANIA STATE UNIVERSITY STUDY

Professor Brandow, of Pennsylvania State University, in a study for the Joint Economic Committee—committee print, November 1960—estimated that with price supports and production limitations removed, realized net farm income by 1965 would fall to $7.2 billion or 36 percent below the 1959 level. His projections indicated wheat prices would fall to 87 cents a bushel, corn to 77 cents a bushel, hogs to 11 cents a pound, and beef cattle to 17 cents a pound.

IOWA STATE UNIVERSITY STUDY

Professor Heady, executive director of the center for agricultural and economic adjustment, Iowa State University, and his associates reviewed the results of those earlier studies and, using revised and more comprehensive statistics, analyzed the effects on farm income, Government costs, and consumer food outlays of 16 alternative wheat and feed grain programs—Farm Program Alternatives, CAED Report 18, May 1963.

The study is so detailed that only a few of the highlights can be reported here. They conclude that the excess capacity of agriculture in 1960 and 1961 amounted to 7 percent. This percentage of potential output was avoided by diversion and conservation programs or was diverted from commercial markets by domestic and foreign distribution programs.

If that additional 7 percent had been channeled through commercial markets, farm prices would have fallen 28 percent, gross income would have fallen 21 percent, and net income would have fallen over 60 percent.

In other words, the blueprint recommended by the Senator from Arizona, according to this very careful study at one of our great agricultural universities, would result in a drop of more than half of all the net farm income of this country.

Mr. PROXMIRE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from South Dakota yield to the Senator from Wisconsin?

Mr. McGOVERN. I am happy to yield.

Mr. PROXMIRE. These are startling statistics. I am familiar with the studies. Many persons had been under the impression they referred to net income, and that the 25 to 28 percent drop was a drop in that income. This is a revelation, and I think it should be shocking to the American farmer to learn that more than half his net income would be gone.

Mr. McGOVERN. The Senator is correct.

Mr. PROXMIRE. What he had left with which to pay for his living expenses, for his own food and for his other expenses, and to keep his family's head above water—and we know he has very little left now—would be cut by 60 percent, according to this careful and authoritative study by economists and economic experts who, as the Senator from South Dakota says, have no ax to grind.

Mr. McGOVERN. The Senator is absolutely correct. The fundamental test we must keep in mind when we measure the impact of farm programs upon farmers is what they do to net farm income; what the farmer has left after he pays all of his farming expenses.

THE MISLEADING PARITY FIGURE

In recent days, speeches have been made in the Senate deploring the fact that the parity index has fallen to 74 percent. This is a misleading figure, when one considers that the parity index does not reflect the more than $1.5 billion that has been placed in the pockets of farmers through the acreage diversion program, the conservation program, and the wheat certificate program and as adjustment payments on feed grains. Those dollars will buy just as much in the way of food, clothing, education, and health as the dollars the farmers receive from any other source. Those payments are added to the income of the farm producer. So this is a crucial figure. I shall discuss it further a little later.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. PROXMIRE. Is it not also true that in the 8 years before the Kennedy administration took office, the parity index dropped from 101 to 78?

Mr. McGOVERN. That is correct.

Mr. PROXMIRE. Since that time, it has dropped from 78 to 74. So while we deplore the drop—and it is a problem—the Senator from South Dakota makes an excellent correction. But it is also true that the big drop in parity took place between 1953 and 1960.

Mr. McGOVERN. That is correct.

Mr. PROXMIRE. That drop was many times greater than the drop that has taken place in the intervening 4 years, on the basis of annual figures. The drop was far greater before the Kennedy-Johnson administration moved in.

Mr. McGOVERN. The Senator is correct.

With reference to the comments by the Senator from Wisconsin, I wish to add and to stress the fact that the parity figure is a good one only so long as it is applied to a program that depends purely on what farmers receive in the marketplace. But the monthly parity index no longer fully reflects the income situation because we have moved increasingly to other forms of income support. I refer primarily to the diversion payments, the wheat certificate program, and other means that have been adopted which generate farm income which is not reflected or included in the price paid for commodities.

In addition to the 74 percent of parity—and I stress this again—farmers are receiving another $1.5 billion in acreage diversion, certificates and compensatory payments not reflected in the parity index.

EFFECT ON PRODUCTION

The university agricultural economists to whom I have referred, after reviewing the situation with the most comprehensive and up-to-date analytical tools, estimate that within a 2-year period a 10-percent drop in farm prices would bring about only a 1-percent reduction in output. In a 4-year period, a 10-percent drop in prices would be expected to result in a 1½-percent reduction in output. In other words, the reduction in production on the farms would be almost negligible.

The basic price-supply relationships as analyzed by competent economists give the lie to those who say that if Government price-support programs were discontinued, farm families would be able to earn higher incomes within a short time.

NET INCOME WOULD FALL 40 PERCENT

Professor Heady and his associates find in this research work that after allowing for the effect of lower prices on production—if all price supports, diversion, conservation, and export subsidy programs were discontinued for feed grains and wheat—within the next 5 years net farm income would fall by more than $5 billion a year or about 40 percent.

Grain production would increase faster than livestock production could be expanded and carryover stock of grains would have to be increased for several years to avoid an even more chaotic price and income catastrophe.

Let me repeat, this study by Iowa State University economists concludes that if price supports, acreage diversion, and export subsidy programs for wheat and feed grains are eliminated, carryover stocks would have to be increased for several years, yet net farm income would fall by 40 percent.

On the other hand, they conclude, if a combination of price support, acreage diversion, and export subsidy programs are continued, farm income can be maintained at current levels without further increases in Government costs. And to me this conclusion is as important as the eariler one.

CAED STUDY

Another of these studies, bearing out the general conclusions, came from the Center on Agricultural and Economic Development at Iowa State College. Drs. Luther G. Tweeton, Earl O. Heady, and Leo V. Mayer projected probable farm prices in 1967 if we permit unlimited production without price support, but continue to subsidize exports under food for peace, continue conservation reserve contracts to their expiration, and with the Government buying at the market price and accumulating stocks of commodities when production of feed grains and wheat exceeds utilization.

The objective economists to whom I have referred, without any ax to grind, by applying the best economic science they could to the problem, have told us that if we remove production controls and price supports, we shall have a drop of $5.7 billion in net farm income by the year 1967. Under this same formula, corn could be expected to drop to 85 cents a bushel, oats to 49 cents, barley to 71 cents, sorghum grain to 73 cents, wheat to 94 cents a bushel, cattle to $15.80 per hundredweight or nearly $6 below 1962, hogs to $13.50, and sheep to $13.50.

The National Plannning Association has recently issued a further study, to which I will refer later, sustaining all the previous investigations of uncontrolled production for a free market.

The results of these various studies, directly answering Senator GOLDWATER's rhetorical statement that there is nothing wrong with the American farmer "planting what he wants, when he wants and as much as he wants, and taking his chances in the marketplace," have been publicized again, and again, and again.

MR. GOLDWATER'S GOAL

It is difficult to believe that the candidate has not at least accidentally opened the CONGRESSIONAL RECORD at an account of one of the studies in view of their repetitious appearance, and that therefore what he is really saying is that he stands on his original position: That many farmers should be forced off the land, that they should be "persuaded," as he put it, to leave the land by being bankrupted.

It is equally difficult to believe, Mr. President, that partisans of the Senator from Arizona, who advocates the withdrawal of farm price supports and letting prices fall to "persuade farmers to enter other fields," should raise low farm prices as an issue in the election campaign when lower prices is their own candidate's goal for agriculture.

I think farm prices are too low. I am dissatisfied with the return to farmers provided in the wheat certificate program for 1965. I am attempting to persuade the administration to announce considerably more liberal certificate payments, at least on export wheat, next year.

Food costs American citizens 19 percent of their income. It is the biggest bargain for this human necessity in any major nation in all the history of mankind.

I regret that those who prepare the budgets in the executive branch chose to enforce economy on the producers of our abundant, low-cost food supply when the 1965 wheat program was being considered. I have suggested that savings might more appropriately come out of the budgets for armaments we already have in oversupply, for building aircraft that won't fly, buying supplies already in stock, or building overly elaborate recreation and club facilities.

But for partisans of the Senator from Arizona, who wants lower farm prices, to argue that agricultural returns are shamefully low, and to use a parity figure no longer indicative of real farm income, is transparent political demagoguery.

FARM INCOME IS UP

The CONGRESSIONAL RECORD has contained a number of speeches recently complaining that the farm parity ratio has dropped to 74 percent of parity—the lowest in a decade. Senator PROXMIRE and I have discussed this briefly, but let me make it clear.

No mention is made of the fact that over $1½ billion of farm income this year will be paid to farmers for diversion of acreage for their wheat certificates and as feed grain payments. There is no mention that these returns are not reflected in the monthly parity ratio.

Their omission makes the parity ratio meaningless as a yardstick of farm income until it is adjusted each yearend.

It is estimated this year that wheat producers will get $35 million acreage diversion payments and $415 million on certificates. Feed grain producers will get $850 million for acreage diversion and $250 million from payments equivalent to 18 cents per bushel on corn—a total of $1,550,000 not reflected in the 74 percent of parity statistic now being cited.

The best yardstick of farm income is farm income itself. There is no political or mathematical sleight of hand involved in the realized net farm income figures.

The total net income of our farmers in the last 4 years of the Eisenhower-Benson administration was $11.7 billions per year.

The total net farm income of farmers in the Kennedy-Johnson administration averaged $12.9 billion a year from 1961 through 1963. Realized net income, which excludes inventory changes, has been up $900 million annually.

That is a substantial improvement in the take-home pay of farmers under the Democratic administration, and it will prove futile to try to tell farm people with more money in their pockets than they had in the fifties that they have less.

INCOME PER FARM

There is an element of statistical misguidance in a second farm income figure frequently cited since the administration of Ezra Taft Benson at the Department of Agriculture. That is the figure on income per farm.

It has gone up steadily for a number of years—including years in the fifties when total net farm income declined—because the number of farmers is declining, and there are fewer farm operators to divide the pie.

To the extent that total net farm income has been increased, we Democrats can take pride in the fact that income per farm in the United States has increased.

It was $2,961 in 1960 under Benson.

It was $3,504 in 1963 under Orville Freeman of the Kennedy-Johnson administration, up $543 per farm.

What do the people who complain about this record propose to do in November? What is the alternative they offer?

We have an incumbent running for Congress in the Western Congressional District in South Dakota who voted against the voluntary wheat certificate plan—and therefore for only 50 percent of parity for wheat, who complains that return from wheat under the certificate plan is too low.

It is too low.

But what does he propose? He tried to kill the voluntary wheat certificate bill and thus throw wheat farmers into a price skid that would drop wheat to $1.25 a bushel with no certificate. He says that wheat farmers will make less under the 1964 program than they made in 1963. But what he fails to say is that the 1964 voluntary certificate program is preventing an additional $950 million drop in wheat income.

He proposes to elect as President of the United States a man who says—and I quote—

> Now there is one specific law I would get rid of and that is the Agricultural Act.
>
> The only way to persuade farmers to enter other fields of endeavor is to stop paying inefficient farmers for produce that cannot be sold at free market prices.
>
> If we allowed a continuation of the normal tendency which has been existing in this country since its founding, that is the drifting away from the small farm, those affected might be more gainfully employed by working for the larger farmers, or by working as mechanics, for example.

Those who complain about low farm prices and advocate the election of a man who wants farm prices to go so low they will bankrupt most of the farm population demonstrates nothing but their low opinion of the intelligence of farmers.

THE RAPID CHANGE IN RURAL AREAS

The past 4 years have produced a constructive record by the Congress and the administration in meeting rural problems. This record has been accomplished in spite of the fact that many city dwellers do not realize the importance of a healthy agriculture to the entire Nation. This creates a serious difficulty for farm program advocates in the Congress at a time when the rural population is becoming a smaller and smaller percentage of the total population.

It could be argued that the problem of agriculture is really the failure of our Nation to deal adequately with the success of agriculture. Rural America has changed with blinding speed. These changes reflect and encompass the rapid advances in the technology and management of farming itself.

Unfortunately, the problem aspects of farming and rural life seems to be much more visible to the naked eye than do the success aspects of farming. Our great abundance is, in reality, a national asset. It is a blessing for a nation not to have to worry about tomorrow's food or next year's crop. As I have already mentioned, the average family buys its food at lower real cost than ever before in any country at any time—only 19 percent of take-home pay.

The magnitude of the agricultural revolution is at least as remarkable as the advancement of automation and cybernation in our Nation's industrial plant.

The single overpowering fact is a tremendous productive explosion. The principal features of this explosion have been improved crop varieties, more power and machinery leading to better timing of farm and ranch operations, and better farm and ranch management.

Crop production per acre which went up 10 percent from 1940 to 1950, jumped 39 percent from 1950 to 1962. Just about every kind of crop shared in this advance.

Livestock lagged a little behind crops but still scored dramatic increases in production. From 1950 to 1962, production per breeding unit of livestock increased some 27 percent.

With mechanization proceeding rapidly, there have been sharp increases per man-hour in both crops and livestock. Per hour of labor, crop output jumped 70 percent during the 1940's and 97 percent between 1950 and 1962. Livestock output per hour of labor rose 36 percent between 1940 and 1950, and 87 percent in the years 1950 to 1962.

The total man-hours of labor used in farming decreased 26 percent over the period 1940–50, and 40 percent during the period 1950–62. To put it simply, this labor was replaced by farm machinery and by purchased fertilizer, seed, feed, and other inputs. The farmer became less dependent on his own labor, and that of his family, and became more dependent on things he had to buy with dollars. In this way, he became more and more dependent on the market.

Meanwhile, the number of people on the farm declined—to about 7 percent of our total population. And this has had a number of implications—including the obvious one of a decline in political strength.

RURAL COMMUNITIES INVOLVED

Beyond this, though, is the fact that the decline of the rural population has contributed to the difficulties faced by many small towns and rural communities which have since pioneer days depended on farming populations to keep them alive. As a town's hinterland population dries up—its commerce and its public services tend to decline—and this in turn causes a further withering of the rural population.

Certainly, this is a vicious cycle, and one to be deplored by all of us who appreciate the abundance that rural America has given to the world—and the contributions that it has made to the democratic values of our free Nation.

These are matters that have received a great deal of attention in the past 4 years—under the leadership of President Kennedy and President Johnson. Secretary of Agriculture Orville L. Freeman has attacked these problems with all the vigor that he possesses. The 87th and 88th Congress have a good record of acting to meet the needs of agriculture and rural America.

Senator ELLENDER is to be congratulated for the leadership he has brought to these matters in the Senate. Congressman COOLEY has acted with vision and wisdom in bringing before the House of Representatives many measures of great importance. I think we should congratulate these men—and the many others who have had a part in the 4 years of achievment.

THE KENNEDY-JOHNSON POLICY

President Kennedy in 1962 presented a food and agriculture program for the sixties which laid the broad patterns for a constructive approach to the rural challenges facing the Nation. Under President Johnson—a man of deep personal understanding of farming and ranching—this policy has been strengthened. It is a three-dimensional approach aimed at—

First. Commodity programs designed for the needs of commercial family farm agriculture.

Second. Community programs, which are essential to the full development of opportunity in rural America.

Third. Consumer programs, which serve those who use food and fiber as well as those who produce it.

This administration, in its approach to commodity programs, accepted the premise that commercial agriculture built on the family farm system will continue to be the most productive and desirable system of farming—both from an economic and a social standpoint. Further, it believes that so long as our ability to produce exceeds our ability to consume this abundance at a fair price, we will need commodity programs to protect and stabilize income.

Improved farm programs of the past 4 years have had much to do with the general rise in farm income that has taken place.

INCOMES IMPROVED

During the first 3 years of this administration, mostly as a result of commodity programs enacted since 1961, realized net farm income has averaged $1.2 billion higher and total net farm income which includes changes in inventory has averaged $900 million a year higher than the average of the 1957–60 period. Gross farm income has averaged $4 billion higher, and net income per farm, which was $543 higher in 1963 than in 1960, has averaged $600 a year higher.

Nearly all widely grown major cash crops and classes of livestock brought more cash from farm marketings in 1963 than in 1960.

Farmers are continuing to benefit this year from the new programs enacted by the 87th and 88th Congresses. For the first half of this year, net realized farm income is not much different from last year. This is especially important when you consider that, without the wheat-cotton legislation passed last spring, farmers would already be experiencing a substantial drop in income.

GOVERNMENT HAS SAVED

Since 1961, Congress has enacted programs for feed grains and wheat that have reduced the volume of surplus grain in storage by 30 million tons, at a saving so far of over $200 million in carrying costs. If we had continued the 1960 type of programs instead of new feed grain and wheat programs, another 133 million tons of surplus feed grains and another 500 million bushels of surplus wheat would have been on our hands by this time.

SURPLUS REDUCED

The feed grain program was one of the first acts of the Congress after the Kennedy administration came into office. It reversed the surplus accumulations that had taken place during the 1950's. When the feed grain program was put into effect in 1961, feed grain carryovers had risen to an alltime high of 85 million tons. The feed grain program reversed that trend for 2 straight years. Record yields in 1963 are preventing further reductions in the carryover this year, but it will still be 15 million tons below the 1961 high.

The voluntary wheat programs of 1962 and 1963 made possible a sharp reduction in the oversupply of wheat. These programs—along with aggressive efforts to capitalize on new export opportunities—have resulted in a decline in carryover from the alltime high of 1.4 billion bushels in 1961 to less than 750 million bushels as of August 28.

The 1964 wheat program made it possible to maintain a level of grower income that was in serious jeopardy following last year's referendum. Following that referendum, growers were faced this year with a likely decline of about $600 million in income. This was headed off through enactment of the new voluntary program, restoring between $450 and $500 million in wheat income.

PRICE SUPPORTS RAISED

Adjustments in price supports have also been used to bring higher income to farmers.

In 1961, for example, Secretary Freeman raised the price support on soybeans from $1.85 to $2.30 a bushel—against many criticisms. We got no burdensome surplus—yet farmers over the past 3 years have received $1.5 billion more from sales of their beans than had price and production remained at the 1960 level.

COTTON RETURNS MAINTAINED

For cotton growers, these 4 years have brought a higher level of income, in addition to new legislation that strengthens the entire cotton economy. The last Republican budget—the one President Kennedy found when he came in—projected a price support level of 28.66 cents for the 1961 crop. One of the first moves of this administration was to raise the price support level to 33.04 cents—and this meant a difference of over $300 million to cotton growers for the 1961 crop alone.

The new cotton legislation enacted this spring is quite significant. While the basic support price for the 1964 crop is now 30 cents, compared with 32.47 cents a pound for 1963 crop cotton, small producers and all who plant within their domestic allotments will receive an additional 3½ cents in the form of payments. Meanwhile, our domestic textile industry is benefited in its competition with foreign mills.

BEEF PRICES SUPPORTED

This administration has also moved vigorously to strengthen the beef market and to reduce beef and veal imports. Imports were rolled back to about the 1959-63 level through voluntary agreements with the major suppliers exporting to the United States. The U.S. Department of Agriculture has also stepped up beef purchases and is cooperating with industry in a vigorous promotion program here and abroad. In addition to exports for dollars, beef is moving overseas under the Public Law 480 program—food for peace.

The actions of Government and industry in stimulating consumption of U.S. beef here and abroad has had a part in the general rise in fed cattle prices since early June. The average price of Choice fed steers has advanced about $5 a hundredweight since that time.

The necessity for commodity programs to help in managing overproduction has been proved a number of times by independent groups outside the Department of Agriculture—and the consensus is remarkable.

NATIONAL PLANNING ASSOCIATION'S STUDY

Here is an example, the most recent study of the effect on farm programs:

In June of this year the Agriculture Committee of the National Planning Association proposed a national farm program for feed grains and wheat. This is an independent committee, not tied to any farm, or commodity, or political organization. Its chairman is one of the most respected editors and authors in the farm belt—Lauren Soth, of the Des Moines Register and Tribune. The chief economist of the American Farm Bureau Federation as well as the legislative director of the National Farmers Union are members.

"Sound national management of our grain industry," the NPA Committee emphasized, "is the most important single element of a sound national food and agriculture policy."

The committee examined three choices:

First. Unrestricted production, with no Government payments or price supports going to farmers.

Second. Compulsory production control, and,

Third. A voluntary crop acreage restriction program, with payment incentives for participation and price support loans.

This independent policy group, in comparing costs and benefits of the three types of action, wasted no time in dismissing the first choice, which is Mr. GOLDWATER's current choice. It explained:

> A study by Iowa State University and Oklahoma State University concluded that, with unrestricted grain production, net farm income would decline from $13.3 billion in 1962 to $7.6 billion in 1967. This calculation was made under the assumption that the food-for-peace program, export subsidies, and a modest grain storage operation would continue. It was also assumed that other Government programs in food and agriculture would be unchanged.
>
> The cost of Government programs for feed grains and wheat would decline from about $2.5 billion a year to $1.2 billion, and the total cost to the public for food would be slightly lower. However, this gain for consumers would be at the expense of extreme hardship among farmers—a 40-percent decline in net farm income below the current level. It would risk severe damage to the farming industry, bringing unfavorable consequences to the productivity of agriculture in the long run.

That ends the National Planning Association quotation. Everyone—or perhaps in deference to Senator GOLDWATER, I should say everyone in the mainstream of opinion—agrees that commodity programs are essential not only to farm welfare, but to the national welfare. And even Mr. GOLDWATER advocated this view briefly.

THE FARMER COMMITTEES

I should not leave the subject of commodity programs without mentioning an institution that is essential to their administration. I refer to the Farmer Committee System.

This Administration has reversed the previous downgrading of committeemen, put nominations for these posts back in the farmers' hands, and given them more responsibility, as in the making of price-support loans. Now a new law we have passed within the month provides for 3-year staggered terms for committeemen and for election of the county committeemen by all the community committeemen. To help them do important work well, a strong in-service training program was developed in every State.

CROP INSURANCE EXPANDED

Another action to aid the family farm is the doubling of the coverage of Federal crop insurance. Insurance is now offered on 13 different crops, being available on one or more crops in about one-third of the Nation's agricultural counties. Congress only recently completed action to permit extension of crop insurance to 150 new counties each year instead of 100.

THE COMMUNITY AID PROGRAM

May I turn now to the community development aspect of the Food and Agriculture Program for the sixties.

For many years the Nation's efforts to solve agriculture's problem have focused largely on the problems of various farm commodities. Only recently, have we started to cope effectively with the human problems of people on submarginal farms, to assist communities which need to diversify their economic base if they are to survive, to move against the widespread cancer of poverty in rural America, and to think of the growing needs of families and individuals in cities and suburbs for land and water and space where they can live more abundantly.

This administration has set out to meet some of those needs through a variety of approaches, particularly through a nationwide Rural Areas Development effort. Before 1961, RAD was a kind of pilot program—and a poor relation at that. Since that time, it has enlisted nearly 100,000 persons serving on local RAD committees in 2,100 counties in the country. This compares with 300 counties which in 1960 were involved in the pilot phase.

RAD will be strengthened by the Economic Opportunity Act. This new legislation will enable the local committees to broaden and intensify their attacks on rural poverty.

Already, with the help of new tools provided by Congress since 1960, local RAD leaders completed projects creating an estimated 212,000 nonfarm jobs in rural America—and some 148,000 additional jobs were created as an indirect result. These new tools included the Area Redevelopment Act, the Accelerated Public Works Act, the Manpower Development and Training Act, and the Food and Agriculture Act of 1962.

With the help of Congress, USDA agencies have broadened and strengthened their services.

The Farmers Home Administration is now making water system loans to communities and housing loans to senior citizens. Loans of all kinds in each of the last 3 fiscal years have run well over double the level of the 1960 fiscal year. In the last 4 fiscal years, FHA has loaned about $2.5 billion—compared with about $1.2 billion, which would have been loaned under a continuation of the 1960 level.

Some 254,000 rural Americans today have access to modern water systems in 460 rural communities because of water system loans made by the Department during the past 3 years. More than 49,000 rural families, including 2,700 elderly persons, built or remodeled their homes through new or expanded programs since 1960.

RURAL ELECTRIFICATION EXPANDS

Rural electrification loans are serving more than 100,000 new rural consumers each year. Rural electric cooperatives, with expanded loan programs since 1960, have improved service while lowering their power costs by $2.5 million this year.

Since mid-1961, at least 937 commercial and industrial enterprises have been launched with help from the rural electric co-ops. These enterprises represent a total investment of three-quarters of a billion dollars. The number of new enterprises launched during 1963 was 25 percent greater than in the preceding 18 months.

CONSERVATION SPEEDED

Conservation programs have been stepped up.

In the past 4 years, the number of small upstream watershed projects authorized for construction has almost doubled the total of the preceding 6 years.

Some 396 projects—with about one-fourth of them providing either recreation, community, and industrial water supplies, or wildlife preservation—have been approved for construction.

Conservation programs have a new emphasis on recreation and other income-producing uses for land no longer needed for crop production. More than 20,000 farmers—many with USDA help—have developed outdoor recreation as another source of income for themselves and enjoyment for city people.

The development rate of national forests has been doubled and the authorization for forest roads and trails has tripled. In the past 10 years, recreation visits to the national forests have increased from 35 to 135 million—which is the estimate for the 1964 calendar year.

CONSUMERS AIDED

The third dimension in our agricultural policy—consumer programs—aims at making better use of our abundance—both at home and abroad. It also is directed at protecting consumers through strengthened inspection and grading, and by helping to make more efficient the marketing system.

More than 6 million elderly, handicapped, and other needy people were helped through food distribution programs in 1963. We distributed 1.9 billion pounds of food. That is nearly double what was distributed in 1959–60—besides being better rounded out as to quality and variety.

Sixteen million youngsters are benefiting from school lunches. Another 14 million are sharing in distribution of 2.9 billion pints of milk. Some 4.5 million more children received school lunches in fiscal year 1964 than the average for 1956–60. In the special milk program, milk was provided in 30,000 more schools and child-care institutions in 1964 than in 1956.

The pilot food stamp plan has proved that this means of sharing food abundance means better diets, better income to farmers, and improved business for retailers. In a survey of pilot communities, it was found that the food stamp program stimulated retail grocery sales by an average of 8 percent.

The expanded food stamp program will make it possible to bring better diets to low-income families—especially families needing a greater variety of foods for an adequate, healthful diet. The pilot program has been operating in 43 counties of 22 States—serving 380,000 people. The new permanent legislation removes the area limitation.

EXPORTS AT RECORD LEVEL

Exports have also been expanded.

We are exporting the produce of 1 acre out of every 4. In the case of wheat, it is one out of three. Total farm exports set an all-time record for the fiscal year ending last June 30, topping $6 billion.

Some of that was for soft currency, but $4.6 billion of it was for dollars and the big increase in total exports occurred in dollar sales. Contrast this with dollar export sales averaging only $2.6 billion in 1955–60.

The export record of the past year represents the contributions of Government and industry. The U.S. Department of Agriculture is today engaged in an aggressive market-promotion partnership with 44 separate agricultural producer and trade organizations reaching into 67 countries.

The 1963 Trade Expansion Act makes possible a continued expansion of trade to benefit American industry and agriculture. The authority of the Trade Expansion Act continues to be used aggressively toward the achievement of expanded trade in industrial and agricultural products.

FOOD FOR PEACE

Food for peace now helps 114 countries and territories throughout the world—providing hundreds of millions of people with food that would otherwise not be available to them. Five 10,000-ton ships leave American ports every day carrying food-for-peace cargoes. U.S. food donations will provide school lunches for some 40 million children in friendly countries this school year.

Food has also been made a vital tool in foreign economic development, enabling developing areas to use U.S. food to aid in the construction of roads, schools, public buildings, and many other works. Food-for-wages programs under title II of Public Law 480 alone are underway in 22 countries of the world—giving employment to 700,000 workers.

In less than 4 years, the Kennedy-Johnson administration has achieved a broad range of improvements in meeting the problems of change that affect agriculture and rural America.

CONGRESS' RECORD

I know that President Johnson and the officials of his administration appreciate the accomplishments of these last two Congresses—without which this kind of progress would have been entirely impossible.

There are those who are now attempting to distort the agricultural progress of the past 4 years by using an unadjusted parity ratio figure, which stands at 74 percent only because one and a half billion dollars of payments income is now excluded from the calculation. I would like to suggest to these persons that they could better devote their thought, time, and energy to developing a constructive program for their candidate, and developing support within their party for such measures in the Congress, instead of almost total opposition.

THE REPUBLICAN RECORD

In 1961, in the House of Representatives, Republican Party members voted 161 to 4 against the feed grain bill. In the Senate, they voted 26 to 8 for an amendment to kill the feed grains provision.

In 1962, they voted 167 to 1 in the House and 30 to 2 in the Senate against needed omnibus farm bills proposed by the administration.

In 1963, the House Republicans voted 167 to 1 and the Senate Republicans 28 to 3 against the administration's voluntary feed grains bill.

In 1964, the Republican vote was 167 to 10 in the House and 21 to 5 in the Senate against the voluntary wheat-cotton bill.

I have great respect for the handful of Republican Members of Congress—the tiny minority—who have supported the farm bills. I hope they will use their persuasive powers to win their candidate for the Presidency over to a more constructive position—to eliminate his present zeal to liquidate the bulk of our farmers.

If they cannot do so, then I recommend to them the honest and courageous course taken by the Senators from New York as a consequence of the civil rights issue. They cannot effectively advocate a solid farm program in the Halls of Congress and on the campaign hustings and then urge the election of a Presidential nominee who is determined to end the farm program.

Real progress has been made for farmers and rural America in the past 4 years. Far more can be made in the next 4 years after rural America has registered its overwhelming disapproval of a farm policy which, we are already warned, will mean catastrophe to food and fiber producers.

Mr. PROXMIRE. Mr. President, I congratulate the Senator from South Dakota [Mr. McGOVERN] on his excellent speech on reapportionment. Unfortunately, I was occupying the chair of the Presiding Officer earlier and was unable to comment when he concluded that part of his remarks. It seems to me that his speech went to the crux of the problem, particularly his treatment of the relationship between Congress and the Supreme Court.

When the Senator said that what has happened in connection with the Dirksen-Mansfield proposal calls into some question the reputation of the Senate as the greatest deliberative body in the world, was he referring to the fact that no hearings, no hearing record, and no committee consideration whatsoever have been given to the Dirksen-Mansfield amendment or to the Tuck bill?

Mr. McGOVERN. The Senator is correct. In the first instance, I said that the Dirksen-Mansfield amendment was ill advised, and that it is always somewhat dangerous to launch into a direct attack on the courts; but when it is done in the kind of haste that has been demonstrated in the Senate, it is all the more deplorable.

Mr. PROXMIRE. I should like to call attention to one fact that has already been mentioned, but I wish to emphasize it. There has been this immediate value of the discussion that has been engaged in by the Senator from South Dakota and other Senators so far; that is, Senate deliberation has helped win a dramatic and drastic change in the attitude of Members of Congress. The vote on the Tuck bill was one clearly significant and really startling change, from a decisive victory in the House to a crushing defeat in the Senate, obviously because of the debate and deliberation that has taken place in the Senate.

Mr. McGOVERN. If I may interrupt the Senator, I said in my opening remarks, in paying tribute to him—I believe he was engaged in a conference at the time with the Senator from Illinois [Mr. Douglas]—that we are all indebted to the Senator from Wisconsin and the Senator from Illinois, and other Senators, for alerting the Senate and the Nation to the danger involved in this proposal.

I am deeply grateful to the Senator from Wisconsin that he was alert to see the danger of the Dirksen amendment and gave some of the rest of us time to catch up with him in his awareness of what is at stake.

Mr. PROXMIRE. What the Senator from Wisconsin was emphasizing was the great function of the Senate to deliberate. Time was taken and days were consumed—a few days, really; but some days were consumed—in analyzing and discussing the implications of this measure. This met the standard for deliberation which the Senate has won.

I invite the attention of the Senator from South Dakota also to the fact that whereas 2 weeks ago it was considered that the Javits-McCarthy amendment would have been crushed—I heard leaders on the other side of the aisle say that it would be pulverized; the votes that would be obtained for it would be scattered—the fact is that it came within one switch, or two votes—one Senator switching—of a tie vote, on a 42 to 40 vote.

Also, in spite of the fact that time has elapsed since we started discussing this question, so many others have come up that actually there has been only a relatively few hours of debate on it.

Yesterday, we came out with a hair's breadth of knocking out the Dirksen-Mansfield amendment with a substitute, which in the judgment of most Senators would not have called the Supreme Court's jurisdiction into question in any sense, would not have questioned judicial review, and would have resulted in a settlement of the matter which certainly would not have been satisfactory to many of us but would have been a vast improvement.

Mr. McGOVERN. Is the Senator suggesting that perhaps with 2 or 3 more days of education on this issue we may be able to pass some legislation?

Mr. PROXMIRE. Yes, indeed. The Senator from Illinois [Mr. Dirksen] has emphasized the notion that there are not many Senators in the Chamber during debate. We have been kind and considerate in not asking for live quorums. This is usually done with anything like a filibuster, but we have considered the position of all Senators on this question and have relied on their study of the Congressional Record, reading reports in the newspapers, and holding conversations with other Senators and other officials to persuade them—on the basis of the speech just made by the Senator from South Dakota [Mr. McGovern], and the fine speech along quite different lines which was delivered by the Senator from Michigan [Mr. McNamara]—that we are going to win additional adherents. It will not take much now. We are so close to victory. We shall win. On the other hand, our opponents are about as far from getting cloture as they can be. They obtained 30 votes for cloture the other day. We obtained 63 votes against, which must be a record crushing of a cloture motion.

The Senator's speech, it seems to me, was particularly appropriate and useful because he did, as I say, go into the crux of the situation: In the first place, the confrontation by Congress of the Court. He coined a remarkable apt phrase for this butting in: "The directed verdict." What could be worse in continuing our system of government with the separation of powers than to provide that the Congress can direct the verdict of the Court. Obviously, it would destroy the whole function of the Court as the supreme arbiter. One of its prime functions is to review acts of Congress to determine their constitutionality.

The Senator's phrase was excellent. That is just what this Dirksen amendment is, a directed verdict.

Then, the Senator from South Dakota pointed out what I believe has been overlooked by many commentators and by others, that this would suspend the individual constitutional right—prevent a basic constitutional right. Many people have commented that they found not much evil in the Dirksen-Mansfield amendment, including Walter Lippmann. They have overlooked what the Senator has stressed: That it would suspend an individual constitutional right.

The final point I wish to make is that the Senator from South Dakota was particularly persuasive when he emphasized that political equality is the basis of our democracy, and that what the Dirksen-Mansfield amendment would do would be to suspend action of the Supreme Court until this political equality, or any real chance for it, could be destroyed.

When we take these three steps together, they really go to the heart of the problem. Those speeches—together with the excellent speech made by the Senator from Montana [Mr. Metcalf]—I believe are two of the finest speeches I have heard in a long time on this subject. They are two of the best, on the relationship between Congress and the Supreme Court.

Mr. McGOVERN. I thank the Senator from Wisconsin for his generous words. They are especially appreciated because he is one of the real students in the Senate on the problem that is now pending before us.

FOOD FOR PEACE IN YUGOSLAVIA AND POLAND

Mr. McGOVERN. Mr. President, the Senate and House bills extending one of this country's most effective instruments in the field of foreign policy, the food-for-peace program, will soon be considered by a conference committee of our two Houses. The food-for-peace program has been such an effective instrument because it enjoys the happy distinction of conferring important benefits upon both the United States and the recipient countries.

This program, almost more than any other program in which our country is participating, blends self-interest with practical humanitarianism.

We are all fully familiar with the most obvious of these benefits. The use of otherwise surplus production from our great agricultural base helps developing or stricken countries to meet the needs of their people for food and fiber. The savings to our taxpayers in storage charges, the strengthening of our domestic agricultural prices and the new business provided for transport and other business enterprises in the United States help our own people, while the image and reality of American abundance and efficiency in agricultural production serve to advance our foreign policy abroad.

In its action on the food-for-peace extension voted on September 3, however, I fear that the House of Representatives has overlooked an important foreign policy consideration related to this program. By its amendments to section 107 of the food-for-peace program, the House of Representatives has made it impossible for the United States to continue this program in two of the most strategically located countries of the world—Yugoslavia and Poland.

We all know the basic argument of those who oppose any policy favoring better relations with Yugoslavia and Poland. They say it is inconsistent to follow positive policies toward certain Communist countries while opposing other Communist countries such as Red China and Cuba. I submit that there is no valid basis for this argument because there is no real inconsistency.

When our interests have been threatened by aggression or subversion from Communist China, Cuba, the U.S.S.R., or any other Communist country, we have taken whatever measures necessary to safeguard our security interests. When these threats have not been present and where circumstances are favorable, we have exploited opportunities to expand relations with Communist countries in order to make our presence and influence felt within them—in their own backyards, so to speak.

The objectives of this policy of peaceful engagement have been to lessen the danger of conflict and temper the fanatic commitment to the ideological goals of the Communist extremists. In the last 2 or 3 years, there is some evidence that even the Soviet Union is beginning to free itself from blind ideology and to view the world and its own society in somewhat more pragmatic terms. In Yugoslavia and Poland, however, this development has been going on for many more years, and it is not unreasonable to think that the Yugoslav and Polish examples have significantly influenced the other countries of the Soviet bloc, including the U.S.S.R. itself. The United States and other Western countries have long recognized and supported these trends.

Yugoslavia provided the first opportunity to help drive a wedge into the monolithic world Communist movement dominated by the Soviet Union. Yugoslavia's refusal to tolerate Soviet domination was a windfall to U.S. interests. As a calculated risk we supported Yugoslavia's efforts to maintain its independence. We extended our influence behind the Iron Curtain. Our support enabled the Yugoslav nation to sustain independent foreign and internal policies which still make the Yugoslav system the major challenge to Communist orthodoxy.

Following the Polish events in 1956 which brought Gomulka to power, the United States took advantage of still another opportunity in Eastern Europe. The Gomulka government expressed its desire to reestablish its ties with the West and simultaneously introduced certain liberalizing measures at home. Here again the United States and its Western allies took account of these developments and did what they could to encourage this trend.

In carrying out our policy of supporting Yugoslav and Polish bids for independence and for closer relations with the free world, the administrations of Presidents Eisenhower, Kennedy, and Johnson used the food-for-peace program as an essential instrument of policy. This program has demonstrated the real interest and concern of the United States for the welfare of the peoples of Eastern Europe. It has helped greatly to provide Yugoslavia and Poland with an alternative to economic dependence on the Soviet Union and the means for taking certain liberalizing measures internally. The operation of this program in Yugoslavia and Poland has fostered greater contacts between the peoples of these countries and the United States and these contacts in turn have enabled pragmatic and humane influences to reinforce national aspirations for abandonment of the extreme authoritarian features of Soviet-style communism.

The examples of Yugoslavia and Poland in effect were the earliest challenges to world Communist unity dictated by Moscow which had been a vital feature of the world Communist power. The evolution of both countries from replicas of the Soviet Union to countries enjoying fruitful contacts with the West and working out their own foreign and domestic policies has had a significant influence for other countries within the Soviet bloc. The examples of Yugoslavia and Poland have thus strengthened the forces of independence and nationalism which have now become the dominant features in Eastern Europe. It is clear that this is not the time to abandon our involvement within the heartland of Communist power—to walk away from the competition.

For these reasons, Mr. President, I would strongly urge that no amendments to the food-for-peace legislation be enacted which would in any way tie the hands and cripple the ability of the President to continue to use this instrument flexibly to achieve the objectives of our foreign policy in Eastern Europe.

(At this point Mr. YOUNG of Ohio took the chair as Presiding Officer.)

Mr. McGOVERN. Mr. President, I have prepared an analysis of this particular part of the food-for-peace issue and together with some supporting documents and news items, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 480 IN YUGOSLAVIA

It should be noted that our Public Law 480 program in Yugoslavia has shifted significantly from softer to harder terms in recent years, so that the dollar income which will accrue to the United States from the program has risen considerably. Since fiscal 1962 title IV dollar repayment has been a standard feature in our Yugoslavia Public Law 480 programs. In that year, the proportion of title IV in the total of title I and title IV sales agreements was 15.6 percent. In fiscal 1963 the proportion was 15 percent, and in fiscal 1964 it increased to 72 percent. In the fiscal 1964 program, furthermore, a significant move toward commercial sales was made by requiring repayment by the end of 1968 of an estimated $19.7 million plus interest at 4.18 percent for wheat sold under title IV. In addition, the 1964 program provided for retention by the United States for its own uses of 15 percent rather than 10 percent of the title I local currency sales proceeds, from which the equivalent of $550,000 is to be converted into dollars for U.S. Government uses over a 3-year period and about $364,000 is to be converted into other nondollar currencies to finance U.S. agricultural market development in other countries. Both United States and Yugoslav officials are in agreement that the trend away from title I and toward more commercial terms should be maintained to the extent that the Yugoslav balance-of-payments situation and U.S. interests in supporting further liberalization in the Yugoslav system permit.

[From the New York Times, Sept. 11, 1964]

RUSK IS OPPOSING TWO HOUSE PLANS TO CURTAIL AID TO EASTERN EUROPEANS

(By M. S. Handler)

WASHINGTON, September 10.—Secretary of State Dean Rusk urged today the elimination of two House proposals that in the opinion of Government officials would destroy foreign-policy aims in Eastern Europe.

The House proposals would amend Public Law 480, which provides for the sale of Government surplus foodstuffs to friendly countries for local currencies. In recent years, the U.S. Government has prevailed upon Poland and Yugoslavia to increase their commercial imports from the United States substantially.

One amendment, proposed by Representative PAUL FINDLEY, Republican, of Illinois, would exclude Yugoslavia and Poland from the definition of "friendly countries," and would deprive them of eligibility for aid under Public Law 480.

The other amendment, offered by Representative PAUL G. ROGERS, Democrat, of Florida, would also exclude them on the ground that their ships and aircraft are engaged in trade with Cuba. The amendment by Mr. ROGERS would affect Greece, Lebanon, Morocco, Cyprus, and Liberia for the same reason.

Government officials said the proposed amendments, by eliminating Yugoslavia and Poland, would terminate a major contribution of the United States to national independence movements in Eastern Europe and to the loosening of Soviet control over the Communist Parties and government policies in the area.

Government officials were particularly exercised about the exclusion of Yugoslavia, because they are convinced that the policy of independent communism adopted by President Tito in 1948 has spread throughout Eastern Europe, and that the effects may be seen today in Rumania, Hungary, and Poland. They also believe that traces of Yugoslav policy may be seen in the changes in the Soviet Union.

Government officials attributed these recent successes to Marshal Tito in stimulating independent Communist movements that led to the breaking of Soviet control:

The liberalization movement in Hungary led by the party leader, Janos Kadar, a former protege of Marshal Tito.

The independence movement in Rumania.

Marshal Tito's unpublicized close relations with Palmiro Togliatti, the Italian Communist leader, who secretly defended Marshal Tito against Stalin, and whose own ideas against a monolithic communism directed from Moscow paralleled those of the Yugoslav leader.

Mr. Togliatti's memorandum, made public after his death August 21, which bore many traces of Tito-Togliatti ideas shared in common.

Officials said that taking into account Poland's difficult geographical position, Wladysslaw Gomulka, the Polish leader, had made a maximum effort to assure Poland's independence while the country is allied to Moscow, and that American aid had played an important role in helping him through economic crises.

Officials interpreted the recent moves of the Rumanian and Hungarian Governments to improve their trade relations with the United States as further evidence of the success of American policy in Eastern Europe. They contend that the stronger the ties of the Eastern European Communist states become with the United States and other Western countries, the looser their ties with the Soviet Union.

Economic assistance to Poland and Yugoslavia has permitted the regimes in those countries to relax their internal controls and to return, to a degree, to a more relaxed relationship between the citizen and the state.

PUBLIC LAW 480 AGREEMENTS AS A VALUABLE WEAPON IN ACHIEVING OBJECTIVES IN EASTERN EUROPE

The Public Law 480 agreements have been the principal instrument in the hands of Presidents Eisenhower, Kennedy, and Johnson to advance our foreign policy objectives in Poland and, indirectly, in all of the Soviet bloc countries of Eastern Europe. The primary objective has been to bring the Eastern European countries closer to the free world. By building carefully and painfully the special United States-Polish relationship through the judicious use of the Public Law 480 tool, we have created an example for the other Soviet bloc countries of the type of relationship they might hope to have with the United States under certain circumstances.

The United States has demonstrated its willingness to cooperate with those Eastern European countries seeking closer ties with the United States and showing a greater degree of independence from Soviet domination. The stirrings in Eastern Europe in the past year or two, increasing assertions of national autonomy—most notably in Rumania—have been nourished by U.S. policy toward Poland.

PUBLIC LAW 480 AGREEMENTS HAVE ENCOURAGED DESIRABLE CHANGES IN POLAND

U.S. policy toward Poland since 1956 has been dedicated to foster and to encourage greater freedom of action in Polish foreign relations and a more liberal internal atmosphere. In carrying out this policy the United States began to sell surplus agricultural commodities to Poland under Public Law 480.

Since the Gomulka regime came to power in 1956, Poland has asserted a measure of autonomy which, until recent actions by Rumania, had been unique within the bloc. The program of agricultural collectivization was reversed so that today more than 85 percent of the arable land is privately held. Basic freedom of worship is possible for Roman Catholics who make up 95 percent of the population. Oppressive police practices have been moderated. Polish policy since 1956 has reflected strongly the nationalist sentiments and Western orientation of the country and has sought greater economic and other ties with the free world.

The importance of contacts between the Polish people and the West are indisputable, and they are of particular value during this time of stress and change within the Communist world. Our special policy toward Poland since 1956 has been designed to increase these contacts and it has achieved considerable success. The VOA is not jammed. We operate an information program in Poland. We have established a consular office in Poznan—the only office maintained by this Government behind the Iron Curtain outside of the respective capital cities. We are able to meet with the Polish people, and we are able to put forward the point of view of the West to the Poles at the official and grassroots level.

THE PUBLIC LAW 480 AGREEMENTS HAVE CREATED A MARKET IN POLAND FOR UNITED STATES AGRICULTURAL COMMODITIES

Our title I, Public Law 480, agreements with Poland are unique in having the character of deferred dollar sales. Under the terms of our Public Law 480 agreements with Poland payment is in local currency (zlotys) and are available for use by the U.S. Government. The balance of zlotys remaining after deducting the amount spent by the United States will be converted into dollars and repaid to the United States in dollars at a fixed rate and schedule. U.S. Government-owned zlotys are used to cover the expenses of operating our Embassy in Warsaw and our Consulate in Poznan and for various projects in Poland of benefit to the United States, thus eliminating what might otherwise be dollar expenditures in Poland.

Over the years we have deliberately transformed the pattern of our economic relations with Poland. We have reduced the Public Law 480 agreements while encouraging the Poles to increase their commercial purchases in the United States. We should continue to move in this direction but we should not abruptly fracture completely our Public Law 480 relationship with Poland. Our most recent Public Law 480 agreement with Poland in February 1964 was a long stride in this direction. The agreement consisted of three parts: (1) the sale of $30 million worth of agricultural goods under the same concessional terms as our previous agreements; (2) another $30 million component representing sales for zlotys which would be reconverted to dollars over 3 years; and (3) the requirement that Poland purchase commercially still another $30 million worth of agricultural products in the United States within calendar year 1964.

A market for U.S. agricultural products has been created in Poland. This is reflected in the sharply increased commercial sales of U.S. agricultural commodities to Poland over the years 1961–63, the most recent period for which complete data is available. In 1961, Poland purchased $16 million worth; in 1962, $22 million worth; and in 1963, $41 million worth. During those 3 years the value of Poland's commercial purchases amounted to more than one-half the value of our Public Law 480 sales to Poland in contrast to the less than 10 percent in the previous 4 years.

Elimination of Public Law 480 would substantially decrease U.S. exports of surplus agricultural commodities to Poland and probably reduce our exports through commercial channels, in that: (1) the grain crop in the Soviet Union is much better this year, and (2) grain purchased through commercial channels probably could be obtained on better terms from other countries in the free world. There would also be a certain reduction of shipping in U.S. merchant vessels.

THE STAKE IN EASTERN EUROPE

The United States cannot ignore what is going on in the Communist world. The intense Sino-Soviet struggle for preeminence among the Communist countries has led the U.S.S.R. and China to woo the Eastern European countries and to make various concessions to them. There has been a general loosening of relations among the Communist countries of Eastern Europe and almost every one of these countries has indicated its desire to establish closer ties with the United States. At the same time virtually every one of the Eastern European countries has begun to tinker with economic machinery in an effort to extricate itself from the morass of problems caused by rigid adherence to Marxian dogma.

These conditions present the United States with an opportunity to increase its presence and influence in Eastern Europe.

The importance of the development of our simple bilateral relations. All of Eastern relations with Poland has always exceeded Europe has watched and will continue to watch the course of United States-Polish relations.

Mr. McGOVERN. Mr. President, I yield the floor.

HEALTH CARE FOR THE ELDERLY UNDER SOCIAL SECURITY

During the delivery of Mr. McNamara's speech,

Mr. CLARK. Mr. President, if the Senator from Michigan will indulge me further, I should like to ask unanimous consent to speak briefly on another matter without the Senator from Michigan losing his right to the floor, with the understanding that my comments will be placed in the Record at the end of the Senator's address.

Mr. McNAMARA. I have no objection.

Mr. CLARK. Mr. President, I ask unanimous consent that for the purpose of this statement the rule of germaneness may be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, yesterday afternoon a colloquy took place on the floor of the Senate. It is reported in the Congressional Record beginning at page 22105, under the heading "Health Care for the Elderly Under Social Security." It deals with the members of the conference committee on the social security bill.

I should like to add a little more information on that subject matter for the Record. I am reminded of a statement I made on the floor of the Senate in the summer of 1960, on the subject of a proposed rule, which I submitted at that time, dealing with the selection of conferees.

The proposed rule, which was sponsored, incidentally, by Senators Humphrey; Javits; our late, dear colleague, Senator O'Mahoney; Bartlett; my good friend John Carroll, who is no longer with us; Douglas; Gruening; Hart; Jackson; McCarthy; the able senior Senator from Michigan, Senator McNamara; Morse; Moss; the late and beloved Senator Murray, of Montana; Muskie; the late and beloved Senator from Oregon, Dick Neuberger; Proxmire; Symington; Williams of New Jersey, and Yarborough.

From the nature of this cosponsorship, it must be obvious that there was strong support for this change through the amendment of rule XXIV. These are the names of eminent and highly regarded Members or former Members of the Senate.

Needless to say, upon being referred to the Subcommittee on Standing Rules, of the Committee on Rules and Administration, it was buried 10 fathoms deep and never saw the light of day again. It occurs to me that the situation with respect to the Senate conferees on the social security bill is such that this might be a good time to resurrect it.

The proposed rule provided that "a majority of the Senate Members of the committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on which matters of disagreement with the House of Representatives will occasion the appointment of the committee."

In a supporting statement which I made at that time, I pointed out that the change would incorporate in the Standing Rules of the Senate a long established principle that the majority of the Senate Members on a conference committee must be sympathetic to the prevailing view of the Senate on the matters in disagreement with the House.

I pointed out yesterday, in reading from page 172 of Mr. Watkins' and Mr. Riddick's manual entitled "Senate Procedure"—and this was confirmed by the Acting President pro tempore of the Senate, Senator Metcalf, who was in the Chair at the time—that the general practice is to have the conferees designated from among friends of the measure, who are in sympathy with the prevailing view of the Senate. This sound democratic principle is recognized in Jefferson's Manual and in Cleaves' Manual, as well as in the Parliamentarians' "Senate Procedure," to which I have referred.

The principle has been violated on a number of important occasions when no Senator undertook to raise it and fight for it. Therefore, the Senate has been represented on many bills by Senators who voted against the Senate's position and in favor of the House position on the bill as a whole, or particular provisions of it.

This has been the case when the Senate adopted amendments to a House bill on which the House bill was silent.

In probably no committee of the Senate has this sound rule of Jefferson, Cleaves and Watkins and Riddick been ignored more than by the Committee on

Finance, which undertook to appoint as conferees on the social security bill seven Senators, five of whom had opposed the Gore amendment, which is clearly the most important subject in dispute between the two Houses.

As Senators know, health care for the elderly under social security was not included in the House bill. I believe most Senators are of the view that the reports in the newspapers, to the effect that four of the House conferees are opposed to health care for the elderly under social security, are correct.

We are now sending to conference seven conferees, five of whom have revealed by their votes that they are opposed to health care for the elderly under social security.

Despite my complete confidence in the integrity of the Senators who have undertaken to represent us in this matter, I must say that I have a little trepidation in thinking that health care for the elderly under social security, so strongly advocated by President Kennedy, by President Johnson, and in the Democratic platform adopted at Atlantic City, is now in the hands of 12 conferees, 7 from the Senate and 5 from the House, with only 3 prepared to support the decision of the President of the United States and the Democratic national platform.

I suggested yesterday, and I suggest again today, that in all good conscience, at least on the Senate side, Senators who took a position against the Gore amendment at the time it was voted on in the Senate should search their consciences to see whether they do not think, in justice to themselves, they should retire as conferees and be replaced by Senators who supported the Gore amendment, so that the Senate conferees would at least be a majority of four-to-three, consisting of Senators who are in favor of the position of the Democratic Party and of the President of the United States.

I would not expect the two Republican conferees to withdraw from the conference committee, because the Republican Party has set its face against health care for the elderly under social security. They support the position of the American Medical Association. They do not want to see our elderly people given the adequate protection which what used to be called the medicare bill, the King-Anderson bill, and the Gore bill would give them.

Of the five members of the Committee on Finance who are Republicans, every single one of them voted against not only the Gore amendment, but against the bill on passage.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Is it not true that the majority of the conferees—that is, the nine-to-three majority—a three-to-one majority—are opposed not only to the position taken by the President of the United States and the Democratic platform, but also the position of the majority of Senators who voted in the only body of Congress that had a chance to register its opinion on this question?

Mr. CLARK. The Senator is quite correct. Senators will, of course, be the judges of their own consciences. I do not attempt to interpolate my views on theirs; but I would hesitate to serve on a conference committee if my views were so strongly opposed to position of the Democratic Party and to the position of the President of the United States.

Mr. PROXMIRE. The Senator from Pennsylvania has been making a strong fight for many years to reform the rules. Now he is making another fight, equally significant, to put into effect rules that would protect our rights, the rights of the majority. This rule is clear; there is no question about it. The conferees are supposed to represent the majority opinion. They may say that they will adopt a position friendly to the majority; but the fact is that when they registered their votes, they showed that they were opposed.

Mr. CLARK. If I may interrupt the Senator from Wisconsin a moment, he was perhaps not on the floor of the Senate yesterday when the minority leader, the Senator from Illinois [Mr. DIRKSEN], said there was no such principle; that I was mistaken; that what I cited from the Senate Manual was not correct; that there was no principle of the Senate that a majority of the conferees should represent the position of the Senate on the matters in disagreement with the House.

At the time, I said, with all good humor, that I thought the learned minority leader had fallen into error in his understanding of the precedents. I think my position is confirmed by the statements made by the Acting President pro tempore [Mr. METCALF] yesterday.

Mr. PROXMIRE. The language is clear and explicit; there can be no question about it. The fight that the Senator from Pennsylvania is now making so well is one that should remind us that when the time comes for the appointment of conferees in the future, win or lose—and we shall probably lose—those who desire the change should make the fight. If we do not make the fight to switch and require Senators who have voted for a measure to be the conferees, we know we shall go down to defeat, even if we win battles on the floor of the Senate that are in vain.

The Senator from Pennsylvania recognizes how often in the few years we have been here—he has been here 8 years; I have been here 7—a majority of the Senate has passed a bill, whether it was social security or unemployment compensation, and has appointed conferees who, sometimes in 5 minutes, sometimes in half an hour, but in almost all cases in less than an hour, have given in, have yielded, have collapsed, and the Senate got nothing. In every case, a majority of the conferees, and usually an overwhelming majority, has been opposed to our majority, winning position.

Mr. CLARK. The Senator is quite correct. I must admit that I was asleep at the switch, because I did not realize that the conferees on the social security bill had been appointed. I had thought that the normal course would be followed; that after the Senate had passed its version, we would wait to see if the House would take the Senate bill; and if the House would not, the Senate would appoint its conferees. Perhaps I am in error in saying that that is the normal course. It may be that it is the normal procedure to appoint the conferees immediately. At any rate, I did not know that the conferees had been appointed; and when I lodged my objection, I was told that the horse had been removed from the stable and the door was open.

Therefore, my objection in this case comes too late; and to raise the question by a motion would probably result in no vote on the floor of the Senate. There is left only the precedent that when this question is raised, after the appointment of conferees, it has on occasion resulted in enough conferees resigning and opening places for friends of the measure in their places.

It is awkward for conferees who have to do their business, to carry out their obligations as representatives of the Senate, in spite of their contrary personal convictions. It is awkward for the sponsors and supporters of the prevailing measure who—however much they may respect and honor the conferees as individuals—are bound to feel that the conferees could have done a better job if their personal convictions and responsibilities had coincided.

Under the existing situation, if a Senator wishes to protest that the practice as stated in the manuals is not being adhered to, he must publicly or privately challenge one or more of the conferees. This has been done successfully on several occasions, but for obvious reasons it has usually created personal ill-will which might be avoided if a Senate rule incorporated the principle and it could be invoked by a point of order.

I do not suppose that I am making many friends among the majority of conferees by raising this point now. I regret that I feel impelled by my conscience to raise the point now, for I feel that it must be called to the attention of the Senate and the country. I must take my chances on what Senators may think about me individually. But I reiterate my feeling about Senators individually. They are all men of sound integrity and ability.

The rule which I proposed in 1960, and which, as I say, festered until it died in the Subcommittee on Rules of the Committee on Rules and Administration, would do little violence to existing practice. The committee chairman or the Senator in charge of the bill—in this case, the Senator from Louisiana [Mr. LONG] was in charge of the bill; the Senator from Virginia [Mr. BYRD] was the chairman of the committee—would continue, as has always been the case, to suggest the list of proposed conferees as he does under existing practice. We saw it happen in connection with the social security bill, as the Senator from Louisiana [Mr. LONG] told us in the colloquy yesterday afternoon.

In the large majority of cases, the conferees, chosen by seniority from the appropriate committee, would favor the Senate position on matters in dispute between the two Houses, and no change in current practice would be required.

In cases in which an adjustment would have to be made because of the proposed rule, seniority would still be recognized in making appointments in accordance with the principle that a majority of the conferees would consist of the most senior possible combination of committee Senators who were in accord with the position of the Senate, even though it were necessary to go outside the membership of the committee, which has frequently been done in the past.

In most all cases, the proposed requirement could be met by adding other members from the committee or by substituting one member of the committee for another. There would be no need to make a "Federal case" out of the situation or to become involved in a controversy. It would be merely a rule of the Senate, instead of a precedent of the Senate, as it is at present.

In 1960, I had the historic situation researched; and I quoted from Jefferson's Manual, Cleave's Manual, and the other precedents, many of which are set forth in the Watkins-Riddick book entitled "Senate Procedure." This memorandum quotes from statements going back to as early as 1896. It includes a number of eminent Senators from then on down to the present time.

It is an interesting memorandum. It makes clear that the rule and the precedent is as I have stated it and not, to my regret, as the junior Senator from Illinois stated it yesterday.

Mr. President, I ask unanimous consent to have a copy of that memorandum in support of the proposed rule, relating to the selection of Senate Members of conference committees, printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

1. SELECTION OF SENATE CONFEREES (S. RES. 118)

(By Mr. CLARK (for himself, Mr. HUMPHREY, Mr. JAVITS, Mr. O'MAHONEY, Mr. BARTLETT, Mr. CARROLL, Mr. DOUGLAS, Mr. GRUENING, Mr. HART, Mr. JACKSON, Mr. MCCARTHY, Mr. MCNAMARA, Mr. MORSE, Mr. MOSS, Mr. MURRAY, Mr. MUSKIE, Mrs. NEUBERGER, Mr. PROXMIRE, Mr. SYMINGTON, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH))

Resolved, That rule XXIV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"3. A majority of the Senate members of a committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on the matters of disagreement with the House of Representatives which occasion the appointment of the committee."

SUPPORTING STATEMENT BY SENATOR CLARK

This resolution would incorporate in the Standing Rules of the Senate the long-established principle that the majority of Senate members on a conference committee must be sympathetic to the prevailing view of the Senate on the matters of disagreement with the House.

This sound, democratic principle, which is recognized in Jefferson's Manual, Cleaves' Manual, and the Watkins and Riddick book on Senate procedure, has been violated on a number of important occasions. Thus, the Senate has been represented on particular bills, as it was last year on the question of extending the temporary unemployment compensation law, by Senators who voted against the Senate position and in favor of the House position on the bill as a whole or particular provisions of it.

This is an awkward situation for all concerned. It is awkward for the conferees who have to do their best to carry out their obligations as representatives of the Senate in spite of contrary personal convictions. It is awkward for the sponsors and supporters of the prevailing measure, who—however much they may respect and honor the conferees as individuals—are bound to feel that the conferees could have done a better job if their personal convictions and responsibilities had coincided.

Under the existing situation, if a Senator wishes to protest that the practice as stated in the manuals is not being adhered to, he must publicly or privately challenge one or more of the conferees. This has been done successfully on several occasions, but for obvious reasons it has usually created personal ill-will which might be avoided if a Senate rule incorporated the principle and it could be invoked by a point of order.

The rule which we have proposed would do little violence to existing practice. The committee chairman or other manager of the bill would continue to suggest the list of proposed conferees as he does under existing practice. In the large majority of cases the conferees, chosen by seniority from the appropriate committee, will favor the Senate position on matters in dispute between the two Houses, and no changes in current practice would be required. In those cases in which an adjustment would have to be made because of the proposed rule, seniority would still be recognized in making appointments in accordance with the principle that a majority of the conferees would consist of the most senior possible combination of all committee members to qualify under the rule. In almost all cases the proposed requirement could be met simply by adding other members from the committee or by substituting one member of the committee for another.

MEMORANDUM IN SUPPORT OF PROPOSED RULE RELATING TO SELECTION OF SENATE MEMBERS OF CONFERENCE COMMITTEES

This memorandum summarizes the arguments in support of a resolution to add the following paragraph at the conclusion of rule XXIV of the Standing Rules of the Senate:

"3. A majority of the Senate members of a committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on the matters of disagreement with the House of Representatives which occasion the appointment of the committee."

A RULE IS NEEDED

The standing rules of the Senate are virtually silent on the subject of appointment of the Senate members of committees of conference, the applicable rule (rule XXIV) merely stating:

"All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint."

In practice, the members have been elected only once in modern times (on the Muscle Shoals bill in 1925). In all other instances, the Chair has been authorized to make the appointments, and it is the practice of the Presiding Officer to have the Senators suggested to him by the chairman of the appropriate committee or other member in charge of the bill.

Since before the time of Jefferson, the principle has been acknowledged that the majority of conferees should represent the prevailing view of the body on the bill to be considered. The current manuals state that this is Senate practice. Yet in the routine handling of bills, the alternative practice has grown up of appointing the senior members of either the committee or the subcommittee which considered the legislation.

Necessarily, the prevailing-view principle and the seniority practice come into conflict on some bills, and at such times either the principle or the practice must give way. If on such an occasion no Senator makes an issue of the appointment of conferees—as is usually the case—the seniority practice is routinely followed, resulting in the appointment of conferees unsympathetic to the prevailing view of the Senate.

The most recent such instance occurred on March 25 of this year, when four of the five Senate conferees on H.R. 5640, the temporary unemployment compensation bill, had voted against the Senate version, and in favor of the House version, of the bill to be considered by the conference.

When, on the other hand, an issue has been made of the conflict between principle and practice, the prevailing view principle has usually been adhered to, but often only after cumbersome and embarrassing maneuvers. Ordinarily, the maneuvering has taken place behind the scenes, but sometimes it has broken out into acrimonious controversy on the Senate floor. Friends of the measure have found themselves in the embarrassing position of appearing to challenge the integrity of senior Senators. The senior Senators have found themselves in the equally embarrassing position of having to choose between resigning under protest or subjecting themselves to criticism for insisting upon representing a Senate position with which they were out of sympathy.

To write into rule the recognized prevailing view principle would provide an orderly procedure for the future and obviate further controversy on the question.

THE PREVAILING VIEW PRINCIPLE HAS LONG BEEN ACKNOWLEDGED

1. The manuals recognize the principle:

Cleaves' Manual, which was reported to the Senate pursuant to a Senate resolution in 1900, and which is incorporated in the Senate Manual, states in section 17:

"In the selection of the managers * * *. Of course the majority party and the prevailing opinion have the majority of the managers. It is also almost the invariable practice to select managers from the members of the committee which considered the bill. But sometimes in order to give representation to a strong or prevailing sentiment in the House the Speaker goes outside the ranks of the committee.

This section of Cleaves' Manual is taken from section 1383 of Hinds' "Parliamentary Precedents of the House of Representatives of the United States," published by authority of a joint resolution of the Congress approved in 1898.

The current House Manual and Rules contains even stronger language on this point (sec. 536).

2. Presiding officers have asserted the principle:

In 1896, when Senator Hill, of New York, objected to the Chair's going outside the ranks of the committee which had considered the bill in naming a conferee, the Presiding Officer stated that "no new precedent has been established by the Chair. It has been the custom of the Senate for a great many years to appoint other than a member of the committee reporting a bill on the conference committee" (54th Cong., 2d sess., CONGRESSIONAL RECORD, p. 3857).

In 1935, Vice President Garner announced that "hereafter the present occupant of the chair expects to exercise some discretion in the matter of selecting conferees when the Senate authorizes him to make the appointments." The minority leader said his understanding of the rule was that "the majority, at least, of the conferees must be sympathetic with the prevailing opinion, which must be the majority of the Senate who support the measure." Vice President Garner replied, "That will certainly be the policy of the present occupant of the chair" (73d Cong., 1st sess., CONGRESSIONAL RECORD, p. 5296).

3. Many individual Senators have cited and supported the principle:

During consideration of the Oklahoma statehood bill, in 1905 and 1906, Senator Teller said:

"The rule has been in parliamentary bodies, not only in this country, but in others, particularly in Great Britain, that when a measure comes from another body, the friends of the measure as it passed the body [and it is true in the other House as well as this] take charge of it from that time on. When we shall have reached the point that there is to be a conference, they are entitled to a majority in the conference" (58th Cong., 3d sess., CONGRESSIONAL RECORD, p. 2815).

"Whenever a conference committee is created, it is created to bring the mind of the other body to that of this body, and to bring them together. It is not to represent the view of the minority, but to represent, if possible, the majority. Upon that theory the majority of the proposition that passes this body is entitled by custom and usage and on principle to name the committee. A majority only of this body can pass a bill, this body then is entitled to have a friendly committee.

"So far have the English authorities gone on this subject in Parliament that they have declared that it was the duty, when a man was put on a conference committee or on any other committee to deal with a subject to which he was hostile, to refuse to become a member of the conference committee or any other committee. As was said by a distinguished English writer on parliamentary law, and as is quoted approvingly in Jefferson's manual, 'the child is not to be put to a nurse that cares not for it.' It is only in modern times—that the custom has grown up to allow the chairman of the committee, however hostile he may be to the bill as it passes the Senate, to designate who shall deal with the House in the effort by a conference to bring the House to the sentiments of the Senate. Everyone can see that logically the friends of the measure are the proper ones to represent the matter to the conferees on the part of the House and win them to the senatorial mind" (59th Cong., 2d sess., CONGRESSIONAL RECORD, p. 4155).

During the 1906 debate on the same question, Senator Foraker, of Ohio, said:

"The rue of the Senate which I evoke in this instance would but give us the benefit of the general rule that obtains, laid down by all parliamentary writers, that those who are the friends of a proposition should go to the conference to represent it" only (59th Cong., 2d sess., CONGRESSIONAL RECORD, p. 4155).

During consideration of the Army appropriation bill in 1888, Senator Hawley, of Connecticut, asserted that the rules required "that two of the conferees shall be Senators friendly to the action of the Senate." The Chair thereupon stated that, in practice, conferees "are designated by the friends of the measure" (50th Cong., 1st sess., CONGRESSIONAL RECORD, p. 7223).

During consideration of the Cuban intervention resolution in 1898, Senator Stewart, of Nevada, said:

"I remember that until quite recently in making selection of conferees, the Chair always has in view the idea of representing the majority of the Senate upon that particular question where there is a difference, and those constituting the majority in favor of the measure, are entitled to have a majority of the committee to represent their views. That has been the rule; and I have never known an exception to it until 1890. It was stated frequently by the older members 30 years ago that that was binding in all cases" (55th Cong., 2d sess., CONGRESSIONAL RECORD, pp. 4027–4028).

On the same occasion, Senator Frye, of Maine, said:

"In my judgment, in my place as conferee there should be apopinted some Senator on the committee who holds views diametrically opposite to mine. The Senator from Ohio, Mr. Foraker, is the real father of the proposition to recognize the Cuban Republic now. He was persistent in committee, has been persistent since, and if I were Presiding Officer of the Senate, I would appoint Senator Foraker as one of the conferees on that committee" (55th Cong., 2d sess., CONGRESSIONAL RECORD, p. 4030).

During consideration of the Muscle Shoals bill in 1925 (68th Cong., 2d sess., CONGRESSIONAL RECORD, pp. 2552–2563), Senator Underwood, of Alabama, moved for election of conferees in order to avert the appointment of the senior members of the Committee on Agriculture and Forestry, saying:

"According to the rules and the precedents I think we are entitled to conferees who reflect the last vote of the Senate in passing the bill" (id., p. 2552).

And Senator Norris, of Nebraska, who was the chairman of the Committee on Agriculture and Forestry who would be bypassed, said:

"We ought to appoint conferees who believe in the action the Senate has taken and are in sympathy with it. This bill that was passed by the Senate—the Coolidge-Underwood bill—was opposed by me almost in its entirety. If we follow what I think we should follow—the right kind of an honest rule—then when the conferees are appointed I should not be on the conference committee from the Senate. I had determined, even before any suggestions had been made, that I would not accept appointment on the conference committee, because, to my mind, I would almost have to stultify myself. I did not believe in the bill; I had no faith in the action taken by the Senate; I was sincerely bitterly opposed to it, and it seemed to me that I should eliminate myself and ought to stay off the committee. I think the fundamental proposition that those friendly to legislation should be appointed on conference committees is correct" (id., p. 2555).

On that same occasion, Senator Smith, of South Carolina, said:

"I agree with the Senator from Nebraska that when the majority have expressed themselves touching the principle of any legislation, those in sympathy with it ought, if possible, to go on the conference committee to meet the objections to that principle which comes from the other House" (id., p. 2559).

On the same occasion, Senator Edge, of New Jersey, said:

"Speaking entirely apart from the legislation at issue, it appears to me that the rule of seniority, so far as it applies to the naming of conferees, is a very unfortunate one. I believe conferees appointed on any measure should be Senators convinced that the measure they are to consider in conference is correct and is right. They should go into conference with the enthusiasm of believing the measure should become a law" (id., p. 2560).

On the same occasion, Senator Heflin, of Alabama, said:

"There is no doubt that the dominant thought of the Senate is entitled to be represented on the conference committee, and when we seek to get Senators who represent that thought and have to disregard Senators who are bitterly antagonistic to the view of the Senate we make no reflection upon those latter Senators" (id., p. 2561).

SENIORITY PRACTICES HAVE FREQUENTLY BEEN ABANDONED IN ORDER TO REFLECT THE PREVAILING VIEW

Ada Chenoweth McCown, whose study of conference practice in the first 70 Congresses (the congressional conference committee, Columbia University Press, 1927) is the authoritative work on this subject, wrote that seniority and committee membership had little to do with the selection of managers for conferences during the first 30 Congresses. By 1848, she noted that seniority standing on committees appeared to have some influence on choice of managers by the House, but was still not the general practice of that Chamber. In the Senate there was no evidence of a seniority practice by that date (pp. 61–63).

During the last half of the 19th century and during the 20th century, the seniority practice grew, but on occasions when the issue was raised that the "prevailing view" principle was being violated the seniority practice was repeatedly abandoned to permit the majority of the Senate to have the majority of the Senate conferees.

In some such cases the original appointments were made without strict adherence to seniority. In others, the original appointments were made according to seniority but were followed by resignations—sometimes promised in advance—to permit substitution of Senators favorable to the Senate view.

Examples of both procedures follow:

1. Departure from seniority in original appointments:

Federal Reserve Act (1913): Every Democratic member of the Banking and Currency Committee was appointed except Senator Hitchcock, of Nebraska, second-ranking Democrat (CONGRESSIONAL RECORD, Dec. 13, 1913, p. 1230).

Chinese Exclusion Act (1902): Senator Reed, of Pennsylvania, was passed over in favor of more junior committee members (57th Cong., 1st sess., CONGRESSIONAL RECORD, p. 4424).

Cuban Intervention (1898): After a protest had been voiced by Senator Foraker, of Ohio, that a majority of the prospective conferees did not support the Senate position, Senator Frye, of Maine, who would have been a conferee had the seniority rule been followed, suggested that the Chair appoint Senator Foraker in his place. The Chair adopted this suggestion (55th Cong., 2d sess., CONGRESSIONAL RECORD, pp. 4027–32).

Displaced Persons Act Amendment (1950): An objection was voiced to the original slate of seven conferees proposed by Senator McCarran, of Nevada, on the ground that four of them had opposed a substitute amendment which was adopted by the Senate. Senator McCarran thereupon withdrew his proposed names and moved that the Chair appoint conferees. The Vice President then appointed five conferees, including only three of the original group proposed by Senator McCarran, giving a majority of 4 to 1 in favor of the majority view of the Senate, CONGRESSIONAL RECORD, vol. 96, pt. 4, pp. 4802–03).

2. Resignations of senior members to permit substitutions:

Muscle Shoals (1925): All three of the Senators elected by the Senate to the conference committee (Norris of Nebraska, McNary of Oregon, and Smith of South Carolina) resigned following their election because they were opposed to the measure which passed the Senate. Following their resignation, other appointments were made in order from the committee and three other Senators (Keyes of New Hampshire, Capper of Kansas, and Ransdell of Louisiana) resigned for the same reason, thus making possible a majority of conferees favorable to the measure.

Federal Revenue Act (1936): Senators Couzens, of Michigan, and Keyes, of New Hampshire, resigned immediately after appointment, insisting they were out of sympathy with the bill (74th Cong., 2d sess., Congressional Record, p. 10266).

Agricultural Adjustment Act (1938): Senators Norris, of Nebraska, and McNary, of Oregon, resigned after appointment, the latter explaining that it had been "an unbroken rule of mine that when I oppose a bill I refuse to act as a conferee" (75th Cong. 2d sess., Congressional Record, p. 1768). They were replaced by Senators Frazier, of North Dakota, and Capper, of Kansas.

Submerged Lands Act (1952): After conferees were appointed on the Submerged Lands Act bill, Senator Long of Louisiana, protested that three of the five had voted against the so-called Holland-Connally substitute which had been approved by the Senate. Senator Long contended the provision of Cleaves' Manual, quoted above, had been violated. He entered a motion that the Senate reconsider the appointment of conferees (82d Cong., 2d sess., Congressional Record, p. 3580).

On the following day, Senator O'Mahoney, of Wyoming, announced that one of the conferees, Senator McFarland, of Arizona, had asked to be excused from service on the committee and that the next two senior men on the committee, Senators Anderson, of New Mexico, and Lehman, of New York, had made like requests because they too had opposed the substitute amendment which had prevailed. The next Senator in order, Senator Long, accepted appointment and withdrew his motion to reconsider (82d Cong., 2d sess., Congressional Record, p. 3678).

On other occasions, protests at the appointment of conferees not in sympathy with the prevailing Senate opinion have been registered, but withdrawn upon assurance by the conferees that they would faithfully support the Senate position despite their own divergent views. Yet the necessity for such demeaning public assurances would not arise were it not for the doubt that inevitably exists when "the child is put to a nurse that cares not for it."

Whenever the question of abandoning the seniority system is raised on a particular bill, the issue becomes one of personalities. As was so notably the case in the lengthy and harsh debate on appointment of conferees on the Muscle Shoals bill, Senators seeking to assert the right of the majority to select the Senate managers are accused of impugning the integrity and honor of the senior Senators. At the same time, the senior Senators who would be bypassed are placed in a bad light if in other cases other committee chairmen and ranking Members have been trusted to handle bills with which they were not in agreement.

If the proposed rule is adopted, then the selection of conferees in sympathy with the bill in question will be automatic. The issue will not have to be raised on the Senate floor, as in the past, giving rise to divisive debate and recriminations. And the principle of the prevailing view, which has been so often violated, will be regularly honored.

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2. Germaneness of Debate (S. Res. 361)

Resolved, That rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding the following new paragraph numbered 7: "A question of germaneness may be raised by any Senator at any time during the consideration of a measure, motion or other matter, and thereafter all further debate under the order for pending business shall be germane to the subject matter before the Senate. All questions of germaneness of debate under this rule, when raised, including appeals, shall be submitted to the Senate and be decided without debate."

SUPPORTING STATEMENT BY SENATOR CLARK

This resolution would require Senate debate on the bill or resolution which had been made the pending business to be germane to the subject matter before the Senate, if a question of germaneness were raised by any Senator.

The Senate wastes a tremendous amount of time because of its practice of permitting any Senator to speak on any subject at any time at any length, regardless of the public importance and urgency of the measure which is the pending business. A rule of germaneness to be invoked on occasions when time is of the essence is necessary if we are to attend to the Nation's legislative business in these complex times. There are periods during each day such as the morning hour and other occasions when it is highly desirable and convenient to permit debate on nongermane topics. There are also times—such as during this present session—when the public interest should demand that all debate be germane to the measure under consideration.

Studies by my staff show that nongermane material occupies approximately one-third of the entire Congressional Record devoted to the report of the Senate proceedings, exclusive of insertions. On one day during the debate on the fair labor standards bill when the Senate had been in session for 9 hours, only 15 percent of the time was spent on the pending bill.

My proposal would merely reinstate a rule prohibiting irrelevant discussion which was recognized during the early history of the Senate. Jefferson's Manual states that "No one is to speak impertinently or beside the question, superfluously, or tediously." Virtually all other major legislative bodies in the world observe a similar rule of relevancy.

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3. Committee Meetings During Senate Sessions (S. Res. 364)

(By Mr. Clark (for himself and Mr. McNamara))

Resolved, That section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)), enacted by the Congress in the exercise of the rulemaking power of the Senate and the House of Representatives, is amended with respect to the Senate to read as follows:

"(b) No standing committee of the House, except the Committee on Rules, shall sit, without special leave, while the House is in session."

SUPPORTING STATEMENT BY SENATOR CLARK

This resolution would repeal the rule which allows a single Senator to prevent all Senate standing committees and subcommittees from meeting during Senate sessions.

No Senator should have the power to block all meetings of the 16 standing committees of the Senate and the 86 subcommittees of those standing committees. This power has been used solely for purposes of delay several times during the August session and numerous times during the civil rights debate.

The objective of the rule of increasing Senate attendance has not been achieved. Senators do not attend Chamber debates on matters they are not interested in just because the committees are not sitting, and conversely they do not miss Senate debates they are concerned with whether or not committees are meeting. The question of whether committees should meet during Senate sessions should be decided by a majority of the members of the committees concerned, and not by the decision of a single Senator.

Special and select committees are not prevented from meeting under the existing rule, and there has been no objection by the members of those committees about their inability to attend Senate debates.

4. Insertion of Senatorial Speeches (S. Res. 367)

(By Mr. Clark)

Resolved, That paragraph numbered 1 of rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding at the end thereof the following new sentence: "Upon the request of any Senator who has been recognized, his remarks upon any subject may be delivered in writing, and if so delivered shall be printed in the Congressional Record in the same manner as if those remarks had been delivered orally."

Sec. 2. S. Res. 121, Eightieth Congress, first session, agreed to July 23, 7947, is repealed.

SUPPORTING STATEMENT BY SENATOR CLARK

This resolution would amend the Senate rules to permit any Senator who has been recognized to have a speech inserted in the Record in normal type without having to read any or all of the text.

The rule requiring a Senator to read each and every word of his speech to a sometimes nearly empty chamber in order to have his remarks appear in normal size print in the Congressional Record wastes an inordinate amount of time. The adoption of a rule that speeches may be printed in the Record whether delivered in full or not, will make it possible for Senators to get their remarks to the press and in the Record without taking the time of the Senate to read them—valuable time which could be devoted more profitably to many other purposes.

It is interesting to note that many a Senator, including this one, has taken advantage of an informal custom by which a long speech is placed in its entirety in the Record in normal type although only the first and last lines are read. Some Senators are not willing to engage in this harmless subterfuge. Would it not be better to adopt the suggested rule and avoid this hypocrisy? Surely no one can seriously contend that the reading of a long speech to an empty Chamber is an appropriate part of either the legislative process or debate.

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5. Appeals From Rulings on Alleged Personal Affronts (S. Res. 369)

(By Mr. Clark)

Resolved, That paragraph 4 of rule XIX of the Standing Rules of the Senate (relating to debate) is amended to read as follows:

"4. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rules of the Senate the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall sit down, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to sit down, and any Senator requesting the Presiding Officer to require a Senator to sit down, may appeal from the ruling of the Chair, which appeal shall be open to debate."

SUPPORTING STATEMENT BY SENATOR CLARK

This resolution would modify Senate rule XIX, requiring a Senator to take his seat without a ruling by the Chair that he has spoken disparagingly of another Senator, which has become a deterrent to frank and free debate.

Rule XIX, sensibly revised, is quite unobjectionable, but it has been construed to permit a Senator at any time to interrupt another Senator, raise a point of order and require that Senator to take his seat without any ruling on the part of either the Presiding Officer or the Senate that the Senator called to order had violated the rule. All Senators will recall the several instances of abuse of the rule which have occurred during the August session of Congress.

In the second half of the 20th century, the courtly procedures of the late 18th century frequently seem out of place. Ordinary courtesy, however, is still the rule of conduct between mature individuals. In the heat of debate, Senators may violate rule XIX, and if they do, should properly be required to take their seats. But this should never be done unilaterally entirely upon motion of the Senator who take affront. In each instance the Chair should state whether, in its opinion, the rule has, in fact, been violated.

If the Chair's ruling is in the negative, the Senator should be permitted to proceed without taking his seat, subject to an appeal from a ruling. Similarly if the Chair rules adversely to the Senator holding the floor, the latter should have the right to appeal from the ruling of the Chair before being required to take his seat.

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6. Moving the Previous Question (S. Res. 372)

(By Mr. Clark)

Resolved, That Rule XII of the Standing Rules of the Senate (relating to voting) is amended by adding at the end thereof the following paragraph:

"4. Whenever any measure, motion or other matter pending before the Senate has received consideration for a total of not less than fifteen hours, any Senator may move the previous question with respect thereto. When such a motion is made and seconded, and a quorum is present, it shall be submitted immediately to the Senate by the Presiding Officer, and shall be determined without debate by yea-and-nay vote. A previous question may be asked and ordered with respect to one or more pending measures, motions or matters, and may embrace one or more pending amendments to any pending measure, motion or matter described therein and the passage or rejection of the pending bill or resolution. If the previous question is so ordered as to any measure, motion or matter, that measure, motion or matter shall be presented immediately to the Senate for determination. One hour of debate, equally divided between opponents and proponents, shall be allowed on any measure, motion or matter, other than the passage or rejection of the bill or resolution on which the previous question has been ordered, and four hours of debate, divided in the same manner, shall be allowed on the passage or rejection of the bill or resolution covered by such order."

SUPPORTING STATEMENT BY SENATOR CLARK

This resolution would permit the Senate to take action on a pending bill, resolution or amendment after 15 hours of debate. The Senate can no longer afford the luxury of unlimited debate if we are to attend to the legislative business of the country.

Under the proposed new rule a majority of the Senate could decide to take action on any matter pending before the Senate after it had been debated for not less than 15 hours by voting to move the previous question. If the motion, which would be nondebatable, carried, the Senate would be allowed to vote on the substance of the matters covered by the motion after additional debate, limited to 1 hour on each amendment and 4 hours on final passage of the bill or resolution, equally divided between opponents and proponents.

All Senators are aware of the frequent use in this body of the motion to table to put off indefinitely further consideration of a pending measure. My plea is for a countervailing motion to allow a vote on the merits of a pending matter after reasonable debate.

The Senate has thoroughly explored during both the 85th and 86th Congresses amendments to rule XXII dealing with cloture of debate. In my judgment, tinkering with this rule will get us nowhere.

I believe the proper course is to restore the rule providing for moving the previous question which was one of the procedures recognized in the Senate rules during the first six Congresses. The U.S. Senate from 1789 to 1806 recognized the motion for the previous question. Extensive research by the eminent American historian, Irving Brant, supplemented by the research of Senator Douglas and his staff, has shown that the motion was used on four occasions during those early years. On two of those occasions the motion was made for the purpose of closing debate and bringing a vote on the pending business. On one of those two occasions that actually happened, and on the other occasion the motion, though not voted upon, achieved the same result.

The motion has been used frequently in the House of Representatives for the purpose of ending debate ever since 1811 and is specifically incorporated in House rule XVII. Research done for me by the Library of Congress shows that the same procedure is permitted in practically all of the senates of the State legislatures of the country.

Thomas Jefferson pointed out that this kind of procedure was used in the British Parliament as long ago as 1604. Certainly it cannot be considered a practice alien to sound Anglo-Saxon parliamentary procedure.

Vital senatorial business in the 1960's cannot be handled at the same leisurely pace that has characterized our deliberations in the past. Full and fair debate is desirable, even essential, to the democratic process. Unlimited debate is an abnegation of those processes. Fifteen hours of debate on a given issue, especially if the debate were required to be germane as I have previously proposed, would provide an ample opportunity for the Senate to determine whether it has exhausted the possibilities of productive debate. If not, a majority vote against the previous question motion would permit additional debate. If a majority wished to come to a vote on the pending business, and the motion were approved, there would still be an opportunity for 1 hour of additional debate on each amendment covered by the motion and 4 hours of additional debate on the passage of the bill or resolution.

Summary of Research by Mr. Irving Brant and Senator Paul H. Douglas on the Development and Use of the Previous Question Motion in American and British Practice

The motion for the previous question originated in the British Parliament at the beginning of the 17th century. It was used in the American Continental Congress late in the 18th century and appeared in the first rules of both Houses of the U.S. Congress in 1789, but was dropped by the Senate in 1806 after being invoked on four occasions. The previous question rule was first used to close debate in the House of Representatives in 1811 and since then it has been invoked innumerable times in the House. Today the motion for the previous question procedure is set forth in rule XVII of the Rules of the House of Representatives.

A. SENATE PROCEDURE, 1789–1806

Senate rule IX adopted on April 15, 1789, stated as follows: "The previous question being moved and seconded, the question from the chair shall be, 'Shall the main question be now put?' And if the nays prevail, the main question shall not then be put."

The previous question was used four times in the U.S. Senate from 1789 to 1806. It was phrased in the negative as well as the affirmative, although the rule stated only the latter form. The negative form of the motion was: "Shall the main question be not now put?" When the motion was put affirmatively and a majority of the Senators voted yea, they could close debate and the pending matter could be brought to an immediate vote. On the other hand, when the majority voted nay when the motion was put in the affirmative, this had the effect of postponing consideration. When the motion was put in the negative, a majority yea vote had the effect of postponing consideration, while a majority nay vote closed the debate.

On two of the four occasions on which the motion was put in the Senate, the purpose and effect of the motion was to postpone debate. On the other two occasions the motion was moved for the purpose of closing debate and bringing a vote. On one of those two occasions that actually happened, and on the other the motion—though not voted on—achieved the same result. A brief synopsis of the four occasions follows:

1. In August of 1789 the Senate had before it a bill entitled, "An act providing for the expenses which may attend negotiations or treaties with the Indian tribes." On August 17 and 18, 1789, the previous question was moved on each day and put in the form provided in the rules: "Shall the main question be now put?" On both occasions the motion was defeated, and the effect was to postpone the main question.

2. The second occasion on which the previous question motion was used was on January 12 and 16, 1792. The Senate had before it the consideration of various Presidential nominations of U.S. ministers at foreign courts, and specifically the nomination of William Short, of Virginia, to be Minister Resident at The Hague. The Senate disregarded its rules and put the previous question in the negative: "That the main question be not now put." The motion carried, and this resulted in postponement.

3. On the third occasion when the previous question was moved, on February 26, 1799, it was moved in the form prescribed by the rules. The Senate had before it the nomination of William Bans Murray to be Minister of the United States to France. The previous question motion was moved in the words: "Shall the main question be now put?" On this vote the yeas prevailed. The debate was then stopped and the main question was put to an immediate vote. It was a clear instance of the use of the previous question motion in the affirmative form to stop debate.

4. On March 10, 1804, the Senate was sitting as a court of impeachment in the trial of Judge Pickering, and under the rules all motions had to be voted on by yeas and nays in open session. Debate on motions was forbidden except in closed sessions. The previous question was moved, phrased in the affirmative, as the rules required. Written evidence shows that the minority Senators felt that the majority's purpose was cloture—to cut off debate and force the main question to an immediate vote. The Senate was in closed session debating a resolution offered by Senator White, of Delaware, when Senator Jackson, of Georgia, moved the previous question. To vote on it, it was necessary to open the doors. As indicated, opening the doors stopped the debate, and that was the purpose of moving the previous question. With the doors open, nothing remained except to take the yeas and nays on the controversial resolution, which was thereupon defeated by the same Senators who had cut off the debate.

B. HOUSE OF COMMONS

In the 17th and 18th centuries—from 1604, when it was first used, to 1789, when it was adopted by the first Senate—the previous question was moved on 899 occasions in the British House of Commons. Its effect was to close debate 539 times and postpone 360 times.

From 1790 to 1882—when the House of Commons adopted a specific cloture rule—the previous question motion actually limited debate on no less than 67 occasions. In this later period the motion resulted in postponement on something like 294 occasions.

C. CONTINENTAL CONGRESS

In 1778 a majority of the Continental Congress voted "nay" on a previous-question motion, phrased in the negative—i.e., "That the main question be not now put"—which had been made for the ostensible purpose of postponing debate until the next day. After the vote on the motion a move was made to postpone action on the substantive matter until the next day. A question was then raised if the Congress were not required to proceed to a vote since the previous question was in the negative. The question was put before the Congress itself, and by a 7-to-3 vote it decided that when the negative form of the previous question was passed in the negative they were required to proceed to a vote on the substantive issue before them. In other words, two negatives made an affirmative, and the debate was therewith closed.

D. HOUSE OF REPRESENTATIVES

The House of Representatives has always had the previous-question motion available. From 1789 to 1880 it was the same form as that provided by the early rules of the Senate; namely, "Shall the main question be now put?" In 1880 it was decided that the Speaker on motion should ask for yeas and nays on the ordering of the previous question.

In the House of Representatives the filibuster was used in an effort to prevent a vote in 1811. When the crisis reached its peak on February 27, 1811, it was effectively dealt with when the motion to move the previous question was used six times in one night to force a crucial question to a vote. The event which occasioned its use as a cloture motion was a bitter contest over foreign policy which preceded the War of 1812, and the filibuster was being used to defeat the nonintercourse bill.

The present procedure for invoking the motion for the previous question is set forth in rule XVII of the Rules of the House of Representatives. The annotations to the rule show how it has been developed to its present use as an effective instrument to terminate debate, a procedure in constant use in House deliberations.

SUMMARY OF STATE SENATE RULES ON LIMITATION OF DEBATE (TAKEN FROM LATEST RULES AVAILABLE. RULES FOR HAWAII AND ALASKA NOT AVAILABLE)

(By Grover S. Williams, legislative attorney, American Law Division, Library of Congress, Aug. 24, 1960)

SUMMARY

The motion for the previous question is recognized in the rules of State senates in 37 States, and adoption by majority vote, terminates debate. In four other States, like procedure is recognized to permit a majority to bring the pending business to a vote.

Alabama (1957): Debate may be limited by a vote of two-thirds of all elected members (rule 19). Members limited to twice the number of times to speak on one measure and limited to 1 hour each time (rule 37).

Arizona (1958): Previous question authorized rule XVIII. Presumably requires majority vote.

Arkansas (1951): Previous question authorized if seconded by at least five members (rule XV). Presumably requires majority vote. Dilatory motions forbidden (rule XIV, sec. 19).

California (1957): Previous question authorized by majority vote (rule 41).

Colorado (1958): Previous question authorized by majority vote (rule IX). Debate may be limited not less than 1 hour after adoption of motion to that effect by majority vote (rule IX, 3).

Connecticut (1957): When yeas and nays have been ordered by one-fifth of members present, each senator when his name is called shall declare openly his assent or dissent (rule 10).

Delaware (1957): "Roberts Rules of Order" to settle all parliamentary procedure (rule 24).

Florida (1957): Members may not speak longer than 30 minutes nor more than twice on any one question without leave of the senate (rule 20).

Georgia (1957): Previous question authorized by majority vote (rule 58). Speeches are limited to 30 minutes unless by leave of senate (rule 15).

Idaho (1947): Previous question authorized (rule 4). Presumably by majority vote.

Illinois (1958): Previous question authorized (rule 54). Presumably by majority vote. Members are limited to 15 minutes at any one time without consent of senate (rule 33).

Indiana (1949): Previous question authorized (rule 17). Presumably by majority vote.

Iowa (1957): Previous question authorized by majority vote (rule 12).

Kansas (1957): Previous question authorized (rule 28) presumably by majority vote. No senator may speak more than twice on same subject on same day (rule 15).

Kentucky (1958): Previous question may be ordered by majority of senators elected (rule 12). Members are limited to one 30-minute speech on a measure until all members desiring to be heard have spoken (rule 21).

Louisiana (1958): Previous question authorized by majority vote (rule 17). Debate may be limited by majority vote so that no senator shall speak longer than 1 hour at one time without leave of Senate (rule 9).

Maine (1957): Members are limited to one speech on a measure to the exclusion of any other member without leave of senate (rule 10). Reed's Rules and Cushing's Law and Practice govern whenever applicable (rule 37).

Maryland (1958): Members are limited to one speech on any measure to the exclusion of any other member. Each member is required to confine himself to the subject (rule 14). Jefferson's Manual governs when not inconsistent with standing rules (rule 92).

Massachusetts (1958): Debate may be closed not less than 1 hour after adoption of motion to that effect (rule 47). Presumably by majority vote. Cushing's Manual and Crocker's Principles of Procedure shall govern when not inconsistent with standing rules (rule 62).

Michigan (1958): Previous question authorized by majority vote of members present and voting (rule 65). Members are limited to two speeches in any one day on the same measure (rule 23).

Minnesota (60th session): Previous question authorized by majority vote (rule 24).

Mississippi (1956): Previous question authorized (rule 112). Presumably by majority vote.

Missouri (1957): Previous question authorized by majority vote of members elected (rule 76). Members are limited to one speech on same question without leave of senate (rule 72).

Montana (1951): Previous question authorized by majority vote (rule XIV). Members are limited to two speeches in any one debate on same day in exclusion of others (rule XII).

Nebraska (1957): Previous question authorized by a vote of a majority of elected members (rule 10). Members are limited to two speeches in any one debate during a legislative day without leave of legislative (rule 1).

Nevada (1951): Previous question authorized by majority of members present (rule 18). Members are limited to two speeches on one question on the same day (rule 44).

New Hampshire (1951): Previous question authorized (rule 9). Presumably by majority vote. Members are prohibited from speaking more than twice on the same day on a measure without leave (rule 4).

New Jersey (1958): Previous question is authorized (rules 41, 43). Presumably by majority vote. Prohibits any members from speaking more than three times on same subject without leave (rule 47).

New Mexico (1958): Permits debate to be closed after 6 hours debate by a majority vote of members present (rule 68). Previous question authorized when demanded by a majority of members present (rule 58). Members are prohibited from speaking more than twice in any one debate on same day (rule 12).

New York (1959): Debate may be limited by majority vote of those present whenever any bill, resolution, or motion shall have been under consideration for 2 hours (rule XIV, sec. 3).

North Carolina (1951): Previous question authorized (rule 57). Presumably by majority vote.

North Dakota (1957): Previous question is authorized (rules 18, 21). Presumably by majority vote. Ordinary members are limited to speak only 10 minutes on same subjects, than 5 minutes, until every member choosing to speak has spoken (rule 13).

Ohio (1957): Previous question is authorized on demand of three members (rule 89). Presumably by majority vote. Members are prohibited from speaking more than twice on same question (rule 74).

Oklahoma (1955): Previous question authorized by majority vote of members voting (rule 39).

Oregon (1951): Previous question authorized by majority vote (rule 69). Members are limited to speaking on any question to two times (rule 25).

Pennsylvania (1958): Previous question authorized (rules 9, 10). Presumably by majority vote. Mason's Manual to govern when applicable (rule 34).

Rhode Island (1958): Motion to close debate authorized after consideration for 2 hours (rule 23). Presumably by majority vote. Members are limited to speaking on a measure to two speeches without leave of senate (rule 18).

South Dakota (1957–58): Previous question authorized, if seconded by one-seventh of the members-elect, and adopted by majority vote will end debate (rule 53).

South Carolina (1957): Previous question is authorized if seconded by at least one-seventh of members elected and requires a vote of a majority of members present to carry (rule 53).

Tennessee (1949): Previous question authorized by vote of two-thirds of members present; if rejected, committee of rules may, upon demand of a majority of the members, submit rule fixing of limiting time for debate for adoption by majority of senate (rule 20).

Texas (1949): Previous question authorized by majority vote (rule 101).

Utah (1957): Previous question specifically forbidden (rule 45). Provides that no member speak more than twice in any one debate on same day without leave (rule 42).

Vermont (1957): Previous question specifically forbidden (rule XVIII, 55). Provides that no member shall speak more than twice on same question without leave (rule X, 66).

Virginia (1958): Previous question authorized if seconded by majority of members present (rule 50). Prohibits members from speaking more than twice on same subject without leave (rule 56).

Washington (1957): Previous question authorized by majority vote of members present (rule 30). Prohibits members from speaking more than twice on same subject on same day without leave (rule 16).

West Virginia (1957): Previous question authorized by majority vote (rule 53). Prohibits members from speaking more than twice on same subject without leave (rule 17).

Wisconsin (1957): Previous question authorized on demand of five members (rules 76, 77). Presumably by majority vote. Prohibits members from speaking more than twice on same subject without leave (rule 59).

Wyoming (1957): Previous question authorized when seconded by three members (rule 43). Presumably by majority vote. Prohibits members from speaking more than twice on same subject on same day without leave (rule 32).

7. JOURNAL READING (S. RES. 377)

Resolved, That paragraph numbered 1 of rule III of the Standing Rules of the Senate (relating to the commencement of daily sessions) is amended to read as follows: "The Presiding Officer having taken the chair, and a quorum being present, motions to correct any mistakes made in the entries of the Journal of the preceding day shall be in order, and any such motion shall be deemed a privileged question, and proceeded with until disposed of. Unless a motion to read the Journal of the preceding day, which is nondebatable, is made and passed by majority vote, the Journal shall be deemed to have been read without actual recitation and approved."

SUPPORTING STATEMENT BY SENATOR CLARK

The rule that the Journal of the preceding day be read if one Senator requests it is a complete anachronism. The rule was established long before the Government Printing Office perfected the art of printing each day's proceedings within a few hours of adjournment. There is absolutely no reason why any Senator should demand the reading of the previous day's Journal under existing circumstances.

All Senators will recall occasions on which the reading of the Journal has been used to delay for several hours the Senate's consideration of urgent legislative matters. All Senators will recall other occasions on which the leadership has been forced to recess the Senate at the end of a day rather than adjourn it so that it will not be possible for a dissident Member to ask for the Journal reading the following morning and delay the debate on an important measure. The present Journal reading rule serves no valid purpose and should be amended.

8. MORNING HOUR (S. RES. 378)

(By Mr. CLARK)

Resolved, That rule VII of the Standing Rules of the Senate (relating to morning business) is amended by adding at the end thereof the following new paragraph:

"8. One hour, if that much time be needed, shall be set aside for the transaction of morning business on each calendar day at the opening of proceedings or, if the Senate is in continuous around-the-clock session, at noon. The period for morning business may be extended upon motion, which shall be nondebatable, approved by majority action. No Senator may address the Senate for more than 3 minutes during the period for morning business, unless he has obtained leave by unanimous consent to address the Senate for a longer time."

SUPPORTING STATEMENT BY SENATOR CLARK

The rule change I am suggesting—to regulate the transaction of morning business—is intended to speed Senate business. The term "morning hour" is a misnomer under our present practice. It is well known that 2 hours, from noon to 2 p.m., are frequently used for morning business on new legislative days. I suggest that we limit morning business to 1 hour daily, unless a majority of Senators vote to extend the period, and that the 3-minute limit on individual speeches, which is a custom now honored as much in the breach as in the observance, be written into the Senate Rules. The morning hour is a valuable and appropriate time for the delivery of remarks by Senators on current events and other miscellaneous business. My proposed rule would make it impossible for one Senator to block the holding of a morning hour daily even if the Senate is meeting in recessed or continuous session, and yet it would curtail the overall time spent on matters nongermane to the pending bill or resolution.

9. TIME LIMITATION OF HOLDING THE FLOOR (S. RES 384)

(By Mr. CLARK)

Resolved, That paragraph numbered 1 of rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding at the end thereof the following new sentence: "Whenever any Senator has held the floor for more than three consecutive hours, an objection to his continued recognition shall be in order at any time, and, if such an objection is made, the Senator shall yield the floor.".

SUPPORTING STATEMENT BY SENATOR CLARK

In the 18th century when the Senate had 26 Members and the Legislative Calendar was brief and did not contain matters of urgent importance to many millions of people, there was time to permit individuals to engage in filibusters. There is no time for such tactics in the 1960's. Marathon speeches by any 1 Senator in a body which now numbers 100 Members should not be tolerated.

I submit that no Senator needs more than 3 hours to expound his views on any specific matter coming before the Senate for action. Senators will judge for themselves whether they can recall a single occasion on which any Member took more than 3 consecutive hours to state his views on any subject when his purpose was not purely one of delay. I recall no such occasion.

When a Senator is interrupted repeatedly by a colloquy the Senate can be relied upon to grant unanimous consent for the Senator to continue beyond the 3-hour period, unless the colloquy is obviously engaged in for the purpose of delay. If he cannot get such consent, he would still have the right under rule XIX to speak once more on the same subject during the same legislative day. if he can obtain recognition.

I am reminded of Oliver Wendell Holmes' apology when he delivered a particularly long opinion one day as a member of the Massachusetts Supreme Court: "I did not have time to write a short one." A 3-hour speech is hardly a short one, but the Senate should take the time next January, when we determine the rules we will operate under during the 89th Congress, to make sure that no future speech is longer than that.

Mr. CLARK. I wish to thank my friend the distinguished Senator from Michigan [Mr. MCNAMARA] for his courtesy in yielding to me.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER (Mr. MCGOVERN in the chair). The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, the Washington Post for September 13 carries an article under date of September 12, to the effect that the Supreme Court's one-man, one-vote apportionment formula for State legislatures has been applied at the county level in Michigan for the first time. Circuit Judge Fred N. Searl ruled that the Kent County Board of Supervisors must be reapportioned on a population only basis under the 14th amendment.

If there has been a question about how far this Federal standard will be applied, this decision certainly indicates that the standard will be imposed on every county and every city which has districts for the election of its governing body.

It is not inconceivable that this ruling could be applied also to special districts, such as water districts, soil conservancy districts, and so forth. Time is of the essence, and in the words of Robert Herrick, let me caution my colleagues to—

And this same flower that smiles today,
Gather ye rosebuds while ye may,
Old Time is still afiying:
Tomorrow will be dying.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article published in the Washington Post of September 13, 1964, entitled "One-for-One Vote Rule Applied to County" and an article which was published in the Saturday Evening Post by the distinguished minority leader [Mr. DIRKSEN], entitled "The Supreme Court Is Defying the People."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 13, 1964]

ONE-FOR-ONE VOTE RULE APPLIED TO COUNTY

GRAND RAPIDS, MICH., September 12.—The U.S. Supreme Court's one-man, one-vote apportionment formula for State legislatures has been applied at the county level in Michigan for the first time.

Circuit Judge Fred N. Searl ruled yesterday that the Kent County Board of Supervisors must be reapportioned on a population-only basis.

But he did not issue an immediate order for redistricting, saying he would leave it up to the 1965 session of the Michigan Legislature to carry out reapportionment of county governing units.

Judge Searl's 36-page opinion held that the equal protection clause of the 14th amendment to the U.S. Constitution requires that the board of supervisors meet the same basic standards applied to the legislature under the high court decision.

Five professors from Calvin and Aquinas Colleges in Grand Rapids had asked Searl in a suit to order reapportionment of the county board. They noted that in one Grand Rapids ward, one supervisor represents 8,500 residents, while in the outlying town of Cedar Springs one supervisor represents 925 persons.

(In the Washington metropolitan area, the Fairfax County Supervisors are the only county officials elected by districts. In the seven districts, populations range from 14,785 in Centreville District to 61,295 in Mason District. Other district populations are Dranesville, 37,624; Falls Church, 57,429; Lee, 40,933; Mount Vernon, 44,129, and Providence, 45,129.)

[From the Saturday Evening Post]

The Supreme Court Is Defying the People

(By Senator Everett McKinley Dirksen)

Have we reached the point where the Preamble to the Constitution, which now reads "We, the people * * * do ordain and establish this Constitution," has been changed to read "We the Supreme Court do hereby decree a new form of government for the people of the United States"? Have we permitted the Court to constitute itself an authority supreme and contrary to the expressed will of the people?

There is a grave danger that we have. On June 15 of this year, six members of the U.S. Supreme Court took what may prove to be the longest step toward creating a judicial dictatorship in this country. They did it by decreeing that the legislatures established by the people in the States of Alabama, Colorado, Delaware, Maryland, New York, and Virginia were null and void, and they dictated the form of legislative government which the people of these States must accept.

The Supreme Court proclaimed that it was acting to enhance democracy and to abolish inequities between the city dweller and his country cousin. Moreover, they have sold us this decision with the alluring slogan of "one man, one vote," a concept which is beautifully democratic in the abstract. But the States of the Nation are not governed abstractly. For 188 years they have been governed by a realistic system of legislative compromise, which recognizes the diverse interests of a diverse people. Now, suddenly, the Supreme Court says it is wrong.

The form of legislature the High Court declared null and void is in effect today in every State in the Union. It is the same form of representation which was adopted by the Thirteen Colonies when they threw off the yoke of the English kings. Basically, it is a legislature composed either of two houses, one house based upon population and another house based upon area, or of one house based upon both population and area. The men and women of the colonies fought, bled, and died for the right to establish State governments of their choice. This was the choice they made.

Then, a decade later, they met in Constitutional Convention in Philadelphia. There they forged the provisions of the Federal Constitution on the anvil of experience, hammering out the solutions of the problems of fair representation for all. Even at that time there were rural areas and populous areas, each with diverse and legitimate interests. It was only natural that the sparsely settled and less affluent States should fear the power of the rich and strong. After much debate, this truly vexing problem was solved by a historic compromise. Today we have the handiwork of that solution, the Congress, a legislative body of two Houses, one of which is based on population and the other upon State boundaries.

That was the will of the people in those times, and that has been the will of the people since, as new States have been added to our Union, each one embodying the same principle in its own State constitution. But that is not the will of six men on the Supreme Court. Let us look at how they have ordered the people of this country to refashion their State legislatures.

It all began 2 years ago in the case of *Baker* v. *Carr*, which came to the Supreme Court from Tennessee. For the first time, the Court held it had the final authority over the composition of the State legislatures. Now in the six cases recently decided, the Court used that newly assumed authority in an extraordinary way. The Justices decreed that the 14th amendment, which was adopted in 1868, requires both houses of any State legislature to be apportioned on the basis of population alone. Moreover, it directed the lower Federal courts to put this new decree into practice through orders at the State level.

In Colorado, after the *Baker* v. *Carr* decision, the people of that State in 1962 had voted almost 2 to 1 to approve a plan to overhaul their legislature. Yet the Supreme Court refused to accept the plan approved by the people, and Colorado was given only 2 weeks to find a new solution. A specially called general assembly attempted to comply and adopted a new apportionment plan. Then the State Supreme Court of Colorado declared that plan to be unconstitutional. Today the citizens of Colorado do not know what they can do and—in view of all these facts—who can blame them?

In New York the Supreme Court not only ordered reapportionment but before it was through it had set new terms of office for members of the general assembly. The New York constitution provides for 2-year terms for its legislators, but it has been decreed that those elected this fall shall serve for only 1 year. Then there is to be a second election, and members are to be elected for another year. Then there is to be still a third election, when lawmakers are to be named to a regular term.

An even more appalling situation has been created in Oklahoma. There a three-judge Federal court has taken upon itself the role of reconstituting the State legislature. The court began by declaring invalid a portion of the State constitution and election laws. The State passed a new election law and proposed a constitutional amendment to remedy the defects. Then, in May of this year, the voters of Oklahoma approved the amendment to the State constitution and elected representatives under the new election law. Now the court has declared that amendment and election null and void and ordered new elections based on its own legislative formula—contrary to that approved by the people of Oklahoma.

I learned long ago that the people are the fountainhead of all power in this country. In Colorado and Oklahoma, as well as several other States, the people have acted decisively, but the Federal judges will not accept the result. They say that they represent some higher power to determine the form of our State governing bodies, which is a mistaken and dangerous notion.

Certainly in any representative government there exists a fundamental right in the people to determine how their legislatures shall be constituted. Yet according to the powerful dissenting opinion of Associate Justice John Marshall Harlan, the Supreme Court majority has now declared it to be unconstitutional for a State to give effective consideration to any of the following factors in establishing its legislative districts:

1. History;
2. Economic or other sorts of group interests;
3. Geographical considerations;
4. Area;
5. A desire to insure effective representation for sparsely settled areas;
6. Availability of access of citizens to their representatives;
7. Theories of bicameralism (except those approved by the court);
8. Occupation;
9. An attempt to balance urban and rural power; and
10. The preference of a majority of voters in the State.

In this, the Court would blindly disregard the facts of nature as well as the basic principles of representative government. A businessman in Garber, Okla., whose State legislator used to live in nearby Enid, may now have to travel to Oklahoma City to ask for the improvement of a bridge or complain about the condition of a road. A rancher or miner near Duncan, Ariz., could discover that his only representative lives in Tucson, a burgeoning electronic-and-space center with problems completely dissimilar to those at home. In my own home State, voters in sparsely settled southern Illinois may find they must go 150 miles to locate the nearest State legislator.

Mr. ALLOTT. Mr. President, I yield the floor.

CRIME AND DELINQUENCY

Mr. DODD. Mr. President, as one who has devoted a large part of his Senate work to the field of combating crime and juvenile delinquency, and as chairman of the Senate subcommittee specifically charged with responsibility in this field, I feel called upon to comment on the obvious attempt to turn the question of crime and delinquency into a political football for purely partisan purposes.

Crime and delinquency are indeed among our gravest domestic problems. They reveal a certain sickness in our society. Thousands and thousands of dedicated men and women have devoted their lives to this problem, in law enforcement, in social work, in the academic world, in mental institutions, in civic and fraternal organizations, in parents' groups, in churches, and in other areas.

Senator Goldwater and Representative Miller have been conspicuously absent from this struggle, and I hope I speak for all who regard this as a grave and tragic problem instead of a campaign issue when I say that we are dismayed that they have now taken up this issue purely as a political propaganda sideshow.

They have nothing to say about the many complex causes of crime and delinquency, about slums, overcrowded cities, broken homes, poverty, racial discrimination, mental illness, inadequate crime laws, underpaid policemen, license in our mass media, inadequate school and recreation facilities, and others. Not only do they have nothing to say about these causes, but when proposals have been brought forth to deal with these conditions, they have consistently opposed them.

Senator Goldwater's position is simply that since a Democratic administration is in power in Washington, it is responsible for the crime and violence in our local communities, in the streets of our towns, and in the homes of the American people.

Heretofore, it has been thought that the first responsibilities for moral training and conduct were in the home, the church, the school, and the community. Suddenly Senator Goldwater has shifted these responsibilities to the Federal Government and to the White House.

One would think that he was about to propose a national police force, or at least a national program to fight crime. But, oh no. He is not only against a national police force, as most of us are, but he thinks that Federal laws to deal with these problems do more harm than good. What, then, does he propose?

He proposes "moral persuasion," which he would exercise from the White House.

Now, everyone is in favor of moral persuasion. But for Senator GOLDWATER to contend that he can reverse the crime rate by the power of his own good example is as preposterous as it would be for a doctor to attempt to fight a cholera epidemic merely through his own personal hygiene.

Those of us who have gone out among the street gangs, among the drug pushers, among the traffickers in pornography and guns, among the organized criminals, those of us who have spent some time studying these hardened groups know that far more than good intentions is needed in this fight.

Last night Senator GOLDWATER made vague references to an undefined constitutional amendment to restrict the rights of defendants and to other vague changes in Federal criminal procedures which would have principal application in the city of Washington. We all look forward to specific proposals from the Senator, but even if they emerge, they will deal only with a very limited aspect of the problem. Once again he had nothing to say about the causes of crime, except the alleged bad example of President Johnson. Once again he has no solutions to offer the whole Nation, except longer billyclubs in the District of Columbia.

All of the evidence thus far indicates that the Republican candidates have nothing serious to say about either the causes or the solutions of crime and delinquency.

Therefore, I want to set the record straight with the facts.

First, juvenile crime has been increasing steadily from year to year in this country since 1948 under both Republican and Democratic administrations.

Second, contrary to Senator GOLDWATER's statement that under the Eisenhower administration the Nation's Capital was an example of peaceful progress and a lack of crime, the truth is that the crime rate had its most significant leap forward right in the middle of the Eisenhower administration. For instance, in 1958 crime in Washington, D.C., rose 23 percent. I do not cite this fact to lay crime in the District of Columbia at the door of the Eisenhower administration. I cite it to show that any attempt to make partisan use of crime statistics is pure charlatanism of the worst sort.

Third, Washington, D.C., which Senator GOLDWATER says is peculiarly under the President's influence, is by no means the most glaring example of crime in this country, as he seems to feel. According to the FBI reports, Washington ranks 13th in crime rate among the larger cities in the country.

By contrast, Phoenix, Ariz., where the Senator's own influence and that of his ideology should loom largest, is fourth in the Nation. No wonder the Senator wants to declare war on crime in Washington, D.C., which is about as far away from Phoenix as he can get. I say to the Senator, let us start "moral persuasion" at home in Phoenix.

Fourth, the cold statistics do not bear out Senator GOLDWATER's contention that centers of civil rights disturbances are centers of crime. FBI reports show that Philadelphia, for instance, has one of the lowest crime rates among the larger cities. The three highest centers of crime, ahead of Phoenix, are Las Vegas, Los Angeles, and Miami.

Fifth, every attempt by Members of Congress to encourage action to combat crime and delinquency was frustrated and blocked under the previous Republican administration. But many of these efforts have borne fruit during the Kennedy-Johnson period. The Juvenile Delinquency and Youth Offense Control Act, and the package of crime control bills are monuments to the zeal of President Kennedy in this field.

For the first time, we have had strong White House support for bills to curb the criminal traffic in dangerous drugs and firearms.

Sixth, whereas the last administration—that is, the Eisenhower administration—never really went after organized crime, Attorney General Kennedy has made a tremendous fight against it. Convictions are up 400 percent and for the first time in our history, the whole law enforcement apparatus of the Federal Government has been mobilized to fight syndicated crime.

Seventh, we have passed, over the opposition of Senator GOLDWATER, a number of bills to attack the causes of crime: racial discrimination, poverty, illiteracy, lack of opportunity, and youth idleness.

I have never wanted to have this issue put on a partisan basis. I have spent much of my life in the field of law enforcement and dealing with young people. It has been a rewarding part of my life. I would be the last to deal on a partisan basis, with the very great problems in this field. But since Senator GOLDWATER and Representative MILLER have brought this issue into politics, I say in the Senate that the Republican response to crime and delinquency has been one of inaction, and the Democratic response has been one of action and I cite the record to prove it.

Moral persuasion by itself never stopped a crime wave. Unless Senator GOLDWATER and Representative MILLER have something more substantial to offer the American people than their own presumed good example, they should quickly retire from the struggle against crime and corruption and leave it to those who view this as a tragic and urgent problem, and not a political bonanza.

I am grateful to my friend and colleague the Senator from Wisconsin for yielding to me at this time. I feel, after the speech of last night, that an answer should be made lest the American people be fooled—which I do not believe will happen—by such reckless and irresponsible attacks in the midst of a political campaign. The only way to curb crime and delinquency is to face the problem. It is not a political problem. It never has been. I do not know of any responsible person in public life who has said it is, until these candidates came along.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. PROXMIRE. I congratulate the Senator on his excellent and forthright statement. He, perhaps to a greater extent than any other Member of the Senate or House, has devoted a great part of his life to law enforcement. He understands about these problems and crime. The Senator from Connecticut not only calls for enforcement, but points to the fact that there has been vigorous enforcement by our Attorney General, in cooperation with local agencies, to a far greater extent than ever before. He points out also that if we are to meet these crime problems, there must be positive programs for providing educational opportunities, job opportunities, and housing opportunities, and getting people out of the bitter life from which they suffer, where they have no place to turn, no future, and no hope.

After all, as the Senator knows, there are some who steal out of necessity. There are other cases in which crimes are committed because of the grossest kind of ignorance.

Of course, as we all know, they are not the only reasons for crime. But it is important that we move ahead with the antipoverty measure, which has been supported by the administration and by the Senator from Connecticut, and with measures for a health program, a National Service Corps, and the health of inductees into the armed services. All such bills, almost without exception, have been opposed by the very men who are criticizing the administration for being responsible for crime in our cities.

Mr. DODD. I am grateful for the Senator's compliments, which I do not deserve. Nevertheless, I am grateful. I am also thankful for his wise observations on this situation.

I have always taken the view, from the time I was in the Federal Bureau of Investigation to the time when I came to the Senate—as I have said I have devoted a good part of my life to law enforcement work—that poor housing, people who are underfed, who do not have a chance of any kind in life, are the breeding grounds for crime. There is no question about it. Anyone who has made an attempt to understand the reasons for crime in this country and elsewhere in the world knows it to be a fact. It is a fact that the Senator and Representative who are candidates on the other side have voted against proposals to alleviate these conditions consistently. I am sure they would not deny it. It is a matter of record. Every person in the law enforcement field knows that there is more to the problem than building more jails and throwing more people into them. If we are to conquer the problem, we must approach it from the standpoint that it has been approached during the Kennedy-Johnson, and other Democratic administrations.

I thank the Senator for his comments.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, the principal argument that has been made right along against the Supreme Court decision and in favor of the Dirksen-Mansfield proposal and recently for the Javits-McCarthy proposal and the modified Javits-McCarthy proposal is that the Supreme Court has been acting in a fashion that has been too precipitous. It has been said that they did not consider the State lagislatures or the fact that it is particularly difficult job for the State legislatures to do. It has been said that they have not given them sufficient time.

This is absolutely untrue. In fact, such fears are not warranted by the Supreme Court decision. An analysis of the reapportionment cases demonstrates that the Supreme Court was well aware of the political problems posed by reapportionment. And the Supreme Court took pains to ease these problems to as great an extent as compatible with the ultimate preservation of constitutional rights. Anyone who has served in State legislatures, anyone who has served in any capacity in State government, knows that this problem of the legislature apportioning itself is one of the most difficult and painful problems that there is. Indeed, we have example after example of legislatures, required to apportion under their constitution, neglecting to do it for many years—in some cases, for 50 years. Usually the constitution of the State will require apportionment after the decennial census, once every 10 years.

We are very proud of the fact that we have a population representation in both our Assembly and State Senate in the State of Wisconsin. We have had it ever since we became a State in 1848. Nevertheless, we have gone for as long as 20 years—and I believe at one time, 30 years—without apportionment. We rarely apportion in the period immediately after the decennial census, which is what the Constitution requires. This is because there is nothing tougher or more difficult than persuading members of the legislature to apportion themselves out of their own seats—and that is what they would have to do—or, if not themselves, to apportion a friend out of his seat. They have to act in a way which is against human nature.

If there is one common attribute of people in politics, and particularly people elected to legislative office, it is the capacity to like one's fellow officers, to enjoy them, and to try to win their friendship and support.

Nothing is more likely to aggravate, annoy, or alienate a colleague than to vote for a measure which would eliminate or take away part of the constituency which he represents. This would weaken his office, prevent him from returning to office, or end his political career—in fact, murder him politically. This is what has to be done if the legislatures are to comply with the mandates of the courts.

It is no wonder that the legislatures have been reluctant and have only apportioned under duress of court action, and have apportioned very slowly and reluctantly. But, analysis further reveals that lower courts which force legislatures to reapportion without an opportunity to fully consider the ramifications of various plans of reapportionment will not be complying with the constitutional mandate of the Supreme Court, but will be acting contrary to the Supreme Court's instruction to pay close heed to the necessities of the political process.

The Court has recognized that it is necessary to proceed with caution, prudence, care, and consideration for the great difficulties involved. They recognized that ample time should be allowed the legislature in which to apportion. It has directed the lower court to proceed accordingly. As a matter of fact, there is probably very little in the Javits-McCarthy modified amendment that we acted on yesterday that could not have come right out of the Supreme Court decision. The spirit was exactly the same as the position of the Supreme Court. As a matter of fact, I suspect that this was the prime purpose of the authors of the amendment.

The Court delivered its most extensive exposition on the question of the timing of court-ordered reapportionments in the Alabama case of Reynolds against Sims. It stated at page 50 of its opinion in the case, that it would not set forth the proper remedies to be utilized by Federal courts in cases involving State legislative apportionment cases because the question of remedies in this new and developing area of law will doubtlessly differ with the circumstances of individual cases and with a variety of local conditions. It is important to note the importance of the Court's deference to local conditions in the setting of the problem of appropriate remedies. Such deference nullifies fears that the judiciary will impose a monolithic fiat upon State conditions that vary greatly and that will respond to a uniform standard with varying degrees of success or failure.

On the other hand, congressional action would necessarily impose a legislative monolithic fiat, a lack of flexibility which the individual courts would not. The Supreme Court instructs the lower courts to administer the apportionment according to the circumstances, according to local conditions, according to all kinds of local circumstances that differ.

We cannot possibly do that in a legislative enactment in a proposal such as the Dirksen-Mansfield proposal, which would have to be uniform for all 50 States and would have to be interpreted and administered, unfortunately, without reference to local conditions. There is not any small Congress, lower Congress, or subordinate Congress that is in a position to sit and hold hearings as the lower courts can hold hearings and act on the basis of consideration.

Mr. President, who are these lower courts which are acting allegedly with such precipitous haste? These are not people from some foreign country. These are not people who have an inborn hatred of everyone elected to a legislature. These are not unreasonable people. They are prudent, thoughtful men appointed by the President of the United States and confirmed by the Senate, after years of practice as lawyers, after demonstrating ability, in many cases on the bench, men who, in many cases, have a great understanding of the legislatures, some of whom have served in State legislatures. Practically all of them have an acquaintenance with members of the State legislatures. They are men who have a settled habit of considering their problem in a judicial atmosphere, proceeding very carefully, and allowing ample time in all their decisions. As a matter of fact, the whole court process in America is ideally made to enable legislatures under a court order to proceed carefully and with full consideration.

Mr. President, many State legislatures have already made good-faith attempts to reapportion. Some of these attempts have been successful; others have foundered on constitutional shoals, these necessitating further attempts which have in turn experienced various degrees of success. On the other hand, some State legislatures have adopted reapportionment plans which can hardly be described as good-faith attempts to give a fairer degree of representation to those who have too long been without the protection afforded by equal representation in the democratic process. Still other legislatures have adamantly refused to make even a gesture in the direction of equal representation. Under the Supreme Court's doctrine that remedial technique will inevitably vary with the variations in circumstances and local conditions, the various degrees of good faith shown in the preparation of reapportionment plans will be a factor in determining the degree of speed to be enforced by the courts.

How inapt and how inappropriate is an edict by the Congress of the United States that would apply to all State legislatures, as compared with the deliberate process of the court, which can hold hearings and consider in great detail, which can hear adverse parties, which can hear all sides and then carefully, after weeks, and sometimes months, of study, hand down a deliberate, thoughtful decision tailored to meet the specific case involved.

Which is better? There is no question in my mind that anyone who really believes in justice, anyone who believes that the proposed apportionment should take place and take place with the greatest possible consideration for the local case, will certainly opt for judicial action rather than for a fiat congressional directive which would interfere with it.

The degree of good faith shown by State legislatures is certainly not the only factor relevant to the Supreme Court's doctrine of local circumstances and conditions.

The main contention of those who support the Dirksen proposal is that the Supreme Court is trying to move too fast, to rush the legislatures. Indeed, that was the whole purpose of the Javits-McCarthy proposal. This is plain wrong. The facts do not support that contention. The fact is that the Supreme Court has requested the lower courts to proceed carefully, cautiously, and prudently.

The list of possible variations is as infinite as the ramifications of the political process itself. An attempt to list or describe even a fraction of them would beggar the imagination.

Nevertheless, I shall try to set forth a few other of the more salient political problems that are intimately connected with the question of reapportionment and which, therefore, will play a role in the decisions of lower courts relative to the speed and timing of reapportionment.

The question of how to insure the effective representation of minority interests of all sorts is a problem which will vary with the types of minorities, the location of minorities, the extent to which minority interests overlap with each other and with majority interests, and other relevant considerations that vary within given States. For instance, effective representation of rural interests presents a different problem relative to drawing the boundary lines of political constituencies where the rural interests are a small fraction of total population than where those interests represent a major fraction of State population. In the former case, the rural minorities could be swallowed in districts comprised mainly of urban citizens unless election districts are carefully drawn in such a way as to insure that rural interests can elect a number of representatives fairly proportioned to their numbers.

This does not mean the rural areas would have a greater proportion of representation than the urban areas, but it means that the districts would be so drawn that the farmers and other rural people would be able to elect persons who, in their judgment, would represent their interests and would not be inimical to their interests.

Thus, the drawing of boundaries will doubtlessly be a harder and more time-consuming process in States where it is more difficult to insure fair representation of rural or other minority interests than in States where it is less difficult to do so. This fact would clearly be relevant to the speed with which a court should order reapportionment.

The method of reapportionment normally used in a particular State is another varying local factor that is relevant to the timing of judicially ordered reapportionment. Some States need only undergo a change in the statutory provisions covering apportionment. In other words, mere legislative action will be sufficient to reach the desired end. In other States the subject of apportionment is provided for in the State constitution, which will have to be revised before a permanent reapportionment plan can be adopted. Permanent constitutional revision is bound to be a more time-consuming process than mere statutory change. Furthermore, the amount of time consumed by constitutional change may itself vary with the amending method used by a particular State. Some States require a two-thirds vote of each house of the legislature in order to amend their constitution. Still others require that two consecutive sessions of the legislature approve a constitutional amendment. Yet other States may call a constitutional convention, which will necessitate a previous selection of delegates to the convention. And some States may utilize an initiative and referendum—a method of submitting proposed constitutional amendments to the people which may well result in the rejection of a proposal and a consequent need to begin anew the process of constitutional amendment. All of these variations in the amendment process are relevant to determining the speed with which a reapportionment plan can be effected. All of them indicate that the Supreme Court has not decreed that a monolithic judicial juggernaut shall roll uniformly and unthinkingly over the particularized situations of individual States.

The Supreme Court is proposing to the lower courts that they proceed carefully, based on the particular constitutional requirements, legislative requirements, and population location. They vary in State after State. Obviously, for Congress to say that it should be 1 year or 2 years or any other length of time, would be most unwise, and would impose, instead of the Supreme Court flexible mandate, an explicit mandate which would be very unjust to all concerned.

Those who fear that the recent reapportionment cases will result in hasty and ill-advised reapportionment will doubtlessly answer the foregoing discussion by asserting that the Supreme Court did not rest content with noting the importance of local circumstances and conditions. It also stated, at page 50 of the Alabama case, that it would be the unusual case where a court would be justified in permitting an election to be held under a plan that has previously been adjudged unconstitutional. Standing by itself, isolated from the statements which surround it and the political milieu in which reapportionment is set, this statement could conceivably be interpreted to require immediate reapportionment. But the aforementioned statement can not, in fact, be isolated from its decisional or social milieu. For immediately after stating that it would be the unusual case where an election should be held under an adjudged unconstitutional plan of apportionment, the Supreme Court set forth examples of circumstances where certain elections can be held under an unconstitutional plan. And it is probably safe to say that the circumstances giving rise to the exception may be so pervasive as to engulf the general rule. The Supreme Court said that a lower court may be justified in withholding immediately effective relief where an election is underway and a State's election machinery is already in progress. It said that lower courts should take account of the mechanics and complexities of state elections laws and should act upon equitable principles. It said that,

> A court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in complying with the requirements of the court's decree.

Clearly, then, the Court has set forth principles whose effective implementation requires that lower courts exercise restraint in ordering reapportionment. It would certainly interfere with the election process if, at this late date, any court was to order reapportionment in time for the forthcoming November elections. The primaries have already been held, both conventions have picked their candidates, and political campaigns now occupy the thoughts of those most intimately associated with the political process. Thus, under the Supreme Court's standards lower Federal and State courts would not be warranted in disrupting the November election. No other elections will be held for at least 1 year from this November.

Some elections would be affected. These would be elections that would be held in three States, including New Jersey, in November 1965. In most States, no other election would be held until 2 years from November. In other words, there will be ample time for State legislatures to reapportion themselves without running the risks of adopting hasty or ill-advised plans.

On the other hand, what the Dirksen-Mansfield amendment provides is that any member of the State legislature can stay or stop an apportionment which had been ordered by the Court and was in adjudication, and in doing so would be able to upset an election, including the coming November election.

As every day passes, it appears more likely that the Dirksen-Mansfield amendment cannot have an effect on the coming election, but there is still at least a chance that perhaps it could. If we should adopt the Dirksen amendment in the next few weeks, it would be possible for a member of a State legislature to ask for a stay—and members of State legislatures would certainly do so, because, after all, their careers would be at stake—to enjoin the Court and prevent the election from being held.

Under those circumstances the court would have to schedule an election with different legislative districts. That, of course, would be most confusing. Candidates would have filed under the new election districts, and they would be required to revert to the old districts. In some cases it would be physically impossible for the candidates to refile and for the election to be held in November.

In many cases it would be necessary to hold another primary election. It would require an extraordinary interpretation by the court to permit the November election for many State legislatures to be held at all, if we adopted the Dirksen-Mansfield amendment. In any State where a State legislator requested a stay, under the clear language of the Dirksen amendment the Court would have no choice but to stay and stop the election and prevent the people from voting in the election.

As we pointed out, in virtually every case the apportionment that has been effected under duress from the courts, has been apportionment that has been far more perfect than in the past. in States like Wisconsin and Michigan, in providing for a one man-one vote basis, and it has provided real equality.

If the court abided by the strict language of the Dirksen-Mansfield amendment—and I do not know how it could do other than abide by it—the elections would be voided. The people cannot be without representation, and presumably the old legislatures would hold over.

This is the kind of technical quagmire that we would get into if we adopted the Dirksen-Mansfield amendment.

There are very serious technical objections to the amendment. We are not only against it on theory—that is the primary reason, because it is an unconscionable attack on the Supreme Court—but we are also against it because it would cause tremendous chaos in electing our State legislators in State after State.

Certainly this should be a lesson in the unwisdom of Congress trying to effect apportionment in the States, rather than leaving it to the deliberative, careful, prudent action of the courts.

The truth of these observations is attested by the commendation which the Court gave to the lower Federal district court in the Alabama case. The Supreme Court stated that the lower court had acted wisely in refusing to stay an impending primary election in Alabama and in giving the Alabama Legislature the initial opportunity to correct its own malapportionment. The Supreme Court stated, at page 51 of the Alabama opinion, that the district court had:

> Correctly recognized that legislative reapportionment is primarily a matter for legislative consideration and determination and that judicial relief becomes appropriate only when a legislature fails to reapportion according to Federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so.

This is the case as to which people have been complaining that the Supreme Court moved in on a State legislature and took jurisdiction it did not deserve and should not have had; that the Supreme Court moved in too hastily; that it was unfair and unjust. But what was the Court's language? The Court said that the district court had—

> Correctly recognized that legislative reapportionment is primarily a matter for legislative consideration and determination and that judicial relief becomes appropriate only when a legislature fails to reapportion according to Federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so.

The Supreme Court could not have been clearer in saying that the lower court should not be precipitate; should not proceed too rapidly. That is why all the concern expressed by many Senators, including some who support our position, that the Supreme Court is acting too fast, is based on a failure to read the cases. The Supreme Court has not acted precipitately in any of these cases. It has acted with the greatest caution. The Supreme Court had the alternative either of walking away from the situation and saying that it would ignore it until the situation was clearly wrong and conspicuously unthinkable, and that there was a great demand for action; or of acting at once, as it did. But when it acted and stepped into the case, it did not require the State legislatures to move with great speed. Quite the opposite. The Supreme Court said that State legislatures should be given every opportunity to act; that it was their function to act; and that they should act; but that only when the State legislatures failed to act would the Supreme Court move in.

In other words, by commending the district court in the Alabama case, the Court has instructed lower Federal courts that legislatures are not only the most suitable bodies for working out reapportionment plans, but that courts should give legislatures adequate opportunities to develop such plans.

The Court went on to state that the district court had acted properly after the Alabama Legislature had refused to apportion itself properly, in ordering its own temporary plan of reapportionment into effect at a time sufficiently early to permit the holding of elections without great difficulty. In other words, not only has the Supreme Court said that it is proper for the Federal courts to construct reapportionment plans only after legislatures have had adequate opportunity to do so themselves; it has also said that courts should not draw up and effectuate their own reapportionment plans unless such plans will not disrupt elections.

This is the second confusion. Senators have argued that the Supreme Court has stepped in and disrupted elections. They cite the Oklahoma case. We discussed the Oklahoma case in great detail. What did we find? We found that the Oklahoma Legislature had not apportioned since 1921; that there was a glaring inequity against people who live in the populous areas in Oklahoma; that the old apportionment was most unfair; that far from the Supreme Court requiring swift action or inconsiderate action, the Supreme Court had been very careful and had ordered the 1962 legislature to act. The 1962 legislature acted, but it acted in a way that obviously contradicted the Court, completely flouted the Court requirement that there be a one-man, one-vote apportionment. There was no real attempt to do so. What was left for the local court to do except to uphold its own dignity by insisting, once again, that the legislature apportion?

Then there were such delays that there was some inconvenience. Nevertheless, the Governor of Oklahoma has ordered an election, which is to be held on September 29, and held on the basis of population apportionment. In that ball game everyone will be given 3 strikes; not, for some batters, 1 strike, for some 10 strikes; everyone is to be treated equally.

It seems to me that this action was careful, thoughtful, and prudent; but the Oklahoma case has been cited again and again as an example of precipitate speed by the Supreme Court.

I should like to make one final point to demonstrate that courts will adopt an attitude of moderation in their dealings with legislatures that are making good-faith efforts to reapportion themselves. In only one of the six cases decided on June 16 did the Supreme Court lay down a hard and fast time limit on reapportionment. Let me say that again: In only one of the six cases decided on June 16—the famous cases making the one-man, one-vote principle clear, as a matter of individual right—did the Supreme Court impose a hard and fast time limit on reapportionment.

In the Maryland case, it said that under no circumstances should the 1966 elections be held under the present unconstitutional plan of apportionment. What is wrong with that? What is unreasonable about that? If a State has 2 years in which to reapportion, is that rushing it? Is that too great speed? The Supreme Court permitted 2½ years for compliance. Where is the great speed that has been alleged? The Maryland legislators who will be elected in 1966 will hold office until 1970. The 1966 elections are more than 2 years away. There is ample time for the Maryland Legislature to reapportion in a most unhurried manner.

The electoral process in Maryland will not be disrupted. It would be unfair to deprive the citizens of Maryland of effective representation until 1970. In short, the Supreme Court has laid the groundwork for fair rules in the other States, as well, without requiring that there be a specific, definite, hard-and-fast time limitation. The only time limitation the Court provided is, as I have said, more than 2 years away; and that is certainly generous on the basis of any consideration.

This has been a crucial example to those of us who oppose the Dirksen amendment. Those on the other side have said that the Dirksen amendment should be adopted because it is necessary to delay this action in order to give States time to apportion; to permit time for a constitutional amendment to be submitted. The fact is that the record is as clear as it can be that ample time in every case has been provided by the Court, and that the Supreme Court has been judicial in the best sense of the word. It has been thoughtful, careful, and prudent in requiring apportionment. Most important of all, the Supreme Court has done something that Congress can never do. The Supreme Court has said that the lower courts shall use flexibility and shall interpret the requirement for apportionment on the one-man, one-vote basis to permit State legislatures to act; shall grant ample time, so that the legislatures can act, and act with prudence, care, and consideration of their own constitutions and the locations of the people who live in the various States, who will gain or lose representation.

NO COMPARISON BETWEEN CONGRESS AND THE STATE LEGISLATURE

The second objection to the Supreme Court's decision in Reynolds against Sims, the Supreme Court's basic principle that every man should have equal representation in the State legislature—and this is, frankly, a most common objection today—is that there is a Federal analogy or a Federal comparison. I have encountered this many times in Wisconsin. I am sure that every Senator who has gone home and discussed this problem with his constituents has encountered it.

They ask, "If the Senate is not based on population, why should the State legislatures not follow the wisest Constitution any country ever had in history? Should one State legislative body not also be based on an area representation, or county representation, or something of the kind?"

This argument goes as follows: The Senate is composed of two Senators from each State, no matter how large or small, how populous or how sparsely populated. Why should not the State legislature have the same right? Even were I to accept the reasoning—which I do not—I would have to reply that the Dirksen amendment does not apply to any one house of the State legislature, but to both houses. It would prevent either house of a State legislature from reapportioning for at least 2 years, despite the fact that the Supreme Court has affirmed the constitutional necessity of "one man, one vote" in the House of Representatives.

However, returning to the Federal analogy, there is no really fair comparison between the State's acceptance of representation and the State's legislature, and Federal representation in the Congress. This is the statement made by the Supreme Court in the case of Reynolds against Sims. That decision—it was an 8-to-1 decision—a majority decision written by Chief Justice Warren, states on page 37:

> Much has been written since our decision in Baker versus Carr about the applicability of the so-called Federal analogy to State legislative apportionment arrangements. After considering the matter, the court below concluded that no conceivable analogy could be drawn between the Federal scheme and the apportionment of seats in the Alabama Legislature under the proposed constitutional amendment.

Thomas Jefferson repeatedly denounced the inequality of representation provided for under the 1776 Virginia constitution and frequently proposed changing the State constitution, to provide that both Houses be apportioned on the basis of population.

In 1816, Thomas Jefferson wrote, that—

> Government is a republic in proportion as every member composing it has his equal voice in the direction of its concerns, by representation chosen by himself.

A few years later Thomas Jefferson wrote:

> Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation. Prejudice itself cannot be justified.

Those are quotations from Jeffersonian letters. While Jefferson took many contradictory positions on many things, including freedom of the press, he never varied from this principle. He stuck by it to the end of his days, namely, that State legislatures should be apportioned strictly on a population basis.

The Court goes on to say:

> We agree with the district court, and find the Federal analogy inapposite and irrelevant to State legislative districting schemes. Attempted reliance on the Federal analogy appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted State apportionment arrangements. The original constitutions of 36 of our States provided that representation in both houses of the State legislatures would be based completely, or predominantly, on population.

Mr. President, let me emphasize those words "the original constitutions of 36 of our States"—the overwhelming majority—nearly three-quarters—provide that representation in both houses would be based completely or predominately on population.

The argument that our Founding Fathers had other ideas for State legislatures is not true.

Continuing the quotation from Chief Justice Warren:

> And the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in State legislatures when the system of representation in the Federal Congress was adopted. Demonstrative of this is the fact that the Northwest Ordinance—

Under which Wisconsin was carved and I believe the States of Michigan and Illinois also were carved—

> adopted in the same year, 1787, as the Federal Constitution, provided—

And our Founding Fathers of course wrote that Northwest Constitution—

> for the apportionment of seats in territorial legislatures—

On what basis? On area? No, Mr. President. Continuing the quotation—

> solely on the basis of population.

Mr. President, I quote from the Northwest Ordinance:

> The inhabitants of said territory shall always be entitled to the benefits * * * of a proportionate representation of the people in the legislature.

In this case we are going along with the malapportioned State legislatures in the States—where the Founding Fathers affirmed they shall always be on a population basis—permitting them to destroy this basic principle as old as the Constitution itself, a principle affirmed and reaffirmed over and over by our Founding Fathers.

Mr. HART. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. HART. I am delighted that the Senator from Wisconsin is developing the point he is underscoring at the moment. I find that there is a widespread misconception concerning it. I should like to inquire of the Senator from Wisconsin if his experience is similar to mine. Many people feel that the composition of the Senate as contrasted with the House of Representatives is the pattern against which the composition of State legislatures should be judged. Perhaps it is more accurate to say that many people feel that those who support the Supreme Court decision in the Reynolds case are inconsistent if at the same time they insist that the composition of the Senate and the House is sound.

The Senator from Wisconsin is making the point historically sound, and persuasive in reason, that there is a vast difference between the negotiations and final settlement leading to the creation of a union of independent States and the organization within each of the independent States of its legislature.

I ask the Senator from Wisconsin if it is not his experience, as it has been mine, that the single most frequently voiced reason for criticism of the Reynolds case is premised on the assumption that a comparison between State legislatures and the Federal Congress should be made.

Mr. PROXMIRE. Yes, indeed. That is true. As I said when I began my remarks—it is something I have often encountered in Wisconsin. That observation is offered even by people who might sympathize with my position and recognize that both houses of the legislature should be based on population. Some of them are critical of the Senate as being not based on population, but at any rate they feel that there is fundamental justification. We have a fine Constitution. It is the greatest Constitution any nation has ever had. It has endured throughout the years. It is the oldest Constitution in effect in any nation. Thus, it deserves reverence because it has served us so well. Why should it not be a model for a State government?

My strong feeling is that this is a model for a great, massive, powerful Federal Government, and that we have a Federal Government that has a virtual monopoly on military power. It has great national taxing power. It makes all the sense in the world to have a Federal system in which the States reserve to themselves, by constitutional right, certain powers, which permit a division of powers and protects the individual against the massive power of the Federal Government. It is understandable and proper that we should jealously protect that right. One way to preserve the integrity of the State, the right of the State, or the real power of the State, is to invest every single State with authority to elect the highest legislative body in the Nation with an equal number of representatives—two representatives. They not only can serve as representatives of the people of the State, but they can also come to Washington as ambassadors from their States. The State reserves to itself the very real power under the 10th amendment. The Federal system should do this. Where is the analogy with the States? There is no such monopoly of military power in any State. The Federal Government has that power. The State does not have it. Thus, from that standpoint, there is no analogy at all.

There is no monolithic, overwhelming, economic or taxing power that a State has. The Federal Government reserves this power to itself. It is such an enormous power that we do not have it. So, from that standpoint, of a protection of individual right against the overwhelming power which might develop, and has developed in many governments, the Federal Government serves us well indeed. But I have not heard one single argument—and I have been on the floor a great deal during this debate—and I challenge any Senator to point to any argument that has been made to the effect that there must be protection afforded against State power by providing that every country shall have equal representation in a State legislature.

The Senator from Michigan knows as well as does the Senator from Wisconsin that our States create the counties. They can abolish the counties. They can merge the counties. They can separate the counties. Indeed, in the State of Wisconsin within the past 3 or 4 years, a new county, Menominee was created out of two or three other counties. There have been serious proposals concerning abolishing other counties because people feel they have inefficient governments. This, after all, was the pragmatic compromise that our Founding Fathers made. Either we had a union, or we had not. The States were sovereign countries. They were sovereign nations. They had their own armies. They had their own taxing systems. They had articles of federation that were about as loose as those of the NATO system. The only way that our Founding Fathers could persuade a State like Delaware to come into a union with larger States was to provide that they not lose their identity, but preserved their sovereignty by having equal representation in one branch of Congress.

When we take into consideration their clear, immediate, pragmatic problem, I defy anyone to show any line in the Federalist Papers which would say that because of what the States have done in coming into the Union, a State should provide for something other than a population representation in the State legislature.

Mr. HART. As the Senator from Wisconsin has just reminded us, the best representation of such a claim lies not alone in the silence of the Federalist Papers, but the action in 1787 in the Northwest Ordinance, where, indeed, recognition was given to the proposition that equal apportionment in the State legislatures was the order of the day.

Mr. PROXMIRE. Yes, indeed.

Mr. HART. They were the same Founding Fathers talking at that time that we are told would now tell us that is not so.

Mr. PROXMIRE. They said in the Northwest Ordinance, article II, paragraph 14, of the Northwest Ordinance of 1787:

> The inhabitants of the Federal territory shall always be entitled to the benefits of a proportional representation of the people in the legislature.

How can it be more explicit or clear? The Founding Fathers said, emphasized, underlined, and wrote into the law that:

> When we create States out of this great, massive territory that obviously in the future will have States, it must be done on a population basis.

There is no qualification to it.

Mr. HART. We were talking about the territory from which came the State that the Senator from Wisconsin is privileged to represent, and the State that the Senator from Michigan is privileged to represent.

Mr. PROXMIRE. Yes, indeed.

Mr. HART. I think the Senator from Wisconsin has spoken most responsively, to the point that, sometimes glibly, almost facetiously, Senators who are privileged to represent States which are larger in population than the average State in the Nation, sometimes suggest, "We are ready for proportional representation in the Senate."

In truth, we are not, for the very reasons that the Senator from Wisconsin pointed out. It is highly desirable, in view of the enormous power that reposes in the Federal Government, that there be the U.S. Senate in which the smallest State in terms of population nonetheless may have an equal vote to the vote of the California's and New York's.

I think the Senator from Wisconsin has presented a very reasonable argument in support of the position which, at root, is a defense of the Reynolds case. He has contributed a great deal, over these days of debate, to a public understanding of the situation that exists.

For weeks the debate has largely pertained to this matter. Does the Senator believe it desirable that one man's vote be equal in weight to any other one man's vote in the organization of State legislatures?

We have appeared to be arguing the desirability of one man, one vote. There are those of us who take this position and feel that the 14th amendment clearly guarantees that one Mr. Smith shall not have any more vote than any other Mr. Smith in any legislature, whether directly, or in terms of the representation that is permitted. But, for me, the debate and the issue that confronts the Senate is far more basic than that.

I wonder if the Senator from Wisconsin would not agree with me that we invite to our cause those who disagree with the Reynolds decision. We invite to our cause those who feel that because of tradition, experience, or whatever it is, one man, one vote is not desirable for a State legislature. We nonetheless invite them to our cause for the reason that we have a written Constitution. We pride ourselves on it. It enumerates certain rights which are guaranteed to each citizen. That Constitution establishes three coequal branches of the Government.

The Supreme Court, as is its charge in the Constitution, is given the responsibility of identifying constitutional rights, and, in the event they are jeopardized, assuring those rights to any citizen from whom it is proposed that they be taken.

Why should not each Member of Congress, whatever his view on reapportionment of State legislatures might be, seek to insure that the written Constitution shall continue to guarantee rights which, in fact, in the printed letter it grants? If the day should come when the independent judiciary is fictional, if the day should come when, because of frustration, or for any other reason, public opinion concludes that a right guaranteed to an individual by the Constitution, as asserted by the Supreme Court, is distasteful, all that is needed to deny it is for the Congress of the United States to say to the Supreme Court, "From now on, you are not going to have jurisdiction to protect that right." Why does it not follow that from that day forward, which would mark the decline of the Republic, the written Constitution would be worth exactly the cost of the paper on which it is printed? Why would we then not be said to have joined those other nations which have delightfully written constitutions which provide all sorts of guarantees to their citizens? But life in those countries is undesirable. Why? Because there is no independent judiciary to protect the rights. The legislative branch can suspend the rights at any time it desires to do so.

It seems to me that this is, at root, what we are really confronted with. Everyone on both sides of the aisle, and across the country, would agree that if the Senator from Wisconsin this afternoon were to pass out submachineguns to the 100 Members of the Senate—if we could find them——

Mr. PROXMIRE. It would be easier to find the machineguns.

Mr. HART. Suppose we were to say, "Let us march across the plaza to the Supreme Court and line those fellows up against the wall and say, We do not like your decision in the Reynolds case. Change it, or go out of business on that issue." Everyone would say, if that were to happen, that that would be the end of the Republic. Is not that correct?

Mr. PROXMIRE. They would, indeed.

Mr. HART. We can fire on that Court with words and with resolutions which, in the long run, can be just as destructive of the Court as machineguns stuck in their faces.

My hope is that as the debate develops, more and more people will realize that the argument is not over whether we like one man, one vote for State legislatures or whether we do not like it. The question really is, Shall we turn at that point in the road marked, "This is the end of constitutional governments?" It is inconceivable to me that if we withdraw jurisdiction from the courts and prevent them from protecting this constitutional right, we shall have not set a precedent which will permit us at our whim to withdraw a whole series of constitutional rights. Once we should have done that, to what would John Citizen turn? Where would he look for the protection of the right to counsel, the right to hold up a picket sign, the right freely to worship? Those are treasures of ours. We cannot alone erode them. We can incinerate them if we once take a course which asserts a right in Congress to nullify any section of the Constitution with respect to rights guaranteed individuals. There are ways to amend the Constitution if we do not like the one-man, one-vote approach, but having the Congress line the Court up against the wall faced with either guns or resolutions is not the way.

Would not the Senator from Wisconsin hope that, as the debate develops, we can enlist those who may indeed feel that the Reynolds case states an undesirable proposition, but nonetheless understand that in the long judgment of history it would be a sad day should the Congress attempt to tell the Court, "Move over. We are sitting on the bench?"

Mr. PROXMIRE. The analogy of the Senator from Michigan of lining the Court against a wall faced with guns is shocking.

Mr. HART. It is an overstatement, and I plead guilty to it.

Mr. PROXMIRE. There is no question that the amendment would have a similar effect. As the Senator from Michigan well knows, we have as one of the strongest proponents on our side a man who has made an eloquent speech for us and who will fight to the end, if he has to sit here until Christmas or Christmas 10 years from now, to oppose the Dirksen amendment, who does not agree with the one-man, one-vote principle and has never pretended that he did. He has been very frank that he does not agree with that principle, but he feels very strongly about the point which the Senator from Michigan has made, and that is the crucial point involved. The question is, Shall we have a Court that has dignity, respect, authority, power, and the ability to review and declare acts of Congress unconstitutional, or shall we not? If Congress should act in this case and overrule the Court, there is no question that we would destroy the Court.

Only a very few months ago this particular Congress acted like a two-bit dictator with regard to the Court. A majority of Senators did not like the Court, so what did the Senate do over the protests of the Senator from Michigan and the Senator from Wisconsin? The Senate refused to give them the salary increase that it took for its own Members. We refused to give them the salary increase which the House recommended. We refused to give the members of the Supreme Court the salary increase that the Randall Commission recommended. That is the kind of cheap, petty action of people who have no understanding of dignity and independence and the right to disagree.

Fundamentally the amendment is in the same spirit as that action. Those who have proposed the amendment are fine and decent persons. The fact is that the only force behind it that I can understand is exactly the same attitude that motivated our petty performance in refusing the salary increase for the Supreme Court Justices. The only talk I heard around the Chamber, at least off the floor and in the cloakrooms, was that "They had it coming to them because we do not like their decisions."

If the Congress of the United States adopted that kind of attitude toward the Congress, that certainly could be the end of the Republic. That is what is at stake here. It is far more important that the one-man, one-vote principle, which the Senator from Michigan and the Senator from Wisconsin enthusiastically support.

Certainly it makes sense that many Senators who disagree with us recognize how great the Court's power of Judicial review is. As Dean Rostow of the Yale Law School said, if we should adopt the Dirksen amendment, we would knock out the linchpin of our Constitution. We would destroy the independence of the judiciary and the authority of the Supreme Court to fulfill its prime obligation under our Constitution and Court interpretations of our Constitution.

Mr. HART. Mr. President, I hope that as the debate develops, it will be to that point, importantly, that the discussion will be aimed. I have said before, and I welcome the opportunity to say again, that the Senator from Wisconsin is making a contribution which at the moment may not be very much noticed. It seems much ado about something that really is not very exciting, but in the long haul will be regarded as a contribution of leadership to what I suspect will be the most important issue that will confront him, me, and the others in the Congress, or so long as we are permitted to remain, absent alone, so far as the Senate is concerned, a resolution declaring war. And in one sense, a declaration of war would be less difficult to resolve, because we can win wars, and we would still have an independent judiciary, costly in blood though the intervening period might be.

I hope that the effort that the Senator from Wisconsin is making to raise the debate to the point at which there is national awareness of what is really involved will succeed. What is really involved is not so much the question of the reapportionment of State legislatures. What is really involved is the question whether we shall continue to have a judiciary which is free and independent to review the question of whether someone's constitutional right has been denied. Nothing is more basic to the system which we preach to the world as so desirable, and nothing could so quickly destroy the system as the elimination of that independent review.

The Senator from Wisconsin has raised the level of the debate to that point, and I hope that we shall maintain it.

Mr. PROXMIRE. I thank the distinguished Senator from Michigan for a highly useful contribution. I think this is a point that Senators will recognize. What is at stake is far more important than representation in State legislatures, vital as that question is. That is a very important right. What is at stake is the question whether or not the Supreme Court will in effect be able to maintain its effective independence and its power of judicial review.

That is not merely the opinion of Senators who are opposing the amendment. It is the opinion of no less an authority than Dean Rostow, of Yale Law School. Dean Rostow is a prudent, thoughtful, and careful man.

I continue with the analogy, reading briefly from the Court's decision in the case of Reynolds against Sims. I refer to the case of Reynolds against Sims to show why there should be no Federal comparison, why it is not fair or honest or accurate to compare the State governments with the Federal Government. The Court states:

> The system of representation in the two Houses of the Federal Congress is one ingrained in our Constitution, as part of the law of the land. It is one conceived out of compromise and concession indispensable to the establishment of our Federal Republic. Arising from unique historical circumstances, it is based on the consideration that in establishing our type of federalism a group of formerly independent States bound themselves together under one National Government. Admittedly, the Original Thirteen States surrendered some of their sovereignty in agreeing to join together "to form a more perfect Union." But at the heart of our constitutional system remains the concept of separate and distinct governmental entities which have delegated some, but not all, of their formerly held powers to the single National Government. The fact that almost three-fourths of our present States were never in fact independently sovereign does not detract from our view that the so-called Federal analogy is inapplicable as a sustaining precedent for State legislative apportionments. The developing history and growth of our Republic cannot cloud the fact that, at the time of the inception of the system of representation in the Federal Congress, a compromise between the larger and smaller States on this matter averted a deadlock in the Constitutional Convention which had threatened to abort the birth of our Nation.

In other words, this was the only way in which we could have a Federal Union. We either had to have that or nothing. To pretend that this was not a compromise made only for this purpose is going a long distance. I have stated that this compromise has served our purposes well, because there are powers which the Federal Government has, and which the State governments obviously do not have, and there are other clear powers which the States have that no counties, by any stretch of the imagination, have. One of the interesting things about the question of Federal analogy is that when people ask about the difference between the Federal and State governments, are answered, there is usually no argument. Once the reason is given for the difference, there is never a contradiction. Our opponents move on to some other subject. There were floor debates on this question before the conventions, but there was no real effort to make a respectable argument that there is an analogy between the Federal and State legislatures. The strongest and most eloquent champion, or any champion, for that matter, of the proposal has not really argued that there is an analogy. They do not base their argument on that point. They do not try to do so. And yet the fact is that this is by far the most popular single reason for justifying malapportioned State legislatures and for having one house based on something other than population. Knock it out, and there is precious little left.

Continuing with the case of Reynolds against Sims:

> In rejecting an asserted analogy to the Federal electoral college in *Gray* v. *Sanders, supra,* we stated:
>
> "We think the analogies to the electoral college, to districting and redistricting, and to other phases of the problems of representation in State or Federal legislatures or conventions are inapposite. The inclusion of the electoral college in the Constitution, as the result of specific historical concerns, validated the collegiate principle despite its inherent numerical inequality, but implied nothing about the use of an analogous system by a State in a statewide election. No such specific accommodation of the latter was ever undertaken, and therefore no validation of its numerical inequality ensued."
>
> Political subdivisions of States—counties, cities, or whatever—never were and never have been considered as sovereign entities. Rather, they have been traditionally regarded as subordinate governmental instrumentalities created by the State to assist in the carrying out of State governmental functions. As stated by the Court in *Hunter* v.

City of Pittsburgh, 207 U.S. 161, 178, these governmental units are "created as convenient agencies for exercising such of the governmental powers of the State as may be entrusted to them," and the "number, nature, and duration of the powers conferred upon [them] * * * and the territory over which they shall be exercised rests in the absolute discretion of the State." The relationship of the States to the Federal Government could hardly be less analogous.

Let me dwell for a moment on the last point. The Federal Government has no power to revise the boundaries of a State. The Federal Government has no power to abolish a State, or to merge States, or to take any action that would diminish the power or authority of the State. The Federal Government has no power, indeed, to exercise any power over a State that is not explicitly and specifically enumerated in the Constitution.

On the other hand, there is no power that a State does not have over a county. A county reserves absolutely no power. It cannot reserve any power, because it does not have any separate existence other than what the State decides to give to it. Under any State constitution that I have ever heard about, the county is nothing but a convenient administrative creation of the State government, to assist in exercising the functions of the State government.

Under those circumstances, to say that because States, which have a real element of sovereignty, have individual Senators, therefore cunties, which have no existence other than what States wish to give them, should have an equal number of Senators, or that townships should have an equal number of assemblymen, is obviously to try to make an analogy where there is no analogy.

Let us examine the history of our Federal Constitution, so that we may understand more thoroughly the need for each State to have two Members in the Senate, rather than on the basis of population, which makes this arrangement suitable in our National Government and not in our State governments.

I quote from an excellent appendix in the case of Maryland against Tawes, which, I understand, was prepared for the Supreme Court by the Department of Justice:

1. THE HISTORY OF THE FEDERAL CONSTITUTION WITH REGARD TO REPRESENTATION IN CONGRESS

a. The convention: The Confederation of the United States, which was formed in 1777 by the thirteen States, was explicity a confederation of sovereign States. Articles of Confederation, Article II. Each State, although it could have two to seven delegates to the Congress, had a single vote. Id., Art. V. While the power to make treaties and wage war was given to the Congress, most powers were reserved to the States. Id. Art. II, VI. For example, the Congress could not impose taxes, but could only ask the States to contribute particular sums. Id., Art. VIII.

The lack of power of the Confederation to meet the growing problems of the former colonies led to a serious crisis. See The Federalist, Nos. 15–22 (Cooke ed., 1961), pp. 90–146. The convention in Philadelphia was called by the Congress by a resolution dated February 21, 1787, "for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union." III Records of the Federal Convention (Farrand ed., 1911),[1] 14. On May 18, 1787, a few days after the first delegates arrived in Philadelphia, Benjamin Franklin described the meeting as "a Convention of the principal people in the several States, for the purpose of revising the federal Constitution, and proposing such amendments as shall be thoroughly necessary." Letter to Richard Price, May 18, 1787, id. at 21. Thus, both the Congress and Franklin conceived of the purpose of the convention as merely to revise the Confederation, but to keep its essential form.

On the other hand, some of the delegates arriving in Philadelphia were proposing to form an entirely different kind of government, a national government[2] in which representation in the legislature would be on the basis of population.

That is the kind of government we are proud to have; a Federal Government, not a national government.

George Mason, a delegate from Virginia, wrote his son on May 20, 1787 (III Farrand 23):

"The most prevalent idea in the principal States seems to be a total alternation of the present Federal system, and substituting a great national council or parliament, consisting of two branches of the legislature, founded upon the principles of equal proportionate representation, with full legislative powers upon all the subjects of the Union; and an executive: and to make the several State legislatures subordinate to the national, by giving the latter the power of a negative upon all such laws as they shall judge contrary to the interest of the Federal Union."

A few days later, on May 21, Mason wrote almost identical words to Arthur Lee. Id. at 24. That same day, George Read, a delegate from Delaware, wrote to John Dickinson, another delegate from Delaware, of a proposal for a new Federal system (id. at 25):

"Some of its principal features are taken from the New York system of government. A house of delegates and senate for a general legislature, as to the great business of the Union. The first of them to be chosen by the legislature of each State, in proportion to its number of white inhabitants, and three-fifths of all others, fixing a number for sending each representative. The second, to wit, the senate, to be elected by the delegates so returned, either from themselves or the people at large, in four great districts, into which the United States are to be divided for the purpose of forming this senate from, which, when so formed, is to be divided into four classes for the purpose of an annual rotation of a fourth of the members.[3]

Obviously, at that point there was no consideration for giving the States equal representation in the Senate, and there was to be, apparently, pretty much of an abolition of the States, and a national council to be developed, very much in the way the House of Representatives is made up now, with the other body consisting of representatives from four geographic districts.

Read warned that the small States must be careful to protect their interests. Ibid. George Mason wrote his son on June 1 that (id. at 32):

"The idea I formerly mentioned to you, before the Convention met, of a great national council, consisting of two branches of the legislature, a judiciary and an executive, upon the principle of fair representation in the legislature, with powers adapted to the great objects of the Union, and consequently a control in these instances, on the State legislatures, is still the prevalent one. Virginia has had the honor of presenting the outlines of the plan."

The convention held its first meeting on May 14, 1787, but was adjoined because of lack of a quorum. I Farrand 1. Soon after regular sessions started on May 25th, the convention started to do its work through a Committee of the Whole. On May 31, in debate on whether the first branch of the legislature should be elected directly by the people, George Mason (I Farrand 48–49):

"Argued strongly for an election of the larger branch by the people. It was to be the grand depository of the democratic principle of the Government."

During debate on June 6 on whether the upper house of the new legislature should be elected by the state legislatures instead of the people, Pierce Butler of South Carolina stated that he opposed "determining the mode of election until the ratio of Representation is fixed—if that proceeds on a principle favorable to wealth as well as number of Free Inhabitants, I am content to unit wh. Delaware (Mr. Read) in abolishing the State Legislatures, and becoming one Nation instead of a confedn. of Republics—" [King].[4] I Farrand 144. The next day, in continuing the debate on the same proposals, Madison said that if the Senate was to be elected by the state legislatures (id. at 151):

"We must either depart from the doctrine of proportional representation; or admit into the Senate a very large number of members. The first is inadmissible, being evidently unjust. The second is inexpedient."

Madison, that early in the Convention, was on record against equal representation in the Senate.

George Mason stated (id. at 161):[5]

"The treaties, leagues, and confederacies between different sovereign, independent powers have been urged as proofs in support of the propriety and justice of the single and equal representation of each individual State in the American Union; and thence conclusions have been drawn that the people of these United States would refuse to adopt a government founded more on an equal representation of the people themselves, than on the distinct representation of each separate, individual State. If the different States in our Union always had been as now substantially and in reality distinct, sovereign and independent, this kind of reasoning would have great force."

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[1] Hereinafter referred to as "Farrand."

[2] The terms national and Federal Government were used by the framers themselves in conflicting ways apparently for partisan advantages. Therefore, the meaning can be ascertained only from the particular context. We, however, use national government to mean a government operating directly on the people in which the States are plainly subordinate. We use Federal Government to mean a government which can regulate certain areas but with the other areas remaining under the authority of sovereign States.

[3] The New York senate and assembly were apportioned by eligible voters. New York constitution of 1777, articles 4, 12.

[4] All references to the proceedings of the constitutional convention are to the official Journal or to Madison's notes unless otherwise indicated. Rufus King of Massachusetts and Robert Yates of New York also made notes of part of the proceedings to which we will occasionally refer.

[5] This quotation is from Mason's notes of a speech which Farrand believes was given on June 7. I Farrand 160–161, note 8.

On June 8th, Gunning Bedford of Delaware complained of attempts (I Farrand 167):

"To strip the small States of their equal right of suffrage. In this case Delaware would have about 1/90 for its share in the General Councils, whilst Pa. & Va. would possess 1/3 of the whole. This shows the impossibility of adopting such a system as that on the table, or any other founded on a change in the principle of representation."

The next day, June 9th, the Committee of the Whole considered the resolution (I Farrand 181):

"*Resolved*, therefore, that the rights of suffrage in the national legislature ought to be apportioned to the quotas of contribution, or to the number of inhabitants, as the one or other rule may seem best in different cases." [Yates]

A long debate ensued. William Paterson of New Jersey said that (id. at 177):

"The proposition for a proportional representation [struck] at the existence of the lesser States. He wd. premise however to an investigation of this question some remarks on the nature structure and powers of the Convention."

"The Convention he said was formed in pursuance of an Act of Congs. that this act was recited in several of the Commissions, particularly that of Massts. which he required to be read: That the amendment of the confederacy was the object of all the laws and commissions on the subject; that the articles of the confederation were therefore the proper basis of all the proceedings of the Convention. We ought to keep within its limits, or we should be charged by our constituents with usurpation."

Paterson then stated (id. at 178):

"A confederacy supposes sovereignty in the members composing it & sovereignty supposes equality. If we are to be considered as a nation, all State distinctions must be abolished, the whole must be thrown into hotchpot, and when an equal division is made, then there may be fairly an equality of representation."

Paterson's notes for his speech on June 9th state (id. at 186):

"Each State is sovereign, free, and independent, etc. Sovereignty includes Equality—

"If then the States in Union are as States still to continue in Union, they must be considered as Equals—

"13 sovereign and independent States can never constitute one Nation, and at the same Time be States—they may by Treaty make one confederated Body."

James Wilson of Pennsylvania, a proponent of a strong national government (I Farrand 179–180):

"Entered elaborately into the defence of a proportional representation, stating for his first position that as all authority was derived from the people, equal numbers of people ought to have an equal no. of representatives, and different numbers of people different numbers of representatives. This principle had been improperly violated in the Confederation, owing to the urgent circumstances of the time. * * * Mr. P. admitted persons, not property to be the measure of suffrage. Are not the citizens of Pena. equal to those of N. Jersey? does it require 150 of the former to balance 50 of the latter? Representatives of different districts ought clearly to hold the same proportion to each other, as their respective constituents hold to each other."

One reason why I am laboring this point is that we should understand carefully that when our Founding Fathers decided on the composition of the Senate, in the process of doing so they argued at great length and with strong feeling the importance of equal representation. They understood this principle. They understood it thoroughly, and they supported it. They knew how vital the principle is to true democracy or to a true republic. They recognized how urgent it is, if there is to be any kind of real fairness and justice.

At the same time, they were confronted with a situation in which they were not merely trying to reconcile 3 million people who at that time wanted to form a union; they were confronted with a situation in which there were 13 separate and distinct entities—in effect, nations which had their own taxing power, each one making contributions to the federated Congress. So it was necessary to make a compromise. But it should be thoroughly understood that in those debates, lasting many days, there was clear protestation and recognition on the part of all delegates to the Convention of the fundamental truth, the deep importance, of equal representation for every citizen.

The fact that the Constitutional Convention eventually reached a compromise, the compromise we know today in our Federal Union, should not obscure the fact that frequently, to a man, they recognized that there was a true, basic, fundamental, vital principle in which they believed, and believed deeply; namely, that politically—not economically, not socially, but politically—men should be equal. They should be equal before the law; they should have an equal vote.

The next speaker, Hugh Williamson, of North Carolina (id. at 180):

"Illustrated the cases by a comparison of the different States, to counties of different sizes within the same States; observing that proportional representation was admitted to be just in the latter case, and could not therefore be fairly contested in the former."

Here is an important analogy. Our Founding Fathers did consider a comparison with the States. Every time they did, they recognized that the situation was different. The Founding Fathers had established the State legislatures based on population. There was population representation depending on the size of the counties in the States. So they tried to hold that analogy for the Federal Government. Clearly, there was a difference, because the counties had no element of sovereignty or independence; they had no foundation on which to base their claim of representation, whereas the States clearly had such a claim.

I read further:

Judge David Brearly of New Jersey agreed with Paterson (id. at 181–182):

"If the States will remain sovereign, the form of the present resolve is founded on principles of injustice. He then stated the comparative weight of each State—the number of votes 90. Georgia would be 1, Virginia 16, and so of the rest. This vote must defeat itself, or end in despotism. If we must have a national government, what is the remedy? Lay the map of the confederation on the table, and extinguish the present boundary lines of the respective State jurisdictions, and make a new division so that each State is equal—then a government on the present system will be just." [Yates.]

In contrast, Edward Carrington wrote Thomas Jefferson on the same day that the basic issues before the convention (III Farrand 38–39):

"Are reducible to two schemes—the first, a consolidation of the whole Empire into one republic, leaving in the States nothing more than subordinate courts for facilitating the administration of the Laws—the second an investiture of of [sic] a foederal sovereignty with full and independent authority as to the Trade, Revenues, and forces of the Union, and the rights of peace and War, together with a Negative upon all the Acts of the State legislatures. the first idea, I apprehend, would be impracticable, and therefore do not suppose it can be adopted—general Laws through a Country embracing so many climates, productions, and manners, as the United States, would operate many oppressions, & a general legislature would be found incompetent to the formation of local ones, as a majority would, in every instance, be ignorant of, and unaffected by the objects of legislation. Something like the second will probably be formed—indeed I am certain that nothing less than what will give the foederal sovereignty a compleat controul over the State Governments, will be thought worthy of discussion."

On June 11, 1787, a resolution was introduced (I Farrand 192–193):

"That the right of suffrage in the first branch of the national Legislature ought not to be according to the rule established in the articles of confederation; but according to some equitable ratio of representation * * * in proportion to the whole number of white and other free Citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes in each State."

The resolution was passed 9 to 2 by the Committee of the Whole with only New Jersey and Delaware opposing. Roger Sherman of Connecticut then proposed for the first time the plan which was ultimately adopted for the Congress: "[t]hat in the second branch of the National Legislature each State have One vote." Id. at 193. Sherman explained (id. at 204):

"That as the people ought to have the election of one of the branches of the legislature, the legislature of each state ought to have the election of the second branch, in order to preserve the state sovereignty; and that each state ought in this branch to have one vote." [Yates]

The resolution was rejected 6 states to 5. Id. at 193.

That, of course, was the resolution that eventuallly, in very similar form, became our Federal Government.

James Wilson then proposed a resolution, which was seconded by Alexander Hamilton: "that the right of suffrage in the second branch of the national Legislature ought to be according to the rule established in the first." Ibid. This resolution was passed 6 to 5.

That would have provided for population representation in both the House and Senate. There would have been no equal representation in the States. That was Hamilton's resolution, and it passed; whereas the resolution that eventually became effective, failed at first.

The debate on June 11th centered in large part on whether the legislature should be apportioned according to inhabitants or taxes.[6] John Rutledge of South Carolina (I Farrand 196):

"Proposed that the proportion of suffrage in the 1st branch should be according to the quotas of contribution. The justice of this rule he said could not be contested."

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[6] New Hampshire still apportions its Senate by taxes paid. The support for this proposition at the convention reflects the belief that apportionment by taxes as well as by population was equitable, since the former

Pierce Butler of South Carolina supported Rutledge's proposal (id. at 204):

"[M]oney is strength; and every State ought to have its weight in the national council in proportion to the quantity it possesses." [Yates].

(At this point Mr. WALTERS took the chair as the Presiding Officer.)

Mr. PROXMIRE. I continue to read:

John Dickenson likewise (id. at 196):

"Contended for the actual contributions of the States as the rule of their representation & suffrage in the first branch."

Elbridge Gerry of Massachusetts opposed the proposal because he (id. at 201):

"Thought property not the rule of representation. Why then shd. the blacks, who were property in the South, be in the rule of representation more than the cattle & horses of the North."

Benjamin Franklin said that he thought that (id. at 197–198):

"The number of Representatives should bear some proportion to the number of the Represented; and that the decisions shd. be by the majority of members, not by the majority of States. This is objected to from an apprehension that the greater States would then swallow up the smaller.

"But, Sir, in the present mode of voting by States, it is equally in the power of the lesser States to swallow up the greater."

On June 14, the North Carolina delegates wrote to Governor Caswell that the problem of the convention was to form a "Union of Sovereign States, preserving their Civil Liberties and connected together by such Tyes as to Preserve permanent & effective Governments." III Farrand 46.

The New Jersey plan was presented to the convention by Paterson on June 15. Its first sentence emphasized: "That a union of the States merely federal ought to be the sole Object of the Exercise of the Powers vested in this Convention." III Farrand 611. As to Congress, the plan provided (id. at 613):

"*Resolved,* That every State in the Union as a State possesses an equal Right to, and Share of, Sovereignty, Freedom, and Independance—

"*Resolved, therefore,* That the Representation in the supreme Legislature ought to be by States, otherwise some of the States in the Union will possess a greater Share of Sovereignty, Freedom, and Independence than others."

I should like to emphasize that it is fascinating that the first resolution passed provided, in the first place, that the House by a 9-to-2 vote should be on a population representation basis, and by a 6-to-5 vote that the Senate should be, after the present organization was rejected; but it was then clear that they would not be able to obtain assent to this kind of representation, although the majority of our Founding Fathers wished it, even recognizing the serious problems they had of State sovereignty, State independence of the small States, which would obviously lose a great deal of their representation. Recognizing all that, our Founding Fathers came down, with a majority deciding, to have a Federal Government of both bodies with equal representation.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Despite the fact that a majority favored both Houses being put on a population basis, some of the smaller States, notably Delaware, threatened—unless it had equal representation with the larger States in at least one House—not to join the United States of America. The delegate from Delaware threatened that Delaware would make a treaty with a foreign power. In other words, he presented the Convention, so to speak, with a pistol held at its head and asserted, "Unless you grant equality of representation in at least one House, we will not join the Union." It was with that pistol held at its head that finally the Connecticut compromise came up, with one House based on population, the other with two Senators from each State, regardless of size.

Mr. PROXMIRE. The Senator makes an interesting contribution. It underlines the fact that representation in the U.S. Senate, based upon equal representation in the States, was not arrived at with great unanimity on the part of the Founding Fathers. Philosophically it was felt desirable to give the States their sovereignty, but only with the greatest reluctance, recognizing—as the Senator from Illinois has put it so well—that there was a pistol held at the head of the Convention; either that, or no union at all.

Obviously, they had to agree to that kind of Federal Government because the smaller States had a veto power and would not have to accept. This is not a criticism of the Federal Government, which has worked out quite well. We must recognize that there are those who are not only for having a federal system, but also for having equal representation in the States.

An excellent justification of this is the role our federalism plays in protecting individual freedom. Our federal system does this. It preserves the rights of the States and the dignity of the States. No one has ever argued that there is any such analogy with the States. The States do not have any such power as the Federal Government has—the power of the sword and the power of the purse, the kind of overwhelming, massive power centralized in Washington that is a serious threat to individual liberty. There is little threat within the States as long as we have a U.S. Supreme Court that is judicially supreme. Within the States there is exactly the contrary problem—namely, how to get the State government that is sufficiently representative and cohesive so that it can move, and move quickly, to solve its problems at the local and State level, so that it will not be necessary to come to Washington and say, "the two branches of our legislature cannot agree. We cannot get the kind of things we need, because we cannot get our State legislatures to go along on urban renewal, on slum clearance. We cannot solve our educational problems. We cannot solve the health problem; therefore, we have to come to Washington to do it."

Those who believe in States rights, those who believe in States responsibility—and they are inseparable—should recognize the serious importance of permitting the Supreme Court decision to stand, and supporting it and supporting it enthusiastically, recognizing that this is one way we can get the States to operate in an efficient manner so that they can solve their own problems.

Mr. DOUGLAS. In the same year in which the Constitution was approved, the Continental Congress meeting at the same time approved the so-called Northwest Ordinance of 1787.

Mr. PROXMIRE. Yes.

Mr. DOUGLAS. That ordinance provided that in the Northwest Territory, which was originally to become governed as one body, which later became the five States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, the legislative body was to be based in proportion to population.

I should like to read section 9 of the Northwest Ordinance or the appropriate portions thereof:

Provided, That for every five hundred free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature:

Mr. PROXMIRE. Yes. Article 2, paragraph 14 of this ordinance provides:

The inhabitants of said territory shall always be entitled to the benefits—of a proportionate representation of the people in the legislature.

What could be clearer and more explicit than that?

This is exactly what the Senator has just stated—at the same time and probably close to the same day when these debates were going on—that this is the clear position of our Founding Fathers so far as the State legislatures were concerned.

Mr. President, to continue reading:

The next day, Paterson explained the basic assumptions of the plan (I Farrand 250):

"If the confederacy was radically wrong, let us return to our States, and obtain larger powers, not assume them of ourselves. Our object is not such a Government, as may be best in itself, but such a one as our Constituents have authorized us to prepare, and as they will approve. If we argue the matter on the supposition that no Confederacy at present exists, it can not be denied that all the States stand on the footing of equal sovereignty. * * * If we argue on the fact that a Federal compact actually exists, and consult the articles of it we still find an equal Sovereignty to be the basis of it. He reads the 5th. art: of Confederation giving each State a vote—& the 13th. declaring that no alteration shall be made without unanimous consent. This is the nature of all treaties."

Turning to the question of representation, he said (id. at 251):

"If the sovereignty of the States is to be maintained the Representatives must be drawn immediately from the States, not from the people: and we have no power to vary the idea of equal sovereignty."

James Wilson replied strongly (id. at 253–254):

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constituted the contribution of the States to the Federal Government. On the other hand, equal representation to all the States, regardless of inhabitants or contributions, was considered by the supporters of apportionment according to taxes to be unfair.

> "He would not repeat the remarks he had formerly made as the principles of Representation, he would only [say] that an inequality in it, has ever been a poison contaminating every branch of Govt. In G. Britain where this poison has had a full operation, the security of private rights is owing entirely to the purity of her tribunals of Justice * * *. The political liberty of that Nation, owing to the inequality of representation is at the mercy of its rulers."

Mr. President, James Wilson's words are very interesting today, when many feel that the security of private rights is indeed due largely if not entirely to the purity of tribunals of justice—namely, our Supreme Court.

The political liberty of the Nation, owing to the inequality of representation, is at the mercy of the rulers because we do have an inequality of representation in our State legislatures.

Continuing to read:

> Paterson then responded (id. at 259):
>
> "[R]epresentation must be drawn from the states to maintain their independency, and not from the people composing those States.
>
> "The doctrine advanced by a learned gentleman from Pennsylvania [Wilson], that all power is derived from the people, and that in proportion to their numbers they ought to participate equally in the benefits and rights of government, is right in principle, but unfortunately for him, wrong in the application to the question now in debate."

It is interesting that Paterson, who was one of the great opponents of having both Houses of Congress based on population, recognized that his opponents—those who wanted both Houses based on population—were right in principle. There was no disagreement on the principle of one man, one vote. There was clear agreement on both sides of the debate on this matter. But there was argument by Paterson that this was inapplicable to the Federal Government because of the Federal Constitution, and it was inapplicable because there was a sovereignty in the State that had to be recognized.

I believe that we can honestly say that there was no difference of opinion on the part of our Founding Fathers with respect to State governments and other governments. There would have been no difference with regard to the Federal Government if there had not been the serious problem of the independence of sovereignty on the part of the States.

I continue to read:

> When independent societies confederate for mutual defence, they do so in their collective capacity; and then each state for those purposes must be considered as one of the contracting parties. Destroy this balance of equality, and you endanger the rights of the lesser societies by the danger of usurpation in the greater.
>
> Let us test the government intended to be made by the Virginia plan on these principles. The representatives in the national legislature are to be in proportion to the number of inhabitants in each state. So far it is right upon the principles of equality, when state distinctions are done away; but those to certain purposes still exist.

I repeat the last statement:

> Let us test the government intended to be made by the Virginia plan on these principles. The representatives in the national legislature are to be in proportion to the number of inhabitants in each state. So far it is right upon the principles of equality, when state distinctions are done away; but those to certain purposes still exist.
>
> On June 18, 1787, Alexander Hamilton attacked the New Jersey plan (I Farrand 286):
>
> "Another destructive ingredient in the [New Jersey] plan, is that equality of suffrage which is so much desired by the small States. It is not in human nature that Va. & the large States should consent to it, or if they did that they shd. long abide by it. It shocks too much the ideas of Justice, and every human feeling."
>
> He also submitted to the Committee of the Whole a sketch of a plan for the new government. The plan set the number of Representatives at the start for each State apparently on the basis of population. After that, the plan provided (III id. at 620):
>
> "The Legislature shall provide for the future elections of Representatives, apportioning them in each State, from time to time as nearly as may be to the number of persons described in the 4 § of the VII article, so as that the whole number of Repsentatives shall never be less than one hundred, nor more than —— hundred. There shall be a Census taken for this purpose within three years after the first meeting of the Legislature, and within every successive period of ten years."

I have previously quoted extensively from Thomas Jefferson. He was clearly, consistently, and invariably on the side of equal representation in the State legislatures. Hamilton was on the side of equal representation, even in the U.S. Senate. But there is no difference of opinion so far as State legislatures are concerned.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Hamilton is generally regarded as the leader of the conservative forces.

Mr. PROXMIRE. Yes.

Mr. DOUGLAS. So, the man who was the spiritual leader of the Democratic forces, and the man who was the party leader of the conservative forces agreed on the principle that representation should be in proportion to population or in proportion to population which could be counted. There was a problem, of course, as to whether slaves were to be counted as full persons or not.

Mr. PROXMIRE. Yes. Of course, Hamilton was the great champion of the monied interests, of the financial interests. He played a very important and proper role in that capacity. Hamilton was an extremely wise and brilliant man. He recognized that there was no real threat to the financial interest or the monied interests from having a population-representative legislature. And, indeed, there is none now. The Senator from Wisconsin and the Senator from Illinois are not making the argument—and no Senator that I know of is making the argument—that we are fighting for a liberal representation; that this would better serve the interest of any economic group; or that it would injure monied people or people with property.

Hamilton recognized that equal representation was fair and just. What we are fighting for is equal representation for all, and not for any advantage for any group. The Senator from Illinois has gone to great pains to point out that the greatest beneficiaries would be the suburbanites. No one argues that they are the poorest people in our society.

I continue to read:

> The composition of the initial Senate was likewise to be prescribed by the Constitution but the number for each State had not been filled in. As to the apportionment of Senators, Hamilton's plan provided (id. at 621):
>
> "The legislature shall provide for the future elections of Senators, for which purpose the States respectively, which have more than one Senator, shall be divided into convenient districts to which the Senators shall be apportioned. A State having but one Senator shall be itself a district. * * *
>
> "The number of Senators shall never be less than 40, nor shall any State, if the same shall not hereafter be divided, ever have less than the number allotted to it in the second section of this article; but the legislature may increase the whole number of Senators, in the same proportion to the whole number of Representatives as 40 is to 100; and such increase beyond the present number, shall be apportioned to the respective States in a ratio to the respective numbers of their Representatives.
>
> "If States shall be divided, or if a new arrangement of the boundaries of two or more States shall take place, the legislature shall apportion the number of Senators (in elections succeeding such division or new arrangement) to which the constituent parts were entitled according to the change of situation, having regard to the number of persons described in the 4 section of the VII article."
>
> Thus, the apportionment of the new Senate was also to be based on population, although no State could have its representation reduced from that prescribed for the first Senate.
>
> James Madison returned to the proposal of Judge Brearly that the boundaries of the States should be redrawn to provide equal population and they should be given equal representation in the legislature.

There we have the third of the great participants in our great Government. At least, many people would regard Hamilton, Madison, and Jefferson as the three great participants. Although, Jefferson was the Ambassador to France and was not present during the initial deliberations, he played a vital part in the preparation of the Bill of Rights. All three were clearly, emphatically, and consistently on the side of population representation. They contended that this was right in principle and should be translated into reality.

Madison said:

> It was admitted by both the gentlemen from New Jersey, (Mr. Brearly and Mr. Paterson) that it would not be just to allow Virginia which was 16 times as large as Delaware an equal veto only. Their language was that it would not be safe for Delaware to allow Virginia 16 times as many times. The expedient proposed by them was that all the States should be thrown into one mass and a new partition be made into 13 equal parts.
>
> Madison, however, decided that the plan was impracticable (id. at 322):
>
> "The prospect of many new States to the westward was another consideration of importance. If they shd. come into the Union at all, they would come when they contained but but [sic] few inhabitants. If they should be entitled to vote according to their proportions of inhabitants, all would be right and safe. Let them have an equal vote, and a more objectionable minority than ever might give law to the whole."
>
> Alexander Martin, of North Carolina, said (id. at 324):
>
> "[The States] entered into the confederation on the footing of equality; that they met

now to to [sic] amend it on the same footing, and that he could never accede to a plan that would introduce an inequality and lay 10 States at the mercy of Virginia, Massachusetts, and Pennsylvania."

On June 20, the convention itself began to consider the proposals which had been made in committee. Roger Sherman again repeated his proposal to have two branches of the legislature apportioned differently (id. at 342–343):

"The disparity of the States in point of size he perceived was the main difficulty. But the large States had not yet suffered from the equality of votes enjoyed by the small ones. In all great and general points, the interests of all the States were the same. * * * If the difficulty on the subject of representation can not be otherwise got over, he would agree to have two branches, and a proportional representation in one of them, provided each State had an equal voice in the other. This was necessary to secure the rights of the lesser States; otherwise three or four of the large States would rule the others as they please."

The next day, William Samuel Johnson, of Connecticut, noted that James Wilson and the Virginians had said that they did not want to abolish the States (I Farrand 355):

"He wished it therefore to be well considered whether in case the States, as was proposed, shd. retain some portion of sovereignty at least, this portion could be preserved, without allowing them to participate effectually in the General Government, without giving them each a distinct and equal vote for the purpose of defending themselves in the general councils."

The debate as to representation continued on June 25, 1787. Nathaniel Gorham, of Massachusetts, said that (I Farrand 404—405): "* * * he inclined to a compromise as to the rule of proportion. He thought there was some weight in the objections of the small States. If Virginia should have 16 votes and Delaware with several other States together 16, those from Virginia would be more likely to unite than the others, and would therefore have an undue influence. This remark was applicable not only to States, but to counties or other districts of the same State. Accordingly the constitution of Massachusetts had provided that the representatives of the larger districts should not be in an exact ratio to their numbers.[1] And experience he thought had shewn the provision to be expedient."

George Read, of Delaware, complained that the large States had appropriated the western lands which should have been applied to the public debt (id. at 405):

"Let justice be done on this head; let the fund be applied fairly and equally to the discharge of the general debt, and the smaller States who had been injured would listen then perhaps to those ideas of just representation which had been held out."

James Wilson opposed election of the second branch by the State legislatures (id. at 406):

"The General Government is not an assemblage of States, but of individuals for certain political purposes—it is not meant for the States, but for the individuals composing them: the individuals therefore not the States, ought to be represented in it: A proportion in this representation can be preserved in the 2d. as well as in the 1st. branch; and the election can be made by electors chosen by the people for that purpose."

However, his amendment to this effect was not seconded.

Pierce Butler, of South Carolina, proposed postponing the issue as to the election of second branch until the question of representation was decided. James Madison seconded the proposal, but it was rejected 7 to 4. I Farrand 407–408. The convention then voted 9 to 2 to have the second house elected by the State legislatures, with Virginia and Pennsylvania opposing. At this point in his notes Madison dropped a footnote (id. at 408):

"It must be kept in view that the largest States, particularly Pennsylvania and Virginia, always considered the choice of the second branch by the State legislatures as opposed to a proportional representation to which they were attached as a fundamental principle of just government. The smaller States, who had opposite views, were reenforced by the members from the large States most anxious to secure the importance of the State governments."

James Wilson of Pennsylvania likewise said at the convention (id. at 413):

"Equality of representation cannot be established, if the second branch is elected by the State legislatures." [Yates.]

In the debate on June 27 as to whether representation in the first house should be by population, Luther Martin, of Maryland, supported continuation of the State governments as under the Confederation. He said (I Farrand 437–438):

"[A]n equal vote in each State was essential to the federal idea, and was founded in justice and freedom, not merely in policy: that tho the States may give up this right of sovereignty, yet they had not, and ought not: that the States like individuals were in a State of nature equally sovereign and free * * *. [T]he States being equal cannot treat or confederate so as to give up an equality of votes without giving up their liberty: that the propositions on the table were a system of slavery for 10 States: that as Virginia, Massachusetts, and Pennsylvania have 42/90 of the votes they can do as they please without a miraculous Union of the other ten: that they will have nothing to do, but to gain over 1 of the 10 to make them compleat masters of the rest * * *: that no State in ratifying the Confederation had objected to the equality of votes; that the complaints at present run not agst. this equality but the want of power; that 16 members from Virginia would be more likely to act in concert than a like number formed of members from different States; that instead of a junction of the small States as a remedy, he thought a division of the large States would be more eligible."

Yates' account of this same speech states (id. at 440–441):

"This principle of equality, when applied to individuals, is lost in some degree, when he becomes a member of a society, to which it is transferred; and this society, by the name of state or kingdom is, with respect to others, again on a perfect footing of equality—a right to govern themselves as they please. Nor can any other state, of right, deprive them of this equality. If such a state confederates, it is intended for the good of the whole; and if it again confederate, those rights must be well guarded * * *. We must treat as free states with each other, upon the same terms of equality that men originally formed themselves into societies.

* * * * *

"If the foundation of the existing confederation is well laid, powers may be added—you may safely add a third story to a house where the foundation is good * * *. Price says, that laws made by one man or a set of men, and not by common consent, is slavery—and it is so when applied to States, if you give them an unequal representation."

The next day, Luther Martin continued his speech (I Farrand 444–445):

"[T]he General Government ought to be formed for the States, not for individuals: that if the States were to have votes in proportion to their number of people, it would be the same thing whether their (representatives) were chosen by the legislatures or the people; the smaller States would be equally enslaved * * *."

Mr. President, what all that history does is to reenforce once again that the whole force behind unequal representation in the Senate was based upon a fact of life that existed in 1787. That was that the colonies—the individual States—had sovereignty. They had power. They had individual existence. The argument is entirely an attempt to state the right of States to have representation.

There is no such argument that anyone has adduced for counties, towns, or any other entities to have equal representation, in effect, and therefore malapportionment in various State legislatures. No one has pretended that there is any such problem. There is no analogy whatsoever. That whole problem is strictly based on the fact that representatives in the legislature now have constituencies which are congenial to them, which they know, which they understand, and which will elect them. There is no pretense that there is any basis of principle in the argument carried on in the Congress of the United States. While some of us may decide on the side of Hamilton, Madison, and Jefferson and others on the side of Paterson and some of the others, it is very clear that none of the Founding Fathers would argue that there should be unequal representation in the States.

Their entire argument is founded on the fact that the States did have an existence. They had a sovereignty and they had a power. As the Senator from Illinois [Mr. Douglas] has so well said, the smaller States had in effect a gun at the temple of the larger States. In effect they said, "Either take this or we will veto the whole thing and you will not have a union."

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Illinois.

Mr. DOUGLAS. The Continental Congress indeed called itself the Confederate Congress, indicating that under the Articles of Confederation we were not a federation but a confederation, and that therefore the residual sovereignty rested in the States. The Federal Government had only those powers which the States voluntarily consigned to them. Of course, our southern friends said that the confederation continued in reality down to and including 1861. We of the North maintained that out of the confederation came a federation, and that particularly for the States which joined we became a nation.

Furthermore, it is true that the Virginia program—the so-called Virginia plan—which Madison proposed, provided for a strong national government. Great powers were given to the National

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[1] The Massachusetts constitution of 1780 provided that the Senate would be apportioned among the districts on the basis of taxes paid. Pt. II, ch. I, sec. 2, art. I. One member of the House of Representatives was apportioned to each town having 150 votes and an additional member for every 225 additional voters, except that each existing town was given at least one. Pt. II, ch. I, sec. 3, art. II.

Government to legislate for the general welfare. Madison later was somewhat ashamed of that, and I believe that is one of the reasons why he did not publish his journal of the Constitutional Convention for so many years. But the larger States yielded only on the question of equal representation in the Senate, because that was the price of union. If they had not yielded, the country probably would have broken up into three regional federations—the New England States, the Middle States, stretching from New York to Pennsylvania, possibly including Maryland, and the Southern States—and our lot would have been very difficult. In order to get the Union, the larger States consented to equal representation in the Senate.

The Senator from Wisconsin is making a valuable point—that no one questioned the fact that, inside the respective States, the basic principle was to be representation according to population; and in the Northwest Ordinance, which a coordinate body, the Continental Congress, or the Confederate Congress, passed in the same year, there is provision for representation according to population. So the Senator from Wisconsin is on sound constitutional grounds in this matter.

Mr. PROXMIRE. The Senator from Illinois stresses a point which I think must be fully appreciated; and that is that when our Federal Union was formed, all the power was in the hands of the States.

Mr. DOUGLAS. That is, originally.

Mr. PROXMIRE. Yes; originally it was in the hands of the States. The States formed a Union. There was a confederacy that had an agreement to act together, in concert, in military matters, and so forth.

Mr. DOUGLAS. The laws enacted by the Continental Congress or the Confederate Congress did not operate directly upon individuals, but only through the States.

Mr. PROXMIRE. And the power of the States was so great that the Continental Congress had no power to tax.

Mr. DOUGLAS. That is correct.

Mr. PROXMIRE. It accepted contributions.

Mr. DOUGLAS. From the States, but it had no power to tax individuals.

Mr. PROXMIRE. It is important to stress the fact that when the Union came into existence and created the Legislature the power was in the hands of the States. On the other hand, when the States decided to create counties and townships, the States had and retained complete and total power. They could abolish county governments. There are many proposals to do so. Many people conceive a county government as an inefficient administrative device. All it is is an administrative device for convenience. Therefore the argument for equal representation by county evaporates. It is not there, because the counties did not create the States. Nobody has pretended they did.

Continuing to read from Yates:

> "In a Federal Government, a majority of States must and ought to tax. In the local government of States, counties may be unequal—still numbers, not property, govern. What is the government now forming over States or persons? As to the latter, their rights cannot be the object of a General Government—These are already secured by their guardians, the State governments. The General Government is therefore intended only to protect and guard the rights of the states as States. * * *
>
> "Representation on Federal principles can only flow from State societies * * *.
>
> "Your General Government cannot be just or equal upon the Virginia plan, unless you abolish State interests. If this cannot be done, you must go back to principles purely Federal.
>
> * * * * *
>
> "The admission of the larger States into the confederation, on the principles of equality, is dangerous. But on the Virginia system, it is ruinous and destructive. Still it is the true interest of all the States to confederate * * *."

I am laboring the point because the idea we must recognize is that there are States and we must recognize that the States have power and are entities and have an identification. But where is the analogy?

To go on with the Yates argument:

> "I would rather confederate with any single state, than submit to the Virginia plan. But we are already confederated, and no power on earth can dissolve it but by the consent of all the contracting powers—and four States, on this floor, have already declared their opposition to annihilate it * * *."
>
> James Madison, in opposing the motion of Lansing that "the representation of the first branch be according to the articles of the confederation" [Yates] (I Farrand 455), said that (id. at 446–449):
>
> "[H]e was much disposed to concur in any expedient not inconsistent with fundamental principles, that could remove the difficulty concerning the rule or representation. But he could neither be convinced that the rule contended for was just, nor necessary for the safety of the small States against the large States. That it was not just, had been conceded by Mr. Breerly [sic] and Mr. Patterson [sic] themselves. The expedient proposed by them was a new partition of the territory of the United States. The fallacy of the reasoning drawn from the equality of sovereign States in the formation of compacts, lay in confounding mere treaties, in which were specified certain duties to which the parties were to be bound, and certain rules by which their subjects were to be reciprocally governed in their intercourse, with a compact by which an authority was created paramount to the parties, and making laws for the government of them. If France, England, and Spain were to enter into a treaty for the regulation of commerce and so forth with the Prince of Monaco and four or five other of the smallest sovereigns of Europe, they would not hesitate to treat as equals, and to make the regulations perfectly reciprocal. Would the case be the same if a council were to be formed of deputies from each with authority and discretion, to raise money, levy troops, determine the value of coin, and so forth? Would 30 or 40 million of people submit their fortunes into the hands of a few thousands? If they did it would only prove that they expected more from the terror of their superior force, than they feared from the selfishness of their feeble associates. Why are counties of the same States represented in proportion to their numbers? Is it because the representatives are chosen by the people themselves? So will be the representatives in the National Legislature."

It is interesting that Madison should give that analogy, because he assumed that within the States the counties would be represented in proportion to their numbers. He asked, Why are the counties of the same State represented in proportion to their numbers? It is the only principle on which it could be defended in the States. This is exactly what the Dirksen proposal would destroy.

Madison goes on to say:

> "Is it because, the larger have more at stake than the smaller? The case will be the same with the larger and smaller States. Is it because the laws are to operate immediately on their persons and properties? The same is the case in some degree as the articles of confederation stand; the same will be the case in a far greater degree under the plan proposed to be substituted. * * * By the plan proposed a complete power of taxation, the highest prerogative of supremacy is proposed to be vested in the National Government. Many other powers are added which assimilate it to the government of individual States. The negative on the State laws proposed, will make it an essential branch of the State legislatures and of course will require that it should be exercised by a body established on like principles with the other branches of those legislatures. * * *
>
> * * * * *
>
> "In a word; the two extremes before us are a perfect separation and a perfect incorporation, of the 13 States. In the first case they would be independent nations subject to no law but the law of nations. In the last, they would be mere counties of one entire republic, subject to one common law. In the first case the smaller States would have everything to fear from the larger. In the last they would have nothing to fear. The true policy of the small States therefore lies in promoting those principles and that form of government which will more approximate the States to the condition of counties."
>
> Yates reports that Madison said (id. at 457):
>
> "There is danger in the idea of the gentleman from Connecticut. Unjust representation will ever produce it. In the United Netherlands, Holland governs the whole, although she has only one vote. The counties in Virginia are exceedingly disproportionate, and yet the smaller has an equal vote with the greater, and no inconvenience arises."
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> Returning to the analogy of England's rotten boroughs, James Wilson said (I Farrand 449–450):
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> "The leading argument of those who contend for equality of votes among the States is that the States as such being equal, and being represented not as districts of individuals, but in their political and corporate capacities, are entitled to an equality of suffrage. According to this mode of reasoning the representation of the buroughs in England which has been allowed on all hands to be the rotten part of the Constitution, is perfectly right and proper. They are like the States represented in their corporate capacity like the States therefore they are entitled to equal voices, old Sarum (a rotten borough) to as many as London. And instead of the injury supposed hitherto to be done to London, the true ground of complaint lies with old Sarums for London instead of two which is her proper share, sends four representatives to Parliament."

This rotten borough analogy, which was criticized when the Senator from Pennsylvania proposed it in properly labeling the Dirksen amendment, seems to me to be perfectly appropriate and proper. The fact is that we do have rotten boroughs. Nobody has riveted that fact more clearly during the debates in the Senate than has the Senator from Illinois, who pointed out that in some cases one person has 1,000 times the representation in some States than another person has. If this is not rotten borough representation, what is?

Mr. DOUGLAS. In the State of Vermont, 1 hamlet of 36 people sends 1 representative to the State legislature, and a city of 38,000 also sends 1 representative.

Mr. PROXMIRE. One hamlet?

Mr. DOUGLAS. One hamlet of thirty-six people.

Mr. PROXMIRE. Thirty-six people?

Mr. DOUGLAS. That hamlet sends one representative to the Vermont House of Representatives. A city of 38,000 also sends 1 representative.

Mr. PROXMIRE. What possible justification can there be for that? That is certainly a rotten borough situation. It is an abysmal denial of the rights of some of the people of Vermont to have a vote mean something, or mean what it should mean; namely, that all people have an equal opportunity.

Mr. DOUGLAS. They are following the scheme laid down in the constitution of 1793, 171 years ago.

Mr. PROXMIRE. In the Vermont constitution?

Mr. DOUGLAS. Yes.

Mr. PROXMIRE. What they are doing is assuming that the population of Vermont has not moved at all from farms to cities for 173 years.

Mr. DOUGLAS. Yes; whereas in the meantime the cities of Burlington, Montpelier, and other cities, have developed.

Mr. PROXMIRE. What we are calling for is recognition of the fact that when a man moves from one area to another, from a small town to a city, or from a city to a suburb, he retain his representation, and does not lose it.

Mr. DOUGLAS. Yes.

Mr. PROXMIRE. When a farmer moves from his farm to a city, he loses his representation.

Mr. DOUGLAS. Or has it diminished to a very small proportion.

Mr. PROXMIRE. The Senator states it better.

Mr. DOUGLAS. That is true also in California, where 1 district with a population of 14,500 people sends 1 man to the California Senate, and the county of Los Angeles, with more than 6 million people, also sends 1 to the senate.

Mr. PROXMIRE. How can there be any justification for it?

Mr. DOUGLAS. There cannot be.

Mr. PROXMIRE. How can any argument be made that that is fair and just, that we should amend the foreign aid bill and thus deprive the President of the United States of his right of veto, and that we should damage the Supreme Court's dignity and independence and right of review in order to protect that kind of injustice?

Mr. DOUGLAS. It passeth human understanding.

Mr. PROXMIRE. I agree.

> Yates says that Wilson stated (id. at 457):
>
> "I should be glad to hear the gentleman from Maryland explain himself upon the remarks of Old Sarum, when compared with the city of London. This he has allowed to be an unjust proportion; as in the one place one man sends two members, and in the other 1 million are represented by four members. I would be glad to hear how he applies this to the larger and smaller States in America; and whether the borough, as a borough, is represented, or the people of the borough."
>
> Luther Martin answered that Britain's rotten boroughs were not analogous since (ibid.):
>
> "Individuals, as composing a part of the whole of one consolidated government, are there represented" [Yates].
>
> Roger Sherman argued for concessions by the larger State to protect the smaller. Id. at 450. He further stated (id. at 457):
>
> "In society, the poor are equal to the rich in voting, although one pays more than the other. This arises from an equal distribution of liberty amongst all ranks; and it is, on the same grounds, secured to the states in the confederation * * *" [Yates].

Mr. President, I should like to interrupt my reading once again to emphasize that our Founding Fathers, in all these debates, without any question, agreed that the only argument that could be made for unequal representation in the Senate is that the States have a degree of sovereignty, and that that was the only principle on which it could be done. There is no analogy so far as our State governments are concerned. The counties of the State are the creatures of the States.

Our Founding Fathers came down unanimously, without question, on the side of equal representation in the State legislatures.

> Hugh Williamson, of North Carolina, supported representation based on population on the ground (id. at 456):
>
> "If any argument will admit of demonstration, it is that which declares, that all men have an equal right in society. Against this position, I have heard, as yet, no argument, and I could wish to hear what could be said against it * * *" [Yates].

Mr. CASE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CASE. I am interested in the Senator's argument. I wonder if he could tell me the name of the document from which he is reading these very interesting excerpts.

Mr. PROXMIRE. This is a document which was prepared by the Department of Justice for the Supreme Court, as amicus curiae, in the Maryland against Tawes case. It is dated October 9, 1963. It is probably the best and most concise analysis of the debates in the Constitutional Convention, when the delegates decided on the form of our government and on representation in the House and in the Senate.

What I am contending is that the most popular analogy, the most frequent objection that one hears to the one-man, one-vote rule and against the population representation principle is the Federal analogy. The U.S. Senate is not based on population. We defend it, and we are for it.

There is a great difference between the U.S. Senate and its responsibility, and the senate of a State legislature.

The practical argument I make, in addition to the philosophical argument, is that we have a Federal system. The State injects its great power between the individual citizen of the State and the Federal Government. It is a division of power which I believe almost all Members of the Senate support.

Mr. DOUGLAS. Mr. President, I should like to enter a demurrer to what the Senator from Wisconsin has said. He said we believe in equality of representation of the States in the U.S. Senate, and that we will defend that principle.

I prefer to say that we acquiesce in it. There is nothing we can do about it.

The fifth article of the Constitution provides that no amendment which may be made prior to 1808 shall affect the first and fourth clauses in the ninth section of the first article—which relates to the importation of slaves—and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

That part of the Constitution cannot be amended. That provides for equal representation in the Senate. There is nothing we can do about it. We from the big States bear this cross. It is a heavy cross.

If anyone wishes to be a second-class citizen, he does not have to be a Negro in Mississippi. He need only be a Senator from a large State. He need only be a Senator from a large State to really know what second-class or third-class citizenship amounts to. The control of the Senate is in the hands of States of approximately one-fourth of the population of the country.

I do not think it is a wise arrangement, but this matter was settled 177 years ago. It is the price which the big States had to pay for union. We acquiesce in it. We bow our shoulders under the yoke. The nails are driven into our body daily. We suffer from it. The inhabitants of our States suffer from it. There is nothing we can do about it. Therefore, on the whole, we keep silent about it.

However, when the Senator from Wisconsin says that we will defend it, I say that I will not defend it. I merely acquiesce in it and suffer under it.

Mr. PROXMIRE. There are those with whom I disagree who say that the Senate is the South's revenge on the Nation for the Civil War.

Mr. DOUGLAS. William S. White has said it. He said that the South in the Senate is indeed the revenge of the South for Gettysburg.

Mr. PROXMIRE. It is very uncomfortable to find myself in disagreement with the Senator from Illinois, who is a great scholar and a great man and a leader in this debate. However, I must say that I disagree vigorously with him, because I believe our Federal system has served us well. Wisconsin is, perhaps, an average State, because Wisconsin has about 2 percent of the people and we have appropriate representation in the U.S. Senate. From that standpoint we have perfect representation, as a matter of fact. Michigan, New Jersey, and Illinois are underrepresented, on that basis, but they have such excellent Senators, such great Senators, that those States really do not need more representation.

Mr. DOUGLAS. In Illinois we have 6 percent of the population of the country but only 2 percent of the representation. The State of New York has 17 million people, and probably close to 9 percent of the population, but only 2 percent of the representation.

The State of California has 17 million people, and only 2 percent of the representation. The 8 largest States have a population of 80 million, and at least 45 percent of the population, but have only 16 Senators.

The Mountain States, with a population of less than 6 million, have 16 Senators.

Mr. CASE. With respect to the interesting colloquy between the Senator from Wisconsin and the Senator from Illinois, on the wisdom of the system by which the States are represented in the U.S. Senate, the Constitution clearly and unequivocally determines how the apportionment of State legislatures shall be accomplished.

Mr. PROXMIRE. The Senator is absolutely correct. The Senator from Wisconsin, and, I believe, the Senator from New Jersey and the Senator from Michigan all agree on the fundamental principle that there is equal representation in the State governments, as the Supreme Court decided in Reynolds against Sims, our differences over the U.S. Senate are irrelevant.

Mr. CASE. Mr. President, I ask unanimous consent that this word of mine appear immediately after the most gracious reference by the Senator from Wisconsin and the Senator from Illinois. I express appreciation for this most undeserved encomium.

Mr. PROXMIRE. I thank the Senator from New Jersey. He is a mighty valiant ally. It is wonderful to have him on our side.

On June 29, William Samuel Johnson, of Connecticut, supported Roger Sherman's proposal that one house be apportioned on population and the other be apportioned equally among the States. In doing so, he explicitly based this proposal on a compromise as to the nature of the new government (I Farrand 461–462).

William Samuel Johnson, of Connecticut——

Mr. DOUGLAS. Not Dr. Samuel Johnson, of England.

Mr. PROXMIRE. No, indeed; William Samuel Johnson, of Connecticut. He said:

> The controversy must be endless whilst gentlemen differ in the grounds of their arguments; those on one side considering the States as districts of people composing one political society; those on the other considering them as so many political societies. The fact is that the States do exist as political societies, and a government is to be formed for them in their political capacity, as well as for the individuals composing them. * * * On the whole he thought that as in some respects the States are to be considered in their political capacity, and in others as districts of individual citizens, the two ideas embraced on different sides, instead of being opposed to each other, ought to be combined; that in one branch the people, ought to be represented; in the other, the States.

Here we have, by the gentleman from Connecticut who supported Roger Sherman's proposal, which was eventually adopted—it was finally agreed upon as a compromise—an explicit expression, an explicit recognition of what the Senate really is. At the time of the Constitutional Convention, Senators were deemed to represent the States—not the people of the States, but the States. Indeed, until an amendment to the Constitution changed the practice, Senators were elected by the legislatures of the States. That was one of the express purposes, I assume, for electing Senators by the legislatures. We do not represent the people; we represent the States.

What analogy is there to the counties? Has anyone ever heard of a county board electing members of the State legislature? That would be ridiculous. There is no analogy whatsoever.

It seems to me it is necessary to labor this point in detail, really to nail it to the mast. There are those who say, "Yes, but what about the Federal Government?" It has been said in the Senate by some distinguished opponents that there is such an analogy. But the report from which I am reading is as clear and explicit as it can be that there is no analogy as compared with the Federal Government; that there was no delegate of the Continental Congress who argued that the States should be represented on any basis other than population.

I especially draw attention to William Samuel Johnson's assumption that a parish or a county has influence in proportion to the number of its inhabitants. This is the principle we are fighting for today, and it was generally accepted at the time of the Constitutional Convention.

Rufus King's account of this speech is (id. at 476–477):

> "Those who contend for an equality of votes among the States, define a State to be a mere association of men and then say these associations are equal—on the other hand those who contend for a representation in proportion to numbers. Define a State to be a district of country with a certain number of inhabitants, like a parish or county, and then say, these districts shd. have an influence in proportion to their number of inhabitants—both reason justly from year premises—we must then compromise—let both parties be gratified—let one House or branch be formed by one rule and [sic] the other by another."

Certainly every body will agree that counties are associations of men; no one pretends that they are anything else.

Madison continued to oppose the compromise because it overemphasized the sovereignty of the States under the new Constitution and because equal representation by States was unjust (I Farrand 463–464):

Another point ought to be stressed in connection with the debates in the constitutional convention. James Madison is regarded as the father of the Constitution. He was one of the strongest holdouts against the mixed nature of the Government. Madison was a prominent man. He was the strongest opponent of even the kind of compromise that was arrived at to permit the Senate of the United States to have equal representation from each of the States. The report states Madison's views, as follows:

> "[T]he mixed nature of the Government ought to be kept in view; but thought too much stress was laid on the rank of the States as political societies. There was a gradation, he observed from the smallest corporation, with the most limited powers, to the largest empire with the most perfect sovereignty. He pointed out the limitations on the sovereignty of the States, as now confederated * * *. Under the proposed Government, the powers of the States will be much further reduced. According to the views of every member, the General Government will have powers far beyond those exercised by the British Parliament when the States were part of the British Empire. It will in particular have the power, without the consent of the State legislatures, to levy money directly on the people themselves; and therefore not to divest such unequal portions of the people as composed the several States, of an equal voice, would subject the system to the reproaches and evils which have resulted from the vicious representation in Great Britain.
>
> "He entreated the gentlemen representing the small States to renounce a principle which was confessedly unjust, which could never be admitted, and if admitted must infuse mortality into a Constitution which we wished to last forever."

Yates reports concerning this speech that Madison said (id. at 472):

> "If the power is not immediately derived from the people, in proportion to their numbers we may make a paper confederacy, but that will be all."

Alexander Hamilton likewise supported apportionment based solely on population (I Farrand 465–466):

> "Mr. Hamilton observed that individuals forming political societies modify their rights differently, with regard to suffrage. Examples of it are found in all the States. In all of them some individuals are deprived of the right altogether, not having the requisite qualification of property. * * * In like manner States may modify their right of suffrage differently, the larger exercising a larger, the smaller a smaller share of it. But as States are a collection of individual men which ought we to respect most, the rights of the people composing them, or of the artificial beings resulting from the composition. Nothing could be more preposterous or absurd than to sacrifice the former to the latter. It has been sd. that if the smaller States renounce their equality, they renounce at the same time their liberty.
>
> "The truth is it is a contest for power, not for liberty. Will the men composing the small States be less free than those composing the larger. The State of Delaware having 40,000 souls will lose power, if she has one-tenth only of the votes allowed to Pennsylvania having 400,000: but will the people of Delaware: be less free, if each citizen has an equal vote with each citizen of Pennsylvania. He admitted that common residence within the same State would produce a certain degree of attachment; and that this principle might have a certain influence in public affairs. He thought, however, that this might by some precautions be in a great measure excluded: and that no material inconvenience could result from it, as there could not be any ground for combination among the States whose influence was most dreaded. * * * No considerable inconvenience had been found from the division of the State of New York into different districts, of different sizes."

Incidentally, both houses of the New York Legislature have been apportioned as to the eligibility of its voters according to the New York constitution of 1777.

Let me repeat that principle of Alexander Hamilton.

There can be no truer principle than this, that every individual in the community at

> large has an equal right to the protection of government.

That sounds almost like the 14th amendment. This was stated by Alexander Hamilton in 1787.

To repeat:

> There can be no truer principle than this, that every individual in the community at large has an equal right to the protection of government.

It is very interesting that Alexander Hamilton argued this, when he was talking about the equal right to vote. He used the part of this language almost verbatim which was adopted by our Government, later, when the 14th amendment became law.

Hamilton goes on to say:

> "If therefore three States contain a majority of the inhabitants of America, ought they to be governed by a minority? * * * [The larger States] are to surrender their rights—for what? for the preservation of an artificial being. We propose a free government—can it be so if partial distinctions are maintained? * * * In the State of New York, five counties, form a majority of representatives, and yet the government is in no danger, because the laws have a general operation. The small States exaggerate their danger, and on this ground contend for an undue proportion of power."

I can imagine what Alexander Hamilton would have said about this debate. After all, he was up against a situation confronting the States which at that time were recognized as truly sovereign. They had the sole right to tax. They had given only modest rights to the Confederacy at the time. Yet Hamilton felt so strongly about this principle, he felt that the principle was so basic to a democracy that he argued, even under these circumstances, that the States should have equal representation in the U.S. Senate.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Is it not a sad thing that those who call on the name of Hamilton, who regard themselves as the exponents of the Hamiltonian tradition, have so far departed from the principles of Hamilton that they advocate and defend inequality of representation in the various State legislatures?

Mr. PROXMIRE. Yes, indeed; and as we say, Hamilton was a man who championed, by and large, the interests of property. He recognized deeply the contributions that wealth makes. He was a true conservative. He was a conservative in the usual sense. He was a champion of the well-to-do person and the person who was skilled and able. Yet he recognized that if we were to have a true democracy, it must be based upon equal representation. He further recognized that this constitutes no threat whatsoever to any legitimate need or interest or protection of property.

Mr. DOUGLAS. Mr. President, in this morning's Washington Post, a very illuminating letter was published on the question of apportionment. It was written and signed by Henry W. Edgerton.

Mr. Edgerton was, for many years, a circuit judge in the Federal Circuit Court of Appeals for the District of Columbia. He was one of the most eminent jurists who ever served in that capacity. Prior to that time, he was dean of the Cornell Law School, the great law school from which Charles Evans Hughes was graduated, and which has also produced many eminent lawyers, such as Myron Taylor, the former president of the United States Steel Corp.

Mr. Edgerton was, on many occasions, mentioned for appointment to the U.S. Supreme Court. I regret that this appointment was not accomplished. He would have added luster to that Court.

Mr. Edgerton has retired from regular active service as a circuit judge. But he felt impelled to write this letter as a citizen. And he made it clear that he was writing only as a citizen.

He points out that the Constitution in article III states:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

He goes on to point out that the Constitution also declares that "the judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States," and so forth.

In cases arising under that clause of the Constitution, we should remember the first section of the 14th amendment, which forbids any State to deny to any person the equal protection of the laws. In this chain of cases, beginning in the Tennessee case and going on to the Alabama case, a cognate case, and concluding with the Colorado case, the Supreme Court correctly pointed out that people cannot be granted equal protection of the laws if they are unequally, and grossly unequally, represented in the legislatures which make the laws.

Several weeks ago the House of Representatives passed a bill which would nullify the Supreme Court decisions by forbidding both the Supreme Court and the district courts from considering any cases dealing with reapportionment. I am happy that the Senate defeated the Tuck bill presented yesterday to the Senate by the very able Senator from South Carolina [Mr. THURMOND], and I am very glad that it was defeated by a crushing vote. If that bill had become law and were to be observed, it would remove reapportionment cases, insofar as the Congress could do so, from the judicial power of the United States. But, as Judge Edgerton pointed out, because those are cases arising under the Constitution, Congress has no power to do so.

The Tuck bill—or the Thurmond amendment—would undoubtedly have been declared unconstitutional by the Supreme Court if it had been passed by Congress. That would have brought about not only a direct conflict between the Congress and the court, against which the very able Senator from New York [Mr. JAVITS] has warned us, but it would have occurred only after a considerable period of time during which the case would have been tested in the district and circuit courts; and perhaps 3 or 4 years would have elapsed before the Supreme Court would finally declare the Tuck bill or the Thurmond amendment to be unconstitutional. During that time the processes of reapportionment would probably have been stilled and stopped, and the State legislatures would have been continued in their present malapportioned representation. Ample time would therefore have been afforded for a constitutional amendment to be drafted and submitted to the States. The amendment could have been ratified by the malapportioned State legislatures.

During that time the constitutional right to the equal protection of the laws would, so far as Congress is concerned, have been suspended and, indeed, perhaps ultimately denied so far as Congress is concerned.

Judge Edgerton was correct in pointing out that the proposal would have been a usurpation of power on the part of Congress which we do not constitutionally possess. For the time being the Tuck-Thurmond amendment is a thing of the past. But the Dirksen-Mansfield amendment is with us and is the pending business.

Notice the next sentence in the letter of Judge Edgerton:

> For the same reason, Congress has no power to require delay in such cases, as a different bill now pending in the Senate proposes to do.

That "different bill," of course, is the Dirksen-Mansfield amendment. Judge Edgerton is saying that just as Congress has no power to forbid the Supreme Court or the district courts to consider the apportionment of State legislatures for a permanent period of time, so it has no right to postpone or delay hearing by the courts in apportionment proceedings. The rights inhere to individuals and cannot be postponed or delayed.

Judge Edgerton went on to say that it is, of course, true that—

> The Constitution says, "The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make." And Congress may "ordain and establish" inferior courts.

Which it did in the judicial bill introduced, I believe, by James Madison in 1789.

Judge Edgerton went on to say—

> But these constitutional provisions no more authorize Congress to prevent the judicial power of the United States from enforcing the right to equal protection of the laws than the same provisions authorize Congress to prevent the judicial power from enforcing the right to freedom of speech, or trial by jury, or any other constitutional right.

Judge Edgerton continues—

> Congress cannot nullify constitutional rights by the simple device of forbidding U.S. courts to decide cases in which these rights are involved. Congress may redistribute among U.S. courts the judicial power to enforce constitutional rights, but Congress cannot eliminate or reduce that power. The Constitution, like other documents, must be read as a whole.
>
> The constitutional grant to U.S. courts of the judicial power to decide all cases "arising under this Constitution" is not subject to any implicit proviso to the effect: provided Congress is willing. The constitutional grant to Congress of the legislative power to determine what questions may be decided by

what courts is subject to an implicit proviso to the effect: provided, that the judicial power conferred by the Constitution upon U.S. courts may not be abridged.

The letter is able, concise, and to the point. It bears out what the Senator from Montana [Mr. METCALF], the Senator from Wisconsin [Mr. NELSON], and others of us have been contending for on the floor of the Senate for many days.

As a great public service this great and noble judge has given advice to the Congress and to the public. I only hope that it may be followed and that it may discourage the sponsors of the Dirksen-Mansfield amendment from pursuing their cause any further.

Mr. President, in the same issue of the Washington Post this morning, there appeared an editorial on the defeat of the substitute for the Dirksen-Mansfield amendment. I do not agree with all the chastisement which the editorial indulged in about those of us who voted for the substitute.

We did so in order to avoid a greater evil and in the belief that the language was harmless and that it might serve as a pacifier, so to speak, for those who wanted to strip the Court of its powers but were somewhat ashamed of the action they had taken and were looking for a way out. But in the cause of the Court, we are willing to accept chastisement even from our friends, or perhaps I should say particularly from our friends.

The final conclusion of the Post editorial is extremely interesting. It reads:

> The choice now is between continuation of the liberals' filibuster against the Dirksen proposal and abandonment of the whole project. The latter course would be infinitely preferable.

Of course it would be preferable.

The editorial does not suggest that those of us who are opposed to the Dirksen amendment should stop our educational campaign to inform the country and the Senate. We do not propose to stop the educational campaign, because we are already having an influence on public opinion. We hope very much that the Dirksen amendment will be abandoned, laid on the table, relegated to the ash heap or the garbage can. That is really what should happen, and we hope very much that some Senator will rise either this week or next week with a motion to table. We would support that motion very readily. I think it would get more votes than it did last time.

When the Senator from Vermont [Mr. AIKEN] made his motion to table, he did it in the hope that it would throw the forces opposed to the Dirksen-Mansfield amendment into confusion. For a moment or two it looked as though he would succeed, because there were some amongst our number who felt that the move came so suddenly that some of our group would not be able to see what was behind the situation—a motion to table being not debatable—and would not wish to expose what was thought possibly was our weakness.

Though the motion came suddenly, without debate, the Members of the Senate rallied around with extraordinary vigor, and there were 38 votes for tabling, although the Senator from Vermont voted against his own motion, and 49 against tabling. At least five Senators who were absent would have voted for tabling. So there were 43 for tabling. At the beginning we had no more than 12, so we increased our forces from 12 to 43.

Yesterday in the vote on the substitute Javits-McCarthy-Humphrey revised amendment, which the members of this group played a leading part in framing, we got 40 votes to 42. Again, if we had been able to obtain the presence of absent Senators, we would have had a majority. So our numbers are increasing.

Who would have thought the Tuck bill, which carried in the other body by a vote of 226 to 175, would have been defeated in the Senate by a vote of 56 to 21—2½ to 1?

No, Mr. President; the people of this country are beginning to find out what these proposals to rob the Supreme Court of its legitimate powers and constitutional powers really amount to, and they are having an effect on the votes in the Senate.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Does the Senator know very many on our side, who would have preferred the Javits-McCarthy compromise to ending the whole thing? Did we not all want to end it? Did we not prefer that?

Mr. DOUGLAS. Yes; very much.

Mr. PROXMIRE. Would not the Senator agree that the great speech made by the Senator from Oregon [Mr. MORSE] on this subject yesterday was a speech we could all support and say "hallelujah" to, and that we had to adopt the modifying amendment as a tactic and with great reluctance?

Mr. DOUGLAS. Yes.

Mr. PROXMIRE. Is it not also true that the editorial implies that, rather than have us continue talking on the matter, it would be better to end the whole thing? But is that not our very purpose in talking?

Mr. DOUGLAS. It is our purpose, by marshaling the information and arguments, that we shall convince the Senate and the country that the amendment should be laid aside.

Mr. PROXMIRE. That is the purpose of our talking.

Mr. DOUGLAS. It is interesting that the advocates of the Dirksen-Mansfield amendment have not really defended their point of view. My colleague from Illinois spoke about an hour and said he was going to speak again. He has not spoken. The Senator from Montana [Mr. MANSFIELD] spoke for about 10 minutes, and said that was all he was going to say. Virtually no one, with one exception, has taken the floor to advocate the measure. They thought they had the votes. We started out not having the votes, but we have argued the fact of existing malapportionment in State legislatures, we have argued on the basis of constitutional law, principles, and public policy, and we are gradually convincing the Senate and the country.

I wish our opponents would take the field and discuss the matter in terms of what should be done, but they evidently feel that their cause is so poor that it should not be exposed to public view. They will depend upon muscle to get it through. That muscle is fast evaporating.

We have proven once again that a few Senators clad in the armour of righteousness can overpower the forces of evil. The dragon of malapportionment has been mortally wounded. It is not yet dead, but its groans and screams can be heard in this Chamber and elsewhere. The Senator from Wisconsin [Mr. PROXMIRE] has played the role of St. George in lancing and piercing the dragon, just as in Raphael's painting St. George thrusts the dragon and one almost hears the screams of the dragon. We have heard the screams, but they are not screams of victory yet; they are screams of mortal wounds and ultimate death.

Mr. PROXMIRE. The Senator from Wisconsin has been carrying the lance. The senior Senator from Illinois [Mr. DOUGLAS] is obviously St. George.

Mr. DOUGLAS. Oh, no.

Mr. PROXMIRE. I would not identify the dragon.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the two editorials from the Washington Post be inserted at the conclusion of my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 16, 1964]

SUBSTITUTE DEFEATED

Defeat of the compromise "sense of Congress" resolution by the Senate yesterday leaves that body in a perilous State of calm in which it can move neither backward nor forward. Last week the Senate emphatically rejected Senator DIRKSEN's move to cut off debate. Then it refused to discard his scheme to delay application of the Supreme Court's decisions in the State reapportionment cases, and now it has voted down a proposed milder substitute.

We agree with the critics of the Javits-McCarthy-Humphrey substitute. It was an unnecessary and unfortunate gesture designed to tell the courts that they should act reasonably and responsibly. Senator MORSE was right in saying that it carried an implied insult to the Supreme Court. Many of the Senators who voted for it did so only in the hope of preventing more drastic legislative action.

The choice now is between continuation of the liberals' filibuster against the Dirksen proposal and abandonment of the whole project. The latter course would be infinitely preferable. Even if the grave constitutional objections to this venture could be overlooked, there is no indication that the Senate can agree upon a practical course of action. And if it did, its emphatic rejection of the repulsive Tuck bill passed by the House indicated that the chance for reconciliation of the views of the two houses would be meager.

The 88th Congress cannot afford to have its final session sputter out in a futile row over encroachment upon the courts. The effect would be to defeat vital legislation still awaiting enactment, to mar an otherwise creditable record and to frustrate every Member who is eager to hit the campaign trail.

[From the Washington Post, Sept. 16, 1964]

APPORTIONMENT TANGLE

I have retired from regular active service as a circuit judge of the U.S. Court of Appeals for the District of Columbia Circuit and am interested in apportionment only as a citizen.

The Constitution says "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." And "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States," etc. In cases "arising under" the clause of the Constitution that forbids a State to deny to any person the equal protection of the laws, the Supreme Court has decided that both houses of a State legislature must be apportioned on a population basis so that each person's vote shall have equal weight with every other person's.

The House of Representatives has passed a bill that would nullify these Supreme Court decisions by (1) forbidding the Supreme Court to review cases concerning apportionment of State legislatures and (2) forbidding U.S. district courts to decide such cases in the first place. If this bill were to become law and were observed, it would remove such cases from the "judicial power of the United States." Because these are cases "arising under this Constitution," Congress has no power to do so. For the same reason, Congress has no power to require delay in such cases, as a different bill now pending in the Senate proposes to do.

The Constitution says "The Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make." And Congress may "ordain and establish" inferior courts. But these constitutional provisions no more authorize Congress to prevent the judicial power of the United States from enforcing the right to equal protection of the laws than the same provisions authorize Congress to prevent the judicial power from enforcing the right to freedom of speech, or trial by jury, or any other constitutional right.

Congress cannot nullify constitutional rights by the simple device of forbidding U.S. courts to decide cases in which these rights are involved. Congress may redistribute among U.S. courts the judicial power to enforce constitutional rights, but Congress cannot eliminate or reduce that power. The Constitution, like other documents, must be read as a whole.

The constitutional grant to U.S. courts of the judicial power to decide all cases "arising under this Constitution" is not subject to any implicit proviso to the effect: provided Congress is willing. The constitutional grant to Congress of the legislative power to determine what questions may be decided by what courts is subject to an implicit provisio to the effect: "provided, that the judicial power conferred by the Constitution upon U.S. courts may not be abridged."

HENRY W. EDGERTON,
Washington.

Mr. PROXMIRE. Mr. President, to return to the debates of 1787 at the Constitutional Convention, I had read the very interesting statement by Madison with respect to the equal rights of individuals.

Elbridge Gerry of Massachusetts also agreed with Madison and said:

> [W]e never were independent States, were not such now, & never could be even on the principles of the Confederation. The States & the advocates for them were intoxicated with the idea of their sovereignty. He was a member of Congress at the time the federal articles were formed. The injustice of allowing each State an equal vote was long insisted on. He voted for it, but it was agst. his Judgment, and under the pressure of public danger, and the obstinacy of the lesser States.

Luther Martin replied to Gerry that (id. at 468): "[T]he language of the States being Sovereign & independent, was once familiar & understood; though it seemed now so strange & obscure. He read those passages in the articles of Confederation which describe them in that language."

The convention rejected the motion of Robert Lansing to have the first branch elected on same basis as the Congress of the Confederation, i.e., equal representation by States, by a vote of 6 to 4 with one State divided. By the converse vote, the convention adopted the resolution reported by the Committee of the Whole "that the rule of suffrage in the 1st branch ought not to be according to that established by the Articles of Confederation." (I Farrand 468.)

Oliver Ellsworth of Connecticut then again proposed the compromise first suggested by Sherman (id. at 468–469):

"That the rule of suffrage in the 2d. branch be the same with that established by the articles of confederation". He was not sorry on the whole he said that the vote just passed, had determined against this rule in the first branch. He hoped it would become a ground of compromise with regard to the 2d. branch. We were partly national; partly federal. The proportional representation in the first branch was conformable to the national principle & would secure the large States agst. the small. An equality of voices was conformable to the federal principle and was necessary to secure the Small States agst. the large. He trusted that on this middle ground a compromise would take place. He did not see that it could on any other. * * * The existing confederation was founded on the equality of the States in the article of suffrage: was it meant to pay no regard to this antecedent plighted faith."

Abraham Baldwin of Georgia opposed Ellsworth's motion on the ground that the second house should represent property. (Id. at 469–470.) George Read of Delaware agreed in part with Madison and Hamilton (id. at 471):

"If [the government was to be] more national, I would be for a representation proportionate to population." [Yates]

James Wilson, on June 30th, strongly opposed Ellsworth's motion to allow each State an equal vote in the second branch. He rejected threats that convention would otherwise fail (I Farrand 482–484):

"If the minority of the people of America refuse to coalesce with the majority on just and proper principles, if a separation must take place, it could never happen on better grounds. The votes of yesterday agst. the just principle of representation, were as 22 to 90 of the people of America. Taking the opinions to be the same on this point, * * * the question will be shall less than ¼ of the U. States withdraw themselves from the Union, or shall more than ¾ renounce the inherent, indisputable, and unalienable rights of men, in favor of the artificial systems of States. If issue must be joined, it was on this point he would chuse to join it. The gentleman from Connecticut [Ellsworth] in supposing that the prepondenancy secured to the majority in the 1st. branch had removed the objections to an equality of votes in the 2d. branch for the security of the minority narrowed the case extremely. Such an equality will enable the minority to controul in all cases whatsoever, the sentiments and interests of the majority."

I digress here to call attention to Wilson's interesting words, that if the minority of the people in the small States should have this control over the Union, the ones in the majority would renounce the inherent, indisputable, and unalienable rights of men, in favor of the artificial systems of States.

The first man to bring this into this debate was the senior Senator from Illinois [Mr. DOUGLAS], who was challenged as to why he would not agree to a constitutional amendment which would provide that one House should be based on population.

He said there are certain unalienable rights. I remind the Senate that these were the precise words used in 1787 by James Wilson in making precisely the same point, but making it on a weaker basis, because he was opposing even giving the States equal representation in our U.S. Senate.

Mr. DOUGLAS. Thomas Jefferson was ahead of both of us, because in the preamble to the Declaration of Independence he speaks of the unalienable rights of man, which it is the purpose of governments to secure.

Mr. PROXMIRE. John Locke, of course, preceded Thomas Jefferson. He wrote almost the verbative text of the Declaration of Independence before Thomas Jefferson.

Mr. DOUGLAS. Except that Locke emphasized life, liberty, and property, whereas Jefferson emphasized life, liberty, and the pursuit of happiness as being the basic rights. Property had its rights, but it was subordinate to the pursuit of happiness. George Mason deserves a great amount of credit, because he emphasized something more than mere life, liberty, and property.

Mr. PROXMIRE. Oh, yes; his contribution was great. But I wish to stress, of course, that it was James Wilson and PAUL DOUGLAS who agree that this unalienable concept relates to the equal rights that people should have in representation in their legislatures.

The Senator from Illinois has argued that this is an unalienable right in the State legislature. I believe that all our Founding Fathers would agree.

Mr. DOUGLAS. When the Senator revises his remarks for the RECORD, I hope he will omit my name, because I do not regard myself as worthy of unloosing the latchets of the shoes of James Wilson, Thomas Jefferson, or George Mason.

Mr. PROXMIRE. No Senator is more worthy.

I continue to read:

> Seven States will controul six; seven States according to the estimates that had been used, composed $^{24}/_{90}$ of the whole people. It would be in the power of less than ⅓ to overrule ⅔ whenever a question should happen to divide the States in that manner. Can we forget for whom we are forming a Government? Is it for men, or for the imaginary beings called States? Will our honest Constituents be satisfied with metaphysical distinctions? Will they, ought they to be satisfied with being told that one third, compose the greater number of States. The rule of suffrage ought on every principle to be the same in the 2d. as in the 1st. branch. * * * If the motion should be agreed to, we shall leave the U.S. fettered precisely as heretofore; with the additional mortification of seeing the good purposes of ye fair representation of the people in the 1st. branch,

defeated in 2d. Twenty four will still controul sixty six.

Ellsworth replied that (id. at 484–485):

"The capital objection of Mr. Wilson "that the minority will rule the majority" is not true. The power is given to the few to save them from being destroyed by the many. If an equality of votes had been given to them in both branches, the objection might have had weight * * * No instance [of a confederacy] [2] has existed in which an equality of voices has not been exercised by the members of it. We are running from one extreme to another. We are razing the foundations of the building. When we need only repair the roof. No salutary measure has been lost for want of a majority of the States, to favor it. If security be all that the great States wish for the 1st. branch secures them. * * * He appealed again to the obligations of the federal pact which was still in force, and which had been entered into with so much solemnity, persuading himself that some regard would still be paid to the plighted faith under which each State small as well as great, held an equal right of suffrage in the General Councils."

Supporting Wilson, Madison said that speakers had urged (id. at 486):

"Continually that an equality of votes in the 2d. branch was not only necessary to secure the small, but would be perfectly safe to the large ones whose majority in the 1st. branch was an effectual bulwark. But notwithstanding this apparent defence, the Majority of States might still injure the majority of people."

1. They could obstruct the wishes and interests of the majority.

I suppose that has happened in the Senate too.

2. They could extort measures repugnant to the wishes and interest of the majority.

I believe that has happened occasionally.

3. They could impose measures adverse thereto; as the second branch will probably exercise some great powers, in which the first will not participate.

That obviously is also a wise observation by Madison.

William Richardson Davie of North Carolina agreed with Ellsworth, opposing the resolution approved by the Committee of the Whole (I Farrand 487–488):

"The Report of the Committee allowing the Legislatures to choose the Senate, and establishing a proportional representation in it, seemed to be impracticable. There will according to this rule be ninety members in the outset, and the number will increase as new States are added. It was impossible that so numerous a body could possess the activity and other qualities required in it. * * * [I]f a proportional representation was attended with insuperable difficulties, the making the Senate the Representative of the States, looked like bringing us back to Congs. again, and shutting out all the advantages expected from it. * * * He thought that in general there were extremes on both sides. We were partly federal, partly national in our Union. And he did not see why the Govt. might not in some respects operate on the States, in others on the people."

Attempting to meet Davie's objection, Wilson (id. at 488):

"Admitted the question concerning the number of Senators, to be embarrassing. If the smallest States be allowed one, and the others in proportion, the Senate will certainly be too numerous. He looked forward to the time when the smallest States will contain 100,000 souls at least. Let there be then one Senator in each for every 100,000 souls, and let the States not having that no. of inhabitants be allowed one. He was willing himself to submit to this temporary concession to the small States: and threw out the idea as a ground of compromise."

Benjamin Franklin then summarized the debate (I Farrand 488):

"The diversity of opinions turns on two points. If a proportional representation takes place, the small States contend that their liberties will be in danger. If an equality of votes is to be put in its place, the large States say their money will be in danger. When a broad table is to be made, and the edges of planks do not fit the artist takes a little from both, and makes a good joint. In like manner here both sides must part with some of their demands, in order that they may join in some accommodating proposition."

To resolve the impasse, he proposed the following resolution (id. at 489):

"That the Legislatures of the several States shall choose & send an equal number of Delegates, namely who are to compose the 2d. branch of the General Legislature—"

However, while the resolution also gave each State an equal voice on several important issues involving the States such as issues affecting their sovereignty, voting strength was to be calculated by taxes paid with regard to appropriations bills.

Benjamin Franklin explained that (id. at 499):

"Let the senate be elected by the states equally—in all acts of sovereignty and authority, let the votes be equally taken—the same in the appointment of all officers, and salaries; but in passing of laws, each state shall have a right of suffrage in proportion to the sums they respectively contribute." [Yates]

Rufus King rejected all proposals for giving each State an equal vote and said that he was (I Farrand 489–490):

"Filled with astonishment that if we were convinced that every man in America was secured in all his rights, we should be ready to sacrifice this substantial good to the phantom of State sovereignty: * * * that he could not therefore but repeat his amazement that when a just Governt. founded on a fair representation of the people of America was within our reach, we should renounce the blessing, from an attachment to the ideal freedom & importance of States: that should this wonderful illusion continue to prevail, his mind was prepared for every event, rather than sit down under a Govt. founded in a vicious principle of representation and which must be as shortlived as it would be unjust. He might prevail on himself to accede to some such expedient as had been hinted by Mr. Wilson: but he never could listen to an equality of votes as proposed in the motion."

Mr. President, that argument by Rufus King once again emphasizes the fact that the only way that our Founding Fathers ever could contemplate providing equal representation for the States in the Senate was to recognize that, illusion that it might be, and artificial creature that a State might be, at least it was a distinct and real entity with a power that was great enough to be a real power; in my judgment the only basic and overriding power in existence in this place at the time.

There was a confederacy, but it was a weak, tentative confederacy; it was nothing more than a treaty or an alliance among the States. Yet, in spite of this, many of the Founding Fathers, close to a majority—in fact, those representing a majority of the people in the Colonies at that time—felt that even under those circumstances, the U.S. Senate should be based on population.

So a compromise was made, and it was made because it was recognized that it was the only way there could be a union. But the Founding Fathers also recognized that the States did, in fact, have sovereign power, an existence, a reality; and also that if there were to be a Federal system, the States should have the dignity of having two representatives in the national body, so that the dignity and sovereignty of the States would be recognized.

Mr. President, I am happy to yield to the distinguished Senator from Illinois.

Mr. DOUGLAS. Mr. President, I congratulate the Senator from Wisconsin for his able statement.

It is my understanding that the Senator from Wisconsin will shortly move, at the instance of the Senate leadership, that the Senate adjourn until the time for convening tomorrow. When that motion is made, I wish to make some comments of my own; namely, that the Senator from Wisconsin should be granted the right to the floor when the Senate convenes tomorrow. I shall not make that request now, but I shall make it when the motion for adjournment is made.

SILVER FOR DEFENSE NEEDS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Colorado [Mr. DOMINICK], without losing my right to the floor, and that his remarks will appear after mine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I appreciate the courtesy of the Senator from Wisconsin in yielding to me at this time.

Mr. President, on September 14, 1964—last Monday—I was privileged to appear before and speak to the annual convention of the American Mining Congress in Portland, Oreg.

In that speech I outlined the source of many of the basic problems facing the mining industry, problems based on Government management and control in great degree.

I dwelt at some length on the silver crisis. I called the situation a mess, and I likened the Government's position to the story of the Italian general in World War II who, after a disastrous battle, stood on a hill with his aide and watched his troops streaming all over the countryside in all directions. He turned to his aide and cried, "Where are they running? Where are they running? I am their leader and must run in front."

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[2] Farrand has taken this phrase from the account of Yates. I Farrand 484, note 5.

This is the Government's position, so far as silver is concerned, and the crisis we are in right now.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of my speech previously referred to.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR PETER H. DOMINICK TO THE AMERICAN MINING CONGRESS, PORTLAND, OREG., SEPTEMBER 14, 1964

Mr. Chairman, colleagues, ladies and gentlemen, it is always a pleasure to have the chance to meet with those men and women whose daily business activities fall into the highest of all categories, productive creativity. Without the development of our natural resources, from water to uranium, this country, and in fact the world, would still be existing in the dark ages. It is a privilege for me to have the opportunity of discussing with you some problems of your industry which daily become more difficult to solve as we seem to continue the trend toward an all-powerful central government.

* * * * *

Now it strikes me that the Federal Government instead of trying to keep half of you flying all the time has been going out of its way to prevent half of you from flying. In every mining field there are constantly increasing Federal controls over your activities.

Let's just outline a few. In the lead-zinc field, continued State Department pressures have prevented passage of realistic legislation to cut back import quotas and provide support for the domestic industry. As a result, the country becomes more and more reliant on foreign supplies.

In the gold mining field, constant and fierce resistance has been expressed by the executive departments of the Federal Government to all efforts to explore programs to revitalize the gold mining industry. Opposition has been sharply expressed even to holding hearings on the problems and as a result, no legislation has been possible.

In the uranium field, the Government entered into long-range contracts to purchase concentrate from South Africa and Canada. Then it provided economic exploration stimuli for U.S. production and very soon we had enough supplies in this country to supply foreseeable needs. At that point the Federal Government started cutting back on domestic uranium procurement, limited milling contracts, and decimated the domestic uranium mining industry while leaving a few companies in a position to stay alive perhaps long enough to enter the private industrial field.

In the meanwhile the foreign contracts were stretched out and we continue to buy foreign uranium concentrates.

In the shale oil field the Interior Department has created more complexities than a Philadelphia lawyer could invent. I have just attended the reopening of the Rifle oil shale facility for research and development of this fabulous natural resource, the reopening representing the culmination of years of intensive effort by legislators and private industry against an array of Federal executive opinion. But this reopening, while a significant step forward, is only the first of a series of steps that need to be taken. The solicitor's office has raised a myriad of problems with respect to patent applications on oil shale lands. Recent decisions of the Department, in fact, raise questions which might well deter even the most resolute from trying to establish a valid discovery in any type of mineral. It now seems to be their position that no mining location can be patented unless the applicant can prove that the mineral is commercially profitable at the very moment of the decision. The fact that it might be a valuable mineral in the ordinary sense of the word, or that it might have been commercially operable a month before presentation or might be commercially operable 1 month later with an anticipated change in price or technology is apparently not enough. This, of course, effects all minerals but is even more pointed when directed at oil shale where commercial development has not yet occurred. In addition, despite a horde of suggested rules and regulations submitted to Interior at its request by private industry, and educational research groups, no visible progress has been made in developing programs for leasing of public lands for oil shale research and development.

Without trying to detail all the problems, which are probably better known to you than to me, I do want to outline for you what can only be called a crisis—to put it mildly the silver situation is a mess. The industry has been urging the Treasury for more than 3 years to develop programs to handle the problem but to no avail. It affects every person who wants to get a cup of coffee, a coke, or a pack of cigarettes from a vending machine. It affects the manufacturers of photographic equipment, batteries and other items to which silver is an essential ingredient. It affects our dollar bills, our banks and our national defense. It has been tentatively discussed by Treasury officials and some witnesses for industry before the Senate Banking and Currency Committee and the House Committee on Government Operations. It has involved the Federal Reserve system in disputes with its own members and has led to a flurry of activity in the mints.

* * * * *

The law of supply and demand and the efforts to avoid its effect are certainly key factors in the situation. A few figures will make this crystal clear.

As of the end of 1963, consumptive demand for silver is estimated as follows, in million ounces:

Consumptive demand for silver

[In million ounces]

	United States	Other countries	Total
Industrial	110.0	137.0	247.0
Coinage	111.3	60.9	172.2
Total	221.3	197.9	419.2

Against these totals production for the same period is estimated at United States, 36, other countries, 174.5; total, 210.5.

From this you can see that total world production in 1963 was 11 million ounces less than U.S. demands alone and approximately one-half of total demands. In addition, you will note that U.S. silver production was about one-sixth of U.S. consumption.

To offset this imbalance the United States had a major supply of silver, located at West Point and San Francisco, estimated at the end of 1963 to be 1½ billion ounces. Obviously, this amount even at the noted rate of depletion would suffice for a considerable period of time but as anticipated by many industry leaders and legislators, consumptive pressures have risen sharply and changed the picture.

As we all know silver coins in the United States have become more and more scarce. It has been necessary to offset this with crash programs to provide more pennies, nickels, dimes, quarters, and half dollars. New presses have been dug out of Defense warehouses, contracts have been given by the Mint to private suppliers for the necessary metallic strip, and productive capacity of our two Mints has been sharply increased. It is estimated that by the fall of 1964, U.S. coin production will have tripled over the comparative period of 1963. This, of course, is a necessary and highly commendable effort by the Mint officials to meet the needs of all Americans. At the same time it can be seen that our use of silver for coins will increase at a tremendous rate and there is every indication that the need for this increased use of silver for coinage will continue.

In April 1964, the Treasury informed me that for the 10-month period, June 1963 to April 1964, 91 million ounces of silver had been set aside for coinage and added that there was on hand sufficient silver for coinage requirements to 1972. Once again, as anticipated and noted above, the demand has far exceeded the hearing estimates.

In 1963, the Silver Purchase Act was repealed and provision made to retire all $1 silver certificates and replace them with Federal Reserve notes. Silver certificates in bulk have been presented to the Treasury for silver bullion and for the period June 4, 1963, to April 2, 1964, the Treasury has informed me that $215.5 million worth of silver certificates were redeemed.

At that time there remained outstanding $1.9 billion of silver certificates and redemptions of these continue at an accelerated rate.

These pressures in turn have steadily increased the silver price on the open market until it threatens to break through the silver value of $1.29 in a silver dollar. If the price should push as far as $1.38, approximately equal to the silver content in lesser coins, considerable fear has been expressed that all U.S. coins will be melted into silver bullion and drive coinage wholly out of circulation.

Hence, the Treasury releases silver from its supply in amounts approximately equal to silver certificates returned to the Federal Reserve System and to date has held the price to $1.29+ to protect its coinage.

From this brief summary you can see that we have a mess. The law of supply and demand wants to raise silver prices substantially. The Treasury releases have prevented this. The time is not far off when Treasury supplies will not be sufficient to hold the price and supply silver for coinage. The vending companies want to keep present coinage as their machines use them at an annual rate of $3.2 billion. Industrial users want to continue to get silver at cheap prices. Producers recognize that silver output cannot be substantially increased without a substantial price rise.

The situation at the moment can only be compared to an overheated pressure cooker with a blocked release valve. Everything is cooking but no one has yet turned off the flame or rigged a substitute relief valve. Reliable estimates now indicate that the whole matter will explode in or before 1966 unless solutions are found.

Some of your industry have been working hard on the problems and various trial balloons have been floated by the Treasury. These have ranged from doubling the monetary value of existing coins, to calling back all existing coins and replacing them with nonsilver alloys. The former would automatically increase silver prices to the users and, hence, is being resisted strenuously. The latter would involve not only opposition from the vending companies which would have to revamp all their machines at enormous cost, but the political reaction of the American people to demonetization, particularly by an administration which has often been termed fiscally irresponsible.

I suggest that a number of solutions to the silver problem are feasible.

We need silver for defense. Then let's set aside within existing Treasury supplies an amount sufficient to meet these needs—perhaps 300 to 500 million ounces.

We need relief for our coinage. Perhaps this could be worked out with less capital dislocation to industrial users by issuing a new series of coins in 20-, 30-, 40-, and 70-cent pieces containing a lower silver content. Sooner or later under Gresham's law these would drive out existing coins but it might give needed time relief by letting silver prices rise to stimulate production without introducing nonsilver coins.

I do not pretend to have a pat solution for all of these problems but there are some facts which stand out.

Production of silver is artificially low because of governmental restraints on the operation of the law of supply and demand.

Production of lead-zinc is artificially low because of governmental insistence on improving the economy of other countries.

Production of gold is artificially low because of governmental enforcement of a 1935 price-setting order.

Production of oil from oil shale is being sharply hampered because of governmental legal and policy restrictions.

As a result of these governmental policies, the mining industry has been forced into programs calling for subsidies and the creation of artificial markets for its products. I know that you do not like this, but you have been forced to agree in many cases in order to survive, even on a limited basis.

The American mining industry has an astounding resilience. My faith in it leads me to believe that these problems can and will be solved. Almost all solutions will require some kind of Federal legislative action or the pressure cooker will explode. Needless to say, I look forward to working with you in finding these solutions.

Mr. DOMINICK. Mr. President, upon my return, I had received more recent information from Mr. Robert V. Roosa, Under Secretary of the Treasury. I believe that this information further highlights the crisis we face and the mess we are in. I ask unanimous consent to insert at this point in the RECORD a copy of my letter of September 8, 1964, to Under Secretary Roosa and a copy of his reply, together with the tables provided.

There being no objection, the letters and tables were ordered to be printed in the RECORD, as follows:

SEPTEMBER 8, 1964.

The Honorable ROBERT V. ROOSA,
Under Secretary for Monetary Affairs,
Department of the Treasury,
Washington, D.C.

DEAR MR. ROOSA: As you know, I have been concerned with the silver situation for some time and have spoken to you about it on the telephone as well as in committee hearings.

As assistance to my full understanding of our position, it would be most helpful if you would have someone on your staff furnish me with the following data:

1. The amount of silver in fine ounces and in dollar value held by the Treasury as of the most recent reporting date;
2. The difference in these figures from the same figures as of the end of 1963, 1962, 1961, and 1960;
3. The dollar volume of silver certificates retired since passage of the recent act, and the amount of fine ounces released to cover the retirements;
4. The rate of retirement of silver certificates on a monthly basis computed in dollars and in fine ounces;
5. The estimated amount of Treasury silver to be used for coinage this year and for calendar 1965;
6. The actual or estimated amount of silver released by the Treasury which is going into the hands of overseas holders;
7. The amount of silver being purchased by the Treasury, if any;
8. The rate of silver withdrawals from the Treasury to supply demands of other governmental agencies computed in dollars and fine ounces.

I am fully aware that this problem is a "ticklish" one, that you and others are working on possible solutions, and that publicity is being avoided. The above information, however, is not readily available to me through other sources and will help my analysis of proposed solutions which reach me from private sources.

Sincerely,

PETER H. DOMINICK,
U.S. Senator.

UNDER SECRETARY OF THE TREASURY,
Washington.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: This is in reply to your letter of September 8, in which you raise several questions about the silver stocks of the Treasury.

In answer to the first two questions of your letter, there is enclosed a table showing in ounces and dollars the amount of silver bullion held at the end of calendar years 1960, 1961, 1962, and 1963, as well as the amount held on September 3, 1964, the latest date available. For your information, silver dollars have also been included in the table.

In answer to questions 3 and 4, there is enclosed a table showing the silver certificates that have been retired in order to secure silver bullion for coinage, as well as the silver certificates that have been exchanged for bullion by the public; also, the number of silver dollars that have been paid out with the resulting retirement of silver certificates.

In answer to question 5, on the basis of present legislation and appropriation, it is estimated that 195 million ounces of silver will be used for coinage in 1964, and 235 million ounces in 1965. (It should be noted that the estimated silver used in coinage in 1964 and 1965 reflect the high level of output required to meet the current coin shortage, to which hoarding is contributing. As the shortage is overcome, coinage needs will decline.)

In answer to your question 6, concerning private individuals or firms dealing in silver, we do not attempt to supervise the use of silver after silver certificates have been redeemed, any more than we attempt to supervise the use of silver dollars when they are obtained through the redemption of silver certificates. Silver bullion and ore-bearing materials are exported and imported and as a rule there is a net importation of silver into the United States. There are enclosed tables covering the exports and imports of silver bullion and ore-bearing materials on a monthly basis for the calendar year 1963 and the first 7 months of 1964.

In answer to question 7, the Treasury purchased 242,021.37 ounces of silver in calendar year 1962; 344,331.14 ounces in calendar year 1963; and 241,229.23 ounces through July of this year. Practically all the silver purchased was that which was contained as an integral part of gold deposits.

The rate of silver withdrawals from the Treasury to supply demand of other Government agencies which you requested in question 8, amounted to 674,320.24 ounces in calendar year 1961; 390,630.15 ounces in calendar year 1962; 6,112,219.75 ounces in calendar year 1963; and 5,071,673.25 ounces so far in 1964.

I trust this will provide the information you wish.

Sincerely yours,

ROBERT V. ROOSA.

Reduction in silver bullion and silver dollars securing certificates, by months, beginning June 1963

[Daily Treasury statement basis]

Month	Bullion released for coinage		Bullion exchanged for certification		Silver dollars paid out (net)
	Ounces	Value	Ounces	Value	
1963—June [1]	4,000,000	$5,171,717.17			$3,896,577
July	5,000,000	6,464,646.46	------	------	7,080,350
August	15,000,000	19,393,939.38	------	------	8,439,125
September	9,000,000	11,636,363,63	772,481.5	$998,764	3,500,032
October	10,000,000	12,929,292.92	3,591,055.6	4,642,981	3,648,029
November	8,000,000	10,343,434.34	6,845,056.5	8,850,174	6,044,528
December	9,000,000	11,636,363.62	7,764,502.7	10,038,953	8,488,424
1964—January	5,000,000	6,464,646.46	3,403,615.4	4,400,634	1,292,172
February	15,000,000	19,393,939.38	1,804,806.4	2,333,487	3,009,297
March	15,000,000	19,393,939.38	3,572,474.6	4,618,957	21,309,365
April	15,000,000	19,393,939.38	7,281,678.9	9,414,696	[2] (23,767)
May	14,000,000	18,101,010.09	3,688,775.6	4,769,326	37,313
June	11,000,000	14,222,222.21	9,418,659.7	12,177,661	3,452
July	18,000,000	23,272,727.26	2,117,453.8	2,737,718	[2] (496)
August	19,000,000	24,565,656.55	5,740,999.2	7,422,706	[2] (3,958)
Total	172,000,000	222,383,838.23	56,001,559.9	72,406,057	66,720,443

[1] Public Law 88-36 passed June 4, 1963.

[2] Increase.

U.S. exports and imports of silver, by months, January through July 1964

[In troy ounces]

	Exports			Imports			Net (exports (+) or imports (−))
	Ore and base bullion	Bullion refined	Total	Ore and base bullion	Bullion refined	Total	
January	21, 025	3, 881, 498	3, 902, 523	4, 678, 797	713, 335	5, 392, 132	−1, 489, 609
February	69, 228	5, 214, 897	5, 284, 125	4, 009, 460	975, 941	4, 985, 401	+298, 724
March	55, 132	3, 295, 987	3, 351, 119	4, 028, 941	702, 701	4, 731, 642	−1, 380, 523
April	51, 488	8, 375, 380	8, 426, 868	1, 896, 889	621, 571	2, 518, 460	+5, 908, 408
May	71, 303	2, 785, 047	2, 856, 350	4, 533, 471	1, 058, 904	5, 592, 375	−2, 736, 025
June	91, 764	3, 519, 504	3, 611, 268	3, 132, 244	622, 322	3, 754, 566	−143, 298
July	65, 507	4, 674, 370	4, 739, 877	4, 165, 664	963, 424	5, 129, 088	−389, 211
Total	425, 447	31, 746, 683	32, 172, 130	26, 445, 466	5, 658, 198	32, 103, 664	+68, 466

Source: Bureau of the Census, Department of Commerce.

U.S. exports and imports of silver, by months, 1963

[In troy ounces]

	Exports			Imports			Net (exports (+) or imports (−))
	Ore and base bullion	Bullion refined	Total	Ore and base bullion	Bullion refined	Total	
January	5, 394	2, 054, 195	2, 059, 589	2, 881, 279	1, 002, 818	3, 884, 097	−1, 824, 508
February	108, 000	2, 454, 231	2, 562, 231	3, 718, 094	864, 873	4, 582, 967	−2, 020, 736
March	17, 326	1, 200, 096	1, 217, 422	3, 210, 774	3, 217, 007	6, 427, 781	−5, 210, 359
April	36, 800	2, 517, 077	2, 553, 877	2, 936, 474	1, 005, 476	3, 941, 950	−1, 388, 073
May	28, 100	2, 095, 823	2, 123, 923	3, 978, 088	1, 594, 525	5, 572, 613	−3, 448, 690
June	18, 650	2, 005, 692	2, 024, 342	4, 342, 350	1, 360, 005	5, 972, 355	−3, 948, 013
July	--------------	112, 928	112, 928	3, 621, 792	1, 706, 989	5, 328, 781	−5, 215, 853
August	18, 000	1, 179, 390	1, 197, 390	3, 228, 975	858, 426	4, 087, 401	−2, 890, 011
September	488, 982	1, 607, 846	2, 096, 828	4, 180, 859	1, 841, 083	6, 021, 942	−3, 925, 114
October	78, 590	4, 204, 798	4, 283, 388	2, 682, 594	1, 699, 236	4, 381, 830	−98, 442
November	497, 702	8, 088, 802	8, 586, 504	2, 659, 946	1, 112, 650	3, 772, 596	+4, 813, 908
December	--------------	2, 665, 633	2, 665, 633	4, 219, 207	868, 617	5, 087, 824	−2, 422, 191
Total	1, 297, 544	30, 186, 511	31, 484, 055	41, 660, 432	17, 401, 705	59, 062, 137	−27, 578, 082

Source: Bureau of the Census, Department of Commerce.

Treasury's holdings of silver bullion and dollars, 1960–63 and Sept. 3, 1964

	Silver bullion backing silver certificates		Other silver bullion		Silver dollars backing silver certificates		Total ounces	Total dollars	Decrease	
	Ounces	Dollars	Ounces	Dollars	Ounces	Dollars			Ounces	Dollars
End of calendar year—										
1960	1, 741, 839, 335. 5	2, 252, 075, 098. 77	123, 528, 745. 3	88, 899, 932. 12	124, 862, 183. 9	161, 437, 975	1, 990, 230, 264. 7	2, 502, 413, 005. 89	--------------	--------------
1961	1, 730, 539, 335. 5	2, 237, 464, 997. 77	28, 457, 383. 6	24, 183, 871, 64	101, 039, 729. 6	130, 637, 226	1, 860, 036, 448. 7	2, 392, 286, 095. 41	130, 193, 816. 0	110, 126, 910. 48
1962	1, 654, 494, 335. 4	2, 139, 144, 189. 75	36, 987, 896. 9	30, 478, 599. 35	73, 642, 576. 3	95, 214, 644	1, 765, 124, 808. 6	2, 264, 837, 433. 10	94, 911, 640. 1	127, 448, 662. 31
1963	1, 532, 538, 548. 6	1, 981, 463, 980. 59	25, 223, 063. 6	18, 802, 183. 90	22, 097, 981. 1	28, 571, 127	1, 579, 859, 593. 3	2, 028, 837, 291. 49	185, 265, 215. 3	236, 000, 141. 61
Sept. 3, 1964	1, 382, 873, 446. 3	1, 787, 957, 585. 88	21, 092, 766. 4	19, 761, 663. 91	2, 279, 921. 3	2, 947, 777	1, 406, 236, 134. 0	1, 810, 667, 026. 79	173, 613, 459. 3	218, 170, 264. 70
Total decrease	--------------	--------------	--------------	--------------	--------------	--------------	--------------	--------------	583, 984, 130. 7	691, 745, 979. 10

Mr. DOMINICK. Mr. President, first of all, in my speech I recommended that the Treasury set aside a specific amount of silver in ounces for defense purposes.

I wish now to point out the reasoning for this, or the reasons behind it; and I can do it very simply by quoting from one or two statements made by Under Secretary Roosa in answering my letter.

The first thing he said was:

> The rate of silver withdrawals from the Treasury to supply demand of other Government agencies which you requested in question 8, amounted to 674,320.24 ounces in calendar year 1961; 890,630.15 ounces in calendar year 1962; 6,112,219.75 ounces in calendar year 1963; and 5,071,673.25 ounces so far in 1964.

Thereby showing that there has been at least an increase of 10 times between 1961 and to date in the demand by other governmental agencies for silver supplies held by the Treasury. These are largely used, for example, in batteries, photographic supplies, and in defense needs, including the Polaris submarine.

It is worthy of note that unless we do something about setting a supply of silver aside for defense needs, we are suddenly going to find ourselves trapped in the position where we do not have enough production of silver in the United States to even supply the defense needs of this country.

So long as we have a supply on hand of silver presently available in the Treasury, it seems to me to be nonsense not to set aside some portion of this silver for that purpose.

The Interior Department came out today to have a study made to meet the Department of Interior's primary responsibility to assure an adequate supply of minerals to meet industrial and strategic needs of the Nation as effectively as possible.

So the Interior Department itself is aware of this situation.

As I pointed out in the speech, the Treasury informed me in April of 1964 that we had enough silver to take care of coinage requirements until 1972. And even though we were experiencing coin shortages in April of this year, the problem has now become much worse. The Treasury has now embarked on a crash program to supply enough coins for the country. This, they hope, will offset the shortage. They plan to double production from 4.3 billion coins in fiscal 1964 to 8 billion in fiscal 1965. This is extremely important. This is one of the fundamental things that we must do through the mint—provide enough coins to be able to supply the American public with their needs.

After the Treasury stopped their outright market sales in November 1961, the outflow of silver from their stocks still continued to increase. During the calendar year 1963, this outflow doubled from calendar year 1962. It does not take a mathematical genius to determine that the Treasury will be out of silver for coinage purposes, or perhaps for any other purpose, long before 1972. Some reliable sources estimate that it may happen as early as 1966.

Our domestic production of silver continues to seriously lag behind our domestic consumption. The United States consumes six times more silver than it can produce and production continues to decrease while consumption increases. Throughout the world the problem is nearly as acute. World consumption continues to exceed world production by a 2-to-1 margin. In fact, the 1963 world production figures were 210.5 million ounces while the consumption of the United States alone was 221.3 million ounces, or more than the entire world production.

The U.S. Treasury continues to serve as the "bargain basement" for the world. And, I am talking about their supply of silver. The Treasury holds the price of silver at about $1.29 an ounce by selling its silver under the guise of redeeming silver certificates. The law of supply and demand is thwarted in this manner. For instance, during 1963 the Treasury imported 59,062,137 ounces of silver, but exported 31,484,055 ounces. Through July of 1964, we have imported 32,103,664 ounces, but we have exported 32,172,130 ounces. Thus, through July of this year, we have actually sold, during 1964, 68,466 ounces more silver to foreign countries than we have purchased from them. What kind of idiotic nonsense is this? Why are we selling more silver abroad than we are importing? The answer is simple—it seems to me, at least. The Treasury is trying to hold the price at $1.29. They are trying to avoid the law of supply and demand. If there were plenty of silver in the Treasury, it might work; but with our rapidly dwindling supply, it becomes dangerous. The reason that the Treasury continues to keep the price down is that they fear a rise in price would cause our coins to be melted down for their silver content. Obviously, coins are already being hoarded—Gresham's law is already beginning to operate. The thrust of my remarks today is that we must come to grips with the basic issue. We will only be able to produce more silver in this country when we allow the price of silver to seek its price in the market.

I do not have any "pat" answer as to how this may be handled. But I do have a couple of suggestions which might be of real use in trying to solve the silver problem. I insist that we must face our problems now, while there is yet time, instead of waiting until our silver is all gone. We ought at least to be able to sit down with the authorities, to bring this problem out into the open, and to try to find some rational solutions to the problem.

Only today the Department of Interior announced a program which it described as designed to alleviate the silver shortage and stimulate domestic production. I ask unanimous consent to have a copy of this release printed at this point in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

INTERIOR TAKES ACTION TO EXPAND SUPPLIES OF SILVER

The Department of the Interior announced today that it is taking action to forestall a possible shortage of silver and to expand supplies of silver for essential national defense and civilian requirements, such as rocket and jet aircraft construction.

A special study, conducted by the Bureau of Mines on instructions from Secretary of the Interior Stewart L. Udall, reveals:

New uses for silver in solid fuel rockets, supersonic jets, and special purpose batteries, added to conventional strategic uses, make any shortage of silver a potential threat to national security.

While domestic mines have produced an average of only 34 million troy ounces annually over the past 5 years, average domestic consumption over the same period has been 106 million troy ounces annually, over three times the volume of production from mines.

From 60 to 65 percent of silver from domestic sources is derived as a byproduct from processing ores mined principally for their lead, zinc, or copper content. The report stated that, as a result, increased silver prices cannot be wholly effective in stimulating silver output.

The Nation's principal foreign suppliers of silver—Canada, Mexico, and Peru—also obtain most of their silver as a byproduct of other mining activity. Also, the free world has been a deficit silver supply area for 5 years. With the outlook for continued shortage, imports cannot be looked to as a likely solution.

To meet the Department of the Interior's primary responsibility to assure adequate supplies of minerals to meet the industrial and strategic needs of the Nation as effectively as possible, Secretary Udall has:

Directed the Office of Minerals Exploration—after he consulted with appropriate congressional committees—to increase the percentage of Federal financial assistance from a current maximum of 50 percent to 75 percent of the total cost of new private silver exploration ventures.

Instructed the Office of Minerals and Solid Fuels to determine potential silver supplies available to meet mobilization needs and to develop information needed to establish an adequate mobilization base.

Ordered the Geological Survey to initiate a reconnaissance program to outline favorable areas for the occurrence of near-surface, high-silver deposits in Nevada. Initial work will entail geologic mapping and geothermal reconnaissance. Later studies will utilize experimental methods and techniques, and may include physical exploration of promising areas.

Directed the Bureau of Mines to place particular emphasis on silver in mining and metallurgical research and also in its nationwide resource evaluation investigations.

"We intend to make every effort to insure a silver supply adequate to the Nation's needs," Secretary Udall said. "Developments are being watched closely and the Department is giving top priority to all aspects of the silver situation."

Mr. DOMINICK. Mr. President, the gist of this announcement is that they propose to increase the percentage of Federal financial assistance by the Office of Minerals Exploration from 50 to 75 percent of the total cost of new private silver ventures. This proposal would not affect the price, mind you; it would merely increase the percentage of Federal funds to be used in finding new supplies. We will have to wait to get the opinions of the mining experts to see how meaningful this proposal may be. However, I should like to point out that there is considerable disagreement between various silver interests over this issue. In recent hearings, the spokesmen for the silver users contended that new domestic silver production could not be stimulated even if the price of silver doubled. This is disputed by mining experts. The Treasury, quite artfully, has said it does not really know.

I hope that this latest proposal will be of help, but I must point out that it still does not come to grips with the law of supply and demand. No matter how much Government assistance a miner gets, he still must market his product. If he cannot market his product at the current market price, then we have not really solved anything, no matter how much Federal money we may put into it.

I must also point out that if additional silver supplies are discovered through this stimulation, it will take a considerable period of time before production can be obtained, even if a price rise made such production profitable.

As I stated, I certainly hope that the Interior Department's actions will be helpful to the production of additional silver supplies. But I would suspect that it may be more calculated to obtain votes for western Democratic Senators now in tough races for reelection.

I say this deliberately. It seems to me that we have not tried to come to grips with the fundamental problem. That problem is that one cannot get marketed additional supplies of silver until such time as the law of supply and demand has operated, the price if silver has gone up, and thereby stimulated the production of additional silver. In the meantime, while we are doing that, we may devise some system to help out with problems which this will create in our coinage problem which we are now facing.

RELIEF OF NORA ISABELLA SAMUELLI

Mr. PROXMIRE. Mr. President, the Committee on the Judiciary yesterday ordered that two private claim bills, S. 2413 and S. 2414, for the relief of Nora Isabella Samuelli be favorably reported to the Senate.

In behalf of the Senator from Kentucky [Mr. COOPER], I wish to say that he had introduced the bills on December 20, 1963, for himself and the Senators from New York [Mr. JAVITS and Mr. KEATING], and is very glad that the committee has recommended their enactment.

The Senator from Connecticut [Mr. DODD] had also introduced a bill on this subject, and, as a member of the Committee on the Judiciary, has worked unceasingly to search out the facts and to secure the approval of the bills.

The Senator from Rhode Island [Mr. PELL] has also joined from the beginning in the efforts of the Senators to assure fair and proper relief for Miss Samuelli. Also, the Senator from Indiana [Mr. HARTKE] has been in touch with the committee, expressing his support for these bills.

Because of their deep interest and help on this case, the Senator from Kentucky has asked me to ask unanimous consent that the names of Senator DODD, Senator PELL, and Senator HARTKE be added as cosponsors of S. 2413 and S. 2414 when the bills are reported by the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. PROXMIRE. Mr. President, at the specific request of the leadership, I move that the Senate adjourn until 11 o'clock tomorrow morning.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin withhold his motion?

Mr. PROXMIRE. Mr. President, I withhold my motion.

Mr. DOUGLAS. Before the motion is made, I ask unanimous consent that when the Senate reconvenes tomorrow, the Senator from Wisconsin [Mr. Proxmire] shall have the right to the floor and be privileged to continue his speech after the morning hour.

The PRESIDING OFFICER. After morning business has been concluded?

Mr. DOUGLAS. After morning business has been concluded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. Before the motion to adjourn is renewed, I invite the attention of Senators and the country to the significance of the statement of the Senator from Wisconsin that this action is being taken at the request of the Senate leadership. It is now almost 6 o'clock in the evening. Generally, the Senate convenes at 12 o'clock noon. But the Senate leadership wishes to have the Senate convene an hour earlier tomorrow. We are very glad to conform to this request.

The Record will bear out the fact that we who are opposed to the Dirksen-Mansfield amendment were ready to have a vote on the Javits-McCarthy-Humphrey substitute on Monday instead of Tuesday, but the leadership found it impossible to get a group together on Monday and so asked to have the vote go over until Tuesday. We have made every effort to be cooperative.

I congratulate the Senator from Wisconsin for his fine address today. He has given a scholarly analysis of the circumstances attending the Constitutional Convention. The references, I take it, are basically drawn from Madison's journal of the Constitutional Convention.

The Senator from Wisconsin has made such a valuable contribution to this debate that I believe that tomorrow he should have a much larger attendance of Senators listen to him than has been his lot today. It will be fully within the realm of cooperation, which we have always shown, to have invited to the meeting tomorrow a large number—indeed, a quorum—of the Members of the Senate to hear the excellent address by the Senator from Wisconsin.

We hope, therefore, that Senators will be in attendance throughout the day tomorrow, so that they may hear the addresses of the Senator from Wisconsin and certain other Senators. I thought that in all honesty I should make this statement tonight, so that Senators should not proceed to go to all parts of the country, but should perform their duties while the Senate is in session.

Mr. PROXMIRE. I thank the distinguished Senator from Illinois. Audiences are measured by quality, not by quantity. Whenever the Senator from Illinois [Mr. Douglas] is on the floor listening, so far as I am concerned, that is as good as having a full attendance of the Senate.

Mr. President, I renew my motion that the Senate adjourn until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 58 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 17, 1964, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 16:

Coast and Geodetic Survey

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Coast and Geodetic Survey.

To be lieutenants

Robert A. Ganse
David V. Sibila
James H. Allred

To be lieutenants (junior grade)

Stephen Z. Bezuk
David G. Hickerson
Gerald W. Hohmann
Richard H. Allbritton
Frank H. Branca
Richard A. Rader
William L. Newton, III
Edward R. Dohrman
Christopher E. Krusa
Richard P. Williamson
Richard J. De Rycke
Allan Jenks
Ned C. Austin
James J. Lium
Bruce L. McCartney
Larry L. Lewis
Ronald K. Brewer
Jeffrey G. Carlen
David L. Des Jardins, Jr.
Gordon E. Mills

To be ensigns

William R. Klesse
Gerald M. Ward
William S. Plank
Richard V. O'Connell
Philip L. Richardson
Ralph H. Rhudy
Walter S. Simmons
Frederick G. Paulsen
Jeffrey L. Gammon
Peter K. Reichert
Ellis G. Campbell, III
Gary E. Rorvig
Bobby D. Edwards
Donald R. Rich
Marshall A. Levitan
A. David Schuldt
George M. Ensign
Richard M. Petryczanko
Clifford A. Wells
Floyd S. Ito

In the Marine Corps

The following-named officers of the Marine Corps for temporary appointment to the grade of lieutenant colonel subject to qualifications therefor as provided by law:

Robinson, Gus
Head, Ralph M.
Sears, Redford D.
Harris, LeRoy C., Jr.
McCutchan, Robert C.
Cummings, William M.
Bodley, Charles H.
Kelly, James P.
Holicky, Joseph J.
Johnson, Robert L.
McNeely, Robert L.
Summers, Theodore
Kirby, Edward K.
Stevens, Thomas J.
Alison, James C.
Haney, James M.
Estes, Donald E.
Knight, Frederic S.
Scharfen, John C.
Santee, Robert E.
Blagg, Russell E.
Smith, Donald H.
King, Charles F., Jr.
Kurowski, Anthony R.
Davis, Joseph L.
Horn, James A.
Runyan, Clair "F"
Magruder, Bruce, Jr.
Gately, William F., Jr.
Barry, Richard S.
Scharnberg, George R.
Pearcy, Eddie E.
Tucker, Chester E.
Nilsen, George H.
Green, Thomas N.
Schimmenti, Joseph A.
Steinway, Robert A.
Mazzuca, Paul, Jr.
Whitebread, Robert C.
Reed, Jack L.
Schreier, William J.
White, William J.
Miller, Robert T.
New, Noah C.
Pytko, Albert R.
Lillich, Gerald L.
Morgan, James L.
Drury, John W.
Fredericks, Harold D.
Davis, William J.
Dawson, Thomas E.
Fox, George C.
Hunt, Forest J.
Shutler, Philip D.
Galbraith, Thomas H.
Arkland, Ezra H.
Jesse, William L.
Kliefoth, George C.
Belbusti, Albert F.
Timmes, Edward A.
Simpson, Parks H.
Steed, Robert E.
Pieti, Jerome N.
Walsh, John J.
Henry, Kenneth W.
Tardif, Donald W.
Lucy, Robert M.
Snow, Melvin W.
Crowley, Richard W.
Waldrop, Floyd H.
Cothran, Charles A.
Vernon, Thomas E.
Harris, Jack W.
Bunnell, Charles F., Jr.
Pearson, Martin
Holt, Edward Y., Jr.
Evans, Donald L., Jr.
Murphree, Thomas E.
Flores, James R.
Jaworski, Edmund W.
Puckett, Eugene R.
Westerman, Jack
Schneeman, Charles J., Jr.
Young, Edwin M.
Carper, Esten C., Jr.
Uffelman, Paul R.
Vosmik, Joseph M.
Brady, Byron F.
Marousek, Lawrence A.
Mooney, Arthur R.
Caridakis, George
Eykyn, Richard G.
Marlowe, William H.
Gardner, Marvin D.
Cummings, Brian J.
Purdum, Frederick K.
Masterpool, William J.
Erickson, Loren T.
Young, James R.
Post, Robert J.
Smith, Robert N.
Hess, John J.
DuCharm, Roy M.
Damm, Raymond C.
Van Cleve, Roy R.
Murphy, Edward S.
Roeder, Raymond E., Jr.
Johnson, Richard M.
Hittinger, Francis R., Jr.
Garm, Philip J.
Trapnell, Nicholas M., Jr.
Deptula, Edwin A.
Swords, John J.
McCloskey, Donald V.
Sullivan, Ralph E.
Paradis, Eugene J.
Hudson, Floyd G.
Counselman, John D.
O'Keefe, Keith
Harrell, James E.
Kavakich, Nicholas
Rudzis, Edwin M.
Stemple, James W.
Snelling, Edward W.
Moore, Ben A., Jr.
Muir, Joseph E.
Ruggiero, Alexander S.
Schryver, Hugh C., Jr.
Gastrock, Joseph K., III
Crocker, William G.
Hanlon, Edmund W.
Morrow, Richard C.
Fields, Paul R.
Brimmer, Donald R.
Sharon, Donald W.
Jones, Donald R.
Stuart, Vaughn R.
Cahill, John J. H.
Gallman, James R., Jr.
Phelps, Laurence M., Jr.
Werner, Robert F.
Wirth, LeRoy K.
Dickey, Robert R., III
Collins, Edward E.
Kenyon, Joris F.
Nolan, Jack L.
Carey, Richard E.
Hall, Edward C., Jr.
Coffman, Harold L.
Utter, Leon N.
Aitken, Hugh S.
Adams, Nate L., II
Scott, Kenneth M.
Doezma, Richard M.
Duncan, Edward F.
Starek, Robert H.
Hermes, Jack M.
Kelley, David D., Jr.
Newton, Minard P., Jr.
Williams, Kenneth C.
Hetrick, Lawrence W.
McClure, Mack R.
Heyer, Wallace A.
Mason, Ronald A.
Winter, Robert M.
Balzer, George T.
Brown, Dale L.
Wayerski, Joseph R., Jr.
Tief, Francis W.
Cooney, Orville D.
Doster, Grover C., Jr.
Cole, Doyle H.
Engesser, Robert B.
Lundin, Herbert V.
Mooney, Thomas G.
Osserman, Stanley J.
Cory, Orie E.
Geddes, David G.
Fuller, George E.
Troxler, George W.
Kelly, Hercules R., Jr.
Vogt, Timothy S.

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel subject to qualification therefor as provided by law:

Stallknecht, Edward S.
Canzonieri, Jack V.
Ragsdale, Evieo
Davis, Paul L.
Anthony, Robert J.
Closson, Robert E. L.
Ely, Richard O.
Dawes, Henry T.
Buckley, Roger D.
Dwiggins, William M.
Self, John L.
Rapp, John A.
Zielinski, Edward L.
Pyles, Howard E.
Livingston, Charles R.
Blass, Lytton F.
Roberts, Henry G.
Varley, William J.
Bailey, Jack F.

In the Air Force

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

FIRST LIEUTENANT TO CAPTAIN

Line of the Air Force

Abballe, William D., 66538A.
Abbey, Wayne T., 73552A.
Abbott, Fred F., 50260A.
Abel, Richard C., 49741A.
Abel, William R., 66553A.
Abernathy, John B., 49742A.
Abney, James L., 66510A.
Absher, Jerry M., 66487A.
Accountius, Jacki C., 49743A.
Acken, Richard A., 66831A.
Ackerson, Gerald G., 51509A.
Ackerson, Robert D., 74326A.
Ackroyd, Robert A., 72475A.
Acree, George W., II, 58830A.
Adair, Eugene T., III, 51495A.
Adam, Wallace B., 63132A.
Adams, Charles G., 67231A.
Adams, Floyd P., 74327A.
Adams, James J., 76204A.
Adams, Jimmie V., 58872A.
Adams, Jordan E., III, 66707A.
Adams, Kenneth B., 51479A.
Adams, Lynn D., 71753A.
Adams, Robert M., 66611A.
Aday, John B., Jr., 66666A.
Adelsperger, Russell W., 58974A.
Adkins, Charles W., 74329A.
Aguayo, Jose J., 66837A.
Ahearn, Joseph A., 63104A.
Ahr, Warren J., 67058A.
Aiello, Charles F., 58934A.
Akerson, Edward A., Jr., 58956A.
Akin, Aubrey L., Jr., 55077A.
Albright, Daniel E., 72959A.
Aldred, William, Jr., 66955A.
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Britt, John R., 71659A.
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Brown, Charles V., 63138A.
Brown, Charles W., 67183A.
Brown, Dwight, Jr., 61738A.
Brown, Eldon P., 74421A.
Brown, Harry W., III, 49765A.
Brown, Hazel M., 72985W.
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Brown, James H., 58958A.
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Brumfield, Tom W., Jr., 50280A.
Brunton, Rodney F., 75745A.
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Brutosky, Stephen L., 74425A.
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Brymer, Gordon J., 66655A.
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Bucher, Richard H., 50980A.
Bucholz, Norman F., 66546A.
Buck, Norman C., 72498A.
Buckalew, Richard J., 49771A.
Buckelew, Wilfred F., Jr., 66355A.
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Buie, Clifford B., Jr., 72988A.
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Bulin, George V., Jr., 73582A.
Bullard, Stanley G., 71913A.
Bullock, Warren P., Jr., 66582A.
Bultman, Richard P., 72263A.
Bunce, Dean R., 66833A.
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Burch, George A., 66443A.
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Burger, Jack T., 71522A.
Burgess, John C., 74429A.
Burgoyne, Roscoe H., 66568A.
Burkett, Theodore J., 66920A.
Burnett, Bernard B., 55035A.
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Burns, Robert M., 67104A.
Burrus, George C., 51526A.
Burt, John W., 73584A.
Burton, James R., 58959A.
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Bussard, Neil C., 72264A.
Bussey, Charles W., Jr., 62334A.
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Byrd, Herman L., 55302A.
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Caddell, Harold L., 61902A.
Cain, George D., 72499A.
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Hubbard, Perry R., 66431A.
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Jacobsen, Eric P. S., 66682A.
Jaeger, Henry K., 49886A.
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Johnston, Raymond O., 71681A.
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Jones, William M., Jr., 66708A.
Jordan, Jennie R., 73645W.
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Jungle, Henry, Jr., 73646A.
Junkin, Jackie G., 55009A.
Junkmann, Laverne G., 61635A.
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Kaiser, Sanford B., 73648A.
Kane, Jackie J., 63114A.
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Krotz, Larry D., 54893A.
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Lawrence, James E., 66015A.
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Lazarus, Allan R., 51003A.
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Moore, Madeline A., 62845A.
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Moore, Willard T., 66519A.
Moore, Wylie, Jr., 61900A.
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Quayle, Ronald J., 63135A.
Quinby, Charles F., 63098A.
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Raab, Richard M., 62445A.
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Rachlis, Warren P., 73096A.
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Raetz, Bernard E., 66887A.
Ragagli, Dino M., 73723A.
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Ray, Neil C., 75031A.
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Schaub, Louis J., 72563A.
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Schell, John J., 72312A.
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Sirgo, George L., Jr., 71887A.
Sisel, Dale F., 66690A.
Sitterly, Lewis F., 63185A.
Sizemore, Thomas J., 66663A.
Skaggs, Stephen L., 72568A.
Skinner, Charl R., Jr., 55249A.
Skipper, Thomas A., 67172A.
Skoglund, Rodney A., 66735A.
Skouson, Garth W., 73753A.
Skovgaard, Richard A., 55985A.
Skucas, Donatas, 63107A.
Slafkosky, Alexander R., 50005A.
Slater, Stanley A., 50006A.
Sloan, George M., 50007A.
Sloan, Joseph W., 66841A.
Slyder, Richard L., 50008A.
Smiley, David D., Jr., 66586A.
Smith, Barry J., 61489A.
Smith, Bernard W., 61729A.
Smith, Bobby D., 75114A.
Smith, Calvin, Jr., 66581A.
Smith, Carl M., 55287A.
Smith, Charles S., 61658A.
Smith, Deane E., 73754A.
Smith, Donald E., 58997A.
Smith, Donald V., 73110A.
Smith, Douglas L., 75116A.
Smith, Eric E., 63108A.
Smith, Frank M., 50009A.
Smith, Fred D., 62834A.
Smith, George D., 73756A.
Smith, George L., 66397A.
Smith, George N., 75117A.
Smith, George W., 67112A.
Smith, Howard K., 63094A.
Smith, James M., 71800A.
Smith, Larry L., 61659A.
Smith, Leo W., II, 50010A.
Smith, Leon B., II, 66551A.
Smith, Monroe T., 59456A.
Smith, Paul G., 55990A.
Smith, Raymond W., 73757A.
Smith, Richard E., 63103A.
Smith, Richard N., 63080A.
Smith, Robert E., 66463A.
Smith, Robert G., 69619A.
Smith, Robert G., 76710A.
Smith, Robert T., 66718A.
Smith, Roger J., 55238A.
Smith, Walter E., 63142A.
Smith, Weston T., 58846A.
Smith, Willis A., Jr., 50011A.
Smither, Chester P., Jr., 51622A.
Smulczenski, Lawrence A., 66719A.
Smullen, Harold C., II, 51417A.
Snead, Jonathan H., 51000A.
Snipes, Conway G., 67188A.
Snow, Malcolm J., 66839A.
Snowberger, Lee A., 61796A.
Snyder, Charles A., 72569A.
Snyder, Earl J., 61604A.
Snyder, Ralph D., 72322A.
Snyder, Terry D., 50012A.
Sobieszczyk, Neal A., 75124A.
Sodomka, Frederick J., 62404A.
Soesbe, Donald K., 66613A.
Solomon, Edward C., 61871A.
Soltis, Ronald B., 50273A.
Somma, Salvatore F., 75125A.
Songy, Milton J., 67193A.
Sook, George R., 73112A.
Soper, John W., 50013A.
Sorensen, Lee E., 51497A.
Sorensen, Neal G., 61719A.
Sorensen, Norman M., 58848A.
Souder, David L., 55258A.
Spacy, William L., 67039A.
Spear, Thomas E., 66985A.
Spencer, Carlos J., 72822A.
Spencer, Frank E., 73762A.
Spencer, James E., 72015A.
Spencer, Keith A., 55296A.
Spillane, William D., 61821A.
Spindler, James M., 66439A.
Spivey, Lonnie R., 73763A.
Spotswood, David T., 75138A.
Spotts, Maynard E., 61713A.
Sprague, Nelson J., 58899A.
Spray, Ronald G., 59064A.
Springer, Warren L., 72323A.
Springob, Thomas J., 76711A.
Sprott, Arthur R., Jr., 51443A.
Squires, John M., 67002A.
Stack, Philip J., 62413A.
Stacy, Everett S., 73765A.
Stallkamp, Roger W., 50014A.
Stambaugh, Donald L., 62463A.
Stambaugh, William S., 50015A.
Stamm, James D., 71308A.
Stanford, Edwin L., 66411A.
Stanley, Charles M., Jr., 67219A.
Stanley, Millard P., Jr., 65606A.
Stanton, Benjamin D., 72324A.
Starkel, Max P., 62434A.
Staver, David A., 51639A.
Stear, James R., 55779A.
Stearle, Gerald F., 72326A.
Steen, Joseph C., Jr., 66460A.
Steenstra, Henry J., 76712A.
Steerman, Vernon L., 69763A.
Steinharter. Kenneth V., 67160A.
Stell, John R., 55279A.
Stemple, Russell W., Jr., 72016A.
Stephen, Edward H., 72327A.
Stephens, James C., 75148A.
Stephenson, Anthony R., 67182A.
Stern, Arnold C., 50991A.
Stevenson, Cary H., Jr., 75150A.
Stevenson, John R., 75548A.
Stewart, Albert G., 73114A.
Stewart, Glenn L., 61727A.
Stewart, James H., 66802A.
Stewart, James R., 66876A.
Stewart, Jerry R., 62429A.
Stewart, Terry K., 62392A.
Stewart, Tom E., Jr., 72570A.
Stewart, William M., 73768A.
Stinson, Carl R., 59089A.
Stirling, Ronald J., 73769A.
Stolberg, Carl G., 66632A.
Stone, John T., Jr., 63105A.
Stone, Milton S., 66732A.
Stoner, William J., 66520A.
Stoops, David E., 72571A.
Storch, Henry C., 73116A.
Storey, Thomas G., 73117A.
Storms, Robert D., 66514A.
Storr, Richard C., 51452A.
Straight, Lynn D., 67031A.
Strand, Roger F., 66782A.
Strandhagen, Harry, 75155A.
Strauss, Joseph L., Jr., 73770A.
Strayer, Daniel E., 73771A.
Street, Gerald W., 51523A.
Strickland, Donald C., Jr., 59032A.
Strickland, Donald B., 75751A.
Strine, Philip F., 66554A.
Strobel, Jack W., 50271A.
Stroud, John P., 62388A.
Strout, Robert P., 58842A.
Strunk, Paul H., Jr., 67095A.
Stuart, Robert G., 66364A.
Studley, James B., 66825A.
Stuebe, Thomas L., 67174A.
Stump, Barry E., 66691A.
Stupka, Otto J., III, 51535A.
Suazo, Sostenes F., 67018A.
Sugarman, Frank N., 73119A.
Sullivan, John J., 61677A.
Sullivan, Norman E., 66664A.
Summerhill, Edward W., 55241A.
Summers, Charles E., 66653A.
Supe, Gustavus M., Jr., 50275A.
Surico, Joseph C., 75162A.
Surovik, John H., Jr., 53473A.
Survil, Edward J., 72572A.
Sutherlan, James R., 66665A.
Sutherland, Jack W., 75163A.
Sutherland, Larry W., 50018A.
Swain, Whitnel B., 50020A.
Swanson, Leslie C., 66471A.
Swart, Samuel H., Jr., 50021A.
Swedberg, Frederick L., 66406A.
Sweeney, James P., 58908A.
Sweeney, John J., Jr., 75165A.
Sweeney, Patrick J., 62448A.
Swift, Frederick W., 73772A.
Swilley, Delmar W., 62340A.
Sykes, William G., 66698A.
Sylvester, Samuel F., 51556A.
Szewc, Joseph A., 58883A.
Tabor, Charles I., 72017A.
Tait, James L., Jr., 58889A.
Takacs, William E., 62451A.
Talmadge, Ronald H., 75167A.
Talovich, Larry, 66849A.
Tanaka, James H., 72329A.
Tanimoto, Miles T., 66819A.
Tappan, Robert M., 72573A.
Tarlyn, Jerome M., 73774A.
Tarr, Alfred E., 51653A.
Tatum, John H., III, 62447A.

Tatum, Walter F., Jr., 71312A.
Tawater, David L., 62354A.
Taylor, Donald M., 62412A.
Taylor, John H., 51474A.
Taylor, Samuel A., 50022A.
Taylor, Thomas J., 73121A.
Taylor, Vyrle J., 72330A.
Teague, Randolph M., 50023A.
Teeter, Harold A., 70913A.
Temperley, Russell E., 59025A.
Tengan, Seijun, 72019A.
Tennyson, Arthur V., 55230A.
Terrano, Santo J., 67189A.
Terrell, Joseph E., 72020A.
Terry, Warren, 66313A.
Teuton, Ottis F., Jr., 62856A.
Tew, Lewis L., 63095A.
Thalacker, Jimmy, 72574A.
Tharp, Roland L., Jr., 63169A.
Theisen, Lawrence P., 58972A.
Theiss, Alvin R., 61695A.
Thiel, Norman G., 58999A.
Thienes, Walter E., Jr., 66941A.
Thigpen, Larry E., 66560A.
Thomas, Bert H., 72824A.
Thomas, Edward, 62410A.
Thomas, John, 75173A.
Thomas, William D., 61673A.
Thompson, Charles L., 62365A.
Thompson, Clarence G., 54992A.
Thompson, Fred N., 75175A.
Thompson, John V., 73122A.
Thompson, Robert M., 62898A.
Thompson, Robert W., 66508A.
Thompson, Willard L., 66534A.
Thompson, William J., 54866A.
Thomson, John D., 62831A.
Thornton, Billy D., 63088A.
Thornton, Robert A., 50028A.
Thorpe, Edwin H., Jr., 61898A.
Thorpe, Thomas S., 55234A.
Tierney, John F., 50029A.
Tierney, Robert E., 50030A.
Tiller, James H., III, 63072A.
Tilley, John C., 66536A.
Tillman, Richard L., 50031A.
Timberlake, E. J., III, 50032A.
Timian, Ben E., 66525A.
Timmer, Don R., 50033A.
Tinsley, James S., 59037A.
Tinsley, Ronald E., 66482A.
Tipton, James C., 50034A.
Todd, James R., 73777A.
Todd, Lewis F., 50035A.
Tokarz, Richard A., 67123A.
Tompkins, Richard J., 61791A.
Toney, Stanley C., 50036A.
Toniolli, Johnnie S., 61605A.
Tonnell, Gerald H., 66828A.
Topp, Wayne R., 55040A.
Torraca, Louis A., Jr., 66407A.
Toth, Jack E., 55061A.
Tovey, Michael, Jr., 67141A.
Tovrea, Leonard B., 58864A.
Towle, Robert W., Jr., 61870A.
Townsend, Willard F., 73778A.
Trace, Thomas L., 63201A.
Tracy, Robert G., 67144A.
Trainor, Peter B., Jr., 50037A.
Trainor, Philip, 75190A.
Traynham, Gene C., 73779A.
Trickey, Robert D., Jr., 66954A.
Trieschmann, Robert W., 67084A.
Trott, Clifford B., 50038A.
Trousdale, John D., 59031A.
Trukki, Wallace C., 67143A.
Tucker, Raymond B., 61792A.
Tucker, Troy L., 71806A.
Tucker, William A., 66433A.
Tully, Richard T., 67220A.
Turner, Andrew E., Jr., 62420A.
Turner, David C., 50041A.
Turner, Frank W., Jr., 61763A.
Turner, Lawrence D., 75197A.
Tutless, Peter J., 75201A.
Tuttle, Thomas O., 63154A.
Tygett, Herbert C., 61637A.
Tyner, John C., 67136A.
Udelhofen, Robert I., 73782A.
Uffelman, Jack R., 72575A.
Ullrich, Dale R., 66521A.
Underwood, Cecil E., 62355A.
Unterman, Carl M., 67029A.
Upright, James H., 66489A.
Urich, Ronald K., 73125A.
Urquhart, Donald J., 72021A.
Utterback, Donald A., 66943A.
Utt, Ross J., 66942A.
Valen, Richard D., 67033A.
Valentine, John, 73783A.
Valeri, James, 61614A.
Vanallen, Richard L., 62393A.
Vanbeek, Kenneth D., 66697A.
Vance, James L., 67222A.
Vancitters, Darrel A., 73126A.
Vandenbiesen, John A., 73785A.
Vanderhoop, John O., 73127A.
Vandeventer, Thomas W., 66944A.
Vanhemert, Rudy L., 62342A.
Vanhook, John P., 72825A.
Vanmeter, Richard K., 55288A.
Vannote, Thomas E., 58902A.
Varley, Franklin C., 66710A.
Varner, George L., 58948A.
Varnum, James W., 67168A.
Vaughan, Gerard G., 67146A.
Vaughn, Frank S., Jr., 71807A.
Veach, James P., 63177A.
Venable, Edward W., 72576A.
Venable, John C., 66994A.
Verna, Joseph B., Jr., 55281A.
Viehmann, Henry W., Jr., 66982A.
Villanis, Stanley E., 66585A.
Vine, Norman R., 73786A.
Vinzant, Vernon V., 61760A.
Violett, Russell L., 63205A.
Virant, Richard A., 72022A.
Vivian, Lloyd W., 59090A.
Vogel, Frank C., Jr., 51666A.
Vogel, Richard K., 61887A.
Voise, Roland R., 62457A.
VonBargen, Gerald C., 71808A.
VonRedlich, Mark H., 71809A.
Voorhees, John H., 54999A.
Voshell, Robert N., 51531A.
Voss, John H., 63181A.
Votruba, William K., 50042A.
Vreeland, Harry E., 58826A.
Vreeland, Russ E., Jr., 50043A.
Waddle, Gordon C., 72577A.
Wade, James E., 63202A.
Wade, James R., 50045A.
Waggoner, Hal F., 61839A.
Wagner, David L., 72578A.
Wagner, Frederick J., Jr., 55280A.
Wagner, Loreley C., 6686A.
Wagner, Raymond E., 72826A.
Waite, Leland K., 75216A.
Wakeman, Edwin B., 58884A.
Waldman, Henry W., 73787A.
Waldron, Kirk T., 51618A.
Waldrop, Thomas L., 66864A.
Walkenhorst, William F., III., 62409A.
Walker, Donald N., 66795A.
Walker, Eric F., 62339A.
Walker, Gordon L., 58845A.
Walker, Richard K., 61717A.
Walker, Roy A., 51412A.
Wallace, Jerry L., Jr., 66593A.
Wallace, John M., 62454A.
Wallace, Roy G., 72335A.
Walmsley, Robert A., 66515A.
Walsh, Jack E., 59091A.
Walter, Fred E., 66986A.
Walters, Alan A., 59092A.
Walters, Edward M., 66968A.
Walters, William D., 66869A.
Walther, Charles M., Jr., 67050A.
Walton, Morris D., 63195A.
Ward, Clarence D., 76713A.
Ward, Donald T., 51682A.
Ware, Donald M., 54915A.
Wargo, William J., 67164A.
Warner, George L., 50266A.
Warner, Richard E., 50046A.
Warner, Robert E., Jr., 75228A.
Washburn, John I., 50047A.
Washington, Joseph A., 58912A.
Waskiewicz, Norman P., 73791A.
Watkins, Church, Jr., 73130A.
Watkins, Richard C., 61752A.
Watrous, David S., 66772A.
Watson, Alan W., 58901A.
Watson, Jerome A., 73132A.
Watson, Richard A., 66945A.
Watson, Riley L., 66925A.
Watts, Clarence F., 54875A.
Watts, Claudius E., III, 51467A.
Watts, George L., 49932A.
Wawak, Stephen, Jr., 50048A.
Weatherby, Jack W., 72023A.
Weatherby, Jerry R., 73133A.
Weatherford, J. P., Jr., 66621A.
Weatherford, R. L., Jr., 72827A.
Weathers, James W., 67070A.
Weatherson, James G., 50049A.
Weaver, James L., 61728A.
Weaver, James R., 72336A.
Weaver, William G., 51609A.
Webb, Robert A., 66692A.
Weber, Waldon R., 72581A.
Webster, Colonel H., 73135A.
Weeks, Calvin G., 61631A.
Weenig, Jay F., 58900A.
Wege, David J., 51644A.
Wehr, Rolf A., Jr., 67185A.
Weidman, Charles H., Jr., 62863A.
Weihe, David A., 61782A.
Weihe, Dean V., 54916A.
Weisbrodt, James M., 73136A.
Weiss, Wayne A., 50050A.
Welch, Donald J., 50051A.
Wellford, Hugh P., 73795A.
Wellman, Larry N., 61751A.
Wells, John L., 58832A.
Wells, John T., Jr., 50052A.
Wells, Vaughn L., Jr., 51558A.
Wempe, Robert W., 67099A.
Wendorf, Charles J., 66865A.
Wenlock, Charles E., Jr., 72829A.
Wenstrand, Arlo P., 51657A.
Wescott, Gary R., 58821A.
West, Charles J., 75234A.
West, Dale G., 62460A.
West, Gregory R., 61558A.
West, John E., 63187A.
West, Norman P., 62472A.
Westberry, Henry L., Jr., 71318A.
Westergaard, Frederick C., 58944A.
Westhausen, Gary H., 72582A.
Westwood, Edward P., 66687A.
Wettlin, Joseph, 66542A.
Whatley, Bill D., 75238A.
Wheatley, John R., 55041A.
Wheeler, Charles E., II, 71810A.
Whisenant, Bennett E., 66518A.
White, Franklin R., 66764A.
White, John H., Jr., 59052A.
White, Joseph W., II, 66715A.
White, Leslie M., 55312A.
White, Milton E., 72583A.
White, Richard S., 71811A.
White, Roger G., 67128A.
White, Ronald W., 66620A.
White, William B., 75240A.
Whitener, James C., 73137A.
Whiteside, Don M., 61862A.
Whitfield, Allen P., 75241A.
Whitford, James D., 61831A.
Whitney, Edgar R., 66624A.
Whitney, Jay A., 50969A.
Whitney, Willis O., 66565A.
Whitsett, Charles J., 51629A.
Whitt, James E., 54891A.
Whorton, Bert F., 66669A.
Wiede, Jim T., 66774A.
Wiegel, William S., 71320A.
Wilcox, Donald H., 66791A.
Wilda, Robert W., 54918A.
Wilde, David M., 62417A.
Wilhelm, John D., 66588A.
Wilkins, Lacy, Jr., 66674A.
Wilkinson, Kenneth D., 72832A.
Wilkinson, Robert E., 66804A.
Wilkinson, Thomas J., 61741A.
Wilkinson, Vance K., 71812A.
Willard, Harold R., 72833A.
Willett, James G., 63220A.
Williams, Alfred L., Jr., 75249A.
Williams, Billy G., 61601A.

Williams, Cecil W., 75752A.
Williams, Charles B., 55229A.
Williams, Clyde S., Jr., 61777A.
Williams, David H., Jr., 54901A.
Williams, Edward F., 50054A.
Williams, Harold J. M., 50055A.
Williams, Jerry F., 66860A.
Williams, Joe A., 66748A.
Williams, Lindsey J., 59093A.
Williams, Lorenzo N,, 72338A.
Williams, Norbert T., Jr., 55048A.
Williams, W. P., III, 73801A.
Williams, William A., 54922A.
Williamson, Gerard R., 73138A.
Williamson, Ivey E., 61779A.
Williamson, Larry G., 61602A.
Williamson, Robert D., 66643A.
Willis, Elijah M., 66444A.
Wilshire, Robert M., 73461A.
Wilson, Harold F., 72340A.
Wilson, James L., 66400A.
Wilson, John M., Jr., 67137A.
Wilson, Juandell W., 73802A.
Wilson, Robert J., III, 50056A.
Wilson, Robert H., 75254A.
Wilson, Thomas, 76134A.
Wilton, Franklin L., 54914A.
Wiltrout, Roger E., 66587A.
Wilz, John P., 75256A.
Wingfield, John D., 61780A.
Wingo, Gerald V., 61744A.
Winkler, Larry D., 62459A.
Winn, George N., 66512A.
Winston, Eldon T., 50983A.
Winter, John H., 72026A.
Wise, Donna L., 58818W.
Wise, Wesley T., 58953A.
Wiseman, Jerry F., 55240A.
Wisser, Murrill R., 67118A.
Witherspoon, Ralph P., 61757A.
Witzmann, John H., 50057A.
Wohlfeil, Gordon L., 59077A.
Wolf, Jack D., 66399A.
Wolf, Wayne J., 73804A.
Wolff, William A., 50058A.
Womack, Bond M., Jr., 63173A.
Wood, Joseph W., 75263A.
Wood, Larry W., 59074A.
Wood, Richard A., 73806A.
Woods, Franklin L., 66527A
Woods, Harold D., 62909A.
Woods, James C., 78895A.
Woods, Scott A., 50059A.
Woodward, Charles C., Jr., 55299A.
Woolard, Henry H., Jr., 62846A.
Worden, Robert D., 75268A.
Worden, Stephen F., 61767A.
Wright, David L., 50060A.
Wright, Francis M., Jr., 50061A.
Wright, Paul J., Jr., 67226A.
Wright, Philip C., 58815A.
Wright, Wilbert D., 50062A.
Wuerz, Donald L., 66493A.
Wurzbach, Walter O., 55065A.
Wycoff, William J., 62433A.
Yaeger, Joseph L., 72341A.
Yancey, William S., 51681A.
Yarr, Daniel J., 50063A.
Yingst, Chauncey O., 55032A.
Yoder, Richard A., 50064A.
York, Guy P., 63172A.
Yoshinaka, Jimmy, 67134A.
Young, Carl E., 72028A.
Young, David G., 61866A.
Young, Glenn W., 72835A.
Young, Joe H., 66465A.
Young, William M., 50066A.
Youngblood, Allan C., 55984A.
Yowell, Robert J., 62370A.
Zabel, Louis H., 72836A.
Zaborowski, Albert, 58894A.
Zalmanis, Andris, 61697A.
Zaner, Howard W., 73808A.
Zemlicka, Frank A., 50067A.
Zenzen, David P., 75276A.
Zetzman, John E., 67178A.
Ziegler, Daniel H., 50068A.
Zimmerlee, Joseph R., 63124A.
Zimmerman, Robert G., 61238A.
Zimmerman, Thomas J., 59010A.
Zirger, Arthur J., Jr., 66539A.

Chaplain

Ballweber, Eugene L., 76637A.
Buice, Willie E., 76639A.
Cook, Kirtley R., 76642A.
Depriter, Richard L., 70907A.
Falcone, Emilio, 71111A.
Gallop, Walter L., 76644A.
Getts, Harland R., 70986A.
Greene, Richard H., 76645A.
Kucharski, Richard J., 70987A.
Lantz, Robert E., 70988A.
McHugh, Kevin J., 76648A.
McManus, Thomas, 70906A.
Murphy, Thomas W., 76649A.
Rice, Jerry L., 75327A.
Shea, John F., 71148A.
Shelley, Patrick J., 76652A.
Truitt, John G., Jr., 70905A.

Medical Corps

Atkinson, Samuel M., Jr., 76368A.
Brown, Richard E., 76433A.
Brunstetter, Frank H., 76434A.
Corker, Frank T., 76248A.
Draughn, Daniel H., 76604A.
East, William R., 76730A.
Hawver, Karl D., 76435A.
Ivey, David M., 76249A.
Leachman, Wallace R., 76512A.
Manaker, Philip A., 76605A.
Mayes, George R., 76436A.
Rodgin, David W., 76513A.
Rollins, Ronald A., 76607A.
Schaller, Laird F., 76250A.
Sims, James M., 76251A.
Townsend, Amos R., 76731A.
Vonhazmburg, Romulus S., 76369A.

Nurse Corps

Anderson, Darlene A., 59983W.
Baker, Lois J., 71139W.
Bolitho, Joann H., 64271W.
Boyd, Mary E., 69773W.
Burdell, Mary L., 75768W.
Cobb, Alma W., 76537W.
Cowling, Norene E., 62935W.
Cox, Mildred J., 70399W.
Delmoro, Mary A., 62937W.
Downey, Gertrude A., 59985W.
Ellis, Helen V., 76296W.
Ferguson, Myrtle G., 63037W.
Gore, Mary F., 76611W.
Harrison, Eleanor G., 64270W.
Hastings, Lois E., 75772W.
Heiser, Sharon O., 63039W.
Hildebrand, Avis R., 63038W.
Jones, Betty J., 64276W.
Kernan, Ellen M. B., 62940W.
Kreminsky, Cecelia A., 64272W.
Liebeck, Maye L., 62938W.
Maxim, Elizabeth, 76482W.
Nicholson, Estelle J., 62934W.
Parnell, Peggy J., 76397W.
Pavlakovic, Dorothy O., 63068W.
Perlukas, Norma J., 64274W.
Prusko, Joan R., 59984W.
Roark, Katherine B., 64273W.
Roberts, Charlotte, 63069W.
Sanders, Barbara I., 76321W.
Seledic, Rosemary B., 76486W.
Shalenko, Paul C., 70398A.
Small, Mary P., 59982W.
Stadelman, Mary E., 76616W.
Sumner, Joan A., 62936W.
Swazo, Josefita, 69823W.
Taylor, Lillie M., 76487W.
Tegen, Gerald C., 71143A.
Thomas, Mary M., 75777W.
Walsh, Claire, 63070W.
Woodruff, Faye, 70401W.
Wright, Nancy P., 76407W.

Dental Corps

Banks, Rill G., 77577A.
Burks, James W., Jr., 75297A.
Costanza, Harry J., Jr., 75310A.
Coyne, Arthur E., 76579A.
Davis, Lorenzo D., 75763A.
Gee, Donald R., 76257A.
Harrison, John C., 76258A.
Lainson, Phillip A., 76442A.
Long, William H., 75311A.
Loughlin, Dan M., 76259A.
McCormick, James E., 70385A.
Nenchick, Harold E., Jr., 76734A.
Nordquist, Gary G., 76443A.
Perry, Jackson G., 76515A.
Pictzke, Anthony E., 753214.
Pullen, Wayne G., 71129A.
Smidt, Donald R., 76444A.
Wells, Richard L., 76516A.

Medical Service Corps

Abercrombie, Thompson T., 55380A.
Archie, Julius C., 65929A.
Bassett, Bruce E., 61192A.
Bayer, Johan E., 61177A.
Adams, Gary L., 56477A.
Ainsworth, Clayton A., III, 61185A.
Barrett, Quentin T., 61182A.
Breeskin, John, 55020A.
Brown, Raymond A., 65934A.
Carter, Donald I., 65932A.
Coleman, Frederick E., III, 65930A.
Colley, William J., 61181A.
Compton, John C., 55381A.
Corcoran, James F., 49798A.
Corrigan, Paul J., Jr. 65938A.
Crunkilton, Allen L., 65926A.
Dickes, David W., 51404A.
Folwer, Brady K., 61197A.
Furtado, Victor C., 61187A.
Gray, Elbert B., 65927A.
Hedley , Leo C., 65941A.
Herrod, Hubert E., 61180A.
Hodges, James T., 65931A.
Humerickhouse, Marlan J., 61184A.
Kirchoffer, Wayne P., 56478A.
Kiser, James M., 55992A.
Kittell, Theodore H., 61189A.
Kush, George S., 61188A.
Kwapich, Kenneth R., 65925A.
Lahood, George A., 76266A.
Lindsey, Joe D., 65933A.
Maio, Domenic A., 61183A.
McGinness, Leland R., 61178A.
McNeil, Roderick F., 76450A.
McWilliams, James E., 61196A.
Murphy, John E., 61191A.
Neff, Ralph K., 55382A.
Parkhurst, Michael J., 65939A.
Porter, Kenneth R., 76268A.
Robertson, William G., 76451A.
Seager, Brent C., 65942A.
Sears, William J., 65928A.
Smead, Phillip E., 61195A.
Smith, Lewis L., Jr., 65936A.
Smith, Roy K., 61179A.
Smith, Robert D., 70915A.
Stoker, William A., 65937A.
Thrasher, Lewis J., 55378A.
Varkonyi, Nicholas T., 65940A.
Walker, Kenneth C., 65943A.
Wallace, James D., 76721A.
Wassmund, James A., 61194A.
Willging, James B., 65935A.

Veterinary Corps

Caraway, Bobby L., 70999A.
Gray, Duane A., 71000A.
Jones, Sidney R., 71001A.
Vanstee, Ethard W., 76381W.
Wolfle, Thomas L., 71113A.

Medical Specialist Corps

Braatz, James H., 76491A.
Rodriguez, Sylvia M., 76332W.

WITHDRAWAL

Executive nomination withdrawn from the Senate September 16, 1964:

PUBLIC HEALTH SERVICE

Jay W. Wiedeman to be junior assistant sanitarian in the Regular Corps of the Public Health Service, which was sent to the Senate on August 17, 1964.

EXTENSIONS OF REMARKS

Distortion in the Washington Star

EXTENSION OF REMARKS
OF
HON. RALPH YARBOROUGH
OF TEXAS
IN THE SENATE OF THE UNITED STATES
Wednesday, September 16, 1964

Mr. YARBOROUGH. Mr. President, on last Tuesday morning, September 8, I spoke in Dallas before the national convention of the American Federation of Government Employees. On Wednesday afternoon, September 9, the Washington Star printed an extraordinary article about my speech—extraordinary because of its distortion.

This story, this fable in the Washington Star, was printed at page A-2 in the September 9 issue. Its caption reads as follows: "U.S. Classified Workers Assailed by YARBOROUGH on Pay Activity."

This is a very misleading headline, to say the least. In fact, I praised the American Federation of Government Employees for the fairness and skill of the presentation by its officers of its case, before the Senate Post Office and Civil Service Committee, on which I serve. I recounted the history of the recent Federal pay raise act in Congress, narrated how the House bill raised the salaries of the employees in the low brackets and of those in the high brackets, but left those in the middle brackets—E-9 through E-12—without comparable salary raises. I properly credited the AFGE with having ably called this discrimination in pay increase to the attention of the Senate Post Office and Civil Service Committee, with a resulting correction of this gross inequity by our committee, by the Senate, by the conference between the two Houses, and ultimately by Congress itself.

The first paragraph of this Washington Star article reads as follows:

> An extraordinary attack on Government classified employees as ingrates and snobs has been made here by Senator YARBOROUGH, Democrat, of Texas, at the American Federation of Government Employees biennial convention.

This is a complete distortion of what was actually said. Never at any time, at any place, either publicly or privately, have I called Government employees, classified or unclassified, either ingrates or snobs. Such a statement is patently ridiculous.

In my speech to the AFGE, I narrated that of the 592,500 U.S. postal employees, approximately 400,000 belong to employee organizations; but that of the more than 1 million classified and wage board U.S. employees, less than 250,000 belong to any kind of employee organization. I urged the AFGE to recruit prospective members, so as to have the organized voice that postal employees have.

At Dallas, I did, indeed, make a partisan political speech for the Democratic Party. I stated to the delegates that they were under the Hatch Act, and could not campaign; but that I was an elective officer, not under the Hatch Act, and could, and would, campaign there. Such conduct was ethical and proper, but it seems to have irritated the Star reporter.

If the response of the delegates present was any criterion of their feelings—and I have had enough political and public-speaking experience to know that it was, my speech was approved by the delegates at Dallas. If I called those Federal employees any names, they did not seem to realize it when the time for applause came.

However, to be impartial and candid in my report to the Senate, I point out that later an officer of AFGE told me that a member said to him, "Well, he did not win me over, I am still a Republican." In the course of my remarks, I had invited any Republicans who were dissatisfied with their party to "come over and join us Democrats." But I do not believe that Americans resent being asked to join either of the two great American political parties now in existence in the United States.

In order to set this matter straight, I ask unanimous consent that my prepared text, as released to the press at the AFGE Convention, be printed in the RECORD.

There being no objection, the excerpt from the speech was ordered to be printed in the RECORD, as follows:

THE WELFARE OF THE FEDERAL WORKER

(Excerpt of a speech delivered by Senator RALPH W. YARBOROUGH before the National Biennial Convention of the American Federation of Government Employees, at the Adolphus Hotel in Dallas, Tex., Tuesday, Sept. 8, 1964)

Fellow Americans, fellow Government workers, I am honored to be your guest at this national convention of the American Federation of Government Employees. As a ranking member of the Post Office and Civil Service Committee, legislation affecting your lives has been an important part of my responsibility.

I believe our committee, under the leadership of the great chairman, OLIN JOHNSTON, has worked as hard as any congressional group in American history to bring about legislation to improve the life of the Government employee.

This 88th Congress takes second place to no Congress in American history in the work it has done to bring the Federal employee to a more nearly equal standard with the worker in private industry.

What has been accomplished was done with the influential and effective work of the American Federation of Government Employees. It has been in many cases your informed membership, the respect held for your organization by Members of Congress, the executive branch and agencies of the Government that has made you a partner in the shaping of new laws. Yours is a dynamic organization, a part of a dynamic administration team. The AFGE gets things done.

Within your organization is the experience, the know-how, the day-to-day accomplishment that makes it possible for the American Government to undergo a change in the White House such as the one following the tragic assassination of John F. Kennedy—a change effected with the full confidence of the American people—an orderly transition impossible of achievement by any other government.

You are building for the future of the Federal employee by the high standards you have set in your relation to the public interest

Your membership has increased by 25,000 or 30,000 in the past few years; it is now up to 136,000, and is still growing.

You have good cause to be proud of your role, as I am proud of mine as a Member of the Senate in helping to make the Federal Government attractive to the highest caliber of men and women.

A great step forward was accomplished when President Kennedy signed into law the Salary Reform Act of 1962, including the principle of comparability. And another step was achieved when President Lyndon B. Johnson signed the pay bill last month. I worked with your federation on this bill; we were successful in increasing the raise for classified employees in the middle grades.

In the next Congress we shall continue to look at such matters as the "level of competence" provisions in the 1962 act which have caused you concern.

This 88th Congress has already improved the Health Benefits Act of 1959, and it is my hope that we can turn more attention now to needed reforms in the retirement system.

I might add while we are on this subject that I introduced two bills which I think would greatly improve the retirement plan.

I have been concerned for some time about all the sick leave that may be lost by an employee retiring after many years of dedicated service One of my bills (S. 1661) provides that one-half of this accumulated sick leave at retirement shall either be compensated for in cash as severance pay or all the accumulated sick leave shall be used as added service time in computing the annuity.

Another of my bills (S. 1662) would correct the inequities in the survivor annuities plans.

Obviously their chance for enactment in this session is less than bright, but I assure you I will be back next year to reintroduce these and to work for their passage. We must not allow the Federal service again to stand still while the rest of the world goes marching by.

These great strides have been made by a Democratic majority in Congress over the outspoken opposition of the current Republican Party leadership, which knows no greater pleasure than to denounce the Federal Government—a Republican Party that has as one of its greatest unspoken goals—unspoken but well understood—the curtailment of Federal service and the death of the union movement.

It has been a Democratic Congress that has paved the way for first-class citizenship for you and others like you.

If we are to maintain these gains, if in fact, we are to prevent a loss of all that has been achieved, you owe it to yourselves and to your country to vote and above all, to encourage others to vote for a forward-looking Government.

For first of all you are American citizens with full rights of participation in your Government, and citizenship carries no greater responsibility than the selection of those who will represent you well in the years to come. I am a candidate for reelection to the U.S. Senate, running against a Republican opponent who sows seeds of distrust against the Federal Government, who endorses wholeheartedly the backward philosophy of the current National Republican leadership.

I am a straight-ticket Democrat, for this has always been the party of peace, prosperity, of hope, the party of vision, and the party of action. And with your vote, we shall continue the forward march in the spirit of Roosevelt, Truman, Kennedy, Johnson, and Humphrey.

Los Alamos, New Mexico's Latest Contribution to the Space Age

EXTENSION OF REMARKS
OF
HON. JOSEPH M. MONTOYA
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 16, 1964

Mr. MONTOYA. Mr. Speaker, on August 28 a power test of the nuclear rocket reactor Kiwi B-4A was conducted at the Nuclear Rocket Development Station, Nev., by the University of California Los Alamos Scientific Laboratory. The test, which was a successful one, is the culmination of seven previous tests—first begun in 1959. The Kiwi project has had as its basic objective the development of basic graphite nuclear rocket technology. With the completion of the Kiwi project, Los Alamos will be directing its future nuclear rocket efforts to development of advanced, higher power, graphite reactor technology under the project name, Phoebus.

The industrial team of Aerojet-General Corp. and the Westinghouse Astronuclear Laboratory are continuing development of the reactor series which is being adapted from the Kiwi reactor for application to the Nerva nuclear rocket engine.

The nuclear rocket program—designated Project Rover—is a joint Atomic Energy Commission-National Aeronautics and Space Administration program administered by the Space Nuclear Propulsion Office.

In a great sense the groundwork for nuclear space propulsion has been laid through the success of the Kiwi project. We are on the brink of witnessing a great event—the beginnings of the nuclear space age. We might even compare the success of the Kiwi project in the space age with the combustible engine and its profound effect on the motorcar industry.

It is altogether fitting that this revolutionary accomplishment in the space age took place in Los Alamos—the Kitty Hawk of the nuclear age. And the birthplace of the atomic bomb.

The early story of Los Alamos is one of the most remarkable of all time: the creation of a secret community, the assembling of the cream of this Nation's scientific manpower, and, less than 3 years after the first controlled nuclear chain reaction, the design, construction, and explosion of an atomic bomb, which hastened the end of World War II and heralded the dawn of a new era.

Yet, Los Alamos is more than a Kitty Hawk, more than a dramatic episode experienced directly by some of you here and to be experienced by future generations through the pages of history. Los Alamos is not only a creature of and a creator of the nuclear age, but also a pioneer in the continuing development of atomic energy to meet the ever more stringent demands of military security and the new requirements of the space age. True, Los Alamos is now only one of a number of Atomic Energy Commission installations, and the Government shares the responsibility for nuclear development with private firms and research institutions. Nevertheless, the contribution of Los Alamos has continued to be a unique and vital one.

It was decided after World War II that the Los Alamos Scientific Laboratory should be kept as a permanent research center primarily concerned with the development of atomic weapons but also engaging in basic nuclear research. Although many of the original personnel left with the ending of the war, by 1947 the problem of scientific manpower had begun to be solved and the construction of more permanent facilities was in progress. Clementine was a familiar name in Los Alamos about this time. This fast plutonium fuel reactor was succeeded in the mid-1950's by the Omega West reactor. Another research reactor, Supo, the Los Alamos water boiler, had its startup in 1950, and during the late 1950's work was done on aqueous homogeneous reactors.

The atomic weapon activities of Los Alamos have been guarded by strict security. It is only through nuclear testing that the public has become aware of the advances being made in this area. On March 1, 1954, as part of Operation Castle, the first hydrogen bomb was exploded, and the United States became the possessor of a superweapon whose destructive power is beyond the scope of our human comprehension. The role of the Los Alamos Scientific Laboratory in developing this fusion bomb was recognized on July 8, 1954, when President Eisenhower awarded a special citation to the laboratory.

Los Alamos' contribution to the development of atomic energy is probably best shown by a glance at several of its present activities. Together with Sandia Corp. and the Lawrence Radiation Laboratory at Livermore, Los Alamos continues to have responsibility for the development of nuclear weapons required for our national security. Thus, the 1964 completion of the new Phermex electron accelerator and supporting facilities is just one more step in the development of an advanced weapons arsenal. The Los Alamos Scientific Laboratory is also participating with the Department of Defense in the Vela surface-based detectors program directed to detecting these explosions through instrumented satellites. Satellites instrumented by the Atomic Energy Commission have already been orbited by the Atlas Agena and have functioned successfully.

But Los Alamos' role in the space age is not limited to this military program as we have seen with the research and development involved with the Kiwi project.

Mr. Speaker, I would like to insert in the RECORD some rather pertinent remarks about the Kiwi project by the editor of Missiles and Rockets:

> But last month's test marked more than a milestone in the program. It demonstrated what a determined and capable design team can accomplish in the face of setbacks in research and development.
>
> The years beyond—when automated and manned spacecraft are landing on Mars, when man pushes further into space in the search for life outside this planet—will owe a debt to the determined group who carried out their own search in the western desert into the troubles of the Kiwi project—B-4A.

These are but a few of the programs at the Los Alamos Scientific Laboratory. Just what is the contribution of this laboratory to New Mexico and the Nation? Its benefits are immeasurable. It has brought to New Mexico a community of more than 13,000 persons and the Atomic Energy Commission, partly because of Los Alamos, in fiscal year 1963 incurred more costs in this State than in any other. Yet the $93 million operating costs of the Los Alamos Scientific Laboratory and the $184 million invested in it are no measure of its contribution to our economy and daily living. The contribution of Los Alamos is one of technological strength, strength essential to our military security, our world leadership, and the preservation of the peace. And its promise is of continued security and leadership in a still newer era, the space age.

Yom Kippur

EXTENSION OF REMARKS
OF
HON. EDNA F. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 16, 1964

Mrs. KELLY. Mr. Speaker, it would be well for the world if every one of us would dwell on the purpose of the Jewish observance of Yom Kippur, taking stock, on this solemn occasion, of how far we have fallen short of our proper goals and of our solemn intentions—of how much we have done that we should not have done, and of how much that we should have done we have left undone. By the physical sacrifice of fasting, and of long prayers, the Jewish people on this occasion symbolize their repentance for past failures, and their intention to do better in the future. The spiritual meaning of the ceremonies and prayers of the day is concentrated in the passage from Isaiah, always read in the synagogue services on Yom Kippur:

> Is not this the fast that I have chosen? To loose the fetters of wickedness, to undo the bands of the yoke, and to let the oppress go free. * * * Is it not to deal thy bread to the hungry and that thou bring the homeless to thy house? When thou seest the naked, that thou cover him and that thou hide not thyself from thy fellow man. Then shall thy light break forth as the morning * * * and thy righteousness shall go before thee.

On this occasion of repentance, of mourning for the dead, and of preparation for the joys and achievements of the new year, my prayers are with my Jewish friends, and I am happy to feel that I too may be remembered in their prayer and worship.

The First Anniversary of Malaysia

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1964

Mr. POWELL. Mr. Speaker, on September 16 the Federation of Malaysia celebrates the first anniversary of its independent existence, and we wish to take this opportunity to extend warm felicitations to His Majesty, the Yang di-Pertuan Agong; His Excellency, Prime Minister Tunku Abdul Rahman; and His Excellency, the Malaysian Ambassador to the United States, Dato Ong Yoke Lin.

The Federation of Malaysia, consisting of the former federation of Malaya and the British territories of Singapore, North Borneo, and Sarawak, was joyously proclaimed 1 year ago on September 16, 1963. The idea of a new state in southeast Asia, called Malaysia, was first proposed by Prime Minister Tunku Abdul Rahman in the month of May 1961. The proposal was well received by the British Government which gave it its full support and encouragement from the very start.

There was opposition to the creation of Malaysia by the Communist countries of the world. They attacked it as a sinister attempt of the West to perpetuate its special form of colonialism in southeast Asia. In Indonesia, President Sukarno also began to speak out against Malaysia calling it a dangerous threat to his country of almost 100 million people.

During the following year, a serious crisis developed between Indonesia and those who were planning the new state of Malaysia. Several attempts to settle the dispute by negotiation and compromise failed in their main purpose. President Sukarno's government announced that it was adopting a policy of "confrontation" toward Malaysia and that the ultimate aim of this policy was to crush the new state.

In spite of the intense opposition by Indonesia and the major Communist powers, the Soviet Union and China, the Federation of Malaysia was finally proclaimed on September 16, 1963. In this country the formation of the new state was hailed as an encouraging and significant event. The U.S. Government announced that it welcomed Malaysia and that it looked forward to "close and cordial relations between our two nations."

However, regional tension was greatly intensified immediately following the formal proclamation of Malaysia. Indonesia did not extend diplomatic recognition to the new state and even went so far as to cut off its trade with Malaysia. The situation has steadily deteriorated during the last year. In Djakarta, President Sukarno still calls for a policy of confrontation against Malaysia and the Indonesian Government has been actively supporting the guerrilla movement in the Borneo territories of Malaysia.

The United States has not been as deeply involved in the dispute between Indonesia and Malaysia as it has been in others. Attorney General Robert Kennedy did make a trip to southeast Asia in January of this year to try to mediate the dispute. And the U.S. Government has tried to check President Sukarno's aggressiveness by refusing to consider new foreign aid programs for Indonesia. But, for the most part, the United States has deferred to Great Britain as the principal Western power involved.

As the people of the new state of Malaysia celebrate their first anniversary on September 16, we in the United States also honor these democratic and freedom-loving people. Their courage in these days of tension, their progressive attitude and stanch stand against communism assure the continued close and amicable support of the American people. I am confident that there will be a long and friendly relationship between our two countries.

Address Delivered to the American Mining Congress Convention, September 14, Portland, Oreg., by the Honorable John J. Rhodes, of Arizona

EXTENSION OF REMARKS

OF

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1964

Mr. RHODES of Arizona. Mr. Speaker, under leave previously granted, I would like to include in the RECORD the following transcript of an address I delivered to the American Mining Congress Convention in Portland, Oreg., on September 14 concerning our national policies as they affect the mineral industries.

The transcript follows:

It is well for the mining industry to consider carefully the positions of the two political parties which affect it. Literally, the Federal Government is in mining up to its ears. To begin at the beginning, Federal law governs the manner by which discoveries are claimed in most of our land area which is mineral bearing. Then, Federal law governs the use of the surface over mineral claims, and the extent of subsurface rights. In other words, it controls the environment in which most mining operations must be carried out. Under certain conditions, Federal loans are available for the discovery and development of mining ventures. The operation of the mines, while mainly regulated by State law, must also be cognizant of Federal laws having to do with fair labor standards, labor relations, taxes, depletion allowances, and many other matters. In addition, the tariff policy of the particular party in power can have great effect upon the market price to be received for minerals and metals, and therefore impinges directly upon the profitability and feasibility of mining operations.

The tariff policy is not the only way in which the Federal Government may affect mining markets. After World War II many minerals and metals were stockpiled, looking toward the day of another national emergency in which they might be needed. In the 1950's, the policy of trading surplus agricultural products for strategic minerals and metals began. This resulted in the creation of a second stockpile. The policy which the Government follows with reference to the retention or disposition of stockpiled minerals and metals is profoundly important to the marketing situation.

The position of the Government insofar as marketing is concerned is so predominant as to be able to cause rumblings at the marketplace, even with indirect action or by the collateral affects of Government activity. For instance, as you know many minerals and metals are stockpiled either as ore, or as low-grade material which needs smelting or beneficiation before use. In these days of peacetime, Government officials felt it wise to upgrade part of our national stockpile. The policy was evolved of paying the processor in kind—in other words, with part of the product which he had refined or upgraded. This system could not cause any great disruption in the market because the processor receiving the payment in kind was a person knowledgeable in the ways of the market, and therefore disposed of the material in such a manner as to leave the market relatively unaffected.

However, another Government official got the idea that he could get more people interested in processing stockpile materials if he paid the processor in some material other than that being processed. In other words, you might pay the beneficiator of manganese by releasing aluminum to him. This practice could be dangerous to the market because it could result in the release of stockpile material into the hands of persons who have no interest in maintaining the stability of the market of that material, or do not possess the necessary knowledge to do so. Thus far, the quantities so released and the time of release have not caused havoc in any metal markets, but this policy could be dangerous if it were not kept under strict surveillance by the industry and by Government.

The actions of the Government have certainly been devastating concerning the mining of our most precious metal—gold. There is neither the time nor the inclination to go into all of the reasons that gold has been pegged at the price of $35 an ounce. In my opinion, these reasons are good and sufficient ones, and at this time I have no quarrel with them.

However, I do disagree with the reluctance of the Federal Government to do anything to encourage the mining of gold. A task force of the International Monetary Fund, in a very searching analysis of the international monetary situation, recently came to the conclusion that the expanded velocity of trade in the free world will require a basic medium of exchange which exceeds the available gold supply, and also exceeds the level of dollar credits which we can afford to have in the hands of other countries. The alternatives seem to be: (1) Find a brand new medium of exchange; (2) curtail trade in the free world; (3) increase the supply of gold.

I think we can say without serious fear of contradiction that the first alternative is impracticable at the time being. We can also say that the second is unthinkable. This leaves only the third alternative—increasing the supply of gold—as the means of keeping free world trade expanding, and at the same time keeping the dollar credits in the hands of foreign nations from rising to imprudent levels.

I have for years advocated the payment of a subsidy for newly mined gold. This would be a one-time payment, would be made in legal tender, and would be charged as a general expense to the Government. The gold, after it has been purchased and put into the gold reserve, would assume the value of $35 per ounce. Gold sold out of the gold reserve would be sold at that price.

I have heard estimates as to the increase in the output of gold which would result from such a plan. If the estimates are correct, the increase in the domestic gold production would be spectacular. I can think of no better way to aid the mining industry, and also to help solve one of our knottier problems of domestic and international finance.

Government can also be helpful to the mining industry. It can be helpful in continued research aimed at more efficient methods of discovery and development of mineral resources. Research into mine safety and the physical risks involved in mining have been and will continue to be helpful both to the mine operator and the miner himself. By continuing a reasonable depletion allowance, as the Republican platform pledges to do, we can continue to help our mining industry to show a reasonable profit, and to spend the necessary money for exploration and development to insure an adequate supply of minerals and metals for future generations.

The technology of mining and processing of mineral products has advanced so rapidly in the last several years that ore bodies which were formerly hardly worth mentioning are now extremely valuable. Many of those bodies were claimed by companies or individuals some years ago, and the claims were patented under the prudent man theory. At the time of patent, those claims were not commercially feasible. However, the foresight and ingenuity of the mining industry led the persons who patented the claims to believe that some time in the future the time, trouble, and money expended in perfecting their patents would become a good investment.

There is every reason to believe that advances in mining technology will occur which will be at least comparable to those we have already made. Yet under the Department of the Interior's present criterion, many ore bodies which will be commercially valuable in the future could not now be patented. I recognize the reasons for the change in the policy of the Department, and some of them are valid. Certainly, our land policy should always guard against fake and frivolous mining claims. However, the record of the mining industry in taking nothing and turning it into something makes me feel that the Government owes to this industry the trust and confidence which is inherent in the prudent man test for patenting claims. In other words, your record is good enough that in my opinion government should say to you, "If you are willing to risk your time and money in perfecting a patent, we are willing to give you the same type of break which we have given you in the past." Along these lines, you will note that the Republican platform of 1964 contains a pledge for "continuing review of public land laws and policies to secure maximum opportunity for all beneficial uses of the public lands; including the development of mineral resources."

The multiple-use concept of public lands has been evolved through the years as the best means of providing maximum utilization of one of our great public treasures for the best interests of all our people—in this generation and in future generations. It recognizes not only the needs of our citizens, but the versatility of our public lands, properly utilized, to provide the solution to these needs. Along these lines, the Republican platform pledges "full cooperation of all governmental levels and private enterprise in advancing the balanced use of the Nation's natural resources to provide for man's multiple needs." The enactment of the Wilderness Act, after many years of hearings and negotiation, occurred in this Congress. In its first forms, the wilderness bill was inimical to the multiple-use concept. Over the years, opponents and proponents of wilderness legislation were able to conduct full discussions, and with the help of the able staffs of the Interior and Insular Committees of the House and Senate, were able to evolve a bill and a program with which other users of the public lands can live. Had it not been for the strength of the multiple-use concept, and the devotion which many people feel toward it, this piece of legislation either would have been passed prematurely, or not passed at all. In my opinion, the Wilderness Act owes its very existence to the fact that it now is in a form which is not radically contradictory to the multiple-use concept.

I had previously mentioned the importance of the Government in the areas of price stability. It is certainly important to the mining industry to know the policy of either political party with regard to the maintenance and/or disposition of the national stockpile. A penchant to turn the stockpile into quick cash, could certainly be dangerous to the markets. On the other hand, absolute refusal to allow some flexibility in the level of the stockpile would be shortsighted. Flexibility should never become market management, as this would really put producers at the mercy of the Government, but some action taken in emergencies to level the more acute peaks and valleys of supply and demand should be beneficial.

In my opinion, the mining industry should always try to make sure that an administration is in power which realizes the inherent dangers in improper management of the stockpile, and is dedicated to the principle that the stockpile will never be used in such a manner as to hurt free enterprise or damage our free mining industry. It should recognize that the primary purpose of the stockpile—to provide for the national defense—carries with it a secondary responsibility. That responsibility is to use the stockpile in such a way as to provide for the maximum benefit to all our citizens and to the free enterprise system

I have also mentioned that the tariff policy of any administration is important to the mining industry. The U.S. Tariff Commission has recently held exhaustive hearings in an attempt to determine the probable effect on domestic industry of the inclusion of certain products in the list to be discussed in the Kennedy round of GATT talks. As yet, no recommendations have been made. In Geneva, no additions or deletions from the public list of commodities which might form the subject of the Kennedy round have been made. While I have no desire to be unduly political, it is widely opined in Washington that the main reason these decisions have not been made public concerns the proximity of the elections, both in Great Britain and in the United States.

Strong cases were made for flexible import quotas for lead and zinc, for retention of the present copper tariff, and for other applications of tariff and quota policies to other minerals and metals. The facts needed for making a decision are certainly in the hands of the U.S. Tariff Commission, and I for one do not feel that it is asking too much to request that it proceed posthaste to let us know the recommendations it will make to the President.

There are many portions of the Republican platform dealing indirectly with mining, as they deal with all the segments of our free enterprise system. For instance, we pledge an overhaul of the entire tax structure. I think it is important to all industry that this be accomplished, and that the watchword in the new tax system be balanced budgets, industrial expansion, job creation, and a high velocity economy. Inherent in most of our platform is a basic reliance upon the free enterprise system to carry the major share of the load of our economic endeavors—either alone or in partnership with Government. Equally inherent in the platform is the idea of smaller government and bigger people. This platform returns to the concept that the Government should do only those things for the people which the people cannot do at all, or as well, for themselves. This is a hard-hitting platform, and one which in my opinion places the Republican Party in the mainstream of American thinking in this year of 1964. I commend it to you for your reading, and solicit your support for its principles.

My Talks With the Presidential Giants

EXTENSION OF REMARKS

OF

HON. EUGENE SILER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1964

Mr. SILER. Mr. Speaker, this week I forwarded to the newspapers in my congressional district an article written by me on the subject of my talks with the presidential giants—Washington, Lincoln, and Jefferson. It has occurred to me that this article might be of general interest to some people outside my congressional district and accordingly I am now inserting it in the CONGRESSIONAL RECORD. The article is as follows:

The Washington skyline along the Potomac River is dominated by three memorials erected to presidential giants who led our Nation in other years. These memorials are for Washington, Lincoln, and Jefferson.

But what a mockery that we cease to follow their counsel in these times. Memorials are for memories. Yet we remember only their names, not their precepts.

I go out to the long shadow of Washington's tapering spire that reaches 555 feet toward the clouds. "General," I say to his imagined presence, "You wrapped us in swaddling clothes and gave us a healthy start. Now look. We number over 180 million and our stars have grown from 13 to 50. Do you have any comment?"

"Why yes, Congressman, I do. You must recall that I once gave a farewell address in which I told the people to beware of entangling foreign alliances. But, among other entanglements, our country has been engaged in some kind of a Vietnam conflict for the past 10 years. This has already cost $3 billion and hundreds of American casualties. Vietnam is nearly 7,000 miles away. It is very foreign and we are very much entangled. We must be off our rocker to do such things." The General fades away with heavy sorrow and I move on over to the Lincoln Memorial hard by the Potomac.

Mr. Lincoln is lonely and brooding sitting there in his large chair. Knowing he came from Kentucky soil and the plain people of his time, I am not backward about accosting his spirit that seems to be neither earthbound nor tonguetied. "Well, Emancipator, it must be a great feeling to know that you preserved the Union and took your place among our country's immortals."

He replies, "You said a mouthful about preserving the Union, but have you forgotten about my statement calling on Americans not to violate the laws, to have full reverence always for law and order, never to redress any grievance by mob action? Yet riots this year in Harlem, Philadelphia, Rochester, and other places have cost 5 lives, nearly 1,000 injuries, and more than $6 million in property damages. And these terrible acts have been done by some of the very people for whom I gave my life." So spoke the Great Emancipator and I have never seen such sadness and disappointment in a human face. And now I cross the Tidal Basin to find out what is on the mind of Thomas Jefferson.

And right there stands Mr. Jefferson, a fine figure of a man, if I ever saw one. "Hello, Mr. Jefferson," I greet the founder of the Democratic Party, "it must be quite a satisfaction to you to realize you started the very political party that now controls the White House, the Senate, and the House of Representatives. Have you any misgivings about the whole business in this election year of 1964?"

"Well, Congressman SILER, you are a Republican from the mountains of Kentucky. But you and many others have often quoted me as saying that the Government that governs the least governs the best. I believe it then and still believe it now. Yet right here are the plain figures—more than 2 million people are working for the Federal Government; it has more bureaus than ever before; it is meddling in more things, clear out to the heads of the hollows, than ever in history; it has a Federal budget of $98 billion that is never in balance; it has a Federal debt of more than $300 billion that no one plans to reduce. Do you think I could sleep if I were still living at Monticello? Why, I would be taking 10 aspirins daily and 2 tranquilizers every night. Congressman, you are a Republican and I am a Democrat. But we see many things very much alike. If you were running this year, I think I would vote for you. And, if I were running, I think you would vote for me."

"Of course, Mr. Jefferson, you bet your boots I would. But not for bigger, bigger, bigger government."

Washington, Lincoln, Jefferson, America's great trio. While we hail them, we do not heed them. And that is a very poor memorial indeed.

SENATE

THURSDAY, SEPTEMBER 17, 1964

The Senate met at 11 o'clock a.m., and was called to order by the President pro tempore.

Rev. Edward B. Lewis, pastor, Capitol Hill Methodist Church, offered the following prayer:

Eternal God, our Heavenly Father, make us aware of the fact of Thy presence at all times in our midst, especially in the sanctuaries of our hearts.

For the President of these United States and the elected servants of this body, we pray during these moments. We also pray for the citizens of this great Nation. Help us all, O God, without whom we are lost.

We need not summon Thee to be with us, for Thou art here. Rather, we pray, open Thou our eyes of faith, that we may be guided by light, even in darkness. Unstop our ears, to hear great calls of life from God and mankind. Make our minds sensitive, and our hearts submissive, for present-day needs and challenges.

On this anniversary day of the ratification of our Constitution, we pray for Thy continued guidance of great leaders. Guide our courts, as they interpret the Constitution; enlighten our leaders, as they guard it and debate it; give the people a deep appreciation of it, so as to act and live in such a way that they will deserve its freedom.

We pray in the name and spirit of Jesus Christ, our Lord. Amen.

THE JOURNAL

On request by Mr. INOUYE, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 16, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT—WITHDRAWAL OF NOMINATION

A message in writing from the President of the United States, withdrawing the nomination of Charles E. Casey, of California, to be a member of the Board of Parole, was communicated to the Senate by Mr. Ratchford, one of his secretaries.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. INOUYE, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATION

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting, for the information of the Senate, a copy of a decree (and translation thereof) in homage to the 188th anniversary of American independence issued on July 2, 1964, by the President of the Argentine National Senate, and a resolution passed on the same date by the Argentine Senate in support of the decree, which, with the accompanying papers, was referred to the Committee on Foreign Relations.

PETITION

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the Common Council of the City of Buffalo, N.Y., protesting against any attempt to thwart the Supreme Court decision relating to legislative apportionment, which was referred to the Committee on the Judiciary.

THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF CENTRAL ARIZONA PROJECT—INDIVIDUAL VIEWS (PART 2 OF S. REPT. NO. 1330)

Mr. KUCHEL. Mr. President, I send to the desk my individual views on S. 1658, authorizing the construction, operation, and maintenance of the central Arizona project. My views are in vigorous opposition to S. 1658.

Earlier, on August 6, at page 17853, the Senate received a report on the bill. Consent was asked for and obtained that the report be printed together with such additional or individual views as would be subsequently filed. I now file my views.

I ask the Chair to advise me. Is the Senator from California correct in his understanding that his individual views will be printed as a Senate document to the same extent and number as the report on the bill itself has previously been printed?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The views of the Senator from California will be printed as a Senate report and will constitute part II of that report.

Mr. KUCHEL. And the number of copies of that part II will be the same as the number of copies of the original?

The PRESIDING OFFICER. The Senator is correct.

Mr. KUCHEL. I thank the Chair.

The PRESIDING OFFICER. The individual views of the Senator from California will be received and printed.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CASE:

S. 3197. A bill to amend title 23 of the United States Code to increase the total mileage of the National System of Interstate and Defense Highways; to the Committee on Public Works.

(See the remarks of Mr. CASE when he introduced the above bill, which appear under a separate heading.)

INCREASED MILEAGE FOR NATIONAL SYSTEM OF INTERSTATE HIGHWAYS

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill to amend title 23 of the United States Code to increase the total mileage of the National System of Interstate Highways from 41,000 to 50,000 miles.

The completed portions of the Interstate System have already produced numerous benefits to the public, including great savings in traveling time. And the completion of the entire authorized program can be expected to produce additional benefits. But the increasing growth of our population and the increase in motor vehicle use make it advisable that the Interstate System be expanded from its presently authorized 41,000 miles.

Even now, the Federal Bureau of Public Roads has requests from various States, including New Jersey, for an additional 20,000 miles of highway, over and above the existing authorization, which they cannot consider because all of the mileage authorized under the Federal Aid Highway Act of 1956 has been allocated.

Particularly significant in New Jersey is the pressing need for an expressway to link Trenton with the shore areas. But as I have already stated, because all mileage in the Interstate Highway System has already been allocated, New Jersey is unable to get additional 90–10 Federal funds for this much needed road. There are also other expressways needed in our State that cannot be built for this same reason.

As is known, Mr. President, funds for the construction of the Interstate System are derived from the trust fund which was established by the Federal Bureau of Public Roads, and which is replenished through taxes on petroleum products used in motor vehicles. Because this fund is self-sustaining, and because the revenues are derived only from those making use of our roads, there is no additional tax assessment needed from other sources.

Mr. President, those portions of the Interstate Highway System that have already been completed and are in use have certainly proven their worth. Now, there is a clear need for additional mileage in this system, and I hope the Senate will give early consideration and approval to my bill, which would expand our great Interstate Highway System.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred.

The bill (S. 3197) to amend title 23 of the United States Code to increase the total mileage of the National System of Interstate and Defense Highways, introduced by Mr. CASE, was received, read twice by its title, and referred to the Committee on Public Works.

ORDER OF BUSINESS

The **PRESIDING OFFICER.** Is there any further morning business?

Mr. **INOUYE.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. **INOUYE.** Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SENATOR STROM THURMOND OF SOUTH CAROLINA BECOMES A REPUBLICAN

Mr. **MORTON.** Mr. President, speaking as one Senator from this side of the aisle, I welcome the decision which was made by the distinguished Senator from South Carolina [Mr. THURMOND], which he announced to the people of his great State last night.

I know that the question arises as to committee assignments, seniority, and so forth. My understanding is that the Senator from South Carolina [Mr. THURMOND] would like to remain on the Committee on Commerce, and on the Committee on Armed Services.

I happen to be the second ranking Republican on the Committee on Commerce. The Senator from South Carolina is senior to me on that committee.

I am happy to move over to the No. 3 chair. In fact, I shall be glad to move down to the No. 15 chair if we ever have 15 Republicans on that committee.

Mr. President, I have been asked to read this message to the Senate from the Senator from Nebraska [Mr. CURTIS], who is unable to be in the Chamber today.

He says:

> Every true Republican rejoices at Senator STROM THURMOND's decision not only to support GOLDWATER but also to become a Republican Senator.
>
> I regard it as one of the most dedicated and courageous actions that I have observed in my political career. Senator THURMOND has placed country above party. He has taken a course dictated by his conscience to preserve the solvency, the integrity, and the traditions of our Republic.

Mr. President, I have talked on the telephone with the ranking Republican member on the Committee on Commerce, the distinguished Senator from New Hampshire [Mr. COTTON], and he echoes the sentiments which I have just expressed and which the Senator from Nebraska [Mr. CURTIS] has expressed. The Senator from New Hampshire asked me to indicate his sentiments to Members of the Senate.

Mr. **DIRKSEN.** Mr. President, late yesterday afternoon, I received a telegram from the distinguished Senator from South Carolina [Mr. THURMOND], not only requesting, but also directing that I make all the necessary arrangements to provide a seat for him on the Republican side of the aisle. This would come as fortification of the observation and statement he made yesterday, to the effect that he was changing his political affiliation.

It is a rather interesting aspect of history how strong the influence of tradition can be as it impels men to accept the politics and religion of their forebears. Tradition has been described as a whole bundle of customs, usages, the impact of personalities, and the events of history which, in large and small measure, have an impact on the conduct and behavior of people in every generation.

Frankly, the impact of tradition is so strong that many persons, I am sure, practice and pursue the policies and doctrines of the organization with which they are associated, rather than to foresake the label, even though they may be at great variance with the mainstream of thinking of the party or group. But, now and then a person high in the faith, or high in the party, has been moved to make a change in an open and forthright manner which all can see and all can observe.

Frankly, to take such a step requires a high degree of moral courage. If anyone has any doubt on that subject, let him back himself into a corner, ask himself that question, and insist that he get an answer from his own conscience. Then he will discover that it requires some courage to cut the ties, to abandon tradition, and to make that kind of change. But, in some quarters there are persons, I suppose, who, when they make this change, are even suspect as to the motives and the reasons for so doing. Yet, not to do so seems to mean a great, constant, and continuing unhappiness with associations, principles, and doctrines with which the person does not agree. And, somewhere he is constantly confronted with that challenge in the hope that he can develop some serenity and felicity of mind that would make him a more useful member of the faith or the organization with which he is identified.

Such transformations may be comparatively rare. But they are not new in our history. Probably the classic example is Abraham Lincoln. Lincoln served one term in Congress, in 1847 and 1848, as a member of the Whig Party. But, when the great confrontation of this challenge that was looming on the horizon of the Republican Party came about, Lincoln then forsook the Whig Party and became a member of the Republican Party.

There was still another, and that was Hannibal Hamlin, who was Lincoln's Vice President in his first term. Hannibal Hamlin was a great classical scholar. He had pursued a political career as a Democrat. As I recall, he served two terms in Congress, having been elected to that office as a Democrat. But, ultimately he changed his affiliation, and so became Vice President on the Republican ticket in 1860.

There is precedent and there is reason for the course which our distinguished friend and colleague, the Senator from South Carolina [Mr. THURMOND], is pursuing. I salute him for his resolute courage that caused him to foresake the political label that he has borne with distinction for a lifetime. He has been Governor of his State. His State has sent him to this body, and, on one occasion, by an amazing political phenomenon—a write-in campaign in which he received more than 150,000 votes. I salute him for identifying himself with the Republican Party in which he finds principles and policies which he can more readily accept and under whose rooftop he will probably find it more congenial.

We extend to him the hand of Republican fellowship, and we bid him thrice welcome. Moreover, we shall welcome all who believe that under the Republican banner they can render more useful and effective service to the Republic.

I note with some interest that this historic incident—and I think it must be regarded as something of an historic incident, when a man of such stature in his party, in his State, and in his Nation, changes his political affiliation—occurs on the 187th anniversary of the formulation of the Constitution of the United States. I do not believe that there is a single Member of this body who will not agree that STROM THURMOND is dedicated to that doctrine, to its meaning, and to the Nation for which it was conceived. I do not believe a single Member of this body will deny that the doctrines and the guidelines of the Constitution of the United States have been the Holy Writ that somehow managed and guided the political behavior of a great citizen of the country. So, in all this, he is attuned with Republican faith. I salute him for his moral courage and for his deep conviction that brought about this transformation.

Mr. President, he will be sitting in this tier of this distinguished Chamber, in the third row. There are now four seats placed there—one for him, the newest acquisition of the Republican Party.

THE PLAIN DEALER ENDORSES JOHNSON AND HUMPHREY

Mr. YOUNG of Ohio. Mr. President, the Plain Dealer, one of the two daily newspapers in my home city of Cleveland, Ohio, and certainly one of the great newspapers of this Nation, has called for the election of President Lyndon B. Johnson as President of the United States and Senator HUBERT H. HUMPHREY for Vice President. In a front-page editorial on September 13, 1964, the editors of this outstanding newspaper said:

> Based on what we think is best for the people of this country we believe the Government of the United States should be run by the two nominees most competent to do the job. For this reason the Plain Dealer endorses Lyndon B. Johnson for President and HUBERT H. HUMPHREY for Vice President.

This great newspaper over the years has a great history and notable tradition for fine public service. Incidentally, this fine newspaper endorsed and supported Thomas E. Dewey, Dwight Eisenhower, Richard Nixon and other Republican candidates for President in the recent past.

Mr. President, under the guidance and leadership of its extremely capable publisher and editor, Tom Vail, the Plain Dealer has shown itself to be a mighty force for progress in my State. Therefore, its endorsement of the Democratic ticket this year is of more than usual significance.

I commend this editorial to my colleagues and ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PLAIN DEALER ENDORSES JOHNSON AND HUMPHREY

The Plain Dealer supports the election of President Lyndon B. Johnson for President of the United States and Senator HUBERT H. HUMPHREY for Vice President.

Our support of the Democratic candidates is based on one consideration alone; namely, what two men are best qualified to carry the awesome burdens of the greatest power on earth?

In keeping with the vigorously independent politics of this newspaper we have given no consideration to party affiliations.

Our decision is reached after the most thorough investigation, observation and comparison with the Republican ticket represented by Senator BARRY M. GOLDWATER for President and Congressman WILLIAM E. MILLER for Vice President.

Our publisher and editor, members of our Washington bureau, and many other experienced staff members of this newspaper have talked to and observed the candidates under various conditions.

All have given serious consideration to everything the candidates for President and Vice President have said and written.

In our view President Johnson has demonstrated since the tragic assassination of President John F. Kennedy, November 22, 1963, that he understands the Presidency and that he can cope with its responsibilities.

In less than 11 months the President has established himself as a leader in his own right.

He has proved to be amazingly effective in dealing with the Congress.

We feel this is an important relationship for a strong Chief Executive.

President Johnson's generally moderate stand on economic issues has reflected, in our opinion, the mood of the country and represents a responsible attitude during a period of unprecedented prosperity.

In foreign affairs where the slightest misstep can now mean the destruction of mankind, President Johnson has shown profound respect for the high stakes involved.

In a long political career Lyndon B. Johnson has been an effective prominent figure in the legislative branch of the Government, most recently as Senate majority leader.

The President's selection for Vice President of Senator HUBERT H. HUMPHREY, a nationally known personality and respected legislator himself, we feel adds strength and energy to the team.

In recent years Senator HUMPHREY has shown a capacity to grow and mature, indicating that greater responsibility outlined by President Johnson for the vice-presidency should further add to the growth of HUMPHREY's capabilities if the Johnson-Humphrey ticket is elected November 3.

While every democracy thrives on a vigorous and competent opposition, we do not feel Senator GOLDWATER and Congressman MILLER are up to the highest standards of Republican presidential and vice presidential candidates.

Senator GOLDWATER's record as a Senator does not impress us.

His statements during this campaign have been confusing and, more importantly, indicate lack of a thorough knowledge about the Government of the United States and the great issues of the day.

While most of Senator GOLDWATER's fellow Republican legislators worked for civil rights legislation and many other controversial but constructive measures, Senator GOLDWATER failed not only to go along with his fellow Republican legislative leaders, but also failed to offer constructive alternatives.

We do not think GOP Vice-Presidential Candidate Congressman MILLER has established a record in the Government or a stature with the public high enough to recommend him for the great and increasing responsibilities of the vice-presidency.

In keeping with the best traditions of American journalism we do not intend by our endorsement to support everything President Johnson and Senator HUMPHREY may do or say during the current campaign.

Nor will we discount completely everything Senator GOLDWATER and Congressman MILLER may do or say.

We will continue to give fair and complete news coverage to both tickets, regardless of our editorial opinion.

Based on what we think is best for the people of this country we believe the Government of the United States should be run by the two nominees most competent to do the job.

For this reason the Plain Dealer endorses Lyndon B. Johnson for President and HUBERT H. HUMPHREY for Vice President.

HATE BOOK, "NONE DARE CALL IT TREASON," A HOAX AND FRAUD

Mr. YOUNG of Ohio. Mr. President, one of the biggest and most dangerous propaganda hoaxes of our time is the John Birch hate publication titled "None Dare Call It Treason."

This scurrilous document is craftily designed to destroy confidence in both major political parties and to undermine basic faith in our free democratic institutions. It is a devil's brew of half-truths, distortions, and outright lies.

On July 22 the New York Times quoted John Birch officials to the effect that promoting "None Dare Call It Treason" was a prime Birch project. In Cleveland, Ohio, William Shepler, an admitted official of the John Birch Society, arranged distribution, and wholesalers get their copies from the American Opinion Library, an offshoot of the Birch Society.

The real purpose of the book is made clear on page 231 where the reader is urged to join the John Birch Society and two other intertwined organizations and told how to go about doing so.

I am grateful that the National Committee for Civic Responsibility has exposed this document as "at best an incredibly poor job of research—at worst, a deliberate hoax and a fraud." The National Committee for Civic Responsibility is a nonpartisan, nonprofit Cleveland group, one of whose purposes is to "expose the use of calumny and deception" by both rightwing and leftwing extremists.

Mr. President, on September 12, 1964, there appeared in the Akron Beacon Journal, one of the great newspapers of Ohio and of the Nation, an excellent article entitled "'Hate' Book by Missourian Called 'Poor Research Job, a Hoax, Fraud.'" This article details clearly the fraudulent and deceptive nature of this lunatic extremist rightwing fringe propaganda sheet. I commend it to my colleagues and ask unanimous consent that it be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Akron (Ohio) Beacon Journal, Sept. 12, 1964]

NATIONAL COMMITTEE'S CHARGE—"HATE" BOOK BY MISSOURIAN CALLED "POOR RESEARCH JOB, A HOAX, FRAUD"

The controversial "hate" book "None Dare Call It Treason," by John Stormer, has been labeled as "at best an incredibly poor job of research—at worst, a deliberate hoax and a fraud."

This characterization comes in a scathing report issued by the National Committee for Civic Responsibility (NCCR) and introduced into the CONGRESSIONAL RECORD by Representative CHARLES VANIK, Cleveland Democrat.

It also was one of two books named last week by State Democratic Chairman William Coleman when he asked the Ohio State Fair manager to halt political activity at a

Fair booth operated by the American Opinion Society.

NCCR is a nonpartisan, nonprofit Cleveland group formed last year with one of its purposes to expose the use of calumny and deception by both right- and left-wing extremists.

Stormer is a Missouri Republican whose book has caused a storm of protest in many sections of the country when it was introduced.

NCCR said it attempted to get additional information about the book but found: "This seems to be the only publication of the Liberty Bell Press, Florissant, Mo., a suburb of St. Louis. There is no telephone listed."

NCCR said the book is distributed in Cleveland area by Klein News which receives its supply from William Shepler, "area coordinator of and public spokesman for the John Birch Society in Cleveland."

The NCCR report says of Stormer's book:

It contains 818 references, supposedly substantiating the material, but "in case after case, the author has subverted references to give a totally false impression."

A major portion of the documentation is from the Congressional Record or testimony given congressional committees "but in most instances he fails to give the name of the person whose testimony he relies upon."

In 79 instances Stormer uses as his authority "biased rightwing publications" such as Human Events, the Dan Smoot Report, America's Future, and publications of the Birch Society.

In some cases dates of cited references were as much as a year off, in some cases words were added to the direct quotations of witnesses before congressional committees.

Sometimes references were not complete enough to allow checking, as in one case where the citation is to "House Document 227, page 4" but with no indication of the year or the session of Congress in which it was issued, or in another case when Stormer cited "Consul General for Yugoslavia v. Artukovic" without mention of where, when or by whom such a hearing was conducted.

NCCR's report lists reference after reference that has been distorted by Stormer, giving the direct quotation from the book and then the exact language of his reference.

However, NCCR was especially intrigued by one statement in Stormer's book for which no citation was listed. Following is the statement, quoted from page 205, paragraph 4 of Stormer's book:

"If U.S. proposals for arms control and disarmament are accepted, U.S. military forces will be transferred to the U.N. peace force, which is directed by the Under Secretary for Political and Security Council Affairs, who has always been a Communist."

A reader would conclude the above observation was Stormer's own. However, as NCCR points out: "Dozens of rightwing organizations have circulated this myth, and, by quoting each other, have compiled an extensive file of meaningless documentation."

The myth was conclusively exploded May 2, 1963, by Senator Thomas Kuchel, California Republican.

Kuchel spoke out after John Rousselot, Birch Society officer and ex-Congressman, made the same charges in a California speech entitled "Disarmament—Blueprint for Surrender." However, Rousselot spoke of a "Russian general" directing U.S. Armed Forces, rather than Stormer's "Communist under secretary."

"Those fantastic charges," Kuchel said, "are false—completely false. But when one who was * * * a Member of Congress * * * utters such a cry, there are Americans who listen and believe.

"There is no Russian colonel, or general, or military or civilian individual who is 'secretary of the United Nations' or 'under secretary of the U.N. Security Council.'

"Let the record be clear that there are 19 under secretaries of the Security Council, of which 13 are filled by Americans or representatives of our allies and of which two are Soviet bloc nations.

"None of them has anything to do with the command of any joint U.N. military operations. There is no world police force in the U.N."

The NCCR says that the thrust of Stormer's book "is to present a picture of the United States as a nation doomed to defeat by communism as the direct result of treason in our schools, churches, universities, newspapers, television, radio, Government agencies and top officials."

The committee looked into Stormer's book at the request of NCCR's president, Thomas C. Westropp. He is executive vice president of the Women's Federal Savings & Loan in Cleveland. He is also regional first vice commander of the American Legion.

The Ohio American Legion had authorized distribution of Stormer's book. As a result of NCCR's report, the Legion has canceled distribution plans, pending further investigation.

The committee, made up of Catholic, Protestant, and Jewish clergy, a judge and university official, methodically took what it felt were the most serious charges made by Stormer's book. They started by checking his references.

Two examples will indicate what they found:

Stormer, page 58: "Weapons and ammunition were supplied to the underground in Cuba by the CIA in such a way as to insure that they could never be used."

Stormer gave as his documentation a column written by Edith Roosevelt in the Shreveport Journal, September 15, 1962.

NCCR says: "If Edith Roosevelt, a frankly partisan rightwing writer had made such a charge, it would not necessarily have been an accurate statement. But the fact is, she said no such thing.

"Edith Roosevelt writes that the CIA dropped caches of weapons and ammunition at random freedom-fighter depots in the expectation that the underground would be able to mount a coordinated attack in which ammunition and weapons would be properly distributed.

"She quarrels with this concept and points out that this resulted in some weaponry not having proper ammunition.

"At no time does she say or even imply that this was done to insure that they could never be used."

In another case (ch. 8, reference 29) Stormer accuses Time magazine of lying in order to discredit Senator Joseph McCarthy. He used as a reference the Congressional Record of November 14, 1951.

NCCR says: "Congress was not in session on November 14, 1951, consequently, there is no Record for that date."

In his book Stormer recommends that readers join the John Birch Society and other rightwing organizations. Of this suggestion, NCCR says:

"While Robert Welch, founder and leader of the John Birch Society, honestly stated his conviction that 'Communist influences are now in full working control of our Federal Government,' Mr. Stormer seeks to brand every U.S. President since Herbert Hoover as a traitor."

SENATOR GOLDWATER'S SUPPORT

Mr. McGOVERN. Mr. President, yesterday's Washington Post published a story on page 2 referring to the formation of a Pilots for Goldwater Committee. Tuesday, one of the exuberant members of this group asserted that 77 percent of the pilots are supporting the Arizona Senator for President.

On page 6 of yesterday's Post, there is a news story detailing the Senator's reception in Atlanta, Ga. After reporting on the sale of Confederate flags and confetti, the article states:

> One group of teenage girls had their arms in slings and carried signs proclaiming, "We'd give our right arm for Barry."

It would appear from these two news reports, Mr. President, that the Senator is drawing strong support from two special groups of voters—crippled rightwingers and those who are up in the air.

WOMEN OF GREAT ABILITY CAN ACHIEVE WITH DETERMINATION AND TALENT—TRIBUTE TO MISS F. LOUISE LELAND

Mrs. SMITH. Mr. President, Virginia London, of the Bangor Daily News, has written an excellent story on one of Maine's outstanding citizens—Miss F. Louise Leland of Bar Harbor. I am very proud of Louise Leland for she dramatically illustrates what women of great ability can achieve with determination and talent. I ask unanimous consent that this very interesting article be placed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Miss Leland of Bar Harbor: Banker for 56 Years

(By Virginia London)

In 1908, Miss F. Louise Leland, of Bar Harbor, embarked on a career that was, at that time, almost unheard of for a woman. She was just out of high school and teaching a summer school session at Moro Plantation in Aroostook County when she was contacted by officers of the Bar Harbor Banking & Trust Co. with the offer of a position as bookkeeper and teller.

Her employers had approached the idea of hiring a woman with caution and, as she learned later, had carefully checked the opinion of 3 year-round and three summer residents to get their reaction to this novel move. Miss Leland laughingly recalls one solemn opinion given—"I don't believe that little girl can hurt the Bar Harbor public."

That she was successful in overcoming the reluctance of both men and women to have a "female" take their deposits or cash their checks is evident in her appointment to assistant treasurer in 1933—making her one of the first women in Maine to hold a position as a bank officer. In 1953 Miss Leland was elected to a vice-presidency by the directors.

She is not certain what influenced her to accept the position, it might have been the challenge involved, but she is not overlooking the $7 per week salary which her employers reminded her frequently was a good start for a girl.

She recalls being told by customers that this new idea would never work. But eventually, her sense of humor and genuine liking for people won them over. Some of her most reluctant customers became her best friends.

Today, Miss Leland is a folksy person, friendly—and still retains that sense of humor that carried her through the early years. She is a woman who is well informed on affairs both current and historic and is noted for her pithy observations which usually cut through to the heart of the subject being discussed.

Miss Leland's position in the bank during the time she refers to as "Bar Harbor's Golden Age," brought her in contact with the "cream of our country" who came to summer in the area.

Her customers included some of the most famous names and families of the time—Henry Morgenthau, Maurice K. Jesup, R. L. Stevenson, Arthur Train, Mary Roberts Rinehart, Joseph Pulitzer, Jane Addams, Walter Damrosch, Fritz Kreisler, Ernest Schelling, and J. P. Morgan, Sr., who asked her to change the first $500 bill she had ever seen. Over the years she made many lasting friendships among the hundreds of summer residents.

Her successful career in banking was paralleled by a total involvement in community affairs. "You can't help getting into all these things if you have any heart at all" is the simple explanation she offers for her interest in the people, projects, and problems of her community.

The civic, club, and school and community fund activities, reflecting her contribution to the area are too numerous to list here, but they include more than 15 organizations. She is interested in politics and was the first ballot clerk for the Republicans when women were granted equal suffrage.

She dismisses all of this lightly, declaring, "I guess I just can't be a deadhead on a committee, but it sounds a lot more important than it is. I just try to be a useful citizen."

As one might expect, Miss Leland also treats her retirement just as lightly. "I retired officially January 1, 1956, but it never made much difference. Only that I come in now depending on the needs of the bank." Except for a period of hospitalization last year, her first in 75 years, she is at work nearly every day handling the payroll for the bank and its four branch offices.

From her own experience, Miss Leland feels there is a definite place in banking for women. "It's gratifying for me to see more women moving into this field." She is of the opinion that women could fill more officer positions if they wished to.

"Perhaps it is because they don't go after these positions. It seems that most women like to see a job well done, but they don't want the power that position, money, or politics can give them, as men do."

Miss Leland has a home in Salisbury Cove where she lives during the warm months. She moves into Bar Harbor only for the colder part of the winter. She has no desire to travel—her people, her bank, and home fill her life.

"I'm really a smalltown person—the places I'd like to go, I've been; and the places I have never been would take some planning to reach."

Mr. SIMPSON. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HART. Mr. President, reserving the right to object, will the Senator permit me to place in the Record a brief statement, without losing his right to the floor?

Mr. SIMPSON. I am glad to yield for that purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming that he be allowed to yield to the Senator from Michigan? The Chair hears none, and it is so ordered. The Senator from Michigan is recognized.

STRIVING FOR IMPARTIALITY IN THE FEDERAL COURTS

Mr. HART. Mr. President, there has been much discussion recently about conflict of interest in the legislative and executive branches of the Government. This is a serious problem and deserves a maximum of soul searching and the judgment of our wisest minds.

Not to be overlooked is the third branch of Government—the judiciary. The Judicial Conference of the United States has acted promptly in this matter; a year ago it approved a resolution recommending that judges decline to participate as directors or officers in business corporations of any kind.

Judge Simon E. Sobeloff, the highly respected chief judge of the court of appeals for the fourth circuit—he is a former Solicitor General of the United States and a former chief judge of the Maryland Court of Appeals—has written an instructive article on the need for impartiality in the Federal courts. It is a notable review of the entire subject, and adds greatly to our understanding of this delicate area.

My attention was attracted to Judge Sobeloff's reference to two pending bills relating to judicial conflicts of interest. One, by Congressman EMANUEL CELLER, would forbid any Federal judge from participating in any enterprise organized for profit except in the role of stockholder. The other bill, introduced by the late Senator Estes Kefauver shortly before his death, would require judges to submit annual financial reports.

Whether they are approved or not, Judge Sobeloff calls these measures significant because, in his view, they represent a continuing effort to free the judiciary from outside influences and to assure the public that judges would not be affected by competing financial interests.

I was also pleased to see the author's comments on a recent book by a distinguished Washington lawyer, Joseph Borkin, entitled "The Corrupt Judge," in which he recommends that the Supreme Court require Federal judges to submit confidential financial reports for its inspection. Judge Sobeloff believes this suggestion has merit because it gives the Supreme Court discretion in dealing with special situations and, as he says, the High Court "could determine where to draw the line with justice to the public interest and to the judges."

Judge Sobeloff concludes that, although the Federal judiciary has an excellent record, "the process of refining our standards is a continuing one." He believes firmly in the principle "that judges are not only expected to be impartial but are charged with the responsibility of avoiding all appearance of partiality." Certainly, we can all agree to that.

Judge Sobeloff's views should be of great interest to the Congress and the public. I ask unanimous consent that this article—entitled "Striving for Impartiality in the Federal Courts," in volume 24, No. 3, summer 1964 issue of the Federal Bar Journal—be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Striving for Impartiality in the Federal Courts

(By Simon E. Sobeloff, Chief Judge, Court of Appeals for the Fourth Circuit; former Solicitor General of the United States, and former Chief Judge of the Court of Appeals of Maryland)

"Conflicts of interest" is a phrase much used these days. While the subject is more often discussed in relation to the other branches of Government, the judiciary has not escaped scrutiny.

Presently under consideration in Congress are two proposed laws relating to conflicts of interest in the judiciary. One H.R. 6048, by Congressman EMANUEL CELLER, is intended to amend 28 U.S.C. 454 to read as follows:

"A justice or judge appointed under the authority of the United States who engages in the practice of law or, other than in the capacity of a stockholder, participates in an enterprise organized for profit, shall be fined not more than $5,000 or imprisoned not more than 1 year, or both."[1]

The other bill, S. 1613, authored by the late Senator Estes Kefauver, provides for the establishment of an office of reports in each judicial circuit, to which each judge in the circuit is required to submit annual financial reports. These reports would be available for inspection only by members of the judicial council of each circuit. At the time of this writing no action has been taken on either bill nor have any hearings been held. Whether ultimately passed into law or not, these bills are significant because they represent a continuing effort, begun long ago, to free the judiciary from outside influences and to assure the public, for whom the courts exist, that its judges will be unaffected by competing financial interests.

IMPARTIALITY IN GENERAL

Impartiality is among the most important virtues for a judge and at the same time one of the most difficult to acquire. It is difficult to attain because its scope is broad and unclear. The Webster's Dictionary definition of the word as "freedom from bias or favoritism; disinterestedness; fairness," fails in many situations to provide a practical answer. As applied to the judiciary, the concept encompasses objective as well as subjective fairness. It is a familiar axiom, but worth repeating, that it is not enough for a judge to be impartial; he must also avoid the appearance of partiality. "Our courts," Arthur T. Vanderbilt has declared, "are utterly dependent upon public respect for the law as an institution and upon public confidence in the integrity of the judiciary."[2]

When a judge so much as appears to be partial, even if in truth he is not, the public's confidence in him is lost.

In addition, there are both obvious and obscure influences which may affect a judge's view of a case. Prejudgment, favoritism, and corruption are examples of the obvious, and therefore need no elaboration. At the other end of the spectrum are more subtle influences arising from the judge's own personality.

A man's background, his education, his associations, shape his outlook. Justice Cardozo recognized this when he wrote: "Deep below consciousness are other forces, the likes and dislikes, the predelictions and the prejudices, the complex of instincts and emotions and habits and convictions which make the man, whether he be litigant or judge."[3] To achieve impartiality a judge must guard against distortion of his perspective, even by these subliminal forces. A judge, as Learned Hand aptly phrased it, should allow himself only one bias, "a bias against bias."

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[1] 28 U.S.C. 454 presently in force reads: Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor.

[2] Rutgers L. Rev., Special Number 1–34 (Nov. 1948).

A. History of conflicts of interest in the judiciary

From the earliest time, the ethical behavior of judges has been the subject of concern. Two frequently quoted passages of the Bible are specifically directed to the moral conduct of judges. The first reads:

> "And I charged your judges at that time, saying Hear the causes between your brethren, and judge righteously between every man and his brother, and the stranger that is with him.
>
> "Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man."[4]

The other points even more directly to the problem we are considering:

> "Thou shalt not wrest judgment; thou shall not respect persons, neither take a gift; for a gift doth blind the eyes of the wise, and pervert the words of the righteous."[5]

Socrates, in defining the qualities of a judge, says:

> "Four things belong to a judge: to hear courteously; to answer wisely; to consider soberly; and to decide impartially."

Not so long ago, in the reign of the Tudors, it was a general practice for judges to accept gifts from litigants. During the 15th and 16th centuries it was common for suitors to present New Year's gifts to judges. Lord Bacon (1561–1626), whose essay, "Of Judicature," is a classic in the field of judicial ethics, confessed that as a judge he had acted corruptly, although he explicity disclaimed having sold his judgment. He affirmed that he never "had a bribe or reward in his eye or thought when he pronounced any sentence or order."[6] It would overstrain credulity to accept this assertion of resolute judicial impartiality notwithstanding the receipt of bribes. It is one of the ironies of history that some of the noblest ideals of judicial ethics, later adopted in our American "Canons of Judicial Ethics," were phrased by Bacon.

Sir Matthew Hale (1609–76), Lord Chief Justice in the reign of Charles II, was the exception rather than the rule in his stern view of conflicts of interest. He has been characterized as "one of the saints of the law" and is credited with formulating one of the earliest, if not the first code of judicial ethics. His "Eighteen Principles" form the foundation of modern codes. Significantly, he recalls the Biblical injunction referred to above, and states as his 16th principle: "To abhor all private solicitations, of what kind soever, and by whomsoever, in matters depending."[7]

The suggestion has been voiced that conflicting interests influenced judges in some important decisions in the early history of this country. For example, it is widely suspected that Chief Justice Marshall had a strong influence in the case of *Martin* v. *Hunter's Lessee*[8] and its predecessor, *Fairfax's Devisee* v. *Hunter's Lessee*,[9] even though he disqualified himself from participating in the two cases. Marshall and his brother had a direct financial interest in the cases, as their title to a large tract of land depended upon the outcome. While Justice Story wrote for the Court in both cases and based the decisions, which were favorable to Marshall, on a treaty between the United States and England, "[It] has been commonly supposed that Marshall practically dictated Story's two opinions * * * and certain writers have stated this to be the fact. Story himself, 15 years afterward, declared that the Chief Justice had 'concurred in every word of the second opinion'; yet in a letter to his brother concerning the effect of Story's opinion upon another suit in the State court at Winchester, involving the same question, Marshall says: 'The case of Hunter and Fairfax is very absurdly put on the treaty of 94.' "[10]

The latter assertion, made by Marshall more than a decade after the favorable decisions, would tend to rebut the implication from Story's letter that Marshall had collaborated in the opinions.

Indeed it has been affirmed, and not without historic basis, that in the primitive days of our highest Court practically every member was financially interested in some case coming up for final decision.[11] And Justice Story, during many of the years that he sat on the Supreme Court bench, was president of a bank.[12] This would be unthinkable behavior for a Justice today.

While the question of competing financial interest still remains a subject of deep concern, one problem which plagued the judiciary of old England has been removed in this country. The early English judges were a "servile bureaucracy" holding office at the King's pleasure. Federal judges, however, by constitutional right, "hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office."[13]

B. Canons of judicial ethics

It was in recognition of the need for a systematic statement of principles governing judicial ethics that the American Bar Association, in 1924, adopted its formulation of canons for judges. These canons, in slightly modified form, have become accepted guidelines for proper judicial behavior. They not only admonish judges to avoid actual conflicts of interest but also warn them to avoid giving just cause for suspicion of such conflicts. Thus, the fourth canon states the "Caesar's wife" doctrine: "A judge's official conduct should be free from impropriety and the appearance of impropriety."

DISQUALIFICATION

That a judge should not sit in a case in which he has in interest is a firmly established principle, for by doing so he would in effect be judging himself—a task no man can be expected to perform impartially.[14] Lord Coke called this a principle of natural law. And the Supreme Court has held in *Tumey* v. *Ohio*[15] that a defendant in a criminal case is unconstitutionally deprived of due process of law where the trial judge's compensation was the fine imposed in case of conviction.

This doctrine has been embodied in a statute, 28 U.S.C. 455, which disqualifies a judge from hearing a case in which he is interested.

> "Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein."[16]

Under the statute the initial determination as to extent of interest is addressed to the sound discretion of the judge himself, and his decision is not to be reversed unless he has acted arbitrarily.[17]

He is expected, however, to form his opinion "in accordance with those settled and well-known principles intended to secure absolute impartiality of trial and judgment."[18]

In the absence of an explicit statutory command, the "Canons of Judicial Ethics" are a judge's best guide to "settled and well-known principles." While they contain little which would not naturally occur to practically all judges even if they had not been written, they may prove helpful to a judge in doubt.[19]

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[3] Cardozo, "The Nature of the Judicial Process," 167 (1921).

[4] Deuteronomy 1: 16, 17.

[5] Deuteronomy 16: 19.

[6] Bond, "The Growth of Judicial Ethics," 10 Mass. L.Q. 1 (1924).

[7] A quaint story is told of Chief Justice Hale in 2 Campbell, "Lives of the Chief Justices of England" 214 (1873). A prominent gentleman, owner of a deer park, had been in the habit of giving a deer to the visiting judge. This had been the custom of his family, and he undertook to follow it even though he was the plaintiff in a case over which Lord Hale was to preside. The rest of the story is reported as follows:

"The Judge. Is this plaintiff the gentleman of the same name who hath sent me the venison?

"The Judge's Servant. Yes, please you, my Lord.

"The Judge. Stop a bit then. Do not yet swear the jury. I cannot allow the trial to go on till I have paid him for his buck.

"The Plaintiff. I would have your Lordship to know that neither myself nor my forefathers have ever sold venison and I have done nothing to your Lordship which we have not done to every judge that has come to this circuit for centuries bygone.

"Magistrate of the County. My Lord, I can confirm what the gentleman says for truth, for 20 years back.

"Other Magistrates. And, we, my Lord, know the same.

"The Judge. That is nothing to me. The Holy Scriptures says, 'A gift perverteth the ways of judgment.' I will not suffer the trial to go on till the venison is paid for. Let my butler count down the full value thereof.

"Plaintiff. I will not disgrace myself and my ancestors by becoming a venison butcher. From the needless dread of selling justice your Lordship delays it. I withdraw my record.

"And so the trial was postponed."

[8] 14 U.S. 304 (1816).

[9] 11 U.S. 379 (1813).

[10] 4 Beveridge, "The Life of John Marshall" 167 (1919).

[11] Myers, "History of the Supreme Court" 273 (1912).

[12] Id. at 269.

[13] U.S. Const., art. III, sec. 1.

[14] In re *Murchison*, 349 U.S. 133 (1955).

[15] 273 U.S. 510 (1927).

[16] 18 U.S.C. 201–218, respecting bribery, graft and conflicts of interest, applies as well to "officers and employees" of the "judicial branch" of government as to the executive branch, and, in a more limited sense, the legislative branch. Section 203, for instance, makes punishable, inter alia, the receiving or agreeing to receive, asking, demanding, soliciting, or seeking any compensation for any services rendered or to be rendered either by himself or another by anyone at a time when he is an officer or employee of the United States in the executive, legislative, or judicial branch of the Government, in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest. Section 205 makes punishable the acting as agent or attorney for prosecuting a claim against the United States or for appearing before a department, agency, or the like, in the matter of such a claim by one who is an officer or employee of the United States in the executive, legislative, or judicial branch of the Government.

For a complete discussion of these provisions, see Perkins, "The New Federal Conflicts-of-Interest Law," 76 Harv. L. Rev. 1113 (1963).

[17] *Voltmann* v. *United Fruit Co.*, 147 F. 2d 514 (2d Cir. 1945).

[18] *In re Eatonton Electric Co.*, 120 Fed. 1010, 1011 (S.D. Ga. 1903).

Specific provision is made in 28 U.S.C. 144 for a district judge to "proceed no further" if a "timely and sufficient" affidavit of personal bias or prejudice is made against him by any party to any proceeding pending before him. But we deal here with less direct challenges to judicial impartiality.

Basically there are two general classes of conflicts of interest which may impair a judge's impartiality in a particular case—relationship to the parties and pecuniary interest. Both are treated in the Canons and in congressional enactments.

A. Relationship to the parties

A judge should not act in a case where a near relative is involved. To be a disqualification, however, it is said to be necessary for the relative to be a technical party to the case. Thus in one case, the fact that the son-in-law of a judge in a bankruptcy proceeding was secretary and director of the bankrupt was held not to disqualify the judge because the bankrupt was the party to the case and not the son-in-law.[20] While the statute quoted above fails to define the degree of relationship which will constitute disqualification, one Federal case suggests the fourth degree of consanguinity or affinity.[21]

Close relationship of blood or friendship to an attorney in a case may also be a disqualification, but only if the judge finds that the circumstances will "render it improper, in his opinion," to sit.[22] The judge's determination is reviewable only for an abuse of discretion.

Disqualification is mandatorily required, however, whenever a judge has been of counsel for either party in the case before him.[23] This includes a judge, who as U.S. attorney had been of counsel in the same criminal prosecution.[24] On the other hand, the mere fact that the judge had served one of the parties as attorney in another case does not require his disqualification.[25]

Beyond actual disqualification, Canon 13 of the "Canons of Judicial Ethics" admonishes a judge not to permit "his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, rank, position, or influence of any party or other person." As in so many areas of judicial ethics, compliance with the spirit of canon 13 is left to a judge's conscience and commonsense.

The American Bar Association's Committee on Professional Ethics has had occasion to interpret canon 13. In a formal opinion[26] the committee held that a judge should, when feasible, avoid sitting without colleagues in a case where a near relative is counsel. It may fairly be said that he should not sit at all, for his relationship may be thought to have influenced his colleagues as well as himself. In a subsequent informal opinion the committee considered it not improper for a judge to sit in a case where his son was a salaried associate of the law firm representing one of the parties. The opinion discouraged this, however.[27]

Another informal decision assessed the propriety of a judge participating in a case where his former firm is counsel.[28] The committee held it not improper but advised that he should decline to sit in the following three classes of cases where his former firm is counsel (a) where the case was in the firm at the time he was a member; or (b) where a regular client of the firm at the time he was a member is a party to the case; or[29] (c) where a son or other near relative, employed by the firm, had actively participated in the case, either in the trial court or on appeal.

B. Pecuniary interest

A judge with a direct pecuniary interest in the outcome of a case or owning property that will be affected by a suit over which he presides should disqualify himself.[30] If, however, the interest is slight and remote, he is not disqualified. For example, a judge would not be disqualified from trying a suit involving the validity of a county bond issue merely because he is a taxpayer.[31] Also, a past pecuniary interest in the subject matter at suit is not a disqualification.[32]

To avoid problems stemming from conflicting financial interests, the Canons of Judicial Ethics offer a number of suggestions. Canon 32 warns a judge not to "accept any presents or favors from litigants, or from lawyers practising before him or from others whose interests are likely to be submitted to him for judgment." In a formal opinion, the American Bar Association's Committee examined the case of a lawyer who made a loan to a judge on a second mortgage having no investment value.[33] Viewing the loan as one out of the usual course of investment because of the worthlessness of the mortgage, the committee expressed the opinion that the judge had violated Judicial Canons 4 (the "Caesar's wife" doctrine) and 32.

More broadly, Canon 24 holds it improper for a judge to accept "inconsistent duties * * * [or] incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions." This canon has evoked a number of interesting pronouncements from the bar association's committee.

In one, it was declared improper for a judge to conduct a newspaper column of comment on current news items and matters of general interest.[34] In another,[35] the committee reversed a previous opinion[36] and found it proper for a judge to be a member of the National Guard or the Reserve Officers Corps. The earlier opinion had ruled such membership improper because the "offices of judge and of soldier belong to different departments of government, one being judicial and the other executive in its nature, and might easily involve conflicting obligations." The reversing opinion recognized the possibility of conflicting interests but thought that they did not necessarily exist.

C. Business activities

While no Federal statute now limits a judge's business activity, Canon 25 admonishes him not to "enter into any business relation which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties." Canon 26 states that a judge should "abstain from making personal investments in enterprises which are apt to be involved in litigation in the court." And Canon 29 advises him to "abstain from performing or taking part in any judicial act in which his personal interests are involved." The American Bar Association's committee has ruled that a judge should not permit the firm of which he was formerly an active member to continue to use his name.[37] In another opinion, interpreting Canon 29, the committee concluded "that a judge should not perform a judicial act, involving the exercise of judicial discretion, in a cause in which one of the parties is a corporation in which the judge is a stockholder."[38]

However, in one case it was held that ownership of 20 shares of common stock of a corporation which had issued 13,881,016 shares of no-par common stock was not such a "substantial interest" as to require disqualification.[39] Few would contend that an interest so highly diluted offends the spirit of the canon, but the case illustrates how far-reaching the rule is.

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[19] Madden, "Is Justice Blind?" the Annals of the American Academy of Political and Social Sciences 60–66 (1952).

[20] *In re Fox West Coast Theaters,* 25 F. Supp. 250 (S.D. Cal. 1936), aff'd, 88 F. 2d 212 (9th Cir.), cert. den., 301 U.S. 710 (1937).

[21] *In re Eatonton,* 120 Fed. 1010 (S.D. Ga. 1903). See also 18 U.S.C. 1910 which provides: "Whoever, being a judge of any court of the United States, appoints as receiver, or trustee, any person related to such judge by consanguinity, or affinity, within the fourth degree—shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

[22] *Voltmann* v. *United Fruit Co.,* 147 F. 2d 514, 517 (2d Cir. 1945). See also *Weiss* v. *Hunna,* 312 F. 2d 711 (2d Cir. 1963); *MacNeil Bros. Co.* v. *Cohen,* 264 F. 2d 186 (1st Cir. 1959).

[23] 28 U.S.C. 455. *United States* v. *Vasilick,* 160 F. 2d 631 (3d Cir. 1947).

[24] *Roberson* v. *United States,* 249 F. 2d 737 (5th Cir.), cert. den., 356 U.S. 919 (1958); *United States* v. *Maher,* 88 F. Supp. 1007 (N.D. Me. 1950). Cf. *Adams* v. *United States,* 302 F. 2d 307 (5th Cir. 1962).

[25] *Darlington* v. *Studebaker-Packard Corp.,* 261 F. 2d 903 (7th Cir.), cert. den., 359 U.S. 992 (1959) (mere fact that a judge who formerly was an active practicing attorney had as a client in former years one of the parties before him did not require the judge to disqualify himself, but question was a matter of judgment to be determined by the judge within his conscience); *Voltmann* v. *United Fruit Co.,* 147 F. 2d 514 (2d Cir. 1945). On the same point, the Supreme Court said in *Carr* v. *Fife,* 156 U.S. 494, 498 (1895): * * * the ground of objection was that the judge had been, prior to his appointment, attorney for some of the defendants on matters not connected with the present case, we do not perceive that he was disqualified from trying the cause. In such a state of facts, the judge must be permitted to decide for himself whether it was improper for him to sit in the trial of the suit.

[26] ABA Opinion 200, "Opinions of the Committee on Professional Ethics and Grievances," 403 (1957).

[27] ABA Opinion C–383 (Nov. 22, 1960). The committee stated that "good taste and the desire to avoid any seeming impropriety might dictate that the particular judge not actually participate in the decision in a case where the son had actively participated in the case either in the trial court or on appeal, unless it became necessary for him to do so where there was a tie vote of the remaining members of the court."

[28] ABA Informal Decision 594 (Oct. 22, 1962).

[29] One member of the committee would omit (b). He was of the opinion that there is no more reason for a judge to recuse himself in such a situation than where a personal friend is involved.

[30] In re Honolulu Consol. Oil Co., 243 Fed. 348 (9th Cir. 1917).

[31] *Wade* v. *Travis County,* 72 Fed. 985 (C.C.W.D. Tex. 1896), aff'd., 81 Fed. 742 (5th Cir. 1897), rev'd on other grounds, 174 U.S. 499 (1899). See also In re Puget Sound Power & Light Co., 18 F. 2d 57 (9th Cir. 1927).

[32] In re Sime, 22 Fed. Cas. 145 (No. 12860) (C.C. Cal. 1872).

[33] ABA Opinion 89, supra, note 26, at 199.

[34] ABA Opinion 52, supra, note 26, at 140.

[35] ABA Opinion 215, supra, note 26, at 429.

[36] ABA Opinion 22, supra, note 26, at 98.

[37] ABA Opinion 143, supra, note 26, at 303.

[38] ABA Opinion 170, supra, note 26, at 343–344.

[39] Lampert v. Hollis Music, Inc., 105 F. Supp. 3 (E.D.N.Y. 1952).

D. Participation in private corporations

A major question which had long persisted relates to the extent a Federal judge may without impropriety participate in private corporations. In an opinion issued in 1943 the committee pronounced it improper for a judge to serve as a director of a bank,[40] but apparently the practice was not abandoned. One of the proposed statutes noted at the beginning of this article, H.R. 6048, would prohibit any association with a business corporation, beyond stock ownership. The other statute, S. 1613, would require Federal judges to make reports of their financial interests.

One can readily see that if a judge serves as an officer or director of a commercial enterprise, not only is he disqualified in cases involving that enterprise, but his impartiality may also be consciously or unconsciously affected when persons having business relations with his company come before him.

The Wall Street Journal published an article on May 2, 1963, which stirred much comment in judicial and other circles.[41] The writer reported the surprising extent to which certain Federal judges had been active as directors of banks, insurance companies, and other business corporations. It is only fair to note that the article made absolutely no suggestion questioning the integrity of these judges, but it is no reflection on them to observe that the situation portrayed is pregnant with temptations and tends to excite grave doubts and misunderstandings. The only safe course, as the Judicial Conference of the United States formally determined in September 1963, is for judges to divorce themselves entirely from participation as directors or officers in business corporations of any kind.

E. Action of the judicial conference

While the conference declared its agreement with the principle of H.R. 6048, which would ban all connection other than as stockholder, it disapproved the bill "as drafted, [because it] could be so broadly construed as to make it practically impossible for a justice or a judge to participate in the most minor financial transaction, and further, * * * if enacted [it] would become effective immediately, which would not give judges enough time to comply with its provisions prior to its effective date."[42] The conference adopted a resolution recommending that if there is to be legislation it should specifically declare what is forbidden and should also allow a reasonable time for compliance, as follows:

"No justice or judge appointed under the authority of the United States shall serve in the capacity of an officer, director, or employee of a corporation organized for profit. This statute shall take effect 90 days after the date of its enactment."[43]

While the resolution differs from the bill as drafted, it adheres to the bill's basic objectives.

Many judges immediately withdrew from all forms of participation in business enterprises beyond stock ownership, and it is most unlikely that any Federal judge would be so unmindful of the high prestige of the judicial conference as to disobey its expressed views. In the light of this judicial self-discipline, it is doubtful that Congress will feel the need for legislation.

Also disapproved by the judicial conference was the bill requiring financial reports from judges, because "regardless of the merits of the proposal, Federal judges should not be singled out from other officials of the U.S. Government to make such reports."[44] Some may quarrel with the reason assigned for the thesis is supportable that judges are different from other officials of the Government. Unlike Members of the Congress, judges need not stand periodically for election, and in the public mind they are set apart from other officials in that a stricter standard of impartiality is expected of them.

Joseph Borkin, a distinguished member of the Federal Bar Association, has written an interesting volume entitled "The Corrupt Judge,"[45] in which he recounts the careers of three Federal judges[46] whose dishonorable behavior brought disgrace upon the bench. In a brief concluding chapter, Mr. Borkin addresses himself, not only to the problem of corruption, which happily is rare,[47] but to preventing lesser threats to judicial fairness. He considers legislation a risk, both because it would increase congressional control over the judiciary and because it "might tend to exaggerate the extent of judicial corruption."[48]

His proposal is that the Supreme Court, under its rulemaking power, shall require Federal judges to submit confidential financial reports to it. In his opinion, the public's confidence in the judiciary will be enhanced if it knows that the Supreme Court has been informed of the business interests of Federal judges. The possession of this information, Borkin reasons, would enable the Court, under its supervisory power over the Federal judiciary, to formulate any necessary controls.

One merit of Mr. Borkin's suggestion may be that in the exercise of such supervision the Supreme Court could formulate appropriate rules to deal with a special situation that gives concern to a number of judges who have served as directors of family holding corporations. In many instances the corporation was formed for valid tax or estate reasons or merely to free the judge from the daily activities of business while retaining ultimate control over his and his family's investments. Such a corporation does not ordinarily engage in commercial activities likely to involve conflicts of interest. It is really the alter ego of the judge.

It is arguable that just as a judge may retain title to land or other income-producing property, it should be equally permissible for him to join the property in a single corporation for convenience of management. Literally the resolution forbids a judge serving as a director. Even if the resolution of the judicial conference were to permit a judge to pass on the question for himself, he would be reluctant to do so. Yet the Supreme Court, in the broad perspective gained from the possession of all the facts, could determine where to draw the line with justice to the public interest and to the judges.

JUDGE'S PARTICIPATION IN COMMUNITY AFFAIRS

A somewhat different, but related, problem arises as to a judge's proper role in community affairs. Canon 25 states that a judge "should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to * * * contribute * * * to charitable enterprises."

In 1942 the committee ruled that a judge should not permit the use of his name in pamphlets, booklets, or similar publications for the purpose of solicitation of funds for charitable purposes.[49] The same principle has been applied to soliciting funds for civic causes, such as art museums.[50] Clarifying its views, the committee later said that canon 25 does not require "members of the judiciary to separate themselves from the social responsibilities necessarily incident to good citizenship, good moral character and to the religious convictions in which they have been reared."[51] Nevertheless, the committee is of the opinion that solicitation should be left to others than members of the bench and that judges should not permit their names to be used in solicitations.

Aside from these two prohibited areas, the committee expressed its belief that there is "a considerable realm of activity in which a judge might appropriately participate in the philanthropic, civic and ecclesiastical life of the community."[52] Wisely, the committee did not attempt to define this area. One example of permitted activity, however, was identified this past December when the committee held it not consistent with the canon for a judge to serve on the board of directors of a nonprofit hospital.[53]

It has been the practice of many judges to appear and speak at public dinners sponsored by charitable, educational, and religious groups. A judge should certainly abstain from asking for funds, and if direct solicitation is to take place at a meeting it is better for him to absent himself. It may be argued that a judge should refrain from participation in any public meeting of a charity, even if there is no personal solicitation and the purpose is merely to stimulate general interest in the organization, because, concededly, an ultimate objective is to encourage financial support. But surely it is not the intent of the canons to eliminate such innocuous activity on the judge's part. Nor does it appear to be the desire of the American Bar Association's Committee on Judicial Ethics to preclude judges from lending their prestige generally to worthy public institutions, apart from the use of their names in their fundraising campaigns. Such impersonal gestures, expressions of sentiment and confidence, are unobjectionable.

What is objectionable, however, is for a judge himself, or through his secretary or other agent, to urge attendance at these functions or to solicit contributions or the purchase of tickets from sponsoring organizations. The judge should be scrupulous to avoid any action which might carry an implication, however tenuous, that those refusing to share his enthusiasm may fall into disfavor with him.

It is impossible to identify the precise point at which well-meant civic activity may fall under the shadow of possible coerciveness. No purely mechanical rule will serve all our needs. Here, as in many areas of ethics, a conscientious judge's sense of propriety and taste should steer him on a proper and useful course.

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[40] ABA Opinion 254, supra, note 26, at 508.

[41] Landauer, "Ethics Debate Stirred by Federal Jurists Who Sit on Company Boards," Wall Street Journal, May 2, 1963, p. 1, col. 1.

[42] "Report of the Proceedings of the Judicial Conference of the United States" 62 (1963).

[43] Ibid.

[44] Note 42, supra, at 63.

[45] Borkin, "The Corrupt Judge" (1962).

[46] **Chief Judge Martin T. Manton of the** Second Circuit, a man of the first magnitude of distinction, J. Warren Davis of the Third Circuit, and District Judge Albert W. Johnson of the Middle District of Pennsylvania. For an interesting sequel to two of Judge Davis' corrupt decisions, see Judge Soper's opinion in *Root Refining Co.* v. *Universal Oil Products Co.*, 169 F. 2d 514 (3d Cir. 1948), where a specially constituted court, designated by Chief Justice Vinson, vacated the earlier judgments.

[47] In the entire history of the Federal judiciary there have been only eight impeachments, of which four resulted in convictions. In a few other instances, judges were allowed to resign and impeachment proceedings were either not voted or abandoned. Borkin, supra, note 45, at 219 et seq.

[48] Borkin, supra, note 45, at 209.

[49] ABA Opinion 238, supra, note 26, at 474.

[50] ABA Informal Decision 327 (Aug. 17, 1960).

[51] ABA Informal Decision 603 (Nov. 2, 1962).

[52] Ibid.

[53] ABA Informal Decision 706 (Dec. 6, 1963).

There may well be room for some differentiation between the permissible activities of trial judges and appellate judges, or, more likely, between judges speaking in their own localities and those appearing before audiences in distant places. A judge addressing lawyers and others with whom he is in daily official contact may expose himself to suspicion of coercion more readily than one whose jurisdiction is more widespread and whose personal contact with his hearers is remote. This is not the place to make a final judgment as to the possible merits of the above suggestion, but both bench and bar may benefit from careful exploration of this phase of the subject.

CONCLUSION

When a man takes his seat on the bench, his relationship to society automatically changes. Justice Frankfurter, answering the question, "Does a man become any different when he puts on a gown?" said, "If he's any good, he does." [54] The black robe is a powerful symbol, meaningful to the judge and to all who may come within the range of his authority. All stand when the judge enters the courtroom, and the manner in which he is addressed, "Your honor," attests his special status. Among Federal officers, only judges serve for life and are constitutionally shielded from reduction in pay. In return for the veneration and the singular privileges, the public expects, and rightfully demands, that the judge shall live up to his honored position. But the danger of conflicting interests lurks wherever there are men, and it would be naive to expect judges to be superhuman.

A judge's self-imposed disqualification in a particular case is not always an adequate remedy. In a multiple-judge court, there is still the danger that he may wittingly or unwittingly influence, or be thought to influence, his colleagues who do consider the case. If a judge disqualifies himself because of stock ownership in a publicly held corporation, few would suggest that his interest would infect his colleague who substitutes for him. Yet if a judge were an officer or director of a commercial enterprise and stepped aside for that reason, his successor judge could be under some embarrassment because persons may believe that he may not completely ignore the interest of the judge who has withdrawn. The far better course is to avoid the conflict.

We have come a long way toward a better understanding of what impartiality demands. Despite the rare but highly disturbing lapses, the Federal judiciary need not be ashamed of its record; but the process of refining our standards is a continuing one. A recognition of this truth is at the heart of the recent resolution of the judicial conference, which will be viewed by bench, bar, and public as a sound step—for if judges are to preside as trusted arbiters of the marketplace, they should not participate in the market's operation. Unquestionably there is need for the further refinement of our thinking in this area. Bar associations, the organic instruments of practicing lawyers, can, in conjunction with the judges, help significantly. Judicial self-discipline should then provide the necessary measures.

It is fitting to conclude by returning to the thought expressed earlier in this article—a thought central to the entire subject—namely, that judges are not only expected to be impartial but are charged with the responsibility of avoiding all appearance of partiality. Only in this way can the honored symbol of the judicial institution continue bright and undiminished.

Mr. RANDOLPH. Mr. President, may I ask the indulgence of the distinguished Senator from Wyoming to yield to me briefly?

Mr. SIMPSON. I yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Wyoming yields to the Senator from West Virginia, and the time will come from the time granted to the Senator from Wyoming.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the time I consume be not deducted from the time of the Senator from Wyoming.

Mr. PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I thank the Senator.

SENATOR RANDOLPH REFUTES SENATOR SIMPSON ON REASONS FOR SALE OF LIVESTOCK IN WEST VIRGINIA

Mr. RANDOLPH. Mr. President, on September 14, the junior Senator from Wyoming [Mr. SIMPSON] referred to an Associated Press dispatch from Lewisburg, W. Va., which dealt with the disposal by auction of the Morlunda herd of Hereford bulls and cows.

The article carried the comment by the reporter, John Hall, that—

> Sources close to the family stated the sale was undertaken to avoid both corporation and personal income taxes.

Our colleague from Wyoming [Mr. SIMPSON] commenting on the article, used this as further justification for his opposing the Appalachian Regional Development Act and implied that the conditions which brought on this public auction of a valuable Hereford herd were created by an unfavorable tax climate in the State of West Virginia. The able Senator from Wyoming stated:

> It is the responsibility of every State to provide a climate to make it possible for business to grow, to progress, to flourish. When businesses are forced to the auction block because of the tax structure of that State, such a climate has not been provided. This situation, unfortunate as it is, substantiates my conviction that this proposed legislation (the Appalachian Regional Development Act) is not an aid but a handout.

It is not my intent here to defend section 203 of S. 2782, the pasture improvement section. As the senior Senator from Nebraska [Mr. HRUSKA] stated on September 15, the majority leadership has already accepted an amendment deleting that section, and I have served notice that I shall attempt to amend this program in the next Congress to provide for assistance of this sort to Appalachian farmers.

However, I choose at this time to correct the entirely unwarranted inference of the junior Senator from Wyoming regarding the relationship of the West Virginia tax structure to the disposal of the Morlunda herd. A member of my staff spoke yesterday with John Hall, the author of the article referred to by the Senator from Wyoming, and received his categorical statement that the sources referred to in his story were speaking of Federal corporation and personal income taxes and not the tax structure of the State of West Virginia.

Though I am not personally informed as to the reasons why the Nelson family chose to dispose of such a large part of their livestock at this time, it is reasonable to presume that the capital gains benefit in the disposal of animals valued at such figures as $4,600, $8,200 and $29,500 would have some bearing on the matter.

My office has been further informed by the author of the article that the Nelson family is not going out of the cattle business. On the contrary, some 60 or 70 of the 115 bulls were not disposed of in the recent auction, and it is my information that Morlunda Matador the 10th, a bull valued in the neighborhood of $100,000, is still retained. It is my understanding that the Nelson family is transferring their operation from one of breeding stock to raising steers for commercial beef.

If the article referred to by the Senator from Wyoming has any bearing on the Appalachian regional development program, it would seem to indicate that, contrary to the position of the minority, at least some parts of Appalachia offer conditions favorable to cattle raising. It would, therefore, seem to add to rather than detract from the long-term justification for such a program as that originally recommended in S. 2782.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President——

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] has the floor.

Mr. DIRKSEN. Will the Senator yield?

Mr. SIMPSON. I will yield if it does not come out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALASKA CENTENNIAL COMMISSION

Mr. DIRKSEN. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives amending S. 49, a bill to provide for the establishment of the Alaska Centennial Commission, with House amendments.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 49) to provide for the establishment of the Alaska Centennial Commission, to cooperate with the State of Alaska to study and report on the manner and extent to which the United States shall participate in the celebration in 1967 of the centennial anniversary of the purchase of the Territory of Alaska, and for other purposes, which were, to strike out all after the enacting clause and insert:

> That the Congress hereby recognizes the Alaska Centennial Celebration (hereinafter

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[54] Frankfurter, "Chief Justices I have Known," 39 Va. L. Rev. 901 (1953).

> referred to as the "celebration") to be held at various locations in the State of Alaska during 1967, not only as an observance by the people of the forty-ninth State, but as an event of national significance.
>
> Sec. 2. (a) To implement the recognition declared in the first section of this Act, the President, through the Secretary of Commerce, may, in his discretion, cooperate with the Alaska Centennial Commission in the planning of the celebration and may, in his discretion, conduct a study to determine the manner in which and the extent, if any, to which the United States shall be a participant in and exhibitor at the celebration.
>
> (b) The study authorized in subsection (a) may be made, in the discretion of the Secretary of Commerce, by personnel of the Department of Commerce or under contract by one or more recognized professional experts in the fields of historical observances and industrial showmanship; and the findings derived from such study, together with such recommendations as the Secretary may deem appropriate (including detailed recommendations with respect to the manner and extent of United States participation in the celebration and the estimated itemized cost of such participation), shall be submitted to the Congress not later than March 15, 1965.
>
> Sec. 3. There is authorized to be appropriated the sum of $15,000 to carry out this Act.

And to amend the title so as to read: "An Act to provide for recognition by the United States of Alaska's one hundredth anniversary under the American flag, and for other purposes."

Mr. DIRKSEN. Mr. President, on August 20, 1963, the Senate passed S. 49, a bill to provide for the establishment of the Alaska Centennial Commission, and for other purposes.

On September 1, 1964, the House passed S. 49 with amendments.

The sponsor of the Senate bill has advised the Committee on the Judiciary that he desires that the Senate concur in the amendments of the House.

On behalf of the Committee on the Judiciary, I therefore move that the Senate concur in the House amendments to S. 49.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Illinois.

The motion was agreed to.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. DIRKSEN. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives amending Senate Concurrent Resolution 92.

The **PRESIDING OFFICER** laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 92) favoring the suspension of deportation of certain aliens, which were, on page 2, strike out line 2; on page 2, strike out line 3; on page 2, strike out line 10; on page 2, strike out line 25; and on page 3, after line 21, insert:

> Sec. 2. The Congress approves the granting of the status of permanent residence in the case of the alien herinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 6 of the Refugee Relief Act of 1953, as amended (67 Stat. 403; 68 Stat. 1044):
>
> A-15411809, Anghelatos, Franghi.

Mr. DIRKSEN. Mr. President, Senate Concurrent Resolution 92, to which the Senate agreed on August 6, 1964, recorded congressional approval of suspension of deportation in 52 cases in which the Attorney General had suspended deportation pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended.

On September 15, 1964, the House of Representatives agreed to Senate Concurrent Resolution 92 with amendments to delete four cases and to add the case of one applicant for adjustment of status under the provisions of section 6 of the Refugee Relief Act of 1953, as amended. One of the cases deleted has been withdrawn by the Immigration and Naturalization Service.

The amendments are acceptable, and I move, therefore, that the Senate concur in the House amendments to Senate Concurrent Resolution 92.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Illinois.

The motion was agreed to.

SENATOR THURMOND IS WELCOMED INTO THE REPUBLICAN PARTY

Mr. SIMPSON. Mr. President, I am delighted to take the floor in extending a warm and genuine welcome to Republican Senator Strom Thurmond. There is no Member of the U.S. Senate for whom I have greater respect and admiration. The courage and forthrightness of his decision and the eloquence, logic, and veracity of his speech last night have quadrupled my already high esteem for this Senator who has cast aside the shackles of an antidemocratic Democrat Party.

Let us look briefly at the background of this man who has had the resolve to take this virtually unprecedented step and join the party to which his convictions and his philosophy are wed.

Senator Thurmond, as we all know, is distinguished as a scholar, as a soldier, as a statesman, and as a lawmaker. Strom Thurmond is one of the Senate's distinguished band of Senator-generals. He has a war record that few can equal. He volunteered for service the day the United States declared war against Germany. He served with headquarters of the First Army from 1942 to 1946. He saw action in the European and Pacific theaters and participated in the invasion of Normandy with the 82d Airborne Division. His plethora of decorations include the Legion of Merit, the Bronze Star Medal with the V, the Army Commendation Ribbon, and the Purple Heart.

Throughout his long and illustrious political career, this newest Republican Member of the Senate has displayed a closer affinity to principles than to political litany.

None can forget his dramatic march from the Democrat National Convention in 1948, after which he became a National States Rights candidate for President of the United States.

Strom Thurmond's first term in the Senate came as a result of a write-in campaign in 1954, and his dramatic resignation as a Senator 2 years later fulfilled a solemn pledge made to the people of his State. As history shows, Strom Thurmond was renominated and reelected and renominated again in 1960 with a vote nine times that of his opponent.

Across this great Nation, Americans of every political persuasion are asking themselves today what were the factors in Senator Thurmond's decision to turn from the Democrat Party and join the Goldwater Republican Party. What causes a man to turn his back upon the party under whose banner he has served in the Senate for a decade? The answers to those questions are contained in Senator Thurmond's stirring address delivered last night to the people of his State:

> The Democratic Party has abandoned the people. It has turned its back on the spiritual values and political principles which have brought us the blessings of freedom under God and a bountiful prosperity. It has breached the trust reposed in it by the people. It has repudiated the Constitution of the United States. It is leading the evolution of our Nation to a socialistic dictatorship.

I read Senator Thurmond's speech and, like most Americans, I watched him on the television screen. Never have I endured such an emotional impact. It is an articulate, forceful, and dramatic speech—but it is much more than that, for it indicates the hundreds of hours of soul searching, and the weeks of introspection, from which came this decision. As with every decision that he has made throughout his long and furiously independent career, his action was forthright, sincere, and dynamic.

I quote again from the text of my colleague's speech:

> The Democratic Party has succored and assisted our Communist enemies through trade and aid at the expense of the American people.
>
> The Democratic Party has established and pursued for our Government a no-win foreign policy of weakness, indecision, accommodation, and appeasement.
>
> The Democratic Party has encouraged lawlessness, civil unrest, and mob actions.
>
> The Democratic Party, as custodian of government, has sent our youth into combat in Vietnam, refusing to call it war, and demanding of our youth the risk of their lives without providing either adequate equipment or a goal of victory.

And to those who would say, as the President had planned to say at Miami this week, that Cuba is no threat to the United States and that the administration has acted wisely and purposefully in the Caribbean, Senator Thurmond said:

> The Democratic Party, as custodian of government, faltered at the Bay of Pigs and in the Cuban crisis of 1962—at the very moment when victory was at hand—and thereby forfeited Cuba to Soviet domination, subjected our Nation to the peril of an armed enemy camp 90 miles from our shores, and opened the doors of the hemisphere to Communist subversion.

Speaking from the professional knowledge gained as a general in the Army of the United States, Senator THURMOND warns that:

> The Democratic Party has attempted to degrade and downgrade our men in uniform in order to discredit their warnings of the grave dangers to our security from the administration's weak and senseless defense policies.

It is impossible to read Senator THURMOND's speech without asking, "Can the Democrat Party be the power which purportedly commands the allegiances of 60 percent of the American public? Can this be the political party which controls the Congress and controls the Senate and the White House?"

When the distinguished minority leader spoke of former President Herbert Hoover at the Republican National Convention, he remarked that no man had been so "drenched in contumely." My only regret in regard to Senator THURMOND's courageous decision is that he, too, will be "drenched in contumely" by the Nation's leftwing press, by hate mongering cartoonists like Herblock whose cartoon in this morning's Washington Post hits a scurrilous and all-time low, by those who pay lipservice to our Constitution as they seek to destroy it, by those whose concept of foreign policy is represented by the umbrella of Munich, and by leftwing extremist groups, such as the ADA.

Senator THURMOND will feel the slings and arrows of an outrageous press. He will feel the sting of the most foulmouthed vituperation imaginable coming from a Democrat who is a past master at authoring the loquacious garbage of which political smear is forged.

No man is more aware of this than Senator THURMOND, but as he told a hushed and reverent Nation last night:

> In the final analysis, I can only follow the course which in my heart and conscience I believe to be in the best interest of our State, our country, and the freedom of our people.
>
> I have chosen this course because I cannot consider any risks in a course which I am convinced is right.

Even as I welcome this courageous American patriot to the Republican side of the Senate floor, I find myself suspecting that his forthrightness and courageousness will provide the impetus for other worried cognizant, and courageous Democrats to do the same. I say to them: If you believe in our principles, we are glad to have you.

Senator THURMOND has cast aside the shackles of a misled and mistaken Democrat Party to work for the election of the one man who can reverse America's headlong rush toward socialism—the man who even now is carrying his message to the Nation.

As the new Republican told his people last night.

> The party of our fathers (the Democrat Party) is dead. Those who took its name are engaged in another reconstruction.
>
> The principles of our forefathers live now in the course of a presidential nominee. The man who has gained the Republican nomination for President against all the odds and opinion polls, and who now has control of the Republican Party, is one who believes in and abides by our Constitution.

Mr. President, I ask that the full text of Senator THURMOND's dramatic speech before the people of his State be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. Mr. President, I reiterate that I am delighted to welcome my friend, colleague, and neighbor—whose office is next door to mine—to the Republican side of the Senate of the United States.

Our cause has suffered in his absence. It is enhanced by his presence. He has served in the Senate with honor, distinction, probity, and wisdom—and always with intellectual honesty and a complete moral commitment to his task.

Again I say, "Welcome, Senator THURMOND. You are among friends who admire and respect you." We agree completely that in the struggle facing our party and the Nation "the future of freedom and constitutional government is at stake" as you said so eloquently last night.

I can think of no more fitting termination to this welcome than to echo your own warning:

> If the American people permit the Democrat Party to return to power, freedom as we have known it in this country is doomed, and individuals will be destined to lives of regulation, control, coercion, intimidation, and subservience to a power elite who shall rule from Washington.

EXHIBIT 1

TELEVISION ADDRESS OF SENATOR STROM THURMOND TO THE PEOPLE OF SOUTH CAROLINA ON THE 1964 PRESIDENTIAL RACE, SEPTEMBER 16, 1964

My fellow South Carolinians, it has been wisely said that, "For evil to triumph, it is only necessary that good men do nothing." Particularly is this true in time of crisis. Seldom before in the history of our Nation have we faced so great a crisis.

The people of South Carolina have placed me in a position of trust in the National Government. From this position, I have observed at close hand the conduct and factors which have brought about this crisis. I would, therefore, be most derelict in my duty were I at this time to remain silent.

I have no choice but to speak openly, frankly, and fully to the people of South Carolina on the crisis that confronts us.

The Democratic Party has abandoned the people. It has turned its back on the spiritual values and political principles which have brought us the blessings of freedom under God and a bountiful prosperity. It has breached the trust reposed in it by the people. It has repudiated the Constitution of the United States. It is leading the evolution of our Nation to a socialistic dictatorship.

The Democratic Party has forsaken the people to become the party of minority groups, power-hungry union leaders, political bosses, and big businessmen looking for Government contracts and favors.

The Democratic Party has used the Government as a propaganda machine to distort the truth and deceive the public to the extent that a sub-Cabinet official can publicly defend the administration's "right to lie" and remain in office, unrebuked.

The Democratic Party has invaded the private lives of people by using the powers of government for coercion and intimidation of individuals.

The Democratic Party has rammed through Congress unconstitutional, impractical, unworkable, and oppressive legislation which invades inalienable personal and property rights of the individual.

The Democratic Party has encouraged lawlessness, civil unrest, and mob actions.

The Democratic Party has violated its trust by using the power of government to suppress information on scandals and corruption of its leaders in government and party offices.

The Democratic Party has succored and assisted our Communist enemies through trade and aid at the expense of the American people.

The Democratic Party has established and pursued for our Government a no-win foreign policy of weakness, indecision, accommodation, and appeasement.

The Democratic Party, as custodian of Government, faltered at the Bay of Pigs and in the Cuban crisis of 1962—at the very moment when victory was at hand—and thereby forfeited Cuba to Soviet domination, subjected our Nation to the peril of an armed enemy camp 90 miles from our shores, and opened the doors of the hemisphere to Communist subversion.

The Democratic Party, as custodian of Government, has sent our youth into combat in Vietnam, refusing to call it war, and demanding of our youth the risk of their lives without providing either adequate equipment or a goal of victory.

The Democratic Party now worships at the throne of power and materialism.

The Democratic Party has demonstrated a callous disregard for sound fiscal policies and practices.

The Democratic Party, while hiding behind the deceitful gimmick of a darkened White House, has increased deficit spending and squandered, at home and abroad, billions of hard-earned dollars taken from the American people.

The Democratic Party has utterly disregarded the disastrous effects of the resulting inflation on people with fixed incomes, such as retirees, pensioners, social security beneficiaries, and those who have their savings invested in insurance.

The Democratic Party, as custodian of Government, has adopted the practice of taking your money by taxation and then using that money to attempt to buy your votes.

The Democratic Party is attempting with alarming success to change the Congress from an independent body representing the people to an amen chorus for Presidential proposals.

The Democratic Party has endangered the security of the Nation by negative decisions on military preparedness, preoccupation with bilateral and unilateral steps toward disarmament, and by use of the military services domestically as instruments of social reform.

The Democratic Party has attempted to degrade and downgrade our men in uniform in order to discredit their warnings of the grave dangers to our security from the administration's weak and senseless defense policies.

The Democratic Party has nominated for Vice President a key leader of the Americans for Democratic Action, the most influential Socialist group in our Nation.

The Democratic Party has encouraged, supported, and protected the Supreme Court in a reign of judicial tyranny, and in the Court's effort to wipe out local self-government, effective law enforcement, internal security, the rights of the people and the States, and even the structure of the State governments.

The Democratic Party is converting our constitutional federated Republic into the same type of disciplined and submissive servant of an elite power group as it has made of the Democratic Party itself, as all who watched the Democratic convention on television can bear witness.

The top leaders of the South Carolina Democratic Party have chosen to abandon the traditional independence of the State party, and to lead the people of South Carolina down the road to serfdom mapped by the National Democratic Party. The party of our fathers is dead. Those who took its name are engaged in another reconstruction, this time not only of the South, but of the entire Nation.

If the American people permit the Democratic Party to return to power, freedom as we have known it in this country is doomed, and individuals will be destined to lives of regulation, control, coercion, intimidation, and subservience to a power elite who shall rule from Washington.

Fortunately, for those of us who cherish the traditional freedom entrusted to us by our forefathers, there is another choice this year. Although the party of our fathers is dead, the principles of our forefathers live now in the cause of a presidential nominee. The man who has gained the Republican nomination for President against all the odds and opinion polls, and who now has control of the Republican Party, is one who believes in and abides by our Constitution. He has demonstrated his fidelity to freedom, independence, and the Constitution by his actions and his votes in the U.S. Senate. I personally know him to be able and responsible. He is an honest man of courage and conviction, who trusts the American people to hold the reins of Government and rule themselves.

I cannot foretell what success will reward Senator BARRY GOLDWATER's efforts to return the National Government to its constitutional role and our Nation to its rightful place of strength and respect in the world. Nor can I predict with certainty how long those ideas and ideals of Senator GOLDWATER which I share will prevail in the councils of the Republican Party which he now heads. I do know that we have a fighting chance under BARRY GOLDWATER's leadership and that we are welcomed to his banner.

I know also that the course for the Democratic Party has been set toward socialism and arbitrary rule. I know further that the Democratic Party's line of succession is Hubert Humphrey and Robert Kennedy, with Walter Reuther and Joseph Rauh pulling strings behind the scenes.

I have worked within the framework of the Democratic Party, because experience proves it necessary to work within the framework of one of the two national parties to be effective. I have, nevertheless, maintained independence of judgment on issues and have conscientiously tried to represent the people of South Carolina, seeking to protect their rights and freedom. I shall always maintain my independent judgment and action and put the people of South Carolina first. To do this in the future I must work within the framework of the Goldwater Republican Party.

For me, there is no alternative. The future of freedom and constitutional government is at stake, and this requires that I do everything in my power to help BARRY GOLDWATER return our Nation to constitutional government through his election to the Presidency. This also requires that I join him in his fight, successful as of now, to make the Republican Party a party which supports freedom, justice, and constitutional government.

It will be a long and hard struggle, with many battles to be fought. At this time, one objective takes precedence over all others—electing BARRY GOLDWATER President. As we give the presidential race our undivided effort, I hope all our people, and particularly our young people whose future hangs in the balance, will join this cause with enthusiasm.

To my friends who have conscientiously advised me against this step, because of a sincere belief that I could best serve the country by following a course designed to keep myself in office, I can only say that I fully realize the political risk involved in this step and that my chances for reelection might, because of this step, go down into oblivion. But in the final analysis, I can only follow the course which, in my heart and conscience, I believe to be in the best interest of our State, our country, and the freedom of our people.

I have chosen this course because I cannot consider any risks in a cause which I am convinced is right.

Mr. HICKENLOOPER. Mr. President, the Senator from Wyoming has given a powerful and brilliant welcome to our colleague, Senator STROM THURMOND, who has elected to cross the aisle and join the Republican Party, in his deep conviction that the Republican Party is the party that basically can restore this country to a Federal system of government and insure the country against slipping either rapidly or surreptitiously into a socialism which neither the Founding Fathers contemplated nor the people of this country contemplate now.

Those of us who know STROM THURMOND—and I think all of us do—unite in the opinion that he is a man of deep spiritual and political convictions, and that he is now exhibiting, as he has exhibited in the past, the utter courage to stand by those convictions.

He will be criticized by many, of course. He is aware of that. Manifestly, his change of affiliation, or his change of party association, is not motivated by any illusion on his part that he will advance his own selfish political fortunes. He knows the dangers. He knows the perils of the step that he has taken.

He undoubtedly is not motivated by any sense of selfish, personal advancement. He is, as we know and as we are all convinced, motivated by a deep sense of patriotic responsibility.

There is no person in the Senate, no person in my acquaintance or of my knowledge, who has a deeper or more vigorous patriotism for the preservation of his country and our system of government than has STROM THURMOND.

We welcome him because of his integrity of purpose, because of his courage, because of his convictions, and because of the disabilities for himself which he knows he is creating by this move.

We also know that the move comes from that conviction of sincerity and deep obligation to the country which he loves. Whether there are those who agree or disagree with him is beside the point. He has seen what he believes to be his overriding duty in his conscience and under his patriotism and under his devotion to the system of government which he, and, I am convinced, most of the American people, if they understand the situation, would like to preserve. He is laying his political life and his friendships on the altar of freedom and that system—and let the consequences be what they may.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HICKENLOOPER. I ask for 1 more minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator is recognized for 1 additional minute.

Mr. HICKENLOOPER. My own feeling is that the consequences which will flow from this act of conscientious righteousness, in doing what his convictions tell him he must do for righteousness, political or moral, in the long run and in the end, will be consequences from which STROM THURMOND will come out with honor, and in which his memory and his associations will be applauded for his honesty.

We welcome him, as we welcome any person of good will and sincerity who wishes to join us in our cause this year, which, without the same or exact meaning, but by paraphrasing the words which the President used the other day, means that this election is the most important election that we shall ever see because it will direct the future course of history of this country, and will direct the future course of this country, but not along the lines that the Democrat philosophy would take us; will determine whether we shall slip further into centralized government and contribute further to the destruction of our Federal system of government, and will determine whether we shall preserve the Government of the founders of this country, a Government of private responsibility and private enterprise and freedom today, which has made this country great.

I respect STROM THURMOND, and as an individual I welcome him to the ranks of those of us who sit on this side of the aisle, in conscience and in fairness and in political responsibility.

Mr. MUNDT subsequently said: Mr. President, I regret that I could not be present in the Chamber earlier at the time Republican Senators were conveying greetings, a warm welcome, and sincere appreciation to the Senator from South Carolina [Mr. THURMOND], on the occasion of his leaving the Democratic side of the aisle to come over and become a member of the Republican Party.

I was busily engaged with the Subcommittee on Permanent Investigations, of which the Senator from Arkansas [Mr. MCCLELLAN] is the chairman, while we were writing, and I am happy to say agreeing upon the Billie Sol Estes report which was approved this morning and will be printed and released before the end of the month. I could not leave that important assignment. That is my reason for speaking now.

Mr. President, this is indeed a historic occasion. I do not wish to let the event go by without some comment on it.

This is almost an entirely unprecedented action in the history of the Senate. I have had some research made by the Library of Congress on the subject. There have been similar actions, but, so far as the researchers have been able to discover, nothing identical with the action announced last evening by the Senator from South Carolina.

The Senator from Oregon [Mr. MORSE], for example, who used to sit on this side of the aisle, resigned from the Republican Party and became an independent in October of 1952, the researchers of the Library of Congress advise me.

However, he did not join the Democratic Party at that time. It was a matter of 3 years later, on February 17, 1955, when the Senator from Oregon [Mr. MORSE] announced that he would become a Democrat, moving his seat to the other side of the aisle.

This record, for the benefit of historians and researchers in the future who may wish to find this information, appears in the CONGRESSIONAL RECORD of February 18, 1955.

The Senator from Oregon first publicly hinted at the fact that he was about to switch from the Independent Party—which he had organized and was operating as a solo venture up until that time—in a television interview on January 13, 1955. The following month, he joined the Democratic Party.

In the early 1900's, two Senators—Fred Dubois, of Idaho, and Henry M. Teller, of Colorado—switched parties as the result of monetary issues involving silver—lent the circumstances, the issues, backgrounds, and the procedures were quite different from those applicable to Senator THURMOND's historic and dramatic decision.

There is no record in the history of the Senate of a Senator moving, by one fell swoop, from the Democratic side of the aisle to the Republican side of the aisle, or from the Republican side of the aisle to the Democratic side of the aisle, without doing so by intermediary steps and affiliations.

This is an occasion which I am confident historians will be discussing a hundred years from now, and upon which political scientists and others will be currently commenting upon day after day, week after week, month after month, for a considerable number of years.

Mr. President, let me relate an interesting anecdote which the Senator from South Carolina [Mr. THURMOND] told me one day when I was visiting him casually.

He told me that his grandfather ended his service in the War Between the States in April 1865. At that time, he was one of the soldiers of the South. He had no horse, no mule—no means of transportation. The Senator from South Carolina told me about the experiences of his grandfather, who walked the entire distance home to Columbia, S.C., to help undertake the long and painful task of rebuilding and reconstructing the South. It is interesting that today, almost 100 years later, another courageous Thurmond has taken another walk.

Mr. President, I believe that it took as much courage for the Senator from South Carolina to walk from the Democratic side of the aisle to the Republican side of the aisle to establish his new political home as it did for his grandfather, when he walked from Appomattox, Va., to Columbia, S.C., after the War Between the States.

Today, the shortest and most direct path to human freedom and opportunity in this country, under the concept of government that rates the private citizen in importance above the Federal politician, is that short but significant walk of 5 feet from the Democratic side of the aisle to the Republican side of the aisle in this Chamber. We have an unprotected and unguarded boundary. There are no armed forces on either side. We welcome recruits and the country will be well served as our troops are reenforced.

Speaking as a Republican Senator, if there are others who feel motivated, as did the distinguished Senator from South Carolina, to make that walk of 5 feet over here, we have an abundance of seating capacity. We shall welcome you with open arms. We shall recognize that this is indeed a mark of statesmanship.

It so happens that the senior Senator from South Dakota takes some special pleasure and gratification on this historic occasion. This action is in conformity with a formula of procedure which the senior Senator from South Dakota started advocating nationally in the late forties and to which I have devoted a great deal of time and effort ever since.

I have made upward of 100 speeches on this general theme. Incidentally, six or eight of them, at least, were made in the great State of South Carolina. I have discussed this pattern of performance in more than 40 States of the Union. I have also discussed it on television and radio network programs. I have discussed it in speeches before partisan and nonpartisan groups. I once had the pleasure of appearing jointly on a national network show on this theme with Eleanor Roosevelt. I am happy to record that she agreed with me that there was merit in the concept that we should begin a realinement of political forces in America, that such a realinement was long overdue, that we must establish clarity of posture and eliminate confusion of conviction within both of our major political parties. Thus, individual voters, patiently waiting for that day which comes on the first Tuesday after the first Monday of November every 4 years, will have a clearer choice when it comes to voting not only for President and Vice President, but also for Members of the Senate and the House of Representatives.

There is no merit or need to detail why there is this complexity, confusion, and conflict within our major parties. Frequently the differences between members of the same party in the Senate, and in American political life, are, in fact, greater than the difference between members of the two different parties. The least that can be said in criticism of this situation is that it gives the poor voter a pretty foggy and inadequate choice when he is trying to vote a ticket to set the pattern that he would like to have America follow.

The idea occurred to some of us late in the forties, that by a transmigration of political forces in America, we could retain all the benefits and guarantee a two-party system without the fragmentation which has occurred within both parties. Since at least 1936, or the National Convention immediately following that one, we have come closer in this country to having a four-party system than an effective two-party system. There are two Democratic Parties. There are two Republican Parties. Frequently, the wings of the two parties are in greater conflict than the conflict between parties in political, economic, and social problems, and in platforms, and pieces of legislation.

Senator THURMOND's action is a good omen. I would dare to hope that there are others in the Senate or the House who would make the same trek in the interest of bringing to the American public a better and clearer choice for a sharper difference when it comes to decision time in voting in our national elections.

I would not be at all surprised to learn that several Representatives might follow the sterling and courageous example of the Senator from South Carolina. I am sure that even those who may disagree with his decision will have to attribute to him a degree of political courage which is too seldom evidenced in this Republic.

I believe that for every public official—every Senator, Representative, Governor, or legislator, for every elected official great or small, and for every former public official now in private life, who makes this choice, takes this walk, and places his convictions in the party with which he feels most comfortable, and which is more closely identified with his picture—that for every citizen in past or present public life, who makes that determination, there will be 1,000, perhaps 10,000 people, in private life who will say, "This is also the proper thing for me to do."

In this country, we are properly dedicated to a two-party system. But, to serve the American will and to get the optimum results from the advantages of a two-party system, it is important that parties stand for something clear, something definite, and definable, something specific, something homogeneous, something in which the members of the party can consistently work as a team for the achievement of their goals. When parties become opportunistic, members of the party tend to differ too greatly from the membership of their own party. It is proper and appropriate therefore that there be on occasion this shift from one party to another.

We are all dedicated primarily to America. And, we are dedicated to great causes. We should not remain slaves to a party label. We should not become captives of a party designation.

It seems to me that, too frequently, our associations in this country are confused by semantics. Members seem to feel that because they have traveled for so long with colleagues in a certain party, they should become partisans ahead of patriots, that they should move in the direction that the party chiefs demand, that they should yield to the urgings of the leaders of the party team, or that they should succumb to the pressures or the twistings of people high in office within that particular party.

It is good for America that the Senator from South Carolina has taken this courageous action, this salutary action, this action as a step in our political realinement which is surely in the interest of a better America.

There are two ways in which this realinement of parties—to which, as I say, I have devoted at least 15 or 16 years of study and exploration—might operate. It is good that we now give some additional thought to where this can eventuate and what might happen as a result of this example which we have witnessed here today.

There could be, and perhaps there should be, a sort of realinement of parties across the country by individual voters at the precinct, county, and community level. There should be an Operation Reregistration, perhaps, in many areas of America. I am free to grant if that occurs, there may be Republicans who will register Democratic. If they feel that the philosophy, principles, platforms, programs, and policies of the Democratic Party as it is presently constituted and is presently operating are more in harmony with their personal convictions, so be it.

I am confident, too, that there are many areas of the country, North, South, East, and West, in which people who are now registered as Democrats might in "Operation Reregistration" go individually and collectively to the place at which they have the party registration office within their respective counties and register over as Republican. I point out that that is one thing that might well be done to help effectuate a meaningful party realinement in this country. Each individual citizen should search his soul on an occasion like this to see whether he is comfortably, conveniently, consistently and happily registered within the political party in which he shares the goals and programs toward which that party is moving.

If he does not, in good conscience, by reregistration, in a movement from one party to the other, following the Strom Thurmond example, he serves himself and his country best by identifying himself with the party in which he does find himself happy with his associates, where he finds himself in harmony with most, if not all of the party's objectives, where there is a maximum of creative opportunity for him and a minimum of hypocrisy—which is always involved when citizens belong to a party and find themselves in great disagreement with the bulk of the objectives which the party espouses.

I hope that this realinement process will continue. It would be good insurance and help to save our two-party system. It is the best way I know of to prevent a rump party from developing, or the development of third, fourth, and fifth parties to the point we lose the manifest advantages of a two-party system.

One of the great virtues of our country is the fact that we have maintained a two-party system for so long. We maintain that system effectively and enduringly, however, only when political parties have significance, when they have meaning, when they have teamwork, when they have members who in general and on the basic issues believe in the causes embraced by the respective parties. When parties become merely an opportunistic bridge over which candidates can walk to obtain office, while assuming none of the obligations of party membership, and accepting only a very few of the purposes and policies of the party in which they are registered, political parties become a device for deceiving the people and confusing the situation instead of a device for serving the people and our country well.

Mr. President, I refer Senators and others to the entire text of the statement made by Senator Strom Thurmond in his television and radio address to the people of South Carolina, which was placed in today's Record by Senator Simpson while he was speaking on this subject earlier today.

In addition to political realinement, which is a responsibility of individual citizens, a decision for them to make, and an opportunty for them to achieve, I suggest that at a national conference held here in the Mayflower Hotel—and I shall insert in the Record the specific date when it was held, for I must check the records in my office—under the auspices of the then Senator Owen Brewster, of Maine, and the senior Senator from South Dakota, the possibilities of political realinement were discussed and a report was issued thereafter. We recommend some steps which could be taken in that direction.

We recognized that we would run into difficulties primarily from what is called the courthouse crowd. I suppose perhaps in some places where mayors are elected by political designation, it could be called the city hall crowd. But I speak primarily of the courthouse crowd. For example, we found that there are many sheriffs, auditors, and county officials in strong Republican States and in certain counties—for example, counties in the State of South Dakota which have never in the lifetime of the State voted Democrat—comprising the county courthouse crowd who would say, "Do not redesignate the names of the parties. If you put some other label on them, there goes our meal ticket. There goes our assurance of reelection. So long as we can be renominated as Republicans, we are home."

In my home county of Lake County, which is a fine county in South Dakota, we at one time elected a dead Republican county commissioner over a live candidate running on the Democratic ticket. I think it was an improvement, at that, over the other choice. But it shows what happens. The courthouse crowd recognizes how important an established party designation actually is. It is a tough nut to crack.

At the conference held in 1951, I believe it was, we were trying to find new labels for the parties which would tend to make it easier for people presently dedicated to a party to dedicate themselves to principle instead.

What is true of the county courthouse crowd in certain strong Republican counties is equally true of the county courthouse crowd in areas of the South, which, I am sure, since the War Between the States, have never voted Republican. I am confident that in Senator Strom Thurmond's own State of South Carolina it will be found rather difficult for a sheriff in South Carolina in some county, or some other county official, even to consider the possibility of dropping the label of the Democratic Party and accepting another label, because there would go his meal ticket. There would go his job insurance. So the idea of renaming the parties fell by the wayside. We ran up against the difficulties facing the county courthouse crowd, North and South, Republican and Democrat, rural and urban when it came to bringing about that kind of "Operation Reregistration," required to produce a wholesale realinement of parties by changing the names of the parties themselves. I still think, however, it is highly important to America that there be some type of action to provide more cohesion, more consistency, and more significance to each of our existing political parties whether or not their names or labels are ever changed or modified.

For the information of the Senate and for students of the Record, I ask unanimous consent to place in the Record an insert from the Congressional Record of October 8, 1951, which reports in full the 1951 Mayflower Conference on Political Realinement to which I have alluded.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Is There Need for a Southern Democrat-Northern Republican Political Alliance?

(Extension of remarks of Hon. Karl E. Mundt, of South Dakota, in the Senate of the United States, Monday, October 8, 1951)

Mr. Mundt. Mr. President, so many Members of Congress have made inquiries about the recent developments leading to the creation of a Committee To Explore Political Realinement and the basis upon which this committee is studying the causes and cures for present trends toward socialism in America that I am asking consent to have printed in the Appendix of the Record a short summary of some of the background data which lead to the decision to devote continued effort and study to the proposal. The information in the summary outlines the reasons for this approach to an analysis of our political and economic problems, and it indicates how interested citizens can get in touch with the committee of distinguished and informed Americans who have undertaken to explore areas of political activity and cooperation which are beyond the immediate concern of either of America's two major political parties.

Many Americans are beginning to realize that our traditional two-party system, which means so much to the continuance of our free way of life, is in danger. We are approaching a situation—if we have not already reached it—in which we are operating with a two-party system in name and a four-party system in function.

This grows out of the fact that differences between segments within each of our two major political parties are actually often greater than the differences between the two major parties themselves. It also reflects itself in a similarity of stated platform purposes in the planks of national party platforms—"me-tooism"—and subsequent repudiation of these planks and purposes by many, perhaps a majority, of the Members of Congress to whom most of them are directed. As a consequence of the lack of realism which is thus manifesting itself in present political groupings, which appear to be based much more upon geographical, traditional, or historical factors than upon a grouping around basic economic, social, and political concepts—Mr. and Mrs. John

America, the voters to whom the country belongs and who are supposed to direct its destiny, find themselves confused, frustrated, and disillusioned when they have their opportunity one Tuesday in 4 years to vote for or against a candidate for President and a set of policies to be followed for the next 4 years.

In 1948, over 40 million Americans stayed away from the polls and refused to vote in a national referendum in which they were given no clear-cut choice between platform promises and between the pronouncements of the presidential candidates. Either way, the voters figured, they would get about the same foreign policy, about the same trends toward more boards, bureaus, and coercive commissions in Washington, about the same shirking away from a bold return to the concepts of home rule, private enterprise, individual initiative, and the reward-of-merit opportunity system which has made America American.

In a great speech which has been widely quoted and frequently reread, Donald R. Richberg, of Charlottesville, Va., once executive director of the NRA and now a member of the law faculty at the University of Virginia, highlighted the foregoing and many other facets of the political phenomena which today in America keep like-minded Americans from voting for the same candidate for President, and in support of the common ideals and objectives which they share and hold. Speaking on September 11 before a New Haven, Conn., audience comprised in large part of the members of the industrial and business fraternity of Connecticut, Donald Richberg took as his theme "The Murder of a Candidate"—see CONGRESSIONAL RECORD, September 14, 1951, page A5605—and warned America how our entire way of life was in dire danger because of the political unrealities and shackles involved in the present picture. Richberg is a prominent member of the executive committe of the Committe To Explore Political Realinement and his address at Yale merits careful study by all citizens desiring to do something more effective toward stopping our drift toward socialism than merely to curse their misfortune or to cry out in futile consternation at the future they confront.

On September 14, 15, and 16, a 3-day conference was held in the Mayflower Hotel here in Washington to determine whether like-minded voters whose party registrations differed but whose affinity to principle was identical could work, plan, and vote together. The question considered at this conference, which was attended by about 100 important Americans about equally divided between southern Democrats and northern Republicans, was this direct and simple one. Is it desirable and can a way be found for Americans who think alike to have a method of voting alike effectively regardless of how they are registered politically and of where they live geographically?

The 3-day conference answered the first part of that question decisively and affirmatively. Unanimously it was agreed that it is desirable. The creation of the Committee To Explore Political Realinement was the result of the determination of the conference to find an equally decisive answer to the question, "Can a way be found?"

I ask unanimous consent to have printed in the Appendix a digest of an address which I delivered at the closing banquet of the conference which organized and set in motion the Committee To Explore Political Realinement. I hope serious students of what is being undertaken by this committee will read Donald Richberg's speech entitled "The Murder of a Candidate," but the background data and information set out in my digest may be helpful in suggesting some of the causes and some of the cures for the present dangers as they are developing in America with steadily increasing speed and potency. This digest also helps to clear up any misunderstanding about what the new committee proposes to do or not to do.

Most emphatically, it is not the plan of the committee to organize or promote or propose a third party in America; rather, it represents a determination to strengthen our two-party system by giving new strength and significance to each of two major party groupings.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"SHOULD NEED FOR A SOUTHERN DEMOCRAT-NORTHERN REPUBLICAN ALLIANCE IN 1952 BE EXPLORED?

"Several times in our earlier American history, we have had a realinement of our political parties and a regrouping of American voters around the most urgent and significant issues of the era. Each time this has occurred, it has provided a good tonic for our country; our people have forged ahead to new levels of economic opportunity and individual freedom.

"There are many in America who think that political and economic trends over the past 15 years and the current basic issues confronting our voters today indicate that need for another regrouping of political adherence. It has been suggested that for the election of 1952, at least, steps be taken in that direction by exploring the possibilities, the potentialities, and the practical procedures involved in developing a workable political formula which would enable Americans who think alike to vote alike for President and Vice President in the next election.

"Prior to 1936, the so-called two-thirds rule operating in the convention of the National Democratic Party gave the 11 traditionally Democratic States of the South a near veto in the nomination of party candidates and, as a consequence, in the formation of dominant party policies. At the 1936 Democratic National Convention in Chicago, however, that two-third rule was abrogated. The results of the elimination of the two-thirds rule have been significant and prophetic in both the Democratic and the Republican Party positions on the new issues that have arisen in our country. In the Democratic Party, elimination of the two-thirds rule has shifted the balance of power away from the States of the traditionally Democratic South to the States of the North which, whether or not they vote Democratic in November, have power enough and votes enough in the convention to enable the large city delegations which predominate in those States to write the platform and nominate the Democratic candidates.

"In each successive Democratic convention since 1936, the southern delegates have consequently played a smaller and smaller role in determining convention decisions. As a result, the traditional allegiance of the Democratic Party to States' rights has been abandoned. Platforms have been written containing planks repugnant to the people of the South. Candidates are chosen who ignore or openly defy the opinions of southern voters. No effort is made to meet the wishes of southern citizens. Convention speakers actually castigate and criticize southern voters and viewpoints as "reactionary"—or even worse.

"After the convention, the major candidates do not campaign in the South, relying upon the conviction that 'the South is in the bag'—'it will vote Democratic regardless'—'there is no other place for the South to go.' In recent campaigns, except for four States in 1948, that attitude has paid off in votes for the fair deal high command. The Democratic machine has won—even though the objectives and principles of a large majority of southern citizens have lost.

"As a consequence, each succeeding Democratic convention courts the North and evidences contempt for the South more and more openly and flagrantly. The result has been a steady shifting to the left—toward the concept of completely centralized Government in Washington—toward an American brand of socialism—toward the death of all the rights of all the States. Put in its bluntest terms, many northern Democratic voters are vehemently and vigorously antisouthern.

"How did the abrogation of the two-thirds rule in the Democratic convention of 1936 affect the Republican Party and its attitude? Viewing the statistics of their humiliating defeat in 1936, as Republicans met in convention in 1940, party leaders realized that the new political alliance of the big city Democratic machines of the North who play politics for profit and the leftwing pressure groups who play politics for power with the unhappy but traditionally and habitually Democratic voters of Dixie had evolved a vote-getting if not a public-serving formula which could control the country. Recognizing the great obstacles involved and the inevitable delays in building a Republican-winning party in the South, the Republican convention in 1940 started turning its eyes to what appeared to be the only available votes with which to win a national campaign. Consequently, 'me-tooism' in Republican circles was actually born at the Democratic National Convention of 1936 and the successful Democratic campaign which followed. In 1940, the Republican platform and the Republican presidential candidate moved in the direction of what the New Dealers (Democrats) were offering to present voters. True, the Republican strategy of 'me-tooism' failed—but it gained votes over the disastrous results of 1936. In 1944, and again in 1948, Republicans felt compelled to move even further in the direction of offering a platform and a campaign designed to appeal to northern voters of our metropolitan cities and the organized pressure groups to whom it had been demonstrated the new strategy of the New Dealers (since 1936) was so successfully appealing in each succeeding campaign. Believing itself to be unable to garner sufficient votes to win in the South, the Republican Party began offering almost identical appeals to the same group of voters that the Democrats had wooed and won in the North—especially in our industrial States with the largest metropolitan cities. In 1948, more than half of our American voters stayed home from the polls because they felt themselves deprived of a clear-cut choice of issues and objectives in that political campaign.

"Thus, American political history has witnessed some striking and basic changes since 1936. Tragically, organized political and pressure groups in some 11 vast metropolitan cities of the North have thus come to have the balance of power in political campaigns and are largely calling the tune to which presidential candidates of both parties are compelled to dance. The results are today clearly apparent in the trends of our national policies which are veering away from basic American concepts of limited government, individual freedoms, and States rights toward various shades and degrees of some type of European socialism and centralized power.

"Only an informal, unorganized, intermittent alliance comprised in the main of southern Democrats and northern Republicans in Congress has prevented these trends from becoming even more destructive and disastrous. In each Congress since 1936, this congressional alliance between North and South has operated with increasing effectiveness and frequency but it—alone—has been unable to stop the continuing extravagances in both fiscal and political policies. Trying to direct the destiny and direction of government from the congressional level against the resistance and over the objections of a determined President is like trying to operate a railroad train from the caboose.

"If more is to be done than to apply the brakes, slow down the trends, and bring about minor economies in government, it is necessary to elect an engineer to man the White House locomotive who agrees in principle with the trainmen in the caboose. Election of such an engineer is what is made exceedingly difficult by our prevailing unrealistic, unrepresentative political party groupings in which geography, tradition, and comparatively meaningless political labels combine to defeat that objective.

"The importance of allying like-minded voters in America by some political formula enabling them to give effective expression to what is the major viewpoint of our citizens is highlighted by the tragic experience of Great Britain from which intelligent Americans should draw a realistic lesson.

"Great Britain is now in the throes of socialism precisely because in that country the opposition to socialism is divided into two political groupings by unrealistic devices just as today is the case in the United States. Both the Conservative and the Liberal Parties of Great Britain oppose socialism. This is evidenced by the fact that all Members of the House of Commons from both of these parties voted against the nationalization of steel which is a step that breaks the back of private enterprise and individual ownership wherever it occurs. The Socialists had a bare majority in the House of Commons which enabled them to put through that nationalization of steel by a narrow but effective margin. However (and this is the important point) had there been no Liberal Party candidates for the House of Commons in the last election and had the voters thus had to decide definitely between Conservative or Socialist (Labor) candidates, it is a reasonable assumption that the vast majority voting Liberal Party (against socialism) would have voted Conservative Party (also against socialism). Had this occurred in the large number of British constituencies in which all 3 parties had candidates in the field and in which Socialist candidates consequently won, there would now be a majority of 29 Conservative Party members in the House of Commons. In that event, steel would never have been nationalized in Britain and the Socialist scourge would have been ended in that country in the last election.

"The British experience is almost an exact parallel of what is happening in America. It is a stern warning to us all as to what may happen and as to what seems likely to happen unless we find a way so that those who think alike can vote alike for President here in the United States.

"If nothing is done to change the political thinking and performance of leaders in the ranks of our two major political parties, it is now entirely probable that again in 1952 we will find neither political platform providing American voters with a consistent pattern of opposition to totally centralized government, current trends toward socialism, bureaucratic extravagance, and that neither political party will raise the standard of States rights which of and in itself has done so much to prevent the total centralization of power in Washington which is an essential prelude for any form of totalitarianism.

"How then is it possible to regroup political strength in the United States to give those who oppose the welfare state here the maximum opportunity for success and to preserve our 2-party system as an effective device for registering realistic political convictions?

"At the start it should be noted that there are various approaches, methods, and degrees of change and modifications in established procedure which might be employed in the next election. The merits and demerits as well as the practical application of these various methods should be carefully surveyed. At this time, no single source has available sufficient factual data to suggest the adoption of any one specific form of procedure. There is, however, the maximum method and the minimum method (and several methods in between) for approaching an effective combination of like-minded voters in determining the decision this country confronts in 1952.

"The maximum method would be to have the southern Democrats and northern Republicans, who have been cooperating in Congress, evolve from their informal alliance a formal, continuing, and cohesive organization. This would mean a courageous reorganization of both Houses of Congress before next year's political conventions. It would mean that these like-minded legislators (representing in large part Democrats of 11 Southern States and Republicans of Northern States) would elect leaders of both Houses, select committee chairmen, and form themselves under some such name as the southern Democrat-Republican alliance to designate the group. If this were done, some southern Democrats and some northern Republicans might prefer to move out of such a regional regrouping of congressional legislators as here suggested and find their place among the members of the loyal opposition. Once such adjustments were made, however, this southern Democrat-Republican alliance could then call upon the country to elect a President and Vice President whose position on political and economic issues would be in harmony with it, and those preferring to support the doctrines of the Fair Dealers and leftwingers would be forced to hold a convention to nominate an opposition ticket whose standard bearers would share platform convictions with those who would then be in a cohesive minority in both Houses of Congress.

"Such action in Congress might well require more political courage and risk than it is realistic to suppose will be demonstrated, but it is one direct and clear-cut method for making the election of 1952 a definite choice between two clearly conflicting philosophies of government. From such action could come a permanent, political realinement in America which would give every voter in his own precinct a clear-cut choice between philosophies of government and which would give the members of each party a cohesive quality which now is sadly lacking. Such a regrouping of American sentiment into homogeneous, realistic, operating party units would provide America with an effective and responsible two-party system with sufficient room between the positions of the opposing parties to attract a substantial group of independent voters whose allegiance would intelligently be sought in each election by each major party as then constituted.

"It is extremely unlikely, however, that this maximum method will be employed by Congress under prevailing circumstances. Before Congress would break with tradition and with existing majority and minority alinements, it would probably require one or more of the following eventualities: (1) The emergency of a vital, urgent issue virtually requiring a permanent rather than a temporary alliance of cross-party members to resolve the issue; or (2) a great ground swell of grassroots sentiment reflecting itself clearly in Washington as an indication that the home folks behind both parties to such an alliance were insisting upon it; or (3) the impetus of many resolutions and expressions by groups of citizens, associations, organizations, and possibly even official urging of conferences of Governors or other elected public officials. Hence, it seems probable that if the North-South political alliance is to operate effectively for the 1952 election one or more of the minimum methods will be employed.

"The minimum method, which would at this time seem to be more realistic and probable than the maximum method, would involve only comparatively safe steps to be taken by delegates at both of the major political conventions.

"For example, Republicans at their convention would: (1) Adopt a platform consistently and clearly opposing further centralization of power in Washington and dedicating the party to a rational and realistic implementation of the great American doctrine of States rights and limited government; (2) faithfully pledge themselves to meet the so-called civil rights issue within the purview of the doctrine of States rights by encouraging an improved economic status and equality of opportunity for minority groups through utilizing State governments and State-appointed boards and commissions to implement and enforce constructive State laws and regulations; (3) nominate a President and a Vice President willing to fight a hard-hitting, honest campaign on basic American doctrines and who are personally popular and acceptable to the voters of the South.

"Southern Democrats at their national convention should: (1) Seek the restoration of the two-thirds rule; (2) endeavor to have the convention pledge itself to the rational and realistic application of the doctrine of States rights; (3) induce the convention to avoid committing itself to a compulsory national FEPC and other coercive and authoritarian steps in the field of civil rights and economic endeavor; (4) nominate candidates who will faithfully pledge themselves to stand on such a platform and to conform with it when elected.

"Should both conventions write such platforms and nominate such candidates, the trend toward national socialism would be stopped regardless of which party won the election because collectivism cannot engulf this country if States and individuals are permitted to exercise their independent judgment on political, economic, and social issues.

"Should the Republican convention write such a platform and nominate such candidates and the Democratic National Convention, because of domination by big city, northern Fair Dealers, write a Fair Deal pro-Socialist platform and nominate Harry Truman or somebody to the left of him, southern delegates and other States rights minded delegates might walk out of that convention and thus set the stage for other steps and activities leading to the formation of an effective southern Democrat-northern Republican pattern of cooperation in 1952 either in the November election at the electoral college level, or in the determination of the presidential contest in the House of Representatives should that be necessary.

"What are some of the steps and tactics that might be employed in such an eventuality to bring the effective voting strength of like-minded Americans together (regardless of geographic location or political preference) at either the electoral college level or at the level of the House of Representatives should the election be decided there?

"Some steps and methods for evolving such a pattern of effective cooperation on a working alliance for 1952, include the following:

"1. Preconvention conferences between leading southern Democrats and northern Republicans might determine in advance of the conventions that the Fair Deal crowd and Trumanism will again (for the fifth time) control the Democratic National Convention. By that time, it might be clearly indicated that the Democratic National Convention moved by the compulsion of pressure groups and big city machines is certain to offer America a platform and a slate of candidates dedicated to the superstate, an American version of Fabian socialism, and the complete destruction of the rights of States and perhaps of private enterprise and our established financial structure. In that event, Republicans might well consider nominating as a vice presidential candidate a Jeffersonian Democrat, selected through consultations with southern leaders to run with a Republican candidate for President who is personally acceptable to Dixie and who will run on a platform adopted by the Republican convention which is consistent with the viewpoint of sturdy Americans in both South and North who believe in the rights of States, the rights of individuals, and the American concept of limited government; or

"2. Following nomination by the Republican convention of Republican candidates for President and Vice President who on their records and by their personalities and convictions are acceptable to the South, these candidates might early in the campaign pledge themselves to select three or four prominent, capable, and popular southern Democrats for some of the more important Cabinet positions. In that way, the electorate, both north and south, would be offered an all-American team selected from both sectional majorities as a choice against the Fair Deal team now in control or seeking election on the so-called Democratic ticket. In that way, too, the identity of the membership of both teams would be in large part known to the electors so their choice in November could be based on complete information and a clear-cut idea of what to expect from each team; or

"3. Either separate State Democratic conventions or an all-South Democratic convention could be held in Dixie after the frustrations and disappointments at the National Democratic Convention. Out of such activities could come southern Democratic candidates to run on the ballots of Southern States under the Democratic banner, or, as an alternative, a series of favorite-son candidates each of whom would appear as the Democratic candidate for President on the ballots of his particular State. Either technique would subtract from the Truman ticket substantially more electoral votes than the States' rights movement received in its surprisingly successful effort in 1948 which demonstrated to America that there is a limit to the insolence, derision, and abuse that the voters of the South will countenance and accept from the leadership of the National Democratic Party. This method could easily give the southern electors an effective balance of power at the electoral college level or in the House of Representatives—wherever the election is decided, if the northern Republicans won a minimum of 138 votes of the 403 outside the South, an achievement they have not made alone since 1928. It could very probably result in either a Republican or a southern Democrat ending up as President—possibly with a President from one party and a Vice President from the other. It seems clear that electors who are pledged to oppose Trumanism but who are unattached to either major candidate would determine the final choice for President unless without the votes of the South to help bolster the forces of Truman, the Republican candidate should win in the November voting. Some people have referred to southern electors selected by either of the foregoing methods as free electors. Certainly they could contribute historically to a free America; or

"4. Southern Democratic convention action—by individual State parties or an all-Dixie convention—could select Democratic electors running in the Democratic column with the regularly nominated Democratic candidates for State and local office, but pledged openly to support the Republican nominees for President and Vice President. This would add southern voters to the ticket opposing Trumanism rather than simply subtracting southern voters from the Truman ticket. Either course or some modification of suggestion 3 or 4 would give individual voters in the South a clear-cut choice in November between candidates favoring the States rights or candidates favoring the police state concept included in the welfare state.

"Other suggested courses of action are open to southern Democrats and northern Republicans sincerely eager to mark 1952 as the end of our trends toward total centralized political power and economic socialism. All of them recognize that to make such an effort of 'allied political forces' successful in 1952 both parties to the alliance (North and South) must be treated as equal partners. Seniority status in Congress, patronage considerations, et cetera, for participating southern Senators and Congressmen must be respected and protected. The goal of such a regrouping and realinement of voting forces in 1952 is to make neither the southern Democratic Party nor the Republican Party the sole beneficiary of ensuing victory. The real beneficiary must be America, and those Americans who want to reinstate and reinforce our American success formula of individual initiative, private ownership, free enterprise, and the safeguarding of the rights of States and the rights of individuals. This is the essence of personal liberty, the operation of which has made our country great and kept it strong; this is also the essence of the great American concept of limited government in contrast with the European concept of limited freedom for the individual as permitted by an all-powerful central government.

"To this end, a Committee To Explore Political Realinement might well be created from among representative and respected southerners and northerners, equally included, so that the full possibilities and potentialities of various courses of action might be studied and appraised and so that a single course of action could be recommended if the committee's research develops a formula which promises success.

"It might be possible for a Jeffersonian Democrat or a Republican advocate of the limited-government concept to win a presidential election under existing unrealistic political groupings even though they virtually confine Republican vote-getting opportunities to 36 of the 48 States and at the same time virtually deny Constitution-minded Democrats of the South any effective voice in either the National Democratic Convention or the November election. However, to maintain in power a national administration dedicated to American concepts of limited Federal Government, private ownership, individual liberties, and solvent fiscal policies, it is highly desirable, perhaps necessary, to find a method for offsetting and defeating the existing alliance by which pressure groups and northern Democratic city machines utilize the voting strength of Southern States in the electoral college to support policies antagonistic to the American pattern of economic and political behavior. Exploration of all practical procedures by which southern voters who support our constitutional concepts can use their votes to reinforce those precepts rather than to reject them would, therefore, seem to be in the public interest.

"Few should disagree with the objective of evolving political procedures whereby the same political and economic concepts can be represented both in the Congress and in the White House and its associated departments of government. It has been many years since this situation has prevailed in Washington. Only as this situation is recreated and implemented can an effective two-party system bring to this country the great advantages and dividends which are inherent in our cherished two-party political system."

Mr. MUNDT. Mr. President, neither the Senator from Maine [Mr. BREWSTER] nor I myself is a member of the Committee To Explore Political Realinement, although both of us attended the Mayflower conference in mid-September and although both of us for many months have been conferring with people from throughout America who are earnestly searching for an effective formula by which to provide every American voter with a clear-cut choice and an effective ballot in 1952. We declined membership on the committee roster in the conviction that nobody presently active in the political life of our country as an officeholder of important public trust should attempt to influence the decisions and deliberations of the committee. The committee's exploratory activities must not and will not be in support of any specific candidate, either Republican or Democrat. The committee is equally divided between Democrats and Republicans—it is truly a bipartisan, objective, determined public-serving effort to study, analyze, and report on the political practices of our times and to recommend to the country in due course the steps it believes Americans can take between now and that important Tuesday in 1952 when the whole destiny of human liberty may well be determined by what happens at the polling places of America.

For the information of all interested Americans, however, who may want to correspond with the committee members or its staff, or who may want to have a part in the great task of constructive service it has undertaken, I submit a statement of facts which I ask to have printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"Officers of the Committee To Explore Political Realinement:

"Cochairmen: Albert W. Hawkes, Montclair, N.J. (Republican), and Edward A. O'Neal, Florence, Ala. (Democrat). (Mr. Hawkes is a former Senator from New Jersey, a former national president of the U.S. Chamber of Commerce. Mr. O'Neal was for 16 years the national head of the American Farm Bureau.)

"Executive secretary: Joe T. Lovett, Columbus, Ohio, past State commander of the Kentucky Department of the American Legion.

"National treasurer: John W. Finger, 960 Park Avenue, New York City, recent past president-general of the Sons of the American Revolution.

"Members of the executive committee: Albert W. Hawkes, chairman, Montclair, N.J.; Edward A. O'Neal, Florence, Ala.; Edward R. Burke, former Senator from Nebraska; Donald J. Cowling, former president, Carleton College; Charles Edison, former Governor of New Jersey; Horace A. Hildreth, president, Bucknell College, ex-Governor of Maine; Felix Morley, author and educator; Donald R. Richberg, University of Virginia Law College.

"Headquarters of the committee is in Washington, D.C. Address: Suite 302, The Kass Building, 711 14th Street NW., Washington 5, D.C. Telephone: RE 7068.

"A long time ago Mr. Justice Chase put it well when he defined the United States as 'An indestructible Union of indestructible States.' It is the hope of the Committee To Explore Political Realinement that it may make a constructive contribution to the indestructibility of a free America and of the home rule authorities and rights of each of its States and all of its citizens. The committee seeks support and counsel as it forges forward toward that goal."

Mr. MUNDT. Mr. President, STROM THURMOND has picked up the flag and carried it proudly. He is marching to the stirring tune of "Dixie." He has made the walk from the wrong side to the right side of the aisle in the Senate in conformity with the dictates of his judgment and his conscience. He has shifted from a party in which he has found himself unhappy to a party in which, I hope, he will find himself happy. I am sure that he will be happier over here if we can bring about a more general realinement of the party postures in this country. His action is certain to hurry that important result.

Mr. President, I wish now to allude to a second type of political element which is possible, feasible, and, I am beginning to surmise, is also probable. We gave some thought to that. The conference to which I have called attention, by the way, was addressed by Donald Richberg, one of the great early New Dealers, one of the fine erudite Americans of his era, who at that time was either dean of the Law School of the University of Virginia or the head of a department down there. I am not sure which. In all events by 1951, Richberg had broken completely with the New Deal and its paternalistic programs. Under Dr. Richberg's guidance and direction in that weekend conference we gave a great deal of thought to another type of political relinement. I should like to describe what it is because it is really foursquare in many ways with the action taken by Senator STROM THURMOND.

Mr. President, I allude to these subjects in some detail today because, this concept is not a "Johnny come lately" procedure for the senior Senator from South Dakota, and having worked at it so long, and I realize that not only will historians read the RECORD that we are writing today, but that many people, curious about why such an historic event should occur as it did and when it did, will read the RECORD currently to try to write some interpretative reports, editorials, and comments about the signs of our times.

This other type of political realinement is one which could occur on any day in the U.S. Senate or in the House of Representatives. It might logically, I suppose, occur on the opening day of any Congress. But it does not have to do so then. It would mean only a reorganization within the Senate and within the House of Representatives whereby we would elect our presiding officers, our committee chairman, and name our committee members on the basis of the members of those bodies who have the greater degree of compatibility with each other, caucusing together, quite regardless of party label, while an opposing group of Senators and Representatives, also with the greater degree of compatibility, would caucus together in another room, quite regardless of party label, thus creating a congressional majority and a congressional minority reflecting a cohesion of convictions instead of merely convenience of party labeling.

What would we then have? We would then have in the Senate and in the House a working majority and a working minority, and within the ranks of both we would have a degree of compatibility and homogeneity and consistency and comradeship, so that instead of taking 10 months of a year for a Congress to do what it should do in 6, we could accomplish our work and get back to our home areas to discuss public affairs with the people on a logical schedule of congressional business.

One of the current difficulties, as we all know and as we see it here now, is that we cannot even pass the foreign aid bill because the party in power which, until yesterday, exceeded us 2 to 1 in number, has such disunity and disagreement among its own members that it cannot even agree upon a legislative schedule.

Mr. President, this is a strange sight we see here, in the middle of a campaign. We strive with great vigor to get enough Members of the House and Senators on the floors for live quorums so that we may not have to adjourn because of absenteeism which has become notoriously bad. We try to meet, but we spin our wheels and accomplish nothing, because one-third of the Members of the Senate would like to be, and should be, home campaigning, and all the Members of the House would like to be, and should be home campaigning. And that is precisely where many of them are today, while a few of us remain here accomplishing precisely nothing.

Why this delay? Why this dilatory action? Why this ineptitude? Why this great inability of the great Senate of the United States to function on such a routine piece of legislation as deciding how much we should make available in foreign aid by an authorization act to meet the responsibilities of this great country in the year ahead?

There is within the party of the majority here such a sharp division that we are confronted with inaction and we cannot move and we cannot turn a wheel; so time marches on, but there is no progress and no action.

Let us envision what might happen if there were more Senators and more Representatives, if there were enough Senators and Representatives, on the opening day of the next Congress to meet and organize the committees and organize the respective Houses on the basis of compatibility of convictions regardless of party. We could put one label on one caucus room which says "whites," and a label on another caucus room which says "blues." Nobody would want to enter through a door which bore the label "reds," so we would not put that label on a door. We merely confine the labels to "whites" and "blues"—neither Republican nor Democrat, but one group having a set of principles to which the white group is going to subscribe, and another group embracing a set of principles to which the blue group is going to subscribe. Then we would say, "We invite to the caucus room marked 'blues' all those who agree with us." The same applies to the "whites." We will take any legislator into those caucus rooms who desires to enter and appoint him to a committee. Let us call everybody in the House or Senate either a "white" or a "blue" until we can think of a better name to designate what would then comprise a meaningful and homogeneous "majority" and "minority" party. Labels do not mean much. I hope freedom never succumbs in this country because of labels, or because we are slaves to a semantic situation. I hope that self-governing people, after nearly two centuries, can find a way to escape such a trap, such slavery, and such danger, resulting from conformity to party rather than to purpose or to principle.

Thus Congress could be realined. Among the 100 Members of the Senate surely there are more than half who would agree on one set of convictions and something less than half who would agree on another opposing set of convictions. The majority and minority leaders would be selected accordingly. Then there would be a group with a consistent opinion, a majority, which could get something done, and we would not be grounded on the shoals of inaction.

The party in power is now hamstrung because the commander is leading an army which is riding off in all directions, completely divided against itself. We can no longer distinguish friend from foe or supporter and opponent by party labels.

This could happen. It could happen tomorrow, if we had the courage—which we do not. This could happen at the beginning of the next Congress, if such were the desire. In fact, it might happen then.

I write the suggested formula into the RECORD primarily because the people have something to say about it. The people have something to say about whom they send here. The people have something to say about whether we should return or remain at home. Their letters and counsel and telephone calls and visiting delegations have something to say about how we act when we are here, how we vote, and how we respond to legislative proposals.

So, if the people of America would like to have a Congress in which there is a majority which means something, which is marked by unity instead of disunity of both the majority and minority, in which Representatives and Senators would reflect the objectives, ideals, and dreams of the people back home, instead of what is written in some party platform or pasted up in some party label, or requested by some top-ranking politician, so candidates are forced to say, "Yes, I am a Democrat, but I am against this great major accomplishment of my party. I disapprove of these tactics. I do not like this or that running mate or that platform." What does it mean? It would be so much better to have the convenience and effectiveness of traveling along life's road with like-minded people.

There is a third way in which the people of American can recapture self-government, a third way in which the people of America can start governing themselves again, a third way in which the people at home once again can become more important than Federal politicans in our scheme of things, a third way in which the people can urge those who represent them, with success, to represent them as they were elected instead of living in an era of responding whenever Federal politicians say, "You must do this or that," or "You have to have signboards on roads, or you cannot have them, or we are going to give you money or take it away from you," and other kinds of pressure from the center to the periphery.

The pyramid of government is upside down today, because the great power is exercised by a few at the narrow top. That should be only the peak, with the strength of the pyramid in the bottom, moving toward the top, reflecting the desires of the people instead of responding to the demands of the Federal politicians.

What is this third way? We should reform the electoral college system, which is so inequitable, so iniquitous, and so unjust that I can say without fear of contradiction, successful or unsuccessful, that the rottenness incorporated in our present electoral college system comprises the taproot of all the evils that plague the desires of freemen to stay free in America today. This is an electoral college system by which the victor, the winner, can report at the electoral college level his success and at the same time take all the votes of the loser—steal them, if you will—and add them to his own, and report those votes to the electoral college, in direct opposition to the way in which they were cast.

I wonder how many Americans who understand the evils of the electoral college counting system really believe we can continue to function as freemen in America based on a formula so false, so wrong, and so wicked?

In 1960, two colleagues, or former colleagues, two fine young men, were running for President. I knew them both very well. I served on committees cheek to jowl with both of them. When the votes were counted in California, Dick Nixon, the favorite son, had won. It was not what we call an overwhelming victory; it was only by a fraction of 1 percent of the votes in California. What happened at the electoral college? When it came up at the electoral college and when the chairman of the electoral college committee called the roll, and the name of California was called, what happened? Did he say that Dick Nixon had won by less than 1 percent of the votes cast in California? He said nothing of this kind. Under the wrong rule which is in existence, as he had the right to do, he said:

> Mr. Chairman, California voted unanimously for its favorite son, Dick Nixon. We did not give that Downeasterner Jack Kennedy a single vote. Nixon got them all. Put California down as voting unanimously for Nixon.

Does that make sense? Is that fair? Could it happen in a football game? If the presiding officer's alma mater were playing against its biggest rival, and the score was 7 to 6, but the local newspaper reported it as 13 to nothing, the alumni and students would lose no time in tearing down the building of the newspaper that reported such a fiction.

But that happens under the electoral college system.

What happened in New York? The Downeasterner Jack Kennedy succeeded in carrying the State of New York. New York State has 43 electoral votes. It is true that Jack Kennedy barely carried the State of New York, by almost the identical fraction or percentage by which Nixon carried California; namely, less than 1 percent.

In the electoral college, however, when the time came for New York to report its vote, New York said:

> New Yorkers are the friends of their neighbor from Massachusetts, and the State of New York votes unanimously for Kennedy. We did not give that westerner from out in California a single vote in the Empire State of New York. Kennedy got them all.

New York voted 43 to nothing for Kennedy in the electoral college. That is the only place where it counts. But New Yorkers cast almost as many votes for Nixon as they did for Kennedy.

How many think that is right? How many think that is fair? How many think that we can rescue freedom from the pressure groups of the metropolitan areas of this country with an unjust, unfair electoral college counting system such as that?

Would Senators like to know how unfair it is? Let us look at twins, two identical boys born out in Kansas. They graduate from school in their hometown. They dress alike, act alike, achieve alike. Then they go to college. They look alike, progress alike, learn alike, achieve alike. They each receive, as they should, a scholarship from Harvard University. They go to study law in their postgraduate years. Once again they live together, learn together, look, act, and achieve alike. Even friends cannot tell them apart. They both graduate summa cum laude with identically high grades.

Twin brother John moves to New York City to practice law. Twin brother Jim moves to Wilmington, Del., to practice law. After 30 years, what happens? They continue to progress. Each becomes chief justice of his State supreme court. Twin brother John is chief justice of the highest court of the State of New York. Twin brother Jim is chief justice of the Supreme Court of the State of Delaware. What identity of achievement. What equality of opportunity. It is a great manifestation of what can happen under the American system, indicating that people of equal ability, of equal striving, of equal hard work, of equal diligence, and of equal good character have achieved equal success.

What happens however, on the first Tuesday after the first Monday in November, when they vote for President? Twin brother John goes to vote in his precinct in New York City and casts 43 votes for his choice for President, because when he pulls the election machine lever he puts in motion 43 electors. If his is the tie-breaking vote, he, in fact, elects 43 electors, and sends them to the electoral college.

But poor old twin brother Jim, voting at the same hour in the same election in Delaware, in his own precinct in Wilmington, when he pulls down the lever, votes only three times, activates only three electors. If he casts the tie-breaking vote in Delaware, three electors move into the electoral college and cast the determining vote.

We talk about civil rights. We talked about them quite a while in the Senate this year. What happens to the civil rights of twin brother Jim in Delaware? I will tell Senators what happens. He is not a second-class citizen, he is not a third-class citizen, and whether he is black or white, he does not have any worry when it comes to wondering whether another person will cancel out his vote, or that he will be denied the right to register or be denied the right to vote. Regardless of color or anything else, and by pure accident of geography, one individual American has 14 times as much voting authority as another individual American, purely by accident of geography.

I hope that the State of Delaware will go through with its plan to carry into the Federal court, within the next few months, a lawsuit challenging the constitutionality of the electoral college system, which grades an American's capacity to vote purely on his post office address and by accident of geography. The States should have this extra vote power, but not the individual citizen.

I defy anyone who reads the Supreme Court decision in the Alabama reapportionment case, with its pious comments about one man-one vote, and with its statement that a man who happens to live in a city should not be denied the same voting power that an individual who lives in the country has, to apply that reasoning to the electoral college system, and come up with anything other than the unanimous decision that the electoral college mechanism employed in this country is unconstitutional and invalid and iniquitous and injurious to the functioning of freedom in this country.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MUNDT. I yield.

Mr. LONG of Louisiana. The Senator is making a fine argument. I wonder how he can contend that the Constitution itself is unconstitutional.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. PROXMIRE] has the floor. Does he yield to the Senator from Louisiana?

Mr. PROXMIRE. I am glad to yield.

Mr. LONG of Louisiana. It seems to me, inasmuch as the electoral system is written into the Constitution and, I believe, was a part of the original Constitution, that to challenge the constitutionality of the electoral college might be to challenge the Constitution itself as being constitutional.

Mr. MUNDT. I believe the Senator will find the specific mechanism that the Senator from South Dakota complains about is not written into the Constitution. I am referring to the general ticket, winner-take-all system by which electors are now named. In fact, it was not employed in the first three national elections. The first three national elections in this country employed the district system of choosing electors. The breakdown as to the establishment of electoral strength by States is in the Constitution, but not the en bloc kind of system about which I complain.

Mr. LONG of Louisiana. I thank the Senator.

Mr. MUNDT. Let me recite some history in this connection, because historians should write more about this point. I believe that in the first three national elections every elector in the electoral college—as the Senator from Louisiana properly points out, the electoral concept is employed in the Constitution—was selected by the voters of his State voting for two electors at large, because the State had two Senators, and voting for the electors which each State gets because of its representatives from special presidential election districts, which in the main were synonomous with congressional districts. This is referred to as the district system. It worked very well. But even away back yonder, in the dim and distant past, there must have been something in the drinking water of the city of Boston, Mass., which produced shrewd politicians. The politicians of the city of Boston went to the legislature of the State of Massachusetts and said:

> We can have a great deal more influence in this young country of ours, in its swaddling clothes, in determining who will be President if the legislature will pass a law requiring all the electors in the State to vote as a bloc for whichever candidate for President gets one more than half the votes in the State of Massachusetts.

It appeared to be a good idea, and the legislature bought it. So at the next electoral college, to the disappointment and disillusionment of the other young States in our Commonwealth at that time, they learned that Massachusetts had decided to vote for only one candidate or the other, throwing the whole kit and caboodle of electoral votes one way. Naturally Massachusetts practically elected the President by itself.

All of us have listened to the interesting speeches of the senior Senator from Wisconsin [Mr. Proxmire]. He looks so young, I dislike to call him senior. But the senior Senator from Wisconsin, by whose courtesy I now have the floor, has given many economic discourses, from which we have learned much. He has spoken on the subject of "Gresham's Law of Money." Gresham's Law of Money teaches us that bad money drives good money out of circulation. Senators know that; our guests in the gallery know that.

If anyone has two $1 bills in his pocket, and, under the economics of the New Frontier, he must now have $2 if he expects to buy $1 worth of merchandise, and if one of the bills is a brandnew dollar bill, which was picked up in Washington, where the currency is printed, and the other is an old, crumpled one that he brought here from home—a dog-eared piece of currency—when he decides to buy something for $1, I will wager that the one he gives to the merchant will be the dirty one, rather than the new one.

That works all through human life. Bad legislation drives out good legislation. A bad practice, such as that initiated by the politicians in Boston, will drive out good practices.

So every other legislature in our young country said, "We will get even with those canny New Englanders. We will catch up with the shrewd politicians of Boston. We will, by legislation, also compel our presidential electors to vote en bloc. We too will employ the winner-take-all system." So the fat was in the fire, and it is still there.

In the State from which the distinguished junior Senator from Louisiana [Mr. Long] comes, the legislature, which had been struggling with this problem for a long time came close to passing a State law making it illegal to bind the electors of Louisiana to vote in the same way. Sounder heads said, "This is not the way to correct the situation." There is an organization there to correct this electoral college namby pamby but by using State action only it was pointed out, "This is going to hurt Louisiana. It will put us in a bad light. It must be done on a national basis."

At the desk, waiting to be voted on—we could vote on it today, but I am afraid we will not vote on it or anything else today; that is certain—is Senate Joint Resolution 12, which would correct this situation. It provides that it would be illegal for State legislatures to require electoral college groups to vote as a unit. Presidential electors would be required to vote in conformity with the way in which they were elected by the people of their States, two at large, and one from each of the congressional or electoral college districts from which they get their electoral representation. This is called the district plan of reforming the electoral college. Adoption of Senate Joint Resolution 12 would correct the current evils in our electoral college disparities and injustices.

That one simple step, that constitutional amendment, a Senate joint resolution, jointly sponsored by Republicans and Democrats, on which the Senate voted one evening a few years ago—it was not an identical duplication of the one now at the desk, but was close to it—carried by an overwhelming majority, but it lacked the constitutional two-thirds majority required to get it before the people. That is the proper way in which the government can be given back to the people. It will be tough on politicians. We would not be able to push folks around any more anywhere. We would have to shine our own shoes, because nobody would kiss our boots any more. It would put the people on top, where they belong. If we can alert the people of America to the fact that freedom does not come easily, but that they must work for it, fight for it, and understand the mechanism for maintaining it, I believe that most of the problems that plague us will disappear.

So I repeat since this is a historic occasion. I came over from the committee room to discuss extemporaneously some of the challenges, some of the procedures, some of the mechanics by which we can get the kind of country that we want and desire; that is, one that will reflect faithfully and completely the wishes of the people of America; the wishes of a majority of the people; undivided, unconfused by artificial party labels made possible by realinements in Congress or in the country as a whole; a government which will reflect the majority and minority viewpoints, not party labels; and by working out a formula for voting in the electoral college which will give every American like influence in the selection of his President, regardless of where he lives, regardless of whether he is in the city or in the country. Each American will then vote for three electors, two representing the State at large, as Senators do, and one from the electoral college district in which he lives. There would then be no first-class or second-class Americans. There would be no first-class or fourth-class Americans, like the people of Delaware are, like the people of Vermont are, like the people of all States of the Union which have only one Congressman are. There would not be any 10th-class citizens, such as we are in South Dakota, where we have 4 electoral votes compared to New York State's 43, and such as the people in Hawaii are, where, there are also only 4 electoral votes. That is not fair. People are people and should have equal authority as individual voters, so it is time the people demand that Congress begin to make some reforms in the machinery of freedom before it falters and fails.

Mr. President, I ask unanimous consent to include in the Record as a part of my remarks sundry speeches, statements, comments, reports, and articles which I have accumulated over the past 15 years, dealing with the subjects which I have been commenting upon this afternoon.

Mr. President, back in the late forties and the early fifties, a great Texan and a great American by the name of Peter Molyneaux edited a serious-minded magazine called the Southern Weekly. Mr. Molyneaux became a great supporter of party realinement and the various steps and procedures being discussed and proposed for achieving that goal. As indicative of some of the thinking of that day I ask unanimous consent to have printed at this point in my remarks an editorial by Peter Molyneaux as it appeared in the March 7, 1951, issue of the Southern Weekly.

There being no objection, the editorial was ordered to be printed in the Record as follows:

[From the Southern Weekly, Mar. 7, 1951]

Coalition the Only Way To Save Freedom

(Note.—Republican Senator Karl E. Mundt, of South Dakota, tells Young Republican leaders this course is necessary to stop "today's drift toward the shoals of national socialism." A notable speech.)

Senator Karl E. Mundt, of South Dakota, a conventional Republican from one of the strongest Republican strongholds in the country, on February 25 proposed an unconventional blueprint for victory in the presidential election of 1952 to a national meeting of Young Republican leaders assembled in Washington from approximately 40 States of the Union. Senator Mundt suggested that "the way to save freedom and protect individual and property rights in this country is to develop an election formula whereby the people of both political parties on each side of the Mason-Dixon line can join their forces and their votes in a great national effort to elect a President and a Congress dedicated to restoring the Federal Government to its proper sphere of activity and thus putting a permanent end to today's direful drift toward the shoals of national socialism under the banners of Fair Dealism."

Tracing the process by which individual freedom and private ownership have been losing ground all over the world, Senator Mundt said: "For 20 years the areas of human freedom and the functions of freemen have been growing sickeningly smaller all around the globe. Even Britain has succumbed to national socialism. In the United States we have been moving steadily and sadly in the same direction although not to the same degree as many of the European powers. Unless we can stop this drift—unless we change this direction in America, it is only a matter of time before we, too, shall be added to the casualty list of free peoples who have surrendered their individual rights, their property rights, their States rights, and the rights of decision to the all-powerful state. Here, too, we are finding Federal politicians today pushing around more private citizens by Executive action than in any era of our history. Only an informal, inadequate, and intermittent coalition of southern Democrats and northern Republicans in the Congress has protected our precious individualized and community rights from being destroyed in America. Such an unorganized and leaderless defense line cannot permanently protect this country against those who would magnify the Central Government and minimize the rights of individual citizens and their respective State governments in this Republic."

Mundt urged the National Federation of Young Republican leaders to "give serious study to the fruitful possibilities of saving our freedom formula in America by developing a blueprint for victory in the presidential election of 1952 so that those who think and act alike in America—and whose Senators and Congressmen vote alike—can vote victoriously for the same presidential candidate, be he from the North or the South."

Reducing his theories to practical proposals for procedure, Mundt outlined a six-step program for "harnessing together in a victorious presidential campaign those in America who place principle above partisanship and those who hold fast to the constitutional principles which have for so long so well protected our community and individual rights.

1. The Republicans should for the first time since the turn of the century hold their national nominating convention after the Democrats rather than before them. The melancholy record of five successive Republican defeats should indicate that such a change in procedure does not represent a very dangerous Republican gamble.

2. In all likelihood, the Democratic National Convention will nominate President Truman for another term "or somebody to the left of Truman—somebody who actually believes in the programs of nationalization and socialism (medicine, health, housing, education, farming, power, banking, insurance) that Truman has rendered lip-service to support." The Democratic Convention will also most certainly include planks and programs moving toward the socialization of the foregoing services—and perhaps others. This seems inevitable because in the 1936 convention when the Southern Democrats lost the two-thirds rule which enabled them to direct the destinies of their party they fell off the back of the Democratic donkey and under its heels and there seems no likelihood that they can ever again wrest control of the party away from its left-wing elements, its city machine bosses, and the leaders of various pressure and propaganda groups.

3. Let the sturdy southern Democrats who approve States rights and abhor State socialism then "walk out and go home" as they did 4 years ago. Let them send emissaries to the Republican convention to "talk turkey" about the desirability of nominating candidates and writing a platform acceptable to the South and consistent with its historic concepts.

4. If the Republicans will nominate such candidates (for example, Taft, of Ohio, Byrd, of Virginia, Eisenhower, of New York, or Russell of Georgia; and others who could be suggested), our Jeffersonian Democratic friends could then hold State or regional conventions to place these same candidates on the ballot as the regular Democratic nominees where that is possible and as "coalition Democrats" or "States rights Democrats" in other Southern States. At the electoral college these votes could all be merged together to elect the candidates supported by many Republican States in the North and by the Southern States delivering their votes to them as Democrats or as dissenting partisans.

5. Once such a team of candidates is elected by coalition efforts of the North and South, the Senators and Representatives from the cooperating areas would be pooled in the Senate and the House, their seniority rights would be interwoven with each other, and committee chairmen selected from whichever group had the ranking legislator. Federal patronage could temporarily be handled on the same basis.

6. A few months after such coalition candidates had assumed office in the White House and the Congress, a national convention could be called to select a name, a symbol, and a set of principles for the coalition forces. Suppose they chose the name of Freedom Party and the Statue of Liberty as a symbol with a careful definition of the appropriate scope and function of the Federal Government as basic party doctrine. Those out of power would then be forced to form an opposition party and with two new political parties, each with a definite set of principles, we would have an honest, meaningful, party realignment in this country. Party labels would mean something again; individual voters would know what they were voting for in supporting public officials; county and State officials would change their allegiance from Republican or Democrat to one or the other of the two new parties.

Mundt called attention to the fact that "in this country we have changed party designations several times." "Each time," he said "it has been a good tonic for America and we have moved forward into a new era of progress. People have revived their interest in government. With such a new alinement of parties, now, it is a safe assumption that the discouragingly small number of voters now going to the polling places would sharply and continuously increase. Voters could then vote for a principle rather than a party label."

Drawing upon the experiences of Great Britain as an example, Mundt said: "I have made a careful study of the manner in which inadequate and unworkable political alinements in Great Britain have contributed to its collapse into the pitfalls of national socialism. Both the Conservative and the Liberal Party members oppose socialism as indicated by the vote of a fortnight ago when all Liberal and Conservative Members of Parliament voted unanimously against the nationalization of steel. What would have happened if in the last general election in Britain those voting for losing Liberal Members of Parliament had voted for the Conservative candidates? The results show their own parallel with our American predicament. Had there been no Liberal Member of Parliament candidates and had the voters voting for losing Liberal Members of Parliament voted Conservative, the Conservative Party would have gained 71 seats in the House of Commons. Added to the 272 they actually won, this would have given the Conservative Party a majority of 343 or 29 more than needed to control the House of Commons. Thus socialism prevails in Britain because in the last election the British people were divided by artifical barriers and unworkable political alinements just as today those in the South and the North who oppose big government are divided by historic, semantic, and artificial party labels. We can most surely avoid the fate of Britain where private ownership and individual initiative have been taken over by the palace politicians by meeting the issue head-on in America and placing behind one presidential candidate the voters of both political parties whose legislators in Congress have joined together repeatedly to prevent socialistic programs from being adopted here.

Using the 1948 presidential election as an example, Mundt said: "Had we been able to merge the votes behind the men who have fought together in Congress into a great national effort to elect a President in 1948, the Fair Deal would have been routed in our last election. Add to the four States where Dixiecrat candidates won, the electoral votes of Arkansas, Florida, Georgia, North Carolina, and Virginia where voters have steadfastly and emphatically supported anti-New Deal Senators, and Harry Truman would have received 93 less electoral votes than he did in 1948. Deduct 93 from the 303 which he received and you have 210 votes or 56 less votes than needed for election. Thus it can be seen that if those whose votes in this country have clearly demonstrated they do not want reckless extravagance, a breakdown of States' rights, complete domination by the Federal Government and a whole catalog of socialistic experiments in America had an available political formula whereby they could merge their strength and marry their votes in the electoral college, a conservative, business-minded, constitutional adherent can be elected in 1952."

Mr. MUNDT. Mr. President, another approach to the question of political realinement in this country is disclosed in a debate over the American Forum of the Air in which Senator Humphrey, of Minnesota, and I engaged on Sunday, July 15, 1951. For a discussion of differing points of view on this matter, I ask unanimous consent to have printed in the Record at this point a transcript of that debate, entitled, "Do We Need a Realinement of Our Political Parties for 1952?":

There being no objection, the transcript was ordered to be printed in the Record as follows:

THE AMERICAN FORUM OF THE AIR, SUNDAY, JULY 15, 1951

DO WE NEED A REALINEMENT OF OUR POLITICAL PARTIES FOR 1952?

(Senator Karl E. Mundt, Republican, of South Dakota; Senator Hubert H. Humphrey, Democrat, of Minnesota; Theodore Granik, founder and moderator of the American Forum of the Air).

Announcer. Good evening. It's time again to join the American Forum of the Air. Each week at this time the Bohn Aluminum & Brass Corp., one of the Nation's largest producers of aluminum and brass products, presents the American Forum of the Air. Dedicated to the full and public discussion of all sides of all issues vital to you and your country.

Tonight the American Forum of the Air presents a discussion of the vital topic "Do We Need a Realinement of Our Political Parties for 1952?" Here with us this evening to discuss this problem are Senator Karl E. Mundt, Republican, of South Dakota, who says: "A coalition of Republicans and southern Democrats control the legislative program in Congress in many instances. By uniting in a new political party, southern Democrats and Republicans can elect a President of their choosing in 1952."

And Senator Hubert H. Humphrey, Democrat, of Minnesota, who says: "For an election to be meaningful, our political parties must stand for specific issues. Only when each party stands by a clearly defined platform can we be certain of government by the rule of the majority."

And now, here is your moderator, who 23 years ago, found the American Forum of the Air, Theodore Granik.

Moderator Granik. Both Republican and Democratic Parties have started to prime their heavy artillery for the election of 1952. The target is you and your individual vote. Before every election, efforts are made to strengthen party unity. But Senator Mundt, in a forthcoming Collier's article, advocated formation of a new political party, with southern Democrats joining Republicans. Now, how would such a proposal affect our natonal life? Could a new party elect a President and control Congress?

Tonight the American Forum of the Air discusses this unusual political proposal so that you, the voter, may decide.

Now, Senator Mundt, would the new party you suggest mean the end of the Republican Party, as such?

Senator Mundt. Ted, if by the use of the words "as such" you mean the Republican practice of becoming the champion of lost causes in each of the presidential elections, I would say I hope yes.

If you mean, on the other hand, it is going to mean the end of the influence of the Republican Party, I would say quite the contrary would be the result.

What I anticipate is to have the Republican Party combine with like-minded Democrats of the South in positions which for a long time now have been upheld in Congress by a nameless, but working coalition, of southern Democrats and northern Republicans. It seems to me that the present Republican and Democratic Party alinements have become pretty confusing and comparatively meaningless to the average voter, because actually today the differences within the two parties are in many instances greater than the differences between the two parties.

What I envision is working out some kind of political formula to form an alliance in 1952, so that people in this country who think alike can vote alike for President regardless of where they live or to which particular party they happen to pay their allegiance.

Moderator Granik. Senator Humphrey, what do you think of that alliance?

Senator Humphrey. Mr. Granik, I say Senator Mundt's proposal makes some sense in the nature of proposing that we get the political parties cleaned up or cleared up on the basis of issues. Yes, I am for a realinement of political parties, but I am not for a realinement of the political parties on the basis of a section of the country or a regional basis. I am not, for example, saying, "Let's realine the political parties by having the Republicans and southern Democrats get together, because there are all kinds of southern Democrats and there are all kinds of Republicans, as the Senator from South Dakota has pointed out, and very rightfully so.

Differences within the political parties are frequently greater than they are between the parties. I think that is very true, particularly in the Republican Party, and I think it was equally true in many instances in the Democratic Party.

So I would just say this: If the Senator from South Dakota is proposing that he take the Dixiecrats of the South, who were able to carry four States in the last election, and put them in the Republican Party, as a Democrat—as a New Deal Democrat, a Roosevelt Democrat—I would welcome that. I would say more power to you, and the sooner that you can do it, the better.

If he is saying that what we ought to have is a strong two-party system in every State in the Union, I would say that is a distinct political contribution and I would say I would support his hand in it. Every State needs a strong two-party system. That means the growth of the Republican Party in areas where the Republican Party is weak, and it means the growth of the Democratic Party where it is very weak.

Moderator Granik. Senator Mundt.

Senator Mundt. I think there is some difference between my definition of a southern Democrat and that of Senator Humphrey when he speaks of an alinement along geographical lines. I simply use the term southern Democrat because that is the place in which most of the Democrats who are voting with the Republicans happen to live. We also understand there are some Democrats in the North who think more like Republicans than do some of the Republicans in the North. It is more an issue. I do not know what Senator Humphrey means by a Dixiecrat. I have a different definition of my own of a Dixiecrat. It happens to have a label with two eyes, and I think that a Dixiecrat is a Democrat who has his eyes open, that is all.

Senator Humphrey. I would like to give my definition of a southern Democrat. A southern Democrat is a conservative Republican with a southern accent.

Let us just get down to see whether or not this realinement that the Senator from South Dakota suggests would do what he wants it to do. Let us direct it to particular areas of the country. I happen to believe that some of the most positive liberal leadership in the U.S. Congress comes from our States in the South. I think that Senator Hill and Senator Sparkman, from Alabama, deep in the South, are giving the type of progressive leadership which is a great tribute to the whole political background and culture of the people of the South. That is the kind of Democrat I want in the Democratic Party. That is the kind of Democrat who builds for his section of the country.

What would this coalition that the Senator from South Dakota mentions now offer to the South? I think we ought to just think about that a little bit, because he is recruiting, you see, from the South.

Moderator Granik. What do you have to say, Senator Mundt, about your recruiting?

Senator Mundt. I will tell you what it would offer in the South. In the first place, the South is in a very unhappy position today since it lost the two-thirds rule in the Democratic National Convention in 1936. The southern Democrat is no longer at home in his own party convention because he has lost his veto power. So he goes to the convention and has to endorse a platform which he does not approve. He has to support a candidate with whom he is not particularly happy. Consequently, when he leaves the convention he feels he has had very little impact upon the trend of national affairs. Then comes September and October, the months of the Presidential campaign, and neither major party sends a candidate for President into the Deep South.

The Democratic Party says, "We've got him for nothing; why should we work after him?" The Republican Party says, "We can't get him anyhow; why waste our time and talents?" So the people of the South, who are among the best and most patriotic citizens of our country, are practically disfranchised when it comes to an election of the candidate for President. I think the first thing this would give the South is an impact on the selection of a candidate for President and, more and more, the selection of the correct government for emergency and peace, going in the correct direction.

Moderator Granik. Let me quote from an article in the New York Times of June 29, 1951:

"Paul K. Fitzpatrick, Democratic State chairman, speaking in the presence of William M. Boyle, Jr., national chairman, and after a recent conference with the President, attacked the Dixiecrat congressional group as 'infamous reactionaires,' partners in an 'unholy alliance' with the Republicans and foes of the welfare of the people."

Would you care to comment on that, Senator Humphrey, or Senator Mundt?

Senator Humphrey. I would make this general comment. It is perfectly true that in this 82d Congress, a number of really truly conservative Democrats of the South have joined together with a number of conservative Republicans of the North, and as such they are the majority within the present Congress. I do not think there is any doubt about that. That is why your price control program is being scuttled, that is why you are having trouble today with your foreign aid program. That is why we are having trouble with a number of other projects in the Congress, because on the basis of political philosophy, this group that is referred to in the article from which you quote—a group that agrees with the position of the Minority Leader in the Senate, Mr. Wherry—it is a group that agrees with the basic conservative philosophy of the Republican Party.

I say that the Senator from South Dakota is surely performing a service if he says they should go into the Republican Party, because, frankly, the Democratic Party does not need them and the Democratic Party will be able to gain new strength in other parts of the country, standing as a truly progressive and liberal party.

Moderator Granik. Senator Mundt, would you care to comment on this unholy alliance?

Senator Mundt. Yes. It looks like an unholy alliance which is a constructive alliance and is making some recruits whom we will be willing to accept and welcome into our party, any person Mr. Fitzpatrick is trying to read out of his party. If Mr. Boyle and Mr. Fitzpatrick do not want them in their party, I feel they could form the gist of a mighty strong national administration.

I agree with Senator Humphrey, from Minnesota, in his respect for Senator Hill and Senator Sparkman, of the U.S. Senate,, but I would say that I am equally confident that the leadership of the South, as exemplified by Senator George and Senator Russell, of Georgia, and Senator Byrd of Virginia, and a number of others, is the kind of leadership that would appeal to whole multitudes of Americans.

I would like to add to the statement that Senator Humphrey made about what this alliance has done about price control. It is also this alliance that stopped the Brannan plan, it has stopped the socialization of medicine, it has stopped the public housing from taking over all public housing in all areas; stopped the socialization of industry as proposed by Senator Benton the other day during the price control legislation. This alliance has tended to maintain the rights of the people and the rights of the States as against the strong over-powerful Central Government.

Moderator Granik. Senator Humphrey.

Senator Humphrey. Senator Mundt made a brilliant and powerful statement there. Let us take a little more critical examination of what great things could come and will come from this coalition that you are talking about. On the basis of the philosophy that is represented, for example, there would have been no TVA for my dear friends south of the Mason-Dixon line had this coalition been the fact. Shall we say there would have been a growth of monopolies because some of my friends in the South, who are liberal, like Senator Long of Louisiana, Senator Kefauver, of Tennessee, have led the fight against the basing point bill. I maintain the South has a great deal to gain from the Democratic Party. It gained an agricultural program which the Republican Party never gave it when it was in control of Congress. The South gained a great deal in housing, and some of the most adamant champions of cooperative housing, low rent housing, came out of the South to clean up their slums and also from the Northern cities, to lead their fight for both low rent housing and the minimum wage, to better the lives of the working people of the North and South.

I say that both the South and the North have a great deal to gain from a truly progressive, forward-looking Democratic Party, and I welcome the day (I hope the Senator will be able to convince every American by his article in Collier's that those who are of the vintage that believe in monopoly, those who believe in the bill to fix the freight rates, those who have opposed public health facilities, those that have been opposed to the foreign policy of this country, those who have been opposed to minimum wage), let them get into the Republican Party; that is where they belong.

Moderator Granik. Senator Mundt.

Senator Mundt. The first basic concept of political philosophy, which I think would bring the North and South together, is that they concur in the fact that the doctrine of States Rights is a mighty important American concept toward good government. The difficulty with these New Deal, Fair Deal proposals is that they gradually take away from the people increasing amounts of their money and increasing elements of their power and transfer those to the direction of a few politicians here in the Capital City of America. It is that which we propose to eliminate, providing in its stead constructive Federal Government leadership, but having the implementation and the direction and management of these things in the hands of the people and in the hands of the governors and the legislatures of their own States.

I would presume that probably this new division of the political concept in America revolves around how large a Federal Government you want, whether the Federal Government should be empowered to do such things as public housing or whether it should be done through incentives on the part of the Federal Government, by local individual initiative, or by the support and cooperation of patriotic groups.

Senator Humphrey. I believe that the Senator from South Dakota states his point of view with vigor and force, and I am happy he does, because this type of sharp debate on basic political philosophy is exactly what we need in this country. I want to outline again that had the kind of coalition the Senator from South Dakota is talking about been in this country in the past 20 years, the following things would not have happened:

First of all the per capita income of the people in the TVA area would not have doubled; they still would have been down in the depths of economic despair. I also would tell my friends of the Deep South that had this coalition existed, they would not have had the flood control, the public works, the canals, the public power, that has made their country today into a thriving, growing, prospering community. It is public power that has helped the South and the Far West and the Midwest, and it is this kind of an overall program of welfare and the assistance of the Federal Government to the States and to the people that has made it possible for all parts of America to grow and expand.

Moderator Granik. Senator Mundt.

Senator Mundt. It seems to me that what is involved is the fact that neither political party under its present name has an acceptable and understandable political concept. I think we can see in the disagreement between Senator Humphrey and myself tonight that there are two points of view shared by a good many Americans. One feels the central government should be empowered to provide nationalization of power, nationalization of health, nationalization of housing, or education and what not, and my point of view is that it is not the business of the Federal Government. The Federal Government is to umpire, to provide the prods and induce the State legislatures and individual businesses and corporations to do those things which are right and proper. I think had we had this kind of realinement charged with the Government in the past 20 years, there are some other things we would not have had, either. We would not have a $260 billion national debt that we now have, and we would not be passing the large tax bill, the largest in the history of America. We would not have government by edict and mandate, but government by legislation, which was the concept conceived by our forefathers in Philadelphia 150 years ago.

Senator Humphrey. I think we had better look into that. First of all, I do not think that either the southern Democrats or the Republicans could have stopped the debt. There happened to be a fellow around by the name of Hitler and another by the name of Tojo who had something to do with the war. They had brought on $250 billion worth of that debt.

Senator Mundt. That is the other side of the ocean. F.D.R. and Harry Truman had something to do with that, too.

Senator Humphrey. I gave him his time, and I will take my time, too.

The Senator makes these broad statements about whether we would not have had this debt. The debt is a war debt and he knows it as well as the Senator from Minnesota.

He says we have the choice of nationalization of health and education and housing. That is not the choice at all. The choice is whether or not the Government of the United States, which belongs to all of the people under the terms of the Constitution, is to help other people to lift their housing levels, to lift their educational levels, to lift their health standards. This is not the choice of nationalization or local health authority; it is a choice of whether or not you are going to have good health in this country, or poor health; a choice of whether or not you are going to lift the standards of education, a choice of whether or not you are going to have housing for human beings or no housing.

Senator Mundt. May I put a little better definition on this choice? I do not propose that this realinement of political parties would place the northern Republicans and southern Democrats on platforms favoring disease and bad health at all. I do not think that is the choice in the first instance. It is a question of how to help them. Are we going to help them if a strong government is going by direct contact to interfere with the lives of the individuals on farms or homes, or wherever they find them? Or are we going to help them by expanding opportunities to force them to do the things they would better like to do, by their own power and for themselves?

Take the Missouri Valley, for example, where I live. There we are harnessing the river, providing hydroelectric power, providing soil conservation. But we are doing it by keeping control in the hands of the people in the valley. As against that in the TVA, the whole business is arranged by directors appointed by the President. The question is: Where does the ultimate authority rest? With the people in the valley, or in the White House?

Moderator Granik. Do you want to answer, Senator Humphrey, before we take questions from the audience?

Senator Humphrey. The Senator has heard, I am sure, about the Bureau of Reclamation and the Corps of Engineers the Federal agencies that are handling the Pick-Sloan program and the Missouri Valley development, and he knows the States have nothing to say about it one bit. He knows it is a Federal program. The difference is whether or not you have a coordinated, integrated program like the TVA, or a hodgepodge like you got out there, which the Hoover Commission said was costing double what it ought to cost because of conflict between the agencies. The Senator knows that.

Senator Mundt. There is one other thing I know. You are talking about construction; I am talking about the administration of the project when it is completed, that I want administered by local direction.

Moderator Granik. Gentlemen, in a moment we will take questions from the audience.

But first, here is an important message.

The Announcer. Before we return you to the American Forum of the Air, brought to you each Sunday by the Bohn Aluminum & Brass Corp., let me ask you this question: What does American freedom mean to you personally? For example, let's consider your job. Here in America, when you like your job you stay on it. If you don't like it, you look for something else. In America you can be a miner, machinist, grocer, baker, doctor, lawyer, or banker. You can be anything your own initiative, training, and experience qualifies you to be.

Yes, in America we're free to work at whatever job we choose. Under communism we would be forced to work long hours, at low pay, and shackled to a job we could never leave.

But remember this, freedom to work where we want to work is only one of the many freedoms we will lose if communism wins.

Now the Bohn Aluminum & Brass Corp. returns you to the American Forum of the Air.

Moderator Granik. Now we will have the first question from the audience; a young lady, a very charming young lady. Go ahead.

Question. I am Bernice Teuteberg. I am a placement officer at the National Production Authority. My question is for Senator Mundt. Do you consider the general attitude and policy of the southern Democrats to be typical of basic Republican policy?

Senator Mundt. By and large, I would say yes. Of course, I agree with Senator Humphrey that you cannot take an area of geography and say that everyone in one area agrees with everybody in that area and disagrees with everybody in some other area. But I would say there is a greater affinity of interest between the southern Democrats and the northern Republicans than there is today an affinity of interest between the average southern Democrat and big city machines and leftwing fringe groups that have come to control the New Deal party of the North.

Moderator Granik. Senator Humphrey.

Senator Humphrey. I was just going to pick up that last comment. I am quite interested in that last comment of the Senator from South Dakota.

Moderator Granik. About the "fringe" comment?

Senator Humphrey. The "fringe" comment.

I would just say if the Republican Party is going to accept the political philosophy and policy that has been enunciated by the Dixiecrat element of the southern Democrats, then the Republican Party tonight on this program is saying there will be no civil rights, because that is why they walked out of the Democratic Party. The Republican Party tonight is simply saying there will be no more of the Federal assistance in terms of public health; there will be no more assistance in terms of vocational education; no more assistance in terms of public works programs developing in the South and making it into one of the garden spots of America, as they justly deserve.

I want it quite clear that if the Republican Party wants to embrace that kind of philosophy we will be delighted to join the issue in 1952, because on that issue the Democratic Party will be back in power, with a true majority in Congress and a President in the White House.

Moderator Granik. Do you want to comment on that Senator?

Senator Mundt. Yes, indeed, because Senator Humphrey, while he does not seem to want to join this alliance would like the privilege of helping to write this platform.

Senator Humphrey. I helped on the last one.

Senator Mundt. And some of the Democrats walked out and are trying to get into our party as a consequence this time. But, of course, that is not going to be the program at all. My choice would be the American voter when he has an honest choice between two legitimate positions in government. My position is that the rights of individuals and the rights of States are closely allied, and if you build a great big, strong superstate Government in Washington which infringes upon the local autonomies of the States and the local rights of individual citizens, you are marching directly down the trail of national socialism that we want to stop.

Senator Humphrey. I think I ought to make a comment on that because my friend from South Dakota gets these words that just dramatize some sort of theory or legend he has of this "monster government," this "great bureaucracy" that he talks about. Let us face up to it. What has the Federal Government done through its progress of grants-in-aid, which is the State, the New Deal program? What has it done? Lifted up the whole educational structure of every State in this land. What else has it done? Helping soil conservation to replenish the soil of this land; made possible electric power to 80 farms out of every 100 in America, making possible reclamation of the land and irrigation of the land. And I tell you there is no freedom lost in that; only the freedom to starve and freedom to be in misery.

Senator Mundt. I say now that every one of those was supported overwhelmingly by the Republicans in Congress.

Senator Humphrey. Of course, that is not true.

Senator Mundt. That is correct; those were supported and have been supported time after time. As a matter of fact, I have sat in the House time after time when by unanimous consent, without even a rollcall vote, millions of dollars were appropriated for soil conservation and appropriated for REA and things of that kind.

I am talking about the Brannan plan; I am talking about the things which the Senator from Minnesota is ducking in this debate.

Senator Humphrey. The Senator from Minnesota is not ducking a thing. The Senator from Minnesota is saying that when REA came up for vote in 1935, 77 percent of the Republicans in Congress voted against it. Now, of course, they are for it? Why not? It works. When the TVA was up in Congress, 66 percent of the Republicans voted against it. Now, of course, they have approved it because it works.

The same thing is true of the George-Bardon Act, that has two southern names on it. When it was up before Congress the Republican Party voted against it. And today they get the same new names against the same old names for the same old programs.

Moderator Granik. We have about 30 seconds for one more question. Can you give it to us quickly?

Question. My name is M. Victor Rosenbloom. My question is for Senator Humphrey. Don't you believe that what we, as a country, need, is not so much a new party realinement against policies, but a strong, courageous conviction for basic party principles in the national interest?

Senator Humphrey. I believe that is very important because I think, as my friend from South Dakota pointed out very well tonight, that actually a party must stand for something.

Senator Mundt. The big difficulty is now, as illustrated in 1948, that less than half the people went to the polls. Why? Because most of them felt there was not any great choice between the two platforms and two candidates. The average American feels he is entitled to a decision when he goes to the polls.

Moderator Granik. It is time for summary. Will you continue with your summary, please, Senator?

Senator Mundt. Yes. In the 1 minute I have to summarize, let me say I think the South would benefit from this realinement program because it would be given a chance to give its free influence to nomination of candidates for President in the election and in determination of national policy. I think it would be beneficial to the Republican viewpoint because instead of being a sectional party, as we now are, operating in 36 States, trying to win a horserace with a three-legged horse, we would operate in every State in the Union, the way political parties ought to operate.

Primarily the American citizen would benefit because he would get a clear-cut decision of government, bearing the name of national socialism, regardless of the fancy name you call it. But when you place in the hands of a strong Federal Government control of the increasing amount of money that you earn and the authority that you have, you move in the direction of socialism. If he favors that, one party would move him in that direction. If he opposes it, the other party would move him away from it. That is an extreme way of stating the basic dividing line which it seems to me would operate under the kind of political alliance I envision for America.

Moderator Granik. Thank you.

Now, Senator Humphrey, your summary.

Senator Humphrey. Rather than get into the realm of theory, as my friend from South Dakota takes us, as he stated in his extreme way, let me tell what I think would happen by the facts in the record by this kind of realinement. First of all, it would be wholesome because for the first time the American people would really know the Republican Party stood for the following things:

Opposed to American labor, because the Dixiecrat-Republican combination would stand for that; opposed to the extension of social security, because the Republican Congress fought social security, as did the Dixiecrat element of Congress; opposed to soil conservation, because in the Congress of the United States there has been a continuous attack upon that kind of great program; opposed to development of public power, which we had witnessed again just within the last week of Congress, where the Dixiecrat and Republican elements again voted against it.

I say if that is the kind of realinement we are going to have, I welcome it because I would like to have the American people truly know what the political parties stand for.

Moderator Granik. Thank you, gentlemen.

You have been listening to a discussion on "Do We Need a Realinement of Our Political Parties for 1952?" Our speakers have been Senator Karl E. Mundt, Republican, of South Dakota, and Senator Hubert H. Humphrey, Democrat, of Minnesota.

The Announcer. For reprints of this discussion, send 10 cents to Ransdell, Inc., Printers and Publishers, Washington, D.C. That is 10 cents to R-A-N-S-D-E-L-L, Inc., Washington, D.C.

This is the "American Forum of the Air." Next week the Bohn Aluminum & Brass Corp., one of the Nation's largest producers of aluminum and brass products, will again present the "American Forum of the Air" in a discussion on "America's Role in the Defense of Freedom," based upon an article by Senator Paul H. Douglas, appearing in the August issue of Reader's Digest. Our speakers will be Senator Paul H. Douglas, Democrat, of Illinois, and Senator Robert A. Taft, Republican, of Ohio.

Each week at this time the "American Forum of the Air," dedicated to the full and public discussion of all sides of all issues, is presented so that you in your home may enjoy the authoritative discussion of the many vital topics of our time.

The "American Forum of the Air," founded and moderated by Theodore Granik, has been presented by the Bohn Aluminum & Brass Corp.

This program has come to you from the NBC Television Studios in Washington, D.C. This is Ray Michael speaking.

Mr. MUNDT. Mr. President, U.S. News & World Report did a full-length interview with me on this subject in which it featured the subject by using my picture on the magazine cover in its issue of August 3, 1951. As additional interest of the early and steadily growing interest in political realinement I ask unanimous consent to include with my remarks the text of that interview entitled "New Political Alliance."

There being no objection the text of the interview was ordered to be printed in the Record as follows:

New Political Alliance

(An interview with Karl E. Mundt, Republican Senator from South Dakota)

(Editor's Note.—Can the Republicans win in 1952? If so, how—after 20 years of unbroken Democratic success?

(Does the fact of the solid South leave the balance of power with certain northern groups? Is the North-South coalition in Congress a forerunner of the presidential campaign?

(Senator Mundt is one of a number of persons who have been thinking and working out answers to these questions. To get his answers, the editors of U.S. News & World Report invited him to their conference room.

(Karl E. Mundt was a teacher of speech and of social science before he began to apply both fields of knowledge in Congress. He was elected to the House from his native South Dakota in 1938 and moved on to the Senate 10 years later.

(Senator Mundt, now 51, has been a farmer and businessman as well as teacher and legislator.

(In Congress he has been active in foreign affairs. He was a prominent member of the House Un-American Activities Committee. Interest in the proposed North-South alliance recently has taken him into the South on many speaking trips.)

Question. Senator Mundt, what is your idea of a Republican-Democratic coalition in the South?

Answer. Our proposal isn't exactly a coalition in the South of the Democrats and the Republicans as much as it is an alliance between the Democrats of the South and the Republicans of the North.

Question. In other words, each side would be free to retain its party identity?

Answer. Exactly. And it would merge them together at the electoral college level.

Question. So that it doesn't involve any actual amalgamation of parties as such or interference with freedom of action on the part of either party?

Answer. That's correct. Because that is a very genuine stumbling block and we get away from that. We also get away from the fact that it's pretty difficult in any short-pull effort to induce a majority in the South to join the Republican Party. So we're going to suggest they vote for antiadministration electors under the banner of the rooster, which is the Democratic emblem in much of the South.

Question. This actually then would be a three-party system, wouldn't it?

Answer. No. After a series of preliminary "make-ready" conferences before the conventions between like-minded Democrats and Republicans I believe the situation might well develop about as follows: In 1952, the campaign would proceed as usual in the North with voters choosing between the Democratic and Republican candidates in the customary manner. But in the South, if the Democratic National Convention is controlled by New Dealers who, it is expected, will nominate a candidate and write a platform which is distasteful and perhaps repugnant to the South, a new procedure would be evolved whereby citizens in the South would once again reassert their independence.

The procedure would differ from State to State, but in general it would follow these lines: In Southern States where the majority of the Democrats are not New Dealers—do not favor the "welfare state" nor the concepts of Trumanism—presidential electors would be selected to run on the regular Democratic ticket under the emblem of the rooster but pledged to the people not to vote for the candidates nominated by the Democratic National New Deal Convention. These electors might be committed in advance to vote for the Republican nominees if the preliminary alliance conferences establish the proper background for such a move. Or they might be what they call free electors, simply committed not to vote for Truman or any other welfare-state candidate for President.

Question. What do you think will happen in the South in the way of a countermovement by the officeholders and the Federal machine? They have considerable political power in the South, too—what will they do?

Answer. They can work it in one of two ways. In Mississippi, for example, they will organize a Truman Democratic group. They will put their electors on the ballot under the donkey instead of under the rooster just as they did last time; they will campaign valiantly for the administration and its electors and probably get less than 12 percent of the votes, because they got 11 percent for Truman last time. That is the way they will do it in Mississippi.

NORTH-SOUTH GROUPING COULD ELECT A PRESIDENT—COALITION NOW WORKING—WHY "DIXIECRATS" FAILED

Now in Arkansas, where the Governor is a New Dealer and may be able to control the electoral machinery, it is entirely possible that he will put the rooster and the Democratic label over the electors there who favor the Truman group, so that in Arkansas those Democrats who are opposed to Truman—who in my opinion are vastly in the majority—will hold a convention, select their own electors, get a name—call themselves Jeffersonian Democrats, Anti-Truman Democrats, Antisocialist Democrats, or whatever they want—put their electors on the ballot. And each group will conduct a fair and honest campaign in the South to determine once and for all whether or not the South favors the welfare-state concept of Government.

The Republicans will pull out, or, if necessary in order to keep the Republican Party alive in case this thing peters out—since there may be some State laws that if you don't have a man on the ballot you can't continue the party—they will put the Republican nominees on the ballot but the word goes around that Republicans should vote in the box where the anti-Truman electors are listed.

In Texas a few weeks ago the Governor signed a new bill which facilitates this whole movement, and which was promoted in Texas by some of the folks interested in the alliance program and opposed to New Dealism in all its forms. This provides now that in 1952 for the first time in Texas you can cross-file. There is a device so that you can amalgamate and add together the anti-Truman votes for President. And that was done specifically by those, including the Governor, who are opposed to Trumanism in Texas. Now if in Texas—and that is the key State, really— we can get the ball rolling—and there is enough power down there and enough leadership down there, and enough genuine, rugged Americanism down there if you will find a harness that will fit it—we believe Texas can pull most of the South along on some effective program of political realinement.

TWO SETS OF ELECTORS

Question. What about the other Southern States?

Answer. In other States where the party machinery is controlled by Democrats favoring the Truman program, those opposing it would nominate electors and run them under some hyphenated Democratic label—"Jeffersonian-Democrats" or "Anti-New Deal Democrats," for example. In other words, much the same arrangement would be worked out as was done with the Dixiecrat movement in 1948, but instead of wasting votes on a splinter party with no national connections, the antiwelfare-state Democrats would go to the electoral college with electors ready, able, and willing to associate themselves with other like-minded electors in choosing an administration sympathetic with their viewpoint and consistent with their concepts. Under either arrangement, two sets of Democratic electors would be before the southern voters in November and they would decide once and for all in a fair and honest poll whether to continue to embrace the concepts of collectivism and complete federalism that are so apparent in the Truman program.

Question. Isn't there a commitment on the part of electors chosen on the regular Democratic ticket to vote for the nominee of the regular Democratic Party?

Answer. It depends on the terms on which they are nominated or selected. If they are selected at a convention down in the South with the understanding that they go as free electors or that they go as electors under the Democratic banners but pledged to vote for this alliance combination which has been worked up, then they're keeping faith with the voters and are in conformity with the law.

CONVENTION STRATEGY

Question. You speak of a convention held prior to the selection of the electors. Is that a State convention?

Answer. Yes. And it is also possible a "Dixie Democratic Convention" might precede these State conventions.

Question. Held before the national convention?

Answer. No, after the national convention. Let me outline this movement as we see it shaping up. We envision that, as we approach election time, it will really become clear to the Democratic South that the results of the Democratic National Convention are going to leave them very, very unhappy. So it has been suggested that delegates be selected by the Democrats in the South who will go to the national convention, making an effort to get a restoration of the rule requiring a two-thirds majority to secure a Presidential and Vice Presidential nomination—which they won't succeed in doing, but they can try. Making an effort to bring about a real ringing reaffirmation of the doctrine of States rights—which they will not be able to do, but they can try. Making an effort to have one of their southern sons selected as a candidate for President on the basis that the South has provided the bulk of the strength of the Democratic Party for all these years—that they can do, but they will not succeed.

Then after they have watched the convention, over their protests, renominate Truman or somebody to the left of Truman, when they have watched the convention, over their protests, put planks in the platform which are repugnant to the people of the South, when they have heard some of the "liberal" leftwing element of their own party stand up at their own convention and insult them to their face by calling them Bourbons and reactionaries and snarl at them at the convention as they sometimes sneer at them on the floor of Congress, it's expected then that having been insulted, having been rejected, having been disillusioned, they'll be ready to go home and assert their independence as they did in 1948.

Now the difficulty in 1948 was that when they went home they had no place to go, just a little branch-line railroad called "Dixiecrat," which had no real destination but was simply a protest vote that didn't have any genuine effectiveness other than to demonstrate that there is a limit somewhere to the insults southern voters will endure.

WHAT DIXIECRATS LACKED

Question. What do you mean by no effectiveness?

Answer. No effectiveness because the Dixiecrats had no national connections or cohesion. It just appealed to voters in a few States, and never in their most optimistic dreams did the Dixiecrats expect to succeed in electing a President.

Question. Did they have a separate set of electors in 1948?

Answer. Oh, yes; they had a separate set of electors in 1948. They carried four States. Thirty-nine electors voted for Thurmond and Wright. It wasn't enough to turn the tide but it was a surprisingly significant vote considering the short time in which they had to work. It demonstrated that the spirit of independence still thrives in the South.

Question. Well, after a Democratic convention such as you outline, then what happens?

Answer. Then they go home and they hold a convention precisely as they did last time. But instead of doing what they did last time, which was a futile splinter-party gesture, they then agree to select electors to run as Democratic electors pledged to vote at the electoral college for some other candidate than that nominated by the New Dealers at the Democratic National Convention. Perhaps they may even be pledged to vote for the alliance choice, that is, for the Republican nominees selected at the Republican Convention. Having agreed to this joint program, they then hold their State conventions to put the Democratic electors on the ballot and conduct a campaign in the South strictly between Democratic parties.

You'd have the Truman Democratic Party, the Administration Democratic Party, which would probably be referred to by its opponents down South as the Socialist fringe of the Democratic Party, and you'd have the States' Rights Democratic Party, the Constitutional Democratic Party which would be referred to down there as the Jeffersonian Democrats or the Democrats who are in favor of reestablishing States' rights, and their electors would go to the electoral college with that purpose.

Now preliminary to all this, some work must be done both by Republicans and by the anti-New Deal Democrats before either convention in order to set the stage for the kind of political-alliance operation we've been talking about. It's our thought that these preliminary meetings can be held in large part between Democrats in Congress and Republicans in Congress who, over a period now of about 15 years, have been working together in an alliance which is not a theoretical factor at all but which is an actuality in Congress today.

So that, probably in the Senate or perhaps in the Senate and the House, preliminary considerations would be given to these following objectives: that at the next Republican Convention—coming as it must now ahead of the Democratic—having in mind the possibility of what will transpire and what I believe at that time will look like the inevitable outcome of the Democratic National Convention, we should give some thought in the selection of our nominee for President to a man who is personally acceptable to the South. Some of our potential candidates are, some of them are not. But if we decide that we're going to court the South—not capture it, but court support in the South—that we should give some thought to that in the selection of our candidates, and, we should also give some thought to southern concepts in the writing of a platform.

Question. In civil rights?

Answer. In civil rights, in education, in socialized medicine, in all matters leading to the concept of the super-state and the preservation of the States' rights concept. We could come out strongly in our Republican platform stating a position that we recognize the responsibility of the Federal Government to provide leadership in making living conditions better and in making health and educational opportunities better, and in eliminating discriminations, et cetera, but we propose to approach these objectives within the purview of the doctrine of State's rights.

PLATFORM PROBLEMS

Question. Do you think the Republicans who have already voted for FEPC (Fair Employment Practice Commission) and for other measures of civil rights will be able to remain silent?

Answer. No, I don't think they will be silent. I think they will present their point of view before the platform committee. I think they'll argue in favor of a Federal centralized approach to the problems of eduction, of health, of housing, and of discrimination. But I propose that those of us in the Republican Party who oppose centralization of power and up to now have remained comparatively silent do not remain silent any longer.

I propose that we present the fact that, if we're going to have a party that presumes to be against this superstate and the complete centralization of power in Washington, we have got to recognize the doctrine of States' rights, which is a peculiarly and uniquely American concept in government.

Question. Is there a possibility that these Republicans who are ardently in favor of civil rights may go out and try to get electors in their States and do the same thing to the Republicans?

Answer. I think that's a possibility. I think that, if this program works out, there is going to be some migration in both directions from one party to the other. But I think that the country desperately needs today a party alinement in which there is a recognizable and defensible philosophy of government imbedded within each party. We lack that today.

EFFECTS IN NORTH

Question. Won't you, as a practical matter, be up against the fact that in the Northern States you will be driving the Democratic Party to be the civil rights party—as it has to be to win the votes in Harlem and elsewhere—and that those Republicans who feel the same way about civil rights will join with those Democrats and carry most of these Northern States?

Answer. No, I don't think that they will. There is, of course, some fear of that on the part of some northern Republicans. There is some pretty clear-cut evidence, however, that there is a tremendous amount of theory in that connection not substantiated by fact, as there is in connection with the alleged opposition to the Taft-Hartley bill. I mean the election of Taft in Ohio pretty well knocked into a cocked hat a lot of theories about labor's attitude toward the Taft-Hartley bill.

Now we believe that in the groups, in the colored organizations, among the colored population, and in places where FEPC has been a very definite issue, there are a great many people there who also believe in the doctrine of States rights. We can present a pretty good Republican position, for example, to those who believe in FEPC who are largely in the northern cities. We can say: "What party was it that freed the colored men? It was the Republican Party. What party was it that has given the colored man his best opportunity to succeed in this country? It has been the Republican Party under Republican government. What kind of States have given them State FEPC's, to give him a better chance and an opportunity? It has been almost without exception Republican States under Republican Governors empowered by Republican legislatures."

Question. Do you think the South would accept the program that these States have adopted in the North?

Answer. The South is completely willing. I have discussed it now in almost every State of the South. The South is not inhabited by sadists who are desirous of penalizing the black man and kicking him around because they enjoy it. Actually, a great many Negroes in the South are very happy and are making rapid progress both economically and politically. The South is confronted with a very realistic problem because, in many areas, over half the people are of the colored race.

Southerners have no desire to hold the Negro down. They want to promote programs in an area where by evolution and by education they must work out a harmonious adjustment. They're not even opposed to State FEPC legislation. They told me in Mississippi: "We're perfectly willing to have an FEPC in Jackson, Miss., manned by Mississippians, progressing at the Mississippi level, at the Mississippi speed to meet Mississippi conditions. What we are afraid of is an FEPC manned in Washington by northern theorists and 'liberals' who decide to provide in Mississippi the kind of conditions for the colored man that you can provide in New Jersey or New York." And they say it simply won't work, because conditions are different in the South. So they're willing to do that.

There has been a definite movement in many of the Southern States by which the State and its public officials interest themselves in improving the lot of the colored men. In many areas it has eliminated by State action—and I think that's the right way to do it—the poll tax. They've passed laws against lynching and have done the things that the northern theorists who want to produce utopia out of a hat like a rabbit in 15 minutes by Federal legislation have been unable to do by Federal coercion.

Question. Whom do you have specifically in mind as candidates who might be acceptable to the southern Democrats and the northern Republicans?

SUGGESTED CANDIDATES: TAFT, EISENHOWER, BYRD, RUSSELL

Answer. We have tried to keep strictly away from getting a movement of this kind identified with any candidate, because then it becomes the football of every other candidate not associated with it. In talks on this, because everybody thinks in terms of candidates as a tangible outcome of the movement, I have said: "Look, I think a movement of this kind could revolve around and could succeed with two candidates selected almost indiscriminately from the following four." Then I have suggested the names of Taft and Eisenhower and Senator **Byrd** and Senator **Russell**, and have said that it wouldn't make much difference to me which of the four were at the top and which of the four were Vice President. I think they are four sound Americans who basically would lead this country back to a premise of sound government and sound fiscal policy.

HOW TAFT STANDS

Question. Isn't Taft's position on civil rights, however, pretty generally unsatisfactory to the South?

Answer. Not nearly as unsatisfactory to the South as Dewey's position on civil rights was 4 years ago. Taft has been a middle-of-the-roader on civil rights. We haven't had a vote directly on it. There have been votes on cloture and on other maneuvers which don't look like a vote on a FEPC but which actually were related to it, and he has leaned a bit toward the FEPC crowd, but he hasn't been out giving speeches about it, he hasn't been crusading for it. They have a pretty good respect in the South, I think, for Taft's basic philosophy of government. He is in opposition to the concept of the strong centralized authoritarian power. He is a respecter and supporter of States rights.

THE KEY: STATES RIGHTS

Question. If Taft abandons, however, a Federal FEPC platform, how much chance does he have for carrying a lot of these areas in the North?

Answer. That goes back to what we were discussing—whether we propose to present to the American voter this time a clear-cut philosophy of government built around States rights in a platform which consistently revolves around that concept. We should not again throw the voter another crazy quilt like we threw him last time in a platform where we say in one breath we're 100 percent for the rights of the individual and the rights of the States and in the next breath we're 100 percent for giving politicians in Washington the power to tell him who he can hire in his business. Now, Americans generally are just plain basically sound. If we present them such a bewildering jigsaw puzzle as we had in the Republican platform last time, in which we tried to say all things to all men—which to those interested in FEPC talked like it was going to create in Washington the authoritarian power that they have in Moscow, but, in terms of business and farming, talked as if it was going back completely to the original Jeffersonian concept of States rights—we fail in our duty to speak frankly to the voters.

Question. In your concept, you would have a Democrat on the ticket, wouldn't you?

Answer. Yes, that's at least one possibility. First, we should get a candidate personally acceptable to the South. Second, we must explore with the South its desire as to whether it would prefer to have a southern Democrat running as Vice President. If we find that it would prefer to have that, and we can determine that by the preliminary conferences, then I think we should say frankly, too, in the Republican Convention: "This time we're trying to win a victory for America. We're not so much interested in partyism and partisanship as we are in basic principles. So, we suggest that with our Republican candidate for President we nominate—let's say, just for an example—Senator **Byrd** of Virginia or Senator **Russell**, of Georgia as Vice President."

That's one conceivable possibility. Another conceivable possibility growing out of the preliminary conferences is this: How would it be, some have conjectured, if in the Republican campaign this time—with this alliance movement in mind and the possibility that some of these southern statesmen would prefer not to run as Democrats for Vice President under the Republican banner— if we nominate the best cast of Republican leaders we can secure as President and Vice President and then, 6 weeks or 2 months before the voting time, our presidential nominee, having consulted with his advisers, announces then the identity of his Cabinet, if he is elected? And in that list include three or four distinguished southern statesmen as Secretary of Agriculture, as Secretary of War, as Secretary of Commerce, wherever you're going to put them.

Suppose the Republican nominee for President announces on the 1st day of October that, if he is elected President, he's going to have a Cabinet composed of A, B, C, and D and Senator DICK RUSSELL, of Georgia as Secretary of Defense—don't you believe that this would help make it easier for southern voters to support the alliance? Or, perhaps, if Senator BYRD could be induced to become Secretary of the Treasury, it would help cement the forces favoring a real Democratic-Republican alliance in 1952. I use the names of RUSSELL and BYRD merely as illustrations—perhaps other equally good southern Democrats could be named so RUSSELL and BYRD could continue their fine leadership in the Senate.

KEEPING POWER IN CONGRESS

Question. This is in addition to a Democrat for Vice President?

Answer. It could be in addition to or in lieu thereof. It's just one proposed type of strategy. Here's something more which is essential. In these preliminary conferences, if the alliance is going to win, we've got to come to an understanding with the southern leaders in Congress as to what happens to their seniority. That's not unimportant in elections in the South. A Senator and Congressman, I think, has more prestige there than he does in the Middle West. And I think a southern Congressman or Senator probably has a little better personal following than has been developed in many other areas.

Now these officials are important cogs in the electoral machinery and you can't very well expect 15 or 20 southern Senators and Congressmen to get enthused about crusading for a principle and a cause and a ticket which, if it wins, means that they are committing political suicide in Congress and stepping out of positions of importance into positions of unimportance. So we've got to come to an understanding with them that, if this thing operates, the seniority status of the cooperating southern Congressmen and Senators will be sustained.

So it is recommended that in the organization of the new Congress, assuming that the alliance elects its candidates for President and Vice President, that we caucus together on a basis of position rather than a basis of party. The Members of the Senate and the Members of the House would have a caucus, therefore, of the Republicans and the southern Democrats who have participated in this program for the establishment of the organization of the Senate and for the organization of the respective committees with each man maintaining his seniority status regardless of party. As an example, this would mean that if Senator George, of Georgia, participates—and, if the program works, Georgia and such States must participate—he would retain his chairmanship of the Senate Committee on Finance because he's the oldest ranking member of either party on that committee. We would put the members around the table in conformity with their seniority status to comprise a majority reflecting a position on principle, not merely a political party.

Question. You'd like to have Speaker Rayburn on your side, wouldn't you?

Answer. I'd like to have him on our side and I have a hunch that, if things worked out so that he could do that and still be with his own group in Texas, he'd love it.

Question. Then he could be Speaker of the House under your program?

Answer. He could be Speaker of the House under our program—the caucus of like-minded House Members would determine that by their votes.

Question. In other words, you people are willing to make concessions and have got to make concessions in order to accomplish this particular objective, which is a party that is committed to your philosophy?

Answer. Precisely. Because there isn't any chance, in my opinion, for the Republican Party, without making concessions, to get the votes it needs in the South. And, frankly, I don't see any very likely place you can pick up this extra million votes in the North. Certainly to do so you would have to make some concessions to whatever new element in the North you were trying to attract.

EISENHOWER'S STRENGTH

Question. How about Eisenhower?

Answer. That might do it. I think that occasionally a man comes along or perhaps an issue that can unite the country—there may be something involved in the war issue. But I'm looking at the long pull. Suppose we win in 1952—what do we do to stay in following 1956? We would be forced to begin at once, throwing out lures to exactly the same people to whom the New Dealers have cast their seductive bait. As long as we divorce ourselves form over 100 electoral votes in the conservative South, it means that the balance of power in this country is certain to be in the hands of the leftwing groups. So that, to stay in, we Republicans would have to make concessions to the same group to whom the New Dealers now cater so zealously. And I'm no more desirous of seeing the country veer over toward national socialism with a Republican in power than I am with a Democrat. Now there's some pretty good historic background from which we can draw a lesson.

Question. How much damage would be done to the alliance idea if the Democrats should nominate a southerner, Fred Vinson, for instance?

Answer. I would assume that if they were to nominate a real southerner running on a platform even remotely acceptable in the South, there would not be an alliance idea in 1952. It would defer and delay such a movement. Now in my opinion my guess would be that Fred Vinson would come close enough to answer that definition to make the alliance unworkable, although I am impressed by the number of people in the South interested in this movement who seem to think that Fred Vinson would not be completely acceptable to them.

Question. You've got to have some name down South besides a Republican. You can't have a group of electors pledged to vote for a Republican ticket—isn't that true?

Answer. The electors will be Democrats. They will be pledged to oppose the Truman administration.

ANTI-TRUMANITES THIS WAY

Question. But they can turn but one way and that's to the Republicans?

Answer. I don't think that's particularly going to hurt. I don't think if these other preliminary steps have happened, if they can show them about the seniority-status agreement, if they can show them a vice-presidential nominee or Cabinet members. I believe the anti-Truman electors can win in most of the South. The difficulty is not with the leadership and the business echelon.

Now we have made a study of what this alliance has been doing because this isn't something which is just pulled out of the air. This is something which has been functioning now since 1936 in the House of Representatives and in the Senate. Since 1936 this informal Republican-Democratic congressional alliance has functioned successfully on 35 important and significant rollcall votes; 9 have been in opposition to some suggested step toward socialism; 18 have been in protection of our private enterprise system; 3 have effected important economies; 2 have been on foreign affairs; and 3 were crackdowns on subversive activities both in and out of Government. These were times when, because of the alliance of the people of the South, Democrats, and Republicans of the North, victories have been won in the votes of Congress. We can provide the date, we can provide the evidence, we can provide the rollcalls as proof.

They did this not once but 35 times since 1936. We simply propose to expand this "congressional alliance" so it can become effective in electing a like-minded President.

Question. If you work out this arrangement to take care of seniority problems for southern Democrats in the House and in the Senate, wouldn't that mean that whether or not the Republicans won the election, they would control Congress?

Answer. No. We wouldn't control it but the alliance group or coalition would control it—the alliance, as we prefer to call it, because a coalition seems to mean to many people in the South that the Democrats and the Republicans merge their identities in the South, and that's pretty difficult to do.

Question. So that the alliance would organize Congress?

Answer. The alliance controls it now. They don't organize it but they could organize it and they could establish a committee set-up and conduct the majority caucus.

We now have an occasional alliance but it's spasmodic, it's intermittent, it's leaderless, it's thrown together as a creature of necessity and only on certain issues.

It has worked since 1936. And it's working more frequently all the time. It's accelerating. Already it has been the determining factor several times in the current session of Congress.

SENIORITY FOR ALL

Question. When you spoke of seniority, you didn't mean just chairmanships, you meant, too, that individual Members would not lose their seniority positions, didn't you?

Answer. Correct. That's exactly what we have to protect and that is almost a "must." And that's a new feature of this program. That's one of the new elements of our present proposals.

Question. Do you have time to get this operating this year—it isn't long?

Answer. No, it isn't long but we can move mighty fast. I would say that there is a good possibility of it moving next year if Harry Truman is renominated.

Question. Well you're assuming that——

Answer. If he is not renominated, it injures the chances of the alliance. But if instead of Harry Truman they nominate Justice Douglas, I would say you haven't injured its chances very much. If instead of that they nominate Chief Justice Vinson, I would say you have injured the chances more seriously.

Question. Unless Vinson's declarations and a platform make it clear that he has taken the northern point of view?

Answer. In which case it actually might facilitate the alliance, because you know how people are. If one of your own turns his back on you, you get pretty desperate and disgusted.

Question. You have an alliance now but the ultimate aim is a party, isn't it?

Answer. Yes. If this thing should work in 1952, we would suggest that in 1953, after the first session of Congress, that there be a post-presidential election convention, led by this President and this Vice President and this positional majority in Congress who would have control of the White House and the Congress. But they have no name. They have no national organization. They have no party. They say, "Well, how about making this thing permanent, get organized so that 3 years from now we can have our own ticket in the field? Let's see if we can't agree on a set of principles built around this dictum of an indestructible union of indestructible States. Let's see if we can't find a label and develop an organization, with a chairman, and find a suitable party name."

Some have suggested that the party then be called, in the South, the Democratic-Republican Alliance for the next election, and that they work with this new political organization under that name. In the North, it would be called the Republican-Democratic Alliance. The two would stem from the same central headquarters. In other words, it would be the same organization, with the order in which the alliance is listed reversed in the North and the South.

This would enable all like-minded people, you see, to join up with the new party. It would compel the opposition viewpoint to organize a second party, and call themselves New Dealers, or Fair Dealers, or Socialists, or whatever they prefer. Then you'd have two real political parties. Each would stand for something definite. The voter would get a choice. For the first time since the War Between the States, the South would get the benefit of a two-party system at the local level, from the standpoint of local campaigns—and that's important because if you don't have that, you soon develop corrupt machines. The biggest dividend, I think, would be that the voter then could go to the polls and help direct the destiny of his Government because he would know he was voting for one concept of government or the other. Within each party there would still be great issues, of course, but you would have a basic philosophical and political basis for cohesion and agreement. We used to have that in the past but that's gone. We don't have any basic difference between our two political parties as they now operate.

A VOICE FOR THE SOUTH

Question. How about the Dixiecrats?

Answer. I believe that that is a movement which has terminated. I think that the people who belonged to it and who lead it are looking for some other more effective device for the elections which lie ahead. I believe they, and many others in the South are eager to associate themselves with some national movement to once again give the South a strong voice in the selection and the election of our Presidents.

During the late forties and early fifties, a great many newspapers began devoting editorial space to the possibilities and potentialities of party realinement either within the Congress or among the general voting. At first the idea was interpreted as embracing the idea of a third party but as time wore on a more accurate understanding of what is involved began to emerge. I ask unanimous consent to place in the Record an open letter to the Minneapolis Star, published in Minneapolis, Minn., in which I endeavored to correct some of the early misunderstandings and misapprehensions in the proposed procedures of political realinement.

It will be noted that fully 14 years ago, the patterns were being proposed and formulated which today have been so dramatically employed by Senator Strom Thurmond of South Carolina by his action in moving from the Democratic side of the Chamber to the Republican side of the Senate thus making party realinement a significant part of our current American history.

There being no objection the letter was ordered to be printed in the Record, as follows:

[From the Minneapolis Star]

Everybody's Ideas: Senator Mundt Defends His New Party Proposal

To the Editor: I have read with interest the honest and analytical discussion (Mar. 28) by Wilbur Elston of your Washington bureau, under the heading, "What Chance Has Senator Mundt's New Party Idea?"

Elston's article raised five important questions indicating problems which must be overcome if a political realinement such as I have been proposing is to succeed. Since he placed those questions before your readers, it occurs to me some of them might be interested in the answers.

Elston's first question was: "How would this coalition, of Republicans and southern Democrats, keep the support of liberal Republicans?" The answer: That all depends upon what is meant by a "liberal Republican." To me an honest "liberal" is one who abhors and resents equally both economic and political monopoly.

I define a "liberal" as one who would keep in the hands of the people the maximum of governmental authority and the greatest degree of direction over individual activity. I believe that "liberals" of this type should join their efforts to stop the trends toward the all powerful Federal Government.

I think many such "liberals" would welcome the opportunity to cross party lines to support candidates dedicated to the maintenance of personal freedom, individual enterprise, private ownership, and States rights.

Question No. 2: How could Republicans be persuaded to give up their claims to choice committee chairmanships?" It is proposed to merge the seniority rights of all Congressmen and Senators from States participating in the alliance to elect an antisocialistic candidate for President.

Thus both southern Democrats and northern Republicans would have their seniority status protected. As members of the majority group in Congress, Republican Members would have more influence and authority certainly than as ranking Members of an ineffective minority, which except for 2 years has been the Republican position for more than two decades.

Question No. 3: "How could the coalition reconcile the divergent views of southern Democrats and Republicans on foreign policy even if it could be got together on domestic issues?" It is not hoped or expected that there would be unanimity among the majority group on either foreign or domestic policy.

On the domestic front, it might approach near unanimity on most issues—economy, the rights of States, protection of individual enterprise, etc. In foreign policy, a friendly, working team in which the executive officials and the Congress would have mutual respect for and confidence in each other should certainly evolve a less controversial foreign policy than, for example, the present one for Asia.

Question No. 4: "With the industrialization of the South and the further emancipation of the Negro, wouldn't a coalition with the conservative southern Democrats benefit the Republicans only temporarily?" That is possible and it might be desirable.

I believe firmly in the two-party system. Against the proposed "alliance" of like minded Southern and Northern voters there would certainly be formed an alliance of opposition—a second national political party advocating a contrasting set of policies and principles. It would be useful if the Presidency and control of Congress would occasionally switch from one party to the other.

A big disadvantage of the present political alinements is that neither party really considers the South in selecting candidates, writing platforms, or seeking votes in the Presidential sweepstakes. Both Presidential candidates ignore the South after the political conventions.

At convention time the South is ignored by the Democrats and it contributes little to the Republican convention since its delegates represent an area already written off from Republican prospects as "traditionally Democratic." In reality the Republican Party does not operate in more than 36 States—probably less—in the all-important Presidential determination.

Question No. 5: "In view of the Republican gains in such States as Maryland and Oklahoma in recent years, wouldn't Republican leaders gain more by putting their money and effort into organization work in Southern and Border States?"

In my opinion, No. We Republicans are great on optimism and overconfidence in the odd numbered years but usually short on victory in the years of Presidential decisions.

It will take many years to establish an effective Republican organization in at least 12 of the Southern and Border States. In most of them, no Republican runs for county or State office in the vast majority of counties. In many of them Republican leadership is inadequate and inexperienced. In some, Republicanism is scarcely respectable.

If we had generations in which to work, the Republican Party might truly become a national rather than a sectional party but the shift toward socialism has been so swift and has gone so far, I believe it must be stopped before the slow processes of "re-educating the South" can become effective. A working political alliance between North and South could help achieve victory against Trumanism in 1952—it could shortly afterward evolve into a permanent political grouping which for a time might be called the Democratic-Republican alliance. It could bring about the creating of two major political parties—each national in character, each with a definite set of principles.

Karl E. Mundt,
U.S. Senator from South Dakota.

Washington.

Mr. MUNDT. Mr. President, for a strictly and traditionally Southern viewpoint on political realinement in the early 1950's, a Southern Democratic editor, James M. Thomson, of Virginia, wrote, financed, and circulated a pamphlet entitled, "Sound Democrats and Republicans Should Combine for Country's Sake." While Mr. Thomson weaves into his discussion some elements and aspects not a part of the thinking and concepts which I utilized in my advocacy of political realinement I ask unanimous consent to insert his presentation in the Record at this point to help round out the picture as it appeared to various people some 14 or 15 years ago.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sound Democrats and Republicans Should Combine for Country's Sake—Fringe Voters, Splinter Parties and Minorities Determining American Policy for Past 20 Years—The Mundt Plan Practicable

(By James M. Thomson, Gaylord, Clarke County, Va.)

Small minorities and splinter parties have set the policies and largely dominated the Government of our great country for 20 years. Our young people, a majority of our qualified voters, who have come of age in that period have not known normal government under the traditional American system. As a result the healthy and sane, progressive and balanced American system established by the founders of our Republic is known and remembered only by the older Americans. These younger people have seen emergency piled on emergency, and they have seen emergencies created as a pretext for changing, curtailing and destroying their liberties and rights. They have seen tax piled on tax until their freedom, their earnings, and their savings are by way of being destroyed.

The shrewed demagoguery by which Mussolini took over Italy, Hitler took over Germany, and by which Lenin and Stalin took over Russia, has been imported, given an American label, and put to work to create an American executive bureaucracy and dictatorship. We all know that the dictatorships of Italy, Germany, and Russia evolved quickly into warlike and bloody tyrannies. America needs a reorganization of parties now if she is to avoid the road which most of the world has traveled since World War I.

Recently a U.S. Senator, KARL E. MUNDT, placed in the CONGRESSIONAL RECORD a speech which he has made in various places pointing out quite clearly some of the reasons for the political distortion of the will of a majority of the people in England and in America. Senator MUNDT from unimpeachable figures shows that the Conservative and Liberal Parties combined could have easily elected a safe majority of the British House of Commons. Both oppose the Socialist dictatorship which is being created in England. They divided their votes and handed England over to socialism. Senator MUNDT's figures on England are irrefutable. From England's example and from the Senator's long fight against communism in our own country he recognizes the danger of the splinter party domination of our own Government in years past. And as a remedy Senator MUNDT, a liberal Republican from South Dakota now advocates the political merger of those Democrats and Republicans of America who believe in constitutional government. Senator MUNDT is no demagog, no dreamer. He is comfortably situated politically and must be credited with motives of sincere patriotism in the stand he now takes.

THE SOCIALIST-COMMUNIST COMBINE

Senator MUNDT evidently believes a reorganization of parties would result in the Socialist-Communist and radical political elements of our country assembling in an opposition party. As matters stand these elements are in both our national parties. We have, in reality, four or even five political parties in our National House and Senate. This constitutes the same danger for the United States that it has constituted for Russia, Germany, Italy and other European countries—notably France. As politics is a business that now absorbs just about a third of all the wages, profits, and earning power of every American, every major politician knows what has happened to our country. But as this vast tax revenue taken from the people provides jobs and keeps many politicians in office and power there are many politicians who are neither as patriotic nor as candid as is Senator MUNDT.

The American Presidency is the greatest political prize in the world. An army and navy of over 3 million men, between 2 and 3 million civilian employees, billions of dollars in contracts, judicial appointments, control of expenditures for pensions, relief, subsidies, grants, control of conscription, of income tax, of farm and food prices, power to prosecute great or small business and great or small individuals—all these powers come under the Presidency. Also there is control of the radio, of a vast propaganda machine, of moving pictures, television, and control of money and credit through direct Government lending and through Federal inspection and control of banks. The vast Federal executive machine through direct and indirect control of tax money can buy votes, influence primaries and elections of Congressmen and Senators, and through its patronage and party powers can deprive Congressmen of legitimate patronage and can subject them to party discipline. Is it to be wondered at that profit from this system or fear of a growing tyranny paralyzes the spirit of so much of the American public?

THE SOUTHERN ACE-IN-THE-HOLE

How have the minorities been able to control the historic Democratic Party? The answer is simple. Votes in the electoral college determine the Presidency. The South and Border States of the United States have two-thirds of the electoral votes necessary for a majority of 266 in the electoral college. Southern Democrats normally dominate national elections in these States. They constitute the ace-in-the-hole for anyone achieving a Democratic nomination. The Republican Party, running on a Civil War record, was able for three-quarters of a century to count certain Northern and Western States as solidly Republican. But that condition no longer exists. It has not existed for many years. It will not exist again. The result is that the Republicans, cut out of this captive Democratic vote, have a fighting chance only among two-thirds of the electoral vote in the electoral college. The Democrats outside the South and Border States have to fight for only one-third of the electoral votes in order to secure an electoral college majority. For these votes they trade foreign and domestic policies and jobs with the Communist and Socialist controlled splinter parties of the North.

If a presidential candidate gets a majority of the electoral college—266—votes he is winner. And the winner takes all. So the Democratic candidates have to seek the electoral vote of only a few States. One of these is New York with about 10 percent of the votes in the electoral college. Add 10 percent to 33 percent and you have 43 percent; that leaves only 8 percent of the electoral votes in order to have a majority. In New York the oldtime Republicans have normally about 45 percent of the popular vote. The oldtime normal Democratic vote is about 45 percent. Ten percent is independent or doubtful. To win either party must get more than half of this doubtful vote. Result, a few hundred votes more than a popular majority in New York swings about 10 percent of the votes in the electoral college. The Democrats have to win a majority in only a few States to control the electoral college. The Republicans have to win almost all the States of the North and West to control the college.

NEW YORK AN EXAMPLE

Now let us take New York as an example of several States North and West with large populations and large electoral votes. There are several small tightly knit political parties in New York. Separately they appear unimportant. But united they cast some 400,000 or 500,000 popular votes. They are composed of voters tied together on racial, religious, or economic lines. Many of these voters cannot speak English. Many have never been west of the Hudson River. What has happened to their former homeland in Japan, China, Poland, Italy, Czechoslovakia, Puerto Rico, or any one of a hundred foreign countries constitutes a voting issue with them. Or putting a relative on relief or getting one a job may be the determining factor. While America slept the coldest-blooded, most unscrupulous country in the world has worked at the top among the leaders of these people. So Russian communistic tyranny has greatly influenced and often controlled these splinter parties in New York.

Space is lacking to go into the now rather well-known Communist technique in dealing with American city and industrial politics. The Old World is run by executive dictatorships. And the men who came into control of the deliverable margin of splinter party voters in New York traded with both parties for jobs and for legislative policies. The Federal service has been filled for a fifth of a century with keymen placed by these minority groups. The policies of the Government have been framed and carried out by these people. And Federal legislation has been shaped by them. Communist fellow travelers, Socialists, radicals, parlor pinks, theorists, and liberals. If you wanted to know the direction of the executive departments of the Government you consulted the organs of these minority groups, the Nation, the New Republic, and daily papers in New York and Chicago owned by Marshall Field, P. M. and the Chicago Sun.

All told these groups in New York and other key States probably commanded a million votes. But this million has been paramount in Federal policy and legislation. To those Democrats who sought the Presidency it gave the margin for victory, the last few inches in the race which put their horse first under the wire. Again these marginal voters have become so important in the minds of politicians that in a State like New York, for example, they virtually write the platforms and select the candidates for both of our great national parties. Wilkie and Dewey in platform speeches and policies advocated, were largely "me too" candidates for the Presidency.

CATER TO FRINGE PARTY

Thus in most matters of national policy the votes of America are controlled by this splinter controlled 5 percent in presidential elections. The reason is that the majority are divided into two parties operating under Republican and Democratic labels. And the tragedy of the situation is that a Republican national victory under present party divisions would not insure control of America by a majority of its voters. It would probably be only a temporary thing. For the Republicans to hold office would immediately have to cater to this fringe element in the doubtful States.

To effect a permanent realinement of parties it is necessary for the South and the Border States to move into a new party alinement. Three years ago some four Southern States moved away from old line Republican and Democratic nominees to a States Rights presidential ticket. State rights, local self government has today more of an appeal North than it has South. For the Communist-Socialist elements in the North are seeking to have the National Government confiscate the earnings and the accumulations of the people of the wealthier States and distribute some of this money where it will buy the necessary margin of electoral votes in the poorer States. They want to use the power over taxes to destroy the initiative and savings of people everywhere. And to this end they have made some converts in the South.

A curious political condition exists in the United States today. Nine out of ten southern Democrats who work for their own living and have no connection with the several million Federal payrollers or officeholders know that they have nothing in common with either New Deal or Fair Deal national policies. The southern lawyer, merchant, farmer, worker in Alabama, Texas, Georgia has identical interests in national economic, social and political problems with the lawyer, merchant, farmer and worker of Kansas, Indiana, Iowa, Nebraska. One votes a ticket with a Democratic label, the other a ticket with the Republican label, and thus they cancel out and kill one another's votes and allow a largely socialistic, alien minority element to govern our country.

NEGRO AND FOREIGN BORN

There has always been merit in a political issue which aimed at the protection of the weak and the poor. This issue has been variously used by the Republican Party to help and protect the Negro slaves and by the Democratic Party to help and protect the newly arrived immigrant. It is now being used by the New Deal Party to join the Negro who has been freed for almost a century and the recently arrived immigrant to oppress oldtime Americans, Democrats and Republicans alike. The fact is the oldtime party divisions and issues no longer exist. The Negroes of America are better off than are any members of their race anywhere in the world; and our foreign born are far better off than are any of the people in the countries from which they came.

They are welcome to have a party and to vote as they please in this country. They may continue to control the Democratic Party in name. But when the message is taken to the oldtime Democrat who votes 10 votes to their 1 the real Democratic Party will move away from them. This it should do. And the real Republican Party members should move away from its New Deal, Fair Deal Republicans and join with real Democrats who think as they do.

The people who can bring this about in the South and among Democrats are the rank and file of independent Democrats. When these independents associate themselves and let their local officeholders, their Governors, national committeemen and their Federal Representatives and Senators know that they are in earnest there will be no difficulty in most instances in the South. The officeholder naturally wants to hold his office. Moreover most of these southern Democratic officeholders are sick unto death of the things they have been forced to stand for and defend in their party's name. What's more, in a new victorious party they can continue to hold their patronage. That is the practical side. Today these southerners are really people without a party. There are very, very few "reactionary Republicans" who have not been more welcome at the White House and in our executive departments for 20 years past than have genuine southern Democrats. Very few of these real southern Democrats can run for office without either ignoring or repudiating their national administration. Socialism and communism are alien to the southern Democratic voter.

ELECTORAL COLLEGE THE ANSWER

While 4 out of 5 Americans will agree that there should be an amalgamation of people politically who think alike a great many people are under the impression this would be hard or impossible to accomplish. This is not true. Those who spread this idea are those who favor the status quo, who profit from the splinter party racket. What counts for the election of a President is a majority of the national electoral college. And the electoral vote of each State in the Union can be controlled by the people of that State. And not a majority, but a plurality of the voters of each State control the electoral vote. In the opinion of this writer whose lifetime has been spent in the South and Border States an amalgamation of the oldline Democrats and the oldline Republicans can carry almost every State in the Union, thus insuring the election of a President of their choice. This is neither a Socialist nor a Communist country. And it may be that the loss of countless thousands of our young men and safety from destruction of the liberties and the solvency of all the people of this country depends on some such program as this being worked out for our next presidential election.

As a college student I saw Grover Cleveland hand over the reins of Government to William McKinley. Nearly 40 years ago I attended my first national political convention. Subsequently I was privileged to take part as a delegate in a number of Democratic conventions. Of necessity I acquiesced in Franklin Roosevelt's first nomination. As a matter of conscience as well as conviction I could not support him, nor would I have supported anyone else for a third term. I accepted membership in a delegation to the Chicago Democratic Convention whose objective was opposition to Roosevelt for a fourth term. In that convention were many decent, high-grade patriotic men and women. Yet it represented an alltime low in national conventions. Its music and its program came from the political sewers of Washington and Chicago. In Hitler's palmy days he exerted no more control over the German Reichstag than was exerted by Roosevelt over this allegedly governing body of a once great national party. Roosevelt designated a Russian-born leader of one of New York's political minority blocks to pass on the eligibility of all candidates for Vice President. Roosevelt's payrollers and patronage beneficiaries were sufficiently numerous to insure his own nominations. A great element in the convention felt that Roosevelt was a sick, probably a dying man. The Wallace for President leaders acted as if they were convinced that in supporting Wallace they were nominating not a Vice President but a President. Wallace came within an ace of being nominated. Truman was the only possible alternative choice because barring Wallace he was the only candidate with convention strength who had received the blessing of Sidney Hillman.

BUYING VOTES WITH TAX MONEY

I was born in the Shenandoah Valley. My father was a Confederate veteran. His only brother, a Confederate officer, served throughout the war and was killed in the fighting around Appomattox. I like many others of Southern descent inherited my membership in the Democratic Party. It is a matter of conviction with me that a citizen should vote. So I voted for Wilkie, for Dewey, and in the last election I voted with enthusiasm for the Southern States Rights ticket, THURMOND and Wright.

I am now convinced that the next Democratic convention will be controlled by officeholders, Government contractors and beneficiaries of the present administration policy of buying alien and domestic influence with American tax money. To the extent of my small personal influence I will join with those independents who will work among the upstanding American elements of both parties to form a soundly progressive political party.

The Civil War should never have been fought. Almost a century has passed since it started. It was precipitated by a minority of hotheads and resulted from a splitting up of parties. Its result was economic slavery for black and white for several generations. If that war had not been fought slavery could not have lasted 20 years.

When America ceases to have in its population a majority of sane, patriotic and soundly progressive people this country will go the way of all the world leaders. It won't do for the outs to claim all the virtues and accuse the ins of all the corruption and decay which comes from too long terms of power. The coalition of sound Democrats and of sound Republicans that exists today in the House and Senate furnishes the basis for a sound political party. For example, George and Russell of Georgia, Wherry and Butler of Nebraska, are able men, patriotic and independent and politically as well as personally honest. Many other examples could be cited. All men of this type should be kept in office by an amalgamated party. Only by the coalition and organization of independent men of both parties can a new party be brought into existence. Once the will is expressed by enough people the way can easily be found.

Our America at war, loaded with debt, oppressed by unprecedented taxes, threatened with destructive inflation, burdened with a growing executive dictatorship, can no longer afford the destruction of substance and liberty which demagogs and incompetents would continue to heap upon it.

Sound Democrats, sound Republicans and sound independents can no longer afford to be governed by splinter parties and divided by false issues or matters of no moment.

The real democracy of the South, and of the Nation should organize and seek association with the real Republicans of the North. And the real Republicans should put aside their present hope of a partisan victory and aline themselves with sound Democrats for the sake, not of political office but of the good of the United States of America. For at home and abroad we are in great peril.

Mr. President, South Carolina, because of today's action by Senator THURMOND, is certain to be much in the political news the next few months and years. Among the addresses I delivered in the South in support of a more realistic and meaningful political realinement in this country were two before conventions of the South Carolina State Bankers Association. In the second of these speeches delivered in Greenville, S.C., in 1956, I resumed and reenforced a theme which I had first presented to those bankers several years before. Eventually, the American Good Government Society put out in booklet form the text of that address entitled "The Key to the Future of American Politics" together with a foreword by then Senator John Bricker, of Ohio. I ask unanimous consent that the text of that address appear as a part of these remarks.

Under the subheading of "Five Suggested Remedies," will be found a discussion on political realinement—its need and its realities—as the picture looked to me in 1956, some 7 or 8 years after I first picked up the cudgels in support of such procedures.

There being no objection the address was ordered to be printed in the RECORD, as follows:

THE KEY TO THE FUTURE OF AMERICAN POLITICS

(By Hon. KARL E. MUNDT, of South Dakota, in the Senate of the United States, Monday, June 4, 1956)

FOREWORD BY JOHN W. BRICKER

In this address to the bankers of South Carolina Senator MUNDT goes to the heart of the political realities with which we in public life—in both parties—must contend.

Senator MUNDT has long been deeply concerned about the growing ideological divisions within both the Democrat and Republican parties. He is convinced, after long and careful study, that the only practical solution of this fundamental problem is a political realinement of the parties and a reform of the electoral college system of electing the President and Vice President.

This speech should be read carefully and thoughtfully by every one who is concerned about the future of the United States.

THE KEY TO THE FUTURE OF AMERICAN POLITICS

(By Hon. KARL E. MUNDT, of South Dakota, in the Senate of the United States, Monday, June 4, 1956)

Mr. MUNDT. Mr. President, on May 5, I had the opportunity to address for the second time the State convention of the South Carolina State Bankers Association. The meeting was held in Greenville, S.C.

My central theme was that it is fully as important that American businessmen understand the mechanics of politics and the science of political engineering as it is that they understand the mechanics of business and production or the science of economics.

My address was transcribed from the radio tape provided by the radio station broadcasting my off-the-cuff address to the convention, and I ask that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"Thank you, very much, indeed, Mr. Chairman, for that altogether too generous introduction.

"I suspect that during the past quarter of a century of world history there have been more important changes made than in any other like period of human history, and, in my opinion, none of the changes on the American scene is more important than this simple but incontrovertible fact, and that is that 25 years ago economics was the controlling factor of our political life, and today politics has become the controlling factor in our economic life. It seems to me that that tremendous change very well typifies many of the problems which confront us, and pretty well challenges our ability whether we are economists, businessmen, or politicians to try and find a way to correct any difficulties which may have eventuated from that strange reversal of the coin.

"In the early 1930's and in previous eras of American history, the economic tone of the Nation in large part determined the voting behavior of our citizens, and decided the fate of our various national administrations. We had slogans about the full dinner pail; campaign platforms, and campaign promises, and campaign pronouncements were made dealing with the unemployment statistics, dealing with the earning power of citizens, dealing primarily with the economic situation.

"Today, I think, few if any among us, will deny the fact that the Government has grown so strong and Federal spending has become so important that the political bias of our national administrations determine the economic tone of our Nation and the financial status of millions of Americans, whether they be workers or farmers or businessmen. Not all change in my opinion is progress, and, in my opinion, we have gone too far in the direction of gearing our prosperity curves and our individual financial success to the political philosophies which dominate the White House and the Congress. To return to an era in which the operation of economic principles and policies once again have a dominant part in determining our national destiny, however, is going to require a substantial shrinkage in the power, in the spending, and in the regulations of the Federal Government.

"America today is enjoying unprecedented prosperity. We hear of that as we study every financial report of virtually every successful corporation in the country. Optimism for the future prevails on every side. These rose-tinted conditions have developed from the fact that we now have a national administration which commands public confidence and a bipartisan Congress which respects private ownership and individual freedom. However, in any era, when the stock market stampedes up or down depending upon the readings of an electric cardiograph and when a public address by a member of the President's Cabinet can stimulate or retard vast industrial expenditures, there can be no denial of the fact that we are living in an era where political behavior has become the throttle which determines the speed or the success of economic expansion.

"This being true, and I believe it to be true, businessmen, including bankers—including, may I say, especially bankers, because so much of the rest of the economic community rightfully depends on bankers for counsel and advice—businessmen then, especially bankers, must reexamine their political prejudices and preferences and performances. I think the same is true of labor whose success is tied in so closely with the success of business, but I am speaking here primarily to businessmen who, in my opinion, must become as well versed in what is good for them politically as they are trained in what is good for their institutions economically.

"To do less than that is to turn over the ultimate success of their enterprises to power-seeking professional politicians, who consider politics solely as a device for achieving office, and who use public power as a mucilaginous device for holding them in their positions of prestige and importance as long as possible. Those tactics have destroyed the economic strength and the political authority of many of our Western democracies who less than 20 years ago were comparatively strong and stable. Those tactics, in my opinion, can devitalize America as well, and unless we pay as much attention to the political machines as we do the machines of commerce that we use in our offices and in our factories, it can very easily happen in this great country that we call America.

"Increasingly the strong arm of Government is moving into your shops, into your offices, into your every economic determination, and that my good friends, brings me to the theme which I desire to talk about. With that historic backdrop I think that I should discuss with you the machinery and the mechanics of politics as I have come to understand them after some 20 years devoted to a study and analysis of them from the inside, following, as the chairman has said, 10 years of study of them from the outside when I was engaged in teaching college youngsters about the basic tenets of America. Because of that, I appreciate this invitation even more to come down into the Deep South to think out loud with you for a while about some of these conclusions or conjectures which I have, because I know that here I have always received respectful and responsible attention to the analysis.

"As Dixie goes, so goes the world

"I come here not necessarily with any desire whatever to seek approval or acceptance of the suggestions that I made, but I always have the right to hope, and sometimes my hope is encouraged by some of the performances of recent history. I come here, however, primarily to discuss with you as honestly and as frankly and as faithfully as I can what I think is happening to America and what I think primarily can be changed in America only by the behavior politically of the people of the South.

"But I have a prevailing feeling which has continued to evolve to greater and greater clarity and greater and greater emphasis. I have a prevailing conviction that what happens in Dixie in the next 10 years is going to determine definitely what happens to America in the next 100. And this I also believe—that what happens in America in the next few years is going pretty clearly to determine what happens around the globe, because so many little people in smaller countries or less-developed areas are watching this great clash of the ideologies, hoping that our system will prevail, but fearful that it won't; so I think that our capacity to make America work well is going to go a long way to determine what happens in other countries of this great world of ours.

"I, therefore, welcome this opportunity to talk to important people in the most important area of the world, because what you do or fail to do, I believe, is going to determine the fate of humanity in the century just ahead. No other great area of the country or, of the world, by its own free choice has such an opportunity, and with it, in my opinion, such a tremendous responsibility.

"The curse of modern government

"I think the curse of modern government around the world is the fact that steadily and continuously and perniciously it has been constantly expanding the power of its functionaries in the capital cities of each country of the world. Without exception, in the countries of importance, the power of people in political jobs like mine and in the executive department, and in the judiciary, and in the central cities of the land has been expanding steadily over the functions of people in private jobs like yours. It has brought disaster and war and unhappiness to large segments of the world. It has brought to Britain almost a collapse of its economic solvency. We in the United States have resisted this global trend more successfully than others, but few among us will argue that we have resisted it completely or enough.

"We have gone downward on the same train, down the same hill; our brakes have held us back a little, but not enough to protect our economic and political safety. I believe, and I may have said this when I was here before, that future historians writing about the America of the thirties and the forties and the fifties, and future histories written about the pages of America which are yet unknown, looking for a point of departure, looking for a place in which to put a thumbtack marking the time and the date and the hour and the place where America changed from a complete and faithful following of certain economic, social, and political concepts to something strangely and dangerously different, are going to find that place and mark that hour as the occasion of the great national convention of the strong and great Democratic Party, to which you belong, which was held in convention assembled in the year 1936, in the city of Philadelphia.

"I think they will mark that development in 1936 as they study what has been happening in America to such universally accepted American institutions and practices, for example, as private ownership, as our reward of merit system, as the great American concept of giving individual initiative unlimited opportunity to expand, or the great American and uniquely American concept of States rights and the feeling that in this Commonwealth of States, which makes up the Republic known as the United States of America, States have functions and States have privileges and States have rights, along with maintaining a meaningful, significant, effective two-party system with adequate political machinery to make it operate.

"As they inquire as to why America, blessed with all of those things preceding the thirties, has suddenly begun a concentrated attack upon them, all trying to devitalize and trying to stultify them, trying at times to destroy them, they will also have to analyze what developments followed your actions in that convention. Why did it happen to us? No other foreign country has adopted a formula of economic or political behavior even remotely approximating the successes we had achieved. We had lived well and had gone forward with great rapidity regardless of whether your party or mine was in power in the White House. Under Republicans and Democrats alike in Congress or in the White House, America had gone ahead. We had become the envy of the world, the only country compelled to erect immigration barriers to be safe from being flooded out by all the rest of humanity that wanted to locate here so that they could enjoy private ownership, to locate here so they could enjoy the reward of merit system, to locate here so that they could give their individual initiatitve a chance to expand, to locate here where they could uniquely become a citizen of a state which had some rights and a governor and a supreme court and some mores and some customs and some laws of its own. From every other land they wanted to locate here because we had a two-party system. We had a political machine and political mechanics which made every man a king, gave every individual a right to help determine his own destiny. Why are we changing? Why have we changed? When did it happen and where?

"A turning point in American political behavior

"Historians will have to answer that. I think, as I said, that they are going to pick the place that I have mentioned, and the Democratic convention of 1936 as the hour, and the change of your convention rules as the cause—when the South was reluctantly compelled to abandon the two-thirds rule. It was with far a less degree of reluctance, I am sure, than you would have shown had you known as clearly then what was going to happen as we all know now. In all of this, when the South was compelled to abandon the two-thirds rule in Democratic conventions, and at the same time retain the unit rule, which was a siamese twin companion of the two-thirds rule, we set in operation political machinery which has influenced completely our ensuing developments. The spirit of America has not changed; our basic goals have not changed; our objectives have not changed; but something has happened to the politics and the machinery of self-government in this beloved Republic of ours.

"This whole thing we call politics—or the mechanics of self-government. Thus, it is political engineering and the machinery of politics which has changed your lives and mine, and which has altered tremendously all predictions for our future. By projecting forward the trends of the past 20 years we can rather accurately predict what lies ahead for all of us unless some sharp and permanent political changes are made by you good folks of the Old South. We can now envision how political developments determine all human behavior and what you do or fail to do down here different from what has been your prevailing political behavior will call the tune for all Americans.

"It isn't only upon your traditional Democratic Party that the break with the past which took place at the Democratic National Convention of 1936 had a prophetic and determining impact. Actually that change in your convention rules had indirectly but definitely almost as important and lasting an effect upon our Republican Party. In a great two-party country like ours, the behavior and bias of one of our parties always tends to influence the behavior and bias of the other. Anything which succeeds steadily for the one is certain to be emulated by the other. Anything that brings defeat to the one is likewise avoided by the other. Thus, our two parties learn from each other, just as they tend to imitate and approximate each other at regular intervals.

"When for a long time—a sorrowful and mighty expensive long time, I might say—campaign and convention tactics which were designed to appeal to mass voters in big blocs (especially in our metropolitan cities of the North) brought stupendous and steady majorities to the Democratic or the New Deal Party, it was understandable and inevitable that my Republican Party started emulating some of those tactics. We started directing our appeals to those same bloc voters. Since, in the main, the interests and ideals of the South do not coincide with those of the CIO-PAC, or those of Americans for Democratic Action, or those of the "banana-bunch" type of voters who group themselves in ethnic, vocational, left-wing, or other pressure groups, it appeared for a time that the fine folks of the Old South were to be left out of the picture altogether when it came to determining the political policies of either major party. You were on the way to becoming the world's largest group of enfranchised citizens whose voices were ignored in the making of party policy and in the selection of party candidates and whose votes were considered so safely in the bag that neither party paid you any heed.

"Then came 1948, when four courageous States of Dixie signaled to the rest of the country that they had had enough. No longer were they willing to be tied tight in the back seat to be taken for a ride in a political automobile which they were never permitted to steer.

"And then came 1952. I sometimes feel that the Divine Architect of the Universe, realizing that America is His last chance to make decency prevail, to make freedom function, and to give law-obeying citizens a civilization which they themselves can regulate and control decides at times to step in to help us all set America right. Recognizing, for example, that if peace and self-government collapse here, they will have failed all over, perhaps He moves in just 15 minutes before it is altogether too late in order to give Americans and America another chance.

"In all events, came 1952, and an unanticipated, and unexpected development took place. Americans, pretty much without any party designation whatsoever, turned to a great American leader in a military sense, who himself had no political designations whatsoever, and both parties sought to secure Dwight Eisenhower as their candidate for President. My party happened to succeed. I don't suppose he would have been a different individual had your party succeeded. In all events, pretty much by acclamation, joined in, I am proud to say, by five great southern Democratic States and encouraged by the rest of them, the country turned to someone outside of political life, and said, 'Mr. Eisenhower, you take over and be President of the country.'

"America now has a second chance—provided Dixie leads the way

"That has given us a breathing spell; that has given us a chance for a second look. It has not, nor could it be expected to have, solved completely all of the problems and challenges that we were confronted with. It has not altered what, in my opinion, is positively going to eventuate as a result of what happened in that Democratic convention, or even what happened to my party as a result of that convention; it has not altered what is going to lie ahead once the Eisenhower era is over. I very frankly was one of those who thought for a long time after the President's unfortunate heart attack that he would not be able to become a candidate for office. I worried about that, because this I believe: Once Ike is no longer a candidate, America is going to face a showdown decision on basic principles, the verdict on which is going to dominate the lives of all of us for the rest of our existence. I expected that to come in 1956.

"I consequently worried about that 1956 decision, because I knew America wasn't ready from the standpoint of political engineering to make that verdict honestly and effectively and on basic principles devoid of antiquated partisan prejudices. We are not yet ready to avoid old political affinities or to eliminate a lot of cloudy fuzziness in our elective machinery which makes it pretty well impossible today for right-thinking people in America to unite on a basic issue, regardless of where they happen to live geographically or how they happen to be registered politically. Unless we can develop the necessary political machinery to do that, I am going to tell you before this address is over who is going to write the ticket for Uncle Sam, and you aren't going to like the ticket, and neither am I. You aren't going to have anything to do about writing the ticket, and neither am I, unless down here you people rise up to one of the greatest challenges our civilization ever had and utilize the essential techniques of sound political engineering to help write the right kind of ticket for the country and the world.

"I know you are not ready for that in 1956, and that's one reason I am so glad that Ike's heart has restored itself to the point where he can run again and thus give America until 1960 to develop the necessary political changes to preserve our cherished freedoms.

"Some of you will like what I am going to say now, and some of you will dislike it, but I tell it to you as an observation I believe to be a fact: I think that if that heart holds up, as I believe it will, our present President is going to be reelected for a second term. I think our breathing spell, which looked like it was going to be cut short by 4 years, which wouldn't have given us much time for political engineering, is going to get a second breath, and that we will now have until 1960 to get ready for the showdown issues.

"I think this breathing spell, this era of moderation, this middle-of-the-road consolidation of our position, this resistance to further movements in the direction of socialism, will carry on under Eisenhower's leadership until 1960. If it does, the question is, "Will we be ready then to answer the five prodigious questions you and I are going to have to answer then and could conceivably be called upon to answer even as soon as next November?"

"Five basic issues facing us now—or in 1960

"The first question is, 'How big would you like to have the Federal Government become?' We have two opinions in this country. I don't discredit or disparage the patriotism of those who hold, as many do, that the Federal Government should grow on continuously. That 20 years from now State governors should not have any importance whatsoever, except to perform ceremonial functions like a British king. State legislatures even less. People are entitled to that opinion. The British have had a unitary system of government without a breakdown into states rights, and states capitals, and states functions for a long while. The British are a remarkable people. I have visited there many times. I respect their indefatigability and their courage and what they are able to do in their island kingdom. So few of them have affected the lives of so many. But that is something you have got to decide—how big do you want our Federal Government to grow? I'll make a guess with you. I know the people of South Dakota better than I know the people of South Carolina, but I can tell you this, that the people of South Dakota say, 'Our Federal Government has already gotten too big, we want it smaller.' I think you also believe that; I don't know; but if you believe that, I submit to you that we don't have the political machinery today with which you can effectively and easily join up with South Dakotans who believe like you. We've got to cut down the size and the interference and the power of the Federal Government. But still we lack effective political machinery for deciding the question in comformity with our convictions. If we decide that we want the Government bigger than it is, that's a permanent decision, because once you socialize an industry, it can be power or it could be banking—and it's likely to be banking's big sister, the insurance industry before it actually is banking—once you nationalize a big industry, it is very difficult to denationalize it, to get it back to private owners. So remember, we are playing for keeps. We are making a verdict for which there is not going to be a mistrial and a second chance, and in my opinion we are not ready to make that verdict properly with our existing political alinements. That is why I prayerfully give thanks for Eisenhower, who is going to give us time, in my opinion, to get ready for this big important decision in 1960.

"Second question: 'How much should the Federal Government cost?' There are good people in this country, patriotic people, who say they can settle this question: 'Spend as much as you can. We only owe the money to ourselves. Why worry about balancing the budget? Spend for everything, spend for everybody, spend all the time, you can always get it from the people in taxes.' I don't question their patriotism. I question their economics. I deplore their judgment. I know they are preaching something which is anathema to the economic concepts which I studied in college; repugnant to the economic concepts which my people believe. I know my people don't like these spending sprees out in South Dakota. They think we are spending too much now. I think so too. I think you think so too, but if you do, there isn't any generally acceptable political machinery in this greatest country in the world today which will easily and effectively permit the people in South Carolina and the people in South Dakota in a national election to join forces to strike a blow for economy, or to team up in voting for a party or a President pledged to perform economically and who will be faithful to that pledge.

"Third big decision: 'How much should the Government own and operate?' I don't know what you believe. I know there is a big segment of the South that believes that the power business should be turned over to the Federal Government. Maybe so. I certainly believe the Federal Government should own some things. Most of us surely agree it should run the Army, and the Air Force, and our post offices, but I think, and I believe you think, and I know the people of South Dakota think that the Federal Government should cease expanding out as a giant competitor to private enterprises all over the country. I believe that you and I believe, and I know the people of South Dakota too, believe the Federal Government shouldn't get into the automobile business, or the insurance business, or the banking business, that we shouldn't have socialized medicine, that we shouldn't have Government radio, we shouldn't have Government railroads, we shouldn't have Government newspapers. Now there are good Americans who believe otherwise. Some of them are in Congress now. We are going to have to decide this basic issue pretty soon. I thought, perhaps, we were going to have to decide it in 1956. With Ike a candidate, we'll have additional time, but in 1960 when we go back to bidding for the bunches of votes where they are, and have to promise the bloc voters the things they want, it will be an issue. In fact, it could unhappily become a fact without ever having become an issue in the campaign, because if both parties start promising what your one party was promising in the forties, these things can become an actuality without your ever having a chance to vote upon them in the good American way.

"How much should the Government own and operate?

"I introduced a year ago in the Senate of the United States an amendment which was a simple amendment, I thought. I thought it would go through almost unanimously. I never had been as discouraged in 18 years in Washington as the day my amendment was defeated on a rollcall vote. The President of the United States had sent up a request to Congress. It was a simple request. He said that we have discovered that there are over 2,500 different private enterprises in which the Federal Government is unnecessarily engaged. That your Government and mine was operating 50 coffee-roasting plants, a bunch of pop-bottling works, 2 or 3 barbed wire factories, some paint factories, some clothing factories, some furniture factories, all under the guise of supplying things for the armed services, or of making them more economical for our giveaway programs of foreign aid, whatever they were. I was aghast when I saw the President's report. He asked for permission to sell them back to you, the private citizens of America. I was a member of the Appropriations Committee so I introduced an amendment to the Appropriation Act implementing the President's request. Let's give the President the power to divest himself, and the Federal Government of all the socialistic enterprises not essential to our national defense or our national economy, I stated in support of my amendment. In a rollcall vote, the U.S. Senate, in the year of our Lord 1955, defeated that amendment. Why did they defeat it?

"Some good, sturdy, strong private enterprise Senators voted "No" because it happened that one or more of those particular industries were located in their communities or in their States, and the realities of practical politics induced them to vote that way. I am happy to say that we finally got an amended version of my proposal through which said that unless the Appropriations Committee itself resisted by resolution any divestments of economic enterprises by the President, he could go forward with the program. So, through that hurdle and through that screen, he has been able to get rid of some 500 of the 2,500. Two thousand of them still are run by you and me as collective entrepreneurs under a system as completely socialistic as anything the "B and K boys" of modern Russia could possibly conceive, because there isn't anything more totalitarian than the complete government ownership of an industry, whether you do it under the Stars and Stripes, or whether you do it under the hammer and the sickle. If the politicians run it, they run it, and it is in competition with the rest of the economy if competition is at all permitted. Anyhow, a decision on how much further America should move toward national socialism is one which we shall have to make in 1960.

"The fourth decision: How much authority should government exercise as a device for influencing our individual lives? How much authority do you want to give to us in Washington, to determine how you live, what you can and cannot do, into what businesses you can or cannot go, what hours your laborers can work and what you might pay them, what you can raise on your farms and plantations and what you cannot raise, the social mores of your community, who can and cannot attend church with you, or go to school with you, or work with you—these are the matters to be decided by voters in forthcoming national elections.

"Some very fine friends of mine in Congress believe that people like you and people like me cannot be trusted to be ethical or decent or chivalrous, or Christian or honest in our behavior, so that you have to give to politicians down in Washington custody over the collective goodness of the country and let them project it out from their angelic countenances by the political power of unimpeded centralized government. I do not believe that. I don't denounce them for their beliefs. I simply say that I, myself, dissent from their conclusions. I think the people who elect the politicians are certainly as good as the politicians they elect, and that the collective judgment of our people is always better than the individual judgment of anybody they elect. Consequently, if we retain for ourselves some of the rights of decision, we vest those determinations in a better spot than if we turn them all over to politicians and the Federal Government.

"This is an issue to be decided, if not in 1956, most certainly in 1960. You know what is going to happen in 1960 as well as I. You don't have to have spent 30 years studying the political behavior of the great parties of this country to know that in 1960 the great bid is going to be to the groups of voters in the big towns who want to do certain things in America, and who say if you agree to do them, 'our millions of people will vote your way.' So if one party promises it, as your Democratic or New Deal Party is most likely to promise it on the basis of historic record, the other party is going to be compelled to promise it or be defeated.

"Either eventuality would be almost equally calamitous insofar as resisting the expansion of political and economic power in Washington is concerned. Our political machinery isn't in order today so that those who resist these trends in the South can join their forces to those in the North resisting them. Divided as we are by antiquated and meaningless political labels and legends, we cannot win. This is another reason I am happy that things are happening as they are in 1956. We need at least until 1960 to develop some new political machinery.

"The fifth big decision that we have got to make: 'How far should the Government go to take us into the functions of the welfare state?' We all recognize our joint responsibility to people who are injured, disabled, too old, improvident, blind, diseased. How far do we want to go? How far is it necessary to turn over to Federal politicians in the Capital City the operation of our hospitals and our health-insurance programs; our clinics and our local relief activities? How far must the old cash and charity that used to permeate the heart of most Americans be collectivized in the office of a member of the Cabinet down in Washington? We are not going to go back. We are not going to abandon what has been started. I said earlier that it is difficult to desocialize. It's mighty hard to take away from somebody something he has been getting. Each Congress, though, each national convention, each presidential candidate is beleaguered by those who constantly say, 'We want more.' We are going to have to decide where we draw the line, or do we draw the line; do we follow the example of Great Britain? I like it like they put it down on paper that hot sticky summer down in Philadelphia's Independence Hall so long ago when our wise, far-sighted constitutional forefathers knew what was likely to happen if they brought forward on this continent a new Nation dedicated to the proposition that the men and women living there could rule themselves, when they wrote it in the preamble of our great Constitution.

"At Philadelphia they said the function of this new Government is going to be in part to provide the national defense. To be free, we must be secure. To be secure, we must have a common national defense. The function of the Federal Government is to provide it, to tax the people for the arms that they need, to conscript the soldiers if we need them for a war, to win a war if we get in, to protect ourselves, to maintain peace if we can do it. We must be strong. The function of the Federal Government is to provide that defense. Our constitutional forefathers made that clear.

"People were thinking about general welfare in those days also. The next clause in the preamble of our Constitution is an interesting one. Interesting because of the language that they used. They talked about general welfare. They had said that the purpose of the Federal Government is to provide the national defense. What about the general welfare? Note well the word that they used. To provide the national defense and to promote—and to promote—the general welfare. What a difference. That's the difference, isn't it, between the U.S.S.R. and the United States of America? It's the difference between Hitler's Germany and us. It's the difference between the welfare state and welfare assistance in this country. It could be the difference between two political parties. It could be an issue that we are going to decide in 1956 or 1960. Do you want to keep it that way? Does that make sense? Did it work out all right to have a great big Republic like this which provided the national defense and promoted the general welfare, made jobs available, made it easier for people to secure general welfare, did what it could to promote it without adopting a paternalistic government so that everybody was fastened to the Federal pact? We are going to make that decision in this country not later than 1960. In my opinion, we are not ready to do it today because of our political machinery. And, in my opinion also, our American experiment not only worked out all right, but it has provided living standards for all elements which are the goal and envy of the entire world.

"I have said all this on an assumption that may be false and wrong or right and proper; namely, that South Carolinians, along with South Dakotans, will be on the side of limited powers of Government on these five major decisions. If I'm wrong, you have nothing to worry about, except that you have had to listen to a speech of no particular interest to you; but if I'm right, and you want what we want, you have some mighty serious thinking to do on a plane so much higher than partisan politics that it isn't even in the same range of atmospherical statistics. We have got some political engineering to do if you agree with my assumption. Let me suggest five things that might be done now, or that we can start to do now, to save us from the great big controlling bloc of votes and the socialistic trends that I am going to mention soon.

"*Five suggested remedies*

"In the first place, we might develop the kind of political realinement that I was talking about when I spoke to you in Charleston some years ago. Getting the right thinking people of the country—let's not say that—let's be completely fair—getting the people who think alike in this country and who think conservatively and in terms of a modification and limitation of the powers of the Central Government, getting them into some kind of political party or political apparatus or political association or political instrumentalities so that they can vote alike for the same candidate on the same ticket regardless of what the party label is or where they live geographically.

"We have made some headway in that direction. We haven't made it very fast. That's why I shuddered when I thought we were going to make these five great lasting determinations for the rest of my life in 1956, and why I hoped we could defer them for another 4 years to get ready to write the verdict. If most of my fellow Americans, under a voting system which gives them a fair chance to vote in a national referendum, desire the towering size of the omnipotent state, I'm willing to accept it. I suppose I will be a candidate again from the State of South Dakota, although I'm not going to be happy with all of that power because I know that it isn't going to be good for you. I think that under that kind of system I could talk up a speech that would be persuasive enough to be elected for the rest of my natural life out in South Dakota. I would have authority, and I would have power, and where I couldn't talk them into voting my way, I could seduce them to come over with a dam, or a bounty, or a pension, or a new post office or something else that I could bring by way of loot from the Federal Government, which by that time would be dominating all their lives. But I wouldn't like it. I would rather take a chance on trying to discuss with them the basic principles in which we jointly believe, and win or lose on that basis.

"I believe firmly in free choice by free voters. To get such free choice, however, and for freemen to reach sound political decisions, it is essential that we realine our partisan groupings in America. Southern Democrats and rural Republicans in this country have much in common. Their points of agreement on basic economic and political issues far outstrip their areas of disagreement. But we need to do some political engineering so we can work and vote together. So long as we cancel out each other's vote for President, we help the trend toward the total American state and defeat our ideals and our own best interests.

"A second device we tried, and may I say here that we tried this with the support of your two good South Carolina Senators in this session of Congress: OLIN JOHNSTON, whom I have known for a long time, and with whom I have served on the Senate Committee on Agriculture; and STROM THURMOND, that new gladiator from down South that you sent up there, who has cut probably the widest swath in the U.S. Senate ever cut by so young a Senator in so short a time. We proposed to do some political engineering, to get ready for 1960. We offered a constitutional amendment that wouldn't do any good under any circumstances for 1956, but once adopted it would take off from the neck of the Democratic Party of America and the Republican Party of America the big foot of the big cities of America, who now dominate in the main the thinking, the activities, and the trends of both political parties.

"We proposed by our amendment to break up the bloc system of electoral voting. We proposed to give both those who vote for the winning candidate and those voting against the winning candidate a chance to have their votes counted at the electoral college level. This proposed constitutional amendment would have driven a death nail into the domineering controls of the city machines and some of their associated pressure groups. It takes a two-thirds vote to get it through the Senate. We debated it for a week. We received a majority vote, but we lacked 6 votes of getting the essential two-thirds majority required to pass a constitutional amendment, so it's back in the Senate Committee on the Judiciary again. It's called the Mundt-Daniel-Thurmond amendment. I'm presently corresponding with STROM THURMOND, who's down in South Carolina enjoying a short vacation before resuming his activities in Washington, and we are soon going to come up with a new version of this amendment which we hope the Senate will approve early next year.

"I think it is tremendously important, for example, that we break up a system which means, as I put it during a Senate debate, that one sodden drunk can fall off of a park bench in Battery Park of New York City, and hitting the ground wake up and stagger and stumble into a voting booth on election day, not knowing where he is, and, in the heat of the election booth, to keep from falling on his face in his drunken stupor, reach for an election lever as a support and accidentally pull the election lever down, thereby determining the entire outcome of a national presidential election. Do you all fully realize this can actually happen? That one vote cast by Mr. Stumble Bum in New York City can put in action 45 electoral votes which mean more than all of the votes cast by intelligent people voting unanimously in 12 or 13 separate States of the United States. Break up that system of unit voting in the electoral college so that no one group, no one city, no one State, and no one collection of 12 metropolitan cities in this country can run the rest of us, and you are moving in the direction of modernizing and improving our political machinery. We would then begin giving like-minded people a chance to vote alike regardless of where they live politically or where they are registered geographically. We would be taking our elections out of the hands of pressure groups and big-city political machines and putting them back in the hands of the people where they belong.

"Our electoral college reform amendment would divide the electoral vote within each State in accordance with the way and manner in which it was cast. It would end the 'winner take all' system of counting all the electoral votes for the presidential candidate with one more popular vote than his opposition. It would destroy the dictatorial power of a few huge American cities and a handful of big so-called pivotal States to determine who is nominated and who is elected to the Presidency, and what is in our national political platforms. It would tend to relate the course of Government to the desires of the people rather than to the determinations of a few political machines and selfish pressure groups. It is a reform which in my opinion is long overdue and one which all freedom-loving Americans should enthusiastically and energetically support. We shall again advocate it in the Senate when Congress reconvenes in 1957.

"The third available remedy is revising your State election laws. We can do something in all of our States to make it easier for people to cross party lines and make it easier for a second party to get into operation, to make it easier for people who happen to be registered with one party and want to vote for another party for a certain cause to do so. That's a local responsibility which, in my opinion, can and should be locally met, and which was locally met courageously under the leadership of Gov. Allan Shivers over in Texas prior to the last election. I hope it can be met with equal success in a great many other States of the Union.

"Of course, other States may follow the example of South Carolina in the last election under the leadership of an old friend of mine and a great American, who, except for the political mechanics of our country during his prime, might well have been a candidate and President of the United States. I'm talking about Jimmy Byrnes of South Carolina. Jimmy Byrnes in 1952 demonstrated a courageous and patriotic leadership which other States, I hope, and other Governors will follow. His example in the last election, when, ignoring parties and concentrating on principles and confidence in personalities, he supported a candidate not of his own political party for the highest office in the land, deserves emulation by other courageous Democrats who are neither Fair Dealers or New Dealers. It is the medicine in the bottle that counts—not the label on the outside of the container. Governor Byrnes came pretty close to running up the score for South Carolina in support of Dwight D. Eisenhower. He came close enough to help write some new American history. He came close enough to cause even the city machines to wonder if somebody might be trying to get out of the bag in which they have been held so long and on which the party bosses in the big towns thought they had tied the knot.

"Senator HARRY BYRD, a great American in anybody's book, did the same thing in Virginia. Virginia voted for the man HARRY BYRD supported. Allan Shivers and Price Daniel did the same thing in Texas. Texas voted for the man they supported. I simply point out that there are times when principles prevail, when the perils of following the line of least resistance are so great, that men have courage like Jimmy Byrnes. Men take leadership to get results. They are history-makers. As long as southern political traditions continue, that is one way to break out of the trap.

"I have discussed this for many years in every State of the South as your chairman said, and I do it because of no partisan motive. I do it only because there isn't any other place that America can be saved from the consequences of the new controls which have been operating in this country as a result of what we all lost in the Democratic National Convention of 1936, and I use the word 'we' advisedly. In the evolution and the development of the competent forces which now control the country, there is no way to escape those consequences except by some of the devices that I am mentioning. Changing the two-thirds rule in 1956 is a fourth method by which conservatives at the Democratic Convention could do the job. I think it may be hard to do but it could be done. Even breaking up the unit rule, which was a part of the two-thirds rule, would help tremendously. It would once again have the same impact on my party as it has on yours, because parties emulate each other.

"A Florida legislator speaks out

"It would move political controls in both our parties back to the hands of the people and out of the hands of political bosses and pressure groups. I was talking on this subject 2 months ago in Florida, and at a friend's home afterward, a man by the name of O'Neil Rogells—and may I say now that I use his name with his permission—came up to see me and introduced himself and said: 'I have been a member of the legislature down in Tallahassee; I'm a Democrat. No northerner has ever come down and talked to us like this before. I'm more interested in America than I am in my political party or my political career.' Mr. Rogells further said: 'If you could promise me, Senator MUNDT, that your party at the next convention would write a strong States rights platform, as strong as you did in your last convention in 1952, and nominate candidates who will support it and believe in it (Eisenhower will do if he is available), if you can promise me that you will get that kind of platform and perform on it in Congress, I'll register Republican in Florida despite the fact that I'm a member of the legislature of the Democratic Party in Florida.'

"I said, 'Mr. Rogells, that is a very interesting suggestion, and a very encouraging one, because what does a political party mean in a war? Did you ever hear anybody come back from the war in Korea—and that was a war—did you ever hear anybody say "We lost a skirmish down there because I told the boys in the troops that half of them belonged to the other political party and I wouldn't work with them?" You never heard that, did you? You forget all about political registrations when you get into the uniform of Uncle Sam. When you have a common cause, who cares if your commanding officer is a Republican or a Democrat or a North Dakota Progressive or an Independent? You are concerned only about results.'

"So I said, 'Mr. Rogells, your suggestion is challenging and interesting. As the issues confront us now, we are having a tough fight to hold our party to an unfailing support of States rights. I happen to belong to what we call the "Thin White Line" of the Republican Party that's trying to keep our States rights position alive; that talks about it openly and votes for it consistently; and tries to pursue it; and encourages the White House and the executive agencies, and even the courts when we can, to remember and to sustain our States rights. But we lose almost as many battles as we win. We are going to have a hard time at our convention. Those opposing the rights of States have been fighting us consistently since 1932 and driving us further and further into a corner. We could lose our fight in 1956 or 1960. Why don't you join us now? We need your help.'

"Mr. Rogells said, 'I can't be sure that you are going to win it. I want to be sure.' I said, 'Look, my friend,' I noticed he had a service button in his lapel, 'You remind me of a situation where in a battle on a mountain slope, your side of the battle is up on the ridge with a thin and faltering line that is facing stupendous odds, and you send a runner back to a commanding officer who has a large platoon of troops about a half mile down the hill and tell him you need reinforcements quick or we'll lose the battle and the officer sends back the runner and says "Keep on fighting, boys, and if you can get the enemy on the retreat, we'll come on up and join you with the cheers." Mr. Rogells, we need you now, or we're apt to lose.'

"The conversation ended on that and then 2 weeks later I got a clipping from a newspaper down in Sarasota saying 'Rogells Breaks With Demos.' I read the article and Mr. Rogells tells how he is joining the Republican Party in Florida for the sole purpose of trying to be sure that they send to the convention Republican delegates who'll stand up and fight for a States rights platform in the Republican Party. He says, 'I know we can't get it in the Democratic Party, because we have tried it there and failed completely.'

"I wrote him a letter and told him I certainly appreciated that and that I was going to make a talk in South Carolina to the State Bankers' Association, and I would like to mention his courageous action as another possible device if I may, but I wouldn't think of discussing our conversation or his name unless he gave me his permission. Here is his wire: 'Senator MUNDT, appreciate your kind remarks. You have my permission to use statement in any way you see fit, O'Neil Rogells.'

"I mention this action as another way to solve our political problems. I'm not necessarily advocating it; I don't think perhaps that it is the most effective way in a completely one party State like South Carolina. I simply mention it as another remedy. If 500 of the most prominent Democratic families in South Carolina, for instance, were to register Republican within any given month and publicize it widely, you could go far toward rewriting the future pattern for America. Thousands of your fellow citizens would be glad to follow such an example. There are ways that free men can escape from the trap you're in. The formula followed by Mr. Rogells is a fifth such possibility.

"I have mentioned five possible remedies. Suppose we don't take any or them. May I make one final prediction, then before we close? Unless in some way or another this great section of the country becomes unpredictable, unchained, unless you can take the lead, the five biggest blocs of votes in this country are going to continue to dominate your party and perhaps mine. I'm perfectly frank to say that they have already influenced mine to a considerable degree. And to the greater degree to which they influence yours and the greater degree to which that brings victory to your Democratic standard, I'm frank to confess, to that greater degree we are going to go in the direction of total centralization of authority in Washington. Unless some of these things that I have talked about are done, and they can be done only in Dixie, and only by southerners in Dixie, and only by Democrats in Dixie, because most of the best people of the South are Democrats, then I know unless you do something different, socialism will soon again become a realistic menace in America.

"Five voter blocs who know what they want

"The biggest voter bloc in this country today, that influences more political behavior in Washington than any other bloc, I suppose, including the Republican and Democrat National Committees combined, is this new organization known as the CIO–AFL–PAC. Two great labor unions have merged and they have told the world, 'We are going to whip our enemies and elect our friends.' They have told the candidates in both parties, 'If you will move in the direction that we want you to move far enough, we will support you; or we'll support the one that yields to our demands the most, even though he is your opponent and of a different political party.'

"Add them up my good friends; there are tens of millions of them, these voters incorporated in the CIO–AFL merger. They are going to control a great many public decisions unless we find a political mechanism so those holding a different point of view can work together. I say that without criticism of the CIO–PAC. Why shouldn't they do that? They are Americans. They are loyal. They have a right to organize. They have their points of view, and while it happens they belong to a certain class and they unhappily seem to be trying to develop a class consciousness in this country, which in my opinion is unconscionable in America, still their patriotism is unquestioned and they have a right to function in the political system. So, if they are smart enough to do it and if those opposing their excesses are stupid enough not to react effectively, who can complain? If they should bring socialism to America under Mr. Reuther as President someday, that would be their right, if it is done by the ballot, and if we permit our political machinery to be controlled by their zealous leaders.

"The second biggest bloc is your city machines led by politicians who play politics for pelf, not for public service. These are bossed by men who discovered in the last quarter of a century that 'There is gold in them thar Potomac hills' and they are no longer going to fool around merely with electing sheriffs and police judges in big cities like Chicago and New York. They have learned they can drive people to the polls by multitudes, many of whom can neither read nor write the English language, who haven't studied American history, who don't know American traditions, and who come from countries which had paternalistic governments before they moved here. Yet, they can outvote all of the rest of us. You can forget about Dixie as you can forget about the Dakotas and Nebraska and Kansas, so long as you continue to give the bosses of the city political machines in the 12 major cities and the 8 big States of this country votes enough to bring about a determination in a national election because of our failure to change some of our political machinery, especially the method of unit voting in our electoral college. I don't complain about that. I simply point out that we should exceed them and excel them in their wisdom and in their determination. They have a right to do what they can to boss America. But we have a duty to make the reforms needed to prevent their successful domination.

"The third big group, and I say this completely without any suggestion of criticism of the colored voters of this country, is the National Association for the Advancement of Colored People. They have a right to their opinion. In my opinion they have a right to vote. They have a right to organize, and they have become a great organized voting bloc in this country seeking successes from their standpoint. There is nothing un-American about that, but it's a tremendous appeal to politicians on every side in every party to say, 'If that many votes are involved, from the third biggest voting bloc in America, why not get them? Why not solicit them?' They have become more important through their association than the collective vote of all of Dixie, and more important than the collective vote of the States of the Missouri and Mississippi Valley, and we think that we are important people. We would like to get back into the Union, and we would like to find a way to join you in adopting basic fundamental principles which are not swayed by emotional suasion and are not based on prejudicial points of view. We want you in Dixie to get back into the Union, too, insofar as your voting importance is concerned.

"The fourth biggest bloc of votes in this country is what they call the ethnic groups, the hyphenated American organizations: people who come here and organize associations with the land of their ancestry and are attached to it. They read newspapers in the native language of their homeland, make frequent trips, write many letters back and forth, and maintain for many years greater attachments over there than over here. But, above everything else, they form voting blocs. This reminds me that a Democratic Congressman told me the other day in Chicago that all he needs to do to get elected is to see one Polish leader in Chicago and he's in. All of the Polish people, said he, in Chicago follow his suggestion. There is nothing wrong about that. It isn't illegal. I don't criticize it. I simply point out that we are living in a political era when blocs like that, which join at least in desiring more power for the Central Government, are going to control unless intelligent folks like you and me start living in the present and forget about the past and make at least as much of a study of political engineering as we have of mechanical, and electrical, and atomic engineering, in which fields we all have had to become educated.

"The fifth largest pressure group is Americans for Democratic Action, a little association of self-protesting liberals who actually preach a doctrine carrying you back to feudalism, when the king could do no wrong and the state was supreme. Americans for Democratic Action offer up their votes to the highest bidder. I'm happy to say that I belong to a political party which up to now has consistently refused to bid for the votes of that outfit and I hope that we Republicans continue to resist them even though we lose, because they are trying to push us as far toward socialism as is possible, as far as is favored by any sizable group in the United States of America today. They'll pack in a lot of people at their meeting a week from today in the city of Washington to write the ticket they are going to insist you Democrats adopt at your convention in Chicago this summer. I note a report in the papers of yesterday that they are inviting speakers including Elmer Davis, Kefauver, Stevenson, Walter Reuther, of the CIO–AFL, Governor Williams, of Michigan, Eleanor Roosevelt, Senator Lehman, Senator Humphrey, Senator Morse, and other like-minded and bewildered 'liberals.' I'm happy we Republicans have been excluded from the speakers' rostrum. I must point out that these people in the ADA are smart Americans and what they are doing is legal. I don't question their patriotism. They are just outsmarting the rest of the country. They point out that their main job in that convention in Washington next week is to further devitalize the influence of the South in the Democratic Party. That's why they are there.

"I emphasize that you have a bigger bloc of votes in Dixie than any of the five great groups that I have mentioned, provided you can develop a voting mechanism that will attach you some way or another to other right-thinking people in the North for specific purposes in specific campaigns. By doing that you can exercise the political influence which alone can save America.

"I have nothing against any of these organizations: the CIO–PAC, the city machines, the organized colored voters, the ethnic voting block, or the ADA. I accept them all into our fraternity of Americans as good citizens, but I simply point out that, in my opinion, I wouldn't want any of those blocs, or all of them combined, to write the final political and economic ticket for America. I'd rather have it written by the people of the rural areas of this country, and by voters in our cities and on our farms who belong to no self-interested pressure groups. I'd rather have it written by the Republicans I know back home and the Democrats I know down here.

"Yes, my good Democratic friends of the South, all I suggest is that we develop our abilities in the science of political engineering so that no longer will an imaginary line created by the War Between the States continue to divide into rival political camps people who have an identity of convictions and such close similarities of concept. It would be tragic indeed if a generation that has split the atom and harnessed its great power would let a problem in semantics—an attachment to labels, traditions, and prejudice—cause us to continue to split people dedicated to identical high principles into rival camps under the comparatively meaningless names 'Republican' and 'Democrat,' so that we are impotent and powerless to harness our great vote power into a single effective voting machine.

"Our 10th amendment

"I feel that next to our great written Constitution itself, the greatest invention of Americans in the field of self-government was the concept of States rights as set forth in our Bill of Rights by the 10th amendment. Other civilizations and other lands have contributed much toward the evolution and maintenance of human freedom. But it was left to freemen on this continent and in the early formative days of our system of government to establish by the 10th amendment formal recognition of certain inalienable rights of both States and individual citizens which could be transferred to the Central Government only by the voluntary and specific delegation of those powers by those entrusted with them by our Constitution. This, then, is America's greatest contribution to the science of self-government and the endless contest of free citizens versus the Central Government. This, to a great degree, is the great genius of what we call the American system. This, then, we must preserve if our future is to be as resplendent as our past. And, finally, it is this great key to our success that we must support by proper changes in our elective machinery and our political procedures lest those who lack faith in this concept, or who find it a barrier to their ceaseless drives for power, succeed in developing too many powers for too strong a Central Government in Washington. It is this challenge which Dixie—and perhaps Dixie alone—can successfully meet by recognizing its dangers soon enough and by taking the indicated steps required to meet and defeat it.

"Good friends, I have suggested five possible remedial steps. Others may occur to you. I believe the challenge to all of us is crystal clear. I appreciate your close attention. You have been very kind. I have been very frank. These are days which call for blunt talk and unpleasant truths. I came here neither to try to please you nor to lure you away from your traditional political behavior. I came only to describe what I believe I know and to predict that which I know I fear.

"I came especially, however, because I am positive that the people of Dixie can determine America's destiny for the next half century. By so doing you will chart a course for all the world. No other group in America has the homogeneity, the good judgment, the high patriotism, combined with the tremendous vote power of our Southern States. You can have it as you want it. You will get it as you merit it. You can call the tune for Uncle Sam or you can become the victims of inertia and remain docile and impotent while living through a future the nature of which you will have failed to help in fashioning.

"In conclusion, let me suggest to you as bankers that you always keep in mind that it is more important to you to help determine what takes place in the polling places of America than what takes place in the teller's cages of your banks. I beg of you to divert some of your great genius and your many talents to the problems I have discussed with you to the end that we can solve them in the best interests of all America and all Americans. In our country, we must all remember always that there is never anything wrong with America that a single good election will not cure. Likewise, there is no immortality for our freedoms and no security for our property that a single bad election cannot jeopardize and perhaps even terminate.

"I salute you as custodians of our country's future and I wish you well."

(EDITOR'S NOTE.—KARL E. MUNDT, senior U.S. Senator from South Dakota, served in the House of Representatives 10 years before election to the Senate in 1948. He is a vigorous champion of electoral college reform and party realinement, as the quickest and most lasting way to give conservatives—a majority of the voters—the national voice their members warrant.)

Mr. MUNDT. Mr. President, I express deep appreciation to the distinguished senior Senator from Wisconsin for his graciousness in permitting me to discuss topics which may not be of a completely simpatico attitude toward him.

EXECUTIVE SESSION

Mr. INOUYE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The first nomination on the Executive Calendar will be stated.

OFFICE OF ECONOMIC OPPORTUNITY

The legislative clerk read the nomination of Robert Sargent Shriver, Jr., of Illinois, to be Director of the Office of Economic Opportunity.

Mr. INOUYE. Mr. President, I ask that this nomination be passed over.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

U.S. COURT OF CLAIMS

The legislative clerk read the nomination of Linton M. Collins, of the District of Columbia, to be a judge of the U.S. Court of Claims.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTOR OF CUSTOMS

The legislative clerk read the nomination of Mrs. Mavis Wyatt, of Tennessee, to be collector of customs for customs collection district No. 43, with headquarters at Memphis, Tenn.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. INOUYE. Mr. President, I move that the President be immediately notified of the action of the Senate in confirming these nominations.

The PRESIDING OFFICER. Without objection, the President will be immediately notified of the confirmation of the nominations.

LEGISLATIVE SESSION

Mr. INOUYE. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

The PRESIDING OFFICER. Is there further morning business?

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the so-called Dirksen-Mansfield amendment.

Under the order of yesterday, the Senator from Wisconsin [Mr. PROXMIRE] is entitled to the floor.

Mr. INOUYE. Mr. President, will the Senator from Wisconsin yield for the purpose of permitting me to suggest the absence of a quorum?

Mr. PROXMIRE. I yield to the Senator from Hawaii.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Ohio without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. YOUNG of Ohio. Mr. President, on the important subject now being debated by the Senate, I received, a few minutes ago, a very cogent letter from Hon. Maynard E. Sensenbrenner, mayor of Columbus, the capital city of my State of Ohio. I desire to read it into the RECORD as a part of my remarks:

> CITY OF COLUMBUS, OHIO,
> OFFICE OF THE MAYOR,
> *September 9, 1964.*
>
> Hon. STEPHEN M. YOUNG,
> *U.S. Senator,*
> *Senate Office Building,*
> *Washington, D.C.*
>
> DEAR SENATOR YOUNG: At this time, we understand that the U.S. Senate is considering a number of proposals to delay the implementation of court decisions in the matter of the apportionment of State legislatures; and when it comes time to vote upon the question please give consideration to the fact that in a true democracy, the principle of determination in equating rights is based upon the individual as a unit in society.
>
> We also know that the only reason that the Federal Constitution provided for two Senators from each State, was because of the fact that the smaller States would not have ratified the Constitution, had not this concession been made.
>
> To determine representation in the legislative branch on the basis of geography or land is giving more consideration to the land owners and to property than to individuals.
>
> We must recognize that our country is becoming more urbanized each day; and if the people in the cities are not permitted to have fair and equal representation in both branches of the legislature, then we are denying to them their rights to which they are entitled in a true democracy.
>
> I hope that you will give every consideration to these factors when you deliberate and vote on these issues relating to apportionment.
>
> Sincerely,
> MAYNARD E. SENSENBRENNER,
> *Mayor.*

Mr. President, I am glad to place in the RECORD this scholarly letter, sent to me by Hon. Maynard E. Sensenbrenner, mayor of Columbus, Ohio.

PROBLEMS OF THE AGING MUST BE SOLVED NOW

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may speak without regard to the rule of germaneness.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, we have created a society in which most people now survive well beyond retirement and are contributing to their communities and to the Nation. The retirement age of 65 fixed by Von Bismarck around 1866, when the life expectancy of an individual was far different from what it is today, makes the present retirement system in many industries unrealistic. Today, many men and women who retire at the age of 65 have 20 or 30 years more of useful life before them. The arbitrary retirement age of 65 is unfortunate. However, because of that practice, our country now has 18 million so-called elderly citizens, and many of them are unemployed, retired, and in need.

As the achievements of medical science progress, the life expectancy of Americans will grow even longer. This is one of the greatest achievements of American civilization.

Of all the revolutions generated in this space age of change and challenge, this is one of the most profound. It brings to us a new frontier in the history of man's development, but it has also created problems which we must face today. The bell of aging tolls for all men and women. We must take action to meet the changing conditions of older citizens in this second half of the 20th century.

A quiet revolution has taken place in the age structure of our society. More than 18 million Americans are now over the age of 65, and it is estimated that in 1980 there will be more than 23 million. Almost 9 million will be over the age of 75. Every day witnesses a net increase of 1,000 in the number of citizens over 65 years of age.

In my State of Ohio, approximately a million people are now 65 years of age and over, amounting to 9.2 percent of the total population—almost 1 in every 10 persons. From 1950 to 1960 alone the number of people 65 and over in Ohio increased about 190,000, representing a rise of 26.5 percent.

More than 300,000 Ohioans are now over the age of 75, and approximately 53,000 are over the age of 85. The number of those 75 to 84 increased 32.5 percent and the number over 85 rose 54.6 percent. Comparable statistics apply to all States in the Union.

We are seeing the emergence of not one but two generations of older citizens. Today 1 of every 3 persons reaching the age of 60 has a parent or a close relative over the age of 80 to be concerned about. Within 35 years this ratio will soar to 2 out of 3. This means that most men of 25 today have to prepare not only for their own retirement but also for that of a parent or a relative who will be alive and also in retirement.

For far too many Americans retirement means the end of status, dignity, and a comfortable standard of living. It too often means the beginning of poverty, substandard housing, lack of medical care, and days filled with nothingness. Our problem lies in the fact that to date the planning necessary to meet the economic, social, and medical needs of the aged has been inadequate. As a result, too many of our elderly citizens feel unwanted, unneeded, isolated—and neglected.

These are the very people who have contributed for so long to the amazing growth of the American economy. They deserve more. During the 4 years of the Kennedy-Johnson administration, some major steps forward have been taken to raise the dignity and status of our elderly citizens. These accomplishments are in sharp contrast to the previous 8 years. Here are some of the major advances made in this past 4 years:

The social security law was improved in 1961; as a result benefits were raised $900 million a year, and more than 3,300,000 people received increased benefits for the first time. This year benefits are again being increased, and the number of people who will be covered has been expanded by more than 750,000.

Congress passed a Community Services and Health Facilities Act to authorize new programs for health care outside of hospitals, and communities in

Ohio and all other States are benefiting from this act.

We expanded the Federal programs of housing for the elderly. The direct loan program has risen from $50 million to $350 million as a result of legislation passed during this administration. Commitments for housing for the elderly through the Office of Housing for senior citizens have more than quadrupled since the end of 1960. The State of Ohio is one of the leading States in this area.

We have passed legislation to help the elderly homeowner when he no longer is able to take care of a large home and wishes to sell it. He now has the possibility open to him of selling the home without having to pay a capital gains tax on sales up to $20,000.

We have taken action to decrease discrimination in employment because of age. The President has issued an Executive order requiring Federal contractors and subcontractors to remove all elements of age discrimination in their personnel policies.

We have passed legislation to increase funds available for construction of safe and restorative skilled nursing homes. Authorized funds were increased in 1964 from $40 million to $70 million a year for chronic disease hospitals and nursing homes. We are also extending the availability of FHA mortgage insurance for nursing homes to nonprofit groups.

We have established a new Institute of Child Health and Human Development to conduct basic health research on the aging process and to train people to work in the field of aging.

We have created a gerontology branch in the U.S. Public Health Service to deal exclusively with the health needs of older citizens and to put into effect today's health knowledge today. We hope thereby to reduce or eliminate the disabling diseases of stroke, arthritis, and heart disease.

We have passed legislation under both the Area Redevelopment Act and the Manpower Training Act of 1962 to give special attention to older workers whose skills may no longer be useful and who can profit by training to acquire new skills and productive employment.

We have established programs of housing for the elderly in the Department of Agriculture through legislation passed in 1962 and 1964 to help the many elderly citizens in rural areas.

We are utilizing surplus commodities and school lunch programs to help provide hot, nourishing meals to elderly people in public housing and in senior centers.

We have enacted a bold program in the field of mental health with the sound concept of treating older persons who are depressed, or have mental problems, right in their home communities rather than sending them off to mental hospitals. Nothing is more tragic than the commitment of older persons to isolated mental hospitals when they could be assisted and treated right in their home communities, near families and friends. This is one of the great contributions made by the late, great President Kennedy and it will mean an immense amount to the Nation's elderly citizens.

These advances are outstanding when contrasted with the passive indifference to the needs of our elderly citizens during the 8 years preceding the administration.

However, for every step we are able to take forward, the urgency and dynamism of the problems causes us to fall two steps backward.

The aged still have problems. Using my State of Ohio as an example, the following conditions exist:

Most are unemployed. Seventy percent of Ohio's elderly—more than 680,000—are completely unemployed and out of the labor force.

They are the largest single poverty group. Three out of five of the aged in Ohio have less than $2,000 a year income. The median income of older persons in my State is less than $100 a month.

The aged have health problems. Most of the Nation's elderly are mobile, but 8 out of 10 have one or more chronic illnesses. Older people spend twice as many days in the hospital as those under 65.

Too many elderly are lonely. Almost half of America's elderly citizens are in a single status, that is widowed, divorced, separated, or unmarried. There are almost 6 million widowed persons among the elderly with especially severe problems of social isolation and personal adjustment.

Too many aged are ill housed. One out of every three homes occupied by the elderly is deficient in that it is dilapidated, deteriorating, or sound but lacking important facilities like a bathroom.

The elderly are the ones most tragically hit by relocation. Most of the aged live in our urban areas, and the heaviest proportion is in the central part of our cities. They are, therefore, just in those locations which are hardest hit by highway projects, urban renewal and other public developments.

Mr. President, I could cite many more statistics and examples but they will only serve to emphasize the fact that the aged of the Nation, despite our recent progress, are still a deprived group. Their economic and social status is an undeserved one. They merit greater respect for their contributions to our country.

It is time now—indeed it is past time—to set forth for the elderly citizens of the Nation a bill of rights which is their heritage.

First. The right to the best possible physical and mental health. The most urgent problem of the elderly is how to meet the problem of health care at the time when income is lowest and disability is at its highest.

The elderly of this Nation must have a program of health care through the social security system, whereby during the course of their working lives, they pay a small premium for health insurance—approximately a dollar a month—and have a paid up medical insurance policy upon retirement. This would be an earned right—not a morale-shattering charity handout. The promises of President Kennedy and President Johnson will be won despite the fantastic, and even fanatic, opposition of the American Medical Association.

It is my fervent hope and that of millions of Americans that the medicare proposal recently passed by the Senate will be approved by the House of Representatives and enacted into law before this Congress adjourns.

Second. The right to an adequate income. One fact stands out clearly. The incomes of the aged as a whole are well below what is considered an adequate income for an American standard of living in this second half of the 20th century. A Nation such as ours not only can afford but must insure that its retired citizens enjoy a life which permits dignity and well-being in the years of retirement.

I propose, therefore, to fight for legislation to secure substantial increases in social security for all beneficiaries. It is time to achieve retirement incomes which are much closer to previous earnings than is now the case.

I intend to press for an expansion in the amount which retired persons can earn without being penalized by deductions from social security benefits. The retirement test should be raised to at least $2,400.

I intend to work for a social security program which will have automatic adjustment in benefits as changes occur in the cost of living. The elderly should not suffer because prices go up for reasons beyond their control.

Third. The right to adequate housing. The provision of safe, sanitary, and congenial housing at a rental which older persons can afford is a major unmet need of elderly citizens. I intend to press for a program of legislation which will widen the area of choice that older persons have in seeking the kinds of living arrangements they desire in their retirement years.

First, I intend to seek legislation through which elderly homeowners with low or moderate incomes can improve and rehabilitate their homes. Many of Ohio's aged live in houses which are dilapidated or deteriorating and cannot afford the added expense of borrowing to repair these deficiencies. I shall therefore introduce a program of low interest loans of up to $2,500 to rehabilitate homes owned and occupied by elderly citizens in order to make them safe and healthy for the elderly themselves and also for the community. This is a program that is already underway in rural areas and certainly deserves to be introduced in urban communities.

Second, I shall propose legislation to authorize the construction of senior centers and health units in connection with housing for the elderly. These facilities should be available to the comunity as well, and the cost should be shared through grants made by the Housing and Home Finance Agency for these important, related facilities.

Third, I intend to find a more effective and humanitarian use for properties acquired by the Federal Housing Administration and the Veterans' Administration through foreclosure. Those dwellings which are suitable for housing elderly citizens should be made available to responsible, nonprofit groups at substantially written-down cost to provide low-rental housing for low and moderate income elderly persons.

Fourth. The right to equal opportunity in employment. The No. 1 problem of those between the ages of 40 and 60 is assurance of equal opportunity for employment. There is ample evidence of serious discrimination in employment because of age. We cannot wait for the longrun economic processes to take care of those who are laid off and whose skills have become obsolete. They must eat and raise a family today, not in the long run. Further legislation must be enacted to help retrain those in this age group whose skills have become obsolete, and to utilize the skill, knowledge and know-how of retired citizens who still have much to contribute to this Nation.

Fifth. A right to restorative health services. All of us in Ohio are keenly and even tragically aware of the great need for safe and rehabilitative medical services in nursing homes. We cannot and must not tolerate the firetraps and custodial warehouses in which some of our sick aged reside.

I call for the establishment of minimum Federal standards for construction, health services, and care for all nursing homes financed through Federal funds or which have elderly patients supported through Federal old-age assistance payments.

Second, I propose the authorization of special funds to universities and college medical centers for training and research programs for physicians and allied professions in the care and treatment of the aged chronically ill and disabled.

Sixth. The right of access to community resources. Too many older persons are unable to obtain effective access to the community health, recreation, and social services so essential to meaningful living in retirement. In many cases, this is due to lack of ability to pay for the services; in other instances, the elderly are unaware of the existence of these services; in still other cases, older persons hesitate to pay for the cost of public transportation to the facility.

To every extent possible, services such as counseling, health, recreational, and volunteer work should be made available and publicized to the elderly citizens in the community.

I propose that we take one very important step in this direction right now. We can make it easier for older persons to use public transportation to get to senior centers, meetings, places of part-time employment or volunteer work.

I shall, therefore, introduce legislation authorizing the housing and home finance agency to make grants to metropolitan and other transportation systems which will carry on demonstration projects providing low fares for elderly citizens during the nonpeak hours of the day. As a minimum, the elderly should be able to ride on public transportation at one-half fare during the hours in which buses and street cars are least used. This will add income to public transportation systems and benefit older people at the same time.

Seventh. The right to freedom, independence and an exercise of individual initiative. America's elderly citizens want and deserve the right to determine their own destinies like all other Americans. They do not seek charity; they abhor dependence. They ask only for the opportunity to spend their retirement years in dignity, in self-respect, and in contributing to their neighbors and their community.

President Johnson has accepted this goal as his own and is providing the leadership to stride across this social frontier with real accomplishments. This administration today has an appreciation of the aged not as a problem but as a positive gain of American civilization.

Mr. President, I thank the Senator from Wisconsin for yielding to me.

I suggest the absence of a quorum.

The **PRESIDING OFFICER**. Does the Senator from Wisconsin yield to the Senator from Ohio [Mr. Young] for that purpose?

Mr. **PROXMIRE**. I am glad to yield to the Senator from Ohio [Mr. Young] for that purpose.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **DIRKSEN**. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The **PRESIDING OFFICER** (Mr. Bayh in the chair). Without objection, it is so ordered.

Mr. **INOUYE**. Mr. President, will the Senator from Wisconsin yield for the purpose of permitting me to suggest the absence of a quorum?

Mr. **PROXMIRE**. I yield for that purpose.

Mr. **INOUYE**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 575 Leg.]

Bartlett
Bayh
Carlson
Hart
Inouye
Johnston
Jordan, N.C.
Jordan, Idaho
Kuchel
Long, La.
McClellan
McNamara
Monroney
Morton
Mundt
Nelson
Pearson
Proxmire
Randolph
Smith
Sparkman
Stennis
Walters
Young, N. Dak.

Mr. **INOUYE**. I announce that the Senator from Nevada [Mr. Bible], the Senator from Virginia [Mr. Byrd], the Senator from Nevada [Mr. Cannon], the Senator from Idaho [Mr. Church], the Senator from Illinois [Mr. Douglas], the Senator from Mississippi [Mr. Eastland], the Senator from Louisiana [Mr. Ellender], the Senator from North Carolina [Mr. Ervin], the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], the Senator from Arizona [Mr. Hayden], the Senator from Florida [Mr. Holland], the Senator from Minnesota [Mr. Humphrey], the Senator from Missouri [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Montana [Mr. Mansfield], the Senator from South Dakota [Mr. McGovern], the Senator from Montana [Mr. Metcalf], the Senator from Oregon [Mr. Morse], the Senator from Maine [Mr. Muskie], the Senator from Oregon [Mrs. Neuberger], the Senator from Connecticut [Mr. Ribicoff], the Senator from Georgia [Mr. Russell], the Senator from California [Mr. Salinger], the Senator from Georgia [Mr. Talmadge], and the Senator from New Jersey [Mr. Williams] are absent on official business.

I also announce that the Senator from Maryland [Mr. Brewster], the Senator from West Virginia [Mr. Byrd], the Senator from Pennsylvania [Mr. Clark], the Senator from Connecticut [Mr. Dodd], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Washington [Mr. Jackson], the Senator from Ohio [Mr. Lausche], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from New Hampshire [Mr. McIntyre], the Senator from Utah [Mr. Moss], the Senator from Rhode Island [Mr. Pastore], the Senator from Rhode Island [Mr. Pell], the Senator from Missouri [Mr. Symington], the Senator from Texas [Mr. Yarborough], and the Senator from Ohio [Mr. Young] are necessarily absent.

I further announce that the Senator from Alabama [Mr. Hill] and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

Mr. **KUCHEL**. I announce that the Senator from Utah [Mr. Bennett], the Senator from New Hampshire [Mr. Cotton], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Colorado [Mr. Dominick], the Senator from Arizona [Mr. Goldwater], the Senators from New York [Mr. Javits] and [Mr. Keating], the Senator from New Mexico [Mr. Mechem], the Senator from Iowa [Mr. Miller], the Senator from Massachusetts [Mr. Saltonstall], the Senator from Pennsylvania [Mr. Scott], the Senator from South Carolina [Mr. Thurmond], the Senator from Texas [Mr. Tower] and the Senator from Delaware [Mr. Williams] are necessarily absent.

The Senator from Vermont [Mr. Aiken], the Senator from Delaware [Mr. Boggs], the Senator from New Jersey [Mr. Case], the Senator from Iowa [Mr. Hickenlooper], and the Senator from Wyoming [Mr. Simpson] are detained on official business.

The **PRESIDING OFFICER**. A quorum is not present.

Mr. **INOUYE**. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Hawaii.

The motion was agreed to.

The **PRESIDING OFFICER**. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. Allott, Mr. Anderson, Mr. Beall, Mr. Burdick, Mr. Cooper, Mr. Dirksen, Mr. Edmondson, Mr. Fong, Mr. Hayden, Mr. Prouty, Mr. Robertson, and Mr. Smathers entered the Chamber and answered to their names.

The **PRESIDING OFFICER**. A quorum is not present.

ADJOURNMENT

Mr. ROBERTSON. Mr. President, I move that the Senate adjourn.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Virginia.

Mr. DIRKSEN. Mr. President——

Mr. ROBERTSON. Mr. President, I withhold my motion until the distinguished minority leader has had an opportunity to confer.

Mr. President, I renew my motion.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Virginia.

The motion was agreed to and (at 1 o'clock and 27 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 18, 1964, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 1964:

U.S. COURT OF CLAIMS

Linton M. Collins of the District of Columbia, to be judge of the U.S. Court of Claims.

COLLECTOR OF CUSTOMS

Mrs. Mavis Wyatt, of Tennessee, to be collector of customs for customs collection district No. 43, with headquarters at Memphis, Tenn.

WITHDRAWAL

Executive nomination withdrawn from the Senate September 17, 1964:

BOARD OF PAROLE

Charles E. Casey, of California, to be a member of the Board of Parole for the term expiring September 30, 1970, which was sent to the Senate on September 9, 1964.

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 17, 1964

The House met at 12 o'clock noon.

Dr. George R. Davis, National City Christian Church, Washington, D.C., offered the following prayer:

Our Father, how frail we are, how inadequate, even the strongest, the keenest, the most clever of us. And yet Thou hast invited us to be coworkers with Thee. Stab us wide awake then, that all of life is sacred, all decent work magnificent, all honorable occupations and professions sublime. Make known to us then once again, clearly and sharply, Lord of all the earth, that in the marketplace, in the courts of justice, in the halls of legislation, as well as in cathedrals and before altars, we may do, we are doing God's true work. We reject, O God our Father, the ultimate betrayal of our true humanity, that man in our time has finally and forever lost his way. We reject, O God our Father, the degrading fatalism, that in this hour of peril we are left only with sterile choices. We reject, O God our Father, the contemptuous presumption that our leaders are bereft of ethics, and are driven by the hunger to cynically manipulate power. We know, righteous God, the times are strange and hard, that men may have to stumble and grope, fall and rise again. But so did our fathers, O Lord God, in other times and in other places. Save us then, from despair, in a time when there are no easy answers, and when we cannot expect to come suddenly upon the end of the rainbow. Remind us of the ultimate decency of things. Give us grace to light even small candles, and to refrain from the easy way of cursing the darkness. Let this spirit, O Father God, be in those whose essential ministry is here in this House of Representatives, and in all of us as citizens of this Nation and of the world. And unto Thee be the glory, the majesty, the dominion, and the power, both now and forever. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CONSTITUTION WEEK AND CITIZENSHIP DAY

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, I feel that it is most appropropriate that we all remind ourselves that this week has been proclaimed by the President as Constitution Week. In his proclamation of April 14, President Johnson designated September 17 as Citizenship Day and the period beginning September 17 and ending September 23 as Constitution Week.

Citizenship Day dates back to a law enacted on May 19, 1940, which authorized the President to designate the third Sunday of May as I am an American Day. Twelve years later in legislation adopted on February 29, 1952, for good and valid reasons the date and name were changed to Citizenship Day and Constitution Week to be celebrated on September 17 each year to commemorate the signing of the Constitution of the United States on that day in 1787.

One hundred and seventy-seven years have passed since that historic event. Our Nation has grown from a brash and self-determined infant in swaddling clothes to the acknowledged leader among the nations of the world. Little could our Founding Fathers dream that this country struggling to shed the restrictive garments of colonial dependency and to step forth in the rich toga of sovereignty could ever extend its boundaries to the Pacific and even beyond to include the State of Hawaii. Little could they dream that the borders of the Thirteen States would push northward to the Arctic Circle.

It would have been sheer fantasy to think that the population of the first States to adopt that Constitution then numbering in the tens of thousands would reach the fantastic figure of 190 million. No, Mr. Speaker, our great leaders who conceived our Constitution could never dream the heights to which their Nation would rise nor could they dream the extent to which it would expand. But yet they drew up a document which so skillfully set forth our privileges and responsibilities that it has well weathered the ravages of time. It has stood up for seven generations under revolution and evolution. It has stood firm in times of prosperity even as it has met the pressures of adversity. So brilliant and comprehensive was the concept of those drafters of the Constitution that its basic structure has required but little change over the years to meet the needs of a growing and expanding Nation.

Within a few weeks we as Americans are about to enjoy exercising a sacred right assured us by the Constitution. As each of us measures the quality and caliber of those who seek our vote we should remind ourselves of the value of this constitutional right. We have only to realize how many people in other countries are denied the right to vote in free elections for the persons of their choice.

We should reflect with satisfaction, too, that the legislation which the majority of this Congress fashioned a short while ago assures even more of our fellow countrymen the opportunity to register and cast their ballot.

Mr. Speaker, as Americans we should all give thanks for the blessings we receive daily under our Constitution. We should apply ourselves anew to the preservation of our liberties and the safeguarding of our rights.

As we dedicate ourselves during this special week to do our utmost to carry out the responsibilities which the Constitution imposes upon us, we should not forget our friends: the fathers and mothers, the sons and daughters of our foreign-born Americans—who still must live under the domination of atheistic Red dictators and be continuously denied any form of self-determination.

As citizens of these great United States, we are grateful for the blessing of our revered Constitution. Such gratitude can best be demonstrated by our unstinting efforts to obtain kindred rights and benefits for all mankind whether free or presently enslaved.

PRESIDENT JOHNSON'S MESSAGE ON THE 30TH ANNIVERSARY OF THE OLDEST AMERICAN RADIO PROGRAM IN THE ITALIAN LANGUAGE

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, on last Saturday, September 12, 1964, an event took place which is deserving of not only the attention of this body but of the American public as well. That day marked the 30th anniversary of the oldest American radio program in the Italian language—the program known in the areas covered by the eastern radio network as the "Voice of Local 89."

This program which was begun in 1934 has been so important and so recognized as a public service that it merited a personal message from President Johnson, as well as from President Antonio Segni of Italy, George Meany, president of the AFL–CIO, and Giuseppe Saragat, Foreign Minister of Italy. Other messages read or delivered at the anniversary program came from Bruno Stori, general secretary of the Italian Confederation of Labor Unions, CISL; Italo Viglianesi, general secretary of the Unione Italiana del Lavoro, UIL; David Dubinsky and Vanni Montana.

Mr. Speaker, the "Voice of Local 89" broadcasting as it does every Saturday morning and rebroadcasting every Sunday afternoon from stations in five of our important cities has provided enlightenment and information to thousands of union members and leaders.

It has been a stimulant for constructive action and for progressive trade unionism; as such it has stressed Americanism and the creation of friendship and cooperation between the people of Italy and Americans, particularly those of Italian birth and descent.

The "Voice of Local 89" has been a unique and highly successful experiment in utilizing the medium of radio to fight for worldwide freedom and to combat all forms of reaction and tyranny. Its programs have been of utmost value in their constant opposition to the Communist, Fascist, and Nazi dictatorships.

The Italian Dressmaker's Union Local 89 is deserving of the flood of congratulations which it received. I would like to add my own and particularly to congratulate the venerable founder of Local 89 and the pioneer of this radio program, Luigi Antonini. Today, at the age of 81, Mr. Antonini still contributes weekly comments to the program in addition to serving as first vice president of the International Ladies' Garment Workers' Union and president of the United Italian American Labor Council. I wish the program many years of continued service marked by success.

Mr. Speaker, the 30 years contribution of this unusual radio program is so important, I think all of us should have an opportunity to read the congratulatory message which President Johnson delivered from the White House, as follows:

> On this 30th anniversary, I am very proud to salute the Voice of Local 89. I congratulate the members of Local 89 for sponsoring and supporting this fine program.
>
> In all history no other people anywhere have ever made so much progress as we have made together in the last 30 years.
>
> We have come to this land far from many shores, but America has been made a better land, a stronger land because the contributions of those who have come from afar. What we have achieved together is the result of our unity. We are going to preserve that unity. We are going to keep working until the day finally comes when no one would ask where did your father come from. The only question will be where are we going to go. As I work here at the White House I always keep that in mind.
>
> I know that out across our land millions of fathers and mothers are hoping and praying each day that the decisions of their President will keep us moving toward a world of peace; toward greater prosperity for all; toward a better life tomorrow for our children; toward keeping our friends and relations and our fellow men across the sea—a decent home, a steady job, good schools for our children, an opportunity to advance to move up in life to a little more each year. These are the goals that we are striving to reach. These have been the goals of every President who has spoken on your program in years gone by—President Franklin D. Roosevelt, President Harry S. Truman who did so much to save the nations of Europe from a long dark night of communism; President John F. Kennedy who did so much to raise the hopes of men everywhere for peace on this earth. These are our goals now to come.
>
> Two years ago, it was my great pleasure as Vice President to visit the great city of Naples, Italy. I shall never forget meeting there with many good families departing from their native Italy to live with us as fellow Americans. I know many of you and your fathers and mothers before you made that same choice. Sons and daughters of Italy have made great and lasting contributions to our Nation in peace and in war. All Americans are grateful.
>
> I join with you now in the hope in and in the firm expectation that this next 30 years will be the greatest years for us and I am sure that throughout that span a valuable service to America will continue to be provided by the Voice of Local 89.

THE ANNIVERSARY OF THE BIRTH OF BARON VON STEUBEN

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, in addition to observing September 17 as Citizenship Day, we commemorate the birthday of that great German, Baron von Steuben, who became one of our first and foremost patriots.

It should not be left to German-born Americans or Americans descended from German ancestors to alone pay honor to von Steuben. All Americans should join the German-American societies today in paying homage to the man who did so much to train and to remake the Colonial Army into a successful fighting force.

So great was his service as inspector general of our first military force that President Washington felt moved to write von Steuben a letter of thanks as his last official act before retiring and returning to Mt. Vernon. Even as Washington praised this great German soldier, so historians, too, have paid his highest tribute.

But von Steuben was only one of many Germans to contribute to the growth and development of this country. Our land is still dotted with communities and areas where although as a second language, German is freely spoken by people all descended from hard-working and law-abiding German immigrants.

In memory of our great benefactor, Gen. Friedrich Wilhelm Baron von Steuben and in commemorating the anniversary of his birth, no more fitting tribute could be made than to salute our American citizens of German extraction and commend the organizations which bear his name for their good works in behalf of their fellow Americans.

The stable influence of the German immigrants who once flocked to this country has made a lasting imprint on the culture and economy of this Nation. In like manner, today the influence of the people of the Federal Republic is felt in the family of free nations. Somewhat of the debt we owe von Steuben and the other Germans who have helped to make our country great can be repaid if we pledge ourselves to fight shoulder to shoulder with our German comrades in bringing freedom to those who live behind the infamous wall. Only when Germany is reunited and all Germany enjoys unlimited "Freiheit" can we as Americans feel our debt to von Steuben has been discharged.

SUPPLEMENTAL APPROPRIATION BILL FOR FISCAL YEAR 1965

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight tonight to file a report on the supplemental appropriation bill for fiscal year 1965.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. JENSEN. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Iowa reserves all points of order.

Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 21, 1964

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON RULES

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from Virginia [Mr. SMITH], I ask unanimous consent that the Committee on Rules may have until midnight tonight to file various reports.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SENATOR GOLDWATER'S DISCUSSION OF NATIONAL DEFENSE

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, on last night in Montgomery, Senator GOLDWATER discussed defense. The points he made are good but I find nothing new in them. For instance he reiterated the proposal he made several weeks ago to end the draft as soon as possible. But his initial proposal comes months after President Johnson had directed a study to that end.

He spoke of proper compensation for our service personnel. Two years ago, the Democratic administration and a Democratic Congress provided an average 20-percent increase in housing allowance for members of the Armed Services—the first increase in military compensation since 1958.

In 1963 the Democratic administration and a Democratic Congress provided over a 14-percent increase in basic pay, and increases in other allowances.

This year the same Democratic team obtained still another pay raise for officer and enlisted personnel.

And, continuing his effort to make career military service more attractive, almost a month ago President Johnson directed the Secretary of Defense to speed up a further review of military housing, medical care, and pay and allowances.

We must conclude that the Republican presidential nominee has again proved that imitation is the sincerest form of flattery.

PERSONAL EXPLANATION

Mr. PIKE. Mr. Speaker, on September 1, 1964 I was obliged to be in the city of New York and I missed rollcall Nos. 247 and 248. Had I been present I would have voted "yea" on both of those rollcalls.

THIRD ANNIVERSARY OF THE 5TH SPECIAL FORCES GROUP (AIRBORNE)

Mr. MARSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MARSH. Mr. Speaker, on Saturday, September 19, the 5th Special Forces Group—Airborne—will mark the third anniversary of its activation. I am calling this milestone to the attention of the House because of the unique character of this unit of the U.S. Army and its record of dedicated service in the conflict in Vietnam, where detachments of the group are deployed as advisors to the military forces of the Republic of Vietnam. The observance on Saturday will not be in the nature of a celebration, because of the grim involvement of officers and men of the group in the effort to preserve the independence of Vietnam and keep the torch of freedom burning in southeast Asia.

I am particularly proud to make known to the House that a Virginian, Col. Herbert F. Roye, of Richmond, is the present commander of the 5th Special Forces Group—Airborne—a unit which has inherited the tradition of predecessor units organized during World War II and which is entitled to fly with its colors the streamers of 16 campaigns of that war.

Eleven members of the group have lost their lives in the fighting in Vietnam. To date, the valor and intrepidity of this group has been recognized in the award of 247 awards, with many other award recommendations pending.

A total of 784 members of the group have won entitlement to wear the Combat Infantry Badge.

I have been furnished an interesting summary of the inspiring record of the 5th Special Forces Group—Airborne—and will offer it for inclusion in the daily RECORD for the information of the House.

SOVIET WHEAT DEAL WAS A MINUS, NOT A PLUS, FOR THE UNITED STATES OF AMERICA

Mrs. MAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. MAY. Mr. Speaker, a weekly newspaper editor in my district has sent to me a rather amazing four-page press release he received from the office of the U.S. Secretary of Agriculture, dated September 1964, which in glowing terms attempts to justify to the American people the United States-Soviet Union wheat transaction of late 1963. The editor of this newspaper quickly recognized the administration's press release for what it is—nothing more than political propaganda—and asked me for my opinion on the transaction.

When the debate over the issue of trading on a subsidized and extended credit basis with the Soviet Union and the Eastern European Communist satellite nations focuses on future policy rather than on current policy, the folly of trading with these Communist countries becomes more apparent. If trading with Russia and the European Communists is good for all the reasons the administration suggests, then under their logic would it not be equally good to trade with Communist China, North Korea, Cuba, and North Vietnam? Would not subsidized sales to these nations help the balance of payments, save storage costs, strengthen wheat prices, stimulate American business, create more jobs, deplete Communist gold reserves, improve our image, and give us a great propaganda victory? And after all, would not these products be available elsewhere in the world? These are all the reasons the administration has given in justification of its trade with Soviet and European Communists.

The important question, it seems to me, is will the trade with Russia and the European Communists now be used as a precedent and as a basis for trade with Cuba and our Asian enemies? Our posture in trading with the Communists on a subsidized and credit basis will make it extremely difficult for our Government to execute a foreign policy dedicated to the elimination of communism in Cuba and in South Vietnam. How can we ask our South American allies to cooperate in a policy of economic isolation from Cuba on the grounds that she represents a hostile Communist influence in the Western Hemisphere, when we ourselves trade freely with the very nation that creates and sustains the Communist state on that island? How can we ask South Vietnamese soldiers to die in battle and the South Vietnamese people to risk their lives and fortunes fighting a Communist system with which we carry on normal commerce? How can we ask our NATO allies in Europe to refrain from extending to Communist nations long-term credits for the purchase of agricultural and industrial commodities produced by them? It is in this context that we must examine the alleged benefits of the Soviet and Eastern European sales.

Let me make it clear that while the transactions made in late 1963 by two American grain firms were not underwritten by the Export-Import Bank, the President, pursuant to an amendment to the foreign aid bill, has since made a finding that future transactions with the Soviet Union may be made using the facilities and credit of the Export-Import Bank. We should also keep in mind that Export-Import Bank credit is now being extended to Hungary and to other Eastern European Communist nations.

Mr. Speaker, I am providing my views to the inquiring newspaper editor. The following are the "economic and political gains" listed in the Secretary of Agriculture's press release, followed by my specific comment:

First. "Benefited the U.S. balance-of-payments position." The amount represented by the United States-Soviet wheat transaction—$140 million less $44 million from U.S. taxpayers in the form of export subsidies—represents an insignificant percentage of the improvement in our balance-of-payments position. The most important reason for the improvement has been a reduction in the outflow of U.S. capital. Further, if in future transactions U.S. credit is extended and the Soviets default, the balance-of-payments problem will be aggravated.

Second. "Saved U.S. storage, handling, and other charges." This argument is as appropriate as saying we would save $85 million by dropping the wheat destined to Russia into the Atlantic Ocean. Storage savings are hypothetical and are typical of the projections on savings which the Department of Agriculture keeps making. But when the record of spending has been written, we find the Department of Agriculture spending more than ever before in history.

Third. "Strengthened U.S. domestic wheat prices." This statement is clearly false. Wheat prices today are the lowest they have been for many years. The average market price of wheat to farmers on August 15, 1964, was $1.33 per bushel, compared with $1.77 a year earlier—prior to the Russian wheat sales.

Fourth. "Stimulated American business." No doubt the companies which trade with Communist nations have received profits for their efforts. I wouldn't think they would be trading with the Communists otherwise. How, though, do these profits match the tremendous sums of money our taxpayers are called upon to pay to maintain our military establishment to protect us against communism?

Fifth. "Created jobs for American workers." The administration does not say how many or where these jobs were created or what the men who held them are doing now. I also recall the Maritime Union's strong opposition to administration plans to ship Russia-bound wheat on foreign ships which do not employe American crews nor benefit American labor.

Sixth. "Depleted the U.S.S.R.'s gold and dollar reserves." Let us keep in mind that Russia, historically, is the world's largest wheat producer and the relatively small amount of wheat purchased from the United States had a very minimal effect on the resources of that rich and powerful nation. The availability of American wheat simply gave the Soviets an opportunity to meet their domestic grain requirements without diverting their internal resources from military and space projects to the area where their failure is most manifest—their agriculture. The United States was the only single nation able to supply the Soviet Union with the quantity of wheat they sought.

Seventh. "Gave the United States a propaganda victory." If the United States achieved a propaganda victory, there are few people who have heard about it and the administration has done little to exploit whatever propaganda value may possibly exist from these transactions. It seems to me, by the very nature of the administration's press release which was apparently given widest possible distribution to the Nation's press, that the administration is exerting its greatest propaganda effort on the American people. A true propaganda victory would have been achieved had the United States received, in return for the wheat transaction, some political concessions. The administration, however, did not even try.

Eighth. "Improved the image of America in Russia, and in the satellite countries." They probably think we are a bunch of saps. Could we count on them to send us wheat if the situations were reversed?

Ninth. "U.S. wheat did not provide help which was otherwise unavailable." The administration says if we refuse to sell to Russia, it will turn elsewhere. So can Communist China. The fact is that the United States and Canada are the only two countries of the free world which have the capacity for production of wheat in substantial quantities for export. Should not our policy be: first, to encourage our allies to refrain from selling agricultural commodities to Russia unless she renounce her aim of world domination and makes some meaningful political concessions to strengthen the cause of freedom in our troubled world; and second, to set a firm example for our allies to follow?

Mr. Speaker, the fact remains that the Russian wheat deal helped Russia more than it has helped us. The net result, when weighed in the context of foreign policy and our national security, seems to me to add up to a minus, not a plus, for the United States of America.

CONSTITUTION DAY

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, I think it is appropriate that in this House of Representatives we take note of the fact that today is the 177th anniversary of the ratification of the Constitution.

Furthermore, Mr. Speaker, I suggest that Constitution Day, September 17 each year, be observed regularly in this body and that the order of business consist of the formal reading of the Constitution by a Member selected by the Speaker.

Certainly, it is important in defense of human rights and liberties that every American read and reread, affirm and reaffirm the articles of the Constitution that guarantee protection to all.

Those of us who serve in Congress as elected Representatives who have sworn true faith and allegiance to the Constitution, especially, it seems to me, should observe the day recognizing, as Thomas Jefferson put it, that "Our peculiar security is in the possession of a written Constitution." For, Mr. Speaker, the framers of our Constitution had in mind to protect the people from abuses of power by public servants—such as ourselves—and from the undue centralization and concentration of power.

Why not, Mr. Speaker, establish a tradition in this House each year of rededication to the Constitution each September 17?

THE "PHANTOM" TAX CUT

Mr. LANGEN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter and tables.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CURTIS. Mr. Speaker, despite administration claims to the contrary, it is still too early to determine to what extent, if at all, the recent Federal tax cut will prove beneficial to the Nation's economy. However, there is no doubt that one feature of the tax cut bill—the sharp drop in the withholding rate—will work severe hardships on unwary taxpayers and, very possibly, act as a destabilizing influence on the economy next spring.

The Johnson administration's desire to heat up the economy to a fever pitch before the elections this fall led to its proposal to cut the withholding rate proportionally greater than the reduction in 1964 tax liabilities for many taxpayers. The plan had little or no economic justification, but the political implications were clear for all to see.

In effect, the Revenue Act of 1964 provided for what might be termed a two-sided tax reduction. On the one hand, the income tax rate structure was reduced, which cut the taxpayer's actual tax liability to the Federal Government. On the other hand, the withholding rate was cut from 18 percent to 14 percent in one stroke—rather than in two stages as originally provided in the House bill—so that wage and salary earners would have less taxes withheld from their wages and thus receive larger paychecks than previously. The cut in the withholding rate might be called the "apparent" tax reduction.

The withholding rate was cut to 14 percent immediately only on the urgent recommendation of the Johnson administration. However, the reduction in tax liabilities was scheduled to take place in two installments, the second of which will not become effective until next January. The result is that many taxpayers are being underwithheld in 1964 and must face unusually large taxpayments next spring, or reduced refunds. Many taxpayers will unhappily discover that much of the tax cut they thought they were receiving this year will have to be paid back to the Government next April when 1964 income taxpayments fall due.

Thanks to the Johnson administration's economic legerdemain, a large part of the increase in after-tax incomes resulting from the tax bill is, in fact, a "phantom" tax cut. It is here today but gone tomorrow.

The plan will prove a cruel and costly hoax to many working men and women. While their pay envelopes are fattened by a large "apparent" tax reduction, they are being exhorted by President Johnson to spend the increase in after-tax incomes in order to give the economy a "shot in the arm." When April rolls around, many taxpayers will find that they have to repay the Government as much as $1 of every $3 of their "apparent" tax reduction.

Not only will this be a blow to many families, but the national economy itself will suffer by the sudden and, in most cases, unexpected increase in spring taxpayments, or decrease in usual refunds. There is little doubt that such a development during an aging economic recovery could give a severe jolt to the Nation's economic stability.

It is time that the Johnson administration documented the precise extent of this "phantom" tax cut. Lacking this, however, I have had prepared a number of tables which will help make a large part of our taxpaying citizens aware of the financial blow that may be facing them at spring taxpayment time and also help them make plans now for meeting it. I ask unanimous consent that the four tables referred to be included in the Record at this point.

TABLE 1.—*Tax liability, tax withheld, and tax due* [1] *under Revenue Act of 1964 and under previous law (calendar year 1964)—Single person with standard deduction*

Annual income all from wage or salary	Under Revenue Act of 1964			Under previous law			Revenue Act of 1964 over previous law		
	Tax liability	Tax withheld [2]	Tax due in spring of 1965 [3]	Tax liability	Tax withheld [2]	Tax due in spring of 1964 [3]	Decrease in withholding ("apparent" tax cut)	Increase in tax due in spring of 1965	Percentage of "apparent" tax cut to be returned to Government spring 1965 [4]
$3,000	$365	$342.90	$22.10	$427	$416.00	$11.00	$73.10	$11.10	15.2
$4,000	545	491.40	53.60	625	603.20	21.80	111.80	31.80	28.4
$5,000	720	644.20	75.80	818	790.40	27.60	146.20	48.20	33.0
$6,000	928	801.30	126.70	1,048	977.60	70.40	176.30	56.30	31.9
$7,000	1,139	915.90	223.60	1,282	1,118.00	164.00	202.10	59.60	29.5
$8,000	1,372	1,086.10	285.90	1,540	1,331.20	208.80	245.10	77.10	31.5
$9,000	1,615	1,238.90	376.10	1,810	1,518.40	291.60	279.50	84.50	30.2
$10,000	1,872	1,391.70	480.30	2,096	1,705.60	390.40	313.90	89.90	28.6
$11,000	2,177	1,518.28	658.72	2,436	1,860.56	575.44	342.28	83.28	24.3
$12,000	2,496	1,665.09	830.91	2,792	2,040.48	751.52	375.39	49.39	21.1
$13,000	2,836	1,811.90	1,024.10	3,172	2,220.40	951.60	408.50	72.50	17.7
$14,000	3,190	1,958.71	1,231.29	3,572	2,400.32	1,171.68	441.61	59.61	13.5
$15,000	3,565	2,105.52	1,459.48	4,002	2,580.24	1,421.76	474.72	37.72	7.9

[1] Assumes Monday, Tuesday, Wednesday, or Friday payday.

[2] Under wage-bracket table method of withholding for weekly payroll period; assumes employee claims on withholding exemption certificate the exemption to which he is entitled.

[3] Assumes no payments of estimated tax and no additional withholding by employers.

[4] The increase in tax due in spring of 1965 as a percentage of the decrease in withholding or "apparent" tax cut.

TABLE 2.—*Tax liability, tax withheld, and tax refund or tax due* [1] *under Revenue Act of 1964 and under previous law (calendar year 1964)—Married couple with no dependents with standard deduction*

Annual income all from wage or salary	Under Revenue Act of 1964			Under previous law			Revenue Act of 1964 over previous law		
	Tax liability	Tax withheld [2]	Tax due or refund (−) in spring of 1965 [3]	Tax liability	Tax withheld [2]	Tax due or refund (−) in spring of 1965 [3]	Decrease in withholding ("apparent" tax cut)	Increase or decrease (−) in tax due in spring of 1965	Increase or decrease (−) in tax due in spring of 1965 as percentage of decrease in withholding
$3,000	$230	$244.80	−$14.80	$305	$296.40	$8.60	$51.60	−$23.40	−45.3
$4,000	399	392.40	6.60	485	478.40	6.60	86.00	0	0
$5,000	554	545.20	8.80	660	665.60	−5.60	120.40	14.40	12.0
$6,000	720	703.20	16.80	844	858.00	−14.00	154.80	30.80	19.9
$7,000	900	817.80	82.20	1,042	998.40	43.60	180.60	38.60	21.4
$8,000	1,080	988.00	92.00	1,240	1,211.60	28.40	223.60	63.60	28.4
$9,000	1,260	1,140.80	119.20	1,438	1,398.80	39.20	258.00	80.00	31.0
$10,000	1,440	1,293.60	146.40	1,636	1,586.00	50.00	292.40	96.40	33.0
$11,000	1,668	1,420.18	247.82	1,888	1,740.96	147.04	320.78	100.78	31.4
$12,000	1,903	1,566.99	336.01	2,148	1,920.88	227.12	353.89	108.89	30.8
$13,000	2,138	1,713.80	424.20	2,408	2,100.80	307.20	387.00	117.00	30.2
$14,000	2,373	1,860.61	512.39	2,668	2,280.72	387.28	420.11	125.11	29.8
$15,000	2,636	2,007.42	628.58	2,960	2,460.64	449.36	453.22	129.22	28.5
$16,000	2,906	2,154.66	751.34	3,260	2,640.56	619.44	485.90	131.90	27.1
$17,000	3,176	2,301.56	874.44	3,560	2,821.00	739.00	519.44	135.44	26.1
$18,000	3,446	2,448.37	997.63	3,860	3,000.91	859.08	552.55	138.55	25.1
$19,000	3,744	2,595.18	1,148.82	4,192	3,180.84	1,011.16	585.66	137.66	23.5
$20,000	4,049	2,742.42	1,306.58	4,532	3,360.76	1,171.24	618.34	135.34	21.9

[1] Assumes Monday, Tuesday, Wednesday, or Friday payday.

[2] Under wage-bracket table method of withholding for weekly payroll period; assumes employee claims on withholding exemption certificate the exemption to which he is entitled.

[3] Assumes no payments of estimated tax and no additional withholding by employers.

TABLE 3.—*Tax liability, tax withheld, and tax refund or tax due* [1] *under Revenue Act of 1964 and under previous law (calendar year 1964)—Married couple with 1 dependent with standard deduction*

Annual income all from wage or salary	Under Revenue Act of 1964			Under previous law			Revenue Act of 1964 over previous law		
	Tax liability	Tax withheld [2]	Tax due or refund (−) in spring of 1965 [3]	Tax liability	Tax withheld [2]	Tax due or refund (−) in spring of 1964 [3]	Decrease in withholding	Increase or decrease (−) in tax due in spring of 1965	Increase or decrease (−) in tax due in the spring of 1965 as percentage of decrease in withholding
$3,000	$116.00	$146.70	−$30.70	$185	$176.80	$8.20	$30.10	−$38.90	−129.2
$4,000	280.00	294.30	−14.30	365	358.80	6.20	64.50	−20.50	−31.8
$5,000	447.50	447.10	.40	540	546.00	−6.00	98.90	6.40	6.5
$6,000	608.00	605.10	2.90	720	738.40	−18.40	133.30	21.30	16.0
$7,000	780.00	719.70	60.30	910	878.80	31.20	159.10	29.10	18.3
$8,000	960.00	889.90	70.10	1,108	1,092.00	16.00	202.10	54.10	26.8
$9,000	1,140.00	1,042.70	97.30	1,306	1,279.20	26.80	236.50	70.50	29.8
$10,000	1,320.00	1,195.50	124.50	1,504	1,466.40	37.60	270.90	86.90	32.1
$11,000	1,527.00	1,322.08	204.92	1,732	1,621.36	110.64	299.28	94.28	31.5
$12,000	1,762.00	1,468.89	293.11	1,992	1,801.28	190.72	332.30	102.39	30.8
$13,000	1,997.00	1,615.70	381.30	2,252	1,981.20	270.80	365.50	110.50	30.2
$14,000	2,232.00	1,762.51	469.49	2,512	2,161.12	350.88	398.61	118.61	29.8
$15,000	2,474.00	1,909.32	564.68	2,780	2,341.04	438.96	431.72	125.72	29.1
$16,000	2,744.00	2,056.56	687.44	3,080	2,520.96	559.04	464.40	128.40	27.6
$17,000	3,014.00	2,203.46	810.54	3,380	2,701.40	678.60	497.94	131.94	26.5
$18,000	3,284.00	2,350.27	933.73	3,680	2,881.32	798.68	531.05	135.05	25.4
$19,000	3,561.00	2,497.08	1,063.92	3,988	3,061.24	926.76	564.16	137.16	24.3
$20,000	3,866.00	2,644.32	1,221.68	4,328	3,241.16	1,086.84	596.84	134.84	22.6

[1] Assumes Monday, Tuesday, Wednesday, or Friday payday.

[2] Under wage-bracket table method of withholding for weekly payroll period; assumes employee claims on withholding exemption certificate the exemption to which he is entitled.

[3] Assumes no payments of estimated tax and no additional withholding by employers.

TABLE 4.—*Tax liability, tax withheld, and tax refund or tax due*[1] *under Revenue Act of 1964 and under previous law (calendar year 1964)—Married couple with 2 dependents with standard deduction*

Annual income, all from wage or salary	Under Revenue Act of 1964			Under previous law			Revenue Act of 1964 over previous law		
	Tax liability	Tax withheld[2]	Tax due (+) or refund (−) in spring of 1965[3]	Tax liability	Tax withheld[2]	Tax due (+) or refund (−) in spring of 1964[3]	Decrease in withholding ("apparent" tax cut)	Increase (+) or decrease (−) in tax due in spring of 1965	Increase (+) or decrease (−) in tax due in spring of 1965 as percentage of decrease in withholding
$3,000	$4	$48.60	−$44.60	$65	$57.20	+$7.80	$8.60	−$52.40	−609.3
$4,000	164	196.20	−32.20	245	239.20	+5.80	43.00	−38.00	−88.4
$5,000	325	349.00	−24.00	420	426.40	−6.40	77.40	−17.60	−22.7
$6,000	500	507.00	−7.00	600	618.80	−18.80	111.80	+11.80	+10.6
$7,000	662	621.60	+40.40	780	759.20	+20.80	137.60	+19.60	+14.2
$8,000	840	791.80	+48.20	976	972.40	+3.60	180.60	+44.60	+24.7
$9,000	1,020	944.60	+75.40	1,174	1,159.60	+14.40	215.00	+61.00	+28.4
$10,000	1,200	1,097.40	+102.60	1,372	1,346.80	+25.20	249.40	+77.40	+31.0
$11,000	1,400	1,223.98	+176.02	1,592	1,501.76	+90.24	277.78	+85.78	+30.9
$12,000	1,621	1,370.79	+250.21	1,836	1,681.68	+154.32	310.89	+95.89	+30.8
$13,000	1,856	1,517.60	+338.40	2,096	1,861.60	+234.40	344.00	+104.00	+30.2
$14,000	2,091	1,664.41	+426.59	2,356	2,041.52	+314.48	377.11	+112.11	+29.7
$15,000	2,326	1,811.22	+514.78	2,616	2,221.44	+394.56	410.22	+120.22	+29.3
$16,000	2,582	1,958.46	+623.54	2,900	2,401.36	+498.64	442.90	+124.90	+28.2
$17,000	2,852	2,105.36	+746.64	3,200	2,581.80	+618.20	476.44	+128.44	+27.0
$18,000	3,122	2,252.17	+869.83	3,500	2,761.72	+738.28	509.55	+131.55	+25.8
$19,000	3,392	2,398.98	+993.02	3,800	2,941.64	+858.36	542.66	+134.66	+24.8
$20,000	3,683	2,546.22	+1,136.78	4,124	3,121.56	+1,002.44	575.34	+134.34	+23.3

[1] Assumes Monday, Tuesday, Wednesday, or Friday payday.

[2] Under wage-bracket table method of withholding for weekly payroll period; assumes employee claims on Withholding Exemption Certificate the exemption to which he is entitled.

[3] Assumes no payments of estimated tax and no additional withholding by employers.

OUR CONSTITUTION—THE GREATEST DOCUMENT EVER TO BE PRODUCED IN THE HISTORIES OF THE GOVERNMENTS OF ALL NATIONS

Mr. LANGEN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. SCHENCK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SCHENCK. Mr. Speaker, September 17 is one of the most important milestones in our history because on that date in 1787 the Constitution of the United States was signed by 39 delegates to the Constitutional Convention. It was still subject to ratification by 9 of the 13 States. New Hampshire became the ninth State to ratify the Constitution on June 21, 1788, and was followed by the State of Virginia on June 26, 1788, and by the State of New York on July 26, 1788. The Constitution of the United States was officially adopted on July 2, 1788, and put into effect on March 4, 1789. The first 10 amendments to the Constitution of the United States were proposed to the several States on September 25, 1789, and when properly ratified became known as the Bill of Rights in 1791.

The Constitution of the United States is recognized throughout the world as the greatest document ever to be produced in the histories of the governments of all nations.

Under its brief but very wise provisions many very precious opportunities, privileges, and freedoms, which all too many of us take for granted, are provided for each of us but many of them are being eroded away from us faster than we realize. It is much later than we think. The Constitution of the United States is not long and consists of only 7 articles to which 25 amendments have been added during the past 157 years, but because of its deep and significant importance to each of us, we should read and reread it at every opportunity.

While each of these articles and amendments are of great importance, Mr. Speaker, I want to recall to our attention today the first three articles because they provide the actual working machinery through which our Federal Government works.

Article I and its 10 sections provides for the establishment of the legislative branch and describes its duties, responsibilities, procedures, and powers.

Article II and its four sections sets up the executive branch and describes its powers, duties, and responsibilities.

Article III and its three sections sets up the judicial branch and describes its powers, duties, and responsibilities.

Thus the responsibility for the operation of our Federal Government is shared by three separate but coequal branches of Government—each with its own well-defined duties and responsibilities.

Our great Republic, the United States of America, will continue to be the greatest nation in the entire world and the protector of individual freedoms only so long as our Federal Government continues to operate within the framework of the well-defined duties and responsibilities as described for each of the three separate but coequal branches of the Government. Serious difficulties and loss of individual freedoms cannot help but occur when any one of these three separate but coequal branches of the Government either intentionally or unintentionally encroaches upon the duties and responsibilities of either or both of the other two branches. Therefore, every American citizen must be vigilant because only by the full and complete observation of this system of checks and balances can the very precious opportunities, privileges, rights, and freedoms for each of us be preserved.

Within the past 30 years many changes have occurred which endanger these individual freedoms of our citizens. The executive branch through its ever-increasing and fast growing bureaucracy has substituted manmade rules, regulations, and official edicts to govern and control people. Thus citizens find themselves made subject to arrest, trial, conviction, fines, and jail because of having knowingly or unknowingly violated some administrative rule or official edict. Thus we have become largely a nation controlled by men rather than by laws. The Congress of the United States must share the blame for this situation because it has given up some of its own prescribed responsibilities when it has approved legislative measures granting authority to governmental agencies to formulate such rules and regulations.

The Federal judiciary has also frequently invaded the field of legislation through handing down decisions which in effect tell State and local officials to either comply with such decisions or have the courts step in with all their power and actually enforce their decisions.

Thus on the 157th anniversary of the signing of the Constitution of the United States it behooves us all to stop, think, and take a good hard look in the direction our Nation appears to be headed.

Mr. Speaker, my loyal, wise, and good friend of many years, Dwight Young, former publisher and editor of the Journal Herald of Dayton, Ohio, still writes a most interesting column entitled "Talking It Over." Recently "Deke" Young wrote a very wonderful column on the subject of the Constitution of the United States and I ask unanimous consent that his column published in the Dayton Journal Herald on September 14, 1964, be included as part of my remarks:

TALKING IT OVER

(By Dwight Young)

This week—on Thursday—we start the celebration of one of our greatest national anniversaries—Constitution Week.

Some of you readers no doubt would appraise it as the most important of all of our national celebrations. This corner certainly would not take issue with anyone holding that opinion, although personally we would give equal rating to two others—Christmas and the Fourth of July.

But we do accord our Federal Constitution the distinction of a full 7 days of observance, which seems appropriate in consideration of the trials and difficulties it encountered in becoming the great human document the entire free world now recognizes it to be. For we did not come by this Constitution of ours without considerable travail.

Let's take a few moments of reading time this morning to review some of those difficulties. The Revolutionary War was conducted by delegates from the Original Thirteen States, constituting the Continental Congress. In 1777 the Congress prepared and submitted to the 13 State legislatures the Articles of Confederation and Perpetual Union, which were more or less promptly ratified by 12 of the 13 States. It took Maryland 4 years to make up its mind to join the others. Even Canada was invited to become a member but declined.

The ink was scarcely dry on this document until our patriotic forebears who had conceived and sponsored it, realized it was incapable of providing the 13 States and the many others they could foresee knocking for admission to the Union through the ensuing years, the type of virile Central Government that would be needed for the future.

So, 10 years afterward, the first tentative step was taken toward the establishment of a stronger Federal Union. Congress sagely left the initiative to the legislatures of the 13 States. Virginia was the first to act by appointing commissioners to meet with representatives from other States, followed by New York, New Jersey, Pennsylvania, and Delaware. At that meeting in Annapolis, all of the remaining eight States were asked to send official delegates to meet in Philadelphia in May 1787, to undertake the writing of a Federal Constitution "adequate to the exigencies of the Union."

The 13 States certified 65 delegates, but 10 of them never attended. Only 39 actually signed the document, some of them with reservations. The proposed Constitution was then sent to the various States for ratification.

In only three States was unanimous approval given. These were Delaware, Georgia, and New Jersey. In Pennsylvania the convention vote was 43 for and 23 against; in Massachusetts, 187 to 168; in Virginia, 89 to 79; and in New York, 30 to 27. Ratification by nine States was required. New Hampshire became the ninth, June 21, 1788, with a vote of 57 to 46, but the Constitution was not declared to be in full operation until March 4, 1789.

One year and 37 days were required to write and debate the various provisions of the Constitution and obtain its approval by the necessary nine States. The delegates held their meetings in an upper room in the statehouse in Philadelphia. Tempers flared frequently. So tense became the feelings, we are told, that extraordinary steps were taken to ease the nerves of the participants. To lessen outside disturbing noises the cobblestone street in front of the statehouse was covered with a thick surface of earth. There were sentries on guard to keep out intruders. The doors were closed to everyone except delegates.

The most controversial question concerned State representation in Congress. The larger States wanted representation in both Houses based on population, while the smaller ones demanded equality with the bigs. A stalemate seemed certain over this issue. Then, one morning, Benjamin Franklin arose and, according to one historian, spoke substantially as follows:

"Gentlemen, I have lived a long time, and am convinced that God governs the affairs of men. If a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? I, therefore, move that prayers imploring the assistance of Heaven be held every morning before we proceed to business."

The delegates agreed to Franklin's proposal, prayers were offered daily and a compromise was reached which still prevails in congressional representation—two Senators from each State, regardless of size or population, and membership in the House determined solely according to a State's population. This is a formula that was followed by the States in determining representation in their respective legislatures until this year when the U.S. Supreme Court has seen fit to order the States to reapportion representation in both houses of their legislatures strictly on a population basis, which raises the perhaps impertinent question: Why didn't the Supreme Court start its reformation of legislative representation in Congress, where the precedent was established, instead of in the State legislatures?

This corner acknowledges credit to Jonathan Dayton chapter of the Daughters of the American Revolution for reminding it that Constitution Week is at hand, and makes two suggestions to its readers: (1) Reread the Constitution some time this coming week. This should be a profitable half hour for all of us; and (2) display the American flag, for it and the Constitution are close kinsmen.

COMMUNIST SHAKEDOWN RACKET

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 30 minutes.

Mr. FEIGHAN. Mr. Speaker, the Subcommittee on Immigration and Nationality has not completed public hearings on pending immigration legislation this morning as planned. These hearings have been in progress over a course of 3 months. An impressive record of fact and opinion has been compiled on this vital issue.

I regret to report that our subcommittee has run into another serious obstacle in the orderly procedure which have governed our work. This time an obstacle is preventing the printing of our hearings and thus making them unavailable to our colleagues and the interested public. The obstructer is Congressman EMANUEL CELLER of New York, who is chairman of the Committee on the Judiciary. The gentleman from New York [Mr. CELLER] has refused to release our hearings to the Public Printer. He has delayed the printing of phase I and phase II of those hearings for 2 weeks.

I informed the gentleman from New York [Mr. CELLER] on Tuesday past that if he held up the printing of our hearings beyond this morning I would have no alternative but to take the floor of the House. I made my intentions known to him orally and followed up that same day with a written notice of my intent. I did so out of courtesy to a Member and in the hope he would be present to hear my remarks. He has had fair and ample notice. He continues to hold up the printing of our hearings and I am fulfilling my promise to him. I include at this point in my remarks a copy of the letter sent to the gentleman from New York [Mr. CELLER], putting him on notice.

SEPTEMBER 15, 1964.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: I write to confirm what I told you orally today, that unless you release to the Public Printer by Thursday morning, September 17, all the page proofs, galley proofs, and transcripts of our hearings on pending immigration legislation, I will have no alternative but to take the floor of the House on this issue.

Your claim that Secretary of State Rusk objected to printing the testimony taken in executive session on the Communist shakedown of people in the free world, including the United States, who have relatives in Rumania has no basis in fact. I took this matter up directly with Secretary Rusk and was informed it is strictly up to our committee to determine what printing shall be made on any of our hearings. Our committee has already decided to print those hearings now in your custody. So the fault for your 2-week holdup on these hearings rests elsewhere. To be perfectly frank, I was amazed when you refused to allow me and Congressman RICHARD POFF the opportunity to review the hearings on the Rumanian Communist shakedown racket. I need not remind you again that under the rules every Member has a right to read and review transcripts of all hearings. All transcript copies of the hearings held on August 3, 1964, covering that subject, are missing from the subcommittee files where at least one copy must be retained for use by the members of the subcommittee. My search for the missing transcripts has raised some very interesting questions, plus the information that all copies are in the "front office."

I hope you will desist in your efforts to prevent the printing of the hearings by our subcommittee and that should you decide to continue your holdup on this matter beyond the morning of September 17, that you will be on the floor when I reveal the details of this issue.

With best wishes, I am,
Sincerely,
MICHAEL A. FEIGHAN.

Why is the gentleman from New York [Mr. CELLER] holding up the printing of phase I of our hearings? Is it because phase I relates exclusively to testimony by interested Members on pending immigration legislation? This includes limited testimony by the gentleman from New York [Mr. CELLER] himself and the facts about his delay of our hearings for 1 week at the outset. He has held in his custody for 2 weeks the page proofs of this phase of our hearings which was completed weeks ago.

Why is the gentleman from New York [Mr. CELLER] holding up the printing of phase II of our hearings? That phase covered testimony by the Secretary of State, the Attorney General, the Secretary of Labor, the operating level of the Department of Justice and the Bureau of Security and Consular Affairs of the Department of State. Those hearings ended on August 3 so that we could begin taking testimony from interested nongovernmental organizations and individuals. The gentleman from New York [Mr. CELLER] has had in his custody for 2 weeks the page proofs and transcripts of those hearings.

When I took up with the gentleman from New York [Mr. CELLER] on Thursday, September 10, his delay in sending all those materials to the Public Printer, he informed me the Secretary of State objected to making public certain testimony taken in executive session from the Administrator of the Bureau of Security and Consular Affairs. I was astounded to hear this excuse. I could not believe that the Secretary of State would want to suppress evidence about a well organized and far flung secret shakedown racket being used by the Communist regime of Rumania. That Communist shakedown is worked against people in the free world, including citizens and legal residents of the United States, who have relatives in Communist occupied Rumania. I immediately telephoned the Secretary of State and informed him of the claim made by the gentleman from New York [Mr. Celler]. He informed me he would look into the matter. After several telephone exchanges extending into the following day, Secretary Rusk took the position that it was strictly the business of the committee as to what testimony it made available to the public.

I relayed this information to the gentleman from New York [Mr. Celler] that same day. Nevertheless he continued his tactics of delay, stating he wanted to pursue the matter directly with the Secretary. That was 1 week ago tomorrow.

On Monday past I again took up this matter of delay with the gentleman from New York [Mr. Celler]. At that time he adopted a new tactic of delay, claiming he wanted to discuss the matter with members of the subcommittee. I then reminded him the subcommittee had already made its decision to make public the testimony on the Rumanian Communist regime's secret shakedown racket of people in the free world, including citizens and legal residents of the United States. But again he refused to take action and now continues to block our efforts to get the subcommittee hearings printed and made available to the public.

What really lies behind these blocking tactics of the gentleman from New York, Congressman Celler? That is a reasonable question demanding a forthright answer.

Will the gentleman from New York [Mr. Celler] now claim that he is doing so on so-called humanitarian grounds? If he does, let me remind him that this shakedown racket can produce a multimillion dollar income for the Communist regime of Rumania, funds that will be used to strengthen the regimes hold on that captive country. Moreover, those funds can be used to finance Communist foreign policy objectives which include use of espionage agents, spreading anti-American Communist propaganda, purchasing weapons and tools of war and to manipulate U.S. currency in the world market. That is not humanitarianism. That is the end result of the antihumanitarian tactics of the Rumanian Communist regime. Those tactics must be fully exposed in the interest of justice and to protect the security of the United States.

Will the gentleman from New York [Mr. Celler] claim that information provided the subcommittee on this matter by the Department of Justice is classified or that the Department of Justice has objections to making that information public? If he does, let me remind him that there is no classification on that information and that the Immigration and Naturalization Service of the Department of Justice which supplied the information, has no objection to the committee publication of these materials. For the record, the information referred to is in the form of three letters addressed to the State Department laying out specific evidence on the secret Communist shakedown racket. It is fair to ask just who will benefit by further suppressing of information on this secret Communist racket?

Will the gentleman from New York [Mr. Celler] claim that exposure of this secret Communist racket at this time will interfere with "delicate negotiations" with the Communist regime of Rumania? If he does, I ask that the gentleman from New York [Mr. Celler] explain what he means by "delicate"—delicate for whom? Certainly not the United States, because Secretary Rusk has already put the disclaimer on this overworked and fraudulent claim. Can it be that the gentleman from New York [Mr. Celler] is attempting to control our foreign policy? I hope not.

What other excuse the gentleman from New York [Mr. Celler] will invoke to prevent the exposure of the secret Communist shakedown racket by the Rumanian regime is anybody's guess. But whatever further excuse he may invoke I ask that it be squared against the national interest. It is time we began to think about what is best for the United States and the welfare of our people.

If the gentleman from New York [Mr. Celler] chooses to continue his hold up on the printing of our extensive hearings on pending immigration legislation, I will be compelled to take the floor again and spread upon the record more detailed information about how this Communist shakedown racket works and who are the secret beneficiaries. Truth demands no less and justice will settle for no less.

Mr. ST. ONGE. Mr. Speaker, will the gentleman yield?

Mr. FEIGHAN. I am glad to yield to my colleague from Connecticut.

Mr. ST. ONGE. Is it not true that under rule XI, paragraph 26(o), no evidence taken in executive session can be released without the consent of the full committee.

Mr. FEIGHAN. That is in the rules. It has been the custom for the subcommittee to present a unanimous front and have the hearings printed.

That is a manner in which the chairman could try to block the printing.

At our meeting last Tuesday—when unfortunately there was no quorum—I told the chairman I was bringing it up and would have the committee overrule this blocking by the gentleman from New York [Mr. Celler].

Mr. ST. ONGE. But there was no meeting of the committee on Tuesday; therefore, the chairman could not order the testimony printed.

Mr. FEIGHAN. It does not by accepted practice of our committee require a full vote by the committee to print the subcommittee hearings, and you know it as well as I do.

The situation would never arise unless someone like the gentleman from New York [Mr. Celler] endeavored to block the dissemination of the truth.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ACTIVITIES OF THE COMMITTEE ON BANKING AND CURRENCY IN THE 88TH CONGRESS

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. Patman] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, as the 88th Congress draws to a close, I want to take the opportunity to extend my profound thanks to the members of the Banking and Currency Committee for their diligence and productivity during the past 2 years. Through their efforts the committee has been able to process, report out, and work toward passage of an impressive array of legislation.

Among the proposals passed are the housing bill, which not only improves and extends our many housing programs but also urban renewal and community facilities. It also increases the lending powers of savings and loan associations and mortgage lending powers of commercial banks. The savings and loan provisions, in particular, represent the first substantial widening of investment powers for these institutions since 1933.

The broadening and improvement of the Small Business Investment Act is another piece of legislation which was handled during this session.

Likewise, the increased participation of the United States in the Inter-American Development Bank and the International Development Association were brought to enactment. There has also been legislation to update the provisions governing credit unions, extension of the lending authority of the Export-Import Bank, extension of the Defense Production Act, repeal of the legislation relating to purchase of silver, and a wide variety of other proposals, as evidenced by the following summary:

BILLS AND RESOLUTIONS ACTED ON BY THE COMMITTEE ON BANKING AND CURRENCY, 1ST SESSION, 88TH CONGRESS, WHICH BECAME PUBLIC LAWS

H.R. 772, to provide for the transfer for urban renewal purposes of land purchased for a low-rent housing project in the city of Detroit, Mich. House Report 649, August 12, 1963. Public Law 88-141, approved October 16, 1963.

H.R. 3488, to provide for the striking of medals in commemoration of the 150th anniversary of the statehood of the State of Indiana. Similar bills—identical—H.R. 3985, 4716, 4728, 4740, 5011, and 5339. House Report 766, September 25, 1963. Public Law 88-184, approved November 20, 1963.

H.R. 3872, to increase the lending authority of the Export-Import Bank of Washington, to extend the period within which the Export-Import Bank of Washington may exercise its functions, and for other purposes. Similar bill: H.R. 3952. House Report 86, March 11, 1963. Public Law 88-101, approved August 20, 1963.

H.R. 4842, to amend the Federal Credit Union Act to extend the time of annual meetings, and for other puropses. House Report 648, August 12, 1963. Public Law 88-150, approved October 17, 1963.

H.R. 5389, to repeal certain legislation relating to the purchase of silver, and for other purposes. Similar bill: H.R. 4413, superseded by H.R. 5389. House Report 183, April 3, 1963. Public Law 88-36, approved June 4, 1963.

H.R. 7193, to provide for the striking of medals in commemoration of the 50th anniversary of the founding of the first union health center in the United States by the International Ladies' Garment Workers' Union. Similar bill: H.R. 6014—superseded by H.R. 7193. House Report No. 767, September 25, 1963. Public Law 88-185, November 20, 1963.

H.R. 7405, to amend the Bretton Woods Agreements Act to authorize the U.S. Governor of the International Bank for Reconstruction and Development to vote for an increase in the Bank's authorized capital stock. Similar or identical bills: H.R. 6823 and 6937. House Report No. 651, August 12, 1963. Public Law 88-178, November 13, 1963.

H.R. 9413, to provide for the coinage of 50-cent pieces bearing the likeness of John Fitzgerald Kennedy. Similar bills: H.R. 9415, 9417, 9418, 9428, 9485, 9293, 9510, and 9295. House Report No. 1038, December 13, 1963. Public Law 88-256, approved December 30, 1963.

House Joint Resolution 467, amending section 221 of the National Housing Act to extend for 2 years the broadened eligibility presently provided for mortgage insurance thereunder. Similar bills and resolutions: H.R. 6406 and House Joint Resolution 441. House Report No. 386, June 13, 1963. Public Law 88-54, approved June 29, 1963.

House Joint Resolution 724, to provide additional housing for the elderly. Similar resolutions: House Joint Resolutions 725 and 729. House Report No. 754, September 19, 1963. Public Law 88-158, October 24, 1963.

S. 743 (H.R. 3575), to furnish to the Padre Junipero Serra 250th Anniversary Association medals in commemoration of this 250th anniversary of his birth. Similar or identical bills: H.R. 3576 through 3606, and 3794. House Report No. 768, September 25, 1963. Public Law 88-143, approved October 16, 1963.

S. 1125, to provide for the striking of medals in commemoration of the 100th anniversary of the admission of Nevada to statehood. Similar bills: H.R. 2380. House Report No. 770, September 25, 1963. Public Law 88-147, approved October 16, 1963.

S. 1952, to extend and broaden the authority to insure mortgages under sections 809 and 810 of the National Housing Act. No House report—Senate Report No. 487, September 11, 1963. Public Law 88-127, approved September 23, 1963.

S. 2228, to change the requirements for the annual meeting date for national banks. Similar bill: H.R. 9023. House Report No. 1011, December 9, 1963. Public Law 88-232, approved December 23, 1963.

BILLS AND RESOLUTIONS ACTED ON BY THE COMMITTEE ON BANKING AND CURRENCY, SECOND SESSION, 88TH CONGRESS, WHICH BECAME PUBLIC LAWS

H.R. 7406, to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes. House Report No. 652, August 12, 1963. Similar bill: H.R. 8126. Public Law 88-259, approved January 22, 1964.

S. 2079, to provide for the striking of three different medals in commemoration of the Federal Hall National Memorial, Castle Clinton National Monument, and Statue of Liberty National Monument American Museum of Immigration in New York City, N.Y. House Report No. 1081, December 20, 1963. Similar bills: H.R. 8075 and H.R. 9465. Public Law 88-262, approved January 31, 1964.

S. 1309, to amend the Small Business Act, and for other purposes—extending disaster loans to include certain natural disasters such as earthquakes and freezes. House Report No. 1097, January 16, 1964. Similar bills: H.R. 730, 767, 3619, 4390, 5480, 9111, and 9338. Public Law 88-264, approved February 5, 1964.

H.R. 9067, to provide for the striking of medals in commemoration of the 200th anniversary of the founding of St. Louis. House Report No. 1083, December 20, 1963. Public Law 88-270, approved February 11, 1964.

S. 298, to amend the Small Business Investment Act of 1958—by raising existing lending limitations. House Report No. 1084, December 20, 1963; Conference Report No. 1129, February 5, 1964. Similar bills: H.R. 799, 5055, 7238, and 9339. Public Law 88-273, approved February 27, 1964.

S. 2214, to amend the International Development Association Act to authorize the United States to participate in an increase in the resources of the International Development Association. Similar bill: H.R. 9022. House Report No. 1312, April 9, 1964. Public Law 88-310, approved May 26, 1964.

House Joint Resolution 889, Commemorating the golden anniversary of the Naval Air Station, Pensacola, Fla., and authorizing the design and manufacture of a galvano in commemoration of this significant event. House Report No. 1397, May 13, 1964. Public Law 88-318, approved June 12, 1964.

House Joint Resolution 1041, temporarily extending the program of insured rental housing loans for the elderly in rural areas under title V of the Housing Act of 1949. House Report No. 1472, June 11, 1964. Public Law 88-340, approved June 30, 1964.

H.R. 8230, to amend section 24 of the Federal Reserve Act—12 United States Code 371—to liberalize the conditions of loans by national banks on forest tracts. House Report No. 1099, January 20, 1964. Similar bill: H.R. 660. Public Law 88-341, approved June 30, 1964.

H.R. 10000, to extend the Defense Production Act of 1950, and for other purposes. House Report No. 1456, June 3, 1964. Public Law 88-343, approved June 30, 1964.

H.R. 11499, to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury. House Report No. 1473, June 11, 1964. Public Law 88-344, approved June 30, 1964.

H.R. 8459, to amend the Federal Credit Union Act to allow Federal credit unions greater flexibility in their organization and operations. Similar bill: H.R. 8728. House Report No. 1024, December 10, 1963. Public Law 88-353, approved July 2, 1964.

H.R. 3881, S. 6 passed in lieu, with amended text of H.R. 3881 as passed substituted, to authorize the Housing and Home Finance Administrator to provide additional assistance for the development of comprehensive and coordinated mass transportation systems, both public and private, in metropolitan and other urban areas, and for other purposes. Similar bills: H.R. 649, 748, 765, 775, 807, 820, 1708, 1796, 1913, 1960, 2493, 2899, 2900, 3684, 3856, 3919, 3936, 4006, 4486, 4570, 4916, 5013, 5022, and 6372. House Report No. 204, April 9, 1963. Public Law 88-365, July 9, 1964.

H.R. 12175, S. 3049 passed in lieu, with amended text of H.R. 12175 as passed substituted, to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes—the bill also increases lending powers of savings and loan associations and commercial banks. Similar bills and related bills: H.R. 740, 1626, 1627, 3471, 4581, 5048, 5544, 5878, 6684, 6829, 7394, 7608, 7647, 7777, 7878, 7892, 7893, 7894, 7895, 7896, 7897, 7898, 7899, 8138, 8245, 8274, 8360, 8606, 8761, 8774, 8949, 8956, 9011, 9194, 9470, 9627, 9636, 9713, 9751, 9771, 9772, 9785, 9992, 10276, 10277, 10283, 10316, 11137, 11148, 11850, 12086, 12177, 12277. House Report No. 1703, August 5, 1964, Conference Report No. 1828, August 18, 1964; Public Law 88-560, approved September 2, 1964.

H.R. 11893, S. 2950 passed in lieu with amended text of H.R. 11893 substituted, to authorize the mint to inscribe the figure "1964" on all coins minted until adequate supplies of coins are available. Similar bills: H.R. 11894 and 11912. House Report No. 1644, August 3, 1964. Public Law 88-580, approved September 3, 1964.

H.R. 12267, to provide for notice of change in control of management of insured banks, and for other purposes. Similar bills: H.R. 12268 and 12307. House Report No. 1792, August 13, 1964. Public Law 88-593, approved September 12, 1964.

BILLS REPORTED IN FIRST SESSION, 88TH CONGRESS, BY COMMITTEE ON BANKING AND CURRENCY, BUT NOT ENACTED INTO LAW

H.R. 5048, to amend section 207 of the National Housing Act to eliminate the provision presently limiting mortgages thereunder to the cost of physical improvements involved. Similar bill—provisions included in H.R. 12175 (S. 3049), which became section 106 of Public Law 88–560. House Report No. 650, August 12, 1963.

H.R. 4996, to amend certain provisions of the Area Redevelopment Act. Similar bills: H.R. 4848, 5132, 5203, 5232, 5383, 5558, 5876, 5918, 5919, 5920, 5921, 5922, 5937, 5968, 5997, 6221, and 6638. House Report No. 276, May 6, 1963. Failed of passage, June 12, 1963.

S. 1163, to amend certain provisions of the Area Redevelopment Act. House Report No. 633, August 3, 1963.

S. 879, to provide for the striking of medals in commemoration of the 150th anniversary of the building of Perry's fleet and the Battle of Lake Erie. Similar bill: H.R. 4003. House Report No. 769, September 25, 1963. Placed on Consent Calendar. Stricken from Consent Calendar by unanimous consent on October 7, 1963—subsequent action of sponsoring organization voiding necessity of legislation.

BILLS REPORTED IN 2D SESSION, 88TH CONGRESS, BY COMMITTEE ON BANKING AND CURRENCY, BUT NOT ENACTED INTO LAW

H.R. 5130, to amend the Federal Deposit Insurance Act and title IV of the National Housing Act—relating to the insurance of savings and loan accounts—with respect to the maximum amount of insurance which may be provided thereunder. Similar bills: H.R. 1589, 1610, 3107, 3121, 3470, 4236, 4942, 5225, 5667, 7404, and 7854. House Report No. 1098, January 20, 1964—recommitted May 27, 1964.

H.R. 9609, to broaden the investment powers of Federal savings and loan associations, and for other purposes. Similar bills: H.R. 8245, 8274, 8606, and 9713; related: H.R. 12175. House Report No. 1100, January 20, 1964—provisions of H.R. 9609 were included in S. 3049, title IX, Public Law 88–560.

House Joint Resolution 1020, authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser. Similar or identical bills or resolutions: House Joint Resolution 956, 957, 958, 961, 964, 965, 966, 975, 984, 985, 986, 988, 989, 994, 995, 999, 1000, 1007, 1010, 1018, 1019, and 1021. House Report No. 1383, May 6, 1964—failed of passage under suspension of the rules, May 18, 1964, by a vote of 150 yeas to 143 nays—two-thirds vote being required.

FREE ENTERPRISE DAY

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. SCHWENGEL] is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, I have recently presented a proposal to designate the first Monday in October of each year as Free Enterprise Day, in recognition of the accomplishments of the American free enterprise system.

The proposal has been made in the form of a joint resolution, and it would authorize the President to designate and declare Monday, October 5, 1964, as Free Enterprise Day, as well as the first Monday in every October thereafter.

Mr. Speaker, it may be well to remind ourselves that the American free enterprise system is giving the greatest possible incentive to each individual to freely choose his work and to exercise his talents, energies, and resources to promote his highest development as well as the development of his own country. This system has stimulated one of the world's greatest freedoms, one of the freedoms that goes unnoticed most often. I refer to this often as the fifth great freedom, that is, the freedom of movement of men, goods, and services in the open market.

In this freedom, and with the free enterprise system, we have accepted the challenge of providing the more abundant life spoken of in the Good Book by developing the highest standard of living that exists anywhere in the world or in any period of history. A day should be set aside so that all Americans can be properly and adequately reminded of what free enterprise means.

A day should be set aside to reflect on the attributes of and the benefits which accrue from this system. I say it is very much needed. I say let us start in 1964 and make it an annual observance so that this truly American system will get the recognition which it merits and, as well, our own people will understand one of the great important characteristics better, and so that the people of the world can understand America better.

The resolution I have introduced, House Joint Resolution 1154, in its introduction and whereases, points out the genius of the American system. Free enterprise has kept open the doors of opportunity and given the greatest incentive to each individual freely to choose his work and exercise his talents, energies, and resources to promote the highest development for himself and his country. The free enterprise system stimulated the world's great freedom of movement of men and goods and services in the open market by the development of the greatest distribution system which exists to serve mankind. The free enterprise system launched and promoted an ever-growing economy in numerous forms of manufacturing, agriculture, transportation, communication, and services and has contributed greatly to the economic and social development of this Nation. The free enterprise system has stimulated through competition a variety of change of growth and invention and improvement in all phases of our history and development. That free enterprise system responds more readily than any other system to the needs and wants of people because it measures its progress in terms of the well-being of the individual. The free enterprise system has created an environment in our society which is most compatible with free thought and free political and social institutions. Most of all the free enterprise system has accepted the challenge of providing a more abundant life by developing a higher standard of living than is found anywhere else in the world or in any period of history.

Mr. Speaker, I made a speech on this subject when I introduced the bill. I said at that time I was in the process of preparing a series of papers entitled "The Impact Series." I now have some of these papers prepared, and present them here for the RECORD:

THE IMPACT OF TRANSPORTATION IN THE FREE ENTERPRISE SYSTEM

The freedom of movement of men and goods and services in the open market—this is the important gift of free enterprise to America. Many segments of our economy—finance, labor, manufacturing, and retailing—affect this freedom, but this fifth great freedom could not exist without the means of free movement—a transportation system. Transportation provides the means of movement of men and goods. It is largely through transportation that free enterprise is the coordinator of our society.

The impact of transportation in the free enterprise system is multifold. Transportation was especially important in the early days of our history in the free movement of men westward. Along the Cumberland Road, by covered wagon across the prairies, and then by the iron horse, the railroad, the settlers pushed toward the Pacific coast and with them came free enterprise.

As transportation extended the free enterprise system to the West, so it also makes possible specialization and greater choice of location. No longer is a manufacturer restricted to his immediate market or the raw materials at hand, for transportation provides access to distant markets and sources of supply. Firms may specialize in those fields in which they have economic advantage, companies may take advantage of the economies of size, and local monopolies are dispelled by nationwide competition. No longer must a community depend on its own industries to supply its needs. The consumer's freedom of choice in his purchases is enhanced by the availability of a wide selection of goods, and transportation makes job mobility an economic reality.

Our free enterprise economy is thus completely dependent upon this distribution system. Further, this transportation system is itself an important free enterprise.

Transportation is in many ways a special industry. An excessive number of uncoordinated transportation facilities would be intolerable in a modern economy, and transportation services must be provided at reasonable rates to all without discrimination. The public interest with which transportation is vested coupled with its tendencies toward natural monopoly have brought it under Government regulation on both State and Federal levels. Yet, in our free enterprise system it has been Government regulation, not Government ownership, which has governed our transportation development. Our transportation system is in itself free enterprise owned by private entrepreneurs, operated by private entrepreneurs, and developed by individual initiative, not by Government prescription.

The development of this transportation system is a prime example of the growth, variety, and invention accompanying free enterprise. Not only have there been extensions and improvements in existing facilities, but new transport modes have been developed to meet the demands of and, in turn, to encourage our growing economy. Just as the railroad promoted the development of the West and continues to carry the bulk of freight traffic, so the motor carrier of the 20th century—whether private automobile, truck, or motorbus—has introduced an unparalleled mobility. Short-distance commercial transport is more efficient and direct, industrial location is no longer limited to railroad or water routes, new industries have been created to serve highway transportation and personal mobility has permitted suburbanization and nationwide travel. The free enterprise economy has also been revolutionized by air transportation. The length of our Nation is no longer measured in weeks or days, but in hours. With the increasing pace of economic activity, man's time has increased in value, and the airplane saves many precious hours. In recent years industrial development has also been affected by improvements in two other important means of transportation, water carriers and pipelines.

Thus, each mode of transportation contributes to the economy in its own way. Diversified and dynamic in their impact, our transportation systems form the essential arteries of our entire free enterprise system.

THE IMPACT OF COMMUNICATIONS IN THE FREE ENTERPRISE SYSTEM

Our free enterprise system is based on the freedom of movement of men and goods in the open market. Although it is transportation which provides the physical conveyance of men and goods this movement would be impossible without the accompanying flow and interchange of thoughts and opinions. It is a communications system which makes possible the exchange of ideas so vital to a free enterprise economy where decisions are made by the individual.

In such an economy it is essential that the entrepreneur be aware of the current economic, political, and social conditions affecting his business. Decisionmaking and execution within the firm must rely upon an efficient internal communications system. The transportation of goods, the giving and fulfilling of orders, and the exercise of freedom of occupational choice are all dependent on communications. Indeed there could be no open market without the exchange of thoughts between producer and consumer.

A communications system is, thus, the control network of free enterprise. It permits knowledge of and response to changing conditions. The pace of economic activity within the system is largely dependent upon the speed with which these responses can be made.

In the United States economic development has been largely dependent upon a remarkable increase in the speed and efficiency of communications. The most effective means of communication is usually a conversation between persons in the same location. It is the growth of our transportation system which has made this type of communication possible in our farflung economy. The train, the automobile, and, most important, the airplane, permit a man to travel with great speed to the consultations, conferences, and meetings so essential to our business world. Yet, in today's economy man's time is of such value that, even with air transportation, reliance solely on direct personal meetings cannot be tolerated. Man long ago developed the written word to convey his thoughts without the necessity of personal movement. The development of this type of communication has also depended on transportation improvements. Newspapers with the latest news and advertisements distributed by train or truck appear on our doorsteps fresh off the press, and airmail has revolutionized the prompt transaction of business.

As remarkable as these advances in communications have been, even more amazing has been the development of entirely new modes of communications. The speed of communication through personal meetings and the written word is limited to the speed of transportation. It was the telegraph which broke through this limitation. By the translation of words into signals and the electrical transmission of these signals, ideas were communicated in moments between widely separated areas. However, despite its speed the telegraph lacked several of the advantages of direct communication. Communication was only one way, with an attendant delay in the response, and messages were generally short. These disadvantages were overcome by another innovation, the telephone. By telephone, distant entrepreneurs, distributors, and consumers may converse with the same ease and speed as if they were in the same room.

Not only has the scope of conversational communications been extended, but also today the American citizen is brought immediate knowledge of important events transpiring anywhere in the world. The entrepreneur need not depend on his own resources and personal contacts to learn of happenings affecting his trade. The radio permits direct verbal communication of occurrences of general interest, and the invention of television brings the latest news in both visual and verbal form.

The impact of these advances on the pace and efficiency of economic transactions has been tremendous. What is the nature of the communications industry which has been responsible for these innovations? Since the broadcasting spectrum is a limited one, unrestricted broadcasting would cause considerable interference. For this reason broadcasting stations are licensed by the Federal Government. Common carrier communications, such as telegraph and telephone, also have natural monopoly characteristics and are subject to public utility regulation on both the Federal and State levels. Yet, despite these regulations, with the exception of the postal service which under the Constitution is provided by the Federal Government, all forms of communication are privately owned and privately operated. This free enterprise nature of American communications and the advantages of such a private system were specifically recognized and reinforced recently when Congress chose to develop the commercial communications satellite system through a private corporation.

The development of communications as free enterprise has a special importance. It is through communications that our freedom of speech is exercised. Government censorship or Government programing of the thoughts transmitted through our communications system would destroy both free enterprise and democracy. Thus, this Nation's communications system serves to coordinate and nurture, as well as to preserve our free enterprise system.

IMPACT AND IMPORTANCE OF SALESMANSHIP IN THE FREE ENTERPRISE SYSTEM

Yesterday, today, and tomorrow salesmanship is, was and will be the midwife of the free enterprise system. A reading of the economic and industrial history we find that the guild system of the later Middle Ages, by producing for local markets, gradually encroached on the self-sufficiency of the manorial system and fostered the use of specialized labor. Salesmanship had a great impact and played a very important part in developing and expanding the local markets and weaning society away from the less efficient and less productive system of producing strictly for personal and feudal consumption.

The establishing of these local markets eventually brought about the disintegration and the transformation of the feudal system to the market system. The spreading economic specialization thus fostered required increasingly larger investments in labor and materials. Large investments in turn could only be attracted by expanding markets for finished products.

After having created and established local markets, salesmanship helped expand them more and more by making people aware of the widening range of consumer goods becoming available to them. As salesmanship helped expand these markets and as men grew to depend on the marketplace not only to provide for their needs but also to sell their labor or the fruits of their labor, specialized production methods led naturally and inevitably to the innovations that constitute the industrial revolution and which rapidly evolved into the capitalistic system we have come to know and profess.

Today, more than ever, salesmanship is the sustaining force of our free enterprise system. Salesmanship through the years has taught people to set for themselves the highest standard of living ever known; it has taught them to desire, expect, and feel damned without the plethora of consumer goods and personal services that our economy pours out yearly like a veritable cornucopia.

Because our productive capacity today is so great that it can provide far beyond subsistence levels of living, the special problem arises of making people aware of and desire the ever larger multitude of products available to them for practically every conceivable purpose and use. This problem is the special challenge to salesmanship today. Although modern consumers in the United States have been conditioned to an everspiraling standard of living, producers in this country, spurred on by the service and profit motive, are always steps ahead of actual living standards with the ways and means constantly being discovered by research and development for a still more comfortable and enjoyable life.

After the austerity of World War II, the last 15 years have been characterized by unprecedented material indulgence. As consumers, we have displayed an insatiable appetite for washers, dryers, refrigerators, freezers, frozen foods, garbage disposals, modern furniture, TV sets, and so on through a seemingly boundless catalog of goods. When our desire seems to wane, producers quickly stimulate it again with a multitude of new goods or variations of old products, such as frostless freezers, synthetic clothing, plastic houseware, color TV, barbecue equipment, automatic ovens, instant foods, power mowers, and air conditioners. In the free enterprise system yesterday's luxury rapidly become today's necessity to be replaced by tomorrow's improvement. It is the intelligence, the ability and capacity of American salesmanship that helps to make it so. Indicative of this trend is the fact that since 1945 spending on advertising has more than quadrupled, and consumer indebtedness has increased by more than tenfold.

Since World War II, we have experienced a second industrial revolution with breakthroughs in electrons, metallurgy, petrochemistry, plastics, and molecular physics. Such rare metals as beryllium, rhenium, titanium, vanadium, and zirconium, and such new industrial processes as vacuum technology, cryogenics, semiconductor electronics, thermoelectric power generation, and automation are receiving ever wider application in the economy. We are still in the early stages of this second industrial revolution. Industry has only begun to explore such new sciences as solid state physics, polymer chemistry, and computer mathematics. Progress in these fields promise miracles in synthesized materials, automated assembly machines and computer-oriented factories.

The trend in our developing economy is toward corporate ownership. Already in the field of production, 7 percent of all companies account for 72 percent of the sales. The same trend toward bigness is apparent in the retailing field as more variety stores and drugstores resemble junior department stores every day, national discount chains offer everything from food to furniture, and selling by catalog and phone steadily expands.

The new trend in wholesale ordering of goods and materials, from packaged foods to industrial chemicals, is to rely on computers which tell the buyer when to reorder. The transaction is handled routinely without the intervention of the salesman. Thus disencumbered from routine, the modern breed of salesman can function at a more creative level of performance.

These mutually reinforcing trends toward bigness and automation have tended to upgrade the modern salesman. By and large the average order he handles has increased markedly in size. Consequently, a sale lost can no longer be easily written off or quickly made up through another customer. The big customers today buy in quantities too large to permit it. The net effect is that industry cannot afford to employ salesmen on whom it cannot rely.

The importance of the salesman to free enterprise is clear from what industry invests to train him. It is spending more and more to fill the ranks of the Nation's estimated 1,350,000 salesmen in the manufacturing and service industries. According to a study made by the Sales Executives Club of New York, it cost an average of $7,813 to recruit, select, train, and supervise just one salesman in 1961. That figure was expected to rise to $8,289 in 1963.

The revolution in the contemporary market is essentially a transition from an individual seller confronting an individual buyer with a single product, to a large supplier confronting a large buyer and both having highly integrated business operations dealing with a whole spectrum of related products.

In the modern scheme of things, the salesman's function is not simply to meet a monthly quota pushing whatever products the company produces, but to act as an important part of the production and marketing process. In an age of breakneck scientific and technological progress, the salesman plays a major role in keeping both the industrial and the individual customer abreast of, and therefore the beneficiary of, new products based on new discoveries.

The new type of salesman or company representative, as he ever more frequently is being titled, is a purveyor of information about his products as well as of the products themselves. It often takes an engineer or a chemist to understand and describe how his own product differs subtly from the competitors' products and to anticipate what the customer really wants. The new breed of salesman not only knows his customers' needs but actually helps create those needs, often by invitation of the customer. In this way, he helps stimulate discovery through his knowledge of the market.

In many markets for highly technical and complex products the salesman functions to translate the language of the technical expert into the vernacular of the buyer. This is important because buyers often decide more on a basis of their faith in the seller than on their persuasion of the scientific soundness of the product. Today's salesman must create an environment that permits and justifies such an act of faith.

The new emphasis in selling centers on the customer's needs rather than the product to be sold. For this reason the modern company representative must be as well educated in his customer's operations as he is in those of his own company. Selling now equates with marketing, and marketing now tends to equate with communicating the individual customer's needs and problems to the salesman's factory. Thus sellers now sell and buyers seek solutions not products, and salesmanship today tends to equate less with mere persuasion and more with problem solving in the economy.

The newest trends setting the pace of salesmanship in the future are pushing specialized selling forward toward team selling and team buying. The sales function has been divided into parts, each being handled by the expert or experts in that phase. The long-range views of a sale is the hallmark of team selling. Long before these forward-looking sellers attempt to clinch a sale, they do years of "missionary work" of exposing prospective customers to new ideas and developments and allowing acceptance of the new concepts to come gradually and naturally. Highly technical customer channels receive a compelling flow of information through symposiums, seminars, lectures, and scientific papers. The new lines of communication and participation in the marketplace tend more and more to be at the higher echelons of business with a corresponding appreciation in the stature of the modern salesman.

These latest trends represent far more precise alinement of markets and production and allow far more accurate analysis of product profitability than ever before achieved. Thus will salesmanship continue to foster unprecedented efficiencies in the workings of our free enterprise system.

As we reflect on our needs today and tomorrow it is clear that we will stagnate unless we have a sales force that is alert, forward looking, and dedicated to the goals that give us the more abundant life. Let us never forget the import that salesmanship can and must have as we look to the future.

THE IMPACT OR FINANCE IN THE FREE ENTERPRISE SYSTEM

Let us begin this paper by asking what does free enterprise mean to most Americans? Is it a sort of pious phrase that is invoked when a corporation or a speculator has found a potentially very profitable situation and wants to exploit it without regard to the burdens that may result for the rest of the community? The term has been misused with that meaning; but no lasting economic system could be built on a piratical pattern. There are too many possible occupations and products, and people are too dependent on each other, for the self-regarding efforts of only a few businesses to bring into being a satisfactory life for all of the people.

A free enterprise system is one in which everyone's contribution is needed if progress is to be achieved, if expansion, development and improvement, doing more things better, are to be continuing realities. It is a system in which the employee may find and put into practical use a better way of doing his job—where the suggestion box is an accepted part of any large working place, and where the employee in the smaller organization is expected to discover ways to make his time useful to the organization. It is a system in which the employee finds incentive to seek and learn new kinds of occupations, as well as to develop greater skill in a familiar occupation. It is a system in which a man may use the capital of his own knowledge and skill, plus the money capital he owns or can persuade others to invest as lenders or owners, to provide a usable product or service to the public. It is a system in which people look for ways to be useful enough to be better paid for their efforts. Recognizing and developing opportunities is enterprise, whether it is the action of an individual, or the concerted efforts of the entire leadership of an organization.

Free enterprise requires regulation of the relationships of an enterprise with other people and other enterprises, regulation from outside the enterprise, regulation which seeks the goal of widening the scope of enterprise as well as controlling the costs which the enterprise does not bear but places on the rest of the community. Self-regulatory associations and representative governments must develop rules and authoritative referees; otherwise monopoly of opportunities will be sought and if attained will restrict or deny opportunities for enterprise and advancement to capable persons.

Enterprise brings other resources to productive life by an application of human and financial capital. The human capital is knowledge of techniques and skill in organization and in locating opportunities. The financial capital is the owners' or lenders' funds required for productive operations. It is accumulated out of earnings by the enterprise itself, and by institutions where savings are deposited by consumers and business.

The constant expansion of the number and size of enterprises is an indication that success continues to be achieved in perceiving opportunities, and that the financial system successfully provides the money that is needed to develop those opportunities.

The financial system is essentially enterprising. It is not a collection of lifeless reservoirs of dollars waiting to be tapped, nor a tradition-bound collection of capitalists who pour out their funds only to their fellows who already have accumulated financial resources and power. It is a lively, competitive system of organizations of varied size and structure, chartered by governments and often examined or regulated by them, always seeking new sources of funds and new uses for those funds.

An important share of the finances of nonfinancial corporations and businesses comes from their own earnings; such corporations also finance other businesses, by means of trade credit and investment in their bonds, mortgages, and stocks. Businesses owe to other nonfinancial business about 20 percent of their total debt, on account of trade credit and bonds and mortgages. They owe about 10 percent of their debt to consumers, for bonds and mortgages, and about 5 percent to governments for advances and prepayments on contracts. But almost two-thirds of business debt is to financial institutions—life insurance companies, commercial banks, savings and loan associations, credit unions, and others.

The vigor with which the financial system assembles savings and finds profitable employment for them is evident in innumerable financial statistics. Among the more general of these figures are the $46 billion of additional time and savings deposits accumulated in commercial banks in the 5 years, 1959–63, and the $16 billion increase in currency and demand deposits in those years; the $58 billion increase in other savings accounts, and the $44 billion increase in life insurance and pension reserves in the same 5 years; the $108 billion of new mortgage borrowing, the $49 billion of business and farm borrowing of individuals; and the increase of consumer installment borrowing from $49 billion per year to $62 billion, between 1959 and 1963. The growth in housing and installment credit reflect intense competition among financial institutions to make possible the acquisition of larger quantities and increasing variety of the products of the enterprise system.

The development of strong and competitive financial institutions enables businesses to get the financing they need, at appropriate costs. The process is not automatic; the management must exercise skill and use adequate information if financing is to contribute to profitable operations. The range of opportunities provided by financial institutions is great enough to make financing feasible, and to reward the exercise of skill in finding a source of money for the initiation, operation, and expansion of a productive enterprise. In consumer finance, too, a broader range of sources becomes constantly more accessible to a growing number of consumers. Skill and attention to details in borrowing for household uses can not only bring a higher plane of living at an earlier time than is possible without credit, but can make possible considerable savings on the cost of the credit that is used.

In both business and consumer financing, the emphasis in Federal laws and in proposed legislation is on disclosure of the information which is needed for individuals to bargain and to choose among sources of finance. This emphasis has proved to be consistent with the effective and economical financing of a strong and growing enterprise economy.

THE IMPACT AND THE PROBLEMS OF AUTOMATION IN THE FREE ENTERPRISE SYSTEM

The ability to freely make use of the advances which come from technology gives to the fifth great freedom—the freedom of movement—its time dimension. With the realization of the promise of automation, our free enterprise system may move into the world of tomorrow.

Given the ability to adopt, without needless restraint, the machines and processes which can free our society from the limitations of human toil and human weariness, we may yet set men free, at last, to pierce the last great social barriers. We are today on the threshold of a freedom, not only from want, but from scarcity. We may come out into a world where the curse of human toil, imposed in the Garden of Eden, shall drop from the descendants of Adam and Eve.

The great present struggle of our free enterprise system is also one of the earliest of its struggles. As far back as the Middle Ages the vested interests in society had opposed technological change, which they rightly felt threatened their position of monopoly. As rapidly as new methods, new ways of producing more and cheaper goods were invented, the powers of the state were used to create new monopolies and preserve old scarcities.

If we look to 17th century France, we find men broken on the wheel for introducing a process for printing on calico cloth. The reign of King Ludd in 19th century England provides the classic example of the machine wrecker. A visit to western Pennsylvania after the Civil War and we witness the struggle of the teamsters to hold back the introduction of the oil pipeline.

Yet these efforts to hold back progress, to keep men from the exercise of the right of free competition and the benefits which flow from free enterprise, failed. No power of government, no exercise of state or private restraints, can long hold, pent up, the fundamental right of freedom to think and to use the product of free thought.

Throughout the ages, the struggle to free men from the burden of toil has gone on. On the one side were the fearful who stood to lose from new machines, new methods. Sometimes the fearful are workers faced with the loss of skills and jobs. Sometimes the fearful are the machine owners forced to the wall by premature obsolescence of their capital and a competition they cannot meet. Sometimes the fearful are financiers, denying funds for investment in the new machines to protect their loans tied up in the old ones.

But this tangle of vested interests and their ally, the state, have had to yield eventually to the ceaseless pressures of progress. Tomorrow has always come, despite the men who have tried to make the earth stand still.

The use of machines, of automation, has given man the power to produce almost without limitations. The machine can even create its own supplies of raw materials—assembling them from the indestructible atoms of the universe. It now runs, sets, corrects, and repairs itself.

Let man but accept the fifth freedom and move into the future without fear and the gates of a new Garden of Eden may open where mankind may live and work, free of the burdens of toil, free of the age-old curse put upon Cain, creating a better life for all. Free enterprise's last great effort can set all men free. But first free enterprise must set itself free from the fears of mankind and restraints which society would impose upon it. Whether featherbedding by labor or the sabotage of invention by management, the barriers to freedom to movement, to change must be removed. The guarantee of free competition in the marketplace is all freemen need ask of government. The best protection of society against the dangers of automation is the removal of the artificial restraints on its use.

The darkness of unemployment, of failing job offers and obsolete skills, is the darkness in the hours which precede the dawn. The solution is not to hold back the morning, but for all to go together without fear to greet an automated tomorrow and the world of abundance it can bring.

Freedom offers us a better world, but it makes one demand upon mankind—we must be willing to live free. We cannot choose both hope and certitude. We cannot choose both freedom and slavery. We can have abundance tomorrow, but we must give up security today. If we will not, tomorrow we shall have neither abundance nor security.

This is the problem of automation in our free enterprise system—no new problem, but as old as sin. What is new is the hope of a solution, by freeing free enterprise to create abundance through automation.

A BRIGHTER FUTURE FOR SUBURBIA

The **SPEAKER.** Under previous order of the House, the gentleman from Minnesota [Mr. MACGREGOR] is recognized for 15 minutes.

Mr. **MACGREGOR.** Mr. Speaker, I offer today a meaningful start on a program to bring about a brighter future for suburbia. It has been said that the rapidly growing suburban areas of America are the "forgotten territories"—forgotten alike by the National Government and by State governments throughout the country. It is said that the problems and needs of the ever-growing number of our citizens who live in the explosively expanding suburbs are neglected. These primary needs and problems include elementary and secondary education, water supply systems, sewage treatment and disposal facilities, mass transportation, recreation and park areas, and so forth.

Most suburban residents are already heavily taxed. It is neither feasible nor desirable to increase existing State income taxes, real estate taxes, personal property taxes, or general sales taxes. In the payment of Federal income taxes, suburbanites carry a particularly heavy load. While suburbia tends to be fortunate in having high-income families and prosperous communities, many suburban areas are not similarly blessed.

A thoughtful approach to the solutions to suburbia's current situation is best realized through a careful analysis of the reasons for present attitudes in Washington, D.C., and our 50 State capitols. This should be followed by sensible and specific programs designed to solve or mitigate the problems.

After long and careful study into this situation, it seems obvious to me that part of the reason for the neglect of suburbia lies in underrepresentation in the House of Representatives in Washington and in the legislative halls of our 50 States. Congressional Quarterly's "Census Analysis" of mid-August 1964 discloses that the most populous congressional districts in America are scattered generally throughout suburbia. The least populous congressional districts are in rural America, primarily in the South. While there must necessarily be some timelag between the growth and shift of population to the areas around our major cities and the fair allocation of congressional seats to suburbia, that lag has grown so great following each decennial census as to amount to a serious denial of constitutional rights.

Many Congressmen have introduced legislation seeking to limit the permissible differences in population as between various congressional districts within each of our States. No action has been forthcoming. My bill, H.R. 11844, introduced June 30, 1964, would require that congressional districts be compact and contiguous and contain no population deviation from the norm greater than 15 percent of the average or "perfect" size. If congressional districts were exactly equal in population, each district based upon 1960 census figures would contain 410,481 people. The average district in Minnesota contains approximately 430,000 people. Current reliable estimates in the suburban district which I represent place its present population at something over 560,000 people. The imbalance should be corrected. There is no reason why the Congress should not take action before adjournment this year on legislation to guarantee America's suburbanites a fairer voice in the U.S. House of Representatives.

While underrepresentation for suburbia in Congress is a matter of serious concern, the situation in most of our State legislatures is appalling. The people in Minnesota's Third Congressional District are guaranteed equal representation with all other Minnesotans in both the State senate and the State house of representatives. That guarantee is written into the constitution of Minnesota.

Article 4, section 2, of our State constitution, dealing with apportionment of Minnesota's bicameral legislature, provides:

> The representation in both houses shall be apportioned equally throughout the different sections of the State, in proportion to the population thereof.

The one-person-one-vote rule has obtained in Minnesota for the more than 106 years of our statehood. Our constitution also provides for reapportionment after each Federal decennial census, but in recent years these provisions have been more honored in the breach than in the observance.

The people I speak for in Congress now have only one-half the representation in our State legislature to which they are constitutionally entitled. It was for this reason that I made the motion last month in this Chamber to stop the Tuck bill from passage. We lost that fight, but the battle is far from over. We must not act to prevent the courts from assisting suburbanites in gaining the equal representation which is guaranteed to them as a constitutional right.

While an equal voice in State legislatures and in Congress will help to assure fair attention to suburbia's problems, it is apparent that our overall tax structures must be changed so as to enable local governments in suburbia and State governments throughout America to find the financial means to best provide local services. To make a meaningful beginning, I introduced H.R. 12585 on September 8, 1964. This bill would reduce the existing Federal retailers' excise taxes on jewelry, furs, toilet preparations, and luggage and handbags from 10 to 5 percent during the fiscal year beginning next July 1, and would repeal them entirely in mid-1966.

The Federal Government entered this tax field in a temporary "emergency" move when America was involved in general war. Our continued wrongful usurpation of this revenue source reminds me that "there is nothing so permanent as a temporary Federal program." It is high time that we stopped denying to State and local governments this vital fund of needed revenue.

An effort to cut these taxes in half during the current fiscal year, and to eliminate them starting July 1, 1965, was made earlier by Republican Members of this House. On June 17, 1964, our efforts were defeated 207 to 185. All but one Republican voted for the cut, and 206 Democrats voted no.

Continuing its efforts in this regard, the Republican Party in July wrote into its 1964 platform a pledge to remove:

> Those wartime Federal excise taxes, favored by the Democratic administration, on pens, pencils, jewelry, cosmetics, luggage, handbags, wallets, and toiletries.

It was with great satisfaction that many of us observed the Democrats came around to a similar view last month. In its 1964 platform, adopted in Atlantic City the end of August, the Democratic Party stated:

> The demands on the already inadequate sources of State and local revenues place a serious limitation on education.
>
> We will seek further tax reduction—and in the process we need to remove inequities in our present tax laws. In particular we should carefully review all our excise taxes and eliminate those that are obsolete. Consideration should be given to the development of fiscal policies which would provide revenue sources to hard-pressed State and local governments to assist them with their responsibilities.

Mr. Speaker, I offer my colleagues a chance to make good on the foregoing campaign promises. There is ample time to pass my bill this month before Congress adjourns for the year.

One of the best revenue sources for hard-pressed State and local suburban governments could thus be provided to them by phasing the Federal Government out of the retailers excise tax field. Where needed, governments closer to the people could gain new revenue without added tax expense to our citizens. Within 2 years this new source of revenue could provide over $500 million annually for better education, water and sewers, transportation, parks and playgrounds and other matters essentially of local concern. All of us will agree that in these areas the maximum public benefit is assured by putting local tax dollars to work locally.

Mr. Speaker, I have offered a two point program for suburbia, and indeed for all America:

First, full implementation of the suburbanites' constitutional rights to equal representation; and

Second, a shifting of one revenue source from the Federal level to State and local governments as a start in giving the latter additional means to better do the job of providing community services.

While this program is applicable generally, let me refer to the situation as it affects the people I represent. My congressional district contains all of 5 State senate and 10 State house districts. The most populous of the senate districts now has five times as many people as the least populous elsewhere in Minnesota. With the State house of representatives the situation is even worse. Here the imbalance is almost 8 to 1. This is a far cry from the "equal apportionment" guaranteed by Minnesota's constitution to the citizens of Anoka and Hennepin Counties.

Let us give to suburbia the strength in representation it should have in State government. I know of no better way to stop the senseless and costly flood of demands crying that only Washington, D.C., can solve purely local problems.

Let us give to local government the financial means to do the job. Let us still the voice of the demagog who calls in the same breath for lower Federal taxes and more Federal aid. Let us be honest and candid enough to emphasize that we cannot give to people in aid without taking from them in taxes, or by deficit financing add cruelly to the tax burden of the next generation.

The people I represent now pay more than $3 in Federal income taxes to support those programs from which we receive each dollar in Federal aid. This fact is demonstrated time and again in figures supplied to me this month by the Census Bureau, the Bureau of Internal Revenue, and the various agencies which disburse taxpayers' funds. As the most prosperous district in the Upper Midwest it is only right and proper that we willingly assist those who are less fortunate. But both parties have now agreed in their platforms that enough is enough.

Let us begin, constructively and selectively, to shift tax sources from National to State and local government so as to make it possible for local tax dollars to go to work locally to solve community problems. My constituents can then get close to a dollar's worth in Government benefits for each tax dollar collected, rather than having to continue paying the bill in triplicate to Washington.

Mr. Speaker, to gain support for the foregoing measures and to stimulate further action in the interests of suburban America, I have taken steps to informally assemble most of the Congressmen who represent the rapidly expanding population surrounding our major cities. It is our hope and desire to present additional proposals in the months and years ahead which will truly guarantee a brighter future for suburbia.

RADIO BROADCASTING—A CASE STUDY OF GOVERNMENTAL REGULATION

Mr. LANGEN. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, last week's decision by the major broadcasting networks which denied the American Medical Association the right to broadcast spot commercials against medicare raises important and deepseated questions. This is a good example of how Government regulation carried to the extreme can frustrate the workings of democracy. The denial of freedom of expression on an important and controversial subject to a major professional organization is a serious reflection on the integrity of representative government.

One of the reasons why the networks refused to take the AMA commercials is that they were concerned because they might then have to have given equal time for free for rebuttal of the AMA message which was paid for by that association.

This is the type of situation which I attempted to alleviate when I introduced H.R. 12492 last month. Because my bill is short and largely self-explanatory, I include it at this point in the Record:

> A bill to amend the Communications Act of 1934 to establish a statutory policy governing the broadcasting of views on controversial issues
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That part I of title III of the Communications Act of 1934 is amended by inserting immediately after section 315 thereof the following new section:
>
> "CONTROVERSIAL ISSUES
>
> "Sec. 315A. If a licensee permits the use of his station for the broadcasting of any views regarding any controversial issue, for which use any charges are made by such licensee, he shall not be required to afford the use of such station for the presentation of contrasting views with respect to such issue without making comparable charges for such use."

Simply stated, my bill provides that it is not necessary that a radio station make available free time to give the other side of an issue that has been presented in a paid for broadcast. This is but one phase of a larger problem that has come about as a result of the Federal Government's attempt to dictate editorial decisions by American broadcasters. In Broadcasting, the business weekly of television and radio, for the week of September 14 there is an interesting editorial that comments on this problem. Because of its general interest, I include it at this point in the Record:

> Sections 315 and 315½
>
> Two events of the past couple of weeks have added to the growing inventory of idiocies occasioned by the Federal Government's insistence on dictating the editorial decisions of the American broadcasting system.
>
> The first was a ruling by the FCC that a 5-minute program featuring President John-

son in an appeal for support of the United Fund and Community Chest campaigns would, if broadcast as a special program, expose stations to demands for equal time by all other candidates for the Presidency.

The second was a rejection by the three television networks of a series of 1-minute commercials sponsored by the American Medical Association in support of its opposition to the Johnson administration's medical care plan.

The FCC's ruling on the President's United Fund appeal was in accord with its history of interpretation of the political broadcasting law. Section 315 of the Communications Act requires that if a broadcaster allows any candidate to appear on any program except some kinds of newscasts, he must provide equal time for all other candidates for the same office.

In its ruling on the United Fund program the FCC did not quite go on record as saying that the show would fall outside the category of programs that are exempt from section 315, but it hinted that broadcasters would carry it at their own risk. That risk would be considerable since the FCC has consistently narrowed its definition of what constitutes exempt programing ever since the exemptions were adopted in an amendment to section 315 that the Congress passed in 1959.

The television networks' rejection last week of the American Medical Association's spot campaign may also be traced to section 315, although none of the networks said so publicly. When the 1959 amendment was passed, the Congress inserted in it a phase that has caused at least as much mischief in its brief life as any other language in the 30-year-old Communications Act, except, perhaps, that all-purpose refuge for government regulators: "the public interest, convenience, and necessity." The phrase states that broadcasters have an "obligation * * * to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

That phrase stamped a congressional cachet on what up to then had been a somewhat tenuous "fairness doctrine" under which the FCC had from time to time inhibited broadcasters from freely stating editorial opinion. Once the fairness doctrine was written into the law the FCC began applying it indiscriminately to all kinds of broadcasts involving any kind of controversy.

If the networks were to begin broadcasting AMA spots that were antagonistic to the medicare plan, they could expect at once to be presented with demands for equal time from supporters of the plan—including the administration which has the power to appoint a majority of FCC Commissioners. And the fact that the AMA had paid commercial advertising rates would provide little shelter for the networks against requests for free time from the other side. A year ago the FCC ruled, in a case involving two Alabama radio stations, that if a broadcaster presents one side of a two-sided question in a program paid for by someone else, he must present the other side at his own expense if he cannot find a sponsor to pay for it.

Section 315, which originally applied only to political candidates, and its fairness doctrine provision, which has created a sort of section 315½ that is applicable to issues, will continue to inhibit the journalistic function of radio and television as long as the section remains on the books. The total repeal of the section must become the broadcasters' priority business before the next Congress.

In addition, because of the importance of this general subject, I include a report concerning this same subject from the New York Times "News of the Week in Review" section for Sunday, September 13, 1964.

DOCTORS AND TV

The Federal Communications Commission has regulations governing the programing and advertising practices of the television-radio industry. One of these rules is that broadcasters must give a balanced presentation of any controversial issue.

Last week this rule led to a furor over a controversial issue that probably will be debated prominently during the presidential campaign. The issue is medical aid for the aged financed through social security. The three networks—American Broadcasting Co., Columbia Broadcasting System, and National Broadcasting Co.—announced on Wednesday that they would not carry a series of 1-minute spot commercials as part of the American Medical Association's campaign against the medicare program.

The commercials would show, say, a passenger in a taxi asking the driver why he should pay extra taxes for a Federal medicare program when health care already is available from the States.

The networks told the AMA it was against their policies to sell a minute at a time for controversial issues. The networks took the position that no important question can be rationally explained and fairly developed in 60 seconds. Moreover they might be required to give equal time free to a rebuttal of the AMA message. The regulations do not apply to paid commercials for political candidates.

After the networks' rejection, the AMA reported that many local TV and radio stations offered to sell time for the spot commercials. One reason for the difference in policy is economic. If the FCC required a local station to balance an AMA commercial with an opposing statement, the cost to the station would be small. But for a network to do the same, the expense would run into thousands of dollars for each spot.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. MACGREGOR (at the request of Mr. LANGEN), for 15 minutes, today, September 17.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. PIKE and to include extraneous matter.

(The following Members (at the request of Mr. LANGEN) and to include extraneous matter:)

Mr. JENSEN.

Mr. FOREMAN.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. ADDABBO.

Mr. PATMAN.

Mr. STAEBLER.

ADJOURNMENT

Mr. RANDALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Monday, September 21, 1964, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. S. 1082. An act to establish in the Treasury a correctional industries fund for the government of the District of Columbia, and for other purposes without amendment (Rept. No. 1889). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Joint Committee on Atomic Energy. Report on the proposed agreement for cooperation regarding the exchange of atomic information between the Government of the United States of America and the North Atlantic Treaty Organization and its member nations; without amendment (Rept. No. 1890). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 12633. A bill making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes; without amendment (Rept. No. 1891). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 884. Resolution for consideration of H.R. 8546, a bill to amend title VII of the Public Health Service Act so as to extend to qualified schools of optometry and students of optometry those provisions thereof relating to student loan programs; without amendment (Rept. No. 1892). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 848. Resolution providing for consideration of House Joint Resolution 1101, a joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; with amendment (Rept. No. 1893). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 883. Resolution taking H.R. 5932 from the Speaker's table and agreeing to Senate amendments; without amendment (Rept. No. 1894). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYMAN:

H.R. 12624. A bill to amend the Internal Revenue Code to provide an addition to the reserve for bad debts; to the Committee on Ways and Means.

By Mr. MAHON:

H.R. 12633. A bill making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 12625. A bill for the relief of Joseph Durante; to the Committee on the Judiciary.

By Mr. HAGAN of Georgia:

H.R. 12626. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Leonidas B. Mallard; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 12627. A bill for the relief of Mr. and Mrs. Tomouemon Kato; to the Committee on the Judiciary.

H.R. 12628. A bill for the relief of Naoichi Yawata and the estate of his wife, Tama Yawata; to the Committee on the Judiciary.

By Mr. MILLER of New York:

H.R. 12629. A bill for the relief of Enrico DeMonte; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 12630. A bill for the relief of Leonarda Pirello; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 12631. A bill for the relief of Henry and Roxane Mansoor; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 12632. A bill for the relief of Eliahu Haymovitz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

1035. The SPEAKER presented a petition of the board of trustees, village of Tarrytown, N.Y., petitioning consideration of their resolution with reference to repealing legislation which authorized the National Trust for Historic Preservation to establish a museum honoring Jay Gould, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Fed Denies Tight Money

EXTENSION OF REMARKS

OF

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1964

Mr. PATMAN. Mr. Speaker, yesterday's newspapers reported that the Federal Reserve Board has publicly taken the position that it is maintaining a policy of monetary "ease." Both the Wall Street Journal and the New York Times reported a speech by Mr. C. Canby Balderston, vice chairman of the Federal Reserve Board, in which he indicates that general inflationary pressures are absent from the domestic scene. It appears from Mr. Balderston's remarks that the Federal Reserve Board concurs with the administration in concluding that business growth will continue on an orderly basis and that there is no evidence of general inflationary movement in the economy.

Mr. Speaker, no one could be more pleased than I to hear this pronouncement from the Fed. On Monday of this week, I found it necessary to call attention publicly to the fact that the free reserves in the Nation's banking system had dropped to a minimal figure. In itself, this reflects a tightness of credit and I felt it my duty to express the hope that the reserve situation, which the Fed had allowed to develop, did not foreshadow a resumption of tight money policy which proved so disastrous in the 1950's. Moreover, interest rates are inching up, which is another sign of tightening money.

Both the Washington Star and the New York Times of September 14, among other newspapers, reported my warnings that the big banks and the Federal Reserve Open Market Committee are always looking for an excuse to tighten money and raise interest rates, and that tighter money at this juncture could cause a manmade recession. The Star article also indicated that some monetary experts believe, from available evidence, that the Federal Reserve may already have tightened money a little bit during the past few weeks.

Among these somewhat divergent signs, let us hope that Mr. Balderston's assurances about continuation of a policy of "ease" receives attention in the banking community and among his colleagues on the Open Market Committee. As I have said many times, we are at the mercy of a central bank which suffers from a proneness toward tightness in monetary policy. Right now, when we have enjoyed a continuing prosperity for 44 months, it would be a tragic mistake to let tight money and high interest rates choke off expansion of the economy.

Politics and People or Welcome Senator Strom Thurmond

EXTENSION OF REMARKS

OF

HON. ED FOREMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1964

Mr. FOREMAN. Mr. Speaker, last evening, the distinguished Senator from South Carolina, Mr. STROM THURMOND, announced his decision to change his political party affiliation from Democrat to Republican. I have always believed that adherence to principle and basic American philosophy is more important than partisan loyalty, but I also recognize the need to work within the framework of one of the two major political parties.

Most folks, I believe, are not so much partisan Democrats or Republicans, as they are concerned, responsible, independent-thinking American citizens who are deeply concerned about their country and their children's future. But, today, we find the Republican Party is growing by leaps and bounds across the country, not so much because folks are leaving the Democrat Party, but because the Democrat Party has deserted them and the sound, responsible principles for which it once stood. The power-seeking, big Government, welfare staters have shocked the American people into an abrupt political awakening, and they are turning to, and working for, the Republican Party in an almost desperate effort to try to preserve their freedom, free enterprise, and individual dignity and responsibility.

If Americans do not arise to this challenge confronting us, our Nation can go down. But if we ever do, it will not be because the world developed the hydrogen bomb, it would be because we have developed a philosophy that says the individual is no longer economically responsible for his own welfare, or morally responsible for his own conduct.

We need more men in America, and in Government today, Republicans and Democrats, alike, who have the courage of their convictions. We need men who are willing, able, and unashamed, to stand up for principles, regardless of political popularity. We need stouthearted men who are not for sale, honest men who can tell the truth and look the world straight in the eye, men who are not too lazy to work, not too proud to be poor, men who are willing to earn their living, and wear what they have paid for.

America, and the world, needs more men and women, of every race, color, religion, and creed, who will say "No" to socialism and Communist aggression, and who will say "Yes" to individual initiative, fiscal responsibility, and freedom. We need more men like BARRY GOLDWATER, BILL MILLER, and STROM THURMOND.

I want to see the Republican team win this year, not so much because I want a partisan victory, but because I want an American victory for a change. I want to restore to America pride at home and respect abroad. I want to preserve a Nation that is proud and positive, not apologetic and appeasing.

We welcome Senator STROM THURMOND as a member of the Republican team. We respect him for his uncompromising principles, for his political honesty, and for his personal courage and integrity. Senator THURMOND's forthright statement in announcing this decision is worthy of review by the Members of Congress, and under unanimous consent I include his statement at this point in the RECORD.

TELEVISION ADDRESS OF SENATOR STROM THURMOND TO THE PEOPLE OF SOUTH CAROLINA ON THE 1964 PRESIDENTIAL RACE, SEPTEMBER 16, 1964

My fellow South Carolinians, it has been wisely said that "for evil to triumph, it is only necessary that good men do nothing." Particularly is this true in time of crisis. Seldom before in the history of our Nation have we faced so great a crisis.

The people of South Carolina have placed me in a position of trust in the National Government. From this position, I have observed at close hand the conduct and factors which have brought about this crisis. I would, therefore, be most derelict in my duty were I at this time to remain silent.

I have no choice but to speak openly, frankly, and fully to the people of South Carolina on the crisis that confronts us.

The Democratic Party has abandoned the people. It has turned its back on the spiritual values and political principles which have brought us the blessings of freedom under God and a bountiful prosperity. It has breached the trust reposed in it by the people. It has repudiated the Constitution of the United States. It is leading the evolution of our Nation to a socialistic dictatorship.

The Democratic Party has forsaken the people to become the party of minority groups, power-hungry union leaders, political bosses, and big businessmen looking for Government contracts and favors.

The Democratic Party has used the Government as a propaganda machine to distort the truth and deceive the public to the extent that a sub-Cabinet official can publicly defend the administration's "right to lie" and remain in office, unrebuked.

The Democratic Party has invaded the private lives of people by using the powers of Government for coercion and intimidation of individuals.

The Democratic Party has rammed through Congress unconstitutional, impractical, unworkable, and oppressive legislation which invades inalienable personal and property rights of the individual.

The Democratic Party has encouraged lawlessness, civil unrest, and mob actions.

The Democratic Party has violated its trust by using the power of government to suppress information on scandals and corruption of its leaders in government and party offices.

The Democratic Party has succored and assisted our Communist enemies through trade and aid at the expense of the American people.

The Democratic Party has established and pursued for our Government a no-win foreign policy of weakness, indecision, accommodation, and appeasement.

The Democratic Party, as custodian of government, faltered at the Bay of Pigs and in the Cuban crisis of 1962—at the very moment when victory was at hand—and thereby forfeited Cuba to Soviet domination, subjected our Nation to the peril of an armed enemy camp 90 miles from our shores, and opened the doors of the hemisphere to Communist subversion.

The Democratic Party, as custodian of government, has sent our youth into combat in Vietnam, refusing to call it war, and demanding of our youth the risk of their lives without providing either adequate equipment or a goal of victory.

The Democratic Party now worships at the throne of power and materialism.

The Democratic Party has demonstrated a callous disregard for sound fiscal policies and practices.

The Democratic Party, while hiding behind the deceitful gimmick of a darkened White House, has increased deficit spending and squandered, at home and abroad, billions of hard-earned dollars taken from the American people.

The Democratic Party has utterly disregarded the disastrous effects of the resulting inflation on people with fixed incomes, such as retirees, pensioners, social security beneficiaries, and those who have their savings invested in insurance.

The Democratic Party, as custodian of government, has adopted the practice of taking your money by taxation and then using that money to attempt to buy your votes.

The Democratic Party is attempting with alarming success to change the Congress from an independent body representing the people to an amen chorus for Presidential proposals.

The Democratic Party has endangered the security of the Nation by negative decisions on military preparedness, preoccupation with bilateral and unilateral steps toward disarmament, and by use of the military services domestically as instruments of social reform.

The Democratic Party has attempted to degrade and downgrade our men in uniform in order to discredit their warnings of the grave dangers to our security from the administration's weak and senseless defense policies.

The Democratic Party has nominated for Vice President a key leader of the Americans for Democratic Action, the most influential Socialist group in our Nation.

The Democratic Party has encouraged, supported, and protected the Supreme Court in a reign of judicial tyranny, and in the Court's effort to wipe out local self-government, effective law enforcement, internal security, the rights of the people and the States, and even the structure of the State governments.

The Democratic Party is converting our Constitutional Federated Republic into the same type of disciplined and submissive servant of an elite power group as it has made of the Democratic Party itself, as all who watched the Democratic Convention on television can bear witness.

The top leaders of the South Carolina Democratic Party have chosen to abandon the traditional independence of the State party, and to lead the people of South Carolina down the road to serfdom mapped by the National Democratic Party. The party of our fathers is dead. Those who took its name are engaged in another reconstruction, this time not only of the South, but of the entire Nation.

If the American people permit the Democratic Party to return to power, freedom as we have known it in this country, is doomed, and individuals will be destined to lives of regulation, control, coercion, intimidation, and subservience to a power elite who shall rule from Washington.

Fortunately, for those of us who cherish the traditional freedom entrusted to us by our forefathers, there is another choice this year. Although the party of our fathers is dead, the principles of our forefathers live now in the cause of a presidential nominee. The man who has gained the Republican nomination for President against all the odds and opinion polls, and who now has control of the Republican Party, is one who believes in and abides by our Constitution. He has demonstrated his fidelity to freedom, independence, and the Constitution by his actions and his votes in the U.S. Senate. I personally know him to be able and responsible. He is an honest man of courage and conviction, who trusts the American people to hold the reins of government and rule themselves.

I cannot foretell what success will reward Senator BARRY GOLDWATER's efforts to return the National Government to its constitutional role and our Nation to its rightful place of strength and respect in the world. Nor can I predict with certainty how long those ideas and ideals of Senator GOLDWATER which I share will prevail in the councils of the Republican Party which he now heads. I do know that we have a fighting chance under BARRY GOLDWATER's leadership and that we are welcomed to his banner.

I know also that the course for the Democratic Party has been set toward socialism and arbitrary rule. I know further that the Democratic Party's line of succession is Hubert Humphrey and Robert Kennedy, with Walter Reuther and Joseph Rauh pulling strings behind the scenes.

I have worked within the framework of the Democratic Party, because experience proves it necessary to work within the framework of one of the two national parties to be effective. I have, nevertheless, maintained independence of judgment on issues and have conscientiously tried to represent the people of South Carolina, seeking to protect their rights and freedom. I shall always maintain my independent judgment and action and put the people of South Carolina first. To do this in the future I must work within the framework of the Goldwater Republican Party.

For me, there is no alternative. The future of freedom and constitutional government is at stake, and this requires that I do everything in my power to help BARRY GOLDWATER return our Nation to constitutional government through his election to the Presidency. This also requires that I join him in his fight, successful as of now, to make the Republican Party a party which supports freedom, justice, and constitutional government.

It will be a long and hard struggle, with many battles to be fought. At this time, one objective takes precedence over all others—electing BARRY GOLDWATER President. As we give the presidential race our undivided effort, I hope all our people, and particularly our young people whose future hangs in the balance, will join this cause with enthusiasm.

To my friends who have conscientiously advised me against this step, because of a sincere belief that I could best serve the country by following a course designed to keep myself in office, I can only say that I fully realize the political risk involved in this step and that my chances for reelection might, because of this step, go down into oblivion. But in the final analysis, I can only follow the course which, in my heart and conscience, I believe to be in the best interest of our State, our country, and the freedom of our people.

I have chosen this course because I cannot consider any risks in a cause which I am convinced is right.

Look, Mr. Freeman, Livestock Prices Drop When Democrats Are in Control of Congress

EXTENSION OF REMARKS

OF

HON. BEN F. JENSEN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1964

Mr. JENSEN. Mr. Speaker, last week, Secretary of Agriculture, Orville Freeman, left his post of duty in Washington, D.C., and invaded Iowa, making political speeches, and otherwise, at which time he insulted the intelligence of the people of Iowa, especially the Iowa farmers. Mr. Freeman boasted about his farm program now in effect at a time when our farmer's dollar is worth only 75 cents in purchasing power, the lowest since 1939.

Sure, a majority of Iowa farmers signed up, as no doubt most of them needed the money to bolster up their 75-cent dollar, as has been the case most of the time during Mr. Freeman's reign in office, as well as some years before that time, and no doubt will continue so long as partisan politicians dictate our farm programs.

Mr. Speaker, our farmers are hoping for the day when we will have a Secretary of Agriculture who has recently plowed, planted, cultivated, reaped, and marketed food, feed, and fiber, and one who has fed livestock for milk and meat for market. Many farmers know and tell us it has been far too long since we have had such a Secretary of Agriculture.

It is noteworthy that in none of Mr. Freeman's Iowa speeches did he tell the people about his hard fight to keep Congress from passing a meat import reduction bill, nor did he tell anyone out loud that during his reign in office, he had added over 9,000 employees to his payroll, costing the taxpayers over $60 million, while the cattlemen were losing their shirts and farm income was on the toboggan.

We see no newspaper account of Mr. Freeman telling the Iowa people that according to the official, nonpartisan, Reference Service of the Library of Congress, the actual value of all the farms and all the buildings on all the farms in the entire United States is $143 billion, while our U.S. Federal debt today stands at just a little less than $317 billion, and mounting by leaps and bounds every hour of the day and night. Think of it, and then ask yourself how much longer can we expect our American dollar to be worth even half of what it is today, and just what the harvest will be at the end of this reckless, spending, Democratic joyride.

Did Mr. Freeman tell the people that they now work almost 4 months of each year, just to pay seen and unseen taxes? I am sure he did not. But one thing he did do, according to the newspapers, was to try his level best to scare the Iowa farmers by predicting that if the Republicans get in power in Congress, corn would go down to 80 cents per bushel, hogs to 12 cents, and cattle to 15 cents per hundredweight. Well, now, Mr. Freeman, please take a good, long, look at the following record, after which you should hasten to apologize to the people of Iowa who you so desperately tried to scare with a lot of loose talk.

Here are the facts and figures, straight from the pages of the Omaha livestock market, for all to read:

LIVESTOCK PRICES DROP WHEN DEMOCRATS ARE IN CONTROL OF CONGRESS

Prices on most every farm product were driven down when the Democrats arbitrarily rolled back cattle prices 10 percent in 1951. Remember? Farm prices have not recovered since that time, including prices on all livestock, except when Republicans have been in control of Congress.

Here, for example, are the hog prices at the Omaha livestock market from the year 1940 to date, September 17, 1964:

Year 1940: Low, $5.25; high, $7.30; Democrat-controlled Congress, peace.

Years 1941–47: High, $27.50; Democrat-controlled Congress, war.

Years 1947–48: High, $32.25; Republican-controlled Congress, peace.

Years 1949–52 (cattle rollback): High, $26.50; Democrat-controlled Congress, war.

Years 1953–54: High, $28.65; Republican-controlled Congress, peace.

Years 1955–58: High, $25.25; Democrat-controlled Congress, peace.

Years 1959–62: High, $20.35; Democrat-controlled Congress, peace.

Years 1962–64: High, $18.25; Democrat-controlled Congress, shaky peace.

Our farmer's dollar, nationwide, is worth only 75 cents in purchasing power today, the lowest since 1939. Hence, who dares to boast about the farm programs that have operated since the year 1935?

Look—the Democrats control the Agriculture Committees of Congress. Senate Agriculture Committee—Democrat chairman from a Southern State, 11 Democrats, 8 from Southern States, and 6 Republicans on the committee, 5 from Midwest and Northern States. House Agriculture Committee—Democrat chairman from a Southern State, 20 Democrats on the committee, 12 from Southern States, all 14 Republicans on the committee from Midwestern and Northern States.

Farm products of the Southern States: mostly cotton, tobacco, rice and peanuts—prices not too good. Farm products of the Midwestern and Northern States: mostly corn, wheat, livestock, poultry and eggs—prices are bad.

Congressmen and Senators naturally look after their own people best. Records prove that when our farmers' dollar is worth 100 cents in purchasing power, they buy more than twice as many dollars' worth of manufactured goods than do the rest of us on an average, which means more dollars in the pockets of our wage earners, and higher employment.

Our farmers, merchants, and wage earners, north, south, east and west, need and deserve a Republican Congress.

Two wars, less than 6 years apart, high taxes, low farm prices, and high cost of all manufactured goods our farmers must buy, have them in a bad cost-price squeeze.

Farmers got fair prices during the wars, but neither they, their wives, nor their sons and daughters, want any more of that kind of business or profits, and neither does any other patriotic American worthy of that title.

Also remember, the Democratic Party was in complete control of the House of Representatives when farm prices went to pot in 1931–32.

These are the records, Mr. Speaker. Let us keep them straight.

The Anniversary of the Birth of Gen. Friedrich von Steuben

EXTENSION OF REMARKS

OF

HON. NEIL STAEBLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1964

Mr. STAEBLER. Mr. Speaker, Thursday, September 17, 1964, is the 234th anniversary of the birth of Gen. Friedrich von Steuben, the Revolutionary War hero and trusted adviser of George Washington.

In remembering his birth we respect not only the genius of Von Steuben's military contributions to our Revolutionary War, we also respect the immeasurable contribution which Americans of German ancestry have made and are making to our cherished ideals of freedom.

One out of every five immigrants from 1820 to 1961 came from Germany. They and their descendants have occupied positions of responsibility and leadership in every phase of American life, including the highest office in the land, and have vastly enriched the lives of each of us.

Regrettably, however, the freedom of American life, to which those of German descent have contributed so much, is not shared by some in other lands. Divided Germany itself stands as the symbol of the division of the world into those who are free and those who seek freedom.

From Von Steuben's day until this, the history of mankind demonstrates that freedom is indivisible. Von Steuben came to the United States to serve freedom. Today Americans are in West Germany and in Berlin for that selfsame reason, nowhere better phrased than by President Kennedy when he said, "Ich bin ein Berliner."

Friedrich von Steuben arrived in the United States in 1777, bearing letters of introduction from Benjamin Franklin and Silas Deane. He had served with distinction in the Prussian Army and had been an aide-de-camp to Frederick the Great. He now offered his services to the Continental Congress.

The Congress, impressed by his ability, accepted his offer and dispatched him to Valley Forge where he gave military drill instruction to Washington's troops.

So immediate was his success that in April 1778, Washington promoted him to inspector general with the rank of major general.

So immediately useful was his training, that for the remainder of the war the Continental Army was, unit for unit, equal in discipline and skill to the best British Regulars.

Under trying field and language difficulties, Steuben wrote a manual for the Continental Army, which then had none. His "Regulations for the Order and Discipline of the Troops of the United States" became the Army's military bible and was its official drill manual until 1812.

In 1789 Steuben preceded Lafayette as military commander in Virginia, and at Yorktown he commanded one of the three divisions which laid siege to that city, successfully putting to use many of the tactical skills he had learned in Europe.

After the surrender of Cornwallis, Steuben continued his duties as inspector general of the Army and trusted adviser to Washington. He assisted in planning for the demobilization of the Army and in outlining strategy for the future defense of the United States.

When Washington returned to private life in 1783 he deliberately made his last official act a commendation to Steuben. Washington wrote to Steuben:

> I wish to make use of this last moment of my public life to signify, in the strongest terms, my entire approbation of your conduct, and to express my sense of the obligations the public is under to you, for your faithful and meritorious services.

Steuben was discharged from the Army in 1784, and moved to New York where he died 10 years later. In recognition of his services, the State of New York granted him 16,000 acres of then wild land near Utica, and the Congress granted him a pension of $2,500 annually.

Steuben today is remembered for his influence in transforming the Continental Army into an effective and disciplined military force. But he is also remembered as a symbol of the many persons from many lands who founded this great land and who have contributed and are contributing to the strengthening of its ideals. We in Michigan in particular have cause to be grateful for this German migration and it gives me great pleasure to salute today a man who provided such a great example of the contributions those of German descent have made to American life.

Von Steuben Day

EXTENSION OF REMARKS

OF

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1964

Mr. ADDABBO. Mr. Speaker, today, by Presidential proclamation, is Von Steuben Day in the United States. Today is the 234th anniversary of the birth of Friedrich Wilhelm von Steuben, a German by birth but an American by choice.

Von Steuben arrived in the United States in 1777 and became a real force in our fight for independence. He was the trusted adviser to Gen. George Washington and was our first inspector general.

It was my pleasure on October 18, 1963, to attend the ceremonies at Newport News, Va., when the Polaris submarine *Von Steuben* was christened. It will be my pleasure to attend and speak at the ceremonies in Newport News on September 30, 1964, when this vessel will be commissioned. The naming of this submarine, a vital link in the defense of our Nation, for Von Steuben is a fitting tribute to the great contributions he made to our becoming a free and independent country.

On September 26, 1964, along New York City's Fifth Avenue, the Seventh Annual Steuben Day Parade will be held. This is a colorful and impressive parade and I invite my colleagues and their constituents who might be in the New York area on that date to come join us on this occasion.

Congressman Otis G. Pike Reports to His Constituents on 2d Session, 88th Congress

EXTENSION OF REMARKS

OF

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1964

Mr. PIKE. Mr. Speaker, 4 years ago, in my first annual report to my constituents, I described the 1st session of the 87th Congress as hard working and productive. Three years ago I was obliged to describe the 2d session of that Congress as follows:

> I could not, with a straight face, tell my constituents that this was the greatest session of Congress in the history of our Nation, nor label it great at all.

Last year it was again necessary to say to my constituents, "Despite the many long months of the session, Congress goes home with the bulk of its legislative business unfaced and undone."

This year, happily, we can say to the approximately 550,000 residents of the First Congressional District of the State of New York that this has been an outstanding session of Congress. It has passed some major legislation of great importance to the Nation; it has passed some other legislation which might not be considered of major importance to the Nation but is of major importance to the district which I have the honor to represent. It has been a real joy to work in such a Congress. The only thing which detracts from that joy is that we seem to have lost the magic formula for wrapping up the loose ends and going home.

The 1962 session of Congress was the longest peacetime session since 1949, and it lasted from January 10 to October 13.

The 1963 session of Congress made that one look like a holiday. It started on January 9 and ran all year, ending on December 30. This year's session started on January 7 and is still running, but not very hard. It is due to adjourn sometime next month, but this annual report is being made right now so no one can say that it was sent out just before election with some ulterior motive in mind.

When the 1st session of the 88th Congress adjourned last December 30, the popular image of Congress was that of a bumbling, ineffectual, weak branch of Government, unable to complete constructive legislation on any major front. There was substantial evidence to support this view.

This year's session has been a very different matter. When we met in January the tax reduction bill had passed the House, but was bottled up in the Senate.

In February it became the law of the land.

In January the civil rights bill had not been considered by either House of Congress, but by February it had passed the House and after a lengthy filibuster it passed the Senate in June and was signed by the President on July 2.

The mass transit program had passed the Senate in January but was bogged down in the House. It finally cleared the committee hurdle in the House in April, passed the House in June, and became law in July.

A new major wheat and cotton subsidy bill had passed the House last December, but was bogged down in the Senate.

The Senate passed a greatly amended version in March; in April the House accepted the Senate version; and it became the law of the land.

So it went throughout the year. Congress cranked out major legislation at a good pace. Bills which had been bottled up in committees, or blocked by procedural technicalities, found themselves unbottled and unblocked. Bills which were believed to be dead were found to have new life, and many of them became law. I do not mean to indicate in any manner that I supported everything which came before Congress. Of the four bills already mentioned, for example, I did support the tax cut bill, civil rights bill, and mass transit bill, but was strongly opposed to the wheat and cotton subsidy bill. What was good to see was the legislative machinery cranking, instead of just creaking, bills actually being heard in committees and either approved or disapproved, being brought to the floor, and voted either up or down, instead of simply dying by the wayside for lack of attention. This is the way the system is supposed to work, and this was a year in which it worked very well.

One field in which this Congress accomplished a great deal is in the field of conservation of our Nation's natural resources. Two bills of major importance to the Nation became law, and one bill of major importance to Suffolk County became law. One of the bills of national significance was the wilderness bill, under which 9,100,000 acres of federally owned property were added to the wilderness system of our national parks, to be preserved as undeveloped and unspoiled areas for future generations of campers and nature lovers to enjoy. The other bill was one which will provide funds for the acquisition of both Federal and State parks and recreation land. Under this bill money will be raised from three sources: sale of surplus real estate, the existing Federal tax on motorboat fuel, and admission and user fees charged at Federal recreation areas.

The fund realized from these sources will be used 60 percent by the States—which must match the Federal contribution—to acquire State recreational areas, and 40 percent by the Federal Government to acquire Federal recreational areas. One of the Federal parks which should benefit from this legislation is our own Fire Island National Seashore, which I will discuss at greater length later.

In the field of education, as well as recreation, this session of Congress has done a good job. The National Defense Education Act extension, together with an extension of aid to impacted areas—where there are large amounts of tax-exempt Federal lands or large numbers of Federal employees—has passed both Houses of Congress and should become law before adjournment. Because of the large numbers of Federal employees at our military bases and defense plants, this act is of particular importance to Suffolk County, and many of the district's school boards had contacted our office on behalf of this legislation.

Several programs for the care of our less fortunate citizens were enacted into law during this session of Congress. The most far-reaching and controversial was the so-called poverty bill, under which programs to train school dropouts and unemployed youth for useful work will be undertaken on a broad front. Also under this category of aid to the needy were a new food stamp program designed to encourage greater use of our farm surpluses for welfare recipients, which has become law, and somewhat increased benefits for the recipients of social security, which passed both Houses of Congress but is currently in trouble because the Senate added a hospital insurance amendment to the House bill, thereby unleashing all of the passions and prejudices attached to the word "medicare."

Congress this year extended the housing program under which the Federal Housing Administration has granted FHA loans for homebuilders across the Nation. Again, in an area like Suffolk County, which is growing as fast as any area in the Nation, this is of vital concern to our economy.

It has been a good session, but it has also had its problems. The great Senate filibuster by the conservatives on the civil rights bill has now been followed by another, and I hope, shorter, Senate filibuster by the liberals on the subject of reapportionment of State legislatures. We have had our problems in Suffolk County, too. Chief among them has been the impact on our economy of the layoffs at Republic Aviation caused by the end of production of the F-105 fighter-bomber, their only large construction project. Although since the congressional reapportionment of 1961, the Republic plant in Farmingdale is no longer in the district I represent, many of its workers are, and I have continued to support it. In June, Congressman L. MENDEL RIVERS, of South Carolina, ranking member of the Armed Services Committee, visited the plant with me and was very impressed by what he saw there. Other defense workers from our area travel daily to the huge Brooklyn Navy Yard, and are concerned with the problems involved in keeping a sufficient workload in the yard to maintain its operating efficiency. Defense contracting has always tended to be a very cyclical operation, and some Long Island concerns, such as Grumman and Gyrodyne, have been doing very well. This cannot, however, relieve either the dislocations or the financial problems endured by the long-time worker at the plant which is in trouble.

On a more personal basis, our office has continued to be very busy. Four full-time secretaries in Washington and one full-time and two part-time representatives in Riverhead, Islip, and Southampton are kept hopping both on matters pertaining to legislation and on the personal and civic problems of our rapidly growing district. The 1960 census showed our present district to contain 398,254 persons when that census was taken. On May 1 of this year, the Census Bureau certified that our district in less than 4 years had passed the 500,000 mark and was growing at an accelerated pace. New people mean new problems in regard to jobs, schools, transportation and recreation. Insofar as the Federal Government is involved in each of these fields, we have tried to help.

While it has been a busy year it has been a most rewarding year in our office. We have written and seen enacted into national law two pieces of legislation, and have cosponsored a third. In the entire 1st session of the 88th Congress some 14,168 bills and resolutions were introduced, but only 257 became public laws. I do not know what the output of the second session will be, but any Member who introduces seven public bills and sees three of them become law has had a good year.

The three bills included cosponsorship of the bill to extend Federal aid to impacted school districts, referred to above, authorship of a bill for the benefit of the owner-operators of small commercial fishing vessels, and the bill establishing a Fire Island National Seashore. Of these, the most important to Suffolk County will be the last.

Congress has authorized the establishment of a national seashore on Fire Island. It will be the first national park in the State of New York. Twenty-seven miles of the shoreline of that island, from the Robert Moses State Park on the west to the Moriches Inlet on the east, will be put in public ownership. Some 4,300 acres of land on Fire Island, and on several small islands in the Great South Bay, Moriches Bay, and Bellport Bay are included in the project.

The history of this project has been complicated and stormy, but the storms have helped. First introduced as a piece of legislation by my predecessor in Congress, Stuyvesant Wainwright, in 1960, the proposal was roundly denounced by leaders of his own political party at the time. The State of New York took the position that a State park would be more effective than a national park, but that existing State parks made both unnecessary.

In March 1962 the first storms came; winds and high tides lasted for 3 days, and 100 homes were lost on the south shore of Long Island. An immediate cry went up for erosion control, and a temporary State commission on protection and preservation of the Atlantic shorefront was appointed. Their report said that there was no need for additional State or Federal parks, but that erosion control was badly needed, and that the best way to proceed was by a massive barrier running the length of Fire Island and topped by an ocean boulevard. This proposal was approved by the Suffolk County Board of Supervisors on August 13, 1962.

This evoked another storm from those who did not want any road built on Fire Island, and two New York City Congressmen introduced new bills to establish a Fire Island National Seashore. On April 8, 1963, the Suffolk County Board of Supervisors reversed its earlier position and endorsed a seashore proposal, but without specifying what its boundaries should be.

On June 11, 1963, the Interior Department, which had stated that Fire Island itself did not contain enough land to justify a national seashore, made its own proposal, which obtained more land by extending the park east to Southampton Village. This proposal evoked the third storm—from the residents of Southampton who wanted no part of the park in their town. We prepared our own bill, and it was introduced on June 18, 1963.

Hearings were held on the various bills at Oakdale, Long Island, on September 30, 1963, and in Washington in December 1963 and April 1964.

The storms were over, and all was sweetness, light and agreement—or at least almost all. The bill which we had prepared, with very minor amendments, was approved by the subcommittee and the full Interior Committee of the House, passed by the House, and accepted by the Senate. It was signed by the President on September 11, 1964.

The bill as written sets up a 15-member advisory committee of local residents to help the Interior Department in establishing the park, calls for erosion control on Fire Island, and make provision for a future new inlet across Fire Island into the Great South Bay.

It has been a good year. I had a perfect attendance record on rollcall votes from January until September 1, when I went to a Democratic State convention to make a nominating speech for a friend who did not get nominated—and missed two votes. As of this date we have had 107 rollcall votes, and I have been present and voting 105 times. Some of the votes are easy; some are tough; some are simple; and some are complex. My constituents will not agree with all of them—neither does my wife. Here are the important ones for the year—I will be happy to know their views on this record.

Voting record of Congressman Otis G. Pike, 2d sess., 88th Cong.

Date	Issue	Vote
Jan. 14, 1964	Authorize $75,000,000 per year for 3 years for Federal grants to be matched by local funds for airport construction. (Yea 298, nay 11.)	Yea.
Jan. 21, 1964	Authorize $45,000,000 for library services and construction of public libraries. (Yea 254, nay 107.)	Yea.
Jan. 28, 1964	Amend Davis-Bacon Act establishing prevailing wage rate on Federal construction work. (Yea 357, nay 50.)	Yea.
Feb. 10, 1964	Civil Rights Act of 1964. (Yea 290, nay 130.)	Yea.
Feb. 20, 1964	Authorize $16,900,000,000 appropriation for fiscal 1965 procurement of aircraft, missiles, and ships. (Yea 336, nay 0.)	Yea.
Feb. 25, 1964	Revenue Act of 1964, reducing personal and corporate income taxes by $11,500,000,000 over 2 years. (Yea 326, nay 83.)	Yea.
Feb. 26, 1964	Recommit (kill) bill providing $312 million for International Development Association. (Yea 208, nay 189.)	Nay.
Feb. 27, 1964	Prohibit Federal Communications Commission from setting standards on length and frequency of radio and television commercials. (Yea 317, nay 43.)	Nay.
Mar. 4, 1964	Recommit bill providing $115,000,000 for Peace Corps. (Yea 90, nay 309.)	Nay.
Mar. 5, 1964	Impose tax on purchase of foreign securities to stop gold flow. (Yea 238, nay 142.)	Yea.
Mar. 12, 1964	Raise the salaries of 1,700,000 Federal career employees and Federal executives, judges, and legislators. (Yea 184, nay 222.)	Yea.
Mar. 24, 1964	Increase Coast Guard appropriation for new ships and planes by $10,000,000. (Yea 160, nay 193.)	Yea.
Mar. 24, 1964	Appropriate $6,200,000,000 for Treasury and Post Office operations for fiscal 1965. (Yea 326, nay 20.)	Yea.
Mar. 25, 1964	Authorize $5,200,000,000 space exploration and research program. (Yea 283, nay 73.)	Yea.
Apr. 8, 1964	Motion to recommit food stamp bill and require States to match Federal grants under program. (Yea 195, nay 223.)	Yea.
Apr. 8, 1964	Final passage of food stamp program. (Yea 229, nay 189.)	Yea.
Apr. 8, 1964	Administration's wheat-cotton subsidy bill. (Yea 211, nay 203.)	Nay.
Apr. 10, 1964	Motion to recommit legislative appropriations bill of $174,000,000 with instructions to amend. (Yea 188, nay 131.)	Nay.
Apr. 14, 1964	Appropriation of $6,900,000,000 for Departments of Labor, Health, Education, and Welfare and related agencies. (Yea 345, nay 21.)	Yea.
Apr. 15, 1964	Authorize $45,000,000 to implement a boundary line agreement with Mexico. (Yea 347, nay 5.)	Yea.
Apr. 22, 1964	Appropriate $46,800,000,000 for Defense Department in fiscal 1965. (Yea 365, nay 0.)	Yea.
May 6, 1964	Appropriate $1,700,000,000 for Departments of State, Justice, and Commerce, the judiciary and related agencies. (Yea 313, nay 40.)	Yea.
May 7, 1964	Authorize $2,600,000,000 for Atomic Energy Commission in fiscal 1965. (Yea 340, nay 3.)	Yea.
May 13, 1964	Motion to recommit (kill) authorization of $312,000.000 for International Development Association. (Yea 132, nay 247.)	Nay.
May 20, 1964	Amendment to add $1,600,000 to agriculture appropriation to construct peanut research laboratory in Georgia. (Yea 181, nay 198.)	Nay.
May 20, 1964	Amendment to prohibit subsidies on agricultural products shipped to Communist nations. (Yea 186, nay 187.)	Yea.
May 20, 1964	Final passage of $5,200,000,000 Agriculture Department appropriation including farm subsidies. (Yea 311, nay 64.)	Nay.
May 26, 1964	Appropriate $1,600,000,000 for construction of military facilities and military housing. (Yea 340, nay 5.)	Yea.
May 27, 1964	Motion to recommit (kill) bill increasing insurance on deposits in banks and savings and loan institutions. (Yea 197, nay 142.)	Yea.
June 3, 1964	Authorize $1,200,000,000 Federal highway program in each of fiscal 1966 and 1967. (Yea 296, nay 0.)	Yea.
June 10, 1964	Authorize $2,000,000,000 foreign aid program for fiscal 1965. (Yea 230, nay 175.)	Yea.
June 11, 1964	Raise salaries of 1,700,000 Federal career employees and Federal executives, judiciary, and legislators. (Yea 243, nay 157.)	Yea.
June 16, 1964	Appropriate $4,300,000,000 for public works projects and AEC in fiscal 1965. (Yea 361, nay 11.)	Yea.
June 17, 1964	Motion to recommit a 1-year extension of so-called Korean war excise taxes. (Yea 185, nay 207.)	Nay.
June 18, 1964	Fix temporary national debt limit at $324,000,000,000 until June 30, 1965. (Yea 203, nay 182.)	Yea.
June 25, 1964	Mass transit bill authorizing $375,000,000 to be matched by States in developing and improving mass transit systems. (Yea 212, nay 189.)	Yea.
July 1, 1964	Appropriate $3,700,000,000 for foreign economic and military assistance and related programs. (Yea 231, nay 174.)	Yea.
July 2, 1964	Accept Senate amendments to Civil Rights Act of 1964. (Yea 289, nay 126.)	Yea.
July 2, 1964	Adopt House-Senate conference report authorizing Federal grants to colleges to encourage water resources research. (Yea 346, nay 0.)	Yea.
July 21, 1964	Permit recipient of "morally offensive" mail to instruct Postmaster to prevent sender from mailing additional unsolicited material to him or his children. (Yea 326, nay 19.)	Yea.
July 22, 1964	Establish land and water conservation fund. (Yea 337, nay 8.)	Yea.
July 28, 1964	Permit self-employed commercial fishermen to use facilities of Public Health Service. (Yea 202, nay 170.)	Yea.
July 29, 1964	5-percent increase in social security benefits, reduce age when widows qualify from 62 to 60. (Yea 388, nay 8.)	Yea.
July 30, 1964	Establish National Wilderness Preservation System. (Yea 374, nay 1.)	Yea.
Aug. 3, 1964	Establish Ice Age National Scientific Reserve in Wisconsin. (Yea 164, nay 154.)	Yea.
Aug. 3, 1964	Colorado River irrigation projects. (Yea 250, nay 67.)	Yea.
Aug. 4, 1964	Require at least 35 percent of funds for repair and conversion of naval vessels be spent in private shipyards. (Yea 186, nay 178.)	Nay.
Aug. 7, 1964	Support President's actions in retaliatory attacks against North Vietnam. (Yea 416, nay 0.)	Yea.
Aug. 7, 1964	Motion to strike the enacting clause (kill) of Economic Opportunity Act (poverty bill). (Yea 197, nay 225.)	Yea.
Aug. 7, 1964	Amendment substituting Senate version of Economic Opportunity Act. (Yea 228, nay 190.)	Yea.
Aug. 8, 1964	Passage of Economic Opportunity Act of 1964. (Yea 226, nay 185.)	Yea.
Aug. 11, 1964	Increase disability and death pensions for veterans of World Wars I and II and Korean war. (Yea 389, nay 0.)	Yea.
Aug. 12, 1964	Authorize payment of U.S. share of cost of International Commission for Supervision and Control in Laos. (Yea 268, nay 89.)	Yea.
Aug. 13, 1964	Motion to cut funds of National Aeronautics and Space Administration by $200,000,000. (Yea 114, nay 270.)	Nay.
Aug. 13, 1964	Housing Act of 1964, authorizing $992,000,000 for FHA programs through June 30, 1965. (Yea 308, nay 68.)	Yea.
Aug. 14, 1964	Subsidy program aiding construction of U.S. fishing vessels in U.S. shipyards. (Yea 198, nay 124.)	Yea.
Aug. 17, 1964	Declare sense of Congress that members of United Nations delinquent in dues should lose their votes. (Yea 351, nay 0.)	Yea.
Aug. 17, 1964	Require migrant farm labor crew leaders of 10 or more workers to register with Labor Department. (Yea 343, nay 7.)	Yea.
Aug. 17, 1964	Extend mandatory Federal inspection requirements to previously exempt small mines. (Yea 202, nay 151.)	Nay.
Aug. 18, 1964	Establish mandatory quotas on meat imports (House-Senate conference report). (Yea 232, nay 149.)	Nay.
Aug. 18, 1964	Conference report on International Coffee Agreement. (Yea 183, nay 194.)	Nay.
Aug. 19, 1964	Prohibit all Federal courts from considering cases involving reapportionment of State legislatures. (Yea 218, nay 175.)	Nay.
Aug. 20, 1964	Establish National Council on the Arts. (Yea 213, nay 135.)	Yea.
Sept. 1, 1964	Study feasibility and site for new Atlantic-Pacific canal to supplement Panama. (Yea 320, nay 23.)	([1]).
Sept. 1, 1964	Coordinate Interior Department and Agriculture Department regulations on pesticides. (Yea 236, nay 110.)	([1]).
Sept. 3, 1964	Recommit food-for-peace program to prohibit sales of surplus food to Poland and Yugoslavia. (Yea 183, nay 175.)	Nay.
Sept. 3, 1964	Extend food-for-peace program for 3 years. (Yea 349, nay 6.)	Yea.
Sept. 3, 1964	Allow 50 percent forgiveness of Federal student loans to doctors practicing in remote areas. (Yea 140, nay 161.)	Yea.

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[1] Absent; recorded yea.

SENATE

FRIDAY, SEPTEMBER 18, 1964

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Father of all mankind: In the midst of luring evil, which so often is clothed in shining garments of deceit, grant us, we pray Thee, the steadying vision of Thy eternal goodness.

We give Thee thanks for the high souls of the yesterdays which are our cloud of witnesses today, and who still urge us on to deathless goals. Join us to that company of souls supreme—the conscripts of a mighty dream.

In a day when all we value most seems to be at the mercy of what we value least, so direct Thy servants who here serve the Republic, that the best which is expected of them, and of which their dedicated faculties are capable, may be brought to bear, without fear or favor, upon the confused issues of this baffling day.

Give us such courage and patience in defending high principles, despite any temporary disheartenment, that the children of coming generations will rise up and call us blessed.

In the Redeemer's name we ask it. Amen.

CALL OF THE ROLL

The PRESIDENT pro tempore. A quorum not being present when the Senate adjourned yesterday, the clerk will call the roll to develop a quorum. The Senate can transact no business in the absence of a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 576 Leg.]

Aiken
Allott
Anderson
Bayh
Bible
Brewster
Burdick
Carlson
Case
Cooper
Cotton
Dirksen
Douglas
Ellender
Fong
Hart
Hayden
Hickenlooper
Inouye
Jordan, N.C.
Jordan, Idaho
Kuchel
Mansfield
McIntyre
McNamara
Monroney
Morse
Nelson
Pearson
Prouty

Proxmire
Randolph
Russell
Simpson
Smith
Sparkman
Stennis
Talmadge
Walters
Williams, Del.
Young, N. Dak.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Connecticut [Mr. Dodd], the Senator from Arkansas [Mr. Fulbright], the Senator from Alaska [Mr. Gruening], the Senator from Florida [Mr. Holland], the Senator from South Carolina [Mr. Johnston], the Senator from Missouri [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from Arkansas [Mr. McClellan], the Senator from Montana [Mr. Metcalf], the Senator from Utah [Mr. Moss], the Senator from Oregon [Mrs. Neuberger], the Senator from Connecticut [Mr. Ribicoff], the Senator from Virginia [Mr. Robertson], and the Senator from Texas [Mr. Yarborough] are absent on official business.

I also announce that the Senator from Alaska [Mr. Bartlett], the Senator from West Virginia [Mr. Byrd], the Senator from Nevada [Mr. Cannon], the Senator from Mississippi [Mr. Eastland], the Senator from Tennessee [Mr. Gore], the Senator from Indiana [Mr. Hartke], the Senator from Minnesota [Mr. Humphrey], the Senator from Washington [Mr. Jackson], the Senator from Louisiana [Mr. Long], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], the Senator from Maine [Mr. Muskie], the Senator from Rhode Island [Mr. Pastore], the Senator from Rhode Island [Mr. Pell], the Senator from California [Mr. Salinger], the Senator from Missouri [Mr. Symington], and the Senator from Ohio [Mr. Young] are necessarily absent.

I further announce that the Senator from Alabama [Mr. Hill] and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. Beall], the Senator from Utah [Mr. Bennett], the Senator from Delaware [Mr. Boggs], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Colorado [Mr. Dominick], the Senator from Arizona [Mr. Goldwater], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from New Mexico [Mr. Mechem], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], the Senator from Massachusetts [Mr. Saltonstall], the Senator from Pennsylvania [Mr. Scott], the Senator from South Carolina [Mr. Thurmond], and the Senator from Texas [Mr. Tower] are necessarily absent.

The PRESIDING OFFICER (Mr. McIntyre in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. Clark, Mr. Edmondson, Mr. Ervin, Mr. Lausche, Mr. Magnuson, Mr. Mundt, Mr. Smathers, and Mr. Williams of New Jersey entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is not present.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, in view of the fact that it seems impossible to develop a quorum of Senators today, and in view of the prospect that the attendance of Senators will be skimpier tomorrow, I announce that, instead of continuing with the call of the quorum tomorrow, it is the intention of the leadership to have a pro forma meeting at 12 o'clock, and then to move to adjourn to 12 o'clock noon on Monday next.

At this time, Mr. President, I move that the Senate adjourn.

The motion was agreed to, and (at 1 o'clock and 14 minutes p.m.) the Senate adjourned until tomorrow, Saturday, September 19, 1964, at 12 o'clock meridian.

SENATE

Saturday, September 19, 1964

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God: In all the stress and strain of the tasks whose weight is laid upon the shoulders of all who faithfully serve the Nation in times such as these, we turn to Thee with the solemn realization that—

Our strength is dust and ashes;
  Our years, a passing hour;
But Thou canst use our weakness
  To magnify Thy power.
From ease and plenty, save us;
  From pride of place, absolve.
Purge us of low desire;
  Lift us to high resolve.

And Thine shall be the kingdom and the power and the glory. Amen.

ADJOURNMENT UNTIL MONDAY

The PRESIDENT pro tempore. A quorum not being present when the Senate adjourned on yesterday, a motion to adjourn is now in order.

Mr. MANSFIELD. Mr. President, I move that the Senate adjourn.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and (at 12 o'clock and 2 minutes p.m.) the Senate adjourned until Monday, September 21, 1964, at 12 o'clock meridian.

SENATE

Monday, September 21, 1964

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, the Father of mankind: As another week beckons, with its pressing problems calling for our best endeavor, we are grateful for unhurried moments of communion with Thee, when spirit with spirit may meet.

It is in such spiritual commerce that the swift pace of our lives is slackened, and that in the fevers of haste we glimpse the peace of green pastures and the cool caress of still waters.

Thus, if we so will by waiting upon Thee, we shall renew our strength and shall see more clearly, think more truly, and in all our decisions choose more worthily. Above all our desires which may be tinged by hidden self-interest, we would seek Thy will, and would toil so that it may come to its coronation in the affairs of men across all dividing gulfs.

May the petitions which our hearts lift, and which our lips so feebly frame, be fulfilled in the deeds of this lawmaking instrument of the people's rule.

We bring our prayer in the dear Redeemer's name. Amen.

CALL OF THE ROLL

The PRESIDENT pro tempore. The Senate having adjourned without a quorum on Saturday last, the clerk will call the roll to develop a quorum.

The Chief Clerk called the roll; and the following Senators answered to their names:

[No. 577 Leg.]

Bartlett
Bible
Brewster
Carlson
Cooper
Dirksen
Ervin
Hartke
Hayden
Hickenlooper
Holland
Inouye
Johnston
Jordan, Idaho
Kuchel
Mansfield
McClellan
Monroney
Morse
Mundt
Pell
Proxmire
Randolph
Ribicoff
Robertson
Salinger
Simpson
Smith
Sparkman
Stennis
Talmadge
Walters
Young, N. Dak.

Mr. MANSFIELD. I announce that the Senator from North Dakota [Mr. Burdick], the Senator from Nevada [Mr. Cannon], the Senator from Idaho [Mr. Church], the Senator from Rhode Island [Mr. Dodd], the Senator from Alaska [Mr. Gruening], the Senator from Ohio [Mr. Lausche], the Senator from Oregon [Mrs. Neuberger], the Senator from Missouri [Mr. Long], the Senator from Michigan [Mr. Hart], the Senator from Virginia [Mr. Byrd], and the Senator from New Hampshire [Mr. McIntyre] are absent on official business.

I also announce that the Senator from Indiana [Mr. Bayh], the Senator from West Virginia [Mr. Byrd], the Senator from Pennsylvania [Mr. Clark], the Senator from Mississippi [Mr. Eastland], the Senator from Oklahoma [Mr. Edmondson], the Senator from Tennessee

[Mr. Gore], the Senator from Minnesota [Mr. Humphrey], the Senator from Washington [Mr. Jackson], the Senator from Minnesota [Mr. McCarthy], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from Rhode Island [Mr. Pastore], the Senator from Wisconsin [Mr. Nelson], the Senator from Florida [Mr. Smathers], the Senator from Missouri [Mr. Symington], the Senator from New Jersey [Mr. Williams], the Senator from Texas [Mr. Yarborough], the Senator from Louisiana [Mr. Long], and the Senator from South Dakota [Mr. McGovern] are necessarily absent.

I further announce that the Senator from Alabama [Mr. Hill] and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. Beall], the Senator from Utah [Mr. Bennett], the Senator from New Jersey [Mr. Case], the Senator from New Hampshire [Mr. Cotton], the Senator from Colorado [Mr. Dominick], the Senator from Arizona [Mr. Goldwater], the Senator from Nebraska [Mr. Hruska], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from New Mexico [Mr. Mechem], the Senator from Iowa [Mr. Miller], the Senator from Kansas [Mr. Pearson], the Senator from Massachusetts [Mr. Saltonstall], the Senator from Pennsylvania [Mr. Scott], the Senator from South Carolina [Mr. Thurmond], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Delaware [Mr. Williams] is detained on official business.

The PRESIDENT pro tempore. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. Aiken, Mr. Allott, Mr. Anderson, Mr. Boggs, Mr. Curtis, Mr. Douglas, Mr. Ellender, Mr. Fong, Mr. Fulbright, Mr. Jordan of North Carolina, Mr. Magnuson, Mr. McGee, Mr. McNamara, Mr. Metcalf, Mr. Morton, Mr. Prouty, Mr. Russell, and Mr. Young of Ohio entered the Chamber and answered to their names.

The PRESIDENT pro tempore. A quorum is present.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, September 17, Friday, September 18, and Saturday, September 19, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT ON ACTIVITIES UNDER PUBLIC LAW 480—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am sending to the Congress the 20th semiannual report on activities carried on under Public Law 480, 83d Congress, as amended, outlining operations under the act during the period January 1 through June 30, 1964.

Lyndon B. Johnson.

The White House, *September 21, 1964.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Ralph E. Haffenden, to be postmaster at Belvidere, Ill., which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. Walter Norblad, late a Representative from the State of Oregon, and transmitted the resolutions of the House thereon.

ENROLLED BILL SIGNED

The message announced that the Speaker had affixed his signature to the enrolled bill (S. 49) to provide for recognition by the United States of Alaska's 100th anniversary under the American flag, and for other purposes, and it was signed by the President pro tempore.

THE CALENDAR

On request of Mr. Mansfield, and by unanimous consent, the call of the legislative calendar under rule VIII was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. Mansfield, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Commissary Activities Outside the Continental United States

A letter from the Assistant Secretary of Commerce, reporting, pursuant to law, that the Department conducted no commissary activities outside the continental United States during the fiscal year 1964; to the Committee on Commerce.

Report on Scientific Research Grants

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on scientific research grants, for the fiscal year 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Need for Effective Management Action To Achieve Substantial Savings by Furnishing Uniforms in Lieu of Paying Cash Allowances to Employees

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on need for effective management action to achieve substantial savings by furnishing uniforms in lieu of paying cash allowances to employees, Veterans' Administration, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Uneconomical Procurement of Motor Vehicle Parts and Accessories

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on uneconomical procurement of motor vehicle parts and accessories, Department of the Navy, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Petitions To Accord First Preference Status to Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on petitions to accord first-preference status to certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Constitution Island Association, of West Point, N.Y., protesting against the proposed Consolidated Edison pumped-storage hydropower plant at Storm King Mountain, N.Y.; to the Committee on Commerce.

A resolution adopted by the Constitution Island Association, of West Point, N.Y., commending the Congress on the enactment of the wilderness and land and water conservation bills; to the Committee on Interior and Insular Affairs.

CIVIL RIGHTS—RESOLUTION

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the Municipal Council of São Paulo, Brazil, expressing appreciation for the enactment of civil rights bill, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Armed Services, with an amendment:

H.R. 8427. An act to provide for the establishment and maintenance of a Central Intelligence Agency retirement and disability system for a limited number of employees, and for other purposes (Rept. No. 1589).

By Mr. DOUGLAS, from the Committee on Banking and Currency, without amendment:

S. 3174. A bill to amend section 5 of the Employment Act of 1946 (Rept. No. 1590).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BREWSTER:

S. 3198. A bill for the relief of Salvatore Tropea; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. Proxmire, Mr. Bartlett, Mr. Moss, Mr. Saltonstall, and Mr. Javits):

S. 3199. A bill to amend the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

RESOLUTION

DEATH OF REPRESENTATIVE WALTER NORBLAD, OF OREGON

Mr. MORSE (for himself and Mrs. Neuberger) submitted a resolution (S. Res. 370) relative to the death of Representative Walter Norblad, of Oregon, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. Morse, which appears under a separate heading.)

SECRET SERVICE PROTECTION FOR PRESIDENTIAL AND VICE-PRESIDENTIAL NOMINEES—ADDITIONAL COSPONSOR OF BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the junior Senator from New Mexico [Mr. Mechem] be added as a cosponsor of S. 3191, the bill introduced by the distinguished minority leader the Senator from Illinois [Mr. Dirksen] and me to authorize the U.S. Secret Service to protect the persons of the nominees of the major political parties for President and Vice President of the United States.

The PRESIDING OFFICER (Mr. Salinger in the chair). Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—ADDITIONAL COSPONSORS OF AMENDMENT

Under authority of the orders of the Senate of September 14 and 16, 1964, the names of Mr. Allott, Mr. Curtis, and Mr. Hruska were added as additional cosponsors of amendment No. 1272, intended to be proposed by Mr. Pearson (for himself and other Senators) to the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, submitted on September 14, 1964.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 21, 1964, he presented to the President of the United States the enrolled bill (S. 49) to provide for recognition by the United States of Alaska's 100th anniversary under the American flag, and for other purposes.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. RANDOLPH:

Editorial in the September 11, 1964, Morgantown (W. Va.) Post, together with proceedings incident to the groundbreaking ceremonies for the Fort Martin Power Generating Station, Fort Martin, W. Va.

VISIT BY THE PRESIDENT OF THE UNITED STATES TO CANADA AND THE PACIFIC NORTHWEST

Mr. MANSFIELD. Mr. President, I had the good fortune to travel with the President of the United States on Wednesday and Thursday last, when he visited Great Falls, Mont.; Vancouver, British Columbia; the Peace Arch at Blaine, Wash.; Seattle, Wash.; Portland, Oreg., and Sacramento, Calif.

At Great Falls, Mont., 30,000 people turned out to hear the President as he arrived at Malmstrom Air Force Base. Thousands of others were on the way to welcome him but could not get through because only one gate was available. But Montana showed its appreciation and welcome.

I ask unanimous consent that the speech delivered by the President upon his arrival at Malmstrom Air Force Base, Great Falls, Mont.; the exchange of remarks between President Johnson and Prime Minister Lester B. Pearson, of Canada, at Malmstrom Air Force Base; and the exchange of remarks between the President and the Prime Minister upon arrival at Vancouver International Airport, British Columbia, Canada, be printed at this point in the Record.

There being no objection, the addresses were ordered to be printed in the Record, as follows:

Remarks of the President Upon Arrival at Malmstrom Air Force Base, Great Falls, Mont.

Thank you, Mayor, and my Montana friends.

This is a bountiful and spacious State, but you have known the ravages as well as the rewards of nature. On June 9 I declared a "major disaster" caused by floods in northwestern Montana and allocated $2 million for disaster relief. Today I have approved another $4½ million to finish the job of reconstruction and rebuilding this great State.

We are now on our way to Canada to proclaim a treaty which will make possible the construction of the Libby Dam—bringing jobs and power and recreation to your State. Neither the treaty nor dam would be a reality if it were not for the work of your representatives of both parties in the Congress. I want to congratulate the people of this great section of the United States for the quality of the public servants they select. I am happy to have been honored at the steps when I descended from the plane by many of your great Governors, who will be introduced a little later. I came out with some of the leaders of your Nation in the plane—your own beloved Senators Mike Mansfield and Lee Metcalf.

I have come here today to make a report. This has been the greatest conservation Congress in the history of the United States. This has not been a partisan or a sectional work. It has been the achievement of farsighted men of every party and of every section, and your children will thank you for making that investment in their future.

Your State was once a remote and distant place. Today it is only hours away from Washington. We had breakfast in your Nation's Capital. We will lunch in our neighboring country of Canada.

The resources of Montana underlie the strength of America. The military might of Montana is a bulwark of the defense of freedom, and we must never forget that it is only minutes away from the missiles of our adversaries. Montana, thus, today is a vital link in a united country in a very shrinking world. Everything we hope for, the greatness of America, the hope for peace, depends upon common partnership in common purpose.

When Captain Lewis first saw the Great Falls of Montana, he reported that in a few days he was attacked by a grizzly bear, a mountain lion, three buffalo bulls, and he woke up the next morning staring at a rattlesnake. Those were truly impressive dangers, but today the people of Montana and the people of the world face far more towering threats. You live in the midst of the power that could destroy the entire world.

So let us work together so the day need never come when your peaceful soil must send forth instruments of destruction and death to the millions of human beings.

I know that this peace is your dearest wish. We will always keep our hand out and our guard up. As long as I am privileged to be a part of the leadership of this country, I want you to know that peace will be my fixed star. It will be my first objective, as it is your first goal.

Thank you for this warm welcome on this wonderful day under this great sky. May God bless each of you.

Exchange of Remarks Between President Lyndon B. Johnson and Prime Minister Lester B. Pearson, of Canada, at Malmstrom Air Force Base, Great Falls, Mont.

President Johnson. Ladies and gentlemen, distinguished Members of the Congress, distinguished Governors, welcome to the United States, Mr. Prime Minister, and welcome to Montana, whose majesty and western warmth should remind you of your own great country.

In 1963, Mr. Prime Minister, you said of Canada: "We are so friendly that we feel that we can criticize the United States like a Texan does—and in the same idiom." This Texan hopes that you still feel that freedom, for we welcome the comments and the counsel which spring, as yours does, from friendship and understanding, although I doubt that even with your grasp of languages you will be able to match the Texas idiom.

Twenty-one years ago President Franklin D. Roosevelt and Prime Minister Mackenzie King met in Hyde Park. They agreed to work together to defend this hemisphere and to defend democracy everywhere. From that day to this, we have followed the same path of partnership. Free people everywhere are more secure because of our cooperation in NORAD, in NATO, and in the United Nations.

The freedom and richness of our lands, the hopes of the people it serves, depend upon the peace of the world that we live in. It is a symbol of our time that beneath the magnificence of this Montana stand weapons that are powerful enough to devastate much of a continent. Those of us who seek peace know that only wisdom and patience, and the fortitude of long effort, can bring us near to that goal. But we will always pursue that goal.

You, Mr. Prime Minister, are a symbol of that effort. You have never wavered in the defense of freedom. But you also have given much of your life so that freemen might live in peace. You have done much for your people. You have carried the influence of Canada to the highest councils and to the most hazardous crises of the world.

But we greet you not only as a great Canadian today. We welcome you as a man whose home is found wherever man seeks fulfillment amid the peace that you, Mr. Prime Minister, have labored so long and so hard to build.

Prime Minister PEARSON. Mr. President, distinguished Governors, distinguished Members of Congress, Members of Parliament, ladies and gentlemen, it gives me a very great pleasure to be on American soil once more and to receive such a kind and generous welcome from you, Mr. President, and from your distinguished colleagues.

This is a very brief visit, but it gives me time and opportunity to bring to you the warm good wishes of the Canadian people toward their American friends. You know, I feel like a neighbor dropping in to make a friendly visit. Indeed, that is what I am doing, because I just dropped in to pick up the President and take him back to Canada.

This is the kind of relationship which exists between our two peoples. It is close, it is informal, it is important, and it is neighborly. Like leaning over a back fence to talk to your neighbor, but a back fence which neither neighbor wishes to pull down and which both are anxious to keep in good repair. Of course, there are differences of opinion and, at times, frustrations between even the best of neighbors, and we have them between our two countries, but they do not prevent a warm underlying friendship and understanding.

Mr. President, you and I will be setting forth today on a fascinating and historic journey to explore from the air—I hope we will be able to see it—the mighty Columbia River and the region of a great cooperative development, a development which agreement between our two Governments made possible. To me, the Columbia River project is the kind of enterprise which best demonstrates the partnership between the United States and Canada. This is what our two countries are uniquely fitted to do, to join together in the constructive development of our continent's resources for the benefit of present and future generations, in a world in which I hope we will be at peace.

The Columbia River Treaty is not only an achievement in itself, but an earnest for the future. We must follow it up with other fruitful joint endeavors which will give substance to our friendship which I am so proud to acknowledge this morning, and meaning to our good neighborhood, of which this happy meeting is a witness.

Thank you.

EXCHANGE OF REMARKS BETWEEN PRIME MINISTER LESTER B. PEARSON, OF CANADA, AND PRESIDENT LYNDON B. JOHNSON UPON THEIR ARRIVAL AT VANCOUVER INTERNATIONAL AIRPORT, VANCOUVER, BRITISH COLUMBIA, CANADA

Prime Minister PEARSON. Mr. President, Mr. Premier, distinguished guests from the United States, and friends, it is a very great pleasure, Mr. President, to welcome you to Canadian soil, as I have been welcoming you to Canadian air space, and especially happy because this is the occasion of the ratification of a treaty which will benefit both our countries and which is the result of friendly cooperation between them.

It is, I think, appropriate that your first visit, as President, outside the United States should be to Canada, your nearest neighbor, your closest friend, and naturally, therefore, your most candid and constructive critic.

It is the accepted convention that the first official visit of the head of a state or the head of a government to another country should be to the capital of that country, but you, Mr. President, are a Texan and, as such, not bound by conventions—at least that kind of convention. So your first visit to Canada, and your first visit as President outside the United States, is to British Columbia, to Vancouver, where you are being greeted today by Premier Bennett and other distinguished citizens of this Province.

It is fitting, I believe, that this should be the case, and it is a recognition of the surge of Canadian development west and north, and of our interest and our destiny across the Pacific. In no part of Canada could your welcome be more sincere than in this great Province. But I assure you, Mr. President, that had you landed at our most eastern airport in Newfoundland, 5,000 or more miles away, or at any place between, our welcome to you would have been equally warm both for yourself and as President of the United States of America, the Nation which bears today so much of the burden of insuring peace and promoting freedom in the world, the Nation which has led the free world through these troubled postwar years, the Nation that is our good friend and our good neighbor.

President JOHNSON. Thank you, Mr. Prime Minister.

Premier Bennett, honorable Ministers and Members of Parliament, citizens of British Columbia, my fellow westerners, ladies and gentlemen, if you would indulge me just a moment, I should like to introduce to our Canadian friends the distinguished Americans who have come with me today to participate in this most enjoyable occasion, and to commemorate this day.

First of all, I should like to ask the distinguished chairman of our Foreign Relations Committee of the U.S. Senate, Senator J. WILLIAM FULBRIGHT, to stand, and his wise and beloved colleague, Senator GEORGE AIKEN, a great friend of Canada.

From our neighboring State of Montana, we have the great majority leader of the U.S. Senate, Mike Mansfield; his colleague, our friend Senator Lee Metcalf, and Governor Babcock.

From Oregon we have Senator Morse; the distinguished member of the Foreign Relations Committee, Senator Neuberger; the fine young Governor of Florida—of Oregon, Governor Hatfield.

Governor, I hope you will pardon me, because I was in Florida yesterday, and I am going to be in Oregon tomorrow.

From the State of Washington, we have Senator Warren Magnuson; Senator Henry Jackson, and Governor Rosellini.

It is on rare occasions that we have a quorum of the Senate here in the middle of the afternoon.

From the great State of Nevada, we have Senator Alan Bible, Senator Howard Cannon; and Gov. Grant Sawyer.

And my own distinguished Secretary of the Interior, Mr. Stewart Udall.

Mr. Prime Minister, Mr. Premier, I want to thank you for your generous welcome. This trip to Vancouver is the first that I have taken outside of my own country since I became President last November.

I think I will be guided by an old Chinese proverb: "When you enter a country, inquire as to what is forbidden; when you cross a boundary, ask about the customs." Well, I have made careful inquiries and I will eat the salmon and praise the B.C. Lions.

It is appropriate that this first trip should be to Canada. Our ties are old and they are strong. We are at once neighbors and friends, and partners and allies, and I am very glad my first stop is Vancouver.

Here is that spirit of adventure and commitment, of building a nation which is part of the West, which is my home also. I won't say that Vancouver reminds me of Texas. I will say, though, when I go home, that Texas reminds me of Vancouver.

Your Prime Minister has said that the great purpose of international statesmanship today must be to make possible a better life for all. Well, that is the purpose of this visit. The treaty we proclaim will lay a new foundation of prosperity for Canadians and Americans, for your West and for ours.

We have achieved this partnership because we respect our differences. This continent is a richer and freer place for that respect. At the same time, we owe much to each other. We can never forget that the rich soil of American freedom has been washed with Canadian blood, shed in a common effort against foreign enemies; nor can we forget that you have an honest interest in our affairs. We will always stand with you in the defense of freedom.

But I also tell you that in the years to come, my country will spare no effort to achieve a lasting peace for all of us.

I hope to learn more about your country. I hope to encourage my people to discover more of the richness of your culture, the values of your people, and the promise of your destiny. But this much we already know: No nation in the world has had greater fortune than mine in sharing a continent with the people and the nation of Canada.

And now, in the midst of a great drought in Texas, we welcome this great rain here.

Mr. MANSFIELD. Mr. President, we of Montana were honored at the meetings of the two chiefs of state. It was the first time a meeting of this kind had ever occurred in our territory, and it was most auspicious that it should be done in the Big Sky Country and on the 100th anniversary of Montana's becoming a Territory.

When the President left Malmstrom Air Force Base, he traveled in an Air Force plane with the Prime Minister. It was the first time the President had traveled outside the United States while in office. We were honored to have the Prime Minister of Canada as our guest on that most auspicious occasion, which put into effect the treaty for the development of the Columbia River Basin, which means so much to all of us in that region.

ADDRESS DELIVERED BY PRESIDENT OF THE UNITED STATES AT INTERNATIONAL PEACE ARCH, BLAINE, WASH.

Mr. MAGNUSON. Mr. President, I, too, like the distinguished majority leader, had the privilege of accompanying the President of the United States on a trip last week to Canada and the Pacific Northwest, and later to the State of the distinguished junior Senator from California [Mr. SALINGER].

At Blaine, Wash., some years ago, the peoples of Canada and the United States erected what we term a "Peace Arch" to commemorate the years and decades of friendship between our two countries, and the thousands of miles of border which exist without any barriers of any kind, with the possible exception of immigration and customs.

At the Peace Arch in Blaine, Wash., on September 16, the Prime Minister of Canada, Hon. Lester B. Pearson, and the President of the United States formally signed the final documents to commemorate another great mark of good feeling between the two countries, when their representatives affixed their signatures to what is known as the Columbia River Treaty. Not only was this an impressive ceremony as relating to the two countries and their people; but the senior Senator from Washington and his junior colleague [Mr. JACKSON], and the Senators from Oregon, Montana, California, Utah, Nevada, Arizona, Idaho, and the States in the great Columbia Basin, and those of the Pacific Southwest, took added pleasure in being in attendance at this ceremony.

This event culminated the work of many years—14, to be exact, which included the holding of many hearings and conferences, telephone calls, and meetings of all types. Finally the work was accomplished. It will make the potential of the great Columbia River available to all the people of the Pacific Northwest and Canada, and will also provide added benefits which we hope will flow to the great Pacific Southwest, because at the same time we culminated an intertie between the Pacific Southwest and the Pacific Northwest for the transmission of power.

This arrangement will add to the prime power load in the area farther south. It will add to the flood control works and provide for the additional development of natural resources. In Montana, benefits will flow from the great Libby Dam.

Mr. President, this is a prime example of what two countries can do to realize the full potential of their God-given resources.

I ask unanimous consent to have printed at this point in the RECORD the remarks of the President of the United States and the Prime Minister of Canada at the Peace Arch.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF PRIME MINISTER LESTER B. PEARSON, OF CANADA, AND PRESIDENT LYNDON B. JOHNSON AT THE INTERNATIONAL PEACE ARCH, BLAINE, WASH.

President JOHNSON. I proclaim this treaty from this day forward. Let it be observed by the Government and by the people of the United States of America.

Prime Minister PEARSON. Mr. President, Premier Bennett, Governor Rosellini, distinguished guests, ladies and gentlemen, it is raining, and I was going to make a speech, but I think the best thing I can do is to cut my speech short and let you get in out of the rain.

But before I do that, may I say how honored and privileged I am to be here, to participate in this impressive and moving ceremony with the President of the United States of America. I think the signing of this treaty is an important accomplishment, not only because it will be of great material benefit to our two countries and our two peoples in the development of the resources of this continent, but because it is another illustration of friendship and good neighborhood, and the way two countries can and should work together.

Mr. President, we are grateful to you for coming to this border to make this possible. We are grateful to you for bringing with you distinguished Members of Congress and important men in the political life of your country. We want you to know that you have been very welcome to Canada on this first visit to our country. We would like you to come back. If you come back, you will see, Mr. President, that this treaty has indeed been a constructive one and that it is going to work to the benefit of both of our countries. For that we owe a debt of gratitude not only to the negotiators, but to the Premier of this Province who worked with them to bring about this great day in the development of this part of North America and a great day in international cooperation between our two countries.

Thank you very much.

President JOHNSON. Mr. Premier, Mr. Prime Minister, distinguished guests on the platform, ladies and gentlemen, there are many reasons why my first trip abroad as President should be to Canada. In 1839 J. Pinkney Henderson, the representative of the Republic of Texas to France and to England wrote that Great Britain might delay its recognition of the new Republic for fear of the impact in Canada. But Canada remained loyal. Great Britain recognized Texas, and that recognition helped open the door to American union for Texas.

Had that not happened, Mr. Prime Minister, had Texas stayed independent, classical diplomacy suggests that we might very well today be concluding a treaty of mutual defense against the American influence. As a Texan, I can sympathize with the problems of living beside a wealthy and powerful and pervasive neighbor. That is just how the rest of the United States feels about Texas.

More than 3 years ago, President Kennedy came to Canada. He told your Parliament his trip was "an act of faith." He said it was faith in our capacity to meet common problems, and in our common cause of freedom. Well, my trip today is a fulfillment and a renewal of that act of faith. It is both a resolution of a common problem, and a strengthening of freedom's cause.

Lord Durham, in the famous report that laid the foundation for modern Canada, spoke of the possibility of establishing "partners in a new industry, the creation of happy human beings." That partnership is the purpose of this treaty that we have signed today.

It will supply new electric power to millions of my countrymen. It will supply revenues to Canada, although I was somewhat shocked when I heard you read that cable about receiving $253,999,884, and then to show you what the Canadians really went for, they went for that last 25 cents.

It joins common purpose to common interest in pursuit of the welfare of the free people who share our continent. My country is grateful for the spacious spirit with which this generous design was conceived and the way it was carried out, even down to the last quarter. It is another landmark in the history of one of the oldest and most successful associations of sovereign governments anywhere in the world.

What is the secret of this success? It begins with a truth: The only justifiable object of government is the welfare of individual men and women. It is a simple truth. But had others shared it with us, the world would have been spared many dark years.

With this as the animating design, our partnership has been built on four pillars, and the success of that structure might well serve as a model to the world.

The first pillar is peace.

The second pillar is freedom.

The third pillar is respect. One of my predecessors, Woodrow Wilson, said, "You cannot be friends upon any other basis than upon terms of equality." We maintain with each other the relationship we seek for all the world: cooperation amid diversity.

Pericles said of a state that was much smaller than yours, "We have forced every sea and land to be the highway of our daring." In the founding of the United Nations, in the Middle East, in the Congo, in southeast Asia, the world has responded to Canadian daring. You have followed not the highway of empire which helped destroy Athens, but the more difficult path to peace which can save the world, and you have been a principal architect, Mr. Prime Minister, of that profound achievement.

The fourth pillar is cooperation. This agreement is the latest in an impressive list. We have disarmed our border; we have shared the costs of defense; we have divided power at Niagara; we have built the St. Lawrence Seaway, and resolved scores of other problems. Difficulties that divide others have united us.

The reason is plain. We share interest and we share purpose. We come to the council table advised by reason, aware of each other's problems, anxious to find final agreement. You told us, Mr. Prime Minister, "As good neighbors we must be able to sit down and discuss (problems) realizing that solutions will not be found without hard work and without give and take on both sides."

We both have problems we must solve within our borders. My country has a war to win on poverty. We must find justice for men of all races. We must crush the forces of division which gnaw at the fabric of our union.

You have your own difficulties. We watch, with friendly confidence in your capacity to merge differences in the grand dream of Canadian design. But there is also much, Mr. Prime Minister, which we share.

In the world we seek peace, and mounting fulfillment for man. Here we work together, from ocean to ocean, in resources and science, to enrich the life of our two peoples to elevate the quality of our two societies.

Franklin Roosevelt once said, "Democracy is the form of government which guarantees to every generation of men the right to imagine and to attempt to bring to pass a better world." That has been the story of your life, Mr. Prime Minister. It is also the strength of our two nations, and I believe that future generations will have cause for gratitude that two great democracies—Canada and the United States—shared the most generous continent which God has ever granted to man.

Thank you.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES AT "A SALUTE TO UNITED STATES AND CANADIAN PARTNERSHIP IN PROGRESS," SEATTLE, WASH.

Mr. MAGNUSON. Mr. President, the President of the United States then proceeded that evening to my hometown, Seattle, and before a widely representative audience, which included the World Affairs Institute, the presidents of the three great universities in the area, the chamber of commerce, the English-Speaking Union, and many similar organizations which have an interest in the close relations between the United States and Canada, the President made further remarks, which are entitled "A Salute to United States and Canadian Partnership in Progress." I ask unanimous consent that those remarks be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT "A SALUTE TO UNITED STATES AND CANADIAN PARTNERSHIP IN PROGRESS," OLYMPIC HOTEL, SEATTLE, WASH.

Thank you, Senator JACKSON.

My friend Governor Rosellini, my old friend and your great Senator, Warren Magnuson; Senator Aiken, one of the best Republicans I know, and he proved tonight he has good judgment when he told you he didn't dare come out here and run in Washington. We always want Senator AIKEN to remain in the Senate. We want him there from the Northeast, and not the Northwest.

Mayor Braman, Mr. Turner, my friends, my fellow westerners, let me begin tonight by thanking my very gracious hosts for their very warm and friendly welcome. I want to especially say thank you to the three great institutions of learning, the chamber of commerce, and the other fine organizations that have joined you here tonight in this meeting.

I want to pay my respects to the distinguished leaders in our public life who have come here with us this evening: the distinguished chairman of the Senate Foreign Relations Committee, Senator Fulbright; the distinguished majority leader from Montana, Senator Mansfield; the two great Senators from Oregon, Senators Morse and Neuberger; the two distinguished Senators from Nevada, Senator Bible and Senator Cannon; from California, Senator Salinger; and the great Secretary of the Interior, Secretary Udall.

Tonight I want to talk to you about one of the most solemn responsibilities of the President of the United States, and that is the duty to direct and control the nuclear power of the United States.

Nineteen years ago President Truman announced "the force from which the sun draws its power has been loosed." In a single, fiery flash the world as we had known it was forever changed. Into our hands had come much of the responsibility for the life of freedom, for the life of our civilization, and for the life of man on this planet, and the realities of atomic power placed much of that burden in the hands of the President of the United States.

Let no one think atomic weapons are simply bigger and more destructive than other weapons; just another development like the airplane or the tank. The total number of Americans killed in battle from the Revolution until tonight is a little over 526,000 people. Today a single nuclear weapon can kill more than 526,000.

Our experts tell us as of today that a full-scale nuclear exchange between the East and the West would kill almost 300 million people around the world, and in the midst of that terror and tragedy we could expect that weapon after weapon would soon engulf a portion of mankind. A cloud of deadly radiation would drift and destroy, menacing every living thing on God's earth, and in those unimaginable hours unborn generations would forever be lamed.

Now, in the face of these facts, every American President has drawn the same conclusion:

President Harry Truman said: "Such a war is not a possible policy for rational man."

President Eisenhower said: "In a nuclear war, there can be no victory—only losers."

President Kennedy said: "Total war makes no sense * * *."

And I say that we must learn to live with each other or we will destroy each other.

Many forces have converged to make the modern world. Atomic power is very high among those forces, but what has the atomic age meant for us who have come here to this dinner tonight?

It means, I think, that we have a unique responsibility, unique in history, for the defense of freedom. Our nuclear power alone has deterred Soviet aggression. Under the shadow of our strength, our friends have kept their freedom and have built their nations.

It means that we can no longer wait for the tides of conflict to touch our shores.

It means that great powers can never again delude themselves into thinking that war will be painless or that victory will be easy. Thus, atomic power creates urgent pressure for peaceful settlements, and for the strengthening of the United Nations.

It means a change must come in the life of nations. Man has fought since time began, and now it has become clear that the consequences of conflict are greater than any gain, and man just simply must change if man is to survive.

For Americans, it means that control over nuclear weapons must be centralized in the hands of the highest and the most responsible officer of Government—the President of the United States. He, alone, has been chosen by all the people to lead all the Nation. He, alone, is the constitutional Commander in Chief of the Nation. On his prudence and wisdom alone can rest the decision which can alter or destroy the Nation. The responsibility for the control of U.S. nuclear weapons rests solely with the President, who exercises the control of their use in all foreseeable circumstances. This has been the case since 1945, under four Presidents. It will continue to be the case as long as I am President of the United States.

In this atomic age we have always been required to show restraint as well as strength. At moments of decisive tests, our nuclear power has been essential. But we have never rattled our rockets or come carelessly to the edge of war.

Each of the great conflicts of this century have begun when nations wrongly thought others would shrink before their might. As I and my predecessors have said, we may have to use nuclear weapons to defend American freedom, but I will never let slip the engines of destruction because of a reckless and rash miscalculation about our adversaries.

We have worked consistently to bring nuclear weapons under careful control, and to lessen the danger of nuclear conflict, and this policy has been the policy of the United States of America for 19 years now, under both Democratic and Republican administrations, and this will continue to be the policy of the United States of America.

First, we have worked to avoid war by accident or miscalculation. I believe the American people should know the steps that we have taken to eliminate the danger of accidental attack by our strategic forces, and I am going to talk about that tonight.

The release of nuclear weapons would come by Presidential decision alone. Complex codes and electronic devices prevent any unauthorized nuclear bursts. In addition, since 1961 we have placed permissive action links on several of our weapons. These are electromechanical locks which must be opened by secret combination before action at all is possible, and we are extending this system.

The American people and all the world can rest assured that we have taken every step man can devise to insure that neither a madman nor a malfunction could ever trigger nuclear war.

We have also worked to avoid war by miscalculation. There may be little time for decision between our first warning and our need to reply. If our weapons could be easily destroyed, we would have to make the final decision in a matter of minutes. By protecting our power against surprise attack, we give ourselves more time to confirm that war has actually begun.

Thus, we have placed missiles in protected, underground sites. We have placed missiles beneath the seas. And we have provided constant and secure communication between strategic forces and the Commander in Chief, the President of the United States.

I do not want to fight a war that no one meant to begin. We have worked to limit the spread of nuclear weapons. The dignity and the interest of our allies demands that they share nuclear responsibility, and we have proposed such measures. The secrets of the atom are known to many people. No single nation can forever prevent their use. If effective arms control is not achieved, we may see the day when these frightful, fearful weapons are in the hands of many nations. Their concern and capacity for control may be more limited than our own.

So our work against nuclear spread must go on.

Third, we have developed ways to meet force with appropriate force by expanding and modernizing our conventional forces. We have increased our ground forces. We have increased our tactical air force. We have increased our airlift. We have increased our stock of the most modern weapons.

Thus, we do not need to use nuclear power to solve every problem. We will not let our might make us musclebound.

Fourth, we have worked to damp down disputes and to contain conflict. In an atomic world, any spark might ignite the bonfire. Thus, our responses are firm, but measured. We saw an example of that in the Tonkin Gulf just the other day. Thus, we pursue peaceful settlement in many remote corners of the globe.

Fifth, we constantly work toward arms control. A test ban agreement has ended atmospheric explosions which were poisoning the atmosphere. We have established a hot line for instant communication between the United States and Moscow in case of crisis.

As President, I ordered a cutback of unnecessary nuclear production, and this year we submitted several major new proposals to the disarmament conference in Geneva. I will pursue with vigor all of those proposals.

These are only first steps. But they point the way toward the ultimate elimination of ultimate destruction. So long as I am your President, I intend to follow that course with all the patience at my command. In these ways, for 19 dangerous years, my three predecessors have acted to insure the survival of the Nation, to insure survival of our freedom, and to insure survival of our race. That will always be my policy and this is the wish of the people of the United States.

I want to depart just a moment to say that this next month I will have been in Washington for 33 years, serving as a secretary, as a Congressman, as a Senator, and as Vice President, and now as President. I want to say a genuine "Thank you" to you good, enlightened people from this modern, progressive State for sending to us, through the years, such outstanding, patriotic, competent public servants. I particularly am grateful to you for having given to all the Nation a man like WARREN MAGNUSON, who has served so well, and no man has done more about the policy that I speak of tonight than MAGGIE's efficient colleague, your junior Senator, and my beloved friend, "SCOOP" JACKSON.

Now, the thing that concerns us all more than anything else in the world is how we can live in peace, because in the largest sense we will never be safe until the world is at peace, and until free men are secure, and that kind of world, my friends, is not going to come to us easily. But it must be the utiring pursuit of every man that is entrusted with the leadership of America. And it is the untiring pursuit of the Washington delegation in the U.S. Senate, I am proud to say.

Conflict among nations will trouble this planet and will test our patience for a long time to come. And as long as weapons are necessary, wisdom in their control is going to be needed. The man who guides them holds in his hands the hopes of survival for the entire world.

As I exercise my cares every day and every night, I often think of those who have just begun and those who are yet unborn. I want them to have a chance. With all my power, and all the aid the Lord offers me, I will help give them that chance. And I think so will all of you.

In many ways the world tonight is now in the valley of the shadow. But there is an old poem that ends: "Westward look the land is bright." From this western shore tonight I believe we, too, can see a brightening land. Our country is moving forward. It is carrying with it the advancing ranks of freedom. Somehow or other—optimist that I am—I just believe that peace is coming nearer. If this is so, we may one day see fulfilled the prophecy of the Bible: "The morning stars sang together, and all the sons of God shouted for joy." Thank you; good night.

(At this point Mr. Brewster took the chair as Presiding Officer.)

VISIT BY THE PRESIDENT OF THE UNITED STATES TO SACRAMENTO, CALIF.

Mr. SALINGER. Mr. President, following the visit of the President of the United States to Montana, Washington, and Oregon, spoken of by the distinguished majority leader [Mr. Mansfield] and the distinguished Senator from Washington [Mr. Magnuson], the President visited Sacramento, where he received the most enthusiastic crowd that that city of my home State of California has ever produced. A vast assemblage of about 75,000 persons was gathered in front of the State Capitol, where the President delivered a most remarkable address.

I commend the address to the American people and also to all people throughout the world, whether they be friends or foes, because, more than any recent speech by the President, it tells our own people about the lengths to which the U.S. Government has gone to protect the people of this country against attack at any time.

I ask unanimous consent that the remarks delivered by the President on the steps of the capitol in Sacramento, Calif., be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of the President on the Steps of the Capitol, Sacramento, Calif.

Thank you, Governor Brown. I am very pleased to have Mrs. Brown and Cathy here. Reverend Ferguson, Senator Salinger, Speaker Unruh, Senator Byrnes, Congressman Moss, my good friend and gracious hosts in Sacramento, I am very proud to be in the home State of more Americans than any other. California sets a fine example for the Nation, because here Americans and Texans live together side by side in relative harmony. Your State was almost my home State, too. When I was a teenager, I heard that California wanted men to match her mountains, so I came out here to apply, but I got a job in the fruit orchards instead and I went back home to the Texas hills.

I am very proud to be here in Sacramento today where everything is done up brown. As the son of a State legislator, I knew its ways and the wisdom of the State house before I ever knew the location of the White House, and my respect for State governments and the people who serve them has never waned.

I might say that Pat Brown knows the way to both the State house and the White House, and the door is open to him in both places. I know that you have no vacancies in the U.S. Senate, but anything can happen, and so I would like you to meet and to know my Press Secretary, George Reedy. But Pierre was my press secretary, too. I always thought he would go a long way, too, but I never dreamed that the day would come when I would be responsible for his public relations.

Four years ago I came to this same scene to ask your votes, to ask your votes for a great and gallant American, John Fitzgerald Kennedy. On this occasion, at the capital of all the people of this Union's largest State, I come as no partisan. I come as President of all the people of the United States, to speak to all the Nation, and for the Nation, to all the world.

In our history, this is a day of highest honor. On this day 177 years ago our forefathers ordained and established the Constitution of the United States. Over the years, our Union has grown—from the Atlantic seaboard to the mid-Pacific; from the Florida Keys to the Far North; from 13 States to 50 States; from 3 million citizens to nearly 200 million now.

On that same rock of the Constitution, our Republic still stands. It stands stable, it stands secure, never stronger, never more successful, never so prosperous, never more determined to defend freedom or to preserve peace. Our system is succeeding as none before—anywhere, at any time—have ever succeeded.

Of all the ages that men have lived, this age of America is the best of all. This is the real truth about America now—and you know it. But others must know this and others must understand it. That is why I have come to California to speak to you as I do today. I want my voice to be heard around the world, for I speak not for myself, but for the people I serve—the strong, the sensible, the moral, the decent, and the peaceful people of the United States.

In this century, time and time again, other men in other lands have misled themselves about what they have heard or what they have read from our land in national election years. From Hitler in 1940 to Castro in 1962, grave miscalculations have been made about America at election time. Our seasons of debate have been miscalculated as seasons of distraction and diversion and division.

There must be no such miscalculation in 1964. To those who look to us in trust, to all who wish us well, and to any who wish us ill, I say this today: Do not misjudge America's readiness or America's will. Do not miscalculate the unity of all the American people.

Our Nation, conceived in independence and brought forth in unity, has not now come to a time of disunity, or division, or diversion. Through all our years America's cause has been the cause of all of mankind, and this is our cause still. Our purpose is to live in freedom in a world of peace—and that American purpose will never change. But this generation of Americans, blooded in battle, matured in peril, living in times when life was never better, but never in graver danger—we know that eternal vigilance is the price of liberty.

We know, as Tom Paine put it, "Those who would reap the benefits of liberty must bear like men the hardships of defending it." This we are doing, and this we shall always do.

Here in California, I do not need to recite the facts of America's strength and power, for you are the real builders of that strength. We are strong; we are the strongest Nation on the earth. Our allies trust that strength. Our adversaries must respect it. Men of all lands can have faith in its wise use. But the condition of our strength is never static. As dangers change, our strength must change, and we are matching new dangers with sure reply.

Seven years ago America awakened one morning to find a Soviet satellite orbiting the skies. We found that our adversaries had acquired new capabilities for the use, or the misuse, of space. This administration moved to meet that challenge. We sought and we supported a resolution unanimously approved in the United Nations banning the use of weapons of mass destruction in outer space. We have stated that we have no intention of putting warheads into orbit. We have no reason to believe that any nation now plans to put nuclear warheads into orbit. We have more effective systems today.

At the same time, we recognize the danger that an aggressor might some day use armed satellites to try to terrorize the entire population of the world, and we have acted to meet that threat. To insure that no nation will be tempted to use the reaches of space as a platform for weapons of mass destruction, we began in 1962 and 1963 to develop systems capable of destroying bomb-carrying satellites. We have now developed and tested two systems with the ability to intercept and destroy armed satellites circling the earth in space. I can tell you today that these systems are in place, that these systems are operationally ready, that these systems are on alert to protect this Nation and to protect the free world.

Our only purpose still is peace, but should another nation employ such weapons in space, the United States will be prepared and will be ready to reply. But this is not the only new development.

We are constantly seeking means of protecting this Nation and our allies. Today I am able to tell you, and I am able to say to the entire world, we have a major increase in our capacity to detect hostile launches against the free world. Previously, our radar capability has been limited to the detection of objects within the line of sight, but now we have produced, and we are installing, our first facilities for operational over-the-horizon radar. This radar will literally look around the curve of the earth, alerting us to aircraft, and especially to missiles, within seconds after they are launched.

This capability will give us earlier warning than ever before of any hostile launches against this country. This means more time to prepare for our retaliatory strike and more time for us to decide, to decide with prudence and reason, the scope and the extent of our retaliatory strike. This is another advance in our vigil of peace to fulfill our responsibility as the sentry of security for all the free world.

Let me also say this for the people of this Nation, to all, also, who may listen in the world: Long ago, a great American patriot said to his countrymen, "We have one country, one Constitution, and one destiny." So let all understand that this is America today. We are not a Nation divided, or dividing, or divisible. Our will and our work today is that the meaning of our country and our Constitution, and our destiny, shall be the same for all Americans, regardless of their creed or their color, or their origins. What men are in America is not determined by their pedigree or their purse, by which their soul and spirit and by their God-given worth. Others have in times past believed that abundance and comfort and contentment would make Americans flabby and soft and weak. I know this generation of Americans is lean and strong and wise. As we have no delusions about the dangers of the world, we have no illusions about our challenges here at home. We know that we have problems to meet; and we know that we shall meet those challenges.

Our abundance will not produce arrogance. Success will not turn us into suspicion of one another. We will never trade the pursuit of happiness for the persecutions of hate. If we have new prosperity in our pockets, we carry priceless values in our hearts.

Our fathers followed the sun westward to open a continent. Today we guide our course by the star of the Constitution that our forefathers fixed for us as we go forth to open the new age of civilization in America. Others searched for gold. We searched and we seek after far more precious values. We seek peace and justice and decency for all mankind everywhere. Our arms shall be always ready, but our hand shall be always extended to those who will join us in a pursuit of peace with honor.

We live in a glorious time in a wonderful land. We have much to be thankful for. We can count our blessings, and they are many. We have much to protect and to preserve, and to perpetuate.

You are the leading State in the leading Nation in the world. You have produced leaders worthy of your people, and today California stands out in front as no other State in this Nation stands out. So let us realize that we are trustees and we are guardians of all that is good, and let us try to be worthy of this land of ours. Let us try to build this State and build this Nation as a Nation of lovers instead of a Nation of haters.

Let us direct and guide our conduct by the Golden Rule of doing unto others as you would have them do unto you. Let us try to join in a cooperative effort, not a dividing one, to see that our resources are conserved, that we have the water that we need to live in happiness, that we have the roads that we need to travel over, that we have a transportation system that will bring us to work and to our pleasures, that we have a roof over the homes of all of our children, that we have a school for them to attend and a teacher awaiting there to meet them that is competent to lead them, and then let us see that we not only have this in the great State of California, but we have it in the Union of the Nation.

Oh, what you have done to lead the way in the field of education. It was an inspiration to all of us who come here. So keep up your leadership. Go on your forward march in this great work until the day comes when all have homes, when all children are taught all they can absorb, when we have recreation to take care of our leisure time, and when brother loves brother and neighbor embraces neighbor.

Thank you, goodby, and God bless you.

COMMEMORATION OF MEXICAN INDEPENDENCE DAY

Mr. MANSFIELD. Mr. President, on Wednesday, September 16, I had intended to make some remarks in the Senate on this particular date because it is Mexican Independence Day. However, as Senators know, I accompanied the President of the United States on his trip to the Northwest for the finalization of a treaty with another good neighbor, Canada, having to do with the Columbia River Basin.

Armed with little more than courage and determination, not only had the people of the United Mexican States had been able to achieve their independence, but today they stand as a symbol of progress and a bulwark in the ranks of democracy. The destinies of the United States and Mexico are joined in the common cause for freedom of all men, and just as the President emphasized that our border with Canada is cemented in a permanent bond of friendship, so is our border with Mexico.

This country is fortunate, indeed, that hundreds of thousands of our citizens are of Mexican descent and background. These fine people have enriched our lives with their language, their music, their cultural customs and their great cultural talents. Our citizens of Mexican descent and all Americans of whatever descent take pride in the achievements of this great republic to the south and join with our Mexican brothers in celebrating this independence day of September 16 as we will also celebrate the meeting of our two great leaders, President Lyndon B. Johnson and President Adolfo Lopez Mateos, at the Chamizal strip on next Friday, September 25, to mark a further cementing of the bonds between our two great nations.

Mexico is a shining example of what a nation can do to help itself develop a modern and viable economy to meet the challenges of the 20th century. Tremendous accomplishments are characteristic of the administration of its outstanding leader, President Adolfo Lopez Mateos. Mexico has set an example of rapid economic and social development for the rest of Latin America. Few other developing nations attract foreign investment and highly competitive commercial credit as actively as Mexico. Political stability has prevailed throughout President Lopez Mateos' 6-year term and inflation has been kept to a minimum. The rate of economic growth has been greater than that of all other nations in this hemisphere during that time and far exceeds the goal set for the Alliance for Progress nations at Punta del Este in 1961.

Mr. President, on September 25 President Lopez Mateos will meet with President Johnson at El Chamizal to commemorate the official turnover to Mexico of the Chamizal Territory near El Paso, Tex. Chamizal has long been an area of dispute between our two nations and its solution brings us to a high mark in our relations. One more longstanding problem between the United States and Mexico remains to be settled. That is the problem concerning the salinization of the waters of the Colorado River. I know that discussions are being held to work out a mutually acceptable agreement. I hope that a satisfactory conclusion can be reached expeditiously and in the same amicable vein that marked the Chamizal Treaty negotiations. The meeting of the two Presidents will take place in the wake of criticism concerning Mexico's refusal to vote with the 19 other Western Hemisphere nations to cut off relations with Castro Communist Cuba. I cannot say that I agree with Mexico's decision; I do not. But I can say that we should not expect our friends to unswervingly adhere to our policies any more than we can be expected always to adhere to theirs. Let us not obscure the purpose of foreign economic policies: It is to build free, independent, and democratic allies, able to withstand Communist efforts at subversion. It is not to convert sovereign nations into "yes men."

Mr. President, I have great respect for the leadership that President Lopez Mateos has given Mexico over the last 6 years. Expectations are equally high for the leadership that his successor President-Elect Diaz Ordaz will give to the people of Mexico in the next 6 years. Few men assume a position of such great responsibility with better training than he has. I know that the Senate joins with me in wishing him well.

Mr. President, I ask unanimous consent that an article which appeared in the Baltimore Sun of September 15, 1964, entitled "Not Underdeveloped Now," written by Daniel James, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEXICO ON A NEW PLATEAU—NOT UNDERDEVELOPED NOW

(By Daniel James)

MEXICO CITY.—When President Johnson meets with President Adolfo López Mateos, of Mexico, on September 25, at a place in Texas called El Chamizal—a 600-acre tract in El Paso which then formally reverts to Mexico after a 100-year dispute—the Mexican will be ending 6 crucial years as our nearest Latin neighbor's chief executive. It is therefore pertinent to ask: "What has he done in that time?"

López Mateos' supreme accomplishment, in this writer's opinion, is one of the rarest in this turbulent and often retrogressive world: in 6 short years he has lifted his country out of the ranks of the underdeveloped nations. That is a feat matched by no other nation in Latin America—or Asia or Africa—and it makes Mexico a leader and a model for those confused and strife-torn areas to follow.

In his final message to Congress on September 1, the outgoing Mexican President proudly cited the unprecedented economic and social record of his stewardship which leads one to make the above conclusion. Some of its salient features are worth noting here, particularly when one keeps in mind what the imposition of a foreign ideology upon neighboring Cuba has done to that country, during the same period of time; Castro came to power exactly 1 month after López Mateos.

Mexico's grcss national product, reported López Mateos, has increased one-third since he took office, and the annual rate of economic growth now stands at 7 percent. That is almost three times the 2.5-percent rate set by the Alliance for Progress as a goal for Latin America, and just about matches the pace of such miracle nations as Germany and Japan.

Industrial production alone has soared 52 percent, with record gains made particularly in basic industries such as steel, chemicals, electricity, petroleum, and autos. Mexico has replaced Argentina as Latin America's second largest steel producer, rivaling Brazil, which has twice her population. She is second only to Venezuela in oil production. She leads in chemicals, and may well overtake Brazil in autos and electric power. She is

Latin America's only producer of rolling stock, of which Brazil herself wants to become a customer.

The economic infrastructure has probably received its biggest impetus under López Mateos, paving the way for expected new industrial records during the coming 6-year term of his successor, President-elect Gustavo Díaz Ordaz.

To give one key example, installed electric power capacity has doubled since 1958. Though still small by our standards—a mere 5,300,000 kilowatts—it reflects a rate of growth greater than our own. With big new dams going up literally from border to border, the chances of even greater proportional growth by 1970 are great.

Transportation, another vital infrastructural sector, also saw the kind of phenomenal increase which marks Mexico as an ex-underdeveloped country today. With nearly 3 times the number of roads she had in 1958—33,000 miles compared with 12,500—Mexico has the best highway network in Latin America. The same may be said for her rail system, with new trunklines opened up by López Mateos.

Although advances were made in communications, the Mexican telephone system, unfortunately, is still backward and its relatively poor performance mars an otherwise excellent record for industry as a whole.

But it is one thing to industrialize fast—other countries are doing it—and another to do so in a balanced manner without injuring other vital economic sectors, such as agriculture, or driving down the people's living standards. In the Communist countries, both agriculture and general living standards suffer in the process, as Russia dramatically illustrates nearly 50 years after her revolution.

In Mexico, however, more than 50 years after her own non-Communist revolution, agriculture is flourishing as never before. López Mateos could report an annual rate of agricultural production under his tenure which nearly equaled the industrial—it was 6 percent—and was almost three times the Latin-American average.

What is more, that is nearly double Mexico's rate of population growth—at about 3.5 percent, the second highest in the world. How many other nations can boast an agricultural output that has kept them as far ahead in the relentless race against the population explosion?

Incidentally, the President reported that Mexico's population is increasing about 1 million annually and has reached 40 million. Projections indicate that before Diaz Ordaz leaves office in 1970, it should have surpassed the populations of Britain, France, and Italy.

It is true that many Mexicans still have an inadequate diet, despite the agricultural gains. But, the President could truthfully report, "there is no shortage in any region." He cited record rises in such vital foodstuffs as corn (5.3 percent), beans (9.5 percent), wheat (5.3 percent), and cattle (6 percent).

Had the Mexican Government, for some unknown reason probably having to do with ultranationalism exported more than 1 million tons of the above grains last year—leaving a food deficit which had to be made up by $24 million worth of American surplus-food grants—the country could have attained self-sufficiency in edibles.

As for living standards, they have risen rather than decreased, in the wake of industrialization. Inflation, which is virtually uncontrolled in fast-industrializing Brazil and further impoverishes the masses there, has been kept to a modest 14.1 percent increase by López Mateos. At the same time, he has raised wages 96.7 percent. Both facts, plus a worker's profit-sharing program he introduced, have increased the average Mexican's real purchasing power (although per capita income remains relatively low).

In addition, the Mexican worker and peasant have made big social strides under the present administration. Three times as many of them are covered by social security as in 1958. Increasing numbers are receiving low-cost housing—introduced on a large scale during this Presidential term. Illiteracy has been cut to a record low of only 28.9 percent. Mortality is down to only 9.6 per 1,000, while longevity has reached 64 years (compared with 35 in many Latin countries).

All of these social and economic gains have been made without straining the country's finances or credits. On the contrary, its internal and international financial position is sounder than at any time in the past half century. López Mateos leaves behind a record $549 million in foreign reserves, backed by another $345 million available in the International Monetary Fund, and a reputation in world financial markets so high that foreign financiers scramble over each other to offer Mexico credits.

Above all, he kept Mexico's unit of currency, the peso, firm at 12.50 to the dollar—a rate it has maintained consistently for a decade. And, to complete this part of the story, he reduced Mexico's chronic unfavorable trade balance to economically tolerable proportions.

If asked what he thought was his most important single accomplishment in 6 years, López Mateos' own answer would probably be that he has distributed to the peasantry more than one-third of the total amount of land they had received from all his revolutionary predecessors since the agrarian reform began in 1915. It amounted to some 35 million acres, compared with 95,700,000 up till 1958.

The broader significance of that act is that it virtually ends the first, and most fundamental phase of the agrarian reform, division of the land, and makes possible the fullest concentration upon the next phase (already begun): the complete modernization of Mexican agriculture through universal application of technology and efficient farming methods.

American circles here were disappointed when López Mateos delivered a eulogy to John F. Kennedy, in his final message to Congress, without mentioning that which the late President himself had regarded as the most important program of his administration: the Alliance for Progress. The omission left the impression that the Alliance has played no role in Mexico's great progress, whereas the truth is that she has received more than $800 million in Alliance funds—$650 million of it from the United States—since January 1961.

Cuba has been, of course, López Mateos' hair shirt, as it was the late President Kennedy's, but for a different reason; he held to the position that any effort to isolate or punish Castro would constitute intervention, while tolerating the very real and direct intervention of the Soviets. That position was reaffirmed in his September 1 message.

Now, however, that Uruguay has become the last Latin republic to break off relations with Castro, in compliance with the majority sanctions vote at the American Foreign Ministers meeting on July 26, the price of López Mateos' inflexibility has been the complete isolation of Mexico. She alone, among the American States, continues to maintain diplomatic relations with Havana; she alone has refused to accept the decision of the great majority of the American States.

Though the Mexican attitude toward Castro has naturally irked our Government, it has not been permitted to affect United States-Mexican relations, which are the most cordial both nations have ever enjoyed. When the Chamizal territory is formally turned over to Mexico later this month, that will remove one of only two remaining sore spots between the neighboring countries.

The only serious problem that will be left, said López Mateos in his last state-of-the-union message, is that of the saline water from the Colorado River which enters northwestern Mexico and damages the crops there. That is in violation of a 1944 bilateral treaty.

But both nations have been working to resolve the problem amicably, and hope to do so before long. Would that other neighbors had equally serious problems.

USE OF AUTOMATIC DATA PROCESSING EQUIPMENT BY FEDERAL DEPARTMENTS AND AGENCIES

Mr. McCLELLAN. Mr. President, I ask unanimous consent to speak for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I have today released a statement with reference to proposed legislation introduced in the present Congress directed toward the improvement of Federal policies governing the lease, purchase, and coordination of automatic data processing equipment and systems, and I ask unanimous consent to have it printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Senator John L. McClellan, chairman of the Senate Committee on Government Operations, today announced that the committee expects to take up bills relating to Federal procurement and use of electric computers when the new Congress convenes in January 1965. The principal bill is H.R. 5171, introduced by Representative Jack Brooks, chairman of the House Subcommittee on Government Activities, which passed the House of Representatives on July 18, 1963. President Lyndon B. Johnson has indicated that he supports the enactment of legislation designed to bring about greater efficiency and economy in the policies and practices of Federal agencies which employ electronic computers in their operations.

Senator McClellan said that the committee would go into the problems of electronic computer procurement and utilization thoroughly before reporting out a bill. He noted that President Kennedy, at the suggestion of the House Post Office and Civil Service Committee, has directed the Bureau of the Budget to make a comprehensive study of automatic data processing in Government operations, and that the Bureau is expected to present its findings and recommendations to the President and the Congress within a few weeks. Senator McClellan also indicated that the committee will consider the recommendations contained in various reports of the Comptroller General of the United States for strengthening electronic computer management and reducing costs.

The chairman stated that the committee will seek the views of Members and committees of the Senate and the House of Representatives, the executive branch, and representatives of private industry on these matters.

Senator McClellan noted that the number and variety of electronic computers leased or purchased by Federal agencies has increased very rapidly in recent years and that about 1,800 computers are presently in use while plans are underway to obtain hundreds more. The annual operating costs of ADP equipment in place have risen from $251 million in 1959 to an estimated $1,053 million in the 1965 budget. The equipment is used in a great variety of operations ranging from complex scientific calculations to the maintenance of insurance and payroll records. While computers have contributed significantly to the efficiency and productivity of many Government operations, they present novel and difficult management problems. The equipment is expensive, it is subject to obsolescence due to rapid improvements in technology, it requires highly trained technicians, and its introduction has raised new problems of manpower utilization in the Government.

Senator McCLELLAN said that the committee is aware that constructive steps have been taken to deal with these problems by such agencies as the Bureau of the Budget, the General Services Administration, the Civil Service Commission, and the operating agencies. He noted that the committee has assurances of full cooperation from the executive branch in the forthcoming hearings.

The committee staff, headed by Walter Reynolds, has been instructed by the chairman to begin a review of the Bureau of the Budget's study as soon as it is available.

Mr. McCLELLAN. Mr. President, the bill, H.R. 5171, to authorize the Administrator of General Services to coordinate and otherwise provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies, was approved by the House of Representatives on July 18, 1963, and referred to the Senate Committee on Government Operations for consideration. This bill was based upon recommendations of the Comptroller General, that a Government policy should be established providing for the purchase of automatic data processing equipment, rather than the prevalent program of leasing such equipment primarily designed to meet the individual requirements of each of the Federal agencies.

I wish to submit the following general background data of prior congressional studies and actions which relate to this proposal, for the information of the Senate. This history of congressional consideration given to the problems involved in this most important area, and the further facts developed by the Committee on Government Operations and its staff, sets forth full details as to why the committee was unable to recommend action on H.R. 5171 or similar legislation in the 88th Congress.

Prior to the introduction of this proposed legislation, various committees of the Congress held hearings and devoted studies of considerable length into the problems relating to the development of automatic data processing systems, directed primarily to research and development programs and to the retrieval of scientific and technological information.

The Senate Committee on Government Operations has been interested in automatic data processing, particularly as it relates to assembling, translating, analyzing, abstracting, and disseminating scientific and technical information, as far back as the 80th Congress. At that time, the committee considered a bill, S. 493, to provide for the coordination and dissemination of technical and scientific information in the Office of Technical Services, through the use of automated retrieval systems. After hearings, which continued for 10 days during May 1947, the committee reported an abbreviated bill which was approved by the Senate but no action was taken in the House of Representatives. In the 81st Congress, a substitute version of S. 493, as originally introduced, was approved as the Technological and Scientific Act of 1950, on September 9, 1950.

In the 85th Congress, following extensive staff studies initiated in August 1957—before sputnik was launched—a committee bill, S. 3126, the Science and Technology Act of 1958, was introduced on January 27, 1958. Along with provisions for the establishment of a Department of Science and Technology, and standing major Committees on Science and Technology in the House and Senate, the bill proposed the expansion and coordination of existing science information processing programs, utilizing all facilities of the Federal Government then vested in agencies which performed related functions. It also provided for the undertaking of the establishment of facilities to further scientific, engineering and technological research as well as aiding in the development of inventions, discoveries, products, processes, and techniques.

The committee staff was specifically directed to conduct a broad study of the problems then existing in the operation of Federal programs in the field of science and technology, including the utilization of ADP equipment. The committee approved staff studies which recommended, among other essential steps that would be required to perfect the science and technological activities of the Government, that it would be necessary to coordinate and improve the then existing facilities for automatic retrieval of scientific and technological information in connection with our defense effort.

In May and June of 1958, the Subcommittee on Reorganization, of which the Senator from Minnesota [Mr. HUMPHREY] was chairman, held hearings in order to evaluate the six basic proposals contained in S. 3126 and another bill, S. 4039, which authorized the expenditure of funds through grants for the support of scientific research. These hearings were directed primarily at compiling information relative to existing facilities available for assembling, coordinating, retrieving, and distributing scientific information. All witnesses stressed the importance of improving these facilities through the utilization of the latest technical equipment and coordinated systems as developed by the industry. Although this bill was never considered by the Senate in its entirety, a number of its objectives were adopted by separate actions in the 85th and subsequent Congresses, some of which were set forth in Senate Report No. 2498 of the 85th Congress, entitled "Progress Report on Science Programs of the Federal Government," and Senate Report No. 120 of the 86th Congress on "Science Program, 86th Congress," approved by the committee.

The Subcommittee on Reorganization also held further hearings on other legislation during the 86th Congress, in April and May 1959—S. 676, S. 586, and S. 1851—relating to the proposed establishment of a Department or a Commission on Science and Technology. These hearings again placed special emphasis on the need for improving science information processing procedures, particularly as they related to the retrieval of information and data which had been developed either by Federal and non-Federal agencies or through contractors performing services for the Government in the field of science and technology.

In June 1960, the committee approved a staff study on Federal and non-Federal science processing and retrieval programs, entitled "Documentation, Indexing and Retrieval of Scientific Information," which was printed as Senate Document No. 113 of the 86th Congress. The objective of this report was directed toward improving the existing systems and reducing the excessive expenditures that were then being made by certain Federal agencies in the purchase of ADP equipment which was found to be inadequate to meet the requirements of these agencies even before it was fully installed and in operation. To meet the demands of this document, the Senate approved a resolution authorizing reprinting of Senate Document No. 113, and a supplement to the report which was approved by the committee and printed as Senate Document No. 15 in the 87th Congress.

The Subcommittee on Reorganization issued reports in the 87th Congress on "Coordination of Information on Current Scientific Research and Development Supported by the U.S. Government," which was printed as Senate Report No. 263 on May 18, 1961, and a committee print of a report on "Coordination of Information on Current Federal Research and Development Projects in the Field of Electronics," containing an analysis of agency systems for storage and retrieval of data on on-going work and of views of private companies on indexing and communication problems.

The committee also reported to the Senate a bill, S. 2771, in the 87th Congress, to provide for the establishment of a Commission on Science and Technology, after holding further hearings on this proposal during May and July of 1962. This bill was passed by the Senate without opposition, but the Committee on Science and Astronautics of the House of Representatives, to which it was referred, failed to act before the 87th Congress adjourned. The committee also recommended the printing of a "Report to the President on Government Contracting for Research and Development," submitted by the President of the United States to the Congress on April 30, 1962, which had been referred to the committee for study and appropriate action, as a Senate document—Senate Document No. 94, 87th Congress.

In the present Congress, the committee reported a bill, S. 816—Senate Report No. 16—similar to S. 2771 approved in the 87th Congress. S. 816 was unanimously approved by the Senate on March 8, 1963, and was referred to the

Committee on Science and Astronautics of the House, where no action resulted. This bill specifically requires that the proposed Commission submit recommendations to the President and the Congress with the objective of insuring the maximum utilization of all available scientific know-how and technological information by coordinating the research and development programs of the Federal departments and agencies.

It also stresses the need for the elimination of undesirable duplication and overlapping between Government departments and agencies engaged in scientific and technological research, information storage, processing and distribution services, and contained broad declarations of congressional policy and objectives toward the improvement and advancement of Federal programs in this area. These measures also placed special emphasis on the need to solve existing problems relating to the improvement of Federal programs for processing and retrieval of scientific information. Specifically, the bills stressed the need for "insuring the maximum utilization of all available scientific know-how and information by coordinating the research and development programs of the Federal departments and agencies with those of American business and industry and with nonprofit organizations," and called for "the elimination of undesirable duplication and overlapping between Government departments and agencies engaged in scientific and technological research, and in information storage, processing and distribution services, activities, and functions, with particular emphasis upon effecting the maximum utilization of the resources of private industry and nonprofit research organizations, including universities and other educational or technological institutions."

The Subcommittee on Census and Government Statistics of the House Committee on Post Office and Civil Service held general hearings on this subject in 1959, following which the committee suggested that the Bureau of the Budget and the General Accounting Office should conduct a special study of the cost and use of ADP equipment throughout the Government. In August 1960, the subcommittee issued a report entitled "Use of Electronic Data Processing Equipment in the Federal Government." This report included 21 recommendations to Federal agencies relative to the general management and planning of ADP systems. The subcommittee also held further hearings and issued a report—House Report No. 627—on August 1, 1963, entitled "Interim Report on the Use of Electronic Data Processing Equipment in the Federal Agencies."

Since 1960, the Comptroller General has submitted numerous reports to the Congress relating to alleged excessive expenditures by the various Federal agencies and Government contractors on defense and other technological projects which involve leasing rather than the purchasing of automatic data processing equipment.

In line with the Comptroller General's recommendations, the Department of Defense and several other major users of ADP equipment changed their internal procedures so that high-level or executive review is attained and approved before leasing or purchasing additional ADP equipment systems. Improvement in this field was also reported in the establishment of equipment sharing centers at the National Bureau of Standards, the Internal Revenue Service at Philadelphia, and that another center was being established at the Federal Center in Denver, Colo.

Pursuant to the recommendations of the Comptroller General, the House Subcommittee on Government Activities of the House Committee on Government Operations held hearings on May 28, 1963, on the bill, H.R. 5171, with the objective of implementing the recommendations of the Comptroller General, at which representatives of the General Accounting Office and the General Services Administration appeared in support of the bill. None of the executive departments and agencies operating major research and development programs were afforded an opportunity to testify as to the effect this legislation might have on their programs.

After the House Committee on Government Operations reported the bill favorably and it was approved by the House, Representative TOM MURRAY, chairman of the House Committee on Post Office and Civil Service, upon the recommendation of the Subcommittee on Census and Government Statistics, suggested to President Kennedy, immediately after House passage of H.R. 5171, that a special committee composed of experts conversant with the problems involved should be appointed to evaluate ADP procedures and systems and to develop guidelines for future Federal policy before final action was taken on the proposed legislation. The President wrote the chairman that—

> I agree that the report (of the subcommittee) and the bill (H.R. 5171) dealt with many of the problems involved in the use of automatic data processing equipment for which there is no easy solution. I agree with your recommendation and I have requested the Director of the Bureau of the Budget to initiate a study of the administration of automatic data processing in the executive branch of the Government along the lines you have suggested. The Director will submit appropriate recommendations to me and to the Congress by June 30, 1964.

The Director of the Bureau of the Budget, in response to the directive of the President, issued an order on December 26, 1963, to the heads of the executive departments and agencies, announcing the initiation of a study of the management of ADP activities throughout the Government, and requested that all of the departments and agencies cooperate with the Bureau. At the same time, the Director announced the formation of an Advisory Committee on the Coordination, Purchase, Lease, and Operation of ADP Equipment, with former Representative Robert Ramspeck, as Chairman. Ten other top-level individuals from business, labor, commerce, education and the Government were appointed to the committee for the purpose of advising the Director and the Congress on policy, manpower, and procedures now being followed in connection with the procurement, lease, and utilization of ADP equipment in the Federal Government. Mr. Carl W. Clewlow, former Deputy Administrative Assistant Secretary of the Treasury, was appointed Staff Director of the task force of specialists assigned to make the survey. The report of this special study committee, with appropriate recommendations for the improvement of these operations, was scheduled to be submitted to the President and to the Congress on or before June 30, 1964, but due to the delay incurred as a result of the assassination of President Kennedy, and the inability of the members of the committee to agree as to the recommendations that should be made to the Congress relative to the need for legislation along the lines proposed in H.R. 5171, that report has not yet been made available to the committee.

A companion bill to H.R. 5171 (S. 1577), was introduced in the Senate on May 21, 1963, and referred to the Committee on Government Operations. Copies of this bill were forwarded to all the major agencies in the executive branch which were utilizing ADP equipment, for their comments and recommendations. All responses to this request, except from the General Accounting Office and the General Services Administration, were in opposition to the proposed legislation as passed by the House and as introduced in the Senate. The Bureau of the Budget stated:

> The bill poses serious questions regarding the nature and degree of centralized control that should be exercised over equipment that is so vitally linked to program performance for which department heads are held responsible. These questions deserve to be fully explored, and the views of those affected by the legislation should be obtained before acting upon it.

The then Director of the Office of Science and Technology, Executive Office of the President, Dr. Jerome B. Wiesner, also advised the committee:

> My interest in computers lies in their use for unique scientific and technical applications where they have revolutionized procedures and brought about large savings of time and money. In these areas, I believe that the form of centralization envisioned by this measure would sacrifice much of the usefulness of computer technology to the Government and might even lead to increased costs. A system with predominant control lying outside of the user groups would markedly lessen the responsibilities of operating agencies for setting computer requirements and modes of operation, and could hamper the Government's ability to take full advantage of ADP in support of agency missions. Timely development of useful applications of computers depends so intimately on the interests of the user that it is essential for the achievement of agency missions that the integrity and flexibility of this relationship be maintained.
>
> It is also my view that our experience with the management of these expensive tools for scientific research indicates that computers and their ancillary equipment should be considered as part of a scientific program, and budgeted as such, rather than as a category separate from their research applications. While in some aspects of Fed-

> eral facility management the establishment of a centralized equipment pool may have been proven justifiable, I believe that such experience is not at all comparable where the needs of scientific research for computing equipment are involved.
>
> My opposition to the particular approach and mechanisms of this bill does not suggest that I believe improvements in our ability to manage automatic data-processing activities may not be desirable. To this end, I endorse the efforts to improve and strengthen Federal management of ADP equipment currently underway by both the Bureau of the Budget and, under existing statutory authority, the General Services Administration.

In view of the opposition to H.R. 5171, which developed throughout the Government and from contractors performing services for the Federal Government, the Bureau of the Budget conducted its own study of these problems and submitted to the committee a suggested revision of the language contained in H.R. 5171 as approved by the House of Representatives. A committee print of the proposed revised bill was again submitted to the executive agencies engaged in major scientific research and development programs for their further comments. None of these agencies responded to the committee's request for their views on the proposed revision, except the Tennessee Valley Authority which opposed the bill both in its original form and as proposed to be revised, unless further amended to exempt TVA from provisions of the proposed legislation.

The chairman also requested the Honorable Robert Ramspeck, Chairman of the special committee appointed by the Director of the Bureau of the Budget at the direction of the President to study the "Management of Automatic Data Processing in the Federal Government," to submit his views and recommendations on the bill as proposed to be amended. Mr. Ramspeck's reply, dated July 27, 1964, follows:

> As you know I am Chairman of a Committee, appointed by the Director of the Budget, by direction of the President, which is studying the "Management of Automatic Data Processing in the Federal Government." This Committee has not completed the study. In fact the staff just made its first draft of a proposed report about 2 weeks ago. The Committee, after an all-day discussion of the draft, asked the staff to revise the proposed report. This revision will be considered during the latter part of August.
>
> In view of this situation I would not like to comment on the proposed substitute for H.R. 5171. Speaking for myself only, I would hope that your committee would not hold hearings until our committee has reported to the Director of the Budget and he has had time to report to the President.
>
> Since this Congress is close to the end of its sessions, I think you will agree that no action could be had at this session, especially as your committee staff anticipates extensive hearings. I would agree with the committee staff report that extensive hearings should be held. Proper management of automatic data processing equipment in the Federal Government poses some very tough problems. Large sums of public money are involved. The right answers will not be easy to find in this comparatively new field where new machines are constantly being offered.

The Committee received a letter dated August 3, 1964, from Dr. Donald F. Hornig, Director of the Office of Science and Technology, Executive Office of the President, who succeeded Dr. Wiesner, stating:

> Before commenting in detail on this important bill I would like to assess the view of the major agencies engaged in research and development as to the impact on their scientific efforts of this measure as recently revised. My office is now canvassing these views, and we will be in a better position to respond to your request for comment when our assessment is complete.

In addition to requesting the views of Federal departments and agencies utilizing ADP equipment, copies of H.R. 5171 as revised were forwarded to some of the major industries which operate ADP equipment under Federal contracts, with a suggestion that they might wish to submit their comments as to the possible impact the proposed legislation would have upon their operations. The following are extracts from replies forwarded to the chairman in response to this request:

J. L. Atwood, president, North American Aviation, Inc.:

> Our basic concern with H.R. 5171 stems from the inclusion of the words "or at the expense of," in section 111(a). These words, together with the explanation of the committee amendments, set forth on page 12 of House Report No. 428, indicate that it is intended that the provisions of the bill apply to ADP equipment acquired by contractors where all or a substantial part of the cost would become a part of Government contract prices.
>
> Many Government contractors and subcontractors have developed and programed systems for business applications and scientific computing based upon the use of certain types of ADP equipment. If the Government could not furnish to contractors, in a timely manner, equipment which was compatible, the costs of reprograming and the related operational problems would involve amounts of money which could be very substantial. In this context, it should be borne in mind that the cost of using ADP equipment, when compared to the total cost of a contract under which it is being used, is relatively minor in most cases. Any delay, therefore, in the work under a contract resulting from failure of a contractor to acquire or to be able to use ADP equipment resulting for any reason from centralized Government control would undoubtedly more than offset any possible anticipated savings. When it is considered that a large number of organizations will be affected, the magnitude of this problem becomes apparent.
>
> Aside from the problem of costs, we would be very concerned with the effect of this bill on contract schedules and particularly high priority national programs which by their advanced technological nature are the largest users of ADP equipment. Our experience indicates that it will be unrealistic not to expect delays and difficulties in the acquisition by contractors of ADP equipment if it is to be centrally controlled by the Government. We are fearful that the ultimate detriment to the Government of performance delays may well far exceed any possible savings which could be realized by such centralized controls of contractor ADP equipment.
>
> In summary, while we wholeheartedly support the goal of overall economy in the use of ADP equipment by Government contractors, we doubt that this goal can best be achieved by an inflexible requirement for centralized control and management of ADP equipment.

W. E. Zisch, President, Aerojet-General Corp.:

> In your letter of July 2, 1964, you requested my comments on the amended version of H.R. 5171 which would authorize the Administrator of the General Services "* * * to coordinate and provide for the economic and efficient purchase, lease, and maintenance of automatic data processing equipment by, or 'at the expense of,' Federal agencies."
>
> We have quoted the phase "at the expense of" to indicate our concern with the implication of this provision of the bill. From the recommendations of the General Accounting Office it is clear that this phrase was intended to include automatic data processing (ADP) equipment in the possession of contractors doing a large part of their business with the Federal Government. Should this interpretation not be correct, the balance of this letter does not apply; we are not in a position to comment on how ADP equipment should be provided and administered for use within Federal departments and agencies. We are, however, vigorously opposed to any planned legislation which would assign to a Government agency the responsibility for purchase, lease, and maintenance of ADP used by industry. These responsibilities are management functions which can be exercised most effectively and economically by management itself operating in a free competitive environment.
>
> Specifically, we foresee that in the administration of this provision of the bill, the following objectionable situations could arise:
>
> (a) The contractor would be placed in the wholly untenable position of having to justify its requirements to the GSA while defending its performance to the DOD, NASA, and other Federal agencies.
>
> (b) Vital ADP requirements could remain unsatisfied while an administrative team was getting around to investigating and approving the requirements.
>
> (c) The Government's management agency is likely to judge requirements on the basis of minimum obvious needs directly connected with a specific defense contract. The contractor on the other hand must judge his requirements on the basis of overall efficiency, maintenance of competitive position, and anticipated future needs.
>
> (d) When units of equipment become unfit for service (as occasionally happens), a whole system could remain out of service until the central agency could purchase a replacement. Such delay or other inflexibility could be critical since ADP is a key factor in business efficiency. With the Government's increased desire for fixed-price and incentive type contracts, contractors should not be obligated to relinquish this fundamental management responsibility to the Government.
>
> Aerojet feels so strongly about the importance of the ADP function and the need of top level company management participation in it, that the highly competent technical and financial personnel who direct its operations report to a vice president, who in turn reports directly to the president of the company.
>
> Aerojet is convinced that ownership and management by the Government of ADP equipment used in the defense industry is neither practical nor economical. ADP systems are not only important in the solution of scientific and engineering problems relating to defense R. & D., but are becoming increasingly important in the efficient management of modern business enterprises being used for accounting, payroll, inventory control, production control, and many other management functions. It is our belief that the optimum use of such equipment including determination of the kind and amount needed and how it is to be provided can best be made by the contractor

working in a competitive environment and with incentives for overall cost reduction.

If the bill, as amended, is ultimately approved and signed into law, the basic philosophy inherent therein may then be equally applied to all types of items commonly used "at the expense of Federal agencies," e.g., (a) furniture and fixtures, (b) automotive equipment, (c) stationery and supplies, (d) warehousing facilities, etc. Where would it end?

I appreciate this opportunity to express my views and hope they are not considered to be just emotional ones, but the convictions of one who really believes that defense contractors and the Government can work together in the true atmosphere of free enterprise. I also wish to advise you that in the event your committee holds hearings on H.R. 5171, Aerojet-General Corp. would be pleased to accept your invitation to have a representative of our company testify.

Erwin H. Graham, vice president and comptroller, Chrysler Corp.:

In our opinion, the amended H.R. 5171 does not provide any substantive change to the original bill and we therefore, are unable to favorably endorse its passage.

Although the General Accounting Office report (B–146732) and H.R. 5171 are primarily directed toward Government users, we feel the end result will be unnecessary costs to the Government.

The GAO assumptions on the "life of equipment" are not necessarily valid in a field in which technological advancements (and attendant cost reductions) appear to obsolete existing systems on an approximate 2½-year cycle.

The nature of Government business is such that increasing complexity of computer operation requires the ability to quickly respond without being tied to an "outdated" system.

Chrysler's non-Government experience in computer systems is such that, out of an existing complement of approximately 30 stored program computers, none were produced prior to 1960. In the past 12 months, Chrysler Corp. has installed or replaced eight separate computer installations due to increasing job load and technical obsolescense of the replaced equipment.

The fact that Government programs and requirements for data are continually changing militates against purchase of equipment with anything but maximum capacity and throughput.

As an example, programs of PERT, PERT cost, line of balance and other sophisticated analytic techniques could not be economically processed on the majority of equipment purchased (or leased) 2 years ago.

It is our thought that the proposed significant savings to the Government accrued by adoption of the GAO recommendations and the attendant H.R. 5171 exists only because many of the important factors of cost do not appear to have been given appropriate consideration (e.g., scheduling delivery of equipment in optimum time for the contractor, handling, shipping and installation costs, physical facility availability, increased costs of maintenance due to multiple moves, technical obsolescence, insurance, freight and storage, compatability with contractors commercial equipment, and of extreme importance, reprograming costs).

Roger Lewis, president, General Dynamics Corp.:

In our business, automatic data processing equipment has in the last decade become an essential, almost indispensable, management, research, and engineering tool. While these machines are used to perform routine clerical tasks, their most important application is in the performance of critical calculations in design, engineering, and production. With them we are able to make tests, simulate actions, and investigate alternate possibilities which would require thousands of man-years to accomplish manually. We can fairly state that without the advanced computers now available, the United States would not be in the excellent technological position it occupies today.

Because ADP know-how has become an important industrial major resource, we favor new section 111(f), which provides that the Administrator shall not interfere with or control the use made of automatic data processing equipment. We raise the question, however, whether that section can be reconciled, particularly insofar as Government contractors are concerned, with preceding portion of the bill which vest, in very general terms, control of ADP equipment in the GSA.

While the bill provides for relationships within and between Government agencies, it is not clear in this respect as to contractors. This is of concern to us. For instance, if it is intended that joint use of computers be made by two or more contractors or by contractors and Government agencies, problems of priority, confidentiality of private developments and information, and competitive advantage will arise. The treatment of contractors whose business is both military and commercial is also not clear. The bill establishes machinery to resolve differences between Government agencies, but it is not apparent what procedures will apply when there is lack of agreement between the Administrator and a non-Government user.

We note that under the bill the Administrator is not to interfere with or control the determination of automatic data processing requirements. The interpretation of "requirements," however, could vary. We would hope that "requirements" would include not only the number of machine hours needed but also the type of equipment, time of usage, and response, or turn-around, requirements. All of these are factors which could affect a contractor's capability.

We do not presume to comment on the need for this legislation in respect to Government agencies. We are concerned, however, with the application of the bill to the very different problems which must be faced by non-Government ADP users under diverse contractual situations, varying from fixed-price to cost reimbursement types, and from wholly company-sponsored projects to those completely supported by the Government.

For the foregoing reasons, we recommend that organizations other than Government agencies be specifically excluded from the bill. We believe that effective utilization of ADP equipment by contractors can be achieved through good contract administration rather than through legislation of this nature.

We are gratified by the interest your committee has shown in this important area and hope that our comments will be helpful. We had not planned for a representative of General Dynamics to testify at any hearing on this matter that might be scheduled.

Howard W. Merrill, vice president, Martin Co.:

Our concern with the original bill centered largely around the intent of this legislation and the mechanics by which it might be implemented. The proposed amendment limiting the authority of the Administrator of the General Services Administration in the areas of determination of requirements for and the use of automatic data processing equipment is helpful, but the intent and mechanics are still not clear to us.

We believe that it is in the best interest of the Federal Government to encourage contractors to provide their own facilities, insofar as is practical, and let the forces of competition control costs. Over the past several years, the Department of Defense has energetically pursued a program to divest itself of Government-owned and contractor-used facilities, recognizing the economics of contractor-provided facilities.

Where computers are used most effectively, they have become an integral part of management and operating systems and have become a tool of management which has the same sensitivity and proprietary value as organization, policy, operating instructions, and the like. The computers a company uses may have considerable impact on its competitive position. Control of computers by a Federal agency, unlike other GFE, represents a serious penetration into the control of private enterprise. Would it be possible, under such legislation, for a Federal agency to show favoritism by allocating more advanced equipment to one company than another thereby influencing the competitive position of the companies involved?

It is Martin practice to use compatible equipment at all three locations (Baltimore, Denver, and Orlando) so that: (1) data processing associated with interdivision work may be handled more expeditiously; (2) maximum utilization of the equipment can be attained by having one plant with unused machine time perform work for another plant that temporarily has more work than its equipment can handle; (3) programing of similar type jobs at two or more locations does not have to be duplicated; and (4) operating and programing personnel training and experience may be shared. This practice, which has resulted in significant cost savings, requires that upgrading of outdated equipment must be continually studied and accomplished on an overall company basis. The success of this practice has been realized through the freedom to take advantage of advanced techniques such as high speed teleprocessing.

While computer rentals constitute a considerable expenditure, the costs of installation, operations and programing are usually much greater. Today, Martin Co. has a considerable investment in scientific and data processing programs. This investment must be measured in both time and dollars since we do not have "instant programing" and good programers are in short supply. Our objective is to protect this investment so that efficiencies may be realized. This protection is assured by careful planning in both programing directions and equipment selection to minimize reprograming and to spread what has to be done over as long a period as possible to minimize the impact on programing resources.

Prior to giving our views at the proposed hearings, it would be helpful to have answers to the following questions by proponents of the bill. Their answers could have a significant influence on our position.

1. Would the General Services Administration or the agency concerned (DOD for instance) provide ADP equipment for use by Martin Co. and other contractors?

2. Would Martin Co. have complete freedom of choice as to type, schedule and conditions under which we could replace ADP equipment?

3. Would Martin Co. be forced or pressured into the use of equipment pools or data processing centers operated by a Federal agency or other contractor?

4. How would our relationship with the various ADP equipment vendors be affected particularly with respect to systems services as opposed to equipment maintenance?

5. Is these assurance in the bill that the power and authority of the General Services Administration "to provide for * * * and utilization of automatic data processing equipment by Federal departments and agencies" would not be used to influence the competitive position of contractors?

George J. Fleming, Planning Administrator, Data Processing, Boeing Co.:

Our main concern is the vagueness of the phrase "at the expense of the Government." Freely interpreted, this could include all computing or data processing equipment which is charged to overhead when any part of the overhead is negotiated into a Government contract. It could also be applied to the lowest level of subcontractors if they use computing equipment. Such an interpretation would be costly and in all probability an interference with the company's ability to determine its method of operation. It is our suggestion that the phrase "at the expense of the Government," be deleted.

Section F (p. 8, line 21) of the proposed amendment, deals with authority conferred upon the administrator. This new section serves to allay some of our concern; however, the word "requirements" (p. 9, line 3) is also subject to interpretation. For example, the administrator might take the position that the equipment he selected is satisfactory to fulfill the requirements determined by the agencies and other uses. In this event, the user (Boeing) might be subject to the delays and uncertainties involved in asking the Bureau of the Budget to review and decided the controversy.

John B. Olverson, general counsel, Electronic Industries Association, Washington:

In behalf of the Electronic Industries Association, I wish to acknowledge your letter of June 29, 1964, requesting our views on a proposed amendment to H.R. 5171 which has passed the House and is now pending before the Senate Government Operations Committee.

As stated in its title, H.R. 5171 would "authorize the administrator of the General Services Administration to coordinate and otherwise provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies." Section III(a) of the proposed amendment still contains language at variance with the title which, as the debate on the floor of the House indicated, could be interpreted as extending GSA control and authority over all such equipment acquired by, or furnished to, contractors "at the expense of" the Federal Government. As stated our October 18, 1963, letter to you, the retention of this language in the bill would, in our opinion, create serious problems in the administration of defense and space procurement programs.

It is our view that if Congress desires to enact legislation to coordinate the "purchase, lease, and maintenance of automatic data processing equipment" used internally by the Government, we have no objections. On the other hand, if the words "at the expense of" remain in the bill, we still believe very strongly that the consequences set forth in our October 18 letter would occur. Thus, the retention of this language would (1) increase the costs of administering defense and space procurement programs out of proportion to any savings to the Government; (2) create troublesome administrative and funding problems in the negotiation of defense and space contracts; (3) adversely affect the orderly administration of contracts by dividing authority and responsibility between GSA on the one hand, and the procuring agencies on the other, in the procurement of weapons and space systems involving utilization by contractors of data processing equipment, which, under H.R. 5171, would be acquired by, or funded to them at Government expense; (4) impede the development and advancement of computer technology; and (5) establish GSA as a third party to all contracts on which data processing equipment is used at Government expense, thereby causing possible delays in the procurement and delivery of defense and space weapons.

We also hold to the view that the questionable language in this bill would create problems of interpretation as to when data processing equipment is procured by the contractor "at the expense of" the Government under the terms of the contract. This particularly would be a problem in connection with fixed price contracts under which the contract price may or may not reflect all or part of the costs of such equipment.

Moreover, we find nothing in the amended bill which alleviates our concern over the language which would give GSA authority over automatic data processing equipment used under Government contracts and financed directly or indirectly by the Government. Subsection (f) would limit the authority of GSA in some respects, but it would not, in our opinion, preclude GSA from exercising management control of such equipment being used by defense and space contractors in the performance of contracts with the Defense Department and the National Aeronautical and Space Administration.

Also, vesting authority in the Budget Bureau to settle disputes as contemplated by subsection (f) would, in our view, further create problems of administration. We do not believe that either GSA or the Budget Bureau has the technical competence to determine the type of data processing equipment which contractors may need for the performance of Government contracts, particularly those involving complex weapons and space systems. This is a decision which should be left with the contractor as part of his legal responsibilities in performing under his contract.

Your letter also inquires whether a representative of EIA would desire to testify in the event of hearings. If action is not taken to eliminate the language we have referred to, we would like to reserve the right to submit oral testimony or a more extensive statement for the record.

We appreciate the opportunity extended to us of expressing further our views on this proposed legislation.

The PRESIDING OFFICER (Mr. SALINGER in the chair). The time of the Senator from Arkansas has expired.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that I may proceed for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, the following reports were submitted to the committee by the Comptroller General of the United States and the Tennessee Valley Authority, the only two agencies which commented in detail relative to the proposed Bureau of the Budget substitute for H.R. 5171:

Joseph Campbell, Comptroller General of the United States:

In our letter to you of June 10, 1963, B–151204, we submitted our views regarding S. 1577, a similar bill to H.R. 5171. Also, by letter of May 15, 1963, B–151204, we made a report to the chairman of the Committee on Government Operations, House of Representatives, on H.R. 5171. In our comments on each of these bills we expressed the belief that enactment of the bills would be in the interest of the Government and would result in considerably more economical procurement and utilization of automatic data processing equipment.

In commenting on H.R. 5171 we included the following statement:

"In our report to the Congress dated March 6, 1963 (B–115369), on the 'Financial Advantages of Purchasing Over Leasing of Electronic Data Processing Equipment in the Federal Government', we pointed out that there is need in the Federal Government for an effective mechanism to coordinate and control the purchase, lease, maintenance, and utilization of EDP equipment. Accordingly, we recommended to the President of the United States that he establish such an office in his organization. We are of the opinion that overall policy guidance and direction of the Government's data processing programs can be most effectively accomplished through the efforts of a small, highly placed central management office in the executive branch of the Government. However, we recognize that there are various ways in which central control can be exercised over the procurement and utilization of this type of equipment. H.R. 5171 provides such an alternate method. We are not opposed to the method set forth in H.R. 5171; however, we feel that the mechanism proposed in H.R. 5171 for carrying out the detailed operations of coordination and control needs to be subject to the policy guidance and overall direction of the Office of the President."

More recently, in our report to the Congress dated April 30, 1964 (B–115369), on the "Review of Problems Relating to Management and Administration of Electronic Data Processing Systems in the Federal Government," we reviewed several problems pertaining to the management of EDP systems in the Federal Government. We commented that these problems have arisen largely because of the decentralized system of management used whereby each using agency makes its own decisions on the procurement and utilization of EDP equipment without regard to the economies available from considering overall Government needs. We further commented that our review of these problems and the manner in which they can be resolved to the maximum financial advantage of the Federal Government has reinforced our earlier conclusion that an effective central management organization with appropriate authority and responsibility is needed to exercise control over the procurement and use of data processing facilities and related costs being incurred by the Government.

As you know, the Director of the Bureau of the Budget, in response to a directive from the President, is conducting a study of the management of automatic data processing activities throughout the Government. The report of the study group could have a considerable bearing on executive branch action with regard to the organization and management of ADP in the Government. However, as of this time, the report has not been issued and, in the absence of a positive executive branch program which would provide for the central management organization, it is our conviction that the Federal Government will continue to spend unnecessarily substantial sums each year to obtain and use needed data processing facilities in its operations.

With reference to the policies and procedures set forth in the bill, we offer the following comments for consideration:

1. We suggest that the following sentences in subsection 111(f), pages 8 and 9, be deleted:

"Authority so conferred upon the Administrator shall not be so construed as to impair or interfere with the determination by agencies and other users of their individual automatic data processing equipment requirements. The Administrator shall not interfere with, or attempt to control in any way, the use made of automatic data processing equipment or components thereof by any agency or user."

We feel that these provisions would place undue restrictions on the Administrator of General Services Administration which would preclude the attainment of the most effective and economical procurement and use of automatic data processing equipment. Also, with respect to the provision in subsection 111(c) for the establishment and use of an indeterminate number of automatic data processing funds, we suggest that this provision be revised to provide for a single automatic data processing fund to be administered by the Administrator of General Services Administration. The establishment of multiple funds in the individual agencies would in our opinion result in the establishment of a number of separate management entities which would mitigate against central coordination and procurement and use of these facilities from the standpoint of the coordinated overall interests of the Federal Government.

2. The bill proposes to establish electronic data processing funds for carrying out the functions enumerated therein to be "available without fiscal year limitations." This method of financing, not requiring annual congressional authorization—as compared with budgetary and appropriation processes followed in financing activities through annual appropriations—would materially diminish congressional control over such activities and should not be permitted in the absence of justifiable need therefor. It is our opinion that an annual congressional review of operations under the funds and affirmative annual congressional authority in respect of the availability of the funds are necessary to place the activities of the funds under complete congressional control. We therefore suggest that the activities under any fund established under this proposed legislation be restricted to such amounts as may be provided annually in appropriation acts.

3. We suggest that, after a date determined upon, existing appropriations and, unless specifically so provided, future appropriations of the agencies concerned, other than appropriations to the fund, shall not be available for the purchase, lease, cr installation of automatic data processing equipment of the types taken over by the Administrator.

4. We note the term "organization" appearing on page 7, line 22, of the bill. If by use of this term it be intended to authorize the Administrator to make equipment available for, or otherwise supply services to, private organizations, which would constitute an exception to section 3678, Revised Statutes, 31 U.S.C. 628, requiring the application of appropriations solely to the objects for which made and no other, in the absence of specific authority to the contrary, then adding the word "private" before the word "organization" would obviate any doubt in the matter.

We believe the enactment of the bill would be in the interest of the Government and will result in considerably more economical procurement and utilization of electronic data processing equipment. Therefore, and subject to the changes suggested above, we favor enactment of the proposed legislation.

We will be available to testify at the proposed hearings and we will be pleased to assist the committee in any respect with regard to this matter.

Aubrey J. Wagner, Chairman, Tennessee Valley Authority:

This is in response to your request of June 29 for our views concerning the June 25 committee print on H.R. 5171, amending the Federal Property and Administrative Services Act "To authorize the Administrator of the General Services Administration to coordinate and otherwise provide for the economic and efficient purchase, lease, maintenance, operation, and utilization of automatic data processing equipment by Federal departments and agencies." The purpose of the bill, according to its proponents, is to save money for the Government and the taxpayer. It is based largely on a study report made by the Comptroller General in March 1963, in which he found that substantial savings could be achieved through (1) the purchase of such equipment in lieu of leasing over extended periods, and (2) improved coordination among Federal agencies in its utilization.

While the provisions of the committee print are somewhat less drastic than those of H.R. 5171 as passed by the House, even with the proposed revisions the bill would vest in the General Services Administration substantial control over the acquisition, assignment, and use of automatic data processing equipment throughout the executive branch of the Government, including TVA. Although subsection (f) of the bill states that the authority conferred upon GSA shall not be construed so as to interfere with the determination by agencies of their individual automatic data processing equipment requirements or with their use of the equipment, it is difficult to reconcile this provision with the broad authority given GSA in subsection (b) as regards the acquisition, transfer, and joint utilization of such equipment. Indeed, subsection (f) appears to anticipate controversy in these matters inasmuch as it provides for review and decision by the Bureau of the Budget in cases of dispute. In either event, whether the decision were made by GSA or by the Bureau of the Budget, the effect would be to impair the ability of TVA to carry out its operations in what it finds to be the most efficient and economical manner.

This is of special concern to TVA in the operation of its power system. As you know, TVA is required by the TVA Act to operate its power system as efficiently and economically as possible so as to provide power to the consumers in the area at the lowest possible rates. Moreover, the TVA Board has entered into a contractual obligation with the holders of its power revenue bonds to see that the power system is operated in a sound and economical manner. Since the use of automatic data processing equipment is vital to the efficient and economical operation of large steam electric generating plants as well as the power system as a whole, the ability of the Board to make good on these obligations will obviously be impaired if the acquisition and utilization of such equipment is subject to the control of another agency.

We have an IBM 704 ADP system at Chattanooga, Tenn., which is the headquarters and dispatching center for the TVA power system. Originally installed on a lease basis, TVA purchased the system as soon as its usefulness had been demonstrated. This equipment is used during part of every hour of every day to check the loading of the power system. Between these calculations it is used for a number of other purposes, such as determining the most desirable schedule for water releases in the Tennessee River water control system, preparing payrolls, and performing various other types of accounting work and engineering calculations. It is operated on the average of 85 hours per week, and new applications are added constantly, increasing the value and the economy of the system operation. In fact, because the rapidly expanding opportunities for effective use of ADP equipment in TVA's operations will soon exceed the capacity of the 704, we have arranged to replace it by 1966 with a much improved and more versatile system, the IBM 360.

From time to time TVA has made its equipment available to other Government agencies and will continue to do so as feasible, but because it must be constantly available for power system purposes, TVA must retain custody of the equipment and control of its use. Here, it seems to us, the objectives of H.R. 5171 are being achieved by TVA, and we do not see how the intervention of the General Services Administration would better serve those purposes.

A further and important application by TVA of ADP equipment is in the control of the operations of individual generating plants. Because of the pressure to obtain higher plant efficiency and to hold down costs, the trend in power system operations is increasingly toward automation, and the steam electric generating plants now being designed and constructed by TVA include provision for automatic control through the use of special ADP equipment. At TVA's Paradise Steam Plant, for example, an electronic control controls the moment-to-moment functioning of the steamplant—24 hours a day, 7 days a week. To the extent this electronic unit is subject to manual control, it is operated by steamplant operating personnel, not computer operators.

Such equipment is activated by thermocouple voltages, pressure sensor signals, and switch contact closures rather than by data from punched cards or magnetic tape as is the case with computers used by other Federal agencies for the usual Government functions. The ADP installations must be specially designed to meet the requirements of each particular plant. The equipment is not leased but is purchased by TVA through competitive bidding procedures and is paid for out of power system proceeds, not appropriated funds. Since this equipment is used continuously in the operation of the plants, there is no opportunity to share it with other agencies. Consequently, there is no basis on which the General Services Administration could accomplish a reduction in cost or promote more efficient use.

Within the next few years it is expected that about $3½ million will be expended for additional specialized equipment of this kind for installation at TVA's steam powerplants. This amount is relatively small when compared with TVA's total expenditures for turbines and generators, transformers, steel, coal, and heavy construction machinery, but the installation of ADP equipment is as important in TVA's efficient operation of the power system. Consequently, it is just as important that TVA retain full control over the acquisition and use of the ADP equipment as it is with respect to the other types of equipment and materials required in operating the power system.

It was in recognition of TVA's need for continuing authority to acquire and utilize without control by another agency the equipment and materials required in TVA's force account construction and chemical and power operations, and also in recognition of TVA's record of responsible exercise of such authority, that the Federal Property and Administrative Services Act has included in section 602(d)(12) an exemption for TVA in those respects. Since the reasons for such exemption apply equally to ADP equipment required in those programs, we urge that TVA's existing exemption under the act be left unchanged so that it will continue to apply to ADP equipment acquired for use in those programs. This could be accomplished by inserting on page 8, line 17, of the Committee Print of H.R. 5171 the words ", except as to paragraph (12) thereof," between "Act" and "shall."

Mr. DOUGLAS. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield.

Mr. DOUGLAS. Do I understand correctly that the committee has decided not to recommend the bill in this session?

Mr. McCLELLAN. Does the Senator mean in this session of Congress?

Mr. DOUGLAS. In this session.

Mr. McCLELLAN. Yes. The committee feels that there is need for study.

We conferred with the Bureau of the Budget and others interested, and it is the hope and expectation of the committee, that early in the next session of Congress, the bill will be reintroduced just as it passed the House, or as proposed to be amended by the Bureau of the Budget, and obtain as speedy action as possible on it.

This gets into an area where there are many problems which need to be resolved. It is not a case of the committee being against the measure, or trying to delay or obstruct it. It is the case of a genuine desire to determine whether legislation is needed and, if so, to recommend legislative action which will be beneficial in this field.

Mr. DOUGLAS. I appreciate that note of reassurance on the part of the Senator from Arkansas. It so happens that this is a question in which I have been very much interested, as chairman of the Joint Economic Committee, and we have made studies on this question also. We came to the conclusion that perhaps hundreds of millions of dollars could be saved by purchase rather than by rental, because the IBM charges a very high rental during the life of the automatic data processing machinery. By purchasing them outright, we could pay for the rentals over the course of a few years, and have permanent use of the machines without rent for many years.

I introduced a companion bill to the House bill. I believe it really has great possibilities. I am very glad the Senator from Arkansas has now reassured us that it does not mean defeat for the measure, but merely postponement.

Mr. McCLELLAN. I know of no desire on the part of anyone on the committee to obstruct or defeat the measure. It is a difficult problem and, since there are many who wish to be heard, extensive hearings may be necessary. No one knows when the session will adjourn, but anticipating adjournment in due time, we thought we would not have time to process the bill during the present session. For that reason, and that reason only, the matter is being deferred. I wished to make this announcement, however, to try to reassure Senators who are interested in this question that the purpose is to perfect this proposed legislation and to expedite it when we can.

Mr. DOUGLAS. At an early time in the next session?

Mr. McCLELLAN. The Senator is correct.

Mr. DOUGLAS. That is most reassuring. I hope that Senators and readers of the Congressional Record will study the report which the Committee on Government Operations is making, together with certain other material which our Committee on Defense Expenditures has prepared, because I believe that it will convince people that there are great savings to be effected by purchase rather than by lease.

COMMITTEE ASSIGNMENTS OF SENATOR THURMOND

Mr. MANSFIELD. Mr. President, in view of the fact that the distinguished Senator from South Carolina [Mr. Thurmond] has, on his own volition, changed his allegiance from the Democratic to the Republican Party, I feel that I should make a statement relative to his committee assignments.

The present Senate ratio is 66 Democrats to 34 Republicans—that is, with the Senator from South Carolina [Mr. Thurmond] going over to the Republican side of the aisle.

This means that the Democrats would be entitled to 66 percent of the membership on the two committees. The present overall membership on both committees is 17.

Prior to Senator Thurmond's change of party, the Democrats had 12 seats on each and the Republicans had 5.

When I refer to these two committees, I refer of course to the Committee on Commerce and the Committee on Armed Services.

If the party ratio of the present membership of the Senate as a whole is applied to the 17-man membership of each committee, it yields 11.2 Democrats and 5.8 Republicans. In the circumstances, unless it is intended to change the old ratio in some other committee or committees, it would appear that the Republicans would be entitled to an additional seat on each of the two committees and the Democrats would lose them. In short, the ratio would become 11 to 6 instead of 12 to 5. Following precedent, each party determines its choice of members for each committee. In the present circumstances, it would be, therefore, the decision of the Republican caucus as to whether or not Senator Thurmond retains his present membership on the two committees or some other Republican is substituted for him and he is otherwise assigned. If he remains on the Armed Services and Commerce by choice of the Republican caucus, no Senate action is necessary. If the Republicans decide to shift him, a pro forma resolution of the Senate would be necessary to reflect the shift.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I am delighted that the majority leader has clarified this question concerning the party ratio on the two committees in question. We shall have a policy meeting tomorrow. And it is entirely correct that this matter should be discussed. I am delighted, indeed, that the majority leader has clarified the situation at this time.

Mr. MANSFIELD. I thank the minority leader.

WATER RESOURCES PLANNING

Mr. HARTKE. Mr. President, the water resources planning bill was passed by the Senate last November, and is now on the Union Calendar in the House of Representatives, having been reported on September 2. I know many Members of the Senate are interested in its passage, and supported its enactment, as I did.

Indiana, like many other States, has a stake in such legislation. Because of that concern, before the more comprehensive Senate bill 1111 was reported, I introduced a somewhat similar bill, S. 2280. It would set up a Wabash Basin Interagency Water Resources Commission. If the more general bill is enacted into law, I hope to see the Wabash included as one of the regions for which a planning commission will be established. Its inclusion is needed for flood control and other purposes, and there are now indications that in the foreseeable future the need will include that of water supply.

Water supply and planning for its improvement, Mr. President, constitute a growing problem in many areas of the Nation. Despite relatively abundant water supplies in Indiana, the district chief of the Army Corps of Engineers recently declared that the State is on its way to becoming one of those which face a shortage in the not-too-distant future. I hope the water resources planning bill will become law before the end of this Congress, and that it may be possible to set up a Wabash Basin commission such as my separate bill calls for.

An editorial recently published in the Pharos-Tribune and Logansport Press, of Logansport, Ind., pointed up the imminence of water-supply problems in Indiana.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Water Shortage Gradually Developing

Logan-land residents who have shown little concern while other States have been reporting water shortages had better believe that it can happen here too.

No less an authority than the district chief of the Army Corps of Engineers in a talk in a neighboring city last week declared that Indiana is on its way to becoming a water-short State in the not too distant future.

Cass, Miami, and Carroll County residents have been interested in the Mississinewa, Salamonie, and Huntington reservoirs purely from a flood-control standpoint. The ravages of high waters in the flood seasons have been their primary concern. However, the time may come when we will be much more thankful for the water storage they provide than for the floods they prevent.

We have long taken our water resource for granted. This is especially true here in Logansport because we are fortunate enough to have two rivers from which we can draw our water supply. However, it is becoming more and more a premium commodity as our population grows and the amount of available water remains the same. The conservation of our water supply thus grows in importance each year.

BANK CONTROL LEGISLATION

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the Record at this point as a part of my remarks an editorial entitled "Fast Passage of a Moderate Law," published in the American Banker for September 16, 1964, dealing with bank control legislation.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Fast Passage of a Moderate Law

The rapid passage of the bank control law, signed by the President last weekend, brings up a number of points.

One of the most important is the fact that when there is a clear need for banking legislation, it can be accomplished with considerable speed. There has been much concern expressed over the glacial progress of much legislation which many bankers want; but the lesson taught by this recent rapid run through the Congress is that the degree of urgency, and particularly public awareness of it, is crucial.

The recent outbreak of bank failures had galvanized the Federal Deposit Insurance Corporation into vigorous action to get a law to help it prevent more collapses in the same pattern. Congress clearly agreed with the FDIC's concern, and with those who supported the FDIC in this effort, and answered its request with fast affirmative action.

Most banking legislation, however, is not so obviously in the public interest, or so urgent. Quite simply, most of it does not have the same kind of steam behind it as did the ownership notification law. Most banking legislation presently being worked on or contemplated has to do with adjustments in existing procedures, rather than with response to a need urgently and clearly defined. For the more modest goal of adjustment, pending legislation calls for more deliberate evaluation, and particularly for the reconciliation of conflicting objectives. And so it properly should take longer to percolate.

Another interesting aspect of the new law is that it does not seek to prevent shifts in ownership control of banks, but only to have the regulatory authorities be given notice when such a change takes place. In this respect it is somewhat milder than what many had considered desirable; but it was the judgment of those responsible for getting it enacted that their purpose would be served just as well by the milder version—and that the milder version had a far better chance of passage.

Just after the law was passed by the Senate, and before it was signed by the President, however, came a brusque reminder that mere legislation cannot prevent bank failures. Crown Savings Bank of Newport News, Va., had to be closed, and for the second time in a year, the FDIC had to take the rare step of opening an interim bank on the site, to handle its obligations.

Although there had been no recent change in ownership, the failure followed part of the same pattern of previous failures this year—the bank had overcommitted itself to bad loans outside its own area. And there is nothing that legislation can do about that problem—nor, in fact, would anyone maintain that in a free enterprise economy, any legislation should try.

The responsibility of the Government should properly extend to protection of the rights of depositors. But the bank as a business institution should be free to compete—with the risks that that implies—without special propping.

It still requires good banking practice to maintain sound, efficient banks. Laws cannot prevent poor performance.

And so, while the FDIC was right in asking to be notified when changes in ownership take place, it used good judgment and restraint in not asking for too much power over bank operations. For it would be impossible for any agency to exercise such power so that it would at all times be effective, or wise, or in keeping with the free-enterprise philosophy.

INTEMPERATE OUTBURST BY SATURDAY EVENING POST

Mr. MUNDT. Mr. President, as one who recalls with nostalgia his boyhood days when, as his first business venture, he used to sell issues of the Saturday Evening Post in his hometown, it has been a cause of real regret to me to observe the slow but steady deterioration of a once great and sturdy American journal of information and inspiration. By slow but observable degrees, the Post has shifted from the firm ground of conservatism and constitutional concepts to the alluring, but deceptive, sands of "the new liberalism," which dedicates itself to the creation of the superstate and to an American version of political paternalism.

In its September 19 issue, the Saturday Evening Post finally has taken the last, sad step toward the full endorsement of the collectivistic state. Whether motivated by cupidity, by conscience, or by coercion growing out of its sad financial decline, this once proud and able defender of our private ownership economy and our society of free choice has dipped its flag in surrender to the political forces today dominant in America as they combine the strength of Walter Reuther's Committee on Political Education, the big city political machine bosses, the self-seeking pressure groups, and the great political power of the White House and its associated agencies. Thus another once great and honored defender of freedom now lifts its voice, instead, to hurry the day when one-party, top-heavy Government will rule America.

Mr. President, it was not until I began to receive from South Dakota letters about this curious switch in the editorial policy of the Post that I found occasion to read its anti-Goldwater editorial of September 19. After all, in the final analysis, the editorial pronouncements of a great magazine or newspaper actually represent only the attitudes and opinions of a single citizen who is utilizing the pages of a large publication to pass along the viewpoints of an individual American. In a nation of over 175 million people, such editorial observations are not, therefore, exactly earth-shaking in importance or consequence. Thus, I was surprised not so much by the fact that the Post had joined the ranks of the New Frontiersmen, the political manipulators of the CIO, and of Americans for Democratic Action, as by the shockingly intemperate and undignified words in which the political blurb was expressed.

Typical of some of the letters I have received from disappointed and disenchanted readers and subscribers of the Saturday Evening Post is one just in from J. F. Stahl, of South Dakota. It expresses the tenor and thought of so many letters I have read, that I ask unanimous consent that it be printed at this point in the body of the Record. At this important juncture of our national history, many Americans will reflect seriously and long upon this letter's contents and its cause.

There being no objection, the letter was ordered to be printed in the Record, as follows:

September 16, 1964.

Mr. Clay Blair, Jr.,
Editor, the Saturday Evening Post,
New York, N.Y.

Dear Sir: I have just read with shock and amazement the dirty, unprofessional editorial on the forthcoming election in your September 19 issue entitled "Why Lyndon Johnson Must Be Elected."

Out of the full-page editorial you substantiate the headline with a mere six lines extolling the virtues of Candidate Johnson; the balance is devoted to one of the most repulsive diatribes which has appeared against the leader of a major political party in what is purported to be a respected American journal in many a year.

Judging by the degrading epithets and adjectives applied to Barry Goldwater and the Republican Party, this editorial obviously was written in the heat of impassioned personal prejudice—yes, even with deranged fanaticism. It is shallow, superficial, amateurish and in extremely bad taste.

Nobody disputes your prerogative of free editorial expression, but let's keep the language clean and in keeping with the intellectual level of the clientele the Post supposedly cherishes as its readership. Shades of George Horace Lorimer.

Utterly failing to get its point across, the language of this editorial is repulsive and disgusting to any reader, regardless of political beliefs. Its unwarranted slurring and degrading of millions of Republicans and other untold millions who espouse the conservative cause is bound to backfire. If your intent, by this editorial as written, is to dissuade support from Barry Goldwater, it is highly probable it will have a reverse effect.

Also, I do not hestitate, as a Post subscriber of over 40 years, to tell you that in recent years I have become increasingly disenchanted with the magazine. I was a grade school Post salesman in the early years of this century when the great editor, George Lorimer, was at the helm, and the Post enjoyed widespread national respect and prestige. But in recent year, particularly since retirement of Ben Hibbs, to me the Post has deteriorated considerably in quality of content and editorial influence.

This September 19 pronouncement caps the climax, so you may discontinue my subscription forthwith. I don't expect any refund of the unused subscription. With the dearth of advertising lineage, the money may come in handy.

Yours truly,

J. F. Stahl.

SOUTH DAKOTA'S FAMED MOUNT RUSHMORE

Mr. MUNDT. Mr. President, on September 11, significant ceremonies were held at Georgetown University, here in Washington, on the occasion of the placing on the university campus of a large replica of Mount Rushmore. After being exhibited in various sections of the country, the replica will be permanently installed at the Garden of the Patriots, in Cape Coral, Fla.

In connection with the ceremonies at Georgetown University, Gen. Bruce Easley made a most inspiring and informative address in which he described the significance of the shrine of freedom on Mount Rushmore. I ask unanimous consent that the brief address by Gen. Bruce Easley be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Gen. Bruce Easley at Georgetown University, Washington, D.C., September 11, 1964

Senator and Mrs. Mundt, Father Power and honored guests, friends, we of Gulf American Land Corp. feel deeply honored to participate in this ceremony marking the

175th anniversary of your great university. It will be a privilege to exhibit this Mount Rushmore replica at the Garden of the Patriots in Cape Coral, Fla.

The Mount Rushmore sculpture is a classically American achievement in many ways.

It is big. Probably the largest sculpture ever carved by man during the ages of recorded history.

It is lofty in concept—testimony that in America a man can dream large dreams and make them come to pass.

It signals the victory of man over nature. For who would dream of taking a mountain as a matrix? The sculptors of renaissance Florence scoffed at Michelangelo when he took an irregular 16-foot block of marble and started to shape his immortal David. Borglum took a mountain as his block—and he made it an imperishable monument.

It is the creation of a son of immigrants—an offspring of hardworking Danish pioneers. Thus, his special skills and special vision were not an isolated product of the new world, but firmly rooted in the soul of the old.

It is a tribute to the principle of continuity. For when Gutzon Borglum died in 1941, his work unfinished, his son and coworker, Lincoln, carried it forward to triumphant completion.

And finally, it is dedicated to the spirit of four great American heroes—men who were shapers and movers in creating and preserving the democratic tradition.

We of Gulf American Land Corp. are very happy to loan this replica of the Mount Rushmore sculpture to your great university in order that it might serve as an inspiration to your students and faculty. It will, of course, eventually find a resting place in the first of a series of gardens, the Garden of the Patriots, which pays tribute to the great men of our country and the artists who portrayed them.

OFFICE OF TUTORING SERVICES

Mr. BREWSTER. Mr. President, these days the newspapers are forever filled with items showing the contrast between our severe national urban and educational problems and the willingness of many of our citizens to sit by without taking responsibility, or to criticize without providing viable solutions. The success of the Peace Corps, which surprised many of our citizens who doubted that volunteers would be forthcoming, and the emergence throughout the Nation of scattered civic action programs have been welcome spots of brightness in this picture. We are aware that with the passage of the Economic Opportunities Act, our work to lift poverty from the shoulders of our Nation has been given but a hand tool, which will not work without much effort by all of us. But many doubt that this small tool will make a truly great impact and will stem in time that rising tide of unrest.

It is with this problem in mind that I call attention to a citizens' movement which is spreading throughout the National Capital area: a movement of individuals who give freely of their time to aid the education of their young neighbors whose opportunities are limited. This is a quiet movement, without publicity or attention; but in the depth of its personal commitment, it is shouldering some of our greatest responsibilities, and it may be a beacon to other cities.

The efforts of this tutorial movement for the whole National Capital area are now focused in the Office of Tutoring Services, a central service bureau at the Health and Welfare Council of the National Capital area. This was done at the decision of the more than 50 groups which, during the past academic year, sponsored tutoring programs. While tutoring itself takes place in many other cities of our Nation, this spontaneous cooperation between widely divergent groups—churches, community centers, school systems, political action organizations, and others—is truly remarkable. Indeed, I believe the Washington area thus becomes the first in the Nation specifically to support volunteer tutoring at an areawide level, truly a fitting first for our Nation's Capital. The volunteers are young and old—Government workers, industry workers, housewives, and college students, from the city and from the Maryland and Virginia suburbs. They are sometimes highly organized, sometimes autonomous; but they have a common aim, and they work together. Their numbers are increasing daily through their independent efforts and that of their new office.

We may feel proud both of our citizens and of the way in which our schools have with open arms greeted their help. I commend to my colleagues the example of the tutoring movement of the National Capital area and the Office of Tutoring Services, and urge them to read the articles on their development.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, May 12, 1964]

Tutor Service Unit Backed by Council

The Health and Welfare Council yesterday approved the establishment of the Office of Tutoring Services to act as a nerve center for tutoring activities in the District.

At present, there are 2,178 volunteer tutors in 51 groups helping 4,246 underprivileged youth, who could not financially afford such aid, in afterschool and inschool tutoring programs. However, there has been no central office to coordinate or serve the needs of these separate groups.

In recognizing the Tutoring Services Office as a central bureau, the council has authorized the Services' Advisory Board to seek grants and foundation funds from sources other than the United Givers Fund.

The Tutoring Services Office is seeking a grant of $67,500 for 2 years.

Among its functions, the office would undertake the recruitment of more tutoring volunteers and the formation of new tutoring groups. Both are sorely needed. It has been estimated that in the District there are over 60,000 youths in need of remedial teaching to reach their grade level.

As an added inducement to tutors, the office hopes to have funds to provide transportation which was cited as a real problem by many groups relying on college students as tutors.

In addition, the Tutoring Office would sponsor symposia and lectures helpful to tutoring programs, offer consultation and advice to tutoring groups, and provide a library of tutoring literature.

[From the Washington (D.C.) Afro-American, May 16, 1964]

Volunteer Tutors Get a Big Push

Volunteer tutoring groups in the District got a big boast this week.

They received approval for what they have always needed—a central office.

This became reality Monday when the board of directors of the health and welfare council gave the advisory board of the groups the green light to establish an office for tutoring services.

The office will be designed to coordinate and fill the needs of 51 groups which include 2,178 volunteer tutors who are currently giving inschool and afterschool assistance to some 4,246 pupils, most of whom live in low-economic areas and would not receive such aid if it were not for these groups.

The board of directors also gave the tutoring advisory board the authority to solicit funds for the program.

It is now seeking $67,500 from several foundations to cover operations for a 2-year period.

Both James Hostetler, an attorney and chairman of the advisory board, and John H. Brown, Jr., of the Urban League and vice chairman of the board, expressed optimism concerning funds.

Mr. Brown said he had just returned from a trip to New York and foundations had expressed delight at the program and indicated that they would support it.

The central office will use the funds to provide comprehensive information on student needs and the personnel available to meet these needs.

In addition to this, it will create a library of tutoring literature, arrange training opportunities for tutors, recruit additional volunteers, facilitate transportation for tutors, and provide evaluation designs to measure the quality of the work being done.

Dr. David Iwanmoto, of the research division of the National Education Association, has estimated that there are over 60,000 pupils in the District who need remedial teaching to achieve their grade level.

He and his wife are members of a volunteer group seeking to give these youths an educational push.

In addition to Mr. Hostetler and Mr. Brown, other members of the tutoring advisory board are Father John Haughey, S.J., faculty member of Georgetown University; and Madeline Dowling, teacher and board member of the Christ Child Settlement House.

[From the Washington (D.C.) Post, July 21, 1964]

Tutoring Official Named To Direct Area Service

John H. Brown, Jr., for the past 2 years a director of vocational services with the Washington Urban League, has been appointed director of the new office of tutoring services of the area's Health and Welfare Council.

His appointment was announced yesterday by Council President Alvin J. Steinberg. The tutoring office was developed by groups working with slum children and will be a clearinghouse for more than 60 volunteer tutoring groups in the metropolitan area.

As an official of the Urban League, Brown headed the school phase of the "Future for Jimmy" program and cooperated with school administrators to set up tutoring centers throughout the city. The "Future for Jimmy" program seeks to raise the aspirations of impoverished children.

About 6,500 children are being taught by 3,500 volunteers in tutoring programs throughout the area. It is estimated that 60,000 children need such help.

James S. Hostetler, chairman of the advisory board to the new tutoring services office, said he hopes it will expand tutoring efforts in the area.

It will be a center of information for tutoring groups and will have a library, arrange for training of tutors, recruit more tutors, help them find transportation, and provide ways to evaluate their work.

The office is now being financed by the Eugene and Agnes E. Meyer Foundation, the New World Foundation of New York, and the Eliot Pratt Foundation, also of New York. Steinberg said more funds are needed.

Brown, a native of Raleigh, N.C., was graduated from St. Augustine College and received a master's degree from Columbia University. Before coming to Washington in 1958, he was dean of men at Shaw University in North Carolina.

[From the Raleigh (N.C.) Times, Aug. 3, 1964]

RALEIGH MAN NOW HEADING TUTOR SERVICE

John H. Brown, Jr. has been named director of the newly established Office of Tutoring Services.

The service was developed by groups tutoring disadvantaged children.

A Raleigh native, Brown was graduated from St. Augustine's College. He received a master's degree from Columbia University and has been the principal of two high schools.

Brown came to Washington in 1958 from his post as dean of men at Shaw University and was appointed associate executive director of the junior police and citizens corps.

For the past 2 years, he has been director of vocational services with the Washington Urban League.

[From the Washington (D.C.) Afro-American, July 25, 1964]

JOHN BROWN NAMED TO TUTORING POSITION

John H. Brown, Jr., has been appointed director of the newly established Office of Tutoring Services, Alvin J. Steinberg, president of the Health and Welfare Council, has announced today.

The Office of Tutoring Services was developed by groups tutoring disadvantaged children and is under the auspices of the Health and Welfare Council of the National Capital Area, a UGF supported agency, and will be the nerve center for the more than 60 volunteer tutoring groups operating in the metropolitan area.

Mr. Brown for the past 2 years has been director of vocational services with the Washington Urban League. As director he led the school phase of "future for Jimmy" program and organized tutorial centers throughout the community in cooperation with the schools.

He was born in Raleigh, received his master's from Columbia University, and has been the principal of two high schools.

Mr. Brown came to Washington in 1958 from his post as dean of men at Shaw University in North Carolina and was appointed associate executive director of the Junior Police and Citizens Corps.

He is active in civic affairs being a member of the guidance association, Boy Scouts of America, youth council, and Rock Creek East Neighborhood League. He was a participant in the White House Conference on Children and Youth and has served as area chairman of the United Givers Fund.

It is estimated that there are 60,000 disadvantaged youths in the National Capital area in need of tutoring, and at present 6,500 children are being taught by 3,500 volunteers in tutorial programs throughout the area.

The office will be a center of information for all groups, provide a library of tutoring literature, arrange training opportunities for tutors, facilitate transportation for tutors, recruit additional tutors, and provide evaluation designs to measure the quality of the work being done.

At present the office is being financed by the Eugene and Agnes E. Meyer Foundation, the New World Foundation of New York City and the Eliot Pratt Foundation of New York, but additional funds are still needed and are being sought from foundations and other sources.

Mr. Brown will be assisted in his work by the Tutoring Services Advisory Board which consists of representatives from a wide variety of tutoring groups. Mr. Hostetler, advisory board chairman, is with the Richardson program of the YWCA; Father John C. Haughery, S.J., of Georgetown University, is first vice chairman; second vice chairman is Dr. Herman A. Meyersburg of the Kengar program in Maryland; and Madeline G. Dowling, of Christ Child Settlement House is secretary.

RELIEF OF NORA ISABELLA SAMUELLI

Mr. COOPER. Mr. President, on Wednesday of last week, while I was attending a meeting of the President's Commission, Senator PROXMIRE very kindly made reference at my request, to two private bills, S. 2413 and S. 2414, for the relief of Nora Isabella Samuelli, that were favorably reported to the Senate by the Committee on the Judiciary on September 16, 1964.

I asked the Senator from Wisconsin to express the gratitude of myself, and Senators KEATING and JAVITS, who joined me in introducing this legislation on December 20, 1963, and I wanted to pay particular tribute to the senior Senator from Connecticut [Mr. DODD] who cosponsored this legislation and who gave unceasingly of his time and efforts to this bill, as chairman of the subcommittee which conducted hearings and took action on the bill.

In addition to Senator DODD and Senator KEATING, the distinguished Senator from Massachusetts [Mr. KENNEDY] was also a member of the special subcommittee, and I very much appreciated the attention and the support which he gave to this bill and to the work of the subcommittee as it sought out the facts of this case. Senator KENNEDY has expressed his particular interest that both of these bills be considered by the Senate at the earliest possible time, and I wanted to note his work and his concern over granting the deserved relief which these bills provide.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

During the delivery of Mr. RANDOLPH's speech,

Mr. RANDOLPH. Mr. President, I ask unanimous consent that I may yield to the senior Senator from Oregon [Mr. MORSE] and that the remarks that he shall make and the action which shall be taken be printed at the appropriate place in the RECORD and not as an interruption of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I thank the Senator from West Virginia very much. He is very courteous in yielding to me. He and I both share the same point of view concerning the sad announcement that I am about to make, which calls for my taking the floor at the present time.

DEATH OF REPRESENTATIVE WALTER NORBLAD, OF OREGON

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The legislative clerk read as follows:

HOUSE RESOLUTION 885

Resolved, That the House has heard with profound sorrow of the death of the Honorable WALTER NORBLAD, a Representative from the State of Oregon.

Resolved, That a committee of eleven Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Attest:

RALPH R. ROBERTS,
Clerk.
By JOHN A. ROBERTS.

Mr. MORSE. Mr. President, early this morning Mrs. Morse and I heard for the first time the sad news of the death of Representative WALTER NORBLAD, of Oregon. He died yesterday morning at Bethesda Naval Hospital. We were away from all communications yesterday and did not return to Washington until very late last night.

The news this morning of WALTER NORBLAD's death came as a great shock to both of us. As I said this morning in a note to his wife, Elizabeth, I had no idea that Walter's previous illness of a few weeks ago carried with it such serious implications. In fact, just before he left the hospital a short time ago, I talked to him. He seemed to be in the best of spirits and told me that he was sure he would be in good condition to make his campaign for reelection this fall.

WALTER NORBLAD has been a good friend of ours since I started teaching law at the University of Oregon in 1929. He graduated under me in 1932. After graduation, he expressed an interest in doing a year's graduate work at Harvard Law School, and I was pleased to recommend him to the dean of the Harvard Law School for a special scholarship which would enable him to take the special graduate courses at Harvard for a year in which he was particularly interested.

His father, A. W. Norblad, had been Governor of Oregon and unquestionably exercised a great influence on his son. I am sure that it was through his father, WALTER developed a keen interest in politics. Even while he was student at the University of Oregon School of Law, he demonstrated a great interest in government and political affairs.

From 1935–39, he was a member of the House of Representatives of the Oregon State Legislature where he became recognized as one of the most able of the young politicians of Oregon.

During World War II, he was a combat intelligence officer with the 8th Air Force and served with such distinction and valor that he was awarded the Air Medal.

In a special election in January 1946, he was elected to the 79th Congress and continued to represent the First Congressional District of Oregon from that time until his death.

Although WALTER NORBLAD and I were not close politically, we always were good personal friends. He was a very sincere conservative in the Republican Party in Oregon, but his differences with my liberal political philosophy never prevented him as a personal friend on a goodly number of occasions from defending me against what he considered to be unfair personal attacks on the part of some individual critic or newspaper. He never allowed partisan politics to interfere with a friendship or mar his sense of fairness.

Mrs. Morse and I have lost not only a good friend, but the Republican Party of Oregon and the State of Oregon have lost a dedicated public servant.

Mrs. Morse joins me in expressing to his wife, Elizabeth, and their son, Walter, and the Congressman's mother, Mrs. A. W. Norblad, Sr., and his sister, Mrs. Eleanor Sorrells, our deepest sympathy. We pray that they will be comforted and strengthened in these sad hours of loss and bereavement.

Mr. President, I submit a resolution which I send to the desk and ask to have stated.

The **PRESIDING OFFICER.** The resolution will be stated.

The legislative clerk read, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WALTER NORBLAD, late a Representative from the State of Oregon.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Mr. **JORDAN** of Idaho. Mr. President, will the Senator from West Virginia yield to me for the purpose of making a brief statement?

Mr. **RANDOLPH.** I understand that our colleague desires to join in the present discussion. For that reason, I am delighted to yield.

Mr. **JORDAN** of Idaho. Mr. President, the passing of WALTER NORBLAD, Representative from the State of Oregon, is a great loss to the State of Oregon and to the Nation. I have known WALTER NORBLAD for many years. I am a former resident of the State of Oregon. I knew WALTER's father before him. I knew WALTER as he attended the University of Oregon, as he rose in politics in the legislature of Oregon, and finally in the Congress of the United States.

I join my colleague, the distinguished Senator from Oregon, in expressing our deep sympathy to his wife, Elizabeth, to his son, and to the members of his family and the many friends he had throughout the State. Mrs. Jordan joins me in expressing our deepest sympathy and condolences in this tragic hour.

Mr. **MANSFIELD.** Mr. President, will the Senator yield?

Mr. **RANDOLPH.** I yield.

Mr. **MANSFIELD.** Mr. President, I wish to join the senior Senator from Oregon and the Senator from Idaho in sending condolences to Mrs. Norblad and her family upon the passing of her late beloved husband, WALTER NORBLAD, a Representative from Oregon. I had the pleasure of serving with WALTER NORBLAD in the House for a number of years. He was a highly thought of and well-respected Representative of the people. It was with deep sorrow that I heard on the radio yesterday morning that this outstanding legislator had died of a heart attack at the Bethesda Naval Hospital.

On behalf of Mrs. Mansfield and myself, I extend our condolences to his family.

Mr. **MAGNUSON.** Mr. President, let me add my sympathy to the family of Representative NORBLAD. I have known him for many years. He is one of the fine Representatives of our area, one who was responsible among others for the signing of the treaty which we commemorated in that area.

His passing leaves us sad. The country has suffered a great loss. The northwest area of the country in particular has suffered a great loss.

The **PRESIDING OFFICER.** Without objection, the resolution is unanimously agreed to. The Chair appoints the senior Senator from Oregon [Mr. MORSE] and the junior Senator from Oregon [Mrs. NEUBERGER] as a committee of the Senate to attend the funeral of Representative NORBLAD.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The **PRESIDING OFFICER.** Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment (No. 1215) offered by the Senator from Illinois [Mr. DIRKSEN] for himself and the Senator from Montana [Mr. MANSFIELD].

Mr. **PROXMIRE.** Mr. President, on Wednesday I spoke on this issue for some time. At the termination of the day, I had not finished my speech. The distinguished Senator from Illinois [Mr. DOUGLAS] obtained unanimous consent for me to be recognized on Thursday. On Thursday, I wanted to continue my speech after the morning hour. However, after the morning hour, it was impossible to obtain a quorum. Again on Friday, I wanted to continue my speech. It was again impossible to develop a quorum. The same thing was true on Saturday.

I should like very much to continue my speech at this time. However, the distinguished Senator from West Virginia [Mr. RANDOLPH] has a very excellent speech to deliver.

I ask unanimous consent that I may yield to the Senator from West Virginia without losing my right to the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **RANDOLPH.** Mr. President, I am grateful that the able senior Senator from Wisconsin [Mr. PROXMIRE] affords me the opportunity at this time to join in the discussion of the reapportionment proposal which is pending and which has been under much pertinent discussion in the Senate. I do not believe it has been pending too long in view of the many interruptions and the transaction of other business.

I have listened with interest and have been enlightened by the speeches which have been presented in this forum by several Senators. I make special mention of the remarks of the Senator from Illinois [Mr. DOUGLAS], who sits at my right, and the Senator from Wisconsin [Mr. PROXMIRE] who yields to me at this time.

I voted for the Javits-McCarthy-Humphrey compromise resolution, for more than one reason. At least one impelling reason is that I believe it is time to complete the business of the current session of the 88th Congress. I reiterate, however, that I do not want Congress to conclude its work without having taken affirmative action on the passage of the Appalachian Regional Development Act.

I know that there is certain other business that needs to be completed by Congress. I am still hopeful that the conferees may find an area of agreement so that aid to the aged through a health care program within the social security system may become law.

Mr. President, I believe that the language of the Javits-Humphrey-McCarthy substitute, which was defeated 42 to 40, was adequate to explain the sense of Congress without encroaching on the integrity of the judicial branch of the U.S. Government.

The reapportionment issue has gone to the very bedrock of our assumptions regarding the nature of the American system of government under which I hope we shall move forward. I want to have the RECORD reveal my reasons for voting as I did.

I realize that not all Senators rise in this Chamber to give their reasons. That is understandable. But this is an issue which is fundamental. For that reason, I have given study, and a very sincere measure of preparation, to the remarks that I am making. I had several reasons for voting for the Javits-McCarthy-Humphrey substitute to the Dirksen amendment. I believe it is important for me to indicate why I shall vote for an amendment which may come before this body, which amendment has a similar purpose. I am adamant in my opposition to the Dirksen-Mansfield so-called compromise amendment which is pending in this body.

Seldom within the history of the Senate, and certainly not in recent years, have Senators been called on to deliberate the fundamental issue of civil rights, as Senators have done during this session—first with regard to the Civil

Rights Act of 1964, and now with regard to the Dirksen-Mansfield amendment on reapportionment. Let us make no mistake about it. A fundamental civil right is very much the issue in this amendment, as is the Constitution itself. As two eminent professors of law, referring to the Dirksen-Mansfield proposal, stated in an article in the Washington Post of August 31, 1964:

> If successful here, it would mean the end of the American constitutional system of judicial review and therefore of the American Constitution.

Not within my tenure in the Senate have we been exposed to such a wide array of views on the Constitution and such learned references to the opinions of the founders of the Constitution of the United States. Yet, there is one highly relevant comment by one of the principal authors of that instrument which has not received sufficient emphasis during the debate on this issue. Perhaps it entered the debate and I missed it. But at the risk of repeating the observation of another Senator, I draw attention to the opinion of James Madison, as expressed in the Federalist, No. X, when he stated that—

> No man is allowed to be a judge in his own cause; because his interest would certainly bias his judgment and, not improbably, corrupt his integrity. With equal, nay, with greater reason, a body of men are unfit to be both judges and parties at the same time.

Yet, this is precisely the situation in which the pending Dirksen-Mansfield amendment would place the legislatures of many of the 50 States, and indirectly the Senate of the United States as well. With the proposed constitutional amendment which it anticipated, the Dirksen proposal would place the State legislatures in the morally and politically indefensible position of voting on, and thus perpetuating, the very condition of malapportionment which the Supreme Court has declared unconstitutional. As the able junior Senator from Connecticut [Mr. RIBICOFF] noted, it is hardly just or equitable "to have the rotten boroughs decide whether they should continue to be rotten." And there are few if any Members of this body who, by political associations and personal friendships, are not to some degree also involved with the apportionment problems of their respective States.

This is, in my opinion, one of the elements of greatest mischief in the proposed Dirksen-Mansfield amendment.

If enacted, it would in the most literal sense corrupt the democratic process in the States. It would, in addition, be one of the most retrograde steps that the Congress of the United States could take.

The proponents of the Dirksen-Mansfield compromise to the original Dirksen amendment—which was thrust on the Senate without even the benefit of committee hearings—are Senators for whom I have the highest regard. They are Senators who have, on other issues, maintained the utmost concern for orderly legislative procedure, a careful regard for the rights of the States, and a sincere commitment to harmonious and effective Federal-State relationships. It is for this reason that I am at a loss to understand their support for a measure which would violate each of these principles in such fundamental ways.

I need not belabor the fact that the originally proposed amendment was offered with a rather cavalier disregard for legislative procedure. In the closing days of the session, without benefit of hearings or committee action, it was presented for attachment as a totally inappropriate rider to the foreign aid bill. Such actions, although rare, are not without precedent.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to the very capable Senator from Wisconsin.

Mr. PROXMIRE. I compliment the Senator from West Virginia on his excellent speech. I particularly think the last point he has made should be stressed and underlined. As he says, this is an important proposal. As I understand, he considers this a civil right, an individual right. He has pointed out how the Dirksen amendment brings the Supreme Court into serious jeopardy. The point he makes is that, in the closing days of the session, without benefit of hearings or committee action, the proposal is presented on a bill which is not germane in any way.

In the judgment of the Senator from West Virginia, who has had many years of experience in the House of Representatives and has had substantial experience in the Senate, is it not extraordinary to propose in this manner a matter of this particular importance, which goes to the very root and heart of the relationship between the Congress and the courts? Does not the Senator consider that the procedure followed with regard to this proposal prevents the Senate and the House from exercising the full deliberation which this kind of very serious proposal merits and requires?

Mr. RANDOLPH. I concur completely with the judgment of the Senator from Wisconsin. I have so stated. I appreciate the emphasis which he has placed on this aspect of the issue. The Senate of the United States is often referred to as the greatest deliberative body in the world. Yet the Dirksen-Mansfield proposal would short circuit the processes of deliberation—on a most fundamental issue—which this body has established to guard against popular panic and hasty legislation.

But what disturbs me even more is that the proponents of the Dirksen-Mansfield amendment, most of whom are among the most stanch defenders of the rights of the individual States, would advocate a bill which would allow "any party or intervenor—or any member of the legislature" to block a reapportionment plan which may have a wide consensus of support throughout a particular State and which may have been developed at great expense and effort by the State. Thus, if that amendment to H.R. 11380 were enacted, the Congress of the United States would, in effect, be giving the green light to any malcontent or lame duck legislator to obstruct any reapportionment plan emanating from a court decision—regardless of the expense to the State or the popular support for such a plan.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. RANDOLPH. I yield.

Mr. PROXMIRE. This is a most significant point. Is it not true that wherever there is legislative reapportionment—it is unfortunate but true—at least one and usually several members of the legislature are apportioned out of their seats and their careers ended?

Mr. RANDOLPH. That is true.

Mr. PROXMIRE. Is it not true that in State after State, which has been proceeding very well, in terms of public interest, in providing equitable apportionment, all the painful, tough, gradual adjustment to the situation would be stopped, and stopped cold, and would be stopped cold for a long time, if the Dirksen amendment were adopted?

Mr. RANDOLPH. Yes. I think it would be proper to say that the States would be stultified. I think that situation would result not only in one but in several cases.

There is another and perhaps even more fundamental manner in which the Dirksen amendment would be prejudicial to sovereignty and to a healthy Federal-State relationship. It has become a virtual truism among students and practitioners of government to declare that the States have abdicated many of their powers, rather than having had them seized by the Federal Government. The Federal Government has, in fact, filled the vacuum created, in many instances, by the States inability to meet the needs of a modern industrial society. This failure on the part of many of our States has been due to malapportionment of the State legislatures more than to any other single factor.

Consider but a few of the major problems of so-called Federal intervention today—in the fields of public assistance, slum clearance, urban renewal, urban transit, air and water pollution, and aid to education, for example. These are problems largely associated with our metropolitan areas. And the Federal Government, in fulfilling its responsibilities to the American citizen, has been forced to move into these fields because the rurally dominated State legislatures have too frequently been unresponsive to urban and suburban needs.

It is my firm conviction, therefore, that the reapportionment decisions of the Supreme Court in the Alabama cases and those which preceded during the recent term of the Court will prove to be among the most significant contributions in recent decades to the strengthening of State governments.

In this respect, in particular, I would disagree with the closing argument in the dissent of Justice Harlan, wherein he declared that—

> No thinking person can fail to recognize that the aftermath of these cases, however desirable it may be thought in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal judiciary.

Justice Harlan then concludes that—

> Only one who has an overbearing impatience with the Federal system and its political processes will believe that that cost was not too high or was inevitable. (*Reynolds, et al.* v. *M. O. Sims, et al.*)

What are the major problems of so-called Federal intervention today?

We find them in the field of public assistance, in slum clearance, in urban renewal, in urban transit, in air and water pollution, and in aid for education, to give some examples which are clearly set forth. These are problems largely associated with the metropolitan areas of the country. The Federal Government, in fulfilling its responsibilities to the American citizen, has been forced to move into these fields because the rurally dominated State legislatures have too frequently been unresponsive to the needs of the urban and suburban sections of our country.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield again to the diligent senior Senator from Wisconsin.

Mr. PROXMIRE. This is a very important and very much overlooked argument. I do not see how it can be answered at all. The "States righters" should be in the front ranks in opposition to the amendment. The argument being made by the Senator from West Virginia makes good sense. If we want the States to assume responsibilities, we should give the people the right to equal representation in both houses of their legislature so that there can be agreement between the two houses and the legislature can act, without one body blocking the other. The Senator from Michigan [Mr. McNamara] pointed to a series of instances in a recent year when the Governor of the State of Michigan, the lower house of the State of Michigan, and the people of the State of Michigan were in favor of measures which a majority of State senators, representing a minority of the people of the State, had persistently blocked. There were not only one or two such measures, but a series of concrete, specific actions.

If we hear anything at all from the proponents of the Dirksen amendment, it is that the Federal Government has become too big and too domineering. This may be true. But if the States are to solve their own problems should we hamstring them by providing that one house should be apportioned on a basis other than population.

I am glad the Senator from West Virginia has so ably stressed this point and has done so not in generalities, but by pointing to specific areas, such as slum clearance, urban renewal, air and water pollution, and education, in which States should assume those responsibilities, but where they have not done so because they have been paralyzed.

Mr. RANDOLPH. I am grateful for the cogent comment of the senior Senator from Wisconsin [Mr. Proxmire].

It is my firm conviction, I repeat, that the reapportionment decisions of the Supreme Court in the Alabama cases and the cases which were presented during the recent term of court, will prove to be among the most significant contributions in recent decades to the strengthening of State governments.

I agree thoroughly with the proposition which has been set forth, that those who should be in the forefront of vocal opposition to the pending Dirksen-Mansfield amendment should be Senators who have spoken, and I believe will speak again, about States rights on other subjects.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. PROXMIRE. This is a happy thought and a very true and accurate reflection. The Supreme Court has been attacked again and again as an instrument of the Federal Government moving against the States. As the Senator has said, the Supreme Court's decisions would strengthen State governments and would strengthen the Federal system. This is a very important observation. I believe it is the first time in this debate that it has been made; and it has been made in a very constructive and positive way.

Mr. RANDOLPH. I thank the Senator. In this connection, I believe I would have to disagree with the closing argument of Justice Harlan in this case.

I say this particularly to the Senator from Wisconsin and the Senator from Illinois [Mr. Douglas]. The declaration was made that "no thinking person can fail to recognize that the aftermath of these cases, however desirable it may be thought in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal judiciary."

Senators will recall that Justice Harlan concluded:

> Only one who has an overbearing impatience at the Federal system and its political processes will believe that that cost was not too high or was inevitable.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. DOUGLAS. Justice Harlan, in effect, is saying, is it not that the overwhelming majority of the Supreme Court had an overbearing impatience with the way in which the legislatures were operating? Is it not correct to say that for 60 years virtually no State legislature would reapportion itself? This was not a hasty decision by the Supreme Court. The Supreme Court withheld its hand for decade after decade, and finally, when the evidence was clear that the leglislatures would not reform themselves, they moved in under the 14th amendment and the requirement for equal protection of the laws. Did not the majority of the Supreme Court show great restraint and patience with the operations of the State legislatures rather than overbearing impatience?

Mr. RANDOLPH. The Senator from Illinois is very convincing on this point. He made it before during this debate. The time not only has arrived, but it has been long overdue.

Rather than having rushed in with excessive haste, the Court showed justifiable restraint. In my view, Justice Harlan, in his dissenting opinion, stepped from the field of law into the field of political prophecy. His prophecy is misconceived, I believe, because his own attention seems directed more to the form than to the substance of Federal-State relations.

The implementation of the recent apportionment decisions will, at first, be a somewhat painful remedy for many of the States. But in the long-term view, reapportionment will infuse a new vitality in State governments, enabling the States, once again, to assume the role of full partnership.

This becomes readily apparent when one reflects on the current tendency of municipal officials to bypass State governments and to appeal directly to the Federal Government for solutions to many of their urban and suburban problems. This tendency is the result of the inability of State governments to cope with these problems under their present systems of apportionment.

When I was a Member of the House of Representatives, I joined in the original sponsoring of the Federal Aid to Airports Act. In the drafting of that legislation, in which I had a part, we were careful that there should be a relationship directly between the Federal Government and the municipalities. We recognized that the need for approval of the local project for an airport could not rest upon the State government, because year after year the States could do little to help support an airport within a particular city, within a metropolitan area, or within a center of population. So the Federal funds went to the cities on a matching basis. Many States fought vigorously in Congress against that provision in the Federal Aid to Airports Act. We in Congress knew that the time had arrived for the development of transportation by air in the United States, with no reflection on the States themselves. Frankly, the States were not realistic and could not grapple with the problems of this new form of transport, which was the operation of scheduled airlines serving thousands of persons daily between specific metropolitan areas. I had not anticipated bringing this example to the attention of the Senate, but it is certainly a valid point. In supporting the authority of cities to issue airport bonds, Justice Cardozo reminded us in 1928 that "Chalcedon was called the city of the blind because its founders rejected the nobler site of Byzantium lying at their feet." To paraphrase Justice Cardozo in this issue, one might say that the State legislatures have been blind to ways of increasing the authority and effectiveness of State government, and the Supreme Court has been called upon to open their eyes and give them sight.

Mr. DOUGLAS. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. DOUGLAS. I have flown into Charleston, W. Va., many times. The airport there was built, as I remember, by leveling off the top of a hill. Does the Senator from West Virginia believe that that would have been done at great expense if the Legislature of West Virginia had had the power to determine whether it should be done and had been compelled to appropriate money for it?

Mr. RANDOLPH. I believe the State of West Virginia would not have moved forward with the construction of the Kanawha County Airport. It lacked the financial capacity to assist materially. The cost of constructing an airport in our capital area is high. It has been said that more earth was moved in the construction of that airport, where mountains were leveled, than was moved in the construction of the Panama Canal. It is expensive to build an airport in mountainous terrain. So, as I have done on prior occasions, I compliment the citizenry of Kanawha County for having voted several million dollars of bonded indebtednes and for having accepted the responsibility to participate with the Federal Government in such a meritorious project. The State itself would never have been able to move forward.

Mr. DOUGLAS. Yet that airport has opened up the State of West Virginia to air travel and has been of great assistance in enabling the chemical and other industries to locate in the Kanawha Valley. Is not that true?

Mr. RANDOLPH. The Senator from Illinois is correct. The chemical industry in the Kanawha Valley is likened to that of the world famous Ruhr Valley. A huge complex of the chemical industry has been located in the Kanawha Valley for some 25 or 30 years. I estimate that it directly employs some 25,000 men and women and creates many, many indirect jobs. It is an important industry.

More than 100,000 passengers a year have been boarding planes at the Kanawha County Airport to travel to other sections of the country, and a comparable number of passengers have been arriving. I refer to the scheduled airline service, the carriers serving the city of Charleston, W. Va.

In my opinion, reapportionment would give the metropolitan regions a stronger voice in the councils of their States, and thus would strengthen the States in their relationship with the Federal Government. To illustrate this in a more specific way, I refer to the kind of problem which arises in framing much of the legislation which is reported by the Committee on Public Works, of which I am a member. With respect to air and water pollution measures especially, we have had to exercise great care in writing provisions which would prevent local and municipal officials from bypassing State agencies when seeking Federal allotments or assistance. In such instances, we find the seeming paradox of the Federal Government protecting the interests of the State government in its relationship with its own political subdivisions. I feel certain that other Senators would recount similar instances with regard to the work within the jurisdictions of their own committees.

I believe such a precaution on the part of the Federal Legislature would not be necessary if State legislatures and the other agencies of State governments more accurately reflected the needs and interests of their metropolitan populations. I believe also that Justice Harlan would have less anxiety about the future impact of the Court's apportionment decisions if he had contended with the problems of Federal, State, and local relationships that come before Congress for continuing attention and, we hope, for affirmative solutions.

At the outset of my remarks, I stated that a fundamental civil right was at issue in the proposed Dirksen-Mansfield amendment. I would not do justice to my own convictions on this issue if I failed to recognize the question of the right of "one-person, one-vote," and the authority of the Supreme Court to adjudicate this issue. Although I would enter the field of constitutional law with much trepidation, it does not seem necessary to me that a person be a constitutional lawyer to recognize the authority of the Supreme Court in this issue.

It is specifically set forth in article III, section 2 of the Constitution which provides:

> In all cases * * * in which a State shall be party, the Supreme Court shall have original jurisdiction.

We understand the English language. This section clearly accords to the Supreme Court and not to the Congress original jurisdiction over apportionment cases in which a citizen files suit against the State in which he is a resident.

Furthermore, we have listened to and have read the comments of Professors Rostow and Emerson. I read from the article in the Washington Post in which they said:

> The exception clause, and the power to establish lower Federal courts, cannot be used to abrogate all judicial power to protect any one basic constitutional right.

Mr. President, the Supreme Court has construed that apportionment cases originate from the equal protection clause of the 14th amendment. The logic of the decision in Reynolds versus Sims, et al., is clear and unassailable when the Court declared:

> Diluting the weight of votes because of place of residence impairs basic constitutional rights under the 14th amendment just as much as invidious discriminations based upon factors such as race, *Brown* v. *Board of Education*, 347 U.S. 483, or economic status, *Griffin* v. *Illinois*, 351 U.S. 12, *Douglas* v. *California*, 372 U.S. 353. Our constitutional system amply provides for the protection of minorities by means other than giving them majority control of State legislatures. And the democratic ideals of equality and majority rule, which have served this Nation so well in the past, are hardly of any less significance for the present and the future.

I am not dissuaded from my support of the decision of the Court in this instance by the references which have been made to the views of the founders of the Constitution and especially to Madison's doctrine that the "public views" should be "refined and enlarged by passing them through the medium of a chosen body of citizens."

This is, of course, the essence of a republican form of government; but it offers no justification, I say—nor did Madison intend it as such—for malapportionment of our State legislatures in the America of today.

It should be no revelation to any student of American history that our founders—including even such optimistic founders as Jefferson and Madison—harbored a certain skepticism regarding popular government. Nor is it surprising—in view of the many qualifications of property, sex, and condition of servitude—that only 12 or 15 percent of the adult citizens of the United States voted in the early elections in this Republic. But the history of this Nation has been, in large part, the history of the extension of the right—and I call it also the responsibility of suffrage—the ballot, a franchise of freedom. I believe, in this instance, that the Supreme Court has done something which should have been done long ago. But it has done it now. To attempt to divert, to sidetrack, or to stultify it, reflects no credit on the Senate, especially considering the manner in which this question is brought before us.

Mr. PROXMIRE. Mr. President, will the Senator from West Virginia yield?

The PRESIDING OFFICER (Mr. JORDAN of Idaho in the chair). Does the Senator from West Virginia yield to the Senator from Wisconsin?

Mr. RANDOLPH. I yield.

Mr. PROXMIRE. This is a great statement being made by the Senator from West Virginia, especially when he states that the history of the Republic has been to some extent the extension of the franchise, the history of progress, the history of justice and equity. This is true. This has been a tough, long, and hard struggle. Is it not true that the amendment to the Constitution that gave women the right to vote was a highly significant milestone along that path?

Mr. RANDOLPH. The Senator is correct, it certainly was a milestone. That battle was not an easy one to win.

Mr. PROXMIRE. Certainly the Civil War amendments which extended the franchise to those who had been slaves, and the benefits which came through the 1957 and 1964 Civil Rights Acts were the implementation of the right to vote. Many of us who were for the 1964 civil rights bill made the argument that one of the most important provisions in the bill was that it gave the minorities—which had been deprived of the right to vote—the right to vote, which is essential to their economic and social progress, as well as to their political progress.

Mr. RANDOLPH. The Senator is correct.

Mr. PROXMIRE. I believe that the Senator from West Virginia is making his point so well that this great Supreme Court decision is in the mainstream of that same struggle, the struggle for political justice, and the struggle for political equality. I am glad that the Senator from West Virginia has hit this point so hard and so eloquently.

Mr. RANDOLPH. I thank the Senator from Wisconsin.

I should like to go further and say that with the establishment of property qualifications, the extension of suffrage during what we know as the Jacksonian period, the adoption of the 14th, 15th, and 19th amendments, and the progressive elimination of the poll tax and the abolishment of the so-called white primaries, we have witnessed the steady extension of the right to vote and the progressive enlightenment of the American people.

The Supreme Court decisions on reapportionment are but the most recent wave of this tide in the advancement of this Republic.

Finally, Mr. President, we come to the question of the checks and balances within our system and the division of authority between the legislative and the judicial branches. Supporters of the Dirksen-Mansfield amendment have proclaimed that the Court has usurped the authority of the legislative branch and that the Justices are legislating and not interpreting the law.

This argument is hardly a new one. It was exploded more than 40 years ago by the scholarly Justice Benjamin N. Cardozo in the lectures which he gave in 1921 at Yale University.

Mr. DOUGLAS. Were not those lectures called "The Nature of the Judicial Process"?

Mr. RANDOLPH. These were the Storrs Lectures published under the title of "The Nature of the Judicial Process." The Senator from Illinois is, as usual, correct in his citation.

Speaking of the "open spaces in the law" and the function of the courts in these areas, Justice Cardozo stated that:

> Within the confines of these open spaces and those of precedent and tradition, choice moves with a freedom which stamps its action as creative. The law which is the resulting product is not found, but made. The process, being legislative, demands the legislator's wisdom.
>
> There is in truth nothing revolutionary or even novel in this view of the judicial function. It is the way that courts have gone about their business for centuries in the development of the common law. The difference from age to age is not so much in the recognition of the need that law shall conform itself to an end. It is rather in the nature of the end to which there has been need to conform.

Mr. President, the recent Supreme Court decision, the development of American democracy, and the popular will of American citizens today declare that the end to which Justice Cardozo referred shall be equal representation. The issue is solely and ultimately whether or not we accept equal representation as one of the fundamental goals of American democracy.

This Senator subscribes to the view expressed by Thomas Jefferson when he stated that—

> Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation because the prejudices themselves cannot be justified.

I shall not break faith with that principle, which has been so eloquently and accurately set forth.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. DOUGLAS. I congratulate the Senator from West Virginia for his very scholarly and thoughtful address which has discussed this issue in the large. It shows how the Supreme Court dealt with a long-standing abuse which the State legislatures themselves stubbornly refused to correct. His address demonstrates how the Court finally came back to the fundamental principle that the people were entitled to the equal protection of the laws and could not be assured of the equal protection of the laws if the legislatures which made the laws were ones in which the people were grossly unrepresented.

The whole argument of the Senator has been on an extremely high level. I know it will have a great deal of influence not only in West Virginia, but also all over the country.

Would the Senator permit me to give some testimony with reference to my own State?

Mr. RANDOLPH. Yes. I want to hear the testimony.

Mr. DOUGLAS. Illinois contained 10,100,000 people according to the census of population in 1960. Illinois has a State senate consisting of 58 senators. The average allotment of inhabitants per senator would therefore be approximately 173,000.

A number of districts have a much greater population than this. A number of districts have a much smaller population than this.

Let me take the smaller ones first. There is one district with 54,000 people, another with 57,000, another with 59,000, another with 67,000. On the other hand, there is one district with 570,000 people, another with 505,000, and another with over 400,000.

Let us compare the smallest district and the largest district. Fifty-four thousand people elect one State senator. Five hundred and seventy thousand people also elect only one senator. One person in the smallest district therefore has over 10 times the effective voice of a person in the largest district. The people in the smallest district are very nice people. But should they be given 10 times the weight of those in another district?

Mr. RANDOLPH. They should not, if I may interrupt.

Mr. DOUGLAS. Another district has a population of 505,000. That district consists of Du Page and Will Counties. That is a congressional district. There are 24 congressmen and 55 State senators. But, the State senatorial district is identical with the Federal congressional district. Therefore, one man in the smallest district would have approximately 9 times the voice of an inhabitant in the senatorial district with 505,000.

Another congressional district consists of Lake, McHenry, and Boone Counties. It contained 398,000 people in 1960. It has a congressional representative and only one State senatorial representative. It now has well over 400,000 population. It has the same representation as other districts which contain populations of 54,000, 57,000, and 59,000.

So, while we do not have in Illinois the ludicrous example that exists in Vermont where a hamlet with 36 people elects a member of the State legislature, and the largest city with a population of 38,000 also elects only one member of the State legislature, it is bad enough. Illinois does not have the absurd condition which exists in California, where 14,500 people elect a State senator, and the over 6 million people in Los Angeles County also only elect one State senator. Still there are improvements that can be made. But 29 percent of the people are in districts which elect a majority of the State senate.

There is one other conclusion which I should like to introduce in the RECORD before I stop. That is that the three worst underrepresented districts are not inside the city of Chicago. They are in suburban districts.

For example, a district with 570,000 people, the first Illinois senatorial district, consisting of the cities of Cicero, Berwin, and Oak Park and Leyden, and Proviso Townships, is the most underrepresented group. Du Page and Will Counties have a population of 505,000, or approximately 3 times the size of what should be the average district. Those are suburban counties directly to the west and south of Cook County. Lake, McHenry, and Boone Counties, which constitute the precise area included in the 12th Congressional District, now have over 400,000 people. This is 2½ times the size of the average district. That is a suburban district. All of these are within the metropolitan area. All of these districts are at the moment strongly Republican. We hope that can be changed. But, at the moment, they are strongly Republican. What strikes me is the fact that so many of our Republican friends—I do not say all of them—are saying this is a struggle between the cities and rural areas. It is not so much that, as a struggle between the suburban areas and the underpopulated rural areas. And we, who are contending for more equal representation, are fighting the battles of the suburban areas even more than we are fighting the battle of the urban areas. I hope very much that these issues can become known and properly emphasized.

I regret that I have intruded upon the philosophic tenor of the speech of the Senator from West Virginia, which was couched in admirable general terms. But, sometimes the meaty specific reinforces the general philosophy and logic.

I again congratulate the Senator from West Virginia. He has made an excellent contribution to the discussion.

Mr. RANDOLPH. Mr. President, I thank the scholarly senior Senator from Illinois. If this were a problem for West Virginia alone, it would not be my purpose to stand here in the Chamber and object. The imbalance in the legislative bodies of the Senate and House of Delegates in West Virginia is not appreciable. Our legislature has acted resolutely to meet its responsibilities in this vital area of representation.

Apportionment is not the most pressing problem in West Virginia. But a very real principle is involved. That principle is whether we actually believe in equal representation as not only a sought for goal but now—at least in the Supreme Court's action—a realizable goal. I do not wish to see it thwarted.

Mr. DOUGLAS. Of course, the Supreme Court has never said that there must be precise arithmetical equality. The Court specified substantial equality, which would allow a certain percentage of tolerance on either side of the average.

Mr. RANDOLPH. Yes, flexibility is built into the Court's decisions.

Mr. DOUGLAS. That is expressly stated in the decisions of the Court.

Mr. RANDOLPH. My colleague is correct.

Mr. PROXMIRE. Mr. President, will the Senator yield briefly before he leaves?

Mr. RANDOLPH. I yield.

Mr. PROXMIRE. I know that the Senator has an urgent appointment which he must keep. I, too, wish to commend the distinguished Senator from West Virginia on a brilliant speech—a speech that was not only long and hard on the philosophy and principle involved, but also excellent in terms of specifics. I thought the example which the Senator gave us from his own experience in the Public Works Committee was particular helpful and useful. It showed clearly how the failure of the States to apportion properly and be representative in their legislatures interferes with their relationships with their own cities and their own localities, necessitating adjustments to be made at the Federal level which are often awkward and prevent full justice being done to the people within the State.

Also, as the Senator from West Virginia made emphatically clear, inequality in apportionment makes it necessary for the Federal Government to move into situations that otherwise the States might be able to handle for themselves.

Mr. RANDOLPH. I again thank the Senator from Wisconsin and the Senator from Illinois, who have been gracious and generous in their references to my effort here today. I say to both of them that there are times when we feel an urge—and I have felt it—to stand, to speak, and to serve in support of a principle which needs to be emphasized. So to the extent that I have reinforced and supplemented that which the Senators from Wisconsin and Illinois have so well said, I know that my contribution at least is a sincere one. I hope it will add something to an affirmative determination on the part of the Senate to approve, rather than to tear apart, a historic decision, in the onward sweep of American democracy, enunciated by the Supreme Court.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from West Virginia for his fine speech.

Now, Mr. President, for what purpose is the Senate now tied up with the Dirksen amendment to the foreign aid bill? Why? Strictly from the standpoint of those who want the Dirksen amendment. What difference will it make whether we act on it this year or whether we have action pro or con next year? The fact is that there is not one single State legislature which will meet before January 1965. If we should fail to act now, our failure could have no effect that I can understand on actions by State legislatures next year. Therefore, I hope that the leadership on both sides of the aisle will give very real consideration to the possibility of ending this unfortunate stalemate by withdrawing the Dirksen amendment and pressing in 1965, when the decks will be clear for action and it will be possible to stay with the subject, and when it will be possible to have Senators attend these debates and it will be possible to have more than one quorum call a day.

It is no legislative secret that it is the duty of Senators who favor a proposal to obtain a quorum. It is their responsibility, not ours. It is not the responsibility of those who are opposing a measure.

During the civil rights debate those of us who were for the civil rights bill worked hard and long, and made great sacrifices in terms of not being able to get out to our States and make speeches around the country, canceling commitments in order to be present in the Senate for quorum calls.

I understand that the distinguished Senator from Illinois [Mr. DOUGLAS] was present for more quorum calls than any other Senator at that time. Perhaps there were two or three others who did as well as he did. We were then able to get a quorum in less than 20 minutes; usually, 15 minutes. We were unable to get a single quorum on Thursday; we were not able to get a quorum on Friday. Today we have been in session since 12 o'clock and nearly an hour was required—50 minutes—to get a quorum, although Senators were urged to return to Washington, D.C. As time goes on it is obvious that it will be harder and harder to maintain a quorum. In the absence of a quorum it is difficult for the Senator from Wisconsin to see how we can be criticized by our opposition and taunted about not speaking to a full Chamber. After all, if the proponents of the measure cannot deliver Senators to the Chamber so that the Senate might be held in session, it is not our responsibility—at least those of us who oppose the amendment—to continue talking. If we do talk, we are hopeful that our opposition will see that Senators are present.

Mr. DOUGLAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. PELL in the chair). Does the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Is it not true that during the debate on the civil rights bill well over 100 quorum calls were called by the opponents of the civil rights measure, and they were live quorum calls which were demanded?

Mr. PROXMIRE. The Senator is correct. Live quorums were demanded.

Mr. DOUGLAS. We have asked for only one live quorum. Still the advocates of the Dirksen amendment have not taken the hint, and have not appeared on the floor to defend their position. Is that not true?

Mr. PROXMIRE. That is absolutely true. It seems to me that the proponents of the measure have given only a very brief time in support of their position, although the debate relates to a most important constitutional issue. No hearings have been held on the question. No record is before the Senate. We have no record from the House, though the measure would have most serious consequences on all 50 of our State legislatures.

Mr. DOUGLAS. I believe the RECORD will show that my colleague, the junior Senator from Illinois [Mr. DIRKSEN], who is chief sponsor of the amendment, spoke for less than 1 hour. He did not speak again. Later, on the Democratic side, the Senator from Montana [Mr. MANSFIELD], who is a cosponsor of the amendment, spoke for 10 minutes. Neither one of them has spoken since. There may have been one brief speech in support of the proposal, but there has been virtually no discussion.

During the debate on the civil rights issue, those of us who were in favor of civil rights felt an obligation to present our side of the case. We felt that we should not depend upon pure muscle, but that we should try to argue the points involved.

The RECORD will show that for 3 weeks we conducted a debate with Senators going into every phase of the civil rights bill in great detail so that a case might be laid before the Senate and the country.

Now the supporters of the Dirksen-Mansfield amendment in effect refuse to do that. They have refused to state their case. They will not come to the floor of the Senate. In many cases they have helped to prevent a live quorum from being obtained. They are depending on the strength of the groups behind them, and possibly of the organizations of the two parties.

Mr. PROXMIRE. The situation is most peculiar, particularly in view of what has happened in the course of the debate. One might think that time was working on their side. What has happened? On the move for cloture, I presume the minority leader, the distinguished junior Senator from Illinois [Mr. DIRKSEN], would not have filed a cloture motion if he did not believe that he had a good prospect of getting a two-thirds vote in favor of that motion. I am sure that he was confident that he could get it. Not only did he feel that he could get the necessary two-thirds vote, but also after the debate had gone on, after the situation had been explained and our arguments had been made, the cloture motion was defeated by a vote of more than two to one.

Furthermore, even more convincing was what happened to the Tuck bill. The Tuck bill passed the House by 40 votes. But what a spectacular change transpired in congressional attitude after that House action. The bill came over to the Senate. It was offered as an amendment, and was defeated, as I recall, by a vote of 56 to 21—a resounding and overwhelming defeat.

The Tuck bill embraced the same principle as the Dirksen amendment. In view of the circumstances, in view of the fact that the opposition seems to be losing ground, in view of the fact that the Senate came close to passing a proposal that would have in essence approved what the Supreme Court did, one would think that Senators who desire to have the Dirksen amendment passed would at least come to the floor and make their arguments in favor of it.

The speech just made by the distinguished Senator from West Virginia [Mr. RANDOLPH] pointed out that the Founding Fathers had some question and some reservation about universal suffrage. He pointed out a statistic that I had always been curious about. Something like 10 or 12, or perhaps 15, percent of the adults, in the early years of our Republic, actually voted. Of course, all women were excluded from voting. Slaves were excluded from voting. There were property qualifications in many States. Presumably, there was greater difficulty in voting. In spite of all this, as I have been trying to show, and as I tried to demonstate on Wednesday last, our Founding Fathers came out overwhelmingly and unanimously on the side of proportional representation, on the side of population representation in the State legislatures.

The only reason why the Congress of the United States has been organized on a different basis, the only reason why the Constitution provides for a Senate of the United States that is not based on population representation, is that it was the only way we could have had a Union. Many of us have argued that this was a wise decision. I feel that it was, but it was not on the basis of any principle. It was arrived at because it was the only way that the States could combine to form a Union.

Elbridge Gerry supported the compromise in these words:

> We were, however, in a peculiar situation. We were neither the same nation nor different nations. We ought not, therefore, to pursue the one or the other of these ideas too closely. If no compromise should take place what will be the consequence? A secession he foresaw would take place; for some gentlemen seem decided on it; two different plans will be proposed, and the result no man could foresee. If we do not come to some agreement among ourselves some foreign sword will probably do the work for us.

It was clear, in the words of Elbridge Gerry, that it was not a matter of accepting a great principle in having the Senate represent States, instead of people. It was a matter of getting the kind of unity necessary to preserve the independence of the United States of America.

George Mason agreed with him in these words:

> There must be some accommodation on this point, or we shall make little further progress in the work. Accommodation was the object of the House in the appointment of the committee; and of the committee in the report they had made. And however liable the report might be to objections, he thought it preferable to an appeal to the world by the different sides, as had been talked of by some gentlemen.

No one could contend that the counties or the cities within States have the sovereign power which the States had, and which they were willing to cede to a Federal system at the Constitutional Convention. Those who argue that since the Congress is composed of one House based on something other than population, and therefore the States should be, constantly overlook the fact that the States had the sovereignty, the power, the taxing power, virtually all the attributes of individual nations, when they came together. In the history of the United States there has never been a time when counties or cities came together to cede powers to a State.

First the States are created, and it is the States which create the cities, counties, or other administrative conveniences through which the States operate; but there is no basis for saying that there should be an individual identity in a county which warrants its representation in a State legislature.

James Madison, father of the Constitution, and others were unwilling, even in the face of a need to compromise State sovereignty with national unity, to promote the principle of equal State representation. James Madison fought hard for equal popular representation in the U.S. Congress, even in the Senate.

> [Madison] expressed his apprehensions that if the proper foundation of Government was destroyed, by substituting an equality in place of a proportional representation, no proper superstructure would be raised.

What Madison meant was that there should not be equal representation for each State because we would destroy the principle that one man had one vote so far as the Federal Government is concerned. Madison was strongly for the principle and believed deeply in it.

> [Madison] reminded [the small States] of the consequences of laying the existing confederation on improper principles. * * * It had been very properly observed by Mr. Patterson [sic] that representation was an expedient by which the meeting of the people themselves was rendered unnecessary; and that the representatives ought therefore to bear a proportion to the votes which their constituents if convened, would respectively have. Was not this remark as applicable to one branch of the representation as to the other? But it had been said that the Government would in its operation be partly Federal, partly National; that although in the latter respect the representatives of the people ought to be in proportion to the people: yet in the former it ought to be according to the number of States. If there was any solidity in this distinction he was ready to abide by it, if there was none it ought to be abandoned.

This was Madison's clear principle that he said in the 1787 constitutional debates must be accepted.

> In all cases where the General Government is to act on the people, let the people be represented and the votes be proportional. In all cases where the Government is to act on the States as such, in like manner as Congress now acts on them, let the States be represented and the votes be equal. This was the true ground of compromise if there was any ground at all. But he denied that there was any ground. He called for a single instance in which the General Government was not to operate on the people individually.

This particular point is philosophical but it is vital. Madison saw the Federal Government as acting directly on individuals, that therefore that they ought to have equal representation; to him it was only with the greatest reluctance that there should be a compromise essential to get a union. He agreed with Jefferson, Hamilton, and others that the States should have equal popular representation in their own State legislatures.

Madison pointed out that:

> The practicability of making laws, with coercive sanctions, for the States as political bodies, had been exploded on all hands. * * * He enumerated the objections against an equality of votes in the second branch.

This was Madison's argument against the kind of decision to which the Constitutional Convention finally came with respect to equal representation in the Senate for large and small States.

Madison listed his objections, as follows:

> 1. The minority could negative the will of the majority of the people.
>
> 2. They could extort measures by making them a condition of their assent to other necessary measures.
>
> 3. They could obtrude measure on the majority by virtue of the peculiar powers which would be vested in the Senate.
>
> 4. The evil instead of being cured by time, would increase with every new State that should be admitted, as they must all be admitted on the principle of equality.
>
> 5. The perpetuity it would give to the preponderance of the northern against the southern scale was a serious consideration.
>
> James Wilson agreed with Madison (id. at 10): "A vice in the representation, like an error in the first concoction, must be followed by disease, convulsions, and finally death itself. The justice of the general principle of proportional representation has not in argument at least been yet contradicted."

What Wilson could point out is that despite the fact that there had been serious and extended debate by our Founding Fathers, there was no contradiction of the fundamental principle that each man should have an equal vote. To this principle all of our Founding Fathers agreed.

> James Madison implied clearly his view that apportionment of State legislatures on some basis other than population was unfair and that a provision was necessary in the new Constitution to prevent the persons who as a result of malapportionment controlled State government from running congressional elections to serve their own interests (id. at 241): "Besides the inequality of the representation in the legislatures of particular States would produce a like inequality in their representation in the National Legislature as it was presumable that the counties having the power in the former case would secure it to themselves in the latter.

Objections to the Senate's consideration of treaties was based on the fact that Senators represented States rather than an equal number of people.

> George Mason supported the proposal that revenue bills must originate in House of Representatives and cannot be modified in Senate on the ground that (II Farrand 273-274): "1. The Senate did not represent the people but the States in their political character. It was improper therefore that it should tax the people. * * * The House of Lords does not represent nor tax the people because not elected by the people. * * * the pursestrings should be in the hands of the representatives of the people."
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> * * * * * *
>
> Much of the opposition on September 8 to the proposal that treaties must be ratified by two thirds of the Senate arose from the fact that a minority of the people will elect a majority of the Senators. Hugh Williamson of North Carolina (II Farrand 548): "remarked that treaties are to be made in the

branch of the Government where there may be a majority of the States without a majority of the people. Eight men may be a majority of a quorum, and should not have the power to decide the conditions of peace."

Elbridge Gerry similarly stressed (ibid.): "* * * the danger of putting the essential rights of the Union in the hands of so small a number as a majority of the Senate, representing perhaps, not one-fifth of the people."

I wish to continue this speech, because I think it is very important to document the attitude of our Founding Fathers in establishing our Constitution.

I wish to yield to the Senator from Oregon, but first I wish to make it clear that my experience has no doubt been the experience of other Senators also; namely, that the main objection, the prime question asked by those who oppose the Supreme Court's decision in Reynolds against Sims and to the course the Supreme Court has taken is, Why cannot States have the same kind of representation in their legislatures that the Federal Government has provided for in its two Houses of Congress?

I believe it is necessary to go back to these debates to document fully and accurately and exactly why we have a U.S. Senate and why the Founding Fathers felt very strongly about one fundamental principle of democracy: That each man should have one vote. Under no circumstances would the Founding Fathers compromise that principle, with the single exception that they felt they had to have a Federal Union, and that the only way they could get a union was to compromise and permit each State to have an equal number of Senators.

I shall come back to this point a little later, but at this time I ask unanimous consent that I may yield to the distinguished Senator from Oregon [Mr. MORSE] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S TOUR OF PACIFIC NORTHWESTERN STATES

Mr. MORSE. Mr. President, I thank the Senator very much for yielding to me. I doubt that it will be necessary for him to come back to his subject today. I have been advised that it is contemplated that the Senate will recess or adjourn at a reasonable hour this afternoon. I have asked the Senator from Wisconsin to yield to me at this time because for the next 2 days I shall be away from the Senate attending to a very sad mission, namely, the funeral of my late colleague in the House from Oregon, Representative WALTER NORBLAD. Before I leave Washington I wish to make a few comments in further opposition to the Dirksen amendment now pending before the Senate.

Before turning to that subject I wish to say that last week I had the honor and opportunity of being a member of the congressional party which traveled with the President of the United States to British Columbia, the State of Washington, the State of Oregon, the State of California, and the State of Utah, where the President delivered a series of speeches, and in his trip to British Columbia joined with the Prime Minister of Canada in putting the final signatures to the great United States-Canadian Columbia River Treaty. That treaty will mean so much to the economic future of the two countries.

I am particularly pleased that the Senator from Idaho [Mr. JORDAN] should be in the Chamber at this time while I am commenting on that treaty. The Senator from Idaho, both as Governor of the State of Idaho and later as an active participant in the Commission which finally brought forth the treaty, did a great deal toward making it possible for the Prime Minister of Canada and the President of the United States to put their signatures on the necessary documents last week in British Columbia.

When the President of the United States came to my State last Thursday morning, he addressed one of the most remarkable audiences that had ever been assembled in my State during my many years in the Senate. He addressed them on a public question at a breakfast held at the Sheraton Hotel in Portland last Thursday morning. Present were representatives of public power groups and private power groups and representatives of all the other business, labor, professional, and economic groups that have a vested stake in the maximum development of the power potential of the great rivers of the Pacific Northwest.

At that breakfast he made a major speech on conservation. I ask unanimous consent that his speech, as read, be inserted in the CONGRESSIONAL RECORD at this point in my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT A BREAKFAST AT THE SHERATON HOTEL, PORTLAND, OREG.

Senator MORSE—when you are traveling with WAYNE, you are always in for a surprise—I wish he had made speeches that short in the Senate—and I might say that good—thank you very much, Senator MORSE; Senator NEUBERGER, Congresswoman GREEN, distinguished Members of the Congress, mayor, Governor, friends in Portland; this is a very nice thing for you to do so early in the morning on a rainy morning. I know it took a lot of arranging and a great deal of trouble, and very fine hospitality. I realize that it is your way of showing your respect for the great office I hold, and for the President of this country. I would like for all the people in the Northwest Public Power Association and the Northwest Electric Light and Power Association to know that I feel a very special debt of gratitude to you for the time you spent, the money you invested, the wonderful public event that you have helped to bring about.

This is a rather discouraging occasion, however. I think of all the effort it took to turn off a few lights in the White House in Washington, and here you all finally settle your differences and you are turning on millions all over the country every day.

In 1844, a fiery young orator warned, "Make way for the young American buffalo. We will give him Oregon for his summer shade and the region of Texas for his winter pasture." Well, it is wonderful to be here in Oregon with you this morning. But I want it distinctly understood I am not ready for any Texas pasture.

Yesterday in a few hours, I swept across a continent that it took decades of daring to conquer. It took brave men and strong men to make that crossing. But, most of all, it took men of faith—men of great faith in themselves, in their country, in the future of this land. So today we inhabit a continent that is made fertile by that act of faith. Napoleon truly said when he sold Louisiana, "This accession of territory consolidates the power of the United States forever."

But it was not territory that made us great. It was men. Our West is not just a place. The West is an idea. The Bible says, "Speak to the earth and it shall teach thee." And here, in the West, we learned man's possibilities were as spacious as the sky that covered him. We learned that free men could build a civilization as majestic as the mountains and the rivers that nourished him. We learned that with our hands we could create a life that was worthy of the land that was ours. And that lesson has illuminated the life of all America—East, West, North, and South.

This gathering this morning I think is further proof of that. Your work is a more powerful instrument of freedom than a thousand shouted threats and warnings. In far-off countries, men will look here and learn again that the path of free men is the surest path to progress. Here, in the Northwest, America is moving again. And all the world knows it. This intertie which is the result of so many brains and so much work, and such great efforts, is the most exciting transmission system in history. It will make us world leaders in direct current transmission. It will carry from the Peace River to the Mexican border enough power for five San Franciscos. So I come here to tell you, and to tell each of you, that all America is proud of all of you.

I am glad to see this cooperation of private power with public power. The public power yardstick is essential. Private power will always play a substantial and vital role in the future of this great land. This system is also proof of the power of cooperation and unity. You have proved that if we turn away from division, if we just ignore dissension and distrust, there is no limit to our achievements. I am going to interpolate for a moment here to tell you of an experience I had as a young man trying to reconcile the views of the leaders of public and private power in my State.

We had the great man who happened to be a spokesman for Electric Bond and Share, who was president of one of our great power companies, and he looked just like a Methodist deacon. He sat back and was dignified, a very attractive man, a very pure individual, very cautious in what he said. I negotiated with him for 3 days and I never made a dent in his armor. He was looking after those stockholders and he almost looked at me with what I thought was contempt. Finally I got up in my youthful enthusiasm and some impulsiveness that I am very much against these days, and I said, "So far as I am concerned, you can take a running jump and go straight you know where." The old gent didn't get the slightest bit rattled. He just looked back and smiled and said, "I am sorry you feel that way, young man. We have to do these things as we see them. We are men of convictions and we have to carry out our views and the views of our stockholders as we think we ought to." All of my REA and public power people applauded me and said it was a great speech. I started out of the room and they all stood. As I walked out the door, I saw an old man there that was the general counsel for the water district. He was an ex-Senator. I said, "Senator, how did you like my speech?" He said, "Come by the office and I would like to talk to you about it." I said, "Oh, oh." So I went by and he said, "Your are in public life. You are a young man just starting out and I want to see you move along and do well. But," he said, "the first thing you have to learn, son, is to tell a man to go to hell and to make him go are two different propositions."

I said, "Mr. Carpenter doesn't want to go. This is a free country and he is going to stay around here, and he thinks it is pretty hot down there, and he doesn't elect to take your choice." He said, "It took me 2 months to get this group together and you bust it up in 2 minutes. I will have to work now until we can get together again and follow the advice of the Prophet Isaiah, 'Come now, let us reason together'." Many, many times in the Senate and in the other places of responsibility where I have served I have harkened back to that day in that little courtroom when I expressed my views on the president of the power company. A lot of times I wanted to get up and tell Bob Taft what I thought about his viewpoint and where he ought to go, or Bill Knowland, or Everett Dirksen, or even some of my democratic friends, from time to time.

But I never could forget what that old, wise general counsel said to me, "Tell them to go and make them go are two different propositions."

I do want you to know, though, that by your reasoning together, your cooperating together for the benefit of all, I think that is true conservation. This is the kind of conservation action that your Government is going to continue to provide the leadership for. I grew up on the land. The life of my parents depended entirely upon the bounty of the soil. I devoted much of my public life to protecting for our children the great legacy of our national abundance. So I come to report to you that we have not just talked about progress in this field. We have made progress, and we are at the close of the greatest conservation Congress in the history of the United States of America.

The 88th Congress has passed more than 30 important conservation bills. A new land and water conservation fund will help the States and the cities set aside spots of beauty for recreation and pleasure. A Wilderness Act will guarantee all Americans the national magnificence which has been your heritage. Water research and water planning bills will speed the development for the soaring water needs of this great, growing Nation. We established continental America's first new national park in 17 years—23 new national park areas—four new national seashores—and a national riverway. We began a new Bureau of Outdoor Recreation so that our children will have a place to hunt and to fish, and to glory in nature. We began the construction of over 200 water resource projects with 70 more scheduled for 1965. We built or we began more than 5,500 miles of transmissions lines in this great land. Flood control funds were increased by more than 50 percent.

All this we have done, and more. And I pledge you that my administration is going to continue with this progress. But we must do more than continue. Our problems are changing every day and we must change to meet them. Three changing forces are bringing a new era to conservation. The first is growing population. By the year 2000, more than 300 million Americans will need 10 times the power and 2½ times the water that we now consume. Increasing pressures will take our resources, and increasing leisure will tax our recreation.

The second is the triumph of technology. The bright success of science also has had a darker side. The waste products of our progress, from exhaust fumes to radiation, may be one of the deadliest threats to the destruction of nature that we have ever known.

The third force is urbanization. More of our people are crowding into cities and cutting themselves off from nature. Access to beauty is denied and ancient values are destroyed. Conservation must move from nature's wilderness to the manmade wilderness of our cities. All of this requires a new conservation. We must not only protect from destruction, but we have the job of restoring what has already been destroyed—not only develop resources, but create new ones—not only save the countryside but, yes, finally, salvage the cities. It is not just the classic conservation of protection and development, but it is a creative conservation of restoration and innovation. Its concern is not with nature alone, but with the total relation between man and the world around him. Its object is not just man's welfare, but the dignity of his spirit.

Above all, we must maintain the chance for contact with beauty. When that chance dies, a light dies in all of us. Thoreau said, "A town is saved not more by the righteous men in it than by the woods—that surround it." And Emerson taught, "There is no police so effective as a good hill and wide pasture."

We are the creation of our environment. If it becomes filthy and sordid, then the dignity of the spirit and the deepest of our values immediately are in danger. In the development of a new conservation I intend to press ahead on five fronts:

First, we seek to guarantee our children a place to walk and play and commune with nature. The demand on our recreational facilities is doubling each decade. We must act boldly or our future will be barren. We will move vigorously under our recent laws to acquire and to develop new areas for recreation in this country—emphasizing areas of concentrated population. And we will be ready to expand our programs to meet the developing needs. A national program of scenic parkways and scenic riverways is on the horizon. I hope, for instance, to make the Potomac a conservation model for our metropolitan areas. In our cities, open spaces must be reserved where possible, and created where preservation comes to light.

Second, we must control the waste products of technology. The air we breathe, the water we drink, our soil, our wildlife, are all being blighted by the poisons and the chemicals, and all the inevitable waste products of modern life. The skeleton of discarded cars, old junk cars, litter our countryside—and are driving my wife mad. She thinks that one of the advantages of getting defeated is to give her some time to get out and do something about cleaning up the countryside and these old junk cars along our beautiful driveways. I intend to work with local government and industry to develop a national policy for the control and disposal of technological and industrial waste. I will work with them to carry out that kind of a policy. Only in this way, I think, can we rescue the oldest of our treasures from the newest of our enemies.

Third, we must increase mastery over our environment through the marvels of new technology. This means rapidly increasing emphasis on comprehensive river basin development. So we plan to cooperate at every level to develop the resources and to preserve the values of entire regions of this land. It means drawing fresh water from the oceans. Within a few years economic desalinization will be a reality for a large number of Americans. It means learning to understand the weather and to do something about it. The advance notice that we got on Hurricane Carla saved us thousand of lives and millions of dollars. It means that use in every field of the newest knowledge to meet the oldest needs. It means encouraging the development of the genius of man in order to unlock the secrets of the earth.

Fourth, we must prevent urbanization and growth from ravaging the land. I will suggest, in cooperation with local government and private industry, policies for such prevention. Their goal will be to insure that suburban building, highway construction, industrial spread, are conducted with reverence and with the proper regard for the values of nature.

Fifth, we must conduct conservation on a global scale. The Antarctic Treaty, weather, and fishery agreements, the treaty with Canada that we celebrated yesterday, are all examples of what can be done if Nations will devote common effort to common interest.

These are some of the fronts of the new conservation which I will work to carry forward. And I tell you now that this hope will always be among the closest to my heart.

From the beginning, we have been a people of open spaces. We have lifted our eyes to the deserts and to the mountains, and now we are lifting them to the stars. But on this earth the ring draws closer around us. So let us not leave our task with the reproach of our children already ringing in our ears. Far, far too much is at stake. There are the resources on which our future rests, but there is a good deal more than that. In a thousand unseen ways we have drawn shape and strength from the land.

Respect for man and reverence for God have taken root in our spacious soil. In isolation from nature lies the danger of man's isolation from his fellow and from his Creator. All my life I have drawn sustenance from the rivers and from the hills of my native State. I do not see them so often any more these days, and I am lonesome for them almost constantly. But their message of love and challenge is written in my spirit. I want no less for all the children of America than what I was privileged to have as a boy.

In the book of Matthew, it says "The floods came, and the winds blew, and beat upon the house, and it fell not, for it was founded upon a rock." The house of America is founded upon our land and if we keep that whole, then the storm can rage, but the house will stand forever.

This morning you have an unusual assemblage in this room. I was escorted to the dais by a progressive young Republican Governor. I was met by a cordial, hospitable mayor. I flew across the continent with a number of outstanding leaders of the Congress, of the House and of the Senate. You have an unusual quality of leadership in this great Northwest. We celebrated some of the fruits of that planning yesterday in Canada, fruits of the work of men like the two great Senators from Washington, and this wise, veteran legislator from Vermont, George Aiken, who sits on the front row and does me great honor by coming to this area of the Nation with me.

Oregon, Washington, California, and Montana, all the great West, is here this morning, not to just talk about the glories of the past, but to try to pull the talent of this great region together to undertake an adventure of tomorrow. I first came to Portand as a youngster fresh out of uniform in the early days of the war to scrap the battleship *Oregon*. I saw then all of the hope and the daring, and the idealism, and the spirit of conservation that I have observed reflected by your spokesmen in the Halls of the House of Representatives and in the Senate. We have come a long ways in those 20-odd years, but we have not gone nearly far enough. The eyes of the Nation are looking to you to provide the leadership that will not just make this the best conservation Congress we have ever had, but that will help us to bring our dreams of a more beautiful America, a safer America, a healthier America available to our children as it has been available to us.

Thank you very much for your wonderful hospitality.

Mr. MORSE. The speech was in keeping with the conservation philosophy of the great Pinchot and Teddy Roosevelt. It was in keeping with the great conservation philosophy of Woodrow Wilson and Franklin Roosevelt; of Charles McNary and Hiram Johnson; of Clarence Dill, George Norris, and Robert LaFollette. It was in keeping with those men in public life who through the years have stood up and opposed all the nefarious, selfish attempts that have been made by certain groups that put a dollar sign always above the public interest; that would have sought to turn the rivers of this country and their hydroelectric power potential over to their selfish interests, and thereby deny to the people the maximum development of their rivers for the benefit of the public interest.

As I said in Portland after the speech, I say on the floor of the Senate today, that, important as the speech is as of today, it will be a speech of greater importance 3 or 4 years from today, because by that time I am sure we will have accomplished an implementation of many of the challenges that President Johnson laid down in his Portland speech.

I am proud to be associated with a statesman who has the vision and the foresight President Johnson portrayed in his great speech on conservation last Thursday morning. He has given, irrespective of their partisan affiliations, a challenge to all Americans to carry forward with a basic tenet for which so many of us have fought so hard for so many years in the Senate. We have a common obligation to see to it that we perform our obligations as trustees of God's gift of the natural resources of this rich land to the people of the country, and that we have an obligation to see to it that we leave those natural resources in a better condition than that in which we found them. When all is said and done, that is the underlying principle of the philosophy of the great conservationists of all time. It certainly was demonstrated last Thursday to be the underlying philosophy of our great President.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MORSE. Mr. President, I turn now to the pending business before the Senate.

Mr. PROXMIRE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. In the event the distinguished Senator from Oregon finishes his remarks and moves to adjourn the Senate in the absence of the Senator from Wisconsin, would the Senator from Oregon at that time ask that on Tuesday, after the morning hour, the Senator from Wisconsin shall have the right to complete the speech which he started today and would like to complete, but did not, because he wished to accommodate the Senator from Oregon and yielded to him so that he might speak? It is my understanding that the Senator from Oregon has a substantial statement to make and will take some time today. Although, as the Senator from Oregon said, it is planned to have the Senate adjourn at a reasonable hour, it might not be possible for the Senator from Wisconsin to return to the Chamber.

Mr. MORSE. Mr. President, we ought to attend to that matter right now. I appreciate the special consideration that has been extended to me. I think we will all agree that, under the circumstances, the Senator from Wisconsin was most courteous in being willing to suspend his speech temporarily while I made mine, in view of the reason I have given for my absence from the Senate during the next 2 days. Therefore, it is only courteous that I should now ask unanimous consent that when the Senate reconvenes at its next session, after the transaction of routine morning business, the senior Senator from Wisconsin be recognized to complete the speech that I have interrupted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, the "can of worms" that is before the Senate should be referred to the Committee on the Judiciary. The debate on the Javits amendment in the nature of a substitute established that there is no area of agreement on the authority of Congress in this field. The opponents of the Javits substitute insisted that because it had no force of law, it was useless; and the advocates of the Javits amendment claimed that Congress had no authority to enact binding legislation in this field and, hence, could do no more than express its opinion. The debate on the Javits substitute revealed all the weaknesses of a parliamentary body when it fails to use its committee system.

It has been charged that the courts have caused confusion, but we are only compounding it by our procedure in the Senate. Ask the Committee on the Judiciary for its printed hearings on bills or proposed constitutional amendments relating to reapportionment. The answer will be given that there are no hearings, printed or otherwise. The Committee on the Judiciary has not held public hearings on this subject at all.

That is a travesty on the legislative process. We are dealing with some of the basic, abstract principles of constitutional rights. We have no record or a single statement from a single constitutional law authority in this land. What are we thinking of? I say to the American people: You do not have any rights of freedom separate from the abstract principles of our constitutional government. Here is a flouting, a denial, a desecration of a basic principle of our American constitutional system; namely, that there shall be three coordinate, coequal branches of government, each branch having its supposedly protective rights within its own domain. We have a Congress in which many Members are engaged in a game of playing that they are Justices of the Supreme Court of the United States.

It is for the Supreme Court, not Congress, to decide the constitutional rights of the people. That is undeniable. It has been undeniable ever since 1803, when the great Marshall, of Virginia, in a landmark decision, handed down a ruling that the constitutional rights of the American people are determined by the Supreme Court of the United States. That is where the Congress vested the right giving the people the check, and that check, of course, is the check of the constitutional amending process.

I do not care what kind of semantics are used. As Senators know, I did not make myself too popular last week; but any time popularity and image cultivation becomes my motivating principle, I will get out of the Senate. I did not make myself too popular by being the one so-called liberal in the Senate who refused to go along with the Javits amendment. Of course, I did not go along with the Javits amendment. I did not teach constitutional law to walk out on my teaching merely because I walked into politics.

The Javits-McCarthy-Humphrey substitute for the Dirksen amendment that was voted on the other day was an affront to the Supreme Court of the United States. I do not care what language the liberals use to rationalize their position. They affronted the Supreme Court when they sought to advise it on the handling of apportionment cases. They affronted our system of government that is based upon three coordinate, coequal branches of Government. They tried for the moment—and I say this respectfully, but I believe it is true—for reasons of political expediency to put themselves above the Supreme Court.

How would these flaming liberals really feel, if some day the Supreme Court were to meet and hand down a "sense of the Court" opinion telling the Senate how it should transact its business? I can hear the speeches now.

Mr. President, if it becomes necessary between now and Christmas to tell the Senate what I believe those speeches will say, I shall be glad to do so. I am ready to stay until Christmas. I am willing to stay in this Chamber until I drop to prevent the Senate from affronting the Supreme Court.

There is a candidate for the Presidency making speech after speech undermining the prestige of the Supreme Court. I hope the American people will recognize those speeches for what they are—as I am sure they will—and will give him the treatment in November he has coming to him.

The system of three coordinate, coequal branches of Government must be preserved, if the American people are to remain free.

Congress has no constitutional right, legal or ethical—and I underline the word "ethical"—to sit in legislative assembly and affront a coequal branch of Government.

I have listened to many cheap arguments of political expediency during my 20 years in the Senate: "We must go home to campaign. I must get to campaigning."

My answer is, "So what?"

No Member of this body has any right to vote for a substitute to the Dirksen amendment that is itself a rebuke to the Supreme Court—as the Dirksen amendment is a rebuke to the Supreme Court—out of any motivation of political selfishness.

It is not important for any Senator to go home to campaign, so long as his primary trust is to keep faith with the oath he took when he was sworn in at the beginning of his tour of duty. He has a clear duty to stay and fight, so long as it may be necessary, to stop the passage of the Dirksen amendment until there have been committee hearings.

Let me make clear, as I have done so many times, that when I participate in a filibuster in the Senate, I never participate in one aimed at preventing a vote from ever occurring on a piece of legislation. I am participating in a filibuster now. I am the only liberal who admits to participating in a filibuster at this moment. Most of my liberal friends are great in the use of semantics. When they engage in educational debate, they say they are engaged in prolonged debate, when everyone knows what they are engaging in. They are engaging in a filibuster.

We need to ask ourselves the question: "What kind of filibuster?" Not a filibuster to prevent a vote from ever occurring, but a filibuster that assures the American people time will be made available to accomplish two things: First, committee hearings; and second, a committee report. Committee hearings are vital to the legislative process. Those hearings and the committee report can be used by the courts, and ultimately by the U.S. Supreme Court, to determine the meaning of the legislation from the standpoint of legislative intent at the time it was passed.

But they are much more important to us here in the Senate for our own guidance.

I participate in that kind of filibuster. That is why I am perfectly willing to participate in a filibuster on this question until Christmas or longer, if necessary, in order to prevent the many injustices of the Dirksen amendment, to be used as a shackle upon the freedom of free men in this country.

I participate in filibusters, and shall be glad to participate in a filibuster on this question, including a filibuster against any substitute.

I serve notice that I am fed up with substitutes such as the Javits-McCarthy-Humphrey substitute of the other day, which is only a little less objectionable than the Dirksen amendment.

Any substitute which affronts the Supreme Court, any substitute that seeks to win approval of Congress for what amounts to a reprimand of the Court, any gratuitous comment directed to the Federal judiciary about any class of cases, I shall filibuster.

It will be interesting to see how many liberals join me in that cause.

I am in good voice. I take it for granted that the Senate would not act while I was away attending the funeral of a colleague. I shall be back on Thursday.

(At this point Mr. PROXMIRE took the chair as Presiding Officer.)

Mr. MORSE. Mr. President, I am against substitutes. I have attended the meetings and they have yet to put together a chain of words which do not amount in meaning and in fact to a rebuke of the Supreme Court. They say it is justified because Senators wish to go home. It is justified because Senators wish to get out of Washington. It cannot be justified. The only issue we can justify is a vote to lay on the table until we can have hearings.

So, Mr. President, I am going to filibuster against the Dirksen amendment. I am going to filibuster against substitutes to the Dirksen amendment, until we can get some hearings on the Dirksen amendment and on the substitute.

I have listened to the liberals saying, "Oh, there have been no hearings on the Dirksen amendment." I did not hear them even whisper that there had been no hearings on their substitute.

Let me say to my liberal friends that it is just as wrong to go to a vote on a substitute as to go to a vote on the Dirksen amendment. It is bad, rotten, legislative policy. It does not protect the American people. So, let us stop all this shadowboxing, all this subterfuge, all this legislative hypocrisy. I am speaking only my opinion and charging no one with it; I merely give an interpretation. Let us be determined to protect this basic right of the American people to have hearings on the Dirksen amendment.

Then, Mr. President, I shall filibuster against it because it is a rider on the foreign aid bill. I have listened to these magnificent speeches about how bad that policy is. But a substitute is a rider, too. It is just as bad from the standpoint of the legislative process. We cannot justify legislation on a major subject matter by way of a rider on another major subject matter, when the two are nongermane to each other. That pollutes the legislative stream of the Senate. It makes it stink. It is a stinking process.

Mr. President, can we not as liberals stand together for once in support of purity in the legislative process? Do not tell me again, "Oh, but you must compromise, WAYNE." Of course, we must enter into many compromises. I enter into compromises, but never knowingly compromise what I consider to be a matter of principle. This is a basic principle in the legislative process. I shall not buy that expediency. On the contrary, I believe that we have a solemn trust and obligation to stand up against legislating by way of a rider on the foreign aid bill. And, I am against the foreign aid bill.

I have been asked, "What are you objecting so strenuously for? You are against the foreign aid bill. This will help you." I would not use those tactics to defeat a bill that I was against. If a bill cannot be defeated because of its innate badness, if the bill be one on which there have been hearings and a committee report, I shall be ready for a vote after I have said all I wish to say about the bill.

So I am not interested in seeing the Dirksen amendment used to defeat the foreign aid bill.

I shall filibuster in order to give the American people time to catch up with Congress. I have seen the importance of that procedure so many times in my years in the Senate. This will also give the Senate time to catch up with itself. Many a time I have seen a measure that the old "steamroller" in the Senate was ready to push through, with full steam ahead, when 25 percent of the Senate would be the most that really knew very much about the merits of the bill.

When we have a major bill such as this bill, full of all the abstracts that this bill contains, involving so much of the constitutional history of the Republic, related so directly to our basic freedoms, we must have time for the people to catch up.

We have been discussing this matter now for 30 days. Did anyone really think 30 days ago that there would be anywhere near the public interest in this subject matter from the standpoint of its substantive merit that there is today? Thirty days ago, the editorial writers were still uninformed.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Even the prescient Walter Lippmann misunderstood the issue and wrote an editorial implying that the Dirksen amendment was a forward step.

Mr. MORSE. He performed a great disservice to the American constitutional form of government in this country by that column.

Mr. DOUGLAS. But he has since turned at least halfway back.

Mr. MORSE. He has made some noise in that direction. But I am still waiting for the Lippmann article in which he recognizes his previous disservice and his new enlightenment on the subject—if he has been converted.

The American people are thinking about it now. The American people know the importance of the 14th amendment to the preservation of their freedoms. We have caused such disturbance in the thinking of so many people in regard to the issue we have brought to their attention, concerning their rights under the 14th amendment, that we have had rightist groups, ultrareactionary extremist groups pour out propaganda that the 14th amendment really is not a legal part of the Constitution of the United States. Such nonsense. Where do those extremists propose to repeal it? See what will happen if they try. Tell the American people that we must get rid of the 14th amendment, and see what their reaction will be. Thank God, the overwhelming majority of the American people believe in the implementation and constitutional guarantee of equal protection of the law. We cannot have a free society without it.

The difficulty is that with problems as abstract as this, there is always a tendency for some people to take refuge in a rationalization shelter labeled "theory." They think it is too theoretical. How are we to make the American people understand that these theoretical principles of government are the stuff out of which freedom is woven? They are the warp and the woof of our liberty. It takes time.

That is the reason why the senior Senator from Oregon is giving his third reason for opposing any quick vote on this question, except a vote to lay on the table. I believe we ought to keep this great seminar going. I look upon the Senate of the United States these days, as far as the Dirksen amendment is concerned, as a seminar in assembly.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Is it not lamentable that the supporters of the Dirksen amendment do not take the floor and justify their position?

Mr. MORSE. They cannot justify it. How can they justify an unconstitutional amendment? How can they justify attacking the U.S. Supreme Court in the carrying out of its duties within its constitutional prerogatives? They cannot justify it. So, they want to railroad it through. The head of steam has been on. A few of us, however, have been throwing a few barriers on the tracks. We are not through.

I announce that I am perfectly willing to stay here until Christmas. It will not have any effect on the elections if we stay here. The people in the States of Senators who oppose the Dirksen amendment will respect them for staying here and carrying out their trust. The President of the United States will be elected overwhelmingly throughout the country. The American people are becoming more frightened day by day by the irresponsibilities of the Republican candidate.

IRRESPONSIBLE CHARGES IN FOREIGN POLICY

I digress long enough to say that I was shocked, as chairman of the Subcommittee on Latin American Affairs of the Senate, to hear the Republican candidate attack the late beloved President of the United States, John F. Kennedy, a former Member of this body, with his inexcusable slander and libel that President Kennedy played politics with the security of this country in 1962 in connection with the Cuban crisis.

If Jack Kennedy were sitting in the seat in the rear of the Chamber which he occupied for many years, the Senator from Arizona would have his hand called in no uncertain terms and his libel answered. Jack Kennedy is dead. He cannot answer. But as chairman of the Senate Foreign Relations Subcommittee on Latin America, I propose to answer the Senator from Arizona and say that there is not a word of truth in his libel and slander against Jack Kennedy.

Mr. President, I know what happened in the hours of the early dawn of that historic morning. Jack Kennedy was not a warmonger. Jack Kennedy believed that he had a sacred trust as Commander in Chief and President of this country to win a peace with honor, but to proceed to meet the security needs of this country any time a crisis called upon him to do so.

I should like to say for the benefit of the Senator from Arizona that when the State Department and the Pentagon submitted to the President of the United States the incontrovertible truth, that Castro and Khrushchev had placed in position in Cuba land-to-land missiles—not land-to-air missiles, which under international law Castro had to put in place as a matter of national security of his own country—but land-to-land missiles, thereby jeopardizing the security of the United States and the Western Hemisphere, the President made his decision in those early hours of the dawn. He served notice that those missiles would be dismantled or we would dismantle them.

He did bring about their dismantling, and he did it without resort to war or armed attack of any kind. He did it with a loss of life limited to one or two observation pilots.

Yet the Senator from Arizona seeks to discredit one the greatest achievements of the American Presidency in order to pick up a few votes. Ever since October of 1960, he has indicated that his policy toward Cuba would be one of war and near war. His formula is not the achievment of U.S. objectives through the channels of international law, as was Jack Kennedy's objective, but the prescription of violence and use of force to achieve those objectives. That is why Jack Kennedy is now under attack for one of his finest contributions to world history.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Did he not make a further statement that if any nuclear missiles fell upon the United States, they would be treated as missiles coming from the Communist bloc and we would retaliate with the full force of our nuclear power?

Mr. MORSE. He made that perfectly clear. Khrushchev understood it and Castro understood it.

Mr. President, for any candidate in the midst of an election campaign to try to deceive the American people into believing that their Commander in Chief at that critical hour was playing politics with the security of this country establishes irresponsibility—and that is the kindest word I can use within the rules of the Senate. That is my answer to the American people. There is no place in this campaign for the desecration of the grave out in Arlington Cemetery over which a perpetual torch burns, continuing to send out a light symbolic of the lamp of world statesmanship that Jack Kennedy kindled and kept burning. There is no place in the Senate for playing politics either in the preservation of our system of three coordinate and coequal branches of government.

I am opposing the Dirksen amendment again today because the Dirksen amendment is so alarming from the standpoint of its repercussions and its future implications to our whole constitutional system of government. If in shortsightedness the Senate should surrender and go home after adopting either the Dirksen amendment or a substitute amendment, that would have exactly the same effect so far as being a rebuff to the Supreme Court is concerned.

BAD LEGISLATIVE PROCEDURE

I have already pointed out that the Senate Judiciary Committee has not held public hearings on this subject.

The committee reported, without hearings, S. 3069, introduced by our colleague the Senator from Illinois [Mr. DIRKSEN]. But the language of that bill is quite different from the language now before us in the present Dirksen-Mansfield amendment. The fact is that there are no hearings and no committee report on the Dirksen amendment.

Moreover, there is no guidance to Senators who have been suggesting alternative language to the Dirksen amendment.

We are all sitting here spouting curbstone opinions about the manner in which the Federal courts have been handling reapportionment cases, and whether Congress should do anything about it, and if so, what. To do that without the help of so much as an hour of hearings, without the help of any opinion or position from the Justice Department, is an exercise in futility.

It is worse than that. It is an insult to the American people, for the American people have a right to expect us to do our legislative job thoroughly. They have a right to know that we shall at least have a basis for knowing all the implications of any major issue upon which we are called to vote. It would be a very interesting set of examination papers that we would get back from the Senate, may I say most respectfully, if we submitted to the Senate about 20 questions on constitutional law related to the Dirksen amendment, including constitutional history.

The suggestion that the courts should be supervised by Congress is bad enough without trying to accomplish the supervision by means of a Committee of the Whole.

No one who is seeking to give the American people an honest and unfettered opportunity to pass upon the merits of a constitutional amendment changing the court decisions should object to that. Of course, the backers of the Dirksen amendment have indicated that that is not what they want. Our friend from Illinois reminds us again and again that time, in his opinion, is of the essence and that reapportionment must be stopped, pending enactment of a constitutional amendment.

I ask: Why must it be stopped? Why is it not just as feasible to let the administration of justice proceed? Obviously, if that administration of justice is as heinous as the Senator from Illinois tells us it is, then the American people will change the Constitution quickly enough. They can always do that. They can do it with fairly represented legislatures, as well as with the present malapportioned ones, if that is what they really want.

There is nothing whatever in our constitutional system or in our 150 years of practice under it that sanctions the suspension of justice, the suspension of the

Constitution, until a constitutional amendment can be passed.

And however it may be phrased, that is what is sought to be done here with the Dirksen amendment and the various substitutes. The Senator from Illinois [Mr. DIRKSEN] thinks he is directing the courts to give the States time; the Javits proposal was designed to express the opinion of Congress that the courts should take into consideration any constitutional amendment that may be offered on the subject.

I am tired of hearing Senators say they are willing to vote for something if it is meaningless. There is no reason to vote for something meaningless; and nothing that is enacted on the subject will be meaningless because it will have great impact upon the American people even if it has no impact upon the courts.

It simply is not possible to intrude upon the function of the courts and still be meaningless. And if there is to be no intrusion upon the function of the courts, then there is no call to pass anything.

Both the Dirksen and Javits proposals have one thing in common; they are intended to slow down the courts in reapportionment orders. Why else are they offered? One is a directive, the other a request. But the Senator from New York would have no reason in the world to propose any language on the subject at all if he were not seeking to restrain, to slow down, to caution the courts on their application of the 14th amendment to State legislatures. He has advocated his "sense of the Congress" approach as being more effective with the Court than the Dirksen language. But at the same time, support for it was sought among liberals on the basis that it was meaningless and would have no effect.

That is the measure of how confused we are in our deliberation and in our understanding of the issue.

If one is really seeking to vote for something meaningless, one could probably vote for the Dirksen amendment, because, as the Senator from New York has said, it is undoubtedly unconstitutional and therefore null and void. Certainly it would be disregarded by the courts just as readily as a "sense of the Congress" resolution would be disregarded.

The debates and votes taken so far indicate to me that Senators do not really know whether they want to do something effective or not. A "sense of the Congress" resolution is ineffective because it is only advisory. But the Dirksen amendment is ineffective because it is unconstitutional. So what is the difference?

Both constitute an attack upon the Federal judiciary. They lend aid and comfort to those who seek high office on a platform of undermining the Federal courts. Moreover, that is the intent of most of them. It is their design to keep the State legislatures intact. We have no other reason to be considering any proposal on the subject at all.

The argument between Senators with that intention is how to do it effectively.

I regret that so many others who do not want to suspend the administration of justice have lent themselves to one or the other of these devices as being the lesser of the evils. I think they are wrong in their choice, for one thing. A case can be made that the Dirksen amendment is less harmful than anything else because it it so patently unconstitutional.

For my part, I deny the validity of the objective of all these proposals. They are designed to perpetuate an unsound system of area representation of the State legislatures, in violation of the 14th amendment. They are designed to perpetuate an illegality until it can be made legal.

Why do not the advocates of malapportionment simply put their efforts behind a constitutional amendment to change the 14th amendment? Why do they not concentrate on educating the American people to get behind a change in the 14th amendment? Why it is that they are not willing to leave the issue to the wisdom of the people?

What they are really trying to do is to amend the Constitution by suspending its enforcement. I shall always be opposed to that approach. There is nothing the Federal courts are doing with respect to the State legislatures that cannot be overturned in the years ahead if the American people decide they do not like the application of the Constitution as it is now written.

The Senators who are ardently backing the Dirksen amendment have made repeated pleas to the effect that time is of the essence, that Congress must act now. But time for them is only of the essence because they know that once the people have tasted equal representation in their legislatures they will never go back to the old system. They know that Congress must act now, because if it does not, all is lost for malapportionment forever. They know that over the years, the American people will appreciate, and not oppose the Court decisions, just as they came to appreciate and not oppose the civil rights decisions.

If the Supreme Court has decided that the 14th amendment applies to a situation the people do not want it applied to, they will change their Constitution in time.

Why is that not good enough for the Senator from Illinois and his colleagues? If a constitutional amendment is ever passed, every single State reapportioned under Court order will be free to go back to the old system. Why is that not good enough for the backers of these "Court-busting" propositions?

It is not good enough because they know it would never happen that way.

I am a veteran here in the Senate in connection with Court-busting bills, time and time again in the Senate, in the dying days of a session, there have been attempts to steamroller through this body various attacks on the U.S. Supreme Court. I have called them Court-busting bills. I refer also to wiretapping bills.

I believe the record will show that three different times the senior Senator from Oregon has prevented the passing of wiretapping bills in the closing days of the session by engaging in a filibuster in the Senate. On a few occasions I had some help. Each time I said I would be perfectly willing to enter into an agreement to fix a time to vote, or to limit debate on the wiretapping bills, after there had been committee hearings.

I knew what would be shown in those committee hearings. I knew what the overwhelming majority of the American people would say about them once they got the facts on the merits of the issue. I am satisfied that once the American people know of the attempts that proponents of wiretapping bills are engaged in to invade their privacy, and that a candidate for the Presidency of the United States is seeking to capitalize on them for political purposes, by giving the American people the false impression that the President of the United States is responsible for law enforcement—even in Phoenix, Ariz., which has one of the highest crime rates in the country, by the way—they are going to recognize that the problem of law enforcement is basically a State and local problem. The Federal Government must cooperate with the local law agencies, and does. They sit down with the FBI, with one of the most dedicated public officials in my time, J. Edgar Hoover.

Come forward with evidence that the Justice Department does not cooperate with the States when they ask for help in connection with criminal law enforcement. But it again is misleading and deceiving the American people to create in the midst of a political campaign the false impression that, because we have stopped the passage of Court-busting bills in the Congress of the United States, we have added to the crime rate. There is not a scintilla of evidence that supports that contention. Police state methods do not have to be adopted in order to have efficient criminal law enforcement.

SAME PROCEDURE USED IN OTHER COURT-BUSTING BILLS

I joined in preventing the passage of a Court-busting bill that sought to take away one of the precious guarantees of freedom in this country in the field of habeas corpus law. Let me say to the American people: "You would not be a free people if you did not have the protective rights under habeas corpus. Do not forget that your constitutional fathers carried on a successful revolt against the British Crown in part because of the tyranny of the British Crown in the field of habeas corpus."

How short are our memories?

I am ready to do it again this year, because it is in the incubator; it is in the hopper. I have given clear notice that I shall fight it as hard this year as in past years.

There is another Court-busting bill, or a bill that has some Court-busting features in it, which would repeal the Mallory rule. The Mallory rule was incorporated in the unanimous decision of the Supreme Court which declared that when a Federal arresting officer puts his hand on the shoulders of free men and women, he has the legal obligation to take the arrested man or woman without delay before a committing magistrate for commitment or release.

Yet in this political campaign we find the deceptive tactic being used by the Republican candidate for President which seeks to mislead the American people into the false belief that the preservation of that precious right of freedom and protection from false arrest under the Mallory rule shall be denied to the American people. The basis of the false argument is that the preservation of the rule has something to do with crime rates.

The rule exists in the District of Columbia. However, I ask Senators to go over to Baltimore, where it does not exist, and take a look at the crime rate; or to go to Phoenix, Ariz., or go to any city in this country where, under State administration, not bound by Federal rules, the Mallory rule does not exist. The crime rate is as high or higher than in the District of Columbia.

If the police have probable cause for the arrest, the arrested person is bound to be committed. If the police do not have probable cause for the arrest, the accused should be released forthwith.

That is all that the Supreme Court said. It is a simple, elementary principle in protecting the American people and the constitutional right to be free from false arrest.

Only a few years ago the great Senator Carroll, from Colorado, who is no longer with us, a member of the Judiciary Committee, a brilliant lawyer, and fine constitutionalist, stood with me on the floor around 2 a.m. on the last night of the session. We stood shoulder to shoulder as we assured the Senate we would be very happy to have their company for the next several weeks, if necessary, if that is what it took to prevent the invasion of what we considered to be a precious safeguard of liberty, the right to be free of a public third-degree inquisition device.

The Senator from Colorado, as a part of our parliamentary strategy, decided that we ought to raise a point of order. We were sustained. I shall never forget the brilliant parliamentary argument the Senator from Colorado made on that occasion. I say good naturedly that it was to the relief of many of our opponents when we were sustained. They knew that the resolution for sine die adjournment could then be adopted before morning.

Mr. President, one must expect to be misunderstood during these fights on the floor of the Senate. However, one must never let those misunderstandings and criticisms divert one for even a second. I believe, as an old teacher of criminal law and criminal procedure, that no sacrifice on our part in the Senate by way of whatever effort we find necessary to put out to stop that kind of invasion of freedom is too much for our people to ask.

I know what a police department can do. As a member of the Committee on the District of Columbia and as chairman of the subcommittee which has jurisdiction over law enforcement in this city, I shall continue to do everything that I can to strengthen our police, but within the limitations of the constitutional rights of the American people.

I shall never give to any police department the authority to arrest an American citizen, to take him down to the police department, and subject him to the inquisition of that department—and this was possible prior to the Mallory rule—for as many hours as they want to put the third degree on that person.

Those are police state tactics, not the tactics of a democracy.

As one who participated in many crime surveys before coming to this body, I say that it has taken the dedicated service of those many people in this country who have brought forth, in the last 30 years, a series of crime surveys, to put a check on the abusive, arbitrary, third degree practices of one police department after another in this country.

I shall never be a party to reviving those abuses. Therefore I have opposed that kind of Court-busting legislation.

PASSPORT REGULATIONS

Mr. President, a few years ago the U.S. Supreme Court handed down a landmark decision in the field of passport law. In the State Department we had a Passport Division which was prosecutor, jury, and judge, all in one, and which acted behind the black curtains of concealment. Those curtains hung as a symbol of the death of the rights of free men and women behind those curtains. The State Department had relegated unto itself the dictatorial function and authority to determine whether a free man or woman could travel abroad.

The Supreme Court in that great decision made it clear that that cannot be reconciled with freedom, either. How well I recall the speeches of abuse against the Supreme Court made on the floor of the Senate. How well I recall the wild charges about aiding Communists and playing into the hands of Moscow. I have always taken the point of view that the best way to whip a Communist in his vicious lying propaganda is to get him out in the open. So there were attempts in the Senate to pass a Court-busting bill with respect to passport legislation. I did my best to forestall it in the closing hours of that Congress, and it was not passed.

Thus, far, such bills have been beaten. But the attempt will be revived. Extreme rightists in this country will attempt again, from time to time, periodically, to make political capital out of their superpatriotism. But if they are allowed to get by with it, they will extinguish one great constitutional guarantee after another, and set up their own police state.

I could continue indefinitely. I was counting up the cases the other night. I think there have been some 10 or more Court-busting bills in recent years that I have fought to block in the dying days of a session. I have always appreciated the help I received from a few colleagues each time. There were never very many; there were never enough, judged from the standpoint of support those of us who fought those bills should have received.

I find myself today in disagreement with some of my beloved liberal colleagues in the Senate in regard to the parliamentary course of action that should be followed in connection with the Dirksen amendment. Some of them have convinced themselves that they ought to compromise the issue. This great constitutional issue cannot be compromised without doing irreparable damage to the precious rights of the American people. I will not be a party to the compromise proposals of the liberals in the Senate. I consider them to be dead wrong in their approach, and equally guilty with the proponents of the Dirksen amendment. For every procedural argument they use against the proponents of the Dirksen amendment, they are equally guilty in their own procedure.

What they have offered as a substitute is no substitute. They, too, are guilty of affronting the Supreme Court of the United States. They think that if they put a little semantic sugar around the amendment, it will make it less poisonous. But, of course, it will not. They would do irreparable damage because they would mislead American public opinion. They would raise questions in the minds of the people in regard to the jurisdiction of the Supreme Court, and they would play into the hands of the Republican candidate for the Presidency, who is making false attacks and is going about the country seeking to undermine the confidence of the people in the Supreme Court.

I say to my liberal colleagues in the Senate: "You cannot justify your action. You ought to withdraw from your position quickly. Stop proposing substitutes for the Dirksen amendment, for the very nature of your substitutes is a reprimand to the Court. It is bound to be."

But they say: "We are going to use almost entirely the language of the Court." What in the world does that have to do with the purport of a resolution when the language of the Court is written into the framework of a resolution that seeks to give direction and advice to the Court? That does not happen to be the prerogative of our constitutional system.

It is no less gratuitous. It is no less outside the framework of the Constitution. A blow to the courts from their friends is no less damaging than a blow from its enemies.

Again I say, as I said earlier this afternoon that we can imagine the howling that would go up in this august body if the Supreme Court started to hand out sense-of-the-Court opinions in regard to how the Senate ought to do its work. What about the old saying that what is sauce for the goose is sauce for the gander? I say to my liberal friends that that saying is applicable to them.

What the proponents of the Dirksen amendment are asking Congress to do now is to suspend the Constitution.

DIRKSEN AMENDMENT WOULD SUSPEND CONSTITUTION

What the proponents of the Dirksen amendment are asking Congress to do now is to suspend the Constitution. What connotations that carries with it. What meager history one has to know to know the implications of that. How many nations have headed down the road to totalitarianism with that first step of suspending the constitution and constitutional liberties, or any portion of them.

Usually it is done by a chief executive. Usually it is an announcement by a head of state that he is suspending the constitution until unrest or violence is curbed. Often that is the last that is heard of the constitution, until a revolution takes place and a new one is formed.

I wonder what Members of Congress would say if a President of the United States announced that he was suspending the Constitution, or some part of it, or some right that it guarantees. The Constitution permits the suspension only of the right of habeas corpus, and that only in time of rebellion or invasion. That is the only provision of the Constitution that the document itself admits of abeyance. It was suspended in the early days of the Civil War by President Lincoln; but a court test later established that the terms of the Constitution meant that only Congress could suspend it.

Yet it is common among strong men governments to see the blessings of the rule of the law taken from the people as a key step in their subjugation to the rule of tyrants.

What we have here before us is a suspension by Congress of a constitutional provision. That is what the Dirksen bill provides. The equal protection clause of the 14th amendment is to be suspended until January 1966, insofar as it applies to State legislatures.

That is what the Dirksen amendment provides. It is an incredible thought to many of us that such an action could so much as be contemplated by Members of Congress, much less supported.

The Senator from New York [Mr. JAVITS] argued quite rightly that Congress has no power to do such a thing, and so the Dirksen amendment would be found unconstitutional by the courts when it came time for them to pass upon it.

So instead, it was suggested that rather than try to suspend the Constitution ourselves, we simply ask the courts to do it. The Senator from New York argued on behalf of his substitute that that was a more effective approach. That is the argument that will continue to be made on behalf of most of the other substitutes for the Dirksen amendment.

All the various compromise proposals call for some language that would ask the Federal courts to suspend the equal protection clause in this field for some specific or indefinite time.

What a devotion to constitutionalism. With one breath, Members of Congress condemn the Supreme Court and the Federal judiciary for usurpation of powers or for a variety of alleged distortions of the Constitution. And in the next breath, those same Members call upon the courts to suspend this provision of the Constitution altogether for as long as it may please the Congress of the United States.

That is some lesson to give the Federal judiciary. That is some directive on how to conform to constitutionalism.

That is some example to set for the younger generation that has just gone back to school, to learn about our constitutional system.

What are we thinking of, that we even entertain these measures and their various alternatives is simply beyond me.

Yet the Dirksen amendment to suspend a portion of the Constitution—to suspend the administration of justice—for 2 years has been before this body for some weeks. Opportunity to dispose of it has been presented, but not agreed to.

A substitute that asks the courts to suspend a portion of the Constitution instead of doing it ourselves has at least been rejected. That is some comfort. I believe that if mayhem is to be committed upon the Constitution, it should be done by the advocates and not by an agent directed by them. We should at least do our own dirty work, and not ask the courts to do it for us.

That is all these sense-of-the-Congress resolutions provide. They ask the courts to do only what we doubt we have the power to do ourselves. It remains my view that not only do we not have the power to hold up the application of the 14th amendment for any period of time whatsoever, but that we also have no power to ask the courts anything at all.

I will tell Senators the only way they can influence the Federal judiciary at all in this matter: it is to go home and express their individual views as citizens on reapportionment. The Federal judiciary is no more going to take notice of the sense of Congress acting as a unit than it would take note of an act of Congress suspending enforcement of the 14th amendment for 2 years, and for one simple reason: the first has no more constitutional sanction or authority than the other.

The unofficial, individual requests that Members of Congress may direct to the courts would have more standing with the courts than would any usurpation of power by Congress, whether it is worded as a directive or as a request.

Congress as an institution simply has no grant of power to interfere with the administration of justice, either by direction or by request. It has no grant of power to coach, advise, direct, beg, or plead with the judicial system in the disposition of constitutional cases.

EARLIER ATTEMPTS TO ALTER DECISIONS

The most powerful effort in this century to interfere was much more indirect—it was in 1937, with the attempt to add more judges to the Supreme Court. At least, that was within the power of Congress to do. Congress has to fix the number of judges on the Court because the Constitution does not. But what is being advanced now, either by way of statute or by way of an advisory opinion, is outside the power of Congress to do.

Since 1954, there have been many other efforts, usually directed to the jurisdiction of the Court or to specific decisions, rather than to its personnel.

Probably the most onerous of these were H.R. 3, relating to the construction to be given to Federal statutes by the judiciary, and what was known as the Jenner bill, revoking appellate jurisdiction from the Court in cases involving congressional committees, executive security programs, State security programs, and admissions to the State bar.

I have already reminded Senators of the disposition that was made of H.R. 3. That bill was passed by the House July 17, 1958, by a substantial majority, 241 to 155.

A companion bill was reported from the Senate Judiciary Committee. It sought to direct the Federal courts that in construing Federal laws, none was to be regarded as having preempted State laws on the same subject unless the Federal statute specifically so provided.

That, too, was an effort by Congress to interfere in the administration of justice. It tried to preempt for Congress the authority not only to make its laws but also to interpret them as well.

When H.R. 3 was offered as a floor amendment to another bill, an effort to table it failed by a vote of 39 to 46.

But by the next day, wiser counsel had had the opportunity to make itself heard. The amendment was committed to the Senate Judiciary Committee.

That is where this amendment should go.

That bit of legislative history also took place late in a dying Congress. 1958 was an election year, too. There was pressure to adjourn. Members were anxious to get home to campaign. It was evident that there would be no calm deliberation but only rash haste in the consideration of the measure.

In those circumstances, the Senate returned the matter to committee.

In the same year, it declined to act hastily and under adjournment pressure on the Jenner-Butler bill, altering the jurisdiction of the Supreme Court by withdrawing from it jurisdiction over cases in four specified areas. That bill had been reported to the Senate from the Judiciary Committee. It was on the calendar.

Senator Jenner offered it as an amendment to a pending House bill that related to court appeals from orders of regulatory agencies.

This, too, came late in the session. On August 20, 1958, the Jenner amendment was tabled by a vote of 49 to 40. Once again, the Senate refused to deal with a matter basic to the separation of powers on a "hurry-up" basis.

There was every reason to doubt the constitutionality of much of the Jenner bill. That alone was sufficient reason to table it.

But all the same doubts adhere to the Dirksen rider and the substitutes proposed for it. The Senate is widely divided on what our constitutional authority is in this field, since it does not relate to any powers delegated to Congress. We are totally divided and uncertain over what the effect of any of these proposals would be.

We are also divided over whether the U.S. Supreme Court should be rebuked by Congress. That is what some of the substitute language does. Some Senators feel that merely rebuking the Court is better than doing anything of a statutory nature.

But a case can be made that since Congress can in fact do nothing of a statutory nature, the only effect of any measure at all on this subject is its effect upon public opinion.

There is no language so innocuous that it will not harm and weaken the Federal judiciary among the American people. In a year when a presidential election campaign is being fought as much on that issue as any other, I cannot understand how so many Members of the Senate can contemplate giving any support whatever to that campaign.

There is no doubt that the Republican candidate for the presidency is carrying on a campaign against the Supreme Court, a campaign which seeks to undermine the prestige and the confidence of that Court with the American people.

This is an irresponsible attack that the Republican candidate is making. I am at a loss to discover any good reason why any of my liberal colleagues on the Republican or Democratic side of the aisle would join in undermining the prestige of the Supreme Court.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER (Mr. Nelson in the chair.) Does the Senator from Oregon yield to the Senator from Illinois?

Mr. MORSE. I am glad to yield to the Senator from Illinois.

Mr. DOUGLAS. I am really pained that my good friend the Senator from Oregon is now indulging in the language that he is using. I believe that those of us who regard ourselves as liberals and who have borne a large share of the battle against the Dirksen amendment, have been doing so in order to defend the Supreme Court. I believe that we have shown proof of our feelings by the fight which we have been making on the floor. I yield to no one in the efforts I have made to defeat the Dirksen amendment.

We welcome the opposition of the Senator from Oregon against the Dirksen amendment. He has been a valiant ally in this respect; but I do say in all sweetness of spirit that he is no stronger an opponent of the Dirksen amendment, no stronger a defender of the Supreme Court than we are. It is not betraying any confidence to state that our group would reject any and all language which would in any event try to provide for a postponement of the decision of the Court from going into effect, or which would constitute a rebuke of past decisions of the Court, or which would suspend operations while a constitutional amendment was being offered. Moreover, so far as I personally am concerned, I would certainly oppose any amendment limiting the Court's powers in apportionment matters.

All that we have tried to do has concerned the possibility of drafting language which, in effect, would tell the lower Federal courts to do precisely what the Supreme Court has told them they could do; namely, take into consideration the proximity of elections, and the time in which they have to prepare an alternative plan, and to try to throw the responsibility upon the State legislatures to as great a degree as possible, consistent with getting action.

Although I respect my friend, the senior Senator from Oregon, I do not like to be put in the pillory and told that we liberals are rebuking the Court and not being faithful to the decisions of the Supreme Court. That is not the case and I do not like to hear us charged with it.

What I would personally like to have happen is precisely what the Senator from Oregon would like to have happen; namely, for a tabling motion for the Dirksen-Mansfield amendment, to be proposed at an appropriate time. I would like to have it come at a time when we will have the maximum attendance and the support of the Senate democratic leadership and of the administration. For then we would have our best chance of success.

I hope that my good friend, the Senator from Oregon, will not proceed to divide our ranks. Although I respect his principles very much, I do not think there is any division, so far as purposes are concerned, between the principles of the Senator from Oregon and the rest of us.

We are probably not strong enough to carry a motion before the Senate. We are, however, strong enough by our persistence, probably, to defeat the Dirksen amendment. Whether we would be strong enough by ourselves to carry a tabling motion, however, which has parliamentary precedence, and which can be voted on without debate, is another matter.

We face a situation in which there are three or four groups, none of which is probably strong enough to impose its will affirmatively. In order to get an affirmative solution, we must get the support of an intermediate group, partly Republican, partly Democratic. We will accept somewhat meaningless language as relatively unobjectionable. But we would firmly object any proposal which rebuked the Supreme Court itself.

I hope the Senator from Oregon will take these points into consideration and withhold his answer. After all we have been comrades in arms and we do not ordinarily rebuke one's fellows in this fashion.

Mr. MORSE. Mr. President, I say to my friend the Senator from Illinois, that his professed love for me could not possibly be greater than my love for him. I repeat every criticism now by reference that I have made of the liberals on the floor of the Senate today. I am familiar with the rationalizations of my good friend the Senator from Illinois [Mr. Dirksen]. We completely disagree with what he is attempting to do.

His substitute, no matter how much sugar he puts on the pill, is a rebuke of the Supreme Court. His substitute would undermine the confidence of the American people in the Supreme Court. His substitute plays into the campaign of the Republican candidate for President, who is trying to stir up a loss of confidence of the American people in the Supreme Court. I do not care what language is used, even though it be the language of the Supreme Court itself in writing it into the framework of the resolution. The fact is that they are giving advice to the Supreme Court. They are seeking to ask the Supreme Court to suspend the implication and the enforcement of the 14th amendment for the time being.

I am shocked by their course of action. I not only do not withdraw the statement that I made this afternoon in criticism of them, but I repeat it. I think they are performing a great disservice by the course of action they are following, on a so-called sense-of-Congress resolution. I tell them once more what I told them in private conference, that they ought to stay here as many weeks as necessary in order to fight this resolution, by way of a filibuster, if necessary, and let them try to pass a cloture motion. Then, let the American people pass judgment on every politician in this body who votes for a cloture motion without a resolution rebuking the Supreme Court going to committee hearings, without a single witness for it, without a single constitutional law authority appearing before the committee.

I am sorry that I have a great difference of opinion with my liberal friends on the Senate floor. I do not question their motivation, but I think their judgment is terrible in this instance. It is their judgment that I have been against. I am sorry, but so long as I feel that my trust calls upon me to do so, I shall do everything that I can to prevent even the liberals from passing what they say is a meaningless resolution. If it is such, it is an act in futility. It is bound to be a resolution that will be interpreted by the American people as a slap in the face of the Court.

There is nothing they draft that is not gratuitous advice or comment to the Federal judiciary. I am against the policy altogether, irrespective of the class of cases involved.

I say to my dear friend the Senator from Illinois that I appreciate his advice. But I reject his advice. It is bad advice, in my opinion. I stand, on the basis of my conviction, in opposition to their course of action, as far as their proposal for a resolution expressing the sense of Congress by way of a substitute for the Dirksen amendment is concerned.

It is an unfortunate development in the Senate. Do not talk to me about splitting the liberals. I did not split them. They split themselves when they proposed a resolution that, in my judgment, is unsound in constitutional history, unsound in constitutional law, and unsound in American public policy.

Mr. President, I am about through with my speech on this subject today, although I shall speak at great length if necessary later.

The white backlash is not to be cultivated openly in the months ahead, nor will civil rights get much attention in its own right. But the same cause will be served by partisan candidates by denouncing the Federal courts, especially the Supreme Court. Read the papers. Read the accounts of the election campaign. One will read that in many parts of the country we are having a contest between one nominee and the Supreme Court.

That is the trend this campaign is taking, and the U.S. Senate will only expedite and promote it by adopting any measure of any kind that can be construed as advice or criticism of those courts.

Thus, in closing I say that what we ought to do is to stand firm, offer our vote for a motion to lay on the table, or offer to stay here and fight against this unconstitutional proposal for as many weeks as it may take, putting it up to the population in regard to the so-called cloture motion. I know it is said to me half a dozen times a day, "Do you want a cloture motion?" The answer is no. But if a cloture motion is desired, I am for holding responsible in American political life those who so vote. That is the answer. But the answer is not to compromise the Constitution. The answer is not for us to stoop at the altar of public expediency and convenience. On the contrary, the answer is that if we must go down in defeat, we should go down in defeat in defense of what we know is unanswerable, sound, constitutional theory. For, out of that theory will rise again the rights of the American people. The American people will lean forward and assert themselves in the reestablishment of their constitutional rights.

I close by asking unanimous consent that there be printed at this point in the RECORD an editorial from the St. Louis Post-Dispatch of September 17, 1964, entitled "The Goldwater Constitution," an editorial from the St. Louis Post-Dispatch of September 13, 1964, entitled "Attack on the Supreme Court," an editorial from the St. Louis Post-Dispatch for September 16, 1964, entitled "Where Is That Chaos?" and an editorial from the St. Louis Post-Dispatch entitled "Mississippi Bar Manifesto."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the St. Louis (Mo.) Post-Dispatch, Sept. 17, 1964]

THE GOLDWATER CONSTITUTION

Senator GOLDWATER's repeated attacks on the Supreme Court introduce a strange element in the presidential campaign. The Republican candidate is not running against the Supreme Court, and there would not be a great deal he could do about the Court if he were elected until vacancies occurred. Apart from that, he displays himself as something less than a constitutional expert.

On his southern tour, the GOP candidate asserted that the Court is taking away from State and local agencies "the traditional powers to apprehend and punish criminals." He mentioned three cases in which he said the Court had done this. But his interpretation was not the Court's, and his conclusion misreads what the Court did.

In one case the Supreme Court unanimously found unconstitutional a police search, without a warrant, of a suspect's hotel room in California. In another, it struck down use of evidence obtained from a warrantless search of an automobile after four suspects had been removed to jail. In a third case, the Justices held that a Chicago man's confession could not be used against him in court because it was obtained after police denied him the right to see his lawyer.

In these cases the Court took nothing away from law enforcement agencies that those agencies could properly claim. The Court did nothing in defense of criminality. The Constitution requires warrants for searches and provides for the right to counsel. In upholding the Constitution in such matters the Supreme Court was upholding the rights given to all the American people.

The same thing can be said of other decisions for which Senator GOLDWATER has criticized the Court. In demanding popular election of both houses of State legislatures, the Court was protecting the citizen's right to have his vote counted equally with all others. In rejecting State authority to order religious services in public schools, the Court was defending freedom of religion, not denying it.

Senator GOLDWATER is on risky political ground in attacking the Court for defending civil liberties. Why does he do so? Perhaps he is trying to capitalize on varying anticourt sentiments prompted by different decisions—the opposition to racial rulings in the South, to apportionment rulings among conservatives generally, to the school prayer rulings among some groups.

If the Goldwater forces could somehow amalgamate all the forces opposed to these decisions, they still would have mustered no more than a curious alliance of misunderstanding and disbelief in the essential principles of American Government. Against them should be arrayed every citizen who values his constitutional freedoms.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 8 to 13, 1964]

ATTACK ON THE SUPREME COURT

Senator DIRKSEN's ride against the Supreme Court has been stalled. Only 30 Senators voted to shut off debate on his plan to restrict Court power over State legislature apportionment, while 63 (including Missouri Senators SYMINGTON and LONG) voted against cloture.

Unfortunately, the rider to the foreign aid bill is not dead. A motion to table it was defeated by 49 to 38. So the situation is as it was, with Senator DOUGLAS, of Illinois, and his band free to go on talking against the Dirksen plan. As the debate proceeds, the public should become fully aware of the grave issues involved.

Senator DIRKSEN insists he is not attacking the Supreme Court. He says the issue is whether the Constitution empowers the Court to say how State legislatures shall be composed. What he means is that Congress should decide the Court's power; but the Constitution has already decided that.

It is true, as critics of the Court have said, that the Constitution gives Congress some control of appellate jurisdiction and of lower courts. But the Constitution also creates the Supreme Court, and gives to that Court full jurisdiction in all cases arising from the Constitution.

The Court was enforcing the Constitution in holding that its "equal protection of the laws" clause requires both houses of State legislatures to be elected by popular vote. Senator DIRKSEN is ignoring the Constitution in proposing that Congress, by simple legislation, tell the courts they cannot enforce the equal voting rights principle for a year and more. In that time the Senator hopes for passage of a constitutional amendment to override the Court decision permanently.

This is not the first attack on the Supreme Court, but it is one of the more serious. Only once in history has Congress actually restricted the Court by legislation. In 1868, during a struggle over Reconstruction, Congress withdrew the Supreme Court's authority to hear habeas corpus appeals from lower Federal courts. Even so, Congress did not tell the High Court it could not hear direct appeals on this great writ, and soon a more thoughtful Legislature rescinded its ruling.

President Franklin D. Roosevelt tried to pack the Court in 1937, when he was dissatisfied with decisions adverse to the New Deal. He proposed that he be given power to name an additional Justice, up to a total of 15, for each one who failed to retire at the age of 70. The Senate of those days was properly outraged, and properly killed the plan.

As a result of the McCarthy period hysteria, former Senator Jenner, of Indiana, in 1957 tried to remove Supreme Court jurisdiction from cases involving contempt of Congress, Federal loyalty actions, and various subversive activities. The Jenner proposals were tabled and never even reached a vote.

Now, for the first time, Congress is asked to interpret the Constitution for itself, taking from the Court that responsibility which the Constitution gives it. Could there be any stronger attack on one branch of Government by another, or any heavier assault on judicial review and separation of powers?

The Dirksen forces have suffered a deserved defeat, with a stalemate as the result. Perhaps Senator HUMPHREY will succeed with his effort to turn the Dirksen command to the courts to advisory legislation only, though there is no great reason for Congress to advise the courts to give States time to comply with the Court decision. The States will have to have time in any case.

But when Senator DIRKSEN insists that he is willing to fight for his cause until Christmas or after, the champions of the High Court cannot depend on leaving their trenches by Christmas. However long it takes, however long the Senate must remain in session, the authority of the Supreme Court to uphold the Constitution must be maintained.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 16, 1964]

WHERE IS THAT CHAOS?

In two votes the U.S. Senate managed to do nothing at all about the Supreme Court and the State reapportionment issue, and nothing is precisely what should be done.

First the Senators voted 42 to 40 against a compromise advising the Federal courts to give the States time to reapportion their legislatures. This was a substitute for Senator DIRKSEN's rider flatly ordering a court stay until 1966. Both the Senator and opponents of his rider agreed that the compromise was pointless.

Then the Senate defeated by 56 to 21 Senator THURMOND's motion withdrawing all Federal court jurisdiction in State apportionment cases. This was similar to the House-approved Tuck bill, but its affront to the Constitution was too much for the Senate to swallow.

So the Dirksen rider and the filibuster against it will proceed as before, with nothing accomplished. And why should anything be accomplished? The main argument of the Dirksen forces is that "chaos" will result if the States are forced to act swiftly.

Such arguments hide a remarkable lack of fact. One fact is that the Supreme Court, in ordering that both houses of State legislatures be apportioned by population, suggested no action until after the November election. A second fact is that States which have already carried out apportionments have experienced no chaos.

Senator DOUGLAS, in response to supporters of his Illinois colleague, has pointed out that the Colorado Legislature met in special session this year and apportioned the State senate on the basis of population, giving Denver its rightful number of members. There is no chaos there. Senator DOUGLAS said the Legislature of Connecticut, in which 12 percent of the people control one house, expects to reapportion in time for a primary in late September, and there is no chaos there. Michigan voters already have held a primary under a reapportionment plan, without chaos, and apportionment litigation is underway in Oklahoma, and there is no chaos.

By way of contrast, the Dirksen rider itself would create a strong element of uncertainty. Apportionment suits have been filed in most States, including Missouri, and 47 legislatures will meet in 1965, including Missouri's. Fair apportionment could thus proceed on a regular course in the courts and the legislatures next year. But if the Dirksen rider were passed, the courts could not act and many legislatures would not act, and possibly some apportionment decisions would be set aside.

Chaos is a dramatic word. What the Dirksen rider would accomplish might better be called confusion, and an already confused Senate would do far better to let the matter drop.

[From the St. Louis (Mo.) Post-Dispatch, Sept. 14, 1964]

MISSISSIPPI BAR MANIFESTO

The officers and commissioners of the Mississippi State Bar deserve commendation and encouragement for the resolutions they have adopted upholding the rights of accused to counsel in civil rights cases and for the machinery they have asked their president to set up to implement that stand.

It is another matter to agree with the assertion in the same resolution that the lawyers of Mississippi have never failed in their duty to represent all persons accused of crime "regardless of race, creed, color, or national origin" and whether their cause was "popular or unpopular, respected or despised." There have been lawyers in Mississippi who have taken civil rights cases which they knew would alienate them from what Prof. James W. Silver calls "the closed society." But have all of them carried their advocacy as strenuously as in cases involving less personal risk, and have there been enough of them willing to assume substantial risks?

They know, as does every other Mississippian, that in the words of Hazel Smith, the newspaper publisher, "Today we live in fear. * * * It hangs like a dark cloud over us dominating every facet of public and private life. None speaks freely without being afraid of being misunderstood." Frank E. Smith, a former Mississippi Congressman now on the board of directors of the Tennessee Valley Authority, writes: "The Mississippi Advisory Committee to the U.S. Commission on Civil Rights has been composed of brave men and women. Only those willing to face physical threats and economic and social pressure could contemplate serving on it."

The record in civil rights cases of the Mississippi courts is a poor one. So little confidence did the Mississippi summer project have in the prospect of obtaining ready and forceful counsel from the Mississippi bar that it took along its own staff of lawyers.

We would honor the Mississippi State Bar resolution more unreservedly, and find greater promise of concrete improvement in it, if it boldly admitted the shortcomings of this record instead of taking the defensive attitude that there is no fire in the smoke.

But even with that defect it is a forward step. Particularly encouraging is the proposal for a liaison committee with the State and Federal courts, local bar associations, and accused persons. If it aggressively promotes a heightened sense of personal responsibility regardless of the risks involved it may stiffen a few spines, serve as a measure of organized counterpoise to the local prestige of segregationism, and enter some opening wedges into the closed society.

Mr. MORSE. Mr. President, in inserting those editorials from the St. Louis Post-Dispatch in the RECORD, I wish to pay my high commendation to the journalistic statesmanship of that great newspaper. For some years the St. Louis Post-Dispatch, without exception, has led the newspapers of this country in its frequent editorials educating the American people in respect to their constitutional rights and guarantees. It is a wonderful thing to have a newspaper that recognizes its educational duties in the field of government. All one has to do is to read the editorials that I have just put into the RECORD to have a better understanding as to why the senior Senator from Oregon will reject any compromise of this issue and will insist that the Senate stand up and face directly the Dirksen amendment, either by a vote to lay it on the table, or by a vote against cloture, and then continued debate for as many weeks as it takes in order to defeat the amendment.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PROXMIRE. It is my understanding that I yielded the floor to the Senator from Oregon so that he could make a speech today, that I still retain my right to the floor.

The PRESIDING OFFICER. The unanimous-consent agreement was that the Senator from Wisconsin [Mr. PROXMIRE] would be recognized tomorrow after the close of morning business. As of now the Senator may be recognized in his own right.

Mr. PROXMIRE. I thank the Chair.

Mr. President, the speech that my good friend the Senator from Oregon [Mr. MORSE] made—I believe it was last Tuesday—at any rate, it was just before the vote on the so-called Javits-McCarthy-Humphrey compromise—was, I believe, the clearest and most concise speech made on the subject. I subscribe to 99 percent of it, but not 100 percent. I thought that the speech was logical. It was unanswerable. That is the word I used in discussion with others who had the same sentiment that I had in supporting the position of the Senator from Oregon in respect to any rebuke of the Supreme Court, direct or implied.

However, I feel that it is possible to draft a resolution which would not condemn the Supreme Court or rebuke the Supreme Court or imply any criticism whatever of the Supreme Court. Indeed, it would affirm the position of the Supreme Court, and at the same time it would make it possible for us to indicate that we feel that there might be some justice or some reason for persuading, or for giving the position of the Senate that the subordinate courts—inferior courts—might follow the dictation or the decision of the Supreme Court in providing more time for apportionment.

The Senator from Wisconsin feels very strongly that the Supreme Court was correct in its decision in the case of Reynolds against Sims. The Senator from Wisconsin feels very strongly that population apportionment—one man, one vote—is a vital and fundamental principle, and one for which we should contend however long it might take.

However, it would seem to the Senator from Wisconsin that there may be a way of winning this fight—and we all want to win it—without compromising principle at all and without implying any criticism of the Supreme Court. If that opportunity were available, then this Senator would support our leader, the distinguished Senator from Illinois [Mr. DOUGLAS], who made a fine statement earlier today, in affirming that he believes, as I understand, that we should work in the direction of affirming the court, working for population apportionment, and at the same time, if it meets those requirements, of adjourning sine die as soon as convenient.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Illinois.

Mr. DOUGLAS. I should first like to have a motion offered to table the Dirksen-Mansfield amendment which would carry. And to do so we would need full leadership support.

Mr. PROXMIRE. Yes, indeed.

Mr. DOUGLAS. That is, Senator, a motion to table the Dirksen amendment. If that motion should fail, I would then personally be willing to accept an amendment which would merely tell the inferior courts that in the judgment of Congress they should do that which the Supreme Court has already told them they should do. I do not regard that as a rebuke of the Supreme Court. I believe it is merely an additional injunction to affirm the qualifying conditions which the Supreme Court itself threw around its instructions; namely, that the lower Federal courts should consider the proximity of elections and pay some slight attention perhaps to factors other than pure population, even though they should retain equality of representation as the substantial, overruling, and predominant criterion for decision.

Mr. PROXMIRE. I thank the distinguished Senator from Illinois. Once again—I feel it so strongly that I wish to say it again—the Senator from Oregon has made magnificent speeches, both last Tuesday and today. His speeches are unanswerable because we agree with them so wholeheartedly.

At the same time, I believe that there is one element upon which we obviously disagree because we voted differently. I believe it is consistent with a deep respect for the Supreme Court and with an absolute commitment to the principle of one man, one vote, which I have, to vote in favor of a compromise which in my judgment would in no way call that principle into question.

ADJOURNMENT

Mr. PROXMIRE. Mr. President, if there is no further business to come before the Senate, as a further mark of respect to the late Representative WALTER NORBLAD, of Oregon, I move that the Senate adjourn until noon tomorrow.

Mr. DOUGLAS. Mr. President, will the Senator withhold his motion?

Mr. PROXMIRE. I withold the motion.

Mr. DOUGLAS. Mr. President, is it understood that at the conclusion of morning business tomorrow the senior Senator from Wisconsin [Mr. PROXMIRE] will be recognized and will have possession of the floor?

The PRESIDING OFFICER. That understanding is included in the unanimous-consent agreement.

Mr. DOUGLAS. I thank the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin renew his motion?

Mr. PROXMIRE. Mr. President, I renew my motion.

The motion was unanimously agreed to; and (at 4 o'clock and 28 minutes p.m.), the Senate adjourned until tomorrow, Tuesday, September 22, 1964, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 21, 1964:

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Emory C. Gibbs, Hanceville, Ala., in place of E. H. McNutt, deceased.

ARIZONA

Lawrence A. Lippert, Florence, Ariz., in place of L. M. Morrell, retired.

CALIFORNIA

John B. Shamlin, Ceres, Calif., in place of J. M. Gondring, Jr., retired.

Harold B. James, Guerneville, Calif., in place of G. L. Clare, retired.

Mary S. Black, La Honda, Calif., in place of V. M. Benedict, resigned.

Arlie D. McCoy, Lockeford, Calif., in place of F. J. Figge, retired.

FLORIDA

Rosa M. Priest, Morriston, Fla., in place of L. W. Mills, retired.

GEORGIA

Lucille E. McCurdy, Pine Lake, Ga., in place of W. I. Cushing, retired.

ILLINOIS

Kenneth M. Mosher, Dahinda, Ill., in place of A. R. Woolsey, retired.

Floyd E. Lacey, Milton, Ill., in place of R. H. Keys, deceased.

Glenard E. Miller, Willow Hill, Ill., in place of S. L. Keeler, retired.

INDIANA

Harold L. Shepard, La Porte, Ind., in place of R. W. Leets, retired.

Robert W. Rushton, Monrovia, Ind., in place of R. C. Bray, retired.

Chester A. Etchason, Jr., Plainfield, Ind., in place of A. C. Morphew, retired.

IOWA

Sidney J. Ness, Underwood, Iowa, in place of E. L. Klopping, retired.

KANSAS

Myron L. Van Gundy, Reading, Kans., in place of W. R. Jones, retired.

LOUISIANA

June C. Platt, Swartz, La., in place of F. O. Patterson, deceased.

MARYLAND

Hilda B. Free, New Market, Md., in place of F. W. Brashear, retired.

MICHIGAN

George L. Redding, Addison, Mich., in place of D. M. Brown, retired.

Robert J. Doud, Sr., Comstock, Mich., in place of H. H. Tuttle, retired.

Evelyn R. Boynton, Union City, Mich., in place of W. W. Baker, retired.

MINNESOTA

Thomas E. Torgeson, Kensington, Minn., in place of H. S. Rolland, transferred.

Edward C. Ricke, Morgan, Minn., in place of L. W. Kamholz, deceased.

MISSOURI

Joseph D. Swan, Fairfax, Mo., in place of Richard Pearce, retired.

NEBRASKA

Virgil C. Penny, Oxford, Nebr., in place of A. O. Wasenius, transferred.

NEW YORK

William J. Marsh, Cleveland, N.Y., in place of O. E. Westcott, deceased.

Jean N. Van Kleeck, Cragsmoor, N.Y., in place of N. C. Garritt, resigned.

NORTH CAROLINA

Loenna M. Warren, Dana, N.C., in place of A. F. Hyder, retired.

OHIO

Allan E. Reynolds, Newtonsville, Ohio, in place of Sylvia Culbertson, retired.

George L. Cassels, Jr., Smithfield, Ohio, in place of Victor Ferrari, Sr., deceased.

OKLAHOMA

J. Patrick Moore, Bristow, Okla., in place of D. E. Senter, retired.

Grant E. Stout, Claremore, Okla., in place of B. H. Bayless, retired.

PENNSYLVANIA

Charles L. Gilmore, Lahaska, Pa., in place of E. M. Davis, retired.

William F. Farrell, Middleport, Pa., in place of Alexander Bubel, retired.

Althea M. Best, Neffs, Pa., in place of L. C. Best, retired.

Walter H. Hoffman, Strasburg, Pa., in place of C. W. Johnston, retired.

George P. Kraft, Washington Boro, Pa., in place of C. B. Strickler, resigned.

SOUTH DAKOTA

Gary E. Owen, Vienna, S. Dak., in place of W. F. Curren, retired.

TENNESSEE

Norman F. Hutchinson, Murfreesboro, Tenn., in place of C. R. Byrn, retired.

John M. Mitchell, Spencer, Tenn., in place of C. B. Shockley, retired.

TEXAS

Ramon G. Amaya, San Diego, Tex., in place of Trinidad Solis, removed.

VIRGINIA

Charles M. Thomas, Jr., Woodberry Forest, Va., in place of G. A. Carpenter, deceased.

WISCONSIN

Andrew G. Bernoski, Fifield, Wis., in place of R. W. LeTourneau, retired.

Donovan E. Ireland, Lodi, Wis., in place of H. L. Van Ness, retired.

ADDITIONAL POSTMASTERS

GEORGIA

Leon W. Mott, Albany, Ga., in place of R. L. Ray, removed.

MARYLAND

G. Mitchell Boulden, Elkton, Md., in place of J. M. Terrell, retired.

NEW YORK

William H. Roberts, Blossvale, N.Y., in place of B. D. Ritter, deceased.

NORTH CAROLINA

Allison O. Burns, Riegelwood, N.C., in place of R. R. Butler, retired.

SOUTH CAROLINA

Norman Assey, Georgetown, S.C., in place of L. C. Davis, retired.

TEXAS

Aubra C. Fuqua, Jr., La Porte, Tex., in place of R. F. Fuqua, retired.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonels

Abraham, Robert, O32427.
Abrams, Bernard B., O81885.
Addington, Jerry S., O23041.
Ahmajan, Ashod M., O22900.
Alexander, Urey W., O22954.
Allen, Marshall B., O44275.
Allen, Raymond W., Jr., O21810.
Anderson, John C., O44768.
Ansley, John M., O39041.
Archer, Harry C., O44792.
Armstrong, Armour S., O44372.
Athan, Harold W., O52624.
Aubrey, George A., O23110.
Aux, George W., O44399.
Avery, James T., Jr., O32867.
Axtell, Eugene N., O44281.
Baker, Alan G., O23051.
Baker, Barton O., O44222.
Baker, Morris L., O80372.
Ball, Thomas F., O39039.
Balthis, Charles E., Jr., O23199.
Banks, Charles H., O22940.
Barberis, Cesides V., O33249.
Barry, William G., O40452.
Barton, Dennis L., O23049.
Bates, Raymond H., O23184.
Batte, James H., O23401.
Bavaro, Michael F., O23117.
Bayer, Kenneth H., O23551.
Beda, Edward E., O32916.
Beimfohr, Casper V., O81858.
Bell, Olin L., O23119.
Belt, Richard L., O23053.
Bengtson, Nils M., O22979.
Benjamin, George C., O23422.
Bennett, Donald V., O23001.
Benson, Dean M., O22991.
Bierman, Donald L., O23175.
Bingham, Sidney V., Jr., O23269.
Birch, Thomas H., O32696.
Biswanger, Charles T., O23245.
Black, Asa C., O38894.
Black, Edwin F., O23012.
Blackwell, George C., O40478.
Blakeney, Thomas O., O23458.
Blewett, Aaron E., O32893.
Bogardus, Allan L., O43853.
Bogle, James G., O52642.
Bon Durant, Joseph R., O83579.
Bonham, James B., O23107.
Bordley, Marcello W., Jr., O44580.
Bowlby, Herbert M., Jr., O23120.
Boylan, Vincent L., O22162.
Bradford, James C., O32519.
Brady, Stuart F., O32329.
Braid, Robert B., O32950.
Branagan, Robert D., O33024.
Brewer, Robert M., O22975.
Brill, Arden C., O23514.
Bristol, Thomas F., O44459.
Brown, Charles P., O23544.
Brown, Earl J., O39031.
Brown, Gerhard E., O22948.
Brubaker, Jack H., O83580.
Bryan, Thomas L., O23549.
Buechner, Carl A., Jr., O22155.
Bull, Robert H., O23424.
Burfening, John W., O22891.
Burr, Wesley H., O32019.
Burt, Walter L., O43093.
Byers, Carl F., O52643.
Bykerk, Norman H., O33038.
Cagwin, Leland G., O23200.
Calahan, Robert H., O40515.
Callaway, George D., O32502.
Canfield, William D., O44318.
Carlan, Ulysses G., O76836.
Carnahan, George D., O23007.
Carter, George F., O23431.
Cassibry, Robert C., O23058.

Cassidy, Patrick F., O32809.
Cassidy, Richard T., O23213.
Cavness, William D., O23489.
Chamberlain, Thomas C., O23145.
Chin, Wah G., O33058.
Clancy, John L., O52733.
Clapsaddle, Clarence W., Jr., O22972.
Clark, Cuyler L., Jr., O22947.
Clark, John B., O32695.
Clark, Leroy F., Jr., O32863.
Clark, Melvin D., O23550.
Clay, Carmon L., O32673.
Clement, Wallace L., O23167.
Clifford, Walter H., O33033.
Clock, Raymond M., O22920.
Coats, Wendell J., O22964.
Cobb, Robert B., O33025.
Collart, Joseph H., O23447.
Colley, Martin H., O38982.
Collins, Alfred, O40486.
Conley, Victor G., O23276.
Conn, Charles, O32550.
Cook, Truman F., O44727.
Copley, Lewis L., O22652.
Cornett, Jack G., O32972.
Costello, Darrel G., O23449.
Cougill, John C., O80391.
Cox, Landon G., O32413.
Crandall, Riel S., O21767.
Creel, George R., Jr., O33241.
Crocker, David R., O23207.
Crowe, John H., O32986.
Cullen, Paul S., O23111.
Cunningham, Henry A., O23003.
Dahlstrom, Edward N., O33238.
Daley, David S., O23453.
Davis, Duane D., O39026.
Davis, Warren P., O33245.
de Latour, Frank A., Jr., O23073.
Delamater, Benjamin F., 3d, O23305.
Delaney, Arthur W., O44697.
Delaney, Robert J., O23067.
Delaney, William M., O23633.
Denno, Bryce F., O23161.
Devlin, Francis T., O23314.
Dibble, John, Jr., O23183
Dickerson, Robert L., O23615.
Dickson, Dwight B., O33099.
Dickson, Lon R., O33098.
Donaldson, John H., O32721.
Downey, Walter G., O33106.
Downs, Lemuel C., O40527.
Drewry, Ivey O., Jr., O33224.
Duddy, Robert R., O33214.
Dunn, Francis L., O40437.
Durgan, Raymond C., O23527.
Duvall, Everett W., O32842.
Eldridge, Ralph S., O23442.
Emmerich, Rollins S., O79704.
Eschenburg, Emil P., O23469.
Evans, Jack C., Jr., O23517.
Evans, John T., O80408.
Fahey, Paul V., O33054.
Fairbanks, George C., 3d, O33145.
Fitzpatrick, Edward D., O23288.
Flake, Joe, O40526.
Flanders, Edward A., O22912.
Fletcher, Melvin, O33111.
Floyd, Alfred J., O23328.
Flynn, Stanley F., O43765.
Fogle, George C., O44428.
Forbes, Lawrence G., O22903.
Foster, David E., O52471.
Foster, Gayle H., O79814.
Francisco, William P., O22955.
Free, Richard H., O22926.
Freund, John F., O23334.
Fuller, Ford P., Jr., O23170.
Fuller, Lawrence J., O22901.
Gaines, Weaver H., O32686.
Gardner, Joseph M., O40522.
Gerard, Max H., O32982.
Ghent, Daniel T., O52626.
Gibson, Edwin C., O44578.
Gilbert, Charles M., O23457.
Glass, William A., Jr., O44293.
Gleszer, Roland M., O23278.
Goldoni, John E., O33182.
Goodrich, Raymond H., O22911.
Goodwin, Samuel M., O23177.
Graf, John A., O22892.
Grant, Emerson W., O23427.
Gray, Francis M., 044007.
Gray, Gerald W., O44130.
Gray, Walter A., O38939.
Green, Gilford D., O23231.
Green, James B., O23423.
Green, John H., O33085.
Greenwood, Walter, Jr., O23548.
Griffin, James C., O33018.
Gunning, John G., O52669.
Gunster, Walter E., Jr., O22928.
Guy, David R., O22961.
Guy, John J., O33219.
Hall, Robert C., O23525.
Hamelin, Rolland W., 022997.
Hancock, Chester H., O44292.
Hannah, Raymond W., O32760.
Hardenbergh, Hal, O32740.
Hardin, Joseph S., O23126.
Harness, Leslie J., O23415.
Harper, Robert E., O32783.
Haseman, Leonard L., O22925.
Hatten, Philip A., O23417.
Hazeltine, Charles B., Jr., O22896.
Heald, Robert C., O44454.
Helmuth, Oliver J., O32395.
Hendrickson, Edward H., 023048.
Herber, David, O32689.
Hershey, Lyle E., O52502.
Hewitt, Walter J., O44332.
Hickman, Paul D., O44374.
Higgins, William A., O40468.
Higgins, William J., Jr., O33141.
Hightower, John M., O23531.
Hill, John F. P., O33108.
Hino, Kenji, O44753.
Hiser, Charles H., O44795.
Hobson, Victor W., Jr., O23038.
Hooper, Thomas F., O39028.
Horner, Charles T., Jr., O23530.
Houser, Harold H., O32050.
Huff, Hotenel J., O43868.
Huffaker, Robert L., O32911.
Hughes, John W., Jr., O32676.
Hughett, Ralph H., O44674.
Huntley, Charles B., 022714.
Huppert, George H., Jr., O32277.
Hutchinson, Philip A., O33200.
Ingalls, Robert C., O23542.
Irving, Richard R., O33127.
Irwin, Walter G., O40490.
Jackson, John W., O80427.
James, Howard, O40463.
Jillson, Stuart F., O80429.
Johnson, Chester H., O44273.
Johnson, Lester B., O23490.
Johnson, Robert W., O44258.
Jung, Wing F., O23144.
Keegan, Christopher R., O44383.
Kehe, Arlin J., O33094.
Kennedy, Robert S., O20780.
Kenney, John J., Jr., O23114.
Kent, Frank J., O33087.
Kersting, Donald A., O23436.
King, Warren R., O23413.
Kinzer, John M., O23552.
Kirk, Frank A., Jr., O44442.
Kirk, John E., O32681.
Kramer, Francis E., O23122.
Lain, James L., O32967.
Laliberte, Lawrence A., O32558.
Lane, Harry B., O23187.
Lane, Jack F., O23456.
Lange, Herman, W. W., O23402.
Larsen, Bobby B., O52722.
Larsen, Charles J., O44558.
Lawhon, Zim E., O23555.
Leahy, Osmund A., O23106.
Legere, Laurence J., O22937.
Lehtonen, Reino O., O52532.
Leidy, Carl S., O32755.
Lemley, Kenneth M., O22976.
Leonard, Allan L., Jr., O32898.
Lewis, William F., O23206.
Long, Talton W., O32735.
Looney, Jack R., O22164.
Lucas, Charles L., O40249.
Luckenbach, Everett A., O80442.
Lundberg, John W., Jr., O33170.
Lyons, Crawford D., O43924.
Macaulay, George B., O32549.
Maedler, James R., O23132.
Malone, Robert H., O33014.
Manley, Murray E., O52740.
Manning, Leo W., 033114.
Marriott, Richard G., O33072.
Marsh, Clarence T., Jr., O22996.
Marsh, Curtis N., Jr., O79905.
Martin, Alfred, O23629.
Mastran, Joseph L., O23279.
Mather, Donald W., O44458.
Matthews, Maurice H., O32997.
Matzger, Neil M., O44539.
Maynard, Stanley G., O32515.
Mayo, George, Jr., O22970.
McAlhany, John W., O40517.
McCaskill, John C., O80450.
McCown, Hal D., O23532.
McDaniel, Alva T., O44521.
McDonald, Eugene O., O23218.
McFerren, Carl D., O21923.
McHenry, Carroll E., O52545.
McKenney, Stewart L., O23084.
McLean, John R., O23140.
McPherson, Larry G., O52498.
McQuain, Gordon E., O40441.
McRae, Robert B., O33236.
McSherry, Elwood D., O44322.
Mendez, Louis G., Jr., O23262.
Merchant, Marvin H., O23301.
Merrill, John T., O33225.
Meszar, Frank, O23211.
Metcalf, George T., O23501.
Mette, Clarence A., Jr., O32776.
Meyer, Norman E., O40511.
Michaelis, Leon A., O44486.
Miley, Henry A., Jr., O22993.
Miller, Boulton B., O33148.
Miller, Gordon A., O40386.
Miller, Maynard C., O79928.
Mills, Jene E., O23410.
Milner, James W., O23124.
Minahan, John E., O22949.
Mitchell, John E., Jr., O52328.
Monroe, Thomas H., Jr., O23017.
Moore, Benjamin G., O33158.
Moore, James M., O22963.
Moran, Edwin G., O52434.
Muller, Thomas H., O23201.
Munson, Delbert E., O23156.
Murdock, Richard G., O44221.
Murphy, Cornelius A., O23146.
Murphy, John H., O44201.
Murphy, Joseph A., O44667.
Myers, Harry M., O21835.
Naudts, Morris J., O32265.
Nelson, Robert K., O44426.
Noble, Charles C., O22942.
Norris, John I., O44246.
Norris, Robinson R., O23014.
Nye, Charles A., 3d, O85058.
O'Brien, John A., O23037.
Oglesby, Charles E., O23244.
O'Keefe, John T., O23176.
Oliver, George L., O33118.
Olson, Winston L., O32940.
Orman, Leonard M., O23046.
Osborne, Robert J. C., O43819.
Oseth, Frederick W., O23090.
Paden, Bill W., O52291.
Parker, David S., O22907.
Parker, Robert M., Jr., O32936.
Patten, Samuel M., O23008.
Paulick, Michael, O23060.
Pearson, Willard, O44466.
Pell, Robert H., O23561.
Penney, Howard W., O22917.
Perrin, Bert, O23503.
Perry, Manley C., O23024.
Petty, Norman E., O33041.
Pfeil, Robert C., O22921.
Phillips, Paul D., O22939.
Pidgeon, John J., O23089.
Pillsbury, Hobart B., O23019.
Platt, Robert G., O23414.
Podufaly, Edward T., O22913.
Poinier, Arthur D., O21999.
Porteous, Charles E., O33203.
Porter, Fred B., O40477.
Preble, Merle R., O23524.
Rachal, Daniel W., O44159.
Radcliff, Elgin G., O23558.

Ramsey, Lloyd B., O23553.
Randle, Robert B., O52570.
Rankin, George H., O32522.
Rasmussen, Henry A., O40502.
Reed, James W., O35884.
Reinecke, Paul S., Jr., O23284.
Renwanz, Rowland H., O23123.
Reynolds, Maurice J., O43793.
Rials, Grady F., O44022.
Richter, Henry J., O23536.
Ries, Arthur W., O44226.
Rigg, Robert B., O76842.
Ritchings, Arthur W., O52739.
Ritze, Herbert C., O44634.
Rizza, Salvo, O23139.
Roberts, Clarence F., Jr., O44612.
Roberts, Sam A., O33008.
Robinson, Oval H., O22938.
Roedy, William H., O22941.
Rogers, Ralph M., O22943.
Rohan, Thomas C., O32954.
Rolle, Norman B., O79715.
Rosen, Melvin H., O23082.
Ross, Thomas B., Jr., O32724.
Rosson, William B., O23556.
Ruck, Fred M., O33049.
Rumph, Osborne R., O40466.
Rushing, William J., O40391.
Ruzek, Charles V., Jr., O20937.
Ryan, William T., O52629.
Sandholm, Frank A., O33178.
Sandiland, John S., O23445.
Sanford, Charles A., O32857.
Sayre, Edwin M., O33220.
Scandrett, William, O23448.
Scarburgh, Samuel W., O44723.
Schafbuch, Donald V., O32990.
Schafer, Robert W., O39045.
Schell, Rieder W., O33021.
Schlotzhauer, Walter S., Jr., O76843.
Schmaltz, Frederick A., O23229.
School, William P., Jr., O32281.
Schoming, John N., O44755.
Schuppener, Paul B., O52465.
Schwartzman, Jack, O40475.
Scott, David M., Jr., O44501.
Scott, Fred W., O44765.
Scott, Kenneth L., O22121.
Scott, Thomas H., Jr., O23030.
Scudder, Willis B., O36179.
Shagrin, Richard A., O23261.
Shaunesey, Charles A., Jr., O23036.
Shivers, George W., Jr., O23515.
Shockey, Cyrus R., O44234.
Shoemaker, Raymond L., Jr., O22978.
Shoss, Morris L., O22973.
Sigley, Woodrow B., O23411.
Silvasy, Stephen, O22985.
Simmons, Howard H., O39029.
Sinclair, Lachlan M., O32369.
Sisco, David W., O52579.
Smee, James C., O76844.
Smith, Arthur L., Jr., O80000.
Smith, Everett N., O32449.
Smith, Francis J., Jr., O43826.
Smith, Page E., O23294.
Smith, Paul F., O33169.
Smith, Vallard C., O23543.
Spaulding, Edward C., O20588.
Spengler, John T. H., O22977.
Stella, Harry A., O23185.
Sterner, Cyril D., O23434.
Stoddard, William G., Jr., O23130.
Stover, Harold G., O32845.
Strauss, James P., O22951.
Stuart, Clarence E., O52468.
Stutzman, Oliver G., O32771.
Sumstad, John, O52646.
Tate, Willie L., O32885.
Taylor, Alton R., O33092.
Taylor, Benjamin G., Jr., O23438.
Taylor, James K., O23011.
Telquist, Clark V., O40443.
Thomas, Eber H., Jr., O44780.
Thomas, Henry G., O31756.
Tistadt, Harry E., O44706.
Townsend, John D., O23141.
Trainer, Wyatte G., O40516.
Tudor, Ralph N., O39032.
Turner, Hugh J., Jr., O23138.
Twyon, Donald E., O32805.
Tyler, James E., O23079.
Unverferth, John E., O23499.
Utley, Robert L., O32977.
Vandenberg, Robert E., O38979.
Vaughan, Woodrow W., O23004.
Venable, Charles P., O33247.
Von Pawel, Ernest, O52541.
Walker, Harry H., Jr., O23460.
Walker, Marion W., O23435.
Walters, James W., Jr., O23006.
Walton, Arthur H., O44746.
Ware, Keith L., O33181.
Warmbrod, Karlton, O33077.
Watson, William W., O32756.
Webster, Daniel, O33071.
Webster, George B., Jr., O23425.
Weigel, Levene J., O33187.
Welch, Howard K., O33155.
Welsh, Charles E., O32706.
Wendt, James R., Jr., O22995.
Wermuth, Anthony L. P., O23252.
Wetherill, Roderick, O23158.
Wheeler, Jesse F., Jr., O44719.
White, Alan B., O22675.
White, Eugene J., O22739.
White, Frederick G., O23326.
White, Richard A., O40524.
Whittick, John R., O32487.
Wiley, Earl T., Jr., O40442.
Wilkinson, William C., Jr., O23512.
Williams, Frank A., O44750.
Williams, Robert R., O22962.
Williams, Trevor E., O32883.
Wilson, Charles V., O23564.
Wingfield, William B., O80525.
Winton, Walter F., Jr., O22966.
Wise, William D., Jr., O32682.
Witt, Landon A., O23317.
Wolfe, Charles A., O44262.
Wood, Milford W., O32723.
Woodbury, James A., O42943.
Woodman, Ernest A. H., O32822.
Woodward, Gilbert H., O23102.
Woolfolk, Robert L., 3d, O52687.
Wright, John M., Jr., O23057.
Wright, Ralph, O32765.
Wyand, Preston W., O44363.
Yarrington, William R., O80028.
Yeager, Frederick J., O22969.
Yerby, Harry L., O32719.
Young, Richard A., Jr., O44524.
Youngman, Charles W., O33183.
Yow, John W., O32361.
Zahrobsky, Ralph E., O23149.
Zeigler, Howard N., Jr., O44773.
Zipf, Karl A., O39044.

To be colonels, Chaplain

Jungfer, Richard W., Jr., O25850.
Koepke, Theodore V., O31177.
Kozak, Edwin J., O43129.
Reardon, David M., O76788.

To be colonels, Medical Corps

Bauer, Albert J., O25839.
Conant, Ralph E., O65408.
Heldobler, Alfred O., O65568.
Kirk, Warren M., O65674.
McNerney, Jules J., O26453.
Psaki, Raoul C., Jr., O26467.
Putnoi, Martin, O66075.
Smith, James H., O65410.
Stacy, Harold G., O76662.
Steer, Arthur, O57815.
Tenery, John H., O43172.
Wallace, John K., 2d, O31131.

To be colonels, Dental Corps

Cruzan, Winston V., O30981.
Fisher, William T., O43171.
Kirchoff, Arnold W., O31146.
Siegesmund, Kenneth W., O43149.
Swanson, Raymond W., O30925.
Swink, Jesse M., O22315.

To be colonels, Veterinary Corps

Akins, Everett H., O84814.
Frank, Charles B., 031153.
Fry, Lloyd V., O31014.
Miller, Robert J., O31148.
Osteen, Wilson M., O84815.

To be colonels, Medical Service Corps

Austin, William L., O37403.
Baker, Thomas E., O31244.
Behrens, Donald H., O37400.
Blackwell, James M., O79647.
Darling, James O., O31271.
Davison, Neville W., O31295.
Egger, Floyd C., O52065.
Frick, Lyman P., O43239.
Hastings, Frederick W., O31313.
Houser, Jack, O31263.
Jones, Herman A., Jr., O31312.
Nedds, Ivan L., O31268.
Nibbelink, Arlon B., O31246.
Noe, Herbert A., O31299.
Olson, Clarence T., O39323.
Quackenbush, Robert O., O31317.
Yates, Virgil T., O52069.

To be colonel, Army Nurse Corps

Clark, Mildred I., N608.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel, Dental Corps

Clark, Robert R., O43250.

To be major

McCrum, Lynn M., O64090.

To be major, Medical Service Corps

Bradley, John J., O94993.

To be captain

Traas, Adrian G., O99747.

The following-named officer for appointment as professor of physics and chemistry, U.S. Military Academy, under the provisions of title 10, United States Code, sections 4331 and 4333:

MacWilliams, Donald G., O26551.

The following-named officer for appointment as professor of foreign languages, U.S. Military Academy, under the provisions of title 10, United States Code, sections 4331 and 4333:

Willard, Sumner, O1003453.

WITHDRAWAL

Executive nomination withdrawn from the Senate, September 21, 1964:

POSTMASTER

The nomination sent to the Senate on July 23, 1964, of Ralph E. Haffenden to be postmaster at Belvidere, in the State of Illinois.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 21, 1964

Dr. George R. Davis, National City Christian Church, Washington, D.C., offered the following prayer:

Blessed is that nation whose God is the Lord. We remember first of all, our Father, with gratitude the faithful Member of this House so recently departed and commend him to Thine eternal care. This day, our Father, we come to Thee about our Nation. And we come not to seek for anything, not to petition, not to wring our hands. We come in gratitude. We thank Thee that we are willing to be a part of a great society of nations, that we do not wish to walk alone, stand alone, nor to live in arrogant isolation. In a time of much uncertainty, we thank Thee that this Nation does so much to shed the light of hope in the world. We thank Thee when needs are beyond description, this Nation invests so much, risks so much of life and possessions to help others, enemies as well as friends. With grave dangers all about, we rejoice that our responsible leadership follows caution, friendliness, approachability, as we do business with the nations of the worldwide community. While swords rattle, and to be strong, as we are, is the highest wisdom, we are grateful that our first and foremost desire and ambition is still international peace with justice. In a time of unrest, when bigotry is easy, and violence casts shadows at home and abroad, we are thankful that we are still moving forward in this Nation by the ways of law, and good will, to a true fellowship of all peoples, all groups, all races. We thank Thee, when some are heartless, that this Nation still has heart for the poor, the disinherited, the forgotten. We thank Thee that when even great men are pushed and pulled, that we have leadership capable of and committed to holding us steady, seeing us through. Bless and sustain the Chief Executive. Uphold the makers of our laws. Preserve and maintain for us the freedom and greatness of our courts. Save for us, O God, in our times, all that is sound and good, for Thy name's sake. Blessed is that nation whose God is the Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 17, 1964, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On September 2, 1964:

H.R. 130. An act to provide for the payment of compensation, including severance damages, for rights-of-way acquired by the United States in connection with reclamation projects the construction of which commenced after January 1, 1961;

H.R. 1136. An act to compensate certain parties for the loss of their leasehold interests in lands taken by the United States in connection with the Red Rock Reservoir project;

H.R. 1213. An act for the relief of World Games, Inc.;

H.R. 2215. An act for the relief of E. A. Rolfe, Jr.;

H.R. 3672. An act to provide for the construction, operation, and maintenance of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act;

H.R. 4844. An act relating to the release of liability under bonds filed under section 44 (d) of the Internal Revenue Code of 1939 with respect to certain installment obligations transmitted at death, and to amend the Internal Revenue Code of 1954 with respect to certain reacquisitions of real property;

H.R. 5739. An act to amend the Internal Revenue Code of 1954 to correct certain inequities with respect to the taxation of life insurance companies, and for other purposes;

H.R. 7088. An act for the relief of Joseph Di Ciccio;

H.R. 8000. An act to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer term financing in the United States and in markets abroad, and for other purposes;

H.R. 8451. An act to amend the District of Columbia Sales Tax Act, as amended, relating to certain sales to common carriers or sleeping-car companies;

H.R. 9803. An act to authorize the Secretary of the Army to acquire the building constructed on the Fort Jay Military Reservation, N.Y., by the Young Men's Christian Association;

H.R. 11202. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1965, and for other purposes;

H.R. 11338. An act to remove certain conditions subject to which certain real property in South Boston, Mass., was authorized to be conveyed to the Massachusetts Port Authority;

H.R. 11369. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes;

H.R. 11594. An act to authorize the Secretary of the Navy to convey to the State of California certain lands in the county of Monterey, State of California, in exchange for certain other lands;

H.R. 12128. An act to amend the act of March 10, 1964;

H.R. 12196. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, the District of Columbia Teachers' Salary Act of 1955, and for other purposes; and

H.J. Res. 393. Joint resolution to authorize the President to proclaim October 9 in each year as Leif Erikson Day.

On September 3, 1964:

H.R. 3846. An act to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes; and

H.R. 9586. An act to provide for the establishment of a National Council on the Arts to assist in the growth and development of the arts in the United States.

On September 4, 1964:

H.R. 11241. An act to amend the Public Health Service Act to increase the opportunities for training professional nursing personnel, and for other purposes.

On September 12, 1964:

H.R. 1642. An act to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clifton to provide for the establishment of a new station, and for other purposes; and

H.R. 12267. An act to provide for notice of change in control of management of insured banks, and for other purposes.

On September 14, 1964:

H.R. 1263. An act for the relief of Rickert & Laan, Inc.

On September 15, 1964:

H.R. 4786. An act for the relief of the State of New Mexico.

On September 18, 1964:

H.R. 3396. An act to authorize the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes;

H.R. 6601. An act to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo., and for other purposes;

H.R. 7096. An act to authorize the exchange of certain property at Independence National Historical Park, and for other purposes; and

H.R. 11162. An act granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky.

On September 19, 1964:

H.R. 5159. An act to authorize and direct that certain lands exclusively administered by the Secretary of the Interior be classified in order to provide for their disposal or interim management under principles of multiple use and to produce a sustained yield of products and services, and for other purposes;

H.R. 5498. An act to provide temporary authority for the sale of certain public lands;

H.R. 8070. An act for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes; and

H.R. 10809. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill and a concurrent resolution of the Senate of the following titles:

S. 49. An act to provide for the establishment of the Alaska Centennial Commission, to cooperate with the State of Alaska to study and report on the manner and extent to which the United States shall participate in the celebration in 1967 of the centennial anniversary of the purchase of the Territory of Alaska, and for other purposes; and

S. Con. Res. 92. Concurrent resolution favoring the suspension of deportation of certain aliens.

The message also announced that the President pro tempore, pursuant to Public Law 689, 84th Congress, appointed the following Members on the part of the Senate to the North Atlantic Treaty Organization Parliamentary Conference to be held in Paris, France, November 16 to 20, 1964: Mr. Fulbright, Mr. Bayh, Mr. Gore, Mr. Jordan, of North Carolina, Mr. Pell, Mr. McIntyre, Mr. Burdick (alternate), Mr. Muskie (alternate), Mr. Mundt, Mr. Javits, Mr. Jordan of Idaho, and Mr. Kuchel (alternate).

TRANSFER OF CONSENT CALENDAR TO TUESDAY, SEPTEMBER 22, 1964

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under clause 4, rule 13, the Consent Calendar rule, be transferred to tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE TO EXTEND IN THE CONGRESSIONAL RECORD

Mr. ALBERT. Mr. Speaker, without setting a precedent, I ask unanimous consent that all Members desiring to do so may have permission to extend their remarks in the Congressional Record and to include appropriate extraneous material today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CHANGE IN LEGISLATIVE PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to announce certain changes in the program for this week.

Mr. FORD. Mr. Speaker, will the gentleman from Oklahoma yield?

Mr. ALBERT. I yield to the gentleman from Michigan.

Mr. FORD. Mr. Speaker, I am sure the Members would appreciate knowing what the schedule is and what changes there are in the legislative program for the remainder of the week.

Mr. ALBERT. The changes in the program have just come to my attention. I would like at this time to announce them.

In the first place, we will remove from the calendar for this week House Resolution 847 which had been scheduled for Wednesday, to create a select committee to conduct a study and investigation of all factors relating to the general welfare and education of congressional pages. We are doing that because the gentlewoman from Oregon [Mrs. Green], who is the author of the matter involved, will be in the funeral party of our late colleague.

We are adding for Wednesday and the balance of the week the bill H.R. 8546, loans to students of optometry. This is an open rule permitting 1 hour of general debate and making S. 2180 in order as a substitute.

Also House Resolution 883, providing for agreeing to Senate amendments to H.R. 5932, District of Columbia teachers health benefits.

Mr. FORD. Those are the only changes?

Mr. ALBERT. Those are the only changes I have at this time.

Mr. FORD. Is the supplemental appropriation bill scheduled for consideration tomorrow?

Mr. ALBERT. It is on the program for tomorrow and it is expected it will be called up for consideration at that time.

Mr. FORD. Is it the intention of finishing it tomorrow?

Mr. ALBERT. Yes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. GROSS. In reference to the Patman bill which has been before the Rules Committee, has a rule been granted on that dealing with the Supreme Court decision on reapportionment?

Mr. ALBERT. As far as I know it is, but the matter has not been scheduled.

Mr. GROSS. I thank the gentleman.

ACTIVITIES CARRIED ON UNDER PUBLIC LAW 480, 83D CONGRESS, AS AMENDED—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 365)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with accompanying papers, referred to the Committee on Agriculture and ordered to be printed:

To the Congress of the United States:

I am sending to the Congress the 20th semiannual report on activities carried on under Public Law 480, 83d Congress, as amended, outlining operations under the act during the period January 1 through June 30, 1964.

Lyndon B. Johnson.

The White House, *September 21, 1964.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Cunningham (at the request of Mr. Ford), for September 21 and 22, on account of official business.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 49. An act to provide for recognition by the United States of Alaska's 100th anniversary under the American flag, and for other purposes.

THE LATE HONORABLE WALTER NORBLAD OF OREGON

The SPEAKER. The Chair recognizes the gentleman from Oregon [Mr. Ullman].

Mr. ULLMAN. Mr. Speaker, it is with deep personal sorrow and profound regret that I announce to the House the passing of our esteemed and beloved colleague from Oregon, Walter Norblad, who passed away at the Bethesda Naval Hospital on Sunday morning.

I have been asked to announce that funeral services will be held on tomorrow morning, Tuesday, September 22, at 11 a.m., at the Demaines Funeral Home, 520 South Washington Street, Alexandria, Va.

It is my understanding, Mr. Speaker, that a day will be set aside next week to allow Members to pay tribute to our late colleague, Mr. Norblad.

Mr. Speaker, I offer a resolution.

The Clerk read as follows:

House Resolution 885

Resolved, That the House has heard with profound sorrow of the death of the Honorable Walter Norblad, a Representative from the State of Oregon.

Resolved, That a committee of 11 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following Members on the part of the House: Mrs. Green of Oregon, Mr. Tollefson, Mr. Ford, Mr. Cederberg, Mr. Westland, Mr. Bob Wilson of California, Mr. Ullman, Mrs. Hansen, Mr. Harrison, Mr. Duncan, Mr. Martin of California.

The SPEAKER. The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 22, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2541. A letter from the Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting the second annual report of the Commission, pursuant to section 107 of Public Law 87–256 (H. Doc. No. 364); to the Committee on Foreign Affairs and ordered to be printed.

2542. A letter from the Comptroller General of the United States, transmitting a report on uneconomical procurement of motor vehicle parts and accessories, Department of the Navy; to the Committee on Government Operations.

2543. A letter from the Comptroller General of the United States, transmitting a report on the lack of progress under the defense standardization program resulting in unnecessary procurement and supply management costs for electronic items, Department of Defense; to the Committee on Government Operations.

2544. A letter from the Acting Director, congressional liaison, Agency for International Development, Department of State, transmitting copy of the Agency's reply to the Comptroller General of the United States report (B–146787) on Ineffective Administration of the U.S. Assistance to Children's Hospital in Poland; to the Committee on Government Operations.

2545. A letter from the Assistant Secretary of the Interior, transmitting a project proposal from the Camarillo County Water District of Camarillo, Ventura County, Calif., for a loan of $4,800,000 for the construction of a water distribution system, pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

2546. A letter from the Assistant Secretary of Commerce, transmitting a report that it conducted no commissary activities outside the continental United States during the fiscal year 1964, pursuant to the provisions of 5 U.S.C. 596a; to the Committee on Interstate and Foreign Commerce.

2547. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions which have been approved, pursuant to section 204(c) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2548. A letter from the Secretary of the Treasury, transmitting a report of operations by Federal departments and establishments in connection with the bonding of officers and employees for the fiscal year ended June 30, 1964, pursuant to section 14(c) of the act of August 9, 1955 (6 U.S.C. 14); to the Committee on Post Office and Civil Service.

2549. A letter from the Secretary of Commerce, transmitting an annual report on scientific research grants for the fiscal year 1964, pursuant to the provisions of Public Law 934, 85th Congress; to the Committee on Science and Astronautics.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HARDY:

H.R. 12634. A bill to authorize the Secretary of the Navy to convey to the city of Norfolk, State of Virginia, certain lands in the city of Norfolk, State of Virginia, in exchange for certain other lands; to the Committee on Armed Services.

By Mr. LAIRD:

H.R. 12635. A bill to provide for payments in lieu of taxes on lands in national forests; to the Committee on Agriculture.

By Mr. PILLION:

H.R. 12636. A bill to provide for the disposition of unclaimed postal savings accounts, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. POOL:

H.R. 12637. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the interest on church bonds; to the Committee on Ways and Means.

By Mr. FEIGHAN:

H. Con. Res. 364. Concurrent resolution authorizing the printing of an additional 1,000 copies of the document entitled "Study of Population and Immigration Problems; Population of the United States"; to the Committee on House Administration.

By Mr. HARSHA:

H. Con. Res. 365. Concurrent resolution expressing the sense of the Congress that the Federal Communications Commission should review its rules applicable to the Citizens Radio Service and report with respect thereto to the Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. MACGREGOR:

H. Res. 886. Resolution to set national policies for local airline service; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DON H. CLAUSEN:

H.R. 12638. A bill for the relief of Henry Mansoor Abdel Sayed, also known as Henri Mansoor, and Roxani Mansoor; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 12639. A bill for the relief of Dr. Hiroshi Yamazaki, his wife, Toshiko Yamazaki, and his mother, Tomo Yamazaki; to the Committee on the Judiciary.

By Mr. MARTIN of Massachusetts:

H.R. 12640. A bill for the relief of Jose Tavares de Sousa; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1036. By Mr. KING of New York: Petition of John F. Coultry, Troy, N.Y., protesting the amendment to part 95, enacted July 22 by the FCC and effective November 1, 1964; to the Committee on Interstate and Foreign Commerce.

1037. By the SPEAKER: Petition of the Common Council, City of Buffalo, N.Y., petitioning consideration of their resolution with reference to rejecting any attempt to thwart the Supreme Court decision on reapportionment; to the Committee on the Judiciary.

1038. Also, petition of Henry Stoner, New York, N.Y., relative to defeating constitutional amendments to override the legislative reapportionment decisions; to the Committee on the Judiciary.

1039. Also, petition of the Marine Corps League, National Headquarters, Arlington, Va., petitioning consideration of their resolution with reference to designating the new VA hospital and facility now being constructed in the District of Columbia as the Gen. Melvin J. Maas Memorial Hospital; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

West Virginia Strengthened by Fort Martin Power Generating Station—Ground-Breaking Ceremonies and Morgantown Luncheon Mark the Beginning of Construction

EXTENSION OF REMARKS

OF

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, September 21, 1964

Mr. RANDOLPH. Mr. President, the Appalachian Regional Development Act is being weighed and considered by Members of both Houses of Congress, and will, I hope, be acted on favorably in the Senate before adjournment. This legislation is a vital element in our Nation's drive to develop programs to advance West Virginia and areas of surrounding States.

The Appalachian bill is in no sense a handout, but rather an investment in the future prosperity of all Americans. We cannot permit one large section of our country to lag economically; to endure conditions of unemployment which substantially exceed the national average; we must not ignore the plight of thousands of our fellow citizens who are without adequate educational and health facilities. It is obvious that from a humanitarian standpoint, and in our own enlightened self-interest, we must act to end these damaging conditions.

Mr. President, the people of Appalachia are far from content with the status quo. They are working with diligence and imagination to improve their way of life and to strengthen the region.

Evidence of this spirit of cooperative effort can be readily found in West Virginia. One such example is the activity being carried forward in conjunction with the construction of the Fort Martin power generating station, at Fort Martin, W. Va., near Morgantown.

The generating station will consist of two units, the first of which is now being built by Monongahela Power Co. and the Potomac Edison Co., both subsidiaries of the Allegheny Power System. The initial facility will have a capability of approximately 540,000 kilowatts and its estimated cost is $53,500,000. It will be the largest ever installed in the Allegheny System, and is expected to be in operation by 1967.

It was my privilege to participate in the ground-breaking ceremonies for the Fort Martin station on September 11, 1964. Presiding on this notable occasion was Don Kammert, the energetic president of the Monongahela Power Co. Following the invocation by the Reverend William Wolfe, pastor of the Fort Martin Methodist Church, Mr. Kammert introduced J. Lee Rice, Jr., the progressive president of the Allegheny Power System.

In brief remarks Mr. Rice made reference to the cooperation at national, State, and local levels which his organization has enjoyed during the planning of this important power complex. He also expressed the belief, to which I subscribe, that the Fort Martin project is indicative of the enthusiasm and civic interest which is evidenced in West Virginia and Appalachia.

At a given signal, a laser ray was activated, which in turn detonated fireworks officially breaking ground for the Fort Martin power generating station. Taking part in this portion of the program were: Hon. W. W. Barron, Governor of West Virginia; Hon. Harley Staggers, U.S. Representative from the Second District; Robert G. MacDonald, president of the Potomac Edison Co.; Mr. Kammert, Mr. Rice, and myself.

The proceedings were later adjourned to the Hotel Morgan, Morgantown, for a luncheon. Governor Barron addressed an appreciative audience, commenting on the degree of cooperative effort which has been evidenced between Government, industry, labor, and education. He pointed out that:

> In West Virginia, these forces have learned—during the past three and a half years—the benefit of sitting down together to study problems. When we do this, we understand the problems and their interrelationship to all other segments of our society. Whenever we come to understand each other and the scope of economic, political, and industrial need, then we truly define "the common good" in modern, cooperative terms. From this basis we develop sound and positive action programs.

Mr. Rice then spoke of the implications of the construction of the Fort Martin station, and its impact on the Morgantown trading area. He correctly stated that this new transmission capability is but one among many steps toward progress and prosperity which have been encouraged by the citizens of Morgantown.

Especially informative were the remarks of Dennis L. McElroy, executive vice president of the Consolidation Coal Co. From the northern West Virginia mines of this firm will come the coal to heat the boilers which produce the steam to drive the turbines from which will come the vast electrical power of the Fort Martin station. Mr. McElroy indicated that the manpower requirements of this coal production would provide employment for 200 miners near range, and when the second unit is complete that figure will grow to almost 500.

Prior to these remarks it was my privilege to speak, in part, as follows:

> Here in our beloved highlands we are heartened to see progress by the American society and private-investor economy. Our growth has its roots in the energy, intelligence and integrity of leadership exemplified by those business, industrial, and political leaders gathered here.
>
> West Virginians are being increasingly recognized as people who are friendly, ambitious, and progressive. The impression is being rapidly dissipated that West Virginia has been sidetracked by automation and forced out of the mainstream of the national economy. The events of this day demonstrate that is not the case.

The beneficial effect of the Fort Martin power generating station has been cause for new optimism among private sectors of the economy. A lucidly written editorial in the September 11 issue of the Morgantown Post emphasizes the public awareness of the positive forces which will accrue.

I ask unanimous consent that this editorial be printed in the RECORD, together with proceedings at the ground-breaking ceremonies for the Fort Martin power generating station, and the luncheon which followed, September 11, 1964.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Morgantown (W. Va.) Post, Sept. 11, 1964]

LOOKING BIGGER ALL THE TIME

This community is beginning to get a little better notion of what that new Fort Martin power station down the river will look like after more than $50 million has been spent in the next 2 or 3 years to bring it into actual being.

But even the speeches at today's formal ground-breaking ceremonies can scarcely convey a general awareness of the total significance to this area of this power-generating project and the whole interconnected system of which it is to be a part.

Immediately upon going into operation, of course, the Fort Martin station will provide a large and assured market for Monongalia County coal and steady round-the-year employment for a substantial number of miners.

But while the economic soundness of putting so much money into a power station was found in the ability to transmit electricity over longer distances than ever before, it does not necessarily follow that the availability of Fort Martin's power will not serve to bring new industry closer to the powerplant as well as to take its power to distant customers.

No wild promises are being held out that Fort Martin will bring industry to Monongalia County and other parts of the upper Monongahela Valley. But it would be most unusual if that result did not occur, especially if the area can otherwise qualify as a good place for new industry to locate and operate.

Such a prospect rises far above the more limited satisfaction to be found in the increased tax revenue the county will receive from this large investment within its borders even though there is no need to ignore this substantial element in the project.

In the near future, as Fort Martin begins to take visible shape, its full significance will increasingly be recognized and appreciated.

PROCEEDINGS AT THE GROUND-BREAKING CEREMONIES FOR ALLEGHENY POWER SYSTEM'S NEW 540,000-KILOWATT FORT MARTIN POWER STATION AT FORT MARTIN, W. VA., SEPTEMBER 11, 1964

Donald M. Kammert, president of Monongahela Power Co.: "This ceremony will begin with the pronouncement of the invocation by Rev. William Wolfe."

Rev. William Wolfe, pastor, Fort Martin Methodist Church: "Let us pray. Our Father and our eternal God, Thou who are most hallowed, most holy and all powerful, we pause in the midst of this day and in the midst of our labors to invoke Thy blessings upon this piece of earthly work. Be pleased our Father to bless these officials of these companies, the representatives of our government, and all interested parties who have come here today. We ask furthermore our Father that you would bless those who take an actual part in the construction of this great plant. Keep them from harm. And as we have come to depend upon the power from these companies and the light, may we also learn to depend upon Thee and Thy Son, Jesus Christ, for the inward light and the inward power. These blessings and these favors we ask in the name of Thy Son and our Savior, Jesus Christ. Amen."

Donald M. Kammert: "Thank you for joining with us on this momentous occasion. This is an event of importance to this community, to the companies comprising the Allegheny Power System, to the States of Maryland, Pennsylvania, and West Virginia, and to the area known as Appalachia.

"It is my privilege to introduce to you the man who will formalize this ground breaking. My friend, and a friend of this geographic area, the president of Allegheny Power System, Mr. J. Lee Rice, Jr."

REMARKS OF J. LEE RICE, JR., FORT MARTIN OVERLOOK SITE

On behalf of Allegheny Power System and its three operating companies, Monongahela, Potomac Edison, and West Penn Power, I wish to express our sincere appreciation for the participation in this event by these distinguished public servants here on the platform with me. Their presence is indicative of the cooperation we have received from them at the national and State levels. I think it further indicates their dedication to the economic development of West Virginia, Maryland, and Pennsylvania.

It is also gratifying to us in the investor-owned electric business to see such a fine turnout of business, news media, and government leaders from local and regional levels. We are honored by your presence, which again underscores our long-held contention that there is a good and healthy climate for private industry investment and growth in our three-State area.

There are several things I may be able to point out that will give you a better on-site understanding of our construction program here at Fort Martin. As you see, quite a bit of dirt has already been shoved around. The huge hole that has been excavated (pointing) will house the base of the cooling tower and the balloons indicate the height of the tower. The main building housing the generating facilities is to be in the area now being graded. Expansion of the generating station to two units is planned for some time in the future.

The stacks that mark all steam generating powerplants and the cooling towers will reach high above the place where we are now standing. Again we have balloons to indicate the height of the stack.

Huge quantities of coal will be barged down river to the plant site from Consolidation Coal Co.'s Arkwright and Humphrey preparation plants above Morgantown.

I have already talked long enough. Let's get on with the job we came here to do.

In the event any of you have jumpy nerves, let me set them at rest. We are going to set off an explosion down on the plant site, but this is a fireworks—not a dynamite—explosion.

The fireworks we are almost to see will be set off by remote control—by a Laser ray. For those of you who are not familiar with the term Laser ray, let me explain that it is a means of concentrating energy into a light beam. This ray, aimed at a target on the moon, missed the bull's eye by less than 500 yards. It will drill a hole through a diamond or a steel plate and I'm told it has been used to weld a detached retina back in place in the human eye. We have here a battery of buttons, inasmuch as this new plant is symbolic of the push-button age. When all buttons have been pushed, a ray of light directed at a target on the plant site below will set off the fireworks and ground will be officially broken.

I will need some help, so have asked the following people to join me in this pleasant task. They are: Senator Jennings Randolph, Governor Barron, Don Kammert, president of Monongahela Power Co.; Bob MacDonald, president of Potomac Edison; and Hon. Harley Staggers, U.S. Representative.

Gentlemen, man your buttons.

Well, now we are all fatigued from our strenuous efforts. Let us adjourn to the Hotel Morgan for another type of exercise. The buses are ready for boarding.

REMARKS BY GOV. WILLIAM WALLACE BARRON, OF WEST VIRGINIA, SEPTEMBER 11, 1964

The beginning of the Fort Martin power station is another great step forward in West Virginia's recordbreaking economy. It's an example of the Monongahela Power Co.'s continuing interest in the progress of our State and its people. It's a real pleasure to be a part of such impressive activity.

The Monongahela Power Co. and the Potomac Edison Co., as well as the parent Allegheny Power System, have always been close partners with the State government. We work together in planning and achieving economic growth. Also, these companies have cooperated in every way possible to help Government help other industries—to improve the overall picture of progress for our people. We in the Government are grateful for this fine cooperation.

Today, West Virginia is experiencing an awakening unparalleled in all of its history. We are not satisfied that our State established alltime high economic records in 1962 and 1963, and is headed for still another record this year. We are setting new goals and new ideals for ourselves. It is not merely a matter of trying to speed up development as we have understood it in the past; we are, rather, providing new directions for development and expansion.

Our new motive force is toward more opportunity, more employment, and more security for more people. The direction is geared to many and varied types of cooperative endeavor. Cooperation is the key. Government, industry, labor, and education become involved in almost every new decision we must make.

In West Virginia, these forces have learned—during the past 3½ years—the benefit of sitting down together to study problems. When we do this, we understand the problems and their interrelationship to all segments of our society. Whenever we come to understand each other and the scope of economic, political, and industrial need, then we truly define "the common good" in modern, cooperative terms. From this basis, we develop sound and positive action programs.

We should not waste our time staring backward at our past. Today, in West Virginia, we are planning, building, and enjoying a greater prosperity than any generation of West Virginians before us experienced.

People grow and move ahead as they work together to solve their own problems and as they develop a sense of direction over their own progress. Today's program is proof that we are doing just that.

Remarks of J. Lee Rice, Jr., Groundbreaking Luncheon, Morgantown, W. Va., September 11, 1964

We are now within a very few minutes of the end of what has been a most enjoyable occasion for me. My trips to West Virginia and this area are always marked by the warm hospitality I encounter. This day has been no exception.

The readiness of our small city residents of West Virginia, Maryland, and Pennsylvania to open their hearts to visitors, has always impressed and delighted me. It is one of the many reasons Allegheny Power System has solid faith in the economic future of the region it serves. We know that other people—especially industrialists—who come into this region will find this built-in hospitality to be contagious. They will want to become a part of it.

And I think anyone visiting Morgantown today woud have to be impressed by the potential of this area. This city is literally humming with activity.

Here are some of the things I have observed in my few hours in Morgantown:

Dramatic expansion of West Virginia University and its facilities—extensive grading for construction of a new four-lane highway into the city—development of the old Morgantown Ordnance Works into a valued and job-producing industrial park—and expanded and highly attractive airport—development of an outstanding recreation area around beautiful Lake Lynn—preparation for construction of a new national training school for boys—extensive building of new homes and apartments—beautification of the downtown area—and I could go on and on.

Gentlemen, my numerous business visits here and the reports I receive indicate that the Morgantown story is one being repeated in towns throughout the territory served by Allegheny Power System. And most of our territory is in that section of the Nation sometimes referred to as Appalachia.

It is my contention that any objective person visiting Morgantown—and other bustling communities in this region—must come away with a feeling of optimism. There is no air of defeatism here.

The officers and directors of Allegheny Power System, and its operating companies, have strong faith in your future—and consequently—our future.

We are expressing this faith in a concrete manner—in the investment of large sums of dollars. One of the more effective tools we have developed is the creation and operation of an area development department in each of our operating companies.

These departments are manned by a number of specialists. Their basic function is to undertake any and all activities which can contribute to the economic development of the area we serve. I think the purpose should be obvious. Only as the economy of our territory grows and prospers can we grow and prosper.

And the economy can only grow and prosper as new jobs, bigger payrolls and larger profits are created. Through our area development staffs we are working closely with our railroads, local, State, regional and Federal agencies; factory locating services; colleges and public school systems; chambers of commerce; industrial development organizations and all other interested agencies, organizations and persons.

This business of area development is highly competitive—particularly in the industrial end. But I am pleased to announce that our companies report that they are engaged in one of the busiest periods in their histories. In fact, they are working on more active industrial projects this year than ever before.

Gentlemen, we are moving forward in our part of Appalachia. And the Allegheny Power System is proud to play an active role in the overall team effort that is bringing about these dramatic results.

Of course we are also demonstrating our confidence in Appalachia's future by the very groundbreaking we held today and the construction work that is to follow at Fort Martin in coming weeks and months.

Let me run through some figures I think will interest you:

In the years through 1970 Allegheny Power System will spend nearly $350 million on new construction in the coalfields of West Virginia and western Pennsylvania and in adjoining Maryland. That expenditure will be for the two-unit station at Fort Martin and the extra high voltage transmission line to carry power to major markets throughout the East, and also for regular transmission and distribution facilities.

By 1970 our powerplants, including Fort Martin, will be burning over 9 million tons of coal each year which even under modern mining methods will mean steady employment for some 2,500 miners.

Let me give you some more figures to round out the contribution to the economy of Appalachia for the same period through 1970 by all of the investor-owned electric companies, including Allegheny Power, which serve the region.

They will spend over $2 billion for plant and equipment to be located there.

Steam electric powerplants having a capacity of 7 million kilowatts are under construction or planned.

Those plants and other plants to be built outside the region will burn around 28 million tons of coal mined in Appalachia.

All of you are certainly aware that this huge additional consumption of coal will mean many more coal mining jobs as well as heavy construction payroll.

There can be no question that Allegheny Power System and its neighboring investor-owned electric utilities care about the future of Appalachia and its people. And we care enough to invest our dollars to make that future a bright and prosperous one.

It has been a sincere pleasure to have you with us on this occasion. As a memento of this groundbreaking day, to further demonstrate our appreciation, we have a specially inscribed gold shovel for each of you. You will receive them as you leave the room. Incidentally, they were made in West Virginia.

Remarks of Dennis L. McElroy, Executive Vice President, Consolidation Coal Co., Morgantown, W. Va., September 11, 1964

Consol is happy to be a part of this Fort Martin industrial development, particularly with our old friends the Allegheny Power system. We are glad to be large users of their electrical energy and most happy to be a substantial supplier of their fuel needs.

The Fort Martin plant is the conclusion of the planning and aggressiveness of Allegheny Power.

To supply the fuel for this plant—northern West Virginia coal—will bring to this area 400 to 500 jobs. This is being done without the use of the ARA or any other Government handout. The economic push this plant and the attendant coal mining are giving this territory is 100 percent private financing, planning, and execution; and adding taxable income to local, State, and Federal Governments—in reverse of Government financial support.

The mine employment to produce the fuel for Fort Martin means about $3 million per year in wages and salaries plus roughly $750,000 per year in fringe benefits of one kind or another.

This coal production will require approximately $2,200,000 per year for materials, power, and supplies.

It has been my pleasure as well as many others in Consol to have not only business but personal friends in both West Penn and Monongahela Power. In days past, Joe Buchanan, Ord Lough, Clint Spurr, Phil Powers, and Don Potter did much to help me and educate me in the ways of the business world—just have the present officers of these companies.

The very best wishes of Consol go to Allegheny Power in this, which I am sure will be a successful venture. Also our congratulations to all the people of this area on getting this most important industrial development. Any area would be "tickled to death" to land such a plant.

We have been and certainly plan to continue to work as partners of Allegheny Power to get the maximum sound industrial growth of the whole western Pennsylvania area and the northern and central part of West Virginia which they serve. Thank you all very much.

Self-Determination Only Solution for Cyprus

EXTENSION OF REMARKS

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1964

Mr. FOGARTY. Mr. Speaker, in the belief that the principle of self-determination for all nations is in the best tradition of American democracy, I have followed the recent tragic events on the island of Cyprus with grave concern. Recently I was asked for a public statement of my views on this issue by Rhode Island members of the Order of Ahepa, which is a well-known national organization whose members are American citizens of Greek descent. Under leave to extend my remarks in the Record, I include that statement:

Almost four-fifths of the people of Cyprus are Orthodox Greeks. Today, as in the long centuries of their past history, they are Hellenistic in culture and ethnic character. Though Cyprus has been overrun by many foreign invaders—including the Moslem Arabs, the Franks, the Venetians, the Turks, and the British—her people have remained steadfast in their adherence to their religion and their ancient Greek heritage.

As a result of their determined struggle for freedom, they gained a guarantee of independence from Britain in 1959. Under the international agreements made in Zurich and London, however, the autonomy of Cyprus was nonetheless limited when Britain, Greece, and Turkey retained certain privileges of intervention. Consequently Cyprus has not yet attained its true independence.

This situation has been attributed to a desire to protect the interests of the Turkish minority which continues to live on the island as a residue of the colonization policies of the Ottoman Empire, which dominated the area from 1571 until Britain took control in 1878. Actually, the present arrangement, because it denies the will of the majority, has resulted in nothing but increasing hostility and violence.

It is now increasingly evident that no solution short of true self-determination can resolve the Cyprus situation, which remains not only as an unjust compromise that the Cypriot Greeks cannot accept but also as a threat to world peace. It may eventually prove necessary to arrange an exchange of the Turkish minority with Greeks living under Turkish rule. But I believe that this is a last resort which could be avoided if the Greek majority were given true independence with the establishment of constitutional guarantees of the rights of the minority.

The source of the present disorders is the frustration of the just aspirations of the Greek majority for true freedom. Americans, whose nation was born out of a hard fight for self-determination, cannot fail to appreciate the struggle of the Greek Cypriots, who are bound together by a common faith, a common desire for liberty, and a common devotion to the culture of ancient Greece where the ideal of democracy was first born.

The Space and Shipping Program in Louisiana

EXTENSION OF REMARKS

OF

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1964

Mr. BOGGS. Mr. Speaker, when I first went to work with some of my colleagues to bring the space age to South Louisiana, I knew of the vast potential of the program, but the realities are now exceeding the expectations.

It was just a short 3 years ago when Mayor Schiro made the first announcement about the reactivation of the Michoud plant. At that time few of us realized that this program would constitute the single most important industry that has come to South Louisiana since we were admitted into the Union in 1812.

Its impact almost defies imagination as will be shown by some statistics which are included herewith.

However, let me first point out that all thoughtful students of history and political science know that government is best when it is closest to the people. That is why I have voted over the years to strengthen our city, parish, and State governments and to support our basic concepts of city, parish, and States rights. Some thoughtless critics, however, would have us believe that our U.S. Government has no role in our 20th-century space era. This, of course, is untrue.

Commonsense dictates otherwise. To give a few examples: we all know that it required the U.S. Government to perfect the nuclear defense system upon which all of us depend for the preservation of our freedom and liberty from our Communist enemies. We all know that it took years for us to convince the U.S. Congress of its responsibility in flood control, navigation, shipping, and shipbuilding. And we all know that an undertaking such as the space program, with its limitless promise for the future to our beloved Louisiana, requires the direction of a National Government. These are matters that all sensible Americans agree on.

Recently, Mr. James Webb, Administrator of the National Aeronautics and Space Administration, visited Michoud and here is what he said as reported on September 15, 1964, in the Times-Picayune. The article follows:

ON MOON BY 1969 WEBB FORECAST: SAYS MICHOUD PLAYS TOP ROLE IN GOAL

U.S. scientists' progress in the development of moonshot vehicles was described Monday as very good by the Administrator of the National Aeronautics and Space Administration.

"If things work well, we'll be there by late 1969," said James Webb of Washington, D.C. "This would not be possible if it were not for Michoud."

Webb was in New Orleans to meet with former members of the NASA New Orleans Coordinating Committee, which was formed in 1961 by Mayor Victor H. Schiro to assist NASA in establishing the Michoud operations.

He predicted that the Michoud operation will remain a center of space activity for many years. "The South is the focal point of assembly and tests for our space exploration vehicles."

Michoud has been responsible for vast growth in the area, Webb added. He pointed out that 70 apartment buildings have been constructed in the New Orleans area, there are 36 new subdivisions with 1,346 new homes and 176 new businesses have resulted.

The Michoud operation and Mississippi test site are critical areas in rocket development, the NASA Administrator stated. Some $170 million in wages will be paid to the employees at Michoud during the 1965 fiscal year.

At present, he said, 11,505 persons are employed at Michoud and $927 million in contract work has been let at the plant since operations began.

Editorial comments were, of course, in order as a result of his statement. I quote below the Times-Picayune editorial, "High Expectation" of September 15, 1964, and another from the New Orleans States-Item, of the same date, entitled, "Gage Michoud's Worth":

HIGH EXPECTATION

New Orleans and the national space program have come a long way together. And in the optimistic view of James Webb, Administrator of the National Aeronautics and Space Administration, we will continue the mutually beneficial journey far into the future and the reaches of space.

Visiting here, Mr. Webb said: "The South is the focal point of assembly and tests for our space exploration vehicles."

In other words the world's most powerful rockets are being assembled here and soon will be undergoing static tests in Mississippi for the leap to the moon.

New Orleans and surrounding areas have accepted their roles in this effort, striving to welcome and accommodate the influx of specialists who have come here to plan and build the mammoth boosters. Local resources and manpower have been marshaled to the effort.

The return to the New Orleans area has been in equally generous measure. Mr. Webb noted that $927 million worth of contracts have been let at the Michoud plant; 11,505 persons have been employed there which will bring $170 million in wages into the area during the current fiscal year. This has meant an economic boom to New Orleans of considerable proportion, measurable in 176 new businesses, 1,346 new homes, and 70 new apartment buildings.

And there still is a long way to go, before the first astronaut sets foot on the moon about 1969. This will require continuing and expanded efforts on the part of the community, of which the Michoud operation has become an integral part.

But the rewards—both in terms of scientific accomplishment and economic reward—make it a journey to be anticipated with high expectation.

GAGE MICHOUD'S WORTH

Assessing the value to New Orleans of the Michoud Saturn moon rocket plant, James E. Webb, Administrator of the National Aeronautics and Space Administration, trots out facts and figures that are indeed impressive.

First, he articulates what has been apparent for several years now—that the rocket assembly facility will be a local fixture contributing enormously to the area's economic well-being for a long time to come.

Mr. Webb discloses that 11,505 persons are currently employed at Michoud and that they will earn some $170 million in wages during the current fiscal year.

At the same time he notes that $927 million in contract work has been let at the plant since operations got underway in 1961.

Including other than major contracts for production of boosters, however, NASA arrives at a figure in excess of $1 billion. And New Orleans firms have shared heavily (to the tune of 76 percent of total value) in contracts for modifying existing facilities and constructing new ones.

Mr. Webb, here to confer with local officials, touched on the current building and business boom, which he said stems largely from Michoud activities:

"Since the present operations have been underway, a tremendous growth has taken place in the New Orleans area. Seventy apartment buildings have been built. There are 36 new subdivisions, with 1,346 new homes, and 175 new businesses have resulted."

His observations complement a NASA news release issued last week on the occasion of Michoud's third anniversary. The agency described the space plant's impact on the community as "exceeding even the most liberal estimates of 3 years ago."

The report attributed 27,000 new jobs to the Michoud operation and said these workers are now providing an additional $4.5 million each year in city and State sales and income taxes.

It is noteworthy that the impact of Michoud has been more profound than previously imagined. And, as the United States moves more fully into the space age, guesses as to the plant's ultimate worth to the community will likely continue to be inadequate.

Prior to Administrator Webb's visit to our South Louisiana installation I was concerned about a letter which had been directed to the editor of the New Orleans States-Item derogating the value of the space program in our area, and I thereupon wrote a letter to the editor outlining what the program means to us. That letter follows in full:

AUGUST 14, 1964.

The EDITOR, NEW ORLEANS STATES-ITEM,
New Orleans, La.

DEAR SIR: A fortnight ago one of our citizens, in a letter to the editor, quoting a news magazine, purported to show that Louisiana is only obtaining $75 million as a result of the space program.

This misinformation was corrected in your lead editorial of July 25.

In order that our people may fully understand the tremendous impact of the space program, I have gathered from the most reliable public and private sources the following verified facts:

1. Total employees at the Michoud plant, August 13, 1964, 11,155.

2. Estimated total number of jobs created in the New Orleans area, including both employment at the Michoud plant and the nearby telecomputing center at Slidell, La., and the added employment in the area firms doing subcontract work, 26,000.

3. Estimated total increase in personal income per year as a result of salaries and wages at the Michoud plant and at area firms doing subcontract work, $170 million.

4. Estimated total salaries and wages per year at the Michoud plant, $85 million.

5. Estimated total increase in effective buying income as a result of salaries and wages at the Michoud plant and at area firms doing subcontract work, $114.6 million.

6. Estimated total increase in effective buying income as a result of salaries and wages paid at the Michoud plant alone, $72.3 million.

7. Total number of subcontracts awarded to New Orleans area firms as an outgrowth of the prime contract space work being done at Michoud, 258 (as of July 1, 1964).

8. Total dollar value of the 258 subcontracts awarded to New Orleans area firms as an outgrowth of the prime contract space work being done at Michoud, $31,724,709 (as of July 1, 1964).

9. Grand total dollar value of subcontracts awarded to all firms as an outgrowth of prime contract space work being done at Michoud, $41,545,205 (as of July 1, 1964).

10. Grand total number of subcontracts awarded to all firms as an outgrowth of prime contract work being done at Michoud, 306.

11. Total percentage of subcontracts awarded to New Orleans area firms as an outgrowth of prime contract work being done at Michoud, 76.4 percent.

12. Estimated total revenues to the State of Louisiana per year by virtue of sales taxes from employees at the Michoud plant and their families, $2,336,000.

13. Estimated total revenues to the city of New Orleans per year by virtue of sales taxes from employees at the Michoud plant and their families, $1,168,000.

14. Estimated total revenues to the State of Louisiana per year from State income taxes from employees at Michoud and their families, $758,000.

15. The program has already accounted for 1,300 new homes, 36 new subdivisions, and 70 new apartments and many more will be required.

16. Total value of all contracts (both prime contracts and subcontracts to New Orleans area firms) awarded for space work at the Michoud plant and related work in conjunction with the prime contract work, almost $1 billion.

Thus it is shown that this program is one of the most important things that has happened to our State in its entire history, and I am proud that I played a leading role in making it possible for our people.

Sincerely,

HALE BOGGS,
Member of Congress.

Mr. Speaker, I shall not dwell on the many programs which this Congress has enacted such as the tax reduction bill—resulting in the greatest period of employment at the highest wages in history in my section of Louisiana, or the recently passed trade acts bringing record business to our port—but I must mention the Avondale Shipyard. That shipyard, located on the banks of the great Mississippi River in Jefferson Parish, La., is now the largest in the United States. Its productivity compares favorably with any shipyard in the world. It is building the most modern ships in our merchant fleet as well as some of the most complex vessels in our nuclear Navy.

This shipyard is providing about 5,000 jobs and an annual payroll of about $40 million. This program combined with the implementation of the Merchant Marine Act of 1936, giving life and energy to such magnificent steamship lines as Lykes, Mississippi Shipping Co., and others, means at least $100 million a year in payrolls to our area.

These programs have greatly strengthened our free enterprise system so that today more of our people are gainfully employed in private enterprise, owning their own homes and enjoying the blessings of freedom than ever before.

They will return many billions over their cost to industry, to our business community, to our port and shipping, to professional and working people, to our homebuilders, contractors and real estate developers, to our farmers, fishermen, cattlemen, timbermen, and to our citizens generally in South Louisiana.

When one also considers the almost explosive growth of the petro-chemical industry, as represented by Shell, Monsanto, American Cyanamid, Du Pont, Union Carbide, and Kaiser, to mention some, in the great parishes of Jefferson, St. Charles, St. John the Baptist, and St. James—fast becoming the Ruhr Valley of America—it is no wonder so many of my colleagues say to me, "How does Louisiana obtain so much?" I like to feel, Mr. Speaker, without being immodest, that the answer to that question lies, at least in part, in the hard work which I have been privileged to do for my district over the years, because of the sustaining confidence and friendship of the people that I represent.

Wheat Dumping

EXTENSION OF REMARKS

OF

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1964

Mr. NELSEN. Mr. Speaker, at the very time when thousands of American farmers are individually withholding this year's wheat crop hoping to boost the sagging price, it must be a bitter pill for them to swallow knowing the Government has been dumping 90 million bushels on the market since the 1st of July, thereby depressing prices even further.

I would like to call the attention of my colleagues to the commodity letter appearing in the September 15 issue of the Wall Street Journal reporting this double dealing. The Journal notes that during the last week of August alone, the Commodity Credit Corporation—Orville Freeman's shop—dumped nearly 40 million bushels on the market. The Journal further notes that the 90 million bushels is up by some 52 million bushels over CCC sales last year, an increase of 136 percent.

I would remind you, Mr. Speaker, that the present price of wheat is $1.33 per bushel as compared to $1.77 per bushel last year at this time.

And while the Secretary of Agriculture allows this dumping to continue, insult is added to injury when it is reported that America has now replaced Great Britain as the world's leading importer of beef and veal.

Mr. Speaker, surely no one needs reminding importing these two meats, along with dumping policies resulting in domestic overproduction, are largely responsible for the catastrophic price slump livestock producers all over the country have had to face for the last 2 years.

The Journal report indicates the United States imported nearly 1.7 billion pounds of beef and veal last year as compared to Great Britain's 1.1 billion, making America the No. 1 importer. The British have led in past years.

No wonder, Mr. Speaker, the farmers in Minnesota expressed so much gloom about their financial future in a recent statewide poll. They realize their supposed friends in the Department of Agriculture are undercutting their markets.

No wonder, Mr. Speaker, more than 2 million farmers have had to give up their farms in the last 4 short years.

Outstanding Reserve Airman

EXTENSION OF REMARKS

OF

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1964

Mr. GONZALEZ. Mr. Speaker, it was my pleasure recently to meet the outstanding Reserve airman in the Continental Air Command, M. Sgt. Elmer F. Schilling.

Sergeant Schilling is a resident of San Antonio, and his honor of being selected the outstanding Reserve airman for the Continental Air Command is a personal achievement of the first magnitude. There are about 250,000 Reserve airmen in this command, and this man stands out above all of them. He is one of the less than two dozen outstanding airmen in the U.S. Air Force. There are, of course, thousands—hundreds of thousands of fine, dedicated men like Sergeant Schilling in active service and in the Reserves. But no matter how fine all these men are, there are always a few who are truly outstanding, and Sergeant Schilling is one of these.

Sergeant Schilling is the outstanding airman in the 433d Troop Carrier Wing—a unit which is distinguished in its own right. He has been in the Air Force now for a total of 19 years. Until the Cuban crisis he was a civilian, or weekend airman, but when this great crisis struck, Sergeant Schilling volunteered for active duty and has been there ever since.

As a member of the cadre of the 433d Troop Carrier Wing, Sergeant Schilling has made strenuous and dedicated efforts to attract high quality men and to retain them. His efforts have resulted in a 100-percent effective manning for his unit.

This is also a man of courage, for on two occasions in 1963—both within mere weeks of each other—he risked his life to jettison heavy equipment from his stricken C–119 aircraft. These acts are credited with saving possible serious injury to the crew of his craft.

Elmer Schilling is an outstanding airman, an outstanding family man—a credit to himself and his community. Mr. Speaker, I am proud to count him among the residents of my district and proud to salute him before my colleagues.

Appalachia Program Is Needed

EXTENSION OF REMARKS
OF

HON. WILLIAM H. HARSHA

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, September 21, 1964

Mr. HARSHA. Mr. Speaker, there is a dire need for the passage of H.R. 11946, called the Appalachian Regional Development Act, and I most sincerely urge the leaders of this Congress to schedule this bill for debate on the floor of the House of Representatives, and respectfully submit to the Congress, as a whole, that this is a worthwhile, realistic approach to the needs of the people and communities in the Appalachian area.

This bill is a program for physical resource development of the area and not the usual approach of Federal handouts. Its purpose is to assist the region in meeting its special problems, to promote its economic development and to establish a framework for joint Federal, State, and local efforts toward providing the basic facilities essential to its growth.

This measure, in contrast to the war on poverty bill, retains the historic concept of Federal, State, and local participation.

I believe in and have always believed in fiscal responsibility, particularly on the part of Government, and I consider the provisions of this act to be consistent with these views. The additional funds which will be spent in Appalachia represent a positive investment in the region's economy. These funds will be used to build the types of facilities which can generate employment and economic growth. It is my hope and expectation that the kind of expenditures called for in H.R. 11946 will inevitably mean reductions in the enormous amounts of money the Federal Government now spends for public assistance in Appalachia.

Almost 6 percent of Appalachia's total population are receiving welfare payments as against 4 percent in the rest of the Nation, and the price tag for Appalachia has been running at almost $500 million per year. As the President's Appalachian Regional Commission has aptly pointed out, the cost of welfare relief is high in these areas where the roots of free enterprise have been undernourished.

This bill will make Appalachia more attractive to industry, to recreation seekers, and to its own people through such provisions as the construction of sewage-treatment plants, restoring strip-mined lands, and construction of adequate highways.

It has been said that this program creates highways looking for traffic rather than the usual approach of constructing highways to take care of existing traffic. I must agree in part with this, but this is one of the basic problems of the Appalachian area. It is inaccessible, in its present state, to industry and recreation seekers and it is because of this inaccessibility that many of the communities are not keeping abreast of the growth of the Nation.

In an effort to make it accessible to industry, recreation seekers, and others, this road construction program is greatly needed. Surveys by industry and highway users have indicated that economic growth and industrial growth usually generate around areas readily accessible by highway and adequate roads, and it is for this reason that the road program was placed in the Appalachia bill.

Being near a good highway and access to markets are factors of increasing importance in the location of today's industrial plants.

Highways assist in developing new and vacant land, improve production efficiency because of better access to markets and are shaping the locational patterns of today's industry much as rails and water did generations ago.

The highways and access roads provided for in this legislation should enhance the industrial development of the Appalachia region.

Among the most sensible and most essential sections of this act are those which will provide direct benefits to the communities of Appalachia in the form of flood control works, hospitals, vocational education schools, and other necessary public facilities. Economic development at the local level has been difficult in Appalachia—not because the people lack either the desire or the know-how, but because they do not have sufficient financial resources.

I respectfully urge this Congress to pass this needed, worthwhile legislation.

Congressman Pillion Reports to Citizens of 39th Congressional District of New York

EXTENSION OF REMARKS
OF

HON. JOHN R. PILLION

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, September 21, 1964

Mr. PILLION. Mr. Speaker, I consider it a privilege to report to the citizens of the 39th Congressional District of New York upon the actions of the 88th Congress—years 1963 and 1964—and upon the administration of the affairs of the Nation.

During this term of Congress, our Nation suffered a most tragic loss in the assassination of President John F. Kennedy. The House of Representatives set aside December 5, 1963, as a day for the payment of tribute to the memory of President Kennedy.

I quote from my eulogy:

> President Kennedy was truly great. He had a grandeur of spirit, a nobility of mind, a generosity of heart and the courage of action. He sought to sublimate and to activate this Nation toward higher concepts. President Kennedy was, at all times, motivated by an urge to improve the lot of mankind.

On September 10, 1964, in a letter to the Chief Justice Earl Warren, Chairman of the President's Commission To Report Upon the Assassination of President Kennedy, I expressed the conviction that Lee Harvey Oswald's assassination of the President was wholly influenced and motivated by his Communist ideology, training, associations, and objectives.

I quote from my letter to the Warren Commission:

> The circumstantial evidence is sufficient to exclude to a moral certainty, any other hypothesis, except that Lee Harvey Oswald assassinated President Kennedy to advance the world Communist plan designed to ultimately destroy the United States and the free world.
>
> President Kennedy's last sacrifice will have been in vain if the true cause of his death is not identified, so that the American people and their Government can be fully alerted to, and informed of the sinister, secret, complex, universality, and immediacy of the dangers of the Communist world apparatus.

The 39th Congressional District contains almost a half-million persons. I am proud of the patriotic and knowledgeable interest these citizens have shown in the many current, important, often critical, domestic and international issues. The tens of thousands of letters and telegrams sent to me each year indicate a close and mutually beneficial communication for the betterment of this Nation and its people.

This review and evaluation of our Federal Government's operations is limited to those matters that most directly and deeply affect the citizens of the 39th Congressional District of New York.

FOREIGN IMPORTS—UNEMPLOYMENT—TARIFFS

Western New York industries employing more than 40,000 wage earners are suffering from foreign imports. The principal industries include steel, pig iron, cellophane, dyes, cement, electronics, copper, and brass.

The United States is now engaged in tariff reduction negotiations at the General Agreement on Trade and Tariffs—GATT—Conference at Geneva. The Trade Expansion Act of 1962 delegates to the President the power to reduce U.S. tariffs on foreign imports up to 50 percent.

The United States announced, last spring, its policy to negotiate sweeping 50 percent across-the-board tariff reductions. Both industry and labor immediately recognized that these arbitrary tariff reductions would cause further flooding of U.S. markets with cheap labor foreign imports.

Additional foreign imports would cause severe injury to employment and industry in Western New York. New York State is considered to be a high production cost area for manufacturers. Due to the St. Lawrence Seaway, Buffalo is now a seaport, and is particularly vulnerable to foreign imports. A number of industries in Buffalo are operating on a marginal basis. Any sizable increase in foreign imports would close a number of plants, and reduce employment in other plants.

RECIPROCAL TRADE—BALANCE OF PAYMENTS

I favor international trade where economic benefits are mutual. But, the State Department's proposed sweeping tariff cuts are based upon political and diplomatic considerations rather than economic.

Due to cheaper labor costs, Japan and Europe would increase their exports to the United States far more than any increase in U.S. exports, if a 50-percent tariff reduction is agreed upon.

Tariff reductions should be carefully selected, based upon minimum job and industry dislocations and a maximum of mutual benefits.

The proposed U.S. tariff reductions would not only damage U.S. industry and eliminate jobs, but would also further increase the U.S. deficit in its international balance of payments. The United States has been running an annual deficit of more than $2.5 billion. The increasing drain upon our dollars and the increasing surplus of U.S. dollars held by foreign nations is a continuing threat to our gold reserves, to our international credit, and to the stability of the U.S. dollar in world commerce.

JOBS—FOREIGN STEEL AND IRON

The prospect of a flood of foreign imports has alarmed industry and labor across the Nation. At recent public hearings before the U.S. Tariff Commission and the State Department, more than 800 industries filed objections and briefs substantiating the injury to industry and labor that would result from further tariff reductions.

Steel and pig iron are large employers in Western New York. These industries are seriously suffering from foreign imports.

Mr. David J. McDonald, president of the United Steelworkers of America, recently stated that the United States exported only 1 ton of steel to the European Common Market for every 10 tons they exported to the United States.

The U.S. steel industry estimates that increased foreign steel imports would displace 70,000 American steelworkers' jobs over the next 3 years.

The U.S. tariff on foreign heavy structural steel is $2 per ton. European tariffs on the same steel from the United States varies from $13.84 per ton in the United Kingdom to $46.30 per ton in France. Canada's tariff on the same steel is $33.25 per ton.

MERCHANT IRON

Employment in the pig iron industry in Western New York has been severely depressed. Foreign imports have almost doubled from 1960 to 1963. The U.S. tariff on foreign pig iron is 20 cents per ton, while most foreign nations impose a $7-per-ton tariff.

U.S. production costs for pig iron average about $70 per ton. Foreign pig iron is being sold at prices from $50 to $65 per ton.

Foreign pig iron from Communist East Germany is being imported and sold in the United States as low as $35 per ton.

CONGRESSIONAL ACTIONS TO PROTECT U.S. JOBS AND INDUSTRY

In order to protect U.S. jobs and industry, I have taken the following actions in this Congress:

First. On July 1, 1963, I introduced legislation to strengthen the Buy-American Act by requiring the Federal Government to give preference to U.S. steel in governmental steel purchases.

Second. On July 1, 1963, I introduced a bill to require the U.S. Government to purchase U.S.-manufactured steel for its foreign construction needs.

Third. On July 1, 1963, I introduced legislation designed to strengthen the Antidumping Act, and to protect U.S. jobs and industry from foreign goods dumped into the United States at less than the foreign market price.

This bill would give labor a voice in antidumping hearings by requiring the U.S. Tariff Commission to consider injury to labor as a separate criteria from injury to industry.

Fourth. On April 14, 1964, I drafted and introduced legislation to further tighten the antidumping law. Instead of the present requirement that U.S. industry must prove injury, my bill would require the importer to show there is no injury, after a finding by the U.S. Treasury Department that foreign steel or other products were being imported at below world market prices.

Thirty-five other Congressmen joined me in introducing the same bill as a bipartisan measure.

Fifth. On April 28, 1964, 73 Congressmen, including myself, addressed a letter to President Johnson, urging him to reserve synthetic organic dyes from tariff reductions.

Sixth. On May 28, 1964, I wrote to President Johnson and to Special Representative for Trade Negotiations, Mr. Christian A. Herter, asking them to reserve steel products from tariff reduction negotiations.

Seventh. After a long series of conferences, I drafted and introduced H.R. 11797, designed to protect American jobs, industry, and agriculture where a definite criteria of injury exists. This bill prescribes levels of damage to industry, agriculture, and labor, under which a substantial segment of labor would be protected from tariff reductions.

The following is a partial list of industries to be protected from tariff injury: steel, dairy products, beef, copper and brass, glassware, brick, electronic products, cement, dyes, chemicals, auto parts, cellophane, pig iron, rubber.

Following the introduction of my bill, H.R. 11797, 76 other Representatives, of both parties, introduced identical legislation in a bipartisan effort to protect American jobs and industry.

Eighth. On August 18, 1964, six other Congressmen, including myself, joined Congressman THADDEUS J. DULSKI in a letter to President Johnson, urging him to reserve cellophane from the pending tariff reduction proposals.

Since the introduction of these bills, the State Department has indicated some modification of its previously stated objective to negotiate for indiscriminate 50 percent across-the-board tariff reductions.

COINAGE—SILVER

Businessmen, banks, and citizens have been seriously inconvenienced by the acute shortage of coins. Many factors have contributed to this shortage. Although vending machines, toll roads, and so forth, are partially responsible, the principal cause for the coin shortage is the unprecedented increase in collectors, hobbyists, and citizens who are holding ing large numbers of coins as a hedge against inflation, anticipating an increase in the price of silver.

The normal average annual new coin requirement for the past 5 years has been about 3.5 billion coins. In the last fiscal year ending June 30, 1964, the two U.S. mints at Denver and Philadelphia have produced 4.3 billion coins.

The explosive increase in the demand for coins overtaxed the capacity of U.S. mints. Corrective action has been taken by reopening the San Francisco mint, and by substituting purchased metal strips and blanks in place of their manufacture by the mints.

Stepped up production in our present mints will produce 8 billion coins in fiscal year 1965, which began on July 1, 1964. This immense coin output is expected to completely satisfy all public demand. A completely new mint is in the process of design and construction at Philadelphia. This mint will begin production by 1967, with an annual capacity of 9 billion coins.

SILVER—PRICES—SUPPLY—DEMAND

The price, supply, and demand of silver is closely related to this Nation's coinage problems.

The present price of silver is $1.29 per ounce. This ceiling price is maintained by the U.S. Treasury selling silver out of its reserves to manufacturers. The world annual supply of silver is about 150 million ounces short of the world demand. If silver prices were to be freed to follow normal supply and demand prices, it would probably increase in price to somewhere between $1.50 and $2 per ounce.

The normal silver requirement for U.S. coinage has been about 75 million ounces annually. The U.S. Treasury has on hand about 1,400 million ounces of silver. Under normal conditions, the present U.S. silver stocks would be sufficient to supply our coinage requirements indefinitely.

However, the planned production of 8 billion coins for fiscal year 1965 will consume 250 million ounces of silver. To maintain a ceiling price of $1.29 per ounce, the U.S. Treasury will sell to manufacturers about 60 million additional ounces of silver in the next year. At this rate, the U.S. silver supply will be exhausted in less than 5 years.

Today, the U.S. silver dollar has a silver content that is worth $1 at the present market price of $1.29 per ounce. The subsidiary silver coins, dimes, quarters and halves, contain silver having a market value of 92 cents per $1 face value of coins.

It is evident that the United States must very quickly take corrective action to avoid an exhaustion of its silver supply for coinage. The following possible combination of actions are under consideration by the Congress and the U.S. Treasury:

First. The elimination of silver, and the substitution of cheaper metals in our coins;

Second. The reduction of silver to 50 or 60 percent of the present silver content in our coins;

Third. The discontinuance of the sale of silver by the U.S. Treasury to manufacturers, the discontinuance of the $1.29 per ounce ceiling on silver, and freeing silver to seek its world supply and demand price.

HIGHER COFFEE PRICES—INTERNATIONAL COFFEE CARTEL

In September 1962, the United States entered into the International Coffee Agreement with 59 of the principal coffee producing and importing nations. Its purpose is to control the world coffee supply, and thus determine coffee prices.

This treaty created an international cartel with two sets of mechanics for attaining its objectives:

First. Exports of coffee and prices are regulated by annual world export quotas for each coffee year, beginning October 1.

Second. Imports of coffee and prices are to be regulated by import nations limiting coffee imports to only the quota amounts from the treaty-bound nations.

COFFEE EXPORT QUOTAS AND HIGHER PRICES

The first part of this international scheme is now in operation and does not require implementation by the subscribing nations.

The International Coffee Agreement nations immediately began fixing restricted quotas for coffee exports from the signing of the coffee treaty in 1962.

Due to a reduction in supply and a stable demand, the retail prices of coffee to the American housewife has risen from 69 cents per pound in 1962, to 91 cents per pound in August 1964.

AMERICAN HOUSEWIFE GOUGED OUT OF $600 MILLION ANNUALLY

The American housewife is the main victim of this coffee agreement. The United States imports 50 percent of the world coffee supply. It will consume 3 billion pounds of coffee this year. The retail price increase of 22 cents per pound overcharged the American consumer by $660 million in higher prices of coffee.

The wholesale prices of coffee have increased 15 cents per pound since 1962, when the quota system began its operations. This means that an additional $450 million is flowing out of the United States to increase our critical deficit of international balance of payments, and weaken the U.S. gold and dollar position.

COFFEE PRICES TO GO HIGHER

The United States and the other coffee agreement nations are evidently not satisfied with the present prices. They have agreed to create a greater scarcity of supply to reach their objective of even higher coffee prices.

For the present coffee year 1964, the coffee export quota was 48.3 million bags. Last month, in August 1964, the International Coffee Council fixed the coffee export quota for the year 1965 at 48 million bags. This is numerically less than the 1964 supply. But, the coffee demand and increased population increase coffee consumption by 3 percent annually. Thus, there will be an artifically created shorter supply of coffee for 1965 over 1964 of about 1.7 million bags.

I anticipate that this shortage will drive coffee prices up to a range of $1 to $1.25 per pound in 1965.

The U.S. Department of State has attempted to justify this treaty on the grounds that it is a good will gesture. As a matter of fact, this scheme is a hidden "back door" foreign subsidy program, without economic justification.

The exportable world coffee stock is 70 million bags—almost a year and one-half supply. There is neither a present nor potential shortage.

When the treaty was debated in the Senate, the State Department's justification was that its objective was to stabilize world coffee prices at the 1962 level. This has been proven to be entirely fallacious.

This cartel is contrary to our national laws prohibiting monopolies and price fixing.

COFFEE IMPORT CONTROL

Nations representing about 96 percent of the world coffee exports are parties to the International Coffee Agreement. The treaty binds the importing countries to enact laws to prohibit the import of nonquota coffee. This provision would reinforce the artificially short quota supply set by coffee export nations with laws by coffee import nations that would keep added supplies off the market from nonquota coffee-producing nations. This would perfect the scheme to extract high coffee prices by both a tight export quota and import exclusion to fix a short coffee supply in relation to demand.

Pursuant to the treaty agreement, the State Department sponsored H.R. 8864, to authorize the United States to exclude nonquota coffee. This legislation passed both the House and the Senate in different bills. I voted against this bill on passage in the House.

The conference report, which harmonized the differences between the House and the Senate bills, was debated in the House on August 18, 1964. I took an active and leading part in opposition. The House rejected the coffee bill conference report by a vote of 183 to 194. Further conferences are expected between the House and the Senate.

On August 24, 1964, I addressed a letter to President Johnson, urging him to initiate a withdrawal from the International Coffee Agreement, upon 90 days notice, in conformity with the treaty provisions.

SOCIAL SECURITY

On July 29, 1964, the House approved a 5-percent increase in cash benefits under the old-age, disability, and survivors insurance of the Social Security Act, and higher payroll deductions to finance the additional benefits.

This increase in benefits would apply to some 20 million retired workers, widows, and disabled persons.

The House-passed amendment to the Social Security Act includes the following additional changes:

First. Provides limited benefits for about 600,000 elderly people currently ineligible;

Second. Self-employed physicians are brought under the program for the first time; and

Third. Permits widows to retire at age 60, instead of 62, and start drawing reduced benefits.

The 5-percent increase in benefits would take effect in the second month after the measure becomes law.

The House bill also provides for increases in both the social security tax and the wage base subject to deductions. The current tax on employer and employee of 3.625 percent will increase as follows: 3.8 percent on January 1, 1965; 4 percent on January 1, 1966; 4.5 percent on January 1, 1968; and 4.8 percent on January 1, 1971.

Starting in January 1965, the wage base subject to social security tax would increase from $4,800 to $5,400.

Under the House bill, a single retired worker receiving the minimum monthly payment would get an increase from $40 to $42; the average monthly payment would increase from $77 to $81; and the maximum monthly benefit from $127 to $133.40.

SENATE ACTION ON SOCIAL SECURITY BILL

On September 3, the Senate passed its version of the proposed amendment to the Social Security Act.

The Senate bill provides for a program of health benefits for the aged, to be paid out of the social security fund. This additional proposal would cost approximately $1.5 billion the first year. It would provide limited hospital, nursing home, outpatient, and home medical care for all eligible persons over age 65.

Other changes approved by the Senate include:

First. Raising social security monthly benefits by a flat $7, instead of the 5-percent increase approved by the House;

Second. Increasing the wage base on which social security tax is computed from $4,800 to $5,600; and

Third. Gradually increasing the total employer and employee tax rate from the present 7.25 percent to 10.4 percent by 1971.

The House and Senate versions of this bill have now been referred to a House-Senate conference committee. It is reported that a majority of the conferees are opposed to the addition of medicare to the social security liberalization bill.

It is expected that a House-Senate compromise bill will report an increase in and liberalization of social security benefits.

VETERANS' PENSION BILL

The House of Representatives unanimously passed H.R. 1927, to liberalize pension payments and eligibility in nonservice-connected pensions for World War I, World War II, and Korean war veterans.

The pending bill would entitle all veterans over 65 years of age to pensions, regardless of disability, if their income is within the prescribed limits. Disability eligibility is also revised for veterans under age 65. The exclusion of various incomes, such as social security, is enlarged in determining income eligibility.

The bill also provides increases for veterans and widows in the low categories of income up to an increase of $35 per month.

This bill has the support of all veterans organizations.

The Senate Finance Committee reported the House bill, but added an amendment that would reopen the national service life insurance for a period of 1 year to all veterans who served between 1940 and 1956.

Although the Senate itself has not as yet acted upon this measure, it is quite certain that a compromise bill will be agreed upon.

CIVIL RIGHTS

On July 2, 1964, the President signed into law the Civil Rights Act of 1964.

The major provisions of the new civil rights law relate to the following:

First. Supplementing existing Federal laws against denial of voting rights;

Second. Barring discrimination in places of public accommodation, such as restaurants, theaters, hotels, and so forth;

Third. Desegregation of public facilities;

Fourth. Desegregation of public education;

Fifth. Broadening the duties of the Civil Rights Commission;

Sixth. Nondiscrimination in federally assisted programs;

Seventh. Establishment of an Equal Employment Opportunities Commission;

Eighth. Requiring Census Bureau to gather registration and voting statistics based on race, color, and national origin;

Ninth. Making reviewable, in higher Federal courts, the action of Federal district courts in remanding a civil rights case to State courts; and

Tenth. Creation of a Community Relations Service to aid local communities in reviewing complaints relating to alleged discriminatory practices.

The new law provides for a maximum penalty of 6 months in prison and a $1,000 fine, for any criminal contempt case arising out of the act.

While the question of civil rights has created a great national upheaval, the passage of the Civil Rights Act of 1964 will, in fact, have very little effect upon New York State. Actually, the existing civil rights laws in New York are more comprehensive than those recently enacted by Congress.

I have always maintained that the basic problem in the relations between the colored and white people is not strictly legalistic. The problem is more extensive, more complex, and deeper than one of legalism.

I do not believe that compulsory integration will provide a workable solution to moral, economic, and sociological problems. Neither do I believe that physical force, threats, violence, or riots by either side serve to solve the fundamental issues involved.

Full equality between the races will require a maximum of understanding, patience and good will by all of our citizenry.

With every civil right, there is a corresponding responsibility. The voluntary assumption of responsibility is a requisite to all our rights. We sometimes overemphasize rights without giving enough thought to the corollary responsibilities and duties of citizenship.

I condemn those leaders, both white and colored, who are misleading our Negro population into believing that their status as citizens can be improved through civil disobedience, riots, and violence. I equally condemn those white race leaders who encourage threats and violence against our Negro population.

The vast majority of our Negro citizens are respectable, law-abiding, loyal Americans. Our Negro people rightfully take pride in themselves, and in their race. I deplore the efforts of the Negro minority who are attempting to exploit the Negro movement.

I sincerely hope that citizens of both the black and white races will give proper balance and emphasis not only to the civil responsibilities that go hand-in-hand with civil rights, but also to the economic, sociological and moral problems that confront this Nation in harmonizing our relations and attaining a maximum of our human aspirations.

APPROPRIATIONS—SPENDING—TAXES—INFLATION

"Democracy in the United States will last until those in power learn that they can perpetuate themselves through taxation."

Higher taxation is the inevitable result of greater spending.

Reduced spending leads inevitably to reduced taxes.

DEBT AND SPENDING

In June 1964, Congress again increased the debt limit by passing a so-called temporary debt limit of $324 billion in place of the permanent debt limit of $285 billion. This is the eleventh time in 9 years that Congress has had to increase the debt limit. I have consistently voted against increasing our debt limit because there continues to be vast unnecessary expenditures in our Federal budgets. This debt represents a Federal first mortgage of $6,800 upon the future earnings of each family.

The interest charge on this debt is $11 billion annually, representing $232 in Federal tax payments each year per family.

The Comptroller General of the United States issues hundreds of reports each year upon the misfeasance, malfeasance, illegalities and wastages that continue to exist in the executive branch of our government.

It is quite evident that billions of dollars per year are wasted upon unnecessary programs, unsuccessful programs, inefficiencies and outright wastages. The Comptroller General's reports are, in the main, ignored by our Federal Government.

DEFICITS

Continuing annual budget deficits are deliberately planned to create, for political purposes, an artificial prosperity bubble. Higher living costs and reduced purchasing power for the consumer are inevitable under this plan. There have been deficits in the last 25 out of 30 budgets. The current 1965 budget plans a $4.9 billion deficit.

REDUCED APPROPRIATIONS

The House of Representatives has made a creditable record in attempting to reduce the huge and unnecessary spending programs of the executive department.

In February 1963, I was assigned by the Republican members of the House Appropriations Committee as one of five members of a task force to recommend reductions in the President's budget. The appropriations for each department and agency were closely studied in both fiscal 1964 and 1965 Presidential budgets. The task force set targets for reductions of more than $10 billion for each budget. For the first time, the Republican members of each appropriations subcommittee were given specific appropriation reduction targets under an overall coordinated fiscal plan.

In cooperation with the Democratic majority, the Republican members substantially contributed to produce a $6.5 billion appropriation reduction below the 1964 budget, and a $4 billion appropriation reduction below the 1965 Presidential budget.

REDUCTION IN TAXES

These reductions of $10.5 billion—many of them were annual savings—in the 1964 and 1965 budgets made the 1964 tax reduction bill fiscally possible.

In February 1964 the Congress finally passed the largest tax cut in the Nation's history. The total tax reduction to 190 million citizens amounted to about $9 billion annually. The tax reductions for corporations amounted to about $2.2 billion annually. In addition, corporate taxes were reduced by another $2 billion per year by liberalized depreciation allowance credits and the investment credit law.

My criticism of these tax cuts was directed not at tax reduction, but at the failure to coordinate tax reductions with spending reductions. To reduce taxes out of borrowed money is fiscal irresponsibility.

In this period of highest prosperity, the least we can do is to operate on a balanced budget, with a stabilized cost of living. I also believe that the tax bill did not give sufficient tax relief to citizens in the middle- and low-income category. Out of a total of nearly $14 billion in tax relief, only $5.5 billion was allocated to 85 percent of the families earning $10,000 per year or less.

INCREASED PERSONAL EXEMPTION

It is my conviction that the most equitable tax relief that Congress can give our citizens is that of increasing personal exemptions for taxpayers and their dependents. There are too many tax loopholes and special interest favoritisms in our tax laws.

During the hearings on the tax bill before the House Ways and Means Committee, I urged the committee members to report at least a $200 increase in personal income tax exemptions. Under the rules of the House, no such amendment could be offered to the bill during its consideration on the floor.

Mr. George Meany, president of the AFL-CIO, in his address before the House Ways and Means Committee, favored increasing the personal income tax exemption from $600 to $800 for each dependent. This very same proposal is contained in a number of bills which I introduced.

SMALL BUSINESS

Over 450,000 of the Nation's 585,000 corporations are small businesses, owned with net corporate incomes of less than $25,000 per year. These small business-owned corporations receive only a small share of the corporate tax cut. The 40,000 largest corporations with net incomes of more than $1 million per year will receive more than 65 percent of the total tax reduction.

To encourage small business, the $25,000 income level at which the Federal surtax applies should be increased.

Manufacturers' competition with retailers should be curtailed and "kickbacks" prohibited to preferred large customers.

Greater allowances should be granted where funds are invested in expansion, giving additional employment.

Special consideration should be given to protecting small businessmen from compulsory unionism and union harassment.

ERIE COUNTY FLOOD CONTROL AND PUBLIC WORKS PROJECTS

As a member of the House Appropriations Committee, I have had a close association with the initiation of appropriations for the various flood control and public works projects.

Both my Democratic and Republican colleagues have been most generous in granting my requests for these appropriations. Every project in Erie County received appropriations to the maximum capability of the U.S. Army Corps of Engineers.

On August 14, 1964, Col. R. Wilson Neff, who recently became district engineer of the Buffalo district, U.S. Army Corps of Engineers, kindly sent me, at my request, a progress report of the various projects in Erie County. Most of the following summary is extracted from this report.

SEAWAY DEPTHS FOR BUFFALO HARBOR

The improvement of the Buffalo harbor has been the largest and most important public works project in Erie County. The total cost is $20,218,000, of which $18,579,000 has been appropriated—leaving only $1,639,000 to be required for completion. Completion of construction is expected in the fall of 1964, with final payment to be made from fiscal 1966 appropriations.

The completion of this project will make Buffalo harbor one of the safest harbors in the Great Lakes. Buffalo will be one of the first ports on the Great Lakes to have a 27-foot St. Lawrence Seaway depth harbor.

ALL-AMERICA CANAL SURVEY

This canal would connect Lake Erie and Lake Ontario to permit the bypassing of the Welland Canal.

The economic feasibility survey will cost $1,825,000. The President's budget eliminated funds for the continuation of this survey. At my request, $200,000 was appropriated to continue this survey without interruption.

BUFFALO RIVER—CAZENOVIA CREEK—CAYUGA CREEK FLOOD CONTROL

Appropriations to cover the full cost of this survey, $143,000, have been made. Starting out as a flood control study of Cazenovia Creek flooding, it has been expanded to include levees and a multiple purpose dam and reservoir.

This survey will be completed and the report forwarded to Washington in October 1964, for final approval. If there is an economic justification, congressional authorization must be approved before appropriations can be made for construction.

SMOKES CREEK, LACKAWANNA

This project is in the construction stage. Federal cost is estimated to be $2,200,000—local cost is $1,310,000.

Completion of construction is scheduled for November 1966.

TONAWANDA—ELLICOTT CREEKS—AMHERST, CLARENCE, TONAWANDA CREEK—BATAVIA AREA

These two flood control surveys have been combined. The full amount of $210,000 for the survey has been appropriated.

A multiple purpose dam and reservoir in the Batavia area to hold back flood waters is under study, together with local flood control remedial works in the towns of Amherst and Clarence.

The transmission of the final survey report to Washington is scheduled for July 1965.

SCAJAQUADA FLOOD CONTROL—CHEEKTOWAGA, LANCASTER

This survey was authorized and an initial $20,000 appropriated in the current 1965 budget for the survey. The total estimated survey cost is $105,000. I expect that additional appropriations will be made to the full capability of the U.S. Army Corps of Engineers.

HAMBURG PARK SMALL CRAFT HARBOR—SMALL CRAFT HARBORS—LAKE ERIE

An overall study of small craft harbors on Lake Erie is underway. The total cost is $520,000, of which $189,000 has been appropriated.

In Erie County, the sites to be included are, besides Cattaraugus Creek, which is a special project, Hamburg Park, Sturgeon Point, and Buffalo. Of these three, the Hamburg Park site is the only one under active study.

Field surveys for the Hamburg Park site have been completed and office studies are underway. Separate reports will be made of each survey as completed.

CATTARAUGUS CREEK—SMALL CRAFT HARBOR, FLOOD CONTROL

This survey combines flood control remedial works with the construction of a small craft harbor. The survey cost of $40,400 has been fully appropriated.

The Buffalo district of the U.S. Army Corps of Engineers, plans to submit its final report to the Chicago division headquarters in October 1964.

After that submission, local interests will be contacted for their views before final transmittal to the Washington Office of the U.S. Army Corps of Engineers.

After approval of the survey, congressional authorization will be required before construction appropriations can be made.

CATTARAUGUS CREEK FLOOD CONTROL—GOWANDA AREA

The flood control survey is estimated to cost $55,000. The 1965 appropriations contained an initiating $15,000. Appropriations to the full capability of the U.S. Army Engineers are expected to be continued until completion.

CONSERVATION—WATER RESOURCES—WATER POLLUTION

On July 23, 1964, I voted in favor of H.R. 3846, a bill to establish a land and water conservation fund to permit the States to plan, acquire, and develop outdoor recreational facilities.

On July 30, 1964, I voted for H.R. 9070, the wilderness bill. This legislation, enacted into law on September 3, sets aside 54 wilderness areas throughout the country that will be preserved in their primitive state. A total of 9 million acres of federally owned land is permanently placed in the wilderness system by the act.

WATER RESOURCES

On July 2, 1964, I voted for S. 2, the Water Resources Research Act of 1964. This measure establishes local water resource research centers, and provides facilities for a national program of water research. The water research centers will be concerned with municipal, regional and national water problems.

WATER POLLUTION

I have been greatly concerned with the problem of water pollution in the Great Lakes. I have been especially interested in the now critical pollution problems in our own Lake Erie. At present, the Great Lakes are in international waters.

In 1909, Canada and the United States formed an International Joint Commission for the purpose of studying the water pollution problems in the Great Lakes.

In an effort to provide a practical solution to the problem of water pollution, I have introduced the following legislation:

First. A bill to amend the definition of "interstate waters," in the Federal Water Pollution Control Act, to include the Great Lakes. This would bring Lake Erie within the jurisdiction of the Federal Government, in addition to the jurisdiction of the State of New York.

Second. A bill to abate the pollution of the waters of Lake Erie, the Niagara River and their tributaries. This measure establishes regulations, enforcement procedures and penalties for the industrial pollution of these waters.

Third. A bill to encourage the prevention of water pollution by allowing the cost of treatment works for the abatement of stream pollution to be amortized at an accelerated rate for income tax purposes.

I have urged the U.S. Public Health Service, the House Subcommittee on Pollution and Water Resources, the International Joint Commission, and the U.S. Army Corps of Engineers to expedite their present studies of the critical water pollution problems in Lake Erie.

Further legislative action must await the completion of the intensive studies now underway by the U.S. Public Health Service and other Federal and international agencies concerning the causes, the extent and the necessity for remedial measures relating to pollution in Lake Erie.

SCHOOL PRAYER

In two separate cases, one in 1962, and one in 1963, the Supreme Court ruled that prayer and Bible reading in public schools is unconstitutional.

The Court held that the recitation of prayers in the public schools violated the first amendment to the Constitution, which states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." These decisions gave rise to a wave of controversy, both in Congress and throughout the Nation. Members of Congress have received tens of thousands of letters, telegrams and petitions expressing great concern over the action taken by the Supreme Court.

Representative **Frank J. Becker**, Republican, of New York, on January 9, 1963, introduced the first of many bills proposing a constitutional amendment which would permit voluntary prayer in the public schools.

After refusal by the House Judiciary Committee to hold hearings, Representative **Becker** filed a discharge petition which, if signed by 218 Members, would bring the proposed constitutional amendment directly to the House floor. I was privileged to be among the first to sign the discharge petition. To date, 179 Republican and Democratic Members of the House have signed Representative **Becker**'s petition.

Representative **Becker** contends that the recital of a nondenominational prayer in a public school is in no way an "establishment of religion." It has also been pointed out that the minimal recognition of God, on a voluntary basis, in our public schools, could not be considered inconsistent with the "freedom of religion" concept of our Founding Fathers.

In a dissenting opinion in the first "school prayer" case, Supreme Court Justice Potter Stewart said:

> I cannot see how an official religion is established by letting those who want to say a prayer say it.

As a result of steadily increasing pressure from both the American public and individual Members of Congress, hearings on the "school prayer" bills were held by the House Judiciary Committee from April 22 to June 3, 1964. As of this date, no further action has been scheduled by the committee.

It should be noted that, to amend the Constitution, a bill must pass both the House and the Senate by a two-thirds vote, and then be approved by three-fourths—38—of the States.

THE WHEAT-COTTON PROGRAM

The wheat-cotton bill is one of the most iniquitous programs to be enacted into law.

The 2-year program for wheat and cotton was passed in April 1964. It had the effect of lowering the price of wheat in 1964 from $2 to $1.72, when diversion payment is included. A further reduction to $1.67 per bushel is a certainty under the regulations promulgated by Secretary of Agriculture Freeman.

Farmers, this year, will receive $2.25 billion, or 17 percent of their net income from the Federal Government. This is an unhealthy and alarming trend. It is converting our farm population into a "captive class" in our society, dependent upon governmental subsidy and benevolence for their existence. The Federal Government's programs for increasing farm surplus through irrigation and reclamation have depressed farm prices on one hand, while on the other hand, it subsidizes farmers who cannot receive a fair market price for their labor and products.

This wheat-cotton bill has the effect of creating a "bread tax" for the consumer. Bread prices are already up 1 or 2 cents a loaf in some areas. Further increases are expected in the price of bread.

ANOTHER LAYER OF COTTON SUBSIDIES

Cotton farmers receive various forms of Federal subsidies. On top of these, the Federal Government subsidizes our export of cotton by 8½ cents per pound.

This cotton bill imposes another layer of cotton subsidy on top of all the others. It was enacted under political pressures from the administration and special interest groups.

This bill not only continues present cotton subsidy programs, but provides $360 million in cash credits to the cotton textile manufacturers. This huge sum is $100 million more than the industry's total profits of $260 million for the year 1962.

This legislation gives an economic competitive advantage over American synthetic fiber manufacturers. It retards technological progress and punishes both the taxpayer and the American consumer.

National 4-H Club Week

EXTENSION OF REMARKS

OF

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1964

Mr. NATCHER. Mr. Speaker, the week of September 26 to October 3 has been set aside as National 4-H Club Week. In previous years we have honored the National 4-H Club in the early spring. It is of small concern in what season this celebration occurs for it is always a pleasure for me to pay tribute to this fine organization and to all those who are responsible for the growth and success that it has enjoyed since it was founded around the turn of the century.

There are many who have played a strong and important part in this continuing growth and success. All of them deserve mention and a heartfelt well done from the entire Nation for the contribution they are making toward a stronger America. The Federal Extension Services of the Department of Agriculture conduct a dynamic program of education functioning through our State land-grant colleges and universities. In addition to this leadership at the national level the State extension services provide excellent direction as do the more than 307,500 local leaders, who as volunteers are unpaid for their unselfish efforts to reach and serve any and all of those who wish their advice and help. There are also about 114,960 older club members—boys and girls—who, as junior leaders give freely of their time and assistance. Working together with these groups for the betterment of the 4-H Club movement are two nongovernmental organizations, the National 4-H Club Foundation and the National 4-H Club Services Committee. Since 1914 when legislation was first passed for the purpose of assisting 4-H Club work nearly 23,830,400 different young people have participated in this "learn by doing program." This is more than ample proof of the effectiveness and wisdom of such Federal action.

The number of projects available to 4-H Club members ranges from approximately 25 in some States to 100 in others and comprise a well-diversified group of programs which are now and which will be for many years to come of immeasurable benefit.

Our 4-H Club members and their leaders have not hesitated to meet new challenges and to set forth workable programs to meet new needs and problems. There has been a widespread change in agricultural technology and this change is being faced squarely and realistically by these dedicated workers.

4-H Club members recognize the need for better understanding between the peoples of all nations and it is for this reason that the National 4-H Club Foundation was an early leader in an international people-to-people program through its farm youth exchange and its Peace Corps projects. Approximately 115 delegates from their ranks are sent abroad to contribute to the social and economic growth and expansion of some 65 countries. In return the same number of young people are brought to our country under this program which was designed to promote an exchange of ideas, aims, and purposes.

It has long been the dream of the United States to lead the free world to a lasting peace. To accomplish this, our youth must be fully prepared to meet the challenges that tomorrow holds. Youth organizations, such as the 4-H Clubs of America are vital to our Nation in this respect for they help to provide the background for these young Americans of whom we are all so justly proud.

Mr. Speaker, I want to say again that it is a pleasure and a privilege for me to salute this outstanding organization which has earned respect and commendation from every corner of the globe for its achievements. I am sure that the 4-H Clubs of America have the gratitude of all of us for their past accomplishments and our sincere best wishes for success in the future.

Acting Attorney General Sets the Record Straight on Race, Crime, and the Supreme Court

EXTENSION OF REMARKS

OF

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1964

Mr. KASTENMEIER. Mr. Speaker, it is being freely charged, from selected campaign platforms, that recent gains in civil rights and civil liberties have fostered an increase in serious crime.

It is difficult to know whether this notion is enjoying wide currency. I for one hope not, because it can thrive only as a parasite on the fears of those perplexed by the rush of events. It is not a case founded on modern crime statistics or the facts of modern life.

Acting Attorney General Nicholas deB. Katzenbach has rendered a great service to public understanding of crime problems by rebutting this charge in his speech last Friday to the Federal Bar Association. It should be informative to those who have heard enough doomsday oratory on this subject, and sobering to still others who may feel they can continue these allegations without risking contradiction.

The text of Katzenbach's speech follows:

ADDRESS BY ACTING ATTORNEY GENERAL NICHOLAS DEB. KATZENBACH TO THE FEDERAL BAR ASSOCIATION, SHOREHAM HOTEL, SEPTEMBER 18, 1964

I am pleased to be with you today and to be a part of a program aimed at understanding one of the great laws of this century—the Civil Rights Act of 1964.

The act was—and is—a controversial law. No act was more thoroughly debated. No act was introduced with deeper conviction or opposed with deeper passion. That the Congress could have so reasonably and dispassionately debated such a highly emotional issue is surely one of the great triumphs of our legislative process.

As a nation, we are in the process of working a profound social change in human relations—a change so deeply felt that I am hard put to find in history a comparable situation which any nation has faced and resolved more peaceably, more justly, and with greater dignity.

And so this act symbolizes something even larger than the realization of ideals of equality and that is the strength of our entire political system. Last summer in the South, we had a spirit of bitterness and hundreds of demonstrations. This year, through almost all parts of the South—and despite tragic exceptions—we have a spirit of good faith and respect for the law.

This is a result for which we must give credit to the responsible men and women of the South. Its representatives, reflecting the deep feelings of their area, fought the Civil Rights Act strenuously. But now that it is law, they have spoken out for obedience, even though it has, often, taken courage to do so. This is a dramatic testimonial to our oneness as a Nation and to our fundamental respect for law and the orderly process of self-government.

It is, too, a noble—and vital—tradition in America. It was given expression by Andrew Jackson when he was fined for contempt after the War of 1812. "Obedience to the laws," he said, "* * * is the first duty of a citizen and I do not hesitate to comply with the sentence you have heard pronounced."

It is in that tradition that the leaders and responsible citizens of the South are acting now. It is on that tradition that our rights as citizens and our very existence as a society depend.

But now another view is being heard. National attention has now shifted from political posturings in a schoolhouse door to the recent riots in northern cities and to the problem of "crime in the streets." And there are those who say or imply that these problems are related to racial problems in the South.

They do not speak of the Civil Rights Act as the product of our national concern for equal rights for all our citizens. That act, they say, results from capitulation to "agitators" and "demonstrators." They do not speak of the Civil Rights Act as a remedy to deeply felt grievances of Negroes in the South. The act, they say, has encouraged disrespect for the law in other parts of the country.

Thus, a link is drawn between demonstrations for civil rights and crime in the streets. Riots in Harlem, or Rochester, or Philadelphia, are tied to rising crime rates. And profound concern is expressed over lawlessness which has made our cities unsafe and our homes insecure. Because Negroes have been importantly involved in these riots—and despite the fact that they have been deplored by the overwhelming majority of Negroes and by all Negro leaders—they have been called racial.

I do not mean to suggest that these concerns with lawlessness are not real. Of course they are. The question is not whether disorders or increases in crime are serious. The question, really, is What do we do about it?

I wish I could tell you that these are simple problems that have simple solutions. But only the ignorant or the uninformed so regard them. To call them racial problems is not a solution but a slogan. What is worse, it is wrong.

To tie the difficult problems of racial adjustment to the equally serious problems of crime and delinquency, can only obscure, obstruct, and politicize. "Prejudice, which sees what it pleases, cannot see what is plain." But that is no excuse for not looking at the facts.

The increases in the crime rate, for example, have been great, but they have overwhelmingly been increases in crime against property. Such crimes—robbery, burglary, larceny, and auto theft—account for 90 percent of serious crime. In 1963, crimes in this category increased by 11 percent.

Crimes against the person increase far less. Aggravated assault went up 6 percent, murder 1 percent, and rape 1 percent. These increases are only slightly greater than the population increase.

As a second point, there appears to be no significant connection between a city's crime rate and its Negro population. During a debate on the Civil Rights Act in Congress, there was frequent reference to the crime rate of Washington, D.C., whose population is 54 percent Negro. I do not recall a single reference to Phoenix, Ariz.—a city I pick at random—the population of which is 95 percent white and whose crime rate is a third higher than that of Washington.

The point is further demonstrated by suburban crime figures. In the first 6 months of this year, crime in the suburbs—where there are few Negroes—increased approximately 28 percent. But crime in the city—where Negroes are concentrated—increased at less than half that rate.

As a third point, the increase in crime generally is directly related to the increase in the teenage and young adult population. Young people commit a very large proportion of the crimes against property—those crimes which have increased most. In New York City for example, more than three-fourths of all auto thefts are committed by those under 21. In Washington, D.C., young people under the age of 17 comprise half of those arrested for robberies, half those arrested for car thefts and 40 percent of those arrested for housebreakings.

The number of persons aged 15 to 24 is growing far faster than the rest of our population. And unhappily, people in this age group account for 70 percent of all arrests for serious crimes. This does not mean that our young people are crime-prone. Less than 3 percent of young people are ever arrested. But it does mean that our efforts to solve crime problems should in large measure be devoted to the problems of our youth. Juvenile delinquents may cease to be juveniles at 21, but they do not automatically cease to be delinquents.

This point applies demonstrably to the recent riots in Harlem, Rochester, Philadelphia, Jersey City and elsewhere Plainly, these riots involved Negroes. But what is significant is not their race, but that some of our worst slum areas are occupied by Negroes; that the unemployment rate among Negroes in these cities is two and three times that of whites; that the school dropout rate among Negroes it twice that of whites. It is clear from the facts of the riots how these circumstances apply:

1. Most of those involved in the riots were between 15 and 25, unemployed, without education, jobs—or hope.

2. Juvenile gang members played a role in the riots in each city, and a large percentage of those arrested or known to have participated had criminal or juvenile records.

3. The participants came from poor, overcrowded slum areas.

4. To the extent that these riots could be said to have had a focus, they were aimed against police officials and merchants in Negro areas. And they were motivated, in part, by the possibility of an opportunity to loot—to make financial gain—under the cover of the disorder.

5. Only one of the riots occurred in areas of likely racial conflict, where Negro and white neighborhoods adjoin. The remainder have occurred in the heart of Negro neighborhoods.

I do not mean to imply that Negroes do not commit crimes. Of course they do. What I do mean to show is that to draw a causal connection between membership in the Negro race and crime is wrong. The relevant link is not between riots and race, but between riots and delinquency, between lawlessness and lawless environments.

It is to this complicated link, not to an emotional cliche, that we should devote our attention and our energies. FBI Director J. Edgar Hoover has for years expressed the deepest concern over youth crime. And, what has become obvious to others in 1964 was obvious to Attorney General Kennedy 4 years ago. He realized that our most serious crime problem was and would continue to be crimes committed by young people.

Accordingly, under the leadership of President Kennedy and President Johnson, the Federal Government embarked for the first time on a comprehensive juvenile delinquency program. This program involved comprehensive studies of young people, their problems, and methods to deal with them at the local level. Pilot projects have been established in 10 major cities to determine, through actual work with youngsters, how to help them adjust to our complex urban society—whether it be jobs, education, organized sports activities, or increased counseling.

In this effort, the Federal Government has not sought to assume responsibilities that belong to local communities. It has, rather, sought to offer assistance and experience to those communities which seek their own answers to their own problems.

Second, beginning also in 1961, Attorney General Kennedy mounted an unprecedented drive on organized crime and racketeering. Convictions against racketeers increased 23-fold in the past 4 years, from 14 to 325. The importance of these convictions—and there are many more to come—is best understood when one realizes that it is organized crime which supports and profits from the narcotics traffic, illegal gambling, and prostitution. It is organized crime—and occasionally organized prejudice—which corrupts law enforcement agencies and public officials. Where such corruption exists, or even where it is thought to exist, we cannot have respect for law. Lawlessness feeds on lawlessness. Lawlessness of one kind breeds lawlessness of other kinds.

In many cities, a high percentage of crime can be directly related to addicts' need to pay for narcotics. In this administration, we have sought not only to prosecute and punish those who run the narcotics business, but also to mount a drive against narcotic addiction. President Kennedy called the first national conference on this subject in history and the recommendations of the President's Advisory Commission on Narcotics and Drug Abuse have been and are being implemented by President Johnson.

Third, recognizing that slum conditions breed crime and disrespect for law, this administration has embarked upon the most extensive program of slum clearance and housing assistance in history.

Finally, under the leadership of President Johnson, the Federal Government, again in cooperation with local communities, has embarked on a major war against poverty. Its significance cannot be overstated. Surely it is clear to any thinking person that poverty—the lack of food, shelter, education, work, self-respect, and hope—goes hand in hand with crime.

All of these programs are concrete, practical, realistic, and nonpolitical approaches to the crime problem. All of them are based on hard facts. None of them offer simple or simple-minded explanations or solutions.

I have talked thus far about how we have sought to respond positively to the causes of crime and how we should continue to do so. But this long-range concern would not obscure and has not obscured the equally important needs of day-to-day law enforcement. Lawbreakers must be apprehended and punished with appropriate severity. Law enforcement authorities must have the widest public support and assistance. It should go without saying.

But there is no conflict between this need and the parallel need to attack the causes of crime. Rather, the two needs are complementary. Obsessive emphasis on either—whatever its inspiration—can only handicap effective law enforcement.

While the principal responsibility in this area rests on local law enforcement authorities, the Federal Government has sought to provide maximum assistance to them. The anticrime legislation enacted in 1961—the most extensive addition to the criminal laws in 30 years—has permitted us to expand considerably the kinds of investigative and other assistance we can provide. The FBI has built a proud body of alumni of its National Academy in police departments all over the country. And our greatly accelerated crime effort has produced leads and information which we have shared, to mutual benefit, with State and local officials.

It is for this reason that I welcome the support of all Members of Congress who believe, as I do, in the importance of these programs. Anticrime legislation has never been a partisan issue. It should not become one.

Yet I have read the opinion recently that the problems of crime and of local law enforcement stem from an "obsessive concern" on the part of judges "for the rights of the criminal defendant." I have read that the courts have taken away from the States powers which are "absolutely necessary for fair and efficient administration of criminal law." And, I have read, this is why crime is increasing.

These assertions are uninformed. More damaging, they are irresponsible. It is a historic function of the Supreme Court to insure that State convictions comport with due process of law. Undeniably, some decisions have created problems for State law enforcement officials. But then so has the Bill of Rights. In neither case have any fundamental State powers been destroyed.

I think it is helpful to review some of the fruits of powers which are supposedly "absolutely necessary" to the States and which the Supreme Court has declared unconstitutional:

The conviction of a man without evidence.

The conviction of a man upon the prosecutor's knowing use of perjured testimony.

The trial of a man for a serious crime without the assistance of a lawyer.

The conviction of a man upon a confession coerced by the police, or upon a subsequent confession induced by the knowledge that the police already had the extorted confession.

The trial of a man before a jury biased against him.

Which of such vital powers, I wonder, should a State have?

The individuals rights the Court has defended in these cases are part of the fundamental guarantees our country makes to every citizen. I cannot understand how anyone committed to individual liberty could consider violations of these rights as mere "technical" violations, or consider protection against such violations as "obessive concern" by our judges.

Approximately half the Federal judiciary—and two-thirds of the Supreme Court of the United States—have been appointed since 1952. During the whole of the administrations of Presidents Eisenhower, Kennedy, and Johnson, the American Bar Association has been consulted on each and every judicial appointment. In all these administrations, the views of the organized bar have been sought, appraised, and honored. The record is public and open to examination.

I hope—under these circumstances—that I may be excused for wondering how the growing crime rate can be blamed on judges so selected. If the ABA is too liberal to be entrusted with this responsibility—or if the ABA is incompetent—then to whom do we turn for advice?

I believe that both candidates for the Presidency will continue to adhere to a system which seeks and respects the advice of the organized bar on judicial appointments. And I think both will feel, as I do, that professional, not ideological, criteria are appropriate.

To attribute the growing crime rate to the attitudes or decisions of the Federal judiciary is an insult not merely to the courts but also to the bar. As a lawyer, I cannot but resent those who seek to make political capital by attacking the decisions of an independent judiciary which cannot, in propriety, defend itself. Indeed, I have an obligation to defend the courts against such an attack.

I had thought—perhaps I had only hoped—that the judiciary was beyond the realm of partisan politics. I had thought—perhaps I had only hoped—that all would realize that the constitutional independence of our judiciary, the separation of powers, was basic to the whole cause of law and order, and that to bring the courts into politics could only undermine that respect for law which is the cornerstone of our Republic.

Clearly I am not saying that our courts are immune from criticism. Indeed, responsible and informed criticism is one of the factors which shapes the law. Every lawyer knows this. And every lawyer—I hope—has respect for a court's decisions even when he disagrees vehemently with the result of the reasoning. And every lawyer has confidence in the independence of our judges.

We need to protect the rights of the individual from hasty infringement just as much as we need to protect society from lawlessness. Each is essential to ordered society and responsible freedom. There is need for everyone, whether from the South or the North, the East or West, to join in strengthening respect for law and order. Your presence at this conference demonstrates your participation in this process.

Law-government is a process which begins with respect for the Constitution, the decisions of our courts, the laws of our land, and the rights of each individual. It is a process which requires all of us, at all levels of government and in each walk of private life to seek to identify our common problems and to work together toward their resolution.

Interest on Church Bonds Should Be Tax Exempt

EXTENSION OF REMARKS

OF

HON. JOE R. POOL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 1964

Mr. POOL. Mr. Speaker, I have today introduced a bill which is long overdue. It proposes to amend the Internal Revenue Act of 1954 to exclude from gross income the interest on church bonds.

Nations which love and hold God in reverent awe always have denied their secular officials the right to control or to impose taxes on the churches of the people. Recognizing that "the power to tax is the power to destroy," our Nation wisely has sought to eliminate any tax on our churches. Church property is exempt in our Nation's cities, counties, and States. The Securities Act of 1933 and all following amendments have exempted church bonds from registration, and this is true also in the various securities acts of the States. My proposal, then, follows the wish of our Founding Fathers; emphasizes the spirit of our Constitution; and clarifies the intent of the Congress and the legislative bodies of the States that church property shall not be burdened directly or indirectly by taxation.

Reduction in Federal revenue, as a result of this legislation, would be infinitesimal. Religious bonds are a tiny business. At present, I am informed about $300 to $400 million in church bonds is outstanding. Compared with corporate bonds, of which some $100 billion is outstanding; or with municipals, of which about $47 billion is outstanding, the bonds affected by my proposal would amount to a minuscule part of the securities business. The greater part of these church bonds have been sold to members of the congregation. The maturing bonds and the accrued interest on these bonds are paid by the church from the tithes, contributions, and offerings of members and friends of the church.

These church bonds mature serially as municipal bonds do. Unlike municipals, however, these church bonds are not tax exempt. In other words, Mr. Speaker, we provide tax exempt status for bonds to build an athletic stadium or a sewer system, but we impose Caesar's tax on the building of churches and sanctuaries. My bill would relieve this inequity, for the interest on these church bonds should not be taxable. Under the provisions of this measure, church bonds would be on a par with tax-exempt municipal and State bonds.

Our Nation's churches generally have had a difficult time with construction programs. The day is long past when the congregation could work together to cut the trees and plane into lumber the material to build their church. Over the years, conventional lending agencies—banks, insurance companies, and such—have found more attractive uses for their investment capital. They also have become somewhat reluctant to make church loans because they feel such loans could adversely affect their operations, as when a need might arise to press for payment. Therefore, within the past several years, more and more churches have been turning to bond issues to provide the capital needed for their programs.

Too, the cost of church construction now is greater than in the past. Today, the needs of the church call for more than a sanctuary. The church today is more than a place for Sunday services, for Tuesday choir practice, and prayer meetings on Wednesday. Where the membership is concerned and alert to the requirements of modern society, the church has become a focal point in community leadership and development. There is a need for additional religious education space, for day nurseries, youth programs, and community affairs. Robert South, the great English clergyman, once said:

> If there were not a minister in every parish, you would quickly find cause to increase the number of constables; and if churches were not employed as places to hear God's laws, there would be a need for them to be prisons for lawbreakers.

The encouragement of church building, the establishment of youth centers and day nurseries under the leadership of the church brings moral determination to the fight against poverty, delinquency, and despair.

Mr. Speaker, we have heard much about juvenile delinquency. We have recently passed legislation to attack pockets of poverty in this country. But I say to the Members of this House, a well-organized church program, including youth centers, day nurseries, educational training, will have a greater impact for good than all of our bureaucratic activities. It will permit local groups to solve many of their local problems. It will encourage local initiative and permit local citizens to operate.

The great growth of the suburbs of our Nation's cities has caused a tremendous growth in small-to-medium churches. In town, urban renewal programs provide funds and assistance for improvement of every part of the community except the churches—the motivating moral force in any community. Making church bonds more appealing to buyers is a sound way to help urban renewal area churches keep pace with the renewal program.

Many of the Negro churches of our Nation's cities are in the center of redeveloped, or to be redeveloped, areas. The income of the people in these areas often does not permit them to be investors in any kind of securities. However, they are now contributing, and will continue to contribute, to their various churches through tithes and offerings. Making bonds more attractive to investors outside of the churches will let the Negro church acquire the money to build churches, adequate day nurseries, and properly equipped youth centers.

The bill I have introduced will aid in the encouragement of church building. Indeed, Mr. Speaker, while these institutional bonds generally carry an interest rate higher than medium corporate bonds or municipals, no default on any institutional issue has been recorded in the past 25 years and the market for such bonds—while not as active as in other securities—is steady, for the greater part of these maturing serial bonds are purchased in the local communities and by the members of the church itself. But, because the church is building to meet the more complex problems of our modern day, the amount of capital for building has increased. These church bond programs are essential if the churches are to meet the challenge of our society.

The field of institutional bonds must be expanded if our churches are to meet their obligations. I propose, through this bill, to aid this great work by making such church bonds exempt from taxation by the Federal Government.

The bill follows:

H.R. 12637

A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the interest on church bonds

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by inserting after section 103 (relating to interest on certain governmental obligations) the following new section:

"SEC. 103A. INTEREST ON CHURCH BONDS.

"(a) GENERAL RULE.—Gross income does not include interest on a church bond.

"(b) CHURCH BOND DEFINED.—For purposes of subsection (a), the term 'church bond' means a bond, debenture, note, or certificate, or other evidence of indebtedness, which is issued with interest coupons or in registered form, which is issued by a church or a convention or association of churches, and the issuance of which is exempted from the application of the Securities Act of 1933 by section 3(a)(4) of such Act."

(b) The table of sections for such part III is amended by inserting immediately below "Sec. 103. Interest on certain governmental obligations." the following:

"SEC. 103A. Interest on church bonds."

SEC. 2. The amendments made by the first section of this Act shall apply with respect to church bonds (within the meaning of section 103A of the Internal Revenue Code of 1954) issued after the date of the enactment of this Act.

HOUSE OF REPRESENTATIVES

TUESDAY, SEPTEMBER 22, 1964

The House met at 12 o'clock noon.

The Reverend Donald D. M. Jones, the Sixth Presbyterian Church, Washington, D.C., offered the following prayer:

Lord of the nations, we turn to Thee in these silent moments to still the busyness of our minds and to find the perspective which comes from contemplation of Thee. In these days of rush, confusion, and distraction, we pray that Thou wilt save us from rash error and selfish insistence. We believe that Thou hast a will and a purpose for this Nation. So we turn to seek Thy guidance. Still our thoughts and words when they are in error or moved by selfish ambition. Give us words to express nobler thoughts and acts when they accord with Thy plan. May we have the courage to debate the broader issue and vote the nobler end, to the purpose that peace may reign and brotherhood prevail in this beloved land of ours and throughout the world.

We pray in the name of the Lord, Jesus Christ. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution as follows:

S. RES. 370

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Walter Norblad, late a Representative from the State of Oregon.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that the Presiding Officer, pursuant to Senate Resolution 370, appointed Mr. MORSE and Mrs. NEUBERGER to join the committee appointed on the part of the House of Representatives to attend the funeral of the Honorable Walter Norblad, late a Representative from the State of Oregon.

HOW ABOUT IT, MR. MILLER?

Mr. HAYS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, few national candidates in modern history have made more pious declarations on the subject of ethics and morality in government than the current GOP vice-presidential nominee. Almost every day he leaves the countryside strewn with charges and innuendoes against Democrats, and in particular against the President of the United States.

Now in the last 2 days, two separate newspaper articles have suggested that perhaps this candidate might wish to explain what they have termed possible conflicts of interest in his official actions as a Member of the House.

I think it important that the good name of the House be preserved, and call upon this candidate to answer the very serious questions which have been raised. Among other things he might explain:

Mr. YOUNGER. Mr. Speaker——

Mr. HAYS. I do not yield at this time.

CALL OF THE HOUSE

Mr. YOUNGER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 258]

Abele
Adair
Alger
Anderson
Andrews, Ala.
Arends
Ashley
Aspinall
Avery
Baring
Barry
Bass
Battin
Belcher
Berry
Blatnik
Bolton, Oliver P.
Brademas
Brock
Bromwell
Brown, Calif.
Bruce
Buckley
Burton, Utah
Carey
Casey
Celler
Clausen, Don H.
Clawson, Del
Cohelan
Cooley
Corbett
Corman
Cunningham
Curtis
Davis, Ga.
Davis, Tenn.
Denton
Diggs
Dole
Duncan
Evins
Finnegan
Fino
Fisher
Flynt
Foreman
Forrester
Fraser
Felinghuysen
Fulton, Pa.
Fulton, Tenn.
Gibbons
Gill
Glenn
Gonzalez
Green, Oreg.
Griffin
Griffiths
Hanna
Harris
Harvey, Ind.
Hawkins
Healey
Hébert
Herlong
Hoffman
Jones, Ala.
Karth
Kee
Kilburn
King, Calif.
Laird
Landrum
Lankford
Lesinski
Lloyd
Long, La.
McClory
McIntire
McLoskey
MacGregor
Martin, Mass.
Martin, Nebr.
Matsunaga
Michel
Miller, N.Y.
Montoya
Morris
Morrison
Morton
Moss
Murray
O'Hara, Mich.
O'Konski
Olson, Minn.
Osmers
Patman
Pepper
Philbin
Pilcher
Pillion
Pool
Powell
Purcell
Quie
Quillen
Rains
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rivers, Alaska
Robison
Rogers, Tex.
Roosevelt
Roybal
Ryan, Mich.
Schadeberg
Schwengel
Scott
Selden
Sheppard
Shipley
Siler
Snyder
Staebler
Stafford
Taft
Thompson, La.
Thompson, Tex.
Toll
Tollefson
Vinson
Wallhauser
White
Willis
Wilson, Bob
Wilson, Charles H.
Wilson, Ind.

The SPEAKER. On this rollcall 284 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HOW ABOUT IT, MR. MILLER?

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Speaker, as I was saying when the distinguished gentleman who made the point of order got the larger audience, in view of the pious pronouncement of the Republican candidate for Vice President on the subject of ethics and morality, I thought he would like to answer some questions which have been raised in the press about certain conduct on the board of directors for certain companies for whom he was allegedly pleading before the House and before committees of the House. I set forth five questions which will be in my extension of remarks, which I asked and received permission for, and I will be interested to see if the Republican candidate for Vice President undertakes to answer these, in view of his deep interest in the question of ethics and morality.

These questions are:

First. On July 23, 1956, when he argued on the House floor against the passage of a bill to suspend import duties on certain coarse wool and hair fibers used by the papermakers' felt industry, was he on the payroll of the Lockport Felt Co. as an assistant secretary and director? How much compensation was he then receiving, and how much compensation did he receive for this company during the years he served in the Congress?

Second. On February 4, 1948, when he again took the House floor to oppose a similar bill, was he on the payroll of the same firm, and to what extent? Was he still an officer and director of this firm?

Third. When he wrote Chairman BOGGS, of the Tariff Subcommittee of the House Ways and Means Committee, on December 17, 1956, opposing this legislation, was he then on the payroll as an officer or director of this company?

Fourth. More important perhaps than these two questions is a fourth. At the time he opposed these bills, and wrote the letter referred to did he disclose to his colleagues in the House that he had a direct financial interest in a company which would be benefited by the course of action he was urging?

Fifth. Finally, does the GOP vice-presidential candidate consider his actions in these instances as examples of the high standards of ethics and morality which he proposes, if elected, to bring to our National Government?

Mr. Speaker, I do not intend to prejudge this candidate nor to suggest what are the true answers to these questions. I do suggest that in the light of the candidate's eloquence on this subject that he ought very soon to take the House floor, tonight's Goldwater-Miller rally—wherever it might be—or some other forum to provide the Nation with answers to these questions.

TRIBUTE TO HON. JOHN W. McCORMACK, OF MASSACHUSETTS, SPEAKER OF THE HOUSE OF REPRESENTATIVES

Mr. HAGAN of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. HAGAN of Georgia. Mr. Speaker, I have asked for this time to recall to my colleagues an incident that occurred at the Democratic Convention in Atlantic City.

During that part of the program at the convention, when stalwart leaders of the Democratic Party were being appropriately recognized and lauded, the presiding officer of that convention rose and said:

> I want to pay tribute now to a great American who is here with us today—a great Democrat—a great Democrat without whose lifetime of service as a legislator in the House of Representatives the great strength of America so necessary in the world today might not have been possible.

Then the great Speaker of this House, Hon. JOHN McCORMACK of Massachusetts, turned and pointed to our colleague, the gentleman from Georgia, CARL VINSON.

This noble man who himself has played such an important part for so long as a leader of the Democratic Party in the House of Representatives could not let that moment go by without paying a much deserved tribute to another great American who has served 50 years of his life in this body. At that moment, my colleagues, our beloved Speaker, JOHN McCORMACK, revealed the true greatness of honest humility.

PHILOSOPHY OF REPUBLICAN STANDARD BEARER FOR THE PRESIDENCY

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I have secured a special order for today to make some mild comments on the nuclear weapon philosophy of the Republican standard bearer for the Presidency.

SPECIAL ORDER ON TUESDAY, SEPTEMBER 29, 1964

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that on Tuesday next the gentlewoman from Oregon [Mrs. GREEN] may be recognized for 1 hour to pay tribute to the memory of our late colleague, Walter Norblad.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PRESIDENT TO DEDICATE EUFAULA DAM IN OKLAHOMA

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, next Friday afternoon, September 25, President Lyndon B. Johnson will fly to Oklahoma to dedicate a great new dam and reservoir at Eufaula, a major structure in the multipurpose development program on the Arkansas River and its tributaries.

It will be a day of destiny for Oklahoma, for completion of Eufaula Dam is a giant step in providing barge transportation on the Arkansas River, which is due to begin in 1970.

The Eufaula Reservoir, largest lake in Oklahoma, is a monument to the vision and determination of many Oklahomans who have worked for nearly half a century to bring back navigation to the Arkansas.

It is also a monument to the Army Corps of Engineers, who tackled one of the most complex construction jobs in their illustrious history when they broke ground at Eufaula in 1955.

Finally, it is a monument to the foresight and statesmanship of the Congress of the United States, which insisted upon its construction over executive opposition in 1955.

To all in this body who had a role in making this great project possible, I extend the heartfelt thanks of the people of Oklahoma.

FINANCIAL STATEMENT

Mr. WELTNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a table.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WELTNER. Mr. Speaker, on November 20, 1963, I placed in the CONGRESSIONAL RECORD a list of assets and income of myself and my wife.

I take this opportunity to bring that statement up to date.

The following is our original schedule, published on page 22540 of the CONGRESSIONAL RECORD of that date:

Equity in my home in Atlanta, Ga	$5,000
Equity in my residence in Bethesda, Md	5,000
Patent	300
Savings accounts	505
Checking accounts	560
Cash value of life insurance	3,000
2 automobiles	1,500
Stocks, bonds, mortgages, notes, etc	------
Unfortunately, there are also some liabilities, including a small remainder on my 1962 campaign debt.	
Income in 1963, other than my congressional salary and rental from my home in Atlanta, is as follows:	
Royalties from my book, "Process and Service"	$132
Legal fee for drawing a will in 1962	50

Since then, by monthly payment of two mortgages, the equities of our home in Atlanta and our house in Bethesda have increased by a total of approximately $400. Although we have traded our 1959 car for a new one, the total equity in both the 1964 car and the 1962 model remains almost unchanged. Unfortunately, my patent has shown no evidence of increased worth, and there are still no stocks, bonds, or securities. The other items remain substantially unchanged.

Last year, I received as income my congressional salary, rental from our house, a $50 legal fee for drawing a will in 1962, and $132 from the sale of my law book.

My congressional salary is, of course, the same as it was last year. We have collected 6 months' rental on the house, $14 in book sales, and about $16 in interest. There has been no other income.

As to liabilities, I fear they are slightly higher than at last report.

Yet, the opportunity to serve far outweighs any financial consideration. For that opportunity, which I prize above any amount of material gain, I am deeply grateful.

TRIBUTE TO JUDGE EDWARD D. CAIAZZO

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, I have presented Judge Edward D. Caiazzo, a judge of the criminal court of the city of New York, a flag of our country which has been flown over our Capitol, in recognition of his patriotic activity in that he opens each and every session of his court, each and every morning, with the pledge of allegiance to our flag. He is the only judge in the city who does this. He sits in four of the five counties in the city of New York, usually on a weekly assignment in the varied and complex parts of the criminal court. This court is visited by defendants of our own country, as well as foreigners of other countries. The judge opens each morning session after being introduced with the following statement:

> Good morning ladies and gentlemen. I am going to ask you to join me in the pledge of allegiance to our flag. If there be any foreigners here, or if there be anyone who for any reason, religious or otherwise, wishes to refrain, he or she may do so. I ask you to join me on a voluntary basis.

He then turns to the flag making an over-the-heart salute and recites the pledge of allegiance.

Judge Caiazzo's experience is that there are many citizens who do not know the pledge to our flag. He feels that this small display of patriotism is in order in these troubled times and that the small effort needed to learn the pledge and make it in public gatherings is little to pay for our freedoms and individual protection under our Constitution and laws.

Judge Caiazzo feels that the pledge should be made in all of our courts and schools, and on public occasions every morning or when propitious. He has indicated that he is amazed that some schools in the city of New York do not use the pledge of allegiance or the "Star Spangled Banner." He tells the story of a woman who called him to say that she had witnessed the pledge in court and agreed with it, but that her son had never learned the pledge in school. He has indicated that many lawyers who witness the pledge in court are very enthusiastic and have suggested that it be given in every court every day.

The judge has found that the pledge of allegiance to our flag has a sobering effect on those assembled and sets a serious and important tenor and atmosphere to the proceedings, and that a somber and weightful demeanor prevails.

INDICTMENT OF ORGANIZERS OF STUDENT TRIP TO CUBA

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, I believe this House will be interested to know that word has just been received that a grand jury in Brooklyn, N.Y., has just indicted nine organizers of the recent student trip to Cuba. The House should applaud this action, as I am sure it does.

I hope this is only the first step to the conviction of these organizers, and that it will further set the pace for indicting and convicting each of those students who defied this Government and held it in contempt by making the trip to Cuba.

This is a first step, and I urge the Department of Justice to continue the good work it has now started.

A CONGRESS OF ACCOMPLISHMENTS

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RANDALL. Mr. Speaker, we are in the closing weeks of a Congress of accomplishments, a "can do" Congress that, in the words of our President, "has enacted more major legislation, met more national needs, and disposed of more national issues than any other session in this century or the last."

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I know each Member of this body is as proud as I am to have been a part of this historic 88th Congress in some of its finest hours.

In the time allotted me today, I wish to summarize the issues and the accomplishments of the 88th Congress so that all may judge its record for themselves. Because of the magnitude of some of the issues we confronted and the depth of our legislative efforts to deal with them, I will confine my remarks to a summary of major events of the past 2 years.

Our activity began with extensive proposals by President Kennedy in all areas of domestic policy. In his state of the Union message the President called for a tax cut, an investment in the youth of our Nation, preservation of natural resources, and improvement of the Nation's health facilities. In special messages to Congress he called for a civil rights bill, a test ban treaty, an education program, farm legislation, improved health care, and training for youth.

As was typical of the late President, his messages contained a broad vision of how to achieve the good society. And as is typical of the Congress we promptly sent his proposals to committee for careful and seemingly endless scrutiny from every angle. In fact, at the time of the President's dreadful assassination, we were still a "let us begin" Congress and most of the major Kennedy proposals were still being examined in committee. We were even called by some—a "stop, look and listen" Congress.

The unfortunate and untimely death of John Kennedy seemed to act as a catalyst on the Congress. After the shock of the first few weeks we began to take to heart his articulate analysis of the needs of American society. It was as if each Member on both sides of the aisle had committed himself to take personal responsibility for enacting some version of the Kennedy program. Critical judgment was in no way suspended, yet under the guidance and leadership of Lyndon Johnson, we began to act with a deliberate speed unmatched in my 6 years as a Congressman. In the space of a single year we have passed monumental legislation in the fields of education, conservation, and tax policy.

THE "EDUCATION" CONGRESS

Without progress in education, there will be no progress in society. A free nation can rise no higher than the standards of excellence set in its schools and colleges. Yet the demand for qualified teachers, adequate school facilities, and proper finances so outweighs their actual supply that the United States suffers from an education gap at all levels of instruction. And the gap is growing larger.

John F. Kennedy sent Congress a special message on education in late January 1963, requesting us to "keep an eye on the whole system" of education so that all Americans might "develop their talents to the utmost." The 88th Congress responded so emphatically to his request that President Johnson and others named us the "education Congress." Here are a few projected results of education legislation passed by this Congress:

COLLEGE EDUCATION

The College Facilities Construction Act, called the brick and mortar act, encourages construction of college classrooms, new junior colleges, and new graduate schools to accommodate 7 million young people entering colleges in the next 7 years. Amendments to the National Defense Education Act will extend a program of loans for college education to between 70,000 and 90,000 new students; 600,000 students have already received loans under this act.

VOCATIONAL EDUCATION

One year's loss of income due to unemployment is greater than the cost of a 12-year high school education. Nonetheless, during this decade 20 million young people must enter a job market in which less than 5 percent of industrial jobs are classified as "unskilled."

This Congress passed three bills—including key sections of the poverty bill—to improve work-study and work-training programs of vocational education. For the first time the Federal Government will cooperate with the States to finance experimental programs of vocational education and construction of new vocational education facilities.

The Fourth Missouri District received $118,886 in assistance under the Manpower Development and Training Act for training 170 persons in 1963–64.

IMPACTED AREAS

This Congress extended Public Laws 815 and 874, granting money for construction and operation of schools impacted by influxes of children of Federal employees and military personnel.

During fiscal years 1963 and 1964 our Congressional District received an estimated $3,542,454 for operation and $80,664 for construction of school systems impacted by the Whiteman missile complex. The operating grants were more than half the total Federal expenditure for this purpose in Missouri and greater than the total combined expenditure in the States of Minnesota, Vermont, West Virginia, and Delaware.

MEDICINE AND MENTAL HEALTH

Public Law 88–164 encourages construction of community mental health centers and mental retardation facilities as well as education for teachers of retarded children. Public Law 88–129 establishes a loan fund for students of medicine, dentistry, and podiatry as well as matching grants for construction of new facilities to train physicians, pharmacists, podiatrists, nurses, and public health personnel.

LIBRARY SERVICES

Education should not stop in the classroom—it should be fostered for all a citizen's life. This year Congress authorized $20 million in matching grants to the States for public library construction, and $25 million for development of other library services.

TAX REDUCTION

The United States is now undergoing the longest period of economic expansion and the greatest material prosperity in its history. Economists attribute this phenomenal progress to measures such as the recent tax cut which put $11½ billion back in the pockets of American families and American enterprise. Private initiative can put these dollars to work creating jobs, creating opportunity, and creating proper effectiveness in competition with the world.

All Federal career employees—both civilian and military—received an increase in personal income this session of Congress. Although these bills were passed primarily to bring the wage scale of these people in line with that for comparable jobs in private life, the measure will have favorable side effects in stimulating the economy. I opposed the addition of large increases in pay for Members of Congress as being excessive and out of proportion in relation to other increases. I also opposed raises for high ranking officials of the executive branch in the belief that service to one's country should not be a matter of economic incentive alone.

COMMISSION ON AUTOMATION

Because full employment is an important element of real prosperity, this Congress has initiated a special commission to investigate the problems of automation, technology, and economic progress. We also beefed up vocational training programs to help the unemployed learn the new skills of rapidly modernizing industries.

POVERTY PROGRAM

Early in his administration President Johnson pledged himself to an unqualified war on poverty in the United States and urged immediate action on several antipoverty bills. We discuss many of these bills in other portions of our remarks, but here it is important to mention the Economic Opportunity Act of 1964, the core measure of the antipoverty program. That bill creates an Office of Economic Opportunity to administer a Job Corps of urban and rural youth, work-training and work-study programs, and to encourage locally coordinated action programs to reduce poverty. Through the Randall amendment I successfully added a provision to the bill further insuring that rural impoverished areas would receive aid proportionate to that given urban impoverished areas. There are no "handouts" in this program. It rather creates opportunities for self-help.

Accelerated public works legislation designed to reduce unemployment and to stimulate the national economy has had positive byproducts in our Fourth Congressional District during fiscal years 1963 and 1964. More than $1,400,000 has been authorized for expenditures in Archie, Bates City, Corder, Garden City, Higginsville, Lexington, Odessa, Peculiar, Waverly, and Wellington for sewers, sewerage systems, and water facilities.

HELP FOR SMALL BUSINESS

This Congress has wisely rejected the philosophy that "marginal," or small businesses have no place in the Nation's economy. A business community limited to giant corporations with multimillion-dollar financing is to be feared just as much as a "superstate" of big government. To assure and advance the position of small business in our economy, the 88th Congress broadened the disaster loan authority of the Small Business Administration and raised the amount the Small Business Administration may invest in the debentures of the Small Business Investment Corporation, and the amount the latter may invest in any one firm.

HOUSING ACTS

The Housing Act of 1964 authorized $1.2 billion for urban renewal, for 45,000 new public housing units, for loans for housing for the elderly, for farm housing, and for other programs. This was supplemented by extensions of a rental housing program for the elderly in rural areas and by a program of constructing 19,800 housing units on military bases.

CIVIL RIGHTS

The civil rights law passed by a large bipartisan majority in both the House and the Senate and was signed into law on July 2. It relates to first, voting rights; second, use of publicly owned facilities such as playgrounds; third, equal employment opportunities; fourth, public accommodations; fifth, extension of the Civil Rights Commission; sixth, withholding of Federal grants to State-administered projects directly fostering discrimination; and seventh, creation of a Community Relations Service to arbitrate and conciliate differences at the conference table. The law does not change the prevailing conditions in any way in a total of 31 States.

With respect to housing, nothing in the bill permits the Government to tell any home or apartment owner to whom he must rent, sell, or otherwise use his real estate.

In the area of equal employment opportunity the bill does not require any employer to hire, or a union to accept any quota of members from any particular minority group.

The public accommodations section applies mainly to those establishments catering to interstate commerce. These places will be expected to serve all who are behaved and able to pay. A majority of our States and many of our larger cities, including Kansas City, Mo., already have public accommodations laws. Such local laws take precedence over the Federal law.

Seven out of the ten Members making up the Missouri delegation supported the bill on a bipartisan basis.

NATIONAL DEFENSE

About 60 percent of every tax dollar is spent for purposes of national defense. For fiscal years 1964 and 1965 Congress authorized procurement and construction of planes, missiles, ships, and materiel in the amounts of $15.3 and $16.9 billion, respectively. We also extended the draft until June 30, 1967, to keep our Armed Forces at peak efficiency and gave all servicemen with at least 2 years of service to their country a raise in pay.

These figures do not really tell the story of the improvements in our defense during the past 3½ years. Under the administration of Secretary McNamara the Department of Defense has adapted our Armed Forces to the nuclear age by "hardening" our nuclear forces against surprise attack and "beefing up" our combat-ready ground forces. Since 1961 we have witnessed a 15-percent increase in nuclear warheads, a 200-percent megatonnage increase, an 800-percent increase in counterinsurgency forces, a 45-percent increase in Army divisions, and a 50-percent increase in expenditures for research and development. Just in the last week the President has announced completion of an over-the-horizon radar apparatus enabling us to detect rocket launchings almost instantaneously, and a missile system that can knock down satellites orbiting the earth.

Yet, by planning military expenditures in 5-year cycles, by avoiding unnecessary duplication in equipment, and by using the competitive purchasing methods of private business, the Department of Defense saved $2.5 billion in fiscal year 1964 over what would have been spent using old methods of procurement.

SPACE PROGRAM

As a member of the House Space Committee, I have personally participated in the authorization and expenditure of nearly $10.5 billion by the National Aeronautics and Space Administration during fiscal years 1964 and 1965. In the course of my activities as a committee member I helped bring NASA spending into proper proportion and participated in an investigation of possible military uses for Comsat. The spectacular successes of Ranger VII and the Nimbus II weather satellite have dramatically demonstrated the importance and the utility of our man-in-space programs.

Missouri is now No. 2 in Government contract expenditures for space and No. 3 in contract expenditures for defense. A portion of this money is spent in the metropolitan Kansas City area.

AUTOMOBILE SAFETY

Two bills will help reduce the appalling death and injury rate from automobile collisions. The first requires that seat belts shipped in interstate commerce meet certain minimum safety standards. The second provides that the Administrator of General Services, the purchasing agent for the Federal Government, shall establish commercial standards for passenger safety devices which must be provided in all motor vehicles purchased by the U.S. Government. Since the bill affects the annual purchase of some 10,000 vehicles, it ought to encourage the automotive industry voluntarily to extend safety devices to all autos, without direct Federal regulation and intervention.

MASS TRANSIT

The closer a driver lives to a large city like Kansas City, the more he realizes the problems of congested roads and impossible parking conditions. This year Congress authorized $375 million to assist over the next 3 years in development, planning, and financing of mass transit systems such as commuter railroads and buses. Special sections were written into this act to protect the rights of transit workers.

INTERSTATE 29

This year Congress authorized appropriation of more than $1 billion each year for highway construction in fiscal years 1966 and 1967. Although mileage allotments are not available at this time without a special act of Congress, we are cooperating with Senator Symington in advocacy of an extension of Interstate 29 into the gap between Kansas City and Louisiana.

FOOD MARKETING COMMISSION

One dollar out of every $2 spent for groceries goes to fewer than 100 corporate, voluntary, or cooperative chainstores. A National Commission on Food Marketing has been created to study the food industry from the farm to the consumer. The Commission will investigate the market structure in the food industry and make a report in 1965 on such questions as the desired distributions of power, competition, and levels of efficiency in all segments of the industry, and the effectiveness of governmental services and regulatory activities. Recommendations of this Commission may well protect farmers and consumers alike.

FARM LEGISLATION

Almost all agricultural legislation affecting west-central Missouri saw the existing programs extended. Soil bank was extended for 2 years. Price supports were continued for feed grains and for cotton, and a wheat marketing certificate program was inaugurated to support the price of wheat at $2 a bushel on the domestic market. Additional research facilities for State agricultural experiment stations were also authorized.

The food stamp program nurtured for so long by our own Congresswoman Leonor K. Sullivan, of St. Louis, was finally broadened and made permanent this session. Under this program the USDA allocates surplus and other foods to the States for distribution to the needy.

The House of Representatives was convened on Christmas Eve 1963 to consider giving the President discretionary powers to extend credit for sale of wheat to the Soviet Union. Since that resolution, 65 million bushels of wheat have been sold the Soviets for $140 million in cash. Although the measure was controversial at Christmas time, it improved our balance-of-payments position, saved taxpayers $85 million in storage charges, strengthened U.S. domestic wheat prices and helped deplete the Soviet Union's gold and dollar reserves. More important, it highlighted the total failure of Soviet collectivization in agriculture for all the world to see.

A final agricultural bill extended protection to domestic beef producers against sudden increases in imports of beef that could force wholesale market prices to drop below the cost of feeding and transporting cattle. This measure was adopted after the cattle industry of the United States had suffered over a year of catastrophic losses.

PROTECTION OF WATER RESOURCES

The famous line, "Water, water everywhere but not a drop to drink" has a dual meaning for this country. In the West it could refer to the vast Pacific Ocean which is hardly usable for irrigation or for drinking, despite new techniques of desalinization. In the West, water is

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scarce and precious. This session of Congress, like most sessions of Congress authorized reclamation projects for irrigation and power in the Western United States. However, this year for the first time we created a systematic planning mechanism for regulating the use of our water resources over the next 10 years.

In the remainder of the United States the problem of nondrinkable water resources is pollution. Clean, sparkling streams once the delight of campers, swimmers, and sportsmen have become murky and ugly. Reports have multiplied about the harm done to nature and to human health by dumping insoluble detergents, insufficiently treated sewage and industrial waste materials in our rivers and streams. Major public controversies have revolved around charges that endrin, a pesticide, has led to the poisoning of millions of fish in the Mississippi River Basin and around the problems of commercial fishermen who for reasons of public health dangers can no longer use traditional, but now contaminated, fishing beds.

The Natural Resources Subcommittee of the Government Operations Committee on which I serve conducted a year of almost daily hearings to inventory Water Pollution conditions in the United States. My committee held hearings from coast to coast to provide a forum for State water pollution enforcement agencies, for industries using large amounts of water and for recreational and professional fishermen to present their views.

These hearings resulted in a number of conclusions: First, there are serious problems of water pollution in the United States. Second, industries are in most cases willing to accept their obligation to purify wastes before releasing them into streams. Third, nationwide competitive positions vary so much that unless there is flexibility in governmental antipollution measures, some industries could be literally forced out of business. Fourth, Federal litigation and intervention can be avoided in most instances with proper cooperation between delinquent industries and governmental authorities.

Given all the complex Federal-State relationships that must be balanced in regulating pollution in whole river systems, comprehensive legislation on water pollution is not likely to emerge from this Congress. However, the Water Pollution Control Act of 1961 still is in effect. We have passed a Clean Air Act which acknowledges the "primary responsibility" of State and local governments for pollution control and strengthens Federal tools to assist these governments in their responsibilities. That bill will be important in solving the smoke and smog problems of major metropolitan areas.

Amendments to existing pesticide registration laws now make it the burden of the manufacturer to prove his product is safe for marketing in interstate commerce, rather than the burden on the Department of Agriculture to prove that it is not.

WATERSHED PROJECTS

Water on the rampage can cause flooding, soil erosion, and sediment deposit damage. We have assisted three major watershed projects to get underway—the South Fork of the Blackwater River—Johnson County—the Tabo Creek Watershed, and the Wellington-Napoleon Watershed—both of latter in Lafayette County. These projects involve over $3,400,000 in Federal funds and affect over 171,000 acres of land.

FOREIGN POLICY AND FOREIGN AID

A nuclear test ban treaty limiting tests of nuclear weapons in the atmosphere was finally signed after 17 years of fruitless negotiations with the Soviets by Democratic and Republican administrations alike. This treaty in no way weakened our defenses or compromised our position on the many substantive issues separating us from the Communists, but it was an explicit recognition of the restraint and responsibility that all governments must exercise in the nuclear age.

Similarly, unprovoked Communist attacks on our ships in the Gulf of Tonkin resulted in the adoption of a near-unanimous joint resolution of Congress reasserting our determination to maintain international peace and security in southeast Asia, and our resolve to support the President's efforts to prevent further acts of aggression.

Despite our unity on the goals of foreign policy and on the necessities of cooperation and firmness in time of crisis, it remains imperative that we critically evaluate choices among means to achieve our ends. During this session of Congress I made a careful and extended evaluation and decided to oppose most of this year's foreign aid legislation.

We have supported and will continue our support of military assistance to areas such as Vietnam and have most enthusiastically given our support to the activities of the Peace Corps.

VETERANS' LEGISLATION

The 88th Congress did not forget the needs of the veterans of World Wars I and II and the Korean conflict. H.R. 1927 permits a veteran to exclude 10 percent of payments to him under any public or private retirement annuity in determining income for pension purposes. This bill passed the House but is still pending before the Senate.

H.R. 1927 complemented other veterans' legislation passed by this Congress. We increased payments to parents, widows, and children of veterans who died of service-connected disabilities; permitted the Veterans' Administration to waive recovery on defaulted home loans in certain hardship cases; provided educational assistance to children of veterans with total and permanent service-connected disability; extended disability income provisions of national service life insurance policies through age 65 under certain conditions; and authorized a 5-year, $25 million program of matching aid to States for nursing facilities in State veterans' homes.

SOCIAL SECURITY AMENDMENTS

Both Houses have passed at least a 5-percent across-the-board increase in social security benefits as well as a broadening of eligibility requirements for the program. The Senate version of the social security includes a modified version of the hospitalization program, financed through social security. As this is written the conference committee has not filed its report.

In our view, there is no doubt about the case for need. Our older citizens living on fixed incomes simply cannot bear the burdens of spiraling hospital bills. Those who would intelligently debate the issue of hospital care must come up with some positive program for constructive action. The Kerr-Mills program cannot be said to be altogether adequate. Our own State of Missouri has not found it possible to match its share of the cost. Even the wealthy State of New York found the Kerr-Mills program to be a severe drain on available revenues.

I favor a Federal program under social security which will offer a broad choice of benefits and alternatives to participants. The recipient should be provided additional options either to apply the increased benefits to the purchase of private hospital insurance, or to receive increased social security payments in lieu of any hospitalization.

Provision should soon be made to permit private insurance companies to pool their resources and risks to provide better hospitalization insurance at cheaper rates than any single private insurance company can afford at the present time.

Improvements are needed in the proposed administration of the program. Regional administrative districts should be created and responsible supervisory boards established in each. Such boards should be made up of practicing physicians appointed by the President from a list of doctors submitted by the Governors of the States within the regional area.

APPORTIONMENT

Last June in the case of Reynolds against Sims the Supreme Court ruled that the equal protection clause of the 14th amendment "requires that the seats in both houses of a bicameral legislature must be apportioned on a population basis." In this and similar cases, the Court not only affirmed the "one man, one vote" principle, with which most Americans agree. It went one step further and explicitly denied the applicability of the Federal principle of apportioning each house of a legislature on a different basis. Eight State legislatures—three of which had a so-called little Federal system—were ordered immediately reapportioned.

Because of the sweeping effects of the Court's ruling, Members of Congress began almost immediately to seek modifications of it. In my judgment some of their efforts have been worthy of support and others have been inappropriate.

A bill of the latter category was the so-called Tuck bill, a vindictive measure which sought to take away from the Court all power to try apportionment cases. In a rare parliamentary maneuver the Rules Committee snatched this bill out of the House Judiciary Committee where orderly hearings were being held on some 139 apportionment bills and ordered immediate debate on the measure. I am sorry to say the bill passed the House by a vote of 218 to 175, for I believe it was not only unconstitutional, but hasty and ill-conceived. The bill did not attack the problem posed by the Court's decision; it attacked the Court itself.

I believe Congress should face up to the issue and debate a constitutional amendment on apportionment of State legislatures. We should state clearly and unambiguously whether the Founding Fathers made a wise choice when they fashioned the Congress of the United States in such a manner that one House represented population, while the other was designed as Madison said, to "refine the will of the people." Surely one House should follow the "one-man, one-vote" principle, but why have two Houses of a legislature at all if they are not constituted differently?

Because I support debate on this constitutional issue, I look with favor on some version of the so-called Dirksen rider to the Foreign Assistance Act. Such a resolution would express the sense of Congress that the Court's ruling should not be further executed until Congress has had adequate time to debate its merits.

FOSTERING CULTURAL DEVELOPMENT

History has shown—

Wrote President Johnson to Speaker McCormack—

> that if we are to achieve the great society for which we are all working, it is essential that the arts grow and flourish.

This year Congress took two steps to encourage and stimulate developments in the arts.

First, we agreed to match equally up to $15.5 million in private donations for construction of the John F. Kennedy Center for the Performing Arts. Because of the late President's deep and abiding convictions about the importance of cultural activities in our national life, the Center will be the only monument to President Kennedy erected in Washington, D.C.

Second, we have recently established a National Council on the Arts, composed of 25 members appointed by the President. This Council will first, recommend ways to maintain and increase the cultural resources of the United States; second, propose methods to encourage private initiative in the arts; third, advise and consult with local, State, and Federal agencies on coordinating existing resources and facilities; and fourth, conduct studies on ways to promote and encourage creative activity, high standards, and increased opportunities in the arts.

THE "CONSERVATION" CONGRESS

There are, of course, two kinds of art. There is the art of man, which until recently distinguished him from the animals. And there is nature itself—what the immortal poet Dante called the art of God. The 88th Congress has acted to foster the latter, as well as the former. Indeed, we have been called the conservation Congress as well as the education Congress. Only the conservation Congresses under the leadership of the two Roosevelts have done as much to protect and preserve our natural outdoor heritage for future generations.

We are particularly proud of a national wilderness preservation system, permanently preserving 9.1 million acres of federally owned lands in their primeval, untrammeled state. The lands finally included in the system will be a paradise for sportsmen and for campers who really want to "rough it" in the splendor of untouched nature. Over the next 10 years the Secretaries of the Interior and Agriculture are to make recommendations concerning possible inclusion in the system of nearly 52 million more acres of Government land now classified as "primitive" national forests, national park areas, and game ranges or refuges.

OZARK SCENIC RIVERWAYS

In the 88th Congress we have created four national seashore parks, as well as the Ozark National Scenic Riverways, preserving the natural scenic beauty of Missouri's own Jacks Fork and Current Rivers. We also established the first major national park on the continental United States in 17 years—the Canyonlands National Park in Utah—and began consideration of proposals for 12 other parks.

A new land and water conservation fund will generate $145 million annually for the next 10 years to expand and develop State and Federal recreation areas. Nearly two-thirds of the money will be used for 50–50 matching grants to the States for planning, acquisition, and development of outdoor recreation facilities. The remainder of the fund will permit the Federal Government to acquire recreation facilities at water development projects and to acquire land adjacent to existing forest systems. The new legislation strengthens the policy that primary responsibility for development of recreational facilities rests with State and local government, even though the Federal Government may help financially with planning and with land acquisition.

Congress also gave statutory authority to a Bureau of Outdoor Recreation and authorized an inventory of our outdoor recreation needs.

Sportsmen will be interested in the wildlife refuge sharing bill which helps to defray the expenses of wildlife refuges in the Dakotas—duck factories, as they are called.

THE GREAT SOCIETY

Mr. Speaker, I began my remarks with a simple, but important point—that this has been a Congress of great accomplishment. Our results prove there has been no stalemate in our system, no deadlock in our democracy. After reviewing our record, I would venture the opinion that no Congress in this decade will surpass our legislative achievements.

Yet I am reminded of President Johnson's acceptance speech, in which, while standing on the record of the past 3½ years, he described his own vision of the great society. Surely there was a promise of great and fruitful activity by the coming 89th Congress in his final words, "Let us be on our way."

MONTBELIARD, FRANCE; GREENSBORO, N.C.—SISTER CITIES

Mr. KORNEGAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, last week I had the high honor of being a representative, along with Mayor David Schenck, of my hometown of Greensboro, N.C., to a jumelage, or sister-city celebration between Montbeliard, France, and Greensboro.

The reason for the selection of Montbeliard as a sister city to Greensboro is the fact that Pierre Lorillard was born in Montbeliard in 1742 and migrated to the United States in 1760, where he established the great tobacco company, P. Lorillard, whose newest and most modern plant is situated in Greensboro, N.C. A number of members of the management of the Lorillard Co., including its president, Mr. Morgan Cramer, attended this wonderful celebration.

Mr. Speaker, my reason for calling this matter to the attention of the House is the fact that all of the Americans who were privileged to attend the Montbeliard celebration were literally overwhelmed with the hospitality, the gentility, and the cordiality extended to us by the French people of Montbeliard. Under the leadership of our official host, Mayor J. P. Tuefferd, a distinguished doctor of medicine, this 3-day celebration was a tremendous success and attracted some 35,000 people.

Mr. Speaker, in my opinion, this is good international relations at its best. It is through the people-to-people approach that better understanding and sincere good will are cemented between nations. The true and lasting value of these exchanges is, to my mind, the best kind of reciprocal "foreign aid" I know of. Not a bit of American taxpayers' money was spent in connection with the trip or the festivities.

This is the second time that I have visited in this section of France. The first was 20 years ago as a machinegunner in the U.S. Army. When this fact was conveyed to the people assembled at Montbeliard, I was tremendously affected by their reception of the news that I had seen service in the U.S. Army in their area.

After observing the splendid progress, the wonderful rebuilding of the countryside, the spirit and hospitality of this occasion, it removed any doubt that may have lingered in my mind as to the justification for the cold, hunger, and hardship which I and other American soldiers suffered there 20 years ago.

I was happy to return to the country which I had helped to liberate, and which had contributed so greatly to the American struggle for independence and to the culture of our American people.

When I told the assemblage at Montbeliard that the only portraits in this great House of Representatives in the United States of America are those of

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George Washington and the Marquis de Lafayette, it is hard for me to describe the wonder and the pleasure which they exhibited and the spontaneous warmth and satisfaction which they showed on receiving this information. I wanted to share these thoughts and this experience with the other Members of the House.

WALTER LIPPMANN AND HIS PREDICTIONS

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, I might say to our good lady from Ohio [Mrs. FRANCES P. BOLTON] that I bowed to her despite the equal rights provisions of the law. She is still a lady.

Mr. Speaker, a few moments ago my colleague from Ohio spoke about some charges that have been made in the papers against one of our Republican candidates on the national ticket. Then he spoke about the integrity of the House of Representatives, that it must be protected. In this I would agree with him completely. That is why I am wondering what we are doing here in Washington today, or for the last 3 or 4 or 5 weeks and what we are going to do in the next several weeks; and why we are here in session today. A week ago a quorum call was made on the floor of the House, and there were not enough Members here to make a quorum. Why it was made I do not know, because there was no business scheduled.

Another one of our colleagues paid a great tribute to Walter Lippmann, that old, old columnist whose columns we see in the paper. Walter Lippmann on the statistics published just a couple of years ago has been wrong 70 percent of the time in his predictions made in his column. I think that is quite a tribute to pay to a man who is wrong 70 percent of the time, but if he comes from the gentleman's district I suppose he must talk about him.

PERSONAL EXPLANATION

Mr. BATTIN. Mr. Speaker, on the last rollcall I was not in the Chamber at the time my name was called. I was in the Speaker's lobby. But I would like the RECORD to show that I am present.

LOCATION OF CHANCERIES AND OTHER BUSINESS OFFICES OF FOREIGN GOVERNMENTS IN THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 646) to prohibit the location of chanceries and other business offices of foreign governments in any residential area in the District of Columbia, with House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

The Chair hears none, and appoints the following conferees: Messrs. MULTER, ABERNETHY, HUDDLESTON, SPRINGER, and HORTON.

ADJUSTMENTS IN ANNUITIES UNDER THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

Mr. HAYS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 745) to provide for adjustments in annuities under the Foreign Service retirement and disability system, with a House amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

The Chair hears none, and appoints the following conferees: Messrs. HAYS, KELLY, ZABLOCKI, ADAIR, and THOMSON of Wisconsin.

CIVIL AERONAUTICS BOARD'S STATEMENT OF AIR CARGO POLICY PRAISED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, during the course of this year, the Civil Aeronautics Board undertook a comprehensive review of our Nation's domestic air cargo policy. Various interested parties, including the airlines, submitted lengthy comments and views to the CAB. Among them was a public statement submitted by my distinguished colleague, the senior Senator from Oklahoma [Mr. MONRONEY].

Senator MONRONEY is a widely recognized and respected authority on the subject of air transportation. His statement of July 8, 1964, set forth the need for and the benefits to be derived from a delineation of roles between the domestic all-cargo and passenger airlines. I share the views expressed by my colleague and in particular endorse his statement that:

> Every appropriate effort must be made to provide a sound base for the growth of these (all-cargo) carriers by assigning them separate and select functions in the airline industry.

The Civil Aeronautics Board's statement of cargo policy issued on August 7 is a praiseworthy step in the proper direction. The CAB's decision is one which the Congress and the general public may be justly proud. The concepts contained in the CAB's statement of air cargo policy, which implements a delineation of roles between classes of air carriers, are sound, businesslike, and in the best interests of the general public.

I commend the CAB for its action.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

ACQUISITION OF PROPERTY IN SQUARE 758 IN THE DISTRICT OF COLUMBIA

The Clerk called the bill (S. 254) to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ADDITIONAL COMMISSIONERS OF THE U.S. COURT OF CLAIMS

The Clerk called the bill (S. 102) to provide for additional commissioners of the U.S. Court of Claims.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EVACUATION AND ALLOTMENT PAY LAW—GPO

The Clerk called the bill (H.R. 8827) to extend the act of September 26, 1961, relating to allotment and assignment pay, to cover the Government Printing Office, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNUITIES OF WIDOWS OF SUPREME COURT JUSTICES

The Clerk called the bill (S. 1686) to amend section 375 of title 28 of the United States Code, relating to the annuities of widows of Supreme Court Justices.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WAIVER COLLECTION OF CERTAIN ERRONEOUS PAYMENTS

The Clerk called the bill (H.R. 3800) to authorize the waiver of collection of certain erroneous payments made by the Federal Government to certain civilian and military personnel.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I have asked that this bill be passed over without prejudice on previous occasions pending certain additional information. An attempt has been made to supply this by various persons. However, I would still like to raise the following questions:

First. Who decides what is "equity and good conscience" and what restraints are there to be sure that the open end authority granted is not abused? Consider the pressures on an administrative official to grant every such request, and the lack of anything other than his own conscience to protect Government interest.

Second. Why not seek instead a way to expand and inform persons charged with receiving overpayment, of Department of Justice existing discretion in being able to reach compromises?

Third. There is no indication of the potential loss to the Government. Should this not be set forth in the Committee report?

Fourth. I would like to raise a question again of yielding legislative power to the executive branch. Why should we not enhance our committee counsels or that of our staffs, at least in the GAO—an arm of the Congress; so that we can maintain proper oversight of the taxpayer's moneys and especially overpayments by finance officers and paymasters.

Fifth. With the tremendous Government investment in automation, and the recent pay raises for Federal employees, shouldn't we expect better control of overpayments and a drop in them?

Mr. Speaker, I am opposed to the bill in principle.

Mr. Speaker, I withdraw my reservation of objection and ask unanimous consent that the bill be put over again without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANSLEY WILCOX HOUSE, BUFFALO, N.Y.

The Clerk called the bill (H.R. 3500) to provide for the acquisition and preservation of the real property known as the Ansley Wilcox House in Buffalo, N.Y., as a national historic site.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I note in the committee report in the communication from the Department, the Department does oppose this legislation.

Mr. Speaker, on the basis of this opposition by the Department itself I withdraw my reservation of objection and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZATION OF URBAN SOIL SURVEYS

The Clerk called the bill (H.R. 5406) to authorize the Secretary of Agriculture to cooperate with States and other public agencies in planning for changes in the use of agricultural land in rapidly expanding urban areas and in other nonagricultural use areas, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I note that there is no estimate of the additional cost to the Federal Government for this legislation, although it is admitted that there will be additional cost.

Mr. Speaker, I withdraw my reservation and ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

NAMING THE EUFAULA NATIONAL WILDLIFE REFUGE

The Clerk called the resolution (H. Res. 798).

There being no objection, the Clerk read the resolution, as follows:

Resolved, That, whereas the national wildlife refuge located at Walter F. George Dam and Reservoir project, Alabama, is located in the vicinity of Eufaula, Alabama, and whereas the refuge has been generally termed the Eufaula National Wildlife Refuge; and, whereas the citizens of the area are in agreement that the refuge be named the Eufaula National Wildlife Reserve; therefore, the said refuge shall be known as the Eufaula National Wildlife Refuge. Any law, regulation, map, document, or record of the United States in which such refuge is referred to shall be held and considered to refer to such refuge as the Eufaula National Wildlife Refuge.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEWIS AND CLARK TRAIL COMMISSION

The Clerk called the bill (H.R. 12289) to establish the Lewis and Clark Trail Commission, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established an advisory and coordinating commission to be known as the "Lewis and Clark Trail Commission" (hereinafter referred to as the "Commission"), which shall be composed of twenty-seven members.

PURPOSE AND FUNCTIONS OF COMMISSION

SEC. 2. In furtherance of the objectives set forth in H. Con. Res. 61, which expressed the sense of the Congress that the route traversed by Captains Meriwether Lewis and William Clark on their expedition of 1804–1806 from Saint Louis, Missouri, to the Pacific Northwest should be identified, marked, and kept available for the inspiration and enjoyment of the American people; in order to advance public awareness and knowledge of the far-reaching and historic significance of the Lewis and Clark Exposition; in order to supplement such awareness with an appreciation of the great resources of the vast region through which the Lewis and Clark Trail extended, and thereby to encourage desirable long-term conservation objectives in the public interest of the people of that region and the Nation as well as the public use and outdoor recreation benefits therefrom, the Commission is authorized to consider such plans and programs as in its judgment will carry out the aforesaid purposes. The Commission may make recommendations to agencies of the Federal Government, States, and other public and private agencies. The Commission is authorized also to render advice and assistance in a manner that will encourage the development by State or Federal agencies of a suitable connecting network of roads following the general route of the Lewis and Clark Trail with appropriate markers for such roads.

MEMBERSHIP OF COMMISSION

SEC. 3. The Commission may comprise the following—

(a) Ten members to serve, subject to their acceptance of membership, on behalf of the States of Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Montana, Idaho, Washington, and Oregon; the individual member from each State being the Governor thereof or his designated representative;

(b) Four members, who shall be Members of the House of Representatives, two from each party, to be appointed by the Speaker of the House of Representatives;

(c) Four members, who shall be Members of the Senate, two from each party, to be appointed by the President of the Senate;

(d) Five members, who shall be the Secretaries of the following Departments, or their designated representatives: Interior; Agriculture; Defense; Health, Education, and Welfare; and Commerce;

(e) Four members, who shall be appointed by the J. N. "Ding" Darling Foundation (a nonprofit corporation).

ORGANIZATION OF THE COMMISSION

SEC. 4. (a) The Chairman of the Commission, who shall be elected for such term as may be determined by the membership thereof, shall convene the Commission within ninety days following enactment of this Act at such time and place as he may designate for the Commission's initial meeting;

(b) The Chairman shall designate a Vice Chairman from members of the Commission;

(c) Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made;

(d) Where any member ceases to serve in the official position from which originally appointed under section 3, his place on the Commission shall be deemed to be vacant;

(e) The Commission is authorized to issue such rules and regulations as it may consider desirable in the conduct of its activities pursuant to this Act.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The Commission may hold hearings at such times and places as it deems advisable for purposes of this Act.

(b) Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions. Any Federal agency is hereby authorized to furnish the Commission with suitable office space to carry out its functions.

(c) The Commission may employ, without regard to the Civil Service laws or the Classification Act of 1949, as amended, an executive officer and such other employees as may be necessary to carry out its functions: *Provided,* That no employee whose position would be subject to the Classification Act of 1949, as amended, if said Act were applicable to such position, shall be paid a salary at a rate in excess of the rate payable under said Act for a position of equivalent difficulty or responsibility. Such rates of compensation may be adopted by the Commission as may be authorized by the Classification Act of 1949, as amended, as of the same date such rates are authorized for positions subject to said Act. The Commission shall make adequate provision for equitable administrative consideration and review of personnel matters affecting the functions or personnel of the Commission.

COMPENSATION OF COMMISSION MEMBERS

Sec. 6. (a) Members of the Commission who are Members of Congress, officers of the executive branch of the Federal Government, Governors, or full-time salaried officers of State or local governments shall serve without compensation in addition to that received in their regular public employment, but shall be allowed necessary and reasonable travel expenses when approved by the Chairman.

(b) Members of the Commission, other than those to whom subsection (a) is applicable, may receive compensation at a rate prescribed by the Chairman of not more than $50 per day for each day they are engaged in the performance of their duties as members of the Commission, and upon approval of the Chairman, shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

REPORTS AND RECOMMENDATIONS

Sec. 7. Within two years following the approval of this Act, the Commission shall submit a report concerning its activities. Such report shall be submitted, together with any recommendations it may have to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, and to other Federal and State agencies named in this Act. The Commission may thereafter from time to time as indicated by circumstances, but at least every two years, submit such additional reports as it may deem appropriate. The final report of the said Commission shall be submitted no later than ten years following the approval of this Act, at which time the Commission shall cease to exist. The records and property of the Commission shall be turned over to the Secretary of the Interior for such use or disposition as he shall find to be appropriate.

DONATIONS, EXPENDITURES, ACCOUNTS

Sec. 8. (a) The Commission is authorized to accept donations of personal services or property to assist in carrying out the purposes of this Act. The Commission may secure supplies, services, make contracts, and exercise those powers generally that it deems necessary to enable it to carry out effectively and in the public interest the purposes of this Act.

(b) Expenditures of the Commission shall be paid by the Executive Officer, who shall keep complete and accurate records of such expenditures and who shall account for all funds received by the Commission. Such accounts shall be subject to audit by the General Accounting Office of the United States.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 9. There is authorized to be appropriated annually, through the Department of the Interior and related agencies appropriation Acts, not to exceed the sum of $50,000 to carry out the provisions of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following language: "That there is hereby established an advisory and coordinating commission to be known as the "Lewis and Clark Trail Commission" (hereinafter referred to as the "Commission"), which shall be composed of twenty-seven members.

"PURPOSE AND FUNCTIONS OF COMMISSION

"Sec. 2. In furtherance of the objectives act forth in H. Con. Res. 61, which expressed the sense of the Congress that the route traversed by Captains Meriwether Lewis and William Clark on their expedition of 1804–1806 from Saint Louis, Missouri, to the Pacific Northwest should be identified, marked, and kept available for the inspiration and enjoyment of the American people; in order to advance public awareness and knowledge of the far-reaching and historic significance of the Lewis and Clark Expedition; in order to supplement such awareness with an appreciation of the great resources of the vast region through which the Lewis and Clark Trail extended, and thereby to encourage desirable long-term conservation objectives in the public interest of the people of that region and the Nation as well as the public use and outdoor recreation benefits therefrom, the Commission is authorized to review proposals prepared at the request of the Commission, or by other agencies on their own initiative, to carry out the purposes of this Act. The Commission may make recommendations to agencies of the Federal Government, States, and other public and private agencies, but the functions and responsibilities of the Commission hereunder shall not operate to restrict or inhibit the aforesaid agencies in any operations they may otherwise undertake in carrying out the general objectives referred to in this Act. The Commission is authorized also to render advice in a manner that will encourage the development by State or Federal agencies of a suitable connecting network of roads following the general route of the Lewis and Clark Trail with appropriate markers for such roads.

"MEMBERSHIP OF COMMISSION

"Sec. 3. The Commission shall comprise the following—

"(a) Ten members to serve, subject to their acceptance of membership, on behalf of the States of Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Montana, Idaho, Washington, and Oregon; the individual member from each State being the Governor thereof or his designated representative;

"(b) Four members, who shall be Members of the House of Representatives, two from each party, to be appointed by the Speaker of the House of Representatives;

"(c) Four members, who shall be Members of the Senate, two from each party, to be appointed by the President of the Senate;

"(d) Five members, who shall be the Secretaries of the following Departments, or their designated representatives: Interior; Agriculture; Defense; Health, Education, and Welfare; and Commerce;

"(e) Four members, who shall be appointed by the J. N. "Ding" Darling Foundation (a nonprofit corporation).

"ORGANIZATION OF THE COMMISSION

"Sec. 4. (a) The Chairman of the Commission shall be elected for such term as may be determined by the membership thereof. The Secretary of the Interior shall convene the first meeting of the Commission within ninety days following enactment of this Act at such time and place as he may designate;

"(b) The Chairman shall designate a Vice Chairman from members of the Commission;

"(c) Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made;

"(d) Where any member ceases to serve in the official position from which originally appointed under section 3, his place on the Commission shall be deemed to be vacant;

"(e) The Commission is authorized to issue such rules and regulations as it may consider desirable in the conduct of its activities pursuant to this Act.

"POWERS AND ADMINISTRATIVE PROVISIONS

"Sec. 5. (a) The Commission may hold hearings at such times and places as it deems advisable for purposes of this Act.

"(b) Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions. Any Federal agency is hereby authorized to furnish the Commission with suitable office space to carry out its functions.

"(c) The head of each Department or agency shall cooperate with the Commission in the performance of its functions and shall provide the Commission with such technical services and assistance as may be necessary and available.

"COMPENSATION OF COMMISSION MEMBERS

"Sec. 6 (a) Members of the Commission shall serve without compensation.

"(b) Members of the Commission, upon approval of the Chairman, shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

"REPORTS AND RECOMMENDATIONS

"Sec. 7. Within two years following the approval of this Act, the Commission shall submit a report concerning its activities. Such report shall be submitted, together with any recommendations it may have to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, and to other Federal and State agencies named in this Act. The Commission may thereafter from time to time as indicated by circumstances, but at least every two years, submit such additional reports as it may deem appropriate. The final report of the said Commission shall be submitted no later than five years following the approval of this Act, at which time the Commission shall cease to exist. The records and property of the Commission shall be turned over to the Secretary of the Interior for such use or disposition as he shall find to be appropriate.

"DONATIONS, EXPENDITURES, ACCOUNTS

"Sec. 8. (a) The Commission is authorized to accept donations of personal services or property to assist in carrying out the purposes of this Act. The Commission may secure supplies, services, make contracts, and exercise those powers generally that it deems necessary to enable it to carry out effectively and in the public interest the purposes of this Act.

"(b) Expenditures of the Commission shall be paid by an executive officer designated from among its membership, who shall keep complete and accurate records of such expenditures and who shall account for all funds received by the Commission. Such accounts shall be subject to audit by the General Accounting Office of the United States.

"AUTHORIZATIONS FOR APPROPRIATIONS

"Sec. 9. There is authorized to be appropriated annually, through the Department of the Interior and related agencies appropriation Acts, not to exceed the sum of $25,000 to carry out the provisions of this Act."

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The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING AS CLAIR ENGLE LAKE THE RESERVOIR CREATED BY THE TRINITY DAM, CENTRAL VALLEY PROJECT, CALIFORNIA

The Clerk called the bill (H.R. 12471) to designate as Clair Engle Lake the reservoir created by the Trinity Dam, Central Valley project, California.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, at the specific request of a Member who asked that this bill be passed over, in my capacity as senior Member on our side of the objector's committee I agreed to do so for 2 weeks. I assure the membership this does not represent my own personal feelings. I favor the bill. I therefore withdraw my reservation of objection and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. This concludes the call of bills on the Consent Calendar.

SUPPLEMENTAL APPROPRIATION BILL, 1965

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12633) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Iowa [Mr. JENSEN] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12633, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with the disposition of the last supplemental bill the appropriations business of the House for the session is concluded except for final clearance of any changes the Senate may propose in that bill and in the foreign aid appropriations now pending over there.

The House has cut a little over $4 billion from the budget requests of the session—both supplementals and the regular fiscal 1965 budgets. $150 million of that, however, relates to a proposition of advance funding for fiscal 1966 which was denied in the closing supplemental bill.

The House totals for appropriations relating solely to fiscal 1965—and this is especially noteworthy—are below the corresponding totals of the previous year. It remains for the future to reveal whether that record will stand with time, but in times of an exploding population requiring more public services and generating a higher level of economic activity, the fact is nonetheless noteworthy.

In all the bills cleared by Congress this session—and all except two have been signed into law—the budget requests have been cut about $3,474,000,000. About $2,764,000,000 of that cut is against the fiscal 1965 requests. It is beginning to look like the total appropriation reduction of the session could well approximate roughly $4,000,000,000 below the budget. And on a new direct appropriation basis, the fiscal 1965 amounts will probably be right close to the corresponding amounts for last year.

I will include a highly condensed summary of the totals. A more elaborate statistical support will be offered at the end of the session.

Summary of totals of the appropriations bills of the 88th Cong., 2d sess., as of Sept. 22, 1964

(NOTE.—Loan authorizations not in this summary. And permanent appropriations not requiring action in the session might total $11,800,000,000 or more.)

[Rounded figures in millions]

House actions:	
Budget estimates considered (both fiscal 1964 and 1965)	$97, 677
Amounts passed by the House (including, to avoid a gross distortion, the $5,200,000,000 reported for NASA but stricken on a point of order)	93, 630
Reduction below budget requests (for the session)	−4, 047
Consisting of—	
Applicable to fiscal 1964 deficiencies and supplementals	−697
Applicable to fiscal 1965 requests	−3, 200
Applicable to fiscal 1966 requests	−150
Appropriations for fiscal 1964 (tentative totals, approximately final)	**92, 242**
Appropriations as approved by House for fiscal 1965 (including, to remove the distortion, the $5,200,000,000 for NASA)	91, 950
Reduction by the House, amounts for fiscal 1965 below appropriations for 1964	−292
Senate actions:	
Budget estimates considered (all bills of session except foreign aid and closing supplemental)	92, 858
Amounts approved (all such bills)	**89, 820**
Comparisons—	
Below budget estimates (on those bills)	−3, 038
Above the House bills (omitting, to avoid gross distortion, $5,200,000,000 for NASA)	+$928
1965 amounts below 1964 amounts for the same bills	−970
Final actions:	
Amounts enacted (all bills of the session)	89, 383
These amounts are below the corresponding budget requests by	−3, 474
The fiscal 1965 new appropriations in these bills ($87,591,000,000) are below the corresponding fiscal 1964 appropriations ($88,977,000,000) by about	−1, 386

(NOTE.—The two bills yet pending will, undoubtedly, be below the related budget requests, but also above the corresponding 1964 amounts on a new direct appropriation basis.)

Mr. Chairman, near the close of a session of the Congress it is customary to bring in a final supplemental appropriation bill. To attend to those items of public business not funded in the regular appropriation bills for the current fiscal year and which a majority of the committee think ought not to be deferred to the next session. At least, I hope we will be adjourning soon, and certainly the bill today is expected to be the final appropriation bill to be originated by the House this year.

The bill is rather considerable in that it carries a recommended appropriation of $998,623,374.

The bill was predicated upon budget estimates totaling $1,370,468,374. The Committee on Appropriations has made a 27-percent reduction in those budget estimates precisely, a cut of $371,845,000. The $150 million of this reduction represents advance funds sought for fiscal 1966 for the urban mass transit grant program. The $75 million requested in that program for fiscal 1965 is, however, in this bill. Omitting the 1966 amount, the cut in the budget estimate is approximately 18 percent.

This is not a way of restoring reductions which have heretofore been made in prior appropriation bills. That is not the case at all. This bill principally is here for the reason that new legislation has recently been approved by Congress requiring, or anticipating, the appropriation of additional funds, such as civil rights legislation, the urban mass transit legislation, the Economic Opportunity Act, defense education activities, and a few other items. The four programs I just mentioned account for about 88 percent of the total in the bill.

May I say also, Mr. Chairman, that all sums requested by the budget in this bill are well within the grand totals of the President's January budget for fiscal 1965. Those totals are not exceeded. We are, of course, referring to appropriation or obligational authority, which is what Congress acts on, rather than on the somewhat different basis of expenditures. But even on the expenditure budget, the last official estimate is that budget expenditures in the current fiscal year 1965

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will be less than the $97.7 billion spent in fiscal 1964.

If you will look at the committee report you will find that the bill is framed into chapters according to the subcommittees of the Committee on Appropriations which gave original consideration to the budget requests.

A look at the report will show that the Committee on Appropriations has acted with some restraint and caution in making certain reductions. For example, the antipoverty program was cut by about $197 million—by 20 percent—and certain reasons are given, including the fact that the program is getting a little later start than had been expected.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. YOUNGER. In connection with that program, there is an expression in the committee report that is quite interesting. I was wondering why it was put in. It says:

> Another factor which the committee took into consideration is that it is going to take a considerable time to recruit all the staff necessary to carry out this program if only qualified persons are hired. Qualified personnel will be essential to the success of the program.

Is that something new in the Government to have qualified personnel? Why was that put in?

Mr. MAHON. I believe I personally wrote those lines. I think we all want to have this new experimental program turn out to be a success, as we want all programs to succeed. We do not want to waste the taxpayers' money. We were not willing to approve all the money requested in the budget, but we thought that by hiring fewer people and requiring greater care in the selection of them the prospects of the program getting off on the right foot, so to speak, would be somewhat enhanced. Certainly under all administrations there is an effort to recruit qualified personnel for programs, but it is not easy to find and recruit substantial numbers of qualified people for private work, public work, or otherwise, as my friend well knows.

Mr. YOUNGER. Well, then, it is no inference that other departments are recruiting unqualified personnel?

Mr. MAHON. It is certainly not an inference intended by the Committee on Appropriations.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to my distinguished friend, the gentleman from Iowa.

Mr. GROSS. On page 12 of the bill, there is this language, lines 3, 4, 5, and 6:

> The provisions relating to allowances, positions, and salaries carried in House Resolutions 294, 831, and 832, Eighty-eighth Congress, shall be the permanent law with respect thereto.

What are the resolutions referred to and what is their meaning?

Mr. MAHON. This chapter was handled by the gentleman from Oklahoma, the chairman of the legislative subcommittee. I have before me a resolution—No. 294, 88th Congress—by the gentleman from Maryland [Mr. FRIEDEL], of March 18, 1963. The resolution as amended and adopted by the House on August 14, 1964, reads in part as follows:

> *Resolved,* That effective January 3, 1965, there shall be paid out of the contingent fund of the House, until otherwise provided by law, such sums as may be necessary to increase the basic clerk hire allowance of each Member and the Resident Commissioner from Puerto Rico by an additional $4,500 per annum;

Mr. GROSS. These then are the three resolutions that came out of the House Committee on Administration and previously adopted by the House?

Mr. MAHON. That is right; yes.

Mr. GROSS. And it is here proposed to make these permanent law. I imagine the language is subject to a point of order in that it is legislation on an appropriation bill.

Mr. MAHON. This is the customary way of handling these matters. We have done this repeatedly heretofore. The House has passed on each of these resolutions. But I would like to yield now to my distinguished friend, the chairman of the legislative subcommittee, the gentleman from Oklahoma [Mr. STEED].

Mr. STEED. This practice has been followed throughout all the legislative history that I know anything about. This is the routine way of doing it, once the House has made known its wishes. One of these resolutions does not become effective until the third of January next year. There may be some question—I do not know for certain—as to whether that effective date is in this Congress or whether that would be in the new Congress, insofar as the resolution is concerned. As I say, there may be a question as to the effective date.

Mr. GROSS. Therefore, it would be subject to a point of order as legislation on an appropriation bill. I thank the gentleman for his explanation.

I wonder if I could go to page 14 of the bill to ask a question about the public debt. What is it now costing to administer this staggering Federal debt of some $315 billion?

Mr. MAHON. The administrative appropriation for the Bureau is about $49 million.

Of course, the interest is approximately $11 billion annually at this time. The chairman of the subcommittee handling the Treasury portion of this bill is the distinguished gentleman from Virginia, VAUGHAN GARY.

Mr. GROSS. I assume that the gentleman from Virginia [Mr. GARY] will explain that portion of the bill; will he not?

Mr. MAHON. Yes, he will be here to explain the bill.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. STEED. Included in the $49 million in what they call the "Administration of the public debt" is not only the extension of bonds as they come due or new bond issues, but also the savings bond program which is also included in this item, that is the cancellation and sale of savings bonds.

Mr. GROSS. If the gentleman from Texas will yield, I would like to ask the gentleman from Oklahoma a question since he is conversant with this subject.

Mr. MAHON. The gentleman from Oklahoma is a member of the subcommittee. I yield.

Mr. GROSS. The Chairman of the full Committee on Appropriations says some $49 million a year is already being spent to administer the Federal debt, yet there is a request in this bill for an additional $570,000.

May I ask whether this is for personnel? For what is it to be used?

Mr. STEED. This is an automatic item. We have an open-end item. The Government pays fees to the banks which cash and sell the bonds. The $570,000 is the amount of money for the item, dictated solely by the volume of business. The volume of business throughout the country in the savings bond item is that much more than was anticipated some 14 months ago when the budget for 1965 was first made up.

This is merely to cover the automatic costs which are levied against the Treasury as a result of the volume of bond transactions in the banks throughout the country.

Mr. GROSS. The volume of business must be translated into personnel or some other function of that kind.

Mr. STEED. It is fortunate that this item does not require additional personnel. All the banks send in claims for having cashed 1,000 bonds, or 100 bonds, or whatever it is. The amount of money changes, but the Federal clerical work is not different.

Mr. GROSS. The thing I cannot get through my head is that we are spending millions and millions of dollars in this Government for automation and for electronic equipment, yet almost every bill which comes before us provides for increased personnel to take care of governmental business.

What are we getting for the uncounted millions of dollars we have spent on electronic devices, which presumably were to be used to stop the increase in personnel?

Mr. STEED. If the gentleman will search the record, I believe he will find that in the case of the U.S. Treasury Department there is now being handled twice the volume of business with some 6,000 fewer employees than when they started automation. This is an agency of the Government which has made a remarkably good showing with automatic equipment.

Mr. GROSS. If we would cut out the extravagance in Government and the waste that is going on, we could reduce the Federal debt and thus reduce the cost of administering the Federal debt. Does the gentleman agree with me on that?

Mr. STEED. I certainly do. I only regret that all agencies of the Government have not made as good a contribution in that direction as has the Treasury Department.

Mr. HALL. Mr. Chairman, this is a very important bill involving more than a billion dollars of supplemental appropriations. I suggest that there is not a quorum present, and that there should be; so I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 259]

Abele
Adair
Alger
Anderson
Andrews, Ala.
Arends
Ashley
Aspinall
Auchincloss
Avery
Barry
Bass
Belcher
Berry
Blatnik
Bolton, Oliver P.
Brademas
Brock
Bromwell
Brown, Calif.
Broyhill, Va.
Bruce
Buckley
Burton, Utah
Carey
Casey
Celler
Clausen, Don H.
Clawson, Del
Cohelan
Cooley
Corbett
Corman
Cunningham
Curtis
Davis, Ga.
Davis, Tenn.
Denton
Diggs
Dingell
Dole
Duncan
Evins
Finnegan
Fisher
Flynt
Foreman
Forrester
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Gibbons
Gill
Green, Oreg.
Griffin
Hanna
Harris
Harsha
Harvey, Ind.
Hawkins
Healey
Hébert
Herlong
Hoffman
Jones, Ala.
Karth
Kee
Kilburn
Kluczynski
Knox
Laird
Landrum
Lankford
Leggett
Lesinski
Lloyd
Long, Md.
McClory
McIntire
McLoskey
MacGregor
Mailliard
Martin, Mass.
Martin, Nebr.
Matsunaga
Michel
Miller, N.Y.
Montoya
Morris
Morrison
Morton
Moss
Murray
O'Hara, Mich.
O'Konski
Olson, Minn.
Patman
Pilcher
Pillion
Powell
Quie
Quillen
Rains
Reifel
Rhodes, Ariz.
Rivers, Alaska
Robison
Rogers, Tex.
Roosevelt
Roybal
Ryan, Mich.
Schwengel
Scott
Selden
Sheppard
Shipley
Siler
Snyder
Staebler
Taft
Teague, Calif.
Thompson, La.
Thompson, Tex.
Toll
Tollefson
Vinson
Wallhauser
White
Willis
Wilson, Bob
Wilson, Charles H.
Wilson, Ind.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 12633, and finding itself without a quorum, he had directed the roll to be called, when 297 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Texas had consumed 14 minutes.

The Chair recognizes the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Chairman, I yield myself such time as I may need.

Mr. Chairman, our chairman, the gentleman from Texas [Mr. MAHON] has already explained the bill in some detail. I simply want to add that the budget for the nine different agencies for which supplemental funds are requested in this bill totals $1,370,468,374. That amount has been reduced by the respective subcommodities $371,845,000. Leaving a total request in this bill as it comes to the House today in the amount of $998,623,374. Which is very close to a billion dollars. Of course, that figure does not sound nearly as bad as it would if we had a bill before us requesting a billion dollars.

Now there is a very small percent of this bill that could rightly be considered as a deficiency. But, of course, the big spenders dreamed up a useful word for them, "supplemental" in lieu of "deficiency." You see we have an antideficiency law with teeth in it providing jail sentences and fines for any agency head who spends more in any quarter than the general appropriation has in proportion provided for that fiscal year.

So in each session of the Congress we have supplemental bills no end.

Of course, this bill includes the money for the so-called antipoverty bill which was authorized by the Congress during this session, and also money for the Mass Transit Act.

The budget request of $947,500,000 was reduced by the subcommittee to $750 million, which is a reduction of $197,500,000, and the full Appropriations Committee approved that amount but not with my approval.

An amendment was offered in the full Appropriations Commitee to reduce that amount $100 million. Which was defeated. The purpose of that amendment was merely to take into account the time before the bill will be signed by the President; 3½ months of fiscal year 1965 will have elapsed.

I believe it will be only proper that we attempt to amend the bill and reduce it at least $75 million today.

Mr. OSTERTAG. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I am glad to yield to the gentleman from New York.

Mr. OSTERTAG. Would the gentleman from Iowa agree it is reasonable to assume that at least one-third of this fiscal year will have passed before the appropriation bill becomes the law?

Mr. JENSEN. If the bill is not signed by the President until October 15, then 3½ months of fiscal year 1965 will have elapsed.

Mr. OSTERTAG. On that basis, and on the basis of the facts contained in the report, which indicate that until such time job recruiting can be done and personnel obtained, very little of the money herein appropriated could be used within the foreseeable future. Therefore, the $750 million which is embodied in this bill for the Office of Economic Opportunity is not required on the basis of their own figures and of their own estimated requirements.

Mr. JENSEN. That is absolutely correct. If any agency head has spent money in anticipation of the funding bill for the so-called Anti-Poverty Act, then certainly that person has committed an illegal act.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. JENSEN. I yield to the gentleman from Kentucky.

Mr. PERKINS. If I understand the supplemental bill correctly, there is $145 million in it for student loans. Does the gentleman contemplate offering an amendment to reduce the student loan provisions of the bill?

Mr. JENSEN. Indeed I do not. In fact, I have constantly supported the student loan program.

Mr. PERKINS. The whole $145 million is necessary if we intend to take care of the 30,700 applications that we hope will be taken care of. Now, where can we cut further than the subcommittee has already cut without endangering the program?

Mr. JENSEN. Simply on the basis that 3½ months of fiscal year 1965 will have expired I am quite certain before the President signs the bill.

Mr. PERKINS. The subcommittee has already considered that aspect of it, has it not?

Mr. JENSEN. Yes. And they did reduce it almost $197 million.

Mr. PERKINS. But what specific category in the antipoverty bill can we cut and still not endanger the program? That is my question.

Mr. JENSEN. When 3½ months of the fiscal year will have elapsed before the President signs it, then it simply stands to reason that they cannot properly spend any more per month than the subcommittee has allowed. We are simply saying that it should be reduced in ratio and in proportion to the amount of the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JENSEN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. PERKINS. As I understand it, the subcommittee in reducing the original authorization considered that so much of the fiscal year had already elapsed.

Mr. JENSEN. Yes. But they did not take off enough to suit me and a lot of other folks who try to save a few dollars here and there.

Now, Mr. Chairman, our President's budget for 1965 fiscal year has one-half a billion dollars less in new money than Mr. Kennedy's 1964 budget. The facts are that he did ask for half a billion dollars less in new money, but the facts also are that the Johnson budget requests $5.4 billion more in spending authority than the Congress saw fit to authorize the last Kennedy administration to spend. So I hope that nobody takes the President too seriously when he claims he has asked for less money in total than the Kennedy administration was authorized to spend, because of the facts in fiscal year 1964.

Mr. BOW. Mr. Chairman, will the gentleman yield to me?

Mr. JENSEN. Yes. I will be happy to yield to the distinguished gentleman from Ohio.

Mr. BOW. I was interested in the daily statement of the U.S. Treasury along the lines the gentleman is speaking about, on economy, for September 17, 1964. I find in that the total debt subject to limitation is $8,656 million higher today than it was a year ago.

Mr. JENSEN. That is right.

Mr. BOW. That does not show much economy.

Mr. JENSEN. No. Indeed it does not. I care not who it affects. The facts and figures speak for themselves.

In closing, I take the liberty to quote a great American, a great evangelist, one of the greatest, if not the greatest, that this world has ever known, Billy Graham, who held revival services in Omaha recently.

Reverend Graham said to the multitude gathered there that as long as the people of this Nation owed $324 billion in national debt, he could not believe we were really a prosperous Nation. He said that his father had trained him to pay his debts, and live within his income and a nation should do likewise.

Also in publication which was given out at the meetings, Billy Graham said:

> I do not believe that America's race problem is going to be solved either in the streets or in the courts. It is going to be solved in the hearts of men, when they have love and understanding one for the other.

Mr. Chairman, the above editorial appeared in the Council Bluffs Nonpareil of September 18, quoting this great and good man. Let us all take heed and do our level best to see to it that our taxpayers' money is not wasted.

Mr. Chairman, before I leave the floor I want to say that I am very sorry that we are losing from the Committee on Appropriations seven of our members, the gentleman from California [Mr. SHEPPARD]; the gentleman from Virginia [Mr. GARY]; the gentleman from New York [Mr. OSTERTAG]; the gentleman from Michigan [Mr. LESINSKI]; the gentleman from Pennsylvania [Mr. MILLIKEN]; the gentleman from New Mexico [Mr. MONTOYA], and the gentleman from Illinois [Mr. FINNEGAN]. These men have labored with the rest of us in the Committee on Appropriations, some for many, many years, some for a few years. I have nothing but the highest praise for them. Five of them are Democrats, two are Republicans. We have our arguments or disagreements in committee and on the floor but we try to disagree agreeably. The country can ill afford to have these fine Americans leave the House of Representatives and the Committee on Appropriations. I wish them all good luck, good health and happiness.

Mr. MAHON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I would like to advise our colleagues that today is a very important and memorable day. I understand that our distinguished, congenial and beloved chairman of the Committee on Appropriations is 64 years young this afternoon at about 2:30.

Mr. Chairman, I know each and everyone joins me in wishing for him many, many years of good health and happiness and a long life.

I understand he has a lot of longevity in the family on both sides, and unless he is run over by one of those west Texas jackrabbits I am sure he will live to be at least 107.

Mr. Chairman, I want to congratulate the people of the great 19th District of west Texas for their good judgment in sending our beloved chairman and colleague here some 30 years ago. I am sure they will keep him here at least another 35 years.

Good luck, GEORGE, and the best of health and everything to you.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. Surely, I yield to my beloved friend the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Chairman, I could not let this opportunity pass without saying some good words about our good chairman of the Committee on Appropriations, the gentleman from Texas, GEORGE MAHON.

My esteemed colleague, the gentleman from Texas [Mr. THOMAS], has served on the committee with Mr. MAHON many, many years. I also have served on the Appropriations Committee with GEORGE for the past 22 years. I know I speak for every member of the Committee on Appropriations and for every Member of this Congress on both sides of the aisle when I say that GEORGE MAHON is a gentleman of the highest order. He is fair, he is able, he is a good chairman.

GEORGE, I wish you many, many more years of happy life with your wonderful wife and family.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Washington.

Mr. HORAN. I too wish to join in the congratulations and good wishes which have been expressed to our congenial chairman of the Committee on Appropriations, the gentleman from Texas, GEORGE MAHON.

Mr. Chairman, it is a very happy coincidence that we bring this, we hope the last bill to the floor of the House today which provides for the use of the people's money for the national purpose.

I might remind the Members that this is another of our last hurdles between us and adjournment sine die and I sincerely hope we can get back to the hustings before my birthday comes on October 15.

Mr. ALBERT. Mr. Chairman, will the gentleman yield to me?

Mr. THOMAS. Yes; I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, I cannot let this opportunity go by without wishing the gentleman from Texas, GEORGE MAHON, a happy birthday and many happy returns, and many more of them.

Mr. Chairman, the position of chairman of the Committee on Appropriations of the House of Representatives is one of the most important and powerful in the country. It is occupied by one of the most distinguished Members of the House and one of the most distinguished and able men ever to occupy that position.

Mr. MAHON. Mr. Chairman, I thank my friends for these very generous references.

Someone was remarking the other day that the position of the chairmanship of the committee carried with it considerable longevity. I had to point out that one had to achieve considerable longevity before he got to be chairman. So, this is somewhat understandable. No one in his early years here would occupy the position.

Mr. Chairman, I give a great deal of credit to the late distinguished and beloved gentleman from Missouri, Mr. Clarence Cannon, former chairman of the committee, for the fact that we seem to have done a good job this year. Indications are that budget expenditures will be less this year than last year and that we may appropriate less money this year than we appropriated the prior year—or if that is too optimistic, then I think it safe to say we shall certainly hold the total pretty close to last year.

This does not mean we have achieved perfection, but it does mean that the Congress has done a reasonably good job in these important matters this year.

Mr. Chairman, I now yield 3 minutes to the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Chairman, I have asked for this time to direct a question to the distinguished chairman of the Committee on Appropriations, calling his attention to page 14 under chapter 9, claims and judgments. I am interested in the $32,284,904 mentioned in this item.

I would like to find out how much of that, if any, is for the settlement of Indian claims in California?

Mr. MAHON. The sum involved is $29.1 million for Indians in California. The budget estimate I think my friend from California is familiar with was presented to the Congress some time ago. This is the estimate and the estimate grows out of a decision by the Indian Claims Commission which is authorized to make a judgment in this matter.

Mr. SISK. I appreciate the answer of the gentleman. I would like to direct one further question. As I would understand a proviso further down in this section, the fact that the Congress makes this appropriation and makes the money available to pay this claim would in no wise jeopardize any appellate rights which the Indians might otherwise have? Would that be a fair interpretation of that language?

Mr. MAHON. The gentleman is absolutely correct in that respect. The making of this money available would not preclude any decision by an appellate court with respect to actual disposition of the funds.

Mr. SISK. I appreciate the gentleman's answer very much. There have arisen some questions regarding differences of opinion among the California Indians, and I wanted to make the matter clear for the record. I do not know what appellate rights they may have; but the mere fact that the Congress is making this appropriation would not jeopardize any such rights as might otherwise exist?

Mr. MAHON. They would not be jeopardized or impaired as a result of this proposed action.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MAHON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri [Mrs. SULLIVAN].

Mrs. SULLIVAN. Mr. Chairman, I am very grateful to the committee and to the Subcommittee on Agricultural Appropriations and also to the gentleman from Mississippi [Mr. WHITTEN] for providing funds in the supplemental appropriation bill to expand the food stamp program more nearly into a nationwide program. The $25 million provided in this bill, added to the $35 million of section 32 money included in the regular appropriation bill for the Department of Agriculture which became law on September 2, will enable the Department of Agriculture to add 60 additional counties or areas to the 40 counties and 3 cities now participating in the food stamp program with pilot projects.

According to the information provided by the Department of Agriculture, about 600,000 additional needy Americans will be able to change over from the direct distribution system to the food stamp plan, and thus enjoy a much better diet. It should be pointed out that the increased cost to the Government of assisting these people through the food stamp plan will be offset by the savings to the Government as a result of closing down an equivalent number of direct distribution programs.

The $35 million in the regular appropriation bill and the $25 million in the supplemental, providing a total of $60 million for this fiscal year, will be sufficient to enable the Department of Agriculture to operate in this fiscal year at the maximum level permissible under the new food stamp law. The authorization for expenditures was $75 million for the current year, but nearly 3 months of the fiscal year have already expired. Hence, for all practical purposes, we are appropriating the equivalent of the full authorization and, with this money, will be able to gear up the program so that by the end of this fiscal year we can achieve the $100 million a year level of operations called for in Public Law 88-525. Under that law, the authorization for the third fiscal year is $200 million, so as a result of the actions we are taking today on the appropriation bill, we are on the way toward putting into operation the full benefits of the food stamp law as authorized by Congress. So it is a happy moment for me.

However, Mr. Chairman, in order to make absolutely sure that there is no hitch in this matter, I want to ask the chairman or the chairman of the Subcommittee on Agriculture several questions.

First, I would like to know what happens if the Senate, once again, as it did on the regular appropriation bill, knocks out the $10 million of section 32 money now included in this bill? If they replace that section 32 money with direct appropriations, would that be agreeable to the conferees?

Suppose they knock out the section 32 money entirely. Can we be assured that the House will insist on the full amount, in one way or another, so that we will have for the fiscal year the full $60 million necessary in order to operate at the $75 million a year level authorized in Public Law 88-525?

Mr. MAHON. I am somewhat familiar with this subject. However, in view of the fact that the gentleman from Mississippi [Mr. WHITTEN] handled this item as chairman of the Subcommittee on Agriculture, I will yield to him to respond to the question asked by the gentlewoman from Missouri.

Mr. WHITTEN. As the gentlewoman knows, there are some Members of Congress, particularly on the other side of the Capitol, who would prefer direct appropriation for this purpose to the use of section 32 funds. The budget came before us recommending $15 million in appropriated funds and $45 million from section 32. Since $35 million had been provided from section 32 in the regular bill for 1965, we provided only $10 million of section 32 funds in this bill, making a total of $60 million available from the two sources as proposed in the budget request.

I think the subcommittee feels that, in view of the action of the Congress in authorizing this program on a regular basis, a total of $60 million is reasonable for the fiscal year 1965, regardless of the source of funds. I do not think there is anything to be disturbed about in this connection.

Mrs. SULLIVAN. I thank the gentleman, just so that we can be assured that the proper amount will stay in the bill for the operation of the program when the bill goes to conference.

Mr. OSTERTAG. Mr. Chairman, my part in this particular bill stems from my membership on the Independent Offices Subcommittee. In that regard we have provided funds for the Housing and Home Finance Agency and particularly the urban mass transportation grants and loans. In addition to that there are small items for the Securities and Exchange Commission, the National Commission on Technology, Automation, and Economic Progress, and others.

This probably will be the last time that I shall be privileged to appear on the floor of this House as a Member of this body in behalf of or in connection with appropriation bills. Having served as a member of the Appropriations Committee for some 14 years, I want to take this moment to join with the other colleagues that have expressed themselves in tribute to our distinguished chairman, who is celebrating his birthday today.

I might say to you that it has been a real privilege for me to serve with him and under him. Over these several years I have been a member of the Defense Appropriations Subcommittee under his chairmanship. As others have indicated, he is not only a great legislator, a great Congressman, a good leader, he is able, he is fair, and he is a great American. I count him as one of my very, very best friends.

While the gentleman from Texas [Mr. THOMAS] referred to the fact that Chairman MAHON is 64 years young today, I should like to take this moment to tell you that he has a full head of black hair, and not a gray one in it, if that is any indication of his fruitful life and his stamina. I predict and hope for him many, many more years of contribution to the Government of the United States, as well as good health and happiness.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. WIDNALL].

Mr. WIDNALL. Mr. Chairman, I take this time to ask a question of either the gentleman from Texas [Mr. MAHON] or the gentleman from Texas [Mr. THOMAS] with respect to the supplemental appropriations for the Housing and Home Finance Agency. We just passed a housing bill by one of the largest votes that I can recall in the time that I have spent in the Congress. President Johnson pointed out in his message at the time he signed that bill that one of the few new programs was the $50 million rehabilitation loan program that was addresed to helping the low income people and the small businessman and the tenants and property owners who were being bulldozed out of the urban renewal areas. Is there anything in this bill for this program and did the administration request any funds for that purpose?

Mr. THOMAS. It is my understanding there is no budget estimate for it at this time.

Mr. WIDNALL. There is no request from the administration?

Mr. THOMAS. It is a very popular program and I am sure our colleague, the gentleman from New York [Mr. OSTERTAG] will advise you that when we get a budget estimate, we will go into it very carefully. You have two or three of these rehabilitation programs and we think they are all starting off pretty well. We want to congratulate the gentleman from New Jersey and his committee for the program. I am sure there is no disposition on the part of our subcommittee to scuttle it.

Mr. OSTERTAG. May I join the gentleman from Texas in responding to the gentleman from New Jersey and say that our subcommittee has received no formal budget request for these funds.

Mr. Chairman, I now yield 15 minutes to the gentleman from Washington [Mr. HORAN].

Mr. HORAN. Mr. Chairman, there is a small item in this bill which some of us who have followed the fortunes or misfortunes of agriculture through the years believe has a potential for real good. I refer to the first activating funds for the National Commission on Agricultural Marketing. As you know, the commission has been appointed. They have met once largely with reference to the resignation of our former colleague, Judge Marvin Jones, who served in this body with distinction and who was chairman of the Committee on Agriculture at one time. Judge Jones retired from the commission as its first chairman for personal reasons. So far a replacement for Judge Jones has not been announced by the White House.

Now this is a matter that has been very close to the subcommittee on agricultural appropriations. Through the years, I will say to you, we have appropriated funds rather unhappily in many instances. But it was the law—the programs were there—and we could see the faults too readily as the department and the related agency heads came before us and reported.

Our subcommittee chairman, the gentleman from Mississippi Mr. JAMIE L. WHITTEN, became so aroused about this some 10 years ago seeing that surplus stocks were building up in bins and warehouses all over the Nation and that we were not moving the surplus stocks into the channels of trade either here or abroad as we should have moved them.

We set up a sales agency in the Commodity Credit Corporation. That has done some good.

As I review this $700,000 request, naturally, as a member of this subcommittee for nearly 20 years, I have higher hopes for it than might appear on the surface.

Time was when a person could actually live off the land in America; that is, if he wanted to spin his own wool into cloth, for "homespuns"; if he wanted to make his own candles and to dry his own venison or to grist his own wheat, and perhaps scorch some of it to make some "ersatz" coffee. But times have changed. We all know that 40 acres and a mule no longer will guarantee anyone success in farming.

Today is the age of specialization in money crops. There is technology and efficiency and all of that in the field of money crops, which has led to our surpluses.

I recall that our chairman, the gentleman from Mississippi, JAMIE WHITTEN, said the way to become a successful farmer was to have an oil well on the back 40, or perhaps to supplement farming income by getting elected to Congress.

In the past we have tried to secure the farmer's income in many ways. Have we succeeded? If not, how have we failed? It is time now for a searching and serious review of all our efforts.

I believe the one thing which needs some real scrutiny, some real ventilation, and one which has never been truly challenged, is the Commodity Credit Corporation itself. This is where we tie up the surpluses. We are fearful about putting them back on the domestic market, and we have our troubles about giving them away abroad under food for peace.

You know, this all grew out of the ideas of a couple of Republicans in 1930, when Charles McNary, of Oregon, and Mr. Haugen, a Member of the House from Iowa, came up with the idea that we should set up a corporation to buy up and retire surplus commodities from the domestic market until the price on the domestic market rose to the level of the world price.

That was all well and good, but once these commodities were bought up, what could be done with them when the price rose domestically? That has been our problem down through the years. To sell them, domestically, would again depress the price and thus cancel out the very purpose for which they were bought up in the first case.

In the middle 1930's the McNary-Haugen idea became part of our farm program and resulted in the Commodity Credit Corporation.

The question now concerns the Marketing Commission, which can be either the most resounding flop or one of the best measures ever passed, depending upon the intelligence and activities of the members of that Commission, and assuming the White House will get around to appointing a chairman who will function and that the Commission will do some work.

We want to know, does the Commodity Credit Corporation—and we have had experience with it—aid or hinder the free movement of agricultural commerce in a free market. We have found that placing our surpluses in bins is no answer. Actually this bill contains, as the chairman of our subcommittee, Mr. WHITTEN, has already indicated, some $60 million of money appropriated and in kind for the food stamp plan. Well, I did not vote for the food stamp plan, but I will say this about it: the food stamp plan has one virtue that the Commodity Credit Corporation does not have, that is, it does not or largely it does not interfere with the free movement of agricultural commodities, namely, food, in the marketplace. Keep that in mind. That is something else for this marketing commission to weigh and pass judgment on.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. HORAN. Yes. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I want to say this: it has been my privilege to work with the gentleman from Washington for many, many years on the Subcommittee on Agriculture of the Committee on Appropriations. I noted his statement with regard to the food stamp plan and its goal, and I want to say that through the years he has always looked at these various programs objectively. We have had his full cooperation and we have worked shoulder to shoulder with regard to this matter.

May I say also for the RECORD that earlier I had some serious misgivings about this food stamp plan, as to whether it was a worthwhile program or not. I have come around to believing—where these commodities go through normal channels and the recipient pays in something for the food stamps in line with what he can afford—perhaps it offers a great improvement for the future. Like the gentleman, I earlier had different feelings about it.

I wanted to take this occasion to say as we near the end of this session that the gentleman from Washington deserves a great deal of credit for enabling 8 percent of the American people to provide food and clothing for the other 92 percent, which in the final analysis frees so many people to give us the high standard of living which we have. The gentleman deserves that statement, and I am pleased to make it at this point.

Mr. HORAN. If I might observe this, I think the food stamp plan faces its greatest danger in corruption at the local level. I hope the administration of it at the local level will be handled with the full cooperation of everybody there. Our observations of the operation of this plan in Uniontown, Pa., lead to the inevitable conclusion that where the local hometown people see some virtue and they all put their shoulders behind the wheel and their hearts into the work, it has functioned fairly well.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. HORAN. Yes. I will be glad to yield to the gentleman from Illinois.

Mr. FINDLEY. In connection with the food stamp program, I see in the committee report on page 4 that the full budget estimate for the fiscal year is placed at $60 million. Can anyone tell me if that includes the cost of continuing the pilot food stamp program?

Mr. HORAN. Oh, yes.

Mr. FINDLEY. It is a total figure, then?

Mr. HORAN. This program will be in addition to the pilot operations that are still functioning.

Mr. FINDLEY. But the $60 million is the total figure for both the pilot and the national food stamp program for the year?

Mr. HORAN. When we had the Agricultural Marketing Service before our subcommittee I went into that at length. It was apparent to me that $60 million was a pretty low estimate for the ones who had applied for this service and for the growth that might be expected on this service within the present fiscal year.

Mr. FINDLEY. Can the gentleman tell me, in connection with the National Commission on Food Marketing, whether the committee in establishing the level of $700,000 took into account the fact that some $450,000 is being provided the same fiscal year to the Economic Research Service of the Department of Agriculture to conduct a study into the cost of food from the producers to the consumers? Was this taken into account in order to unify the activities of these two branches of the Federal Government and to make possible economies?

Mr. HORAN. Mr. Chairman, I should like to have my chairman's attention here. When we had this item before our committee it was testified to and justified entirely by men from the Budget and they freely admitted that it was a guesstimate.

Mr. WHITTEN. Mr. Chairman, I am sorry, would the gentleman repeat the question?

Mr. FINDLEY. Mr. Chairman, my question was whether or not in establishing the $700,000 figure for the National Commission on Food Marketing, the committee did take into account that some $450,000 is being provided to the Economic Research Service of the Agricultural Research Service of the Department of Agriculture for a very similar type of study which has been on a continuing basis. Was there an effort to unify the two and bring them together for purposes of economy?

Mr. WHITTEN. I would say that there is no way for the Commission, which is independent of the Department, to direct the Department in its efforts. I would point out, however, that the work which the gentleman mentioned, which has been going on in the Department for years and which has had the support of the gentleman from Washington [Mr. HORAN] and myself, has produced really fine results. If the gentleman from Illinois will look at the hearings, we included a full record of the work that has been done by the Department, for the purpose of making it available to this new Commission.

We did two things concerning the new Commission. We cut the budget estimate from $1 million to $700,000. We also provided that this money would lapse at the end of the fiscal year 1965, rather than allow it to be carried over. So that we feel we did take both programs into consideration, but we did not exactly agree that these were the same things. This work in the Department is highly important and can be made readily available to the Commission.

Mr. FINDLEY. I assume from that, then, that the two programs will run concurrently?

Mr. WHITTEN. That is anticipated.

Mr. HORAN. Yes, but I hope these agencies will be prompted to look to each other once in awhile. That is something we have to insist on and I intend to insist on it.

Mr. Chairman, I want to say in conclusion that I think there is a possibility here to throw some light on the faults that we have in our farm programs and perhaps some light on a happy solution to them. Your farm leaders are the first to admit that they do not know the answer, and very few people do. Here is a chance. As I said before, the White House is going to have to get busy and appoint somebody as Chairman of this Commission before it can function. It so happens that we have had a lot of experience on this subcommittee, both the gentleman from Mississippi [Mr. WHITTEN], and I, and have collaborated in recommending Fred Marshall, a former colleague of ours from Minnesota, who served on our subcommittee well and capably. He is on that Commission now, and as far as I am concerned they can make him Chairman tomorrow and I shall be very happy about it. I want to know what can be done or even what can be suggested in the direction of doing justice to our able American farmers—and thank God we have them—to make more secure their place in the economic sun of this great Nation of ours.

Mr. THOMAS. Mr. Chairman, in the absence of any further request for time on this side, and unless the gentleman from New York [Mr. OSTERTAG] has further requests for time, I will ask that the Clerk read the bill.

Mr. OSTERTAG. Mr. Chairman, I have further requests for time.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I would like to direct a question, if I may, to the chairman of the committee, the gentleman from Texas [Mr. MAHON].

Earlier this afternoon the gentleman answered a question directed to him by the gentleman from California [Mr. SISK] relative to the Indian claims settlement for the California Indians. I have received an airmail letter today from one of my constituents, Fred Baker of Berkeley, Calif., who represents the Federated Indians of California.

His letter, in part, reads as follows:

> One thing more the Indians of California are afraid of—I refer to the educated Indians of good character, and that is that an attempt will be made to rush through the present Congress the passage of an appropriation in payment of this judgment before they can be heard by the Congress on this matter. I, also, would like to be heard on this matter.
>
> A rumor has just come from Washington that an attempt will be made to attach to the antipoverty bill now pending in the Congress an item of appropriation of $29,100,000 settling this California Indian claim. Would you be good enough to look into this matter, or have a member of your staff do so, as soon as may be convenient? We would like to file a protest against such action if it has been taken urging the committee handling the above-named bill not to include it in the said bill.

I would like to say to the gentleman from Texas that it is my understanding the Federated Indians of California and certain other Indian groups feel that this has been handled in an improper way by the Indian Claims Commission and by the Bureau of Indian Affairs. They feel that the election was not fairly conducted, that the type ballots sent out were not properly constructed and they feel this settlement is highly inadequate and will be most unfair to the Indians of California. Above all, they wanted to be heard before the appropriate congressional committee before any appropriation action was taken.

I would like to ask whether the Committee on Appropriations gave any consideration to the fact that there has been dissension among the Indians of California as to whether this was a fair settlement before the committee took action to include this sum in this bill?

Mr. MAHON. If the gentleman from California will permit, I shall ask the gentleman from Ohio [Mr. KIRWAN], chairman of the subcommittee dealing with this subject matter, to comment in response to the gentleman's question.

Mr. KIRWAN. Attorneys representing the Indians and attorneys representing the U.S. Government approved what is included here today in the bill. Also, the Department of the Interior approved it. The Indian Claims Commission held extensive hearings and most of the Indians of the State of California approved it.

I would say further to the gentleman that the longer we delay this payment of $29,100,000, it means the loss of payment of interest in the amount of $1,164,000 a year to the Indians. This appropriation, of course, cannot be advanced to the Indians until the legislative committee and Congress pass a bill authorizing how the funds are to be used.

All this does is put the money in trust for the Indians. If they want to appeal, there is nothing to stop them from appealing the matter further.

Mr. BALDWIN. One further question. Although this money is appropriated in this bill, it cannot be spent until an authorizing bill is passed and such authorizing bill would come out of the House Interior Committee to the floor of the House as an authorization bill?

Mr. KIRWAN. Until the manner in which the money may be spent is authorized, the money will be held in trust in the Treasury and draw interest at 4 percent. This represents the sum of $1,164,000 annually.

I will say further to the gentleman that the Indian Claims Commission, an agency which has been established by the Congress, entered its final order and judgment on July 20, 1964, approving the settlement agreed to by the attorneys on both sides, both for the Indians and for the Government. Under the law, this has the effect of a final judgment of the Court of Claims and it is only appropriate that we provide the funds as requested in the budget estimate.

Mr. OSTERTAG. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I take this time to ask a few questions about the astounding amount of money contained in this supplemental bill dealing with civil rights.

Let us start with the Commission on Civil Rights.

Do I understand that this Commission was established in 1957?

Mr. MAHON. The subcommittee working more particularly with this was chairmaned by the gentleman from New York [Mr. ROONEY] and he will comment on the gentleman's question. I will ask the gentleman from New York to comment on it.

I will say that as far as I am personally concerned Congress has passed certain legislation relating to civil rights and I believe it to be the duty of the Congress to make it possible to carry out the law which has been enacted by the Congress. I realize the legislation is controversial, but this was approved by the Committee on Appropriations in a nonpartisan way.

Mr. GROSS. I do not care whether it is controversial or noncontroversial. What I am asking is, Was not this Civil Rights Commission established back in 1957, and did it not have a regular budget, and if it did have a regular budget what are we doing putting another $295,000 in its collective lap? I want some explanation as to why that is necessary?

Mr. MAHON. I hope the gentleman from New York will comment on this expanded program which has been brought about by the passage of the civil rights legislation. It is true we have had a Civil Rights Commission for quite some time.

Mr. ROONEY of New York. The Civil Rights Commission has been in existence for some years; but under the Civil Rights Act of 1964 they are given additional duties to perform which require 25 additional employees, and the amount carried in this bill covers them.

Mr. GROSS. Was not an Equal Rights Commission established in the 1964 act, the act that was previously passed this year?

Mr. ROONEY of New York. There is an Equal Employment Opportunity Commission being set up, and for which funds are carried in this bill as the result of the enactment of the 1964 Civil Rights Act.

Mr. GROSS. And there is an appropriation in this bill of some $2.5 million for that purpose?

Mr. ROONEY of New York. That is correct.

Mr. GROSS. In your hearings, I will say to the gentleman from New York, Mr. Marshal testified that they received no complaints from the civil rights people and apparently got no help of any kind from the Civil Rights Commission. Is that not what your hearing record shows? If so, what does this Civil Rights Commission do except employ a lot of people to draw money out of the pockets of the taxpayers?

Mr. ROONEY of New York. If the gentleman will kindly read pages 8 through 11 of the printed hearings before the House Appropriations Committee on this bill he will find the pertinent details with regard to the Commission on Civil Rights so far as the 1964 Civil Rights Act is concerned.

Mr. GROSS. I am talking about the old Civil Rights Commission to which you are giving another $295,000, apparently a total for this fiscal year of $1,280,000. That is a lot of money to dish out to a Commission that shows little or no record of accomplishment.

Mr. ROONEY of New York. The $295,000 expenditure is occasioned as the result of additional duties required on the part of the Commission which are set forth at pages 8 to 11 of the printed hearings.

Mr. GROSS. I do not know what the additional duties are, but the fact of the matter is, according to the testimony in your hearings, pages 44 and 45, the Commission has not done much in the past.

Mr. ROONEY of New York. The gentleman is referring to pages of the printed hearings which pertain to the requested appropriation for the Civil Rights Division of the Department of Justice.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. OSTERTAG. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I am glad the gentleman from Iowa has brought this out, and I thank him for so doing. It is a rather significant day in the history of the House of Representatives, and I cannot help but wonder about the voices we heard last February.

They are all strangely silent. It makes me wonder if maybe some of our friends and colleagues from the South have been so used to Federal expenditure they welcome the $13 million expenditure by the Federal Government, in this bill alone, to support the civil rights law—to increase the Federal Government's capacity to enforce it. Maybe some of our friends are so glad to receive Federal expenditure now they welcome $13 million of expenditure for this purpose, because they are so far silent.

Mr. ROONEY of New York. I do not know to whom the gentleman from Ohio refers as being silent. The fact is that the Civil Rights Act of 1964 is now the law. It must be implemented with funds. There is nothing startling about this. The gentleman from Iowa knows that in the regular hearings on the State, Justice Department appropriations bill, which also contains Civil Rights Commission money, there was a statement that if the Civil Rights Act passed they would be here for more money as the result of the additional duties with which they became involved.

Mr. GROSS. The Civil Rights Commission, according to your hearings, is supposed to investigate fraudulent voting not only with respect to race, creed, color, and so forth, but fraudulent voting, period. It is not of record that this Commission on Civil Rights, which has been in existence since 1957, went into Chicago or any place else where, in 1960, there was unquestioned fraudulent voting, and other vote manipulation. I say there is no justification for the continuance of this Commission much less an additional appropriation.

It is just as important to properly count the votes that have been fairly cast as it is to see that those who are qualified to vote have the opportunity to do so. But the record is clear that this Commission is not interested in protecting the right of the citizen to have his vote fairly and honestly counted.

Mr. OSTERTAG. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. RUMSFELD].

Mr. RUMSFELD. Mr. Chairman, I take this time to ask a member of the subcommittee concerning the legislative appropriations. I notice that in the report the statement is made that this supplemental appropriation bill includes $92,000 to be added to the regular $90,000 in the regular bill for deficits in the operation of the House restaurants. There is comment made in the report that some part of the deficit will be offset by selective price increases. In the hearings it is clear that in 1963 there was a $98,000 deficit, and for 1964 you are estimating a $111,000 deficit, and in 1965 a deficit of from $226,000 to $256,000. Thus, deficits in 1963, 1964, and 1965 will go from $98,000 to $111,000, to $226,000 in the operation of the restaurants. It seems to me that this progressive increase is rather excessive.

Mr. STEED. We hope the next price list starting in January will effect a substantial reduction in the amount of the now expected deficit.

Mr. RUMSFELD. It appears to me from the hearings that the price increases will not reduce the deficit at all. There are cost increases because of salary increases. The price increases are not being put into effect until January 1965, whereas the salaries went into effect earlier. It seems to me if a restaurant in private enterprise is going to increase salaries it increases prices at the same time so it does not have this sort of thing.

Mr. STEED. I hope the gentleman realizes that supervision over the dining facilities is not with the subcommittee. A survey is being made and is just being completed, and the new price structure has been worked out and will become effective in the next session. The anticipated deficit is what we think the maximum will be, but we hope that perhaps with the volume and other operating efficiencies that are involved the picture will improve, so we thought the only fair thing was to bring the picture to the House in the worst phase it will be so if there is any change it will be for the better. We are going to have to put on about 45 employees in the restaurant in the new Rayburn Building when it opens in January. Of course, if that is divided up among the customers we now have that deficit will be about what we have estimated.

But if it was also an increase in business which we hope will follow, then the deficit could be a great deal less because we have always made a profit in all the operations here except the dining room used by the Members here in the Capitol Building.

Mr. RUMSFELD. I am pleased to hear that there is going to be a survey. I think this is certainly something that you should be congratulated for in attempting to bring the deficit down—and hopefully to eliminate the deficit.

Mr. STEED. We are very concerned about it and we are very aware of the fact that it does subject the House to criticism. We are doing everything we know how to try to minimize this impact, and we hope sometime during the next fiscal year that this will level off and give us a very improved picture.

Mr. RUMSFELD. I thank the gentleman.

Mr. STEED. I think we have painted here the very worst picture with reference to this. We thought that it would be best to put it in the worst possible light and if the situation does improve everybody will be happy.

Mr. RUMSFELD. The gentleman is right. I hope this is in the worst possible light because I think it puts the Congress in the worst possible light, if we continue to run the House restaurant on a deficit basis, as we have in recent years, and with an increasing deficit every year for the past 3 years.

Mr. STEED. We have one problem that will be with us always. The experts we have talked to have not been too hopeful. That problem is due to the fact that the facility here in the Capitol Building is restricted to the Members. Therefore, the number of customers is very restricted. Of course, it has to be that way so that the Members can use the facility. And due to the fact that the restaurant only serves one meal a day whereas employees have to be here and are employed for the full day, it makes it most difficult to keep the deficit down on the House dining room. But we are able by businesslike methods to make the cafeteria pay its way. They do make a profit, and that offsets to some extent the deficit.

Mr. FASCELL. Mr. Chairman, I am pleased to give my support to the provision in H.R. 12633 which appropriates $4.5 million to enable the Bureau of the Mint to carry out its "crash" program to alleviate the present coin shortage.

With increasing frequency in recent months, concern has been expressed to many Members of Congress that there is a serious coin shortage in the country.

The Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, has as one of its assigned functions the obligation of evaluating the economy and efficiency with which the monetary agencies operate.

In June 1964, when it appeared that new mint facilities, then scheduled for completion by the end of 1966, would not meet coin needs, the subcommittee, of which I am chairman, held hearings into the operations surrounding the production and distribution of coins, and the efficiency and economy of the Treasury Department and the Federal Reserve System in that regard.

On June 29, the day before the hearings were to commence, the Treasury publicly announced a "crash" program which it had adopted, which was designed to assure an abundance of coin to meet all commercial needs in the future.

The mint had already taken substantial steps to expand production of coins, including the purchase of rolled nickel strip for the making of all 5-cent coins—thus freeing equipment for other production—and the inauguration in May 1964, of a continuous 7-day, 24-hour production schedule at the Nation's two mints, in Denver and Philadelphia.

Five new steps were included in the "crash" program designed to boost production rate from the 4.3 billion level of fiscal 1964 to the 9 billion level at the end of fiscal 1965. In brief, these steps include the purchase of bronze strip for pennies; the acquisition of new presses and stamping machines; the suspension of proof sets; the production of annealed blanks for nickels and pennies at the U.S. Assay Office in San Francisco, and obtaining legislation to continue the 1964 date on new coins indefinitely.

Legislation to retain the 1964 date has been enacted. The economic steps which the mint is taking are designed, so the testimony at our hearings disclosed, to produce enough coins so that the shortage will be broken and there will be adequate supplies to meet all demands.

Whether the program will accomplish all that is claimed for it remains to be seen. Many believe that it will, and I certainly hope that it will. Because the shortage must be relieved, and the program is a major effort in that direction, I support the supplemental appropriation for that purpose.

Mr. WIDNALL. Mr. Chairman, last month this House passed a new housing bill by the largest bipartisan majority in recent years. One of its features, now law, was a bipartisan supported rehabilitation loan program for those unable to afford or obtain commercial loans. President Johnson himself cited this new program as one of the two or three most important provisions of the Housing Act of 1964, and pointed out that its implementation would save the small homeowner and small businessman now faced with being plowed under by the bulldozer.

Today we consider the supplemental appropriations bill, H.R. 12633, in which I expected to see an initial effort to fund this new $50 million loan program. We are told, however, that the administration has not even requested any money for the program.

This proposal originated with the minority on the House Special Subcommittee on Housing, and received bipartisan support. On both sides of the aisle during House debate on this measure Members cited this proposal as a means to answer many of the problems raised by urban renewal in its present form. The distinguished Senator from Illinois, Senator DOUGLAS, lent his support to the funding of the program by writing to the Director of the Bureau of the Budget, shortly after the proposal became law urging the Bureau to request funds for the program in this supplemental Appropriations Act. I sent a similar letter shortly thereafter. Mr. Kermit Gordon, Budget Bureau Director, replied in the negative.

The answer is now clear. One of the few legislative proposals passed this session originating solely from Members of Congress themselves, rather than from the executive branch has been neglected. No longer can any one of us, of either party, be certain that our own efforts to act as legislators will be honored by that branch of the Government which is supposed to administer the laws we pass. We can sit back and take it, and confirm the suspicions of the American citizen that Congressmen are mere rubber stamps and errand boys, or we can serve notice that this will not be overlooked in the future.

There is no doubt in my mind that the new rehabilitation program had the genuine support of members of both parties who saw in it an opportunity to give the less well off the same chance as those now occupying high rise, high rent apartments and offices in urban renewal projects throughout the country. Just today I received in the mail a copy of a letter sent to Dr. Robert Weaver, Housing and Home Finance Administrator, from a large number of homeowners and small businessmen in the Lincoln Park section of Chicago urging the use of the rehabilitation sections of the new act. What is Dr. Weaver, who spoke glowingly of this new program before the Democratic platform committee in Atlantic City last month, going to tell these people? Will he say, "I am sorry but Congress wouldn't fund its own program?" He is not likely to admit the failures of the administration in this regard. Whether one likes it or not, urban renewal is and will continue to be an issue in over 700 cities, large and small, throughout the United States. What are we going to tell our constituents who wonder why their hope of retaining their home or business is no longer possible?

Mr. Chairman, had the administration made this request, and had the Appropriations Committee had an opportunity to consider it, I would be offering an amendment to restore the deleted request. But the administration has failed to live up to its responsibilities as the administrator of the laws Congress passes, and has failed to request the funding for the new program suggested by the legislative branch. It is my hope, therefore, that the Senate Appropriations Committee, which still has time to correct this error in judgment on the part of the administration, will do so. I would also urge the conferees from this House, should the Senate fund this program, to accept funding for the new rehabilitation program authorized by Congress.

Mr. ROBERTS of Alabama. Mr. Chairman, I rise in complete opposition to the request for appropriations of some $13 million for the implementation of the civil rights law.

Ever since this legislation was initially proposed, I continuously objected to it on the grounds that it is unconstitutional, unnecessary, and unwarranted. For these reasons, I must in all good conscience strenuously object to this supplemental appropriations request.

It is my sincere hope that the House will see fit to refuse to furnish any assistance, by way of appropriations in the implementation of the highly questionable law.

Mr. FOGARTY. I take this time to mention two points in connection with the economic opportunity program.

I think it is desirable to make it abundantly clear that we expect the Director of the Office of Economic Opportunity to make primary use of the State employment security agencies in selecting, testing, counseling, and referral of youths to the Job Corps program authorized by title I–A of Public Law 88–452 and that he not use any of the money authorized by this bill to establish or pay for any duplicate facilities.

The record of the hearings on this item is abundantly clear. Both the gentleman from Wisconsin [Mr. LAIRD] and I questioned the Director very closely and he agreed to this.

The facilities of the local employment service offices represent a most valuable investment of dollars, knowledge, and experience which does not exist elsewhere and they can make a most valuable contribution to the success of this program.

For this new function, which is not authorized under the basic Wagner-Peyser Act or the Manpower Development and Training Act, it is expected, of course, that the Director, through the Department of Labor, will adequately finance the work performed for the Office of Economic Opportunity.

Mr. Chairman, the other point I wish to bring up is that I think special mention must be made of the physically and mentally handicapped people of this country in connection with this appropriation. It is authoritatively estimated that there are between 3 and 4 million severely handicapped people in this country who could become independent to varying degrees with appropriate rehabilitation services. It is almost needless to say that disability is a most important cause of poverty. In fact, the disabled are likely to be the most impoverished of all, and the limitations imposed by their disabilities makes specialized services necessary, if they are to achieve their potentialities. It is not an overstatement to say that everywhere poverty is found disability will be found to be a factor.

A recognition of this situation led the Congress as far back as 1920 to establish the State-Federal vocational rehabilitation program. The legislation has been expanded a number of times, most significantly in 1943 and in 1954. The most rapid growth of this program has come during the last 10 years, during which time the number of persons rehabilitated annually has increased from about 55,000 to over 120,000. It is significant that over 80 percent of the persons making application for vocational rehabilitation services have no income at the time application is made. Practically all of the remainder have incomes so low that they would be considered impoverished by almost any standard.

It is natural that the Vocational Rehabilitation Administration, which administers the program federally, and the State rehabilitation agencies have accumulated a rich store of knowledge and skills in dealing constructively with poverty associated with disability. This is one of the most successful of all of our State-Federal ventures.

The Senate report accompanying the Economic Opportunity Act appropriately stated that this legislation offers new opportunities for the handicapped. The House committee seriously considered inserting a special provision dealing with the handicapped but decided not to do so, since it was felt that the matter could be considered by the Special Education Subcommittee of the House Committee on Education and Labor, which was about to take up the Vocational Rehabilitation Act Amendments of 1964 in executive session. It is disappointing that the session is drawing to a close without a bill having been reported on this important aspect of a general program dealing with poverty. It is my own feeling and that of our committee that the Director of the Office of Economic Opportunity should give special attention to how appropriations under this act can be used to support an expansion of vocational rehabilitation services for handicapped persons. In so doing, the experience of the Vocational Rehabilitation Administration and State rehabilitation agencies should be utilized to the maximum possible degree.

Mr. OSTERTAG. Mr. Chairman, I have no further requests for time.

Mr. MAHON. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriation Act, 1965") for the fiscal year ending June 30, 1965, and for other purposes, namely:

CHAPTER I

Department of Agriculture

Agricultural Research Service

Salaries and expenses

For an additional amount for "Salaries and expenses", for "Meat inspection", $1,225,000.

Mr. WHITTEN. Mr. Chairman, I have and now oppose the Civil Rights Commission, the Civil Rights Act which I believe to be contrary to the intent of the Constitution and which I believe is being used to break down the rights of individuals on the one hand and orderly government on the other.

When the civil rights was before the Congress I attempted to prevent the destruction of private property without compensation.

I am preparing now a resolution to set up a Commission to determine just how much the Supreme Court has contributed to the breakdown of local law enforcement, by setting aside actions of local law enforcement officers, including local courts on technicalities. A breakdown in local law enforcement will, of course, lead to demand for a Federal takeover and the next step is a gestapo. This resolution is in addition to several bills which I have had pending before Congress for months. I have not yet given up hope we may get some action.

Mr. Chairman, I understand a motion to recommit will be made. I hope such motion will prevail in order that funds for the civil rights section may be eliminated.

MEAT INSPECTION

Mr. Chairman, with reference to the questions directed to funds for the Department of Agriculture which my subcommittee handles, the committee recommends a supplemental appropriation of $1,225,000 for meat inspection. This is approximately 10 percent less than the budget request of $1,357,000.

Congress provided an increase of $2,941,000 in the regular annual Agricultural Appropriation Act, 1965, for meat inspection. The amount in the regular bill, plus the increase recommended in this bill, will provide a total increase for meat inspection for fiscal year 1965 of $4,166,000 and a total appropriation of $32,062,000.

The funds recommended in the accompanying bill will provide an increase of approximately 150 man-years, in addition to the 133 additional man-years approved in the regular 1965 bill.

The combined increase of 283 man-years is provided to meet the increasing meat inspection workload due to the continued decentralization of meatpacking operations throughout the country.

FOOD STAMP PROGRAM

The additional $25 million recommended here by the committee will result in $60 million being available in 1965 for the orderly expansion of the program authorized by the Food Stamp Act of 1964. The need for supplemental funds was anticipated at the time the regular 1965 appropriation for the Department of Agriculture was being considered and the $35 million provided in the regular act was intended to be consolidated with the additional money in this bill.

The food stamp program was initiated late in fiscal year 1961 on a pilot basis, with financing from section 32 funds. Currently, 43 pilot programs are in operation in 22 States. Participation reached a seasonal peak of 392,000 persons in March 1964.

The Food Stamp Act of 1964, approved by Congress on August 11, 1964, authorizes the program on a permanent basis and provides for a gradual expansion beginning in 1965 to reach additional needy people. The funds in this bill will permit expansion to approximately 60 new areas and about 600,000 additional persons by next June 30.

Participation in the program is limited to those households where income is determined to be inadequate to provide a minimum diet. State and local welfare agencies establish standards of need, certify the eligibility of applicant households, and issue food coupons to those determined to be eligible.

Participants must pay for food coupons they receive in amounts determined to approximate their normal expenditures for food. The Federal Government supplements the funds provided by each participant in such amount as may be necessary to provide a nutritionally adequate diet for the family. It is estimated that on a nationwide basis participants expend an average of $6 for each $10 coupon.

These food coupons must be redeemed by the recipient family at approved wholesale and retail food concerns. Only wholesome and nutritious food items intended for human consumption are eligible for purchase with such coupons. Violation of this provision by retail and wholesale stores subjects the violator to penalties and removal from the program.

NATIONAL COMMISSION ON FOOD MARKETING

Public Law 88-354, approved July 3, 1964, authorized the establishment of a Commission to study and appraise the marketing structure of the food industry. The Commission consists of five Members of the House, five Members of the Senate, and five public members appointed by the President. The act calls for a report of findings and conclusions by July 1, 1965.

The accompanying bill includes $700,000 to finance this new activity for which $1 million was requested in House Document 338. Since, in the words of the principal witness in support of this item, "the estimates are highly approximate" the committee feels that the amount recommended is all that should be provided at this time.

CROP INSURANCE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. COOLEY] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COOLEY. Mr. Chairman, I want to commend Hon. JAMIE L. WHITTEN, chairman of the Agriculture Subcommittee on Appropriations, and all the members of the Appropriations Committee, for including in this supplemental appropriation bill a $250,000 item for expansion of the Federal crop insurance program to new counties in fiscal 1965.

We, in the Congress, confront the ridiculous situation of having recently authorized an expansion of the crop insurance program to 150 new counties annually, without having provided one dime to carry the program to a single new county in 1965.

The Congress recently approved overwhelmingly an expansion of this program beyond the limits previously imposed, but the Budget Bureau did not recommend funds for any expansion, even within the old limitation of 100 new counties annually.

We are about to remedy this absurd situation today.

Mr. Chairman, Federal crop insurance has become a dependable and greatly beneficial aid to the farmers of America in their constant struggle against the hazards of nature.

It is a matter of great pride to me that I served as chairman of the subcommittee which prepared the first bill authorizing the crop insurance program many years ago.

The program had its difficulties in its formative years, for it explored areas where private insurance coverage hitherto had not been successful; but, this special service to agriculture now has been established on a sound and solid footing. The Crop Insurance Corporation showed an 83-percent increase in the protection for farmers in 1963 as compared with 1961. In my own State of North Carolina, the program is showing a profit substantially above all expenses, including the cost of administration. Nationally, the total operation now is on a profit basis, except for certain administrative expenses. The idea of crop insurance is accepted not only by farmers but also by the public generally.

Mr. Chairman, the $250,000 embraced in this supplemental appropriation will permit expansion of crop insurance to 25 counties which now are pressing to enter the program.

I am pleased to be assured today that one of these, Randolph County in North Carolina, one of our most progressive agricultural counties, is among the 25, and will be brought into the program when action on this appropriation bill is completed. I am hopeful that some other counties in my State might be included.

Mr. Chairman, as part of my remarks, I shall read into the RECORD at this point a letter I wrote to Secretary Freeman on September 2. This letter reviews previous correspondence and expresses my views upon crop insurance and particularly my position with respect to the necessity and wisdom of this appropriation.

The letter follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C., September 2, 1964.

Hon. ORVILLE L. FREEMAN,
The Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Yesterday, September 1, the House overwhelmingly—I did not hear a single negative vote—passed and sent to the White House for the President's signature the bill, S. 277, to permit expansion of Federal crop insurance to 150 new counties per year instead of the 100 new counties to which the program previously has been limited.

On August 21, I wrote to you stating that "it will be a ridiculous situation if we complete action on expansion of this program in this session, but no new county can enter the program for a year or more." I told you that I was informed by Mr. John N. Luft, Manager of the Federal Crop Insurance Corporation, that no funds are available, and none requested by the administration, to increase the number of counties in this program. I suggested that you initiate an effort to obtain Budget Bureau approval of an item in the next supplemental appropriations bill to provide funds for extending this insurance to the counties which are now petitioning for immediate coverage.

This morning I received a letter from you saying: "The budget for the Federal Crop Insurance Corporation as approved by the President for the fiscal year 1965 did not include any funds for expansion of the program to additional counties under the present law. In view of this determination, it does not appear there is a basis for submitting a supplemental estimate at this time."

How can the administration rationalize its approval of the expansion of this program from 100 to 150 new counties a year; yet, in effect, disapprove of adding a single county in 1965, by denying funds necessary for such expansion?

This simply does not make sense to me.

I am advised by Mr. Luft that some 25 counties are pressing to enter this program, and that approximately $10,000 is needed for the actuarial and administrative work necessary to qualify each county.

If the Budget Bureau cannot approve appropriations to carry forward the intent of the Congress, supported by the administration, as expressed in S. 277, then I renew my suggestion that you initiate an effort to obtain immediately Budget Bureau approval of a $250,000 item to bring in during the current fiscal year those 25 counties which are seeking immediate crop insurance coverage.

In view of the great strides made by the crop insurance program in its benefits to farmers and in achieving a self-supporting operation except for certain administrative cost, I cannot understand why it would be necessary to make such an appeal as this for Budget Bureau support, especially after the Congress has so overwhelmingly approved an expansion of this program.

In this connection I must cite to you that in my own State of North Carolina, 60 of our 100 counties are in this program, and in the 19 years since this program was initiated, premiums collected total $15,139,639, while indemnity payments to farmers for crop losses amount to $8,840,508. The surplus on hand at the end of 1963 was $6,299,130, enough to pay the administrative costs of the program in North Carolina from its beginning to the present time.

I respectfully urge your immediate attention to administration approval of funds to carry forward the crop insurance program in fiscal 1965.

Sincerely yours,
HAROLD D. COOLEY, *Chairman.*

Mr. JONES of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was somewhat disappointed to read in the report of the committee on page 4, down towards the bottom of the page, referring to the food stamp program where it says the program is entirely voluntary and then says it is instituted only where the Governor, based on recommendations of the appropriate State agency, has requested the program.

Here is the part that bothers me:

> When initiated it replaces any commodity distribution program previously in effect in the area.

At the time the food stamp program was under consideration in the House, I pointed out that in many areas the food stamp program had not worked satisfactorily and particularly that was true in the city of St. Louis where, after the food stamp program went into effect, the number of people who had been receiving food under a commodity distribution program was greatly reduced and only 20 percent or less of those people were being fed. At the time I got an amendment adopted in the House bill which would have corrected that situation and would have permitted commodity distribution to continue even where the food stamp program was in effect.

In the other body that amendment was removed.

When a request was made for a conference, I objected. I continued to object until we received a statement from the chairman of the Agriculture Committee, with whom I had several conferences, on the food stamp plan. In his statement in accepting the Senate amendments he said:

> The fact that a household may have no income at all during portions of the year does not necessarily prevent that household from participating in the food stamp program. If there are circumstances in any community which would prevent many households from being eligible to participate in the stamp program for a temporary period, it seems to me that this could qualify such an area under the "emergency situation" provision of the Senate bill and that the Secretary of Agriculture would be permitted by the language of the Senate bill to institute a direct distribution program of such scope and for such period of time as he might determine necessary to take care of these families.

The important part, and the thing upon which I based my willingness to accept the Senate amendments, is that the gentleman from North Carolina [Mr. COOLEY] said:

> I have discussed this matter with the Secretary of Agriculture and he informs me that this is the manner in which he believes the language should be construed if the bill is enacted as amended.

That means, in effect, that if a situation exists in which a person does not have any income and has been receiving commodities under the commodity distribution program, and does not have any money with which to buy any food stamps at all, he could continue to receive the surplus commodities.

The report of the committee is to the contrary when it says:

> When initiated it replaces any commodity distribution program previously in effect in the area.

I wish to be reassured, before I vote for this portion of the bill, by the chairman of the subcommittee which deals with agricultural appropriations. He says it was not their intention. I should like to be assured that the statement in the report of the committee would not take precedence and would not override the established legislative history, which was established at the time the Senate amendments were adopted.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say that the sentence which appears in the report of the Appropriations Committee was intended to recite the facts as we understood them from the testimony presented to us. It was not intended to be a directive to the Department.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. JONES of Missouri was given permission to proceed for 3 additional minutes.)

Mr. WHITTEN. It was not intended to be a directive. It was not intended to disrupt or to set aside any prior understanding. It was intended merely to recite the facts as we understood them from the hearings we had.

I say, candidly, there is no intention to in any way change any interpretation which might have been arrived at by the gentleman's conversation or by any other statement which may have been issued by the Department.

Mr. JONES of Missouri. Would the gentleman go so far as to state that in his opinion the legislative history established at the time we agreed to the Senate amendments would prevail?

Mr. WHITTEN. May I say again that our report language was not intended to change that.

Mr. JONES of Missouri. It was not intended to change it?

Mr. WHITTEN. We had no intention to change it. Of course, the conversation speaks for itself, and the earlier history.

Mr. JONES of Missouri. Mr. Chairman, I wish to say that the only way I am going to support this bill is with the understanding that the statement made by the chairman of the Committee on Agriculture in the House of Representatives, based upon the statement by the Secretary of Agriculture, was that it would not prohibit the continuation in an emergency situation of the distribution of surplus agricultural commodities even in those communities where the food stamp program was in effect.

I think Chairman COOLEY's statement on August 11 at the time that the Senate amendments were agreed to carried forth that understanding, and that is the understanding with which I hope that the House will adopt this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATION

For an additional amount for "Education", $181,800.

Mr. GROSS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, I rise to ask a question in connection with this $181,800 for education in the District of Columbia. I noted in one of the newspapers the other day that in the last year alone it cost $300,000 simply to replace the window glass that had been broken out in the school buildings of the District of Columbia. I have not heard of a more wanton waste and destruction in some time, and I wonder if any part of this $181,800 figure is to be used for the purpose of replacing $300,000 worth of window glass that was broken out of the school buildings in the last year in the District of Columbia.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. Of course I yield.

Mr. NATCHER. I would like to say to the distinguished gentleman from Iowa that the $181,800 that is in this bill for the Department of Education of the District of Columbia is for high school teachers. We will have 30 additional teachers. At the time when the regular bill was considered before our committee, it was estimated they would have about 15,500 high school students. Later they found out they had underestimated the number. There will be approximately 16,700 high school students and the 30 teachers requested in this bill are necessary and were justified without any question of doubt.

As far as the breakage of glass in the District of Columbia is concerned, I certainly join with my friend in stating that I think it is awful to have this condition existing in the Nation's Capital. I believe the same condition exists throughout some of the other cities of the United States. The gentleman will be interested to know that when they come before our committee each year from the Department of Education here in the District of Columbia we inquire as to whether or not they have developed a machine that throws the rock back. We hope they develop one here that will throw it back. In the District of Columbia I would like my friend to know they have a program underway whereby not only those connected with the schools but interested citizens and members of the PTA organizations have gone around to the different schools and met with the parents and also with the students and discussed the question of the breakage of glass and the damage to buildings. However, the item that the gentleman refers to is for 30 teachers, which was justified and we approved the amount requested.

Mr. GROSS. I will say to my good friend from Kentucky that rather than a device to toss the rocks back, the erection of a few woodsheds on some of the school properties, with a proper number of paddles and some people to wield them would be more effective. This destruction has been going on in the District of Columbia ever since I came to Congress. It is difficult for me to understand, with all of the money being expended allegedly on juvenile delinquency and that sort of thing, that there is a gradual increase in this. Last year there were 6,000 to 8,000 more windowpanes broken out than there were in the previous year, according to Superintendent Hansen of the District school system. This is unconscionable. It cannot be explained and it cannot be condoned. If it were not costing $300,000 to replace the window glass, this requirement of $181,000 would not be necessary. They would have the money to employ the teachers. There is no education in the replacing of windowpanes; there can be education in the hiring of teachers.

Mr. NATCHER. Mr. Chairman, if the gentleman will yield further, I would like to state that I certainly agree with him that the breaking of windows and the damaging of school buildings should not exist in our Nation's Capital. However, Mr. Chairman, the crime rate in our Capital City is not as high as it is in some of our cities comparable in size. It is too high here but we do have windows broken in many other school buildings through the large cities in our country.

The Clerk read as follows:

HISTORICAL AND MEMORIAL COMMISSIONS

Battle of Lake Erie Sesquicentennial Celebration Commission

For payment of expenses incurred by the Battle of Lake Erie Sesquicentennial Celebration Commission in carrying out the provisions of the Act of October 24, 1962 (Public Law 87–883), as amended by the Act of June 29, 1964 (Public Law 88–328), $13,553.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I suppose this will be the dying gasp with respect to this appropriation of $13,553 from the Federal Treasury for the celebration of the Lake Erie Sesquicentennial. When the authorizing bill was before the House we were told, and the hearings bear it out, that under the act of 1962 we were assured there would be no appropriated funds requested, that it would be carried out with public donations.

So, those promoting this celebration raised about $2,000 or, maybe, $3,000—between $2,000 and $3,000—and now they come and stick their hands in the taxpayers' pockets for the other $13,000.

Mr. Chairman, I simply want to remind the members of the committee that this is how some of these things go. We are given every assurance it is not going to cost the Federal taxpayers a stinking dime and then we wind up getting a bill, as in this case, for practically the entire cost. I tried to stop this long ago and got licked. I know the futility of trying to stop it today.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Economic Opportunity

Economic Opportunity Program

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88–452 approved August 20, 1964), $750,000,000, of which not more than $412,500,000, plus reimbursements, shall be available for youth programs under title I; not more than $300,000,000 for community action programs under title II; not more than $35,000,000 for special programs to combat poverty in rural areas under title III, part A (which shall be available for transfer to the economic opportunity fund and shall remain available until expended); not more than $8,800,000 to carry out the purposes of part D of title III; not more than $150,000,000 for work experience programs under title V; and not more than $50,000,000 for (1) adult basic education programs under title II, (2) volunteer programs under section 603, (3) expenses of administration and coordination of antipoverty programs under title VI, and (4) migrant agricutural employees programs under title III, part B (including transfers to the economic opportunity fund for loans under section 311, and amounts so transferred shall remain available until expended): *Provided*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That this appropriation shall not be available for contracts under titles I, II, V, and VI extending for more than twenty-four months: *Provided further*, That this appropriation shall not be available for more than 4,000 permanent Federal positions: *Provided* further, That none of the funds contained in this Act shall be used to make indemnity payments, authorized by part D of title III, to any farmer whose milk was removed from commercial markets as a result of his failure to follow the procedures prescribed by the Federal Government for the use of the offending chemical.

AMENDMENT OFFERED BY MR. JENSEN

Mr. JENSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JENSEN: On page 10, line 9, strike out "$750 million" and insert in lieu thereof "$675 million".

Mr. JENSEN. Mr. Chairman, I spoke of this amendment in my original remarks. I must say that the gentleman from Wisconsin [Mr. LAIRD] offered an amendment in the full committee to reduce the amount by $100 million that is contained in the bill for the so-called antipoverty program. Now, in figuring with a sharp pencil, I find that if you divide $947,500,000, which was the budget request, by 12 for each month the request will amount to $78,900,000 in round figures. Multiplied by 3½ months, or 3½ times, you get $276,700,000.

The committee reduced the budget request for this item $197 million. Take that from $276,700,000 and it leaves $79,700,000.

Mr. Chairman, my amendment provides for only a $75 million reduction below the amount to which the subcommittee agreed and which was also approved by the full committee.

Mr. Chairman, I am simply attempting to provide all the money that is needed for the balance of this fiscal year to fund this program.

Mr. Chairman, I yield back the balance of my time.

Mr. FOGARTY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first I would like to say to my distinguished friend, the gentleman from Iowa [Mr. JENSEN] that he is mistaken with regard to the very basis of his argument for this amendment.

If the gentleman had had the time to read all of the hearings he would see that it was clearly and definitely stated by Mr. Shriver who is going to run this program, that he never did expect to start this program until September 1 of this year and not July 1, as the gentleman from Iowa has just indicated to the House.

So this is not cutting off the first quarter because 2 months of the first quarter were not budgeted for in the first place. In fact, the budget for the first quarter was only $81 million, as is shown on page 343 of our hearings. Our subcommittee, by unanimous vote, agreed to cut the $947.5 million back to $750 million. That was unanimously referred to the full committee. An amendment was offered in the full committee on last Thursday morning to cut this another $100 million. That amendment did not carry.

I think the justification for these funds was complete. It was one of the best justifications we saw all year. Mr. Shriver, in my opinion, is a very capable man. Personally, I thought that we cut away too much.

This argument about 3 months' time has gone is not so with reference to this budget. We have to start with September 1. Perhaps we will lose 6, or even as much as 8 weeks, and the committee has already cut about 20 percent, or more than 2 months' time; so this time lag has already been more than taken into account. As I said before, in my opinion, we have already cut it too much.

Mr. Chairman, I think this is too vital a program to be cut back even more. It is one of the most important programs that the Congress has voted on this year. After full and complete hearings and by unanimous vote by our subcommittee, even though there was considerable argument and compromise of differing views, we came out with a $750 million figure. Then at the suggestion of the gentleman from Wisconsin [Mr. LAIRD] in full committee, we earmarked, out of the $750 million, $8.8 million to pay dairy farmers whose milk had been taken off the commercial market because of chemicals that had been used, and which were approved by the Department of Agriculture. That means a further cut in the basic program.

The cut in this program is not $197.5 million, it is $206.3 million, because this $8.8 million is to be taken out of the $750 million that our subcommittee recommended to the full committee on last Thursday; and the full committee approved it.

I hope the House will follow the unanimous recommendations of the subcommittee on this bill, and follow the vote of the full committee on last Thursday. We have over 25 million people in this category today. We have 12 million kids who cannot speak for themselves, who are living in poverty and will stay on living in poverty if we do not carry an adequate program to combat this poverty.

I say again that, in my own opinion, our subcommittee has cut it entirely too much. This was a compromise figure in the subcommittee, but it was agreed to by all members of the subcommittee. A vote was taken to cut it in the full committee on last Thursday, and the subcommittee was sustained. I hope the House will sustain the subcommittee and the full committee today and vote the $750 million.

Mr. JENSEN. Mr. Chairman, will the gentleman yield?

Mr. FOGARTY. I yield to the gentleman from Iowa.

Mr. JENSEN. The gentleman will have to admit it was over a month ago that his subcommittee agreed on the amount that is in the bill for the poverty program. Each month, according to the ratio, amounts to $78 million. So I am only asking for a cut of $75 million.

Another thing, Mr. Chairman, my amendment would not cut the dairy matter, which is very important. You can be sure that I would not want to cut that item because a lot of farmers were terribly hurt who had carefully followed the Department's recommendations with regard to the chemicals that are involved in their milk having been taken off the market.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. JENSEN].

The question was taken; and on a division (demanded by Mr. JENSEN) there were—ayes 28, noes 57.

So the amendment was rejected.

The Clerk read as follows:

CHAPTER VI

Legislative branch

House of Representatives

For payment to Corinne C. Bennett, widow of John B. Bennett, late a Representative from the State of Michigan, $22,500.

AMENDMENT OFFERED BY MR. STEED

Mr. STEED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEED: On page 11, after line 21, insert the following: "For payment to Elizabeth B. Norblad, widow of Walter Norblad, late a Representative from the State of Oregon, $22,500."

The amendment was agreed to.

The Clerk read as follows:

CONTINGENT EXPENSES

For an additional amount for "Miscellaneous items", $92,000, for payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812).

The provisions relating to allowances, positions, and salaries carried in House Resolutions 294, 831, and 832, Eighty-eighth Congress, shall be the permanent law with respect thereto.

Mr. ASHBROOK. Mr. Chairman, I make a point of order against the language appearing on page 12, lines 3 to 6, reading as follows:

The provisions relating to allowances, positions, and salaries carried in House Resolutions 294, 831, and 832, Eighty-eighth Congress, shall be the permanent law with respect thereto.

I make the point of order particularly with respect to lines 5 and 6, on the ground that this is legislation on an appropriation bill.

Mr. STEED. Mr. Chairman, if I may be heard on the point of order, this is what has been in every legislative bill that has come before the House for a great many years. It is an established rule that the House has always followed. It seems to me that the committee is only following here what the House has always had as the procedure it has followed in this connection.

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule.

What the gentleman from Oklahoma says is true, that this has been the practice of the House for a number of years, but on its face this is legislation on an appropriation bill. The Chair sustains the point of order.

The Clerk read as follows:

CHAPTER VII

Department of State

International Organizations and Conferences

Contributions to international organizations

For an additional amount for "Contributions to international organizations", $1,366,000.

Mr. GROSS. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Chairman, why this additional or supplemental appropriation for contributions to international organizations?

Mr. SMITH of Iowa. We are one of the nations in this International Control Commission for Laos. We have not paid our 1963 assessment. The Soviet Union and the United Kingdom and France have paid theirs. This is for our part of the 1963 assessment and for the 1964 assessment. I would also mention that most of this is to be paid to the Defense Department for helicopters which were sold to the ICC.

Mr. GROSS. What are we doing—paying ourselves for helicopters that we are giving to them?

Mr. SMITH of Iowa. It was a sale. We sold the helicopters.

Mr. GROSS. It was a sale and we paid for them, is that it?

Mr. SMITH of Iowa. We paid 17.6 percent of it because we support the Commission to that extent. But the others will pay their share and the Commission then pays our Defense Department.

Mr. GROSS. Will the gentleman tell me why we put up 17.6 percent of the cost of this Commission in Laos?

Mr. SMITH of Iowa. That is our agreement.

Mr. GROSS. Well, why? Why do we do this?

What is the matter with the other nations of the world, that they do not contribute a greater and fair share?

Mr. SMITH of Iowa. This was a negotiated agreement. Our fair share was determined to be 17.6 percent. The other nations share amounts to 82.4 percent. This was an agreement—a negotiated agreement.

Mr. GROSS. So we made a sale by which we put up 17.6 percent of the money and we pay the money back to ourselves?

Mr. SMITH of Iowa. Yes, that is better than just giving the helicopters because we get 82.4 percent of the cost back.

Mr. GROSS. Would the gentleman like to rephrase that and say that it is a little less worse than giving them the helicopters? I am sure the 17.6 percent does not represent all of our costs.

Mr. SMITH of Iowa. Well, this is a straight sale.

Mr. GROSS. I will say it is a straight sale. So this is for a commission, an international commission that cannot investigate and cannot travel freely in Laos to find out what is going on over there; is that correct?

Mr. SMITH of Iowa. Well, perhaps, someone on the Committee on Foreign Affairs that handled the authorization bill might be better prepared to answer that. But the Commission does investigate and that is the reason for the helicopters.

Mr. GROSS. Do I understand that this money—the money appropriated for this purpose is administered by some Indian, I mean by that a citizen of India?

Mr. SMITH of Iowa. Under the agreement, they have an administrative body. There are about 210 personnel. I think none of them are U.S. personnel and the personnel are furnished by the administering nations.

Mr. GROSS. We put up 17.6 percent of the money and it is administered by a citizen of India?

Mr. SMITH of Iowa. That is under the agreement. There is an administrative body and the head of it happens to be somebody from India.

Mr. GROSS. I just do not understand how we ever got hooked into this kind of an agreement as well as any number of other similar international agreements.

Mr. SMITH of Iowa. The gentleman is on the Committee on Foreign Affairs and he ought to understand that as well as anybody else. That is where these bills come from—your committee.

Mr. GROSS. Unfortunately, that does not give me very much information. You know the Indian Government just went over to Russia and bought a number of supersonic Mig planes and tanks despite the fact that we have put over $5 billion into India as of this time, and despite the fact that we are giving them $60 million in grants for military assistance and another $50 million each year in so-called credits. Of course, credits and grants mean the same thing so far as any hope for repayment is concerned. This is $110 million a year for military assistance alone, without regard to handouts under Public Law 480, and without regard to economic aid, technical aid or anything else.

Mr. SMITH of Iowa. That is not in this bill.

Mr. GROSS. And still India's Defense Minister goes to Russia to buy supersonic military aircraft and tanks, and we do not even get jobs for American workers to produce the planes and tanks.

Mr. SMITH of Iowa. We will in this appropriation.

Mr. GROSS. I hope that some day, somewhere in the world we will begin to get something back.

Mr. SMITH of Iowa. As I say, we will get jobs for American workers as a result of this appropriation. The helicopters that were sold to them were made in the United States.

Mr. GROSS. Yes; and we paid 17.6 percent of the cost.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BOW. The gentleman is a member of the Committee on Foreign Affairs. I wish he would take this up with his own committee. This was authorized by your committee and we expect the appropriations committee to implement the authorizations coming out of that committee.

Mr. GROSS. No, I do not expect you to do that. This knocks in the head the famous argument that is made around here time after time and time after time, "Oh, this is only an authorization bill and the appropriations committee does not have to put up the money if they do not want to."

Mr. BOW. I am glad that we knocked that argument in the head because we will save an awful lot of money if the authorizing committees will quit authorizing and then the appropriations committee will not have to appropriate.

Mr. GROSS. The legislative committee does not mandate you to appropriate the money.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the amendment, with the recommendation that the amendment be agreed to, and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12633) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. JENSEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. JENSEN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. JENSEN moves to recommit the bill, H.R. 12633, to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered.

The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 209, nays 103, not voting 127, as follows:

[Roll No. 260]

YEAS—209

Addabbo
Albert
Andrews, N. Dak.
Ashley
Auchincloss
Ayres
Baldwin
Baring
Barrett
Bates
Battin
Betts
Boggs
Boland
Bolling
Bolton, Frances P.
Bow
Brooks
Brotzman
Broyhill, Va.
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cahill
Cameron
Carey
Celler
Chelf
Chenoweth
Clark
Cleveland
Conte
Cunningham
Curtin
Daddario
Daniels
Dawson
Delaney
Dent
Dingell
Donohue
Dulski
Dwyer
Edmondson
Edwards
Elliott
Ellsworth
Everett
Fallon
Farbstein
Fascell
Feighan
Fino
Flood
Fogarty
Fraser
Friedel
Gallagher
Garmatz
Gary
Giaimo
Gilbert
Glenn
Gonzalez
Grabowski
Gray
Green, Pa.
Grover
Gubser
Hagen, Calif.
Halpern
Hansen
Harding
Hardy
Harrison
Hays
Healey
Hechler
Holifield
Holland
Horan
Horton
Hull
Ichord
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Mo.
Karsten
Kastenmeier
Keith
Kelly
Keogh
King, Calif.
Kirwan
Kluczynski
Kunkel
Langen
Leggett
Libonati
Long, La.
Long, Md.
McCulloch
McDade
McDowell
McFall
Macdonald
Madden
Mahon
Mailliard
Mathias
May
Meader
Miller, Calif.
Milliken
Monagan
Moore
Moorhead
Morgan
Morse
Mosher
Multer
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Konski
Olsen, Mont.
O'Neill
Osmers
Ostertag
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Powell
Price
Pucinski
Purcell
Randall
Reid, N.Y.
Reuss
Rhodes, Pa.
Riehlman
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rumsfeld
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schweiker
Secrest
Senner
Shriver
Sibal
Sickles
Sisk
Slack
Smith, Iowa
Springer
Stafford
Staggers
Steed
Stephens
Stinson
Stratton
Stubblefield
Sullivan
Teague, Calif.
Thomas
Thompson, N.J.
Thomson, Wis.
Tollefson
Trimble
Tupper
Udall
Ullman
Van Deerlin
Vanik
Wallhauser
Watts
Weaver
Weltner
Whalley
Wharton
Wickersham
Widnall
Wright
Wyman
Young
Zablocki

NAYS—103

Abbitt
Abernethy
Ashbrook
Ashmore
Baker
Becker
Beckworth
Beermann
Bell
Bennett, Fla.
Bonner
Bray
Brown, Ohio
Broyhill, N.C.
Burleson
Byrnes, Wis.
Cederberg
Chamberlain
Clancy
Collier
Colmer
Cramer
Curtis
Dague
Derounian
Derwinski
Devine
Dorn
Dowdy
Downing
Fisher
Ford
Fountain
Fuqua
Gathings
Goodell
Goodling
Gross
Gurney
Hagan, Ga.
Haley
Hall
Halleck
Harris
Harsha
Harvey, Mich.
Henderson
Hoeven
Hosmer
Huddleston
Hutchinson
Jensen
Johansen
Johnson, Pa.
Jonas
Kilgore
King, N.Y.
Knox
Kornegay
Kyl
Latta
Lennon
Lipscomb
McMillan
Marsh
Martin, Calif.
Matthews
Mills
Minshall
Passman
Poff
Pool
Reid, Ill.
Rich
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rogers, Fla.
Roudebush
St. George
Schenck
Schneebeli
Short
Sikes
Skubitz
Smith, Calif.
Smith, Va.
Talcott
Taylor
Teague, Tex.
Tuck
Tuten
Utt
Van Pelt
Waggonner
Watson
Westland
Whitener
Whitten
Williams
Winstead
Wydler
Younger

NOT VOTING—127

Abele
Adair
Alger
Anderson
Andrews, Ala.
Arends
Aspinall
Avery
Barry
Bass
Belcher
Berry
Blatnik
Bolton, Oliver P.
Brademas
Brock
Bromwell
Broomfield
Brown, Calif.
Bruce
Buckley
Burton, Utah
Casey
Clausen, Don H.
Clawson, Del
Cohelan
Cooley
Corbett
Corman
Davis, Ga.
Davis, Tenn.
Denton
Diggs
Dole
Duncan
Evins
Findley
Finnegan
Flynt
Foreman
Forrester
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Gibbons
Gill
Grant
Green, Oreg.
Griffin
Griffiths
Hanna
Harvey, Ind.
Hawkins
Hébert
Herlong
Hoffman
Jones, Ala.
Karth
Kee
Kilburn
Laird
Landrum
Lankford
Lesinski
Lindsay
Lloyd
McClory
McIntire
McLoskey
MacGregor
Martin, Mass.
Martin, Nebr.
Matsunaga
Michel
Miller, N.Y.
Minish
Montoya
Morris
Morrison
Morton
Moss
Murray
O'Hara, Mich.
Olson, Minn.
Patman
Pilcher
Pillion
Quie
Quillen
Rains
Reifel
Rhodes, Ariz.
Rivers, Alaska
Robison
Rogers, Tex.
Roosevelt
Roybal
Ryan, Mich.
Schadeberg
Schwengel
Scott
Selden
Sheppard
Shipley
Siler
Snyder
Staebler
Taft
Thompson, La.
Thompson, Tex.
Toll
Vinson
White
Willis
Wilson, Bob
Wilson, Charles H.
Wilson, Ind.

So the bill was passed.

The Clerk announced the following pairs.

On this vote:

Mr. McGregor for, with Mr. Rhodes of Arizona against.

Mr. Corman for, with Mr. Casey against.

Mr. Toll for, with Mr. Scott against.

Mr. Martin of Massachusetts for, with Mr. Quillen against.

Mr. Taft for, with Mr. Broomfield against.

Mr. Roosevelt for, with Mr. Grant against.

Mr. Minish for, with Mr. Andrews of Alabama against.

Mr. Oliver P. Bolton for, with Mr. Alger against.

Mr. Morton of Maryland for, with Mr. Laird against.

Mr. Reifel for, with Mr. Kilburn against.

Mr. Aspinall for, with Mr. Hoffman against.

Mr. Lindsay for, with Mr. Foreman against.

Mr. Rivers of Alaska for, with Mr. Rogers of Texas against.

Mr. McIntire for, with Mr. Bob Wilson against.

Mr. Robison for, with Mr. Michel against.

Mr. Corbett for, with Mr. McLoskey against.

Mr. Moss for, with Mr. Wilson of Indiana against.

Mr. Blatnik for, with Mr. Harvey of Indiana against.

Mr. Cohelan for, with Mr. Bruce against.

Mr. Shipley for, with Mr. Adair against.

Mr. Denton for, with Mr. Burton of Utah against.

Mr. Hanna for, with Mr. Arends against.

Mr. White for, with Mr. Martin of Nebraska against.

Mr. Charles H. Wilson for, with Mr. Cooley against.

Until further notice:

Mr. Hébert with Mr. Abele.

Mr. Morrison with Mr. Belcher.

Mr. Thompson of Louisiana with Mr. Schadeberg.

Mr. Patman of Texas with Mr. Findley.

Mr. Willis with Mr. Snyder.

Mr. Evins with Mr. Berry of South Dakota.

Mr. Fulton of Tennessee with Mr. Avery.

Mrs. Green of Oregon with Mr. Dole.

Mrs. Griffiths with Mr. Don H. Clausen.

Mr. Herlong with Mr. Schwengel.

Mr. Morris with Mr. Pillion.

Mr. Landrum with Mrs. Kee.

Mr. Duncan with Mr. Del Clawson.

Mr. Bass with Mr. McClory.

Mr. Karth with Mr. Quie.

Mr. Jones of Alabama with Mr. Siler.

Mr. Matsunaga with Mr. Fulton of Pennsylvania.

Mr. Thompson of Texas with Mr. Anderson.

Mr. Davis of Georgia with Mr. Pilcher.

Mr. Davis of Tennessee with Mr. Brock.

Mr. Flynt with Mr. Barry.

Mr. Gibbons with Mr. Olson of Minnesota.

Mr. Sheppard with Mr. Murray.

Mr. Roybal with Mr. Bromwell.

Mr. Ryan of Michigan with Mr. Diggs.

Mr. Selden with Mr. Brown of California.

Mr. O'Hara of Michigan with Mr. Buckley.

Mr. Brademas with Mr. Lesinski.

Mr. Finnegan with Mr. Frelinghuysen.

Mr. Forrester with Mr. Rains.

Mr. Gill with Mr. Griffin.

Mr. Hawkins with Mr. Lankford.

Mrs. ST. GEORGE changed her vote from "yea" to "nay."

Mr. HALLECK. Mr. Speaker, it is my understanding that the gentleman from Wisconsin [Mr. LAIRD] was recorded as having voted "yea." I understand that the gentleman is not present and in view of the fact that he is not present the record of the vote should be corrected in that respect.

The SPEAKER. The Clerk will make the correction in view of the statement of the gentleman from Indiana.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERMISSION TO REVISE AND EXTEND REMARKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the bill just passed and to include certain tables relating to the appropriations.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members who spoke on the bill just passed may have permission to revise and extend their remarks and insert pertinent extraneous material.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND REMARKS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE 75TH BIRTHDAY OF WALTER LIPPMANN

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, tomorrow is the 75th birthday of a distinguished American.

He was born in the city of New York on September 23, 1889. Queen Victoria was seated securely upon the throne of England. Kaiser Wilhelm II had just proclaimed the divine right of the House of Hohenzollern to rule. President Grover Cleveland was finishing out his first term in the White House.

Today this man occupies a position that is indeed unique in America. He is by profession a journalist but he is more than that. He is a philosopher, historian, and critic. At the age of 75 he is sage and pundit. Aptly, the newspaper column which Walter Lippmann has been writing since 1931 is called "Today and Tomorrow."

When he went to Harvard College in the years before World War I, he entered into the world of George Santayana, William James and T. S. Eliot.

Following his graduation from Harvard, he embarked upon the "Grand Tour" of Europe. He was standing upon the terrace of the House of Commons on that historic day in August 1914, when the House voted to enter World War I.

In the years of the war he became a disciple of President Woodrow Wilson and he was personal witness to the immense tragedy that befell Wilson in his final days in the White House.

In the days of Harding and "normalcy" he became associated with the New Republic. This was the era of Felix Frankfurter and John Maynard Keynes.

It was Herbert Bayard Swope who brought him to the New York World. The late New York World—in the view of many—was the most brilliant and scintillating newspaper ever published in America. At the age of 34, Walter Lippmann became the editor. Think of his stablemates—Heywood Broun, James M. Cain, F. P. Adams and Arthur Krock. Unfortunately, the New York World was a casualty of the depression.

In 1931, Mr. Lippmann began writing his newspaper column. In 1938 he moved to Washington and since that time he and his lovely wife, Helen, have added grace to the Washington scene.

Let me speak of his contributions. He has been a thinker in an age when thinking is unfashionable. He provides the insights—the illumination—that help men govern themselves more wisely in a free society. He has brought his great intellectual capacity and Spartan discipline to the formidable task of informing the mass opinion of a democracy on intricate public issues. Walter Lippmann is a disciple of reason. He distrusts passion and emotion. He brings to the day-to-day politics of this great city the dispassionate voice of the philosopher and the historian.

Millions of Americans look forward to his annual television appearances. In these he elevates the public dialog.

His analytical essays in Newsweek set the pace for political commentary throughout the land.

When he journeys abroad, prime ministers and leaders of the opposition seek him out.

On Monday, September 12, he was at the White House to receive from President Johnson the Presidential Medal of Freedom. His citation read:

> Profound interpreter of his country and the affairs of the world, he has enlarged the horizons of public thinking for more than 5 decades through the power of measured reason and detached perspective.

His fellow journalist, Marquis Childs, has said of him:

> The voice of reason has more often than not seemed a still small voice drowned in the terrible cacophony of the monstrous events of our time. But with Lippmann it has been an unfailing voice, a sure line. Only those who have fallen into utter despair or who have found refuge in an unalloyed cynicism will deny that it may finally sound above the din of the wild and the irrational. This is the strength of Walter Lippmann, and it is the faith that he has kept for the 50 years of his writing career.

In 1962, Mr. Lippmann in speaking before the Women's National Press Club annunciated a credo for all Americans. He said:

> Every truly civilized and enlightened American is conservative and liberal and progressive. A civilized American is conservative in that his deepest loyalty is to the Western heritage of ideas which originated on the shores of the Mediterranean Sea. Because of that loyalty he is the indefatigable defender of our own constitutional doctrine, which is that all power, that all government, that all officials, that all parties and all majorities are under the law—and that none of them is sovereign and omnipotent.
>
> The civilized American is a liberal because the writing and the administration of the laws should be done with enlightenment and compassion, with tolerance and charity, and with affection.
>
> And the civilized man is progressive because the times change and the social order evolves and new things are invented and changes occur. This conservative who is a liberal is a progressive because he must work and live, he must govern and debate in the world as it is in his own time and as it is going to become.

CHARLES LUNA'S WORK IN BEHALF OF RAILROAD INDUSTRY

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, I am happy to place in the Record for my colleagues the well-deserved report of the splendid efforts and recent accomplishments of Charles Luna in behalf of workingmen in the railroad industry.

This report demonstrates the better understanding and the better approach to solving problems of the railroad industry. His intelligent, courageous, and able leadership from the ranks of labor helped solve some of America's big problems.

[From the Washington (D.C.) Post, Sept. 17, 1964]

LED BY "LABOR STATESMAN" LUNA: RAILS, UNIONS INCH TOWARD TEAM APPROACH

(By Frank C. Porter)

American railroad management and labor may be slowly bridging their ancient animosities and edging toward a partnership to solve jointly the industry's manifold problems.

So far the stirrings in this direction are faint. And the impetus comes from an unlikely source—from shrewd, Texas-born Charles Luna, president of the Brotherhood of Railroad Trainmen.

A year ago Labor Secretary W. Willard Wirtz blamed Luna and his union for the failure to keep the railroad work rules dispute out of Congress.

But today Charlie Luna increasingly is striking the posture of a labor statesman.

COOPERATION SEMINARS

No egghead himself, the one-time Santa Fe construction helper has opened a series of trainmen-sponsored campus seminars, the net upshot of which has been to urge greater union-management cooperation, not only among railroads but in American industry generally.

He has also circulated questionnaires among Governors of the 50 States regarding specific rail transportation problems in each and asking proposed solutions.

Scarcely a week has gone by that the trainmen's busy mimeograph machines haven't turned out a flood of releases relating to the industry's health.

Such union solicitude might pass unnoticed in other industries. But it's a new role for railway labor, which traditionally has confined itself to the meat-and-potato issues of wages and working conditions and shown detachment on management problems that didn't relate directly to its members.

The first trainmen seminar took place at the Harvard Faculty Club last May and included Government officials, transportation consultants, second-echelon railroad executives, professors, bankers, and businessmen—but no union leaders, although Luna himself gave an opening talk.

Their recommendations somewhat grandiosely titled "Guidelines for the Future of the American Railroad Industry," have recently been circulated by the brotherhood, although it insists they should not necessarily be taken as official union policy.

CONTINUING TALKS URGED

The conferees suggested continuing consultation between the carriers and brotherhoods to strengthen the industry image, to cope with problems of new technology and to help establish a national transportation policy.

They commended management for "the beginning of a new customer-oriented philosophy in providing specialized services," criticized its marketing policy as "the most neglected area of the rail industry," asked more liberal Federal depreciation rules for the carriers, and urged greater reliance on competition than regulation.

More recently the trainmen sponsored a conference on collective bargaining at the University of California at Berkeley attended by some 40 representatives of Government, labor, management, law, and education.

The conference recommended that "labor and management form a continuing committee to solve problems before they get to an emergency situation." It identified the Government's proper role as seeking to preserve collective bargaining rather than fixing its terms. And it said the process could be strengthened by "consolidation of authority in multiunion and multiemployer relations in many industries."

Luna's overtures for a bipartite approach to railroad problems appears to have evoked little management response thus far. And such a rapprochement may be out of the question in view of the bitterness and lack of understanding that has characterized labor-management relations in railroading over the years.

But it was precisely when relations appeared to be at their nadir that long-range accommodations have been worked out in other industries.

A similar turnabout in rail labor relations was predicted last spring by mediator George Taylor after a settlement of the 5-year dispute was hammered out at the White House. Others similarly see a chance for an improved climate as the brotherhoods become reconciled to losing their long fight to stem the loss of jobs to technology.

But if Luna seeks to follow the trail blazed by John L. Lewis, Harry Bridges, and others, he is handicapped by a division in railway labor's own house.

Not since the bloody Pullman strike in 1894 killed off Eugene V. Debs' American Railway Union has there been the semblance of unity among rail workers.

Even today the Brotherhood of Locomotive Engineers, which includes some firemen, and the Brotherhood of Locomotive Firemen and Enginemen, which includes some engineers, are locked in a vindictive jurisdictional battle.

But Luna's trainmen, with nearly 190,000 members, is bigger than the 4 other operating unions combined. The size of his constituency alone adds decibels to his voice as a spokesman for all railway labor.

And it may be that Charlie Luna's sponsorship of academic forums and well publicized concern for the broader issues of railroading may be designed to convince other brotherhoods of his leadership potential as well as to forge a closer working relationship between the carriers and unions.

FEDERAL REGULATION OF FIREARMS SALES

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MILLIKEN. Mr. Speaker, today we are confronted with a problem which is national in scope, and ever growing in its serious implications to each one of us. I refer to the indiscriminate and practically unregulated traffic in firearms which exists in this country.

Under present law, guns may be purchased with very little, if any, difficulty, through mail order, or over the counter in localities which have lax regulations in regard to the acquisition of firearms. As a result, we see the best efforts of a few conscientious State and city lawmakers going for naught in their battle to keep deadly weapons out of the hands of juvenile delinquents, criminals, and mental incompetents. For despite the sensible regulations which may exist in these latter areas, they can be frustrated and circumvented by the juvenile who can order his pistol through the mails, or by the criminal who merely drives across the State line to a jurisdiction where guns are sold freely and with no questions asked.

The lack of uniformity in laws governing the purchase, sale, and possession of guns is difficult to understand in light of the crime problem with which this country is confronted. From the tragic assassination of President Kennedy last November with a mail-order rifle, to the daily acts of violence with firearms, the indictment of the inadequacies of our gun laws stands out clearly.

Overall crime was up 10 percent last year, and since 1958 the crime rate has grown five times as fast as the population. To a great extent, this crime explosion can be attributed to the easy availability of firearms. For example, of the 8,500 willful killings in this country during 1963, 56 percent were committed with firearms. Certainly a large portion of these murders were committed with guns sold without restriction through the mails or in indiscriminate over-the-counter sales.

Let us look to the inconsistent firearms regulations which exist across this country. In 41 States and the District of Columbia there are no license requirements for the purchase of firearms. Only 21 States and the District of Columbia require dealers to obtain licenses to sell handguns at retail. Only seven States call for a permit to purchase a gun, while only seven States and the District of Columbia require a waiting period between purchase and delivery. It is only in the State of New York that a license is required for possession of a pistol. In South Carolina, handguns may not be sold and in Hawaii all guns must be registered. It seems clear from this inconsistency that we must do what we can to achieve at least some degree of uniform regulation in this matter of great public concern.

While I strongly believe that the control of crime and the use of firearms is a matter which should be principally under the authority of State and local government, I do feel that there is a great Federal responsibility in this area. Since the Federal Government already has controls over narcotics, alcohol, tobacco, poison, and food and drugs which could be dangerous for human use, I see no reason why guns should not be similarly controlled. I believe that proper safeguards can be enacted without infringing the right of individuals to acquire and use firearms for legitimate recreation and pleasure, or for protection.

To this end, I strongly endorse the provisions of the bill introduced by Senator DODD, of Connecticut, S. 1975, with certain amendments. In brief, this law would require that purchasers of mail-order weapons must correctly identify themselves as to proper name, age, residence, and the absence of a criminal record. The mechanism of the bill would require that local police authorities must be informed of the identity of mail-order weapons purchasers in their jurisdiction before the firearm can be shipped by the seller.

While I believe that S. 1975 would be a great help in plugging the mail-order loopholes, I feel that we also must do something to tighten the over-the-counter sales of firearms.

Without infringing upon State jurisdiction, I believe that the power of Congress can be implemented to this end by requiring the cooperation of firearms dealers licensed and regulated under the Federal Firearms Act of 1938.

To this end, I am introducing today a bill which incorporates the basic language of S. 1975, with certain amendments, as well as an amendment which I believe will do much to reduce the flow of guns into the hands of undesirable individuals. The latter amendment would provide that a gun purchaser must properly identify himself to the firearms dealer and make known the name and address of the highest local law enforcement officer in his home community. Within 48 hours after the sale of the weapon, the dealer would be required to convey to that officer a notice of the acquisition of the firearm by the purchaser.

The bill would not extend Federal control beyond the point of regulating those who do business in interstate commerce and possess Federal firearms dealers licenses. The local authorities, upon receipt of the required notice, are free to do as much or as little as they choose with the information given to them. However, it is my hope that the police or sheriff offices, either on their own initiative or through implementing regulations passed by State or local legislative bodies, will make full and complete use of this information in their efforts to oversee the flow of firearms traffic and keep them out of the hands of undesirables.

Mr. Speaker, I feel quite certain that without infringing upon the right of citizens to enjoy the legitimate use of guns, this bill would do much to meet a growing nationwide problem.

WASTE IN THE U.S. DEPARTMENT OF AGRICULTURE

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, earlier this month I received a letter from a resident of the 13th District of Illinois, in which he expressed a desire to be removed from the U.S. Department of Agriculture mailing list which has for some weeks been flooding him with news releases from Washington covering information which is of no interest to him. He indicated that he had requested removal from the list, but that he still receives the unwanted material. Needless to say, I have written the Secretary of Agriculture and the appropriate officials in the Department, requesting that this individual stop being bombarded by the publicity machine down at the U.S. Department of Agriculture.

However, after reviewing the materials which this gentleman received during a 1-month period, I was sufficiently concerned about the incredible waste of the taxpayers' money by the Department of Agriculture that I am bringing this matter to the attention of the House. The gentleman who wrote me had requested to be advised of the awards for the sale of surplus commodities and he is pleased to receive this information. But within a 30-day period in the month of July, he received not 5 or 10 or even 20 items from the Department of Agriculture, but he received 112 separate items from the Department of Agriculture covering a multitude of different subjects, including such items as speeches of Secretary of Agriculture Orville L. Freeman and propaganda press releases from Washington on a variety of subjects. This means that during this period, each day that mail was delivered he received an average of four items from the Department of Agriculture. They included such pearls of wisdom as Secretary Freeman's speech on July 24 which began:

> It is particularly stimulating to meet with the members of the Commonwealth Club of San Francisco—a few minutes ago President Johnson announced from the White House—

And so forth.

Mr. Speaker, the postal service in our area has been deteriorating rapidly in the recent months. Some weeks ago I discussed the poor postal service on the floor of the House in some detail. After perusing the 112 statements from the Department of Agriculture in a 1-month period, I am beginning to understand why I receive so many complaints on postal service.

If Postmaster General Gronouski could cut into his campaign speaking schedule long enough to drop into Washington for a day or two, he might find that the ultimate solution to the postal problem in this country would be to very simply take away a few hundred of the Department of Agriculture's mimeograph machines or even reduce their supply of mimeograph paper.

CLAUDE BARNETT

Mrs. FRANCES P. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. FRANCES P. BOLTON. Mr. Speaker, 46 years ago there was started in Chicago the National Associated Negro Press by Claude Barnett, an amazing man; a charming person, a very educated person. He has just retired. I am inserting his remarks at a fraternity meeting that you may know something of the history of the National Associated Negro Press. It was started because it was impossible at that time for any Negro news to appear in the white papers. He feels that they have finished that job. Negro news is appearing in many white papers all over the country and abroad. I take great pleasure in putting in the Record his speech giving that history, which we are all glad has occurred. We are all glad that we have reached this point.

Address at Annual Labor Day Breakfast Monday, September 7, Chicago, Ill., by Claude A. Barnett Before the Alpha Phi Lambda Chapter of Alpha Phi Alpha Fraternity

Brothers in Alpha, our families, and friends, it is good to be able to meet with you on this 78th celebration of Labor Day and to wish that in health, wealth, as well as in the accomplishments of all of your aims and dreams, you are happy and secure.

I have gotten into the habit of enjoying these first Mondays in September and looking forward to them as occasions when we can join for a few hours those whom we admire, appreciate and love, as we forget the responsibilities and rigors of life and cast aside the pressures of our jobs and vocations as well as the problems of work and living.

I have, of course, a personal appreciation today because of the fact that you have chosen to add to your observation this year the fact that I am retiring. Mrs. Barnett says she does not believe I know the definition of the word "retire" and she insists that for months to come I will still be trudging along to the office when the clock points to the hour of 9 in the morning.

Most of my life, which this month of September will find me having lived a total of 75 years, has been spent in work which I love and in endeavors which in one way or another have, I hope, contributed to the welfare and progress of our racial group, of our immediate families and, therefore, perhaps, in addition, have meant something to the welfare of our State and our country.

I find myself grateful for the opportunities which have been extended to me to render service, especially within the realm of activities affecting our people.

There have been times when it appeared some folks have felt that we as Negroes have not made as much progress nor achieved as much advancement as they think we should have.

I am one of those, however, who believe that Negroes—people of African descent, handicapped as we have been by the conditions and discouragements which have surrounded us—have done remarkably well.

I feel confident that Negroes have just begun to measure up to our possibilities and that the future will show us advancing more and more toward the standards to be expected of those who have had the advantage of living under the conditions to which citizens of our country are exposed * * *.

I have always counted myself fortunate because of my early contact with the "Jewells"; i.e., the founders of Alpha Phi Alpha. There was Henry A. Callis, who was a practicing physician in Chicago when I first knew him; and Vertner W. Tandy, who graduated from Tuskegee Institute in 1905—the class before mine, then finished Cornell University and went on to heights in architecture.

Later I used to stop at 1906 Vermont Avenue in Washington, D.C., during the several years while I served as consultant and then as special assistant to three U.S. Secretaries of Agriculture. My hostess, Mrs. Mollie Hall, was the aunt of Bob Ogle, another "Jewell," who spent a deal of time at her home. So naturally I saw a lot of Alphas.

When I retired from that job as a consultant, Eugene Kinckle Jones, who was still another "Jewell," former head of the National Urban League, took a post with the U.S. Department of Commerce. Brother Jones and T. Arnold Hill, also an Alpha Phi Alpha, who had established the first branch of the Urban League in Chicago, together took over the apartment there where I had spent so many pleasant months and indeed years getting acquainted with Washington, D.C.

Brother Hill persuaded me to take on my first civic job in Chicago as a member of the Chicago Urban League Board, a task in which my wife succeeded me some years later.

It was during that period I first met the Alpha historian, Brother Charles H. Wesley, who like Brother Howard H. Long was then a professor at Howard University, both later to become college presidents, one of Wilberforce and the other of Central State College. Of course, you know that the majority of presidents of Negro colleges are Alphas. I also met Brother Charles Thompson, editor of the Journal of Negro Education, published at Howard, who entrusted me with the job of doing a study designed to show how little white daily newspapers were using news about Negroes. We checked the general usage and caliber of stories used during the World War I period and contrasted it with what was happening in the period of World War II.

Joe Evans was the general secretary of Alpha and lived in the imposing house his famous father, principal of one of Washington's early high schools, had built just two doors away so I was surrounded by Alphas.

When one starts recalling Alphas of those early vintages one is tempted to remember the stories of Brothers Roscoe Giles, E. K. McDonald, Sydney and Oscar Brown, Lewis Caldwell, the Lanes, Sydney Jones, J. Herbert King, Harold Langrum and a host of other Alpha Phi Lambda members.

Memories are invoked and one remembers how many important men and leaders this fraternity has furnished in various phases of Negro life.

But enough of these reminiscences. As pleasant as those memories are, let me move out of the past into the present. Except, perhaps as a kind of bridge, let me recall briefly the circumstances that gave birth to the Associated Negro Press with which I have worked for 45 years.

BIRTH OF THE ASSOCIATED PRESS

In 1917 or 1918, I became a publisher's representative engaged in the rather new occupation of selling advertising in Negro newspapers. I made a promotional trip for the Chicago Defender; Publisher Robert S. Abbott was still active then and keen, young Phil Jones was his general manager. This tour included all of the cities west of Chicago on the way to California. Naturally I contacted all of the newspapers then existing and one of the discoveries made was that there was no dependable, constant news service nor had there ever been one available to dispense news about Negroes. There was little news about Negroes other than crime or derisive stories used by daily newspapers in those days so that effective understanding about the Negro American nationally was in rather a foggy state.

I returned to Chicago, contacted a group of close associates, formed a corporation, brought in Nahum Daniel Brascher, a newsman from Cleveland, Ohio, who became associated. We opened offices at 312 South Clark Street in a building managed by William "Colonel Bill" Cowan, well-known Negro Chicagoan, and the Associated Negro Press was born March 19, 1919.

SERVICE TO NEGROES

By virtue of its very character and activity ANP brought us in contact with many of the men and women who have been active in propelling our group forward, as well as white leaders in many fields in the United States.

At one time we were serving 150 Negro papers scattered about the country, more really than exist today. Much later we added nearly half a hundred African papers—in both the English and French languages—as emergent nations began to gain freedom and independence.

There is still need for information. This is not because daily newspapers do not publish Negro news today. They really have become fierce competitors of the Negro newspapers and their access to worldwide telegraphic service gives them a superiority in the mere matter of gathering and distributing news.

The chief disadvantage of the daily newspaper or of any white publication appealing to Negroes today is the fact that usually it is difficult for them to understand and interpret what is going on behind the curtain of color.

The first step they are making to solve this handicap is to hire colored reporters. In the last 3 or 4 years a number of the more important dailies ofthe Nation have taken on Negro newspapermen.

BREAKTHROUGH

We all know Chicago daily newspapers have finally abandoned their gestures of employing part-time or special feature writers and are now using full-time Negro reporters on their staffs.

The Chicago Tribune, Chicago's American, the Daily News, and the Sun Times have all either had or have Negro reporters. Eddie L. Madison, Jr., whom I was happy to have introduce me this morning, occupies the important post of copy editor on the Tribune.

The Washington Post, of Washington, D.C., acknowledged to be one of the Nation's finest newspapers, recognizes the fact that Washington now has a preponderance of Negro population and the Post has six top Negro reporters. One or two of these men got their early experience working on the staff of the Associated Negro Press and became experts on news of significance to Negro people, especially in their relation to the Nation at large.

REAL REVOLUTION IN EMPLOYMENT

This breakthrough of Negroes in the field of journalism is typical of what is happening to our minority group on the job market as a whole. Actually, any honest and open-minded look at the employment picture is certain to leave you and me amazed at the results of a real revolution which is underway in the area of employment.

It is true that the Negro is suffering as the ravages of automation continue to grow. But it is just as true that—as John D. Rockefeller 3d, told a Spelman College audience a few weeks ago: I quote "as to barriers, it is clear that more and more are falling—in housing, employment, government and education—in virtually every area of our national life. There is broad and growing understanding that, as President Kennedy put it, race has no place in American life or law." Rockefeller is right when he said that jobs for qualified Negroes are opening at a rate that those close to the situation would not have believed possible just a year ago.

We used to talk about the Negro getting a foot in the door when it came to the nontraditional jobs. Today, we can say without a doubt that he not only has his foot in the door, but he's got the door rammed open and is striding through this archway of opportunity in unbelievable numbers. Last year at a time when 115 of the Nation's top companies—with 5.5 million employees—were meeting as members of plans for progress of the President's Committee on Equal Job Opportunity, G. C. McClellan, the administrative director made this statement: "Two years ago, you could walk through any corporation office in New York City and count nonwhites on two hands. Today, it's different."

McClellan said that 80 companies which had filed reports at that time, showed that nonwhites got 2,241 of the 31,698 salaried jobs that opened up. This represented an increase of 8.9 percent in the number of jobs held by nonwhites in those companies. Previously, Negroes had held only 1.5 of these salaried positions.

As we watched the national political conventions in 1960, who would have thought that Negro television reporters would be helping us to understand what would be going on at the 1964 conventions? But there they were—big as life on our screens this year. Just as Negroes were in evidence among the journalists covering the conventions, so is George Olden now a vice president on the professional advisory council of the McCann-Erickson Advertising Agency, one of the world's largest, and so is Ramon Scruggs, public relations manager for American Telephone & Telegraph, and so is Charles T. Williams, a vice president of Schenley Distillers Co., and so is the former black man in the White House—E. Frederick Morrow—now a vice president of the gigantic Bank of America, the largest bank in the United States.

These are just a few of the men who are holding some of the top jobs in American business. These are men who are symbolic of the new breed of Negro in America. There are thousands more on their way to the top with an impressive number already perched on the loft. Those of you who would take the time to wander in and out of offices, stores, city hall, and other buildings in Chicago's Loop here would find Negroes—young, middle-aged, and older Negroes—in such a variety of positions as to be surprising.

WHAT THIS MEANS

What does this job revolution mean to you and me? To me, it means that I have been blessed to live to see the day when my people are beginning to come into their own. Beyond the extremely satisfying knowledge that there are indeed new horizons ahead for Negroes in America, the fact of the job revolution can mean little more to me. I have played for years the game of black and white in America and I can only hope now that my position on the team has helped move the ball down toward the goal line. I must sit on the sidelines and look on, occasionally yelling from the bench some words of encouragement and strategy based on the experience I gained when I was romping up and down the field.

But you gentlemen—you men of Alpha Phi Alpha—are charged with a responsibility that is, perhaps, even more vital, more demanding, more important than any in the past. For now, as the ball inches toward the goal line, we cannot afford to let up.

Men such as you are obligated to huddle, line up, and call the plays which will carry this long, hard-fought struggle to eventual victory. No matter that you may have been on the team all along—and far too many professional Negroes have been content to be spectators—no matter that your present personal commitments are so heavy that time becomes your most precious commodity. Men of Alpha, like professional Negroes across the country, must unite in the final thrust.

A TWOFOLD RESPONSIBILITY

As I see it, the major responsibility is twofold. You must provide the guidance which will keep the civil rights movement from stumbling over the precipice of irresponsibility into the valley of defeat. Men such as yourselves must make your own voices heard above the anguished cries of the masses. And you must assert yourselves as individuals and as members of groups so that the hard-won gains of this century-old struggle will not cancel themselves out for a lack of strategy.

Second, and, just as important—perhaps, even more important—it is essential that men such as you provide the leadership in the cultivation of the great job revolution and actively aid in the awakening of young people to the glorious realization that a new day has indeed dawned upon the black man in America.

I urge all of you to participate in programs which expose our young people to the facts of employment today and tomorrow. I challenge all of you to work with groups which have programs aimed directly at counseling young Negroes even as early as pre-high-school age so that they can prepare themselves properly to walk tall through the door of opportunity which has opened for them. They should know, for example, how government offers such wide opportunities for young men and women. The State Department was for many years a closed book to Negroes but the bars have been relaxed in the last few years.

NEGROES IN DIPLOMATIC LIFE

It is interesting to review some specific changes in the light of the fact that educational opportunities are increasing and greater interest on the part of trained young men and women is being aroused. This is an age of diplomacy. The need for properly qualified and trained people is current. These jobs are not usually in the limelight but here are a few examples of the positions which have been filled by Negroes and their emoluments. In the past, there were one or two political appointments: an ambassadorship to Liberia, a consularship to Azores or to Marseilles, but not the technical posts which are now filled with Negro personnel.

There are three of our men with ambassadorial status, Mercer Cook, chief of mission at Dakar, Senegal; Clinton Knox in Dahomey, West Africa, Franklin Williams, Deputy Director of U.S. Mission to the United Nations, an assistant to Adlai Stevenson. These posts pay $27,500 a year.

Dr. John Morrow, director of the Howard University program for training foreign service personnel, a Government-supported project, $22,500. He was formerly an Ambassador to Guinea.

Other posts held by Negro officials under the Department of State are:

Harold Snell, of Chicago, labor attaché at Beirut, Lebanon; Rupert Lloyd, principal officer, Lyon, France; Samuel Westerfield, Deputy Assistant Secretary, Bureau of African Affairs; Alvin Rucker, formerly of Chicago, labor adviser, Bureau of African Affairs; Charlotte Moton Hubbard, daughter of Dr. Robert R. Moton, the second president of Tuskegee Institute; Charles Hanson, of New York, vice consul, Port of Spain, Trinidad; Ruby Pernell, New Delhi, India; David B. Bolen, former Olympic athlete, Bureau of African Affairs, Washington, D.C.; Archie Lang, also formerly of Chicago, Rio de Janeiro, and Jean Lightfoot.

These salaries range from $10,000 to $20,000, according to the demands and importance of the jobs.

There are 25 additional people in various foreign posts including Washington who are serving with the State Department, a far cry from the days when folks said Negroes were not welcome.

Frank E. Pinder, a veteran in agricultural extension service, was sworn in last Tuesday in Washington, D.C., as head of AID for Ghana, a $20,000 post. Men such as L. A. Potts, former head of Tuskegee's agricultural department, special assistant to Secretary of Agriculture Orville L. Freeman; Lawrence J. Washington, farm management representative of the Farmers Home Administration; and Albert S. Bacon, Assistant to the Administrator of the Federal Extension

Service, are other example of little known Government officials whose salaries range past the $15,000 mark. They happen to be in the Department of Agriculture, but Negroes can be spotted throughout the Federal system in key positions.

It is evident that there is a new awareness of Negro talent in practically every field of endeavor. Basil O'Connor, chairman of the board of trustees of Tuskegee Institute, former head of American Red Cross and head of March of Dimes, said: "Equal opportunity requires two things: genuine equality and real opportunities. Equality without opportunity is a fraud; opportunity that is not equal is a humiliation."

If we are to fulfill our complete responsibility in this area, it is essential that careful attention be paid to the young Negro boys and girls, who for various reasons, will never gain high positions in government or in industry or as a professional person. As O'Connor put it: "We must integrate the unskilled into an industrialized society which has fewer and fewer jobs for them. We must integrate the uneducated into a society where knowledge is power. We must integrate the deprived into a society of affluence."

THE HAUSER REPORT

I suggest to you this morning that you can make a distinct contribution right here to our future white- and blue-collar workers by taking time to study Chicago's now famous Hauser report and learn what it is really all about. We are all acquainted with one or more members of the Citizens Advisory Committee to the Board of Education and communication with them will add greatly to this understanding. Once comprehension comes on the grave problems of our public schools, I believe it is the responsibility of men such as you to work actively for the implementation of this landmark report.

In the final analysis, the ultimate disposal of the race problem in America will be due to education—both formal and informal. The eventual elimination—or sharp reduction—of poverty and misery in America will depend upon our ability to meet the challenges of education. Indeed, the very survival of man in this extraordinary world in which we are living today will depend upon his opportunity to become educated and his ability to turn this knowledge into wisdom.

I call upon you this morning, therefore, to count your blessings for you are certainly among this country's advantaged citizens, your color notwithstanding.

This advantage which you enjoy must not be jealously guarded. It must be freely shared. I urge you this morning to increase your civic commitments and plunge enthusiastically into the final quarter of America's historic game of black and white. This contest will not be won on the streets of this country, nor will it be decided by emotional and dramatic displays of so-called militancy. The answer to America's most crippling problem lies in the minds of men—and in the minds of children. You can have a profound influence upon both—on the real Negro problem—if you will.

(NOTE.—Upon conclusion of the above address Mr. Barnett was presented a Merit Award by Xi Lambda Chapter of Alpha Phi Alpha, Inc., which stated: "For 45 years of outstanding contribution in the field of journalism; and also for the many years spent as good will ambassador between Negroes of Africa and the United States.")

THE ROLE OF PRIVATE ENTERPRISE IN URBAN RENEWAL

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. WIDNALL. Mr. Speaker, the intent of Congress in enacting the Housing Act of 1949, and subsequent housing legislation in the urban renewal field was to encourage the use of private enterprise to the greatest extent possible. This involves both the encouragement of private enterprise within a project area through rehabilitation and renovation, and the business community as a participant from without in rebuilding the slums and blighted areas of our cities.

A recent statement by Milford Vieser, the president of the Commerce and Industry Association of Newark, N.J., delivered on September 18, 1964, before the Chamber of Commerce of the United States, Committee on Construction and Community Development, reveals the role that private enterprise has played and can play in urban development. He points out the need for complete cooperation between local government and labor, business, and the people within the community in order to achieve a successful urban renewal plan. Mr. Vieser also stresses the need to avoid the endless delay which has plagued so many projects throughout the country.

The proper roles of the Federal Government, local officials, and private enterprise are a fit subject for congressional inquiry and debate. Mr. Vieser's statement is a valuable contribution to this dialog.

The statement follows:

URBAN RENEWAL: A PROGRAM FOR PRIVATE ENTERPRISE

(By Milford Vieser)

It is time that the American businessman recognized that the Federal urban renewal program is, above all, a program for him.

The basic purpose of urban renewal is not to compete with private enterprise—it is to clear the way for private enterprise; to create the conditions in which private interests can continue their traditional role as the builders of our cities.

Urban renewal is the program of the city to improve itself through the elimination of slums and blight, to remove their causes, thereby preventing their recurrence, and to rehabilitate and conserve the existing inventory of housing. Its role is not only to provide housing. It is also to provide commercial and industrial structures, better transportation, and cultural and educational facilities. Simply stated, it is a program to make our old, tired cities better places in which to live and work.

As businessmen, our particular interest in urban renewal is not in public housing, except as it is the solution to part of the complex problem of renewing our city. Had we not had a public housing program in this country to start the slum clearance bill rolling, there would be no opportunity today for private enterprise to take the leadership in urban renewal. I know that in Newark public housing prevented living conditions from declining to the point where no one would have invested $1 of private capital in a renewal effort, with or without Government participation. Our role in public housing is to review its record to determine better methods of providing housing for our lowest income group.

However, our natural interest as businessmen is in that portion of the program which provides for the purchase and clearance of blighted urban properties to make way for the private development of new private housing and new commercial and industrial facilities.

To those who think that the job of urban renewal can be accomplished by private enterprise alone, without the assistance of Government, I can only say that it is time we stopped deluding ourselves. The plain, indisputable fact is that most blighted urban areas are far too expensive to acquire and clear to allow any private developer to take on this obligation and still hope to make a profit.

Without Government participation, a badly blighted area deteriorates still further. The result is the opposite of economic growth. It is economic stagnation. It is poverty, with new social problems which bring new financial burdens to the municipality, which in turn bring still higher taxes. It is all the things that are bad for private business.

With Government participation, on the other hand, it is possible to bring into play the constructive power of private enterprise. Let us take one of those blighted urban areas which no private developer would be able to buy and clear. Government participation means an investment in the future of that land parcel, an investment in the form of the expense of purchasing and clearing the land. The next step brings the first return on that investment. The Government sells the land to a developer, and part of the public expense has already been defrayed. Now the forces of private enterprise are able to take over. The developer builds his project. New commercial activity is generated, both inside and outside the project area.

The activity which results from an urban renewal project not only brings new opportunity for private enterprise. It reimburses both the local and Federal governments, which helped start the ball rolling in the first place. Property taxes from an urban renewal project area normally exceed greatly those which were realized from the slum area before the project was undertaken. The expense to the municipality for police and fire protection and for social services in a renewal area usually is cut substantially. Moreover, the enlivened business community generates more revenue for government at all levels. Ultimately, an urban renewal area more than pays its debt to government. It is simple arithmetic—the arithmetic of urban renewal.

Urban renewal is a local program. It is locally planned, administered, and executed. Except for the buying, clearing, and readying of the land it is financed by private capital. A successful urban renewal program requires the complete cooperation of local government, labor, business, and the people.

The cooperation of business is especially vital to the success of urban renewal. No community in our Nation has had a successful program of rebuilding without business leadership. This is a program to which businessmen interested in the future of private enterprise must give total support, both at the local and Federal levels.

It was 10 years ago that the Mutual Benefit Life Insurance Co. embarked on a program of new construction in the downtown area of Newark. We erected a modern, 20-story home office structure for our company. This building has become one of the symbols of the renewal program in Newark. We also constructed four other office buildings and we hope to start on still another within a reasonably short period of time. When we complete our complex of buildings we will have built 6 imposing structures and an 1,100-car garage.

What Mutual Benefit has done provides a dramatic example of something I referred to earlier—the arithmetic of urban renewal. Before we undertook our rebuilding program, the properties which we are developing returned to the city of Newark a total of $77,000 a year in tax revenues. When we complete this redevelopment work, those same properties will produce $1,500,000 a year for the city treasury. Moreover, the city will have realized this gain without having to provide new schools, or any other new service facilities. Our company benefits as well as the city, for our policyholders are receiving an excellent return on the investment.

For about 30 years prior to the start of Newark's urban renewal program there was almost no construction in the city of private housing, commercial, and industrial structures. The only building during that time was public housing. Newark was on the downgrade. Its pride and spirit were at a low ebb. Now, a decade since we started renewal activities in the business center of our city, private enterprise has greatly altered the appearance of our downtown business area. In addition to the Mutual Benefit complex, the Prudential Insurance Co. has built a new head office and several commercial structures. The National State Bank, National Newark & Essex Bank, Fidelity Union Trust Co., United States Savings Bank and Carteret Savings & Loan all have invested heavily in our main street by building new quarters for themselves or refurbishing established facilities. The Robert Treat Hotel has constructed a major new addition, and a large new Holiday Inn motel has been built. So have several medium-sized new commercial structures—all on that same street.

To support the expanding Newark economy, our utility companies have spent millions on new facilities. Public Service Electric has constructed a new power distribution center, and N. J. Bell has invested in an expanded switching center. Both our newspapers, the Newark News and the Newark Star-Ledger, are building new plants within areas earmarked for renewal under the title I program. Our breweries are expanding. Ballantine recently opened a multimillion-dollar distribution center as its most recent improvement, and Pabst is engaging in a major expansion plan.

Two chemical companies, Pitt Consolidated and Dixon, have spent huge sums on new plants in Newark. Engelhard Industries, the largest platinum company in the world, opens a new building almost every year. Tung-Sol has improved its home office in Newark, and Western Instruments, formerly the Daystrom Corp., recently moved its home office to our city. Liberty Optical Manufacturing Co., a leading manufacturer of eyeglass frames, has moved from its old quarters in Newark to an ultramodern building at another location within the city.

The city has made its own major contribution with a vast, self-supporting underground parking garage. There is a new spirit in our city. While the problem of rebuilding is complex and at times frustrating with delay, we have good reason for faith in our future.

We are proud of what has been accomplished in Newark, but the investment which has been made places upon us the responsibility of making certain that it is not wasted.

Like all older and larger cities in this country—including many which aren't nearly as old as Newark—our financial problems are serious. As a result of the migration to the suburbs of the middle and upper income groups, as well as some business, major cities have been losing population for the last two decades. The middle and upper income groups have been partially replaced by the low-income workers.

This has brought about a sharp rise in police, fire, school, and welfare costs to the cities. As a result, taxes keep going up.

One of the principal solutions to this problem is the rebuilding of our slum areas, and this means urban renewal with the participation of the Federal Government in the purchase and clearance of blighted areas.

As supporters of urban renewal, we must strive to find a solution to the most pressing problem facing this program—the problem of endless delay—of red tape.

My own city of Newark offers an excellent example of how endless procedures at all levels of government have slowed progress on a job which private enterprise is anxious to get on with.

During the 10 years in which we have had a resurgence of private activity, only one federally assisted urban renewal project—the Colonnade Park Apartments on North Broad Street—has been completed.

Incidentally, this project offers another excellent example of the highly favorable arithmetic of urban renewal. The land on which the Colonnade stands, together with some adjacent land now occupied by public housing, returned $178,000 a year in property taxes to the city before any renewal work was undertaken.

Today that same sector, including the land on which public housing was built, produces for the city $550,000 a year in property taxes. What is more, the cost to the city of servicing that area has been greatly reduced by the renewal work. Estimates of the annual savings, which have resulted for the city through the sharp reduction in police, fire, social welfare, and other service costs, are over $500,000 a year.

However, many of our slum areas still lie untouched. Others have been cleared, but nothing has yet replaced these slums that the city wants for the new ratables that new development would bring.

The biggest single reason for this lag has been endless procedures and red tape. We have had private developers more than anxious to get started. What has held them up has been the agonizing process of getting approvals and clearances from agencies of all sorts, at all levels of government—approvals which must be acquired before the Federal Government can participate financially.

It was only 4 weeks ago that Jack Parker—potentially our largest private developer—was able to break ground on a renewal plan for our city. It was 5 years ago, however, that he announced his plan for a vast multimillion dollar renewal project in Newark. At that time his proposal brought new enthusiasm and hope to everyone interested in the redevelopment of Newark.

Mr. Parker, who has built more than $75 million in high-rise apartment housing in New York City alone, was prepared to start work on his project in Newark within a year of the time he made his proposal. However, because of the endless stream of steps required between the announcement of a plan and the actual start of work on it, Newark was unable to give the go ahead to Mr. Parker until this year.

An exciting plan for the reclamation of about 2,000 acres of stagnant meadowland for industrial and commercial use—a project which would be a boon to our city and to private enterprise—was announced nearly 2 years ago and given top priority in Newark. Yet, more than a year was needed just to accomplish 40 separate steps required by various government agencies at all levels before it was even possible to hold a blight hearing—still an early step in any renewal project.

Delay of this sort simply means that private enterprise must wait until some future date to do a job it is ready and anxious to start today. As businessmen, I am sure each of us can appreciate the cost of unnecessary delay—the cost not only to the public but to private enterprise. If private enterprise is really going to step in and do the rebuilding job in our cities that it wants to do, we must streamline the process by which a sound renewal plan is turned into reality.

One thing which would help us achieve such a streamlining, I am sure, is less centralization of this program in Washington and greater reliance on the know-how and talent at the municipal level. Too often we must wait seemingly interminable lengths of time while an agency in Washington duplicates study and planning which already has been accomplished by highly capable people working for the city.

I don't suggest that Washington, which makes such a heavy financial investment in urban renewal, should merely give automatic approval to any renewal plan it receives.

I am sure that the Chamber of Commerce of the United States can do much to help bring about such a streamlining. The active support of the chamber for any step or any measure which tends to substitute action for delay in the urban renewal program would represent a distinct service, not only to our cities, but to private enterprise as well.

This country has rapidly moved away from its agricultural past toward its present high degree of urbanization and advanced technology. By 1975 we expect that about 80 percent of the population of this Nation will live in urban areas. Already, 90 percent of our New Jersey population lives within the urban sectors of our State.

Obviously, we cannot afford to ignore the problems of the urban segment of our society. We must not only work to correct the problems we face today but also strive to prepare for the future, when we will be even more urbanized. Urban renewal is the only real tool we have at our command in preparing for this future. It must be sharpened and made as effective as possible.

In Newark, the commitment of the business community to urban renewal is already complete. We have been participants on our own. But we also recognize the need for a many-pronged attack on urban problems in which private enterprise and government at all levels work together for solutions.

We recognize the need to expedite the program at the local level as well as at the Federal level. Toward that end the Commerce and Industry Association of Newark has formed an Urban Renewal Committee of leading Newark businessmen under the chairmanship of Mr. S. Westcott Toole, senior vice president of the Prudential Insurance Co., a recognized expert and a longtime leader in these affairs.

I would like to quote to you the sentence in which we described the purpose of this committee at the time it was formed. It is "To exert helpful pressure, wherever appropriate, to achieve a quickening of the pace at which Newark's renewal program is moving, and to maintain a continuing review of our urban renewal process so as to make it a more effective tool in the rebuilding of our city."

May I suggest that the Chamber of Commerce of the United States consider the formation of a similar committee of businessmen of nationally recognized stature. The function of this national urban renewal committee, I would hope, would be to help speed the pace at which the national renewal program is moving, and to help make it as effective a program as possible.

I assure you that private enterprise would be among the principal beneficiaries of such an effort.

"SOME ASPECTS OF AMERICAN FOREIGN POLICY"—ADDRESS BY THE HONORABLE ROBERT D. MURPHY

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Younger] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. YOUNGER. Mr. Speaker, the Honorable Robert D. Murphy, president of Corning Glass International and former Under Secretary of State for Political Affairs, gave an address before the graduating class of banking at the University of Wisconsin, on the subject of "Some Aspects of American Foreign Policy."

I know that many Members of Congress and those subscribing to the Congressional Record would be pleased to read Mr. Murphy's remarks which apply to our present international situation:

Some Aspects of American Foreign Policy

(By the Honorable Robert D. Murphy)

It seems to me that any review at this time of American foreign policy should begin with a look at East-West relations having special emphasis on the Sino-Soviet schism, and an analysis of whatever advantages the West may derive from that schism. It is an extraordinary opportunity for which certainly many in this country have eagerly waited for a number of years.

First, I believe we should have a look at the Pacific, focusing on the problems relating to southeast Asia.

Then I would think it would be well to examine briefly the European situation and the North Atlantic Alliance in the light of the stimulating, but, I fear, disruptive influence of General de Gaulle, and its impact on the development of the Atlantic Community.

Then I would like to add a word on Cuba.

EAST-WEST RELATIONS

There is a school of thought that suggests the United States is mismanaging the opportunities for peaceful change which are offered by Communist polycentrism and a present Russian eagerness to increase trade. That school of thought also believes that it would be catastrophic to attempt to break up the traditional Russian state either through a split-off of the nationalities or through military operations. There is a view that coexistence can pave the way for liberal evolution within the present Soviet society. It is suggested that the Captive Nations Declaration adopted by our Congress in 1959 is a bogey, even though it is known that our legislators were not just imposing unreasonable political conditions but rather reacting to vicious anti-American demonstrations in countries receiving large-scale American economic support. After all, terms of trade with Communist countries are artificial, and they must be closely scrutinized to determine what, if any, return to the United States is to receive.

There are those who criticize us for resistance to military disengagement in Europe and for refusal to accept as permanent the division of Germany. Here again there must be a balance between the sensitive requirements of the Atlantic Alliance and unhappy concessions to our ideological enemies. We should never forget the importance of the effect on the minds of those millions of people in Communist countries who continue to look to the West with intense longing, and still with hope. They expect American policies which understand the undercurrents and the contradictions inherent in their predicament.

Generally speaking, the policy of containment has achieved a certain success. The forward movement of conventional Communist armies was stopped and uniformed Communist troops have not violated frontiers in force since the Korean episode in 1950. Containment owes its success largely to the military power of the free world, principally the military power of this country and its ability to deter the Soviet use of nuclear weapons. We certainly cannot afford illusions about Soviet magnanimity for the weak, and we all have a vivid recollection of the Soviet threats in the late 1950's when the air was full of Khrushchev's gloating over the sputnik and what we may have believed was a developing superiority in the field of ICBM's.

But Americans do react, and under that unwise Soviet provocation many American programs were rushed to completion—at a high price it is true—including sophisticated American strategic weapons systems, which were previously a bit behind the target dates of the simpler Soviet program. Polaris submarines were deployed in the oceans around the Soviet Union. The dramatic development of American ICBM's, especially the solid-fuel, quick-reacting Minuteman of today, has led to the United States having perhaps 800 ICBM's on launching pads. Supplemented by about 200 Polaris missiles now deployed and backed by 540 strategic bombers on alert, this places the United States, it seems to me, in a strong tactical position to take advantage of Sino-Soviet conflicts as they occur.

I hesitate to lean on some intelligence estimates of Soviet striking power, but the comparative figures of their missiles and bomber strength is considerably below the American both in sophistication and in numbers. We can assume that in these circumstances a nuclear attack by the Soviet Union would have to be an irrational decision. No one, of course, can guarantee against irrationality, but in the light of the overwhelming risk of destruction, it is hardly likely to happen.

While our nuclear power is an obvious bulwark against nuclear attack and a major element in maintenance of world peace, it is not always simple to invoke it in the solution of local conflicts of a guerrilla or conventional character. Nuclear threat cannot be invoked lightly, and naturally American policy is to employ nuclear force only on the gravest provocations. It seems to be well understood in Moscow and in Washington that surprise attack is impracticable because even in the most optimistic estimate of the results of a nuclear exchange, the one striking first would suffer a retaliatory strike resulting in tens of millions of casualties.

The strategic advantage which we believe the United States holds over the Soviet Union is responsible for the major portion of American military expenditures. This year the United States is spending about $8 billion more on defense than in 1960. The largest items in our giant defense budget concern our nuclear power and are appropriated in the honest hope that the weapons system which they finance will never be used. We seek not only to deter Soviet aggression but to limit Soviet ability to exploit nuclear weapons for intimidation—the Cuban type of operation.

The Cuban operation was a classic example of how far the Soviet leadership at the time was willing to go to enhance its influence on both North and South America. It provides, too, an interesting insight into the relative negligence with which the Soviet technicians in Cuba installed the offensive missiles, making no effort to camouflage.

I have always assumed that when President Kennedy met Mr. Khrushchev in Vienna in an honest desire on Mr. Kennedy's part to work out a cooperative relationship, Mr. Khrushchev gained the impression that our young President was inexperienced and unskilled in the use of power. Chairman Khrushchev assumed that if he rushed the Cuban installation of missiles, at the sacrifice of security precautions such as time-taking camouflage, the missiles would be installed in their pads and ready to fire before U.S. intelligence awakened to the danger. Mr. Khrushchev came within an ace of success.

We like to think that the Cuban affair taught the Soviet leadership a lesson, and perhaps they will not miscalculate quite so rashly again. But neither can we afford to neglect our efforts in the field of timely intelligence. It is my observation that Americans nationally are apt to be more prone to complacency than are the Russian leaders.

For a long time in both Democratic and Republican administrations we have sought the establishment of an international system of maintenance of the peace which would provide a reliable means of effective arms control with enforcible inspection and control. This remains a mirage on the horizon, and at times the American effort to achieve arms control and disarmament is merely interpreted by the other side as a sign of weakness. I am convinced that our efforts are designed to gain more for American security, not less, but we cannot afford to gamble with our military strength under the heading of good intentions and jeopardize that strength even in the hope of proportionate gain.

We must distinguish, too, among problems. Chairman Khrushchev has declared that deliberate nuclear war is unthinkable, and assuming he means it, perhaps, although we do not know this, the danger of deliberate conventional war between the United States and the U.S.S.R. is now less because it might so easily develop into nuclear war. By the same token, it does not follow that international violence is unthinkable. As a matter of fact, as the Communist leadership is more free to concentrate on the lesser local situations, whether in the Congo or Cyprus, in a constant effort to increase the scope of their world influence, we must assume that the danger of violence on the local level may grow and spurt in unexpected areas most inconvenient for American intervention. There is no guarantee that guerrilla training, sabotage, infiltration, and subversion, whether in Latin America, Africa, the Middle East, or Asia will stop, and we must be prepared for their continuance. The essence of communism is constant, continuous struggle.

There is, I am glad to say, a favorable trend which is worthy of mention. Soviet planners in the flush of the sputnik achievement in the late fifties showed great confidence in Russian ability to provide a great strategic challenge to the West, while continuing a rapid and balanced rate of economic growth which would permit meeting the mounting demand for consumer goods at home and economic aid with political overtones abroad. But the arms race and serious defects in their domestic setup, according to their own statistics, saw their national income growth rates decline from an average of 9.5 percent per year from 1956 to 1959, to 6 percent in 1962, and 4.5 percent in 1963. This has led to an acute conflict among military, heavy industry, and consumer sectors, with the public demanding the fruits of prosperity. A deteriorating economy and substantial crop failures, to say nothing of the ignominy of heavy purchases of cereals from the West with the loss of cherished gold, have been heavy blows deflating the Soviet leadership's aggressiveness. These, together with the Sino-Soviet schism, are solid reasons for Russian eagerness to conclude the test-ban treaty and to reduce tensions. Yet, in the face of adversity, Soviet commitments in foreign aid to further political objectives abroad are rising and in the first 5 months of 1964 amounted to $600 million. This is further proof, if any were needed, of Russian dedication to worldwide political objectives. The Soviet program is facilitated by an appropriation system which enables them immediately to apply aid for political purposes and with great flexibility whether in Egypt, Yemen, India, Algeria, or wherever it would best promote their economic offensive.

The acute tension between Moscow and Peiping surpasses our fondest hopes. During recent years while we continually hoped a rift would develop, this country seemed incapable of promoting it, and it was generally believed that it would take a long period of years to happen. The conflicts of race, culture, ambition, history, all added up to the inevitable Russian decision to suspend the intolerable drain of its heavy economic aid to China 4 years ago. What a relief this must have been for the Russian general staff which regarded with anxious eyes the longest frontier in the world, the 4,500-mile Sino-Soviet border which traditionally has been the scene of so many clashes between China and Russia.

The Sino-Soviet rift does not necessarily mean that the net Communist threat is receding around the globe. It could even lead to intensification of the threat in some areas, as in southeast Asia. But the name calling and vilification between the two giants of the Communist world are having far-reaching effects upon the international Communist movement. I know I have felt that caution was required in assessing the Sino-Soviet dispute because I remembered that in the dramatic struggle between Stalin and the Trotskyites, many were deceived into believing that dispute might destroy or mortally wound the movement. But I know it is the State Department's view that the analogy is not perfect because the Trotskyites were outcasts from the start without the advantage of command over the independent resources of the most populous state in the world.

So there is substantial cause for us in the free world, if we are capable of solving our own domestic problems, to be encouraged if not elated. The Sino-Soviet conflict has damaged the image of Communist unity and dogma and lessened the movement's public appeal. There has been an easing of party controls and satellite states have been able to adjust their objectives. This gives local leadership greater freedom of action and could lead in time to opportunities for popular action. The hostile Chinese party line has been damaging to Soviet authority among Communist parties and has led to increasing independence on the part of Communist parties everywhere. Obviously, this does not mean an end to the dangers of communism, but we have cause for at least mild elation over a bona fide conflict between the two major Communist capitals which is not merely a deliberate deception arranged to entrap the free world, as some quite naturally were inclined to suspect in the beginning. Now we hopefully can foresee the Communist tradition of party and doctrinal discipline, with the worldwide subversive order of battle supported by a single power center, disintegrating. The question then becomes one of the ability of the free world to exploit that trend and to safeguard its interests in the process of the inevitable goading between Moscow and Peiping to demonstrate the respective purity of the revolutionary philosophy of each. We are facing a test of American ingenuity to promote the detachment of Eastern European countries, especially East Germany, from Soviet control. Each area will have to be studied and treated individually. Perhaps we should not expect too much, but even a little progress will repair some of the hopelessness which the years have brought to these sorely tried satellite populations.

Mr. George Kennan recently provoked a useful debate over what to do in the light of the recent disintegration of that extreme concentration of power in Moscow which began after World War II. In its place we are faced with a group of independent or partially independent centers of political authority within the Communist bloc, what has come to be described as "polycentrism." There is reason to believe that this process represents a fundamental change in the nature of world communism as a political force in the world.

For a long period of years, the United States has pursued a policy of economic and military assistance to Yugoslavia. I for one favored that policy although I believe in our enthusiasm we perhaps spent twice as much as necessary. Much of it, however, was in the form of relatively obsolete military equipment and agricultural products, not in cash. We never hoped to see Yugoslavia evolve into an ally or even to see it become a capitalist state. But as has been pointed out again by Mr. Kennan, when Yugoslavia remained Communist but without recognizing the discipline of the bloc and maintaining an independence of Moscow, it caused fermentation and doubt that the whole Moscow apparatus of unity and discipline was required in the development of Marxian socialism. As Mr. Kennan has stated it: "If Tito is to be forgiven and treated with deference, where are the rewards of obedience? Why should not we, too, select our own path?"

Actually, it is my opinion that some of this thinking was involved in the Hungarian revolution of 1956 which could easily have spilled over into Poland. We are at the interesting juncture where Moscow and Peiping both need and strive for political support of the satellite countries and compete for the favor of the Communist Parties in those countries.

This extraordinarily favorable development provides the West with a coveted opportunity to promote further polycentrism which could well lead to gradual relaxation of the Soviet hold on some, at least, of the Eastern European territories. At one time, we began to believe that the Soviet Union would never withdraw its forces from Austria. But coincident with the admission of West Germany in the North Atlantic Alliance, what seemed at the time a miracle came to pass. I do not despair that continual exploitation, wherever it can be exerted in the present circumstances of disarray in the so-called Communist camp, offers rays of hope, even though faintly, to the eventual liberation of some of Eastern Europe.

As the splintering process within the Communist bloc from our point of view takes on more favorable proportions, it seems to be more than just a division between Moscow and Peiping. It looks like the development of a four-way split. There is Moscow and the Eastern European satellites, Peiping and its satellites in southeast Asia, but also the neutralist elements of India and Yugoslavia. Then there is Albania, a satellite of Peiping, to destroy further the uniformity of Eastern Europe, and its counterpart, Outer Mongolia, in Peiping territory, but a satellite of Moscow.

So we are the relatively happy spectators of a continuing deterioration of the bloc, and an uneasy, perhaps explosive, decentralization of world Communist leadership with alinements in a state of flux. Notwithstanding that the U.S.S.R. gives mild lipservice to North Vietnam, a Chinese satellite, and still observes some of the amenities traditional in the bloc, it does not seem exaggerated now to expect that the U.S.S.R. and Red China may denounce their fraternal bonds, and throw wide open the hostile contest between them for world power and authority. We can hope that such a crisis may well happen incident to Chairman Khrushchev's intention to convene a world conference of Communist Parties perhaps in November. The Peiping leadership has announced that if the conference is called, it will split the world Communist movement right down the middle; and that if Khrushchev now fails to call the conference, he will be breaking his word and surrendering leadership to the Chinese. My belief is that Khrushchev will call the conference to fight further encroachment of Red China among the Communist Parties, especially in Asia, and also to have an impact on the European Communist Parties which must be kept in line.

Whatever may be said about the conflict, it is not caused by ideological clashes. It has all the trappings of a battle for power which concerns the national interests of the Soviet Union, for so long the undisputed leader of world communism, and the aggressive ambitions of Red China, confident of the sheer weight of its manpower, to dominate all of Asia from Japan to India.

SOUTHEAST ASIA

I am sure that Gen. Charles de Gaulle takes a cynical view of ideologies, and acts on the principle that countries have "no permanent alliances, only permanent interests." This contains the implication that the interests of the Communist dictators are identical with those of the people they dominate. This, of course, is a fallacy.

I am not sure what convinced De Gaulle that the French power position in the Far East could be built on recent French recognition of Red China, which the French described as a "modern, disciplined, progressive" country ready to live in harmony and peace with the West. I suspect that instead of a buildup of the French, Paris will eventually discover that Peiping regards this move, made without consultation with France's associates in NATO, as a sign of weakness to be exploited. French flattery, no doubt, will convince Chinese Communist leaders that France, having committed herself, requires no concessions.

French recognition of Red China came about when the Sino-Soviet conflict was obvious and the situation in Indochina had worsened. The De Gaulle government seems convinced that none of the problems of Asia can be settled without the participation of Red China, which is pursuing its own Asiatic policy. Ten years after the Geneva agreement, there is no peace in Indochina. That there is no peace is clearly the result of exploitation of the area by Red China and North Vietnam. The French point of view, as stated by Couve de Murville, which they feel is based on many years of bitter experience, is that it is useless to try to settle the fate of Vietnam without China, and that it is naive to think that Vietnam, on the edge of the Pacific, between Chinese military power and American military power, can find peace and gain independence except through neutrality.

American troubles in Indochina actually date back to 1954 when, after Dien Bien Phu, the French colonial regime came to an end with the Geneva accords. These agreements, which the United States did not sign, related to Cambodia, Laos, and Vietnam, and were designed to exclude all outside intervention. Laos, for example, was not to permit foreign troops, except for a French military mission and an airfield for French use at Seno. Cambodia was to avoid any alliance and not allow foreign troops. North and South Vietnam were prohibited from allying themselves with foreign military forces or from receiving foreign armaments. Vietnam was to have general elections in 1956 for the purpose of establishing a democratic form of government for all of Vietnam.

What happened to embroil the United States? It became clear very promptly that Communist North Vietnam, with the warm support of Red China especially, as well as the Soviet Union, intended to dominate the area under the skillful leadership of old-time Communist Ho Chi Minh. France's departure had caused a vacuum into which the northern Communist regime was moving. It was then that the United States decided to support Laos and South Vietnam in their determination, as weak and fragile as those new governments were, to remain free and independent. This decision involved no desire on our part to occupy or acquire control of the area, but it was related to our security interest to prevent Communist control of southeast Asia, including Singapore and the Malay Peninsula. We considered that our own security and our position in the Pacific were endangered.

I might add that this intrusion of American power in that area, while considered hostile by the Communists, has never endeared us to some of our French friends, especially General de Gaulle. France has had economic interests in the area for generations, but there was also a prestige factor which led to a sort of jealous mistress complex on the part of Paris. Today, in asserting that there can be no military solution in Vietnam, De Gaulle reflects a certain bitter resentment over the French defeat in 1954. He equates our support of Laotian and South Vietnamese independence with France's inability to maintain its colonial regime. The population of a country may be willing to bear considerably greater sacrifice to win its liberty and independence than to support foreigners seeking to continue their control over that population in the colonial tradition. There is a good deal of nostalgia and wishful thinking in the De Gaulle position that France having failed, the United States, for whom he has little hero worship, cannot possibly succeed.

Thus, when the United States vigorously supported the Diem government, the French often swiped at it and prophesied its failure. President Diem, their representatives insisted, could not possibly succeed. Yet he did, for many years. Diem finally succumbed to the rigors of the situation and the military coup d'etat in Saigon which eliminated him was quickly succeeded by a second under the leadership of General Khanh.

There is no doubt that after 10 years of guerrilla warfare in South Vietnam, directed from Hanoi, the population is tired and sorely tried. It is all very well for Secretary McNamara to visit Saigon and to announce, as he has done on several occasions, that victory will be a long-drawn out process, requiring perhaps years. I don't believe this formula is good enough. For that reason I applauded President Johnson's firm decision to retaliate against North Vietnam bases after the provocative attack against our naval units in the Bay of Tonkin. I fail to see how North Vietnam can be permitted to remain a sanctuary from which a steady stream of supplies and manpower can be injected into the South Vietnamese guerrilla action with impunity. General de Gaulle urges a conference now to make peace in Vietnam, Laos, and Cambodia. That was tried in 1954, and it failed. If we engage in pourparlers now, we would lead from weakness—our de facto situation must be strengthened. It must be demonstrated to North Vietnam that it cannot win by exporting terror into South Vietnam. I believe that Hanoi will not clearly understand this until it has been subjected to the same type of medicine it now administers to South Vietnam. Let us hope that the retaliatory raids against the northern bases may be a turning point which will bring relief to the people of South Vietnam who have suffered every brutality at the hands of the Hanoi conspiracy.

Then there is the situation in Laos. Why are we concerned about Laos? In 1949 the French granted Laos independence within the French union. But the North Vietnamese Communists managed to attract a few Laotian dissidents by pledges of military help and other aid. This was followed by the formation of the so-called resistance government of the Pathet Lao, which established a national assembly, selected a prime minister, and formed a people's liberation army. All this was done not in Laos but in Communist North Vietnam. The North Vietnamese then invaded Laos and established a puppet regime. This led to the Geneva Conference of 1954 and an agreement, which the United States did not sign, setting up a coalition form of government for Laos. Peace did not return, and after years of fighting and crisis, new accords were signed in Geneva in July 1962, designed to establish the sovereignty, neutrality, and territorial integrity of Laos, under the general supervision of an international control commission composed of representatives of Canada, India, and Poland. The non-Communist countries complied with the agreements; North Vietnam and its puppet Pathet Lao regime did not. The endemic aggression continues; our Secretary of State put the matter very simply in announcing the prescription, "leave your neighbors alone." At the same time, he declared that the United States does not intend to abandon the peoples of Laos or Vietnam who are trying to remain free from Communist domination.

NATO

With the current easing in the relationship between the United States and the U.S.S.R. the question is asked whether NATO and the Atlantic connection are still necessary, especially since confrontation with the U.S.S.R. in central Europe has recently abated. This seems to be answered by our Government's position that there is clearly need for defense since Soviet military capabilities remain as formidable as ever. Soviet armies are still poised in East Germany with huge reserves ready in Eastern Europe. Hundreds of Soviet missiles are targeted on Western Europe. The Berlin and Cuban crises demonstrated that Western power is capable of neutralizing and defeating Soviet efforts to exploit their power for diplomatic advantage. This demonstration was dependent on integrated Western military power and a high degree of political concert in the West. Should that unity fail, no doubt we would see a revival of the Russian pressures and tactics of the late fifties after sputnik. Our first task continues to be the mobilization of the collective Western will and strength to defend our vital interests. This demonstrates the vital need for the Atlantic Alliance.

A restored Western Europe may have to share more substantially the burdens and responsibilities in the field of nuclear weapons.

There are many hopeful indications that the forces of nationalism and humanism are rising within the Communist world, and this is especially important in that it occurs at a time when that world is subjected to the strain of the Sino-Soviet split. The United States has never accepted the notion that permanently Europe ends at the Elbe, but we are faced with the delicate question as to how we can move to support an independent and united Germany, and the liberalization of Eastern Europe. There is a question as to what our policy toward internal effervescence within the Soviet Union itself should be.

German Chancellor Erhard's position on the European issue is simple and direct. He wants "not a divided Europe but a united one." Such a Europe must be closely associated with the United States. He says that Germany is not a satellite of the United States, obviously, and he regards himself as "a German first, a European next, and an ally of the United States." Thus we have a split in the Christian Democratic Union with Erhard facing the Gaullist group, including former Chancellor Adenauer and Bavarian Franz-Josef Strauss, former Defense Minister. It seems to me that an understanding policy of support of the Erhard position lies in our own best interest.

That the dissolution of the Atlantic alliance is still the primary aim of the U.S.S.R. is demonstrated by Mr. Khrushchev's attitude during his recent tour of Scandinavia. Good will and better relations were not Mr. Khrushchev's chief aims there; he went there for reasons of major policy. No doubt Moscow believes that if NATO is further weakened, the multilateral force will disappear. Russia dreads any acquisition of nuclear power by Germany. Thus, in Scandinavia, Mr. Khrushchev disparaged NATO on every conceivable occasion and waved the bogey of a rearmed Germany before frosty Scandinavian eyes. He bluntly told Norway and Denmark to quit NATO and stressed that disarmament is tied closely to a German solution. Simultaneously, on the southern flank, Moscow did all it could to stimulate the crisis in Cyprus and to embroil Turkey and Greece, two NATO partners.

As stated by Dean Rusk, the first of our tasks is to maintain security in a changing environment. Dangerous issues between the Communist and free world remain unresolved; massive Soviet ground and nuclear forces are still arrayed against Europe. In the absence of assured arrangements for the mutual reduction of arms, it would be folly to dismantle the military strength of NATO. There is a recent school of thought, as exemplified in a book written by Ronald Steel called "The End of Alliance" which promotes the fallacy that NATO is breaking up anyway, and in fact that its passing should be welcomed. Although Soviet troops continue to occupy Eastern Europe, this school of thought tortures logic by the argument that the existence of NATO forces in Western Europe justifies the continuance of Soviet forces in Eastern Europe. It is only normal perhaps, in the case of an alliance which has been maintained over a long period of years, whenever there is a lull in tensions, to view the alliance as bankrupt. The NATO apparatus, its intimate staff and working relationship so laboriously built through the years, is an invaluable asset. It has taken years to construct, and in such matters there is no substitute for time.

Several hundred Soviet medium and intermediate range ballistic missiles sit on their launching pads in the Soviet Union aimed at free Europe—many more than are aimed at the United States. Instead of resorting to the employment of similar static missiles in Western Europe, we have had recourse to mobility in the Polaris submarine and in our proposal of a multilateral missile fleet, planning for which is steadily going forward. The "MLF" program, of course, is not the end of the process of bringing our allies closer together in the field of nuclear defense. Such a truly integrated force will lead to further ventures in Atlantic partnership and provide our allies with a deeper insight into the responsibility and the problems that go with strategic nuclear weapons. Our Government does not see security for anybody in a world of proliferating national weapons systems.

The North Atlantic partnership is not considered as purely military, temporary, or static. It is an instrument to achieve the great goal of our foreign policy which is a world in which peace and freedom are secure. We believe in consultations in NATO not only on problems such as the division of Germany, but others such as Cuban subversion in Latin America, or Communist aggression in southeast Asia.

CUBA

The United States and 14 other American republics on July 26 signed a resolution condemning Cuba for "its acts of aggression and of intervention against the territorial inviolability, the sovereignty, and the political independence of Venezuela." Bolivia, Chile, Mexico, and Uruguay voted against the resolution. The resolution warned the Castro regime that new subversive acts anywhere in the Americas would be met by individual or collective self-defense "which could go so far as resort to armed force." The resolution said, too, that the Latin American nations shall not maintain diplomatic or consular relations with the Cuban Government and that they shall suspend all trade, whether direct or indirect, except for foodstuffs and medicines.

American policy was finally made clear to the effect that, in the face of continued

Cuban aggression, the time had come to make it abundantly clear to the Castro regime that the hemisphere's governments will no longer tolerate its efforts to export revolution through the classic Communist techniques of terror, guerrilla warfare, and the infiltration of arms and subversive agents. Secretary Rusk pointed up the position by the remarks that "we in the United States are under no illusion as to the designs of the Communists against us and the free world." "We know," he said, "that the Communist menace is deadly serious, that they seek their goals through varied means, and that deceit is a standard element in their tactics."

Occasionally, it is useful to look back over the years tracing the path by which we arrived where we are. After World War II, all of us had earned a long respite from the excesses and brutalities of that epoch, and when the San Francisco conference to organize the United Nations was convened in 1945, it was bright with hope. President Roosevelt had staked everything on his grand design of cooperation with the Soviet Union, the then repository of Communist power. Our President visualized a joint Russo-American effort within the context of the United Nations, a world organization to control the destinies of humanity, to provide a new world order free from enmities, and governed by the rule of law. The resources of the world would be exploited for the benefit of the masses; poverty, ignorance, and disease would disappear in a spiral of an ever higher standard of living.

President Roosevelt firmly believed that he could handle Stalin, and after Roosevelt's death, our Government vigorously pushed forward with his great design. The United States demobilized frantically; we extended massive aid to the right and to the left; we sought on every occasion to demonstrate our good faith in this friendly try to cooperate with a regime that never lost a moment, nor an opportunity, to expand its military striking power and the area of its dominance.

Now, because of a present detente, some of our distinguished citizens counsel us not to cling to old myths in the face of new realities. U.S. Senator FULBRIGHT, the distinguished chairman of the Foreign Relations Committee, publicly asserts that there has always been some divergence between the realities of foreign policy and our ideas about it. He maintains that this divergence has been growing rather than narrowing, and that we are handicapped by policies based on old myths rather than current realities. The Senator suggests that there is mounting evidence of profound changes in the character of East-West relations. Part of that evidence, he asserts, is found in the Cuban missile crisis of October 1962, when, he believes, the United States proved to the Soviet Union that a policy of aggression and adventure involved unacceptable risks. In effect, the speech advises us to scrap the benefit of bitter and expensive experience gained over the past 20 years. The statement was acclaimed in the Moscow press as "lightning which has lit up a new realistic tendency in Washington political thinking." Through the years I have come to recognize this Soviet language as standard practice when the United States has made a substantial concession or moved in a direction considered of advantage to the Soviet Union.

Time does not permit an examination of the Senator's speech on myths and realities, but I would like to refer to a brief reference to it made by a great Cuban friend Nuñez-Portuondo, who said that the only myth that must be destroyed is that the Soviet Union will risk a nuclear war over Cuba. If the United States fails to settle local issues in this hemisphere because of vague fears that forceful action will precipitate a general conflict, we abandon any thought of leadership in this hemisphere or elsewhere.

WOOL IMPORTS—HOW MANY MORE MILL CLOSINGS?

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, on August 20, 1964, I inserted in the CONGRESSIONAL RECORD—page 20681—information about the tragic closing of the Farnsworth Mill in Lisbon Falls, Maine. This closing was another monument to the broken promises this administration made to the wool manufacturing industry. For more than 3 years they have promised that quantitative restrictions on wool manufacture imports would be arranged.

The same promise was made to the cotton textile industry and kept. Such quotas are within the power of the administration to effect. Just recently, when Texas beef was threatened by imports, legislation establishing quotas was cheerfully and rapidly enacted despite consumer objections.

Mr. Speaker, it is regrettable that woolen mills are continuing to close, jobs are lost, and whole communities are being made to suffer because of the broken promises of this administration. The question is: How many more mills will have to be closed before the Government takes notice?

The Franklin Journal-Transcript comments on this situation poignantly in an editorial in its August 27 edition which I include at this point in the RECORD:

A WOOLEN MILL CLOSES

In any community where the manufacture of woolen cloth is an important part of the local economy, news of the closing of a woolen mill anywhere can be only chilling.

Thus the news that the Farnsworth Mill in Lisbon Falls, Maine, early this month was forced by years of operating losses to close was bad news in a good many towns and cities.

Chilling too were the words of the formal announcement of the closing, which said, in part:

"It has been hoped that the Government would take some effective action to correct the situation whereby woolen cloth manufactured out of waste and shoddy can be brought into the United States labeled 'New Wool,' when U.S. labeling law requires that in this country only those fabrics made out of new wool may be labeled as such.

"This large and unfair raw material advantage which foreign competitors have, along with the growing volume of imports of fabrics made at very low labor rates in Italy and other foreign countries, has caused the closing of many American woolen mills in the past few years, and the management of Farnsworth has reluctantly come to the conclusion that its operation also must be liquidated to prevent further larger losses."

How many mills will have to be closed before the Government notices?

U.S. WHEAT PRICE LOWER THAN WORLD PRICE

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. FINDLEY. Mr. Speaker, in a letter today I implored President Johnson to halt dumping of Government wheat stocks at least until U.S. wheat prices climb back to the higher prices in the world market.

It was my third plea to the President to halt Government wheat dumping. For the first time in history, the U.S. price of wheat is below the world price.

The Federal Government is selling Government wheat abroad at higher prices than U.S. farmers are getting. This is price protection in reverse.

Policies ordered by Secretary of Agriculture Freeman are actually denying the U.S. farmer access to better prices in the world market. The penalty being inflicted on farmers currently averages between 11 to 20 cents per bushel.

Historically, the Federal Government has protected wheatgrowers from unfair competition abroad. Now Secretary Freeman has turned the tables and inflicts protection in reverse on U.S. farmers.

Since this marketing year began on July 1, Secretary Freeman has sold massive Government wheat stocks—94,333,375 bushels as of September 18—at $1.37 per bushel, farm basis, which is the lowest release price permitted by law. This is unfair competition, and this unprecedented Government dumping has driven down the U.S. price even below the world price. To compound the injury inflicted on the American farmer, Secretary Freeman denies him access to the higher world price.

Under the wheat program, the U.S. price was supposed to be supported at approximately the world price, but Secretary Freeman, in effect, has applied a tax of 11 to 20 cents on every bushel exported.

Here is a chart showing price protection given to American farmers until this year, together with price data as it applied on September 17, 1964:

U.S. Hard Red Winter wheat: Average domestic prices compared with export prices, crop years 1949–63

[In dollars per bushel]

Crop year	Domestic price at Galveston	Export subsidy paid by Government	Export tax charged by Government	Export price[1]
1949	2.35	0.48	0	1.87
1950	2.50	.63	0	1.87
1951	2.61	.60	0	2.01
1952	2.50	.46	0	2.04
1953	2.46	.44	0	2.02
1954	2.59	.81	0	1.78
1955	2.39	.69	0	1.70
1956	2.46	.76	0	1.70
1957	2.40	.63	0	1.77
1958	2.20	.50	0	1.70
1959	2.23	.56	0	1.67
1960	2.19	.50	0	1.69
1961	2.27	.56	0	1.71
1962	2.38	.63	0	1.75
1963	2.27	.49	0	1.78
Sept. 17, 1964	1.77	0	0.11	1.88

[1] The export price is assumed to be the world market price at port of export.

In telegrams to you on July 26 and September 3, I urged that you halt this dumping of Government wheat until U.S. prices return to normal levels. This would be about $1.79, which was the futures for July wheat just prior to the announcement early this year that an effort would be made to enact the wheat certificate program.

No action has been taken to halt the dumping, and therefore I respectfully renew my plea.

This is the first time in American history that the U.S. price of wheat is lower than the world market. It is also the first time in American history that the Federal Government has imposed a tax on export wheat sales.

No wonder our export markets have suffered during the past year. Wheat exports from the major foreign wheat exporting nations in the July 1–August 21 period amounted to 145.3 million bushels compared to 90.2 million bushels during the same period in 1963. On the other hand, U.S. exports amounted to 79.6 million bushels this year as compared to 83.2 million bushels in the corresponding period of 1963. In other words, while competitor nations have increased wheat exports by over 55 million bushels since July 1, the United States has decreased its wheat exports by 3.6 million bushels.

ONE GOAL—ONE CAUSE

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. DEROUNIAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. DEROUNIAN. Mr. Speaker, my good constituent, Mr. Nick La Bella, upon the death of two men, wrote a letter to the editor of his local newspaper which carries a message for all of us. I am proud to place it in the RECORD at this time:

DEAR EDITOR: When a pastor dies, it is as if a large oak is felled from the forest and the empty space reflecting against the sky leaves us all a little lonelier.

Two left us this past week.

One I visited, was lying in almost regal splendor—the other, a simple bier, yet with a splendor all its own.

One a leader in a church, whose members are numbered in the millions, the other a simple pastor of a small flock, and yet each did his duty and was a true shepherd to his children.

One suffered years of illness with surely saintly fortitude and humor.

The other worked hard right up to the last day * * * a lesson is here for all of us. One taught us that years of physical pain can be met head on with prayer, humor and understanding. The other left us the lesson that if one can do effectively the job to which we have been assigned, a ray of light will lead us too, to the proper road.

I am sure both spirits are still looking over their flock, not in their former earthly pigmentations of black and white, but rather blended together in God (who is after all) our common Father, golden light. For in eternity there are no black and white color schemes. A lesson for us all.

It is not by a man's color, or economic status that a man's worth is judged but rather, how well did he use what goods his Creator gave him, and to what benefit for his fellow neighbor.

Let us first take the "slums out of the man before taking the man from the slums."

May Father Vincent Short and Rev. Moses T. Smith glance down our way and continue to guide us.

NICK LA BELLA.

OYSTER BAY, N.Y.

TIME TO GO HOME

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. LANGEN. Mr. Speaker, it is time that this Congress finished the business at hand and prepared to go home.

We sit here, day after day, and for what? Apparently we are waiting for the indecisive leadership to make up its mind on what direction to go. It is time that politics be taken out of the congressional business and we promptly debate the remaining issues and get it over with.

This body has passed the major appropriations bills and is close to finishing the remaining business. Actually, we should have adjourned, sine die, by now, but this Congress has done nothing since the Democratic Convention 3 weeks ago.

To those of us who make it a point to remain in Washington and attend each session as responsible Congressmen, it is grossly unfair to show up ready for business only to find there are not enough Members present to constitute a quorum. Or we are led to believe a particular item of legislation is to be debated and acted upon on a certain day, only to find that it does not come up for action.

The leadership apparently has last year's adjournment date in mind again this year. We sat here until Christmas Eve, and for the very same reason, a lack of real leadership in this Congress.

Perhaps some are afraid to go home and face the voters. But I should think they would be even more afraid to face them after sitting around here for weeks, doing nothing.

Mr. Speaker, I repeat, it is time to go home. The American public is entitled to at least a month in which to review the work of this Congress before being called upon to register a most important decision.

VIEWS OF CONGRESSMAN DON H. CLAUSEN ON CALIFORNIA INDIAN CLAIM PAYMENT

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. MARTIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. MARTIN of California. Mr. Speaker, on behalf of Congressman DON CLAUSEN who is unable to be here, I am bringing his views on the California Indian claim payment to the attention of our colleagues. I might add that the Congressman is viewing a forest fire in his district in an attempt to be of all possible assistance to the area. The latest report is that these forest fires coming into the cities have now damaged 150 structures in Calistoga and Santa Rosa:

REMARKS OF CONGRESSMAN DON H. CLAUSEN, OF CALIFORNIA, SEPTEMBER 22, 1964

Mr. Speaker, one of the items in the supplemental appropriations bill (H.R. 12633) before us today covers claims and judgments specified in chapter IX totaling $32,284,904. The major portion of this item is a payment totaling $29,100,000 on behalf of the Indians of California for lands taken from them in the 1850's by the Government of the United States.

As a Member of Congress representing a large Indian population in Humboldt, Mendocino, and Del Norte Counties of California, I appeared before the Indian Claims Commission earlier this year to protest the methods used in arriving at this payment. At that time, I pointed out the great and growing concern of the Members of Congress regarding the treatment of the Indian people, who were the first citizens of this land.

Although it was not the main point of my testimony, I referred to the records of the Committee on Interior and Insular Affairs which indicated that the Indians paid $1.25 per acre in 1944 for their reservation lands and that the Government now, in this award, is paying the Indian 47 cents per acre for land taken from them. The burden of my testimony before the Indian Claims Commission was that the ballot used in obtaining the Indians' assent to this award, which incidentally is seriously challenged, was confusing and misleading so as to give an inaccurate expression of the Indians' wishes. I requested that the election be set aside and that a new election be held, but this was rejected by the Commission. Despite my pleas and those of the gentleman from California [Mr. MARTIN], the Indian Claims Commission approved the payment. It is my opinion that this decision is appealable and the language in H.R. 12633 so states: "That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise."

In reviewing this award to the Indians of California, I find great disagreement in accepting it as final payment from the Federal Government. I want to advise my colleagues of this disagreement and advise that, in my opinion, the language of the bill does not necessarily preclude any further claim against the Government in this area.

At the same time, whether it is accepted wholeheartedly or not, it must be pointed out that the amount of this payment was set in accordance with law. For this reason, it would be irresponsible to attempt to block appropriation of the funds.

I simply want to bring to the attention of my colleagues the points of concern involved in this action. It would seem to me that, in this purported final settlement, the Government finally would have treated the Indians with a concern and consideration that would have made them satisfied with the outcome. As it is, this award will come back to haunt us and rightfully so, and I will continue to fight for them until we succeed in giving the Indians proper and fair treatment. It is a blot on the American record for fair play. The original inhabitants of this land, who represent a minority group, have been mistreated from the start when their plight should have been given priority.

I want to urge my colleagues to carefully evaluate this problem and to join in the fight to provide these Indian people with equal opportunity under law and work to remove some of the restrictions now plaguing their progress.

ENGINEERING OBSOLESCENCE—WHAT CAN BE DONE TO ELIMINATE IT

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. CAHILL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. CAHILL. Mr. Speaker, "An engineer's knowledge today has a half life of 10 years. Half of what he knows will be obsolete in 10 years; half of what he needs to know in 1974 is not available to him today."

This is a frequently repeated generalization and is commonly referred to as "engineering obsolescence."

The term is used increasingly by leaders in government, education, and industry to denote out of date skills in the engineering profession. Technological shifts and advances have occurred since most engineers graduated from college and demands for certain electronic, mathematical and so-called aerospace skills have outstripped supply while the supply of basic electrical, mechanical, and civil specialties continues to exceed the apparent demand.

As an example, I refer to those engineers who have been engaged in the research and development of electron tubes for radio and television. Having concentrated in this field without time to devote to other phases of the scientific profession, these engineers have now found that the introduction of the transistor has practically eliminated the need for their particular skills. Moreover, the demands of our space program have brought into existence a kind of technology which was not visualized a few years ago.

The problem—many individuals with different engineering degrees are unemployed since their specific skills are no longer required in a rapidly advancing scientific age. The solution—technical retraining of these engineers so they can acquire freshly needed skills and thus be able to function effectively, in the current and future phases of our scientific programs.

Retraining of experienced engineers can be a function of industry; or government; or the colleges and universities; or the technical societies. Each has a valid interest in the result—broader, more current and more usable technical knowledge. Each has undertaken steps to reduce unemployment of experienced engineers through the establishment of programs which permit individuals to be better identified according to their special skills thus making them more available to industry, and so forth, in those areas where their skill may still be utilized.

However, I want to speak today about the efforts of an organization in Camden, N.J., to bring about a solution to the problem arising out of the unemployment of experienced engineers because their skills have not been updated. This organization is the Association of Scientists and Professional Engineering Personnel.

ASPEP, having recognized this problem of obsolescence through the reduction in employment of engineers at the Radio Corp. of America because of completed Government contracts, and so forth, became acutely aware of the existing problem and proposed a vast engineers' retraining program which was sponsored cooperatively by the company and the union.

ASPEP in the summer of 1963, investigated the possibility of conducting a series of short but intensive study courses for its members on a variety of subjects such as modern algebra, logic operational calculus, and other general and allied topics. There was not only the immediate problem of procuring volunteer instructors but also the problem of securing the willingness of a sufficient number of engineers to participate in these study courses.

These initial challenges were overcome and a pilot program was held beginning in October 1963 at Camden Catholic High School under the direction of Harold J. Ammond, program adviser, through permission granted by local school authorities. In this first phase of the program volunteer members of ASPEP taught courses in vector analysis application of electromagnetic field theory to the design of microwave circuits, orbital mechanics, classical elements of probability, partial differential equations and introduction to computer logic and digital computers.

Since there was such favorable response to the fall sessions, plans were immediately inaugurated to hold a second session which began in February 1964. Hundreds of engineers received advanced scientific training during the two courses and because the response indicated that the results were quite successful, the framework for a more formal study program was built.

Mr. Harold J. Ammond, program adviser, has now announced that ASPEP has completed plans to conduct a more formalized study program at Camden Catholic High School beginning in October. Thirteen different courses will be available to ASPEP members. One course involves the subject of "Electrical Interference" and it will be taught by Mr. R. F. Ficcki, who just recently authored a book updating the scientific phases of this important topic. The study program has now been considerably expanded and tailored to meet the requirements as expressed by ASPEP members and the availability of its teaching staff.

ASPEP has unquestionably answered the call to a great need for experienced engineers in making available this study program. I want to take this opportunity to congratulate this organization for its foresightedness and mature judgment in an endeavor to bring about a satisfactory solution to the problem often referred to as "engineering obsolescence."

I also want to congratulate Mr. Harold Ammond for his direction of the study programs and the professors who, through their volunteer efforts, have dedicated themselves to the advancement of current scientific knowledge among engineering personnel.

"PHONY" IS THE WORD

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I take this time to comment briefly on a suggested press release that has been distributed by the Small Business Administration to lionize President Johnson and show his devotion to everything which is peaches and cream in American life. This suggested press release was given to me by a small businessman who was sick at his stomach at this obvious effrontery to the sincerity and intelligence of any average American.

The press release is suggested by Rose McKee, Director, Office of Public Information, and is preceded with the following note, and I quote:

> NOTE.—The following suggested news release should be reproduced on your business letterhead or release masthead and distributed to newspapers, radio and television stations in your area.

In taking a good look at this press release, Mr. Speaker, there is only one way to describe it and "phony" is the word.

The President is referred to nine specific times and the concluding paragraph states:

> (Name) met the President personally after the formal talks and exchanged views with other guests during the reception, held in the State Dining Room.

In other words, Director McKee candidly suggests that the recipient of this press release lie and tell the public that he met the President even if he did not. One cannot help but wonder how many returning firemen have been lauded in the local press as having "personally" met the President when they really did not. When a press release suggests that you met him, I guess it is OK, the recipient must reason. Oh, well, it is like so many other things around Washington—and "phony" is the word.

The press release follows:

SMALL BUSINESS ADMINISTRATION,
Washington, D.C.

(NOTE.—The following suggested news release should be reproduced on your business letterhead or release masthead and distributed to newspapers, radio and television stations in your area.—Rose McKee, Director, Office of Public Information.)

(Release date).

(Name, business affiliation and address) has returned from Washington where he was the guest of President Lyndon B. Johnson at a White House reception honoring small business leaders from all parts of the country.

The President in addressing the group of about 300 emphasized the "big responsibilities" of small business in the American economy, according to (name), who quoted Mr. Johnson as saying:

"Every American community draws its base of leadership—its stability—its continuity—and its drive for progress—from responsible and progressive small businessmen.

"Today the future of our system and our society is being determined not here in this city, not in this House, not on Capitol Hill. The quality of the America your children and mine will know is being determined in the communities where Americans live and where you lead."

(Name) said the President spoke to the group in the famed East Room of the White House and introduced leading members of his administration including Secretary of State Dean Rusk, Commerce Secretary Luther H. Hodges, Walter W. Heller, chairman of the Council of Economic Advisers; Small Business Administrator Eugene P. Foley, and officials of the Defense Department. Rusk and Heller were among those who also addressed the group.

"The President in his talk," (Name) said, "stressed his devotion to the free enterprise system and emphasized that he will never permit Government to be either an enemy of business or a parasite on business."

Mr. Johnson also, according to (Name), referred to the Nation's remarkable prosperity and said that the last 3½ years have been "the most prosperous our people have ever known." (Name) said the President continued:

"For 42 consecutive months, we have had the longest and largest and most stable peacetime expansion of our economy on record. Last month 72.4 million Americans were at work—a new record. Unemployment declined below the 5 percent mark. The worker is doing better. The American family is doing better than ever before. The American businessman has never done so well for so long * * *."

The President also told the group that most successful business-builders are "almost always the most active community builders."

(Name) met the President personally after the formal talks and exchanged views with other guests during the reception, held in the State Dining Room.

LEGISLATIVE QUESTIONNAIRE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. UDALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. UDALL. Mr. Speaker, I have just received the results of three questionnaires I mailed out earlier this year to my constituents in the Second Congressional District of Arizona. I believe they will be of interest to my colleagues.

On this occasion I decided to go to the expense of soliciting the views of, not just those constituents on my newsletter mailing list, but all residents of my district. I made use of postal patron mail to do this. In the questionnaire I asked the recipients to tell me whether they approve of the use of the postal patron privilege for this purpose. Their response was resounding approval.

In order to keep my questionnaire short but cover many topics I prepared three separate questionnaires and mailed them out in February, March and May. Since each constituent would receive only one mailing during this project, I used several important questions on all three questionnaires. Other questions appeared on one or two questionnaires only.

In the course of this project I mailed a total of 157,996 questionnaires. Since one group went heavily into certain counties and not into others, and another group went into the areas missed the first time, and so forth, no claim can be made that this survey is wholly accurate as a sampling of constituent opinion. However, the similarity of responses to questions asked in succeeding mailings is quite remarkable.

In February I mailed out 30,219 questionnaires. I received 2,134 replies. In March I mailed out 59,945 questionnaires. I received 6,903 replies. In May I mailed 67,832 questionnaires. I received 4,828 replies. Overall I received 13,865 replies representing just under 9 percent of the number mailed out. While I had hoped for a greater response than this, I believe this is still several times the response that is considered good in the direct mail industry. Evidently my constituents place a higher value on their Government than they do on free trial subscriptions or bargain vitamin offers.

On each questionnaire I asked my constituents to indicate their party affiliation. The purpose of this was to give me a test as to the accuracy of the sample represented by the returns. Overall, the respondents identified themselves as 55 percent Democrats, 33 percent Republicans, and 11 percent Independents. One percent did not answer the question.

How do these percentages compare with the party registration in my district? Well, on the face of it, this response seems to indicate a far heavier proportion of Independent voters than will be found in the electorate. Also, there appears to be a small surplus of Republicans and a great deficiency of Democrats.

I doubt, however, that the sample is as bad as these figures would seem to indicate. At the present time my district has a registration of just over 164,000 voters. Of these, 67 percent are registered as Democrats, 30 percent as Republicans, and 3 percent as Independents or "no party" or other designation. In truth, I suspect that many of the Independent responses reflect the sentiment of the respondents but not their electoral status. In any case, I think it is quite clear that the sample shown in these responses is not weighted in favor of my political party; if anything, it is weighted in favor of the Republicans and Independents.

In view of the structure of the sample, or samples, I think it is especially interesting to note some of the responses where there is a test of the popularity of Kennedy-Johnson programs.

For example, I find the figures on the antipoverty program highly significant. In March and again in May I found over two-thirds of my constituents voting in favor of this important program.

Another example is hospital care for the aged. In spite of all-out opposition from certain groups in my State the respondents to my questionnaire gave the program good, substantial majorities in each of the three surveys.

The Alliance for Progress is another Kennedy-Johnson program that continues to show great popularity in my district. I found this to be true in my last survey in 1963, not only in southern Arizona but in the rest of the State as well; this survey reaffirms that result.

The Domestic Peace Corps also enjoys strong support, as shown in all three surveys. Again this reaffirms the popularity of this program reflected in my survey of 1963.

The test ban treaty is another example of a Kennedy-Johnson program which enjoys solid support in District 2 of Arizona.

The civil rights bill, now law, drew substantial support from my respondents, although they were closely divided on the question of including public accommodations in its coverage.

We are often told that the American people want to wipe out the foreign aid program. Well, this is not true of the residents of my district. On my questionnaire they were given four choices—to end the program, reduce it still further, keep the present level or restore it to previous levels. I think it is significant that only about one-fifth to one-quarter of my respondents indicated they would abolish the program. The great majority made clear they want the program to continue, even though at a lower level than past years.

Immigration reform, which has been characterized as opening the gates to foreign job seekers, drew overwhelming support from my respondents.

Mr. Speaker, I have found this sequence of surveys to be most informative, and in addition I have been impressed by the enthusiasm with which my constituents took part in this survey. In addition to filling out the questionnaire hundreds of these people wrote me to express their appreciation for being consulted in these matters. By their votes and their letters they have voiced their approval of this kind of procedure for learning the views of one's constituents.

In closing, Mr. Speaker, I want to acknowledge the great service accorded me and my district by the Numerical Analysis Laboratory of the University of Arizona. The answers given by my constituents to the questions on these surveys have been punched on cards for tabulation and subsequent analysis by the Department of Government of that same institution. The figures I now have in hand are the product of many hours of work by members of the Numerical Analysis staff. Later this year I hope to have the results of the detailed analysis to be made of these responses.

Mr. Speaker, without objection, I insert at this point a tabulation of my questionnaire responses:

LEGISLATIVE QUESTIONNAIRE, DISTRICT 2 OF ARIZONA, FEBRUARY, MARCH, AND MAY, 1964

To the residents of Arizona Congressional District No. 2:

It is important to me, as your Representative in Congress, to have your views and suggestions on major issues facing our country in 1964. I would consider it a real favor if you would complete this questionnaire and return it to me. You need not sign your name nor give your address if you prefer not to. In any event your reply will be treated in complete confidence. Results will be published as soon as they can be tabulated.

I recognize that as you study the questions you may want to qualify the simple "yes" or "no" answers provided. Ideally I would like to provide a greater variety of answers, but printing expense and tabulation difficulties make this impossible. Thus if you cannot make a clear choice on a particular question, just leave it blank. Please feel free to write me separately on any issue, for I want to have your best thinking on these problems. Thanks for your help.

MORRIS K. UDALL.

1. Foreign aid: Our foreign aid program has been variously described as a "total waste of money" and "our best tool in the cold war struggle against communism." Included are military aid, to strengthen countries against Communist aggression, and economic aid, to bolster weak economies. Opponents contend the program has failed, that "you can't buy friends," and call for its termination. Supporters say termination would mean giving up many problem areas of the world to the Communist bloc. From a high of $6.5 billion in 1953 foreign aid has steadily declined. Last year's administration request was $4.5 billion, but Congress cut it to $3 billion. In your opinion should Congress in 1964 (a) end the program, (b) reduce it still further, (c) keep the present, reduced level, or (d) restore the cuts, bringing foreign aid up to the level of recent years?

FEBRUARY	Percent
End the program	25
Reduce still further	42
Keep present level	25
Restore cuts	5
No opinion	3

MARCH	
End the program	20
Reduce still further	42
Keep present level	28
Restore cuts	6
No opinion	4

MAY	
End the program	19
Reduce still further	41
Keep present level	29
Restore cuts	7
No opinion	4

2. Alliance for Progress: One part of the foreign aid program is the Alliance for Progress, a 10-year program of help to Latin American countries willing to put up $10 of their own money for each $1 loaned by the United States. The program is designed to raise living standards and head off Communist coups. Critics say the program has fallen short of its goals. Supporters say it's beginning to work. The current appropriation is $450 million. In general, do you favor or oppose this effort?

FEBRUARY	Percent
Favor	63
Oppose	25
No opinion	12

3. Firearms: Since the assassination a number of proposals have been made to regulate the sale or ownership of guns. Opponents point to the second amendment, which says the "right of the people to keep and bear arms, shall not be infringed." Advocates say registration, for example, is not an infringement, since the right to own automobiles is not impaired by registration. Please indicate whether you favor one or more of these proposals: (a) to bar gun ownership by criminals and the mentally deranged, (b) to bar gun ownership by children under 18 lacking parents' consent, (c) to bar mail-order gun sales, or (d) to require registration of all guns with local police. If you oppose any change in present laws, check (e). If no opinion, check (f).

FEBRUARY	Percent
Favor bans on criminals and deranged	62
Favor bans on children under 18	51
Favor bans on mail order sales	39
Favor registration	47
Oppose any change	28
No opinion	1

MARCH	
Favor bans on criminals and deranged	65
Favor bans on children under 18	54
Favor bans on mail order sales	46
Favor registration	53
Oppose any change	24
No opinion	2

MAY	
Favor bans on criminals and deranged	62
Favor bans on children under 18	52
Favor bans on mail order sales	43
Favor registration	50
Oppose any change	26
No opinion	2

4. Hospital care for the aged: President Kennedy proposed financing of hospital care for persons over 65 through an addition to the social security program. Doctor bills would not be covered. The plan would be financed by increases of 50 cents to $1.50 per month in employees' social security deductions and matching increases in contributions of employers. In general, would you favor or oppose a plan of this kind?

FEBRUARY	Percent
Favor	56
Oppose	38
No opinion	6

MARCH	
Favor	57
Oppose	36
No opinion	7

MAY	
Favor	55
Oppose	39
No opinion	6

5. Test ban treaty: In 1963 the Senate ratified President Kennedy's test-ban treaty with the Soviet Union, Great Britain and other signatory nations. Under the treaty these nations agreed not to conduct any further nuclear tests in the atmosphere or in the oceans. Underground tests are allowed, and any nation can withdraw from the treaty on 3 months' notice. Do you approve or disapprove of the treaty?

FEBRUARY	Percent
Approve	60
Disapprove	32
No opinion	8

6. Domestic Peace Corps: Now known as the National Service Corps, this proposal passed the Senate and may come to a vote in the House this year. It is a program to provide Peace Corps-type services where they are needed in our own country. Cost would be $15 million over the first 2 years. Would you favor or oppose such a program?

FEBRUARY	Percent
Favor	56
Oppose	34
No opinion	10

MARCH	Percent
Favor	63
Oppose	26
No opinion	10

MAY	
Favor	60
Oppose	29
No opinion	11

7. Tobacco/food and drug laws: Because of mounting evidence that smoking causes lung cancer and other diseases, now confirmed by the Surgeon General's report, I have introduced legislation to place smoking products under the Federal pure food and drug laws. The effect would be to establish reasonable standards for the amount of nicotine and other poisonous substances in tobacco, and to authorize dissemination of antismoking literature. Would you favor or oppose such a bill?

FEBRUARY	Percent
Favor	77
Oppose	16
No opinion	7

8. Evaluating 88th Congress: In recent months many people have criticized Congress and the way it conducts the Nation's business. These critics say it operates under outdated rules, does too little, avoids voting on major bills, acts too slowly, doesn't cooperate with the President, stalls bills in committee, bickers too much, etc. Defenders of Congress argue that its procedures have been proven sound by years of trial, that it very properly takes time to deliberate carefully on major matters, and that it should not be a rubber stamp for Presidential proposals. In general, do you approve or disapprove of the methods and production of the current 88th Congress?

FEBRUARY	Percent
Generally approve	49
Generally disapprove	34
No opinion	17

9. Civil rights: By a vote of 290 to 130 the House passed, and the Senate is now debating, the civil rights bill proposed by President Kennedy and strongly supported by President Johnson. From what you know of it, do you generally favor or oppose the bill?

MARCH	Percent
Favor	58
Oppose	33
No opinion	9

MAY	
Favor	54
Oppose	38
No opinion	8

10. Public accommodations: Most controversial section of the civil rights bill pertains to public accommodations. It would prohibit racial and religious discrimination in hotels, restaurants, etc. Opponents say this invades private property rights, that owners should be able to serve whomever they choose. Proponents say there are no absolute rights in a democracy, reminding us that slaves were once "private property" too. Under this section only civil suits, not criminal prosecutions, could be brought against violators, and then only after several stages of persuasion and conciliation had failed. Do you favor or oppose the public accommodations section?

MARCH	Percent
Favor	46
Oppose	46
No opinion	8

MAY	
Favor	44
Oppose	48
No opinion	8

11. War on poverty: In his state of the Union message the President called for a war on poverty to help one-fifth of the

American people having incomes at the very bottom of our economic scale (less than $3,000 for a family of four). The program may include both prevention and rehabilitation, aid to depressed regions, worker relocation, and strengthening of educational services to children of the poor. Recognizing there will be differences over particular features, would you generally favor or oppose a program of this kind?

MARCH	*Percent*
Favor	73
Oppose	21
No opinion	6
MAY	
Favor	67
Oppose	25
No opinion	8

12. Immigration reform: I am one of the sponsors of legislation to reform our immigration laws. For several decades the United States has given large quotas to the countries of northern Europe, the Soviet Union, etc., while greatly restricting immigration from southern Europe, Asia and other areas. This policy has put our country on record as favoring certain races and nationalities over others. My bill would not increase our overall immigration quota but would eliminate the "country of origin" system. Thereafter all prospective immigrants would be on an equal footing, competing for quota numbers not on the basis of where they were born but on the basis of their financial responsibility, skills, etc. Would you favor or oppose such a change?

MARCH	*Percent*
Favor	71
Oppose	17
No opinion	12

13. School prayers and Bible reading: The Supreme Court recently held that a State cannot prescribe a "standard" prayer or require pupils to recite it. A second decision prevents a State from requiring all students to read the Bible. A proposed constitutional amendment would permit States to require Bible reading and prayers in public schools so long as individual students could excuse themselves from participation. Many church groups support the amendment, arguing that we should "put God back in the classroom." Many others oppose it, saying that we must "maintain separation of church and state" and that religious education should be the concern of parents and churches, not the schools. Would you favor or oppose such an amendment?

MAY	*Percent*
Favor	49
Oppose	41
No opinion	10

14. Congressman's questionnaires: The distribution of this questionnaire is an experiment. I want your opinion of its worth. Last year I distributed a similar questionnaire to the 12,000 people on my mailing list and to others who requested it. I was criticized by many people who did not receive one. In 1963, Congress passed a new law permitting Congressmen to have postmasters deliver mailing of this kind to every postal patron. I do not intend using this privilege for my own newsletters, but it could prove an excellent means of obtaining the views of my constituents through questionnaire mailings such as this. In deciding whether to make further such mailings I will be guided by your judgment. Do you approve?

FEBRUARY	*Percent*
Yes	94
No	2
No opinion	4
MARCH	
Yes	94
No	2
No opinion	4
MAY	
Yes	93
No	3
No opinion	4

15. Party identification: By counting the Democrats, Republicans, and Independents responding to this questionnaire I can get some idea of the accuracy of the cross section in relation to party registration in our district. Please indicate in which party you are registered, or if you are not registered, what you consider yourself to be.

FEBRUARY	*Percent*
Registered Democrat	53
Considers self a Democrat	7
Total Democratic responses	60
Registered Republican	24
Considers self a Republican	5
Total Republican responses	29
Registered Independent	5
Considers self an Independent	4
Total Independent responses	9
No answer	2
MARCH	
Registered Democrat	46
Considers self a Democrat	8
Total Democratic responses	54
Registered Republican	29
Considers self a Republican	5
Total Republican responses	34
Registered Independent	6
Considers self an Independent	5
Total Independent responses	11
No answer	1
MAY	
Registered Democrat	47
Considers self a Democrat	7
Total Democratic responses	54
Registered Republican	28
Considers self a Republican	5
Total Republican responses	33
Registered Independent	6
Considers self an Independent	5
Total Independent responses	11
No answer	2
THREE SURVEYS COMBINED	
Total Democratic responses	55
Total Republican responses	33
Total Independent responses	11
Total no answer	1

ADDRESS BY HON. DOUGLAS DILLON AT INTERNATIONAL MONETARY CONFERENCE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MULTER. Mr. Speaker, it was my privilege to attend the International Monetary Conference in Tokyo, Japan, at the invitation of our distinguished Secretary of the Treasury, the Honorable Douglas Dillon. Americans have every reason to be extremely proud of Secretary Dillon and the fine manner in which he represented our country throughout the conference. His able presentations were extremely well received. His handling of the press conference at the conclusion of the meetings was masterly. He satisfactorily answered all questions that were addressed to him by representatives of the press of the world.

Particularly important I believe was his fine address on September 8, which was as follows:

REMARKS OF THE HONORABLE DOUGLAS DILLON, SECRETARY OF THE TREASURY OF THE UNITED STATES OF AMERICA, BEFORE THE ANNUAL MEETING OF THE INTERNATIONAL MONETARY FUND, TOKYO, JAPAN, SEPTEMBER 8, 1964

My colleagues and I are delighted to be in this fascinating city, where tradition and courtesy combine so charmingly with modernity and progress. This meeting follows shortly after Japan's achievement of article VIII status in the Fund—another major achievement in Japan's almost incredible record of rapid economic growth over the 12 years since she joined the International Monetary Fund.

The past year has witnessed a gratifying movement by most countries toward the financial equilibrium for which we have been striving. Continued leadership by the International Monetary Fund under the skillful guidance of its Managing Director and effective cooperation in the foreign exchange markets have contained the new pressures that have occurred and reinforced the strength which has been developing.

As for my own country, during fiscal year 1964, the United States set in operation the latest elements of a new and many-sided economic program begun in 1961—a program designed to promote internal expansion, enlarge employment opportunities, and, at the same time, facilitate orderly and steady progress toward balance in our external accounts. Our program places major emphasis upon improved productivity and greater competitiveness—upon incentives, rather than upon restrictions and controls—and, perhaps most important, upon the healthy functioning of a dynamic system of free enterprise.

Significant—and, I believe, sustained—results are now clearly apparent.

The U.S. economy continues to expand in what is now the longest, strongest, and best-balanced advance of any peacetime period in this century. During the past fiscal year, the rate of growth in industrial production, and in our economy as a whole, was better than 5 percent in real terms. Our gross national product increased by more than $40 billion. Job opportunities began to overtake the rapid growth in our adult labor force and, in July of this year, unemployment dropped below 5 percent for the first time since 1957—despite the accelerating automation of farms and factories.

Meanwhile, our prices have remained virtually stable. The indices of wholesale prices are still at the levels of 6 years ago. Consumer price indices have edged upward but very slowly, only a little more than 1 percent per year. At the same time almost alone among the leading industrial countries, we are now for the third straight year experiencing a decline in unit labor costs for manufacturing industries as a whole.

Monetary policy and debt management have struck a noninflationary balance between supply and demand for liquidity instruments. Commercial bank holdings of Federal Government debt continued to decline over the past fiscal year by more than $4 billion—even though the administrative budget deficit exceeded $8 billion. What is more, less than a month after the end of the fiscal year, the full amount of that budget deficit was in effect, financed out of real savings as we added nearly $9 billion to our longer-term Government securities.

It was within this domestic framework that the United States continued its efforts to restore balance in its international accounts. In discussing those efforts, it should always be borne in mind that the United States has the ability to achieve balance in its international payments at any time through the use of drastic measures of a restrictive nature. But—as we have consistently pointed out—we have neither the desire nor the intention of utilizing such measures, since they could bring harsh repercussions throughout the world. Instead, we are working to achieve balance gradually through normal market processes, without injury to our friends in other nations.

Improved productivity, in agriculture and in manufacturing alike, have made possible substantial gains in our trade position over this past fiscal year—gains that were, as we well know, in some part fortuitous, but gains nevertheless, that we expect to sustain—and, eventually enlarge.

We are also persisting in our efforts to reduce dollar outlays abroad for defense and development assistance, without impairing essential elements in the defense of the free world or in our vital assistance programs. The balance-of-payments costs of those programs will have shrunk by an annual rate of $1 billion by the end of this calendar year.

When we last met, it was our capital accounts that posed the greatest threat to our balance of payments. A cascading outflow of portfolio capital had forced us to propose the interest equalization tax in the summer of 1963. That tax is now law. It has worked out as planned and can be expected to hold portfolio capital outflows to a reasonable figure while leaving our markets open to foreign borrowers willing to assume interest costs considered normal—and even low—in most other industrial countries.

With our trade position improving, Government expenditures overseas continuing to decline, capital outflows restrained—and with our earnings on services expanding at roughly the same rate as our rising net outpayments on tourists account—we have been moving back toward external balance.

For example, our gross deficit on regular transactions in fiscal 1964 was $1.750 billion. This was a heartening gain over the results of the past 6 calendar years, when comparable deficits ranged from $3.1 billion to $4.2 billion. And it was a vast improvement over the first half of calendar year 1963, when accelerating demands from abroad for long-term funds led to a dollar outflow at an annual rate of $5 billion—a rate we simply could not sustain and that far surpassed any legitimate worldwide requirements for dollars. But, despite this improvement, we are only halfway back to external balance. We cannot relax—nor do we intend to.

In seeking to improve our payments position, we readily recognize that we must carefully weigh—and, wherever practicable and appropriate, minimize—the impact of our gross deficits upon the liquidity of the rest of the world. With the cooperation of other monetary authorities we have, therefore, in large part absorbed dollar balances wherever they have tended to outrun requirements. Last year, for example, through sales of gold, use of foreign currency balances, drawings on the International Monetary Fund, and a variety of other special transactions, we absorbed more than $1.250 billion that had flowed to some European countries. At the same time, demands by certain monetary authorities outside Europe—and, to some extent, the demands of private banks and traders everywhere—called for more dollars than could be supplied out of our deficit. Those demands, amounting to several hundred million dollars, were met by transfers from European dollar monetary reserves.

It was within the environment of a shrinking U.S. payments deficit that the International Monetary Fund conducted its study of the international monetary system over the past year. Concurrently, another study was being carried forward by the group of 10 countries, which had, in 1961, accepted special responsibility for providing supplemental resources to the Fund in the event that unusual strains were to develop in the international monetary system. It is highly significant that both studies concluded that the present system is functioning well and that any changes should be designed, in the words of the Fund report, to "supplement and improve the system where changes are indicated, rather than to look for a replacement of the system by a totally different one."

The two studies also agreed on the advisability of expanding the resources of the Fund through a combination of general and selective quota increases. Such increases seem clearly appropriate in view of the conclusion in chapter 3 of the Fund report that the next decade is likely to see a steady rise in the demand for international liquidity, coupled with a slower annual rate of growth in the types of liquidity on which chief reliance has been placed during recent years.

The United States hopes that the Governors at this meeting will request the Executive Directors to study the need for such increases and the ways in which they might best be carried out. It is our hope that the Executive Directors could, as they did in 1958, complete their work and make such recommendations as they find appropriate to the Governors of the Fund by the end of this year, thus allowing time for member countries to complete necessary legislative action during 1965.

An increase in Fund quotas seems to us the right move as member countries enter the next phase in the evolutionary development of the international monetary system—a phase in which the greater needs are likely to center, at least for a time, on the enlargement and elaboration of credit facilities for transferring reserves among countries, rather than upon increases in the overall supply of reserves. In this regard, our thinking once again parallels the findings in the Fund's annual report regarding the need for increases in what the report labels "conditional liquidity."

Today, even in the free industrialized countries, there is no common economic pattern, but a mix, varying from nation to nation, of productivity, prices, trade restrictions, and capital market facilities. As a result, the bulk of the increases in reserves have, for the past several years, flowed to a few of the industrialized countries, and particularly to Western Europe. Further substantial increases in reserves would, for the most part, only increase that flow—unless and until those countries reduce their chronic surpluses through a relative rise in imports, an increase in their capital exports, or any other acceptable combination of actions that would overcome their propensity to absorb whatever new liquidity may be added to the system in the form of owned reserves.

Economic disparities between countries are no doubt inevitable in a dynamic world. In time, so long as all countries actively pursue the objectives of liberal, multilateral trade policies, the needed adjustments will surely be accomplished. Meanwhile, we must be as careful in developing our international financial arrangements as we are in designing monetary measures for our domestic needs. And we must constantly guard against the oversimplified conclusion that a simple addition to the international money supply—or an agreed limitation upon it—or a contraction of it—will provide an adequate solution.

As the free world's financial officials, we must be as concerned with credit as we are with money. Liquidity consists not only of owned reserves, but of credit facilities. And it seems to me to be as important today to shift the emphasis toward credit as it was in the first years after World War II. Then, total reserves were ample by any absolute standard—but most of them were in the United States. During that period, while the processes of readjustment were getting underway, little would have been gained by further increases in owned reserves, for those, too, would have flowed to the United States. Instead, a redistribution was needed. It was largely accomplished through the massive credits and grants which the U.S. Government extended, not only bilaterally and multilaterally, but through dollars used in the drawings which other countries requested of the Monetary Fund.

Some 7 years ago, the international monetary system entered a second phase in which a succession of large U.S. payments deficits became the principal source of additions to the primary reserves of other countries. And now, with overall international reserves at an adequate level and with the United States moving toward balance in its payments, this second phase is also coming to an end. Once again, the need is for additional credit facilities.

That is why it has been both appropriate and necessary to set up bilateral credit arrangements to handle the volatile movements of funds which now occur among industrialized countries with convertible currencies. There is no impairment of the Fund's role when those facilities are used instead of, or sometimes in advance of, recourse to the Fund itself. Rather, there is an economy of resources and a minimizing of strains. The risk is that a country might drift into heavy and continuous reliance upon such essentially short-term credit facilities, delaying too long the necessary corrective action that should be taken to adjust its balance of payments.

As in any banking operation, that type of risk must be averted. The way to do it is to provide for a full—though initially largely confidential—exchange of information among the countries directly affected, and to assure frequent opportunities for discussion among their monetary authorities. It is essential to review and appraise together the actions each is taking to finance its deficit or to carry its surplus—including the degree of direct impingement of one upon the other.

That is what I understand to be the meaning of the "multilateral surveillance" which the countries in the Group of Ten have undertaken to pursue jointly, and in close liaison with the Bank for International Settlements, the Organization of Economic Cooperation and Development, and, of course, the International Monetary Fund itself. It fulfills, more systematically, the objectives which the United States has long pursued in its full reporting of its own activities. In our view, this pattern of information and consultation, systematically extended among industrialized countries subject to volatile flows of capital, can add an important dimension to the prudent use of such credit facilities.

The scope for greater reliance upon purely bilateral credit facilities, under the aegis of "multilateral surveillance," may even be wider. We support the suggestion made in the Group of Ten report that countries with large and growing reserves should actively explore the possibility of long-term lending to other industrialized countries in need of additional reserves, but whose prospects for reserve growth, though promising, may only be for relatively small annual increments stretched out over many years.

Such lending would not only be of value to the stability of the currencies of the industrialized countries, it would also facilitate an adequate and uninterrupted flow of development assistance from advanced nations to developing countries. In addition, countries with large and persistent surpluses should—in their own interests and in the interests of accelerated economic development—carefully reexamine the possibility of increasing the level and quality of their assistance programs.

But, aside from continuing programs of economic assistance, the credit facilities that will be of most direct use to the nonindustrialized members of the Fund are those of the Fund itself. That is why the United States believes that prompt consideration should be given to a general enlargement of quotas. In addition, special increases would seem appropriate in a number of cases, particularly for those members whose currencies have become stronger and more widely used over the 6 years since questions of this kind were last discussed in New Delhi. We welcome the attainment by other countries of situations where they can now provide a greater proportion of the Fund's resources, with a corresponding reduction in our share of the Fund's responsibility. We have been hopeful that the members of the European Economic Community, in particular, will assume a larger share, and are gratified that some readiness to do so has been indicated.

We also believe it inevitable that a growing international monetary system must find new ways to economize the supply of gold, just as individual nations have done for so long in their internal monetary systems. The fixed price of gold is, of course the anchor of price stability for the world. But world trade and capital movements seem certain to expand—and at a faster pace than the stock of gold, thus imposing the most careful economy in its use. That is why the United States, as the only country which maintains the essential link with gold on which the entire IMF system rests, welcomes the reference in the Fund report, and in that of the Group of Ten, to measures for so handling Funds quota subscriptions as "to mitigate the repercussions of gold payments on the gold reserves of the contributing members and of the reserve centers that may be affected."

While an increase in Fund quotas will meet the current requirements of the international monetary system, we cannot rest on our oars. Both the Group of Ten and the Fund report recognize the possibility that new and additional measures may become necessary. We particularly appreciate the concluding statement in the liquidity section of the Fund's report indicating that the Executive Directors intend to carry forward the Fund's studies of new approaches, including easier access to a portion of the credit tranches, the possible use of gold certificates in place of the presently required gold subscription, and the possibility of Fund investments. Meanwhile, the Group of Ten will be carrying on parallel studies of these and other possibilities, including the use of composite reserves. The results of these studies should put us in a position to meet any need for enlarged supplies of unconditional liquidity that may develop over the coming years.

In conclusion, let me say that it is within our capacity to achieve both adequate monetary support and continuing monetary stability. Let us do so as our proper contribution toward the steady expansion of free and unrestricted world trade and the steady and rapid growth of all of our national economies.

COMMENDATION OF M. W. KASPER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PICKLE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. PICKLE. Mr. Speaker, I am always happy to speak out in behalf of the economic opportunity program. Last week I received the following two letters of high commendation for a young man from my district—M. W. Kasper—who is now serving in the U.S. Navy aboard the U.S.S. *Enterprise*.

This young man was trained by Mr. Martin C. Goebel of Smithville, Tex., who in turn received his work experience training in the old National Youth Administration program. Mr. Goebel knows what it is to take young men and give them valuable work experience, as he has been doing this all his life. These letters are proof in themselves of the effectiveness of these work training programs. I commend Mr. Goebel and I take great pleasure in congratulating young Kasper for this outstanding commendation from the Navy.

The letters are as follows:

U.S. ATLANTIC FLEET,
New York, N.Y., June 7, 1964.

From: Commanding officer, Heavy Attack Squadron 7.

To: Commanding officer, U.S.S. *Enterprise* (CVA(N)-65).

Subject: Letter of appreciation.

1. In early May, Ratron 7 required a special bomb bay can retention block to permit installation of bomb bay cans in one of our A-5A aircraft. The part was not readily available through normal supply channels. *Enterprise* machine shop personnel manufactured the block correctly and quickly. Seventeen hours after the request was delivered to the machine shop, the aircraft was flying.

2. This command wishes to express its appreciation for the fine spirit of cooperation exhibited by your personnel and the outstanding quality of their work. Through the efforts of *Enterprise* machine shop personnel, this squadron was able to maintain a degree of aircraft availability that would have otherwise been impossible.

3. In particular, the efforts of Rose, G. J., MR3, and Kasper, M. W., MRFN, were especially helpful in performing this service.

B. B. BROWN, Jr.

U.S.S. "ENTERPRISE",
New York, N.Y., June 30, 1964.

Lt. Cmdr. A. L. Kein, U.S. Navy, engineer officer, U.S.S. *Enterprise*.

DEAR MR. KASPER: Earlier this month the commanding officer of *Enterprise* received a letter of appreciation from the commanding officer of Heavy Attack Squadron 7. A copy of this letter is enclosed. The letter explains the nature of the work that your son did for the benefit of the squadron.

I want to convey to you, Mr. Kasper, my appreciation of the fine work your son is doing in the engineering department. The A-5A aircraft is a multimillion-dollar plane capable of delivering nuclear weapons to the enemy, so you can see the importance of keeping the plane flying. Without the fine efforts of your son this plane would have been out of commission for days.

In conclusion, Mr. Kasper, I would like to say that it is a pleasure to have a man of your son's caliber in the Navy, on this ship and working in the engineering department.

Sincerely yours,

A. L. KEIN.

HOSPITAL CARE FOR THE AGED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RODINO. Mr. Speaker, I notice that press reports indicate that we Congressmen who are supporters of health insurance for the aged through social security might just as well give up, now that the Senate-passed social security bill has been referred to a conference committee which is reputed to be not altogether friendly to the medicare principle.

I most emphatically disagree with this view. I think the conferees are serious and conscientious men. They have before them a bill that was passed by the Senate with a substantial majority, and which would at long last resolve one of the major problems of the Nation. The problem of financing the health care of the aged is one—and I cannot emphasize this enough—is one which is growing, and not receding. If we do not act on this measure at this time, we will have to do so soon—this problem will not go away.

I have studied the recent figures from my own State, where we are trying to meet part of this need with a public assistance approach under Kerr-Mills. We are spending more than a million dollars monthly, and we are only just beginning to go into full swing on this program. It will become vastly more expensive in the future, if the experiences of other States are any indication. But even if we don't expand our Kerr-Mills program to meet the medical needs of more people, if we continue only at our present rate of expenditure, assisting only 84 out of every 10,000 aged in our State, even then we are spending—according to the estimates of our welfare department—$7 million annually more than we would need to spend if a social security health insurance program were enacted. This monetary consideration must be viewed along with the consideration of what happens to individual families under these two kinds of programs. Under the social insurance approach, they can conserve their resources, even if a serious illness strikes. If we do not enact a program of social security hospital insurance, and continue to rely on the Kerr-Mills approach alone, people will continue to be forced to exhaust their resources, turn to their children or to charity for help, and be reduced to poverty before they become eligible for public assistance. This hardly seems like a sensible arrangement in a day when we are rededicating ourselves to the abolition of poverty in our land.

I hope, I trust, I pray, that our colleagues who are now deliberating on this matter in conference, will give us the opportunity to enact some form of health insurance for the aged into law before this Congress adjourns.

LEGISLATIVE REPORT ON ACHIEVEMENTS OF THE 88TH CONGRESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. DENT. Mr. Speaker, since my first session in Congress, I have reported to the people at the end of every session. This year I have stressed the Education Committee work since it has been highlighted as the main achievements of the 88th Congress.

Pursuant to this policy, I herewith again submit the final report of the sessions of the 88th Congress:

LEGISLATIVE REPORT OF THE 88TH CONGRESS: THE EDUCATION CONGRESS

JOHN H. DENT OF PENNSYLVANIA

"The educated man is the guardian genius of democracy. It is the only dictator that free men recognize and the only ruler that free men desire."

In the closing days of this Congress, I thought it would be helpful to review for you the principal accomplishments of Congress and the leading role of the Education and Labor Committee of the House of Representatives in the enactment of educational legislation. I am proud of serving on this major committee as well as of being chairman of the Select Subcommittee on Education, a member of the House Administration Committee, the Subcommittees on General Labor, Printing, and Accounting.

Working together, the 88th Congress and the executive branch have made possible the enactment of the following major legislation: Nuclear test ban treaty, equal pay for women, railroad labor dispute, medical-dental school construction, military pay raise, mental health facilities, 5-year extension of Hill-Burton Act (provides Federal aid for construction and remodeling of hospitals and nursing homes), military construction authorization, arms control and disarmament agency authorization, Higher Education Facilities Act, Vocational Education Act, Manpower Development and Training Act amendments, establishment of a National Commission on Technology, Automation and Economic Progress, Library Services Act, Revenue Act of 1964, Peace Corps Extension Act, Civil Rights Act of 1964, mass transit, antipoverty legislation (Economic Opportunity Act of 1964), Wilderness Preservation System, and social security amendments (House passed, awaiting conference report).

ACCOMPLISHMENTS OF THE EDUCATION AND LABOR COMMITTEE

The Education and Labor Committee, of which this Congressman is a member, under the Rules of the House of Representatives has jurisdiction over a wide variety of educational matters, including the National Defense Education Act of 1958; Vocational Rehabilitation Act; Smith-Hughes Vocational Education Act; Vocational Education Act of 1946; Public Laws 815 and 874 (81st Congress); Freedmen's Hospital; Gallaudet College; Howard University; St. Elizabeths Hospital; school construction; impact of Government programs such as compulsory military service on education; fine arts; civilian awards; education programs for the physically handicapped, mentally retarded, deaf, speech-defective, gifted, etc.; juvenile delinquency; youth programs; intercultural activities; scholarships for underdeveloped areas in Africa, Asia, Latin America; and all other legislative proposals affecting education. This committee has been the most active and effective committee in the 88th Congress. Fully 40 percent of the major legislation enacted by this Congress has been studied and reported out by this committee.

President Johnson has labeled this Congress the "Education Congress" because of its enactment of such a large and important number of pieces of education legislation. Under these measures:

1. We will help to provide college classrooms for several hundred thousand more students who will nearly double college enrollment this decade.
2. We will help to build 25 or 30 new public community colleges every year.
3. We will help to construct the technical institutes that are needed to close the gap in this crucial area of trained manpower.
4. We will help to build graduate schools and facilities in at least 10 to 20 major academic centers.
5. We will help to improve the quality of library facilities in our own universities and colleges.
6. We will increase the number of medical school graduates, and we will relieve the growing shortages of physicians and dentists and other needed professional health personnel.
7. We will enable some 70,000 to 90,000 additional students to attend college each year under an expanded loan program.
8. We will modernize and expand our Federal-State programs for vocational education in order to train for the changing world of work the 8 out of 10 young people who will never obtain a college education.
9. We will reduce the shortage of qualified personnel for the training and teaching of mentally retarded and other handicapped children.
10. We will expand our manpower development and training program to meet the growing problem of untrained, unemployed school dropouts.
11. We will expand programs for teaching science and mathematics and foreign languages, while extending the other valuable provisions of the National Defense Education Act.
12. We will provide public libraries for the residents of cities and counties all over this great country who now either have only antiquated library facilities or have no libraries at all.
13. And finally, we will continue the program of Federal financial assistance for the construction and the maintenance and the operation of schools that are crowded by the presence of children of Federal personnel under the provisions of Public Laws 874 and 815.

PRINCIPAL LEGISLATION CONSIDERED BY THE SELECT SUBCOMMITTEE ON EDUCATION

In order to remove some of the inequities in the Federal impact education program in which millions of dollars go to certain school districts under the present impact formula and in other school districts, such as ours, where there is definitely Federal impact due to the increased education cost of providing schooling for children of needy families and children of unemployed families—which under the present formula of this impact aid legislation do not receive one penny—I have just introduced a bill which will correct this situation. My bill, H.R. 10159, will amend this impact legislation (Public Law 874) to recognize the Federal connection for school district payment purposes of:

1. Children of school age on whose behalf parents are currently receiving payments under aid-to-dependent-children welfare programs.
2. Children of persons residing in the local school districts who have exhausted their entitlement to unemployment compensation.
3. Children of persons residing in the local school districts who received payments pursuant to the Social Security Act for a period of 6 or more months during the previous fiscal year.

The Federal Government in the instances of these three new categories proposed is presently contributing directly to the family maintenance of the children involved. From these funds comes the income to provide the food, the clothing, and the shelter that is provided by Federal income in terms of wages in the other categories now in effect. In the instance of the new categories, however, the payment is not sufficient to permit them to contribute to the local taxes which are necessary to maintain the local school systems. The propriety of such a support program by the Federal Government certainly is in keeping with the needs of our time. It is only logical, that since the Federal Government shares in certain of the costs of maintaining such children, it should recognize and provide for the educational services necessary to enable a local school district to provide an adequate educational program that will assure all of the children at least a basic education.

The very fact of the Federal participation by way of ADC grants, social security payments, and provisions for unemployment compensation is a declaration of Federal purposes. These Federal purposes are the economic maintenance and the general well-being of these children. An extremely important element in the ultimate well-being of these children is their education. It is, therefore, in consonance with this policy that the costs of educating these children be acknowledged as involved with a Federal purpose.

The Select Subcommittee on Education of the Committee on Education and Labor of which I am the chairman, has recently held a number of hearings in Washington and in California on this important bill and I will be scheduling, in the near future, a number of other hearings across the country in order to strengthen our position and to study the ways in which we can make certain that every eligible school district gets its fair share of these Federal funds and that these funds really get to the areas of need.

POSSIBLE $1 MILLION FOR WESTMORELAND COUNTY SCHOOLS

Our school district, under the provisions of my bill, H.R. 10159, if enacted would be entitled to payments for the following needy children: (a) 4,800 children under the social security provisions, (b) 5,600 children under the aid to dependent children provision, (c) 4,600 children under the unemployed parent provision.

A total of 15,000 needy children for whom our educational agencies would be entitled to receive annual Federal assistance under the impact aid legislation of approximately $1 million for operation and maintenance expenses alone.

Under Public Law 815, which covers assistance to school districts for school construction, Westmoreland County would be entitled to hundreds of thousands of dollars additionally for our school construction programs.

I want it clearly understood that H.R. 10159 (DENT) and S. 2528 (MORSE) are identical bills to amend existing laws.

The sole purpose of this legislation is to extend and broaden aid in the amount of $330 million now being given to certain privileged districts at the expense of many needy districts, especially in Appalachia.

These proposals by Senator MORSE and me will be major issues.

This is the first time a realistic approach is being made to help solve some of the basic financial problems of our elementary and secondary schools.

VETERANS' PREFERENCE FOR EMPLOYEES OF AID

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Dulski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. DULSKI. Mr. Speaker, under leave to extend my remarks in the Record, I wish to include the following resolution which was adopted at the 65th national convention of the Veterans of Foreign Wars, Cleveland, Ohio, August 21 through August 28, 1964:

To Maintain Veterans' Preference for Employees of AID

Whereas there is pending in the 88th Congress legislation identified as the Foreign Assistance Act of 1964, which provides that any employee grade 12 or over of the Agency for International Development (AID) can be summarily removed or "selected out" without regard to the Civil Service and Veterans' Preference laws; and

Whereas the House Committee on Foreign Affairs has considered this same provision and did, after due deliberation and consideration reject any language which would weaken or diminish the rights of veterans employed by the Federal agency AID; and

Whereas the Foreign Assistance Act of 1964 is presently pending before the U.S. Senate which has already voted to include the provision to authorize the head of AID necessary powers to arbitrarily remove all employees grade 12 or over: Now, therefore be it

Resolved, by the 65th National Convention of the Veterans of Foreign Wars of the United States, That we vigorously oppose the provision in the Foreign Assistance Act of 1964, which would authorize the head of the Agency for International Development (AID) to fire without regard to the Veterans' Preference Act or civil service regulations any and all employees grade 12 or above, which provision is a flagrant violation of long standing Veterans of Foreign Wars policy to oppose any effort to weaken Veterans' Preference Act, and use every means at our disposal to have this provision knocked out of this bill before it is sent to the President for his signature.

AGRICULTURAL TRADE DEVELOPMENT ACT OF 1954

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the conferees from the Committee on Agriculture may have until midnight tonight to file a report on S. 2687, the Agricultural Trade Development Act of 1954 extended.

Mr. HALLECK. Mr. Speaker, reserving the right to object, and I am not going to object, will the gentleman tell us whether or not it is anticipated that the conference report, if it is filed tonight, will be brought up tomorrow?

Mr. ALBERT. I did not realize that the chairman of the Committee on Agriculture is here now. As far as I am concerned, if the conference report can be made ready and filed, I think it would be a good thing to bring it up tomorrow. That is my own personal opinion.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. Yes. I yield to the gentleman.

Mr. COOLEY. I feel certain that the conference report will be filed before midnight tonight and we will be ready to bring it up tomorrow.

Mr. HALLECK. I am glad to have that information, because I had rather assumed with the completion of two small bills listed for tomorrow that would probably conclude our business. Of course, the conference report, I take it, would have precedence over the other bills, but I am glad to have this information so that Members can govern themselves.

Do I understand correctly this conference report is in unanimous agreement?

Mr. COOLEY. I am not able to say whether it is or not, but I am under the impression it is.

Mr. ALBERT. If the gentleman will yield further, the gentleman from North Carolina [Mr. Cooley] was not present when the conference report was signed. It is my understanding that it was, although I stand subject to correction. I have discussed it with the gentleman from Texas [Mr. Poage] who was present, and there was no indication of any objection to the conference report.

Mr. HALLECK. I am glad to have that information, because that corroborates the information I had. I think it will be helpful for Members who are trying to anticipate the program.

Mr. ALBERT. May I say to the gentleman, if he will yield further, our purpose and desire here is to get it up tomorrow rather than Thursday, because in the natural course of events it would be brought up Thursday in any event. We are doing that to accommodate Members of the House.

Mr. COOLEY. If the gentleman will yield further, the gentleman from Texas [Mr. Poage] is the one who handled that matter. I gave him my proxy for the conference, and I have just returned to the Chamber about 5 minutes ago. I know before I left to go to North Carolina that we were in almost complete accord, and I am quite certain there is no controversy and will be none if it is called up tomorrow.

Mr. HALLECK. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE 53D CONFERENCE OF THE INTER-PARLIAMENTARY UNION

The SPEAKER. Under previous order of the House, the gentlewoman from New York [Mrs. St. George] is recognized for 60 minutes.

Mrs. ST. GEORGE. Mr. Speaker, as I am enjoined to do under the rules of the Inter-Parliamentary Union, it is now time to report on the last conference held in Copenhagen from August 20 to August 28, 1964. As president of the U.S. national group of this Congress, I am coming to report to the Congress on what transpired then.

REPORT OF THE U.S. DELEGATION TO THE 53D CONFERENCE OF THE INTER-PARLIAMENTARY UNION, HELD IN COPENHAGEN, DENMARK, AUGUST 20–28, 1964

The 53d Conference of the Inter-Parliamentary Union met in Copenhagen, Denmark, from August 20 to 28, 1964. It was the 75th anniversary of the founding of the Union and the first time it had met in Copenhagen since 1923. On this occasion of the 75th anniversary, the elected representatives of the 9 countries which, in 1889, came together to form the Union, addressed the following message to the 75 national groups of the Union:

The 53d Inter-Parliamentary Conference, Copenhagen 1964

A MESSAGE ON THE OCCASION OF THE 75TH ANNIVERSARY OF THE INTER-PARLIAMENTARY UNION

The elected representatives of the nine countries which, in 1889, came together to form the Inter-Parliamentary Union,

Are happy to be able to celebrate together the 75th anniversary of this event in the capital of Denmark, whose Parliament was represented in Paris at the first Inter-Parliamentary Conference together with those of the United States of America, Belgium, France, Great Britain, Hungary, Italy, Liberia, and Spain,

Have unanimously decided to address the following message to the national groups of the Union:

"For three-quarters of a century, the Inter-Parliamentary Union, which by reason of the upheavals caused by two world wars has passed through some difficult periods, has nevertheless pursued its endeavors for peace and understanding among peoples with unswerving fidelity to the ideals of its founders as well as with an exemplary continuity of principle and direction.

On the occasion of this anniversary, grateful homage must be paid to those two statesmen, Sir Randal Cremer, of Great Britain, and Mr. Frederic Passy, of France, who first conceived the Union, as well as to those Presidents and Secretaries General whose devotion has insured its continuous advancement.

"The 9 founding countries have now grown to 75, and it is significant that one of the first concerns of peoples who achieve independence is to demonstrate their attachment to democracy and to representative institutions by seeking admission to the Union which offers them and all its members a forum from which, speaking in an atmosphere of freedom, reciprocal tolerance and friendship, their voice can be heard throughout the world.

"In the course of years, the ideals of the Union have influenced the policy of governments in a practical manner, and some of the initial objectives of the Organization have been achieved, particularly with regard to the setting up of a universal organization of states, first the League of Nations and today the United Nations.

"Similarly, the ideal of settling international disputes by all peaceful means—including arbitration which, from its early days, the Union has constantly advocated—is today accepted by all countries.

"It has to be recognized, however, that in spite of all efforts, peace is not yet established on a firm basis and that use of force has not been eliminated in international relations. Further, in face of the increasing power exercised by governments and their administrative services, many Parliaments have difficulty in maintaining their full prerogatives.

"For these reasons, the present representatives of the founding members of the Union address an urgent appeal to national groups inviting them to: fight in their own countries for maintaining the authority of Parliament so that it can fully discharge its duties on behalf of the people; use their influence so that their governments follow a policy of peace and disarmament, abstain from recourse to force in their relations with other states and settle around the conference table, and not on the field of battle, any differences which may occur.

"This 75th anniversary offers parliamentarians of today the opportunity of solemnly renewing their faith in those principles which remain the foundations of the Inter-Parliamentary Union."

Signed on August 28, 1964, on the occasion of the 53d Inter-Parliamentary Conference.

Poul Hansen,
Denmark, President of the 53d Inter-Parliamentary Conference.
Mrs. Katharine St. George,
United States of America.
Sir Herbert Butcher,
Great Britain.
Mr. F. E. Tolbert,
Liberia.
Mr. C. De Baeck,
Belgium.
Mr. E. Molnar,
Hungary.
Mr. M. Moutet,
France.
Mr. G. Codacci-Pisanelli,
Italy.
Mr. G. Maranon,
Spain.

Five hundred and twenty-five delegates from 66 out of the 75 member countries attended the meeting. Since the capacity of the Danish Parliament is 250 seats, it was necessary to ration the seats, 9 seats being allotted to the United States which had the largest number. Four seats were assigned to the U.S.S.R.—and I might add that the U.S.S.R. was rather displeased with this arrangement.

The Conference was held in the Palace of Christianborg, home of the Danish Folkting (Parliament). The inaugural ceremony took place in the city hall of Copenhagen where the delegates heard addresses of welcome by His Majesty, the King of Denmark; the Prime Minister, Mr. J. O. Krag; the chairman of the Danish group of the Union, Mr. Poul Hansen; the chairman of the city council, Mr. Henry Stjernqvist; and the president of the Interparliamentary Council, Mr. Ranieri Mazzilli, of Brazil. These speeches were interspersed with stirring music provided by the music corps of the Royal Guards.

U.S. PARTICIPATION

The U.S. Congress was represented at the Conference by a delegation of 11 Senators and 13 Representatives, as follows:

U.S. DELEGATION

Katharine St. George, Representative from New York, chairman.

Senate: Gordon Allott, of Colorado; Wallace F. Bennett, of Utah; John Sherman Cooper, of Kentucky; Bourke B. Hickenlooper, of Iowa; Thomas H. Kuchel, of California; Maurine B. Neuberger, of Oregon; A. Willis Robertson, of Virginia; John Sparkman, of Alabama; John C. Stennis, of Mississippi; Herman E. Talmadge, of Georgia; Strom Thurmond, of South Carolina.

House of Representatives: E. Ross Adair, of Indiana; Emilio Q. Daddario, of Connecticut; Edward J. Derwinski, of Illinois; Charles B. Hoeven, of Iowa; Paul C. Jones, of Missouri; Robert McClory, of Illinois; F. Bradford Morse, of Massachusetts; Alexander Pirnie, of New York; W. Robert Poage, of Texas; H. Allen Smith, of California; Thor C. Tollefson, of Washington; J. Irving Whalley, of Pennsylvania.

The staff consisted of Dr. George B. Galloway, executive secretary; Darrell St. Claire, administrative officer; Dr. William C. Olson, adviser; Dr. Charles J. Zinn, counselor; Milrae Jensen, secretary; Mary McFall, secretary.

Representatives St. George and Pirnie represented the United States at the meetings of the Interparliamentary Council on August 19; and Senator Sparkman and Representative St. George at the Council meeting on August 26. The agenda of the Council meetings included receipt of the Secretary General's report and the administrative report of the Geneva bureau for 1963-64; proposals for the election of officers of the 53d Conference; a report by the Executive Committee on the creation of new groups since the previous session of the Council; the organization of the 54th Conference to be held in Ottawa in September 1965; consideration of the place of meeting of the 55th Conference—Moscow, 1966—proposals of the names of Mr. Vilfan, of Yugoslavia, Mr. Mbu, of Nigeria, and Mr. Hacohen, of Israel, to fill three vacant seats on the Executive Committee; and of Mr. Senanayeke, of Ceylon, to replace Mr. Thiep, of the Republic of Vietnam, who had lost his parliamentary mandate. The abovementioned delegates were subsequently elected to the Executive Committee. The Council also decided to hold the Spring Sessions of 1965, 1966, and 1967 at Dublin, Ireland; Canberra, Australia; and Mallorca, Spain, respectively.

During the Copenhagen Conference the five standing study committees of the Union met, considered amendments to their draft resolutions, exchanged views on their 1965 work programs, and adopted recommendations for submission to the Executive Committee. The United States was represented on these study committees by the following delegates:

First. Committee on Political Questions, International Security and Disarmament: Senators Sparkman and Stennis and Representatives Pirnie, Daddario, and Smith of California.

Second. Parliamentary and Juridical Committee: Representatives Daddario and Tollefson.

Third. Economic and Social Committee: Senator Bennett and Representative Poage.

Fourth. Committee on Non-Self-Governing Territories and Ethnic Questions: Senator Kuchel and Representative Derwinski.

Fifth. Cultural Committee: Representative McClory, who was the rapporteur of the committee, and Representatives Whalley and Morse.

Five days of the Conference were devoted to general debate on the Secretary General's report and on the following subjects:

First. The fight against disparities in world economy.

Second. Adaptation of the United Nations Charter and working methods to the requirements of an enlarged international society.

Third. The problem of education and the fight against illiteracy.

Fourth. The role of members of Parliament as intermediaries between the citizens and their government.

Delegates of the United States participated actively in all these debates which took place in plenary sessions. Representative Katharine St. George, chairman of the delegation, spoke in the general debate on "The Role of Parliament in a Changing World." In the debate on the fight against disparities in world economy Representatives Adair and Jones were the American spokesmen, Senator Sparkman and Representative Pirnie presented the American viewpoint in the debate on the adaptation of the U.N. Charter. Representative McClory submitted the report of the Cultural Committee on the problem of education and the fight against illiteracy. And Senator Talmadge spoke on the meaning of literacy in our times. Senator Allott and Representative Morse spoke for the United States on the role of members of Parliament as intermediaries between citizens and governments. All their speeches were well received and the full text of their speeches and of the resolutions that were adopted by the conference on the final day will be found in the appendix of this report.

ACTION ON DRAFT RESOLUTION

The end product of a conference of the Interparliamentary Union is the adoption of resolutions which it is hoped that the national groups will bring to the attention of their respective governments. At Copenhagen three resolutions, drafted at the spring session in Lucerne, were adopted without debate on the following subjects:

First. Possible steps toward general disarmament.

Second. International protection of human rights.

Third. The implementation of the United Nations declaration on colonialism.

On three other draft resolutions there was no contest on the floor of the Copenhagen Conference and they were adopted by acclamation, as follows:

First. Two resolutions on the fight against disparities in world economy.

Second. A resolution on the problem of education and the fight against illiteracy.

But some delegates from the United States voiced objections to the three-part draft resolution on the adaptation of the United Nations Charter to the requirements of an enlarged international society and so it was put to a vote on the Conference floor, each part being voted upon separately. On the first part of the resolution, which urged the enlargement of the membership of the U.N. Security Council and of the Economic and Social

Council, the vote was 650 in favor, 6 against, and 1 abstention—Spain. On the second part of the resolution, which called upon the Secretary-General of the U.N. to organize an ad hoc peace force, the vote was 491 in favor, 87 against, and 66 abstentions. And on the third part of the resolution, which suggested how more use might be made of the International Court of Justice, the vote was 586 in favor, 6 against, and 57 abstentions. On each of these 3 votes the U.S. delegation divided, 15 in favor to 6 opposed.

Two supplementary resolutions came up de novo at the Copenhagen Conference, but failed to secure the two-thirds vote required for their floor consideration, although they had been approved by the Council. The first of these, submitted by 14 African groups, urged the parliamentarians of all countries to use their good offices to induce the Republic of South Africa and Portugal to abandon their practices of apartheid and colonialism. This resolution fell short by only six votes of the number needed to take it up. The second proposal was a draft appeal submitted by the Polish group, calling attention to recent events in southeast Asia and Cyprus and appealing for the restoration of peace and the peaceful solution of contentious problems. A majority favored the Polish appeal, but it failed to obtain the required two-thirds vote. The United States opposed both of these resolutions.

Another resolution, unanimously adopted, expressed the grief of the Conference at the demise of former Prime Minister Nehru, of India.

During the Conference the Executive Committee adopted two resolutions, one of which admitted the Republic of Korea to membership in the Union; the other of which postponed consideration of the candidacy of the People's Democratic Republic of Korea—North Korea—until such time as the latter's relations with the United Nations Organization have been regularized.

OTHER DELEGATION ACTIVITIES

While en route to Copenhagen, the U.S. delegation paid brief visits to Oslo, capital of Norway, and to Stockholm, capital of Sweden. In Oslo the delegation received a briefing on economic, social, and political conditions in Norway at the American Embassy from Ambassador Wharton and his staff. The delegation also visited the Storting, Norway's Parliament, where the Ambassador and Representative TOLLEFSON presented to Storting President Langhelle engrossed copies of the congressional resolution congratulating the Storting on the 150th anniversary of the Norwegian Constitution. In an eloquent and moving televised speech, spoken in Norwegian, Representative TOLLEFSON referred to his Norwegian ancestry and stressed the close ties that bind Norway and the United States together. See Appendix for text of his remarks.

I am sure that Representative TOLLEFSON will not mind my telling this story, that I asked the Norwegian delegate how he really spoke Norwegian, and he replied, "Beautifully, with an American accent."

After a tour of the Storting, the U.S. group was entertained by the Norwegian Interparliamentary Group at a luncheon at the Shipping Club. Finn Moe, chairman of the Foreign Affairs Committee, was the host. Senator HICKENLOOPER responded in a fine speech of warm appreciation. While in Oslo, Embassy visits were also arranged to Frogner Park with its famous Vigeland collection of sculptures, to Oslo's unique city hall, and to the Viking ships, Kon-Tiki, and Munch museums.

At Stockholm the delegation received an instructive briefing by Ambassador James Graham Parsons at the American Embassy chancery.

In this briefing the Ambassador pointed out that although Sweden is undoubtedly a Socialist country, private enterprise and private industry are given a fairly fair shake, so to speak. While this seemed a very unusual arrangement, he pointed out exactly how it worked. The labor unions and the employers of labor all get together and are able to iron out their differences perfectly. They have no trouble. The Government apparently helps out when necessary, but is rarely called on. In fact, it seems like a most ideal situation.

Later, Ambassador and Mrs. Parsons gave a reception in honor of the congressional delegation at their residence to which leading members of the Swedish Government, Parliament, banking, business, labor, science, and the press were invited. The delegation was also entertained at a reception at the Royal Ministry for Foreign Affairs. Conducted tours were arranged by the Embassy to the principal sights of the city, including a visit to "Vasa," a 17th century warship, sunk in 1628, and recently raised from Stockholm harbor; Skansen, open-air museum and amusement park; Millesgarden; Town Hall; and Drottningholm Palace.

Upon arrival at Copenhagen, the U.S. delegation were met at the airport by Ambassador Katharine E. White and members of her staff. Later, the delegation received an informative briefing at the American Chancery by our Ambassador and her leading aids on the Government, economy, and foreign relations of Denmark. Ambassador White also gave a reception at her residence for the IPU delegation to which Danish officials, the Danish delegation, and American businessmen were invited. While in Copenhagen the International Committee of the Students' Club of the city organized an informal discussion between a panel of parliamentarians from the IPU Conference and a panel of leading Danish commentators on foreign politics. Senator HICKENLOOPER represented the U.S. Congress in this panel discussion on foreign affairs and ably upheld the American position in a lively and stimulating exchange with three leading Danish newspaper editors.

The U.S.S.R. was represented by Mr. Spiridinoff, one of the top men of the politburo, and it was interesting to note that when one of the Danish newspapermen asked the question, what he thought of the detente which had been noted by the Secretary General in his rapport between the U.S.S.R. and the United States, Mr. Spiridinoff replied incidentally, "That is impossible." He then stopped, as there was rather a pause, and said:

> Of course, it is perfectly all right for the citizens of the two countries to meet and be friendly together, but of course for the governments with their different philosophies it would be totally impossible.

On the whole, Mr. Speaker, I think that this Conference was a success. I think we met with a great many more people than we ever have before—so many delegates and so many wives of delegates and counselors of delegations being present that on one occasion the total number was over 1,100. Nevertheless, it was an opportunity for us to meet and talk with colleagues from other countries. I am sure this could never do any harm and I am very sure that many times it can do a great deal of good. We are, I am sure, looking forward to the next Conference and I would like to remind this House that every Member of the Congress not only in the House of Representatives but also in the other body is automatically a member of the Interparliamentary Union.

Mr. PIRNIE. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to my colleague, the gentleman from New York.

Mr. PIRNIE. Mr. Speaker, it must be apparent to my colleagues from the report we have just heard that the U.S. delegation to the 75th meeting of the Interparliamentary Union in Denmark had most able leadership. Our president, KATHERINE ST. GEORGE, guided our participation with objectivity and distinction while at the same time her gracious personality was winning lasting friends for her and her country.

The Union has been gaining steadily in numbers and influence. Therefore it is increasingly important that the United States play a role within this body commensurate with its responsibility as leader of the free world. My colleague from New York accepted the obligations of her assignment with a dedication that earned the admiration of her fellow Members. We are proud to have shared this mission with her and are confident the impact of her wisdom and charm will long continue to be felt within this most significant international organization.

Mrs. ST. GEORGE. I thank the gentleman for his more than generous remarks. I may say that the gentleman has been a great help at all the recent conferences where he has played a great part and earned the respect of all his colleagues not only in our own delegation but in the foreign delegations as well.

Mr. JENSEN. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Iowa.

Mr. JENSEN. I have heard with great interest the gentlewoman's fine explanation of the activities of the Inter-Parliamentary Union in Copenhagen and in Norway and in Sweden. It is especially interesting to me as I am the 10th child of Danish immigrants. I visited in

Denmark and Sweden in 1953 and I learned at that time that the people of those countries like the United States and they like the people of the United States.

I am quite proud of the fact that I represent the largest Danish population in America. I am proud of those people, who know there is no substitute for work and fair dealing. That was burned into the hearts of my brothers and sisters by my good parents.

I was invited a number of years ago to be a member of the Inter-Parliamentary Union group, but something prevented my going. I have always been sorry I could not go, because I know that the Inter-Parliamentary Union has done much to acquaint people of many nations with each other. Of course, the more we know of each other, generally the more we like each other. I feel certain the Inter-Parliamentary Union has done much to scatter the word of friendship among the people of the world.

I know the gentlewoman from New York has done much in that field. She of course is well versed on all international problems and problems of the people. We hold her in the highest of esteem. It is a great pleasure to listen to the gentlelady from New York [Mrs. St. George].

Mrs. ST. GEORGE. I thank the gentleman very much. I heartily endorse what he has said about the Danish people. He has good reason to be proud of his background and his ancestry.

Mr. JENSEN. I thank the gentlewoman from New York.

Mrs. FRANCES P. BOLTON. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentlewoman from Ohio.

Mrs. FRANCES P. BOLTON. I am very happy to be here this afternoon, and to have heard your fine presentation of the work you did, and the work the Parliamentary Committee did. You are always so modest in everything you do relative to this amazing organization, which I feel the Members of this House know all too little about.

It does mean a great deal to us and to the nations which are members to have that group made able to sit down and to discuss the problems common to us all.

As a woman, I am particularly proud that such a woman as Katharine St. George heads this up. We are very grateful to you, Katharine, not merely for your capacity but also for your fine womanhood.

Mrs. ST. GEORGE. I thank you very much for your very, very generous contribution. I certainly hope that someday you will also be on the Inter-Parliamentary Union. You have so much to offer, and you know so much about the problems of foreign affairs that I know you could contribute probably as much as if not more than any other member.

Mrs. FRANCES P. BOLTON. Not possibly.

Mr. McCULLOCH. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to the gentleman from Ohio.

Mr. McCULLOCH. I wish to join my colleagues in complimenting our able colleague from New York on this interesting and detailed report she has brought us today. It is my opinion that it would serve a useful purpose if more of our delegations of like nature made more detailed and more interesting reports such as this.

Mrs. ST. GEORGE. I thank the gentleman.

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Morse] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. MORSE. Mr. Speaker, it was my privilege to serve on the U.S. delegation to the Inter-Parliamentary Union meetings in Copenhagen under the gentlewoman from New York [Mrs. St. George's] outstanding leadership. Her opening remarks set the tone for what was to be a fruitful exploration of the role of representative assemblies and legislators in the modern world.

The caliber of U.S. delegates to the Copenhagen meetings was uniformly high. For example, the gentleman from New York, Congressman Alexander Pirnie, made important contributions in the individual discussions and in his address concerning the use of the United Nations Charter in the development of a meaningful international community.

The participation of the United States in the IPU may be one of our most important international contacts. The opportunity for exchange of opinion and experience between legislators is unparalleled in any of our other diplomatic contacts. I was honored to be included in the U.S. delegation and proud of the initiative and leadership of our Chairman, the gentlewoman from New York [Mrs. St. George]. I hope that all Members of the House will give their careful attention to the remarks of the gentlewoman from New York [Mrs. St. George] and the gentleman from New York, Congressman Pirnie, at the Conference and I am inserting them in the Record so that they will be available to everyone:

REMARKS OF THE HONORABLE KATHERINE ST. GEORGE, CHAIRMAN, U.S. GROUP, IN THE GENERAL DEBATE AT THE 53D CONFERENCE OF THE INTER-PARLIAMENTARY UNION, COPENHAGEN, DENMARK, AUGUST 20, 1964

THE ROLE OF PARLIAMENT IN A CHANGING WORLD

On behalf of the U.S. delegation I want to voice our sincere gratitude to the Danish group for their generous hospitality. We are very happy to be here in this beautiful city and we are looking forward with keen anticipation to the events of the coming week.

Let me also extend our sincere compliments to the Secretary General for his comprehensive and informative report. His annual reports on the state of the world are invaluable documents which have won for their author an international reputation.

In the few minutes available I would like to speak about the role of parliament in a changing world. At the meetings of the Union last year in Lausanne and Belgrade, several speakers noted that we are living in an age of legislative decline. They discussed the causes and consequences of this state of affairs and considered possible remedies. At the meeting of the IPU Council in Lausanne last year, Mr. Blonay said that the Union was aware of the great fragility of parliamentary institutions at present; it knew that a number of parliaments had been dissolved and that, in certain countries, the prerogatives of parliaments had been exceedingly restricted. For this reason, and in order to remain faithful to its statutes, he said that the Union should devote ever greater efforts to the study of representative democracy.

Winston Churchill saw the handwriting on the wall more than 30 years ago. In his famous Romanes lecture in June 1930, he remarked that it had been accepted generally until quite recent times that the best way of governing states was by talking. In England the parliamentary conception was still dominant and representative institutions still held the field in the more powerful communities of the world. But in many states "government of the people, by the people, for the people" had proved to be an illusion.

"Many of the parliaments so hopefully erected in Europe in the 19th century," he said, "have already in the 1st quarter of the 20th century been pulled down. Democracy has shown itself careless about those very institutions by which its own political status has been achieved. It seems ready to yield up the tangible rights hard won in rugged centuries to party organizations, to leagues and societies, to military chiefs or to dictatorships in various forms." Nevertheless, said Churchill in 1930, "representative institutions still command a consensus of world opinion. It should be the duty of faithful subjects to preserve these institutions in their healthy vigor, to guard them against the encroachment of external forces, and to revivify them from one generation to another from the springs of national talent, interest, and esteem."

What has happened to the parliamentary institution during the intervening generation since Sir Winston uttered these prophetic words? With the advance of science and technology, the growth of the welfare state, and the multiplication of public problems, there has been a tremendous increase in the workload on Parliament and in the duties of members. Meanwhile, these same forces plus the need of speed and secrecy in decisionmaking have led to a loss of legislative initiative to the Cabinet and have upset the equilibrium between Parliament and the executive. With the development of means of mass communication, the executive has entered into direct contact with the people over the heads of parliamentarians. And in many countries parliamentary government has been replaced by dictatorships, or has yielded its traditional leadership to powerful personalities and pressure groups.

What can we do to arrest and, if possible, reverse these longrun trends? I suggest, first, that we should consider what the role of Parliament should be in the modern world. The world has changed since many of our basic constitutions were framed. Yet we still lack a penetrating and practical restatement of the role of representative assemblies in the light of the changed problems with which they deal and the altered conditions under which they operate. We are up against the fact that our Parliaments have not changed very much but the kinds of problems with which they must cope have changed radically. The staff of the Geneva bureau and of the new documentation center could well be devoted to producing a sound reformulation of the functions of Parliament under present conditions.

I suggest, in the second place, that Parliaments should create or expand their own independent sources of factual information. Full knowledge of the facts is a prerequisite to intelligent lawmaking. Legislators should have statistical and information services as good as those available to administrators. We need to restore the balance of knowledge by equipping our Parliaments with adequate research staff aids. In developed, pressure-group societies the special knowledge and viewpoints of organized interest groups can be obtained by Parliament through public hearings at the committee stage, as in the American practice. This procedure seems preferable to the organic integration of economic and social interest groups into the legislature itself, a step which would run the risk of a dangerous revival of corporatism, as Mr. Chandernagor of France has remarked.

Finally, I suggest that the main task of Parliament in the future will be, not to formulate public policy—a function which has shifted in many countries to the executive, but to watch and control the government. To facilitate the performance of this oversight function, we must strengthen the tools in our oversight kit. These include legislative inquiries, question periods, field-inspection trips at home and abroad, the so-called legislative veto procedure, and consultations with legislative committees.

In "Parliaments," the study recently published by the Interparliamentary Union, the editors conclude that "the legislative function is no longer the preserve of Parliament. The initiative in legislative and financial matters has to some extent slipped out of its grasp; the practice of delegating powers has made for the curtailment of its role in the realm of law. But concurrently, the prerogatives of Parliament have shifted in the direction of control of government activity. The government initiates and directs; Parliament controls, approves, disapproves and, now and then, inspires. Increasing powers of control in its hands, and a more skillful adaptation of the methods of exercising these powers—such are today the basic prerequisites for the development of Parliament."

ADAPTATION OF THE UNITED NATIONS CHARTER AND WORKING METHODS TO THE REQUIREMENTS OF AN ENLARGED INTERNATIONAL SOCIETY

STRENGTHENING U.N. PEACE FORCES

(Prepared for delivery at the 53d Conference of the Inter-Parliamentary Union, Copenhagen, Denmark, August 24, 1964, by the Honorable ALEXANDER PIRNIE, U.S. Congress)

The U.S. delegation, like many of the other delegations represented here today, is deeply concerned with the need for strengthening the United Nations, particularly for improving United Nations peace forces. U.N. peace forces have become a part of the daily life of the international community. In the less than two decades since the United Nations was founded, U.N. forces have been engaged in peacekeeping operations in Indonesia, Greece, Palestine, Kashmir, Korea, the Middle East, Lebanon, the Congo, West Iran, Yemen, and Cyprus. The concept of the United Nations as international policeman has become a reality.

We have learned some important lessons from these peacekeeping operations. Perhaps most important, we have learned that the current U.N. machinery for organizing peace forces is insufficient. Delays in getting the Cyprus force together, for example, meant that the force could not become operational until nearly a month after the Cyprus operation had been authorized by the Security Council. Time is crucial in an incendiary atmosphere—the longer the delay, the more difficult the task of the force is likely to be. The need to have U.N. forces available for immediate callup has become obvious.

My Government agrees with the goal stated in preambular paragraph 1 of that section of the draft relating to a U.N. peace force. The U.S. position at the 18 Nation Disarmament Conference in Geneva has been that a world force will have to be created as part of any scheme for general and complete disarmament. We also agree that the United Nations should take certain steps now to increase its military and policing capabilities.

The United States does not at this time, however, support a permanent United Nations peace force. As Adlai Stevenson, U.S. Ambassador to the United Nations, recently observed: "Perhaps it is too early to contemplate a fixed international force which would be permanently maintained for use for any and all purposes—for the world's emergencies differ one from another, and there can hardly be one treatment for all of them." No two U.N. peacekeeping operations which have involved the use of troops have been alike. Since we cannot know what kinds of U.N. forces or efforts may be required in a future emergency, we favor providing arrangements which would help assure that diversified military units from many countries are available for U.N. emergency service on short notice.

Thus, we believe a constructive method of solving our present international security problems would be to have available a system of standby military units, a system under which various U.N. members would set aside or earmark certain units which would be trained and available on short notice for U.N. emergency service. It also seems both appropriate and practical to have states indicate other contributions they would be willing to make to U.N. peacekeeping operations. We assume that what is contemplated in the second IPU preambular paragraph relating to a U.N. peace force is standby national units of legal, military, and technical personnel trained and readily available for U.N. service in an emergency.

With regard to the operative paragraphs of this section of the IPU draft resolution, certain ambiguities make it necessary to explain the U.S. interpretation of these paragraphs. The first operative clause, beginning with "for" and ending with "member states" raises some questions. What is meant by "key persons to make plans for its operation"?—additional Secretariat military and planning staff? It is unclear whether these "key persons" would be international civil servants or government representatives, i.e., whether they would be added to the permanent staff of the Secretariat or chosen on a temporary basis from the membership of the General Assembly or Security Council. What are "other effectives?"—supplies, equipment, logistic forces? Also, what is the meaning of "cadres"? Does "from time to time" mean "as peacekeeping operations occur"? If so, the phrase "from time to time" would be superfluous providing it is understood that the U.N. force would be a standby, not permanent, force called to U.N. duty only when specific peacekeeping operations are initiated.

Operative paragraph 2 also needs clarification. The term "statute" is ambiguous, particularly in view of previous IPU resolutions on the subject of U.N. peace forces. Is "statute" used in the sense of "general terms of reference" or did the drafting committee have in mind the resolution adopted by the 51st Inter-Parliamentary Conference, in which "statute" meant regulations negotiated between the U.N. and member states? That resolution stated:

"The United Nations must negotiate, with all the member states a statute for such forces which would regulate the problem arising out of their presence on the territories of those states and specify the organ to which eventual claims could be addressed by both nationals and foreigners regarding infringements by the members of those forces."

The resolution of the 51st Inter-Parliamentary Conference would seem to contemplate specific regulations governing the actions of the U.N. forces in member states, regulations formalized in individual agreements between the U.N. and member states. If, on the other hand, "statute" is interpreted as "general terms of reference," no formal agreements with member state would be necessary, and the regulations drawn up would be less specific.

In spite of these ambiguities, the U.S. delegation will support this section of the draft resolution. It is our understanding that the operative paragraphs refer to the strengthening of the Secretary-General's military advisory staff in the U.N. Secretariat and to the earmarking of forces for U.N. emergency service, as Canada, the Scandinavian countries, the Netherlands, and other U.N. members have already done or are considering doing. The U.S. delegation supports these steps to develop the peacekeeping capabilities of the United Nations, and is pleased to note the progress that is being made on both counts. We feel that improved organization of peace forces is essential to the strengthening of United Nations peacekeeping machinery.

In conclusion, Mr. President, I would like to comment on another subject. I was very surprised to note that a delegate to this conference had seen fit to make personal reference to a candidate in our presidential election. I deem this improper and inappropriate. To indulge in such practice respecting the internal affairs of the member nations can only debase our deliberations and lower the prestige of the Union. In reply, however, let me say that both parties in our great Nation and their respective candidates are dedicated to the cause of freedom and the maintenance of peace throughout the world.

Mr. McCULLOCH. Mr. Speaker, may I request that the gentlewoman yield further so that I may speak about a matter of great interest to me, and of very great interest to many Members of both bodies of Congress?

Mrs. ST. GEORGE. Mr. Speaker, I yield to the gentleman.

SUPREME COURT REAPPORTIONMENT DECISIONS

Mr. McCULLOCH. Mr. Speaker, the effect, directly and indirectly, from the Supreme Court's reapportionment decisions of June 15, 1964, causes more and more concern, if not outright alarm.

Last week, I called attention to the decision of a State court of Michigan which declared that, pursuant to the Supreme Court's mandate, the Board of Supervisors of Kent County, Mich., was unconstitutionally selected. The effect of decisions of this nature is to place in question not only the validity of every State and many locally elected officials in the country, but also the acts of these officials in the authorization and approval of bond issues and the enactment of legislation.

This week, further havoc has developed.

The Washington Post for Sunday, September 20, 1964, reported that the Federal court in Alexandria, Va., has ordered reapportionment of both houses of the Virginia General Assembly by January 1966.

The Virginia House of Delegates, the lower house, was to be called into special session in November to decide upon a reapportionment of that body. This could have been accomplished without grave consequences because the members of the house of delegates are elected for 2-year terms only.

The order of the Court, however, goes far beyond this reasonable action. It requires the Virginia Senate to reapportion at the same time. This shall have the effect of reducing the 6-year term of Senate members to 4 years.

As in the case of New York, then, the Supreme Court's decisions are prompting the Federal judiciary to directly interfere with the legislative branch of government. In effect, State sovereignty and the checks and balances of the American system of government are being eroded. For, when the judicial branch of the Federal Government can interfere with the term of office of elected members of State legislatures, pursuant to provisions of State constitutions, unquestioned for years, can there be any question, that the independence of the State legislatures is being usurped and the wishes of the people nullified? And, I may ask, is it not possible that the effect of this interference by the Federal judiciary might induce a frontal assault upon the right of each State to elect two Senators to the U.S. Senate?

This is not the end of the potential havoc, however.

The New York Times for Sunday, September 20, 1964, reported that, as a result of the confusion caused by the Supreme Court's decision in the State of Connecticut, there probably will be no election in that State for the general assembly.

Time is now so short that it seems highly unlikely that elections can be held even if the Court itself draws the district lines. Under Connecticut law, the deadline for filing in the primaries has expired and few candidates have been nominated by either party.

Never before has there been no regular election for members of the general assembly in Connecticut. The State constitution provides for a holdover of the existing assembly, but the extent of its powers are in doubt. In fact, it is reported that the Federal court may prohibit the holdover assembly from performing any tasks other than redistricting or reapportioning the State.

The effect of the Federal court's haste could be to leave the people of Connecticut with a legislature which is or feels itself unable to conduct any business—vital as such business may be to the needs of the State, and the people thereof.

Once again, Mr. Speaker, the dangerous consequences arising from the Supreme Court's decisions can be seen by every American who is concerned with effective State and local government. Legislative processes are being interfered with and the balanced needs of the people are being jeopardized.

I hope every Member of Congress will quickly come to recognize the degree to which this judicial invasion of the legislative process threatens our form of government.

A CONGRESS OF ACHIEVEMENT

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 60 minutes.

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point, my own remarks on "A Congress of Achievement."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A CONGRESS OF ACHIEVEMENT

Mr. HOLIFIELD. Mr. Speaker, the 88th Congress has been one of the most constructive in the annals of American history. As President Johnson has said:

> This last session of Congress has enacted more legislation, met more national needs, disposed of more national issues than any other session of this century or the last.

Certainly, in the 22 continuous years that I have served in the Congress of the United States, I cannot remember a Congress that has been more creative and hardworking than the present one. It is a high honor and privilege to serve in this great representative body. I appreciate the confidence that the people of the 19th District of California have shown in me by electing me repeatedly. I take this opportunity, Mr. Speaker, to present a report to my constituents, highlighting our major accomplishments.

PRESIDENT JOHNSON'S LEADERSHIP

The truly magnificent record of achievement in the 88th Congress, Mr. Speaker, owes much to the leadership of President Lyndon B. Johnson. In an hour of national tragedy, when our beloved President Kennedy was murdered, we were indeed fortunate to have as Vice President a man with the stature and experience and judgment of Lyndon B. Johnson. He was able to pick up the reins of the highest office without faltering, without permitting any loss in national momentum. He has worked toward those great objectives for which President Kennedy laid the groundwork.

President Johnson, in taking on new great responsibilities, displayed firm leadership, cool and steady judgment, a keen understanding, a compassionate heart. He was able to draw upon his wealth of experience resulting from his long years of service in both Houses of Congress. As a former Member of Congress, he knew how to work with the Congress. The constructive legislation to which we point so proudly is a joint cooperative effort of the President and the Congress.

YEARS OF TRIAL AND TESTING

President Johnson came on the national scene in 1937, when he was elected to the U.S. House of Representatives. We were then in the throes of a deep depression. Lyndon B. Johnson was trained and tested in those trying times. He knew poverty at close range. He understood what it meant to have men and machines idle, human and material resources wasted. He learned in that period of testing, under the leadership of the great Franklin D. Roosevelt, what it took to put the country back to work, to give it new hope, to recapture its sense of progress and its vision of greatness, to have a concern for all people whatever their race or creed or color or the size of their bank account.

It was my privilege, Mr. Speaker, 5 years after Lyndon B. Johnson came to Congress, to be elected to the Congress from the 19th District of California. Twenty-two years have passed since that time. I started in the 78th Congress and this is the close of the 88th Congress.

Those have been years of wars, hot and cold, of crises erupting in trouble spots all over the world, of economic ups and downs, of grave national problems of many kinds.

Those have been years of transition, while forces of change were working deep beneath the surface. Our cities have mushroomed. Many millions more people have come to California. We need to solve difficult problems in urban transportation, control of air pollution, eradication of slums, protection of our natural resources.

Above all, we have to learn how to live together, for America cannot be divided and segregated and endure. This is one of the greatest challenges in the remainder of this century. I am confident the Americans will be able to meet it.

LEARNING THE LEGISLATIVE PROCESS

During those 22 years I have served in Congress, Mr. Speaker, I have sat at the feet of masters such as yourself and have learned the intricacies of the legislative process. How to get legislation enacted which helps my district—the people I represent—as well as the whole United States. How to be effective in committee work where the largest part of the legislative job is done.

I have served on many committees. In earlier years these included Military Affairs, Post Office and Civil Service, Expenditures in the Executive Departments, and Foreign Affairs. Presently I serve on the Atomic Energy and Government Operations Committees. I have been a charter member of the great Committee on Atomic Energy ever since it was created by a special act of Congress in 1946.

LIVING WITH THE ATOM

Thus, almost from the beginning of my service in Congress, I have lived with the atom. I have seen its warlike face and its peacetime potential. I have worked day and night, in season and out, when Congress was in session or not, to insure that our country had the atomic resources necessary to deter the enemy. I have served on Presidential commissions and official delegations both at home and abroad in determining atomic policy. At the same time, I have worked to channel this great force of nature into peacetime uses in industry, the medical arts, scientific research, and electric power.

For many years the Government had to support experimental work because atomic reactors are difficult and expensive to build. Now by legislative enactment, industry will be encouraged to do more on its own. We are on the verge of a breakthrough into competitive atomic power production—competitive with conventional sources of power from fossil fuels such as coal and oil and natural gas.

ATOM PROGRAMS FOR CALIFORNIA

Let me suggest some of the benefits these developments will bring to the State of California. If present plans materialize, two great atomic energy plants will be built in our State. They will produce large amounts of electricity at competitive rates. They will add, along with the hydroelectric power to be derived from a new regional network, to the job-creating resources of our State.

The electricity generated by the atomic reactors as well as that received from the Pacific Northwest through transmission highlines will be clean power. It will not produce smoke or fumes to befoul the atmosphere and create smog. And the atomic reactors will be constructed and operated under very careful safeguards, so that we need not worry about runaway reactors or hazardous accidents.

I should also mention, Mr. Speaker, that Stanford University will construct a huge linear accelerator at an estimated total cost of $114 million, to conduct new experiments in atomic science. This is an extensive laboratory facility, stretching 2 miles long, but its large cost will be fully justified, I am confident, by future scientific results.

HOLIFIELD IN KEY COMMITTEE ROLE

This accelerator and the atomic facilities I mentioned were reviewed and approved by the Joint Committee on Atomic Energy which I have served as chairman and now as vice chairman. This is only a temporary demotion, since, as you know, the chairmanship alternates between the House and Senate every 2 years according to the law. During the 89th Congress I will again be chairman of the Atomic Energy Committee.

The importance of this committee's work is exemplified by the yearly authorization of the atomic energy program, which must be made by our committee. We review hundreds upon hundreds of projects, and the budget authorization for the next fiscal year which we approved is estimated at $2.7 billion.

CALIFORNIA LEADS IN DEFENSE AND SPACE WORK

The importance of the atomic energy program to California is reflected in the fact that contracts worth $350 million have been placed with California contractors during this fiscal year. A similar amount was placed last year. Only one other State—New Mexico—exceeds this volume of atomic energy contracting.

In addition to atomic energy programs, this Congress has also extended and strengthened other continuing programs involving national security and space exploration. These programs are vital to the strength and power of our country in a world of crisis and danger. California is proud to play a leading role in these programs.

The State continues to lead the Nation in defense work. About 23 percent of this work, amounting to contract awards of $5.8 billion, was accomplished during the past fiscal year in California. The State also leads in space work which brings us to new horizons of technology. About 50 percent of space contracts were placed in California this year, and the same proportion is estimated to hold good for the coming year, when almost $2.6 billion of work will be placed with California contractors.

CHECKING ON GOVERNMENT PERFORMANCE

The Congress appropriates money in the billions, Mr. Speaker, for many great projects to advance the security and welfare of the American people, but the Congress is not a profligate spender. It has many means for checking on Government agency performance to insure efficiency and economy.

For example, the Congress has created an efficient investigative arm known as the General Accounting Office, which audits and examines Government expenditures in every field. It looks at the books of big contractors and it keeps watch of numerous Government activities.

Also, the Congress has its committees of investigation. I serve on a committee with broad "watchdog" responsibilities, formerly called the Committee on Expenditures in the Executive Departments, now the Committee on Government Operations. My service on this committee dates back to 1949. In fact I am now second in rank, next to the chairman, and I have charge of one of the most important subcommittees, the Military Operations Subcommittee.

WATCHING DEFENSE EXPENDITURES

It is the job of my subcommittee to keep watch of the expenditures in the Military Establishment, which accounts for about $50 billion in outlays each year. This is roughly half of the whole national budget. Of course we have a small staff of our own to do this work, but it is a highly trained staff, and we utilize the resources of the General Accounting Office to help us do our job.

As you know, Mr. Speaker, having served on that committee yourself for many years, we are instrumental in effecting great savings to the taxpayers. The savings we have been able to achieve over the years amount to many billions of dollars.

More important even than the dollar savings have been our constructive recommendations to improve Government performance, to make public servants more responsive to the people, to weed out dishonesty and corruption, to discourage and prevent frauds on the Government, and to encourage and promote fair dealing between the Government and business, and between the Government and the public generally.

EXPERTISE IN GOVERNMENT ORGANIZATION

Our Committee on Government Operations is expert in matters of Government reorganization. We review every plan submitted by the President to reorganize the executive branch in the interest of economy and efficiency. Organizational matters are one of our primary committee responsibilities.

In earlier years, under the administration of President Harry Truman, I was chairman of the subcommittee which reviewed upward of 50 reorganization plans. Most of them were approved, some were rejected or sent back for modification. All together this reorganization effort was a major readjustment of the Government structure to cut down on redtape, to eliminate overlapping or duplication, to put an end to unnecessary agencies or functions, and to clarify lines of authority and responsibility in the executive branch.

HOLIFIELD SERVICE ON HOOVER COMMISSION

In large part these reorganization plans stem from the recommendations of the Hoover Commission. This Commission was created by the Congress in 1947 and then re-created in 1963. It was my honor and privilege, Mr. Speaker, to serve as one of the 12 members of the second Hoover Commission. I was appointed to that office by the Honorable Sam Rayburn who was the Speaker of this great body for many years until his death in late 1961.

The two Hoover Commissions made many recommendations for better, more responsible and responsive Government, and I was able to play a part in that work both as a member of the Commission and as a member of the congressional committee which reviewed the reorganization proposals.

As I said earlier, Mr. Speaker, from the vantage point of long experience in the Congress, I regard the 88th Congress as one of the most productive in our history. Let me highlight the major actions and what they mean to California.

CIVIL RIGHTS: THE MORAL ISSUE

I must accord first place in my report to civil rights legislation, because this is a moral issue we cannot ignore or evade. A hundred years have passed since the Emancipation Proclamation, and the Civil Rights Act of 1964 is the next great landmark in man's struggle for dignity and freedom.

By this historic act we are righting an ancient wrong, not creating special privileges for anyone. The Civil Rights Act does not dislodge anyone from his job or from his home. It simply assures that all Americans will enjoy the same rights and opportunities. The legislation is morally right and it reaffirms our dedication to the American democratic ideal.

LOWER TAXES

We have reduced taxes, which means more spendable income and more jobs. In California alone, the tax reduction will put almost a billion dollars more of spending money in the pockets of its citizens. New business incentives are being created and capital released, so that our great industries can help the economy expand even further and provide the jobs that are needed.

The tax cut, while it applied across the board, will be of substantial help to low-income families. For example, those earning $3,000 or less a year will get an average 40 percent cut. About 1½ million people in the lowest brackets will be relieved of Federal tax payments altogether. The law also allows more deductions for child care and improves the tax situation for older persons.

ASSAULT ON POVERTY

This Congress also began to assault the barriers of poverty and want that persist in the midst of the longest peacetime economic boom and period of prosperity in our history. The Economic Opportunities Act of 1964 is not a dole or a handout, but instead, as the President said, provides the answer of opportunity.

In our cities and communities the program will create comprehensive community action programs with remedial education, job training and retraining, health, and job counseling, and neighborhood improvement. The community action program—only one part of this new act—will itself bring over $18 million to the State of California.

WORK TRAINING OPPORTUNITIES

The Economic Opportunities Act—together with another historic measure passed by this Congress, the Vocational Education Act of 1963—will enable the million young men and women who are now out of school and out of work to get off the streets and enroll in realistic work training programs, in preparation for productive careers rather than wasted lives. Many of the Job Corps work camps created by the Antipoverty Act will be located in the great outdoors of our park and forest areas where the young people, in addition to learning new productive skills, will contribute to the conservation and recreation tasks of our society. At least three of these Job Corps camps will be in California—in Shasta, Inyo, and Trinity Counties.

The Vocational Education Act of 1963, similarly, will bring to California an estimated $10 million of Federal funds—a fivefold increase in this important area of human concern. These funds will help young people now idle or working at marginal jobs to realize their capacities and abilities.

At the same time, the Economic Opportunities Act, with its work-study program, will bring almost $6 million into California, so that other young people already in school can stay there. They will get the chance to earn real income at useful jobs while continuing their studies.

THE "EDUCATION CONGRESS"

This Congress has passed many other measures for education and has earned, in the words of the President, the title of the "Education Congress." By the enactment of the Higher Education Facilities Act, the Congress has authorized nearly $1.2 billion in construction funds for educational institutions over a 3-year period. Under the terms of this new program, over $25 million will be spent in California in 1965 alone.

We also passed a Library Services Act to extend Federal assistance to urban libraries in addition to previously supported rural facilities. The Congress also has made substantial increases in the national defense educational activities program, which in California means doubling the amount of student loans.

By all these new programs and expansions of old programs, California stands to gain much and certainly to maintain its preeminent educational status in the country. Not all the figures are in as yet, but we can expect an inflow in 1965 of more than $125 million under these education programs—a 50-percent increase over this year.

Our great institutions, universities, and laboratories in California need this boost, for they are the magnets which draw the talented to the work of our society. These highly trained people in turn draw the great industrial corporations to our State because special talents are needed in creating the systems and hardware of our national security and space programs.

EXPANDED HEALTH PROGRAMS

The health needs of our people have also come in for their share of increased attention by the 88th Congress. First of all, in answer to the call of our late and great President, John F. Kennedy, this Congress launched the first all-out attack on the largest health problem in the country—mental illness and retardation. By legislation enacted in 1963 we authorized $329 million over a 4-year period for grants to aid the construction of facilities for research and treatment of the mentally ill and retarded, for the construction of community health centers, and to train teachers for mentally retarded and handicapped children. By this and a companion measure, the Congress also showed its intention to grapple with this sorrowful health problem by providing the program and funds for research and investigation.

By extending and improving the Hill-Burton Act, the Congress also acted to meet the serious hospital bed shortage we face. As the population grows, we find we have only 8 hospital beds for every 10 needed. Moreover, many of our hospitals, particularly in the cities, are old and obsolete. The nursing home situation is especially acute. We have only 4 beds now in service for every 10 required to provide long-term care for older citizens. The new legislation will go a long way in improving this situation.

Another health measure is the new Medical and Dental School Construction Act, which is a 3-year grant program providing $175 million for the construction of facilities to alleviate the shortage in medical and dental schools, as well as the shortage in doctors and dentists who are needed by our expanding population but who cannot find room in the crowded schools.

The Nurse Training Act of 1964 seeks to overcome a serious shortage of professional nurses in American hospitals. Between now and 1970, we will need 850,000 nurses in this country, which is more than 300,000 over what we have today. Yet our nurses schools today can graduate only 30,000 a year, leaving a yearly shortage of 20,000 nurses. The new law authorizes $90 million over 4 years for construction or rehabilitation of nursing schools and about $200 million for training and related costs.

These and other health measures give practical effect to President Johnson's statement that the "best of health for all Americans is a primary national goal."

SOCIAL SECURITY AND WELFARE

The importance of Federal social security and welfare programs to the State of California is reflected in the following estimates. Social security payments to the people of California will amount to $1.4 billion in 1965. Other public welfare categories, such as aid to the needy, blind, and dependent children will entail payments to California people of $367 million during the same year. Altogether, social security payments and Federal outlays for health education, and welfare to the State of California will exceed $2 billion in 1965. The social security payments will be increased by amendments to the Social Security Act now being considered by the Congress.

One of the problems to be resolved in the pending legislation is the proposed inclusion of medical care payments in the social security program. I believe that elderly people should have medical care as a matter of right and not of charity. This issue has been too long delayed, and I hope that the Congress will work out a satisfactory solution.

VETERANS' BENEFITS

The concern of Congress for veterans' needs is reflected in the following recent measures. Last year the Congress enacted two laws increasing payments to widows, children, and parents of veterans who died of service-connected disabilities. Other legislation provided additional compensation for service-incurred loss of hearing or speech. Congress also authorized the Veterans' Administration to waive recovery for defaults on home loans in certain hardship cases.

This year the Congress provided for additional assistance for children of veterans with total and permanent service-connected disability. Also authorized is a 5-year, $5 million-a-year program of aid to students on a matching basis for nursing home facilities in State veteran homes. A bill passed by the House in August of this year and now before the Senate will increase veterans pensions, including non-service-connected ones. The main feature of this bill permits the exclusion of certain types of income in determining income for pension purposes. Cash benefits accruing to veterans under this bill are estimated at more than $330 million in the next 5 years.

ATTACK ON URBAN AND HOUSING PROBLEMS

In another legislative action during the Congress, the Clear Air Act was passed, authorizing $95 million for the next 3 years to provide the first full-scale attack on smog and air pollution problems that blight living conditions in so many of our cities.

The cities received their due from the Congress by other pieces of legislation. For instance, we enacted the Urban Mass Transit Act of 1964, breaking new ground for Federal assistance to cities wrestling with transportation problems. This act establishes a new long-range program and authorizes $375 million in grants over 3 years for capital construction and improvement which local transit systems cannot otherwise finance.

The State and the metropolitan area of Los Angeles are now at work seeking means to utilize this new approach to solving the congestion and delays of our crowded cities and suburban areas.

Recently the President signed into law the 1964 Omnibus Housing Act, which represents a billion dollar program for progress toward the goal of a good home in a safe and decent neighborhood for all. The new act emphasizes the prevention of slums and blight. Among the many provisions of the Housing Act is one which makes elderly persons eligible for FHA low and moderate income housing. Improved local housing standards, community development and planning, broader coverage for insurance of home mortgages and home improvement loans, and more flexibility in lending by savings and loan associations, are other features of the Housing Act.

CONSERVATION OF NATURAL RESOURCES

Conservation of our natural resources also has been emphasized in the work of the 88th Congress. An outstanding achievement has been the passage of the Wilderness Act, which establishes a wilderness preservation system composed of federally owned or protected lands, largely found within our national forest system. These wild areas contain the marvels of nature and time, and by this legislation they can be preserved for man's enjoyment in their original state.

Already 1,820,000 acres are available for protection in this system in California, including the John Muir wilderness of some 500,000 acres in the High Sierra and Sequoia country. Within convenient distance of Los Angeles is the Cucamonga Wild Area in San Bernardino, as well as the San Jacinto, San Rafael, and San Gorgonio areas.

This Congress also passed the Land and Water Conservation Fund Act to protect, acquire, or develop recreational areas and facilities, some of them near bodies of water. In 15 years while the population has increased 27 percent, the use of our National and State parks and forests has increased 220 percent. This means that the great outdoor areas once thought abundant are now becoming scarce. Without this new legislation, our rapidly growing population, particularly in the cities, would know only their concrete jungles instead of green spaces, fresh air, and blue waters. About 60 percent of the funds in this system will be available to the States and the remainder for the use of the Federal Government. To qualify for aid the States must submit comprehensive recreational development plans.

California is far ahead in recreational work, and a bond issue to finance such development with matching money will be before the electorate this November. The fund will be administered for the Federal Government by the new Bureau of Outdoor Recreation, also authorized and encouraged by this Congress and this administration.

SMALL BUSINESS MATTERS

The interests of the small businessman have not been lost sight of by the 88th Congress. For example, the Economic Opportunity Act signed into law toward the close of the session contains a provision which authorizes special loans and guarantees for the benefit of very small business concerns. Because of their limited resources, countless enterprises of this description, employing four or five persons, have been unable to meet the normal credit requirements for Government loans. This act therefore will help new or struggling businesses and it holds out the promise of increased employment by firms which can, with the help of a modest Small Business Administration loan, expand their activities.

Through liberalizing amendments to the Small Business Investment Act in 1964, following those made in 1961, and special tax considerations, the investment of equity capital and long-term loan funds in small businesses has been greatly accelerated by privately owned and operated small business investment companies licensed under that act.

I know the problems of small business at first hand, being the operator of a clothing store in Montebello and then Norwalk, Calif., for many years. In my committee work and by support of needed legislation, I have fought for the small businessman. It is gratifying to report that in the years 1961–64, setaside Government contracts for small business in California have increased threefold, rising in dollar amount from $348 to $813 million.

ELECTRIC POWER NETWORK

One of the great breakthrough achievements for California in the 88th Congress is legislation authorizing a start on construction of a great electric power network linking the Pacific Northwest with California and other Western States. This power network will bring to southern California several million kilowatts of low-cost electric power. It will turn more factory wheels and help to meet the electricity needs of our rapidly growing area.

I may say with a certain amount of pride that I was able to play an important role in effecting this great intertie arrangement. There were differences of view within and among several State delegations and utility and other groups concerned. President Johnson asked me personally to bring the different parties together and work out a satisfactory arrangement. After hard work and much debate this has been done. The President was kind enough to send me a warm letter of appreciation for my part in this historic development. Governor Brown of California and other State and National leaders also have sent messages of appreciation.

With its 18 million people, California stands first in size in the Nation. No problem is more pressing to our population, particularly in southern California, than adequate water supplies. This problem deserves careful analysis. I will consider it in three parts:

PRESERVATION OF WATER RIGHTS

First, is the preservation of our water rights in the Colorado River, our main source of water supply, which the Supreme Court in its recent decision has allocated in the volume of 4,400,000 acre-feet. The Supreme Court also gave to Arizona 2,800,000 acre-feet, and to Nevada 300,000 feet. This assumes a total flow in the Colorado River of 7,500,000 acre-feet which can be diverted for domestic consumption.

There is a growing concern that there will not be 7,500,000 acre-feet from the Colorado River for domestic use. California has invested in aqueducts and pumping facilities for the transportation of our share of the water from the Colorado, facilities estimated to be worth $1 billion. If there is a reduction in the flow of the river, it means that these facilities will not operate at full capacity and that the rapidly growing population in southern California will be denied water which it badly needs. It is, therefore, imperative that we protect the 4,400,000 acre-feet which have been allocated to us against new projects which may be built later in other States which would claim part of the water.

ADDITIONAL WATER SOURCES

Second. It is not only wise but imperative that we immediately look for additional sources of water for California, and particularly for southern California. This water could come from Pacific Northwest sources, such as the Columbia River in Washington, or the Klamath River in Oregon. It would also be possible, by using a series of canals, to obtain water from the Snake River in Idaho, by connecting it up to the upper tributaries of the Colorado River.

It therefore has become evident that a study should be made of the water resources, not just of the Colorado River which will be inadequate in any event for our growing population, but a study of water resources which now exist in many of the adjoining Western States. In other words, the natural water resources of the Western region, wherever they exist and wherever there is a surplus which is being wasted, should be looked upon as a potential addition to our water supply.

Along with the 23 members of the California congressional delegation and our two Senators, SALINGER and KUCHEL, I have introduced a bill, H.R. 12328, which seeks to "authorize investigations and reports on the water resources and requirements of the Colorado River Basin, and to protect existing economies in the course of development of such resources." This bill, if passed by the Congress—and there will be a strong effort to obtain its passage in 1965–66—would not only protect our present water from the Colorado River against depletion by other and new water diversion projects, but it would also study the introduction of additional new water from other watersheds in States adjacent to California.

The metropolitan water district and some 50 water district companies in southern California, including the Los Angeles Department of Water and Power and the metropolitan water district, have endorsed my bill, H.R. 12328. This I deem to be the most important single piece of legislation which could be passed for the people of California.

PURIFYING OCEAN WATER

Third. Another potential source of fresh water is rapidly obtaining the attention of many of us who have long looked upon the salt water of the ocean as being a source for fresh water. The Congress in recent years has appropriated $70 million to study this problem. Several desalting plants now are in operation. The plant which was built at Point Loma in San Diego County has been moved to Guantanamo Bay in Cuba and is now providing water to our naval base at Guantanamo. This was deemed necessary because Castro ordered the local water supply cut off from the base.

Basically, the transformation of salt water into fresh water requires units of heat. Heat at the present time comes from fossil fuels, such as oil, gas and coal. Atomic energy is another source. Studies are being made by the Atomic Energy Commission, which have been authorized by the Joint Committee on Atomic Energy, of which I will be chairman in 1965-66. These studies look toward the possibility of constructing huge nuclear reactors to produce hundreds of thousands of kilowatts of electrical power. Secondary use of the steam as it leaves the electric generators would be for the purpose of desalting the ocean water.

In California contractual effort is underway under the auspices of the Interior Department to provide a replacement flash distillation plant in San Diego by 1966, which will exceed the capacity of the former plant by producing, hopefully, 1,800,000 gallons of water a day for actual consumer use. In the second phase of this effort, plans are being made to build a 50-million-gallon-per-day plant by 1970 with the cooperation of the Atomic Energy Commission, Department of Interior and the metropolitan water district in the Los Angeles area.

Many of our scientists who are working on this problem believe that within a decade we will be able to transform salt water to fresh water on a competitive economical basis with other natural water sources. A note of warning should be sounded at this time, however, that we cannot depend with assurance on the economy of this type of operation until certain scientific breakthroughs are accomplished. In my opinion it may be 10 or 15 years before the process of desalting salt water will be of competitive economic value. Nevertheless, we should pursue this with great interest and enthusiasm as it offers not only for the arid States of the West but for all arid nations bordering on salt water, an inexhaustible supply of fresh water necessary for human life.

TOWARD WORLD PEACE

In conclusion, Mr. Speaker, let me say that the people of my district are at one with peoples elsewhere in the country and the world in their yearning for peace. Our people are committed to the defense of freedom and they will make every necessary effort and sacrifice in that struggle. They expect our Nation's leaders to be firm and forthright but not reckless and belligerent. The road to peace is rough and risky, and we must travel it carefully, but steadily.

A few years ago, as chairman of the Joint Committee on Atomic Energy, I directed a staff study and held hearings on the wisdom of developing a nuclear test ban treaty with the Soviet Union which would put an end to radioactive contamination of the atmosphere due to nuclear explosions. Also I directed a study to establish a limit on the production of atomic-hydrogen weapons so that excessive quantities would not be stockpiled. These studies were completed and made available to President Kennedy and President Johnson.

I supported President Kennedy's nuclear test ban treaty and President Johnson's program for curtailing the quantity of atomic-hydrogen weapons. These are steps toward establishing peace in our troubled world. As the incoming chairman of the Joint Committee on Atomic Energy in the next Congress, I pledge my continued efforts toward maintaining our military strength while making every practical effort to prevent a nuclear war and establish permanent peace.

May a divine providence bless our people and our striving for a peaceful world.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield.

Mr. HOSMER. Mr. Speaker, I just want to take the opportunity to advise the gentleman and the House that I shall take the opportunity later under a special order to make observations regarding the observations the gentleman is about to make.

Mr. HOLIFIELD. I respect the gentleman for notifying me of that. Under the circumstances, I think I had better proceed to make my own statement which I think will not take over 10 minutes.

A REBUTTAL TO GOLDWATER PROPOSALS ON "CONVENTIONAL" NUCLEAR WEAPONS

Mr. HOLIFIELD. Mr. Speaker, in his great speech in Detroit on Labor Day, President Johnson brought up a very important point which I feel should be emphasized. He stated that no nuclear weapon could be considered conventional. In an equally great speech on September 16, the President discussed at considerable length the importance of having all nuclear weapons under the exclusive control of the Nation's Commander in Chief—the only person elected by all Americans to lead them.

As a member of the Joint Committee on Atomic Energy for 18 years, I think I know something about nuclear weapons, and I want to state categorically that President Johnson is correct. A proposal by the Republican presidential candidate that some nuclear weapons be considered conventional and be used by field commanders without prior approval of the President is the most irresponsible and dangerous proposal ever made by a candidate for President of the United States.

It is based on a shocking misunderstanding of the facts of nuclear weapons, and perhaps an even more shocking naivete concerning the circumstances and consequences of their use.

The Republican standard bearer has said that by "conventional" nuclear weapons he means those "little" nuclear weapons which can be carried by a single foot soldier, or groups of foot soldiers. Does the candidate not know that the nuclear firepower available to a single infantry division has hundreds of times the destructive force of the bombs which devastated Hiroshima and Nagasaki?

Does the Republican presidential candidate not know that both the United States and the Soviet Union today have so-called tactical nuclear weapons with yields equivalent to hundreds of thousands of tons of TNT?

Does the Republican presidential candidate not realize what kind of a world we would be living in if such tactical nuclear weapons were considered "conventional" and used as freely as bullets and hand grenades?

I know something about nuclear weapons. I know that to categorize any nuclear weapon—no matter how small—as conventional—as just another weapon—is close to madness. To talk, as the Republican candidate has talked, about the possibility of using nuclear weapons to defoliate trees in Vietnam is close to madness. To talk, casually as he so often has about using nuclear weapons is, in my judgment, utter madness.

We have such so-called little weapons. We have them by the thousands. Someday, God forbid, the President of the United States may have to order the use of some of these weapons. But let us pray that day never comes.

It does not make sense to talk about so-called small nuclear weapons as conventional. A small—the smallest—nuclear weapon is not—despite what the Republican candidate says—a slightly enlarged version of a hand grenade or mortar shell. In fact, as the Secretary of the Army recently stated:

> Our smallest nuclear weapon has many times the yield of the blockbusters dropped by World War II Flying Fortresses.

A small nuclear weapon, of the kind Mr. GOLDWATER appears to have in mind, kills by blast and by radioactive poisoning.

Mr. GOLDWATER apparently does not understand that. And he apparently does not understand something much more important. Once you start to use such weapons there is no logical stopping point.

If nuclear weapons—so-called little nuclear weapons—are indeed just other weapons, if they are to be treated as conventional weapons and local commanders are to use them without immediate prior approval of the President, then how can the United States in good conscience adhere to a policy of opposing other nations, particularly our allies, from developing independent nuclear weapons capability as conventional weapons?

I ask the Republican presidential nominee if he would make these weapons conventional—if he would strip the President of the authority for their use and put that decision in the hands of local commanders—is he not thereby advocating that all nations be permitted to have nuclear weapons? How can we say they are "conventional" for our purposes but not for other countries?

Today there are a limited number of countries that have nuclear weapons. The technology, however, is spreading. Additional nations in the years to come will have the technology and have the choice of becoming a nuclear power.

President Eisenhower and the late Secretary of State John Foster Dulles, clearly enunciated the policy of the United States as being in opposition to additional nations developing independent nuclear weapon capability. That policy has been basic in our relations with other countries including our military allies. That policy has been continued by President Kennedy and President Johnson.

Does the new Republican standard bearer plan to abrogate the Eisenhower-Kennedy-Johnson policy and encourage other nations of the world to develop these so-called conventional nuclear weapons?

For surely not even Mr. GOLDWATER can delude himself into believing that the United States alone can be allowed to use these weapons as "conventional," can assign individual military commanders the decision as to their use, but deny other nations including our allies, the right to develop and use them.

If Mr. GOLDWATER's answer to the question of spreading the development of nuclear weapons to other nations is in the negative, then I ask him how he can consistently advocate the degradation of Presidential control in our own Nation, without also accepting the same degradation of control in Great Britain and France? And if this degradation of control occurs in the nuclear free nations, will not the Soviet nation be forced to offset such degradation by placing their military control on lower levels.

I believe that Mr. GOLDWATER's proposal to treat nuclear weapons as conventional is a dangerous proposal—it is dangerous to that extent that it would enlarge the potential of nuclear exchange—it is dangerous in that it will encourage additional nations to develop nuclear weapons and thus increase the possibility of nuclear war.

CONCLUSION

We live in a very dangerous world. All of us, as President Kennedy warned, live under a nuclear sword of Damocles hanging by a thread that could be cut at any moment by accident, or miscalculation, or madness.

That thread would be fragile indeed should the day ever come when nuclear weapons—any nuclear weapons—are considered "conventional," to be at the disposal of soldiers in the field.

These men, dedicated though they are, should not have the grave responsibility of deciding whether to trigger the possible end of our civilization without knowing all the political, diplomatic, and military considerations which must go into the making of such a decision, and which are available only to the President.

I do not reflect upon the patriotism or the dedication of any field commander whether he is under national or NATO command. I point out only that their access to world security information is quite limited in relation to that of the President. Our military commanders' responsibility is to follow the military orders of the Commander in Chief, the President of the United States, a man who has been elected by a majority of our citizens, not appointed by virtue of his tactical or strategic military capability.

I deeply believe that the civilization we have, the civilization constructed so laboriously through the centuries by man's genius and effort, would be destroyed by a massive nuclear war.

I am not willing to accept the dangerous doctrine that the use of "little" nuclear weapons would not open the floodgates for the use of massive nuclear weapons.

I cannot emphasize too strongly that nuclear weapons are not—and never can be—considered as conventional.

I cannot emphasize too strongly that nuclear war cannot be considered in the same context as conventional war.

A new and almost unlimited power to blast and to poison man and his environment has been introduced by nuclear weapons. Not only would hundreds of millions of human beings perish in the first few hours of massive nuclear weapon exchange, but the colossal physical and genetic damage to the survivors would poison and damage as yet unborn descendants down through the centuries.

No. We are not faced with conventional weapons, nor a conventional war, when we discuss nuclear weapons and a nuclear war. We are faced with the survival of mankind and the protection of the genetic pool of life. President Kennedy knew this awesome truth.

President Johnson knows the awesome atomic truth. I believe that Nikita Khrushchev knows what the grim reality of nuclear war would be. These powerful national leaders not only have these nuclear facts in their minds every working hour, but I can conceive that their dreams are haunted by them. They know they hold in their hands the fate of civilization, the fate of humanity, and future generations.

As one U.S. Representative, it has been my solemn responsibility for 18 years as a member, vice chairman, and chairman of the Joint Committee on Atomic Energy to watch the development and deployment of these fearful atomic and hydrogen weapons. My waking hours, yes, and many of my sleeping hours, have been haunted by the specter of the nuclear sword of Damocles hanging by a thread over the world's population.

Until the nuclear sword of Damocles can be removed by world disarmament—and such disarmament must come if humanity is to survive—I, as one small human unit in the world's population of more than 3 billion human beings, hope and pray that the fearsome responsibility of releasing the nuclear holocaust will be retained in the mind and the hands of one man—the President of the United States.

[From the Washington Post, Sept. 19, 1964]

MCNAMARA REOPENS NUCLEAR ISSUE

CHICAGO, September 18.—Secretary of Defense Robert S. McNamara, mounting a new administration attack on Senator BARRY M. GOLDWATER, said today it can be dangerously misleading to call any nuclear weapon small.

"I believe it would be hazardous, in the extreme, to erase or ignore the line separating nuclear weapons of any kind from the conventional weapons of past wars," McNamara said.

Without mentioning the Republican presidential candidate by name, the Defense Secretary added:

"There are some who do not concern themselves with this distinction. But in Europe, where tactical nuclear weapons would most probably be used, our allies are concerned. I am concerned. The President is concerned. And I think the American people are very much concerned."

McNamara's speech was prepared for delivery to the Executives Club of Chicago, a luncheon organization of business leaders, but the Secretary canceled his appearance because reports of a new incident in the Gulf of Tonkin kept him in Washington. Stephen Ailes, Secretary of the Army, read McNamara's address to the assembly.

The address was the latest in a barrage of administration attacks on Senator GOLDWATER on the issue of nuclear weapons and their control—an issue which has become one of the major battlegrounds of the campaign.

Appearing before the Veterans of Foreign Wars in Cleveland on August 25, Senator GOLDWATER said it is reckless to deny NATO its own force of tactical nuclear weapons which he said "may truly be called and ultimately will be called conventional weapons."

Senator GOLDWATER told the veterans "these small conventional nuclear weapons are no more powerful than the firepower you have faced on the battlefield. They simply come in a smaller package."

Obviously disputing this idea, McNamara drew a number of comparisons. He said:

The smallest nuclear weapons in Europe today have a force "tens of times greater than the 1,000-pound conventional bomb of the last world war."

The average tactical nuclear bomb in Western Europe today has a power five times greater than the atomic bomb dropped on Hiroshima. That would total the blast equivalent of about 100,000 tons of TNT.

The average tactical nuclear weapon in Western Europe, other than bombs, has a yield at least equal to the Hiroshima bomb. That would be about 20,000 tons in TNT equivalent.

"The nuclear firepower available to a single U.S. infantry division in Europe is sufficient to destroy the combined population of the 50 largest cities in the United States."

And deserving special emphasis, McNamara said, is "the very serious problem of the nuclear radiation which accompanies all of our nuclear weapons, large or small."

The smallest nuclear weapons, he said, kill primarily not by blast but by radiation.

Senator GOLDWATER has contended that NATO's Supreme Commander should have greater control over tactical nuclear weaponry. The largest retaliatory weapons should remain under American control, the GOP candidate has said.

On this point, McNamara said the decision to use any nuclear weapons carries such consequences "that the man to make that decision is and must continue to be the President of the United States."

The Defense Secretary, who has been a target of Senator GOLDWATER's criticisms, also challenged the Republican standard bearer on a number of other counts—including Senator GOLDWATER's allegation that the administration is placing too much reliance on missiles and failing to develop a new bomber.

The Pentagon's current research and development program, McNamara said, will make available three designs, "any one of which could be completed and put into production before our present bombers reach the end of their useful life."

However, McNamara cautioned that any of the possible designs would cost about $9 billion for about 200 bombers and he stressed that "whether it will be wise to move from research to production for the purpose of replacing our present bombers in the 1970's remains an open question."

To demonstrate that the administration is not neglecting advances in aircraft, McNamara said that by the end of this month "we will have in the air three different mach 3 (2,000-mile-an-hour) aircraft."

He did not elaborate but it was understood McNamara referred to the XB–70, long under development and strictly experimental, plus two planes whose existence was announced by Mr. Johnson earlier this year.

They are the A–11, called an interceptor, and the SR–71, described as a long-range reconnaissance plane. The SR–71 is believed to be an adaptation of the A–11.

No other nation has even one 2,000-mile-an-hour plane, McNamara claimed, adding: "Such results are not the product of indifference to the need for development of military aircraft."

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an article appearing in the Washington Post under date of September 19, 1964, entitled "McNamara Reopens Nuclear Issue."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOBILIZATION FOR YOUTH

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from New York [Mr. FARBSTEIN] is recognized for 15 minutes.

Mr. FARBSTEIN. Mr. Speaker, several weeks ago a New York newspaper story alleged that the federally supported project on the Lower East Side of New York, Mobilization for Youth, was "riddled with Communists." Since then, the organization has been subject to attack generally. There have been various charges and countercharges, numerous investigations, and a series of conflicting and confusing news reports. I think the time has come to treat the questions arising around Mobilization for Youth with the cool head of reason. The time has come to sift fact from fancy, to answer the myths and misconceptions, and to really discover what have been the fields of activity of this important organization.

Mobilization for Youth was established in my congressional district several years ago to combat a serious problem of juvenile delinquency. The program was undertaken after many studies by highly qualified authorities who were charged with the responsibility for formulating an attack which would get to the root of the problem rather than by hacking away at its branches as had previously been tried with little result.

The program that evolved received the closest scrutiny from Federal and municipal agencies, as well as from philanthropic foundations and private individuals. As a result of this careful study, investigation, and evaluation, the program received funds to tackle the job. The Federal Government provides 58 percent of the money, the Ford Foundation provides 14 percent, and the city of New York contributes 28 percent from various municipal agencies.

The key words of the Mobilization program are that it is "a social experiment offering social services combined with research and evaluation." It views delinquency as a byproduct of such basic problems as poverty and discrimination. Its laboratory is in my district, the Lower East Side of Manhattan, and it spans 67 blocks and an area high in social problems.

The action part of the Mobilization program is divided into four parts—work, education, community organization, and services to individuals and families.

Mobilization's youth employment and training program is a pioneer effort which has already influenced the direction of youth employment programs throughout the country. It approaches this problem through vocational counseling, work sample assessments, subsidized work experience, on-the-job training, formal trade training, job placement, and a remedial program to help basic language deficiencies which often result in bars to employment.

Ninety percent of the young people who apply at Mobilization's Youth Job Center are school dropouts. Ninety-five percent are Negro and Puerto Rican. Many come from families on public welfare. Eighty-five percent of them were unable to obtain or hold jobs in private industry without training and work preparation.

Mobilization established an Urban Youth Service Corps to provide paid work for unemployed, out-of-school, young people. From October 15, 1962, until December 31, 1963, 661 boys and girls participated in this Youth Service Corps; 522 of them full time and 139 part time. Major corporations, such as Shell Oil Co., for example, from whom Mobilization has leased a gas station to train young men for jobs in service stations and as auto mechanics, have cooperated in this project. In the spring of 1964, 252 young people were enrolled; 167 of them full time and 85 part time.

Mobilization's youth employment effort has developed new forms of on-the-job training. It has focused particularly upon young people who are the most difficult to place and, indeed, it has found jobs for them in private industry, often in small businesses, with employers sharing the cost for initial training. As of December 31, 1963, 230 young people had been placed in on-the-job training and 73 more were enrolled in the spring of 1964.

While it is too early to assess the results of Mobilization's efforts, one interesting fact has emerged: a large percentage of young people in the program had been either on probation or on parole. Many had been gang members. Yet, in the employment program, disciplinary problems have been rare. Even members of rival gangs have worked side by side. Apparently, working together reduces conflict. And so, in this vital area of youth employment and training, Mobilization must be considered a success.

The second major area of Mobilization's work is education. Here, too, Mobilization has scored impressive results. Its homework-helper program pays bright high school students to tutor failing elementary school youngsters. In February 1964, 240 high school students were tutoring 570 elementary school students, directed by 13 "master teachers."

Its early childhood program, involving 20 kindergarten and 20 first-grade classes has been an effort to help children from the most problem-filled homes get off to an even start in school through special attention. In February 1964, 1,252 children and 42 teachers in 12 schools were involved in this program.

Two reading clinics have been organized to help elementary and junior high school children.

Classes for the parents of retarded readers have been provided.

Nine Mobilization reading teachers are working with 768 moderately retarded readers. Special materials have been developed in this program.

Various other laboratory schools and programs have been developed to increase understanding between the school system and the community.

Here, too, the Mobilization effort has been a pronounced success.

In this area of services to individuals and to families, Mobilization has opened two coffeehouses, which serve as social and cultural centers. The membership of these shops cut across gang lines, with the youths themselves playing a large role in building and managing these facilities.

Young adult action groups have been organized, which give a hearing to the point of view of the adolescent and attempt to shift the thinking of minority group youngsters into positive channels for democratic social change. Mobilization for Youth has conducted institutes on education, problems with the police, and civil rights. Seventy members of this group visited Washington in February of this year to support the Youth Employment Act, and met with Secretary of Labor Wirtz, Attorney General Kennedy, and Members of Congress.

An Adventurers Club has been formed involving children between the ages of 8 and 13. About 300 boys and girls are enrolled in this club whose activities include a marching band, sports, and camping trips.

Programs designed to break the pattern whereby younger boys are recruited to gang life have been developed under which youngsters are shifted into more positive roles in community life. Leaders work with small groups of 8- to 12-year-olds. As of this year, 306 youngsters were being served by this program.

In these three areas, of the four main areas mentioned, there has been no hint of any criticism. Far from it. These programs have more than justified Mobilization's costs and activities. The newspaper headlines and the newspaper criticisms deal with the fourth area and with only a small part of it. The newspaper criticism deals with the so-called community action portion of the Mobilization program.

Let me say, first, that this portion comprises about 5 percent of Mobilization's activity and uses about 5 percent of the Mobilization budget. I do not want to minimize its importance, however, by these percentages. Community organization was, and is, one of the functions of the Mobilization program. Briefly, the purpose of this aspect of the program is to help people to help themselves. Its philosophy is based upon proven fact that bringing needed, traditional, and new services to the poor, or offering bigger and better services is not enough.

These efforts must be coupled with efforts to get people motivated to want to do something for themselves.

While I would agree with some of the objectives of the so-called community action portion of the Mobilization program, I regret I do have to say that some of the methods used in attaining these objectives have sometimes been devisive and harmful.

I can understand tenants cooperating for the purpose of ameliorating indecent, unsanitary, hazardous, and otherwise miserable living conditions which are injurious to themselves and their children; however, I do not condone the misuse of organized rent strikes.

While I can understand the feeling of parents who advocate action that may appear momentarily beneficial to their children, I do not believe that children should be used in organized school boycotts as pawns to attain these ends.

An example of appropriate community action was the march on Washington last summer. It was a demonstration supported by President Kennedy and by scores of Governors and mayors, including own own Mayor Wagner. It was also supported by scores of Senators and Congressmen, many of whom attended, in a body, and had seats of honor at the Lincoln Memorial. The city of New York, itself, gave many of its employees time off to participate in the march.

Insofar as Mobilization's being riddled with Communists is concerned, this is now under investigation by the Federal Bureau of Investigation, the New York City Department of Investigation, and Mobilization, itself, has retained the services of Philip W. Haberman, Jr., a well-known and highly respected attorney with broad experience in such matters.

No one in Mobilization will accept or condone employment of subversives. Any who are found will be separated from the program. Of this there is no doubt, and of this there is no question. The fact is, however, that the attack on Mobilization has been a broad-scaled rather than a narrow-scaled attack. The present controversy can have destructive effects. I would not wish this program to be stifled, nor would I wish this program to be jeopardized.

I do not hesitate to criticize Mobilization for Youth where I believe it is wrong, but at the same time, I do not believe that the child should be thrown out with the bath. Especially where it is, and has been, universally recognized that an overwhelming proportion of the efforts of Mobilization for Youth has served my neighborhood so well.

Therefore, I believe we must take the view that, as in all experiments, trial and error are implicit. This must hold true in social experimentation, as well as scientific experimentation. I said earlier that one of the key words to the Mobilization program is that it is a "social experiment." Just as Thomas Edison said he found 1,732 ways not to make an electric light bulb, so must we be tolerant that an experiment which deals with as many people as this does, in as deprived, underprivileged, and depressed a community as this is, that as in all experimentation trial and error are implicit. If error has been made, it should be found and it should be corrected. We are assured by Mobilization officials that if errors, indeed, are found, they will be corrected. The overriding fact, however, is that the Mobilization program, in the brief years of its existence, has already clearly demonstrated its basic and inherent values. Its contribution to our young people has already been significant. It has developed programs of national significance in the field of employment, education and services to individuals and families. If we find that one or two aspects of its community organization program are weak, this can be, and should be, and will be corrected.

As a Representative of the district in which this pilot project is taking place, I feel I should report to the Congress upon its progress, as well as upon its difficulties, and let you know that, in my considered judgment, more than 95 percent of this program warrants the high hopes that we hold for it. This is a percentage that compares far more favorably with that of any other field of experimentation. I am confident enough in the leadership of Mobilization to know that any weaknesses will be overcome, any errors corrected. The program has my support and, I am sure, the support of all enlightened, intelligent, well meaning citizens as well.

Under the recently enacted Economic Opportunity Act of 1964—the antipoverty legislation—a program for community action projects is being started which will have a much broader scope than that of the Lower East Side. I believe it is necessary to establish certain guidelines. I would not wish for these guidelines to stifle the creativity or initiative of the people who benefit most directly from this program. But we must maintain a sense of responsibility to the whole community—to its larger needs, to its greater good, and to the maintenance of peace and lawful activity. We must all remember that the freedom we have is not license for unbridled action, but the liberty to do the most responsible job in a public-minded way.

In sum, let it not be forgotten that this is a pilot program. One whose raw edges are in the process of being smoothed out. This will eventually be done.

THE DELEGATION OF CONTROL OF NUCLEAR WEAPONS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HOSMER] is recognized for 40 minutes.

Mr. HOSMER. Mr. Speaker, my first remarks will not be those addressed to the remarks made by the gentleman from California [Mr. HOLIFIELD], but to the general trend of the debate which is going on on the presidential campaign trails relative to the issue of control of nuclear weapons. I believe it is high time this administration was brought to task for its complete duplicity regarding the question of whether the supreme NATO commander should be allowed to decide on the use of battlefield nuclear weapons in the event of a surprise Soviet invasion attack.

They have aimed a barrage of low-level smears at Senator GOLDWATER for taking the position that delegation of authority should be allowed in precisely defined contingency situations. Yet, stated in the current issues of Time and U.S. News & World Report is the fact that already there has been such a delegation by Presidents Eisenhower and Kennedy. These magazines report that such delegation by President Johnson himself does in fact exist today.

But the Johnson administration has not had the courage to reveal this to the American people. At the same time it has taken no steps to deny it. Instead, the Johnson administration has launched an attack on Senator GOLDWATER alleging he is "trigger happy" because he supports an agreement which, usually reliable sources report, does exist, and the administration, one would think, does know either if it exists or does not exist.

This is the big lie technique. For this administration knowingly to mislead, misinform, or fail to inform our people on a question involving our national survival can only be attributed to the basest political motives.

So much for that. I certainly do not include my colleague from California in the remarks I have just made. I believe his handling of this subject was an excellent one, showing magnificent restraint. During the time that he spoke he did not on more than one occasion repeat any of the following words and phrases: "shocking misunderstanding", "shocking naivete", "hundreds of thousands of tons of TNT", "utter madness", "God forbid", "let us pray", "dangerous proposal", "dangerous world", " Sword of Damocles", "accident", "miscalculation", "madness", "fragile thread", "trigger the end of our civilization", "massive nuclear war", "open the floodgates", "power to blast and to poison man and his environment", "hundreds of millions of human beings would perish", "colossal physical and genetic damage", "survival of mankind", "awesome atomic truth", "grim reality", "haunted dreams", "solemn responsibility", "fearful weapons", "haunted by the specter", "hope and pray", and "nuclear holocaust".

The failure to repeat those words and phrases more than once, and the restraint shown, I believe is commendable; but let us take a look at this situation about which my good colleague from California was speaking—the delegation of control of nuclear weapons.

Let us for a moment, forgetting this flurry over whether it actually has or has not already been made, see what has been pictured to this House today by the gentleman from California [Mr. HOLIFIELD].

He spoke of tactical nuclear weapons ranging in yields to hundreds of thousands of tons of TNT. He rightly suggests that using them would be utter madness. He says once their use is stated, then there is no logical place to stop. He says:

> I am not willing to accept the dangerous doctrine that the use of little nuclear

weapons would not open the floodgates for massive nuclear weapons.

So this, he predicts, would mean an escalation to all-out nuclear war and trigger, as he says, the end of civilization and also result in colossal physical and genetic damage. Let us assume that these would be the results. This would be an incredible consequence. To bring it about would be the apex of irrationality. But, in speaking, the gentleman from California, although condemning such an action by a field commander, did not take the opportunity to indicate that if such an action were taken by the President of the United States himself, rather than a field commander, it would be no less incredible and no less irrational an act. His arguments, like so many more, miss completely the basic issue of the debate that is raging throughout the Nation today. The real basic issue is whether or not we possess the kind of nuclear weapons whose control can safely be delegated. Those weapons described by the gentleman from California certainly do not fall in this category. The truth of the matter is that we do not possess such weapons. Certainly, as indicated by him, we live in a risky world, and it is incumbent upon us to take every possible measure to reduce the risks of that world. However, missing the point of the control issue will not do it, and messing it up with oratory will not do it, either. Let us admit we do not have the nuclear weapons we need. Who, then, is at fault? Where does the indictment lie? What is the situation today under the facts and circumstances of our nuclear arsenal that have been outlined by the gentleman from California? What if a surprise invasion of Western Europe should be initiated by the Red army? What alternatives would face the President of the United States?

First, the President could unloose those weapons that the gentleman from California has described; escalate to a tremendous nuclear firepower; and thereby invite the Soviets to take the same kind of action in return.

The President's second alternative would be one of restraint—not to use these weapons; resort only to conventional weapons—in which case obviously the overwhelming manpower of the Soviet army would soon have Western Europe at its mercy. He would, in effect, abandon the allies to whom we have pledged our aid in the event they are victims of Red aggression.

The only other alternative that would be left to the President would be to go back to the doctrine of the days when we alone possessed the bomb, the massive retaliation doctrine, turn SAC's bombers and ICBM's loose on Russia. This, of course, would call for similar action against us on their part. This is the horrible specter of all-out nuclear war our colleague described with many of the adjectives in his speech.

If that is the situation today, and the President has no more alternatives than these, then I ask the gentleman from California, notwithstanding his speech, what is the good of it? What is the difference to him or anybody else whether the world is burned to a crisp by the decision of a field commander, a NATO commander, or a President. The result is the same.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I will yield in a moment.

If there is any indictment to be made regarding this issue and all of its implications, it is that today not only do we fail to possess the kind of nuclear weapons which safely can be delegated to a NATO commander, we do not even have the kind which can be used safely or sanely by a President himself to meet a very possible threat that could materialize. This is a situation so possible that day after day efforts of one kind or another are being made to forestall the imminent collapse of the NATO Alliance.

Now, why are there grounds for indictment here? There are grounds for indictment because the Kennedy-Johnson administration had ample notice and had the opportunity to have the kind of nuclear weapons in stockpile today that could be safely used by either the President or by a delegation of authority to responsible commanders; the kind of weapons that unlike the conventional weapons we are forcing NATO to rely upon today would not impose the kind of destructive havoc that conventional weapons wreaked on Europe in World War II and World War I. We would possess discreet battlefield weapons which could be used strictly against enemy troops in the field, and whose effects would be strictly limited to the battlefield. And with these you could promise Western Europe a guaranteed deterrent against Soviet invasion.

Why do I say that there are grounds for indictment of the Kennedy-Johnson administration in this regard? Because 4 years ago, just about this time of the year, in the campaign between Richard Nixon and John F. Kennedy, Mr. Thomas Murray, for 6 years an Atomic Energy Commissioner, under appointment of President Truman, wrote an open public letter to John F. Kennedy and Richard Nixon advising them that within the state of nuclear technology that long ago were the discreet battlefield weapons I have described, weapons which could have been developed, be in our stockpiles today. There are the kind of weapons that could be used to stem a Communist invasion without at the same time destroying that which we seek to preserve and without in fact endangering civilization to its very foundations.

That is the indictment, the failure of the Kennedy-Johnson administration to give our scientists the go-ahead to produce these discreet battlefield weapons we so tragically lack. That is the issue in this campaign. If fault there is it is up to the present administration to explain why it has not pursued in the past, and does not today, pursue development of the kind of discreet battlefield weapons which I have described.

Mr. Speaker, I now yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Speaker, I thank the gentleman for yielding. I appreciate the temperate nature of his remarks. I recognize that there is a complete difference of philosophy between his attitude toward these weapons and mine. Certainly he is entitled to his opinion just as I believe I am entitled to mine. I am not going to argue the point of the development of weapons with lesser radioactivity. This point has been conceded years ago, that the less atomic material and the more hydrogen material that is in a weapon, the less radioactivity there is in a weapon.

I am not however conceding that we do not have weapons which are of lesser content in radioactivity than those we had in years gone by. I will not make that concession. However, I am going to take the gentleman's very sophisticated argument and leave for one moment aside the indictment which he has made against the administration, and point out that this is no new knowledge to the Kennedy administration or the Johnson administration. This knowledge of how to lessen radioactivity has been in the hands of weaponeers and in the hands of scientists and within the knowledge of our committee for many years, going back to the Eisenhower administration. So, this is not a matter of indicting either the Eisenhower administration or the Kennedy or the Johnson administration. That is not the point that is involved. The point that is involved as I see it is the control of the use of these weapons, the decision to use nuclear weapons, whether these nuclear weapons be with X amount of radioactivity or one-tenth of X amount of radioactivity or 1 percent of radioactivity. I am merely using figures as an illustration, because whether the nuclear weapon is high in radioactivity or low in radioactivity, the utilization of the first nuclear weapon brings into the context of enemy consideration immediately a rebuttal, a response.

Now, when we use the nuclear weapon, how do we know what kind of a nuclear weapon the enemy will respond to? Perhaps, he will not be possessed of weapons of low radioactivity. Perhaps, if he does have them he will not decide to respond with that kind. He may respond with the weapons of high radioactivity.

So, we get to the point of the decision to use them and then what I believe would be an inevitable progression or acceleration of the utilization of small nuclear weapons perhaps with limited radioactivity, to larger ones and perhaps with limited activity to small weapons with maximum radioactivity or substantial radioactivity, and the response of weapons of that kind.

Therefore, I am not hinging my argument on the type weapons that can be used, because I take the position—and this is a position which the gentleman can challenge, of course, as I challenge some of his positions—I take the position that the introduction of nuclear weapons into warfare by any nation will open the floodgate for the use of nuclear weapons by other nations.

I would not be so naive as to believe, knowing as I do the Soviet mind and thinking and their record of the utilization of weapons, that they would deny themselves the utilization of the weapons which would be the most effective for a response, if we ever get to the point of throwing these weapons.

Now, the crux of my argument is that the decision to use any kind of a nuclear weapon should be in the hands of the President of the United States and not in the hands of local commanders, the commander of NATO, or the local field commander.

I have plenty of quotes that I could give in which the Republican candidate for President has used both terms.

Mr. HOSMER. I would appreciate it if the gentleman will be as brief as possible.

Mr. HOLIFIELD. Well, this is not a subject that one can be very brief about, but I shall just sum up my argument by saying that I shall not argue with the gentleman about the type of weapon which could be made or should be made. That decision has been made by Mr. Eisenhower, Mr. Kennedy and Mr. Johnson, and by the Chiefs of Staff.

The gentleman's idea happens to be different, but I am still arguing on the point of my speech, which was the control by the President, that he sets up the types of situations in which a weapon would be used and he exercises his judgment on that question.

I do not want to leave that decision of the initial use of any type of a nuclear weapon up to a commander in the field who might feel—and might be justified as far as the local military situation is concerned—that they should be used but who might not know the overall world situation and therefore might take a risk of the escalation of nuclear war which the President might find a way to avoid.

Mr. HOSMER. I thank the gentleman for his comments. They are fallacious for several reasons, so let me proceed.

First, the gentleman assumes that the moment any type of nuclear weapon is used, even though it is a weapon, the effect of which was totally confined to the battlefield, even though it is a weapon that is much more discreet and discriminating than any high-explosive weapon that we have in our stockpile, it will immediately trigger an escalation to all-out nuclear war.

Let me say that has been the thesis of Communist propaganda for the last two decades. It is known as the no-threshold theory. Any time you fire one the whole arsenal blows up, it says. That is simply an incredible theory. The Communists have expressed it again and again year after year, and it is simply because they have sought by this threat of immediate escalation to deny the West the use of its nuclear arsenal. In parallel line with propaganda they have used every pious platitude they have been able to think of to throw doubt in the minds of the Western World about the morality of even possessing such an arsenal.

Let us examine this theory that has been presented and repeated to us by the gentleman from California—the nothreshhold theory. If the Soviet Union decides to invade Western Europe it will be for the purpose of acquiring Western Europe's vast pool of manpower and vast economic potentiality. The Soviet Union today is faced with a combination of North America and Europe with a population and productive capacity that outweighs that of the Soviet Union by almost 2 to 1. Under those conditions it is unable to achieve quickly its goal of world domination. So this obvious Soviet strategy is to sever off Western Europe from the United States of America, add its manpower and productive capacity to its own, then in that manner achieve the power it needs to complete its goal of world domination by overwhelming the United States.

The Soviet Union simply cannot destroy Europe in the process of seizing it. The idea is basically in conflict with the necessity it faces to seize it. So there is no basis for the gentleman's fear that in the scenario we are talking about a Soviet invasion of Western Europe—that such escalation would occur. It would be self-defeating to Soviet aims. They do not act nationally, even though we sometimes may.

Secondly—and I must emphasize this—I am not talking about the use of the weapons of horrendous destruction the gentleman from California is talking about. I am condemning the use of such weapons, the ones that are now in the stockpile, even more than he is. I do not even think the President should think about using them. I am talking about discret battlefield weapons whose capabilities we must have if the Soviet Union is to be kept from invading Europe some day. I am talking about weapons whose effects can be limited strictly to the battlefield and which would be employed solely against uniformed personnel engaged in a hostile invasion. We can never say that war is humane, but with the weapons I am talking about it would be far less inhumane than with any we now have in either our conventional or nuclear arsenals at the present time, thanks to the Kennedy-Johnson administration. It is simply irrational to contend that the use of that kind of weapon would involve an immediate or even an eventual escalation to all-out nuclear war.

If the gentleman from California's position is to be the national policy of the United States, then why keep our nuclear stockpiles at all? Throw them away, give up, do it now, or you will have to do it later.

If, on the other hand, we have that kind of policy and then suddenly change it at the moment the Soviets have decided our will is weak and the risk of invasion is small, then we suddenly get the gumption to resist, start tossing our indiscriminate weapons, then we do risk the kind of escalation to all-out war he is talking about.

There is a third comment I want to make about the gentleman's remarks. These weapons I am talking about, these discreet battlefield nuclear weapons, whose effects are confined to the battlefield, that are within the ability of our nuclear laboratories, that former Atomic Energy Commissioner Thomas Murray plead for, that today would be in stockpile if Mr. Kennedy's defense philosophy had taken a different turn after he was sworn into the Presidency in 1961, the weapons which we do not have—what happens if the Soviet Union possesses them? They have capable nuclear scientists. We have no reason to believe they are less capable than ours. They have talked about these kinds of weapons. As a matter of fact, a recent Soviet book on military strategy even discusses in a practical way their use. Of course, we have no way to prove or disprove that they do not have them.

But what, I ask you, will be the situation if, in fact, they do have them and we do not?

There again is the second indictment against the Kennedy-Johnson administration. It is the failure to develop and to stockpile our nuclear arsenals with the kind of weapons that are rational, that are militarily significant, that are within the state of the nuclear art and that do have promise of giving the free world the shield against aggression that it must have.

Mr. WESTLAND. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Washington.

Mr. WESTLAND. I should like to talk about this matter of control of nuclear weapons. In reading many newspaper articles and stories of the columnists and some of the statements that have come out of the administration, you would think that the matter of giving any control or more, say to NATO, had never been discussed, that the President was always going to have the final, ultimate say on whether or not nuclear weapons were ever going to be used.

I should like to ask the gentleman in the well two questions. If this is the case, then why has this administration so persistently urged this multilateral force, which would consist of members of NATO countries, Germans, Italians, Greeks, and Turks, all in the same ship with nuclear weapons, with Polaris weapons? Why would they persist in having this sort of a NATO force if it is not to give NATO allies more control, more say, about the use of nuclear weapons?

Let me ask one further question. Is it not also a fact, or could it be a fact, that because this country has not cooperated in a greater way with NATO in this nuclear weapon field, and I think we all recognize substantially that this is the case, but could it not be the reason why De Gaulle has built his force de frappe, why he has his own nuclear force himself and why the British have their own nuclear force today? And this is one of the arguments in their political campaign this fall. I should like to ask the gentleman to answer those questions.

Mr. HOSMER. Of course, as to the multilateral force proposal, I simply cannot understand what is behind it. Obviously a mixed manned force with nuclear capability, and in this instance it is a strategic force rather than a tactical force, certainly implies mixed control.

Yet mixed control is exactly what Mr. Johnson is denouncing. So a great schizophrenia exists here between the MLF approach pursued by the administration on the international front and the zealous harboring of nuclear control which it pursues on the campaign trail and other approaches. The MLF is just another one of a long series of illusory deals that have been cooked up to try to make the Europeans think they have some substance of control while at the same time withholding it. What must they think, being offered MLF and hearing Johnson's campaign declarations at one and the same time? If it is not a dishonest inconsistency, it is certainly a perplexing one.

The gentleman from Washington had one more question and that was whether or not our policy with respect to NATO and nuclear weapons has influenced the French decision. Of course, the answer to that question is decisively yes. First, it induced that country to develop its own strategic nuclear weapons. Now it impels it to acquire tactical ones. As a matter of fact, the French Government is spending much money and devoting great effort by the year 1970—5 years, 3 months from now—to place its tactical forces totally on a nuclear footing.

Now who will control these French tactical nuclear weapons? We will not. The U.S. President's finger is not on the French nuclear trigger and never will be. General de Gaulle's finger is on it and his successor's finger will be on it.

Why has Mr. de Gaulle been impelled to go about this nuclearization of his tactical forces? Simply because in 1961 he was told by President Kennedy that since the Soviet Union had achieved its massive capability to exchange intercontinental ballistic missiles with the United States, the massive retaliation doctrine was no longer credible as a deterrent against Soviet invasion of Western Europe and therefore something else had to be substituted. Mr. Kennedy and Mr. Johnson had what they thought was a solution. "We will increase conventional forces," they said.

The Europeans viewed that with a great deal of dismay and the greatest of hostility. What we were in effect telling them was that if the Soviet invades Europe, we are not going to run the risk of any destruction of the United States or of any destruction of the Soviet Union—the two of us are going to stand clear from this destruction threat. We will eschew nuclear exchanges. We will let Europe again be ravaged by the holocaust and destructive power of the conventional warfare which laid it to waste in the two World Wars.

General de Gaulle and the rest of the Europeans, faced with that kind of choice, of course, took no steps whatsoever to augment their budgets and build up their conventional forces. It was simply too much to ask them to place themselves in a position inviting that kind of destruction. The result is that today Europe is in greater peril of Soviet aggression than for many years. The only feasible way to change this situation is to stockpile the discreet battlefield weapons I have described, which do not invite escalation and whose consequences are far less severe than the conventional explosives. These are what we have to have. The big question is why President Johnson and his immediate predecessor have failed to have the courage or wisdom to see that we have them. I will say this: During the Eisenhower administration, which the gentleman from California has referred to, these developments were researched and carried to the point where, at the end of President Eisenhower's term, a decision could be made to weaponize them. But when this Kennedy-Johnson administration came in, no such decision was made.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Iowa.

Mr. GROSS. It is my understanding that in 1950 the present Democratic candidate for vice president advocated turning over our then stockpile of nuclear weapons to the United Nations.

True, he would turn them over to an international force under the United Nations, but slice it as you will, he still called for the turning over of our stockpile of weapons to the United Nations under certain conditions. Certainly this meant, and could only mean, in the hands of military commanders outside the United States, in part.

Mr. HOSMER. Did I correctly understand the gentleman from Iowa to say it was the present President, or the vice-presidential candidate, or both, who made the suggestion?

Mr. GROSS. The present candidate for vice president on the Democrat ticket.

Mr. HOSMER. I thank the gentleman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Missouri.

Mr. HALL. I should like to compliment the gentleman on his erudite knowledge and on what he has stated here, and thank him for taking this time in order to straighten out what I would, at the same time, like to castigate as the worst kind of demagoguery—namely, responsible men or the press perpetuating a managed crisis wherein by definition and use of semantics. This is an issue. I believe the knife must be thrust near the bone, judging from the blood that the "nervous Nellies" are spilling.

I believe the question of escalation as to nuclear weapons—be they tactical or strategic, the large bombs, or those carried by individuals or fired as rifle grenades or by the large howitzers, or lofted as bombs by Minutemen—is a question of individual opinion. I believe no one of responsible aspiration has ever claimed that these would be used as "conventional," but only as essentially clean, battlefield weapons.

Certainly every school child now knows, because it is in the World Book, that this is possible regardless of cleanness or uncleanness.

We should remember, if we are going to make this a political issue, that it is the other party than that which I represent or the Senator from Arizona represents which has started three wars in the past 50 years.

Certainly I believe we should well remember who used the A-bomb not once but twice.

I should like to ask the gentleman a question in respect to communications with relation to time it would take for the President to authorize use of battlefield nuclear weapons, be they clean or unclean. Would the men not have to be equipped and/or armed with such weapons if communications are as they were represented by the Secretary of Defense a week ago Friday night, on the last incident in the Gulf of Tonkin, which was not much better than that experienced at the time we waited for a telegram about Pearl Harbor some 20 years ago? Would there not be a question of maldecision if we had to wait for that report and then get it back to the using soldier?

Mr. HOSMER. First, I thank the gentleman for his valuable comments. Second, let me say that Dr. Konrad Adenauer, recently German Chancellor, observed, in contemplation of this kind of delay, that even under the best conditions, with the fastest type of communications between the battlefield and the White House there would be an hour's delay. In his opinion this not only would imperil a West German city under attack but also would be likely to cause the total fall of Europe, altogether.

Mr. HALL. Exactly.

Mr. HOSMER. That is in the best situation. If the President were not at the White House with his hand on the telephone, if he were out speeding in an automobile on the highway or crushed in a frantic crowd of admirers at a convention, what would happen in that kind of situation? There would be hours of delay.

Mr. HALL. Exactly. If the gentleman will yield for one moment further, any news magazine can now tell a child in school about the Honest John and the Sergeant, and their capabilities, and about the Davy Crockett.

If we do not believe books like that or the World Book, I would suggest our colleagues listen tonight to NBC when the former General of the Armies, a past President, who has been mentioned here, appears in order to discuss this. I think it will clarify the American mind.

I thank the gentleman for yielding.

Mr. HOSMER. I thank the gentleman, and I now yield to the gentleman from California [Mr. HOLIFIELD], but I am afraid that I only have 30 seconds left.

Mr. HOLIFIELD. I was afraid of that. I might even be tempted to ask for an extension of time.

The SPEAKER. A request of that sort would be out of order at this time.

The gentleman may proceed.

Mr. HOLIFIELD. First I want to say if the gentleman will read my speech, he will see I did not assume that the use of little nuclear weapons would escalate into a use of massive nuclear weapons. I said I would not take the risk of the possibility of this escalation which would occur.

Mr. HOSMER. I think the gentleman's exact words were that "I am not willing to accept the dangerous doctrine that the use of little nuclear weapons would not open the floodgates for massive nuclear weapons."

Mr. HOLIFIELD. That is right. I am not willing to take that risk. The gentleman is. That is where we differ. The second thing I want to say is in respect to giving the French these secrets, it is easy to criticize them. At the time when France wanted the secrets of nuclear weapons and other nuclear secrets a study was made of the French Government.

Mr. HOSMER. I am not advocating and I do not want it to be implied that I am advocating giving nuclear weapons to the French. What I did say was this——

Mr. HOLIFIELD. May I use the time that you yielded to me? Are you yielding to me or not?

Mr. HOSMER. I do not yield any further, then.

I said the fact that NATO did not have an adequate tactical defense caused the French on their own to seek that responsibility.

I yield again to the gentleman.

Mr. HOLIFIELD. The gentleman's remarks I believe will show that the cause of the French developing their weapons was because we would not at that time give them the secrets of the weapons. The gentleman knows as well as I know that the security of the French nation at that time was permeated by Communists. Over 30 percent of those in Parliament at that time were Communists and it was the judgment of this Nation that we should not risk those secrets at that time.

The SPEAKER pro tempore. The time of the gentleman has expired.

GOVERNMENT QUOTAS ON RESIDUAL FUEL OIL IMPORTS

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Massachusetts [Mr. CONTE], is recognized for 15 minutes.

Mr. CONTE. Mr. Speaker, once again I must rise to plead New England's cause and ask relief for her people from the punishing effects of Government quotas on residual fuel oil imports.

My concern today is caused by an item in the September 10 Journal of Commerce, which states that residual prices are to be increased because of a tight market for heavy fuel which now exists on the gulf and east coasts due both to import restrictions and the continuing efforts of domestic refiners to break down heavy residual fuels into higher profit, light products.

One large consumer of this fuel in my district has advised me that even as little an increase as 5 cents a barrel in his fuel costs would add $17,000 a year to his company's operating expenses.

The resentment of this consumer, I might point out, is typical of a growing feeling throughout New England toward the whole oil import program. In a letter to me he calls attention to recent efforts by domestic oil producers to reduce oil import quotas because of an unusually high surplus on the eastern seaboard. He is fearful that any increase in residual oil reflects a trend of things to come and, if lobbyists for the domestic oil producers are successful in their efforts to reduce crude imports, similar price increases will be reflected in all of their other products throughout the area.

In other words, here is one consumer who has put the residual and crude questions in one bundle and is gravely concerned.

On prior occasions I have stressed that the two should be separated. The whole program of restricting imports of petroleum and its related products was instituted because it was believed essential in the interest of our National security to preserve and promote a healthy domestic petroleum industry.

Residual fuel, you will recall, was included in the program only because of its relationship to petroleum and apparently as a last minute concession to powerful political pressures exerted by the coal industry which has constantly used residual fuel as a scapegoat for the automation-caused unemployment ills in that industry.

The Director of the Office of Emergency Planning has found that residual import controls are not necessary for our national security and do nothing to stimulate exploration and development of our domestic petroleum industry.

The domestic industry for the most part has little cause to produce residual fuel. In 1946, when U.S. refineries processed 4,740,000 barrels of U.S. crude oil each day, they produced 29.9 percent, or 1,182,000 barrels of residual. Last year when 8,687,000 barrels of U.S. crude were refined daily, the residual yield was only 758,000 barrels.

The obvious reason, of course, is economic because the market price for residual can be as much as $1 per barrel less than the cost of the crude oil from whence it comes.

For these reasons, I fail to understand why some segments of the domestic petroleum industry continue their support of residual import quotas when they know that imports of residual merely supplement decreasing domestic production with no significant effect on the market for domestic crude oil.

I would ask that the domestic petroleum industry take a good long look at its position on the question of residual fuel imports which New England, Florida, and other east coast areas must have and which the domestic industry does not care to supply. I ask them to seriously consider whether or not they truly feel they are profiting at the expense of millions of east coast consumers by continuing to support residual import controls.

At the conclusion of these remarks, Mr. Speaker, I would like to insert in the RECORD, two applicable and relevant articles on the subject of fuel oil. The articles, both excellent, deserve wide reading. One is by Peter B. Greenough, from the Boston Globe, and the other is from the Winchester, Mass., Star.

[From the Boston Globe, Aug. 17, 1964]

WHO'S STOKING HIGH FUEL BILLS?

(By Peter B. Greenough)

Assuredly the saw about New England's two seasons—July and winter—really fits. In our household the hand that rocks the cradle was the hand pushing the thermostat these past few days. And naturally thoughts turned to fuel bills ahead.

Of late this column has been examining factors affecting manufacturing costs in Massachusetts: taxes, transportation, and so on. Fuel costs are a very real factor here, too.

Except that whenever someone tries to do something about them, outside interests interfere.

What a rooking New England gets from coal country, insofar as paying a fair price for fuel. Something that just happened in Washington underscores this.

Until recently, the General Services Administration (which pays the bills for heating many of the Government buildings around the Capital) had been paying a premium price of $2.85 per barrel for residual oil, not used for home heating.

Like everyone else on the east coast who uses imported residual, GSA was trapped by import quotas on this gooey yet essential stuff. Because residual was forced into short supply, there was no open bidding for it.

GSA managed to convince the Interior Department that the situation was silly. Last spring Interior granted GSA a new import quota covering two-thirds of its annual oil needs of 1.5 million barrels.

The thing was then thrown open for bids, and 10 potential suppliers responded. Stewart Petroleum reportedly has won with a tender of $2.3604.

This means, then, that a savings of almost 50 cents per barrel will be in effect around Washington, at least for that branch of the Government. Potentially it represents a savings of half a million dollars or more per year.

We won't get it here, either in Government or private installations. Nor will the Department of Defense, which always becomes remarkably ostrichlike whenever the subject of residual oil quotas bubbles up.

Representative WILLIAM H. BATES, Republican, of Massachusetts, has been carrying on a running letter feud with DOD over the inconsistencies shown here.

DOD wants to knock off the Watertown Arsenal to save some $5 million yearly. Yet, BATES argues, DOD could save $7 to $9 million per annum if it were excepted, as GSA now has been, from restrictions under the mandatory oil import control program of 1959.

DOD has admitted to Congressman BATES that it could realize a substantial savings (in fueling naval vessels) if exempted. But, Secretary McNamara's office retorts, it would be "inconsistent" to claim this exemption.

Inconsistent with what? Do two inconsistencies make a consistency, or even a constituency?

Eighteen months ago the Office of Emergency Planning after long study, declared that residual oil quotas were of no consequence as a national defense aid. The President then was urged to provide a "meaningful relaxation" of import controls.

None has been forthcoming.

With its traditional way of allowing the left hand to do something the right cannot, the Government has in effect forced a two-price system in fuel oils. One for the GSA (and indirectly the taxpayers). And a higher price for Defense and New England consumers. Florida users also suffer.

The New England Council, chief spearcarriers in this long fight against West Virginia and Pennsylvania coal interests, makes a powerful point here:

If it is in the public interest for the Federal Government to relax import restrictions for its own advantage (with GSA), then it is equally so as far as defense and east coast consumers go.

One final note. Coal exports are zooming, amidst growing talk of restrictions in Europe. In turn, these threats bring howls from U.S. coal States.

How can coal with one tongue ask for a liberal export climate and talk with the other fork about more clamps on residual imports. They can't burn both ends.

[From the Winchester (Mass.) Star]

FUEL OIL RESTRICTIONS: ECONOMIC MILLSTONE FOR BAY STATERS

The Commonwealth of Massachusetts is paying close to $600,000 in premium prices this year to obtain sufficient heavy fuel oil to heat State Institutions. This is a direct result of Government restrictions on imports or residual fuel oil used exclusively throughout Massachusetts and the other New England States.

According to Alfred C. Holland, State purchasing agent, requirements of residual fuel oil for delivery to various institutions and departments throughout the Commonwealth for the period from July 1, 1964 to June 30, 1965 will total 1,181,855 barrels at $2,730,133.08. Recent experience of the General Services Administration in Washington has clearly shown that because of import restrictions, residual consumers have to pay as much as 50 cents per barrel premium to obtain necessary supplies.

The significance of this to the economy of the Commonwealth as a whole is even more obvious in figures recently released by the Bureau of Mines which show that during 1963 Massachusetts consumers used a total of 37,693,000 barrels of residual fuel oil. Elimination of import quotas could mean an immediate saving of close to $19 million for the people of Massachusetts.

The New England Council, through its Washington office, has been intensifying its efforts to obtain relief for New England from the stifling effects of this program. It has found that most New England residents do not realize that they are being penalized unduly because of these restrictions which have been found not in the best interest of national security and which benefit neither the domestic petroleum nor the coal industries.

AMERICAN DENTAL ASSOCIATION

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FOGARTY. Mr. Speaker, on September 1, the Washington Star published an editorial commenting quite favorably on some recent activities of the American Dental Association. During my years in Congress, I have become intimately acquainted with many of the programs of the American Dental Association and have developed great respect for this group. The association has done much over the years to further the cause of better health in this country and fully deserves commendation.

It has always made me particularly proud that the dentists of my own State of Rhode Island have traditionally been in the forefront of the effort to raise the already high standards of dental health in the Nation and continually to extend the availability of dental care. Rhode Island ranks second in the Nation in percentage of population now having fluoridated water available to it. The Rhode Island State Dental Society was a pioneer in the establishment of prepayment plans that make it easier for parents to provide the regular dental care they and their children should have.

Dental disease is not dramatic and there was a time when its importance and its relation to total health were overlooked. This is not so anymore. Today most people recognize that oral disease is serious, is often crippling and, in the tragic instance of oral cancer, can be fatal. This new awareness has in great part been the result of the educational effort of the American Dental Association. It is a creditable achievement. Together with the association's activities in the fields of dental public health and dental research, it displays a pattern of positive and progressive interest in the health of the Nation. I am happy to have this opportunity once again to congratulate the dentists of Rhode Island and of the United States on these accomplishments.

The editorial referred to is as follows:

[From the Evening Star, Sept. 1, 1964]

DENTISTS AND CONSUMERS

One of the curious, minor observations that the French made about our troops liberating their country 20 years ago, mentioned in several newspapers at that time, was the healthy, gleaming teeth of the soldiers. It was perhaps the oddest and least-expected compliment, a tribute to the American childhood habits of milk drinking and tooth brushing.

If the United States today has a high rate of dental decay from its sugar consumption, it also seems to worry more about it than other nations. And the American Dental Association lately has been leading the battle of countermeasures against cavities with a kind of consumer reports function on brand names.

The ADA began its endorsement policy in 1960 by publicly singling out one variety of toothpaste, Proctor & Gamble's Crest, for recognition. More recently it mentioned Colgate's Cue.

Now the association has recognized electric toothbrushes made by General Electric Co. and E. R. Squibb as "effective cleansing devices." Presumably this does not imply that ordinary muscle-powered brushes are ineffective. We hope.

The association is a respected spokesman for the profession of dentistry, and it seems to have arrived at these conclusions after extensive testing. While its new role as a laboratory backstop for the consumer is unusual, inviting protests from companies whose products go unmentioned, we believe the public is benefiting from this process.

The American Dental Association is showing a liberal outlook toward preventive measures in promoting human health. ADA's goal seems to be the eventual elimination of the need for dentists. A more perfect definition of altruism does not exist.

AREA REDEVELOPMENT ADMINISTRATION

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. TAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TAYLOR. Mr. Speaker, under leave to extend my remarks in the RECORD, I include a letter written on August 22, 1964, by a constituent of mine, Mr. M. H. Clarke, president of Waynewood, Inc., of Hazlewood, N.C., to Mr. Walter F. Carey, president, Chamber of Commerce of the United States, which contains information worthy of study and consideration not only by the U.S. Chamber of Commerce, but by the Members of the Congress.

WAYNEWOOD, INC.,
Hazelwood, N.C., August 22, 1964.

MR. WALTER F. CAREY,
President, the Chamber of Commerce of the United States, Washington, D.C.

DEAR MR. CAREY: Your comments before the Democratic platform committee and also the Republican platform committee, and on other occasions, regarding the ARA have been noted with considerable interest and concern. Therefore, as a supporting member of the Chamber of Commerce of the United States, I am writing you to give you our views and some factual information.

You are quoted in the current Washington Report as making the following statement:

"Huge Federal spending and make-work measures such as area redevelopment grants and loans and the accelerated public works program are artificial stimuli. * * * They subsidize the inefficient use of resources and thus hamper the very economic growth which is needed to provide more jobs."

This shotgun approach in condemning the ARA, without giving due recognition to the great good that this Government agency has done, is very unfair and most inaccurate.

In the mountainous area of western North Carolina, we have some towns where unemployment is as high as 20 percent, and public-spirited businessmen in this area have sought every possible way to develop sound business that could provide jobs for our unemployed people. After exhaustive study and much extensive work with banks and insurance companies, the only way that we have found to finance two plants that are being built in this area has been through the ARA.

After the ARA evidenced interest in these projects, then, and only then, local bankers became interested.

The two projects that I refer to that are underway in western North Carolina will provide manufacturing facilities in a sound and growing industry, and will provide jobs for hundreds of people. These plants will be modern and efficient in every respect, and will produce high-quality and wanted merchandise for the American consumer.

You make the statement that the ARA uses funds to subsidize the inefficient use of resources. We, as a supporting member of the Chamber of Commerce of the United States, must rise up and challenge this statement, because, based on the firsthand knowledge that we have, this statement is untrue and very hurtful to a worthwhile agency of the Government.

The more I become better acquainted with the programs and the practices of the National Chamber of Commerce the more I become convinced that it is a tool of big business and does not, in any way, have an interest in small business or the problems of the country at the grassroots, except to use small business as a source of income.

This country became great because thousands of small businessmen were willing to risk everything they had, or hoped to have, to establish an enterprise that would employ people, and today the persistent problem of unemployment is due in part to the discouragement and the eradication of thousands of small businessmen from our economy. We are in an era where the big are getting bigger and the little are being forced out of industry and commerce, and this can mean only one thing—big business, big unemployment, and demoralization for a lot of our citizens, especially in the rural and remote areas of the country.

Each week I read the chamber bulletins from Washington, and I am amazed to see that the national chamber is constantly and persistently attacking everything that the Government does, or proposes, in the way of encouragement or assistance to the small businessman, small farmer, and the unfortunate individual who has been left out of the mainstream of our present economic upsurge.

It is recognized that there are certain jobs in our economy that can be done only by a very large industrial complex. However, if our economy is to remain healthy and well-balanced, there should be recognition of the fact that small enterprises and individual entrepreneurs must be encouraged to survive and grow. Otherwise, we will wind up with a monopolistic system in this country, with all of its evils and restraints on our economy.

It is certainly high time that the chamber of commerce of the United States and the National Association of Manufacturers should become interested in, and champion of, small business all during the year and not just once a year when you so charmingly come around and ask for a $100 contribution to support the national chamber.

Recently, when one of the manufacturing plants referred to above, made possible by the ARA in this section of our State, was dedicated, I was deeply impressed by a statement made by the Honorable Luther Hodges, wherein he said the words somewhat as follows:

"The U.S. Government, the Department of Commerce, and the ARA are interested in, and developing, and making possible, projects in the areas of high unemployment so that these unfortunate people can be changed from tax consumers to taxpayers."

Sincerely yours,

M. H. CLARKE,
President.

ADDRESS BY ASSISTANT SECRETARY OF LABOR JAMES J. REYNOLDS AT LAUNCHING OF NEW CARGO SHIP

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. BOGGS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOGGS. Mr. Speaker, I am happy to include in the RECORD for the benefit of my colleagues in the House and the Senate a splendid address given by Assistant Secretary of Labor James J. Reynolds on September 5, 1964, near my home city of New Orleans on the memorable occasion of the launching of the *Louise Lykes* at the Avondale Shipyard.

The construction of this fully automated, modern cargo ship by Avondale Shipyard, now the Nation's leading shipbuilder, is a magnificent piece of workmanship, and reflects great credit on the officers, the engineers, and all the other workers at this great yard. Avondale Shipyard, which today employs 5,000 people, will build 11 more of these fine cargo vessels for Lykes Bros. Steamship Co., one of the world's finest shipping lines.

By pressing a button at the White House in Washington last January, President Johnson ignited a torch to begin the construction of this vessel. Therefore, it was most fitting that the President's youngest daughter, the charming Luci Baines Johnson, should put the finishing touches on the job by journeying to New Orleans to christen the *Louise Lykes*. This Luci did in splendid fashion, and it can be surely said that she charmed the people of the New Orleans area and south Louisiana on her visit.

Secretary Reynolds was the principal speaker at this memorable christening. In a incisive manner, he sounded the call for a modern merchant marine fleet for our country. He stated quite forcefully that the United States needs a strong, modern merchant fleet as much as it needs first-rate nuclear weaponry.

Secretary Reynolds has been, and continues to be, a leader in our country in bringing labor and industry together to work constructively on mutual problems and to bargain collectively in good faith. I was proud that he was the principal speaker at the dedication of this fine ship. I know he will continue to serve our country for many, many years to come.

Mr. Speaker, I am pleased to insert this fine speech into the RECORD and to commend it to my colleagues in the Congress.

The text follows:

ADDRESS BY ASSISTANT SECRETARY OF LABOR JAMES J. REYNOLDS AT THE LAUNCHING OF THE "LOUISE LYKES," NEW ORLEANS, LA., SEPTEMBER 5, 1964

This is a happy and a hopeful event. The launching of any ship is a gesture of man's optimism in his good sense and good luck. Since the legendary building of the *Argo*, the sea has been an open road to profit as well as adventure, to national strength as well as economic growth.

Certainly for the United States, the sea has been a determining factor in our character and destiny. We long regarded it as the base element in our defense system; it wasn't too long ago that the naval gun and the shore battery were deemed sufficient to protect us from the contagion of foreign wars.

The *Louise Lykes* is an apt symbol for the changes that have come to the world.

The craftsmen who built her, the Avondale yard where she was built, the Lykes Co., and the good men who will sail her will always have just cause for pride in the *Louise Lykes*.

As she stands here, this ship represents the need for decision. There is no question about it—the United States must have a modern merchant marine. There is no question that the goal of management and labor and the Government is full maritime employment in a full fleet that is fully competitive.

The *Louise Lykes* is the most modern statement of history's basic lesson, stated time and again over the years. Men must learn to live with the conditions that change brings or lose all chance of making those conditions different.

In recent years, I have become closely familiar with the interests of the men who build, sail, manage, regulate, and load our merchant vessels.

Frankly, I am confident about the future of our merchant fleet. I am confident because of the general agreement I have found that our fleet cannot stand still. There is a general agreement that the race belongs to the swift, the market goes to the efficient.

I have found that men reasoning together from such a common understanding sooner or later devise the techniques and find the means for the practical realization of their interests.

I think back today to John Fitch trying his steamboat out on Collect Pond in my home State of New York, and I remember he died, a probable suicide, after a lifetime of frustration.

I think back to the men who spent their lives under canvas, thinking that the speed and grace of the black ball packets and the great clippers would rule the waves into the future. They were wrong.

John Kay, who invented the flying shuttle, was driven into exile by weavers who thought his invention would cost them their jobs. James Hargreaves' spinning jenny was hacked to pieces by a mob. Edmund Cartwright's first power loom was set on fire. It often happened that what fearful workers failed to destroy was later stolen by competing manufacturers. The entire history of early invention is one of broken lives, ruined careers, and savage conflict.

We remark today on how blind was their opposition to progress—but then none of us has to take the trip to the poorhouse, or throw our families upon the charity of the church, or beseech the community to help redeem the years we spent pursuing a now meaningless craft.

With change has come a better understanding. We realize that progress does not come cheaply. We realize that opposition to progress is blind only when it fails to result in reform. This realization came too late for the women and children who spent their lives in the mines and mills early in this century. It came too late to prevent the decay of the small community. It came too late to negate entirely the insistence that men must march to the rhythm of a machine.

This ship, the *Louise Lykes*, is a reminder of the lessons we have learned, and are still learning. Perhaps it can be said in two simple sentences:

The American economy—and the American merchant marine—must be the most modern we can make it, capitalizing upon every technological advance.

Second, that progress can only be enduring if it is made with due consideration for the stake, in lives and time and interest and skill, that thousands of Americans have in jobs that will be threatened by the change.

I could make this same comment in Detroit, in San Diego, in Boston, as well as New Orleans. The merchant marine shares a problem that is common to our economy. And in all of those places, in all of those various industries, involving thousands of different skills and traditions and profit margins and changing markets, I could also say as I say now that we must look beyond the problems of today to the fact that their solution will immeasurably increase our ability to grow and compete.

It becomes clearer every day that we have no alternative.

When President Lyndon Johnson sat in the Cabinet Room of the White House on January 16 of this year and pressed the button that started the construction of this ship, he knew I am sure that button was as meaningful and symbolic as the other, fateful one on his desk.

In the contest taking place in the world today, the American merchant marine is more—not less—important. Every great political change that has come to the world in the past 20 years has written the name of merchant power in larger, not smaller, letters.

It is unfortunate that many Americans who have taken the sea so long for granted are now blind to it. It is unfortunate that the fascination of space technology may lead some to believe that what happens on the old, familiar ocean is of little consequence.

It is of every consequence.

Our competitors in Moscow seem to understand this fully. The Soviet Union today—despite an intense need for foreign exchange inside that nation—has been writing a blank check for what will be one of the largest and fastest merchant fleets in the world.

They are fully aware that when nations are brought to ruin not by the blast of a bomb but by the file of men through a quiet jungle, the availability of merchant power is of major military consequence.

They are fully aware that the capture of an economic market may be more important to eventual expansion than the crossing of an armed frontier.

They are fully aware that in the practical affairs of the world there is little difference between the ocean of air that flows over nations and the ocean of water that connects as well as separates them.

It is too often noted that the fleet of the Soviet Union remains small when compared to the fleet of the free world, and not noted enough that much of the free world's fleet is busy pursuing the separate interests of the nations whose flag they carry. In 1950, the free world's fleet was an impressive majority on the seas—and the United States was frantically breaking vessels out of mothballs to maintain a supply line to Korea.

We have our own interests, and those interests can be served only by a modern fleet, flying our flag, carrying our goods, and maintaining United States interests in decisive areas of the world.

The *Louise Lykes* is the newest member of that eventual fleet.

With her will go our admiration, our good wishes—in the same spirit as that of Jason, the captain of that most famous of ships the *Argo*, when he said: "May good winds blow wherever you sail, in good weather across every sea."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. Kee (at the request of Mr. Hechler), for an indefinite period, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. Green of Oregon (at the request of Mr. Ullman), for 1 hour, to pay tribute to memory of the late Honorable Walter Norblad, on Tuesday, September 29.

Mr. Holifield, for 1 hour, today.

Mr. Farbstein, for 15 minutes, today.

Mr. Hosmer, for 40 minutes, today.

Mr. Ashbrook, for 15 minutes, today.

Mr. Conte, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Derwinski (at the request of Mr. Tupper), for 30 minutes, on September 23, 1964.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. Tupper) and to include extraneous matter:)

Mr. Lipscomb.

Mr. Dague.

Mr. Morse.

Mr. Glenn.

(The following Members (at the request of Mr. Albert) and to include extraneous matter:)

Mr. Powell.

Mr. Taylor.

Mr. Brown of California in two instances.

Mr. St. Onge.

Mr. Pucinski in two instances.

Mrs. Kelly.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 23, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2550. A letter from the Secretary, Department of Health, Education, and Welfare, transmitting the annual report of the U.S. Department of Health, Education, and Welfare, for the fiscal year 1963; to the Committee on Education and Labor.

2551. A letter from the Assistant Secretary, Export-Import Bank of Washington, transmitting report that the Bank has issued its guarantee with respect to certain cotton transactions with Poland, pursuant to title III of the Foreign Aid and Related Agencies Appropriation Act of 1964, and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

2552. A letter from the Comptroller General of the United States, transmitting report on need for effective management action to achieve substantial savings by furnishing uniforms in lieu of paying cash allowances to employees, Veterans' Administration; to the Committee on Government Operations.

2553. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting report of the activities of the Department for the fiscal year ending June 30, 1964, with regard to the disposal of foreign excess property under title IV, and pursuant to section 404(d) of Public Law 152, 81st Congress, as amended; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1895. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. OLSEN of Montana: Committee on Post Office and Civil Service. H.R. 2155. A bill to amend the Civil Service Retirement Act, as amended, to provide annuities for surviving spouses without deduction from original annuities, and for other purposes; with amendment (Rept. No. 1896). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee of conference. S. 2687. An act to extend the Agricultural Trade Development and Assistance Act of 1964, and for other purposes; without amendment (Rept. No. 1897). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 12641. A bill to provide an exemption from participation in the Federal old-age and survivors insurance program for individuals who are opposed to participation in such program on grounds of conscience or religious belief; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 12642. A bill to provide for the waiver in certain cases of the limitation on the payment of premium compensation imposed by section 603(b) of the Federal Employees Pay Act of 1945, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Pennsylvania:

H.R. 12643. A bill to increase annuities payable to certain annuitants from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

By Mr. HARRISON:

H.R. 12644. A bill authorizing the Administrator of Veterans' Affairs to convey certain property to the city of Cheyenne, Wyo.; to the Committee on Veterans' Affairs.

By Mr. LONG of Maryland:

H.R. 12645. A bill to require that new motor vehicles transported in interstate commerce be equipped with a device to control or prevent the discharge of air pollutants; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS:

H.R. 12646. A bill to amend the act of June 29, 1940, relating to the administration of the Washington National Airport, to transfer to the Administrator of the Federal Aviation Agency certain additional real property of the United States to facilitate the expansion of such airport for general aviation purposes; to the Committee on Interior and Insular Affairs.

By Mr. MILLIKEN:

H.R. 12647. A bill to amend the Federal Firearms Act; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.J. Res. 1177. Joint resolution to authorize the Commissioners of the District of Columbia on behalf of the United States to transfer from the United States to the District of Columbia Redevelopment Land Agency title to certain real property in said District; to the Committee on the District of Columbia.

By Mr. GLENN:

H.J. Res. 1178. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person may be a Member of Congress who has not, when elected or appointed, been an inhabitant for at least 6 years of the State from which he is chosen; to the Committee on the Judiciary.

By Mr. GIAIMO:

H. Res. 887. Resolution authorizing a review of the national needs for local airline service; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 12648. A bill for the relief of Drew V. Dean; to the Committee on the Judiciary.

H.R. 12649. A bill for the relief of H. Foster Hunter; to the Committee on the Judiciary.

H.R. 12650. A bill for the relief of John A. Tarin; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 12651. A bill for the relief of Mesrob Hovhannes; to the Committee on the Judiciary.

H.R. 12652. A bill for the relief of Horst Mueller; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 12653. A bill for the relief of Dr. Mohsen Zabetian; to the Committee on the Judiciary.

By Mr. JOHANSEN:

H.R. 12654. A bill for the relief of Hack Kyun Woo; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 12655. A bill for the relief of Kinuyo Nishibayashi and the estate of her husband, Kasuke Nishibayashi; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 12656. A bill for the relief of Moshe Kenneth Sassoon; to the Committee on the Judiciary.

H.R. 12657. A bill for the relief of Frank Pannizzo; to the Committee on the Judiciary.

H.R. 12658. A bill for the relief of Joseph Salem; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 12659. A bill for the relief of Avriel Cubas Price and Clinton L. Price; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 12660. A bill for the relief of James (Demetrios) Baciliss Dovas (Ntovas); to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 12661. A bill for the relief of Raul Goncalves; to the Committee on the Judiciary.

H.R. 12662. A bill for the relief of Maria Encarnacao Soares-Resendes; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 12663. A bill for the relief of Antonino Macheda; to the Committee on the Judiciary.

H.R. 12664. A bill for the relief of Umberto Ettore Minore; to the Committee on the Judiciary.

H.R. 12665. A bill for the relief of Yvette Simm; to the Committee on the Judiciary.

H.R. 12666. A bill for the relief of Daphne Smallhorn; to the Committee on the Judiciary.

By Mrs. REID of Illinois (by request):

H.R. 12667. A bill for the relief of Mr. and Mrs. Rome J. Moga; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 12668. A bill for the relief of Jae Hyung Choi, and his wife, Ock Tin Kim; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 12669. A bill for the relief of Ksenija Popovic; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1040. By Mrs. ST. GEORGE: Petition of Delaware County, N.Y., Board of Supervisors on financial aid toward sewage and pollution elimination; to the Committee on Public Works.

1041. By Mr. STRATTON: Petition of the Board of Supervisors of Montgomery County, N.Y., urging the retention of the existing legislative apportionment system; to the Committee on the Judiciary.

1042. Also, petition of the Ostego County, N.Y., Pamona Grange, urging support for the so-called Dirksen-Mansfield rider or any other legislation to delay redistricting until Congress has time to debate the issue; to the Committee on the Judiciary.

SENATE

Tuesday, September 22, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Caradine R. Hooton, D.D., executive director, Council on Alcohol Problems, Inc., Washington, D.C., offered the following prayer:

Father of men, in whom are one all humankind beneath Thy sun, establish our work in Thee begun.

When titanic evils threaten without and Trojan horses bear harm within, guide us to seek the things above, the base to shun, the pure approve, to live by Thy free law of love.

Come within this group where leaders thrive, and give us wisdom for the drive that will make our Nation strong to set things right and conquer wrong.

Help us to believe and aid others to perceive that the Lord, our God, alone is strong; His hands built not for one brief day; His wondrous works, through ages long, His wisdom and His power display.

In Jesus name, we pray. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, September 21, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on September 18, 1964, the President had approved and signed the following acts:

S. 1186. An act to amend the act authorizing the Crooked River Federal reclamation project to provide for the irrigation of additional lands;

S. 2370. An act authorizing maintenance of flood and arroyo sediment control dams and related works to facilitate Rio Grande canalization project and authorizing appropriations for that purpose; and

S. 2447. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Whitestone Coulee unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Washington, and for other purposes.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The Chair announces the appointment of the Senator from West Virginia [Mr. RANDOLPH] and the Senator from Kentucky [Mr. COOPER] as members on the part of the Senate of the special committee authorized by House Concurrent Resolution 179 to deliver to the American Association of State Highway Officials, at its meeting in December 1964, a copy of said resolution expressing to the association the appreciation of Congress for its service to the Nation.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

Proposed Supplemental Appropriations, 1965, for the Judiciary, Executive Branch, and District of Columbia (S. Doc. No. 98)

A communication from the President of the United States, transmitting proposed appropriations and a provision, for the fiscal year 1965, as follows: The judiciary, a proposed supplemental appropriation in the amount of $60,000; executive branch, a proposed provision and appropriations in the amount of $12,283,000; and District of Columbia, a proposed supplemental appropriation in the amount of $25,000 (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Proposed Amendment to the Budget, 1965, for Department of Labor (S. Doc. No. 97)

A communication from the President of the United States, transmitting a proposed appropriation for the fiscal year 1965, in the amount of $500,000, for the Department of Labor (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Report of Export-Import Bank of Washington on Guarantees of Certain Transactions

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on the issuance by that Bank on September 17, 1964, of guarantees with respect to certain transactions; to the Committee on Appropriations.

Report on Disposal of Foreign Excess Property

A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, a report on disposal of foreign excess property, for the fiscal year ended June 30, 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Lack of Progress Under the Defense Standardization Program Resulting in Unnecessary Procurement and Supply Management Costs for Electronic Items

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on lack of progress under the defense standardization program resulting in unnecessary procurement and supply management costs for electronic items, Department of Defense, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Operations in Connection With the Bonding of Government Officers and Employees

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on operations in connection with the bonding of Government officers and employees, for the fiscal year ended June 30, 1964 (with an accompanying report); to the Committee on Post Office and Civil Service.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the board of directors of the Grundy Electric Cooperative, Inc., of Trenton, Mo., relating to legislative reapportionment, which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 1927. An act to amend title 38, United States Code, to revise the pension program for veterans of World War I, World War II, and the Korean conflict, and their widows and children, and for other purposes (Rept. No. 1591).

REPORT ENTITLED "PROPOSED AGREEMENT FOR COOPERATION REGARDING THE EXCHANGE OF ATOMIC INFORMATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE NORTH ATLANTIC TREATY ORGANIZATION AND ITS MEMBER NATIONS"—REPORT OF A COMMITTEE (S. REPT. NO. 1592)

Mr. PASTORE, from the Joint Committee on Atomic Energy, pursuant to section 202 of the Atomic Energy Act of 1954, as amended, submitted a report entitled "Proposed Agreement for Cooperation Regarding the Exchange of Atomic Information Between the Government of the United States of America and the North Atlantic Treaty Organization and Its Member Nations," which was ordered to be printed.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated September 8, 1964, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARTKE:

S. 3200. A bill to amend title 23 of the United States Code to increase to 60,000 miles the total mileage of the National System of Interstate and Defense Highways; to the Committee on Public Works.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. McGEE:

S. 3201. A bill for the relief of Anna Maria Heiland; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3202. A bill to provide for the issuance of a special series of postage stamps in honor to the memory of Ernie Pyle; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL:

S.J. Res. 205. Joint resolution to provide for the coinage of a medal in recognition of the distinguished services of Dr. Alfred Blalock; to the Committee on Banking and Currency.

(See the remarks of Mr. BEALL when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

TO PRINT AS A SENATE DOCUMENT A REPORT ON THE IMPLEMENTATION OF THE HUMPHREY AMENDMENT TO THE FOREIGN ASSISTANCE ACT

Mr. HUMPHREY submitted a resolution (S. Res. 371) to print as a Senate document a report on the implementation of the Humphrey amendment to the Foreign Assistance Act, which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. HUMPHREY, which appears under a separate heading.)

EXTENDING THE FEDERAL HIGHWAY PROGRAM

Mr. HARTKE. Mr. President, as we approach the halfway mark in the completion of the Federal-State highway program, the Nation is already reaping enormous benefits. Those benefits are both economic and human, in savings of money and savings of lives. I have previously advocated—as I did with my bill (S. 662) in the 87th Congress—speeding the construction of the Interstate Highway System, in order to achieve the maximum possible savings, both in terms of economic advantage and in terms of accident prevention.

Today, I introduce a bill which calls for enlargement of the 41,000 miles, now partially completed, to a total of 60,000 miles. Such an expansion is not unreasonable, in view of the great number of miles for which proposals have had to be rejected. A memorandum dated June 10, 1963, and addressed to regional and division engineers by E. H. Swick, Director of Rights-of-way and Location, in the Bureau of Public Roads, makes this clear. Even then, well over a year ago, Mr. Swick wrote:

> We have on file proposals from the various States totaling almost 20,000 miles, including over 12,000 miles that did not receive favorable action in the 1957 system expansion.

The year 1964 bids far to be the auto industry's first 8-million-car year. The number of two-car families, and even three-car families, is mounting rapidly, with ever more congestion. As of June 30, 16,963 miles of the Interstate System were open to traffic. Savings due to Interstate System travel were estimated in July by the Bureau of Public Roads to amount to over $2 billion for passenger cars this year; and almost three-quarters of a billion dollars for commercial vehicles. Even without additional mileage, the savings in 1973, the first scheduled year of full mileage operation, are estimated at a total as large as the entire recent income tax cut—$11 billion.

But of even greater importance than the dollar savings are reductions in traffic injuries and fatalities which the four-lane system provides. Traffic deaths in 1963 reached an alltime high of 43,400. It is estimated that because of travel on sections of the Interstate Highway System already open to traffic, 3,000 persons, who today are alive, might otherwise have been added to the 1963 death toll. When the system is completed in 1972, with savings estimated at 200 lives annually per 1,000 miles open to traffic, 8,000 lives a year will be preserved by the four-lane system, as compared with comparable accident rates per million miles of travel on two-lane roads. My bill to add 19,000 miles to the system would save an additional 3,800 lives a year, at the same rate. Economic savings, projected at the same rate as the figures cited above, would be an additional sum above $5 billion.

The accident rate and the need for safety are particularly compelling to me. In my own State of Indiana, we are adding 100,000 new drivers each year from the ranks of those who turn 16 and become eligible for drivers' licenses. By 1971, Indiana alone will have 1 million new drivers. How many of these youths will be killed in traffic accidents? How many lives can we save by additional roadbuilding of the quality we know how to achieve? According to a Bureau of Public Roads publication:

> Accident rates on freeways are one-third of those on other roads with comparable traffic.

A study recently completed shows that the Interstate Highway System portions now open have a traffic-accident fatality rate of 2.8 per 100 million vehicle-miles, while the rate is 9.7 per 100 million vehicle-miles on the older highways in the same "traffic corridors" which formerly carried most of the new roads' traffic.

The cost of financing an additional 19,000 miles for the Interstate Highway System is not a compelling argument against such an extension. As automobile use increases, the income for the Federal program from the present so-called dedicated taxes rises also. Revenue for the fiscal year 1964 topped $3½ billion. But the figures I have already cited show savings this year of $2¾ billion from only the portions already completed. The $11 billion a year savings to users, upon completion after 1972, will return the entire cost of the system within 4 years. Continuation of the taxes, which are paid only by highway users, and already are fixed and accepted by the traveling public, will finance the further program I propose on the same basis as that under which it now operates.

Mr. President, in order to save lives and economic resources, we need the extension I am proposing by means of the bill I now introduce. I hope Congress will see the wisdom of this proposal, and will agree with me that we need to make this exceptionally sound investment for the increased welfare of the Nation.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3200) to amend title 23 of the United States Code to increase to 60,000 miles the total mileage of the National System of Interstate and Defense Highways, introduced by Mr. Hartke, was received, read twice by its title, and referred to the Committee on Public Works.

IN MEMORY OF ERNIE PYLE

Mr. HARTKE. Mr. President, I introduce for appropriate reference, a bill to provide for the issuance of a postage stamp to honor the memory of Ernie Pyle. On April 18, 1965, it will be 20 years since this great yet modest man, who saw World War II along with the average GI soldier and reported his sensitive observations as did no other war correspondent, died under enemy fire on the little island of Ie-jima in the Ryukyu Islands. Ernie Pyle was a native of Indiana, and my bill, which is parallel to a bill introduced in the House of Representatives by Congressman Roudebush, of Indiana's Sixth Congressional District, would provide for first-day sale in Dana, Ind., where Ernie Pyle was born on August 3, 1900.

Even though Ernie Pyle made Arizona his home for his last 10 years, he was a Hoosier the greater part of his life. As a student at the Indiana University he was editor of the Daily Student and of the senior yearbook and, although not himself an athlete, won his "I" as the first student-manager of football as a senior in 1922. His first reporting job was with the La Porte, Ind., Herald, which he left to become a reporter and deskman on Washington and New York papers, serving 4 years as Scripps-Howard aviation editor and for 3 years as managing editor of the Washington Daily News.

The syndicated travel column which he began in 1935 in the years before the war took him 200,000 miles in a coverage of five continents and developed the personalized style which marked his writing.

But it was his reporting of the war, as millions still recall those columns of his from England, from North Africa, from Italy and Normandy, and finally from the Pacific, which gave him a unique place in the hearts of the troops and the American public. In 1943 he won the Pulitzer Prize, and before he left for the Pacific, Indiana University made him an honorary doctor of letters. It was like losing a personal friend when his millions of readers on that day near the very end of the war learned that Japanese machinegun fire had taken his life on a tiny Pacific island as he observed the troops in action.

Mr. President, whether because of an act of Congress or through the discretion granted to the Postmaster General in the issuance of special stamps, I hope that this means may be used to honor and keep green the memory of this greatly compassionate reporter of a war he hated, this unique figure of American journalism, this native son of Indiana.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3202) to provide for the issuance of a special series of postage stamps in honor to the memory of Ernie Pyle, introduced by Mr. Hartke, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

AUTHORIZATION OF ISSUANCE OF GOLD MEDAL TO THE LATE DR. ALFRED BLALOCK

During the delivery of Mr. Proxmire's speech on reapportionment,

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Maryland [Mr. Beall] for an insertion in the Record, with the understanding that I do not lose my rights to the floor and that he will not make a motion relating to the pending measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BEALL. I thank the Senator from Wisconsin.

Last week I indicated that I would introduce a joint resolution which would authorize the issuance of a Gold Medal in recognition of the outstanding contributions Dr. Blalock has made to the Nation and the world. Mr. President, I send this resolution to the desk and ask that it be read.

On September 15, the State of Maryland, the Nation, and the world lost one of its outstanding citizens, Dr. Alfred Blalock. Although the world wept at his passing, it is a better place to live because of him, for who among us will ever forget the contributions he has made to mankind? These contributions insure forever the doctor a place in history.

Dr. Blalock is most remembered for his development of life saving procedures in the so-called blue baby operations. These procedures have resulted in the saving of 2,000 lives at the Johns Hopkins University alone, and have ushered in the modern era of heart surgery.

Equally significant was Dr. Blalock's research on the biology of shock. All the modern methods of shock therapy are based on his pioneer work in this area.

The Johns Hopkins University name is synonymous with excellence in the medical community. This reputation has been achieved because of the dedication and efforts of Dr. Blalock and other masters of medicine that have blessed the Hopkins campus. Since Dr. Blalock's career paralleled the period of the Johns Hopkins University's greatest achievements and growth, it can be said that Dr. Blalock added a brilliant luster to an already outstanding medical center.

Although Dr. Blalock's contribution to medical science will always be remembered, it may be that the doctor's most profound influence was as a teacher. For as the Baltimore Sun stated:

> Through the young doctors who came to learn their surgical techniques under him at the Hopkins, and through his own lectures and demonstrations in this and foreign countries, he bolstered the courage, raised the sights, and sharpened the competence of a generation of surgeons the world over. More than the plaques, buildings, and awards in his name the men whom Dr. Blalock has trained will assure the continuation of his work.

Dr. Blalock, in addressing the 75th anniversary banquet at the Johns Hopkins University of Medicine, summed up what his life exemplified when he stated:

> Contentment with achievement connotes impending degeneration and decay.

It is because of men like Dr. Blalock that the United States resists decay and ever advances forward. As long as we continue to reach for new heights, as long as we continue to probe for new knowledge, as long as we search for a better way of life for all mankind, this country will remain great.

Because of the contributions Dr. Blalock has made to this Nation and the world, I believe it only fitting that Congress authorize the issuance of the highest medal it can confer upon a civilian, its Gold Medal. It is my hope that the Senate Banking and Currency Committee will promptly consider this resolution.

I ask unanimous consent that various articles from Maryland newspapers be printed following my remarks.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the articles will be printed in the Record.

The joint resolution (S.J. Res. 205) to provide for the coinage of a medal in recognition of the distinguished services of Dr. Alfred Blalock, introduced by Mr. Beall, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The articles presented by Mr. Beall are as follows:

ALFRED BLALOCK, WORLD FAMOUS SURGEON, DIES

Dr. Alfred Blalock, world famous surgeon and professor emeritus of surgery at the Johns Hopkins University School of Medicine, died today of cancer at the age of 65.

A Johns Hopkins Hospital spokesman said the doctor had been hospitalized for the "past couple of months."

The spokesman said the doctor's illness had been diagnosed as cancer only recently.

During his career, the native of a small Georgia town worked his way from intern to director of the Department of Surgery at the Hopkins School of Medicine and surgeon in chief of the hospital.

He gained world recognition in 1944, when he performed the first "blue baby" operation, which he had developed with Dr. Helen B. Taussig. The operation involved the surgical correction of congenital heart disease.

The textbook, "Experimental Surgery," said this of the blue baby operation:

A LASTING MONUMENT

"Of the many blessings conferred on humanity by the Medical School of the Johns Hopkins Hospital, one of the greatest is that pertaining to the surgical treatment of congenital heart disease, a contribution well worthy of the Nobel Prize.

"Blue babies who were formerly the object of pity now can often be cured by using modern methods of blood vessel surgery. Blalock and his associates have thereby built themselves a monument more lasting than brass and taller than the royal pyramids of Egypt."

The term "blue baby" came from a bluish tint on the lips and fingers of those afflicted.

OPENED NEW HORIZONS

At the time of the doctor's retirement early this year, Dr. Milton S. Eisenhower, university president, and Dr. Russell A. Nelson, hospital president, praised Dr. Blalock as "one of the most honored and revered men in American medicine."

"His reputation is deservedly worldwide. His basic research contributions, including the development of the 'blue baby' operation, have opened up in the last two decades entire new horizons in surgery, offering broad hope for mankind."

Dr. Blalock was born April 5, 1899, in Culloden, Ga., the son of George Zadock and Martha Davis Blalock.

He received his bachelor of arts in 1918 at the University of Georgia and his M.D. in 1922 at the Johns Hopkins University.

RETURNED TO HOPKINS

From 1922 to 1925, he served as an intern at the Johns Hopkins Hospital. He then went to Vanderbilt University, where he worked his way through the academic ranks to full professor in the school of medicine.

In 1941, Dr. Blalock returned to the Hopkins to serve as both professor and director of the Department of Surgery and surgeon in chief.

Six years later, he was named an honorary associate consultant surgeon to Guy's Hospital in London and subsequently served as a visiting professor to various schools of medicine and as a member of a host of working and honorary committees.

Dr. Blalock was a member of at least 44 medical societies, including the Academie de Medicine, the American College of Cardiology, the National Academy of Sciences, and the Royal College of Surgeons.

Dr. Blalock spoke in a slow, soft southern accent. There had been no doctors in his family background, but he had decided at 13 to become one.

The reason, he once recalled, could be traced to a remark made by his father on returning home from the Hopkins Hospital, where the father had been a patient.

The elder Mr. Blalock said he had appreciated his experience so much that he hoped one of his children would go into medicine and study at the Hopkins.

It was at Vanderbilt in the early 1930's that the doctor worked on the first of a series of notable research projects. He discovered there that surgical shock often resulted from the loss of whole blood, plasma, or both. This led to the adoption of transfusions and plasma infusions, which had been used only sparingly until then.

The doctor was a sports fan, and when not in the operating room, classroom, or laboratory, he could be seen at any sports event in the metropolitan area.

"He was a retiring person," one hospital staff member recalled, "but when you were in his presence, you knew you were in the presence of a famous man."

The doctor found time to write more than 200 scientific treatises on traumatic shock, hypertension, heart disease, and other topics and also a book on principles of surgical care.

The doctor delivered 35 honorary lectures from 1933 to 1958. His last major public appearance was made last May, when he spoke at the 75th anniversary ceremonies at the hospital.

"It is my sincere hope," he said then, "that the hospital will maintain its excellence and do so without becoming too big and too impersonal." He said the secret of any future success was to hold the belief "that quality is more important than quantity."

At that time, it was announced that the hospital's Clinical Science Building would be renamed the Alfred Blalock Clinical Science Building.

Dr. Blalock and his wife, Alice, lived at 117 Churchwardens Road, in Homeland. Survivors in addition to his wife, are a daughter, Mary Elizabeth, and two sons, William and Alfred Dandy Blalock. William Blalock is an assistant administrator at the Johns Hopkins Hospital.

[From the Baltimore Sun, Sept. 16, 1964]

DR. ALFRED BLALOCK

Dr. Alfred Blalock once explained the historical significance of the "blue-baby" operation, which he had developed at the Hopkins with Dr. Helen B. Taussig, by saying that its success had given surgeons generally the courage to attack all problems of heart disorders. Before the 1944 operations on children it was not known with any certainty that patients terribly ill from a mechanical heart condition could survive the opening of the chest and other surgical procedures. The knowledge ushered in the modern era of heart surgery.

Yet, important as that contribution was, it by no means offered a full measure of Dr. Blalock's own significance in medicine. It was as a teacher that he had the most profound effect on surgery not only in this country but abroad as well. Through the young doctors who came to learn their surgical techniques under him at the Hopkins, and through his own lectures and demonstrations in this and foreign countries, he bolstered the courage, raised the sights and sharpened the competence of a generation of surgeons the world over.

Although Dr. Blalock won countless honors and achieved international stature, he never lost sight of medical students and hospital residents as his prime responsibility, and his interest in the men who went forth from his lectures and surgical clinic was reciprocated in lifelong professional bonds. Only this past weekend half a dozen of the men who trained under him, all of them by now heads of surgical departments at major teaching institutions, came to see him in an informal expression of continuing affection, knowing that his death was near. More than the plaques, buildings, and awards in his name, the men whom Dr. Blalock has trained will assure the continuation of his work.

[From the Baltimore Sun, Sept. 16, 1964]

DR. ALFRED BLALOCK, "BLUE BABY" SURGEON, DIES AT 65

Dr. Alfred Blalock, one of the world's foremost heart surgeons and codeveloper of the operation which has saved thousands of "blue babies" from certain death, died yesterday morning at the Johns Hopkins Hospital. He was 65.

His death at the hospital where he made medical history came after a long battle with cancer of the liver. He was considered the dean of American surgeons.

Services will be held at 2 p.m. tomorrow at the Church of the Redeemer, 5603 North Charles Street. Burial will be in Druid Ridge Cemetery.

SURGEON-IN-CHIEF, PROFESSOR

Dr. Blalock had been surgeon in chief at the Hopkins Hospital from 1941 until June 30 this year, when he retired. During that time, he also held the medical school titles of professor of surgery and director of the department of surgery.

From 1955 until his retirement he was also chairman of the medical board of the hospital.

It was November 29, 1944, that Dr. Blalock performed the operation which gained him a permanent spot in the annals of medicine.

A 16-month-old East Baltimore girl referred to in the medical journals as "E.M.S." was operated on for the dreaded symptoms which marked her as a "blue baby."

FIRST CASE TOO FAR GONE

Five days after the operation the girl died—her case was too far progressed to be cured. But the operation was a breakthrough.

Along with Dr. Helen B. Taussig, head of the pediatric heart clinic at the Hopkins, whose diagnosis aided in the perfecting of the operation, Dr. Blalock won wide fame.

To date more than 2,000 similar—and successful—operations, have been performed at the Hopkins alone, giving the stricken children the precious oxygen and new blood needed for life.

Basically, the operation is the bypassing of a defective blood vessel to the lungs by severing a good vessel and connecting it directly to the lungs.

Dr. Blalock was noted also for his work in the fields of shock from surgery, traumatic shock, hypertension, myasthenia gravis, congenital heart disease and acquired heart disease.

During his career he published more than 200 papers and wrote one book, "Principles of Surgical Care: Shock and Other Considerations."

OPENED NEW HORIZONS

At his retirement, Dr. Blalock was characterized as "one of the most honored and revered men in American medicine." His work, it was said, "opened up in the last two decades entire new horizons in surgery, offering broad hope for mankind."

The noted surgeon came to the Hopkins in 1941 from Vanderbilt University in Nashville, Tenn., where he rose from an instructorship in surgery in 1925 to a full professorship in 1938.

Actually, he was returning to the Hopkins. For Dr. Blalock was an alumnus of the school, earning his M.D. there in 1922 after receiving his bachelor of arts degree in 1918 from the University of Georgia.

INTERN, RESIDENT PHYSICIAN

From 1922 until 1925, he had been an intern and assistant resident physician at the Hopkins. He left in 1925 for Vanderbilt University Hospital to become resident surgeon there.

It was during these early years at Vanderbilt and the Hopkins that the foundations of the "Blalock School" of experimental surgery were laid.

Dr. Blalock probably best described the spirit of his school during a speech in 1954 before the Los Angeles Surgical Society when he said:

"I hope I have made the point that contrary to popular belief there is nothing magical about science or scientific investigators.

"SCIENTIST—NOT SUPERMAN

"The conception of the scientist as an intellectual superman achieving important results through sheer brilliance is quite unfounded."

The Blalock dictum insisted on a comprehensive understanding of the physiology, biochemistry and biophysics of damaged or malformed tissues.

Dr. Blalock asserted his philosophy during a speech in May of this year at the Hopkins.

"The accepted philosophy and practice," he said, "is one that renders service to patients, that disseminates knowledge already known and that contributes new knowledge. This threefold character is essential."

MORE LASTING THAN BRASS

His use of this philosophy led to the "blue baby" operation, the import of which may best be described in a book considered to be the authority in the field.

It reads: "The surgical treatment of congenital heart disease (is) a contribution well worthy of the Nobel Prize. Blalock and his associates have thereby built themselves a monument more lasting than brass, and taller than the royal pyramids of Egypt."

Paired with perfecting of the "blue baby" operation as another of the greatest achievements of Dr. Blalock's life is his research on the biology of shock.

He determined by experimentation that hemorrhagic shock was caused by lack of blood or plasma and not by toxics, as doctors had thought for years. This discovery was made final in 1943, after experiments which dated back to 1926.

These findings led to the development of the method of blood transfusion as a treatment of shock. All the methods of shock therapy in use today are based on the original findings reported by Dr. Blalock and his associates.

Dr. Blalock's career paralleled what might be the Hopkins' greatest era of achievement and growth so far. When he retired, he commented on the budget of the hospital in 1911, when total expenses, he said, were $358,000.

COSTS REACH $40 MILLION

This year, he said, it is estimated that the cost of running the hospital and the schools of medicine and hygiene will require some $40 million.

In his speech in May before the 75th anniversary banquet audience, he laughed about this growth and recalled, "When I was a student here from 1918 to 1922 there was a sign near the statue of Christ asking us to use some other entrance."

Then in a more serious vein, he warned, "The Hopkins Hospital, unlike an individual, is not to pass away; it is to endure; it should never be complacent.

"Contentment with achievement connotes impending degeneration and decay."

DEATH DEEPLY FELT

Dr. Blalock's death profoundly shook the Hopkins.

Typical of the reaction was the comment made by his secretary, Mrs. Frances Grebel: "His death is a great loss. But the story is his story. He was a great man."

Mrs. Grebel had been with Dr. Blalock since the early 1930's when he was at Vanderbilt. She came to Baltimore with him.

As might be expected of a man of his stature, Dr. Blalock was sought after by other hospitals and schools of medicine. He turned down offers from Columbia University and the Presbyterian Hospital of New York in 1946, choosing to remain in Baltimore.

HAVE DECIDED TO REMAIN

He said at the time, "I have decided to remain in Baltimore because it seems to me, after careful consideration of all the elements in the case, that I can do my most effective work at Hopkins."

The renowned surgeon came from a nonmedical family. His soft accent and the relaxed pace of his speech reflected his southern origin. He was born in Culloden, Ga., in 1899, and decided at the age of 13 to become a doctor after his father had been a patient at the Hopkins.

Again, as might be expected, Dr. Blalock was a man of many honors and memberships.

HONORARY DEGREES

During his career, a number of honorary degrees were bestowed upon him by such schools as Yale University, the University of Turin, the University of Rochester, the University of Chicago, Lehigh University, Hampden-Sydney College, Emory University, and Georgetown University.

At one time or another, he held 10 appointments as visiting lecturer, professor, or consultant to various medical institutions around the world. He was on the editorial boards of several medical journals, and belonged to a number of professional organizations.

ACADEMIES AND SOCIETIES

Dr. Blalock gave 42 endowed lectures during his career, and held membership in more than 45 medical societies and fraternities.

He belonged to both the National Academy of Sciences and the American Academy of Arts and Sciences, was elected in 1963 to the American Philosophical Society, elected in 1951 to the American Association for the Advancement of Science, and was associe etranger of the Academie des Sciences, Institut de France.

Membership in the Institute of France is an honor regarded as one of the highest honors in the scientific world.

Perhaps the greatest honor came to Dr. Blalock in 1949 when he was named as the world's outstanding vascular surgeon by the International Society of Surgery.

In 1960 he was awarded the Rudolph Matas Award in Vascular Surgery, one of the world's great honors for surgeons of the heart and blood vessels.

The American Medical Association awarded him the highest honor it can bestow in 1953 when it named him for its Distinguished Service Award. He was the 16th American to receive the award.

Modern Medicine magazine picked him in 1960 for one of its distinguished service citations. Election to the American Philosophical Society is one of the most prized academic honors in the country.

Winner of a number of local awards, Dr. Blalock was cited in 1948 by the Advertising Club of Baltimore as "man of the year."

BUILDING RENAMED FOR HIM

And only this year, the Hopkins, to which he gave so much, honored him by renaming the Clinical Science Building the Blalock Building.

Dr. Blalock, who lived at 117 Churchwardens Road, was married twice. His first wife, whom he married in 1930, was the former Mary Chambers O'Bryan, who died in 1958 at the age of 49.

A year later, he married Mrs. Alice Seney Waters, a widow.

Besides his wife, Dr. Blalock is survived by three children, Mrs. William C. Sadtler, William R. Blalock, assistant administrator of the Hopkins Hospital, and Alfred Dandy Blalock, and a sister, Mrs. Elizabeth Blackford.

TO PRINT AS A SENATE DOCUMENT A REPORT ON THE IMPLEMENTATION OF THE HUMPHREY AMENDMENT TO THE FOREIGN ASSISTANCE ACT

Mr. HUMPHREY. Mr. President, in all the discussion about foreign assistance, there is one area that has been free of criticism, and in fact has enjoyed the blessing of all Members of Congress. I refer to what AID is doing to encourage U.S. private enterprise to be more actively engaged in our foreign assistance efforts.

Here in the arena of private initiative, competition becomes a matter of ideas as well as commodities. We constantly are in search for new and better ways of doing things.

In this field the U.S. cooperatives, savings and loan associations, and credit unions have an enviable record. They are applying abroad the same know-how and skills that have made them so successful in our country.

I have received from Mr. David Bell, the Administrator of AID, the third annual report of our cooperative activities in AID, for the fiscal year 1964. I am delighted with our achievements.

These cooperative developments were carried out under section 601 of the Foreign Assistance Act of 1961. I proposed this section of the act to make certain that the people in charge of our foreign aid would be aware of the good that cooperatives, savings and loan associations, and credit unions can do among the underprivileged people in the emerging countries.

U.S. cooperatives are engaged in a wide range of activities. Our U.S. cooperative enterprises now are helping in 48 countries.

What was only an idea 3 years ago is a worldwide reality today. In the cooperative idea, we are exporting one of the finest products of a democratic society. And the cooperative program is not one of dollars, but of people.

During fiscal year 1964, AID obligated only $13 million for technical assistance for cooperative development and $52 million for loans for cooperative-type projects. Our success was due in large measure to the skill and dedication of 360 cooperative technicians and consultants, recruited from all parts of our Nation. They took their know-how, their experience, and their missionary zeal with them to foreign lands, and showed people how they can do great things just by working together. They were helped, of course, by the people in these countries.

Their effectiveness was multiplied many times by the people they had trained to carry on. More than 27,000 persons received training in cooperative subjects in AID-supported centers or schools in Peru, Colombia, Venezuela, the Central American countries, Uganda, Kenya, Thailand, Korea, and Vietnam.

In this connection, we should not overlook the dedication of the thousands of Americans abroad who are working with voluntary relief organizations. Thirty-one of the 242 voluntary relief agencies, missions or foundations eligible to work with AID in oversea programs included the development of "cooperative credit unions and loans" among their objectives.

This report provides one part of an answer to our critics who declare that AID does not reach down to the vast masses of people. It also brings out the importance of having nongovernment organizations participate in our foreign assistance efforts. In its cooperative undertakings, AID has tried to do as much of the work as is feasible by contracts with nongovernment organizations. In the field of cooperative enterprise, these organizations were mostly federations representing many hundreds of local associations. They include:

National Farmers Union, National Grange, National Council of Farmer Cooperatives, National Rural Electric Cooperative Association, Credit Union National Association, National League of Insured Savings Associations, Foundation for Cooperative Housing, and the Cooperative League of the USA.

I wish time would permit me to call the roll of new cooperative developments that have been carried out under the banner of AID during the past fiscal year. The outstanding developments, of course, have been in Latin America, under the Alliance for Progress. And they will continue to grow. Promising beginnings now are noticeable in Africa, and there is a growing interest in the Far East and Near East, south Asia regions.

There has been a substantial growth in the formation of credit unions, savings and loan associations, and housing cooperatives. Rural electric cooperatives were established in Colombia, Ecuador, and Nicaragua. In Latin America, 1,100 credit unions have been organized. The 300,000 depositors, mostly from lower-income families, have invested $12 million in savings. The 77 savings and loan associations have financed nearly 22,000 new homes.

This is a report of what we are doing in the new and developing countries. I would be remiss, however, if I did not mention an event which took place in our capital city this week. There were 80 campesinos—young farm leaders—in our city. They were not tourists. They had just completed 6 months of living and working on our farms in the Middle West.

They learned for themselves how our institutions work. They learned that life is not all peaches and cream here. They shared the good things, and took part in the townhall meetings, and the cooperative sessions. They went to church and to school. They learned what Main Street is like. They saw what makes America tick. There was sweat and hard work, leisure and fun, and the kind of life that goes on in small towns and rural areas all over America.

These 80 young farm leaders came from Bolivia, Chile, Peru, Colombia, and Venezuela. They were here as part of an AID project, carried out under a contract with the National Farmers Union. These young farmers understand what makes America the land of the free and the home of the brave, understand better how democracy works, and how the people do have a voice in running their business and their country. This too, is what this report suggests.

Cooperatives can be a source for developing new leadership, which is a welcome element when older institutions and authorities are being replaced by new structures and new loyalties. They are a strong factor in social and national cohesion. They bring people together for constructive purposes, and break down isolation and factional hostilities that so often hamper development in new countries.

What is extremely significant, too, is that in the emerging countries, cooperative development is a means of strengthening the private enterprise economy, and many of the emerging countries are aware of this. It is the simplest and most direct means for helping people to gain some positive economic advantages through their own efforts.

I share with Mr. Bell his observation that "marshaling the human, material, and financial resources of the U.S. cooperative organizations can, we believe, help provide the know-how and the seed capital essential to the development of sound self-help measures by people in developing countries."

Mr. President, in order to make this document available for use of the many people and organizations interested, I introduce, for appropriate reference, a resolution providing that this Third Annual Cooperative Report to the Congress on the Implementation of the Humphrey Amendment to the Foreign Assistance Act of 1961 be printed as a Senate document.

The ACTING PRESIDENT pro tempore. The resolution will be received, printed, and appropriately referred.

The resolution (S. Res. 371) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there shall be printed as a Senate document the third annual report to the Congress on the implementation of the Humphrey amendment, prepared by the Agency for International Development, fiscal year 1964, and that an additional five thousand copies be printed for use by the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 646) to prohibit the location of chanceries and other business offices of foreign governments in any residential area in the District of Columbia, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MULTER, Mr. ABERNETHY, Mr. HUDDLESTON, Mr. SPRINGER, and Mr. HORTON were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendment to the bill (S. 745) to provide for adjustments in annuities under the Foreign Service retirement and disability system, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAYS, Mrs. KELLY, Mr. ZABLOCKI, Mr. ADAIR, and Mr. THOMSON of Wisconsin were appointed managers on the part of the House at the conference.

THE SERVICE CORPS OF RETIRED EXECUTIVES (SCORE)—NEW ORGANIZATION OF THE SMALL BUSINESS ADMINISTRATION

Mr. MANSFIELD. Mr. President, a short time ago, the Small Business Administration undertook to launch a new program known as SCORE. SCORE stands for "Service Corps of Retired Executives."

Under this program, retired executives will call on small businessmen and give them the benefit of their management know-how.

I ask unanimous consent to have printed in the RECORD an article about this new organization published in the September 13 issue of the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMALL BUSINESSES TO TAP THE RETIRED FOR EXECUTIVE SKILL

(By Edward Cowan)

WASHINGTON, September 12.—The Government announced today that more than 1,100 retired executives have signed up as volunteer consultants who will try to help small businesses find the road to greater sales and profits.

Under the aegis of the Small Business Administration, they will make up the Service Corps of Retired Executives (SCORE). They will advise struggling small businessmen eager for help, said Eugene P. Foley, Administrator of the SBA.

The agency will assign the volunteers primarily to companies and proprietors who have borrowed money from the SBA or who will obtain loans under the 1964 Economic Opportunity Act. The act is the cornerstone legislation of President Johnson's antipoverty program.

In pilot projects in Boston and Washington, consultants have been assigned to 32 companies. The counseling program will be formally started nationally on October 5 in New York and other cities.

On that day, SBA field office officials will meet with SCORE volunteers, civic leaders and small businessmen to discuss how to put the program into operation.

The basic idea of the program is to make available to small concerns and individual proprietors the know-how of retired men who themselves were successful entrepreneurs and corporation executives. Accountants, lawyers, and marketing specialists also are wanted for the program.

While the SBA has not flatly ruled out assigning a volunteer to any businessman who cannot afford to hire a professional consultant, it wants to concentrate the talent available on companies that have borrowed money from the Government.

One reason for doing so is to increase the prospects for repayment of the loan. Another is the SBA already has much information about such companies.

One of the agency's major problems may be determining which volunteers are unqualified to be consultants. While the agency has attempted to direct its recruiting appeal to men of proved accomplishments, officials recognize that some of the retired men who volunteer may be more bored than competent.

LOCAL CREDIT CHECKS

Local credit checks may turn up some useful information about the applicants. Routine Federal Bureau of Investigation checks presumably will identify any volunteers who have unsavory backgrounds.

The agency is loath to undertake any extensive evaluation program because of the manpower, money, paperwork, and delay it would involve. Screening procedures so far are intended primarily to determine the nature of volunteers' talent and experience, in order to assign them to cases they will be most qualified to work on.

For example, Sidney Klein, the founder of S. Klein's department store in New York, has been working with small retailers in Washington. Lt. T. White, who directed training programs for Cities Service gasoline station managers, will perform similar duties for SCORE.

The volunteers will serve without pay. The agency plans to assign them to cases in their hometowns, thereby avoiding travel expenses.

About 20 percent of the recruits so far have come from the New York area. Most needed are volunteers from outside the big urban areas—from Maine, the Rocky Mountain States, and Mississippi, for example, an official said.

While the SBA's definition of a small business is not rigid, Mr. Foley said the typical counseling case would involve a concern with fewer than 25 employees.

THE NATION'S UNFINISHED BUSINESS—ADDRESS BY GEORGE MEANY

Mr. McNAMARA. Mr. President, one of our Nation's greatest strength is that it has a labor movement dedicated to the betterment of our social and economic society.

As the major spokesman for the American labor movement, AFL–CIO President George Meany in his Labor Day address this year placed in perspective the work of Congress and the unfinished work before us.

His message is a tribute to our efforts and accomplishments. It also is a reminder of what remains to be done.

I ask unanimous consent that the text of Mr. Meany's remarks be printed at this point in the body of the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AFL–CIO PRESIDENT GEORGE MEANY'S SPECIAL LABOR DAY BROADCAST OVER THE COLUMBIA BROADCASTING SYSTEM RADIO NETWORK, MONDAY, SEPTEMBER 7, 1964

Good evening. I am very happy to bring to all of you—to union members and to all other Americans—the greetings of the AFL–CIO on Labor Day.

I would like to spend these few minutes discussing some of the Nation's unfinished business.

Of course, there will always be unfinished business in the United States. As we advance, our sights and hopes are continually raised. We may never be able to eliminate, completely and for all time, every shortcoming of our society, or reach the point where nothing remains to be done to fulfill all of our aspirations as a Nation. Yet it is the basic nature of the labor movement and of Americans generally that we do not willingly stop short of our goals—that we must continue to move forward toward a better life for all.

First on our agenda of unsolved problems and unfinished business today is the problem of unemployment.

Only twice in the last 7 years, from November 1957 through July of this year, has the jobless rate dropped below 5 percent in any one month, and on those occasions the figure was 4.9 percent.

It is true that there has been improvement. Federal measures put into effect in the last few years—starting with a stronger wage-hour law, the area redevelopment program and housing legislation, and climaxed by the tax cut—have helped.

But the rate of automation and technical change is such that, while new workers are entering the labor force in ever-increasing numbers, fewer and fewer workers are needed to maintain the same level of production. Consequently, rising levels of production, sales, and profits have not been matched by any substantial reduction in the level of unemployment.

Unless we are able to find more effective answers to this basic problem, the long-range outlook will remain dim and foreboding. Any recession, any failure to maintain an expanding economy, holds the threat of mass unemployment.

Then there is the matter of equal rights and equal opportunity. Here, by any reasonable estimate, the progress has been remarkable. The Civil Rights Act of 1964 will go down in history as a landmark in the progress of American society. It was a bipartisan achievement, never before approached in time of peace.

But a law does not automatically become a pattern of daily life. There remains for all of us, whatever our station, the solemn obligation to make the terms of this law meaningful and effective.

The trade union movement played a major role in helping to bring this law into being. We intend to play a major role in helping to enforce its principles, not just in the legal sense, but in the heart, mind, and spirit of America—for the trade union movement exists to advance the cause of brotherhood, to resist injustice, oppression, and to make effective all of the rights of man.

There is the chronic problem of the crushing costs of severe illness, which impose an intolerable burden upon our elderly citizens in particular. We in the AFL–CIO believe we know the answer to this problem. We believe the need can best be overcome by extending the present system of social security insurance to cover hospitalization and directly related expenditures. No one has offered any other approach that makes practical sense. Yet the need continues, imposing painful penalties on the old and young alike.

Adequate shelter, in a wholesome environment, for every family, is another basic human need that remains high on the list of the unfinished business of our Nation. We gladly acknowledge that the most recent housing bill was the best to be enacted by Congress in a generation. Yet there are acute housing needs that remain to be filled—not just for the poor, though their needs are most pressing, but for self-supporting middle income families as well.

Then, also, for all who are interested in America's youth, there is the whole question of education. Late in 1963, President Johnson, in the process of signing a series of bills broadening Federal aid to certain kinds of higher education, said the congressional session of that year would be known as the education Congress.

We applaud these enactments. But we insist that they are properly only a beginning.

Every child in this Nation should receive, as a right, the best possible primary and secondary school education.

This can be realized only through a program of Federal aid, that will compensate for the differences in material resources of States and communities. Natural and material resources may differ in value from place to place; the value of human resources is the same everywhere.

Moreover, the only acceptable ceiling on educational achievement by any young person is personal capacity, not money. Today, not only the children of the poor, but children of self-supporting workers are at an immense disadvantage in their quest for higher learning. That disadvantage does a disservice to the Nation, quite apart from its inherent unfairness. It must be eliminated; and only a program of Federal aid can do it.

Finally—and I have not, by any means, exhausted the list of unfinished business—there is the matter of poverty.

Poverty is a fact of life in this affluent society. It is seldom visible to the affluent themselves; for the poor, or most of them, are clustered in slums and ghettos; in the big city areas that luckier citizens avoid, or down weed-grown roads in the country.

Yet the poor are very much with us. They amount to 20 percent of the American population—one family in five, struggling to exist on incomes of less than $3,000 a year.

Who are they?

They are out of work; or they have jobs that pay too little to live on.

They are old—or, perhaps, they are very young.

They are the unskilled or semiskilled—often because they never had a chance to learn a skill.

They have been blocked, perhaps because of race, from finding a place in economic society.

Above all, they are there. One-fifth of a nation, whose productive potential, whose potential purchasing power and whose full talents are not being utilized; and who themselves are paying the price in degradation and despair.

But there is also a price for the rest of us, both a moral and an economic price. We in the AFL–CIO reject out of hand the idea that people are poor because they deserve to be; that they are shiftless, stupid or both; that they could do better if they really tried.

This is a defeatist concept that cannot be justified by experience.

It is to the great credit of President Johnson that he has drawn attention to the problem of poverty in the midst of American affluence. We believe the program established by his antipoverty bill, recently enacted, is only a beginning in this battle; but he has done a real service by opening the eyes of the country to a problem it would be more pleasant for most people to forget.

In any case, as long as poverty does indeed exist in the United States, whether it afflicts 20 percent of the people, as, now, or 10 percent, this country will have unfinished business. Poverty—any amount of poverty—is simply not consistent with the American way of life.

As we strive to protect and develop our human resources, so must we conserve and improve our heritage from nature—the vital land, forest, mineral and water resources that have helped to make this Nation the envy of the world. This is historically and by force of necessity a responsibility of the Federal Government.

Our expanding population places an ever-mounting pressure upon those resources. Urbanization and the spread of industry have polluted the air that surrounds us and ruined the purity of our rivers and streams. A sustained attack upon these problems is essential to the public health and welfare.

The splendor of America's landscape and the remaining unspoiled natural scenic and recreational areas of the country are in danger of disappearing in our generation unless effective measures are taken to preserve them for future generations.

Steps have been taken by this administration, through the Wilderness Bill of 1964, to preserve untouched, many acres of primitive and wilderness areas, lakes, and streams. We need to do more—to provide the people of this Nation a balanced program of outdoor recreational opportunities to add to their health and well-being, including more national parks, forests, lakeshores, seashores, and other recreational areas.

The demands upon our sources of energy for our cities, industries, and homes are constantly growing and must be met in an enlightened manner. A comprehensive national energy policy should be carried out—based upon abundance, the conservation of reserves, research into new energy sources, and the aim of lowering energy costs to the consumer.

This is an election year. The American people will choose, a few short weeks from now, a President and a Vice President; all the Members of the House of Representatives; more than one-third of the U.S. Senators, and a goodly number of State Governors and State legislators.

All the matters I have mentioned in my remarks today will be issues, in greater or lesser degrees, in all of these election contests.

It will be up to the voters to decide which party, and which candidates, will deal with these issues most effectively.

Therefore I hope very sincerely that every voter will take the time to study the platforms of the two major parties. I hope every voter will consider what the parties have said, point by point, on all the things I have mentioned, and on other matters as well.

There has been a tendency, in recent years, to scoff at party platforms. I think this is a serious mistake. A party platform is, in effect, a statement of principle and purpose. It represents the consensus of party opinion. Except in the most unusual circumstances—circumstances which are not evident this year—the platform is a preview of what the party would do if its candidates won.

The basic questions in every national election—and in this one, possibly, more than most—are what kind of America do we want? And what is the best way to get it?

As to the first, all Americans would agree that we want peace in the world and prosperity at home. It is the second question that creates issues and decides elections.

Which party, judged by its platform: which candidates judged by their records, are most apt to keep the peace, preserve freedom, and provide prosperity for all?

The intelligent voter must decide this for himself.

Let me say, in conclusion, that I hope the voters will, in fact, take their obligations seriously; and that all citizens will, in fact, vote.

The United States—though it was the first and is now the oldest truly democratic society on earth—makes a poor showing on the roster of nations when it comes to citizen participation in elections.

Too many Americans and this includes wage earners and their families—simply do not take the trouble to register and vote. When that is the case, national elections—and local ones, too—are not a true measure of what the people want. Democracy works only when it is used.

We in the AFL–CIO have strong feelings about the coming election, but this is not the place to express them. Instead, on this Labor Day, my appeal to all who are listening is this: Look at the platforms and the records, weigh the prospects, make up your own mind—and then, above all, go to the polls on November 3 and vote.

CONVEYANCE OF FEDERAL LAND TO PASCUA YAQUI ASSOCIATION, INC.

Mr. MORSE. Mr. President, House bill 6233, Calendar No. 1469, would authorize the conveyance, without consideration, of approximately 202.76 acres of Federal public domain land to the Pascua Yaqui Association, Inc.

Although the Senate report accompanying H.R. 6233 indicates that the Pascua Yaquis are not members of an original American Indian tribe, and that they are Indians and descendants of Indians who fled Mexico some 40 years ago, it is clear that they have problems that compare to those of our American Indians.

It has always been my position that the United States has special trust obligations to the Indians of our country. Accordingly, I have never sought to apply the Morse formula to proposed gratuitous transfers of Federal lands needed by the Indians. Since we have extended the hand of friendship to the Pascua Yaquis for almost a half century, I feel that the same policy that applies to American Indians under the Morse formula should be applied to the Pascua Yaquis. Therefore, I have no objection to the proposed transfer of the 202 acres for the limited purposes set forth in section 1 of the bill.

The provision of H.R. 6233 which caused me some concern appears in section 1, subsection (2). It reads as follows:

> No part of such property shall ever be conveyed for the benefit of any private organization, association, group, or individual, except that a parcel of not to exceed fifteen acres may be conveyed to the county of Pima, State of Arizona, or a political subdivision thereof, for use as a site for a school.

The above-quoted language, if standing alone in a gratuitous Federal land transfer bill, would require the payment of 50 percent of fair appraised market value to the United States upon the transfer of the 15 acres, plus a reversionary clause limiting to public purposes the use of the 15 acres.

Congressman MORRIS UDALL, the original sponsor of this bill, upon learning of my concern relative to the language of section 1(2), wrote to me explaining the proposed use of the 15 acres. I ask unanimous consent that his letter of September 16 be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 16, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am advised that you have raised a question about my bill, H.R. 6233, which would provide for the conveyance of certain land of the United States to the Pascua Yaqui Association, Inc., which bill is scheduled to be brought before the Senate shortly.

I understand and appreciate your concern over the provision in section 1 of the House-passed bill permitting not to exceed 15 acres to be conveyed to Pima County, Arizona, or some political subdivision thereof, for a school site.

If in the future such a conveyance of not to exceed 15 acres should be made to Pima County or one of its subdivisions for use as a site for a school, such school would be primarily for the use of the Yaqui Indians or students coming from the nearby San Xavier Papago Reservation. There would be few, if any, non-Indian students in the school, and it is highly unlikely that the county would go to the trouble of transporting non-Indian students from distances of 10 miles or more to attend what would be essentially an Indian school. The acreage covered by this bill is located about 10 miles southwest of Tucson, Ariz., about 1 mile north of the San Xavier Reservation and about a mile or two west of a northern projection of the reservation which provides a buffer between Tucson and the proposed Yaqui site. Furthermore, the area is separated by a range of low mountains from the path of major community expansion.

While I recognize fully the merit of your insistence on proper compensation when Federal land is conveyed, however indirectly, to the States and their political subdivisions, I would hope that the special nature of this case might warrant your support.

Sincerely,

MORRIS K. UDALL.

Mr. MORSE. Congressman UDALL'S letter makes clear that if a school should be constructed at some time in the future on the 15 acres that might be transferred to Pima County, the school would be used almost exclusively for Indians from the Yaqui and Papago Reservations. That being the case, the 15-acre conveyance, when effected, would also represent the carrying out of our trust obligation to the Indians.

For the foregoing reasons, House bill 6233 does not violate the Morse formula, and I urge that the measure be scheduled for early Senate action.

PORNOGRAPHY AND THE PUBLIC

Mr. MUNDT. Mr. President, recently I have received in the mail a letter and a press release from an organization which calls itself the Society for the Protection of Children's Mental and Moral Health. The letter and the press release were strong protests against the recent Supreme Court decision involving pornography in books and movies.

I ask unanimous consent to have printed in the RECORD the letter, which is signed by Rev. Morton A. Hill, S.J.; a copy of the news release, which is entitled "Operation Yorkville"; and a list of the cosigners of the letter and the press release.

There being no objection, the letter, release, and list of cosigners were ordered to be printed in the RECORD, as follows:

SOCIETY FOR THE PROTECTION OF CHILDREN'S MENTAL AND MORAL HEALTH,
New York, N.Y., September 9, 1964.

Senator KARL E. MUNDT,
New Senate Building,
Washington, D.C.

DEAR SENATOR MUNDT: We enclose a statement from nine interfaith religious leaders, criticizing the June 22d obscenity decisions of the U.S. Supreme Court, in which the Court has preempted the power of all legislative bodies and thus of all the people and has hamstrung lower courts in rendering obscenity decisions.

This statement was carried by newspapers all over the world, and also featured in the September 11 issue of Time magazine (p. 22).

As a result of this U.S. Supreme Court decision, New York State has already been rendered virtually lawless in the field of obscenity. Other States will probably follow in the fall and winter. Furthermore, mail-order pornography will now skyrocket.

We wrote you before, but the enclosed statement will indicate further need for immediate and favorable action on H.R. 319.

We would also be interested in hearing your opinion on this action of the Supreme Court in imposing its standards on the people of 50 States.

Sincerely,

MORTON A. HILL, S.J.

NATIONAL INTERFAITH STATEMENT REGARDING U.S. SUPREME COURT'S TWO MOST RECENT OBSCENITY DECISIONS

(Signed by: Rev. Wilburn C. West, president, Eastern States Mission, Church of Jesus Christ of Latter-Day Saints; Bishop Lloyd C. Wicke, presiding bishop, New York Conference, Methodist Church; Rev. W. Scott Morton, Ph. D., executive director, University Christ Foundation, N.Y.U. Presbyterian Church; Most Rev. Leo A. Pursley, Catholic bishop of Fort Wayne, Episcopal Chairman, NODL; Most Rev. Aloysius J. Willinger, Catholic bishop of Monterey-Fresno, Calif.; Most Rev. John King Mussio, Catholic bishop of Steubenville, Ohio; Rabbi Chaim U. Lipschitz, editor, Jewish Press, Brooklyn, N.Y.; Rabbi Dr. Julius G. Neumann, Congregation Zichron Moshe, New York, N.Y.; Rabbi Jehuda Melber, Briarwood Jewish Center, Queens, N.Y.; Henry L. Lambert, president, New York Board of Trade, New York, N.Y.)

In two portentous decisions rendered on June 22, 1964, the Supreme Court of the United States virtually promulgated degeneracy as the standard of American life.

In approving "Tropic of Cancer," five Judges disapproved the rulings of the courts of several States, including Illinois, Florida, and New York, which had found the book to be vile and obscene. Under its debased standard, the Supreme Court approved a book which contains numerous passages unfit for printing either in a court decision or in a newspaper.

The attitudes expressed by these Justices are as confused as they are deplorable. Justices William J. Brennan and Arthur J. Goldberg decided, on their baffling concept of a "national community standard," that the book was not obscene. Accordingly, they decreed that this degraded national standard must be imposed upon Illinois, Florida, and New York. Justices Hugo L. Black and William O. Douglas apparently believe, in the name of freedom, that nothing, however vile, can be obscene under the Federal Constitution. Justice Potter Stewart expressing a personal evaluation, found that the book was not obscene.

These shocking conclusions exhibit contempt for the public and utter indifference to, or disregard of, the morality that guided the framers of our Constitution. The Court grossly distorted the meaning of that Constitution, which was written for a nation founded "under God." In finding that the Constitution was intended as a guarantee for the dissemination of filth, and a device to deprive the public of the right to protect itself against vile and corrupt publications, the "under God" foundations of the United States were implied to be irrelevant. The further suggestion of the Justices that the average American would tolerate such filth is an insult to the character and intelligence of the people of the United States.

The Court applied the same weird test in approving, by a 6-to-3 vote, a highly objectionable motion picture, entitled "The Lovers," which the courts of Ohio have found to be obscene.

The obvious and regrettable conclusion from these assaults upon the Nation, and thus on its children, is that the community standard prevailing among the five judges is far below the standard of the people of the Nation, upon whom they do not hesitate to sit in higher judgment.

These decisions cannot be accepted quietly by the American people if this Nation is to survive. Giving free rein to the vile depiction of violence, perversion, illicit sex, and in consequence, to their performance, is an unerring sign of progressive decay and decline. Further, it gives prophetic meaning to the Soviet intent to bury America.

These decisions require strong, instant action. In the words of the psalmist, "Shall you do these things and we be silent?"

We urge, therefore, that people press for the arrest of those who violate the parental right by distributing and selling pornographic material to children; that parents vehemently denounce these decisions as a usurpation of their "under God" rights; and that they urge the President of the United States to review the decisions and properly characterize them as an insult to the American public and a menace to American society. It is most urgent, therefore, that letters and cards be dispatched immediately to the President.

We urge, too, that religious leaders of all faiths in all communities stand together in vociferously decrying the fact that the Court has presumed to recast the moral law.

Our position is best summarized by Chief Justice Earl Warren, dissenting in the "Tropic-Lovers" decision: "Protection of society's right to maintain its moral fiber and the effective administration of justice require that this Court not establish itself as an ultimate censor, in each case reading the entire record, viewing the accused material, and making an independent de novo judgment on the question of obscenity."

Mr. MUNDT. Mr. President, although I am in sincere sympathy with the attitudes and many of the statements of this fine group which is doing so much to fight pornography and filth in books and movies, I wish to call their attention, and the attention of many other persons throughout the United States who are concerned with the mounting growth of obscene books and magazines and other noxious materials which find their way into the hands of children and adolescents, to the fact that there is a better way to meet this problem.

On two occasions, I have introduced, and had accepted in the Senate, a bill to create a Commission on Obscene and Noxious Materials. I felt, and still believe that the creation of such a commission is the necessary first step in doing a really effective job in fighting printed filth, pornography, and noxious pictures and printed materials. In this Congress, we have reintroduced this bill in both the House and the Senate; and it has been the hope of the sponsors of the bill that the House Committee will yet find time to hold hearings on the bills before it, so that action will begin.

What the members of this Society for the Protection of Children's Mental and Moral Health fail to realize is that merely on the matter of definition, nothing which can be found in law can be applied countrywide. Further, the laws which have been written are not uniform, and have not been wholly effective.

The proposal I have made would bring together experts from the field of law, law enforcement, education, religion, the publishing and entertainment industry, and the general public to thresh out such problems as: First, what are good, sound legal definitions of obscenity which can be made to stick; second, how can we get uniform and effective laws at the State, city, and National levels; third, how can we enforce such laws; and fourth, what steps can be taken for an effective information program for parents and children, so the market for such filth can be dried up?

I suggest to the dedicated people that they give support to this program, so we can work together for final, effective action. Their approach in trying to get the President to do something about the Supreme Court decision is not realistic. The way to start is not by means of an avalanche of criticism of the Court, but by putting on the books laws which give the Court a line of action, a set of legal precedents, and some clarifying definitions for judges to work with.

I suggest to this group, and to others like it throughout the United States, that a united effort starting with the basic problems, will eventually lead to success. Scattered operations, with varying methods of procedure, may do some good locally, but they do not make the permanent and solid impression that should be made in this fight. Indeed the purveyors of filth must find comfort in the fact that these fighting units are disunited and do not form an effective army.

The number of my bill in this session of Congress is S. 180. There are several companion bills in the House of Representatives. I am sure the Senate will act again, quickly, and surely, as it has done before; but our problem is in trying to get the House Committee to put the bill on its agenda. Should the House fail, in this Congress, to take the necessary action, we shall try again in the 89th Congress. I ask all who believe that pornography, smut, filth in books and magazines, and filthy movies and plays are a threat to the morals of our youth, to join in the support of proposed legislation which will begin to do the job the way in which it is vitally necessary to proceed.

ATOMIC ENERGY, SCIENCE, AND EDUCATION

Mr. MUNDT. Mr. President, recently Dr. John H. Lawrence, director of the Donner Laboratory and Donner Pavilion at the University of California, in Berkeley, delivered one of the most profound addresses it has been my privilege to read.

The son of a well-known South Dakota educator, Dr. John Lawrence was born in Canton, S. Dak., and was educated at the University of South Dakota.

His parents, Carl and Gunda Lawrence, resided in Canton for many years. His father was the superintendent of schools. Later, his father was State superintendent of public instruction, and served many years as president of colleges in the State. He retired in 1939, in Aberdeen, where he was president of Northern State Teachers College. His brother was the late well-known nuclear scientist, Dr. Ernest Lawrence.

Dr. John Lawrence came back to South Dakota recently to deliver the Albert S. Harding lecture at the South Dakota State University. His lecture presents an inspiring recital of achievements in the field of agriculture and elsewhere, by the University of California and by our South Dakota State University.

Dr. Lawrence and his work are known throughout the country. I know his address will be of interest to those who regularly read the CONGRESSIONAL RECORD. His biography, from "Men of Science," which follows, speaks for itself:

Lawrence, Dr. John Hundale, 220 Glorietta Boulevard, Orinda, Calif. Medicine. Canton, S. Dak, Jan. 7, 04; m. 42; c. 3. A.B, South Dakota, 36; M.D, Harvard Med. Sch, 30; hon. Sc.D, South Dakota, 42, Catholic Univ, 59; hon. Dr, Univ. Bordeaux, 58. Intern, Peter Bent Brigham Hosp, Boston, 30–31; asst. res, Strong Mem. Hosp, Rochester, N.Y, 31–32; New Haven Hosp, Conn, 32–33; instr. Med. Physics, med. sch, Yale, 33–37; res. assoc, sch. med, California, 37–45, asst. prof, 45–46, assoc. prof, 46–50; Prof, 50–, Dir, Donner Lab, 48–, Physician-in-Chief, Donner Pavilion Res. Hosp, 54–, in charge aeromed. unit mil. aviation med, 42–45. Responsible invest, Office Sci. Res. & Develop; mem. Mission, U.S. Dept. State, Thailand, 56. From res. physician to assoc. physician, New Haven Hosp, Conn, 33–37; consult. physician, Colwell Mem. & Highland hosps; consult, U.S. Air Force Hosp, Travis Air Force Base; U.S. Naval Hosp, Oakland; Highland-Alameda County Hosp; Veterans Admin. Hosps, Oakland & San Francisco. Mem. hematol. study sect. U.S. Pub. Health Serv; subcmt. decompression sickness, Nat. Res. Council. Leader expeds, Peruvian Andes, 50–52. Del, Int. Conf. Peaceful Use of Atomic Energy, Geneva, 55, Paris, 57; Int. Conf. Radioisotopes in Sci. Res, UNESCO, 57. Caldwell medal, Am. Roentgen Ray Soc, 41; Davidson medal, British Inst. Radio, 47; Cert. appreciation, U.S. Dept. War & U.S. Dept. Navy, 47; medal, Univ. Bordeaux, 58. Civilian with Atomic Energy Cmn; Office Sci. Res. & Develop; U.S.A.A.F; U.S.N, 44. Soc. Clin. Invest; Soc. Exp. Biol; Asn. Cancer Res; Col. Physicians; Col. Surg; Royal Soc. Med; hon. mem. Radiol. Soc. Panama; hon. mem. European Soc. Hematol. Aviation medicine; hematology; metabolism; physiology; medical physics; radioisotopes in diagnosis; medical applications of radioisotopes and nuclear reactions.

His inspiring address reads as follows:

ATOMIC ENERGY, SCIENCE, AND EDUCATION[1]

(By John H. Lawrence, Donner Laboratory, University of California, Berkeley, Calif.)

It is a great privilege to be asked to take part in this series of lectures honoring your Prof. Albert S. Harding. In reading of his life and his contributions to teaching—especially of his contributions to the prestige and value of the Department of History and Political Science here at the South Dakota State College—one is again impressed with the quotation from Ralph Waldo Emerson: "An institution is the lengthened shadow of one man." Certainly all educational institutions are really the shadows of their faculty and students, past and present—they are not the shadows of buildings or of equipment within buildings. One evening while leafing through an agricultural journal, I came upon a picture of your president—which I show here—who is a leader in the science of livestock which is so very important in the food production of the world. Certainly President Briggs is casting his shadow of greatness on this fine land-grant institution.

I think that we all need to remind ourselves that the potential of the human being is unlimited—that this potential is unique to the human species. In these times of stress, and of great problems facing our country and our world, we must not forget the value of this great potential, for it is this that gives us great hope for the future. I remember a favorite answer my brother, Ernest Lawrence, used to give when someone asked him of what use was a new piece of scientific information. He would answer with the quotation from Benjamin Franklin, "Of what use is a newborn baby?" Everyone knows that the potential of a newborn child is unknown, but more important, it is also unlimited.

The recent passing of two friends of mine had a tremendous effect on me. One of them was a lady of 70, and the other a relatively young man of 42. I realized that these people not only were two of my best friends, but in addition, that these two friends—in their lives and actions in combination—had human qualities and life histories which if duplicated by millions of others would provide the answer to many of the world's problems.

These thoughts led me to realize that I know and have known many such people. I have recorded short vignettes of some of these people in the belief that first, their life stories are exciting in their own right, and that second, they tell of a kind of people, who, if they were a majority among us, would lead to a better and a more peaceful world.

All of us are influenced by such people, and these people are particularly important in our grammar schools, high schools, and colleges.

Often the individual's full potential is not realized unless he is inspired or motivated by close contact with outstanding teachers—and such close contact is more easily possible in the schools and colleges of South Dakota than in many of the larger schools. The four magic letters—as Sir William Osler, the famous physician, said—are w-o-r-k, and without hard work, no progress can be made. However, the fun and excitement of accomplishment (whether it be the discovery of new knowledge or the application of new knowledge to the problems of society) often come from the inspiration that a student gets from one or more of his teachers. So I firmly believe that the great hope for the future lies in the teachers, researchers and students, especially in the "not so big" colleges and universities like South Dakota State College, where close contact between students and teachers is natural and easy.

I have briefly looked into some of the contributions of your school and my adopted school, the University of California, to the welfare of society as an introduction of the few remarks I wish to make about atomic energy, science, and education.

This year South Dakota State College celebrates its 80th anniversary with a proud history of achievement in agricultural progress that has benefited the entire Nation. One naturally cannot estimate in dollars the value that this college's agricultural research has had for the population of the State of South Dakota and the Nation, but I have heard it said that just one of the new crop varieties developed here is worth many times the entire amount being spent in support of the college. One excellent example to illustrate this point was the development of Hope wheat, achieved by the late Dr. Edgar S. McFadden in 1927. While still a student in 1916 he decided to do the impossible by crossing Marquis with Yaroslav emmer. Just the year before stem rust had destroyed great quantities of wheat all over the world. McFadden saw the advantage in transferring the disease resistance of emmer to bread wheat; however, it was at the time considered an impossibility to cross the emmer with bread wheat because they had different numbers of chromosomes. As agricultural history shows, Hope wheat became the parent of almost all the wheat varieties developed since. We know now that these improved wheats have meant millions of additional dollars to farmers here in the Midwest and have also helped stabilize the world's wheat supply.

Twenty years later the impossible was again attempted with success at South Dakota State College. The one crop farmers could depend on for feed during times of drought was sorghum, which unfortunately because of its high cyanide content caused widespread losses from prussic acid poisoning. It was your agronomist, C. J. Franzke, who through special methods of selection developed the world's first low prussic acid sorghum, released in 1937.

Some very exciting results have been achieved lately here in research with sorghum, I am told. I understand that Dr. James Ross has produced a true-breeding mutant that is now being tested and is expected to be released to farmers in about 2 years. This mutant sorghum is expected to yield more and be better adapted to South Dakota conditions.

Let me mention a few other improved crop varieties, first produced here and now helping to increase the world's food-producing capacity, such as Rushmore and Lee wheat; Liberty barley; Pierre eye; Norghum, Reliance, and Dual sorghums, dozens of corn hybrids; Teton alfalfa; and several tree, fruit and vegetable varieties. The world-famous horticulturist, Dr. Niels E. Hansen, whom my father and mother knew and talked to me so much about, and who served as head of the horticulture department here until his death in 1950, pioneered this field. Dr. Hansen, who has been called the "Burbank of the Middle West," introduced from Russia hardy drought-resistant grasses, vegetables, fruits, and flowers. It is estimated that more than 50 percent of the parent stocks for alfalfas now grown in the United States originated from materials this plant-wizard introduced at the turn of the century.

Important basic research with crops at State College today, concerning the investigation of winter hardiness of wheat, barley, and oats, is carried out by Dr. Donald Kenefick and his associates. Such physiological factors as water storage in the plant cells in the dormant period and the possible alteration in enzymatic activity are being studied in varieties of these grains that have winter-survival characteristics.

Because of the very many kinds of crops grown in California, insect pests have been a constant problem to farmers there. The program of research in biological control in the University of California has therefore been an extensive one that has yielded amazing results. The first really successful control of a pest with an imported natural enemy was accomplished as early as the latter part of the 19th century when the Vedalia lady beetle was introduced and successfully curbed the cottony cushion scale (an insect) a destructive citrus pest.

Since then, about 75 different species of parasites or predators that have been successfully introduced into California as biological control agents have become established in the State. These have ameliorated the menace from a variety of insects attacking many field crops and ornamentals. Work now being done in this field promises that the red scale (also an insect) a citrus pest once costing the growers $10 million a year, is now being brought under control.

I understand that the insect and weed problems have been ably controlled here in South Dakota and generally do not here assume the disastrous proportions sometimes seen in California. I was thinking of the Klamath weed menace in California which it took 10 years to stamp out in the first attempt at biological weed control in North America. By 1943, after this weed had spread across the continent, 1,700,000 acres of range land were infested in California alone. The pest could not be controlled by chemicals because the lands were too extensive and inaccessible, but the Crysolina beetles imported from Australia have practically eradicated this weed.

A good example of how research sometimes comes to the farmer's rescue can be seen in the development of aphid-resistant alfalfa in California when the spotted alfalfa aphid hit the State with near disaster in the 1950's. By 1955, the aphid menace was threatening to wipe out all hay crops and in turn the dairy industry. Chemicals were used at great expense to fight the insect pest and were able to curb the menace while plant breeders speeded up their development of new varieties that were resistant to the aphids. Hay in California comes today mostly from resistant Lahontan and Moapa alfalfa, and new strains of these bring better yields every year.

The first variety of Lahontan alfalfa was released when the aphids first struck in 1954. It had been bred for resistance to the stem nematode, and just by fortuitous circumstances also happened to be resistant to aphids. It was found suitable to the central valley of central and northern California. In 1958, the first seed of Moapa alfalfa developed specifically for aphid resistance became available commercially. Both of these varieties of alfalfa were developed by a U.S. Department of Agriculture plant breeder station at Reno, Nev., by the late Dr. Oliver Smith, in cooperation with the University of California. The aphid menace is now under control. A new variety, Sonora alfalfa, was released in 1963 by Arizona, Nevada, and California experiment stations. This new variety is superior to the other two in yield.

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[1] Based on the Albert S. Harding lecture delivered on April 21, 1964, South Dakota State College, Brookings, S. Dak.

Just as much of the agricultural progress in South Dakota has been based on fundamental research, at this college and elsewhere, so the University of California also played a major role. It has been estimated that the returns to the State of California in 1 year from the university's research findings amounts to more than all the money the State has provided for research in almost 100 years since the school was founded.

Increases in this return during the recent years have come from mechanizations of harvesting methods. Lately significant progress has been made in the field of soft fruit and vegetables. One of the latest achievements is harvesting of tomatoes which is now facilitated by the development of a harvester and new varieties of tomatoes better adapted to this method. The new types of tomatoes were bred from wild tomatoes and common varieties.

The achievements in agronomy, pest control, and agricultural engineering at our two schools have been great over the years, as can be seen from these few examples, but they do not overshadow the importance of research work done in animal husbandry, veterinary medicine, and other fields. I can even cite you an example of research in animal husbandry done at both South Dakota State and the University of California at Davis, from which the whole country is now benefiting.

I am referring to the problem of dwarfism which is even now only partially solved. Dwarfism has brought great losses to cattlemen the past 12 to 14 years. The loss of aborted or dead calves caused by the scourge is greatest in breeding herds of registered cattle where the loss of one bull calf can be the potential loss of from $500 to $10,000, the price range of stud bulls.

The first work on dwarfism in cattle was done right here in the college herd. Drs. L. E. Johnson, G. S. Harshfield and W. C. McCone published in 1950 the first description on dwarfism and hereditary defects in the Journal of Heredity. This article first called attention to the fact that dwarfism was inherited, and since dwarfism was at the time appearing a great deal in cattle, the importance of selective breeding to prevent it was made apparent from this study.

Almost all western experiment stations, including those of the University of California, participated in the research that followed to establish clean pedigreed lines for bulls. Suspect bulls were bred with cows known to have the genetic factor for dwarfism because they had already produced dwarves. Because this genetic factor is a double recessive that must be present in both bull and cow, if dwarves resulted from mating of bulls with these cows the bull was also known to be a carrier of this genetic factor. If no dwarves resulted, the bull was likely to be clean.

The disease prevention program at South Dakota State College has brought dividends to other States as well as to South Dakota. The so-called alkali disease, occurring here and in other parts of the Great Plains and the Rocky Mountain regions, is a good example. Early in the 1930's, Dr. K. W. Franke, worked on this problem in cooperation with scientists from the University of Wyoming and the U.S. Department of Agriculture. The team established that selenium in soil and feeds caused the disease. Early in the 1940's soil and plant studies enabled scientists to prepare maps showing the seleniferous areas. Research on alkali disease continues with the study of sulfur metabolism as related to selenium toxicity by Drs. Oscar Olson and Andrew Halverson.

One of the great strides in veterinary medicine in California has been the control of the virus disease called "blue tongue" occurring in sheep as epidemics before a vaccine was developed. Again research paid dividends. Through the School of Veterinary Medicine at Davis, the disease was first identified as existing in this country, and subsequently a vaccine was developed there. Before the vaccine was available, severe losses were incurred by the sheep-raising industry when epidemics struck. Commonly up to a third of Hampshire and Suffolk sheep were lost from the disease, known to be carried by a small gnat. This work was done by Drs. McGowan and McKircher. Dr. McKircher is now working with two new important cattle diseases, infectious bovine rhinotracheitis, for which a vaccine has been developed at Davis, and epizootic bovine abortion, both of which were found there to be caused by a virus. Yearly losses to cattlemen from epizootic bovine abortion has been estimated at between $10 and $20 million.

One bonus from veterinary research has often been a better understanding of human diseases. Benefits to humans have in the past been derived from research on swine influenza and chicken leukemia. Likewise, studies on animal tumors hold hopes of a better understanding of human cancers, and new studies of animal leukemias may also throw more light on these diseases in humans. Some interesting blood studies are now being undertaken at Davis in cattle herds in which leukemia has frequently been diagnosed.

Dr. Gordon Theilen and his associates have discovered that up to 30 percent of the animals that appear healthy have abnormal blood changes, and that some of these go on to develop lymphosarcoma. When trying to produce the leukemia experimentally with whole blood from leukemic animals, the abnormal blood changes took place. However, when using cell-free filtrates in attempts to produce the disease, no abnormal blood changes took place, suggesting that the lymphocytosis-inducing factor had been destroyed.

And as research continues so does the benefit to the farmer, the ranger, and the consumer, as well as the State itself. And I feel certain State College will continue to make its important contributions in agronomy, veterinary medicine and cattle raising, under the leadership of President Briggs. My friends also tell me that his book on livestock has become an important text and reference book in agricultural colleges throughout the Nation. I might say that the many changes in South Dakota agriculture and cattle raising are clearly seen by one—when I think back at the crop and cattle picture I used to see here as a boy.

Now that we have considered several contributons of research to agriculture, let's look specifically at some of the contributions which atomic energy has made possible. Indeed, it has been responsible for many contributions to the welfare of mankind, and the U.S. Atomic Energy Commission is currently summarizing some of these in four volumes which they will present to the delegates from the many nations attending the Third International Conference on the Peaceful Use of Atomic Energy to be held in Geneva, Switzerland, this fall. With two associates, Dr. Bernard Manowitz and Dr. Benjamin Loeb, we have just completed one of these books, "Radioisotopes and Radiation—Recent Advances in Medicine, Agriculture and Industry." I would like to give you some examples from this book.

In the late thirties, and early forties, shortly after artifically produced radioisotopes became available, the U.S. Department of Agriculture made a variety of radioisotope-labeled fertilizers available on a national scale. They were soon being widely employed in a very large number of research investigations, and valuable information has been obtained.

An important example was the Tulare Lake Basin of central California. For some years the attempts to grow cotton in certain parts of this basin had met with consistent failure, and the farmers were eventually forced to shift to barley. However, this was a far less profitable crop, and so some growers again tried to grow cotton. But the soil, after receiving nitrogen and phosphorus fertilizers to increaes barley yield, was even less acceptable for cotton production.

Agronomists analyzed the problem and initiated field trials. Soil samples were sent to the Plant Nutrition Laboratory at Beltsville, Md., and Dr. J. C. Brown used radioactive tracer techniques, particularly with zinc 65, and thereby obtained quick indications of nutrient activity in cotton plants grown in this soil. His findings determined that a combination of zinc, phosphrous, and iron fertilizers was required for successful cotton production. As a result, high yields of cotton are now being harvested from many hundreds of acres in that area—and it was the radioisotope technique of investigation that brought this about with much greater speed and precision than would have been possible by any other means.

Insects pose another serious agricultural problem. They can reduce crop yields, lower crop quality, attack stored food, clothing and animals, and carry diseases of man and animals. Research in atomic energy has provided a unique method of direct insect control by self-eradication of insects by release of radiation-sterilized males. This technique completely eradicated the screw worm fly from the island of Curacao in 1954.

In 1958, a vigorous campaign to eliminate the screw worm from Florida began. An unused airplane hangar was converted into a factory. Six irradiators (using 500 curies of artificially produced radioactive cobalt per unit) delivered the precise doses required for sterilization. When the Florida plant reached its full capacity, it was rearing, irradiating, and releasing more than 50 million screw worm flies per week and in less than 2 years this insect was eradicated in the southeastern portion of the United States.

Thus, an investment of about $8 million resulted in a saving of about $20 million per year to the cattle industry in the Southeastern United States. Without doubt this was one of the most extraordinary programs ever undertaken in the field of applied biology. Although this is not the final answer to insect eradication for all major insect pests, it does deserve serious consideration where the species and conditions needed for its success seem to be present. Great progress is being made on insect problems using the same technique.

The loss of stored wheat in the United States because of insect infestation represents a value of nearly $300 million per year. There is a widespread search underway for effective pesticides which will be either nontoxic or low in toxicity. At the same time, increasing attention is being given to the possibility of using some form of radiant energy for disinfestation.

A relatively low dose of gamma rays or X-rays is sufficient to sterilize or kill a wide variety of insect pests, and such doses produce no effects on the grain which make it harmful for human consumption. (In 1963 the U.S. Food and Drug Administration gave approval for radiation treatment of grain.) Disinfesting doses do not impair nutritive value of cereals or germination of seeds. There is still a need to demonstrate on an effective scale that this treatment has no adverse effect on grade, odor, flavor, and baking qualities of grain, and that it can economically compete with other methods. To help clear up the lingering uncertainties, the U.S. Atomic Energy Commission has proposed construction of an irradiation facility for studies of insect control in grain and other commodities which would be made available to the U.S. Department of Agriculture for use in cooperation with industry.

Prevention of food spoilage is another important area in which atomic energy has played a role, and radiation has been used in some cases to successfully destroy bacteria and thus preserve food without refrigeration. In February 1963, the U.S. Food and Drug Administration cleared irradiated bacon for public consumption—the first radiation-sterilized food cleared by health officials of any nation. Canned bacon, sterilized with cobalt-60 gamma rays (4.5 megarad dose), had been stored for over 2 years at 70 degrees Fahrenheit, and taste panels could detect little or no difference between the stored and fresh bacon.

The perishability of foods has prevented some foods from being available in certain localities—except at prohibitive costs. For example, in some parts of the Midwest fresh fish are virtually unobtainable. One of the current AEC studies is concerned with the radiation preservation of fish. Fish stored in ice can be kept fresh for only a limited time, and therefore the New England trawlers often return to port with a catch equal to about 30 percent of their maximum capacity. Radiation pasteurization may well provide an answer to this problem, and more information will become available with the completion of the USAEC's Marine Products Development Irradiator at Gloucester, Mass., scheduled for late summer 1964.

Another AEC sponsored program involves the radiation preservation of fruit. Experiments, mainly at the Davis campus of the University of California by Dr. Ed Maxie, have shown that cobalt irradiation can reduce considerably the amount of loss from rot organisms. For example, a dose of 200 KR gives a significant retardation in the decay of strawberries, without severe adverse effects on quality.

Atomic energy is supplying impetus to another technique in plant breeding which improves varieties of crops by "mutation breeding." This involves a deliberate effort to induce desirable hereditary changes by using radiation, and by this method one can obtain an increased frequency of desired mutants. The technique has been successful in developing crown rust-resistant oats; though hulled and spot disease-resistant peanut; and a new variety of pea bean, but there is not time to discuss further the many benefits to agriculture already gained from these radiation-induced new varieties of crops.

And now let's look at some of the advances in medical research, diagnosis and therapy which have resulted from atomic energy. In 1935, when the first cyclotron was completed and artificially produced radioactive isotopes became available, we began our work using them in biological and medical investigations. Radioisotopes were immediately available for investigators throughout the United States, as well as in many other countries. After 1945, with the development of nuclear reactors, larger quantities and varieties of radioisotopes became available. Today reactor-produced and cyclotron-produced isotopes are available almost everywhere, and diverse compounds containing them have been furnished widely to investigators for research, diagnostic and therapeutic purposes. A prediction made in the early days that radioisotopes were going to be as important as the microscope to the future of biology and medicine has certainly come true.

The most important use of radioisotopes is for so-called "tracer" studies. Such studies are made possible because radioisotopes are chemically identical to their sister nonradioactive isotopes, and differ only in an important physical property—they emit radiation and can therefore be detected. Biological and medical scientists are often concerned with what happens to a substance in the body, and here is a method for finding out. Label the substance with a radioactive isotope, administer it, and then detect the presence of radioactivity. Thus one can find out where an administered radioisotope eventually ends up. This can tell you either what interchanges have taken place between compounds in the body, or in other cases, where the labeled compound went in the body.

An example of a tracer study is one we did in the 1940's when the Air Force wanted to know whether or not carbon monoxide was converted to carbon dioxide in the body. We answered the question by having subjects breathe labeled carbon monoxide (mixed with oxygen), and then detecting the presence of any radioactive carbon dioxide in the expired air with a breath analyzer. In this case none was detected, and this finding indicated that there was no significant conversion of carbon monoxide to carbon dioxide in the human body. We also performed studies on inert gas exchange using radioactive nitrogen, krypton, argon, and xenon and thus obtained important information concerning the problem of aviator's bends.

Another interesting example of a tracer study with radioactive carbon was done in more recent years. We in the United States apparently have our share of headaches—one company makes over 2 tons of aspirin tablets daily. There is some question about which form of aspirin is absorbed more rapidly—aspirin alone or a buffered aspirin. We gave carbon 14 labeled forms of these two tablets by mouth and found that the peak appearance of labeled carbon dioxide in the exhaled air is about the same for both. So, in my family we buy the cheapest form at the drugstore.

Another problem that concerns many of us is obesity, or being overweight. It is generally believed that if we are overweight it is because our food intake is too high, and generally speaking, this is true. However, recent experiments in our laboratory have shown that there are exceptions and that there are people who apparently cannot help being fat. Tracer studies with carbon 14 labeled glucose have shown that in some overweight subjects the oxidation of glucose to carbon dioxide is impaired, and in these cases glucose may be converted to fat at an abnormal rate.

Anemia is a medical problem which has been greatly helped by diagnostic techniques utilizing radioactive tracers. Successful treatment depends upon finding out the cause of the anemia, which in many cases is obscure. Because iron is incorporated into the red blood cell during its formation in the body, radioactive iron can be used to give the physician valuable information concerning the red blood cells. One can determine the rates and sites of both their production and destruction, as well as the red-cell lifespan in the body. These clues will help the physician in treating his patient. For example, this slide shows a "multiple port in vivo scintillation counter" which we call the "monster."

Using this we can detect the presence of radioactivity in various parts of the body. After administering iron 59, counts are taken periodically for a period of 2 weeks over the liver, spleen, and bone marrow. We plot the data and thereby determine if the spleen is responsible for an excessive destruction of red blood cells. If it is, then surgical removal of the spleen will often correct the disorder.

Other studies benefiting from the products of atomic energy have shown that the production of red blood cells is controlled by a new hormone, erythropoietin. This hormone is of possible value in the treatment of certain anemias being investigated at the present time.

The whole body counter is a very sensitive unit which can be used to detect extremely low levels of radioactivity in the body, and therefore permits the use of very small dosages in performing diagnostic studies. This is a very important consideration in testing children, and doses as low as 0.01 microcuries can be used. The whole-body counter has been used in many studies. One has concerned iron, a mineral which plays a vital role in human health—the lack of it leading to lowered vitality and to illness. It is probable that more people in the world suffer from iron deficiency than from any other mineral deficiency. It is known that the percentage absorption of iron in the diet is normally not high, and also that iron is excreted very slowly. However, all the facts about iron absorption and excretion in health and disease are not yet known and the whole body counter is proving to be of great value in filling in the missing information. In one study of a group of normal subjects, radioactive iron 59 was given orally and its absorption and loss measured. These findings disclosed that even healthy persons lose iron equivalent to approximately 1 milliliter of blood daily, and further study showed that the most probable route was in blood lost through the intestinal wall. This finding underscores the importance of understanding and eliminating many of the gastrointestinal diseases prevalent throughout the world, because it is probable that a major cause of iron deficiency in man is iron loss from infection in, and hemorrhage (often microscopic) from, the gastrointestinal tract.

Another interesting use of radioisotopes has been for radioisotope scanning, a method which makes it possible to visualize the distribution of radioactive substances within the living body. In 1936, in Berkeley, thyroid iodine uptake studies were first performed by administering a small amount of cyclotron-produced radioactive iodine to the subject, and then holding a Geiger counter tube directly over the thyroid gland to detect the location of the isotope. Today, we use a gamma-ray scintillation camera which is a device based on the pinhole camera. It detects the radioactivity in the thyroid gland and transfers the impulses electronically to Polaroid film, thereby providing a scintiphoto.

This photograph shows the distribution of the radioactivity in the gland. In this manner thyroid nodules can be detected, and it can be shown whether the nodule is concentrating the iodine to a greater extent than normal thyroid (not nodule, usually noncancerous), or not concentrating iodine (cold nodule, usually biopsied and 30 to 40 percent are cancerous). These techniques are now used widely throughout the world on hundreds of thousands of patients.

The first whole-body scanner was developed by my associate, Hal Anger, at Donner Laboratory and it is still in use today. It can be used to detect the location of thyroid metastases, as well as for other studies.

Other studies have concerned body composition. Siri and coworkers have measured the relative amounts of lean and fat tissue by using tritiated water (radioactive hydrogen) to measure total body water and the helium displacement technique to measure body volume and density.

With reference to using isotopes in medicine, I would like to mention briefly the problem of fallout which receives so much newspaper attention these days. Let me show you a slide which helps to demonstrate that it is probably not as big a problem as it is often pictured.

Activation analysis is a method for studying trace elements which occur in such small concentrations that classical analytical techniques cannot measure them. In this technique the elements are excited or rendered radioactive, usually by neutron irradiation, and then their characteristic decay patterns and intensities are determined and thus the elements can be identified and measured. Even though these elements may exist in very small quantities in the body, some of them are already known to play very important roles in the normal functioning of the human body, and as we are able to detect and quantitate more of them, we will find others that are also significant.

An interesting example of neutron activation analysis has been in the field of law enforcement. Marihuana from different areas have unique elemental compositions, and in 1960 Oak Ridge National Laboratory started to compile data on the isotopic spectra of opium samples from countries throughout the world. Today with computer techniques it is possible to determine quickly the geographical origin of seized opium by comparing its activation analysis spectrum with those of the control samples. This method has been used in the U.S. Internal Revenue Service with marked success in its enforcement activities directed against illegal traffic in narcotics and alcoholic beverages.

For example, just last September in Los Angeles suspects were apprehended with over 400 1-pound plastic bags of marihuana. One of the men was suspected of being the producer and seller of marihuana seized from defendants in prior cases. Samples of the marihuana and the plastic bags were forwarded to the Washington headquarters of the International Revenue Service for neutron activation analysis. It was shown that the marihuana samples were from the same area and that the plastic bags were from the same manufacturer, thus proving the case.

In another case involving illicit rice alcoholic distillates seized from two bootleggers in San Francisco, a question was raised as to whether or not they were produced from the same still. Results of activation analysis showed that two separate stills were involved, and subsequent investigation sought out and located the two stills.

Experimental work is being done in other areas of law enforcement—matching hair, dirt specks, flects of paint, spots of grease, etc.

In addition to the many studies using various radioactive isotopes as tracers in medical research and diagnosis, both radioisotopes and nuclear radiations have been used in therapy. In 1937 we first used an artificially produced radioisotope to treat a patient, and today, after more than 25 years of experience, many radioisotopes play an important role in the successful treatment of several diseases. A disease known as polycythemia vera can be successfully controlled with radiophosphorus, the life expectancy for these patients now being about the same as that for treated diabetic or pernicious anemia patients. Administration of radiophosphorus has also proven to be a simple and highly successful means of inducing long-term remissions of chronic leukemia. Iodine 131 was first used therapeutically in 1941, and since then hundreds of thousands of patients with hyperthyroidism have been successfully treated with this isotope throughout the world. It has supplanted surgical removal of the thyroid gland in many cases.

Our work with heavy particle beams has been going on for almost 30 years, and in recent years this work is paying dividends in the relief of human suffering and in the extension of life. In 1935 we soon discovered that neutron beams had a greater relative biologic effect (RBE) per unit of ionization than X-rays or gamma rays. This brought about concern for the workers around the early cyclotrons, and new safety standards were immediately established—the permissible dose was set at one-tenth that allowed for X-rays. We soon tried these beams in cancer therapy, but the early results of the work were disappointing, largely owing to the great scatter and to lack of penetration attributable to the relatively low energy of the beams.

Following World War II accelerator theory and practice advanced rapidly, due largely to the work of my brother, Ernest O. Lawrence, and his associates including Edwin M. McMillan. Soon cyclotrons were capable of producing higher energy, heavier particle beams with qualities we found to have particular therapeutic value. In addition to greater RBE per unit dose, these heavy particles had greater penetration, less scatter, less dependence on the oxygen concentration, and the Bragg peak effect (the beam could be stopped abruptly in tissue with a great release of energy, and cutting operations could be performed with this radiation).

In 1948 we first used Bragg peak irradiation to successfully treat a mammary carcinoma in mice (the beam of high-energy protons passed through the animal's body so that the Bragg peak provided localized radiation to a tumor on the opposite side). Since 1954 heavy-particle beams have been used to suppress or ablate the function of the pituitary gland in the treatment of advanced breast cancer, diabetic retinopathy, acromegaly and Cushing's disease. They have also been used to irradiate tumors of the brain and soft tissue and to produce lesions in the brain for the alleviation of symptoms of Parkinson's disease.

We have treated about 100 patients with diabetic retinopathy, a complication of diabetes which lends to visual disturbance and often to blindness. In over 50 percent of the cases the progression of the retinopathy is stopped, and in many there is improvement in the retinal changes and improved vision. We have also used heavy particles to treat 28 acromegalic patients, and they have achieved beneficial results subjectively and objectively—the coarse facial features have improved, and there is evidence for decreased bone thickness. We have also treated five patients with Cushing's disease, and have seen improvement in the Cushingoid features and a return to normal of the metabolic changes.

It is interesting to note that the same machine we are using is the one which first produced U^{234} in weighable quantities in research on the first atomic bomb. I am convinced that the future will show that Atomic Energy and its products are a great boon to humanity. Its power can prevent another war. You can see its influence in international negotiation going on from day to day. Ultimately we will be forced to outlaw war. When that day comes, then defense funds can be largely allocated to peaceful applications of atomic energy, science, and education.

Two hopeful areas, in which I look forward with confidence to solutions, are first more electric power for the world (especially for the underdeveloped countries) and second, new methods of increasing the world's food supplies. The former will come from the power of fusion which makes possible the hydrogen bomb. For example there is enough energy in a glass of water to send the Queen Mary from New York to London and back. Much research to learn how to liberate this energy, is now under way in many laboratories. Likewise, remarkable progress in the understanding of photosynthesis—the process by which plants can convert carbon dioxide from the air to food in the plant which, in turn, is used directly by humans or animals—will be continued so that a synthetic source of food will become available.

With reference to power, let me show you one lantern slide. For example, in India right now, in its thorium and uranium deposits, there is enough power to take care of all the world's power requirements for the next 500 years. This, in one country alone. And, of course, with the solution of fusion power, energy scources will be unlimited.

Robert A. Millikan, the physicist once said, "If, then, you ask me to put into one sentence the cause of that recent, rapid, and enormous change and the prognosis for the achievement of human liberty, I should reply, it is found in the discovery and utilization of the means by which heat energy can be made to do man's work for him." Atomic fission and fission energy offer much for the future as a source for cheap power, so badly needed in the underdeveloped countries such as southeast Asia and South America.

In conclusion, I congratulate you on being students in this college, where you are in close contact with each other and with your teachers. I congratulate you on being born in or living in South Dakota, where the human values are more easily learned and appreciated in church, home, and school. There will always be problems—but with emphasis on education, hard work, and the enjoyment of it which, in turn, makes play more enjoyable; with the motivation to add something to society; with more and more people getting sound educations and following the advice of Horace Mann who at Antioch College in 1859 said: "Be ashamed to die until you have won some victory for humanity—the future is bright."

A CONSUMER'S GUIDE TO STUDENT LOANS

Mr. HARTKE. Mr. President, last spring, in the course of my testimony before the Education Subcommittee on my bill for aid to college students, I submitted information and tables concerning the effective interest rates charged to students by both commercial and nonprofit public sources. This information, revealing rates as high as 55 or 60 percent in some instances, received wide publicity at the time.

The purpose of the inclusion of that material was to help indicate the dire need of students for educational loans, a need so great as to make possible commercial-loan ventures at exorbitant interest rates. This situation would be at least partially rectified or assisted by enactment of my proposal for Federal guarantees of student loans at low interest rates, which was incorporated in S. 2490, and is now a part of the committee bill, S. 3140, on the Senate Calendar.

Exposition of these, and lesser, but still high, interest rates on loans for college education resulted in considerable publicity and not a little concern. This was exhibited by the introduction of a bill by the Senator from Illinois [Mr. DOUGLAS], and also by consideration of the situation by the Consumer Advisory Council. The Council consequently adopted a resolution in which it recommended that:

> The Special Assistant to the President for Consumer Affairs take responsibility for securing the preparation and publication of an analysis of major national and regional commercial and publicly supported college loan programs currently offered.

Acting as a result of that resolution, Mrs. Esther Peterson has now requested cooperation on such a project by the Office of Education. In a letter to Commissioner Francis Keppel, made public yesterday, she has asked that his office prepare materials

> To help parents, students, and school and college officials get the necessary data to make more informed judgments when arranging for educational loans.

Mrs. Peterson's letter includes the following:

> Recently, through testimony on S. 2490, information developed by Senator HARTKE and others, and various articles in the press, the need for full public disclosure of the interest rates on some commercial loans for college educations has been brought to the attention of the Consumer Advisory Council. * * * Perhaps a small brochure or pamphlet could be developed, which would compare various types of educational credit programs and provide some general guides on securing a sound, advantageous loan.

Mr. President, while such a pamphlet will not fully answer the need to which a more adequate answer will be had by the passage of my bill, now amended and before the Senate as S. 3140, its publication will nevertheless be a helpful step in the right direction. I ask unanimous consent that the entire text of Mrs. Peterson's letter to the Honorable Francis Keppel, Commissioner of Education, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 18, 1964.

Hon. FRANCIS KEPPEL,
Commissioner of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. KEPPEL: As you know, the Consumer Advisory Council is concerned with many aspects of consumer-producer relationships, especially in those areas of pricing, packaging, and advertising which most directly affect the family pocketbook.

Recently, through testimony on S. 2490, information developed by Senator HARTKE and others, and various articles in the press, the need for full public disclosure of the interest rates on some commercial loans for college educations has been brought to the attention of the Consumer Advisory Council. After investigation and review, the council passed a resolution in which it recommended that "the Special Assistant to the President for Consumer Affairs take responsibility for securing the preparation and publication of an analysis of major national and regional commercial and publicly supported college loan programs currently offered."

While the Federal Government has made major strides in helping colleges to deal with rapidly increasing costs and enrollment, it is nevertheless true that many students and parents must rely on private credit sources to finance their college education.

A loan to finance an education is both provident and productive. It is gratifying to see that both public and private lending agencies, as well as colleges and universities, have been responsive to the need for this type of loan and have increased the amount of funds available for such purpose. However, since borrowing to meet the costs of education is expanding at a rapid rate, students and parents alike should be encouraged to seek those credit opportunities most carefully tailored to suit the individual family needs.

We believe the Office of Education, which maintains communications with the Nation's colleges and secondary schools system, is in the best position to help parents, students, and school and college officials get the necessary data to make more informed judgments when arranging for educational loans. Perhaps a small brochure or pamphlet could be developed, which would compare various types of educational credit programs and provide some general guides on securing a sound, advantageous loan. Wide distribution of such a document would provide thousands of students and parents with invaluable information.

We are most interested in your reaction to this idea, and will be pleased to discuss it further with you and members of your staff.

Sincerely,
(Mrs.) ESTHER PETERSON,
Special Assistant to the President for Consumer Affairs.

PHOENIX, ARIZ., CRIME RATE

Mr. SALINGER. Mr. President, recently we have heard a good deal about violence in the streets and rising crime rates. We are being treated to almost daily repetitions of this theme, particularly from the Republican presidential candidate.

I found most interesting, therefore, an article—published in yesterday's New York Times—on the crime rate in major U.S. cities. The article brought out the interesting fact that Phoenix, Ariz., the home of the Republican presidential candidate, has a higher crime rate, in proportion to population, than does New York City or Washington, D.C., frequently referred to as scenes of widespread crime.

I ask unanimous consent that the article, entitled "Phoenix Crime Rate Tops New York," published in the September 20, 1964, New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PHOENIX CRIME RATE TOPS NEW YORK

(By Wallace Turner)

PHOENIX, September 17.—When Senator BARRY GOLDWATER opened his presidential campaign 2 weeks ago on the courthouse steps at Prescott, Ariz., he treated one of his favorite themes at the beginning and at the end of his speech.

Early in the talk he promised "to restore law and order, to make our streets safe, without losing liberty." Near the end of his speech he complained that "our wives, all women, feel unsafe on the streets."

He could have been talking about Phoenix, the city where he was born, grew up, directed a business, served on the city council and from which he drew much of the top-level talent that directs his campaign.

Phoenix has one of the higher crime rates of the Nation.

As assessed by the Federal Bureau of Investigation's Uniform Crime Reports, this city in the desert has much more crime in proportion to population than New York does.

The FBI's statistical comparisons are based on the crimes for each 100,000 persons. The Phoenix metropolitan area measured in the 1963 reports had a population of 816,000, while the New York metropolitan area had 11,229,000.

HIGHER MURDER RATE

The comparison showed 2,408 crimes in Phoenix per 100,000 residents, to 1,688 in New York. The murder rate was 6.4 in Phoenix to 5.2 in New York.

In Phoenix, the forcible rape rate was 18.6, while in New York it was 8.0. In Washington, D.C., where crime reports have tainted the backdrop against which Senator GOLDWATER delivers some of his most stinging "crime in the street" remarks, the rape rate was 10.4, far below that of Phoenix.

The rate in Miami, like Phoenix a large resort area, was 11.5. Only Bakersfield, Calif., Chicago, Denver, Houston, Kansas City and Los Angeles exceeded the Phoenix rape rate.

Comments on these figures were made in an interview by Capt. A. F. Fairbanks, an assistant to the Phoenix chief of police.

He said, "Our weather is highly conducive to outdoor life, and this causes more crime." He said that a man weighing the question of whether to commit an armed robbery might decide differently in a winter storm in New York than in the warm sun of the Phoenix winter.

The robbery rate in New York was 65.4 against 74.9 in Phoenix.

The Phoenix Police Department came off with good marks earlier this year from a local citizens task force on crime.

The police force is small for a city of this size. It has authorized strength of 774. The study noted especially that no question of police corruption had been raised.

The group was created by the Phoenix Chamber of Commerce. Its 28 members were appointed by the chambers of commerce here and in the 10 Phoenix suburbs in Maricopa County.

The study group was broken up into small units. These held hearings around the Phoenix area, soliciting comments from public officials. The chamber of commerce group had no official standing, and was not financed from public funds.

When the study was finished, the chief attack made in a report was against the conduct of the juvenile court and probation department. The accusation was that the judge and probation officers were too lenient.

Coupled with this was the suggestion that the crime rate was mostly built up to its considerable height by juvenile criminal activity. It was said that 60 percent of the crime here was by persons under 18 years of age.

After a few days someone asked how this percentage could be established when the preponderance of crime was unsolved. The suggestion that Phoenix is made up of well-behaved adults and criminally inclined children then was abandoned.

However, some action did result from this citizens' inquiry. The judge of the juvenile court was "rotated" into another courtroom, and replaced by another judge. The chief probation officer was forced out of office.

With its report rendered, the citizens group last May became the Maricopa County Citizens Committee on Respect for Law.

Meanwhile, Judge Francis J. Donofrio, who had defended his record as juvenile judge by arguing that he was a stern judge, was assigned to other cases. He said he had remanded 31 boys to adult court in 9 months.

John Walker, who had been chief probation officer for many years, was looking for another job.

One of the first serious problems to confront the new youth court regime is a traffic case.

Two cars collided. A boy was killed. Two Mexican-American boys were in a jalopy. The boy who was killed is what is here called an "Anglo." The two Mexican-American boys have been remanded to adult court for trial. This deprives them of the special protection afforded youthful offenders.

There are three big minority groups here. About 100,000 Indians live on reservations in the State, and their law enforcement is in the hands of tribal police for minor crime and the FBI for major crime.

City, county, and State officials have nothing to do with Indian reservation law enforcement in Arizona.

But the Mexican-American and Negro populations are subject to law enforcement machinery which has minimal representations from their population groups.

There is concern among Negroes and Mexican-Americans about this. One observer felt that social and economic pressures were responsible for much of the crime, and he also felt that the minority groups were being given less consideration in the courts than they have a right to expect.

A Mexican-American bitterly contrasted the handling of two criminal cases. In one, a 15-year-old "Anglo" boy shot and killed two Mexican-American farmworkers as they stood in an irrigation ditch, then explained that he just felt like killing them.

He was confined to the Arizona mental hospital, from which he escaped and now lives in another State.

In the other case, a Mexican-American workman killed a prostitute who was an "Anglo." He was speedily tried, sentenced to death and executed.

Violent crime is no stranger in Phoenix. Two murders were committed here, both of widely known criminals, within the last 10 years.

Willie Bioff, a notorious extortionist who preyed on the movie industry, was killed in 1955 when his pickup truck exploded from a charge of dynamite. Bioff had lived here for several years under the name of William Nelson.

Three years later, Mr. and Mrs. Gustave Greenbaum were found dead in their home here, their throats cut. Greenbaum had extensive underworld connections, once operated the illegal horse race book here, and had run both the Flamingo and Riviera hotels on the Las Vegas Strip.

Neither of these murders has been solved.

Not all the vicious murders that occur here are old, either.

Last February the bodies of a Sherill, N.Y., couple were found just off the main highway at Apache Junction, a desert intersection a few miles outside the Phoenix metropolitan area. Mr. and Mrs. John R. Bertella, both in their 60's, had been shot to death, then their bodies hacked to pieces.

This crime was committed by Herbert L. Shockey, 23, who wanted to take the couple's pickup truck and camping trailer. He was caught in Nevada and returned here for trial. It was found that he had last been arrested in Phoenix for writing spurious checks and had been in prison. Shockey was convicted by a jury that recommended leniency. He is serving consecutive life sentences.

Another vicious crime committed last year still is unsolved. In this one, a 21-year-old Texas girl came to Phoenix for a vacation, and within 24 hours of her arrival she had been raped, murdered, and her body thrown into a mine shaft.

ONE-SHOT ANTELOPE HUNT

Mr. McGEE. Mr. President, Wyoming is blessed with a series of annual events commemorating our history and our Western heritage. One such event is the one-shot antelope hunt held every Labor Day weekend at Lander, Wyo.

An excellent article describing this exciting event appeared in the September 1964 issue of the United Mainliner, the magazine of United Air Lines. Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

One-Shot Antelope Hunt

The jeep glides to a stop.

A gnarled hand extends a thick forefinger toward the buff-yellow patch of sand 400 yards away.

"Two pronghorn restin'. One's a buck."

The passenger nods and grips a 30.06 tighter.

Gears mesh. The jeep chugs ahead slowly. The sun is hot; the air is clear and still.

"If we can make that knoll yonder without spooking 'em, yah got a shot," whispers the driver.

Picking up speed the jeep swings around the knoll—a gently rising dome of sage, rock, and sand—about a quarter-mile in diameter. It provides a fine cover between the men and the resting animals.

The men spring from the jeep and half duck walking and half crawling, head toward the top of the knoll 200 yards away.

Slowly and cautiously, the two near the ridge. All is quiet. A slight breeze begins to stir. The driver motions and the man with the rifle slithers forward. His shirt is soaked with sweat and torn at the elbows. He runs a dry tongue over his cracked lips.

Peering over the rim he scans the vast Wyoming wilderness; miles of sage, coarse sand, rocky outcroppings, gullies, and in the distance, mountains. Heat waves dance. Colors blend into an austere mixture of browns, yellows, greens, and purples. The sky is an endless blue.

"Yah see 'em?"

The hunter focuses his eyes on the gravelly sand patch 300 yards ahead and slightly below.

The two antelopes are up; the doe is staring at the top of the knoll. The buck is quarter-profile. They are motionless, except for the stubby tails that nervously fan their white rumps.

The rifle sling is quickly adjusted; the barrel is raised. The crosshairs of the telescopic sight jump about as though jiggled by an unseen hand. The rifleman sucks in his breath and holds it. The jiggling stops. The crosshairs bisect the buck's chest.

The trigger is squeezed. There is a sharp jolt of the stock against the hunter's shoulder. The image vanishes as the barrel jerks upward.

Almost simultaneous with the roar of the exploding cartridge is a distinct "thwack" as the bullet strikes home. A sound not unlike that of a pillow being struck.

The doe darts across the sage, rump down; puffs of dust rise slowly in her wake.

The buck was killed instantly by a clean shot through the heart.

"Good shot. Yah got 'em at 12:57."

The hunter grins and ejects the spent shell from the chamber, catching it before it reaches the ground.

"I guess we won't know how the team did until we get to Lander," remarks the hunter as the two men walk down the knoll toward the dead antelope.

This is the one-shot antelope hunt held every Labor Day weekend in Lander, Wyo. Two men, Harold W. Dahl, Sr., of Colorado, and Harold Evans, of Lander, Wyo., while squatting beside a campfire one evening, conjured the idea of organizing a hunt in which the participants would get only one shot.

The one-short hunt is in its 21st year. Team members are chosen by the One-Shot Club. Usually a Governor captains each team. The first hunt pitted Wyoming against Colorado. Now as many as four or five State teams compete. Colorado has captured more hunt honors than any other State. Its former Governor, Steve McNichols, who led his teams to victory many times, is a crack shot.

Well-known personalities participate in each hunt. Lauritz Melchior, 74, is the patriarch of the group. Wearing lederhosen and capping his white mane with a Tyrolean hat, he has competed in a dozen hunts and can still bring down a galloping pronghorn at 250 yards. Cowboy stars Roy Rogers and Rex Allen proved they are fine marksmen when they scored kills with one shot. War ace, former Governor, and current president of the American Football League, Joe Foss, is a deadeye. Arthur Godfrey and Steve Allen helped their teams by bagging antelopes with a single shot several years ago. Other personalities who have stalked the wily Antilocapra Americana are: Edgar Bergen, Casey Tibbs, Frank Leahy, George Montgomery, the late Jack Carson, Gen. James Doolittle, and dozens of Governors and Congressmen.

The whole shebang begins with the morning registration of competitors and guests in Lander, a town located in central Wyoming in the valley of the Popo Agie River in the heart of the Wind River Range.

At noon team members head for Edith and Marion Chapman's ranch for refreshment and food while past hunters and guests slake their thirst and appetites with fried chicken, corn on the cob, hot biscuits, homemade apple pie, and beer at Gayle and Jack Armstrong's ranch.

Beneath the blue Wyoming skies speckled with cumulus clouds, tired, paunchy, tautnerved businessmen are suddenly transformed into relaxed, hard-muscled plainsmen. Talk is of past hunts, good and bad shots, guns and friends.

In the afternoon sighting-in and competitive target shooting takes place in Sinks Canyon. Also team members are initiated into the Shoshone Indian Tribe as blood brothers by Chief Herman St. Clair of the Wind River Reservation.

Hunting dances by the Shoshone Indians at Lander's Pronghorn Lodge highlight the evening festivities. Dressed in white skins and festooned with colorful beads and feathers, the braves, boys, and women of the tribe perform authentic prehunt dances and ceremonies. Appropriate Indian names are bestowed upon all the "paleface" team members, and they are recognized as Indians.

Up betimes the next morning, followed by breakfast in an all-night cafe, the hunters drive out to the shooting area. The hunt officially begins at sunrise. Times of the kills are recorded to eliminate ties.

The pronghorn antelope presents an elusive target. He has great speed—50 to 60 miles an hour—extraordinary vision, curiosity, grace, and beauty. His strides measure 15 to 20 feet, but he cannot jump. His horns are small but graceful. His coat is tan with bands and patches of black and white. The white hairs on his rump stand erect when he is disturbed.

After the hunt, participants gather at Bill and Mary Scarlett's ranch for revitalization and to listen to radio reports on how various participants fared.

In the evening hunters, guests, and townsfolk, numbering close to 1,000, meet at the Pronghorn Lodge for the victory banquet. Lauritz Melchior sings, Indians dance, honors are bestowed, and entertainers perform. Losing team members are dabbed with paint, adorned with shawls, babushkas, and dresses and forced to dance with the squaws before the victorious team members and guests.

Personally, I didn't mind dancing with the squaws one bit.

WILLIAM C. DOHERTY

Mr. BREWSTER. Mr. President, 2 years ago, President John F. Kennedy appointed as the first U.S. Ambassador to Jamaica a distinguished leader of labor and a resident of Maryland, the Honorable William C. Doherty.

After 24 months, Bill Doherty has returned to his homeland, to resume private life. He has left behind him a golden record of diplomatic achievement seldom equaled at any time in our history.

His performance has been exemplary—a credit to the National Association of Letter Carriers, which he led so brilliantly for 20 years; to the entire labor movement of the free world; and, most important of all, to the United States of America, which he represented with such distinction and devotion.

I ask unanimous consent that there be printed in the Record an article published recently in the Northern Virginia Sun. The article was written by Victor Riesel, and concerns Bill Doherty's current activities as a friend of the President and the Congress, and a loyal supporter of needed progressive legislation.

There being no objection, the article was ordered to be printed in the Record, as follows:

Doherty Joins "Shadow Cabinet"

(By Victor Riesel)

Washington, D.C.—A genial and portly ex-ambassador, once a labor leader, has been quietly troubleshooting for President Johnson—effectively, too, though virtually unnoticed even by many insiders here. There is nothing shadowy about him except, perhaps the fact that those close to the President believe the troubleshooter is in Mr. Johnson's "shadow cabinet" as the next Secretary of Labor.

The inobtrusive troubleshooter, an intimate friend of the President, is William C. Doherty. He was leader of the letter carriers union for over 21 years—until Mr. Johnson got the late John Kennedy to appoint him Ambassador to Jamaica. This made Doherty the first union leader to become a major U.S. diplomat.

Of course, all conjecture in White House circles is based on the belief that their chief will be elected. And even if he is, there is the matter of what will happen to the incumbent Secretary of Labor Willard Wirtz, once a law partner of and chief speechwriter for Adlai Stevenson. The scuttlebutt is that Mr. Wirtz will eventually go over to the State Department or to the Department of Justice as Attorney General.

This would open the way for Doherty to take over what I believe to be the most vital domestic post in the Nation except, of course, for the Presidency. But this lies in the future—and in the hands of the voters.

However, there is significance in Doherty's presence, comparatively unnoticed in the "shadow cabinet." His presence there reflects Mr. Johnson's theory of practical politics and his reluctance to play it as a loner. Of all the men who ever led labor, Doherty is the best known on the Hill. He is the unionist who has been the closest to the men who really control the inner operations of both Houses, and he knows these men, not only as a former labor lobbyist, but as a close friend.

There is no time day or night when he cannot call on Hubert Humphrey or House Speaker John McCormack or House Majority Leader Carl Albert or many on the Republican side. But what makes him extremely valuable is his relationship with such southerners as Hale Boggs, of Louisiana, majority whip of the House and the influential Olin Johnston, veteran Senator from South Carolina.

This blending of the twain is what Lyndon Johnson wants. Northern labor and southern legislators working together is his idea of effective White House influence in the Congress.

There are few men who could effect this for him, perhaps only one—Bill Doherty, who worked so closely with him when he was majority leader of the Senate. After becoming President, Mr. Johnson waited but a few months before quietly turning Doherty into his troubleshooter on the Hill.

It happened one night in March when Ambassador Doherty was at the White House for a diplomatic reception. The President called him into an anteroom and asked him to resign the ambassadorship and hit the Hill. Doherty did. One of his first tasks was to lobby quietly for the politically important bill which raised salaries of Government workers and Congressmen.

At the same time he methodically began lining up congressional votes for the administration's Economic Opportunity Act—otherwise known as the war on poverty bill. Mr. Johnson is known to have said it might not have passed in its present form if it were not for Bill Doherty. He also lent a very helpful hand on medicare.

The ex-Ambassador took time out of his labors on the Hill to swing into Maryland at Mr. Johnson's request and attempt to break the backlash in working class districts during the primary fight between Alabama's Governor Wallace and Maryland's Senator Brewster.

Thus Doherty has run interference for Lyndon Johnson without publicity until now. There is no doubt that if Mr. Johnson is elected, Doherty will be at his side. Obviously Mr. Johnson appears less interested in having a balanced showpiece Cabinet than in having one which will get in there and fight in the political clinches.

PROTESTANT THEOLOGIANS ENDORSE PRESIDENT JOHNSON

Mr. McGOVERN. Mr. President, it is unusual for clergymen to express an endorsement in a presidential campaign. For that reason, I think it is of special interest that a highly respected group of Protestant theologians, headed by Dr. Reinhold Niebuhr, have called for the reelection of President Lyndon Johnson in 1964.

I ask unanimous consent that an article from the Minneapolis Tribune of Monday, September 21, telling the story of this endorsement be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Protestant Theologians Support L.B.J.

Washington, D.C.—A group of Protestant theologians, headed by Dr. Reinhold Niebuhr, endorsed President Johnson for election Sunday. They asserted that a vote for Senator Barry M. Goldwater would be "a vote for irresponsibility, recklessness and reaction."

Included in the group were Dr. John C. Bennett, president of Union Theological Seminary, New York; Dr. Robert McAfee Brown, professor of religion at Stanford University; Rev. Robert W. Spike, director of the Religion and Race Commission of the National Council of Churches; Dr. Harvey Cox of Andover Newton Theological School; Dr. Waldo Beach of Duke University Divinity School; Dr. Henry P. Van Dusen, president emeritus of Union Seminary, and Dr. Roger L. Shinn, professor of applied Christianity at Union Seminary.

All are members of the Editorial Board of Christianity and Crisis, a weekly journal. Their joint statement took the form of an editorial in the issue of the magazine published Sunday.

They said they were breaking with a longstanding custom of not taking sides in political campaigns because they are alarmed by "the forces crystallized around the candidacy of Senator Goldwater."

"We have no desire to argue that Mr. Goldwater is an evil man," they said. "He is a man of personal charm and disarming amiability * * *. We point simply to the objective, unarguable conflict between his record and the judgments of the Christian churches on most of the major issues of social ethics in our time."

The group of theologians said that Goldwater's "clash" with the ethical convictions of most major religious bodies is conspicuous at four points:

In foreign policy, Goldwater seems to view the international situation as "a kind of holy war." He "seems deaf to those who plead for restraint in any contemplated recourse to atomic weapons."

Goldwater has never voted in the Senate for a foreign aid authorization or appropriation and he has voted against ratification of the nuclear test ban treaty.

He voted against the new Civil Rights Act, which religious groups vigorously supported.

"He has opposed most of the legislation that has helped to improve health, education, housing, relief of poverty, opportunity for the oppressed. He has made a long series of incredible and insensitive statements about the poor."

Theologians said Goldwater has "begun to project the image of moderation during the campaign. But at this late date, he cannot hide his long record or do much to modify it."

SENATOR HUMPHREY AND THE DEMOCRATIC VIEW ON AGRICULTURE—1964

Mr. McGOVERN. Mr. President, on Saturday morning, September 19, Senator Hubert Humphrey, the Democratic Vice Presidential nominee, set forth the views of the Democratic Party on agriculture in this crucial election year.

Speaking at the National Plowing Contest at Fargo, N. Dak., Senator Humphrey described American agriculture as "America's No. 1 success story." As a longtime legislative champion of the American farmer, as the author of many important agricultural measures, as the father of America's food-for-peace program, Senator Humphrey is the ideal spokesman for the American farmer.

I think it is most significant that President Johnson grew up in the ranch country of Texas and continues to give his close personal attention to the problems of agriculture as a rancher. For his part, Senator Humphrey was born and grew to manhood in the small town, rural environment of South Dakota where he learned the essential relationship between a sound agriculture and a prosperous business community.

Drawing attention to the amazing increase of productivity of U.S. farmers, the Democratic Vice Presidential nominee expressed his concern that farmers have not shared in the overall growth of American national income. He pledged the continuing efforts of the Democratic Party and of President Lyndon Johnson to improve the economic condition of our farm families.

The Minnesota Senator reminded his farm audience that Senator Goldwater has repeatedly voted against Federal farm programs and has asserted that we ought to get rid of the farm price support program as promptly as possible.

Senator HUMPHREY said:

> This is the death sentence to agriculture. It would impoverish farm people, wipe out billions in rural land value, ruin business on rural America's main streets, and solve absolutely nothing.

In the closing section of his address, Senator HUMPHREY set forth a 10-point criteria for judging proposed changes in American farm policy.

Mr. President, I urge Senators to study carefully these 10 points as well as the entire address by the Senator from Minnesota.

I ask unanimous consent that the text of the address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT PREPARED FOR DELIVERY BY SENATOR HUBERT HUMPHREY, NATIONAL PLOWING CONTEST, FARGO, N. DAK., SEPTEMBER 19

Let me congratulate you on the miracle of American agriculture.

The entire Nation should know—and this great occasion is a good place to tell it—that rather than being a problem, agriculture actually is America's No. 1 success story.

Long before the dawn of history, food has been a matter of life-and-death importance in man's daily struggle to survive.

You have conquered that challenge. You have created a revolution of abundance within the past generation.

The American farmer is the world's most efficient producer. The output of the average agricultural worker in the last decade has increased almost three times as much as the industrial worker's.

Farmers represent less than 8 percent of the population, yet they produce enough food and fiber to feed the Nation better and cheaper than any place in the world. These same farmers produce enough so that we can provide over three quarters of a billion dollars in food each year to our own needy, distribute $2 billion of food around the world under our food-for-peace program, sell nearly $4½ billion worth for dollars abroad to increase our Nation's export earning—and still have adequate reserves for the Nation's safety and a potential to produce even more. This is an amazing record.

The world has never seen anything like this. It truly is an American miracle. We should be proud of that achievement—and I am proud of you who have made it possible.

Unfortunately, we have come to take this American miracle of agriculture for granted. The American people must come to understand the great contribution that American agriculture has made to this Nation, and to the rest of the world as well.

We need to know how we can improve the economic position of a numerically and proportionately shrinking group in our population.

We need to remember who takes the risks of drought and flood, hail and early frost, insects and markets, and all the uncertainties of the marketplace.

Consider what this miracle of agricultural abundance means to the Nation—other than just farmers.

For consumers—and that is all of us—it is consumer insurance of market basket bargains. For workers—millions of them—it is job insurance. For the Nation as a whole it is balance-of-payment insurance. And perhaps most significant of all, it is our insurance of peace, plenty, and freedom.

And let us remember that peace and freedom is everybody's concern, not just the farmer's. Food is power in today's world. Food is a vital force for peace and freedom, giving us needed diplomatic strength in the world as well as enabling us to exemplify the true humanitarian spirit of the American people.

Food for peace may yet prove the real path to peace.

We have scored our greatest victory over communism by the evidence of the success of our free enterprise system of American family farmers.

With the miracle of agricultural abundance meaning so much to this Nation, the Nation's conscience requires greater economic justice for the farm people.

Unfortunately, the blessings that this miracle of abundance have brought to our Nation are not fully shared by all our farm people.

Despite the increased efficiency of the American farmer, he does not fully share in benefits of this greater productivity. Even with farm income increased during the past 4 years, the farmer's average income is only 63 percent of that of the nonfarm worker.

That's hardly the way to reward the most efficient segment of our economy.

We need to do better—a whole lot better. And we're going to.

We have heard and we will hear more about "freedom" in this campaign. All of us are for freedom—real freedom. And that must include freedom from poverty, the greatest force for regimentation of them all

Opportunity—equal opportunity—is the promise of America. It must be the promise to rural America.

But let's remember that social and economic justice for farm people—as necessary as it is to the Nation's conscience—is only one part of the argument for greater concern about agriculture.

What we do—or fail to do—about protecting and improving farm income is not for farmers alone. It is necessary to protect our national interest.

It is necessary to assure continued "consumer insurance" market basket bargains resulting from abundance. It is necessary to assure continued "job insurance" for millions of workers. It is necessary to assure continued balance-of-payment earnings through continually expanding farm exports. It is necessary to maintain our Nation's power for peace and freedom in the world.

And, most of all, it is necessary to protect our great agricultural producing plant and to conserve the God-given resource of the soil.

With the uncertainties of climate and disease, the Nation can only be assured of always having enough food and fiber if farmers are willing to produce more than enough. Yet that "more than enough" needed for the Nation's security is what brings down the farmer's prices in the marketplace.

If there is a cost involved in maintaining our power of abundance, it truly is a national cost, not a cost that should be absorbed by farmers alone.

None of us knows all the answers to the complex problems of American agriculture in this great age of technological change. The important thing is that some of us who really care keep on seeking to find better answers.

It is time for a complete new look at where we are going in American agriculture and what we can do to make better use of our tremendous productive potential, while providing greater quality of opportunity for our farm families.

Changing technology, changing American commitments in the world, changing requirements of international trade, changing marketing structure, changing eating habits of American people—all of these have a direct bearing upon American agriculture and American agricultural policy.

We need to know what is good in our programs and what needs change.

I see no reason to seek changes in the present and effective tobacco, peanut, and rice programs—unless the producers themselves find improvements they desire. The same thing is true for the wool program.

Our sugar program is designed to benefit the Nation's beet and cane farmers, assure American consumers adequate supplies at reasonable prices, and provide many foreign countries with a market for their sugar. This program apparently is working well. Any adjustments in it should be designed merely to meet current conditions without changing its basic objectives.

However, we still need improvements in our wheat program, our feed grains program, our dairy program, and our cotton program. Working and planning together we can get needed improvements, but these improvements will not be brought about if the Chief Executive of this Nation is a man who is unsympathetic to the needs of American agriculture.

You know where President Johnson stands. He is a rancher and a cattleman. He is your friend.

You had better know where Senator GOLDWATER stands. He has said he "doesn't know anything about farming" and I believe him. He also has said he wants to get rid of our price support programs. I believe he means that, too.

The feed grains program, the wheat program, the cotton program, and the wool program all expire next year. Any new legislation must go to the White House for approval or veto.

You had better make sure you have a friend in the White House. You had better make sure that Lyndon Johnson remains as President of the United States.

We need to restudy our wheat and feed grains programs. Compulsory production restrictions to gain price objectives do not seem to be a satisfactory answer for wheat and feed grains. Voluntary production adjustments programs properly administered are better, but would not alone achieve our income objectives. Cropland retirement to expand conservation acreage should be further explored. However, we must be concerned with the future of rural communities.

There are various ways of supplementing farm income without distorting market prices and normal channels of trade. This has the advantage of improving our position in world trade—at a time when international trade in farm commodities is becoming of increasing significance. Actually, vigorous efforts to expand outlets for farm products both at home and abroad, seem to offer the brightest hope of all. This particularly is true of cattle, where the ranchers themselves have asked for nothing more than the opportunity to further develop and preserve an expanding free market.

Our farm cooperatives and indeed other segments of our free enterprise system, can and probably should perform many of the marketing functions now being performed by Federal agencies. The Government's role should be to supplement, not supplant, private enterprise—including cooperatives.

What we may need is a combination of several alternatives—depending upon which best fits a specific commodity. At least the door never should be shut in the search for new ways to achieve our national objectives.

For milk and other dairy products we need to find better ways of meeting the real needs of our low income groups and fulfilling our humanitarian objectives abroad.

We certainly must expand and provide adequate funds for our farm credit programs, the great rural electrification program, the soil conservation programs, the special milk program, the school lunch program, and the food stamp program. All of these have made and continue to make a great contribution to rural America and the rest of the Nation.

A rapidly changing agriculture in a changing world requires continuing review and reappraisal of farm programs and policies. This is why I have proposed the creation of a bipartisan blue ribbon commission on agricultural policy.

There is one approach, however, that I flatly reject—the Goldwater alternative of wiping out all of our farm programs and deliberately seeking to force farmers off the land.

Senator GOLDWATER has laid bare his innermost convictions about many matters of public concern in his book called "Conscience of a Conservative." Here is what he says about farm programs, and I quote "There can be no equivocation here—prompt and final termination of the farm subsidy program."

This is the death sentence to agriculture. I regret it. It would impoverish farm people—wipe out billions in rural land values—ruin business on rural America's main streets—and solve absolutely nothing.

But it shouldn't surprise farm people that the temporary spokesman for the Republican Party shows little concern for their well-being. For 10 years he has been voting against the farmer in the Congress.

Look at his record.

Senator GOLDWATER voted against the feed grain programs in 1961, 1962, and 1963.

Senator GOLDWATER voted against the Agricultural Act of 1962, which authorized programs for wheat and feed grains and expanded authority for food for peace and the Farmers Home Administration.

Senator GOLDWATER has voted consistently against efforts to support and strengthen REA loan funds.

Senator GOLDWATER voted against the bill to authorize funds for public works, TVA and power marketing agencies of the Department of the Interior in 1959.

Senator GOLDWATER voted against the Niagara River project to produce low cost power with preference for cooperative and other consumer electric systems in 1956.

With a record like that, is Senator GOLDWATER the man you want to trust with the destiny of American agriculture?

I don't think so.

Let me assure you of one thing: a Johnson-Humphrey administration never will abandon American agriculture. It never will reject constructive change as long as the change can be for the better.

Our criteria for judging proposed changes in American farm policy will include these 10 points:

1. Will it provide a fair return to the farmer consistent with the goal of full parity of income for farm people?

2. Will it assure an abundant supply to meet the needs of consumers at reasonable prices?

3. Will it add to the strength of the Nation in its quest for world peace, increasing prosperity, and national security?

4. Will it help the individual farmer to preserve his economic independence and to develop his talents to their fullest potential?

5. Will it permit our system of free markets to operate efficiently, fairly, and without needless handicaps?

6. Will it facilitate the expansion of our foreign trade and maintenance of a fair share of world markets for American farm products?

7. Will it encourage the full utilization of land, water, and human resources that are not needed for the agricultural production for alternative purposes more beneficial to the public interest?

8. Will it encourage conservation of our soil and water resources for future generations?

9. Will it assure us of a desirable level of reserves for our national security?

10. Will its cost to the taxpayers be commensurate with its benefits to the consumers, the national economy, and the Nation's strength in world affairs?

With these tests as our guide, I am confident that we can and will build a better future for rural America—and for all America.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

Without objection, the Chair lays before the Senate the unfinished business.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent——

The ACTING PRESIDENT pro tempore. Pursuant to the unanimous-consent agreement entered into yesterday, the Senator from Wisconsin [Mr. PROXMIRE] has the floor. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from New York without losing my right to the floor, and that I shall be recognized when the Senator from New York has finished his statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am grateful to the Senator from Wisconsin for yielding to me.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, will the distinguished Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nomination on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of James G. Grunwell for permanent appointment as lieutenant in the Coast and Geodetic Survey, which was referred to the Committee on Commerce.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

Edward W. Dempsey, of Missouri, to be special assistant on health and medical affairs to the Secretary of Health, Education, and Welfare.

By Mr. McNAMARA, from the Committee on Public Works:

Maj. Gen. George H. Walker, U.S. Army, to be a member of the Mississippi River Commission.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees the nomination on the Executive Calendar will be stated.

OFFICE OF ECONOMIC OPPORTUNITY

The Chief Clerk read the nomination of Robert Sargent Shriver, Jr., of Illinois, to be Director of the Office of Economic Opportunity.

Mr. JAVITS. Mr. President, when the nomination of Robert Sargent Shriver came up for consideration in the Committee on Labor and Public Welfare, I voted "present." I voted "present" not because I had any doubts about the capacity of Mr. Shriver to handle the job. In the first place, his capacity to handle it remains to be seen; in the second place, he is rendering a fine service as Director of the Peace Corps. So we had every reason to suppose that he could carry over his talents to perform the task which the war on poverty program involved.

My problem is a different one. Mr. Shriver proposes to retain his position as Director of the Peace Corps at the same time he would hold the position—if his nomination is confirmed, as it undoubtedly will be—as Director of the Office of Economic Opportunity.

Before I speak of my own views on this subject, I invite the attention of Senators to the fact that Senators on the majority side entertained exactly the same reservations.

Senators will note from the record of the hearings on the nomination which is before them that the Senator from West Virginia [Mr. RANDOLPH] said on page 10:

> Mr. Shriver, my opinion, for what it is worth, in reference to the matter of holding two directorships, the Peace Corps and the economic opportunity program, is that President Johnson will not ask you to hold both positions. That is my personal feeling. Since it has been a matter of comment and colloquy here today, I would like to have the record indicate my feeling in this regard.

Mr. President, an important point was made, it seems to me by a member of the majority, with respect to the very thing that is troubling me. I also received support from the Senator from Vermont

[Mr. PROUTY] on my own side of the aisle. He said:

> However, I do share Senator JAVITS' reservations as to one man's ability, regardless of his competence to administer both of these two vitally important programs. I hope that you will give serious consideration to your ability to do that and will make your position known to the President.

The difference between Mr. Shriver and myself, which the record will show was a trying one, lay in the fact that Mr. Shriver sought to convince the committee—and myself—on the question of holding both positions. Incidentally, he said each was a full-time task. He said that specifically. I asked him, on page 3 of the record:

> Do you consider being the head of the poverty program a part-time job?
>
> Mr. SHRIVER. I see. No; I do not consider the head of the poverty program as being a part-time job.

I asked him the same question about the Peace Corps. He said practically the same thing with respect to that. The difference between Mr. Shriver and myself, as it developed at the hearing, was that Mr. Shriver insisted that it was up to the President to decide whether or not he could hold both jobs. If the President thought he could hold both jobs, he would hold them, and if the President found out he could not hold both jobs, the President would ask him to give them up, or give one of them up.

It seems to me that that is hardly the attitude to be taken by such a high official of the United States. The Senate is entitled to know, before it confirms the nomination, that Mr. Shriver is convinced that he can handle two such monumental tasks, each of such critical importance to our country in our own eyes and in the eyes of the world. We are entitled to know whether he will communicate that conviction to the President of the United States. We can hardly be asked to confirm the nomination if he is, first, an official who is not ready to give us his judgment upon that critical subject; and, second, if he is not the kind of high-level Federal official who will give the President that advice, no matter what the President might think, and share what he will tell the President in that regard with us.

At the close of the hearing, Mr. Shriver made the following statement—which I believe goes some of the way toward meeting the views which I impressed upon him and upon the committee. This statement appears on pages 9 and 10 of the hearings:

> Mr. SHRIVER. Obviously, when I am working for President Johnson, if I am confirmed to this job, I will be giving him my best judgment about how the work is going and whether I need more assistance or whether he ought to give somebody else the job. There is no question about that. I will advise him as my boss, progress or lack of progress. I just feel that it is his decision, no matter what I tell him, as to whether he wants me to continue or not continue. That is the decision I do not want to prejudice by making any statement here. Obviously, I will give him my best judgment as to whether I should or somebody else should take on both of these jobs.

That was a far cry from the way Mr. Shriver started. At first, he stubbornly insisted that he had nothing to do with this decision, that it would be absolutely up to the President, and whatever the President wanted him to do, he would do—with regard to the capacity to do the job, or anything else.

I rise today to protest the holding of these two positions by one official of the Government. I raise this question seriously. I hope that the President and Mr. Shriver will think about it seriously. It seems to me that operating the Peace Corps—which Mr. Shriver has done superbly well, making it a credit to the United States throughout the world—is a very big task. I do not want to see someone else in that position now. The Peace Corps has still not been proved to this day. It is very important to the country and to the world. I want to see it successful. Hence, I would like to see the man who has made it a success continue to make it a success. It is a critically important program. Its management and direction will have an important influence in our own country.

The same thing is true on the side of the war on poverty program. Many Senators had grave doubts on that program.

I entertained many doubts. The legislation gives the power of veto to individual States, which power may well be exercised by the Governors of States where this kind of war on poverty is most needed. It will require the highest tact, the highest skill, and the highest degree of administrative ability and diplomacy to perform that task well.

I hardly see how a man can fulfill that responsibility without the dedication of 18 hours a day. That is what most Senators and others in high positions of responsibility spend. I cannot conceive how Mr. Shriver can do both of these jobs. I do not believe there is the remotest necessity for it. There are many men and women in the country who could handle either of these assignments, if need be. I hope that Mr. Shriver will take his choice of the two positions and leave the field clear so that someone else might take over and render the same kind of service that Mr. Shriver is now contributing in the Peace Corps. If he wants to shift positions, I have no objection. We are not so short of talent at this time that we need to vest these responsibilities in one man. In my judgment, it would do neither any good.

I have not taken the position that Mr. Shriver's appointment should be opposed on substantive grounds. It should not be. He is an able man and would do an able job as head of the war on poverty program. But he must make his choice. And if he must rely on the President, the President should make him take his choice. There is no need for one man to wear a number of hats in this Government. We are not that short of talent. There is too much authority and responsibility vested in these jobs to warrant it.

I make this protest in a positive vein, and not at all in condemnation. But I believe that a serious mistake is being made. I hope that both Mr. Shriver and the President will correct that mistake at the earliest opportunity.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. MANSFIELD, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing the floor.

Mr. JAVITS. Mr. President, will the Senator permit me to continue with morning-hour business? The Senator from Wisconsin asked unanimous consent that I might have the floor, and with his kind cooperation, I should like to have the floor now.

Mr. PROXMIRE. I yield.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE UNITED STATES TAKES A MODEST FIRST STEP IN THE ARTS

Mr. JAVITS. Mr. President, a very important article recently appeared in the New York Sunday Times, with relation to legislation which has recently become law and which would establish a National Council of the Arts.

I hope the President will appoint the members of this Council as soon as possible. The establishment of this Council represents recognition by the United States of the arts and of the progress of culture in our country. It is of inestimable importance. The Senate passed the bill which would allow a modest sum of money, $10 million a year, to be used to enable cultural creations to reach areas of the country that are not now being reached, either by means of commercial effort or for profit. The House saw fit to stand opposed to this proposal. In order to get anything, a part of it had to be stricken out. But at least we now have a beginning in the establishment of a National Council of the Arts.

The author of the article appearing in the New York Sunday Times, Howard Taubman, is the drama editor of the New York Times. He mentions in the article that we need a bill of rights for the artist himself so that he does not need to feel in any way, either now or in the future, that he is under the thumb of the Government. Mr. Taubman feels that the National Council on the Arts could well devote its talents to the development of such a bill of rights for artists. I agree with this most laudable suggestion. Mr. Taubman's article represents such a fine definition of the independence and integrity of the arts and the artists that I ask unanimous consent that this article, entitled "A Sign of Grace," appearing in the New York Sunday Times of September 22, 1964, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A SIGN OF GRACE—UNITED STATES TAKES A MODEST FIRST STEP IN ARTS

(By Howard Taubman)

The arts are riding the wave of the future. Wherever you turn, centers are rising to serve and glorify them. Foundations are lavishing their largess on them. States and municipalities are spending money on them. Indeed, they have become so respectable that even the Congress has dared to embrace them.

Let us celebrate the new day—and let us worry a little about it. It is wonderful to observe this widespread acknowledgment in private and public quarters that the arts deserve cultivation. But even as we rejoice, let us remember the nature of art and let us guard against traducing it by the wrong kind of patronage.

There need be no fear that Federal action, as sanctioned by the bill recently passed by Congress and signed into law by the President, will betray the arts. The more important question is whether it will do much good.

ADVISORY GROUP

For the moment the new Council will serve as an exploratory and advisory group. It has no funds to disburse. The Government is not yet prepared to hand out modest grants for writing a play, composing a symphony or painting a picture as readily as it distributes hundreds of millions to farmers, railroads, ships, air transport, roads, and housing.

However, it is a sign of grace that the Government has committed itself to an official regard for the arts. In the thirties it created the Federal arts projects as temporary bulwarks against desperation and disaster. In the fifties and sixties it has spent money to dispatch our arts and artists abroad as weapons in the war of ideologies. Now it endorses the concept that it has a duty toward the arts as they relate to the lives of Americans.

THE MISSION

The mission of the new National Council of the Arts, as expressed by the bill, has an impressed ring and range:

To recommend ways to maintain and increase the cultural resources of the United States;

To propose methods to encourage private initiative in the arts;

To advise and consult with other State, local and Federal agencies on methods of coordinating existing resources and facilities, and for fostering artistic and cultural endeavors and use of the arts, both nationally and internationally, in the best interests of this country;

To make studies and recommendations as to how creative activity and high standards and increased opportunities in the arts may be encouraged and promoted.

The Council, in short, is empowered to study, analyze, discuss and recommend. As far as one can discern, it has no authority to do anything concrete. Its chief function for the time being is to educate the public—and the Congress—in the meaning and value of the arts to the Nation.

The plain fact is that the proponents of Government participation in the arts had to fight hard to get this much into the bill. Were it not that the arts have become fashionable in recent years, the persistent opposition, which looks upon culture as something abstruse, highbrow, sissy and downright un-American, would not have been overcome.

You may be sure that those who suspect the arts have not been silenced. If you read recently in these columns John Houseman's recollections of the troubles of the Federal Theater Project, you know how the self-appointed guardians of conformity pursued those who expressed bold ideas in novel forms. If you recall the clamor over the choice of artists and art to be sent abroad, you are aware that evidences of difference or dissidence were hunted down and excoriated.

It will do the arts little good if, in the process of receiving official benediction, they are obliged to behave as tamely and ingratiatingly as housebroken puppies. Artists worth their salt will, of course, decline Government assistance on such terms. A proud national culture will not come from "safe" dramatists, poets, novelists, composers and painters.

One of the first and most useful tasks the new National Council might undertake, it seems to me, would be to reemphasize the purpose and character of art. It might very well draw up and publish a bill of rights for the artist in relation to governmental authority.

ARTIST'S DUTY

Such a declaration should affirm that the artist owes no duty other than to explore himself, his fellow man, his natural environment, his social setting, and his spiritual quest and to express his perceptions with all the truth and imagination within his gifts. It would assert uncompromisingly that even unpopular ideas must be heard. It would establish the principle that interference by politicians of any party is anathema in a free land.

Without such a groundwork, Government patronage of the arts is not likely to be much more than ornamental. In the theater, for example, there is a vast area for Federal activity. Although regional companies with professional aims are appearing in increasing numbers outside New York, most of them are struggling, and even the durable ones walk a thin line between success and collapse. Certainly such institutions are as valuable to Americans as carriers, bombers, and national parks.

THE FUTURE

It will be easy enough for the new Council to assemble all the facts of the American theater situation and to recommend steps to be taken to solve some of the outstanding problems. But it will be a much more difficult matter to get Congress to invest national funds in so controversial a field as the drama.

Yet the day must come when words of approval must be backed by financial support unafraid of controversy. Has this Nation the maturity to work out a plan as effective as the British to bring the Government's resources into the arts without impinging on freedom of expression? If the new National Council of the Arts can find an answer to this question, it need do nothing more to justify its existence.

Mr. JAVITS. Mr. President, I particularly call attention to Mr. Taubman's desire that the artist shall express not safe ideas, but new ideas, with perfect freedom, and that the Government should encourage, not discourage, any such expression. Mr. Taubman points out that it is very important that the artist be in a position in which he feels that he does not have to depend upon Government approval in order to win public approval. The fact that the Government is taking some interest in the arts will be a positive and not a negative fact. Any assistance that is given to artists must be assistance which would let them express themselves more freely in their own personalities, rather than less freely.

All of this is so vitally important to the future of this whole movement in which I believe very deeply that I hope Senators will read the article with the greatest attention.

MEDICAL MISSION—GOOD SHIP "HOPE"

Mr. JAVITS. Mr. President, again I call attention to the magnificent record of the good ship *Hope*, carrying its medical and teaching mission throughout the world, and which is now, for the moment, in safe harbor. It will be going on another mission to the west of Africa on its great lifesaving and lifegiving mission.

The SS *Hope* returned to the United States on September 16 after another successful medical-education mission. This time the great, white hospital ship had been in Ecuador.

The arrival of the floating medical center in New York Harbor brought her third voyage to a dramatic end.

Four years ago the vessel sailed to Indonesia and South Vietnam on its maiden voyage. The success of *Hope's* privately financed teaching program was duplicated a year later in Peru.

Last year the *Hope* anchored off Guayaquil, Ecuador, and in 10 months trained hundreds of Ecuadorian doctors and nurses while treating thousands of Ecuadorians.

I ask unanimous consent to have printed in the Record the accomplishments of Project HOPE in Ecuador as summarized in an article by Earl Ubell, entitled "A Story of HOPE With a Purpose," which appeared on September 17 in the New York Herald-Tribune.

There being no objection, the article was ordered to be printed in the Record, as follows:

TEN MONTHS IN ECUADOR—A STORY OF HOPE WITH A PURPOSE

(By Earl Ubell)

Outside, sirens wailed, fireboats tossed a high spray into the sky, and a band played. Inside, quiet lay on the empty hospital beds where hundreds had hovered near death; and stillness replaced the clink of surgical instruments in the operating rooms.

A ship called *Hope* came home yesterday, its 10 months of medical work in Ecuador done, its medical teams pausing in New York before pushing on to Africa to spread medical knowledge. The developing countries need medicine.

"We were up to our eyeballs in parasites," one medical technician said.

"They let their tumors grow to the size of watermelons," a surgeon reported.

"We had to teach them how to mash bananas to feed to their children," a nurse said.

That's the way it was in Ecuador where three out of four children die before the age of four. That's the way the *Hope* expedition found it in Indonesia and South Vietnam in 1960 and 1961, and in Peru in 1962 and 1963. And it's the way they'll probably find things in Africa.

For 10 months the big white ship lay outside of Guayaquil, serving as a floating medical center.

Project Hope, a sort of privately operated peace corps, tried to bring top quality medicine to Ecuador to stimulate better medical practice there. The $2 million to operate the ship came from a private source, while the Government gave an old Navy hospital ship. Industry chipped in with equipment and drugs.

The ship's doctors performed 1,000 operations, examined and treated 50,000 persons, and taught dozens of local physicians the most modern techniques. They served without pay.

The 38 *Hope* nurses, working for minimal salaries, traveled throughout the Nation, immunizing more than 200,000 children against a host of infections, setting up clinics, teaching mothers the elements of nutrition, and teaching their Ecuadorian counterparts.

The impact is there. Dr. William Walsh, founder of the project, said when the ship berthed into Grace Line Pier 57, "We know the people there will greet Americans with open arms now. We went there to work and they can see the benefit of that more than any propaganda."

The *Hope* people even set up a milk factory down in the bottom of the ship. They distributed 200,000 pints of reconstituted milk to the children of the Barrios, the pestilential slums of Guayaquil.

One *Hope* doctor did not return. She was Dr. Diane Kohner, a pediatrician who taught the mothers how to feed their infants. She was killed following an air crash. The tragedy daunted none of her colleagues—many are going on to Africa on September 30.

BAR ASSOCIATION ENCOURAGES MEMBERS TO REPRESENT UNPOPULAR CAUSES

Mr. JAVITS. Mr. President, I call attention to the fact that the American Bar Association has commended the Mississippi State Bar Association for encouraging its members, whatever may be the popularity of the causes of clients who may come to them—especially in racial cases—to represent such clients.

Who will forget the willingness of Wendell Willkie, a great Republican and a candidate for President, to represent a woman accused of being a Communist at a time when it was supposed to be political death to do so. Wendell Willkie took that action because he considered himself bound to his oath as a lawyer to represent a client who needed legal representation. That is an expression of the highest ethics of our profession.

So I rise to commend the American Bar Association and the Mississippi State Bar for that action and express the hope that the lawyers of the State of Mississippi will hear the voice of both bar associations and will afford representation in unpopular causes.

I ask unanimous consent that there be printed in the Record at this point in my remarks an article on the subject from the American Bar Association's recent newsletter.

There being no objection, the article was ordered to be printed in the Record, as follows:

Powell Commends Mississippi Bar Action on "Unpopular Causes"

President Lewis F. Powell, Jr., has commended the Mississippi Star Bar for encouraging its members to represent all persons—however unpopular their cause and without regard to race, color, creed, or national origin.

The encouragement is offered in a recently adopted State bar resolution circulated to all lawyers and courts in the State. It takes note of the right to "a fair and impartial trial, with assistance and protection, where sought, of competent counsel."

The resolution also establishes a special liaison committee "to be available for consultations with the courts * * * and for or with all persons who might have any grievances as to, or lack of, representation of counsel."

POWELL'S LETTER

In a letter to Mississippi State Bar President Earl T. Thomas, Mr. Powell said "I am writing to commend the Mississippi State Bar" on adoption of the resolution.

"It is especially important at this time," he said, "for the organized bar to reaffirm the traditional duty of lawyers to assure representation in unpopular causes as well as where indigents are concerned.

"Your action," the letter continued, "is in accord with the resolution unanimously adopted by the House of Delegates of the American Bar Association on August 12, 1964, approving and reaffirming the principles recommended by the ABA Special Committee on Civil Rights and Racial Unrest.

"It is hoped," the letter concluded, "that other State bars will follow your example. Action of this kind should go a long way toward fulfilling the historic role of the bar with respect to unpopular causes. It also should help answer the criticism, much of it unfounded, which has been directed against the organized bar in recent years."

EDUCATION FOR REHABILITATION

Mr. JAVITS. Mr. President, a project which has been underway at the Westchester County Penitentiary in Valhalla, N.Y., since July 1962 is demonstrating the progress that can be made in rehabilitating criminals by teaching them how to read and write. Participation in the program is voluntary on the part of the inmates, and it is conducted at the penitentiary by qualified teachers with the cooperation of the custodial officials, social workers, and the psychologist at the institution.

The significant aspect of this program lies in the fact that it was conceived and is being carried out under the auspices of the Westchester Citizens Committee of the National Council on Crime and Delinquency.

I ask unanimous consent to print in the Record an account of the project entitled "Legislation Slated To Aid Schooling in Penitentiaries," which appeared in the Reporter Dispatch, White Plains, N.Y., August 14; and an excerpt from the report of the Westchester Citizens Committee.

There being no objection, the article and report were ordered to be printed in the Record, as follows:

[From the White Plains (N.Y.), Reporter Dispatch, Aug. 14, 1964]

Legislation Slated To Aid Schooling in Penitentiaries

(By Nora Applegate)

Valhalla.—Legislation to provide State aid for programs in basic education in the five county penitentiaries in New York State will be introduced in the State legislature this year by Senator Earl Brydges, Republican of Niagara County, according to Mrs. W. J. Kelley, of Scarsdale. Senator Brydges is chairman of the senate education committee.

Westchester Citizens Committee of the National Council on Crime and Delinquency, of which Mrs. Kelley is chairman, has spearheaded a drive for such legislation using as its main argument the results of an experimental educational program financed and carried on at Westchester County Penitentiary by the committee.

The school was started in July 1962, on a 5-night-a-week basis with one professional teacher in charge. In November 1963, available funds were depleted and the classes "reluctantly" dropped. By the end of January 1964, enough money was collected to reactivate the program and to insure salaries and supplies to May 1965, but on a curtailed basis of classes 3 nights a week.

OTHER PROPONENTS

Other organizations endorsing such an educational program for county penitentiaries in the State include the Correctional Association of New York, New York State Council of Churches, New York State Chapters of the National Association of Social Workers, New York Citizens Council of the NCCD.

Also the Westchester Federation of Women's Clubs, Westchester District, State Congress of Parents and Teachers, Urban League of Westchester, Chief School Officers Association, Yonkers Youth Board, Purchase Quarterly Meeting of the Religious Society of Friends, and Public Affairs Committee of the Westchester Ethical Society.

Mrs. Kelley said her committee will conduct an active campaign starting next month to interest more civic groups in the project. The two teachers, Leo Nagl and Richard Weber, of the Scarsdale school system, have offered to speak to as many men's groups as possible. Board members of the Westchester Committee, NCCD, will contact the women's groups and fill in when teachers are not available.

In a comprehensive report on the program at Westchester County Penitentiary, Mrs. Ned Drucker of Scarsdale, chairman of the educational program for the local NCCD group, states: "The success of the project stems in part from the fact that it is an integral part of the rehabilitative efforts of the penitentiary. There is close cooperation among the teachers, the custodial staff, the social workers and the psychologist. This would not be possible without the continued direction and support of the warden, William J. O'Brien."

FINANCIAL DATA

The financial statement for the project, February 1, 1962 to July 31, 1964, shows receipts of $11,530 with $4,670 contributed by individuals and $6,860 from foundations.

Disbursements included $7,070 for salaries, $486 for class materials, $153 for postage, phone, and miscellaneous expenses of $142. The balance left is $3,677.

Twenty-three men have been through the program since it was reactivated. Mr. Nagl reports, "There has been an improvement in every pupil tested and discharged, although we had some for only 60 days.

"The educational achievement growth ran from 6 months to 2½ years. Where some pupils could neither read, write, nor do basic arithmetic, they now can write letters (crude though they may be) and can work simple computational problems with whole numbers and decimals. The faithfulness and enthusiasm of the great majority of our pupils and inmate teachers (who have been aiding the program) has been surprising."

The teachers would like to see the program expanded to 4 nights or even 5 nights a week as it was conducted during 1962–63.

Mrs. Drucker points out that the program started with only a few minors (under 21) enrolled. At present there are nine minors. "It is this group," she states, "who need the most help if they are to lead a productive life."

EXCERPT OF REPORT OF WESTCHESTER CITIZENS COMMITTEE

DESCRIPTION OF PROGRAM

The classes are held Monday, Wednesday, and Thursday evenings from 6 to 8 o'clock. Mr. Nagl teaches the arithmetic and English on Monday nights; Mr. Weber the reading and social studies on Wednesday and Thursday. Each man is tested as he enters the class and again as he leaves. On the basis of test results the arithmetic class is divided into three groups, the group with the poorest skills being taught by the professional teacher.

On a recent evening, in the slowest arithmetic group, the men were being shown the difference between addition and multiplication. Each man was given the chance to recite a multiplication table which was then written on the blackboard. One man went through the table 1 by 1 to 1 by 12, then another took 2 by 1 to 2 by 12. They continued through six tables in this fashion. One person discovered that 2 by 3 was the same as 3 by 2 and this started a search for other combinations. Their joy of discovery was akin to the mathematician or the physicist who discovers a new process. It is easy to understand why these men cannot survive in our economy with their primitive knowledge.

The advanced group was being handled by an inmate teacher. They were going through a test, working problems, discussing answers and errors. The teacher was having difficulty. The problem was: "If a book costs D, how much do four books cost?" The group reaction was "Nothing can cost D." The inmate teacher tried to explain the "D" as a symbol. The observer tried to clarify by saying: "Imagine that the book costs $1, then what would four books cost?" They knew the answer but could not understand why D was substituted for $1. The professional teacher resolved the matter by going back to more simple problems. These men were not able to understand a concept that could be readily grasped by an elementary school child—the substitution of a symbol for a number, and the acceptance of an unknown number.

In the middle of the period, after a break, the class is brought together for simple problems revolving around money, change, or paychecks. The next block of time is spent in writing and sentence structure. Work is assigned by the teacher which is collected at the next class meeting. At 7:50 coffee is served; the class breaks up into informal discussion groups.

On alternate Tuesday evenings Mr. Nagl returns to work with the inmate instructors who help in the classroom as well as with the individual men on the nights when there is no school. Some of these men have a high school education, others have some college training. (The fact that a man says he has had a year of college does not, however, mean that he functions academically at the level of a freshman in an accredited college. The man who has been through the 11th grade may only test at a 6th-grade level, or even lower.) In the meeting the teacher helps these men in understanding the materials which are used in the classroom, in carrying out lesson plans, in understanding the men with whom they work. They also have the opportunity for closer contact with Mr. Nagl.

Mr. Weber conducts the reading and social studies on the other two evenings. The first half hour is spent in the presentation of some topical subject. (A list of topics for a month is appended to this report.) On an evening in the early spring of 1964 the teacher presented the background of Jack Ruby. He discussed Ruby's early childhood, the foster homes in which he stayed as a child, his inability to control his temper when a minority group (Jews) were mentioned disparagingly. He told of the plight of the city of Dallas, and the necessity of a fair trial. During the presentation the men were spellbound. Many were identifying with Ruby and the foster homes in which he lived, with his inability to control his temper, with his readiness to fight instead of think. The Negroes in the class were amazed to find that Jews were mentioned as a minority group. After the presentation one man said:

"But I loved the President. Wasn't it a good thing that his assassin was killed?" The teacher said that many people loved the President and were physically ill after his death. But, he ended: "No man can take the law into his own hands." The class stilled. There was much to think about.

By 6:30 the men break up into reading groups which again have been formed on the basis of test results. The teacher handles the lowest group and works with them individually. The other groups are managed in a variety of ways by the inmate instructors. Sometimes the men read into a tape recorder and then listen to the playback. Occasionally an opaque projector is used and reading cards are enlarged on the wall and read aloud. The aim of this is to improve oral reading and comprehension. Whatever the plan for the evening, and it varies with the group, several activities are usually going on simultaneously. Some men are given special attention because of special needs such as filling out income tax forms, reading job applications, or filling out blanks to obtain drivers licenses.

ACHIEVEMENT

Twenty-three men have been through the program before they were discharged from the institution. Twenty-two men showed an educational growth of from 6 months to 2 years and 6 months, with an average educational growth of 1 year and 1 month. (This class time approximates 4 weeks of full time in an elementary school.) The median growth was 1 year. One man tested lower at the end of the program than he did when he came in.

The program started with few minors (under 21 years) enrolled in the group. At the present time there are 9 minors. It is this group who need the most help if they are to lead a productive life.

NEEDS OF THE PROGRAM

Mr. Nagl has written: "Six months of working with this program have fully convinced me of the worthwhile nature of this program. The results have proven this. There has been an improvement in every pupil tested and discharged, although we had some for only 60 days. The educational achievement growth ran from 6 months to 2½ years. Where some pupils could neither read, write, or do basic arithmetic, they now can write letters (crude though they may be) and can work simple computational problems with whole numbers and decimals. The faithfulness and enthusiasm of the great majority of our pupils and inmate teachers has been surprising. I feel we have the start of a good program. It is a program that now needs further refinement and definition."

The teachers feel that the 3-night-a-week program is insufficient. They would like to see the program expanded to 4 nights or even 5 nights a week as it was conducted during 1962–63.

The teachers feel that the social studies—citizenship program should be expanded. It is precisely in this area of man's position in a democratic society and man's understanding of himself and the world around him that these men have failed. It is tremendously important to try to give them as much understanding as is possible in the limited amount of time that is available.

The teachers feel that the use of workbooks and of programed educational material would be valuable with this group. They have so far not used this kind of aid because of the expense involved. Supplies are costly and more are needed. Also needed are more pencils, notebooks, books, and office equipment.

In the past 6 months there have been at least seven men who have been anxious to take a high school equivalency examination. In the opinion of the teachers these men could have received their equivalency diplomas. The Westchester Citizens Committee of the N.C.C.D. has made the initial inquiries of the State. The teachers have gotten the support of a local school superintendent. There remains only the technicality of the Penitentiary's becoming accredited to give the test.

The men in our classes lack self confidence and a feeling of self worth. Success in education, even a limited success, will help to develop confidence. Because of the nature of their offenses, these men return quickly to society. It is precisely because of this fact that rehabilitation is so essential in a short term institution. Every means of rehabilitation that is at the disposal of the community should be employed: academic training, vocational training, and various kinds of therapy. These men can grow and are responsive to interest. The cost of rehabilitation is small as compared to the cost of crime.

SENECA FALLS, N.Y.—BIRTHPLACE OF THE REPUBLICAN PARTY

Mr. JAVITS. Mr. President, I call attention to the fact that Seneca Falls, N.Y.—in my own home State—seeks serious consideration as the historic birthplace of the Republican Party.

The city of Ripon, Wis., has been credited by some historians as being the birthplace of the Republican Party. I understand there are some who claim Jackson, Mich., deserves this distinction, and perhaps other cities as well.

I would like to place in the RECORD today an article which establishes that Seneca Falls, N.Y., also deserves serious consideration as the historic birthplace of the Republican Party. Seneca Falls is a charming village located on the Seneca River in Seneca County, just west of Syracuse. Anyone would be proud to be born in such a village, and certainly the Republican Party should be. So for the benefit of present and future historians of the Republican Party and my colleagues, I ask unanimous consent that an article in the Seneca Falls Reveille of Seneca Falls, N.Y., on September 2, 1964, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REPUBLICAN PARTY MAY HAVE BEEN FOUNDED HERE—VISITOR FROM VIRGINIA REVEALS GRANDFATHER'S ROLE

(By Martha Glessing)

A visitor to Seneca Falls from Rapidan, Va., revealed this week to the Reveille that he is certain the Republican Party had its birth in Seneca Falls, N.Y. Charles Seely, retired naval lieutenant commander made the following statement:

"It is my understanding, belief and contention that the present Republican Party (different from the Republican Party of Thomas Jefferson) was established in the village of Seneca Falls, N.Y., early in January 1854.

"A group of people, mainly Whigs, one of whom was Carlton White Seely (my grandfather) decided, sometime during the winter of 1853–54 to call themselves Republicans. And when an election was held, during the first week in January 1854, the people elected Carlton White Seely president of the council (mayor) of the village of Seneca Falls. They, in this way, established Seneca Falls as the birthplace of the present Republican Party. These people thereafter called themselves Republicans.

OTHER MEETINGS LATER

"Both Ripon, Wis., and Jackson, Mich., have been given credit for having established the Republican Party, but neither of these cities elected or even nominated anyone for any office at their first meetings, which in any case were held after Seneca Falls had nominated and elected a Republican. The first Ripon meeting was not held before February 1854, and the first Jackson meeting was held almost certainly in July 1854."

There can be no doubt that Seely's ancestors were very active in the politics of the fledgling village of Seneca Falls. His grandfather Carlton White Seely was made a trustee of the second ward when the village was formed as a political unit in 1831. His brother-in-law and Seely's great-uncle, Ansel Bascom was the first president of the village council. Seely pointed out that the two men ofttimes were not on speaking terms as Bascom was a Democrat. Ironically, Seely himself is also a Democrat.

VILLAGE DIRECTORIES

The old village directories attest to Seely's facts about who was elected and when, according to Virginia Martin, director of the Seneca Falls Historical Society. As to the particulars of nomenclature and varied party interests, this information was mainly handed down through the Seely family.

TRIBUTE TO SENATOR SCOTT

Mr. JAVITS. Mr. President, I am highly gratified that my colleague, the Senator from Pennsylvania [Mr. Scott], whom I consider to be an outstandingly fine Senator, has received high approval from a great independent newspaper in his State, the Philadelphia Inquirer.

The Philadelphia Inquirer is one of the Nation's great newspapers. Its publisher is Mr. Walter N. Annenberg, one of the Nation's great newspaper executives, as well as an outstanding civil leader and philanthropist.

Last Friday, the Philadelphia Inquirer endorsed Senator Hugh Scott for reelection to the Senate. Its editorial of endorsement stated that "Senator Scott's experience and demonstrated ability in the Senate make him fully deserving of another term." Those of us who have viewed at close range Senator Scott's outstanding record in the Senate will, I am sure, concur in that splendid estimate.

I ask unanimous consent that the editorial in the Philadelphia Inquirer of September 18 endorsing Senator Scott be printed in the Record at this point:

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Philadelphia Inquirer, Sept. 18, 1964]

Hugh Scott for Senator

Hugh Scott has been a Member of the U.S. Senate for the last 6 years. Prior to that, he served in the House of Representatives for eight terms, with a 2-year interruption for Navy duty during the Second World War.

He has thus spent over 20 years in Congress, gaining in experience and knowledge with each succeeding month, and passing on the fruits of that experience and knowledge in beneficial service to his constituents.

He is widely acknowledged in Washington as one of the ablest legislators to sit in Congress in recent years. Republicans take pride in him, Democrats respect him, independents consistently support him.

A Republican who has worked zealously for his party in good times and bad, he has scorned partisanship in representing the people of Pennsylvania in the Senate. He has faithfully advanced the interests of his city and State at all times, while not neglecting the broader spheres of the national welfare. He has been recognized as a student of foreign affairs, as an indefatigable leader in the struggle for civil rights for the Negroes, as a champion of free enterprise and equal opportunity.

Senator Scott is an outstanding Republican liberal. Extremism of the left or of the right is equally revolting to him. With control of the GOP taken over by a radical minority faction, it is imperative that moderate Republicans retain a strong voice and able spokesmen in Congress and in the party councils. Return of Hugh Scott to the U.S. Senate will be the best thing that could happen, not only for Pennsylvania and Pennsylvanians, but for the future of the Republican Party and the two-party system.

His opponent in the November 3 election—unless court appeals should dislodge her from the Democratic nomination—will be Miss Genevieve Blatt, who is now in her third term as Pennsylvania's secretary of internal affairs.

Miss Blatt is held in wide esteem; she has many friends throughout the State; and she has performed her official duties with unquestioned competence.

But we believe that most voters will agree that Senator Scott's experience and demonstrated ability in the Senate make him fully deserving of another term. His record constitutes his most striking appeal for voter support.

In a first-page editorial last week, the Inquirer indorsed a Democrat, Lyndon B. Johnson, for President of the United States. In the same spirit of political independence, we are glad to announce this newspaper's support for a Republican, Hugh Scott, for U.S. Senator.

DEATH OF C. D. JACKSON

Mr. JAVITS. Mr. President, I call the attention of Senators to the fact that we in New York have lost a most distinguished New Yorker and an outstanding citizen—Mr. C. D. Jackson. Mr. Jackson was very well known throughout the land—in Washington as well as in New York—as "C. D." He died at the relatively early age of 62. I ask unanimous consent to have printed at this point in the Record the obituary notice published in the New York Times of September 20.

There being no objection, it is ordered to be printed in the Record, as follows:

[From the New York Times, September 22, 1964]

C. D. Jackson Dies; Time, Inc., Official—Adviser to Eisenhower Had Been Publisher of Fortune

Charles Douglas Jackson, a guiding figure in Time, Inc., and confidant of former President Dwight D. Eisenhower, died of cancer Friday night in New York Hospital. His age was 62.

"C. D." had been with the giant magazine enterprise for 33 years. But he so frequently took leaves of absence for military, diplomatic, and political assignments that the staff formed the "Fun and Games Committee of the C. D. Jackson Hello & Goodbye Society" to arrange appropriate sendoffs and welcomes.

It was he who suggested to General Eisenhower during the 1952 Presidential campaign that he announce his intention to go to Korea if elected. For the first 2 years of the Eisenhower administration, he was a special White House assistant on the cold war.

Mr. Jackson was born here March 16, 1902. As a boy he accompanied his father, a marble and stone importer, on annual business trips to Europe. After elementary schooling in Switzerland, he attended the Hill School in Pottstown, Pa. He graduated from Princeton in 1924.

He had planned to stay at Princeton as an instructor in French, but his father's death made it necessary for him to take over the family business. Like his father, he traveled extensively throughout Europe, purchasing marble and other building materials.

SOLD BUSINESS IN 1931

The depression hit the business hard, however, and he sold it in 1931. In the fall of that year, Mr. Jackson called upon Henry R. Luce, editor in chief of Time, and persuaded him that he could be helpful despite his lack of a journalistic background.

"I guess I psychologically warfared them into giving me a job," Mr. Jackson recalled later.

His first title in the organization was assistant to the president.

Six years later, when Life magazine was established, Mr. Jackson became its general manager. In 1940 he was made a vice president of Time, Inc., the parent organization. His work in this post was administrative, with the emphasis on troubleshooting and public relations.

Late the same year, with war underway in Europe, Mr. Jackson took a year's leave of absence to organize and head the Council for Democracy, a group of about 100 persons set up to combat isolationist sentiment in this country.

He returned to the magazine, but left again in 1942 on a State Department mission to Turkey. At that time, Britain and the United States had an exclusive buying contract for Turkish chrome. It was to expire in 1943, but overbusy Washington had neglected to press for renewal until late 1942.

"BENT" GERMAN AGREEMENT

Mr. Jackson arrived in Ankara to find that German agents had persuaded the Turks to turn the contract over to their country.

"We didn't break the German agreement," Mr. Jackson said later, "but we bent it badly. First we sped up mining for the last months of our agreement. Then it was amazing how German ships and trains had trouble getting the stuff out. Pulleys broke and that sort of thing."

Again Mr. Jackson returned to Time, and again he left, this time in the spring of 1943 to go to North Africa as deputy chief of the psychological warfare branch of Allied Air Force Headquarters there.

In January 1944, he was hustled off to London to help organize the psychological warfare division of General Eisenhower's headquarters. His assignment there was to rouse the conquered peoples of Europe, by radio and leaflet, to active support for D-Day. Toward the end of this campaign his organization was sending the French underground after specific targets, like bridges and railroad switches.

After the war, Mr. Jackson was again welcomed by the "Hello & Goodbye Society," this time as managing director of the newly established international editions of Time and Life.

At about this time, on a whirlwind trip to London, he was given a motorbike by a British manufacturer. The maiden spin, at Mr. Jackson's summer place in Lenox, Mass., was short. A skid on a gravel path put the bike in a ditch and Mr. Jackson among the peonies with a broken foot.

Later, in search of less hazardous recreation, he took up flying and earned a private pilot's license.

He was next installed as publisher of Fortune, and held this job for nearly 2 years before his next leave of absence to set up Radio Free Europe.

Mr. Jackson resigned as publisher of Fortune but retained his vice presidency in the parent organization while serving President Eisenhower in 1953 and 1954 (after the White House assignment he served as a member of the U.S. delegation to the United Nations).

Early this year, shortly before he was named senior vice president of Time, Inc., Mr. Jackson helped organize the International Executive Service Corps, a private organization similar to the Peace Corps. He became board chairman.

He found time, too, to serve on the boards of the Boston Symphony Orchestra, the Free Europe Committee, the Lincoln Center for the Performing Arts, the Metropolitan Opera Association, Project HOPE, and the Carnegie Corporation of New York.

Mr. Jackson lived with his wife, the former Grace Bristed, in the Dakota Apartments at Central Park West and Seventy-Second Street. He is survived also by his mother, Mrs. Eda F. Jackson, and a brother, Alan R. Jackson.

A memorial service will be held Tuesday noon at the Madison Avenue Presbyterian Church. Burial will be at Stockbridge, Mass.

Mr. JAVITS. Mr. President, Mr. Jackson was famous as a colleague of Harry Luce in the establishment and success of the Time-Life publishing empire, but he was equally famous for the tasks which he undertook for the Nation, most notably as a special White House assistant on problems connected with the cold war during the first years of the Eisenhower administration. He had a most distinguished record. He was a most outstanding and extremely highly respected New Yorker. I ask unanimous consent that a letter from Publisher Bernard M. Auer on the subject of C. D. Jackson published in Time magazine of September 25, 1964, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

[From Time, Sept. 25, 1964]

A Letter From the Publisher

His colleagues used to speak jokingly of a "C. D. Jackson Hello-and-Goodbye Society," for he seemed always to be leaving on outside assignments. His last position with Time, Inc., was that of senior vice president, and in three decades he served in a dozen major functions, including publisher of Life and Fortune and managing director of Time-Life International. But his interests were broad and tireless, and his death from cancer last week, at 62, brought sorrow not only to his journalistic colleagues but also to his friends in the worlds of government and culture. Condolences included those from a former President of the United States, the former chief of the CIA, the conductor of the Boston Symphony, and the manager of the Metropolitan Opera.

During World War II, C. D. Jackson was Deputy Chief of Psychological Warfare at SHAEF, later helped to launch Radio Free Europe, and served as special assistant to President Eisenhower. In public life, as in private, he was prized for his humor, and he liked to tell a story on himself and Gen. Walter Bedell Smith, who derided the anti-Nazi propaganda that was being dropped from planes on Germany. One day Smith called in Jackson and said, "I take it all back. One of those planes dropped a bale of printed matter over the Rhine and sank an enemy ship. I now recognize the effectiveness of your propaganda." During the cold war, when Jackson was active in a project to launch propaganda balloons over Czechoslovakia, he reported dreaming that he himself was floating over Czech territory with "svoboda" (freedom) lettered on his trousers.

He maintained a sweeping interest in world politics and a conviction that freedom would win out—but that its victory required idealism aided by salesmanship. Whatever his activities, Jackson's strongest loyalty remained to journalism, and from the travels that brought him close to the world's leaders he sent back confidential reports which delighted his editorial colleagues with their vividness and clarity. His most frequent function at Time, Inc., was to shoulder the most difficult publishing problems and to soothe outside critics as a matchless corporate ambassador.

If in our day anyone can still be described as courtly, "C. D." could. A smiling charm seemed to descend from his tall figure in any setting. He had a reputation of being able to get into a white tie faster than anyone, and he was as relaxed at a reception as he was at the controls of a plane—he took up flying in his middle years. One of his great loves was music, and for close friends C. D. and his wife Gracie would play piano duos in their New York apartment. The Boston Symphony, on whose board he served, sent it string quartet to his memorial service this week to play the slow movement from Beethoven's "Opus 135."

C. D. was boundlessly enthusiastic, ever optimistic. He was a rousing speaker, on and off the platform, and always willing to lend his talents to the causes that engaged him, culturally, politically, journalistically. He once described Time, Inc., as "fascinated by the world around us, dedicated to getting that world down in print and sharing it with as many people as possible." In those words he also described himself.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, it had been my intention to make about a 10-minute talk on New York City. I do not wish to intrude on the time of the Senator from Wisconsin, if he would rather have me wait until after a quorum had been obtained.

Mr. PROXMIRE. Mr. President, I would appreciate it if the quorum call could be disposed of first. The Senator from West Virginia has asked me to yield to him for 1 minute. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia without losing my right to the floor.

The PRESIDING OFFICER (Mr. Nelson in the chair). Without objection, it is so ordered.

PRESIDENT LYNDON B. JOHNSON DELIVERS SIGNIFICANT SPEECH AT MORGANTOWN, W. VA., IN DEDICATION OF ITS MAGNIFICENT MUNICIPAL AIRPORT

Mr. RANDOLPH. Mr. President, on Sunday afternoon, September 20, we were honored by having had the President of the United States and the First Lady with us at Morgantown, W. Va. The President came to our State for the purpose of delivering the address during ceremonies marking the dedication of the completed municipal airport serving our State university community. The estimated attendance ranged from 18,000 to over 25,000 citizens. We were helped and inspired by the significant message brought to us by the Chief Executive of our Republic. I ask unanimous consent to have printed in the Record the address of President Lyndon B. Johnson on that notable afternoon.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of the President at the Dedication of Morgantown, W. Va., Airport

Senator Randolph, Senator Byrd, Governor Barron, my old friend Huelet Smith, Mayor Beuhler, my able Administrator, Mr. Halaby, distinguished Members of Congress, Mr. Hechler, Mr. Staggers, my longtime friends and distinguished guests on the platform, it is a great pleasure to be with you on this delightful Sunday afternoon. This airport represents the triumph of a dream and a test of the power of unity. For three decades you have worked to make this modern airport come true. Your faith and energy have surmounted every difficulty. The people of Morgantown can look forward to a brighter and a more hopeful life because of this work that you have done. This airport was not the work of any single group. It was built by the cooperation of civic groups and local officials, of city, State and Nation. It is proof that if we work with each other, instead of fight each other, there is no limit to what we can accomplish. And what is true for Morgantown is true for America.

I want to commend the people of West Virginia for the high quality of public servants that they have selected. I know of no Members of the Senate with whom I have ever served that have been more diligent or more devoted than your able Senators, Jennings Randolph and Bob Byrd. I deeply appreciate the assistance they have given me every time I have called upon them to be of help. I am grateful for the fine work that your Congressman Hechler and Congressman Staggers and other Members of the West Virginia delegation have given me, and the cooperation they have extended during the time I have been President.

In the years to come, by working together, group with group, section with section, we will defeat the forces of division and we will keep our country moving ahead. The hills and valleys of this State still echo to the memory of a great American, and a great friend of West Virginia, John Fitzgerald Kennedy. He often talked to me about this State. He often talked to me about these people. He spoke of your problems, the strength of your people, the courage with which you faced hardship; always the warmth of your hospitality. He wanted so much to help West Virginia. Not because you helped him, but because he believed the progress of West Virginia was a test of the greatness of all of America.

So I come here this afternoon to tell you that I share his belief, and I will carry on with his work. West Virginia is making progress. Unemployment has declined 43 percent. New food stamp programs are giving strength to the hungry. Training programs, area redevelopment programs, the Appalachian program, the poverty program, will all give people the skills to find new jobs. They will develop industry to provide those jobs.

West Virginia has known more than its share of poverty and idleness and hunger. But let no one say this was because your people were lazy, or indifferent, or without initiative. West Virginians opened our earliest frontiers. West Virginians brought forth the resources which made America grow. West Virginians went forth by the tens of thousands to fight for their country. And thousands of West Virginia boys, your boys, now lay beneath foreign soil, a monument to the courage and the patriotism of the people of West Virginia. You have provided heroes in war and you have provided builders in peace. West Virginia has given much to the land we love, the land of America. America must never forget it, and it will not forget it as long as I am President.

I have traveled through your State and I have talked to your people. I have found strong men and women, willing to help at all times. I have found men who want nothing more than the chance to use their minds and their hands to provide for their families, and to build for their country. We are going to give them that chance. We are going to do it because it is right; we are going to do it because it is our duty; we are going to do it because America needs a strong and a growing and a prosperous West Virginia.

The problems of West Virginia, your problems, are a consequence of national progress. Industry has moved to new markets. Machines have replaced men. New resources have taken the place of old. These changes were inevitable. They have been part of the growth of a mighty nation. Now the Nation must help those who have been left behind. In the beginning of our history, government has helped provide opportunity to the people. The canals and the public works of the years before the Civil War were built by government and private enterprise together. The lands of the West were thrown open to the settlers by the Government. Under Abraham Lincoln, the Federal Government stimulated education through the land-grant colleges. All of these actions provided new jobs and new chances for business, and new stimulation to growth. This partnership and this responsibility is the oldest American tradition. It is one that we recognize, and I pledge you it is one that we plan to continue.

Giving a man a chance to work and feed his family and provide for his children does not destroy his initiative. Hunger destroys initiative. Hopelessness destroys initiative. Ignorance destroys initiative. A cold and an indifferent government destroys initiative. We are going to strike away the conditions which damage a man's dignity and self-respect, and capacity for fulfillment. We are going to give every man the chance to build his own place in this abundant land of ours. And by doing this, we are going to strengthen the initiative of the individual, strengthen the freedom of the Nation, and bring prosperity to all of our people.

There are some among us who need more skills and a chance to work. There are the hungry still to be fed and the sick to be tended, and the old to be given dignity in the twilight of life. This, too, is part of America's responsibility. God has commanded us, "They shall not harden their hearts to the needy."

The day America hardens its heart, the day the fortunate turn away from the helpless, the day compassion turns to indifference, on that day we will begin to decline from greatness. So let us pray that that day never comes.

Franklin Roosevelt once said, "Too many who prate about saving democracy are really only interested in saving things as they were. Democracy should concern itself also with things as they ought to be."

This ought to be a land, a nation, a country with compassion for the helpless. This ought to be an opportunity for all who seek a better life. Yes, this is the concern of our democracy. And that is the road that we are going to take as long as I am the leader of this country. Thank you.

Mr. RANDOLPH. Mr. President, the Dominion-News of Morgantown, W. Va., in reporting the significant event in its Monday morning issue, developed these highlights:

A crowd estimated to range over 25,000 set up a great roar of welcome as President Lyndon Baines Johnson proved the remodeled airport places Morgantown 40 minutes from the south lawn of the White House, and again as he pledged that the welfare of Appalachia is even closer to his heart.

More than 50 major newspaper correspondents related Morgantown's story to readers around the globe as national television cameras from the country's three networks beamed the local ceremonies across the Nation.

Lined 25 deep behind a mile-long fence, the multitude cheered when President Johnson—his Texas hat in hand—stepped from the sleek Presidential Lockheed Jetstar.

Autos lined highways within a 5-mile radius of the huge Morgantown airport.

President Johnson's arrival and significant message capped ceremonies that had officially begun at 2 p.m., following a luncheon honoring visiting dignitaries.

Cochairmen Walter L. Hart and Edwin C. Arkwright presided. Following the invocation by Rev. Jennings Fast of Morgantown, the city's mayor, Arthur W. Buehler, City Manager Elmer Prince, Adm. Herbert Richey of Cleveland, Chamber of Commerce President Harold Suter, West Virginia University President Paul A. Miller, Lake Central Airlines President W. L. Hartman, Representative Harley O. Staggers, Gov. W. W. Barron, and the Senator now speaking were presented and made brief remarks.

It was my privilege to preside for the remainder of the program and to introduce Mrs. Blanche Noyes, renowned aviatrix in charge of airmarkings for the Federal Aviation Agency; Assistant Secretary of the Air Force Robert H. Charles; FAA Administrator Najeeb Halaby; and Civil Aeronautics Board Chairman Alan F. Boyd. These aviation leaders responded with timely and well-received talks.

There was a brief musical interlude by the Morgantown High School Band and then the President and his party, including the First Lady and our colleague, Senator ROBERT C. BYRD, arrived. Proceeding with the program as the Presidential party reached the platform, I was privileged to introduce Senator BYRD and Mrs. Johnson, and then to present the President of the United States.

It was an event which focused deserved attention, not alone on our Nation's Chief Executive, but also was the symbol of a cooperative spirit of West Virginia citizens dedicated to progress.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield 10 minutes to the distinguished Senator from New York [Mr. JAVITS] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW YORK: SYMBOL OF URBAN AMERICA

Mr. JAVITS. Mr. President, I am moved to say some words about my native city of New York, because it has been the subject of a rather detailed consideration on the floor of the Senate from time to time. The city is now the subject of the not very tender mercies of Fortune magazine.

The reason I speak is that New York City, notwithstanding bad government and many other problems, ought to be the pride of Americans as much as Paris is of the Frenchmen, London of the British, Madrid of the Spaniards, and Tokyo of the Japanese. Great centers of commercial, financial, cultural and scientific activities, like New York, should be a great source of pride to its fellow countrymen. I therefore speak in that vein.

New York City, down through the years, has been the subject of much calumny and abusive criticism leveled largely by people who cling to preconceived notions of what our largest city is and what it should be.

In recent months, we have been treated to more than the usual diet of diatribes and dry-eyed weeping over the fate of New York. Our crimes of violence receive detailed national attention, not so much due to the nature of the crime itself, as to its location. Every incident of violence or strife is pointed to as proof that such a polyglot, multiracial city cannot long endure. We are told, also, that New York, as if it were an entity bent on national conspiracy, deviously controls the wealth of the Nation—an echo of the 1880's and 1890's and an insult to the intelligence of the rest of the United States under today's conditions—and has cornered the market on traffic congestion and on dirt and slums and confusion.

A minute ago I spoke of an article entitled, "A City Destroying Itself," in the September issue of Fortune magazine, which echoed much the same line. But after careful reading, the conclusion of the piece is implicit and inescapable: that there is nothing wrong with New York that could not be cured by some civic patriotism among builders, labor, management, and "consumers" coupled with good, decisive government at city hall which has been lacking since Mayor LaGuardia ended his third term in 1945; and that, the city rises awesomely—in sheer dynamism, majesty and power—as the greatest city on earth—and above all its troubles.

But the constant criticism—some of it in the form of innuendo even on the floor of this body—has a familiar ring to historians. John Adams, who visited the city in 1774, when it had 25,000 inhabitants, had much the same to say. And in 1906 Byron Rufus Newton, then a reporter for the New York Herald Tribune, wrote a tongue-in-cheek poem, which could be adapted to many of our most acid modern day critics, who are often apparently as humorless as they are undiscerning. The poem, facetiously entitled, "Owed to New York," read as follows:

Vulgar of manner, overfed
Overdressed and underbred
Heartless, Godless, hell's delight,
Rude by day and lewd by night * * *
Purple-robed and pauper-clad,
Raving, rotting, money-mad;
A squirming herd in Mammon's mesh,
A wilderness of human flesh;
Crazed with avarice, lust and rum,
New York, thy name's Delirium.

But what all our critics—past and present—fail to understand, is that no real New Yorker ever claimed our city was a Camelot; no real New Yorker would feel that our city should be more like Paris, or Rome, or Middleville, U.S.A. Those cities have their own assets and their own liabilities, I am sure, but New York fits no other mold and no other place on earth fits New York's.

To its critics, New York has become the symbol of urban bigness, of urban problems, of seemingly unsolvable modern dilemmas. This being the case, the critics could bring a little warm humanity—of which New York has its full share—if not understanding, to their task, for in a large sense, New York is really a symbol of modern America, a nation where 7 out of 10 citizens now live in urban areas, and where this trend is continuing at a rapid rate.

If our critics want to consider New York as the symbol of big urban problems, that is all right with us, because we have problems, gigantic ones. Problems of slums growing faster than new housing, problems of local political apathy, of crime, of air pollution, of traffic snarls and even of school boycotts. In essence, you name it and we have had it, and probably on a scale and with a complexity unknown in any other place in this Republic.

But this symbol of New York is not accurate because it is not complete. For New York is much, much more than a symbol of problems of city living. It is a town, or collection of towns—for we have many neighborhoods, each with a personality as complete as that of any American town—that create symbols of their own. New York's Wall Street is the symbol of vibrant free enterprise and a hated target for Communists the world over. Madison Avenue is the symbol of the giant U.S. communications and advertising industry. And what American does not know that Broadway means live theater, that Park Avenue means "cafe society," that Greenwich Village means beatniks and artists and the beard and sandle set, that Yorkville means German bands and beer by the stein, or that Harlem is the symbol of this Nation's unfulfilled dreams for its Negro citizens.

I often feel that New York City suffers criticism for the same reason Uncle Sam has suffered similar criticism among the nations of the world—because we do so much and mean so much. Because New York is preeminent in so many fields: entertainment, trade, finance, shipping, culture, transportation—as well as in problems.

Then, too, many of our critics are just plain suspicious or fearful of the city's bigness, its power, and its influence. Yet here is a city of 7.7 million people jammed into 320 square miles of islands and peninsulas, but living their lives with a vigor and an appetite for creativity in a degree unmatched anywhere.

The city's greatest and most enduring feature is the contrast and variety of its people. In New York there are more Italians than in the cities of Florence and Venice combined, more Germans than in Bonn, more Poles than in Danzig, more Irish than in all the major cities of Ireland, except Dublin, and more Negroes than in 8 of the 11 States of the Old Confederacy. To serve these and the diverse other ethnic and racial groups, the city produces 56 foreign language newspapers in 26 different languages. These include five each in Arabic and Chinese, two in Hebrew, and one in Japanese.

No one would deny that the greatest impact of New York on the visitors is the parapets and towers of masonry and glass and steel which give it such an appearance of majesty and awesome power. But it is the people of New York who are the city's greatest asset.

I know that out-of-town and out-of-country news articles and stories give the impression that New Yorkers are always being stalked on their streets by crime, are too brusque in manner, and are not as human as smalltown people because they are squeezed together at the rate of 24,333 per square mile.

But New York's neighborhoods refute any such idea, as does the fact that New Yorkers are creators, too. Among them are a great many of the country's foremost artists and musicians and actors of today and tomorrow, of our most successful executives and financiers, of our most gifted writers and composers, and of our scholars, as well as the world's most knowledgeable cabdrivers and harassed—and generally good-humored—policemen.

Despite the overcrowding on the subways and in the restaurants at noon hour, despite the ever-continuing inconveniences of construction and expansion, these are the people that have it within their grasp to use all the resources of modern civilization to help people everywhere with new ways to develop the mind and enrich the spirit on a scale unparalleled in history.

Our critics never mention, for example, that there are still about 150 working farms within the city of New York; or that among the public high schools of this Nation which graduate the greatest number of students who go on to doctorates in the humanities, the arts, the sciences, and the professions, 9 of the top 10 are in New York. Nor do they consider that there are 200,000 students in New York's 35 colleges and universities, 9 of which are free public institutions.

No, all we hear is that New York has plenty of crime, and even then, our critics fail to mention that according to recent FBI reports—including the latest one—New York has a lower major crime rate per 100,000 population than Atlanta, Phoenix, Chicago, Los Angeles, San Francisco, Miami, Detroit, and Denver.

We hear that New York has some sort of economic monopoly on the Nation, which may have been the case years ago, but certainly is not true today, since other cities and States have been expanding their worldwide economic activities. Six of the largest banks in the Nation are located in New York, but the largest of them all is not on Wall Street, but in San Francisco. It is the Bank of America. Nor will La Salle Street in Chicago or the bankers of Detroit, Philadelphia, Boston, Atlanta, Dallas, or a score of other cities defer to New York anymore.

We hear about New York's problems in slums, but nothing about the fact that between 1950 and 1960 more public housing projects were built in New York than in all the rest of the Nation combined; nor that more square feet of office space were built in New York alone since 1947 than in the central business districts of the next 22 American cities combined.

Nor is it made known that the city has 49 museums, housing everything from the most modern in modern art to the largest dinosaur skeletons, and that new museums are being added all the time. Yes, we know all about the fact that some architectural monstrosities have been included among the thousands of new buildings erected yearly—9,080 in 1963 alone—but not much attention seems to be given to the Guggenheim Museum designed by Frank Lloyd Wright or to Huntington Hartford's Gallery of Modern Art designed by Edward Durell Stone, and that such structures are the pride of a nation.

Our critics have been assiduous in ignoring some of New York's recent triumphs, such as the $160.7 million Lincoln Center of the Performing Arts, which when completed in 1967, will be the world's greatest and most exciting center for the best in the theater and opera and music.

These structures, these accomplishments, were made by New Yorkers for the benefit of their fellow New Yorkers, for the 14 million visitors who are normally drawn to it by the magic of our city every year, for the added millions coming to the World's Fair and for the glory of our Nation in the name of the American city best known in all the world.

They are a measure of the vitality, the adventure, and the promise that lives in the canyons of New York. They are a measure of the ingenuity and the talent that New Yorkers bring to the complex problems of human existence in the Nation and the modern world. New York deserves to be the pride of the United States. Its dynamism, its majesty, and its creativity rate from Americans the regard which Frenchmen give to Paris, Britons give London, and the Japanese give Tokyo. It is my hope that by coming to our city often and experiencing its magic for themselves, my colleagues and other Americans may be convinced that New York has more to offer the country than a symbol of urban confusion and trouble.

CALL OF THE ROLL

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, without losing my right to the floor, I may suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 578 Leg.]

Aiken
Allott
Beall
Bennett
Bible
Boggs
Carlson
Curtis
Douglas
Edmondson
Ervin
Fong
Gore
Hayden
Inouye
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
Long, Mo.
Mansfield
McClellan
McIntyre
McNamara
Metcalf
Monroney
Morse
Mundt
Nelson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Russell
Salinger
Simpson
Stennis
Talmadge
Thurmond
Young, N. Dak.

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. Bartlett], the Senator from North Dakota [Mr. Burdick], the Senator from Virginia [Mr. Byrd], the Senator from Nevada [Mr. Cannon], the Senator from Idaho [Mr. Church], the Senator from Connecticut [Mr. Dodd], the Senator from Louisiana [Mr. Ellender], the Senator from Alaska [Mr. Gruening], the Senator from Florida [Mr. Holland], the Senator from Oregon [Mrs. Neuberger], the Senator from Alabama [Mr. Sparkman], and the Senator from Tennessee [Mr. Walters] are absent on official business.

I also announce that the Senator from Massachusetts [Mr. Kennedy], and the Senator from Alabama [Mr. Hill] are absent because of illness.

I further announce that the Senator from Indiana [Mr. Bayh], the Senator from West Virginia [Mr. Byrd], the Senator from Pennsylvania [Mr. Clark], the Senator from Mississippi [Mr. Eastland], the Senator from Michigan [Mr. Hart], the Senator from Minnesota [Mr. Humphrey], the Senator from Washington [Mr. Jackson], the Senator from Louisiana [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from Wyoming [Mr. McGee], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from Florida [Mr. Smathers], the Senator from Missouri [Mr. Symington], the Senator from New Jersey [Mr. Williams], the Senator from Texas [Mr. Yarborough], and the Senator from Ohio [Mr. Young] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from New Jersey [Mr. Case], the Senator from New Hampshire [Mr. Cotton], the Senator from Colorado [Mr. Dominick], the Senator from Arizona [Mr. Goldwater], the Senator from Nebraska [Mr. Hruska], the Senator from New York [Mr. Keating], the Senator from New Mexico [Mr. Mechem], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], the Senator from Kansas [Mr. Pearson], the Senator from Pennsylvania [Mr. Scott], the Senator from Texas [Mr. Tower], and the Senator from Delaware [Mr. Williams] are necessarily absent.

The Senator from Maine [Mrs. Smith] is detained on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. DOUGLAS. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. Anderson, Mr. Brewster, Mr. Cooper, Mr. Dirksen, Mr. Fulbright, Mr. Hartke, Mr. Hickenlooper, Mr. McGovern, Mr. Pastore, Mr. Robertson, and Mr. Saltonstall entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

MEMBERSHIP IN AMERICANS FOR DEMOCRATIC ACTION

During the delivery of Mr. Proxmire's speech on reapportionment,

Mr. MORSE. Mr. President, will the Senator from Wisconsin yield with the understanding that he does not lose his rights to the floor and with the further understanding that what I say will appear immediately following his remarks or elsewhere in the Record?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from Oregon for the purpose he has stated.

Mr. DOUGLAS. Mr. President, reserving the right to object, may I ask the Senator from Oregon if he proposes to submit a tabling motion or an amendment? I hope he does not and that he will not do so.

Mr. MORSE. Or criticize the liberals. That is correct.

Mr. PROXMIRE. In that event, I am delighted to yield.

Mr. MORSE. Mr. President, since it is apparent that Senator Goldwater and Representative Miller intend to make ADA a campaign issue, it is most important for the American people to know ADA's background and positions on public policy matters.

I am proud to be one of the vice presidents of ADA and one of its members for many years. It was formed to answer the Communist propaganda that sought to pollute the stream of liberalism in American politics. It has fought the vicious lying tactics of the Communists much more efficiently than the Goldwaters, Millers, Joe McCarthys, and the rest of the extreme rightists.

The ADA's program stands for sound, progressive legislation that seeks to implement the general welfare clause of the Constitution.

To prove it, I ask unanimous consent to put various material and newspaper articles dealing with ADA and its program in the Congressional Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Message From President Kennedy to the ADA 15th Anniversary Convention

It gives me great pleasure to send greetings to Americans for Democratic Action on your 15th anniversary. The theme you have chosen for your convention—'growth for the future'—expresses the abiding concern of all free men. Growth means above all growth in human dignity—growth in freedom and democracy, growth in opportunity, growth in culture, and growth in peace, as well as the economic growth necessary to underwrite the others.

There is one area of growth to which I would especially like to direct the attention of the liberal community—that is, our own Western Hemisphere. We have as a nation an historic commitment to progress and democracy in the Americas. We have launched, with the other free republics of the hemisphere, a great Alliance for Progress. That Alliance depends for success on the strength and purpose of those parties and leaders in the Americas truly dedicated to the ideals of progressive democracy. The Alliance should therefore be a primary concern and responsibility of all North American liberals. We must come to know the progressive forces in Latin America better and offer them our friendship and understanding. ADA is in a special position to give force and leadership to this effort. I am delighted that three of the men you are honoring—Jose Figueres, Hubert Humphrey, and Arthur Schlesinger, Jr.—have played vital roles in the evolution of the Alliance.

Congratulations on your 15th birthday, and my best wishes for many more years of discriminating criticism—and effective service.

John F. Kennedy.

Americans for Democratic Action 16th Annual Convention Shoreham Hotel

The following message from President Kennedy was read Friday evening to the opening plenary session of the ADA convention by John P. Roche, the organization's national chairman.

"I am happy to send my greetings to the 16th annual convention of ADA. During these years, you have striven valiantly for social progress and civil freedom at home and for liberty and peace in the world. You have done this in the face of clamor and criticism, and you have seen the causes for which you have fought move steadily ahead toward fulfillment. You have contributed an indispensable ferment to American politics, and looking back you can take satisfaction that on the whole, time has confirmed the rightness of your judgments.

"Now again we look to the future. This strong country of ours faces all of the problems that come with a complex and changing economy in a revolutionary world. This administration in the field of economic and monetary policy, in education, in the care for the sick, retarded, and the aged has put forward programs to provide a greater participation in the American life for all of our citizens. This country cannot turn its back on the urgent problems of the day: 4½ million unemployed, an inadequate educational system, a growing tangle of urban blight, pockets of poverty that reproach our affluence, a large segment of our citizens still denied their civil rights, the massive problems of the developing nations and, above all, the overwhelming need to turn the world's momentum toward destruction into an equivalent momentum for production and peace.

"I may not always agree with ADA on how these goals should be pursued, or they with me; but I salute the role you have played—and will continue to play—in supporting new initiatives and new ideas, in freshening our political dialogue, and in countering those who reject the future, doubt the present and labor to keep us mired forever in the past.

"JOHN F. KENNEDY."

A MESSAGE FROM THE PRESIDENT

(Editor's Note: The following message was received in the form of a wire, and read to the 17th Annual ADA Convention during the banquet on Saturday night, by the Chairman. President Johnson sent, as his personal representative to the dinner, Prof. Eric Goldman of Princeton University, who was introduced by Toastmaster Robert Bendiner as being part of the "Johnson brain trust." The receiving of a message from the White House has become a tradition of ADA Conventions. Delegates at this convention, and other guests, observed a minute of silence in memory of the late John F. Kennedy, with whom an ADA delegation had met a year ago during the course of the last convention.)

THE WHITE HOUSE,
Washington.

I welcome the Americans for Democratic Action to Washington.

Your cause has been the cause of liberal democracy. Your creed has been the belief that democratic government exists to serve the needs of all the people. The pursuit of that creed has not been easy. But you have never retreated from commitment to the political struggle as well as the clash of ideas, from carrying the fight both to the public prints and to the political precincts.

As a result, you have now endured, despite frequent premature burials by your critics, to see many of your ideas become policies, your policies become programs, and your programs become laws.

Your Government today is in the midst of a struggle, on many fronts, to extend the blessings of our democracy to the dispossessed in our own country and to the disinherited around the world. As always, our adversaries in this struggle are strong and persuasive. As always, it will require untiring dedication and unyielding commitment if we are to win the battle.

Therefore, I ask you to do for me what you have done for so many of our past leaders—to use your imagination and intellect, your persuasion and power, your work and will, to help pass the great and crucial programs we now have before Congress.

Help us to pass the war against poverty—to pass our civil rights bill, which is the strongest since the Civil War—to pass a foreign aid bill that will permit us to meet our commitments to the poor of other lands—to pass minimum wage extension, aid to education, and all the other programs designed to give all Americans a full opportunity to develop their capacities.

These programs are your programs. They are the programs of all who believe the cause of government is the cause of humanity.

I look forward to your support in these battles—and in the other struggles that will mark our forward progress in the years to come.

LYNDON B. JOHNSON.

[From the Minneapolis Morning Tribune, Aug. 12, 1964]

ADA RECORD SHOWS NO COMMUNIST TINGE

(By Graham Hovey)

The direction was clear from the outset: Reformist, left of center, but militantly, aggressively anti-Communist. A headline over an account of ADA's formation January 4, 1947, put it bluntly:

"Opposition to communism is a major tenet of Americans for Democratic Action."

The 130 men and women who gathered in Washington to found ADA were equally emphatic in the manifesto they issued:

"We reject any association with Communists or sympathizers with communism in the United States as emphatically as we reject any association with Fascists or their sympathizers. Both are hostile to the principles of freedom and democracy on which this country has grown great."

And when ADA wrote its objectives into a formal constitution March 29, 1947, it specifically excluded Communists and Communist sympathizers from membership.

ADA started right in to demonstrate its direction by endorsing the American (Baruch) plan for international control of atomic energy, then under heavy attack by Russia and United States Communists and fellow travelers.

It endorsed the Truman doctrine program for economic and military aid to Greece and Turkey to help those countries resist heavy political and military pressures from Russia and the Soviet bloc.

ADA went all out in support of the Marshall plan for European recovery, which Communists and fellow travelers branded as a Wall Street plot.

But ADA probably reached its high point of effectiveness with its slashing assault on Henry A. Wallace's candidacy for President on the Progressive ticket in 1948. This fight separated the men from the boys on the question of acceptance of Communist support in political action.

With a long membership list of prominent New Dealers headed by Mrs. Eleanor Roosevelt, ADA provided an attractive banner to which wavering liberals could rally.

It could not be attacked as just a redbaiting society and its actions helped lay bare the 100-percent pro-Communist direction on foreign policy of Wallace's Progressives.

"We can't ignore Henry Wallace," Walter Reuther warned ADA's 1948 convention. "We can't just brush him aside and look the other way. We've got the job of taking on Wallace and his Joe Stalin associates."

The convention "unreservedly condemned" the Wallace candidacy. It is doubtful if ADA has ever again been so effective as it was in rallying liberal support behind Harry S. Truman.

Effective or not, ADA has not wavered from its stand against any cooperation with Communists or fellow travelers at home and against any thrust of Soviet imperialism abroad.

"We believe that the most serious Communist threat to our internal security lies in espionage and sabotage, and that the Communist Party is a conspiracy toward that end," says a recent ADA manifesto.

"Policy toward the Soviet Union should be guided by the concepts of defense without provocation and conciliation without appeasement."

"The Western Powers must continue to make it perfectly clear to the Soviet Union that they will resist capitulation over Berlin by every means—diplomatic, economic, and (if ultimately necessary) military," says ADA's "Program for Americans."

It is not true that ADA advocates unilateral recognition of the Communist East German regime and the permanent division of Germany.

It is true that ADA would offer factual (not diplomatic) recognition of East Germany "in return for more reliable guarantees of Western access and Western presence in Berlin, underwritten by the Soviet Union." This was also the Eisenhower administration's position in 1959.

It is true that ADA advocates diplomatic recognition of Communist China and its admission to the United Nations—the position taken by America's British and French allies.

It is not true that in following this policy ADA would abandon Formosa to the Red Chinese. ADA advocates a two-China policy under which Formosa would be given the chance for independent U.N. membership.

"Until a U.N. solution is reached," says ADA, the "U.S. treaty pledge to defend Formosa should remain unaltered."

It is not true that ADA advocates inviting Castro's Cuba into the Alliance for Progress at present, but ADA hopes a change in Cuban policy may one day make this possible.

There are many questions that can be raised about these and a whole host of additional ADA policies. But on its 17-year record it would be outrageously unfair even in the heat of a political campaign to call the ADA pro-Communist, Communist leaning, or soft on communism.

[From the Minneapolis Morning Tribune, Aug. 13, 1964]

JOHN BIRCH SOCIETY AND ADA NOT ALIKE

(By Graham Hovey)

Minnesotans have been prominent from the beginning in Americans for Democratic Action.

Senator HUBERT H. HUMPHREY, then mayor of Minneapolis, was an ADA founder, a vice chairman, and still serves on the executive committee.

Minneapolis' present mayor, Arthur E. Naftalin, and Mrs. Eugenie Anderson of Red Wing, now American minister to Bulgaria, served on ADA's first committee of the whole.

Senator EUGENE J. MCCARTHY has been on ADA's national board and Representative DONALD M. FRASER, of Minneapolis, recently became a board member.

Republican opponents of MCCARTHY and FRASER are trying to use the ADA affiliations against them in the 1964 campaign. Wheelock Whitney of Wayzata, Republican candidate against MCCARTHY, cites ADA as an example of "extremism" in the Democratic Party and implies that it is as big a problem as the John Birch Society is for the GOP.

This is not a new Republican line. Former Senator Joseph H. Ball, of Minnesota, once called ADA "one of the fronts through which our Fabian socialists have taken over the Democratic Party."

Actually, some ADA leaders might not object to the comparison with the venerable Fabian Society, which provided so much of the British Labor Party's philosophical base.

Nor would some of them object to another frequent charge against ADA: That its economic doctrine, especially on public finance and taxation, is borrowed from Britain's late Lord Keynes. They might argue that ADA's current economic line owes more to Harvard's John Kenneth Galbraith, however.

ADA has been called many things and its opponents like to point out that it was blasted on occasion by John F. Kennedy and Lyndon B. Johnson, each chafing under ADA prodding and criticism.

When he announced his presidential candidacy in 1960, Johnson said of ADA: "I would expect them to be against me. As a matter of fact, I would not feel very comfortable if I had their support." (He may feel somewhat more comfortable about it this year.)

Kennedy once urged ADA to close up shop, and he was nettled by a 1963 ADA statement on his administration which said: "The high hopes of 1960 are tarnished by 3 years of drag and drift."

But these Kennedy-Johnson blasts, however useful to Republicans opposing ADA Democrats, are hardly enough to brand ADA "extreme." In fact, it's hard to see how ADA can be called "extreme" by reference either to political trends in other democratic countries or to America's recent past.

ADA is radical in the true meaning of that word, but there is little in its program that would sound extreme to leaders of the Conservative Party that has governed Britain for 13 years, and it clearly has authentic roots in America's political subsoil.

There is a scent of midwestern Populism, of Minnesota Farmer-Labor doctrine, of La Follette Progressivism in ADA manifestoes.

There is more than a whiff of Theodore Roosevelt's New Nationalism and Woodrow Wilson's New Freedom in ADA's plank on "business structure and practices," including the antitrust, antimonopoly provisions.

ADA's program is a direct descendant, a logical extension of the Roosevelt New Deal, Truman's Fair Deal and Kennedy's New Frontier.

It would be fair and reasonable, then, for opponents to say that ADA represents "advanced New Dealism," and it would serve the country well if 1964 debate could be conducted on that basis: On ADA's proposals to extend the Federal power and increase public spending in pursuit of its social and economic objectives.

In this writer's opinion, opponents also could make a case that ADA's foreign policy proposals are based on too optimistic a view, not of commnunism or Soviet behavior primarily, but of the world in general and the capacity of the United States to make it over by ADA formulas.

There is nothing clandestine or conspiratorial about ADA, nothing of lynch mob justice mentality in its attitudes or objectives.

Its conventions are open, its membership public, its officers prominent Americans. Its program is spelled out for public attention in great—sometimes tiresome—detail.

It is timely to debate vigorously whether that ADA program would be good or bad for America.

But to try to place ADA at one end of America's political spectrum opposite the John Birch Society or the Ku Klux Klan is ludicrous.

[From the Washington Post, Sept. 2, 1964]

Political Nomenclature

Guilt by association seems to have become a commonplace of politics—and particularly of Republican politics during the last decade. There was an unpleasant instance of it in a statement by Dean Burch, chairman of the Republican National Committee, who opposed the election of President Johnson in a television interview on Sunday because, as he put it, "unilateral disarmament and some of the tenets of the Americans for Democratic Action is exactly what will lead to war."

The logic of this extrapolation appears to be that because Mr. Johnson's running mate, HUBERT HUMPHREY, is a member of ADA, the President will advocate unilateral disarmament and thus take the country into war. Perhaps the basic infirmity in this argument lies in the fact that ADA has never at any time, under any circumstances or in any way, shape, or manner advocated unilateral disarmament.

ADA is commonly regarded as a "liberal" or "progressive" voluntary association advocating political ideas in the American political tradition. It is neither so numerous nor so powerful as Mr. Burch and some of its own more ardently optimistic members seem to suppose. Nevertheless, it is articulate, energetic, and thoroughly devoted to American institutions and values. Mr. Burch may, as he said in his oblique way on Sunday, prefer to call the organization the Americans for Socialistic Action and to characterize it as "one of the far-left groups of the entire United States." But he can yield to this preference only at a total sacrifice of the truth. In doing so, he simply debases the currency of political parlance.

[From the Courier-Journal, Sept. 2, 1964]

The Constructive Background of the Much Maligned ADA

HUBERT HUMPHREY, who is a charter member and vice president of Americans for Democratic Action, will not resign from that group unless and until he is elected Vice President.

For Senator HUMPHREY to have decided differently would have been to concede that the wilder charges of the Republican Party about ADA had some substance. And nobody knows better than Mr. HUMPHREY that they have no content whatever.

Americans for Democratic Action is sometimes called the conscience of the Democratic Party. It is always a little ahead of the party in advocacy of social and civil rights legislation. It is ahead of public opinion in advocating negotiations toward eventual recognition of Red China. It was ahead of its time in urging a nuclear test-ban treaty.

But in all but one of these positions it is well within the framework of Democratic Party beliefs. Most of the positions it espouses are, or have been, contained in party platforms. And far from being a semi-Communist secret society, as Republican campaign oratory loves to describe it, the ranks of ADA have furnished more than a normal quota of distinguished officials in Government service.

Arthur Goldberg, now a Supreme Court Justice and formerly Secretary of Labor, was a member; so are Chester Bowles, of the State Department, John K. Galbraith, former Ambassador to India, Robert C. Weaver, the Housing Administrator, Abraham Ribicoff, Secretary of Health, Education, and Welfare. Senator Humphrey's colleague, Senator Eugene McCarthy, and Agriculture Secretary Orville Freeman are members. So were most members of the late President Kennedy's advisory staff: Arthur Schlesinger, Theodore Sorensen, Harrison Woolford among them.

So much for the charges that ADA is a "secret society" or that its members are ashamed of it. The accusations of procommunism are equally without foundation. Indeed, the group of which Senator Humphrey and Arthur Schlesinger were among the founders, came into being to counteract the formation of the Progressive Party, which endorsed Henry A. Wallace for the Presidency in 1948. Many Communist-front groups did unite behind the Progressives, and Americans for Democratic Action exposed these ties and formed a nucleus around which liberal Democrats in opposition to Communist fronts could rally.

Its program since then has continued to be one of enlightened and outspoken liberalism. Its annual conventions recite a list of goals which could be called the permanent platform of the Democratic Party. It compiles a voting list of Members of Congress, graded as to votes on liberal issues. Its forthright stand on controversial issues within and without Congress is usually a rallying point of liberals.

Americans for Democratic Action is a controversial group, since any such society with clear-cut opinions and a high level of articulateness is usually controversial. It is bears no resemblance to the Birch Society, in that its members are proud of their affiliation rather than apologetic, and it engages in none of the sort of intimidation which is a weapon of the Birchites. HUBERT HUMPHREY has every right to be proud of his long membership in ADA and has no reason to resign it until high elective office makes it necessary for him to resign from all political clubs.

Proposal for a Democratic Party Platform—A Presentation by Americans for Democratic Action to the Platform Committee of the Democratic National Convention, Atlantic City, N.J., 1964

OPEN LETTER TO PLATFORM COMMITTEE OF 1964 DEMOCRATIC NATIONAL CONVENTION

For years now the reactionaries have been demanding a confrontation with American liberalism.

Democrats should welcome this confrontation with open arms, and the convention must present a program as liberal and vital as the Republican program is reactionary and moribund.

The Democratic Party is justifiably proud of its history of dedication to progress. Americans for Democratic Action believes that this year the tradition will be borne out again: that the Democratic Party will shape a platform relevant to the times and bold enough to cope with the pressing unmet needs of our society.

We believe that the Democratic Party will come forth with a platform which keeps faith with the outstanding liberal Democratic leaders of the past and the present—with Franklin D. Roosevelt, with Harry S. Truman, with John F. Kennedy, and Lyndon B. Johnson.

It is especially important this year for the Democratic Party to give the Nation a progressive platform in view of the absurdly inadequate platform which the Goldwater version of the Republican Party produced—a platform which was sorry enough in the areas it did cover, and callous enough to totally disregard both human needs and civil rights.

It is clear that the contest between President Johnson and Senator GOLDWATER is a contest between the progress and peace of liberalism on the one hand and the retrogression and adventurism of Goldwaterism on the other.

Any attempt to water down the liberalism of the Democratic platform would be a triumph for the forces of reaction. The poorest way to serve the cause of democracy—and the Democratic Party—would be to have any echoes from San Francisco in Atlantic City.

We earnestly believe that the Democratic Party must come forth with an aggressively liberal platform to give President Johnson the tool he needs for victory in this crucial year. It is in this spirit that we present to the platform committee of the 1964 National Convention these guidelines for a liberal platform.

JOHN P. ROCHE,
National Chairman,
Americans for Democratic Action.

PROLOGUE

Democracy is a demanding faith. It rests neither on a set of dogmas nor on a blueprint. It cannot remain static nor can it be passive. Democracy is rather a spirit which each generation must learn to apply to the needs of its own times.

Extremism of any kind is antithetical to the precepts of democracy. Democrats have already rejected totalitarianism in any form, whether Communist or Fascist.

There have, of course, always been wild-eyed extremists in our society, but previously they had been considered beyond the pale of decency.

Now, however, with the nomination of Senator GOLDWATER as Republican candidate for the Presidency, these wayout extremists come under his umbrella and are given a respectability they never enjoyed before. They are, indeed, a part of the Goldwater team.

While true Democrats are involved in a fight for that sense of decency which is the center of civilization, the totalitarian right is engaged in trying to turn back the calendar of history.

Their true aim—no matter what slogans they go by—is to emasculate progressive legislation that has developed for decades directly out of American experience and American needs. In the name of States' rights, they actually advocate segregation. In the name of Americanism and the defeat of communism, they actually cede communism victory around the world. In the name of budget-balancing they would further neglect the old and sick and the poor in our society.

This new respectability accorded the extreme right poses a deep moral problem for this Nation. For the banks of the political stream to have widened so as to include the radical right, is a real break with the Judeo-Christian code which has been at the core of American philosophy.

This year makes very special demands of all of us who believe in the promises set forth by the founders of our Nation in the Declaration of Independence, when they boldly declared as self-evident truths what most men of their time hardly dared to hope.

As Democrats we believe that all the resources and skills of our society should be used to bring about the fulfillment of these promises, and this platform is devoted to that belief.

FOREIGN POLICY

Freedom and peace

In this year of 1964, the prospects for peace and freedom in the world are brighter than they have been at any time in a generation. For the first time since the Communists launched their postwar drive to dominant power, the free world can look with real confidence to the future.

It was thanks to the Truman administration that the initial forward thrusts of world communism were blunted, through bold and timely measures such as aid to Greece and Turkey, the Marshall plan, the Berlin airlift, the Korean police action, and the founding of NATO.

History will record, however, that the turning point came with two titanic confrontations of recent years—over the Berlin ultimatum and over the Soviet stationing of missiles in Cuba. The late President Kennedy met these scarifying tests with dauntless courage and with consummate skill and statesmanship. Above all, in forcing the Soviets to withdraw, he showed the wisdom not to force them into a corner where they had no choice but to fight. He knew, as any responsible leader of a thermonuclear power knows—and as President Johnson knows—that total victory can today be sought only at the prohibitive price of risking total annihilation.

President Kennedy acted, indeed, in such a way as to win respect from the Soviet leaders for the strength of the United States—and for its moderation in using that strength. One result of this new Soviet respect was the test-ban treaty, endorsed by an overwhelming majority of the U.S. Senate, Republican and Democratic alike, and by an overwhelming majority of Americans, of both parties and of none. Those who dissented must, we believe, be considered in some measure dissenters from peace. For the test ban, and other actions that preceded and followed it—the hot line between Washington and Moscow, the agreement not to orbit nuclear weapons in space, and the cutback by both nations in the production of fissionable material for weapons purposes—have measurably relieved the fear under which 3 billion human beings lived 4 years ago—that some rash act or blunder may plunge us all into a nuclear holocaust which will leave only ruined cities, blasted homes, and a poisoned earth and sky.

Moreover, the threat to freedom has been greatly reduced by the historic, and to all appearances irreversible, rifts within the once seemingly monolithic world Communist movement. Russia and Communist China have broken apart—and across the void are trumpeting the naked truth about each other's systems with a frankness which should go far to convince mankind that the defects of communism are too grave to make it an attractive or even tolerable prospect. In Eastern Europe, the once loyal satellite states are taking the opportunity to thrust forward to greater self-determination. And within all the Communist parties in the free nations, large or small, the feud between the believers in Moscow and the believers in Peiping is being waged with savage ferocity.

Even within the Soviet Union itself, the desire for more freedom is being voiced with increasing insistence. Russian poets and intellectuals are demanding the liberty to say and write what they think. And Russian economists and technicians are speaking up to say that the Soviet system badly needs more incentives and more freedom for managers to make their decisions in accordance with the facts rather than with Communist dogma.

By now, it is only the fanatics, like Mao Tse-tung and the John Birch Society, who can maintain that "communism is winning." To all sensible people, on either side of the Iron Curtain, it is evident that it is freedom that is gaining ground and communism that is passing through a grave internal crisis.

We must, of course, maintain our strength—adequate and balanced Armed Forces to respond with appropriate means to aggression at every level. And we must maintain and, as circumstances require, update the Atlantic Alliance. But, in this period of lower tensions and greater opportunities, we must and shall go forward to lay firmer foundations for world peace—moving toward effective and enforced disarmament, building the United Nations, working through trade and aid policies for economic growth for the developing countries, and seeking to broaden areas of cooperation and to contain and ultimately resolve conflicts which constitute a present or potential threat to peace.

Disarmament

We reaffirm the commitment of the United States to the ultimate achievement of general and complete disarmament, subject to effective inspection and control, with national armed forces and armaments reduced to the levels agreed to be necessary for internal security.

We pledge that this Democratic administration will, as opportunity offers, seek to close the remaining gap in the test-ban treaty by extending it to underground testing.

We oppose the transfer by any nuclear power of nuclear weapons to any other nations or regional military organizations.

We seek the formation of regional denuclearized and ultimately demilitarized areas in such regions as Africa, Latin America, and the Middle East.

We shall press for agreement on measures to prevent surprise attack.

Our Democratic administration will, as opportunity offers, give consideration to further unilateral initiatives, which might improve the atmosphere for multilateral disarmament negotiations.

This administration will expand the Arms Control and Disarmament Agency and seek more adequate financing for it. It will support the creation of an International Institute for Disarmament Research under U.N. auspices.

Since military expenditures represent 10 percent of the total production of the United States and more than half the Federal budget, we recognize that there is real concern that general and complete disarmament would result in major economic and social dislocations. Systematic and detailed studies and planning must now be undertaken by Government agencies. As worldwide disarmament proceeds, it will free vast resources for the only war we really seek—the war, in President Truman's noble words, against "man's ancient enemies—poverty, disease, hunger, and illiteracy."

The United Nations

As we move toward disarmament, we must work to strengthen the United Nations, and to build up its peacekeeping capacity by establishing a U.N. police force composed of contingents from the small countries committed for fixed periods.

We shall urge continuing consideration at the U.N. of long-term programs for financing peacekeeping forces and of the feasibility of a scale of assessments which recognizes, as does the present scale for normal operations, the greater ability of the major powers to finance such forces. We shall urge support for continuing study of new sources of long-term revenue for the U.N., such as providing it with royalties from the resources of the oceans and of the polar regions.

We support the principle of universal membership in the U.N. for all nations.

The development of world law should be promoted through U.N.-sponsored treaties and covenants subject to judicial enforcement; through the use of the Court of International Justice and the expansion of its jurisdiction; and by other appropriate means. We urge the removal of the Connally reservation which clouds U.S. acceptance of the jurisdiction of the Court, and approval by the Senate of all U.N. covenants intended to establish standards for world law, such as those on human rights and genocide.

Our ultimate goal is the creation of a world community under law, in which all people will have the opportunity to make their distinctive contribution to the advancement of human civilization.

The Atlantic community

A Democratic administration will support the continuing integration of Europe and its closer association with the United States, Canada, and Japan. We favor all immediate steps possible, through NATO, the Organization for Economic Cooperation and Development (OECD), the Common Market, Euratom, the European Coal and Steel Community, and the European Free Trade Association to bring about increasing economic and political integration among the industrial nations of the free world. We pledge vigorous prosecution of the Kennedy round of trade negotiations to lay a solid foundation, in expanded trade in industrial and agricultural products, for economic cooperation among the free nations.

We recognize the desire of some Europeans to take a greater part in their common defense as a natural and commendable one. It should be an object of American policy to respond favorably to such wishes, but our response should not be one which appeases purely nationalist aspirations or encourages the diffusion of nuclear weapons, and control and management of them, into the hands of nations not already possessing them.

We oppose all policies having as their consequence the further diffusion of nuclear weapons in Europe; we oppose not only the development of individual nuclear capabilities for individual European states, but also the proposed multilateral nuclear force, which could easily speed up the very diffusion process it ostensibly seeks to avoid.

A multination nuclear force may yield short-range advantages in our relations with our allies, but at the prohibitive price of sacrificing the possibility of a workable system of nuclear arms control. If Germany were allowed to participate in the nuclear force with weapons of her own, it would needlessly interpose new and potentially grave obstacles to the improvement of East-West relations.

Our American commitment to the defense of West Germany and West Berlin must continue—so also the long-term commitment to German unification in freedom. These commitments, however, can and should be compatible with East-West agreements, such as reductions in military force in central Europe, a nuclear arms freeze there, or the creation of nuclear-free zones embracing both central and eastern Europe—so long as these do not unacceptably affect the existing balance of forces. Europe needs American reassurance that the American presence will remain; but the abatement of East-West tensions requires tangible and reciprocal arms reductions between NATO and the Warsaw Pact countries.

Relations with the Communist nations

In the face of a military stalemate between East and West, the rift in the Sino-Soviet bloc and the emergence of polycentrism in world communism, a totally new situation confronts us, with new challenges and opportunities. Our policies toward the various and increasingly individual Communist nations should embody concepts of defense without provocation and conciliation without the sacrifice of essential principles and interests. As these nations evolve toward diverse behavior and goals, American policy should be pragmatic and flexible, welcoming and reciprocating any movements in these nations toward the normalization of their relations with the United States and with their non-Communist neighbors.

We believe the time has come for new Western initiatives with regard to the Communist States of Eastern Europe. The greater freedom and higher living standards of Western Europe will increasingly expose, by contrast, the deep flaws in the rigidly centralized political and economic systems of the East, and arouse powerful impulses in these nations for a return to the greater Europe of which they are historically a part.

Meanwhile, we advocate these immediate steps to improve American contacts and understanding with the Soviet Union and the Eastern European nations:

A vigorous expansion of trade in nonstrategic goods, on reasonable rather than unduly restrictive credit terms.

A steady and substantial increase in the present programs for cultural and technical exchange and the mutual removal of restrictions on the entry of books, magazines, and newspapers.

Stepped-up cooperation in research and development in nonmilitary fields, such as space communication and exploration, medical research, meteorology and geophysics.

Expansion in the exchange of visits by private citizens and public officials, up to and including the topmost levels of government.

The threat to world peace, and particularly to peace in Asia, created by Red China, cannot be underestimated. By their brutal and unprovoked attack on India and the subvention of civil war in the Indochinese peninsula, the Chinese have indicated their commitment to Mao's policy that "power comes from the barrel of a gun." It is thus essential that a policy of containment be devised for Asia, one which simultaneously avoids the tactical absurdity of a jungle war fought by American soldiers and unthinking reliance on nuclear weapons. An obvious priority is the defense of India, and we should not become so committed to a Balkan war in Vietnam that we neglect the main line of great power confrontation in south Asia: the frontier of India, which is also the frontier of freedom.

It is also important that there be regularized channels for communication with the Red Chinese. It is hardly adequate to rely on third parties or press statements to convey important policy matters to Peiping. And it is vital that Peiping have a clear view of our resolution and intentions: ignorance could lead to disastrous miscalculations. We therefore urge that, as a first step, the People's Republic of China be brought into the Geneva disarmament negotiations by joint invitation of the 2 cochairmen of the 18-Nation Committee on Disarmament, the United States and the Soviet Union.

We further urge the lifting of barriers to trade in nonstrategic goods with mainland China and the removal of all passport barriers preventing travel by Americans to China, in order that U.S. policy with regard to China may evolve through full and informed public debate.

Four years ago we reaffirmed our pledge of determined opposition to the present admission of Communist China to the United Nations. This policy must, of course, be kept under continuous review. Should the overall interests of the United States seem in the future to make a change in policy appropriate, we should be prepared to consider the initiation, together with our allies, of negotiations leading toward the diplomatic recognition of mainland China and its admission to the United Nations—not as indications of any moral approval of its repressive regime, but as a means of reestablishing normal channels of international communication.

The admission of Communist China to the U.N. must be linked to the condition that the inhabitants of Taiwan shall themselves democratically decide whether they wish to be admitted to the U.N. as an independent nation or to rejoin mainland China. So long as Taiwan is independent of mainland China, we pledge the maintenance of the U.S. commitment to defend Taiwan, with the understanding that this does not include Quemoy and Matsu.

The developing world

With the abatement of Soviet-American tensions, relations between the industrial nations, mostly in the northern half of the world, and the developing nations, mostly in the southern half, are taking the center of the international stage. Increasingly, the division of the world between North and South is looming as more significant in the long run than that between East and West. Indeed, the Soviet Union is beginning to feel the effect of this in its exclusion by Communist China from major Afro-Asian gatherings.

Military and political considerations have dominated East-West relations. But, in the North-South confrontation, economic questions have come very much more to the fore, with political problems trailing behind, and military considerations as yet of little significance. The primacy of economics was, in fact, forcefully asserted at this year's U.N. Trade and Development Conference, where the 75-nation caucus of developing countries achieved a high degree of solidarity and maintained it as against the Communist bloc and the more loosely knit group of the free industrial nations.

We Democrats can be proud that the Kennedy and Johnson administrations have laid a solid foundation for American relations with the developing world. The Agency for International Development has been reorganized under more effective leadership than it has enjoyed for some years. The food-for-peace program has made the distribution of surplus food under Public Law 480 a real contribution to economic development. Through the Peace Corps, many of our best young Americans (and some who are young in spirit) have given witness in many remote areas of the world to America's concern for the less privileged. Above all, by the keen personal interest they have taken in the leaders of the new nations, Presidents Kennedy and Johnson have convinced them that the United States really cares about the welfare and progress of their countries. And it is worth remembering that, while many new nations have emerged in the past 4 years, not a single one of them is under Communist leadership or is likely to be.

We cannot be complacent, however, or rest upon past accomplishments. The developing nations, more united than ever before, are demanding with growing urgency and insistence the right to higher living standards and full human dignity for their peoples. And they are, quite rightly, demanding the opportunity to earn more of the resources they need for development through selling their products in the markets of the industrial countries.

We Democrats pledge that the United States, together with the other industrial nations (including Japan), will maintain and to the extent necessary expand the flow of grants and loans to the developing nations. We shall seek increasingly to do this on a multilateral basis, either through the U.N. and its specialized agencies or through consortia of donors. We shall give priority to those countries which, by their own willingness to help themselves, have shown themselves most capable of using it effectively, and we shall not adopt any doctrinaire attitude either for or against public ownership.

Four years ago we promised to give attention to the problem of stabilizing world prices of the agricultural commodities and basic raw materials on which many developing countries depend for a large portion of their income. The Kennedy administration redeemed that pledge by helping to negotiate world agreements for coffee and cocoa, and we shall be willing to consider on their merits further arrangements of this sort.

In the current Kennedy round of trade negotiations, it has already been decided that the developing nations shall receive the benefits of substantial tariff reductions without having to give full reciprocity. Under the Trade Expansion Act of 1962, the President has power to negotiate the tariffs on tropical products down to zero, and we pledge that this authority will be used to the fullest possible extent.

We also accept the fact that the developing countries must be able to market in the industrial countries, including the United States, substantial quantities of the simple, labor-intensive manufactured goods which they produce or can hope to produce.

We stress that this is not a one-way street. As the developing countries progress, they will become new and expanding commercial markets for American exports.

In some areas of the world, all efforts at economic progress are hamstrung by the rapid growth of population. Despite the many difficulties, the U.S. Government during the past 4 years has begun to come to grips with this problem.

We pledge that our Government will increasingly draw upon the great resources of medical research to analyze the physical and psychological problems involved and that we will respond to requests by other nations for help in population planning.

We recognize that man does not live by bread alone—that higher living standards are not enough unless they are accompanied by full human dignity.

We welcome the many new and independent nations which have emerged since the war. For the most part, the era of colonialism has already ended. But in the southern part of Africa colonialism still persists, in some of its harshest forms. Under the last Republican administration the United States, while giving lipservice to the struggles of the colonial peoples for freedom, largely stood aside from them. During the past 4 years, the United States has increasingly been throwing its weight on the side of freedom. We pledge ourselves to do even more in the coming years. Specifically:

We pledge support through the United Nations of measures to achieve self-determination for the peoples of Portuguese Africa, and the use of American influence with the Government of Portugal to achieve this end.

We pledge support in the U.N. for the movement to apply economic pressures against the Republic of South Africa and cooperation with other nations in their efforts to achieve a solution of the South African problem based upon the creation of a democratic government with special guarantees for the safeguard of the white minority.

We pledge support for the placing of southwest Africa under a U.N. trusteeship, in preparation for self-determination.

In the Middle East, we will work for guarantees to insure independence and economic development for all nations. We will press for an equitable solution to the Arab refugee problem, along with a peaceful settlement of all other Arab-Israeli issues. We shall insist upon an end to boycotts and blockades against Israel; and unrestricted use of the Suez Canal by all nations. Above all, we shall seek the recognition by the Arab States that Israel has a right to exist.

In Latin America, we pledge our rededication to the Alliance for Progress, now just beginning to yield some tangible results. As a further step, we shall work for the limitation of the flow of arms to the Latin American countries, both through more stringent control of U.S. arms shipments and through the establishment of an Arms Control and Disarmament Agency within the Organization of American States.

We propose the opening with the Government of Panama of negotiations aimed at meeting its legitimate interests and placing responsibility for administering the Panama Canal with a commission affiliated with the United Nations.

Like the preceding administration, our Democratic administration has had to cope with two situations of grave difficulty and danger—Cuba and Vietnam. It is important to recognize, however, that these are very special situations, with particular historic roots and characteristics. They are exceptions to the general rule that non-Communist leadership has prevailed during the vast transformations of the developing world in the turbulent years since the war. Ho-Chi Minh was, in Vietnam, the sole disciplined Communist to emerge after the war at the head of his people's national revolution. Fidel Castro was the sole revolutionary leader who, beginning as a declared democrat, turned increasingly to communism after he took power.

In dealing with these difficult areas, our Democratic administration has taken care not to permit these conflicts to escalate. Time works against the Communists, not for them. We, better than they, can practice patience—particularly when rash or precipitate action would run risks of general war far outweighing our real but limited interests in these countries.

We believe, however, that the time has come—while maintaining our pressures on Cuba and our support to the Vietnamese Government at substantially their present levels—to propose solutions which will safeguard our legitimate interests, yet be reasonable enough to draw the support of the peoples involved and to demand consideration by the more moderate elements among their leaders.

In the case of Cuba, we believe that American interests (and the interests of the hemisphere and of peace) would be best served if the Cuban Government could be persuaded to assume a position of genuine nonalinement and could, by giving guarantees of nonintervention in the affairs of its neighbors, qualify for readmission to the Organization of American States.

The ultimate aim of our policy is the reestablishment of democratic liberties in Cuba. In the long run, given patience and self-restraint on our part, we believe that the Cuban people will insist upon the restoration of these liberties when they see visible progress being achieved elsewhere in Latin America through democratic means.

In the case of Vietnam, we support the strengthening of the International Control Commission so that it can achieve the creation of a neutral area embracing Cambodia, Laos, and both Vietnams, free from the military forces of outside powers and with its independence guaranteed by the major nations, including mainland China. We support all steps to extend a U.N. presence in the area and the implementation by the U.N. with an appropriate peace-keeping force, of its independence. Such settlements should be reinforced by the promotion of trade among the nations in the area and cooperative projects for economic development.

DOMESTIC POLICY

Building a better America

The United States is a big country, with big problems and big opportunities, and its problems and the opportunities are getting bigger every year.

Americans like to think big—about everything except their Government. And this, we Democrats maintain, is the root cause of many of our problems.

We Democrats reject the old saw "a penny saved is a penny earned" so monotonously applied to our Federal Government. If our great corporations had acted on this principle in their infancy, they would still be corner grocery stores and garages. Instead, they acted in the confidence that a dollar wisely spent brings back more dollars in the future.

Pilot projects and expenditures may be an appropriate beginning at tackling a national problem for the first time, but to stop with them is mere tokenism. We Democrats proudly recall that Democratic administrations have had the courage to act boldly when the occasion demanded. When we decided to revive Western Europe after the war, we did not put in a few token projects here and there; we put in enough resources to do the job. When we enacted the GI Bill of Rights, we did not offer funds for education and training to some selected veterans on an experimental basis; we offered it to all of them. In both cases, the results speak for themselves.

We Democrats must concentrate on the continued development of a society so successful in material gains, so rich in human values, that it offers to the rest of the world a practical example of the virtue of freedom.

Civil rights

The Civil Rights Act of 1964, initiated by President Kennedy and enacted under President Johnson's leadership, is a historic and long overdue breakthrough, ranking with the Emancipation Proclamation a century ago, toward the achievement of full human dignity for all Americans. For the first time, it gives us the means to make the Constitution—and the rights with which it endows everyone, whatever his race, creed, or economic status—a living reality in every part of the United States.

We accept the mandate of the act, in its full breadth and depth—and we pledge ourselves to move full speed ahead in enforcing it. To this purpose we pledge the appropriation of all the funds needed and, even more important, the appointment of able, vigorous and, above all, dedicated officials to put its provisions into effect.

We seek the help and cooperation of all Americans in the orderly implementation of the act—both those who opposed it and those who supported it. We are confident that, as they come to understand their responsibilities under the act, the overwhelming majority of Americans will accept them with good will. To this end, a Democratic administration will continue to bring civic, business, labor, and civil rights leaders together in conference at all levels—local, State, and national—to clear the channels of communication between races and to clarify the rights and duties of all citizens in connection with the act.

We shall not hesitate, however, to use the full legal powers of the Federal Government to ensure compliance where it is adamantly denied. We shall protect all citizens seeking to exercise their constitutional rights from violence and intimidation by private citizens or public officials. Where these disgraceful conditions persist, as they do in Mississippi and other places today, we pledge the establishment of the Federal presence and authority through the use of Federal marshals and, if necessary, of Federal military power.

In a Democratic administration, the Federal Government—from the President down—will practice what it preaches. Every Federal department and agency will immediately adopt and enforce appropriate rules and regulations ensuring the nondiscriminatory expenditure of Federal funds—and will cut off such funds wherever discrimination continues. A Democratic administration will step up the enforcement of President Kennedy's Executive order prohibiting discrimination in federally assisted housing and will extend it to federally regulated and insured financial institutions.

A Democratic President will appoint as Federal judges only those whose loyalty to the Constitution, and to its 14th and 15th amendments, is unquestioned.

A Democratic Congress will, as pledged elsewhere in this platform, move to reform its rules to act more promptly to safeguard the rights of all Americans. It will assure the right to vote by establishing a nationwide system of Federal registrars. It will put an end to racial discrimination in public schools by requiring every school district to adopt an immediate and comprehensive program for genuine integration in pupil and teacher assignments. It will help protect the right of peaceful, lawful protest from local harassment by establishing a Federal grant-in-aid program to assist local communities in developing improved techniques of community relations.

This generation is privileged to have the opportunity to cleanse American life for all time of the ugly stain of racial discrimination. A Democratic President will, by word and deed, give constant and active leadership to his fellow-citizens in this historic undertaking.

Civil liberties

We shall vigorously oppose all totalitarian movements, whether of the extreme right or the extreme left, whether the John Birch Society, the Ku Klux Klan, the White Citizens Councils or the Communist Party. Such groups, by their secret character and their tactics of conspiracy and character assassination, deny the basic principles on which our democratic order is founded. Membership in such groups and in the Democratic Party is incompatible. Just as the Democratic Party and the American labor movement repelled the attempts of the Communists a generation ago to infiltrate them, so we call upon the Republican Party to repudiate the John Birch Society and other extremist groups and to cast them out wherever they have gained a foothold.

We believe, however, with the great founder of our own party, Thomas Jefferson, that "error of opinion may be tolerated where reason is left free to combat it." Like him, we recognize that this toleration cannot be extended to espionage and sabotage, and we shall continue to take effective measures against such criminal activities, as do other democratic governments.

We believe, however, that in past years public and private actions against alleged subversion or even mere dissent have gone far beyond the bounds of reason and prudence, and have threatened the survival of the very liberties we are dedicated to defend. We are thankful that the years of greatest hysteria, and particularly the dreadful nightmare of McCarthyism, have passed. But there is still a great deal of debris from this era to clear out of our national life before we can fully recover the traditional American concept of freedom—not as something to be preserved under glass in a museum, but as something to be used boldly and vigorously.

First and foremost, we pledge the abolition of the House Un-American Activities Committee and the Senate Committee on Internal Security. While we recognize the essential function of congressional committees in obtaining information leading to constructive proposals for legislation, we believe that the only place for star chambers and inquisitions is in the ashcan of history. Further, we pledge a "bill of rights" for witnesses before congressional committees, to protect them against slanderous attacks under the cloak of congressional immunity—to include limitation of questions to the announced scope of the hearing, adequate notice of them, and the right to an immediate reply to all accusations.

We believe that our Government has the right and duty to protect sensitive Government agencies and private industries vital to our national security from the risk of espionage—but it has no right to abridge individual rights in doing so. A Democratic administration will insure to all persons whose employment or reputation is jeopardized by a loyalty or security proceeding a full, fair, and prompt hearing, including the right to confront their accusers. We pledge to those who have been dismissed in the past as loyalty or security risks the opportunity to have their cases reexamined on their merits. We oppose loyalty oaths other than the traditional oath taken by Government officials to uphold the Constitution and laws of the United States.

In the interests of restoring to all Americans the freedom of speech, press, and assembly promised to them by the Bill of Rights, we pledge the repeal of statutory provisions limiting such freedoms, such as those contained in the Smith Act, the Internal Security Act of 1950, and the Communist Control Act of 1954. We pledge the abolition of the Attorney General's list of subversive organizations.

We oppose wiretapping, even if the legislation proposes to sanction it by court order, as an intolerable violation of civil liberties and the right to privacy, and we pledge enforcement of the present statutes which make it illegal.

The right to travel freely is one that distinguishes democratic countries from totalitarian ones. We oppose legislation to withhold, refuse or revoke passports on the basis of beliefs or associations, and we insist that no passport be denied unless after a hearing it is determined, subject to a judicial review, that the applicant is engaged in unlawful activities.

We oppose the censorship of books, moving pictures, foreign publications and other forms of communication or entertainment on the grounds of their political or religious content or the political or religious affiliations of their authors or participants.

We oppose all attempts to modify or weaken the first amendment, which safeguards the freedom of religious worship and maintains the separation of church and state.

The war on poverty

We Democrats will wage to its successful conclusion the unconditional war on poverty which President Johnson has declared. We reject defeatist talk that poverty is a problem which it will take a generation to solve.

A good half of the poor are the aged, the sick, the disabled, and the members of families with no male head. This is a welfare problem, which could and should be solved by bringing up our welfare system to modern and decent standards.

Another great blow could be struck at poverty by bringing our rate of unemployment, now the highest of any major industrialized nation in the world, down to the 2 to 3 percent level which has prevailed in most European countries for years. In addition to putting 2 million jobless Americans to work, this would force up the wages in substandard industries, as employers competed for workers, rather than the other way round.

Some hard core poverty problems would remain. There would be workers in need of training or retraining—and perhaps, in the case of the long-term unemployed, of psychological and physical rehabilitation as well. There would be special problem areas, such as Appalachia and Harlem. But, with an adequate welfare system and full employment, the remaining problems would be of manageable proportions.

Full employment

We take pride in the reduction of the number of our unemployed during 3½ years of Democratic administration from 4,761,000 to 3,813,000. But even the latter figure is 4.9 percent of the labor force, and does not include those, estimated at 800,000 to 1,500,000, who have either withdrawn from the labor force or failed to enter it because employment opportunities are lacking.

In its second 4 years, a Democratic administration will take every necessary measure to reduce unemployment to the level below 3 percent. To this end, it will:

Use all appropriate fiscal and monetary measures.

Increase public employment by developing comprehensive programs to meet the unmet needs of the American people.

Take steps to increase full-time employment in the private sector of the economy.

Formulate plans to take full advantage of the opportunities offered by automation, to minimize its risks, and to make the needed adjustments.

Fiscal and monetary policy

This year's tax reduction, initiated by President Kennedy and enacted in President Johnson's administration, has been highly successful—stimulating the economy to continued growth without provoking inflation. While low and moderate income families still bear an unfairly high share of the total tax burden (local, State, and Federal), the value of changes in Federal taxation as a deliberate instrument of economic policy has been amply confirmed by this year's experience. We therefore pledge our support to:

Legislation granting the President standby authority to decrease taxes, within limits established by Congress, when he deems such action necessary to prevent a recession—such cuts to be restored when the danger of recession is past.

A further increase in the tax exemption for low-income families.

The closing of the capital gains and stock option loopholes, and the reduction of oil and minerals depletion allowances to 15 percent for the largest firms.

We oppose a national sales and/or manufacturers' tax.

We pledge the use of monetary policy to achieve the goals set forth in the Employment Act of 1946—the promotion of "maximum employment, production and purchasing power." To this end, we shall amend the Federal Reserve Act to provide for a Chairman appointed by the President for a 4-year term coterminous with his term of office and for the adequate representation of all major sectors of the economy on the Board of Governors and in other parts of the Federal Reserve System.

Public investment in public services

So that public investment may provide its necessary share of new jobs, we pledge the investment of at least an additional $5 billion a year in each of the next 4 years for education, housing, and urban renewal, public works, health services, and resource conservation over and above current total outlays.

We urge that the Government's spending programs be rationally planned and integrated with other aspects of a total policy designed to meet our national goals. This requires that all national economic policies be geared to specific short-range and long-range goals for maximum employment, production, and purchasing power, and presented in a unified perspective in the President's Economic Reports, under the Employment Act of 1946. To this end, we recommend also the development of an effective system of capital budgeting. A proper capital budget will provide the needed focal point for intelligent long-term planning of Government investment—for facilities vital to growth and welfare—and, at the same time, help put such Government spending in balanced perspective for the public.

Education

A Democratic administration, building on the foundations laid in the Higher Education Facilities Act of 1963, the Vocational Education Act of 1963, and the Library Services and Construction Act of 1964, will develop a broad program of Federal aid to education, beginning with preschool children and continuing through adult education.

It will give priority in the allotment of Federal funds to areas of greatest need—those with high unemployment rates, low average incomes, and those where unemployment tends to continue from generation to generation.

It will allot the Federal funds needed to bring the salaries of public elementary and secondary school teachers up to adequate professional levels.

It will allot the Federal funds needed to insure the construction of the 750,000 additional classrooms which must be built in the next 10 years if the current shortage is to stand a chance of being overcome.

It will provide Federal support for scholarships to undergraduate students in institutions of higher education, whether public or nonpublic, and will increase the number of graduate scholarships awarded under the National Defense Education Act, with more emphasis on the social sciences and the humanities.

It will provide Federal funds to subsidize the further development of accredited colleges and universities, both public and private, provided that they are nonsectarian.

Cities and suburbs

This Nation is already overwhelmingly urban and suburban, and will become increasingly so. We take pride in the creative and forward-looking programs which the Democratic administration has inaugurated or expanded to meet the needs of our cities and suburbs—to help them clear their slums, transport suburbanites to and from their jobs, and combat juvenile delinquency.

We set the elimination of slums and blighted areas as the foremost priority for the next Democratic administration. We pledge the provision of decent, safe and sanitary housing, at prices or rents that they can afford to pay, for the 13 million families and individuals now in housing that is either substandard or unfit for human habitation. Specifically, we pledge our support to:

Programs that will stimulate 2.5 million housing starts a year primarily geared for low- and moderate-income families.

A large-scale public housing program of 800,000 units in the next 4 years for low-income families.

A $4-billion Federal investment program for urban renewal, neighborhood rehabilitation and conservation, and housing code enforcement—to be funded over the next 4 years.

The provision of FHA mortgage insurance for the development of new subdivisions and entirely new communities, with significant portions set aside for those in greatest need of housing—persons with incomes below $5,000 a year, families which are eligible for middle-income housing, and the elderly.

Assistance in relocation or rehabilitation by the provision of loans at low market interest rates.

An increase in relocation grants and the provision of rent subsidies for those persons and businesses which are compelled to relocate because of public acquisition of land for highway construction, urban renewal or public housing.

The expansion of the program of housing for the elderly.

Development of sound programs of metropolitan area planning.

Establishment at the Cabinet level of a Department of Housing and Community Development in order to coordinate and strengthen existing Federal activities in this field.

Public works

We propose to make the accelerated public works program a permanent one operating at the level of at least $2 billion a year. A significant portion of these funds should be channeled into the provision of direct employment in distressed areas for the hard core unemployed, offering them opportunities to acquire job experience and skills. Useful and constructive tasks are at hand in abundance—the renovation of neglected parks and public buildings, the cleanup of accumulated debris and industrial wastes, and the conservation of public lands.

Depressed areas

The Area Redevelopment Act of 1961, enacted under President Kennedy, has provided help to hundreds of chronically depressed localities. Building upon our successful experience with it, we propose the redevelopment of entire regions, such as Appalachia, on the basis of carefully prepared and executed regional plans.

Conservation of natural resources

Recognizing that economic development and the achievement of full employment require a comprehensive natural resources policy, vigorously applied, we pledge the following measures:

Establishment of regional resources development agencies, employing the proven and successful TVA concept.

Action to insure adequate supplies of clean water through intensified pollution control, water storage, desalination, and watershed conservation.

Establishment of a national wilderness system and of a land and water conservation fund to acquire additional Federal and State recreational land.

Formulation of a national energy policy, to insure the most prudent use of our resources and lower energy cost to the consumer.

Acceptance of the yardstick principle of public competition with private utilities and the generation of power for wholesale, coupled with Federal power marketing policies giving preferences to public groups.

Opposition to any legislation removing gas pipelines from regulation by the Federal Power Commission under the Natural Gas Act.

Maintenance of the 2-percent interest rate for rural electric cooperatives.

Health

Expenditures on improved medical services are the best investment a people can make in their future. We Democrats pledge that a Democratic administration will do everything possible to assure all the American people access to first-class medical services through a prepaid national health insurance program.

The needs of our elderly people are particularly urgent. Therefore, we Democrats pledge the enactment of "medicare" legislation for prepaid medical insurance which will make it possible for them to have adequate medical care as an earned social right rather than as a charity or not at all. Our plan will include hospitalization, surgical treatment and nursing home care for those who need it and preventive services, such as physician's office and home visits, medical social services, and physical and occupational therapy for those who do not. We shall also allot Federal funds for demonstration projects which will provide the aged with the kinds of care which will delay or make unnecessary their placement in institutions such as hospitals and nursing homes.

We take pride in the enactment, during this Democratic administration, of the Health Professions Educational Assistance Act of 1963 and the Community Mental Health Centers Act of 1963. We pledge the appropriation of adequate funds to implement these acts.

Automation and technological change

The pace of automation and technological change give rise to problems which urgently require careful consideration by Government and my all sectors of our society. We therefore pledge the establishment of a Permanent Commission on Automation, which will be charged with considering measures which Government and private interests can take to minimize the impact of automation on employment, and the creation within Government of a technological clearinghouse which will gather information about impending technological changes and their impact on jobs, industries, and communities.

A national manpower policy

The enactment of the Manpower Training and Development Act represents a commitment by our Democratic administration to pursue a national manpower policy for the full utilization of our human resources. To fulfill that commitment, we pledge the expansion and strengthening of the public employment service, making it national in orientation and directed to meeting national needs; expanded training programs, both for unemployed workers and the upgrading of workers already employed; and full relocation allowances for unemployed workers and their families to enable them to move, if they so desire, to obtain employment.

Fair labor standards

The present minimum of $1.25 an hour means, for the millions who receive it, an annual income of $2,500 a year—$500 below the recognized poverty line of $3,000. Most of the 16 million workers who are not covered by it earn even less. As immediate steps to alleviate poverty, a Democratic administration will establish as an immediate priority:

Increase the minimum wage to $2 an hour.

Extend the coverage of the Fair Labor Standards Act to all workers in agricultural handling or processing, and to domestic, retail, hotel and motel, restaurant, laundry, hospital, and farm workers.

Extend maximum hours protection to employees in transportation (including local transit systems), agricultural and fisheries processing, and gasoline service stations, so that they will receive overtime pay if they work over 40 hours.

As a measure for the creation of additional jobs, we pledge the amendment of the act to require that payment for overtime be double the employee's regular rate of pay, rather than time and half. It is estimated that this measure alone would yield up to 450,000 factory jobs.

Welfare services

We pledge the updating of America's welfare system in the following areas:

Social security: An increase in benefits to reflect rising living costs and improved living standards; equalization of widow's benefits to those her husband would have been eligible to receive; and an increase of the earnings base for contributions from $4,800 to $9,600.

Hospital insurance for our senior citizens.

Disability insurance: The redefinition of present standards of permanent and total disability so as to relate eligibility to the actual ability of the disabled worker to compete for regular employment; the provision of benefits to those workers who suffer loss of income because of temporary disabilities.

Unemployment insurance: Extension of coverage to employees of small establishments and nonprofit organizations; establishment of uniform eligibility requirements at minimum weekly benefit levels so that qualified unemployed workers in each State can expect to receive at least two-thirds of their average weekly wage; provision of supplemental Federal benefits so that long-term unemployed can obtain benefits up to 52 weeks; increase in the taxable wage base to $5,400; and provision for a permanent standby reinsurance program to bolster State funds that are depleted.

Public assistance: Experience in the functioning of public assistance under the Public Welfare Amendments of 1962 indicates the need for greater Federal participation, and for Federal legislation requiring the States to liberalize their residence requirements and preventing them from deducting minor family earnings from welfare checks.

Private pensions: Government reinsurance of private pension plans to protect participants against losing them as a result of their employer's failure or bankruptcy; Government underwriting of early retirement pensions for workers over 55 for whom suitable employment cannot be found.

Collective bargaining

The Democratic Party reaffirms its traditional goal—to assure workers the right to organize and bargain collectively. To this end we support the following legislation:

Repeal of section 14B of the Taft-Hartley Act. By allowing the States to enact "right to work" laws, the Taft-Hartley Act undermines collective bargaining and the right of the employees to organize to improve their conditions.

Repeal of the so-called "free speech" provision of the Taft-Hartley Act, which has had the effect of sanctioning employers' anti-union speeches to captive audiences of employees.

Further improvements are required in the Davis-Bacon and Walsh-Healey Acts. In 1963 the Davis-Bacon Act, requiring contractors engaging in federally aided construction projects to pay their workers the prevailing rate for similar work in the area of the project, enacted an improvement to include fringe benefits in the definition of prevailing wages. The same principle should apply to the Walsh-Healey Act, which protects the wage standards prevailing on Government contracts.

A Democratic administration opposes judicial review of wage predetermination by the

Secretary of Labor for the Davis-Bacon Act. Experience under court review in the Walsh-Healey Act shows that in many instances a new wage standard is delayed until after it becomes obsolete. Such court reviews should be repealed in the Walsh-Healey Act.

Farm laborers

The plight of the farm laborers is a national disgrace. The average hired farmworker can expect annual earnings of approximately $1,000 a year. Under the administrations of President Kennedy and Johnson advances have been made in trying to assure job opportunities, and adequate protection of existing rights for farmworkers.

A Democratic administration pledges the following legislation to improve the lives of all agricultural workers and their families.

Include all agricultural workers under social security laws, including unemployment, old age and survivors insurance and public assistance; extend the Fair Labor Standards Act and workmen's compensation law to cover all agricultural workers.

Include housing for agriculture workers in public housing programs; require school attendance for the full school term for all children under 16 years of age, resident or migrant. Extend public health services including removal by the States of resident requirements for medical care; child-care, youth-recreation and parent-education programs in rural areas.

Protect safety and health standards of agricultural workers on a portal to portal basis; regulate employment conditions of private employment agencies and labor contractors.

Conduct effective recruitment and placement programs for agricultural labor through cooperative agencies of the Federal and State Governments.

Repeal Public Law 78 and Public Law 414 which respectively permit the importation of Mexicans and British West Indians to compete against domestic farmworkers. These statutes further depress the wages of American farmworkers.

Protect the right of agricultural labor to organize and bargain collectively with at least the same safeguards given industrial workers.

Veterans' affairs

We Democrats will support a GI education bill of rights for those veterans who served in the armed services during the cold war. We will oppose Federal legislation authorizing cash bonuses to veterans.

Consumer protection

Our rapidly advancing technology has diminished consumer choice in the American marketplace. Under the leadership of Presidents Kennedy and Johnson the position of the consumer has been elevated to a place of importance and respect.

To further protect the consumer, the Democratic Party will support the following:

Enactment of a truth-in-lending bill to require those who lend money to consumers, or sell goods on the installment plan, to disclose the true cost of credit to consumers, both in dollars and cents and in terms of simple annual interest rates.

Enactment of a truth-in-packaging bill to require accurate and complete labeling in consumer products and to establish means of standardized weights and measures for packaged consumer goods.

Enactment of legislation to bring down the high price of prescription drugs to consumers.

Amendments to the Federal Food, Drug, and Cosmetic Act to require pretesting of cosmetics for safety before they are put on the market and to require pretesting for safety and effectiveness of therapeutic devices before they reach consumers.

Legislation to establish safety standards for tires before they are marketed.

Accelerate the investigation of the marketing of food products from the point of production to the point of consumption. Under the leadership of President Johnson a food marketing commission has been established to investigate the high cost of food which has risen 29 percent to the consumer since 1947 but has been reduced by 12 percent to the farmer since that period.

Opposition to quality stabilization legislation which will increase the price of goods for consumers and opposition to all other legislation that increases prices for consumers.

Agriculture

A Democratic administration will support these basic goals for American agricultural policy:

Develop positive programs to increase farm income for those on the family farm.

Fully use our abundance to increase food consumption at home.

The expansion of the food stamp program under President Kennedy and passage of the Food Stamp Act of 1964 under President Johnson will help many impoverished Americans purchase food that will give the recipients a nutritionally adequate diet.

Expansion of the highly successful food-for-peace program.

Rights of women

A Democratic administration supports the policies to promote the full equality of opportunity for women in education, training, employment, and in civil life. In President Kennedy's short tenure, the passage of the Equal Pay Act of 1963 established the principle of equal pay for equal work. Under the leadership of Presidents Kennedy and Johnson more women have been appointed to high public office than ever before.

A Democratic administration pledges to support the following:

A Presidential Executive order requiring Government contractors to eliminate discrimination in employment on the basis of sex.

Increase Federal funds to aid the establishment of child-care facilities and preschool nurseries.

Extend the principles of the Fair Labor Standards Act to women now not covered.

Business practices and structure

We believe in a pluralistic, competitive, free enterprise system. However, we think that a threatening degree of monopoly power now prevails in our economy—both with and without sanction of law. Guaranteeing the right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home and abroad is a large priority in a Democratic administration program.

A Democratic administration pledges to support the following policies:

Continued action to aid small business in obtaining credit and equity capital at reasonable rates.

Continue the present equitable program of Government contract awards to small and independent business.

The Small Business Administration shall inaugurate and accelerate special programs to encourage those from the disadvantaged sectors of the economy who seek to, and have the ability to, receive appropriate management training to enter business.

Continue vigorous enforcement of the antitrust laws, and their strengthening if the problem of excessive concentration of economic power cannot be solved by the existing laws.

Immigration

We pledge ourselves to work for the elimination of the national-origins quota system. We shall support a new system based on democratic principles such as the reunion of scattered families, the provision of asylum for refugees, and the admission of immigrants according to the talents and skills they bring with them rather than their national origin.

We shall put an end to second-class citizenship for naturalized Americans. We shall support legislation enacting due process and judicial review in denaturalization and deportation proceedings.

A functioning democracy

A democratic government must, while protecting minority rights, be responsive to the majority will—and, in a constantly changing world, it must adapt and evolve in order to remain an effective instrument for meeting the needs of its people and fulfilling their aspirations.

We believe that there are important steps we must take today to keep our democratic system functioning effectively in the interests of all the people.

Congressional reform

Procedures and practices have developed in the Congress which make it difficult or impossible for the majority to act with reasonable promptness—or, in many cases, to act at all. Too often the form or even the fate of important and constructive legislation is determined by the ability of a strategically placed minority to delay or obstruct action. We believe that the reform of congressional rules along the following lines is urgently necessary, and we Democrats pledge ourselves to achieve it:

Rules in both the Senate and the House to insure to the administration the right to have its major proposals considered and voted upon before the Congress adjourns.

In the House, the adoption of a rule making it possible to bring legislation approved by a House standing committee to the floor if the Rules Committee has not done so within 21 days; the adoption of a rule permitting the House by a majority vote to send bills into conference with the Senate if the Rules Committee has failed to do so within 7 days; and the reduction of the number of signatures required for a discharge petition from 218 to 150.

In the Senate, the amendment of rule XXII to authorize, after adequate debate, the invocation of cloture by vote of 51 Senators, a majority of the Senate membership.

For congressional committees, the replacement of chairmanship solely through seniority by a system giving the members of the majority party in each Chamber an effective voice in the choice of chairmen, and effective limitation of the arbitrary power of committee and subcommittee chairmen.

The adoption of strict conflict-of-interest regulations for Senators, Congressmen, and members of their staffs, beginning with full disclosure of their financial holdings and sources of income and business dealings.

Congressional and legislative reapportionment

The Supreme Court has ruled, in *Baker* v. *Carr*, *Westberry* v. *Sanders*, and *Reynolds* v. *Sims*, against the malapportionment of congressional and State legislative districts which has prevailed widely and for many years. We pledge the enactment of legislation requiring that congressional and legislative districts be contiguous, compact, and (so far as possible) equal in population. We oppose all proposed constitutional amendments, overriding or modifying the Supreme Court's decisions on apportionment.

Campaign expenditures

Campaign expenditures are rapidly increasing, and threaten to make it difficult for a citizen to be elected to any important public office unless he has large private means or is willing to put himself under heavy obligations to special interest groups. We pledge action to reduce campaign expenditures and widen their sources, including:

Tax credit provisions which will stimulate small contributions.

A realistic plan to impose limits on overall spending.

Allocation of a limited amount of free postage and free television and radio time to each candidate.

Jurisdiction of Federal courts

We oppose all legislation to limit the jurisdiction of Federal courts.

Regulatory agencies

A Democratic administration will appoint to the regulatory agencies men of ability and independent judgment, who will make the public interest paramount and will not be afraid to regulate the industries and segments of the economy with which they are concerned, rather than be regulated by them. We pledge appropriate administrative action to insure that these agencies will transact their business expeditiously and above the board.

Freedom of information

A Democratic administration will respect the right of the people to the fullest possible information and will place restrictions on release of news only when it is clearly required for security reasons.

Hatch Act

We pledge the amendment of the Hatch Act to permit Federal employees to participate in political activities, while continuing to protect them from pressures that contribute to or support particular political organizations and candidates.

Home rule for the District of Columbia

We reaffirm our support for home rule for the District of Columbia, and pledge every effort to bring it to the floor of Congress in 1965 for a vote through the discharge petition, appropriate House rules changes, or any other appropriate method of allowing a vote on home rule legislation.

Mrs. Franklin D. Roosevelt, 1947–62; Prof. John P. Roche, national chairman; Reginald H. Zalles, treasurer; Mrs. Jane J. Buchenholz, secretary; Dr. Reinhold Niebuhr, honorary chairman; Edward D. Hollander, chairman, executive committee; Kenneth L. Wentworth, assistant treasurer; Leon Shull, national director; Dr. Samuel H. Beer, Prof. Emile Benoit, Hon. Hubert H. Humphrey, Leon H. Keyserling, Hon. Wayne Morse, Robert R. Nathan, James G. Patton, Joseph L. Rauh, Jr., Walter P. Reuther, Marvin Rosenberg, Morris Rubin, Arthur M. Schlesinger, Jr., Prof. Paul Seabury, vice chairmen; Americans for Democratic Action, 1341 Connecticut Avenue, NW., Washington, D.C.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Is it not true that no man can become a member of the ADA unless he agrees that he is not a believer in any totalitarian philosophy, including the Communist philosophy?

Mr. MORSE. The Senator from Illinois is correct. As a member of ADA and one of its officers, I am proud of the progressive legislation we have sponsored in the Congress of the United States, carrying out the primary obligation we have as Senators, which is to translate into legislation the general welfare clause of the Constitution, which seeks to promote the welfare of all of our people.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, once again, I shall try to finish this speech. Since last Wednesday, I have been yielding the floor. I shall try very hard today to complete my speech today.

Mr. DOUGLAS. Mr. President, will the Senator yield with the understanding that I shall not propose an amendment, but merely ask a question?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Does not the Senator from Wisconsin believe that the burden of providing a quorum expeditiously should be on the proponents of the amendment?

Mr. PROXMIRE. That has always been true in the Senate. It was certainly true as recently as the civil rights controversy, in which we were locked in debate which lasted for many months. The Senator from Illinois [Mr. DOUGLAS] and others who were in favor of the civil rights bill, made sacrifices to be present. They were on the floor. Quorums were usually developed in 15 or 20 minutes, and often less time than that.

Mr. DOUGLAS. How long did it take to develop a quorum today?

Mr. PROXMIRE. Today was much better than yesterday. It took probably 35 minutes. Yesterday, it required 50 minutes. The Senate was unable to provide a quorum on Thursday, Friday, or Saturday. I suspect, if the opposition cannot produce a quorum more promptly, that after tomorrow it will be progressively more difficult to obtain a quorum as time goes on and we approach closer to the election. It may take a time certain for a vote to insure rounding up the troops. The leadership has sent telegrams to Senators and asked them to return. In spite of that request, those who favor the Dirksen amendment and oppose our position are not putting in an appearance.

The Senator from Illinois has stressed the fact that almost all of the discussion on the bill has been on the side of those of us who oppose the Dirksen amendment—and with good reason. The overwhelming preponderance of constitutional experts agree that the Dirksen amendment would be an unconscionable action against the Supreme Court.

Dean Rostow, of the Yale Law School, has said it would knock out the linchpin of the Constitution, and destroy the judicial power.

That argument has not been answered by those who favor the Dirksen amendment. The argument they make is that if the U.S. Senate is based on some other basis than population, being based on States, we could have one body of a State legislature that would be based on a similar principle.

Mr. President, I have tried to bell that cat. I have called direct attention to the authorities, the Founding Fathers, Madison, Hamilton, Jay, Wilson, and the others who spoke so eloquently on this matter at the time of the Constitutional Convention.

I believe that we have been able to show in great detail that our Founding Fathers unanimously agreed on the one-man, one-vote principle. It was only when the pistol was pointed at their heads and they had no choice except, on the one hand, no union or a compromise of the principles in which they believed deeply, that they accepted the compromise.

We should be aware of the fact that at that time the States were sovereign in a very genuine and real sense. Today the counties, cities, towns, and other administrative agencies are not sovereign in any sense.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ANDERSON. Does the Senator see any comparison between the 32 counties of New Mexico being bumped together into a State and the States of the Union coming first under a confederacy, and finally a constitution, and a situation in which the representatives of the State in the Senate were originally regarded as something like Ambassadors? Is there any comparison?

Mr. PROXMIRE. No. The Senator from New Mexico is correct. No one pretends that the counties have any element of sovereignty. They can be expanded, reduced in size, or even abolished by the State. Counties have been totally abolished in some States.

There is no basis for saying that a county is an entity, having any kind of existence at all, which requires representation in the State legislature.

Mr. ANDERSON. In the formation of counties in many of the States, does the Senator from Wisconsin see anything comparable to what happened in the formation of the Federal Government? I think, for example, of the establishment of a county in New Mexico. The county was referred to by three or four different names as it went along. At the first formation of the county, it was called Pyramid. Pyramid County consisted of an area which later became Hidalgo County. But, in the process, it was called four or five different names. The legislature did not want to provide a name at that time. There had been a commitment made for the formation of a county. The legislature, in its despair, kept changing the name of the county. At one time, to show what sincere interest there was in it, they placed the names of three permanent members of the press table in a hat and decided that the name to be drawn out of the hat would determine the name of the county. It would be called either Smith County, Lyon County, or Anderson County. Those at the press table were highly pleased that there was so much interest in the press table, and so little interest in the county.

I do not believe there is anything comparable to the effort to bring my State into the Union and the effort to bring another county into a State. I think they are wholly different. I am glad that the

Senater from Wisconsin has recognized that.

Mr. PROXMIRE. The Senator from New Mexico is eminently correct. It is particularly important that he stressed the formation of the Federal Government. The formation of the Federal Government was the result of the coming together of independent States. Those independent States provided some kind of coalition in the Articles of the Confederacy. But it was limited. The States reserved to themselves the right to tax. They reserved to themselves virtually all of the genuine rights of sovereignty. There has been no such coalition of counties to form a State in the history of our country. In every case the States were admitted, except for the Thirteen Original States. And then the States decided what kind of counties they should have, what names the counties should have, what size they should be, and how they fitted the convenience of the particular States.

The States in the Midwest were formed pursuant to the Northwest Ordinance. In 1787, the same year in which the Constitution was adopted, the Founding Fathers said that those States should always have proportional relationship in their legislatures.

Today at lunch, a distinguished Sentor, who I believe will speak later, pointed out that in his State, a Federal enabling act admitted the State on the stipulation that its legislature be based on population.

Mr. ANDERSON. I have noticed the names applied to counties in my State. I realize that it required special means to establish them. One county was called Catron County. It was named after Thomas Catron, who was a U.S. Senator from that State. I recognize that the Democrats retired him to private life for a time. But he was a U.S. Senator from that State for a period of time. The legislature, in trying to pick a name, named the county after him. They interested him in trying to help it along.

It was a long time before another county came along. There was not too much interest in it. It was called Harding County, after the President of the United States. I believe that, if they had waited a few years, they would have named it something quite different from that. Harding County had a good many people at the time it was established.

It had something like 1,200 people. I noticed the other day in the newspaper that 1,200 people have an equivalent vote to the population of Bernalillo County, which has 275,000 people. I believe that the principle of legislative apportionment goes badly to pot when we recognize that one country with a population of 1,280 and another county a population of 275,000 people have equal representation.

It is that very thing which has caused people to believe that perhaps this system is not perfectly established. I believe that the principle that the State of Wisconsin and other States have been working on in an effort to bring about a greater degree of true apportionment is correct.

I commented the other day that the State of Michigan had done a wonderful job in the organization of districts. It started with districts which were widely different in size. It ended with districts containing from 205,000 to 207,000 people. If it can be done there, it can be done elsewhere.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. The change in Michigan was made largely in accordance with court orders.

Mr. PROXMIRE. That is correct. That is exactly why, if we really believe in one-man, one-vote, if we really believe in population representation, we must support the right of the courts to intervene and protect the basic right of the individuals to have an equal vote.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ANDERSON. Mr. President, does the Senator believe that the evidence from Michigan is fairly good evidence that the courts work out pretty good arrangements? I used it as an example of how an almost perfect arrangement was made in creating districts containing from 205,000 to 207,000 people. They are almost alike in size. I believe that an acceptable plan has been worked out.

Mr. PROXMIRE. Yes, indeed. The experience in Wisconsin was exactly the same. The Supreme Court of the State of Wisconsin apportioned our State legislature and has done so very equitably—within 1, 2, or 3 percent of the population—throughout the State. It is an excellent apportionment.

Mr. ANDERSON. Does that not show that the courts can do a pretty good job?

Mr. PROXMIRE. Yes, indeed.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Did not the Wisconsin Supreme Court act on the basis of the guidelines laid down by the U.S. Supreme Court?

Mr. PROXMIRE. The Wisconsin Supreme Court, I believe, acted under the constitution of the State of Wisconsin, recognizing that, since 1848, our State has had that principle written into it. I am sure that in most States the changes made were made under the guidelines of the U.S. Supreme Court. If it had not been for the U.S. Supreme Court, there would not have been a real opportunity to have that kind of apportionment brought about.

I should like to make a statement about the helpful remarks of the able and eminent Senator from New Mexico [Mr. ANDERSON]. The Senator from New Mexico made a real contribution in reference to the transient, fleeting, temporary, and tentative nature of the counties throughout our country, when he pointed to the example of a group of newspapermen coming together, put names into a hat, and draw a name out of the hat, to decide what the name of a county should be.

There is a casual attitude toward counties throughout the country. There cannot be any pretense that they should be recognized by having equal ambassadors to their State governments.

So the analogy does not apply.

Mr. President, yesterday, at some length, I pointed out how strongly the father of our Constitution, James Madison, felt about equality of representation. James Madison has been greatly revered on the floor of the Senate by the distinguished Senators from Virginia and others, who feel very strongly—and rightly—that he is one of the great architects of our Republic. Many Senators have been contending for a special monument to him in Washington. He is rightly called the father of our Constitution. He came down as hard as a man possibly could on the side of equal representation, saying that no other principle could be justified.

Last Wednesday we were discussing the attitude of Alexander Hamilton. I should like to refer to No. 22 of the Federalist papers, because, of course, the Federalist papers were the great documents that were written by Hamilton, Madison, and Jay to justify and explain the Constitution. I doubt if any great document has ever had more able or clearer exposition than the Constitution has had, thanks to the Federalist papers. Alexander Hamilton, more than anyone else, is viewed by conservatives as their proper ancestor.

He, more than anyone else, gave the philosophical justification of conservatism.

Alexander Hamilton, also a brilliant man, felt very deeply about this principle. In No. 22 of the Federalist papers Alexander Hamilton attacked at some length equality of representation by the States, which means that he favored equality of representation by the people. If the States had equal representation, obviously the smaller States would be given equal representation with the larger States, and under those circumstances the people in the smaller States would have more representation than those in the larger ones.

On December 14, 1787, Hamilton wrote:

> The right of equal suffrage among the States is another exceptionable part of the confederation. Every idea of proportion, and every rule of fair representation conspire to condemn a principle, which gives to Rhode Island an equal weight in the scale of power with Massachusetts, or Connecticut, or New York; and to Delaware, an equal voice in the national deliberations with Pennsylvania or Virginia, or North Carolina. Its operation contradicts that fundamental maxim of republican government, which requires that the sense of the majority should prevail. Sophistry may reply, that sovereigns are equal, and that a majority of the votes of the States will be a majority of confederated America.

It is interesting to note that this was the only philosophical argument that the brilliant Hamilton could find to oppose his argument and his strong feeling that even the Federal Government should have equal representation of all Americans, whether they lived in a large or a small State. I should like to repeat:

> Sovereigns are equal, and that a majority of the votes of the States will be a majority of confederated America.

Nobody pretends—and I think we have established the point very clearly—that the counties are sovereign in any sense or ever have been anywhere. So that argument cannot be made against equal representation in State legislatures. It was made, and it was obviously made with some effect in establishing our Constitution.

Hamilton went on to answer even that argument that States are sovereign and should have equal representation by saying:

> But this kind of logical legerdemain will never counteract the plain suggestions of justice and commonsense. It may happen that this majority of States is a small minority of the people of America; and two-thirds of the people of America, could not long be persuaded, upon the credit of artificial distinctions and syllogistic subleties, to submit their interests to the management and disposal of one-third.

At least in our distinctions—distinctions of some substance when one is talking about equal State representation in the Federal Government—there is a syllogistic subtlety. But there is no syllogistic sense at all in providing equal representation for towns, as in New Hampshire, or counties, as in many of the other States.

Hamilton went on to state:

> The larger States would after awhile revolt from the idea of receiving the law from the smaller. To acquiesce in such a privation of their due importance in the political scale, would be not merely to be insensible to the love of power, but even to sacrifice the desire of equality.
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> It may be objected to this, that not seven but nine States, or two-thirds of the whole number must consent to the most important resolutions; and it may be thence inferred, that nine States would always comprehend a majority of the inhabitants of the Union. But this does not obviate the impropriety of an equal vote between States of the most unequal dimensions and populousness; nor is the inference accurate in point of fact; for we can enumerate nine States which contain less than a majority of the people; and it is constitutionally possible, that these nine may give the vote.
>
> But this is not all; what at first sight may seem a remedy, is in reality a poison. To give a minority a negative upon the majority (which is always the case where more than a majority is requisite to a decision) is in its tendency to subject the sense of the greater number to that of the lesser number. Congress from the nonattendance of a few States have been frequently in the situation of a Polish Diet, where a single veto has been sufficient to put a stop to all their movements. A sixtieth part of the Union which is about the proportion of Delaware and Rhode Island, has several times been able to oppose an entire bar to its operations.

Then Hamilton went on to say—and this is one of those refinements which in practice is in effect the reverse of what is expected of it in theory—

> This is one of those refinements which in practice has an effect, the reverse of what is expected from it in theory. In those emergencies of a nation, in which the goodness or badness, the weakness or strength of its government, is of the greatest importance, there is commonly a necessity for action. The public business must in some way or other go forward. If a pertinacious minority can control the opinion of a majority respecting the best mode of conducting it; the majority in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to the national proceedings. Hence tedious delays—continual negotiation and intrigue—contemptible compromises of the public good. And yet in such a system, it is even happy when such compromises can take place: For upon some occasions, things will not admit of accommodation; and then the measures of government must be injuriously suspended or fatally defeated. It is often, by the impracticability of obtaining the concurrence of the necessary number of votes, kept in a state of inaction. Its situation must always savour of weakness—sometimes border upon anarchy.

This was the strong, clear injunction of Alexander Hamilton against permitting one body of even the Federal Legislature to be founded on some basis other than equal population representation. Hamilton, together with Madison and the other proponents of our Constitution, did give in so far as the Federal Constitution is concerned, because there were so many differences in analogy between them when compared to State governments.

Hamilton described, in No. 32 of the Federalist Papers, the balance between the States and the Federal Government under the proposed Constitution, as shown in the Federalist at pages 199-200:

> An intire consolidation of the States into one complete national sovereignty would imply an intire subordination of the parts; and whatever powers might remain in them would be altogether dependent on the general will. But as the plan of the Convention aims only at a partial Union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had and which were not by that act exclusively delegated to the United States. This exclusive delegation or rather this alienation of State sovereignty would only exist in three cases; where the Constitution in express terms granted an exclusive authority to the Union; where it granted in one instance an authority to the Union and in another prohibited the States from exercising the like authority; and where it granted an authority to the Union, to which a similar authority in the States would be absolutely and totally contradictory and repugnant.

In Federalist Paper No. 35, James Madison similarly described the new system, in the following words:

> The House of Representatives will derive its powers from the people of America, and the people will be represented in the same proportion, and on the same principle, as they are in the legislature of a particular State. So far the Government is National not Federal. The Senate on the other hand will derive its powers from the States, as political and coequal societies; and these will be represented on the principle of equality in the Senate, as they now are in the existing Congress. So far the Government is Federal, not National.
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> * * * * *
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> The proposed Constitution therefore is in strictness neither a National nor a Federal constitution, but a composition of both. In its foundation, it is Federal, not National; in the sources from which the ordinary powers of the Government are drawn, it is partly Federal, and partly National; in the operation of these powers, it is National, not Federal; in the extent of them again, it is Federal, not National; and finally, in the authoritative mode of introducing amendments, it is neither wholly Federal, nor wholly National.

Most of us—with some prominent exceptions—are highly pleased with the Federal aspects of our Government. We feel that there is a real value in having the States in a position to intervene between the massive, military, financial power of the Central Federal Government and the individual. That certainly has a strong basis in the rights of the individual citizen. However, I have not heard anyone argue that there should be a Federal system within a State. Nobody has contended it. Indeed, although we have 50 States, and although we have had many years of experience with States that have had all kinds of representation in their State legislatures, and there has been ample time to develop this theory with regard to the States, no advocate has arisen, and no article has been written, to show that the States should be organized on this basis. It would be ridiculous to so argue, in view of the fact that the real power that must be watched, that must be limited, is that of the Federal Government, and that the real part of our society which must have power also to do a job would be weakened and be rendered unable to act if it had to cope with divisions within the State operations.

Madison repeated, in Federalist Paper No. 40, that the States continued to be independent sovereigns under the new Constitution. This is certainly an important distinction as compared with counties. He said, in Federalist Papers, No. 40:

> We have seen that in the new Government as in the old, the general powers are limited, and that the States in all unenumerated cases, are left in the enjoyment of their sovereign and independent jurisdiction.

The 10th amendment of the Constitution would be the real reliance for that position taken by Madison.

Likewise, in No. 45, Madison said:

> The States will retain under the proposed Constitution a very extensive portion of active sovereignty.

This is important to document, because once again, no pretense has been made that counties or towns have a right to sovereignty; but Madison, in Federalist Paper No. 45, said that the States do have the element of sovereignty. I quote him:

> The State governments may be regarded as constituent and essential parts of the Federal Government; whilst the latter is nowise essential to the operation or organization of the former. Without the intervention of the State legislatures the President of the United States cannot be elected at all. They must in all cases have a great share in his appointment, and will perhaps in most cases of themselves determine it. The Senate will be elected absolutely and exclusively by the State legislatures.

It is true that since that time there has been an amendment to the Constitution which has changed the method of selecting Senators, and that Senators are elected by direct popular vote. Nevertheless, this was the theory. This was another element recognizing the authority and power of the States. Said Madison:

> Even the House of Representatives, though drawn immediately from the people, will be

> chosen very much under the influence of that class of men, whose influence over the people obtains for themselves an election into the State legislatures. Thus each of the principal branches of the Federal Government will owe its existence more or less to the favor of the State governments, and must consequently feel a dependence, which is much more likely to beget a disposition too obsequious, than too overbearing toward them. On the other side, the component parts of the State governments will in no instance be indebted for their appointment to the direct agency of the Federal Government, and very little if at all, to the local influence of its members.

In Federalist Paper No. 54 Madison explained the basis for the apportionment of the House of Representatives in the following words:

> It is not contended that the number of people in each State ought not to be the standard for regulating the proportion of those who are to represent the people of each State. * * * [T]he rule is understood to refer to the personal rights of the people, with which it has a natural and universal connection.
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> * * * * *
>
> It is agreed on all sides, that numbers are the best scale of wealth and taxation, as they are the only proper scale of representation.

This proposition seemed to Madison, Hamilton, and John Jay, the writers of the Federalist Papers, to be so self-evident that this is the entire discussion devoted to the basic principle of apportioning one of the two houses of the legislature in their detailed exposition of the proposed Constitution.

I challenge any Senator who opposes our position or who favors the Dirksen amendment to show a phrase in the Federalist Papers supporting the principle behind the Dirksen amendment, that both houses of the State legislatures should not be based on population. There is no such statement in the Federalist papers. We in this country are very fortunate to have the magnificent document, the Federalist Papers, which, more than any other exposition of the Constitution, clearly, simply, and convincingly settle the meaning of the Founding Fathers. Talk about the legislative history we make there. The Federalist Papers have given us the definitive legislative history of our Constitution. In this very history it is clear that all the Founding Fathers were unanimously on the side of the principle of one-man, one-vote, in our State legislatures.

In contrast, Madison apparently felt compelled to explain the apportionment of the Senate at length in No. 62—the Federalist, pages 416–417:

> The equality of representation in the Senate is another point, which, being evidently the result of compromise between the opposite pretensions of the large and the small States, does not call for much discussion. If indeed, it be right that among a people thoroughly incorporated into one Nation, every district ought to have a proportional share in the Government; and that among independent and sovereign States bound together by a simple league, the parties however unequal in size, ought to have an equal share in the common councils, it does not appear to be without some reason, that in a compound republic partaking both of the national and federal character, the government ought to be founded on a mixture of the principles of proportional and equal representation.

Mr. President, this is in a compound republic. As I said before, no one is arguing that our States are compound republics. They are far from it. They are anything but that. No Founding Father or other philosopher argued that there should be a Federal system within the States.

To continue:

> But it is superfluous to try by the standards of theory, a part of the Constitution which is allowed on all hands to be the result not of theory, but "of a spirit of amity, and that mutual deference and concession which the peculiarity of our political situation rendered indispensable." A common government with powers equal to its objects, is called for by the voice, and still more loudly by the political situation of America.

This was the pistol pointed at the heads of our Founding Fathers.

> A government founded on principles more consonant to the wishes of the larger States, is not likely to be obtained from the smaller States. The only option then for the former lies between the proposed government and a government still more objectionable. Under this alternative the advice of prudence must be, to embrace the lesser evil; and instead of indulging a fruitless anticipation of the possible mischiefs which may ensue, to contemplate rather the advantageous consequences which may qualify the sacrifice.
>
> In this spirit it may be remarked, that the equal vote allowed to each State, is at once a constitutional recognition of the portion of sovereignty remaining in the individual States, and an instrument for preserving that residuary sovereignty. So far the equality ought to be no less acceptable to the large than to the small States; since they are not less solicitous to guard by every possible expedient against an improper consolidation of the States into one simple republic.

And in No. 58 Madison summarized the difference in functions between the House and Senate:

> One branch of the legislature is a representation of citizens; the other of the States. (Id. at 392.)

That last quotation simply and concisely expresses all the difference between our Federal Government, on the one hand, and State governments, on the other.

There are no States within States. If one branch of a State legislature should represent citizens, both should represent citizens.

It is also instructive to read some of the postconvention materials which illustrate some of the strong reservations about the Senate, as well as the reasons for the creation of a body in which the States are equally represented.

> George Mason, who did not sign the proposed Constitution, wrote on a draft of the Constitution as one of his reasons for this action that the Senate had "the power of altering all money bills, and of originating appropriations of money, and the salaries of the officers of their own appointment, in conjunction with the President of the United States, although they are not the representatives of the people or amenable to them." (II Farrand 638.)
>
> Pierce Butler, a delegate to the convention from South Carolina, wrote to Weedon Butler on October 8 describing the proposed Constitution (III Farrand 102–103):
>
> "We, in many instances took the Constitution of Britain, when in its purity, for a model and surely we could not have a better. We tried to avoid what appeared to us the weak parts of ancient as well as modern republics. View the system then as resulting from a spirit of accommodation to different interests, and not the most perfect one that the deputies could devise for a country better adapted for the reception of it than America is at this day, or perhaps ever will be. It is a great extent of territory to be under one free government. We have, as you will see, taken a portion of power from the individual States, to form a General Government for the whole to preserve the Union. The General Government to consist of two branches of legislature and an executive to be vested in one person for 4 years, but eligible again—the first branch of the legislature to be elected by the people of the different States, agreeable to a ratio of numbers and wealth, to serve for 2 years. The second to consist of two Members from each State, to be appointed by the legislature of the States to serve for 6 years. The powers of the General Government are so defined as not to destroy the sovereignty of the individual States.

It was the clear understanding of our Founding Fathers that there was only one reason why the Senate does not represent the people of American on an equal basis. This was that the General Government shall not destroy the sovereignty, the identity, of the States themselves.

> In October 1787, a pamphlet was printed defending the Constitution which consisted largely of a speech written by Charles Pinckney of South Carolina which was intended to have been made to the Convention on May 29. He attached the weakness of the Constitution, including as one cause (III Farrand 108):
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> "The inequality of the principle of Representation, where the largest and most inconsiderable States have an equal vote in the affairs of the Union."
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> Because of the many defects in the existing system, he proposed that the Convention (ibid.):
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> "Consider the subject de novo. That they will pay no further attention to the Confederation, than to consider it as good materials, and view themselves as at liberty to form and recommend such a plan, as from their knowledge of the temper of the people, and the resources of the States, will be most likely to render our Government firm and united. This appears to me, far more proper than to attempt the repair of a system, not only radically defective in pricinciple, but which, if it was possible to give it operation, would prove absurd and oppressive."
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> Pinckney stated that (id. at 109–110):
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> "The first important alteration is, that of the principle of representation, and the distribution of the different powers of government. In the Federal councils, each State ought to have a weight in proportion to its importance; and no State is justly entitled to a greater. A representation is the sign of the reality. Upon this principle, however abused, the Parliament of Great Britain is formed, and it has been universally adopted by the States in the formation of their legislatures."

This observation by Pinckney back in 1787, once again underlines and affirms the argument I have been making; namely, that at the time of the adoption of the Federal Constitution the State legislatures were constituted strictly on the basis of population.

Unfortunately, some Senators do not seem to appreciate or recall this. At any rate, they have been making contrary arguments on the floor of the Senate.

Following the adoption of the Constitution, Pinckney observed that this principle, that each person, each voter, should have an equal vote has been universally adopted by the States in the formation of their legislatures.

Those who attack the Supreme Court, in connection with Reynolds against Sims, and call this a new, radical innovation apparently have forgotten what our Founding Fathers had said on this point.

One of the columnists, publishing his column in last night's Washington Star, in his usual intemperate and unfortunate observations on the Federal Government, brought his name-calling, which is largely confined to Members of the Senate, to apply to the Supreme Court. He argued that this Supreme Court action was a radical departure from past practice.

Obviously he has not read the Federalist papers. If he has, he has forgotten what was written in the Federalist papers, and also the observations of the other Founding Fathers. The Federalist papers make it clear that these Supreme Court decisions were no radical departure by the Supreme Court; indeed, the Supreme Court affirmed an ancient procedure, which is older than the Constitution itself.

It is a principle that has been affirmed over and over again. Every person in America, black or white, rich or poor, rural or urban, should have equal representation in their State legislature. There is no basis whatsoever in principle for saying that city people cannot be trusted, that suburbanites cannot be trusted, or that when a person leaves a farm and comes to the city, he leaves his vote behind. There is no such principle in our history or in the observations of the great men who formed our Constitution.

Pinckney goes on to say:

> The abuse of this equality—

That is the equality of having each person equally represented—

> has been censured as one of the most dangerous corruptions of the English Constitution; and I hope we shall not incautiously contract a disease that has been consuming them. Nothing, but necessity, could have induced Congress to ratify a Confederation upon other principles. It certainly was the opinion of the first Congress, in 1774, to acquire materials for forming an estimate of the comparative importance of each State; for, in the commencement of that session, they gave as a reason, for allowing each colony a vote, that it was not in their power, at that time, to procure evidence for determining their importance.

In other words, they did not have a census. They did not know accurately the population of the Colonies. They had no provision for determining accurately enough where the people were, so that they could give each Colony proportional representation. Continuing:

> "This idea, of a just representation, seems to have been conformable to the opinions of the best writers on the subject, that, in a confederated system, the members ought to contribute according to their abilities, and have a vote in proportion to their importance. But if each must have a vote, it can be defended upon no other ground, than that of each contributing an equal share of the public burdens: either would be a perfect system. The present must ever continue irreconcilable to justice.
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> "The Senate, I propose to have elected by the house of delegates, upon proportionable principles, in the manner I have stated, which, though rotative, will give that body a sufficient degree of stability and independence. The districts, into which the Union are to be divided, will be so apportioned, as to give to each its due weight, and the Senate, calculated in this, as it ought to be in every government, to represent the wealth of the Nation."
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> This method of representation was based on Pinckney's view as to the proper relationship of the new National Government and the States (id. at 112):
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> "I apprehend the true intention of the States in uniting, is to have a firm National Government, capable of effectually executing its acts, and dispensing its benefits and protection. In it alone can be vested those powers and prerogatives which more particularly distinguish a sovereign State. The members which compose the superintending Government are to be considered merely as parts of a great whole, and only suffered to retain the powers necessary to the administration of their State systems. The idea which has been so long and falsely entertained of each being a sovereign State, must be given up; for it is absurd to suppose there can be more than one sovereignty within a government. The States should retain nothing more than that mere local legislation, which, as districts of a General Government, they can exercise more to the benefit of their particular inhabitants."

This idea has persisted ever since the founding of our Constitution: That there is an element of sovereignty within the States and is affirmed in the 10th amendment to the Constitution, and so stated over and over again, which was the only argument given for composing the Senate as it has been composed, with every State, large and small, having equal representation, and disregarding the principle of equal representation for every American citizen.

I continue:

> In concluding, Pinckney comments on the proposed Constitution and states as one of his two objections to it the composition of the Senate. (Id. at 127.)
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> In a letter explaining why he had not signed the proposed Constitution, Elbridge Gerry wrote that (III Farrand 128–129):
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> "As the convention was called for 'the sole and express purpose of revising the Articles of Confederation, and reporting to Congress, and the several legislatures, such alterations and provisions as shall render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union.' I did not conceive that these powers extend to the formation of the plan proposed: but the convention being of a different opinion, I acquiesced in it, being fully convinced that to preserve the Union, an efficient government was indispensably necessary; and that it would be difficult to make proper amendments to the Articles of Confederation.
>
> "The Constitution proposed has few if any Federal features; but is rather a system of national government. Nevertheless, in many respects, I think it has great merit, and, by proper amendments, may be adapted to the 'exigencies of government, and preservation of liberty.'"

I should not say "national"; I should say, in the words of Madison, that this is the Federal aspect of our Republic, not the national aspect.

Perhaps Luther Martin best conveyed the difference between State government, which represents the people, and National Government, which represents States:

> From December 28, 1787, to February 8, 1788, Luther Martin's "Genuine Information" was printed in the Maryland Gazette and Baltimore Advertiser. It consisted of an expanded version of the speech he made to the Maryland House of Delegates on November 29. Martin stated that the believers in a Federal system were (III Farrand 179–186):
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> "For taking our present Federal system as the basis of their proceedings, and, as far as experience had shown us that there were defects, to remedy those defects; as far as experience had shown that other powers were necessary to the Federal Government to give those powers. They considered this the object for which they were sent by their States, and what their States expected from them.
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> * * * * *
>
> Those who advocated [inequality of representation in the first branch] urged, that, when the Articles of Confederation were formed, it was only from necessity and expediency that the States were admitted each to have an equal vote; but that our situation was now altered, and therefore those States who considered it contrary to their interest, would no longer abide by it. They said, no State ought to wish to have influence in government, except in proportion to what it contributes to it; that, if it contributes but little, it ought to have but a small vote; that taxation and representation ought always to go together; that if one State had 16 times as many inhabitants as another, or was 16 times as wealthy, it ought to have 16 times as many votes; that an inhabitant of Pennsylvania ought to have as much weight and consequence as an inhabitant of Jersey or Delaware; that it was contrary to the feelings of the human mind; what the large States would never submit to; that the large States would have great objects in view, in which they would never permit the smaller States to thwart them; that equality of suffrage was the rotten part of the constitution, and that this was a happy time to get clear of it. In fine, that it was the poison which contaminated our whole system, and the source of all the evils we experienced.
>
> "This, Sir, is the substance of the arguments, if arguments they may be called, which were used in favor of inequality of suffrage. Those who advocated the equality of suffrage, took the matter upon the original principles of government; they urged, that all men, considered in a State of nature, before any government is formed, are equally free and independent, no one having any right or authority to exercise power over another, and this without any regard to difference in personal strength, understanding, or wealth. That, when such individuals enter into government, they have each a right to an equal voice in its first formation, and afterwards have each a right to an equal vote in every matter which relates to their government. That, if it could be done conveniently, they have a right to exercise it in person. Where it cannot be done in person, but for convenience representatives are appointed, to act for them, every person has a right to an equal vote in choosing that representative; who is instructed to do for the whole, that which the whole, if they could assemble, might do in person, and in the

> transaction of which, each would have an equal voice."

This is an extremely interesting analysis by Luther Martin, because it recalls to mind quite vividly the gross distortions that now exist in California, where the county of Los Angeles, with a population of 6 million, has 1 State senator, while another county, having a population of 13,000, has 1 State senator. That means that if everyone in that area of California were to attend a gigantic assembly, Los Angeles citizens, in effect, would be permitted to have only 1 citizen in 500 vote, whereas in the other county everybody, all citizens, would be allowed to vote.

Perhaps the inequality which Luther Martin shows so vividly in analyzing the Constitution can be demonstrated with regard to the States.

The remarkable thing, to me, is that what exercised our Founding Fathers so much was that a representative of Delaware and Rhode Island might have 16, 17, or 18 times the influence that a representative of Pennsylvania or New York might have. Now we have a situation within the States in which a citizen of one county may have a thousand times the influence—that is not an exaggeration—in electing the members of a State legislature that another citizen has.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. My own State of Illinois certainly is not the worst State in the Union in this matter, but I introduced material into the RECORD yesterday which showed that in one senatorial district there were only 54,000 people, and in another senatorial district there were 570,000 people. One person in the smallest district had more than 10 times the voice of a person in the registered district, or 1 person was equal to more than 10 persons in the largest district. I illustrated other examples of a district with 57,000, 59,000 and 67,000 on the one hand, and districts having over 400,000 and 505,000 on the other. Interestingly enough, it was the suburban districts which had the biggest population and were, therefore, the most underrepresented.

Mr. PROXMIRE. That is a dramatic and immediate illustration of the kind of unfortunate injustice which the Supreme Court has contended against, and which it has endeavored to correct patiently, slowly, gradually, over a period of many years. The Senator from Illinois has been at great pains to say that for more than 60 years most States have been malapportioned so that the Supreme Court has not acted precipitately but gradually.

Luther Martin goes on to say:

> That, if we were to admit, because a man was more wise, more strong, or more wealthy, he should be entitled to more votes than another it would be inconsistent with the freedom and liberty of that other—

Luther Martin reported the deliberations of our Founding Fathers at the time the Constitution was being set up, and he has been acknowledged to be an honest, fair, and objective reporter—

> and would reduce him to slavery. Suppose, for instance, 10 individuals in a state of nature, about to enter into government, 9 of whom are equally wise, equally strong, and equally wealthy, the 10th is 10 times as wise, 10 times as strong, or 10 times as rich; if, for this reason, he is to have 10 votes for each vote of either of the others, the 9 might as well have no vote at all; since, though the whole 9 might assent to a measure, yet the vote of the 10th would countervail, and set aside all their votes.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield?

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. This is precisely what the oil millionaire, H. L. Hunt, proposes. He has written a book in which he states that people should have votes in proportion to their wealth.

Mr. PROXMIRE. The examples he has given, if votes are in proportion, cannot even be justified on the basis of taxes and wealth, on the wisdom of individuals, their strength, the work they have done, or the experience they have had. There is no basis for this discrimination whatsoever. They happen to live in an area which, because people have left it, is given more influence than another, or they are disadvantaged because they happen to live in an area which is attractive and progressive, and into which people have moved.

Luther Martin goes on to say:

> Having thus established these principles, with respect to the rights of individuals in a state of nature, and what is due to each, on entering into government (principles established by every writer on liberty), they proceeded to show, that States, when once formed, are considered, with respect to each other, as individuals in a state of nature; that, like individuals, each State is considered equally free and equally independent, the one having no right to exercise authority over the other, though more strong, more wealthy, or abounding with more inhabitants. That, when a number of States unite themselves under a federal government, the same principles apply to them, as when a number of individual men unite themselves under a State government.

There we have a beautiful, clear, and simple explanation of how to justify the U.S. Senate. Although the States are artifical creatures, they have a real identity, real sovereignty, and we have treated them equally. But no one—no author of the Dirksen amednment, no strongest supporter of the Dirksen amendment, or author of the Tuck bill, for that matter—has ever argued that there is anything like such sovereignty and identity, or any need for the equality of justification, for equality within the States, the counties, or any other governmental body.

Luther Martin goes on to say:

> That every argument which shows one man ought not to have more votes than another, because he is wiser, stronger, or wealthier, proves that one State ought not to have more votes than another, because it is stronger, richer, or more populous. And, that by giving one State, or one or two States, more votes than the others, the others thereby are enslaved to such State or States, having the greater number of votes, in the same manner as in the case before put, of individuals, when one has more votes than the others. That the reason why each individual man in forming a State government should have an equal vote, is because each individual, before he enters into government, is equally free and independent. So each State, when States enter into a Federal Government, are entitled to an equal vote; because, before they enter into such Federal Government, each State was equally free and equally independent.

That argument cannot be made for towns and it cannot be made for counties. It can be made only for individual persons, or, in the case of federated governments consisting of individual States and nations, it can be made, perhaps, on the basis of their identity as individual States or nations.

Luther Martin goes on to say:

> "That the 13 States are 13 distinct political individual existences, as to each other; that the Federal Government is, or ought to be, a government over these 13 political individual existences, which form the members of that Government; and that, as the largest State, is only a single individual of this Government, it ought to have only one vote; the smallest State, also being one individual member of this Government, ought also to have one vote.
>
> "It was denied that the equality of suffrage was originally agreed to [in the confederation] on principles of necessity or expediency; on the contrary, that it was adopted on the principles of the rights of men and the rights of States, which were then well known, and which then influenced our conduct, although now they seem to be forgotten."
>
> When the large States threatened that they would never agree to a system of equal representation, Martin said that the small States answered (III Farrand 186):
>
> "That slavery was the worst that could ensue, and we considered the system proposed to be the most complete, most abject system of slavery that the wit of man ever devised, under the pretence of forming a government for free States."
>
> He described the issue whether there should be one or more legislative bodies as a conflict between those in favor of National and Federal Government (id. at 191–193):
>
> "Those who were for two branches in the Legislature, a House of Representatives and a Senate, urged the necessity of a second branch, to serve as a check upon the first, and used all those trite and commonplace arguments which may be proper and just, when applied to the formation of a State government, over individuals variously distinguished in their habits and manners, fortune and rank * * *. But, on the other side, it was urged, that none of those arguments could with propriety be applied to the formation of a Federal Government over a number of independent States."

Luther Martin was an accurate, widely accepted reporter of the debates at the time of the Constitutional Convention.

He said that the arguments made in favor of equal State representation, not popular representation, in the U.S. Senate, were strictly based on the notion that States had an individual, separate, sovereign identity, and that they rose or fell upon the acceptance of that theory. That was the only theory and the only principle. There was no argument that there was some reason to provide area representation or anything of that kind.

Luther Martin goes on to say:

> It is the State governments which are to watch over and protect the rights of the individual, whether rich or poor, or of moderate circumstances, and in which the democratic and aristocratic influence or principles

> are to be so blended, modified, and checked, as to prevent oppression and injury—

The argument of those who contend for the Senate to be organized as it is—

> that the Federal Government is to guard and protect the States and their rights, and to regulate their common concerns; that a Federal Government is formed by the States, as States, that is, in their sovereign capacities, in the same manner as treaties and alliances are formed; that sovereignties, considered as such, cannot be said to have jarring interests or principles, the one aristocratic, and the other democratic.
>
> It was urged, that the Government we were forming was not in reality a Federal, but a National Government; not founded on the principles of the preservation, but the abolition or consolidation of all State governments; that we appeared totally to have forgot the business for which we were sent, and the situation of the country for which we were preparing our system—that we had not been sent to form a government over the inhabitants of America, considered as individuals; that as individuals, they were all subject to their respective State governments, which government would still remain, though the Federal Government should be dissolved.
>
> Whereas it was urged, that the principles on which a Federal Government over States ought to be constructed and ratified, are the reverse; that instead of the legislature consisting of two branches, one branch was sufficient, whether examined by the dictates of reason, or the experience of ages; that the representation, instead of being drawn from the people at large, as individuals, ought to be drawn from the States as States, in their sovereign capacity; that, in a Federal Government, the parties to the compact are not the people, as individuals, but the States, as States; and that it is by the States as States, in their sovereign capacity, that the system of government ought to be ratified, and not by the people, as individuals.
>
> It was further said, that, in a Federal Government over States equally free, sovereign, and independent, every State ought to have an equal share in making the Federal laws or regulations, in deciding upon them, and in carrying them into execution; neither of which was the case in this system, but the reverse; the States not having an equal voice in the legislature, nor in the appointment of the executive, the judges, and the other officers of government. It was insisted, that, in the whole system, there was but one Federal feature—the appointment of the Senators by the States in their sovereign capacity, that is, by their legislatures, and the equality of suffrage in that branch; but it was said, that this feature was only Federal in appearance.

Mr. Martin went on to say:

> In a State government, I consider all power flowing immediately from the people in their individual capacity, and that the people, in their individual capacity, have, and ought to have the right of choosing delegates in a State legislature, the business of which is to make laws, regulating their concerns, as individuals, and operating upon them as such; but in a Federal Government, formed over free States, the power flows from the people, and the right of choosing delegates belongs to them only mediately through their respective State governments which are the members composing the Federal Government, and from whom all its power immediately proceeds; to which State governments, the choice of the Federal delegates immediately belongs.

I repeat the first part of that statement by Luther Martin. After years of reporting on the origins of our Federal Constitution, the debate led up to the adoption of our Federal Constitution. Luther Martin makes this notation, which is so crucial:

> In a State government, I consider all power flowing immediately from the people in their individual capacity, and that the people, in their individual capacity, have, and ought to have the right of choosing delegates in a State legislature, the business of which is to make laws.

It is the people in their individual capacity who can elect a member of a State legislature in proportion to the one man-one vote principle. The Federal Government is, in part at least, a federation of independent and sovereign States. The Federal Government has Senators who represent States—not individuals, but States.

A look at the conventions which ratified the Constitution further illustrates the ideas of the Senate as a body representing the sovereign States. I believe that this is one of the clearest and best evidences that we have that at the time of the adoption of the Constitution, not only in the debate that went on when it was ratified, by the delegates to the Constitutional Convention, but also in its actual ratification by the individual, independent States, was this concept of individual State sovereignty. This was the only reason that the one man-one vote principle was abridged in adopting our Federal Constitution.

I continue to read:

> In the Massachusetts Convention, various delegates emphasized the sharp distinction between the function of the Senate and the House of Representatives. Fisher Ames, later a Congressman, stated that (II, "The Debates in the Several State Conventions on the Adoption of the Federal Constitution" (Elliot editor, 2d ed., 1854, p. 11): "The Senators will represent the sovereignty of the States. The representatives are to represent the people."
>
> Christopher Gore similarly remarked (id. at 18): "The Senate represents the sovereignty of the States; the House of Representatives the people of the United States."
>
> And E. Pierce said (id. at 22): "[T]he Federal Represenatives, who are to form the democratical part of the General Government, are to be a check on the representatives of the sovereignty, the Senate * * *."
>
> In the debate on the constitution of the Senate, Fisher Ames defended the provision that Senators serve for 6 years (II Elliot 46): "The Senators represent the sovereignty of the States; in the other house, individuals are represented. * * * [Senators] are in the quality of ambassadors of the States * * *."

Did anyone propose that a member of a State legislature represented the government of a country, town, or any other administrative convenience? Of course not.

I continue to read:

> "If they would be brought by that means more immediately under the influence of the people, then they will represent the State legislatures less, and become the representatives of individuals. This belongs to the other house. The absurdity of this, and its repugnancy to the Federal principles of the Constitution, will appear more fully, by supposing that they are to be chosen by the people at large. If there is any force to the objection to this article, this would be proper. But whom in that case, would they represent?—Not the legislatures of the States, but the people. This would totally obliterate the Federal features of the Constitution."
>
> Continuing this debate, Rufus King, a delegate to the Congress under the Confederation and to the Federal convention, noted (id. at 47):
>
> "[A]s the Senate preserved the equality of the States, their apportionment is equal."
>
> In the debate on article I, section 4, which gives Congress power to regulate Federal elections, George Cabot, later a U.S. Senator, stated (II Elliot 25–26): "[A] free and equal representation is the best, if not the only foundation upon which a free government can be built; and, consequently, that the greatest care should be taken in laying it. * * * I consider the democratic branch of the National Government, the branch chosen immediately for the people, as intended to be a check on the Federal branch, which latter is not an immediate representation of the people of America, and is not chosen by them, but is a representation of the sovereignty of the individual States, and its members delegated by the several State legislatures * * *."
>
> Immediately thereafter Theophilus Parsons, a leading attorney, said (id. at 26–27): "In the Congress, not only the sovereignty of the States is represented in the Senate, but, to balance their power, and to give the people a suitable and efficient check upon them, the Federal Representatives are introduced into Congress. The legislatures of the several States are the constituents of the Senate, and the people are the constituents of the Representatives * * *. [A State legislature] might make an unequal and partial division of the States into districts for the election of Representatives or they might even disqualify one third of the electors. Without these powers in Congress, the people can have no remedy; but the fourth section provides a remedy, a controlling power in a Legislature, composed of Senators and Representatives of 12 States, without the influence of our commotions and factions, who will hear impartially and preserve and restore to the people their equal and sacred rights of election."
>
> Continuing the debate on this provision, Dr. Charles Jarvis argued (id. at 29): "The right of election, founded on the principle of equality, was, he said, the basis on which the whole superstructure was erected; this right was inherent in the people; it was unalienable in its nature, and it could not be destroyed without presuming a power to subvert the Constitution, of which this was the principal; and by recurring to the 2d section, it would appear that 'representatives and direct taxes shall be apportioned among the several States according to their respective numbers'; it equally appeared that 30,000 inhabitants were entitled to send a representative, and that wherever this number was found, they would have a right to be represented in the Federal Legislature."
>
> Judge Francis Dana, who was a Member of the Congress under the Confederation and who was chosen to attend the Federal Convention but was unable to do so, also defended article I, section 4: "The Legislature of Rhode Island has lately formed a plan to alter their representation to corporations, which ought to be by numbers. Look at Great Britain, where the injustice of this mode is apparent. Eight-tenths of the people there have no voice in the elections. A borough of but two or three cottages has a right to send two representatives to Parliament, while Birmingham, a large and populous manufacturing town, lately sprung up, cannot send one. The Legislature of Rhode Island is about to adopt this plan, in order to deprive the towns of Newport and Providence of their weight, and that thereby the legislature may have a power to counteract the will of a majority of the people."
>
> Rufus King immediately agreed with Dana in support of article I, section 4 (id. at 50–51): "In Connecticut, they do not choose by numbers, but by corporations. Hartford, one of their largest towns, sends

> no more delegates than one of their smallest corporations, each town sending two, except latterly, when a town was divided. The same rule is about to be adopted in Rhode Island. The inequality of such representation, where every corporation would have an equal right to send an equal number of representatives, was apparent. In the Southern States, the inequality was greater. By the constitution of South Carolina, the city of Charleston has a right to send 30 representatives to the general assembly; the whole number of which amounts to 200. The back parts of Carolina have increased greatly since the adoption of their constitution, and have frequently attempted an alteration of this unequal mode of representation; but the members from Charleston, having the balance so much in their favor, will not consent to an alteration; and we see that the delegates from Carolina in Congress have always been chosen by the delegates of that city. The representatives, therefore, from that State will not be chosen by the people, but will be the representatives of a faction of that State."
>
> Later in the debate, two speakers emphasized that most American legislatures were apportioned on the basis of population. John Coffin Jones said (II Elliot 75): "[T]he people of the United States are an enlightened, well-informed people, and are, therefore, not easily imposed on by designing men. Our right of representation, concluded Mr. J., is much more just and equitable than the boasted are of Great Britain, whose representatives are chosen by corporations or boroughs * * *."
>
> Similarly, James Bowdoin, a Member of the Congress under the Confederation and former Governor, remarked that (id. at 127): "The equality of representation is determined in nearly all the States by numbers; so it is in the Federal Constitution."

It was, as far as the House of Representatives is concerned. As I pointed out, the Senate was a necessary, and at the same time was considered by many to be an unfortunate, but necessary compromise, which could be justified on the basis of a Federal system protecting the rights of individuals within the States.

Continuing to read:

> In the Connecticut convention, Oliver Wolcott a delegate to the Continental Congress and later Governor, defended the proposed Constitution. In doing so, he said (II Elliot 202): "The Senate, a constituent branch of the general legislature, without whose assent no public act can be made, are appointed by the States, and will secure the rights of the several States. The other branch of the legislature, the Representatives, are to be elected by the people at large. They will therefore be the guardians of the rights of the great body of the citizens."
>
> Similarly, during the New York convention, Melancton Smith, a delegate to the Continental Congress, said (II Elliot 311): "[A]s the Senators are the representatives of the State legislatures, it is reasonable and proper that they should be under their control."
>
> Alexander Hamilton described the conflict over representation in Congress (id. at 236): "On the other hand, the small States, seeing themselves embraced by the Confederation upon equal terms, wished to retain the advantages which they already possessed. The large States, on the contrary, thought it improper that Rhode Island and Delaware should enjoy an equal suffrage with themselves. From these sources a delicate and difficult contest arose. It became necessary, therefore, to compromise, or the Convention must have dissolved without effecting anything."
>
> Robert Lansing likewise said (id. at 272): "When the subject of the apportionment of representatives came forward, the large States insisted that the equality of suffrage should be abolished. This the small States opposed contending that it would reduce them to a state of subordination. There was such a division that a dissolution of the Convention appeared unavoidable, unless some conciliatory measure was adopted."
>
> Later in the Convention, Lansing described the nature of the Senate (id. at 289): "I believe it was undoubtedly the intention of the framers of this Constitution to make the lower house the proper, peculiar representative of the interests of the people; the Senate, of the sovereignty of the States."

That refrain runs over and over in the constitutional debates and during the ratification of the Constitution by the various States. It was Lansing who said that the Senate represented the sovereignty of the States.

Continuing to read:

> Patrick Henry, the great orator of the Revolution and former Governor, was one of the leading opponents of the Constitution at the Virginia Convention. One of his principal objections to the Constitution involved representation in Congress (III Elliot 46–47): "[The Constitution] says that there shall not be more Representatives than 1 for every 30,000. Now, sir, how easy is it to evade this privilege. 'The number shall not exceed 1 for every 30,000.' This may be satisfied by one Representative from each State. Let our numbers be ever so great, this immense continent may, by this artful expression, be reduced to have but 13 Representatives * * *. When population increases, and a State shall send Representatives in this proportion, Congress may remand them, because the right of having 1 for every 30,000 is not clearly expressed. * * * [W]e may fairly conclude that they may restrain the number to one from each State. Perhaps the same horrors may hang over my mind again."
>
> Later in the debate, he similarly contended (id. at 324): "The honorable gentleman was pleased to say that the representation of the people was the vital principle of this Government. I will readily agree that it ought to be so. But I contend that this principle is only nominally, and not substantially, to be found there."

Continuing:

> "We contended with the British about representation. They offered us such a representation as Congress now does. They called it a virtual representation. If you look at that paper, you will find it so there. Is there but a virtual representation in the Upper House? The States are represented, as States, by two Senators each. This is virtual, not actual. They encounter you with Rhode Island and Delaware. This is not an actual representation. What does the term 'representation' signify? It means that a certain district—a certain association of men—should be represented in the Government, for certain ends. These ends ought not to be impeded or obstructed in any manner. Here, sir, this populous State has not an adequate share of legislative influence. The two petty States of Rhode Island and Delaware, which, together are infinitely inferior to this State in extent and population, have double her weight, and can counteract her interest. I say that the representation in the Senate, as applicable to States, is not actual. Representation is not, therefore, the vital principle of this Government. So far it is wrong."

A man as eminent as the great Governor of Virginia, considered perhaps the most eloquent orator of our Revolutionary period, opposed the Constitution and opposed it strictly on the basis of the fact that the U.S. Senate was not organized on a one-man, one-vote basis.

I think that those who contend that this principle is not a deep, proven, or basic constitutional principle should recognize how very strongly our Founding Fathers felt about it, and those who accepted the principle in the Constitution did so with the greatest reluctance.

Continuing to read:

> Another opponent of the Constitution, William Grayson, a former Member of the Continental Congress and later to be a U.S. Senator, similarly argued (III Elliot 280): "A democratic branch marked with strong features of aristocracy, and an aristocratic branch with all the impurities and imperfections of the British House of Commons, arising from the inequality of representation and want of responsibility. There will be plenty of Old Sarums—a rotten borough—if the new Constitution should be adopted. Do we love the British so well as to imitate their imperfections? We could not effect it more than in that particular instance. Are not all defects and corruptions founded on an inequality of representation and want of responsibility?"
>
> A few moments later, Grayson said (id. at 281): "But the British House of Commons are corrupted from the same cause that our representatives will be: I mean from the Old Sarums among them—from the inequality of the representation."

William Grayson, later to be a U.S. Senator, and an opponent of the Constitution, said, in speaking of the Congress:

> The people are represented according to their numbers. In the upper House, the States are represented in their political capacities. Delaware or Rhode Island has as many representatives here as Massachusetts. Why should the Senate have a right to intermeddle with money, when the representation is neither equal or just?

In defending the need for congressional control over Federal elections provided in article I, section 4, James Madison said:

> Elections are regulated now unequally in some States, particularly South Carolina, with respect to Charleston, which is represented by 30 Members.

William Richardson Davie, a delegate to the National Convention, described its proceedings to the North Carolina ratifying convention. As to Congress, he stated:

> The House of Representatives are immediately elected by the people. The Senators represent the sovereignty of the States; they are directly chosen by the State legislatures, and no legislative act can be done without their concurrence.

James Iredell, one of the initial members of this Court, was one of the leading supporters of the proposed Constitution at the North Carolina convention. In doing so, he defended the balance of the new Federal system:

> Thus, then, the general Government is to be taken care of, and the State governments to be preserved. The former is done by a numerous representation of the people of each State, in proportion of its importance. The latter is effected by giving each State an equal representation in the Senate. The people will be represented in one house, the State legislatures in the other * * *. The House of Representatives * * * will represent the immediate interests of the people. * * * The respectability of their constitu-

> ents, who are the free citizens of America, will add great weight to the representatives * * *.

Throughout these justifications and rationalizations for the U.S. Senate, we can see the distinction made, emphasized, and underlined that Senators represent sovereign States, with the individuality of the sovereign States; and that they were selected—until a constitutional amendment in this century—by the State legislatures. There is no analogy whatsoever between a Federal Congress, one branch of which is representative of the people, and the State legislatures.

Subsequently Mr. Iredell said:

> It is true that it would be very improper if the Senate had authority to prevent the House of Representatives from protecting the people. It would be equally so if the House of Representatives were able to prevent the Senate from protecting the sovereignty of the States.

Richard Dobbs Spaight, a delegate at the Federal convention, explained the reason that the Senate was required to concur in treaties:

> [I]t was thought better to put that power into the hands of the Senators as representatives of the States—that thereby the interest of every State was equally attended to in the formation of treaties—but that it was not considered as a legislative act at all.

Davie likewise defended this requirement, saying that it was "indispensable to give to the Senators, as representatives of States, the power of making, or rather ratifying, treaties. Although it militates against every idea of just proportion that the little State of Rhode Island should have the same suffrage with Virginia, or the great Commonwealth of Massachusetts, yet the small States would not consent to confederate without an equal voice in the formation of treaties."

It is interesting that, even though the burden of my remarks has to do with the distinction between Federal and State bodies, intruding in this debate by the Founding Fathers is the principle that the Supreme Court will defend and protect the rights of individual American citizens from an unconstitutional abridgement of that right by acts of Congress or of the State legislatures:

> Charles Pinckney, a delegate at Philadelphia, described the proceedings in the South Carolina convention. Concerning the question of representation, he said that (IV Elliot 256–257): "The degree of weight which each State was to have in the Federal council became a question of much agitation. The larger States contended that no government could long exist whose principles were founded in injustice; that one of the most serious and unanswerable objections to the present system was the injustice of its tendency in allowing each State an equal vote, notwithstanding their striking disparity. The small ones replied, and perhaps with reason, that, as the States were the pillars upon which the general government must ever rest, their State governments must remain; that, however they may vary in point of territory or population, as political associations they were equal; that upon these terms they formally confederated, and that no inducement whatsoever should tempt them to unite upon others * * *."

Mr. President, I pause here to point out again that what the Senator from Illinois [Mr. DOUGLAS] said some time ago about how the creation in our Constitution of a Senate that would not be composed on the basis of population resulted only from the fact that a pistol was pointed at the heads of the Founding Fathers to make them choose between that plan and no Union at all, has been confirmed by what Mr. Pinckney stated:

> After much anxious discussion—for, had the convention separated without determining upon a plan, it would have been on this point—

This was the issue then. This was the point that divided the Convention and the Founding Fathers more than any other point. It was the point on which they felt most deeply. During this debate, which has been led by the senior Senator from Illinois, and in which many of us have joined, this same principle has been at issue. It is the principle which divided the Constitutional Convention and which made it so difficult for the Constitutional Convention to arrive at a decision.

This is such an important principle that we are willing at great inconvenience to contend against the Dirksen proposal, because of the principle on which we feel so deeply.

Of course, there is another principle which is even more precious than that. We feel that the Supreme Court of the United States must be preserved in its capacity to review an act of Congress as to its constitutionality, and in its capacity to defend individual constitutional rights. If we do not protect this principle, our freedoms do not mean very much.

As Charles Pinckney said:

> "A compromise was effected, by which it was determined that the first branch be so chosen as to represent in due proportion the people of the Union; that the Senate should be the representatives of the States, where each should have an equal weight."
>
> Charles Cotesworth Pinckney, another delegate to the Federal Convention, likewise stated (id. at 282–283): "As we have found it necessary to give very extensive powers to the Federal Government both over the persons and estates of the citizens, we thought it right to draw one branch of the legislature immediately from the people, and that both wealth and numbers should be considered in the representation."
>
> Pinckney supported the provisions concerning Congress (id. at 304): "[I]n the general Constitution, the House of Representatives will be elected immediately by the people, and represent them and their personal rights individually; the Senate will be elected by the State legislatures, and represent the States in their political capacity" * * *.

Having indicated the strong conflict existing between State sovereignty and national unity at the time our Constitution was drafted, and the compromises this conflict resulted in, I should now like to examine some of the arguments made for using the Federal analogy in State legislatures by reading from a pamphlet entitled "Reapportionment and the Federal Analogy," written by Robert B. McKay. I shall read only the high spots:

> The issue, now sharply drawn, may be stated as follows: Since the U.S. Senate provides equal representation for all States regardless of population, while the House of Representatives provides representation according to population, is not a similar arrangement permissible by analogy in State legislatures? The contention is that, since the national governmental structure has proved reasonably satisfactory, and since the system was approved by the framers of the Constitution, a similar formula should be acceptable in State legislatures.
>
> The argument has a surface appeal that has led to uncritical acceptance of the analogy without noting the reasons for which application of that scheme might be inappropriate in the State legislative forum. Typical of the unreasoned acceptance of this too-easy argument is the statement of Mr. Justice Harlan in his dissent in *Baker*.

Mr. President, this is the cornerstone and the only philosophical reference which those who support the Dirksen amendment have made. They constantly come back to the argument of Justice Harlan, who said:

> It is surely beyond argument that those who have the responsibility for devising a system of representation may permissibly consider that factors other than bare numbers should be taken into account. The existence of the U.S. Senate is proof enough of that (369 U.S. at 333).

Mr. President, I wish Justice Harlan, before he had written those words, had studied the amicus curiae memorandum which was prepared by the Department of Justice to assist the Court in making its decision. It was prepared in October 1963. It is true that the Reynolds against Sims decision was rendered later. However, this amicus curiae certainly answered any contention that there is any analogy. It answered it chapter and verse. There is no analogy, and the debates in the constitutional convention and the writings of the Founding Fathers and the Federalist Papers prove that there is no analogy.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Illinois.

Mr. DOUGLAS. Not only was equality of representation of States, regardless of population, put into the Constitution under article I at the point of a pistol and under the threat by the small States that otherwise they would not join and, indeed, would make treaties with foreign powers, but the small States determined to rivet that provision into the Constitution in article V. Article V, in its concluding passage provides:

> *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses of the ninth section of the first article—

That dealt with the slave trade—

> and that no State without its consent, shall be deprived of its equal suffrage in the Senate.

There is no limitation. The one reason why this provision has never been changed is that it is the one feature of the Constitution which cannot be changed.

We of the big States have suffered under the principle of equality of representation of the States in the Senate. States of less than a quarter of the population have a majority of the Members in the U.S. Senate, and control this body.

The residents of the larger States pay the major share of the taxes. Representatives of the smaller States determine where the money is to go.

We of the larger States bear a heavy burden and a heavy cross. We accept it, because this is the price of continued union, just as the big States accepted it originally.

The mere fact that it has continued through all this time is not proof that it is the ideal system. Even if it is due to the fact that the small States got this provision in perpetuity when they made it the price of admission to the Union, we do not approve of it. We acquiesce in it because we want to preserve the Union, but it is a heavy price that we pay. Certainly it is not an example which should be copied by any government.

Mr. PROXMIRE. The Senator from Illinois makes a very strong and logical argument, but I do not "buy" it. I believe we ought to be aware of the fact that those of us who oppose the Dirksen amendment do not depend on that argument. Those of us who feel that the Federal Government was based on a wise principle which has worked well do not rely on the argument that every State should have representation in the Senate based only on its population. We can still contend, as I contend—and as I believe perhaps most Senators contend—that each State should have equal representation, that each State should have two Senators in the Senate, and at the same time contend that this principle should not apply to State governments, because there is an analogy and no comparison.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MAGNUSON. Mr. President, I may be able to contribute a little to this discussion along the lines which the Senator from Illinois and the Senator from Wisconsin have been discussing. The States came into the Union under an enabling act. I have looked up the enabling act of February 27, 1889, which provided for the admission of North Dakota, South Dakota, Montana, and my own State of Washington. Under the provisions laid down by the enabling act to allow the people of my area and those of other areas to become States, the enabling act passed by Congress provided, in section 3:

> Sec. 3. That all persons who are qualified by the laws of said Territories to vote for representatives to the legislative assemblies thereof, are hereby authorized to vote for and choose delegates to form conventions in said proposed States, and the qualifications for delegates to such convention shall be such as by the laws of said Territories, respectively, persons are required to possess to be eligible to the legislative assemblies thereof; and the aforesaid delegates to form said conventions shall be apportioned within the limits of the proposed States, in such districts as may be established as herein provided, in proportion to the population in each of such counties and districts, as near as may be, to be ascertained at the time of making said apportionments by the persons hereinafter authorized to make the same, from the best information obtainable, in each of which districts three delegates shall be elected, but no elector shall vote for more than two persons for delegates to such conventions; that said apportionments shall be made by the Governor, the chief justice, and the secretary of said Territories; and the Governors of said Territories shall, by proclamation, order an election of the delegates aforesaid in each of said proposed States, to be held on the Tuesday after the second Monday in May, eighteen hundred and eighty-nine, which proclamation shall be issued on the fifteenth day of April, eighteen hundred and eighty-nine; and such election shall be conducted, the returns made, the result ascertained, and the certificates to persons elected to such convention issued in the same manner as is prescribed by the laws of said Territories regulating elections therein for delegates to Congress; and the number of votes cast for delegates in each precinct shall also be returned. The number of delegates to said conventions, respectively, shall be seventy-five; and all persons resident in said proposed States, who are qualified voters of said Territories as herein provided, shall be entitled to vote upon the election of delegates, and under such rules and regulations as said conventions may prescribe, not in conflict with this Act, upon the ratification or rejection of the constitutions.

Surely the people of my territory, when they sought to enter the Union, were, by the enabling act passed by Congress, directed to do exactly as I have just read. The apportionment was to be "in proportion to the population in each of such counties and districts, as near as may be" ascertained.

Mr. PROXMIRE. That is a most valuable contribution and is most appropriate. As I understand, Washington, Montana——

Mr. MAGNUSON. North Dakota and South Dakota entered the Union under this enabling act, the Act of 1889.

Mr. PROXMIRE. At that time the clear provisions of the enabling act were that the State legislatures should be based on population—one man, one vote.

Mr. MAGNUSON. That is the way I interpret it. In effect, that is what the language provides. This was a part of the contract the people of the territories made with the Federal Government in order to become States.

Mr. PROXMIRE. In what year was that?

Mr. MAGNUSON. That was in 1889.

Mr. PROXMIRE. Seventy-five years ago our predecessors in Congress thought that this principle was true. They felt that new States should have representation in their legislatures based on the principle of one man, one vote.

The contribution just made by the Senator from Washington reminds us once again of how the States of the Northwest Territory were to be organized. That great ordinance also provides clearly that all States to be carved out of the Northwest Territory—and those States today include Wisconsin, Illinois, Michigan, Indiana, Ohio—must provide for their people representation in the State legislatures based on population, and must do so in perpetuity. There is no question about it. Those who adopted the Northwest Ordinance were among the same Founding Fathers who adopted our Federal Constitution. This shows how strongly they felt about each person having one vote.

Mr. MAGNUSON. In addition, the States to which I have referred were required, first, to have an assembly to establish the legislative body. The enabling act further provided that even the assemblies that would establish the legislative bodies in those States had to be selected according to population, as nearly as possible.

Mr. PROXMIRE. So not only the State legislatures, but also the assemblies that would establish the legislatures, were required to have equal or equitable representation.

Mr. MAGNUSON. Yes.

Mr. PROXMIRE. To return to the argument by Justice Harlan, who was the lone dissenter in the case of Baker against Carr, Justice Harlan said:

> "The existence of the U.S. Senate is proof enough of that."
>
> But the answer is not as delusively simple as Mr. Justice Harlan suggests. Indeed, careful analysis of the issue suggests an exactly opposite conclusion; namely, that the Federal analogy is not relevant in determining whether a State apportionment plan is or is not consistent with the equal protection clause of the 14th amendment. Uncritical application of that standard may well lead into constitutional error.
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> * * * * *
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> The arguments favoring the application of the Federal system to the States were summarized by Judge O. Bowie Duckett of the Circuit Court for Anne Arundel County, Md., in his opinion in *Maryland Committee for Fair Representation* v. *Tawes* (May 24, 1962):
>
> "Such an arrangement protects the minorities. It prevents hasty, although popular, legislation at the time. It is based upon history and reason and helps to protect the republican form of government guaranteed by article IV, section 4, of the U.S. Constitution. It preserves the checks and balances of the State government which has worked so well under the Federal. Moreover, there would be little advantage in having a bicameral legislature if the composition and qualifications of the members were similar."
>
> The arguments above stated are essentially three: (1) The Federal experience, as developed through history, is sufficient precedent. (2) Two houses, differently constituted, operate to restrain hasty and ill-considered legislation. (3) If not differently constituted, the two houses would not serve the separate functions for which established. Each argument deserves examination and, it is believed, rejection.
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> ### CONSTITUTIONAL CONVENTION AND THE "GREAT COMPROMISE"
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> The egalitarian ideal of fairness in political representation was emphatically stated in the Declaration of Independence and frequently thereafter during the late 18th and early 19th centuries. Thomas Jefferson, writing in 1819, was characteristically eloquent: "Equal representation is so fundamental a principle in a true republic that no prejudices can justify its violation because the prejudices themselves cannot be justified."
>
> Yet during those early years not even the most ardent exponents of political equality contemplated the wide diffusion of the franchise which we take for granted today. There was no thought that women should be entitled to vote and few doubted that ownership of property, or even religious tests, might be proper qualifications for voting eligibility. Certainly few thought it odd that the Constitution provided for the election of Senators by State legislators without any direct participation by the people and that the President should also be chosen indirectly through the medium of electors to be appointed in each State "in such manner as the legislature thereof may direct." Yet over the years all these concepts have been challenged

> as fundamentally inconsistent with the democratic ideal.
>
> Surely no State would today justify limitations on the franchise based on these 18th-century notions, now long rejected.
>
> In this 18th-century context of limited recognition of a popular base for the exercise of the franchise, it would not have seemed strange if the framers of the proposed Constitution had all been agreed upon a plan for nonequal representation in both houses.

There were many abridgments and compromises with the notion of purely democratic representation. It was pointed out that women did not have any vote. Senators were chosen by State legislatures and not by the direct vote of the people. That was a situation which my own predecessor in this chair, some time removed, old Bob La Follette, had a great deal to do with correcting.

The fact that most people did not have a voice in electing their Senators and could do so only indirectly through their State legislatures, was a defect which led to corruption, and the reason why the Senate was known as the millionaires club or the rich man's club.

Also, at the time of the founding of the Constitution, the most powerful office, the Presidency, was selected not directly by the people but determined by the electors who at that time considered themselves, to a considerable extent, to be independent of the vote which had been registered in the presidential election. It was only at a later time that it became clear that electors were bound, in some cases legally but in all cases morally, to vote in accordance with the popular vote in the State from which they were chosen.

There were many compromises with the principle which we now consider to be a truism, a platitude, that if we have a democracy, the people should have a direct vote in the selection of public officials.

At the same time, Mr. McKay points out that there was no difference of opinion on the right the people should have to equal representation in their State legislatures.

As he writes:

> Yet the exact opposite was the proposal which most of the delegates originally favored and would ultimately have adopted but for the intransigent opposition of the small States. The Virginia plan proposed by Edmund Randolph, based on what he called the "Republican principle," provided for a popularly elected first branch of the Congress which was then to choose the second from nominees proposed by the State legislatures. Significantly, a favorable vote was actually cast at one time for representation in both Houses to be proportional to population (except that five slaves were to be counted as three freemen).
>
> Nevertheless, the opposition of the smaller States, although less than a majority, demonstrated that a viable instrument of Government could be achieved only by partial relinquishment of the principle of equality. In this lay the genesis of what has come to be called the "Great Compromise" or, as it is sometimes described, the "reluctant" compromise. Max Farrand has said:
>
> "The important feature of the compromise was that in the upper House of the legislature each State—

Not each person—

> should have an equal vote. The principle of proportional representation in the lower House was not a part of the compromise, although the details for carrying out that principle were involved." (The Framing of the Constitution of the United States, p. 105 (Yale paperbound 1962).)
>
> Some proponents of the Federal analogy as a justification for representational imbalance in State legislatures have sought support in the Federalist. But such reliance is largely misplaced. It must be remembered that those papers were conceived and published as political tracts designed to persuade New York voters to ratify the Constitution in the form agreed upon at the Convention. Even without discounting for that special pleading, it is interesting to observe the almost apologetic support given to the abandonment of the principle of equality of representation. Thus in No. 62 (probably Madison):

I have quoted this before but I wish to quote it briefly at this time—

> "A government founded on principle, more consonant to the wishes of the larger States is not likely to be obtained from the smaller States. The only option, then, for the former lies between the proposed government and a government still more objectionable. Under this alternative, the advice of prudence must be to embrace the lesser evil; and instead of indulging a fruitless anticipation of the possible mischiefs which may ensue, to contemplate rather the advantageous consequences which may qualify the sacrifice."
>
> History subsequent to the Constitutional Convention further supports the proposition that the Federal analogy should not be extended to State legislative bodies. As already indicated, indirect election of Senators and the President had been incorporated into the original Constitution. Madison, in The Federalist, No. 45, specifically endorsed such indirect election as a proper way of reducing the influence of the people as a whole in choice of the leaders of the National Government. But these and other nondemocratic restrictions upon voting rights were not destined to survive. No portions of the Constitution were more altered by amendment or in practice in the 18th and 19th centuries than those provisions relating to franchise, a clear reflection of the inconsistency of some of the original provisions with the growing demand for more truly representative government.

This would tend to confirm what the Senator from Illinois has been contending, that this nondemocratic provision in the Constitution might well have been amended in the course of the 18th or 19th centuries, as were the other nondemocratic provisions in the Constitution, were it not for the provision in the Constitution that makes an amendment of representation in the Senate unconstitutional in effect, because every State must give consent to it.

Continuing to read:

> Section 1 of the 14th amendment, calling upon the States to provide equal protection of the laws and due process, reflected sentiment for limitation of State action that was unfair or unequal. That its potential impact upon the composition of State legislatures was not specifically contemplated in 1868 does not, under familiar principles of constitutional doctrine, foreclose its application to such cases where the inequality or unfairness is later demonstrated. The point is that the 14th amendment does require equality as to all kinds of State action. The fact that inequality, as a matter of political necessity, was built into the national Congress is thus no longer relevant in explaining similar inequalities adopted by States that are forbidden to create invidious discriminations.

It is most important for us to recognize, because frankly, at first I had some reservations about the 14th amendment interpretation. The point is that the 14th amendment requires equality as to all kinds of State action. Election of the State legislature is perhaps the most important kind of State action. Equality of action under the 14th amendment to the Constitution should be recognized.

Mr. METCALF. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. METCALF. While it is true that in our federal system of government we are a group of affiliations of sovereign States, and the Senate analogy would not carry down to the States; it would be even more important to require equal one-man, one-vote representation from State legislatures than even in the Congress of the United States; is that not correct? At least it would be equally important, would it not?

Mr. PROXMIRE. I believe that is true. There was a very clear historical reason for the Federal Government to have a U.S. Senate with two Senators for each State, inasmuch as it was created by sovereign, independent States. They treated themselves and considered themselves as having sovereignty. Later—not at the time of the adoption of the Constitution, but later—the 10th amendment to the Constitution was adopted, which reserved to the States all powers not specifically given to the Federal Government.

This opposition deserves recognition. A strong argument can be made, which I would accept—the Senator from Illinois [Mr. DOUGLAS] would not—that the States therefore should be recognized on an equal basis in one branch of the legislature. It is a wise provision in our Constitution. But, no counties ever got together to form a State. That was not the way in which they were formed anywhere.

The distinguished senior Senator from Washington [Mr. MAGNUSON] pointed out that when the State of Montana came into the Union, it came in under an enabling act, the same enabling act that covered Washington, North Dakota, and South Dakota. It required equal representation in the State legislature.

Mr. METCALF. When the State of Montana came into the Union, it adopted a constitution which contained a provision that each county should have one senator and no county should have more than one senator. A great Governor of the State of Montana, 75 years ago, when the constitution was adopted, pointed out that that was a provision that violated the Constitution of the United States. That was Gov. Joseph K. Toole. He was the first Governor of the State of Montana. He stated that a republican form of government requires equal representation. Then he said that if there were 200 in one county and 200,000 in another county, that would not be equal representation, and that that was a violation of the Constitution of the United States.

So this is not a new matter. This is not a matter that has just recently arisen through the Supreme Court of the United States. They were talking about it back at that time, concerning how the States of Washington, Montana, and North and South Dakota came into the Union.

Mr. **PROXMIRE**. That is a very valuable contribution. Those who oppose the Supreme Court decision, oppose it on the ground that the Court has proposed some radical innovation. They ask, "Who ever heard of this? It is a strange, radical innovation."

As was pointed out, we have gone to some time and trouble to show that the Founding Fathers overwhelmingly established that proposition.

Mr. **METCALF**. As we go through the minutes of the Constitutional Convention of 1787, and as we go through the Federalist Papers that were written by those great Founding Fathers, we find, running throughout those great documents, the position that one-man, one-vote, equal representation is a basic proposition of "republican" form of government.

When the State of Montana came into the Union 75 years ago, a great constitutional lawyer from the State of Montana, who was the first Governor of the State, pointed out that this malapportionment and misrepresentation in State senates and State legislatures was a violation of the proposition of a representative form of government, a violation that we have only recently had an opportunity to correct through recent decisions of the U.S. Supreme Court.

This is no recent proposal. This is no new idea. This is no upstart idea. We have tried for over a century to correct the situation.

Mr. **PROXMIRE**. Mr. President, I thank the distinguished Senator from Montana. The distinguished and able Senator from Montana is a former State supreme court justice. He was an eminent judge, a scholar of our Constitution, of constitutional law, and constitutional government.

He is absolutely correct when he points out that we can go through the Federalist Papers carefully, and every single reference to State representation affirms the right of each individual American citizen to equal representation. But, as Madison has said over and over again, the Federal Constitution is a Federal Constitution—just that, not a National Government alone. It is a Federal Constitution. It recognizes the sovereignty, the dignity of each individual State. It does give them, in one branch, equal representation.

I continue to read:

> The little-noticed section 2 of the 14th amendment expressed further the increasing demand for direct election and, indeed, the idea of equality of representation, in replacing those portions of section 2 of article I relating to the method of apportionment. The original provision, a minor part of the great compromise, had specified that representatives (and direct taxes) should be apportioned among the States "according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons." The 14th amendment changed this to provide that apportionment shall be exclusively in accordance with population, "counting the whole number of persons in each State, excluding Indians not taxed."
>
> The 15th amendment, in the same spirit, was enacted to insure that no restriction of voting rights could be based on grounds of race or color. The trend continued with the adoption in 1913 of the 17th amendment providing for the direct election of Senators and in 1920 with the enfranchisement of women by the 19th amendment. Recent expression of the same sentiment is found in the Civil Rights Acts of 1957, 1960, and 1964.

The fight that we are engaging in now, in an effort to protect the dignity of the Supreme Court in their decision in Reynolds against Sims is the same kind of historic fight for the preservation of individual suffrage and for the establishment of what I believe is perhaps one of the most important defects in our system at the present time—the right of every individual to have equal representation in the State government.

I continue to read:

> Even without formal amendment to the Constitution, changes effected by Congress have also worked toward equality of representation. Before 1842 Congress had limited the exercise of its apportionment power under section 4 of article I to prescribing the number of Representatives to be allotted to each State. But in the apportionment act of 1842 Congress provided that Representatives under the current apportionment should "be elected by districts composed of contiguous territory equal in number to the number of Representatives to which said State may be entitled, no one district electing more than one Representative."
>
> With this history in mind it seems at best anachronistic to argue the ready transferability of the congressional scheme of representation into the State legislatures. The nonrepresentative character of the Senate did not reflect majority sentiment even when adopted, but was instead reluctantly accepted as the required price for establishing an acceptable, if not the best possible, government. The consistent course of events since that time has been toward enlarged reliance upon direct and full participation by all citizens. With this has come increased recognition of the appropriateness in a representative government such as the United States of representation generally in close relation to population. In this light, the nonrepresentative character of the U.S. Senate is seen to be an historical anomaly and not at all a model for State emulation.
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> ### FEDERAL ANALOGY AND MAJORITY RULE
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> Proponents of the Federal analogy claim as an advantage of two houses, one of which is less responsive to popular will, a healthy restraint upon excessive majoritarianism. This formulation of the argument leaves unstated two underlying premises, neither of which can withstand close analysis.
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> First, there is a suggestion that majority rule is not altogether desirable, or at least that minority groups are likely to be unreasonably disadvantaged if the majority has its way. But is this true? Minorities are accorded constitutional protection in bills of rights and elsewhere to assure adequate hearing for their views and to protect against oppression by the majority. Once minority rights have been assured in these important respects, no sound reason appears for denying the majority its will in ordinary legislation. Indeed, if the two houses of a legislature are chosen in ways that will insure representation of radically different interests, an opposite and perhaps greater danger is threatened, the legislative stalemate. Even in Congress this has sometimes occurred, but the risk there is minimized by the greater physical expanse and cultural diversity represented in Congress as compared with the more parochial interests within any single State. The interest groups that operate in the U.S. Senate and House of Representatives are so numerous and diverse that ordinarily there is little risk that the two Houses can be separately controlled by opposing interest groups. In short, there are few issues that would pit the area-based Senate against the population-based House.
>
> In the States the problem is very different, as illustrated most dramatically in the urban-rural conflict that is the pattern today in nearly all the States that have departed significantly from the principle of equal population in one or both houses. Sufficient evidence of this legislative impasse on urban-rural issues is found in the repeated refusal of many State legislatures to follow their own constitutional mandate of periodic reapportionment.

Incidentally, one example of that was Oklahoma. Oklahoma was cited as an example of the most flagrant interference of the Federal Supreme Court with the rights of a State. But in the case of Oklahoma, the State legislature refused to follow the State's own constitution. They have failed to follow it ever since 1921.

Mr. **DOUGLAS**. Mr. President, will the Senator yield?

Mr. **PROXMIRE**. I yield.

Mr. **DOUGLAS**. The same thing, of course, was true in the case of Tennessee and Alabama.

They did not reapportion between 1901 and the decisions of the Supreme Court, which came in 1962 and 1964—after 60 years of refusal by the legislature to reapportion according to their own constitution.

In my own State of Illinois, the constitution required reapportionment every decennial period until 1955. From 1901 until that day there was no reapportionment. During that time there had been a great movement of population toward the cities, which was disregarded. That has been true in State after State.

Mr. **PROXMIRE**. Yes, indeed. What I believe has been overlooked is the fact that in all these cases—the Alabama case, the Oklahoma case and others—Federal district courts—or the Supreme Court, if it was called upon to support, to intervene, or to reject the decision of a lower court—have acted after State legislatures have been given many years in which to comply, in most cases, with their own constitutions, and yet they have failed to do so.

Mr. **DOUGLAS**. Mr. President, will the Senator yield further?

Mr. **PROXMIRE**. I yield to the Senator from Illinois.

Mr. **DOUGLAS**. The State courts almost uniformly have held that while the legislatures were acting in disobedience of their own constitutions, there was nothing that the State courts could do about it.

Mr. **PROXMIRE**. The Senator is correct. In the Oklahoma case, the Supreme Court of the State of Oklahoma said there was nothing it could do. It was none of their business. It was up to the State legislatures.

What has happened in some countries has been that unless the people could get equality of representation, there would be an actual physical armed rebellion. We do not like to do it that way in this country. The only other recourse is to rely on having the right upheld in the courts.

Mr. DOUGLAS. In the Federal courts.

Mr. PROXMIRE. In the Federal courts, because, as the Senator from Illinois has pointed out, the State courts have often refused to act.

Mr. President, continuing to read—

It becomes almost axiomatic that the more severe the malapportionment the less is the opportunity for legislative correction. All too often the Federal system in State legislatures has worked not to protect the minorities but to frustrate all sense of legislative responsibility. When legislatures become incapable of any action on important matters and when they flout the constitutional imperative of periodic reapportionment, State government falls into disrepute. Only through reassertion of State legislative responsibility can the decline of respect for the State governmental process be reversed.

A second major postulate underlying the check-and-balance arguments advanced in support of the Federal analogy is the common belief that the organization of State governments is not essentially different from that of the National Government. The assumption could scarcely be more false. The short answer is that the United States, as the very name implies, is a union composed of the sovereign States, consenting to centralized responsibility as to certain enumerated powers but reserving to themselves the balance. The constituent States, on the other hand, have uniformly adopted a unitary structure of government in which no subordinate political subdivision retains any sovereignty but exercises only such functions as are conferred upon it for the convenience of, and at the pleasure of, the State government.

That is the distinction which I have drawn many, many times, but I think must be drawn over and over again. The States are not a federated system. They are not a Federal system. There is no sovereignty, no power, no individual recognition for any area below the State government as there is in the Federal Government. Therefore, there is no basis for saying that there should be some representation other than population representation in the States.

Continuing to read:

While Congress may not alter the territorial boundaries of the States or take from them the powers over local affairs reserved to them, it has always been clear that the relationship between a State and its political subdivisions is very different. "The number, nature, and duration of the powers conferred upon these corporations and the territory over which they shall be exercised rests in the absolute discretion of the State." *Hunter* v. *Pittsburgh,* 207 U.S. 161, 178 (1907). At least this freedom to rearrange political subdivisions is absolute so long as action by the States does not impinge on a specific prohibition such as that in the 15th amendment against depriving a citizen of his vote because of race. *Gomillion* v. *Lightfoot,* 364 U.S. 339 (1961).

FEDERAL ANALOGY AND BICAMERAL LEGISLATURE

A final argument advanced by advocates of the Federal analogy is that there must be differentiation of representation between the two houses not only to serve the check-and-balance function already discussed but as well to justify the existence of a bicameral legislature. As with many plausible-sounding arguments, the difficulty is that the logic has been pressed beyond defensible limits. The proponents of this argument must necessarily defend completely different representation formulas in the two houses, that is, one house related to population and the other totally unrelated.

In fact, however, there are a number of less drastic ways in which the two houses may be made to represent quite different interests.

Mr. President, I was fortunate to have the opportunity to serve in the Wisconsin State Assembly 13 years ago. There is no question that the check-and-balance system works very well in Wisconsin. It works well although both houses are based on strict population apportionment. There was a difference between the length of the terms of members of the State senate—the upper house—and those of members of the State assembly—the lower house. There was a difference in the size of the constituency. At that time a State senator represented 120,000 people. A member of the assembly represented 30,000 or 40,000 people.

Obviously, the views of legislators tend to be different when the constituencies tend to be different or are different, so that it is frequently possible to have a working bicameral system. The proof is not in theory; the proof is in experience. Wisconsin has had that experience for 116 years. We have had both houses based squarely upon population in the bicameral system—the check-and-balance system—and it has worked very well.

Most important is the fact that under any system no member of one house has the same constituency as any member of the other house. When the lower house is several times larger than the upper, as is ordinarily the case, the members of the more numerous house typically represent persons whose interests are often closely identified with each other in terms of geography, economics, and ethnic grouping. Members of the less numerous house, on the other hand, represent larger, more diverse segments of the State, whose problems and interests may be quite different in total impact from those of the smaller group represented by their opposite numbers.

Moreover, terms can be, and usually are, different between the two houses, thus automatically injecting somewhat different political considerations.

Finally, there is no reason to believe that rational, that is reasonable, variations may not continue, as always, to be based on historical, political, economic or other nonpopulation factors. As Solicitor General Cox stated before the Tennessee Bar Association in June 1962:

"[I]t would not surprise me greatly if the Supreme Court were ultimately to hold that if seats in one branch of the legislature are apportioned in direct ratio to population, the allocation of seats in the upper branch may recognize historical, political, and geographical subdivisions provided that the departure from equal representation in proportion to the population is not too extreme."

CONCLUSION

In matters of franchise at the national level the uniform trend since 1787 has been toward more extended exercise of the right to vote, both as to classes of electors and as to removal of restrictions upon the free exercise of the right. Only in the choice of State legislatures, largely through rejection of the principle of representation in proportion to population, has the ideal of equality of the right to vote been limited in significant ways. To the extent that the Federal analogy is allowed to survive as a justification for these practices, present imbalances in representation can be expected to worsen with the passage of time and the inevitable further concentration of population in urban areas. Not until the idea of representation with some reference to population becomes standard throughout State legislatures can there be confidence in their responsiveness to popular needs and demands.

How better to conclude than by invoking once more James Madison in the Federalist, No. 39: "It is essential to [a republic] that it be derived from the great body of the society, not from an inconsiderable proportion or a favored class of it."

Before I conclude, I should like to quote briefly from comments on the alleged analogy between the representation of the States in the U.S. Senate and the representation of county areas in State legislatures, which were brought together by John E. Bebout, director of the Urban Studies Center of Rutgers University, which is the State University of New Jersey:

We know of no extensive general discussion of the historical and constitutional basis, or lack of basis, for the analogy sometimes drawn between the equal representation of the States in the U.S. Senate and the representation of areas, usually counties or towns, in the State legislatures. The supposed analogy is frequently cited in defense of particular arrangements as, for example, the equal representation of the counties in the New Jersey Senate.

This was an extensive study made by Rutgers University. To continue the quotation:

We have found no acceptance, however, of the validity of this analogy in standard works on government nor in objective studies of particular legislatures by recognized authorities. Even in New Jersey, which is one of only seven States that provide for equal representation of all counties regardless of size in one house (and has done so since adoption of its first constitution in 1776), the "Federal analogy," though used from time to time as a debating point, has never been given authoritative endorsement as possessing inherent or technical validity. For example, Chief Justice Joseph C. Hornblower, speaking in the New Jersey Constitutional Convention of 1844, observed:

"Each of the States is sovereign and might or might not assent to the Constitution and come into the federation. But our counties have not that privilege. Our State is but one territory, one people, one municipality. We are, in fact, only making a municipal law to govern the State. There is, therefore, no similarity between the Constitution of the Federal Union, of an empire, and that of a sovereign State." Proceedings of the New Jersey Constitutional Convention of 1844, page 58.

The following excerpts are typical of the treatment of this subject in the literature.

Walker, Harvey, "The Legislative Process," the Ronald Press Co., New York, 1948, page 172: "The representation of areas rather than, or even in addition to, population in a legislative body has small place in a democracy; actually, one cannot represent an area. He must represent the people who live in it. If they are fewer in number than those represented in the same body by another legislator, there is an undemocratic imbalance. The use of artificially created boundary lines on a map to determine representation is as outworn as feudalism. Except in a few States, there is an effort to secure equal representation of population in both houses of the legislature. So while bicameralism makes possible the representation of areas, it is not always used for that purpose. Counties are created by the legislature in most States and may be abolished or consolidated by the same authority. Reform in county government, including considerable reduction in the number of counties, particularly in the South and East, is long overdue. Such reform would do much to show the absurdity of 'area representation.'"

"Legislative Apportionment in Oklahoma," Bureau of Government Research, University of Oklahoma, May 1956, pages 3–4: "General misunderstanding concerning the legal position of the county constitutes the chief obstacle to a fair distribution of the membership of State legislative bodies. The county does not occupy the same constitutional position in the State that the State holds in the Union. Its boundaries may be altered under procedures prescribed by the State, and the form of government under which it operates is set up by, and may be altered by, the State legislature. Unlike the State, the county can lay no claim to inherent powers; it enjoys only those which are specifically delegated by the parent government.

"In territorial days, the Supreme Court declared that counties 'are but subdivisions of the territory created for governmental purposes' * * * and that they 'derive their authority to hold elections and elect officers from the legislature.' Immediately after statehood a series of contests occurred over the constitutional position of counties, in which the Supreme Court had no difficulty in reaching the conclusion that 'a county is one of the territorial divisions of the State created for public and political purposes connected with the administration of State government.'

"This view of the legal status of the county is uniformly held among the States, and has long been accepted by the courts of the United States. There is no constitutional basis for the notion that a county is a unit in which the right of representation is inherent."

Bosworth, Karl, "Law Making in State Governments," page 85 in "The Forty-eight States: Their Tasks as Policymakers and Administrators" (final edition, background papers), Eighth American Assembly, Graduate School of Business, Columbia University, 1955: "First, perhaps it needs to be said that there is no reason why, in a system that gives allegiance to democratic ideals, any members of either house should have significantly different numbers of constituents—total populations, citizens or voters. Many of the constitutions reflect other theories: that small town and country people and perhaps middle-sized city people are more deserving of representation than others, or that counties or towns are, like the States in the Federal system, independent political entities to be represented regardless of their population. There is no basic right in the constitutional theory of any State for counties or towns to have separate representation. Unlike the National Government vis-a-vis the States of the Union, the States can abolish, change the boundaries of, or transform the governments of counties, towns and cities. The local governments' legal position is one of complete dependence upon the States. Any 'sovereignty' of counties or towns is based on entrenched political power, not on constitutional or democratic theory."

There are, of course, numerous statements on the undesirable effects of the failure of many State legislatures to be sufficiently representative of the people. See, for example, the findings of the participants in the Eighth American Assembly, supra, page 138, and the discussion of the State legislature at pages 38 to 40 of the "Report of the Commission on Intergovernmental Relations" (Kestnbaum Commission), Washington, D.C., 1955.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. I congratulate the Senator from Wisconsin for his thorough analysis of the difference between the circumstances under which the U.S. Senate was created and the circumstances attending representation of individuals in the various State legislatures. The Senator from Wisconsin has produced a wealth of testimony to prove his point, and should have settled the matter beyond any possibility of doubt.

I take it the Senator from Wisconsin is planning shortly to yield the floor under certain conditions. Pending that time, I should like to ask unanimous consent that at the conclusion of the morning hour tomorrow I be recognized to speak on the subject.

The PRESIDING OFFICER. Does the Senator mean at the conclusion of morning business?

Mr. DOUGLAS. That at the conclusion of the morning business tomorrow I be recognized to speak on this subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Mr. President, one more observation before I conclude. The Senator from Wisconsin has unwillingly held the floor since last Wednesday. This is Tuesday. It has taken an entire week for me to make this speech. It was not an infinite speech. It took 6 or 7 hours at the most. It was impossible to complete my speech because those who favor the Dirksen amendment were not available to develop a quorum on Thursday, Friday, or Saturday. On yesterday, Monday, we were able to obtain a quorum after about an hour of waiting for it. I spoke and then yielded to the Senator from Oregon, at which time it was transparently obvious that we could not get a quorum, and the Senate adjourned.

I wish to make it clear that those of us who are supporting the Supreme Court in opposing the Dirksen amendment are desirous of having Senators who oppose our position come to state their case, to make a quorum, and to provide the kind of attentive and intelligent audience which I know they are capable of making.

Mr. President, I yield the floor to the distinguished Senator from Maryland [Mr. BREWSTER] with the understanding that while he holds the floor there will be no motion made on the pending question of the Dirksen amendment.

The PRESIDING OFFICER. The proposal of the Senator from Wisconsin is not permissible under the rules of the Senate.

Mr. PROXMIRE. Mr. President, I renew my motion. Perhaps I phrased it improperly. I ask unanimous consent that I may yield to the distinguished Senator from Maryland [Mr. BREWSTER], with the understanding that I shall not lose my right to the floor, and that while the Senator from Maryland holds the floor a motion will not be made on the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BREWSTER. Mr. President, I thank my distinguished colleague from Wisconsin. I congratulate him on his very wise and able presentation of this case and his defense of liberty and representative government.

Mr. President, like it or not, we are caught up in a debate which goes to the very core of the generally accepted philosophy of our representative Government. More than that, we are participants in a political power play which will profoundly affect the future of millions of Americans.

My position on this issue should have been made clear by my recent votes on cloture and the McCarthy-Javits "sense of Congress" resolution. Let me state here and now so that there can be no doubt whatsoever—I am completely and unalterably opposed to any attempt to nullify the Supreme Court's series of "one man, one vote" decisions.

The Senate has already rejected the proposition put forth by the House-enacted Tuck bill, by a substantial vote. Now a second attack is being mounted on the House side in the form of a constitutional amendment sponsored by Representative PATMAN, of Texas. I sincerely hope that Maryland's Representatives on both sides of the aisle will stand firm against it.

The matter before us now is more insidious than either the Tuck or Patman bills because it purports to be—and to some may appear to be—milder in its approach. I, for one, will not buy this. I believe that the Dirksen rider's real purpose is to buy time in order that the antireapportionment forces in both the House and the Senate may mount a determined campaign for the passage of a constitutional amendment which will permanently take away the Supreme Court's jurisdiction and therefore its power to protect our citizens' right to equal representation.

I concur with and subscribe to the thoughts of the distinguished senior Senator from New Mexico [Mr. ANDERSON] when he recently said:

> We are now engaged in a debate which centers on the vital organs of our form of government, and reopens arguments raised and resolved by the men who shaped the Constitution of the United States. The outcome of this debate and the issue which prompted it could, over the years, have a deeper effect on more Americans than the civil rights bill we passed in June. The House of Representatives has passed a bill, the Tuck bill, which would bar the Supreme Court from acting in cases involving the reapportionment of State legislatures. This bill defies the basic principle established by the Founding Fathers that the Supreme Court should exercise the role of final arbiter in disputes of interpretation of our Constitution because it would destroy one of the foundation stones of our Republic.
>
> The Tuck bill, in my opinion, should have been defeated. There were those, however, who believed that the extreme measure passed by the House would force this body to accept some sort of more modest counter to the Supreme Court's decisions on legislative apportionment in the States. This so-called more modest measure took the form of the Dirksen amendment. I am as strongly opposed to the Dirksen amendment—even though some would label it a modest proposal—as I am to the Tuck bill. No hearings were held on the Tuck bill in the House. We have not held hearings in the Senate

on the Dirksen amendment, yet we are asked here to attach this disruptive amendment to the foreign aid bill.

If this amendment should become a part of the foreign aid bill and the foreign aid bill be sent to the President, I would rather see the President veto that vital legislation rather than let the Dirksen amendment become the law of the land. The amendment abrogates the principles for which the Founding Fathers labored long and diligently in the Philadelphia Convention of 1787. More than that, it would encourage Congress to foreclose Supreme Court actions in other areas which might be unpopular with an active and influential minority. Even when the Supreme Court in 1954 handed down its momentous decision that there should be desegregation in the public schools, I do not recall that any measure was introduced in Congress to deprive the Supreme Court of the right to rule in such cases. Could it be that this issue has generated so much opposition because reapportionment has such a profound effect on the political power structure?

I find it somewhat surprising that the distinguished Senator from Illinois, who was one of the architects of the civil rights bill, should be the principal architect of this proposal which is nothing else but a civil wrongs bill, because it would deny to many the right of equal representation and does violence to the 14th amendment which was one of the bases for the civil rights bill. There are those who say that the Dirksen amendment accepts the decisions of the Supreme Court that both houses of State legislatures must be apportioned on the basis of population, but merely delays implementation of the rulings. In truth the purpose of the Dirksen amendment is to buy time—time in which it is hoped a constitutional amendment can be adopted that will produce the same results, wholly or partially, as the Tuck bill if it were enacted. In reality, we would wind up in the same leaky boat, nullifying the action of the Supreme Court, but worse, foreclosing future decisions by the Supreme Court in this area of fundamental principle. The Dirksen amendment only delays the day of final judgment for the inequality and injustices which have been the lot of large numbers of Americans for so many decades. Malapportionment will still be with us. I am afraid that millions of our citizens will despair that nothing can be done to erase this blot on our democracy. They will believe that Congress has left them hostage to the whims and will of legislatures which do not accurately respond to their needs.

I also applaud the proposition set forth by the senior Senator from New York [Mr. JAVITS] in urging support for his "sense of Congress" resolution when he said:

> The question, then, is how Congress may constitutionally manifest its desire for time to avoid hasty solutions and perhaps to propose a constitutional amendment. I do not believe the Dirksen-Mansfield amendment can do so validly under the doctrine of the separation of powers of the coordinate branches of the Federal Government unless the Court construes it as a request, not an order. I have heretofore argued that in my judgment, the Supreme Court will strike down the Dirksen-Mansfield amendment unless it construes the words "unusual circumstances," as contained in the amendment, to allow it, for all practical purposes, to consider that amendment as a request, not an order. That is a dangerous piece of business. The Court may feel constrained, as a matter of morality in the construction of the law, to hold that this is an order to the Court, and to strike it down, and face the terrible confrontation between Congress and the Court, which I do not believe anyone who loves our country and its institutions should invite. If the amendment is mandatory, if it is a statute, then it could well be construed as an attempt by Congress to impose upon the Federal courts what is called, in words of art, "a rule of decision." This has been held invalid in cases involving constitutional rights already pending before the courts. I have argued on the floor of the Senate the famous McCardle case. There is a great likelihood, in view of the later Klein and Glidden cases, that the McCardle decision is unlikely to be the law of the land as construed by the Supreme Court at this time. It is for these reasons that I wish to avoid this confrontation.

Mr. President, I believe I am correct in stating that the majority of Senators, on both sides of the aisle, are attorneys and were qualified as such before they became Members of the Senate.

As lawyers as well as lawmakers, I fear that some of us have not paid sufficient attention to the development of the law in those cases dealing with reapportionment, or more precisely with malapportionment.

For this reason I thought it might be useful for some of us, at least, to trace the legal history of one of these cases. I know that Senators will understand why I have chosen the Maryland case as my illustration.

It happens that three of the prime movers in the reapportionment fight in Maryland are well known to me personally. The first, Royce Hanson, a vigorous young political science professor from Montgomery County, Md., organized the Maryland Committee for Fair Representation, which served as the principal vehicle of the proreapportionment forces in Maryland. The other two, Alfred L. Scanlan and Johnson Bowie, are longtime personal friends and prominent Maryland attorneys. It was they who, with their cocounsel, John B. Wright, successfully argued the committee's case before the Supreme Court.

Before going into the details of the Maryland case, I believe it would be helpful and interesting to review the strategy of the successful attorneys.

Mr. Scanlan published an interesting article on this aspect of the case in the June 1963 issue of the Notre Dame Lawyer, published by the Notre Dame Law School.

In the article, which is entitled "Problems of Pleadings, Proof, and Persuasion In a Reapportionment Case," Mr. Scanlan wrote:

> EXPLANATORY COMMENT
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> In the year which has elapsed since the Supreme Court's monumental decision in Baker against Carr, a constitutional ferment of the greatest dimensions has ensued. As the victorious attorney of Baker against Carr perceptively observes, "By every yardstick of measurement, this historic landmark decision has had the greatest effect on State Governments of any event since our Federal Constitution was adopted."
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> By a recent count, cases challenging legislative apportionments had been filed in 36 States, and 25 decisions had been handed down. In 19 of these decisions, the existing apportionment of one or both bodies of the legislature have been found to be unconstitutional. New reapportionment measures have been passed in 15 States and are expected in the near future in 11 more. The Supreme Court recently noted jurisdiction in eight cases involving either reapportionment of State legislatures or congressional redistricting. In addition, the Court already has struck down, by a vote of 8 to 1, the invidious unit rule system observed for so long in primary elections in Georgia.

Parenthetically, the same system, until quite recently, was followed in my State of Maryland.

> Many talented and dedicated people have played a part in this battle for constitutional reform, or, if you prefer, revolt. Political scientists and professors of government and public administration have furnished underlying theory and plentiful statistics. The League of Women Voters, the AFL–CIO, and local chambers of commerce have helped furnish funds. Politicians, at least those favorably disposed toward reasonable apportionment, have contributed their native gifts of leadership, direction and productive political compromise. The courts, of course, have provided indispensable stimuli toward necessary legislative action.
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> In so doing, the judiciary, at last, has given "meaning to the otherwise sterile insistence of Mr. Justice Frankfurter that relief from inequitable apportionment 'must come through an aroused popular conscience that sears the conscience of the people's representatives.' "
>
> However, the lawyer has proved to be the infantryman of this war. The late Robert Jackson once remarked that America believes in "government by lawsuit." Sooner or later, practically all of the great public issues which confront the Nation find their way to the courts in one form or another. This has been especially true of the reapportionment controversy. The basic issue is whether representative government is to prevail in the legislative chambers of the States and in the House of Representatives of the United States. More precisely, the question presented is whether there is anything in the 14th amendment that guarantees that the fundamental principles of representative government and majority rule shall obtain in the country's legislative bodies. Thus are raised constitutional issues of the greatest magnitude, enormous impact, and far-reaching effect. Under the circumstances, it is not surprising that it has been the lawyer who has been called upon to furnish the technical advocacy so indispensable to the presentation and resolution of the grave and complex constitutional questions with which the country, the States, and now the courts are wrestling.
>
> My purpose here is to describe the anatomy of a reapportionment case as seen through the eyes of a lawyer who is called upon to prepare, try, and argue it. From pleadings through proof, a number of problems, some unique, some familiar, are encountered by the attorney who handles a reapportionment or a redistricting case.
>
> BRINGING THE ACTION
>
> *1. Where to sue*
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> At the outset the reapportionment advocate must determine, if the choice is open, whether to bring suit in a Federal or a State court. If there is an express remedy provided by the State's constitution, or in its statutes, perhaps the better course is to institute the litigation in the State court. For example, in *Asbury Park Press, Inc.* v. *Woolley*, a case decided 2 years before *Baker* v. *Carr*, the New Jersey Supreme Court sustained a claim that the New Jersey Assembly was malapportioned. The court relied on express provisions of the New Jersey constitution, even though it also indicated, without deciding the point, that the malapportionment under attack violated the 14th amendment. Moreover, long before the Supreme Court's decision in *Baker* v. *Carr*, a number of State courts had held apportionment statutes to be in violation of State law. As the Supreme Court of Oklahoma observed in *Jones* v. *Freeman:*

"It might be well to point out that in 1938, the courts of 22 States had exercised the power, or had stated that they had the power, to review legislative reapportionment acts upon (State) constitutional grounds, and no court had denied that it possessed such power."

It is perfectly clear also that the 14th amendment issues can be raised and decided in a State court, whether or not the complaining petitioners also have valid State grounds on which to rest their reapportionment action. On the other hand, it may still be contended that a State court would not be obliged to decide the Federal equal protection or due process questions in a reapportionment case where, under State law, no remedy is available by which a decision in favor of the complaining party could be enforced.

On balance, the rapid and momentous events which have transpired since *Baker* v. *Carr* strongly suggest that a three-judge Federal court certainly is the forum where the most expeditious decision may be obtained. The decision of such a court is directly appealable to the U.S. Supreme Court. In addition, a Federal judge may enjoy a slightly more independent status than a State judge. To the extent that the practical compromises of politics may be significant factors to be taken into judicial account in the resolution of apportionment controversies, these would appear to be considerations less likely to move an appointed judge than an elected judge.

However, there is at least one caveat about bringing a reapportionment action in a Federal court. The Federal courts surely are not anxious to plunge into the reapportionment controversy, despite the decision of the Supreme Court in *Baker* v. *Carr*. Sound and deeply engrained instincts of judicial abstention have led some Federal courts to hold their hands until the highest court of a State was given an opportunity to pass upon an apportionment law, especially "where the State constitution was germane to the issue. In *Lein* v. *Sathre*, a three-judge Federal court in North Dakota stayed the proceedings before it in order to afford an opportunity for the Supreme Court of North Dakota to pass upon questions arising under the North Dakota reapportionment provisions found in the State constitution.

2. *When to sue*

Proper timing may be quite important. The apportionment advocate may have to look sharply to avoid the dilemma represented by prematurity on the one hand and mootness on the other. Elections for the State legislature occur at regular intervals, and lawsuits take time. To avoid the hazard that injunctive relief may be denied on the grounds that the action is too late and the requested judicial interference with the electoral processes too severe, the safest course is to institute the action as far in advance of the next State election as possible.

The universal rule is that a court will not pass upon a constitutional issue in an action prematurely brought. Nevertheless, the apportionment cases decided up to now indicate that the risk of prematurity is not a substantial one. More usual has been the experience of those plaintiffs who have been told by a court that they have a cause of action, but that relief will be withheld until the legislature has had another opportunity to reapportion.

Disappointment at this type of delayed ruling is eased, however, when the court, as it did in *Lisco* v. *McNichols*, makes it ominously clear that at least a prima facie case of invidious discrimination has been established. The strong implication that corrective court action may follow further legislative inaction has induced the Legislatures of Minnesota, New Jersey, Maryland, Florida, Tennessee, and Delaware, among others, to reapportion themselves at the next general or special session following the entry of the court's interlocutory decree retaining jurisdiction of the case.

Still, there is always the possibility that a reapportionment suit will be rendered moot as the result of new legislation amending the existing statutes or pertinent provisions of the State constitution. One cannot complain if the legislative action which follows eliminates the constitutional violations against voting rights against which the suit was brought. On the other hand, where the new legislation still falls short of the minimum requirements of the 14th amendment, the apportionment advocate may have a difficult decision to make. In the Georgia unit rule case, for example, the Legislature of Georgia amended the statutes attacked by the complaint, on the same day that the case was heard before the three-judge court. However, the plaintiff was allowed to amend his complaint so as to challenge the amended act which still fell far short of the one-man, one-vote principle ultimately upheld by the Supreme Court of the United States.

The Maryland experience was somewhat different. The day after the Chancellor had declared existing provisions of the Maryland constitution with respect to the representation provided in the house of delegates to be in violation of the 14th amendment, a special session of the Maryland General Assembly was convened. Five days later, the special session adjourned after having enacted stopgap apportionment legislation which increased the membership of the house of delegates from 123 to 142 and allotted the 19 new delegates to the suburban and urban areas. Since the trial court had withheld ruling on the issue of the apportionment of the State senate, the Maryland Legislature naturally did nothing about that. The petitioners, therefore, had to choose between starting over with a new complaint, or appealing on a basis which eliminated a claim that the house of delegates, as such, was unconstitutionally apportioned. The latter course was chosen.

The question of mootness appears to have arisen in the Michigan case now pending in the Supreme Court as *Beadle* v. *Scholle*. The question of the constitutionality of the representation provided in the Michigan Senate is the sole issue. On April 1, 1963, the people of Michigan in a statewide referendum, by a very narrow margin adopted a new State constitution which provides a different and slightly improved basis for representation in the State senate. A case of controversy ends if the statute or constitutional provision which is the basis for the action or the conduct complained of is repealed or modified.

3. *Who should sue*

The problem of who are proper plaintiffs in a reapportionment action is not significant. Indeed, the advocate's problem here seems primarily to discourage, as diplomatically as possible, some of the ambitious young office seekers who want to have their names emblazoned not only in the judicial reports but in the public press as trail blazers in the vindication of fundamental voting rights. The standing to sue possessed by a voter whose vote is diluted or discriminated against has long been established; it is settled now, so far as reapportionment actions are concerned, by *Baker* v. *Carr*.

Plaintiffs in reapportionment cases may be residents, taxpayers, or voters. The obvious course, then, is to secure plaintiffs who possess all of these characteristics. Moreover, since at least the due process argument against gross malapportionment finds a partial basis in a showing of discriminatory taxation against the taxpayers of the more populous and underrepresented areas, it is provident to see to it that the plaintiffs are taxpayers in good standing from those areas, in addition to their being qualified voters.

Moreover, if one of the plaintiffs happens to be an association, as was true in the Maryland suit, or a radio station, as was the case in New York, *WMCA, Inc.* v. *Simon*, individual plaintiffs should be joined since associations and radio stations obviously are not voters.

4. *Whom to sue*

Generally, the proper defendants in a reapportionment suit are the State officials who have the duty, either under the statutes or the State constitution to conduct the elections. It is axiomatic that an official who acts under the color of an unconstitutional provision of a State statue or constitution is acting ultra vires, and his actions may be enjoined. For example, in *Gray* v. *Sanders*, the Georgia unit rule case, the chairman and the secretary of the Georgia State Democratic Executive Committee properly were named as two of the defendants since, under the statute, they performed certain administrative functions in the conduct of the primary elections. Generally, a declaratory judgment that the election laws or the statutes providing representation in the legislature violate the 14th amendment should be sought in a reapportionment action, plus such injunctive relief as is necessary to insure that the election officials will not conduct the election on the basis of the illegal laws.

5. *How long to wait for the legislature to do nothing*

Despite the outpouring of litigation following the Supreme Court's decision in *Baker* v. *Carr*, it is apparent that the courts, State and Federal, remains disinclined to act in a reapportionment case if there is any reasonable possibility that the legislature will do something about the situation. Nevertheless, courts are not blind to the political facts of life; they will not ignore what "all others can see and understand." There comes a time, and the courts will recognize it, however reluctantly on the part of some, when it is manifest that "it would be idle and futile to * * * (seek relief from malapportionment through) the voluntary action of the body that made it."

Accordingly, the petition ought to contain allegations which demonstrate, or at least recite, any extended history of legislative inaction in the premises. In *Baker* v. *Carr*, this was achieved through an affidavit by the mayor of Nashville, Tenn., which contained the history of the failure of the Tennessee Legislature, from 1901 through 1960, to reapportion as required by the State constitution.

In *Maryland Committee for Fair Representation* v. *Tawes*, plaintiffs stated the history of continuing and increasing malapportionment in Maryland as part of the allegations of the bill of complaint. The legislative reference service of the Maryland General Assembly was most cooperative in supplying the dates, numbers, and the disposition of bills that had been introduced over the years in vain attempts to secure some reapportionment of the legislature. The Governor of Maryland also unknowingly cooperated by stating to the press (quite accurately) that any proposed reapportionment legislation whereby representation might be reasonably related to population would be 'in the realm of the impossible." In addition, some of the more plain-talking rural legislators supplied further evidence of determined legislative inaction for inclusion in the complaint, and later in the briefs, by their candid acknowledgments of their unyielding opposition to reasonable reapportionment, lest they thereby be denied the privilege of continuing minority rule in the Maryland General Assembly.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. DOUGLAS. Do I correctly understand that there are nine Eastern Shore counties in the State of Maryland?

Mr. BREWSTER. The Senator is entirely correct.

Mr. DOUGLAS. Do I further correctly understand that each of those counties has a senator?

Mr. BREWSTER. At the present time, the nine counties on the Eastern Shore of Maryland each have one senator in the Maryland State Senate. There are a total of 29 senators. There are 26 members of the Maryland House of Delegates from the Eastern Shore.

Mr. DOUGLAS. Is it true that there is one county on the Eastern Shore of Maryland that has a population of 19,000?

Mr. BREWSTER. There are very small counties by population. Caroline County, one of the smaller counties, approximates 19,000 people.

Mr. DOUGLAS. Is it true that Baltimore County, as distinguished from the city of Baltimore, has a population of more than one-half million and also has one senator?

Mr. BREWSTER. I am happy that the Senator from Illinois has brought out that point, because Baltimore County is my home county. I represented Baltimore County in the Maryland Legislature for 8 years. We now have more than a half million people in Baltimore County, and we have one State senator. When I was in the General Assembly of Maryland there were six members of the house of delegates. Very recently, by reason of court decisions, we have had stopgap reapportionment in Maryland and the house of delegates membership from Baltimore County has been increased to 13. But Baltimore County, with over one-half million people, has 13 delegates and 1 senator, whereas the 9 counties across the great Chesapeake Bay have 9 senators and 26 members of the house of delegates.

Mr. DOUGLAS. Is it true that the population of those 9 counties is approximately 220,000?

Mr. BREWSTER. That is correct. The population of our great, wonderful Eastern Shore is less than half the population of that one major suburban and urban county.

Mr. DOUGLAS. Still they have nine times the representation of Baltimore County in the State senate.

Mr. BREWSTER. They have nine times the representation in the senate, and they used to have four times the representation in the house of delegates; now they have two times the representation in the house of delegates.

Mr. DOUGLAS. Can the Senator from Maryland inform me as to the population of Montgomery County, which lies in the outskirts of Washington? Is that over one-half million?

Mr. BREWSTER. There are two other very large counties in Maryland. They are both in Washington suburbia. They are Montgomery County and Prince Georges County. I believe each of those counties has a population slightly in excess of 350,000 people.

Mr. DOUGLAS. So if we consider the population of the three counties—Baltimore County—not Baltimore city but Baltimore County—Montgomery County, and Prince Georges County—we would have a total population of 1,300,000 or more. Those counties have three senators, whereas the nine counties of the Eastern Shore, with a population of less than one-quarter of a million, have nine senators.

Mr. BREWSTER. That is entirely correct.

Mr. DOUGLAS. No wonder the Senator from Maryland is such an able and devoted sponsor of legislative reform and true reapportionment.

Mr. BREWSTER. I thank my distinguished colleague. I might further comment in respect to our Maryland situation that until a recent reform, as a result of court decisions, we had an even more unfair situation in our primaries in both parties. We had a convention system under which each county was allocated in the State convention the same number of votes that it had in the legislature, the house and the senate. A few years ago Baltimore County would have a total of 7 votes in the nominating convention, representing one-half million people, whereas our counties on the Eastern Shore, with slightly over 200,000 people, had a total of 35 votes, or 5 times as many votes in the nominating convention, with one-half or one-third of the population.

Mr. DOUGLAS. That was the so-called county unit system.

Mr. BREWSTER. The so-called county unit system, which I am now very happy to report to the Senate is no longer the law of our State. It is still the actual statute law, but the statutes have been set aside by court decisions.

Mr. DOUGLAS. And it was substantially the county unit system that prevailed in Georgia.

Mr. BREWSTER. Our system, though it was not precisely the same as the Georgia system, was the same in principle. Only in recent years—since World War II—have we seen a candidate get the greatest number of popular votes and still fail to be nominated by his party because a minority candidate was put over by the convention system.

Mr. DOUGLAS. I thank the Senator.

Mr. BREWSTER. Continuing in this history of litigation, with particular reference to the Maryland situation:

> If possible, then, the allegations of the complaint or petition should spell out to the fullest extent the past history of legislative inactions. The reapportionment advocate should emphasize at the outset, and at all stages of his case, the demonstrable futility of seeking legislative relief prior to an authoritative and compelling ruling by a court of competent jurisdiction. Even the most timid of judges will acknowledge that the law does not require the performance of a futile gesture as a condition to resort to the courts.
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> ### PROVING THE CASE
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> #### *1. How extensive a hearing*
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> Despite *Baker* v. *Carr*, it is still possible that the allegations of a reapportionment petition or complaint will be met by demurrer or a motion to dismiss. The grounds might be that the complaint on its face shows that a court of equity should abstain from granting relief in the circumstances disclosed. Justice Rutledge's concurring opinion in *Colegrove* v. *Green*, could prove to have more enduring vitality than the Frankfurter majority opinion, now superseded by *Baker* v. *Carr*. Want of equity jurisdiction, unlike lack of jurisdiction over the subject matter, does not go to the power of a court only to the question whether it should, not whether it can, afford injunctive relief.
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> The lingering possibility of judicial abstention despite jurisdiction to act suggests the importance of filing a fairly detailed "Brandeistype" complaint. Nothing is lost by making the original bill a comprehensive document. If the case goes up to the highest court of the State, or to the Supreme Court of the United States, the record, in the main, is the one created through the draftsmanship of plaintiff's counsel. For example, the petition filed in the Maryland case, including eight exhibits attached thereto, occupied 43 of the 59-page printed record on which the case was reviewed by the Maryland Court of Appeals.
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> A more critical question, although not entirely the decision of plaintiffs counsel to resolve, is whether or not, following the defendant's answer, plaintiffs should seek a full hearing or elect to proceed by summary judgment. His nonpaying clients are apt to urge a full hearing in order to secure the maximum advantages of publicity which they imagine will be gained thereby. If he follows his instinct for the least work the better, the advocate will choose summary judgment; moreover, summary judgment has real advantages. For instance, the three-judge Federal court before which a full hearing was held in *WMCA, Inc.* v. *Simon* was very sticky about admitting into evidence certain proof offered by the plaintiffs. Plaintiffs were not allowed to present evidence to prove that existing apportionment represented an intentional discrimination against the residents of New York City and the surrounding area, and that as a result the citizens of the urban areas were subjected to substantial discrimination with respect to the allocation of tax revenues and distribution of State aid as well as in other matters affecting the economic, social, and political welfare of the State.
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> The New York petitioners also were unsuccessful in an effort to have the court admit into evidence a consensus of scholarly opinion in support of the view that the only legitimate basis of representation in a State legislature is population. These difficulties very likely could have been circumvented by use of the summary judgment procedure. One comprehensive affidavit, or several, with the pertinent appendixes attached, could have placed before the WMCA court the same evidence that it rejected when it was offered as proof.
>
> Actually, of the reapportionment cases decided to date, only Delaware, New York, Alabama, and possibly Oklahoma, have had what might be regarded as full-scale hearings on the merits. In Wisconsin, the court referred the issues to a special master, before whom extensive hearings were held, and both written and oral testimony was taken. An objective reading of the comprehensive report of the special master shows that the evidence on which his findings of fact and conclusions of law are based were all matters of which a court could take judicial notice, or, at a minimum, material that properly could have been brought to the attention of the court in a carefully prepared brief.
>
> Still, there may be some advantage in having a full hearing in an apportionment case. Justice Harlan, for instance, the solitary dissenter in the Georgia unit rule case, *Gray* v. *Sanders*, lamented the lack of a full hearing on the merits. Certainly, the Supreme Court should not be asked to pass upon momentous constitutional issues on the basis of a partial or incomplete record.

On the other hand, malapportionment issues rarely involve complex issues of contested material facts. In the writer's opinion, the one apparent advantage of a full trial on the merits of a reapportionment case is the possibility that, as a consequence, a court might be more disposed to find that the defendant election officials had not adequately explained away the seemingly irrational and discriminatory pattern of representation attacked in the suit. Also, since the record in a full hearing might be somewhat more complete, or at least appear to be, both trial courts and appellate courts might be, as a result, less chary about splashing around in waters usually reserved for the legislatures.

2. Judicial notice: A convenient crutch

As the three-judge Federal court in the Alabama reapportionment case put it:

"We have no disposition to discourage the introduction of evidence by any party, and in the ordinary case our opinion as to whether the plaintiffs will be entitled to appropriate relief should await the introduction of evidence. However, we take judicial notice of the same facts which are well known to the * * * Supreme Court of Alabama and to the people of this State."

In the Georgia unit rule case, the trial court made liberal use of the doctrine of judicial notice in concluding that the Georgia unit rule was invidiously discriminatory. I would encourage the reapportionment advocate to make maximum use of the helpful doctrine of judicial notice, whether in submitting proof in document or affidavit form, or in arguing to the court in a trial memorandum or appeal brief. Truly, there is no persuasive reason why all the material facts in a reapportionment case cannot be put in the record through liberal but perfectly acceptable use of the doctrine of judicial notice. Courts traditionally have taken judicial notice of matters of common knowledge and experience.

Population figures, a critical item of proof in a reapportionment case, are, beyond argument, statistics of which a court can take judicial notice. For example, judicial notice was taken of population statistics furnished by the U.S. Census Bureau in *Tampa Electric Co.* v. *Nashville Coal Co.* In other cases, courts have taken notice, not only of population statistics, but even of the comparative population ratings among different areas, and the rapidity of the expansion in population of a particular area.

Important to a persuasive presentation of a reapportionment case may be establishing that the urban and suburban areas, because of rural domination of the legislature, are subjected to discrimination in respect to both taxes imposed and revenues received back from the State for distribution among the local political subdivisions. Statistics of this type, if properly presented, can be judicially noticed, although, as pointed out above, a three-judge Federal court in *WMCA* v. *Simon* rejected an offer of proof of alleged discriminatory treatment with respect to both taxation and revenue against the residents of the urban areas of New York State.

It also has long been settled that courts may take judicial notice of common matters of public history. Even the mechanics of State legislative procedure represent information or facts of which a court may properly take judicial notice.

The precedents are available, therefore, to sustain the advocate who invokes judicial notice in attempting to place before the court important items of evidence in a reapportionment case. Apart from the adverse rulings in the New York case, the writer has discovered no authority with which to argue against liberal use of the doctrine of judicial notice in a reapportionment case. The major areas of inquiry pertain to statistics, projections, and comparisons, both in respect to population and to area, of the political subdivisions of a State, tax and revenue figures, the legislative history of a State constitution or statute, and the public history of the action, or, more usually, the inaction of a State legislature in apportioning the representation provided in its chambers. These are all matters of which a court properly can take judicial notice. They should be given every opportunity to do so.

3. Paucity of State legislative history materials

In attempting to demonstrate a legislative purpose to discriminate against urban and suburban areas in the enactment of apportionment legislation, or in the refusal to change existing statutes so as to eliminate gross inequities in representation, there is a paucity of legislative history material available, and this may present some problems. Usually, there are no written committee reports, published hearings, or debates on State legislation. Such information as can be obtained from legislative journals, etc., may be useful for tracing the progress of particular bills. Generally, however, they are of no help in determining the legislative intent in their enactment or defeat.

Maryland is no exception to the general situation; the debates on the floor of the General Assembly, committee reports and hearings are not published. However, in *Maryland Committee for Fair Representation* v. *Tawes*, we were able to circumvent this handicap by research in the "morgue" or back files of Baltimore and Washington newspapers. More recent developments were kept track of by extensive and careful clipping of the daily newspaper reports of the doings of the legislature.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that one of the greatest newspapers in the land is the Baltimore Sun?

Mr. BREWSTER. I believe the Baltimore Sun is known and respected throughout the country as one of the finest and oldest newspapers in the land. The Baltimore Sun's editorial policy through the years has consistently been for fair representation both in the House of Representatives of the United States and in the General Assembly of Maryland in Annapolis.

Mr. DOUGLAS. The Baltimore Sun had for many years the services of the learned, vitriolic, beer-drinking H. L. Mencken, who was a great newspaperman. Is that correct?

Mr. BREWSTER. Mr. H. L. Mencken was one of the great writers, reporters, thinkers, and users of the English language, I believe of our time, or perhaps of all time. The Baltimore Sun, Baltimore City, and the State of Maryland are proud of the enviable reputation which he established through his writings.

Mr. DOUGLAS. Is it not true that for a time the people thought of Mr. Mencken as a "wisecracker," but that by his book "The American Language" he showed himself to be a great scholar, and that his work on the derivatives of American expressions is better than perhaps that of any lexicographer? The University of Chicago brought from England Sir William Craigie who brought the great Oxford Dictionary to completion. When he came over to this country he had a perhaps superior attitude toward American scholarship, but after he worked through Mencken's book on "The American Language" he said it was a most excellent piece of work, accurate and pungent, and that it rivaled Dr. Johnson's Dictionary.

Baltimore can be justly proud of H. L. Mencken, although in later years he somewhat deteriorated. Certainly the Baltimore Sun has been one of the great newspapers of the Nation.

Mr. BREWSTER. I thank the Senator for his comments. I also recommend to my colleagues two books which I greatly enjoyed. They were written by H. L. Mencken. One is "Heathen Days," and the other is "Newspaper Days." It is a great delight to read those books.

Mr. DOUGLAS. Also "Happy Days."

Mr. BREWSTER. The Senator is entirely correct. "Happy Days," "Heathen Days," and "Newspaper Days."

I remember the first national convention that I attended, in Philadelphia, in 1948, when I had the pleasure of accompanying the Maryland delegation, and also accompanying Mr. H. L. Mencken, who was on one of his last assignments for the Baltimore Sun, when he reported the comings and goings of our delegation in Philadelphia. Not only was it amusing to read his comments, but he wrote an excellent report. He drew on his vast experience in politics and public life in reporting the happenings in Philadelphia.

Now continuing with the problems of a lawyer as he attempts to set aside malapportionment in a State legislature:

While the whole State may know that the legislature's motive in enacting apportionment legislation, or failing to amend existing statutes on the subject, was to effect a discrimination in representation, it may be difficult to interest a court with this popularly accepted fact. Courts generally will not inquire into motives which influence the legislature or its individual members in voting for or against the passage of a statute. On the other hand, the long continuing failure of a legislature to act has a significance which should not be ignored. Moreover, the Supreme Court has told us on more than one occasion that the 14th amendment bars "ingenuous as well as ingenious discriminations." Legislative motives in enacting or in refusing to revise reapportionment laws would not seem to be immune from judicial inquiry.

However, in New York, as previously noted, a three-judge Federal court was not interested in hearing evidence offered as to the discriminatory motive of the New York Legislature in enacting apportionment legislation for that State. On the other hand, in another recent case, involving the claim of congressional redistricting on the forbidden basis of race, another three-judge Federal court in the southern district of New York held that the plaintiffs had failed to offer any proof demonstrating a legislative motive to discriminate on racial grounds in drawing the lines of congressional districts in New York City.

Here also, the difficulty which seemingly confronts the apportionment advocate in presenting evidence of legislative motive is more imagined than real. If the source materials are available, such as current or past newspaper reports, magazine articles, official notes of a State constitutional convention, etc., little ingenuity or effort is required to bring the information to the attention of the court. If the doctrine of judicial notice is not flexible enough to permit it, the even more liberal standards of effective brief writing provide the means for demonstrating to a court the reasons for the failure of a State legislature to reapportion. Long years of inaction are not without compelling significance in furnishing clues to legislative intention. The courts will listen to the apportionment advocate who attempts to supply those clues, if indeed the court does not already know them.

4. The burden-of-proof problem

The burden of proof in a reapportionment case is on the plaintiff. He starts with the proposition that courts will "accept as established such reasons for the districting as are fairly conceivable or inferable in and from the results. However, "there are limits to the extent of which the presumption of constitutionality can be pressed." The recent reapportionment decisions indicate that once gross discrepancies of representation are established by appropriate population statistics, the burden shifts to the defendant election officials to present evidence to explain away the disproportions contained in the statutes. Accordingly, while numerical inequalities of voting strength does not necessarily prove a deprivation of voting rights guaranteed by the Constitution, it may establish a prima facie case for that proposition.

Under the circumstances, the apportionment advocate should play his statistics to the limit. In establishing the inequities of representation that exist, he should not only use present population figures but, to the extent possible, project them to demonstrate that existing gross inequities in representation will become even greater as the years pass and the suburban areas continue to expand. He should single out and emphasize compelling statistics illustrating some of the incredible inequalities in representation that may exist. A court which hears that the vote of a resident of one district counts 33 times that of a resident of another district must be moved. In the Georgia unit rule case the Supreme Court listened somewhat incredulously, if not aghast, as counsel for the appellees advised them in oral argument that 5.5 percent of the population controlled the Georgia Senate. Again, to argue, as petitioners did in the Maryland case, that the senator from one large county is elected by more people than are required to elect a majority of the entire State senate, is to attract the judges' attention, if not their vote.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. DOUGLAS. In other words, Fulton County, which contains the city of Atlanta, had less representation than approximately 5 percent of the population of the State of Georgia in the senate. Is that correct?

Mr. BREWSTER. In Georgia, prior to the Court's decision, 5½ percent of the voters in Georgia controlled the Senate of Georgia.

Mr. DOUGLAS. Fulton County, which has in it the great city of Atlanta, had only one senator. Is that correct?

Mr. BREWSTER. The Senator is correct.

Continuing, and thanking the Senator from Illinois for his comments:

Remember also the clues which Justice Clark may have furnished in his concurring opinion in *Baker* v. *Carr*; i.e., "legislative inactivity," "absence of any other remedy," "crazy quilt" patterns of representation. With these in mind, bring to the court's attention, either in proof or in argument: the discrepancies even within the same class; i.e., rural or urban; the extent and duration of legislative inaction; and the absence of the right of referendum or initiative, if these are not available under the State constitution. If the latter remedies are provided, develop the practical obstacles to effective resort to them as a means of eliminating or substantially mitigating malapportionment in legislative representation.

Despite the fact that the courts have not emphasized the point in the apportionment decisions thus far, the attorney who finds himself in a reapportionment case would do well to emphasize such discriminations with respect to State taxation and the return of State revenue to the local area as he can persuasively establish. For example, in the Maryland case, statistics furnished by official agencies of the State were employed to show that as the result of unfair statutory equalization formula enacted by the rurally dominated general assembly, the suburban counties were severely discriminated against in the amount of State revenue which was returned to the local political subdivisions. Since taxation without adequate representation may reach the point where due process is offended revenue and taxation evidence, although overshadowed by the more compelling statistics regarding gross discrimination in voting strength, should not be overlooked. Moreover, such adverse consequences tend to demonstrate that discriminations in voting strength and legislative representation present more than an abstract injustice.

Indeed, to the extent possible, the petitioners in a reapportionment case should attempt to prove and to argue that discrimination to which they are subjected in the exercise of voting strength has practical adverse consequences. The petition for certiorari filed by the appealing Michigan election officials in *Scholle* v. *Hare*, for example, makes a fairly compelling argument that the appellees had made no showing that the malapportioned legislature "had failed to adapt itself to modern urban problems." On the other hand, an amicus curiae brief filed by the American Civil Liberties Union in the earlier case of *Magraw* v. *Donovan*, through an appendix attached thereto, made a convincing showing of the practical consequences on city folk of rural domination of the legislature.

An effort also should be made to allay the fears expressed by Justice Harlan in his dissenting opinion in *Gray* v. *Sanders* that reasonable reapportionment necessarily means domination by the city vote. As the newer statistics demonstrate, the suburban areas are the victims of the grosser malapportionment. Moreover, while urban and suburban interests in mass transportation and education may coincide, as frequently as not the representatives from the cities may oppose suburban demands for greater powers of taxation, zoning authority, etc. Therefore, the advocate who has the time and the resources would be well advised to provide the Court with either statistics or arguments in order to reassure it that reapportionment will not necessarily mean the substitution of city rule for county rule.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. BREWSTER. I yield.

Mr. DOUGLAS. Do I correctly understand the situation in the Senator's own State of Maryland to be that the city of Baltimore, as distingushed from the county of Baltimore, has six members of the State senate?

Mr. BREWSTER. The city of Baltimore is divided into six districts. Each district, for the purposes of representation in the State legislature, coincides with a county. Each of the six districts previously had six members of the house of delegates and one State senator. Now, with our temporary reapportionment in the house of delegates alone, the bigger districts in Baltimore City have had their representation partially increased, but their representation in the Senate of Maryland remains at six.

Mr. DOUGLAS. At six. What was the population of the city of Baltimore in 1960?

Mr. BREWSTER. The population of Baltimore City is slightly under 1 million. With 6 members of the Senate of Maryland, out of a total of 29, it is not too much out of line with the population of 900,000, in a State whose population is slightly more than 3 million. Baltimore City does not suffer to the same extent from malapportionment as do our suburban counties.

Mr. DOUGLAS. But it is underrepresented in comparison with the Eastern Shore.

Mr. BREWSTER. That is entirely correct.

Mr. DOUGLAS. The Eastern Shore has 9 senators, with a population of 220,000; the city of Baltimore has 6 senators, with a population of approximately 900,000.

Mr. BREWSTER. That is correct.

Mr. DOUGLAS. Or 1 for every 150,000; whereas the Eastern Shore has 1 for approximately every 25,000. But in comparison with Baltimore County, Baltimore City does very well.

Mr. BREWSTER. Considering the city of Baltimore as a whole, it does very well; but it is interesting to note that the six districts of Baltimore City are in no way whatsoever equal in their population. It has some very large districts with hundreds of thousands of people, and some very small districts. So again there is malapportionment.

Mr. DOUGLAS. What the Senator is saying is that the worst cases of malapportionment are in Baltimore County, Montgomery County, and Prince Georges County, on the one hand, as compared with the overrepresentation of the nine Eastern Shore counties, on the other.

Mr. BREWSTER. The Senator from Illinois is absolutely correct.

Mr. DOUGLAS. And that, therefore, the suburbs of Baltimore suffer more than does Baltimore City.

Mr. BREWSTER. The rapidly expanding suburbs of the two great cities of Baltimore and Washington are the ones that really "get it in the neck."

Mr. DOUGLAS. That is what the Senator from Illinois attempted to demonstrate yesterday and today in citing the figures for Illinois. We have senatorial districts of 570,000, 505,000, and more than 400,000 in the suburbs of Chicago. Then there are districts elsewhere in the State having populations of 53,000, 57,000, 59,000, and 67,000, approximately.

Mr. BREWSTER. Maryland has comparable situations surrounding the Nation's Capital and the great city of Baltimore—and we hope to do something about it.

Concluding this aspect of this presentation:

CONCLUSION

The writer is reasonably certain that most of the suggestions or observations contained in this paper have occurred, or will occur, to those of his colleagues called upon to participate in a reapportionment suit. To the extent, however, that they may furnish some shortcuts in research, briefing or arguments, this paper will have been worth its effort.

All lawyers should take professional pride in the realization that the reapportionment battles in which they are engaged, or which they may be called upon to join, represent primarily contests of law and advocacy. The basic struggle is a constitutional debate in the grand tradition. To that encounter, above all, lawyers should come particularly well equipped by training and experience. Their services are indispensable, for it is their professional skills which, in substantial measure, will determine the outcome. I, for one, am not sure what the ultimate achievements of the reapportionment crusade may turn out to be. Unlike Professor Bickel, however, I refuse to believe that *Baker* v. *Carr* may be regarded merely as an exercise in jurisdiction and justicability, with no real impact on substantive constitutional law. Perhaps the Solicitor General of the United States was closer to the mark when he stated that he would not be surprised if the Supreme Court "were ultimately to hold that if seats in one branch of the legislature are apportioned in direct ratio to population, the allocation of seats in the upper branch may recognize historical, political, and geographical subdivisions, provided that the departure from equal representation in proportion to the population is not too extreme." I would prefer, however, to hope that Anthony Lewis, of the New York Times, will prove to be the more accurate prophet. In commenting on the Georgia unit rule case and the "one-man, one-vote" principle on which that decision rested, Lewis said, and I agree: "Why should it be permissible to use the device of unequal legislative districts any more than the unit rule system, to give one man 10 times the vote of another?"

PROBLEMS OF PERSUASION

Whatever the final answer, one can be sure that any renaissance of the principle of majority rule in the legislative chambers of the States will be, to a considerable degree, the fruit of lawyers' dedication and advocates' skills. I am sure that the final triumph, whatever its dimensions, will be forged on a case-by-case basis, with the Supreme Court of the United States and the other Federal and State tribunals of the Nation striking down those schemes of representation which do not comply with the minimum requirements of equal protection and due process. In that type of extended and litigious campaign, lawyers are peculiarly well trained to participate and to persist.

I have been privileged to play some small part in the effort expended in the courts of Maryland, and am grateful for that opportunity. I hope that many of my brethren will have a similar chance. I shall be gratified if anything I have written here provides them with even slight assistance in carrying out such assignments as may come their way.

I commend my friend, Alfred Scanlan, on his very able dissertation on the "Problems of Pleadings, Proof, and Persuasion in a Reapportionment Case." I am happy to take note of the article in the Notre Dame Lawyer that the many predictions he makes, and the question that he advocates, have come to pass in more recent decisions of the Supreme Court.

Mr. DOUGLAS. Mr. President, will the Senator from Maryland yield?

The PRESIDING OFFICER (Mr. McGovern in the chair). Does the Senator from Maryland yield to the Senator from Illinois?

Mr. BREWSTER. I yield.

Mr. DOUGLAS. The Senator from Maryland has made a unique contribution to this debate. Most of the speeches, thus far, have dealt with the reasons contained in the decisions. They have not dealt with the processes of litigation. This is the first address I have heard which has really gotten inside the legal struggle. It has been a unique contribution as to the types of evidence, the difficulties of pleading, and the problems which lawyers seeking fair representation encounter.

I am sure that the comments of the Senator from Maryland will be carefully read, not only by the people of his State but also by lawyers and people all over the Nation.

I thank him for his contribution. I congratulate him upon the high, intellectual level of his performance.

Mr. BREWSTER. I am most grateful for the gracious remarks of the Senator from Illinois. I also commend him on his valiant participation in this fight for fair representation in our State legislatures and in the Halls of Congress.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, it is my understanding that in yielding to the Senator from Maryland I did so with the understanding that I would not lose my right to the floor.

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. Mr. President, before I move to adjourn, I should like to have the parliamentary situation understood, that the senior Senator from Illinois [Mr. Douglas] has received unanimous consent to be recognized after morning business tomorrow.

The PRESIDING OFFICER. That is correct.

ADJOURNMENT

Mr. PROXMIRE. Mr. President, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 23, 1964, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate, September 22, 1964:

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Coast and Geodetic Survey:

To be lieutenant

James G. Grunwell.

CONFIRMATION

Executive nomination confirmed by the Senate, September 22, 1964:

OFFICE OF ECONOMIC OPPORTUNITY

Robert Sargent Shriver, Jr., of Illinois, to be Director of the Office of Economic Opportunity.

EXTENSIONS OF REMARKS

Part I—Questionnaire Results

EXTENSION OF REMARKS
OF

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 22, 1964

Mr. BROWN of California. Mr. Speaker, earlier this year I sent one of the most comprehensive questionnaires of any I have seen to every resident of my district, concerning the issues facing the United States. I have had nearly 12,000 returned and tabulated electronically, and I believe that the results are extremely revealing.

My district is partly urban and partly suburban, in Los Angeles County, and I am sure that all of our colleagues will find the following news story—based on the first question asked—of great interest:

CONGRESSMAN BROWN SAYS UNEMPLOYMENT, DELINQUENCY OF MOST CONCERN IN DISTRICT

First tabulations from the questionnaire which Congressman George E. Brown, Jr., sent to every resident of the 29th Congressional District earlier this year were released this week, showing unemployment to be considered the major domestic problem in the United States, with juvenile delinquency, narcotics and crime running a strong second.

The first question in a questionnaire that was one of the most comprehensive ever sent to constituents by a U.S. Congressman, listed 10 items generally considered to be major domestic problems, asking that the person answering check 3 which he felt would be the greatest source of trouble during the next few years. The 10 items, in the order of importance that 12,000 of Brown's constituents gave to them, with the percentage of all persons responding who checked each item, are as follows:

	Percent
Unemployment	50.0
Juvenile delinquency, narcotics and crime	46.9
Negro demonstrations	35.2
Racial discrimination	35.1
Communist subversion	28.2
Educational needs	24.6
The rapid population increase	21.9
The poverty of a large proportion of our citizens	21.5
The cost of medical care for the aged	20.6
Automation	16.2

Congressman Brown pointed out that it was most interesting that the problem of automation received the least attention while unemployment ran the highest. Coauthor of the bill that was recently signed into law establishing a National Commission on Technology, Automation, and Economic Progress, Brown noted that these two items were tied together very closely, but were not, apparently, as closely related in the public mind.

Some of the most interesting figures are in the breakdown that Brown has made by political party, age, and religion. However, 57.3 percent of the Democrats included unemployment in their list of concerns, making it the highest priority item in Brown's party, while Republicans ranked unemployment fourth in importance, with 37.9 percent checking it off.

Republicans in the 29th District placed juvenile delinquency first, with 57.9 percent, Negro demonstrations second, and Communist subversion third. Democrats gave juvenile delinquency second priority and racial discrimination was ranked third.

"Presumably, those checking racial discrimination as a major problem would be inclined to look favorably on the civil rights issue and the Negro's efforts to increase his opportunities, while those marking Negro demonstrations as a problem, are probably not too sympathetic to these efforts," Congressman Brown stated.

Religious breakdowns were also significant, with Protestants placing delinquency ahead of unemployment and Jewish constituents ranking racial discrimination second, just behind unemployment. Catholics placed importance on the issues closely paralleling the overall ranking, although they placed discrimination slightly ahead of demonstrations. The numbers in the following chart indicate the rank in importance which each group gave to each of the major problems listed:

	Total	Democrat (60 percent)	Republican (40 percent)	Protestant (54 percent)	Catholic (24 percent)	Jewish (5 percent)
Unemployment	1	1	4	2	1	1
Delinquency, etc.	2	2	1	1	2	3
Negro demonstrations	3	4	2	3	4	8
Racial discrimination	4	3	5	5	3	2
Communist subversion	5	10	3	4	5	10
Educational needs	6	6	7	7	6	4
Population increase	7	9	6	6	10	9
Poverty	8	5	9	9	7	5
Medical costs for aged	9	7	8	8	8	6
Automation	10	8	10	10	9	7

Other facts Brown discovered in the questionnaire include those showing that persons answering who were under 25 years of age are most sympathetic to the Negro problems, placing racial discrimination at the top of their list. All other age groups gave unemployment and juvenile delinquency either first or second place, with the delinquency problem receiving only fourth ranking among the youngest age group.

As expected, the cost of medical care for the aged received continually increasing attention with increase in age. It remains in the bottom position for all age groupings through age 40 and then picks up to where it is ranked fourth as a major problem by those aged 56 and over. The table below shows ranking by age:

	Under 25	26 to 30	31 to 35	36 to 40	41 to 45	46 to 50	51 to 55	56 to 60	61 and up
Unemployment	2	1	1	1	1	2	2	2	2
Delinquency	4	2	2	2	2	1	1	1	1
Negro demonstrations	7	5	4	4	3	3	3	3	3
Racial discrimination	1	3	3	3	4	4	4	5	6
Communist subversion	5	6	6	6	5	5	5	6	5
Educational needs	3	4	5	5	6	10	10	10	10
Population increase	8	7	7	7	9	8	6	7	8
Poverty	6	8	8	8	7	7	9	8	7
Medical costs	10	10	10	10	8	6	7	4	4
Automation	9	9	9	9	10	9	8	9	9

Several high school and college classes were given Brown's questionnaire to answer, bringing the percentage of those in the youngest age grouping to a larger figure. Brown noted that the large percentage of those answering in the 61 and over category is due partly to the fact that other groupings are in 5-year steps and partly to the fact that elderly persons take a greater interest in political issues as well as probably having more time to spend answering a questionnaire.

The tabulations were placed on IBM cards and compilations were done by the California Research Foundation, an independent research group.

Part II—Questionnaire Results

EXTENSION OF REMARKS

OF

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1964

Mr. BROWN of California. Mr. Speaker, one of the most paradoxical situations confronting us today is the extremely strong support given to the proposed hospital insurance amendment to the social security system, and the apparent disregard shown by so many of our colleagues.

I would like to call attention to the following news story, showing how 12,000 of the residents of the 29th District of California feel about this program. The results of this questionnaire, mailed to every household in the district, have been tabulated in conjunction with a great deal of demographic information and every return has been included in the totals. I believe they are, therefore, quite significant:

George Brown Poll Shows Heavy Medicare Support

The medicare program, which was recently passed by the Senate and expected to be voted on in the House of Representatives this week, is favored by a 2-to-1 margin in the 29th Congressional District, according to the results of a questionnaire mailed out by Congressman George E. Brown, Jr., early this summer.

Tabulations show 67.5 percent of Brown's constituents either strongly or mildly supporting a hospital insurance program as part of the social security system, and 32.5 percent either strongly or mildly opposing. These percentages are based on only those expressing an opinion without including those who were undecided.

The Senate added the hospital insurance program to amendments that had previously been passed by the House, and a vote will probably be taken by Representatives this week to determine whether or not they will accept the addition of this amendment. Congressman Brown introduced a bill in support of the medicare program early in 1963, and has indicated his desire to see it enacted on many occasions.

Brown's questionnaire also gives him results according to age, sex, political party, religion, and certain other categories. Democrats indicated heavy support for the program, which President Johnson includes in his list of essential legislation, with 83 percent in favor, whereas even 38 percent of the Republicans supported the proposal as well. The 29th District is strongly Democratic, about 63 percent registering that way for voting purposes, although only about 57.5 percent of those answering the questionnaire checked Democrat as their party preference.

The following table shows Catholic and Jewish persons as being the strongest supporters of the program (although Protestants also favor it by a substantial margin) when broken down by religion, and men more in favor of medicare than women.

[In percent]

	Support	Oppose	Undecided
Total	64	31	5
Male	66	31	4
Female	62	32	6
Protestant	56	40	4
Catholic	73	23	4
Jewish	86	11	3
Democrat	83	14	3
Republican	38	57	5

The results of Brown's questionnaire, with 11,700 returns from approximately 75,000 sent out, were all put on IBM cards and the tabulations compiled by the California Research Foundation.

Age breakdowns were interesting on the medicare issue, since it would primarily benefit the elderly. The differences in percentages were not as large, however, as one might suspect.

A marked drop in support between the ages of 26 and 35 is shown, with those aged 25 and under favoring the program heavily. Most concern, of course, is shown by persons who have passed their 51st birthday. The table of percentages by age is as follows:

[In percent]

	Support	Oppose	Undecided
25 and under	67	28	5
26 to 30	55	41	4
31 to 35	58	38	4
36 to 40	63	32	5
41 to 45	64	34	3
46 to 50	66	31	3
51 to 55	68	28	4
56 to 60	70	26	4
61 and over	70	25	5

Walter Norblad

EXTENSION OF REMARKS

OF

HON. PAUL B. DAGUE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1964

Mr. DAGUE. Mr. Speaker, once again this House stands bereft of one of its most distinguished Members, and once more we stand with bowed heads as a good friend and colleague is called to his eternal rest.

In Walter Norblad we had a dedicated legislator who devoted most of his congressional career to a search for methods whereby the public interest could be conserved and the wasting of public substance brought to a stop. Our departed colleague's chosen field was the military, and he kept a constant vigil to make sure that defense administrators did not become derelict in the discharge of their accepted responsibilities.

Walter Norblad was a genial man and his unfailing good nature came to the surface in a ready smile and the kindly word. Gifted in repartee, he usually had a witty comeback to anyone who seemed inclined to question his sincerity in the pursuit of better living conditions for servicemen and a more effective utilization of the defense dollar. We shall miss this good friend, and assuredly, the House will be the poorer because of his passing.

Mrs. Dague joins me in extending our heartfelt condolences to the members of his family as they contemplate this irreparable loss. May an all-compassionate Father encircle them with His arms and ease for them the heartache of this sad hour.

The 15th Anniversary of the Federal Republic of Germany

EXTENSION OF REMARKS
OF
HON. ADAM C. POWELL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 22, 1964

Mr. POWELL. Mr. Speaker, on September 22 the Federal Republic of Germany marked its 15th anniversary. On this momentous occasion, we wish to take opportunity to extend warm felicitations to His Excellency Chancellor Ludwig Erhard and to His Excellency the German Ambassador to the United States, Heinrich Knappstein.

This is an appropriate time to take stock of the distance the German people have traveled in the almost 20 years since the close of World War II and in the 15 years since the establishment of the West German Government. Shame, defeat, devastation, and foreign occupation were the lot of the German people in 1945. But in 4 short years, under the guidance of the military government authorities of the Western Powers, Germans residing in the Western zones of occupation had made sufficient progress in reestablishing order in their affairs to be empowered to establish a central government with relatively large responsibilities in the domestic realm.

Unfortunately, the same 4 years marked a growing split between the Soviet Union and the Western allies. Whereas the Western Powers sought to establish central administrative agencies for the whole of Germany and to plan for the holding of eventual free elections in all four zones, the Soviet Union sought only to consolidate its hold on the Eastern Zone while casting a hungry eye toward Berlin and West Germany. Thus, while West Germans could take pride in the birth of the Bonn government on September 21, 1949, they at the same time had to accept the fait accompli of a divided Germany and to recognize that the way to reunification would be long and difficult.

Under the able leadership of Chancellor Konrad Adenauer, the West Germans in 1949 refused to let distress over a divided Germany become a national obsession. Instead, they turned their attention to the tasks of rebuilding the West German economy and of establishing a strong, democratic regime. Even more important, they set out to play a constructive role in Europe. It is a measure of the intelligence and determination of Adenauer and his successor, Chancellor Ludwig Erhard, that these efforts have been crowned with success. Today, the German economy is far stronger and more prosperous than it was in prewar years. War-torn industries have been rebuilt and hundreds of thousands of refugees from the East have been absorbed in the employment market. The West German government has proved remarkably stable and there are signs that a two-party system may soon become firmly established. In Europe, the West Germans have led in the movement toward European unity, which is a goal that has captured the imagination of the youth of West Germany. With the settlement of the Saar dispute in 1956, the last impediment to the realization of good relations with France vanished. The Franco-German rapprochement that has occurred since that time is surely one of the greatest achievements of postwar Germany.

As it rapidly became apparent that West Germans were determined to turn their backs on the past, the Western allies relinquished the powers they had reserved in 1949, and assigned increasing importance to the positive role West Germans could play in world affairs. Thus, in 1955 West Germany became a member of NATO, and in 1956 began to rearm in order to make a contribution to the defense forces of the Atlantic Alliance. Today, with almost 12 divisions assigned to NATO command, the West German contribution to Western forces stands second only to that of the United States. West Germany has assumed other burdens. The government makes a substantial contribution to the costs of stationing American and British troops in Germany. The West German foreign aid program, which is worldwide, has steadily grown.

During the visit of our late President Kennedy to Berlin and West Germany in the summer of 1963, the strength of the ties between the United States and West Germany was made eloquently clear. These ties have been further strengthened by the recent visits of Chancellor Ludwig Erhard to this country. The distance traveled since 1945 is far indeed. Today, West Germany is a respected member of the family of free Nations, and it is a pleasure to salute the remarkable achievements of a friend and an ally.

Senator Humphrey's Speech to Polish-American Congress Convention, Chicago, Ill.

EXTENSION OF REMARKS
OF
HON. ROMAN C. PUCINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 22, 1964

Mr. PUCINSKI. Mr. Speaker, without a doubt, the highpoint of the Polish-American Congress Convention which was held in Chicago 2 weeks ago, was the speech of Senator Hubert Humphrey.

The depth of feeling which swept the hall of the convention as the Senator strode to the podium and the genuine affection and esteem which resounded throughout the chamber in the standing ovation he received from the thousands of people present made the occasion one of the most memorable I have ever witnessed.

Senator Humphrey is a man whose life and record as a public servant personify his belief in American democracy. He continues to express his goals and ideals in terms of positive accomplishments and his enthusiasm for the United States is readily communicated to all those he meets.

Because he does care so deeply about this country and all her citizens, I should like to bring the text of his remarks before the Polish-American Congress Convention to the attention of my colleagues. The speech was interrupted again and again by thunderous applause. At the conclusion the entire audience burst into a spontaneous rendition of a Polish folksong, "Stolat" which, loosely translated, means "May He Live to 100 Years."

As a citizen of the United States who is privileged to serve in the House of Representatives, it is a signal honor to be a member of the same Democratic Party as those responsible and distinguished Americans, President Lyndon Johnson and Senator Hubert Humphrey. Our country is fortunate that we can draw upon the wisdom, dedication and prudence of such men to meet the enormous challenges of this generation.

Mr. Speaker, following is the text of Senator Humphrey's speech in Chicago, September 19, 1964:

SENATOR HUBERT H. HUMPHREY'S SPEECH TO THE POLISH-AMERICAN CONGRESS CONVENTION, CHICAGO, ILL., SEPTEMBER 19, 1964

No nation has a unique claim to America—but no people from other lands can claim to have made a greater contribution to our society than those who came here from Poland.

America has always been a land of opportunity, and none have understood this better than those who came to these shores from Poland.

And it was a great Polish patriot over 150 years ago who eloquently stated that opportunity in America means opportunity for all. A statesman of compassion, a soldier of courage, he had received from our Government a large land grant in gratitude for his valor in fighting for American freedom. When he returned to his native land—again to fight for its freedom—he left this testament with Thomas Jefferson. Let me read its inspiring words:

"I, being just on my departure from the United States, do hereby declare and direct that, should I make no other testamentary disposition of my property in the United States, I hereby authorize my friend Thomas Jefferson to employ the whole thereof on purchasing Negroes and giving them liberty in my name; in giving them an education in trade or otherwise; in having them instructed in their new condition in the duties of morality, which may make them good neighbors, husbands, and wives, in their duties as citizens, teaching them to be defenders of their liberty and of their country, of the good order of society, and in whatsoever may make them happy and useful; and I make the said Thomas Jefferson the executor of this."

This paper bears the signature of "Thaddeus Bonaventura Kosciusko."

General Kosciusko was the brilliant leader who walked 160 years ahead of us—50 years ahead of Abraham Lincoln—in the cause of extending freedom and opportunity to all Americans. You Americans whose forebears came from Poland, you have an unusual number of heroes in your ranks, but none greater than Kosciusko. And his heroism in battle, against big armies or bigoted minds, is both an inspiration and a challenge to those of us who follow him.

I share your pride in him. I have a warm feeling that today when we are challenged to make opportunity available to all Americans by protecting the human rights of all Americans, Kosciusko would be proud that we have succeeded in passing a law that guarantees equal freedom and equal opportunity to all.

One month ago the newest of our nuclear submarines was commissioned the *Casimir Pulaski*. So we honor the name of the young Polish nobleman who gave his life to help our Nation win its independence. But although this ship will carry inside her more destructive power than all of the explosives used in World War II, her purpose is still the defense of liberty and the cause of peace across the globe. We must always remember that America is a land of peace as well as a land of opportunity. Peace is our preeminent purpose in the world today.

Nineteen sixty-four marks the beginning of the thousand-year anniversary of the existence of Poland as an independent state and a Christian nation. Despite today's conditions of temporary subjugation, the fires of liberty have not been dimmed in Polish hearts. And Poland shall be free again.

We trust the Polish people. We understand well their bravery. As President Johnson has said, "We know the unswerving dedication of the Polish people to the goals of liberty, equality, and independence. That is why our policy is designed to help the Polish people so that they may increasingly help themselves."

Americans are offered a choice this year on how best to serve the cause of Poland, and the cause not only of Poland, but of all Eastern Europe.

We can continue to be friends of the people of Poland through bridges of trade, ideas, visitors, and humanitarian aid. Or we can consider them sworn enemies of ours because they are under Communist domination—and coldly reject the claims of nourishment and brotherhood.

We can accept the commitment of the Polish people to their long Christian heritage. Or we can reject the people of Poland as a godless people because the Marxists in control have betrayed the religious traditions of a thousand years.

Almost exactly 4 years ago that gallant warrior in the cause of freedom, John F. Kennedy, spoke to this congress here in Chicago. He said:

"Our task is to pursue a policy of patiently encouraging freedom and carefully pressuring tyranny—a policy that looks toward evolution, not revolution—a policy that depends on peace, not war.

"We must never—in any summit, in any treaty declaration, in our words or even in our minds—recognize Soviet domination of Eastern Europe. Poland's claim to independence and liberty is not based on sentiment or politics. It is deeply rooted in history, in culture, and in law—and no matter what pressures the Soviets may exert, we do not intend to see that claim abandoned.

"We must strive to restore the traditional identification which Poland and Eastern Europe have had with the European community instead of the Soviet empire. For Poland back through the centuries has belonged to the European tradition of freedom and national independence. It has been a part of European culture, of European economy, and European history. And even the Soviet Union cannot rewrite that history."

This policy stated by John F. Kennedy in 1960 continues to be the policy of this Government and the policy to which I am personally committed.

Let me make it clear right now that only a political charlatan can talk of instant victory over communism, or instant liberation of the captive peoples held in Communist subjugation.

We cannot imitate those of an earlier era who talked grandly of liberation—but when the Hungarian people rose in heroic revolt, stood mute on the sidelines.

No, the possibility of instant victory vanished with the coming of the era of instant annihilation. So we must pursue the more challenging course, the only sane course, of devising a policy that will achieve freedom without obliteration—not only for the Polish people, but for all peoples wherever tyranny and dictatorship rule.

We are convinced—unlike some narrow-visioned defeatists—that time is on the side of freedom. That is, if we put time to good use. We are completely confident that Poland and its people will be restored to the family of free nations.

And we intend to use time as a tool, not as a couch. We intend to build bridges to the Polish people—bridges which may now be obstructed at the other end but which will be there to be opened wide when the day of freedom dawns.

We have already begun. The United States has initiated a new and constructive policy toward the Polish people and the oppressed nations of Eastern Europe. We have recognized the deepening divisions in the Communist camp. We have encouraged those divisions, and we have made use of these divisions for helping these people to regain their freedom and independence.

We have strengthened the economic and cultural ties between Poland and the United States. We have expanded trade. We have assisted the Polish people to build their economy. We have encouraged exchanges of students and scholars. Through the efforts of Congressman CLEMENT ZABLOCKI, of Milwaukee, and myself, the U.S. Government has provided more than $10 million for the construction of a 300-bed children's hospital and research center in Crakow. We have sold American agricultural products for Polish currency which, in turn, we have been able to spend in promoting valuable projects of friendship. We have encouraged the Poles to assert their independence and to pursue a course of action based on Poland's national needs and interests. For example, in the agricultural sector they have repudiated the disaster of collectivization. Today in Poland 85 percent of the land is privately owned.

There is much more to be done. We must continue to open doors and windows in the Iron Curtain. The Polish people must never have reason to believe that we have forsaken them.

Yet there are some within our Nation who would close these doors and windows—who denounce our efforts to build bridges to the people of Poland. Such men seek instant answers to long-range problems. We are dealing "with the enemy," they bellow. We are following a "no-win" program.

But when Stefan Cardinal Wyszynski deals with Gomulka, is he engaging in a "no-win" policy? When Pope Paul concludes a diplomatic agreement with the Hungarian Communist regime—as occurred this very week—is he capitulating to the atheists?

To ask these questions is to indicate the absurdity of the issue. Pope Paul and the Primate of Poland have as their first charge the spiritual welfare of their pepole. When they negotiate with the enemy, it is from an impregnable bastion of principle which has stood for almost 2,000 years.

It is Gomulka who runs the risks in dealing with the church—2,000 years of Christianity and the Catholic church will survive two decades of communism and dictatorship.

It is the Communists, not we, whose power is being eaten away by the corrosive impact of freedom—by the knowledge among their people that the United States looks upon the people of Eastern Europe as friends who have temporarily been denied the right to assert their friendship and their common dedication to liberty.

The Goldwater extremists may cry that in sending food to hungry people behind the Iron Curtain we are aiding communism. But the people who receive this food know its American origin and do not thank their Communist bosses for the nourishment it brings.

Some people denounce our aid and trade in nonstrategic goods. But you know and I know—all the rest of the American people know—that such aid and trade is instead an assertion of human solidarity against the forces of inhumanity. The Polish people know this too. And so do the men and women in the other nations of Eastern Europe.

Having provided the life-giving substance of hope, the Democratic Party under President Johnson will not now turn its back. As President Johnson has said: "The objective of the United States is—and will continue to be—to see freedom returned to Poland and the other nations of Eastern Europe. We know the years of darkness have not extinguished the light of freedom in Poland. And the masters of darkness know that."

The Soviet leaders in the Kremlin do indeed know that. The nations of Eastern Europe are no longer the satellites they were. In being forced to lengthen their leash, Mr. Khrushchev has been forced to admit that they "are getting too big to spank." Soon they will be too strong to chain.

The process may not be swift. But we shall prevail. In spirit, Poland never left the West. In full political freedom it shall return.

The same Goldwater faction that distrusts people abroad, distrusts people here at home. And, characteristically, it distrusts the same people.

I was shocked to hear that Senator GOLDWATER's running mate—whose ancestral boat presumably came in only a few lengths behind the Mayflower—has recently condemned the Johnson administration's proposal to revise the immigration laws. He says that he opposes "opening the floodgates"—but what an incredible distortion. What is really at issue is not floodgates at all. What is at issue is "fairgates"—gates which are fair, which do not open only at the knock of an Anglo-Saxon hand.

The Johnson proposal, which is similar to the proposal made earlier by John F. Kennedy and myself, is designed to end the stigma which was imposed by the Republican administration and platform in 1924—that insulting statutory endorsement of the principle that Poles, Italians, and other Eastern European and non-European peoples somehow belonged to inferior breeds.

The immigration bill, which President Kennedy sent to Congress shortly before his tragic death, opens no floodgates. But it would correct this burning inequity and a disgraceful discrimination against peoples. It will end the quota system which sought to maintain a mythical racial and ethnic purity by apportioning immigration visas among the nations of the world in proportion to the ethnic composition of our population in 1920.

In its 1960 platform, the Republican Party pledged to do something about it, too. But the Goldwater platform of 1964 purged this concession to decency, and now the temporary Republican leadership has added the insult of disdain to the injury of neglect.

On Wednesday of this week, Senator GOLDWATER's handpicked national chairman, Mr. Dean Burch, welcomed Senator STROM THURMOND, of South Carolina, to the Goldwater party with the statement: "The Democratic party has forsaken the people to become the party of minority groups."

Now what would your grandfather have said of all this? You will recall, I am sure, that your grandfather belonged to that courageous group of men and women in Eastern Europe who dared to pull up their roots and move their families in search of justice and liberty in another land. They fled from tyranny to be welcomed to our shores in one of the great tides of immigration that invigorated our country in the middle of the 19th century and the early 20th century * * * like my own grandfather and those of so many millions of Americans.

But I tell you this in astonishment and wonder: Your grandfather could not come to America under our present immigration laws. Your grandfather could not come to America under the legislation BARRY GOLDWATER supports. Your grandfather would have found our gates barred to him and to his family—barred by BARRY GOLDWATER and those who share his views on immigration.

And what would your grandfather have done? He would have had to remain in a Communist state in Eastern Europe, hoping and yearning for the light and air of liberty, his eyes turned toward America in quest of friendship and reassurance. Yet what would he have found if America were ruled by BARRY GOLDWATER? I tell you what he would have found—and Senator GOLDWATER has made clear what he would have found: a closing of the windows we have opened to bring light and air to the people of Eastern Europe—an end to our programs of educational and cultural exchange, our food-for-peace program, our information program. Your grandfather would have to suffer in darkness because of the policies of BARRY GOLDWATER.

President Johnson has stated the truly American position on the question of immigration. "In establishing preferences, a nation built by immigrants of all lands can ask those who seek admission: 'What can you do for our country?' But we should not be asking: 'In what country were you born?' "

America is a great land. Yet we are on the threshold of the possibility of more progress by the end of this century than ever before achieved in a century.

The comforts of many will be extended to all.

Our people, who are living longer, will also live in dignity and health.

Our cities that have grown big will also come to know beauty.

A great society is possible for America in which every man will have the opportunity to provide a decent life for himself and his family—regardless of race, creed, or nationality.

We need leadership, however, with vision to match our potentialities. We need a President who heads divisions between people—at home and abroad—who will help put salt in peoples' bread, not pour it into their wounds.

By the grace of God, we have such leadership in America.

Let us continue—with Lyndon B. Johnson.

Retirement of William R. (Bill) Thomson, District Tax Administrator, California Board of Equalization

EXTENSION OF REMARKS

OF

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1964

Mr. LIPSCOMB. Mr. Speaker, in California on September 30, 1964, we will be honoring Mr. William R. "Bill" Thomson, who is retiring as district tax administrator of the State board of equalization. On that day a retirement luncheon is being tendered him by the Honorable Richard Nevins, fourth district member of the board of equalization.

I am bringing this event to the attention of the Members of the House because I believe Bill Thomson is a fine example of a person who through dedication has made an outstanding contribution in serving the State of California.

In good measure Bill Thomson is responsible for the excellence of the operating procedures of California's State Board of Equalization. His service should be an inspiration to all public servants as the example of the opportunity and satisfaction of accomplishment which can be obtained in civil service by dedication, hard work, and interest in these positions of responsibility.

A native of New York State, born in 1899, Bill sojourned briefly to Ontario, Ohio, and Montana, before settling in Los Angeles County in 1922. His 31 years of service with the board began in 1933 after a number of years experience in the retailing merchandising field.

During his career with the board he contributed to many improvements in tax administration, such as the establishment of the board's out-of-State offices, the decentralization of the Los Angeles County Board of Equalization offices, and the initiation of out-of-State recruiting tours.

A veteran of World War I, he is past commander of Frank J. Irwin State Post No. 547; past president of the American Legion Luncheon Club of Los Angeles; past president of Metropolitan Chapter No. 54, California State Employees Association; one of the organizers and charter members of the California Association of State Auditors; also a member, American Society for Public Administrators; and vice president, board of trustees, Westminster Presbyterian Church; and trustee of Westminster Presbyterian Church Foundation.

Through the years it has been my privilege to be in public service, first as a member of the California State Legislature where I had the opportunity to observe the operations of the California State Board of Equalization, and Bill Thomson firsthand, and now as a Member of Congress from California, it has been a source of pride and satisfaction to know that the State of California has compiled such an outstanding record in the administration of its tax laws. William R. "Bill" Thomson has helped make this record possible.

To Bill Thomson we offer our thanks for a job well done and best wishes for a continued bright and happy future.

Jim Jacobs' Contribution to International Understanding

EXTENSION OF REMARKS

OF

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1964

Mr. MORSE. Mr. Speaker, there are a great many citizens of this country who are devoting their time and energy, on a volunteer basis, to one kind of humanitarian service or another. Not the least of this group are the "ham" radio operators, many of whom have worked out highly useful ways of combining their hobby with very significant public services. James M. Jacobs of Chestnut Hill, who is the president of a well-known haberdashery in Harvard Square, Cambridge, has taken the lead in this kind of effort in the Boston area and has been widely commended for his efforts. Recently, for example, the Naval Communications Bulletin, published by the Navy Department, called special attention to his contribution in creating, drilling and supervising a net of thirty amateur stations in the Boston area. This group, which has helped out in a number of emergencies, was especially effective during the Alaskan earthquake, relaying more than 500 messages to people in the devastated area and working with the Red Cross.

Over and above the establishment of this net, Mr. Jacobs has performed a number of life-saving enterprises for people in foreign lands. In May of this year, for example, he responded to a request from a hospital in Lima, Peru, for a special valve needed for a delicate heart operation. Obtaining the valve from a Boston hospital, he got it on a plane so it reached Lima within 48 hours of the first request. The same night he was asked by a fellow "ham" operator in Venezuela to get another valve for an operation on an infant in Caracas;

again he made the necessary arrangements and the instrument was soon on its way. In March, he kept Boston surgeons in touch with the progress of a patient of theirs who was recovering from a hand-graft operation in Peru; 3 months ago he made it possible for an Ecuadoran girl to come to a Boston hospital for a stomach operation; and last November he made similar arrangements for the 11-month-old son of Israel's ambassador to Ecuador. Jim Jacob's name is now so well known in Latin America that he is constantly responding to requests of this kind. In his own way, he is making a truly important contribution to international understanding in general and the Alliance for Progress in particular.

Legislation Limiting Beef Imports Offers Hope to Cattle Producers

EXTENSION OF REMARKS
OF

HON. ROY A. TAYLOR

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 22, 1964

Mr. TAYLOR. Mr. Speaker, agriculture is the No. 1 industry in our country. The farm problem is second only to that of national defense. A healthy livestock industry is essential to sound agriculture.

Beef production constitutes a large segment of American agriculture and beef producers have been in serious trouble and have lost heavily as the rapid increase in imports during recent years has had a depressing effect on cattle prices.

Last spring I appeared before the Tariff Commission at a hearing in Washington and requested that the Commission take action to limit beef imports and pointed out that the United States is the only major world beef market without import restrictions. In June I introduced legislation to force a limitation of beef imports.

Many other Congressmen felt the same way, and in August Congress passed and the President signed H.R. 1839 creating a new law which will add much needed stability to the cattle industry. The bill was backed by American cattle producers, and I was glad to vote and work for it. Its immediate effect will be to keep beef imports during the coming year about 15 percent below last year's average.

The bill provides that exporting countries will never have more than 6.7 percent of the U.S. market and likely much less. It clearly defines the future levels of beef imports. No longer will the consumer or any cattleman be faced with the erratic effects of dumping of world surplus of beef, veal, and mutton in this country.

In my home State of North Carolina, livestock production is a vital element in the total agriculture complex. The gross receipts from the sale of livestock and livestock products in 1962 was over $344 million. This represents 31 percent of our total gross income from agriculture. In North Carolina the gross income from livestock ranked second only to the income from tobacco. The livestock industry has special significance for the future of North Carolina because it is the direction in which there is hope for expansion.

As we look back over the record of the 88th Congress, we can be pleased that action was taken to provide more protection against beef and veal imports for livestock producers. This places the American cattle industry on a sounder financial basis and in better position to meet the demands of the future.

Saturday Evening Post Smears and Attacks on Senator Goldwater

EXTENSION OF REMARKS
OF

HON. MILTON W. GLENN

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 22, 1964

Mr. GLENN. Mr. Speaker, for the first time in my memory as a subscriber and reader of the Saturday Evening Post, I note vicious smears and attacks on Senator GOLDWATER in its editorials. I recall the days when the editorials were interesting and timely, and it was a magazine which thousands of readers looked forward to every week as part of the American scene. Now, instead of editorializing for the sake of news, the Post serves the purposes of a political party by circulating throwouts attacking a candidate. This certainly is not in keeping with the great traditions of the old Post, and I have written to the Curtis Publishing Co. as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 17, 1964.
SATURDAY EVENING POST,
Curtis Publishing Co., Independence Square, Philadelphia, Pa:

GENTLEMEN: I have been a subscriber to the Saturday Evening Post almost all of my life and remember the days when the Saturday Evening Post had the largest circulation of any magazine in the country and rightfully so. The articles and stories were something which thousands of readers looked forward to every week. Even the front cover was outstanding with the pictures of Norman Rockwell becoming part of the American scene. The editorials were interesting and timely.

For the first time in my memory as a subscriber and reader of the Post, I now receive news releases from its public relations manager, sending me copies of the editorials endorsing President Johnson for reelection, which is your privilege, and at the same time attacking his opponent, Senator GOLDWATER, with a vicious smear, which is not at all necessary and certainly not in keeping with the past policy of the Saturday Evening Post. In fact, the complete editorial instead of editorializing on President Johnson, mentions him only in passing and continues with an attack on Senator GOLDWATER that sounds like something written by political hacks of the Democratic Party.

I have always believed that an editorial is part of a periodical and is issued as part of the body of the magazine, but to start running a public relations news release, not apparently for the sake of news but to serve the purposes of a political party by circulating "throwouts" attacking a candidate, is certainly not in keeping with the great traditions of the old Saturday Evening Post.

Sincerely yours,
MILTON W. GLENN,
Member of Congress.

Representative John J. Rooney's Address to the Polish-American Congress Convention

EXTENSION OF REMARKS
OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 22, 1964

Mr. PUCINSKI. Mr. Speaker, it was my privilege and pleasure to introduce to the executives and members of the Polish-American Congress gathered in Chicago for its quadrennial convention my esteemed friend and colleague, Congressman JOHN J. ROONEY, of New York.

Congressman ROONEY is almost as well known to the Polish-American leaders throughout the United States as he is to his own people in Brooklyn. Polish-American organizations have recognized his deep dedication to the same goals which motivate them in their desire to see the enactment of legislation which benefits the people instead of special interests. These organizations that have fought the battle for decent immigration laws which will permit America to benefit from the skills and professions of immigrants, those who have fought for aid to education, broader social security rights, and the score of other needed progressive measures, all know JOHN ROONEY as a friend and champion.

It is my pleasure at this point to insert in the RECORD Congressman ROONEY's remarks made to that great gathering of Americans proud of their Polish descent:

REMARKS BY CONGRESSMAN JOHN J. ROONEY BEFORE THE QUADRENNIAL MEETING OF THE POLISH-AMERICAN CONGRESS AT CHICAGO, ILL., SEPTEMBER 19, 1964

Mr. Chairman, reverend fathers, distinguished guests, ladies and gentlemen, it is indeed a pleasure to be here. I am always eager to join with the Polish-American leaders in their important gatherings. I welcome the chance of meeting more of your fine people and to renew the friendships I have established with so many of you over the years.

My appearance also affords me the opportunity to thank you personally for the fine support you have given me and other Members of Congress who have been fighting for enactment of legislation to accomplish the results which you individually and as an organization have sought to attain. In mentioning legislation I want you to know it was my distinct privilege and honor to work closely for 8 years with that distinguished legislator, the Senator, the majority leader, the Vice President, and now the President, Lyndon B. Johnson. I shall always be grateful for his deep understanding and his warm response to the problems of funding our essential programs to aid the distressed people of the world, and particularly the construction of the American Children's Hospital in Krakow. I quote President Johnson's message to you last year when he said, "The objective of the United States is and shall continue to be—to see freedom returned to Poland and the other nations of Eastern Europe."

I want to mention again the great experience which I had 2 years ago in visiting Poland in company with Under Secretary of State Crockett, Commissioner Farrell, and Assistant Secretary of State Cieplinski, who are here with me again. I well recall every minute of a more than an hour long conversation at the Polish Institute in Rome with His Eminence Cardinal Wyszynski immediately previous to the week we visited in Poland. Not only did I have a chance to see the impressive cities which the people rebuilt with their own hands as well as the magnificent countryside, for which Poland is justly proud, but I had the satisfaction of meeting and talking with many of the people in the heroic capitals of Warsaw, Krakow, and the marvelous monastery of Czestochowa. Not only did I have the opportunity to see firsthand what our Government is doing in behalf of the Polish people, but I saw, too, the great things that you and your membership are doing.

My visits to the public schools, the industrial plants and the farms were both highly informative and extremely enjoyable, largely because of the friendliness and warmth of the people.

Nothing which I saw or was told impressed me more than the firm conviction which all of us felt, that the spirit of independence was not dead but burned hotly, and that the Polish people still feel much of the warm bond of friendship which has so long existed between the people of our two countries. They are eager to create "those bridges of friendship" of which President Johnson has spoken.

I want also to join those who have commended you for the magnificent contribution which your Polish-American Congress and its constituent member groups continue to make throughout this country. America is indeed far richer because of your fine civic and philanthropic programs which are not confined to just your own members or restricted to Polish-Americans alone.

For all of your work and your accomplishments you well merit the happiness and satisfaction that come from knowing that you have given to America far more than America has given you. But my friends, the need of your help and your powerful support is not over. It is needed today and I foresee even an increased need in the days to come if you and I and others who love freedom are to succeed in protecting our own American heritage against those who would destroy it, and if we are to preserve any semblance of world peace. Your active help will be needed if we are to keep the way open for continuing the American tradition of 'welcoming a reasonable number of immigrants and refugees, victims of Communist oppression; for continuing the American tradition of helping the people of other countries to obtain or maintain their independence; and for continuing the American tradition of doing everything possible to eliminate the specters of hunger, of want and of unemployment from our beloved Nation.

To those of us who have a public responsibility it is most gratifying and most reassuring to realize the extent to which Americans can rely so heavily upon Polish-Americans for the finest type of support and civic service.

A Report to the People

EXTENSION OF REMARKS

OF

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1964

Mr. ST. ONGE. Mr. Speaker, early in 1964 I submitted a report to my constituents reviewing my activities in Congress in 1963. It was entitled "A Freshman Congressman Reviews His First Year." A limited supply is still available for those who may wish to obtain a copy. This report is, therefore, primarily a review of my activities in 1964. The people have a right to know my record, my efforts and achievements, and my views on major issues.

As I look back over these past 2 years, I am mighty proud of the record of the 88th Congress. To me, a freshman Congressman serving his first term, it was a wonderful experience particularly because it turned out to be a very productive Congress, one of solid accomplishments for the Nation. Some call it the "Education Congress" because of the worthwhile legislation enacted in the field of education. Some call it the "Conservation Congress." Others call it the "Antipoverty Congress," or the "Civil Rights Congress." Actually, Congress has a notable record of achievements in practically every phase of our Nation's interests. It would take too long to enumerate all of the major bills enacted during these 2 years, but let me mention just a few.

WORLD PEACE

Humanity's most pressing problem today is world peace. While the world is nominally at peace, there is much tension and fighting in some areas which are stirred up by the Communist nations. Furthering the cause of peace and a lessening of international tension have been among my primary aims in Congress during the past 2 years, coupled with my support for the security of our country and the strengthening of its defenses and those of the free world. The security of our Nation comes first. The American people must never relax their guard for a moment.

Consequently, I have supported the foreign aid program to help our allies abroad, the highly successful Peace Corps, the food-for-peace program, the test ban treaty to prohibit nuclear testing in the air, space, and under water, appropriations for our national security and the strengthening of our defense system.

MAJOR LEGISLATION

Perhaps the most outstanding piece of legislation passed is the Civil Rights Act, which is of historic significance and of great moral value. This bill was worked out in the House Judiciary Committee, of which I am a member, and I feel deeply honored that I was destined to play some small part in this historic struggle to safeguard the civil rights of all Americans, regardless of race, color, or creed. I hope and trust that we have abolished second-class citizenship in our country for all times.

Next in importance is the tax cut. The importance of the tax cut is not so much the extra dollars in our pay envelope every week, but the fact that this reduction in taxes helps to maintain a healthy and a growing economy, a continuing prosperity, and a high level of employment. Our Nation is currently enjoying the longest peacetime economic recovery in its history—a period which began in February 1961 and is still continuing its phenomenal growth for 44 months in succession. Let us hope it will continue for a long time to come.

In the midst of this prosperity we are also witnessing abject poverty on the part of many millions of our fellow Americans. It is estimated that some 35 million people in the country, or nearly 10 million families, live under conditions of poverty. This is nearly a fifth of the Nation's population. In Connecticut, we have some 65,000 families—nearly a quarter of a million people—living in poverty. President Johnson deserves much credit for initiating the war on poverty to help our less fortunate neighbors lift themselves from the depths of deprivation. After a long struggle, Congress passed the antipoverty bill. Programs are now being set up to provide vocational training, work-study, and work-training programs for young people, for needy students, and for the unemployed. The central idea here is that through education we can break the recurring cycle of poverty.

CONGRESS HELPS EDUCATION

It is no exaggeration to say that the 88th Congress has done more in the field of education than any other Congress in our history. The following are some of the bills passed:

First. Higher Education Facilities Act, to aid in college construction.

Second. Health Professions Education Act, to increase the number of students in medicine, dentistry, and other fields.

Third. Extension of the National Defense Education Act, to provide loans and other assistance to college students.

Fourth. Vocational Education Act, to expand our vocational education programs.

Fifth. Aid to schools in impacted areas where Government installations placed a financial burden on local systems. I might add that the first bill I introduced was to extend this program and it was passed last year. Nearly half of the school districts in Connecticut benefit under it and the amount of Federal funds they receive is more than $4.5 million annually.

Another bill, of which I was a cosponsor and which was enacted last year, was the program to help States in combating mental retardation, provide maternal and child health services, and care for crippled children. Today there hangs on the wall of my office in Washington a framed copy of this act and the pen used by our late beloved President Kennedy when he signed it.

Another of my bills to be passed by Congress was H.R. 7710, to assist States in rebuilding their commercial fisheries. I hope in the near future to obtain funds under this act to build a modern pier at Stonington and to revive its fishing industry.

OTHER IMPORTANT LEGISLATION

Other bills of importance passed by Congress are: Hospital and Medical Facilities Act, to modernize and replace antiquated hospitals; Nurses Training Act, to provide more nurses and more nursing schools; Clean Air Act, to study ways to eliminate the danger of air pollution; and the Library Services Act, to build more libraries.

Of particular interest is the Housing Act, which provides 37,500 new public housing units, extension of the urban renewal program, rehabilitation of slum areas, more liberal mortgage terms on one-family homes, housing for the elderly, low-rent housing for migrant farmworkers, grants for park lands and open space areas, and other programs. There is also the Mass Transportation Act, to provide more adequate mass transportation for our cities and towns.

MEDICARE AND SOCIAL SECURITY

This does not complete the list by far. There are many more, but there is one which I want to mention briefly since it is now the center of a great fight. I refer to the efforts in Congress to provide an effective program of health care for our aged citizens. Today we have some 18 million people in our country who are over 65. Most of them have limited financial means and are dependent on their monthly social security checks. They cannot afford hospital care, nursing home care, doctor bills, and similar other expenses.

The House of Representatives passed a bill to provide a 5-percent increase in social security benefits. When the bill came before the Senate, a medicare program was added which provides hospitalization benefits under social security. I am hopeful that we can succeed in retaining the medicare program in the bill. This would be a wonderful victory for our elderly people, who would be able to look forward to the future with greater security and faith in humanity.

I am interested in this social security measure for another reason. In May 1964, I introduced a bill in Congress to provide social security disability benefits to the blind, if they acquire six quarters of coverage. They now must have 20 quarters. I felt that their affliction should be recognized as a disability. When the social security bill came up in the Senate, Senator HUBERT H. HUMPHREY—now the Democratic candidate for Vice President—submitted my bill on the blind as an amendment to the social security bill. It was passed by the Senate without opposition. If my bill is enacted, some 400,000 blind persons in the country will be entitled to receive social security disability benefits.

THE ECONOMIC SITUATION

In the past 4 years, under the Kennedy-Johnson administrations, we have made great strides forward which are comparable only to the Roosevelt era of the 1930's. When President Kennedy took office in 1961, we had 4 million Americans unemployed and 2.3 million people were entering the labor market each year. Today our labor force is about 73 million strong, while unemployment has dropped from nearly 7 percent to about 5 percent—the lowest in nearly 5 years. Congress recently voted to set up a commission to study the effects of automation on employment and to recommend ways to lessen its impact on the ranks of the unemployed.

For those in the ranks of labor, these 4 years have chalked up many important gains. Let me enumerate some of these gains:

Nearly 28 million Americans are covered by the minimum wage law which provides for $1.25 per hour.

Factory wages increased from $89 per week in January 1961 to $103 now, thus providing more money in pay envelopes.

The cost of living has increased by only a small margin and prices held steady, while wages increased.

Congress extended an additional $800 million in unemployment benefits to 2.8 million workers who had exhausted their benefits.

Unemployment has been attacked and considerably decreased through training and retraining programs, accelerated public works projects, vocational education, area redevelopment, and other programs.

Equal employment rights for women were established to protect them against wage discrimination.

Workers' rights are protected by better and faster disposition of unfair labor practices cases and the handling of labor complaints.

Time lost in strikes has been cut in half, and this was achieved in great measure through the administration's attention to labor-management problems and the improvement of labor-management relations.

BILLS INTRODUCED

During my first term in Congress I introduced a total of 43 bills and resolutions: 31 public bills and 12 private bills. This is a record of which any first-termer can be proud. These bills deal with various problems of national and local interest. About a half dozen of them were enacted, several were included with other legislation, and several private bills were resolved administratively. The remainder will go over for the 1965 session.

In my review of 1963, I listed 19 of the more important bills I introduced. Among those I sponsored in 1964 are:

H.R. 11021, to permit a tax deduction for the construction of treatment works to control and prevent water and air pollution.

H.R. 11210, to permit a veteran to deduct from his income expenses incurred by the death of his wife or a child, so as not to lose his VA pension.

H.R. 11393, to provide social security disability insurance benefits to the blind, if they have six quarters of coverage.

H.R. 12013, to declare election day a legal holiday in order to encourage all U.S. citizens to vote.

H.R. 12354, to provide for a general revision of the U.S. copyright law.

CONCLUSION

The needs of the people of my district always receive primary attention. Every effort is being used to obtain more Government contracts for industry, public works projects, post offices, new industries, in order to provide more work and continued economic growth of the area. I helped several firms obtain loans through the Small Business Administration. Similarly, I have exerted all influence to aid our farmers, particularly the dairy farmers in their struggle with the milk order problem, and the poultry farmers who face terrific competition. I was helpful to all farmers of eastern Connecticut in obtaining aid to combat the army worm infestation, in permission for grazing and harvesting of hay, and also urged the U.S. Department of Agriculture to provide livestock feed grains to farmers suffering from the drought.

In the past 2 years my office handled many personal problems of constituents and many were helped with housing needs, servicemen's hardship cases, veterans pensions, social security, welfare problems, immigration matters, postal service, student aid, and others. As your Congressman, I shall be pleased to continue to serve you in every way possible, as well as to receive your views on the issues of today. All letters receive my personal attention. For any information or assistance, address your letter to me as follows: Congressman WILLIAM L. ST. ONGE, House Office Building, Washington, D.C.

The Tragedy of Czechoslovakia

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 1964

Mrs. KELLY. Mr. Speaker, on October 3 we shall commemorate the 20th anniversary of a valiant but futile uprising of the Czechoslovak people against the Nazis. The uprising had been planned far in advance. In March 1944 the Czechoslovak Provisional Government in London had appealed to the people to rise against the Germans—to break the Nazi supply lines and give support to the Allied armies which were slowly moving toward Czechoslovakia. The rebellion began on August 28 as planned and continued until the end of October. An army of 70,000 Czechs and Slovaks fought bravely and with determination, but in the end their resistance was ruthlessly crushed by the Germans.

There is more to the story than a simple defeat by the Germans, however; the tragedy of early autumn of 1944 lies deeper and has been of more lasting duration. Under a mutual assistance treaty the Soviet armies were to have come to the aid of the Czechoslovakians. The tragedy was in effect a Soviet betrayal of Czechoslovakia. Soviet aid was too little and came too late. Because Czechoslovak resistance was broken by the Germans in 1944 the following year the Soviet armies were able to move in without opposition.

The defeat of the rebellion of 1944 thus paved the way for a Communist takeover in Czechoslovakia. The vision of the Czechoslovak patriots who so ardently desired the rebirth of the free Czechoslovakia of 1918 was destroyed by the tragedy of autumn 1944, but Americans will never forget the bravery of the Czechoslovak struggle against the Germans and will never cease to hope that one day Czechoslovakia may again be free.

SENATE

WEDNESDAY, SEPTEMBER 23, 1964

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, to Thee, our strong tower and refuge, we come as to the shadow of a great rock in a weary land. Lift us, we pray, from the dust and mire of the past, with all its failures, and from any false pride in its achievements, that those who here speak for the Nation may be girded for a new day's work, as upon their strength and ability are laid the burdened needs of the Republic and of the world.

Deliver us from the web of outgrown precedents and from the sophistry of mere party shibboleths.

In the vineyard of our inner lives, which each one must tend for himself, may there be found the fruits of the spirit—love, joy, peace, long-suffering, gentleness, meekness, temperance, and faith.

We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 22, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries.

REPORT ON OPERATION OF TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 366)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the eighth annual report on the operation of the trade agreements program, in accordance with section 402(a) of the Trade Expansion Act of 1962.

Throughout 1963, intensive preparations went forward for the negotiations made possible by this act—the sixth round of trade negotiations under the auspices of the General Agreement on Tariffs and Trade. During this same year, United States and free world trade continued to set new records, and important steps were taken to expand our exports further.

U.S. exports reached a new high of $22.3 billion, $5.1 billion more than our imports.

U.S. farm exports rose to $5.6 billion, an alltime record.

Free world trade continued to grow, with exports climbing to a record $135 billion.

Further progress was made in freeing U.S. exports of foreign restrictions.

Government-industry cooperation in the promotion of our exports was stepped up, notably by the White House Conference on Export Expansion in September 1963, and the subsequent establishment of the Cabinet Committee on Export Expansion.

The desire of the less-developed countries to play a greater part in international trade received increasing consideration by GATT and by the United States.

The Trade Expansion Act of 1962 will, I am sure, rank as one of the greatest monuments to President Kennedy's leadership, and I reaffirm the commitment of my administration to its full and vigorous implementation.

I hope that our friends in other countries will neither underestimate nor undervalue the strength of American support for trade liberalization. We are willing to offer the free nations access to our American markets—but we expect, and we must have, access to theirs as well. That applies to our agricultural as well as our industrial exports.

These are not the kind of negotiations in which some nations need lose because others gain. Their success will be to the advantage of all. They offer the opportunity to build a partnership for progress and prosperity among the industrial nations of the free world, and between them and the developing nations.

At home, we are moving to eliminate poverty among all Americans. We believe that a giant step can be taken against poverty everywhere if the free nations can work together to overcome needless obstacles to the flow of trade among them.

Lyndon B. Johnson.

The White House, *September 23, 1964.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 12289. An act to establish the Lewis and Clark Trail Commission, and for other purposes; and

H.R. 12633. An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were each read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 12289. An act to establish the Lewis and Clark Trail Commission, and for other purposes; placed on the calendar.

H.R. 12633. An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes; to the Committee on Appropriations.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. Mansfield, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETING DURING SENATE SESSION

On request by Mr. Mansfield, and by unanimous consent, the Committee on Post Office and Civil Service was authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on Commerce.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service:

Eighty-two postmaster nominations.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. McINTYRE. Mr. President, from the Committee on Armed Services, I report favorably the nominations of 37 Air Force officers for promotion to the grades of major general and brigadier general, and ask that these names be printed on the Executive Calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations are as follows:

Brig. Gen. Gordon H. Austin, Regular Air Force, and sundry other officers, for promotion to the grade of major general in the U.S. Air Force; and

Col. Charles B. Stewart, Regular Air Force, and sundry other officers, for promotion to the grade of brigadier general in the U.S. Air Force.

Mr. McINTYRE. Mr. President, in addition, I also report favorably 421 nominations in the Marine Corps in the grades of colonel and below, 705 nominations in the Army in the grades of major and below, 3,233 nominations in the Air Force in the grade of captain, and 3 nominations in the Air Force for appointment as permanent professors at the U.S. Air Force Academy. Since these names have already been printed in the Record, to save printing expense I ask unanimous consent that they lie on the Secretary's desk for the information of any Senator.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations are as follows:

John Lowman, Jr., and sundry other officers, for temporary and permanent appointment in the U.S. Marine Corps;

Gus Robinson, and sundry other officers, for temporary and permanent appointment in the U.S. Marine Corps;

Donald Chirafisi, and sundry other officers, for promotion in the Regular Army of the United States;

Thomas E. Griess, and Frederick C. Lough, for appointment as professor at the U.S. Military Academy;

Marvin R. Boroski, and sundry other persons, for appointment in the Regular Army of the United States;

William D. Abballe, and sundry other officers, for promotion in the Regular Air Force; and

Philip J. Erdle, Roland E. Thomas, and Malham M. Wakin, for appointment as permanent professors, U.S. Air Force Academy.

The PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Chief Clerk read the nomination of Edward W. Dempsey, of Missouri, to be special assistant on health and medical affairs to the Secretary of Health, Education, and Welfare.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

MISSISSIPPI RIVER COMMISSION

The Chief Clerk read the nomination of Maj. Gen. George H. Walker, U.S. Army, to be a member of the Mississippi River Commission.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. Mansfield, the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

Proposed Supplemental Appropriation, 1965, for Department of Health, Education, and Welfare (S. Doc. No. 99)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1965, in the amount of $25 million, for the Department of Health, Education, and Welfare (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Proposed Appropriation, 1965, for Small Business Administration (S. Doc. No. 100)

A communication from the President of the United States, transmitting a proposed appropriation for the fiscal year 1965, in the amount of $60 million, for the Small Business Administration (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ineffective administration contributing to unsatisfactory progress in rehabilitating the Hyde Park-Kenwood Urban Renewal Area, Chicago, Ill., Housing and Home Finance Agency, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on impairment of capability to meet mission requirements and waste of funds in the D-Day augmentation forces of the Naval Reserve surface program, Department of the Navy, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on failure of the Air Force to consider available Army aircraft crash fire trucks in its planned procurements, Department of the Army, Department of the Air Force, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary repair of aeronautical spare parts and components managed by Oklahoma City Air Materiel Area, Department of the Air Force, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ineffective administration of military leave, Department of the Army, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary expenditures made because a Government-owned aircraft was not used in minitrack network operations, National Aeronautics and Space Administration, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

Report of Department of Health, Education, and Welfare

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of that Department, for the fiscal year 1963 (with an accompanying report); to the Committee on Labor and Public Welfare.

MEMORIAL

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the Lions Club of Berlin, Md., protesting against the decision of the Supreme Court of the United States relating to legislative reapportionment, which was ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, without amendment:

H.R. 12033. An act to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes (Rept. No. 1593).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

S. 3203. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the disposal of surplus material in the national stockpile pursuant to section 203(j) thereof; to the Committee on Government Operations.

(See the remarks of Mr. Metcalf when he introduced the above bill, which appear under a separate heading.)

By Mr. PELL:

S. 3204. A bill for the relief of Eileen Iris Punnett; to the Committee on the Judiciary.

S. 3205. A bill to provide for an Administrative Counsel of the Congress; to the Committee on Rules and Administration.

(See the remarks of Mr. Pell when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. CLARK (for Mr. Hartke):

S. 3206. A bill for the relief of Eleni Euthimos Svolos; and

S. 3207. A bill for the relief of Antonio Catanzariti; to the Committee on the Judiciary.

RESOLUTION

REVISION OF STANDING RULES OF THE SENATE

Mr. CLARK submitted a resolution (S. Res. 372) to amend the standing rules of the Senate, which was referred to the Committee on Rules and Administration.

(See the remarks of Mr. Clark when he submitted the above resolution, which appear under a separate heading.)

FEDERAL AID TO EDUCATIONAL AND HEALTH INSTITUTIONS

Mr. METCALF. Mr. President, I ask unanimous consent that I may speak for 10 additional minutes.

The PRESIDING OFFICER (Mr. WALTERS in the chair). Without objection, it is so ordered.

Mr. METCALF. Mr. President, on April 24 and again on June 23, I gave notice that I would propose an amendment to S. 2272, the Materials Reserve and Stockpile Act of 1964. My amendment would provide that material in the national stockpile, found to be surplus to present need, could be released only after it had been offered for donation to schools and hospitals under the donable surplus property program on the same basis as other Federal surplus property. This amendment would increase substantially a major program of Federal aid to our Nation's educational and health institutions.

On June 26, I wrote a letter to every Senator, explaining my amendment and outlining the extent to which that Senator's State had participated in the donable surplus property program. The response has been encouraging and a high level of interest in the donable property program has been evident on both sides of the aisle. I have been deeply grateful for the expressions of support for my amendment and I was especially happy that the distinguished Senator from Alaska [Mr. BARTLETT] has joined me in sponsoring the measure.

I had hoped for congressional action on my proposal this year. However, because of the heavy legislative workload in the Senate, it became apparent that the Materials Reserve and Stockpile Act would not come up at this session. Still, I desire to acquaint the Senate more fully with the nature of my proposal. Therefore, for informational purposes, I am today introducing a bill to amend the Federal Property and Administrative Services Act of 1949. This bill will achieve the purposes of my original amendment. It provides that surplus stockpile material can be released only after it has been offered for donation to schools and hospitals under the donable surplus property program.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That (a) section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is amended by adding at the end thereof the following new subsection:

"(p) Notwithstanding any other provision of law, any material contained in the national stockpile, established pursuant to the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98a–h), or any material heretofore or hereafter placed in the supplemental stockpile, established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)), or any material heretofore or hereafter acquired pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. app. 2061–2166), and which is determined to be no longer needed (as provided in the appropriate Act) for the purposes of the Act under which such material was acquired, or is otherwise determined to be available for disposal, shall be available for disposal as surplus property under subsection (j) of this section for the purposes described in paragraph (3) thereof. Disposal of any such material may not be made under any of the Acts referred to above if the Secretary of Health, Education, and Welfare has determined that such material is usable and necessary for disposal as surplus property under subsection (j) of this section for any purpose described in paragraph (3) thereof, or until the Secretary has determined that such material is not usable and necessary for disposal under subsection (j) for any such purpose. The foregoing provisions of this subsection shall not apply in the case of any material disposed of pursuant to section 3(d) or section 5 of the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98b (d) and 98d)."

(b) The amendment made by this Act shall take effect on the first day of the third month beginning after the date of enactment of this Act.

Mr. METCALF. Mr. President, early in the next session, I plan to reintroduce this bill. It is my hope that my colleagues who have been so generous in their expressions of support for my original amendment will join me in cosponsoring this bill. In the beginning of the next session, I would like to invite all interested Senators to attend an excellent filmstrip program presented by the Department of Health, Education, and Welfare which explains the donable surplus property program. In the meantime, I shall be glad to answer any questions or requests for information on my proposal. Today, I should like to make public some of the results of my research.

In preparing the amendment, I felt it imperative to explore fully two main questions. First, would this extension of the donable surplus property prorgam cause administrative delay in the disposal of stockpiled materials? Second, to what extent are surplus raw materials useful to and needed by the Nation's schools and hospitals?

It has always been my desire to provide for the maximum efficiency in the disposal of surplus raw materials. Therefore, I wanted to insure that my amendment would cause no administrative delay in the disposal of these materials. I wrote to the Defense Supply Agency of the Department of Defense to ask their expert advice on this matter. And I asked that Agency to compare the amount of time required to donate the material with the amount of time required by General Services Administration to sell property.

Capt. F. M. Lamkin answered for the Defense Supply Agency. He noted that:

> Under General Services regulations * * * the Department of Health, Education, and Welfare is provided a 15-day period to determine whether property would be usable and necessary for educational, public health, or civil defense purposes, including research for any such purposes. An additional 40 days is provided under the General Services Administration regulations for the donees to remove the property approved for donation. Accordingly, a maximum of 55 days is required to complete the donation cycle.

If the donation cycle takes a maximum of 55 days—and officials of the Department of Health, Education, and Welfare have told me that the average cycle actually takes about 40 days—how does this time period compare with the time required to sell surplus material? Captain Lamkin notes that:

> Sales conducted by Department of Defense activities require an average of 90 days to complete.

And the answer to my question is given in the conclusion of the letter:

> You will note, therefore, that insofar as it is related to the disposal of Department of Defense surplus personal property, 35 additional days are required to dispose of property by sale than by donation.

Because Captain Lamkin's letter bears importantly on the administrative aspects of my proposal, I ask unanimous consent that this letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEFENSE SUPPLY AGENCY,
Alexandria, Va., June 29, 1964.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Reference is made to your letter of June 22, 1964, wherein you requested information on the donation and sale of material.

The Department of Defense does not have any responsibility in the disposal of stockpile material, since this is assigned to the General Services Administration. Neither has the Department of Defense any experience in the sale of this material, since such sales are handled by the General Services Administration through its sales offices. However, this Agency can respond to the length of time required to effect final disposal of surplus personal property by donation versus disposal by sale to the general public.

Under General Services regulations (GSA reg. 1–IV–202.3 and 202.4) the Department of Health, Education, and Welfare is provided a 15-day period to determine whether property would be usable and necessary for educational, public health, or civil defense purposes, including research for any such purposes. An additional 40 days is provided under the General Services Administration regulations for the donees to remove the property approved for donation. Accordingly, a maximum of 55 days is required to complete the donation cycle.

Sales conducted by Department of Defense activities require an average of 90 days to complete. This period is from the time the property is reported for sale until the end of the removal time permitted under the contract. You will note, therefore, that insofar as it is related to the disposal of Department of Defense surplus personal property, 35 additional days are required to dispose of property by sale than by donation.

I trust that the foregoing will be sufficient for your purposes.

Sincerely,

F. M. LAMKIN,
Captain, SC, U.S. Navy, Deputy
Executive Director, Logistics Services.

Mr. METCALF. Mr. President, if donation of surplus materials takes 35 days less than sale of these materials, it is evident that my proposal would involve no administrative delay in the disposal of stockpile surplus. So the answer to the first question is clear. But what about the second question—are stockpiled raw materials really useful to schools and hospitals?

HEW officials have long felt that such raw materials would be useful to schools and hospitals throughout America. On

August 1, 1962, the Special Donable Property Subcommittee of the House Committee on Government Operations held hearings on the "Donation of Surplus Personal Property to Educational Institutions." Printed as part of those hearings was an exchange of correspondence between the subcommittee chairman, Representative MONAGAN, of Connecticut, and the Department of Health, Education, and Welfare.

Representative MONAGAN asked whether surplus stockpile material might be useful and needed for educational purposes. The reply was in the affirmative and included examples of some of the material and their potential uses. I ask unanimous consent that this correspondence, as printed in the hearings, be printed at this point in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

SPECIAL DONABLE PROPERTY SUBCOMMITTEE OF THE COMMITTEE
ON GOVERNMENT OPERATIONS,
Washington, D.C., July 9, 1962.

Hon. IVAN NESTINGEN,
Under Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that the Symington subcommittee on the stockpile is considering the introduction of a bill which would permit the use of surplus stockpile materials in AID programs and also for Federal use. It is my understanding that many of the materials, especially metals, in the stockpile could well be used in certain of our educational institutions for various purposes.

The legal opinion from GSA is to the effect that surplus stockpile material is not donable under the provisions of section 203 (j) of the Federal Property and Administrative Services Act. I would therefore appreciate your views as to whether or not it would be worthwhile to propose legislation to make some of the surplus stockpile material available for educational purposes.

Sincerely yours,
JOHN S. MONAGAN,
Chairman, Special Subcommittee on Donable Property.

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE,
Washington, July 26, 1962.

Hon. JOHN S. MONAGAN,
Chairman, Special Subcommittee on Donable Property, House of Representatives, Washington, D.C.

DEAR MR. MONAGAN: On July 13 we replied to your letter of July 9 concerning the use of surplus stockpile materials as donable surplus property.

We have reviewed the situation with educational authorities to ascertain which items could be effectively utilized by schools, colleges, and universities. This review shows that selected materials could be used in instructional programs at different levels. Others might be used in special research and development activities in colleges and universities; still others might be used in the general plant maintenance and operation programs of schools and colleges. The table which follows gives illustrative examples of some of these materials and the potential uses for them in these areas.

Strategic material	Potential uses in—			
	Instructional program		Research program, colleges and universities	Plant operation and maintenance program
	Elementary and secondary schools	Colleges and universities		
Asbestos	X	X	X	X.
Copper	X	X	X	X.
Corundum	X		X	X.
Diamond dies	X		X	X.
Feathers and down				X.
Graphite	X	X	X	X.
Iodine	X	X	X	
Manganese dioxide	X	X	X	
Mercury	X	X	X	X.
Pyrethrum	X	X		
Ruby			X	
Selenium	X		X	
Shellac	X	X	X	X.

Some illustrative examples of specific usages of these materials in the four areas are outlined below:

1. Laboratory instruction:

Mercury: Used in chemistry and physics laboratories for a number of purposes, such as the measurement of low atmospheric pressures, chemical reactions, and various laboratory instruments.

Quartz crystals: Used in physics laboratories for the generation and detection of high frequency and electromagnetic radiation.

2. Shop training:

Diamond dies: Useful in numerous types of grinding and cutting operations.

Shellac: Not only used in plant operation and maintenance (separate category above), but also in shop training (cabinets, boats, models, etc.).

3. Research:

Ruby: Basic ingredient in very new development of ruby masers which are extremely powerful beams of light, the numerous applications of which are still the subject of much research.

Selenium: One of elements used in doping crystals of germanium and silicon for producing semiconductors. These form basis of all types of transistors and junction devices.

4. Operation and maintenance of plants:

Feathers: A natural product, probably requiring no further processing, which should be useful to any institution responsible for housing programs.

5. Operation of hospitals and clinics:

Iodine: Useful not only in chemistry laboratory instruction (separate category above), but also, in more refined form, in hospital treatment of wounds, etc.

The extent to which these materials could be used and the amounts which might be required cannot be predicted at this time for several reasons:

(a) The degree of refinement of the stockpile materials is not clearly indicated in the report available to us, making it difficult to determine if a particular material would be usable in the form in which it would be made available to the schools and colleges;

(b) Instructional programs, curriculums, and teaching methods of schools and colleges are undergoing extensive revisions at the present time; and

(c) Many of the research and development programs of colleges and universities are restricted or classified. Information on needed materials is available only from the directors of these activities. (This will take time.)

Since more specific information on the types and quantities of strategic materials which could be used by schools and colleges is advisable, we will continue our inquiries. However, on the basis of the information available, it is apparent that many of the items in the stockpile are needed in health and educational programs. We would suggest that they be made available for donation to eligible health and educational donees on the same basis as provided in present programs for other Federal surplus property.

Sincerely yours,
IVAN A. NESTINGEN,
Under Secretary.

Mr. METCALF. Mr. President, in preparing my original amendment I had the benefit of advice from scientists at the National Academy of Sciences. Robert W. Crozier, the Executive Director of the Materials Advisory Board of the National Academy, wrote me concerning my amendment. He points out:

> While it is improbable that a significant fraction of any stockpiled material would be disposed of in such a fashion, these materials would be of substantial value to schools and hospitals.

This is an important point. My proposal would not dispose of a sizable percentage of stockpiled materials. But the relatively small amount of material concerned would be of great value to schools and hospitals—especially those which have no contracts to enable them to purchase research materials easily. I have received many letters—which I shall have printed in the RECORD soon—from research institutions in areas which are not blessed with wealth. Mr. Crozier notes this when he says that "such a program would be of particular benefit to the smaller institutions."

I appreciate having the advice of the National Academy of Sciences and I ask unanimous consent that Mr. Crozier's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ACADEMY OF SCIENCES,
NATIONAL RESEARCH COUNCIL,
MATERIALS ADVISORY BOARD OF
THE DIVISION OF ENGINEERING
AND INDUSTRIAL RESEARCH,
Washington, D.C., July 17, 1964.

Senator LEE METCALF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: Your proposed amendment to S. 2272, the Materials Reserve and Stockpile Act of 1964, has been called to our attention. It is our understanding that this amendment provides that material in the national stockpile, found to be surplus to present need, could be released only after it had been offered for donation to schools and hospitals under the donable surplus property program.

While it is improbable that a significant fraction of any stockpiled material would be disposed of in such a fashion, these materials would be of substantial value to schools and hospitals. It is to be hoped that the ready availability of stockpiled material might stimulate research leading to new applications. Particularly needed, and now dormant, is research, and development of methods, for economically upgrading substandard material now in stockpile, an activity which might ensue if your amendment is adopted. Such a program would be of particular benefit to the smaller institutions who have no contracts to enable them to purchase research materials easily. To be of benefit, it is essential that the program be administered in a manner to provide quick delivery with a minimum of redtape.

We can see no technical objection to this proposal, but would expect schools, hospitals, and the country as a whole to benefit.

Sincerely,

Robert W. Crozier,
Executive Director.

Mr. METCALF. Mr. President, in the near future, I will have printed in the Record the mail which I have received from educational institutions throughout the country. Universities, mining schools, high schools, and hospitals have outlined the ways in which they can use raw materials in educational programs. Adoption of my bill in 1965 will serve the public interest in education and health. In a time in our Nation's history when we are deeply concerned with the eradication of poverty, this proposal will make materials available to hard-pressed schools and hospitals which could not have been able to buy the precious raw materials. Since 1946 the donable surplus property program has made personal and real property, with a total acquisition cost of almost $4.4 billion, available to schools and hospitals. Today the United States is committed as a nation to the development of fine research institutions in all areas of the country. It is therefore a logical and needed step to extend the donable property program to include material in the stockpile found to be surplus to present need. The Nation as a whole will be the gainer.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. METCALF. I am delighted to yield to the Senator from Missouri, who has rendered such outstanding service in preparing the legislation and holding hearings for the disposal of the stockpile.

Mr. SYMINGTON. I thank the able acting majority leader. To be frank, I did not know he was going to make this particular talk. What I have heard has been interesting. I look forward to reading it all in the Record.

I received the telegram urging us to return to Washington because there was much work to be done. I was here yesterday and am here today. There does not seem to be much business being transacted. I wonder if the acting majority leader could give notice as to what the plans are for voting this week.

Mr. METCALF. My task is merely to present this statement in the morning hour. As I understand, the majority leader, my distinguished colleague from Montana [Mr. Mansfield] is now at a meeting from which may come the answer to some of the questions that the Senator from Missouri has asked. I shall leave it up to him to report on that matter later in the day.

Mr. SYMINGTON. I am in the unfortunate predicament of trying to be in Washington and at home at the same time and would appreciate knowing something about the schedule.

Mr. METCALF. I wonder if the Senator from Missouri will withhold his request until after the morning hour. I am sure that my distinguished colleague, the majority leader, would be glad to respond to the question.

Mr. SYMINGTON. There is no criticism on my part. I am requesting information. If it is not intended that there be a vote this week, I should like to get home.

Mr. METCALF. I have complete sympathy with the predicament of the Senator from Missouri. I hope that he does get back home so that he can return to Washington for the next 6 years.

Mr. SYMINGTON. That is a kind and gracious statement appreciated especially because of my high regard for the Senator from Montana.

The PRESIDING OFFICER. The bill referred to by the Senator from Montana will be received and appropriately referred.

The bill (S. 3203) to amend the Federal Property and Administrative Services Act of 1949 to provide for the disposal of surplus material in the national stockpile pursuant to section 203(j) thereof, introduced by Mr. Metcalf, was received, read twice by its title, and referred to the Committee on Government Operations.

ADMINISTRATIVE COUNSEL OF THE CONGRESS

Mr. PELL. Mr. President, one of the most illuminating and worthwhile proposals to come before the Congress is the concept of an "Ombudsman" sponsored by Representative Henry S. Reuss, of Wisconsin.

The "Ombudsman" is a Scandinavian-style grievance man or an untangler of bureaucratic knots. His function is many-faceted, but briefly it would boil down to that of an intermediary between the Federal Government and the private citizen—in congressional parlance, a supersized caseworker.

Congressman Reuss, in an excellent and thought-provoking article describes the Ombudsmanic concept, and how we might well apply it here in the United States. I ask unanimous consent that this article entitled "An Ombudsman for America," by Henry S. Reuss, be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

An Ombudsman for America

(By Henry S. Reuss)

Washington.—In October 1962 the New Zealand Parliament borrowed an idea from Scandinavia and appointed an Ombudsman—a kind of public investigator whose job is to look into complaints from individual citizens about the way they are treated by Government departments. The innovation proved an instant success and is now an established feature of New Zealand's national life. Reporting to Parliament in June, the Ombudsman stated that of the hundreds of grievances investigated, better than one in five had been justified and that remedial action had been taken—voluntarily—by the officials involved in these cases.

I have long believed that the American people, and their legislators, need and deserve a similar agency. Indeed, a bill I introduced in Congress to establish one has been before a House committee for about a year. To my mind, the Ombudsman idea—with some important modifications—is the best solution to a problem now hamstringing the legislative branch of Federal Government.

A Member of Congress today is a harried man. The days are hardly long enough for him to think and act soundly on all the great issues of war and peace, national prosperity, and civil rights. Yet these are only part of his burden. The Congressman and his staff must also cope with an astounding amount of constituent "business"—the requests and demands from voters that require him to serve as their mediator with the Federal Government.

This, the outwardly invisible aspect of congressional service, is so basic to the Member's success in his legislative role that he cannot give it less than his best—even though it can take up as much as 90 percent of his time. Called casework in Capitol Hill parlance, it is evidence that today's Congressman is as much the voter's agent in dealing with the Federal bureaucracy as he is the traditional formulator of laws.

In this age of Washington's pervasive influence on all citizens' lives—through taxation or military service or social security or whatever—this is hardly surprising. It is, in fact, a good thing, for the ordinary citizen often needs help in getting individual attention from a Government concerned with 190 million people. And Members can, in the process, learn whether the Federal bureaucracy is properly carrying out the laws passed by Congress.

As a Congressman, I am continually consulted on problems like these, for example:

A woman in my district writes that she has lost her Government typing job because of an allergy to carbon paper. Was this fair? Can she be placed in another job? I am doing what I can to find out.

Another constituent calls to say that the Air Force will not help her collect court-ordered child support from her former husband, a retired sergeant living in Japan. The Air Force sends him a monthly retirement check. Should it not be able to divert part of his pension to the support of these children? I am trying to answer that.

A taxpayer tells me that he has been summoned by the Internal Revenue Service five times since 1957 to explain in person why he claims his mother as an income tax dependent. Each year, the Service accepts his explanation, but then calls him in again the next year. At first sight, the complaint suggests governmental inefficiency causing unwarranted hardship on the citizen. I am looking into it.

But there must be some other way—less time consuming for me personally and for my small office staff, but equally helpful for the constituent and effective for me politically—to get these problems solved. And I think some variant of the Ombudsman or "grievance man" idea is the answer.

In Sweden, Finland, Norway, Denmark, and New Zealand, the Ombudsman is an agent of Parliament. He can be approached directly by any citizen with a complaint or claim against the government which he feels is not being handled properly. The system has worked so well that in Britain the Labor Party is pledged to appoint an Ombudsman if it returns to power this October, and Australia is also looking into the idea.

The complaints that are investigated may concern social security, unemployment compensation, public housing, taxes, customs, police methods, freedom of the press, and so on, and the Ombudsman has the full authority of Parliament to demand information and cooperation from the executive bureaucracies—his principal weapons being disclosure and publicity.

Doesn't this make him sound a little like the Congressman from Main Corners? It does to me. And I think it would to my 434 House colleagues as well as the 100 Members of the other Chamber.

So why don't we hire ourselves a professional grievance man to serve all of us, to take as much of the load off our backs as we care to refer to him, and at the same time give our constituents better help by putting their problems in the hands of a truly expert staff? I am not proposing that we adopt the Ombudsman concept in toto, for I do not think it would serve any purpose to establish an independent agency that citizens would approach directly with their complaints. This would probably end up as yet another impersonal bureaucracy.

Nor am I proposing that we adopt the exotic Scandinavian name for this unraveler of bureaucratic knots. Somewhat more prosaically, I am suggesting that we establish within the Congress of the United States an Administrative Counsel whose services would be available to all Members. My bill, H.R. 7593, explains that such counsel "shall review the case of any person who alleges that he believes that he has been subjected to any improper penalty, or that he has been denied any right or benefit to which he is entitled under the laws of the United States, or that the determination or award of any such right or benefit has been * * * unreasonably delayed, as a result of any action or failure to act on the part of any officer or employee of the United States."

The bill also makes clear that the Administrative Counsel will deal only with cases referred to him by elected Representatives and will provide his findings and recommendations to the Congressman. Thus, the Congressman's important role as personal agent for a complaining constituent will not be diluted.

In proposing the establishment of an Administrative Counsel, I am visualizing an office that would serve the Congress in roughly the same way as the Legislative Reference Service of the Library of Congress. Set up in 1946, it now has a staff of 150 offering Members an expertise in legislative research of a kind that would be almost impossible for their own personal staffs to match. Congressmen are not obliged to use the Legislative Reference Service, but in the last full year for which figures are available, those 150 experts handled 105,152 congressional requests for information.

In my opinion, the Administrative Counsel might, with a staff no larger than 100, relieve the workload in individual congressional offices by as much as 50 percent.

Although it would not be mandatory for any Member to refer any of his case work to him, by offering the help of experts trained in all the intricacies of, say, the Veterans' Administration and its hospital and pension systems or the military pay allotment laws, or the civil service tenure provisions, couldn't a Congressman feel sure he was getting the best possible assistance for his constituent? I think he could.

What objections might there be to this eminently sensible proposal? My bill has been before the Committee on House Administration since July 1963 with no movement discernible yet. Why?

I would venture to suggest that there are two obstacles—both understandable, neither insurmountable. First and foremost, the Congress always moves slowly and deliberately in inaugurating structural change. This is wise. Hasty changes are sometimes thoughtless and may well fail to remedy the problems they are designed to correct. The traditions and habits of the Congress are strong and should not be altered without thorough discussion and understanding.

In this instance, however, the discussion is already widespread, at least over the problem of overburdened staffs and the serious curtailment of a Congressman's time for legislative activity. In a typical week, I get at least 300 letters, visits, or phone calls from my constituents asking me to mediate for them with the Federal bureaucracy. My staff of seven spends most of its time on these matters and some become my personal concern. As a result, only a small fraction of my staff's work can be devoted to helping me on substantive legislative matters or broad political problems.

Many of my colleagues can match these figures and similarly bemoan the effects. Thus, there is no dispute that the problem exists. Some Members are willing to live with it, however, while others are not. I would certainly not expect my Ombudsman proposal to be accepted with even the speed of, say, the tax cut, but I am convinced that eventually the logic and efficiency of the idea will draw majority support.

The other major obstacle is the political challenge. No Member would sanction any change in procedures that would weaken his direct relationship with his constituents or the benefit he derives from solving their problems. Congressmen, who must survive as politicians if they would live to be statesmen, are not likely to legislate away potential votes. This, of course, is the principal reason why I would have the services of the Administrative Counsel available only to Members and not to the public at large, as is the case with the Scandinavian Ombudsman. In this way, the Member's relationship with his constituents would probably be strengthened by his ability to do more for them, and there would certainly be nothing to prevent his pursuing a matter further if he were dissatisfied with the findings of the counsel.

Given that the interests of Congressmen and Senators would be fully protected, therefore, let's see how they might benefit from a centralization of grievance investigations now scattered in their 535 offices on both sides of the Capitol.

First and foremost, as we have seen, the main advantage would be to free legislators and their staffs from a major part of the time-consuming effort now devoted to constituents' problems. (Some would still remain within the individual offices, of course, and the personal staffs would still have to check over and handle the final correspondence on work done by the Administrative Counsel.) Every hour saved from wrangling with the Veterans' Administration or the Social Security Administration is one that could be used for the fundamental job—researching, studying and debating legislation. Hopefully, it might even give Congressmen and their principal legislative aids enough time to think and to generate new ideas.

Secondly, I believe the Administrative Counsel could secure better representation for the citizen than he now obtains. The staffs of individual Members are not large enough to include an expert in each of the many administrative fields with which a Congressman must deal. More knowledgeable handling by a specialist could easily improve the citizen's chances for remedial action.

Third, the Administrative Counsel could avoid considerable duplication and crosshauling. As it is now, an energetic constituent may lodge his complaint with both Senators and a Congressman, each of whom may conduct an investigation. The existence of the Counsel's office would mitigate this.

Fourth, the Administrative Counsel could draw general conclusions from citizens' complaints. While they are spread among 535 offices, burdensome laws frequently go uncorrected, and consistently rude or lazy Government officials remain undetected.

And finally, I believe the Administrative Counsel could do a better job for less money. The personal staffs of Members are steadily increasing in both size and cost—Congressmen may employ as many as nine people; Senators up to 25 or 30. This pressure would obviously be eased if the full-time specialists of the office of Administrative Counsel performed part of the labors now undertaken by men-of-all-work in individual congressional offices.

With more personal and staff time to devote to legislation, who knows what future benefits might follow? The Congressmen might even be able to move the creaky machinery of the U.S. Congress a little faster in meeting the needs of this complex world.

OMBUDSMAN AT WORK

In his first year as New Zealand's Ombudsman, Sir Guy Powles received 760 complaints from private citizens about the work of Government departments and officials. They ranged from allegations of undue pressure to influence the result of a referendum on water fluoridation to a farmer's grievance against the income-tax authorities.

In the first case, the Ombudsman found nothing in law to prevent the Health Department from publishing advertisements and pamphlets in support of fluoridation but felt it was wrong in principle for the Government to campaign directly in a local referendum. The department accepted this finding.

In the tax case, the farmer complained that his liability for income tax had been heavily increased by the Revenue Department and then sharply reduced after a court action—which suggested either malice or carelessness on the part of tax officials. The Ombudsman found no evidence of malice but urged the department not to resort to "blitz" tactics that might call its impartiality into question.

Mr. PELL. Mr. President, every Member of Congress is fully aware of the need for some intercession on behalf of his constituents when they have some problem involving an agency of the Federal Government. In fact, a great deal of time is devoted to such efforts by every Member, for every constituency has its share of legitimate problems. When we consider that 555 Senators and Representatives devoting their time and energies, as well as that of their staffs, to these "case" problems, we are dealing with thousands of man-hours expended in every session of Congress. And much of this is wasteful duplication.

Representative Reuss has gone further than merely proposing the adoption of the Ombudsman concept in this country, he has also introduced legislation to that effect. Even though it is late in the session, I believe this proposal is worthy of widespread discussion and debate and consequently introduce for appropriate reference a bill providing for an Administrative Counsel for the Congress.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3205) to provide for an Administrative Counsel of the Congress, introduced by Mr. Pell, was received, read twice by its title, and referred to the Committee on Rules and Administration.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT (AMENDMENT NO. 1273)

Mr. MANSFIELD proposed a substitute amendment for the amendment offered by Senator Dirksen (for himself and the Senator from Montana [Mr. Mansfield]) numbered 1215, to the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, which was ordered to be printed.

TRIBUTE TO WALTER LIPPMANN ON HIS 75TH BIRTHDAY

Mr. FULBRIGHT. Mr. President, today is the 75th birthday anniversary of Mr. Walter Lippmann.

Mr. Lippmann is one of the most perceptive and reasonable commentators of the American and the international scene. He has a unique capacity for dissecting and analyzing the most complicated of subjects. He does not oversimplify. He merely explains the true meaning of complex factors in our modern and complex world. It is a service which is of incalculable value in the understanding of our people on many of these subjects that confront us.

I ask unanimous consent to have printed at this point in the Record an editorial from this morning's New York Times, entitled "Lippmann at 75" which pays tribute to Mr. Lippmann.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Lippmann at 75

Walter Lippmann happens to be 75 years old today, but his work shows no age. It should—and we hope will—go on for many more years.

It would be hard to define "the essential Lippmann," as a recent book of his writings was called. He is a Democrat who has been a shrewd critic of America's liberal democracy, a skeptic who believes in a higher natural law or moral order, an aristocratic mind with the common touch that simplifies and clarifies. Where events trip him up and prove him wrong, it is because the world is too complicated even for the most brilliant of newspaper columnists. It is much to say of any man, as one can say of Lippmann, that his opinions deserve the most serious attention, whether or not the end be agreement.

He makes life more interesting, more exciting, more intelligent than it would otherwise be if we could not read his columns twice a week in the Herald Tribune, or his magazine articles, or his books, or now and then see and hear him on television. This is as true at 75 as it was at 35—perhaps even more so today. Walter Lippmann is living proof that the older one gets the better one gets, at least when the mind is keen and open and wise.

Among his colleagues, especially, there is a sense of gratitude to him, for he is an honor to the profession of journalism.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SYMINGTON. I would join with the able and distinguished Senator from Arkansas, chairman of the Committee on Foreign Relations, in his commendation of Mr. Walter Lippmann.

Mr. Lippman's contributions to the knowledge and understanding of all people on subjects of national and international importance has in turn contributed to the present security and prosperity of this country.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BARTLETT. I join in extending birthday greetings to Mr. Lippmann. I associate myself with everything that the Senator from Arkansas [Mr. Fulbright] and the Senator from Missouri [Mr. Symington] have said.

Mr. Lippman is one of the most distinguished men upon the American scene today. Not only is Mr. Lippmann eminent in the field of journalism, but he is also eminent in other fields. He has had a profound and beneficial effect upon American life.

SHIPMENT TO OTHER NATIONS OF SURPLUS AGRICULTURAL PRODUCTS—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I notice in the morning's newspaper that the conferees have agreed in conference on the extension of Public Law 480, according to the newspaper account, which I have not been able to examine. I have not yet seen a copy of the conference report. I wonder if the Chair could tell me whether it is available.

The PRESIDING OFFICER. The conference report has been printed in the Record.

Mr. FULBRIGHT. I merely say that when the conference report is called up, I hope I shall be notified.

If that statement in the press is correct, the conferees have, I believe, retained in the measure a provision which could be very serious for our relations with Yugoslavia and Poland, particularly with Yugoslavia, a country with which we have had relations under Public Law 480 and the aid programs for a number of years, long before the present administration came in. It would be a great mistake if by legislative action the Congress should interfere with the discretion of the executive in continuing and improving our relations with those two countries. I believe it is quite shortsighted to lump all Communist countries into one category, as if there were no distinctions whatever between them. There have been very marked distinctions between our relations with Yugoslavia and the other Communist countries; and to imbed in legislation provisions which would leave no discretion or adequate discretion to the executive in that field would be, I believe, an unwarranted and an unwise interference by the Congress in the executive responsibility for carrying on our foreign relations. I hope very much that this newspaper account is incorrect, otherwise, the action reported would deprive the President and the executive branch of discretion in the administration of the Public Law 480 program. I hope that when the measure is brought up for action, I shall have an opportunity to make further comments on the conference report.

IS HISTORY OBSOLETE?

Mr. DOMINICK. Mr. President, I shall take only a short time. I am delighted to see that the Senator from Arkansas [Mr. Fulbright] is present in the Chamber.

I have recently had the opportunity of reading an article by Mr. Herman S. Wolk, who is a historian at SAC headquarters. The particular article to which I refer is entitled "Is History Obsolete?" The article starts by commenting on the attack by the distinguished Arkansas Senator on Senator Goldwater's foreign policy and the question of what we are to do about armaments. Mr. Wolk makes some very pertinent comments which I believe would be of interest to the people of our country. Among those comments are the following paragraphs:

> In what was at once a paradoxical flight from reality and a remarkable performance of dexterity, Senator Fulbright warned that the idea of "profound changes in the character of East-West relations" could not as yet be called permanent. It was, he said, "too soon to render a definitive judgment." Yet, in the next breath, Fulbright rapidly shifted gears and launched into a discussion entirely based upon "these enormously important changes." Fulbright had turned fiction to fact. He had become the unknowing victim of his own brand of mythmaking.

The article contains another paragraph or two which I think are of extreme importance. It continues:

> The argument for a radical solution is of itself an indictment. It is an admission of failure; an inability to come to grips with the major political questions of the 1960's. It is based on the illusion that smoothing of the surface will cause deep, underlying schisms to evaporate. This is precisely the kind of delusion which has in the past led to catastrophe.

As an additional background for that statement, the writer quotes from Arthur Schlesinger, who is certainly not on the Republican team by any stretch of the imagination, but who is himself a historian. As a former special assistant to both Presidents Kennedy and Johnson, Mr. Schlesinger, as quoted in the article, said:

> As a historian, I find it hard to understand how—in view of a sequence of international actions from the Stalin-Hitler pact of 1939 to the resumption of nuclear testing in 1961—anyone can suppose that the Soviet Union is animated by anything but an aggressive conception of its own interests. There is only one way in which we can persuade the Soviet Union that it must submit to a program of international arms inspection and control—that is by persuading the Soviet leaders that we can stay in the arms race as long as they can.

Mr. Wolk's article in its entirety is of extreme importance, because what he tries to point out in general content—and he makes very specific reference—is the fact that we have had no indication from the Soviet Union that its overall program for eventual conquest of the world by communism has in any way been changed. It seems to me that that is an extremely important point once again to bring before the mind of the public. As a result, I ask unanimous consent to have printed at this point in the Record the article to which I have referred, which was published in the Air Force magazine, August 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS HISTORY OBSOLETE?

(By Herman S. Wolk)

(The author, Mr. Wolk, is a historian at SAC headquarters, Offutt Air Force Base, Nebr., and specializes in the military-political aspects of the cold war. His byline, a familiar one to readers of this magazine, most recently appeared here in the March 1963 issue with his article, "The Great Deterrent Dialogue." Other articles by Mr. Wolk have appeared in October 1962, March 1962, and December 1961. The opinions and conclusions expressed here are Mr. Wolk's own and do not necessarily represent official positions or views of the Air Force or the Strategic Air Command.)

"Nothing is gained for peace by forgetting Czechoslovakia or Hungary or the recurrent menace to Berlin or Korea or southeast Asia or any of the dozens of times and places where Communists with help from Moscow have sought to put an end to liberty"—McGeorge Bundy (Foreign Affairs, April 1964).

"We must base our acts on present realities, not future hopes"—President Lyndon B. Johnson, April 20, 1964.

Some theorists have mistakenly taken the view that because of the vast implications of nuclear weapons—which no reasonable man will deny have had a major impact on international relations—the lessons of history are no longer applicable to the process of examining the future. This is a specious view. If it prevails, we shall lose the understanding of the past that is vital now, as it was before the nuclear age, to our policy projections of tomorrow. If we insist that the past is irrelevant, we will concentrate, to our peril, not on what is probable, given past and present reality, but rather on what is theoretically possible. That would be a self-defeating process geared to panacea. "No" is the answer to the question.

In his second annual message to Congress, Abraham Lincoln delivered the pertinent admonishment that, like it or not, "We cannot escape history." A century later, we are witnessing a unique and disturbing attempt to escape from the past.

The thermonuclear age, with all of its inherent problems that seemingly defy solution, has given birth to a curious philosophy. In a period when it is more important than ever to pause and digest the meaning of our history and traditions, there are those who would counsel us to forget the past because it is claimed that history has no application to the unique problems of today's world. The existence of thermonuclear warheads and continent-spanning strategic delivery vehicles, it is argued, have made past tenets obsolete. Experience, it is said, can no longer be employed as a useful guide to human affairs. Thus, it is reasoned, because we live in a special era during which man has the capacity to destroy himself, radical solutions are required. The panacea most frequently advanced is that of general and complete disarmament. Is the advocacy of a final solution that fails to take cognizance of history sound?

History is not something to be picked up or discarded at one's convenience. It is persistent and pervasive. And it is precisely these qualities which the new prophets find irritating, primarily because their particular prescription for salvation runs counter to the lessons of the recent past. Their prophecies and programs seem designed to vindicate Hegel's dictum that "peoples and governments never have learned anything from history, or acted on principles deduced from it." Yet, in actuality, the drive to escape from history can be seen as a compulsion to flee from the difficulties of today which have their roots in the past.

The contemporary theorists who flout history are part of what Walter Lippmann has described as a great mass of people who remain "frightened, irritated, impatient, frustrated, and in search of quick and easy solutions" (Lippmann's address to the Women's National Press Club, Jan. 10, 1962). They feel hemmed in by the advent of thermonuclear weapons coupled with the attendant conflict between communism and the free world. For it is the combination of the new weapons and the political cleavages of the cold war that has led to their frustration and impatience.

Thus, there has evolved a compulsion (on the part of those who would escape from history) to stress what is now possible as opposed to what might in fact be probable, given the realities of today's world. The "possibilists" have recently heard a clarion call from that old destroyer of myths, Senator J. WILLIAM FULBRIGHT, chairman of the Senate Foreign Relations Committee.

In what must surely be one of the great ironies of the post-World War II era, Senator FULBRIGHT took upon himself the task of obliterating some "cherished myths."[1] Perhaps it never occurred to the Senator that his words and arguments might well have been addressed to himself as well as to all who would like to forget the recent past. Senator FULBRIGHT declared:

"There is an inevitable divergence, attributable to the imperfections of the human mind, between the world as it is and the world as men perceive it."

It should be noted that the "master myth" that Senator FULBRIGHT alluded to is, of course, no myth at all. For some inexplicable reason, when he declared that the greatest myth of all was the mistaken notion that the Communist bloc was a monolith, FULBRIGHT ignored the historical fact that every American President since the end of World War II has proceeded on the fact that there were definite nuances and divergencies between Communist nations. One has only to look at American policy toward Yugoslavia and Poland to appreciate this fact.

In what was at once a paradoxical flight from reality and a remarkable performance of dexterity, Senator FULBRIGHT warned that the idea of "profound changes in the character of East-West relations" could not as yet be called permanent. It was, he said, "too soon to render a definitive judgment." Yet, in the next breath, FULBRIGHT rapidly shifted gears and launched into a discussion entirely based upon "these enormously important changes." FULBRIGHT had turned fiction to fact. He had become the unknowing victim of his own brand of mythmaking.

Unmindful of his own warnings—and those of a multitude of Congressmen and other Americans—on the dangers of "euphoria" in the wake of the nuclear test ban treaty, FULBRIGHT stated:

"It has therefore become possible to divert some of our energies from the prosecution of the cold war to the relaxation of the cold war to deal with the Soviet Union, for certain purposes, as a normal state with normal and traditional interests."

In his lengthy, repetitive, and rambling address (it occurred during the southern filibuster against the administration's civil rights bill), the chairman of the Foreign Relations Committee emphasized what might be possible.

For example, "it is not impossible" that American relations with Communist China might change; "it is possible" that a new generation of Red Chinese might be better disposed toward us; "it seems possible" that the Far Eastern situation might be ameliorated, thus making "it possible to strengthen world peace by drawing mainland China into existing East-West agreements in such fields as disarmament, trade, and educational exchange." How little remains impossible.

The main lines of Senator FULBRIGHT's tour de force were similar in content to some curious recent reasoning by former Deputy Secretary of Defense Roswell Gilpatric. Writing, not long after stepping down from his defense post, in the April 1964 issue of Foreign Affairs, Gilpatric offered his prescription for "the kind of military establishment which might be appropriate for the United States should there develop a continued easing of the level of East-West tension such as we have seen during the past year."

Like Senator FULBRIGHT, Mr. Gilpatric was careful to qualify his important assumptions (in the great majority of press comment on FULBRIGHT and Gilpatric, the qualifications were almost always ignored). Gilpatric didn't pretend to know the extent or permanence of the "present relaxation." But nevertheless, "I think it at least possible, though not assured, that we shall at last find a more than temporary easing of East-West tensions." Thus, his entire proposal for a 25-percent cut in defense spending and his argument that we can afford "a tapering off in the growth of our strategic nuclear forces," was predicated on something that might in the future be possible.

The difficulty with a great deal of this theorizing is that it bears little relation to the world we live in. All too often scenarios are based on unlikely possibilities rather than on more realistic probabilities. Many things are possible, fewer postulates are indeed probable. To base national security policy on what might happen in the distant future would be an invitation to disaster. At this point, it should be said that theory does, of course, have a place. But so does history. And those who fall into the trap of black-and-white absolutism, and accept one to the total exclusion of the other, are inviting distortion.

The FULBRIGHT and Gilpatric theses have been echoed by others, notably many social and physical scientists. This kind of leaping over history, so reminiscent of the time machine popularized in the comic strip Alley Oop, finds its rationale in the sleight-of-hand performed recently by Arthur I. Waskow. According to Waskow, in the January 1964 issue of World Politics:

"Even when statesmen are ready to agree that reading history may be useless, it is not easy to find substitutes. * * * Many of them are now prepared to accept at one level of consciousness that thermonuclear weapons have made history obsolete as a guide to action; but there is no agreement on whether adequate substitutes for history have been created."

The best answer to the hurried and sometimes lofty theorists who, as Chester Bowles remarked, "want to stop the world and get off," was given by President Johnson on April 20, 1964, when he reminded us that "we must not mistake day-to-day changes for fundamental movements in the course of history."

We are today witnessing, then, a powerful drive to conveniently bury history. As we have seen, this challenge is basically rooted in the technological revolution which led to the development of nuclear weapons. Max Ascoli, editor of the Reporter, has put it this way: "A sort of very peculiar, unhistorical Hegelianism is pervading the thinking of our men of good will" (the Reporter, May 7, 1964, p. 14). When Roswell Gilpatric described his theory of deterrence for the Age of Détente he was talking about a military posture "for a midway point between cold war and a genuinely peaceful world." In other words, he felt that a period was coming in which the cold war was clearly a thing of the past. Max Ascoli described the thought behind this leapfrogging as a process of "myth debunking and thinking the unthinkable" which "can do the job of making us reach the next stage which lies just ahead."

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[1] The text of Senator FULBRIGHT's address can be found in the New York Times, Mar. 26, 1964.

Beneath all of this reasoning lies the idea that the world has little time left to find a solution. We are faced with a unique situation, or as Charles Osgood has put it: "We thus find ourselves in an unprecedented situation completely novel to human experience requiring radical innovation in policy" ("Reciprocal Initiative," in the Liberal Papers, Doubleday Anchor, 1962). It is precisely at this point that history intrudes. For what are we to make of almost two decades of post-World War II history which is replete with Communist aggression, deceit, subversion, and pressures? What of Iran, the isolation of Berlin, the Korean war, the smashing of the Hungarian revolution, the Tibetan atrocities, the Berlin wall, and the Soviet intrusion into Cuba?

W. H. Ferry, of the Center for the Study of Democratic Institutions, is typical of those who want to forget recent history. "Utopianism," he says, "is precisely what is most needed in the thickening mists of contemporary politics." ("What Price Peace?" Bulletin of the Atomic Scientists, September 1963.) Or, as Max Singer of the Hudson Institute declared: "Experience won't serve as a guide any more to practical affairs. The world has become too complicated" (quoted in Arthur Herzog, "Report on a 'Think Factory,'" the New York Times magazine, Nov. 10, 1963). Paradoxically, those who often lapse into absolutism, admonishing us to accept a grand solution before time runs out, are often apt to warn of the impatience of those in society who advocate another quick solution, i.e., preventive war. While they rightly see the awful dangers involved in a course culminating in general thermonuclear conflict, they fail to see the stark inconsistency in their own position.

It is precisely because the world is complex that history serves us. The complexities of today's world have not suddenly come upon us, as if dropped from the sky. The basic differences between freedom and communism antedate the onset of the cold war. They originated in the opposite approaches taken by the architects of the Declaration of Independence and the visionary founders of Bolshevism. These diametrically opposed philosophies have been filtered through the crucible of history. The existence and interaction of Western democratic ideas and thought on the one hand, and communism on the other, have produced the present burden of history that we call the contemporary world. We cannot renounce the past any more than we can turn our backs on the present.

The argument for a radical solution is of itself an indictment. It is an admission of failure; an inability to come to grips with the major political questions of the 1960's. It is based on the illusion that smoothing of the surface will cause deep, underlying schisms to evaporate. This is precisely the kind of delusion which has in the past led to catastrophe.

But the way out has never been the easy way. Only by facing and understanding the interaction between past, present, and future will we stand to accomplish a measure of success. In the final analysis, it must be recognized that the new theorizing attempts to come to grips with inherent historical currents by utilizing methods that have nothing to do with history.

The cold war—and the West's response to it—are not something invented in theory. They have evolved from the past and will undoubtedly assume forms in the future that have some connection with today and yesterday. The cold war is not purely a military matter although weapons and strategy are close to the heart of it; and it is not solely technological although technology is intimately bound up in it. The cold war is essentially political, and history is still the heart of politics. Thus, because weapons have never been the root cause of the cold war, the real solution does not lie solely in general arms reduction leading to disarmament. The issues dividing our world are neither subject to a final military solution nor will they be solved through a weapons approach alone. There will have to be some kind of real answer to the fundamental political issues prior to meaningful arms control or disarmament.

History teaches modesty and patience. It tells us that our fate is in part dictated by the human condition itself—the frailties and limitations imposed upon man. But it also warns against the cult of determinism. For we still have a good deal to say about where we are heading—provided we understand from whence we came. Curiously enough, some of the analysts and theorists that David Lilienthal has called "other worldly"[2] advocate, or have fallen victim to, deterministic ideas. Although it seems strange that one who argues for radical solutions should embrace determinism, there does seem to be an explanation that lies in the interaction of frustration produced by a need to act and an uncertainty about exactly what to do. Thus, if we have become unwilling to act in international politics because of nuclear fear, then the frustration can be removed by believing that our problems are insoluble. The result is an abdication of responsibility and a flight from reality.

Before a meaningful arms agreement is reached, the Soviet Union must become convinced that the arms race does not pay dividends. This means that the West cannot be blinded by a paralytic obsession with the dangers of possessing nuclear weapons. It must be willing to act—as in the Cuban crisis of October–November 1962—in order to make the Soviets realize this. To the historian, who must of necessity take the long, balanced view, it remains to be proved that the Cuban missile crisis was in fact a major turning point in the cold war. This remains to be seen. In the meantime, any final strategic planning that operates on this assumption may invite unpleasant consequences.

All of this calls for one essential ingredient that unfortunately we have shown signs of sometimes lacking—patience. We need patience and a sure feel for history. There is a requirement to prevent us from jumping prematurely into an agreement which, in the long run, could only hurt us and set back the cause of world peace. Arthur Schlesinger, Jr., former special assistant to Presidents Kennedy and Johnson, put it this way:

"As a historian, I find it hard to understand how—in view of a sequence of international actions from the Stalin-Hitler pact of 1939 to the resumption of nuclear testing in 1961—anyone can suppose that the Soviet Union is animated by anything but an aggressive conception of its own interests. There is only one way in which we can persuade the Soviet Union that it must submit to a program of international arms inspection and control—that is by persuading the Soviet leaders that we can stay in the arms race as long as they can."[3]

What we are saying is that we cannot permit ourselves to be seduced by the allure of panaceas. As far as general and complete disarmament is concerned, we must not allow the wish to be father to the thought. An appreciation of the value of history requires perspective. Above all, it means an understanding of long-range requirements. It calls for an end to the typically American "faucet approach" of falling into almost complete despair and then almost immediately rising to heights of undiluted optimism and idealism, according to the fluctuations of the international political barometer. There is always a serious effort required to bring the present into true perspective.

In summary, let us refuse to renounce history. Instead, may we appreciate it and thereby come to better understand our environment. We shall then finally recognize that we are not enmeshed in a radically new situation at all. We will possess the kind of understanding and perspective necessary to see through prophecies of doom and instant salvation. We shall understand that the problem is political and not technological. Within us will burn a guarded optimism kindled by the knowledge that history can work for us.

And finally, we shall know that the people who insist upon ignoring history only bring closer to fruition events which they—and we—are trying desperately to avoid. The American people have in the past sought rapid solutions to international problems. Will we meet the test of what has been called the long twilight war? Technology continues to move at an accelerated pace; based on the American record to date, it would be audacious to suggest that we shall beyond doubt make the correct decisions with the perspective required by the world we live in.

THE ONE-MAN, ONE-VOTE TAUTOLOGY

Mr. JORDAN of Idaho. Mr. President, over the past 2 months the Congressional Record has been replete with articles from large urban papers praising what Mr. Justice Harlan might describe as the one-man, one-vote tautology and degrading the pending reapportionment amendment. In an effort to bring more light to this protracted debate, I ask unanimous consent that articles by William S. White appearing in the September 21 issue of the Washington Star and by Robert C. Albright appearing in the September 22 issue of the Washington Post be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Star, Sept. 21, 1964]

High Court Ruling Upsets Congress

(By William S. White)

An important issue of this election campaign that has not yet surfaced to full light is deeply troubling responsible Members of Congress, Democratic and Republican, who believe in constitutional order.

It involves the proper role of the Supreme Court. Specifically, it turns upon a recent Court ruling that hereafter the apportionment of seats in the upper houses of the State legislatures, as well as in the lower, must be based on mere population measures. The Court has said that they must, whether or not the people in the States so wish it—or even where they have specifically said "No" in solemn referendums.

Seats in most of the upper houses of the States have traditionally been based upon factors other than mere headcounts—geography, legitimate minority interests, and so on. The historic purpose, of course, has been to maintain a check on the lower houses precisely as the U.S. Senate—which by the Constitution is deliberately not based on mere population—provides a check over the more numerous House of Representatives. The historic purpose, in a word, has been to provide that check which is the other half of the American system of check and balance.

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[2] For a scathing critique of the same theorists see David E. Lilienthal, "Change, Hope and the Bomb," Princeton University Press, 1963, chapter IV.

[3] See Schlesinger's speech before the California Foundation of Young Democrats in San Diego, excerpted in Air Force Space Digest, March 1962, p. 32.

The Court's decision, if it is to endure, undeniably amounts to the beginning of the end of that system. Equally undeniably, it amounts to a judicial rewriting of the Constitution and an assertion of imperious political power by unelected judges which no Supreme Court in nearly 200 years had ever before dared or wanted to assert.

It is shocking judicial arrogance, notwithstanding that population imbalance in many legislatures is a regrettable reality. No constitutional lawyer known to this columnist—be he liberal or conservative, Republican or Democrat—is anything but privately aghast at this unexampled intrusion of the court into purely political questions.

But if the lawyers stand aghast, they also stand silent. Why? Because, as one of them just told me, they "don't want to be accused of being 'Birchites' and enemies of the Supreme Court." They also fear the massive economic and propaganda power of the urban interests, whose short-term legislative aims unquestionably would be served by the Court's ruling.

But an urban-based minority in Congress is far from silent. It is determined to put this decision forever beyond the possibility of overturn, even by indisputably constitutional and democratic processes. Men who have made a Senate career of shrieking against that dreadful filibuster—when used by others, as in civil rights—are themselves conducting a shrill filibuster against a demonstrable majority of both Houses of Congress.

The majority wishes to submit a constitutional amendment to the people of the United States to stay the Court's hand—if the people themselves so wish.

But those who call themselves "liberals"—men like Senator Paul Douglas of Illinois and Joseph Clark of Pennsylvania and Wayne Morse of Oregon—are not here quite so responsive to those "majority rights" for which they have so long and so righteously bellowed in the past. This time, they are not interested in the right of a majority of Congress to "express its will," nor in the right of the majority of the country to say "yea" or "nay" to a constitutional amendment. They like things the way they are. And even the filibuster is all right, too—now that it is they who are using it.

Now, the political factor simply is this: Widespread public resentment at the Court's ukase is spilling over on Members of Congress from the rural and small town areas. Mostly, these are Democrats; but some are Republicans. These are the very same men who are trying to check the Court—but for all controversial Court decisions the voters tend to blame simply those "in power in Washington." Particularly, this is true if they are in the party that holds the White House.

So it is a rare irony that some of those Members of the Congress most opposed to the Court's decision are nevertheless about to be destroyed by it—and that their own urban party colleagues are joyfully assisting in this process of demagogic cannibalism. Anyhow, they, the urban politicians, never had it so good as now. They, at any rate, are all right, Jack.

[From the Washington Post, Sept. 22, 1964]

DEMOCRATIC LIBERALS DEMANDING COMPLETE ROUT OF DIRKSEN RIDER

(By Robert C. Albright)

Senate northern Democratic liberals said yesterday they will settle for nothing less than complete rout of the so-called Dirksen rider to the foreign aid bill, postponing indefinitely application of the Supreme Court legislative reapportionment decision.

Senator Paul Douglas, Democrat of Illinois, leading spokesman for the group, in effect called on the administration and Senate Majority Leader Mike Mansfield, Democrat, of Montana, to get behind a move to shelve the Dirksen rider in its entirety.

Mansfield is now cosponsor of the rider, with Senate GOP leader Everett M. Dirksen, of Illinois. Senate Majority Whip Hubert H. Humphrey, of Minnesota, President Johnson's running mate, has been working and voting with the liberals when he is not out campaigning.

Douglas told newsmen the liberals do not plan to support even the comparatively mild sense of Congress compromise they recently went along with unless the administration and the Senate leadership pitch in to get a favorable vote. The so-called sense of Congress approach failed last week by a 40 to 42 vote.

"We are not going to make another charge up the hill unless we know we have the artillery behind us," said Douglas. He added: "We can defeat the Dirksen rider by a combination of talk and persistence, and we have plenty of both."

Senator Wayne Morse, Democrat, of Oregon, meanwhile broke away from the other Senate liberals to pledge a filibuster not only against the Dirksen rider but against the mildly worded sense of Congress substitute, which he said would lack any force of law.

Morse termed the proposed amendments, "bad, rotten legislative policy" and said: "I am perfectly willing to participate in a filibuster on this question until Christmas."

Douglas said he welcomed Morse as a "valiant ally," and said he was "no stronger an opponent of the Dirksen amendment, or defender of the Supreme Court than we are."

The Supreme Court ruled June 15 that both houses in State legislatures must be apportioned on population basis. The Dirksen rider would delay the effect of the ruling for at least a year, providing opponents of the decision time to try to get a constitutional amendment submitted to the States.

The battle over the Dirksen amendment has tied up the Senate for weeks, blocking action on foreign aid, the President's Appalachia bill and other legislation piled up behind it.

The 88th Congress' soaring legislation record was also threatened by a companion attack on the Supreme Court decision in the House. The latest, a proposed constitutional amendment designed to override the decision, already has been given a green light by the House Rules Committee.

Senator Clinton P. Anderson, Democrat, of New Mexico, who has been trying to work out a Senate settlement, told newsmen the best way to get rid of the wrangle is for the House to pass a resolution continuing last year's foreign aid appropriation. The Dirksen amendment then would die along with the Senate's pending foreign aid bill. House leaders termed such a resolution unlikely, however.

Senator Dirksen told reporters that provisions of his own amendment are now being worked over by staff members in an effort to find a formula to break the stalemate.

Dirksen indicated the changes would not involve questions of substance, however.

"My object is to preserve the essential effect of the Mansfield-Dirksen amendment, but to couch it in terms that would make it more palatable," said Dirksen.

Northern liberals said that if this is all that is planned, they will continue their efforts to kill the entire amendment.

REBUILDING OF THE ALASKA RAILROAD

Mr. BARTLETT. Mr. President, the U.S. Army District Engineer of Anchorage, who has, with his immediate predecessor, carried such a tremendous burden in the days and weeks and months following the Alaska earthquake, announced within the past few days that a contract has been signed to rebuild the Alaska Railroad facilities at Seward.

This was good news, happy news. No one who had viewed the scene of desolation at Seward after disaster struck could have believed the impossible would have become the possible within such a relatively short time.

As soon as human safety had been assured and the terrible shock of the catastrophe had subsided, personnel of the railroad began a survey of the damage done to its facilities. This survey showed that the railroad, a key factor in the development of interior Alaska, had been substantially destroyed south of Anchorage—the portion of the line which ties centers of population to the year-round ports on Prince William Sound.

Dock facilities at Seward, the larger port, were demolished and those at Whittier damaged beyond immediate use.

Seventy-five miles of roadbed had subsided several feet to the point where track was inundated at high tides at some points and warped beyond use at others.

More than 50 bridges and trestles were destroyed or heavily damaged.

Huge landslides had torn away roadbed or required relocation of track.

Nearly $3 million worth of rolling stock had been smashed, burned, twisted, or tumbled into the sea.

The damage was estimated well over $25 million. President Johnson made the almost immediate decision that this critically important segment which assures winter transportation of freight from the other States must and would be rebuilt, and the Congress was quick in its sympathy in appropriating most of the funds needed. It is expected that the 1966 fiscal year budget to be submitted in January will seek the additional funds to make the job complete.

With the funds assured, the personnel of the railroad began the backbreaking task on what looked like an 18-month job to restore even the most rudimentary rail link between Anchorage and Seward.

By working on a 70 to 80 hour weekly schedule, emergency repairs allowed heavy freight to flow from Whittier to the interior scarcely 3 weeks after the disaster. The materials for Alaska's reconstruction began to move more rapidly into the State. On September 13 the first trainload of commercial freight moved from Anchorage to Seward on the rail line. The route is still rough, slow, and tortuous, but Alaska's main channel of heavy transportation is again open, and the economic existence of Seward reinforced.

The hard work, long hours, and dedication of some 1,300 Alaska railroaders have made this possible. Their devotion warrants the thanks of all who know the formidable task of reconstruction and who will benefit from a railroad made whole again.

This Government railroad was built in the years of World War I as a common carrier railroad to aid Alaska's development. The railroad's main line extends

470.3 miles from Seward to Fairbanks, and 12.4 miles from Whittier to Portage Junction. It is vital to Alaska's economy. The blow struck on Good Friday was, therefore, a blow at the heart of that economy.

The burden of this catastrophe fell heaviest upon the Alaska Railroad's General Manager, John E. Manley. He set an inspiring example of work without regard to the clock or the calendar. His ingenuity and his leadership are largely responsible for the amazing job which has been done and which will continue for many months ahead.

John Manley has devoted nearly 30 years to the Alaska Railroad. From fireman to general manager, he has learned every facet of sub-Arctic railroading. No one in the history of the Alaska Railroad could have surpassed him in being the man for the times. Because of him and all those who worked with him and are working with him on the railroad this critical artery of Alaska's transportation system will emerge to be even more efficient.

I salute them all.

Col. Clare F. Farley, the district engineer, in announcing recently the contract for restoring the railroad's dock and yards at Seward, has described the work to be performed under that contract. I ask unanimous consent, Mr. President, that his press release be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

Rebuilding of the Alaska Railroad

The William A. Smith Co., of Kansas City, Kans., was named prime contractor for a $5,965,190 project to rebuild the Alaska Railroad facilities at Seward destroyed in the March 27 disaster, it was announced today by Col. Clare F. Farley, district engineer.

The firm was awarded the contract after negotiations were completed by Lt. Col. John O. Buchanan with the U.S. Army Engineer District, Alaska. The contractor previously did work for the engineers and the railroad at the Clear Ballistic Missile Early Warning Station, where a segment of railroad track was relocated in 1959.

Mr. John Manley, General Manager of the Alaska Railroad, announced that the new facility would be somewhat smaller but more conveniently located than the one recently destroyed. He stated that approximately $9.5 million would be spent on the total project which includes dredging, purchase of materials, and engineering overhead.

The construction contract calls for the erection of a 735-foot dock, 200 feet wide, with berthing facilities on two sides to accommodate two vessels simultaneously. The contract also calls for the laying of about 1 mile of track on the dock, the approach and the staging yards. The dock and yards will be located north of the old facilities about one-quarter of a mile west of the Seward airstrip. The new location reduces the amount of track required to reach the dock by more than 2 miles.

The new dock will be built complete with a transit shed measuring 100 by 200 feet providing storage space and facilities for offices. The dock will rest on steel H and pipe piles—a total of 8,206 tons. The piling will be furnished by the Government. Job specifications call for driving the steel H piling to a 35-foot depth with 10 feet added as a safety factor and the steel pipe driven to a depth of 45 feet below the surface. The deck of the new ARR dock will be surfaced with asphalt laid over precast concrete. The deck will be built at elevation of 22 feet above mean lower low tide. The structure will have fire protection facilities and other safeguards built into it.

The railroad yards and access area to the new dock will be laid on gravel fill now being dredged under a dredge rental contract with Manson & Osberg. The ocean approach will be dredged to a 35-foot depth below low tide according to project engineer, William Wilson, with the Alaska District Engineers. The excavation will provide an estimated 1,819,000 cubic yards of material for use as fill.

The new railroad yards will have 10 spurs to provide for car storage and staging and access to the dock. The site was approved by soil scientists, and the design for the dock was okayed by Task Force 9 as adequate to withstand earthquake stresses.

Work is expected to start immediately with the setting of piling and the project is scheduled for completion next fall.

THE TEENAGE TIDAL WAVE OF THE 1960's

Mr. METCALF. Mr. President, all of us are familiar with the statistics of the population explosion and the threat it poses. However, we are inclined to think of this threat as far in the future. This comfortable notion is quickly dispelled by a recent analysis of the Population Reference Bureau. This report shows that the post-World War II baby boom in the United States has grown into the teenage tidal wave of the 1960's. The ever-increasing number of teenagers plus the persistent problems of education, juvenile delinquency and employment demand vigorous action by American parents and responsible public authorities. The challenge presented by the fact that more than a fourth of the 1947 boom babies are today out of school and looking for work must be met. In this interest, I ask unanimous consent that this report be printed in the body of the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Rising Tide of the 17-Year-Olds Presents Major Social Problems

In the annals of future historians, 1964 may well mark the year that America's post-World War II baby boom came home to roost. For the teenage problems that have plagued American parents and sociologists so long are going to get bigger in the next decade. The reason is simply that there are going to be a lot more teenagers around.

The 3,700,000 young Americans celebrating their 17th birthday in 1964 number nearly 1 million more than the 1963 crop of 17-year-olds. Teenage population growth is going to continue. After 1966, each succeeding year's crop of 17-year-olds will be bigger than the ones before, reaching 4 million or more by 1974.

This phenomenon of massive teenage population growth presents social, moral, educational, juvenile delinquency and employment problems which will increase each year.

High school enrollment will increase 30 percent in the next decade. The enrollment of 12,700,000 expected in the fall of 1964 will become 16,300,000 by the fall of 1974.

By the time the 17-year-olds of 1964 and later get to college, already crowded facilities will be strained to the breaking point. This fall's college freshman class is expected to be 1,300,000, a fifth larger than last year's.

An even more troublesome problem is that a fourth of all 17-year-olds have already dropped out of school. They are adrift in a labor market where most employers insist on a high school diploma as the minimum educational requirement. Will these dropouts find jobs—or become a growing social problem?

Although these 17-year-old dropouts may volunteer for the armed services, they are not eligible for the draft until their 18th birthday. But it is estimated that 630,000, or about a third of today's 17-year-old boys will be found unqualified for military service if examined for induction after their 18th birthday.

As age at marriage keeps declining in the United States, an increasing number of teenagers are giving married life a try. In this year's crop of 3,700,000 17-year-olds, 258,000 are already married—12 percent of the girls and 2 percent of the boys.

Surmounting all these other problems and directly related to them is the still-growing problem of juvenile delinquency and of teenage crime which society and the experts on youth have not yet begun to solve.

The complex of perils and pitfalls of the 17-year-olds are reviewed by the Population Reference Bureau, a nonprofit research and educational organization in Washington, D.C.

Its analysis shows that the post-World War II baby boom in the United States has created a number of situations requiring attention by American parents and responsible public authorities.

Today's 17-year-olds were born in 1947. This was the year that the U.S. birth rate reached its highest peak since 1921—26.6 births per thousand of population.

In 1947, about 43 million people in the United States were aged 17 and under. Now the number stands at 70 million—or 63 percent greater. In fact, for the last 4 years, this 17-and-under age group has been increasing at an amazing 6.6 percent a year. This is 4½ times as fast as the total population growth.

U.S. Census Bureau projections indicate an ever-increasing proportion of people 17-and-under in the American population. In 1960, it was only 1 out of every 3 people. By 1985, it will be 2 out of 5.

The Census Bureau also projects a dramatic rise in the annual infant crop when the postwar boom babies grow up and start having babies of their own. The number of children born each year—about 4 million in 1964—is expected to be about 6 million by 1975 and 6,500,000 by 1980.

The Population Reference Bureau points out that it is a mistake to conclude that the U.S. baby boom is over, even though the decline in the U.S. birth rate since 1957 has been given much publicity.

The number of women aged 20 to 29—the peak of childbearing years—will nearly double in the next 25 years. Many of these women will shortly be the matured, postwar boom babies who will have babies of their own during the next quarter century.

Thus, each passing year lays the groundwork for a still greater baby crop the next year. If these current trends continue, it is estimated that the U.S. population—now over 190 million—will total 362 million by the year 2000. The billion mark will be passed about 65 years later.

The 1960 census disclosed that 25 percent of the 2,900,000 youngsters in the 17-year age group that year had discontinued their education. Another 4 percent was still in elementary school. Yet a bright 3 percent was already in college.

Somewhat surprisingly, less than 40 percent of the 17 year olds were high school seniors. Approximately 25 percent were juniors and 6 percent were sophomores.

Contrary to popular belief, the percentage of school dropouts has not risen, though the actual number of dropouts was greater in 1960 than in 1950. For the 17-year-old age group, dropouts declined from 32 percent in

1950 to 24 percent in 1960. But because of the rapid increase of this age group, the number of dropouts rose from 670,000 to 698,000.

This year's 17-year-old dropouts will have plenty of company in the years ahead. It is now estimated that during the 1960's about 7,500,000 young people will leave school without graduating. Nearly a third of them—about 2,300,000—will have an eighth grade education or less.

Despite the dramatic upsurge in college-age youth, freshmen enrollment is expected to level off in the years to come. The U.S. Office of Education reports that universities are building more graduate and professional schools and fewer facilities for college freshmen. It predicts that total enrollment in institutions of higher learning will increase by 75 percent in the next 10 years, but college freshman enrollment will increase by only 31 percent. This means that many high school seniors will have their college entrance applications rejected.

For the painful truth is that desire to attend college is outracing even the accelerated postwar population growth. Because the baby boom did not get under way until late in 1946, these are actually 20,000 fewer 18-year-olds this fall than 19-year-olds—2,759,000 as against 2,779,000. But the number of college freshmen in 1964 will be 20-percent greater than last year, according to the U.S. Office of Education projections. By the fall of 1965, the increase will be an additional 13 percent. But the number of 18-year-olds who make up the 1964 bumper crop of 17-year-olds will be a third larger than this year. In 1966, there will be a drop of 5,000 in freshman enrollment to 1,385,000. But this will rise to 1,409,000 in 1967 and continue rising to 1,885,000 by 1975.

If previous patterns hold, as revealed in President Kennedy's Cabinet-level task force report on "One Third of a Nation," about half of the young men now turning 18 would be rejected by the selective service draft boards if they were inducted, since they would not be able to pass the mental examination. The other half would fail physical exams.

This report also found that the average mental rejectee had gone only part way through high school. Eighty percent were school dropouts and 9 percent had court records. Their unemployment rate was 28 percent. Of those who were employed, 75 percent worked in unskilled, semiskilled, and service jobs. They averaged $56 a week in earnings.

The Federal Bureau of Investigation's 1963 report on crime in the United States, analyzing arrest rates by age groups, finds that the 15- to 19-year-olds are the most frequent offenders in burglary, larceny and auto theft cases. These are traditional first offenses of youth.

The problem of youthful crime is, of course, concentrated in urban areas. In nearly 3,000 cities of over 2,500 population reporting to the FBI in 1963 the number of arrests for all crimes by age group was reported as follows:

Under 15	281, 944
15	130, 442
16	159, 375
17	131, 291
18	124, 505
19	120, 675

The rates for the most prevalent teenage crimes were 441 arrests for auto thefts per 100,000 population of the 15–19 age group, 601 arrests in burglary cases and 947 for larceny.

The number of arrests reported in 1963 by 3,240 law enforcement agencies in communities with 103 million inhabitants was 638,000 for those aged 17 and under. This is nearly 20 percent of the number of arrests for those 18 and older, the more hardened criminals.

It is noteworthy, however, that juvenile arrests in 1963 were 11 percent over 1962, while the number of arrests for those over 18 actually dropped by less than 1 percent from the previous year's level. There was also a 9-percent increase in arrests of persons 18 and under in 1962 over 1961. This has been the trend in postwar years.

By the law of averages, juvenile delinquency in the United States cannot decrease while there are increasing numbers of teenagers in the population in future years. Increasing population is not, however, the sole cause of higher crime rates in America.

FBI Director J. Edgar Hoover, in the 1963 Uniform Crime Report, points out that, since 1958, U.S. crime rates have advanced 5 times faster than population growth. U.S. population has increased 8 percent in the last 5 years. In the same period, the number of crimes committed has risen 40 percent, while the crime rate per 100,000 of population has gone up 30 percent.

As for the 17-year-olds who leap into matrimony as a way out of their other problems, Population Reference Bureau analysts find that the old proverb, "Marry in haste and repent at leisure," no longer holds true. Now it is, "Marry in haste and repent faster."

Over a third of all the males ever married at age 17 or before, are now divorced or separated. The girls are somewhat luckier, the proportion divorced or separated being about a fifth.

The 17-year-old girl who wants a husband is aided a bit by the fact that, in the United States, 17 is the last year in which boys outnumber girls. At this age, the sex ratio is 103 males for every 100 females. The sexes were approximately equal in numbers at age 18. From 19 on, women were in the majority.

In reviewing the condition of the 17-year-old in the United States today, Robert C. Cook, president of the Population Reference Bureau comments:

"Today's 17-year-olds face a far different world than their parents did in the immediate postwar years. The older generation's rosy glow of optimism—a natural aftermath of winning the biggest war in history—has faded. Also fading is the advertising slogan, 'Boom Babies Mean Boom Business,' as people become ever more aware of the unemployment rate that sticks tenaciously around 5 percent.

"The hard realities of the 1960's are self-evident to anyone who has observed the unemployed and the unskilled drifting helplessly in the labor market. We are now entering a more crowded and, in some ways, a much colder world. More than a fourth of the 1947 boom babies are today out of school and looking for work. They are no longer their parents' problems, but society's. And so far, society has not even begun to recognize its responsibility.

"This is perhaps the main challenge faced by the three youth programs in the new antipoverty legislation just passed by Congress and signed by President Johnson. The question is whether the outdoor work camps, the work-training programs for school dropouts and the work-study program to help college students earn their way can make more than a dent in the ever-increasing number of problem teenagers in the coming decade.

"The teenage tidal wave of the 1960's is so vast that even though the percentage of problem teenagers is not increasing, the number in trouble can be expected to grow. There is every reason to be thankful that the great majority of youngsters manage to surmount these difficult years in good order. If they give their parents a bad time on occasion, that, after all, is the privilege of youth."

CLARENCE FRANKLIN BYRNS

Mr. FULBRIGHT. Mr. President, it was with deep sorrow that we in the Arkansas delegation learned last night of the death of Clarence Franklin Byrns, of Fort Smith.

Many of the Members of the Senate knew Clarence Byrns. In addition to being editor-in-chief of the Times Record and the Southwestern American, he was an early leader in the development of the Arkansas River Basin and later served as Chairman of the Arkansas-Oklahoma-Kansas Tri-State Committee, which is working for proper utilization of the Arkansas River. He appeared before the Public Works Committee and the Appropriations Committee on a number of occasions, over the years. In his own words:

> The Arkansas River is big and important to the Nation's economy as well as our own (in Arkansas). It is the longest river in America not now developed for navigation. Controlling it and putting it to work is a big undertaking. But it is being done.

On September 25, President Johnson will participate in the dedication of Eufaula Dam, one of the projects in the overall plan for the river. The target date for completion of the program is 1972. Clarence Byrns had a vision which he never lost; and when the Arkansas is harnessed for work, it will be a continuing memorial to him and the dream he had.

Clarence Byrns began his newspaper career as an office boy, and continued, through promotions, to reach the position of editor-in-chief of two outstanding newspapers. His personal column, "Off the Record," was read by many people, and he was known for his thoughtful and down-to-earth analyses of the topics of the day. Clarence Byrns had a host of friends, and I am proud to have been one of them. Mrs. Fulbright joins me in extending sympathy to Mrs. Byrns.

SENATOR GOLDWATER'S POSITION

Mr. NELSON. Mr. President, Senator GOLDWATER's visit to Wisconsin on Thursday gives him an excellent opportunity to clarify his confusing stands on the issues of the day. Before Senator GOLDWATER leaves Wisconsin, our people should know how he stands on nuclear weapons, on civil rights, on farm price supports, on REA, and on social security, and whether the Republican candidate for Governor, Warren Knowles, agrees with him.

So far, Republican Candidate Knowles has been running like a deer, trying to stay away from Republican Candidate GOLDWATER.

I do not blame Warren Knowles. It has been very hard for him to say whether he agrees with GOLDWATER, because it has been very hard to know what GOLDWATER believes.

But this Wisconsin visit provides both Republican candidates with an inescapable opportunity to tell the people, whose votes they seek, exactly where they stand.

For instance, does Senator GOLDWATER still believe, as he wrote in 1960, that the

United States "must be prepared to undetake military operations against vulnerable Communist regimes," and, in the event of uprisings, "move a highly mobile task force equipped with appropriate nuclear weapons to the scene of the revolt"?

If Senator GOLDWATER still advocates this terrifying plunge to the brink of nuclear war, does Republican Candidate Warren Knowles agree with him?

Does Senator GOLDWATER still believe, as he stated in Newsweek magazine on May 20, 1963, that we should "drop low-yield atomic bomb on Chinese supply lines in North Vietnam"?

If he does, does Warren Knowles agree with him?

On social security does Senator GOLDWATER still believe that it should be made voluntary, as he advocated on March 16, 1962, on January 11, 1963, and on November 24, 1963, even though nonpartisan experts have told us that this would bankrupt the social security system and would deny millions of people the retirement benefits they have already paid for?

Does Warren Knowles agree with the GOLDWATER position on social security, whatever it is today?

On farm policy, does Senator GOLDWATER still believe, as he was quoted in Congressional Quarterly on July 31, 1964:

> That a Federal farm program is unconstitutional, and that agriculture should be returned to the economic laws of supply and demand?

Does the Senator stand behind his statement at the National Plowing Contest that, if he is elected President, "nothing will be done to bring disaster suddenly upon you"? If so, will he tell the farmers of Wisconsin how long it would be before disaster would come as a result of GOLDWATER's farm policy? Once he clarifies his position, will Warrent Knowles tell Wisconsin voters whether he agrees with it?

On civil rights, Senator GOLDWATER voted against the civil rights bill, and has repeatedly stated that Government has no right to enact legislation against racial discrimination in public accommodations and in employment. Will he tell Wisconsin people how he can expect support in a State which outlawed such discrimination years ago, and how he can expect the support of a man like Warren Knowles who claims to support such legislation?

On May 3, 1963, Senator GOLDWATER said in a Denver, Colo., press conference that the time has come "to dissolve the Rural Electrification Administration." I certainly hope Senator GOLDWATER will clarify that statement, which must come as a shock to thousands of Wisconsin farm families whose whole way of life and standard of living have been revolutionized by the electric power they have been providing themselves through their local rural electric cooperatives. If Senator GOLDWATER proposes to dissolve the agency which helps these locally owned Wisconsin cooperatives, certainly the people of Wisconsin must know whether Candidate Knowles agrees with him.

Senator GOLDWATER has emphasized that he is offering the people of America a clear-cut choice between policies which are sharply opposed to each other. I agree. Surely he cannot expect the voters of Wisconsin to make this clear-cut choice while absolving Warren Knowles of the same responsibility.

Surely the Republican Party of Wisconsin cannot ask the rank-and-file Wisconsin voters to embrace the radically different doctrines of Senator GOLDWATER if even the endorsed Republican candidate for Governor refuses to say in public whether he supports these radically different doctrines.

Any confusion as to Senator GOLDWATER's position on the issues and Warren Knowles' position with regard to Senator GOLDWATER should be cleared up before Senator GOLDWATER leaves Wisconsin on Thursday.

DEATH OF DR. WILLIAM L. BRADSHAW

Mr. LONG of Missouri. Mr. President, Missouri has suffered the loss of one of its foremost educators and political scientists.

The recent death of Dr. William L. Bradshaw, dean emeritus of the University of Missouri School of Business and Public Administration, saddened his many friends and former students, and deprived scholars and administrators of the abilities of a man widely admired as a teacher, administrator, and public servant. Dr. Bradshaw was a valued friend to many, many Missourians associated with our State University. Missouri University enjoyed a period of great growth and advancement during the years he was associated with it. Certainly, this was due in no small measure to Dr. Bradshaw's capable and tireless efforts as a dedicated member of its staff.

Dr. Bradshaw was born in Versailles, Mo., and attended local public schools. He was graduated from the college that has now become our Central State Teachers College, at Warrensburg, and did graduate work at Missouri University. He received his doctorate from the University of Iowa.

Beginning his teaching career in the Olean High School, Dr. Bradshaw later taught at Central Missouri State Teachers College, and was assistant professor at the University of Puerto Rico for 2 years. He commenced to teach political science and public law at the University of Missouri in 1927, becoming a full professor in 1941. In 1946, Professor Bradshaw was appointed dean of the School of Business and Public Administration. Upon his retirement in 1961, he was awarded the title of dean emeritus.

As a public servant Dr. Bradshaw was an able member of the Missouri Constitutional Convention of 1943–44, and made more than 100 speeches urging adoption of the constitution drawn up by that assembly. Governor Dalton selected Dr. Bradshaw for appointment to the "Little Hoover" Commission in 1953, and under Gov. James T. Blair, Jr., he served as chairman of the Missouri Savings and Loan Commission for 6 years.

As an authority on State and county government and politics, Dr. Bradshaw wrote a number of booklets and articles on these subjects, and contributed extensively to learned journals in these areas.

In a lifetime spent largely in Missouri, and in the course of a 34-year career of distinguished service at our State University, Dr. Bradshaw contributed much to his State, and gained the respect and affection of countless Missourians. His passing is a loss that will not soon be forgotten, and his place one that can never be filled.

THE NATION'S DEFENSES—ADDRESS BY SECRETARY McNAMARA

Mr. INOUYE. Mr. President, tonight the Republican candidate is to speak before the American Legion Convention in Dallas, Tex. There, according to the advance copies of his speech, he will devote a large part of his address to an ill-founded attack on the Defense Establishment of the United States.

Only yesterday, Secretary McNamara spoke before the same audience, and on the same topic—the Nation's defenses. In contrast to the Republican candidate, Secretary McNamara dealt with the facts, and provided an informed, reasoned account of our defense policy. He also detailed explicitly the unparalleled military strength of our Nation, both present and future, so that there would be no misunderstanding about our great power in the mind of any American—or, for that matter in the minds of our enemies.

Because national defense is such a critically important topic, and because all of us should be aware of the facts, I ask unanimous consent to have printed in the RECORD the full text of Secretary McNamara's remarks before the Legion convention.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SECRETARY OF DEFENSE ROBERT S. McNAMARA BEFORE THE AMERICAN LEGION, MEMORIAL HALL, DALLAS, TEX., TUESDAY, SEPTEMBER 22, 1964

It is a pleasure to have this opportunity to discuss our national defense with members and friends of the American Legion. Since World War II, there have been profound changes in America's military policies—and they are changes in which your organization may feel justifiable pride. For you were among the first to fully realize that we must be prepared for war if we hope to preserve the peace. And you have done much to win public support for preparedness. Without that support our present vast military might could not have been created, and could not now be maintained.

Full military preparedness is, in my opinion, as essential now as at any time in our history. It is true that we have not recently been confronted with any new crisis provoked by the Soviet Union. It is true that there is a growing dispute between Moscow and Peiping. But it is true, also, that their quarrel is not over the final objective. They differ only about how that objective is to be achieved, and who is to control the world Communist movement.

Both Moscow and Peiping are dedicated to the same goal: To extend Communist tyranny over the rest of the world. So long as they are clearly determined to pursue that objective by resort to force and violence, our own future course is also clear. We must continue to maintain powerful and ready military forces. We must be prepared to use those forces where our vital interests are at stake. And we must continue to support other nations directly exposed to Communist attack.

Communist efforts to expand their domination by force, or the threat of force, take many forms. Aggression may come in the form of ballistic missiles—as in the Cuban crisis. It may come in the form of a large-scale attack by ground forces, as in Korea. It may come in the form of guerrilla terrorism and assassination, as in South Vietnam.

True military preparedness means being prepared to respond to any and all of these different forms of aggression instantly, and with forces appropriate to the threat. I can report to you today, unequivocally, that we have the forces required for such flexible response, and that we will continue to have them in the future.

There is no doubt about this strength in the minds of our enemies, and I hope there is none in yours. Let me compare for you the power of our strategic nuclear forces and those of the Soviet Union:

Our strategic forces now have 1,100 bombers, including more than 500 on 15-minute alert, equipped with decoy missiles and other penetration aids to assure that they will reach their targets. The Soviet Union could, with difficulty, place over this country on two-way missions slightly more than 100 heavy bombers, plus 150 medium bombers capable of striking only Canada and the northwestern corner of the United States.

We now have more than 800 fully armed, dependable ICBM's deployed on launchers, almost all in hardened and dispersed silos. The Soviet Union has fewer than one-fourth this number, and fewer still in hardened silos.

Our Navy now has 256 Polaris missiles deployed in 16 submarines; 25 more Polaris submarines are under construction. The Soviet Union's submarine-launched ballistic missile fleet is, by comparison, small and ineffective.

Each of our Polaris missiles is carried in a nuclear-powered submarine—but only a small percentage of Soviet ballistic missile submarines have nuclear power.

Each of our Polaris missiles has a range of 1,500 miles or more. The range of operational Soviet submarine-launched missiles in less than one-third as much.

The power of our own strategic forces will soon be further increased by the addition of the new Polaris A-3 missile and the new Minuteman II. The Minuteman II is as great an improvement over the Minuteman I as the B-52 was over the B-47. It will be more than eight times as effective against the best protected military targets as its predecessors.

Even without those increments, however, no one would choose to trade our forces for those of the U.S.S.R. Not only do the Soviets have nothing in operation comparable to our Polaris system, not only do they have less than one-fourth as many land-based ICBM's, but they also have less than one-fourth the bomber capability.

I should like to comment further on this question of strategic bombers, and manned aircraft in general. I would like to emphasize that our current plans will permit us to maintain strategic bombers in operation throughout the remainder of this decade, and as far into the future as a requirement for them exists.

Specifically, our present 5-year program includes a force of more than 700 strategic bombers in 1969. Moreover, our current research and development program will make available to us three designs, any one of which could be completed and put into production before our present bombers reach the end of their useful life.

By the end of this month, we will have in the air three different mach-3 aircraft. No other nation has one. It is plain, I think, that we are devoting a full measure of our resources to development of military aircraft.

Whether it will be wise to move from research to production for the purpose of replacing our present bombers in the 1970s remains an open question. Any one of the options available to us is going to cost approximately $9 billion for some 200 bombers. We do not intend to commit so vast a portion of our resources until the need is clear, and until we are satisfied with the product. Nor do I believe that you who, as taxpayers, will have to pay the bill want us to do otherwise.

Let me assure you that our present research and development program unquestionably guarantees our continued strategic superiority well into the 1970's and beyond. Expenditures on research and development, now running at $6 billion per year, have been 50 percent greater during the past 4 years than in the previous 4-year period.

During the past 4 years, we have initiated more than 200 new weapons research programs, including 77 costing $10 million or more each. Here are some of the projects initiated or carried to completion during that period:

The SR-71, a long-range, manned supersonic strategic military reconnaissance aircraft, which employs the most advanced observation equipment in the world and flies at over 2,000 miles per hour and at an altitude of over 80,000 feet.

Two antisatellite systems that can intercept and destroy armed satellites circling the earth and space.

A family of over-the-horizon radar that will literally look around the curve of the earth, alerting us to aircraft and especially missiles within seconds after they are launched.

The new Nike-X, which will give us the option to deploy—if the national security requires it—the most advanced antiballistic missile yet conceived by any nation.

The new A7A aircraft, which will give the Navy superior attack capability at more than double the range of the A4E that it will replace.

The EX-10, a heavy, new type of torpedo for use against deep-diving, fast, nuclear submarines.

The new main battle tank, which will give our ground forces armor superiority throughout the 1970's.

The revolutionary variable sweep-winged F-111 fighter-bomber, a supersonic aircraft which has double the range and several times the payload of any previous fighter-bomber.

These, and many other new weapons developments, are products of our continuing efforts to make certain, in President Johnson's words, "that the United States is, and will remain, first in the use of science and technology for the protection of its people."

Nuclear attack on the United States today would be an act of total national suicide for the attacker. Our strategic forces are, and will remain, sufficient to insure the destruction of both the Soviet Union and Communist China, under the worst imaginable circumstances accompanying the outbreak of war. And because our potential enemies know this, all-out general war is now the type of conflict least likely to occur.

Nuclear power alone, however, is not enough to deter all forms of aggression. Nuclear power alone tempts our enemies to limited aggressions which appear too small to invite the all-or-nothing response of nuclear retaliation. Nuclear power must be accompanied by the capability to respond to lesser situations, ranging from conventional war on the Korean model, to guerrilla subversion in Vietnam and elsewhere.

To provide this capability for flexible response, since January 1961 we have increased the number of combat-ready Army divisions by 45 percent; increased our airlift capability by 75 percent; increased the number of tactical fighter squadrons by 44 percent; increased ship construction to modernize our fleet by 100 percent; and increased by 800 percent our special forces trained for counterinsurgency.

Our national security, in short, does not depend on favoring one kind of military force over another; it depends on having the requisite amount of all kinds. Thus, the increases in our conventional forces have not been permitted to detract from our ability to deter general nuclear war. During the same period, in fact, there was also a 150-percent increase in the number of nuclear warheads and a 200-percent increase in the total megatonnage in our strategic alert forces.

During the Cuban missile crisis, in October 1962, Americans saw just what balanced forces, properly deployed and controlled, can mean in time of national emergency. The Cuban missile crisis is usually thought of as a major confrontation of the United States and the U.S.S.R., involving strategic nuclear weapons. It was all of that—but it was also much more. America's clear determination to use our nuclear arsenal, if necessary, was an essential factor in the ultimate Russian retreat. But to think only of nuclear missiles is to miss the major lesson of Cuba.

Here are some of the events which occurred and the forces employed before that crisis finally ended:

Naval aircraft flew 30,000 hours for a total distance of 6 million miles. Sixty-eight aircraft squadrons and eight aircraft carriers participated in the action.

Ninety ships were directly involved in the quarantine and steamed for a total of 780,000 miles. A total of 183 ships took an active part in all operations during the quarantine. Antisubmarine forces averaged 23 days at sea.

An amphibious task force prepared for assault operations, was afloat in the Caribbean. It included the 2d Marine Expeditionary Force of about 40,000 marines from the Marine Division/Wing team on the east coast, and the 5th Marine Expeditionary Brigade from the west coast. There were also 5,000 combat-ready marines at Guantanamo.

The Army's 82d and 101st Airborne Divisions and support units were prepared to move on order. Altogether, the Army alone had more than 100,000 troops poised for attack.

SAC bombers were moved from their positions in Florida to make room for Air Force tactical strike forces. Within 48 hours the number of tactical fighters located in Florida was increased from 140 to 511.

Over 400 transport aircraft and 14,000 men were called to active duty for possible airborne assault operations. Within 30 hours they were operationally ready.

By the time Khrushchev announced that he had ordered missile sites in Cuba dismantled, on October 28, he was faced by the largest U.S. invasion force assembled since World War II.

While that is by no means a complete catalog, it will, I hope, give you an idea of the scope of our actions and the speed with which they were accomplished. The lesson of Cuba is that both nuclear and nonnuclear forces played essential roles in our response.

The shield was our nuclear power. The sword was our conventional power. Undoubtedly, the most important factor which kept this crisis from growing was the danger that any United States-U.S.S.R. confrontation carries with it the seeds of a possible nuclear exchange. But what enabled us to make the confrontation was our nonnuclear power. We were not only able to apply it, but we were able to make clear that we would continue to apply it, in an ascending escalation of force, to a point where the Soviets found it too dangerous to continue.

Our unmistakable unconventional superiority in the Caribbean, and our unmistakable intent to use it, placed on the Soviet leadership the clear choice of either backing down, or extending the crisis beyond the Caribbean theater with the consequent danger that it might eventually lead to destruction of the Soviet homeland. Their decision is well known.

Another lesson taught by the Cuban crisis is the remarkable speed with which, in this era, a military emergency may arise, reach its climax, and subside. The Gulf of Tonkin affords a still more recent example.

Most Americans first became concerned with the Gulf of Tonkin during August when there were two separate attacks by North Vietnamese surface vessels on U.S. destroyers operating on routine patrol in international waters. In retaliation for the second of these unprovoked attacks on the high seas, our own forces destroyed or seriously damaged the bases used by the North Vietnamese naval craft, including approximately 25 of the patrol boats themselves.

I would like to remind you that, so far as the August 4 attack was concerned all major action occurred in less than a day. The first torpedo attack occurred at approximately 9:30 a.m., Washington time. At 9 a.m., the following morning, we were able to report the final outcome, in detail, to the American people. During the entire action, the Commander in Chief—the President—was kept continuously informed, and his decisions were executed, almost instantly, halfway around the world.

The world has indeed grown smaller. And as distances have shrunk, the importance of a ready military defense has loomed ever larger. Our first line of defense is no longer an ocean, or two oceans, but an alliance of free nations which literally encircles the globe.

Along its own periphery, the Communist empire now faces more than 3½ million men under arms dedicated to the defense of their national independence. Together, our friends and allies maintain more men under arms than does the United States. In Europe, the military strength and readiness of NATO have steadily increased to keep Western Europe and the Atlantic Community secure against Communist aggression.

Between the end of 1960 and the present time, the combat effectiveness of NATO's ground forces in the European heartland have been increased by more than 50 percent. Today, there are available for the M-day defense of the NATO area more than 40 divisions contributed by our allies. Since 1960, the defense spending of NATO's European members has increased by more than 35 percent. West Germany has increased its defense budget by over 60 percent.

There has been a 60-percent increase in our tactical nuclear weapons deployed in Western Europe during the past 3½ years. Much of this increase has been in weapons deployed for the support of NATO forces.

During the past 3½ years, our own forces in Europe have been provided with new and improved missiles, such as the Pershing, Sergeant, Mace, and Hawk; with new and improved planes, such as the F–104; and new and improved ground equipment such as the 175 mm. self-propelled Howitzer.

Our European friends have seen the firmness of our commitment to their security. They have seen us stand firm in the defense of Berlin. They know that we have done more than any other nation to provide for the common defense of Europe. And they are aware that we have taken the lead in making available to them plans and information for the use, should it ever become necessary, of the tactical nuclear weapons, which we have developed and deployed.

America's military strength, alone or in combination with that of our allies, today adds up to the greatest aggregation of force in human history. It has been harnessed into flexible, usable power, which can be controlled with remarkable precision. It is a triumph of strategy, science, and human ingenuity. And it would all be meaningless without the dedication of millions of men and women in uniform, who devote their lives to duty and the defense of their country.

I still recall with great clarity the impression made on me, during my own tour of duty with the Air Force in World War II, by some of the remarkably able and dedicated military professionals with whom I worked. To remain in the military services in these times of cold war is a real sacrifice for highly trained, capable individuals. Their skills are such that in many cases they could expect far greater material rewards from the civilian economy. The educational background of the average man in uniform, in fact, is steadily rising.

Among enlisted personnel, for example, 73 percent are now high school graduates. This compares with 53 percent 10 years ago—and is far higher than in the general population where only 40 percent of American men over 25 years old have graduated from high school. And 70 percent of our officer corps today have college diplomas where only 9.7 percent of American men over 25 years old are college graduates. This figure is also rising; 10 years ago it was only 49 percent.

While material gain is certainly not the primary motivation of those who make careers of the military service, our men and women in uniform are entitled to a standard of living commensurate with their abilities and the responsibilities we ask them to bear. I regret to say they have not always had this. Between 1958 and 1962, for example, no changes at all were made in military compensation. In 1962 we proposed, and the Congress authorized, an increase in quarters allowances of $285 million—an average increase of 20 percent. Again, in 1963, we proposed and the Congress authorized an increase of 14 percent in basic pay and other increases in allowances. The total dollar increase in military pay between January 1962 and October 1963 was $1.7 billion. Just recently, Congress enacted a military pay bill which again increased by over $200 million per year the basic pay of military personnel.

As a result of these increases, for example, a married Army captain with 10 years of service has received a basic pay raise of 27.1 percent since 1961. He has also received an 8.6-percent increase in his quarters allowance. A married enlisted man in the grade of E–4 with 3 years of service has received a basic pay increase of 21.7 percent over 1961, and an increase in his quarters allowance of 7.8 percent.

This is the first step in a new policy designed to keep military pay moving along with increases in prices and wages in the civilian economy. We intend to review prices and wage changes in the civilian economy each year and recommend appropriate increases in the military pay structure.

Almost as important to the average career military man as pay, is the question of decent housing for his wife and children. While a military man, in keeping with his profession, must expect some personal hardships, I do not think the Nation has the right to expect the same from his family. The rigors of the military life are hard enough on a family man without adding the burden of persistent personal hardships for his family.

Recent increases in basic allowance for quarters, while very helpful in placing more private housing within the reach of our military personnel, do not help in those localities where adequate housing simply is not available or exceed the serviceman's ability to pay. This is a problem area in which our efforts are being concentrated. I regret to say that during the past several years there has not been sufficient public support for a military housing program at the level we have requested.

I have personally been shocked to learn of the kind of quarters that some of our military families have been forced to live in because of the lack of decent housing within their means, and in some cases, the lack of decent housing at any price. In a country as wealthy as ours, there is no reason why any member of the Armed Forces should have to live with his family under such conditions. Certainly, it cannot help but adversely affect his morale.

Wherever a serviceman may be stationed, he is there not by choice but by order of his Government. The Government, therefore, has a special responsibility to care for his needs, and this responsibility the Government has traditionally accepted.

The morale and welfare of the men and women who serve their country in our Armed Forces has always been of deep concern to the American Legion. I, therefore, earnestly solicit your support in seeing to it that none of those to whom we owe so much suffers privations which are both unnecessary and unjust.

Modern warfare is unbelievably complex. Yet, in the midst of our burgeoning technology with its arsenal of awesome weapons, we must never lose sight of the man upon whom we depend to operate those weapons—the man in uniform.

In closing, I would like to share with you some words once spoken about that man by Gen. George Marshall. He said:

"The soldier's heart, the soldier's spirit, the soldier's soul are everything. Unless the soldier's soul sustains him he cannot be relied on and will fail himself and his commander and his country in the end. * * * It is morale that wins the victory.

"It is more than a word—more than any one word, or several words, can measure.

"Morale is a state of mind. It is steadfastness and courage and hope. It is confidence and zeal and loyalty. It is elan, esprit de corps, and determination.

"It is staying power, the spirit which endures to the end—the will to win.

"With it, all things are possible, without it, everything else—planning, preparation, production—count for naught.

"We are building that morale—not on supreme confidence in our ability to conquer and subdue other people; not in reliance on things of steel and the superexcellence of guns and planes and bombsights.

"We are building it on things infinitely more potent. We are building it on belief, for it is what men believe that makes them invincible. We have sought for something more than enthusiasm, something not merely of the intellect or the emotions but rather something in the spirit of the man, something encompassed only by the soul."

That is still our ultimate weapon. Thank you.

SUCCESSFUL DEFENSE OF AMERICA'S CUP

Mr. PELL. Mr. President, once again the United States has met a British challenge and has successfully defended the America's Cup, off the shores of my home city of Newport, R.I., in the waters of Narragansett Bay.

This challenge, the 19th British challenge in 113 years, and the 20th competition for the cup—the other challenge coming from Australia—culminated a summer of hard sailing both in the trials and in the actual defense of the cup.

Congratulations are indeed in order to the crews of both the *Constellation*, the fast American 12-meter defender, and the *Sovereign*, the valiant English challenger. The *Constellation*, with is co-helmsmen, Eric Ridder and Bob Bavier, sailed four hard-fought races in the best-of-seven series, and once again proved the superiority of American craftsmanship and sailing. The *Sovereign*, with Peter Scott at the helm, tried valiantly, but perhaps was hindered by inexperience and lack of knowledge of Rhode Island weather conditions.

Americans should certainly be proud of our victory. I am particularly proud because a fellow Rhode Islander, Kilvert Dun Gifford, was an alternate member of the *Constellation's* crew, navigating the boat to victory in the third race.

The America's Cup, a 27-inch ewer, first won by the huge schooner yacht *America* 113 years years ago, will now be returned to its seemingly permanent place in the trophy room of the New York Yacht Club until a new challenge is issued and accepted.

WHICH TREND?

Mr. MUNDT. Mr. President, the current issue of U.S. News and World Report includes a full-page editorial, by highly respected David Lawrence, under the title "Which Trend?"

To patriotic Americans everywhere who are trying to decide in their own minds which candidate for President and which political party are the better choice, in order to cast an effective vote for peace, freedom, and opportunity, this thought-provoking editorial should be carefully read and studied. It points up most emphatically the nature of the great choice Americans will make this November.

I ask unanimous consent that the David Lawrence editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Sept. 28, 1964]

WHICH TREND?

(By David Lawrence)

Do many people really believe either of the nominees for the Presidency is the best qualified man in the United States to preside over the destinies of the American people in this critical period in world history? Yet each candidate has an enthusiastic following.

Many voters, on the other hand, while marking their ballots for either President Johnson or Senator GOLDWATER, will not feel they are endorsing a particular personality. They will be voting in favor of or against what they believe to be a definite trend in American affairs.

The American people will really be deciding between two trends of thought. Which viewpoint will the majority, rightly or wrongly, approve in the belief that it will save the country from depression and war?

One school of thought believes in borrowing $11 billion from the people, then giving it away as a reduction in taxes, and at the same time increasing governmental expenditures. Large sums are allocated to the areas where the most votes can be garnered.

This is the school of thought which accepts pump primping and deficit spending as a necessary economic stimulus, hails the result as the greatest prosperity in history, and brushes aside as inapplicable and irrelevant the futile experience of the 1930's. Yet the artificial economics of that period caused millions of persons to suffer the hardships of an unemployment crisis which lasted 10 years.

This is the school of thought which believes that racial discrimination can be remedied by law and that both the States and the Federal Government have the right to tell a storekeeper what customers he shall serve, to tell a homeowner what prospective buyer he must accept, and to compel parents to send their children to schools many blocks away from home, even though there is a school building nearby in their own neighborhood. The plan is supposed to achieve "racial balance" in the educational system.

This is the school of thought which believes in trading with our enemy—Communist imperialism—despite its worldwide aggressions.

This is the school of thought which minimizes the significance of Soviet control of Cuba, the Communist mischief making in Vietnam which is costing the lives of American boys, and the Communist encouragement of armed uprisings in Africa and the Middle East and of disorders in Latin America.

This is the school of thought which believes that appeasement is expedient and necessary in foreign policy and that such things as principles and convictions based on the indelible facts of history are myths or unrealities.

Then there's the opposite school of thought, which believes in maintaining a solvent Government and paying off Government bonds at maturity in dollars that are worth the same as when the securities were bought. For today we are confronted with a constantly depreciating dollar.

This is the school of thought which believes in equal rights but also equal responsibilities.

This is the school of thought which doesn't believe in special privilege, whether it takes the form of labor-union power or monopolistic practices by businesses.

This is the school of thought which would like to see a real war on the poverty that comes when wage-and-price inflation devalues the pension dollar and inflicts misery on the elderly and the disabled.

This is the school of thought which fears the collapse of the private enterprise system and the substitution of an economy dominated by a centralized government—the forerunner of state socialism.

This is the school of thought which foresees an America plunged into a major war if appeasement continues to encourage the aggressor, as he is tempted to misconstrue our passion for peace as cowardice.

Which trend does the voter want? It matters less which personality is triumphant than which philosophy of government is to be accepted as the will of the majority of the American people.

Which trend will the successful candidate himself feel he must follow? And which trend sacrifices basic principles for a temporary victory? It was Woodrow Wilson who once said:

"I would rather fail in a cause that I know some day will triumph than to triumph in a cause that I know some day will fail."

Which candidate will face up to the fact that a government which runs in the red year after year eventually loses the confidence of the public—its lenders and its investors?

Shall we continue the gambles of political hypocrisy, along with its brainwashing techniques and preachments of unsound economics? Will the Nation realize in time that economic disaster at home and a disintegrating world situation could bring on the big war that nobody wants?

Which trend?

PROSPECTING FOR GOLD IN WASHINGTON

Mr. McGOVERN. Mr. President, on September 16, the Senator from Alaska [Mr. GRUENING] told the American Mining Congress that prospects for a legislative program to strengthen the gold-mining industry in the United States is subject to as many hopes—and disappointments—as gold mining itself.

Behind the Senator's invariable good humor is a well-based plea for understanding the special problems of our domestic mining industry.

Because I believe the views of Senator GRUENING, the chairman of the Subcommittee on Mining and Minerals, of the Senate Interior and Insular Affairs Committee, will be of wide interest, I ask unanimous consent that his address to the American Mining Congress be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PROSPECTING FOR GOLD IN WASHINGTON

(Address of ERNEST GRUENING, U.S. Senator from Alaska, to the American Mining Congress, 1964 Mining Convention Session on Gold, Silver and Monetary Policies, Portland, Oreg., Wednesday, September 16)

The valiant gold prospectors of the last century whose enterprise in exploring the West was truly phenomenal were stalwart men of courage, fortitude and persistent determination to find the precious metal and bring it forth for the world to use. They sought their individual fortunes in the wilderness of California, in the mountains of Colorado, in the remote Klondike, in Alaska, on the beaches of Nome, in the upper reaches of the Yukon near where Fairbanks would be born and in southeastern Alaska where they brought the city of Juneau, now the State's capital, into existence. In all the western domain of the United States, in Idaho, Montana, Wyoming, South Dakota, Utah, Arizona, Nevada, Alaska—wherever the chance of a lucky strike appeared—the intrepid prospector was on the scene. More times than will ever be known the search ended in heartbreak, despair and tragedy. The success that came to those who located rich sources of gold brought with it the establishment of communities which sometimes became great cities and sometimes became ghost towns. The mining communities provided places of settlement not otherwise begun, and with their establishment came the people who played their historic role in the drama of the history of the American West—one of the great epics of all times.

With the people came forms of transportation to serve their needs and markets for goods produced in the rest of America. Also there came agricultural and industrial enterprise enriching the country beyond any estimate of value.

The prospectors of that earlier day were constantly beset by the perils of an unexplored wilderness where the climate was often hostile as in the Klondike; or where there was negligible protection against the danger of assault by hostile Indians or wild animals.

As recently as last year a member of a well-known mining family in Alaska was killed by a bear while working on his gold mining property; and indeed in gold mining man has been almost entirely alone in contending with the forces opposing his efforts. So much for prospecting in the open spaces provided by nature.

Prospecting for gold in the Halls of Congress, in the hostile territory of the executive department and its closed doors—closed to reason—and even in the Federal courts may not present the same physical hardships and dangers that were the lot of the 19th century prospectors in the field. However, the manmade frustrations may be no less.

The prospecting for gold that takes place in Washington takes the form of an endless, difficult and, so far, disappointing search for action by the Federal Government that will allow gold miners once again to produce gold profitably and thereby make their rightful contribution to the economic welfare of the Nation.

As a Senator from Alaska, where gold mining was once a great industry and indeed made the world and the Nation aware perhaps for the first time, of its existence as a territory of the United States, I am acutely conscious of the failure of the executive agencies of the Federal Government to render the kind of encouragement and assistance to the domestic mining industry as a whole that is not only so badly needed but is the industry's just due—and indeed overdue. Over and over I have called attention to the disproportionate expenditure of our taxes on programs to aid and develop foreign mining industries—in competition with our business interests—while the real needs of our domestic miners are ignored and misunderstood.

On August 4 of this year when I introduced S. 3073, a bill to liberalize provisions for deduction of exploration expenses by mining industries, I referred to my conclusion, as a result of study of the matter, that the mining industry, taken as a whole of all enterprises of our fellow American citizens, is the stepchild of the Federal Government.

As mentioned earlier, we have spent enormous amounts of money developing mining industries in uncounted countries across the globe. For example, we have spent nearly $7 million developing coal and other forms of mining in Korea since 1956.

The Government of the Philippines, which is, as you know, a large producer of gold, has received over one-half million dollars for minerals surveys during the same period of time.

As for Afghanistan, we have contributed $875,000 in assistance to its mining industry. The other countries to which we have distributed our largesse under the foreign aid program to aid mining industries are India, Turkey, Brazil, China, Yugoslavia, and Indonesia, whose charming ruler has said "to hell with your aid" and is now using the military materiel we have given them to make war on Malaysia, a newborn country oriented toward the West and freedom.

In our own country, however, there has been a lamentable lack of understanding on the Federal Government level of the needs of the mining industry. The transportation industry, manufacturing, agriculture, and almost every other segment of the economy have received tax benefits, subsidies, technical assistance without stint and the encouragement of a sympathetic attitude on the part of Federal agency officials—all of which are almost totally lacking in the case of mining.

If, indeed, the mining industry is the stepchild of the Federal Government, gold mining may be described as an orphan, with Uncle Sam showing no interest in adoption.

The dismal record of the treatment of gold mining by the executive branch of the Federal Government, through both Democratic and Republican administrations, could make one believe there is something approaching a bipartisan policy of expropriation of the industry. Perhaps we need some kind of domestic equivalent of the Hickenlooper amendment that penalizes expropriation of American enterprises abroad among the recipients of foreign aid by suspending of such aid. Where there has not been at home, at worst, positive hostility toward the gold mining industry, there has been, at the best, an attitude of complete indifference and the view that nothing can be done, anyway, so "don't bother us again with the gold miners."

Let me say, parenthetically, that it is something of an enjoyable experience to be making a strictly nonpartisan speech while a nationwide political campaign is in full blast—something not easy for me to do. As far as gold mining is concerned, I can say of both Democrats and Republicans "a plague on both your parties." Conversely, it is refreshing to record that all our gold legislative efforts have had bipartisan sponsorship in the Congress.

Everyone here knows the history of the last 30 years and the actions which have produced the now sad plight of the gold mining industry. We recall the 1934 order, just three decades ago, of President Roosevelt establishing the price of gold at $35 an ounce—an increase from $20.67 an ounce—an act that, whatever its influence on our monetary system, and its immediate benefits to gold mining which were considerable and were gratefully received by the industry and the individual gold miners, resulted at the hands of succeeding administrations in fixing of the price of gold at an inflexible, arbitrary limit which has now acquired a peculiar and wholly illogical mystique.

The apparently unchangeable policy of the executive branch of the Government of strict maintenance of a $35 an ounce price for gold was reflected in a message to the world by President Kennedy in the famous news conference of July 23, 1962, broadcast via Telstar in which he said:

"We hope that we can bring our balance of payments into balance by the end of next year. We are not going to devalue. There is no possible use in the United States devaluing. Every other currency in a sense is tied to the dollar; if we devalued, all other currencies would devalue and so that those who speculate against the dollar are going to lose. The United States will not devalue its dollar. And the fact of the matter is the United States can balance its balance of payments any day it wants if it wishes to withdraw its support of our defense expenditures overseas and our foreign aid."

This policy was further expressed in a statement by Treasury Secretary Dillon at the 9th annual monetary conference of the American Bankers Association in May 1962, when he stated the position of the United States in the following terms:

"The free world's monetary system, as it has evolved since World War II, rests inescapably on the full acceptability of the dollar as a supplement to gold in financing world trade. No practicable alternative is in sight. This means that the dollar holdings of the central banks must continue, in the future as in the past, to be readily convertible into gold upon demand at the fixed price of $35 an ounce."

The effect of executive determination that there may be no change in the price of gold has, as we know, meant that gold miners can no longer produce gold profitably because the cost of every component of mining operations has risen constantly while the price at which gold can be sold has remained the same. Thus, gold mining is a unique industry—unique in our presumed free enterprise system—in that it is unlawful to sell its product at a profit.

In spite of this, the gold mining industry, or more of it, might have been surviving today had not the Executive fiat of 1942, WPB Order L–208, from the War Production Board—again the executive branch of the Government—dealt a literal deathblow to gold mining. That order, which required the closure of gold mines, allegedly in the interest of the war effort, required a sacrifice by gold miners not asked of any other industry in the United States. No other industry was ordered to close down during the Second World War, nor did any of our gold producing allies and associates take similarly drastic and hostile action against their gold miners. It was not done in Canada, South Africa, Australia, or elsewhere.

Based on a flimsy presumption (which proved completely erroneous) that the closure of the gold mines would result in a shift of miners to the essential copper mines, the infamous order L–208 was a shocking example of callous action on the part of the executive branch of the Government which took no account of the damage inflicted on those affected.

It would seem that, after the executive branch came to realize—as it did—that order L–208 was a mistake, it would have exhibited a responsibility for seeking compensation for the gold miners who had suffered so much. It was not to be. At least it has not been so to date.

There was, instead, administration opposition to legislation that would have given relief to those damaged. Subsequent efforts to obtain relief in the courts, while meeting with success in the Court of Claims, suffered eventual defeat in the 1958 Supreme Court decision in the Central Eureka case. There is, in the dissent of Justice Harlan to the majority Supreme Court decision, and in a footnote to the opinion, a hint that the real reason the claims of the gold miners were not upheld by the highest Court was that the potential liability of the Government in the event of a different decision would have been "measured in 'terms of $30 to $60 million.'" Yet we have spent $55,515,909 million to subsidize foreign mining. Talk about your double standard.

There is, then, a sorry record of the executive branch of the Government in its dealings with the gold mining industry.

There are, of course, not only the positive acts of the executive branch that have damaged the gold mining industry, but, of no less importance, the refusal of the Treasury Department and the Interior Department to give essential support to legislation introduced by those of us in Congress who care about the gold miners and want to help, or failing to support the proposed legislation, to come up with any acceptable alternatives to our legislative proposals. Requests for such alternative proposals have been consistently ignored.

Whether or not the inflexible policy of the Treasury Department against increasing the price of gold, always meekly followed by the Interior Department, is based on sound economic policy, of which there is no evidence, it has effectively blocked any and all legislative efforts to date to provide assistance to our gold miners.

The hysterical reaction of the Treasury Department and its practitioners of the mysterious art of international finance to any proposal to aid gold mining was typically demonstrated in the course of consideration, during the 87th Congress, of the bill, Senate Joint Resolution 44, introduced by the late Senator Clair Engle of California, who was always in the forefront of legislative efforts on behalf of the gold miners.

Senate Joint Resolution 44 would have provided for incentive payments to gold miners of amounts not exceeding $35 an ounce. There was no suggestion in the legislation whatever that there was any intention to change the price of gold for monetary purposes. In fact that concomitant was specifically rejected to reassure the timid Treasury experts. Nevertheless, the members of the Senate Interior and Insular Affairs Committee who heard the testimony of the witnesses for the executive branch were astounded at the shocked presentations of those witnesses that passage of the bill would lead to financial chaos, international disaster, and something on the order of the Day of Judgment for the universe.

My own reaction, expressed at the time, was that the attitude of the Treasury witnesses was comparable to the leaf of the aspen tree which quakes and trembles even when there is no breeze and for no accountable reason. I told Under Secretary of the Treasury Roosa, who appeared as a witness for the Treasury Department and expressed its usual panic at the prospect of the legislation, "You appear to be quaking about an imagined future calamity."

It was impossible to enact Senate Joint Resolution 44 as it has been, so far, impossible to enact any other legislation suggested to bring help to the gold mining industry. The reason is apparent. The opposition of the executive branch to legislation, especially when so emphatically expressed, means there would be an inevitable veto of any bill that the Congress might enact. The Treasury officials have said as much.

During the 88th Congress, I have had the privilege of serving as chairman of the Subcommittee on Minerals, Materials, and Fuels of the Interior Committee, which has jurisdiction over legislation to aid gold miners, unless it deals with taxation or import quotas, as well as other legislation dealing with the mining industry.

In this capacity, I conducted hearings on three bills, each having a different aproach, but each designed to render long sought assistance to gold miners.

S. 1273, which I introduced with Senators McGovern, Bartlett, Kuchel, and Mundt as cosponsors, was a companion bill to a measure introduced in the House of Representatives by Representative Harold T. Johnson of California, whose extensive district adjoining Oregon and Nevada he so ably represents. It was Clair Engle's old district. This bill provided the establishment in the Department of the Interior a Gold Procurement and Sales Agency that would have been the official agency for sale of gold for nonmonetary purposes in the United States. Sales of gold for commercial and industrial purposes would have been made at a price to be determined by the Secretary of the Interior as that required to be paid to achieve maximum production of gold from mines in the United States, but not to exceed $105 per ounce. Treasury purchases of gold for monetary purposes would have been maintained at the established price of $35 an ounce.

At the time the committee had S. 1273 under consideration, hearings were also held on S. 100, a bill introduced by Senator Peter Dominick of Colorado. This bill would have required the Secretary of Interior to make a study of conditions of the gold mining industry for the purpose of recommending to the President remedial measures which might be undertaken to relieve it. The bill would, in addition, have prohibited sales of gold for artistic, commercial, or industrial uses by any agency of the Government, thus providing for commercial marketing of gold for these purposes at prices not fixed by the Federal Government.

Neither of these proposals contained any provision intended or which could have been interpreted as intending a change in the price of gold for monetary purposes. The purpose was clearly to enact legislation that would, while retaining the $35-an-ounce price for monetary gold, allow sales of gold for commercial purposes to reach a market level that would compensate gold miners and afford them a livelihood, indeed survival.

Despite the care with which the bills were drawn to prevent any inference of change in the pattern of financial uses of gold, the Treasury Department again, meekly followed by the Interior Department, which seems to forget that it has a responsibility for mining, expressed the view the legislation would lead to "uncertainty and speculation with regard to future gold prices" and "would tend to destroy confidence in the dollar and to disrupt the stability of our monetary system." Why should the Interior Department parrot the Treasury's mumbo jumbo?

It was evident there was no hope of obtaining Presidential approval of this approach to aid the gold miners.

Then, undaunted, we tried still another route, based on the hopeful theory that legislation to aid gold miners which contained no expression whatever of a given price per ounce of gold would clearly separate a program for revitalization of the gold mining industry from monetary considerations of the uses of gold, and might get by the unceasingly negative attitude of the Treasury bureaucrats.

Having in mind the successful experience of our Canadian neighbors and our Australian friends in administering a program of assistance to gold miners, the bill, S. 2125, the Gold Mine Revitalization Act, was designed to adapt a similar program to the needs of American gold miners.

The purpose of the bill, which I introduced September 9, 1963, with Senators Bartlett, Bible, Kuchel, and Metcalf as cosponsors, is to compensate gold miners who sell gold in the United States for the differences in costs of production of the mineral today and costs incurred for the same operations in 1940. Payments would be limited by a formula that provides that payments could not exceed, in proportion, the difference between the cost of living index for January 1, 1940, and the cost of living index as of the date of payment.

The formula was based on the year 1940, because that was the year the United States saw the greatest volume of gold production recorded in this country. In that year, nearly 5 million ounces of gold were produced as compared with the sad record of 1962 (the last year for which statistics are available) when production reached only a million and a half ounces.

Unfortunately, again, as in the past, the executive branch of the Government forecast a veto of S. 2125 if enacted. The bill was reported unanimously by my Subcommittee on Minerals, Materials and Fuels and then reported unanimously by the full Senate Interior and Insular Affairs Committee on December 18, 1963. Further, a continuing effort has been made to obtain understanding and a sympathetic attitude to the purpose of the legislation on the part of the executive branch. I regret to say this effort has not, so far, met with success.

The intransigent opposition of the executive branch to legislation that would revitalize gold is, of course, exceedingly discouraging. But even more disheartening is the fact that no Secretary of Interior and no other officer of the administration of any President, Republican or Democrat, has been willing to make a suggestion or proposal as to measures or action that would help. Along with opposition to the efforts in Congress, there has been total lack of concern and complete failure to assume responsibility for the welfare of the gold mining industry.

I think this is a shocking and deplorable attitude, and I shall continue to so state at every opportunity that arises until some favorable action occurs. In all our free enterprise system, this is only the one example where by executive fiat an industry is compelled to sell at a price that forbids a profit to the producer, and compelled to sell to the customer—the Federal Government—that imposes the strangulation. If it were done by a Stalin, a Hitler, or a Mussolini, we could at least say that's what dictatorship does, and point to it as a horrible example which our free society should eschew and repudiate.

As a realist, I know our continuing search for a solution to the problems of the gold mining industry will be fraught with obstacles and difficulties.

However, it has been my observation that there are no more optimistic adventurers in all our citizenry than the gold miners.

"Hope supports prospectors and miners—who are always rich—in prospect, if in no other way," wrote James Wickersham, miner, prospector, Federal judge, an Alaska territorial delegate to Congress for many years, Alaska's outstanding figure in the first third of this century.

Gold miners always believe there will be another lucky strike and that their prospecting will result in success.

They never give up.

Neither will I.

DEATH OF DR. ALFRED BLALOCK

Mr. RUSSELL. Mr. President, with the passing of Dr. Alfred Blalock in Baltimore on September 15, the Nation has lost one of its foremost surgeons and one of the towering medical giants of our time.

Few men contributed in larger measure to the advancement of medical science for the enduring benefit of all humanity than did Dr. Blalock. His codevelopment of the so-called blue baby operation in 1944 has been credited with saving thousands of infants from certain death. Only history can record how many babies in future years will grow to womanhood and manhood as a consequence of this great physician's pioneering efforts in this field of medical science.

Nor was this the extent of Dr. Blalock's far-reaching contributions to medicine. Considered the dean of American surgeons, he was noted also for his work in such fields as shock from surgery, traumatic shock, hypertension, myasthenia gravis, and both congenital and acquired heart disease. He was recognized as one of the world's foremost heart surgeons.

Mr. President, it was my good fortune to have known Dr. Blalock and to count him as a friend of many years standing. Born in the small town of Culloden in Monroe County, Ga., Dr. Blalock and I were classmates at the University of Georgia. Although our life's work carried us along different paths after graduation, I followed Alfred Blalock's remarkable career with great pride, admiration, and respect.

Following his graduation from the University of Georgia in 1918, Dr. Blalock attended medical college at the Johns Hopkins University in Baltimore, receiving his medical degree in 1922. After an internship at the Johns Hopkins University Hospital, he joined the staff of the Vanderbilt University at Nashville where he moved up the ranks to become a professor of medicine.

In 1941, Dr. Blalock returned to Johns Hopkins where he did much of the work for which he always will be remembered and honored. He served as surgeon in chief at the Johns Hopkins Hospital until his retirement on June 30 of this year and was professor emeritus of surgery at the time of his death. He also had held such medical school positions as professor of surgery and director of the department of surgery. It has been truly said that Dr. Blalock is a worthy successor to the founders of modern medicine.

Mr. President, the people of his native State of Georgia join with those of his adopted State of Maryland and with the entire country in lamenting the passing of Dr. Blalock. I wish, therefore, to join in urging the adoption of the joint resolution introduced yesterday by the

Senator from Maryland [Mr. BEALL] authorizing the issuance of a gold medal in recognition of Dr. Blalock's monumental contributions to medicine. Certainly this would be a richly warranted honor to the memory of this dedicated and outstanding man who has given so much to the betterment of mankind.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. BARTLETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

ORDER OF BUSINESS

Mr. MUNDT rose.

Mr. DIRKSEN. Mr. President, I believe my colleague [Mr. DOUGLAS] has the floor.

Mr. DOUGLAS. Mr. President, I have the floor at the conclusion of the morning hour. Do I correctly understand that the morning hour is over, while the quorum call is in process?

The PRESIDING OFFICER. Debate is not in order. The unfinished business has not been laid before the Senate. The Senator may ask unanimous consent that the order for the quorum call be rescinded.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection——

Mr. DOUGLAS. Mr. President, reserving the right to object—and I do not intend to object—if it is the understanding that the Senator from South Dakota [Mr. MUNDT] will not offer an amendment or make a motion during the course of his address, I shall be glad to consent.

Mr. MUNDT. That understanding is perfectly satisfactory.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. Will the Senator from South Dakota yield until the unfinished business is laid before the Senate?

Mr. MUNDT. I yield.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

STATEMENTS MADE IN THE PRESENT CAMPAIGN

Mr. MUNDT. Mr. President, it is with a heavy heart that I take the floor at this time, since I feel that we in the U.S. Senate, while having different political philosophies of life for this great Republic which we all love, have always had a spirit of comaraderie and respect for the integrity of each other. We are saddened to note in the press that a former colleague alludes to one of our Members as being a "raving, ranting demagogue." It shakes my faith in American politics when I hear a former majority leader of this great body, now the President, a friend of mine, a man I respect, even though I disagree with him on many political philosophies, refer to another friend and another colleague in terms which are so hateful and spiteful. I wonder what is coming over America.

There have been errors of this kind on both sides of this campaign, which fact disturbs me greatly. I had hoped that with the selection by our two great political parties of two former Members of the Senate, and one of whom still serves here, the hate campaigns would be behind us and that we could go forward in 1964 in a great political debate based on issues rather than diatribes and name calling.

It saddens me, and I am sure it saddens other Senators, regardless of their political affiliations, to hear such statements, because we all know in our hearts—to steal a phrase—that BARRY GOLDWATER is not a "raving, ranting demagogue," just as we know Lyndon B. Johnson is not a crook and is not a man of such low ethics that he should rightfully be condemned from the pulpit of one of the fine churches of the city.

We may disagree with positions which BARRY GOLDWATER has taken, as I have disagreed, as a Republican, in some instances. We may disagree with positions taken by President Johnson, another former colleague in the Senate, as I have disagreed quite frequently. But to me that is the American way. I know, and you know, that BARRY GOLDWATER is a man of intelligence, integrity, prudence, and honesty.

While lesser politicians and smaller men may run around the country disseminating all kinds of invective, I am disturbed when candidates for high office—Presidents and candidates for President and Vice President themselves—engage in this kind of guttersniping. If this campaign is to be debased by name calling and the arousing of hate, it will destroy the American image around the world. We become no better than the Communists, who have built an empire on hate. The language utilized between Khrushchev and Mao Tse-tung, the Russian and Chinese Communist leaders today, is no worse than some of the snide criticisms and dishonest attacks being tossed across party lines in public debate in the political hustings today by candidates for high office.

Our candidate in the Republican Party has erred in some of his remarks. President Johnson has erred. Our delightful colleague, Senator HUMPHREY, has made some pretty astonishing sallies into the field of hyperbolic criticism as when he referred to Senator GOLDWATER as "irresponsible." So has BILL MILLER.

I am not trying to blame any one party, but I am trying, if I can, to quicken the conscience of America and stimulate some self-restraint on the part of candidates for high office before we get so deep in the mire that, no matter who wins the Presidency, only America can become the loser.

It so happens that a research friend of mine made a research of political campaigns, contained in a report called "Thirty Years of Venom," on which I intended to speak on a later occasion, while the Senate is spinning its wheels and killing a little time, but now I ask unanimous consent that it may be printed at the conclusion of my remarks.

There being no objection, the report was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. MUNDT. Mr. President, the documentation of venom and hate as it has been recorded by this researcher over the past 30 years and which I shall insert in the RECORD at the end of this presentation, I had hoped had ended an era. For the good of our Christian civilization and the preservation of the American way, I had hoped it had stopped. I had hoped to use the documentation to show that our political campaigns have changed. On the basis of what I have heard thus far in this campaign, they have changed, but they have changed for the worse. They have become dirtier instead of cleaner. Men in high places have become more reckless in what they say, instead of more self-restrained.

I cannot see how the candidate, President Lyndon Johnson, can speak of love in one breath and then go to the old Democratic theme of venom in another by identifying an opponent as a "raving, ranting demagog."

This is catching. On the same page of the Washington Post this morning, which reported that our President had impetuously made such an ad lib attack upon BARRY GOLDWATER by innuendo and indirection, there appears a report of another statement, by a Member of the other body, to the effect that Senator GOLDWATER'S thinking was "close to madness."

There are issues to be discussed. There are differences to be defined. When Senators and Members of the House of Representatives and Presidents and presidential and vice-presidential candidates decide to see if they can win votes of Americans by determining which one can make the most devastating diatribe against the other, it is an insult to the intelligence of American voters.

I do not know what has happened to my old friend Charley Taft out in Cincinnati, and his clean politics groups. They must have fallen asleep, like Rip Van Winkle, because I have not heard any protests from any of them about the absolutely disillusioning and revolting type of campaign that we have been forced to listen to so far.

There is still time—I believe about 5 or 6 weeks—in which to restore some degree of dignity and decency and decorum in this political campaign.

If it continues at its present schoolyard, low-level, name-calling basis, the engaging in hyperbolic, hysterical terms, character assassination, and personal denunciation, the image of the United States will be so damaged overseas that the real loser will be peace, as will also our self-respect abroad, the image of America and the sacred cause of peace. There can be no winner.

Ignoramus, crook, warmonger, demagog, trigger happy, vote thief—these are some of the terms that we hear boot-ed about by candidates for President of the greatest country in the world. What kind of madness is upon us?

I disagree emphatically with the Washington clergyman who said that both candidates are totally unfit for President, and that the voters are given only a sterile choice; that one man is not well enough trained for the job and is ignorant, while the other's standard of personal ethics is so low as to be dishonest and that therefore he cannot be trusted. While I cannot disagree more than I do with this man, who chooses to throw mud at American leaders in political life, with a pulpit as a backdrop, I can realize that this clergyman, or any other citizen, from reading the newspapers and listening to radio and television programs, could decide that the morals and manners of American leadership are so sordid and rotten that he might as well join in this carnival of criticism.

We still have time in this campaign, it seems to me, to switch the campaign from one of invective to one of issues. We should get at it, Mr. President.

I know both candidates. I like both presidential candidates. They are friends of mine. I know both vice-presidential candidates. I like them both. All four top-level candidates are honest, able, dedicated, highly trained, intelligent, patriotic individuals. In my opinion, there is not a crook or warmonger or dunce or dupe or dope or war-seeking devil among them. They know it; and they know each other. The American people know it too.

When our candidates become excited and impetuous, and lose their self-restraint and cannot resist ad libbing a line or two, in order to get the approbation of a particular group, and engage in the use of terms they know in their hearts to be wrong, it hurts me, it hurts them, and above everything else, it hurts America.

Not one of the four candidates is immune from this criticism. This is not a partisan attack. Mine is a weak voice in the wilderness trying to speak up for America, to alert Charley Taft and his watchmen, who talk about a clean campaign, to try to keep a clergyman from saying, "A plague on both your houses," and saying to the candidates, "Do not try to see who can call out the most evil, the most devastating terms, and who can attribute to the other the most wicked motives."

There are issues to be discussed: How big should government become? How much should government cost?

What should be the relationship between the States and the Central Government? What should be the relationship between Congress and the courts? What should be the relationship of Congress to the legislative branch?

There are also all kinds of foreign issues. What is our best policy to avert war? Is it military might? Is it negotiation? Is it disarmament? Honest men can disagree and argue intelligently on these issues. What is our best policy toward Vietnam? If anyone has any communication with a Solomon, who can come up with an answer, it would be very revealing, indeed.

What about Cuba? Are we following the correct policy there? What about NATO? Those are questions that should be discussed. Certainly they are discussed in NATO, where I heard these questions discussed for 2 years, in Paris, as a member of the NATO Conference.

Is it worthwhile to maintain a NATO army without modern arms? There are those in the NATO countries who say that if they cannot have some modern atomic tactical weapons, we might as well disband the army. Without an army, NATO is not even a shield, to say nothing of a sword.

Candidates should talk about the issues. They should not denounce opposing candidates. They should not attribute to them motives and purposes and programs that they know are wrong and that every American knows are wrong.

Does anyone think that Lyndon Johnson moved from Texas into Congress, where I first met him, when he and I came to Congress at approximately the same time, and went to the Presidency of the United States by having ethics so low that he cannot be trusted, and that he is a crook?

Does anyone think that BARRY GOLDWATER, born in Arizona, who built up a great mercantile business, became a general in the Air Force, and who has led successfully a Reserve unit known as the 9999 Reserve Group of the Air Force, to which Members of Congress belong, as well as men from downtown in the executive departments, and which is one of the most outstanding blue-ribbon Reserve units, by being a dunce or by being ignorant? Does anyone really think he is stupid? Does anyone think he is a warmonger, going around looking to see where he can press a button? We had better worry about the button that the other fellow has in Moscow, and what will restrain him from pressing that button, instead of assuming that any American President or Vice President—Johnson or Humphrey, or Goldwater or Miller—is trying to get into office to locate a lot of buttons on his desk so he can see how many he can push and how much of a cataclysmic catastrophe he can produce. Former President Eisenhower put that argument in proper perspective in his interview on NBC network television last night when he said, "Tommyrot. Just crazy words." It is tommyrot; and they are crazy words. We ought to be talking about issues and assuming that our leaders on both sides have some dedication, some high purpose, some character, some intelligence, some intention to preserve the peace, and some desire to resist Communists and communism.

In the final analysis, the American public determines the policies that are adopted in this town—because I have always believed that the major public decisions are made back home, where the lawmakers are made, instead of here, where the laws are made. I hope that John Q. Public and the editors, the writers, the commentators, the columnists, the clergymen, the college professors, and the decent people of America, including Charlie Taft's sweeping clean campaign committee out in Cincinnati, will all activate themselves and denounce the demagogic candidate who uses cheap and dirty language, instead of argument, in this campaign.

I feel certain that anyone who reads "Thirty Years of Venom" might be inclined to agree with me that it is a page out of the past; but it really is not; the venom is with us today. It is growing in banality.

The times are too serious to engage in this kind of cheap talk. Dr. Martin Luther King, a distinguished civil rights leader, is quoted in the Washington Sunday Star of September 13, 1964, as saying he sees "danger signs of Hitlerism" in the candidacy of Senator BARRY GOLDWATER for President.

Even my own esteemed colleague, the Senator from Arkansas [Mr. FULBRIGHT], chairman of the Committee on Foreign Relations, said the other day:

> Goldwater Republicanism is the closest thing in American politics to Russian Stalinism.

Does the Senator from Arkansas believe that? If he does, he should call the FBI and have our candidates taken into custody, because they would be traitors and infiltrators. But of course he does not believe it.

Columnist John Crosby said:

> GOLDWATER'S appeal to youth, which is very great, is the same as Hitler's.

I do not happen to know Mr. Crosby. Whoever he is, he should be hanging his head in shame. He wrote that in the Springfield, Mo., Daily News. He added:

> I think that GOLDWATER, if he gets power, will use it exactly like Hitler—to engage in foreign adventures in order to solidify dictatorial power at home, and that the outlines of all this are already contained in parts of the Republican platform.

Either Crosby does not know what Hitler did or who Hitler was or how he operated, or Crosby is lying through his teeth when he writes that, and he knows it. Shame on the Springfield Daily News, of Springfield, Mo., for publishing that type of blatherskite statement in the public press.

What has happened to the press of America? We talk about a free press. I am for it. But I remember what I was told in so many Latin American and European countries. When I said we have a free press, they said, "Yes, but it is not a responsible press."

I submit that many irresponsible newspapers—and magazines, too—are publishing nonsense and spleen in America today.

I said on the floor of the Senate the other day that I had a sort of nostalgic sadness when I read the cheap, tawdry, gutter talk on the editorial page of the Saturday Evening Post, a magazine I used to sell as a boy, as my first business venture, one that was once a great magazine. I do not care whom it supports for President; that is its business. But it should not hold up before America a mirror so soiled, engage in talk so cheap

and language so patently dishonest, engage in arguments so obviously fraudulent, and attempt to deceive the American public, which is striving to find the proper answer.

I speak as one lone voice from away out West, in South Dakota, suggesting that all four of the presidential and vice-presidential candidates practice a little of the self-restraint about which they talk so much, and engage in less of the impetuosity and hip-shooting and lip-shooting that they condemn so much; that they take the part of dignified, decorous, determined candidates and discuss the arguments and the issues on the basis of the facts, not on the basis of argument ad hominem. I urge them to deal with the issues that are significant in this great hour of decision in America.

Thirty Years of "Venom"

"American guillotine—the original guillotine which decapitated King Louis XVI, loyal friend of the American colonies when they needed a friend, was sold in France on St. Valentine's Day for $167. With American liberties at stake it might not be inappropriate to buy that guillotine and set it up in front of the new judicial temple which frowns across the park that separates it from the Capitol." (The Democratic Digest, March 1936, p. 28.)

Erecting a guillotine in front of the U.S. Supreme Court, at that time skeptical of President Roosevelt's legislation, was a particularly lighthearted example of Democrat campaign slogans in 1936.

It was certainly not hatemongering. Neither were President Truman's witty comments (on the nature of Republicans) true examples of hate. Notably: "Liars," "Undercover saboteurs," "Warmongers," "Scaremongers," "Hatemongers," "Slandermongers," "Liars," "Mudslinging," "Wall Street dictatorship," "Sordid," "Scurrilous workers," "Republican gluttons for privilege," "Liars," "Resounding misrepresentations," "Impostors of pretended patriotism," "Besmirchers," "Liars," "S.O.B.'s."

No, these were simply carefree words offered to the Nation in moments of gay abandon. No offense intended. If you can't stand the heat, said Mr. Truman, get out of the kitchen. No hate here, nosiree.

Fifteen years of refinement have changed Democrat tactics from the crude curses of Mr. Truman to the smoother approach of President Johnson, who substitutes charges of hatemongering for the real thing.

He appeals for "an end to the teaching and preaching of hate and evil and violence." He calls upon the Nation to turn away "from those defiant of law and those who pour venom into our Nation's bloodstream."

Who's pouring venom? Plutarch wrote, "He who intends to revile others need not be gifted, or endowed with a good voice, or energetic; but he must himself be blameless and free from reproach." Added Adolph Hitler, in Mein Kampf: "In the size of the lie there is always a certain factor of credibility since the great masses of the people will more easily fall victims to a great lie than to a small one."

Our country has come a long way, of course, since Martin Van Buren, the Vice President under Andrew Jackson. Van Buren found it necessary once to preside over the Senate with a pair of pistols on his desk, so earnest, so dedicated were his enemies.

When, during the course of the Cleveland-Blaine campaign, in 1884, Democrats chanted: "Blaine, Blaine, James G. Blaine—Continental liar from the State of Maine," a pattern was being molded. And when, in 1908, Democrat William Jennings Bryan charged that Republican William Howard Taft had "pressure on the brain," Republicans were naturally upset.

Amid the now popular Democrat charges of hate and hatemongering a lonely voice echoes down the darkened corridors of libraries across the land. It springs from the yellowed pages of old newspapers, out-of-date magazines, the carefully stored volumes that may lend the color of truth, a certain clarity of perspective for the 1960's.

Who's pouring venom? An examination not of memory but of fact, not of distortion but of truth, leads the reader down a twisting trail of Democrat demagoguery, campaign expediency, nasty means to accomplish a doubtful end; the election and reelection of Democrats to national office.

A shift in time to the New Deal era can serve as a springboard for a peculiar brand of nostalgia; the crackling, supercharged static of snide invective and political opportunism, euphemistically called hard hitting, and brought into its highest flower under the 24 years of Democrat control since 1932.

THE HOOVER DEPRESSION

"A fantastic Hoover myth, factually false and humanly unjust," says one-time Democrat speechwriter Eugene Lyons, "has been industriously promoted during many years by hordes of official and volunteer propagandists and is still very much in circulation. It presents our 31st President as a heartless ogre, inept and callous and reactionary, who caused a depression, then did nothing to mitigate its horrors."[1]

That the depression was assisted, among other things, by the killing or incapacitating of 40 million of the best youth of the earth; the harsh treaties which ended the war; the **carving of 12 new** nations from 3 old empires; the increase of standing armies from 2 to 5 million men; revolution in China; agitations in India; Russia's dumping; gigantic overproduction of rubber in the Indies, of sugar in Cuba, of coffee in Brazil, of cocoa in Ecuador, of copper in the Congo, of lead in Burma, of zinc in Australia, of oil in the United States; new wheatlands in the Argentine; new cotton lands in Egypt; revolutions in Spain, Portugal, Brazil, Peru, Ecuador, Argentina, Siam; the repudiation of debts, does not appear in Democrat campaign literature.

Instead, analyzed the Democratic Digest, "Hoover blew the whistle, Mellon rang the bell; Wall Street gave the signal and the country went to hell."[2] Nor does the story of Mr. Hoover's actions, during his 7 months as President before the market crash, receive mention in the speeches of our Democrat friends.

Instead Democrats were satisfied to accept Speaker of the House John Nance Garner's explanation that President Hoover "shamefully betrayed" millions of American men and women.[3] Perhaps Biographer Eugene Lyons can best set the scene for the truth as it was actually played out on the stage of America, in 1929.

"It would be too much to say that he (Hoover) knew the smashup was coming. Like the rest of the small and despised company of the sober in that time of intoxication, he knew only that the boom was unwholesome; that capital was being poured into unproductive speculation rather than productive investment; that the stock market indexes were galloping far ahead of prices and employment."[4]

"Easy money" policies of 1927 had loosened a spiral of speculation. Federal Reserve officials, upon Hoover's election, began to restrict speculative credit.

At President Hoover's request Treasury Secretary Mellon announced "bonds are low in price compared to stocks," an indirect warning—first from such a source—that stocks were inflated. Federal Reserve Governor Young followed up the next day with a public appeal to all banks to curb speculative loans. Mr. Hoover invited newspaper and magazine editors to the White House, individually and off the record, and implored them to speak out against the mounting mania of quick profits. A few complied, records Lyons, but the majority thought Mr. Hoover an alarmist.

President Hoover then sent his friend Henry M. Robinson around the country to urge self-restraint on bankers and promoters. They scoffed. As a result of the President's efforts the rates on market loans rose as high as 20 percent but the country resented Hoover's evident intention to substitute reality for daydreams.

Speakers at the newspaper publishers' meeting in April 1929 voiced that resentment. Finally Mr. Hoover warned Richard Whitney, president of the New York Stock Exchange, that unless there was a genuine house cleaning in the exchange—despite New York State Governor Roosevelt's indifference—he, Hoover, would ask Congress to step in. Making good this threat, President Hoover forced the Senate, over bitter resistance of Democrat leaders, to investigate the manipulation, price fixing, and plain thievery in the stock exchange.

"Seven months after the President entered the White House," wrote Lyons, "his struggle against boom was converted into a struggle against the bust. In October the stock market crashed."

Later, at a conference of Governors in Salt Lake City, Franklin Roosevelt still defended the soundness of the financial situation, arguing that only gamblers were being hurt by the collapse.

"HOOVER THE HEARTLESS"

January 1932 found Democrats assembled in Washington for their annual Jackson Day dinner. At the Mayflower Hotel all eyes were on the head table where the Democrats' last three defeated Presidential nominees sat picking at their dinner: James Middleton Cox (1920), John William Davis (1924), and Alfred Emanuel Smith (1928). Toastmaster Claude Bowers, editorial writer for William Randolph Hearst's New York Journal, accused President Hoover of giving "human misery the absent treatment." Mr. Davis divided GOP eras into "Dark Betrayal" (1920–24), "Smug Self-Complacency" (1924–29), and "Wild Dismay" (1929–32).[5]

Governor Joseph E. Ely, Democrat, of Massachusetts, was to be even more succinct:

"Tied hand and foot to the banking interests of the East, the Republican Party found itself powerless to repel their improper, insincere, and greedy advances. A guileless and trusting public became an easy prey to the insidious propaganda of fabulous fortunes and easy living."[6]

By February 1932, Collier's magazine was forced to take note of this rising campaign of hate. "The Strange Attacks on Mr. Hoover," written by Arthur Train, noted that hardly any of our Presidents—certainly none of our greatest—has escaped defamation of the vilest sort. Washington, Adams, Lincoln, Grant, Cleveland, Wilson, Teddy Roosevelt were all subjected to slander during life or by more cowardly assassins after death. But President Hoover, the humanitarian, was smeared in half a dozen books as a traitor, a thief, an embezzler, an exploiter of slave labor.[7]

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[1] Eugene Lyons, "Our Unknown Ex-President, a Portrait of Herbert Hoover" (Garden City, N.Y.: Doubleday & Co., Inc., 1948), p. 1.

[2] Democratic Bulletin (Washington, D.C.), Aug. 1932, p. 17.

[3] The New York Times, Oct. 6, 1932, p. 16.

[4] Lyons, Our Unknown Ex-President, p. 238.

[5] Time, Jan. 18, 1932, p. 11.

[6] Democratic Bulletin, January 1932, p. 23.

[7] Collier's, Feb. 20, 1932, p. 7.

Collier's magazine did not realize the worst was yet to come.

The Lindbergh kidnaping held the attention of America in that election year of 1932. President Hoover had introduced the 5-day workweek and the Reconstruction Finance Corporation. The Norris-LaGuardia Act was passed lending organized labor a measure of protection. Amelia Earhart flew the Atlantic and Franklin Roosevelt flew to Chicago. There he accepted the Democratic nomination. During his acceptance speech Mr. Roosevelt charged "Republican leadership" with failure. He said quite openly that throughout his campaign he would not criticize the Republican Party, but that he would confine his attack to "Republican leaders." [8] It was a turning point in American politics.

The campaign on personalities had begun. "We commend Governor Roosevelt's announced plan to confine his attacks to the Republican leadership," announced the Democratic National Committee.[9]

But Al Smith was outraged at this tactic, this departure from the American political ethic. Smith directed this challenge to F.D.R.: "I will take off my coat and vest and fight to the end against any candidate who persists in any demagogic appeal to the masses of the working people of this country to destroy themselves by setting class against class and rich against poor." [10]

Wrote Arthur Krock in The New York Times:

"This was immediately accepted as an attack on Governor Roosevelt and his radio speech last week." [11]

Charles Michelson, longtime press agent for the Democratic National Committee, later explained this peculiarly Democratic tactic of "setting class against class and rich against poor."

"If a course seemed to me to advance the prestige of the party and the administration, I was enthusiastic at its incubation. If it seemed to me a hindrance to political success, I was against it." [12]

There it is, out in the open. No qualms, no misgivings. Again Michelson speaks: "Nobody has ever been able to formulate a political code of ethics. Despite the fine, altruistic language of party platforms, the habit has always been to smite the opposition, regardless of Marquis of Queensbury rules, whenever and however the opportunity offers." [13]

And the Democrats had talented speakers, who also overlooked Queensbury, leather-lunged orators of the old school, who were well equipped to carry out this mandate of demagoguery; Senator Carter Glass, the crisp classical orator; Newton D. Baker, self-confident, assured; Owen Young, who called the GNP "gross national paper" and rattled off statistics like a machinegun; Alfred Emanuel Smith with his East-side spellbinding.

Baker, Smith, Young, Davis, Cox, Raskob, Reed, the two Walshes, Long, Hague, Curley, Daniels, Breckinridge, Norris, Johnson, Cutting, La Follette—these were some of the national figures who crowded upon the Democrat stage during the campaign.

To Senator Pat Harrison, Democrat, of Mississippi, President Hoover was "hypocritical." [14]

To then-Governor Roosevelt, President Hoover was "not frank, not honest with the people." [15]

To then-Governor Roosevelt, President Hoover was "insincere." [16]

To Senator Harrison, President Hoover's speech at Des Moines, Iowa, was the "cry of a drowning man." [17]

To Josephus Daniels (Democrat), former Secretary of the Navy, President Hoover allowed "stock watering and feudalism" in the "monopolies of the giant hydroelectric companies." [18]

To Governor Cox, Democrat, of Ohio, President Hoover was beset by fear.[19]

Governor Ritchie, Democrat, of Maryland, in a more charitable spirit, merely accused President Hoover of "shutting his eyes to the truth." [20]

To Democrats, it was best if President Hoover made no public remarks at all in his campaign for reelection since, according to Senator Harrison, the President's Des Moines, Iowa, speech had "cost the American people billions" because it set Europe to wondering about the stability of our dollar.[21]

To Senator Robinson, Democrat, of Arkansas, President Hoover's remarks were "absurd and dangerous." [22]

To Daniel J. Tobin, chairman of the labor division of the Democratic National Committee, President Hoover "opposed all direct Government relief to starving unemployed." [23]

Senator Robert F. Wagner, Democrat, of New York, assailed President Hoover for "the blindness, panic, and futility" of his leadership.[24]

To the Democratic Bulletin, President Hoover had sunk to a "zero mark in Presidential patriotism.[25]

"When Herbert Hoover leaves the White House on the 4th of next March one of his distinctions will be that he is the first President of the United States who has ever indulged in the public crybaby act." [26]

Perhaps the worst cut of all:

Ex-Senator James A. Reed, Democrat, of Missouri, speaking in Des Moines October 10, 1932, roared, "there is but one god mammon and Hoover is his prophet." [27]

In a futile attempt to top himself, Senator Reed added, "Mr. Hoover is in lard up to his eyes." [28]

Speaker of the House John Nance Garner was particularly kind to President Hoover. "Mr. Hoover is President of the United States and as such the utmost respect is due him." [29]

By late July Democratic Vice-Presidential Nominee Garner was homeward bound from Washington. In Dallas, he stepped out of his Pullman long enough to give Texans a sample of his respect:

"I want to convince every honest man and woman that the power of government should be taken away from those who administer it for the benefit of a privileged few. Because I demanded that the Reconstruction Finance Corporation make public its use of the people's property, the President in effect said: 'No. That's for the benefit of my select clientele and the people mustn't know what's done with it.'

"We passed that measure anyway. I notice by the papers he says he'll study it a few days and 'probably will sign it.' He means he wants to have a few days to find out what Wall Street and J. P. Morgan think he should do about it.

"When my friends decided I was fit timber to deal with Herbert Hoover, I assented. I think now I may be big enough for that job, considering his weakness and vacillation." [30]

When downright vicious cracks were made about President Hoover, the Democratic Bulletin—mouthpiece of the Democratic National Committee—used a particularly interesting gimmick. An article published April 1932, titled "The Mantle of the Martyred Lincoln Must Not Be Sullied," was written, according to the byline, "By a Republican."

Said the Democrats' unnamed "Republican":

"Hoover, like Nero, fiddled for 3 long years in a state of indecision and lack of leadership while the false economic pyramid erected by his Republican predecessors made ready to fall * * *.

"This great Nation, under Hoover, the Heartless, may feed the hungry of other lands but she cannot feed her own hungry and starving people. * * *

"Space will not permit discussion of the other shortcomings of Hoover and his utter unfitness for the high office of President of the United States in which he and his office-holding adherents are striving to reelect him, but this statement may safely be made that Herbert Hoover of 1931 is unfit to unlace the shoes of Abraham Lincoln * * *." [31]

To Senator Carter Glass, Democrat, of Virginia, in a speech delivered during the closing hours of the campaign over the radio, one of President Hoover's relief measures was "an intolerable, legislative bastard." [32]

On October 13, 1932, Mr. Roosevelt followed Mrs. William Randolph Hearst to the CBS microphone to condemn President Hoover's according to him, at the "expense of the starving." [33]

Said the Democratic National Committee's handbook for campaign speakers: "First and indelibly his early record is clouded by his former partnerships which contracted cheap Chinese coolie labor in South African mines." [34]

The campaign ended on this note. Hoover lost. Roosevelt won. Smiled the benign Charlie Michelson, fulsomely, "On the whole it has been rather a clean campaign." [35]

ICKES, A MAN OF MANY GIFTS

This clean campaign continued through the next 4 depression years. It had become custom in those days to name huge dams and hydroelectric plants for Presidents. There was the Roosevelt Dam for Theodore Roosevelt; the Wilson Dam; the Coolidge Dam. It was a gesture of respect. In President Hoover's case it had been vastly more, since he had fathered the Colorado River Dam and nurtured the project from its beginning. In keeping with this precedent, then Secretary Wilbur named the Colorado Dam for President Hoover on September 8, 1930. Congress confirmed and legalized the christening when it appropriated funds for the Hoover Dam.

Biographer Lyons, who in 1936 threw himself actively into the pro-Roosevelt campaign, recalls the incident:

"But early in the reign of Hoover's successor a strange and almost incredible thing happened. Secretary Harold Ickes changed the name to Boulder Dam. Legalities aside, viewed in its purely human aspects, it was a piece of pettiness to make normal people blush. Having attached the ex-President's name arbitrarily to the Hoover depression, Hoover breadlines, Hoovervilles, certain men now tried to erase it from the Colorado River and other products of Hoover's labors, perhaps to keep the score even.

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[8] Democratic Bulletin, August 1932, p. 7.

[9] Democratic Bulletin, August 1932, p. 20.

[10] Time, Apr. 25, 1932, p. 18.

[11] The New York Times, Apr. 14, 1932.

[12] Charles Michelson, The Ghost Talks (New York: G. P. Putnam's Sons, 1944), p. xvi.

[13] Ibid., p. 204.

[14] The New York Times, July 16, 1932, p. 1.

[15] Ibid., Aug. 21, 1932, p. 1.

[16] Ibid., Aug. 28, 1932, p. 1.

[17] Ibid., Aug. 28, 1932, p. 1.

[18] Ibid., Oct. 7, 1932, p. 13.

[19] Ibid., Oct. 9, 1932, p. 24.

[20] Ibid., Oct. 10, 1932, p. 2.

[21] Ibid., Oct. 11, 1932, p. 9.

[22] Ibid., Oct. 11, 1932, p. 11.

[23] Ibid., Oct. 11, 1932, p. 13.

[24] Ibid., Oct. 13, 1932, p. 17.

[25] Democratic Bulletin, November 1932, p. 17.

[26] Ibid., p. 21.

[27] The New York Times, Oct. 11, 1932, p. 14.

[28] Ibid., Oct. 11, 1932, p. 14.

[29] Democratic Bulletin, November 1932, p. 33.

[30] Time, Aug. 1, 1932, p. 12.

[31] Democratic Bulletin, April 1932, p. 18.

[32] Ibid., January 1933, p. 9.

[33] The New York Times, Oct. 14, 1932, p. 1.

[34] Time, Oct. 24, 1932, p. 13.

[35] Democratic Bulletin, November 1932, p. 5.

"In some cases the ex-President's name, engraved on the cornerstone of post offices and other public buildings, begun in the Hoover administration, was actually chiseled out and the name of his successor inscribed in its place.

"Secretary Ickes is a man of many real gifts, the most conspicuous of which, alas, is his talent for bitter and long-sustained personal animosities. Having dug his fingernails into a victim, he did not let go for months, for years, forever. The very syllables of Hoover Dam seemed to upset him. One of his first acts in office, in May 1933, was to suggest to the Commissioner of Reclamation that the Colorado structure thereafter be referred to as Boulder Dam in his publications.

"This he followed up by years long efforts to maneuver the U.S. Board on Geographical Names into formally rechristening the dam. According to the New York Sun, this Board deserves 'a delayed citation for deft broken-field running' in evading the Ickes pressure. When the Board disowned jurisdiction, insisting that its authority did not extend to manmade items in the geographical landscape, the Secretary obtained a ruling from the Acting Attorney General to the contrary. The Board, however, stuck to its view. Meantime Ickes simply decided on his own authority that Boulder Dam was a more suitable designation; he attested the decision in a letter dated May 17, 1935.

"When the dam was finally completed, Hoover was not invited to the dedication ceremonies conducted by President Roosevelt. His hope 'to be present at its final completion as a bystander' apparently was adjudged presumptuous by those who issued the invitations. The embarrassed mayor of Boulder City asked Hoover to come anyhow, but the former President decided to stay away. 'I somehow did not feel like making myself so public an exhibit of vindictiveness,' he explained subsequently."[36]

THE DEPRESSION YEARS

The 1936 campaign, viewed with the perspective of the 1960's, fulfilled Al Smith's prophesy to the letter; class was set against class, rich against poor. Although Alf Landon was the Republican candidate for President, the Democrat attack continued to center on President Hoover. Republicans were again charged with promoting "hate" and "tyranny." The Democrat Governor of Pennsylvania, George H. Earle, charged blithely:

"Big Business is determined to smash liberal democracy in the United States. Their mass attack is more than a fight against a political party—it is a deliberate, unscrupulous attempt to restore an autocracy of wealth more tyrannical than any people has seen since the dawn of history. They have sworn to destroy the President because they dread and hate the things he stands for."[37]

Movie actress Lillian Gish, defending New Deal deficits during the 1936 elections, provided the last word in something or other by declaring: "What does it matter so much that from the facts-and-figures point of view the balance sheet of life is in the black if one's soul as a result of it is in the red?"[38] So there.

Not even the defeat of Landon could halt this spread of doubt. The seeds of distrust fell indiscriminately. In 1937 J. Stitt Wilson, an "outstanding" Democrat and a delegate from California to the Democrat National Convention, allowed as how Republicans had:

"Just concluded a campaign of the bitterest and most disgraceful, shameless, and false attacks upon the executive branch of the Government, the President of the United States."[39]

Later that summer, on August 29, 1937, Democratic National Committee Chairman James A. Farley was downright intransigent when he refused to, "close my eyes to the fact that powerful minority groups are opposing his (Roosevelt's) program with uncompromising bitterness. You know the identity of those groups, and you know also that they always oppose any legislation designed to improve the lot of the workingman."[40] Etc. etc. etc.

HITLER'S ALLY

By midsummer of 1940 fascism clicked its jackboots and the thunder was heard across the Atlantic. Adolf Hitler had plunged through the Low Countries into France. Nothing was more democratic, therefore, than to connect—somehow—GOP Presidential Candidate Wendell Willkie with nazism. Samples:

House Speaker William Brockman Bankhead, Democrat, of Alabama: "If the voters wish to place the Executive in control of forces which are somewhat foreign to our usual American way of life."[41]

Postmaster General Jim Farley (former Democratic National Committee chieftain): "The question is * * * what sets of forces, economic and social, are to conduct our Government—the historic American processes, or some new and somewhat foreign methods of concentrated control?"[42]

The reader of these dried and musty records is appalled by the depths to which Democrats sank as America teetered on the edge of a new precipice.

Democrat Vice-Presidential Candidate Henry Wallace, speaking on the cornstalk-decorated stage of the Coliseum in Des Moines, Iowa, in September 1940, argued that (1) with Roosevelt standing for democracy and (2) Adolf Hitler standing for dictatorship, (3) those who opposed Roosevelt were Hitler's conscious or innocent allies. He charged:

"When Roosevelt tried to adjust the internal affairs of the United States to a sick world, they (Republicans) fought him at home as Hitler fought him abroad. Some of the bitter attacks on Roosevelt's program were directly inspired by the agents of Hitler in this country. Others were merely blindly partisan. But, whatever the motive, the effect was the same—these attacks on Roosevelt and his program played into the hands of Hitler. Every evidence of opposition to Roosevelt within the United States has been reason for rejoicing in Berlin. * * *

"I do not wish to imply that Republican leaders are willfully or consciously giving aid and comfort to Hitler. But I want to emphasize that replacement of Roosevelt, even if it were by the most patriotic leadership that could be found, would cause Hitler to rejoice. I do not believe that the American people will turn their backs on the man that Hitler wants to see defeated. Most Republicans may not yet realize it, but their party is the party of appeasement in the United States today. It is the party which the totalitarian powers will back in every way possible."[43]

The New York Times responded to this political hatemongering, calling it: "A line of attack which does no credit to him or his party. If this says anything, it says that a vote for Mr. Willkie is a vote for Hitler. That is an unjust charge. It is an irresponsible charge. It is a reckless charge, because (it) is an attempt to arrogate patriotism for the Democrat Party."[44]

The implication that Hitler and Mussolini wanted Roosevelt out—first advanced by Henry Wallace, then offered by Gov. Herbert Lehman, Democrat, of New York—was attacked by pundit Oswald Garrison Villard: "It seems to me that your declaration (Lehman's) that a vote for Willkie will be a vote for Hitler * * * touches the low-water mark of unfair, unjust, and intolerable partisanship * * * playing upon passions and prejudices which you ought to be the last man in the State of New York to do."[45]

Circulated in Birmingham, Ala., was a mimeographed political sheet declaiming that Willkie has "a sister who is married to a German naval officer in Berlin. Are we going to stand idly by and permit a German to become President of our country?"[46] (Willkie's sister was with her husband, Paul E. Pihl, a commander in the U.S. Navy then on duty as U.S. assistant naval attaché in Berlin.)

According to columnist Dorothy Thompson (in a feat of mental gymnastics): "When you vote for Willkie * * * you are voting for communism."[47]

Nor was the lowest type of racial bigotry ignored in Democrat campaign blasphemy.

In October (1940) the Negro Division of the Democratic National Committee in New York City issued a five-page mimeographed document which (1) underlined Wendell Willkie's German ancestry, (2) quoted Adolf Hitler as saying: "Negroes are lower than apes." Willkie, said the Democratic National Committee, was nominated "by the Hitler formula" with the calculating support of isolationist Senator Arthur Vandenburg, Republican of Michigan, anti-New Deal Congressman Charles Halleck, Republican of Illinois, and Harold Stassen, "the Governor of the 'German' State of the Union—Minnesota."

Elwood, Ind., Willkie's birthplace, the statement went on, barred Negroes as residents and put up signs warning: "Nigger, Don't Let the Sun Go Down On You." The Democrat document quoted Harlan Miller, columnist on the Boston Traveler, as saying that Willkie's favorite crack under emotional stress was: "You can't do this to me—I am a white man." If Willkie were President, the document implied, Negroes would know what to expect. The mimeographed sheets, headed "Speakers Bureau," were presumably intended to be used as a thesis for Democrat speeches to colored voters.[48]

Nor was violence absent from the campaign when in Detroit, Doris LaRoue, 31, New Deal RFC employee, pleaded guilty to tossing a metal wastebasket, a telephone book, an ash tray, and other furniture oddments from an 18th-story window during a downtown Willkie parade. Said Miss LaRoue: "Something came over me."[49]

In the same city, Detroit, Mich., Wendell Willkie stood, after hecklers had thrown a melon and wastebasket at him, and spoke not for votes, but made a plea to American mothers to "teach our children to believe in America."[50]

But the Democrat bandwagon continued to serve as a launching platform for the most utterly despicable charges imaginable:

To "Fusion-Ticket" LaGuardia, Wendell Willkie was "a promoter par excellence, a ballyhoo artist * * * unreliable and uninformed."[51]

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[36] Lyons, "Our Unknown Ex-President," p. 14.

[37] Democratic Digest (Washington, D.C.), February 1936, p. 4.

[38] Time, Nov. 9, 1936, p. 14.

[39] CONGRESSIONAL RECORD, vol. 81, pt. 9, p. 882.

[40] Ibid., vol. 81, pt. 10, p. 2388.

[41] Time, July 8, 1940, p. 10.

[42] Ibid., p. 10.

[43] Ibid., Sept. 9, 1940, p. 14.

[44] Ibid., Oct. 14, 1940, p. 25.

[45] Ibid., p. 25.

[46] Ibid., Nov. 11, 1940, p. 19.

[47] Ibid., p. 19.

[48] Ibid., Oct. 21, 1940, p. 21.

[49] Ibid., Oct. 14, 1940, p. 30.

[50] Ibid., Oct. 16, 1944, p. 24.

U.S. Attorney General Robert H. Jackson: "(I) have done all (I can) to stop the increasing concentration in this country of great aggregations of other people's money in the hands of lawless, irresponsible, and ruthless men like Wendell Willkie."[52]

U.S. Solicitor General Francis Biddle: "Of course, Hitler wants Roosevelt defeated."[53]

Wendell Willkie, predictably, was defeated.

REPUBLICANS CAUSED WORLD WAR II

Democrat publicity chief Charles Michelson was later to write:

"When the newspaper commentators began their barrage on Roosevelt as preliminary to the 1936 campaign, it seemed a natural thing for me to counter with a pro-Democratic column. So I got my commentaries, under the heading of 'Dispelling the Fog.'

"It was quite a boon for harried little newspaper publications with their small and overworked staffs, and some thousands of them used the editorial without mentioning its source, to our gratification and, I hope, to the advantage of our party.

"At the height of the enterprise 9,000 or 10,000 dailies and weeklies carried much of our matter, and the publicity bureau was helped enormously."[54]

Think of that. Nine or ten thousand daily and weekly newspapers carrying made-in-Washington Democrat propaganda.

Every day, every week, "9,000 or 10,000 dailies and weeklies carried much of our matter."

A sample of the "matter" sent out by the Democrat Party and used by "9,000 or 10,000" American newspapers is reproduced below. It was printed in 1942, shortly after the United States went to war.

"DISPELLING THE FOG

"(By Charles Michelson, director of publicity, Democratic National Committee)

"You are worried about the gasoline and rubber shortages. You wonder how you are going to get junior to school and get to your own job when your tires are worn out.

"You perhaps do not trace your troubles to the circumstance that more than 20 years ago you voted for an isolationist House of Representatives. You were war-weary then, and thought possibly that it was just as well to have a Republican Congress for a change.

"It is not a matter of paramount importance, with the safety of the Nation at stake, that you might have to adapt yourself to a non-motor condition; that you have to register if you want a rationed pound of sugar, and that your taxes are at the peak and may go higher. There are graver elements in the picture.

"Because you raised your boy in the faith that an American's first and deepest duty is to serve his country, you saw him inducted into our armed service with pride—even though your heart was wrung by the perils that beset him at an unknown destination. Did it ever occur to you that you are subject to that inevitable choice because you listened to the arguments of the enemies of Woodrow Wilson that a League of Nations meant a supergovernment? That the destuction of the independence of the United States was in question, and equally wild suggestions of the import of our participating in the effort to prevent future aggressions that could menace world peace? The falsity of the theory that we could rest secure in our insular abstention from world affairs has been disastrously demonstrated by the events of the past 2 years.

"We tried to make it work with our embargo of our trade with belligerents, and by keeping our ships away from combat zones—only to find that the Nazi powers made the rules, and that to them the wide world was a combat zone. When Japan joined the Axis and assailed us from the Pacific, we were in it up to our necks.

"When the trouble started

"A Senate—two-thirds Republican—jettisoned the League of Nations, including the famous Lodge reservations, which we had been assured protected us against the specter of a supergovernment, and which turned out to be merely a bait to induce people who believed in the principle of world cooperation to join the wreckers.

"Once in power, the isolationist principle was worked to the limit. Within a few years our country from being at the top of the world in military strength declined to fourth or fifth place. They flattened the Army and all but destroyed the Navy—first by the sinking of our ships through the disarmament conference formula and then by refusing to replace others as they become obsolete.

"Of course, the American voters did not realize that when they voted in a House of Representatives hostile to the administration 24 years ago, they prepared the way for all this destruction and laid the foundation of the present war.

"The average voter, particularly in a congressional election, is likely to look no further than the election of his local candidate. He, perhaps, knows neither of the candidates but votes for one to oblige a friend, or a political associate, or simply to go along with his own party as a routine habit. Such procedure might not do any harm in an ordinary election, but the present is a time when the familiar social or political leaning falls short of national duty. It has been pointed out that a careless vote—or it might be an emotional one—a generation ago produced a repercussion of dire consequences in the world's history.

"Minding our own business

"It destroyed the hope for an international concord that was planned to make such wars as the present one impossible; it brought us to the Harding administration and its scandals; to the amiable do-nothing policies of the Coolidge regime.

"We thought we were minding our own affairs, never realizing that it was leading to the great depression of President Hoover's term, and, indirectly, promoted the practicality of the rise of Hitler and Hitlerism, with the results already of the loss of millions of lives and the prostration of all that was best of civilization in central Europe.

"It brought on the jingoism of Japan, for it furnished the opportunity of the yellow empire to embark on its career of conquest. That paratical foray would never have eventuated had not our country—the one agency that could have forbidden the Japonification of the Far East—been tied up in the war of the Atlantic, so that it had to divide its forces to meet the Asiatic threat.

"It is to be hoped that the voters next November will keep this picture in mind when they go to the polls.

"The only policy that is important now is to win the war—as soon as it can be won. We have had the unfortunate experience of delayed preparation, with a minority in Congress opposed to the administration. If that minority should happen to be increased by the November elections, who can estimate the new difficulties and damage?

"Our foreign enemies are eagerly assuring their people that disunity is rife in the United States, and would hail any political reversal as proof of their contention. We know that there is no basis for that particular example of Nazi propaganda. There is promising indication that the Hitler-Mussolini-Hirohito combination is already restive at the failure to realize the early triumph that was promised. That trend would be discouraged if anything eventuated that could be hailed as American disaffection.

"It isn't a question of a Republican or a Democratic victory. As the President has pointed out, the issue between candidates must be the relative devotion to the Nation's cause—and in estimating this, the record of the candidates—regardless of party—must be the deciding factor."

To say this propaganda smears Republicans understates the case. To say it stirs hate, or promotes disunity, or exhibits maliciousness, or perverts the war effort to partisan ends might be closer to the truth.

THE HATE CONTINUES

In speech after speech at the Democratic National Convention in Chicago, 1944, the Democrats dragged out Herbert Hoover as the man they preferred to campaign against. The convention relished the steady pounding at President Hoover. He was the one issue upon which all Democrats could agree.

The July 10, 1944, issue of "In Fact" said Hoover called out the Army "to shoot down the American Legionnaires at Anacostia." President Hoover "started hating Russia when his oil, gold, and other mines were confiscated and he lost a billion dollars." President Hoover "persuaded the humanitarian Woodrow Wilson to support Mannerheim and the Finnish fascists." President Hoover "was making millions out of coolie labor." President Hoover believed that "the disregard for human life permits cheap mining." Every cent President Hoover possesses "has come from the blood and sweat and tears of Chinese, Burmese, Russians, Nigerian Negroes, Mexicans."[55]

Though the Republican candidate was Thomas E. Dewey—as were Wendell Willkie and Alf Landon before him—the chief target of Democrat publicity was Hoover and the "Hoover depression." It worked. Dewey lost.

Nor was the smear-Hoover campaign confined to the political platform. As late as October 12, 1947, Hedda Hopper could report about one of the big political brains of Hollywood: "Katharine Hepburn turned down 'B. F.'s Daughter' because the script called for her to read a line praising Herbert Hoover."[56]

REPUBLICANS "AID COMMUNIST PARTY"

As the first half of the 20th century drew to a close Democrats were forced to reconsider their left-wing element. The far left within the Democrat Party suffered a similar division. They remained united only in their brotherly dislike of Republicans. To the Americans for Democratic Action, Dwight David Eisenhower had joined the "advocates of the jungle state."[57] By implication he accepted "creeds which despised decency and stamped on freedom."[58]

That was 1949. The next year Republicans stood by while President Truman took off on his "nonpolitical" tour of May 1950, name calling and smearing from the Mississippi Valley westward.

At Galesburg, Ill., Republicans were "isolationists."

At Grand Island, Nebr., Republicans used "scare words."

At Wendover, Wyo., Republicans were "stuffy, reactionary easterners."

At Cheyenne, Wyo., the GOP represented "selfish interests" who "exploited" the West.

At Nampa, Idaho, he said Republicans harkened back to the days when "robber barons stuffed themselves with riches and the little people got just a few crumbs."

At Boise, Idaho, Republicans were "penny pinchers" and "old mossbacks."

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[51] Ibid., Oct. 28, 1940, p. 15.

[52] Ibid., Nov. 4, 1940, p. 13.

[53] Ibid., p. 13.

[54] Michelson, "The Ghost Talks," p. 212.

[55] Lyons, "Our Unknown Ex-President," p. 322.

[56] Ibid., p. 322.

[57] ADA World (Washington, D.C.), Dec. 24, 1949, p. 1.

[58] Ibid., p. 4.

At LaGrande, Oreg., the GOP favored "monopolistic exploitation" of the West.

At Pendleton, Oreg., the GOP represented "special interests."

At Coulee City, Wash., the GOP represented the "power lobby."

At Missoula, Mont., he said his opponents in Washington, Republicans, were men with "acorn minds."

At Butte, Mont., Republicans came mostly from the "lunatic fringe" of the "reactionaries."

At Helena, Mont., Republicans were the "greed boys."

At Fargo, N. Dak., he castigated the previous 80th "do-nothing" Congress, controlled by Republicans, and called them "economic isolationists." (An interesting footnote to this charge was written 14 years later when a member of Truman's Cabinet, W. Averell Harriman, speaking before a group of Federal lawyers in 1964, complimented Mr. Truman for his ability to get the same 80th Congress, "worst in our history," to enact some of the most enlightened foreign policy legislation in our history.)

Anguished screams arose from the White House coterie when Republicans charged Mr. Truman with efforts to besmirch, to sully, to defame, to vilify by applying debasing epithets and spreading gross unsubstantiated charges and imputations.

Columnist Gould Lincoln, writing in the (Washington) Evening Star of September 18, 1951, noted:

"These screams come with ill grace from the Fair Dealers who have been hurling mud for so many years they seem to think it their exclusive right. Remember what they said about Herbert Hoover, who happened to be President of the United States? Remember the accusation that he was in reality a British protagonist, with no thought of the welfare of the United States?"

If possible, Mr. Truman outdid himself during a speech entitled "Working Together for Peace" delivered at a dedication of the Washington Headquarters of the American Legion. America, said Mr. Truman is: "being undermined by some people in this country who are loudly proclaiming that they are its chief defenders. They are trying to create fear and suspicion among us by the use of slander, unproved accusations, and just plain lies. The scurrilous work of the scandal mongers gravely threatens the whole idea of protection for the innocent in our country today. Slander, lies, character assassination—these things are a threat to every single citizen everywhere in this country." [59]

Wrote one analyst, the Reverend James M. Gillis, CSP, in the "Catholic Review" with some understatement:

"This is rather violent to come from so exalted a personage as the President of the United States." [60]

THE EISENHOWER YEARS

Eight years of Republican Dwight D. Eisenhower failed to muffle the more blatant examples of political opportunism. The peace and prosperity framework of American politics in the 1950's shifted a portion of the Democrat attack to foreign policy while bipartisanship eliminated itself from the Democrat vocabulary. Samples:

Advisory Council of the Democratic National Committee, May 5, 1957:

"The Eisenhower-Dulles administration of our foreign affairs has substituted improvisations for policy, appeasement for leadership, posturing for deeds, and advertising slogans for information."

Gov. Raymond Gary (Okla.), Democrat Midwest Conference, October 17, 1957 (reported by the New York Times, October 18):

"I am of the opinion that President Eisenhower, through lack of aggressive leadership, has permitted our defense program to stalemate to a considerable extent."

Lyndon B. Johnson, March 8, 1959 (reported by the Washington Post, March 9):

"Shall Berlin be remembered as the deathbed of democracy or as the graveyard of aggression?

"We can no longer sit by and see our strength—military, moral, or economic—decimated by delay, defeat, or retreat."

The United States can no longer take a "passive role. We cannot wait for May in Berlin."

In 1955 Joseph Rauh, national chairman of the Americans for Democratic Action, charged that "Eisenhower has produced the saddest excuse for a legislative program since President McKinley. We have drift, confusion, bluff, blunder and a sunburnt Coolidge in the White House." [61]

But to Democrat National Chairman Paul Butler, it was actually the Republicans who were doing the smearing. On November 11, 1955, he told a group of young Democrats at the University of North Carolina:

"We have seen the Republican Party in 1952 and 1954 use the 'smear' technique against Democratic candidates * * * low-level campaigning designed to mislead the American people and distort the facts." [62]

It was only natural that the Democratic Digest agree:

"It appears now, however, that the GOP technique is to attempt to justify the smears by a smoke screen charge that Democrats are slandering Republicans." [63]

Even the campaign to instill hatred of President Hoover was revived in March 1956 when the Democratic Digest condensed a Milwaukee, Wis., Journal article dealing with the year 1932, "when violence swept the farm belt." The Democratic Digest condensation, distributed to Democrat leaders across the Nation, was entitled "Hoover's Harvest." In April 1956 the same Democratic Digest referred to "the inability of the Republican Hoover administration to deal with the great depression." [64]

Soon Dwight David Eisenhower, General of the Armies, President of the United States of America, was to be subjected to the same filth, the same utter and complete hatred. The Democrat vilification knew no bounds as President Eisenhower was described by Senator WAYNE MORSE, Democrat, of Oregon, as "* * * the most dangerous man who has been in the White House." [65] President Eisenhower, a man honored by most Americans, was described by Senator MORSE as "* * * a demagog, who was obviously willing to commit any expedient act for support." [66]

The late John Foster Dulles has been honored as a man of courage, integrity, and ability. Was Senator MORSE, a Democrat, hatemongering when he charged on September 26, 1958:

"Secretary of State Dulles insulted the intelligence of every thinking American in his speech of shocking deception last night. This evil man, bent on war, must be checked if our Nation's glorious record of having never been an aggressor nation is to be preserved." [67]

NIXONLAND—A LAND OF SLANDER AND SCARE

As the 1956 campaign moved into high gear Democrats again followed Mr. Roosevelt's dictum to attack the man, not the party. Nixon was the target. Issues and facts were bypassed.

"Bah, bah, Nixon, have you any pull? Yes, sir, yes, sir, an administration full. With tax cuts for my masters, a cloth coat for my dame, but nothing for the little boy who lives down the lane," rhapsodized the Democrats.[68]

Or, for Democrats with a brief attention span, "Ike be nimble, Ike be quick, or Dick will jump over your candlestick." [69]

Most of the hate, most of the vitriol heaped upon Mr. Nixon contained dark references to his California Senate campaign against Helen Gahagan Douglas. Yet seldom mentioned was the fact that almost without exception every charge made by Mr. Nixon was a charge first made by Mrs. Douglas' Democrat primary opponents themselves. Two months before the Democrat primary Mrs. Douglas' first opponent, Senator Sheridan Downey, Democrat, of California, withdrew from the race, stating that he was not physically up to "waging a personal and militant campaign against the vicious and unethical propaganda" which he accused Mrs. Douglas of using against him. Democrat Senator Downey had linked Mrs. Douglas with extremists.[70]

Her second opponent for the Democrat candidacy, Manchester Boddy, said of Mrs. Douglas:

"There is indisputable evidence of a statewide conspiracy on the part of this small subversive clique of red hots to capture, through stealth and cunning, the nerve centers of our Democratic Party—and by so doing to capture the vote of real democratic citizens."

He warned that the "blueprint of subversive dictatorship" called for control of the Democrat Party by the "red hots" who would make the party "serve their own twisted purposes * * * good California Democrats who know the score * * * have taken up the banner to preserve the American way of life and protect the true liberalism and honest progressivism which had made the Democratic Party great." [71]

Yet Mr. Nixon, who merely repeated the Democrat's very own charges against Mrs. Douglas, was consigned thereafter to unremitting characterization as "a smear artist."

Despite Republican victory in 1956, or perhaps because of it, the hate-Nixon campaign continued unabated.

To Harry Truman, Vice President Nixon was yet another "s.o.b."

To California Democrat Chairman Roger Kent, the Vice President "would doublecross and destroy the reputation of anybody if it seemed to serve his interest."

To the New Republic, a liberal weekly, Mr. Nixon was President Eisenhower's "trapdoor, escape hatch, and hygenic flush."

Adlai Stevenson conjured up visions of a "Nixonland—a land of slander and scare, of sly innuendo, of a poison pen, the anonymous phone call and hustling, pushing, shoving—the land of smash and grab anything to win."

The Democrat campaign handbook for 1958 continued a section called "Nixon." It opened with a statement by Walter Lippmann assessing Mr. Nixon as a "ruthless partisan * * * (who) does not have within his conscience those scruples which the country has a right to expect in the President of the United States."[72]

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[59] President Harry S. Truman, "Real Americanism," address delivered at dedication of American Legion Washington Headquarters and distributed by Democratic National Committee, Aug. 14, 1951.

[60] The Reverend James M. Gillis, CSP, "Sursum Corda," Catholic Review, Sept. 7, 1951.

[61] Clifton Brock, "Americans for Democratic Action" (Washington, D.C.: Public Affairs Press, 1962), p. 154.

[62] Democratic Digest, February 1956, p. 73.

[63] Ibid., p. 76.

[64] Ibid., April 1956, p. 43.

[65] The Nation, May 5, 1956.

[66] Ibid.

[67] Human Events (Washington, D.C.), July 22, 1959, art., sec. I.

[68] Democratic Digest, November 1956, p. 60.

[69] Ibid., p. 60.

[70] Earl Mazo, "Richard Nixon" (New York, the Hearst Corp., Avon book division, 1960), pp. 70–71.

[71] Ibid., pp. 70–71.

Through 1959 and 1960, editorial cartoonists enjoyed a field day with Eisenhower and Nixon. Bill Mauldin, in the St. Louis Post-Dispatch, developed a habit of depicting Vice President Nixon tiptoeing away from crises, blunders, and adversity. Obviously the sneaky type, that Nixon, according to Mauldin.

Conrad, drawing in the Denver Post, managed to be genuinely funny while depicting Ike as a confused soul unable to correct the "missile-gap" (a missile gap later admitted by the Democrats to be nonexistent).

Perhaps Conrad's worst—or best, depending on how you look at it—showed Nixon as a Roman debauchee, plucking grapes with a wine cup nearby, while turning thumbs down on a tiny band of waifs huddled on the coliseum floor; a reference to the then-publicized Senate education bill vote.

Editorial Cartoonist Herbert Block, drawing for the Washington Post, saw fit to depict Mr. Nixon as a catlike beastie, crawling out of a sewer, drenched with slime.

Is this how Republicans pour venom into our Nation's bloodstream?

Hugh Haynie, of the Louisville Courier-Journal was equally direct in those campaign days. He drew GOP Senator JOHN SHERMAN COOPER with a knife between his shoulder blades, labeled, "With Sincere Appreciation for Your Support, D.D.E." Dwight David Eisenhower.

But cartoonists and editorial writers do not tell the whole story. They draw in the outlines, and in some cases write the words, but the bold brush strokes of mud are provided by the Democrat politicians.

Twenty years after suggesting the Supreme Court pay heed to ultraleftist wishes, or face the guillotine, the Democratic Digest was still attributing hate tactics and mud slinging to the Republican Party. A cover illustration for the magazine (January 1960) showed then-GOP Candidate Richard M. Nixon with a bucket of tar nearby, brush inserted for ready use.

Bleated the Democratic Digest, July 1960:

"It is always the same: Whenever the country is faced with a real crisis, Richard Nixon's reaction is political and partisan." Does this imply Mr. Nixon is a traitor, or has traitorous motives? Or that Mr. Nixon does not put his country first?

To Harry Truman, speaking at San Antonio in October 1960, discussing the Vice President was easy:

"Tricky Dicky Nixon is cut from the same cloth—don't make any mistake about that. Nixon is against the small farmer, against small business, against labor, against public housing, against public power. Come to think of it, I don't know what the hell he is for. And that bird still has the nerve to come to Texas and ask you to vote for him. And if you do, you ought to go to hell—that's all I have to say."[73]

In Waco, Tex., a group of Baptist ministers—72 of them—rebuked Mr. Truman "as a Christian, a Baptist, and a guest in our midst," but the damage was done and emotions aroused.

Once again Paul Butler, Democratic National Committee chairman, wrapped himself in virtue and piously remarked in February 1960:

"Unlike the Republicans, it will not be necessary for us Democrats to create a new image of our nominee and to worry about wiping out the unhappy memory of his blemished past."[74]

SEE REPUBLICAN SLUR? SEE REPUBLICAN SLANDER?

Senator Lyndon B. Johnson attacked Republican "brainwashing" during a speech at Hartford, Conn., on September 9, 1960. Said the vice-presidential nominee:

"They (Republicans) are trying to slur the Democratic Party. But in the process they are slandering the American economic system—and that slander is being heard around the world."

While promising, "the next Democratic administration * * * will deliver on the fiscal responsibility pledges of our party platform * * * balance budgets * * * apply a surplus to the reduction of the national debt * * * closing inequitable loopholes," etc., Mr. Johnson said flatly:

"The Republican Party today is irresponsible."

"They are sacrificing," intoned Mr. Johnson, "the world's confidence in our economic system and capacity for the sole purpose of narrow partisan interests."[75]

Nor were appeals to racial bigotry confined to the 1940 Democrat presidential campaign.

In September 1960 the United Auto Workers folded a four-page insert into all 1,300,000 copies of their weekly newspaper, Solidarity, read by an estimated 5 million readers. Its cover page was a drawing of a sheet-hooded, club-carrying Ku Klux Klanner standing menacingly next to the Statue of Liberty. The caption said: "Which Do You Choose? Liberty or Bigotry?" Printed inside was the full text of a Democratic Party speech.[76]

The Michigan Fair Election Practices Commission said the tactic was "unfair." The liberal Washington Post denounced it as "sheer demagogy * * * bigotry in the guise of antibigotry." UAW President Walter Reuther protested that he had not seen the leaflet before publication and ordered distribution stopped, but the damage was done and emotions aroused.[77]

In a repeat of the "Hoover depression" vein of shrewd, logical economic analysis Gov. Robert B. Meyner, Democrat, of New Jersey, called the boarded-up windows on houses and stores in West Virginia "Eisenhower curtain."[78]

THE FLAG OF DECENCY

The venom which spouts from the left wing of the Democrat Party is not always directed solely at Republicans. Middle-of-the-road Democrats find themselves under more or less consistent attack these days. The inconsistencies in the era of love and understanding which groups of the American political left are purporting to encourage are demonstrable. The AFL–CIO Washington Report, of December 16, 1963, muttered "Louisiana's ill-tempered, GOP-leaning OTTO PASSMAN, Democrat, of Louisiana, leads gutting of foreign aid program, killing off U.S. jobs and desecrating memory of late President Kennedy."

Charged the Allied Industrial Worker for January 1962, in their column entitled "Washington Letter":

"Herblock's (editorial cartoonist for the Washington Post) latest peeve is Senator BARRY GOLDWATER who is currently straddling the fence between the John Birch Society and the right wing of the Republican Party, if that's possible. GOLDWATER is not as bright as Taft, not as crude as McCarthy, and not as oily as DIRKSEN. Nobody has punctured his inconsistencies better than Herblock who savagely takes off on the dapper man with horned rim glasses in a manner which is most upsetting to people accustomed to the social graces. Since Herblock couldn't care less about cocktail parties—he lets fly with cartoons which have shown up GOLDWATER for what he is—a sanctimonious mossback who, if he had his way, would hurl this country into utter social chaos, deprive orphans of their milk, and cast the helpless into the streets."[79]

Leftwing extremism? Maybe. Hatemongering certainly.

Says Representative DON ASHBROOK, Republican, of Ohio, "I have found that the greatest effort to induce prejudice and hate seems to come from those on the left who wave the flag of decency the highest. The Ohio AFL–CIO puts out a weekly newsletter entitled 'News and Views.' Their November 15, 1963, edition carries a prominent article with a lead sentence that is contrived to induce hate and contempt for our U.S. Senator from Ohio. It states:

"'It's no secret that Ohio U.S. Senator FRANK J. LAUSCHE, Democrat, is against the decent wages.'

"The leadership of the AFL–CIO has its own particular tarbrush tactic," says Representative ASHBROOK. "They are 'for people' and those who oppose their legislative propositions are 'against people.' If you have many objections to their minimum wage proposals which are in no way related to whether a person should receive $1.25 or $1.50 per hour, this does not matter—you are against decent wages. If you would happen to oppose Federal aid to education, you are against kids. If you fail to see the advisability of a national socialized health insurance system it must be due to your lack of compassion for the older people.

If you are against the so-called "clean air bill," you are for dirty air. Their strange code of ethics makes it impossible for anyone to be honest or humanitarian who opposes them or has legitimate objections to their program.

"The AFL–CIO leadership could do far more for the country and the spirit of peace and brotherhood they supposedly are trying to foster if they would concede that there are many areas for honest disagreement rather than fill their pens with invective and hate in their effort to obliterate political opposition."[80]

Representative BURT L. TALCOTT, Republican, of the 12th District of California, wrote the following letter to the editor of the Washington Post on December 16, 1963.

"Your editorial of December 6 calling Judge HOWARD W. SMITH, Democrat, of Virginia, chairman of the House Rules Committee, a 'tyrant' seemed mean, hypocritical, and hateful.

"I am sure that you do not presume that your paper can hate, when it suits your purpose—but that every other person who disagrees or disapproves is a hatemonger or bigot. But you called a man a tyrant with sanctimonious abandon. Is not calling a man a tyrant as hateful as calling him a Communist? Which caller, really, is more bigoted or hateful?

"If we are to invoke a moratorium on hate, should not it apply to everyone? Is not a person who piously decries 'hatemongering' by others, but mongers hate himself, even more despicable because of the inconsistent hypocrisy?

"Should not the editorial page of a newspaper be in the vanguard of those who eschew hate—even including the cartoonists and columnists it employs? Should not newspapers, as well as ministers and politicians, practice what they preach?

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[72] Ibid., pp. 15–16.

[73] Time, Oct. 24, 1960, p. 29.

[74] Democratic Digest, February 1960.

[75] Senator Lyndon B. Johnson, address delivered at Hartford, Conn., and distributed by Democratic National Committee, Sept. 9, 1960.

[76] Time, Oct. 31, 1960, p. 10.

[77] Ibid., p. 10.

[78] Democratic Digest, June 1960, p. 4.

[79] CONGRESSIONAL RECORD, vol. 109, pt. 8, p. 10734.

[80] CONGRESSIONAL RECORD, vol. 109, pt. 19, p. 24774.

"Does not one who has a typewriter and a paper have a higher obligation for truth, honesty, and consistency than one who screams from a mob on the street?" [81]

THE MURDER OF JOHN F. KENNEDY

This singularly effective device of accusing Republicans and conservatives—in short, the opposition—of hate in all its violent forms came full blown to life in the aftermath of President Kennedy's tragic assassination.

No matter that the assassin, Lee Harvey Oswald, was a member of the Communist-Castroite left.

No matter that he was a self-styled Marxist who had spent a considerable portion of his young life as a resident of the Soviet Union from which he returned with a Russian wife.

No matter that he had renounced his U.S. citizenship in an abortive attempt to find haven in his ideological homeland, Soviet Russia.

No matter that he was executive secretary of the New Orleans chapter of the Fair Play for Cuba Committee, a pro-Castro group.

No matter what the facts were in the case, speculation and public statement immediately arose via press and airwaves blaming conservatives, Republicans, indeed any opponent of the Democrat Party. Samples:

Representative HALE BOGGS, Democrat, of Louisiana: "Those Birchite bastards ought to be happy." [82]

Max Lerner: For all we know, Oswald may have been a double agent "working for the Communists and the anti-Communists; maybe after defecting to the Soviet Union, he defected to the mob around General Walker."

Walter Lippmann: It was "in this atmosphere of political violence that the assassin lived." (Actually Oswald was born in New Orleans, reared in New York City, lived in Russia, New Orleans, and Fort Worth. He had lived in Dallas briefly.) [83]

The Voice of America: In its European broadcast service, immediately after the shooting, noted that the assassination occurred in Dallas, "the center of the extreme right wing." [84]

Labor Tribune (AFL–CIO South Florida weekly): "Those of us who have read the dirt, smut, and slime written and spoken against John F. Kennedy know who murdered him."

It remained for Richard Wilson, writing in the Des Moines Register December 1, 1963, to issue a lonely appeal to honesty:

"In spite of the simple facts of the assassination there are many in this city who will not separate the President's tragic death from the segregation and 'far right' issues. Their tortured reasoning is that the assassination came out of the same pot, that the city of Dallas in the reactionary Southwest has spawned them all and all were equally culpable * * * but one simple fact should not be ignored. The accused, and likely murderer, was a proudly professed Marxist, he never boasted of being a segregationist or a far righter."

Despite the most fundamental ethics of an open society, despite the simplest principles of truth, of fair play, liberal Democrats took appalling measures, measures which shock openminded citizens, to insure that no wave of anti-Communist public opinion would follow the murder of John F. Kennedy. As the New York Times reported, when Oswald's political beliefs were found out by the State Department and the White House:

"Officials tried through the night to prevent the police and prosecutors in Dallas from drawing political conclusions from the assassination. Their greatest fear was that the assassination and the left-wing background of the prime suspect, Lee H. Oswald, would generate anti-Communist passions and cries for vengeance." [85]

Said the New York Daily News, with customary directness:

"We grow exceedingly weary of the current talk about how, in the wake of the Kennedy assassination, we've all got to drop hatred and extremism and get milksoppish and everlovin'. Dire consequences are threatened if we disregard this advice.

"Our reaction: Nonsense; also nerts, to revive a good old slang word.

"The drop-the-hate talk is coming mainly from pinkos and leftists who are bitterly disappointed that Lee H. Oswald, President John F. Kennedy's murderer, was a Communist and Castroite.

"Had Oswald been a member of the John Birch Society or a hater of Negroes, the current peddlers of love and kisses would be stirring up a witch hunt in every one of the 50 States at this moment."

THE AFTERMATH

Truly vicious attacks on Republicans, conservatives, and, in some cases, middle-of-the-road politicians, are commonplace today. No voice is raised in the name of decency when Newton F. Tolman, writing in the Berkshire (Mass.) Eagle newspaper, growls that Senator BARRY GOLDWATER is "a miserable racist * * * with the instincts of a hyena and the principles of a small-town Hitler * * * who would crawl under a snake's belly in an open sewer to salvage one misbegotten vote." [86]

New York Timesman Arthur Krock reported "an extraordinary phrase in a speech President Johnson made to a group of Internal Revenue officials," on February 11, 1964:

President Johnson, after a review of world problems in which the United States is involved, calling them "distresses," told his audience that "from time to time you will hear alarmists and people who like to jump on their Government, people who like to criticize, people who find it quite impossible to be affirmative and constructive." Having established as a unit this mixed category of citizens who "will join with some of our opponents," he added:

"And they will be almost as much of a problem as some of our other enemies." [87] (The historian is reminded of Bismark shouting "reichsfiend"—traitor, enemy of the country—at his opponents.)

"So, regardless of what you hear," continued President Johnson, "and regardless of what some of the bellyachers say, we are much beloved people throughout the world. We are respected and we appreciate it.[88]

Thus, in a twinkling of the eye, opponents of the President, be they scholars, politicians, or trained professional analysts, are merely "bellyachers."

In another area, the Washington Daily News reported on a meeting of the American Association of School Administrators during which right-wing "crackpots" were brought under fire. Groups categorized as "right-wing extremists" and "ultra-conservatives" (are these labels interchangable?) included the Daughters of the American Revolution, the American Legion, the Veterans of Foreign Wars, the Council for Basic Education and, predictably, the John Birch Society.[89]

The ethics of lumping the Veterans of Foreign Wars and the American Legion with the John Birch Society apparently did not concern the American Association of School Administrators.

THE CHALLENGE TO LIBERTY

During the debate prior to the ratification of the Federal Constitution, Alexander Hamilton, John Jay, and James Madison urged adoption of the Constitution in a series of pamphlets known as The Federalist Papers.

Wrote James Madison in one pamphlet, "The Union As A Safeguard":

"So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts." [90]

Almost two centuries have passed but this "propensity of mankind" continues unabated. Ordinarily this balderdash might not be too effective in keeping Democrats in office. As recently as 1900, it was possible for historians to say:

"The disadvantages of the American plan are patent; but in practice they are less serious than might be expected for the responsibility of a great office and the feeling that he represents the whole Nation tend to sober and control the President. Except as regards patronage he has seldom acted as a mere tool of faction or sought to abuse his administrative powers to the injury of his political adversaries." [91]

The historian who writes of the past three decades cannot be so charitable.

We have witnessed the spectacle of intemperate, intolerant men who have used their high office in Washington to smear any person who dares to criticize them, their hirelings, or their programs.

We have had political struggle in the past; they have been acrimonious.

We have been harangued by demagogs; we have outlived them.

Over the past three decades several new factors, full grown since their birth in the early 1930's, have rendered the liberal Democrat penchant for hate spreading more ominous, more wickedly mischievous, more injurious to this Nation than the most wrathful charges of 1810, or even 1910. To wit, the blanket of "total" communication which has spread over the countryside since the early days of radio.

One slur, a moment of petulant anger, a sentence growled in scorn, is seen and heard on each household TV, belched out from every car radio, so immense is our network of instant, total, complete communication. These bon mots—hustled into the morning news—saturate the body politic to a degree unprecedented in grandmother's time.

Another new factor has emerged, more successful, more effective than Machiavelli ever dreamed. It does not involve the use of hate as name calling between liberal Democrat and opponent. Instead, as we have seen, Republicans have been accused of hating.

Republicans have been accused of deliberate and unscrupulous attempts to smear.

Republicans have been attacked as appealing to the base instincts of the electorate.

Republicans have been called "haters."

Republicans, say the Democrats, sow fear.

The chieftain of Democrat publicity, the man credited by many as having been responsible for the election, and reelection, of

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[81] CONGRESSIONAL RECORD, vol. 109, pt. 19, p. 25252.

[82] The Washington Daily News, Nov. 23, 1963.

[83] Lippmann column for Nov. 26, 1963.

[84] The New York Times, Arthur Krock column, Nov. 26, 1963.

[85] Ibid., Nov. 24, 1963.

[86] Human Events, Mar. 14, 1964, p. 7.

[87] The New York Times, Feb. 13, 1964.

[88] President Lyndon B. Johnson, official White House press release, Feb. 11, 1964.

[89] The Washington Daily News, Feb. 18, 1964, p. 6.

[90] The New York Packet, Nov. 23, 1787.

[91] James Bryce, "The American Commonwealth" (New York: MacMillan & Co., 1895), p. 40.

Mr. Roosevelt, neatly capsuled this Democrat approach to political ethics. The quote deserves repeating:

> "Nobody has ever been able to formulate a political code of ethics. Despite the fine, altruistic language of party platforms, the habit has always been to smite the opposition, regardless of Marquis of Queensbury rules, whenever and however the opportunity offers."[92]

Our problem, the Republican problem, is that we didn't know that if you spewed hate but said on the side you didn't really mean it—it's all part of the game—you could get away with it, and win the White House, and the Senate, and the House of Representatives to boot.

On March 9, 1964, the Supreme Court ruled that wide latitude in the press' criticism of public officials is constitutional. Said Justice Brennan:

> "Thus we consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."[93]

Falseness of the charges no longer counts. Malice must now be proved, an exceedingly difficult proposition in any libel suit. A difficult question is thus posed. By what means can the spread of hate, now free to echo from 10,000 newspapers, be checked?

We, as Republicans, can offer no simple solution. The gulf between Press Agent Michelson's "smite the opposition" and President Johnson's occasional requests for an avoidance of "venom" appears too great to bridge.

But the record of these past 30 years is unavoidably consistent in its documentation of hate and hatemongering by Democrats, for Democrats, even among Democrats. Lest the GOP unconsciously accept the current inference that only among Republicans does the venom flow, this record is offered. For 30 years Republicans have been called every name in the book. For 30 years Republicans have been walloped, smitten, beaten over the head with the vilest of filth.

Again, exactly who is "pouring venom"?

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DOUGLAS. Mr. President, what is the present parliamentary status?

The PRESIDING OFFICER. The question is on agreeing to the Dirksen-Mansfield amendment.

Mr. DOUGLAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 579 Leg.]

Aiken
Anderson
Bartlett
Bible
Boggs
Brewster
Case
Dirksen
Douglas
Ervin
Fulbright
Gore
Hart
Hayden
Inouye
Johnston
Jordan, N.C.
Jordan, Idaho
Lausche
Long, Mo.
Long, La.
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Mundt
Nelson
Pastore
Pell
Prouty
Proxmire
Robertson
Russell
Smith
Symington
Talmadge
Walters
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Nevada [Mr. Cannon], the Senator from Idaho [Mr. Church], the Senator from Connecticut [Mr. Dodd], the Senator from Louisiana [Mr. Ellender], the Senator from Alaska [Mr. Gruening], the Senator from Florida [Mr. Holland], the Senator from Oregon [Mr. Morse], and the Senator from Oregon [Mrs. Neuberger] are absent on official business.

I further announce that the Senator from Alabama [Mr. Hill] and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I also announce that the Senator from Indiana [Mr. Bayh], the Senator from North Dakota [Mr. Burdick], the Senator from Mississippi [Mr. Eastland], the Senator from West Virginia [Mr. Byrd], the Senator from Indiana [Mr. Hartke], the Senator from Minnesota [Mr. Humphrey], the Senator from Washington [Mr. Jackson], the Senator from Washington [Mr. Magnuson], the Senator from Minnesota [Mr. McCarthy], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], the Senator from California [Mr. Salinger], the Senator from Florida [Mr. Smathers], the Senator from Alabama [Mr. Sparkman], and the Senator from New Jersey [Mr. Williams] are absent on official business.

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. Beall], the Senator from Utah [Mr. Bennett], the Senator from Kentucky [Mr. Cooper], the Senator from Arizona [Mr. Goldwater], the Senator from Iowa [Mr. Hickenlooper], the Senators from New York [Mr. Javits and Mr. Keating], the Senator from New Mexico [Mr. Mechem], the Senator from Iowa [Mr. Miller], the Senator from Kentucky [Mr. Morton], the Senator from Kansas [Mr. Pearson], the Senator from Pennsylvania [Mr. Scott], the Senator from South Carolina [Mr. Thurmond], and the Senator from Texas [Mr. Tower] are necessarily absent.

The Senator from Kansas [Mr. Carlson] and the Senator from Colorado [Mr. Dominick] are detained on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. LONG of Louisiana. Mr. President, I move that the Sergeant at Arms be directed to request the presence of the absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. Allott, Mr. Clark, Mr. Cotton, Mr. Curtis, Mr. Edmondson, Mr. Fong, Mr. Hruska, Mr. Kuchel, Mr. Mansfield, Mr. Saltonstall, Mr. Simpson, and Mr. Stennis entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. DOUGLAS. Mr. President, there are two main aspects of the question now before us, namely the Dirksen amendment to the foreign aid bill. The first is substantive, and the second is procedural and constitutional. On the substantive side, there is the fact that virtually all the State legislatures are now malapportioned so far as population is concerned, and that this malapportionment has been steadily growing worse as the population has been moving to the cities and suburbs, while the old rural and small town pattern of representation of decades ago has persisted.

The procedural and constitutional aspects involve several features. One of them is the extraordinary inappropriateness of attaching an amendment of this type to the foreign aid bill, a point which has nothing to do with the subject matter of the main measure now before us.

Connected with this is the fact that the amendment, far reaching in its importance, was submitted on the floor of the Senate without any prior hearings in any committee, and that the so-called precedent in connection with the civil rights bill does not apply, since that bill had been considered for years in various committees of the Senate, and in this year sections of it had been considered in the Judiciary Committee, in the Committee on Labor and Public Welfare, and in the Committee on Commerce.

The constitutional aspects of this measure are very grave. It was proposed that Congress should enact a law either setting aside or postponing the interpretations of the Constitution given by the Supreme Court.

Mr. President, this is a highly irregular, and, in my opinion, an unconstitutional proposal. The Constitution of the United States is interpreted by the Supreme Court, and that is the Constitution unless and until it is superseded by a constitutional amendment. It is improper for Congress to try to overrule the Supreme Court in matters of constitutional law. That is precisely what the Dirksen amendment would do.

Therefore, our objections to the Dirksen amendment are founded on these facts. First, long continued and accumulating abuses in reapportionment were for the first time being redressed by the decisions of the Supreme Court and the inferior Federal courts to reapportion in some fairly close proportion to population; and the cities and the suburbs were for the first time being given hope that they could escape from the legislative shackles with which they were bound.

The Dirksen amendment would prevent these decisions from going into effect for a period of time, and during this time it was the avowed intention of the senior sponsor of the amendment to propose a constitutional amendment permanently forbidding the Federal courts from interfering in such matters. This would have been submitted to the present malapportioned State legislatures. Those malapportioned State legislatures, by ratifying the constitutional amendment, could then put themselves beyond reach of a court order.

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[92] Michelson, "The Ghost Talks," p. 204.

[93] The New York Times, Mar. 10, 1964, p. 22.

This proposal is one of the most dangerous ever submitted to a legislative body. I am proud that some of us who are proud to call ourselves liberals have been trying to prevent the Senate from falling into this folly. I personally have tried to address myself to the first of the major issues; namely, to the malapportionment of existing State legislatures, both in the so-called lower houses and in the upper houses. I have left to my brethren, who are lawyers and constitutionalists primarily, the discussion of the second set of issues.

In keeping with my belief that both issues are important and that both sets of evidence must be considered, I should like to resume today my discussion of how the large cities and the suburbs of the large cities are now grossly underrepresented in our State legislatures, and how the apportionment of seats in such cities and suburbs has not kept pace with the regional drift of the population away from the farms and small towns to the metropolitan centers. By that I mean not merely to the central cities, but to the suburbs also.

In past addresses I have discussed the underrepresentation of the cities and suburbs, both in average terms and also in terms of comparison between the districts which are most underrepresented, and the districts which are most overrepresented. Still more material needs to be introduced to indicate the whole set of injustices which should be laid bare.

In my present presentation I shall draw primarily upon a valuable statistical study which was made in 1961, by two professors at the University of Virginia, Paul T. David and Ralph Eisenberg, who published this very valuable monograph entitled "The Devaluation of the Urban and Suburban Vote."

Mr. David was the coauthor of a very important work some years ago on the presidential primaries and the selection of candidates for the Presidency by the two major parties.

The significance of the approach made by David and Eisenberg was that they made an analysis in terms of counties. There are about 3,100 counties in the United States. David and Eisenberg developed punch cards for each county, showing its population in 1910, 1920, 1930, and 1960, and its representation at each period of time in the house of its State and in the senate of its State. From this information they could compute the number of persons per senator or per representative in each of these counties for each of these decennial periods.

This is a valuable study. It needs to be noted and analyzed. Perhaps I should start by saying that as to States where the town, rather than the county, is the predominant unit of local government and of representation—and this is true of the New England States—it is not perfectly adequate. As we know, in New England the town is the primary unit of local government. It is the primary unit of representation in the State legislatures. However, as I have said, there are fantastic disparities in the New England States in the representation of small hamlets and of large cities. Again and again, I have called attention to the State of Vermont, where the smallest town, having a population of 36, sends one representative to the lower house of the Vermont Legislature, and the largest city, having a population of 38,000, sends one representative.

Similar fantastic situations exist in Connecticut, where each town is allowed two representatives in the lower house, and cities like New Haven and Hartford, having populations, as I remember, of well over 200,000, receive only the same representation in the Connecticut house as towns having populations of 100, 200, or 300.

New Hampshire has almost a similar disparity, not quite so glaring as Vermont's, but very great.

In Rhode Island, the disparity is not so much in the lower house as it is in the State senate. Until recently each town—I think there are 43 in Rhode Island—had one representative in the State senate. Providence, having more than 200,000 people, had the same representation as East Greenwich, with about 250.

When the county is taken as the basis, some of the disparities between the towns are glossed over, because a county may contain grossly overrepresented small towns and possibly grossly underrepresented cities.

Mr. MANSFIELD. Mr. President, will the Senator yield with the usual reservation?

Mr. DOUGLAS. Mr. President, the Senator from Montana has an important announcement to make, but I ask that the following facts be printed at this point in the RECORD.

Table I is from David and Eisenberg, page 9, with 100 being taken as equal representation on the basis of population, it shows that in 1910, the small counties of the country had on the average 113/81 or 1.4 times the representation per person of those in the largest counties and that by 1960 this had risen on the average to a ratio of 171/76 or 2¼ times the average representation per person of those in the largest counties. It is significant that these disparities existed in general not only in the largest 15 States but also in the smallest States as well.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—*Relative values of the right to vote for representation in State legislatures, national averages, and averages for major groups of States, 1910, 1930, 1950, and 1960*

Categories of counties by population size	1910	1930	1950	1960
National averages for all 50 States:				
Under 25,000	113	131	141	171
25,000 to 99,999	103	109	114	123
100,000 to 499,999	91	84	83	81
500,000 and over	81	74	78	76
Averages for the 7 largest States:				
Under 25,000	116	158	165	194
25,000 to 99,999	111	134	139	155
100,000 to 499,999	99	93	99	100
500,000 and over	83	74	77	77
Averages for the 8 next largest States:				
Under 25,000	116	135	147	180
25,000 to 99,999	100	106	110	119
100,000 to 499,999	93	84	78	78
500,000 and over	81	78	86	79
Averages for the 35 smallest States:				
Under 25,000	111	123	133	162
25,000 to 99,999	98	92	101	105
100,000 to 499,999	76	70	63	58
500,000 and over	45	63	71	67

Mr. DOUGLAS. Mr. President, a second table shows the relative underrepresentation of the 27 largest cities of the country and of the suburban counties which adjoin or ring them. This shows that in nearly every instance, the suburbs are more grossly underrepresented even than the central cities, badly treated as the latter are. We, who have been fighting therefore for fair representation, have been contending therefore more for the suburbs than for the central cities. And I for one resent the efforts of some of our opponents to becloud the issue by stirring up prejudice against the cities and attempting to disparage our motives. We are fighting for justice. This would help the cities but it would help the suburbs even more.

I ask unanimous consent that this table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—*Relative values of the right to vote for representation in State legislatures, central city, and suburban counties of the 27 largest standard metropolitan statistical areas 1910, 1930, 1950, 1960* [1]

[From David and Eisenberg, pp. 12-13]

1960 SMSA rank	Central city and suburban counties	Relative values			
		1910	1930	1950	1960
1	New York City (5 boroughs)	75	71	81	93
	Nassau	122	54	101	59
	Rockland	132	127	108	86
	Suffolk	113	79	100	47
	Westchester	117	88	109	95
2	Los Angeles (Los Angeles-Long Beach)	91	39	53	54
	Orange	79	90	122	56
3	Cook (Chicago)	87	71	89	91
	DuPage	94	73	74	44
	Kane	108	110	90	76
	Lake	107	97	72	51
	McHenry	107	97	82	66
	Will	94	74	81	62
4	Philadelphia	89	88	88	98
	Bucks	148	147	124	63
	Chester	121	131	113	92
	Delaware	112	67	67	55
	Montgomery	89	80	72	53
	Burlington,. NJ	123	139	114	86
	Camden, N.J	87	78	79	76
	Gloucester, N.J	218	183	169	145
5	Wayne (Detroit)	78	55	72	81
	Macomb	95	75	98	55
	Oakland	103	50	68	48

See footnote at end of table.

TABLE II.—*Relative values of the right to vote for representation in State legislatures, central city, and suburban counties of the 27 largest standard metropolitan statistical areas 1910, 1930, 1950, 1960* [1]—Continued

[From David and Eisenberg, pp. 12-13]

1960 SMSA rank	Central city and suburban counties	Relative values			
		1910	1930	1950	1960
6	San Francisco	96	78	68	105
	Alameda (Oakland)	97	75	71	87
	Contra Costa	99	185	89	96
	Marin	111	256	189	167
	San Mateo	104	138	112	88
	Solano	117	261	170	195
7	Suffolk (Boston)	104	91	99	123
	Essex	102	106	110	110
	Middlesex	100	101	98	92
	Norfolk	99	119	100	83
	Plymouth	109	115	108	91
8	Allegheny (Pittsburgh)	89	88	88	88
	Beaver	99	86	80	74
	Washington	83	84	88	94
	Westmoreland	73	80	73	70
9	St. Louis City	69	67	74	92
	Jefferson	90	99	79	62
	St. Charles	93	105	96	71
	St. Louis	67	38	71	45
	Madison, Ill	103	95	75	72
	St. Clair, Ill	92	95	67	62
10	Washington, D.C.	0	0	0	0
	Alexandria, Va.	85	84	94	77
	Falls Church, Va.	------	------	71	32
	Arlington, Va.	85	79	68	67
	Fairfax, Va.	95	81	71	32
	Montgomery, Md.	154	126	59	38
	Prince Georges, Md.	136	115	50	36
11	Cuyahoga (Cleveland)	85	84	89	92
	Lake	114	96	87	62
12	Baltimore City	44	51	62	83
	Anne Arundel	125	125	83	62
	Baltimore County	51	55	36	26
	Carroll	146	154	175	197
	Howard	228	258	257	218
13	Essex (Newark)	61	60	67	81
	Morris	137	148	119	94
	Union	88	76	69	69
14	Hennepin (Minneapolis).	85	67	60	55
	Ramsey (St. Paul)	84	80	76	73
	Anoka	93	95	71	39
	Dakota	93	84	68	49
	Washington	120	156	130	98
15	Erie (Buffalo)	97	93	87	83
	Niagara	138	125	119	106
16	Harris (Houston)	91	53	41	33
17	Milwaukee	100	84	96	92
	Waukesha	113	106	81	54
18	Passaic (Paterson-Clifton-Passaic, N.J.)	77	77	82	85
	Bergen	90	73	67	58
19	King (Seattle)	73	86	94	88
	Snohomish	86	88	90	69
20	Dallas	92	64	50	40
	Collin	101	145	119	151
	Denton	130	148	134	156
	Ellis	98	139	123	159
21	Hamilton (Cincinnati).	85	86	86	88
	Campbell, Ky	90	83	90	81
	Kenton, Ky	92	79	94	84
22	Jackson, Mo. (Kansas City)	59	48	71	68
	Clay, Mo	110	104	71	51
	Jackson, Kans	92	76	75	37
	Wyandotte, Kans.	42	33	33	34
23	San Diego	96	85	72	57
24	Fulton (Atlanta)	24	15	12	12
	Clayton	77	77	125	82
	Cobb	95	84	75	49
	DeKalb	93	61	37	23
	Gwinnett	104	125	70	56
25	Dade (Miami)	91	30	17	16
26	Denver	72	69	78	87
	Adams	109	74	98	44
	Arapahoe	79	70	73	46
	Boulder	78	95	81	70
	Jefferson	123	95	71	41
27	Orleans (New Orleans)	105	93	95	105
	Jefferson	84	67	52	33
	St. Bernard	202	329	256	127

[1] a. The standard metropolitan statistical areas used here are those so defined by the Bureau of the Census in reporting the census of 1960. In most cases, the "SMSA" is so defined as to follow county lines, but in some instances, portions of a county only are included. Where this occurred in the case of the areas included in this table, the entire counties were included here. The table includes all metropolitan areas designated as having a population of 850,000 or more in 1960.

Mr. DOUGLAS. I now yield to the distinguished majority leader with the understanding that if I resume the floor, my remarks will be printed in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate has been considering the foreign aid bill for about 35 days. It has been on one amendment to the foreign aid bill—the so-called Dirksen-Mansfield reapportionment amendment—for approximately 20 days. An effort was made to table that amendment. It failed. An effort was made to invoke cloture and so bring to a close debate on the Dirksen-Mansfield amendment. It, too, failed.

I must now ask, What is the Senate's pleasure? I ask not 1 Senator, not 10 Senators, but the Senate as a whole. Does the Senate wish to continue as it has done for weeks after the Democratic convention? There are strong indications that a great many Senators regard business outside of Washington as more pressing than what we are doing here. Last week the Senate tried on 3 successive days to obtain a quorum in order to conduct its business, and on 3 successive days it failed. We barely achieved it yesterday and today.

We can hardly adjourn this session without acting upon the few measures which should be cleared up. Yet we cannot deal with those measures unless we first dispose of the question before us.

It is clear that there is not the substantial majority which is necessary to invoke cloture on the Dirksen-Mansfield amendment. It is also clear that there is not a majority to table the amendment. Whenever the Senate reaches that sort of situation, in which it will neither dispose of a measure one way or another or agree to close debate on the measure by the one means available—that is, by cloture, or by agreeing to go on to other measures—the Senate is reduced to a gross impotence and a demeaning futility.

It is not the first time that this situation has occurred; and I suppose it will not be the last. The leadership lives in the hope that one day reason will be permanently enshrined in this body and that the rules will be used and not abused, whether the issue is civil rights or reapportionment or whatever. There is only one reasonable way to redeem the reputation of the Senate in this kind of situation. That is by the adjustment of positions between the vigorous proponents and the vigorous opponents of the measure to a course on which action by the Senate as a whole becomes possible. In my judgment, the distinguished minority leader took a long step in the direction of that reasonable course by the modification which he announced yesterday of his and my original amendment.

I regret that I cannot go along with him on it because I am persuaded that it would not bring this matter to a final resolution.

I have discussed this matter with him and, with his understanding but not his joint sponsorship, I am about to introduce the substance of his proposed modification as a substitute for the original Dirksen-Mansfield amendment. The language differs sharply from that amendment and it differs, primarily, from the distinguished minority leader's modification as unofficially proposed yesterday in that it is a substitute expressing the sense of Congress only. For this change, I want to give full credit to the senior Senator from New Mexico [Mr. ANDERSON], who, in his customary fashion, placed the interests of the Senate in high perspective and assisted greatly in finding an appropriate course.

Mr. President, it is possible to object to this substitute for a variety of reasons. But, on one ground, I cannot see any logic in objection to it. I cannot accept as reasonable the argument that the Congress should never concern itself, in a matter on constitutional grounds, once the Supreme Court has decided it. I ask the Senate to think for a moment what would have happened if this position had prevailed after the Supreme Court had made its historic decision on school integration in 1954. If this position had prevailed, the Court would have been left to its own devices on how to bring about the integration of public education in the United States. Congress would have avoided any further reference to the question. The same thing applies with respect to the ending of discrimination in public facilities, on which the Supreme Court had made a constitutional decision under the 14th amendment. But what were sections III and IV of the 1964 civil rights legislation all about if they were not on these very same subjects, if they were not congressional action with respect to public education and public facilities? Where was the clamor, then, which insisted that Congress should not involve itself in matters the Supreme Court had decided?

I say this, not in criticism of any Member of the Senate. I say it only to point out that all of us, at times, permit our passionate concerns to interfere with our objectivity. I say it in the hopes that it will help the Senate to return to reason in dealing with the issue which has now reduced us to this situation of parliamentary impotence.

I say it in the hope that those who opposed the original Dirksen-Mansfield amendment on reapportionment will recognize that a long step has been taken to meet the objections. That step was taken, first, by the distinguished minority leader and, now, by the majority leader. I say it in the hope that the Senate will face up to this issue on this new basis, dispose of it as quickly as possible and bring down the curtain on the 88th Congress.

An exceptional record of achievement has been put together by all the Members of this Congress, through a great and a dedicated effort over many months. I think it is most unfortunate that this 11th hour stalemate has occurred. And I would hope that the reins of reason would now be applied, to the end that this measure may be voted on with due dispatch and to the end that we may bring closer to hand the day when we shall be able to close this Congress.

I send the proposal to the desk and ask for its reading.

AMENDMENT NO. 1273

The **PRESIDING OFFICER**. The clerk will read.

The Chief Clerk read the Mansfield amendment in the nature of a substitute for the amendment offered by Senator DIRKSEN (for himself and Mr. MANSFIELD) numbered 1215, to the bill H.R. 11380, as follows:

It is the sense of Congress that, (a) In any action in any district court of the United States in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question, any order affecting the conduct of the State government, the proceedings of any house of the legislature thereof, or of any convention, primary or election could properly, in the absence of unusual circumstances, including those which could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's order,

(1) allow the legislature of such State the length of time provided for a regular session of the legislature plus 30 days but not to exceed 6 months in all, to apportion representation in such legislature in accordance with the Constitution, and

(2) permit the next election of members of the State legislature following the effective date of this act to be conducted in accordance with the laws of such State in effect on September 20, 1964.

(b) In the event that a State fails to apportion representation in the legislature in accordance with the Constitution within the time granted by any order pursuant to this section, the district court having jurisdiction of the action shall apportion representation in such legislature among appropriate districts so as to conform to the constitution and laws of such State insofar as is possible consistent with the requirements of the Constitution of the United States, and the court may make such further orders pertaining thereto and to the conduct of elections as may be appropriate.

Mr. DOUGLAS. Mr. President I congratulate the majority leader for the action which he has now taken. I hope the Senate may speedily conclude favorable action on the proposed substitute.

It is, in my judgment, far superior to the original Dirksen-Mansfield proposal in a number of ways.

In the first place, it is not a law. It is merely a statement of the sense of Congress, and thus avoids the constitutional question of whether Congress can issue instructions to judges of the United States contrary to the opinions of the Supreme Court. It therefore seems to me to be much more in harmony with constitutional law and practice in this country and would avoid any dangers of a precedent since, if we were to enact a law trying to make decisions of the Court unconstitutional—which is a contradiction in terms—this might be extended later to cover such matters as trial by jury and the various protections with which an individual has been surrounded by the first 10 amendments to the Constitution. So this is a big step forward. It is not a law and it is not mandatory. It is merely a declaratory expression of opinion.

Second, instead of providing for indefinite delay on the part of the inferior Federal courts, it suggests instead only a very limited delay, not to exceed 6 months in all.

Third, its declaration is confined to the district courts, does not extend to the Supreme Court or the circuit courts, and hence in no sense rebukes or attempts to instruct the higher Federal courts of the country.

Fourth, it does not require, or even suggest, that Congress shall later submit a constitutional amendment.

Fifth, it provides that if a State fails to apportion representation in the legislature in accordance with the Constitution; namely, in accordance with the rules laid down by the Supreme Court, the district court itself may apportion the legislature and issue orders making it effective.

There are many other ways in which I believe this is a distinct improvement upon the original Dirksen-Mansfield amendment and upon the proposed law which my colleague had prepared yesterday and which he had discussed at a press conference.

I again congratulate the majority leader for the step he has taken. So far as our group is concerned—and I believe I speak for a not inconsiderable number—we are not in any sense claiming victory. It is not magnanimous, when one has won, to insist upon the fact of one's winning. It is much more chivalrous to content one's self with the final result. Sportsmanlike in defeat, magnanimous in victory should be our motto.

There were certain inferences, however, that my good friend the majority leader made about the responsibility for the delay, with respect to which I believe I should speak.

If it had not been for the opposition of this not inconsiderable number of Senators, this body would probably have approved the Dirksen-Mansfield amendment in its original form. Congress and the country had not had time to consider it. The proposal originally seemed headed for speedy and overwhelming consent. Those of us who for a considerable period of time have tried to subject these proposals and others like it to the scrutiny both of fact and law, have, I believe, prevented the Senate and the Congress from making a grievous mistake.

We believe that this illustrates the advantage of full and free debate. It illustrates the advantage of prolonged discussion; not interminable discussion, but prolonged discussion.

I hope that at the next session of Congress, which will begin in January, there may be a thorough analysis of the proposed constitutional amendments. This is the legitimate method to pursue, although I shall oppose such an amendment; that it may be heard in committee, and arguments both pro and con may be advanced and considered, so that the Senate and the House of Representatives may arrive at a considered judgment.

I wish to close on the same note on which I began. It is a mark of a great man to adjust himself to circumstances. The Senator from Montana has been chivalrous in this whole affair. We have been compelled to oppose him on grounds of conscience and history and facts. But we are happy now that this cleavage seems to be over. We look forward to a long period of cooperation with the Senator from Montana, which I hope will be happily cemented by what I believe will be a prospective agreement.

I wish, also, to thank my colleagues in the Senate, who are not afraid to call themselves liberals for the part which they have played both in sturdy resistance to what they believed to be wrong and at the same time in a willingness to compromise on nonessential matters. I thank them from the bottom of my heart. They have displayed a unity and a conscientious and loyal cohesion which is beyond all praise.

If in the hour-to-hour conduct of affairs on the floor, in which I have had some responsibility, I have made any mistakes, they have been errors of the head, not of the heart and I hope I may be forgiven for them.

I say to the majority leader that I believe I speak for the group—although perhaps I am exceeding my authority in this matter—when I say that we will not oppose a unanimous consent agreement to vote at a fairly early time upon this matter. Once again I thank the majority leader.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. Mr. President, the original Dirksen-Mansfield amendment has been pending before the Senate for nearly 6 weeks. I am not insensible of the fact that Senators on both sides of the aisle would like to see this session of Congress adjourn, so that those whose names will be on the ballot can get home in time to do some campaigning. That is true on both sides of the aisle.

I believe I have been politely scolded, not openly, but scolded notwithstanding on both sides, for insisting upon the position that I originally took.

What complicated the matter, of course, was that the distinguished majority leader, who is a cosponsor of the original amendment, felt a deep sense of obligation to stand by. Let it be said to his everlasting credit that he has stood by. It was only when we lunched this noon and discussed this whole subject that I said to him that he has a larger responsibility than a mere commitment to the minority leader. His larger responsibility is the conduct of the Senate and the moving of legislation and the ultimate adjournment of the Senate, so that Senators may go home. I advised him that I felt under these circumstances he was perfectly free to pursue any course of action that he saw fit to pursue, and that I would not in the slightest be offended, and that I would not scold him, and that he was at perfect liberty to pursue such an independent course.

I advised him at the same time that I could not go along with a "sense of Congress" resolution. I could not do so because it does not have the force of law. We have been through that matter in connection with the so-called Soviet wheat deals, and we discovered, on the basis of the Attorney General's rather exhaustive opinion, that if Congress had in mind speaking positively on any matter it would choose the words to do so; but where it spoke about a declaration of policy or the sense of Congress, it was nothing more than an expression of intent that had no legal effect.

So, regrettably, I cannot go along with the new proposal as offered by the distinguished majority leader. I am quite willing, however, to see that this question is resolved, and if a unanimous-consent request can be contrived for a limitation of time that conforms, insofar as possible, to the convenience of Members of the Senate who are in all sections of the country at the present time, I shall not object to that request, either.

We believe we can get word to most of our Members of the Senate who are away from the Capitol at the present time and give them fair notice as to the time when a vote will be taken.

I have suggested to the majority leader that I thought probably there ought to be a provision in the consent request for a motion to table, so that both the substitute and the original amendment might fall, and failing that, if the Senate in its wisdom then undertook to approve the substitute offered by my distinguished friend, that would be quite all right. I believe that he has in mind pursuing that kind of course.

This has not been a happy experience, either for the majority leader or for myself. If I entertained a certain hardness of spirit, to show that always an incandescent partisan spirit motivated every action that I took, it would be quite a different thing. But we shall have been in session, at the end of this month, 21 months since the beginning of the 1st session of the 88th Congress. There was a brief interlude, and then we had to come back and conclude the 1st session of the 88th Congress on the day before the 2d session began. So in a sense it can be said that we have been in continuous session from January 1963, until now.

Moreover, I rather apprehend that before long it will be impossible to get Senators to return to Washington to provide a quorum. If we have no quorum, we are at the mercy of the Senate rules and no business can be conducted from then on.

I wish to say one thing more about the majority leader. At the time we discussed the original amendment, I expressed to him the hope that once it was offered, there would be no intervening business of any kind until the issue was resolved. By intervening business, I meant even calendar business, let alone important measures that probably still have to be considered. So he stood by his word on that matter, and in that time, or at least in recent weeks, there has been no calendar business. There have been no major items other than those that enjoy high privilege under the rules of the Senate. For that, I thank the majority leader. He stood by his word.

I may say here, because I do not know that it is a secret, that the President sent a messenger to me, asking whether I would make way and permit the Appalachia bill to supersede the business of the Senate. One does not deal arbitrarily with a request of the President; but I have a deep conviction on the proposal that is before us, and I was constrained, I was compelled, to say to the messenger, "I am sorry, but I cannot accommodate the request of the President of the United States."

However, this proposal is a quite different matter. I do not cosponsor the new amendment. I only say that if we can vote on a tabling motion, we can vote on this proposal. Let the matter then be resolved; and if time permits, we can bring our Members back. Then obviously, I shall have no quarrel.

I conclude by saying that all this was a prelude to a constitutional amendment that we knew we could not deal with or could not perfect in what remained of this session.

I do propose, however, to proceed with a constitutional amendment, even as is being done in the House of Representatives. So, come January, we shall have such an amendment or resolution to introduce and to be referred. It will take its proper course. We shall do this in the hope that we may get speedy action and send the proposal forward and on its way to the States of the Union for ratification, if that is their disposition.

So we return to the fundamental proposition, where we started. I wish to make it abundantly clear that in the foreshortened time on the modified version I do not for a moment retreat from the position I have taken. I still believe that the fundamental issue before the Senate is the perpetuation of our Federal-State system; because if the Supreme Court of the United States can go into the neighboring State of Virginia and, by its fiat, applied through a three-judge court, arbitrarily say to the State Senators of Virginia, notwithstanding the fact that under the Virginia Constitution they were elected in 1962 for a 4-year term, "Your term is cut in half," I wonder what will happen finally to the system that was set up 187 years ago last week in Philadelphia. That is fundamental. That issue will not be evaded, because we shall keep it alive.

I thank the distinguished majority leader.

Mr. MANSFIELD. I thank the distinguished minority leader.

In view of the statements made by the distinguished minority leader and the distinguished senior Senator from Illinois, I ask unanimous consent that tomorrow, at 2:30 o'clock p.m., the Senate proceed to vote, without further debate, on the substitute amendment proposed by myself for the amendment proposed by Mr. DIRKSEN for himself and the Senator from Montana, No. 1215, to H.R. 11380, the Foreign Assistance Act of 1964; provided, that a motion to lay on the table shall be in order at any time during its consideration.

Mr. PROXMIRE. Mr. President, will the Senator yield for a clarification? I, of course, approve this proposal.

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. I wonder if it would not be possible, in the interest of making certain that this difficulty is cleared up, to have the unanimous-consent agreement include not only a vote on the Mansfield amendment to the Dirksen-Mansfield or Mansfield-Dirksen amendment, but also on adopting the modified Dirksen-Mansfield amendment. The point the Senator from Wisconsin makes is that otherwise there would be a situation tomorrow in which discussion might still continue. I think the Senate is now in a position to agree to that kind of disposition.

Mr. MANSFIELD. I believe the proposal covers all that can be legitimately covered. I feel certain that a motion to table will be made, and that there will be a vote on the Mansfield amendment recently offered. I would assume that there would be a yea-and-nay vote and that all elements involved would be given full protection.

Mr. DOUGLAS. Mr. President, reserving the right to object—and I do not intend to object—I believe the Senator from Wisconsin has made a valuable point from the parliamentary standpoint. Once the Mansfield amendment to the Dirksen-Mansfield amendment has been adopted, the amendment as thus modified will have to be voted on. We want to cooperate and prevent the possibility of a filibuster on the completed amendment. So I wondered if the language could either be changed or interpreted to cover all proceedings connected with the Mansfield substitute sense-of-Congress amendment.

Mr. MANSFIELD. I do not believe we should ask too much or go too far out on a limb, nor should we ask for ourselves what we refuse to give to others.

I believe this is a most reasonable request. I hope it will not be objected to, because it will operate under the regular procedure, and all the elements of protection are contained therein.

Mr. PROXMIRE. I have no objection.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KUCHEL. If the unanimous-consent agreement is adopted, do I correctly understand that the Senate will vote at 2:30 tomorrow on whether to adopt the Mansfield proposal as a substitute for the Dirksen-Mansfield proposal that is now pending?

The PRESIDING OFFICER. Provided no motion to table has previously been made and agreed to.

Mr. KUCHEL. Yes. Assuming that the present Mansfield proposal is adopted, as a substitute to Dirksen-Mansfield, then is that the pending question; and if so, is there any opportunity available to a Senator to offer amendments to the Mansfield proposal?

The PRESIDING OFFICER. If the Mansfield amendment were adopted, there would be no further amendments to it. The Senate would then proceed to vote on the original Dirksen-Mansfield amendment as amended by the Mansfield amendment, which would be the same language as originally included in the Mansfield amendment.

Mr. KUCHEL. In the present Mansfield amendment. The reason I ask that question, I will say to the able majority leader, is that I hurriedly read the proposal which my able friend has submitted, and I listened to it being read by the clerk. Quite aside from perhaps a few grammatical imperfections which I thought I detected, I do not know whether actually the words as written down are completely comprehensible. They may be; they may not be.

I merely wish to know whether any Senator, if he studies the amendment and reaches the same conclusion, might have the opportunity to offer an amendment or point out what might be some errors in it.

The PRESIDING OFFICER. If the Mansfield amendment were adopted, the Parliamentarian informs the Chair that no additional amendments or modifications could be offered to it.

Mr. KUCHEL. If that is the case, then, Mr. President, I ask the able majority leader what time he contemplates convening the session of the Senate tomorrow and whether during the intervening time, from when we convene until 2:30 p.m.—and heaven knows that will be a short enough time at best—any Senators will have an opportunity to offer amendments to the language, if we were so minded?

The PRESIDING OFFICER. It is not open to amendment.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. I observe to my distinguished friend from California [Mr. KUCHEL], that the majority leader can always modify his own amendment so that if any Senator wished to have a modification made, it could be spelled out, but that would not be available——

Mr. KUCHEL. To any Member.

Mr. DIRKSEN. To other Members; that is correct. It would have to go to the author of the amendment.

Mr. MANSFIELD. Mr. President, I would try to be reasonable.

Mr. KUCHEL. Everything my leader has stated I agree with, but we have been in session a long time and Senators desire to bring the session to a close. I share their concern, too, over the great importance of the problem with which we are dealing. If, tomorrow, it appeared to us—and it may not—that the language did not reflect what the author had in mind, although he might disagree, I should like to have reserved to myself the right to offer what might be clarifying language.

Mr. MANSFIELD. Mr. President, I should be most happy at any time to discuss, on a reasonable basis, any modification which the Senator might have in mind.

Mr. KUCHEL. I should like to ask one more question, if I may. Is it the intention of the Senator from Montana in part B of his amendment to provide that elections this year—in November—to State legislatures, shall be under the present State laws as those laws were in effect on a specific date in September 1964?

Mr. MANSFIELD. The answer to that question is "Yes."

Mr. DIRKSEN. And the State constitution.

Mr. KUCHEL. Yes. And the State constitution.

Mr. President, I have no further questions. I do not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none and——

Mr. DOUGLAS. Mr. President, in view of the unanimity which prevails, would it be appropriate to ask for the yeas and nays upon the motion which——

Mr. DIRKSEN. The amendment could not be changed if we should do that.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. MONRONEY. Mr. President, reserving the right to object—and I shall not object—I should like to inquire if the new language in the modified amendment would take care of the cases in which the lower court has acted in reapportioning without reference to the State legislature, or in setting aside the primary question, to shorten 4-year terms of Members of the Senate elected 2 years ago to only 2 years, not 4. I understand that changes have been made in the language. Still, I wonder whether the decision of the district Federal court is still on appeal to the Supreme Court, if States—and there is only one State and it happens to be my own caught in this situation—would have relief under the modified language the distinguished majority leader seeks to substitute for the original Dirksen amendment?

Mr. MANSFIELD. It would be within the discretion of the court. The decision would lie there, insofar as the State of Oklahoma is concerned, and any other State which might be in the same category, none of which I can recall at the moment.

Mr. MONRONEY. Oklahoma is the only one, but there is nothing, as the distinguished majority leader sees it, in the language that would rule out or prevent the State of Oklahoma, which is caught in this peculiar circumstance, from obtaining relief under the language of the amendment.

Mr. MANSFIELD. No; at least not so far as the sense of Congress resolution as now in effect is concerned.

Mr. MONRONEY. I thank the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, I should like to have the attention of the majority leader to the fact that at present there is no division of time provided for, and no control of time under the unanimous consent request. I am advised that he proposes to propound a further consent request with respect to disposition of the time.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? The Chair hears none, and it is so ordered.

The unanimous-consent request was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That on tomorrow (Thursday, September 24, 1964), at the hour of 2:30 o'clock p.m., the Senate proceed to vote without further debate on the substitute amendment (No. 1273) proposed by Mr. MANSFIELD for the amendment proposed by Mr. DIRKSEN (for himself and Mr. MANSFIELD) (No. 1215) to H.R. 11380, the Foreign Assistance Act of 1964: *Provided,* That a motion to lay on the table the said amendment shall be in order at any time during its consideration: *Provided further,* That Mr. MANSFIELD may have the right to modify said amendment.

Ordered further, That the time intervening between the conclusion of the Chaplain's prayer and 2:30 o'clock p.m. be equally divided and controlled, respectively, by Mr. MANSFIELD and Mr. DIRKSEN.

Mr. MANSFIELD subsequently said: Mr. President, I ask for the yeas and nays on the amendment which will be voted on tomorrow.

The yeas and nays were ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. MANSFIELD. Mr. President I ask unanimous consent that when the Senate concludes its business today, it adjourn to meet at 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow, the time be equally divided between the majority leader and the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. I should like to inquire of the majority leader whether that means a single vote on this question tomorrow?

Mr. MANSFIELD. Yes. There will be one vote, perhaps two votes. The last vote on the Mansfield resolution will be at 2:30 o'clock p.m.

Mr. SYMINGTON. If the vote does not come tomorrow on the one issue, will it come the next day on the next issue?

Mr. DIRKSEN. It will have to come tomorrow.

Mr. MANSFIELD. Yes. Any other votes that we can squeeze in we will do so with alacrity.

Mr. SYMINGTON. I thank the majority leader.

Mr. DIRKSEN. Mr. President, if the majority leader will yield, I should like to acquaint the Senate with the fact that tomorrow I shall object to all committee meeting requests after 11 o'clock a.m. I believe that it should be the business of all Senators to be in the Chamber and resolve this question. Therefore, insofar as I can do so, I shall object to every request for a meeting of any committee——

Mr. MANSFIELD. If the Senator from Illinois will yield, I believe that under the rules of the Senate, committees have the right to meet during the morning hour; therefore we shall have to decide whether the time begins at 11 o'clock a.m. or at the conclusion of the morning hour.

Mr. DIRKSEN. We shall know when the bells ring that the morning hour has come to a conclusion. Thereafter, obviously the committees cannot meet.

Mr. MANSFIELD. Mr. President, if the Senator from Illinois wishes, and thinks that the time will be needed, I am willing to forgo the morning hour.

Mr. President, there will be no morning hour tomorrow. Time will start running at the conclusion of the prayer, and all committees are on notice.

I yield to the distinguished senior Senator from New Mexico.

Mr. ANDERSON. Mr. President, this is very fine evidence of the capacity of the majority leader to fulfill the requirements of his position. This is a very vexing question, and has been for a long time. We know that the majority leader has made great effort to tone down the resolution so that it would be acceptable. We know that he did not enter into this endeavor in an effort to control the procedure or influence Senators improperly. He did it through the very best of motives.

When I praise the majority leader for his ability, I would like at the same time to add a few words of praise concerning the minority leader. I think it is laudable that the minority leader tried hard to produce a better and more acceptable resolution.

What the majority leader offered followed, to a large degree, the resolution which the minority leader had drafted. I think that is fine evidence of the desire of Senators to expedite business in the closing days of the session.

I have nothing but praise for the majority and minority leaders. Senators wish to go home. I believe I want to leave more than any other Senator. These men had a very difficult problem. I appreciate what they have done individually and together in an effort to speed this matter along.

The change is a good one. I say that because I have been doing some work in the past few days in an effort to redraft amendments. I know how difficult it is to find language on which all can agree. When a person finishes with one draft and it is acceptable to one group, someone else wants to change it. And there is good reason for it. Someone wants to shift the whole emphasis. Someone else comes along and says, "If you include 'the constitution of the States' we can support it."

The language cannot be made perfect for everyone. But I compliment the majority leader for his resolution, which seems to meet the desire of those who have fought so hard.

I believe that the resolution would give the State legislatures plenty of time in which to operate. I am sure that was the real reason for the original action of the minority leader. It was an effort to give the State legislatures an opportunity to express the will of the people of the States. But a very good case has been made for the argument that the legislatures are not truly representative of the people in the States, and that, therefore, some activity is needed.

I would have preferred somewhat different language than the able majority leader has suggested. But, I believe that if we were to inquire among all Senators, we would have about 75 different versions of what the able majority leader has presented. Each Senator would have his reasons for his own particular views. But I say to the majority leader that his proposal is probably better than he realizes. I hope that the language will be acceptable to a majority of the Senate.

I congratulate the majority leader on his work. I appreciate the patience with which he has handled the task. He is a fine leader for all of us. We are happy to have him.

Mr. MANSFIELD. Mr. President, I thank the Senator from New Mexico.

I thank the Senator from Illinois, who so graciously yielded the time.

Mr. MONRONEY. Mr. President, will the Senator from Illinois be good enough to yield for 8 to 10 minutes with the understanding that he will not lose the floor and that his further remarks will appear in continuity in the RECORD.

Mr. DOUGLAS. I yield to the Senator from Oklahoma with the understanding that the Senator will not introduce a motion or an amendment.

CAMPAIGN TACTICS OF THE REPUBLICAN NOMINEE FOR PRESIDENT

Mr. MONRONEY. Mr. President, in Tulsa, Okla., yesterday the Republican nominee for President demonstrated once again that he willingly adopts vicious and irresponsible tactics in his frantic efforts to come from behind.

Senator GOLDWATER's statements in Tulsa impugn the honesty and integrity of those Americans who have patriotically risked life and limb in South Vietnam in the cause of freedom. Such a distortion of patriotism by one who seeks the highest office in the land must appear incredible to those Republicans who have helped chart the difficult course which the free world has pursued against communism.

The policies which this Nation has adopted to meet the Communist threat to the freedom of southeast Asia have heretofore had the bipartisan support of the leaders of both political parties. But, in Tulsa, Senator GOLDWATER recklessly ignored this fact. He rewrote recent history to suit his political purposes. But I am convinced he has once more underestimated the good judgment of the vast majority of the voters of this Nation, including my fellow Oklahomans who heard his ridiculous accusations firsthand.

Once more the Republican nominee has ignored the truth concerning the Communist threat to the free world. Once more he has sidestepped the brutal realities of the most crucial life and death issue before the American people.

Goldwaterism has now become a well-defined political phenomenon, though unique in the presidential arena of our Nation. Fortunately for those Americans who have neither the time nor the inclination to sift through Senator GOLDWATER's daily diet of misinformation and miscalculations, his reckless statements are being carefully documented by the Nation's leading journalists and commentators. There are the men, among many others, who were not intimidated by the boos and catcalls at the Republican National Convention.

His charge that the President has withheld vital information on Vietnam to conceal facts from the American people is as absurd as his reckless charge that the Democrats have "hundreds of lives and hundreds of lies" to answer for to the American people.

The Republican nominee knows—or should know—that the threat of Communist domination of all southeast Asia erupted during a Republican administration. He knows—or should know—that both Democrats and Republicans laid aside their domestic political differences to meet this threat of Communist conquest in Vietnam. He knows—even the newest Member of Congress knows—that America's great political parties have always closed ranks when our freedom is endangered by aggression anywhere in the world.

What a pitiful spectacle this latest insinuation is—that American lives are being expended in this brutal confrontation with communism for a partisan political purpose. Responsible members of the Republican Party know and appreciate the need for unity where American security is threatened by Communist aggression. They know that it is an American policy to prevent Communist guerrilla forces from capturing the rich rice bowl of Asia. They know that the policy of training and equipping the free South Vietnam troops to defend their nation against aggression is in the interest of freedom and against the expansion of Communist control in this vital part of the world.

Certainly there have been and will be crises and reverses in any action in this unsettled part of the world. Yet, Senator GOLDWATER seeks to exploit this to gain political advantage.

If the Senator from Arizona believes his own charges, he must now follow up and state specifically which of our military commanders in South Vietnam have falsely reported on the situation there. He should do more than indulge in rhetoric with a meaningless statement that "the day of reckoning for South Vietnam must not be delayed." Has he some design or plan now to expand the war? Or, would he advocate a withdrawal of American forces and thus surrender the entire southeastern Asia area to the Chinese Communists?

The great danger in his reckless charges in Tulsa is his unequivocal rejection of the historic bipartisan approach to foreign policy. He has committed himself to making a political issue of the patriotism of those military strategists who have counseled both Republicans and Democrats to undertake our present limited military assistance in South

Vietnam as a means of attaining a safer and saner world.

He has served notice that he will not attempt the bipartisan approach. It has become obvious that he has neither the restraint nor reasonableness that such an approach requires.

This is a serious threat to the free world, but he treats it as a political card game in which every card he deals is wild. Our people have the maturity required to recognize the stern facts in South Vietnam as they exist. They realize that the problem cannot be solved by military means alone, although the Vietcong campaign of terror and infiltration must be met with force.

Political stability cannot be imposed forcibly upon that troubled part of the world, but we must not shrink from our terribly difficult task. When the crises that Senator GOLDWATER complains of occur, we must meet them.

It is essential that we offer every encouragement possible to those who want a stable and free government in South Vietnam. If Senator GOLDWATER has a design for action in southeast Asia that differs from the policies which were first implemented by President Eisenhower and have since been carried on with strong bipartisan support, he should disclose it.

If he is trying to change his image from a "trigger-happy," "shoot from the hip" candidate to a dove of peace, he has a long way to go. His attack on the limited American action in South Vietnam does not quite wipe out his bellicose statements of recent weeks.

These may be recalled via vivid descriptions of our leading columnists and commentators.

Mr. Joseph Alsop, in a column published September 16, brought into strong focus the implication contained in a statement which the GOP candidate made in Seattle, Wash. He points out that although Senator GOLDWATER's speech writers have been trying to tone down the trigger-happy candidate, he stated in Seattle:

> Right here in Seattle, when we had a Defense Department that was defense-minded, you turned out aircraft which shot down a lot of enemies; and you're going to do it again.

This scarcely seems to be the dream of a peace-loving man.

Another eminent journalist, Mr. Walter Lippmann, has labeled the Republican candidate a "dreamer who lives in a world of fantasy" where "hard realities do not really exist." Mr. Lippmann said this explained one of Senator GOLDWATER's most glaring inconsistencies:

> The Senator finds it easy to believe that a smaller, shrunken, much less costly government can overawe the Communist nations jointly and severally, can command the Western alliance, and can put Latin America in order. In BARRY GOLDWATER's mind a cheaper government could act more strongly, a weaker government could see that the cities are successfully policed.

Senator GOLDWATER's abandonment of fact in favor of politically motivated fiction has been subjected to penetrating analysis by another competent observer, Mr. James Reston, of the New York Times. In a dispatch dated September 10, Mr. Reston stated:

> One of the minor mysteries of the election campaign is why Senator GOLDWATER refuses to look at the official foreign policy and security information President Johnson has offered to make available to him.

Mr. Reston continued:

> As a result of this refusal, he continues to make serious charges based on wildly inaccurate information, which open him up to counterattack and make him look ridiculous.
>
> His charge yesterday that President Kennedy timed the missile crisis in Cuba for political reasons at home is a case in point.
>
> The record on when the long-range missiles were first spotted in Cuba is available to him. It is precise, down to the exact minute when the photographs were taken, who took them, and where and when.
>
> If the Senator does not trust John McCone, the head of CIA, and a prominent Republican, who was instructed by the President to brief him on such information, he can doublecheck the information with his friends in the Air Force, where he is a Reserve officer.
>
> Yet he has chosen instead to affront the memory of the late President by suggesting that Kennedy actually risked atomic war with the Soviets at a time calculated to pick up votes for the Democrats in the 1962 congressional elections.

In view of this and many other carefully documented examples of Senator GOLDWATER's technique, his Tulsa outburst was more saddening than surprising.

The commentaries of Mr. Alsop and Mr. Lippmann, previously referred to, appeared prior to Senator GOLDWATER's visit to Oklahoma, but I commend these dispatches to my colleagues of the Senate because they help explain his Tulsa tactics. I ask unanimous consent that they be inserted at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 16, 1964]

CURIOUSER AND CURIOUSER

(By Joseph Alsop)

Senator BARRY GOLDWATER's campaign for the Presidency has been getting curiouser and curiouser—if one may borrow a phrase from "Alice in Wonderland."

His formal campaign-opener at Prescott, Ariz., was a speech that had clearly been designed to reassure the worried voters and rally the dissident Republicans. Since then, however, he has sounded more and more like an evangelist preaching to revival meetings sponsored by a small, far out, but fervent religious sect.

The attempt to reassure worried voters has been altogether abandoned. To be sure, the official speechwriters have not revived the old, near-warlike Goldwater tone; but there have been ad libs by the candidate that reminded you of the New Hampshire primary. In Seattle, for instance, Senator GOLDWATER said:

"Right here in Seattle, when we had a Defense Department that was defense-minded, you turned out aircraft which shot down a lot of enemies; and you're going to do it again."

The charges the Senator makes have also been getting wilder and wilder—the strangest of all being the charge, also included in the Seattle speech, that President Kennedy timed the October 1962 missile crisis to influence that year's congressional election. Much has been said about this charge already.

Yet it is still worth noting the almost incredible fact that Senator GOLDWATER was an active member of the Subcommittee of the Senate Armed Services Committee, which carefully investigated the work of the U.S. intelligence community prior to the Cuban missile crisis.

Although often a lax attender of committees, Senator GOLDWATER participated in these hearings. He asked for a subcommittee report stressing "confidence" in our intelligence surveillance of Cuba, and he concurred in the highly favorable report that was finally issued. Yet a fairly young child ought to be able to see what the record clearly shows—that the timing of the missile crises was entirely controlled by the incoming intelligence.

But leave out the ad libs, the wild charges, and the carefully indirect appeals to racial prejudice. The Goldwater speeches then read like the more hightoned sort of revival meeting oratory; for they are abstract, flossily moralistic, and unmarked by more than the most fleeting mention of the great practical issues confronting the United States.

They are like revival oratory in another way, too. Few but practicing Holy Rollers go to Holy Roller revivals; and in the same way, most persons in the crowds that have cheered Senator GOLDWATER are clearly members of the Goldwater-sect of the Republican Party.

The extreme right in this country is now highly organized. The Birch Society's organization is even modeled on the Communist Party's system of secret cells. In any big city, therefore, there are plenty of workers to get out a reasonably good crowd to welcome the Senator at the airport, and another crowd to cheer his formal speech.

Meanwhile, the opinion-testers are finding that the Republican nominee has actually been losing support since the active campaign opened. His base at the starting-point, after San Francisco, was already strikingly narrow. But this century has seen nothing like the most recent result obtained by the inquiring Dr. Gallup, who has now found that close to two-thirds of the electorate favor President Johnson while hardly more than a quarter are ready to vote for Senator GOLDWATER.

Senator GOLDWATER says he does not believe the pollers. The pollers may be wrong at that, but if they really are wrong this time, they are wrong by such a margin that they will have to go out of business for good. In any case, the Goldwater high command plainly believes the pollers enough to be made acutely apprehensive by them. Hence wilder and wilder charges, stranger and stranger ad libs, more and more overt encouragement of the so-called backlash are all to be expected as the campaign continues.

At this juncture, however, the main question appears to be what Senator GOLDWATER is going to do to his own party. In many States, the Senator's supporters are acting as though they were less interested in electing their man than in getting a stranglehold on the party machinery strong enough to survive a Goldwater defeat.

The same holds true of the Republican National Committee. Here the bonus places, given to States carried by the Republican ticket, now seem likely to go, in the main, to Southern racists; and these bonus seats may conceivably assure a pro-Goldwater majority strong enough to withstand an electoral disaster.

Altogether, the Goldwater campaign and its consequences and sideshows provide much food for thought.

[From the Washington Post, Sept. 15, 1964]

THE HALLMARK OF GOLDWATERISM

(By Walter Lippmann)

Senator GOLDWATER has been telling the country that the President has become much too powerful and that this very powerful President has been much too weak to win the cold war and stamp out crimes of violence in our city streets. The Senator has based his campaign on the thesis that the powers of the Presidency must be reduced and that then a smaller and weaker President can and should do away with the most troublesome problems at home and abroad.

This central contradiction is the hallmark of Goldwaterism. The Senator finds it easy to believe that a smaller, shrunken, much less costly government can overawe the Communist nations jointly and severally, can command the Western alliance, and can put Latin America in order. In BARRY GOLDWATER's mind a cheaper government could act more strongly, a weaker government could see that the cities are successfully policed.

How, one must ask, can we run the world and yet pay less? The fact, to be sure, is that to do what Senator GOLDWATER wants to have done demands a much more powerful government than we have today. Why does he think it doesn't? The plain truth, I submit, is that he is a dreamer, that when BARRY GOLDWATER talks about public affairs, he lives in a world of fantasy. He dreams that all things are possible. For it is only in the world of dreams that weaker Presidents can do gigantic things, that great results can be achieved at little cost.

This unworldliness is a part of his personal attractiveness. In his world everything becomes possible when you have said that it should happen. There is no clash between the theories and the facts. The hard realities do not really exist. It was this boy who has never grown up fully who said the other day that when he was President he would install his ham radio set in the White House and would then be able to talk to a number of heads of State.

This unworldly divorce from reality is not always charming. Many dreams can be quite cruel, and when Senator GOLDWATER talks about the poor he can be very cruel. He has been making much of our common worries about the increase of crime and, exploiting this worry for political purposes, he has been claiming that he, BARRY GOLDWATER, can stop the crime which Lyndon Johnson is, so says GOLDWATER, promoting.

How is President Johnson promoting crime? By backing the Civil Rights Act and by sponsoring social security and welfare measures. These, according to Senator GOLDWATER's Minneapolis speech, are causing "a breakdown in private responsibility" and in "respect for law and order." The Senator asks that "if it is entirely proper for Government to take from some to give to others, then won't some men be led to believe that they can rightfully take from anyone who has more than they?"

This must be about the first time in 200 years that any public man has argued that charity corrupts the characters of the poor.

It is not only charity that is corrupting the poor. The search for justice is also corrupting the poor. The Goldwater theory about civil rights for Negroes is that by enacting laws about these rights the Negroes have been incited to demand these rights. According to one of his leading supporters, perhaps the most distinguished intellectual in the Goldwater camp, Prof. Milton Friedman of Chicago University, the Civil Rights Act "has directed Negro resentment against whites."

Thus, it is not the grievances that incite the Negroes; it is the effort to redress the grievances.

The campaign has been underway only for about 2 weeks and it begins to look as if the real issue to be decided is not whether this or that policy or this or that piece of legislation is sound but whether BARRY GOLDWATER is fit to be President in the hard world of reality.

Mr. MONRONEY. Mr. President, I thank my distinguished colleague the senior Senator from Illinois [Mr. DOUGLAS] for yielding to me.

THE POSITION OF THE DEFENSES OF THE UNITED STATES

Mr. SYMINGTON. Mr. President, I would speak today about our national defense posture, a subject with which I have been associated directly, or indirectly, for over 20 years.

Our military strength today is unparalleled in world history.

The strategic forces of the United States are, and will remain in the 1960's, and I would hope thereafter, sufficient to insure the destruction of both the Soviet Union and Communist China, or any other aggressor, under the worst imaginable circumstances accompanying the outbreak of war.

These strategic forces, together with our expanded and revitalized limited war forces, enable us to meet any aggression, across the entire spectrum of possible military conflict.

There should be no doubt of this in the mind of any American. In any case, there is none in the minds of our enemies.

We have this overwhelming military power today; and the Kennedy-Johnson administration had a great deal to do with creating that power.

The Kennedy-Johnson administration has increased our defense budget by $30 billion since 1961.

By budgeting more than $200 billion for national defense in the last 4 fiscal years, the Kennedy-Johnson administration has attained—

A 150-percent increase in the number of nuclear warheads, and a 200-percent increase in total megatonnage in our strategic alert forces.

A 60-percent increase in the tactical nuclear force in Western Europe.

A 45-percent increase in the number of combat-ready Army divisions.

A 44-percent increase in the number of tactical fighter squadrons.

A 75-percent increase in airlift capability.

A 100-percent increase in ship construction to modernize our fleet.

An 800-percent increase in the special forces trained for counterinsurgency.

We now have a 4-to-1 superiority over the Soviet Union in bombers, a 4-to-1 superiority over the Soviet Union in ICBM's, and almost a 2-to-1 superiority over the Soviet Union in submarine-launched missiles which are superior in range, launch capability, and performance to anything the Russians have at sea.

By 1970, we will have more than a thousand intercontinental ballistic missiles, and 656 operational Polaris submarine-launched missiles, poised to strike any aggressor.

In addition to strengthening our conventional and nuclear forces, this administration has increased expenditures for military research and development by 50 percent over the level prevailing during the last 4 years of the last Republican administration.

This research and development program has initiated, or completed such weapons systems as—

The new SR-71 Strategic Air Command supersonic aircraft.

The new Minuteman II intercontinental ballistic missile system.

Amazing new radar which actually sees around the curvature of the earth to detect missile launchings.

Two hostile satellite destroying systems which President Johnson recently announced in Seattle.

These are the facts of our overwhelming national military strength. This tremendous power, this power to devastate a large part of mankind, demands a firm, prudent, wise man to control it. It demands a man who knows what that power can do, and what it cannot do without causing a nuclear war.

In less than 60 days the people of this Nation will choose that man—the man whose finger will control the nuclear trigger—the man who may decide the future of life on this planet.

President Johnson has said, "We must be strong enough to win any war, but wise enough to prevent one."

President Johnson says that "no President of the United States can divest himself of the responsibility" to decide on the use of nuclear weapons.

Senator GOLDWATER tells us he would "cut taxes" and "eliminate the military draft," and be prepared to undertake military operations against the vulnerable members of the Communist bloc, thereby confronting the Soviet Union with the choice between "local defeat" and "nuclear disaster." But he does not tell us what happens to our country, if the Soviets choose nuclear war.

Senator GOLDWATER says that we must spend more for defense. But he tells us he will also cut our budget drastically.

He says we must be strong, but he would end the draft without any plausible alternatives.

Our Military Establishment in this country has been governed for 175 years by the principle of civilian control over the military. But Senator GOLDWATER tells us, "I fear the civilians. They are taking over," and he asks, "How can we possibly reason that an all-powerful civilian command is less dangerous than a military command?"

One day Senator GOLDWATER tells us we have a missile which can hit the men's room in the Kremlin. Later he says of our missiles, "I have very strong doubt about their reliability."

One day Senator GOLDWATER tells us we are developing missiles at exactly the correct pace; later he tells us we are in second place to Russia in missiles.

One day Senator GOLDWATER says it is "absolutely essential" that we get a man on the moon; later he tells us, "I don't want to hit the moon."

Last December, Senator GOLDWATER commended the closing of unneeded military bases; but now he states that at least some of these bases should stay open.

Senator GOLDWATER has said that NATO was "doomed to failure." Now he tells us it is our first line of defense.

Senator GOLDWATER calls tactical nuclear weapons "conventional." But he does not say how "conventional" the atomic radiation is these weapons produce; or how many times more powerful they are than any conventional weapons used, in Korea or World War II.

To me, saddest of all, is Senator GOLDWATER's statement that war is inevitable—real nuclear war—within 5 or 10 years.

That I cannot accept. If this Nation continues to maintain its present strength, and continues to inform the world about that strength, I do not believe any nation would decide to destroy itself by attacking the United States.

CRIME IN THE NATION'S CAPITAL

Mr. ALLOTT. Mr. President, not too long ago I had occasion, upon the floor of the Senate, to speak about the lawless situation and the crime situation in Washington. Since then we have had all kinds of remarks from the chief of police and other people trying to allay the fears of the people about the crime situation in Washington. Nothing will change the fact that the streets of Washington, D.C., are a jungle upon which no woman, nor almost any man, is safe after darkness falls.

Despite the statistics that have been quoted, Washington, D.C., has the highest crime rate in the United States in assaults with deadly weapons. This is a fact no one can get around.

At the time I formerly spoke I was paying tribute to a secretary in my office, Miss Joyce Morgan, for having the foresight to pick up a pistol and defend herself when a young hoodlum, who had a previous record and conviction, entered her apartment by breaking the chain on the door and attempted to rob the apartment. At that time I said the shot she fired ought to deter that young man from attempting anything like that in the near future.

I have just learned this week that the same man—the same hoodlum, that same hooligan—was released by the police of Washington on what the morning paper of this city described as a $5,000 bond, but which was actually a bond signed only by himself. It had no sureties or assurance behind it at all. So this young hoodlum with a record, who barely escaped losing his life or serious injury by the grace of the Lord, was released to prey on the people of this community by the courts of this community upon his own recognizance.

Last Saturday night, this same young hooligan entered another apartment in this city and stole jewels which are valued at approximately $700, and was rearrested and rearraigned.

I call attention to this situation because I believe that, so long as the courts of this city deal with these problems in this way and with this looseness, we shall not see any solution to the crime problem in Washington, D.C.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2049) to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 5932) to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. ALLOTT. Mr. President, I should like to make a few remarks about the situation in which the Senate finds itself at this time. In the 2 weeks which preceded Saturday, August 22, I believe most Members of the U.S. Senate thought it would be possible to adjourn the Senate and finish our business, business which needs to be badly done, by the time of the Democratic National Convention, which began August 24. At that time we had before us the Mansfield-Dirksen amendment, which I support. I do not support other substitutes which have been proposed. I was surprised that a group of so-called liberal Senators would take it upon themselves to conduct a filibuster upon this matter.

I am sensitive about filibusters. My friends from the Southern States who hold a different view on civil rights than I do were taken to task day after day and week after week, during consideration of the civil rights bill, by the same liberal Senators, who said that they had a right to vote upon issues which were presented to the Senate.

No Senator can assert that he does not know what the issues are with respect to the pending amendments. I make these remarks because I feel not only that the Senate has been unjustifiably delayed, but that those who have carried on this filibuster have carried it on to the detriment of the Senate and to the detriment of the Congress, and that they have themselves been guilty of doing the same thing for which they categorically denounced Senators who held a different view on civil rights than they themselves held.

I have supported motions for cloture, particularly with respect to civil rights bills. I supported a motion for cloture upon this particular matter. I feel—and it applies to any question that comes before the Senate—that any Senator has a right to debate it, and debate it at length, but that no group or individual Senator has a right to prevent the Senate from voting upon a proposal which is placed before it, which we all understand, and which has been debated and discussed in every newspaper and every periodical, and perhaps in every meeting of lawyers in the United States.

I am happy to see a resolution of this matter today, but it is a resolution which I think might well have been arrived at before August 22.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. AIKEN. I would like to add, if I have the Senator's permission, that, whatever happens to this legislation from now on, the Senate has already expressed its opinion of the Supreme Court's decision when it refused, by a vote of 49 to 38, to table the Dirksen-Mansfield amendment. That was the vote on what we thought of the Court's decision. There were 13 absentees. I am sure there were at least five on each side. So we may assume that the Senate, in the proportion of 55 to 45, expressed its strong disapproval of the action of the courts of this country in undertaking to interfere with the operation of the States and the communities of the United States.

Whatever happens from now on, we have had our vote. We have expressed our disapproval of the Court's decisions. We hope that something may happen. I would like to see a constitutional amendment submitted to the vote of either all the people or State by State. There is no question about how the vote would come out. Our friends who have been carrying on the filibuster over the weeks have been determined that the people should not have an opportunity to vote, either by themselves or through their elected representatives in Congress.

Mr. ALLOTT. The Senator is entirely correct. I appreciate his constructive comments. It is nothing new to disagree with a decision of the U.S. Supreme Court. It is the prerogative, and even the duty, of Congress to take adequate steps to correct those areas in which the Court may have gone awry and in which, in the opinion of Congress, it has gone awry. That is what we have been attempting to do.

Mr. AIKEN. Mr. President, we have disagreed with Supreme Court decisions before. I believe that sometimes the Court has been wrong. However, we have never before had a decision of the Court which in effect changed our form of government.

Mr. ALLOTT. The Senator is entirely correct. That decision will have a more far-reaching effect than any decision the United States Supreme Court has ever made, I believe, with the possible exception of one.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—CONFERENCE REPORT

Mr. JOHNSTON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JOHNSTON. Mr. President, the House has already adopted the conference report. Judging by the calendar, it would appear that we should have taken up the conference report first. However, the House had a quorum, and it was thought that it would act on the conference report. It has acted upon it already. The report was signed by all the conferees, both in the House and in the Senate. I call the attention of Senators to the fact that although the House had struck out all of the Senate bill and had written a new bill in the House, practically all of the Senate bill was put back and agreed to in the conference committee, with very few exceptions.

I ask unanimous consent to have printed in the Record at this point an explanation of the conference report. It was prepared by the Committee on Agriculture and Forestry of the Senate. It shows how we came out in the conference.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Disposition by Conference Substitute of Differences Between Senate and House Versions of S. 2687

1. Senate bill required title I foreign currencies to be convertible to dollars to the extent consistent with the purposes of the act. Retained in proposed conference substitute.

2. Senate bill prohibited Commodity Credit Corporation from financing ocean freight charges on title I shipments, except to the extent of the differential required as a result of cargo preference where the U.S.-flag vessel rate exceeds foreign vessel rates. Retained in substitute, which further provides that title I agreements require the importing country to pay the balance of U.S.-flag vessel freight in dollars, and makes the provision effective beginning with agreements entered into after December 31, 1964.

3. Senate bill required expenditures under the act to be classified in the budget as expenditures for international affairs and finance. Retained in substitute.

4. Senate bill extended title I for 2 years with $2.7 billion (plus carryover) authorization. House amendment extended for 3 years with $4 billion (plus carryover) authorization. Conference substitute retains Senate provision.

5. Senate bill removed 25-percent ceiling on Cooley loan funds. Retained in substitute.

6. Senate bill subjected all grants under section 104 of the act, and all uses of principal and interest paid on loans made under title I, to the appropriation process. In lieu of this provision the conference substitute provides for an advisory committee, and prohibits any grants (except for military assistance), or use of loan principal and interest payments, until after 30 days if Congress is in session (60 days if it is not) following transmittal to the Senate and House Committees on Agriculture, and then only if neither of those committees disapproves.

7. House amendment prohibited use of foreign currencies to promote production of any farm commodity which has been exported "from such country" during the preceding year in competition with U.S. production. Omitted from conference substitute.

8. House amendment increased the minimum amount of title I foreign currencies subject to the appropritaion process to 20 percent (from 10 percent), subject to Presidential waiver. Retained in conference substitute.

9. House amendment excluded from definition of "friendly nation" for the purposes of titles I and IV any country which permits its ships or aircraft to transport materials to or from Castro Cuba. Conference substitute limits this provision to title I, specifically permitting title IV sales for dollars to such countries. If but for such permission title IV sales to such country would be prohibited by the Battle Act or other legislation, the title IV credit would be limited to not more than 5 years.

10. Senate bill prohibited restrictions on U.S. use of foreign currencies reserved for U.S. use, required such currencies to be legal tender or convertible to legal tender to pay U.S. obligations to the host government, and required title I loans to bear interest at not less than the cost of funds to the United States. Conference substitute retains the minimum interest provision, but permits the President upon the recommendation of the advisory committee to fix a lower rate. The convertibility of U.S. use currencies to pay obligations to the host country is covered by the provision dealing with convertibility (sec. 1(2)).

11. Senate bill extended title II for 2 years with annual authorization of $375 million (plus carryover). House amendment extended title II for 3 years, with annual authorization of $450 million (plus carryover). Senate bill also provided effective date to prevent lapse in title II. Conference substitute extends for 2 years with annual authorization of $400 million (plus carryover). Retains Senate effective date.

12. House amendment authorized use of CCC funds under title II to purchase title I foreign currencies for self-help activities designed to alleviate the causes of the need for assistance. Conference substitute limits this provision to $7.5 million per year.

13. House amendment prohibited use of funds under "this act" in certain aggressor countries, and in countries using U.S. funds for purposes inimical to U.S. foreign policy. Conference substitute prohibits sales under Public Law 480 to countries the President finds to be such aggressors or so using U.S. funds.

14. House amendment redefined "friendly nation" to exclude any nation controlled by a Communist government, even though not controlled by the organization controlling the world Communist movement. Conference substitute limits this provision to title I, permitting title IV sales for dollars to such countries. If but for such permission title IV sales would be prohibited by the Battle Act or other law, the title IV credit would be limited to not more than 5 years.

15. Senate bill amended section 304 to add nations controlled by Communist China to those which title I is to assist friendly nations to be independent of trade with. Retained in conference substitute.

16. Senate bill made the cost of funds to the Treasury the minimum, rather than maximum, interest rate under title IV. Conference substitute makes the minimum rate provided for Development Fund loans the minimum rate for title IV loans.

17. Senate bill requires CCC to make extra long staple cotton available for export at not more than world prices as long as it is in surplus. Conference substitute retains this provision in revised form, providing that exports under this provision shall be excluded in computing marketing quotas.

18. House amendment permitted food commodities donated under clause (4) of section 416 of the Agricultural Act of 1949 to be used for community and other self-help activities designed to alleviate the causes of the need for assistance. Retained in conference substitute.

Mr. JOHNSTON. Mr. President, the bill was passed in the Senate without a yea and nay vote. The Senate should be well pleased with the outcome in conference on the bill. I understand that the Senator from Arkansas wishes to be heard on it.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. I yield.

Mr. FULBRIGHT. With regard to the definition of a friendly country, was this a matter which was considered by the Senate committee, or was this provision put in the bill on the House floor, and not by the House committee?

Mr. JOHNSTON. It was added to the bill on the House floor. It was not considered by the Senate committee.

Mr. FULBRIGHT. Were any hearings held in the Senate committee on this provision, which in effect would prohibit the sale of agricultural commodities to Yugoslavia and Poland for foreign currency?

Mr. JOHNSTON. There were no hearings on it. It was not before the Committee.

Mr. FULBRIGHT. No testimony was taken from any State Department representatives?

Mr. JOHNSTON. The Senator is correct.

Mr. FULBRIGHT. Nor did the House hold any hearings on this subject?

Mr. JOHNSTON. The House did not hold any hearings on it either, to my knowledge. It was proposed and discussed on the floor. My understanding is that no hearings were held on it.

Mr. FULBRIGHT. It is my understanding, also—and I wish to make the Record clear on this point—that the amendment was offered by Representative Findley on the floor of the House, and it was not considered in committee in the House.

Mr. JOHNSTON. The Senator is correct.

Mr. FULBRIGHT. The State Department had no opportunity to present any of its views with regard to this matter?

Mr. JOHNSTON. The Senator is correct.

Mr. FULBRIGHT. It had no opportunity to present testimony before either committee. Is that correct?

Mr. JOHNSTON. The Senator is correct.

Mr. FULBRIGHT. This is a very unfortunate procedure. This bill deals primarily with agricultural commodities and the disposal of agricultural commodities. But it is legislating in a very sensitive and important field in connection with our foreign relations in Eastern Europe, particularly with Yugoslavia and Poland.

Last year we held long hearings on the most-favored-nation clause and had long debate on it in the Senate. The Senate committee and the Senate itself, and the House also, after thorough discussion, voted to repeal the previous action of Congress, which had been taken in the trade bill.

Again the subject of our relations with Eastern Europe comes up in a bill which neither the Foreign Affairs Committee of the House nor the Foreign Relations Committee of the Senate, or even the State Department, has had an opportunity to consider.

It seems to be very imprudent that this kind of action should be taken, because it has a direct, and, I believe, a very serious, effect upon our foreign relations.

I realize that this is a matter of power. If the Senate wishes to act, it may act, but I do not think this is a wise procedure to follow. We should not pass on this matter without thorough consideration by the committees that have jurisdiction over our foreign relations.

Mr. JOHNSTON. Mr. President, in reply to the Senator from Arkansas, I must say that we found ourselves in the predicament, when we went into conference, that the House was adamant. There was considerable debate pro and con on this subject on the floor of the House. However, no hearings were held in committee. It was thought that if we did not put this provision in the bill in conference, it would be impossible to have the bill approved in the House. I believe the other conferees will say the same thing. That is what they found the situation to be in the House. We did modify the Findley amendment greatly in conference. The Findley amendment would have prohibited all sales to Yugoslavia and Poland. The conference substitute does not do that. It prohibits only title I sales for foreign currencies to these countries and specifically permits title IV sales to them for dollars on credit. Yugoslavia has already made purchases under title IV and the conference substitute permits it to continue to do so. Therefore the conference substitute has reduced the Findley amendment from an absolute prohibition to a provision for shifting Yugoslavia and Poland from soft currency sales to dollar credit sales. Poland is in a little different situation from Yugoslavia. Because the Battle Act prohibits financial assistance to Poland, Poland is not now eligible for title IV credit sales. The conference substitute specifically authorizes such sales to Poland on not to exceed 5 years credit. So the conference committee has greatly modified the Findley amendment. It does not prohibit sales to these countries, but provides only for shifting them from one title to another. We want to do business with them on a businesslike basis.

Mr. FULBRIGHT. I am not willing to accept this kind of action on the part of the conferees. Even though the subject was debated on the floor of the House, the executive branch, which is responsible for our foreign relations, had no opportunity to present its views in committee. I am not willing to agree to the conference report.

I regret very much that this kind of action has not been subjected to committee hearings, and that the executive branch has not been given an opportunity to present its views. It is very much along the line of the action taken with regard to the most favored nation clause, upon which we acted last year, in a manner directly opposite to this action. This is a very unwise proposal. I strongly oppose it.

Mr. JOHNSTON. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, the Senator from Arkansas is correct in his assumption that the conference report is not all that it should be. The Senate conferees recognized that. The House conferees, while they may have recognized it, also recognized the fact that the bill would be rejected, as was the coffee agreement; that they could not go back to the House with any bill which went any further away from the House-passed bill than what was agreed to by the conferees.

One thing that was done, however, was to shorten the time the program would be in effect. The bill which the House passed provided for 3 years; in conference, the time was reduced to 2 years.

We have also provided for the sale of agricultural products under title IV, but with a shorter period for extending credit. That was reduced from 20 years to 5 years.

This amendment affects Poland and Yugoslavia. I think the people of those countries are desperately trying to become more democratic and need our assistance in doing so, although their Governments are still communistic or socialistic, whichever term one wishes to use.

Yugoslavia does not desire to purchase goods from us under title I. It does wish to purchase under title IV, because its grain crops failed this year, and it needs our help.

It was our help, given in 1948, that weaned Yugoslavia away from Russia and enabled her to become an independent nation. There is some feeling that perhaps we would not have been in this trouble had it not been for certain rulings of the executive departments relative to the making of sales. I am not sure about that. I shall not go into the details about that or about what can be done. I do not know. But it seems to me that we could go along for the next 2 years under the bill as it is now written. Great changes are taking place in the world. I cannot foresee what may occur in the next 2 years, the way things are taking place in international affairs today. I do not think anyone else can, either.

We did well to reduce the duration of the bill from 3 years to 2 years, which applies to sales for foreign currencies. It is my understanding that the Yugoslav Government is contemplating paying its World War debt very soon. That will put her in a class with Finland. Yugoslavia is making considerable progress, and a determined effort to put her finances in order. It is also my understanding that even though we hold $50 million worth of dinars at the present time, Yugoslavia does not expect them to last forever without their being converted into our currency. In my opinion, Yugoslavia is making a strong effort to balance her debts with us. I am sorry that we could not have made better arrangements.

Mr. JOHNSTON. Yugoslavia has made purchases under title IV. They can continue to be made under that title as they have been in the past. The conference substitute permits us to continue dealing with Yugoslavia and Poland.

Mr. FULBRIGHT. What the Senator from Vermont has just said is the main point. Whether Yugoslavia may be able to operate under title IV or some of the other provisions is a little beside the point. After all these years of operation, this action is taken at a time when, as the Senator has said, there are signs that real progress is being made in Yugoslavia—and, for that matter, in certain other countries of Eastern Europe that are not affected by this proposal.

This kind of action is a slap; it is a deliberate insult. We say, in effect, that Yugoslavia will not be given an opportunity to purchase under title I. That is what is so bad from the standpoint of international political relations, aside from whether or not Yugoslavia will get the grain. We are deliberately changing the definition of a friendly country and are, in effect, saying that Yugoslavia is not a friendly country and can never be a friendly country so long as it has a government that is called Communist. The Senator from Vermont himself said that perhaps the country might be called Socialist. In this respect, we are going only on a name, without regard to what our relations have been.

Our relations with Yugoslavia for the past several years have been reasonably normal. We have relations with many countries that are not so good as our relations with Yugoslavia. The Government of Yugoslavia is called Communist; actually, it operates in many respects that are different from other Communist governments, especially in its relations with us, as the Senator well knows.

The Senator from Vermont mentioned Yugoslavia's contemplation of paying its past debts. It is not in default in any of its recent dealings. It has acted correctly in its dealings with us and with the International Bank. It is current.

We are leveling a deliberate insult at a country which does not deserve such treatment.

Mr. AIKEN. Apparently Yugoslavia has been straightforward in its dealings with us. It has taken our position in the United Nations in opposition to positions taken by Russia and other Communist countries.

Mr. FULBRIGHT. That is correct. Yugoslavia has pursued an independent course.

Mr. AIKEN. About 25 percent of the land in Yugoslavia is owned by the Government. That compares quite favorably with the percentage of land owned by the Government in this country.

A few years ago, when Yugoslavia established its first Communist government, every person employing another person was considered as operating a

Government enterprise. Then the Government increased the number of employees a person could have to four, and then to five. Recently, the Government announced that a person employing 10 other persons would be exempt from Government ownership and control. That is good progress. An employer in this country does not have to have 10 employees to come under Government controls to a considerable extent. Yugoslavia has been making substantial progress toward democratic objectives. I do not expect that it will achieve them right away. In the meantime, I will be thankful if we do not go faster in the other direction toward the kind of government we do not want. That is what we must fight against. But I am sure that Yugoslavia is making real progress.

As for Poland, I do not know so much, except that the Polish Government has never expropriated the farmlands of Poland, as Communist governments in other countries have done.

About 70 percent of the business done by Yugoslavia is oriented to the West. As I recall, 50 percent of the business of Poland is oriented to the West. Persons whom I have asked say that Yugoslavia does not want to be driven back completely into the arms of Moscow.

Mr. FULBRIGHT. Does not the Senator from Vermont believe that the action proposed in the conference report would have that effect?

Mr. AIKEN. Perhaps the people of Yugoslavia are more understanding than are some of the people in this country. If they understand that they can still get 20 years' credit, and that the term of the bill prohibiting sales for foreign currencies is for a period of only 2 years, they may understand.

If they take into consideration that only a few weeks remain before our election, when the American flag is being waved to shreds in all directions, they may take a different attitude after the election than they might before. I do not decry patriotism in any way, but there should be a great deal of commonsense combined with it.

Mr. FULBRIGHT. This action is directly against the interests of this country. It is subversive of U.S. policy. It does not promote American interests at all. It is in the interest of the Soviet Union, if we want to be practical about it.

Mr. AIKEN. This is the worst effect it could have. It could be a setback for democracy.

Mr. FULBRIGHT. Certainly it could.

Mr. AIKEN. I hope that that will not be the case. I am optimistic enough to feel that it will not be the case.

Mr. FULBRIGHT. If I may clarify the situation, as I understand, the existing law does not expire until December 31 of this year. It will continue on. We can come back in January after the election when the pseudopatriotism to which the Senator has alluded is over. We could judge the matter in a much calmer atmosphere. Certainly the administration—whatever the administration would be—would have an opportunity to consider this question from the international political point of view and its effect upon our relations.

I would, therefore, strongly suggest that at this late date, since the bill will continue until December 31, we not enact it but take it up in the early days of the coming session. There would be a short hiatus there. I do not believe that anything serious would inhibit the activities under the bill. Certainly, we would refrain from committing an unwise act with regard to one of the most important areas in the world.

Mr. AIKEN. I do not believe that I would wish to recommit it today. In fact, the House has already acted on it. Neither would I say that any Member of Congress engages in pseudopatriotism, although they do get over enthusiastic before election. But this legislation will come back to us if it has its bad effects.

Mr. FULBRIGHT. We cannot undo a bad effect by insulting nations in this way.

Mr. AIKEN. We can, if the Court will let us.

Mr. FULBRIGHT. What?

Mr. AIKEN. We can undo any bad legislation if the Court will let us. The situation with regard to the Court's decision is far more serious than anything else we have before us at this time, because it involves a change in our form of Government. This situation does not. It is going to call for understanding and tolerance on the part of those two countries which we are trying to help move away from the Communist capital of the world and into more democratic paths.

Mr. FULBRIGHT. I do not quite see it that way. What we are trying to do is to help countries, particularly Yugoslavia, and eventually Poland, to lead their own independent lives and not be dominated by anyone. The United States is not seeking to dominate them. We are trying to give them an opportunity to establish and maintain their independence.

The point which I cannot overemphasize is that to select them out of all of the countries in the world—particularly Yugoslavia, which has had reasonable relations with this country for a number of years—and give them this gratuitous insult, would be bad for our relation. It would be an insult not only to those countries, but also to other countries with which we have recently had negotiations, such as Rumania. We would be saying indirectly to them, "Well, so long as you call yourselves Communists, no matter how you conduct your internal business you are not friendly to us and we will have nothing to do with you."

There are other countries I can think of, which would not be covered by this provision, but which are causing us a great deal more trouble today than Yugoslavia. I believe that this is an unwise action for us to take and I cannot accept it, so far as I am concerned. I do not believe it is the right kind of procedure, for the Committee on Agriculture and Forestry to intervene in a matter as delicate as this one and cause such trouble for the administration in the conduct of its foreign relations.

Mr. CLARK. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I yield.

Mr. CLARK. Mr. President, I strongly endorse what the chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], has just said.

To me, it is tragic that the Public Law 480 act conference report decided on by conferees from the two Committees on Agriculture and Forestry should bring back for approval to the Senate a provision which so drastically affects the foreign policy of this country, without any reference to the Committee on Foreign Relations which, under rule XXV, is charged with responsibility for our foreign policy insofar as the Senate has cognizance of our foreign policy.

In the past, I have noted that similar actions on the part of the agricultural committees dealing with the sugar problem have affected our foreign policy most seriously and critically.

It seems to me particularly deplorable that the conference report should be brought up this afternoon—to be sure, in accordance with the present rules of the Senate, but containing a provision which was never discussed on the floor of the Senate, never came out of the Senate committee, and never came out of the House committee. It was put in on the floor of the House under circumstances well described by the Senator from Arkansas, and admitted by the able Senator from Vermont. Now, without Senators being given any more than the normal notice—which I agree under the rules is perfectly legal—the Senate is about to perpetrate an insult upon two foreign countries with which we are making earnest efforts to get on better terms, in order, in part, to promote separatism from the Soviet Union, but also, in part, to help ameliorate the cold war.

If the Senator from Arkansas were in a mood to move to have the conference report committed to the Foreign Relations Committee for its observations and some recommendations, I should be glad to support him. I am confident that there are at least a score of Senators, and perhaps more, who would take the position which the Senator from Arkansas and I are taking today, if they knew that the question was coming up.

I conclude by stating that I shall vote against the conference report and I would support the Senator from Arkansas if he cared to pursue the matter further.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. FULBRIGHT. A motion to refer the conference report to committee is not in order, is it?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that under rule XXII, when any question is pending, a motion to commit is in order and that it would therefore be in order to refer the conference report to committee.

Mr. AIKEN. The minute that is done, negotiations with probably 50 or 60 countries would stop, because we cannot negotiate for the future if we do not know what is going to be authorized in the future. In an effort to correct what may be an injustice to 2 countries, we do not wish to commit an injustice upon 50 countries.

Mr. FULBRIGHT. The Senator stated a moment ago that the current law continues in effect until December 31. The Senator was talking about trusting us and having confidence in us, even though we would be doing a foolish thing. In this bill, I believe that action could be anticipated after the first of the year, because I know that our surpluses continue as large as ever. I know that the Senator would like to get a bill. I also believe that a bill would be enacted in the coming Congress. I believe it would be the lesser of two evils. I would prefer no bill rather than this bill.

Mr. AIKEN. Our surplus is not so large as ever. We are already receiving orders for far more powdered skim milk than we are able to deliver.

Mr. FULBRIGHT. We have a great deal of wheat on hand.

Mr. AIKEN. Our surpluses on wheat are down to not much more than a normal carryover—probably 150 million bushels in excess of what we should carry over. So wheat supplies are practically down to normal.

Mr. FULBRIGHT. That is largely due to the sale of wheat to Communist countries.

Mr. AIKEN. We may have a surplus of some commodities but in general they are not up, they are down.

Mr. JOHNSTON. Mr. President, I believe that the Senator from Arkansas is finding more in the conference substitute in regard to this question than I believe is in it. The Government has been doing business under Public Law 480 with Yugoslavia and Poland, and it will continue to do so. It has been doing some of that business, at least with Yugoslavia, under title IV of the law; and it will continue to carry on in that particular field. Therefore, it will not be hindered at all in doing what it wishes to do in carrying on the business as it wishes to carry it on.

On April 28, 1964, Yugoslavia entered into a title IV agreement for commodities worth over $28 million on the basis of Commodity Credit Corporation cost. On the preceding day Yugoslavia entered into a title IV agreement for over $39 million worth of commodities. The conference substitute continues the authority for these dollar credit transactions, and Yugoslavia is a "friendly country" for the purpose of title IV.

I believe that if we had not amended the House amendment to keep these countries in the definition of "friendly country" for the purposes of title IV, if we had prohibited all Public Law 480 sales to these countries, we would have had something to argue about. But as it is, they have the right to go ahead and make agreements under title IV.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. I had not considered the matter of sending the report to committee. What would be the legislative situation with regard to the report if it were sent to the Committee on Foreign Relations? Would it stay there until the committee acted on it? Would that be equivalent to a rejection of the report?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that under rule XXII, when any question is pending, it is in order to make a motion to commit, and that the report could be committed to the Committee on Foreign Relations, in this instance, for hearings and study. The committee itself would have no ability to modify or amend it; but it could study it.

Mr. FULBRIGHT. Would that prevent any further action on the bill until the Committee on Foreign Relations reported it? Would it then be in the Committee on Foreign Relations, with no further action to be taken by the Senate?

The PRESIDING OFFICER. The Senator from Arkansas is substantially correct. If the report were in the Committee on Foreign Relations, the Senate could not act on it until it was reported back.

Mr. JOHNSTON. The Senate could request that it be sent back. We would have a right to bring it back by motion.

Mr. FULBRIGHT. But the Committee on Foreign Relations could not make a recommendation on the particular provision.

The PRESIDING OFFICER. Only to the extent that it could urge that it be agreed to or rejected.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Would it not be within the rules of procedure of the Senate for the Committee on Foreign Relations either to take no action until this Congress adjourns, or report the conference report back to the Senate with the recommendation that it be rejected?

The PRESIDING OFFICER. The Chair believes that the Senator from Pennsylvania is correct. That would be subject, however, to the point raised by the Senator from South Carolina, that the committee could be discharged and the conference report agreed to.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. FULBRIGHT. Mr. President, I move that the conference report be referred to the Committee on Foreign Relations for its consideration and the taking of testimony on this subject. As I have already stated, neither the Senate Committee on Foreign Relations nor the House Committee on Foreign Affairs has heard any testimony from the Department of State and other responsible parties in the Government with regard to our foreign relations on this subject.

I had not considered this particular approach at all. But I think we have here a good example of bypassing a committee which has the primary jurisdiction of this matter under the rules of the Senate.

Also, a provision has been included without ever soliciting the advice of the administration or any committee.

When the Committee on Foreign Relations occasionally has a bill that may involve a minor tax matter, we always make it a practice to refer it to the Committee on Finance for its advice. And, so far as I can remember, we have always followed their advice. We have some respect for the jurisdiction and expert knowledge of the committee members and staffs in their particular fields.

I am confident that if this matter had been referred to the Committee on Foreign Relations and we had heard testimony on this subject, we would have recommended strongly against this proposal, just as our committee recommended strongly last year the repeal of the action taken in the trade bill on the most-favored-nation clause. It involved practically the same political questions.

Mr. AIKEN. Mr. President, I would say that if it went to the Committee on Foreign Relations, considering the amount of currency involved and the problems relating to the use of such currency, it should also go to the Committee on Banking and Currency, and possibly a few other committees.

Mr. FULBRIGHT. That is for the Committee on Banking and Currency to consider. I had never thought that the Committee on Banking and Currency had any particular interest in foreign currency, most of which currency is not convertible and has no direct bearing upon our domestic affairs.

Mr. AIKEN. Mr. President, inasmuch as the measure provides for prohibiting the charging of some of these costs to the Department of Agriculture—which has been the old favored custom—perhaps we should refer it also to the Committee on Commerce.

Mr. FULBRIGHT. I submit there are certain other sections contained in the bill in which the Committee on Agriculture has gone very far. With regard to long staple cotton, I had not thought that Public Law 480, a bill to dispose of surpluses, gave authority to direct the Commodity Credit Corporation to subsidize the export of long staple cotton.

We had a bill which dealt with this particular field. It was not Public Law 480. I do not know why that provision was not included in the bill to deal with the general subject of exporting cotton. But it certainly seems to me to be elemental to this particular bill.

I believe that referring the report to the Committee on Foreign Relations would be a very good way of enabling the Department of State and the administration to bring testimony to bear upon this subject. We would then be in a position to present some advice to the Senate concerning the effect of the particular amendment that was included in the House.

Mr. President, I move that the report be referred to the Committee on Foreign

Relations, and I suggest the absence of a quorum. I shall insist on a live quorum.

Mr. **MANSFIELD**. Mr. President, will the Senator withhold that?

Mr. **FULBRIGHT**. I withhold it temporarily.

Mr. **MANSFIELD**. Mr. President, I hope that the Senator will reconsider his motion to refer this to the Committee on Foreign Relations. I do so for a number of reasons. I believe it would mean the death of this legislation for the remainder of the year. Its chances for passage next year would be severely hindered. If the Senator were to insist on a live quorum, I believe it would be embarrassing to many Senators. We have had enough embarrassment this week in the matter of quorums. If there had been any indication that this would be the case, enough Senators would have remained to make a quorum.

I hope that the Senator will not press for a live quorum. We could bring a sufficient number of Senators to the Chamber so that a vote might be taken on his motion, and so that the Senator from Pennsylvania [Mr. CLARK] could make a speech which I know he has ready. His speech has to do with the rules and regulations of the Senate.

Mr. President, would the Senator entertain a unanimous-consent request that the Senate reject the conference report and send it back to conference with instructions to delete this amendment?

Mr. **FULBRIGHT**. I would.

Mr. **MANSFIELD**. I would be perfectly willing to have it handled in that fashion.

Mr. **FULBRIGHT**. Mr. President, I move that the Senate reject the conference report, that it be sent back to a conference with the House, and that the Senate insist upon the deletion of the House amendment.

Mr. **JOHNSTON**. Mr. President, the House has already voted on the bill and approved it. We cannot send it back to conference. That would be out of order.

The **PRESIDING OFFICER**. The Parliamentarian informs the Chair that a motion to recommit is not in order.

Mr. **FULBRIGHT**. Mr. President, I insist upon my motion that the conference report be referred to the Committee on Foreign Relations for hearings and study.

I shall not sit idly by and have a foolish thing done in this manner and have the Committee on Agriculture and Forestry impose upon one of the most important aspects of our foreign relations. I think this is unacceptable procedure. I shall delay it as long as possible.

If there is not a quorum present, the Senate can adjourn. We have been doing it for 2 weeks. It will not be anything unusual.

Mr. **MANSFIELD**. We can do that. But the Senate will be in session a week or two longer.

Mr. **FULBRIGHT**. It is an outrageous procedure to come into the Senate with such a report and with so little opportunity for the executive branch, which is responsible for these relations, to be heard. Those in charge of the program are condemned daily in the press for being inefficient. Now the Congress comes along and in this proposed out-of-hand fashion, without any real consideration of what is involved, attempts to impose this kind of obstruction on the conduct of our foreign relations.

Mr. President, so far as I am concerned, I shall not agree to it.

Mr. **CLARK**. Mr. President, will the Senator yield?

Mr. **FULBRIGHT**. I yield.

Mr. **CLARK**. Since reference has been made to a rather lengthy speech which I had in mind making—the lectern is already on my desk—in my opinion the questions raised by the Senator from Arkansas are far more important and critical subjects of our foreign policy than any speech which I might make during the remainder of the day. I should gladly withdraw in support of the position taken by the Senator from Arkansas.

Mr. **FULBRIGHT**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. PELL in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MANSFIELD**. Mr. President, what is the pending motion of the distinguished chairman of the Foreign Relations Committee?

The **PRESIDING OFFICER**. The pending motion is the motion of the Senator from Arkansas to refer the conference report to the Committee on Foreign Relations for hearings and study.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that a vote on the motion be taken at 3:30 p.m. tomorrow.

Mr. **CLARK**. Mr. President, will the Senator yield temporarily?

Mr. **MANSFIELD**. Yes.

Mr. **CLARK**. As the Senator from Illinois has pointed out, that means that there will not be any opportunity to debate, because the vote will take up the better part of the hour.

Mr. **FULBRIGHT**. Mr. President, I suggest to the Senator that there be 1 hour of debate.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that there be 1 hour of debate, to be equally divided between the distinguished chairman of the Foreign Relations Committee [Mr. FULBRIGHT] and the distinguished senior Senator from South Carolina [Mr. JOHNSTON], the time to begin at the conclusion of the vote already agreed to be taken at 2:30 p.m. tomorrow.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That on Thursday, September 24, 1964, 1 hour after the Senate votes on the substitute amendment (No. 1273) to H.R. 11380, the Senate proceed to vote on the question of referring the conference report on S. 2687 (to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes) to the Committee on Foreign Relations for hearings and study, with the time to be equally divided and controlled by the proponents [Mr. FULBRIGHT] and the opponents [Mr. JOHNSTON].

Mr. **JOHNSTON**. Mr. President, in order that Senators may be further advised on the actions taken by the conference committee, I would like to make a short explanation of the provisions of the conference substitute at this time. The House amendment to S. 2687 struck out all after the enacting clause and inserted new material. The conference report provides a substitute for the House amendment. The conference substitute, like the Senate bill, provides for a 2-year extension of titles I and II of Public Law 480. The new authorization for title I would be $2.7 billion, as provided by the Senate bill, while the new authorization for title II would be $400 million annually, instead of $375 million annually, as provided by the Senate bill.

Several provisions were contained in both the Senate bill and the House amendment, and these provisions are, of course, included in the conference substitute. These were the provisions dealing with exchange rates, the use of title I currencies for internal security purposes, annual—instead of semiannual—reports by the President, and sale of title I currencies to U.S. citizens. All of these provisions are in the conference substitute exactly as the Senate passed them.

Other provisions of the Senate bill which were not contained in the House amendment have been included in the conference substitute either exactly as passed by the Senate or identical in substance. These were the provisions dealing with convertibility of title I currencies to dollars, budget presentation of the program under the heading of international affairs and finance, removal of the 25-percent ceiling on so-called Cooley loan funds, use of foreign currencies to pay U.S. obligations to the host country, and use of title I to assist friendly nations to be independent of trade with Communist China.

The provisions of the Senate bill over which there was most dispute in conference were those dealing with freight and interest rates, the period of extension, appropriation control over title I foreign currencies, and export sales of Extra Long Staple cotton. These provisions have been included in the conference substitute generally in accord with the manner in which they were dealt with in the Senate bill. They were treated as follows:

The provision of the Senate bill prohibiting Commodity Credit Corporation from financing ocean freight charges except to the extent of the differential above the world rate resulting from application of cargo preference is included in the conference substitute. However, the conference substitute makes it effective beginning with agreements entered into after December 31, 1964, so that it will not require us to default on agreements heretofore entered into or to renegotiate agreements now ready for signing. The conference substitute also requires that the agreement require the purchasing country to pay the basic ocean freight in dollars. It was, of course, always intended that the purchasing country should pay the basic freight charge in hard currency. Inclusion of this requirement in the agreement, however, will provide the shipowners with assurance that they will receive full payment in dollars. This provision affects only the financing of ocean freight charges up to the world market rate by the Commodity Credit Corporation. No change is made in the implementation of the cargo preference laws and, except for such financing, the Commodity Credit Corporation may continue to facilitate commercial arrangements for payment of the full ocean freight charges.

The provisions dealing with the periods of extension of titles I and II are contained in the conference substitute exactly as they were in the Senate bill. The Senate provided for a 2-year extension. The House provided for 3 years. The substitute provides for 2 years. The authorization for title I in the conference substitute is $2.7 billion, as it was in the Senate bill, while the title II authorization is $400 million annually instead of $375 million annually as provided in the Senate bill. The House amendment provided for $450 million annually.

The Senate bill required that loans under title I bear interest at not less than the cost of funds to the Treasury. The conference substitute retains this provision, but permits the President upon the recommendation of the advisory committee in specific instances to designate a different rate.

The Senate bill also required the interest on title IV sales to be at least equal to the cost of funds to the Treasury. The conference substitute requires a minimum interest rate equal to the Development Loan Fund rate, to provide for consistent treatment of these loans.

The Senate bill required that all grants of foreign currencies and all use of loan principal and interest repayments be subject to appropriation control. In lieu of this provision, the conference substitute provides that no agreements or proposals to grant foreign currencies—except for military assistance—or to use loan principal and interest repayments, without appropriation, can be entered into or carried out unless they are first transmitted to the Senate and House agriculture committees and are not disapproved by them. The committees have 30 days in which to disapprove if the proposals are transmitted while Congress is in session, 60 days if Congress is not in session. The conference substitute also provides for an advisory committee consisting of the chairman and ranking minority members of the Senate and House agriculture committees, and three members from the executive branch. The conferees believe that these provisions of the substitute will provide adequate congressional control over grants and uses of loan payments.

The Senate bill required the Commodity Credit Corporation to sell surplus Extra Long Staple cotton at competitive prices for export, and the conference substitute contains this provision with some refinements suggested by the Senator from Arizona [Mr. HAYDEN] who was the author of the original provision, and an additional sentence excluding the extra exports resulting from sales under this provision from marketing quota computations. Since the provision is designed to remove the surplus, the conferees did not want it to result in the growth of a new surplus of equal size.

There were also a number of provisions in the House amendment which were not contained in the Senate bill in any form, and these provisions were disposed of as follows:

The Whitten amendment imposing additional restrictions on loans or grants which might in some way increase production of agricultural commodities was omitted from the conference substitute.

The House provision requiring at least 20 percent of the title I foreign currencies to be subject to appropriate process, unless waived by the President, is included in the substitute.

The Rogers amendment, which would have prevented title I and IV sales to countries whose ships or planes go to Cuba, was limited in the conference substitute to title I. Title IV transactions may be entered into with countries affected by this provision, and if title IV transactions with such countries would otherwise be prohibited by some other act, title IV credit for such countries would be limited to 5 years. The purpose of the conferees was to shift transactions with these countries from the soft currency sales of title I to the hard currency sales of title IV. At present there is authority for title I or title IV sales to Yugoslavia. The authority for title I sales would be terminated, but title IV sales could be made to Yugoslavia exactly as in the past. Poland is at present eligible for title I sales, but not for title IV sales because of the provisions of the Battle Act. Under the conference substitute Poland would no longer be eligible for title I sales, but would be eligible to purchase commodities under title IV for dollars on not to exceed 5 years installment credit.

The House amendment contained a provision authorizing the use of title II funds for the purchase of title I foreign currencies to be used to assist in carrying out title II and III programs and to alleviate the causes of the need for title II and III assistance. The conference substitute limited this authority to $7.5 million per year.

The Roosevelt amendment prohibiting assistance to aggressor countries, with some revision, has been included by the conference substitute in the definition of "friendly nation."

The Findley amendment defining "friendly nation" to exclude all Communist countries has been limited to title I, with provision for title IV sales for dollars to countries excluded by this provision from title I transactions. Countries which but for this provision would be excluded by other law from title IV transactions would be limited to installment credit of not more than 5 years. This provision was treated by the conference substitute in exactly the same manner that the conference substitute dealt with the Rogers amendment. The conference substitute merely shifts sales to Yugoslavia and Poland from the soft currency provisions of title I to the more businesslike dollar credit provisions of title IV. Yugoslavia is already making purchases under title IV.

The House provision requiring food donations under section 416(4) of the Agricultural Act of 1949 to be directed toward community and other self-help activities has been included in the conference substitute.

SENATE RULES AND PROCEDURE

Mr. CLARK. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CLARK. Mr. President, may I say parenthetically to my colleagues that I expect to speak for possibly as much as 1½ or 2 hours on matters dealing with the rules, practices, and procedures, of the Senate, in which case many of our colleagues may want to absent themselves.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. SPARKMAN. I wonder if the Senator will permit me to make remarks that will take about 2 or 3 minutes?

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

HOUSING LOANS UNDER ALLIANCE FOR PROGRESS

Mr. SPARKMAN. Mr. President, in recent weeks, questions have been raised about our Government's policy in providing assistance to developing countries under the foreign aid program.

One of the programs under discussion has been housing. Questions have been raised about the effectiveness of our housing program under the Alliance for Progress and, in particular, whether our policy is designed to help the poor or the relatively well to do.

Because helping the people of Latin America to provide decent housing for themselves is such an important part of the basic goals of the Alliance for Progress, and because the need for adequate housing there is so great, I asked the Agency for International Development to prepare an up-to-date report on the activities of the U.S. Government in providing assistance for housing in these countries. I ask unanimous consent that the report from the AID be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPARKMAN. Mr. President, I think that this report shows that our housing assistance for Latin America has been designed to help those who need help the most. Of the $335 million in

U.S. Government funds committed for housing loans in Latin America, more than $250 million has been for extremely low-cost housing. The greater part of this has been the 170 million U.S. dollars committed through the Social Progress Trust Fund of the Inter-American Development Bank which has helped finance low-cost houses averaging less than $1,900 per unit. Much of this assistance has been for building materials to help workers build their own houses, some for families earning as little as $400 to $600 per year.

This report also shows the continuing tremendous need for housing in Latin America, estimated by some at $3.5 billion annually. Considering these enormous requirements, it seems clear that the problem is one which must basically be solved by the Latin Americans themselves. Our assistance is important, however, for the significant impact it is having on the creation and development of Latin American institutions for dealing with this critical problem.

The report shows that our "seed capital" loans have fostered the creation of more than 70 Latin American savings and loan associations where almost none existed 3 years ago and that these institutions have already generated more than 150,000 savers, more than $50 million in savings, and have reduced loan terms in some countries from the typical 40 percent down, 5 years to pay at 15 percent interest to something approaching U.S. terms. Our investment guarantee program is demonstrating U.S. know-how in design and construction and is also having an impact on financing terms. And our loans for low-cost and self-help housing projects are broadening the limited range of knowledge about how to provide extremely low-cost housing.

In short, this report seems to show that our housing assistance is being provided through a sensible program of institution building designed to help the Latin Americans provide adequate housing for themselves.

EXHIBIT 1

HOUSING AND THE ALLIANCE FOR PROGRESS

Helping the people of Latin America to provide themselves with decent housing is one of the basic goals in the Charter of Punta del Este, establishing the Alliance for Progress. As in the United States, the need for adequate housing is great—both among urban slum dwellers and in rural villages. Unlike the situation in the United States, savings institutions and homebuilding as an industry are just beginning to develop.

THE MAGNITUDE OF THE PROBLEM

Despite varying estimates and varying sources of estimates of the need in Latin America, it is clear that the total need is in terms of millions of units costing billions of dollars. One source estimates an annual need for new construction of 2.6 to 3.3 million dwellings or $3.5 billion annually. The total need, in 1960, recently was estimated in a Chase Manhattan Bank publication at 40 million new units. Only since the Alliance, really, has attention begun to focus sharply on the problem. Latin American governments are giving serious consideration, in their priorities, to the scarce resources which would be directed into housing and a home construction industry. A variety of institutions, both public and private, are being created to marshal and channel technical and financial resources into housing. Differing standards of design, construction, and livability for different income levels are being formulated. There is a growing recognition in Latin America that housing has both a social and political significance and a direct relationship to economic development.

MAGNITUDE OF THE U.S. CONTRIBUTION

Because the magnitude of the problem is so great, it must basically be solved by the Latin Americans themselves. U.S. aid is therefore being used to help the countries of Latin America to do this with their own human and material resources. The United States provides technical assistance and grants and some loans for demonstration purposes, and "seed" capital for housing institutions. This, in itself, is a change, since, before the Alliance, U.S. housing assistance to Latin America had been limited to technicians and to a small amount of grant funds. Since 1961, a total of $335 million in U.S. public funds has been committed in loans for housing in Latin America. Of this, $165 million was by the Agency for International Development, and another $170 million through the Social Progress Trust Fund of the Inter-American Development Bank. Another $150 million in housing investment guarantees—insuring the funds of private U.S. investors in Latin American housing—have been authorized and an additional $100 million requested. With matching funds from the host countries and downpayments by home purchasers, this means that roughly a billion dollars, most of it in new money, is being channeled into home construction in Latin America in the short space of 3 years.

CONCENTRATION ON LOW INCOME FAMILIES

U.S. housing assistance is designed to aid low income groups. More than $250 million of the $335 million in U.S. Government funds committed for housing loans in Latin America through AID and the Social Progress Trust Fund has been for very low cost housing. The remainder has been committed for "seed capital" loans to foster the creation of savings and credit institutions which will enable Latin Americans to provide housing for themselves. The U.S. effort has been particularly directed at housing for the lower income groups that show the greatest self-help potential, those inside the money economy, with jobs, and fairly steady incomes. This effort has been concentrated too in the urban areas to take care of the festering problems created there by rapid growth and influx from the countryside, with special attention to the urgent needs of slum dwellers, semiskilled and unskilled workers and white collar workers such as teachers and civil servants whose pay scales are particularly low. Although there are today no accurate income distribution statistics for Latin America, the indications are that U.S. aided houses are within the reach of a large percentage of Latin American workers. The United States is supporting and will continue to support efforts to reduce the costs of Latin American housing construction—through research, through training programs and through the demonstration effects of investment guarantee programs.

Assistance has also been given, both through AID and the Social Progress Trust Fund, to every country in Latin America for "impact" projects reaching the low income families in both urban and rural areas. This has been to encourage the Latin American countries to attack the problem on a large scale with their own funds.

As a matter of policy, and in accordance with the legislative history of the United States authorizing legislation, the Board of Directors of the Inter-American Development Bank limited assistance, under the Social Progress Trust Fund, to nonsubsidized housing built for sale. Under its criteria, units range in cost as low as $500, with average costs under $1,900 and are designed for families with monthly incomes of $35 to about $200.

AID assistance has been for housing in the same general price range and a little higher. AID assistance included a loan of $30 million to Venezuela for municipal slum clearance and community development. In Colombia, where AID commitments amount to $19.5 million, the vast majority of the credits are in the aided self-help area—for workers who will largely build or improve their own homes, once improved land has been set aside.

COOPERATIVE HOUSING

With the incentive and mandate of the Humphrey amendment to the Foreign Assistance Act, emphasis is also being placed upon the development of housing cooperatives in the expectation that the economies in design, construction, financing, and operation will reach lower middle income families. Teams from the Foundation for Cooperative Housing, a U.S.-based organization under contract with AID, have already visited 13 Latin American countries to lay the groundwork for assistance to housing cooperatives. One such loan, for $2 million, already has been approved; and an application for projects totaling $4,500,000 is under active consideration. Still other projects are being developed. Another AID contractor, the American Institute for Free Labor Development, is engaged in developing similar projects for the free labor movement.

SAVINGS AND LOAN ASSOCIATIONS

AID assistance is being used very successfully in the growing system of savings and loan associations. Nine countries, over the past 3 years, have adopted savings and loan legislation. AID is supporting savings and loans institutions with seed capital loans, in recognition of the fact that capital formation is a necessary adjunct of economic development, and is a key to meeting Latin American housing needs. The first loan in support of an AID-initiated savings and loan system went to Chile and was followed by loans to Peru, Ecuador, Argentina, Venezuela, the Dominican Republic, El Salvador, and the Central American Bank for Economic Integration. In all, a total of $74,900,000 has been committed.

Already, in the five countries of Chile, the Dominican Republic, Ecuador, Peru, and Venezuela, there are now over 70 savings and loan associations, some 150,000 savers, $50 million in local savings, and 18,000 homes financed. Luxury housing is discouraged. In some areas, income limits or sales prices are established by law, and, in other cases, by agreement with AID. The average cost of houses actually being built is less than $5,000. In the largest program, Chile, family incomes average $150 monthly.

Very low income groups cannot be assisted by this financial mechanism at this time. As in the United States, the savings institution must first be accepted by the financial and savings community. It must establish a sound base, obtain savings from various income strata, and then it can press to direct its resources into lower income levels of borrowing. Even so, the savings and loan associations are serving income levels which, as with many U.S. citizens, could never hope for an unsubsidized house in the absence of long term credit. The availability of mortgage financing for middle income housing also relieves the public agencies of pressure to finance housing for the middle and upper middle income groups and free their financial resources for the lower income groups.

INVESTMENT GUARANTEES

In an effort to demonstrate U.S. know-how in design, construction, financing, and administration, AID in 1961 was authorized to guarantee U.S. investment in housing in

Latin America to the extent of $150 million. Another $100 million is awaiting enactment in the Foreign Assistance Act of 1964. Applications for guarantees exceed $400 million; and, to date, some 14 guarantees, covering investments of approximately $100 million, have been approved. The costs of the homes built under the guarantees range from $2,300 to $11,700 for families with annual incomes between $1,100 and $4,700.

INSTITUTION BUILDING

In the final analysis, U.S. aid must be directed toward building the public and private institutions which will provide a source of credit and housing for all sectors of the population. "One-shot" projects act merely as a temporary palliative. They are sometimes needed to provide a recognition that the United States is cognizant of the problem. Nevertheless, the emphasis must be upon building the capital forming institutions and an expanding home construction industry, which can utilize the most modern techniques to meet the need for homes, particularly low-cost homes. This is the policy followed by the Agency for International Development under the Alliance for Progress.

SENATE RULES AND PROCEDURE

Mr. CLARK. Mr. President, ever since the summer of 1960 I have been of the view that the Standing Rules of the Senate were a strong deterrent to the proper and efficient functioning of this body. At that time, I offered a series of proposals for specific changes in the Senate rules. That was back in the 86th Congress.

By the time the 88th Congress, 1st session, rolled around, 16 specific changes in the rules were recommended by me, and referred to the Subcommittee on Standing Rules of the Committee on Rules and Administration. There they received a chilly reception, and there they languish to this day.

What has happened in Congress since 1960 has confirmed my conclusion that the rules and procedures of the Senate are one of the principal deterrents—not the only ones, to be sure—to an effective and efficient functioning of this body in the modern world.

So today I shall propose, at the end of this speech, a top-to-bottom revision of the Standing Rules of the Senate, designed to eliminate archaic, obsolete, and undemocratic procedures, in order to permit a majority of the Senate to act when such a majority is ready for action.

Although the Senate, until a few minutes ago, was supposed to be acting on the foreign aid authorization bill, the fact is that because of the plainly nongermane Dirksen "rotten borough" reapportionment rider, the Senate had tangled itself up hopelessly on the subject of legislative apportionment.

We started down this road on August 12 of this year, when the original Dirksen amendment was proposed. It is now September 23. During that period we have engaged in desultory debate on a number of other subjects. Occasionally, the Dirksen "rotten borough" amendment to the foreign aid authorization bill was set aside so that other legislation could be disposed of. Only 18 days during that period of approximately 6 weeks have been consumed in debate on the Dirksen amendment. Nevertheless, its pendency and the strong objection to its adoption by a substantial number of Senators, of whom I am one, has effectively prevented the Senate from conducting its normal business, adjourning, and going home at a reasonable time.

The same situation arose earlier in this session, when Senate debate on the motion to consider the House-passed civil rights bill, H.R. 7152, was begun on March 9, 1964. It was 3 months and 10 days later, on June 19, 1964, when, after imposing cloture on a civil rights bill for the first time in Senate history, a modified version of H.R. 7152 was passed.

During that 3-month, 10-day period, 83 days of unlimited debate took place on the civil rights bill. The rest of the time was consumed in desultory debate on other matters. As I recall, the civil rights bill was set aside on a few occasions in order to pass noncontroversial legislation. But, in effect, 3 months and 10 days of this session were devoted to the civil rights bill, and 6 weeks of this session have been devoted to the Dirksen reapportionment rider to the foreign aid authorization bill. That makes a total of slightly less than 5 months devoted this year to these two matters.

I suggest that under the normal rules and procedures of practically every other legislative body in the civilized world, we could have disposed of the civil rights bill in 30 days, with full and free and extended debate.

Under appropriate procedures, we could and should have disposed of the Dirksen "rotten borough" amendment to the foreign aid bill by a simple point of order, which would have ruled it out of order because it was nongermane, if we had had the same kind of rules in this body as are in existence in practically every other legislative body in the civilized world.

It should be pointed out that in the cases of both the civil rights bill and the Dirksen amendment, the normal committee procedures were not followed, and the looseness of those procedures under existing parliamentary law contributed to the vast amount of wasted time consumed by those two reasons. Now, happily, thanks to the leadership of our majority leader, the distinguished senior Senator from Montana [Mr. MANSFIELD], there will be another opportunity tomorrow to dispose of the Dirksen amendment by a vote which has been agreed to on an amendment in the nature of a substitute proposed by Senator MANSFIELD.

Nevertheless, we have permitted ourselves to waste about 3 months of precious time. Moreover, we have wasted this precious time in a presidential election year when, historically, Congress has adjourned early in order to permit Members of both Houses of Congress to return to their constituencies and to campaign for reelection or, with respect to two-thirds of the Senate, for the presidential candidates of their parties, during the fall of the year. Because of our archaic rules and procedures, it has not been possible to do so this year. I suggest that if the Senate had been operating under the normal legislative procedures common to most legislative bodies in the free world, we could have adjourned no later than the 4th of July 1964, with all of our legislative business disposed of, after full, free, and adequate debate, preceded by appropriate consideration of the legislation in committee.

Earlier today, the majority leader, in proposing his substitute amendment, on which we shall vote by unanimous consent tomorrow, referred to the impotence into which the Senate had fallen because of the futility of our procedures. He stated that the reputation of the Senate was at stake because we had placed ourselves in a parliamentary situation in which we were unable to act because of our rules.

The majority leader was successful, some 6 weeks after the Dirksen amendment became the pending business, in bringing the Senate to a point where, hopefully, tomorrow we shall be able to terminate bebate and dispose of the Dirksen amendment. This, of course, is not certain. If the vote is unsatisfactory to those who have been using the rules to the hilt to prevent the Dirksen amendment from being adopted, there is still danger that extensive, unlimited debate will continue; that it will be impossible to impose cloture; and that the Senate will remain a captive of its own lack of self-discipline for several weeks more, while the presidential campaign reaches the height of its fervor, with Congress still in session.

The reason for the parliamentary dilemma in which we find ourselves with respect to the Dirksen amendment is that the Senate rules permit a nongermane amendment to be offered, adopted, and disposed of before the principal legislation to which it is offered as an amendment can be voted upon. In short, this miserable legislative muddler in which we find ourselves is a direct result of our indefensible rules and procedures, which permit wholly unrelated subjects to be brought up as nongermane amendments; in this case, to the foreign aid authorization bill. I ask, parenthetically: How illogical can we be? Thus we deny both to the Senate and the President the right to consider on their merits this extremely significant proposal dealing with the reapportionment of State legislatures and the very important foreign aid authorization bill.

One of the key proposals in the revision which I shall propose today is a rule barring all nongermane amendments. A rule like this is now in force in the House of Representatives and in virtually every other legislative body in the free world. If it were in force in the Senate, we would all have been home with our constituents a good many weeks ago, where we belong.

A change in the rules of both branches of Congress was advocated in the political platforms of both parties in 1960 and again in 1964. It has been my view for sometime that the action taken at the national conventions of the two major parties in terms of the platforms they adopt, as well as the candidates they nominate, is far more representative of the thinking of the people of the country than many of the actions taken in both the House and Senate, where methods and procedures of nomination, election, and character of service tend to obscure the workings of a free, representative form of government. I have treated this subject in some detail in a book entitled "Congress: The Sapless Branch," published last May, which contains a most perceptive introduction by Mr. Dennis Brogan, a well-known British authority on American Federal Government.

(At this point Mr. NELSON took the chair as Presiding Officer.)

Mr. CLARK. Mr. President, it is worth while to note the broken pledges of the platforms of the Republican and Democratic Parties in 1960, and the new promises which were made by both parties in 1964.

In 1960, the Democratic platform adopted at Los Angeles stated:

> In order that the will of the American people may be expressed upon all legislative proposals, we urge that action be taken at the beginning of the 87th Congress—

That was back in 1961.

> To improve congressional procedures so that majority rule prevails and decisions can be made after reasonable debate without being blocked by a minority in either House.
>
> The rules of the House of Representatives should be so amended as to make sure that bills reported by legislative committees reach the floor for consideration without undue delay.

Parenthetically, I point out that back in 1960, few people believed that the House Rules Committee would arrogate to itself the naked power to send bills to the House floor which had not been reported from standing legislative committees and with respect to which no discharge petitions had been filed by Members of the House.

The Republican platform of 1960, as a part of its civil rights plank, pledged its best efforts "to change present rule XXII of the Senate and other appropriate congressional procedures that often make unattainable proper legislative implementation of constitutional guarantees."

Both those platform planks were cynically ignored, both by the Democratic majorities in the House and Senate and the Republican minorities in both Houses.

This was not because Senators and Representatives who were in sympathy with those two platform planks did not make earnest efforts to see that they were translated from promise into performance. It was because of what I have chosen to call the congressional establishments in both Houses, which were determined to see to it that those planks in the national platforms should not be carried into effect.

In 1964, at San Francisco, the Republican platform, no doubt influenced by the two candidates whom that party has chosen to nominate for the offices of President and Vice President of the United States, backtracked from 1960. Nevertheless, there is contained in the 1964 Republican platform, rather skillfully concealed in a mass of other verbiage, the following pledges:

> Effective budgetary reform, improved congressional appropriation procedures, and full implementation of the antideficiency statute;
>
> A wide-ranging reform of other congressional procedures, including provision of adequate professional staff assistance for the minority membership on congressional committees, to insure that the power and prestige of Congress remain adequate to the needs of the times.

In candor, one could say that a case could be made for the proposition that the Republican platform still advocates at least some measure of congressional reform. One hopes that when at least a few Republicans return to the House and Senate in January of next year, their ranks will include Members of both bodies who will be prepared to support those platform pledges.

The Democratic platform adopted in Atlantic City in 1964 is, in my judgment, candid and forthright.

It states:

> The Congress of the United States should revise its rules and procedures to assure majority rule after reasonable debate and to guarantee that major legislative proposals of the President can be brought to a vote after reasonable consideration in committee.

The effort to obtain congressional reform during the past few years did not consist solely of efforts to change the rules and procedures in accordance with platform pledges. Efforts were made to reform the Democratic conference, the Democratic steering committee, and the Democratic policy committee of the Senate. Efforts were made in the House to change the vast powers of the House Rules Committee and to effectuate other badly needed reforms in that body which are not, strictly speaking, within the purview of the standing rules of the House, but were, rather, efforts to reform the party structure to enable Members in each party in the House to work their will on the leadership of the respective parties.

Another effort was made in both the Senate and the House to follow the analogy of the LaFollette-Monroney committee of 1945, a joint committee created to review the rules, procedures, manners, and customs of both bodies and report needed changes for appropriate action.

In the Senate, that concurrent resolution, Senate Concurrent Resolution 1, was gutted by an amendment in the Rules Committee which would have had the effect of depriving the Joint Committee on the Organization of Congress—which Senate Concurrent Resolution 1 would have set up—of jurisdiction to study that which most needs study; namely, the rules, precedents, and procedures of the House of Representatives and the Senate.

Again, the Senate establishment, by an amendment which it caused to be made in the Rules Committee in the original text of Senate Concurrent Resolution 1—which incidentally was cosponsored by some 30 Senators—insisted on removing the authority of the joint committee to be created by the concurrent resolution to look into the rules of either body.

With that amendment, in the opinion of its principal sponsors, the concurrent resolution was so relatively meaningless that no serious effort was made to bring about its passage.

One effort was, in fact, made to call it up, to restore it to the form in which it had originally been introduced, and, hopefully, to send it to the House for concurrence. That effort, however, was defeated by a two-word filibuster on the part of the junior Senator from Georgia [Mr. TALMADGE] when he arose and said, "I object" to a proposal for the immediate consideration of the resolution. The parliamentary situation at that time was such that it was obviously impossible to bring the original resolution to a vote. So the effort was abandoned.

The new proposed Senate rules which I shall shortly offer are a comprehensive revision of the present Senate rules. At the conclusion of my speech, I shall ask unanimous consent to have printed in the RECORD a summary of the 27 major changes which these rules would effectuate and a tabulation in which the new proposed rules are printed side by side with the existing rules which they would effectively replace if this revision should be adopted.

Early this year, I concluded that a piecemeal approach to a reform of the Senate rules, although it could effect some useful changes, is not really adequate to do the job. Although piecemeal amendments and changes to the rules can close some loopholes for obstruction and delay, others remain open. The rules are closely intertwined, and they work together. To be sure, from my point of view they work badly, from the standpoint of expedition and efficiency. But, if we are to change the rules, I have concluded that a comprehensive, overall approach is called for. That is what Senate Concurrent Resolution 1 was designed to provide. But, I have reluctantly concluded that that resolution will never see the light of day in the House. And we cannot possibly bring it to a decision in the Senate this year. A year has gone by with no action. In the meanwhile, the time for setting up a joint study committee which could make a reasonably prompt report on rules revision, has come and gone.

Accordingly, I have concluded that I should introduce this comprehensive revision now, at the end—or near the end—of the 2d session of the 88th Congress, with the thought that it can provide a basis for discussion both inside and outside of Congress. Perhaps when the election is over and the 89th Congress assembles, the proposed new rules can provide the basis for that procedural reform which is so badly overdue in this body.

This comprehensive revision has been under study and drafting ever since January of this year. It is only now ready for introduction. I pay tribute to Mr. Robert L. Tienkin, of the Legislative Reference Service of the Library of Congress, American Law Division, under whose aegis this long, hard, difficult, detailed work has been done.

I pay tribute also to my legislative assistant, Mr. Harry K. Schwartz, who, working with me and Mr. Tienkin, has been of invaluable assistance in developing the final form of this rules revision.

The subject of congressional reform is engaging more and more public attention. Long before my book "Congress: The Sapless Branch" was published last spring, a symposium on congressional reform was arranged by the American Assembly, whose presiding genius is Henry L. Wriston, formerly president of Brown University, and whose president is Clifford Nelson. That 3-day symposium will take place at Arden House, New York, on October 29, 30, and 31, of this year. Independently of this symposium, a study of congressional procedures is being conducted by the American Political Science Association, with Dr. Ralph Huitt, as the director, under a grant of $230,000 from the Carnegie Corp. This study was begun on March 1, 1964, and will run for a period of 2 years.

Since my interest in congressional reform has become a matter of public record, I have been invited to address meetings all over the country on this subject. I have always found an interested and attentive audience, well briefed on the difficulties into which "Congress, the Sapless Branch," has fallen as a result, in part—although not in whole—of the deficiencies in its rules and procedures.

The other day I learned that in Palm Springs, Calif., a comprehensive symposium on this subject, which will be addressed by Mr. Denis Brogan, who wrote the introduction to my book—and which symposium I hope to attend—will be held over the Thanksgiving weekend.

I would hope that the revision which I introduce today will be of assistance to the American Assembly, to the American Political Science Association, and to other study groups in their efforts to decide just what form congressional reorganization should take. I would hope to receive their comments before this comprehensive rules revision is reintroduced next year and referred to the Committee on Rules and Administration, in which committee I hope it will receive a less chilly reception than it has in the past.

The main objectives of this proposed revision of the Senate rules are threefold: First, to implement the principle of majority rule by eliminating loopholes through which small minorities and individual Senators have been able unduly to hinder, delay, and obstruct the conduct of public business by the Senate; second, to chop out archaic and obsolete deadwood in the rules by streamlining and modernizing procedures, and by deleting provisions which have long since lost their usefulness; and third, to make the rules as simple, concise and as explicit as possible, providing for Senators, their staffs, and the public an understandable description, in chronological form, of the way the Senate operates.

Thus, by merely learning and mastering the rules and not by attempting to conquer a host of conflicting and confusing precedents going back in history to the first session of the Senate in 1789, the normally intelligent Senator—and that, I hope, includes all 100 of us—would be able to understand Senate procedure.

A considerable effort has been made to retain the present language and structure of the Senate rules when it appears to meet those three criteria. If anything, there has been a bias toward leaving things the way they are unless some sizable improvement can be attained by making a change. But wherever innovations in procedure seem to have been called for by experience, changes have been made. In other cases, although old procedures have been retained, language has been changed to do away with parliamentary fiction or to make the substance of the rules clearer and more explicit.

I should like to comment now on some of the major proposed changes. I shall discuss them more or less in chronological order, since that seems a logical way to proceed. The concept is that first we look at the rules dealing with the initial meetings of the Senate, then proceeds to those dealing with debate and the like, pass in due course to committee procedures and consideration, and then deal with the procedure involved in the passing of bills. There are further provisions on the subject of conflict of interest, disclosure of financial interests, relations with lobbyists, moonlighting by employees and the like, and one or two proposals for joint congressional action, which would also require approval by the House of Representatives.

I turn now to the specific proposals. The first deals with the keeping and reading of the Journal. In my view, the Senate Journal is nothing more than a quaint anachronism which is never looked at by anybody except the very able Journal Clerk, and which, when read—which is rare—is read only for the purposes of delay. For all practical purposes, the only function which the Journal has ever served in modern times has been taken over by the Congressional Record. The proposed revision recognizes this fact and satisfies Article I, Section 5, Clause 3 of the Constitution, which requires each House to keep a journal of its proceedings, by stating that the Senate section of the Congressional Record shall be the Senate Journal. That would do away with the present form of the Journal, which for many, many years was kept in hand written form, and which more recently has, I believe, been set in type subsequent to the close of business.

Since the Congressional Record is printed and available to Senators each morning following a Senate session, there is no need to have it read aloud, and, therefore, the proposed revision would abolish the right to require that it be read aloud. Presumably any inadvertent errors in the Congressional Record would be corrected informally or by unanimous consent as they are today, but the rules revision provides a procedure for correcting mistakes where the proposed correction might become controversial, by motion without debate in cases in which unanimous consent could not be obtained. Under this procedure, the Senator seeking to make the correction and the Senator objecting to the correction would be given the opportunity to file written briefs in support of their positions for publication in the Congressional Record the day before the vote is taken. If that rule were adopted, one of the tools of the filibuster would be removed. I suggest that that tool is not only an anachronism, but also is entirely unjustifiable as it has been used in the Senate for many long years.

The second matter subject to substantial change by the proposed rules revision is the subject of quorum calls. The 2d session of the 88th Congress has dramatically illustrated how the present unrestricted right of any Senator to call for a quorum at any time can cause his colleagues harassment and can delay the work of the Senate. The revision would circumscribe that right by requiring a Senator to declare his intention to call for a vote on the pending business once the presence of a quorum has been ascertained. If he were unwilling to declare this intention, he would have no right to suggest the absence of a quorum. However, I hasten to add that either the majority or the minority leaders, or, in their absence, the acting majority or minority leaders, could call for a quorum at any time, thus preserving the useful and informal procedure of suggesting the absence of a quorum for the purpose of notifying a speaker who desires to be heard that the time has come for him to obtain recognition.

It would also preserve the right to suggest the absence of a quorum as was done this afternoon, when we were working out the procedure for obtaining a vote on the motion of the Senator from Arkansas [Mr. Fulbright] to refer the conference report on Public Law 480, the Agricultural Trade Development Act, to the Foreign Relations Committee. By the device of suggesting the absence of a quorum it was possible to engage in negotiations with the majority and minority leaders and others, out of which sprang the unanimous-consent agreement under which we shall vote on the Fulbright motion tomorrow.

A further change in the quorum rule would require the Presiding Officer, to halt the quorum call once he ascertained the presence of a quorum in the Chamber. I remember very well on occasion earlier in this session when, for purposes which I now forget, a Senator suggested the absence of a quorum when there were obviously 60 or more Senators on the floor of the Senate.

Under the precedents, the Presiding Officer felt he had no authority to reject the request for a quroum call on the ground that he could count and see and that obviously a quorum was present.

Similarly, on many occasions Senators have been advised by the Presiding Officer that a quorum was present when there were no more than four or five Senators on the floor. This is done under the fiction that if a Senator responds to his name on a quorum call and immediately leaves the Chamber, he is counted as being present even though he is not.

I recall raising this question once before this year, and being advised by the Presiding Officer, who was acting under instructions of the Parliamentarian, that even though a quorum was not present and he could see it and I could see it, nevertheless, 51 Senators having responded to their names on the quorum call, he was compelled to rule that a quorum was present. "How silly can we get?"

The third matter of rules revision would deal with the question of the order in which Senators shall be recognized when they seek recognition on the Senate floor. This provision would commit to writing the now unwritten rule that the Chair will always give preference in recognition to the majority and minority leaders. In the absence of either leader, it gives the equivalent right to any Senator designated to act in that capacity and who is occupying the leader's desk.

The present procedure purports to be that the first Senator heard by the Presiding Officer to address the Chair is recognized, but all Senators know this is not the fact. If either the majority or minority leader, or the most junior Senator in this body who temporarily is occupying the majority or minority leader's seat, and acting as leader seeks to be recognized, he will be recognized by the Chair, even though other Senators with vastly greater seniority have sought recognition.

This is a wise procedure. I suggest it is wise to incorporate it into the written rules.

The fourth matter of rule revision seeks to clarify the confusing situation which now exists with respect to the right to interrupt a Senator who has the floor, for the purpose of raising a point of order. Senators will recall several rather spirited discussions on the floor of the Senate in this session during which parliamentary rulings were obtained, not always identical in their result, as to whether a Senator could interrupt another Senator by raising a point of order.

The proposed revision provides that a Senator may be interrupted without his consent for the purpose of raising a point of order that the Senator in possession of the floor has transgressed a rule of the Senate germane to his continued possession of the floor.

Thus a Senator could not be taken from the floor if he refuses to yield, unless the point of order is directed to the right of that Senator to continue to hold the floor.

I suggest that this is a desirable change, which I hope will meet with the approval of a large majority of Senators.

The fifth suggested change in the rules would permit a Senator, on request, to have his written remarks printed in the Congressional Record in normal size print, without the requirement of full oral delivery. However, the Record would contain a notation to the effect that the material was submitted but not delivered orally.

I suspect this change would save countless hours of time, save the time of Senators, of clerks, of the assistants, of the parliamentarians, of the official reporters of debates, and others who are required to stay here when all save them have fled, like the boy who once stood on the burning deck.

I say to the Senator from Wisconsin [Mr. Nelson], who is reluctantly occupying the chair, that if such a rule were in effect, he would not have to stay here and perhaps be concerned as to whether he will get home in time for dinner, and have to listen to this rather extended discussion of the Senate rules.

If such a rule were in effect, perhaps I would have had the self-discipline to prepare my remarks in a more concise form, and merely handed them up; whereas I did not undertake to take the time to dictate the speech I am now imposing on my friend from Wisconsin and my five loyal friends in the Press Galleries, all of whom want to go home, the Parliamentarian, the clerks, the Official Reporters of Debates, and others who are required to remain here.

Another advantage of permitting speeches to be printed without delivery is that, in my opinion, this would give to readers of the Congressional Record the same information they would otherwise get. It would permit the press to get out the releases on Senators' speeches as soon as they were sent to the Press Galleries, and it would substantially expedite the business of the Senate.

The sixth proposed rule is one which I do not think I have ever violated. It would provide that whenever a Senator has held the floor for more than 3 consecutive hours, objection to his continued possession of the floor made by any Senator would compel him to yield the floor. This objection could be made as a point of order under the fourth proposed change in the rules, which I earlier described.

To me it has always seemed immature for certain Senators to think they have struck a great blow for freedom if they talk endlessly on a matter, always for the purpose of delay. To me it is like the old 6-day bicycle races run at Madison Square Garden when I was a boy. The purpose was to see who could last the longest.

I recall one occasion when I, as the occupant of the chair, was the innocent victim of a successful effort to break the record for the length of time a Senator could talk. My recollection is that in that instance the Senator talked for something over 23 hours. This resulted in another Senator's attempting to break that record—all, I suppose, for the greater glory of the Senate as the greatest deliberative body in the world.

I suggest that few Senators will feel that their constitutional rights would be adversely affected if they were told they could not talk for more than 3 hours at a time.

The seventh proposed change has to do with germaneness of debate, a subject which was discussed at some length in the Senate earlier in this Congress.

As a result of that discussion, we adopted the present rule, which provides for a daily 3-hour period of germane debate. This rule has not worked. It is honored more in the breach than in its observance. It has become customary to ask unanimous consent that the rule of germaneness be dispensed with while the Senator who desires the floor talks at some length on something else. An adequately drafted and properly prepared rule of germaneness would, in my judgment, save day after day of windy discussion of inappropriate matters, and vastly expedite the passage of important legislation.

I regret that the limited rule we have adopted has not been enforced by Senators in charge of legislation. Under what seems to be a mistaken rule of senatorial courtesy, they have uniformly refused to enforce the rule, and have either not obtained floor recognition or have yielded to other Senators who wished to speak on matters other than the pending business.

This, in turn, has delayed by significant periods of time the determination—by passage or defeat, as the case may be—of pending legislation.

The eighth change deals with points or order, and would limit debate on questions of order submitted to the Senate and debate on appeals from rulings of the Chair, to 1 hour, to be equally divided between the proponents and opponents of the point or order, unless the Senate should otherwise direct.

Thus, an extended filibuster conducted on a point of order would no longer be possible, and the Senate would come to a prompt determination of the point of order after what in every case would be adequate debate.

The ninth proposed change would result in an extensive revision in the morning hour rule. There is now vast confusion between the "morning hour" and "morning business."

We pay practically no attention to rule VII, as it is now written. We operate under a unanimous-consent agreement each day, which limits speeches during the morning hour to 3 minutes, and is preceded by a unanimous-consent request to dispense with the reading of the Journal. This clumsy procedure would be abolished by the proposed change, and the confusing distinction between the morning hour and morning business would be done away with; and there would be no need to ask for unanimous consent, which has sometimes been refused, to dispense with the reading of the Journal. The rule would confine speeches to not more than 3 minutes. Under the proposed revision there would be a daily period of 1 hour, if that much time should be needed, set aside at the opening of each new legislative day, for the conduct of morning business. The Senate, by majority vote, determined without debate, could extend this period for up to 1 additional hour. During this 1- or 2-hour period, as the case may be, under the regular order of business, Senators would have the privilege of making 3-minute statements and could ask unanimous consent to have printed matter inserted in the Congressional Record.

In my judgment, the present procedure, which is not conducted under rule VII at all, is most inappropriate. It is really illegal. We need a commonsense revision of rule VII, the morning-hour rule.

The 10th proposed change deals with motions to take up legislation. The revision would provide a means by which a Senator could convert a motion to proceed to the consideration of any measure on the Senate Calendar, which under the present rule is debatable, into a nondebatable motion.

Senators will recall that we spent 16 days in March of this year debating the motion to take up the civil rights bill. During that 16-day period, extensive and lengthy speeches in opposition to the bill were made by Senators who later conducted the filibuster on the merits of the bill.

Those 16 days of Senate time were wasted on a technicality. The revision would provide that any Senator could file at the desk of the clerk a notice of his intention to make a nondebatable motion to take up a certain measure on the following calendar day on which the Senate is in session. Notice of the intention, which unquestionably would contain an argument in support of the motion, would be printed in the CONGRESSIONAL RECORD the day before the motion could be called up.

This, I am confident, would deprive those who seek undue delay and who use the filibuster as a technique or a tool, used as recently as 6 months ago—and used very effectively—of the opportunity to protract the period before which a matter could be brought to a vote on the floor of the Senate.

The eleventh change is an extensively rewritten version of the present provision dealing with bills, joint resolutions, and Senate resolutions. The purpose has been to clarify the operation of this rule and to reduce the potential for disruption of normal legislative procedures occasioned by the objection of a single Senator. The present provision, by which any Senator can prevent a bill from being referred to committee and have it placed directly on the calendar after second reading, has been eliminated.

Senators will recall that this procedure was used as recently as a month ago, or perhaps less, by the junior Senator from South Carolina [Mr. THURMOND], to prevent reference to the Judiciary Committee of the Tuck bill, which would have made vast changes in judicial procedures, and would have, in effect, overturned the recent Supreme Court decisions dealing with reapportionment. One Senator was able to prevent the normal procedure of referring the House-passed bill to committee from being carried into effect.

To me this is entirely wrong, and it should not be permitted. Senator THURMOND himself said that he disapproved of the present procedure and intended to submit a rule change dealing with it. It occurs to me that if the junior Senator from South Carolina and the senior Senator from Pennsylvania are in accord with respect to a needed rule change, perhaps there is good reason to give careful consideration to such a proposed change. The change would provide that a bill could be diverted from being sent to committee, only on motion approved by a majority of the Senate after 1 hour of debate, equally divided between the opponents and proponents.

An existing rule permitting any Senator to force a postponement for 1 day of the introduction of any bill or joint resolution has also been eliminated.

The net result would be that one Senator would no longer be able to prevent the normal procedure of a bill being referred in short order to committee, from being carried into effect. However, protection is given in cases in which a majority of the Senate might want to bypass a committee, as was done with the House-passed civil rights bill earlier this year, by an appropriate motion, determined after 1 hour of debate and approved by a majority of the Senate.

The 12th proposed change deals with the ex officio members on the Appropriations Committee. The present Senate rules provide for the selection of three ex officio members of the Appropriations Committee from each of eight named legislative committees. These ex officio members serve on the Appropriations Committee for the limited purpose of considering only appropriations for programs within the jurisdiction of their particular legislative committee.

This rule is archaic, in that it omits any provision for ex officio members from several of the most important legislative committees whose legislation, when approved by the committees, requires appropriations to implement it.

Thus the present rule does not permit the appointment of ex officio members of the Committee on Appropriations to be selected from the very important legislative committees on Commerce, Finance, Interior and Insular Affairs, Judiciary, and Labor and Public Welfare.

The 13th proposed change has to do with the germaneness of amendments. This I have already referred to in connection with the Dirksen "rotten-borough" amendment dealing with reapportionment. The proposed provision would be similar to the present practice in the House of Representatives, which has a general prohibition against nongermane amendments. Whether a proposed amendment was germane or not would be decided by the Presiding Officer on the advice of the Parliamentarian, subject to appeal to the Senate from his ruling. The appeal could be determined without debate.

The 14th proposed change is probably the most important and possibly the most controversial of all those contained in the suggested revision. It would go back to Jefferson's Manual, Cleaves' Manual, the Procedure of the House of Representatives, and the procedure in most of the State legislatures in the 50 States. It would provide for a reinstatement of the age-old motion for the previous question. The present cumbersome and unwieldy cloture provisions of rule XXII would be deleted if this change were adopted. In place would be substituted a modern split-level motion for the previous question, by which a majority of Senators present and voting could terminate debate: First, on any motion or amendment to a measure pending before the Senate, after that motion or amendment had received 15 hours of consideration on not less than 3 calendar days. I stress that this first segment of the proposed rule deals not with the bills themselves, but with motions relating thereto and amendments to the bills.

The second level of the previous-question rule would permit the previous question to be moved after the measure plus all related motions and amendments had received consideration for 15 calendar days. If approved by a majority of the Senators present and voting, it would terminate debate on the measure itself, together with any motions or amendments relating thereto.

If the previous question were ordered, 1 hour of debate, equally divided between the opponents and proponents, would be allowed with respect to any motion or amendment encompassed by the motion for the previous question, and 4 hours of debate, divided in the same manner, would be allowed on final passage.

Unlike the cloture procedure, under which Senators may call up for a vote after cloture any germane amendment which has been previously presented and read, the proposed procedure would limit the consideration, after the previous question had been ordered, to amendments embraced by the motion. All other amendments would be deemed rejected. Had this rule been in effect, the debate on the civil rights bill would, in all likelihood, have been drastically curtailed.

Debate on amendments called up could be limited to 15 hours on each amendment. Needless to say, when a majority of the Senate was prepared to reject an amendment, a motion to table would be in order prior to the end of the 3-day period. Debate on the civil rights bill itself would have been limited to 15 calendar days. I urge upon Senators that that would have been plenty; that adequate debate on the civil rights bill could have been completed and opportunity given to all Senators who wished to express themselves extensively to bring their case before the Senate and the country before a vote was required.

I point out, further, that the previous question motion could be adopted only if a majority of the Senate desired to adopt it. Thus a salutary rule, that the Senate should be permitted by its procedures to act when a majority is ready for action—a salutary rule in effect in practically all other legislative bodies—would be established for the first time in the Senate.

The 15th proposed change has to do with voting. Two additions would be made to the existing rule, both for the purpose of codifying existing unwritten practices. First, a demand for the yeas and nays, when seconded by 11 Senators, would be sufficient to require a yea-and-nay vote. This provision is an unwritten procedure at the moment; I suggest that it would be wise to put it in writing.

Second, Senators entering the Chamber after their names had been called might obtain recognition from the Presiding Officer and have their votes recorded prior to the announcement of the vote. This, too, is an unwritten procedure, which has to be dug out of the Senate manual. In my judgment, it would be wiser to write it into the rules.

The 16th proposed revision is an important and highly controversial one.

It would provide that the chairmen of standing committees would be chosen at the beginning of each Congress by secret ballot of the majority members of the committee. When I say, "majority members of the committee," I mean those members adhering to that party which controls a majority of the members of the committee. In addition, no Senator would be permitted to serve as chairman of a standing committee after he had attained the age of 70 years. I have argued the desirability of this change on the floor of the Senate and before the Committee on Rules and Administration on many occasions. No useful purpose would be served by elaborating or reiterating that argument this afternoon.

The 17th proposed change has to do with the jurisdiction of committees. I believe the jurisdiction of the Committees on Finance, Banking and Currency, Foreign Relations, Commerce, and Labor and Public Welfare should be shifted to provide a more logical and equitable division of responsibility. We had an excellent example of a related problem, not dealt with in this proposal, on the floor of the Senate today, when a drastic change in foreign policy, offered as an amendment on the floor of the House of Representatives, and never considered by either a House committee or a Senate committee, was brought before the Senate for approval and received the prompt rejection of the chairman of the Committee on Foreign Relations. To me, it is inconceivable that major foreign policy should be made in a bill within the jurisdiction of the Committee on Agriculture and Forestry. Yet there is nothing in the existing rules to prevent a conference committee working on a bill within the jurisdiction of the Agriculture Committee from attempting to change the administration's foreign policy without taking a word of testimony from the administration or from anyone else as to whether a change was desirable.

In addition, the proposed rewriting of rule XXV would enlarge the jurisdiction of the Committee on Rules and Administration to include the oversight of violations of rules of the Senate. The Committee on Rules and Administration would also be given the power to recommend appropriate disciplinary action, including reprimand, censure, suspension, or expulsion of a Senator or a Senate employee, after the committee had made findings of fact, conclusions, and recommendations, and after according notice and an opportunity for hearing to any individual concerned.

This latter change arises out of my experience as a member of the Rules Committee in the consideration of what has been referred to as the Bobby Baker case. The substance of the rule was proposed by me on the floor of the Senate at the time of the controversy as an amendment to the proposal reported by the Rules Committee, and it was rejected at that time.

I suggest it again, because in my opinion it is badly needed to refurbish the reputation of the Senate not only with the people of the United States, but also with the entire world.

The 18th change would impose a limit on the number of committees on which a Senator may serve. The present rule limits membership of Senators on committees to not more than two major committees and one minor committee. However, it contains a "grandfather" clause making an exception for those Members—most of them active participants in the Senate Establishment—serving on the Government Operations and Aeronautical and Space Sciences Committees, both of which are legislative committees.

There is also an exception in the case of the Joint Committee on Atomic Energy, which is also a legislative committee.

As a result, some Senators serve on as many as four major committees and one minor committee. The revision would strike out the "grandfather" clause and make up the difference, as a practical matter, by slightly reducing the membership on certain committees. Thus, the Appropriations Committee would be reduced from 27 to 24 members. Of the remaining major committees, 10 would be cut back from 17 to 15 members, and 2 would be cut back from 15 to 13 members.

It has been my experience, serving as I do on two major legislative committees and one minor legislative committee, that it is quite impossible adequately and conscientiously to perform one's work as a member of a committee when we serve on as many as three committees.

One day this spring, I had four separate committee meetings at 10 o'clock in the morning, one for each of the committees on which I serve. On one committee, there were two meetings of subcommittees on which I serve. I was also supposed to attend a meeting of the Special Committee on Problems of the Aged, which is not a legislative committee, but is nonetheless important. It is obviously impossible for me conscientiously to appear and play my appropriate part in the deliberations of each of those committees.

We would have far more efficient and effective Senate action if Senators could become expert in the work of no more than two committees, and would stick to their knitting.

The proliferation in recent years of subcommittees presents an important ancillary problem. In my judgment, however, the subcommittee procedure is a wise one, saving a great deal of time of many members of the full committee who can rely on the hearings conducted by subcommittees and on the recommendations which they make, and who in the rare instances when they are not in accord with the recommendations of the subcommittee, have ample opportunity to propose amendments or, indeed, to oppose the recommendations of the subcommittee when the matter comes before the full committee for action.

The 19th change, to my way of thinking, is an important one. It would reinstate what was intended to be the rule proposed by the Monroney-LaFollette committee in 1946. At present, standing committees may not now sit without special leave while the Senate is in session, except during the period when morning business is being conducted. A single Senator still has the power to prevent every standing committee and every subcommittee of a standing committee from meeting while the Senate is in session after the close of morning business. Thus, committee action is unduly delayed without the countervailing advantage of bringing Senators to the floor in order to listen to and engage in debate.

No Senator is so naive as to believe that floor attendance is substantially improved during those days when a single Senator, usually for purposes of delay, forbids a standing committee or a subcommittee from proceeding with its legislative business because the Senate is in session. The sole purpose of my proposed revision is to implement the intention of the draftsmen of the Legislative Reorganization Act by stating that a Senate standing committee or subcommittee may obtain leave to sit while the Senate is in session on a motion which shall be privileged and not debatable. Thus, if there is a controversy, the matter can be disposed of promptly, and in the ordinary course of events, the committee will be permitted to continue to sit.

The 20th proposed change is what I call the "committee bill of rights." It would authorize a majority of the members of each standing committee, in addition to the procedures now provided for by individual committee rules, to convene meetings; to direct the initiation, conduct and termination of hearings; to call up bills for consideration; and to terminate debate in committee after a measure had received committee consideration in executive session for a total of 5 hours. These procedures are now in effect in a number of standing legislative committees. Equally clearly, however, they are not in effect in others. In committees where there is no committee bill of rights, delay is the order of the day when the chairman, supported by two or three other members, is determined to prevent a majority of the committee from bringing legislation to the floor to which the chairman objects.

The classic case is civil rights legislation, which has never yet appeared on the floor after being referred to the Committee on the Judiciary.

(At this point, Mr. McGOVERN took the chair as Presiding Officer.)

Mr. CLARK. Mr. President, the 21st change has to do with instructions to committees to report on major legislative matters. Its purpose is to assure that major legislative proposals of the President of the United States can be voted on on the floor, after reasonable debate, and after reasonable consideration and hearings in committee.

Although it is axiomatic that the committees of the Senate are its creatures and agents, no procedures—and I discount the practically never-used motion to discharge—presently exist by which the Senate can exercise its authority in a fair, orderly and effective manner. The motion to discharge has fallen into such disuse for so long a time that I despair of resurrecting it.

In any event, a motion to discharge cannot be used to secure committee consideration of a subject, nor does such a motion provide a device for obtaining a committee's recommendations. Moreover, the motion to discharge is debatable and therefore can be filibustered.

This proposal would remedy these defects by creating a privileged motion to denominate any measure pending in committee or subcommittee as a "major legislative matter." The motion would not be debatable, provided notice of intention to make such a motion had been presented on the previous calendar day and had been printed in the Congressional Record, which would have taken the place of the Journal.

Debate on such a motion would be limited to 8 hours, the time to be equally divided between the opponents and the proponents.

Such a motion, if carried by a majority of Senators present and voting, would constitute an instruction to the committee in which the measure was then pending to report it to the Senate within 30 calendar days, by poll or otherwise, with the recommendation that either it be passed, or that it not be passed, or that it be passed with amendments, stating the recommended amendments.

The 22d proposed change has to do with the selection of conferees. It would provide for an explanatory statement of the recommendations of the conferees to be made a part of the Record when a conference report is called up for consideration.

A classic example of the need for this rule took place on the floor of the Senate this afternoon when, with only three or four Senators in the Chamber, the Senate conferees on the amendments to Public Law 480, without any written report, brought up for immediate consideration and passage a conference report which contained what, to my way of thinking, was an iniquitous provision, which would change drastically the present policy of the Kennedy and Johnson administrations with respect to agricultural transactions with Poland and Yugoslavia.

Fortunately, the chairman of the Committee on Foreign Relations [Mr. Fulbright] was on the floor and objected strenuously to a conference report which contained this rather weird provision which had been inserted on the floor of the House without committee consideration.

The provision would prohibit Public Law 480 loans in certain categories to Poland and Yugoslavia, without having the matter considered even by the Committee on Agriculture and Forestry of either House. As a result of the action of the able chairman of the Committee on Foreign Relations, the conference report was not approved, and tomorrow afternoon we shall vote on whether that report should be referred to the Committee on Foreign Relations for recommendations. Had there been an explanatory statement by the conferees, and had that statement been printed in the Congressional Record, I suspect that a number of Senators who agree with the position of the chairman of the Committee on Foreign Relations, as I do, would have come to the floor to express their discontent with the conference report.

With respect to the selection of conferees, a rather spirited debate on this subject was engaged in on the floor of the Senate a few days ago in connection with the selection of conferees on the amendments to the Social Security Act, which included the Gore amendment, which, if approved by the conferees, would provide, for the first time, health care for the elderly under the social security system.

At that time, I pointed out that five of the seven Senate conferees had voted against the Gore amendment, which was the principal matter in dispute between the two Houses. Unfortunately, the conferees had already been appointed when I took the floor. They showed no disposition to resign in order to assure that a majority of the Senate conferees would have shown by their votes their approval of the Senate position on the major matters in disagreement with the House.

I hope that, despite this setback, Senators will give their approval to the proposal in the revised rules which would require that the Senate members of the conference committee should be chosen from those who have indicated by their votes their concurrence with the prevailing view of the Senate on matters in disagreement with the House. This is the procedure now, as set forth on page 172 of Messrs. Watkins' and Riddick's book on Senate procedure. But it has been violated time after time. Unfortunately I did not raise the question before the conferees had been appointed. These particular conferees did not choose to resign. And the opportunity to obtain conferees favorable to the Senate position was gone.

I hasten to add, as I said in the Chamber at that time, that I have complete confidence in the integrity of the conferees appointed on behalf of the Senate. But it hardly seems right to ask them to be advocates for the Senate position with which they so drastically disagree. I suggest that vast embarrassment would be saved to all concerned if the proposed rule were adopted.

The 23d change would require deleting the present provision in the Senate rules which continues the rules of the Senate from one Congress to the next. It would provide, as is the custom in the House, that a majority of Senators present and voting would be empowered to adopt rules at the beginning of each Congress. Senators will recall that that provision is in the Constitution of the United States. But, it has been continually ignored by the Senate at the time the Senate organizes at the beginning of each Congress. The proposed rule is in accord with the parliamentary rulings made by Vice President Nixon in both 1959 and 1961. It is in accord with the position taken by the senior Senator from New Mexico [Mr. Anderson] in the efforts that he has made year after year to have the Senate adopt new rules at the beginning of a new Congress.

To my way of thinking, it would give the only opportunity for Senators, with reference to the existing committee logjams, to say for themselves what changes, if any, in the Senate rules, the Senate, meeting at the beginning of a new Congress, ought to make.

The 24th change would require a disclosure by every Senator and every Senate officer or employee, compensated at a gross rate in excess of $10,000 per annum, of their business and financial interests.

Among the interests which would have to be disclosed would be: First, the identity and fair market value of any asset having a market value of $5,000, or more; second, the amount of each liability in excess of $5,000, and the name, and the address of the creditor; third, the source and amount of all capital gains realized in the preceding calendar year in excess of $5,000; fourth, the source and amount of every item of income realized in the preceding calendar year in excess of $100, including gifts, other than gifts from a relative; fifth, assets belonging to a trust in which the Senator or Senate employee had an interest; the assets, liabilities, capital gains and income of a spouse; and capital gains earned through a strawman are all covered; family homes and tax-exempt charitable entities would be exempted; sixth, disclosure would be required of any association with a professional firm, such as a firm of lawyers, which practices before a Federal Government agency; seventh, disclosure would be required of service as director, officer, or manager of a business enterprise.

This proposed change, and the 25th and 26th proposed changes—which I shall come to in a moment—derive from my study, as a member of the Committee on Rules and Administration, of the so-called Bobby Baker case.

The 25th change is another new rule. It was offered as an amendment on the floor to the proposals of the Committee on Rules and Administration which were finally rejected. It would prohibit Senators and Senate officers and employees from engaging in joint ventures with lobbyists and from accepting gifts worth more than $100 from lobbyists, as that term is defined in the act requiring the registration of lobbyists.

The 26th change also was offered as an amendment to the Committee on Rules and Administration conflict-of-interest resolution. It would grant authority to any duly authorized committee of the Senate to request any Senator to come before it and give any pertinent testimony that it has reason to believe he can give on the subject matter under investigation.

A Senator receiving such a request would be required to appear and give testimony, unless within 10 days he should deliver to the chairman of the committee a signed statement to the effect that he is without knowledge of the subject matter under investigation. The Committee on Rules and Administration would be given the power under a proposed change I have already described to investigate breaches of this rule, and to recommend appropriate disciplinary action, including reprimand, censure, suspension, or expulsion.

There is some confusion in the Senate precedents as to whether a Senate committee has the right to require a Senator to appear before it. The purported right has been exercised on several occasions, one as long ago as 1890.

When the McCarthy investigation was underway, Senator McCarthy refused to appear before a Senate investigating committee, and no serious effort was made to discipline him for that action. Although eventually a resolution of censure was adopted, it was a resolution which did not primarily apply to his refusal to testify.

The 27th, and last, of the proposed Senate rules changes also arose as a result of the Bobby Baker case, and would limit moonlighting by Senate employees—moonlighting being defined as holding a job for pay other than the employment as an officer or employee of the Senate. The proposed rule would prohibit officers and full-time employees of the Senate from serving in any managerial capacity in any business or financial enterprise or engaging in any regular professional or consulting practice, or maintaining an association with any professional or consulting firm—which would include lawyers, insurance brokers, and certified public accountants—without special leave of the Senate.

In addition, it would permit moonlighting only if two conditions were met: first, that the activity or employment must not be inconsistent with the conscientious performance of the officer's or employee's official duties; second, that express permission to enage in the moonlighting referred to must have been given by the Member of the Senate charged with the supervision of the officer or employee. For purposes of this rule, each Senator would be responsible for supervising his own staff; the chairmen of the committees would supervise committee staffs; the majority and minority leaders and the Vice President would supervise their own employees; and the President pro tempore of the Senate would be charged with the supervision of all other miscellaneous officers and employees of the Senate.

In addition to these proposed Senate rules, there are two proposals I intend to put forward which would require concurrent action by the House of Representatives. The first deals with Appropriation Committee procedures and would authorize the Appropriation Committees of the two Houses to hold joint hearings. It would also provide that half the appropriation bills each year would originate in each Chamber, thus doing away with the present, quite unconstitutional rule that all appropriation bills must originate in the House of Representatives.

I am confident that this change, if approved by the House, would vastly expedite congressional business and enable us to get away from here each year at a reasonable time.

Senators will recall that because, in part, of the absence of such a rule, we did not pass the foreign aid appropriations bill last year until the end of December. The proposed rule is identical with Senate Concurrent Resolution 28, submitted by me on March 7, 1963, and still pending in the Committee on Rules and Administration.

The second proposal requiring concurrent action is really the brainchild of the Senator from Washington [Mr. MAGNUSON] and is incorporated in Senate bill 2198, sponsored by him and cosponsored by the Senator from Oregon [Mrs. NEUBERGER], the Senator from Michigan [Mr. HART], and myself. It, too, is reclining in the Committee on Rules and Administration. The bill would divide the annual sessions of the Congress into two parts: First, a legislative session, which would begin on January 3 each year and end not later than the first Monday in November; and second, a fiscal session, beginning on the second Monday in November and ending not later than December 31. Under the proposed procedure the Congress would devote the earlier, and longer, session to substantive legislation, including authorizations. It would then recess for the summer and come back in November, after the fall elections, to deal with appropriations. During the initial session, of course, the Appropriations Committees could continue to do a good deal of work. When they came back in November, the appropriation bills should be ready for immediate consideration, or at least for consideration in short order, and I think they could be disposed of in the month which occurred after the convening of the second session of the Congress and before Christmas.

In order to make this suggestion feasible, the bill would change the fiscal year, which now starts on the 1st of July, to make it correspond to the calendar year, so that all appropriation bills would have been enacted before the beginning of the fiscal year to which they pertain.

Mr. President, that concludes my explanation of the proposed rules changes. In my judgment, those changes would go a long way toward restoring the "sap" to Congress, "the sapless branch." It would also go a long way toward implementing the as yet unenacted recommendations of the La Follette-Monroney committee, which rendered such excellent service during the years 1945 and 1946.

In conclusion, I should like to read into the RECORD the comments of the Special Senate Legislative Committee appointed in 1945 to make recommendations for the revision of Senate rules, procedures, and the like. The committee was presided over by Senator Robert La Follette, the younger. In the Legislative Committee report in which it sent its recommendations to the floor for debate, it was stated—and I believe the language is prophetic—

> Devised to handle the simpler task of an earlier day, our legislative machinery and procedures are by common consent no longer competent to cope satisfactorily with the grave and complex problems of the postwar world. They must be modernized if we are to avoid an imminent breakdown of the legislative branch of the National Government. * * * Democracy itself is in grave danger of disintegrating from internal dissentions under the terrific pressures of the postwar world.

Despite the earnest efforts of Senator La Follette and then Representative, now Senator, MIKE MONRONEY, of Oklahoma, those needed and desirable recommended changes were made only in part. In the intervening 18 years the old, unremedied abuses have continued, and other abuses have sprung up.

I hope that this effort to present to the Senate and to the country a comprehensive revision of our rules will eventually bear fruit, and that the Senate of the United States can again become, as it once was, and, in my opinion, no longer is, the greatest deliberative body in the world.

REVISION OF STANDING RULES OF THE SENATE

Mr. President, I send to the desk and ask for appropriate referral, a proposed comprehensive revision of the Senate rules in the form of a Senate resolution, to which are attached and made a part thereof the texts of Senate Concurrent Resolution 28 and Senate bill 2198.

The **PRESIDING OFFICER.** The resolution will be received and appropriately referred.

The resolution (S. Res. 372) was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Standing Rules of the Senate are amended to read as follows:

"RULE I

"Election of President pro tempore and selection of officers

"At the commencement of each Congress, the Senate shall elect a President pro tempore and shall choose its officers, the Secretary, the Sergeant at Arms, the Chaplain, the secretary to the majority, the secretary to the minority.

"RULE II

"Appointment of a Senator to the Chair

"1. The President pro tempore shall perform the duties of the Chair in the absence of the Vice President or vacancy in the office of Vice President.

"2. In the absence of the Vice President, and pending the election of a President pro tempore, a Senator designated by the majority leader, with the concurrence of the minority leader, shall perform the duties of the Chair.

"3. The President pro tempore shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair. In the absence of such designation by the President pro tempore, the majority leader, with the concurrence of the minority leader, shall designate a Senator or Senators to perform the duties of the Chair; but in neither instance shall such substitution extend beyond an adjournment, except by unanimous consent.

"4. Whenever any Senator shall be designated to perform the duties of the Chair during the temporary absence of the President pro tempore, such Senator shall be empowered to sign, as acting President pro tempore, the enrolled bills and joint resolutions coming from the House of Representatives for presentation to the President of the United States.

"RULE III

"Presentation of credentials

"1. The presentation of credentials of Senators elect and other questions of privilege shall always be in order, except while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

"2. The Secretary shall keep a record of the certificates of election of Senators by entering in a well-bound book kept for that purpose the date of the election, the name of the person elected and the vote given at the election, the date of the certificate, the name of the governor and the secretary of state signing and countersigning the same, and the State from which such Senator is elected.

"RULE IV

"Oaths, etc.

"The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties.

"RULE V

"Commencement of daily sessions

"The Presiding Officer having taken the Chair, and a quorum being present, motions to correct any mistakes made in the entries of the Senate Journal of the preceding day shall be in order and proceeded with until disposed of, unless objected to. If objection is made, the Senator moving to correct the Senate Journal and the Senator objecting may file at the Clerk's desk briefs in support of their positions. Such briefs shall be printed in the Senate Journal for the calendar day on which the motion to correct was made, together with a notice that a vote on the motion will take place on the following calendar day on which the Senate is in session at a time certain to be set by the Presiding Officer. At the designated time, the motion to correct shall be submitted to the Senate and decided without debate.

"2. Unless a motion to read the Senate Journal of the preceding day, which shall be nondebatable, is made and passed by majority vote, the Senate Journal shall be deemed to have been read without actual recitation and approved.

"3. A quorum shall consist of a majority of the Senators duly chosen and sworn.

"RULE VI

Senate Journal

"1. The proceedings of the Senate shall be accurately stated in the Senate Journal which shall be the Senate section of the Congressional Record. Messages of the President in full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate; the legislative proceedings; and, the executive proceedings in open executive sessions, shall be entered.

"2. The executive proceedings in closed session, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded by the Journal clerk in a separate book.

"RULE VII

"Quorum—Absent Senators may be sent for

"1. No Senator shall absent himself from the service of the Senate without leave.

"2. If, at any time during the daily sessions of the Senate, a question shall be raised by the majority leader or the minority leader, or, in their absence, by the acting majority leader or the acting minority leader, as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

"3. Any Senator may raise the question as to the presence of a quorum but only for the purpose of seeking recognition and calling for a vote on the pending business once the presence of a quorum has been ascertained; and, declaration of such intention shall be made by such Senator immediately prior to his raising the question as to the presence of a quorum. Immediately upon the statement of such intention and the raising of such question by any Senator, the Presiding Officer shall forthwith direct the Secretary to call the roll and proceed as above provided.

"4. Whenever, during any quorum call as provided for in paragraphs 2 and 3, the Presiding Officer ascertains that a majority of the Senators are present in the Chamber, he shall direct that the quorum call be halted.

"5. Whenever upon such rollcall it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

"RULE VIII

"Order of recognition

"When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized; and the Presiding Officer shall recognize the Senator who shall first address him, except that he shall first give recognition to the following Senators in the order prescribed if any of them shall also seek recognition:

"(1) The majority leader, or, in his absence, any Senator designated as acting majority leader by the majority leader, and occupying the majority leader's desk.

"(2) The minority leader, or, in his absence, any Senator designated as acting minority leader by the minority leader, and occupying the minority leader's desk.

"RULE IX

"Debate

"1. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; *Provided, however,* That such consent shall not be required where any Senator shall raise a germane point of order that the Senator in possession of the floor has transgressed the rules of the Senate. Unless submitted to the Senate, the germane point of order shall be decided by the Presiding Officer subject to an appeal to the Senate as provided in rule X. Any Senator against whom a germane point of order shall have been raised and any Senator raising such point of order may appeal from the ruling of the Presiding Officer, which appeal shall be open to debate. If the Presiding Officer shall sustain the germane point of order and no appeal is taken, or if upon appeal the Senate shall sustain the germane point of order, the Senator against whom it has been made shall take his seat; otherwise he shall retain possession of the floor.

"A germane point of order may be raised in respect to enforcement of paragraphs 3 and 5 of this rule.

"2. It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any petition, memorial, report of a committee, resolution, or bill. It shall be the duty of the Presiding Officer to enforce this rule without any point of order hereunder being made by a Senator.

"3. No Senator shall speak more than twice upon any one question in debate on the same legislative day without leave of the Senate, which shall be determined without debate.

"4. Upon the request of any Senator who has been recognized, his remarks upon any subject may be delivered in writing, and if so delivered shall be printed in the Senate Journal in the same manner, and in the same size print, as if those remarks had been delivered orally. The Senate Journal shall contain a notation that the material was submitted but not delivered orally.

"5. Whenever a Senator has held the floor for three consecutive hours, he shall be required to yield the floor upon objection and any Senator may raise a point of order at any time thereafter that such Senator yield the floor.

"6. No Senator in debate shall directly or indirectly, by any form of words, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator, or refer offensively to any State of the Union.

"7. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgresses the rules of the Senate by impugning the motives or integrity of another Senator, the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate.

"8. If a Senator be called to order for words spoken in debate, then, upon the demand of the Senator or of any other Senator, the exceptionable words shall be read by the Official Reporter for the information of the Senate.

"9. Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

"10. No Senator shall introduce to or bring to the attention of the Senate during its sessions any occupant in the galleries of the Senate. No motion to suspend this rule shall be in order, nor may the Presiding Officer entertain any request to suspend it by unanimous consent.

"11. During the consideration of any measure, motion or other matter, any Senator may move that all further debate under the order for pending business shall be germane to the subject matter before the Senate. If such a motion, which shall be nondebatable, is approved by the Senate, all further debate under the said order shall be germane to the subject matter before the Senate, and all questions of germaneness under this rule, when raised, including appeals, shall be decided by the Senate without debate.

"12. When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

"13. No dilatory motion shall be entertained by the Presiding Officer. A Senator whose motion has been determined by the Presiding Officer to be dilatory may appeal from the decision of the Chair, which appeal shall be decided by the Senate without debate.

"14. Former Presidents of the United States shall be entitled to address the Senate upon appropriate notice to the Presiding Officer who shall thereupon make the necessary arrangements.

"RULE X

"Question of order

"1. Subject to the limitations in rule IX, a question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer.

"2. The Presiding Officer may submit any question of order for the decision of the Senate.

"3. When a question of order has been submitted to the Senate, or a debatable appeal has been taken on a decision of the Presiding Officer as provided herein, debate on such submission or appeal shall be limited, in all, to one hour, unless the Senate shall otherwise direct.

"RULE XI

"Morning business

"1. One hour, if that much time be needed, shall be set aside for the transaction of morning business as set forth in rule XI, paragraph 2, on each legislative day at the opening of proceedings unless the Senate shall otherwise order by unanimous consent. The period for morning business may be extended for up to one additional hour, upon motion, which shall be nondebatable, approved by majority action.

"2. The Presiding Officer shall, during the period for morning business, lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer shall then call for:

"The presentation of petitions and memorials.

"Reports of standing and select committees.

"The introduction of bills and joint resolutions.

"Concurrent and other resolutions.

"Statements or comments not to exceed three minutes which may include requests for unanimous consent to insert articles and other printed matter in the Senate Journal and to submit statements.

"3. Until the morning business shall have been concluded, and so announced from the Chair, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent be given, the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.

"RULE XII

"Petitions and memorials

"1. Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents, and shall be presented and referred to the appropriate committee without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

"2. Every petition or memorial shall be referred, without putting the question, unless objection to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions.

"3. Only a brief statement of the contents of such communications as are presented under the order of business "Presentation of petitions and memorials" shall be printed in the Senate Journal; and no other portion of such communications shall be inserted in the Senate Journal unless specifically so ordered by the Senate, as provided for in Rule XL, paragraph 1; except that communications from the legislatures or conventions, lawfully called, of the respective States and insular possessions shall be printed in full in the Senate Journal whenever presented, and the original copies of such communications shall be retained in the files of the Secretary of the Senate.

"4. Senators having petitions, memorials, or private bills to present after the conclusion of the morning business may deliver them to the Secretary of the Senate, indorsing upon them their names. Said petitions, memorials, or bills shall, with the approval of the Presiding Officer, be entered on the Senate Journal with the names of the Senators presenting them as having been read twice and referred to the appropriate committees.

"RULE XIII

"Calendar Monday

"1. At the conclusion of the morning business on each Monday, unless upon motion decided without debate the Senate shall otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and bills and resolutions that are not objected to shall be taken up in their order. An objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the conclusion of morning business, and shall take precedence of the unfinished business and other special orders.

"RULE XIV

"Motions to consider

"1. All motions to proceed to the consideration of any matter shall be debatable, unless otherwise provided in these rules: *provided, however,* That when any Senator shall file, at the desk of the clerk, a notice of intention to move to consider any matter on the Senate Calendar on the following calendar day on which the Senate is in session, such motion for consideration when made by such Senator shall be decided without debate. The notice of intent shall be printed in the Senate Journal.

"RULE XV

"Special orders

"1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time in which it was made special, unless it shall become by adjournment the unfinished business.

"2. When two or more special orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

"And all motions to make a subject a special order, or to change such order, or to proceed to the consideration of other business, shall be decided without debate.

"RULE XVI

"Bills, joint resolutions, and resolutions

"1. Every bill and joint resolution shall receive three readings previous to its passage. The first reading and the second reading may be on the same calendar day, if the Senate by majority vote without debate, shall so direct; but the third reading must be on a different calendar day. The Presiding Officer shall give notice at each reading whether it be the first, second, or third. The first or second reading of each bill, or both, may be by title only, unless the Senate by majority vote without debate shall otherwise order.

"2. Every bill or joint resolution shall immediately after second reading be referred by the Presiding Officer to the appropriate committee. Appeals from rulings of the Presiding Officer referring bills and joint resolutions to committee shall be decided by the Senate without debate. A motion to place a bill or joint resolution on the Senate Calendar immediately and not refer it to committee may be made by any Senator after such bill or joint resolution has been read twice but before it has been referred to committee, and such motion shall be decided by majority vote of the Senate after debate not to exceed a period of one hour.

"3. Every bill and joint resolution having been read twice and referred to a committee, shall, upon being reported by the committee, immediately be placed on the calendar. Every bill and joint resolution originating in a committee shall, upon being reported by the committee, be read twice and then placed on the calendar.

"4. The Secretary of the Senate shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate, and shall examine all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States and report the fact and date of such presentation to the Senate.

"5. All resolutions shall lie over one calendar day for consideration, unless the Senate shall by majority vote otherwise direct.

"RULE XVII

"Reports of committees and motions to discharge to lie over

"All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one calendar day for consideration, unless the Senate, without debate, by a majority vote shall otherwise direct, or unless otherwise provided in these rules.

"RULE XVIII

"Reference to committees—Amendments

"When motions are made for reference of a subject to a select committee or a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.

"RULE XIX

"Amendments to appropriation bills

"1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

"2. The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

"3. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received.

"4. No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency.

"5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the fact of the amendment.

"6. (a) Three members of the following-named committees, to be selected by their respective committees, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the annual appropriation bill making appropriations for the purposes specified in the following table opposite the name of the committee is being considered by the Committee on Appropriations:

"Name of committee and purpose of appropriation

"Committee on Agriculture and Forestry: For the Department of Agriculture.

"Committee on Armed Services: For the Department of Defense.

"Committee on Aeronautical and Space Sciences: For aeronautical and space activities and matters relating to the scientific aspects thereof, except those peculiar to or primarily associated with the development of weapons systems or military operations.

"Committee on Commerce: For the Department of Commerce and related activities.

"Committee on the District of Columbia: For the District of Columbia.

"Committee on Finance, Committee on Post Office and Civil Service: For the Departments of the Treasury and the Post Office.

"Committee on Foreign Relations: For the Department of State and related agencies, and for the foreign assistance programs.

"Committee on Interior and Insular Affairs: For the Department of the Interior and related agencies.

"Committee on the Judiciary: For the Department of Justice and for the Judiciary.

"Committee on Labor and Public Welfare: For the Departments of Labor and of Health, Education, and Welfare.

"Committee on Public Works: For Public Works.

"Senate Members of the Joint Committee on Atomic Energy (to be selected by said Members): For the development and utilization of atomic energy.

"(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregoing table opposite the name of his or their respective committee.

"7. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order.

"RULE XX

"Amendments—Germaneness

"No amendment not germane or relevant to the subject matter contained in a bill under consideration shall be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments, when raised, shall be decided by the Presiding Officer, subject to appeal to the Senate to be decided without debate.

"RULE XXI

"Amendment may be laid on the table without prejudice to the bill

"When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice, such measure.

"RULE XXII

"Amendments—Division of a question

"If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

"RULE XXIII

"Amendments after third reading—Recommitment

"When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the Calendar unless the Senate by majority vote shall otherwise direct.

"RULE XXIV

"Motions

"1. All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

"2. Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

"RULE XXV

"Precedence of motions—Previous question

"1. When a question is pending, no motion shall be received but—

"To adjourn.

"To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

"To take a recess.

"To proceed to the consideration of executive business.

"To lay on the table.

"For the previous question.

"To postpone indefinitely.

"To postpone to a day certain.

"To commit.

"To amend.

Which several motions shall have precedence as they stand arranged, except that after the previous question shall have been ordered on the passage of a bill or joint resolution, no motion to lay on the table shall be in order; and the motions relating to adjournment, to take a recess, for the previous question, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"2. (a) Whenever any motion or amendment to a measure pending before the Senate has received consideration for a total of not less than fifteen hours, during a total of not less than three calendar days, any Senator may move the previous question with respect to such motion or amendment.

"(b) Whenever any measure pending before the Senate, together with any motions or amendments relating to it, has received consideration for a total of not exceeding fifteen calendar days, any Senator may move the previous question with respect to such measure and any or all motions or amendments relating to it.

"(c) When such a motion is made and a quorum is ascertained to be present, it shall be submitted immediately to the Senate by the Presiding Officer, without debate and shall be determined by a "yea" and "nay" vote, a majority prevailing. A previous question may be asked and ordered with respect to one or more measures, motions, amendments, or matters, and may embrace one or more amendments to any pending measure, motion or matter described therein, and the passage or rejection of the pending bill or resolution; *Provided, however,* That any or all motions or amendments not so embraced by the motion for the previous question shall be deemed rejected. If the previous question is so ordered as to any measure, motion, amendment, or matter, that measure, motion, amendment, or matter shall be presented immediately to the Senate for determination. One hour of debate, equally divided between opponents and proponents, shall be allowed on any motion, amendment, or matter, other than the passage or rejection of the measure, bill or resolution on which the previous question has been ordered; and, four hours of debate, divided in the same manner, shall be allowed on the passage or rejection of the measure, bill or resolution covered by such order.

"All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

"RULE XXVI

"Preambles

"When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, on ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

"RULE XXVII

"Voting, etc.

"1. A demand for the yeas and nays, when seconded by eleven Senators, shall be sufficient to require a rollcall vote. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question unless excused by the Senate. Senators entering the Chamber after their names have been called may obtain recognition from the Presiding Officer and have their votes recorded prior to the announcement of the vote; but no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, except that a Senator may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

"2. When a Senator declines a vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?", which question shall be decided without debate; and these proceedings shall be had after the roll call and before the result is announced; and any further proceedings in reference hereto shall be after such announcement.

"3. No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the Presiding Officer, it shall be discovered that a quorum of the Senate is present; and when a unanimous consent is thus given, the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

"RULE XXVIII

"Reconsideration

"1. When a question has been decided by the Senate, any Senator voting with the prevailing side or who has not voted may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

"2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

"RULE XXIX

"Appointment of committees

"1 At the beginning of each Congress the Senate shall proceed by ballot to appoint the members of each standing committee, and unless otherwise ordered, of each other committee of the Senate. All members of each such committee so appointed shall be appointed by one ballot. A plurality of the votes cast shall be required for the appointment of the members of each such committee.

"In the event a vacancy occurs for any reason in the membership of a standing committee and of any other committee of the Senate during a session of Congress, the Senate shall proceed by ballot to fill the vacancy. A plurality of the votes cast shall be required in the filling of a vacancy.

"2. Upon the appointment of the members of each such committee at the beginning of a Congress pursuant to paragraph 1, the majority Members thereof shall elect by secret ballot of the majority members of the committee one member of that committee to be chairman thereof. Such member shall be of the majority party of the Senate. A majority of the whole number of votes given shall be required for the election of a chairman of any such committee.

"No Senator shall be elected or shall continue to serve as chairman of a standing committee after he has attained the age of 70 years.

"When a permanent vacancy occurs for any reason in the chairmanship of a standing committee and of any other committee of the Senate, the vacancy in the membership shall first be filled (if necessary) as provided in paragraph 1 hereof, and a successor chairman thereafter elected as hereinbefore provided.

"No Senator shall be chairman of more than one standing committee nor of more than one subcommittee of each committee of which he may be a member.

"RULE XXX

"Standing committees

"1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"(a) (1) Committee on Aeronautical and Space Sciences, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"(A) Aeronautical and space activities, as that term is defined in the National Aeronautics and Space Act of 1958, except those which are peculiar to or primarily associated with the development of weapons systems or military operations.

"(B) Matters relating generally to the scientific aspects of such aeronautical and space activities, except those which are peculiar to or primarily associated with the development of weapons systems or military operations.

"(C) National Aeronautics and Space Administration.

"(2) Such committee also shall have jurisdiction to survey and review, and to prepare studies and reports upon, aeronautical and space activities of all agencies of the United States, including such activities which are peculiar to or primarily associated with the development of weapons systems or military operations.

"(b) Committee on Agriculture and Forestry, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Agriculture generally.

"2. Inspection of livestock and meat products.

"3. Animal industry and diseases of animals.

"4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

"5. Agricultural colleges and experiment stations.

"6. Forestry in general, and forest reserves other than those created from the public domain.

"7. Agricultural economics and research.

"8. Agricultural and industrial chemistry.

"9. Dairy industry.

"10. Entomology and plant quarantine.

"11. Human nutrition and home economics.

"12. Plant industry, soils, and agricultural engineering.

"13. Agricultural educational extension services.

"14. Extension of farm credit and farm security.

"15. Rural electrification.

"16. Agricultural production and marketing and stabilization of prices of agricultural products.

"17. Crop insurance and soil conservation.

"(c) Committee on Appropriations, to consist of twenty-four Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation of the revenue for the support of the Government.

"(d) Committee on Armed Services, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Common defense generally.

"2. The Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally.

"3. Soldiers' and sailors' homes.

"4. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.

"5. Selective service.

"6. Size and composition of the Army, Navy, and Air Force.

"7. Forts, arsenals, military reservations, and navy yards.

"8. Ammunition depots.

"9. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.

"10. Conservation, development, and use of naval petroleum and oil shale reserves.

"11. Strategic and critical materials necessary for the common defense.

"12. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

"(e) Committee on Banking and Currency, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Banking and currency generally.

"2. Financial aid in commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

"3. Deposit insurance.

"4. Public and private housing.

"5. Federal Reserve System.

"6. Gold and silver, including the coinage thereof.

"7. Issuance of notes and redemption thereof.

"8. Valuation and revaluation of the dollar.

"9. Control of prices of commodities, rents, or services.

"10. Bonded debt of the United States.

"11. Deposit of moneys.

"(f) Committee on Commerce, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Interstate and foreign commerce generally.

"2. Regulation of interstate railroads, buses, trucks, and pipelines.

"3. Communication by telephone, telegraph radio, and television.

"4. Civil aeronautics, except aeronautical and space activities of the National Aeronautics and Space Administration.

"5. Merchant marine generally.

"6. Registering and licensing of vessels and small boats.

"7. Navigation and the laws relating thereto, including pilotage.

"8. Rules and international arrangements to prevent collisions at sea.

"9. Merchant marine officers and seamen.

"10. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, life-saving equipment and fire protection on such vessels.

"11. Coast and Geodetic Survey.

"12. The Coast Guard, including life-saving service, lighthouses, lightships, and ocean derelicts.

"13. The United States Coast Guard and Merchant Marine Academies.

"14. Weather Bureau.

"15. Except as provided in paragraph (d), the Panama Canal and interoceanic canals generally.

"16. Inland waterways.

"17. Fisheries and wildlife, including research, restoration, refuges, and conservation.

"18. Bureau of Standards, including standardization of weights and measures and the metric system.

"19. Transportation of dutiable goods.

"(g) Committee on the District of Columbia, to consist of seven Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

"2. Public health and safety, sanitation, and quarantine regulations.

"3. Regulation of sale of intoxicating liquors.

"4. Adulteration of food and drugs.

"5. Taxes and tax sales.

"6. Insurance, executors, administrators, wills, and divorce.

"7. Municipal and juvenile courts.

"8. Incorporation and organization of societies.

"9. Municipal code and amendments to the criminal and corporation laws.

"(h) Committee on Finance, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Revenue measures generally.

"2. Customs, collection districts, and ports of entry and delivery.

"3. Revenue measures relating to the insular possessions.

"4. Veterans' measures generally.

"5. Pensions of all the wars of the United States, general and special.

"6. Life insurance issued by the Government on account of service in the Armed Forces.

"7. Compensation of veterans.

"(i) Committee on Foreign Relations, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Relations of the United States with foreign nations generally.

"2. Treaties.

"3. Establishment of boundary lines between the United States and foreign nations.

"4. Protection of American citizens abroad and expatriation.

"5. Neutrality.

"6. International conferences and congresses.

"7. The American National Red Cross.

"8. Intervention abroad and declarations of war.

"9. Measures relating to the diplomatic service.

"10. Acquisition of land and buildings for embassies and legations in foreign countries.

"11. Measures to foster commercial and cultural intercourse with foreign nations and to safeguard American business interests abroad.

"12. United Nations Organizations and international financial and monetary organizations.

"13. Foreign loans and grants.

"14. Reciprocal trade agreements.

"15. Tariffs and import quotas and matters related thereto.

"(j) (1) Committee on Government Operations, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Budget and accounting measures, other than appropriations.

"(B) Reorganization in the executive branch of the Government.

"(2) Such committee shall have the duty of—

"(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

"(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

"(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

"(D) studying the intergovernmental relationships between the United States and the States and municipalities.

"(k) Committee on Interior and Insular Affairs, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Public lands generally, including entry, easements, and grazing thereon.

"2. Mineral resources of the public lands.

"3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

"4. Forest reserves and national parks created from the public domain.

"5. Military parks and battlefields, and national cemeteries.

"6. Preservation of prehistoric ruins and objects of interest on the public domain.

"7. Measures relating generally to the insular possessions of the United States, except those affecting their revenue and appropriations.

"8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.

"9. Interstate compacts relating to apportionment of waters for irrigation purposes.

"10. Mining interests generally.

"11. Mineral land laws and claims and entries thereunder.

"12. Geological survey.

"13. Mining schools and experimental stations.

"14. Petroleum conservation and conservation of the radium supply in the United States.

"15. Relations of the United States with the Indians and the Indian tribes.

"16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

"(l) Committee on the Judiciary, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Judicial proceedings, civil and criminal, generally.

"2. Constitutional amendments.

"3. Federal courts and judges.

"4. Local courts in the Territories and possessions.

"5. Revision and codification of the statutes of the United States.

"6. National penitentiaries.

"7. Protection of trade and commerce against unlawful restraints and monopolies.

"8. Holidays and celebrations.

"9. Bankruptcy, mutiny, espionage, and counterfeiting.

"10. State and Territorial boundary lines.

"11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

"12. Civil liberties.

"13. Patents, copyrights, and trademarks.

"14. Patent Office.

"15. Immigration and naturalization.

"16. Apportionment of Representatives.

"17. Measures relating to claims against the United States.

"18. Interstate compacts generally.

"(m) Committee on Labor and Public Welfare, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Measures relating to health, education, labor, or public welfare generally.

"2. Mediation and arbitration of labor disputes.

"3. Wages and hours of labor.

"4. Convict labor and the entry of goods made by convicts into interstate commerce.

"5. Regulation or prevention of importation of foreign laborers under contract, and migratory labor generally.

"6. Child labor.

"7. Labor statistics.

"8. Labor standards.

"9. School-lunch program.

"10. Vocational rehabilitation.

"11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

"12. United States Employees' Compensation Commission.

"13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and St. Elizabeths Hospital.

"14. Welfare of miners.

"15. Vocational rehabilitation and education of veterans.

"16. Veterans' hospitals, medical care and treatment of veterans.

"17. Soldiers' and sailors' civil relief.

"18. Readjustment of servicemen to civil life.

"19. National social security.

"20. Employment, unemployment and the utilization of manpower.

"(n) Committee on Post Office and Civil Service, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. The Federal civil service generally.

"2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

"3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

"4. Postal-savings banks.

"5. Census and the collection of statistics generally.

"6. The National Archives.

"(o) Committee on Public Works, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"1. Flood control and improvement of rivers and harbors.

"2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

"3. Water power.

"4. Oil and other pollution of navigable waters.

"5. Public buildings and occupied or improved grounds of the United States generally.

"6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

"7. Measure relating to the Capitol building and the Senate and House Office Buildings.

"8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Bontanic Gardens, the Library of Congress, and the Smithsonian Institution.

"9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

"10. Measures relating to the construction or maintenance of roads and post roads.

"(p) (1) Committee on Rules and Administration, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

"(B) Except as provided in paragraph (o)8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

"(C) Except as provided in paragraph (o)8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

"(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

"(E) Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Buildings and the Senate wing of the Capitol; assignment of office space; and services to the Senate.

"(F) Matters relating to printing and correction of the Congressional Record.

"(2) Such committee shall also have the duty of assigning office space in the Senate wing of the Capitol and in the Senate Office Buildings.

"(3) Such committee shall have jurisdiction to investigate every alleged violation of the rules of the Senate, and to make appropriate findings of fact and conclusions with respect thereto after according to any individual concerned due notice and opportunity for hearing. In any case in which the committee determines that any such violation has occurred, it shall be the duty of the committee to recommend to the Senate appropriate disciplinary action, including reprimand, censure, suspension from office or employment, or expulsion from office or employment.

"2. The said committees shall continue and have the power to act until their successors are appointed.

"3. (a) Except as provided in paragraph (b) of this subsection, each standing committee, and each subcommittee of any such committee, is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133(d) of the Legislative Reorganization Act of 1946.

"(b) Each standing committee, and each subcommittee of any such committee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

"4. Each Senator shall serve on two and no more of the following standing committees: Committee on Aeronautical and Space Sciences; Committee on Agriculture and Forestry; Committee on Appropriations; Committee on Armed Services; Committee on Banking and Currency; Committee on Commerce; Committee on Finance; Committee on Foreign Relations; Committee on Government Operations; Committee on Interior and Insular Affairs; Committee on the Judiciary; Committee on Labor and Public Welfare; and the Committee on Public Works. No Senator shall serve on more than one of the following standing committees; Committee on the District of Columbia; Committee on Post Office and Civil Service; and the Committee on Rules and Administration. Each Senator shall serve on no more than two of the subcommittees of any standing committee of which he may be a member, except that he may serve on more than two subcommittees of the Appropriations Committee. The foregoing provisions of this paragraph shall not be effective during any period when there are more than forty-six Senators of the minority party.

"5. No standing committee shall sit without special leave while the Senate is in session. A motion for leave for a standing committee to sit while the Senate is in session shall be a privileged motion and shall not be debatable.

"RULE XXXI

"Committee procedure

"1. Each standing committee shall meet at such time as it may prescribe by rule in accordance with provisions of section 133(a) of the Legislative Reorganization Act of 1946, upon the call of the chairman thereof, and at such other time as may be fixed by written notice signed by a majority of the members of the committee and filed with the committee clerk.

"2. The business to be considered at any meeting of a standing committee shall be determined in accordance with its rules. Any measure, motion, or matter within the jurisdiction of the committee which a majority of the members of the committee indicate their desire to consider by votes or by presentation of written notice filed with the committee clerk, shall be considered at such meeting.

"Action for the initiation, conduct, and termination of hearings by a standing committee upon any measure or matter within its jurisdiction shall be determined by majority vote of the members of the committee.

"3. Whenever any measure, motion, or other matter pending before a standing committee has received consideration in executive session or sessions of the committee for a total of not less than five hours, any Senator may move the previous question with respect thereto. When such a motion is made and seconded, or a petition signed by a majority of the committee is presented to the chairman, and a quorum as prescribed by committee rules pursuant to paragraph 3 of Rule XXX is present, it shall be submitted immediately to the committee by the chairman, and shall be determined without debate by yea and nay vote. A motion for the previous question shall be decided by a majority vote of the Senators voting. A previous question may be asked and ordered with respect to one or more pending measures, motions or matters, and may embrace one or more pending amendments to any pending measure, motion, or matter described therein and final action by the committee on the pending bill or resolution. If the previous question is so ordered as to any measure, motion, or matter, that measure, motion, or matter shall be presented immediately to the committee for determination. Each member of the committee desiring to be heard on one or more of the measures, motions, or other matters on which the previous question has been ordered shall be allowed to speak thereon for a total of thirty minutes.

"4. The provisions of paragraph 1 herein, where applicable, and of paragraphs 2 and 3 herein shall be applicable to meetings and procedure thereat at any meeting of any subcommittee of any standing committee.

"RULE XXXII

"Instructions to report on major legislative matters

"1. It shall be in order at any time after the conclusion of morning business for any Senator to make a motion to denominate any measure then pending in any committee or subcommittee of the Senate as a "major legislative matter," and such motion shall be a privileged matter and subject to immediate consideration, provided that a notice of intention to make such a motion shall have been presented on the previous calendar day on which the Senate was in session, and printed in the Senate Journal.

"2. Debate upon such motion shall be limited to eight hours, the time to be evenly divided between the opponents and proponents of the motion.

"3. Such motion, when agreed to, shall constitute an instruction to the committee to which the measure denominated a "major legislative matter" has been referred to report such measure to the Senate within 30 calendar days, by poll or otherwise, with the recommendation (a) that it be passed, or (b) that it not be passed, or (c) that it be passed with such amendments as shall be recommended.

"RULE XXXIII

"Session with closed doors

"On a motion made and carried by a vote of a majority of Senators present and voting to close the doors of the Senate on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

"RULE XXXIV

"Executive sessions

"1. When the President of the United States shall meet the Senate in the Senate Chamber for the Consideration of Executive business, he shall have a seat on the right of the Presiding Officer. When the Senate shall be convened by the President of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate.

"2. All business in the Senate shall be transacted in open session, unless the Senate in closed session by a majority vote shall determine that a particular nomination, treaty, or other matter shall be considered in closed executive session, in which case all subsequent proceedings with respect to said nomination, treaty, or other matter shall be kept secret; *Provided,* That the injunction of secrecy as to the whole or any part of proceedings in closed executive session may be removed on motion adopted by a majority vote of the Senate in closed executive session; *Provided, further,* That Rule XXXIII shall apply to open executive session; *And provided further,* That any Senator may make public his vote in closed executive session.

"3. When the Senate is acting in closed executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Sergeant at Arms, the Parliamentarian, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

"4. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret until the Senate shall, by resolution, take off the injunction of secrecy, or unless the same shall be considered in open executive session.

"5. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate (except for the disclosure by a Senator of his vote in closed executive session) shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

"6. Whenever, by the request of the Senate or any committee thereof, any documents or papers shall be communicated to the Senate by the President or the head of any Department relating to any matter pending in the Senate, the proceedings in regard to which are secret or confidential under the rules, said documents and papers shall be considered as confidential, and shall not be disclosed without leave of the Senate.

"RULE XXXV

"Executive sessions—Proceedings on treaties

"1. When a treaty shall be laid before the Senate for ratification, it shall be read a first time; and no motion in respect to it shall be in order except to refer it to a committee, or to consider it in open executive session.

"When a treaty is reported from a committee with or without amendment, it shall, unless the Senate shall otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately or in gross, if no Senator shall object; after which new amendments may be proposed.

"The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless the Senate shall otherwise determine; at which stage no amendment shall be received unless by unanimous consent.

"On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

"2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.

"RULE XXXVI

"Executive session—Proceedings on nominations

"1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?", which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless the Senate, by majority vote, should so direct.

"2. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of the Senate; but if a notification of the confirmation or rejection on a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

"3. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

"4. When the Senate shall adjourn or take a recess for more than thirty days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fail; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

"5. Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

"RULE XXXVII

"The President furnished with copies of records of executive sessions

"The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary, except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the office of the Secretary without an order of the Senate for that purpose.

"RULE XXXVIII

"Conference committees

"1. A majority of the Senate members of a committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on the matters in disagreement with the House of Representatives which occasion the appointment of the committee.

"2. The presentation of reports of committees of conference shall always be in order except if a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

"3. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

"4. Every report of a committee of conference shall be accompanied by a detailed statement of the Senate conferees sufficiently explicit to inform the Senate what effect such amendments or propositions as the conference shall have agreed to will have upon the measures to which they relate. The statement shall be in writing and shall be signed by at least a majority of the Senate conferees.

"5. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case, matter which is a germane modification of subjects in disagreement.

"(b) In any case in which the conferees violate subsection (a), the conference report shall be subject to a point of order.

"RULE XXXIX

"Messages; matter from the President and the House of Representatives

"1. Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing, or while a question of order or a motion to adjourn is pending.

"2. Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the President of the United States all resolutions and other communications which may be directed to him by the Senate.

"3. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

"RULE XL

"Printing of papers, etc.

"1. Every motion to print documents, reports, and other matter transmitted by any of the executive departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or select committees of the Senate, shall, unless the Senate shall otherwise order, be referred to the Committee on Rules and Administration. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

"2. Motions to print additional numbers shall also be referred to the Committee on Rules and Administration; and when the committee shall report favorably, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum of twelve hundred dollars, the concurrence of the House of Representatives shall be necessary for an order to print the same.

"3. Every bill and joint resolution introduced on leave or reported from a committee, and all bills and joint resolutions received from the House of Representatives, and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

"4. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a report thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. The subsection shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of the subsection to expedite the business of the Senate.

"RULE XLI

"Withdrawal of papers

"1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate. But when an act may pass for the settlement of any private claim, the Secretary is authorized to transmit to the officer charged with the settlement the papers on file relating to the claim.

"2. No memorial or other paper upon which an adverse report has been made shall be withdrawn from the files of the Senate unless copies thereof shall be left in the office of the Secretary.

"RULE XLII

"Reference of claims cases and of claims adversely reported

"1. Whenever a private bill is under consideration, it shall be in order to move, as a substitute for it, a resolution of the Senate referring the case to the Court of Claims, under the provisions of the act approved March 3, 1883, as amended.

"2. Whenever a committee of the Senate, to whom any claim has been referred, reports adversely, and the report is agreed to, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a petition therefor, stating that new evidence has been discovered since the report, and setting forth the substance of such new evidence. But when there has been no adverse report, it shall be the duty of the Secretary to transmit all such papers to the committee in which such claims are pending.

"RULE XLIII

"Business continued from session to session

"1. At the second or any subsequent session of a Congress the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place.

"2. The rules of the Senate shall be adopted at the beginning of each Congress on a yea and nay vote, a quorum being present. A majority of the Senators voting and present shall prevail. They may be changed at any time as provided in these rules.

"RULE XLIV

"Privilege of the floor

"No person shall be admitted to the floor of the Senate while in session, except as follows:

"The President of the United States and his private secretary.

"The President elect and Vice President elect of the United States.

"Ex-Presidents and ex-Vice Presidents of the United States.

"Judges of the Supreme Court.

"Ex-Senators and Senators elect.

"The officers and employees of the Senate in the discharge of their official duties.

"Ex-Secretaries and ex-Sergeants at Arms of the Senate.

"Members of the House of Representatives and Members elect.

"Ex-Speakers of the House of Representatives.

"The Sergeant at Arms of the House and his chief deputy and the Clerk of the House and his deputy.

"Heads of the Executive Departments.

"Ambassadors and Ministers of the United States.

"Governors of States and Territories.

"Members of the Joint Chiefs of Staff.

"Members of National Legislatures of foreign countries.

"Judges of the Court of Claims.

"Commissioners of the District of Columbia.

"The Librarian of Congress and the Assistant Librarian in charge of the Law Library.

"The Architect of the Capitol.

"The Secretary of the Smithsonian Institution.

"Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such.

"RULE XLV

"Regulation of the Senate wing of the Capitol

"1. The Senate Chamber shall not be granted for any other purpose than for the use of the Senate; no smoking shall be permitted at any time on the floor of the Senate, or lighted cigars be brought into the Chamber.

"2. It shall be the duty of the Committee on Rules and Administration to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant and the Senate Office Building, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the Presiding Officer. They shall make such regulations respecting the reporters' galleries of the Senate, together with the adjoining rooms and facilities, as will confine their occupancy and use to bona fide reporters for daily newspapers and periodicals, to bona fide reporters of news or press associations requiring telegraph service to their membership, and to bona fide reporters for daily news dissemination through radio, television, wire, wireless, and similar media of transmission. These regulations shall so provide for the use of such space and facilities as fairly to distribute their use to all such media of news dissemination.

"RULE XLVI

"Suspension and amendment of the rules

"No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. These rules may be amended by a majority vote, but a two-thirds vote of the Senators present, a quorum being present, is required for their suspension Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, rule **XXVII**.

"RULE XLVII

"Disclosure of financial interests

"1. Each individual who at any time during any calendar year serves as a Member of the Senate, or as an officer or employee of the Senate compensated at a gross rate in excess or $10,000 per annum, shall file with the Secretary of the Senate for that calendar year a written report containing the following information:

"(a) The fair market value of each asset having a fair market value of $5,000 or more held by him or by his spouse or by him and his spouse jointly, exclusive of any dwelling occupied as a residence by him or by members of his immediate family, at the end of that calendar year;

"(b) The amount of each liability in excess of $5,000 owed by him or by his spouse, or by him and his spouse jointly at the end of that calendar year;

"(c) The total amount of all capital gains realized, and the source and amount of each capital gain realized in any amount exceeding $5,000, during that calendar year by him or by his spouse, by him and his spouse jointly, or by any person acting on behalf or pursuant to the direction of him or his spouse, or him and his spouse jointly, as a result of any transaction or series of related transactions in securities or commodities, or any purchase or sale of real property or any interest therein other than a dwelling occupied as a residence by him or by members of his immediate family;

"(d) The source and amount of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from any relative or his spouse) received by or accruing to him, his spouse, or from him and his spouse jointly from any source other than the United States during that calendar year, which exceeds $100 in amount or value; including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, or other facilities received by him in kind;

"(e) The name and address of any professional firm which engages in practice before any department, agency, or instrumentality of the United States in which he has a financial interest; and the name, address, and a brief description of the principal business of any client of such firm for whom any services involving representation before any department, agency, or instrumentality of the United States which were performed during that calendar year, together with a brief description of the services performed, and the total fees received or receivable by the firm as compensation for such services;

"(f) The name, address, and nature of the principal business or activity of each business or financial entity or enterprise with which he was associated at any time during that calendar year as an officer, director, or partner, or in any other managerial capacity.

"2. Each asset consisting of an interest in a business or financial entity or enterprise which is subject to disclosure under paragraph 1 shall be identified in each report made pursuant to that paragraph by a statement of the name of such entity or enterprise, the location of its principal office, and the nature of the business or activity in which it is principally engaged or with which it is principally concerned, except that an asset which is a security traded on any securities exchange subject to supervision by the Securities and Exchange Commission of the United States may be identified by a full and complete description of the security and the name of the issuer thereof. Each liability which is subject to disclosure under paragraph 1 shall be identified in each report made pursuant to that paragraph by a statement of the name and the address of the creditor to whom the obligation of such liability is owed.

"3. Except as otherwise hereinafter provided, each individual who is required by paragraph 1 to file a report for any calendar year shall file such report with the Secretary of the Senate not later than January 31 of the next following calendar year. No such report shall be required to be made for any calendar year beginning before January 1, 1964. The requirements of this rule shall apply only with respect to individuals who are Members of the Senate or officers or employees of the Senate on or after the date of adoption of this rule. Any individual who ceases to serve as a Member of the Senate or as an officer or employee of the Senate, before the close of any calendar year shall file such report on the last day of such service, **or on such date not more than three months thereafter as the Secretary of the Senate may** prescribe, and the report so made shall be made for that portion of that calendar year during which such individual so served. Whenever there is on file with the Secretary of the Senate a report made by any individual in compliance with paragraph 1 for any calendar year, the Secretary may accept from that individual for any succeeding calendar year, in lieu of the report required by paragraph 1, a certificate containing an accurate recitation of the changes in such report which are required for compliance with the provisions of paragraph 1 for that succeeding calendar year, or a statement to the effect that no change in such report is required for compliance with the provisions of paragraph 1 for that succeeding calendar year.

"4. Reports and certificates filed under this rule shall be made upon forms which shall be prepared and provided by the Secretary of the Senate, and shall be made in such manner and detail as he shall prescribe. The Secretary may provide for the grouping within such reports and certificate of items which are required by paragraph 1 to be disclosed whenever he determines that separate itemization thereof is not feasible or is not required for accurate disclosure with respect to such items. Reports and certificates filed under this rule shall be retained by the Secretary as public records for not less than six years after the close of the calendar year for which they are made, and while so retained shall be available for inspection by members of the public under such reasonable regulations as the Secretary shall prescribe.

"5. As used in this rule—

"(a) The term 'asset' includes any beneficial interest held or possessed directly or indirectly in any business or financial entity or enterprise, or in any security or evidence of indebtedness, but does not include any interest in any organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code;

"(b) The term 'liability' includes any liability of any trust in which a beneficial interest is held or possessed directly or indirectly;

"(c) The term 'income' means gross income as defined by section 61 of the Internal Revenue Code of 1954.

"(d) The term 'security' means any security as defined by section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

"(e) The term 'commodity' means any commodity as defined by section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

"(f) The term 'dealing in securities or commodities' means any acquisition, transfer, disposition, or other transaction involving any security or commodity.

"(g) The term 'officer or employee of the Senate' means (1) an elected officer of the Senate who is not a Member of the Senate, (2) an employee of the Senate or any committee or subcommittee of the Senate, (3) the Legislative Counsel of the Senate and employees of his office, (4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties, (5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, (6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate, (7) an employee of a Member of the Senate if such employee's compensation is disbursed by the Secretary of the Senate, and (8) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

"RULE XLVIII

"Prohibited activities

"1. No Member of the Senate or any officer or employee of the Senate may engage or participate in any business or financial venture, enterprise, combination or transaction with any person, firm, or corporation which is—

"(a) engaged in any lobbying activity;

"(b) engaged for compensation in the practice of rendering advisory or public relations services relating to the securing of contracts with the United States or any department, agency, or instrumentality thereof; or

"(c) engaged in, or seeking to become engaged in, the performance of any construction, manufacturing, research, development, or service contract with the United States or any department, agency, or instrumentality thereof.

"2. No Member of the Senate or any officer or employee of the Senate may accept—

"(a) at any time from any individual, entity, or enterprise which is engaged in lobbying activity any gift of money, property, entertainment, travel, or any other valuable consideration in an amount or having a value in excess of $10; or

"(b) within any calendar year from any such individual, entity, or enterprise such gifts in an aggregate amount or having an aggregate value in excess of $100.

"3. No officer or employee of the Senate may be vested with or exercise any authority or responsibility for, or participate in any way in any consideration of or determination with respect to, the allocation among Members of the Senate of any funds available for use to defray expenses incurred or to be incurred by any individual for or in connection with any campaign for the nomination or election of any individual to be a Member of the Senate.

"4. As used in this rule—

"(a) the term 'officer or employee of the Senate' has the meaning given thereto by rule XLVII; and

"(b) the term 'lobbying activity' means any activity undertaken by any person other than a Member of the Congress to influence directly or indirectly the introduction, passage, defeat, amendment, or modification of any legislative measure in either House of the Congress.

"RULE XLIX

"Testimony of Members of the Senate before committees

"Whenever any standing, special, or select committee of the Senate or any joint committee of the Congress, which is engaged in any investigation within its jurisdiction, has reason to believe that the testimony of any Member of the Senate may be pertinent to such investigation, such committee, with the approval of a majority of its members (including at least one member of the minority party), by written communication may request such Member of the Senate to appear before the committee to give testimony concerning the subject matter under investigation. Such Member of the Senate shall appear before such committee in obedience to such request unless within ten days after receipt thereof he delivers to the chairman of such committee a written statement, duly signed by such Member of the Senate, stating that he is without knowledge of the subject matter under investigation.

"RULE L

"Outside employment

"1. No officer or employee of the Senate shall engage in any business, financial or professional activity or employment for compensation or gain unless—

"(a) such activity or employment is not inconsistent with the conscientious performance of his official duties; and

"(b) express permission has been granted by the Member of the Senate charged with supervision of such officer or employee by this rule;

Provided, However, That in no event shall any officer or full-time employee of the Senate, without speical leave of the Senate—

"(a) serve in any managerial capacity in any business or financial enterprise; or

"(b) engage in any regular professional or consulting practice, or maintain an association with any professional or consulting firm.

"2. For the purposes of this rule—

"(a) each Member of the Senate shall be charged with the supervision of each of his employees;

"(b) each Member of the Senate who is the chairman of a Senate or joint committee or subcommittee shall be charged with the supervision of each employee of such committee or subcommittee;

"(c) the Majority Leader shall be charged with the supervision of each officer and employee of the Majority, and the Minority Leader shall be charged with the supervision of each officer and employee of the Minority;

"(d) the Vice President shall be charged with the supervision of each of his employees; and

"(e) the President Pro Tempore shall be charged with the supervision of all other officers and employees of the Senate.

Comparison of Proposed Changes

[Proposed]

RULE I

Election of President pro tempore and selection of officers

At the commencement of each Congress, the Senate shall elect a President pro tempore and shall choose its officers, the Secretary, the Sergeant at Arms, the Chaplain, the Secretary to the Majority, the Secretary to the Minority.

RULE II

Appointment of a Senator to the chair

1. The President pro tempore shall perform the duties of the Chair in the absence of the Vice President or vacancy in the office of Vice President.

2. In the absence of the Vice President, and pending the election of a President pro tempore, a Senator designated by the majority leader, with the concurrence of the minority leader, shall perform the duties of the Chair.

3. The President pro tempore shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair. In the absence of such designation by the President pro tempore, the majority leader, with the concurrence of the minority leader, shall designate a Senator or Senators to perform the duties of the Chair; but in neither instance shall such substitution extend beyond an adjournment, except by unanimous consent.

4. Whenever any Senator shall be designated to perform the duties of the Chair during the temporary absence of the President pro tempore, such Senator shall be empowered to sign, as acting President pro tempore, the enrolled bills and joint resolutions coming from the House of Representatives for presentation to the President of the United States.

"3. As used in this rule, the term 'officer or employee of the Senate' has the meaning given thereto by rule XLVII.

"RULE LI

"The Presiding Officer shall construe these rules so as to give effect to their plain meaning. Precedents and rulings in force prior to the adoption of these rules shall not be binding in the construction of these rules."

Mr. CLARK. Mr. President, I ask unanimous consent that a side-by-side print, showing the proposed revisions and the existing rules, in parallel columns, may be printed in full in the RECORD at this point as a part of my remarks. A guide list with the numbers of existing rules corresponding with the rule revisions has just been sent to the desk for the guidance of the printer of the CONGRESSIONAL RECORD.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

WITH EXISTING SENATE RULES

[Existing]

(Corrected to January 30, 1964)

[Rules adopted Jan. 11, 1884, effective Jan. 21, 1884. Citations to all amendments through Jan. 30, 1964, are indicated by footnotes.]

RULE I

Appointment of a Senator to the Chair

1. In the absence of the Vice President, the Senate shall choose a President pro tempore. (Jefferson's Manual, sec. IX.)

On March 12, 1890, the Senate agreed to the following:

"*Resolved,* That it is competent for the Senate to elect a President pro tempore, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof during all future absences of the Vice President until the Senate otherwise orders." (S. Jour. 165, 51-1, Mar. 12, 1890.)

2. In the absence of the Vice President, and pending the election of a President pro tempore, the Secretary of the Senate, or in his absence the Chief Clerk, shall perform the duties of the Chair. (Jefferson's Manual, sec. IX.)

3. The President pro tempore shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except by unanimous consent. (Jefferson's Manual, sec. IX.)

4.[1] In event of a vacancy in the office of the Vice President,[2] or whenever the powers and duties of the President shall devolve on the Vice President, the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the Chair during his absence; and the Senator so named shall have the right to name in open session, or in writing, if absent, a Senator to perform the duties of the Chair, but such substitution shall not extend beyond adjournment, except by unanimous consent. (Jefferson's Manual, sec. IX.)

On January 4, 1905, the Senate agreed to the following:

"*Resolved,* That whenever a Senator shall be designated by the President pro tempore to perform the duties of the Chair during his temporary absence he shall be empowered to sign, as acting President pro tempore, the enrolled bills and joint resolutions

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[1] As amended, S. Jour. 331, 332, 57-1, Apr. 18, 1902.

[2] As amended, S. Jour. 254, 56-1, Apr. 6, 1900; S. Jour. 41, 58-3, Dec. 15, 1904.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

RULE III

Presentation of credentials

1. The presentation of credentials of Senators elect and other questions of privilege shall always be in order, except while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

2. The Secretary shall keep a record of the certificates of election of Senators by entering in a well-bound book kept for that purpose the date of the election, the name of the person elected and the vote given at the election, the date of the certificate, the name of the governor and the secretary of state signing and countersigning the same, and the State from which such Senator is elected.

[Existing]

coming from the House of Representatives for presentation to the President of the United States." (S. Jour. 47, 58-3, Jan. 4, 1905.)

RULE VI

Presentation of credentials

1. The presentation of the credentials of Senators-elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

2. The Secretary shall keep a record of the certificates of election of Senators by entering in a well-bound book kept for that purpose the date of the election, the name of the person elected and the vote given at the election, the date of the certificate, the name of the Governor and the secretary of state signing and countersigning the same, and the State from which such Senator is elected.

On July 17, 1961, the Senate agreed to the following:

"*Resolved,* That, in the opinion of the Senate, the following are convenient and sufficient forms of the certificates of election of a Senator for a six-year term, or an unexpired term, or for the appointment of a Senator to fill a vacancy, to be signed by the executive of any State in pursuance of the Constitution and the statutes of the United States:

"CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

"*To the President of the Senate of the United States:*

"This is to certify that on the —— day of ——, 19——, A—— B—— was duly chosen by the qualified electors of the State of —— a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 19——.

"Witness: His excellency our Governor ——, and our seal hereto affixed at —— this —— day of ——, in the year of our Lord 19——.

"By the Governor:

"C—— D——,
"*Governor.*

"E—— F——,
"*Secretary of State.*"

"CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

"TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

"This is to certify that on the —— day of ——, 19——, A—— B—— was duly chosen by the qualified electors of the State of —— a Senator for the unexpired term ending at noon on the 3d day of January, 19——, to fill the vacancy in the representation from said State in the Senate of the United States caused by the —— of C—— D——.

"Witness: His excellency our Governor ——, and our seal hereto affixed at —— this ——day of ——, in the year of our Lord 19——.

"By the Governor:

"E—— F——,
"*Governor.*

"G—— H——,
"*Secretary of State.*"

"CERTIFICATE OF APPOINTMENT

"*To the President of the Senate of the United States:*

"This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of ——, I, A—— B——, the governor of said State, do hereby appoint C—— D—— a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the ——

Comparison of Proposed Changes With Existing Senate Rules—Continued

[Proposed]

RULE IV

Oaths, etc.

The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties.

RULE V

Commencement of daily sessions

"The Presiding Officer having taken the Chair, and a quorum being present, motions to correct any mistakes made in the entries of the Senate Journal of the preceding day shall be in order and proceeded with until disposed of, unless objected to. If objection is made, the Senator moving to correct the Senate Journal and the Senator objecting may file at the Clerk's desk briefs in support of their positions. Such briefs shall be printed in the Senate Journal for the calendar day on which the motion to correct was made, together with a notice that a vote on the motion will take place on the following calendar day on which the Senate is in session at a time certain to be set by the Presiding Officer. At the designated time, the motion to correct shall be submitted to the Senate and decided without debate.

2. Unless a motion to read the Senate Journal of the preceding day, which shall be nondebatable, is made and passed by majority vote, the Senate Journal shall be deemed to have been read without actual recitation and approved.

3. A quorum shall consist of a majority of the Senators duly chosen and sworn.

RULE VI

Senate Journal

1. The proceedings of the Senate shall be accurately stated in the Senate Journal which shall be the Senate section of the Congressional Record. Messages of the President in full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate; the legislative proceedings; and, the executive proceedings in open executive sessions, shall be entered.

2. The executive proceedings in closed session, the confidential legislative proceedings,

[Existing]

of E—— F——, is filled by election as provided by law.

"Witness: His excellency our governor ——, and our seal hereto affixed at —— this — day of ——, in the year of our Lord 19—.

"By the governor:

"G—— H——,
Governor.

"I—— J——,
"Secretary of State.

"*Resolved*, That the Secretary of the Senate shall send copies of these suggested forms and these resolutions to the executive and secretary of each State wherein an election is about to take place or an appointment is to be made in season that they may use such forms if they see fit." (S. Jour. 17, 73-2, Jan. 4, 1934; S. Jour. 547, 87-1, July 17, 1961.)

RULE II

Oaths, etc.

The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties.

Oaths Required by the Constitution and by Law To Be Taken by Senators Under Rule II

"I, A B, do solemnly swear (or affirm) that I will support the Constitution of the United States. (1 Stat. 23, June 1, 1789.)

"I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God." (15 Stat. 85, July 11, 1868.)

RULE III

Commencement of daily sessions

1. The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, and any mistakes made in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of. (Jefferson's Manual, secs. VI, XLIX.)

2. A quorum shall consist of a majority of the Senators duly chosen and sworn. (Jefferson's Manual, sec. VI.)

On February 6, 1939, the Senate agreed to the following:

"*Resolved*, That the Chaplain shall open each calendar day's session of the Senate with prayer." (S. Jour. 93, 76-1, Feb. 6, 1939.)

RULE IV

Journal

1. The proceedings of the Senate shall be briefly and accurately stated on the Journal. Messages of the President in full; titles of bills and joint resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered. (Jefferson's Manual, sec. VIII.)

2. The legislative, the executive, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded in a separate book. (Jefferson's Manual, sec. XLIX.)

Comparison of Proposed Changes With

[Proposed]

and the proceedings when sitting as a Court of Impeachment, shall each be recorded by the Journal Clerk in a separate book.

RULE VII

Quorum—Absent Senators may be sent for

1. No Senator shall absent himself from the service of the Senate without leave.

2. If, at any time during the daily sessions of the Senate, a question shall be raised by the Majority Leader or the Minority Leader, or, in their absence, by the Acting Majority Leader or the Acting Minority Leader, as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

3. Any Senator may raise the question as to the presence of a quorum but only for the purpose of seeking recognition and calling for a vote on the pending business once the presence of a quorum has been ascertained; and, declaration of such intention shall be made by such Senator immediately prior to his raising the question as to the presence of a quorum. Immediately upon the statement of such intention and the raising of such question by any Senator, the Presiding Officer shall forthwith direct the Secretary to call the roll and proceed as above provided.

4. Whenever, during any quorum call as provided for in paragraphs 2 and 3, the Presiding Officer ascertains that a majority of the Senators are present in the chamber, he shall direct that the quorum call be halted.

5. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

RULE VIII

Order of recognition

When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized; and the Presiding Officer shall recognize the Senator who shall first address him, except that he shall first give recognition to the following Senators in the order prescribed if any of them shall also seek recognition:

(1) The Majority Leader, or, in his absence, any Senator designated as Acting Majority Leader by the Majority Leader, and occupying the Majority Leader's desk.

(2) The Minority Leader, or, in his absence, any Senator designated as Acting Minority Leader by the Minority Leader, and occupying the Minority Leader's desk.

RULE IX

Debate

1. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; Provided, however, that such consent shall not be required where any Senator shall raise a germane point of order that the Senator in possession of the floor has transgressed the rules of the Senate. Unless submitted to the Senate, the germane point of order shall be decided by the Presiding Officer subject to an appeal to the Senate as provided in Rule X. Any Senator against whom a germane point of order shall have been raised and any Senator raising such point of order may appeal from the ruling of the Presiding Officer, which appeal shall be open to debate. If the Presiding Officer shall sustain the germane point of order and no appeal is taken, or if upon appeal the Senate shall sustain the germane point of

EXISTING SENATE RULES—Continued

[Existing]

RULE V

Quorum—Absent Senators may be sent for

1. No Senator shall absent himself from the service of the Senate without leave. (Jefferson's Manual, sec. VIII.)

2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate. (Jefferson's Manual, sec. VII.)

3. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order. (Jefferson's Manual, secs. VII, VIII.)

RULE XIX

Debate

1. When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer, and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate. (Jefferson's Manual, secs. XVII, XXXIX.)

2.[3] No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator. (Jefferson's Manual, sec. XVII.)

3.[4] No Senator in debate shall refer offensively to any State of the Union.

4.[5] If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rules of the Senate the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate. (Jefferson's Manual, sec. XVII.)

5. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate. (Jefferson's Manual, sec. XVII.)

6.[6] Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

7.[7] No Senator shall introduce to or bring to the attention of the Senate during its sessions any occupant in the galleries of the Senate. No motion to suspend this rule shall be in order, nor may the Presiding Officer entertain any request to suspend it by unanimous consent.

8.[8] Former Presidents of the United States shall be entitled to address the Senate upon appropriate notice to the Presiding Officer who shall thereupon make the necessary arrangements.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

order, the Senator against whom it has been made shall take his seat; otherwise he shall retain possession of the floor.

A germane point of order may be raised in respect to enforcement of paragraphs 3 and 5 of this Rule.

2. It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any petition, memorial, report of a committee, resolution, or bill. It shall be the duty of the Presiding Officer to enforce this rule without any point of order hereunder being made by a Senator.

3. No Senator shall speak more than twice upon any one question in debate on the same legislative day without leave of the Senate, which shall be determined without debate.

4. Upon the request of any Senator who has been recognized, his remarks upon any subject may be delivered in writing, and if so delivered shall be printed in the Senate Journal in the same manner, and in the same size print, as if those remarks had been delivered orally. The Senate Journal shall contain a notation that the material was submitted but not delivered orally.

5. Whenever a Senator has held the floor for three consecutive hours, he shall be required to yield the floor upon objection and any Senator may raise a point of order at any time thereafter that such Senator yield the floor.

6. No Senator in debate shall directly or indirectly, by any form of words, impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator, or refer offensively to any State of the Union.

7. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgresses the rules of the Senate by impugning the motives or integrity of another Senator, the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate.

8. If a Senator be called to order for words spoken in debate, then, upon the demand of the Senator or of any other Senator, the exceptionable words shall be read by the Official Reporter for the information of the Senate.

9. Whenever confusion arises in the chamber or the galleries, or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

10. No Senator shall introduce to or bring to the attention of the Senate during its sessions any occupant in the galleries of the Senate. No motion to suspend this rule shall be in order, nor may the Presiding Officer entertain any request to suspend it by unanimous consent.

11. During the consideration of any measure, motion or other matter, any Senator may move that all further debate under the order for pending business shall be germane to the subject matter before the Senate. If such a motion, which shall be nondebatable, is approved by the Senate, all further debate under the said order shall be germane to the subject matter before the Senate, and all questions of germaneness under this rule, when raised, including appeals, shall be decided by the Senate without debate.

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[3] As amended, S. Jour. 301, 57–1, Apr. 8, 1902.

[4] Ibid.

[5] As amended, S. Jour. 314, 87–2, June 14, 1962.

[6] As amended, S. Jour. 71, 63–2, Jan. 14, 1914.

[7] As amended, S. Jour. 526–527, 85–1, Aug. 26, 1957.

[8] As amended, S. Jour. 527, 88–1, Oct. 1, 1963.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]	[Existing]
12. When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate. 13. No dilatory motion shall be entertained by the Presiding Officer. A Senator whose motion has been determined by the Presiding Officer to be dilatory may appeal from the decision of the Chair, which appeal shall be decided by the Senate without debate. 14. Former Presidents of the United States shall be entitled to address the Senate upon appropriate notice to the Presiding Officer who shall thereupon make the necessary arrangements.	
RULE X *Questions of order* 1. Subject to the limitations in rule IX, a question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer. 2. The Presiding Officer may submit any question of order for the decision of the Senate. 3. When a question of order has been submitted to the Senate, or a debatable appeal has been taken on a decision of the Presiding Officer as provided herein, debate on such submission or appeal shall be limited, in all, to one hour, unless the Senate shall otherwise direct.	RULE XX *Questions of order* 1. A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer. (Jefferson's Manual, sec. XXXIII.) 2. The Presiding Officer may submit any question of order for the decision of the Senate. (Jefferson's Manual, sec. XXXIII.)
RULE XI *Morning business* 1. One hour, if that much time be needed, shall be set aside for the transaction of morning business as set forth in rule XI, paragraph 2, on each legislative day at the opening of proceedings unless the Senate shall otherwise order by unanimous consent. The period for morning business may be extended for up to one additional hour, upon motion, which shall be nondebatable, approved by majority action. 2. The Presiding Officer shall, during the period for morning business, lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer shall then call for: The presentation of petitions and memorials. Reports of standing and select committees. The introduction of bills and joint resolutions. Concurrent and other resolutions. Statements or comments not to exceed three minutes which may include requests for unanimous consent to insert articles and other printed matter in the Senate Journal and to submit statements. 3. Until the morning business shall have been concluded, and so announced from the Chair, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent be given, the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.	RULE VII *Morning business* 1. After the Journal is read, the Presiding Officer shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer shall then call for, in the following order: The presentation of petitions and memorials. Reports of standing and select committees. The introduction of bills and joint resolutions. Concurrent and other resolutions. All of which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given. (Jefferson's Manual, sec. XIV.) On January 16, 1908, the Senate agreed to the following: "*Resolved*, That no communications from heads of departments, commissioners, chiefs of bureaus, or other executive officers, except when authorized or required by law, or when made in response to a resolution of the Senate, will be received by the Senate unless such communications shall be transmitted to the Senate by the President." (S. Jour. 122, 60–1, Jan. 16, 1908.) On December 17, 1885, the Senate agreed to the following: "*Ordered*, That until otherwise ordered, the Chair shall proceed with the call for resolutions to be newly offered before laying before the Senate resolutions which came over from a former day." (S. Jour. 102, 49–1, Dec. 17, 1885.)
RULE XII *Petitions and memorials* 1. Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents, and shall be presented and referred to the appropriate committee without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President. 2. Every petition or memorial shall be referred, without putting the question, unless objection to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions. 3. Only a brief statement of the contents of such communications as are presented under the order of business "Presentation of petitions and memorials" shall be printed in the Senate Journal; and no other portion of such communications shall be inserted in the Senate Journal unless specifically so ordered by the Senate, as provided for in rule XL, paragraph 1; except that communications from the legislatures or conventions, lawfully called, of the respective States and insular possessions shall be printed in full in the Senate Journal whenever presented, and the original copies of such communications shall be retained in the files of the Secretary of the Senate. 4. Senators having petitions, memorials, or private bills to present after the conclusion of the morning business may deliver them to the Secretary of the Senate, indorsing upon them their names. Said petitions, memorials, or bills shall, with the approval of the Presiding Officer, be entered on the Senate Journal with the names of the Senators presenting them as having been read twice and referred to the appropriate committees.	

EXISTING SENATE RULES—Continued

[Existing]

2. [9] [10] Senators having petitions, memorials, pension bills, or bills for the payment of private claims to present after the morning hour may deliver them to the Secretary of the Senate, indorsing upon them their names and the reference or disposition to be made thereof, and said petitions, memorials, and bills shall, with the approval of the President Officer, be entered on the Journal with the names of the Senators presenting them as having been read twice and referred to the appropriate committees, and the Secretary of the Senate shall furnish a transcript of such entries to the official reporter of debates for publication in the RECORD.

It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.[11]

3. Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent be given, the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up: [12] *Provided, however,* That on Mondays the Calendar shall be called under Rule VIII, and during the morning hour no motion shall be entertained to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar except the motion to continue the consideration of a bill, resolution, report of a committee, or other subject against objection as provided in Rule VIII. (Jefferson's Manual, sec. XIV.)

4. Every petition or memorial shall be referred, without putting the question, unless objection to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions. (Jefferson's Manual, sec. XIX.)

5.[13] Every petition or memorial shall be signed by the petitioner or memorialist and have endorsed thereon a brief statement of its contents, and shall be presented and referred without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President. (Jefferson's Manual, sec. XIX.)

6.[14] Only a brief statement of the contents, as provided for in Rule VII, paragraph five, of such communications as are presented under the order of business "Presentation of petitions and memorials" shall be printed in the Congressional Record, and no other portion of such communications shall be inserted in the Record unless specifically so ordered by vote of the Senate, as provided for in rule XXIX, paragraph one; except

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

RULE XIII

Calendar Monday

1. At the conclusion of the morning business on each Monday, unless upon motion decided without debate the Senate shall otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and bills and resolutions that are not objected to shall be taken up in their order. An objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the conclusion of morning business, and shall take precedence of the unfinished business and other special orders.

RULE XIV

Motions to consider

1. All motions to proceed to the consideration of any matter shall be debatable, unless otherwise provided in these Rules; *Provided, however,* That when any Senator shall file, at the desk of the Clerk, a notice of intention to move to consider any matter on the Senate Calendar on the following calendar day on which the Senate is in session, such motion for consideration when made by such Senator shall be decided without debate. The notice of intent shall be printed in the Senate Journal.

RULE XV

Special orders

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there

[Existing]

that communications from the legislatures or conventions, lawfully called, of the respective States, Territories, and insular possessions shall be printed in full in the Record whenever presented, and the original copies of such communications shall be retained in the files of the Secretary of the Senate.

On February 7, 1887, the Senate agreed to the following:

"*Ordered,* That when petitions and memorials are ordered printed in the Congressional Record the order shall be deemed to apply to the body of the petition only, and the names attached to said petition or memorial shall not be printed unless specially ordered by the Senate." (S. Jour. 280, 49–2, Feb. 7, 1887.)

7.[15] The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate. (Jefferson's Manual, sec. XIV.)

RULE IX

Order of business

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than 2 o'clock if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which if carried shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar.

Each of the foregoing motions shall be decided without debate and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order. (Jefferson's Manual, secs. XIV, XXXIII.)

RULE X

Special orders

1. Any subject may, by a vote of two-thirds of the Senators present, be made a

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[9] As amended, S. Jour. 548, 59–1, May 31, 1906.

[10] See also Sec. 131 of the Legislative Reorganization Act of 1946 (Senate Manual Section (42)).

[11] As amended, S. Jour. 548, 59–1, May 31, 1906.

[12] As amended, S. Jour. 290, 65–2, July 2, 1918.

[13] As amended, S. Jour. 427, 428, 50–1, Mar. 6, 1888.

[14] As amended, S. Jour. 298, 65–1, Oct. 5, 1917.

[15] As amended, S. Jour. 431, 48–1, Mar. 17, 1884.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time in which it was made special, unless it shall become by adjournment the unfinished business.

2. When two or more special orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

And all motions to make a subject a special order, or to change such order, or to proceed to the consideration of other business, shall be decided without debate.

RULE XVI

Bills, joint resolutions, and resolutions

1. Every bill and joint resolution shall receive three readings previous to its passage. The first reading and the second reading may be on the same calendar day, if the Senate by majority vote without debate, shall so direct; but the third reading must be on a different calendar day. The Presiding Officer shall give notice at each reading whether it be the first, second, or third. The first or second reading of each bill, or both, may be by title only, unless the Senate by majority vote without debate shall otherwise order.

2. Every bill or joint resolution shall immediately after second reading be referred by the Presiding Officer to the appropriate committee. Appeals from rulings of the Presiding Officer referring bills and joint resolutions to committee shall be decided by the Senate without debate. A motion to place a bill or joint resolution on the Senate Calendar immediately and not refer it to committee may be made by any Senator after such bill or joint resolution has been read twice but before it has been referred to committee, and such motion shall be decided by majority vote of the Senate after debate not to exceed a period of one hour.

3. Every bill and joint resolution having been read twice and referred to a committee, shall, upon being reported by the committee, immediately be placed on the Calendar. Every bill and joint resolution originating in a committee shall, upon being reported by the committee, be read twice and then placed on the Calendar.

4. The Secretary of the Senate shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate, and shall examine all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States and report the fact and date of such presentation to the Senate.

5. All resolutions shall lie over one calendar day for consideration, unless the Senate shall by majority vote otherwise direct.

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special order; and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business. (Jefferson's Manual, secs. XVIII, XXXIII.)

2. When two or more special orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.[12] (Jefferson's Manual, secs. XVIII, XXXIII.)

RULE XIV

Bills, joint resolutions, and resolutions

1. Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day. (Jefferson's Manual, sec. XXIII.)

2. Every bill and joint resolution shall receive three readings previous to its passage, which readings shall be on three different days, unless the Senate unanimously direct otherwise; and the Presiding Officer shall give notice at each reading whether it be the first, second, or third: *Provided,*[16] That the first or second reading of each bill may be by title only, unless the Senate in any case shall otherwise order. (Jefferson's Manual, sec. XXII.)

3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day[17] nor debated, except for reference, unless by unanimous consent. (Jefferson's Manual, sec. XXV.)

4. Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar. (Jefferson's Manual, sec. XXV.)

5.[18] The Secretary of the Senate shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate, and shall examine all bills and joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States and report the fact and date of such presentation to the Senate.

COMPARISON OF PROPOSED CHANGES WITH

[Proposed]

RULE XVII

Reports of committees and motions to discharge to lie over

All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one calendar day for consideration, unless the Senate, without debate, by a majority vote shall otherwise direct, or unless otherwise provided in these Rules.

RULE XVIII

Reference to committees—Amendments

When motions are made for reference of a subject to a select committee or a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.

RULE XIX

Amendments to appropriation bills

1. All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

2. The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

3. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received.

4. No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency.

5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the fact of the amendment.

6. (a) Three members of the following-named committees, to be selected by their respective committees, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the annual appropriation bill making appropria-

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[12] As amended, S. Jour. 290, 65–2, July 2, 1918.

[16] As amended, S. Jour. 71, 63–2, Jan. 14, 1914.

[17] As amended, S. Jour. 357, 71–2, May 16, 1930.

[18] As amended, S. Jour. 60, 80–1, Jan. 17, 1947.

EXISTING SENATE RULES—Continued

[Existing]

6.[19] All resolutions shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct. (Jefferson's Manual, sec. XXV.)

RULE XXVI

Reference to committees; motions to discharge, and reports of committees to lie over

1. When motions are made for reference of a subject to a select committee, or to a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions. (Jefferson's Manual, secs. XXVII, XXXIII.)

2. All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct. (Jefferson's Manual, sec. XXVII.)

RULE XVI

Amendments to appropriation bills

1. All general appropriation bills shall be referred to the Committee on Appropriations,[20] and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

2.[21] The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation or any such restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

3.[22] All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received; in like manner, amendments proposing new items of appropriation to river and harbor bills, establishing post roads, or proposing new post roads, shall, before being considered, be referred to the Committee on Public Works. (Jefferson's Manual, sec. XXXV.)

4.[23] No amendment which proposes general legislation shall be received to any general

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

tions for the purposes specified in the following table opposite the name of the committee is being considered by the Committee on Appropriations:

Name of Committee and Purpose of Appropriation

Committee on Agriculture and Forestry: For the Department of Agriculture.

Committee on Armed Services: For the Department of Defense.

Committee on Aeronautical and Space Sciences: For aeronautical and space activities and matters relating to the scientific aspects thereof, except those peculiar to or primarily associated with the development of weapons systems or military operations.

Committee on Commerce: For the Department of Commerce and related activities.

Committee on the District of Columbia: For the District of Columbia.

Committee on Finance, Committee on Post Office and Civil Service: For the Departments of the Treasury and the Post Office.

Committee on Foreign Relations: For the Department of State and related agencies, and for the foreign assistance programs.

Committee on Interior and Insular Affairs: For the Department of the Interior and related agencies.

Committee on the Judiciary: For the Department of Justice and for the Judiciary.

Committee on Labor and Public Welfare: For the Departments of Labor and of Health, Education, and Welfare.

Committee on Public Works: For public works.

Senate Members of the Joint Committee on Atomic Energy (to be selected by said members): For the development and utilization of atomic energy.

(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregoing table opposite the name of his or their respective committee.

7. When a point of order is made against any restriction on the expenditure of funds appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order.

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appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill. (Jefferson's Manual, sec. XXXV.)

5. No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment. (Jefferson's Manual, sec. XXX.)

6.[24] (a) Three members of the following-named committees, to be selected by their respective committees, shall be ex officio members of the Committee on Appropriations, to serve on said committee when the annual appropriation bill making appropriations for the purposes specified in the following table opposite the name of the committee is being considered by the Committee on Appropriations:

Name of Committee and Purpose of Appropriation

Committee on Agriculture and Forestry: For the Department of Agriculture.

Committee on Post Office and Civil Service,[25]: For the Post Office Department.

Committee on Armed Services: For the Department of War; [26] for the Department of the Navy.

Committee on the District of Columbia: For the District of Columbia.

Committee on Public Works: For rivers and harbors.

Committee on Foreign Relations: For the diplomatic and consular service.

Senate members of the Joint Committee on Atomic Energy (to be selected by said members)[27]: For the development and utilization of atomic energy.

Committee on Aeronautical and Space Sciences [28]: For aeronautical and space activities and matters relating to the scientific aspects thereof, except those peculiar to or primarily associated with the development of weapons systems or military operations.

(b) At least one member of each committee enumerated in subparagraph (a), to be selected by his or their respective committees, shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill making appropriations for the purposes specified in the foregoing table opposite the name of his or their respective committee. (Jefferson's Manual, sec. XXXV.)

7.[29] When a point of order is made against any restriction on the expenditure of funds

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[19] Ibid.

[20] As amended, S. Jour. 86, 55–3, Jan. 28, 1899; S. Jour. 140, 66–1, July 23, 1919.

[21] As amended, S. Jour. 126, 67–2, Mar. 6, 1922; S. Jour. 299, 79–2, June 10, 1946, effective Jan. 2, 1947.

[22] As amended, S. Jour. 299, 79–2, June 10, 1946, effective Jan. 2, 1947.

[23] As amended, S. Jour. 299, 79–2, June 10, 1946, effective Jan. 2, 1947.

[24] As amended, S. Jour. 299, 79–2, June 10, 1946, effective Jan. 2, 1947.

[25] Name changed from Committee on Civil Service, effective Jan. 1, 1948, S. Jour. 198, 80–1, Apr. 17, 1947.

[26] Name changed to Department of the Army by the National Security Act of 1947 (July 26, 1946, 61 Stat. 499; 5 U.S.C. Sup. 171).

[27] As amended, S. Jour. 86, 82–1, Feb. 1, 1951.

[28] As amended, S. Jour. 508, 85–2, July 24, 1958.

[29] As amended, S. Jour. 299, 79–2, June 10, 1946.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

RULE XX

Amendments—Germaneness

No amendment not germane or relevant to the subject matter contained in a bill under consideration shall be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments, when raised, shall be decided by the Presiding Officer, subject to appeal to the Senate to be decided without debate.

RULE XXI

Amendment may be laid on the table without prejudice to the bill

When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice, such measure.

RULE XXII

Amendments—Division of a question

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

RULE XXIII

Amendments after third reading—Recommitment

When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the Calendar unless the Senate by majority vote shall otherwise direct.

RULE XXIV

Motions

1. All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

2. Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

RULE XXV

Precedence of motions—Previous question

1. When a question is pending, no motion shall be received but—

To adjourn.

To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

To take a recess.

To proceed to the consideration of executive business.

[Existing]

appropriated in a general appropriation bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order.

RULE XVII

Amendment may be laid on the table without prejudice to the bill

When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice, such measure.

RULE XVIII

Amendments—Division of a question

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence. (Jefferson's Manual, secs. xxxv, xxxvi.)

RULE XV [30]

Bills

1. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the Calendar. (Jefferson's Manual, secs. XXVI, XXX.)

2. Whenever a private bill is under consideration, it shall be in order to move, as a substitute for it, a resolution of the Senate referring the case to the Court of Claims, under the provisions of the act approved March 3, 1883.

RULE XXI

Motions

1. All motions shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated. (Jefferson's Manual, sec. XX.)

2. Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave. (Jefferson's Manual, sec. XX.)

RULE XXII

Precedence of motions

1. When a question is pending, no motion shall be received but—

To adjourn.

To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.

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[30] As amended, S. Jour. 357, 71-2, May 16, 1930.

COMPARISON OF PROPOSED CHANGES WITH

[Proposed]

To lay on the table.

For the previous question.

To postpone indefinitely.

To postpone to a day certain.

To commit.

To amend.

Which several motions shall have precedence as they stand arranged, except that after the previous question shall have been ordered on the passage of a bill or joint resolution, no motion to lay on the table shall be in order; and the motions relating to adjournment, to take a recess, for the previous question, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

2. (a) Whenever any motion or amendment to a measure pending before the Senate has received consideration for a total of not less than fifteen hours, during a total of not less than three calendar days, any Senator may move the previous question with respect to such motion or amendment.

(b) Whenever any measure pending before the Senate, together with any motions or amendments relating to it, has received consideration for a total of not exceeding fifteen calendar days, any Senator may move the previous question with respect to such measure and any or all motions or amendments relating to it.

(c) When such a motion is made and a quorum is ascertained to be present, it shall be submitted immediately to the Senate by the Presiding Officer, without debate and shall be determined by a "yea" and "nay" vote, a majority prevailing. A previous question may be asked and ordered with respect to one or more measures, motions, amendments, or matters, and may embrace one or more amendments to any pending measure, motion or matter described therein, and the passage or rejection of the pending bill or resolution; *Provided, however,* that any or all motions or amendments not so embraced by the motion for the previous question shall be deemed rejected. If the previous question is so ordered as to any measure, motion, amendment, or matter, that measure, motion, amendment, or matter shall be presented immediately to the Senate for determination. One hour of debate, equally divided between opponents and proponents, shall be allowed on any motion, amendment, or matter, other than the passage or rejection of the measure, bill or resolution on which the previous question has been ordered; and, four hours of debate, divided in the same manner, shall be allowed on the passage or rejection of the measure, bill or resolution covered by such order.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RULE XXVI

Preambles

When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, on ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

EXISTING SENATE RULES—Continued

[Existing]

To take a recess.

To proceed to the consideration of executive business.

To lay on the table.

To postpone indefinitely.

To postpone to a day certain.

To commit.

To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate. (Jefferson's Manual, sec. XXXIII.)

2.[31] Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate,[32] at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting,[32] then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

3. The provisions of the last paragraph of rule VIII (prohibiting debate on motions made before 2 o'clock)[33] shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate.

RULE XXIII

Preambles

When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble. (Jefferson's Manual, sec. XXVI.)

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

RULE XXVII

Voting, etc.

1. A demand for the yeas and nays, when seconded by eleven Senators, shall be sufficient to require a rollcall vote. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question unless excused by the Senate. Senators entering the Chamber after their names have been called may obtain recognition from the Presiding Officer and have their votes recorded prior to the announcement of the vote; but no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, except that a Senator may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

2. When a Senator declines a vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?", which question shall be decided without debate; and these proceedings shall be had after the rollcall and before the result is announced; and any further proceedings in reference hereto shall be after such announcement.

3. No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a rollcall ordered for the purpose by the Presiding Officer, it shall be discovered that a quorum of the Senate is present; and when a unanimous consent is thus given, the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

RULE XXVIII

Reconsideration

1. When a question has been decided by the Senate, any Senator voting with the prevailing side or who has not voted may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

[Existing]

RULE XII

Voting, etc.

1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent. (Jefferson's Manual, sec. XLI.)

2. When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the roll call and before the result is announced; and any further proceedings in reference thereto shall be after such announcement. (Jefferson's Manual, secs. XVII, XLI.)

3.[34] No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the Presiding Officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

RULE XIII

Reconsideration

1. When a question has been decided by the Senate, any Senator voting with the prevailing side or who has not voted[35] may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote,[36] and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion. (Jefferson's Manual, sec. XLIII.)

2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider (Jefferson's Manual, sec. XLIII.)

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[31] As amended, S. Jour. 173, 81–1, Mar. 17, 1949.

[32] As amended, S. Jour. 37, 86–1, Jan. 12, 1959.

[33] As amended, S. Jour. 37, 86–1, Jan. 12, 1959.

[34] As amended, S. Jour. 74, 63–2, Jan. 16, 1914.

[35] As amended, S. Jour. 357, 71–2, May 16, 1930.

[36] As amended, S. Jour. 945, 49–1, June 21, 1886.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

RULE XXIX

Appointment of committees

1. At the beginning of each Congress the Senate shall proceed by ballot to appoint the members of each standing committee, and unless otherwise ordered, of each other committee of the Senate. All members of each such committee so appointed shall be appointed by one ballot. A plurality of the votes cast shall be required for the appointment of the members of each such committee.

In the event a vacancy occurs for any reason in the membership of a standing committee and of any other committee of the Senate during a session of Congress, the Senate shall proceed by ballot to fill the vacancy. A plurality of the votes cast shall be required in the filling of a vacancy.

2. Upon the appointment of the members of each such committee at the beginning of a Congress pursuant to paragraph 1, the majority members thereof shall elect by secret ballot of the majority members of the committee one member of that committee to be chairman thereof. Such member shall be of the majority party of the Senate. A majority of the whole number of votes given shall be required for the election of a chairman of any such committee.

No Senator shall be elected or shall continue to serve as chairman of a standing committee after he has attained the age of seventy years.

When a permanent vacancy occurs for any reason in the chairmanship of a standing committee and of any other committee of the Senate, the vacancy in the membership shall first be filled (if necessary) as provided in paragraph 1 hereof, and a successor chairman thereafter elected as hereinabove provided.

No Senator shall be chairman of more than one standing committee nor of more than one subcommittee of each committee of which he may be a member.

RULE XXX

Standing committees

1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

(a) (1) Committee on Aeronautical and Space Sciences, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

(A) Aeronautical and space activities, as that term is defined in the National Aeronautics and Space Act of 1958, except those which are peculiar to or primarily associated with the development of weapons systems or military operations.

(B) Matters relating generally to the scientific aspects of such aeronautical and space activities, except those which are peculiar to or primarily associated with the development of weapons systems or military operations.

(C) National Aeronautics and Space Administration.

(2) Such committee also shall have jurisdiction to survey and review, and to prepare studies and reports upon, aeronautical and space activities of all agencies of the United States, including such activities which are peculiar to or primarily associated with the development of weapons systems or military operations.

(b) Committee on Agriculture and Forestry, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Agriculture generally.

[Existing]

RULE XXIV

Appointment of committees

1. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint. (Jefferson's Manual, sec. XI.)

2. When a chairman of a committee shall resign or cease to serve on a committee, and the Presiding Officer be authorized by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, it shall be only to fill up the number on the committee.

RULE XXV [37]

Standing committees

1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

(a) [38] (1) Committee on Aeronautical and Space Sciences, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

(A) Aeronautical and space activities, as that term is defined in the National Aeronautics and Space Act of 1958, except those which are peculiar to or primarily associated with the development of weapons systems or military operations.

(B) Matters relating generally to the scientific aspects of such aeronautical and space activities, except those which are peculiar to or primarily associated with the development of weapons systems or military operations.

(C) National Aeronautics and Space Administration.

(2) Such committee also shall have jurisdiction to survey and review, and to prepare studies and reports upon, aeronautical and space activities of all agencies of the United States, including such activities which are peculiar to or primarily associated with the development of weapons systems or military operations.

COMPARISON OF PROPOSED CHANGES WITH

[Proposed]

2. Inspection of livestock and meat products.

3. Animal industry and diseases of animals.

4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.

5. Agricultural colleges and experiment stations.

6. Forestry in general, and forest reserves other than those created from the public domain.

7. Agricultural economics and research.

8. Agricultural and industrial chemistry.

9. Dairy industry.

10. Entomology and plant quarantine.

11. Human nutrition and home economics.

12. Plant industry, soils, and agricultural engineering.

13. Agricultural educational extension services.

14. Extension of farm credit and farm security.

15. Rural electrification.

16. Agricultural production and marketing and stabilization of prices of agricultural products.

17. Crop insurance and soil conservation.

(c) Committee on Appropriations, to consist of twenty-four Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation of the revenue for the support of the Government.

(d) Committee on Armed Services, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Common defense generally.

2. The Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally.

3. Soldiers' and sailors' homes.

4. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces.

5. Selective service.

6. Size and composition of the Army, Navy, and Air Force.

7. Forts, arsenals, military reservations, and navy yards.

8. Ammunition depots.

9. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.

10. Conservation, development, and use of naval petroleum and oil shale reserves.

11. Strategic and critical materials necessary for the common defense.

12. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

(e) Committee on Banking and Currency, to consist of thirteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banking and currency generally.

2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.

3. Deposit insurance.

4. Public and private housing.

5. Federal Reserve System.

6. Gold and silver, including the coinage thereof.

7. Issuance of notes and redemption thereof.

8. Valuation and revaluation of the dollar.

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[37] Rule XXV amended in entirety, S. Jour. 157–160, 88–1, Feb. 25, 1963. (For rule XXV as effective Jan. 2, 1947, see S. Jour. 299, 79–2, June 10, 1946.)

[38] As amended, S. Jour. 508, 85–2, July 24, 1958.

EXISTING SENATE RULES—Continued

[Existing]

(b) Committee on Agriculture and Forestry, to consist of seventeen [39] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Agriculture generally.
2. Inspection of livestock and meat products.
3. Animal industry and diseases of animals.
4. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.
5. Agricultural colleges and experiment stations.
6. Forestry in general, and forest reserves other than those created from the public domain.
7. Agricultural economics and research.
8. Agricultural and industrial chemistry.
9. Dairy industry.
10. Entomology and plant quarantine.
11. Human nutrition and home economics.
12. Plant industry, soils, and agricultural engineering.
13. Agricultural educational extension services.
14. Extension of farm credit and farm security.
15. Rural electrification.
16. Agricultural production and marketing and stabilization of prices of agricultural products.
17. Crop insurance and soil conservation.

(c) [40] Committee on Appropriations, to consist of twenty-seven [41] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation of the revenue for the support of the Government.

(d) [42] Committee on Armed Services, to consist of seventeen [43] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Common defense generally.
2. The Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally.
3. Soldiers' and sailors' homes.
4. Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.
5. Selective service.
6. Size and composition of the Army, Navy, and Air Force.
7. Forts, arsenals, military reservations, and navy yards.
8. Ammunition depots.
9. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.
10. Conservation, development, and use of naval petroleum and oil shale reserves.
11. Strategic and critical materials necessary for the common defense.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

9. Control of prices of commodities, rents, or services.
10. Bonded debt of the United States.
11. Deposit of moneys.

(f) Committee on Commerce, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Interstate and foreign commerce generally.
2. Regulation of interstate railroads, busses, trucks, and pipe lines.
3. Communication by telephone, telegraph, radio, and television.
4. Civil aeronautics, except aeronautical and space activities of the National Aeronautics and Space Administration.
5. Merchant marine generally.
6. Registering and licensing of vessels and small boats.
7. Navigation and the laws relating thereto, including pilotage.
8. Rules and international arrangements to prevent collisions at sea.
9. Merchant marine officers and seamen.
10. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.
11. Coast and Geodetic Survey.
12. The Coast Guard, including lifesaving services, lighthouses, lightships, and ocean derelicts.
13. The United States Coast Guard and Merchant Marine Academies.
14. Weather Bureau.
15. Except as provided in paragraph (d), the Panama Canal and interoceanic canals generally.
16. Inland waterways.
17. Fisheries and wildlife, including research, restoration, refuges, and conservation.
18. Bureau of Standards, including standardization of weights and measures and the metric system.
19. Transportation of dutiable goods.

(g) Committee on the District of Columbia, to consist of seven Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—
2. Public health and safety, sanitation, and quarantine regulations.
3. Regulation of sale of intoxicating liquors.
4. Adulteration of food and drugs.
5. Taxes and tax sales.
6. Insurance, executors, administrators, wills, and divorce.
7. Municipal and juvenile courts.
8. Incorporation and organization of societies.
9. Municipal code and amendments to the criminal and corporation laws.

(h) Committee on Finance, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Revenue measures generally.
2. Customs, collection districts, and ports of entry and delivery.
3. Revenue measures relating to the insular possessions.
4. Veterans' measures generally.
5. Pensions of all the wars of the United States, general and special.
6. Life insurance issued by the Government on account of service in the armed forces.
7. Compensation of veterans.

[Existing]

12.[44] Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

(e) Committee on Banking and Currency, to consist of fifteen [45] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banking and currency generally.
2. Financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule.
3. Deposit insurance.
4. Public and private housing.
5. Federal Reserve System.
6. Gold and silver, including the coinage thereof.
7. Issuance of notes and redemption thereof.
8. Valuation and revaluation of the dollar.
9. Control of prices of commodities, rents, or services.

(f) Committee on Commerce,[46] to consist of seventeen [47] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Interstate and foreign commerce generally.
2. Regulations of interstate railroads, buses, trucks, and pipe lines.
3. Communication by telephone, telegraph, radio, and television.
4. Civil aeronautics,[48] except aeronautical and space activities of the National Aeronautics and Space Administration.
5. Merchant marine generally.
6. Registering and licensing of vessels and small boats.
7. Navigation and the laws relating thereto, including pilotage.
8. Rules and international arrangements to prevent collisions at sea.
9. Merchant marine officers and seamen.
10. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, life-saving equipment, and fire protection on such vessels.
11. Coast and Geodetic Survey.
12. The Coast Guard, including life-saving service, lighthouses, lightships, and ocean derelicts.
13. The United States Coast Guard and Merchant Marine Academies.
14. Weather Bureau.
15. Except as provided in paragraph (d), the Panama Canal and interoceanic canals generally.
16. Inland waterways.
17. Fisheries and wildlife, including research, restoration, refuges, and conservation.
18. Bureau of Standards, including standardization of weights and measures and the metric system.

(g) Committee on the District of Columbia, to consist of seven [49] Senators, to which

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[39] Number changed from thirteen to fifteen, S. Jour. 56–57, 83–1, Jan. 9, 1953; number changed from fifteen to seventeen, S. Jour. 42, 86–1, Jan. 14, 1959.

[40] As amended, S. Jour. 157–160, 88–1, Feb. 25, 1963.

[41] Number changed from twenty-one to twenty-three, S. Jour. 56–57, 83–1, Jan. 9, 1953; number changed from twenty-three to twenty-seven, S. Jour. 42, 86–1, Jan. 14, 1959.

[42] As amended, S. Jour. 157–160, 88–1, Feb. 25, 1963.

[43] Number changed from thirteen to fifteen, S. Jour. 56–57, 83–1, Jan. 9, 1953; number changed from fifteen to seventeen, S. Jour. 42, 86–1, Jan. 14, 1959.

[44] As amended, S. Jour. 508, 85–2, July 24, 1958.

[45] Number changed from thirteen to fifteen, S. Jour. 56–57, 83–1, Jan. 9, 1953.

[46] Name changed from Committee on Interstate and Foreign Commerce, S. Jour. 287, 87–1, Apr. 13, 1961.

[47] Number changed from thirteen to fifteen, S. Jour. 56–57, 83–1, Jan. 9, 1953, number changed from fifteen to seventeen, S. Jour. 42, 86–1, Jan. 14, 1959.

[48] As amended, S. Jour. 508, 85–2, July 24, 1958.

[49] Number changed from thirteen to nine, S. Jour. 56–57, 83–1, Jan. 9, 1953; number changed from nine to seven, S. Jour. 42, 86–1, Jan. 14, 1959.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

(i) Committee on Foreign Relations, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Relations of the United States with foreign nations generally.

2. Treaties.

3. Establishment of boundary lines between the United States and foreign nations.

4. Protection of American citizens abroad and expatriation.

5. Neutrality.

6. International conferences and congresses.

7. The American National Red Cross.

8. Intervention abroad and declarations of war.

9. Measures relating to the diplomatic service.

10. Acquisition of land and buildings for embassies and legations in foreign countries.

11. Measures to foster commercial and cultural intercourse with foreign nations and to safeguard American business interests abroad.

12. United Nations Organization and international financial and monetary organizations.

13. Foreign loans and grants.

14. Reciprocal trade agreements.

15. Tariffs and import quotas and matters related thereto.

(j) (1) Committee on Government Operations, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(A) Budget and accounting measures, other than appropriations.

(B) Reorganization in the executive branch of the Government.

(2) Such committee shall have the duty of—

(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

(D) studying the intergovernmental relationships between the United States and the States and municipalities.

(k) Committee on Interior and Insular Affairs, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Public lands generally, including entry, easements, and grazing thereon.

2. Mineral resources of the public lands.

3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

4. Forest reserves and national parks created from the public domain.

5. Military parks and battlefields, and national cemeteries.

6. Preservation of prehistoric ruins and objects of interest on the public domain.

7. Measures relating generally to the insular possessions of the United States, except those affecting their revenue and appropriations.

8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.

[Existing]

committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

2. Public health and safety, sanitation, and quarantine regulations.

3. Regulation of sale of intoxicating liquors.

4. Adulteration of food and drugs.

5. Taxes and tax sales.

6. Insurance, executors, administrators, wills, and divorce.

7. Municipal and juvenile courts.

8. Incorporation and organization of societies.

9. Municipal code and amendments to the criminal and corporation laws.

(h) Committee on Finance, to consist of seventeen[50] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Revenue measures generally.

2. The bonded debt of the United States.

3. The deposit of public moneys.

4. Customs, collection districts, and ports of entry and delivery.

5. Reciprocal trade agreements.

6. Transportation of dutiable goods.

7. Revenue measures relating to the insular possessions.

8. Tariffs and import quotas, and matters related thereto.

9. National social security.

10. Veterans' measures generally.

11. Pensions of all the wars of the United States, general and special.

12. Life insurance issued by the Government on account of service in the armed forces.

13. Compensation of veterans.

(i) Committee on Foreign Relations, to consist of seventeen[51] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Relations of the United States with foreign nations generally.

2. Treaties.

3. Establishment of boundary lines between the United States and foreign nations.

4. Protection of American citizens abroad and expatriation.

5. Neutrality.

6. International conferences and congresses.

7. The American National Red Cross.

8. Intervention abroad and declarations of war.

9. Measures relating to the diplomatic service.

10. Acquisition of land and buildings for embassies and legations in foreign countries.

11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

12. United Nations Organization and international financial and monetary organizations.

13. Foreign loans.

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[50] Number changed from thirteen to fifteen, S. Jour. 56-57, 83-1, Jan. 9, 1953; number changed from fifteen to seventeen, S. Jour. 42, 86-1, Jan 14, 1959.

[51] Number changed from thirteen to fifteen, S. Jour 56-57, 83-1, Jan. 9, 1953; number changed from fifteen to seventeen, S. Jour. 42, 86-1, Jan. 14, 1959.

COMPARISON OF PROPOSED CHANGES WITH

[Proposed]

9. Interstate compacts relating to apportionment of waters for irrigation purposes.

10. Mining interests generally.

11. Mineral land laws and claims and entries thereunder.

12. Geological survey.

13. Mining schools and experimental stations.

14. Petroleum conservation and conservation of the radium supply in the United States.

15. Relations of the United States with the Indians and the Indian tribes.

16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

(l) Committee on the Judiciary, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1 Judicial proceedings, civil and criminal, generally.

2. Constitutional amendments.

3. Federal courts and judges.

4. Local courts in the Territories and possessions.

5. Revision and codification of the statutes of the United States.

6. National penitentiaries.

7. Protection of trade and commerce against unlawful restraints and monopolies.

8. Holidays and celebrations.

9. Bankruptcy, mutiny, espionage, and counterfeiting.

10. State and Territorial boundary lines.

11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

12. Civil liberties.

13. Patents, copyrights, and trademarks.

14. Patent Office.

15. Immigration and naturalization.

16. Apportionment of Representatives.

17. Measures relating to claims against the United States.

18. Interstate compacts generally.

(m) Committee on Labor and Public Welfare, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to health, education, labor, or public welfare generally.

2. Mediation and arbitration of labor disputes.

3. Wages and hours of labor.

4. Convict labor and the entry of goods made by convicts into interstate commerce.

5. Regulation or prevention of importation of foreign laborers under contract, and migratory labor generally.

6. Child labor.

7. Labor statistics.

8. Labor standards.

9. School-lunch program.

10. Vocational rehabilitation.

11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

12. United States Employees' Compensation Commission.

13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and St. Elizabeths Hospital.

14. Welfare of miners.

15. Vocational rehabilitation and education of veterans.

16. Veterans' hospitals, medical care and treatment of veterans.

17. Soldiers' and sailors' civil relief.

18. Readjustment of servicemen to civil life.

19. National social security.

Existing Senate Rules—Continued

[Existing]

(j) (1) Committee on Government Operation,[52] to consist of fifteen[53] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(A) Budget and accounting measures, other than appropriations.

(B) Reorganizations in the executive branch of the Government.

(2) Such committee shall have the duty of—

(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency;

(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;

(D) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

(k) Committee on Interior and Insular Affairs,[54] to consist of seventeen[55] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Public lands generally, including entry, easements, and grazing thereon.

2. Mineral resources of the public lands.

3. Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

4. Forest reserves and national parks created from the public domain.

5. Military parks and battlefields, and national cemeteries.

6. Preservation of prehistoric ruins and objects of interest on the public domain.

7. Measures relating generally to the insular possessions of the United States, except those affecting their revenue and appropriations.[56]

8. Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects.

9. Interstate compacts relating to apportionment of waters for irrigation purposes.

10. Mining interests generally.

11. Mineral land laws and claims and entries thereunder.

12. Geological survey.

13. Mining schools and experimental stations.

14. Petroleum conservation and conservation of the radium supply in the United States.

15. Relations of the United States with the Indians and the Indian tribes.

Comparison of Proposed Changes With Existing Senate Rules—Continued

[Proposed]

20. Employment, unemployment and the utilization of manpower.

(n) Committee on Post Office and Civil Service, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. The Federal civil service generally.

2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

3. The postal serivce generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

4. Postal-savings banks.

5. Census and the collection of statistics generally.

N. The National Archives.

(o) Committee on Public Works, to consist of fifteen Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Flood control and improvement of rivers and harbors.

2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

3. Water power.

4. Oil and other pollution of navigable waters.

5. Public buildings and occupied or improved grounds of the United States generally.

6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

7. Measures relating to the Capitol Building and the Senate and House Office Buildings.

8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

10. Measures relating to the construction or maintenance of roads and post roads.

(p) (1) Committee on Rules and Administration, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

(B) Except as provided in paragraph (o) 8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

(C) Except as provided in paragraph (o) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

(E) Matters relating to parliamentary rules; floor and gallery rules, Senate restaurant; administration of the Senate Office Buildings and the Senate wing of the

[Existing]

16. Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and special measures relating to claims which are paid out of Indian funds.

(l) Committee on the Judiciary, to consist of fifteen[57] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Judicial proceedings, civil and criminal, generally.

2. Constitutional amendments.

3. Federal courts and judges.

4. Local courts in the Territories and possessions.

5. Revision and codification of the statutes of the United States.

6. National penitentiaries.

7. Protection of trade and commerce against unlawful restraints and monopolies.

8. Holidays and celebrations.

9. Bankruptcy, mutiny, espionage, and counterfeiting.

10. State and Territorial boundary lines.

11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.

12. Civil liberties.

13. Patents, copyrights, and trademarks.

14. Patent Office.

15. Immigration and naturalization.

16. Apportionment of Representatives.

17. Measures relating to claims against the United States.

18. Interstate compacts generally.

(m) Committee on Labor and Public Welfare, to consist of fifteen[58] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, or public welfare generally.

2. Mediation and arbitration of labor disputes.

3. Wages and hours of labor.

4. Convict labor and the entry of goods made by convicts into interstate commerce.

5. Regulation or prevention of importation of foreign laborers under contract.

6. Child labor.

7. Labor statistics.

8. Labor standards.

9. School-lunch program.

10. Vocational rehabilitation.

11. Railroad labor and railroad retirement and unemployment, except revenue measures relating thereto.

12. United States Employees' Compensation Commission.

13. Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and St. Elizabeths Hospital.

14. Public health and quarantine.

15. Welfare of miners.

16. Vocational rehabilitation and education of veterans.

17. Veterans' hospitals, medical care and treatment of veterans.

18. Soldiers' and sailors' civil relief.

19. Readjustment of servicemen to civil life.

(n) Committee on Post Office and Civil Service,[59] to consist of nine[60] Senators, to

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[52] Name changed from Committee on Expenditures in the Executive Departments, S. Jour. 127, 82–2, Mar. 3, 1952.

[53] Number changed from thirteen to nine, S. Jour. 42, 86–1, Jan. 14, 1959; number changed from nine to fifteen, S. Jour. 157–160, 88–1, Feb. 25, 1963.

[54] Name changed from Committee on Public Lands, S. Jour. 51, 80–2, Jan. 28, 1948.

[55] Number changed from thirteen to fifteen, S. Jour. 56–57, 83–1, Jan. 9, 1953; number changed from fifteen to seventeen, S. Jour. 726, 86–1, Sept. 12, 1959.

[56] As amended, S. Jour. 157–160, 88–1, Feb. 25, 1963.

[57] Number changed from thirteen to fifteen, S. Jour. 55–57, 83–1, Jan. 9, 1953.

[58] Number changed from thirteen to fifteen, S. Jour. 42, 86–1, Jan. 14, 1959.

[59] Name changed from Committee on Civil Service to Committee on Post Office and Civil Service, effective Jan. 1, 1948, S. Jour. 198, 80–1, Apr. 17, 1947.

[60] Number changed from thirteen to eleven, S. Jour. 56–57, 83–1, Jan. 9, 1953; number changed from eleven to thirteen for the duration of the 84th Congress, S. Jour. 24,

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

Capitol; assignment of office space; and services to the Senate.

(F) Matters relating to printing and correction of the Congressional Record.

(2) Such committee shall also have the duty of assigning office space in the Senate wing of the Capitol and in the Senate Office Buildings.

(3) Such committee shall have jursdiction to investigate every alleged violation of the rules of the Senate, and to make appropriate findings of fact and conclusions with respect thereto after according to any individual concerned due notice and opportunity for hearing. In any case in which the committee determines that any such violation has occurred, it shall be the duty of the committee to recommend to the Senate appropriate disciplinary action, including reprimand, censure, suspension from office or employment, or expulsion from office or employment.

2. The said committees shall continue and have the power to act until their successors are appointed.

3. (a) Except as provided in paragraph (b) of this subsection, each standing committee, and each subcommittee of any such committee, is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133(d) of the Legislative Reorganization Act of 1946.

(b) Each standing committee, and each subcommittee of any such committee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

4. Each Senator shall serve on two and no more of the following standing committees: Committee on Aeronautical and Space Sciences; Committee on Agriculture and Forestry; Committee on Appropriations; Committee on Armed Services; Committee on Banking and Currency; Committee on Commerce; Committee on Finance; Committee on Foreign Relations; Committee on Government Operations; Committee on Interior and Insular Affairs; Committee on the Judiciary; Committee on Labor and Public Welfare; and the Committee on Public Works. No Senator shall serve on more than one of the following standing committees: Committee on the District of Columbia; Committee on Post Office and Civil Service; and the Committee on Rules and Administration. Each Senator shall serve on no more than two of the subcommittees of any standing committee of which he may be a member, except that he may serve on more than two subcommittees of the Appropriations Committee. The foregoing provisions of this paragraph shall not be effective during any period when there are more than forty-six Senators of the minority party.

5. No standing committee shall sit without special leave while the Senate is in session. A motion for leave for a standing committee to sit while the Senate is in session shall be a privileged motion and shall not be debatable.

[Existing]

which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. The Federal civil service generally.

2. The status of officers and employees of the United States, including their compensation, classification, and retirement.

3. The postal service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

4. Postal-savings banks.

5. Census and the collection of statistics generally.

6. The National Archives.

(o) Committee on Public Works, to consist of seventeen[61] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Flood control and improvement of rivers and harbors.

2. Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams).

3. Water power.

4. Oil and other pollution of navigable waters.

5. Public buildings and occupied or improved grounds of the United States generally.

6. Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and Government buildings within the District of Columbia.

7. Measures relating to the Capitol building and the Senate and House Office Buildings.

8. Measures relating to the construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic Gardens, the Library of Congress, and the Smithsonian Institution.

9. Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park.

10. Measures relating to the construction or maintenance of roads and post roads.

(p)(1) Committee on Rules and Administration, to consist of nine[62] Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(A) Matters relating to the payment of money out of the contingent fund of the Senate or creating a charge upon the same; except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee.

(B) Except as provided in paragraph (o)8, matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Con-

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84-1, Jan. 6, 1955; same change for the duration of the 85th Congress, S. Jour. 41, 85-1, Jan. 9, 1957; number changed from eleven to nine, S. Jour. 42, 86-1, Jan. 14, 1959.

[61] Number changed from thirteen to eleven, S. Jour. 56-57, 83-1, Jan. 9, 1953; number changed from eleven to thirteen for the duration of the 84th Congress, S. Jour. 24, 84-1, Jan. 6, 1955; same change for the duration of the 85th Congress, S. Jour. 41, 85-1, Jan. 9, 1957; number changed from eleven to fifteen, S. Jour. 42, 86-1, Jan. 14, 1959; number changed from fifteen to seventeen, S. Jour. 726, 86-1, Sept. 12, 1959.

[62] Number changed from thirteen to nine, S. Jour. 56-57, 83-1, Jan. 9, 1953.

COMPARISON OF PROPOSED CHANGES WITH

[Proposed]

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Existing]

gress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

(C) Except as provided in paragraph (o) 8, matters relating to the Smithsonian Institution and the incorporation of similar institutions.

(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

(E)[63] Matters relating to parliamentary rules; floor and gallery rules; Senate Restaurant; administration of the Senate Office Buildings and of the Senate wing of the Capitol; assignment of office space; and services to the Senate.

(F) Matters relating to printing and correction of the Congressional Record.[64]

(2)[65] Such committee shall also have the duty of assigning office space in the Senate wing of the Capitol and in the Senate Office Buildings.

2.[66] The said committees shall continue and have the power to act until their successors are appointed.

3.[67] (a) Except as provided in paragraph (b) of this subsection, each standing committee, and each subcommittee of any such committee, is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, subject to the provisions of section 133(d) of the Legislative Reorganization Act of 1946.

(b) Each standing committee, and each subcommittee of any such committee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

4.[68] Each Senator shall serve on two and no more of the following standing committees: Committee on Aeronautical and Space Sciences; Committee on Agriculture and Forestry; Committee on Appropriations; Committee on Armed Services; Committee on Banking and Currency; Committee on Commerce; Committee on Finance; Committee on Foreign Relations; Committee on Government Operations; Committee on Interior and Insular Affairs; Committee on the Judiciary; Committee on Labor and Public Welfare; and the Committee on Public Works: *Provided, however,* That those Senators who, as of January 9, 1963, were members of the Committee on Aeronautical and Space Sciences or the Committee on Government Operations, as well as any Senator who is appointed temporarily to fill any vacancy arising out of this proviso, shall be entitled to serve on three of the foregoing standing committees. No Senator shall serve on more than one of the following standing committees: Committee on the District of Columbia; Committee on Post Office and Civil Service; and the Committee on Rules and Administration. The foregoing provisions of this paragraph shall not be effective during any period when there are more than forty-seven[69] Senators of the minority party.

5.[70] No standing committee shall sit without special leave while the Senate is in session after (1) the conclusion of the morning hour, or (2) the Senate has proceeded to the consideration of unfinished business, pending business, or any other business except private bills and the routine morning business, whichever is earlier.

[Proposed]

RULE XXXI

Committee procedure

1. Each standing committee shall meet at such time as it may prescribe by rule in accordance with provisions of section 133 (a) of the Legislative Reorganization Act of 1946, upon the call of the chairman thereof, and at such other time as may be fixed by written notice signed by a majority of the members of the committee and filed with the committee clerk.

2. The business to be considered at any meeting of a standing committee shall be determined in accordance with its rules. Any measure, motion, or matter within the jurisdiction of the committee which a majority of the members of the committee indicate their desire to consider by votes or by presentation of written notice filed with the committee clerk, shall be considered at such meeting.

Action for the initiation, conduct, and termination of hearings by a standing committee upon any measure or matter within its jurisdiction shall be determined by majority vote of the members of the committee.

3. Whenever any measure, motion, or other matter pending before a standing committee has received consideration in executive session or sessions of the committee for a total of not less than five hours, any Senator may move the previous question with respect thereto. When such a motion is made and seconded, or a petition signed by a majority of the committee is presented to the chairman, and a quorum as prescribed by committee rules pursuant to paragraph 3 of rule XXX is present, it shall be submitted immediately to the committee by the chairman, and shall be determined without debate by yea and nay vote. A motion for the previous question shall be decided by a majority vote of the Senators voting. A previous question may be asked and ordered with respect to one or more pending measures, motions or matters, and may embrace one or more pending amendments to any pending measure, motion, or matter described therein and final action by the committee on the pending bill or resolution. If the previous question is so ordered as to any measure, motion, or matter, that measure, motion, or matter shall be presented immediately to the committee for determination. Each member of the committee desiring to be heard on one or more of the measures, motions, or other matters on which the previous question has been ordered shall be allowed to speak thereon for a total of thirty minutes.

4. The provisions of paragraph 1 herein, where applicable, and of paragraphs 2 and 3 herein shall be applicable to meetings and procedure thereat at any meeting of any subcommittee of any standing committee.

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[63] As amended, S. Jour. 157–160, 88–1, Feb. 25, 1963.

[64] The committee's general jurisdiction over matters relating to congressional printing is expressed in Rule XXIX infra (Senate Manual Section [29]).

[65] As amended, S. Jour. 60, 80–1, Jan. 17, 1947; S. Jour. 157–160, 88–1, Feb. 25, 1963.

[66] As amended, S. Jour. 157–160, 88–1, Feb. 25, 1963; erroneously numbered "3" in original (Pub. Law 601, 79th Cong., sec. 102(3)).

[67] As amended, S. Jour. 85, 81–2, Feb. 1, 1950.

[68] As amended, S. Jour. 157–160, 88–1, Feb. 25, 1963. For prior amendments to this section, now superseded, see S. Jour. 56–57, 83–1, Jan. 9, 1953; S. Jour. 24, 84–1, Jan. 6, 1955; S. Jour. 33, 84–1, Jan. 10, 1955; S. Jour. 41, 85–1, Jan. 9, 1957; S. Jour. 509, 85–2, July 24, 1958; S. Jour. 42, 86–1, Jan. 14, 1959.

[69] As amended, S. Jour. 726, 86–1, Sept. 12, 1959.

[70] As amended, S. Jour. 48, 88–2, Jan. 30, 1964. By the same action the Senate provided that section 134(c) of the Legislative Reorganization Act, relating to the same subject, would no longer be applicable to the Senate.

[Proposed]

RULE XXXII

Instructions to report on major legislative matters

1. It shall be in order at any time after the conclusion of morning business for any Senator to make a motion to denominate any measure then pending in any committee or subcommittee of the Senate as a "major legislative matter," and such motion shall be a privileged matter and subject to immediate consideration, provided that a notice of intention to make such a motion shall have been presented on the previous calendar day on which the Senate was in session, and printed in the Senate Journal.

2. Debate upon such motion shall be limited to eight hours, the time to be evenly divided between the opponents and proponents of the motion.

3. Such motion, when agreed to, shall constitute an instruction to the committee to which the measure denominated a "major legislative matter" has been referred to report such measure to the Senate within thirty calendar days, by poll or otherwise, with the recommendation (a) that it be passed, or (b) that it not be passed, or (c) that it be passed with such amendments as shall be recommended.

RULE XXXIII

Session with closed doors

On a motion made and carried by a vote of a majority of Senators present and voting to close the doors of the Senate on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

RULE XXXIV

Executive sessions

1. When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of Executive business, he shall have a seat on the right of the Presiding Officer. When the Senate shall be convened by the President of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate.

2. All business in the Senate shall be transacted in open session, unless the Senate in closed session by a majority vote shall determine that a particular nomination, treaty, or other matter shall be considered in closed executive session, in which case all subsequent proceedings with respect to said nomination, treaty, or other matter shall be kept secret; *Provided,* That the injunction of secrecy as to the whole or any part of proceedings in closed executive session may be removed on motion adopted by a majority vote of the Senate in closed executive session; *Provided, further,* That Rule XXXIII shall apply to open executive session; ***And provided further,*** That any Senator may make public his vote in closed executive session.

3. When the Senate is acting in closed executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Sergeant at Arms, the Parliamentarian, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

4. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret until the Senate shall, by resolution, take off the injunction of secrecy, or unless the same shall be considered in open executive session.

5. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate (except for the disclosure by a Senator of his vote in closed executive session) shall be liable, if a Senator, to suffer expulsion from the body; and if any officer, to dismissal from the service of the Senate, and to punishment for contempt.

6. Whenever, by the request of the Senate or any committee thereof, any documents or papers shall be communicated to the Senate by the President or the head of any Department relating to any matter pending in the Senate, the proceedings in regard to which are secret or confidential under the rules, said documents and papers shall be considered as confidential, and shall not be disclosed without leave of the Senate.

RULE XXXV

Executive session—Proceedings on treaties

1. When a treaty shall be laid before the Senate for ratification, it shall be read a first time; and no motion in respect to it shall be in order except to refer it to a committee, or to consider it in open executive session.

When a treaty is reported from a committee with or without amendment, it shall, unless the Senate shall otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately or in gross, if no Senator shall object; after which new amendments may be proposed.

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless the Senate shall otherwise determine; at which stage no amendment shall be received unless by unanimous consent.

On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in

[Existing]

RULE XXXV

Session with closed doors

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed. (Jefferson's Manual, sec. XVIII.)

RULE XXXVI

Executive sessions

1. When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of Executive business, he shall have a seat on the right of the Presiding Officer. When the Senate shall be convened by the President of the United States to any other place, the Presiding Officer of the Senate and the Senators shall attend at the place appointed, with the necessary officers of the Senate.

2. When acting upon confidential or Executive business,[71] unless the same shall be considered in open Executive session, the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the Principal Legislative Clerk, the Executive Clerk, the Minute and Journal Clerk, the Sergeant at Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary; and all such officers shall be sworn to secrecy.

On May 2, 1892, the Senate agreed to the following:

"*Resolved,* That until otherwise ordered there shall be admitted to the floor of the Senate during Executive sessions such clerks, not exceeding three in number, as may be assigned by the Secretary of the Senate to Executive duties." (S. Ex. Jour. 225, vol. 28, 52–1, May 2, 1892.)

3. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy, or unless the same shall be considered in open Executive session. (Jefferson's Manual, sec. LII.)

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[71] As amended, S. Jour. 428, 50–1, Mar. 6, 1888.

EXISTING SENATE RULES—Continued

[Existing]

On March 21, 1885, the Senate agreed to the following:

"*Ordered,* That the injunction of secrecy be removed from the following report from the Committee on Rules, viz:

"The Committee on Rules, to which was referred a question of order raised by the Senator from Maine (Mr. Frye) as to the operation of cause 3, Rule XXXVI, reported that it extends the injunction of secrecy to each step in the consideration of treaties, including the fact of ratification; that no modification of this clause of the rules ought to be made; that the secrecy as to the fact of ratification of a treaty may be of the utmost importance, and ought not to be removed except by order of the Senate, or until it has been made public by proclamation by the President." S. Ex. Jour. 20, 49 special, Mar. 21, 1885.)

On February 8, 1900, the Senate agreed to the following:

"*Ordered,* Whenever the injunction of secrecy shall be removed from any part of the proceedings of the Senate in Executive session, or secret legislative session, the order of the Senate removing the same shall be entered by the Secretary in the Legislative Journal as well as in the Executive Journal, and shall be published in the Record." (S. Jour. 131, 56–1, Feb. 8, 1900.)

4. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

5.[72] Whenever, by the request of the Senate or any committee thereof, any documents or papers shall be communicated to the Senate by the President or the head of any department relating to any matter pending in the Senate, the proceedings in regard to which are secret or confidential under the rules, said documents and papers shall be considered as confidential, and shall not be disclosed without leave of the Senate.

RULE XXXVII

Executive session—Proceedings on treaties

1. When a treaty shall be laid before the Senate for ratification, it shall be read a first time; and no motion in respect to it shall be in order, except to refer it to a committee,[73] to print it in confidence for the use of the Senate,[74] to remove the injunction of secrecy, or to consider it in open executive session.

When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration; after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, "Will the Senate concur in the amendments made in Committee of the Whole?" And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed.[75] At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty, or proceed with its consideration in open executive session.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.

RULE XXXVI

Executive session—Proceedings on nominations

1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?", which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless the Senate, by majority vote, should so direct.

2. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of the Senate; but if a notification of the confirmation or rejection on a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

3. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

4. When the Senate shall adjourn or take a recess for more than thirty days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fail; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

5. Nominations neither confirmed nor rejected during the session at which they are

[Existing]

The decisions thus made shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise; at which stage no amendment shall be received unless by unanimous consent.

On the final question to advise and consent to the ratification in the form agreed to, the concurrence of two-thirds of the Senators present shall be necessary to determine it in the affirmative; but all other motions and questions upon a treaty shall be decided by a majority vote, except a motion to postpone indefinitely, which shall be decided by a vote of two-thirds.

2. Treaties transmitted by the President to the Senate for ratification shall be resumed at the second or any subsequent session of the same Congress at the stage in which they were left at the final adjournment of the session at which they were transmitted; but all proceedings on treaties shall terminate with the Congress, and they shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.

3. All treaties concluded with Indian tribes shall be considered and acted upon by the Senate in its open or legislative session, unless the same shall be transmitted by the President to the Senate in confidence, in which case they shall be acted upon with closed doors. (Jefferson's Manual, sec. LII.)

RULE XXXVIII

Executive session—Proceedings on nominations

1. When nominations shall be made by the President of the United States to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees; and the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received, nor on the day on which it may be reported by a committee, unless by unanimous consent.

2.[76] Hereafter all business in the Senate shall be transacted in open session, unless the Senate in closed session by a majority vote shall determine that a particular nomination, treaty, or other matter shall be considered in closed executive session, in which case all subsequent proceedings with respect to said nomination, treaty, or other matter shall be kept secret: *Provided,* That the injunction of secrecy as to the whole or any part of proceedings in closed executive session may be removed on motion adopted by a majority vote of the Senate in closed executive session: *Provided further,* That Rule XXXV shall apply to open executive session: *And provided further,* That any Senator may make public his vote in closed executive session.

Anything in the rules of the Senate inconsistent with the foregoing is hereby repealed.

3. When a nomination is confirmed or rejected, any Senator voting in the majority may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual executive session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the President before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be

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[72] As amended, S. Jour. 320, 58–2, Mar. 31, 1904.

[73] As amended, S. Jour. 428, 50–1, Mar. 6, 1888.

[74] Ibid.

[75] As amended, S. Jour. 428, 50–1, March 6, 1888.

[76] As amended, S. Jour. 122, 71–7, June 17, 1929.

[Proposed]

made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

RULE XXXVII

The President furnished with copies of records of executive sessions

The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary, except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the officers of the Secretary without an order of the Senate for that purpose.

RULE XXXVIII

Conference committees

1. A majority of the Senate members of a committee of conference shall have indicated by their votes their sympathy with the bill as passed and their concurrence in the prevailing opinion of the Senate on the matters in disagreement with the House of Representatives which occasion the appointment of the committee.

[Existing]

accompanied by a motion to request the President to return such notification to the Senate. Any motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination, and shall be a final disposition of such motion.

4. Nominations confirmed or rejected by the Senate shall not be returned by the Secretary to the President until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending unless otherwise ordered by the Senate.

5. When the Senate shall adjourn or take a recess for more than thirty days, all motions to reconsider a vote upon a nomination which has been confirmed or rejected by the Senate, which shall be pending at the time of taking such adjournment or recess, shall fall; and the Secretary shall return all such nominations to the President as confirmed or rejected by the Senate, as the case may be.

6. Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President; and if the Senate shall adjourn or take a recess for more than thirty days, all nominations pending and not finally acted upon at the time of taking such adjournment or recess shall be returned by the Secretary to the President, and shall not again be considered unless they shall again be made to the Senate by the President.

On December 16, 1885, the Senate agreed to the following:

"*Resolved,* All nominations to office shall be prepared for the printer by the Official Reporter, and printed in the Record, after the proceedings of the day in which they are received, also nominations recalled, and confirmed." (S. Ex. Jour., vol. 25, 197, 49–1, Dec. 16, 1885.)

On December 17, 1885, the Senate agreed to the following:

"*Ordered,* The Secretary shall furnish the Official Reporters with a list of nominations to office after the proceedings of the day on which they are received, and a like list of all confirmations and rejections." (S. Ex. Jour., vol. 25, 237, 49–1, Dec. 17, 1885.)

On May 2, 1894, the Senate agreed to the following:

"*Resolved,* The Secretary shall furnish to the press, and to the public upon request, the names of nominees confirmed or rejected on the day on which a final vote shall be had, except when otherwise ordered by the Senate." (S. Ex. Jour. 629, vol. 29, part 1, 53–2, May 2, 1894).

RULE XXXIX

The President furnished with copies of records of executive sessions

The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary, except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the office of the Secretary without an order of the Senate for that purpose.

RULE XXVII

Reports of conference committees

1. The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined

[Proposed]

2. The presentation of reports of committees of conference shall always be in order except if a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

3. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

4. Every report of a committee of conference shall be accompanied by a detailed statement of the Senate conferees sufficiently explicit to inform the Senate what effect such amendments or propositions as the conference shall have agreed to will have upon the measures to which they relate. The statement shall be in writing and shall be signed by at least a majority of the Senate conferees.

5. (a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

(b) In any case in which the conferees violate subsection (a), the conference report shall be subject to a point of order.

RULE XXXIX

Messages; matter from the President and the House of Representatives

1. Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing, or while a question of order or a motion to adjourn is pending.

2. Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the President of the United States all resolutions and other communications which may be directed to him by the Senate.

3. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President of the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

RULE XL

Printing of papers, etc.

1. Every motion to print documents, reports, and other matter transmitted by any of the executive departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or select committees of the Senate, shall, unless the Senate shall otherwise order, be referred to the Committee on Rules and Administration. When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

EXISTING SENATE RULES—Continued

[Existing]

without debate. (Jefferson's Manual, sec. XLVI.)

2.[77] Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained, the report shall be recommitted to the committee of conference.

3.[78] (a) In any case in which a disagreement to amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.

(b) In any case in which the conferees violate subsection (a), the conference report shall be subject to a point of order.

RULE XXVIII

Messages

1. Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing, or while the Journal is being read, or while a question of order or a motion to adjourn is pending. (Jefferson's Manual, sec. XLVII.)

2. Messages shall be sent to the House of Representatives by the Secretary, who shall previously certify the determination of the Senate upon all bills, joint resolutions, and other resolutions which may be communicated to the House, or in which its concurrence may be requested; and the Secretary shall also certify and deliver to the President of the United States all resolutions and other communications which may be directed to him by the Senate. (Jefferson's Manual, sec. XLVII.)

RULE XXIX

Printing of papers, etc.

1. Every motion to print documents, reports, and other matter transmitted by either of the executive departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

2. Motions to print additional numbers also be referred to the Committee on Rules and Administration; and when the committee shall report favorably, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum of twelve hundred dollars, the concurrence of the House of Representatives shall be necessary for an order to print the same.

3. Every bill and joint resolution introduced on leave or reported from a committee, and all bills and joint resolutions received from the House of Representatives, and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

4. Whenever a committee reports a bill or joint resolution repealing or amending any statute or part thereof it shall make a report thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. The subsection shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of the subsection to expedite the business of the Senate.

RULE XLI

Withdrawal of papers

1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate. But when an act may pass for the settlement of any private claim, the Secretary is authorized to transmit to the officer charged with the settlement the papers on file relating to the claim.

2. No memorial or other paper upon which an adverse report has been made shall be withdrawn from the files of the Senate unless copies thereof shall be left in the office of the Secretary.

RULE XLII

Reference of claims cases and of claims adversely reported

1. Whenever a private bill is under consideration, it shall be in order to move, as a substitute for it, a resolution of the Senate referring the case to the Court of Claims, under the provisions of the act approved March 3, 1883, as amended.

2. Whenever a committee of the Senate, to whom any claim has been referred, reports adversely, and the report is agreed to, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a petition therefor, stating that new evidence has been discovered since the report, and setting forth the substance of such new evidence. But when there has been no adverse report, it shall be the duty of the Secretary to transmit all such papers to the committee in which such claims are pending.

[Existing]

select committees of the Senate, shall, unless the Senate otherwise order, be referred to the Committee on Rules and Administration.[79] When a motion is made to commit with instructions, it shall be in order to add thereto a motion to print.

2. Motions to print additional numbers shall also be referred to the Committee on Rules and Administration; [79] and when the committee shall report favorably, the report shall be accompanied by an estimate of the probable cost thereof; and when the cost of printing such additional numbers shall exceed the sum of five hundred dollars,[80] the concurrence of the House of Representatives shall be necessary for an order to print the same.

3. Every bill and joint resolution introduced on leave or reported from a committee, and all bills and joint resolutions received from the House of Representatives, and all reports of committees, shall be printed, unless, for the dispatch of the business of the Senate, such printing may be dispensed with.

4.[81] Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a report thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. The subsection shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

RULE XXX

Withdrawal of papers

1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate. But when an act may pass for the settlement of any private claim, the Secretary is authorized to transmit to the officer charged with the settlement the papers on file relating to the claim.

2. No memorial or other paper upon which an adverse report has been made shall be withdrawn from the files of the Senate unless copies thereof shall be left in the office of the Secretary. (Jefferson's Manual sec. XVI.)

RULE XXXI

Reference of claims adversely reported

Whenever a committee of the Senate, to whom any claim has been referred, reports adversely, and the report is agreed to, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a petition therefor, stating that new evidence has been discovered since the report, and setting forth the substance of such new evidence.[81a] But when

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[77] As amended, S. Jour. 103, 65–2, Mar. 8, 1918.

[78] As amended, S. Jour. 555, 79–2, Aug. 2, 1946, effective Jan. 2, 1947.

[79] As amended, S. Jour. 173, 80–1, Mar. 28, 1947.

[80] By Act of Apr. 19, 1949 (ch. 72, 63 Stat. 48) the limitation on printing extra copies was increased from $500 to $1,200, and the limitation on printing additional copies was increased from $200 to $700. (See 44 U.S.C. sec. 133, Senate Manual Section [627].)

[81] S. Jour. 687, 81–1, Aug. 27, 1949.

[81a] As amended, S. Jour. 67, 50–1, Dec. 14, 1887.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

RULE XLIII

Business continued from session to session

1. At the second or any subsequent session of a Congress, the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place.

2. The rules of the Senate shall be adopted at the beginning of each Congress on a yea and nay vote, a quorum being present. A majority of the Senators voting and present shall prevail. They may be changed at any time as provided in these rules.

RULE XLIV

Privilege of the floor

No person shall be admitted to the floor of the Senate while in session, except as follows:

The President of the United States and his private secretary.

The President-elect and Vice President-elect of the United States.

Ex-Presidents and ex-Vice Presidents of the United States.

Judges of the Supreme Court.

Ex-Senators and Senators-elect.

The officers and employees of the Senate in the discharge of their official duties.

Ex-Secretaries and ex-Sergeants at Arms of the Senate.

Members of the House of Representatives and Members elect.

Ex-Speakers of the House of Representatives.

The Sergeant at Arms of the House and his chief deputy and the Clerk of the House and his deputy.

Heads of the Executive Departments.

Ambassadors and Ministers of the United States.

Governors of States and Territories.

Members of the Joint Chiefs of Staff.

Members of National Legislatures of foreign countries.

Judges of the Court of Claims.

Commissioners of the District of Columbia.

The Librarian of Congress and the Assistant Librarian in charge of the Law Library.

The Architect of the Capitol.

The Secretary of the Smithsonian Institution.

Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such.

[Existing]

there has been no adverse report it shall be the duty of the Secretary to transmit all such papers to the committee in which such claims are pending.

RULE XXXII

Business continued from session to session

1.[82] At the second or any subsequent session of a Congress, the legislative business of the Senate which remained undetermined at the close of the next preceding session of that Congress shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place; and all papers referred to committees and not reported upon at the close of a session of Congress shall be returned to the office of the Secretary of the Senate, and be retained by him until the next succeeding session of that Congress, when they shall be returned to the several committees to which they had previously been referred. [Jefferson's Manual, Sec. LI.

2.[83] The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

RULE XXXIII

Privilege of the floor[84]

No person shall be admitted to the floor of the Senate while in session, except as follows:

The President of the United States and his private secretary.

The President-elect and Vice President-elect of the United States.[85]

Ex-Presidents and ex-Vice Presidents of the United States.

Judges of the Supreme Court.

Ex-Senators and Senators-elect.

The officers and employees of the Senate in the discharge of their official duties.

Ex-Secretaries and ex-Sergeants at Arms of the Senate.[86]

Members of the House of Representatives and Members-elect.[87]

Ex-Speakers of the House of Representatives.[88]

The Sergeant at Arms of the House and his chief deputy and the Clerk of the House and his deputy.

Heads of the Executive Departments.

Ambassadors and Ministers of the United States.[89]

Governors of States and Territories.

The General Commanding the Army.

The Senior Admiral of the Navy on the active list.

Members of National Legislatures of foreign countries.

Judges of the Court of Claims.

Commissioners of the District of Columbia.[90]

The Librarian of Congress and the Assistant Librarian in charge of the Law Library.

The Architect of the Capitol.[91]

The Secretary of the Smithsonian Institution.[92]

COMPARISON OF PROPOSED CHANGES WITH

[Proposed]

RULE XLV

Regulation of the Senate wing of the Capitol

1. The Senate Chamber shall not be granted for any other purpose than for the use of the Senate; no smoking shall be permitted at any time on the floor of the Senate, or lighted cigars be brought into the Chamber.

2. It shall be the duty of the Committee on Rules and Administration to make all rules and regulations respecting such parts of the Capitol, its passages and galleries, including the restaurant and the Senate Office Building, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the Presiding Officer. They shall make such regulations respecting the reporters' galleries of the Senate, together with the adjoining rooms and facilities, as will confine their occupancy and use to bona fide reporters for daily newspapers and periodicals, to bona fide reporters of news or press associations requiring telegraph service to their membership, and to bona fide reporters for daily news dissemination through radio, television, wire, wireless, and similar media of transmission. These regulations shall so provide for the use of such space and facilities as fairly to distribute their use to all such media of news dissemination.

RULE XLVI

Suspension and amendment of the rules

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. These rules may be amended by a majority vote, but a two-thirds vote of the Senators present, a quorum being present, is required for their suspension. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XXVII.

RULE XLVII

Disclosure of financial interests

1. Each individual who at any time during any calendar year serves as a Member of the Senate, or as an officer or employee of the Senate compensated at a gross rate in excess of $10,000 per annum, shall file with the Secretary of the Senate for that calendar year a written report containing the following information:

(a) The fair market value of each asset having a fair market value of $5,000 or more held by him or by his spouse or by him and his spouse jointly, exclusive of any dwelling occupied as a residence by him or by members of his immediate family, at the end of that calendar year;

(b) The amount of each liability in excess of $5,000 owed by him or by his spouse, or by him and his spouse jointly at the end of that calendar year;

(c) The total amount of all capital gains realized, and the source and amount of each capital gain realized in any amount exceeding $5,000, during that calendar year by him or by his spouse, by him and his spouse jointly, or by any person acting on behalf or pursuant to the direction of him or his spouse, or him and his spouse jointly, as a result of any transaction or series of related transactions in securities or commodities, or any purchase or sale of real property or any interest therein other than a dwelling occupied as a residence by him or by members of his immediate family;

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[82] As amended, S. Jour. 37, 86–1, Jan. 12, 1959.

[83] Ibid.

[84] As amended, S. Jour. 30, 52–1, Dec. 14, 1891; S. Jour. 351, 54–1, May 26, 1896.

[85] As amended, S. Jour. 113, 50–2, Jan. 4, 1889.

[86] As amended, S. Jour. 75, 53–3, Jan. 28, 1895.

[87] As amended, S. Jour. 418, 48–2, Feb. 28, 1885.

[88] As amended, S. Jour. 1173, 50–1, July 25, 1888.

[89] As amended, S. Jour. 351, 54–1, May 26, 1896.

[90] As amended, S. Jour. 762, 48–1, June 13, 1884.

[91] Ibid.

[92] As amended, S. Jour. 565, 48–1, Apr. 22, 1884.

EXISTING SENATE RULES—Continued

[Existing]

Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such.[93]

RULE XXXIV

Regulation of the Senate wing of the Capitol

1. The Senate Chamber shall not be granted for any other purpose than for the use of the Senate;[94] no smoking shall be permitted at any time on the floor of the Senate, or lighted cigars be brought into the Chamber.

2. It shall be the duty of the Committee on Rules and Administration[95] to make all rules and regulations[96] respecting such parts of the Capitol, its passages and galleries, including the restaurant[97] and the Senate Office Building, as are or may be set apart for the use of the Senate and its officers, to be enforced under the direction of the Presiding Officer.[98] They shall make such regulations respecting the reporters' galleries of the Senate, together with the adjoining rooms and facilities, as will confine their occupancy and use to bona fide reporters for daily newspapers and periodicals, to bona fide reporters of news or press associations requiring telegraph service to their membership, and to bona fide reporters for daily news dissemination through radio, wire, wireless, and similar media of transmission. These regulations shall so provide for the use of such space and facilities as fairly to distribute their use to all such media of news dissemination.

RULE XL

Suspension and amendment of the rules

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XII.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

(d) The source and amount of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from any relative or his spouse) received by or accruing to him, his spouse, or from him and his spouse jointly from any source other than the United States during that calendar year, which exceeds $100 in amount or value; including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, or other facilities received by him in kind;

(e) The name and address of any professional firm which engages in practice before any department, agency or instrumentality of the United States in which he has a financial interest; and the name, address, and a brief description of the principal business of any client of such firm for whom any services involving representation before any department, agency or instrumentality of the United States which were performed during that calendar year, together with a brief description of the services performed, and the total fees received or receivable by the firm as compensation for such services;

(f) The name, address, and nature of the principal business or activity of each business or financial entity or enterprise with which he was associated at any time during that calendar year as an officer, director, or partner, or in any other managerial capacity.

2. Each asset consisting of an interest in a business or financial entity or enterprise which is subject to disclosure under paragraph 1 shall be identified in each report made pursuant to that paragraph by a statement of the name of such entity or enterprise, the location of its principal office, and the nature of the business or activity in which it is principally engaged or with which it is principally concerned, except that an asset which is a security traded on any securities exchange subject to supervision by the Securities and Exchange Commission of the United States may be identified by a full and complete description of the security and the name of the issuer thereof. Each liability which is subject to disclosure under paragraph 1 shall be identified in each report made pursuant to that paragraph by a statement of the name and the address of the creditor to whom the obligation of such liability is owed.

3. Except as otherwise hereinafter provided, each individual who is required by paragraph 1 to file a report for any calendar year shall file such report with the Secretary of the Senate not later than January 31 of the next following calendar year. No such report shall be required to be made for any calendar year beginning before January 1, 1964. The requirements of this rule shall apply only with respect to individuals who are Members of the Senate or officers or employees of the Senate on or after the date of adoption of this rule. Any individual who ceases to serve as a Member of the Senate or as an officer or employee of the Senate, before the close of any calendar year shall file such report on the last day of such service, or on such date not more than three months thereafter as the Secretary of the Senate may prescribe, and the report so made shall be made for that portion of that calendar year during which such individual so served. Whenever there is on file with the Secretary of the Senate a report made by any individual in compliance with paragraph 1 for any calendar year, the Secretary may accept from that individual for any succeeding calendar year,

[Existing]

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[93] See also "Regulations Controlling the Admission of Employees of Senators and Senate Committees to the Senate Floor", adopted by the Committee on Rules and Administration on Jan. 25, 1956. (Not contained in Manual.)

[94] As amended, S. Jour. 163, 63–2, Mar. 9, 1914.

[95] As amended, S. Jour. 173, 80–1, Mar. 28, 1947.

[96] See "Rules for the Regulation of the Senate Wing," Senate Manual Section [80].

[97] As amended, S. Jour. 27, 66–2, Dec. 13, 1919.

[98] As amended, S. Jour. 259, 76–1, Apr. 25, 1939.

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

[Existing]

in lieu of the report required by paragraph 1, a certificate containing an accurate recitation of the changes in such report which are required for compliance with the provisions of paragraph 1 for that succeeding calendar year, or a statement to the effect that no change in such report is required for compliance with the provisions of paragraph 1 for that succeeding calendar year.

4. Reports and certificates filed under this rule shall be made upon forms which shall be prepared and provided by the Secretary of the Senate, and shall be made in such manner and detail as he shall prescribe. The Secretary may provide for the grouping within such reports and certificate of items which are required by paragraph 1 to be disclosed whenever he determines that separate itemization thereof is not feasible or is not required for accurate disclosure with respect to such items. Reports and certificates filed under this rule shall be retained by the Secretary as public records for not less than six years after the close of the calendar year for which they are made, and while so retained shall be available for inspection by members of the public under such reasonable regulations as the Secretary shall prescribe.

5. As used in this rule—

(a) The term "asset" includes any beneficial interest held or possessed directly or indirectly in any business or financial entity or enterprise, or in any security or evidence of indebtedness, but does not include any interest in any organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code;

(b) The term "liability" includes any liability of any trust in which a beneficial interest is held or possessed directly or indirectly;

(c) The term "income" means gross income as defined by section 61 of the Internal Revenue Code of 1954.

(d) The term "security" means any security as defined by section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

(e) The term "commodity" means any commodity as defined by section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

(f) The term "dealing in securities or commodities" means any acquisition, transfer, disposition, or other transaction involving any security or commodity.

(g) The term "officer or employee of the Senate" means (1) an elected officer of the Senate who is not a Member of the Senate, (2) an employee of the Senate or any committee or subcommittee of the Senate, (3) the Legislative Counsel of the Senate and employees of his office, (4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties, (5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, (6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate, (7) an employee of a Member of the Senate if such employee's compensation is disbursed by the Secretary of the Senate, and (8) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

RULE XLVIII

Prohibited activities

1. No Member of the Senate or any officer or employee of the Senate may engage or participate in any business or financial venture, enterprise, combination or transaction with any person, firm, or corporation which is—

(a) engaged in any lobbying activity;

(b) engaged for compensation in the practice of rendering advisory or public relations services relating to the securing of contracts with the United States or any department, agency, or instrumentality thereof; or

(c) engaged in, or seeking to become engaged in, the performance of any construction, manufacturing, research, development, or service contract with the United States or any department, agency, or instrumentality thereof.

2. No Member of the Senate or any officer or employee of the Senate may accept—

(a) at any time from any individual, entity, or enterprise which is engaged in lobbying activity any gift of money, property, entertainment, travel, or any other valuable consideration in an amount or having a value in excess of $100; or

(b) within any calendar year from any such individual, entity, or enterprise such gifts in an aggregate amount or having an aggregate value in excess of $100.

3. No officer or employee of the Senate may be vested with or exercise any authority or responsibility for, or participate in any way in any consideration of or determination with respect to, the allocation among Members of the Senate of any funds available for use to defray expenses incurred or to be incurred by any individual for or in connection with any campaign for the nomination or election of any individual to be a Member of the Senate.

4. As used in this rule—

(a) The term "officer or employee of the Senate" has the meaning given thereto by rule XLVII; and

(b) The term "lobbying activity" means any activity undertaken by any person other than a Member of the Congress to influence directly or indirectly the introduction, passage, defeat, amendment, or modification of any legislative measure in either House of the Congress.

RULE XLIX

Testimony of Members of the Senate before committees

Whenever any standing, special, or select committee of the Senate or any joint committee of the Congress, which is engaged in any investigation within its jurisdiction, has reason to believe that the testimony of any Member of the Senate may be pertinent to such investigation, such committee, with the approval of a majority of its members (including at least one member of the minority party), by written communication may request such Member of the Senate to appear before the committee to give testimony concerning the subject matter under investigation. Such Member of the Senate shall appear before such committee in obedience to such request unless within ten days after receipt thereof he delivers to the chairman of such committee a written statement, duly signed by such Member of the Senate, stating that he is without knowledge of the subject matter under investigation.

RULE L

Outside employment

1. No officer or employee of the Senate shall engage in any business, financial or professional activity or employment for compensation or gain unless—

(a) such activity or employment is not inconsistent with the conscientious performance of his official duties; and

(b) express permission has been granted by the Member of the Senate charged with supervision of such officer or employee by this rule;

Provided, however, That in no event shall any officer or full-time employee of the Senate, without special leave of the Senate—

EXISTING SENATE RULES—Continued

[Existing]

COMPARISON OF PROPOSED CHANGES WITH EXISTING SENATE RULES—Continued

[Proposed]

(a) serve in any managerial capacity in any business or financial enterprise; or

(b) engage in any regular professional or consulting practice, or maintain an association with any professional or consulting firm.

2. For the purposes of this rule—

(a) each Member of the Senate shall be charged with the supervision of each of his employees;

(b) each Member of the Senate who is the chairman of a Senate or joint committee or subcommittee shall be charged with the supervision of each employee of such committee or subcommittee;

(c) the Majority Leader shall be charged with the supervision of each officer and employee of the Majority, and the Minority Leader shall be charged with the supervision of each officer and employee of the Minority;

(d) the Vice President shall be charged with the supervision of each of his employees; and

(e) the President pro tempore shall be charged with the supervision of all other officers and employees of the Senate.

3. As used in this rule, the term "officer or employee of the Senate" has the meaning given thereto by rule XLVII.

RULE LI

The Presiding Officer shall construe these rules so as to give effect to their plain meaning. Precedents and rulings in force prior to the adoption of these rules shall not be binding in the construction of these rules.

[Existing]

Mr. CLARK. Mr. President, I ask unanimous consent that a memorandum entitled "Significant Changes in Comprehensive Revision of Senate Rules," may be printed in full-sized print at this point in the RECORD in my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SIGNIFICANT CHANGES IN COMPREHENSIVE REVISION OF SENATE RULES PROPOSED BY SENATOR JOSEPH S. CLARK

1. Journal: The Senate Journal is nothing more than a quaint anachronism which is never looked at by anyone and is read only for purposes of delay. Its place has been taken, for practical purposes by the CONGRESSIONAL RECORD. The revision recognizes this fact, and satisfies article I, section 5, clause 3, of the Constitution, which requires each House to keep a journal of its proceedings, by stating that the Senate section of the CONGRESSIONAL RECORD shall be the Senate Journal.

Since the CONGRESSIONAL RECORD is printed and available to Senators each morning following a session, there is no need to have it read aloud, and the right to require that is abolished. Presumably any errors in the CONGRESSIONAL RECORD will be corrected informally, or by unanimous consent, as they are today. But a procedure for correcting mistakes by motion, without debate, is provided for those cases in which unanimous consent cannot be obtained. Under this procedure, the Senator seeking to make the correction, and the Senator objecting to the correction may file written briefs in support of their positions for publication in the CONGRESSIONAL RECORD in advance of the vote.

2. Quorums: The unrestricted right of any Senator to call for a quorum has frequently been the source of great harassment and delay. The revision circumscribes this right by requiring a Senator to declare his intention to call for a vote on the pending business once the presence of a quorum has been ascertained. Only on this condition could an individual Senator suggest the absence of a quorum. However, the majority or minority leaders, or in their absence, the acting majority or minority leaders, could call for a quorum at any time. The Presiding Officer would have the duty to halt the quorum call once he ascertains the presence of a quorum in the Chamber.

3. Order of recognition: This provision codifies and elaborates the unwritten rule that the Chair will always give preference in recognition to the majority and minority leaders. In the absence of the leaders, it gives equivalent rights to any Senator designated to act in that capacity and occupying the leader's desk.

4. Germane points of order: The revision seeks to clear up the confusing situation which presently exists with regard to the right to interrupt a Senator who has the floor for the purpose of raising a point of order. It provides that a Senator may be interrupted without his consent for the purpose of raising a point of order that the Senator in possession of the floor has committed a transgression of the rules of the Senate germane to his possession of the floor.

5. Submission of speeches without delivery: Upon request, a Senator would be permitted to have his written remarks printed in the CONGRESSIONAL RECORD in normal size print without the requirement of full oral delivery. However, the RECORD would contain a notation to the effect that the material was submitted but not delivered orally.

6. Three-hour rule: Whenever a Senator has held the floor for more than 3

consecutive hours, an objection to his continued possession of the floor, if made by any Senator, would compel him to yield the floor.

7. Germaneness of debate: The present rule, which provides for a daily 3-hour period of germane debate, would be made more flexible by the adoption of a procedure whereby a majority of the Senate, by nondebatable motion, could require further debate on the pending business to be germane to the subject matter before the Senate until the business was disposed of.

8. Points of order: This new provision would limit debate on questions of order submitted to the Senate, and debatable appeals from rulings of the Chair, to 1 hour, in all, unless the Senate orders otherwise.

9. Morning business: The morning hour rule has been revised extensively to abolish the confusing distinction between morning hour and morning business, and to dispense with the need for unanimous consent to make statements or comments of not more than 3 minutes' duration. There would be a daily period of 1 hour, if that much time should be needed, set aside at the opening of each new legislative day for the conduct of morning business. The Senate, by majority vote without debate, could extend the period for up to 1 additional hour. During this period, under the regular order of business, Senators would have the privilege of making 3-minute statements and could seek unanimous consent to have printed matter inserted in the RECORD.

10. Motions to take up: This revision would provide a means by which a Senator could convert a motion to proceed to the consideration of any measure on the Senate Calendar, which would ordinarily be debatable, into a nondebatable motion. This could be done by filing at the desk of the clerk a notice of intention to make such a motion on the following calendar day on which the Senate is in session. The notice of intention would be printed in the CONGRESSIONAL RECORD.

11. Procedure for bills, joint resolutions and resolutions: This rule has been extensively rewritten both to clarify its operation, and to reduce the potential for disruption of normal legislative procedures by the objection of a single Senator. The provision by which any Senator can prevent a bill from being referred to committee, and have it placed directly on the calendar after second reading, has been eliminated. However, this may be done on motion by a majority of the Senate after 1 hour of debate, equally divided between opponents and proponents. The section permitting any Senator to force a postponement of the introduction of any bill or joint resolution for 1 day has also been eliminated.

12. Ex officio members of appropriation committee: the Senate rules presently provide for the selection of three ex officio members of the Appropriations Committee from each of eight legislative committees. These ex officio members serve on the Appropriations Committee for the limited purpose of considering annual appropriations for programs within the jurisdiction of their particular legislative committee. The revision of this rule adds five more legislative committees to this list, on the ground that they have equally valid claims to participate in appropriations decisions affecting matters within their jurisdiction. These five additional committees are: Commerce, Finance, Interior and Insular Affairs, Judiciary and Labor and Public Welfare.

13. Germaneness of amendments: This provision, which is similar to the present practice of the House of Representatives, incorporates a general prohibition against nongermane amendments. Questions of germaneness are to be decided by the Presiding Officer subject to appeal to the Senate without debate.

14. Previous question: The cumbersome and unwieldy cloture provisions of rule XXII would be deleted by this revision. In their place would be substituted a split-level motion for the previous question, by which a majority of Senators present and voting could terminate debate: (1) on any motion or amendment to a measure pending before the Senate after that motion or amendment has received 15 hours of consideration on not less than 3 calendar days; or (2) on the measure itself, together with any motions or amendments relating to it, after the measure plus all related motions and amendments has received consideration for 15 calendar days.

If the previous question is ordered, 1 hour of debate equally divided between opponents and proponents, would be allowed as to any motion or amendment encompassed by the motion for the previous question, and 4 hours, divided in the same manner, would be allowed on final passage. Unlike the cloture procedure under which Senators may call up for a vote after cloture any germane amendment which has previously been presented and read, this procedure would limit consideration after the previous question had been ordered to amendments embraced by the motion. All other amendments would be deemed rejected.

15. Voting: Two additions have been made to the existing rule, both for the purpose of codifying existing practice: (1) A demand for the yeas and nays, when seconded by 11 Senators, shall be sufficient to require a rollcall vote; and (2) Senators entering the Chamber after their names have been called may obtain recognition from the Presiding Officer and have their votes recorded prior to the announcement of the vote.

16. Selection and retirement of committee chairmen: Chairmen of standing committees would be chosen by secret ballot of the majority members of the committee at the beginning of each new Congress. In addition, no Senator would be permitted to serve as chairman of a standing committee after he has attained the age of 70.

17. Jurisdiction of committees: The jurisdiction of the Senate Committees on Finance, Banking and Currency, Foreign Relations, Commerce, and Labor and Public Welfare would be shifted to provide a more logical and equitable division of responsibility. In addition, the jurisdiction of the Committee on Rules and Administration would be enlarged in accordance with Senate Resolution 338, to include violations of the rules of the Senate. The Rules Committee would also be given the power to recommend appropriate disciplinary action, including reprimand, censure, suspension or expulsion from office or employment after making findings of fact and conclusions and after according notice and an opportunity for a hearing to any individual concerned.

18. Limit on committee memberships: The present rule which limits Senators to membership on not more than two major and one minor committee contains a grandfather clause making an exception for members of the Government Operations and Aeronautical and Space Sciences Committees. As a result, some Senators serve on as many as four major and one minor committee. This revision would strike the exception, and make up the difference by reducing slightly committee memberships. The Appropriations Committee would be reduced from 27 to 24 members. Of the remaining major committees, 10 would be cut back from 17 to 15 members, and two would be cut back from 15 to 13 members.

19. Committee meetings during Senate sessions: Although standing committees may now sit without special leave during the period while morning business is conducted, a single Senator still has the power to prevent every standing committee and every subcommittee of a standing committee from meeting while the Senate is in session after the close of morning business. The sole purpose of this revision is to implement the intention of the drafters of the Legislative Reorganization Act by stating that a committee may obtain leave to sit while the Senate is in session by a privileged, nondebatable motion.

20. Committee bill of rights: A majority of the members of each standing committee would be authorized, in addition to the procedures now provided in individual committee rules, to convene meetings; to direct the initiation, conduct, and termination of hearings; to call up bills for consideration; and to terminate debate in committee after a measure has received committee consideration in executive session for a total of 5 hours.

21. Instructions to report on major legislative matters: Although it is axiomatic that the committees of the Senate are its creatures and agents, no procedures presently exist by which the Senate can exercise its authority in a fair, orderly, and effective manner.

The rules do presently provide for a motion to discharge a committee from further consideration of a measure. But this motion cannot be used to secure committee consideration of a subject, nor does it provide a device for obtaining a committee's recommendations. Moreover, such a motion can be filibustered, since it is debatable.

This proposal remedies these defects by creating a privileged motion to denominate any measure pending in committee or subcommittee as a "major legislative matter." This motion would be nondebatable, provided that a notice of intention to make such a motion had been presented on the previous calendar day, and printed in the Congressional Record.

Debate on the motion would be limited to 8 hours, the time to be divided equally between opponents and proponents. Such motion, if carried by a majority of Senators present and voting, would constitute an instruction to the committee in which the measure was then pending to report it to the Senate within 30 calendar days, by poll or otherwise, with the recommendation (a) that it be passed, or (b) that it not be passed, or (c) that it be passed with amendments, stating the recommended amendments.

22. Selection of conferees and explanatory statement: A majority of the Senate members of a conference committee would have to be chosen from those who indicated by their votes their concurrence with the prevailing view in the Senate on matters in disagreement with the House. Senate conferees would be required to prepare a statement explaining the action of the conference, just as the managers on the part of the House are are required to do under the House rules.

23. Adoption of rules for each Congress: The provision continuing the rules of the Senate from one Congress to the next Congress would be deleted, and a majority of Senators present and voting would be empowered to adopt rules at the beginning of each Congress.

24. Disclosure of financial interests: This new rule, which was offered as an amendment in the nature of a substitute to the disclosure resolution favorably reported by the Rules Committee earlier in the year, would require every Senator and every Senate officer or employee compensated at a gross rate in excess of $10,000 per annum, to file a financial report each year. The report would contain the following kinds of information:

a. Assets: The identity and fair market value of any asset having a fair market value of $5,000 or more.

b. Liabilities: The amount of each liability in excess of $5,000, and the name and address of the creditor.

c. Capital gains: Source and amount of all capital gains realized in the preceding calendar year in excess of $5,000.

d. Income: Source and amount of every item of income for the calendar year in excess of $100, including gifts other than gifts from a relative.

e. Assets belonging to a trust; assets, liabilities, capital gains, and income of a spouse; and capital gains earned through a strawman are all covered. Family homes and tax-exempt charitable entities are exempted.

f. Association with a professional firm which practices before Federal Government agencies.

g. Service as director, officer, or manager in a business enterprise.

25. Relations with lobbyists: This is another new rule which was offered as an amendment to the Rules Committee proposals. It prohibits Senators, and Senate officers and employees from engaging in joint ventures with lobbyists, and from accepting gifts worth more than $100 from lobbyists.

26. Testimony of Senators before committees: This new rule, also offered as an amendment to the Rules Committee conflict-of-interest resolution, would grant authority to any duly authorized committee of the Senate to request any Senator to come before it and give any pertinent testimony it has reason to believe he can give on the subject matter under investigation. A Senator receiving such a request would be required to appear and give testimony, unless within 10 days he delivers to the chairman of the committee a signed statement to the effect that he is without knowledge of the subject matter under investigation.

The Rules Committee would have the power to investigate breaches of this rule, and to recommend appropriate disciplinary action, including reprimand, censure, suspension, or expulsion.

27. Moonlighting by Senate employees: This rule was also a part of the omnibus substitute amendment offered to the Rules Committee resolution. It would prohibit officers and full-time employees of the Senate from serving in any managerial capacity in any business or financial enterprise, or engaging in any regular professional or consulting practice, or maintaining an association with any professional or consulting firm without special leave of the Senate. In addition, it would permit moonlighting only if two conditions are met: (1) the activity or employment must not be inconsistent with the conscientious performance of the officer or employee's official duties; and (2) express permission must have been given by the Member of the Senate charged with the supervision of the officer or employee. For the purposes of this rule, each Senator would be responsible for supervising his own staff; chairmen of committees would supervise committee staffs; the majority and minority leaders and the Vice President would supervise their own employees; and the President pro tempore would be charged with the supervision of all other officers and employees of the Senate.

PROPOSALS REQUIRING CONCURRENT ACTION OF BOTH HOUSES

1. Appropriations Committee procedures: House and Senate Appropriations Committees would be authorized to hold joint hearings and half of the appropriations bills each year would originate in each Chamber to expedite congressional business. (S. Con. Res. 28, introduced by Senator Clark on March 7, 1963, and pending in Rules Committee.)

2. Separate session for appropriations: (S. 2198, introduced by Senator Magnuson, and cosponsored by Senators Clark, Neuberger, and Hart; pending in Rules Committee.) This bill would divide the annual session of Congress into two parts: a "legislative session" which would begin on January 3 of each year and end not later than the first Monday in November; and a "fiscal session" beginning on the second Monday in November and ending not later than December 31. Under the proposed procedure, Congress would devote the early session to substantive legislation including authorizations. It could then recess for the summer and come back in November to deal with appropriations. The bill also changes the fiscal year to make it correspond with the calendar year, so that all appropriations bills will be enacted before the beginning of the fiscal year to which they pertain.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. CLARK. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 33 minutes p.m.), under the previous order, the Senate adjourned to tomorrow, Thursday, September 24, 1964, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 23, 1964:

COMMUNICATIONS SATELLITE CORP.

The following-named persons to be members of the board of directors of the Communications Satellite Corp. for the terms indicated:

Frederic G. Donner, of New York, for a term from September 17, 1964, until the date of the annual meeting of the corporation in 1965.

George Meany, of Maryland, for a term from September 17, 1964, until the date of the annual meeting of the corporation in 1966.

Clark Kerr, of California, for a term from September 17, 1964, until the date of the annual meeting of the corporation in 1967.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 23, 1964:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Edward W. Dempsey, of Missouri, to be special assistant on health and medical affairs to the Secretary of Health, Education, and Welfare.

MISSISSIPPI RIVER COMMISSION

Maj. Gen. George H. Walker, U.S. Army, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37; 33 U.S.C. 642).

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 23, 1964

The House met at 12 o'clock noon.

The Reverend Donald D. M. Jones, the Sixth Presbyterian Church, Washington, D.C., offered the following prayer:

In Thy light shall we see light, O Lord. Open our eyes to the sight of a nobler nation which sets aside selfish aims and provincial insistence, that we may see Thy vision, O God. Be with us in these Halls hallowed by the voices of other courageous men and women who sought the best for this country of ours. Be with, bless, and guide us as we seek the same. Teach us Thy will, O Father. Still our errant thoughts and willful acts, that we may be subdued by Thy greater purpose for this land which we love and serve. So do Thou lift us above ourselves, our narrow thoughts, our petty reactions, to serve the total good in this Nation which we would seek to lead only after we have bowed before Thy throne.

In the name of Christ, the Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

CLARENCE F. BYRNS, EDITOR, SOUTHWEST AMERICAN-TIMES RECORD, FORT SMITH, ARK.

Mr. TRIMBLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. TRIMBLE. Mr. Speaker, one of the dearest friends I have ever had, Clarence F. Byrns, editor of the Southwest American at Fort Smith, Ark., died last night. He was one of God's jewels—he fought for those things in which he believed with all his spirit and with all his strength. He fought for his community, for the development of the Arkansas River, for his State, and for his country. Arkansas will not be the same without him.

All of us will miss him much. Our deepest sympathy goes to his beloved wife and to his children and grandchildren.

THE LATE GARDNER R. WITHROW OF WISCONSIN

The SPEAKER. The Chair recognizes the gentleman from Wisconsin [Mr. THOMSON].

Mr. THOMSON of Wisconsin. Mr. Speaker, it is with deep personal sorrow and profound regret that I announce to the House the passing of our esteemed former colleague, the Honorable Gardner R. Withrow of the Third Congressional District of Wisconsin. Mr. Withrow passed away early this morning at St. Francis Hospital in his hometown of La Crosse, Wis. Funeral services will be held at Christ Episcopal Church, La Crosse, 10 a.m., Saturday, September 26.

Mr. Withrow was my immediate predecessor in representing the Third Congressional District, a position he held with distinction for 10 terms. He served in the 72d, 73d, 74th, and 75th Congresses, and in the 81st through the 86th Congresses, and retired with the convening of the 87th Congress.

Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to revise and extend their remarks in the form of eulogies and tributes to our former colleague, Gardner R. Withrow.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. THOMSON of Wisconsin. Yes, I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I join our colleague from Wisconsin in this expression of sorrow over the death of a great and fine former Member of this House.

Mr. Speaker, Gardner Withrow was one of those gentle, kind, considerate persons who was always thinking of the unprivileged. He was the champion of the little man. Up from labor himself, he was always the defender of the rights of the workingman.

Mr. Speaker, it was an honor to serve with Gardner Withrow. It was a privilege to be numbered among his friends. He made many fine contributions while he was a Member of this House.

Mr. Speaker, I know that I express the feeling of all Members on this side of the aisle who knew and served with Congressman Withrow as with those across the aisle, when I say we share in the sorrow which his death has brought to his friends and loved ones. For my own part, I extend my deepest sympathy to all of those of his family whom he has left behind.

Mr. HALLECK. Mr. Speaker, will the gentleman yield to me?

Mr. THOMSON of Wisconsin. I yield to the gentleman from Indiana, the distinguished minority leader.

Mr. HALLECK. Mr. Speaker, it is with great sorrow that I have just listened to the announcement of the gentleman from Wisconsin [Mr. THOMSON] of the passing of my great friend Gardner Withrow. Like the majority leader who has spoken so ably and so well here, and so fluently, may I say that Gardner Withrow was one of the most respected Members of this body to serve here in my time. He was a broadminded person and was always interested in the welfare of the people who sent him down here. Likewise, he was also interested in the affairs of our great Nation and of his great State of Wisconsin.

Mr. Speaker, on a number of occasions I had an opportunity to be with Gardner Withrow in his home district in Wisconsin. My wife had an uncle who was head of the History Department at La Crosse State Teachers College. While we were up there to see him I frequently saw Gardner, and on other occasions I was there from time to time in joint political efforts with him. I have spoken of the high esteem in which he was held here by his colleagues in the House of Representatives. I can testify firsthand that he was held in the same high regard and esteem by the people of his area in Wisconsin.

So, Mr. Speaker, I mourn his passing. I am truly sorry that he is gone. Certainly, he left here a great imprint and a great example of conduct and statesmanship that many of us could well emulate.

Mr. GROSS. Mr. Speaker, I deeply regret to learn of the death of our former colleague, the Honorable Gardner Withrow, of La Crosse, Wis.

Gardner was one of the first Members of Congress with whom I became acquainted when I came to the House of Representatives in 1949. We sat beside each other in the same committee for a number of years. Some months ago he came to visit me on one of his infrequent visits to Washington following his retirement.

Gardner was a good Member of Congress and in view of his long service I greatly regret that he could not live to enjoy the retirement which he had well earned.

Mrs. Gross joins me in this expression of sentiment and in extending our sincere condolences to his good wife, Anne.

THE REPUBLICAN CANDIDATE FOR VICE PRESIDENT

Mr. CAMERON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CAMERON. Mr. Speaker, for weeks now the Republican candidate for Vice President—the appointed hatchetman for his party—has been roaming the land hurling reckless charges against the President of the United States, making snide insinuations about his ethics and his personal affairs.

Just yesterday he increased the viciousness of these attacks.

Yet on the same day he admitted that since 1947 he has been drawing $7,500 a year from the Lockport Felt Co.—a company in whose behalf he three times opposed legislation as a Member of this House.

In a deviously worded statement yesterday that evaded the real issue, he takes refuge in a declaration that he has never been a stockholder in Lockport Felt Co. He completely omits mention that he has for many years been on this company's payroll as assistant secretary and director—apparently during the period when he was on the floor of this House opposing legislation which the company considered detrimental.

Yesterday the gentleman from Ohio [Mr. HAYS] publicly asked:

> Does the GOP vice presidential candidate consider his actions in these instances as examples of the high standards of ethics and morality which he proposes, if elected, to bring to our National Government?"

Mr. Speaker, we are still waiting for his answer.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the house.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 261]

Abele
Alger
Arends
Ashley
Aspinall
Avery
Barry
Bass
Battin
Becker
Berry
Blatnik
Bolton,
  Oliver, P.
Bonner
Brademas
Brock
Bromwell
Brown, Calif.
Bruce
Buckley
Burton, Utah
Byrnes, Wis.
Carey
Casey
Cederberg
Celler
Clausen,
  Don H.
Clawson, Del
Cohelan
Conte
Corbett
Corman
Davis, Ga.
Davis, Tenn.
Dawson
Denton
Diggs
Dorn
Duncan
Edmondson
Evins
Finnegan
Flynt
Ford
Foreman
Forrester
Fraser
Fulton, Pa.
Fulton, Tenn.
Gibbons
Gill
Goodell
Grant
Green, Oreg.
Griffiths
Gubser
Hanna
Hansen
Harding
Harvey, Ind.
Hawkins
Healey
Hébert
Herlong
Hoffman
Horan
Jones, Ala.
Karth
Kee
Kilburn
King, Calif.
Kyl
Latta
Lesinski
Lindsay
Lloyd
McClory
McIntire
McLoskey
MacGregor
Martin, Mass.
Martin, Nebr.
Matsunaga
Meader
Michel
Miller, N.Y.
Montoya
Moss
Multer
O'Hara, Mich.
Olson, Minn.
Patman
Pilcher
Pillion
Pool
Powell
Quillen
Rains
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rivers, Alaska
Rogers, Tex.
Roosevelt
Roybal
Scott
Selden
Senner
Sheppard
Shipley
Sibal
Siler
Snyder
Staebler
Taft
Teague, Tex.
Thompson, La.
Thompson, Tex.
Toll
Tollefson
Ullman
Vinson
Waggonner
Weltner
Westland
White
Willis
Wilson, Bob
Wilson,
  Charles H.
Wilson, Ind.

The **SPEAKER**. On this rollcall 296 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EIGHTH ANNUAL REPORT ON OPERATION OF TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 366)

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the eighth annual report on the operation of the trade agreements program, in accordance with section 402(a) of the Trade Expansion Act of 1962.

Throughout 1963, intensive preparations went forward for the negotiations made possible by this act—the sixth round of trade negotiations under the auspices of the General Agreement on Tariffs and Trade. During this same year, U.S. and free world trade continued to set new records, and important steps were taken to expand our exports further.

U.S. exports reached a new high of $22.3 billion, $5.1 billion more than our imports.

U.S. farm exports rose to $5.6 billion, an all-time record.

Free world trade continued to grow, with exports climbing to a record $135 billion.

Further progress was made in freeing U.S. exports of foreign restrictions.

Government-industry cooperation in the promotion of our exports was stepped up, notably by the White House Conference on Export Expansion in September 1963, and the subsequent establishment of the Cabinet Committee on Export Expansion.

The desire of the less-developed countries to play a greater part in international trade received increasing consideration by GATT and by the United States.

The Trade Expansion Act of 1962 will, I am sure, rank as one of the greatest monuments to President Kennedy's leadership, and I reaffirm the commitment of my administration to its full and vigorous implementation.

I hope that our friends in other countries will neither underestimate nor undervalue the strength of American support for trade liberalization.

We are willing to offer the free nations access to our American markets—but we expect, and we must have, access to theirs as well. That applies to our agricultural as well as our industrial exports.

These are not the kind of negotiations in which some nations need lose because others gain. Their success will be to the advantage of all. They offer the opportunity to build a partnership for progress and prosperity among the industrial nations of the free world, and between them and the developing nations.

At home, we are moving to eliminate poverty among all Americans. We believe that a giant step can be taken against poverty everywhere if the free nations can work together to overcome needless obstacles to the flow of trade among them.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 23, 1964.*

ACTIVITIES OF MY REPUBLICAN OPPONENT

Mr. **VAN DEERLIN**. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. **VAN DEERLIN**. Mr. Speaker, there is contained in holy writ, "Judge not lest ye be judged."

Mr. Speaker, I am informed that yesterday afternoon in the city of La Mesa, Calif., a part of my district, my Republican colleague from the 36th District of California leveled an attack against me in behalf of his brother who is a candidate in my 37th District.

My colleague from the 36th District charged me with coming back to Washington and canceling out all of his good economy votes.

Mr. Speaker, I shall overlook for the present the implications of his appearance in a colleague's district to speak against him. I would point out only that at the time my colleague was thus addressing the people of La Mesa, we in the House were voting on a supplemental appropriation bill in the amount of $998 million.

I feel that my colleague's economy bent cannot be well implemented by making speeches in La Mesa when votes on money bills are underway here on the floor of the House.

Mr. Speaker, I would admonish him that if he is really serious on this economy drive he should return forthwith to the city of Washington, where the voters sent him, in order to do the job that we are doing here today.

PUBLIC LAW 480 EXTENSION

Mr. **COOLEY**. Mr. Speaker, I call up the conference report on the bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1897)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows:

"(1) Section 101 of such Act is amended by striking out in subsection (f) the words 'from the government or agencies thereof' and further by striking the period at the end of subsection (f) and adding the following: ', and which are not less favorable than the highest of exchange rates obtainable by any other nation.'.

"(2) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"'(g) require such foreign currencies to be convertible to dollars to the extent consistent with the effectuation of the purpose of this Act, but in any event to the extent necessary to permit that portion of such currencies made available for payment of United States obligations to be used to meet obligations or charges payable by the United States or any of its agencies to the government of the importing country or any of its agencies.'

"(3) Section 102(a) of such Act is amended by adding at the end thereof the following: 'The Commodity Credit Corporation shall finance ocean freight charges incurred pursuant to agreements entered into after December 31, 1964, only to the extent that such charges are higher (than would otherwise be the case) by reason of a requirement that the commodities be transported in United States flag vessels. Such agreements shall require the balance of such charges for transportation in United States vessels to be paid in dollars by the nations or organizations with whom such agreements are entered into.'

"(4) Section 103(a) of such Act is amended by adding at the end thereof the following: 'In presenting his budget, the President shall classify expenditures under this Act as expenditures for international affairs and finance rather than for agriculture and agricultural resources.'

"(5) Effective January 1, 1965, section 103 (b) of such Act is amended to read as follows:

" '(b) Agreements shall not be entered into under this title during the period beginning January 1, 1965, and ending December 31, 1966, which will call for appropriations to reimburse the Commodity Credit Corporation in a total amount in excess of $2,700,000,000 plus any amount by which agreements entered into in prior years have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than authorized for such prior years by this Act as in effect during such years: *Provided*, That agreements shall not be entered into during any calendar year of such period which will call for appropriations to reimburse the Commodity Credit Corporation in amounts in excess of $2,500,000,000.'

"(6) Section 104 of such Act is amended by striking out in subsection (c) the word 'military' and inserting after the words 'common defense' the words 'including internal security'.

"(7) Section 104 of such Act is amended by striking from subsection (e) the words 'not more than 25 per centum of the currencies received pursuant to each such agreement shall be available' and substituting 'currencies shall also be available to the maximum usable extent.'

"(8) Section 104 is amended by adding at the end thereof the following:

" 'There is hereby established an advisory committee composed of the Secretary of Agriculture, the Director of the Bureau of the Budget, the Administrator of the Agency for International Development, the chairman and the ranking minority member of the House Committee on Agriculture, and the chairman and the ranking minority member of the Senate Committee on Agriculture and Forestry. Such Committee shall review from time to time the status and usage of foreign currencies which accrue under this title, and shall make recommendations to the President as to ways and means of assuring to the United States (1) the maximum benefit from the use of such currencies, making special reference to any such currencies which are excess to the normal requirements of United States agencies, and (2) the maximum return from sales made under this title. Such Committee shall make such other recommendations for improving this Act and its administration as such Committee may deem fit.

" 'The committee shall be consulted with respect to: (1) policies relating to (a) loans under subsections (e) and (g) hereof, (b) the degree of convertibility to be required under section 101(g), and (c) the amount of currency to be reserved in sales agreements for loans to private industry under subsection (e) hereof; and (2) each proposal to establish an interest rate for dollar sales under title IV higher than the minimum provided in section 403.

" 'No agreement or proposal to grant any foreign currencies (except as provided in subsection (c) of this section), or to use (except pursuant to appropriation Act) any principal or interest from loan repayments under this section, shall be entered into or carried out until the expiration of thirty days following the date on which such agreement or proposal is transmitted by the President to the Senate Committee on Agriculture and Forestry and to the House Committee on Agriculture, if transmitted while Congress is in session, or sixty days following the date of transmittal if transmitted while Congress is not in session and then only if, between the date of transmittal and the expiration of such period there has not been passed by either of the two Committees a resolution stating in substance that that Committee does not favor such agreement or proposal.'

"(9) The first proviso at the end of section 104 of such Act is amended by striking out the colon at the end thereof and inserting 'pursuant to agreements entered into on or before December 31, 1964 and to not less than 20 per centum in the aggregate of the foreign currencies which accrue pursuant to agreements entered into thereafter:'.

"(10) Section 104 of such Act is amended by adding at the end thereof the following: 'Any loan made under the authority of this section shall bear interest at such rate as the President may determine but not less than the cost of funds to the United States Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States having maturity comparable to the maturity of such loans, unless the President shall in specific instances upon the recommendation of the advisory committee herein established designate a different rate.'

"(11) Section 107 of such Act is amended by inserting before the period at the end thereof a comma and the following: 'or (3) for the purpose only of title I any nation or area dominated or controlled by a Communist government, or (4) for the purpose only of title I any nation which permits ships or aircraft under its registry to transport to or from Cuba (excluding United States installations in Cuba) any equipment, materials, or commodities, so long as Cuba is governed by the Castro regime. Notwithstanding any other Act, the President is authorized to enter into agreements for the sale of surplus agricultural commodities for dollars under title IV with nations which fall within the definition of "friendly nation" for the purpose of that title. In the case of any such agreement which would be prohibited by any other Act but for the foregoing sentence the maximum payment period shall be five years, instead of twenty years.

" 'The President is directed that no sales under this Act shall be made with any country if he finds such country is (a) an aggressor, in a military sense, against any country having diplomatic relations with the United States, or (b) using funds, of any sort, from the United States for purposes inimical to the foreign policies of the United States'.

"(12) Section 108 of such Act is amended by striking out the words 'six months' and inserting in lieu thereof the word 'year'.

"(13) Section 203 of such Act is amended (i) by striking out '1961' and substituting '1965'; (ii) by striking out '1964' and substituting '1966'; (iii) by striking out '$300,000,000', and substituting '$400,000,000'; and (iv) by inserting after 'charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto' the following: 'or donated under said section 416, section 308 of this Act or section 9 of the Act of September 6, 1958 (72 Stat. 1790)'. Clauses (i), (ii), and (iii) hereof shall not become effective until January 1, 1965.

"(14) Section 203 of the Act is amended by inserting after the third sentence of said section the following new sentence: 'In addition to other funds available for such purposes under any other Act, funds made available under this title may be used in an amount not exceeding $7,500,000 annually to purchase foreign currencies accruing under title I in order to meet costs (except the personnel and administrative costs of cooperating sponsors, distributing agencies, and recipient agencies, and the costs of construction or maintenance of any church owned or operated edifice or any other edifices to be used for sectarian purposes) designed to assure that commodities made available under this title or under title III are used to carry out more effectively the purposes for which such commodities are made available or to promote community and other self-help activities designed to alleviate the causes of the need for such assistance: *Provided, however*, That such funds shall be used only to supplement and not substitute for funds normally available for such purposes from other non-United States Government sources.'; and by inserting after the word 'costs' in the last sentence the words 'or for the purchase of foreign currencies'.

"(15) Sections 109 and 204 of such Act are amended by striking out '1964' and inserting '1966'.

"(16) Clause (1) of section 304(a) of such Act is amended by inserting after the words 'Union of Soviet Socialist Republics' the words 'or the Communist regime in China'.

"(17) The first sentence of section 403 of such Act is amended to read as follows: 'Payment for such commodities shall be in dollars with interest at such rate as the Secretary may determine but not less than the minimum rate required by section 201 of the Foreign Assistance Act of 1961 for loans made under that section.'

"Sec. 2. Subsection (b) of section 612 of the Foreign Assistance Act of 1961, as amended, is amended (1) by redesignating it as subsection (t) of section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended.

"(2) By inserting after the subsection designation the following: 'For sale to United States citizens as provided herein.'

"(3) By striking 'this Act' and substituting 'the Foreign Assistance Act of 1961, as amended.';

"(4) By changing the period at the end of the subsection to a comma and adding 'except that in the case of any such foreign currencies acquired through operations under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, the United States dollars received from the sale of such foreign currencies shall be deposited to the account of the Commodity Credit Corporation and shall be treated as a reimbursement to Commodity Credit Corporation under section 105 of this Act.'

"Sec. 3. Notwithstanding any other provision of law, the Commodity Credit Corporation, in order to encourage exports of extra long staple cotton which is in surplus supply at competitive world prices, is directed to offer for sale, whenever extra long staple cotton is in surplus supply, any extra long staple cotton owned by it (except stocks released from the stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act, as amended) at prices not in excess of the prices at which cotton of comparable quality is being offered by other exporting countries, on condition that such cotton be exported or that an equal quantity of extra long staple cotton will be exported within the period specified by the Secretary of Agriculture. The Commodity Credit Corporation may accept bids in excess of the maximum prices specified herein but shall not reject bids at such maximum prices unless a higher bid is received for the same cotton. The Secretary of Agriculture shall make a determination of the amount, if any, of extra long staple cotton which is in surplus supply for the 1964–65 marketing year not later than thirty days after the effective date of this section and for each succeeding marketing year not later than thirty days prior to the beginning of each such marketing year. Extra long staple cotton shall be deemed to be in surplus supply whenever the Secretary of Agriculture determines that the total supply of such cotton (under the formula for determining the "Total supply" of cotton specified in section 301(b)(16)(C) of the Agricultural Adjustment Act of 1938, as amended, but not including cotton released from such stockpile) is in excess of estimated domestic consumption and estimated exports of such cotton excluding estimated exports made under the authority of this section, plus an allowance for carryover equal to fifty per centum of such estimated consumption and exports. Exports hereunder shall be excluded in making any determination with respect to national marketing quotas under the Agricultural Adjustment Act of 1938, as amended. Nothing herein shall preclude the Corporation from accepting bids which may be made at higher than world prices.

"SEC. 4. Section 416 of the Agricultural Act of 1949, as amended, is amended by adding the following at the end of such section: 'The assistance to needy persons provided in (4) above shall, insofar as practicable, be directed toward community and other self-help activities designed to alleviate the causes of the need for such assistance.'."

And the House agree to the same.

Harold D. Cooley,
W. R. Poage,
D. R. Matthews,
Charles B. Hoeven,
Paul B. Dague,
Managers on the Part of the House.

Allen J. Ellender,
Olin D. Johnston,
Spessard L. Holland,
James O. Eastland,
Herman E. Talmadge,
George D. Aiken,
Milton R. Young,
Bourke B. Hickenlooper,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 2687, to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The House amendment struck out all after the enacting clause of the Senate bill and substitute the language of H.R. 12298 as passed by the House. Following are the substantive differences between the House amendment and the substitute amendment agreed to by the conferees.

1. The House amendment provided for a 3-year extension of title I with an authorization for the 3 years of $4 billion plus carryover. The substitute will extend title I for 2 calendar years (through 1966) with an authorization of $2.7 billion plus carryover.

2. The House amendment extended title II for 3 years with an annual authorization of $450 million plus carryover. The substitute will extend title II for 2 years with an annual authorization of $400 million plus carryover.

3. The House amendment prohibited the use of foreign currencies to "promote or help promote, or increase production of any farm commodity" exported from such country during the preceding year in competition with U.S. production. This provision is omitted from the conference substitute.

4. House amendment excluded from the definition of "friendly nation" for the purposes of titles I and IV any country which permits ships or aircraft under its registry to transport materials or commodities to or from Castro Cuba. The conference substitute limits this provision to title I. It is combined with other related restrictions in section 1(11) of the conference substitute.

5. The House amendment authorized the use of CCC funds under title II to purchase title I foreign currencies for use on self-help activities designed to alleviate the causes of the need for assistance. The conference substitute limits operations under this provision to $7.5 million per year.

6. The House amendment prohibited use of funds under "this act" in any country unless the President finds that such country is not an aggressor and not using U.S. funds for purposes inimical to the United States. The conference substitute prohibits sales under Public Law 480 to countries the President finds to be such aggressors or so using U.S. funds. This provision also is consolidated into the amendment of section 107 of the act set out in section 1(11) of the conference substitute.

7. The House amendment redefined "friendly nation" to exclude any nation controlled by a Communist government, whether or not controlled by the organization controlling the world Communist movement. The conference substitute limits this provision to title I sales for foreign currency.

Under the conference substitute sales for foreign currency will be prohibited to countries which do not come under the new definition of "friendly nation" or which have ships or airplanes under their registry carrying on trade with Cuba. The substitute will permit dollar sales for credit of U.S. surpluses under title IV with only those countries presently defined as "friendly nations," and in the case of any country which has not heretofore been eligible for such dollar sales, will limit the credit period to 5 years. In the case of Poland, the conference substitute will prohibit the making of any further sale of surpluses for Polish currency, but will permit the sale of surpluses for dollars under credit extending up to 5 years. The conference substitute prohibits sales of any kind under Public Law 480 to any country which the President determines to be an aggressor or to be using U.S. funds in a manner inimical to U.S. interest. It does not in any way enlarge the definition of "friendly nations" and continues all prohibitions in Public Law 480 against sales to Communist bloc nations.

The conference substitute contains the following provisions which were not in the House amendment:

1. A requirement that foreign currencies obtained from the sale of surpluses from title I be convertible to dollars to the extent consistent with the purposes of the act. It requires that there should be convertibility to the extent necessary to permit payment of U.S. obligations to the Government of the importing country or any of its agencies.

2. The conference substitute prohibits the payment by Commodity Credit Corporation of ocean freight charges on title I shipments under agreements made after December 31, 1964, except to the extent of the differential required as a result of cargo preference where the U.S.-flag vessel rate exceeds foreign vessel rates. This provision further requires that title I agreements will require the importing country to pay the balance of U.S.-flag vessel freight in dollars. This amendment will change only the financing of ocean freight charges up to the world market rate. However, no change is made in the implementation of the cargo preference laws and, except for such financing, the Commodity Credit Corporation may continue to facilitate commercial arrangements for payment of the full ocean freight charges.

3. The conference substitute requires expenditures under Public Law 480 to be classified for purposes of budget presentation as expenditures for international affairs and finance.

4. The conference substitute removes the ceiling on foreign currencies reserved for loans to private business and provides that such currency shall be made available to the maximum usable extent.

5. The conference substitute establishes an advisory committee to "review from time to time the status and usage of foreign currencies" and make recommendations to the President as to ways and means of assuring the United States the maximum benefit from the use of such currencies, the maximum return from sales made under title I, and such other recommendations for improving the act and its administration as the committee may deem fit. The conference substitute further requires that the President shall consult the committee with respect to policies relating to loans, convertibility, and the amount of currency to be reserved for loans to private industry under subsection 104(e). It further requires consultation with the committee on each proposal to establish an interest rate for dollar sales under title IV higher than the minimum provided in the conference substitute.

6. The conference substitute requires that no grant other than for military purposes or no use other than through the appropriations process, of any repayment of principal or interest from loans under title I may be made unless each such proposal is submitted to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and such committees are given 30 days when Congress is in session, or 60 days when Congress is not in session, in which to express disapproval of such proposal, and then only if neither of these committees disapproves.

7. The conference substitute requires title I loans to bear interest at not less than the cost of funds to the United States. This will apply to all sales agreements under title I entered into after the effective date of this bill and must be followed with respect to all loans made under such agreements unless the advisory committee established in the bill recommends otherwise in specific cases.

8. The conference substitute amends section 304 of the act to add nations controlled by Communist China to those which title I is to assist friendly nations to be independent of trade with.

9. The conference substitute makes the minimum interest rate provided by law for Development Loan Fund loans the minimum rate for interest on sales of surplus commodities for dollar credit under title IV.

10. The conference substitute directs the Commodity Credit Corporation to sell extra long staple cotton determined by the Secretary of Agriculture to be surplus at competitive world prices. The Secretary would be required to make an annual determination of surplus for purposes of this provision. Cotton exported under this provision, in excess of the amount which the Secretary estimates would normally be exported, is not to be counted as exports for purposes of determining future marketing quotas and acreage allotments.

The general effect of the conference substitute herewith reported is to substantially expand congressional control over and supervision and operation of Public Law 480 and to take numerous steps to assure that the United States receives the maximum possible benefit from surplus commodities exported under this act.

Several provisions of the House bill are not changed by the conference substitute.

Harold D. Cooley,
W. R. Poage,
D. R. Matthews,
Chas. B. Hoeven,
Paul B. Dague,
Managers on the Part of the House.

Mr. COOLEY. Mr. Speaker, the distinguished gentleman from Texas [Mr. Poage], vice chairman of the House Committee on Agriculture and chairman of the subcommittee that conducted the hearings on the pending bill, which is commonly known as Public Law 480, and

who served as one of the House conferees, is entirely familiar with all of the pertinent facts and circumstances involved in all the programs which have been in operation pursuant to the authority contained in the basic law. I am certain that he will be able to answer all questions which might be propounded. I shall, therefore, yield to the gentleman from Texas [Mr. Poage]. But before doing so I shall make only a few brief remarks and observations.

The programs which have been undertaken pursuant to the authority contained in Public Law 480 have worked successfully and well through all the years that such programs have been in operation. These programs have been remarkably free from criticism. Surplus commodities valued at more than $16 billion have been disposed of through the programs. We have alleviated hunger in many parts of the world. Assistance has been rendered to perhaps 100 million people and the program has been carried on in many far distant lands. Through these programs we have made many friends throughout the world. We have shared our abundance with less fortunate people but even now our warehouses are filled with vital food and fiber. I believe that these programs should be continued. The bill before you authorizes a continuation of these very worthwhile and beneficial programs.

In the languages of this earth there are two majestic and magic words—food and fiber. Here in America we have an abundance of food and fiber. No nation has ever embarked upon programs more magnanimous or of such great magnitude as the programs which we have authorized and which will be continued upon passage of this bill. We have fed hungry people; yes, we have fed little children and we have helped to rehabilitate and to strengthen people of other nations. We now call it the food-for-peace program. In carrying out the authority contained in the basic law, we have given to the executive branch of the Government every possible legislative authorization to use these commodities to relieve hunger wherever the need for such relief is shown. The conference report is unanimous and I do not believe that it will be controversial.

I shall not attempt to discuss the details of the program but shall leave that to my colleague, Bob Poage. I now yield 15 minutes to the gentleman from Texas [Mr. Poage].

Mr. POAGE. Mr. Speaker, this conference report has the unanimous support of all the conferees—those of both the House and Senate and those on both sides of the aisle. We believe it is a good report. It is, of course, a compromise. It does contain most of the provisions which the House passed as well as most of the provisions that the other body inserted in their legislation.

We have made a number of changes in language which I feel should be called to your attention. You have just heard the reading of the statement of the managers on the part of the House which gives a rather detailed account of the compromises that were effected. I do not want to repeat but I have been asked to explain the details of the conference action. Therefore, I should like to take the report and go through it as hurriedly as I can and point out the action taken on each section. Section 1 relates to the exchange rate which the United States is to receive in the beneficiary countries. It provides very definitely that this country shall receive the highest applicable legal exchange rate granted in that country and in no event shall that rate be less than the most favorable rate granted to any other country in the world for the same kind of transaction.

Section 2 is a new subsection and provides for the convertibility of currencies "to the extent consistent with the effectuation of the purposes of this act" and again it requires that the maximum amount possible of these currencies be made convertible and in any event enough to pay the costs to the United States for all U.S. Government purposes in the host country. In all frankness, this relates primarily to the Suez Canal, and makes it a requirement that in any future agreements which might be entered into with the United Arab Republic enough of the funds will be made convertible to pay the tolls which the U.S. Government might have to pay for use of the canal.

Section 3 relates to ocean freight, and is a matter of considerable interest to a great many Members of the House. The House bill did not contain any provision relating to ocean freight whatsoever. The Senate bill provided that all of the basic freight—that is, the lowest freight rates available to world shippers, whether shipped in American or foreign bottoms—should be paid by the foreign country. We have in this compromise provided that the foreign country shall pay the basic freight and that to the extent that the goods are shipped in American bottoms they must pay it in dollars. That is to protect American shipping. It means American ships will get that basic part paid in dollars even though it is paid by the foreign country, and the compromise provides that the U.S. Government shall continue to pay the difference between the world rate and the American rate on that portion of the goods shipped in American bottoms. Of course, this part is also paid in dollars.

We will save our Government a substantial amount of freight but this conference report does not change in any respect this provision which has long been in the law that 50 percent of the goods be shipped in American bottoms. It protects American shipping interests while giving at least some little relief to American taxpayers.

Section 4 simply requires that in budgeting these amounts that these expenditures be charged to the international assistance program rather than be charged to Agriculture.

Section 5 fixes the total authorized expenditures under title I, which is the title authorizing the sale of commodities for foreign currencies. Since we have changed the term of the bill from 3 to 2 years we have likewise reduced the amount of money that could be expended during that period of time. The expenditure per year will be just slightly more than the amount authorized in the House bill.

Section 6 makes no change in the wording of the House bill, as you passed it. It simply provides that we strike out the word "military" and after the words "common defense" insert "including internal security," which makes it clear that we can use this program to carry on our military aid in nations like Vietnam and Korea with no chance that someone would claim that we were not authorized to cooperate with the local government in supporting internal security efforts.

Section 7 relates to the "Cooley" loans. There has been a limitation on the amount of these funds that could be used for Cooley loans. Cooley loans are those loans which are made in foreign currencies which we have acquired from the sale of these commodities to private concerns or investors who want to invest in the development of the host country. It was the thought of your committee and of your conferees that these Cooley loans are one of the best means of using the proceeds of these sales. They use the proceeds to develop the country in the interest of American investors and use the private enterprise system to do it. We have taken off all limitations as to the amount of the funds which can be used for Cooley loans and have inserted instead a provision that as much of these funds as can be prudently used for Cooley loans shall be so used. We think that this will help American investors as well as local people.

Section 8 provides that we shall set up an advisory committee, as was set out in the House bill, to advise with the Executive as to the use of these funds over the world. This committee is one which includes the chairman of the Agriculture Committee of the House and the ranking minority Member in the House and the comparable officials on the other side of the Capitol. We believe that it provides for a closer liaison between the legislative and the executive than we have ever had before.

The second paragraph of that provision is new. It specifically requires that this committee "shall be consulted" with respect to the policies relating to loans under this title I, and that it shall be consulted in regard to proposals to establish interest rates for dollar sales under title IV.

The third paragraph of that same section is a provision inserted at the request of the Senate to require a review by committees of the House and Senate of projects which are presented by the Executive with the authority of the committee to reject or to disapprove any proposed grant or expenditure of the funds that are obtained from the repayment of any of the moneys loaned under the provisions of this bill—another control on the part of the Congress.

Section 9 provides that not less than 20 percent of the funds shall be available for U.S. Government purposes. The effect of this is to give the Appropriations Committee an opportunity to use more of these funds—through the purchase of "counterpart" with dollars if it wants to do so. The reason for making this effective the first of the year is that there are outstanding agreements at the present time that have been negotiated and should be carried out under the terms of the existing law.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman.

Mr. FINDLEY. Just for the purpose of clarification, do I understand correctly that this provision of the conference report would enable either of the agricultural committees of the Congress to, in effect, nullify any grants of U.S.-owned foreign currencies within 30 days if the Congress is in session or 60 days, if not. Am I correct, sir?

Mr. POAGE. Not quite. If I may explain it a little more clearly; in the first part of this section which relates to the establishment of a committee, which was in the House bill, it provides for the establishment of a special committee composed of the three representatives of the executive and four representatives of the legislative branch. That is the committee or commission which would review and consult about any of the agreements which might be currently being made. Under these and under existing agreements you get repayments which are anticipated to run in the neighborhood, I believe, of $300 million during the next 2 years. It is only as to the proceeds generated by those repayments of funds that that third paragraph relates, only to repayment of funds which have previously been loaned or advanced to the foreign countries.

The first two paragraphs relate to the original agreements under which we send the agricultural commodities to the country. Then for the repayments made under these agreements the third paragraph steps in and is applicable, and there, any use of those funds—any use of them must be referred to the House committee and Senate committee and either the House or Senate committee can reject that use if they want to.

Mr. FINDLEY. That use, meaning the proposed grant right—one example of that use would be a grant if it was for nonmilitary purposes; is that correct?

Mr. POAGE. I understand that any grant in an original agreement would have to be referred to the committee as is provided was the House bill. As to any use of the original funds, you could not make any grant of the repayment funds without referring it to the House and Senate.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to my chairman.

Mr. COOLEY. Just for the sake of accuracy, is not that language applicable? It makes funds from loan repayments—they all have to be submitted for the consideration of the committee?

Mr. FINDLEY. That is my understanding of the way the language reads.

Mr. COOLEY. Is that not correct?

Mr. FINDLEY. That is my understanding of the language at the bottom of page 2 of the committee report.

Mr. COOLEY. That is right.

Mr. FINDLEY. That is the way it reads to me.

Mr. POAGE. I think the gentleman is correct. I do not mean to say that a grant of funds, whether in the original agreement or out of repaid funds, could be made without a veto right in the two regular committees. Any agreement or proposal to grant currencies would have to come to both committees so far as that is concerned.

Mr. COOLEY. Whether they are repayment funds or not?

Mr. POAGE. That is right—if it were a grant. But if they were regular loans in the original agreement they would come only to the advisory committee. On the other hand a pure grant would be subject to consideration both by the special committee and by the regular committees of both Houses.

Section 10 provides that the interest rate on these loans of foreign currencies which are made to beneficiary countries shall be as high as that of the cost of funds to the U.S. Treasury, with a proviso that the President may make a specific finding on the recommendation of the advisory committee that a different rate should be designated. It requires not merely a Presidential finding but also a recommendation of the advisory committee, on which the legislative branch will be represented.

Section 11 is, I believe, the most controversial section in the report. This is a combination of the Findley, the Rogers, the Bolton, and the Roosevelt amendments. We have made these limitations applicable only to title I, because titles II and III relate to gifts. Certainly we do not want to make them applicable where there is a disaster or where we are making a gift.

Title IV relates to sales for U.S. dollars. We felt it was inadvisable to limit the sales for U.S. dollars, so we have not made these amendments applicable to title IV except to the extent of some legislation—we believe there is some existing legislation—which may prohibit the use of title IV in Poland. We have, therefore, provided that sales can be made for dollars under title IV but that the term of credit may not exceed 5 years. Generally under title IV there is a 20-year limitation. We have tried our best to keep the spirit of the amendments which the House put on and which were not put on by the Senate, but we have tried to make them flexible enough to enable the program to function.

We have tried to keep the spirit that there are to be greater restrictions on the use of these funds in selling commodities to Poland and Yugoslavia; however, we have made it clear that if they are paying in dollars they should get as much as 5 years credit.

We have provided, in determining what country may be an aggressor, that it shall be up to the President to make that determination, and we only require that he do it when he feels that a specific country is guilty of aggressive acts. If he finds any country to be an aggressor, there can be no trade with the country under this bill. We do not, however, require the President to offer needless insults nor to make any decisions until a country has taken aggressive steps.

We have also added a proviso which I believe appears a little further on, in the mechanics of the bill, which relates to this same general question of restricting trade with communistic countries. This is section 16, which adds Red China along with the Soviet Union as one of those countries which by name cannot participate in this program, and domination by which would disqualify any other country.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Illinois.

Mr. SPRINGER. I should like to ask the distinguished gentleman whether anything has been done by the Congress, insofar as he knows, which would change the original spirit of Public Law 480, as to all titles.

Mr. POAGE. No. I believe, taking it as a whole, we have retained very well the basic spirit of the law. We have put in a good many items to tighten it up. Taken as a whole, this conference report will tighten up considerably the use of Public Law 480, but it will still leave a usable and workable program which can be used to dispose of our agricultural commodities, to the advantage both of the United States and of foreign countries.

Mr. SPRINGER. May I ask the distinguished gentleman one further question? Generally speaking, this program has become known now rather more under the name of the food-for-peace program than the Agricultural Trade Development and Assistance Act.

What has happened in the conference between the House and the Senate has not interrupted this food-for-peace program, has it?

Mr. POAGE. I do not think we have interrupted the food-for-peace program at all. Food for peace is not a name that has ever been in the statutory history of this program.

Mr. SPRINGER. I understand that, but nevertheless it is beginning to take on that pseudonym at the present time.

Mr. POAGE. Yes, that is true, but I like to think of this program as basically a program for the orderly disposal of our agricultural surpluses in a way which will give the greatest possible benefit to our friends abroad as well as to American taxpayers.

Mr. SPRINGER. And what has been popularly known in the press of the United States as Public Law 480. Has there been anything done in the conference which would change this popular approach to the law of the land?

Mr. POAGE. No. I do not think there has been a thing done here that will change that approach at all.

Mr. SPRINGER. And we are still here pursuing, at least under one title, what we generally know as the food-for-peace program?

Mr. POAGE. Yes; I think under all four titles. All of them tend to carry out the objectives of food for peace.

Mr. SPRINGER. I thank you.

Mr. POAGE. Section 12 relates only to the requirement for reports. It is in both bills. It requires yearly reports rather than each 6 months.

Section 13 makes the authorization for funds for title II correspond with the change hereto made in the period of the bill—from 3 to 2 years.

Section 14 is what is known as the Matthews amendment. You will recall that this amendment allows the use of title II funds for the purchase of tools, and so forth, to aid in developing self-help projects instead of direct aid.

Section 15 is the change from 3 to 2 years.

Section 16 has been explained.

Section 17 makes the provisions of title IV of this act—the title relating to sale for dollars—conform in interest to the provisions of the Development Loan Act.

The last section of the bill is a rider placed on the bill in the other body. It has no relation to Public Law 480. It relates to the sale of extra-long staple cotton. It seems to have general approval of those involved.

Mr. Speaker, I realize my time is exhausted. I hope this covers all of the items in this report, and that you will accept the action of your conferees.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COOLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa [Mr. Hoeven].

Mr. HOEVEN. Mr. Speaker, I support the conference report on S. 2687, a bill to extend and amend Public Law 480. This legislation, in my opinion, will improve this important program during the next 2 years. I have always been an ardent supporter of Public Law 480. My concern through the years has been that it was gradually becoming an adjunct of foreign aid and not serving the purposes that were set out when the original bill was enacted in 1954. I am very happy to report that in this conference report for the first time we are really showing some evidence of keeping control of this legislation within the Congress and within the original concept and purpose of Public Law 480, to wit, the orderly disposal of surplus agricultural commodities. This program has been of great benefit to American agriculture. We have disposed of about $15 billion of surplus commodities since 1954, and have, incidentally, fed about 100 million hungry people throughout the world. I think that is very commendable. So, without surrendering all of our rights and prerogatives this conference report for the first time has tightened up on some of the things I feared would happen if the program were continued at the old pace.

I want to say that my colleague, the gentleman from Texas [Mr. Poage], has given you a very fine analysis of the provisions of the conference report. I do not want to be repetitious, but I do want to refer to some of the items, because we want to make it crystal clear just what the conference did.

The conferees rendered a unanimous report. As everyone understands, a conference report is a give-and-take proposition. Both the Senate and House versions of the bill had meritorious provisions which were satisfactorily resolved in conference.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. HOEVEN. I yield to the gentleman from Illinois.

Mr. SPRINGER. First of all, I would like to say this might possibly be the last time the distinguished gentleman from Iowa will come to the well of the House in support of legislation for the benefit of agriculture of the United States. For 22 years you have been a member of that committee and have been the ranking minority member on that committee now in your 6th year. I want to express to you my appreciation for all the fine work you have done for American agriculture and especially for your interest in Public Law 480, of which I was one of the authors. I think the gentleman when he returns to Iowa will have there all of the thanks he should have from a grateful State for the excellent public service that he has rendered in behalf of Iowa and the United States for the last 22 years.

Mr. HOEVEN. I thank the gentleman for his very kind remarks.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. HOEVEN. I am glad to yield to the gentleman from Illinois.

Mr. FINDLEY. I concur in the sentiments just expressed by my colleague from Illinois [Mr. Springer]. I have worked closely with the gentleman from Iowa [Mr. Hoeven] these past 4 years and I have come to value and treasure his friendship and assistance. There could be no better example of his fine leadership in behalf of good legislation than the effective work that he has done on this conference. In my opinion, this conference report is an excellent one and it makes many beneficial improvements in Public Law 480.

Mr. HOEVEN. I am grateful to the gentleman for his kind words.

During the conference there were several major issues which had to be reconciled. The Senate bill required the appropriations process for almost all title I foreign currencies. The House bill did not. The House bill prohibited both title I and title IV sales to Communist countries. The Senate bill did not. The Senate bill carried a provision on ocean freight charges. The House bill did not. There were of course many other differences between the two bills which were also reconciled by the conference.

These three major issues were worked out in this manner: First, on the appropriations process, the conference report establishes a degree of congressional control over Public Law 840 by establishing a seven-man advisory committee consisting of the chairmen and ranking minority members of the House and Senate Agriculture Committees, the Budget Bureau Director, the Administrator of AID, and the Secretary of Agriculture. This advisory committee will consult with and make recommendations to the President concerning future policies to be undertaken in the administration of the act. These policies specifically include the proposed uses of excess foreign currencies, foreign country loans under 104 (e) and (g), convertibility, Cooley loans, and interest rates on title I and title IV loans.

In addition, the Committees on Agriculture of both the House and the Senate are given veto authority over specific proposals to make all grants under title I—except for military assistance grants under 104(c)—and to dispose of all loan repayments—except those which are already subject to appropriations control. The Agriculture Committees will be given 30 days when Congress is in session and 60 days otherwise in which to adopt a committee resolution of disapproval if the administration proposes to depart from the congressional guidelines established in this bill.

Second, the problem of Public Law 480 sales to Communist nations is met by the conference report which flatly prohibits title I foreign currency sales to any Communist nation in the world. The conference bill, in other words, flatly prohibit any more title I foreign currency sales to Poland and Yugoslavia. The U.S. Government now holds $489 million worth of Polish zlotys and $52 million of Yugoslav dinars which are in excess of our foreseeable needs.

The conference report, unlike the House bill as amended by the gentleman from Illinois [Mr. Findley] does allow title IV long-term dollar credit sales to Poland and Yugoslavia. It does not allow such sales to any other Communist nations however. In the case of Poland these dollar credits cannot be extended for longer than 5 years. In the case of Yugoslavia these credits can be extended up to 20 years. While I personally preferred the original Findley amendment in regard to Communist nations, it was necessary to compromise on these title IV sales in order to overcome the administration's strong opposition to any restrictions being placed on Public Law 480 sales to Poland or Yugoslavia.

I want to repeat again, it is the clear understanding of the conferees that there will be no further title I sales to any Communist nations and that title IV sales will be made only to Poland and Yugoslavia and not to any other Communist nations.

In this connection, I want to take this opportunity to commend the gentleman from Illinois [Mr. Findley] for the outstanding work he did in getting his amendment inserted in the bill when it was considered in the House. The gentleman from Illinois [Mr. Findley] has rendered a great public service in bringing this important matter to the attention of the Congress and the American people.

Third, the shipping rate language in the Senate bill was reworded to make it clear that U.S.-flag vessels would continue to receive the benefits of the 50-50 American bottom provisions in Public Law 480. U.S. shippers will continue to receive payment in U.S. dollars. Commodity Credit Corporation will be required to pay in dollars for the difference between U.S.-flag freight rates and the world rate, but foreign nations will be required to pay in dollars for the balance. This procedure is designed to facilitate the payment of U.S. shippers, but at the same time require foreign nations to pay their fair share in transporting U.S. farm commodities being sold to them on a very generous basis.

In addition to these three provisions, the following agreements were made by the conference:

First. A provision to encourage maximum exchange rates on title I sales.

Second. Language to encourage maximum convertibility for dollars on title I sales to allow the use of Public Law 480 funds to pay for Suez Canal tolls on U.S. vessels.

Third. A provision to require budget presentations of Public Law 480 to be included in foreign assistance programs. This will not, of course, change budget expenditures.

Fourth. Language to extend title I for 2 years—House bill called for 3-year extension—and authorize spending at $2.7 billion plus carryover—this is about the same as the rate in the House bill.

Fifth. Allowing the use of foreign currencies for internal security operations in nations like South Vietnam—this was in both House and Senate bills.

Sixth. Language to remove 25 percent ceiling on use of foreign currencies for Cooley loans, the amendment of the gentleman from Mississippi [Mr. Whitten] to the House bill restricting foreign currency uses, was deleted.

Seventh. Language to increase from 10 percent to 20 percent the amount of foreign currencies subject to U.S. uses and appropriations control. This was in the House bill.

Eighth. Provisions to require the going rate on future title I soft currency loans.

Ninth. Provisions to require annual instead of 6-month reports on Public Law 480. These were in both House and Senate bills.

Tenth. Language to extend title II for 2 years—House bill was for 3 years—at a rate of $400 million per year. House bill was $450 million per year; Senate bill was $375 million per year.

Eleventh. Provisions to allow title II funds to be used to buy title I currencies for use by church groups and voluntary agencies in self-help work projects up to $7.5 million per year for 2 years.

Twelfth. Language to add Red China as a nation which Public Law 480 programs should be used against to make other nations independent of.

Thirteenth. Provisions to require title IV long-term dollar credit loans to be at interest rates not less than those made under foreign aid loan programs.

Fourteenth. The amendments to the House bill by the gentleman from California [Mr. Roosevelt] regarding aggressor nations and the gentleman from Florida [Mr. Rogers] regarding nations whose ships or planes do business with the Castro regime in Cuba were, except for technical changes and a limitation to title I on the provisions dealing with Cuba, retained in the conference report.

Finally, the Senate bill contained a provision dealing with extra-long staple cotton. This had nothing to do with Public Law 480 but the conference adopted language to allow world sales of our surplus stocks. These stocks are now approximately 170,000 bales. The loss to CCC on these world market price sales would be about 8 cents a pound. These special sales, however, will not be treated as regular exports in calculating marketing quotas and acreage allotments for U.S. producers of extra-long staple cotton.

In summary, Mr. Speaker, the conference report in many respects represents a tightening up of Public Law 480. It is a good bill to extend a good program. I urge the adoption of the conference report.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield at that point?

Mr. HOEVEN. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I wonder if the gentleman by deleting the amendment which we had on the House floor means to condone the action that has been taken in putting Americans in Mexico in the American farm machinery business and in the storage business and in all these related things which are putting our people out of business, or does the gentleman feel that if they carried out the existing law they would be able to do what the amendment called for?

Mr. HOEVEN. May I say to the gentleman from Mississippi that I supported his amendment on the floor of the House and hence am in accord with his views. I have always jealously guarded the best interests of American agriculture.

Mr. WHITTEN. I know the gentleman did.

Mr. HOEVEN. And, I also expressed my sentiments in favor of the gentleman's amendment in conference.

Mr. WHITTEN. I am asking, for the record, so we get what the intent is, if the gentleman can tell me.

Mr. HOEVEN. The conferees felt that the very thing the gentleman sought to accomplish was already taken care of in the so-called Cooley loan section of the bill. Therefore, it is up to the Department of Agriculture to administer those provisions. If they do, I believe they will remedy to a large extent the very matter that the gentleman from Mississippi has in mind.

Mr. WHITTEN. I thank the gentleman.

GENERAL LEAVE TO EXTEND REMARKS

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks at this point in the Record on the conference report now being considered.

The SPEAKER pro tempore (Mr. Harris). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HALLECK. Mr. Speaker, the conference report on Public Law 480 extension retains the essential part of the recommital amendment offered by the gentleman from Illinois, Congressman Findley, and accepted by the House, under which soft currency transactions benefiting Communist countries, including Poland and Yugoslavia, will be prohibited.

In my opinion, in the past year the gentleman from Illinois [Mr. Findley] has been the forefront of the Members of Congress who have been trying to keep the Communists from reaching into the pockets of U.S. taxpayers.

The report also provides for greater congressional control over nonmilitary grants of U.S.-owned foreign currencies which may be acquired under this program. It gives each Agriculture Committee of Congress the right to nullify any such grant within 30 days after notification of the proposal, if Congress is in session, or within 60 days if Congress is not in session.

This is substantially the same congressional control which the gentleman from Illinois [Mr. Findley] sought to bring about in another amendment he offered during House consideration. This Findley amendment, proposing congressional appropriation sanction over these grants, was adopted by the House one day but the action in effect rescinded the next day. It is gratifying that the conference report restores a means of congressional control over currency grants, very similar to the one proposed by the gentleman from Illinois [Mr. Findley].

The report also reduces the authorization period from 3 to 2 years, here again adopting virtually the same proposal offered by amendment by the gentleman from Illinois [Mr. Findley].

All told, the gentleman from Illinois [Mr. Findley's] efforts have led to significant and beneficial improvements in the Public Law 480 program.

Mr. McINTIRE. Mr. Speaker, I want to say that S. 2687 has my hearty support, extending as it does Public Law 480, the Agricultural Trade Development and Assistance Act.

Public Law 480 is indeed unique legislation and it might, in an accurate sense, be called "double-barrel" legislation—it effects the humanitarian objective of providing surplus American agricultural commodities for needy peoples abroad and, at the same time, relieves adverse economic pressures that would otherwise weigh heavily on farm commodities in the American marketplace.

I would like to make it clear, however, that I have not favored and do not favor having these surplus agricultural foods parceled out to peoples who might, while taking this food offering into one side of the mouth, speak out of the other side against the best interests of the United States.

I do not believe, for instance, that a fat Communist is any more peace seeking than his lean counterpart, even though his excess flesh has been accumulated through the genius and generosity of capitalists, his arch enemy. In consideration of the true nature of the Communist, such nourishment would provide him not with an aching desire for peace but with a little more stamina as he engages in his declared labors to "bury us."

But these things aside, I want to say that I firmly believe that the basic object of Public Law 480 is an eminently worthy one—I sincerely and seriously hope that this House of Representatives will extend S. 2687 its wholehearted approval.

Mr. DOLE. Mr. Speaker, the conference report is a compromise and a give-and-take proposition. Many Kansans, including the late Senator Andrew

F. Schoeppel, former Congressmen Clifford Hope and Wint Smith, and Senator Frank Carlson were supporters and helped initiate Public Law 480 which became known as the food-for-peace program during the Eisenhower administration.

There was concern in our Committee on Agriculture about getting away from the original intent of the act, and it becoming an adjunct of foreign aid, but for the first time Congress is showing evidence of keeping control of this important legislation.

The conference report provides a 2-year extension instead of 5 years asked by the administration and a $3.5 billion authorization of new money with closer supervision by Congress.

The intent of Congress is specific in banning deals for title I currencies with any Communist country, and continues the provision in the House bill banning further title I deals with Poland and Yugoslavia.

I would also point out the conference report sets up an advisory committee, and also requires advance notice to Congress of certain provisions in proposed agreements. Approval of certain transactions could be blocked by an adverse report of either the House or Senate Agriculture Committee.

IMPORTANT TO KANSAS WHEAT PRODUCERS

Public Law 480 has a tremendous economic impact on some agricultural commodities including wheat.

The United States has exported about 3½ billion bushels of wheat under Public Law 480. This is equal to three average U.S. crops. Shipments under the program in the fiscal year 1964 were equivalent to 43 bushels out of every 100 bushels of wheat U.S. farmers harvested in 1963.

In terms of value, total U.S. agricultural exports in the 1964 fiscal year reached $6.1 billion. Of this total, $1.5 billion or about 25 percent, represented shipments under Public Law 480.

I urge adoption of the conference report.

Mr. GROSS. Mr. Speaker, it is a privilege to join with the gentleman from Illinois [Mr. FINDLEY] and others, who have paid tribute to my colleague from Iowa, the Honorable CHARLES B. HOEVEN.

CHARLIE HOEVEN has had a long and distinguished career in the Congress of the United States and we of the Iowa delegation greatly regret that it has been his decision to retire as a Member of the House.

Through his many years of service in the House, CHARLIE HOEVEN has been a stalwart in the ranks of the conservatives, always deeply concerned by irresponsible fiscal policies, and the steady erosion of the Constitution with the precious freedoms it sought to guarantee to the individual citizens of this Nation. Never, to my knowledge, did he waver in his opposition to those policies and programs which he was convinced were not in the best interests of this constitutional Republic.

We regret his decision to retire, yet we wish he and Velma, his wife, the years of happiness and contentment they have abundantly earned through years of faithful service.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DESIGNATION AND ADMINISTRATION OF THE ICE AGE NATIONAL SCIENTIFIC RESERVE (WISCONSIN)

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 882 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1096) to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ANDERSON] and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 882 provides for consideration of H.R. 1096, a bill to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes. The resolution provides an open rule with 1 hour of general debate.

The proposed Ice Age National Scientific Reserve will comprise about 32,500 acres. The largest of the three principal areas to be included within it is the Kettle Moraine and Campbellsport area, comprising 17,000 acres within 20 to 30 miles of Milwaukee. The next largest, the Bloomer area, lies in the northwestern part of Wisconsin within 100 miles of Minneapolis and St. Paul and includes 10,000 acres. The third is the Devils Lake area, not far from Madison, comprising 3,500 acres. Other small areas which may also be included will total about 2,000 acres.

The primary value of the reserve is to the Nation's scientific community. It will include what is regarded as the best collection of remnants of the ice age anywhere in the world. In addition, the reserve will include many beauty spots which can be enjoyed by those who visit it for outdoor recreation.

H.R. 1096 would provide for Federal cooperation with the State of Wisconsin in the formulation of a comprehensive plan for the preservation and interpretation of these areas, and to authorize financial assistance to the State in acquiring such of the lands included within the reserve as are not now owned by it.

Mr. Speaker, I urge the adoption of House Resolution 882.

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know whether the gentleman from California [Mr. SISK] mentioned this or not, but I think this is the third time this has been before the House in recent months.

The first time it was brought up on the Consent Calendar. Objection was made, I believe by the gentleman from Iowa [Mr. KYL]. It then was considered along with approximately 10 or 12 somewhat similar bills under suspension of the rules about 6 weeks ago. At that time the bill received a majority vote I think of 164 to 154, but of course this was not the necessary two-thirds and the rules were not suspended and the bill was not passed.

This bill actually came to my personal attention, I might say, about a year ago, long before the matter had come to the attention of the Congress in any of these three instances I have just cited. I was contacted by the North Central Ornithological Society, an organization of bird lovers in my own congressional district. The officers of that organization were deeply interested in this particular bill and urged me at that time to support its passage.

I made some investigation of the matter and was frankly not aware at that time of what I have since learned; namely, of the reservations and, indeed, the objections to this measure by my colleague, the gentleman from Wisconsin [Mr. VAN PELT]. Certainly I want to say at this point there is no Member of the House for whom I have any greater affection or deeper regard or who I think has served the people of his district in a more distinguished fashion than the gentleman from Wisconsin. Frankly, it pains me on this occasion to find myself in opposition to that which I know he in good conscience and out of respect for his duty as the Representative from that district would have me favor.

In the hour of debate that has been allotted to discuss this matter, I hope that certain matters will be made perfectly clear, because, frankly, my support for this legislation was predicated on the statement contained in the report which came with this bill which says that when H.R. 3846 is enacted, that is, the land and water conservation fund bill that passed this House a few weeks ago, the committee, which I think is the Committee on Interior and Insular Affairs, will expect the contributions made under the present bill to the State of Wisconsin to be taken into full account in determining the State's share of appropriations under H.R. 3846. In other words, there is not going to be any great bonanza given the State of Wisconsin under the legislation. They would be credited to the funds it would otherwise be entitled to under the land and water conservation fund bill, if this bill is passed. That is in the report made by the Committee on Interior and Insular Affairs, from which this bill was reported.

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Wisconsin.

Mr. REUSS. I just wanted to reassure the gentleman that the understanding of the gentleman from Illinois is entirely correct, and that his understanding is shared by all concerned.

Mr. ANDERSON. I am delighted to have that interpretation and help from the gentleman, because I think it should contribute rather conclusively to the legislative history of this particular bill.

The other point I would make, and it was the basis on which my support was given, was that this bill in no way commits the United States to any share of the upkeep of the so-called Ice Age National Scientific Reserve. Indeed, if I interpret the language of the bill correctly, and I want to be corrected at this point by any member of the Committee on Interior and Insular Affairs or anyone else if I am incorrect, but as I interpret the language in the first four lines of page 6 of this bill, there is an express prohibition against any commitment by the Federal Government to the use of funds authorized under this bill for the support and the upkeep and the maintenance of this park. It is to be done, as I understand it, with State funds and State money.

Mr. MORRIS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from New Mexico.

Mr. MORRIS. The gentleman interprets the language of the bill just exactly as the committee interprets it. We have no commitments whatsoever for the maintenance and administration costs of this project. That will be up to the State of Wisconsin.

Mr. ANDERSON. I want to make one additional point, if I may, Mr. Speaker, and that is I know some objection has been raised to this bill on the grounds that fees are going to be charged and that the people of Wisconsin and people from my own State of Illinois and, incidentally, I might say, I have some interest in this matter because I think something like 80 percent of the people who visit the Wisconsin State parks come from outside of the State of Wisconsin—many come from the State of Illinois and many come from my own area of northwest Illinois—but it is my understanding, and again I would like to be corrected if I am wrong, that no fees are going to be charged and this bill makes no provision for such fees and there is no intention that the Federal Government shall charge any fees for visitation in this particular area because of its contributing any funds under this bill.

Mr. MORRIS. This bill does not in any way impose a Federal fee upon this project. Of course, I cannot make any commitment as to what the State of Wisconsin will do. They will be the ones who are going to administer this project. I have no idea whether the State of Wisconsin intends to charge a fee on this scientific reserve or not—that is the prerogative of the State of Wisconsin.

Mr. ANDERSON. The gentleman makes the point then that there will not be any Federal fees assessed against persons visiting this area simply because of the fact that under this legislation the Federal Government makes a contribution of $750,000 toward the acquisition of some of the lands included in the reserve.

Mr. MORRIS. The gentleman is very knowledgeable and very correct.

Mr. ANDERSON. Mr. Speaker, in conclusion may I say, I have no intention or desire here this afternoon to preempt anyone's right to make up their own mind on this particular legislation. I have tried to state the reasons why I have supported it and do now support it and, indeed, supported it as long as a year ago in 1963. I would merely ask the Members of the House to give careful consideration to the arguments that may be raised on both sides of this issue.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. Van Pelt].

Mr. VAN PELT. Mr. Speaker, just for the record I think it should be made clear that Mr. Wirth who testified for the Department indicated that there would have to be Federal appropriations to take care of the Federal part of this park if this legislation is enacted. There was also a long discussion about the assessment of fees and to whom the fees would be paid. I have the record here before me and it is indicated that it might or might not be split between the Federal Government and the State of Wisconsin. Here we have a park consisting of twenty-two thousand and some six hundred acres which is free and encompasses all of the historic parts of the so-called ice age park. The State of Wisconsin is protecting it. I have objected to this bill on two similar occasions, Mr. Speaker, and I am opposed to the bill today because I think it is very much out of date. The State of Wisconsin has purchased additional lands in their program since the bill was brought before the Interior Committee, and therefore the amount of funds called for here would not even be necessary. I am opposed to the bill. It seems to me, if the full evidence had been presented in the right light to the Committee on Rules, we would not be here today.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. Miller].

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to proceed out of the regular order, to revise and extend my remarks, and to include a news release.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I wish to call the attention of the House to a new arrangement which the Committee on Science and Astronautics has worked out to further a solid working arrangement between Congress and the scientific community.

I am sure Members are still very much aware of the expression of interest which this body has shown for improved methods of securing good scientific information and advice. When the Congress is asked to appropriate 15 percent of the Federal budget for purposes of research, development, test and evaluation, things could scarcely be otherwise, and properly so.

The Committee on Science and Astronautics, which I have the honor to chair, has long been aware of these needs. We have been working hard for several years to find ways of satisfying them—and just recently one of our pertinent recommendations to strengthen the science capabilities of the Legislative Reference Service in the Library of Congress has been acted upon and approved by Congress.

Today I am happy to announce the formation of a special panel of the National Academy of Sciences, which has been formulated pursuant to a unique contract between the Committee on Science and Astronautics and the Academy, to provide continuous aid to the Committee on Government-Science Problems. This is a most distinguished group, headed by Dr. George B. Kistiakowsky of Harvard, former Science Adviser to the President. It has been hard at work now without fanfare for some months on two special studies which the work of our Subcommittee on Science, Research and Development, chaired by the gentleman from Connecticut [Mr. Daddario], has determined to be of prime importance.

This is the first time in the 100-year history of the Academy that it has had such a working arrangement with the Congress of the United States—and I wish to compliment the gentleman from Connecticut [Mr. Daddario], who served as the committee's chief representative in working out the details with Dr. Frederick Seitz, president of the Academy.

Mr. Speaker, I also wish to compliment and express my thanks to members of the Committee on House Administration who, in my opinion, showed wisdom and vision in approving the contract between our committee and the Academy. I especially wish to express my gratitude to the gentleman from Texas [Mr. Burleson], chairman of the committee, and to the gentleman from Ohio [Mr. Hays], who chairs the contracts subcommittee, for their cooperation in this extremely important matter.

Mr. Speaker, I should like at this point to incorporate in the Record the announcement of the new advisory committee which is being made public jointly by the Academy and the Committee on Science and Astronautics.

New Academy Ad Hoc Committee

An ad hoc committee of distinguished scientists and engineers has been formed by the National Academy of Sciences to advise the Congress on certain national problems involving scientific research, it was announced jointly today by Congressman George P. Miller, Democrat, of California, chairman of the House Committee on Science and Astronautics, and Academy President Frederick Seitz. It is the first time in the 101-year history of the Academy that it has been called upon to provide continuing advice to the Congress.

A ground-breaking study has already been undertaken by the group under the chairmanship of Dr. George B. Kistiakowsky, professor of chemistry, Harvard University, and chairman of the Academy Committee on Science and Public Policy (COSPUP). The present study is the first of several that will be conducted under the terms of an agreement between the Academy and the House committee announced earlier this year.

Identification of the problem areas to be examined by the Academy group is the joint responsibility of COSPUP and the House Subcommittee on Science, Research, and Development, under the chairmanship of Congressman EMILIO Q. DADDARIO, Democrat, of Connecticut.

The present ad hoc group has been asked to look into these two questions: (1) What level of Federal support is needed to maintain for the United States a position of leadership through basic research in the advancement of science and technology and their economic, cultural, and military applications?

(2) What judgment can be reached on the balance of support now being given by the Federal Government to various fields of scientific endeavor, and on adjustments that should be considered, either within existing levels of overall support or under conditions of increased or decreased overall support?

Although the Academy is composed entirely of Americans who have gained distinction in the natural sciences and engineering, membership in the present advisory group has been broadened to include social scientists in the fields of business administration, economics, and public administration.

Because of the breadth of the questions as well as the diversity of the views of the membership, the final report of the group will consist of individually signed statements, rather than a group consensus. In addition, the report will summarize the views of the individual contributors and tally their responses to specific questions. It will be delivered to the Daddario subcommittee before the end of the year.

Besides Dr. Kistiakowsky, the members are: Dr. Lawrence R. Blinks, professor of biology and director, Hopkins Marine Station, Stanford University; Dr. Harvey Brooks, professor of applied physics and dean, School of Engineering and Applied Physics, Harvard University; Dr. Paul Cherington, professor of business administration, Harvard Business School; Dr. Frank L. Horsfall, Jr., professor of medicine, Cornell Medical College, and director, Sloan-Kettering Institute for Cancer Research; Dr. Harry G. Johnson, professor of economics and education, University of Chicago; Dr. Arthur Kantrowitz, director, Avco-Everett Research Laboratory; Dr. Carl Kaysen, professor of economics and associate dean, Graduate School of Public Administration, Harvard University; Dr. Saunders Mac Lane, professor of mathematics, University of Chicago; Dr. Carl Pfaffmann, professor of psychology, Brown University; Dr. Roger Revelle, university dean of research and director, Scripps Institution of Oceanography, University of California; Dr. Edward Teller, professor at large, University of California, Berkeley, and associate director, Lawrence Radiation Laboratory; Dr. John Verhoogen, professor of geology, University of California, Berkeley; Dr. Avin M. Weinberg, director, Oak Ridge National Laboratory; and Dr. John E. Willard, professor of chemistry and dean, Graduate School, University of Wisconsin.

The National Academy of Sciences, which celebrated its centennial in 1963, is dedicated to the furtherance of science and its uses for human welfare and, under the terms of its congressional charter signed by Abraham Lincoln, is called upon to advise all branches of the Federal Government, upon request, in any field of science and technology.

In carrying out the tasks agreed upon by COSPUP and the Daddario subcommittee, the Academy will be able to draw upon not only its own membership of over 675 outstanding scientists and engineers, but also—through the National Research Council—the entire U.S. academic and industrial leadership in the natural, engineering, mathematical, and social sciences. The Research Council was organized by the Academy in 1916 to bring the major scientific and technical societies of the Nation and leaders in industrial research into cooperation with scientific agencies of the Federal Government.

The overall National Academy of Sciences—National Research Council includes divisions of behavioral sciences, biology and agriculture, chemistry and chemical technology, earth sciences, engineering and industrial research, mathematics, medical sciences, and physical sciences. In addition, independent groups have been established in space science, geophysics, atmospheric sciences, scientific personnel, documentation, and a number of other fields to deal with problems that cut across the classical disciplines. In all, some 5,000 scientists and engineers participate in the activities of the committees of the Academy-Research Council and do so without financial compensation, as a service to science and the Nation.

Mr. SISK. Mr. Speaker, does the gentleman from Illinois have any further requests for time?

Mr. ANDERSON. Mr. Speaker, I have no further requests for time.

Mr. SISK. Mr. Speaker, I urge the adoption of the resolution, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LOANS TO STUDENTS OF OPTOMETRY

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 884 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8546) to amend title VII of the Public Health Service Act so as to extend to qualified schools of optometry and students of optometry those provisions thereof relating to student loan programs. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

That after the passage of H.R. 8546, it shall then be in order to call from the Speaker's table and consider in the House the bill of the Senate (S. 2180) to amend title VII of the Public Health Service Act so as to extend to qualified schools of optometry and students of optometry those provisions thereof relating to student loan programs.

The SPEAKER pro tempore. The gentleman from California [Mr. SISK] is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ANDERSON], and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 884 provides for consideration of H.R. 8546, a bill to amend title VII of the Public Health Service Act so as to extend to qualified schools of optometry and students of optometry those provisions thereof relating to student loan programs. The resolution provides an open rule with 1 hour of general debate, making it in order after passage of H.R. 8546 to take from the Speaker's table and consider in the House S. 2180.

H.R. 8546 would permit the Secretary of HEW to enter into agreements with schools of optometry for the establishment of student loan funds under which students of optometry could receive loans up to $2,000 a year while pursuing full-time courses of study, and would terminate authority for students of optometry to receive student loans under the National Defense Education Act.

The loans would bear interest at either the going Federal rate or 3 percent per annum, whichever is the higher, and would be repayable over the 10-year period which begins 3 years after the student ceases to pursue a full-time course of study.

There are currently approximately 17,000 practicing optometrists in the United States for a population of 191 million people; a ratio of 1 optometrist to every 11,279 persons. The American Optometric Association estimates that the U.S. vision-care requirements require not less than 1 optometrist for every 7,000 Americans.

Mr. Speaker, I urge the adoption of House Resolution 884.

Mr. Speaker, I reserve the balance of my time.

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman from California [Mr. SISK] has correctly stated, the purpose of this bill is merely to amend the Public Health Service Act by inserting the words "optometry" or "doctor of optometry or an equivalent degree." The effect of that amendment is to place students of optometry in the same category as doctors and dentists and those who are presently eligible to receive loans under the Health Professions Educational Assistance Act. I think it was known as H.R. 12 at the time it passed this body. I think it is fair perhaps to say to the Members of the House at this point that there was some opposition to this measure within the Committee on Rules when the public hearing was held on the ground that this was tending in the direction of a proliferation of student loans since optometrists were already eligible for National Defense Education Act loans. So why make them eligible for loans under the Health Professions Assistance Act? That argument, of course, was answered by those representing the profession of optometry on the ground that why should they be discriminated against. They are professional people rendering a professional service and they felt—and I think with justification—if we were to have this kind of legislation on the books as we have it now, that they are entitled to be treated in the same manner as doctors of medicine and dentists and those in the other professions that are commonly referred to as the healing arts.

Mr. Speaker, I join my colleague from California in urging the adoption of the rule which would make in order this particular bill.

I reserve the balance of my time and I have no further requests for time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ICE AGE NATIONAL SCIENTIFIC RESERVE

Mr. MORRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1096) to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 1096 with Mr. JONES of Missouri in the chair.

IN THE COMMITTEE OF THE WHOLE

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Mexico [Mr. MORRIS] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. SAYLOR] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. MORRIS].

Mr. MORRIS. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, before we begin formal consideration of H.R. 1096, I think we should pay a little attention to the author of this valuable bill, the gentleman from the Ninth District of Wisconsin, the Honorable LESTER R. JOHNSON. After this session of Congress comes to an end, LESTER JOHNSON will no longer be with us, for he has declined to run for his seat again. He came here during the 83d Congress and has been here ever since. Why he wants to leave us I do not know. I can only say that, quiet and unassuming as he is, he has been an able Member of this body, a Member whom we shall all miss. I trust that the people of his district will be as well represented by his successor as they have been by him.

In beginning my statement this way, I do not mean to imply that the proposed Ice Age National Scientific Reserve is exclusively LESTER JOHNSON'S, for it is not. Even LESTER JOHNSON was not here 10,000 years ago. It will belong to all the people of the United States, it will serve as a convenient recreation area for the people of Wisconsin's neighboring States, and its preservation is of concern to conservationists throughout the United States.

What H.R. 1096 proposes is the creation of a reserve made up of smaller areas which will be set aside in perpetuity so that people can continue to see and study the finest remaining evidences of the effects of the last ice age in the Western Hemisphere. It proposes that this be done through the joint efforts of the United States and the State of Wisconsin. The cost of the United States will be $800,000.

The area to be set aside is about 32,500 acres. This is not all in one place but includes areas situated at various points along the southern limits of the last great ice field which covered the earth from there on north.

A good beginning has already been made by the State of Wisconsin in acquiring the land to be included within the reserve at its own expense. In fact, the State and some of its counties already own 20,500 acres out of the total of 32,500 acres that will ultimately be included within it.

It is with two things, then, that H.R. 1096 is concerned: First, the acquisition of the remaining 12,000 acres with half the expense to be borne by the State and half by the United States; second, the designation of the whole 32,500 acres as a national scientific reserve.

It is only fair, of course, to ask why this area should be preserved and why Uncle Sam should assist in its preservation.

The answer to the first of these questions lies in these facts: The land to be included in the reserve is of high recreational value, as members of our committee who visited it can testify, and is within easy reach of millions of our fellow-citizens not only in Wisconsin but also in Illinois, Indiana, Iowa, and Minnesota. In addition and more important, we have in it small sample areas from a much larger natural museum which is of interest to students of the history of the earth as well as to students of contemporary geology, botany, zoology, and ecology. Unless steps are taken to preserve these samples they may well disappear from sight. Finally, quite apart from its recreational and scientific values, it is an area of great beauty—completely different from any of our national parks with which I am familiar, but worth saving for this if no other reason.

As to the U.S. participation, I would like to remind you of the observation made by the gentleman from Colorado, Chairman ASPINALL, when the bill was before the House on suspension of the rules a month and a half ago. He said:

> One of the beauties of our Federal system of government is the variety of methods it gives us for doing the things that we know ought to be done.
>
> Many of our great parks and national monuments were established by the Federal Government going it alone. One or two involved cooperation between the United States and her great neighbor to the north, the Commonwealth of Canada. Others—for instance, the Cape Hatteras National Seashore—were established by the United States with the cooperation of the States in which they are located. Still other parks were established by the States alone or by cooperation between two States. Here we have an illustration of still another way of doing the job—an undertaking by a State with assistance from the United States.

Eight hundred thousand dollars is the maximum that the United States will be obligated to contribute if this bill goes through as I hope it will. Unless another and later law is enacted, there will be no authority in the Secretary of the Interior or any other officer of the United States to contribute toward the upkeep of the reserve. H.R. 1096 directs a study to be made of this subject with a report to the Congress and to the legislature of the State. Members can be assured therefore that this bill does not put the United States under an obligation which will run for years and years. There will be no such undertaking unless Congress passes additional legislation.

Mr. Chairman, I want to congratulate our colleagues from Wisconsin for the spirit in which they have presented their bill and the reasonableness with which they have accepted the suggestions of the committee for its amendment. I think we have a good bill here and I urge all Members to support it.

Mr. Chairman, I would like to say that Mr. Wirth, the former Director of the National Park Service, did testify before our committee that he wanted an all-Federal system. The committee in its wisdom decided that we did not want an all-Federal system, but wanted a system whereby the State of Wisconsin would be a partner with the Federal Government. So, we changed the proposed legislation in accordance with the wishes of the committee.

Mr. Chairman, there was a discussion of fees when the bill was in its original form during the hearings. However, when the bill was changed so the State of Wisconsin was responsible for the administration and operation of the funds of the scientific national reserve, there will be no Federal fees. The Federal Government will not have authority under this act if adopted to impose Federal fees. The only fees that may be imposed may be imposed by the State of Wisconsin.

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. MORRIS. Mr. Chairman, I yield myself 1 additional minute.

Mr. Chairman, based upon the evidence that was presented to the Committee on Rules, I, as the chairman of the subcommittee, and representing the chairman of the full committee, presented the legislation to the Committee on Rules. I know of no misrepresentation that I made to the Committee on Rules. If I made any such misrepresentation I certainly did not make it intentionally and shall be happy to correct any misrepresentation which I may inadvertently have made before the Committee on Rules.

Mr. VAN PELT. Mr. Chairman, will the gentleman yield?

Mr. MORRIS. I shall be happy to yield to the gentleman from Wisconsin.

Mr. VAN PELT. I did not intend to imply that any misrepresentation had been made to the Committee on Rules by anyone. However, I did feel that in the testimony, somewhere along the line, someone must have been remiss in not reporting all of the facts. I feel this because of the very statement to which reference has been made in the report. The report states in part as follows:

> If such a measure as H.R. 3846 (the land and water conservation fund bill) were already law, creation of this scientific reserve could be undertaken in accordance with the terms and the cost to the United States would be about the same as under H.R. 1096.

Now, Mr. Chairman, the other point I would like to make is that the proponents of this legislation agreed to such an amendment. So, why are we bringing in another bill to authorize an appropriation of $800,000?

Mr. MORRIS. This authorizes a Federal appropriation of $800,000.

Mr. VAN PELT. That is correct.

Mr. MORRIS. To be used in partnership with the State of Wisconsin.

Mr. VAN PELT. That is correct.

Mr. MORRIS. To the best of my knowledge that was made clear to the Committee on Rules and to everyone else, or at least we tried to, in the consideration of the legislation.

Mr. VAN PELT. A bill passed a short time ago, the land and water resources bill. If the State of Wisconsin through its legislature decides to come to the Government for assistance they can obtain it.

I would like to correct the gentleman in this respect also, that the land the State of Wisconsin has now is not 20,500 acres. Here is a report I received the other day from the Conservation Commission. They have now 22,714.36 acres.

Mr. MORRIS. I think I said approximately 20,500 acres whenever I made my statement.

Mr. VAN PELT. I mention that because the amount of acreage specified in the bill is archaic, it is out of date.

Mr. MORRIS. As far as I know the acreage contemplated by the legislation would be the acreage within the boundaries of the scientific reservation.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. MORRIS. I yield to the gentleman from North Dakota.

Mr. SHORT. In order to understand this proposition a little better for some of us who are not familiar with this project, it would be interesting to know how many people are involved, living on this land that is going to be transformed into this ice age entity of some kind.

Here is another question I would like to ask: Is this going to be a national park, is it going to be a recreational area, how is the area going to be used?

Mr. MORRIS. The area will be used partially as a recreation area; but the real purpose of the act is to preserve the scientific features of the area so that the scientists may study it. It is not only this generation of Americans, but future generations as well.

Mr. SHORT. I understand that, but while the land is there being protected, I am wondering what provision there is, if any, for use of the land, and who is going to administer this?

Mr. MORRIS. The State of Wisconsin is going to administer it. I am sure that the State of Wisconsin in its wisdom is not going to displace any more people in this area than is necessary in the good administration of the act.

Mr. SHORT. May I ask this question: Is it contemplated all of the people living within the confines of these three separate areas, as I understand it, are going to be removed?

Mr. MORRIS. No. The bill makes no provision for removing these people. The only people that will be removed will be people that the State of Wisconsin feels is necessary to have them move out for the proper administration of the bill. But it is not like a national park in the sense you go in and take over all the land and you move everyone out. This is a little different.

Mr. SHORT. I thank the gentleman.

Mr. SAYLOR. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. Van Pelt].

Mr. VAN PELT. Mr. Chairman, as was stated in the consideration of the rule, this legislation has been before the House twice before, and was objected to. I see no reason now why we should get into a crash program here and pass this legislation so late in this session of the Congress because of the changes that have been made in the area by Wisconsin through its conservation commission.

Land acquisition has been going on annually. The State legislature appropriates annually $150,000 for additional land which they have been adding to this tract. I think it should be noted that the State of Wisconsin in its foresight started this great Kettle Moraine Park back in 1936, and has continued to expand it, not on a crash program, to bring about hardships because of taking land off the tax rolls.

This scientific value that is within the boundaries of the park is being very well protected. As we think of the scientific aspects of this park, it is pretty hard for me to reconcile how you put recreation and a scientific area all into one bundle.

If I recall some of the statements that were made, that came to me secondhand, when the committee did go through the area the people who were interested in the scientific aspects of this park did become concerned with it, because the area, with the exception of one area, the original part of the park, is now in a refuge where the State does not permit hunting. It is open for recreation and for other purposes. The rest of the park is open for hunting, fishing, camping, and whatever else would go with good outdoor recreation.

The State of Wisconsin, as I stated to the gentleman from New Mexico, as of this date has in the park 22,714.36 acres of land, which has cost the people of Wisconsin some $2,999,000, or approximately a cost of $92 per acre. This is approximately 3,266 acres short of what is needed to fill in the present proposed boundaries as set forth by the Conservation Commission, which encompasses the whole area and takes in all of the scientific aspects of it. I am sure the citizens of that area are as much interested in preserving this park as anyone, and I think more so, because Wisconsin is a State that attracts many, many tourists.

As an example, I have here the figures as to the people who have used the park each year, and I quote from the report from the Conservation Commission. Each year and for many years there have been more than 300,000 people coming through this area for recreational privileges. There have been over 80 camper days per year for more than several years, and the figure is climbing each year.

I submit that with a record like this we do not need the infringement of the Federal Government. If the State of Wisconsin in its wisdom feels that it does, we have already made provision under H.R. 3846, which was recently passed by this House.

Another inconsistency, as I see it, in considering this bill at this time, and I am reading from the report, is this, and this is the important part, and I quote from the committee report:

> Are so widely separated and in such a complex pattern of use and ownership that the traditional concept of a federally owned national park is infeasible.

Why are we considering this today? Since it appeared in the press that the bill was going to be brought up I have received from people in the area that are going to be as vitally affected as any on the perimeter of the park several telegrams and letters. I have here a telegram signed by the Barton town board chairman and the members of its board, also another telegram from the chamber of the Kewaskum town board as well as the village of Kewaskum, which is right adjacent to the property that is to be taken.

There was some discussion here on the floor about the charging of fees. I submit that according to the prints of the hearings that I have, and the only way I could get them was to go to the committee, because none were printed, but there was a long discussion between the gentleman from Wisconsin [Mr. Reuss] and the gentleman from Colorado [Mr. Aspinall].

The gentleman from Colorado [Mr. Reuss] being one of the proponents of this legislation has no objection to the charging of fees. Here this area is open to anyone. We welcome tourists in the area and without charge.

But here the proponents say, and it has been indicated by the gentleman from New Mexico, that there is no plan to charge fees. I further submit as soon as you get the Federal Government in here in the amount of $800,000 there are going to be some guides and you are going to have to pay them, and so there is going to be a demand to collect fees.

The State of Wisconsin in none of its parks with the exception of its camp sites collects any fees at this time. But on the camp sites they do perform a particular service in furnishing fuel and water and toilet facilities and so forth.

It is my strong hope that we can defeat this bill today. If the proponents sincerely feel that it should be brought up again, I hope the committee can hold hearings out in the area and let the citizens who are paying the taxes out there express their opinions. I think their judgment could well be a lot better than the judgment of some folks here in Washington and particularly some of these bureaucrats who are only interested in perpetuating their own positions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYLOR. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SCHADEBERG].

Mr. SCHADEBERG. Mr. Chairman, I certainly appreciate the need to preserve historic areas and in this case areas of scientific value. I also feel that the property rights of citizens be protected.

I understand that no hearings were held by the committee in the areas in which prospective land purchase is contemplated.

I have two nonpartisan advisory committees which when polled regarding this legislation indicated a 100-percent disapproval. I feel that hearings should be held in Wisconsin to give these men and women as citizens a right to be heard.

However, if I can be assured that the Federal Government will not usurp the prerogative of the State of Wisconsin to make such purchases it deems proper and necessary in keeping with the protection of property rights of individuals, I can support this bill even though I opposed the passage of this legislation when it came up under the Consent Calendar and again under the suspension rule.

Mr. SAYLOR. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I rise in support of this legislation. I believe it would be a fitting climax to pass this piece of legislation today to make this Congress really stand out for all time as a conservation Congress.

Some people have made mention of the fact that this bill has been considered twice in this Congress. Let us examine the manner in which this bill has been considered on two different occasions.

First it was placed on the Consent Calendar, because it met all the qualifications for being placed on that calendar. The bill calls for the expenditure of less than $1 million and was not controversial in the committee, having been reported by the Interior and Insular Affairs Committee unanimously.

When the Consent Calendar was called, objection was made, and the bill was taken off the Consent Calendar.

There is another manner in which bills of noncontroversial character may be brought to the floor of the House; namely, under suspension of the rules. This takes place on the first and third Mondays of each month. When the rules are suspended and a vote is taken, it is required that there must be a two-thirds vote by Members present in favor of the legislation to pass the bill, rather than a majority.

It is interesting to note that on the 3d of August 1964 the House by a majority vote of 164 to 154 favored the legislation; but since it did not actually receive the two-thirds majority therefore the bill did not pass.

The bill is before us today in the third way that legislation may be considered: namely a rule from the House Rules Committee that has been adopted and we are now in the Committee of the Whole House to consider the bill H.R. 1096, the ice age national scientific reserve.

Some question has been raised as to whether hearings have been held. I have before me the hearings which were held during the 87th Congress and the hearings which were held during the 88th Congress. These hearings, which are available to any member of the committee or Member of Congress, show clearly that those who favor the legislation from the State appeared and testified, and that representatives from the various departments appeared and testified. Everyone who asked to be heard was heard. In addition a group of members of the committee visited the area April 27 and 28, 1963, and talked informally with many local people. The hearings are full and complete. The amendments the committee adopted were the result of that testimony.

Now, why do I support this legislation?

First, I support this legislation because of the unique area which we find in Wisconsin. The so-called Kettle Moraine Campbellsport area and Devils Lake area are unique not only in the United States but also in the world. There is no other area in which the scientists of this country and of other countries can go to actually find the remnants of the ice age, as they can find them in this area of Wisconsin. It is so unusual it has lent its name to the most recent advance of the continental ice sheet, it has been known, I am told, for more than 100 years as the Wisconsin age. It has linked its name to the last invasion of ice into our continent.

Because of the fact that it is such a scientific reserve, it lends national character to this area.

I commend the State of Wisconsin and I commend the people of Wisconsin for the tremendous job they have already done. Some people would have us believe that merely because the State of Wisconsin has tried hard and has done a good job the Federal Government should not assist in any manner. This is the point at which I disagree. I feel the Federal Government should commend the State for having done the tremendous job it has done and should assist them financially, as provided in this bill.

The second reason why I support the bill is that this area of Wisconsin provides a tremendous recreational area not only for the people of Wisconsin but also for approximately one-fourth of the people of the United States, who live in the great metropolitan areas within 100 miles of this scientific reserve.

For these reasons I believe the House should pass this piece of legislation today.

Our colleague, the gentleman from Wisconsin [Mr. SCHADEBERG] said he could support this piece of legislation if he were assured that the people who live in that area would be treated properly so far as acquisition of their property is concerned.

I can say to our colleague, the gentleman from Wisconsin [Mr. SCHADEBERG] and to the other Members of the House that acquisition of all of this land that is necessary will be done under the condemnation laws of the State of Wisconsin or by voluntary acquisition by the State of Wisconsin. This will not be a Federal acquisition. It will be done by the State of Wisconsin using their own funds and some money contributed by the Federal Government.

For these reasons and because of the unusual nature of this project, I ask that the House today pass this piece of legislation.

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I will be glad to yield to the gentleman from Wisconsin.

Mr. SCHADEBERG. I wish to thank the gentleman from Pennsylvania for making clear the answer to this one question I had, because it was a matter of concern. Having voted against the bill the first time, I wanted it clarified before it could be passed.

Mr. SAYLOR. I can assure you the people who have charge of your recreational program in the State of Wisconsin stated they intend to use no unnecessary means to acquire property or to cause the dispossession of large groups of people in this area.

Mr. MORRIS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I will be happy to yield to the chairman of the subcommittee.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SAYLOR. Mr. Chairman, I yield myself 4 additional minutes.

Mr. MORRIS. Mr. Chairman, I would like to take this opportunity to commend the gentleman from Pennsylvania [Mr. SAYLOR] not only on the statement that he has made on this pending legislation, but I also want to commend him and thank him as the chairman of the Subcommittee on National Parks and Outdoor Recreation for the valuable assistance and contribution that he has made as the ranking minority member of the full Committee on Interior and Insular Affairs to the cause of conservation in this Nation. Many future generations of Americans will remember you and thank you for the fine work you have done in the conservation field.

Mr. SAYLOR. I thank you.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I will be happy to yield to my colleague from North Dakota.

Mr. SHORT. I would like to add my voice to the words just expressed by the gentleman from New Mexico [Mr. MORRIS], on behalf of our good friend from Pennsylvania who has been an ardent proponent of the necessity of preserving a proper amount of recreational area in the United States. Certainly I recognize the need for this. In this particular instance, however, there are still some questions in my mind as to the need for the Federal Government to enter into this proposition in Wisconsin. If I understand it rightly, all of the area we are talking about in this bill is presently within a forest area in Wisconsin. Is that not right?

Mr. SAYLOR. It is not all within a forest area in Wisconsin. A portion of the land has been in a State forest and part in the Federal forest and a portion of it is in private ownership. It is the portion that is in private ownership that it will be necessary to acquire for the full development of this scientific preserve.

Mr. SHORT. It is a little vague from reading the report and listening to the presentation of those who have spoken as to just exactly what the Federal contribution of some $800,000 as provided for in the bill is going to be used for. The gentleman just said that the land acquisition would be made by the State of Wisconsin. Is this just the mechanical means of acquiring the land and the land would actually be paid for by the Federal Government? If so, in whose name will title be taken?

Mr. SAYLOR. Title will be taken in the name of the State of Wisconsin. The State of Wisconsin will contribute money for the further acquisition, as they have done in the past. The Federal Government under this bill may contribute up to 50 percent of the amount necessary to acquire the additional land, but the amount cannot exceed $800,000.

Mr. SHORT. But the title to the land acquired, even though the Federal Government pays 50 percent of the cost of acquisition, would remain with the State of Wisconsin?

Mr. SAYLOR. That is correct. It will be in the State of Wisconsin and it will be administered by the State of Wisconsin.

Mr. SHORT. I thank the gentleman very much. This serves to clarify this proposition.

Mr. SAYLOR. Some members have expressed concern that the sum of $800,000 is only the foot in the door and that there will be additional acquisition costs for the Federal Government. Our committee has been assured that the sum in this bill will be all that is required by the Federal Government for land acquisition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORRIS. Mr. Chairman, I yield 5 minutes to the sponsor of the legislation, the distinguished gentleman from Wisconsin [Mr. JOHNSON].

Mr. JOHNSON of Wisconsin. Mr. Chairman, across the northern half of America—from the Atlantic to the Rockies—the ice age left a colossal hallmark upon our landscape. It is seen in the headlands of Cape Cod—and in the hills of Michigan. But nowhere is it more evident and impressive than in Wisconsin. In fact, the State has lent its name to the most recent advance of the continental ice sheet, the Wisconsin stage of the continental glacier, which ended 10,000 years ago.

The legislation we are considering today would be another step forward in rounding out the National Park Service's program of setting aside outstanding examples of scenic and scientific value for the benefit and enjoyment of all the people. The most spectacular canyons, deepest caves, highest mountains, significant biological assemblies and the most honored shrines are units of the national park system. No one denies the eminent worth of this program, which has been studied and copied throughout the world.

In addition to its many historic shrines, our national park system includes outstanding examples of earth-forming processes. The work of volcanoes are found in Lassen Volcanic National Park and Hawaii National Park. The action of ground water is seen at Carlsbad Caverns, Wind Cave and Mammoth Cave National Parks. Examples of mountain building are found in Mt. McKinley National Park, the highest peak in North America, and Mt. Whitney, in Sequoia National Park.

Mr. Chairman, in contrast, the lowest point in the Nation is included in Death Valley National Monument. The work of erosion can be seen in all its splendor at Grand Canyon, Kings Canyon and Bryce Canyon National Parks, to name a few. Of biological significance are the Everglades, Sequoia and Olympic National Parks.

Mountain glaciers are set aside for public enjoyment at Mt. Rainier and Glacier National Parks. Yosemite, Crater Lake, Rocky Mountain, Shenandoah, Great Smokies, Isle Royale, Big Bend, and others that have unique features are widely known. Over 50 million folks like these national parks well enough to visit them every year.

In this parade of the scenic and scientific treasures of the Nation, the vast cosmic force of continental glaciation has scarcely been recognized. Although Arcadia National Park in Maine and Isle Royale National Park in Lake Superior were planed off by the ice sheet, there is little evidence of the magnitude of the forces visible in these parks today.

Mr. Chairman, the outstanding work of the continental glacier is shown in the features found in the heartland of America—the area which this legislation is designed to protect and preserve. In this region, the massive ice sheet altered drainage systems, determined the course of rivers, filled valleys, created hills and plains and thousands of lakes—making the area truly the land of the lakes.

After extensive field surveys and other studies of Wisconsin's proposed Ice Age National Scientific Reserve, the U.S. Department of the Interior has recommended that national recognition be given to the significant features of the State's glaciated areas by designating them as the Ice Age National Scientific Reserve. They are: roughly 10,000 acres in the Bloomer region of Chippewa County; 17,000 acres in the Kettle Moraine and Campbellsport region; 3,500 acres in the Devil's Lake area and about 2,000 acres in other areas.

Included in these areas are outstanding examples of the topographic features peculiar to glaciation—drumlins, kames, eskers, boulder trains, kettle moraines and, of course, lakes. The Bloomer region in Chippewa County alone contains approximately 300 glacial lakes.

Mr. Chairman, the Ice Age National Scientific Reserve would be within easy driving range of one of the greatest population concentrations in the United States, an area that is presently almost entirely without examples of the national park system. The three main areas of the proposed reserve are within a few miles of Wisconsin's main population centers—Milwaukee and the lakeshore cities; Madison; and the Eau Claire-Twin Cities areas, respectively.

As the recent report of the Outdoor Recreational Resources Review Board made clear, parks and recreational facilities within easy driving distance of our metropolitan centers are our most imperative resource need. The densely populated area within 70 miles of the Wisconsin-Illinois line will have 16 million people by 1980 and perhaps 32 million by the year 2000. Already, nearly 80 percent of the use of Wisconsin State parks is by the people from outside Wisconsin.

The Kettle Moraine State Forest alone has more visitors a year than at least 16 of our national parks. Only Great Smoky Mountains and Shenandoah National Parks, both of which are located on the populous east coast, get more usage than Wisconsin's own Devil's Lake State Park.

Mr. Chairman, even more visitors would come to this vacation paradise if coordinated management, protection and improvement of desirable areas could be inaugurated. This is the purpose of the legislation on which my Wisconsin colleague, Congressman HENRY REUSS, and I have been working for the past 5 years.

The Ice Age Scientific Reserve would be a joint Federal, State and local venture. The reserve would remain under the administration of the State of Wisconsin, but the Federal Government would assist the State in acquiring additional lands. Some 20,500 of the 32,500 acres to be included in the proposed reserve are already in public ownership.

The cost of the 12,000 additional acres, at prices ranging from $50 to $200 an acre, is estimated at $1,550,000. The Federal share, as provided in the bill would not exceed $750,000. The legislation also includes an authorization of $50,000 for use by the Secretary of the Interior, in cooperation with State and local governmental authorities in Wisconsin, for the formulation of a comprehensive plan for protecting and interpreting the outstanding examples of continental glaciation in the State.

Mr. Chairman, county, State and Federal teamwork such as this promises to be highly successful in Wisconsin because of the State's forward-looking park conservation program. The gentleman from Wisconsin [Mr. REUSS], and I believe that passage of this bill will constitute a real conservation landmark, for our proposed legislation offers a carefully thought out approach to the problem of preserving the essentially national scientific values of the Wisconsin glaciers with a minimum amount of Federal participation. The National Wildlife Federation agrees that our proposal might very well set a pattern for the conservation of natural resources in other parts of the country.

When the late President Kennedy presented his 1962 conservation message to the Congress, he listed the Ice Age National Scientific Reserve as one of 10 urgently needed new units in the national park system. The proposal has been approved by the U.S. Department of the Interior, the Department of Agriculture, the Bureau of the Budget, and the Wisconsin Conservation Department. Additional support has come from the Wisconsin Federation of Conservation Clubs, the National Wildlife Federation, the Izaak Walton League of America, the National Audubon Society, and the Sierra Club, and countless conservation-minded groups and individuals.

Writing to me in support of the Ice Age National Scientific Reserve bill, Walter Fuhrman, secretary of the Milwaukee County Conservation Alliance, observed that the Wisconsin ice age areas are hiked, skied, picnicked, fished, and studied every year by many, many people throughout the Nation and even the world.

"We have the most renowned vestiges of the ice age not only in this country, but in the world," wrote Mr. Fuhrman. "Moreover, they are readily accessible to millions of our people." Those areas not owned by the State of Wisconsin are now being mercilessly chewed up by the decentralization of our ever-increasing population. The land prices today are high and rapidly going higher. The State just cannot financially meet the problem of securing those recreationally and scientifically vital but presently privately owned areas by itself. It should not have to.

It will be most unfortunate if these nationally significant areas are not preserved for generations to come. We have a singular responsibility to protect them. We must act quickly, though. For once these areas are destroyed, they will be gone forever. No amount of money can ever bring back these remnants of the tremendous forces of nature that shaped a good share of our country.

Mr. Chairman, the necessity to meet the outdoor needs of our people now and in the future will, in all likelihood, be the sharpest and most consistent pressure on our land, water, and forests in the years ahead. In view of this fact, it is important that we act now to insure that there will be sufficient outdoor recreational areas available to meet the needs of our increasing population, so that our children and their children may have the outdoor opportunities which we have had.

The scenic charm, scientific importance, and recreational potential of the proposed Ice Age National Scientific Reserve make it worthy of inclusion in the family of national parks. It would bring into the national park system the only areas whose primary importance would be the interpretation of the ice age—the only major earth process not now specifically recognized in our national parks. The proposed reserve would point up the scientific and cultural importance of the vast glaciated terrain which reaches from the Arctic Ocean to the Missouri and Ohio Rivers, and from the Continental Divide to the Atlantic Ocean—the heartland of North America.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Wisconsin. I yield to the gentleman from Milwaukee.

Mr. ZABLOCKI. Mr. Chairman, I wish to commend my colleagues from Wisconsin, Lester Johnson and Henry S. Reuss, for their persevering interest in the legislation providing for an ice age park in our beautiful State of Wisconsin.

I particularly commend the primary sponsor, the gentleman from Wisconsin [Mr. Johnson], who has decided to leave Congress and therefore this will be his last piece of legislation to be considered by this Congress. This is not the most important legislation which the gentleman has sponsored or championed. He has been a leading dairy expert and has sponsored important dairy legislation and other farm measures throughout his tenure of office in Congress.

I have often consulted with him and depended upon his counsel and advice on agricultural legislation. The dairy farmers of Wisconsin and the farmers of our country will miss his voice in Congress. We will all miss his leadership, especially in farm legislation.

The measure he has sponsored to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin certainly contributes to his record in Congress. The proposal will enhance the already existing conservation, scientific research, education, and recreation programs in Wisconsin. The passage of this legislation will be a fitting tribute to the gentleman from Wisconsin for his many years of service in this august body. I urge the House give its overwhelming approval to this worthy bill.

Mr. JOHNSON of Wisconsin. I thank the gentleman.

Mr. Chairman, I might say in closing that this area of the United States which includes, I believe, Iowa, Wisconsin, Illinois, and lower Michigan, has no national park and there is a large concentration of population in those areas.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SAYLOR. Mr. Chairman, I have no further requests for time.

Mr. MORRIS. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. Reuss].

Mr. REUSS. Mr. Chairman, I thank the gentleman from New Mexico for yielding this time to me.

Mr. Chairman, I shall be very brief. This has been a great conservation Congress; I believe the greatest in the history of the U.S. Congress.

Mr. Chairman, when the annals of the Congress come to be written I believe that no two men will deserve and receive greater praise than the two leaders on both sides of the aisle today, the gentleman from New Mexico [Mr. Morris] and the gentleman from Pennsylvania [Mr. Saylor], for their leadership in this and in earlier Congresses.

Mr. Chairman, it is wonderful that so many fine measures have been brought to fruition. I very much hope that their record will be capped by the enactment of the Ice Age National Scientific Reserve this year.

Mr. Chairman, I also join my distinguished colleague the gentleman from Wisconsin [Mr. Zablocki] in his sincere and deeply felt praise of the gentleman from Wisconsin, Representative Lester Johnson, who will not be back with us next year. Lester is a wonderful man and a magnificent Congressman. He has worked so hard for so many years on this bill. I hope that in the not too distant future the people of all of the United States, little children and older folk alike, have an opportunity to enjoy the Ice Age National Scientific Reserve and to remember Lester Johnson's devoted sponsorship of it.

Mr. Chairman, H.R. 1096 authorizes the Department of the Interior and the State of Wisconsin, within 2 years, to make a comprehensive plan for the Ice Age National Scientific Reserve. The reserve is to be established only when, after agreement between Federal and State Governments, the plan is published in the Federal Register. The general areas to be worked out in the plan are the following:

First. The Kettle Moraine State Forest—northern unit—of which 22,000 acres is already in public ownership, and 5,000 additional acres is needed.

Second. The Devils Lake area in Sauk County, of which 2,500 acres is now in public ownership, with 1,000 additional acres needed.

Third. The Chippewa area in Chippewa County, of which 5,000 acres is now in public ownership, with 5,000 more acres needed.

Fourth. An additional 1,000 acres in various scattered portions, such as the John Muir boyhood home in Marquette County, the Cross Plains area in Dane County, and the Camp Douglas Buttes.

The amount of Federal funds involved in the Ice Age National Scientific Reserve is small. A maximum of $50,000 is authorized for accomplishment of the plan by the Department of the Interior. An additional $750,000 is authorized as a Federal matching contribution for land acquisition. But this would come out of what Wisconsin otherwise would receive out of the land and water conservation fund, recently enacted by the Congress. Since the area, because of its geographic diversity, will be under State administration, there will be no Federal operating costs. Therefore, for all practical purposes, the Federal contribution under this bill is only $50,000, in addition to what Wisconsin will receive under the land and water conservation fund.

The main effect of the bill, therefore, is to give national recognition to the unique glacial features present in Wisconsin. These include moraines, drumlins, kames, eskers, swamps, and lakes. It is a beautifully forested recreational area, and one easily accessible to the great metropolitan areas of the Midwest.

The Advisory Committee on National Parks and Historic Sites has found that the ice age has the preeminent collection of glacial geology in the entire country. Our national park system needs such an example on its roster, just as it needs the Yosemite, the Yellowstone, and the Great Smokies.

Wisconsin conservationists on a bipartisan basis have been working for the reserve since 1958. It is a key element in the Kennedy-Johnson national park program. Extensive hearings were held by the House Committee on Interior and Insular Affairs in July 1962, March and April 1963, and November 1963. It was reported out without dissent by the House Committee on Interior and Insular Affairs on December 3, 1963.

Full notice and opportunity to be heard was given for all these hearings. Two successive Wisconsin Governors, the Wisconsin Legislature, former Senator Alexander Wiley, and Senators William Proxmire and Gaylord Nelson have endorsed it. The Wisconsin Conservation Commission, by unanimous vote of its six members, endorsed the Ice Age National Scientific Reserve at its June 8, 1962, meeting. Incidentally, the membership of the Wisconsin Conservation Commission—Guido R. Rahr, Charles F. Smith, John R. Lynch, Paul J. Olson, Jack J. Schumacher, and James R. Smaby—constitutes the commission today. The bill is also supported by the National Wildlife Federation, the Izaak Walton League, the National Audubon Society, the Sierra Club, the Wilderness Society, the Citizens Committee on Natural Resources, and the Wisconsin Federation of Conservation Clubs.

It is important that the reserve be established now. Every day that we wait, gravel operators are chewing up and carting away the irreplaceable glacial features of the reserve. Every day that we wait, the intrusion of commercial activities into the area increases.

Of course, as parks and recreational areas are created, land that is thus included will no longer be on the property tax rolls of the community. Equally, of course, the community is free of its burden to maintain such activities as schools and roads. Wisconsin is especially zealous to mitigate any hardship on the local community. The Wisconsin Legislature last year passed a law providing that the Wisconsin Conservation Commission pay the treasurers of the towns containing the land an annual sum for all lands taken off the tax roll. State aid payments to towns in the Kettle Moraine State Forest area alone this year amount to almost $9,000 Finally, since the State of Wisconsin will acquire the land in the Kettle Moraine unit in any event, the land will be removed from the tax rolls whether or not the Federal Government chooses to give the parklands national recognition.

The 88th Congress will go down in history as the conservation Congress. Let us complete our work by creating the Ice Age National Scientific Reserve.

Mr. MORRIS. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, the orators preceding me have outlined the reason why this great scientific reserve should be preserved for future generations.

I want to touch on only one or two other questions. This Congress, as has been said, has made a great record on conservation, and it has not been made on a partisan basis. Future generations will be proud of men like JOHN SAYLOR, of Pennsylvania; JOHN KYL, of Iowa; WAYNE ASPINALL, of Colorado, chairman of our great committee; and TOM MORRIS, of New Mexico, the chairman of our subcommittee, for what they have done. That record would not have been possible without the bipartisan support we have had in matters of conservation in this Congress.

The House has not considered the various proposals for conservation on the basis of whether the sponsor was a Democrat or Republican, but it has considered them on their merits. I think it bears out a statement one of my friends used to make: There is no limit to what can be accomplished when it does not matter who gets the credit. That has been the case with our committee and the Congress.

I say this because I detected in the corridors when we had a vote on this measure before, a feeling that perhaps the question was whether one was a better friend of BILL VAN PELT or LES JOHNSON rather than whether this was a good or bad bill. I want to be counted among the list of friends of BILL VAN PELT, because he is a distinguished man and a credit to the Congress. I want to be counted also as a friend of the sponsor of this bill. Mr. VAN PELT has a duty to perform. He apparently feels that the people in his area oppose the bill. He feels it is bad for the country, and he is right and proper in opposing this legislation. But I would comfort him by telling him this has been the pattern with every national park acquisition I have been concerned with. The local people are up in arms, but as soon as they find out the boost in their economy and the prestige that is given an area by having something of this kind, they wonder why they ever opposed it in the beginning. It has been computed by the National Park people that a tourist attraction which draws as many as 25 people a day, four or five carloads, brings more money into a given community than an industry with a payroll of $100,000 a year.

Mr. Chairman, I ask that this bill be considered on its merits. I ask my friends over there to consider the arguments that have been made. We did not ask the gentleman from New Hampshire or the gentleman from Kansas or Mr. BALDWIN of California when they had a good proposal whether they would endorse the Democratic ticket. We supported their legislation just as JOHN SAYLOR and JOHN KYL supported the national park proposals that happened to be located in districts represented by Democrats. This is a good proposition, and it ought to be adopted.

Mr. VAN PELT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Wisconsin.

Mr. VAN PELT. I would like to say to the gentleman from Arizona that I certainly appreciate his kind remarks, they are most welcome. But the point is, this is not a national park.

Mr. UDALL. That is right. The gentleman raises a point I want to comment on. You see, Mr. Wirth, who formerly headed the National Park Service, wanted to make this a unit of the national park system. The committee considered this matter carefully and said, "No." This is so widespread we cannot meet the national park criteria and standards of administration. So we developed this unique system of Federal-State partnership in which the State of Wisconsin will administer, acquire, and handle this reserve on a national park basis. The National Park Service people believe that 20 percent, at least, of the people who visit will come from out of the State, and we want this in the gentleman's district to help its economy.

Let me say one more thing: This proposal meets all the criteria that our committee has established. The Wisconsin Conservation Commission, the State officials of Wisconsin, the president of the University of Wisconsin, all have made excellent statements which appear in the committee report urging adoption of this legislation.

Let me say for the National Parks Advisory Committee that this is an outstanding group. It carries on from one administration to another, and consists of men like Dr. Stanley A. Cain, professor and chairman, Department of Conservation, University of Michigan; Mrs. Marian S. Dryfoos, associate director of special activities, the New York Times; Dr. Melville B. Grosvenor, president, National Geographic Society; and others. These are the kind of people who go through hundreds of projects that are suggested and say these are the few that have national merit, these are the ones that should be adopted, and they approve overwhelmingly these projects.

I intensely urge the setting aside of this great scientific and historic area in Wisconsin.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. I would like some enlightenment as to why the great, progressive and prosperous State of Wisconsin, and it has been known as a progressive State for many, many years, is unable to handle this situation with its own resources, especially since this is not to be a national park.

Mr. UDALL. The Wisconsin Conservation Commission, as I understand it, the Governor of that State, the president of the University of Wiscoonsin, want to go into partnership with the Federal Government because this will be designated not as a local scenic place, but as a national historic site, a national ice age reserve for the people of the Nation. So scholars, scientists, and geologists can come there from all over the country, and the Department of the Interior scientists with their expertise can help them display it.

Mr. MORRIS. Mr. Chairman, I have no more requests for time.

Mr. SAYLOR. Mr. Chairman, I have no further requests for time.

THE CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to assure protection, preservation, and interpretation of the nationally significant values of Wisconsin continental glaciation, including moraines, eskers, kames, kettleholes, drumlins, swamps, lakes, and other reminders of the ice age.

SEC. 2. (a) To implement the purpose of this Act, the Secretary of the Interior (hereinafter called the "Secretary"), in cooperation with State and local governmental authorities of Wisconsin, may formulate within two years after this Act takes effect a comprehensive plan for the protection, preservation, and interpretation of outstanding examples of continental glaciation in Wisconsin; but he shall not spend more than $50,000 of Federal funds thereon.

(b) When the comprehensive plan is completed and the Secretary is satisfied that State legislation exists for the preservation of the nationally significant features of the reserve, open to the people of the entire Nation, he, after consulting with the Governor of the State of Wisconsin, shall, by publication of notice in the Federal Register, designate the boundary for and establish the Ice Age National Scientific Reserve (hereinafter called the reserve), comprised of lands owned or to be acquired by the State and local governments of Wisconsin in the following areas:

(1) Eastern area (portions of the northern unit of the Kettle Moraine State Forest and Campbellsport drumlin area);

(2) Central area (portions of Devil's Lake State Park);

(3) Northwestern area (portions of Chippewa County);

(4) Related areas (other areas in the State of Wisconsin which the Secretary and the Governor of Wisconsin agree upon as significant examples of continental glaciation).

(c) Any area outside of the national forests that the Secretary and the Governor of Wisconsin agree has significant examples of continental glaciation but is not described in the original notice may be included in the reserve by the Secretary by publication of notice in the Federal Register, or any area that they consider to be no longer desirable as a part of the reserve may be excluded from it by the Secretary in the same manner.

SEC. 3. In exercising his powers and functions under this Act—

(1) The Secretary may cooperate with State and local governmental authorities of Wisconsin in the management and protection of the reserve by said authorities.

(2) The Secretary may grant financial assistance to the State of Wisconsin for its acquisition of lands and interests in land lying within the area designated as the reserve. Any grant made under this subsection shall be only for lands or interests in land acquired by the State after this Act takes effect and shall not exceed 50 per centum of the fair market value of the lands or interests in land, including incidental acquisition costs, and shall be subject to terms and conditions prescribed by the Secretary.

(3) The Secretary, after determining that the design of a facility is appropriate for the reserve and is in keeping with the comprehensive plan, may contribute either in the form of cash or the furnishing of direct services, whichever he elects, not to exceed 75 per centum of the cost of providing interpretive facilities and services within the reserve; he may contribute not to exceed 50 per centum of the annual cost of maintaining all physical facilities within the reserve.

(4) The Secretary may encourage efforts of private organizations, like the Ice Age Park and Trail Foundation, a nonprofit Wisconsin corporation, to provide installations and trails in the reserve by contributing to these private organizations not to exceed 75 per centum of the cost of providing trailside installations for public information at points of scientific interest and trails within the reserve, and 50 per centum of the annual cost of maintaining these facilities.

SEC. 4. (a) Whenever the Secretary determines that appropriate management and protection set down in the comprehensive plan are not being afforded the nationally significant values within the reserve or that funds are not being provided on the prescribed matching basis by the State of Wisconsin or other non-Federal sources, he may terminate contributions under this Act.

(b) Any payment made by the Secretary under the provisions of subsection (2) of section 3 of this Act shall be made subject to the understanding and agreement by the State of Wisconsin that the conversion, use, or disposal, for purposes contrary to the purposes of this Act, as determined by the Secretary, of any land acquired by said State with funds supplied in part by the United States pursuant to said subsection, shall result in a right of the United States to compensation therefor from said State in the amount of one-half of the fair market value of the land, exclusive of any improvements thereon, as determined at the time of such conversion, use, or disposal.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. MORRIS (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and be open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, lines 7–16: Strike out all of subsection (b) and insert in lieu thereof the following:

"(b) When the comprehensive plan is completed and the Secretary is satisfied that State legislation exists for the preservation of the nationally significant features of the reserve, open to the people of the entire Nation, he shall transmit copies thereof to the President of the Senate and the Speaker of the House of Representatives and may, ninety days thereafter and after consulting with the Governor of the State of Wisconsin, publish notice in the Federal Register of the establishment of the Ice Age National Scientific Reserve and of the boundaries thereof, which boundaries shall comprise lands owned or to be acquired by the State and local governments of Wisconsin in the following areas:".

Page 3, lines 5 and 6: Strike out "Secretary by publication of notice in the Federal Register, or" and insert in lieu thereof the following: "Secretary after notice to the President of the Senate and the Speaker of the House of Representatives and publication in the Federal Register, as hereinbefore provided, and".

Page 3, line 9 through page 4, line 16, strike out all of section 3 and insert in lieu thereof the following:

"SEC. 3. The Secretary may grant financial assistance to the State of Wisconsin for its acquisition of lands and interests in lands lying within the area designated as the reserve. Any grant made under this section shall be only for lands or interests in land acquired by the State after establishment of the reserve, as provided in section 2, subsection (b), of this Act, and the total of all grants under this section shall not exceed $750,000 or 50 per centum of the fair market value of the lands or interests in land so acquired, including incidental acquisition costs, whichever is less, and shall be subject to terms and conditions prescribed by the Secretary."

Page 4, after line 16, add a new section 4 to read as follows:

"SEC. 4. The comprehensive plan presented by the Secretary to the President of the Senate and the Speaker of the House of Representatives may include such recommendations, if any, as he and the Governor of the State of Wisconsin may wish to make with respect to Federal and State participation in the financing of appropriate interpretive and other public facilities and services within the reserve, including facilities and services to be furnished by such private organizations as the Ice Age Park and Trail Foundation, a nonprofit corporation, but no commitment with respect thereto shall be made by the Secretary and no Federal appropriations shall be available for this purpose."

Page 4, line 17: Renumber "SEC. 4." to read "SEC. 5."

Page 5, line 11: Renumber "SEC. 5." to read "SEC. 6."

Page 5, line 12: Strike out "such sums as may be necessary" and insert "not to exceed $800,000".

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. JONES of Missouri, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 1096) to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes, pursuant to House Resolution 882, he reported the bill back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. VAN PELT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Wisconsin objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 180, nays 118, not voting 132, as follows:

[Roll No. 262]

YEAS—180

Addabbo
Albert
Anderson
Andrews, Ala.
Andrews, N. Dak.
Ashley
Baldwin
Baring
Barrett
Beckworth
Bennett, Fla.
Boggs
Bolling
Brooks
Burke
Burkhalter
Burleson
Burton, Calif.
Byrne, Pa.
Cameron
Celler
Chelf
Chenoweth
Clark
Cleveland
Collier
Daddario
Daniels
Dawson
Delaney
Dent
Dingell
Dole
Donohue
Dulski
Dwyer
Edwards
Elliott
Everett
Fallon
Farbstein
Fascell
Feighan
Flood
Fogarty
Fraser
Frelinghuysen
Friedel
Gallagher
Gary
Giaimo
Gilbert
Gonzalez
Grabowski
Gray
Green, Pa.
Hagen, Calif.
Halpern
Harding
Hardy
Harris
Harrison
Hays
Healey
Hechler
Henderson
Holifield
Holland
Horton
Hosmer
Huddleston
Ichord
Jennings
Johnson, Calif.
Johnson, Wis.
Jones, Mo.
Karsten
Kastenmeier
Keith
Kelly
Keogh
King, Calif.
Kirwan
Kluczynski
Kornegay
Laird
Lankford
Leggett
Libonati
Long, La.
Long, Md.
McCulloch
McDade
McFall
McMillan
Macdonald
Madden
Mahon
Mailliard
Mathias
Matthews
Miller, Calif.
Mills
Minish
Monagan
Moorhead
Morgan
Morris
Morrison
Morton
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
O'Neill
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Pool
Price
Pucinski
Purcell
Quie
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, S.C.
Roberts, Ala.
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rumsfeld
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schadeberg
Schneebeli
Schwengel
Secrest
Sisk
Skubitz
Slack
Smith, Iowa
Stafford
Staggers
Stephens
Stubblefield
Sullivan
Taylor
Teague, Tex.
Thomas
Thompson, N.J.
Thomson, Wis.
Trimble
Tupper
Tuten
Udall
Van Deerlin
Vanik
Whalley
Wickersham
Wright
Young
Zablocki

NAYS—118

Abbitt
Abernethy
Adair
Ashbrook
Ashmore
Ayres
Baker
Bates
Beermann
Belcher
Bell
Betts
Bolton, Frances P.
Bow
Bray
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Cahill
Chamberlain
Clancy
Colmer
Cooley
Cramer
Cunningham
Curtin
Curtis
Dague
Derounian
Derwinski
Devine
Dowdy
Downing
Ellsworth
Findley
Fino
Fountain
Fuqua
Gathings
Glenn
Goodell
Goodling
Griffin
Gross
Grover
Gurney
Hagan, Ga.
Haley
Hall
Halleck
Harsha
Harvey, Mich.
Hoeven
Hull
Hutchinson
Jarman
Jensen
Joelson
Johansen
Johnson, Pa.
Jonas
Kilgore
King, N.Y.
Knox
Kunkel
Langen
Lennon
Lipscomb
Marsh
Martin, Calif.
May
Milliken
Minshall
Moore
Morse
Mosher
Murray
Nelsen
Osmers
Ostertag
Passman
Pelly
Poff
Randall
Reid, Ill.
Rich
Riehlman
Robison
Rooney, N.Y.
Roudebush
St. George
Schenck
Schweiker
Shriver
Sikes
Smith, Calif.
Springer
Stinson
Stratton
Talcott
Teague, Calif.
Tuck
Utt
Van Pelt
Wallhauser
Watson
Weaver
Wharton
Whitener
Whitten
Williams
Winstead
Wydler
Wyman
Younger

NOT VOTING—132

Abele
Alger
Arends
Aspinall
Auchincloss
Avery
Barry
Bass
Battin
Becker
Berry
Blatnik
Boland
Bolton, Oliver P.
Bonner
Brademas
Brock
Bromwell
Brown, Calif.
Buckley
Burton, Utah
Byrnes, Wis.
Carey
Casey
Cederberg
Clausen, Don H.
Clawson, Del
Cohelan
Conte
Corbett
Corman
Davis, Ga.
Davis, Tenn.
Denton
Diggs
Dorn
Duncan
Edmondson
Evins
Finnegan
Fisher
Flynt
Ford
Foreman
Forrester
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gibbons
Gill
Grant
Green, Oreg.
Griffiths
Gubser
Hanna
Hansen
Harvey, Ind.
Hawkins
Hébert
Herlong
Hoffman
Horan
Jones, Ala.
Karth
Kee
Kilburn
Kyl
Landrum
Latta
Lesinski
Lindsay
Lloyd
McClory
McDowell
McIntire
McLoskey
MacGregor
Martin, Mass.
Martin, Nebr.
Matsunaga
Meader
Michel
Miller, N.Y.
Montoya
Moss
Multer
Olson, Minn.
Patman
Pilcher
Pillion
Pirnie
Powell
Quillen
Rains
Reifel
Rhodes, Ariz.
Rivers, Alaska
Roberts, Tex.
Rogers, Tex.
Roosevelt
Roybal
Scott
Selden
Senner
Sheppard
Shipley
Short
Sibal
Sickles
Siler
Smith, Va.
Snyder
Staebler
Steed
Taft
Thompson, La.
Thompson, Tex.
Toll
Tollefson
Ullman
Vinson
Waggonner
Watts
Weltner
Westland
White
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wilson, Ind.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Roberts of Texas against.

Mr. Toll for, with Mr. Taft against.

Mr. Sickles for, with Mr. Auchincloss against.

Mr. Gibbons for, with Mr. Rhodes of Arizona against.

Mr. Moss for, with Mr. Scott against.

Mr. Aspinall for, with Mr. Alger against.

Mr. Shipley for, with Mr. Quillen against.

Mr. Multer for, with Mr. Conte against.

Mr. Roosevelt for, with Mr. Oliver P. Bolton against.

Mr. Rivers of Alaska for, with Mr. Hoffman against.

Mr. Matsunaga for, with Mr. Martin of Nebraska against.

Mr. Cohelan for, with Mr. MacGregor against.

Mr. Brademas for, with Mr. Kilburn against.

Mr. Thompson of Louisiana for, with Mr. Foreman against.

Mr. Carey for, with Mr. Bob Wilson against.

Mr. Denton for, with Mr. Cederberg against.

Mr. Hanna for, with Mr. Pillion against.

Mr. White for, with Mr. Widnall against.

Mr. Charles H. Wilson for, with Mr. Sibal against.

Mr. Blatnik for, with Mr. Becker against.

Mr. Powell for, with Mr. Pirnie against.

Mr. Ullman for, with Mr. Wilson of Indiana against.

Until further notice:

Mr. Pilcher with Mr. Buckley.

Mr. Brown of California with Mr. Staebler.

Mr. Boland with Mr. Duncan.

Mr. Fulton of Tennessee with Mr. Fisher.

Mr. Forrester with Mr. Smith of Virginia.

Mr. Weltner with Mr. Battin.

Mr. Patman with Mr. McIntire.

Mr. Casey with Mr. Reifel.

Mr. Bonner with Mr. Brock.

Mr. Thompson of Texas with Mr. Bromwell.

Mr. Corman with Mr. Del Clawson.

Mr. Roybal with Mr. Don H. Clausen.

Mr. Hawkins with Mr. Abele.

Mr. McDowell with Mr. Westland.

Mr. Landrum with Mr. Meader.

Mr. Jones of Alabama with Mr. Horan.

Mr. Bass with Mr. Avery.

Mr. Davis of Georgia with Mr. Siler.

Mr. Montoya with Mr. Berry.

Mr. Rains with Mr. Fulton of Pennsylvania.

Mrs. Green of Oregon with Mr. Tollefson.

Mr. Edmondson with Mr. Byrnes of Wisconsin.

Mr. Evins with Mr. Latta.

Mr. Gill with Mr. Lindsay.

Mrs. Hansen with Mr. Gubser.

Mr. Flynt with Mr. Harvey of Indiana.

Mr. Herlong with Mr. McLoskey.

Mr. Senner with Mr. Kyl.

Mr. Selden with Mr. McClory.

Mr. Garmatz with Mr. Corbett.

Mr. Rogers of Texas with Mr. Burton of Utah.

Mr. Steed with Mr. Ford.

Mr. Watts with Mr. Short.

Mr. Waggonner with Mr. Martin of Massachusetts.

Mr. Willis with Mr. Snyder.

Mr. Karth with Mr. Michel.

Mr. Dorn with Mr. Davis of Tennessee.

Mrs. Griffiths with Mr. Finnegan.

Mr. Grant with Mrs. Kee.

Mr. Diggs with Mr. Lesinski.

Mr. Olson of Minnesota with Mr. Sheppard.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

DEPARTMENT OF COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2049) to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department of Commerce. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary of Commerce. Property accepted pursuant to this provision, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

SEC. 2. For the purpose of Federal income, estate, and gift taxes, property accepted under section 1 shall be considered as a gift or bequest to or for the use of the United States.

SEC. 3. Upon the request of the Secretary of Commerce, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund authorized herein. Income accruing from such securities, and from any other property accepted pursuant to section 1, shall be deposited to the credit of the fund authorized herein, and shall be disbursed upon order of the Secretary of Commerce.

SEC. 4. (a) The following provisions of law are repealed:

(1) Section 11 of the Act entitled "An Act to establish the National Bureau of Standards" approved March 3, 1901, as amended (15 U.S.C. 278a);

(2) Section 7 of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883g);

(3) Subsection (g) of section 216 of the Merchant Marine Act, 1936 (46 U.S.C. 1126 (g)).

(b) All gifts and bequests received under the provisions of law repealed by subsection (a) of this section and all funds held on the date of enactment of this Act in the United States Merchant Marine Academy general gift fund, established by subsection (g) of section 216 of the Merchant Marine Act, 1936, shall be transferred to the fund authorized by this Act and shall be administered in accordance with the provisions of this Act.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEACHERS IN THE DISTRICT OF COLUMBIA

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 883 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution, the bill (H.R. 5932) to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such Act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers, with the Senate amendments thereto, be, and the same hereby is taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby agreed to.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentlewoman from New York [Mrs. ST. GEORGE], and pending that, I yield myself such time as I may consume.

Mr. Speaker, in addition to the purposes made clear in the resolution as read, to act affirmatively on the amendments to the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan, this resolution will have the effect by language contained in a Senate amendment to H.R. 5932 of eliminating an inequity which resulted from a curious situation that developed in the process of passing the Federal pay bill.

As I understand the situation, the Senate in amending the Federal Pay Act failed to include certain language which would have enabled everybody in the Federal Government to receive equitable treatment. The language which was not included by the other body was not before the conference and the matter could not be corrected. Therefore, a number of Federal employees whose salaries are fixed by administrative action were not able to receive the retroactive pay received by a number of other Federal employees. Therefore, this action will remove an inequity which was inadvertently permitted to occur at the time the pay bill was passed. I think there is no controversy at all on this resolution.

Mrs. ST. GEORGE. Mr. Speaker, this resolution makes in order the consideration of the bill, H.R. 5932, which would amend the Federal Employees Health Benefit Act. It would specifically authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefit plan established pursuant to such act. Mr. Speaker, I feel that no one could possibly object to this bill or to what it accomplishes. It seems there is absolutely no reason why these teachers of the District of Columbia should be discriminated against.

I know of no objection to the resolution. It passed out of the Committee on Rules unanimously. So far as I know there is no objection to the bill itself.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I will be very happy to yield to the gentleman from Iowa who is very conversant with the bill—I know that.

Mr. GROSS. I thank the gentlewoman for yielding. I have no objection to the amendment attached by the Senate which rectifies an error in failing to give certain employees of the Federal Government retroactive pay. While I opposed the pay bill, the bill having passed, I think all Federal employees ought to be treated equally but I would say to Members of the House that I question the advisability—and there seems to be no way to cure the situation at this late date—I question the advisability of giving all of the teachers of the District of Columbia all of the fringe benefits of Federal employees. I say that for this reason:

Some 30 percent or more of the teachers in the District of Columbia hold temporary certificates, yet they are the beneficiaries of the full 7 percent or 7½ percent pay increase that was voted for District teachers not so long ago by the House of Representatives. They were included with the holders of permanent certificates to receive all the benefits of that pay increase. I urge that the Committee on the District of Columbia, with the beginning of another session of the Congress next year, go into the business of finding out why some 30 percent of the teachers of the District of Columbia hold temporary certificates—and some of them have been teaching with these temporary certificates for as long as 15 years. I say to you, it just does not seem right to give them the full pay increases and fringe benefits that go to those who hold permanent certificates and who by virtue of holding such certificates are qualified teachers.

This situation badly needs to be looked into. I say again, I doubt there is much we can do about it here today but it is my hope that the Committee on the District of Columbia will go into this situation thoroughly.

Mrs. ST. GEORGE. Mr. Speaker, I thank the gentleman for his contribution. But I feel sure from what the gentleman has said that he still does not object to the passage of this resolution and perhaps not even to the passage of the bill. So, Mr. Speaker, I would yield back the balance of my time, since I have no further requests for time.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GONZALEZ). The question is on the adoption of the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL REPORT ON PROBLEM CREATED BY RECENT SUPREME COURT CASES AFFECTING THE COMMUNIST PARTY

Mr. UTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UTT. Mr. Speaker, I wish to include the Special Report of the County Counsel on Problem Created by Recent U.S. Supreme Court Cases Affecting the Communist Party and the 20-Year Fight of the County of Los Angeles Against Subversion and Communism, prepared by Harold W. Kennedy, county counsel of the county of Los Angeles.

I have been acquainted with Harold W. Kennedy for the past 30 years, and consider him one of the most dedicated men in public life. He is the recipient of many outstanding awards for his contributions. The following report is a penetrating analysis of the helpless position in which we find ourselves vis-a-vis Communist subversion in our State, our counties, and our school system, due to the adverse decisions by the Supreme Court of the United States.

Not only does Mr. Kennedy analyze this situation, but he offers legislative suggestions for its correction. It is my sincere hope that the House Committee on Un-American Activities will hold hearings on this document and invite Harold W. Kennedy to testify in order to present corrective legislation for the

Congress of the United States to consider. The report follows:

INTRODUCTION

In the long history of the law, it is incumbent upon every member of the bar to have a genuine and profound respect for the judiciary and it is especially important that a public law officer, such as the county counsel of the county of Los Angeles, hold in highest respect the actions and decisions of the Supreme Court of the United States. The purpose of this special report filed with the board of supervisors of the county of Los Angeles is an effort to interpret, within the framework of our constitutional system, the frightening impact of the most recent cases of the High Court in relieving the Communist Party of the United States of certain responsibilities and prohibitions adopted by the Congress of the United States.

It is impossible to know with clarity the true intent of the Founding Fathers when they sat as members of the Constitutional Convention in Philadelphia in 1787; to know at this period of history exactly their concept of the true balance of power between the legislative, executive, and judicial arms of governments.

IT IS OUR FATE TO REST UPON THIS TURNING POINT IN HISTORY

The author of this report fully and respectfully recognizes that under the balance of power system, the Supreme Court of the United States does have on such a constitutional question "the last word." The extensive study and research which follows may be timely and constructive in assisting good American citizens everywhere to have a more definitive understanding of the legal, historical and legislative background of the aggressive and determined fight which the U.S. Congress has made since the adoption of the Internal Security Act of 1950, where, based upon uncontroverted evidence, the Communist Party of the United States was declared to be a part of the international conspiracy designed to overthrow our Government by force and violence. If such report serves the purpose of better informing the people of Los Angeles County, of the State and of the Nation, respecting the governmental mechanism involved in evaluating the right of the Congress to make policy for the Government and the right of the judiciary to interpret and curb that power, it may be a beneficial report.

Some of the frustration and concern now sweeping the country over the apparent usurpation by the Supreme Court of the discretionary right of Members of the U.S. Senate and the House of Representatives who are elected by the people to determine, as Mr. Justice Frankfurter said, that the Communist "conspiracy now before us is a substantial threat to national order and security,"[1] may be relieved.

The ensuing analysis of the whole series of constitutional cases involved is not designed to further accelerate criticism against the High Court but rather to set forth the marked change in the philosophy and treatment of the problem. The core of the entire matter is to determine an equitable balance between the right of the Congress to pass laws to protect its people and the responsibility of the Supreme Court to equate that right with the rights of individuals. Thus, it may be our fate to rest upon that turning point in history where officials at every level of government must determine what steps should be taken to protect the American way of life but in so doing not to disregard the true constitutional rights of individual citizens.

During its recent 1963 term, which ended June 22, 1964, the U.S. Supreme Court announced several far-reaching decisions in the field of internal security. The import of these decisions, which have created additional legal loopholes for increased Communist Party activity, has dismayed and alarmed millions of patriotic citizens throughout the country. In *Communist Party of the United States* v. *United States*, decided June 8, 1964[2] the Supreme Court effectively nullified the national law that requires registration of the Communist Party, while in *Baggett* v. *Bullett*,[3] decided June 1, 1964, the Court struck down the Washington State loyalty oath program. Finally in *Aptheker* v. *Secretary of State*, decided June 22, 1964,[4] the Court opened wide our country's borders to Communist Party and other subversive elements by severely restricting the control of the Secretary of State over the issuance and revocation of passports. It is high time that patriotic Americans of concern throughout our country be made aware of this situation and of the possible consequences to our national security.

Mr. Justice Frankfurter, in his concurring opinion in *Dennis* v. *United States* (1951), 341 U.S. 494 at 519, sets in perspective the problem facing us all: "The right of a government to maintain its existence—self-preservation—is the most pervasive aspect of sovereignty * * * 'to preserve its independence, and give security against foreign aggression and encroachment, is the highest duty of every nation, and to attain these ends nearly all other considerations are to be subordinated. It matters not in what form such aggression and encroachment come. * * * The Government, possessing the powers which are to be exercised for protection and security, is clothed with authority to determine the occasion on which the power shall be called forth * * *'."

Despite this clarion call to action, and despite the voiced warnings of countless other Americans since World War II, and in spite of the appalling evidence of the results of blind governmental and judicial tolerance to Communist infiltration and misdeeds in Europe, Asia, and most recently in Cuba, we have before us a series of decisions by our Supreme Court which will necessarily result in making evermore difficult efforts of the government, on all levels, to protect and preserve our form of government from subversive activities.

The courts of this Nation in general and the U.S. Supreme Court in particular must serve as inviolate bastions against breaches in our system of security against subversive elements which seek to undermine and weaken and ultimately overthrow our system of democratic government.

If our judicial system is to continue to effectively serve our people by protecting our hard-won freedoms which include the freedom to have and maintain a government of our own choice, without fear of foreign-inspired subversion, our courts must hardheadedly recognize reality and not become immersed in a limbo of meaningless words and symbols.

The office of the county counsel of Los Angeles County is proud to have long pioneered the Nation in several aspects of fighting subversion on the local level. Since 1947, this office has engaged in a series of noteworthy legal actions in the allied fields of loyalty oaths, investigation into affiliations of teachers and county employees with Communist Party and other subversive groupings, and denial of use of school property to subversive elements. It is not an exaggeration to say, however, that most of our efforts and activity in fighting subversion during this period are being blunted by this emerging pattern of judicial nullification of governmental efforts to exercise its power to protect itself at times and with legal weapons of its own choosing.

It is the purpose of this report to review the recent decisions of the Supreme Court noted above in the field of internal security against the backdrop of the efforts of this office to serve on the local level, as an effective aid to governmental efforts to protect itself against violent overthrow. It is our sincere desire to use this report as a means by which citizens can raise up an alarm which will be heard in the august chambers of our judiciary and serve to reorient them to the needs of our times.

I. THE LOYALTY OATH

A "clear and present danger" to our Government is recognized

In the period immediately following World War II, the various units of government—Federal, State, and local—became increasingly aware of the presence in our midst of a host of organizations controlled by a foreign government and having as their objective the furtherance of a worldwide revolutionary movement whose purpose it is, by treachery, deceit, subversion, espionage, infiltration, terrorism and any other means deemed necessary, to establish a Communist totalitarian dictatorship in countries throughout the world.

In addition to these Communist-front organizations, the evidence was irrefutable that members of the Communist Party had sought out and occupied positions of importance in political and governmental organizations in order to further their cause.[5]

But, by the very nature of this covert activity, this threat and challenge to the stability of our governmental institutions was difficult to meet head on. An oblique but effective response to this challenge was called for.

The county of Los Angeles accepts the challenge

On April 1, 1947, the Los Angeles County Board of Supervisors instructed the county counsel and the county administrative officer to "recommend ways and means by which a proper investigation can be made to determine whether any Communists avowed or otherwise are on the payroll of the county of Los Angeles."

After careful study, those officers recommended that the county embark on a comprehensive loyalty check program, designed to ferret out any subversive elements or personnel from county employ. These recommendations, which were adopted by the board of supervisors on August 26, 1947,[6] included the compilation of a list of all county employees, having this list checked by the registrar of voters and the Federal Bureau of Investigation to determine if any person so listed had Communist Party affiliations. The heart of the program consisted of a loyalty factfinding committee consisting of the county counsel, county administrative officer, sheriff, and Secretary of the Civil Service Commission to supervise the loyalty check program and administer an oath and affidavit to be given to all employees.

The oath and affidavit, drafted by the county counsel, consisted of four parts:

1. "Oath of office and employment," which was a general oath to support and defend the Constitution of the United States and of the State of California;

2. "Affidavit re subversive activity," which consisted of a statement that the employee does not advocate and has not, since December 7, 1941, been a member of any organization which advocates the overthrow of the Government by force and violence, except those listed by the employee;

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[1] Concurring opinion, *Dennis* v. *United States* (1951), 341 U.S. 494 at 542.

[2] 12 L. ed. 2d 737.

[3] 12 L. ed. 2d 377.

[4] 12 L. ed. 2d 992.

[5] *American Communications Assn.* v. *Douds* (1950), 339 U.S. 382.

[6] Board of Supervisors Minute Book, No. 328, August 26, 1947, p. 270.

3. "Affidavit re aliases," which require the employee to list any name he had ever used; and

4. "Membership in organization," in which the employee was required to swear that he has never been a member of any of the 142 organizations then listed by the Joint Fact-Finding Committee on Un-American Activities of the California Legislature.

A violent reaction to this program was not long in coming. One week after the adoption of the loyalty check program, 16 county employees filed complaints in the superior court seeking to enjoin the county of Los Angeles, the board of supervisors, and the members of the loyalty check committee from requiring them to execute the oath of allegiance to the Federal and State Constitutions, and the affidavit re subversive activities. The superior court upheld the validity of the requirement, and the plaintiffs appealed. Thus, for the first time in California, the issue was squarely presented to an appellate court: May the legislative body of a county require its employees to swear under oath that they will defend the Constitution and laws of the United States and the State of California, and to answer questions designed to uncover Communist Party and subversive group activities of the employee?

A judicial "first": The county of Los Angeles can require its employees to take a loyalty oath

In *Steiner* v. *Darby* (1948), 88 Cal. App. 2d 481, certiorari granted, 337 U.S. 929, Justice McComb, later elevated to the California Supreme Court, wrote a pioneering opinion upholding the right of the county of Los Angeles to require a loyalty oath of its employees:

"The mere asking of the question points unerringly to the answer any loyal, sane citizen of the United States of America would give to it. It is an unequivocal 'yes'."

Fundamental to the decision in this case was the court's balancing of the conflicting interests involved—the interest of the county of Los Angeles in insuring that only those who uphold the principles and practices of our American system of government are employed by government as contrasted with the constitutional rights of its employees.

The court, in striking the balance between these two interests stated at page 485:

"The people of the State of California are supreme and have the undoubted right to protect themselves and to preserve the form of government which they have adopted against any and all enemies whether they be domestic or foreign. * * *

"In viewing the constitutional mantle thrown around the individual it is important to remember that the mantle is a safeguard, not absolute, but relative and qualified." (*Steiner* v. *Darby*, at p. 495.)

The court reasoned that there was nothing unconstitutional in requiring the oath and the fact disclosing affidavit from those who were employees and officers of the county: "* * * (P)laintiffs, as public servants, have the implied duty to support the form of government lawfully chosen by the people whom they are employed to represent, and that they impliedly agreed, when they accepted public employment, to act as representatives of the people and not to advocate destruction of the government by force and violence. * * * It is inconceivable that they should be permitted to represent the people, be supported by the people, and at the same time have the privilege of advocating the overthrow of the very government by which they are employed and obtained their livelihood."[7]

While the constitutionality of the county loyalty oath program was being tested in the courts, the board of supervisors took the next logical step by adopting an order on July 20, 1948, which provided that unless employees executed certain parts of the affidavit by July 26, 1948, they would be discharged.[8] The right of the county to discharge such of its employees who failed to execute this affidavit was upheld by the court in *Hirshman* v. *County of Los Angeles* (1952), 39 Cal. 2d 698, certiorari denied, 345 U.S. 1002.

The State of California adopted the county's approach to the Communist challenge

Following the lead of the county, the California Legislature on the State level utilized this method of meeting the Communist challenge in 1950 by adopting the Levering Act (secs. 3100–3109 of the Government Code) which provides for a loyalty oath applicable to all public employees. This oath, now found in article XX, section 3 of our Constitution, provides that employees take the following oath before they enter upon the duties of their employment:

"I, --------, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means; that within the 5 years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means except as follows: ------------ (if no affiliations, write in the words "no exceptions") and that during such time as I hold the office of (name of office) ---------------.

"I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means."

This constitutional amendment was adopted by the legislature at its 1951 regular session and was approved by the people of California on November 4, 1952.

The constitutionality of this oath, as applied to State employees, was upheld by the California Supreme Court in 1952.[9] Since the State oath embraced all public employees, it was held to have fully occupied the field of loyalty oaths, thus superseding the county loyalty oath of 1947.[10] The wisdom of utilizing the loyalty oath in meeting the Communist challenge was affirmed by the U.S. Supreme Court in 1950[11] by a narrow 5-to-4 decision. The Court, with Mr. Justice Clark writing the opinion, stated that a loyalty oath inquiry was proper as it related to matters that may prove relevant to the employee's fitness and suitability for the public service:

"Past conduct may well relate to present fitness; past loyalty may have a reasonable relationship to present and future trust. Both are commonly inquired into in determining fitness for both high and low positions in private industry and are not less relevant in public employment." (*Garner* v. *Board of Public Works* (1951), 341 U.S. 716 at 720).

Thus, within 5 years, from 1947 to 1952, the county loyalty oath was born, tested, upheld, and superseded by a similar loyalty oath on the State level. It was, however, the testing in the crucible of the courts of the loyalty oath program by the county of Los Angeles that led the way in firmly establishing the right of a governmental unit to require that its employees affirm under oath their allegiance and adherence to our form of government.

State officers must take a loyalty oath as well

The activity of the office of the county counsel of Los Angeles County in promoting and defending the use of the loyalty oath was not limited to situations involving the employer-employee relationship. In 1961, the county counsel's office was called upon to defend the county clerk of the county of Los Angeles who had declined to certify as a notary public, which is a State office, a person who refused to take in its entirety the oath of office prescribed in article XX, section 3 of the State constitution.[12]

The district court of appeal, in *Wirin* v. *Ostly* (1961), 191 Cal. App. 2d 710, certiorari denied, 368 U.S. 952, sustained the position taken by the county clerk, and held that candidates for public office must, as a precondition to entering into the duties of that office, take the oath prescribed by the constitution. By this decision the constitutional oath is made applicable to all persons in public life in California, officers as well as employees.

County counsel's efforts are partially nullified by the Supreme Court in Speiser v. *Randall (1958), 357 U.S. 513*

In only one area were our efforts, successful before the California courts, nullified by the U.S. Supreme Court. Section 19 of article XX of the constitution adopted at the general election of November 4, 1952, provides in part:

"Notwithstanding any other provision of this constitution, no person or organization which advocates the overthrow of the Government of the United States or the State by force or violence or other unlawful means; or who advocates the support of a foreign government against the United States in the event of hostilities shall:

* * * * *

"(b) Receive any exemption from any tax imposed by this State or any county, city or county, city, district, political subdivision, authority, board, bureau, commission, or other public agency of this State."

To effectuate this constitutional amendment, the State legislature added section 32 to the Revenue and Taxation Code. This section provided that no tax exemption would be granted to persons or organizations who failed to file a declaration that the person or organization does not advocate the violent overthrow of the Government of the United States or State of California, nor advocates the support of a foreign government against the United States in the event of hostilities.

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[7] *Steiner* v. *Darby, supra,* at p. 490.

[8] Board of Supervisors Minute Book, No. 338, p. 259; due to the fact that cases contesting this order were pending in the courts, the U.S. Supreme Court, which had previously granted certiorari in *Darby*, 337 U.S. 929, later dismissed certiorari in that case, 338 U.S. 327.

[9] *Pockman* v. *Leonard* (1952), 39 Cal. 2d 676, appeal dismissed, 345 U.S. 962.

[10] *Bowden* v. *County of Los Angeles* (1952), 39 Cal. 2d 714, certiorari denied, 345 U.S. 1002.

[11] *Garner* v. *Board of Public Works* (1951), 341 U.S. 716.

[12] This oath, in addition to being required of State and county employees, as noted above, is also required of all State and county officers as a precondition to the entering into of their official duties.

The tax assessor of the county of Los Angeles declined to grant a tax exemption to the First Unitarian Church of Los Angeles when that organization refused to execute the required oath. This office was called upon to defend the right of the people of the State of California to refuse to grant the privilege of a tax exemption to those who refuse to state whether they would defend the very government which is being asked to favor them.

In *First Unitarian Church* v. *County of Los Angeles* (1957), 48 Cal. 2d 419, the Supreme Court of California upheld the constitutional validity of Section 19 of Article XX stating at page 439:

"Encouragement to loyalty to our institutions and an incentive to defend one's country in the event of hostilities are doctrines which the State has plainly promulgated and intends to foster. It is the high purpose residing in its people that the State is attempting to encourage in its endeavor to protect itself against subversive infiltration. * * * Obviously, a program of tax exemption designed to promote adherence to the principles of our government but constrained to include within its bounty persons or organizations actively advocating subversion and the support of enemies in time of hostilities, would be wholly without reason and result in its own defeat."

This salutary decision was reversed 1 year later by the U.S. Supreme Court in *Speiser* v. *Randall* (1958), 357 U.S. 513,[13] when six members of the Court held that this constitutional provision violated the due process clause of the 14th amendment of the Federal Constitution in that it put a continuing burden on the applicant for a tax exemption to prove his loyalty to government. This decision in Speiser, characterized by Mr. Justice Clark in his vigorous dissent as "* * * a wholly novel doctrine,"[14] appears in retrospect to be but a portent of things to come from our U.S. Supreme Court; for despite the wealth of prior decisions of that Court upholding the application of loyalty oaths to municipal employees (*Garner* v. *Board of Public Works* (1951), 341 U.S. 716); public school teachers (*Adler* v. *Board of Education* (1952), 342 U.S. 485); candidates for public office (*Gerende* v. *Board of Supervisors* (1951), 341 U.S. 56); and labor union officials (*American Communities Assn.* v. *Douds* (1950), 339 U.S. 382), the Supreme Court on June 1, 1964 in *Baggett* v. *Bullitt*, 12 L ed 2d 377, struck down the Washington State loyalty oath program, parts of which had been in force since 1931, as being unduly vague, uncertain and broad.

The 1931 Washington legislation, applicable only to teachers, required that applicants for a license to teach or renewing an existing contract, swear loyalty to our Government and affirm that they "* * * will by precept and example promote respect for the flag and the institutions of the United States of America and the State of Washington, reverence for law and order, and undivided allegiance to the Government of the United States."[15]

Another Washington oath requirement, applicable to all State employees, provides generally that no "subversive person" can work for the government. The term "subversive person" is defined as follows:

"'Subversive person' means any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or alter, or to assist in the overhrow, destruction or alteration of, the constitutional form of the government of the United States or of the State of Washington, or any political subdivision of either of them by revolution, force, or violence; or who with knowledge that the organization is an organization as described in subsections (2) or (3) hereof, becomes or remains a member of a subversive organization or a foreign subversive organization."[16]

It was this language that the court characterized as vague and uncertain, stating that the oaths did not provide an ascertainable standard of conduct. Mr. Justice Clark in a dissent joined in by Justice Harlan decried the majority approach, stating in now famous language:

"To so interpret the language of the Act is to extract more sunbeams from cucumbers than did Gulliver's mad scientist. And to conjure up such ridiculous questions, the answers to which we all know or should know are in the negative, is to build up a whimsical or farcical straw man which is not only grim but Grimm."

We are of the opinion that despite the Supreme Court decision in Baggett, California's loyalty oath program which has stood the test of time and repeated challenges in the courts, stands on a firm legal ground. It cannot be gainsaid, however, that this ruling casts a cloud of uncertainty over loyalty programs in other States.

II. UPHOLDING THE RIGHT OF AN EMPLOYER TO INQUIRE INTO THE ASSOCIATIONAL RELATIONSHIPS OF ITS EMPLOYEES—THE COMPULSORY INQUIRY

During the same period as the loyalty oath for county employees was being developed and tested, a somewhat similar program was emerging in the schools to test the loyalty of the teacher. The nature of the problem that confronted the schools was pointed up by the U.S. Supreme Court: "A teacher works in a sensitive area in a school room. There he shapes the attitude of young minds toward the society in which they live."[17]

It was clear that members of the Communist Party who had placed themselves in the public school system were in a position to disseminate propaganda among the pupils. Because of the fact that pupils look for guidance, authority, and leadership in the teacher, the teacher is in the additional position to teach the Communist Party doctrine without regard to truth or free inquiries in such a way as to escape detection. Because of the insidious nature of the problem, a new and vigorous approach was needed. With this in mind, the county counsel, by letter of July 8, 1952, advised the Los Angeles City Board of Education that it could: (1) promulgate a rule which would, after its adoption, prevent a member of the Communist Party from obtaining or retaining employment in the Los Angeles city school district; (2) adopt a rule requiring presently employed persons to indicate under oath whether they are now or have been during a reasonable prior period members of the Communist Party; (3) adopt a rule declaring it the duty of employees of the board of education who may be subpenaed by a U.S. congressional Un-American Activities Committee or a California legislative un-American activities committee to appear before it and to specifically answer questions propounded by the committee relating to (a) present personal advocacy by the employee of the forceful overthrow of the Government of the United States or of any State or political subdivision; (b) present membership in any organization now advocating the forceful overthrow of the Government of the United States or any State or political subdivision; (c) past membership in any organization which during the time of the employee's membership advocated the overthrow of the Government of the United States or of any State or political subdivision; (d) questions calling for answers pertaining to the employee's school district duties based upon the personal knowledge of the employee of persons, places, and conversations privileged under section 1881 of the California Code of Civil Procedure; and (e) questions as to membership in the Communist Party.[18]

Pursuant to this opinion, on September 22, 1952, the Los Angeles City Board of Education adopted rules[19] implementing this opinion. These rules required: (1) that no person who is knowingly a member of the Communist Party shall be employed by the board of education and that in the application filed for employment, the applicant shall state under oath whether or not he is knowingly a member of the Communist Party; (2) that any employee who is now or within 1 year prior to the adoption of the rule was knowingly a member of the Communist Party shall state within 30 days from the date of the adoption a verified statement that he is no longer a member of the Communist Party; (3) that the employee who after the adoption of the rule knowingly becomes a member of the Communist Party shall be guilty of insubordination and shall be dismissed from employment; (4) that the employee has a duty to appear and answer the questions as set out by the county counsel in its opinion of July 8, 1952, when subpenaed before certain congressional investigating committees or when ordered to appear before the Los Angeles City Board of Education or the superintendent of schools; that the employee who fails or refuses to answer under oath any such questions shall be guilty of insubordination and shall be dismissed from employment in the manner provided by law.

As with the case of the Los Angeles County employee loyalty oath, the judicial testing of the right of an employer to inquire for the certain limited purposes into the associational background of employees, and to require the employee to cooperate with certain of the investigating committees of Government was not long in coming.

On October 28, 1952, a school teacher after being subpenaed for that purpose, refused to answer questions relating to her Communist Party membership as propounded by the Fact Finding Committee on Un-American Activities of the California State Senate. Her subsequent dismissal for insubordination was upheld by the court in *Board of Education* v. *Wilkinson* (1954), 125 Cal. App. 2d 100. At pages 106–107, the court stated:

"In the life-and-death struggle into which our people have been plunged by the monstrous conspiracy called communism, it is becoming more and more apparent that it is essential for the continuance of our national life that we know who is for us and who is against us. This is no time to allow any persons who would destroy us, our liberties, our religious convictions, and our Government to be employed in any branch of that Government—'to bite the hand that feeds it.' The men and women of America who pay their salaries have a right to know whether or not any of their employees are Communists."

Thereafter, in *Board of Education* v. *Eisenberg* (1954), 129 Cal. App. 2d 732, the court again upheld the rule of the board of education, holding that a teacher in the public schools did not have a constitutional right to teach after invoking the concededly constitutional privilege of refusing to answer the question: "Are you a member of the Communist Party of Los Angeles?"

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[13] See also *First Unitarian Church* v. *Los Angeles* (1958), 357 U.S. 545.

[14] *Speiser* v. *Randall* (1958), 357 U.S. 513, at 541.

[15] Wash. Laws, 1931, ch. 103.

[16] Rev. Code Wash., sec. 9.81.010(5).

[17] *Adler* v. *Board of Education* (1952), 342 U.S. 485 at 493.

[18] 54 Opinions of county counsel of the county of Los Angeles 10.

[19] Los Angeles City Board of Education Minute Book, Sept. 22, 1952.

State action is deemed necessary in order to protect our school system from Communist infiltration

In 1951 and 1952, it became apparent to the California Senate Investigating Committee on Education that numerous highly placed teachers and professors were refusing to answer questions of the committee, relying on the protection of the fifth amendment to the Constitution of the United States. The 13th report of the Senate Investigating Committee on Education, California Legislature, 1955 regular session, stated:

"This situation was obviously intolerable and the committee was confident that the legislature would not want to allow the law to perpetuate these individuals as teachers and compel loyal parents to send their children to their classes subject to the influence and indoctrination in criminal and Communist ideas.

"In seeking a remedy the committee found that substantial progress had been made by the Los Angeles City School Board in dealing with this problem by rules and regulations of the board. These measures had been prepared by the county counsel of Los Angeles County, Mr. Harold W. Kennedy and his staff, who have achieved signal success in several loyalty cases in the high courts.

"With the aid of Mr. Kennedy and his staff, the chairman of the committee, Senator Nelson S. Dilworth, introduced senate bill No. 1367, at the January session of the California Legislature in 1953.

"After lengthy discussion and specific conferences with representatives of the teacher organizations and other bodies especially interested in schools, amendments were agreed upon, the bill was amended and passed, becoming chapter 1632 of the statutes of 1953."

This bill, known as the Dilworth Act, added section 12600 through section 12607 of the California Education Code, now found in sections 12951–12958 of that code, which provisions were substantially the same as the September 22 board rule. The Dilworth Act makes it a specific duty of school district employees, who may be subpenaed by Federal or State investigating committees, to appear before those bodies and testify under oath regarding personal advocacy of violent overthrow of the Government and past and present knowing membership in the Communist Party.

Shortly after the Dilworth Act became effective, five teachers in the Los Angeles school district failed to answer the question set out in the act pertaining to Communist Party membership, when asked to do so by the board of education. Their subsequent discharge was upheld by the court in *Board of Education* v. *Cooper* (1955), 136 Cal. App. 2d 513.

At the same time the legislature was passing the Dilworth Act, it enacted substantially similar legislation applicable to governmental employees other than those employed by school districts.[20] The Luckel Act, as it was commonly referred to, was upheld against constitutional attack in 1954.[21] With these cases the right of the public employer to inquire into an employee's Communist affiliations and loyalty was firmly established.

The county of Los Angeles leads the Nation in upholding the right to require that public employees cooperate with investigating committees

With this substantive right of inquiry having been repeatedly upheld, its opponents began attacking the exercise of this right on the procedural level. The Supreme Court of the United States in 1956, held a New York law, which operated to summarily discharge an employee merely because he invoked the fifth amendment before an investigatory committee of the U.S. Senate, to be violative of due process. The Court in *Slochower* v. *Board of Education of New York* (1956), 350 U.S. 551, speaking through Justice Clark, stated at page 558:

"No consideration is given to such factors as the subject matter of the questions, remoteness of the period to which they are directed, or justification for the exercise of the privilege."

The holding of Slochower was interpreted by the California Supreme Court to mean while a public employee may be dismissed for invoking the privilege against self-incrimination, the dismissal is proper: "* * * only if, after a full hearing in which he is afforded an opportunity to explain his reasons for claiming the privilege, it is determined that his refusal to answer is sufficient under the circumstances to warrant dismissal." [22]

Against this backdrop arose the well-known Globe and Nelson cases (*Globe* v. *County of Los Angeles*, reported in *Nelson* v. *County of Los Angeles* (1960), 362 U.S. 1, and *Nelson* v. *County of Los Angeles* (1958), 163 Cal. App. 2d 607, affirmed in 1960 in 362 U.S. 1). Both cases involved the application of the Luckel Act of county employees.

In Globe, the county of Los Angeles had discharged a "temporary eligible" employee for failure to answer questions as to past and present membership in the Communist Party when asked to do so by a subcommittee of the House Un-American Activities Committee; while in Nelson, the county had discharged a "permanent" employee for his failure to answer similar questions propounded by the same subcommittee. The county had summarily discharged the employee in Globe without a hearing but had afforded the permanent employee a Civil Service hearing in Nelson prior to his discharge.

In Nelson, the U.S. Supreme Court by an equally divided Court [23] affirmed the judgment of the California court, thus upholding the right of the county of Los Angeles to discharge, after a full and fair hearing, a permanent employee who failed to cooperate with a legislative committee by refusing to answer questions relating to his Communist Party activity.

The situation in Globe was rendered more complex due to the summary nature of the discharge. The employee contended that, despite the temporary nature of his employment, a discharge without a hearing was arbitrary and unreasonable. In a 5-to-3 decision, the Supreme Court determined that a temporary county employee "has no vested right to county employment and may therefore be discharged summarily." [24] Further, the summary nature of the discharge was proper under the circumstances because the discharge was not based upon the fact that the employee had invoked the first and fifth amendments in refusing to answer questions but was based solely on the employee's failure to cooperate with the subcommittee.

With these two decisions, the twin issues of whether the State can require its employees or teachers in its school systems to cooperate with legislative investigating committees by giving information which the State has a legitimate interest in securing and, if the requirement is not honored, discharge them on the basis of a failure of a duty of cooperation, was finally laid to rest. This office is extremely proud to have had an active part in establishing these principles on a nationwide basis, principles which have and which are now continuing to afford our citizens a substantial measure of confidence in government by removing the least suspicion of Communist infiltration in our public life.

III. SHOULD COMMUNISTS HAVE THE RIGHT TO LEAVE AND ENTER OUR COUNTRY AT WILL?

Agents of a foreign-directed criminal conspiracy are given the right to unrestricted oversea travel by the latest decision of the U.S. Supreme Court

In *Aptheker* v. *Secretary of State*,[25] decided June 22, 1964, the Secretary of State had revoked the passport privileges of two top-ranking Communist leaders—the editor of "Political Affairs," the "theoretical organ" of the party in this country, and the chairman of the party. The right to revoke was based on section 6 of the Subversive Activities Control Act of 1950, which provides that when there is a final order of the Subversive Activities Control Board, requiring a Communist or Communist-infiltrated organization to register, it shall be unlawful for such organization or any member thereof to apply for, use, or attempt to use a passport for travel abroad.

A majority of the U.S. Supreme Court, in Aptheker, refused to recognize the fact that the passport privileges of two avowed leaders of the Communist Party of the United States were at issue, holding to a general theme that section 6 "too broadly and indiscriminately restricts the right to travel and thereby abridges the liberty guaranteed by the fifth amendment." [26]

Mr. Justice Clark again dissenting and joined by Justices Harlan and White, faced up to the realities of internal and national security, noting that as applied to the prosecution of the Communist Party's top dignitaries, the section is clearly constitutional. The dissenting Justices found it difficult to believe that the rest of the Supreme Court had refused to recognize that top party functionaries who had previously testified on behalf of the party, knew that they were associated with a Communist-action organization and knew that they were associated with an organization operating to further aims of the world Communist movement and to establish a Communist totalitarian dictatorship in countries throughout the world.

It is indeed unfortunate that with this opinion the Supreme Court gives an unrestricted right to travel abroad to Americans who, in belonging to the world Communist movement, have utilized foreign travel as a prerequisite to the carrying on of activities designed to further the purposes of the party.

IV. THE LONG FIGHT TO BAR COMMUNISTS AND SUBVERSIVE ORGANIZATIONS FROM USING PUBLIC SCHOOLS—THE AMERICAN CIVIL LIBERTIES UNION CASES

The legislature of the State of California has provided that public school buildings may be used as "civic centers" for "public, literary, scientific, recreational, or education meetings, or for the discussion of matters of general or public interest." [27]

It was determined, however, that this use should not be unrestricted—in particular that school premises should not be used by any individual, group or organization for the commission of any act intended to further programs designed to overthrow the Government by force and violence.[28]

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[20] Stats. 1953, ch. 1646, adding sec. 1028.1 to the Government Code.

[21] *Steinmetz* v. *California State Board of Education* (1954), 44 Cal. 2d 816, certiorari denied, 351 U.S. 915.

[22] *Board of Education* v. *Mass.* (1956), 47 Cal. 2d 494 at 499.

[23] Mr. Chief Justice Warren took no part in the consideration or decision of either Nelson or Globe.

[24] *Nelson* v. *County of Los Angeles* (1960), 362 U.S. 1 at 6.

[25] 12 L. ed. 2d 992.

[26] 12 L. ed. 2d 992 at 997.

[27] Education Code, secs. 16551 and 16556.

[28] Education Code, sec. 16564.

The California Supreme Court denies public school authorities the right to refuse the use of school property to those who would overthrow our Government—The first American Civil Liberties Union case

To implement this legislative prohibition on use of school premises to proscribed types of organizations, persons who wished to use such facilities were required to sign the following statement of information:

"Statement of Information

"The undersigned states that, to the best of his knowledge, the school property for use of which application is hereby made will not be used for the commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the Government of the United States by force, violence or other unlawful means;

"That ———, the organization on whose behalf he is making application for use of school property, does not, to the best of his knowledge, advocate the overthrow of the Government of the United States or of the State of California by force, violence, or other unlawful means, and that, to the best of his knowledge, it is not a Communist-action organization or Communist-front organization required by law to be registered with the Attorney General of the United States. This statement is made under the penalties of perjury.

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(Signature)" [29]

In 1960, the American Civil Liberties Union of Southern California refused to furnish this "Statement of Information" to the Board of Education of the City of Los Angeles when it applied for the use of John Burroughs Junior High School Auditorium for a series of meetings on the theme "The Bill of Rights in 1960." The Civil Liberties Union contended that the requirement abridged both State and Federal guarantees of free speech and assembly.

The California Supreme Court in a narrow four to three decision [30] sustained the position of the Civil Liberties Union holding that this required statement was unconstitutional. The court determined that the request for information was, in effect, a subterfuge and an attempt by the State to bar: "* * * the doors to public meetings of the proscribed organizations, while leaving them open to all others, even though the particular meeting may be for an entirely lawful purpose. It thus, somewhat more indirectly, prevents assembly and free speech in school buildings by certain organizations because it (the State) disapproves of the organizations and not because of what those organizations may intend to say or do therein." [31]

In a ringing dissent, concurred in by Justices Schauer and McComb, Justice White put into words the feelings of most of us: "The majority opinion places its imprimatur upon a decision that holds that the people of the State of California must open their schools as forums wherein groups aiming at the destruction of the Federal and State Governments by force and violence may assemble and wherein those in attendance may be indoctrinated with that philosophy in preparation for future violent action. With this I cannot agree." [32]

The gap left by the first American Civil Liberties Union decision is filled by local school board action—The second American Civil Liberties Union case

The decision in the first American Civil Liberties Union case left a gaping hole in the protective fence the legislature had placed around the use of public school property by private interests. How was this gap to be repaired? With State action nullified, the county counsel's office advised the board of education of the city of Los Angeles that local action by individual school boards of education seemed appropriate.

As succinctly noted by Justice Peters in *American Civil Liberties Union* v. *Board of Education* (1963), 59 Cal. 2d 203, at page 209:

"When that decision became final, the respondent board investigated the necessity and propriety of filling (by local rule) the gap left by this court's holding that section 16565 was unconstitutional. It noted that other sections of the Civic Center Act, which remained in effect, required it to take such steps as might be required to prevent improper use of school property, while still other sections granted it the power to make local rules and regulations for such purpose. It considered several proposed regulations, and finally adopted the rule here under scrutiny."

That rule was rule 1316 of the board of education of the city of Los Angeles which provided that applicants who wish to use school property certify under penalty of perjury that school property "* * * will not be used for the commission of any act which is prohibited by law, or for the commission of any crime including, but not limited to, the crime specified in sections 11400 and 11401 of the California Penal Code." [33]

This time, efforts on the local level were successful. In a unanimous decision the California Supreme Court held that school boards have the right and duty to predetermine that school premises will not be utilized in derogation of law. "To require an applicant to state that it does not knowingly intend to use the property in an illegal manner is a logical method of fulfilling that mandate." [34]

As the Los Angeles County counsel noted in a letter to the Board of Supervisors of the County of Los Angeles on March 8, 1963, reporting the unanimous decision of the California Supreme Court in the second American Civil Liberties Union case: "This latest opinion of the California Supreme Court is significant for it brings a measure of clarity and stability to the field of antisubversive legislation and regulation since it sets guidelines within which county and school district officials can act in this all-important area of public law."

With the second American Civil Liberties Union case, untiring efforts aimed at preventing unrestrictive use of our public schools by subversive groups—efforts that had their antecedents in the early postwar years [35] were finally crowned with judicial approval.

V. THE CONTINUING EFFORT TO HAVE THE COMMUNIST PARTY LABELED AND REGISTERED AS A SUBVERSIVE ORGANIZATION

Phase 1: Communism is found to be a menace to our society

On two occasions, the first in 1950, with the passage of the Internal Security Act of 1950,[36] and again in 1954, in the Communist Control Act of 1954,[37] the Congress of the United States has made legislative findings regarding the nature and extent of the Communist conspiracy based on evidence adduced before various committees of the Senate and House of Representatives.

Section 781(1) of the Internal Security Act of 1950 notes the following legislative finding: "There exists a world Communist movement which, in its origins, its development, and its present practice, is a worldwide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a worldwide Communist organization."

In section 841 of the Communist Control Act of 1954, Congress finds: "The Congress finds and declares that the Communist Party of the United States, although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the Government of the United States. It constitutes an authoritarian dictatorship within a republic, demanding for itself the rights and privileges accorded to political parties, but denying to all others the liberties guaranteed by the Constitution. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly prescribed for it by the foreign leaders of the world Communist movement. Its members have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination with respect to its objectives and methods, and are organized, instructed, and disciplined to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members. The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence. Holding that doctrine, its role as the agency of a hostile foreign power renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding, and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed."

The people of the State of California also have twice made somewhat similar legislative findings as a result of carrying out their own hearings on this subject. Section 1027.5 of the government code contains the following findings:

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[29] Education Code, sec. 16565.

[30] *American Civil Liberties Union* v. *Board of Education* (1961), 55 Cal. 2d 167, certiorari denied, 368 U.S. 819.

[31] *American Civil Liberties Union* v. *Board of Education* (1961), 55 Cal. 2d 167 at 175.

[32] *American Civil Liberties Union* v. *Board of Education* (1961) 55 Cal. 2d 167 at 184 (dissent).

[33] Secs. 11400 and 11401 of the California Penal Code prohibit and penalize advocacy of, or teaching, aiding or abetting criminal syndicalism which is defined as any act intended to accomplish change in industrial ownership or government by means of unlawful force, violence or terrorism.

[34] *American Civil Liberties Union* v. *Board of Education* (1963), 59 Cal. 2d 203 at 213, certiorari denied, 375 U.S. 823.

[35] See: *Danskin* v. *San Diego Unified School District* (1946), 28 Cal. 2d 536, decided in June 1946.

[36] 50 U.S.C.A. sec. 781, et seq.

[37] 50 U.S.C.A., sec. 841, et seq.

"(a) There exists a worldwide revolutionary movement to establish a totalitarian dictatorship based upon force and violence rather than upon law.

"(b) This worldwide revolutionary movement is predicated upon and it is designed and intended to carry into execution the basic precepts of communism as expounded by Marx, Lenin, and Stalin.

"(c) Pursuant to the objectives of the world communism movement, in numerous foreign countries the legally constituted governments have been overthrown and totalitarian dictatorships established therein against the will of the people, and the establishment of similar dictatorships in other countries is imminently threatening. The successful establishment of totalitarian dictatorships has consistently been aided, accompanied, or accomplished by repeated acts of treachery, deceit, teaching of false doctrines, teaching untruth, together with organized confusion, insubordination, and disloyalty, fostered, directed, instigated, or employed by Communist organizations and their members in such countries.

"(d) Within the boundaries of the State of California there are active disciplined Communist organizations presently functioning for the primary purpose of advancing the objectives of the world communism movement, which organizations promulgate, advocate, and adhere to the precepts and the principles and doctrines of the world communism movement. These Communist organizations are characterized by identification of their programs, policies, and objectives with those of the world communism movement, and they regularly and consistently cooperate with and endeavor to carry into execution programs, policies and objectives substantially identical to programs, policies, and objectives of such world communism movement.

"(e) One of the objectives of the world communism movement is to place its members in State and local government positions and in State-supported educational institutions. If this objective is successful, propaganda can be disseminated by the members of these organizations among pupils and students by those members who would have the opportunity to teach them and to whom, as teachers, they would look for guidance, authority, and leadership. The members of such groups would use their positions to advocate and teach their doctrines and teach the prescribed Communist Party line group dogma or doctrine without regard to truth or free inquiry. This type of propaganda is sufficiently subtle to escape detection.

"There is a clear and present danger, which the Legislature of the State of California finds is great and imminent, that in order to advance the program, policies, and objectives of the world communism movement, Communist organizations in the State of California and their members will engage in concerted effort to hamper, restrict, interfere with, impede, or nullify the efforts of the State and the public agencies of the State to comply with and enforce the laws of the State of California and their members will infiltrate and seek employment by the State and its public agencies."

Legislative findings particularly applicable to the situation found developing in the public school system in California is found in section 12951 of the education code. "It is not for the courts to reexamine the validity of these legislative findings and reject them. * * * We certainly cannot dismiss them as unfounded or irrational imaginings."[38]

Despite this plethora of findings on the nature and extent of the Communist menace, in January of this year a California appellate court made this disturbing comment:

"There is no doubt that legislative investigations and findings, as well as judicial decisions, have greatly increased our knowledge of the principles advocated by the Communist Party. However, we do not believe that such knowledge has increased to the point where we can now say that it is a matter of common and general knowledge, certain and indisputable, that the Communist Party of the United States advocated the forceful overthrow of our Government during the period of 1953 to 1957."[39]

Phase 2: A Pyrrhic victory: The Communist Party must register as a Communist-action organization under section 7 of the Subversive Activities Control Act of 1950

In what appeared at the time to be a notable victory for the Federal Government, the U.S. Supreme Court in 1961, in the case of *Communist Party* v. *Subversive Activities Control Board* (1961), 367 U.S. 1, held that the registration provisions of the Subversive Activities Control Act were constitutional and upheld an order of the Subversive Activities Control Board requiring the Communist Party of the United States to register as a Communist-action organization under section 7 of that act.

This decision apparently culminated a long history of litigation which had begun in 1950 when the U.S. Attorney General had petitioned the Board for such an order. After lengthy litigation, during which time certain actions of the Board were twice considered by the Supreme Court, the Board made its order to require registration which was before the Court in this case.

Yet, in retrospect, the Communist Party case, despite its favorable holding, carried within it the seeds of its own later judicial nullification.

Section 7 of the act requires that within 30 days after the Board's registration order becomes final, organizations found to be Communist-action must register. This registration is to be accompanied by a statement signed by the partners, officers, and directors among others, of the organization. If the organization fails to register or file a statement it becomes the duty of certain other designated officers of the organization to file the statement.

The Communist Party contended that these requirements could not be imposed consistent with the self-incrimination clause of the fifth amendment, it being argued that by the very act of signing the statement, officers of the party are admitting they are party officers—an incriminating admission under prior decisions of the Court.

The majority of the Court held that any issue of fifth amendment rights was premature since the duties imposed by the registration requirements would not arise until or unless the party failed to register and further the Court could not know at this time if any of the party's officers would ever claim the privilege.

Four dissenting members of the Court, reasoning that the application of fifth amendment rights was not premature, stated that compulsory disclosure of name of officers and members violated the fifth amendment. It is the fifth amendment views of the four dissenters which have ultimately prevailed, thus making this case for practical purposes a mere exercise in rhetoric.

Phase 3: A bitter pill to swallow: The Communist Party wins a major victory as the United States Supreme Court holds that the party and its officers can exercise the privilege against self-incrimination and refuse to register under the Subversive Activities Control Act

On June 8, 1964, the U.S. Supreme Court had before it for decision the very issues which it had avoided earlier: Does registration under the act involve self-incrimination and can that privilege be asserted by the Communist Party and its officers? In *United States* v. *Communist Party of the United States* (1964), 12 L. Ed. 2d 737, the Court refused to hear and possibly overturn a 1963 decision of the U.S. District Court for the District of Columbia which had effectively cut the teeth out of the act.

After the registration order of the Subversive Activities Control Board had become final, officers of the Communist Party had exercised their privilege against self-incrimination and refused to register the Communist Party or authorize anyone else to register the party. The district court, squarely faced with deciding whether the exercise of the privilege was proper, held that it was.

"This problem must be viewed against the background of American history during the past generation. That history shows that the Communist Party does not stand before the law as an ordinary political group. The party's special status does not arise from the unpopularity of its views, or the public opprobrium attaching to it and its adherents. * * * Instead, it arises from the imposition of governmental sanctions upon the party and its members, based on a special danger to our national security. * * *"

* * * * *

"The conclusion is inescapable that the Communist Party is sui generis. The legislative array facing the party virtually makes it a criminal conspiracy per se. Confirmation of this status is contained in a series of Supreme Court cases holding that mere association with the Communist Party presents sufficient threat of criminal prosecution to support a claim of the privilege against self-incrimination."[40]

Adding insult to injury, the district court further surprisingly held that while volunteers could register on behalf of the party, the Government, rather than the party, had the burden of proving that a volunteer was available who could or would register on behalf of the Communist Party.

Upon learning of this unfortunate decision by the U.S. Supreme Court, the county counsel of the county of Los Angeles, in an action heartily endorsed by the board of supervisors of the county of Los Angeles, immediately wired the Attorney General of the United States urging him to petition the court for a rehearing. The Attorney General replied[41] advising that rather than seek a rehearing they were instead considering either a new trial in the lower Federal courts or "taking other appropriate enforcement steps."

As of this date we have not heard whether a new trial is being considered by the Federal Government. Considering the emasculation of the act by this decision, we are at a loss to know what "other appropriate enforcement steps" the Attorney General can take. The Subversive Activities Control Act was enacted by Congress to deal with the domestic Communist movement. The registration and disclosure provisions are basic to the administration of the act. Without them, the act is just so many words.

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[38] *Communist Party* v. *Subversive Activities Control Board* (1961), 367 U.S. 1 at 94–95.

[39] *Mack* v. *State Board of Education* (1964), 224 A.C.A. 516 at 520.

[40] Opinion of Chief Judge Bazelon in *Communist Party of the United States* v. *United States* (1963), 331 F. 2d 807.

[41] Letter to County Counsel of the County of Los Angeles dated June 15, 1964.

As the Los Angeles County counsel stated in a letter of June 23, 1964, to the board of supervisors of the county of Los Angeles:

"United States against Communist Party of the United States will, without a doubt, interfere with the operation of the Subversive Activities Control Act in two significant respects. First, unless the Federal Government can show that persons not subject to possible criminal prosecution could volunteer to register the Communist Party or Communist-front organizations, the act will be inapplicable to the very organization the act was designed to regulate. Secondly, the effect of implementing this decision will cause an additional delay in the application of the act to the Communist Party. While the act was passed by Congress 14 years ago, in 1950, it was not until 1961, 11 years later, that the Supreme Court upheld a lower court decision requiring such registration by the Communist Party (*Communist Party* v. *Subversive Activities Control Board,* 367 U.S. 1). With this case, the Federal Government will have to begin anew the time consuming process of having a retrial on the issue of the claim of the privilege of self-incrimination, facing almost assuredly a new series of appeals by the party at the conclusion of any new trial."

Let us hope, however, that despite its broad implications, this decision is not the last word in the fight to register the Communist Party as a subversive organization.

VI. REFLECTIONS: WHERE ARE WE NOW?

There come occasions in our time when the familiar needs to be recalled; when the known needs to be restated. With the conclusion of a precedent-shattering term of the U.S. Supreme Court, such an occasion is at hand. "We have to face up to the fact that there are powerful forces in the world today misusing the privilege of liberty in order to destroy her." [42]

In a recent editorial,[43] the Los Angeles Herald-Examiner, in commenting on the recent decisions of the U.S. Supreme Court in the field of internal security, succinctly posed the question: "Where are we now?" Indeed, where are we now—and where are we heading? Make no mistake about it, efforts of the Federal, State, and local jurisdictions to curb the international Communist menace in its domestic form are being blunted and thwarted by judicial decisions which can only be viewed as victories for the Communist Party. Time and again, elements inimical to our society have gained sweeping concessions in our courts by using the very laws they would overthrow by force and violence.

With the Internal Security Act of 1950 now apparently neutralized, the Federal Smith Act remains in the arsenal of weapons used in the continuing fight against domestic communism. But is that weapon effective?

With the case of United States against Communist Party of the United States, reported in part V above, neutralizing the core of the Internal Security Act of 1950, the Federal Government, absent prompt legislative help from Congress, is left with the Smith Act [44] as a weapon in the battle against the Communist conspiracy.

In pertinent part, the Smith Act provides: Section 2385:

"Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the Government of the United States or the government of any State, Territory, District, or possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

"Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

"Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliated with, any such society, group or assembly of persons, knowing the purposes thereof,

"Shall be fined not more than $10,000 or imprisoned not more than 10 years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the 5 years next following his conviction."

The Smith Act has had a long and for the most part successful history in the Federal courts. In the leading case involving the interpretation of the act, *Dennis* v. *United States* (1951), 341 U.S. 494, the U.S. Supreme Court sustained an indictment of persons convicted of conspiring to advocate the overthrow of the Government by force or violence and conspiracy to organize the Communist Party of the United States. In so doing, the Court determined that those sections of the act proscribing "advocacy" of violent overthrow of Government and the "organizing" of groups advocating such overthrow were constitutional.

"The essence of the Dennis holding was that indoctrination of a group in preparation for future violent action, as well as exhortation to immediate action, by advocacy found to be directed to 'action for the accomplishment' of forcible overthrow, to violence 'as a rule or principle of action,' and employing 'language of incitement,' is not constitutionally protected when the group is of sufficient size and cohesiveness, is sufficiently oriented toward action, and other circumstances are such as reasonably to justify apprehension that action will occur." [45]

Six years later in *Yates* v. *United States* (1957), 354 U.S. 298, that same Court reversed the convictions of five persons and required new trials for nine others, all of whom had been convicted in lower Federal courts of conspiring to violate the same "advocacy" and "organizing" sections of the Smith Act that had been before the court in Dennis. This time the court determined that the advocacy that the act prohibits must be—not advocacy in the sense of preaching abstractly the forceful overthrow of government—but advocacy directed at promoting unlawful action.

"The essential distinction is that those to whom the advocacy is addressed must be urged to do something, now or in the future, rather than merely to believe in something." [46]

This distinction is nebulous at best, a situation recognized by the Court.

"We recognize that distinctions between advocacy or teaching of abstract doctrines, with evil intent, and that which is directed to stirring people to action, are often subtle and difficult to grasp, * * *." [47]

With Yates, the Court made prosecutions under the Smith Act extremely difficult. In point of fact, the cases against the nine defendants in Yates as to whom the Court required a retrial, were subsequently abandoned by the Government. All 14 persons are now continuing to enjoy the freedom to undermine our country's political and social institutions from within, without fear of prosecution.

Recently, the Government, thwarted in its attempt to eliminate subversive elements under the "advocacy" and "organizing" provisions of the act, made use for the first time of the "membership" clause of that act to prosecute an active member of the Communist Party. In *Scales* v. *United States* (1961), 367 U.S. 203, the Supreme Court upheld the subsequent conviction of that party member.

"It was settled in Dennis that the advocacy with which we are here concerned is not constitutionally protected speech, and it was further established that a combination to promote such advocacy, albeit under the aegis of what purports to be a political party, is not such association as is protected by the first amendment. We can discern no reason why membership, when it constitutes a purposeful form of complicity in a group engaging in this same forbidden advocacy, should receive any greater degree of protection from the guarantees of that amendment." [48]

However, in *Noto* v. *United States* (1961), 367 U.S. 290, a companion case decided on the very same day as Scales, the Supreme Court reversed the conviction of a person indicted under the "membership" clause of the act because of lack of substantial evidence of illegal activity on the part of the Communist Party.

It is still too early to diagnose the full impact of Yates and Scales in the fight against the Communist Party and its members. One point, however, deserves emphasis. The Supreme Court has and continues to make the rules under which the Government can successfully bring to the bar of justice subversive elements heavily weighted in favor of those who would destroy us. The Smith Act will be an effective method of curbing subversion on the Federal level only so long as the efforts of Government to protect itself are not hamstrung by the judiciary.

The Smith Act, by itself, cannot effectively curb subversive elements—Additional legislative support is necessary.

It must be emphasized that the Smith Act is directed at subversive individuals, whereas the Internal Security Act of 1950 is aimed at organizations, an important distinction. Unless the organization itself can be cut down and neutralized, it is of precious little help for the Government to attack—piecemeal—individuals who can be replaced.

Legislation on the Federal level aimed at curbing subversion, together with the several California statutes already noted, have been enacted to protect and insulate our citizens, not against what the Communist Party and other subversive organizations or individuals advocate or believe, but against what the various legislatures have considered they have done and are likely to do again. Under these circumstances the Government need not hold its hand "until the putsch is about to be executed, the plans have been laid, and the signal is awaited. If the Government is aware that a group aiming at its overthrow is attempting to indoctrinate its members and to commit them to a course whereby they will strike when the leaders feel the circumstances permit, action by the Government is required." [49]

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[42] Concurring opinion of Mr. Justice Frankfurter in *Dennis* v. *United States* (1951), 341 U.S. 494 at 553.

[43] Editorial, Los Angeles Herald-Examiner, June 26, 1964.

[44] 18 U.S.C.A., sec. 2385.

[45] *Yates* v. *United States* (1957), 354 U.S. 292 at 321.

[46] *Yates* v. *United States* (1957), 354 U.S. 298 at 324–325.

[47] *Yates, supra,* 354 U.S. 298 at 326.

[48] *Scales* v. *United States* (1961), 367 U.S. 203 at 228–229.

[49] *Dennis* v. *United States* (1951), 341 U.S. 494 at 509.

Congress can, and must, fill the gap left by the *United States* v. *Communist Party of the United States* decision. Effective legislation aimed directly at requiring registration of subversive organizations which can be implemented in fact, as well as theory, should be promptly enacted. It is inconceivable that there is no means by which government, fully aware that an organization is planning its violent overthrow, is powerless to act. It is a frightening thing to face—that unless and until Congress acts, that is precisely our situation.

Recent decisions of the Supreme Court are overbalanced in favor of subversive elements

The thrust of the cases interpreting the Smith Act as well as those reported here, emphasize the guideline the Court is currently using in situations where the right of the Government to protect itself from forceful overthrow is countered with the constitutional rights of citizens. The test employed where constitutional rights are asserted to bar governmental efforts aimed at eliminating a threat to its internal security involves a balancing by the courts of the competing private and public interests at stake.[50]

The Court in resolving this issue must determine whether the subordinating interests of the state, in protecting itself, overcomes the individual constitutional rights at issue. While in the Smith Act cases the interest in not limiting an individual's constitutional rights was held to be, on balance, outweighed by the state's interest in protecting itself against armed internal attack, recent decisions of the U.S. Supreme Court permitting Communist Party members to avoid registering the Communist Party as a subversive organization and allowing avowed party members the unlimited freedom of travel abroad are inconsistent with these earlier cases and are heavily overbalanced in favor of subversives. It is this inconsistency, this closing of judicial eyes to the exigencies of our national life that has caused a growing uneasiness among our citizenry.

It is not my purpose here to criticize individual members of the Court. A lawyer's duty is to protect and enhance the effectiveness of the judiciary and our judicial system. It is also assuredly a lawyer's duty when he finds conditions warrant, to criticize the tone and trend of decisions—especially so where those decisions have a profound and lasting effect on the very preservation of our society. Against the background of the frightening and inescapable evidence as to the intent of the Communist Party of the United States and the widespread internal Communist conspiracy, the Supreme Court has without doubt swung the scales of justice too far to the side of individual rights. As a result the needs of the people in this critical time are made subservient and subject to the dictates of subversive individuals.

Recent decisions of the Supreme Court invade the province of the Legislature to control subversives

In the same context, recent decisions of the Court balancing the interests of the States as against the individual raise the spectre of our judiciary entering into an area constitutionally and historically vested in the Legislature and alloting to itself the primary responsibility for adjusting competing political and social pressures.

In his concurring opinion in *Dennis* v. *United States* (1951), 341 U.S. 494, in discussing this very situation, Mr. Justice Frankfurter, at pages 525–526, voiced a principle that all of us might well ponder:

"But how are competing interests to be assessed? Since they are not subject to quantitative ascertainment, the issue necessarily resolves itself into asking, who is to make the adjustment?—who is to balance the relevant factors and ascertain which interest is in the circumstances to prevail? Full responsibility for the choice cannot be given to the courts. Courts are not representative bodies. They are not designed to be a good reflex of a democratic society. * * * History teaches that the independence of the judiciary is jeopardized when courts become embroiled in the passions of the day and assume primary responsibility in choosing between competing political, economic, and social pressures.

"Primary responsibility for adjusting the interests which compete in the situation before use of necessity belongs to the Congress. * * * Above all we must remember that this Court's power of judicial review is not 'an exercise of the powers of a superlegislature.'"

It is submitted that the trend of recent decisions discussed in this report has transcended the true concepts that the Founding Fathers had of the constitutional separation of judicial and legislative functions. It is my firm belief that it is the function of Congress representing all of the people through the democratic process, and not the judiciary, to determine the necessity and reasonableness of steps to protect our internal and national security. This belief that the Court is edging close to its constitutional limits is further corroborated by Mr. Justice Harlan:

"Finally, these decisions give support to a current mistaken view of the Constitution and the constitutional function of this Court. This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional 'principle,' and that this Court should 'take the lead' in promoting reform when other branches of Government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements. The Constitution is an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens. This Court, limited in function in accordance with that premise, does not serve its high purpose when it exceeds its authority, even to satisfy justified impatience with the slow workings of the political process. For when, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amending process."[51]

Dangerous side-effects of recent Supreme Court decisions

The effects of these recent Supreme Court decisions in this field will be felt not only on the level of the various Federal and State legislation there under consideration, but on other legislation as well. For example, California has had, since 1941, a statute known as the Subversive Organization Registration Act.[52] This act requires the registration[53] with the Secretary of State of "subversive organizations," which are defined as: "* * * every corporation, association, society, camp, group, bund, political party, assembly, and every body or organization composed of two or more persons or members, which comes within either or both of the following descriptions:

"(a) Which directly or indirectly advocates, advises, teaches, or practices, the duty, necessity, or propriety of controlling, conducting, seizing, or overthrowing of the Government of the United States, of this State, or of any political subdivision thereof by force or violence.

"(b) Which is subject to foreign control as defined in section 35003."[54]

It is probable that under the holding of United States against Communist Party of the United States, the registration provisions of this act are subject to a valid claim of the privilege against self-incrimination. If an officer of the Communist Party, as an example, were to register that organization under the act, he would, by so doing, identify himself as a party member and officer. He would thus subject himself to the criminal sanctions of the Smith Act.[55]

VII. A CALL TO ACTION

Continuously, over the last two decades, ever since the ominous nature and extent of the domestic Communist conspiracy became painfully apparent to us all, the office of the county counsel of the county of Los Angeles has wholeheartedly aided and supported the efforts of our local government and the several school systems to rid themselves of pockets of existing Communist infiltration and to eliminate potential sources of subversion.

Beginning with our early endeavors to promulgate and enforce the county and school system loyalty oath programs, continuing through the series of test cases which resulted in the complete vindication of the right of the county of Los Angeles and the board of education of the city of Los Angeles to require that its employees cooperate with the State and Federal investigating committees gathering information on Communists and Communist sympathizers, and culminating recently in what we consider one of our most satisfying court decisions—the second American Civil Liberties Union case, upholding the right of school authorities to inquire into the uses to which school property will be put under the Civic Center Act, this office has truly set the pace, often on a nationwide scale, for a concerted counterattack on domestic communism in all its varied forms. Over the years we have shown that local government can successfully handle its own problems in this sensitive area without asking or depending on Federal legislative and legal assistance, assistance which by its very nature must be greatly diluted and lacking in effectiveness when applied to local situations. Our extensive background of litigation in this field serves to highlight the comments of Mr. Justice Harlan in his dissent in NAACP against Button (1963), 371 U.S. 415 at 453:

"We have passed the point where litigation is regarded as an evil that must be avoided if some accommodation short of a lawsuit can possibly be worked out. Litigation is often the desirable and orderly way of resolving disputes of broad public significance, and of obtaining vindication of fundamental rights."

Viewing in retrospect the unceasing efforts of government on both the national and local levels to uncover and root out of our society subversive elements and contrasting those efforts with recent judicial action, it becomes increasingly evident that those of us in public life must effectively channel the growing ground swell of concern and alarm felt by our citizenry over the direction taken by many of the recent decisions of the U.S. Supreme Court affecting internal security. Our judiciary must become aware of the deep uneasiness felt by patriotic Americans—that by these decisions it is becoming easier and easier for subversive elements to work and plan for the violent overthrow of our Government.

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[50] *Konigsberg* v. *State Bar of California* (1961), 366 U.S. 36 at 50–51.

[51] This thought, although enunciated in his dissent in the Legislative Apportionment cases: *Reynolds* v. *Sims* (1964), 12 L. ed. 2d 506, and 5 other cases, is fully applicable to our situation here.

[52] Corp. Code secs. 35000 to 35302.

[53] We have been advised by the Office of the Attorney General of the State of California that no organization has ever registered under this Act.

[54] Corp. Code sec. 35002.

[55] It has been held that mere association with the Communist Party presents a sufficient threat of criminal prosecution to allow a claim of the privilege against self-incrimination (*Blau* v. *U.S.* (1950), 340 U.S. 159).

However, intemperate cries for "impeachment" or for hasty and ill-considered constitutional changes are not the proper means of effecting an orderly change in judicial thought. What is needed is continuous, vocal, and valid, but temperate, criticism of the disturbing trend of these cases.

Our judiciary is not insensitive to the needs of our time. The marshaled forces of American thought can create a social climate that will serve to not only reenforce the attitudes of those who have forthrightly recognized the danger of communism to our society, but will also serve to point the way to a change in judicial thought and action.

The sobering and somber problem heretofore analyzed demands a definitive and knowledgeable understanding of important principles of constitutional law and the decisions and distinctions made by the Supreme Court of the United States. In a true and broad sense it is not just a problem for members of legislative bodies or the judiciary but a problem for the people themselves. We might well reflect upon the advice given by one of America's greatest constitutional lawyers, Daniel Webster, upon the completion of his 50 years of service to his State and country. On that occasion, Mr. Webster said, "Nothing will ruin the country if the people themselves will undertake its safety; and nothing can save it if they leave that safety in any hands but their own."

By means of an aroused and informed citizenry and a judiciary aware of and responsive to the needs of our times, our Government—a government of the people, by the people, for the people and the last and best hope for earth, can find an effective and continuing answer to the Communist challenge and the need for world peace. With the help of Almighty God, that answer will be found.

AIR FORCE POLICY AT OLMSTED AIR FORCE BASE, PA.

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include two letters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KUNKEL. Mr. Speaker, Wage Board employees, particularly those in the sheet metal personnel section at the Middletown Air Materiel Area, Olmsted Air Force Base, Pa., have some justifiable complaints due to present Air Force policy. I feel strongly that this policy should be corrected—and soon.

These men are highly skilled. They are tops in their profession. Many of them have worked over 20 years in this field. During that period, airplanes have become more and more complex and airplane parts more and more sophisticated. They have constantly had to improve their skills in order to keep pace with the developments in aviation. Yet the constant downgrading which has gone on has left them at lower grade levels than they had years ago in the days of relatively simple planes.

First of all, I would like to include a copy of a letter to the Honorable Eugene M. Zuckert, Secretary of the Air Force, which I wrote to the Secretary on this subject on September 10, 1964. This letter is based on various letters received by me from sheet metal workers and other Wage Board employees. My letter to Secretary Zuckert follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 10, 1964.

Hon. EUGENE M. ZUCKERT,
Secretary of the Air Force,
Washington, D.C.

MY DEAR MR. SECRETARY: Olmsted Air Force Base, located in my congressional district, employs thousands of Wage Board and Classification Act Federal Government workers. As a result of the Federal Employee Pay Act of 1964, I am receiving a great many complaints from Wage Board workers who feel they do not receive the same salary consideration as the classified workers. They also have other complaints. I have a number of letters and a petition bearing the signatures of almost 500 Wage Board employees. I will enumerate below some of the complaints raised:

1. When Classification Act employees are granted a pay increase, it is generally retroactive to a time in the past, sometimes as far as 6 months. Wage Board employee increases are never retroactive.

2. Classification Act employees who had a salary 10 to 12 years ago which was about equal in pay to a Wage Board journeyman now have a salary equal to approximately the lowest Wage Board supervisors. Wage Board employees contend that these Classification Act employees command the respect of a Wage Board supervisor simply because of the salary they receive and this lowers the morale of both the workers and supervisors.

3. Classification Act employee pay raises sometimes range over a 2- or 3-year period, with the second and third increments becoming effective automatically. Wage Board workers say that in a similar period, they receive a small percentage increase compared to that received by the classified workers.

4. Wage Board workers contend that when classified employees receive pay increases, the Wage Board workers pay for it through downgrading, and/or RIF action. Also, blue collar workers feel that when they do receive a pay increase, a certain percentage of their workers are downgraded or separated to pay for the increase.

5. Wage Board employees object to their pay scale being determined according to the prevailing wage paid by surrounding industries when Classification Act salaries are determined by the Congress.

6. Wage Board employees contend they are placed in a category much lower than their jobs and duties justify, which results in low morale, poor workmanship, and lack of respect for fellow classified employees.

7. The Wage Board employees also object to the constant reclassification and downgrading of skilled mechanics who have spent years learning to work on complicated aircraft. These reclassifications, they state, have resulted in lower wages while higher and higher skill is required to work on modern complicated aircraft. They feel that in commercial industries the higher the skill, the higher the pay.

Your comments will be most helpful to me in replying to my constituents.

Very sincerely yours,
JOHN C. KUNKEL.

I, also, am including, with his permission, a letter from Mr. Zane H. Cassell, 148 Florence Drive, Harrisburg, Pa. He gives an actual account of some of his experience as a Wage Board employee over the years. There is no question that on TDY these men are required to perform more difficult and technical work than the work for which they are paid. This is, also, true in some instances at the installation itself. In a pinch they must do WB–10 work for WB–9 pay—and do not forget they have been reduced over the years—in some instances from as high as WB–16's, step 5's down to WB–10's and WB–9's.

These employees cannot strike against the Government. They cannot secure satisfaction within the installation because this is Air Force policy binding on the comanding general of the installation. He is required to carry out the policy. That is why I think steps should be taken to change the policy at the top level where it has originated in the first place.

Mr. Cassell, also, makes a very strong point in his second paragraph in which he refers to the work done on our RF–101 aircraft in France by French personnel while we are having a reduction in force in MAAMA and at other AMA's throughout the Nation. On this subject, may I suggest that members might be interested in reading the hearings of the Subcommittee on Manpower Utilization of the House Committee on Post Office and Civil Service under the chairmanship of our distinguished colleague, the gentleman from North Carolina, Mr. DAVID N. HENDERSON. He has been doing a real service in bringing out these facts.

Mr. Cassell's letter follows:

HARRISBURG, PA.,
September 19, 1964.

Hon. JOHN C. KUNKEL,
Harrisburg, Pa.

DEAR SIR: On your visit to Middletown Air Force Base this past week, while in the maintenance shop, you requested that I write you a letter.

If you recall, I asked why RF–101 aircraft are being modified in France, by French personnel while we are having reduction in force here at MAAMA. There are 68 aircraft being modified by a private contractor, (SEREMA). The contractor supplies labor only. All parts, machinery, material, and hangar are provided by the U.S. Air Force.

In regards to the downgrading of sheetmetal personnel from W–10 to W–9, I cannot see where it is justifiable. As you know, sheetmetal is a skill. I have worked on aircraft sheetmetal going on 24 years, and I still do not claim to know all there is, as there are new metals, fasteners, and designs, also new methods to fabricate these new metals and fasteners each year. There are also new technical orders on specifications at all times which must be applied to all aircraft concerned, in addition to modifications.

A W–10 is supposed to be able to use all machinery, power, and hand-operated equipment, and be able to read all blueprints and engineer's drawings.

Sheetmetal repairs, from replacing a rivet to crash damage structural repairs for one-time flights to a depot, or permanent repairs away from MAAMA, also major and minor repairs, T.O.'s and modifications at MAAMA.

T.D.Y. anywhere in any country or climate. I have been stranded 76 days on T–3 (Fletchers Ice Island), 200 miles from the North Pole, to repair a crash-damaged C–124, which was later flown to the States. I have also been to Vietnam to modify C–123 spray model aircraft, and was required to fly on a spray mission over the Mekong Delta. I have also been required to fly to many other countries on T.D.Y. On T.D.Y. our base pay remains the same as at Middletown, also, there isn't any hazard pay when we fly military air and our commercial insurance will not cover us while on these flights.

In many cases the mechanic's decision could mean the loss of a plane or the life of a pilot, or many dollars to the Air Force. Recently, I made a decision that saved the Air Force a minimum of $114 million for a minimum 30-day work stoppage period. If it would have been more than 30 days the cost would have been more, due to loss of time of shipment of jigs to the States and back to France.

In regards to Wage Board employees, we are considered semiskilled during a wage-board survey for pay raises, but we are still entrusted with aircraft costing up to $2½ million and more. An automobile mechanic receives more pay to work on a $3,000 automobile and there are not as many lives involved. I think the wageboard survey team should consider aircraft personnel as skilled workers for pay raises, and pay us as such. The Federal Aviation Agency has very strict regulations in regard to aircraft mechanics for commercial airlines and their salaries are not in line with the Wage Board. Twenty years ago we were WB-16-5, but have been cut to WB-10-3 and do the same work. At that time, and even later, we were able to qualify for GS-7's and 9's, although now we can't qualify for these grades, as their pay scale is far above ours. Now we have trouble qualifying for a GS-5, and that pay scale is more in line with the W-10's.

I would not want you to take this letter as one of gripes, but as known facts as I know them. I have been with the Air Force for quite some time, as I flew 25 missions during World War II, and was recalled to duty for Korea. I have always taken great pride in my work, and the Air Force, and I hate to see the backbone of the Air Force broken, as the morale of the mechanic is the backbone.

If you would wish to talk to me on any of these items, I would be more than pleased to do so at any time.

Sincerely yours,

ZANE H. CASSELL.

COLORADO MEDICAL PROGRAM

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. BROTZMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROTZMAN. Mr. Speaker, Colorado has a fine medical program for its elderly. The system is provided for in the constitution and statutes of our State; it is tied to the Kerr-Mills Act. Basic control of the program reposes in Colorado.

To illustrate the attitude of many in our State, I would like to insert an editorial which appeared in the Bulletin Free Press of Denver, Colo., on August 27, 1964. Its publisher is Mr. Charles E. Bloedorn whose opinions are highly regarded:

KERR-MILLS

A committee of the House has been considering ways and means by which the Kerr-Mills Act—which is the basis of the existing State-Federal health program for providing medical aid to the aged and needy—may be revamped to encourage the States to make wider use of it.

The social security approach—commonly known as medicare—simply has failed to gain substantial public and congressional support. And there is every reason why that should be so.

It takes no account of need or whether the individual wants or doesn't want the benefits. Almost every authority is convinced that the official cost estimates are ridiculously low.

And, above all, it presents the very real danger of governmental, bureaucratic domination of the medical arts and institutions. After all, he who pays the piper calls the tune.

The Kerr-Mills approach is much sounder. It places administrative responsibility where it belongs—within the States, and State officials should certainly have a better idea of local problems than a faceless group in far-off Washington.

It offers help where help is needed—not just because a person has reached a given age. And, in various instances, the benefits provided are greater than under medicare.

The changes that may be desirable in Kerr-Mills are a matter of argument. But the principle on which Kerr-Mills is based is the right and workable one.

TRIBUTE TO U.S. SERVICEMEN IN VIETNAM

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHRIVER. Mr. Speaker, we are hearing a great deal about peace and tranquillity throughout the world from the administration these days. However, the situation in southeast Asia is becoming more confusion and puzzling for American citizens each day. Thousands of American lives are at stake in Vietnam where there certainly is no peace.

The position of the present government in Vietnam remains shaky. U.S. policies and the conduct of the war in Vietnam must be clarified for the American people.

Mr. Speaker, when American lives are being lost, there is no peace. The Department of Defense casualty list, from January 1, 1961, through September 14, 1964, reports 193 deaths of American servicemen in Vietnam. There have been 1,139 Americans who have suffered nonfatal wounds in the Vietnamese war.

Today I want to pay special tribute to U.S. Air Force Capt. Roger M. Gibson, of Wichita, Kans., who is typical of the courageous Americans fighting with the South Vietnamese for their freedom again Communist aggression.

Captain Gibson recently returned to the United States after a year of fighting in Vietnam. During that period he flew 162 combat missions attacking the Communist Viet Cong guerrilla forces. He was one of the 1,139 Americans to suffer combat wounds. Under leave to extend my remarks in the RECORD, I include the following article written by Frank Garofalo, staff writer for the Wichita Beacon, concerning Captain Gibson's heroism:

VIET VICTORY HOPED BY EX-WICHITA PILOT

(By Frank Garofalo)

America's combination of military, economic, medical, and educational aid will win the war in South Vietnam.

This is the conclusion of U.S. Air Force Capt. Roger M. Gibson, who left the troubled Asian country 9 days ago, after a year of fighting.

The much decorated warrior, who flew 162 combat missions attacking the Communist Vietcong guerrilla forces, and his wife, Elisabeth, are here this week visiting an aunt, Miss Helen Slocum, 159 Circle Drive.

The 29-year-old former Wichita University student saw several nonmilitary problems facing the United States in the guerrilla war:

Bolstering the Vietnamese people's will to win the war.

Convincing them—mainly the peasant farmers in outlying jungle villages—that the democratic government is better than communism.

Convincing the Vietnamese "we are behind them all the way and are going to stick with them."

"It's going to be a lengthy war," Gibson said, "but our military, economic, medical, and educational assistance are the things that will win."

OTHER NATIONS AID

He said South Vietnamese also are getting medical support from the Philippines, Japan, and Thailand. Those nations, he said, have sent medical teams into the villages.

Militarily, Gibson said, South Vietnamese and American military forces are definitely moving toward winning the war.

"It is difficult to explain this type of war. It's not like World War II, where you knew who and where the enemy was and you move across the line to annihilate him.

"Guerrilla tactics are so much different. The Vietcong operates a lot at night, and they naturally blend in with the rest of the people so you can't tell who is Vietcong and who isn't."

However, Gibson saw a possible break coming for the Government side—the strengthening of the Vietcong into a well-organized army unit.

"Since 1962 the Communists have doubled their cadre to about 40,000, and their number of sympathizers has doubled."

This, according to Gibson, is molding the Vietcong into a well-organized army unit "that is capable of massing and launching a major attack on widespread fronts. They cannot disperse as easily as when they were in small bands.

"This can be termed an advantage," he said, "because now we will have army fighting army on the same ground instead of an organized army (Government forces) fighting small bands of guerrillas."

WOUNDED IN ACTION

Gibson was stationed at Bien Hoa, 25 miles north of Saigon, with the 1st Air Commando Squadron. He flew in B-26 attack-bombers and T-28 single-engine-driven fighters.

He was wounded by shrapnel from automatic weapons ground fire on one mission. His left leg was hit. He called it "nothing other than like getting a cut with a knife."

His decorations include Purple Heart, Distinguished Flying Cross with Oak Leaf Cluster, Bronze Star, and Air Medal with six Oak Leaf Clusters.

Mr. Speaker, Captain Gibson has ably expressed confidence that "America's combination of military, economic, medical, and educational aid will win the war in South Vietnam."

We would like to share the confidence demonstrated by Captain Gibson. There is no doubt that our Nation possesses the resources, the strength, and the determination to achieve victory against any aggressor.

The Congress has passed, and I supported, the joint resolution which gave the President authority to "take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

We long have been committed to the maintenance of international peace and security in southeast Asia. However, the administration has failed to provide the leadership and thus the U.S. position in southeast Asia is in doubt.

UNIVERSITY STUDY CRITICAL OF "GUIDELINES" APPROACH TO PRICE-WAGE CONTROL

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS. Mr. Speaker, two University of Illinois professors recently published a study of the efforts of a number of European governments to hold down wages and prices. The study, which was based on observations of government policy in Italy, Germany, Britain, and the Netherlands, concluded that direct government efforts have been largely ineffective. The application of indirect measures, through monetary and fiscal policy, is considered to be more effective.

Although the study focuses upon policy in European countries, the findings have relevance to wage and price decisionmaking in the United States. The Johnson administration, like governments in the four countries studied, has also used the method of exhortation as embodied in its "guidelines" for price and wage decisionmaking. The steel wage and price controversy of 1962 is an example of the use of such coercive methods to achieve the administration objectives. The study says that the reason for frequent application of the exhortation method is that, "the high governmental official who urges wage and price restraint is conveying the message to the voters that he is on their side, for they are all consumers," and continues by saying, that "at the same time, he is conveying the message to businessmen and union officials that the ultimate decision is really theirs."

Interestingly enough, prominent U.S. economists have been at odds over recent administration policies in this area. Arthur F. Burns, former Chairman of the Council of Economic Advisers, criticizing present policies, sees "clouds" on the economic horizon. One of the "clouds" he cited in a letter to the New York Times on August 25, is "the tendency of high Government officials to interfere in the price-making process of our market economy."

Because of the importance of this study, I include the article which appeared in the New York Times on September 1, reviewing the study, in the Record.

Since preparing these remarks it has become apparent that the Johnson administration has little intention of implementing its wage-price guidelines, certainly not in the campaign months of September and October. Yesterday I placed in the daily Record—page A4820—a pertinent news item from the Washington Post entitled "Wage-Price Guides Hit by Recent Accords," which points up some of the evidence to support this conclusion.

Indirect Control of Wages Advised—Specific Limits Ineffective, Study of Four Nations Finds

(By John D. Pomfret)

Washington, August 31.—Two university professors have concluded on the basis of a four-nation study that government efforts to depress wages and prices directly have been largely ineffective.

The study was made by two members of the University of Illinois faculty, one of whom has since gone to another school. The professors found that indirect measures, through monetary and fiscal policy, have been much more successful.

Nevertheless, they expect that governments will continue to use direct methods, such as exhortation, establishment of wage and price guidelines, and outright controls for political reasons.

BRITAIN AMONG SOURCES

The study covered Italy, West Germany, Britain, and the Netherlands. It was made by Professors Murray J. Edelman, a political scientist, and Robben W. Fleming, then at the Illinois law school. Both are industrial relations experts.

Mr. Fleming recently went to the University of Wisconsin as provost of its Madison campus.

The study was prepared for the American Foundation on Automation and Employment, a joint venture of U.S. Industries, Inc., and the International Association of Machinists. It did not cover the United States.

Nevertheless, its conclusions are relevant to the United States, where the administration through the President's Council of Economic Advisers has been trying to persuade unions and employers voluntarily to limit gains in employee compensation in most instances to the average annual gain in output per man-hour in recent years. This is roughly 3.2 percent.

A test of the Council's guidepost is currently being made in the negotiations between the automobile industry and the United Automobile Workers. The union has indicated that it has no intention of being confined by the Council's formula.

GUIDELINES DIFFICULT

In a footnote on the American situation, the two professors said:

"The formulation of wage guidelines abroad has been as difficult and as unsatisfactory in end result as in the United States. Productivity—output per man-hour—remains the popular favorite, except in application.

"The difficulties in calculating productivity on any except the broadest (and therefore least meaningful) base have not been overcome; the realities of bargaining power remain the more potent influence."

The study said that all governments exhort businessmen and unions to exercise moderation and sometimes suggest guidelines or prescribe ceilings "not because they necessarily bring economic stability, but because there are political advantages in doing [these things] and because the public and the public officials alike find them reassuring."

"The high governmental official who urges wage and price restraint is conveying the message to the voters that he is on their side, for they are all consumers," the report continued. "At the same time, he is conveying the message to businessmen and union officials that the ultimate decision is really theirs; and this too is a welcome and popular message, likely to bring political support."

Though pronouncements on wages and prices by governments, unions, and managements have doubtful direct impact of economic trends, they often have considerable impact on political and organizational loyalties, the study found.

MEXICAN FARMERS' ADVANTAGE CITED

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Teague] may extend his remarks at this point in the Record and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues an article which appeared in the Santa Barbara, Calif., News-Press, September 19, 1964. The article correctly points out that, as a result of the termination of the bracero program December 31, 1964, Mexican farmers will have a terrific advantage over California farmers and that the bulk of strawberries, tomatoes, and cantaloupes will in the future be grown in Mexico, rather than in California, unless a supplemental labor supply is made available.

Bracero Need Told—Mexican Farmers' Advantage Cited

The end of the Mexican bracero program December 31 is already giving Mexican farmers a big advantage over California farmers, and the bulk of the strawberries, tomatoes, and cantaloupes are being grown south of the border, according to Ezekiel Villasenor, Jr.

Because the American farmers have to plan ahead with their crops, they are not willing to take a chance on having enough labor for the harvests and are not putting in the crops, the president of the Villasenor Labor Camps here told the Downtown Lions Club's weekly meeting.

"In the next 3 years a million more acres will be put into production in northern Mexico for the market," the speaker said. "As a result, the prices of fresh fruits and vegetables are going up locally. California, which has been producing more than 50 percent of the fresh produce of the Nation, is dropping rapidly."

BRACERO HISTORY

Villasenor, a Renssalaer Polytechnic Institute graduate engineer and former Mexican Air Force military attaché in Washington, recited the history of the bracero (Spanish for "someone who lends his hands") program, which started at the end of World War II. Such labor import has been going on for a century in the United States, with men from Ireland to China coming here. Public Law 78 went into effect in 1951 and has continued until the present.

"Since 1961 the bracero program has been a whipping boy for the unions," he told the Prip's Restaurant luncheon. "For some reason, anything that had to do with supplemental farm aid was under attack. Lately

California workers on welfare, continuing to demand their relief checks, have said farmwork is below their dignity."

Villasenor quoted one group in Salinas as saying, "We know our rights. We don't have to work to get them."

On the south coast area an $8 million crop of lemons and avocados faces destruction after January 1, he said. "We may go through a couple of months of chaos early next year, and then Congress may act to extend the program and rescue the California farmers."

In answer to a question, the operator of Mexican labor camps here said he formally applied to the U.S. Immigration Department to import Mexican workers under Public Law 414, with the certification of the California Department of Employment here that no American workers are available.

The application was approved by the Immigration Department, but the U.S. Justice Department gave its disapproval because "the hiring of Mexican workers would cause an adverse effect on the wages, hours, and working conditions of domestic workers in similar work." There are simply not enough domestic workers available, he added.

THE WAVE OF THE FUTURE GOES UNDERGROUND

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, on August 13, 1964, Mr. Elmer T. Peterson, addressed the water problem division of the Orange County, Calif., Farm Bureau, on the subject, "The Wave of the Future Goes Underground." In this address Mr. Peterson outlined a program for the underground storage of water to prevent tremendous evaporation losses and to aid in the futherance of comprehensive flood control programs.

While the possibility of underground storage is not a new one, Mr. Peterson has gone to great lengths to substantiate the feasibility of an "insoak" operation. He has given a new insight into the possibility of underground storage in the Western States. He has also called for an expansion of the Watershed Development and Flood Prevention Act, Public Law 660, in an attempt to better develop the soil and water conservation programs of the Nation.

Many of Mr. Peterson's proposals have been controversial ones, as are most worthwhile proposals, but the controversies have often been resolved in Mr. Peterson's favor. A program of underground water storage, because of its revolutionary nature, will also become controversial. But the Nation must meet the problems it now faces with adequate water supplies, and Mr. Peterson's efforts on behalf of this endeavor are indeed commendable. I consider it a privilege to be the first Member of this body to place this material before the Congress and the Nation for its perusal.

Mr. Speaker, I request unanimous consent for the inclusion of Mr. Peterson's address in the RECORD:

THE WAVE OF THE FUTURE GOES UNDERGROUND

(By Elmer T. Peterson, to water problem division, Orange County Farm Bureau, August 13, 1964, at Orange, Calif.)

It is a compliment to be invited to address your organization. I have heard much about the fine work being done in your field, which is one of the best argicultural counties in the Nation.

When we moved here from Oklahoma in the spring of 1961 I was a member of the Oklahoma Farm Bureau, so I feel much at home here.

The subject of my speech, or paper, is "The Wave of the Future Goes Underground."

Though I am older than most if not all of you, I always took my cue from my father, who lived to be 89 years old but was always chiefly interested in the coming years rather than the past. He was a Californian more than a century ago, and the last time he was here, visiting with my brother, an irrigation farmer at Kingsburg, he referred to "vision" as being the most desirable trait. That, of course, means a long look ahead.

All signs point to the proposition that food, our greatest material treasure, will be increasingly produced by irrigation, even in the so-called "humid" belts, and that irrigation water will increasingly come from underground storage.

There are several reasons for this inevitable change.

1. As pointed out by B. Abbott Goldberg, chief deputy of the California State Water Resources Board, big surface damsites are getting to be scarcer and prohibitively expensive. In a speech at Billings, Mont., on the subject "Reservoirs Without Dams Underground," October 20, 1961, Mr. Goldberg analyzed the water needs of California and forecast a great increase in the proportion that must come from ground storage, using surface storages conjunctively. Other high officials of that board agree.

2. Loss by evaporation, which is absent in underground supplies, wastes enormous quantities from surface impoundments. Dr. Luna Leopold, eminent hydrologist, recently asserted that more water enters the upper part of the big reservoir zone of the Colorado River than comes out at the lower end because of evaporation.

I happen to be personally acquainted with the experience at Oklahoma City, where the city water superintendent told me that on a hot, windy day, the evaporation from the two main surface reservoirs is 25 million gallons a day. The reservoirs are small, compared with the typical California impoundment.

3. Toxicity. There is a most interesting article in Readers Digest for November 1963, describing the experience in Imperial Valley, doubtless familiar to all of you. There the managers of the irrigation system have had so much trouble with salt and other undesirable mineral content that they have to spend millions washing out the toxic substances.

Incidentally the Readers Digest article stresses the fact that the great population explosion is resulting in people coming to California faster than they can be well absorbed, due to the need for more food production, and the author says we will have to go to the deserts and mountains to find enough foodland to make up the vast areas being gobbled up by urbanization almost always on level land, aggravated by the heavy population growth. I shall later mention that particular angle as it works out in Orange County, which is an extremely fascinating study in the national food picture, especially since the "bracero" problem is still unsolved.

This toxicity is much more serious than most people realize, perhaps because, nationwide some of the big real estate interests don't like to talk about it.

About 30 years ago I happened to be going through the San Luis Valley of Colorado, which had an enormous promotional boom 50 years ago. From a citizen of Alamosa I got the meaning of deserted farms and dreary stretches of thistles and other weeds. This man explained that the irrigation from a big reservoir has carried unwanted minerals out on the land and farm production went down, down, down.

Khrushchev and Nasser recently held a big whingding at the formal opening of the Aswan Dam, the biggest thing of its kind in the world. They pictured the wonderful effect it would have on irrigation farming, industry, etc. But 9 years ago two realistic and highly trained conservationists, Dale and Carter, wrote a book called "Topsoil and Civilization" which devoted much of two chapters to the thesis that the Aswan Dam would eventually wreck Egyptian agriculture because of the toxicity of the soil which receives, by way of the reservoir, water drained from the surface of desert land contains the wrong kinds of minerals. The contention by Dale and Carter is that this toxicity will eventually destroy Egyptian agriculture. Siltation of reservoirs is also a factor. Israel is also having toxicity troubles.

I don't know whether this problem applies to Orange County. I have seen or heard no reports that it does. However, in a nationwide sense, this is a factor that must be reckoned with. In a letter to me a short time ago Mr. Dale said that the biggest irrigation district in Oklahoma, near Altus, will have a headache from this comparatively new enemy of agriculture. This is one of many indices.

When, however, water is put into the ground by percolation through hundreds of feet of geologic strata, in most cases it is the operation of a huge filtering apparatus. There are exceptions both ways. In a few cases the water might pick up unwanted minerals on the way down, but in the great majority of cases water is so much improved that it is valuable for irrigation and other customary uses. In exceptional cases it becomes like soft water.

About 20 years ago, with the late Senator Kerr of Oklahoma, I visited a 3,000-acre vegetable ranch near Phoenix, Ariz. and the foreman said that they preferred well water even when they had to go down 700 feet, having abandoned ditchwater coming from reservoirs. He said the purity of the well water made this preferable.

Pollution is also a factor in surface water. The final answer, of course, is that each location has to be studied to see which is best. There can be no general rule because there is so much variation in the geology, mineral content, etc. I don't pretend to know anything about the Orange County terrain—all I could suggest is that geologists, horticulturists, soil chemists, meteorologists, soil physicists, agronomists, conservationists, engineers and other technical experts be used to determine the feasibility of ground storage and the best techniques for such storage.

4. Need for fertile bottomland, which, in some localities, is used for surface reservoirs. The National Council of Engineers advocates underground storage in preference to surface impoundments for this reason. I doubt that this applies to Orange County, but it is mentioned to keep the record whole, if it comes to the attention of localities where this is an issue.

Related to this factor of encroachment upon fertile foodlands, which lie on valley floors is the problem of backwater sedimentation, above big impoundments, which some time in the not too distant future, will be found to be the greatest drawback to big surface reservoirs. Even the Army engineers admit that this is a serious factor, though they are the most aggressive builders of big dams. Again I should say that I doubt that this is a factor in Orange County. I just don't know.

Whether sedimentation of reservoirs or backwater sedimentation on tributaries will eventually affect supplies received from the Colorado River, Owens or Feather River—I don't know.

Now I would like to state one of what I believe to be the cardinal principle of discussions of this kind, which is that common sense as well as scientific technology demands that the best way to prevent the present waste of water, into the ocean, is to put it into the ground, and to do that job on as broad a base as possible. For convenience let's call it "landwide insoak."

Up to the present era we have had too wide a separation between the subject of underground storage and the subject of soil-and-water conservation. As I see it, the two subjects should be inseparable and integrated with flood control. They should be undertaken, as far as possible, as one big job, perfectly integrated. We have to stop encouraging water to flow into the ocean.

First we might begin with the subject of how much water falls from the clouds on the California landscape.

The total mean annual precipitation in California is 192 million acre-feet, according to figures furnished by the State Water Resources Board, which also says that the present annual use for water in California is estimated at 24 million acre-feet.

The shotgun figure, then, is that we get exactly eight times as much water as we use, and let the rest run into the ocean. But that would be taking a running broad jump at conclusions. By the time we subtract such factors as evaporation, evapotranspiration, absorption by plants and animals, the calculation is considerably changed. According to William L. Berry, division engineer of the State Water Resources Board, however, approximately 53 million acre-feet finally reach the ocean. But even so it seems obvious that we could be saving much more out of that copious 53-million-acre-foot margin, which is more than twice as much as what we use.

That such saving is not a theoretical calculation, but a very practical and demonstrable one is attested by a recent statement of Mr. Goldberg of the Water Resources Board. Divested of technical terms he said, in substance, that it used to be considered engineeringly economical to hurry excess water into the ocean rather than put much time and effort in the job of holding water where it falls or as near there as possible. But now, he says, the proposition has been put into reverse gear, so to speak, so that considerable effort is considered justifiable in capturing that putative excess.

I have gerat admiration for H. G. Osburne, country flood control engineer of Orange County, who supplements the recent thinking of the SWRB, even to the extent of recommending landwide insoak wherever practicable, to put into the ground what would otherwise be "excess."

This policy of landwide insoak actually integrates perfectly with the practice of using spreader basins, for it is really an extension of the spreader system.

About 25 years ago I lived at San Gabriel and at the time noted the fact that water experts were employing spreader techniques along the San Gabriel River and in Antelope Valley. I remember writing something about it.

There are other techniques, such as injection wells, which seems to be essential in fighting back salt water intrusion in the coastal edge of the county. About 35 years ago there were experiments on Long Island, N.Y., in which water was successfully poured down into lower strata to recharge the acquifiers below.

The landwide insoak principle appeals particularly to me because it involvs a vast potential of area that could be handled by an amplified version of Public Law 566, which is the main feature of the insoak program in the Plains States east of the Rockies.

As a conservation enthusiast I would like to see a liaison and close collaboration between the Orange County farming and water-consuming community and the National Government working through the Cleveland National Forest and other watershed areas where there is now too much runoff into the ocean. That is a new high in understatement. It might be that special legislation, involving the U.S. Department of Agriculture, through Public Law 566, would be desirable. I firmly believe it would.

Official records of the Orange County Flood Control District show that the average annual precipitation on a tract of 196 square miles in the mountain area ranging from 16 to 25 inches, is 206,000 acre-feet.

Official records also show that city of Santa Ana receives, in average annual supply, 17,162 acre-feet of water from the Colorado River.

In other words, the water received from the clouds in an average year is 12 times as great as what Santa Ana now gets from the Colorado River supply.

The first job would be to make exhaustive geological surveys to determine the infiltration capabilities of the various high lands.

If you are a farmer on the flat level plain in the Santa Ana or other basin, you would still have a stake in such a project, for it would mean a highly desirable ultimate source of irrigation water for the future.

This may be a good place to pause and consider the matter of whether a program of land-wide insoak would deprive existing reservoirs, large or small, of their supply.

This contention was made by hasty and overzealous officials of the Reclamation Department in Oklahoma, who had sponsored the Foss Dam on the Washita River.

At the far upper end of the valley is Sandstone Creek, whose watershed of 65,000 acres was given the land-wide insoak treatment by the Soil Conservation Service. After this had been completed the Reclamation officials protested that it was keeping water from flowing into the Foss reservoir.

L. L. Males, leading spirit in the Sandstone Creek program, former president of the Oklahoma State Bankers Association vigorously defended the Sandstone method, and he secured the service of skilled engineers in the USDA service, and they made a most significant discovery by means of river gages.

They found that exactly the opposite was true. In one long dry spell lasting more than a year, the only water received by Foss Reservoir was from the outflow of Sandstone Creek. Year-by-year measurements revealed that this flow was greater than ever before. One reason was the elimination of evaporation which is a heavy drain on open streams. What is probably even more significant is that there were no longer any flash floods, for the flow from thousands of springs produced by insoak distributed the supply over the year. It used to be that a flash flood would go on over the Foss Dam. That is no longer the case. So the combination brought increase of flow into the Foss Reservoir—not decrease. Steadily flowing clear streams were a most gratifying asset.

The thought that I would like to leave with you today is the desirability of making an absorbent sponge apparatus out of the watershed, in the earth or by means of vegetative material, or both. The use of the word "sponge" is elastic, as it might include small check dams, forestation, contour ridging, terracing, grass, almost any device that stops water where it falls or as near there as possible, and starts it on its way into the underground.

This general practice, which I call the "underground wave of the future," is endorsed by scientists like Dr. Vannevar Bush, leading genius of the Massachusetts Institute of Technology; Dr. Paul B. Sears, former president of the American Society for the Advancement of Science, the special task force of the National Council of Engineers, the National Watersheds Conference, the Soil Conservation Service, and many other organizations and individuals. I know there are persons who advocate sealing the surface for certain limited purposes, but I will not comment on that at this time.

I don't know whether terracing or contour furrowing is practicable in any cultivated part of Orange County; however, that does not make any difference in the overall picture, for managers of soil to be irrigated are automatically interested in any practices that deal with sources of water supply. The amplification of Public Law 566 might well include forestation, checkdam construction, grassing, terracing, and analogous measures—probably not on their own land but on Government or other large holdings in the mountainous areas up the slope.

Eursell Cordell, Conservation Service manager at Lancaster, tells me that there are cases in his district where terracing is practicable on cultivated land, but I take it that this is exceptional.

Taking a long swing through the foothill and mountain areas of Orange County, as I did a few days ago, I have a somewhat frightened feeling. Perhaps you have had the same impression.

Those grim hills at this time of year seem to leer down at mankind and ridicule any effort to utilize any large proportion of the water that comes each year. There were premonitory cumulus clouds in the east, foretelling the coming of another rainy season perhaps. The hills and canyons will soon have their annual showerbath and most of the bathwater will probably go down the drain. The only comfort in the situation is that we may look far into the future into the world of our grandchildren.

Here we might think of the prediction made in the Readers Digest about the need for going into the mountains and deserts for more foodland, and reflect that when that day comes, there will be ample justification for spending money at the job of putting water into the ground. We might also think of the vineyards, orchards, vegetable gardens and other hillside food plantings on rock-terraced land along the Rhine and the banks of Lake Geneva, which I visited a few years ago. Such crops are best for vitamins, anyhow.

The job of civilization is to cause the ideal to become real. The ideal is that of a vast acreage of mountainous terrain clad in verdure and producing richly of food—our greatest material treasure.

Verdure on hillsides and in canyons not only add to our food production. It also helps greatly in the job of causing water to go underground.

As you know, the Ozark range is pretty well covered with verdure. L. W. Hornkohl, forester, at the Missouri Drouth Conference 11 years ago, reported that when proper management was used, forest land soaked in water at the rate of 2 inches a minute. Of course, this was exceptional but even an exceptional case dramatizes a worthwhile message. Something nearer to the probabilities is the experience at Seabrook, N.J., where Johns Hopkins University was conducting some experiments which required getting rid of a lot of water. Various methods were used; finally forestation. Which caused the absorption up to 50 inches in 10 hours and a total of 100 feet in a year, in spots.

In various items of research along the line of insoak, a device called an infiltrometer is used, indicating the speed of absorption.

I thought about the infiltrometer a year ago when driving the Government road up Silverado Canyon. In places the cut for the highway construction removed 25 or 30 feet of soil, so, at the roadside, there was a profile in which tree roots went down from the surface to a depth of 25 to 30 feet.

This item, I thought, was pretty good circumstantial evidence that the soil on that hillside is porous and absorbent enough so that it sends water down to feed the rootlets all the way down. Probably not as absorbent as that Ozark forest, but—well, each man can figure it out his own way.

Experts in such matters tell us that a given quantity of soil can absorb practically its own volume in water, so we can prepare our minds for some truly staggering figures as to the underground water capacity of the United States—about equal to eight times the mean annual precipitation.

We now have spreader projects on comparatively level land, but the hydraulic engineers of the year 2000 probably will have spreader devices near the mountain tops, choosing sites by reason of exceptional absorptive capacity, recognizing that there is vast variation. Some soil absorbs rapidly while other soils are slow in operation.

The absorptive capacity of the underground on a large scale is dramatized by figures furnished by the State water resources board.

It finds that there is an area in the San Joaquin Valley which has a capacity of 240 million acre-feet, which is 10 times the total annual consumption of the whole State. The State of Nebraska has a billion and a half acre-feet of storage space below.

Another item of circumstantial evidence is the fact that there are so many wells with output for public and private interests (3 million square miles).

Still another way of checking up on the probabilities for managing underground water is found on page 30 of a brochure of "Federal Council For Science and Technology," issued in June 1962, the title is "Scientific Hydrology."

The statistics should put at rest any apprehension that ground water in California or any other State is a scarce item.

The total land area of the United States is 3,600,000 square miles of which 3 million have deep underground water; 3 million have shallow ground water and 3 million have soil moisture. And, suspended temporarily over the area is gaseous water of the atmosphere, we find a figure of 3 million square miles.

This leaves the question of how much water is involved in the 12 million square miles still unanswered, but again circumstantial evidence strongly indicates an amazing overall condition and water-potential.

This subject was featured in a conference conducted by the Frontier of Science organization about 6 years ago, principal speakers being Dr. Vannevar Bush, presiding genius of the Massachusetts Institute of Technology, and the governor of the national organization called Resources for the Future.

I had the pleasure of interviewing these gentlemen and found that technologists are making marked progress in tracing the course of ground water, devising means of recharging the aquifers, etc. In one type of research tritium was used as a detecting agency. Unfortunately I left most of my conservation library and letters in the Middle West, not anticipating use of the material, but from all the evidence I do have the definite impression that recharging of aquifers is in the first order of business and that some old notions about long water travel are not borne out. I remember that two localities in Kansas—the Equus Beds of Harvey County and the deep-well irrigation area of Finney County—demonstrate local origins, so we are greatly encouraged to concentrate on recharging ground water receptacles on a limited—perhaps countywide—basis, bearing in mind that you will find enormous potential capacity almost anywhere you go.

Putting these elements together we are bound to come to the conclusion that making a vast absorbent sponge of our watersheds, by forestation, small check dams, contour ridging, grassing and related practices is not visionary or impractical. We may not be able to save all of the 53 million acre-feet now admittedly escaping into the ocean, but we ought to be able to save enough to make California self-reliant and self-supporting.

Recently we have heard or read proposals about bringing water from the Columbia River or even from Canada, to quench the thirst of the Southland. Those who make such proposals seem to have ignored the extreme waste of evaporation, to say nothing of the gigantic expense of digging canals, building aqueducts, etc.

Here is whether mother nature has thrown a curve into this Gargantuan cult of dambuilding.

Millions of years ago she constructed a spreader device in the valley of the Big and Little Lost Rivers of Idaho.

Geologists generally believe that the terrific flow of water from Thousand Springs, near Twin Falls, Idaho, originated in these and neighboring local valleys.

The U.S. Geological Survey said in a letter I received in June 1962, that the total discharge of the springs averaged 5,085 second feet in 1918. These springs yield enough water to supply all the cities in the United States of more than 100,000 inhabitants with 120 gallons a day for each inhabitant.

We are now using more than that water, per capita, moreover the cities have increased in population, but this set of figures indicates that these natural insoak or spreader basins produce more water than is consumed by Los Angeles, after allowing plenty of margin for altered conditions, etc.

The important angle is that underground storage is already taking place on a grand scale. So if southern California does secure water from the Columbia River by way of Snake River, it can give much credit to the insoak operation, which presumably can occur in this area as well as that northern one. Nature started the wave of the future, underground, millions of years ago. The staggering performance of Thousand Springs, adds much emphasis to the facts and figures on underground supplies.

Mother Nature never builds big surface dams for storage purposes, but she does have a terrifically huge apparatus for storing water underground. She also furnishes us with a precedent for small checkdams. Many million years ago she told beavers that they were intended to be engineers and they perfected the technique of building dams in sloping canyons.

The mammoth Philmont Boy Scout ranch near Cimarron, N. Mex., showed some characteristics the general manager didn't like. Mountain freshets were causing a lot of erosion. The general manager was well informed and learned that the trappers of about 125 years ago had exterminated the beavers. So he had a number of them imported and they soon remedied the folly caused by man.

The work of beavers through the millennia has created huge tracts, first forming swamps, then gradually being the recipient of much organic material. I have fished for trout in such a transmional swamp near Grand Lake, Colo., the water finally becoming a part of the supply which is brought all the way to Orange County. If I had my way about it I would put thousands if not millions of small checkdams in the upper reaches of creeks like Trabuco, Holy Jim, Santiago, Harding, etc.

An enterprising fishing club became active some years ago, promoting such improvements, and its leading spirits declare that they can readily see good results. However, one swallow doesn't make a summer, and half a dozen small checkdams can't be expected to make much of a dent in the annual excess overflow. Multiply the present arrangement by 100 and we will see a genuine implementation and demonstration of the insoak principle.

As I said before, such a campaign may best have several phases, not only by use of check dams but by heavier forestation and regrassing programs. I wouldn't be surprised to see locations where a certain amount of contour ridging and terracing would be feasible, and I keep coming back to those rock terraces on the contour which I saw along the Rhine and elsewhere in Europe, in 1957.

I think you will agree that I have tried to make my points in the form of questions rather than in dogmatic assertions, since there are so many things about this business that I don't know. For instance, I know that fire-resistant trees, shrubs, and vegetation is of the utmost importance, and so I ask the question: Why don't we call in the technical horticulturists and agronomists? By the same token, why don't we call upon soil physicists, soil chemists, meteorologists, geologists, economists, hydrologists, mining engineers, mechanical engineers, and other technologists? I don't believe in making any dogmatic assertions that such and such a program should be followed but let's find out. There are so many startling facts and figures bearing on this problem that we already have enough fat to chew on for many years. And I think that the most unassailable fact is that we are now admittedly hurrying water into the ocean that ought, by all means, to be kept in the land and the higher up, the greater the "head."

Your very able county flood control engineer, H. G. Osborne, has given me a copy of his recently published report on the flood control program.

I haven't had the opportunity to give thorough study to this impressive brochure, but believe I have read enough to feel sure that there is no conflict between what he describes and what I have humbly and inadequately tried to describe in this paper.

On page 114 he makes favorable mention of Public Law 566 which is the core of a conception of upland water management supported by a large and enthusiastic army of soil and water conservationists.

As I see the overall proposition, Public Law 566 begins, both literally and figuratively, about where the other job leaves off, so I borrow the word "conjunctive" from Mr. Goldberg where he says that putting water underground is conjunctive to big surface reservoir techniques.

Mr. Osborne's admirable work with a multitude of dams, channels, concrete structures, spreaders, etc., speaks for itself.

For about 2 years I have been in touch with Congressmen who believe the time is ripe for amplification of Public Law 566, so that it is not confined to cultivated farmland or to low gradient alluvial watersheds, but is greatly expanded, to include mountain and foothill terrain involving forestation, vegetative growths, fire resistant to the greatest degree possible, multitudes of small check dams, etc.

This nationwide extension of the insoak function might be called the "Hugh H. Bennett memorial project" in honor of the man who is called the "father of the soil conservation movement." It would cost billions of dollars. Because it involves much manual labor it would give employment to millions now idle, for instance at "Povertyville," Appalachia, which happens to be one of the worst breeding grounds for floods. Such floods can be prevented by thorough watershed treatment. That the money would be an investment and not an expense in fact, is attested by the Oklahoma State Bankers Association, which has conducted research showing that the application of Public Law 566 brings an immediate increase of from 40 to 100 percent in food crop production.

George H. C. Green, senior vice president of the Liberty National Bank of Oklahoma City, said in a letter recently: "Using funds that way is smart money. There is no reason why Public Law 566 shouldn't be expanded and extended to include mountainous areas as well as cultivated fields."

When a hardheaded banker of his stature endorses such a project as a matter of national policy it's pretty sure that it isn't socialistic nor is it a waste of the taxpayers money.

This program has been submitted to President Johnson and other key men. Whether they do anything about it depends upon what the public says.

In the case of Orange County the amplification of Public Law 566 would mean using the prescribed methods on the Santa Ana Mountain watersheds, the objective being as stated before.

In California you might say there are five types of land: (1) The higher mountains. (2) The large ranch-type tracts. (3) Farms of various kinds. (4) The real estate developer stage in which a transition from country to city is anticipated. (5) The urban territory after development, with homes, industries, commercial projects, parks, schools, etc.

Throughout this complex we foresee constant and growing need for water, and now we are on the threshold of an era in which we may have to develop new sources, such as desalinization, renovation of sewage, etc. Possibly we are overlooking the biggest possibility of all—the very simple matter of utilizing what falls right in our own backyards.

I think we have already proved that trying to store all the precipitation in surface reservoirs can't get the job done. And, at the same time, we are learning that potentials for underground storage are far greater than ever supposed. In fact that potential is so great that it would take care of all precipitation several times over, the main problem being how to get the excess water started into the lower strata. This will take a lot of research. Amplification of Public Law 566 would very likely reveal the answers. Thus far we have only scratched the surface. But luckily, in the great outdoor laboratory of the Soil Conservation Service there are so many case histories, touching every conceivable type of porous or reasonably absorbent soil that the modus operandi is now pretty thoroughly established.

Under the former concept of excess water being a liability to be gotten rid of by hurrying it into the ocean, water, which is plain old H_2O wherever you find it, can be changed from a nuisance into a blessing, even to the extent that we may contradict the saying that it is excess, and think of it as an asset which hasn't been well evaluated.

How this feat has been accomplished is demonstrated by the Sandstone Creek project of western Oklahoma, already mentioned.

Before the era of the Conservation Service there was a flood on the upper Washita River in which 17 persons were drowned and there was several million dollars' property loss.

Then came the Sandstone Creek watershed program; this creek furnished most of the former terrible damage.

Since the project was finished the valley watershed was visited by what is called a 100-year flood, but no appreciable damage occurred because the water was stopped where it fell or as near that as possible, under a special act which was later molded into Public Law 566.

This is an insoak program. It causes water to go into the ground in vast volume. Old springs were revived and new ones created, and now Sandstone Creek flows clear, cold, and steadily all year round. Under the old regime there were sudden flash floods of muddy water, then long dry spells. Irrigation farming has come into its own. L. L. Males, leading spirit of this project, was declared to be the national "Watershed Man of the Year" at the National Watershed Conference at Tucson, Ariz., in 1961. Incidentally the holding of this meeting in our neighboring State is a good indication of the fact that this sort of thing is a national problem, not a local one. It isn't peculiar to Oklahoma or any other Middle Western State.

Perhaps some of you have seen the Technicolor sound picture on the subject of Sandstone Creek, produced by the Caterpillar Tractor Co.

The narrator was Walter Cronkite. I don't agree with everything Cronkite says, but he made one statement that was especially arresting. He said "How will this system work elsewhere? If it will work in the Sandstone Creek project it will work anywhere." Almost the same words were uttered by an Iowa newspaperman a few years ago.

Now please don't think I am going to put my neck out like a giraffe and make wild and irresponsible predictions about how a vigorous application of Public Law 566 would work in California, especially in the higher mountains, where it is most needed and where the heaviest precipitation occurs.

But in behalf of the eternal verities I think we owe it to ourselves and our posterity (I have five California grandsons in one family alone) to get all information possible, laying stress on geologic factors, the most effective use of forestation, the use of fire-resistant trees and brush, small checkdams, and so on.

The existing agencies like the Orange County Flood Control Department, the State Water Resources Board and other officials have done splendid work. Now if the rest of us will cooperate and do everything possible toward taking the next big step in water resource management, we'll be on our way. I think that next big step is seeing that the wave of the future goes underground. The more we can quarrel about it and ask questions, the better. But I can't help thinking of that 53 million extra acre-feet lost from the State each year, and the 206,000 acre-feet in a comparatively small tract near here.

A week ago today the Los Angeles Times carried a story that the Orange Coast Junior College at Costa Mesa would have to find $700,000 in extra money because they anticipate mud and other wet-season elements to do that much damage over and above ordinary needs. If that $700,000 were spent on conservation techniques it would be smart money, because it would attack the cause rather than the effect of excess water.

The Hollywood colony will tell the same story, for instance at Topanga Canyon. Floods will come again, as they did 2 years ago, carrying mud onto costly carpets and other property. How much better it would be to deal with the evil in a preventative way. Such a way has been tried and it has been successful.

It would involve fire protection, too. Fire-resistant trees, shrubs, and other vegetative growth could be sought out. The water would be sent down into the ground instead of letting it flow down the canyons, as has already been done on European terrain. It would form a reservoir with which to fight fire. I am told that research is already underway at San Dimas and elsewhere, to provide answers. The more research, the better. I have sketched the proposition only briefly in my scattered remarks. There is a staggering amount of case history to tell the story. The last time I checked up, several years ago, there were already 10 million acres programed under the law. It would take a book—several books—to tell the story. I would estimate that at least a billion dollars worth of land is involved in the operation. The exact "how to" in mountain areas will have to be worked out, perhaps with hints from those European rock terraces combined with vineyards, orchards, vegetable gardens, etc. I have implicit confidence in the proposition that it is sure to succeed.

In 1943 I had the privilege of touring the flooded part of the Arkansas River, after the May inundation that killed 17 persons and destroyed $127 million worth of property, with the late Dr. Hugh H. Bennett. All day long he pointed out where this or that practice would have prevented the damage and in the evening his final remark was, "All this was so unnecessary." I wrote an article for an August issue of the Saturday Evening Post, called "Floods Are Unnecessary," describing that momentous trip. That was more than 20 years ago, and everything in those years has proved the correctness and soundness of Dr. Bennett's diagnosis.

This technique, with modifications to suit terrain, will prevent floods, save the soil, and furnish vast water supplies. So I will close by referring again to Sandstone Creek. Here, according to Mr. Males, its leading spirit, the job has been done with amazing success. The creek used to be what Arizona people call a "wash" in dry weather—that is, a dry ghost of a streambed varied only by mean floods in wet weather. As a water supply it was worth very little if anything. Now, even in dry years, when there is a remarkable holdover due to the retarding effect of the ground water operation, Mr. Males says the flow of clear, cool water is large enough to meet the needs of a city of 25,000 population, including industrial and farm use, domestic needs, etc.

So it can be said that for some parts of the country the future is already here.

WOOL IMPORTS—ANOTHER MILL CLOSING AS A MONUMENT TO THE BROKEN PROMISES OF THIS ADMINISTRATION

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, yesterday, in discussing the threat of wool imports to thousands of jobs in my district, I asked the question: "How many more mills will have to be closed before the Government takes notice?" Now, I am informed that the J. P. Stevens & Co., Inc., have had to close their Worumbo plant in Lisbon Falls, Maine. In view of the fact that the Farnsworth Mill in Lisbon Falls, Maine, closed there just a few weeks ago, the ghastly and tragic impact on that town almost defies imagination.

I hope that the people of Maine will be made aware of the fact that their plight has been caused by the failure of this administration to keep its repeated promises of more than 3 years' standing that it would act to restrict the import of wool manufacturers.

The fact of the matter is, Mr. Speaker, that this administration on the record does not care for the American worker unless he is represented by a gigantic union or a sectional or business combine that fits into the big government, big union, big bloc thinking of this big Government administration. The small businessman, the small business, the small community, the workingman, is ignored. Factory closings such as this mean nothing to this ruthless administration. They deceive the people by dreaming up programs to help so-called depressed areas, but they are creating depressed areas faster than they are curing them.

Mr. Speaker, I intend to make it my business to inform every single worker in the wool manufacturing industry in my district of this administration's shocking disregard of promises which have been broken, with the result that imports of wool manufactured articles are increasing and the wool manufacturing industry faces extinction.

The tragic thing about all this is that the real issue is whether or not people can believe their own Government. That the promise was made has never been denied. The promise to the wool manufacturing industry was not kept. As a result, in the last 2 years, more than 30 mills have closed at a cost of more than 6,000 jobs.

OPTOMETRY STUDENTS NEED LOANS

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and incldue extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, action on H.R. 8546, which was scheduled for today, has, unfortunately, been postponed until next week. Because of the vital importance of this legislation—which is identical to H.R. 8665 which I was privileged to introduce—I am taking this opportunity to inform my colleagues of some of the reasons why this legislation is needed. One must first understand the importance of optometry to the visual welfare of our Nation.

If you are a typical American adult, the chances are one in three that you will have your eyes examined within the next year. The 17,000 optometrists now available to us perform 3 out of every 4 of these examinations.

Of the total American population 62.9 percent had an eye examination within the last 2 years according to the Better Vision Institute.

Vision is only one of your five senses, but you rely on it more than all of the others put together. It can deteriorate without notice, without pain, and at any time.

A pair of glasses is as incidental to good vision care as a filling for a tooth is to good dental care. It is professional service that counts most.

According to the American Optometric Association, a visual examination takes at least 45 minutes. Anything less may mean that important tests have been omitted.

Common symptoms such as headaches, smarting of the eyes, nausea, and fatigue after close work may be caused by a vision problem that is easily corrected by proper professional care.

Glasses cannot be "fitted" like a pair of shoes or a suit. No two persons are alike, and no two eyes are alike. Variations in prescriptions run into the hundreds of thousands, and only a thorough examination can reveal what prescription is best for you.

OPTOMETRY IS A PROFESSION

Examination and regulation of those who perform vision service is in the public interest. The profession of optometry is the only profession specifically licensed in all 50 States, the District of Columbia, and outlying territories as the profession of visual care.

The optometrist is professionally educated for his specialty. Not less than 5 and sometimes 6 years of specialized college education is required. He gets 3 to 4 years of professional training from 1 of the 10 schools of optometry, whose accreditation is accepted by the U.S. Office of Education. In addition to requiring the graduate optometrist to pass a State board examination to prove his skill and competence, each State and the District of Columbia demand that he renew his license annually to qualify as a vision specialist.

OPHTHALMOLOGIST DISTINGUISHED

About 1 vision patient out of 14 needs to be referred to a specialist for treatment of an ocular disease. The optometrist, who is trained to make a thorough examination for ocular pathology such as cataracts or glaucoma, usually refers these patients to an ophthalmologist. There are some 6,000 ophthalmologists practicing in the United States. They have medical degrees and specialize in the surgical or medical treatment of diseases of the eye. Some ophthalmologists will do the work of an optometrist, for which they are trained in outpatient clinics while serving an internship or residency in a hospital.

A few States require that an optician, who works for an optometrist or ophthalmologist by filling his prescription, also be licensed. The optician obtains from experience the practical knowledge he must have to grind lenses and adapt and fit frames.

Optometry is, therefore, the recognized profession in vision care, treating 80 million Americans; the majority of all visions patients. Individually and collectively, professional optometrists advance the science of vision care. They engage in and contribute to the support of research. They are in the forefront of campaigns for modern schools, well-lighted factories—better visual environments. They lead in highway safety programs. They are active in civic affairs for the betterment of their communities.

HEW DISCRIMINATION

Because there is some overlap in the functions of the ophthalmologist—who is a medical doctor—the doctor of optometry, and the optician, there are occasional interprofessional squabbles. The U.S. Department of Health, Education, and Welfare does not employ a single optometrist but does employ medical doctors by the hundreds. Consequently, you will find that in most instances HEW tends to take the side of the medical doctor as opposed to that of the optometrist. It is my belief that they have done so in the instance of this bill.

Each of the professions should stick to those skills for which they are best trained; the ophthalmologist treating diseases and doing surgery of the eye, the optometrist treating the refractive errors causing vision difficulties, and the optician manufacturing and dispensing the lenses. For the public's welfare they should work together, and the Department of Health, Education and Welfare should assist in this effort rather than take sides as it appears they are doing.

The National Institutes of Health support the training of ophthalmologists, who are the medical eye specialists. At the University of California (Berkeley) Medical School, for example, there are approximately 21 residents in ophthalmology. Of these, only six are not supported by grants in aid from NIH. A large number of ophthalmologists receive their training in vision care while serving a tour of medical duty as commissioned officers of the Armed Forces.

Because it is medically oriented, HEW tends to support the training of M.D.'s to do the job of the optometrist while apparently refusing to study whether there is a shortage in optometric manpower.

OPTOMETRY AT CROSSROADS

The facts presented in the testimony before the House Interstate and Foreign Commerce Committee are irrefutable. Optometric education is at a crossroads today. If the optometry colleges are to supply the graduates who will be needed in the next decade and relieve the severe manpower shortages now present in this vital health care profession, there must be substantial new additions in numbers of students and physical facilities of the schools.

Eighty million Americans now need the services of optometrists. Because the optometrist performs more than 70 percent of the refracting work in this country, 75 percent of the work in contact lenses, and 80 percent of the work in orthoptics and vision training—and thus sees three-fourths of all patients seeking vision care—the optometric profession is our country's first line of defense against blindness and many other abnormal and pathological problems. While medical practitioners also frequently provide such services, the number of medical doctors trained and practicing in the specialty is far less than the number of optometrists.

NATIONAL DEFENSE EDUCATION ACT NOT ADEQUATE

The Department of Health, Education, and Welfare has reported that the national defense student loan program is adequate to meet the requirements for education of optometry students. It is only as adequate for the optometric student as it is for the medical, dental, and osteopathic student who will now be under the Health Professions Educational Assistance Act. The period of professional training leading to a degree is comparable between each of these professions.

The Health Professions Educational Assistance Act provides loans only for the 3 to 4 years of professional training each of these professions require. It does not provide loans for their undergraduate years or years of graduate training following receipt of a professional degree. Loans for the undergraduate years continue to be available under the National Defense Education Act. For training following a degree they are available by grants from NIH, the National Science Foundation, and other Federal agencies.

The National Defense Educational Assistance Act is designed primarily for disciplines who will begin earning a salary almost immediately upon graduation. The Health Professions Act is designed for disciplines whose members must develop private offices and patients over a period of time.

Until amended, the maximum available under the National Defense Educational Assistance Act is $5,000, with not more than $1,000 a year. Under the Health Professions Educational Assistance Act it is $8,000 in 4 years, but not more than $2,000 each year.

In regard to the repayment period, payments must begin 1 year after graduation under the National Defense Education Act. Under the Health Professions Act payments do not begin until 3 years after graduation.

Preference under the National Defense Education Act is for students of science, mathematics, history, geography, and foreign languages. Forgiveness of loans is provided graduates who go into public school teaching.

Preference under the bill we are now considering is given to the health professions and other amendments now pending will give forgiveness not only for teaching in schools of the health professions, but also for practice in shortage areas and for certain other categories of work such as the Peace Corps and military service.

OPTOMETRY STUDENTS NEED HELP

According to HEW, the costs of a medical or dental education exceed those of an optometric education by a substantial amount. This is not true of schools which train all three types of students. Costs for the optometric student are roughly comparable to those of the medical and dental students in those schools that all attend. There are high-priced medical schools where there are no dental and optometric schools, and at which the costs are excessively high, but only because of the luxury quality of those schools. If they also had optometric schools the costs would be comparable.

OPTOMETRY COMPARABLE TO MEDICAL

The true facts are that years of professional training leading to a degree are comparable, costs are comparable, and educational facility problems are comparable between optometry, dentistry, medicine, and osteopathy.

What is not comparable are the opportunities after receiving a degree. Any graduate of a medical or dental school can enter service immediately after receiving his degree and receive a captain's commission and pay plus an incentive bonus of a minimum of $100 monthly. While receiving these financial supports he can take his internship or residency training at Federal expense. He can accumulate savings while in service for capital needed in building his practice after return to civilian life.

An optometrist, on the other hand, can obtain only a rank as second lieutenant with no special pay privileges and no specialty training opportunities. He is usually as broke when he goes back to civilian life as when he left school.

From the viewpoint of the preoptometric student attending the same courses as premedical and predental students, he is discriminated against in comparison with them when he takes up professional training. They have a special educational assistance law developed for their needs. He must continue to compete with the diversity of liberal arts and science students. At this time he may give up his career choice to follow his fellow students into dentistry or medicine. This is unfair competition fostered by Federal intervention.

SHORTAGE OF OPTOMETRISTS

The shortage in optometric manpower is as proportionately great, if not greater, than that of medicine, dentistry, and osteopathy.

Our Nation of 200 million people needs a minimum of 30,000 optometrists to care for its vision needs. This is a conservative figure. To reach it we will have to graduate a thousand new optometrists a year. We are now graduating half that number.

More optometrists are needed by our Armed Forces, where to shoot straight we must be able to see the target. There are at present over 400 optometrists serving in the Army, Navy, and Air Force, and taking care of 85 percent of their vision requirements. Every optometrist taken by the military is a drain on our civilian resources.

All of the money, and it is estimated to be less than $1 million, needed for H.R. 8546 will be repaid with interest.

When such an issue as the visual welfare of our Nation is at stake, I hope my colleagues will not be led astray by a dispute between committees or professions. I earnestly solicit their support of this much needed legislation.

RESIDUAL OIL QUOTAS—UNFAIR TO NEW HAMPSHIRE CONSUMERS

Mr. BELL. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, on September 16, I discussed in the CONGRESSIONAL RECORD—page 22206—the cost of residual oil quotas to the State of New Hampshire and to New Hampshire consumers. I included in the RECORD at that time editorials from the Littleton Courier, published weekly in Littleton, N.H.

Because residual oil quotas are costing the State of New Hampshire an estimated $40,000 a year and costing New Hampshire consumers more than $1 million a year, I shall continue my opposition to residual oil quotas as there is no logical justification for them. More than a year and a half ago, it was found as a fact that residual oil quotas were not necessary in the interests of national security which is the only legal basis for their existence in the first place.

In light of this finding one cannot help but wonder if the administration has become mesmerized by the extravagant claims of the spokesmen for the coal industry that residual oil imports displace the market for 56 million tons of American-produced coal and have cost the jobs of thousands of coal miners.

If so, I would like to bring to the attention of the President, who could end this discriminatory program immediately by a stroke of his pen, the true facts relative to the extent of competition between oil and coal by quoting in part from a statement presented by the New England Council to the Democratic Party's platform committee:

> Why would further curbs on heavy fuel oil imports not contribute to improved economic conditions along the Appalachian chain? First, because the heavy unemployment in the coalfields had its origin in factors other than the very narrow and special competition between coal and heavy fuel oil for the utilities market. Second, because in that narrow market the coal industry has been more than holding its own.
>
> REASON FOR COALFIELD UNEMPLOYMENT
>
> The following factors, none of them having anything to do with heavy fuel oil, have brought about the sharp curtailment in coal mine employment of recent decades:
>
> First. Dieselization of the railroads: When the Nation's railroads adopted the diesel-electric locomotive in place of the steam locomotive, the coal industry lost a market for 95 million tons of coal a year.
>
> Second. The shift in home heating from coal to natural gas and light fuel oils: American homeowners found that they could heat their homes with automatically controlled gas and distillate fuel oils, all produced in the United States. Furthermore, there are no ashes to take out, and no coal bin in what has become the recreation room. Coal's retail deliveries dropped 73 million tons in 15 years.
>
> Third. More efficient use of coal: Coal users developed more efficient ways of extracting the energy from coal. Electric utilities in the postwar period reduced

the amount of coal needed to generate a kilowatt-hour of energy from 1.3 pounds to 0.86 pound. Steel companies found they were able to reduce their coal use from 2,740 pounds per ton of steel to 2,007 pounds. These two factors reduced the market for coal by 131 million tons. A potential 45,000 coal mining jobs were eliminated in the process.

Fourth. More efficient production of coal: The coal industry, with the far-sighted cooperation of the United Mine Workers, has offered the Nation a model of increased productivity through the transition from hand labor to automated machine production. This enabled the coal industry to remain competitive with other fuels for many uses, to contribute substantially to the efficiency of the U.S. industrial economy, and to pay its employees the highest hourly wage rates in the United States. These were the beneficial results.

Unfortunately, the industry's increased production efficiency eliminated thousands of coal mine jobs. Data published by the National Coal Association show that coal mine employment dropped from 421,788 in 1939 to 143,822 in 1962. In the period from 1957 to 1963, when bituminous coal production remained relatively stable, coal mine employment declined from 228,000 to less than 150,000. Many of those jobs were lost to coal mining machinery.

The coal and mining machinery manufacturers have developed shovels which lift 115 cubic yards of material at a scoop. A shovel with a 200-yard capacity is now under development. A new auger device drills up to 1,000 feet into exposed coal seams, removing a 5-foot-diameter core of coal. In the underground mines the industry has largely shifted to continuous mining machines, which entirely eliminate drilling, blasting, and loading operations.

INCREASED EFFICIENCY

Thus, according to the Bureau of Mines, the average underground coal miner, who produced only 6.4 tons of coal per day in 1952, was able to turn out 12 tons in 1962. The average strip miner increased his productivity from 16.8 tons a day in 1952 to 26.8 tons in 1962. The average auger miner raised his daily output from 20 tons to 34.6 over the same period.

The Interior Department recently published figures showing that from 1961 to 1963, when coal output increased from 403 million tons to 452 million tons, a gain of more than 12 percent, coal employment actually declined from 150,000 jobs to about 143,000 jobs.

To quote Secretary of the Interior Stewart Udall, who has shown himself to be a strong and faithful friend of the coal miner:

> COAL PRODUCTION HAS INCREASED
>
> Bituminous coal production in the United States has increased more than 12 percent since the Kennedy-Johnson administration took office, but the automation encouraged by both labor and management in the coal industry has so increased production per man-day that coal mine employment actually decreased 4 percent during the same 3-year period.

What does the future hold for the coal industry and its workers? The best available estimates all forecast a sharp expansion in coal production, further gains in productivity—and further layoffs in the coalfields.

As the annual production of coal has climbed back from its postwar low, the annual reports of coal companies have painted rosy vistas of the future. Expanded output, reduced costs, and higher earnings have been reported, and forecast for the future.

At the National Coal Association's annual convention this June in New York City, financial experts from the investment houses of Kidder, Peabody & Co., Hayden, Stone & Co., Hornblower & Weeks, and Dominick & Dominick offered sanguine appraisals of coal's future earnings capacity.

Resources for the Future, in its latest projection of resources requirements in the American economy, forecasts coal production, including anthracite, at 516 million tons by 1970, 630 million tons by 1980, and 718 million tons by year 2000. The June 1, 1964, issue of the United Mine Workers Journal, quoted the Department of Economics of the McGraw-Hill Publishing Co. as estimating 1975 production from 695 to 890 million tons.

While this sharp expansion in coal production can be expected to result in higher pay and improved working conditions for miners, the experts unfortunately do not foresee accompanying increases in coal mine employment. Productivity in the industry is expected to increase at a rapid pace. The industry's trade journal, Coal Age, predicted in 1961 that productivity would increase at a 52-percent rate in the 1960–70 decade. The actual rate of productivity since then has been 75 percent.

Even if we assume that productivity advances by no more than the rate forecast by Coal Age, the coal industry would be able to meet all new demands for its products, and still lay off additional miners between now and 1970.

Even if one assumes that coal would capture all of the business in competition with domestic oil and gas, it becomes readily apparent that even a total embargo on imported heavy fuel oil would contribute little to solving the very difficult employment problems of the eastern mountain regions.

But when one also considers how little impact heavy fuel oil imports actually have on coal consumption, then the only rational conclusion one can reach is that restrictions on fuel oil imports offer no solutions to the coal industry's unemployment problem.

We must bear in mind that heavy fuel oil is a gummy, sticky substance, tar-like in consistency, which must be heated before it will flow, can be moved efficiently only by water and over very short distances by heated truck, and therefore is competitive with domestic fuels only in a very narrow coastline area along the eastern seaboard. For these same reasons, the fuel is used only in very large commercial and industrial heating plants which have special facilities for handling it. It is never used in home heating or modest-sized heating plants. Moreover, many industrial concerns cannot use it because of special process fuel requirements. The product is competitive with coal basically only under steam boilers of the electric utility plants.

COAL STILL COMPETITIVE

An examination of the facts very quickly discloses that in this market, coal has been doing very well in competition with heavy fuel oil. Federal Power Commission data disclose that in the area along the eastern seaboard, coal's sales to electrical utilities have doubled, from 40.1 million tons in 1950 to 80.4 million tons in 1963. Sales of oil over the same period increased slightly, from 13.9 million tons of coal equivalent to 16.4 million tons of coal equivalent. Think of it. In a period when coal sales to electric utilities rose by 40 million tons, sales of heavy fuel oil—imported and domestic—rose by 2.5 million tons of coal equivalent. This is the actual measure of the market which is used to deny consumers their free choice of fuels up and down the east coast.

In other words, if no increase in consumption of heavy fuel oil had been permitted along the eastern seaboard during that period, the additional market for coal would have amounted to no more than 2.5 million tons a year.

The hard indisputable facts are that:

First. Coal production has been increasing substantially in recent years, and has increased its share of the total energy market on the east coast.

Second. Coal mine unemployment simultaneously continued to decline.

Third. Heavy fuel oil's share of the total energy market on the east coast declined substantially.

To quote Secretary Udall again:

> It has become obvious that increased production of coal in Appalachia is not the whole solution to that region's unemployment nor is the (heavy fuel oil) import program causing additional loss of miners' jobs. Increased diversity of economic development in that region is the key factor.

In face of these facts, it is hard to understand why President Johnson continues to turn his back on New England and Florida and other east coast areas and as a matter of political expediency to curry the favor of the coal barons.

LEGISLATIVE PROGRAM

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, I have asked for this time in order to ascertain, if I can, the program for the remainder of this week, and the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. JONES of Missouri. I yield to the gentleman from Oklahoma.

Mr. ALBERT. I assume that the gentleman wishes to address his question to me.

Mr. JONES of Missouri. I address the question to the gentleman from Oklahoma, if he can give me that information.

Mr. ALBERT. Mr. Speaker, there is no more legislative business for this week. We hope to have the program for next week ready to be announced tomorrow. We plan to announce the program tomorrow. That is about the extent of what I can say to the gentleman at this time.

Mr. JONES of Missouri. Am I to understand that the gentleman is not prepared to tell us about the program for next week?

Mr. ALBERT. Not at this time.

Mr. BELL. Mr. Speaker, if the gentleman will yield, is there any program for tomorrow?

Mr. ALBERT. No. The House will meet tomorrow, but there will be no legislative business.

Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Florida.

Mr. CRAMER. Could the gentleman indicate what day next week we will be in session?

Mr. ALBERT. We will be in session Monday, Tuesday, Wednesday, and Thursday, at least, of next week.

Mr. CRAMER. Will there be any legislative business on Monday or Tuesday?

Mr. ALBERT. I do not anticipate any legislative business for Monday, but I do not want to foreclose myself from making an announcement tomorrow. I will try to advise the House on Monday if there will be any business on Tuesday.

Mr. CRAMER. I thank the gentleman.

Mr. ALBERT. The gentleman must understand that important conference reports might be called at any time.

Mr. CRAMER. I fully understand that, I say to the gentleman.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Mississippi.

Mr. COLMER. Do I correctly understand from the gentleman's statement—I am not sure about this—that there will be no business the latter part of the week, on Thursday and Friday?

Mr. ALBERT. No; I said that we would certainly be in session from Monday through Thursday inclusive next week. That is what I intended to say, and I believe that is what I said.

Mr. COLMER. While we are having this little conversation or colloquy, quite a few Members are anxious to get away. Some have opponents at home who are campaigning, and so forth. Has the leadership given any consideration to the possibility of saying that the House will recess until perhaps the week after next, so that the Members—particularly those from farflung corners of the country—might have some assurance that they could go home and not be called back on sudden notice?

Mr. ALBERT. May I say first of all that we will always endeavor to give Members ample notice. We try to accommodate the maximum number of the membership in connection with the program. We do have important matters in conference. Conference committees have been meeting today and a conference committee will be meeting tomorrow. We disposed of an important conference report today. Certainly, with matters as important as the Social Security Act and the National Defense Education Act pending in conference the leadership is not prepared to make any statement as to any possible recess or delay in the schedule. That is the best I can say to the gentleman.

Mr. COLMER. I thank the gentleman. If you will bear with me for just a moment further, there is a resolution reported out of the Committee on Rules known as the Patman resolution which would provide for a constitutional amendment on the court apportionment matter that now has the other body tied up. Can the gentleman give us any idea about when that will be scheduled?

Mr. ALBERT. The gentleman is unable to advise the gentleman from Mississippi.

Mr. COLMER. Let me, if I may continue further, say to the distinguished leader that he realizes that this is a privileged report and it so happens that I have that report. I reported that resolution from the committee and, it being privileged, I would much prefer to work it out with the leadership rather than to have to resort to its status as a privileged matter. I hope the gentleman will give some consideration to that very important matter that so many people are interested in so that we could schedule it. Since we are going to be in session next week, I see no reason why that should not be scheduled for next week, particularly since there is no crowded program.

Mr. ALBERT. Of course, the leadership will give consideration to any matter presented to it by the distinguished gentleman, my friend from Mississippi, but I am not prepared to go any further than that at this time.

Mr. COLMER. I shall not press it at this time I will say to the majority leader, but we expect to have that resolution considered. And I repeat I hope it will not become necessary to resort to the privilege status that is provided by the House rules.

THE BANK COLLECTIVE INVESTMENT FUND ACT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Fascell] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FASCELL. Mr. Speaker, among the agencies whose efficiency and economy of operations the House Committee on Government Operations is charged with evaluating are the Office of the Comptroller of the Currency, and the Securities and Exchange Commission.

Early in 1963, I became chairman of the committee's Legal and Monetary Affairs Subcommittee. A jurisdictional dispute was then being publicly waged between the Comptroller and the SEC over the applicability of the Federal securities laws to certain collective investment funds which the Comptroller was authorizing commercial banks to operate.

The agencies were charging each other with interference with, or attempts to usurp, the rightful functions of the other. The two agencies, vested with overlapping jurisdiction, were applying different standards and criteria to the same Federal statutes. Such actions could adversely affect the efficiency and economy of their operations. Also, the banking industry was confused as to which agency's proclamations to follow. Accordingly, the subcommittee held hearings into the matter, and afforded the agencies and industry representatives a forum for a complete expression of all viewpoints.

The subcommittee's findings and conclusions are contained in House Report No. 429, 88th Congress, 1st session, in the report entitled "Common Trust Funds—Overlapping Responsibility and Conflict in Regulations." In sum, we found that duplicate regulation, by both the SEC and the Comptroller, would impose such hardships on banks as to make it uneconomic for them to handle collective investments of the small managing agency and self-employed retirement plans which were involved. We further found that the collective investment of such accounts by banks was but a logical and reasonable extension to them of the common trust fund advantages which have long been enjoyed by small estates and trusts, and that they should be, similarly, exempt from the Federal securities laws.

Accordingly, the committee report recommended to the Interstate and Foreign Commerce Committee of the House that it consider legislation which would specifically exempt from the Federal securities laws the common trust funds of managing agency accounts and of self-employed retirement plans maintained by national banks, with the proviso that adequate protection be provided for participants in such collective funds.

After issuance of the report, bills to enact the Bank Collective Investment Fund Act were introduced in the House, to carry out the recommendations of the report. My bill for that purpose is H.R. 9410. The bills were referred to the House Interstate and Foreign Commerce Committee, which has held hearings.

The Yale Law Journal for June 1964, commencing at page 1249, contains a scholarly, intensive examination of the problems presented by dual agency regulation, and an analysis of the proposed legislation. The article is entitled "Regulation of Bank-Operated Collective Investment Funds—Judicial or Legislative Resolution of an Administrative Controversy?" It was written by John L. Kraft, prior to his graduation last June from Yale Law School. Mr. Kraft, a native of Mattawan, N.J., is a graduate of Georgetown University, class of 1958, who served for 3 years in the Air Force before entering Yale Law School. I commend his article, which follows, to all my colleagues in the Congress:

Regulation of Bank-Operated Collective Investment Funds—Judicial or Legislative Resolution of an Administrative Controversy?

(By John L. Kraft)

Comptroller of the Currency James J. Saxon has recently stated:

> "Neither the Securities Act of 1933 nor the Investment Company Act of 1940 is, or should be, applicable to the proposed collective investment funds." [1]

In reply, SEC Chairman William L. Cary counters:

> "We have taken the position that the banks are moving squarely into the mutual funds business and hence this new phase of expansion must be subject to the Investment Company Act of 1940 and the Securities Act." [2]

Thus, clearly drawn battle lines have emerged in the dispute between the Comptroller of the Currency and the SEC over the regulation of collective investment funds operated by banking institutions. Although banks have operated common trust funds for many years, these funds have never been the target of SEC attention.[3] Generally, banks are not subject to SEC regulation and, in addition, the Investment Company Act specifically exempts common trust funds from its coverage.[4] Recently, however, banks have received from the Comptroller authorization to commingle funds for collective investment on a much broader scale than in the past.[5] It is in this new era of bank activity that the SEC is asserting its statutory obligation to apply both the Securities Act of 1933 [6] and Investment Company Act of 1940.[7]

The common trust fund was developed as a vehicle for the administration of small trusts in the late 1920's.[8] Basically, the common trust is a pool of small trusts operated by a bank for the collective investment of funds held by the bank as trustee.[9] While most banks find it unprofitable to administer small trusts on an individual basis, the common trust fund device allows banks to reduce administrative costs through the combination of individual trusts into a single entity for investment purposes. The beneficiary of the small trust thus gains the advantages of professional trust guidance and investment diversification at a relatively low unit cost.[10] The initial development of the common trust was temporarily halted in 1936 by a Federal court dicision which held that common trust funds were subject to a separate tax as a corporation.[11] Statutory relief from this tax burden was speedy. A provision of the Revenue Act of 1936 [12]—which now appears as section 584 of the Internal Revenue Code [13]—exempted common trust funds from taxation if they were maintained by a bank:

> "(1) exclusively for the investment and reinvestment of moneys contributed thereto by the bank in its capacity as a trustee executor, administrator, or guardian; and (2) in conformity with the rules and regulations, prevailing from time to time, of the Board of Governors of the Federal Reserve System pertaining to the collective investment of trust funds by national banks." [14]

In 1937 the Federal Reserve Board, in order to satisfy the requirements of this provision, revised regulation F to provide rules for the operation of common trust funds.[15] The most important limitation on the use of the collective investment funds imposed by the Board was the requirement that only funds held for a "bona fide fiduciary purpose" could participate in a common trust fund.[16] The Board consistently emphasized that common trust funds were to be a tool in trust administration and not a medium for the investment of funds in the absence of traditional trust purposes. In 1940 the Board declared that the "trust guise or form should not be used to enable a trust institution to operate a common trust fund as an investment trust attracting money seeking investment alone and to embark upon what would be in effect the sale of participations in a common trust fund as investments." [17]

In this posture common trust funds were specifically exempted from coverage of the Investment Company Act of 1940.[18] The exemption was granted because both regulation F and the Internal Revenue Code insured that common trust funds could not be used solely as a device for collective investment. For this reason, the SEC has never sought to characterize common trust funds operated in compliance with regulation F as investment companies subject to the act.[19]

In addition to trust services banks also hold property and funds of customers in various "agency" accounts.[20] Among the agency relationships that banks commonly enter are those in which the bank only recommends changes in investments which must then be acted on by the customer and those in which the bank has authority to manage the investments without direction from the customer.[21] While the term, "managing agency account," is commonly used to refer to both relationships, in the context of the controversy between the Comptroller and the SEC the term refers only to agreements where the bank has complete investment discretion.[22] Under regulation F such agency accounts could not participate in the common trust fund since they lacked the bona fide fiduciary purpose necessary for commingling.[23]

In 1962 responsibility for promulgating regulations governing bank fiduciary powers was shifted by statute to the Comptroller of the Currency.[24] Not long thereafter regulation F was significantly revised and now appears as regulation 9.[25] The most important changes made by regulation 9 are the authorization for pooling of managing agency accounts [26] and the corresponding deletion of the "bona fide fiduciary purpose" requirement from the regulation.[27] This allows the banks to invest collectively funds which customers contribute for the sole purpose of investment. The SEC insists these new activities are subject to securities regulation. The Comptroller is equally adamant in his declarations "that the SEC has no business in this area." [28] The Comptroller's general position is that the "bona fide fiduciary purpose" clause of the Federal Reserve Board's regulation F was not dictated by statutory requirements and that his recent revision merely represents a more liberal policy toward otherwise permissible bank activity.[29] Specifically, he maintains that "units of participation in such funds are not securities"; [30] even if they were they would come under the exemption of the Securities Act for bank-issued securities, and the exemptions of the Investment Company Act for banks and for any bank-operated "common trust fund or similar fund." [31]

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[1] "Hearing on Common Trust Funds—Overlapping Responsibility and Conflict in Regulation Before a Subcommittee of the House Committee on Government Operations," 88th Cong., 1st sess. 162 (1963) [hereinafter cited as 1963 hearing].

[2] New York Times, Dec. 5, 1963, p. 69, col. 6.

[3] See 1963 hearing 4.

[4] Investment Company Act § 3(c)(3), 54 Stat. 789 (1940), 15 U.S.C. § 80a-3(c)(3) (1958).

[5] Compare 27 Federal Register 9767 (1962) (former § 9.17 governing bank collective investment), with 12 C.F.R. § 9.18 (Supp. 1964) (the revised regulation).

[6] 48 Stat. 74 (1933), 15 U.S.C. §§ 77a–77aa (1958).

[7] 54 Stat. 789 (1940), 15 U.S.C. §§ 80a–1 to 80a–52 (1958).

[8] For a summary of the development of common trust funds, see SEC, "Report on Commingled or Common Trust Funds Administered by Banks and Trust Companies," H.R. Doc. No. 476, 76th Cong., 2d sess. 406 (1939); Stephenson, "Participating Investments—The Common Trust Fund Device," 12 Ohio St. L.J. 522, 523–27 (1951); Wolfe, "Wider Horizons for Common Trust Funds," 101 Trust & Estates 1075 (1962).

[9] See 3 Scott, Trusts § 227.9, at 1683 (2d ed. 1956).

[10] At first common trust fund participation was limited to trusts in which the settlor or testator authorized such participation in the trust instrument. This caution was dictated by common law prohibitions against commingling the funds of a trust with other funds held by the trustee. This and other common law objections to the use of common trust funds have been overcome in practically every American jurisdiction by enabling statutes which authorize use of the common trust fund device, even in the absence of specific instructions by the grantor. See 3 Scott, Trusts § 227.9 (2d ed. 1956).

[11] *Brooklyn Trust Co.* v. *Commissioner*, 80 F. 2d 865 (2d Cir.), cert. denied, 298 U.S. 659 (1936).

[12] 49 Stat. 1648 (1936).

[13] Internal Revenue Code of 1954, § 584.

[14] 49 Stat. 1648 (1936). In 1962 the words "or the Comptroller of the Currency" were inserted after "Federal Reserve System." 76 Stat. 670 (1962). In that year the Comptroller was given authority to issue rules governing collective investment by national banks. See notes 24–27 infra and accompanying text.

[15] 2 Federal Register 2976 (1937). Regulation F contained the Board's rules for the conduct of fiduciary activities by national banks. Prior to 1937 it did not make any provision for the operation of common trust funds.

[16] Ibid. The bona fide fiduciary purpose requirement was understood to mean that to qualify a trust must have some raison d'etre other than to obtain the collective investment services of the bank. See, e.g., 42 Federal Reserve Bulletin 228 (1956); 41 Federal Reserve Bulletin 142 (1955).

[17] 26 Federal Reserve Bulletin 393 (1940).

[18] 54 Stat. 798 (1940), 15 U.S.C. § 80a–3(c)(3) (1958).

[19] See Statement of William L. Cary, Chairman, Securities and Exchange Commission, in 1963 hearing 4.

[20] The differences between trust and agency relationships are explained in 1 Scott, Trusts § 8 (2d ed. 1956). See also Restatement (second), Trusts § 8 (1959).

[21] See 1 Scott, Trusts § 8.1 (2d ed. 1956).

[22] It is only for those accounts where the bank has complete investment discretion that the comptroller has authorized pooling. The pool arrangement is not feasible where the bank must not act except upon instructions from each customer.

[23] Cf. 1963 hearing 4, 41–42.

[24] 76 Stat. 668 (1962), 12 U.S.C. § 92a (Supp. V, 1964).

[25] 12 C.F.R. § 9 (Supp. 1964). The revised regulation became effective April 5, 1963.

[26] 12 C.F.R. § 9.18(a)(3) (Supp. 1964).

[27] See Saxon, "New Trust Regulations Proposed," 102 Trusts & Estates 95 (1963).

[28] Explanatory Remarks of James J. Saxon, Comptroller of the Currency, Upon Revision of Regulation 9, Apr. 5, 1963 at p. 5.

[29] CONGRESSIONAL RECORD, p. 834, Jan. 22, 1964 (letter by the Comptroller to Senator ROBERTSON).

[30] Explanatory Remarks of James J. Saxon, Comptroller of the Currency, Upon Revision of Regulation 9, April 5, 1963 at p. 5.

The Securities Act of 1933 and the Investment Company Act of 1940 both attempt to protect investors against dishonest and unethical practices on the part of persons and corporations selling securities. The 1933 act demands disclosure of certain important information to prospective investors.[32] The Investment Company Act includes similar requirements and provides for disclosure of additional information peculiarly appropriate in the case of investment companies.[33] Beyond this the act provides for the active regulation of investment company management to further insure investor protection. Both acts govern the operation of investment companies. In analyzing whether managing agency accounts should also be so regulated, only the provisions of the Investment Company Act will be considered here, since the claims for exemption under the Securities Act are essentially the same.[34]

Because of the substantive terms of the Investment Company Act, unless the operation of pooled managing agency accounts involves the issuance of a "security," the 1940 act cannot subject the banks to SEC regulation. Spokesmen for the bankers' position insist that no securities are involved. They rely on the fact that no certificates of participation are to be issued to those who place funds with a bank for collective investment.[35] The statutory definition of security, identical in the 1933 and 1940 acts,[36] lends support to this argument for it seems to define a security as a written certificate of interest in an investment venture. However, stressing the policy of investor protection embodied in the acts, and looking to the economic realities of each situation, courts have uniformly given broadest possible construction to the term "security." Thus the Supreme Court has defined "investment contract," included within the definition of "security" in the 1933 act, as: "a contract, transaction or scheme whereby a person invests his money in a common enterprise and is led to expect profits solely from the efforts of * * * a third party." [37] Other courts have followed this lead and have held that the existence of formal certificates is not a prerequisite to SEC regulation.[38] Indeed, a recent case has held that an oral agreement between an investor and a promoter was a security within the meaning of the Secuirties Act.[39] The controlling factor, then, is not the form, or even the existence, of a particular piece of paper. It is rather the substance of the scheme and the relationship of the parties that determine whether the transaction is within the scope of Federal regulation. Since there will be a written agreement between the bank and the customer outlining the bank's obligations and rights with respect to the deposited funds,[40] it seems likely that a court would find that a security has been issued.

The Comptroller of the Currency, in arguing that the SEC has no power to regulate bank sponsorship of collective investment funds, also relies heavily upon the specific exemption for banks and common trust funds in the Investment Company Act.[41] In support of this position, the Comptroller maintains that regulation 9 does not open the way for a new form of banking activity, but merely provides a more satisfactory modus operandi for the conduct of a traditional banking function. He claims that there is no essential difference between common trust funds and pooled managing agency accounts.[42]

While it is true that the managing agency account is an established bank activity, it differs from trust activities in that its sole purpose is to provide the investment advisory services of the bank for the customer. In the parlance of old regulation F, it lacks the "bona fide fiduciary purpose" found in the ordinary trust. Regulation 9 eliminates that language and attempts to assimilate agency accounts with the other trust functions of the bank. In introducing regulation 9, Mr. Saxon stated that the fiduciary relationship in agency accounts emanates from the "power of attorney and investment discretion" [43] conferred upon the bank by the customer. There are, however, two objections to an attempt to equate managing agency accounts with "formally designated" trusts on the basis of their common concern with a fiduciary relationship and investment control. First, the fiduciary relationship, arising from an entrustment of funds, does not distinguish managing agency accounts and common trusts from investment companies. The Investment Company Act was passed to combat abuses arising from similar entrustments of funds for investment purposes. The investor in the mutual fund gives the fund managers the same degree of control and investment discretion that the participant in a pooled account gives to his bank. The act itself recognizes some degree of fiduciary responsibility in investment companies by providing penalties for "gross abuse of trust." [44] The second objection is that trustmen themselves apparently do not equate the fiduciary duties which they bear in relation to formal trusts with their responsibilities as managing agents.[45] This attitude was implicit in a recent announcement by the First National City Bank of New York.[46] The bank had planned to start a pooled managing agency account fund under regulation 9. However, when a tax ruling reiterated that pooled funds must be held "in trust" to be treated as common trust funds under section 584 of the Internal Revenue Code,[47] the bank canceled inauguration of the fund. If the trust officers at First

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[31] 54 Stat. 798 (1940), 15 U.S.C. § 80a-3(c) (3) (1958).

[32] The information includes financial statements of the issuer, disclosure of dealings between directors, officers and major stockholders on one hand and the issuer on the other, statements of classes of stock issued, voting and other rights of all stock and many other detailed facts. This information must be registered with the SEC and provided to each prospective investor. 48 Stat. 81, 88 (1933), 15 U.S.C. §§ 77j, 77aa (1958).

[33] 54 Stat. 803 (1940), 15 U.S.C. § 80a-8 (1958). For example, an investment company must disclose its intended policies with regard to issuance of senior securities, borrowing and lending money, concentration of investment in selected industries, and the company must also disclose the actual rate of portfolio turnover during the 3 years prior to registration.

[34] For each act to apply there must be an issuance of securities. See notes 35-40 infra and accompanying text. The Securities Act exemption for bank issued securities, 48 Stat. 75 (1933), 15 U.S.C. § 77 (1958), is subject to the same analysis as the 1940 act's exemption for banks, 54 Stat. 798 (1940), 15 U.S.C. § 80a-3(c) (3) (1958). However, the common trust fund exemption is peculiar to the 1940 act. Ibid. Such funds were not subject to the 1933 act because no public offering was involved. See 1963 Hearing 4. Since the success of the pooled accounts depends upon wide public participation, they could not operate without a public offering. See Smith, "The Mass Trust Market," 99 Trusts & Estates 182 (1960). Thus if the 1940 act applies so does the 1933 act.

One form of proposed bank collective investment, however, is admittedly exempt from the 1940 act. This is the retirement fund which complies with the recent Self-Employed Individuals Retirement Act, 76 Stat. 809 (1962). Basically the act allows the self employed taxpayer to put aside up to 10 percent of his income (not to exceed $2,500 a year) into a retirement plan and deduct half the amount of the contribution from his gross income for tax purposes. INT. REV CODE OF 1954, §§ 404(a) (1), 404(c). These plans are specifically exempted from the 1940 act. 54 Stat. 799 (1940), 15 U.S.C. § 80a-3(c) (13) (1958). Such plans would still be subject to the 1933 act if the broader pooled managing agency accounts are subject to both the Securities and Investment Company Acts.

[35] 12 C.F.R. § 9.18(b) (13) (Supp. 1964). Apparently this provision was included to insure that participations in common trust funds would not be treated as securities.

[36] Both acts define "security" as any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any of the foregoing. 48 Stat. 74 (1933), as amended, 15 U.S.C. § 77b(1), (1958); 54 Stat. 795 (1940), as amended, 15 U.S.C. § 80a-2(35) (1958) (emphasis added).

[37] *SEC* v. *W. J. Howey Co.*, 328 U.S. 293, 298-99 (1946). Investors had purchased small tracts in citrus groves and most had also entered long term contracts under which the vendor was to cultivate the land. Even though the investors received warranty deeds and not certificates of participation, the Court held that the transactions involved issuance of securities.

[38] See, e.g., *Roe* v. *United States*, 287 F. 2d 435 (5th Cir. 1961); *Woodward* v. *Wright*, 266 F. 2d 108 (10th Cir. 1959). Earlier cases also gave liberal construction to "security" in order to protect investors. See, e.g., *Penfield Co.* v. *SEC*, 143 F. 2d 746 (9th Cir. 1944); *SEC* v. *Universal Service Ass'n*, 106 F. 2d 232 (7th Cir. 1939), cert. denied, 308 U.S. 622 (1940).

[39] *SEC* v. *Addison*, 194 F. Supp. 709 (N.D. Texas 1961). The cases construing the term "security" involved the application of the 1933 act. There is no reason to believe courts would read the term more strictly when the Investment Company Act is the basis for the lawsuit.

[40] At present, when a customer opens a managing agency account he signs a power of attorney form authorizing the bank to act at its own discretion in investing the customer's funds. A similar agreement is contemplated in the operation of pooled managing agency accounts. See CONGRESSIONAL RECORD, p. 834, Jan. 22, 1964 (letter from James J. Saxon, Comptroller of the Currency, to Senator ROBERTSON).

[41] 54 Stat. 798 (1940), 15 U.S.C. § 80a-3(c) (3) (1958).

[42] CONGRESSIONAL RECORD, p. 834, Jan. 22, 1964.

[43] Explanatory Remarks of James J. Saxon, Comptroller of the Currency, Upon Revision of Regulation 9, Apr. 5, 1963 at p. 2.

[44] 54 Stat. 84 (1940), 15 U.S.C. § 80a-36 (1958).

[45] Nor should they. Professor Scott and the Restatement emphasize that managing agency accounts are not trusts. 1 Scott, Trusts § 8.1 (2d ed. 1956); Restatement (Second), Trusts § 8, comment 1 (1959).

[46] Wall Street Journal, Feb. 26, 1964, p. 1, col. 5.

[47] Rev. Rul. 64-59, 1964 Internal Revenue Bulletin No. 8, at 12.

National City Bank felt there was no essential difference between trusts and managing agency accounts, this ruling should not have affected their plans.

Recently in an apparent effort to reinforce the claim of similarity between the managing agency account and the common trust fund, regulation 9 was amended.[48] "Managing agent" was redefined as a relationship that "imposes upon the bank the fiduciary responsibilities imposed upon trustees under will or deed."[49] And, to qualify for collective investment, managing agency agreements must now expressly provide that the bank hold moneys received "in trust."[50] If these changes were intended to permit banks to invest collectively only funds they hold as trustees, it would appear that the bona fide fiduciary purpose concept was reintroduced as a requirement of regulation 9. Obviously this was not the intention of the Comptroller; all his previous efforts had been directed at eliminating that very concept from the regulation. The more probable interpretation of the amendment is that the Comptroller was attempting to create the illusion of a trust function to satisfy the requirements of the Internal Revenue Code and the 1940 act,[51] while permitting banks to invest funds collectively even where no "bona fide fiduciary purpose" existed. But one must question whether the Comptroller can immunize pooled managing agency accounts from SEC regulation and qualify the accounts for favorable tax treatment merely by changing the labels in regulation 9 which characterize the relationships existing between the banks and their customers. Despite these attempts to assimilate trusts and managing agency accounts, it appears that under the current regulation 9 they are intended to have separate functions and for this reason should be considered as distinct banking activities.

The basic dissimilarity in function between trusts and agency accounts should preclude automatic exemption of pooled accounts as common trust funds under the Investment Company Act. The question also remains whether the general exemption for banks in the 1940 act encompasses the operation of such accounts. Never before have banks been authorized to pool funds held as managing agent; the pooled account was unknown in 1940. To determine whether these funds should be subject to SEC regulation under the Investment Company Act, it seems necessary to consider them in the context of the policies Congress intended to implement by its securities legislation.

An analogous development in the area of insurance illustrates the probable judicial approach to the problem of statutory construction raised by the pooled managing agency account. In *SEC* v. *Variable Annuity Life Ins. Co.*[52] the Supreme Court held that the sale of variable annuities was subject to the provisions of both the Securities Act and the Investment Company Act, despite specific exemptions for annuity contracts in the 1933 act and for insurance companies in the 1940 act. Variable annuities differ from fixed annuities in that the return to the annuitant during the payout period is not a predetermined number of dollars, but is a proportionate share of a portfolio of equity securities[53] created by the contributions of many annuitants. The fund is managed by the company issuing the annuity policy and the annuitant's return depends upon the skill of the company and fluctuations in the securities market. Like the pooled managing agency account, variable annuities were unknown when the securities legislation was passed.[54] In reaching the conclusion that variable annuities were subject to regulation under both acts, the Court reasoned that as new forms of insurance evolve they must be tested by the concept of insurance which led Congress to create the exemptions in the securities legislation.[55] Mr. Justice Douglas, writing the majority opinion, thus concluded that since the variable annuity placed the entire risk of market fluctuation on the annuitant, it did not fit the statutory conception of insurance.[56] Mr. Justice Brennan, in his concurring opinion, emphasized that where an investor is threatened by the dangers against which the acts provide protection, that protection is not to be denied because when the acts were passed the promoters' range of activities did not present such dangers. In reference to the regulations of the 1940 act he said:

"These controls may be largely irrelevant to traditional banks and insurance companies, which Congress clearly exempted; they were not investing heavily in equity securities and holding out the possibility of capital gains through fund management; but where the investor is asked to put his money in a scheme for managing it on an equity basis, it is evident that the Federal act's controls become vital."[57]

Variable annuities then were held subject to SEC regulation because of their close similarity to the type of investment contracts which were the object of congressional concern in the securities legislation. Likewise the contemplated pooled managing agency accounts, although unknown in 1940, are essentially similar to the mutual fund; in both the investor's only purpose is to secure the benefits of collective investment—diversification and professional investment management. Investors in mutual funds receive the benefits and protections of the securities legislation, and it would seem that to effectuate the policies of the securities legislation courts should extend the protections of the act to similarly placed investors by holding pooled managing agency accounts subject to SEC regulation.

Reference to the legislative history of the 1940 act further strengthens this conclusion. The primary object of the 1940 act was to protect by regulation the large investment made by the public in pools of common stocks supervised by professional managers.[58] Included in the congressional concept of investment company were funds involving "an agency relationship between the individual contributors to the fund and the management upon whom they confer substantially a power of attorney to act as agent in the investment of the moneys contributed."[59] As with other forms of investment companies, one of he characteristics of such companies was their reliance upon widespread public participation. On the other hand, Congress seems to have envisaged the common trust fund in a wholly different manner; it was thought of solely as a tool for the administration of small trusts, not as a vehicle for public investment.[60] An early draft of the Investment Company Act defined the common trust fund by reference to the Internal Revenue Act provision exempting such funds from taxation and thus incorporated the restrictions of regulation F limiting the use of common trust fund devices to trusts with a "bona fide fiduciary purpose."[61] Similarly, the SEC report to Congress on the common trust fund emphasized the fact that the funds were subject to regulation F.[62]

The report further pointed out that common trust funds did not advertise to or solicit the public investor.[63] The SEC in its report to Congress concluded that the common trust fund was primarily a service device used to administer existing trusts.[64] The clear thrust of the SEC reports was that the common trust fund did not conform to the congressional model of the investment company because of its lack of utility for large-scale public investment. Since the commercial feasibility of the pooled managing agency account depends upon relatively broad public participation, it seems to fit the congressional conception of an investment company and the common trust fund exemption of the 1940 act should not immunize it from regulation. For the same reason the act's exemption for banks[65] should not apply to the managing agency account; Congress could not have intended that the mere fact that a bank originated an investment company would operate to confer immunity.[66]

Although the statutory interpretation advanced should lead to regulation of the pooled managing agency account under the 1940 act, the courts will be faced with the argument that the pooled account is entitled to the bank exemption because it is merely one of a myriad of banking functions not susceptible to isolation as a separate activity.[67] In answer to this contention the SEC argues that the real issuer of the securities is the pooled fund itself rather than the bank.[68] Under this theory the managing agency account becomes an "investment company" subject to the 1940 act. This separate entity concept has recently received judicial approval in a case involving the sale of variable annuities were offered by an insurance company. In *Prudential Insurance Co.* v. *SEC*[69] the third circuit held that variable annuities offered by Prudential must comply with the provisions of the Investment Company Act.

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[48] 29 Fed. Reg. 1719 (1964).

[49] Ibid.

[50] Ibid.

[51] The mere fact that a fund is a trust cannot exempt it from the Investment Company Act. Almost 25 percent of 156 open-ended mutual funds which were the subject of the Wharton School Study were established as trusts. Wharton School of Finance and Commerce, "A Study of Mutual Funds," H.R. Rep. No. 2274, 87th Cong., 2d Sess. 6 (1962) [hereinafter cited as Wharton School Study]. Since these trusts are all subject to the act, something more than the trust relationship must be present in common trust funds that led Congress to exempt them from regulation.

[52] 359 U.S. 65 (1959).

[53] See id. at 70.

[54] Id. at 75 (concurring opinion).

[55] Id. at 69.

[56] Id. at 71–73.

[57] Id. at 79–80 (emphasis added).

[58] See Findings and Declaration of Policy, 54 Stat. 789 (1940), 15 U.S.C. § 80a-1 (1958).

[59] SEC, "Report on Investment Trusts and Investment Companies," pt. I, H.R. Doc. No. 707, 75th Cong., 3d sess. 24 (1939).

[60] See SEC, "Report on Commingled or Common Trust Funds Administered by Banks and Trust Companies," H.R. Doc. No. 476, 76th Cong., 2d sess. (1939).

[61] Id. at 4–5.

[62] SEC, "Report on Commingled or Common Trust Funds Administered by Banks and Trust Companies," H.R. Doc. No. 476, 76th Cong., 2d sess. 25 (1939). Regulation F is set out in its entirety in this report. Id. at 27.

[63] Id. at 6.

[64] SEC, "Report on Investment Trusts and Investment Companies," pt. I, H.R. Doc. No. 707, 75th Cong., 3d sess. 33 (1939).

[65] 54 Stat. 798 (1940), 15 U.S.C. § 80a-3(c)(3) (1958).

[66] Supporting this view is the consideration that the managing agency account, like the common trust fund, is substantially different from most bank activities. In the agency account the investor assumes the risk of market fluctuation, while depositors are presumably assured a fixed return without risk to the sum invested.

[67] The same argument is advanced for the contention that the securities issued under these plans are bank-issued securities and thus exempt from the Securities Act of 1933, 48 Stat. 76 (1933), 15 U.S.C. § 77c(a)(2) (1958). This position is necessary if Smathers-Keogh plans are to be exempt from SEC regulation completely, since such plans are admittedly exempt from the Investment Company Act. See note 34 supra. The separate entity theory of the *Prudential* case, 326 F. 2d 383 (3d Cir. 1964), would apply equally here to conclude that the fund and not the bank is the issuer.

[68] 1963 hearing 4.

While Prudential maintained that these annuities were offered by an insurance company and were thus exempt from the Investment Company Act,[70] Judge Staley emphasized that broad construction must be given to securities legislation "to insure the investing public a full measure of protection."[71] In order to give that needed protection the court held that the fund itself, not Prudential, was the issuer of the securities and was in fact an investment company under the 1940 act.[72] The rationale of Prudential seems to have equal applicability to banks, as well as insurances companies. If applied, a bank's pooled fund of managing agency accounts would be treated as a separate entity subject to SEC regulation under the 1940 act.

Although current securities law appears to place the pooled managing agency account under SEC regulation, Congress has recently been presented with an opportunity to reevaluate the existing regulatory scheme as it applies to bank-operated funds. Legislation has been proposed which would unequivocally exempt pooled accounts from the operation of the Securities Act and the Investment Company Act, and would place the managing agency account under the regulation of the Comptroller. The proposed bill,[73] entitled the Bank Collective Investment Fund Act, delegates to the Comptroller the responsibility of promulgating rules for the operation of pooled managing agency accounts and outlines the disclosure and reporting requirements he is to implement—essentially the provisions now in effect under regulation 9.[74] Those agencies which now supervise and examine the various State and national banks are charged with enforcement of the bill and the rules promulgated under it by the Comptroller.[75] Violation of the bill or any regulation renders the bank liable to a fine.[76]

In stating his support for the legislation the Comptroller has denied that the proposed act will conflict with the policies of the existing laws, because under his control banks will not be permitted to enter the mutual fund market.[77] Heavy reliance is placed upon the current restrictions on advertising pooled account plans[78] and the provision of the proposed bill which would allow the Comptroller to continue this limitation.[79] The bankers, however, appear to be preparing for a large-scale assault upon those investors who typically turn to mutual funds. Many articles have appeared exhorting the banking industry to ready itself for handling large numbers of small investors on an "assembly line" basis as commingled managing agency accounts draw this business away from mutual funds.[80] The Comptroller may disclaim responsibility for such statements,[81] but one must consider them in predicting what the banks will do under a blanket exemption from the securities laws. The current inhibition on advertisement of pooled agency accounts is not complete. Banks are permitted to let the public know they are operating a fund, although they cannot emphasize this service in their advertising.[82] Some bankers regard this restriction as a significant limitation on their ability to promote commingled funds, but most seem to believe that they can reach a large number of investors in spite of the control.[83]

The Comptroller in support of the legislation also contends that the investor in a pooled agency account would receive better protection than his mutual fund counterpart, and he explicitly questions the efficacy, as applied to pooled accounts, of the regulatory scheme that has become engrained in our economy.[84] If investor safeguards under the pending legislation would be at least comparable in effect to those under the securities legislation, it would be consistent with the general policy of investor protection expressed in the 1940 act to allow regulation by the Comptroller; this would seem true even if the banks do enter the mutual investment field in large numbers. In evaluating current regulation of mutual funds under the Investment Company Act, Congress has the benefit of an exhaustive study of fund operation prepared by the Wharton School of the University of Pennsylvania at the request of the SEC.[85] Although this study has shown that many of the provisions of the Investment Company Act provide little actual protection to the investor, the SEC criticism of the proposed act is based largely upon its failure to include the very provisions which the Wharton School study revealed as ineffective throughout the 20-year history of the act.[86]

The Investment Company Act contains many provisions that find no counterpart in the proposed bill. One of the chief objectives of the act was to provide greater investor participation in the management of the fund[87] in order to insure that the fund would be operated for the benefit of the investor and not for the fund's directors, officers, and other managers.[88] Accordingly, the act provides that the declared investment policy of the fund cannot be changed without shareholder consent.[89] Shareholders must elect at least two-thirds of the directors,[90] must approve the appointment of independent auditors[91] and must ratify the investment advisory contract every 2 years.[92] And to insure shareholder participation all mutual fund shares issued after the act became effective must be voting shares.[93] Although the SEC cites the complete lack of investor participation as a major shortcoming of the pending bill,[94] shareholder control is virtually nonexistent in the mutual fund industry despite the elaborate voting provisions of the 1940 act. The Wharton School study has disclosed that 90 percent of open-ended mutual funds, comprising over 94 percent of total net asset value, are controlled by managements that have less than 5 percent interest in the fund.[95] Year after year these same managements are approved by the shareholders who vote through management-controlled proxy machinery.[96] Individual interests in the fund are so small and widely scattered that effective opposition to management proposals is a costly, and probably futile, undertaking.[97] It is far easier for the dissatisfied shareholder to redeem his shares than to seek to effect any change in management policy.

This condition, however, apparently is not a deterrent to investors who have little, if any desire to exert control over the fund but who only seek the professional advice and diversification which the fund provides.[98] Moreover, the 1940 act by its own terms also recognizes that shareholder voting is not indispensable for investor protection; funds organized as common law trusts before passage of the act were permitted to continue operation without giving investors full voting rights.[99]

The SEC in its criticism of the pending bill also points to the lack of a board of directors in the pooled agency account.[1] This criticism is based on the second major requirement of the Investment Company

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[69] 326 F. 2d 383 (3d Cir.), cert. denied, 84 Sup. Ct. 1629 (1964).

[70] Id. at 385.

[71] Id. at 386.

[72] Id. at 388.

[73] S. 2223, H.R. 9410, 88th Cong., 1st sess. (1963).

[74] Id. § 6.

[75] Id. § 8.

[76] Id. § 9.

[77] CONGRESSIONAL RECORD, p. 834, Jan. 22, 1964 (letter from James J. Saxon, Comptroller of the Currency, to Senator ROBERTSON).

[78] 12 C.F.R. § 918(5)(iv) (Supp. 1964).

[79] S. 2223, H.R. 9410, 88th Cong., 1st Sess., § 6(h)(1) (1963).

[80] See, e.g., Smith, "The Mass Trust Market," 99 Trusts & Estates 182 (1960); Judd, "Common Trust Funds Under Regulation 9," 102 Trusts & Estates 569 (1963); address by G. T. Lumpkin, Jr., 44th Mid-Winter Trust Conference, Feb. 5, 1963, reprinted in 1963 hearing 114.

[81] CONGRESSIONAL RECORD, p. 834, Jan. 22, 1964.

[82] 12 C.F.R. § 9.18(b)(5)(iv) (Supp. 1964) provides:

"A copy of the financial report shall be furnished, or notice shall be given that a copy of such report is available and will be furnished without charge upon request, to each person to whom a regular periodic accounting would ordinarily be rendered with respect to each participating account. The report, in such summarized form as prescribed by the Comptroller of the Currency, shall be published in a newspaper of general circulation in the place where the principal office of the bank is located. In addition, a full report shall be furnished upon request to any person, and the fact of the availability of such material may be given publicity solely in connection with the promotion of the fiduciary services of the bank. Except as herein provided, the bank shall not advertise or publicize its collective investment funds. The cost of printing, publication and distribution of the report shall be borne by the bank."

[83] Cf. authorities cited in note 80 supra. See also Bliss, Harris & Bethel, "Should Pooled Funds Be Permitted for Managing Agencies?" reprinted in 1963 hearing at 121.

[84] See note 77 supra.

[85] Wharton School Study.

[86] CONGRESSIONAL RECORD, vol. 109, pt. 19, p. 25187 (letter from SEC Chairman Cary to Senator ROBERTSON).

[87] See 10 SEC Annual Report 162 (1944).

[88] 54 Stat. 789 (1940), 15 U.S.C. § 80a-1 (1958) (declaration of policy).

[89] 54 Stat. 811 (1940), 15 U.S.C. § 80a-13 (1958).

[90] 54 Stat. 813 (1940), 15 U.S.C. § 80a-16 (1958).

[91] 54 Stat. 838 (1940), 15 U.S.C. § 80a-15 (1958).

[92] 54 Stat. 812 (1940), 15 U.S.C. § 80a-15 (1958).

[93] 54 Stat. 821 (1940), 15 U.S.C. § 80a-18(i) (1958). Mutual Funds organized as common law trusts are exempted from this requirement. Ibid.

[94] 1963 hearing 12; CONGRESSIONAL RECORD, vol. 109, pt. 19, p. 25188.

[95] Wharton School Study 7.

[96] Id. at 66.

[97] See generally the discussion of control and distribution of mutual fund shares in the Wharton School Study at 52–73.

[98] The Wharton School Study has aptly stated:

"Since mutual fund shareholders are buyers of investment services as well as owners, and frequently regard the former as the more important aspect of their relationship with the mutual fund, the very concept of shareholder control through the exercise of voting rights may be contrary to the realities of the mutual fund business. Management control has been a virtually automatic consequence of possession of the corporate proxy machinery by the promoting management group." Id. at 7–8.

[99] 54 Stat. 814 (1940), 15 U.S.C. § 80a–16(b) (1958).

[1] CONGRESSIONAL RECORD, vol. 109, pt. 19, p. 25189.

Act—that at least 40 percent of the board of directors cannot be persons affiliated with management.[2] The purpose of this limitation is ostensibly to provide an independent check on all major company decisions. However, since the term "affiliated person" is narrowly defined in the act,[3] it loses much of its potential for investor protection. Relatives and close associates of the control group may serve as "independent" directors. The fact that these unaffiliated directors are proposed to the shareholders through the management-dominated proxy machinery and thus depend on management for their continued existence as directors further weakens this protection.[4] Finally, boards of directors commonly are not the active force in operating the mutual fund; in many cases investment decisions are executed by the adviser without the necessity of board approval.[5] The ineffectiveness of the board of directors may not be of great consequence when one views mutual funds as a medium through which the small investor seeks only to buy the services of the investment adviser. On the other hand, the existence of a seemingly "independent" board of directors which merely rubber stamps the adviser's actions may give the investor a false sense of security, in that he may too readily assume that the adviser's actions have been subjected to independent scrutiny. Thus, viewed in the context of actual operation, the provisions for an independent board do not offer significant protection against possible overreaching by the control group, and the lack of a board of directors with independent members in the agency account would not seem to deprive the investor of a meaningful protective device.

A third major complaint of the SEC is that the Bank Collective Investment Fund Act does not contain disclosure requirements adequate to permit investors to intelligently select a particular fund.[6] The bill calls for a written plan to be filed with the appropriate supervisory agency and kept available at the bank.[7] The contents of the plan must include complete information as to manner of fund operation, investment policy, valuation of assets, conditions for admission and withdrawal, basis for termination of the fund and any other matters the Comptroller may prescribe.[8] A copy of the plan together with a financial report, the contents of which are also prescribed by the act, must be furnished to each prospective investor.[9] Because the plan and financial statement do not follow the same pattern as a prospectus, Chairman Cary insists that "the investor is not told what his rights in the fund are in an intelligible form."[10] It should be noted, however, that the normal securities prospectus is itself a technical document and the information which it contains is not set forth in simple terms readily understandable by the average investor.[11] Since no plans for pooled managing agency accounts have as yet been inaugurated, it can only be hoped that the plans will be easier to understand than prospectuses issued under SEC supervision. Assuming, however, intelligible presentation of facts in the plan, the information called for seems adequate to allow informed investment choice.

According to the Wharton School Study the most effective protective device of the 1940 act is section 17[12] which is aimed at self-dealing on the part of the management group[13] by prohibiting certain transactions between the management group and the fund. Regulation 9, which presumably will be carried forward under the new bill, contains corresponding protections against self-dealing by banks which accept collective trusts.[14] In fact, the Comptroller's regulation may provide broader protection than section 17 of the Investment Company Act. Section 17 only prohibits transactions between the fund and "affiliated persons," a technical term the impact of which might be easily diluted by narrow construction.[15] The regulation, however, prohibits transactions between the collective investment fund and any "individuals with whom there exists such a connection, or organizations in which there exists such an interest, as might affect the exercise of the best judgment of the bank.[16] Because its operation applies only to "affiliated persons" section 17 may have to be buttressed by other provisions of the act, such as section 35[17] which authorizes the SEC to sue to enjoin gross abuses of trust; the Comptroller's regulation appears sufficiently broad in itself to provide an adequate basis for controlling any abuse of trust. One possible weakness of the current regulation is that the instrument creating the managing agency may authorize transactions which would otherwise be termed "self-dealing."[18] An unsophisticated investor might not realize the potential for abuse that such a clause would inject into the agreement. More effective control over transactions that involve self-interest could be maintained if such general authorizations were prohibited, and if the Comptroller's office were empowered to grant exemptions in specific cases where investigation showed the investors' best interests were not compromised.[19]

In addition to at least an equivalence of investor protection there are several reasons which militate strongly for passage of the Bank Collective Investment Act. First, the relatively simple regulatory scheme of the new bill especially in comparison to the 1940 act indicates probable ease of application with a corresponding savings in time energy and administrative cost to both the regulatory agency and the regulated bank. Perhaps in recognition of the extensive and novel burdens entailed under SEC regulation, banks have not instituted any pooled managing agency accounts, and there is every indication that if the new bill is not passed, banks will not do so in the future.[20] If this is indeed the case, not only will the banks be deprived of a substantial area for future growth, but the investing public will suffer because of the large cost differential between the pooled account and most mutual funds. Under the 1940 act a mutual fund may charge the investor a sales load on up to 9 percent of all money invested to cover salesmen's commissions and promotion charges, in addition to the annual administrative charge imposed on all shareholders in the fund.[21] No loading charges can be imposed on investors in pooled managing agency accounts[22] and the annual service charges may not exceed the fees which the bank could charge to administer a trust of identical size.[23]

In sum, it is possible for Congress to modify the application of the securities laws in this narrow area without detriment to its broad policy of investor protection. The Comptroller of the Currency has had almost 30 years of experience in regulating common trust funds.[24] His regulation under the new act should provide protection at least comparable to that afforded to investors by the SEC, and can be applied efficiently within the framework of existing banking procedures. The proposed bill is, moreover, desirable because of the savings it may produce for the investor; competition between the pooled account and the mutual fund industry should also produce cost benefits to the public. The results of the Wharton School Study may prompt Congress to provide more effective regulation of the investment company industry. Until such time the simpler and apparently adequate scheme of Regulation 9 and the Bank Collective Investment Fund Act seems to be a better approach to supervision of bank-operated funds.[25]

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[2] 54 Stat. 806 (1940), 15 U.S.C. § 80a-10(a) (1958).

[3] 54 Stat. 791 (1940), 15 U.S.C. § 80a-2(a) (3) (1958).

[4] Wharton School Study 8.

[5] Ibid.

[6] CONGRESSIONAL RECORD, vol. 109, pt. 19, p. 25189; 1963 Hearing 10.

[7] S. 2223, H.R. 9410, 88th Cong., 1st Sess., § 6(c) (1963).

[8] Id. § 6(d).

[9] Id. § 6(f).

[10] CONGRESSIONAL RECORD, vol. 109, pt. 19, p. 25189.

[11] See generally 1 Loss, Securities Regulation 178–261 (2d ed. 1961).

[12] 54 Stat. 815 (1940), 15 U.S.C. § 80a–17 (1958).

[13] Wharton School Study 35.

[14] 12 C.F.R. § 9.12 (Supp. 1964).

[15] See notes 100–103 supra and accompanying text.

[16] 12 C.F.R. § 9.12 (Supp. 1964).

[17] 54 Stat. 841 (1940), 15 U.S.C. § 80a–35 (1958).

[18] Section 9.12 prohibits "self dealing" transactions "unless lawfully authorized by the instrument creating the relationship, or by court order or by local law," 12 C.F.R. § 9.12 (Supp. 1964).

[19] Such authority would be similar to that now possessed by the SEC under §17 of the Investment Company Act. See note 111 supra.

An added protection under the Comptroller's regulation is the annual inspection of the fund by bank examiners. The SEC does not attempt to inspect each mutual fund every year. See 1963 hearing 43.

[20] If the Investment Company Act applies to the pooled accounts the banks will probably not be able to operate such funds economically. See H.R. Rep. No. 429, 88th Cong., 2d Sess. 3 (1963). The bankers' chief concern in this area is to avoid SEC regulation. See e.g., Saxon, "New Trust Regulations Proposed," 102 Trusts & Estates 95 (1963); Judd, "Common Trust Funds Under Regulation 9," 102 Trusts & Estates 569 (1963).

[21] 54 Stat. 829 (1940), 15 U.S.C. § 80a-27(a)(1) (1958). The sales load applies to periodic payment plans where the investor agrees to make monthly payments into the fund for a period of time, often ten years. This type of operation is contemplated for pooled managing agency accounts. See Smith, "The Mass Trust Market," 99 Trusts & Estates 182 (1960).

[22] See 1963 hearing 80, 83.

[23] 12 C.F.R. § 9.18(b)(12) (Supp. 1964).

[24] A consideration Congress should not overlook in deciding whether to allow the Comptroller to regulate these funds is the close affiliation of the Comptroller to banking interests. It may be argued that he cannot provide objective regulation in the investors' best interests because of his natural sympathy towards those he regulates. On the other hand the Comptroller's expertise in regulating bank activities may be wasted in this area if the SEC is chosen to regulate the pooled accounts. For discussion of this problem in another administrative agency see Huntington, "The Marasmus of the ICC: The Commission, The Railroads, and the Public Interest," 61 Yale L.J. 467 (1952).

[25] One apparent shortcoming of the Bank Collective Investment Fund Act is that, while it exempts managing agency accounts from securities legislation, it does not amend § 584 of the Internal Revenue Code to relieve them from being taxed as corporations. The recent ruling that deterred the First National City Bank from inaugurating a pooled fund indicates that the Internal Revenue

TO PROVIDE FOR PERSONAL INCOME TAX DEDUCTION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FASCELL. Mr. Speaker, I am today introducing a bill to provide for a personal income tax deduction for amounts paid to an employee for domestic service in the private home of a taxpayer.

The need and desirability for this legislation was brought to my attention by Mrs. Nancy Evans of Miami, Fla. Mrs. Evans has long been active in public affairs, and she is a woman of vast and extensive experience in many other fields. Her educational background includes work at George Washington University, the University of Miami, and Boston University. She has also attended a number of art classes in Boston, New York, Hawaii, and Los Angeles.

Mrs. Evans has worked with the Federal Government in a number of capacities. In 1941–42 she worked for the War Department in military intelligence; from 1942 to 1943 in the Office of Censorship in Miami, Fla., and from 1943 to 1945 for the Office of Censorship in Washington. Her last permanent employment with the Federal Government was from 1950 to 1952 with the Central Intelligence Agency in Washington.

Since 1952, Mrs. Evans has developed her interest in Democratic politics. She has been active in the Democratic Women's Club of Dade County since she helped to organize the club and has served as its president a number of times. She has also been president of the State organization. Mrs. Evans has been either a delegate or an alternate to every Democratic National Convention since 1956, and worked as cochairman of the women's division in the Kennedy-Johnson campaign in Florida in 1960.

Aside from her broad experience in partisan politics, Mrs. Evans has been very active on a bipartisan basis. She served as a member of the White House Bi-Partisan Conference on the "Foreign Aspects of the U.S. National Security" in 1958 and as chairman of the regional conference "Foreign Aspects of U.S. National Security" also in 1958. She was a member of the Fine Arts Commission of Miami, Fla., in 1958 and has been a member of the city beautification committee of Miami from 1959 to present. As a member of the Miami-Dade County Chamber of Commerce she has also contributed a great deal to the responsible community activity in Dade County.

Mrs. Evans is well aware of the hardship involved for a working mother in the expenses for child-care and domestic service. Her long and varied public experience has also made her knowledgeable about the problems of unemployment in the unskilled and semiskilled fields and the vast job opportunities in skilled occupations. She proposed the idea for this bill to me with these problems in mind, and I think this bill represents a step forward in the solution of these problems.

My bill provides for a personal income tax deduction for the amount paid during the taxable year to an employee for domestic service in the private home of a taxpayer. There are some limitations to the general coverage of this bill—payments to dependents are not deductible, nor are payments for medical or child-care expenses if they are allowed as deductions under another section of the Internal Revenue Code.

It should be noted that under existing law, expenses for domestic service are deductible to a limited extent. For example, certain domestic service may be taken into account in determining the deduction for child-care expenses or the deduction for medical expenses. This bill will not change the deductibility of this kind of domestic service under these other provisions. The taxpayer will have an election to deduct these expenses either under the domestic service provision or under the provisions of existing law. The bill merely provides that he cannot get a double deduction for any expense.

The bill would also amend section 62 of the Internal Revenue Code to provide that the new deduction for domestic service expenses could be deducted from gross income in arriving at adjusted gross income. The effect of this change would be to permit the taxpayer to take the new deduction whether he itemizes his deductions or whether he takes the standard deduction.

The major purpose of this bill is to reduce unemployment by increasing the number of individuals engaged in domestic service and as nursemaids. This bill would make it economically feasible and more desirable for families in the United States to hire domestic help and as a result the demand for such services would increase.

Furthermore, if the cost of domestic service is made tax deductible, persons of higher skills who are being aided by domestic service would thereby be in a position to become gainfully employed. This, of course, would produce more taxable revenue for the U.S. Treasury.

While this bill would help reduce some of the unemployed in the unskilled category, it would also help relieve the shortage in the skilled fields by making it more attractive for some, particularly women, to engage in such skilled work. This would definitely assist the U.S. economy by decreasing the waste of manpower in both skilled and unskilled labor. Also, by reducing the number of unemployed in the economy, the bill would reduce Federal, State, and local expenditures to persons on unemployment compensation, welfare, and relief rolls.

This legislation, and its effect on employment, are definitely consistent with the antipoverty program of this administration. The Vocational Education Act and the Manpower Development Act provide several programs for training people to do various domestic duties and to fill shortages of workers in this field.

In the long run, the cost to the U.S. Treasury in loss of revenue would be negligible. The Treasury Department would receive an increase in revenue from the incomes of the additional people employed as domestics and nursemaids and from the incomes of the employers of these people, many of whom would themselves become employed; and in addition, would benefit by the reduction in relief and welfare payments.

Mr. Speaker, I ask unanimous consent to include in my remarks an article from the June 20, 1964, issue of the Saturday Evening Post. This article states very forcefully the compelling reasons why the status of persons employed in a domestic capacity should be raised. My bill is designed to have that very effect, and I think this article explains some of the reasoning behind the introduction of this legislation.

The article follows:

MORE PEOPLE SHOULD BE SERVANTS

(By Caroline Bird)

The notion that there is something shameful about personal service is an invisible ceiling on the vaunted American standard of living. Our housewives, executives, and consumers struggle with chores they haven't time or energy to do, while those who could do them better can't find jobs of any kind.

The barbarities we've learned to accept are appalling. An old lady is fined because she can't quite shovel her own snow off the walk. Another falls and breaks her hip jockeying a full garbage can to the curb, as requested by the labor-short sanitation department.

Some hospitals keep patients drugged all the time because they haven't the help to answer the bells. Some of them try to spread the help they have by sending every normal maternity case home 3 days after childbirth, whether the mother has any decent help there or not. When the visiting relative or unfamiliar hired help goes home, the new mother faces an ordeal never demanded of those peasant women who bore large broods without missing a day in the fields. She has to take over 24-hour-a-day care of the new baby and other preschool children alone. Anyone who has ever tried to nurse a baby while a phone or doorbell rings unanswered will understand why so many American babies are bottlefed.

Everybody says you can't find anybody to help any more. People thought we were crazy to buy a house in the country and count on getting into New York several days a week. The local employment services warned me I'd never get anyone to live in and take care of my 2-year-old son. "We've got a lot of people out of work," a clubwoman admitted, "but we don't have anyone who will do housework. If you want a maid, you'll have to bring one up from the city." In desperation, I put an ad in the local paper explaining that I was a writer who had fallen in love with a house and wanted someone to share it with me and care for it and my

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Service is reluctant to extend the exemption to pooled managing agency accounts. The proposed act does not attempt to enlarge the fiduciary duties of banks sponsoring managing agency accounts by redesignating them as trustees rather than agents. Therefore, even if agency accounts were exempted from SEC regulation, the act's purpose might be frustrated, because they would fail to qualify for the exemption of § 584. Pooled managing agency accounts are not economically feasible unless the tax exemption applies. Therefore the act should include a provision amending § 584 to include funds collectively invested by the bank in its capacity as managing agent.

small son a few days a week. I stated that I was looking for a social equal, an honorary aunt for my little boy.

I got answers in droves from all sorts of women who had never thought of domestic service. I heard from women who had office jobs but couldn't face going home to an empty room every night. I heard from women suddenly left alone to earn a living who had been gathering their courage to compete with younger women for scarce office jobs; to them my ad offered a respectable way to go on living the domestic life they really liked best. One whom I couldn't use was insulted when I told her the local employment agency had 20 housekeeping jobs it couldn't fill. "I'd never think of going down there," she said with real horror. "I might meet someone I knew." I finally hired a widow who would rather live with us and collect rent on her own house than keep it up for herself alone. Some people think she is my mother.

Domestic service is disappearing because it means class distinction. We're supposed to have no classes in America, and most of us will endure a lot of discomfort and forgo some money to maintain this pretty fiction. Housewives say they don't like having extra people around the house, but what they really mean is that they are embarrassed to appear superior. Or they are afraid they can't give orders without damaging the dignity of the person who takes them. Or they don't know what to say and how to act. Girls say they would rather work in a factory and be "free" than live as a domestic servant and have more money left over at the end of the week. What these girls really mean, of course, is that they don't want to be a servant.

The stigma attached to being a "maid" may come down to us from our immigrant past, when domestic service was the job that beginners had to do until they could get something better. So guidance counselors don't encourage young Americans to become waiters, window washers, tailors, porters, doormen, charwomen, and home launderers; the youngsters, they feel, ought to "aim higher"—to office or white-collar work. As a result, there are few good places where a boy or girl can learn cabinetmaking, cooking, table service, catering, tailoring, dressmaking or professional gardening. Those who practice these trades are apt to be foreign born, and they make so much money that a lot of them can boast a net worth far greater than that of white-collar patrons who worry about treating them as "equals."

Meanwhile, Americans who ought to be using more services suffer from a "frontier mystique," which endows self-reliance and do-it-yourself with a peculiar virtue, especially when "it" is something that has to be done at home. A man who isn't expected to answer his own phone at the office, and who may find nothing amiss in having a shoeshine boy work on his shoes, has to put up his own storm windows, and his wife has to assemble and lug groceries home as if her time and energy were worth nothing.

The housewife is quite generally the victim of improved efficiency. Businesses have raised profits by squeezing every bit of service out of their products, thus making the housewife do their work for them. Furniture comes knocked down for you to assemble. Department stores won't send a dozen dresses home so you can try them on a little girl. Alterations aren't free; they cost so much you wind up doing them yourself. Stores won't give you samples of wallpaper or material so you can save a trip when you have to match them. Banks won't give you your balance any more free of charge. Repairmen won't give you a free estimate, so you feel you ought to try to fix the machine yourself before calling them in. When you go to the doctor's, you find he has scheduled several patients at the same hour to avoid any waste of his time, so you have to wait.

Butchers are becoming obsolete. If you want meat cut in a certain way, you have to operate yourself on something the supermarket has wrapped up for no one in particular. Milk and mail, newspapers and telegrams are delivered at the convenience of the deliverers, and if you don't like it, you have to go yourself.

With all her laborsaving appliances, the American housewife is supposed to have such a cinch that she doesn't need a day off. You'd think that machines gather up her laundry, mend it, fold it, and put it back in drawers. Cake mixes mix themselves in mixers. Garbage walks off the plates and into the disposal unit. Vacuum cleaners unwind their cords, plug themselves in, and glide effortlessly over floors and furniture. An electric brain plucks the right boxes from the supermarket shelf and assembles them at the checkout counter, leaving the little lady nothing to do but lug them into the car and out of the car. If she is neurotic, it is obviously because she loafs at home all day instead of getting out and doing something for the community.

Our cultural blind spot about personal service keeps us from seeing where we lack it. Because we assume that a red-blooded man will insist on driving himself, we have hard-pressed physicians driving themselves from patient to patient instead of using the few moments to rest. Our answer to the shortage of doctors is a computer that will diagnose and monitor a patient's condition but cannot hold his hand or give him a cheery smile. Our answer to the teacher shortage is to devise teaching, testing, and grading machines that enable one teacher to take care of more pupils. The unexpected outburst against telephone digit dialing is a sort of spasm of protest against the dehumanization of services that formerly carried some sort of personal relationship, however fleeting.

The pity is that millions need the work that is being saved. Some of them need it to be human. The loneliest people in this country are the single sisters, cousins, aunts, and widowed grandmothers who used to watch the babies and help around the house. Today they are expected to get out and get themselves a "real" paying job. (Now that they have gone, there is no one left at home to fold a sheet with or run to the store. If mother is sick, father has to stay home from the office, because grandmother has a job and a home of her own, and heaven help her if she falls sick.) The tragedy, however, is that these people, who are so needed in personal services of all kinds, are just the people who can't find jobs in industry. Old folks with obsolete skills, the young people who don't or can't take enough schooling to qualify for the exacting new jobs of running the labor-displacing machines—both groups are growing. Unless we can find work they can do, we will never keep unemployment down to reasonable bounds.

It is cruel delusion to tell young people that more education is the answer. It's true, of course, that unemployment is highest among the unschooled. According to the Labor Department, 30 percent of adolescents will not finish high school, and of those who want to enter the labor force, 30 percent will be unemployed. (The unemployment rate in the labor force as a whole is almost 6 percent.) But all this means is that you've got to get through high school to get a job at all. It doesn't mean that there will be a job for all high school graduates. Universal college for everyone won't create new jobs. It will merely intensify the competition for the dwindling number of high-productivity jobs that will in the future suffice to produce all the things that the rest of us can consume.

If all these geople are going to support themselves, they are going to have to work helping each other. We could, of course, put them to work shooting the moon or building up underdeveloped nations, but they are needed here and now. All we have to do is to redesign personal service. It must be made to meet the social and psychological needs of school dropouts and Appalachian isolates who cannot stand the impersonal discipline that factories impose and who do not want to better themselves so much as they want to be warmly related to the people around them. As factory productivity rises. more people should be free to do the humanly satisfying work of making or doing something for just one other person.

Why don't we do it? The real reason is not that personal service isn't as productive as machine tending and can't command industrial wages. We have licked more uneconomic problems than that. We have subsidized marginal farmers. We haul millions of children to consolidated schools and back again every schoolday. All this took money and planning that dug deep into people's lives. But we pay the bill and endure the redtape because we feel that the family farm and the future of children are worth it. Can't we put the same social ingenuity and high purpose to work providing the human support that will lift the morale of housewives and make life for able-bodied social security pensioners worth living?

This rich and versatile society ought to think of something better to do with these so-called "superfluous people" than to give them a handout that will barely keep them alive in desperate loneliness. There are better ways to show overburdened mothers and unemployed factory girls, for example, that they have something both human and economic to offer each other. We need only to organize domestic work so that it is dignified and well enough defined so that both parties know how to act.

A splendid model exists in New York City's Part-Time Child Care Service. This private employment agency registers women who pass a rigid screening for child care and dispatches them, on call, to babysit. It allows students, airline hostesses in town for a few days, engaged girls waiting for fiances, office girls who like to take care of children at night and middle-aged women with or without families to work when and as long as they wish. It gives mothers the comfort of knowing that reliable help is less than an hour away by telephone. Part-timers are strictly child tenders. The agency spells out for both sides exactly what they will and will not do, what meals are expected and what accommodations will be provided.

All sorts of services could be patterned on this model; pet care, lawn care, convalescent care, shopping, housecleaning, children's parties, temporary homemaking for families disorganized by sickness. Other opportunities for new small businesses could be patterned on the typewriter services that keep office machines running. A much needed one is repair and maintenance insurance for all the machines in a household.

We need to analyze personal service work so that we can organize it in a way more comfortable to both sides. It may turn out that rescheduling of some home routines will shorten long hours traditional for domestic service and enable domestic workers to live off the premises without discomfort. We ought to explore all kinds of solutions—live in, live out, live so that we break the distasteful master-servant pattern; live so that individuals may respond more freely to their own preferences.

There is no reason why we should put up with doing ourselves all the things that aren't economic for a machine to do. There is no reason why the people the machines have left behind should wither. There is no reason why a lonely grandmother should grow old before her time because she needs to be needed while an isolated mother yearns for the lift and the moral support she once could get from sisters, cousins, and aunts.

No reason, really, but the false pride which dooms millions to work that provides no human response, while the people who need their help are just as lonely and burdened doing it all themselves.

POLIOMYELITIS VACCINE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, for the last several years one of the most important problems that has had the attention of the Nation has been poliomyelitis and the efforts to develop a vaccine that will adequately protect our people. The country is well aware of what has been done in the last 5 years in this field. Under legislation passed by the Congress a special program has been effectuated.

There is a special advisory committee to the Surgeon General of the Public Health Service in the Department of Health, Education, and Welfare that advises the Department, the Congress and the Nation of this program and developments.

Today an important release is being made by the Special Advisory Committee on Oral Poliomyelitis Vaccine through the Surgeon General, Dr. Luther L. Terry.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include the release at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

(The matter referred to follows:)

A special advisory committee to the Surgeon General of the Public Health Service, Department of Health, Education, and Welfare, urged today renewed drives by local communities during the fall and winter to vaccinate the younger age groups against poliomyelitis.

The report was prepared by a Special Advisory Committee on Oral Poliomyelitis Vaccine and was made public today by Surg. Gen. Luther L. Terry.

The committee's report said that the age groups to be immunized and the vaccine chosen for use should be determined locally. The committee said, however, that in its view the oral vaccination of persons over 18 should "generally be recommended only in those situations in which unusual exposure to poliomyelitis might be anticipated, such as epidemics, entry into military service, and travel to other countries."

The committee recommended strongly the immunization of infants during their first year of life and the routine immunization of all children on entering school.

Dr. Terry, in releasing the report, said that the Public Health Service was accepting the committee's recommendations. He pointed out that the shift in emphasis away from adults toward younger age groups was forecast in a committee report of December 1962. The advisory committee at that time emphasized the importance of concentrating on the immunization of younger age groups and noted a "very small risk" incident to the use of the oral vaccines in persons 30 years of age and over.

The current committee report also recommends alteration in the sequence of administering monovalent vaccines with type II the first to be given. The newly recommended order is types II, I, and III.

Dr. Albert Sabin, developer of the oral vaccine and a member of the committee, filed a report dissenting from the committee's recommendations and calling for the continued immunization of all age groups.

The Service is making available the full text of both reports to State health officers, professional organizations, and other interested agencies, Dr. Terry said.

The committee's recommendations were based on an exhaustive analysis of 87 reported cases of "polio-like illness associated with the administration of oral vaccines" which have occurred in nonepidemic areas since December 1961.

These cases were considered by the committee on the basis of whether or not they were "compatible with the possibility of having been induced by the vaccine."

It concluded that it is not possible to prove that any individual case was caused by the vaccines and that no laboratory tests available can provide a definitive answer. Nevertheless, the committee said, "considering the epidemiological evidence developed with respect to the total group of 'compatible' cases, the committee believes that at least some of these cases were caused by the vaccine."

The extent of the "risk factor," according to the report, is, for type III only 1 case in 2.5 million doses administered; for type I, only 1 in 6 million, and for type II only 1 in 50 million.

With respect to the very minimal risk, Dr. Terry emphasized that there should be no apprehension whatsoever among those who have already taken the oral vaccine.

In its analysis of the 87 cases, the committee found 57 which they considered "compatible."

The "compatible" cases, the report said, occurred largely among adults. Most were widely scattered throughout the country. The onset of illness fell between 4 and 28 days following vaccine administration.

"There was no apparent association of cases with specific lots of vaccine or vaccines produced by a particular manufacturer," the report added.

In urging a renewed effort to vaccinate those still susceptible, most of them poorly immunized children in economically depressed population groups, the committee cited the spectacular decline of polio during recent years.

The decline has been from an annual rate of 14.6 cases per 100,000 during 1950–54 to a rate of 1.8 for 1957–61. This represents a decrease of 88 percent.

"On the basis of reports to date, less than 150 cases of paralytic poliomyelitis may be anticipated for the entire year (of 1964)," the report added.

In commenting on this phase of the report Surgeon General Terry said:

"When you compare this year's record low with the 54,000 cases of polio reported in 1952, the triumph against polio is an historic achievement in preventive medicine. This great victory has been made possible by the work of two extraordinarily dedicated scientists—Dr. Jonas Salk and Dr. Albert Sabin—and it has come to pass through the devoted efforts of hundreds of organizations and thousands of individuals," Dr. Terry said.

The Surgeon General added: "I heartily and enthusiastically endorse the committee's primary recommendation that every effort be made for the continuing vaccination of infants and younger age groups. Only through this means can we achieve total victory over polio."

Dr. Terry praised the committee for a "painstaking, conscientious, and thorough report in the public interest."

Members of the committee were: Dr. Ernest A. Ager, State Department of Health, Olympia, Wash.; Dr. David Bodian, the Johns Hopkins University, Baltimore, Md.; Dr. Gordon C. Brown, University of Michigan School of Public Health, Ann Arbor; Dr. Alice D. Chenoweth, Childrens Bureau, Washington, D.C.; Dr. Geoffrey Edsall, Massachusetts Department of Public Health, Boston, Mass.; Dr. John P. Fox, Public Health Research Institute of New York, N.Y.; Dr. James L. Goddard, Communicable Disease Center, Public Health Service, Atlanta, Ga.; Dr. A. L. Gray, Mississippi State Board of Health, Jackson; Dr. William McD. Hammon, University of Pittsburgh, Pa.; Dr. Donald A. Henderson, Communicable Disease Center, Public Health Service, Atlanta, Ga.; Dr. David T. Karzon, Childrens Hospital, University of Buffalo, N.Y. (unable to attend); Dr. Alexander D. Langmuir, Communicable Disease Center Public Health Service, Atlanta, Ga.; Dr. Theodore A. Montgomery, California State Department of Public Health, Berkeley; Dr. Roderick Murray, National Institutes of Health, Public Health Service, Bethesda, Md.; Dr. Albert Sabin, the Childrens Hospital Research Foundation, Cincinnati, Ohio; Dr. Edward B. Shaw, University of California School of Medicine, San Francisco; Dr. Paul F. Wehrle, University of Southern California School of Medicine, Los Angeles.

SPECIAL COMMITTEE ON THE CAPTIVE NATIONS

The SPEAKER pro tempore. Under previous order of the House the gentleman from Indiana [Mr. BRAY] is recognized for 30 minutes.

Mr. BRAY. Mr. Speaker, I wish to direct the attention of this body once again to the subject of creating a Special Committee on the Captive Nations. Resolutions for this purpose have been before the Committee on Rules since 1961, but action has been delayed largely because of the inflexible opposition of the State Department.

The purpose of such a special committee can be summarized very briefly.

It has been my contention that in our dealings with the Soviets we repeatedly have failed to use the most potent weapon at our disposal—that is to demand that the people under Communist domination be given the right to freely choose their own governments. For reasons unclear to me we have never made this demand an instrument of national policy, although it has been a stated goal. A goal stated in varying degrees of conviction, I might add.

President Eisenhower had pledged:

> To aid by every peaceful means * * * the right to live in freedom.

Secretary Dulles put it even more clearly:

> The captive peoples should never have any reason to doubt that they have in us a sincere and dedicated friend who shares their aspirations.

More recently, however, the actions of our Government have led to doubts about our sincerity in backing the peoples of the captive nations. We have even been reluctant to state forcefully that we sympathize with the people under Soviet dominance or that such dominance exists.

A Special Committee on the Captive Nations would focus attention on the plight of these people, and find ways to exploit the problems which any dominating power creates.

The Eisenhower proclamation of Captive Nations Week in 1959 specifically called for the American people:

> To study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the people of those captive nations.

One of the best ways for such a study to be made would be in the continuing activities of a committee of Congress established for that specific purpose.

Senator John F. Kennedy, in 1960, said:

> The captive nations should be studied intensively.

It should be remembered that the true facts and the importance of the Katyn massacre were revealed and emphasized by a special committee of the House. As a result of its investigations, the committee in 1952 disclosed that it was the Russians who "committed the mass murders of the Polish officers and intellectual leaders in the Katyn Forest near Smolensk."

I cite the record of that special committee to show what can be accomplished by such a group.

There are many areas of genuine interest to the United States which have not been adequately studied and to which this committee could give attention. We do not know nearly enough about the economic colonialism within the Soviet Union. Yet these are matters which could be of the utmost importance in the continuing battle for the minds of men.

It is also important to continue directing attention to the captive nations as a group. It is in our interest to keep pointing out that there are several captive nations—sharing alike the tyranny of Communist rulers, bound by the yoke of Soviet imperialism.

The existence of the captive nations—and the facts of their actual subjugation—is an embarrassment to the Soviets. Understandably, they prefer not to talk about these matters.

Just as understandably, the United States should prefer to talk about them and to take every reasonable means to bring them to the attention of the rest of the world.

Strangely enough, we seem to shy away from discussing them.

Russia is constantly demanding that we negotiate with her. Our leaders apparently refuse to recognize that negotiations with the Kremlin mean that Russia will keep what she has and negotiate for what we have.

When Russia wants to negotiate, let us give her a strong answer. "Yes, we will negotiate. Let us negotiate as to when you will give freedom to the captive nations. When will you allow them the right to vote? When will you allow them the rights guaranteed in the Atlantic Charter and the Yalta declaration, both of which you accepted?"

Our country is failing to utilize our greatest and strongest weapon in the cold war. For too long we have allowed the Soviet Union to take the initiative, to keep on the offensive. For too long we have merely tried to answer their false charges, to repair the damage made by the Soviet blasts against the dike of freedom. We have remained on the defensive, gradually yielding to Russian aggression. Our leadership has apparently believed that if we yield and give enough to the Russians, the Kremlin would change and become exponents of freedom.

We have a weapon that will throw the Soviets on the defensive in the cold war if we have the courage to use that weapon to the fullest. This weapon is to demand that Russia give to the captive nations freedom of choice—allow these peoples to vote for the kind of government they want and to elect the officials they want.

Not only are we today failing to use the greatest weapon of the free world—encouraging the captive peoples to hope and work for freedom—we recently have actually downgraded this hope for freedom.

Until 1961 our country was encouraging the peoples behind the Iron Curtain to aspire to freedom. We were publicizing to the world the Communist enslavement and stifling of freedom of captive people. This was causing Russia and other Communist leaders to have to relax their iron hold and give increased freedom to their people. In 1961, however, after Eisenhower left office, our Government changed. We began to attempt to relieve tensions of the captive peoples against Russia.

A most shameful example was the action taken on December 30, 1962. On that day the U.S. delegation to the United Nations made a motion to eliminate the Leslie Munro reports. Russia had maneuvered for more than 3 years to eliminate these reports because they were well-documented studies of the continuing Soviet persecution of the Hungarian people. The United Nations had appointed Sir Leslie Munro of Australia to make this investigation. He had assembled documents that each year proved that Hungary was not a free country but was controlled by the Kremlin, backed up by a heavy concentration of Russian armed forces.

These reports kept before the people of the captive nations as well as the free world the fact that, despite Russia's sweet talk and promises, Hungary was still a Russian police state.

Even more shocking is the line of thinking shown in a study that was made for the U.S. Arms Control and Disarmament Agency and was filed by President Kennedy in the second annual report of this Agency to the Congress of the United States. While this statement has not been announced as approved policy, its philosophy is startlingly similar to a line of thinking all too prevalent in the State Department today. I quote from that report:

> Whether we admit it to ourselves or not, we benefit enormously from the capability of the Soviet police system to keep law and order over 200 million odd Russians and many additional millions in the satellite states. The breakup of the Russian Communist empire today would doubtless be conducive to freedom, but would be a good deal more catastrophic for world order than was the breakup of the Austro-Hungarian Empire in 1918.

If the people of the world would forsake their liberty to give absolute obedience to one master, then we might have world order—but we certainly would be slaves. Is that the kind of world we want today? I know that it is not the goal that I want, and I know it is not the goal of you who still hope, work and pray for freedom of your former countrymen.

The current administration reflected a similar change in direction in the matter of proclaiming Captive Nations Week.

The Congress repeatedly has authorized and requested the President to issue a proclamation of Captive Nations Week, calling attention to many nations of Eastern Europe with which we feel a close kinship and which are held in Communist bondage today. It is significant that these resolutions have been watered down under the present Democrat administration so that they contain no reference to Soviet Russia, to communism, nor to the tyranny for which they stand.

The recent proclamation of Captive Nations Week by President Lyndon Johnson is striking in its omissions. It makes no reference to Soviet Russia nor to communism. It refers to captive nations but is too timid to say who holds these nations captive. If it is not Soviet Russia and international communism, then who is it?

But for some reason our official policy is one which is afraid to disturb the Russians or to ruffle the feathers of the Communists or to encourage the captive nations or people enslaved by Communist slavers to aspire to freedom.

President Johnson's proclamation says:

> It is appropriate and proper to manifest to the peoples of the captive nations the support of the Government and people of the United States for their just aspirations.

We can understand why many of those who have given their wholehearted devotion to the cause of freedom for the peoples of the captive nations have interpreted this as a mealymouthed statement.

All the statement really says is that we are for "freedom and justice everywhere." But apparently we are not for freedom and justice enough to call a spade a spade, and to say without equivocation that it is international communism, spreading the age-old aggressive desires of the Russians, which is making captive nations of the peoples of Eastern Europe.

By way of contrast, the proclamation of President Dwight D. Eisenhower in 1959 was outspoken in saying:

> Many nations throughout the world have been made captive by the imperialistic and aggressive policies of Soviet communism, and the peoples of the Soviet-dominated nations have been deprived of their national independence and their individual liberties.

There is nothing timid, halfhearted or mealymouthed about that.

It appears that a similar refusal to face facts has resulted in stalling the legislation to create the Special Committee for the Captive Nations. As a delaying tactic in 1961 the Committee on Rules requested the opinion of the State Department.

Secretary Rusk declined an opportunity to appear in person, and submitted a letter instead. The letter stated, in part:

> As the U.S. Government seeks to deal with the threat posed by recent Soviet actions concerning Berlin, it is of utmost importance that we approach any consultations with our allies or negotiations with the Soviet Union in an atmosphere which best lends itself to an acceptable settlement. In this context, I believe the establishment of such a committee at this time would likely be a source of contention and might be taken as a pretext for actions by the Soviet Union which would interfere with the resolution of the present crisis concerning Berlin.

Of course, the "present" crisis concerning Berlin still continues—more than 3 years later. Our mollifying attitude has availed us nought. Who knows what the reaction might have been had we taken a hard line about Berlin? Instead, we tread on tiptoes so as not to offend the Soviets, and the wall of shame still separates East and West Berlin.

We do not know what secret agreements or arrangements may have been made to "lay off" the criticism of the captive nations. There have been many reports of a "deal" to protect the Castro regime in Cuba from an invasion. Most recently, Castro himself insisted that such an agreement has been made.

In an interview with Bernard L. Collier of the New York Herald Tribune, Castro said:

> I think the United States realizes the consequences of conventional warfare with us will be more serious now. There have been compromises.

Mr. Collier asked Castro:

> What kind of compromises? Formal, signed compromises?

Castro replied:

> Yes. Yes. Formal agreements. Between the United States and the U.S.S.R, and Cuba and the U.S.S.R. Essentially, I think, what is in the compromises is known to the world. There is to be no invasion of Cuba by the United States. That is formal. It is binding on the U.S. Government under any President, any government. And Russia agreed to defend the revolution. The crisis made all this clear.

The whole world looks to America for leadership in freedom. Instead of downgrading the importance of freedom and glossing over its absence behind the Iron Curtain, we should encourage all others to aspire to it, and should provide an example for them to follow.

One real contribution could be the creation of a Special Committee for the Captive Nations, for the reasons discussed above. This committee could reveal to the world the sorry record of the Soviets who must hold their empire together by force, and who must deny freedom to the people behind the Iron Curtain or lose her hold over them.

Mr. BRUCE. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Indiana.

Mr. BRUCE. I would like to commend the gentleman from Indiana for the remarks he has made and for his consistent position in behalf of this Special Committee on Captive Nations. Certainly anyone who has studied the nature of Communist imperialism recognizes it is perhaps the most tyrannical imperialism ever imposed upon one nation after another.

I particularly wish to commend the gentleman for pointing out that there has been a constant watering down both on the statements and the actions in regard to the captive people by the U.S. leadership. The Achilles heel of the whole Communist program for world conquest lies in the resistance in the hearts and minds of the people behind the Iron Curtain. I am afraid there are too few people who realize that the overwhelming majority of the people living under communism despise communism. They are our greatest potential allies. Certainly by our existing program promoting interdependence with Communists we are committing a crime against these people. To keep that flame, that hope of freedom alive, is one of the greatest challenges of the cold war. I share the thought of my colleague from Indiana that in this mistaken idea that somehow we are going to persuade Communists to cease being Communists and make Khrushchev a nice little fellow by talk of an interdependence program we are running the risk of repeating the tragedy of Munich which led to World War II. I congratulate the gentleman.

Mr. BRAY. I thank the gentleman.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Indiana.

Mr. ADAIR. I want to join in commending our colleague from Indiana for the address he has given us this afternoon. In recent years it has ben popular, and very properly and rightly so, to espouse the cause of independence for all people. Many new countries have arisen; new countries that have been created as a result of this philosophy. If this is right, and it is, then it is equally right and important that all people have their own self-government and political independence. This is especially true of this group of nations we call the captive nations, because they have a tradition of self-government back of them in practically every case. It is important that we keep alive the knowledge that some day they will again achieve their own independence and self-government.

Mr. BRAY. I thank the gentleman.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from Indiana.

Mr. HALLECK. I, too, want to commend my colleague from Indiana for the statement he is making. I am in complete sympathy with it. For a long time I have thought we ought to go into this whole matter of the captive nations very thoroughly and exhaustively and do everything we could to hold out the hope they have a right to expect and to help them in that respect.

Again, I congratulate the gentleman and appreciate very much the statement he has made.

Mr. BRAY. I thank the gentleman.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from New York.

Mr. HORTON. I, too, want to join with my colleagues in commending the gentleman from Indiana for his very succinct statement with regard to the problem of the appointment of a Special House Committee on the Captive Nations. I also want to commend him for his many years of work in the House of Representatives not only to bring this to the attention of the Congress but also to bring it to the attention of all of the people in America. It is distressing to realize that there are people in the world today who do not have the right of self-government and self-determination. I, too, have been concerned about this problem since I have been in Congress. On January 24, 1963, I introduced House Resolution 175, calling for the establishment of a Special Committee on the Captive Nations. I feel it is very important in the House of Representatives and the Congress that special attention be given to the problem of these captive people and also to urge that our delegation in the United Nations make certain we take a very strong position in that body to see that this issue is vigorously prosecuted before that world body in order to gain protection for those who are unable to protect themselves.

So long as the communistic world refuses freedom to those people of the captive nations we in America cannot rest. We must not relax our efforts and the present attitude of overlooking the refusal of the Communists to make concessions in this area is a betrayal by our country of a basic premise that has made our country great; namely, that all men are created free.

Again, I should like to commend the gentleman and my colleagues for bringing this matter to the House of Representatives, and to say that I join with them in this attempt to make known our concern about this problem and to ask again that special consideration be given to the establishment of a Committee on the Captive Nations.

Mr. BRAY. I thank the gentleman.

Mr. OSMERS. Mr. Speaker, in 1959 there was a joint resolution unanimously adopted by the Congress designating the third week in July as Captive Nations Week. The purpose of the resolution was to reaffirm our aspirations of freedom for the millions of peoples enslaved by Communist domination. We recognized that the greatness of these United States is, in large part, attributable to its ethnic makeup. We recognized that the oppression of Soviet imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds of understanding between the people of the United States and other peoples. We, at that time, recognized the threat to the security of the United States and the free world by the imperialistic and aggressive policies of the Soviet Union. We stand as a symbol of the free world and a citadel of human freedom. Thus, we wish to give hope to the oppressed peoples of the world. We, too, recognized that the desire for liberty and independence by an overwhelming majority of these people constitutes a powerful deterrent to war and one of the best hopes for a just and lasting peace. The United States made it clear that we share their aspirations for freedom and independence.

What was the result of this resolution? President Eisenhower proclaimed a national Captive Nations Week and Khrushchev flew into a rage. We had hit the Achilles heel of the Russian leader. We had exposed the hyprocrisy of Soviet colonialism for what it truly is. The Soviet leader angrily declared the congressional action "a direct interference in the Soviet Union's internal affairs" and in the next breath blasted the United States for its colonialism. A single congressional resolution had so unnerved the Soviet premier that his temper flared noticeably during Vice President Nixon's tour of Russia. Remember the famous "kitchen scene" between the two world leaders? At one point, his temper demonstrated itself at the United Nations when he rapped his shoe vigorously on the desk.

Most Americans have always had a deep and sincere sympathy for the captive peoples of the world. But, I fear, some have forgotten the old Russian trick of diverting blame from themselves by blaming others for their own dire deeds. Some seem to have forgotten the spring of 1940 when some 15,000 bodies of Polish officers and intellectuals were discovered in the Katyn Forest. The Russians charged the Germans with genocide. A shocked Congress set up a committee to determine the circumstances and the guilt for the Katyn Forest Massacre. It was ascertained that the Russians, not the Germans, had committed the heinous crime. This is but one of the tragic symbols of Russian trickery and treachery.

Most of us know that the Soviets cannot be trusted. We do not believe that Russia is easing the reins on captive nations. We are not misled by propaganda that the Soviet conspiracy has been changed or even liberalized. They still seek world domination, by whatever devious means. We must never relax our vigilance. This is a cold war. The Soviets only hope of victory lies in suppressing the freedom of the people in the nations they control. Our best "weapon" is the confidence of these people in the United States and our dedication to regaining their freedom. These people are enslaved but their desire for liberty is still as strong as ever. Despite Communist regimentation and persecution, they maintain their languages, tradition, culture, and religious beliefs. And in this devotion to freedom and personal choice lies our best hope for their returning to a government of their own choosing.

Mr. Speaker, some 42 Members of this House have offered resolutions for the establishment of a standing Committee on Captive Nations. It is felt that such a committee would serve as a clearinghouse for information on which our foreign policy and peace-making efforts could be based and phony propaganda exposed. The work of such a bipartisan committee would be evidence of our determination to free these oppressed people.

The gentleman from Illinois [Mr. DERWINSKI] has been a leader in the fight to establish this committee. It has been a long and arduous fight. It has been a fight that has consistently and constantly been fought by the administration. Secretary of State Dean Rusk stated in a letter to Rules Committee Chairman SMITH that the establishment of such a committee would be a "source of contention to the Soviet Union" and would thus interfere with negotiations then going on over the Berlin crisis. In 1961, the administration delayed issuance of the traditional Captive Nations Week proclamation.

The gentleman from Pennsylvania, Representative DANIEL FLOOD, who had served on the committee investigating the Katyn Massacre failed to obtain administration support of his plea for such a committee.

Are we so afraid of Mr. Khrushchev's anger that we will not take a position on freeing enslaved peoples? We must utilize all means to dispel the myth that Russia is mellowing in her approach. Does anyone really believe that her purpose is no longer world domination? How can we fail to realize that the captive peoples behind the Iron, Bamboo, Sugar, and Banana Curtains are desirous of freedom? We must adopt a positive approach to liberty and freedom throughout the world.

Mr. Speaker, I am proud that my party has continuously and conscientiously fought for the establishment of this committee. We have pledged in our 1964 platform to seek means for the "eventual liberation of these Communist-dominated countries." We have committed ourselves to a definite course of action while the majority party favors merely the "encouragement of growing independence."

Talk is cheap and we want more than words of hope and praise for these people. Our foreign policy could be strengthened by the establishment of a Captive Nations Committee in the House. We would offer hope to the enslaved peoples of the world by taking positive action to expose the continuing Communist imperialism. Our weapons would be man's strongest one—the truth.

Mr. CRAMER. Mr. Speaker, at the end of World War II, after fighting a long and bloody battle to preserve freedom, the United States, at Yalta and Potsdam, signed away the freedom of millions of Eastern European people. This study in self-contradiction is a blemish on our record that has not been removed and, worse yet, every attempt to remove it has been thwarted by the Democratic leadership of this Congress.

The Democrats, on whose shoulders the blame for this travesty squarely rests, have thwarted 41 resolutions calling for the establishment of a Special House Committee on the Captive Nations. They have refused to take even this step.

Mr. Speaker, the conscience of this great Nation will not be clear until we take steps to help the freedom loving people of the captive nations win back their liberty. Our very purpose as the leading nation of the free nations of the world demands it.

Spokesmen for the Communist conspiracy have repeatedly told us that they will not rest until the entire world, including the United States, is a captive nation of the Soviet Union. That they now enslave 1 billion people should have long ago awakened us to the fact that they mean what they say.

With the Communist goals clearly in mind, encouraging the eventual freedom of the captive nations is not only our moral obligation but also a matter of our own survival. It is time the administration and the Democratic leadership awaken to this unpleasant fact of life and take at least the first needed step—the formation of a Special House Committee on Captive Nations.

Mr. HORAN. Mr. Speaker, I wish to commend the gentleman from Indiana [Mr. BRAY] and the others here for taking this time to expound on a great malady which afflicts the world today. All through our history the principle of self-determination has been the essence of our development. This principle was part and parcel of the settling of America and part and parcel of the founding of this great Nation. It has figured in our history because of the very nature of our democratically governed Republic. It is the foundation of our international relations and it is the basic reason for our participation in the various conflicts throughout our history—including the Spanish-American War, two World Wars, and the Korean episode. And now, we are attempting to preserve this principle in South Vietnam.

America, as a nation, does not wish to conquer. It does not wish to encourage or to extend the principle of dictatorship. It wishes only to preserve the freedom of other peoples. In accordance with my strong belief in this fundamental concept of self-determination, I wish to join with my colleague, the gentleman from Indiana [Mr. BRAY], and all others here in a reassertion of this principle and a reassurance to all of the good people now suffering within the boundaries of the captive nations.

GENERAL LEAVE TO EXTEND REMARKS

Mr. BRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks at this point in the RECORD.

The SPEAKER pro tempore (Mr. GONZALEZ). Without objection, it is so ordered.

There was no objection.

COMPLEX IMMIGRATION LAWS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. DERWINSKI] is recognized for 30 minutes.

Mr. DERWINSKI. Mr. Speaker, I rise today to call the attention of the House to a matter deeply affecting more than 190 million Americans. I refer to our complex immigration laws.

Our immigration laws affect, in some way and to some degree, everyone now living in the United States. Obviously, they will affect generations to come.

Immigration should not be a subject for demogoguery. It is not a subject which either party should cynically try to exploit for partisan advantage in an election year.

Immigration is an issue on which all men of good will should agree, since it affects all of us.

On August 10, the gentleman from Ohio, Congressman MICHAEL A. FEIGHAN, introduced H.R. 12305 to make our immigration laws more equitable and practical.

I introduced an identical measure—H.R. 12576—on September 4 to express my position and the position of the Republican Party on immigration, and to demonstrate bipartisanship.

The Congress now has two measures before it—the highly partisan, and thoroughly unsound and unworkable measure—H.R. 7700—proposed by the administration, and a sound, bipartisan measure proposed by Chairman FEIGHAN and myself.

The American people want justice in immigration laws. They will support a fair bill.

Today I ask Members of the House to compare the two measures and to decide which best serves the interests of all the American people.

First, H.R. 12305 and H.R. 12576—the Feighan-Derwinski bills, support the decision of the Supreme Court of the United States that Congress alone has the right to regulate immigration into the United States.

The administration bill—H.R. 7700—would have Congress delegate its authority to the executive branch. Such action would be a clear abandonment by Congress of its constitutional authority. It would mean a further step away from a government of laws to a government by men.

Examine this first point in detail.

The Feighan-Derwinski bills would create a three-man board to review immigration laws and to report its findings and recommendations for improvement in these laws to the Congress.

The administration bill would create a seven-man committee whose purpose would be to advise the President and not the Congress on how the immigration quotas are to be allocated each year.

Under H.R. 7700—the administration bill—the President could accept or ignore the recommendations, and allocate the quotas as he wished. Aside from the advice he gets from the seven-man committee, the President—under the administration bill—would have the right to reserve up to 50 percent of quotas for allocation as he sees fit.

None knows what would come out of committee recommendations or from the President.

Immigration—under the administration bill—would become an international political football. The State Department would unduly influence the manipulation of immigrants. Immigrants for centuries have flocked to the United States to seek freedom and opportunity—not regimentation.

The administration bill creates a government of men, rather than a government of law, a politically regimented immigration law.

The Feighan-Derwinski bills, on the other hand, conform to the decisions of the U.S. Supreme Court. They uphold the authority of Congress over immigration. They uphold government by law.

Second, the Feighan-Derwinski bills provide by statute for the reuniting of families. These bills state that authorized but unused immigration quota numbers can be used to reunite parents, sons, daughters, brothers and sisters, spouses and children with aliens lawfully admitted for permanent residence in the United States.

May I point out that the reunification of families now separated because of immigration restrictions reflects the plank on immigration in the Republican Party platform of 1964. Our belief in the sanctity of the home and the integrity of the family requires this provision.

The administration bill—H.R. 7700—does not provide for any such reuniting of families by statute, leaving such action entirely up to the discretion of a seven-man board, whose decisions on this subject are unknown and may change to suit prevailing political winds.

Third, the Feighan-Derwinski bills maintain present total ceilings on quotas. Also these bills would authorize the use of unused quota numbers to benefit those quota areas which are now oversubscribed, and where there are large waiting lists for entry into the United States. Specifically, the bills would be of great help to the huge backlog awaiting immigration from Italy, Greece, Poland, Yugoslavia, and other countries.

The administration bill would establish new nonquota areas from which we could expect a large influx of new immigrants, completely changing our historic immigration pattern.

In addition, the administration bill does not contain any practical vehicle to protect the American workingman from a loosely administered method of evaluating the skills of immigrants from the areas that would be, for the first time, opened up.

Fourth, the Feighan-Derwinski bills have a number of highly important provisions to make our immigration laws more equitable, which the administration bill does not provide. These are:

Provision for legal residents of the United States of 50 years of age or over to take their examinations for citizenship in their native languages. It has been a hardship on tens of thousands of immigrants to gain the confidence in English to take and pass the examinations. Many are now the parents of sons and daughters, and even grandsons and granddaughters who are, in their own right, native-born citizens of the United States.

This provision in the Feighan-Derwinski bills would enable thousands of fine men and women to become citizens and to take their rightful place in the mainstream of American life, to which they already are contributing in full measure.

The Feighan-Derwinski bills provide a legal means for Chinese refugees who have been paroled into the United States to become citizens. As matters now stand, they have no legal right to apply for citizenship no matter how long they are in the United States, despite the fact that they live here, work here, and pay taxes here.

The Feighan-Derwinski bills remove from the present law the provision that an alien must prove that he or she will be subject to physical persecution if he or she is returned to his homeland behind the Iron Curtain.

This word "physical" in the current law places escapees from Communist countries in constant jeopardy of being deported and returned to their homelands. The Polish seaman who escaped from the *Batory*, or Yugoslav seamen who escape from oceangoing vessels and are now residing in the United States are threatened by deportation and return to their Communist-controlled homelands because of this word "physical" in the law.

The administration bill—H.R. 7700—has none of these important provisions.

Mr. Speaker, the Feighan-Derwinski bills—H.R. 12305 and H.R. 12576—which, I repeat, are identical, contain other essential provisions to make our immigration laws more equitable for all American citizens.

The Feighan-Derwinski bills, for example, require that, in the admission of immigrants with special skills and professions, that when 20 percent of those admitted in any particular skill, trade, craft or profession are found to be not working in that occupation, the Secretary of State must cease issuing visas for such skilled immigrants.

This is a self-policing principle. It will prove to be beneficial to a number of American industries, such as tailoring, to mention only one. Experience shows that many skilled tailors are admitted into the United States but do not report for work as tailors. As a consequence, the tailoring industry is short of skilled tailors.

This provision further prevents indentureship of any alien entering the United States. For, while he will be required to remain in his declared skill, trade, craft or profession, he is not limited to any particular employer.

The Feighan-Derwinski bills provide for the acceptance of our fair share of escapees from communism as regular quota immigrants, so that they will enter the United States without the stigma of "parole" which now is attached to the unfortunate victims of communism.

Mr. Speaker, the Feighan-Derwinski bills do not lessen or weaken present security provisions, or the health, character, and good conduct requirements of the present laws on immigration. What they seek to do is to correct inequities in present immigration programs, while providing practical protection for the people now in the United States.

The administration bill—H.R. 7700—is open to serious question on both of these counts.

Members are aware that an issue before the Congress right now is whether or not to release testimony taken in executive session of the House Judiciary Subcommittee on Immigration and Naturalization, exposing secret Communist shakedown rackets, which is being waged against people in the free world who have relatives behind the Iron Curtain.

It is known that citizens of the United States have been victimized by this despicable and subversive racket. The Subcommittee on Immigration and Naturalization had done its job. It has held hearings to discover the facts and now it seeks to expose them.

The chairman of the House Judiciary Committee—the Member who introduced H.R. 7700—the administration bill—has refused to allow the printing of these vital hearings. The authority for this statement is the chairman of the Subcommittee on Immigration and Naturalization—whose speech on the floor of the House on September 17 gives eloquent evidence of his struggle to work the will of justice.

This body is faced with a choice in respect to immigration laws. The Feighan-Derwinski bills are truly beneficial in nature. The administration bill would appear to be the bill of leftwing extremists, and ADA forces which have great concern for the votes of the American people, but little real concern for their best interests.

It is up to this Congress to remove this matter from the arena of violent partisanship by granting bipartisan support to H.R. 12305 and H.R. 12576—the Feighan-Derwinski bills.

THE GOLDWATER RECORD ON FOREIGN POLICY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oklahoma [Mr. ALBERT] is recognized for 30 minutes.

Mr. ALBERT. Mr. Speaker, election day is growing closer and in just over a month Americans will be called upon to make the most important political decision of their lives. But this is not only a decision for America, it is a decision for all mankind. The nuclear age has thrust upon whoever assumes the burden of the Presidency an awesome responsibility. In his hands lies not only the fate of this generation but of generations to come. Never before has the Presidency demanded so much of one man and never before has the choice been so clear.

The Republican candidate for President is a relative newcomer to the political arena. But I daresay his record is clear enough.

Just how does he stand on the great issues of the day?

Just what does he think about the likelihood of nuclear war and the use and control of atomic weapons and the stewardship of our Military Establishment?

How can we picture life under a President like the Republican candidate?

Today some of my colleagues here will address themselves to these questions.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I appreciate the distinguished majority leader yielding to me to speak on this subject.

As a member of the Committee on Armed Services I have been deeply concerned during the 6 years that I have been privileged to serve in this body with matters pertaining to the defense of our country. I have been greatly impressed by the fact that under the distinguished leadership of the gentleman from Georgia [Mr. VINSON] we in our committee have always approached these questions of national security without any partisanship and always in an effort to find that course which can best protect us, be we Republicans or Democrats.

I have been concerned with some of the statements that have been made by the Republican candidate for the Presidency and particularly with the emphasis that he has placed on our national defense policy as an issue in this present political campaign.

I would like to point out, Mr. Speaker, responding to the comments of the distinguished majority leader, that in my judgment, reviewing the record of some of the statements that Senator GOLDWATER has made, the policies which he has advocated certainly increase the chances for all-out nuclear war occurring between this country and some other country. Take, for example, what might be referred to as the bible of the Senator from Arizona, the book which is intended to be a statement of his basic position—"The Conscience of a Conservative." Here is what he had to say on that subject:

> Any policy that successfully frustrates the Communist aim of world domination runs the risk that the Kremlin will choose to lose in a kamikaze-finish. It is hard counsel because it frankly acknowledges that war may be the price of freedom and thus intrudes on our national complacency.

It is difficult for me, Mr. Speaker, to see how any person, and certainly the candidate for President of a great political party can accept such a prospect as this with such seeming equanimity.

Certainly Senator GOLDWATER's whole approach on military and defense matters has been contrary to the calm and reasoned and bipartisan approach which has always been taken, in the great Committee on Armed Services of this body.

The reckless and irresponsible policies in this field which have been advocated by Mr. GOLDWATER, if he were ever to be elected as President and therefore were in a position to have at his command and his disposal the tremendous fighting strength of our country, have already been revealed in many places. Let me quote again, Mr. Speaker, from remarks addressed to the Boston Club on the 3d day of August 1960:

> First. * * * our goal must be victory. Second, our strategy must be primarily offensive in nature * * * in addition to parrying [the enemy's] blows, we must strike our own * * * we must always try to engage the enemy at times and places and with weapons of our own choice.

That sounds very much like the reference which was made on the west coast in the State of Washington the other day by Senator GOLDWATER when he told employees at the Boeing Aircraft Co. that "you have built planes that killed a lot of our enemies in the past and you are going to be building planes that will kill a lot of our enemies in the future."

That hardly sounds like the pronouncement of a man who says he is interested in peace.

Again let me quote from page 124 of "The Conscience of a Conservative":

> We should encourage the captive peoples to revolt against their Communist rulers * * * We must—ourselves—be prepared to undertake military operations against vulnerable Communist regimes.

The distinguished gentleman from Indiana [Mr. BRAY] a moment ago was talking on this very floor about the captive nations. I have joined in pushing for that same resolution. But none of us has ever suggested that we ought to fulfill the objectives of that resolution by undertaking military operations, yet this is what is on page 124 of this book and this is the view of Senator GOLDWATER.

Certainly there is clear evidence, Mr. Speaker, that in pursuit of these military policies Senator GOLDWATER also contemplates the use of nuclear weapons. Again I quote from the words of the candidate himself. He would rush a mobile task force equipped again with "appropriate nuclear weapons" to the scene of another Budapest-type uprising "to confront the Soviet Union with superior force in the immediate vicinity of the uprising to compel a Soviet withdrawal."

This, too, is on page 124 and 125 of the candidate's basic bible of his views and thinking, "The Conscience of a Conservative."

And he goes on to say, and I quote now from the CONGRESSIONAL RECORD of August 29, 1961:

> What would be wrong with a tactical decision to use a very low-yield bomb on the mountain passes between Russia and Iran should a war or the possibility of war developing between these two countries?

Here he is, advocating dropping a low-yield bomb. It does not matter much whether it is a low-yield or a high-yield bomb; it is a nuclear bomb and it could well lead to nuclear war.

As the Secretary of Defense indicated only the other day, even our lowest-yield nuclear bombs today are much greater, on the average, than the bombs that destroyed Hiroshima and Nagasaki at the end of World War II.

A few months ago Mr. GOLDWATER suggested the "defoliation of the forest by low-yield atomic weapons" in Vietnam. This was discussed in "Issues and Answers" on May 24, 1964.

The year before he made that statement, Mr. Speaker, he also said—and this is referred to in Newsweek magazine of May 20, 1963—that "he would drop a low-yield atomic bomb on Chinese supply lines in North Vietnam."

So, Mr. Speaker, it is quite clear that when it is suggested that Senator GOLDWATER would be pretty free and easy when it comes to dropping atomic bombs, there is no distortion of the record.

Here it all is, in chapter and verse, for the American people to read—and to ponder.

Furthermore, Senator GOLDWATER would also abandon the principle of civilian control of our Military Establishment that has been followed since our Republic was founded. He would shift the awesome responsibility for making the decision as to whether to employ nuclear weapons from the President of the United States, as is now provided, to local military commanders. Once again I quote from his own words. In a press conference in Hartford reported in the Washington Post on August 25, 1963, Senator GOLDWATER says this, and I quote:

> NATO commanders should be authorized to use tactical nuclear weapons on their own initiative.

In San Diego, Calif., on May 26, 1964, when Senator GOLDWATER said that he had been misrepresented by newsmen about what he proposed in Vietnam, he went on to say this, and I quote:

> I would use conventional weapons. I would not use atomic weapons when conventional weapons would do the job, but I would leave it up to the commanders.

In other words, he would leave it up to the commanders to decide whether they should use conventional weapons or atomic weapons. And in that connection, Mr. Speaker, it might be interesting to recall that in 1963 Senator GOLDWATER said this:

> As for those who say "fear the military man," I say fear the civilians. They are taking over.

So here we find the entire emphasis away from our traditional American concept of civilian control in favor of military control of our weapons, even to the point of giving them the awful responsibility for determining whether nuclear weapons should or should not be employed.

The Senator would also follow the same policy of abdicating Presidential power in regard to the Cuban situation. He said, when discussing the question of using nuclear weapons in Cuba:

> I think conventional weapons will do the job. I wouldn't worry about it. It should be left up to the generals.

So again, if Mr. GOLDWATER were President the decision as to whether we would use conventional weapons or nuclear weapons in any crisis is left up to the generals themselves.

Those were his remarks made at the Lincoln Day dinner of the Jewish Council Against Communism in Los Angeles on February 13, 1963, reported in the Los Angeles Times the following day, on February 14, 1963.

Mr. Speaker, it seems apparent that the results of Senator GOLDWATER's publicly expressed policies would insure the accuracy of the prediction he made on the 8th day of May 1960 in an interview with Irwin Ross of the New York Post wherein he said:

> Someday I am convinced there will either be a war or we will be subjugated without war * * * real nuclear war * * * I don't see how it can be avoided—perhaps 5, 10 years from now.

I apologize to my good friend, the majority leader, for taking so much of his time, but since he has raised this very important question I think some of these quotations of Senator GOLDWATER's that are on the record should be of great interest to the American people as they move toward the awesome decision that has to be made on November 3.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for his very finely documented statement with reference to the pronouncements of the Republican candidate, Senator GOLDWATER. The gentleman from New York is an outstanding member of the Committee on Armed Services.

Mr. HALLECK. Mr. Speaker, will the gentleman yield to me?

Mr. ALBERT. Yes. I yield to the minority leader.

Mr. HALLECK. I shall not take much of the gentleman's time. I had not anticipated that this rather concerted effort would be made here this afternoon. Let me say this to the gentleman: In due course there will be a complete documentation of just what Senator GOLDWATER has been talking about and talks about now. Let me just say for the record that in my opinion, if you examined the whole record of his position, he has been subjected to the greatest distortion and the most misrepresentation that I have ever seen. Let me just say that in two very reputable magazines this week the matter has been considerably documented. If those magazines are right in their documentation, then I would say President Johnson has a lot to explain in respect to his position.

I must say—and maybe this is not the time to talk about it—when we talk about who gets us into wars and who gets us out of wars, or who keeps us out of wars, let me say for the record again that just as I turned 18 in 1918 we got into World War I. I got into it myself. At that time we had a President who had promised to keep us out of war. He was a Democrat.

I was here when we got into World War II. I voted here on the floor of the House for our participation in that conflict, after Pearl Harbor. I was here when we went into war in Korea. All of those conflicts came under Democrat Presidents. So I am inclined to inquire, Who is it who is presiding over the affairs of this country when we get into war? And who was it? I may inquire, also, who got us out of the armed conflict in Korea but President Dwight D. Eisenhower? And he got us out of that with honor and with good results; and it was a war which apparently we were not to be permitted to win and which we did not dare lose.

One further matter, Mr. Speaker—and I appreciate the courtesy of the majority leader, who is my friend as I am his friend. One of these days we may have to make up our mind as to whether or not the course of this country is to be one of appeasement, one of a supposed coexistence, or whether in the time-honored tradition of this country we shall maintain our strength and, what is more, let any potential enemy know that if they jump us they are going to be in trouble.

I do not like to go back over a lot of these things, but I do not want any more disasters such as we had at the Bay of Pigs. As far as Senator GOLDWATER is concerned he can speak better for himself. But, as I have said, there will be a further documentation.

Mr. Speaker, again I appreciate the gentleman's courtesy.

Mr. ALBERT. Mr. Speaker, of course, I was glad to yield to the distinguished minority leader. But I think the American people understand the issue here. There never was a time when Democrats or Republicans in this country would not vote to go to war, as the minority leader did, when the circumstances justified it. But it is also part of our time-honored traditions in this country that military decisions of the highest importance should remain under civilian control. I think that is the biggest issue in the current campaign and I think it will be the decisive issue in this campaign.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. DENT].

Mr. DENT. Mr. Speaker, I appreciate the courtesy and the kindness of the gentleman in yielding to me at this point because while it is fresh in my mind I would like to remind the minority leader that he cross two bridges without steping on either one of them. First he said that it was the Democratic Party that was in power every time we had a war. Then he said that the day must come soon when we must decide whether we will be a country of appeasement or whether we will retaliate when we are stepped on, when provocation is had. Was the sinking of the *Lusitania* provocation? Was the bombing of Pearl Harbor provocation? Was the crossing of the 42d parallel provocation when the historic decision was made in Korea? Are we then to say that because we were provoked and it happened that at the time there was a Democratic President that we should have said, "No; we are Democrats and not Americans, we should back up and let you step all over us? Sink our Navy, bomb our cities, destroy our friends?"

The gentleman himself said that he voted for war. He was a Republican. Why did he vote for war? Because we were justified in the decision whether the Republican, Democratic or any other political party was in charge of the Government in each of those instances. The American people under the heritage of this country were dutybound to go to war. It is not a question of who starts the war, it is a question of who fights the war.

He voted, I voted, the American people voted. The Democrats alone did not declare war. But what we are saying here, as the eminent Democratic floor leader has so ably said, is that the matter of declaring war and controlling the delivery of the weapons should be in the hands of those charged with that responsibility under our form of Government. A candidate for the Presidency of the United States has a responsibility to the people.

Mr. Speaker, we know that there is a choice and there should be a choice. That is why we have a two-party system of government, so the people can have a choice between two philosophies. But this time the Republican candidate gives the people their choice of his philosophy and their choice of ours. But he is not always consistent. Come one day and pass another his words do not always ring the same. Throughout all of the documented statements we find that on one day it is a purple rose and on the next day the same rose is white.

Mr. Speaker, let us quote from the Senator's own remarks, both as a candidate, as a Member of the other body, and as a normal citizen in the course of making public speeches. Let us see just what he does in this on-again, off-again, decide-again position that he has taken.

Let us just look. One, he said recently when talking about the reliability of our weapons—and I think it was June 30—he said:

> We have got a weapon that can hit the men's room in the Kremlin.

This was at the Lawrenceville school in New Jersey, on January 30, 1964.

Just 1 month later this same man, speaking in the CONGRESSIONAL RECORD, said:

> Our missiles are good but I have very strong doubts about their reliability.

Did he mean they missed the men's room and hit the ladies' room, because he seems to have lost the confidence that we could hit the site we were picking.

Mr. Speaker, on the great principle of civilian control, it has been said so many times but it is worth repeating, he told us this spring:

> The primacy of civilian control over the military is an indispensable principle of American democracy.

This is contained in the Goldwater position papers, documented. But he told a veterans' organization in Texas last year, a different crowd, of course, with a different interest, and I quote again:

> I say fear the civilians—they're taking over.

This is contained in the New York Post of October 15, 1963.

Mr. Speaker, one day he says civilian control is indispensable and the next day he says, "Fear the civilians—they're taking over."

It seems to me—and I believe I have been around long enough to recognize what I see and hear—that the talk of this candidate is for the moment, not for yesterday, not for tomorrow, but for the expediency of the moment and to whomever he is talking. He tells them what they want to hear.

When he is talking to civilians, he tells them they ought to control. When he is talking to veterans, he says the civilians are taking over and only the generals should control.

Mr. Speaker, about our great space program on one day he said:

> It is absolutely essential that we get a man on the moon.

This appeared in my own newspaper, the Pittsburgh Post-Gazette, on June 19, 1962.

But just 1 year later this same man said this:

> I think the space program is a waste of money.

That was said on a radio program exactly 1 year later, less 10 days. "I do not want to hit the moon," he says. I want to lob one into the men's room of the Kremlin." He must have an affinity for that particular place. It seems he uses that every time he cannot think of a better place. He said he wants to make sure he hits it.

From the Salt Lake Tribune—this is verse and chapter, documented—speaking of economy in Government, he recently said he was shocked and surprised "that a man of Vinson's stature and reputation for honesty would suggest that I would close Warner-Robbins or any other base," speaking of that great Member of this House from Georgia.

This is a United Press release of September 8, 1964, just the other day. But last December, less than a year ago, he said:

> There is no sense in keeping bases open where they are not needed, and spending hundreds of millions of dollars of the taxpayer's money. I think a large number more will have to be closed where they are no longer needed.

This is in the Arizona Journal. Again you see the pattern. He is talking to the conservatives of Arizona to close down so-called unneeded institutions and installations. Then when called to task for it by others who are interested in maintaining these installations he denies that he ever said it. However, we have documentation and the records are open for all to see. But again we find that same pattern flowing throughout, the daily campaigning as we now see it in the Nation, of a man who wants to be all things to all people, relying upon the fact that it is well known that the American people seldom try to remember today what they heard yesterday. However, when it is called to their attention by those who are alert to the needs of this Nation, they will discover what we have discovered, that this man is attempting to be all things to all people, appealing to those who want conservatives one day, and making peace with those who want liberalism the next day.

I thank the gentleman for allowing me to participate in this discussion.

Mr. ALBERT. I thank the gentleman from Pennsylvania for his fine contribution.

Mr. PRICE. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Speaker, I remember we once had a colleague in the House from Mississippi, Mr. John Rankin. He would call Members out to the corridor and ask, "Do you know you are being overcharged in your telephone bills and your electric light bills back in your district?" I would say "No, I do not." He said "I will show you. I happen to have this in my pocket."

Well, I just happen to have this little clipping from a newspaper in the District of Columbia in my pocket on the subject matter mentioned by our colleague from Pennsylvania [Mr. DENT]. This is a newspaper clipping from the Washington Post of January 30, 1964. I remember it was carried on page 1 of that edition.

The caption was: "BARRY on Missiles: Then and Now."

The article reads:

> Changing times, and men, department: Senator BARRY GOLDWATER, who has been lambasting this Nation's missile program, charging that its intercontinental missiles are "unreliable," sang a different tune a little while back.

It was in February 1961 that he said at the Lawrenceville School, Lawrenceville, N.J., according to the school's yearbook:

> We've got one that can hit the men's room in the Kremlin.

I can appreciate the concern of our minority leader over making some of these remarks of the Republican candidate for the Presidency a matter of official record in the CONGRESSIONAL RECORD, when the inference was left that this administration was showing signs of appeasement. What were the signs of appeasement during the Eisenhower administration? During the 8 years of that administration our armed services were reduced almost yearly. The Army was cut down by four divisions. Little attention was being paid to the national airlift.

We remember the Geneva Conference, which sanctioned the partitioning of Vietnam. We also remember the spirit of Camp David, and I am not criticizing that, but nevertheless it was an effort to get together with other world leaders and see if they could not talk terms to bring about some approach to accomplishing peace throughout the world. So I am not criticizing the spirit of Camp David, but that was during the previous Republican administration. It might be one of the things to their credit.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

(By unanimous consent, Mr. ALBERT was allowed to proceed for 5 additional minutes.)

Mr. PRICE. The first action of the new administration was to get a buildup of our military forces. We have regained those four divisions that were cut off by the previous Republican administration, and we have regained them in greater strength because they are stronger divisions today than the ones that were cut off. We have put the first jets into our military airlift. We accelerated our Polaris program, so that we have at least 14 Polaris submarines in action today, fully armed and equipped with Polaris missiles. We have established for the first time a counterinsurgency force in our Army, and we increased the efficiency and the number of missiles, so that there is today no question of a missile gap between us and any other nation.

Now, Mr. Speaker, let us go back to the Republican candidate for President of the United States. Let us picture, using Senator GOLDWATER'S own words, the first meeting of President GOLDWATER's National Security Council.

The President speaks:

"I do not intend to be a wartime President" (nationwide TV address, September 15, 1964).

"My opponents adroitly try to make it appear that I am in favor of nuclear war, that I would make war the prime instrument of our national policy. I can't imagine what makes them think that." ("Why Not Victory," p. 108).

"What would be wrong with a tactical decision to use a very low-yield bomb on the mountain passes between Russia and Iran, should a war or the possibility of a war develop between those two countries? (CONGRESSIONAL RECORD, Aug. 29, 1961.) War is but an instrument of national policy." (Speech in Senate, April 28, 1955.)

"I'd drop a low-yield atomic bomb on Chinese supply lines in North Vietnam" (Newsweek, May 20, 1963).

"We must—ourselves—be prepared to undertake military operations against vulnerable Communist regimes. * * * We would invite the Communist leaders to choose between total destruction of the Soviet Union, and accepting a local defeat" ("Conscience of a Conservative," pp. 124–125).

"Our strategy must be primarily offensive in nature. In addition to parrying his blows, we must strike our own. In addition to guarding our own frontiers, we must try to puncture his. In addition to keeping the world free, we must try to make the Communist world free. To these ends we must always try to engage the enemy at times and places and with weapons of our own choosing" (Boston Globe, Aug. 3, 1960).

"Our apprehensions and our worry should be directed at the civilian in our Government who does not understand military problems, but who seeks command at all levels, in war as well as peace" (Washington Daily News, Nov. 13, 1962).

"I say fear the civilians—they're taking over" (New York Post, Oct. 15, 1963).

"I've got a lot of braintrusters. I need them. If there is a mind to pick, I will pick it—because my mind is totally inadequate for what I have to do" (New York Post, May 8, 1964).

"You know I haven't got a really first-class brain" (Saturday Evening Post, Aug. 31, 1963).

"I don't give a tinker's damn what the rest of the world thinks about us, as long as we keep strong militarily" (Senate, Sept. 23, 1963).

And so I say to the Secretary of Defense, "drop everything."

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

I want to compliment my distinguished colleague from Illinois, who serves so ably on the Committee on Armed Services, for pointing out that our country has today greater military strength than ever. Furthermore, the history of this country demonstrates without any question that Americans when called upon will fight and die in order to protect our freedom.

Mr. Speaker, because of these two facts I was intrigued by the remarks of the distinguished minority leader and I want to compliment his clever effort, but I do not think many Americans will be fooled by it. What intrigued me was his remark that this administration is on the road to appeasement and this is a principal Republican campaign thrust; yet he calls the Democratic Party the war party and says that his party is the peace party. He criticizes and blames Democratic administrations because America has fought wars in order to protect this country and the principles in which we believe.

He maintains to the American people on one hand that the Democratic Party is the war party, yet that it pursues a policy of appeasement and on the other hand that the Republican Party is a party of peace but will fight a nuclear war.

I do not believe the American people will let the Republican Party "have their cake and eat it too" on this issue.

There is no question about the fact that this country has the strength and that we in the Congress and the administration will maintain the necessary military strength of this country. There is no question in my mind or in the minds of the American people that we will use that military strength whenever necessary to protect this country and the things we believe in. But I do not believe, nor do the majority of Americans, that the only choice we have in this world today is either to use our nuclear power or subjugate ourselves to the Communists. Any reasonable person knows that there are other alternatives, Communist propaganda to the contrary notwithstanding. Of course we will fight when necessary, but when there is another course which must be followed, it may not be simple; it may be complex, it may be tiring and tedious yet necessary; but we know that as long as we exist as a nation of free people we can achieve those objectives of foreign policy and of self-preservation without resorting to the two-pole theory which has world nuclear destruction on one end and surrender on the other. The Democratic Party has confidence in the ability and determination of the American people and does not rely on such a pessimistic and negative policy.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman.

Mr. HALLECK. First, I want to respond to what the gentleman from Pennsylvania said about the wars that we got into. Of course at the time we got into those wars there was no alternative but to get into them. The point that I make, and the gentleman completely missed the point, is that the affairs of this country and our foreign policy were being handled by Democratic administrations.

Secondly, you folks did a snow job on us in 1960 when you led the people of this country to believe that we did not have any missiles—that there was a missile gap and we were practically defenseless in the world. You are not going to get away with that kind of snow job this time, I promise you that, because everybody knows that you have not got a missile on any pad anywhere that was not started in the Eisenhower administration.

You talk about appeasement. There was no appeasement with respect to Lebanon when the world understood that we adopted the Middle East resolution, and sent troops to Lebanon; and when we said with respect to Formosa, you Red Chinese have to pull back—they did pull back.

Mr. PRICE. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman.

Mr. PRICE. In regard to what the minority leader has just said, at the time of the Lebanon incident the House almost unanimously supported the President of the United States, at that time, President Eisenhower. We supported him almost unanimously on the Formosa resolution.

I would like to point out for the edification of the minority leader that the sum total of the foreign policy of the previous administration was that at the end of it a Communist base and an unfriendly government were established in Cuba just 90 miles off American shores. We recognize, being practical people, that these were the conditions of that time and we are not blaming any President of the United States for this action, but nevertheless, this was the situation at the end of that administration.

During the time of the Civil War there was a Republican President. During the Spanish-American War there was a Republican President. But in any war the one great thing about this country is that when we get into these situations we all stand together as Americans and we support the administration in office at the time. We do not go around describing the Civil War as being a Lincoln war or the Spanish-American War a McKinley war.

In the case of the Korean conflict, at the start of that conflict, every Member of this House and almost 99 percent of the people of this country praised President Truman for the quick action that he took in resisting this Communist aggression in Korea. It was only a few short months later that they began screaming that it was Truman's war.

Mr. ALBERT. I thank my able colleague, the gentleman from Illinois who is one of the outstanding Members of the House and one of the outstanding members of the Committee on Armed Services.

If I may be permitted to draw some conclusions based upon the observations made by my colleagues:

The nuclear age has thrust upon whoever assumes the burden of the Presidency an awesome responsibility. In his hands lies not only the fate of this generation but of generations to come.

Never before has the Presidency demanded so much of one man.

While the Republican candidate is a relatively newcomer to the political scene, he has by his own words made the record clear on where he stands on the great issues of the day.

We have just heard what he thinks about the likelihood of nuclear war and about the use and control of atomic weapons.

We have just heard what are the underlying objectives of his policies. His words speak for themselves. Never before has the choice been so clear.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. At no time while President Eisenhower was Chief Executive of our country was there any criticism of him in the performance of his duties as Commander in Chief of the Armed Forces by the Democrats. We cooperated with him in the most effective manner possible. As a matter of fact, on several occasions, in a proper way, I observed to him that he had more real friends among the Democrats than he had among the Republicans in Congress—to which he smiled.

We are somewhat concerned about some statements made by the Republican candidate for President, because they are not in the best interests of our country.

He made one statement that our deliverable nuclear capacity might be cut down by 90 percent in the next decade. That is a dangerous statement to make. That statement is absolutely incorrect.

There is no Democrat that I know of who ever attacked the administration of President Eisenhower because of lack of strength. We might have disagreed with him at times. I can remember when he recommended a reduction in the Marine Corps. We did not agree with him; we were on the side of strength. I can remember when he recommended a reduction in the Army. We did not agree with him. We put through appropriations maintaining the Army and the Marine Corps, which he did not expend. He had control over expenditures. Congress can appropriate, but we cannot force the President to spend unless he so desires.

The fact is that within a few months after the later President John Fitzgerald Kennedy took office he recommended an increase of about $6 billion in our national defense. That is the language which the Communists understand and respect—the language of strength.

None of us Democrats say we were weak under former President Eisenhower, because we were not, but today we are many times stronger than we were in 1961. That statement is not a criticism of President Eisenhower, but it is a statement which is made to show the American people that our country is much stronger today than it was 4 years ago.

For example, in 1961 we had very few ICBM's. We had only two Polaris-type submarines. Today we have 200 Atlas and Titan ICBM's, and 126 of them are underground and protected against attack. In the past 3½ years we have added 600 Minutemen ICBM's, all protected against attack. We have a budget for 400 more Minutemen ICBM's, making a total of 1,000. This has all happened during the past 3½ years. Since 1961 we have added 14 Polaris-type submarines, and we are building to a fleet of 41. When this is built to a fleet of 41 it will contain 656 missiles, which are very important in connection with the defense of our country and in case of a general war in defeating any enemy who might undertake to attack us.

Today we have a more balanced force—in the air, on land, and on sea. That statement is not a criticism of the conditions of 4 years ago but a statement of fact.

We have an additional large force of B–52's and B–58's.

We can now deliver two and one-half times more warheads than we could in 1961. By 1970 our ability to deliver will be much greater than it is today.

We have appropriated during the past 3½ years nearly $30 billion more for national defense than was provided for in the last budget submitted by former President Eisenhower. We have only made known to the public the other day that our Polaris-type missile is now capable of going 2,500 miles and hitting the target. An earlier Polaris missile could only go 1,500 miles and the Polaris missile No. 1 had a range of 1,000 miles. This is all for the best interests of our country, whether we are Democrats, Republicans, or independents, or a child in the crib, or whether the greater part of our life has been spent traveling all over the world.

The SPEAKER pro tempore (Mr. GONZALEZ). The time of the gentleman from Oklahoma has expired.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. ALBERT] may have 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. So the statement that is made is absolutely inconsistent with the facts. We also know that many other things are being done that we cannot make public. Great advances are being made and research is being done in connection with the defense of our country. These matters cannot be made public because it would be important information to an enemy or to a potential enemy. Now, one who is campaigning can make statements if he wants to, but a President cannot make statements about these matters. There is much information that the President of the United States has that he cannot disclose to the public, because this would be invaluable information to an enemy of our country. So, without entering into the position of hurling recriminations, I present these figures and state that there are many more figures to show that America today has been made more powerful under our late great President John Fitzgerald Kennedy and under our present President Johnson than it was 4 years ago. Now, this is not a reflection upon President Eisenhower. The present situation is that the American people can rest safe and content that our country is strong and that under President Johnson their children and their children's children have a better opportunity of living a life of peace in the future than they could under one who would be trigger happy and would shoot from the hip, one who might suddenly envelop the world in a general war.

The American people can rest content that America today is the most powerful Nation in the world and that under President Johnson our country will continue to be powerful as a deterrent toward general war but, on the other hand, if one occurs, that then America will be victorious. President Johnson is trying to make progress toward a world of future peace, so that all of us, and particularly the young Americans coming along, with their lives ahead of them, will be able to live a life of peace.

Mr. ALBERT. Mr. Speaker, I thank the distinguished Speaker of the House. To comment further would be to try to gild the lily. He has made a very fine and forceful statement, as he always does. He is one of the great debaters of our time, and I thank him for participating in this colloquy.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members who have spoken on this subject today may revise and extend their remarks and I may also have the same permission.

The SPEAKER pro tempore (Mr. GONZALEZ). Without objection, it is so ordered.

There was no objection.

RULES OR RACKETS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, I had delivered today to the chairman of the Judiciary Committee a letter requesting that he return forthwith from his personal custody to the committee files, certain transcripts of subcommittee hearings and documents connected therewith.

Those transcripts and documents must be readily available to all Members of the House under the rules which govern this body.

I include in my remarks at this point my letter to the gentleman from New York, Chairman CELLER, which is self-explanatory.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., Sept. 23, 1964.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: As a Member of the House and as chairman of the Subcommittee on Immigration and Nationality, I hereby call upon you to return forthwith from your personal custody to the files of our Committee copies of the transcript of the hearings and copies of all documents in connection therewith taken in executive session by our Subcommittee on the secret Communist shakedown racket in the immigration field.

I hereby cite rule 11, section 26(c), from Cann's Procedure in the House of Representatives, Public Law 323–87th Congress, House Document No. 610, chapter titled "Excerpts from Rules of the House most frequently in point," which appears on page 434 and which reads as follows:

"(c) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the

> property of the House and all Members of the House shall have access to such records. Each committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee."
>
> Very truly yours,
>
> MICHAEL A. FEIGHAN,
> *Chairman.*

I urge all Members of Congress to avail themselves of their right to read the withheld testimony and documents pertinent thereto. I do so in the confidence that when Members of this body read the testimony taken there will be an overwhelming demand that the roadblocks be removed, thus making this testimony and supporting documents available to the Members of Congress and the public. I particularly urge all Members of the Committee on the Judiciary to exercise this right so that they may be fully informed and prepared to vote on my motion which is pending before the Committee and which must be taken up as the first order of business at the next meeting of the Committee on the Judiciary. The results of our subcommittee work on this vital public issue must be released to the American public.

LOCAL FORCES VERSUS THE SCHOOL BOARDS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK], is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, there is an old adage to the effect that to cut down a great tree, the woodsman uses another tree with which he fashions the handle for his ax. You may recall that in a series of speeches here on the floor on June 25, 1963, October 23, 1963, and July 2, 1964, I have presented evidence to show that a combination of forces is working against local school board authority and autonomy. The powerful National Education Association—NEA—is maneuvering against the school boards in order to preempt or at least share the local school board's prerogative to control and direct the education of our children. I have also shown that the U.S. Office of Education's reorganization and "Mission" has as its goal a takeover of the local school board's functions in order to direct American education as the Office of Education bureaucrats feel is best.

I have also documented the Johnson administration's war on the school boards which showed that the poverty bill and other grant and aid programs have as a central feature the bypassing of the school boards for the purpose of controlling the education of the "deprived and the segregated."

I would be remiss in my duty if I did not point out the fact that certain local forces are also attacking the school board system and local education. My own State of Ohio will be the scene of such a battle in the next session of the Ohio General Assembly which convenes in January 1965. I have a copy of the minutes of the "County Superintendents' Executive and Legislative Committee Meeting with Advisors and Co-Workers of Associated Groups" which was held in Columbus, Ohio, on June 22, 1964. At this session plans were drafted for submitting a proposal to the Ohio Legislature which would abolish county school boards under the guise of reorganization by allowing the combination of counties, whole or in part, into what would evidently be the successor to the county system, the Area Education Center or AEC which would contain 10,000 pupils. Existing school districts would be lumped together to make this magical sum with or without local consent as the case might be, all of which would further dilute the already lessening vitality of local school boards and, in all probability, eventually lead to the gradual extinction of the local school board as a policymaking, local unit of government. The same argument can easily be made for further consolidating local districts—or, indeed, combining all local districts into one unit, the AEC—as is now being made for abolishing the county school system and transferring its responsibilities to an Area Education Center.

According to this document, and I shall quote in part:

> The area shall be composed of a minimum of 10,000 pupils including all local, city, and exempted village districts of less than 10,000 ADM.

The report which I include in its entirety at the conclusion of these remarks makes several bold assertions:

> There shall be a phasing out of the present county district as the new Area Education Center is developed.
>
> The county district as now known, will be completely phased out as soon as all local districts are included in an Area Education Center or independent district.
>
> F. Program of educational services and administration—To do certain things not possible in the smaller administration districts.

It is obvious that the people will have only a minor part to play. Although the proposal notes that adjacent districts shall get together and voluntarily plan for a logical and suitable area, the final word is reserved to the higher-ups in a loosely drawn hooker which says:

> The plan shall be approved by the State Board of Education based upon criterion developed to assure proper size, contiguity, that no areas are left unserved, etc.

Having had 8 years of experience with bureaucratic plans, I have a good idea what is involved and will be particularly interested in examining the "et cetera" to which they refer.

It should be made clear that the financing of the "basic program," it is said, shall be entirely from State funds. There is no mention of Federal money and all of this, no doubt, will be done in the name of "efficiency" and "progress." However, this plan closely parallels bureaucratic plans which abound here in Washington and if this proposal should ever pass the Ohio Legislature there is little doubt in my mind that it would receive all sorts of Federal grants which would help in this centralization effort. It might even be called a pilot project or receive cooperative research grants, juvenile delinquency and/or poverty program money. At the outset, however, to be fair to the Ohio officials involved, they obviously are sincere in their desire to implement this proposal unilaterally on the State level.

FEDERAL PLAN NEXT?

Whatever the purpose of this proposed local school board reorganization, however innocent it may be, the Area Education Center most effectively would prepare the ground for innovation and experimentation in education which is being fostered by the U.S. Commissioner of Education, Dr. Francis Keppel; his Chief of the Cooperative Research Branch of the Bureau of Educational Research and Development, Dr. A. J. Ianni; the authors of the "Federal Education Agency for the Future—Report of the Committee on Organization and Mission of the U.S. Office of Education;" and the authors of "Innovation and Experiment in Education—A Progress Report of the Panel on Educational Research and Development" chaired by Dr. Jerrold R. Zacharias of the President's Science Advisory Committee.

The panel report, "Innovation and Experimentation in Education," to which not only Dr. Zacharias but also Drs. Keppel, Ianni, and Flynt of the USOE contributed, declares its chief aim to be the suggesting of possible lines of action for Government offices and agencies involved in education—including curriculum development and teacher education for the deprived and the segregated. As I have mentioned before, this is the Achilles heel which is an ideal entrance for the massive Federal octopus because the current civil rights and poverty climate tailors itself perfectly for Federal invasion of the public education field at the local level in these areas. Of course it will be said that "we only want to help in these specific areas" but soon the full blown tiger is in your tank.

The panel says, and I quote:

> Also necessary is innovation in the institutions of education—classroom practices, recruitment and utilization of teachers, use of the school building, relationship of the school to the community (page 34).

On page 38 under the heading "Model Systems" the whole plan seems to be laid out. I have included this entire section in the RECORD at the conclusion of these remarks but note some of the statements:

> To develop fully these lines of innovation, still another form of experimentation must be added: the establishment of model school systems—or, within a big-city system, subsystems comprising about 20,000 pupils and 30 principals. * * * The management of the system itself will also be the subject of experiment * * *; the school "system" is a natural unit for reform. * * * Model systems are needed as testing and demonstration grounds for new programs. * * * The idea of an autonomous subsystem within a big city school system is not new, nor are the specific programs discussed above. * * * What is new is the notion that such a subsystem would be an experiment system, with freedom to experiment across the board—curriculum, recruitment of teachers, utilization of teachers, the management of the system itself.

You will note the similarities to the AEC proposal in Ohio. Also, like the Ohio proposal, you can read on and on and except for an occasional reference to a lay advisory council composed of leaders of the community, little or nothing is said of the taxpayers, John and Jane Doe, who are also the parents of the guinea pigs in this experimentation. Oh, they will say they have your interest at heart because a better education will be provided but, as in most liberal and bureaucratic centralization schemes, you might just have to be forced to go along in your own self-interest. If you have experienced problems in local school consolidation, as the saying goes, "You haven't seen anything yet" if the Area Education Center or its Federal counterpart ever becomes operative. But, back to the Federal plan for now.

Curriculum development would be carried on in the universities and training centers with Federal funds. Teachers would be retrained in the universities and institutes with Federal funds in the use of the new curriculums. The reorganized school systems would, says the panel, be free to experiment with the new curriculums or not as they might choose. But would they really be so free?

At this point it would be good to note the subtle type of control which is exercised. An Ohio college president recently told me of this type of tenuous and subtle control. The chairman of one of his departments had proudly pointed out that "next year our college will have a federally sponsored institute." The president noted that they had failed in qualifying in the previous year to which the professor retorted, "Yes, but I found out what they wanted and this year we are offering the type of program which I knew they would approve." The president replied. "Do you mean that you are not setting up the type of program that you want or that you think would be best for students but rather are tailoring our college program to suit the fancy of some Federal bureaucrat?" As the college president related to me "my professor paused, looked a little sheepish and then left the room." Oh yes, you would be told that there is no control but need I say more?

Add it up: the prestige of the Federal sponsorship of the curriculum development, the pressure from the teachers, newly trained at Federal expense, the possibility of outside money flowing into the community—all would be hard for a school board to resist and especially a school board reorganized and centralized, out of touch with the people.

Since "social studies" is one of the principal federally financed subjects for curriculum development, the beliefs of the U.S. Commissioner of Education as to what our national social and educational goals should be and education's role in their attainment, are highly pertinent.

Dr. Keppel apparently thinks that education's principal "targets" in the sixties and the seventies are poverty, integration, and social welfare—all, of course, interrelated. In an address before the American Association of School Administrators on February 15, 1964, Dr. Keppel said, and I quote in part:

> We are called on to use our skills to bring all our public schools into the 20th century and to prepare them for the demands of the 21st century, less than four decades hence. To be recommended this year by President Johnson * * * will be * * * an immediate attack, through education, on some of the problems of poverty and deprivation within our society. It will call for Federal assistance to strengthen education specifically among America's poor, to balance the scales of opportunity for children who need the best education but ever so seldom receive it. It will regard poverty as a prime target for education.

Before the session on De Facto Segregation of the Annual Convention of the NAACP, Washington, D.C., June 26, 1964, Dr. Keppel further amplified his thinking when he declared:

> The legislation we have long awaited nears final passage. But the struggle is not yet over. In the months and years ahead, we must resolve in fact what the civil rights act is resolving in law. The common enemy remains. The enemy is segregation—and segregation hurts us all. Whether it be blatant in the South or subtle in the North, it saps and diminishes democracy and justice. Let us be clear about segregation. Whether it exists by law or by custom, by edict or by tradition, by patterns of employment or patterns of housing, segregation hurts our children, Negro and white alike. And nowhere is this damage more devastating than in education for democracy.

Further, he stated:

> Schoolmen and educators everywhere must come to realize that their natural interests lie along the road to full equality for all our citizens, that our schools can teach no lesson more important for all our children than integration, that they must do far more than they have ever done to see that our schools are leaders—not followers—in the struggle to eliminate segregation.
>
> Our schools should be, can be, the people's major instrument to democratize society, to give substance and meaning to the promise of America.

In an address entitled "Beyond the Civil Rights Act" before the National Conference of State Advisory Committees, U.S. Commission on Civil Rights, held June 27, 1964, in Washington, D.C., the U.S. Commissioner of Education carried the same torch when he said:

> The Civil Rights Act, in effect, will narrow the gap between the ideals we profess and the unsatisfactory reality in which we live. In this task, education is an essential, indeed, the principal instrument for realizing the objectives of a free society. To the schools will fall the responsibility for enabling our young people to understand, to support, to defend the moral and legal imperatives which our political system has now created. * * * We seek voluntary compliance with the law and we seek the development of lasting understanding and consensus through the educational process.

He went on to suggest that among other things we must lower the age limits at which our public schools assume responsibility for children as well as change our concept of the "normal" schoolday and the "normal" school year.

The same general thesis was presented by Dr. Keppel in outlining the U.S. Office of Education's role in combating poverty. His powers under the Civil Rights Act and all of the other Federal programs relating to poverty, and so forth, cannot be questioned. And he is entitled to his opinions of course. Many will agree with him 100 percent. Many others like myself might wonder by what right he fashions the imperative goals of local education or, further, whether it is really true as Dr. Keppel says, that "our schools can teach no lesson more important for our children than integration." People such as myself might wonder if this leaves any room for the transcendent importance of God. Of course, the liberal thought represented by the lamentable Supreme Court decision regarding prayer in public schools seems to conjure up the line that God is all right if he keeps his place. What about sheer brainwashing? If you can autocratically determine what the important goals of education are, it is just one step to indoctrination regarding integration, and so forth. The more centralization we have, the more we will see a political indoctrination replacing a healthy, free education which we still have at the local level. The planners make it clear that education should inculcate the economic, political, social, and international thinking which they have. Can anyone doubt that if a U.S. Commissioner of Education can say that integration or poverty is the most important area to emphasize in education, our local education would not follow this line if the ultimate centralization continues? What would happen to free education? Only through local school board administration in education can you keep politics and pressure out of the classroom.

Rather than fight to keep their educational units free and professional, all too many educators are now smitten by the handout bug which would put education on about the same level as welfare, vying for doles from the bureaucrats and politicians. Admittedly, passing bond issues and tax levies is not a picnic in many areas of my own State of Ohio, but the alternative would seem to be sheer chaos. Little by little, we have seen a steady attrition of local responsibility to the State board of education through Area Education Centers and tightened control would lead to the next step—increased Federal control since most State educators now look more and more to the Federal Treasury as the way out of their problems.

I bring Dr. Keppel's opinions on educational goals to the attention of the House and the American public, not as much in criticism as to point out the kind of educational leadership which is presently emanating from the U.S. Office of Education. Remember that the USOE passes out the cooperative research funds for innovation and experimentation in education. While local school boards retain full decisionmaking power they are in a position to control the curriculum and, if they choose, suggest "the most important lesson" for the schools to teach the children who are their responsibility. The undermining of local school boards, whether by Federal funds or locally initiated reorganization, will mean the end of local self-government.

SUMMARY

What we have in the Area Education Center is a most radical concept, one which may or may not bring a better quality of education but most assuredly would be a lethal blow to local government. Counties would be combined where deemed advisable. A study of the trend of the last 30 years shows that the chief target in Ohio has been the circumventing of county and township government. Township and local government, in my judgment, would never survive if such a blow is struck at the county and/or local school district. The proposal is oblivious to the historical political importance of local government. Its collectivist approach is repugnant to the steady history of improved public education in Ohio and offers a panacea which in all probability is unrealistic and undesired.

I do not suggest that my Ohio educator friends are following the directives of the USOE in proposing Area Education Centers and destroying county school boards. These plans fit the Federal bureaucratic design like peas in a pod, however, and it certainly would be safe to say that the USOE would be most happy to see a model system in the Buckeye State along the lines suggested. I categorically oppose the Area Education Center concept and hope that the people of Ohio will not swallow it. This might be a good time for interested parents and taxpayers to find out how their candidates for the Ohio House of Representatives and the Ohio Senate stand on this important local government issue.

Local control over bond issues and levies will just as logically be a target for extinction as the county and/or local school board. You will note that the report makes a vague reference to "permissible tax levy." If the AEC should be adopted, the next logical step would be to make it constitutionally and statutorily possible to vest some special levying power in area education center school boards. Would the people still have the right to vote on bond issues and levies? A good question to ask.

It is almost humorous to find the same shopworn argument that "bigness brings excellence" or "bigness brings more opportunities" advanced by Ohio educators. I have sat on education committees for 8 years, 4 in the Ohio Legislature and 4 in the U.S. Congress, and I have continually heard this line. If this were even remotely close to the truth, New York City and Chicago would be the acme of perfection. It has been my experience that the school systems of New York City and Chicago have been used more as the horrible example of the problem to be attacked than the paragon of scholastic virtue and achievement to be copied.

I do not believe that bigness—whether it be Area Education Centers of 10,000 or 20,000—is the real goal. The goal is, as it always has been, to remove local supervision and control of our schools. I ask one simple question: If educators succeed in doing this in Ohio, what will you really have left at the local level? The Area Education Center concept is one more step in the steady attrition process by which citizens and taxpayers have found more and more decisions being made by fewer and fewer people, farther and farther away, less and less responsible to the will of the people. Let us not allow this to happen in our State.

Appendix A

County Superintendents' Executive Legislative Committee Meeting With Advisers to and Coworkers of Associated Groups

Walter Nichols, Eugene Cavanaugh, John Shannon, John Lea, Ralph Tullis, R. F. Weible, H. F. Pfost, Dale Kenney, Paul Needles, William McPherson, Thomas Quick, Dr. Ralph Purdy, Dr. R. M. Eyman, Dr. Lew Harris, Byron Morton, Robert Drury, Dr. Sam Hicks; absent, Ray Drage.

The committee met at the Olentangy Inn, Columbus, Ohio, at 10 a.m. on June 22 and continued in session until 3 p.m., June 23, with breaks to eat and sleep. The group was joined at various times and for various periods by the listed advisors.

Consideration was given to agreeing upon the content and the writing of legislation to enact the county superintendent recommended plan for reorganization of the county schools' office and attendant effects upon other districts.

Agreed upon content of such legislation:

(a) Name: Area Education Center.

(b) Size: The area shall be composed of a minimum of 10,000 pupils including all local, city, and exempted village districts of less than 10,000 ADM. The area may extend outside a county and include more than one county if such is necessary to attain the 10,000 minimum. Districts over 10,000 may be a part of this center. All districts other than the Area Education Center shall be administrative school districts, dropping the designation of city, exempted village, county or local. The chief executive officers of all administrative districts shall be called superintendent except local districts of less than 3,000 who shall be known as executive heads. Local districts of under 3,000 ADM shall continue to depend upon the Area Education Center for certain administrative services as at present under the county system. Operating districts of 3,000 or more shall have the same administrative authority and responsibility toward operating schools except those under 10,000 should be a part of the Area Education Center.

(c) Board of education: There shall be an elected board of education consisting of five members, elected at large from the total district being served. The first board shall be appointed by the State board of education and serve until the first general election for board members. Members shall be elected thereafter for a 4-year term the same as at present (see law).

(d) Executive officers: The board of education shall appoint the chief executive officer. He shall be titled superintendent of the Area Education Center. The State board of education shall set up and hold in-service training programs for the area superintendent and staff. Recommended that all boards of education look to the next high service area for advice assistance in securing qualified applicants and recommendations.

(e) Forming of the districts: There shall be a phasing out of the present county district as the new Area Education Center is developed. Each operating district shall study the surrounding area carefully. Adjacent districts shall get together and voluntarily plan for a logical and suitable area. The plan shall be approved by the State board of education based upon criterion developed to assure proper size, contiguity, that no areas are left unserved, etc. All foundation funds for the purposes included in the Area Education Center shall be channeled to this Center as soon as the district is formed. The county district, as now known, will be completely phased out as soon as all local districts are included in an area education center or independent district. The statewide reorganization into area education center shall be completed by July 1, 1970.

(f) Program of educational services and administration: To do certain things not possible in the smaller administration districts. To abide by standards set up by the State board of education. The area programs to be inspected regularly by the State department of education. These basic services shall be provided.

Instructional services: Supervision of instruction, in-service training of certificated personnel, audiovisual and curriculum materials library, and so forth.

Pupil personnel services: Psychological and psychiatric, accounting (attendance and statistical), health and safety, testing.

Special classes: Slow learners, gifted, handicapped, and so forth.

Special teachers: Speech and hearing, guidance, subject, and so forth.

Culturally deprived, and so forth.

Facilities planning: buildings, transportation, district organization, purchasing—cooperatively, and so forth.

Administration of districts under 3,000 ADM: All local districts as at present under county system. Cities, and exempted villages if they request.

Special administrative services which may be offered: Vocational education in area center, technical and adult education, data processing services, management of financial affairs, educational television, recruitment of certificated personnel, research, additional services as desired and approved by the State board of education.

(g) Finance:

1. State—finance the basic program entirely from State funds.

2. Administrative district—share equally in additional requested services which all receive. Contract for individual services.

3. Permissible tax levy—to finance the operation of certain services and to build buildings for certain purposes. Must have clerk-treasurer for board and determination of depository for funds. All funds handled by area board in manner prescribed by law:

(h) Housing of the Area Education Center: Look to the present procedure clarification as to responsibility of county commissioners to furnish adequate and suitable facilities for the program of the Area Education Center as determined by area board. Location if in more than one county would be determined by the State board of education with cost being prorated between the counties involved.

General notes: A.A.S.A. yearbook 1958 material on Area Education Center county groups must coordinate plans with State board, committees, etc. Size of operating or administrative districts will be determined by State standards or other reorganization laws. Secure more information on plans from Michigan, Wisconsin, Pennsylvania, Indiana, and New York. See Brown Book Intermediate District, page 10, executive officer and staff. Contact Rich, Horn, etc., to determine number of personnel needed to handle certain areas of service.

Contact Art Wohlers regarding operation in Wayne County, Mich.

Resolution by early August for OSBA.

Publicize resolution OASA, Ohio schools, etc.

Secure approval from as many county boards of education as possible.

Bob Drury writing proposed law—he will call upon various members of committee as needed.

Legislative committee will meet to review proposed legislation.

Legislation will be presented to full membership in October for adoption.

Appendix B

Model Systems

[From Innovation and Experiment in Education, U.S. Office of Education, pp. 37–38]

To develop fully these lines of innovation, still another form of experimentation must be added: the establishment of model school systems—or, within a big-city system, subsystems comprising about 20,000 pupils and 30 principals. Nongraded schools, team teaching, and other lines of institutional innovation are fruitful but in terms of the total problem the steps taken so far have been modest. A new unit of research and development is needed. With a school system (or subsystem in a big city) as an unobstructed testing ground, new programs can be developed, not in isolation, but in concert and on a proper scale, with provision for rapid feedback and rapid exploitation of new opportunities as they occur. At present, what can be done in one area of research is limited by what cannot be done in another area. The management of the system itself will also be the subject of experiment.

The school "system" is a natural unit for reform. The system is an organic, semiautonomous unit of education, with pension plans and supervisors, principals, promotion and hiring procedures, specification of jobs, adoption committees. It has electoral responsibilities, public relations problems, budgetary experience. World War II measured armies by divisions because the division was the smallest military unit that included all services—infantry, artillery, tanks, and air. The school system is the "division" of education.

Within a big-city system a model subsystem would report directly to the superintendent of schools. The subsystem would have its own lay advisory council or "board," including members of the school staff, members of academic faculties of universities, and artists, musicians, writers, lawyers, and other interested people from the community. The subsystem could be developed cooperatively by a university, an association of universities, or a special nonprofit organization and the school staff. Selection of the "board" would be made with a view to its task, the cooperative direction of a comprehensive experiment.

The subsystem should be of such superlative quality that it would draw children from middle class as well as deprived neighborhoods. Such subsystems could be started in the Nation's 10 largest cities and could be staffed partly by people already working in the schools of these cities, partly by newcomers, partly by outsiders. Support could come from sources not usually available directly to the cities—from the large foundations and the Federal Government—and could build up to around $10 million a year for each system.

Model systems are needed as testing and demonstration grounds for new programs. Novelty in one area may require changes in other areas. If a program is really to be tested, freedom to make those other changes is also necessary. To offer one example, new curricular materials require that children play a more active role in their own education. This has implications for the relationships between pupil and teacher, but it also has implications for the relationship between teacher and school principal. If the pupil is to exercise more initiative, the teacher must also exercise more initiative, and this means he must be given a freer hand by the principal. The lesson plans that teachers now generally prepare for their principals should not work against an approach to education that requires teachers to exercise more initiative.

The lines of innovation sketched in the previous section can be pursued separately, but when they are pursued together, many new possibilities open up. To offer a more extended example, such structures as nongraded schools and team teaching have been combined before, but they might now be combined additionally with new procedures for recruiting teachers (persons can be hired who are not yet certified); with use of the school as a teacher training institute (in cooperation with local colleges and universities); with introduction of new curricular materials (new teachers can be trained immediately in their use); and with use of other professional people outside the schools (persons who helped develop the new curricular materials can help train teachers in their use).

The idea of an autonomous subsystem within a big city school system is not new, nor are the specific programs discussed above. What is new is the notion that such a subsystem would be an experimental system, with freedom to experiment across the board—curriculum, recruitment of teachers, utilization of teachers, the management of the system itself. The system would be sufficiently large to avoid the inherent artificiality of the experimental school. Also new is the proposed systematic involvement in the experiment of resources outside the school, such as colleges and universities. The hope is to develop effective patterns in schooling that can be adopted by other school systems at considerably less expense.

J. I. CASE CO. OF RACINE DEVELOPS PROGRAM TO HELP SOLVE SCHOOL DROPOUT PROBLEM

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. SCHADEBERG] is recognized for 10 minutes.

Mr. **SCHADEBERG**. Mr. Speaker, while back home recently I had the privilege of attending the premier showing of a new documentary motion-picture film produced by one of the oldest and largest businesses in the First Congressional District of Wisconsin—the J. I. Case Co. of Racine. Case is one of the leading manufacturers of agricultural tractors, implements, and machinery, as well as construction, industrial, and materials-handling tractors and equipment. The company has been in the Racine area for 122 years.

The film, entitled "Adults in a Hurry," describes the school-work experience program—the Case Co.'s contribution to the solution of the high school dropout problem. This program has had 1 year of successful operation and would be a practical idea for other corporate citizens to follow. The premiere was attended by State and local education and political officials as well as by company employees.

"Adults in a Hurry" depicts the activity of seven high school seniors faced with the probability of having to leave school before graduation. As the result of the program developed by Case, their dilemma—at least that of six of the seven boys—is solved.

Merritt D. Hill, president of Case, conceived the idea for the program, and turned development of it over to Robert W. Dugger, vice president of corporate relations. Dugger in turn took up the proposal with administrative officials of Unified School District No. 1 of Racine, from whom he received the utmost cooperation.

The school-work experience program consists of half-school, half-work days for the participating students. The work at Case was on a regular paid basis, but the schoolwork performed also paid off in credits toward graduation if satisfactorily performed. Should a participant choose to leave school during the course of the program—as one did—he understands his Case employment also terminates. This feature further discourages leaving school in the belief that the company will employ him full time.

Closely supervised in their studies by their guidance counselors at the high schools, the work-experience students were also counseled by a "business brother" at the Case Co. This is an individual, other than the boy's immediate supervisor, to whom he can turn with any problem—school, work, or personal. This factor is credited with a major part of the success of the program.

The first-year results of the program are very favorable. Although school officials reported no particular improvement in grades, results were sufficiently satisfactory to qualify the six boys who completed the program for graduation. Additionally, there was definite improvement in attendance, tardiness records, and especially in personality and maturity—thus the title of the film, "Adults in a Hurry."

Case officials reported complete satisfaction with the youths' work records and were quite willing to employ them full time after graduation, although that was not a condition of the program. The six boys who completed the program indicated unanimous approval of the program, and each one expressed a desire to further his education—full or part time.

After being graduated, four of the six boys were employed full time by Case, one received a bonus contract from a major league baseball club, and one enlisted in the U.S. Army.

Mr. Dugger paid tribute to the school officials for being "thoroughly helpful, cooperative, full of suggestions, and eager to participate to the fullest." John Prasch, superintendent of schools for Racine, emphasized the school system's support of the plan. His assistance, and that of various administrative and teacher participants, were essential to the success of the joint Case and school district undertaking.

The cast of the film consisted of the actual persons who participated in the program. Each played his own part. No professional actors were used.

Case plans to distribute the film, nationally and free of charge for use by service clubs, education groups, in fact, by any organization interested in solving the dropout problem.

In commenting on the program, Mr. Hill stated:

> We do not claim our plan is the best or only answer to this problem. It is one solution and it can be improved. We produced the film "Adults in a Hurry" to try to encourage other companies throughout the country to accept this problem as one of their corporate citizenship responsibilities and to do something about it.

In the 1964–65 school year, Case will have 25 students from the 2 Racine public high schools in the program. Four other Racine firms—Twin Disc Clutch Co., Western Publishing Co., S. C. Johnson & Son, Inc., and Howard Industries—will employ a total of 9 other teenagers in similar plans. Of the 34 students, 2 are girls.

This Case plan is noteworthy, not alone because of its effectiveness in combating the dropout problem but because it represents the best in American tradition—local initiative and determination to meet problems at the local level, without looking to Washington for a dole, and without interference from various of the Government bureaucracies in Washington.

I am proud of this attitude of the people of the First Wisconsin District, and especially want to pay tribute to all who in any way contributed to the success of this project. Merritt Hill and the Case Co., Superintendent of Schools John Prasch, and Robert Dugger rate a special salute, as, of course, do the six students who had the strength of character and the determination to see the endeavor through to a successful conclusion.

A final note. Case President Merritt Hill is planning to have the film shown in Washington, and I have assured him of my complete cooperation. In addition to interested Government officials to whose attention he will bring the film showing, I have advised him that I will personally write to all Members of the House of Representatives, inviting them to the showing. I am sure that when you—my colleagues—see it, you will share with your constituents throughout the country the benefits to be derived from the lessons of the "Case History," and what can be done for individuals and the country at the local level.

DELAWAREAN GIVEN A SPECIAL ACT OR SERVICE AWARD AND RECOMMENDED FOR CIVILIAN AWARD FOR VALOR BY AIR FORCE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Delaware [Mr. McDowell] is recognized for 15 minutes.

Mr. McDOWELL. Mr. Speaker, on September 17, 1964, Mr. Walter L. Baisden, a civilian refueling operator employed at the Dover Air Force Base, Dover, Del., risked his life to prevent serious damage to several C–124 Globemaster airplanes. He drove a blazing gasoline truck away from a line of parked C–124 aircraft before abandoning the truck to flames. The truck-trailer, carrying 3,700 gallons of high-octane gasoline, was destroyed but the truck cab was not damaged seriously. Officials at the Dover Air Force Base credited Mr. Baisden with preventing extensive damage to two aircraft and possibly saving the U.S. Government millions of dollars.

I wrote to Air Force Secretary Eugene M. Zuckert recommending that an appropriate Air Force Board of Review give consideration to Mr. Baisden's act of bravery and that he be appropriately cited for his interest in the public welfare and safety of U.S. military aircraft.

This morning I have received a letter from Col. Jerome M. Triolo, USAF, vice commander of the Dover Air Force Base advising me that:

> Dover Air Force Base is not unmindful of the heroic and successful efforts of Mr. Baisden in preventing a considerable loss to several of our C–124 aircraft. An investigation into the circumstances surrounding the fire and destruction of the refueling has been completed. It has also been concluded that Mr. Baisden acted in a most commendable manner at great risk to his own life and safety. As a result, this date, Mr. Baisden received "A Special Act or Service Award" and an accompanying monetary award for $300 upon the recommendation and approval of the Dover Air Force Base incentive awards committee.
>
> Additionally, this headquarters has recommended through MATS to Headquarter U.S. Air Force that Mr. Baisden be awarded the Civilian Award for Valor "for exhibiting great courage, with voluntary risk of personal safety in the face of danger, beyond the call of duty, in performing an act that resulted in direct benefit to the Government."

I commend the officers of the Dover Air Force Base for their recognition of the contribution made by Mr. Walter L. Baisden, and I know that all Delawareans are justly proud of Mr. Baisden for the great courage he exhibited, with voluntary risk of personal safety in the face of danger, beyond the call of duty, in performing an act that resulted in direct benefit to the Government.

I include as part of my remarks correspondence on this matter:

Congress of the United States,
House of Representatives,
Washington, D.C., September 18, 1964.

Hon. Eugene M. Zuckert,
Secretary, Department of the Air Force
Washington, D.C.

Dear Mr. Secretary: I am informed that on September 17, 1964, Mr. Walter L. Baisden, a civilian refueling operator employed at the Dover Air Force Base risked his personal safety to prevent serious damage to several C–124 Globemaster airplanes. Mr. Baisden drove a blazing gasoline truck away from a line of parked C–124 aircraft before abandoning the truck to flames.

The truck-trailer, carrying 3,700 gallons of high-octane gasoline, was destroyed but the truck cab was not damaged seriously. Officials at the Dover Air Force Base have credited Mr. Baisden with preventing extensive damage to two aircraft and possibly saving the U.S. Government millions of dollars.

While I understand that a board of qualified officers will investigate the cause of the fire, I highly recommend that an appropriate Air Force Board of Review give consideration to Mr. Baisden's act of bravery and that he be appropriately cited for his interest in the public welfare and safety of U.S. military aircraft.

Sincerely,

Harris B. McDowell, Jr.,
Member of Congress.

U.S. Air Force,
Dover Air Force Base,
September 22, 1964.

Hon. Harris B. McDowell, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. McDowell: 1. Reference is made to your letter to Col. David E. Daniel, dated September 21, 1964, concerning the outstanding performance of Mr. Walter L. Baisden. Colonel Daniel has departed on a MATS flight to Europe and in his absence I take a great deal of pleasure in acknowledgment of your letter.

2. Dover Air Force Base is not unmindful of the heroic and successful efforts of Mr. Baisden in preventing a considerable loss to several of our C–124 aircraft. An investigation into the circumstances surrounding the fire and destruction of the refueling unit has been completed. It has also been concluded that Mr. Baisden acted in a most commendable manner at great risk to his own life and safety. As a result, this date, Mr. Baisden received "A Special Act or Service Award" and an accompanying monetary award for $300 upon the recommendation and approval of the Dover Air Force Base Incentive Awards Committee.

3. Additionally, this headquarters has recommended through MATS to Headquarters, U.S. Air Force, that Mr. Baisden be awarded the Civilian Award for Valor "for exhibiting great courage, with voluntary risk of personal safety in the face of danger, beyond the call of duty, in performing an act that resulted in direct benefit to the Government."

4. All personnel of Dover Air Force Base join me in expressing our gratitude that Mr. Baisden has been recognized by a Member of the Congress of the United States.

Sincerely yours,

Jerome M. Triolo,
Colonel, U.S. Air Force, Vice Commander.

September 21, 1964.

Mr. Walter L. Baisden, Jr.,
Dover, Del.

Dear Mr. Baisden: I would like to commend you for your timely and successful efforts in averting extensive and perhaps total damage by fire to military aircraft at the Dover (Del.) Air Force Base on September 17, 1964.

There is no question but that you risked your personal safety by driving a blazing gasoline truck away from a line of parked C–124 Globemaster airplanes and in helping to extinguish the flames. I am told that Air Force officials at the base credited you with preventing extensive damage to two aircraft and possibly saving the U.S. Government millions of dollars.

I am attaching a copy of my letter of September 18, 1964, addressed to Secretary Eugene M. Zuckert, of the Department of the Air Force, recommending that you be appropriately cited for your interest in the public welfare and in the safety of U.S. military aircraft.

Well done and best wishes,

Sincerely,

Harris B. McDowell, Jr.,
Member of Congress.

September 21, 1964.

Col. David E. Daniel,
U.S. Air Force, Commander, Dover Air Force Base, Dover, Del.

Dear Colonel Daniel: I am attaching a copy of my September 18, 1964, letter to Secretary Eugene M. Zuckert, of the Department of the Air Force, in which I have made a recommendation that Mr. Walter L. Baisden be appropriately cited for his timely and successful efforts in averting serious damage to military aircraft and Federal property at the Dover Air Force Base.

There is no question that because of the nature of the accident, Mr. Baisden, and the alert firefighters of your command, risked their personal safety in extinguishing a menacing and dangerous fire. Their action deserves the highest approbation.

With best wishes.

Sincerely,

Harris B. McDowell, Jr.,
Member of Congress.

HOSPITAL AND MEDICAL CARE FOR THE ELDERLY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Washington [Mr. Pelly] is recognized for 30 minutes.

Mr. PELLY. Mr. Speaker, because of the special interest at this time in the social security bill, and especially the Senate amendment to tax the first $5,600 of earnings 10.4 percent to provide hospital benefits, I include my speech to the Seattle Rotary Club made last July because it covers the situation in the State of Washington and points up the need to strengthen the Kerr-Mills program. As to the accuracy of this speech, Mr. Speaker, the facts are supported by the Member of Congress who probably knows more about social security and the Kerr-Mills Act than anyone else—our colleague from the Ways and Means Committee, the gentleman from Missouri [Mr. CURTIS].

The text of my speech follows:

SHORTCHANGING OUR OLD FOLKS

(Address of Representative THOMAS M. PELLY, of Washington, to Seattle Rotary Club, July 15, 1964)

Last May, President Johnson, in connection with National Senior Citizens Month, told the U.S. Chamber of Commerce and the International Labor Press Association, AFL–CIO:

"We have to pass a medical care bill for the aged, and we are within one vote of it." The one vote referred to was the situation in the House Ways and Means Committee.

Meanwhile, attacking the contention of insurance companies that hospital insurance is available to all over 65, an AFL–CIO spokesman commented that it is available:

"Just like a Cadillac is available."

Medicare is a highly controversial issue, as you know.

For example, in late March of this year, I mailed out 100,000 copies of a questionnaire to my constituents, with a question worded by the University of Washington Political Science Department. It read:

"3. The medicare program is before Congress again. Supporters argue that retired persons need help to meet high medical costs, and that the program would use the reliable social security system. Opponents argue that the needy aged already have some help, and that the social security deduction is too high now. How do you feel about the medicare program?"

	Percent
No opinion	0.6
Very much in favor	33.3
Somewhat in favor	13.2
Total in favor	46.5
Neutral	3.8
Somewhat opposed	11.7
Very much opposed	35.6
Total opposed	47.3

A tabulation of some 13,000 replies showed opinions were almost completely divided: 46.5 percent favor it; 47.3 oppose it.

On the other hand, if I took a poll right here in this meeting today, I am sure it would support the position of the AMA, as well as other national organizations, including the American Farm Bureau, U.S. Chamber of Commerce, National Association of Manufacturers, American Hospital Association, American Dental Association, American Nursing Home Association, and others, in opposition to medicare.

But I suspect that with a poll of the close to 50,000 people in my congressional district, 65 years of age and over, the result would be very much the reverse.

I venture to say a majority of this latter group is less fearful of any threat of socialized medicine to America than they are with inability to obtain relief from the costly afflictions and infirmities of old age. They want with dignity to obtain medical attention when they need it, and so would you and I.

I am not convinced that a great many people actually know as to what the provisions of medicare are—how limited they are. The bill has a misleading title. The President himself, in the statement I quoted, referred to a medical care bill for the aged. He should have said "a hospital care bill for the aged" because, of course, the administration's medicare bill would only provide hospitalization.

My discussion today assumes that you have heard and read about medicare. You know it as the King-Anderson bill. You know it would be financed through the social security system. You know it is one of President Johnson's top priority requests. You know that most medical associations strongly oppose it, and you know that most doctors say extension and broadening of the Kerr-Mills Act could more effectively give protection to the medically indigent senior citizens—both hospital and medical protection.

But if you are typical, you are not clear as to the provisions of this latter program as Congress intended it—and as this program is administered in our State of Washington. I intend to discuss this situation today.

First, by way of background, however, let me remind you that living in the United States today there are nearly 7 million couples over 65 years old. Half of these have incomes of less than $3,000 a year, and half of this half support their families on less than $1,000 a year.

Meanwhile, 3 million Americans over 65—one out of every 10—have been or will be hospitalized this year. They will be faced—we are told—with medical expense averaging $1,200 each.

A recent study found that private insurance does not meet all of these total costs.

Improving Kerr-Mills could help a great deal.

One of the reasons the administration's medicare bill has great popular support is that the majority of all the aged are covered by social security and would qualify immediately for hospitalization protection and benefits without any cost to themselves.

But one of the problems is that nearly two-thirds of the poorest aged—those living alone and earning less than $1,000 a year—are not covered by social security.

There certainly is a need for Government assistance for certain senior citizens. The facts prove that, but not just for those who qualify under social security.

Furthermore, medical needs for the aged are due to increase. During the last 15 years, the number of aged heads of families increased 37 percent and it is estimated that by 1980 there will be 9 million persons over 75 years of age in this category.

That represents a lot of potential votes and don't think the proponents of medicare don't have that in mind.

But how about private medical plans for senior citizens?

In King County, when I last checked, in addition to Blue Cross, Blue Shield, and private insurance, there were four coverages available to senior citizens. These are noncancelable, guaranteed renewable without physical examinations:

1. A King County Medical Senior Citizens Plan, which provides hospital, medical, and surgical insurance. The premium is $8.50 per person per month.

2. Blue Shield Senior Citizens Plan provides doctors' services in full—with no hospital benefits. Premiums are: $3.45 per month, single rate; $6.75 per month family rate.

3. Boeing Retired Plan. Hospital, medical-surgical, and other benefits at $9.75 per month.

4. An individual over-65 plan for former group-covered members who retire. Hospitalization—cost either $8.50 or $9.10, depending on plan.

One issue in the medicare debate has been whether or not private insurance companies can provide health insurance at rates that persons over 65 can afford.

In this connection recently, Ida C. Merriam, Director of Research and Statistics of the Social Security Administration, said that 51 percent of the aged have some form of hospital insurance—a 25-percent increase in 10 years.

But, her testimony showed that about 8.5 million aged persons had no such coverage, and further, I think it is fair to state that there is no coverage possible by private insurance to provide adequate health insurance at rates a great many low-income elderly citizens could afford. And speaking of private insurance, I have a letter from one senior citizen. He and his wife were insured under a so-called 65-plan. In October 1960 he purchased this at a cost of $11 a month each ($264 annually). Under date of August 1, 1963, the premium was increased without extended benefits to $31.50 per month (or $378 annually). Obviously, many low-income families cannot afford such premiums. Government assistance, in my opinion, for their medical needs is necessary. At least, representatives of organizations like Blue Cross have so testified. And personally, I favor Federal-State assistance of medically indigent citizens over 65. However, it is obvious that the King-Anderson bill, seeking as it does to provide hospitalization for all the elderly rather than only the low-income ones who cannot afford to pay, naturally can only offer limited coverage.

On June 24, the House Ways and Means Committee tentatively approved a 5-percent increase in social security benefits for the nearly 20 million retired workers and widows. The committee put off a vote on the administration's medicare bill. This probably means no action on it this year. Also, the committee deferred action on proposals to expand and liberalize the Kerr-Mills program of Federal-State medical assistance for the medically indigent elderly.

Proposals have been made that Federal grants be increased for those States that provide comprehensive medical and hospital services and relax eligibility requirements.

Personally, I strongly favor legislation to strengthen and shore up weaknesses in the Kerr-Mills law. Some people believe this could preclude the need for the administration's medicare plan; others say it could dovetail with one.

Especially, I favor immediate changes and new standards because of the way our State of Washington has been able to divert Federal money intended for medical assistance.

Our State has failed miserably to carry out the intent of Congress.

I don't blame the lower income senior citizens of our State for complaining, as many do to me.

In several States, under Kerr-Mills, these low income medically indigent citizens get excellent medical protection.

I think the citizens of this State have every reason to ask why in this State in the past Kerr-Mills has not been more fully implemented. If you read my mail, you would understand.

A diabetic widow, age 76, wrote me, for example. She gets a $54 monthly Government pension, plus $95.70 social security, a total of $149.70. Yet, the monthly payments on her house amount to $64.45. Yet, she does not qualify in our State as medically indigent.

My files are full of cases. There are citizens who need new dentures, new glasses, hospitalization, and are denied assistance because they are not welfare cases.

In our State, to qualify, a person must be eligible for assistance under old-age assistance—in other words, income cannot exceed $133.10 a month, or $182.90 for a married couple. They can have a car only if living in an area not serviced by buses. They cannot have over $200 in the bank, or in excess of $500 life insurance cash value. If a home is owned, the monthly income yardstick is reduced by $60 a month.

Imagine the problems of low income persons who do not fall within these limitations, when they require hospitalization and medical attention.

On the other hand, these latter medically indigent persons who do not qualify as welfare recipients under the criteria set up by our State were intended by Congress to get such protection.

Some 38 States are now participating and a number of them are providing excellent programs. For example, in Michigan, the eligibility ceiling is $1,900 per annum for single persons and $2,700 for couples, with, as I recall, a like amount of liquid assets being permitted. A home, regardless of value, is allowed, as are life insurance policies and an automobile and other tangibles.

In Idaho, under Kerr-Mills' eligibility standard, a recipient can possess over $10,000 in liquid assets. In Massachusetts, there is an income limit of $2,000 per year for single persons, $3,000 for married couples.

Anyone meeting these qualifications receives complete and all-inclusive medical coverage, including the doctor and hospital of his choice, with benefits the same as those provided by Blue Cross and Blue Shield, and without any limitations.

In the meanwhile, I should mention that due to the failure of Washington State to carry out the intent of Kerr-Mills, locally here in King County a group of doctors, at their own expense, are collaborating on a voluntary basis within the framework of the King County Medical Society to provide medical care, prescription drugs and outpatient treatment on a substantially reduced cost basis to senior citizens, in accordance with their respective individual incomes.

In the State of Michigan, which I mentioned, under Kerr-Mills the coverage and benefits are continuous. They are all-inclusive, with free choice of doctor and hospital and all expenses regardless of the length of time of sickness. There is complete dignity, no pauper oath. Thus it is possible, as in Michigan, to provide elder citizens living on small pensions or modest incomes such as social security with far broader and better coverage than would be provided under the proposed new King-Anderson bill.

Like many of my colleagues, I have been looking into what has happened in my State to the money we appropriated for medical assistance for the aged under the Kerr-Mills law.

I have been particularly interested in that part of Kerr-Mills intended for medical help for those older people who are self-sufficient but who need help if a major illness strikes.

I have found that the administration in my State has been diverting Kerr-Mills Federal matching funds to pay for other State programs while it forces our senior citizens into dependency and onto the permanent old age assistance roles.

I find that the administration in my State has received more than $26 million in Federal funds under Kerr-Mills, including the current biennium, and has expended only a token amount of about $1 million on medical assistance for our needy senior citizens. I feel that this is morally wrong and completely contrary to the intent of Congress when we passed the Kerr-Mills law in September of 1960.

The Kerr-Mills bill became Public Law 86-778 when it was passed by the 86th Congress on September 13, 1960.

Congress indicated the intent of the law to be as follows:

"One of the objectives is to furnish medical assistance to individuals who are not recipients of old-age assistance but whose incomes and resources are insufficient to meet the cost of necessary medical services."

A further statement from the same source:

"A State may, if it wishes, disregard in whole or in part, the existence of any income or resources, of an individual for medical assistance. An individual who applies for medical assistance may be deemed eligible by the State notwithstanding the fact he has a child who may be financially able to pay all or part of his care or that he owns or has an equity in a homestead, or that he has some life insurance with a cash value, or that he is receiving an old-age insurance benefit, annuity, or retirement benefit. This is based on the grounds that an aged individual who has adjusted his living standard to a low income, but who still has income and resources above the level applicable for old-age assistance, might be unable to deal with his medical expenses" (both preceding quotations from p. 6, Rept. No. 1856, 86th Congress, 2d sess.).

Our State of Washington readily accepted $26 million in Federal funds. I would hope that the next Governor, whoever he is, would support a program in behalf of our comparatively few needy and deserving senior citizens in his budget message to the next State legislature. A reading of past budget messages will show no mention therein of the true intent of the law; no mention at all of congressional intention to provide medical care for those elderly who are, and who can continue to be, self-sufficient, independent, and productive, if only they are not forced onto public assistance rolls by a serious illness.

I can only come to the conclusion that the State administration since 1960 did not want Kerr-Mills to work—and it was willing to make paupers of our self-reliant older people to gain its ends. Sadly enough, that is what is being done in our State. Kerr-Mills money is being used for other purposes and the State continues to force our senior citizens onto public assistance rolls. All because they have refused to use the $26 million for a decent Kerr-Mills program of medical assistance for our otherwise self-sufficient older folks.

Other States have good Kerr-Mills programs for their self-sufficient but low-income senior citizens. Why can't our State do as well?

The State of Washington should have a good Kerr-Mills program for its senior citizens of low income. We already have a good medical care program for those senior citizens who are recipients of public assistance. And we can, and should, have a good medical care program for those older people who can support themselves but cannot save for the heavy expense of a serious illness.

All that needs to be done is for the State administration to use the Federal dollars of Kerr-Mills money to help our senior citizens instead of using it in an attempt to make a State administration appear prudent.

Incidentally, I would advocate under this program that all over 65 make a simple affidavit statement of income in order to receive an eligibility card for medical assistance for the aged. When the older person with an eligibility card becomes ill, he or she would be entitled to immediate medical and hospital care with free choice of physician and hospital. Health care services should be equivalent to those provided for old-age assistance recipients under the admittedly good old-age assistance medical care program. I advocate amendments to Kerr-Mills by Congress to require States to establish reasonable eligibility criteria for the low-income but self-sufficient elderly.

I am told a program of this kind can be financed in the State of Washington for $20 million per biennium (50 percent Federal and 50 percent State funds).

I would expect if such a proposal is made that the State department of public assistance would claim that such a plan would cost $20 to $50 million per biennium. According to my information, this is nonsense. In every State where the State's administration has sabotaged Kerr-Mills, and in other States where Kerr-Mills has been implemented, you will find the public assistance department statisticians have grossly exaggerated the number of elderly who would utilize the program. Actual experience in these States, I am told, proves the $20 million per biennium maximum in Washington State is reasonable.

Our State government knows full well what has been going on.

It ostensively has a great interest in the elderly, while completely ignoring the opportunities provided by the Kerr-Mills law we passed in the 86th Congress to assist the relatively small number of our senior citizens who need help if they become seriously ill.

But the cat has a habit of getting out of the bag. The assistant director of the State department of public assistance, on May 16, 1963, was quoted in the Yakima Herald as saying:

"We're mining Federal gold. This (Kerr-Mills) is where we are really making money."

Our senior citizens, it seems to me, are being shortchanged to balance the State budget.

I have nothing but praise for other State administrations—both Republican and Democratic—which have implemented Kerr-Mills in accord with the intent of Congress. I only regret that my State is not one of these. I regret that an official of our State would talk of "mining Federal gold" rather than spending his time and energy in creating a program for rightfully using Federal money for the intended purpose of providing medical assistance for the aged.

Of course, it is possible to trot out carefully selected but irrelevant statistics galore to show what a great job is being done. But no news releases, no carefully selected statistics, can blink away the fact that the State of Washington "pocketed" $26 million; this huge amount of money in Federal funds intended by Congress for medical assistance for the aged.

As leading citizens and taxpayers, you might demand that the next State administration extend a helping hand to those elderly who can support themselves and remain independent and productive.

There can be no excuse as to the right use of Federal funds to assist our senior citizens in their time of medical need.

Incidentally, the President's medicare bill for partial hospital benefits for all, including those well able to pay their own way, would cost Washington State's taxpayers the first biennium, according to calculations of the Social Security Administration, $55 million in increased payroll taxes.

But, as I indicated earlier, if States like our State sabotage the existing program, by not complying with the intent of Congress, and if Kerr-Mills eligibility requirements are not liberalized, I see no other answer than passage of President Johnson's medicare program. The answer may well hang on the outcome of the next gubernatorial and legislative elections.

As it has been, politicians have been playing politics with their health care programs.

As it has been, we have been shortchanging our old folks.

"THE APATHETIC AMERICAN"

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. SICKLES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SICKLES. Mr. Speaker, I would like to bring to the attention of my colleagues the text of an interesting radio program held by CBS radio station and carried by the local Washington outlet, WTOP, entitled "The Apathetic American." I had the pleasure of participating in that program and would like to commend those who put it together for doing a splendid job.

THE APATHETIC AMERICAN

Mr. **WALLACE**. This is Mike Wallace. On the night of March 13, 1964, an event took place that has shaken the conscience of this Nation, and has raised some questions about the fiber of its people.

(Sound.—Police switchboard and sergeant answering.)

Mr. **WALLACE**. At 3:50 a.m. the policeman on switchboard duty at the 102d Precinct in Queens, N.Y., logged a telephone call reporting that a young woman had been attacked in a local neighborhood called Kew Gardens. As it turned out, the young woman had been murdered. By now her killer has been tried, convicted and sentenced; officially the case is closed. Yet the story of Kitty Genovese will not be so easily forgotten. What will be remembered is that 38 people—all neighbors of Kitty's either saw her being killed, or heard her screams for help.

WOMAN. "The party woke me up hollering, 'Save me, save me.' "

WOMAN. "It sounded like a child."

OLD MAN. "What I thought at first, was some cats across the street and I did not think of anything at all like a murder."

Mr. **WALLACE**. But it was a murder and nothing was done about it until it was too late. Why did 38 people fail to act? The answer to that question concerns every one of us * * * who fears, perhaps, that apathy has become part of our way of life.

The **ANNOUNCER**. "The Apathetic American"—A CBS News special report with CBS News correspondent, Mike Wallace.

Mr. **WALLACE**. These nights, 4 months after her death, in a small coffeehouse, five doors from where Kitty lived, and one door from where she died, a young folk singer, Al Casey, sings his "Ballad of Kitty Genovese."

(Mr. Casey singing "Ballad of Kitty Genovese.")

On a cold Monday morning,
In the town of Kew Gardens,
Kitty Genovese was coming home from work,
When a creature of the night,
Struck out with his knife,
By the lamps that were bright,
Taking poor Kitty's life.
While 38 people,
Just sat by their windows,
And some watched in horror,
At the free entertainment,
Thirty-eight people,
Just sat by their windows,
And watched Kitty Genovese die.

Mr. **WALLACE**. This modern-day folk ballad reflects the horror and the incredulity that is the legacy of the Kitty Genovese case. It also reflects the findings of police Lt. Bernard Jacobs, head of detectives of the 102d Precinct who handled the investigation. Listen now as Lieutenant Jacobs reports along with some of the 38 witnesses.

Lieutenant **JACOBS**. "Kitty Genovese was assaulted by a man who stabbed her a number of times with a knife. This girl was attacked on two occasions as she came up Austin Street, in the vicinity of a liquor and book store, her assailant overtook her and inflicted the initial stab wounds. He stabbed her three times on the street. She cried out several times, 'Please help me. Oh my God, he's stabbing me. Someone help me, I'm being stabbed,' and so on."

WOMAN. "I woke up and heard the screaming and I went to the bedroom window and I saw some girl on her knees. And she was screaming 'help, help.' And my husband started to open the window up and she got up and staggered away. And I thought she had been intoxicated."

Lieutenant **JACOBS**. "The man fled, because an upper story window opened while the assault was taking place and a resident yelled down to the street, and the assailant retreated about a block away from the scene, whereupon the Genovese girl rose to her feet and was able to walk around the corner."

WOMAN. "I heard a distant scream, but when I looked out the window I saw nothing there, and I saw nobody, so maybe at that time she turned the corner."

WOMAN. "I saw her, she was wearing a black coat and high heels and the coat was held around her body, she was a small girl, she was thin, there was nothing unusual about it; I mean she didn't fall down, she was just walking along."

Lieutenant **JACOBS**. "She staggered into a hallway and collapsed, still alive. The assailant waited some period of time, then again came down the block, tried various doorways. When the assailant found the Genovese girl in the hallway, he again attacked her, inflicting an additional seven or eight stab wounds."

WOMAN. "She screamed, and it was a terrific scream, I'll never forget the scream, and I looked out to see, and I couldn't see anything, otherwise I would certainly have called the police."

Lieutenant **JACOBS**. "In our reconstruction, we were able to determine that the entire incident had commenced at about 3:15 a.m. The first call that the police received was at approximately 3:50 a.m., which meant the perpetrator of this crime had been in the vicinity for perhaps a half hour."

Mr. **WALLACE**. Kitty Genovese died a few minutes after the police arrived. For the remainder of that night, and on into the next day, detectives rang doorbells in the neighborhood, hoping to find witnesses to the crime.

Lieutenant **JACOBS**. "We were quite amazed to find that we were able to unearth 38 people who either saw or heard something relating to this case and could honestly state that whatever it was they saw or heard was not of sufficient substance to voluntarily report. But many people knew that they were witnessing a vicious assault and they didn't call."

Mr. **WALLACE**. The ripples from the Genovese case spread far and fast. The Soviet newspaper Izvestia blared that it was an example of our "stone jungle" morals. Papers in England and India, France and Indonesia commented with concern. At home, newsmen went looking for other cases of apathetic Americans—and they found them. On April 21, 5 weeks after Kitty Genovese was killed, a gang of teenage toughs attacked a group of young schoolchildren as adult men waiting for a bus looked on in idle curiosity. On May 4, an 18-year-old girl was assaulted in broad daylight while 40 passersby stared—and did nothing to help her. On May 9, a college student was stabbed on a crowded street—pedestrians and passing motorists ignored his pleas for help. In gathering material for this report, we called police officials in several villages, towns, and cities in all parts of the country. Some could not recall any incident where citizens turned their faces from crime—and from fellow human beings in trouble. But many could. In Houston, Tex., for instance, a woman was attacked by a man on Main Street at twilight. As reported by the Houston Post, "he knocks her to the pavement—beating her with his fists. Cars pass without slowing, pedestrians saunter toward bus stops. No one interferes." Charles Lofland, a lieutenant with the Houston Police Department, recalls a similar case.

Lieutenant **LOFLAND**. "Here in Houston we had a case arise where a young lady was dragged into a taxicab. She was then driven to the northeast side of town, where the subject attempted to molest her. This young woman was able to get away from her molester and ran to the front door of a nearby residence. She knocked on the door of this house, screamed to the people that she was being attacked and did need help. The people refused to open the door and they failed to notify the police department."

Mr. **WALLACE**. Next, Chief W. W. Pleasant, a 27-year veteran with the Durham, N.C., police department.

Chief **PLEASANT**. "I recall in one case where the proprietor of a store caught a taxi to his place of business early one morning and when he got out of the taxi at the store and started in the store he was attacked by two men. He began to holler and the taxi driver ducked back in the cab and ran off with the cab. The taxi driver did not report it to the police, he just started his taxi and left. Later the men were apprehended and we found out who the taxi driver was, and he said that he was just scared—scared so bad that he didn't think to call the police or anybody else—he just wanted to get away."

Mr. **WALLACE**. And this report from Vaul Rouzer, chief of police in Altoona, Pa.

Chief **ROUZER**. "A lady did observe from her window in her home an individual attempting to burglarize by breaking a window and enter a bank. She watched the individual break the glass and did nothing about it and she actually saw the man leave by the same manner in which he had entered the particular bank building. At no time did this particular lady call the police."

Mr. **WALLACE**. Finally, this report from Cloyd Hubertus, chief of police of Durango, Colo., population 11,500.

Chief **HUBERTUS**. "We had an instance occur here where there were five grown individuals assaulting two men from a town north of Durango. While this assault was in progress, there was a group of bystanders standing by watching and made no effort to intervene and assist. This instance went on for approximately 5 minutes."

Mr. **WALLACE**. There is, in the law of the sea, a rule that requires the master of a vessel to render assistance to any other vessel in distress. There are those who want to bring this rule of the sea ashore. And some countries, France among them, have done so. CBS News Correspondent Anthony Pell reports from Paris.

Mr. **PELL**. "In this country of superindividuality, they had to pass a law and threaten people with jail to make sure citizens would help victims of crime and call the police. Despite the law, police complain in private that they often have to find a witnesse before starting on a trail of the criminal. Just as often as not, Frenchmen turn the other cheek to look away when they see a fight or a crime."

Mr. **WALLACE**. In spite of the law, the French have problems with apathetic citizens which seem to parallel the problem in the United States. For a report on attitudes in other countries, we turned to our correspondents in England, Indonesia, and Germany. First, here is CBS News Correspondent Alexander Kendrick in London.

Mr. **KENDRICK**. "In Britain, you simply dial 999 to call the police. In a pay station you could do it without a coin and that is one reason, though only a mechanical one, why there is no particular problem in this country about witnesses to crime failing to summon help. But an even more important psychological reason is that this is basically a law-abiding society. There is a general consciousness about a citizen's duty helping to keep the peace and an inborn feeling that the policeman, familiarly called a bobby, is a friend. If you want to know the time, ask a policeman, says a popular song and that goes for a great many other things. There are no recent recorded instances of witnesses failing to come to the aid of the victims of crime, including bank robberies and several such witnesses have got hurt themselves. But there have been no parallels here to the kind of American crimes which witnesses consider to be none of their business. Nor have there been any parallels to that other

American crowds phenomenon, egging on a person to jump from a roof or a bridge. Ask a policeman, call a policeman, and help a policeman, all seem to be part of the British creed."

Mr. Wallace. Next, the report of CBS News Correspondent Bernard Kalb in Indonesia.

Mr. Kalb. "I remember once driving along one of the side streets of Jakarta when suddenly I ran into a dead end of people—a circle of people who were yelling and pummelling a man in the middle. One word kept being shouted over and over—it was 'churian,' 'churian,' which I quickly discovered was the Indonesian word for thief. Seems that an aspiring purse-snatcher had tried to make off with a woman's handbag. She promptly screamed 'churian,' 'churian,' and in a matter of seconds just about everyone within hearing distance descended on the thief and pummelled away yelling 'churian, 'churian,' as though they were branding him in public. This instant crowd response was an Indonesian cultural symptom of a society that lives in what the Indonesians call a goton royon or mutual help environment, rather than the environment of rugged individualism. Whatever it is, whether it's their poverty or the fact that their lives are lived with very little privacy, or that poor people stealing from other poor people simply outrages them—whatever it is, Indonesians, and there are 100 million of them, generally don't turn their backs on a scream in the night."

Mr. Wallace. In West Germany, authorities rely not only on legislation but on the public itself to get reports of crime. CBS News Correspondent Daniel Schorr reports from Bonn.

Mr. Schorr. "Fritz Schweitzer, a high Bonn police official told me, that what happened in New York just couldn't happen here. Not only because of the law, which makes failure to report a crime legally a form of complicity, but more because there is a tradition of public cooperation with the police. 'The help we get from the population is terrific,' says Schweitzer. Whenever there is a street fight some bystander virtually always calls the police within minutes. Their attitude, he says, is that their own safety is involved, and that crime must not go unpunished. If anything, the German tends to carry this to an extreme, calling the police even when he has seen someone just violate a traffic law. Children are the most helpful informants, and to keep them helpful, they frequently get rewards. There was a lot of clucking and headshaking here about the crimes in New York which bystanders were just that. Said a representative of the German police, a little smugly I thought, 'The German population has a positive attitude toward our legal state.' "

Mr. Wallace. And what is the American attitude toward the police and the law? And a deeper question: What is the American's attitude toward his fellow man? The witnesses who heard Kitty Genovese's screams for help had reasons for the way they acted. They bring us closer to the real tragedy of the Genovese case.

Man. "You can't be calling up every time. The police want to know your name, and everything and they get people involved. These kind of people don't want to get involved in anything. We're not used to it."

Artist. "You know, the criminal is on one side and the policeman is on the other, but they're both more or less on the same level. You're afraid of either one of them, because they both represent toughness."

Mr. Wallace. Abraham Blumberg is a criminologist on the faculty of Queens College who has investigated the immediate area in which Kitty Genovese lived, and died. He has some observations about the police and the authority they represent.

Mr. Blumberg. "Many of these people still have many reservations about authority because their experiences with authority consistently have been negative. Especially the people in the lower strata. Authority is always either manipulating them, coercing them, or attempting to push them around in one way or another, or to manage them toward authority's own ends. And as a consequence the experience of many of these individuals has been highly negative, especially with cops. In the kind of life they come from, cops mean trouble."

Mr. Wallace. Here is Dr. Harry La Burt, a psychiatrist and medical director of New York's Creedmoor State Hospital for the mentally ill.

Dr. La Burt. 'They don't want to be regarded as a squealer or a rat—as the public vernacular of the term is. Today, they just don't want to be involved and be known as a tattletale. That, I think is inculcated in the mind early in life, even in public school. A tattletale is not popular."

Mr. Wallace. As the implications of the Genovese case became clearer, as apathy became a topic of national conversation, a few Kew Gardens residents began to reconsider their actions on that fateful night.

Old Man. "I feel guilty that I hadn't called police, even, well, I don't know how to explain that, because I would have felt rather silly if it had been cats or something trivial, to call the police. However, I should have done it, I didn't, I couldn't have done much—I'm trying to justify myself."

Woman. "We feel, we feel terrible. This is the truth. There isn't a day that doesn't go by that I don't think of that girl. Why didn't we do something? I mean, why didn't I go out? Why didn't I wake my husband? I feel better if I talk about it but I feel a terrible guilt. I mean it's a hurt all the time."

Dr. Kaufman. "These people must feel pretty lousy now—all of them. And they must feel pretty guilty. And again, unconsciously, the only thing they can do is to put their best foot forward and to tell a story which doesn't make heels out of them. Because after all, a woman was murdered."

Mr. Wallace. The last speaker was Dr. M. Ralph Kaufman, chief of psychiatry at New York's Mt. Sinai Hospital. Dr. Kaufman also has this parallel to draw.

Dr. Kaufman. "A certain number of Germans living close to Auschwitz and to the concentration camps and so on, consciously were not aware of what was going on because they didn't want to participate in this. To participate, to know, is to accept guilt. You know, if you know something and you don't do anything about it. Now the only way that actually you can avoid feeling guilty is to pretend that it is cats and not people. And this is very nice rationalization; isn't it? But I am quite sure that this happened at the Crucifixion, too."

Mr. Wallace. Psychiatrists advance many theories to explain the reaction of the 38 witnesses. Here is Creedmoor Hospital's Dr. LaBurt.

Dr. LaBurt. "There is a repressed hostility I think in most people. Now, that's evident in people that attend competitive games, like a prizefight for instance. A gentle, soft, sympathetic, kind person will go to a prizefight and almost momentarily you might say, he is converted to a vicious attacker. He gets up on his feet, swings his fist, and says, 'Kill 'em, kill 'em,' and he glories in the sight of blood. Well, that's a release of his pent-up hostility. He gets a vicarious satisfaction through the acts of somebody else. Now, it's very possible that some might have thought whoever is down there fighting probably did something and deserves it. Some of them—I don't say all. But they must have got some sort of aggressive satisfaction in hearing a thing like that and fantasizing its progress."

Mr. Wallace. If psychiatrists have their theories, so do Kew Gardens residents. Here is Mrs. Sylvia Firman, president of the Kew Gardens Civic Association.

Mrs. Firman. "The people involved in this were primarily apartment house people who are more or less transients in the community, never attend meetings of the community, don't involve themselves in any of our problems. I found that people who live in an apartment house—well the one just down the street here—though they have been here sometimes 20 years—they are always on the verge, they never feel this is their home. They never feel this is where they have roots. The old stable, substantial Kew Gardens residents are very angry that this could have happened here because the feeling amongst these people is that it couldn't have happened if they had been watching."

Mr. Wallace. Is there something about apartment house living that tends to dull a sense of civic involvement? All 38 witnesses lived in apartments. But, is this a significant factor, or merely the workings of chance? Associate Professor Kurt Lang, a sociologist from Queens College.

Mr. Lang. "I think that people who live in apartment-house areas and congested areas and areas where things are impersonal, where they don't know the policeman on the beat and so on, it's perfectly understandable—I'm not justifying it, but in terms of the attitude, the people of this sort have toward the things that go on 'out there,' outside someplace, is why, even when you get as many as 38, why no one would call."

Mr. Wallace. There has been a popular notion that what happened to Kitty Genovese was part of a familiar daily pattern in the lives of indifferent, "unconcerned" big-city dwellers. Dr. Ira Progoff, author and psychotherapist has a different view, lest a person equate his safety with his distance from a big town.

Dr. Progoff. "I think this could have happened anywhere and the more that one considers it, the more it would seem to me that this could have happened not only in any large city, but in any city, where if there was a strange event, strange noises, yet one didn't know exactly what was taking place. And then if one didn't know exactly, the tendency in general would be to turn away and not to see it until it was absolutely under your nose and you had no alternative but to do something about it."

Mr. Wallace. The apathy in the Kitty Genovese case has also been described as a peculiar sickness of modern society * * * the implication being that 50 or 100 years ago her neighbors would have come to her assistance with a shotgun or six-shooter. It's an easy generalization to make. But not necessarily valid. Again, Dr. Progoff.

Dr. Progoff. "This question, 'Am I my brother's keeper? I'm not,' is the first feeling which is part of a human being's attitude toward his life. 'My own life is difficult enough.' My own life is difficult enough—that may be even more a situation in modern times in the competition of modern society than it was in the day of Cain and Abel. But, 'Am I my brother's keeper? No, I am not,' and therefore, if I don't have to see what's happening to my brother, I don't look. It's part of the question of I have so much life in the world that whatever I give away of my life to another, it's that much I lose. Now this is the quality of impersonalization that's intensified in modern life, but I think it's part of man's nature, and always has been."

Mr. Wallace. There is still another dimension to the fear of involvement. Lewis Powell, Jr., president-elect of the American Bar Association, spells it out for us.

Mr. POWELL. "We live in an age of excessive tolerance by the public generally. A tolerance of substandard, marginal, and even immoral and unlawful conduct. An inevitable byproduct of this excessive tolerance is a lack of respect—a lack of respect for authority, for law, and especially for the rights of others."

Mr. WALLACE. We asked Dr. John Fischer, president of Teachers College at Columbia University, to assess the educational system's role in shaping the character of so many of us who so often don't want to get involved.

Dr. FISCHER. "I think that what we are dealing with here is a failure in our total social system. I doubt very much that the school, as a single institution, can ever produce people, so to speak, who differ very markedly from the general quality of most of the people in society. What the school is constantly battling is the fact that when the youngster is in school he is subjected to one set of influences and operates upon one set of assumptions. We might as well face the fact that one of the strong elements in our society is an element of competitiveness. Sometimes this takes the form of every man for himself and the Devil take the hindmost. This is, of course, the exact opposite of the spirit of cooperativeness and mutual help which has also been a part of the American tradition."

Mr. WALLACE. As we mentioned before, the case of Kitty Genovese is closed. She has long since been buried; her killer tried and sentenced. But the case is unique because it has produced a public dialog—an examination of apathy, indifference, and timidity—that continues to this day and shows every sign of going on. Recently, for instance, the Universalist Church of New York City held a community conference to "combat the urgent and growing public apathy to crime." One of the speakers, Rabbi Gunter Hirshberg, of Temple Rodeph Sholom, told a story at that meeting. You might call it a parable for our times.

Rabbi HIRSHBERG. "There is a movie being shown in the city today, dealing with the underground movement, the Italian resistance movement against the Germans during the last war. It appears that the German commander rounded up a number of people and then tried to determine which of them belonged to the resistance movement. And since he couldn't make the correct identification, he decided to shoot them all. And here were these people together in their cells spending their last night, and the people who were not among the resistance went to the resistance leader and said, what are we doing here? We are innocent, we are not resistance people, we haven't done anything. And the resistance leader turned to them and said, 'you haven't done anything? The Germans are here changing your way of life, they're killing your children, your mothers, your fathers, and you stand here and say you haven't done anything? You deserve to be shot.' In a way, ladies and gentlemen, we all deserve to be shot."

(Sound.—Montage of voices from Kew Gardens. Cross-fade into harmonica rendition of Kitty Genovese Ballad.)

Mr. WALLACE. This is CBS News Correspondent, Mike Wallace.

The ANNOUNCER. "The Apathetic American" with Mike Wallace is a CBS News special report, produced by Joel Heller. Writer-reporter: Richard Petrow; tape editors: Mike Schoskis and Mort Goldberg. Executive producer: Lee Hanna.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ALBERT, for 30 minutes, today.

Mr. FEIGHAN, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

The following Members (at the request of Mr. BELL):

Mr. BRAY, for 15 minutes, on September 29.

Mr. AYRES, for 30 minutes, on September 29.

Mr. ASHBROOK, for 30 minutes, today.

Mr. SCHADEBERG, for 10 minutes, today.

Mr. McDOWELL (at the request of Mr. ALBERT), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. PELLY (at the request of Mr. BELL), for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. REUSS and to include extraneous matter.

Mr. HARDY and to include an address by Mr. RIVERS of South Carolina.

Mr. VANIK and to include extraneous matter.

Mrs. KELLY.

(The following Members (at the request of Mr. BELL) and to include extraneous matter:)

Mr. TAFT in two instances.

Mr. HUTCHINSON in two instances.

Mr. ROBISON.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. GILBERT.

Mr. KARTH.

Mr. GARY.

Mr. FASCELL.

ADJOURNMENT

Mr. STRATTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Thursday, September 24, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2554. A letter from the Comptroller General of the United States, transmitting a report of unnecessary expenditures made because a Government-owned aircraft was not used in the minitrack network operations, National Aeronautics and Space Administration, pursuant to 31 U.S.C. 53, 31 U.S.C. 67, and 10 U.S.C. 2313(b); to the Committee on Government Operations.

2555. A letter from the Comptroller General of the United States, transmitting a report on unnecessary repair of aeronautical spare parts and components managed by Oklahoma City Air Materiel Area, Department of the Air Force; to the Committee on Government Operations.

2556. A letter from the Comptroller General of the United States, transmitting a report on ineffective administration of military leave, Department of the Army; to the Committee on Government Operations.

2557. A letter from the Comptroller General of the United States, transmitting a report on failure of the Air Force to consider available Army aircraft crash firetrucks in its planned procurements, Department of the Army, Department of the Air Force; to the Committee on Government Operations.

2558. A letter from the Comptroller General of the United States, transmitting a report on the impairment of capability to meet mission requirements and waste of funds in the D-day augmentation forces of the Naval Reserve surface program, Department of the Navy; to the Committee on Government Operations.

2559. A letter from the Comptroller General of the United States, transmitting a report on the ineffective administration contributing to unsatisfactory progress in rehabilitating the Hyde Park-Kenwood urban renewal area, Chicago, Ill., Housing and Home Finance Agency; to the Committee on Government Operations.

2560. A letter from the Acting Attorney General, transmitting the second report summarizing information received from Federal, State, and local agencies of government concerning identical bidding in advertised procurement during calendar year 1962, and an analysis thereof, pursuant to section 7 of Executive Order 10936; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DENT:

H.R. 12670. A bill to amend Public Law 874, 81st Congress, relating to assistance for schools in federally affected areas, to provide assistance in certain cases on account of children in needy families; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 12671. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for expenses paid for domestic service; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 12672. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the tax on club dues for nonprofit hunting and fishing clubs; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK:

H.R. 12673. A bill for the relief of Darko Rebic; to the Committee on the Judiciary.

By Mr. GROVER:

H.R. 12674. A bill for the relief of Lee Carry; to the Committee on the Judiciary.

By Mr. MADDEN:

H.R. 12675. A bill for the relief of Kalliope Kostides; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 12676. A bill for the relief of Marie Pergamalis; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 12677. A bill for the relief of Delfina Rosa Medeiros; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 12678. A bill for the relief of Emilia Majka; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 12679. A bill for the relief of Gabor Kalocie; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 12680. A bill for the relief of Biagio DeSantis; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 12681. A bill for the relief of T. & T. Farms, Inc.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1043. By the SPEAKER: Petition of Claudia Walker, San Francisco, Calif., requesting consideration of her petition with reference to an investigation by Congress to determine the details of the death of Hazel Wochos, in San Francisco, Calif., on December 21, 1962, and her retirement under the auspices of the Railroad Retirement Board; to the Committee on the Judiciary.

1044. Also, petition of Henry Stoner, New York, N.Y., requesting consideration of his petition with reference to adjournment dates of Congress; to the Committee on Rules.

1045. Also, petition of the national adjutant paymaster, Marine Corps League, Arlington, Va., petitioning consideration of their resolution with reference to recommending the passage of H.R. 2332, a bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I and their widows and dependents; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Address by the Honorable L. Mendel Rivers, of South Carolina, on the Occasion of the Commissioning of the Polaris Submarine "John C. Calhoun"

EXTENSION OF REMARKS

OF

HON. PORTER HARDY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1964

Mr. HARDY. Mr. Speaker, on September 15, the 26th of our Navy's mighty Polaris submarines was commissioned. She is the U.S.S. *John C. Calhoun*, bearing the name of a great South Carolina statesman. The commissioning address appropriately was delivered by our able and distinguished colleague from South Carolina [Mr. RIVERS].

This fine new vessel will add strength to our Nation just as the statesman whose name she bears was a bulwark of strength to our country during another perilous time in our history. An excellent ship, she is a product of the Newport News Shipbuilding & Drydock Co., located across the river from me in TOM DOWNING's congressional district. Many of my constituents work in that yard and have applied their skills and their experience to making each succeeding vessel built there a little better than its predecessor. And so, this is the finest of our Polaris submarines yet to enter active service.

Mr. Speaker, it was fitting that Mr. RIVERS, a worthy successor in the Halls of Congress to the great John C. Calhoun, should make the address on this occasion, and his remarks were so appropriate, so interesting and informative that I commend them to the reading of the entire membership. His address follows:

ADDRESS DELIVERED BY HON. L. MENDEL RIVERS, OF SOUTH CAROLINA, AT THE COMMISSIONING OF THE "JOHN C. CALHOUN" SSB(N)630: SEPTEMBER 15, 1964; NEWPORT NEWS, VA.

About 182 years ago, two boys were born in a new nation—one in the North and the other in the South of this infant, struggling member of that cold and brutal domicile we call the family of nations, this new concept in democracy, only an experiment in self-government, was never before attempted, and it has never since been equaled.

The one child from the North—Daniel Webster—was born in a log cabin on the bleak and frigid slopes of New Hampshire. The other—John Caldwell Calhoun—in the warmer, friendly climate of frontier South Carolina.

Each of these children was destined to become an imperishable cord in the fabric of our American heritage. Each was destined to be part and parcel of the warp and woof of the American loom which was to weave other mental giants. Each was to add to the legacy of every American. Each was to leave his imprint indelibly inscribed in every history book portraying the American story.

Prophetic words were destined to come from the lips of each. In 1832, Daniel Webster said: "If disastrous war should sweep our commerce from the ocean, another generation may renew it; if it exhaust our Treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again, and ripen to future harvests. It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley, all these might be rebuilt. But who shall reconstruct the fabric of demolished government? Who shall rear again the well-proportioned columns of constitutional liberty?

"Who shall frame together the skillful architecture which united national sovereignty with State rights, individual security, and public prosperity? No. If these columns fall, they will be raised not again. Like the Coliseum and the Parthenon, they will be destined to a mournful, a melancholy immortality. Bitterer tears, however, will flow over them, than were ever shed over the monuments of Roman or Grecian art; for they will be the remnants of a more glorious edifice than Greece or Rome ever saw. The edifice of constitutional American liberty."

For this immortal American, a grateful country named her 18th Polaris submarine.

Now the other immortal, who devoted his life to the defense of Constitutional American liberty and States rights, shall be forever remembered as a man who loved his country. Revered its traditions. Protected its mores. Vigilantly defended its form of government, and never once in his entire life surrendered his principles.

I regard this honor of participating in the commissioning of our 26th fleet ballistic missile submarine, named in memory of that other incomparable American—John Caldwell Calhoun—a privilege I shall cherish so long as I shall live.

With pardonable pride and with a sense of deep humility, I count it one of the highlights of my uneventful and unimportant life that I was able to persuade the late John Fitzgerald Kennedy to name this submarine for our own immortal South Carolinian.

In the book I hold in my hand, "Profiles in Courage," written by the late President John F. Kennedy, are these words quoted from Daniel Webster portraying John Caldwell Calhoun: "Much the ablest man in the Senate." The greatest in fact he had met in his entire life. "He could have," declared Webster, "demolished Isaac Newton, John Calvin, and even John Locke as a logician. His speeches, stripped of all excess verbiage marched across the Senate floor in even columns, measured, disciplined, carrying all before them." Webster knew this man. Webster knew Calhoun as no other man did. He met Calhoun on the field of battle, the floor of the Senate of the United States. And there, he felt the wounds of conflict.

Sailors, I am told, are alleged to be somewhat superstitious and conscious of good and bad omens. And therefore, perhaps the name of a ship—and especially a ship as important to the Nation as this one—may have great significance to the two crews that are assigned to her. If so—this submarine will sail over and under the seas protected by the name and memory of an American who has no equal in our history.

Greatness epitomized Calhoun and genius was his at a very early age. He graduated from Yale College in 2 years and, in the process, was elected to Phi Beta Kappa—the acme of collegiate intellectual attainment.

Indeed, John Caldwell Calhoun was a great man. He dwarfed his contemporaries as does the lordly cedar of the mountain tower over the blushing violet of the valley. He was a lawyer, a member of the South Carolina General Assembly, a Member of the U.S. House of Representatives, Secretary of War, Secretary of State, Vice President of the United States, and a Member of the U.S. Senate.

There was in his character many of the attributes of those who serve aboard our submarines. He was independent of thought and independent of action. Surely, there is nothing more independent than a Polaris submarine on station far from the shores of America. And, I say to you, his death did not toll the end of States rights.

Calhoun was a lonely man. Not because he lacked friends or family, but because of such superb intellect. He was lonely because he knew that with the death of State sovereignty, came the death of individual freedom. He knew that a powerful bureaucracy meant a weak State sovereignty. He knew that a strong Washington meant a weak Virginia or South Carolina.

He was a brilliant man who preferred to lead rather than be led; he was a genius serving with many who could only aspire to genius.

And in his loneliness, there is a kinship for those of you who will carry with you the awesome responsibility of guarding our Nation from the depths of the ocean or the sanctums of the sea.

All of you who compose the officers and crew of this submarine have demonstrated a capability and a degree of accomplishment that sets you aside from others. You truly can be compared with the man for whom this submarine is named.

Since you will have so much in common with John Caldwell Calhoun, I propose to you that you adopt a motto for this submarine taken from the lips of this patriot. I hope that aboard this submarine in some conspicuous spot you place a plaque and imprint upon it these words of Calhoun: "The honor of a nation is its life."

As she goes forth to sea, I sincerely hope that each of you will be blessed with the ability, the foresight, the determination, the steadfastness, the patience, the stamina, and the personal courage of the man for whom this submarine is named.

Perhaps you did not know that among the many achievements of John Caldwell Calhoun was the unheralded fact that while serving as Secretary of War, he is considered by many to have been the progenitor of the Monroe Doctrine. This may be hearsay in Virginia, but it is history in South Carolina. I am afraid that he would not recognize its application today, but nevertheless it still remains American policy, ignored and shattered as it may be.

And perhaps you would be interested to learn that John Caldwell Calhoun, as Secretary of War, fought to obtain added benefits for members of the Armed Forces. And this is every American's job.

And it was John Caldwell Calhoun who issued these prophetic words many years ago, "However removed our citizens from the great powers of the world and how pacific our policy, we are liable to be involved in war—perpetual peace is a dream which no nation has had the good fortune to enjoy."

As a war hawk who survived the vengeance of the Indian, he knew as no other American, the words of the greatest philosopher, Plato, who said: "Only the dead have seen the end of war."

He knew as did few that peace is only for those who can protect it. He knew that when the war tocsin sounds, only the strong can come forth, and only the ready remain.

Had there been more John Caldwell Calhouns in 1916, and more John Caldwell Calhouns in 1938, and more John Caldwell Calhouns in 1949, perhaps the policy of constant preparedness, for which he fought, would have prevented the wars which have taken so many precious flowers of our American manhood.

John Caldwell Calhoun was a discerning man and an incomparable judge of men. As Secretary of War, for example, he personally screened every cadet at West Point, and one year, after the names of 35 Virginians had been submitted to him as possible cadets at West Point, he approved only 9.

Among those nine were three who were destined to become the great leaders of the lost cause—Robert E. Lee, Joseph E. Johnston, and Jefferson Davis.

So, ladies and gentlemen—I extend my sincere best wishes to the officers and men who will man this submarine; I congratulate the builders, and on behalf of the citizens of this great Nation, I welcome this submarine to the ever-growing fleet of ballistic submarines which have become a hallmark in our defense posture.

I also welcome the officers and men of this ship to their home port of Charleston. Certainly, nothing could be more appropriate for this submarine, with its awesome destructive power, with its highly trained crew, and with its monumental responsibility, than to sail into Charleston Harbor—where rests the remains of that restless man—and rekindle once again the spirit of John Caldwell Calhoun among the people of my Charleston, and our people of South Carolina, who revere his memory and praise his name.

You will find that Charleston is proud of America's military might; proud of the knowledge that Charleston is a vital Polaris submarine base; and proud of a ship that bears the name of John Caldwell Calhoun; and proud that while we protect the past, we, too, have concern for the future.

And just as Charlestonians and South Carolinians will be proud of this submarine, so also will they be proud of you—the officers and men who will have the priceless privilege of serving aboard this great addition to the naval might of America—the only nation on earth capable of leading the free world—long may her land be bright, protect her by your might, Great God our King.

A Success Story Unmatched in a Lifetime

EXTENSION OF REMARKS

OF

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1964

Mr. KARTH. Mr. Speaker, it has been a generation since the actions of Congress have offered so much hope and opportunity to millions of Americans.

In education, health and welfare, human rights, the national economy, natural resources, national security, international affairs, and science and technology, the 88th Congress has made possible national programs which will profoundly change our country for the better, will extend new and broadening opportunities to many people, and will assure the permanence and stability of the great society we are building.

EDUCATION

In the field of education particularly has the 88th Congress distinguished itself. It has—

Authorized a 3-year program to build new medical, dental and related-type teaching facilities and to offer student loans;

Passed a 3-year program of loans and grants to aid colleges and universities in financing academic construction;

Approved a Manpower Development and Training Act to train youths and adults for new jobs;

Revamped completely the vocational education programs to provide better training for the new technology; and,

Authorized a broad new 5-year program to build nursing school facilities and provide financial help for students.

HEALTH AND WELFARE

This Congress has done these substantial things for the health and welfare of our citizens:

Strengthened the air pollution control program by encouraging prevention and enforcement activity;

Adopted a 5-year plan to increase aid to States for maternal and child health services for crippled children's programs; provided for grants to be made for maternity care and research projects to prevent mental retardation;

Authorized a 3-year program to aid States in providing mental retardation research facilities, construction of community mental health centers, and so forth;

Increased direct loans to nonprofit corporations and cooperatives for construction of housing for elderly;

Extended for 2 years the juvenile delinquency control program;

Improved and extended Hill-Burton aid for construction and modernization of hospitals, nursing homes, and other medical centers;

Increased payments to widows and other dependents of veterans who die of service-connected disabilities; and,

Authorized 5-year program of aid to States on matching basis for nursing home facilities.

HUMAN RIGHTS

Certainly the 88th Congress and this national administration will go down in history for incorporating into Federal law finally, those rights which assure each individual equality and freedom in matters of voting, public accommodations, education, job opportunities, and access to public facilities.

Growing concern for the legal rights of poor individuals faced with criminal prosecution in Federal district courts has resulted in a new law to authorize the courts to appoint public defenders.

THE NATIONAL ECONOMY

Faced with three major recessions from 1953 through 1960, the administration, first under President Kennedy then President Johnson, resolved to cooperate with the leadership of Congress to restore dynamism to the national economy. To achieve this the 88th Congress has done these things:

Lowered rates of personal and corporate income taxes; changed tax laws for net reduction of $11.5 billion—partially effective in 1964;

Created the Office of Economic Opportunity to administer job corps of urban and rural youth, work training and work-study programs and to encourage community action to reduce poverty;

Authorized 3-year program of grants and loans to help States and communities provide mass transit facilities and service;

Authorized Federal contribution for fiscal years 1966 and 1967 for the construction of primary and secondary State highways and city extensions; and for road projects in national parks, and so forth;

Established a National Commission on Food Marketing to study trade procedures and price relationships from producer to consumer;

Set up a National Commission on Technology, Automation, and Economic Progress to provide answers on how to cope with the loss of 40,000 jobs a week because of new machines and methods;

Imposed a tax on purchases of foreign securities to stop the flight of investment dollars to more profitable foreign businesses;

Adjusted basic pay rates of postal and classified Federal employees and other Government officials to make them more comparable to salaries in private business and industry;

Amended Bacon-Davis Act to require Federal contractors to match wage and other customary benefits when determining standards; and,

Improved the Area Redevelopment Act.

NATURAL RESOURCES

In conservation and in natural resource development the 88th Congress compiled a record which has been called "the most outstanding in history." This "Conservation Congress" has—

Passed the Land and Water Conservation Fund Act to assist States in developing outdoor recreation programs;

Established a National Wilderness Preservation System on 35 million acres of parks;

Authorized improvements in 11 river basins, navigable streams, flood control, and waterpower projects;

Approved 5-year program of aid to States for development of commercial fisheries;

Authorized 10-year program to finance water resources research centers at land-grant colleges and universities; and,

Established three new major park and recreation areas and authorized several new historic sites.

NATIONAL SECURITY

The 88th Congress, ever mindful that a strong America stands as the bastion for the free world against Communist forces, reinforced our armed strength when it—

Provided substantial funds to the armed services for manpower and hardware to keep our defenses modern and efficient;

Extended Presidential authority to fix priorities, allocate defense materials, and expand manufacturing capacity under Defense Production Act;

Authorized extension of loans to 12 countries of 40 U.S. naval vessels;

Continued mutual security programs; and,

Approved legislation supporting the President's action ordering U.S. forces to repel attacks against them in southeast Asia.

INTERNATIONAL AFFAIRS

A durable peace in this troubled world depends not only upon America's military strength but also upon firm alliances with other peace-seeking nations. Our country's efforts include many programs to which the 88th Congress gave substantial support.

The Congress—

Authorized funds for research and the operations of the Arms Control and Disarmament Agency;

Extended the Export-Import Bank for 5 years and increased the Bank's lending authority;

Increased the authorization for the U.S. Peace Corps and raised the number of volunteers to 11,300;

Approved the treaty banning nuclear weapon tests in the atmosphere in outer space, and under water which was drafted by the United States, Great Britain, and the Soviet Union;

Increased U.S. participation in the Inter-American Development Bank; and,

Authorized the United States to participate with 16 other nations in the International Development Association.

SCIENCE AND TECHNOLOGY

Advances in modern science and technology depend in greatest degree upon fantastically expensive research and development financed by central governments. The total annual cost to the people of the United States for this Nation's preeminence in space sciences, electronics, nuclear energy, weapons, medical science, and so forth, has been over $15 billion. Whole new industries are based on these expenditures the size of which only a few decades ago would have more than amply supported the total Federal Government.

The 88th Congress reflected a national concern over the direction our Nation's research and development is taking by authorizing investigations and exploring ways its various committees can avail themselves of expert advice on how to legislate in matters affecting scientific policy. This is an important development if our form of constitutional democracy is to remain vital and responsive in a world being revolutionized by new knowledge.

As a member of the House Committee on Science and Astronautics, I look forward to the guidance we will get when we deal with the national space program.

CONCLUSION

I have particularly been concerned in better utilizing the brainpower and the resources of our district and Minnesota. On several occasions I have been instrumental in bringing together Federal Government officials and leaders from Minnesota business, industry, colleges and the university in an effort to find ways to exploit our area's rich capabilities in resources and manpower, and to develop new opportunities for economic and scientific growth.

I have sought in a variety of other ways to bring the interests of the Federal Government and our district together.

Of special importance is the building of Capital Center in downtown St. Paul. Federal urban renewal funds will make it possible, with the cooperation of local businessmen and city officials, to tear down many obsolete or deteriorated buildings and erect modern office structures and stores—thereby increasing and strengthening the local tax base. I am pleased to note that the proposed new Federal building, soon to be started, will be one of the first, major moves in the imaginative proposal to revitalize downtown St. Paul.

Recognition of the importance of our district for Federal Government operations can be seen in the many new branch post office buildings which have opened, the just-completed annex to the St. Paul Post Office and Custom House, the new U.S. Department of Agriculture Lake States Experiment Station, and the advanced planning for a new Federal building at Fort Snelling and a regional post office garage.

I believe this 88th Congress has proved to be one of the most important in history for the Nation and our district. Its record of cooperation first with the administration of the late President Kennedy and with that of President Johnson shows that our democracy can be a dynamic and progressive force which is well-suited to meeting the challenges and problems of a particularly crucial era.

I have considered it an honor to represent the fourth district in this Congress and look forward to the opportunity of helping further to build the great society.

Constitutional Crisis in Apportionment

EXTENSION OF REMARKS

OF

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1964

Mr. HUTCHINSON. Mr. Speaker, judicial intrusion into the composition of legislative bodies strikes at the very root of our governmental system of divided power. In order that my position may be clearly known on this fundamental issue, I include a statement made by me in testimony before the Judiciary Committee of this House on July 29, 1964, and the text of a report to the people of my congressional district dated July 2.

We have long been taught to respect the independence of the judiciary. It is time our people also respect the importance of an independent legislative branch, answerable not to the courts but to the people.

The material follows:

STATEMENT BEFORE THE HOUSE JUDICIARY COMMITTEE ON JULY 29, 1964

Thank you, Mr. Chairman, for permitting me to appear before your committee in support of House Joint Resolution 1050, introduced by me.

That proposal would incorporate into the Constitution a limitation upon the judicial power in the following language: "The judicial power of the United States shall not be construed to extend to any suit in law or equity for the apportionment or method of apportionment of representation in a State legislature or either house thereof, nor for the composition of any legislative or administrative body in any political subdivision of a State."

Since the decision in *Baker* v. *Carr*, the Supreme Court has asserted Federal judicial power to interfere with the composition of State legislative bodies. A logical extension of the Court's reasoning will vest in the Federal judiciary like control over the composition of legislative and, perhaps, administrative bodies in the political subdivisions of our States.

My proposal is intended to withdraw the Federal judiciary from the political thicket into which it has wandered, both at the State and local levels. The proposal would do so by declaring a limitation upon the extent of Federal judicial power, approaching the problem in precisely the same fashion as a much earlier threat to our Federal system was removed.

In *Chisholm* v. *Georgia*, the Supreme Court entertained jurisdiction of a case instituted by a citizen of one State against another State. To prevent further occurrences and to overrule *Chisholm* v. *Georgia*, the 11th amendment to the Constitution was submitted by Congress and ratified with "vehement speed," to use the words of Mr. Justice Frankfurter.

I anticipate that a proper amendment, submitted in this present constitutional crisis, would likewise enjoy speedy ratification. I speak the conviction of an alarmed citizenry, when I say the recent incursion by the Federal judiciary into the apportionment of State legislative bodies is revolutionary and is destructive of our constitutional system.

The separation of powers into three coordinate branches of Government, each of equal station with the other, is a keystone in American Government. The idea that the judicial branch can exercise power over the make-up of either the legislative or executive branches of Government would place the judiciary above the other two branches. Such reasoning is destructive to the system itself.

Until *Baker* v. *Carr*, it was settled law that Federal courts would not take jurisdiction of State legislative apportionment cases. These cases were recognized for what they are: the resolution of political questions. The law was that Federal courts concern themselves with legal rights. Political questions, on the other hand, were to be resolved by political processes. The method of apportionment of the members of a legislative body and the arrangement of legislative districts are questions of political power.

Political power is properly vested in the people and in their chosen representatives. Federal judges, who are not chosen by the people, or at any time answerable to them, are not the representatives of the people. It was never intended that Federal judges should be vested with political power. Their assertion of such power is erroneous.

We want no judicial dictatorship over our political institutions. But, if the Congress and the country accept the power of an appointed, politically unreachable judiciary to define the make-up of our legislative bodies, then I submit that the political power has shifted from the people and their elected representatives to the courts. For, if this court can rightfully say the equal protection clause of the 14th amendment requires a particular kind of State legislative apportionment, a later court may change it, and in the Federal court, then, and not in the people, rests the political power to determine what kind of a legislature they shall have. We should not accept this overreaching of power by the judiciary.

It is my belief that our duty is to submit to the States a proposal which would lead the court away from the political thicket and restore to the people of each State their rightful, political power to define their own political institutions of government.

I submit that it is inconsistent with our Federal system that the judicial branch of one sovereignty, the Central limited Government, can hold sway over the political composition of the legislative branch of another sovereignty, a State, which with its people, holds the entire residue of political power.

Because of this reasoning, I shall not be satisfied with a proposal which would permit apportionment of one house of a bicameral State legislature on factors other than population only if the other house is apportioned on a population basis alone. This approach leaves the Federal judiciary in control of the field, much as it has been since *Baker* v. *Carr*. In every case, the contention will be that the house based on population is not actually so based, and the court will continue to fashion the legislative branch of the States. Nor does such a proposal reach the problem which will arise in the case of a unicameral legislative body, either at the State level or in the political subdivisions of a State.

Even if our Federal Constitution contained a provision permitting apportionment of one house of a bicameral legislature on factors other than population only if the other house is apportioned on a population basis alone, it would not prevent the Federal judiciary from meddling in the apportionment of Nebraska, nor in the apportionment of a legislative body of a political subdivision of a State. In sum, that proposal seems to me to be too narrow in scope to meet the evil, and I urge, rather, the more encompassing approach of House Joint Resolution 1050.

I desire to make one more point, Mr. Chairman; a point, I believe, of some importance and perhaps not reached by other witnesses on this issue. It is apropos the suggestion that the Congress might work a solution to this problem through legislative act rather than contitutional amendment. Let me say that if, in the opinion of your committee, this matter can be resolved legislatively, I would be in favor of that course of action, perhaps in addition to the submission of a constitutional amendment. But, to make my point: The 14th amendment contains rather broad prohibitions of power against the States in this Union. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction the equal protection of the laws.

These phrases lend themselves to many different meanings. So far as I know, the Congress has never undertaken to define any of them, although the amendment specifically vests in Congress the power by appropriate legislation to enforce the article. Lacking any congressional definition, the courts have supplied some. It is my understanding that the courts have construed the privileges and immunities clause very narrowly, so narrowly, indeed, as to make it practically useless. The due process clause, on the other hand, has been most broadly interpreted, even to the finding of substantive rights in this language which, on its face, is merely procedural.

The length to which the Court is ready to extend the equal protection clause is evidenced in the issue we now consider.

In retrospect, Mr. Chairman, might we have had a more politically responsible situation if the Congress had undertaken to define the privileges and immunities of citizens, and the meanings of due process and equal protection? Instead of a court legislating to implement the Constitution, the Congress would be doing so, acting under the grant of power given to the Congress by the 14th amendment. The role of the Court might then be more orthodox, accepting legislation on these matters from Congress rather than legislating itself.

Is it now too late, Mr. Chairman, for Congress to undertake its proper function? We are still the elected representatives of the people and, if we would strengthen the people's branch of this government to assert again the coordinate power of this branch in our system, we should attack this dictatorship by the judiciary by every means available to us.

Mr. Chairman, I suggest that your committee explore the untested possibility that the 5th section of the 14th amendment—the enforcement provision—vests in Congress the power to define the term "equal protection of the laws," and so, by that provision, declare what all evidence in the history of the amendment substantiates, that "equal protection" does not reach the apportionment of State legislatures.

NEWSLETTER TO THE FOURTH CONGRESSIONAL DISTRICT OF MICHIGAN, JULY 2, 1964

SUPREME COURT NEVER VESTED WITH POLITICAL POWERS

The Supreme Court of the United States was never vested with power to dictate the governmental structure of any State in the Union, and its present assertion of such power in the apportionment cases is manifest error on its part. The Federal judiciary was not conceived to be an instrument of political power. Here is a branch of government not chosen by the people or at any time answerable to them. Federal judges are appointed by the President, with the advice and consent of the Senate, for life.

Political power in our system was recognized as vested in the people and their elected representatives. Federal judges are not those representatives. The resolution of political questions is not their prerogative, nor their rightful power.

The Congress has a responsibility to lead the Court out of this political thicket into which it has strayed.

IN POLITICAL QUESTIONS THE PEOPLE MUST PREVAIL

It is fundamental in our governmental system that, if a political question is put to the people in an election, their decision at the ballot box must prevail.

You may recall that at the regular State election in November of 1952, the people of Michigan were asked to decide whether they wanted a legislature apportioned on a straight population basis in both the senate and the house—the "one-man, one-vote" slogan—or whether they wanted a legislature with a house of representatives apportioned every 10 years on a population basis and a senate with fixed districts defined by the constitution—the so-called balanced legislature concept followed by the Federal Constitution. The people overwhelmingly chose the balanced legislature, rejecting the "one-man, one-vote" theory.

In April 1963, again at a regular State election, the people of Michigan adopted a new State constitution which directed the apportionment of house seats on a population basis and senate seats on the basis of population and area.

In these decisions we heard the voices of the governed, speaking with all of the political power inherent in them.

But there are forces at work composed of those who think the people were wrong in their decisions. For them, the voice of the governed, spoken through the ballot box, decided nothing. Despairing of their ability to win over the people to their philosophy themselves, they asked the Federal courts to overturn the people.

Until 1962 no Federal court imagined it had jurisdiction to meddle in the apportionment of State legislatures. The issue of apportionment presented political rather than legal questions. Moreover, the issue involved the fundamental question of how the lawmaking body of a State was to be composed, a matter to be decided only by the people of that State and a matter wholly inappropriate for adjudication by a Federal court which is not part of the State at all. In 1962 the U.S. Supreme Court nevertheless instructed a Federal court in the State of Tennessee that it did have jurisdiction of such a case.

Armed with its new-found jurisdiction over the composition of the Tennessee Legislature, the Federal District Court immediately struck down a 1962 legislative districting act not to its liking. In 1963 the legislature tried again, creating a house weighted somewhat on area—which the court accepted—and a Senate apportioned on a strict population basis.

Thus it appeared that in a two-house legislature one house could be based on factors in addition to population if the second was apportioned solely on a population basis. Such were the standards fashioned by the very court to which the Supreme Court gave jurisdiction in 1962. But now, even this slight concession to the concept of a balanced legislature has been tossed aside by the High Court.

It was also in 1962 that the people of the State of Colorado were asked at an election to choose between a legislative apportionment plan with both houses based strictly on population—one-man, one-vote—and a balanced legislature with a house based on population and a senate with fixed districts. It was the same issue Michigan resolved in 1952 and the people of Colorado resolved it in the same manner, approving the balanced legislature plan in every county in the State. Once again the people had spoken with all of the political power inherent in them to decide a political issue.

THE COURT ASSERTS "PEOPLE ARE WRONG"

But on June 15, 1964, the Chief Justice of the United States, speaking for a majority of the Supreme Court, asserted the people of Colorado were wrong! In effect he said they had no power to fashion their own legislature on any basis other than straight population. This decision, if generally respected, will do inestimable harm to our system of checks and balances. It can destroy our local governmental structure. It makes a shambles of the traditional legislative system of every State in the Nation.

The concept of balancing legislative representation by giving some weight to area as well as population is as sound today as it was when the framers of our Federal Constitution gave us a House of Representatives apportioned on a population basis and a Senate on area alone. And, in every single instance where they had an opportunity to indicate their wishes through the medium of the ballot box, the people have endorsed this concept and rejected the implications of "one-man, one-vote."

Tribute to Luis Muñoz-Marín

EXTENSION OF REMARKS

OF

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1964

Mr. GILBERT. Mr. Speaker, I wish to add my sincere words of tribute to the many already spoken and printed extolling the statesmanship, leadership, and brilliant accomplishments of the great Governor of Puerto Rico, Luis Muñoz-Marín.

It has been my pleasure and privilege to meet with Gov. Luis Muñoz-Marín on numerous occasions, and to discuss with him the problems of the Commonwealth of Puerto Rico and the plans for the continuing improvement in the general welfare of his people as well as those of Puerto Rican birth in the United States. There are many persons of Puerto Rican birth now residing in my congressional district, the 22d District of New York, and I found my conferences with the Governor of inestimable value. My concern has always been to help Puerto Ricans overcome the tremendous handicaps to be found in the New York area, to render all possible assistance. The Governor's love for his people has always been evident, and in speaking with him, one could not help but realize how fortunate the people were to have such a champion and leader.

Under Gov. Luis Muñoz-Marín's able leadership, Puerto Rico has become known throughout the free world as a workshop of democracy. His vision and ability to inspire his people have made his program Operation Bootstrap a rousing success; the goals of education, industrialization, and agricultural diversification have achieved a rise in the literacy rate to 90 percent, industry boasts of 700 booming factories and aims for 2,500 within 10 years; the agricultural advancement is outstanding. And this phenomenal advancement and success of a people are mainly due to the compassion and efforts of a man who was disheartened and heartsick over the poverty of the Puerto Rican people and who determined to tackle the formidable job of helping them achieve decent living standards, education, and a stable economy. The present showplace island of Puerto Rico is the wonderful legacy of Governor Muñoz-Marín upon whom the title "teacher of democracy" has been lovingly bestowed.

When Gov. Luis Muñoz-Marín refused to accept a fifth nomination for Governor, it was stated that he "struck an almost unique blow for democracy." He gave to the people one of the greatest gifts of all; he gave them the opportunity to prove to themselves that they could continue along the paths of freedom, justice, and progress, without depending upon the leadership of any one man. He has served the people since 1940, first in the island senate, and since 1948 as Governor. Had he wished to continue in this high post, he would have been overwhelmingly reelected. However, as a dedicated advocate of democratic principles, he insisted upon stepping aside, and his decision to relinquish the far-reaching power that had been entrusted to him, has been hailed as the greatest act of his career. It must be acknowledged that men in power very seldom step aside voluntarily and at the height of prestige; yet, when we consider that the Governor is a man of many talents, is more than a politician, a man recognized as a philosopher, poet, lawyer, writer, possessed of the qualities of kindness and modesty, and above all a love for his fellow man, then we are not surprised at his selfless action and his placing ideals above personal ambition.

It is gratifying and heartening to know that he is not entirely retiring from public service; he has announced that he will return to the Puerto Rican Senate. He will continue to watch over his people and to serve as their elder statesman. With the example he has set, with the benefits the people will have with him as a "teacher" keeping and enhancing their faith in a representative government, we know that all will continue to go well with Puerto Rico. For Governor Muñoz-Marín I wish many more years of happiness and success in his many endeavors and all the gratification which a job well done can bring.

Nikola Petkov Memorial Day

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1964

Mrs. KELLY. Mr. Speaker, the gallant people of little Bulgaria have given more than their quota of brave men who have fought and died for freedom and democracy. Among these true soldiers of freedom, Nikola Petkov holds a high place. This dauntless foe of all forces of darkness and deceit, nazism, fascism, and communism, defiantly challenged all forces opposing freedom, and for his courageous stand he made the supreme sacrifice.

September 23, 1947, when Petkov was treacherously executed by Communists, was a black day for the Bulgarian people, for all peoples in the Balkans and for the free world.

Today on the 17th anniversary of the death of Nikola Petkov, we honor his blessed memory, and I gladly send my cordial greetings to the Bulgarian people.

Nikola Petkov

EXTENSION OF REMARKS

OF

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1964

Mr. TAFT. Mr. Speaker, the last war ushered in a long period of misery and misfortune to a host of nations in Europe, and the nations in the Balkan Peninsula were to have their share under Communist tyranny. Even before the end of that war Bulgaria was engulfed in a Communist sea, and it was quite impossible for the people of Bulgaria to extricate themselves alone from the evertightening Communist grip. Under the powerful steamroller of the Kremlin all opposition groups and irreconcilable elements were ruthlessly crushed and their leaders liquidated. This was done so systematically that gradually most of the groups were more or less forcibly reconciled with the Moscow-imposed Communist regime.

But there was one sturdy and strong element that did not bow to the Soviet dictate. That was the rough and rugged peasant or the agrarian group, led by its inimitable and incorruptible leader Nikola Petkov. With all the means at his disposal he tried hard to frustrate the Communist attempt to rob Bulgarians of their freedom. But the Communists were determined to accomplish this, just as they were determined to liquidate all those who delayed or imposed their treacherous moves in all directions.

Soon Nikola Petkov found himself with only a handful of supporters. Of course the large mass of the populace were with him, heart and soul, but the populace was subdued and silenced by the regime. Still Petkov carried on the struggle in the face of Communist threats, blackmail, arrests, imprisonments, and terrorism. Early in 1947 it was quite obvious that Petkov's Communist foes were out to eliminate him by an elaborate legal process. So early in 1947 he was arrested, tried in a people's court on charges of conspiracy and high treason, which charges Petkov consistently denied, and on September 23 he was executed.

Thus was silenced the clearest shrill voice against communism in the Balkans, and in the judicial murder of Nikola Petkov the Bulgarian people lost their most outspoken champion of freedom, while the free world lost its leading exponent of real democracy in the Balkans.

Strong Local Effort Needed To Obtain Full Benefit of Excellent Educational Advances by 88th Congress

EXTENSION OF REMARKS

OF

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1964

Mr. FASCELL. Mr. Speaker, this Congress will go down in history as the Congress which has done more for education in this country than any other Congress.

The 88th Congress, in 1963 and 1964, under the leadership of President Kennedy and President Johnson has indeed wrought significant advances. The inspired and responsible leadership of the Kennedy-Johnson administration and the Democratic leadership has produced these important advances in education in the course of 2 short years. I am proud that the Democratic Party has always vigorously pursued the need for education improvement and that it has acted decisively in the 88th Congress.

In July 30, 1964, President Johnson said:

> Onto my desk each day come the problems of 190 million men and women. When we consider those problems, study them, analyze them, evaluate what can be done, the answer almost always come down to one word: education.

Here is part of the record of the 88th Congress:

Higher Education Facilities Act of 1963: will aid college construction over a 3-year period. Appropriates $1.2 billion for building classrooms and other facilities for graduate schools, 4-year colleges, and 2-year community colleges, technical institutes.

Health Professions Education Act of 1963: will help increase the number of professional health personnel—medicine, dentistry, and so forth—through construction grants for facilities and through low-interest loans for students of medicines, dentistry, or osteopathy.

National Defense Education Act extension: increased funds for NDEA student loan programs, for science, mathematics, and foreign language training programs, and for counseling services.

Vocational Education Act of 1963: will authorize a total increase of $956 million in Federal support for vocational education in the next 5 fiscal years; will bring enrollment in State vocational education programs from 4.2 million—1963—to 7 million in 1968.

Impacted areas aid extension: increase Federal funds available in areas where the presence of Federal installations places a financial burden on local school systems.

Mental Retardation Facilities Act of 1963: provides grants of $51.5 million covering 3 years for the training of 20,000 teachers for mentally retarded, handicapped children.

Maternal and Child Health and Mental Retardation Planning Amendments: Federal assistance to State and local communities for preventing and treating mental retardation.

Library Service and Construction Act of 1964: authorizes $25 million aid to develop and expand existing libraries to cover urban areas as well as rural areas; also appropriated $20 million for new library construction.

But all this will be to little or no avail without clear understanding, firm leadership and courage on the part of those State and local officers responsible for the operation of our school system to keep pace with the current and future needs of our educational system and to resolve the major educational problems.

Recently the Village Post, a new, exciting, and a definitely interesting publication in my congressional district with Mrs. Kathryn Hall Proby as publisher and Fred Shaw as editor, published an excellent article which discusses this matter.

The author is Jack D. Gordon, a well-known and outspoken member of the Dade County School Board. In presenting this article by Jack D. Gordon the Village Post says:

> Jack D. Gordon has looked into many a musty corner and has sung out "git along, little dogie" to many a sacred cow. Here he examines what he considers some of the major educational problems of our times.

Mr. Gordon is education minded and well informed on methods to improve teaching techniques and a firm believer in the three R's. He has served several years on the Dade County School Board. The school system in Dade County is huge, in fact it is the seventh largest in the Nation. Its budget is over $100 million; it has 8,000 teachers, almost 200,000 students, and a junior college with 10,000 more pupils. Jack D. Gordon thus has an impressive background of practical experience as well as formal education from which to draw.

In this article he makes a most valid point that there must be appreciation of the idea of learning and a recognition of intellectual achievement as the most important aspect of education. I certainly agree with him on this. Without this acknowledgment and effort at the school system level, all that the Congress can do and has done will be diluted and dissipated. The principal thrust of Mr. Gordon's discussion is urgent and timely.

Mr. Speaker, under unanimous consent, I include this important article in the RECORD at this point so it may be thoughtfully considered by the Members of this body and others throughout the country interested in the educational problems of today:

GORDON EXPLORES PROBLEMS

Education is the most important function of government. It touches every part of the community and every facet of American life. Because the operation of our schools is enormously complex, there is a useful role that everyone can play in making the schools responsive to current and future needs. The very act of freely giving time and thought to this community effort serves as a good example of the kind of public participation in governmental affairs which is essential to democracy.

During my 3 years on the school board, I have reached certain conclusions about our schools. Even though we have often traveled a rocky road, I am pleased with some of our progress. Yet it seems to me that there are four general areas of continuing concern—particularly if you believe, as I do, that the focus of the educational system has to be on the place where learning takes place, the classroom.

We have to realize the children in school today are being educated for life in the 21st century. This year's 11-year-old sixth grader will be just 48 years old in the year 2000. Thus we have to provide him with the foundation for a 21st century education without knowing what life will be like at that time.

This means that today's teaching process must provide a framework of knowledge and experience within which future judgments can be made. It also means that learning cannot be fact-oriented; it must be structure-oriented. Instead of just memorizing the multiplication tables, we have to know why mathematics works. We also have to recognize that education is going to be a self-education process for every individual. Therefore students must learn to appreciate the idea of learning and to recognize intellectual achievement as the most important aspect of their schooling.

Only teachers who have that same respect for the intellect can give students the leadership they need. Even more important (and I consider the lack of a major flaw in our local system) teachers have to be led by principals and administrators and supervisors (call them what you will) who are intellectual leaders and have a strong commitment to the importance of intellectual achievement.

Our school system requires that teachers and administrators have a much broader world view. We tend to think of many of our problems as being purely local when they are national and even international. We spend far too much time studying the geography of Florida and little or none at all on trouble spots like Asia or Africa or Latin America. We have no decent program of study leaves to permit our teachers to get to know other parts of the world at the expense of the school board. I am a firm believer in this kind of investment in teacher education.

Our school system has grown far more rapidly than the provision of management techniques to control it and direct it. Too many operating decisions are still made on the basis of personalities involved rather than systemwide policy. This problem is particularly evident in the area of personnel policy; there is, for example, no real policy for promotion to positions as assistant principals or curriculum assistants, and the procedure for selecting principals is very subjective.

Time won't wait for us. We must develop a great sense of urgency. Our world is changing very rapidly. Unless we adapt our educational process with the same rapidity, we are simply turning out obsolete products. We have to stop wasting our time going through so-called pilot studies of matters which have already been studied and researched elsewhere. There is nothing so different about living in Dade County that we cannot rely on work done in other States. We don't have the time to develop our own courses of study in mathematics, for example, when Yale, Illinois, Stanford, and other universities have already developed curriculums and have experimented with them in various school systems. I am aware that operating at this level of urgency makes great demands upon teachers, who will be forced to involve themselves in continual retraining in order to keep pace with curriculum developments. However, the teaching profession's problem is no different than that of most other professions where the explosion of knowledge is causing great changes to take place.

There is a saying in the "Ethics of the Fathers" to the effect that we do not have to complete the task, but we do not have the right to refuse to participate altogether. That's my feeling about our schools; I'm obligated to contribute my share, recognizing that the resolution of today's problems will bring new questions for tomorrow.

Educated laymen who believe in intellectual achievement within an ethical framework must involve themselves in the educational enterprise because it is much too important to be left completely to professional educators. That is why I do not believe anyone need be apologetic about delving into school problems or trying to come up with answers. We simply cannot move forward as rapidly as we need to unless there are enough people who understand the complexity and urgency of the problems we face today.

Address by John A. Gronouski, Postmaster General, 70th Anniversary Celebration of the Union of Poles in America, Cleveland, Ohio, September 20, 1964

EXTENSION OF REMARKS

OF

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1964

Mr. VANIK. Mr. Speaker, on Sunday, September 20, Postmaster General John A. Gronouski came to Cleveland to address the 70th anniversary celebration of the Union of Poles in America.

At the convention session in the evening Mr. Gronouski gave a stirring address in response to the factors relating to the so-called white backlash. In Polish he made a magnificent quotation from the last will and testament of Thaddeus Kosciusko, in which General Kosciusko made a bequest of all of his possessions in the United States for the purpose of freeing American Negro slaves. This stirring speech made a unique call for tolerance.

The speech is as follows:

ADDRESS BY JOHN A. GRONOUSKI, POSTMASTER GENERAL, 70TH ANNIVERSARY CELEBRATION OF THE UNION OF POLES IN AMERICA, CLEVELAND, OHIO, SEPTEMBER 20, 1964

We meet here in Cleveland in an hour of great national hope.

An hour when the prospects of a just and lasting peace are brighter than they have been in 20 years.

An hour when the atom is becoming man's servant, instead of his master.

An hour when the walls separating us from our brothers in Eastern Europe are beginning to crumble.

An hour of rededication to the rights of all our citizens.

An hour of opportunity for our poor and of hope for our mentally ill.

An hour when our workers have achieved an unprecedented standard of living.

An hour to preserve our wilderness and to mark our slums for extinction.

And this is just the beginning. We stand on the edge of a bright new era.

We stand there because a man dreamed of greatness for his nation—and that man was John F. Kennedy.

We stand there because a great and compassionate President knew how to put that dream to work—and that President is Lyndon B. Johnson.

We stand there because this Congress, now drawing to a close, has demonstrated itself to be one of the most productive sessions in modern times—and because it had among its most devoted Members such outstanding Americans as STEPHEN YOUNG, CHARLES VANIK, and MICHAEL FEIGHAN.

These men, whom you have chosen to lead you, understand the full meaning of the opportunity that now presents itself. They understand that the forces of nature, of science and of humanity have come together in this particular time and place which will allow us—if we are wise enough—to make more progress within the next 20 years than we have made in the past 200.

Man's knowledge has unlocked many of the secrets of nature and has learned to cure many of our oldest diseases.

For the first time in history, we now have the wealth and leisure to pursue our dreams of a better, more meaningful life for everyone.

And we have in President Johnson a man who is capable of bringing together—for a great national purpose—all the factions of America which have too long been split asunder: north and south, east and west; city and farm; business and labor; Negro and white; rich and poor; and Federal and State.

Men of vision and of faith, all over the country know that if we use our knowledge, our wealth, our leisure and our sense of unity, we can indeed build that which the President has called the great society.

We can change our deserts into lush farmlands.

We can rebuild our blighted cities into centers of beauty and culture.

We can bring the miracle of modern medicine to every citizen and cure the last of the killing and crippling diseases.

We can purify our streams and our air.

We can help every child realize his full potential by improving our schools.

We can give every man a chance to provide a decent life for himself and his family, regardless of his race, his color or his creed.

In short, we can build an America "where the meaning of our lives matches the marvelous products of our labor."

Such is the dream of Lyndon B. Johnson. But it is more than just a dream. It is our destiny—our own generation's destiny—if we only have the vision to see it and the will to grasp it.

Our heritage today is a good society for many. Our heritage tomorrow is a great society for all.

But the future has a way of mocking as it comforts; of taunting as it beckons. And so today, even as we stand on the edge of this great new era, we are confronted with a grave national crisis. There are those among us who would settle for the progress we have already made; who dissipate our energy in petty squabbling; who would retrench because they fear what tomorrow will bring; who look longingly to the past, rather than hopefully to the future.

Today, a man who seeks the highest elective office in the world, travels around the country, preaching the gospel of peace, yet advocating the reckless use of atomic weapons.

This man cries out for national survival, yet opposes the test-ban treaty.

He talks about freedom, yet votes against the civil rights act.

He speaks of the dignity of the individual, yet turns his back on our aging.

He calls for the perfection of the "whole man," yet opposes the greatest attack on poverty in the history of civilization.

He decries violence in the streets, yet announces for every malcontent to hear that "extremism in the defense of liberty is no vice," and "moderation in the pursuit of justice is no virtue."

This man's way is the way of national chaos. He seeks to undo every act of enlightened, progressive social legislation of this century. In his own words he tells us: "My aim is not to pass laws, but to repeal them. It is not to inaugurate new programs, but to cancel old ones. * * *"

He would cancel creative development of public power—power that helped bring this Nation to its present stature of greatness—by selling TVA to private industry.

He would betray every workingman and woman in the United States by destroying the fabric of our social security system.

He would drive us back to the dark days of the 19th century—when the rich got richer and the poor got poorer—by doing away with the graduated income tax.

He would set our labor movement back 50 years with the passage of a national "right-to-work" law.

He would desert our poor and needy citizens with the cancellation of our social welfare programs.

He would allow our depressed areas to stagnate through the abandonment of our area redevelopment programs.

And on the international front, his policies are even more irresponsible.

He would drop a low-yield atomic bomb on North Vietnam.

He would support dictators in Latin America.

He would give life-or-death decisionmaking powers to our military field commanders.

He would slam the door of friendship on the people of Poland and other Eastern European nations, thereby destroying their hope of overthrowing Communist tyranny.

And he would carry this Nation to the brink of war, time and time again.

This Nation cannot afford the policies of such a man and I believe the American voters are going to reject him on November 3.

Today, for the first time in more than 100 years, a single political party has become the last hope of all reasonable citizens. Under one roof—the roof of a great President of the United States—have come men and women of many political shades, not for partisan reasons, but for national survival and national unity.

As you know, there are those in the Nation who are predicting that the so-called white backlash is going to be an important voting factor among Americans of Polish origin. What this implies, in plain English, is that Polish-Americans are going to turn to the intellectual bankruptcy of BARRY GOLDWATER because Senator GOLDWATER voted against the Civil Rights Act.

And when people say this to me, I tell them they don't know what they are talking about. This has never been the tradition of the Polish people—either in Poland or here in the United States—and President Johnson and I refuse to believe it is going to start now.

We of Polish descent are no strangers to discrimination ourselves. Our parents fought against it in the Old Country and they fought against it here in America, too. They were the victims of discrimination because their names were difficult to pronounce, or because their ancestors came from one part of Europe instead of another, or because they could not claim lineage back to the Mayflower.

We know from experience that anyone can be discriminated against for any reason, be it the color of his skin, or his religious beliefs, or the accent with which he speaks.

Earlier this month, before a similar group in Milwaukee, a great Polish-American Congressman, CLEMENT J. ZABLOCKI, voiced much the same sentiment. "We have felt the sting of being rejected by those who considered themselves culturally and socially superior," he said. "We have felt the burning shame of being denied the opportunity to be equal in the home of democracy, the land of the free."

And then, speaking of the age-old Polish tradition of fighting discrimination wherever it exists, he said this:

"* * * let those among us who have not forgotten the bitter taste of second-class rights accorded to third-class citizens, look around and take note of the job that remains to be done.

"Let us remember that so long as discrimination, oppression, and third-class citizenship are allowed to exist, the cause for which (Thaddeus) Kosciuszko fought and died, the cause which the Polish nation championed during the thousand years of its existence, the cause which was the very reason and the inspiration for the founding of our own great Nation—that cause will not be victorious."

Congressman ZABLOCKI'S reference to Thaddeus Kosciuszko was particularly appropriate. Kosciuszko was more than the famous professional soldier and engineer who helped this Nation win its freedom. He was also an outstanding humanitarian. And before he returned to Europe in 1798, he drew up a will that placed him at the forefront of the movement to abolish slavery.

It read:

"Ja—Tadeusz Kosciuszko wyjezdzajac z Ameryki na wypadek, gdybym nie zostawil innego testamentu oswiadczam niniejszym, ze upowazniam mego przyjaciela Tomasza Jeffersona do zuzycia calej mej wlasnosci na wykupienie niewolnikow jego wlasnych lub innych osob i obdarzenie ich wolnoscia."

"I, Thaddeus Kosciuszko, being just on my departure from America, do hereby declare that, should I make no other testamentary disposition of my property in the United States, I hereby authorize my friend Thomas Jefferson to employ the whole thereof in purchasing Negroes from among his own or any other and giving them liberty in my name * * * ."

And that is the tradition of the Polish people; not a tradition of hate and bigotry, but a tradition of love for their fellow men and of respect for human dignity. They have never faltered—and I do not believe they are going to falter in 1964.

Lyndon Johnson Is Uniquely Qualified To Lead the Nation

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1964

Mr. REUSS. Mr. Speaker, none but the most qualified men can cope with the tremendous job of President of the United States. The enormous burdens of the office are sure to overwhelm those with lesser abilities, with disastrous results for our country and for the world.

Fortunately, we have in President Lyndon Johnson a man uniquely qualified by experience, intellect and outlook to give this Nation the wise, just and progressive leadership it so vitally heeds.

In Lyndon Johnson, America has a man who has devoted his entire adult life to public service. He was an outstanding Member of this House. In the other body, he was one of the greatest majority leaders in the Nation's history. As Vice President, he worked with John F. Kennedy in moving America from stagnation and uncertainty of 1960 to the sure progress of today. As President, he has demonstrated his ability to lead the Nation past the pitfalls of domestic complacency and international Communist aggression to a brighter future of social justice, general prosperity, and peace.

By word and deed, Lyndon Johnson has shown that he is a man of sound judgment and of noble purpose. The American people can—and, I am sure, will—put their trust in his proven, tested capacity to lead in a perilous time.

Remarks of the Honorable Thomas N. Downing, Representative, First Virginia District

EXTENSION OF REMARKS

OF

HON. J. VAUGHAN GARY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1964

Mr. GARY. Mr. Speaker, Virginia's important role in the establishment, the development, and the continuing strength of our great country is written indelibly in our history. The first permanent English settlement in what was then known as "the New World" was at Jamestown. Virginians led the fight for our independence and played the most significant roles in drawing up the principles upon which our Government is operated and upon which our freedoms are based.

My colleague from the First Congressional District of Virginia, THOMAS N. DOWNING, knows of that history and he lets its lessons guide his own valuable service here in the House of Representatives. His district includes Jamestown and Yorktown and Williamsburg—an area steeped in the early history of our land. The footprints in history that were noted there still provide paths our Nation can follow with success.

Earlier this month, at the unveiling of a plaque at Jamestown Church in memory of one of our early settlers and heroes, the Reverend Richard Bucke, Congressman DOWNING took a look at our heritage in a talk that deserves the consideration of every Member of the Congress. Under permission to extend my remarks, I would like to include his address at this point and commend it to your attention:

REMARKS OF THE HONORABLE THOMAS N. DOWNING, REPRESENTATIVE, FIRST VIRGINIA DISTRICT, AT THE UNVEILING OF A PLAQUE IN MEMORY OF THE REVEREND RICHARD BUCKE

The events which took place here in Jamestown 357 years ago mean far more to us than the historians could ever convey.

Our Nation, the mightest nation on earth, the most prosperous nation on earth, the nation to whom all other freedom loving nations look for support had its beginning here. The settlement of Virginia by a group of colonists whose endurance can hardly be described in words, was more than the beginning of the United States of America. Jamestown was the beginning of a promise—a promise that a free people who govern themselves can create a greater degree of human dignity and a fuller measure of material prosperity and cultural attainment than any other governing philosophy conceived by the mind of man.

Jamestown opened up a new era—an era in which uncommon men responded to uncommon challenges to reach uncommon heights, the colonists at Jamestown undertook to master a harsh environment and the durability of character, developed more than 350 years ago, still can be seen in a people whose astronauts have virtually conquered the universe.

Jamestown was a tiny colony but there were no small men here. It is perhaps too easy to attribute giant stature to a man after his death, too difficult to praise a giant of a man while he is still alive, but many generations in our land have been blessed because men like the Reverend Richard Bucke had the courage to strive for giant stature during his lifetime. It is a stirring and humbling experience for me to stand here as a people's representative, knowing that the first legislators, the first representatives, ever to assemble in this New World had God's blessing and guidance requested by the man being honored today.

Reverend Bucke knew, as our first representative knew, that a nation was being founded here on this soil. They knew too that the Nation they were founding had to be founded on a belief in God. The men who came here, came to the new world, in part, to worship God. Religious liberty was deeply meaningful to them and the first documents prepared here were religious documents. The colonists here acknowledged their dependence on God for survival. The second rector of the Jamestown Church, Rev. Richard Bucke, may justifiably be credited with initiating a new type of society here in Virginia—a free Nation under God. I believe deeply, that our Nation has become the great nation that it is because we have recognized the dignity of the individual and the individual's dependence upon God. I cannot believe that the tiny colony here at Jamestown could ever have grown into the most powerful nation on earth without recognizing that our steps were being taken with His help. We have been blessed with vast resources. But I believe that our greatest resource has been the greatness of our people—primarily people like Reverend Bucke and the others who came here to say that an individual can be free under a system of government with God's help.

We must be true and faithful to this heritage. We must be true and faithful to the traditions which have been, on so many occasions, the saving grace of our society. They are being threatened now, perhaps to a greater extent than they have ever been threatened before. For the past 20 years, two ideologies have been struggling for the minds and the souls of men. Our ideology, call it if you will—our American way of life—recognizes our dependence on God, as the colonists here at Jamestown acknowledged it. The other ideology, communism, has no faith in the dignity of the individual and no recognition of God. Karl Marx framed the Communist philosophy because he failed to recognize that religious faith, a belief in God, can add conscience to capitalism. Capitalism in the United States functions with a sense of community obligation that stems from a religious sense. The tradition of business in America has been a conscientious tradition.

Capitalism could easily have become ruthlessly exploitive had it not been for faith, conscience, and a belief in God. After all, capitalism, in this great Nation, was established by the same colonists who established a nation under God. The people who came here to Jamestown hoped to make money. The people back in England who sent the colonists here hoped to make money. Our early settlers hoped to better their economic condition as well as find religious freedom. There were exceptions, of course, but the largest majority of men who we now call our Founding Fathers were men looking for a living and unashamed of capitalism.

Capitalism, or the seeking of a profit, did have a brief, dark time in our history, a time that undoubtedly arouses shame in all of us, but the conscience that has always existed in capitalism welled up and business without a religious sense was very short-lived in our history. Karl Marx misinterpreted this dark time and set a large number of people off the religious path. The religious conscience was clearly the victor in our society, but it came too late to stop Karl Marx, who decided that no faith could be placed in God, and no faith in the individual. It is a source of great disappointment that one of the briefest periods in our history, when capitalism seemed to forget its conscience, spawned an ideology that now threatens our Christian-centered way of life.

Today, in honoring Rev. Richard Bucke and the Jamestown colonists, we also honor our positive traditions. Reverend Bucke was a positive leader who once led a group of passengers in thanks to God for their safe deliverance after the ship on which they were traveling was wrecked on the reefs of what is now Bermuda. His positive leadership inspired that group of passengers to set sail again, only 9 months later, for Virginia and Jamestown. The same strain of positive leadership has been carried forward throughout our history. It is a golden thread—Washington kneeling in the snow at Valley Forge—Lincoln's Gettysburg Address—Woodrow Wilson urging a world to forget hate—and John Glenn coming back to earth after traveling in outer space to say "The heavens declare the glory of God."

We live in a good land, an inspired land, a land where positive men with vision and courage sat down to create an entirely new political philosophy. Because of them, no American has lived under any type of despotism. Few people have been so fortunate. Few people have been able to preserve for themselves mastery of their own destinies, as we have. Men have had the vision and the courage to put their faith in man. This is really what Reverend Bucke said to his people and this is what Jamestown has always been about—faith in man and in God. This must be what Lincoln meant when he placed his full confidence in America's future by referring to a young, insecure Republic as "the last, best hope on earth." It may even be that today we see with a greater clarity and purpose the same vision that Reverend Bucke saw and each succeeding generation has seen.

We call this vision the American dream and there have never, in the history of the world, been so many millions of people desperately longing to share the dream with us. It is a dream that lures men. Looking back to those men who first saw this dream, we marvel at the power of a vision that could draw men out to sea in a ship about the size of one of our lifeboats. A man must have had a full view of a rich promise to brave Jamestown in 1607 to 1610. The Reverend Mr. Bucke and others helped channel the American dream throughout the terrible early days on this soil, the American dream he channeled has survived and been illuminated and the light from it is now visible on parts of this earth unknown to Jamestown's colonists. Freedom loving people are said to stand side by side in a long phalanx before godless communism. It seems to me today that this phalanx is longer and deeper than we sometimes acknowledge. We have never faced a challenge alone in our Nation. We have never had a dark day or hour without the shield of Jamestown's promise and America's "last, best hope." As we face the masters of Moscow and Peiping, we are formed in a line that threads through the courageous men of our own time back through Wilson and Washington—Madison and Jefferson—Nathaniel Bacon and Richard Bucke. We share their faith and they truly share our challenge.

We can, it seems to me, pay no higher honor to our forefathers than to let them stand with us—unforgotten—as men who have longed for freedom together, dreamed of prosperity together, planned for greatness together, as a people and a Nation always under God.

Repression of Jews in the Soviet Union

EXTENSION OF REMARKS

OF

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1964

Mr. ROBISON. Mr. Speaker, for more than a dozen years, there has been increasing evidence of anti-Semitic activity on the part of the Government of the Soviet Union. Once prominent and among the leaders of the professions, sciences, and administrators of the Government and the Communist Party within the U.S.S.R., since 1948 Soviet Jewry has been increasingly subject to religious, social, economic, and employment discrimination.

There are estimated to be some 3 million Jews in the Soviet Union, although the number cannot be exactly figured because of many hundreds of leading Jewish intellectuals who were imprisoned in 1948, and of whom many perished. In fact, some two dozen of their leaders were executed in 1952.

Although Soviet practice and, in fact, the Soviet Constitution recognizes the right of cultural and national groups within the U.S.S.R. to maintain and perpetuate their own identities, this right is not accorded to the Jewish community—the only minority group to which it is denied.

Jews are forbidden schools of their own, are not permitted classes in Yiddish or Hebrew in the other schools, and are denied classes in the Russian language on Jewish culture and history. The effect, of course, is to deny Soviet Jews any real opportunity to perpetuate their identity and cultural values. In addition, the Jewish religion is subjected to particular discrimination by forbidding them to maintain national religious organizations, by the forcible closing of synagogues in many areas, and by vicious press attacks against Jewish groups and the few synagogues which do remain. Because the Government controls the press in the Soviet Union, the responsibility for these attacks must be borne by the Soviet Government. In addition, leading officials of synagogues in Moscow and Leningrad have been arrested and imprisoned on charges of espionage. The Soviet authorities usually claim that these men are spying for the State of Israel.

The severe hampering of religious activities, and the antipathy of the authorities toward religious observances is, of course, an official program of the Communists and is directed against all activities which seek to worship a Supreme Being. However, their activities against the Jewish religion in the Soviet Union have been much stronger and show a particular strain of hate and repression.

The proportion of Jews in universities has declined from more than 13 percent, 30 years ago, to about 3 percent today. Official observers believe this has been brought about through a planned policy of discrimination and quotas.

Thousands of Jewish families were broken and spread over other parts of the world as the result of the Nazi invasion. Many of the refugees now live in Israel or West European countries, yet the Soviet authorities have denied permission to Jewish family members remaining in the Soviet Union to leave the U.S.S.R. in order to be reunited with their families elsewhere.

Despite the full recognition of these, and many more effects of obvious Jewish repression within the U.S.S.R., the official policy of our Department of State has been, and continues to be, that no official protests should be made to the Soviet authorities. The reason given is that such official recognition and pressure on the Soviet Government by our Government might bring about certain repercussions and retaliation on Soviet Jewry. Obviously, no one can predict what reaction would take place within the Soviet Government to an official protest by our Department of State, but I do feel that the Department's policy, while taking cognizance of this problem, has the effect of sweeping it under the rug. I believe that more official recognition should be taken of Jewish repressions in the Soviet Union, and that more publicity should be given throughout our Nation and the world to the undeniable facts of Jewish persecution by Communist authorities. I call upon the Department of State and all other appropriate agencies of our Government, such as the U.S. Information Agency, to increase their activities in this regard, and I strongly hope that the President will direct them to do so.

Robert Taft, Jr.'s Views on Education

EXTENSION OF REMARKS
OF
HON. ROBERT TAFT, JR.
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 23, 1964

Mr. TAFT. Mr. Speaker, this Congress has been called the education Congress because of the fine record the 88th Congress has made in this area. I have counted it an honor to have served for the past 2 years on the House Education and Labor Committee. Having had the opportunity to assist in the drafting and consideration of much education legislation, I have come to some conclusions about what the role of the Federal and State Governments should be in the field of education. The following statement presents my views on this subject in some detail and therefore I insert it in the CONGRESSIONAL RECORD at this point:

American education today is the best in the world and our most important resource, because it is the product of local imagination and support. Unlimited Federal participation inevitably would lead to imposition of Federal standards and Federal controls.

A shift of general support of education from the local and State levels to the Federal level would be dangerous. It would tend to dry up local support and would lessen the priority of concern which education has traditionally received at the local level. This is why I am opposed to efforts to provide Federal aid to education on an across-the-board basis unrelated to specific needs. Local concern would dissipate and bureaucratic initiative in Washington would supplant that inspired and required by the people.

At the same time I have never had any blind objection to the use of federally collected tax funds to assist in this most important public responsibility. While it might be preferable to return revenue sources to the States and local governments, we have to consider practical possibilities and the urgency of meeting certain specific needs. But we might well reflect also that the virtual priority of the claims of local education on local tax resources, such as real estate taxes, could evaporate, or at least dwindle, if Federal funds become a major source of support. Education, then, would find itself in a new and highly competitive position for funds with defense, space developments, welfare and agriculture.

With specific national and emergency needs we do recognize that Federal support is justified and needed. For instance, chronic unemployment, particularly among those aged 16 to 22, is one of the most perplexing problems confronting us today. Teachers and citizens are working diligently to overcome it. They recognize it as the soil in which the roots of many social ills are imbedded.

The unemployment problem is of urgent national concern. But its most immediate impact is upon the individual local community. It is here, in the local community, where we must meet it. It is here where we can devise most appropriate remedies.

Education is essential to our efforts. Expanded vocational training programs, for instance, can equip young men and women with the skills they need to earn a living wage in our industrial society. Retraining programs can develop new skills in older persons whose jobs have been eliminated by technological advances.

These two programs which I have supported in Congress illustrate proper roles of Federal Government in the field of education. They enhance the opportunity to learn with well-devised and limited Federal participation and support. They are intended to correct specific deficiencies.

The Federal Government also has a role to play in specialized areas of education of general national concern. Offering facilities and scholarship funds in the dental and nursing fields encourages young men and women to enter these professions which are so vital to our society. The National Defense Education Act, expanding the opportunity for acquisition of scientific and language skills, strengthens our national capacity to meet any external challenge. Extension of construction aid helps local and State officials to accommodate the growing number of youngsters seeking higher education. Special aid to federally impacted areas eases the pressures imposed by the Federal Government on these communities.

By offering these kinds of aid, the Federal Government encourages local communities to meet their own problems by their own initiative. But direction and control of these programs must continue to reside at the local level.

Our Nation has prospered because we have relied upon the individual initiative and concern of our citizens at the local level. Education is our most valuable national resource. We cannot afford to sanction its depletion through imposing massive dependence upon the Federal Government.

Debt and Taxes

EXTENSION OF REMARKS
OF
HON. EDWARD HUTCHINSON
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 23, 1964

Mr. HUTCHINSON. Mr. Speaker, if in these times of economic prosperity our Government cannot balance its budget and limit its spending within the revenues it receives, can it ever do so?

In time of economic adversity and in time of war, expenditures in excess of revenues are frequently necessary. In time of general prosperity, sound fiscal policy requires a balanced budget with provision for the reduction of public debt.

At the beginning of the present Congress, the Kennedy administration presented for our consideration a budget intentionally unbalanced. On February 28, 1963, I reported to the people of the Fourth Congressional District of Michigan my concern about the new economics in the following words:

"Economic theorists close to the President are trying to convince the American people—as they have already convinced the President—that the way to an ever-expanding prosperity is to cut the revenues, increase the spending, and go further into debt.

"It is tragic that the power of government has fallen into the control of those espousing so unsound a doctrine. A prosperity based upon debt is indeed a house built upon sand. Debt is borrowing from the future. In the future, the debt must either be paid or repudiated. There is no third alternative.

"In the experience of us all, debt is a burden and a reduction of net worth. Still, the New Frontier speaks of increasing the national debt as though it were an asset. The President refers to 'increasing the debt in ways that serve to strengthen the debtor.'

"Such strange doctrine is a complete reversal from the sound beliefs of George Washington, who said: 'Avoid the accumulation of debt, not merely by shunning occasions of expense, but by vigorous exertions in time of peace discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burdens which we ourselves ought to bear.'

"Washington's admonition was followed in every generation until our own. In these times of relative prosperity, we should be reducing the national debt. The President urges us to increase it. He tells us that the size of the debt may be disregarded. Let it increase, he says, and reduce the income tax to spur what he calls a sluggish economy.

"Now a tax cut is appealing. If we could take home a greater portion of the paycheck, we could purchase more, save more and invest more. But consider what will be the situation if the Government goes on spending without stint. By reason of the tax cut, the tax revenues will be reduced, so, in order to pay for its spending, the Government will have to borrow more to fill the gap between revenue coming in and spending going out.

"If the Government borrows from the people, it will take from them all the increase they thought they would have for use in the free economy. If the Government borrows from the banking system, more dollars will be issued to pay the Government's bills, resulting in inflation. In that case, the expected increase in take-home pay will evaporate in increased prices. If taxes are reduced, there must be a reduction in Government spending; otherwise, there can be no spur in the free economy.

"If our economy is sluggish, as the President says is the case, it is because of the deficit—debt policy of the Government. A government which actually lived within its tax income and systematically reduced its debt would so stimulate the economy that the economy would move forward with confidence and enthusiasm. Then we would experience a sound economic expansion, producing revenues sufficient perhaps to permit a tax reduction."

Now, in 1964, as this Congress comes to a close, it must be recorded that our national debt limit has been increased from $308 billion to $315 billion to $324 billion—in a 2-year period of general prosperity.

We are living off the future when we ought to be living within our means, when we ought to be reducing, not increasing, the national debt.

HOUSE OF REPRESENTATIVES

Thursday, September 24, 1964

The House met at 12 o'clock noon.

The Reverend Father Robert E. Brengartner, senior Catholic chaplain, National Naval Medical Center, Bethesda, Md., offered the following prayer:

Let us pray. In the name of the Father and of the Son and of the Holy Spirit. Almighty God, as we pause at this moment to invoke Your blessing, may we realize the career of these United States cannot be measured by that of any other people of whom history gives account. Christianity, civilization, and the arts given to a continent, present greatness to which the ancient empires at the height of their glory cannot be compared.

Bless us, Lord, with an appreciation of our Nation, the enjoyment of social conditions and freedom nowhere known to such an extent. Grant, Lord, that we may never undervalue these treasures, and in particular that of free deliberation in this Congress of the United States. To these Representatives of ours, O Lord, give wisdom and courage to fulfill the high purposes for which they were chosen, seeking the welfare of all people through a just and lasting peace, desiring happiness for the humblest family and for the homes of the mighty. Fortify them in the practice of morality and piety without which social happiness cannot exist nor the blessings of a free government be enjoyed.

To that end we acknowledge Your divine power controlling the destinies of our Nation and Your divine goodness we adore. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

DISTRICT DAY BILLS TRANSFERRED TO TUESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order to call bills on the District Calendar on Tuesday of next week rather than Monday of next week.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADJUSTMENTS IN ANNUITIES UNDER THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

Mr. HAYS submitted a conference report and statement on the bill (S. 745) to provide for adjustments in annuities under the Foreign Service retirement and disability system.

INDIANA REPUBLICANS DETERMINED THAT INDIANA WILL NOT HAVE A NATIONAL DUNES PARK

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, Indiana Republicans, including Lieutenant Governor Ristine, the distinguished minority leader and the candidate for Congress from the Fifth District, are so determined that Indiana will not have a National Dunes Park that they are placing in jeopardy the construction of a public port on the Indiana shores of Lake Michigan. By opposing the Port-Dunes Park compromise they are resurrecting barriers which have been cleared for the construction of the port. For the past several years the chief obstacle to the construction of the port has been the opposition of conservationists and conservation-minded organizations who sincerely believed that the Dunes Park should take precedence. To me the port was of primary importance for I believe that its construction would mean that Indiana would not only survive the economic struggle but that she would take her place as one of the leading industrial States of this Nation. The loyalty of the opposition to this cause, lead by a distinguished Member of the other body, was no less pronounced than my resentment to the interference in the business of progress in Indiana. But that argument and that conflict is now a thing of the past and the opposition to the port, again led by the distinguished Senator from Illinois, has agreed to a compromise which would permit plans for the port to continue and which would at the same time permit over 10,000 acres to be set aside as a National Dunes Park. I urge these Republican leaders to temper their opposition and if possible forget it. I am anxious that the bipartisan support which the Indiana port has enjoyed for years be continued and that together we might realize this dream we have for Indiana. To continue their adamant and unreasonable attitude can only endanger the fulfillment of our dream. It can only be interpreted as evidence of Republican opposition to progress.

PRESENTATION OF THE LEGION OF MERIT TO CAPT. FINN RONNE, ANTARCTIC EXPLORER

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS of South Carolina. Mr. Speaker, on September 9, 1964, the Legion of Merit was presented to one of the last of our great explorers. In the case of Capt. Finn Ronne, this recognition was long overdue. Captain Ronne has been one of those indomitable Antarctic explorers in the tradition of Amundsen and Byrd. In fact, Captain Ronne first went to the Antarctic as a member of the famous Byrd expedition of 1933–35.

Today, we are deeply indebted to Capt. Finn Ronne for our knowledge of the Antarctic. His six expeditions there, with their observations and mapping, have done much to remove the mystery of the polar region. His studies have simplified the work of all that follow.

My very good friend, Dr. James E. Mooney, the U.S. Antarctic Projects Officer, is a man who is responsible for our present Antarctic research and is as knowledgeable about the problems as anyone in this country. Jim Mooney has often told me that our Antarctic effort would not be half so advanced were it not for Captain Ronne's accomplishments.

No man knows what importance the continent of Antarctica may assume in the future; but whatever that importance, the name of Finn Ronne will loom large.

Mr. Speaker, the presentation remarks of Secretary Nitze, the words of the citation, and the acceptance speech of Captain Ronne follow herewith:

Remarks of the Honorable Paul H. Nitze, the Secretary of the Navy, Upon the Presentation of the Legion of Merit to Capt. Finn Ronne, U.S. Naval Reserve (Retired)

Captain Ronne, Mrs. Ronne, distinguished guests, the age of the individual explorer—of the pioneer who single-handedly organized exploratory expeditions and led them to the farthest reaches of the earth—is rapidly passing. Great Antarctic explorers like Amundsen, Scott, Shakelton, Byrd, and Ronne have opened the way for the massive national and international assaults on the continent of Antarctica which are now underway. The fine work which was accomplished in Antarctica by many nations during the International Geophysical Year, and the progress which is now being made there under the terms of the 12-nation Antarctic Treaty, would have been impossible had it not been for the courage and indomitable spirit of men such as these.

Today we honor one of the greatest Antarctic explorers of them all—Capt. Finn Ronne. Captain Ronne has participated in a total of six journeys to Antarctica, including Admiral Byrd's famous expedition of 1933 through 1935. In 1946, in the face of great obstacles, he launched his own expedition. He obtained congressional approval for the loan of a small Navy ship, borrowed some modest aircraft from the Air Force, and solicited funds and equipment from universities and scientific organizations.

With his small group of only 23 men, Captain Ronne sailed his 183-foot wooden ship to Marguerite Bay, Antarctica, where he was frozen in for the winter. During the following summer, he and his party performed mapping and other scientific work and observations which have become a part of our basic knowledge of Antarctica. The previously unknown land which now formally appears as "Edith Ronne Land" on authoritative maps of Antarctica was named for his lovely wife. I should add that Mrs. Ronne and one other lady, who accompanied Captain Ronne and his party of explorers, became the first women to winter over in Antarctica.

Captain Ronne's work, achieved with meager financial backing and limited equipment, presaged the great steps which this Nation and others have recently taken in Antarctica. We are greatful and proud, Captain Ronne, for the foundation of sound accomplishment with which you and other great Antarctic explorers have provided us.

It is a distinct honor for me, on behalf of the President, to present to you the Legion of Merit.

The citation follows:

"THE SECRETARY OF THE NAVY,
"*Washington.*

"The President of the United States takes pleasure in presenting the Legion of Merit to Capt. Finn Ronne, U.S. Naval Reserve (retired) for service as set forth in the following citation:

"For exceptionally meritorious conduct in the performance of outstanding services to the Government of the United States as organizer, leader, and pioneer in Antarctic exploration throughout a distinguished career which encompassed six journeys to the Antarctic, the first of which was with the Admiral Byrd Expedition of 1933–35. A courageous, resourceful, and determined leader, Captain Ronne has been directly responsible for a vast accumulation of geographic and scientific knowledge culled from his several expeditions to Antarctica. Particularly significant was the Ronne Antarctic Research Expedition of 1946–48 which presaged the swelling tide of America's quest for modern answers to ancient mysteries. During this period, in the face of severe financial and material limitations, Captain Ronne led a small Antarctic expedition which delineated the last unknown coastline in the world; conducted investigations in 11 branches of science; mapped known and previously unknown land totaling approximately 450,000 square miles; discovered islands and mountain ranges in the newly found land which was called Edith Ronne Land; and identified at least 100 new geographical features. Captain Ronne's distinguished and historic achievements in the field of polar exploration reflect the highest credit upon himself and the U.S. naval service.

"For the President.

"PAUL H. NITZE,
"*Secretary of the Navy.*"

Remarks of Capt. Finn Ronne, U.S. Navy (Retired), on His Acceptance of the Legion of Merit

Mr. Secretary, on behalf of all who have helped me, I thank you, sir; I would like to make a few comments.

As some of you know, I grew up in polar exploration because of my father's close association over two decades with the Norwegian explorer Roald Amundsen; the one who first sailed the Northwest Passage; who first reached the South Pole in 1911; sailed the Northeast Passage in 1919; and who viewed the North Pole from the air in 1925 and 1926. Thus through the years I have followed the gradual progress of man's conquest of the unknown and knew many of the great personalities who played the leading roles then, such as Nansen, Amundsen, Lars Christensen, Sir Hubert Willkins, Arctowski, Byrd, Lincoln Ellsworth, and Stefansson. Together, my father and I spanned half a century of active participation in polar exploration. I have witnessed the transition from the old-fashioned methods of travel on the snowfields to the rapid transit tool of the modern explorer.

When I first went to the Antarctic in 1933, only the fringes of the Antarctic Continent were known with one narrow passage to the South Pole that marked the sledge tracks of Amundsen and Scott. The rest of the Antarctic map was blank—unknown. Today, practically every square mile of the continent has been seen by either the human eye or camera, thanks in no small measure to the efforts of the U.S. Navy.

Perhaps the greatest realization of the tremendous progress man has made in polar travel came to me about 2 years ago when I was invited by the Navy to visit our base at the South Pole. In a C–130 turbojet we flew from McMurdo Sound to the South Pole in 3 hours. The load on board plane was unbelievable—20 men with their gear and a payload of 48 drums of fuel oil. We flew in great comfort too.

Just think of it—that same stretch of Antarctic terrain was covered by Scott's party of five men pulling their sledges 50 years ago; it did not take 3 hours, but more than 60 days. As late as 1940, on the U.S. Antarctic Service Expedition, with my friend, the late Carl Eklund, we sledged almost 1,300 miles in 84 days behind a pair of dog teams and discovered unknown land in West Antarctica. Even then, the dog teams had begun to give way to tractors and aircraft, which have made dogpower obsolete.

On my own expedition 1946 to 1948 our three small airplanes easily covered the unexplored areas south and west of the Weddell Sea in aerial photography and none of the usual hardships of dog-team travel were met. But, that expedition was undoubtedly the last private one ever to venture to the Antarctic. It was conducted for less than $50,000 in cash with some much needed and greatly appreciated support from the military, including the loan of a small ship from the Navy. It was at this time that my wife, Edith became the third member of the Ronne family to spend a year on the Antarctic continent.

Today, our American polar efforts are completely supported by the Government. Where only a handful of men once struggled independently to wrestle secrets of nature at the ends of the earth, now, each year our Government sponsors the participation of thousands of men during the austral summer months. Huge logistic task forces give support to many fields of scientific research, some of which the "oldtimers" initiated years ago with crude equipment and inadequate support.

The International Geophysical Year of 1957–58 renewed interest in Antarctic science and geography beyond the fondest dreams of the pioneers. Ellsworth Station, on the floating ice-shelf in the Weddell Sea, where I was the first commanding officer and also the scientific leader, was one of six U.S. Antarctic stations. In cooperation with scientists from many nations at bases throughout the continent we have continued to accumulate vast amounts of knowledge as an everyday common procedure. As a result, the remoteness of polar regions with its historic dramatic adventure has faded somewhat.

As the pioneering era ends in the Antarctic, the continent will play an increasingly important part in the future of the world, not only in the scientific field, but in international cooperation, air routes and outer space endeavors. Younger men must continue to work in these fields. If only a small part of the efforts and lessons learned by the "oldtimers" have been put to use, the hardships, hopes, sufferings, and incompleted dreams of the pioneers will not have been in vain.

We do not know what the Antarctic holds in the future; but I feel certain that the Navy will continue to play a leading role.

Again, Mr. Secretary, I wish to express my hearty thanks and appreciation for the honor the Navy has bestowed upon me today.

RECESS IN ELECTION YEAR

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, we seem to have a lot of difficulty around here trying to arrive at a time to adjourn and we waste an awful lot of time in these closing days of the Congress.

I want to call the attention of the Members of the House to an article which appeared in a newspaper in my district published by Art L. Wallhausen, editor of the Enterprise-Courier, which reads as follows:

> The following idea is presented to Members of Congress without charge. Any one of the boys is welcome to steal it as is, or with amendments, but we do believe the Nation would be better off if put into effect.
>
> We propose a constitutional amendment which will automatically put Congress in recess at least 6 months before a national election.
>
> During election years, and this year is no exception, most Congressmen do not vote their convictions, nor do they give serious consideration to the national welfare. They are primarily interested in getting themselves reelected, and to do that many are forced to go along with "administration policy" even when such policy is contrary to their own conviction, and the best interest of their constituents.
>
> To prevent this ever-recurring fiasco, we propose a 6-month recess prior to November 3 (or the first Tuesday in November), each election year.

My only comment would be that if we were to have a constitutional amendment I do not know whether it would be followed or not, we violate so many other parts of the Constitution around here. But I would suggest that beginning next session we introduce a sine die resolution on the first day of the session, and then we would have a target date.

LEGISLATIVE PROGRAM

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader as to the program for the balance of this week and the program for next week.

Mr. ALBERT. Mr. Speaker, in response to the gentleman's question, there is no legislative business for the balance of this week, and there will be no legislative business on Monday.

On Tuesday a conference report on the bill S. 745 providing for adjustments in annuities under the Foreign Service retirement and disability system will be called up for consideration. Also on Tuesday under the unanimous-consent agreement heretofore obtained District bills will be called up as follows:

H.R. 11302, requiring premarital examinations in the District of Columbia;

S. 1082, to establish a correctional industries fund for the government of the District of Columbia; and

S. 628, to amend the District of Columbia Redevelopment Act of 1945.

For Wednesday and the balance of the week, the following bills will be considered:

H.R. 8546, loans to students of optometry, and House Resolution 847, to create a select committee to conduct a study and investigation of all factors relating to the general welfare and education of congressional pages.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program will be announced later. I will endeavor to give Members as much time as possible in connection with the changes or additions to the program which we have announced today.

ADJOURNMENT UNTIL MONDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. JONES of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the distinguished majority leader a question. He announced a lot of legislation that was coming up next week. There is some legislation pending that a lot of us would like to see acted on. We have today, we have tomorrow, and we have Monday when the House could be acting in an orderly and deliberative manner, whereas a few days from now we will be pressured to act hastily and without due deliberation. Can the gentleman tell me when the resolution from the Rules Committee on reapportionment, the so-called Patman resolution, might be considered?

Mr. ALBERT. I am not able to give him any information on that subject.

Mr. JONES of Missouri. Some of us would like to know what is going on around here. Can the gentleman tell us why we are not working today on this legislation we have scheduled for next week? We thought we were going to work on the optometry bill yesterday. Some of us wonder why we take all this time and have only 2 days a week of work.

Mr. ALBERT. This arrangement was made by the distinguished chairman of the committee handling this matter. I am sure it was made with the intent not only to accommodate the committee but to accommodate many Members who are interested in this bill and were not able to be here today.

Mr. JONES of Missouri. Will the gentleman agree with me that it is rather unfair for those persons who live at some distance from here to sit around here about 4 days a week and work 2 days, never knowing when we are going to adjourn? We cannot go home with any assurance that nothing of greater importance than what the gentleman has mentioned will be brought up.

Mr. ALBERT. May I earnestly suggest to my good friend that in the first place this House does not have sole jurisdiction over the matter of adjournment. If we did, we might be able to make other plans. Second, it is difficult to make specific suggestions as to when important conference reports may be brought to the House. There are conference committee meetings being held today. These are matters that must be disposed of. In the third place, certainly this change which the gentleman has mentioned for next week is not going to affect one iota the ultimate sine die adjournment.

Mr. JONES of Missouri. Will the gentleman tell me why we could not have had a resolution passed so that this House could have been in recess for the last 2 weeks, and perhaps next week?

Mr. ALBERT. I will advise the gentleman that as long as important matters are in conference the House cannot in justice be in recess. The gentleman of course knows that. The gentleman would not want to be in recess with the social security matter in conference. It would not be fair to the conferees if the rest of the House were in recess. If the conferees should come to a resolution, it would not be fair to the country for Members to be absent for a considerable period of time. I think the gentleman will agree with me on that.

Mr. JONES of Missouri. I will not agree with the gentleman on that, for this reason. We have been waiting on the other body. The other body has had its leadership transferred to a minority party over there. They have kept that body in session. We could not do anything on account of it. I think this body could have been in recess while we were waiting, and they could dillydally around over there, and give some of the Members an opportunity to get back home.

Mr. ALBERT. I thank the gentleman for his assistance.

Mr. GROSS. Reserving the right to object, Mr. Speaker, this situation is becoming intolerable, with the other body continuing to filibuster and hold the House here. In answer to the question of the gentleman from Missouri the scheduling of legislation that might have been disposed of yesterday or today, now held over until next week, is an attempt to try to convince the public that we are actually doing business down here, we are hard at work, when nothing is being done on too many days.

Mr. ALBERT. If I were to comment on what the gentleman has said about another body and not agree with him I might not be honest. If I did agree with him, I might be violating the rules of the House.

Mr. GROSS. I want the gentleman always to be honest, but that is scarcely the answer. I do not think the gentleman from Missouri got a good answer to his question of why the House has not, at least, put a recess resolution before the other body. If they refused to accede to the House recessing for 2 or 3 weeks while they filibustered, we ought to know about it.

Mr. ALBERT. I felt that I gave the gentleman some pretty good answers and if they did not satisfy the gentleman, I am very, very sorry.

Mr. GROSS. We could at least put them on record over in the Senate. I will say to the distinguished majority leader.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. JONES of Missouri. The majority leader made reference to the fact that I am violating the rules of the House. If I am violating the rules of the House, I think I have the backing of the majority of the House when I make reference to the other body on the dillydallying that they have been doing over there, and I have no apology to make for anything I have said about what they have done.

Mr. ALBERT. The gentleman from Oklahoma made no statement with reference to anything that the gentleman has said. The gentleman from Oklahoma only commented on what he himself might be doing if he made references to another body.

Mr. GROSS. I have just one other question to ask the gentleman—the $64 question—when, if ever, does he think the House is going to adjourn or the Congress is going to adjourn?

Mr. ALBERT. The Congress will adjourn when it finishes its business, and may I add to the gentleman, I personally hope that will be within a very few days.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEGISLATIVE PROGRAM

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I have asked for this time to inquire further as to two conference reports in which I think all Members of the House are very interested and who are certainly very interested in being here when the reports are considered. One is on the National Defense Education Act and the other is the conference report on the social security amendments. Do I understand it is not intended that either one of those conference reports will come up before Wednesday or is it possible that either one of the reports might come up on Tuesday? I think the membership would like to have some kind of assurance with respect to these two conference reports.

Mr. ALBERT. I would suggest to the gentleman that I have been advised, and I think on good authority, that it will be impossible to have the social security conference report by Tuesday. I have not had such advice with reference to the conference report on the National Defense Education Act, but I would not like to foreclose the possibility of this matter coming up on Tuesday. My own judgment is that it will not come up before Wednesday. If it does, we will endeavor to give Members all possible notice under the circumstances.

Mr. BYRNES of Wisconsin. I just thought it would be helpful to the membership if there could be some assurance or understanding as to what might happen on these two conference reports because you have listed the conference report on the bill (S. 745) providing for adjustments in annuities under the Foreign Service retirement and disability system for Tuesday, but I understand there is no particular controversy with respect to that.

Mr. ALBERT. That has already been filed and the chairman of the subcommittee handling the matter requested that specific date and it is only because I have not, since the conferees met this morning, had the opportunity of discussing the matter with the chairman of the Committee on Education and Labor that I am not able to reply more specifically to the gentleman's inquiry.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER GRANTED

Mr. GROSS. Mr. Speaker, I ask unanimous consent that today following the disposition of the business of the House and special orders previously granted, I may address the House for 3 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTREMIST TALK

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, an excellent editorial appeared in the St. Louis Globe-Democrat on Tuesday, September 22, 1964, entitled "Extremist Talk."

As a Republican, I am particularly gratified to see these timely comments which, if properly heeded, will get the national debate onto the issues.

I think it is very obvious that the Democratic spokesmen, particularly those who speak through the deceptive mask of news columnists, news commentators, and news moderators, have been seeking to avoid any intelligent discussion of the issues by labeling Senator GOLDWATER and his supporters "extremists" or soft on "extremism." They have carried this ad hominem fallacy to the extent of implying, and sometimes actually stating, that this is the forerunner of neofascism and totalitarianism.

Now these tactics—smearing instead of discussing the issues—are the hallmark of extremists of the totalitarian variety, be they the extreme rightwing or the extreme leftwing. Those who are moderates use moderate and fair means—the techniques of fair debate.

I am happy that Senator GOLDWATER's campaign has been conducted on the basis of discussing the issues, discussing them hard and forcefully and some of the issues are hard and some are so delicate that mere exposure presents problems. I hope Senator GOLDWATER's campaign continues to operate on this basis, as I am certain it will knowing the fairmindedness of the Senator. Is not it about time for the Democrat spokesmen, again particularly those who hide behind the mask of objective news columnists and commentators to start talking sense?

And let me make this point clear. Personal ethics and conflict of interests are legitimate issues if properly substantiated. Calling the attempts to discuss these issues "smear" or to seek to pass them off as partisan attacks is merely ducking the issue.

Here follows the editorial of the St. Louis Globe-Democrat:

EXTREMIST TALK

This presidential campaign has been plagued with an excess of hysterical charges about extremism. There are, of course, fringe gaggles of extremists, hissing and honking about the stump so loudly they threaten to obscure the real issues—the conservative and liberal philosophies of the two presidential candidates.

Neither BARRY GOLDWATER nor Lyndon B. Johnson is a wild-eyed extremist. Both doubtless regard themselves as moderates. By political predilection, however, the Senator is right of center, the President clearly left.

Mr. GOLDWATER is not a member of the John Birch Society and has not solicited their vote. The President does not belong to the Americans for Democratic Action, though he certainly welcomes their support and has tabbed one of ADA's founders, Senator HUBERT H. HUMPHREY, for his vice-presidential running mate.

The ADA nor the Birchers can be called unpatriotic, though some of their leaders have made stupid and radical statements. The Birch coterie is far right; the ADA most certainly deep left. Each is reported to have about 50,000 members.

In 1960 the ADA cabal waged a bitter-end fight against the nomination of Lyndon Johnson for President. They wrote him off as a "reactionary" and "racist." At the time L.B.J. retorted he would not feel comfortable if he had their support.

Now he has it. He had adopted a whole passel of their programs. Whether he is comfortable with them or not, he wants their votes. Whether ADA is entirely comfortable with Mr. Johnson, whom they still distrust, doesn't matter. They have nowhere else to go.

Besides they are hugging to breast the knowledge they are going to have one of their own members a heartbeat from the Presidency, should the Johnson-Humphrey ticket win November 3.

Some, not all the Birchers are backing Mr. GOLDWATER, whose conservative thesis comes closer to their thinking by far than the policies projected by Mr. Johnson since he became welded into the Kennedy administration.

Democrats in their convention lambasted "extremists," naming the Communists, the Ku Klux Klan and the Birch Society. This was dirty political pool.

Birch members are constitutionalists, They certainly don't want the Government overthrown or approve of sheeted nightriders. They should no more be linked with Communists than the ADA. But with all the stump-slugging about Birchers, it is certainly fair for Republicans to put ADA'ers in a counterpart category.

The fact is the ADA has become a legitimate issue and target for Barry campaigners for two reasons:

The President deliberately injected the ADA thesis into the election battle by naming HUBERT HUMPHREY as vice-presidential nominee. Senator HUMPHREY is one of the original organizers of ADA, a former cochairman and still a member.

The second reason is that Americans for Democratic Action, embracing a number of hard-nose, knee-jerk liberals, have already impressive power in Government. Birchers, of course, have none.

Among the ADA members in the Democratic administration are Orville Freeman, Secretary of Agriculture; Chester Bowles, Ambassador to India; James Loeb, Ambassador to Guinea.

And Mr. HUMPHREY has just named as his speechwriters John P. Roche, current president of ADA, and ADA "bigwig" Arthur Schlesinger, Jr., a White House assistant to President Kennedy.

The ADA is fair campaign game, (1) because it is notably intrenched in Government, and (2) because of the policies it openly advocates. Included among these policies are:

Another Geneva conference on Vietnam, after the former Geneva covenant had been shredded by Red invasion; opposition to more arms or wider combat operations in the South Vietnam war.

U.S. recognition of Communist China and its admission to the U.N.

No "sporadic" raids on Cuba or in Cuban waters.

Increase of the minimum wage to $2. Another $2 billion for public works, which shouldn't but often does degenerate into a wholesale barrel business. Passage of medicare and Federal school aid from preschool age through college.

Defeat of constitutional amendment proposals relating to school Bible reading and school prayers. Abolition of the House Un-American Activities Committee and loyalty oaths.

Many of these issues President Johnson has already espoused. They will probably have stanch support from "Old 'UMPHREY." Senator GOLDWATER is antagonistic to all of them.

Here are basic issues proper to polemics between candidates and parties. They should be discussed with vigor and frankness. But there has been an overabundance of overwrought "extremist" talk. It could most profitably be dropped.

THE PRIVATE VERSUS THE GOVERNMENT SECTOR OF THE U.S. BALANCE OF PAYMENTS

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, in remarks on the U.S. balance-of-payments problem which I made on the floor on August 18—CONGRESSIONAL RECORD, pages 20158–20160—I pointed out that there were a number of ways to compute the balance-of-payments position. One method, followed by a highly respected British research organization, is especially useful for the light it sheds on the source of our chronic balance-of-payments difficulties.

The figures, which appear in a table on page 23 of the August issue of the National Economic Review, were prepared by the National Association of Economic and Social Research in London. The table breaks our balance-of-payments figures down into normal commercial and financial items and U.S. Government aid and military expenditures. The result is a balance of normal commercial and financial items, in other words those items representing the private sector, that is substantial. For the year 1963, the surplus on the private account was $3.5 billion. For the first quarter of 1964, the "private" surplus at an annual rate was $5.36 billion. However, U.S. Government aid and military expenditures show a deficit for 1963 of $6.05 billion and of $5 billion for the first quarter of 1964 at an annual rate.

It is clear that the source of our balance-of-payments deficits arises from Government economic aid and military payments overseas. This does not automatically lead to the conclusion that these expenditures should be eliminated or reduced for balance-of-payments reasons. Decisions on the size and composition of our aid programs must primarily rest on considerations beyond the balance of payments. However, in considering the balance-of-payments problem it would be desirable if Government officials were more fully aware of the large contribution which the private sector makes in enabling the Federal Government to continue the foreign economic and military aid programs which it has undertaken. These figures are also important for making clear the strength and success of our private sector in its international operations.

I ask unanimous consent that the chart from the National Economic Review be included in the RECORD at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

TABLE 13.—*U.S. balance of payments*

[In millions of dollars; annual rates]

	1963					1964
	I	II	III	IV	Year	I
"Normal" commercial and financial items: [1]						
Visible balance	+3.87	+5.05	+4.98	+6.14	+5.01	+6.96
Dock strike adjustment	+.76	−.40			+.09	
Adjusted visible balance	+4.63	+4.65	+4.98	+6.14	+5.10	+6.96
Nonmilitary services and private donations	+2.04	+1.67	+1.94	+2.12	+1.94	+2.97
Private U.S. long-term capital	−4.41	−4.20	−2.15	−3.27	−3.51	−2.76
Private foreign long-term capital		+.81	+.27	+.19	+.32	+.05
Private dollar balances [2]	+1.59	+.58	+.19	+.02	+.59	+1.08
Other private short-term capital, etc.[3]	−.43	−1.85	−.93	−.80	−1.00	−2.94
Balance on normal commercial and financial items	+3.41	+1.67	+4.30	+4.41	+3.45	+5.36
U.S. Government aid and military expenditure: [1]						
Finance of exports of U.S. goods and services	−2.91	−4.01	−3.04	−3.39	−3.34	−2.94
Other U.S. grants and capital	−1.26	−1.32	−.99	−1.16	−1.18	−.65
Scheduled repayments, etc.[4]	+.64	+.66	+.87	+.77	+.74	+.61
Military expenditure (net)	−2.26	−2.10	−2.48	−2.21	−2.26	−2.03
Balance of U.S. Government aid and military expenditure	−5.78	−6.77	−5.64	−6.00	−6.05	−5.00
Total balance on normal items [1]	−2.37	−5.10	−1.34	−1.59	−2.60	+.36
Less adjustments	+.71	+.83	−1.85	−.05	−.09	+1.00
Total balance on normal items, unadjusted	−1.66	−4.27	−3.19	−1.64	−2.69	+1.35
Financing of the balance:						
Advance payments by foreign governments on loans and military goods	+.18	+.12	+1.38	+1.06	+.68	+.78
Sales of nonmarketable securities	+1.65	+.57	+.32	+.10	+.66	−.22
Changes in other dollar holdings of foreign governments	−.30	+3.09	+.58	+.50	+.97	−1.70
Total special repayments and additions to dollar holdings by foreign governments	+1.54	+3.78	+2.28	+1.66	+2.31	−1.15
Change (worsening (+)) in—						
IMF position	−.18	+.01	+.24	+.06	+.03	+.52
Reserves	+.31	+.49	+.67	−.08	+.35	−.73

[1] Seasonally adjusted.

[2] Including those of banks and international organizations other than IMF. Not seasonally adjusted.

[3] Includes errors and omissions and (very small) changes in Government nonliquid liabilities.

[4] Includes changes in associated liabilities.

Source: Survey of Current Business.

THE 88TH CONGRESS PASSES IN REVIEW

Mr. McLOSKEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McLOSKEY. Mr. Speaker, I believe it should be the duty and responsibility of every legislator, to the best of his ability, to reflect the majority philosophy of the constituents he represents but at the same time exercise independent judgment on the merits of each proposal which comes before Congress.

Furthermore, I feel it my duty to publicly report my position on key issues to my constituents. This I have done throughout this Congress through the means of radio, television, newspapers, and monthly newsletters.

Because this report is a summary of legislative activity, it does not deal with my individual voting record. A complete tabulation of rollcall votes and my attendance is a matter of public record as printed in the CONGRESSIONAL RECORD.

Controversy and vigorous disagreements are vital to our American way of life. Therefore, I am well aware that all of my views are not shared by all of my constituents.

I have made a sincere attempt to cast my votes based on fact—not hearsay, on intellect—not on emotion, and on careful thought—not on reckless conclusions. Everything is not clear cut, it is neither black or white, and in the final analysis one must determine his vote on what is best not only for the majority of his constituents, but what is good for all of the people. This I have tried to do.

DOMESTIC AFFAIRS

Many good pieces of legislation have passed the Congress. Also, I regret, many bills have become law which will further place the individual under the domination of an all-powerful central government.

The revenue act provided a large tax cut, but we granted this by increasing our Federal debt to an alltime high.

While some action was taken to curb the outflow of U.S. gold reserves our balance of payments remain far from stable.

In the field of education we continue to make progress. I was pleased to support legislation granting assistance in building new facilities, in expanding our vocational training, and in helping our nurses and doctors as well as those engaged in scientific research.

Also, Congress has done its share in providing assitance in the area of mental illness and retardation. The Mental Health Act provides assistance through means of grants for construction of mental health centers. While I am a firm believer we should move with caution in expanding many of our Federal programs, I have always supported the principle of assisting in the construction of hospitals and nursing care homes. This we continue to do and once again have extended the Hill-Burton Act.

The veterans were not forgotten by the Congress. Benefits were increased by excluding certain types of income in determining income for pension purposes. This will help all veterans and their families including veterans of World War I, World War II, and the Korean conflict.

One of the most controversial bills passed was the civil rights law. This is a hot issue and will probably remain so for years to come. Very frankly, I have grave reservations about some sections of this legislation. In all candor, though, I feel the provisions are morally right and no one should be denied equal opportunity. The effectiveness will depend largely on how well the new law is administered. I hope people do not expect overnight miracles. It is difficult, if not impossible, to legislate the thinking in the minds of people. With opportunity must come responsibility. Also, as I see it, the major problems in this field are caused by unemployment and lack of education.

Again, we find persons engaged in agriculture being the forgotten people of our economy. I am sorry this Congress failed to do more in correcting the bad situation existing with livestock producers.

The odious wheat-cotton bill was the epitome of bad legislation and it was only because of strong-arm political pressure that the farmers were forced to come under a law which brings them closer to rigid controls. In my opinion the farm bills passed will work to the detriment of all.

I would feel remiss if I did not briefly comment on the situation in which we find ourselves due to actions of the Supreme Court. I have repeatedly warned Congress that the decision on legislative reapportionment would lead us into a "political thicket." Every proper effort must be made to overcome this new rule of law which, by a divided Court, changed basically 173 years of unquestioned constitutionality.

The import of the Court's latest decision on reapportionment is clear. If this decision stands it could be disastrous. Every county office, every township, every board of supervisors, every judicial district, every school district, every drainage district, yes, even the U.S. Senate and our electoral college stands in jeopardy. If we delay too long we surely are at the end of a glorious era in our history.

INTERNATIONAL AFFAIRS

Foreign aid, national defense, arms control and disarmament still remain highly controversial, as does our whole foreign policy.

Unfortunately, 60 percent of all money appropriated goes for maintaining our Defense Establishment. While we did effect some savings we are still spending eight times more for defense than we are for financing all of our health, education, labor, and welfare programs.

Also, it seems to be the policy of this administration to continue to attempt to buy friendship. We keep on pouring billions into our foreign assistance programs, but yet we find ourselves in difficulty throughout the entire world. From the Congo to Cuba, from South America to Vietnam, conditions grow progressively worse. Many Members of Congress, I feel rightfully so, are asking, "Just what is our foreign policy?" This is a question which should be answered to the satisfaction of all Americans.

I am sure every Member of Congress, including myself, is working toward peace. Many of us feel we should be more firm in our position, however, and that we should stop playing footsie with the Communists.

So long as the ideology of communism continues to expand throughout the world we must be ever on our guard.

CONCLUSION

I have abiding faith in the people of America and I am sure they will always meet the test. We cannot drop our guard and we must not become so self-centered and so enamored with social welfare programs, by whatever appealing name, that we destroy ourselves from within.

America became great not by dependence upon an all-powerful paternalistic central government, but by citizens willing to make sacrifices of their own and trying to solve their own problems.

Do we have the courage to be captains of our own destiny? I sincerely hope so.

In conclusion, no Member of this great legislative body should take his duties lightly. The decisions one has to make are many and awesome. These are critical times in which we live and I would hope that as Representatives from our respective districts we do not stoop to placing political expediency above principle.

I, like all Members, am only a human being. If my vote has not always pleased everyone, I trust my constituents will be tolerant with me. If mistakes have been made they were mistakes in judgment and not of the heart.

THE APPALACHIAN PROGRAM—A POLITICAL ELECTION YEAR GIMMICK—IS CLEARLY INADEQUATE AND NOT IN THE PUBLIC INTEREST OF THE ENTIRE NATION

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, in view of the fact that it is my understanding that the Senate will be acting on the Senate version of the Appalachian bill shortly and that there may be an effort to bring this election year political gimmick program, which is clearly inadequate, discriminates against the rest of the Nation, and is not in the public interest of the entire Nation, to the House floor for action, I feel it my duty to submit for the RECORD the minority views on the bill, H.R. 11946.

These views clearly demonstrate why this bill should be defeated if the attempt to ram it through the House in the waning hours of the session should be followed through.

These views are as follows:

MINORITY VIEWS ON H.R. 11946

With much fanfare and obviously with an eye to the presidential election later this year, President Lyndon B. Johnson, on April 28, 1964, sent to the Congress the second installment of his widely heralded "War on Poverty," in the form of requested legislation for development of the Appalachian region. The President has focused the spotlight of public attention upon the "deprivation" of our allegedly less fortunate neighbors in Appalachia, often to their great embarrassment, and has proposed a hastily drawn, poorly conceived, ineffective, and costly plan for their assistance by the Federal Government. Any proposal to allevitae poverty can have great emotional appeal and political value. No one is in favor of poverty, the same as no one is in favor of sin or against motherhood. It may require courage to oppose such a program, even when the program is clearly inadequate and not in the public interest.

We fully support the objective of alleviating social, educational, and economic poverty wherever it exists throughout the entire Nation, but, in the interest of the people of Appalachia, as well as the millions of taxpayers of this country, we strongly oppose enactment of H.R. 11946 for the following reasons:

1. It would provide preferential treatment for one region of the United States and thereby discriminate against other areas of the Nation which have equal or greater unemployment and lack of economic development.

2. There are no standards, based upon need, for determination of the eligibility of areas within Appalachia for Federal grants-in-aid provided in the bill, and there is no justification for all of the named 355 counties to receive Federal grants under all of the programs, for many of the counties are quite prosperous, and 67 counties do not qualify as redevelopment areas or areas of substantial unemployment for Federal grants or loans under the Area Redevelopment Act or the Public Works Acceleration Act.

3. A basic premise of the President's proposal—that family income of less than $3,000 annually constitutes poverty—is extremely questionable since it ignores many factors other than cash income, including price indexes, homeownership, home food production, etc.

4. The Congress is being asked by the President to enact far-reaching legislation on the basis of 1960 statistics and data purporting to show conditions of economic deprivation, in the face of more up-to-date information that improvements have been made and many corrective actions undertaken in Appalachia within the past 2 to 4 years.

5. Several programs contained in the bill, including one for 100 percent federally financed socialized medical care, are under the jurisdiction of other committees of the House of Representatives, and the bill was reported without benefit of its consideration by such other committees and without their advice and recommendations being obtained by the Committee on Public Works.

6. Existing State and local governmental agencies, which normally administer Federal aid programs contained in the bill, will be bypassed by the creation of the Appalachian Regional Commission in the development, planning, initiation, and administration of such programs.

7. The Appalachian Regional Commission will be federally dominated through control exercised by the Federal representative, and the Commission, in turn, will dominate the entire program, with State and local officials being placed in a completely subservient position.

8. The highway program contained in the bill—which comprises almost 80 percent of the money authorization of the bill—is particularly discriminatory against other portions of the country, for it authorizes an additional highway program for the Appalachian region almost as large as the annual program for construction of Federal-aid primary and secondary highways and their urban extensions in all of the 50 States, plus Puerto Rico and the District of Columbia, including Appalachia.

9. The provisions of the bill relative to the special highway program for Appalachia are vague, poorly conceived, and otherwise objectionable. This special program would be inconsistent and competitive with the time-proven and successful Federal-aid highway program.

10. It is inconceivable that 80-percent grants should be made for development of pasturelands in Appalachia to increase beef production at a time when there is an overproduction of beef in the country and when the Government is paying farmers to take other and more productive land out of production.

11. Direction to the Secretary of the Army to prepare a comprehensive plan for the development and utilization of water and related resources of the Appalachian region and authorizing the inclusion therein of hydroelectric power generation and other measures to increase the production of economic goods and services can result in the ultimate creation and Federal financing through the U.S. Army Corps of Engineers

of steam and hydroelectric power generation and transmission facilities and the processing or manufacture of products incidental to the development and utilization of water and related resources, similar to the Tennessee Valley Authority, throughout all of the Appalachian region, and would overlap TVA since approximately half of the TVA area is included in the Appalachian region.

12. The discredited and ineffectual Public Works Acceleration Act program would in effect be reenacted for Appalachia by the back-door method of increasing to 80 percent the Federal share of the costs of projects for which Federal grants-in-aid are provided for the construction or equipment of facilities under the provisions of this bill or any other existing Federal grant-in-aid program, except for the construction of highways, if funds are available therefor under the act authorizing such program.

PREFERENTIAL TREATMENT FOR APPALACHIA

A Federal program to benefit all of the citizens of the United States is one thing. A Federal program to benefit some or all of the citizens of one selected area or of a few selected States simply because of their place of residence is an entirely different thing.

H.R. 11946 would provide for a massive Federal spending program ($1,077,200,000 to start) for an area designated "Appalachia"—an area comprising 355 counties in 11 States. How the boundaries of Appalachia were determined is open to speculation. A spokesman for the Governor of Virginia, who conceded that most of the Virginia counties in Appalachia are not economically depressed, commented that the prosperous counties were included "because somewhere 2 or 3 years ago some individual drew a line on the map at the foot of the mountains."

Regardless of how the boundaries of Appalachia were determined, the fact remains that H.R. 11946 would establish a special massive relief program for one comparatively small part of the Nation to the exclusion of other equally deserving areas.

This preferential treatment is "justified" by statistics which purport to show that Appalachia lags behind national averages in several categories. But Appalachia is not the only area which is below national averages. The Ozark Mountain region, the upper Great Lakes iron ore region, several of the Southern States, areas in the West and the Northeast, and other areas can demonstrate below average conditions in terms of low per capita income, low family income, high-unemployment rates, or other categories. According to the June 1964 edition of Area Labor Market Trends, published monthly by the U.S. Department of Labor, there are 715 areas in the United States having substantial unemployment, and 551 of these are areas having substantial and persistent unemployment.

Whether below national averages are indicia of economic distress is a matter open to debate. But, conceding that they are for the purpose of discussing the matter, the question remains as to why one below-average area should be given preference over other below-average areas.

We believe that the special Appalachian relief proposal discriminates against every other area in the United States which has unemployment rates, income rates, and other conditions comparable to or worse than those in Appalachia.

NO STANDARDS FOR ELIGIBLE AREAS

President Johnson's original proposal, introduced as H.R. 11065, included in the Appalachian region 340 counties in 10 States. More than 5 weeks after hearings had been completed on this bill, the administration submitted a new bill to the committee, introduced as H.R. 11946, which added 15 new counties and 1 new State, South Carolina.

Many of these 355 counties are quite prosperous and have no poverty problems requiring assistance from the Federal Government. For example, Mr. Joseph G. Hamrick, executive assistant to the Governor of Virginia and director of industrial development and planning for the Commonwealth of Virginia, testifying in behalf of Gov. Albertis S. Harrison, Jr., stated, with justifiable pride, that Virginia has the lowest total percent of unemployment in the Nation, equaled only by the District of Columbia and Hawaii. He further said that of the 21 Virginia counties included in the bill only 6, or maybe 7, in the extreme southwestern part of Virginia need any help, and that some of the remaining 14 or 15 counties are very prosperous, rather than depressed.

Gov. Frank G. Clement, of the State of Tennessee, emphasized in his testimony that not all of the designated Tennessee portion of Appalachia is depressed, but, on the contrary, that within the region are some of the State's more prosperous industrial complexes, such as the Kingsport-Johnson City-Bristol area, the Morristown-Greenville area, and the Knoxville-Alcoa-Oak Ridge area, to mention several.

Of the 355 counties included in H.R. 11946, 48 have never been eligible for financial assistance under the Area Redevelopment Act or the Public Works Acceleration Act, and 19 others, though once eligible under one or both of these acts, are not now eligible. Thus, 67 counties, or approximately 19 percent of the Appalachian region, cannot be classified as redevelopment areas or areas of substantial unemployment under these acts which were designed to stimulate the economy and reduce unemployment in such areas.

It is inconceivable that prosperous areas should be designated as parts of the Appalachian region to benefit from all of the Federal grant-in-aid programs provided in this bill. Obviously there is no need for such special Federal help in these areas, and none should be provided. If the money is to be spent, there are many areas in other parts of the Nation which have far greater need for it.

Questioning of many administration witnesses, during the hearings on the original bill, failed to discover any standards used by the administration in selecting the counties to receive Federal aid under this legislation and, of course, the bill itself sets forth no standards. The stock answer was that inclusion of all of the named counties is necessary to carry out the concept of regional development. It may be desirable to include prosperous counties, along with depressed and labor surplus counties, for the construction of highways, so as to connect all such areas by a highway network. But there is no justification whatsoever for the inclusion of prosperous counties for any of the other Federal grant-in-aid programs in the bill.

It appears that President Johnson's selection of the 340 counties he first designated to receive Federal aid involved nothing more profound than drawing a line on a map at the foot of the mountains to indicate the boundaries of Appalachia. The utter disregard of need in designating areas to be assisted was further evidenced by the addition of 15 new counties by the administration last week, including 6 counties in South Carolina, which State had never before been included in Appalachia, not even by the President's Appalachian Regional Commission. Eight of these 15 counties, including 5 in South Carolina, are not eligible for Federal financial assistance under the Area Redevelopment Act or the Public Works Acceleration Act.

It is abundantly clear that standards should be established for the determination of eligible areas for Federal grants-in-aid (other than for construction of highways) under this bill. Otherwise, vast sums of tax dollars will be spent needlessly in areas that have no special poverty problems. The necessity for such standards is quite obvious when we consider the duration of this program. Administration witnesses testified that a 5-year program is planned; however, an amendment added by the Committee on Public Works provides that the act shall cease to be in effect on July 1, 1960, which makes it a 6-year program. In any event, the economic and unemployment situation in specific areas of Appalachia may change materially during the life of this program, and standards should be established as the basis for the removal of eligibility of areas that do not need assistance and for the inclusion of designated areas which would not now be eligible under such standards but which might become so before the end of the program.

UNREALISTIC DEFINITION OF POVERTY

The administration takes the position that a family income of less than $3,000 annually is the dividing line between poverty and the ability to enjoy the affluence of American life. This is an example of the gross oversimplification which characterizes the proposed relief legislation for the Appalachian region.

A family income of less than $3,000 annually may well be at the poverty level for a large family living in an expensive urban area. It may represent a comparatively comfortable situation for a small family living in a low-cost rural or semirural area.

Many factors in addition to cash income must be considered in determining the economic status of a family or individual. Some of these factors are price indexes in the area, ownership of homes and other real estate, home production of food, standards of living in the community, etc. None of these were given adequate, if any, consideration in the proposal for special Federal relief for Appalachia.

If the bare dollar amount of $3,000 annual income is to be the basic measure of poverty, then the Congress should reevaluate the family retirement benefits under the Federal social security program, which are approximately one-half this amount. Also, Defense Department figures indicate that 1,049,248 members of the U.S. Armed Forces had less than a $3,000 annual income, including all allowances for food, clothing, and shelter, plus the value of Federal income tax exemptions. Is this Government sponsored and financed poverty?

RECENT IMPROVEMENTS IN APPALACHIA—U.S. 1960 STATISTICS

The report by the President's Appalachian Regional Commission sets forth a number of selected statistics which purport to show that the Appalachian region is lagging and is in need of special assistance. But it is questionable whether these statistics give an accurate picture of the situation. Although the report was submitted to the Congress in the spring of 1964, it uses, almost entirely, statistics for 1960 and earlier years. Later statistics are available but for some reason were not used. Second, the report compares Appalachia to national averages (which are influenced by the most prosperous areas) instead of comparing Appalachia to other economically depressed areas such as the Ozark Mountain region, the Upper Great Lakes iron ore region, and other parts of the Nation. Third, the statistics are largely in terms of dollars and percentages, and do not consider, other important factors such as cost of living, property ownership, savings, credit, etc.

Before the Congress enacts a special Appalachian relief bill, it must satisfy itself that the region is in urgent need of such relief, that such need is more serious than that of other economically depressed areas, and that the States involved cannot handle the problems through their own financial resources and regular Federal-aid programs. The following items concerning the States having areas in Appalachia are pertinent in this connection:

Virginia: At public hearings held by the ad hoc subcommittee, a spokesman for the Governor of Virginia stated that while 21 Virginia counties are in Appalachia, as defined in the President's proposal, some of these are very prosperous and only 6 or 7 counties in extreme southwestern Virginia are in need of help. He commented that the 21 counties were included in Appalachia "because somewhere, 2 or 3 years ago, some individual simply drew a line on the map at the foot of the mountains." The prepared statement of the Governor, read at the hearings, contained the following statements: "I am very conscious of the fact that, with the exception of a few counties in southwest Virginia, the need for the assistance and aid contemplated by this bill is not imperative in Virginia. * * * There is little that this bill envisions that is not already being undertaken by existing agencies of the Commonwealth of Virginia."

Maryland: Only 3 of Maryland's 24 counties are in Appalachia as defined in the President's relief proposal. These counties include just 6.3 percent of the State's population. In 1963, per capita personal income in Maryland was higher than in 40 other States, and substantially above the national average, and the percentage of Maryland families having an annual income of more than $10,000 is substantially higher than the national average. The State completed the fiscal year ending June 30, 1963, with a surplus of about $32 million and the fiscal year ending June 30, 1964, with a surplus of some $31 million. As a result, pressure is mounting for repeal of a State income tax increase enacted earlier this year.

In view of these facts, it is in order to inquire as to why Maryland cannot or will not meet the problems of its portion of Appalachia through its own resources and existing Federal-aid programs.

As to utilization of existing Federal-aid programs, there is evidence that Maryland is lagging badly, at least as regards the Federal-aid highway program. As of May 31, 1964, Maryland was at the bottom of the list of States of the Union in terms of obligating Federal-aid funds apportioned for the National System of Interstate and Defense Highways. As of the same date, only Delaware, Puerto Rico, and the District of Columbia ranked lower in terms of obligating Federal-aid funds apportioned for the primary and secondary highway systems. This raises the very basic question of whether extending an additional, special Federal-aid highway program to the Appalachian portion of Maryland (as would be done under the President's relief proposal) can be justified.

Tennessee: Forty-nine of the ninety-five counties of Tennessee are in the Appalachian region described in the President's proposal. All of these 49 counties are within the power service area of the Tennessee Valley Authority, which is reputed to have accomplished so much in improving the economy of the region. In a statement presented to the ad hoc subcommittee, the Governor of Tennessee said: "I would like to emphasize from the beginning that while we are here considering the Appalachian region as a whole, not all of the region as such should be considered in a depressed condition. To the contrary, within the region lie some of our most prosperous industrial complexes. In Tennessee's portion of Appalachia, for example, the Kingsport-Johnson City-Bristol area, the Morristown-Greenville area, and the Knoxville-Alcoa-Oak Ridge areas, to mention several, serve as the large economic nucleus around which most of our industry exists."

West Virginia: This State is the only one totally included in Appalachia. In a statement presented to the ad hoc subcommittee, the Governor of West Virginia said: "This period (1961–64) has been one of great economic recovery for the State, with a new peak of cooperation reached between the people and all levels of government. Just look at these facts:

"Unemployment, which stood at 105,000 in January 1961, has been gradually cut down to less than 60,000 early in 1964. We have beautified and cleaned up the State to make it more attractive to new industry and tourists—and many new plants and a great increase in the tourist trade are the results. We were the first State to institute a State work and training program—providing both the dignity of the individual and means of earning a living—to thousands of unemployed fathers, and this program has been so effective it is being recommended as a model to other States."

The Governor's reference to "many new plants" is confirmed by statistics concerning building contracts. The value of private building contracts for industrial plants in West Virginia awarded during 1962 was $119,500,000—about 4.7 percent of the U.S. total of such contracts. This is significant in view of the fact that the population of West Virginia is only about 1 percent of that of the United States.

Neither this extensive industrial construction nor what the Governor of West Virginia referred to as a period of "great economic recovery" during 1961–64 is reflected in the report of the President's Appalachian Regional Commission since, as noted above, the statistics quoted in that report are almost entirely for 1960.

Pennsylvania: In 1963, the per capita personal income in Pennsylvania was about the same as the national average, and was higher than such income in the Southeast, Southwest, Plains, and Rocky Mountain regions of the United States. The percentage of families having an annual income of less than $3,000 has been well below the national average, both in the State as a whole and in the Appalachian portion of Pennsylvania. It is interesting to note that as of April 15, 1964, Federal grants totaling $58,988,000 had been extended to the Appalachian portion of Pennsylvania under the Accelerated Public Works Act.

Alabama: Nearly half of the 32 counties in Appalachian Alabama are in the Tennessee Valley Authority region. Of these 32 counties, 6 have never had sufficiently high unemployment rates to be eligible for Federal grants under the Accelerated Public Works Act, and 2 additional counties were once eligible, but have so improved as to be eligible no longer. Thus, eight counties, or one-fourth of the Appalachian counties, are now ineligible for such assistance. Despite this, as of April 15, 1964, Federal grants totaling $20,827,000 had been extended to the Appalachian portion of Alabama under the Accelerated Public Works Act.

Furthermore, the report of the President's Appalachian Commission does not reflect the economic impact of recent developments in the area, since it utilizes 1960 statistics. The July 20, 1964, edition of U.S. News & World Report contains an informative article on the economic boom in the Huntsville, Ala., area—which is part of Appalachia. According to this article, about 4 years ago the Marshall Space Flight Center, employing some 7,000 persons, was established in Huntsville. The Army and NASA have drawn to northern Alabama many hundreds of contractors who want to be close by the Space Center. This year, the Center will award contracts of $1 billion on Saturn rockets, and perhaps $200 million of that will be spent in the Huntsville area. Huntsville has doubled its population in just 4 years, and spawned local industries such as Brown Engineering which has grown from a handful of men to 3,400 employees. Huntsville now leads all Alabama in income per household. It has added one classroom a week to its school system for the last 9 years. Last year, 6,000 jobs were created in the area. In 1963, building permits exceeded $81 million, compared with a little more than $5 million in 1950

Kentucky: During his testimony before the ad hoc subcommittee, the Governor of Kentucky placed a great emphasis on the actions taken by the State itself during the past 2 to 4 years to solve problems in Appalachia. He stressed extensive State action in the fields of education, highways, conservation, health, and parks and recreation. He also discussed a proposed 1965 bond issue of $176 million to provide funds for highways, schools, parks, community health centers, agriculture development, small lakes, libraries and other facilities. In addition to these State actions, Federal grants totaling $27,561,000 have been made in the Appalachian part of Kentucky under the Accelerated Public Works Act. Since these actions occurred during the past 2 to 4 years, and since the report of the President's Appalachian Regional Commission uses 1960 statistics, the report cannot measure the impact or effectiveness of the programs. Certainly, this should be known before another massive Federal spending program is launched.

Ohio: The per capita personal income in Ohio is well above the national average. The State has a lower percentage of families having an annual income under $3,000, and a higher percentage of families with an annual income of $10,000 than the national average. It appears that even the Appalachian portion of Ohio, which included less than 10 percent of the State's population, is comparatively well off, may not share common problems with the rest of Appalachia, and may not need or even benefit substantially from the President's proposal to assist Appalachia.

Testimony prepared by the State of Ohio, and submitted for the record during hearings of the ad hoc subcommittee contains the following:

"Concerning median family income in Appalachia, those for Ohio counties are substantially larger than the value for all of Appalachia. The lowest median income in any county in the Ohio Valley region was $2,829 in 1959; the highest was $4,974. Concomitantly, the median incomes of 11 counties in the Ohio Valley region exceed $4,000. For the region as a whole, the 18-county average of the individual county median family incomes increased from $2,005 in 1949 to $4,104 in 1959. With an adjustment for price-level increases which also prevailed during this same period, the change in the adjusted (deflated) regional average family income represented an increase of almost 70 percent (69.9 percent) in purchasing power during the 10-year period. These relationships suggest a different order of economic condition than that representative of the other areas within Appalachia.

"It is acknowledged that the median incomes characteristics of the Ohio Valley region are not equal to those of other counties of Ohio. These inequities notwithstanding, the rate of improvement in the Ohio Valley region (plus 107.8 percent) exceeded the rate of improvement in other Ohio regions. It also exceeded the rate of improvement for Ohio as a whole (plus 85.5 percent) in the decade of 1949–59. Clearly, programs immediately applicable to the problems of all of Appalachia may not be of direct significance in improving conditions in the Ohio Valley region if median income constitutes a primary determinant."

Georgia: About one-third of the 35 Appalachian counties in Georgia are in the area serviced by the Tennessee Valley Authority. Ten of the 35 counties have never been eligible for assistance under the Accelerated Public Works Act, because their rate of unemployment is not high enough.

In fact, according to the report of the President's Appalachian Regional Commission, in both 1950 and 1960 the unemployment rate in the Appalachian portion of Georgia was lower than in the balance of the United States.

South Carolina: No part of South Carolina was included in Appalachia as that region was defined in the original proposal of the President. No comments or information concerning the economy of this State is to be found in the report of the President's Appalachian Regional Commission. No testimony on behalf of South Carolina was presented at the hearings of the ad hoc subcommittee. Nevertheless, six South Carolina counties are included in Appalachia as the region is defined in the new bill, H.R. 11946. It is pertinent to note that as of April 15, 1964, none of these six counties was eligible for assistance under the Area Redevelopment Act, and only one was eligible for assistance under the Public Works Acceleration Act.

North Carolina: Ten of the twenty-nine Appalachian counties in North Carolina have never been eligible for assistance under the Accelerated Public Works Act, and an additional 5 were eligible at one time but became ineligible because of improved employment rates. According to the report of the President's Appalachian Regional Commission, the Appalachian portion of North Carolina had a lower unemployment rate than the balance of the Nation in both 1950 and 1960. The people in the Appalachian part of North Carolina have reacted to the President's relief proposal with a "mixture of indifference, amusement, and resentment" according to an editorial in the May 23, 1964, edition of the State, a magazine published in North Carolina and devoted largely to North Carolina affairs. An article in the same edition of that magazine shows that business is booming in the northwestern part of the State—the part in Appalachia. Both the editorial and article were inserted in the CONGRESSIONAL RECORD by the gentleman from New Hampshire, Mr. CLEVELAND (CONGRESSIONAL RECORD, June 25, 1964, at p. 15002).

USURPS JURISDICTIONS OF OTHER COMMITTEES

Several programs involved in this bill are under the jurisdiction of other committees of the House. Not only does the Committee on Public Works not have jurisdiction over these programs, but the members of the committee cannot be expected to have knowledge of all of the details of these programs necessary for full and intelligent consideration of their proper application to Appalachia.

Among the provisions of the bill over which other committees have jurisdiction under rule XI of the Rules of the House of Representatives, are the following:

Sec. 108. Personal Financial Interests.
Sec. 202. Demonstration Health Facilities.
Sec. 203. Pasture Improvement and Development.
Sec. 204. Timber Development Organizations.
Sec. 205. Mining Area Restoration.
Sec. 211. Vocational Education Facilities.
Sec. 213. Amendments to Housing Act of 1954.
Sec. 214. Supplements to Federal Grant-in-Aid Programs—As applicable to supplemental grants for programs under sections 202, 203, 205, and 211 of this bill, title VI of the Public Health Service Act, Vocational Education Act of 1963, Library Services Act, Federal Airport Act, Educational Television Construction Act, Higher Education Facilities Act of 1963, and other programs for Federal grants-in-aid for the construction or equipment of facilities not under the jurisdiction of the Committee on Public Works.

No hearings on these provisions of the bill have been held by other House committees which have jurisdiction over such programs; no advice or recommendations have been received from such committees; and, as far as we know, none have been sought. There has been no opportunity for members of the Committee on Public Works to delve into the details of the existing programs outside of the committee's jurisdiction which will be affected by this bill, and it may have far-reaching impact upon these programs.

For example, section 202(c) expands upon the provision of title VI of the Public Health Service Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as applicable to Appalachia, to authorize, for the first time, Federal grants for 100 percent of the cost of operation of multicounty demonstration health facilities, including hospitals, regional health diagnostic treatment centers, and other health facilities. These grants will cover all costs of operations, including salaries of doctors, nurses, technicians, and other persons providing services, and will constitute 100 percent Government subsidization of medical services performed in a facility constructed with 80 percent Federal funds. If the Federal Government pays all the salaries and expenses of administrators, doctors, nurses, and all other persons working in such health facilities, it is a foregone conclusion that the Federal Government, rather than the States, local communities, or private organizations will completely control all of these facilities, for it is human nature to respond to the wishes of whomever pays one's salary.

This provision constitutions a giant stride into the field of socialized medicine which Congress has consistently rejected in the past. In fact, a somewhat similar provision—which did not go nearly so far, for it was limited to initial staffing—was removed by the House Committee on Interstate and Foreign Commerce from the administration's requested Mental Retardation Facilities Construction Act enacted by the Congress last year. This is an attempt by the President to secure enactment in this Appalachian bill of a program which Congress has always rejected when considered by the committee of proper jurisdiction. If section 202(c) of this bill is enacted into law, it will be a precedent for insisting upon payment by the Government of 100 percent of the operating costs, including salaries of doctors, nurses, and all other personnel, as a part of all federally assisted health programs.

Section 205, pertaining to the restoration of mining areas, involves another important program. This section was first submitted to the committee by the administration last week, long after hearings had been completed on the President's original proposal, and no hearings have been held on it. As it relates to Appalachia, this section enlarges the provision of existing law by providing Federal grants to fill and seal voids in abandoned bituminous coal mines, increases the Federal share of the cost of projects up to 75 percent, and authorizes grants for restoration of strip mines on private property on which there is provided access and use by the public to assure an adequate public benefit, whatever that may mean. Presumably, up to 75 percent Federal grants may be made under this section for restoration of private property if the public can use such property, even though a fee is charged. This raises a serious question of the unjust enrichment of private property owners at the expense of the taxpayers.

Paragraph (c) of this section goes even beyond the limits of Appalachia. It directs the Secretary of the Interior to make a survey and study of strip and surface mining operations and their effects in the entire United States and to submit recommendations to the President for a long-range, comprehensive program for reclamation and rehabilitation of strip and surface mining areas in the United States and for policies under which the program should be conducted, which the President is to submit, along with his recommendations, to the Congress by July 1, 1966. Insofar as Appalachia is concerned, this study is a sham, for more than $20 million of Federal funds will have been spent for mining area restoration in Appalachia before this study is completed and recommendations made to Congress.

A bill, H.R. 934, to provide for a study by the Secretary of the Interior of strip mining operations in the United States and for submission to Congress of the results of such study has been referred to the House Committee on Interior and Insular Affairs, and that committee held hearings on a similar bill in the 87th Congress. Clearly, this is not a matter to be handled by the Committee on Public Works.

BYPASSING OF STATE AND LOCAL AGENCIES

The bill requires that no program authorized under any section of the bill be implemented until plans with respect to such program have been recommended by the Appalachian Regional Commission. Except as to highways, no provision of the bill requires the Commission to coordinate with, obtain the recommendations of, or even consult or confer with, the existing State and local governmental agencies which would normally have jurisdiction over the subject matters of particular programs. In the case of the development highway program, each State member of the Commission is required to obtain the recommendations of the highway department of the State which he represents. But there is no requirement that such recommendations be followed, or even considered.

Under the provisions of the bill, the State and local agencies having jurisdiction over the programs of the type envisioned by the bill could be completely bypassed and ignored, regardless of their responsibilities for coordination, planning, construction, and other activities. We are asked to accept, on faith, assurances that the Commission would work closely with affected State and local agencies. In view of the growth and activities of bureaucratic bodies during the past few years, we are not inclined to accept such assurances on faith. The failure of the National Capitol Transportation Agency to confer and cooperate with appropriate agencies in the Washington, D.C., metropolitan area, despite the statutory requirement in the National Capitol Transportation Act of 1960 that this be done, is not an encouraging example.

We believe the bill is entirely defective unless it requires, and contains safeguards to assure, consultation and coordination between the Appalachian Regional Commission and affected State and local agencies, and protection against bypassing of those agencies.

A NEW FEDERALLY CONTROLLED REGIONAL OCTOPUS

Title I of the bill establishes the Appalachian Regional Commission, whose general purposes would be (1) to develop plans and programs and establish priorities thereunder for the economic development of the region, (2) to coordinate State and Federal effort, (3) to conduct joint studies to identify the causes of the problems of Appalachia and find solutions, and (4) to make recommendations with respect to anything pertaining to the economic development of the region.

The Commission is to be composed of a Federal representative appointed by the President with the advice and consent of the Senate, and one member from each participating State in the Appalachian region. This portion of the bill is defective because it places control of the Commission in the Federal Government rather than providing for the full and equal partnership of State governments. The bill designates the Federal representative as Cochairman of the Commission, and no decision can be made by the Commission without the affirmative vote of the Federal representative and of a majority of the State members. The Federal vote on the Commission will be equal to the vote of all the States, thus giving the Federal Government veto power over all 11 States. It might be argued that the States could also veto Federal action, but this merely begs the issue, for the end result would be a stalemate.

The bill states in its "Findings and Statement of Purpose" that "The State and local governments and the people of the region understand their problems and have been working and will continue to work purposefully toward their solution." However, in spite of this and other lipservice given to State and local governments and their leadership, this will be a federally dominated Commission, which in turn will dominate the entire program. No Federal grant-in-aid or assistance program can be implemented until plans therefor have been recommended by the Commission and approved or modified by the President or such Federal officer or officers as he may designate.

The bill also authorizes the Commission to make recommendations to the President, State Governors, and appropriate local officials with respect to the expenditure of funds by all levels of government in the fields of natural resources, agriculture, education, training, health and welfare, Federal, State, and local legislation or administrative actions, and anything else that is related in any way to the economic development of the region, including the generation and transmission of electric energy. This authority to recommend is not limited to the programs contained in the bill. It is unlimited in scope so long as it pertains to the general purposes of the bill, and could be the forerunner of additional wild and weird schemes for governmental socialization of Appalachia. Remember, the Federal Government's vote on the Commission is equal to that of all the States. If the States do not wish to go along with some recommendation proposed by the Federal representative, his authority to disapprove and kill every program and project under this bill in every one of the 11 States constitutes great power of coercion.

The actions of this federally dominated Commission are not subject to any review by anyone, at either the Federal or State levels. Even the review of programs by an independent committee appointed by the Secretary of Commerce, as contained in the President's original proposal, has been deleted from H.R. 11946 by the administration. There is no provision for audit of the Commission by the Comptroller General of the United States or by anyone else. The Federal representative, who will control the Commission, is answerable to no one except the President, and to him only because of his appointive power.

The Commission is not a Federal agency, and it is not a Federal corporation. Clearly this federally dominated body is not a State agency; nor is it an interstate agency formed by a compact between the States and consented to by the Congress. Just what is it?

The Appalachian Regional Commission is a new form of instrumentality designed to exercise Federal control over a region comprising several States. It is a hybrid-type, federally controlled joint interstate and Federal agency. State membership and participation therein has not been specifically authorized by the State legislatures, which is the usual procedure in interstate compacts, although the State Governors may have consented thereto. It is apparent that this is the first of a series of such Federal regional octopuses, which, if not stopped, will extend their tentacles into every part of the Nation to thwart freedom of State and local action and to make it subservient to the wishes of the Federal Government.

The time to stop this new move for Federal power is now. If this bill is to be enacted into law, the provisions relative to the Commission should be amended in two respects. First, Commission voting should be based on one vote for each State member and one vote for the Federal representative. Second, the members of the Commission should elect their own Chairman.

This would restore the State-Federal partnership relation that has proved so successful in other programs. The States could then have an effective role in developing and initiating plans and programs, establishing priorities, conducting research and studies, and making recommendations. The Federal interest and the Federal dollar would be adequately protected, for Federal funds would not be made available for individual projects until the plans therefor have been approved by the appropriate Federal department or agency administering such program.

DISCRIMINATORY HIGHWAY PROGRAM

The highway program provided for in H.R. 11946 is particularly discriminatory against portions of the Nation outside Appalachia. The new program for the construction of a 2,850-mile system of highways and access roads would be superimposed upon the longstanding and successful Federal-aid highway program, for the benefit of the comparatively small Appalachian region alone. The bill would authorize the appropriation of $840 million to pay up to 70 percent of the cost of constructing the new system in Appalachia, which accounts for almost 80 percent of the funds authorized by the bill. This compares with $1 billion authorized by the Federal-Aid Highway Act of 1964 for fiscal year 1966 to pay 50 percent of the cost of construction (except in public lands States) of the Federal-aid primary and secondary systems in all of the States.

The States having areas in Appalachia would, of course, receive their proportionate share of highway funds under the Federal-Aid Highway Act of 1964, and prior acts, in addition to the funds provided under H.R. 11946. The total amount of Federal-aid primary, secondary, and urban highway funds to be apportioned within the next few weeks for fiscal year 1966 to the 11 States having areas in Appalachia is approximately $237 million—about 24 percent of the total authorized for all of the States. The total amount of interstate highway funds to be apportioned for fiscal year 1966 to the 11 Appalachian States is approximately $802,700,000—more than 27 percent of the total to be apportioned to all of the States.

The Appalachian region of the United States may or may not be unique in some respects, but it is most certainly not unique in its lack of an adequate highway system. If an additional $840 million is to be authorized and appropriated for the construction of highways, it seems obvious that the best interests of the Nation demand that such funds be apportioned to and expended in all of the States (not a selected few) in accordance with the traditional and equitable formulas of the Federal-aid highway laws.

POORLY CONCEIVED AND PLANNED HIGHWAY PROGRAM

In addition to its discriminatory aspects, section 201 of the bill, providing for a special Appalachian development highway program, is so vague, poorly conceived, and otherwise objectionable that it should be rejected by the Congress, irrespective of what disposition is made of the remainder of the bill. It would establish an $840 million program which would be inconsistent with the principles of the Federal-aid highway program, and at the same time overlap and compete with that longstanding and proven successful program.

Among the objectionable features of section 201 are the following:

1. It would provide for the construction of 500 miles of "local access roads" to serve "specific recreational, residential, commercial, industrial, or other like facilities." There is no requirement that these roads be publicly owned or operated. Thus, Federal taxpayers' money would be available to pay up to 70 percent of the cost of constructing private driveways and access roads to country clubs, swimming pools, golf courses, and the like. The opportunity for financial favoritism and political payoffs to the owners, developers, and operators of "specific recreational, residential, commercial, industrial, or other like facilities" is uncomfortably apparent.

2. The development highway system, including the local access roads, would be constructed under those provisions of title 23, United States Code, applicable to Federal-aid primary highways "which the Secretary [of Commerce] determines are not inconsistent with this act." Why the Secretary of Commerce should be given this unlimited power of determination, instead of letting the law speak for itself, is not apparent. No standards or expression of congressional intent are provided to guide the Secretary in this regard.

3. The bill requires that each State member of the Appalachian Regional Commission obtain the recommendations of the highway department of the State which he represents. But there is no requirement that the recommendations of the highway department be followed or even considered. Thus, the highway departments could be bypassed almost entirely. The very inclusion of this provision makes it legally possible, and, in fact, implies, that the construction of the development highway system will be by agencies other than the State highway departments, without the participation of or coordination with the highway departments.

4. There is no requirements that the Appalachian development road program be in addition to instead of in lieu of the regular Federal-aid highway program. Certainly, there may be a great inclination on the part of some States, particularly those which are comparatively short of highway funds, to utilize the 70 percent federally financed special development highway program in preference to the 50 percent federally financed regular Federal-aid highway program. Already, several of the Appalachian States lag behind in their utilization of Federal-aid highway funds. Five of the States (Georgia, Maryland, Pennsylvania, Tennessee, and West Virginia) are substantially below the national average in terms of obligating funds made available for the so-called A–B–C program. And six of the States (Alabama, Georgia, Maryland, North Carolina, Pennsylvania, and West Virginia) are behind national average in terms of obligating Interstate Highway funds.

5. The bill authorizes the appropriation of $840 million for construction of the Appalachian development highway system, but does not specify the source of such funds. The committee heard testimony that the appropriations would be made out of the general funds of the Treasury—but there is nothing in the bill to preclude appropriations out of the highway trust fund, if, at some future time, this is considered desirable.

A WASTEFUL AND INEFFECTIVE FARM PROGRAM

To promote the raising of more livestock in Appalachia, section 203 of H.R. 11946 authorizes the Secretary of Agriculture to make grants to landowners in amounts up to 80 percent of the costs of improving and developing 25 acres of pastureland owned by such landowner in the region.

This section raises several serious problems. There is an obvious inconsistency with any sound approach to a national agricultural program to give Federal funds to landowners of one region for the purpose of bringing land into production, while at the same time the Federal Government is paying landowners of other regions to remove better land from production. The production of beef in the United States reached an alltime record high last year, and the importation of beef into the United States also reached an alltime high in 1963. This increased production and importation of beef brought about a decline in gross cash receipts for beef producers and a reduction in the average net price of beef for the producer. Since the U.S. Department of Agriculture has reported that the high level of cattle slaughter and the resulting decrease in average prices will probably be maintained for a substantial period of time under existing Federal regulatory authority, the increase in beef production in Appalachia is further inconsistent with national agricultural objectives.

It is also difficult to justify the expenditure of Federal funds for the purpose of placing more land into beef production and to simultaneously expend Federal funds to maintain storage facilities for existing beef surpluses and to purchase excess beef poundage through diversion programs.

The bill is not clear as to what constitutes a landowner with respect to the number of acres eligible for assistance. If four members of one family each own 25 acres of a 100-acre farm then it is conceivable that all 100 acres could be improved under the provisions of this section. It is also conceivable that a landowner could own farms in Georgia, Ohio, and North Carolina, in the Appalachian region, and still be eligible for assistance for the improvement of only 25 acres—75 acres less than the family of four.

One of the cruelest aspects of this pasture improvement section is the false hopes it will raise among many of the farmers in Appalachia. To subsidize uneconomic farm units and to lead these farmers to believe that under present conditions they can become viable, productive, and economic units, when in fact and according to the testimony of Secretary of Agriculture Freeman this cannot be done even with this pasture improvement assistance, would be a cruel hoax. Twenty-five acres of pasture in Appalachia will support at most only six to eight animal units. Improvement of 25 acres of pasture simply would not be enough to make a cow-calf operation economic, if this is what the bill envisions. A large farm unit would be needed. This pasture improvement section will perpetuate the status quo, instead of doing away with rural poverty. It will, unfortunately, prolong the almost inevitable closing of uneconomic farm units.

The limitation of the program to pasture improvement and development is too narrow to deal effectively with total agricultural problems in Appalachia, but the provisions of this section apply to a sufficiently significant percentage of the total farm acreage in this Nation to affect the overall national objectives of the agricultural program, and as a result this section very seriously jeopardizes the stability of that program.

It is not clear as to which agency of the Department of Agriculture will administer this program.

This section unduly discriminates against those farmers of the United States outside the Appalachian area. In essence, this section will be ineffective in Appalachia, and it has an enormously damaging potential for other regions of the United States.

A NEW TVA-TYPE PROGRAM

Section 206 of the bill would authorize and direct the Secretary of the Army to prepare a "comprehensive plan for the development and efficient utilization of the water and related resources of the Appalachian region," with an initial authorization of $5 million to commence preparation of the plan. This plan may recommend measures for the control of floods, the regulation of rivers, the generation of hydroelectric power, the prevention of water pollution by drainage from mines, the development and enhancement of recreational potentials, the improvement of rivers for navigation, the conservation and utilization of land resource, and "such other measures as may be found necessary to achieve the objectives of this section."

No hearings have been held concerning this provision, since no comparable section was contained in the bill (H.R. 11065) concerning which the ad hoc subcommittee held hearings. Consequently, we cannot be sure as to the full intent and impact of the section.

One thing is abundantly clear, however: The plan to be prepared by the Secretary of the Army would overlap and duplicate responsibilities and authorities of the Tennessee Valley Authority. This conclusion is unavoidable, since approximately half of the Tennessee Valley Authority's area is within the Appalachian region, and more than one-fourth of the Appalachian region is within the Tennessee Valley Authority area. If the Tennessee Valley Authority has been successful, this provision (and perhaps H.R. 11946) is not needed. If it has not been successful, the Congress has been grossly misled, and if the proposed Appalachian region relief bill is really needed, it would seem that the latter may be the case.

One provision of the bill is particularly worthy of note: It is provided that the water resource plan to be prepared by the Secretary of the Army "shall constitute an integral and harmonious component of the regional economic development program authorized by this act." As noted above, hearings have not been held on this section of the bill, so we cannot be certain as to the meaning, intent, and impact of the section. However, if this provision means that the Congress is authorizing, in advance, the recommendations contained in the plan to be prepared by the Secretary of the Army, we here record our most vehement protest. We refuse to be a party to such abrogation of congressional control over the expenditure of Federal funds and the direction of Federal programs.

Implementation of the plan to be prepared by the Secretary of the Army could lead to a federally dominated, socialistic program without parallel in this Nation. How such a program would be administered is open to speculation—perhaps by the Corps of Engineers, perhaps by a new Federal agency or Government corporation—but the scope of the program would be almost limitless.

Particular note is taken of the provision that the plan may include recommendations concerning "the generation of hydroelectric power" and "the conservation and efficient utilization of the land resource," as well as "such other measures as may be found necessary to achieve the objectives of this section."

The probable direction of the plan may be found in the testimony of Secretary of the Interior Udall before the ad hoc subcommittee on May 6, 1964, before the section concerning a water resource survey was inserted in the bill:

"Expanded use of coal for electric power generation, new uses for coal, better methods for mining and processing coal, and improved energy transportation can make the region's basic resource more valuable to its longrun future and create other job opportunities. * * *

"Yet the use of large generating plants in Appalachia and the development of extra-high-voltage transmission lines to carry this power to the eastern seaboard is only in a beginning stage.

"We believe, as a consequence, that systematic engineering and economic analyses should now be made of the feasibility of installing coal-fired generating plants in Appalachia—each located to insure a long-range supply of fuel—and each tied into suitable hydroelectric capacity for peaking purposes. The transmission network such generating capacity would require and the organizational and financial arrangements which would be necessary to make such a development possible would also belong in these engineering and economic analyses.

"We think that among the organizational alternatives to be studied should be a public, nonprofit corporation which could obtain necessary capital by borrowing on the open market. The studies should give consideration to new industrial development that might be established in Appalachia by reason of availability of large blocks of low-cost power."

In view of the numerous uncertainties and ambiguities of this part of the bill, as well as its almost limitless potential for a socialistic program, we feel it should be recommitted to the Committee on Public Works for public hearings and necessary clarification.

BACK-DOOR REENACTMENT OF THE PUBLIC WORKS ACCELERATION ACT

Section 214 of the bill is, in effect, a back-door reenactment of the discredited and ineffectual Public Works Acceleration Act for benefit of the 355 counties in Appalachia. This section authorizes the Secretary of Commerce who administers both the Area Redevelopment Act and public works acceleration programs, to allocate funds authorized by this bill for the purpose of increasing to 80 percent the Federal share of the cost of projects for which Federal grants-in-aid are provided for the construction or equipment of facilities under the provisions of this bill or any other existing Federal grant-in-aid program, except for the construction of highways, if funds are available therefor under the act authorizing such program. This provision would even apply to projects under the Area Redevelopment Act, the continuation of which Congress has rejected, and the Public Works Acceleration Act, for which Congress has not authorized additional funds, if any money should be appropriated for these programs. There remains unappropriated $20 million of the original authorization of funds for the Public Works Acceleration Act, the appropriation of any part of which would make projects under that act eligible for grants authorized by this section, even though Congress has not seen fit to continue that program.

The Public Works Acceleration Act provides for only 50-percent Federal participation, except when a State or local community cannot provide all of its 50-percent matching share the Federal contribution may be increased up to 75 percent of the cost of projects. Public works acceleration grants can only be made for projects in areas designated as redevelopment areas under the Area Redevelopment Act or in areas of substantial unemployment as designated by the Secretary of Labor in accordance with standards contained in the Public Works Acceleration Act. This bill, on the other hand, increases the amounts of Federal grants up to 80 percent of the cost of all projects and authorizes such grants for all areas of Appalachia, irrespective of whether they are depressed or prosperous.

The Public Works Acceleration Act, which was enacted in 1962 as a highly publicized solution to the nationwide unemployment problem, has proved to be a dismal failure—$880 million of the $900 million authorized for this program have been appropriated, and the Area Redevelopment Administration, which administers the program, has been unable to show any substantial reduction in unemployment actually attributable to the program. It has made glowing reports of the numbers of jobs created by projects, as distinguished from the number of unemployed persons actually put to work, but even these figures have been ballooned out of all reason, apparently in an effort to secure congressional authorization of additional funds. However, even the administration does not support the bill reported last year by a majority of the Committee on Public Works to authorize another $900 million for this grandiose boondoggle.

The Comptroller General of the United States recently submitted two reports to Congress on the PWA program. The first report, transmitted on June 3, 1964, advised that ARA has overstated the on-site man-months actually worked on projects from 83 to 128 percent. The second report, transmitted to Congress on June 25, 1964, points out that grants of over $21 million were made for 85 projects in areas that no longer had substantial unemployment and did not qualify as redevelopment areas. The making of such grants in areas which had sufficiently recovered from their unemployment burdens to lose their eligibility, denied funds to other areas which were eligible.

Furthermore, the on-site man-year project costs have been exorbitantly high for many PWA projects, frequently exceeding $50,000. We cannot afford to create many new jobs at this rate.

The expenditure of $880 million under the PWA program has been of little demonstrated assistance to unemployed persons throughout the United States, and there is no reason to think that its continuation in Appalachia is going to produce any different results.

In fact, substantial amounts of ARA and PWA funds have been spent in Appalachia. Mr. William I. Batt, Jr., Administrator of the Area Redevelopment Administration, testified that ARA has invested some $89 million, or about 30 percent of all its funds, in the hard-hit areas of the Appalachian States. According to published information, approximately $201.5 million in Federal grants were made under the Public Works Acceleration Act during the period from September 1962 to November 1963 in 266 of the 355 Appalachian counties. This constitutes approximately 23 percent of the PWA funds appropriated for the entire Nation.

Following is a table listing each of the 355 Appalachian counties named in H.R. 11946 and showing their eligibility for and amounts of Federal grants under the Public Works Acceleration Act, and a numerical summary of the same information by States:

Appalachian counties' eligibility for and amounts of Federal grants under the Public Works Acceleration Act (as of Apr. 15, 1964)

State and county	Never eligible for PWA grant	Amounts of PWA grants to counties ever eligible (nearest thousand)
ALABAMA		
Bibb		$309,000
Blount		0
Calhoun		893,000
Chambers	X	
Cherokee		0
Chilton		178,000
Clay		0
Cleburne		133,000
Colbert		205,000
Coosa		143,000
Cullman		1,112,000
De Kalb		318,000
Elmore		0
Etowah		4,038,000
Fayette		0
Franklin		634,000
Jackson		1,481,000
Jefferson [1]		6,583,000
Lawrence		0
Limestone		744,000
Madison	X	
ALABAMA—continued		
Marion		$681,000
Marshall		1,154,000
Morgan	X	
Randolph	X	
St. Clair		434,000
Shelby		405,000
Talladega [1]		518,000
Tallapoosa	X	
Tuscaloosa	X	
Walker		581,000
Winston		283,000
Total		20,827,000
GEORGIA		
Banks		0
Barrow		320,000
Bartow		0
Carroll		642,000
Catoosa	X	
Chattooga	X	
Cherokee	X	
Dade		234,000
Dawson		79,000
Douglas		0
Fannin		0
Floyd	X	
Forsyth		117,000
Franklin		821,000
Gilmer		108,000
Gordon		132,000
Gwinnett	X	
Habersham		538,000
Hall	X	
Haralson	X	
Heard		190,000
Jackson	X	
Lumpkin		376,000
Madison	X	
Murray		20,000
Paulding		0
Pickens		0
Polk		240,000
Rabun		341,000
Stephens		43,000
Towns		413,000
Union		469,000
Walker		457,000
White		377,000
Whitfield	X	
Total		5,917,000
KENTUCKY		
Adair		230,000
Bath		460,000
Bell		877,000
Boyd		1,013,000
Breathitt		1,309,000
Carter		566,000
Casey		0
Clark [1]		1,697,000
Clay		830,000
Clinton		368,000
Cumberland		234,000
Elliott		102,000
Estill		823,000
Fleming		0
Floyd		891,000
Garrard		213,000
Green		0
Greenup		1,617,000
Harlan		1,950,000
Jackson		396,000
Johnson		0
Knott		465,000
Knox		519,000
Laurel		405,000
Lawrence		414,000
Lee		343,000
Leslie		62,000
Letcher		1,313,000
Lewis		140,000
Lincoln		241,000
McCreary		533,000
Madison		543,000
Magoffin		443,000
Martin		25,000
Menifee		520,000
Monroe		270,000
Montgomery		0
Morgan		53,000
Owsley		67,000
Perry		1,364,000
Pike		1,212,000
Powell		286,000
Pulaski		1,507,000
Rockcastle		238,000
KENTUCKY—continued		
Rowan		$195,000
Russell		307,000
Wayne		116,000
Whitley		556,000
Wolfe		1,848,000
Total		27,561,000
MARYLAND		
Allegany		1,134,000
Garrett		0
Washington		272,000
Total		1,406,000
NORTH CAROLINA		
Alexander	X	
Alleghany		147,000
Ashe		267,000
Avery		376,000
Buncombe	X	
Burke	X	
Caldwell	X	
Cherokee		821,000
Clay		284,000
Davie	X	
Forsyth	X	
Graham		232,000
Haywood	X	
Henderson [1]		50,000
Jackson		89,000
McDowell	X	
Macon		705,000
Madison		277,000
Mitchell		472,000
Polk		0
Rutherford [1]		0
Stokes	X	
Surry [1]		24,000
Swain		1,354,000
Transylvania	X	
Watauga		159,000
Wilkes [1]		870,000
Yadkin [1]		0
Yancey		447,000
Total		6,574,000
OHIO		
Adams		0
Athens		175,000
Belmont		1,977,000
Brown		679,000
Clermont		1,353,000
Gallia		231,000
Guernsey		369,000
Harrison	X	
Highland		0
Hocking		418,000
Jackson		283,000
Jefferson [1]		0
Lawrence		1,010,000
Meigs		0
Monroe		184,000
Morgan		147,000
Muskingum		5,678,000
Noble		41,000
Perr		1,094,000
Pike		100,000
Ross		518,000
Scioto		807,000
Vinton		0
Washington		787,000
Total		15,851,000
PENNSYLVANIA		
Allegheny		14,635,000
Armstrong		435,000
Beaver		3,316,000
Bedford		231,000
Blair		646,000
Bradford		54,000
Butler		1,674,000
Cambria		2,478,000
Cameron		8,000
Carbon		1,010,000
Centre		0
Clarion		193,000
Clearfield		269,000
Clinton		418,000
Columbia		176,000
Crawford		1,030,000
Elk		296,000
Erie		2,263,000

See footnote at end of table.

Appalachian counties' eligibility for and amounts of Federal grants under the Public Works Acceleration Act (as of Apr. 15, 1964)—Continued

State and county	Never eligible for PWA grant	Amounts of PWA grants to counties ever eligible (nearest thousand)
TENNESSEE—continued		
Fayette		$3,169,000
Forest		152,000
Fulton		2,000
Greene		68,000
Huntingdon		215,000
Indiana		886,000
Jefferson		599,000
Juniata		16,000
Lackawanna		2,912,000
Lawrence		781,000
Luzerne		2,472,000
Lycoming		1,032,000
McKean		920,000
Mercer		921,000
Mifflin		305,000
Monroe		302,000
Montour		0
Northumberland		773,000
Perry		87,000
Pike		120,000
Potter		8,000
Schuylkill		4,818,000
Snyder		2,000
Somerset		742,000
Sullivan		59,000
Susquehanna		287,000
Tioga		31,000
Union		109,000
Venango		32,000
Warren		964,000
Washington		1,723,000
Wayne		202,000
Westmoreland		5,143,000
Wyoming		4,000
Total		58,988,000
SOUTH CAROLINA		
Anderson	X	
Cherokee		10,000
Greenville	X	
Oconee	X	
Pickens	X	
Spartanburg	X	
Total		10,000
TENNESSEE		
Anderson	X	
Bledsoe		271,000
Blount	X	
Bradley [1]		487,000
Campbell		140,000
Carter		168,000
Claiborne		20,000
Clay		52,000
Cocke		1,649,000
Coffee	X	
Cumberland		91,000
De Kalb		165,000
Fentress		283,000
Franklin		119,000
Grainger		0
Greene		57,000
Grundy		640,000
Hamblen [1]		689,000
Hamilton		2,201,000
Hancock		124,000
Hawkins	X	
Jackson		390,000
Jefferson [1]		0
Johnson		230,000
Knox	X	
Loudon		274,000
McMinn		761,000
Macon		48,000
Marion		113,000
Meigs		0
Monroe		90,000
Morgan		146,000
Overton		583,000
Pickett		0
Polk [1]		0
Putnam		1,147,000
Rhea		616,000
Roane		728,000
Scott		251,000
Sequatchie		8,000
Sevier		681,000
Smith [1]		342,000
Sullivan	X	
Unicoi		485,000
Union		190,000
Van Buren		198,000
Warren	X	
TENNESSEE—continued		
Washington		$126,000
White		444,000
Total		15,007,000
VIRGINIA		
Alleghany [1]		0
Bath [1]		0
Bland	X	
Botetourt [1]		0
Buchanan		363,000
Carroll		578,000
Craig	X	
Dickenson		178,000
Floyd	X	
Giles	X	
Grayson		613,000
Highland	X	
Lee		593,000
Pulaski	X	
Russell		0
Scott		283,000
Smyth	X	
Tazewell		660,000
Washington	X	
Wise		2,058,000
Wythe	X	
Total		5,326,000
WEST VIRGINIA		
Barbour		222,000
Berkeley		1,448,000
Boone		629,000
Braxton		364,000
Brooke [1]		0
Cabell		3,460,000
Calhoun		31,000
Clay		0
Doddridge		92,000
Fayette		2,042,000
Gilmer		274,000
Grant		369,000
Greenbrier		980,000
Hampshire		72,000
Hancock [1]		1,376,000
WEST VIRGINIA—continued		
Hardy		$277,000
Harrison		1,886,000
Jackson		247,000
Jefferson		726,000
Kanawha		2,915,000
Lewis		0
Lincoln		1,118,000
Logan		1,516,000
McDowell		247,000
Marion		580,000
Marshall		1,022,000
Mason		1,282,000
Mercer		2,461,000
Mineral		649,000
Mingo		2,317,000
Monongalia		2,477,000
Monroe		749,000
Morgan		53,000
Nicholas		860,000
Ohio		1,548,000
Pendleton		430,000
Pleasants		671,000
Pocahontas		725,000
Preston		365,000
Putnam		287,000
Raleigh		2,655,000
Randolph		673,000
Ritchie		88,000
Roane		89,000
Summers		329,000
Taylor		243,000
Tucker		321,000
Tyler		333,000
Upshur		324,000
Wayne		434,000
Webster		654,000
Wetzel		64,000
Wirt		0
Wood		761,000
Wyoming		276,000
Total		44,011,000
Grand total		201,478,000

[1] Once eligible but eligibility now terminated.

Summary of Appalachian counties eligible for and amounts of Federal grants under the Public Works Acceleration Act (as of Apr. 15, 1964)

State	Total number of counties in State	Number of Appalachian counties	Public works acceleration grants to Appalachian counties				
			Number of counties never eligible	Number of counties once eligible but not now eligible	Number of counties ever eligible	Number of eligible counties that received grants	Amounts of public works acceleration grants
Alabama	67	32	6	2	26	20	$20,827,000
Georgia	159	35	10	0	25	19	5,917,000
Kentucky	120	44	0	0	44	42	27,561,000
Maryland	23	3	0	0	3	2	1,406,000
North Carolina	100	29	10	5	19	16	6,574,000
Ohio	88	24	1	1	23	18	15,851,000
Pennsylvania	67	52	0	0	52	50	58,988,000
Tennessee	95	49	7	5	42	37	15,007,000
Virginia	100	21	9	3	12	8	5,326,000
West Virginia	55	55	0	2	55	51	44,011,000
South Carolina	46	6	5	0	1	1	10,000
Total	920	355	48	19	307	266	201,478,000

The above tables show that 67 of the 355 Appalachian counties are not now eligible for grants under the Public Works Acceleration Act; nevertheless, they would be eligible for the even larger 80-percent Federal grants under the reenacted public works acceleration provisions of this bill.

The failure of public works construction programs to reduce unemployment or to provide any enduring stimulus for the economy is evidenced by the very fact that this bill is now before Congress. This bill authorizes the appropriation of $237,200,000 to carry out all of the provisions of the bill, except the construction of highways, for the first 2 fiscal years. Much of this money will be spent for the construction of public facilities such as those constructed under the Area Redevelopment Act and the Public Works Acceleration Act. Over approximately a 2-year period some $290 million in Federal funds have been expended in Appalachia under the area redevelopment and public works acceleration programs alone. If this expenditure (which is $53 million more than the amount authorized for the nonhighway programs in H.R. 11946) had served its intended purpose of reducing unemployment, there might now be no special Appalachian antipoverty legislation before Congress.

CONCLUSION

A sudden and dramatic proposal for a "war" on poverty in a particular region has great appeal. But dramatics and emotion are no substitute for carefully considered and well-conceived legislative proposals.

We are in favor of governmental efforts to promote the economic well-being of our less fortunate citizens throughout the Nation. But we believe that those efforts should be consistent with the basic concept of government that private enterprise and self-help are the keystone, and that massive Federal intervention should be resorted to only as a last and unavoidable measure.

We are opposed to legislation which would discriminate against parts of the Nation in favor of others. We are opposed to legislative proposals characterized by vague and ambiguous programs designed to appeal to emotions rather than reason. We are opposed to the further growth of socialistic, bureaucratic programs which promote only big government—not the best interests of the Nation.

We believe the House should reject H.R. 11946 for the reasons set forth in these minority views.

James C. Auchincloss, William C. Cramer, John F. Baldwin, Jr., Fred Schwengel, Howard W. Robison, James Harvey, Robert T. McLoskey, James R. Grover, Jr., Carl W. Rich, James C. Cleveland, Don H. Clausen.

PUBLIC LAND LAW REVIEW

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ROGERS of Texas. Mr. Speaker, last week I had the opportunity of attending and speaking at the 1964 mining convention of the American Mining Congress in Portland, Oreg. Many matters of importance were discussed at the various meetings.

Among the significant sessions of this convention was one concerned with the use of our public lands in the next decade. As you know, Mr. Speaker, Congress passed, and the President has approved, legislation for the establishment of a Public Land Law Review Commission—Public Law 88-606—an act for the interim classification and management of public lands—Public Law 88-607—and an act granting interim authority for the disposal of certain public lands—Public Law 88-608.

At the panel discussion concerning the use of the public lands in the immediate future, the Honorable WAYNE N. ASPINALL, chairman of the House Committee on Interior and Insular Affairs, outlined some of the reasons for the establishment of the Commission and objectives of the interim legislation; and Milton Pearl, the committee's consultant on mining and public lands matters, set forth the manner in which the legislature would operate. In my talk, I set forth my views concerning the place of the leasable minerals—primarily oil and gas—in the use of the public lands.

Because of the importance at this time of the information contained in these papers, I include them at this point in the RECORD under permission previously granted, and commend them to all Members of the House, as well as to others who are interested in the proper administration of the public lands:

CURRENT STATUS OF PUBLIC LANDS LEGISLATION

(Remarks of Hon. WAYNE N. ASPINALL, a Representative in Congress from Colorado and chairman of the House Interior and Insular Affairs Committee, at the 1964 Mining Convention of the American Mining Congress, held at the Portland Hilton Hotel, Portland, Oreg., September 15, 1964)

Many matters of great significance in the administration of the public lands, as it affects the mining industry, have taken place since we last discussed these matters at your convention in Los Angeles a year ago. On the executive side, there have been some new interpretations by the Secretary of the Interior concerning the rule of discovery in connection with claims under the mining law of 1872. This will be the subject of a separate talk by one of the leading mining attorneys of the West and I will not infringe on his topic.

In the legislative field there have been four major enactments: the wilderness bill; a bill for the establishment of a Public Land Law Review Commission; a bill establishing guidelines for the interim classification of public lands and the multiple-use management of those public lands retained in Federal ownership during the Commission review period; and, fourthly, a bill establishing procedures for the sale of public lands that have been classified as being required for the orderly growth and development of a community or as being chiefly valuable for residential, commercial, agricultural, industrial or public uses, or development. During the courses of the morning the details and projected effect of each of these pieces of legislation will be discussed.

Many of you I know hoped and expected that by the time we came to this meeting we would be able to refer to the wilderness legislation as something in the past, as something that had been enacted, and that we could therefore forget about it. But you cannot; we cannot. It is not all behind us and I would like to impress on you the needs as they exist today.

The wilderness bill that became law on September 3, 1964, places into a national wilderness preservation system 9.1 million acres of land, comprised of those areas previously classified by the Forest Service as wilderness, wild, and canoe. With the exception of the canoe area in Minnesota and small areas in New Hampshire and North Carolina, all these lands were open to prospecting and the staking of claims under the 1872 mining law. By the terms of the Wilderness Act the mining law will continue to be applicable to these areas until December 31, 1983, except that patents will be granted to the mineral deposits only.

Those of us in Congress from the Western States were almost unanimous in seeking to assure the maximum mineral development in these areas being designated as wilderness. The fact of the matter is that we were outnumbered. The fact of the matter, further, is that the majority of the Members of Congress are not aware of the importance to western communities of developments in the public lands and those from other parts of the country who are aware have no constituents who are interested in fostering western development; but they all have some constituents who favor wilderness preservation and look upon mining in wilderness areas as an act of despoliation.

In our Committee on Interior and Insular Affairs we worked out a compromise whereby mining would be allowed to continue in these wilderness areas until 1989. This was accepted on the floor of the House of Representatives as part of the overall compromise, but it is not necessarily indicative of what might have happened had there been a separate vote on mining alone. Under the bill, as passed by the House, the permanent status of primitive areas was left up to future action of Congress. Included among the items left for future determination was the matter of mining in those areas now designated as primitive.

In the conference committee with the Senate we were faced with the need to defend any new mining in the areas designated as wilderness and with the Senate provision that primitive areas should be designated as wilderness areas. The compromise that came out of that conference committee allows the mining laws to remain applicable to wilderness areas until 1983 and the uses in primitive areas will remain as they now are—which means that they remain open under the mining laws—until such time as Congress acts to either declassify the area or place it in the wilderness system. Although the western members held the line at this point there is no doubt in my mind that, in the absence of good and compelling reasons, Congress in the future is going to use the end of 1983 as the cutoff for the applicability of the mining laws in those areas now classified as primitive. I therefore urge you to go out and study the wilderness areas and the primitive areas from a scientific standpoint to determine their mineral potential.

Under the Wilderness Act, the Secretary of Agriculture will be required to give public notice and hold public hearings on any proposal to recommend the reclassification of a primitive area as wilderness. When that is done and you have any reason to believe that a specific area is mineralized I urge you to appear before the hearing and present scientific geologic proof that will become part of the record. It is not sufficient to say that we may be locking up some unknown resources; it is necessary now to have a logical scientific basis for any such opinion.

No primitive area is permitted to be designated as wilderness without congressional action. When the legislation is considered by Congress I can assure you that we will give weight, in each instance, to the views of the Department of the Interior and of geologists in private industry as to the mineral potential of an area. If there appears to be good reason to believe that a particular area is of mineral character I think the Congress will respond and either exclude the area from the wilderness or leave it open to exploration under the mining laws for a reasonable period of time to permit mineral development. But in the absence of such analytical evaluation the Congress may ignore requests to leave land open to further mining development.

Another factor that will most certainly weigh heavily in future considerations by Congress, relative to mining in wilderness areas, will be the manner in which you act to exercise the right to prospect for and develop minerals in the wilderness areas designated by the new law. I am sure that you will demonstrate a sense of responsibility. I am sure that you will cooperate with the Forest Service personnel in connection with access and the type of equipment to be utilized in prospecting and mining.

The Wilderness Act requires the Secretary of Agriculture to establish reasonable regulations to govern prospecting including a requirement of restoration as near as practicable of the surface of the land disturbed in prospecting and location work. The eyes of the Nation will be on you to see if this is feasible. I urge you to cooperate fully with the Secretary in the development of regulations and thereafter in your operations in wilderness areas.

The manner in which you perform in those wilderness areas will not only influence Congress in connection with future wilderness areas but may very well be used as a standard by which to measure the ability of the mining industry to effectively practice multiple use on the public lands generally.

While on the subject of mineral development on public land areas, I would like to share with you some very interesting statistical data that I had developed concerning the value of minerals production, including fuels, in the public land States. In making this analysis we could not restrict it to the public lands as such because, as you know, valid mining claims ripen into patents and thereafter are listed as privately owned lands. Therefore, since the 11 Western States and Alaska were all carved out of the public domain and, therefore, all ownership is traceable to the public domain, I had the statistics drawn up to cover those States where there still is, overall, a preponderance of public lands.

The data since 1950 indicate definitely that between 20 and 25 percent of all of the mineral values produced in the United States come from those areas that are or were public lands. The year 1962, which is both the last year for which complete statistics are available and also is a typical year, we found that, by value, 20.3 percent of the oil and gas produced in the United States came from the public lands States and 26.8 percent of all other minerals produced in the United States came from the public lands States; the overall percentage was 23.1 percent.

A glance at a map showing the principal mining districts from which ores and concentrates of gold, silver, copper, lead, and zinc were produced readily disclosed that this 23.1 percent is not applicable to these valuable minerals. We therefore ran the statistics a little differently and found that the western public-lands States and Alaska, in 1962, produced 84.8 percent of the value of these particular minerals—gold, silver, copper, lead and zinc—produced in the United States. I recognize that these particular minerals account for only 5 percent of the value of all mineral production in the United States; but these are significant minerals and their production is necessary not only in maintaining the economy but to the growth of the United States.

Whether we talk of 23 percent of all the minerals and fuels produced in the United States or whether we talk of 84 percent of selected minerals, the fact is that the mineral production from the public lands States is significant. The detailed statistical data are here and can be examined after the meeting by any of you who want to and I shall also make them available for publication if the Mining Congress desires to do so because, to the best of my knowledge, this type of data has never been extracted from the overall figures that are published annually by the Bureau of Mines.

I know that these data will be of great interest to the Public Land Law Review Commission in its studies during the next 4 years. I think that, by now, most people, and particularly groups such as this, are generally familiar with the need for the study being undertaken by the Public Land Law Review Commission. The need for the review has been discussed by me for almost 2½ years now.

For the record, however, let us review a few of the salient factors with particular reference to the manner in which you, the hard rock miners, are affected. The first general mining act, which was passed in 1866, as well as the 1872 law, which remains to this day the basic general law governing the appropriation and purchase of public domain lands containing valuable minerals, enunciate the principle that the mineral lands of the public domain are free and open to exploration and occupation by all citizens of the United States. This is still the policy of the United States even though large areas are withdrawn by the executive branch for one purpose or another. Another policy enunciated in the 1872 act permitted the location and purchase of valuable minerals and the lands in which they were found. Although this is still the policy, and it is still the law, you have found it increasingly difficult to acquire mineral lands under this law.

Another example of divergence between legislative enactment and executive action is found in connection with the Death Valley National Monument. By act of Congress the mining laws are specifically extended to the Death Valley National Monument in California. The Solicitor of the Department of the Interior, however, has advised the Secretary that this law does not bar him from withdrawing lands within the monument grounds from the operation of the mining laws in the same manner as he would in other public land areas. Since then we have been advised of a proposal by the National Park Service and the Bureau of Land Management to withdraw over 48,000 acres of land in that monument and the proposal is now pending.

So, despite the fact that the Constitution places the responsibility on Congress to make rules and regulations for the use and disposal of public lands, we find the executive exercising increasing control in this direction. Accordingly, the Public Land Law Review Commission will have as one of its major tasks a review of the legislative and executive responsibilities and functions in connection with the management and disposal of public lands.

If these factors were not enough to warrant a comprehensive review of the public land laws and their administration let me remind you again of your increasing difficulties in obtaining patents under the mining laws. Just remember that the 1872 mining law provides no details for administration, nor does it provide a definition of terms. Under our system of government, therefore, these matters were left first for determination by those administering the law and then for judicial review and determination. The development of the marketability test and other interpretations of the mining law have been followed with apprehension by many mining men.

Some people have advocated amendment to the mining law to define these factors. Others have recommended broad revision of the mining law. Some proposals have related to specific issues that affect multiple use of the public lands. For example, the Western States Land Commissioners Association at its meeting at Salt Lake City, July 20 and 21, 1964, adopted a resolution advocating enactment of legislation to require the recordation of all mineral locations, whether old or new, in the local office of the Bureau of Land Management and "to require the Secretary of the Interior to expeditiously determine the validity or invalidity of such claims."

It is impracticable and unrealistic to think that we could consider legislation pertaining to mineral development without considering various competing uses for the public lands. This is likewise true if we were to try to consider legislation exclusively for the purpose of defining the status of grazers, who not only use the public lands but, in many instances, have made sizable investments in the public lands without any assurance of right to continued use.

All of these matters must be considered in one comprehensive study and that will be the function of the Public Land Law Review Commission. At the conclusion of its study the Commission will be in a position to recommend comprehensive legislation which will enable Congress to reassert its authority and reaffirm its responsibility for the establishment of regulations pertaining to the public lands. The details of the legislation and the manner in which the Commission will operate will be brought out by one of the members of the panel in our later discussion.

Because of the increase in demands for use of the public lands, we have provided interim authority for classification and disposal of those lands that are urgently needed for development. In the act providing for classification of lands we were very careful to make clear that this new act did not repeal any existing law, including the mining and mineral leasing laws, and then to spell out that nothing in the act shall be construed to restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands involved. Of course, if any of the lands involved are withdrawn from mineral entry, because of a classification for an inconsistent use, then the mining laws would not be applicable during the period of withdrawal. But it is our thought that no such withdrawal could be effected unless it is provided for in the regulations to be issued under this legislation.

It will be up to you and your representatives to review carefully the regulations proposed by the Secretary of the Interior to insure that lands are classified for their highest and best use. The requirements that we have for publication of regulations and for public hearings assure wide public participation in the rulemaking procedure.

In the public sale bill, to which I referred earlier, we have provided for the United States to retain the mineral interests. If, at a later date, it develops that there are valuable minerals present, the United States will get the benefit.

We on the House Committee on Interior and Insular Affairs have a feeling of satisfaction, a feeling that we are on the road to new and more meaningful development of the public lands. We expect the Congress to carry forward on the job that we have begun. With your cooperation, and the cooperation of all others interested in the use of the public lands, we can and will be successful.

Under the legislation that we passed, the Public Land Law Review Commission is required to submit its report not later than December 31, 1968. Thereafter, it will be up to Congress to consider and act upon the recommendations of the Commission.

This does not mean, however, that in the meantime all action in connection with public lands will stop. Quite the contrary is true. While we might not be inclined during the next 4-year period to consider comprehensive public land legislation, I can assure you that the House Committee on Interior and Insular Affairs will give consideration to any legislation that is necessary in the interim management and disposal of public lands. Likewise, the Department of the Interior will, I am certain, continue to administer existing laws as well as the new temporary legislation in an effort to obtain the maximum use and benefit from the public lands.

Our panel discussion this morning will be concerned with the use of the public lands during the next decade.

THE USE OF OUR PUBLIC LANDS IN THE NEXT DECADE

(Remarks of Hon. WALTER ROGERS, a Representative in Congress from Texas and a member of the House Interior and Insular Affairs Committee, at the 1964 Mining Convention of the American Mining Congress, held at the Portland-Hilton Hotel, Portland, Oreg., September 15, 1964.)

THE LEASABLE MINERALS

Our moderator and chairman of this morning's session has talked about some of the aspects of the use of public lands by the hard rock mining industry. My talk will be directed primarily to development of the nonlocatable minerals.

It is important, as we embark upon the Public Land Law Review Commission study of all public land laws and of the use of public lands, that we keep in mind the historical development of the laws pertaining to mineral development. The mining law of 1872 declared that valuable mineral deposits in the public lands of the United States are free and open to exploration and purchase and the lands in which they are found to occupation and purchase. Because of broad administrative and judicial differences concerning the mineral character of petroleum oil, and its locatability under the 1872 act, Congress enacted specific legislation. The act of February 11, 1897, provided that lands containing petroleum and other mineral oils and chiefly valuable therefor shall be subject to entry and patent under placer claims.

As I am sure you all know, Congress, by the act of February 25, 1920, created a category of minerals that could thereafter be acquired from the United States only by lease. These minerals, commonly referred to as the "leasable minerals" include coal, oil, gas, oil shale, sodium, phosphate, potash, and, since 1960, native asphalt, solid and semisolid bituminous rock.

I think we should note that there is now pending before our Committee on Interior and Insular Affairs, legislation to permit the leasing of public lands for the development of geothermal steam. In this connection it is interesting that, after all these years of operation under the mining laws, the Mineral Leasing Act, and other disposal laws, the Department of the Interior Solicitor ruled that a person could not file a valid placer claim for geothermal steam and that this resource could not be disposed of by the United States under any existing statute. The clear inference is that there may be other mineral resources—presently unknown or undiscovered—that will not be subject to development under existing law.

From your point of view the significant fact, I think, is that in considering future uses of the public lands we must recognize the need to not only permit but to encourage development of these other mineral resources that I have enumerated, along with the extraction and sale of the common varieties of sand, gravel, and stone. And let me also remind you that the leasable minerals produce sizable revenues which are shared by the Federal Government with the States and with the reclamation fund. During calendar year 1963, the United States received, exclusive of revenue from oil and gas development on the Outer Continental Shelf, in excess of $110 million. In all States except Alaska the State receives 37.5 percent of the Federal Government mineral revenues; the reclamation fund receives 52.2 percent; and the Federal Government retains the other 10 percent. Alaska, under its statehood act, receives 90 percent of the revenues and the Federal Government retains 10 percent in its general fund. For the record we take note of the fact that the Western States Land Commissioners Association at its annual meeting this past July adopted a resolution recommending a revision of the allocation of Mineral Leasing Act revenues so that the States would receive 50 percent and the reclamation fund 40 percent with the Federal Government retaining the same 10 percent it now receives.

It may be well to keep in mind what this has meant in dollars to some of the Western States. In 1963, the State of Wyoming, as its share of Federal revenues derived from mineral leasing received $14.4 million, New Mexico received $9.6 million; Alaska, $8.6 million; Colorado, $3.4 million; Utah, $3.8 million; California, $2.7 million, and Montana, $2 million; 16 other States received lesser amounts, the bulk of which came, of course, from oil and gas leasing.

During this past year there have been three outstanding actions in connection with the development of the nonlocatable mineral resources of the public lands. The first was accomplished by administrative action of the Secretary of the Interior who, I am pleased to report, issued regulations under which helium from the public lands will no longer be wasted and instead can be sold for private development. I understand that the first proposals for helium development have already been received and that a contract is now under discussion. We shall watch this with great interest.

The other two actions involved legislation that was considered by the Subcommittee on Mines and Mining of the House Interior and Insular Affairs Committee and resulted in the enactment of two laws: one increased the acreage limitation on leases for phosphate development and the other increased the acreage limitation for coal leasing. And let me assure you that our committee, keenly aware of the competing demands for the use of the public lands, examined very carefully into the need for increasing the acreage limitations. In connection with phosphate, the new law permits a person, association, or corporation to take, hold, own, or control phosphate leases or permits covering up to 20,480 acres of public lands in lieu of the 10,240-acre limitation previously in existence. In connection with coal leasing, the new law increases from 10,240 acres to 46,080 acres the maximum acreage limitation for the total of all coal leases and permits within one State that may be held by any person or group.

Our committee found that these increases in acreage limitations were necessary because of increased demands for these minerals in the Western States, coupled with increased costs of development, which require that an investor be offered the opportunity of sufficient acreage out of which to amortize his investment and make a reasonable profit. The committee recognized, however, that some mineral lands are more productive than others; the thickness and density of the phosphate and coal beds vary from place to place. Accordingly, in our reports on these bills, the committee directed the Secretary of the Interior to take into consideration these physical conditions in determining the area of the leases that may be held by individual persons, associations, or corporations.

During this past year we also came a step closer to the development of a full-fledged oil shale industry. Privately financed research and development have started again. The Secretary of the Interior has appointed an Oil Shale Advisory Board, which is concluding its second set of meetings today, to make recommendations concerning the development of oil shale.

For our purposes here I think it is sufficient to note that there are approximately 16,500 square miles of shale lands in Colorado, Utah, and Wyoming, that the richest of these oil shale lands are in approximately one million acres of land in Colorado, of which the bulk is federally owned public domain, that there are still thousands of claims that were staked for oil shale as a locatable mineral under the general mining laws prior to the Mineral Leasing Act of 1920, and that since April 5, 1930, the deposits of oil shale and the public lands containing such deposits have been withdrawn from lease and disposal by the President of the United States.

When we add to this background the fact that our general energy consumption is increasing, and will continue to increase as our gross national product increases, we can only come to the inescapable conclusion that the demand for leasable minerals from the public lands will likewise increase during the next 10-year period. There will be an intensification of the search for new sources of oil in fields not previously discoverable under existing technology or in areas that have not previously been considered commercially usable. We have been told that in some areas considered remote there will be an increased use of coal for the generation of electricity. Likewise, geothermal steam from the public lands will be utilized in remote areas for the generation of electricity. And, at the same time, the effort will go forward to make possible the production of oil from oil shales feasible.

All this can be accomplished without awaiting the report of the Public Land Law Review Commission. The various laws that we have enacted in the last 10 years providing for multiple use of the public lands will, however, be examined by the Commission with a view to seeing whether there is any need for revision in order to make certain that we obtain the maximum benefit from the public lands by permitting the extraction of these resources with minimum interference of other uses.

I think you should also know that from our committee staff discussions with representatives of oil companies and their associations there has been indicated to us that the major problems of the oil companies in using the public lands revolve around ascertaining the validity of mining claims, the absence of any statutory requirement for the filing of mining claims in Bureau of Land Management offices, and the absence of statutory protection to provide constructive notice of documents filed in the land offices, all of which makes the examination of Federal titles hazardous. In addition, as indicated by the chairman, the Western States Land Commissioners Association has focused attention on this subject and adopted a resolution recommending enactment of legislation to require the recordation of mineral locations in the local office of the Bureau of Land Management. There is, therefore, no doubt that this is one of the questions that will be considered by the Public Land Law Review Commission.

The other major problems that the oil and gas people have are problems that I think you, too, experience. These involve the multiple use of public lands in the simultaneous development of separate minerals; complex Federal regulations; and delays in obtaining prompt administrative decisions, including decisions on appeal, on matters affecting the use of the public lands. These matters will all be the subject of consideration by the Public Land Law Review Commission.

In summary, I think that we can predict that the emphasis for the future will be on more multiple use of public lands with every effort to be made to facilitate simultaneous and expeditious development of as many resources as possible.

THE USE OF OUR PUBLIC LANDS IN THE NEXT DECADE

THE PUBLIC LAND LAW REVIEW COMMISSION AND INTERIM PUBLIC LANDS LEGISLATION

(Remarks of Milton A. Pearl, mining and public lands consultant, House Interior and Insular Affairs Committee, at the 1964 mining convention of the American Mining Congress, held at the Portland Hilton Hotel, Portland, Oreg., Sept. 15, 1964)

The basic reasons for the establishment of the Public Land Law Review Commission have been stated by Chairman ASPINALL, and Congressmen ROGERS, CHENOWETH, and DUNCAN who have also indicated some of the aspects of temporary legislation that will be in effect during the period of the Commission study. The terms of these acts and the manner in which they will be administered must also be kept in mind in any discussion of the use of our public lands in the next decade.

The legislation establishing the Public Land Law Review Commission has in it at the outset a statement of congressional policy "that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public." Both the House and Senate committees stated in their reports on the bill that they were taking no position as to these alternatives which were left within the exclusive scope of recommendations to be made by the Commission.

Even though there is no advance determination by the Congress whether lands should or should not be disposed of, it is significant that Congress has adopted this policy because, heretofore, except for temporary legislation, congressional enactments pertaining to public lands were either disposition laws or specific reservations for purposes such as national parks. The Taylor Grazing Act is an example of stopgap or temporary legislation which set up procedures pending the disposal of public lands.

The Commission itself will be composed of three majority and three minority Members of the Senate Committee on Interior and Insular Affairs who will be appointed by the President of the Senate; three majority and three minority Members of the House Committee on Interior and Insular Affairs who will be appointed by the Speaker; six persons outside of the Federal Government who will be appointed by the President; and a 19th member, who is to be elected by the majority vote of the first 18, to act as full-time chairman. In addition to the full-time chairman, there will be a full-time staff director and the staff that may be necessary to perform the work of the Commission.

Each Federal agency that has an interest in public lands will designate a liaison officer to work with the Commission. These liaison officers will also serve on an advisory council which will have 25 additional members appointed by the Commission and be representative of organizations interested in the use of public lands; one of the specific organizations listed in the act as being entitled to representation on the Advisory Council is one representative of mining interests. In order to provide the Commission with additional direct contact with those interested in public lands, the Governor of each State will be invited to designate a representative to work with the Commission and the Advisory Council.

The charter outlining the scope of the Commission's work is broad enough to permit the Commission to explore into any aspects of public land use and management that the Commission itself may determine to be proper. First, the declaration of purpose in the act takes cognizance of the public land law jungle that has developed because of the failure to correlate public land laws over the years and concludes that it is necessary to have a comprehensive review of both the laws and the rules and regulations in order to determine any revisions that may be necessary in either the laws or the regulations. The Commission is then charged with the responsibility of studying these laws and regulations, reviewing the policies and practices of Federal agencies, compiling data necessary to understand and determine the various demands on the public lands both now and in the future, and finally, of recommending modifications in laws, regulations, policies, and practices necessary to provide the maximum benefit for the general public in the retention or disposal of public lands.

The act further assures a broad study through a public lands definition that is all-embracing and, in addition to the public domain, specifically includes all national forests, wildlife refuges and game ranges.

As finally agreed upon between the House and the Senate, the act will permit a study of between 3½ and 4 years with an authorization of $4 million to be appropriated during the life of the Commission. It is required that the final report be submitted not later than December 31, 1968, and that the Commission cease existing not later than June 30, 1969.

There are a few significant factors concerning the organization and operation of the Commission that we should keep in mind. I think everyone agrees that the success of the Commission study and the implementation of its recommendations rests in large measure on the unanimity among the members of the Commission, without regard to party politics. Accordingly, Chairman ASPINALL has suggested that the members of the Commission should not be designated until after the November 3d election. In the meantime the administration, in its request for a supplemental appropriation covering various items, has included $500,000 for the operation of the Commission during the remainder of this fiscal year, which ends June 30, 1965. If this amount is appropriated it will permit the Commission to get started immediately after its members are named. In this connection, the act provides that the organization meeting of the Commission shall be called jointly by the senior Members who are named to the Commission from the House of Representatives and the Senate.

As has been indicated, the need for the Commission review stems from the inadequacies of the present public land laws. Because these inadequacies have hampered the Secretary of the Interior and the Bureau of Land Management in meeting current demands for the use of the public lands and because the Committees on Interior and Insular Affairs believed that it would be unwise to maintain this unsatisfactory status quo until the Commission report had been filed and acted on, the Congress has also passed two bills providing for classification and disposal of public lands during the period of the Commission study. The first measure carries forward the idea that some land shall be retained and some land shall be disposed of by directing the Secretary of the Interior to issue regulations establishing criteria to be used in determining which land shall be classified for disposal and which land shall be retained, during the interim period, in Federal ownership.

The legislation specifies that lands shall be classified for disposal if they are required for the orderly growth and development of a community or if they are chiefly valuable for residential, commercial, agricultural, industrial or public uses or development; and further specifies that if they are not to be disposed of because they are valuable for those purposes, lands may be retained and managed for multiple use purposes which are enumerated as domestic livestock grazing, fish and wildlife development and utilization, industrial development, mineral production, occupancy, outdoor recreation, timber production, watershed protection, wilderness preservation, and preservation of public values that would be lost if the land passed from Federal ownership.

The definition of all of these matters will be included in the Department's regulations, which must be publicized in advance and be the subject of a public hearing, thereby giving all concerned an opportunity to express their views. Members of the House Committee on Interior and Insular Affairs have expressed the hope that these regulations will be so detailed that operations under them will avoid disputes in the future. Whether they will be so detailed will in large measure depend on groups such as yours which can, in commenting on the proposed regulations, point up any gaps that might later present problems.

The act then provides that public notice be given before classifying any tract of land in excess of 2,560 acres for sale or disposal or for Government management that will require the curtailment of multiple use. The specific method by which this action will be taken will be incorporated in the regulations to be issued by the Secretary.

Because of the difficulty that has been encountered at times in designations or classifications of Government land areas, the act also provides that public lands cannot hereafter be given a designation or classification unless that designation or classification is authorized by statute or defined in the regulations. There is, for example, statutory authorization to classify lands as suitable for disposal for recreational development by State and local government agencies or nonprofit private organizations under the Recreation and Public Purposes Act. Such classifications will still be permissible. Other designations and classifications such as "conservation management area" will require definition in the regulations so that all concerned will know in advance the import of such designation and the restrictions on use involved as a result thereof.

This act specifically preserves all existing statutory authorities. In its first sentence it states that the act is supplemental to the Taylor Grazing Act; section 6 declares the purposes of the act to be supplemental to the purposes for which public lands have been designated, acquired, withdrawn, reserved, held, or administered; the same section states that the act shall not be construed to repeal any existing law, including, but not limited to, the mining and mineral leasing laws; and section 7 reemphasizes this concept by providing that nothing in the act shall be construed as restricting activities under the mining and mineral leasing laws or entry and settlement of lands open for entry and settlement under the public land laws.

Naturally, if action is taken under the act for classification, the lands must be segregated from entry for any and all inconsistent uses. The legislation provides, however, that pending completion of the classification action the segregation shall be in effect for not more than 4 years. It is expected that the Department's regulations will provide that lands classified for specific uses will be withdrawn from entry and use for purposes considered by the Department to be inconsistent with the planned use. Then, when the proposed withdrawal is announced, the comments of interested public agencies and groups will assure that maximum multiple use is accomplished.

The other act that will be effective during the period of the Land Law Review Commission study sets up the procedures for the sale of lands classified for disposal. This act, by itself, does not in any way affect the mining law. As indicated by the chairman earlier, mineral deposits, if any, will be reserved to the United States.

In addition to requiring that land be zoned before it is put up for sale, provision is made in the act for ample notice of proposed sales to permit all concerned to comment thereon.

In harmony with the requirement that the Public Land Law Review Commission report be submitted by December 31, 1968, these two acts are to remain effective until June 30, 1969. These bills have not yet been approved by the President. We do have the text of the acts as they went to the President and can furnish additional details of the legislation.

REIGN OF TERROR IN MISSISSIPPI

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, I rise at this time to express my deep concern over the continued reign of terror which persists in the southwest area of Mississippi. The reign of terror and state of lawlessness in Mississippi, which I described upon my return last summer from a tour of that State, continues and is becoming more serious. In the McComb area violence has increased. Since August 27, the date when the summer project was scheduled to end, there have been 10 bombings of homes and churches in McComb. There were two bombings last Sunday night, and one last night.

On July 6 I warned, "The local Negro community which will remain in Mississippi when the summer volunteers depart will face great danger, threats, intimidation and murder." This prediction is being proved tragically true.

I might also point out that some 200 volunteers and 100 staff workers are carrying on the civil rights projects even though summer volunteers have departed.

In addition to the bombings, the local police are carrying on a systematic campaign of intimidation. Numerous arrests have been made on a variety of charges from criminal syndicalism to the fantastic charge that a homeowner bombed his own home.

The situation demands immediate action. It is high time that the Federal Government moved into the situation and mobilized the full resources of the FBI, not only to deal with this reign of terror, which has been stepped up since the volunteers left, but also to cope with the fact that the local police apparently are engaged in a massive roundup of those fighting for civil rights in that area.

When the Student Nonviolent Coordinating Committee Freedom House was bombed in McComb on July 8 I advised the Attorney General, "the Federal Government must step in if the lives of the summer volunteers and those Negroes who are cooperating with them are to be protected."

Mr. Speaker, the battle for human rights in McComb cries out for action. Further bombings must be prevented; the mass arrests must cease. I urge an increase in the FBI presence in that area. I urge a thorough investigation of past acts of violence and terror. I urge the Department of Justice to convene a Federal grand jury to investigate the conduct of the local police and sheriff's office in relation to the bombings. I urge the Department of Justice to invoke sections 241 and 242 of title 18 of the United States Code and other statutes to make clear that the Federal Government will provide protection to American citizens who are only exercising their constitutional rights.

APPORTIONMENT AMENDMENT NEEDED

Mr. CHENOWETH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. CHENOWETH. Mr. Speaker, I have introduced a resolution, along with other Members, calling for a constitutional amendment which will enable a State to apportion one house of its legislature on factors other than population. The purpose of this amendment is to nullify the recent decision of the U.S. Supreme Court, which compels States to apportion both branches of the legislature on the basis of population alone. I am hoping that Congress will pass this resolution at this session so that the States can vote on this important issue.

I include in my remarks an editorial from the Pueblo Chieftain of Pueblo, Colo., which is an excellent presentation of our situation in Colorado, and the need for this amendment.

The editorial follows:

APPORTIONMENT AMENDMENT NEEDED

The Rules Committee of the House of Representatives, for the second time in the last several weeks, has taken a bill from the Judiciary Committee headed by Representative EMANUEL CELLER and sent it to the floor for a vote.

The first bill handled in this manner would have set aside the ruling of the U.S. Supreme Court on proportional representation until such time as the State legislatures had an opportunity to consider the decision and apply it to their own States.

The bill passed the House by a good majority but was defeated in the Senate, even after it was compromised by saying that it was the "sense" of the Congress that the decision should be so considered.

This action paved the way for the basic legislative move now contemplated by many Members of Congress. It is to amend the Constitution to provide that in those States where there are two houses of the legislature, one may be made up of representatives or senators upon considerations other than strict proportional representation on the basis of population. This proposed constitutional amendment would be exactly in line with what the people of Colorado expressed in their votes on amendments Nos. 7 and 8 in the 1962 election.

Amendment No. 7 was adopted by a large majority and amendment No. 8 defeated by as big a majority. Amendment No. 7 was known as the Federal plan wherein the House of Representatives was to be made up of one representative from each district on a fairly proportional number of persons in each district. The Senate was to be increased by four Senators, but senatorial districts were not to be restricted to proportional representation entirely. Area and economic factors could be considered.

Colorado's reapportionment was one of five States which the Supreme Court decision ruled unconstitutional. Amendment No. 8 provided that both the house and the senate would be districted on a proportional basis with no consideration given to other factors.

Thus the proposed U.S. constitutional amendment, which will be before Congress shortly, would have permitted amendment No. 7 to stand just as the people of Colorado voted.

The special session which was called promptly by Governor Love passed a reapportionment bill on a fairly close proportional division of the State's population into representative and senatorial districts. But it will make the 1965 State legislature about as unrepresentative of the State of Colorado, as a whole, as could be imagined. But it conforms to the Supreme Court decision.

The three metropolitan areas of the State will have more than two-thirds of the votes in the house and the senate. It is true that is where most of the people live, but these persons do not live unto themselves. They are, for the most part, unacquainted with the problems of the rural, agricultural, and mountainous areas of the State which are sparsely populated but which are vital to the welfare of the State.

We hope that the Congress takes appropriate action to initiate the amendment so that the legislatures during the next few years will be able to consider it and adopt it as the fair way for representation in State legislatures.

It may have been true that there was too much rural domination of State legislatures under the old apportionment formulas and State laws. But it can be said that the U.S. Supreme Court has forced just as unfair a system upon the States giving the highly concentrated metropolitan areas control.

We must have adequate representation from both rural and metropolitan areas. We must be careful that the sparsely populated areas are not crushed under a population bulldozer.

OLIN FOUNDATION GRANT TO COLORADO COLLEGE

Mr. CHENOWETH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. CHENOWETH. Mr. Speaker, I call the attention of the House to a grant by the Olin Foundation of New York to Colorado College, located in Colorado Springs, Colo., in the amount of $2,250,000 for the construction of a humanities classroom and administrative center building. I congratulate Colorado College on receiving this grant. Dr. Lloyd E. Worner, president of the college, stated this was the largest single gift in the history of this 90-year-old institution, which ranks high among the colleges of the Nation.

The announcement was made during the college's fall convocation by Dr. Charles L. Horn of Minneapolis, president of the Olin Foundation.

Accompanying Dr. Horn to the independent liberal arts college was James O. Wynn of New York, vice president and general counsel of the Olin Foundation.

The Olin Foundation grant is above and beyond the college's $5,500,000 Ford Foundation matching campaign, now in its closing stages.

This is the second major gift Colorado College has received from the Olin Foundation. In May of 1960, the foundation announced a gift of $1,520,000 for the construction of Olin Hall of Science, dedicated nearly 2 years ago.

College officials said the new building will be named for the late Willis R. Armstrong, who received his bachelor's degree from Colorado College in 1899 and served as a trustee of the college for 54 years.

When completed, the four-floor building will be the largest on the campus.

This splendid gift will enable us to construct a classroom building that will provide the same ample facilities in the humanities that Olin Hall made possible for the natural sciences.

President Worner said:

The Olin Foundation has once again anticipated an urgent need and has responded with financing which will do the whole job.

Armin B. Barney, chairman of the Colorado College board of trustees, said the new building, together with Olin Hall and Tutt Library and the remodeling of Palmer Hall, would round out the college's classroom building program. Only a gymnasium building and a men's residence hall remain as priority building needs on the campus.

The Olin Foundation was established in 1938 by the late Franklin W. Olin. After working his way through Cornell University, Mr. Olin founded Olin Industries, Inc., which later became the Olin Mathieson Chemical Corp. The foundation in recent years has made building grants to selected independent colleges and universities.

The new building, which will harmonize architecturally with Olin Hall and Tutt Library, will be located on the northeast corner of Cascade Avenue and Cache la Poudre. It will replace two 19th century buildings, old Coburn Library and Perkins Hall.

Construction will get underway in a few weeks. Completion is expected in mid-1966.

The new building will provide the college with a fully equipped 800-seat auditorium, 11 classrooms, 5 seminar rooms, 53 faculty offices, a modern language laboratory, an audio-visual room, and secretarial and stenographic offices.

Academic departments to be located in the building are art history, English, French and Spanish, German and Russian, music philosophy, religion, and speech and drama. Studio art courses will continue to be given in the Colorado Springs Fine Arts Center adjoining the college campus.

Announcement of the Olin Foundation grant came at the close of the annual fall convocation of students and faculty in Shove Memorial Chapel.

Presiding at the convocation was Paul L. Carson of Englewood, Calif., president of the Associated Students of Colorado College.

The convocation was preceded by a colorful academic procession of robed college trustees and faculty.

ROLLCALL VOTE NO. 260

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BARRY. Mr. Speaker, I was unavoidably detained for rollcall vote No. 260.

Had I been here, I would have voted "yea."

H.R. 2388

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, on January 21, 1963, I introduced H.R. 2388, which would amend the Social Security Act and the Internal Revenue Code of 1954 to provide an exemption from coverage under the old-age, survivors, and disability insurance system for individuals who are opposed to participation in such system on grounds of religious belief. Unfortunately, no action has been taken yet by the House on such a proposal.

From the standpoint of traditional American respect for the rights of religious minorities, this should properly be classified as "must" legislation. Present law conflicts with the religious beliefs of the Old Order Amish, and the Treasury Department and the Department of Health, Education, and Welfare, which declared a moratorium on forceable collection of property of the Amish to obtain funds for social security payments, have announced that they will soon have to resume this objectionable practice.

If religious groups are permitted to object to the military draft on religious grounds, there is no reason why the same exemption should not be granted in regard to the social security system to the Old Order Amish, who do not wish to participate for religious reasons. In fact, the Treasury Department has indicated that they see no constitutional objection to it.

Mr. Speaker, this is a matter completely above partisan politics. In this special circumstance, these people should be given support in their religious beliefs. I am convinced that the American people would approve of the fairness, propriety, and decency of such an action by the Congress. Under permission granted, I include an article which appeared in the Chicago Tribune on September 23 on this subject at this point in my remarks:

AMISH AT WASHINGTON

With characteristic nonviolence, some Old Order Amish have counterattacked an old adversary at his own headquarters in Washington. At issue is a pending amendment to social security law which would permit religious exemptions from both payments and benefits. In the absence of such a provision, the Amish are subject to forced auction of property, in lieu of social security payments they refuse to make voluntarily. They are, of course, just as scrupulous about refusing social security checks.

Incredulous Congressmen could hardly believe they were being visited by lobbyists who wanted nothing from the Federal Treasury, but who ask only to opt out of the whole Federal aid give and take. Picturesque in plain clothes (black, without buttons) and full beards, the Old Order Amish gave Washington a novel and somewhat baffling experience.

The whole thing must have been new to the Old Order Amish, too. For generations they have done their utmost to minimize contact with government—refusing military service, refraining from voting or other political expression, assuming among themselves the care of their aged and needy. For them to go to Washington in an attempt to influence legislation must have been nearly as startling to them as to the astonished Congressmen they visited.

It was a meeting of two strongly contrasted ways of life, a meeting not only dramatic but instructive. However anachronistic Congressmen found the Old Order Amish, they can learn something from them. Many citizens are eager to get all four feet into the Treasury trough; but there are others who ask little of Government except to be left alone.

ANALYSIS OF COLD WAR DEVELOPMENTS

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, last week the Polish American Congress assembled for its sixth annual convention in Chicago, Ill., and one of the matters which came to its attention was a letter from Mr. Stanislaw Mikolajczyk, former Premier of Poland and president of the International Peasant Union.

His message to that group, I believe, is especially significant in its analysis of cold war developments, and I quote it in part:

To the delegates of the sixth national convention of the Polish American Congress:

Your convention is held in critical days for the peace and security of the whole world. As loyal American citizens, you undoubtedly also think about the unfortunate situation of our common mother—Poland—conquered and exploited in a colonial manner by the Soviet Union and used for the furthering of Communist aims: to conquer the entire world. I am also certain that you also think about the tragic fate of the Polish people; the Communist dictatorship tries to rob the Polish people of their holy faith, tries to demoralize the young generation with the aim of training them to become cannon fodder in the furtherance of their military aggression against the still free peoples of the world.

I am sure that the convention will again righteously ask for the recognition of the Oder-Neisse line as Poland's western frontier and for unrestricted freedom to help the Polish people directly (people-to-people) from the United States.

I also believe that you will demand full individual freedom for our brothers and sisters in Poland; full religious freedom; the right of self-determination and complete independence from foreign countries; a democratic system of government and true social justice without any kind of discrimination.

I am also certain that you will demand the help of the West for the liberation of the Polish people from the Communist yoke.

It is not true what Khrushchev claims: that Polish people do not want freedom. The Polish people wholeheartedly yearn for freedom. They demand the earliest possible withdrawal of Soviet troops from Poland in accordance with the agreement of the Big Three in Potsdam. They also demand the return of the Polish deportees who suffer in the Soviet Union. They want free democratic elections under international control at the earliest possible date. The Polish people demand full participation in the political, economical, cultural, and social administration of the country.

The Polish people want exclusive control over the foreign policy of Poland.

The achievements of the Polish people during their thousand years of history, the obligations undertaken toward them by the Big Three Powers and the solemn promises given to them during World War II, entitle them to demand help to fulfill their desires and aspirations as soon as possible. Also, the Polish people demand that Moscow's agents, their oppressors, leave the country as soon as possible. The Polish people believe that Moscow's agents in Warsaw are not fit or entitled to "build bridges" between East and West. On the contrary, they are justified in their fear that these agents of Moscow in Warsaw will do their best to build a wavebreaker to repeal the waves which may break down the barriers to freedom. They also believe that these agents will turn the tides in Moscow's interest against the very interests of the Polish people and of the free world.

With wholehearted greetings.

Sincerely yours,

STANISLAW MIKOLAJCZYK.

FEDERAL OWNERSHIP OF LAND—STUDY IS NEEDED

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, recently I introduced House Resolution 864. Because this resolution is brief, I am including it at this point in the RECORD:

H. RES. 864

Whereas the Government of the United States, through its many bureaus and agencies, owns approximately one-third of the land area of the United States; and

Whereas there exists a regional and State imbalance in Federal land ownership, whereby several States and regions have a large area of such ownership while others have very small areas; and

Whereas many citizens, groups of citizens, local, State and national leaders have expressed concern because of the amount of Federal land ownership; and

Whereas much of the public domain was held "pending its final disposition" while other areas may need additional Federal land in certain situations: Now, therefore, be it

Resolved, That there is hereby created a select committee of the House of Representatives to be composed of nine members appointed by the Speaker, no more than five of whom shall be from the same party, and one of whom shall be designated as chairman. Any vacancy occurring in the membership of the committee shall be filled in the same manner in which the original appointment was made.

Said select committee is authorized and directed to study and conduct a complete investigation of the imbalances of Federal land ownership; the necessity for acquiring additional lands for Federal use; the relative values of lands in the various regions of the country; the possibility or desirability of selling land in one area and/or buying land in another if there is a proven need and in the best interest of the whole people; and report its findings to the House of Representatives or if the House is not in session to the Clerk of the House.

For the purpose of carrying out this resolution, the committee, or any subcommittee thereof authorized by the committee to hold hearings, is authorized to sit and act at such times and places within the United States, including any territory, Commonwealth, or possession thereof, whether the House is in session, has recessed or has adjourned, to hold such hearings as may be required and secure such information as may be necessary to accomplish its purpose.

The committee may employ a staff director to carry on the detail work of the committee and other necessary personnel not to exceed five persons and shall complete its report and submit the same to the House within one year from the date of the enactment of this resolution.

Mr. Speaker, although it is probably too late for this legislation to be acted on in this session, it is my hope that discussion concerning the problem of Federal land ownership can be stimulated and that an extensive study can be launched early in the next session of Congress.

The need for such a study has become apparent to me in the last few weeks for several reasons.

First. The press for and the authorization of the purchase of land under the Land and Water Conservation Fund Act recently passed by the Congress. There are doubtless areas around large urban centers of the population which need additional recreational sites—but there are other areas which already have enough public land and all it lacks is development for this purpose.

Second. The taking of land from private hands into public ownership is contrary to the system which built and developed this country and made it what it is today. Unless specific need in the public interest is firmly established—and this can only be determined by a study of these areas—then we should move slowly, if at all, in this direction.

Third. From the preliminary information available it would seem that there is a wide variance of public land holdings—both Federal and State—between the Western States and those in the East. And even among the States of the East there is a wide variance of public ownership. A chart has been prepared for me showing this disparity by States and by areas of the percentage of Federal ownership and State ownership and both. The figures, particularly those for Alaska, are the best available but not precisely accurate. At the conclusion of my remarks, I shall insert this chart in the RECORD.

Now some of this disparity is quite natural, first, because of the way in which our country was settled from east to west; second, because of the laws which were passed after the Eastern States were developed; and third, because the intents of some of those laws have not been accomplished as we shall see in a moment—Laws: Desert Land Act of 1877; Reclamation Act of 1902; and so forth.

Fourth. The Taylor Grazing Act authorizes the Secretary of the Interior to do certain things "in order to promote the highest use of public lands pending its final disposition"—from language in the Taylor Grazing Act. It would seem, therefore, that possibly some of the western lands might be sold and the money used to buy lands where they might be needed; but this can only be determined after thorough study. We recently passed a bill, H.R. 5498, which authorized sale of public land for urban development and for agriculture but unless this is further implemented by the Congress, it is doubtful it will be done for farming, ranching, recreation, forestry, or other constructive use.

Fifth. Finally, the gentleman from Colorado, the Honorable WAYNE ASPINALL, chairman of the Committee on Interior and Insular Affairs, has pointed out many times that the handling of Federal public lands is a constitutional obligation and duty of the Congress—article IV, section 3, clause 2, of the Constitution of the United States. It is fitting and proper, therefore, for the Congress to institute such a study as I have recommended in House Resolution 864 to determine what and where the imbalances are; to sell as well as buy lands for public recreational purposes; to determine the need for additional recreational areas; to ascertain the imbalances, if any, between States and regions and make a report of its findings and recommendations to the Congress.

Public lands in the United States

State	Federal land (acres)	Percent Federal	State land (acres)	Percent State	Total State and Federal (acres)	Percent both	State area total (acres)
Alabama	1,085,937	−3.32	285,939	−.87	1,371,876	−4.19	32,678,400
Arizona	32,439,260	+44.62	9,211,909	−12.67	41,651,169	−57.30	72,688,000
Arkansas	3,054,139	+9.08	233,287	−.69	3,287,426	−9.78	33,599,360
California	44,995,775	−44.90	1,646,066	−1.64	46,641,841	−46.54	100,206,720
Colorado	23,978,041	+36.06	3,263,913	+4.90	27,241,954	−40.97	66,485,760
Connecticut	7,103	+.22	162,138	+5.17	169,241	+5.39	3,135,360
Delaware	32,581	+2.57	22,456	+1.77	55,037	+4.34	1,265,920
Florida	3,319,445	−9.56	564,389	−1.62	3,883,834	−11.18	34,721,280
Georgia	2,037,428	+5.46	154,546	+.41	2,191,974	+5.87	37,295,360
Idaho	33,764,565	−63.78	2,758,744	−5.20	36,523,309	−68.99	52,933,120
Illinois	439,445	+1.22	112,057	+.31	551,502	+1.54	35,795,200
Indiana	353,334	+1.52	211,327	+.91	564,661	+2.43	23,158,400
Iowa	155,707	+.43	154,992	+.43	301,699	+.86	35,860,480
Kansas	481,545	+.91	63,576	+.12	545,121	+1.03	52,510,720
Kentucky	1,077,928	+4.22	161,579	+.63	1,239,507	+4.85	25,512,320
Louisiana	1,047,940	−3.63	319,725	+1.10	1,367,665	+4.73	28,867,840
Maine	128,329	+.64	262,115	+1.31	390,444	+1.96	19,847,680
Maryland	183,814	+22.90	202,858	+3.21	386,672	+6.11	6,319,360
Massachusetts	64,542	−1.28	264,873	+5.26	329,415	+6.54	5,034,880

Public lands in the United States—Continued

State	Federal land (acres)	Percent Federal	State land (acres)	Percent State	Total State and Federal (acres)	Percent both	State area total (acres)
Michigan	3, 252, 052	+8. 91	4, 306, 728	−11. 80	7, 558, 780	+20. 71	36, 492, 160
Minnesota	3, 312, 753	+6. 46	5, 121, 317	−10. 00	8, 434, 070	−16. 47	51, 205, 760
Mississippi	1, 514, 391	+5. 01	107, 067	−. 35	1, 621, 458	−5. 36	30, 222, 720
Missouri	1, 695, 322	+3. 83	342, 396	+. 77	2, 037, 718	+4. 60	44, 248, 320
Montana	27, 658, 977	−29. 65	5, 310, 227	−5. 69	32, 969, 204	−35. 34	93, 271, 040
Nebraska	709, 704	+1. 44	1, 686, 718	+3. 43	2, 396, 422	+4. 88	49, 031, 680
Nevada	60, 098, 096	−85. 53	53, 920	−. 07	60, 152, 016	−85. 60	70, 264, 320
New Hampshire	704, 205	+12. 20	84, 336	+1. 46	788, 541	+13. 66	5, 768, 960
New Jersey	103, 453	+2. 14	288, 859	+6. 00	392, 312	+8. 15	4, 813, 440
New Mexico	26, 863, 808	+34. 54	10, 945, 418	−14. 08	38, 809, 226	+48. 62	77, 766, 400
New York	223, 585	+. 72	3, 226, 595	+10. 51	3, 450, 180	+11. 24	30, 680, 960
North Carolina	1, 899, 929	+6. 05	258, 251	−. 82	2, 158, 180	−6. 86	31, 402, 880
North Dakota	2, 053, 734	+4. 62	959, 616	−2. 15	3, 013, 350	−6. 77	44, 452, 480
Ohio	211, 913	−. 80	331, 796	+1. 26	543, 709	+2. 07	26, 222, 080
Oklahoma	1, 277, 073	+2. 89	1, 025, 289	−2. 32	2, 302, 362	+5. 21	44, 087, 680
Oregon	32, 089, 445	+52. 09	1, 621, 605	+2. 63	33, 711, 050	+54. 72	61, 598, 720
Pennsylvania	563, 958	+1. 95	3, 041, 994	+10. 55	3, 605, 952	+12. 50	28, 804, 480
Rhode Island	7, 721	−1. 14	37, 714	+5. 57	45, 435	+6. 71	677, 120
South Carolina	1, 129, 243	+5. 82	217, 264	−1. 12	1, 346, 507	−6. 94	19, 374, 080
South Dakota	3, 180, 088	+6. 50	1, 681, 477	−3. 43	4, 861, 565	−9. 94	48, 881, 920
Tennessee	1, 554, 000	−5. 81	391, 867	+1. 46	1, 945, 867	−7. 28	26, 727, 680
Texas	2, 790, 026	+1. 65	3, 351, 153	+1. 98	6, 141, 179	+3. 64	168, 217, 600
Utah	34, 876, 975	−66. 18	3, 378, 344	+6. 41	38, 255, 319	−72. 59	52, 696, 960
Vermont	255, 096	+4. 29	146, 662	+2. 46	401, 758	+6. 76	5, 936, 640
Virginia	2, 133, 209	+8. 36	211, 644	+. 83	2, 344, 853	+9. 19	25, 496, 320
Washington	12, 529, 487	−29. 34	3, 375, 908	+7. 90	15, 905, 395	+37. 25	42, 693, 760
West Virginia	955, 337	+6. 19	220, 329	+1. 42	1, 175, 666	+7. 62	15, 410, 560
Wisconsin	1, 781, 355	−5. 08	830, 799	+2. 37	2, 612, 154	+7. 46	35, 011, 200
Wyoming	30, 090, 081	+48. 26	3, 863, 941	+6. 19	33, 954, 022	+54. 45	62, 343, 040
Total, United States	404, 161, 873	21. 02	76, 475, 723	4. 07	481, 637, 596	25. 32	1, 901, 717, 120
Alaska	365, 497, 004	100. 004	6, 809, 238	1. 86	372, 306, 242	101. 86	365. 481, 600
Hawaii	233, 170	5. 67	1, 524, 722	37. 13	1, 757, 892	42. 81	4, 105, 600
Total	769, 892, 047	33. 89	84, 809, 683	3. 70	855, 701, 730	37. 67	2, 271, 348, 360

Percent of publicly owned land by States and areas

	1955	1962		1955	1962
Northeast:			North Central:		
Maine	+1. 54	1. 96	Minnesota	−16. 76	16. 47
New Hampshire	+12. 97	13. 66	North Dakota	−8. 26	6. 77
Vermont	+5. 28	6. 76	South Dakota	−11. 33	9. 94
Massachusetts	+6. 21	6. 54	Iowa	+. 54	. 86
Connecticut	+5. 23	5. 39	Nebraska	+4. 78	4. 88
Rhode Island	+2. 65	6. 71	Missouri	+4. 28	4. 60
New York	+10. 99	11. 24	Kansas	+. 73	1. 03
New Jersey	+5. 54	8. 15	Southwest:		
Delaware	+3. 24	4. 34	Arkansas	−10. 40	9. 78
Pennsylvania	+11. 71	12. 50	Oklahoma	+4. 90	5. 21
Maryland	+4. 58	6. 11	Louisiana	+4. 65	4. 73
Virginia	+8. 64	9. 19	Texas	+3. 47	3. 64
West Virginia	+7. 00	7. 62	West:		
Southeast:			Montana	−35. 82	35. 34
North Carolina	−7. 04	6. 86	Wyoming	+53. 67	54. 45
South Carolina	−10. 65	6. 94	Colorado	−41. 05	40. 97
Kentucky	+3. 93	4. 85	Utah	−75. 95	72. 59
Tennessee	−7. 47	7. 28	New Mexico	+48. 50	48. 62
Georgia	+5. 40	5. 87	Arizona	−58. 14	57. 30
Alabama	−4. 55	4. 19	Nevada	−87. 14	85. 60
Mississippi	−5. 50	5. 36	Idaho	−70. 80	68. 99
Florida	−13. 23	11. 18	Washington	+36. 80	37. 25
Midcentral:			Oregon	+53. 87	54. 72
Michigan	+19. 81	20. 71	California	−49. 94	46. 54
Ohio	+1. 83	2. 07	Other:		
Indiana	+2. 36	2. 43	Alaska	(1)	101. 86
Illinois	+1. 44	1. 54	Hawaii	(1)	42. 81
Wisconsin	+6. 76	7. 46			

[1] No record.

NOTES

1. Some discrepancies in these figures, 1955 and 1962–63 are caused by computer error and incomplete information and surveys. The 1962–63 figures are said to be the most accurate yet released (except Alaska).

2. 31 States show a gain in public land acreage and 17 show a loss; 33 States show a gain in Federal ownership and 15 show a loss; 31 States show a gain in State ownership and 17 show a loss.

3. No comparison of Alaska and Hawaii as no figures available for 1955. Other lands in District of Columbia, Puerto Rico, Guam, and other possessions, and land owned in other countries not listed.

4. The plus and minus signs show the States which have gained or lost in State ownership, Federal ownership, and both and those States which have increased or decreased in public ownership since 1955.

SOURCES

On Federal property: "Inventory on Real Property Owned by the United States Throughout the World—as of June 30, 1963", GSA.

On State property: "Major Uses of State-owned Rural Land by States and Regions." 1962 ERS–USDA.

On county and municipal property: "Statistical Abstract of the United States." 1963.

On 1955 figures: S. Doc. No. 100, 84th Cong., 2d sess., "Inventory Report on Federal Real Property in the United States as of June 30, 1955."

ANCHER NELSEN'S REPORT ON THE 88TH CONGRESS

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. NELSEN. Mr. Speaker, as we approach the end of this long, and in many ways strange 88th session of Congress, I want to take time to report some of the major actions which Congress has taken over this 2-year period for the information of the people of the Second Congressional District of Minnesota.

The first session, of course, was the fifth longest in our Nation's history—ending finally on December 30, 1963. It was a session marked by slowness and marred by great tragedy—the assassination of our young President. At its conclusion, we found ourselves with most major pieces of legislation still waiting for this year's final decisions.

This 1964 session has been in marked contrast. Much important legislation has been passed, and whether it has been good or bad depends on the personal point of view. But while we started off this session with a new President, much work, and a quick pace, we are finding Congress has developed a hobble in mid-September with several important items stalling adjournment.

Those of us interested in operating Government in the black, in seeing that maximum efforts are directed toward obtaining fiscal responsibility, can take pride in our efforts to curb unnecessary spending. In 2 years, with several key bills still pending—and still subject to more cuts—we have been able to cut some $10 billion off proposed budgets.

This sum, it might be pointed out, represents the total cost of running the State government of Minnesota for at least 10 years.

Even with our best efforts, however, it continues to be a matter of great concern when first, spending continues at an annual rate of nearly $100 billion a year as compared to $76 billion 4 years ago; second, deficits in 4 years have totaled almost $25 billions; third, the Federal debt has climbed from $286 billion to almost $315 billion since 1960; fourth, for 4 years, the Government has been spending $17 million a day more than its income; fifth, the Federal payroll for 1964 is $16.2 billion, an increase of $6.7 billion in 10 years—up 70 percent—while employment has increased only 2 percent.

It would be impossible, of course, to discuss all the more than 300 new laws passed in this 88th Congress. Many have been constructive, some we have doubts about. In any case, here are some of the more important actions taken.

TAX REDUCTION

The tax relief bill was extremely controversial when it first came up in 1963 because of the heavy emphasis on planned deficits. It turned out to be more acceptable to the Congress and the American people after assurances of better economy and after the President reduced total budget requests by $3.6 billion. I therefore found it possible to support personal and corporate tax cuts amounting to $11.5 billion.

As with all such omnibus bills, however, there were some good and bad features included. For instance, I strongly opposed the provision to eliminate the dividend tax credit of 4 percent over a 2-year period, since many constituents, particularly those retired and living on savings, have told me they need the credit to make ends meet. Further, it is regrettable that we could not enlist support for a tax credit for costs of college tuition and related expenses. I have supported this legislation since coming to Congress and feel it would be of great help to hard-pressed parents with children needing higher education.

Another fact lost in the headlines when the tax cut passed was the welcome reform we managed to insert in the bill allowing those taxpayers 65 years of age or over relief on the capital gains tax from the sale of their homes.

BEEF IMPORTS

Probably no issue before Congress has caused so much firm comment from back home this session than has the question of the importation of beef and other competitive meats in price-depressing amounts. Realizing the hard-pressed financial state of the livestock producer, many of us waged a long and hard fight over many months to get constructive action, in spite of strong administration opposition.

Legislation finally hammered out establishes a quota system based on the 5-year average of the 1959–63 base period, adds a growth factor of 16 percent and is not triggered until imports reach a level of 110 percent of the permissible amount. This bill does not do all we asked and many months of delay hurt producers badly. There continue to be questions about its effectiveness.

On my part, I tried through testimony before three congressional committees plus the Tariff Commission, through 19 statements here in the House, and more speeches back home, to establish some reasonable protection.

The tragedy of the long delay is plain, however, when a few short days ago the Government announced that the United States has now become the world's leading importer of beef and veal, replacing Great Britain.

Most of us supporting reasonable quotas, it should be pointed out, did so realizing at the same time the great importance of our $6.1 billion foreign agricultural market and the need to expand it.

WHEAT-COTTON BILL

The wheat-cotton bill was unfair to the farmers of the second district, in my judgment. Under the terms of the bill, our feed grains farmers are required to take acres out of production and are denied the right to plant any crops on the idle acres, while the cotton farmers elsewhere in the country are permitted to plant other crops such as soybeans or feed grains on their diverted acres—in direct competition with the farmers of the Midwest.

Further, the small wheat farmer who grows 15 acres or less—and that's 82 percent of Minnesota's farmers—is being punished because his little acreage is cut if he complies, and he is suffering low prices and no benefits if he chooses not to go along with edicts of the Washington bureaucrats.

By terms of the bill, 1½ million farmers get an average of $58 a year in Government payments, if they qualified, while 1,300 farmers collect an average $14,615 per year. We haven't found any farmers so far in the second district belonging to this selective "1,300 set."

Many of us tried hard to put language in the bill that would prevent the Secretary of Agriculture from dumping Commodity Credit Corporation surplus grain on the market—a practice which imposes low prices and holds the price of wheat down. But under the procedure adopted by the majority, no amendments were permitted on the floor of the House. In other words, the Midwest was denied a voice in the shaping of this important piece of legislation.

As a result, reports in mid-September show 90 million bushels of Government wheat have been dumped on the market since July 1 while at the same time many farmers have been holding on to their wheat in the hope of pushing up the market price. Dumping cheap feed encourages domestic livestock overproduction, leading to more woes for that industry.

While discussing the farm legislation, here are a few other important points we should keep in mind.

First. The farm parity ratio is down from 80 to 74 since 1960, in spite of the spending of billions.

Second. Government spending on agricultural programs as of the end of the last fiscal year was $7.9 billions, $200 million over the previous year and $1 billion above last January's budget estimate.

Third. Farm mortgage debt has risen $4 billions since 1960, while the Department of Agriculture has increased its work force from 97,000 to 117,000 people. And in this time the farm population declined by more than two million people.

SUGAR LEGISLATION

It is regrettable that no action has been taken this session on my bill, and many others like it, to provide a marketing quota increase for domestic sugarbeet producers. Beet producers in southern Minnesota, as well as elsewhere in the State, now face the unpleasant prospect of cutting back acreage drastically in 1965 after having increased their production in response to specific Government requests. Sugarbeet growers in 23 States are confronted with the penalty of acreage reductions up to 40 percent.

FEDERAL PAY RAISE

At a time when we are asking labor to hold the line and to check inflation, I could not conscientiously vote for a bill to raise my own salary as well as the salaries of many high Government officials. Without question, many Federal employees in the low salary range needed some salary adjustment, but we were dealing with an omnibus bill having in it a great number of unacceptable provisions.

DEBT CEILING

Appalling as it may seem to the people of the second district—who are nonpartisan in their belief that Government should operate on a balanced budget, something it has failed to do 27 times in the last 33 years—Congress has raised the debt ceiling six times in little more than 2 years. I have opposed these increases every single time as a way of protesting the "spend now, pay later" theories so popular in Washington.

The last increase shoved the debt ceiling allowable to more than $324 billion. Our present debt of more than $315 billion, it should be pointed out, is about $100 billion more than the total debt of all the free world countries combined. Today, interest alone on the debt amounts to $11 billion a year or $55.73 for every man, woman and child in the State of Minnesota. I doubt anyone needs reminding that this enormous burden will one day have to be paid off by somebody.

CIVIL RIGHTS

The civil rights bill sought to deal with 11 separate objectives but all of them, unfortunately, were wrapped into 1 so-called omnibus bill. So on final decision, it boiled down to nine very deserving objectives with the two dealing with public accommodations and fair employment in controversy. It is important to bear in mind our own Minnesota State laws in these two controversial areas are stronger than the act which was passed by the Congress. I therefore joined every member of the Minnesota delegation in Congress in support of the bill. I might mention that constituents supported this measure by a vote of 60 percent to 40 percent in my annual opinion poll taken this year.

WILDERNESS LEGISLATION

One of the measures I was delighted to support this year dealt with our vast wilderness areas. Preservation of 9 million acres of land in its primitive state in federally owned parks, forests, and refuge systems has been provided for the enjoyment of this and future generations. Upward of 61 million acres will someday be included. Under certain conditions, hunting, fishing, mining, and grazing will be permitted.

Additionally, Congress has enacted two other conservation programs: A land and water conservation fund to aid development of greater recreation facilities was established, and water resources research centers throughout the Nation were authorized. These accomplishments account for the fact this Congress is being referred to by some as "the conservation Congress."

POVERTY BILL

This bill, passed into law over my objection, proposes to spend more than $1 billion the beginning year to fight poverty. It duplicates 42 existing programs already costing in excess of $30 billion in appropriations, and other Federal, State, local, and private programs amounting to some $66 billion. The poverty program establishes a Job Corps for young people for 2 years, financed entirely by Federal funds, as well as a domestic Peace Corps, and attempts to do many other things for farmers, small businessmen, and others. The entire program is under control of the Director of the Office of Economic Opportunity.

I was gratified that my amendment prohibiting political arm-twisting pressure in partisan campaign fundraising in the Job Corps was one of few ideas to win acceptance in amending the bill. Throughout this year I have made a concerted effort to halt wide violations of the Hatch Act and other laws which protect civil service employees from political badgering and threats of loss of job.

MASS TRANSIT

Another of the more questionable programs enacted this year was the $375 million 3-year program of grants and loans to assist publicly-owned urban transportation systems. For many reasons, I could not support this bill which promises to cost many billions within a few years now that the foot is in the door in establishing this new venture on the part of the Federal Government.

EDUCATION BILLS

Education legislation enacted in this Congress included $1.1 billion authorized for grants and loans for college building construction and $1.2 billion for expanded vocational education programs—both enacted in 1963, plus more help to students through loans under extended provisions of the National Defense Education Act.

Later in this report, I will discuss some other education legislation sponsored by one of the House committees on which I serve, the Committee on Interstate and Foreign Commerce.

NUCLEAR TEST BAN TREATY

The Senate ratified the limited nuclear test ban treaty in 1963, a decision, it should be noted, which we in the House could have no part in since the Constitution puts treaty matters solely in Senate hands. Many nations have since signed the treaty, which bars nuclear testing in the atmosphere, outer space, and underwater, but it should be pointed out that Red China, Cuba, and France continue to be holdouts to signing.

FOREIGN AID

Appropriations for our vast foreign-aid program for the 1965 fiscal year are still in doubt at this writing. Last year, we managed to cut back the President's original request from $4.9 to $3.6 billion, though I still could not find it possible to support this legislation in view of guaranteed credit provisions available to the Soviet bloc nations for the purchase of U.S. wheat. Incidentally, we now know Castro has been getting some of this wheat.

This year's aid request has been billed "bare bones" in the way of budgets, and asks for $3.25 billion, including $125 million to build up the Vietnamese military.

SOCIAL SECURITY

Another bill still in doubt—though we passed it easily in the House—is the measure raising social security benefits across-the-board by 5 percent. The controversy over medicare provisions written into the bill by the Senate has delayed its passage so far.

FOOD STAMP PLAN

Under this program, eligible families get $10 worth of food stamps for $6 in cash. The plan is expected to cost $25 million the first year, $75 million the next, $100 million the third year, and $200 million in the fiscal year ending June 30, 1967.

LEGISLATIVE REAPPORTIONMENT

My bill on reapportionment—and there are many similar ones—proposes an amendment to our Federal Constitution specifying the right of States to apportion at least one house in their legislatures on a basis other than population. At the moment, leaders in the Senate are attempting to provide for a delay in the effect of the Supreme Court ruling which requires that both houses of State legislatures be apportioned solely on the basis of population. Differing ideas about reapportionment is one of the major reasons adjournment of this Congress is delayed.

BILLS FROM MY COMMITTEE

I am especially proud of congressional actions directed to the health of our people, which had their beginnings in my committee.

Last year, my Interstate and Foreign Commerce Committee recommended the authorization of a 3-year program of matching grants to expand teaching and research facilities of medical, dental, and related-type colleges. These provisions, plus a system of student loans, should help eliminate the pressing lack of qualified doctors and dentists.

My committee also developed legislation to establish mental health and mental retardation centers throughout the Nation, in cooperation with State and local agencies.

Of course, one of the bills I feel will be of great importance in solving the problem of a critical lack of bedside nurses in the Nurses Training Act of 1964, also a bill from my committee. My committee amendments, which were accepted, provide for student loans patterned after the National Defense Education Act, and will enable many more young women of modest means to enroll in hospital nursing training programs.

OTHER BILLS STILL PENDING

In addition to reapportionment and foreign aid, other major bills still in the works include the controversial Appalachia bill, which would cost $1 billion to get started. A part of the administration's overall "poverty package" in this election year, the bill is supposed to assist 355 counties in 11 States with welfare and unemployment problems. Over $1 million per year would be needed just to pay administrative costs needed to organize the program.

In view of all the other spending ideas which have been enacted in this Congress, this bill will not have my support if it comes up.

The Area Redevelopment Administration also wants to expand its activities by $355 million, but is getting an unsympathetic ear from many of us.

Even the Government itself—through the General Accounting Office—has accused the ARA of illegally spending $7.4 million on questionable projects in several States where no depressed areas existed. This raises the question, naturally, whether politics or need has been the criterion in the distribution of taxpayer funds under this program.

MINNESOTA RIVER BASIN, OTHER SECOND DISTRICT ASSISTS

After appearing before the House Appropriations Committee, it was gratifying to be able to obtain $50,000 from Congress for the start of a survey of the Minnesota River Valley Basin. It is the hope of all that sound and wise development will prove feasible as a result of the study, since this great region affects half the population of Minnesota and practically all the Second Congressional District. The survey will consider many factors—flood control, development for industrial and recreation uses, wildlife protection, and water pollution controls.

Following passage of the Library Services Act last year, I requested the authorization of Mankato State College as an official Government depository library. Gustavus Adolphus College in St. Peter also bears such a designation and with two such depository libraries Government documents will be more accessible to residents of the Second Congressional District.

We were also able to be helpful to the cities of Mankato, Fairmont, and Worthington in restoring, at least for a time, twice-daily plane service to those cities. Continued service will depend on the Civil Aeronautics Board's "use it or lose it" policy.

These then, constitute a few of the significant items acted on in this Congress. In representing the people of the Second District and in casting my votes, I have tried always to be guided by beliefs which are vital to a strong and prosperous America, and by the principles and convictions expressed to me by the overwhelming majority of the citizens of the Second District.

SHOULD THE UNITED STATES RECOGNIZE A CUBAN GOVERNMENT-IN-EXILE?

Mr. TUPPER. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Cramer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. CRAMER. Mr. Speaker, in the October issue of the American Legion magazine, the question of whether the United States should recognize a Cuban Government-in-exile is discussed.

I take the affirmative side of this question; our distinguished colleague, Senator Philip A. Hart, of Michigan, takes the negative.

Believing the contents of this discussion to be of interest, I am inserting the article in the Record at this point:

Should the United States Recognize a Cuban Government-in-Exile?

YES

(By Representative William C. Cramer, Republican, of Florida, 12th District)

One obvious step to rid the Americas of communism is the recognition of a free, non-Communist Cuban Government-in-exile.

Historically and traditionally, the United States has recognized many free governments-in-exile—and still does. Today, for example, we continue to recognize the exiled Governments of Estonia, Latvia, and Lithuania despite the fact that these European countries are republics of the Soviet Union.

Conditions necessitating the recognition of governments-in-exile in other countries exist in Cuba today—an alien government occupying a previously recognized free country.

Once a Cuban Government-in-exile is recognized, it can legally receive our assistance as well as the assistance of other hemispheric nations. It would fall under the provisions of the treaties of Rio and Caracas. It could become a member of the Organization of American States.

A government-in-exile could, as well, accomplish these objectives: (a) Provide a rallying force for all Cuban refugees; (b) give encouragement and help to the Cuban underground; (c) give courage and hope to the oppressed anti-Castro Cubans who are in the majority in Cuba; (d) provide the means for Cubans to win back their own freedom.

A recent report of the Senate's Subcommittee To Investigate Problems Connected With Refugees and Escapees, said: "Castro and communism must be expelled from Cuba. They will be buried the deepest, if buried by Cubans—on the island and in exile."

The exile community cannot help accomplish this objective unless it wins the support of the entire free world. The United States must take the leadership by recognizing a free Cuban Government-in-exile, thus encouraging the OAS to follow suit.

Until recently, the strongest argument against recognizing a Cuban Government-in-exile was the supposed difficulty of knowing which exile group to recognize. The exile community itself has answered this argument. Recently, a group named the Comite Pro-Referendum was able to locate 75,103 Cubans in exile throughout the world who, by reason of age and other normal standards, qualified as voters. All were mailed ballots on which they could vote for or against a panel of five widely respected, nonpolitical Cuban exiles to represent the exile community.

Votes cast in favor of the panel numbered 40,905. Opposed, 979. Thus, 98 percent of the votes cast were in support of this group, an accomplishment which clearly dispelled the belief that Cubans cannot get together politically.

Many claim that recognizing governments-in-exile has been a historically unsuccessful way to free captive nations. Maybe this is true. But Cuba, unlike the enslaved European countries, is an island of slavery in a hemisphere of free nations. As such, it cannot stand if we take clearly needed steps, one of which is recognition of a free Cuban Government-in-exile.

NO

(By Senator Philip A. Hart, Democrat, of Michigan)

A recent report by the Senate Subcommittee on Refugees "encourages efforts toward finding a broad formula for unity among Cuban exile organizations. * * * A broadly based exile organization could authoritatively address governments, international bodies, and public opinion in the cause of Cuban freedom."

The report calls "inadvisable," however, a government-in-exile. The subcommittee's view is heavily weighted on the side of logic and prudence.

One of the principal reasons is the historical experience which suggests clearly that governments-in-exile offer little substance in efforts to regain a lost country. Such governments tend to lose touch with the people inside the country. Yet, in the case of Cuba, expertly organized internal resistance will be an important element in securing the island's freedom. Few Americans or Cuban exiles advocate outright invasion.

Responsible exile leaders who command loyalties within Cuba, logically should assist the internal resistance. As the subcommittee report states, the leaders' ties with Cuba "should be encouraged and strengthened in order to maintain and broaden the fire of disaffection and eventual revolt."

A popular anti-Castro movement, or defection in the armed forces or government, could well develop into an organized political alternative to the Castro regime. It is conceivable that freedom fighters could secure control of a piece of territory, establish a provisional government, and ask for recognition and assistance. The United States—and the Organization of American States—should be free to take advantage of such developments, and to respond favorably to requests for assistance if other conditions warrant it. A recognized government in exile, however, would tie our hands. It is improbable that an exile government would have strong connections with a revolutionary provisional government on Cuban soil.

There are other reasons against recognizing a government in exile. Most observers, including exile leaders, agree it would be difficult to find a stable coalition which could unite the majority of exiles behind it. Too many competing elements exist. Moreover, any selection made inevitably would be labeled a puppet government.

And our ability to work with those left out would be severely limited, causing many secondary problems to detract from the main issue of Cuba's freedom.

On the legal side, a most important factor to consider is that U.S. recognition of an exile government would free Castro of Cuba's obligations under the Guantanamo Treaty. The United States should not make it easier for Castro to dodge his treaty obligations through direct action or in the United Nations. But that is precisely the effect our recognition of a government in exile would have.

Cuba's freedom is important to the security and development of the Western Hemisphere. But it is doubtful that a recognized government in exile would lend much support to the variety of efforts needed in pursuing this objective.

J. FRANK DOBIE

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Gonzalez] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, last Friday, September 18, 1964, J. Frank Dobie died. He was a great and wonderful man. As John Ciardi, the poet and author, said in an article for the Saturday Review in 1962, he was a hombre. That he was, muy hombre.

He knew more about Texas folklore than any man of his time, and he was the leading authority on the culture of the Southwest. He probably did more to bring southwestern culture to the Nation and the world, to open it for further study by others, and to help it flower, than any other individual.

He was born on a ranch in Live Oak County, Tex., September 26, 1888, where he lived until he was 16 years old. He went to high school in Alice, Tex., and then attended Southwestern University in Georgetown, Tex., where he received a B.A. degree in 1910. He also studied one summer at the University of Chicago while an undergraduate. In 1910 he was appointed principal of the grade school in Alpine, Tex., and 1 year later returned to Southwestern University to teach English.

He had worked as a reporter for the San Antonio Express during the summer of 1910, and put in another summer as a reporter in 1914 for the Galveston Tribune.

In 1914 he received his M.A. at Columbia University and joined the faculty at the University of Texas the same year. He was contemptuous of the doctoral degree, saying that obtaining one was "simply transferring the bones from one graveyard to the next." In fact, throughout his life he was a maverick, an individual who refused to be branded with values which he could not accept.

During World War I he served as a first lieutenant in the 116th Field Artillery. Upon his return from France in 1919 he resumed his teaching career at U.T. But after a year he left academic life to manage a 250,000-acre ranch on the Nueces River, where he developed his idea to collect and retell the legends and folk tales of Texas. He went on to write more than 30 books of what will most likely be classified as "folklore." Yet, he did not consider himself a folklorist. Nor, by his own admission, was he a scientific historian. In describing himself he once stated: "I present chronicles of what it was like in past years."

In 1921 Dobie returned to the University of Texas to teach English for 2 years. At the end of that time he was named head of the English department at Oklahoma A. & M. College, a post he held until 1925 when he returned to the University of Texas as adjunct professor of English. In 1933 he became the first native Texan to receive a full professorship in the university's English department. He received research grants from the Laura Spelman Rockefeller Foundation in 1930–31 and 1934–35. In 1932–33, with the aid of a grant from the Guggenheim Memorial Foundation, he traveled 2,000 miles on muleback gathering folklore and material for his work.

The classes he taught were perennial favorites with the students and unique in that he often strayed from the safe boundaries of academics to discuss controversial subjects. These discussions ranged from political personalities to the race question. He called himself the outlaw of the campus. In a university dependent upon a rural dominated State legislature for its operating funds, headed by a politically appointed board of regents, such behavior was not likely to win approval.

Eventually he took on the board of regents in open combat. In 1943 three university teachers were fired for their activities outside the school. Dobie joined a faculty and student group to petition for their immediate reinstatement.

The president of the university, Dr. Homer P. Rainey, joined Dobie and the others in charging the regents with the suppression of academic freedom. The regents prevailed and Dr. Rainey himself was forced to leave the university. As a result of the incident the school was placed on probation in 1945 by the Southern Association of Colleges and Secondary Schools. Also in 1943, the Manford Act, strictly regulating unions and the licensing of organizers, became law in Texas. Dobie had this to say:

> A man can come to Texas and without interference invite all the people he wants to joint the Republican Party, the Liars' Club, the Association for the Anointment of Herbert Hoover as Prophet, almost any kind of organization except one. If the Manford law is an index of capitalism's future policy, the people had better begin digging cellars for the revolution.

In other words, Dobie did not retreat to an ivory tower and divorce himself from the social problems of his fellow man. He was an important person in the academic world who dared to involve himself in politics and to involve himself with people. There was a movement to urge him to run for Governor in 1944, but he declined. He was that all too rare type in higher education, a teacher who cared.

In 1943 Dobie went to England, where he succeeded the well-known historian, Henry Steele Commager, as professor of American history at Cambridge.

Always active and productive, he wrote a number of magazine articles on his experiences during this period, and on his return to the United States incorporated them into a book, "A Texan in England." After his return to the University of Texas he wrote a new ending to his book. In it is this meaningful statement:

> Here on this campus, believers in the right as well as the duty to think are combating a gang of Fascist-minded regents; oil millionaires, corporation lawyers, a lobbyist, and a medical politician, who in anachronistic rage against liberal thought malign all liberals as "Communists," try with physical power to wall out ideas, and resort to chicanery as sickening as it is cheap. My mind is paralyzed by this manifestation of "the American way of life."

In 1945 Dobie returned to England to teach. The regents took the opportunity to fire him from the University of Texas in 1947. It was Athens rejecting Socrates all over again. But Dobie did not take hemlock. He produced more and contributed more to his fellow man and to society in any 1 year of his mature life, before and after he was fired, than all the regents combined ever thought of doing. Some of his better known books include "A Vaquero of the Brush Country" (1929), "Coronado's Children" (1931), "The Longhorns" (1941), "The Mustangs" (1952), and "Tales of Old Time Texas" (1955).

It has always been common for some men to give lipservice to the concepts of liberty and freedom while acting to rob others of those basic human rights.

Today, such duplicity is the modus operandi of the rightwing extremists. These are the men whom Dobie fought all his life; for he dedicated himself to liberty and freedom in a way which the reactionaries will never understand. He knew and fought against the evils of McCarthyism before Senator McCarthy forced his foul behavior on the land. In the preface to his "Guide to Life and Literature of the Southwest" (1952) he said:

> I rate censors, particularly those of church and State, as low as I rate character assassins; they often run together.

He resisted all the hallmarks of tyranny. He was a free thinker, a free spirit, a free man.

There was much significance in the fact that Dobie's funeral services were held on the campus of the University of Texas in an auditorium named after the first native-born Texan to be elected Governor of Texas, James Steven Hogg. At the services, Dr. Angus Springer, chairman of the drama department at Southwestern University, read the concluding lines from Dobie's book, "The Mustangs." They are worth repeating:

I see them running, running, running
From the Spanish caballadas to be free,
From the mustanger's rope and rifle, to keep free,
Over seas of pristine grass, like fire-dancers on a mountain,
Like lightning playing against the unapprochable horizon.

I see them standing, standing, standing,
Sentinels of alertness in eye and nostril,
Every toss of maned neck a Grecian grace,
Every high snort bugling out the pride of the free.

I see them vanishing, vanishing, vanished,
The seas of grass shriveled to pens of barb-wired property,
The wind-racers and wind-drinkers bred into property also.

But winds still blow free and grass still greens,
And the core of that something which men live on believing
Is always freedom.

So sometimes yet, in the realities of silence and solitude,
For a few people unhampered a while by things,
The mustangs walk out with dawn, stand high, then
Sweep away, wild with sheer life, and free, free, free
Free of all confines of time and flesh.

Dobie died at the age of 75. To the last of his days he was productive, and, happily, he saw his efforts rewarded. Only a few days before his death his wife, Mrs. Bertha Dobie, received the Medal of Freedom in his behalf at the White House from President Lyndon Johnson. On the morning of his death he received advance copies of his latest book, "Cow People." A weekly newspaper column, which he began in 1939, continued without interruption until the end. One of his latest columns appeared in the San Antonio Light, September 20, 1964, 2 days after his death.

For many years Walter Prescott Webb, author of "The Great Plains," Roy Bedichek, author of "Adventures With a Texas Naturalist," and J. Frank Dobie formed an incomparable triumvirate of letters and progressive ideas in Texas. They are all gone now.

With unanimous consent I am inserting in the RECORD the column of J. Frank Dobie that appeared in the San Antonio Light, September 20, 1964, an editorial from the San Antonio Express dated September 21, 1964, a review of his book "Tales of Old Time Texas," which appeared in the Saturday Review of Literature, November 26, 1955, and a number of newspaper stories which have been printed in the past several days.

[From the San Antonio Light, Sept. 20, 1964]

J. FRANK DOBIE: MAN WHO CALLED SELF MARK TWAIN

Mark Twain is the one American writer whose name is a household familiarity, not only in the United States but across oceans. Many people who know the name have never read one of his books, just as populations acquainted with Don Quixote as a character are ignorant of Cervantes as his creator. It seems to me now that I became acquainted with the names of Tom Sawyer and Huckleberry Finn about as early as I became acquainted with those of George Washington and Patrick Henry. I do not remember when I read "The Adventures of Tom Sawyer," but one of my earliest recollections is hearing my mother tell that she had read it aloud to her sister and brothers and two or three neighboring boys at Rancho Seco in Nueces County, Tex., while she was still in her young teens.

If you look in the card catalog of a standard library for a book by Mark Twain, you will be referred to Samuel Langhorne Clemens. Many readers of many books by Mark Twain are not acquainted with the baptismal name of the author.

BECAME RIVER PILOT

Samuel, generally called Sam, was born in Missouri in 1835. When he was 4 years old his family moved to Hannibal on the Mississippi River. Life in Hannibal and on the Mississippi founded the most creative works in his writing career. He had experienced life on river steamboats when, at the age of 22, he became an authorized pilot. In 1861 he piloted the last steamer for a long time between New Orleans and St. Louis. The Civil War was on and Samuel Clemens had no taste for or ambition for soldiering. His brother Orion, secretary to the newly appointed Governor of the Territory of Nevada, took Sam with him. Sam had already written and was good at setting type. He learned enough about mining to write about it, but soon became a reporter on the Virginia City, Nev., "Territorial Enterprise."

He began signing articles with the name Mark Twain. This, he explained, "is an old river term, the leadman's call, signifying two fathoms deep—safe water."

TWAIN FROM THEN ON

From now on Mark Twain was his writing name. He went on West and wrote for newspapers in San Francisco. It was not until after he had gone to Europe and published "The Innocents Abroad" that he wrote "Roughing It" (1872), a highly creative autobiography of life in the West. I have had hundreds of students at the University of Texas read it. No other book so expresses, for me, with such volcanic energy the lust for life in men's opening of the West. "Life on the Mississippi" (1883) was perhaps even more a creative autobiography. Many people regard "Huckleberry Finn" (1885) as the greatest novel yet produced by America.

But I want to get back to Mark Twain as man and writer. Many years ago I read Lockhart's life of Sir Walter Scott. I remember nothing out of it so well as Lockhart's saying that Scott was greater as a man than anything he wrote. This I consider true of Mark Twain. No small-natured individual can write a large-natured book. Hemingway, the most famous of recent American novelists, with the possible exception of Faulkner, wrote nothing of amplitude comparable to Mark Twain's best and was himself far lacking in Mark Twain's amplitude. I have recently been led again to Twain by a two-volume collection of letters between him and William Dean Howells, published by Harvard University Press. The two men met in 1869. Howells soon became editor-in-chief of the Atlantic Monthly, to which Mark Twain often contributed. In time, their letters became more and more revealing. Their friendship increased in breadth, depth, and intimacy until Mark Twain died in 1910. Immediately, almost, Howells wrote "My Mark Twain"—the richest book by one American writer on another yet published.

THE LOVE OF STRONG EFFECT

How Mark Twain could say a thing. A writer well known to both men was Thomas Bailey Aldrich. Mark Twain conceived such an aversion to Mrs. Aldrich the first time he saw her that, to quote him, "I do not believe I could ever learn to like her except on a raft at sea with no other provisions in sight." Twain had, in the words of Howells, "the love of strong effect which he was apt to indulge through life." Yet, despite his wild pleasure in shocking people with ribaldries and profanities and sometimes savage exaggerations, he was the most truthful man I ever knew.

As a sample of exaggeration, Mark Twain wrote to Howells: "Could you tell me how I could get a copy of your portrait as published in 'Hearth and Home'? Bret Harte has been here and says his family would not be without that portrait for any consideration. He says his children get up in the night and yell for it. I would give anything for a copy of that portrait to put up in my parlor. I already have there portraits of Oliver Wendell Holmes and Bret Harte. Of all the swarms that come every day to gaze upon them none go away not softened and humbled and made more resigned to the will of God. If I had yours to put up alongside of them, I believe the combination would bring more souls to earnest reflection and ultimate conviction of their lost condition than any other kind of warning would give."

In working for years for just copyright laws in the United States, Mark Twain stood always for justice to others as well as for self-interest. The way in which English books were pirated in the United States and sold wholesale without a penny of royalties to the authors graveled the bottom of his soul. "If we only had some God in the country's laws, instead of being in a sweat to get Him in the Constitution, it would," he said, "be better all around."

Mark Twain netted $40,000 on "A Tramp Abroad," published in 1880. His brother Orion, who had taken him West, simply could not get along. Mark Twain had a lawyer endow Orion with $20,000, so invested that Orion would be paid $75 a month as long as he lived, and then after that his widow was to receive the same monthly income as long as she lived.

SPENT THOUSANDS SPECULATING

He was a speculator because he believed in himself and in good going. He took to a patented health food called Plasmon. A sample of his recommendations of Plasmon is this from a letter to Howells: "For 8 years, raisin-cake, plum pudding, lobster salad, candy, ice cream, and all other desirable sweet things were deadly to me, and taboo. After a year of Plasmon all limits were removed from my appetites, and no limits have been put upon them at any time since." He spent multiplied thousands of dollars year after year backing the invention of a typesetting machine that would revolutionize printing. It turned out to be only a prognostication, but losing money never made Mark Twain lose heart. He never pretended, "had as soon be in a boiler factory as at grand opera." He never finished a proposed book that would fully expose "the damned human race." His hilarious but prodigally ribald "1601 Conversation" was surreptitiously printed first in 1879, has been privately printed many times since, but never included in the respectable company of Mark Twain's works.

Many of his opinions concerning the soul, immortality, and God he never gave to the public. He was as generous to the lowliest of human beings as he was truthful. I close with this sentence from "My Mark Twain," by William Dean Howells: "Emerson, Longfellow, Lowell, Holmes—I knew them all and all the rest of our sages, poets, seers, critics, humorists; they were like one another and like other literary men; but Clemens was sole, incomparable, the Lincoln of our literature."

[From the San Antonio Express, Sept. 21, 1964]

The Maverick Professor

James Frank Dobie lived almost 76 years. At least half of them were spiced with the eccentric personality that Dobie became in his self-styled maverick teaching profession.

Dobie fans are legion. He was a folklorist, searching out and recording in numerous books the tales of frontier Texas and the Southwest "authentic lies * * * if it isn't true, it should be," he used to say.

When he died in Austin last Friday, he had contributed a rich collection of authentic lies and other material that will be a part of the southwest lore for all time.

Dobie was a shocker. He spoke bluntly and, very frequently, in colorful, even impudent phrases. He was not universally adored, nor did he want to be. He disdained sham. He was not insincere; he simply fell naturally into a slight exaggeration of the maverick he really was. He opposed with tremendous vigor the intrusions upon academic freedom.

Dobie was much honored for his research, writings, and teaching. He was about as much spice as a university faculty would want at one time; but it was a spice that enriched the whole and for that he was unique in his time.

[From the Saturday Review, Nov. 26, 1955]

Southwest Sage

(By Stanley Walker)

("Tales of Old-Time Texas," by J. Frank Dobie—Little, Brown, 336 pp., $5—is a collection of Lone Star State stories which combines some sound history with some outrageous folklore. Our reviewer, Stanley Walker, is a onetime New York editor who forsook the East for Lampasas, Tex.)

In his time, and it's been a long time now, J. Frank Dobie has been a cowman, a university teacher, an amateur naturalist, a raiser of Spanish goats, a mighty enough hunter and lecturer, and a political disputant allied with the so-called liberal branch of Texas democracy. He is the sort of man who can ride a horse all afternoon, cook himself a good dinner of beans and cabrito, and then go to bed to read Herodotus. His smile is wholly disarming. His talk is good—slow, unpedantic, informal, And he can listen, preferably around a campfire, until the owls grow drowsy.

The man mystifies some folks. They don't see how such an obvious individualist can have any truck with New Dealers. There are a few persons who downright dislike him, though there are not enough of these to pack a one-room Texas schoolhouse. He has needled a few rich vulgarians, who can become very furious indeed. At least one man objected to Mr. Dobie discussing economics in any fashion because he was not an "accredited expert." Others dismiss him merely as a spinner of tales, some of them too ridiculous for the attention of serious and well-heeled citizens.

The material in this latest book of Mr. Dobie's, a collection of old Texas tales (some of them soundly based in history and some culled from the most outrageous folklore), is precisely the sort of thing that has given Mr. Dobie his unique place in the picture of the Southwest. A few years ago, sometime after his return from a year of teaching in England, he said, in a semihuff, that he would never again praise anything merely because it was Texan. Well, it is impossible to quarrel with that attitude. And yet Mr. Dobie is all Texan, and all his aberrations, such as reading poetry, can hardly disguise the fact. The present book, in which he retells many old stories and presents versions that he himself has encountered, is what most Texans would like to think of as the real Dobie—the open-faced, artless, charming, ever so slightly skeptical storyteller.

Here he tells old yarns about Texas weather, which is as unpredictable as a Texan's loquacity or reticence; he examines such matters as the woman's dream which saved the life of Josiah Wilbarger, who had been scalped by Indians and left for dead; he brings us up to date on some of his excursions into the field of buried treasure; he tells of the fabulous stores of honey found in Texas rock formations; he does a little debunking on Sam Bass, Texas' favorite hoodlum; he examines the evidence touchin' on and appertainin' to the Bowie knife; he recounts many creepy and often improbable tales of the Texas "panther." In short, it is the old, genuine blown-in-the-bottle Dobie, the Dobie who flourished before he met Henry Wallace and before he began picking holes in the works of Adam Smith.

There are many nuggets here that deserve attention One of first-rate importance is the lowdown on Pecos Bill, the Paul Bunyan of Texas. Somehow the idea has grown up that old-time Texans were reared on stories of Pecos Bill and that his prowess grew as he was discussed in the cow camps long ago. Actually this is the purest malarkey. Pecos Bill sprang full-grown from the imagination of the late Edward S. (Tex) O'Reilly, and the first time any mention was ever made of Pecos Bill in print was in a magazine article by O'Reilly in 1923.

As a sort of apology in his introduction, Mr. Dobie says: "Now that I have gathered together these tales of my land and people they seem inadequate." What he means is that most of these old tales are better in their oral telling than in print—that they of necessity lost much of their flavor and their value when set down on paper. This is probably true, or partly true. But he has done an excellent, easy-riding job with a morass of scattered materials

Texas already owes Mr. Dobie a great debt because he was the first articulate person to put across the idea that the life and literature of the Southwest was worth the study of intelligent persons. This new collection will increase that debt. The main debt, the overshadowing obligation, lies, of course, in the simple fact that Frank Dobie is Frank Dobie.

Frank Dobie Dies; Writer of Folklore

Austin, Tex., September 18.—J. Frank Dobie, 75, Texas cowboy, author, teacher and folklorist who spoke pithily and plainly about the land he loved, died in his sleep today, apparently of a heart attack.

Mr. Dobie's wife found him dead when she went to wake him from a nap.

He was among 30 prominent Americans, including Carl Sandburg, who received the Presidential Medal of Freedom in July. He was hospitalized at the time because of a heart condition.

The whitehaired, bushy browed scholar was a self-styled maverick—a range term for an animal that goes its own way, not with the herd.

"I damn sure would rather hear a coyote bark than anything I've heard on another man's radio," he once said.

His face deeply creased by more than half a century of exposure to wind and sun, he was to many Texans the State's No. 1 outspoken spokesman, a rugged individualist in runover boots and battered Stetson, a drawling storyteller of the highest order.

In 1920, Mr. Dobie gave up a job as foreman of a 250,000-acre ranch in south Texas to make a profession of writing and talking about the lore of Texas and the Southwest.

He became an English professor at the University of Texas and during World War II he was a visiting lecturer at Oxford University in England.

Mr. Dobie was an outspoken critic and the center of many controversies. He once advised the University of Texas to do away with the College of Education and School of Journalism. He said the $100,000 cenotaph honoring heroes of the Alamo looked like a grain elevator.

Mr. Dobie championed Homer P. Rainey, who was fired as University of Texas president in 1944 after several years of clashes with regents over policy matters, including academic freedom.

He was author of "Apache Gold and Yanquie Silver," "A Vaquero of the Brush Country," "The Longhorns," "Coronado's Children," "The Legend of Ben Lilly," "A Texan in England," and half a dozen other books about the Texas ranch life into which he was born.

He also had compiled a bibliography of southwestern lore.

Gov. John B. Connally said "the world has lost a great citizen because his influence was truly felt throughout the civilized world. Mr. Dobie was one of the State's beloved sons."

J. Frank Dobie: Cowboy, Educator Mourned Across Land

(By Ernest Stromberger)

Austin.—Friends of J. Frank Dobie, from President Johnson to neighbors living near his modest white frame house, mourned Saturday the death of the cowboy turned educator and writer.

He died of a heart attack Friday at the age of 75.

Many of the mourners are scholars, the type often on the receiving end of sharp words from the free-ranging, outspoken Dobie. He had no use for doctoral degrees—"that's simply transferring the bones from one graveyard to the next"—and once recommended abolition of the University of Texas College of Education while a professor there.

Some of the mourners, such as Governor Connally and Senator Yarborough are politicians, another group which has felt the sting of Dobie's words. He told at least two Texas Governors they were not fit for the office, and called one lieutenant governor a "homemade fascist" during an argument after Dobie commented that Davy Crockett was ignorant.

WARM FRIENDS

Dobie and Johnson, however, were warm friends.

He said of the President in July:

"I'm very strong for him, for what he stands for and for his ability in accomplishing what he stands for.

"I don't suppose there was ever a Vice President who took over the Presidency so well informed."

Johnson spoke with Mrs. Dobie Friday night, expressing his deep love and admiration for Dobie and extending his sympathy to the widow. He said he did not know whether he could attend the funeral.

Services will be held at 4 p.m. Sunday at Hogg Auditorium on the University of Texas campus. Burial will be in the State cemetery.

Survivors include his widow, Mrs. Bertha Dobie; two sisters, Martha Dobie, of Kerrville and Mrs. T. R. Standford, of Lyford; and a brother, Eirich Dobie, of Lamesa.

Johnson kissed Mrs. Dobie lightly on the cheek when he presented her Dobie's presidential "Medal of Freedom" in ceremonies Monday which Dobie was unable to attend.

Although his health prohibited the Washington trip, Dobie never slowed his pace in recent years.

He received on the morning of his death advance copies of "Cow People," his latest book. His weekly newspaper columns, which he began in 1939, continued without interruption.

In one of the last columns, Dobie wrote wryly that "So far as health is concerned, all I lack is what the inhabitants of Arlington Cemetery and similar plots of earth lack—vitality."

Dobie recently complained that "newspapers have been calling me a folklorist for 50 years, but I'm not. And I'm not a scientific historian.

"I present chronicles of what it was like in past years."

This is Dobie's definition of what went into more than 30 books, some of them bestsellers, and countless articles he has written.

Dobie's writings reflect a love for his homeland. He was born in Live Oak County. In 1920, he left a 250,000-acre south Texas ranch he was managing to make a profession of chronicling past years in the Southwest.

He taught a popular course in Southwestern literature for 20 years at the University of Texas, ending his teaching in 1947 after a row with the regents.

Johnson

Washington.—President Johnson said Saturday the death of Author J. Frank Dobie has cost the Nation one of its "most gifted, colorful, and constructive citizens."

The President issued this statement:

"Our Nation has lost one of our most gifted, colorful, and constructive citizens with the passing of J. Frank Dobie. His life work of recreating our rich regional heritage of the conquistadores and cowboys restored for future generations a treasure that might otherwise have been lost.

"Mrs. Johnson and I cherished for many years the candor and compassion of Professor Dobie. All of us can be grateful that only 5 days before he died Professor Dobie received the Medal of Freedom, our Nation's highest civil award, in recognition of the contribution he made as a writer and teacher to the enrichment of our American heritage."

Longhorns

Kerrville.—The president of the Longhorn Breeders Association credited J. Frank Dobie Saturday with helping preserve the breed when it had almost become extinct.

Charlie Schreiner, who heads the association, said Dobie "was an inspiration to all of us to preserve these cattle."

Schreiner said Dobie's 1940 book, "The Longhorns," did much to revive interest in a breed that was wild in Texas about the time of the Civil War. Dobie often spoke at historical meetings about the need for preserving the breed.

Several herds were preserved and the association now is registering the cattle to keep the bloodlines pure.

Big Crowd at Funeral for Dobie

Austin.—Approximately 700 persons gathered Sunday to pay their last respects to J. Frank Dobie, the educator and writer who never lost the appearance or free style of the ranching people he grew up with and loved.

Dobie died Friday of a heart attack.

Two friends, University of Texas Press Director Frank H. Wardlaw and Dr. Edmund Heinsohn, pastor emeritus of the University Methodist Church, offered remarks at a ceremony in an auditorium on the university campus where Dobie taught for more than 20 years.

Dr. Angus Springer, chairman of the drama department at Southwestern University in Georgetown, recited several passages from one of the more than 30 books Dobie wrote about Southwestern lore, "The Mustangs."

NEAR FRIEND

Dobie was buried beneath a big oak tree near his friend, Author Walter Prescott Webb, in the State Cemetery following the ceremony, which was not a religious one in keeping with Dobie's wishes.

Among those in the crowd were the two top administrators of the University of Texas, U.S. Senator and Mrs. Ralph Yarborough, and U.S. Representative Henry B. Gonzalez, of San Antonio.

Speaking of Dobie's wishes not to have a religious ceremony, Wardlaw said:

"He was not an irreligious man and he always respected the faith of others, but to him organized religion implied dogma and dogma implied a cutoff point for thinking, for questioning.

"SPIRITUAL MAN

"But while he was not in any formal sense a religious man, he was a deeply spiritual man whose life was motivated by the highest principles of service to others and to the cause of right."

Wardlaw described Dobie as "an enlightened, courageous, and compassionate citizen of the world" and remarked of his years at the university, many of them embroiled in controversy over academic freedom or some other policy.

"There will always be less room for sham and pretense and shoddy standards on the 40 acres (the university campus) because Frank Dobie was here."

Heinsohn said Dobie's great influence while at the university stems from the fact that "he brought a free man" to the campus.

INDEPENDENCE

"Again and again he declared his independence of those things he thought would restrict his freedom," Heinsohn said.

"We have a way of giving lipservice to free enterprise. We usually are talking about free enterprise in economics, and stop short of free enterprise in thought, in speech, in press, and in religion.

"Frank Dobie was a free enterpriser in all of these areas. He was always with his ideas moving into the open market to do battle with others and their ideas."

[From the Dallas Morning News, Sept. 19, 1964]

PROFESSOR ON A HORSE: DOBIE'S NICKNAMES EARNED AND LIKED

AUSTIN, TEX.—J. Frank Dobie earned the nicknames "Maverick" and "Pancho." He liked both of them.

The white-haired, bowlegged, pipe-smoking author and educator became known as a maverick because of his eccentricities, his informal dress and his outspoken crusading manner while teaching at the University of Texas. In cattlemen's talk, a maverick is a calf that has not been roped and branded.

Dobie was called "Pancho" because of his lifelong interest and extensive knowledge of the Latin Americans along the Texas-Mexico border. It means "Frank" in Spanish.

Dobie also like to be called the best professor who ever got on a horse.

Dobie forthrightly talked himself out of a job at the University of Texas after a 33-year stint as a teacher of writing and the lore of the Southwest. He took sides with Dr. Homer P. Rainey in the former university president's losing struggle with the regents.

Dobie was teaching at Cambridge, England, when the University of Texas regents tried to get him to end a year's leave of absence that had been stretched to 4 years. Dobie said he had hay fever and wanted to finish a book. The regents replied by dismissing him in 1947.

Dobie wrote more than 30 books and hundreds of magazine articles. He always had two or three books laid out and ready for writing.

Dobie was born on a ranch in Live Oak County and grew up in the brush country between the Nueces River and the Rio Grande. He graduated from a little ranch school to a town school and finally to Southwestern University at Georgetown, Tex. In 1914 he received a master's degree from Columbia University in New York.

He was a reporter for the San Antonio Express when World War I began and he volunteered as a private. Later he became an officer in the field artillery and saw oversea service in France.

Dobie returned to Texas ranching after the war but he soon turned to the University of Texas for more learning and teaching.

He began writing and searching the Southwest for yarns and tales he called "authentic lies * * * if it isn't true, it should be."

In 1929, he turned out "A Vaquero of the Brush Country." Two years later "Coronado's Children," a collection of stories about buried treasure legends, was published as a Literary Guild selection.

Seven other books were published before he took a leave of absence to teach American history at Cambridge. In 1944 and 1945 he taught at a school for American war veterans near London.

In 1955 Dobie was honored by the Texas Folklore Society, a group he helped start in 1922. He was given the title "Outspoken Ambassador for Texas and the Southwest." He was the first Texas writer to receive two of the Texas Institute of Letters' first-place awards.

In his later years Dobie remained active writing his syndicated newspaper columns, working on new books and keeping his eye on world affairs. He and his wife, Bertha, received old friends often in their modest white-frame home on a wooded lot they bought in 1962.

In 1957, Dobie was hospitalized with pneumonia and subsequently had a severe heart attack. He slowly recovered and went back to his reading and writing.

"It's not so much how long you spend on the road," Dobie commented on his 72d birthday, "but how far you travel and how much you pick up that's worth picking up."

[From the Dallas Morning News, Sept. 19, 1964]

DOBIE, MAN OF LETTERS, RANKS NO. 1

(By Lon Tinkle)

J. Frank Dobie was Texas' No. 1 man of letters and in some ways was the most colorful Texas personality of the century.

Only last Monday, Dobie received a Presidential Medal of Honor. On Friday night President Johnson telephoned Mrs. Dobie to express his condolences and to convey his love and admiration for Dobie.

Dobie was the first first-rate Texas writer of the three generations now living to win national fame. His "Vaquero of the Brush Country," published in 1929, was central in launching a southwestern boom in writing that still persists. He proved to two succeeding generations of Texas writers that a Texan could live in Texas and write about native material without being narrowly provincial or merely regional.

Dobie was legendary for his generosity and encouragement to other writers. Among those who have paid tribute to his help are such memorable southwestern names as Paul Horgan, Tom Lea, Fred Gipson, John Howard Griffin, Larry McMurtry, Bill Brammer and Frank Vandiver.

A man with a face that seemed to be sculptured in stone, Dobie was a monument of integrity and independence. He was typical of Texas in his fearless self-reliance, in his looking for authority, not in institutions, but within himself and within his own conscience.

It is usually agreed that with his late friend, Walter Prescott Webb, and with Katherine Anne Porter ("Ship of Fools"), he is one of the three great contributions to the civilized life and artistic achievement that Texas has made in this century.

SENATOR HUMPHREY'S VISIT TO SAN ANTONIO

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the district which I have the honor and the privilege to represent in the Congress of the United States, the 20th Congressional District of Texas, is the 8th largest district in the country. There are more than 700,000 people residing in the district, most of whom live in my hometown of San Antonio. The people of San Antonio are by nature warm and friendly, like our south Texas climate. Last Thursday, September 17, 1964, San Antonians and other south Texans expressed their warmth and friendliness to Senator HUBERT HORATIO HUMPHREY, who visited with us on behalf of President Lyndon Baines Johnson, and his own candidacy for Vice President.

Senator HUMPHREY's visit was a spectacular success. Not since the visit of President Kennedy to San Antonio on September 21, 1963, have the people shown such exuberance and delight in greeting an elected official of the Federal Government. Senator HUMPHREY made two powerful speeches, one at the new John F. Kennedy High School and another before the historic Alamo. Senator RALPH YARBOROUGH accompanied Senator HUMPHREY and the resounding cries of "Viva Johnson" "Viva Humberto" "Viva Yarborough" that filled the air on that memorable day are probably still echoing through the streets of the city.

With unanimous consent I would like to insert in the RECORD some of the local news stories that reported the occasion:

[From the San Antonio News, Sept. 18, 1964]

MRS. HUMPHREY CAMPAIGNS WELL

(By Vicki Brandenberger)

Mrs. Hubert Humphrey, charming wife of Democratic vice-presidential candidate, will probably be living out of suitcases right up to general election day in November.

In fact, Mrs. Humphrey announced during her brief visit to San Antonio with her husband Thursday that she will leave next Wednesday for her own private campaign junket through the Midwest.

"We're planning some exciting trips," she said as she powdered her not too shiny nose before appearing at John F. Kennedy High School Thursday afternoon.

Mrs. Humphrey's trip, to run almost concurrently with Mrs. Lyndon Johnson's whistlestop tour, will include visits to Wichita and Topeka, Kans.; Centerville and Des Moines, Iowa; Madison and Kenosha, Wis.; Waukegan and Aurora, Ill.; South Bend, Lafayette, and Indianapolis, Ind.; and Cleveland, Ohio.

She will join her husband in Cleveland on September 27 for a dinner rally.

But politicking is not at all new to Muriel Humphrey. She actually began stumping in 1943, when her husband, then politically unknown, ran in an eight-man race for mayor of Minneapolis. She has rung doorbells and delivered speeches ever since.

Mrs. Humphrey is apparently a good traveler. She stepped from the campaign plane looking fresh and alert, wearing a bright pink jersey shift gathered at the waist with a rope belt. Her only jewelry was a gold pin which held a pink ring scarf in place.

"Oh, I've never been here before," she commented to San Antonio women Mrs. Sarah McClure, Mrs. Mary Ward, and Mrs. John Alaniz. "It's delightful to be here."

Mrs. Humphrey and State representative Jake Johnson compared notes on relatives who hail from Minnesota.

After the speeches and tours, the grey-haired, blue-eyed Mrs. Humphrey again boarded the plane at International Airport and visibly slumped with relief and probably exhaustion.

Traveling with Mrs. Humphrey until the election are Mrs. Geri Joseph, national committeewoman from Minnesota, and Miss Carol Herzman, private secretary to the nominee's wife.

Smartly dressed and efficient, both women are quick with compliments about Mrs. Humphrey and praise for the political prowess of the vice-presidential nominee.

[From the San Antonio Express, Sept. 18, 1964]

HUMPHREY WOOS SAN ANTONIO FOR VOTES

(By James McCrory)

Democratic vice-presidential nominee HUBERT H. HUMPHREY Thursday declared a Democratic administration would give San Antonio more assurance of a HemisFair in 1968 and a navigable barge canal than would a Republican administration.

Carrying the Democratic campaign to the heart of Texas, the 53-year-old Minnesotan received a rousing Democratic welcome as he stumped for votes in a torrid 3 hours in San Antonio.

The first candidate for President or Vice President to visit the Alamo City in the 1964 presidential campaign, HUMPHREY crowded two speeches, a stopoff at the John F. Kennedy Memorial Pavilion at the Santa Rosa Medical Center, hundreds of handshakes and autographs and a long motorcade into his first visit to the Alamo City.

CROWD OF 5,000

Police Chief George Bichsel estimated 5,000 crowded into Alama Plaza to hear HUMPHREY's address from in front of the Alamo, and another 1,200 packed the John F. Kennedy High School. He estimated 5,000 along the parade route.

At the Alamo gathering, as well as at International Airport before departing, the Humphrey party ran into a minor uprising from Goldwater Republicans. The backers of the Arizona GOP presidential nominee held a large Goldwater banner aloft during HUMPHREY's speech, along with a scattering of signs with GOLDWATER's picture. There were disultory chants of "We Want GOLDWATER," but the dissenters were drowned out by the hundreds of signs reading "We want HUBERT" and "We Love HUBERT," and the tremendous ovation given the visitor.

HUMPHREY started to direct a remark to the Goldwater supporters in the crowd, but was interrupted by calls of "send them to the bathroom." HUMPHREY smiled and urged his listeners to be "good winners."

TWO PRAISED

Flanked by U.S. Senator RALPH YARBOROUGH and U.S. Representative HENRY B. GONZALEZ, whom he praised highly for their services to their constituency, HUMPHREY won cheer after cheer as he extolled the virtues of the Democratic administration and castigated the Republican standard bearers.

It was at the high school where HUMPHREY touched on the HemisFair and the barge canal, both projects launched by GONZALEZ.

"The only way you can be sure the fair will be realized is to make sure the man from Texas, who's also for the fair, is reelected," he said. And he said the enthusiastic support of the Democratic administration would help make sure the canal would "not be filled with the sands of Arizona."

HUMPHREY said both GONZALEZ and YARBOROUGH joined him in voting for funds for aid to education. He said those funds assisted medical schools "just like you're trying to build in San Antonio," and he said GOLDWATER voted against the bill to provide those funds.

IMMEDIATE RAPPORT

Establishing an immediate rapport with his young audience at the school, HUMPHREY said Federal funds helped build the new school, and that the school and hundreds of other schools are participating in the school lunch program and Federal aid for impacted areas under a Democratic administration.

"I'm proud of it and I don't think it's taken away any of our freedom," HUMPHREY observed. Terming GOLDWATER a man who doesn't want the Federal Government to help the people, HUMPHREY said the Federal and State Governments belong to the people. He said America is on the move again and "if Senator GOLDWATER put the lenses in his glasses he would know it."

Reciting the various programs instituted by the Democratic administration but passed with the aid of a number of Republicans, HUMPHREY said "most Americans, most Senators, most Congressmen" voted for them but not Senator GOLDWATER. His audience joined him in the litany, reciting "But Not Senator GOLDWATER."

NO LENSES

Telling his audience in the school auditorium that President Johnson understands, history and the times in which we live, and the course of events now and in the future, HUMPHREY said GOLDWATER has "no lenses in his glasses, no months on his calendar, and no hands on his watch."

At the Alamo, HUMPHREY declared that the United States needs a good two-party system, with "the Democrats in power and the Republicans out." He said a faction of the Republican party has kidnaped the GOP and as a result thousands "of fine Republicans are going to put their country above their party and vote Democratic."

Terming San Antonio and Texas, with its military bases, "the sharp cutting edge of American might," HUMPHREY said he thinks it is wrong for GOLDWATER to spread doubt and suspicion about the Government, and about the military strength of the Nation.

NOT A SERVICE

"I don't think Mr. GOLDWATER is performing a public service when he casts doubts and suspicions that President Kennedy manipulated the Cuban crisis for political advantage," HUMPHREY said. "He ought to be ashamed of himself. I resent this type of campaign, resent his casting a smear, smog, over one of the greatest men who ever served the United States."

HUMPHREY hammered away at a theme of responsibility in government as exemplified by President Johnson, and he said the goal of the country is "opportunity within freedom," a strong economy, a social structure that knows no second-class citizens or geographical distinction, all enriched by an education.

"America can afford and should provide an education for every American that wants to make something of his life," HUMPHREY said. The candidate continued that responsibility and hopes for a better world "are not obtained by building bigger bombs" and telling field commanders they can explode them at their own discretion.

PROGRESS CITED

HUMPHREY said opposition spokesmen are wrong in saying the United States is losing and communism is gaining. He said today America is mightier than ever, Western Europe is strong and prosperous, and the Alliance for Progress is progressing.

He noted freedom is gaining, the Communists are fighting among themselves, the Sino-Soviet split is real, the Eastern nations of Europe are seeking more freedom, and "Khrushchev has more trouble in 1 day than America has in a year."

HUMPHREY, whose delivery ranges up to 250 words a minute and who was accompanied to San Antonio by his wife, said the American people should feel uneasy when a candidate for the Presidency extolls the virtues of extremism in American politics says he will not indulge in personalities in the campaign, advocates negotiation of the future of Vietnam with the Chinese Reds, proposes social security be made voluntary, suggests the sale of the Tennessee Valley Authority, opposes and votes against a Federal income tax cut, and then changes his mind.

"No wonder the temporary spokesman of the Republican Party finds the American people uneasy," HUMPHREY said. "His preposterous display of revision, retraction, and repudiation makes everyone uneasy. The American people know they can't wait until Saturday to learn what the President of the United States meant to say on Wednesday. The American people know we need as President a man who means what he says and says what he means."

Pledging the Johnson administration will continue to keep America moving forward in the 1960's, HUMPHREY said on the basis of his philosophy and on the strength of his public record GOLDWATER cannot make that pledge to the American people.

"The Kennedy-Johnson administration has kept its promises," HUMPHREY said. "The Texas farmer, for example, has done well in these Democratic years. Gross income per farm has increased 25 percent. Price support payments have doubled. And I remind you that these are the price supports which the temporary spokesman of the Republican Party wants to abolish."

He said the continued advancement and prosperity of all Americans will have top priority in Johnson's drive to build the "Great Society."

TEN PROMISES

Asserting that 4 years ago the Kennedy-Johnson administration made 10 basic promises in a program to get America moving again, HUMPHREY said the 10 goals became realities. He said that each goal "required the mutual determination of a progressive administration and a sound Congress."

Said HUMPHREY:

"Only 1 Senator out of the 100 said 'No' to every one of the promises. Only one Senator opposed every one of those 10 pieces of legislation. Only one man voted 'No' time after time. Only one man was at the tail end of progress.

"That man now asks you to make him President of the United States—that man who said 'No' to America time after time—and now America is going to say 'No' to him on November 3. And that man is Senator GOLDWATER."

HUMPHREY listed these 10 administration promises he said GOLDWATER voted against but have been realized:

A promise to fight poverty. He said, "Today we are engaged in a full-scale war on poverty."

An end to discrimination. He said that "On July 2 of this year we signed a bill—the greatest guarantee of human rights this country has ever known—into law."

A minimum wage of $1.25. He said, "Today working Americans have the guarantee of that minimum wage."

A promise to fight disease. He said, "Today a Federal program to build new facilities and provide new scholarships for the training of doctors is underway."

A promise to fight slums. He said, "Today this administration has a five-pronged attack on slums and inadequate housing."

A promise the United States would be first in military strength. He said, "Today we are first in strength, and the nuclear test ban treaty proves that no one will surpass our determination for a peaceful, safe world for our children."

A promise that our economy would grow faster. He said, "This administration has led the Nation in 43 months of uninterrupted prosperity. And this year—with the dynamic boost of a major tax cut—will be the most prosperous in American history. In these 4 years we have proved to Premier Khrushchev that his Communist economy cannot surpass this free Nation."

Decent medical care for the aged under social security. He said, "The U.S. Senate passed the Nation's first medical care bill for the aged."

A promise to make the United States first in space exploration. He said, "The successes of the Mercury, Saturn, Ranger, and other programs have launched the United States on its journey to the moon. And the first American to get there will be an astronaut trained in Texas."

A more equitable share in American prosperity for the farmer. He said, "Net farm income has increased by over $1 billion per year, surpluses have declined, and exports have increased."

OTHER VISITS

Humphrey's visit, although the first from the top four candidates in the Nation, is expected to be followed by campaign swings through the Alamo City by Johnson, Goldwater, and GOP vice-presidential nominee William Miller.

Johnson and Humphrey are seeking to increase the Bexar County vote for the Democratic ticket, which gave Kennedy-Johnson 75,300 votes to the Nixon-Lodge vote of 63,931 in the 1960 presidential election. The Republicans, however, are hoping to reverse that vote and return Bexar County to the presidential Republican column which prevailed in 1952 and 1960. The GOP Eisenhower-Nixon ticket led the Stevenson-Kefauver ticket in Bexar County in 1956 by 65,901 votes to 46,636 votes, and in 1952 the Eisenhower-Nixon ticket carried Bexar County over the Stevenson-Sparkman ticket by 65,391 votes to 50,260 for the Democratic ticket.

Majority of the Bexar County Democratic leaders participated in the ceremonies honoring Humphrey. He arrived at Kelly AFB at 5:45 p.m., and left from International Airport at 8:30 p.m.

JAMMED SCHEDULE

Humphrey had a jammed schedule in Texas before flying on to Hot Springs, Ark.

He had press conferences, rallies, and speeches in Wichita Falls, Waco, and San Antonio.

In Wichita Falls, the Minnesotan said that the farmer in his native State of North Dakota has the same problems that the farmer in Texas faces.

"He's being caught in the cost-price squeeze," said Humphrey.

He noted that Texas U.S. Representative Graham Purcell—who also accompanied Humphrey into Texas—is a member of a new commission to study "the price spread between the price the farmer gets for his product and the price the consumer pays in the store."

Humphrey said he was certain the study would bring forth recommendations that will give farmers of Texas, Oklahoma, and Minnesota and all America a better break.

NO SURPRISE

In Wichita Falls, Humphrey said it should be no surprise that he got an enthusiastic reception in Texas.

"It's one country * * * we are all Americans," he said.

Humphrey, one of those instrumental in pressing the civil rights bill to enactment, said the thing to beware of is when people give out two messages—one for the South and another for the North.

Humphrey arrived at 3:10 p.m. at the Waco airport greeted by about 100 residents including a delegation of Young Citizens for Johnson.

Humphrey spoke briefly to the crowd saying: "I feel very much at home in Texas already. We had a warm welcome in Wichita Falls and it is even warmer here," he said, wiping perspiration from his brow in the bright sunshine.

He added, "We are already getting ice on the lakes up there in Minnesota."

GENERAL RAIN

Humphrey then commented on the general rain that fell on much of Texas Wednesday.

"You have warm weather, you had a good rain, and now all you need in Texas is to elect Lyndon Johnson and Hubert Humphrey on November 3."

Humphrey's motorcade wound through several residential sections on the way to a southwest Waco shopping center where he had a news conference and spoke to a public rally. A number of signs along the caravan route were hand lettered. One big one read, "Give 'em heck, Hubert," another said "Sic 'em, Hubert."

In two instances at Waco, Humphrey was almost mobbed by students.

Article From the San Antonio Light of September 18, 1964

(By Joe Rust)

The cry of "Viva! Viva! Viva!" still resounded through Alamo city streets Friday.

Thursday night it was the cry of a vice-presidential candidate.

And in the halls of John F. Kennedy High School and across the grounds of the Alamo the cry of "but not Senator Goldwater" still echoed. It too was the cry of that vice-presidential candidate.

HAPPY WARRIOR

From the time that Senator Hubert H. Humphrey's huge silver, orange, and blue prop-jet, "The Happy Warrior," set down at Kelly Air Force Base at 5:45 p.m. until the moment it took flight again at 9:15 p.m. from International Airport, the air was filled with "Vivas" for Democrats President Johnson, Humphrey, and U.S. Representative Henry B. Gonzalez. For Republican Barry Goldwater there were plenty of "but nots" and plenty of chastisement.

Before the Alamo and 5,000 persons chanting "We want Hubert," the Minnesota Senator berated Goldwater for "categorical statements suggesting that President Kennedy manipulated the Cuban crisis for political advantage."

"We resent him casting a smear over one of the greatest men that ever served the United States of America. He should be ashamed of himself."

In the Alamo speech, far from his prepared text, Humphrey said, "I do not think, Mr. Goldwater, that you are performing a public service when you spread doubt, fear, and suspicion about the American structure of government, nor do you serve justice and peace when you spread doubt about the military power of this Nation."

MORE FOR PEACE

Humphrey lauded Gonzalez with, "Henry Gonzalez has done more for peace in a quiet and reserved way than have all the bellicose statements of the Reserve general who seeks to be President of the United States."

The Minnesotan, who came to tell of L.B.J.'s "Better Deal," led a colorful motorcade from Kelly, to the Kennedy School, to the Alamo, to the airport, with one unscheduled stop, that at Santa Rosa Medical Center.

Alamo city Democratic officials began lining up the motorcade of 15 late-model convertibles, many of them compacts, in front of Menger Hotel shortly after 3 p.m.

By the time the officials were ready to parade to Kelly to meet the candidate, the "All the way with L.B.J. and H.H.H." and "We love you, Hubert" signs were showing up. One parader had brought an L.B.J. doll.

Though the autos were numbered, the 30-minute motorcade to the airbase was not in numerical order.

Mayor McAllister, who had been shunned by the motorcade, arrived by city limousine at Kelly, but a partycruiser of "Young Citizens for Johnson and Humphrey" was turned away from the landing strip gate.

AUTOS LINED UP

Several hundred, many lapel-pinned with "L.B.J. for the U.S.A.," watched as the autos were placed in numbered line, escorts and buses added and Humphrey allocated a larger convertible than originally earmarked.

It was announced "the Happy Warrior" was 25 minutes behind schedule.

"The Warrior," with a huge "H.H.H." stamped on its nose, rolled to a stop before the throng at 5:45 p.m., and Humphrey's press following exited. Then came Senator and Mrs. Humphrey and Senator and Mrs. Yarborough.

Humphrey's first contact on the ground was Gonzalez, who had arrived from Washington early Thursday.

"Viva Gonzalez," Humphrey said.

"Viva Humberto," Gonzalez retorted.

County Democratic Chairman John Daniels introduced dignitaries and Humphrey asked, "Did you have rain last night?"

Then Humphrey met McAllister and became an alcalde of La Villita.

INVITED BACK

McAllister told the Senator, "You don't want to be a Senator all your life, so when you get through doing what you are doing, come back to San Antonio and be a mayor."

Several of Humphrey's staff grumbled that the remark was a slap at the Senator and one remarked, "Sounds like he's working for Goldwater."

However, Humphrey took it in stride and told McAllister his one-time mayorship of Minneapolis "was the best job I ever had."

Humphrey asked Gonzalez to pronounce "alcalde."

The new "mayor" was dressed in a black suit and a shirt of small pin stripes. He appeared much leaner and taller than his television appearances, and sported a healthy campaign sunburn all the way to the top of his receding hairline.

The 53-year-old Senator appears younger.

After Humphrey became a HemisFair ambassador at the hands of HemisFair President William Sinkin ("I always wanted to be an ambassador, but is it with portfolio?"), he stepped into his convertible for the ride to Kennedy School.

TWELVE HUNDRED AT SCHOOL

The crowd along the short route to the school was sparse, but 1,200 awaited his arrival at the school. To the strains of "Hello, Hubert," and "Happy Days Are Here Again," he entered the school. There was a huge "Viva" sign on the lawn.

Humphrey's comments brought him a Beatle-like, rousing, riproaring welcome, but the students quieted when he spoke softly of Jack Kennedy.

Humphrey had come to the school to fulfill a promise Kennedy had not been able to keep, and the students knew this.

The Senator's emphatic oratory brought superb audience appeal and amazing knowledge of local leaders. He received a long ovation for his lauding of Archibishop Lucey.

He took up the "most Senators voted" such and such, "but not Senator Goldwater," a phrase Humphrey made popular at the Democratic Convention. Students quickly took up the chant.

GOP BANNERS

The audience was filled with hundreds of Johnson-Humphrey posters, and a few Goldwater-Miller banners were waved at the rear. He told his audience that "GOP now means 'Goldwater's Our Problem'."

The campaign swing continued to the Alamo.

A sea of banners and wellwishers greeted HHH at the Texas shrine. Shortly before the motorcade's arrival, police had squelched a bit of sign jostling between Goldwater and Johnson supporters.

"I'd rather bite than switch," announced a sign around the neck of a monstrous black dog. When the dog barked to background band music, the owner proclaimed the pooch was howling "I love Hubert."

Mrs. Humphrey thanked the crowd for a warm response, and her husband laid a wreath and both signed the Alamo register.

Gonzalez assured the crowd "we can once again this election year reaffirm our belief in America" by electing the LBJ-HHH team.

MILLER MENTIONED

Yarborough reminded the HHH fans that in September 1960 Kennedy made a speech near the same spot and that the honor had gone to Adlai Stevenson 12 years ago. The Texas Senator made the only reference to William Miller, Humphrey's vice-presidential opponent, during the entire Humphrey visit.

"In a Vice President, the Republicans wanted someone who can irritate someone," Yarborough said. "But when Lyndon Johnson picked his running mate, he chose a man who knows the problems of the 50 States and the 116 nations of the United Nations—and Hubert Humphrey is the man who talked Nikita Khrushchev under the table."

To the resulting cheers, Humphrey said, "I was told by Henry Gonzalez that San Antonio was a good Democratic city," adding, "But let me say, we do need a two-party system—the Democrats in power and the Republicans out."

He asked that Democrats be "more considerate" because "there are thousands of Republicans who are putting country above party and are going to vote the Democratic ticket."

He then raised the "Viva" cry again, for Gonzalez, Yarborough, L.B.J., and himself.

NATIONAL UNITY

When the crowd chided Goldwater banner wavers, Humphrey rared back and quick wittedly remarked, "Aw, now, be good winners."

Humphrey predicted a noticeable business and labor swing to the Democratic ticket and proclaimed the party "the party of national unity."

"Lyndon B. Johnson's administration seeks only a better deal for all Americans," he said. "This task requires fortitude and perserverance, and there are no simple answers and no childish answers to man-sized problems."

"We need a President who will look ahead, not back, and who will challenge us to face our problems. And, on November 3 most Americans, most Democrats, most Republicans, most Independents, will vote for Lyndon Johnson—but not Senator Goldwater."

Humphrey lauded Gonzalez and Yarborough for "a sense of social justice" and for believing in Government "responsible to the people."

"First seek men in Government who are responsible (the key watchword to Lyndon Johnson's entire public life) and then our goal is opportunity within freedom," the Senator said. He called for "education for every man, which America can afford and should provide," and responsibility abroad, "which does not include building bigger bombs and telling field commanders to explode them at their will."

FROM POWER

"We negotiate only when we negotiate from power," he asserted, and shamed those who say communism is winning over democracy. He said America today is the "mightiest power which has ever been known" and that European and South American alliances are working. "We demand the respect of our friends and the fear of our enemies," he said.

He said America cannot do away with the world's evils in 1 day, but that the task must be as the building of a great cathedral, "building a great society with national unity and a national purpose."

"John F. Kennedy said, 'Peace is a process'," he told the crowd.

The 30-minute Alamo visit gave way to the motor trip to the airport, where 500 were on hand. There were more Goldwater banners here than before.

STETSON GIFT

Humphrey stepped from his auto wearing a Stetson which State Representative Jake Johnson had given him.

He shook hands with his motorcycle escort and by 9:05 p.m. was aboard his plane. A world-famous newspaperman turned to another.

"They were muy simpatico," he said.

And as "The Happy Warrior" tipped skyward toward Hot Springs, Ark., the "Vivas" echoed in the night.

[From the San Antonio Express, Sept. 18, 1964]

"Happy Warrior" Humphrey Beams Over San Antonio Reception

(By Lloyd Larrabee)

"Viva Umberto" became the Democratic rallying cry in San Antonio Thursday for Senator Hubert Humphrey's campaign visit, but it was punctuated by a group of vocal pro-Goldwater hecklers.

The energetic and deeply sunburned Democratic nominee for Vice President beamed with the reception he received at the Alamo where many of a crowd estimated at 5,000 chanted "We want Hubert."

"You have convinced me," Humphrey smiled to the crowd: "I want to accept."

But President Johnson's running mate took note of three placards hoisted above the crowd carrying a picture of Republican presidential nominee Barry Goldwater, plus a "Goldwater for President" banner.

"Somehow or other, somebody else got in the parade," Humphrey said pointing to the Goldwater group. When someone else in the crowd suggested they be removed, Humphrey admonished, "Let's be good winners."

HUNDREDS OF SIGNS

Hundreds of signs urging support of Lyndon Johnson, Humphrey, and U.S. Representative Henry B. Gonzalez dotted Alamo Plaza. One said, "Viva Lyndon B., Hubert H., and Henry B." Others said "LBJ., HHH., and HBG."

Gonzalez, sharing the rostrum before the Alamo with Humphrey and Senator Ralph Yarborough, was interrupted by a cry from the crowd of "We want Goldwater" while the Congressman was outlining accomplishments of the Kennedy-Johnson administration.

"Not all Americans are of that faith," Gonzalez said, noting the heckler. "Let us invite them to all our rallies so they can see such great Americans as Ralph Yarborough."

YARBOROUGH INTRODUCED

Gonzalez introduced Yarborough, who in turn presented Humphrey. Yarborough said that in Humphrey, President Johnson picked as a running mate "a man whom Khrushchev tried to outtalk and Senator Humphrey talked him under the table."

Humphrey was upstaged himself, however, early in his 35-minute speech at the Alamo and did not make but one use of his favorite campaign gimmick of leading his crowds into a chant of "* * * but not Senator Goldwater."

A man standing alongside the platform interrupted Humphrey with the remark "but not Senator Goldwater," and Humphrey replied, "We'll get to that later."

The Minnesota Senator made good use of that device in his appearance before some 1,200 persons, mostly students, at John F. Kennedy High School shortly after his arrival at Kelly AFB.

TEN PROMISES

Humphrey ticked off 10 promises of the Kennedy-Johnson administration which he said have become realities.

On one after another of these issues, Humphrey said that most Americans favor them, most Democrats voted for them, and most Republican lawmakers voted for them, and then with a pause, added "but not Senator Goldwater."

The crowd drowned out Humphrey on the last four words by taking up the cry that Humphrey made his trademark at the National Democratic Convention.

As in other campaign speeches across the country, Humphrey delivered his punches at Goldwater and ignored the GOP vice presidential nominee, Representative William Miller, of New York.

CHARTER PLANE

Humphrey and his party, plus newamen and photographers, arrived at Kelly AFB about 5:45 p.m. in a chartered American Airlines plane carrying the designation "HHH" and "The Happy Warrior." The arrival was more than 20 minutes late.

Gonzalez, who had arrived earlier, was one of the first to greet Humphrey at the plane's ramp and gave the cry "Viva Umberto.

When Humphrey was introduced to Mrs. Alfred Negley, of San Antonio, State Democratic vice chairman, he remarked, "No wonder we win here."

Others greeting Humphrey included Mrs. John Steen, newly elected State Democratic committeewoman from Bexar County, Mayor W. W. McAllister, County Commissioner Albert Pena, County Democratic Chairman John Daniels, Sheriff W. B. (Bill) Hauck, former Democratic Committeewoman Sarah McClure, Democratic legislative candidate Tom Lee, and Negro leaders G. J. Sutton and Joe Scott.

YOUNG CITIZENS

A crowd of officials and newsmen awaiting Humphrey's arrival at Kelly AFB was treated to a brief appearance by an open air busload of "Young Citizens for Johnson-Humphrey." The group of some 25 students, wearing plastic "Vote Democratic" caps, drove away with shouts of "LBJ."

The first Goldwater placard made its appearance outside John F. Kennedy High School, where a young woman who identified herself as Evelyn Lorr and said she was the wife of a serviceman carried a homemade placard which simply stated "Goldwater" in orange letters. She stood near the Humphrey car.

A group of boys attempted to knock down the Goldwater sign and one of them said, "We don't like Goldwater, dump Goldwater in a goldfish bowl."

"HELLO, DOLLY" PLAYED

"We love you, Hubert" signs were hoisted by students, and the high school band in green and white uniforms played "Hello, Dolly," which became "Hello, Lyndon" during the National Democratic Convention, and "Happy Days Are Here Again."

Humphrey took occasion in both speeches to plug for election of all local Democratic nominees, and gave strong praise in both appearances to Gonzalez and Yarborough.

As he strode into an anteroom adjacent to the high school auditorium, Humphrey told one of his contingent, "I lost my notes—but I think I can get along without them." Someone handed him a copy of his prepared five-page text, which Humphrey used only as a bare outline in his 30-minute speech.

Crowds were sparse along the motorcade route.

Humphrey told the high school audience he was "proud to be of assistance to Lyndon Johnson," and brought repeated cheers with his praise of Texas leadership in Congress.

"VIVA HUMPHREY"

"As we would say up Minnesota way, 'Viva Gonzalez, Viva Yarborough, Viva L.B.J.' " he told the audience. A member of the crowd shouted "Viva Humphrey," and the Senator responded, "Yea."

Humphrey led newsmen and photographers on an unscheduled chase when the motorcade reached the Santa Rosa Medical Center. He stopped his car to get out and shake hands with a group of nuns on the street, and asked them, as he had the audience at the high school, to extend his greetings to Archbishop Robert E. Lucey.

He turned then, apparently to go to his car, but then darted into the Medical Center, with Yarborough, Gonzalez, newsmen and photographers trailing behind, and went to the 10th floor to meet Sister Mary Vincent, hospital administrator.

While hecklers greeted Humphrey along the route—some 20 youthful backers of Goldwater stood by the International Airport gate as he arrived and others waved Goldwater placards as his plane departed—Humphrey received a wildly enthusiastic welcome that included at least one dog.

In the Alamo crowd was a huge black dog, a great Schnauzer. Hanging from his neck was a sign stating:

"I'd rather bite than switch."

[From the San Antonio News, Sept. 18, 1964]

Humphrey Visit Stirs San Antonio Democrats

(By Kemper Diehl)

Senator Hubert Humphrey greeted the Arkansas Democratic convention Friday with a sore right hand and a slightly sore larynx.

A dozen or so Bexar County celebrity-chasers greeted the workaday world with sore toes.

But nearly 10,000 Democrats greeted the start of the presidential election campaign with newfound unity and enthusiasm.

The sore hands, feet and throats—as well as the enthusiasm—were the result of a whizbang, whirlwind visit to San Antonio by the Democratic vice-presidential candidate.

Arriving just 25 minutes behind schedule, the articulate Minnesotan so enjoyed his stay that he stretched his 3-hour timetable by a half hour, departing finally at 9:15 p.m.

VOICE GROWS HOARSE

In that time he managed to:

Barnstorm from Kelly AFB to international airport, with stops at John F. Kennedy High School, Santa Rosa Medical Center and the Alamo.

Charm his crowds into vigorously repeating the now-famed chant, "Not Barry Goldwater!"

Charm brass-collar Democrats with a fire and brimstone denunciation of the "temporary Republican spokesman."

Charm Democratic eggheads with eloquent discussions of national unity, purpose and peace.

Charm local candidates by meticulously endorsing them by name, rank and serial number right down to legislators and nominees for county commissioner.

In the course of the enthusiastic proceedings, Humphrey's voice, already well worked in similar doings in Wichita Falls and Waco, grew hoarse.

RIGHT HAND BLOODY

By the time he emerged from a final crush at the Alamo, his right hand was bloody from inadvertent fingernail slashes.

The crowd at Alamo Plaza as Humphrey's big convertible arrived was so packed and so determined to press closer to the candidate that his driver later announced:

"I know I ran over some toes. I could feel it."

A similar pack of admirers halted all proceedings as Humphrey left Kennedy High School for several minutes.

The omens for a happy visit were good from the start.

Filing peacefully into a cavalcade of autos to greet the candidate at Kelly AFB were representatives of every faction of the faction-happy Democrats from State Committeeman John Peace to Democrat Coalition Chieftain Albert Pena, Jr.

Humphrey's big plane, "the Happy Warrior," arrived at 5:45 p.m. and he emerged to be greeted by Democratic County Chairman John Daniels, Mayor McAllister, and Representative Henry Gonzalez. Arriving with him was Mrs. Humphrey, as well as Senator and Mrs. Ralph Yarborough.

ASKS ABOUT RAIN

"Viva Gonzalez," the Minnesotan greeted the Congressman and received the reply, "Viva Humphrey."

"Did you have rain here?" Humphrey asked Mrs. Alfred Negley, State vice chairman of the Democratic Party, adding, "The President told me to fix that up."

The mayor contained his Goldwater leanings with aplomb.

"It's a pleasure to present you with this certificate as an honorary mayor," said McAllister, adding this understatement: "You may not want to be a Senator all your life."

"The best job I ever had was mayor," commented the former chief executive of Minneapolis.

"I'm familiar with the Hemis-Fair," he informed William Sinkin, who represented the San Antonio fair. And the candidate proceeded to prove his knowledge by discussing it in his first speech of the evening.

YOUNGSTERS LAUDED

Humphrey clearly relished that speech, delivered before some 2,000, including many students, in the auditorium of Kennedy High School. He established quick rapport, announcing:

"How lucky we are to be Democrats. Look at the fun we have, the joy we have in contrast to the Republicans. I don't mean regular Republicans, of course. I mean Goldwater Republicans.

"As Sam Rayburn said. 'It's bad enough to be an old fogy, but it's worse to be a young fogy.' "

He wasn't long in moving to the attack, asserting:

"One of the most wonderful experiences of the campaign is the presence of and enthusiastic help of young people. That's the story that needs to be written.

"We don't need to be told of the tyranny of the U.S. Government which helped build this school. It is a government of the people, by the people and for the people. That's what this Government is, and the gentleman from Arizona does us a disservice when he tries to divide the people from the Government.

"It is shameful—that some people try to divide us and pit Federal Government versus State and State versus county."

UNITY CALLED FOR

"What America needs today is national unity, national purpose and first-class citizenship for every American."

Humphrey recalled that the first bill he authored was the measure which aided federally impacted school districts.

"I'm proud of it, aren't you?" he inquired and the crowd roared agreement. "I'm proud we have a school lunch program and vocational education program and milk program," he asserted to additional cheers.

The Senator argued that the only "way you're going to get the HemisFair" is to back President Johnson, and "if you want to improve the navigational possibilities of the San Antonio River you'd better be sure it isn't filled with the sands of Arizona."

Pausing for a tribute to Archbishop Robert Lucey, Humphrey then recited programs "favored by nearly all Americans, Democrats and Republicans, but not Barry Goldwater." Quickly he had the crowd chanting with him, "But not Barry Goldwater" after each sally.

VISITS MEMORIAL

Riding again with Yarborough, Gonzalez, and the three wives, Humphrey headed for the main event on Alamo Plaza.

But when Gonzalez spied Sister Mary Vincent in a group of Sisters of Charity of the Incarnate Word at Santa Rosa Medical Center, Humphrey called an impromptu halt.

A round of handshaking and inquiries about the archbishop (who was in Rome) ensued and the official party was soon in an elevator headed for the John F. Kennedy Memorial Pavilion.

"Isn't that a great tribute?" he announced of the memorial. After a brief discussion, Sister Mary Vincent announced, to the huge enjoyment of Humphrey, "Well, Mr. Vice President, I think we had better go."

Arriving at Alamo Plaza, Humphrey, aided by 10-year-old Natalie Martinez and her sister Carmen, 9, placed a wreath at the shrine of Texas liberty.

MARVELS AT WALLS

Inside, he marveled at the stout mission walls and posed with Yarborough and Gonzalez near the plaque which recounts the famed Travis letter from the Alamo.

As at Kennedy High School, Humphrey departed almost completely from his text, but hit on similar themes for the crowd, estimated at 5,000.

A chant of "We Want Hubert" stilled proceedings for several minutes. Humphrey then lauded Gonzalez and Yarborough and carried the endorsement down the line to legislators.

When supporters shouted at bearers of several Goldwater signs at the rear of the crowd, he joshed, "My dear friends, let's be good winners."

Humphrey recounted Democratic programs and cited U.S. military might, going on to describe San Antonio and Texas as "the cutting edge of American power."

"We command the respect of our friends and the fear of the enemy," he asserted.

He recounted "prosperity the likes of which the world has never known," and asserted:

"Is it any wonder that today businessmen who have traditionally voted Republican are by the hundreds, yes the thousands, going to vote Democratic?"

CUBAN CHARGE HIT

Pointing to "a whole new era ahead of us," he asserted:

"This party represents national unity, it seeks not to divide. It seeks to unite. It seeks to build a better America."

He described Johnson as a "man who challenges us, not to look back, not to ignore problems, but to look ahead."

Once again he attacked Goldwater for "spreading doubt and suspicion about the American Government" and about "the military power of the United States."

He lashed fiercely at Goldwater's suggestion the Cuban crisis might have been timed by President Kennedy "for political advantage."

"I resent this kind of campaign which casts a smog over one of the greatest Presidents who ever served the United States of America," he declared.

Humphrey emphasized the need of "responsibility" in the Chief Executive and announced that "responsibility is the theme of Lyndon Johnson's whole life."

GONZALEZ PRAISED

Praising work of Gonzalez in "building better relations" with Latin American countries, Humphrey declared he had "done more for peace by patient effort than all the bellicose speeches of the Reserve general who wants to be President."

He turned to the President's aim of building the "great society," and announced. "If we can build this society at home, then we possibly are equipped to do the job of leadership throughout the world."

Moving slowly through the massed throng, Humphrey got away again and his motorcade swept out Broadway to International Airport, moving swiftly past a group of Goldwater pickets at the approaches of the terminal building.

He went straight to his plane, waving brief greetings to supporters cooped up inside the terminal building.

The flight headed for Hot Springs and appearances there and in Little Rock at the Arkansas Democratic convention.

[From the San Antonio Evening News, Sept. 18, 1964]

Politicians Heroes to Teens

A group of "Young Citizens for Johnson," waiting Thursday for the arrival of vice president candidate Hubert Humphrey treated local Democratic candidates like teenage idols.

"Oh," screamed one red-haired girl, "I'll never wash this hand again."

She had just clasped hands with U.S. Representative Henry B. Gonzalez.

"Hey, his daughter goes to our school," another girl shouted with authority.

But the Congressman ignored the screams and plowed into the center of a group of some 25 young-un's to sign autographs.

State Representative Jack Johnson, spur-of-the-moment instigator of the meeting between Congressman and kids, also brought local office candidates into the fold.

Johnson introduced Dick Landsman, candidate for county commissioner, precinct 3; Representative John Alaniz; and nominee for State legislature, Joe Bernal.

"Where is precinct 3?" queried one young Democrat.

Mass handshaking then followed.

The young citizens arrived at Kelly in an open-sided bus they chartered especially for "Humphrey Day." The group, composed mostly of nonvoting age Democrats, is headed by Jack Lee, 306 Gettysburg Road.

Teenagers were also out in force for the Humphrey appearance at John F. Kennedy High School.

Although final bells had rung hours before, students packed the 1,000 capacity auditorium and draped their torsos out of windows to catch a glimpse of the candidate or shout "Viva."

Green and white clad "Spacettes" were usherettes in the auditorium and the National Defense Cadet Corps were on duty to keep the crowd in line. But even the Spacettes and Corpsmen were carried away with Humphrey enthusiasm and before the talk was over they were shouting and stamping with abandon.

The Kennedy band, directed by Albert Mireles, played "Hello, Dolly" as the cavalcade of Democratic dignitaries arrived at the school. They played "Happy Days Are Here Again" as the cars left for the Alamo.

Students had spent the better part of the week preparing for the visit, according to Mrs. John Tuck of the Edgewood Independent School District staff.

About 15 telephones were installed at long tables near the stage for use by national news writers. Thousands of red, white and blue banners and signs dotted the auditorium, and hundreds of folding chairs had been set up in aisles and doorways.

Humphrey's speech was recorded via closed circuit television and transmitted to about 22 classrooms throughout the building for overflow crowds. The TV equipment, used daily for instructional purposes, was operated by TV coordinator H. H. Bobele.

Members of the Edgewood School Board and Supt. Bennie Steinhauser sat on the front row of chairs on the stage but were not introduced.

THE HONORABLE JOHN A. GRONOUSKI HAS DISTINGUISHED HIMSELF WITH A GREAT RECORD OF ACCOMPLISHMENT AS POSTMASTER GENERAL

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Morrison] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MORRISON. Mr. Speaker, the Honorable John A. Gronouski is the first Polish-American to ever serve in the Cabinet of the United States. His record of accomplishment is so outstanding that not only can all Polish-Americans, but all Americans can certainly feel proud to have him in this high Cabinet post—perhaps the biggest business and one of the most important businesses in the whole world.

A YEAR OF ACCOMPLISHMENTS—THE RECORD OF POSTMASTER GENERAL JOHN A. GRONOUSKI

Since its inception under Benjamin Franklin 200 years ago, pioneering has been a great tradition in the Post Office Department. In the first year of his stewardship as Postmaster General, John A. Gronouski has kept alive that tradition.

On September 30, 1963, John Gronouski came to the Department from Wisconsin with a reputation as an educator and economist, and with impressive credentials in the labor-management field. With that background he has left an indelible impression on an organization composed of 590,000 employees in some 35,000 post offices, branches, and stations across the country.

But perhaps more importantly, he is blazing new trails in the postal service, particularly in the area of parcel post. In the year that he has headed the Department, Postmaster General Gronouski has initiated more improvements than have ever been attempted in the 50-year history of parcel post.

Let me say at the beginning that there is great room for reformation of parcel post service—and Mr. Gronouski is the first to admit it. One of the giant steps he has taken to improve this service is the introduction—for the first time—of the principle of scheduled delivery.

This means that within certain geographical limits anyone can ask his postmaster when his parcel can be expected to reach its destination, and he will be told, with some reasonable degree of accuracy, just when it will arrive. In a great many cases, the schedules call for next-day delivery.

The mechanization equipment was designed by the Post Office Department and installed by the J. C. Corrigan Co. in 1960. The total contract cost reported as of inventory date, June 1964, is $1,148,289. The total estimated mechanization cost based upon Post Office Department cost criteria is $1,178,864. The recorded disbursement of all mechanization equipment in this office as taken from the Bureau of Finance cost records is $1,099,278. These figures do not include the intercommunication system, $14,000; air conditioning, $150,000; nor changes performed provided under a lump sum lease agreement in 1963, $256,456.

Other improvements include the use of new equipment for handling parcel post, a directive to postmasters to empty racks and hampers at the end of each working day, the addition of 10,000 mounted delivery routes, the assignment of more personnel at key mail handling points to eliminate congestion over the weekend, and the use of "pool cases"—cardboard boxes which hold a number of smaller packages addressed to the same general area.

While parcel post has been given top priority on the Postmaster General's agenda, innovation and experimentation are not limited to that type of service. Permit me to cite some other projects in which he has pioneered to heighten efficiency, improve the morale of postal employees and in general enliven the image of the Post Office Department:

For the first time, lady carriers will have the opportunity of wearing uniforms expressly tailored for the female form.

The Department is in the process of buying, on an experimental basis, some new stainless steel letter boxes with red, white and blue trimming that glows at night. If practical, they will replace the old painted carbon steel boxes now in use.

Individual work measurement has been eliminated completely in 41 post offices and suspended in 26 others, among them some of the largest in the country. If productivity is maintained in these offices, further modifications will be considered.

The Department is looking over some new automatic vending machines which dispense postal items 24 hours a day, 7 days a week.

Street supervision of letter carriers without prior notice has been discontinued.

Postmasters have been given authority to adjust services to the needs of their local communities, provided they stay within their manpower and budget allocations.

A comprehensive educational and training program in labor relations has been undertaken for postal supervisors, who serve as the link between management and the rank and file of employees.

On a smaller scale, training centers have been established for mechanics in the maintenance and repair of postal vehicles, for the upkeep of air conditioning plants, for operators of mechanized equipment and for sprucing up the interior and exterior of post offices.

The Department is cooperating with President Johnson's Committee on Consumer Interests, giving particular attention to protecting the public—especially senior citizens—against mail fraud swindles involving land offered for vacation and retirement.

Merit awards have been extended to employees in the field who show exceptional competence on the job.

New opportunities for promotion are being made available to experienced carriers and to clerks performing more responsible duties.

The number of automatic data processing centers in the Department was cut from 14 to 6, at a saving of $4 million a year.

These changes were accomplished on a postal budget which consisted of all lean meat and no fat. Savings to the American taxpayer totaled at least $391 million this year, measured against the forecast made by the Eisenhower administration for fiscal 1964.

The Department's economy program—and the public is entitled to know this—averted a postage rate increase this year. The public is also entitled to know that in relation to our national income, the postage we pay for the service we get is lower than anywhere else in the world.

Alert as he has been to the need for change, where change was warranted to improve service, Postmaster General Gronouski has not hesitated to support, consolidate, and implement the programs begun by his immediate predecessor.

He has placed the full prestige of his office behind such notable service improvements as ZIP code, ABCD—4-hour delivery service for business communities—and NIMS, a project which calls for the Nation's large volume mailers to cooperate with the Department in a joint effort to eradicate what has been described as the Department's "5 o'clock shadow."

This was the enormous glut of mail that used to descend on the Nation's post offices after 5 p.m. At one time it amounted to 80 percent of the day's mail. Today, thanks to the cooperation of the Nation's mailers, that percentage has been cut to 48.9 percent for all mail, and 43.7 percent for priority mail.

Under Postmaster General Gronouski's leadership, even greater gains have been recorded in barring discrimination and assuring equal job opportunities for the Department's employees.

In July new agreements were signed with postal organizations which improved and refined the original contract. I think I can truthfully say that advances in labor-management relations in the Post Office Department are unmatched by any other Federal agency.

The productivity of clerical help was increased by 4.3 percent in 1964 over 1960, producing savings of $69 million over that period.

Sound labor-management relations, operational economies, further use of mechanization, and adoption of progressive management techniques have produced solid gains for the public.

Proven mechanized equipment is being installed in post offices where it will do the most good in helping personnel to process the mail. With the help of ZIP code, the Department is taking advantage of the data processing equipment now in the hands of private enterprise to presort the mail and speed it to its destination.

In the past year a total of 1,261,930 addresses has been added to city delivery—to 132,809 business firms and 1,129,121 residential families. Rural delivery has increased to take in an additional 95,801 families.

Construction awards were made to build and lease 8 big postal plants in cities handling the greatest volume of mail, and plans were developed under the Department's lease-construction program to proceed with the construction of an additional 13 by the end of fiscal year 1965.

Contracts also were awarded during the year for construction of 896 other postal buildings throughout the country, and the General Services Administration was authorized to modernize postal space in 270 Federal buildings.

Under Mr. Gronouski's direction the ABCD program of 4-hour service was extended to an additional 73 cities, raising the total to 271, and assuring more delivery service on the same day than any other nation.

Thanks to the ability, the initiative, the patience, and the foresightedness of Postmaster General Gronouski, I can say without hesitation that the United States now has the best postal service in the world.

As vice chairman and ranking member on the important committee of the House, Post Office and Civil Service, I certainly believe I am in the position to observe the magnificent record that this man has made and it has been my privilege as well as the other members of my committee to have worked with him and shared a mutual cooperation in his great record.

To his few and uninformed critics—and no man worth his salt can hold a controversial position without stirring up some opposition—I say: Let us look at the record. For 1 year in office it is indeed a formidable record, and I am proud to salute the honorable gentleman from Wisconsin—John A. Gronouski—a man who has brought great honor to all Americans everywhere of Polish decent.

ITALO-AMERICANS MEET WITH PRESIDENT JOHNSON TO PROPOSE A COMMEMORATIVE VERRAZANO NARROWS BRIDGE STAMP

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MURPHY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, I met with a group of distinguished Americans of Italian heritage last Friday with President Lyndon B. Johnson at the White House to propose a commemorative stamp for the Verrazano Narrows Bridge which was named in honor of Giovanni da Verrazano, Italian explorer and navigator. The bridge is the largest single span bridge in the world and joins Staten Island with Brooklyn, N.Y., spanning the Narrows through which every ship entering New York must pass. Meeting with the President were Hon. Hugh L. Carey, 15th Congressional District; Hon. Edward D. Re, Chairman, Foreign Claims Settlement Commission; Hon. Albert V. Maniscalco, president of the Borough of Richmond, N.Y.; Dr. Mario F. Tagliagambe, Brooklyn, N.Y.; Hon. James V. Mangano, chief law officer, Supreme Court, Brooklyn, N.Y.; Mr. Anthony Scotto, vice president, Longshoremen's Association, Brooklyn, N.Y.; Mr. Robert R. Rofrano, president, Grand Council of Columbia Association of Municipal, City and Federal Employees in Civil Service; Hon. Ross J. DiLorenzo, national secretary, American Committee on Italian Migration; Mr. John N. LaCorte, director, Italian Historical Society of America; and Judge Edward D. Caiazzo, criminal court, city of New York. As a result of the appeal made to the President by this group, the President approved the issuance of a commemorative stamp dedicating the Verrazano Narrows Bridge.

At the White House meeting the President addressed the group as follows:

> Your visit today reminds me of one of the most memorable—and inspiring—experiences of my life.
>
> Two years ago this month I visited the city of Naples. There I was privileged to speak to and meet with several hundred families who were leaving their native land to become citizens of our land.
>
> There is no more difficult decision men can make than to leave their homeland—and their family ties to begin life anew in another land. In this office I think always of the more than 40 million men and women who since 1820 have made that choice. A President has no greater duty than to use every strength and talent to keep America as a land to which many will want to come—and none will want to leave.
>
> We must have laws regarding immigration. Personally, I believe our laws should not say that the relatives of any Americans are not welcome to become Americans themselves. We are committed to eliminating discrimination in our society. I believe we should also eliminate discrimination in the laws relating to those who would join our society from abroad. The strength of our

Nation has been built from many groups from many lands. No group has contributed more—few have contributed so much—as the sons and daughters of Italy.

History sometimes turns on small things. I often think back to the anxious years immediately after World War II—the year of the Italian elections. The whole history of the postwar world—and the struggle between communism and freedom—might have been different if we had not learned to love and trust the Italian people as friends and neighbors in America. On the cornerstone of that friendship, trust and closeness, America's policy of strength against Communist aggression and subversion was built. Today we rejoice in the freedom, the success and the high promise of modern Italy.

I am very proud today that Americans who bear fine Italian names play such an important role in our national life—and this administration. A good many "firsts" have been established these last 4 years. There is Secretary Celebrezze in the Cabinet. Senator PASTORE was keynoter of the Democratic National Convention. Here in the White House, always at my side, is Jack Valenti. I have learned one thing from my association with them—and others. My Italian friends are very persuasive.

You have been very persuasive this afternoon. As far as I am concerned, I believe we should have another first—a stamp commemorating this first great project named after an Italian. If I have any influence with the Post Office Department, and I think that I may, we will issue the stamp.

The Postmaster General accordingly approved the issuance of the stamp on September 18, 1964.

BOBBY BAKER INVESTIGATION

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Iowa [Mr. GROSS] is recognized for 3 minutes.

Mr. GROSS. Mr. Speaker, the President has led the American people to believe that he wants an investigation of the charge that Matthew McCloskey, a leading fundraiser for the Democrat Party, padded $35,000 of payola into the premium on the performance bond in connection with the District of Columbia stadium.

If he is serious, what are they waiting for? When will the American people be told the truth about this and all other ramifications of the Bobby Baker scandal?

I suspect the answer is "Never," recalling as I do the last whitewashing of the Baker scandal and an experience I had with the chairman of the Rules Committee of the other body.

In the Washington Post of December 14, 1963, the junior Senator from North Carolina was quoted as accusing me of issuing "a lot of facts that weren't true" in relation to President Johnson's personal and family business interests.

Under the same date of December 14, 1963, I wrote to the chairman of the Rules Committee of the other body and asked that he tell me wherein I had issued "a lot of facts that weren't true."

More than a month later, on January 16, 1964, I again wrote to the chairman of the Rules Committee of the other body, referred to my earlier letter, and asked if he had any intention of honoring my simple request.

He has never replied, and perhaps for the reason he knows that everything I have had to say about President Johnson's personal and family business interests is entirely factual.

However, if the gentleman will not show a Member of the House the common courtesy of responding to a legitimate inquiry; if he does not have the fairness to admit that he was wrong, what can the American people expect from the Rules Committee of the other body other than another coat of whitewash on the scandalous Bobby Baker case?

ARAB CHALLENGE

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 5 minutes.

Mr. RYAN of New York. Mr. Speaker, on September 2 the House debated amendments to Public Law 480, in connection with surplus food shipments to the United Arab Republic. In discussing the aggressive acts and intentions of President Nasser of Egypt, I stated: "The United States must not be a silent partner to Egypt's arms buildup."

Regrettably, only a short time later, I am once more compelled to point out that United States aid indirectly furthers the Arab plan to destroy the State of Israel.

The second Arab summit meeting, recently held in Alexandria, Egypt, was not as successful as the previous conference in presenting a picture of Arab unity. There were clashes between Nasser and the leaders of Lebanon, Jordan, Syria, and Saudi Arabia. The war in Yemen was not ended. Lebanon has postponed its implementation of the Arab plan to divert the headwaters of the Jordan River in order to block Israel's water development project. Jordan, Lebanon and Saudi Arabia refused to allow Egyptian troops on their soil, except in case of war.

But the 13 heads of the Arab States were able to agree on one goal—the establishment of a Palestine Liberation Army composed of Arab refugees dedicated "to liberate Palestine from Zionist imperialism."

Last January the Arab leaders entrusted Ahmad Shukairy, the former Saudi Arabian Ambassador to the U.N., with the task of forming a "Palestine entity" which will try to act as a government in exile. In May, Shukairy convened a conference of the Palestine Liberation Organization in Jordanian Jerusalem. The 300 delegates took an oath. They swore that:

> Palestine is our homeland. Repatriation is our goal. Death does not frighten us. Palestine is ours.

This past week, in a dispatch from Beirut, the New York Times revealed that the Arab heads of state have named Lt. Col. Wajih el-Madani, a Palestinian now serving in the Kuwait Army, to head a 30,000-man refugee force. The new Palestinian army will be based in the Gaza strip and the Sinai Desert, on Egypt's frontiers with Israel. Palestinians presently in the Jordanian Army and a group of Algerian officers will train the refugees.

Mr. Speaker, the U.S. taxpayer has contributed some $332 million to the United Nations Relief and Works Agency since 1949 to care for the Arab refugees. Do the Arabs expect us to continue to pay about 70 percent of the annual $35 million bill to feed the refugees, educate and train them, house them, and preserve their health while their leaders organize them into an army? Can anything be more cynical than the use of the refugees as pawns in the struggle to eliminate Israel by the Arabs while the United States and other nations are asked to pay for their upkeep?

Mr. Speaker, the problem of the Arab refugees must be resolved. The refugees, who regularly insist on repatriation to the Israel they have announced they will destroy, should be settled in the Arab lands where they now reside. UNRWA should make every effort to eliminate from the relief rolls the thousands of names of persons who are dead or who have found employment outside the U.N. camps as has been strongly recommended by UNRWA's Secretary General, Dr. Laurence Michelmore.

The United States must make it clear to the Arab States that we will indeed, in the words of President Kennedy, "oppose the use of force or the threat of force, in the Near East."

Mr. Speaker, the New York Post editorialized on September 14, 1964, on the challenge posed by the Arab decision to create the so-called Palestinian army and called upon the United Nations to come to grips with the problem. I include the editorial at this point in the RECORD.

[From the New York Post, Sept. 14, 1964]

ARAB CHALLENGE TO THE U.N. AND UNITED STATES

The warlike decisions of the Arab leaders at their recent summit conference challenge the U.N. and the United States as much as they do Israel.

The Arab potentates directed that a liberation army be formed from among the Palestine refugees. Egyptian President Nasser said he would make available for training purposes territory in the Sinai Peninsula and the Gaza strip.

The Arab refugees are under the jurisdiction of the U.N. Relief and Works Agency. For 16 years the U.N. has financed food, clothing and shelter, schooling, and vocational training for some 900,000 refugees in camps in Jordan, Gaza, Lebanon, and Syria. U.N. assistance to the Arab refugees has mounted to close to half a billion dollars, with the United States paying 70 percent of the total.

Are these refugee camps now to become recruiting grounds for an army that has the avowed purpose of making war against a member state of the U.N.? That would make the U.N. a partner in the preparation of an open war against Israel.

It was shocking enough that the U.N. closed its eyes to the failure of the Arab leaders to respond to Israel's standing offer to negotiate a settlement of the Arab-Israeli conflict. This would be more scandalous.

Can the U.N. remain silent as the Arabs brazenly lift a dagger to plunge into Israel's back?

At the very least, the United States should serve notice that it will not continue to underwrite an agency that is misused for such purposes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. RYAN of New York, for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. RHODES of Pennsylvania.

Mr. CELLER.

(The following Members (at the request of Mr. ASHMORE) and to include extraneous matter:)

Mr. ROONEY of New York.

Mrs. KELLY.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2049. An act to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until Monday, September 28, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2561. A letter from the Acting Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting a report "On the Strategic Importance of Western Europe," pursuant to section 107 of Public Law 87-256 (H. Doc. No. 367); to the Committee on Foreign Affairs and ordered to be printed.

2562. A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation entitled "A bill to amend title 18, United States Code, to protect the security of the United States by providing penalties for interference with defense security systems"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee of conference. S. 745. An act to provide for adjustments in annuities under the Foreign Service retirement and disability system (Rept. No. 1898). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on World Newsprint Supply-Demand; without amendment (Rept. No. 1899). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. O'KONSKI:

H.R. 12682. A bill to provide a self-help plan under which agricultural commodity producers would be able to obtain a fair and equitable share of the national income; to the Committee on Agriculture.

H.R. 12683. A bill to establish a scholarship program to train scientists and technicians; to provide that scholarship beneficiaries shall be obligated to serve in the Armed Forces upon completion of their education, and for other purpose; to the Committee on Education and Labor.

H.R. 12684. A bill to amend title 38, United States Code, to provide free insurance protection for members of the Armed Forces serving outside the United States; to the Committee on Veterans' Affairs.

H.R. 12685. A bill to provide for the payment of pensions to veterans of World War I and their widows and children at the same rates as apply in the case of veterans of the Spanish-American War, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 12686. A bill to amend the Tariff Act of 1930; to the Committee on Ways and Means.

H.R. 12687. A bill to restrict imports of meat and meat products in the United States; to the Committee on Ways and Means.

H.R. 12688. A bill to amend title II of the Social Security Act to increase the minimum benefit payable thereunder to $75; to the Committee on Ways and Means.

H.R. 12689. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted from $1,200 to $1,800 yearly without deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 12690. A bill to amend title II of the Social Security Act to provide that full benefits (when based upon the attainment of retirement age) will be payable to men at age 62 and to women at age 60; to the Committee on Ways and Means.

H.R. 12691. A bill to amend title II of the Social Security Act to provide a more realistic definition of the term "disability" for purposes of entitlement to disability insurance benefits and the disability freeze; to the Committee on Ways and Means.

H.R. 12692. A bill to amend title II of the Social Security Act to provide benefits under the Federal old-age, survivors, and disability insurance program for needy individuals over retirement age, who are not otherwise entitled to benefits under such title; to the Committee on Ways and Means.

H.R. 12693. A bill to amend title II of the Social Security Act to increase the amount of outside income which may be earned without deductions from benefits in cases where a husband and wife are both beneficiaries but all or most of such outside income is derived by only one of them; to the Committee on Ways and Means.

H.R. 12694. A bill to amend title II of the Social Security Act to eliminate the age requirements for entitlement to wife's insurance benefits and widow's insurance benefits, and to eliminate the provisions which reduce benefits in certain cases where the recipient becomes entitled thereto before attaining age 65; to the Committee on Ways and Means.

H.R. 12695. A bill to amend title II of the Social Security Act to provide that an insured individual 50 years of age or older shall be eligible for old-age insurance benefits if he loses his job (and cannot obtain another that is comparable) by reason of automation, relocation, reduction, or other causes beyond his control; to the Committee on Ways and Means.

By Mr. MILLIKEN:

H.J. Res. 1179. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person may be a Member of Congress who has not, when elected or appointed, been an inhabitant for at least 6 years of the State from which he is chosen; to the Committee on the Judiciary.

By Mr. MOORE:

H.J. Res. 1180. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person may be a Member of the Senate who has not, when elected or appointed, been an inhabitant for at least 5 years of the State from which he is chosen; to the Committee on the Judiciary.

By Mr. SMITH of Virginia:

H.J. Res. 1181. Joint resolution memorializing Dr. Mahlon Loomis; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H. Con. Res. 366. Concurrent resolution expressing the support of Congress for the revision of tax structure among the various levels of government; to the Committee on Ways and Means.

By Mr. CELLER:

H. Res. 888. Resolution to provide additional funds for the Committee on the Judiciary; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MOORE:

H.R. 12696. A bill for the relief of William J. Allen; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 12697. A bill for the relief of Pierina Ghione; to the Committee on the Judiciary.

SENATE

THURSDAY, SEPTEMBER 24, 1964

The Senate met at 11 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Merciful Father: In a world that so largely lieth in darkness, with the human family swept by fitful winds of doubt and despair, we pause at this sheltered sanctuary of Thy grace to make sure that no encircling gloom without dims the inner light on the altar of our heart.

As servants of the state, set aside to prescribe for the ills of an ailing social order, we pray that Thou wilt first cleanse our own lives from moral pollution and from any compromise of evil. Make our spirits great enough for these days on ages telling. Matching the large design of these challenging times, may we keep step with the drumbeat of Thy truth which is marching on, grateful that—

Thy love hath led us in the past;
In this free land by Thee our lot is cast.
Be Thou our ruler, guardian, guide and stay;
Thy word our law, Thy paths our chosen way.

Amen.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on September 22, 1964, the President had approved and signed the following acts:

S. 584. An act for the relief of Yih-Ho Pao and his wife, Joanne T. Pao; and

S. 2701. An act to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 1096) to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2049) to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes, and it was signed by the Acting President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 1096) to authorize the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and for other purposes, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time for the quorum call to be equally divided between each side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the distinguished senior Senator from Oregon.

The ACTING PRESIDENT pro tempore. The senior Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, I appreciate the courtesy of the majority and minority leaders in permitting me to make my statement now in opposition to the Mansfield substitute. I am engaged in a conference, in a room close to the Senate Chamber, seeking to work out a compromise on the National Defense Education Act bill. Therefore I suggested that I be allowed to make my statement early.

I regret that I cannot support the Mansfield substitute for the also unsound Dirksen amendment. Most of the debate on the Dirksen amendment has centered around the rightness or wrongness of the Federal court decisions on apportionment. That is certainly one aspect of the Dirksen amendment. Personally, I favor the decisions, and I am opposed to any constitutional amendment to change them. But I believe there is something more immediate involved. The nature of the cases is not so important as the fact the Congress is interfering in the prerogatives of the Federal courts.

That is the real issue in the Dirksen amendment. That is the real issue in the substitutes. It does not matter one whit whether Congress addresses itself to cases of State apportionment arising under the 14th amendment, or to some other classes of cases so far as my opposition is concerned. It is to the bad practice that the legislation represents that I have addressed myself more than to the nature of the cases affected, because legislative intrusion into the jurisdiction of the courts is an unsound venture no matter what specific cases are affected by it. I have always opposed that during my service in the Senate, and shall continue to do so. When all is said and done, I believe that this approach violates the separate powers doctrine of the Constitution.

On the merits of the language itself, the new substitute is at least a huge improvement over the Javits amendment. It makes no mention and holds out no implied promise—of a constitutional amendment to preserve malapportionment.

It further improves upon previous language by being phrased in the language of enforcement rather than nonenforcement of the 14th amendment.

But it does not matter that only the advice of Congress is offered, or that it largely repeats the language of the High Court itself. It remains a rebuke to the courts so far as the public is concerned. It means that Congress believes something must be said to the courts from another separate branch of the Government about the way they are doing their job. It is "backseat driving." Constitutionally, it is completely gratuitous.

In my judgment, it is in as bad grace as would be a "sense-of-the-Supreme-Court" resolution, passed by the Justices, giving us their gratuitous advice as to how we should conduct the legislative process in the Senate.

It assumes that the Supreme Court is failing in some respect or another and that Congress must fill the breach with its own opinion and advice, even if it were nothing more than a repetition of what the High Court has already said.

Any comment from Congress on this subject which does not take the form of a statutory enforcement procedure for enforcement of the 14th amendment is a substitution of the opinion of Congress for the opinion of the Court. Under the Constitution, Congress has authority to enforce the 14th amendment, including the application of the equal protection clause to State legislatures. But it has no authority to suspend the equal protection clause, as the Dirksen amendment proposes, nor to give to the courts its opinion of what constitutes equity in the absence of statute, as the Javits and now the Mansfield amendments propose.

The pending language means only that Congress now is going to give informal instructions to the lower courts about reapportionment cases. What can that possibly mean except that Congress believes the Federal judiciary is in need of advice and instruction from Congress on its handling of a judicial matter? This language, too, rebukes the Supreme Court, as though the latter were incapable of exercising proper control over the lower courts.

It is an evil day in American history when Congress begins to advise any level of the judicial system on the handling of its cases, and I shall not join in setting our country upon that course.

I warn the Senate today that I believe it is establishing a precedent that will rise to plague it. Every procedural argument that has been made against the Dirksen amendment is applicable also to the Mansfield substitute.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MORSE. Mr. President, may I be permitted to continue for an additional minute?

The ACTING PRESIDENT pro tempore. Without objection the Senator from Oregon is recognized for an additional minute.

Mr. MORSE. Mr. President, the substitute is a rider on the foreign aid bill. We have heard that fact raised as an argument against the Dirksen amendment. It is pointed out that the Dirksen amendment is a rider, a nongermane addition to the foreign aid bill. I agree. The same is true of the Mansfield substitute. Both amendments are equally bad procedurally. I shall continue to oppose them. The Dirksen amendment has not been the subject of committee hearings. Neither has the Mansfield substitute been the subject of committee hearings. I have the same objection to it as to the Dirksen amendment.

We cannot justify the Mansfield amendment from a procedural standpoint.

Mr. President, if I were not alone—and I am sure I am alone—I would engage in what my liberal friends call a prolonged debate in opposition to this amendment. I call it a filibuster. It would be a legitimate use of the filibuster in order to obtain a postponement of this measure until there could be committee hearings.

I would be perfectly willing to fix a date in the latter part of January or early February of next year, after committee hearings, to vote on the whole package of reapportionment proposals. But I know that, standing alone, it would be an act in futility for me to try to stop this legislative steamroller. I am impressed with one argument of the Senator from Montana [Mr. Mansfield] that is quoted in the press. I believe we have reached the point in the Senate where we must go to a vote, or we shall do the Senate as much harm as we would if we passed the Dirksen-Mansfield amendment.

We have a duty as Senators also to protect the respect that the people ought to hold for the Senate.

I conclude my opposition with one further comment, so far as debate is concerned. I hope that the Mansfield substitute will be defeated, but in due course of time today I shall, if some other Senator does not, move to lay the whole package on the table, including the Dirksen amendment itself. I understand from a parliamentary standpoint that I shall be in a position to so move after there has been a vote on the Mansfield amendment and before a vote on the Dirksen amendment, as amended, is called for. I serve notice that at that point I shall move to lay the whole package on the table if in the meantime the Senate makes the mistake of passing the Mansfield substitute. If it defeats the Mansfield substitute I shall then move to lay the Dirksen amendment on the table.

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the distinguished Senator from New York [Mr. Javits].

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, it will be recalled that, together with the Senators from Minnesota [Mr. McCarthy and Mr. Humphrey], I authored a sense-of-Congress resolution upon this question.

Now we have finally before us a sense-of-Congress resolution of which the majority leader is himself the sponsor. It is my belief that the resolution will carry. I wish to express my support of it, and point out what has been so very much implicit in the debate. It is an addition to, rather than a derogation of, the dignity of our standing in the hierarchy of the Federal establishment when we recognize, rather than tear down, the coordinate power of another branch of the Government—the judiciary. There is nothing in the resolution that shows weakness on our part. On the contrary, recognition of the strength of equals shows strength on our own part.

Many times legislation has stepped in where the Supreme Court jurisdiction has ended. The best evidence of that is that we have passed bills such as the bill designed to answer the problem of the Yates case, in which the Supreme Court narrowly limited the definition of those who would be charged with counseling the overthrow of government by force to the original organizers of the Communist Party.

The Congress was not satisfied with that decision. It enacted legislation expressing its intention that the statute relate to any such organization, including one established later than the original Communist Party, in order to bring such later organizations within the purview of the law. The Court had interpreted a statute. So the Congress had the power to act to reverse that interpretation.

But now we are dealing with a constitutional interpretation by the Court. Therefore, we do not have the power, except by a law of equal authority, namely, a constitutional amendment, to affect it.

The pending resolution, if heeded by the Supreme Court—and I shall come to that point in a moment—would accommodate the possibility of a constitutional amendment. I have already introduced substantially the amendment offered by Representative McCulloch in the other body. That proposal would permit a statewide referendum in any State to determine whether the people of that State wish one house of its legislature apportioned not according to population. Americans believe that they ought to have that right, in my judgment, because they do not follow the labyrinth of reasoning that the establishment of the Senate under the Federal Constitution was the result only of the original Federal compact between the States and the trading within the Constitutional Convention. I believe it is endemic in the conscience of Americans that a type of legislative body like the Senate is a good thing. Many States, by a vote of the people—one person, one vote—may put such a provision into effect. We ought to give the States an opportunity to do so if the people wish it. The sense of Congress resolution accommodates that idea.

Finally, I should like to make the point that, in my judgment, the Supreme Court would listen. The Supreme Court should listen. The lower courts should listen. This whole controversy was brought about—and we must give credit to the Senator from Illinois [Mr. Dirksen] for highlighting it—by the fact that the lower courts in many cases showed an unreasonable lack of practicality. With all respect to the courts—and no one has fought for them harder than I have—they did so in New York. Compelling three elections in 2 years and curtailing the terms of individual legislators elected by the people is, in my judgment, to quote the language of the Supreme Court itself in Reynolds against Sims, unreasonable and embarrassing to any State. The courts did so in Vermont. They forbade the legislature from doing any business except redistricting, which was again demeaning to a State.

I believe the Supreme Court decision in the case of Reynolds against Sims should be enforced and can be with great dignity and respect to the authority and the standing in the Federal establishment of every State.

We have constructed our legislatures since the founding of the Republic pretty much in one way, and we should correct the situation. I am all for it. But it does not have to be done with quite the ax which was forecast in some of the three-judge court decisions.

I hope that the Senate will now resolve this dilemma by voting to adopt the Mansfield substitute, which will do what we want to do and, at the same time, respect the power of a coordinate branch of the Government—the judiciary—and I am confident that the Supreme Court will listen.

I thank the Senator from Montana for yielding the time.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Ohio [Mr. Lausche].

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized for 5 minutes.

Mr. LAUSCHE. Mr. President, I do not believe that the amendment offered by the senior Senator from Montana ought to be adopted. To me the whole problem has a significance far in excess of what has been generally recognized. In my judgment, if the order of the Court is carried into effect without the States being given an opportunity to decide whether they wish to amend the Constitution, we shall witness the initial steps in a change that will come about in our basic law, eliminating the right of States to have two Senators, regardless of population. To me that is the crux of the issue. Our Government, under a system giving States two Senators and Representatives on the basis of population, regardless of the number reached after a proper ascertainment of the population, has been the strength of our Government.

Rhode Island, with 841,000 people, has 2 Senators; Nevada, with 282,000 people, has 2 Senators; Alaska with 224,000 people, has 2 Senators. I do not know what the population of Montana is, but if we should apply the same formula to Montana that some are applying to representation in the State legislatures, Montana would have no Senator.

There are 190 million people in the United States. If the 100 Senators in the Senate were apportioned on the basis of population, there would be 1 Senator for each 1.9 million people. Ohio would be entitled to five Senators; Illinois would be entitled to six. New York would probably have eight, and California nine.

I suggest to Senators who come from sparsely populated States that they are witnessing the beginning of a movement that will call upon the people of the United States to amend the Constitution so as to select Senators on the basis of population and not on the basis of representing the individual States.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LAUSCHE. I do not yield at this time. I have only 5 minutes. I will yield if the Senator from Montana will charge the time to the proponents.

The ACTING PRESIDENT pro tempore. Does the acting majority leader, the Senator from Hawaii [Mr. INOUYE], yield time to the Senator from Illinois?

Mr. INOUYE. I shall be happy to yield time.

Mr. DOUGLAS. I need only half a minute.

This is one provision of the Constitution which cannot be changed. Article V provides that no State can be denied equal representation in the Senate without its consent, so my friend from Ohio should lay his fears to rest.

Mr. LAUSCHE. I will not abide by that statement, because we can achieve things with the approval of the people. But if that is the position of the Senator, if he labels sound and wise the proposition that each of the States shall have two Senators, how can he reach the conclusion that the sparsely settled areas in my State or his State shall have no Senator? The Senator cannot answer that question logically. He will find himself at an impasse.

I should like to discuss what the Supreme Court has said and to point out the paradoxical position it reached in its catchy phrase that the legislators are not representing rocks, rivers, mountains, and streams, but that they are representing people. If that principle is sound, on what theory does the Senator say that Rhode Island, with 800,000, and Nevada, with 282,000, shall each have two Senators?

Those who framed our Constitution thought wisely. They pondered this issue. They wanted representation in Congress neither solely on the basis of population nor solely on the basis of geographical representation. They knew there was a need for a blend of the two. Unless there is such a blend, we shall have a one-sided Government.

I come from the city of Cleveland. My county has 1,500,000 people in it. If the industrial counties in and around Cleveland are given representation both in the lower and upper house on the basis of population, there will be completely destroyed the advice of the people in the rural areas.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LAUSCHE. May I have 2 more minutes?

Mr. DIRKSEN. I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. Cuyahoga County, Cincinnati, Columbus, Dayton, and Youngstown will dominate. When they do, they will dominate through the labor leaders, the Americans for Democratic Action, and the big city political bosses.

When that point is reached, we shall not have good government. There must be the influence of the stable individuals who do not comprise that one segment of our economy completely. Legislatures should not be dominated one sidedly either by big city or rural voters.

May I point out what happened in Ohio? Our constitution provides that each county shall have at least one representative. Our State has 88 counties. That means each county has one representative. Added thereto is the factor of population giving added representation to the big cities. That is the constitutional provision. It was adopted in 1903.

In 1910 the people called for a constitutional convention. It was held in 1912. Efforts were made to change that provision, and the proposal was rejected.

In 1930 the people were asked to decide whether there should be a constitutional convention, which was submitted to them. One of the issues was whether to reapportion the State legislature. The vote was 1,056,000 against and 853,000 for. The convention was not held.

We come down to 1952. In 1952 the issue was primarily, Shall we have——

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LAUSCHE. I ask for 1 more minute.

Mr. DIRKSEN. I yield 1 minute to the Senator from Ohio.

Mr. LAUSCHE. The issue was, Shall there be a constitutional convention? The question was whether there should be reapportionment. Those same forces arguing against the Dirksen amendment were arguing for the convention in 1952. What did the people do? Listen to the people: the vote was 1,977,000 "No"; 1,020,000 said "Yes." The vote was practically 2 to 1 against reapportionment.

I believe the Dirksen amendment should be adopted for the good of our country. It should be adopted so that there may be a blend of thinking in the State legislatures in determining what our economic and other policies shall be.

I yield the floor.

UTAH NOW HAS A MILLION HEIRS

Mr. DIRKSEN. Mr. President, I yield the Senator from Utah 20 minutes.

Mr. BENNETT. Mr. President, we have been discussing this problem now before us for a long time, and I beg the indulgence of the Senate to take this time to discuss what we have found in Utah to be a very pleasant fact.

Today, September 24, 1964, marks an important point in the history of Utah. The Census Bureau and Utah State officials have agreed that sometime today Utah's population will reach the magic 1 million mark.

Utah is relatively a newcomer to the United States, having first been settled on July 24, 1847, when Brigham Young led a hardy band of Mormon pioneers across the continent, peered into Salt Lake Valley and said, "This is the place."

It is recorded that Brigham Young prophesized that the Salt Lake Valley some day would be filled with homes and communities from one end to the other and that those living there would thrive and prosper for years to come.

Despite his prophetic vision, I doubt that even he had a full conception—although, I am sure he had hope—of the developments the next 117 years would bring.

Of one thing he and his followers were certain—in this area their cities and towns would be laid out, but no dream of theirs could envision the State of Utah now with 1 million inhabitants.

Utah's founding year was 1847, when the vanguard of the settlers came into the area. Now we salute the efforts of many unnamed toilers who built the schools, business enterprises, banks, mills, factories, mines, and beautiful cities sprinkled around, in and near, unexcelled outdoor recreational facilities in the canyons and parks that surround the valley.

By 1850 the population of Utah was about 11,000 as the original settlers began moving out from their early townsites in Salt Lake Valley.

By 1860 it was 40,273; by 1870, 86,786; and by 1890 it was 210,779.

As the century turned, Utah had 276,749 residents; by 1910, 373,351; by 1920, 449,396; by 1930, 507,847, the half million mark; by 1940, 550,310, and by 1950, 688,862.

When the last official U.S. census was taken in 1960, Utah's population was 890,627. In July of 1962, reports put it at 958,000. By July of this year the total was 992,000.

The population of Utah has many characteristics that make it distinctive.

Typically, Utah has the Nation's highest or second highest birth rate, and consistently has maintained the lowest or second lowest death rate. Utah's birth rate, in the last census, was 29.4 per thousand population, compared with a national average of about 23.4 per thousand. Its death rate during the same period was 6.7 per thousand compared with a national average of 9.3 per thousand.

And no one should talk of Utah's accomplishments as it moved to reach the million figure without mentioning those in the field of education.

Utah ranks first in the Nation of those 25 years old and older with at least 4 years of high school; first in the Nation in median school years completed by persons 25 years old and older; lowest percentage in the Nation of selective service registrants failing the mental test; lowest percentage in the Nation of population 25 years old and older with less than 8 years of schooling; and lowest percentage in the Nation of population 25 years old and older with less than 5 years of schooling.

If Utah's millionth resident is typical of other newcomers who have recently streamed into the State, he will seek and find a job in industries such as steelmaking, chemicals, electronics, machinery manufacture, garment making, and missiles, that have given the State a new look and a new outlook in the tremendous spurt of population increase during the past decade.

All Utahans are very proud of our "million" tag and I am sure it should not be too long before a Senator from my State stands before this same body and announces that the second million has been achieved.

Utah has come a long way since that day when Brigham Young left for Utah with 143 men, 3 women, 2 children, 73 wagons, 93 horses, 52 mules, 66 oxen, 19 cows, 17 dogs, and some chickens.

The first million and the first 117 years were the hardest.

This is a happy day for us, to have reached this mark.

THE PRICE OF SILVER—U.S. SILVER POLICY AT THE CROSSROADS

Mr. BENNETT. Mr. President, in this morning's Journal of Commerce we read that contracts for future delivery of silver, for next August, 1 year from now, traded in a range from a low of $1.3820 an ounce to $1.3850 an ounce.

During the past year I have been constantly reminding the Senate that the present legal price of silver, being maintained artificially by the willingness of the Treasury to sell silver to all comers at $1.29 an ounce, cannot long be maintained.

The day when the spot or current price of silver rises slightly above $1.29 an ounce, it will be profitable to melt down our silver dollars, because the silver in the dollars is monetized at a rate of $1.2929 an ounce. A rate which was set, by the way, in 1792 in the first monetary law passed after our Government was formed and the Constitution was adopted. This was the official value of silver in our silver dollars as long ago as that, and it has been maintained officially, though not always practically, since then.

I should emphasize that the $1.29 an ounce figure refers only to the monetized value of silver in the silver dollar coin. In 1853, the value of silver in the lesser coins—dimes, quarters, and half dollars—was reduced, so that it would require a price of $1.38 an ounce to bring us to the point where it would pay to melt down the smaller coinage. We have now reached that point in the futures market. We have reached it in the sense that the price paid yesterday for delivery next August, was $1.3820–$1.3850 an ounce.

This emphasizes a problem that I have long tried to bring to the attention of Members of the Senate. We are reminded that, with all the pressures that are operating against silver, the Treasury no longer has very much time in which to move to develop a new coinage system. If Congress and the Treasury do not act early in the next session of Congress to solve this problem, the shortage of coins which we now consider to be serious will become insignificant compared with the probable loss from circulation of almost all, if not all, the dimes, quarters, and half dollars.

Our silver dollars have already disappeared. Even though we have agreed upon a bill to mint $45 million more, at the same value of the silver, $1.29 an ounce, I predict that they will disappear as fast as they are minted. They are already collectors' items. Anyone who is not a collector does not realize that they are becoming an interesting curiosity. Many collectors have been gathering silver dollars with the intention of melting them down when the price of silver breaks through the ceiling.

The solution to our silver problem will not be a simple matter; nor will it be possible to satisfy all who are concerned. However, we must face the problem now. We have attempted to ignore the problem long enough but, as usual, ignoring it did not make it disappear.

One year ago predictions were made that our Treasury supplies of silver would be sufficient to fill the production deficit for as long as 15 to 20 years. The events of the past year should certainly impress all of us that the projections were inaccurate and that we cannot hesitate longer without adding to the problem and increasing the difficulty of its solution.

Only last week, at the American Mining Conference Convention, held in Portland, I outlined and analyzed our silver problem in a rather simple and brief fashion. I also pointed out the fallacies of the many superficial attempts to deal with the problem in legislative proposals which have been introduced. I should like to point out some of the highlights of this situation.

The silver problem is basically economic. It stems from the fact that both in the United States and throughout the world demand for silver at the price ceiling being held by the Treasury is greater than the amount that is being produced at that price. One does not have to be an economic genius to know that this cannot continue long, since the only way the demand can be met under these circumstances is to use up already existing stockpiles.

Let me review a few statistics on production and consumption which will indicate the magnitude of the problem. In 1940, U.S. production and consumption of silver were approximately equal at a figure of 68.3 million ounces. Last year domestic production was 37 million ounces, while domestic consumption had increased to 221.3 million. In other words last year the United States produced only about one-sixth of its own silver needs, leaving a deficit of 184.3 million ounces to be supplied either from foreign sources or from U.S. Treasury stocks.

If world production had been sufficient to supply this deficit, there would have been no great problem; but free world production was 210.5 million ounces compared with consumption of 419.2 million. Silver used for industrial and art purposes alone totaled 247 million ounces and exceeded total production by 37 million ounces. Thus, production would not have equaled consumption even in the absence of any use of silver for coinage. Coinage needs of foregin countries were 60.9 million ounces, and the U.S. mint used 111.3 million ounces. From these figures, one very important fact stands out. The free world used just twice as much silver as it produced.

WORLD SILVER DEFICIT DEPLETES TREASURY STOCKS

The world deficit had to be filled from previously mined silver, and last year most of it came from silver held by the U.S. Treasury. This year's outflow of silver from the Treasury will be approximately 263 million ounces, or a significant 53-percent increase over the 185 million ounces used last year. And things are not going to be any better next year as demands on Treasury silver increase.

We recently had some hearings in Congress on the need for additional coins. Representatives of the U.S. mint testified that mint facilities are now working at full capacity, and they intend to continue at that rate. It is expected that between 8 and 9 billion coins—twice the number minted this year—will be turned out next year. Approximately 1,629 million of these will be dimes, quarters, and half dollars. I mention these coins specifically because they contain silver and will require approximately 245 million ounces. This demand alone exceeds all U.S. silver consumption during last year by over 23 million ounces and just about equals expected total world production, leaving nothing for the growing demand for silver for use in industry.

Minting of the new silver dollars authorized this year and transfers to other governmental agencies will require at least an additional 35 million ounces; and if industry continues to draw from the Treasury at the present rate, this will cause another 60-million-ounce withdrawal. All these add up to a total domestic demand on Treasury silver of about 340 million ounces. At this rate, the 1.4 billion ounces of silver held by the Treasury would be completely exhausted in 4 years.

We do not know what the reaction of foreign governments will be to the fact that the United States will be able to hold the price of silver at present levels for so short a time.

From the figures I used at the beginning of my statement, it can be realized that the world market for silver is already recognizing the Treasury's dilemma and is willing to bet that next August the price for silver will have broken through the $1.29 ceiling and have reached the price of $1.38, which is the point at which our small coins can be profitably put into the melting pot.

It would be naive to assume that some withdrawal due to foreign demands will not occur. Any such withdrawal will further hasten the day when the Treasury stocks will be depleted.

I hope these statistics impress all Members of the Congress as they do me, with the importance of immediate Treasury action.

TREASURY MUST SUPPLY ALL SILVER DEMANDS

Some have asked, "Well, why does not the Treasury simply stop selling its silver?" To the uninitiated, this sounds like a reasonable request; and, in fact, bills have been introduced in Congress to do that very thing. But the situation is not that simple.

First, on every $1 silver certificate that is in circulation, there is this inscription:

> This certifies that there is on deposit in the Treasury of the United States of America one dollar in silver payable to the bearer on demand.

If the outstanding silver certificates were redeemed, it would require 96 percent of the 1.4 billion ounces of Treasury silver, leaving only about 45 million ounces for all other purposes, including the minting of small coins.

Second, the Treasury has no choice but to provide silver to industrial users, whether they be United States or foreign, because if it did not make its stocks available, the price would soon be bid above the present ceiling of $1.29. Some of you may think that nothing could be better, believing that the Treasury should get out of the silver business and let the market determine the price.

Looking at figures of demand and supply, it is natural to conclude that the price would immediately rise and thus stimulate increased production. From this point of view, one could become very impatient with Treasury officials. This impatience would be justified if the Treasury were able to let the price of silver seek its natural market level without other disastrous consequences.

In my personal discussions with the Secretary of the Treasury and with other Treasury officials, I find that they would like nothing better than to get out of the silver market. However, serious problems would develop if the Treasury did not hold the price of silver at its present level long enough to work out a plan to protect our present subsidiary coinage against hoarding until it can be replaced with a new coinage system. Let me discuss this in a little more detail.

VALUE OF SILVER NOW EQUALS MONETARY VALUE

In the early days of our country, all coinage was minted on an intrinsic value basis rather than a token basis. This meant that the metal value of each coin, when minted, equaled the monetary value. Every time there was a slight inflationary trend, the coins became worth more as metal than as money, and they were melted down or hoarded.

We are at that same point today. If the price of silver rises significantly above $1.29 an ounce, it will be profitable to melt down silver dollars. Speculative hoarding of dollars has already taken place. You notice that there aren't any circulating. There is also evidence that our subsidiary coins are already being hoarded. If the Treasury were to let the price of silver rise much above $1.38 an ounce, then we would see all of our dimes, quarters, and half dollars disappear.

This, in a nutshell, is our silver problem. Now let us see what is being done about it and what the final solution should be.

LEGISLATION THUS FAR FALLS SHORT OF SOLUTION

Some action has been taken. The Silver Act of 1963 made it possible for the Treasury to replace silver certificates with Federal Reserve Notes and thus use some of its silver for coinage. There has been legislation to permit a continuation of the 1964 date on coins if necessary. Authority has been given to mint new dollars, and the U.S. Mint is doubling its production of coins. None of these actions has done any more than buy time in which a more or less permanent solution can be formulated and some of them will have the result of lessening the time available.

When we consider what is now being done, we find that since this is a legislative matter, many bills have been introduced. All of them thus far, however, have fallen far short of a long-range solution; and some of them, if accepted, would be disastrous. Let us consider some of the bills, briefly.

First. Several were drafted which would immediately double the price of silver. In the absence of prior action to protect our present coinage, we know that to do this would immediately drive all of our silver-bearing money into hoarding or the melting pot.

Second. Another bill was introduced to prohibit the redemption of silver certificates with bullion and the direct sale of Treasury silver. If the Treasury were unable to supply industrial users with their needs in bullion, it would have to be done in silver coins. We have only 3 million silver dollars on hand, and industry uses approximately 60 million ounces a year or an equivalent of 68 million silver dollars. Why burden the American taxpayers with an estimated $1 million minting cost when the newly minted dollars would immediately be melted down for their silver content to be used in photography, tableware, electronics, and the hundreds of other industrial uses?

Third. A measure was introduced and passed by Congress providing authority to mint 45 million new silver dollars. Last year I predicted that our standard silver dollar was "on its way out." I continue to maintain that position; and though I am from a silver-producing State and like silver dollars as well as any other westerner, I could not support the authorization. I doubt that you will ever see any of the newly minted dollars circulating as a medium of exchange. You may get a few to keep as souvenirs of the first minting of silver dollars since 1935—and probably the last standard silver dollar ever to be minted in the United States. Even if the new dollars do not become a special collector's item, each of them will contain $1 worth of silver at present artificially low prices and thus will be an excellent investment for their silver content.

Fourth. The problem of hoarding was recognized by some Congressmen, and a bill was introduced to reduce the silver content in a dollar from 900 to 800 grams. This would have removed the dollar as a first-line defense of our coins and could have resulted in a withdrawal of all of our present coins because they would have a greater value as silver compared to their monetary value than the new dollars.

SILVER USERS WANT SILVER REMOVED FROM COINAGE

Silver users take an entirely different and opposite approach to the problem. Typical of the silver users' position is a recent speech made by Mr. Stevens of International Silver Co. He made the usual recommendation that all silver be taken from our coinage. This has long been the stand of silver users because it would reduce the demand for silver significantly. With reduced demand, they feel that the price may decline to their advantage.

We have noted earlier that silver demands for industry and art presently exceed world production; so in the absence of action by the U.S. Government to break the price, a hope by users for a decline is going to go unfulfilled. Mr. Stevens goes on to say:

> As long as the Treasury has silver, it would sell it at the present price to protect the existing coins in our monetary system.

In other words, sell every ounce at the present price. This is obviously indefensible.

I have confidence that the Treasury and the Congress will find a solution to the problem before the ultimate minimum is reached. I do not know what a proper minimum Treasury stockpile should be, but it seems reasonable that it might be about half of our present stock, or about 700 million ounces. I cannot bring myself to believe that those in charge of the only significant world stock of a strategic metal—such as silver—would be so irresponsible as to let it become depleted below a reasonable minimum which must be retained for defense purposes. If such a minimum is retained, there is presently not more than a 1- to 2-year supply before the price would have to rise under present conditions.

DRASTIC TREASURY ACTION COULD CONTROL PRICE

Lest we come to the conclusion that there is no alternative to a price rise in the immediate future, let me point out an unwise and unlikely action that could make it possible to hold the price almost indefinitely and even break it to lower levels. New coins could conceivably be made of a base metal. All present coins could be called in, and holding them made illegal, as was the case with gold in 1933. I am sure that this might solve the problem temporarily.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The time of the Senator from Utah has expired.

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senator from Utah may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Utah is recognized for 2 additional minutes.

Mr. BENNETT. Mr. President, all present coins could be called in, and holding them could be made illegal, as was the case with gold in 1933.

While this created a temporary advantage for the gold miners, in the 30 years which have passed it has become a millstone around the neck of the gold mining industry.

With its stock of silver, the Treasury could then force the price even lower for a period of time to bring out all hoarded coins. This could add approximately $1.5 billion worth of silver to present Treasury stocks. If the coins were all turned back to the Treasury and melted, the Treasury would then have about 3 billion ounces. If we did not use any silver for coinage, annual world consumption would drop to about half what it now is, and the world deficit could be covered by Treasury silver for many years, instead of 1 or 2.

So we see that the contest between the producers and the users of silver still continues. The producers are trying to find a way to keep some silver in our coinage system and, at the same time, allow the world price to break through the present artificial Treasury ceiling. The users, on the other hand, are trying to eliminate all silver from our coinage in the hope that the Treasury could then be persuaded to use its enormous supply to break the market and provide them with all the silver they desire at a reduced price.

FINAL SOLUTION SHOULD BE REASONABLE

The final solution will probably lie somewhere between these two positions. Eventually, controlled and planned reduction of the silver content in our coins is the only possible solution to the dilemma. It is desirable, however, to keep some silver in the coins. We have always had silver in our coinage; and although the value of the coins is not dependent on their silver content, silver has had a stabilizing effect and has given confidence in our money. This has been particularly true since gold coins were withdrawn from circulation in 1933. The fact that our coins have always had a reasonable intrinsic value and that it has been possible to redeem paper money for silver has allayed justifiable fears of a system which had nothing in it but printing press money.

If possible, we should also make sure that enough silver is kept in the coins so that the electrical conductivity qualities needed to make them usable in today's coin-operated machines and dispensers will be preserved. But, at the same time, it is important that the silver content be reduced to such a level that no expected increase in silver prices in the foreseeable future would make the silver content in the new coins equal to or greater than their authorized monetary value. If the Treasury can find the right breaking point, it could get out of the silver business and allow supply and demand to operate on prices and bring them to a reasonable level.

SILVER LEGISLATION MUST HAVE PRIORITY NEXT YEAR

I am sure that the Treasury is now thoroughly aware of the problem and is committed to proposing a solution to Congress. A quiet study has been going on behind the scenes for nearly 1½ years, and I hope that specific recommendations will be made to Congress when it meets next year.

Certainly, for the protection of both producers and consumers and to preserve confidence in our coinage system, silver legislation should be at the top of the "must" list and should get priority attention early in the next Congress.

Mr. LAUSCHE. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. LAUSCHE. How would we support the coins which are made up of a base material other than silver?

Mr. BENNETT. They would have no backing. The base material would be token.

Mr. LAUSCHE. We would not have any Federal notes to support anything of that nature.

Mr. BENNETT. The coins would be only token with slight, if any, intrinsic value and no precious metal backing unless legislation was passed to that effect.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. INOUYE. Mr. President, in suggesting the absence of a quorum, I ask unanimous consent that the time be charged equally to the proponents and to the opponents on the subject matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I yield 10 minutes to the distinguished Senator from Wisconsin [Mr. PROXMIRE].

Mr. PROXMIRE. Mr. President, yesterday, the distinguished Senator from Illinois [Mr. DOUGLAS]—who has done such a magnificent job in this fight and I believe has won a signal victory in the Congress for constitutional rights and for preserving the dignity and independence of the Supreme Court—summarized well and concisely the arguments from our standpoint in the fight on the Dirksen proposal.

The Senator from Illinois stated that this Mansfield amendment is not a law. It is a "sense" resolution. He said it was the sense of Congress there could be a delay—and I shall come to that point in a moment—limited to a shorter period, a 6 months' total limitation. He said that it applied only to the district courts, and not to the Supreme Court; that no constitutional amendment is implied. It would not be the sense of Congress that there be delays pending a constitutional amendment or after the passage of a constitutional amendment by the House and Senate, and the congressional resolution would emphatically endorse and affirm court action when a legislature lags.

What I should like to add to that excellent summary by our leader on this subject is the very fortunate language used in the amendment.

It provides that in any district court, any order could properly allow the legislature of such State the length of time provided for a regular session on apportionment, or 6 months, whichever is less, to permit the next election of members of State legislatures following the effective date of this act to be conducted in accordance with the laws of such State.

I wish to stress the fact that the language is not "shall delay." It is not "should delay." It is not "may delay." It uses a word of art which is about as gentle, about as modest, and, I believe, about as reluctant a word as one could find. It states, "could properly." It does not state that the courts cannot require apportionment before the legislative session or before the 6 months is up. It states that it is the sense of Congress that the district courts could properly permit a 6-month period, or a lesser period, while the legislature is in session, to apportion representation.

This is a very important distinction, it seems to me. When it is contrasted with the second paragraph of the amendment, the force of the Mansfield proposal can be particularly understood. In the second paragraph it provides that in the event the legislatures do not apportion during their legislative session, or during the 6-month period, the district court shall apportion. It does not state, "could properly." It does not state "may." It does not state "should." It states "shall apportion." It comes down strongly on the side of apportionment. On what basis? It states that they shall apportion "insofar as is possible consistent with the requirements of the Constitution of the United States."

I affirm that this is a real victory for those who support the Supreme Court of the United States, for those who believe very deeply in the principle of one man, one vote, and for those who feel that this is an ancient, cherished democratic principle. I believe that this is a real victory for us.

We have had a long debate on this matter—not as long, perhaps, as many other debates which have not been called filibusters, but a substantial debate. A legal argument concerning the measure has been brilliantly made by the distinguished junior Senator from Montana [Mr. METCALF]. The constitutional case has been very well made by the senior Senator from Oregon [Mr. MORSE]. It has been made in the newspapers by the dean of the Yale Law School, Mr. Rostow. It has been made in depth. It has been demonstrated that the Constitution made it very clear that the Supreme Court has this authority and this power of judicial review.

What has the opposition had to say in answer to that? There has not been a word said. Not a constitutional expert was summoned to reply to that demonstration. The only thing the opposition did was to refer to the dissent by Justice Harlan. The dissent by Justice Harlan deserves some examination. One of the points that he made was a statement that the States should have the same authority, the same power to establish a house based on some other basis than population, as the Federal Government had in the establishment of the U.S. Senate.

We showed in a recent speech going back and examining all of the debate involved in the Constitutional Convention that our Founding Fathers saw no analogy. They were not interested in a blending of population and area. There were only two reasons why they accepted a compromise with one house on population, one on area. They had a pistol pointed at their heads. It was the only way they could get a Union. They recognized that the States have a sovereignty, an independence, and an identity that should be equally represented in one of the houses. There is not a word by Madison, Jefferson, Hamilton, Jay, Wilson, or any of our Founding Fathers to the effect that the State legislatures should be constituted on any other representative basis than population. There were many statements and many firm expressions that they should be based on one man, one vote as a basic, fundamental, vital democratic principle.

Where is the answer to the argument that we have made? From the supporters of the Dirksen amendment there has not been a single historical reference to our constitutional fathers nor have they referred to any other experts at the time of the founding of the Republic. They have not shown that any of our philosophical leaders, constitutional leaders, or great statesmen believed in any other philosophical principle than representation by population.

The distinguished senior Senator from Michigan [Mr. McNamara] has made what I thought was one of the very finest and most practical speeches on this issue. He showed what has happened in the State of Michigan year after year because of a divided legislature with one branch of the legislature based on area rather than population. He showed that on one specific and vital measure after another, the Governor was for it, the lower house was for it, and the State senators, representing a big majority of the Michigan population were for it. But, because those State senators represented a minority of the State senate by reason of the malapportionment, those measures were blocked.

It is not just a matter of theory. It is not just a matter of fine, philosophical judgment. This is a very practical matter. The States have been paralyzed and still are paralyzed because of malapportionment.

In the 7 years that I have been in the Senate, I have not heard any Senator make a more devastating case than the senior Senator from Illinois [Mr. Douglas] has made in showing the actual population inequities in State after State, documenting it by chapter and verse. He has shown almost incredibly unjust situation that existed in Illinois, California, New Hampshire, and many other States throughout the country. He showed not only that some people have 10 times the representation in their legislatures that other people have, but he also showed that in some instances some people have 1,000 times the representation that other people have in their State legislatures. Who can possibly defend that representation? It is unfair representation. It clashes with the basic, philosophical doctrine of democracy in which our Founding Fathers so fervently believed.

There has not been any answer to that showing. No one has said it is not true. There has not been any answer to that fundamental argument. One of the most recent speeches on this subject was delivered by the distinguished senior Senator from West Virginia [Mr. Randolph]. He gave an excellent talk in which he said that the practical effect in the areas of housing, urban renewal, education, and air pollution, and in many other areas involved in his own committee work, was that States were unable to act or could act only with great reluctance and hesitation because of malapportionment.

That is not merely a theory. That is a fact. That argument has not been answered or met in any way by the opposition.

Where is the practical justification for the Dirksen amendment? The only specific State in which it was said a remedy wast required was Oklahoma.

On next Tuesday, Oklahoma will have an election. No one can pretend that passage of the Dirksen amendment would eliminate the need for this election, or serve any other purpose in Oklahoma. That election will be held subject to an order of the court. It will be held so that the people of Oklahoma can have the kind of constitutional protection of rights under which every citizen has equal representation in the State legislature.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, may I have an additional 2 minutes?

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for an additional 2 minutes.

Mr. PROXMIRE. Mr. President, the distinguished Senator from Ohio made his usually impassioned, eloquent, and persuasive speech on this issue this morning. In the course of his speech, he made the argument that with population apportionment labor would be dominant. He made the argument that the big machines of the city would dominate if this proposal were to be approved.

Mr. President, nothing could be further from the fact. The fact is that in many great cities in this country, the central city has actually declined in population. This is one of the great recent phenomena. In the 1960 census, many cities did not gain in population. They declined. This was true in city after city. The areas in the Nation that universally showed a gain in population were the suburban areas. The people who live in the suburban areas do not vote Democratic. They are usually well educated. They are well to do. They pay larger taxes. They deserve equal representation—not more than equal representation, but equal representation.

By permitting malapportionment as the population moves, we deny to the most progressive communities—and, frankly, communities in which the people pay heavier taxes—the right to have equal representation in their State legislatures.

Mr. President, from every standpoint, the Dirksen amendment should not pass. It must not pass. I serve notice—and I know that some other Senators feel the same way—that if the Mansfield amendment is not adopted today, we have no choice except to stay on the floor as long as we can—and that will be a long time—opposing the Dirksen amendment.

Mr. CLARK. Mr. President, will the Senator yield 5 minutes to me?

Mr. INOUYE. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. CLARK. Mr. President, I shall reluctantly support the Mansfield substitute amendment to the Dirksen amendment to the foreign aid bill. My reluctance is due to my strong feeling that a nongermane amendment should never be permitted to an important bill such as the foreign aid authorization bill, and that as a matter of principle Senators should indicate by their votes their determination that the really vicious practice of attaching nongermane amendments should no longer be permitted.

Yesterday I offered as a part of a comprehensive revision of the Senate rules a change which would bring our practice into line with that of other, somewhat more enlightened legislative bodies, by prohibiting nongermane amendments.

Moreover, I am reluctant to have the whole question of the congressional attitude toward reapportionment and the recent decisions of the Supreme Court handled in so cursory a way as by an amendment to a bill dealing with a totally different and yet very important subject, namely, foreign aid.

It has been reiterated over and over, but it bears repetition, that the Dirksen amendment—and, of course, the Mansfield substitute—were subject to no adequate hearings in committee. It is being tacked on to a bill to which it has no pertinence.

Mr. President, that is not the way to legislate. Quite frankly, I believe we should be ashamed of ourselves for permitting the Senate to legislate in that wholly improper way. Nevertheless, the Mansfield amendment would remove practically all of the objectionable features from both the original Dirksen amendment and the substitute Mansfield-Dirksen amendment. The Mansfield amendment would do nothing to indicate any opposition to the point of view of those of us who support the Supreme Court in its decisions and who believe in the rule of one-man, one-vote in both houses of State legislatures.

It is obvious that the Senate—because to my way of thinking it has quite inadequate rules and procedures—finds itself in a box—in a dilemma, if Senators prefer a more stylish word. More than a majority, but less than two-thirds, want to vote in favor of the Dirksen amendment. The other day, by a vote of 42 to 40, the Senate rejected the first compromise. Now we have another opportunity to get out of this dilemma and to go home, where we all belong, in order to touch base with our constituents and to support the candidates of our respective political parties in the important presidential election which confronts us on November 3.

Therefore, with reluctance, feeling that it would do no real harm to the cause of adequate reapportionment of State legislatures, and believeing that the pragmatic requirement that we should close up the Senate session and go home should take precedence over any theoretical objections of the nature I have stated earlier, I shall vote for the Mansfield amendment.

Mr. President, I yield back the remainder of my time.

Mr. INOUYE. Mr. President, I yield 5 minutes to the Senator from Montana.

Mr. METCALF. Mr. President, I thank the acting majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. METCALF. Mr. President, I compliment my senior colleague for bringing in the proposed compromise. I opposed the so-called Dirksen amendment as it was originally offered because it was directed to any court in any action in any proceeding.

I call attention to the fact that the Mansfield amendment is not directed to any court in any action. It is directed only to actions in the district courts. There is clearly constitutional power in the Congress of the United States to withhold powers from the so-called constitutionally designated inferior courts; and Congress could even enact a law which would provide that the district courts would not have authority to entertain jurisdiction in the area to which we are referring.

The original Dirksen amendment provided that no court would have authority to entertain a right for an individual action to enforce a constitutional privilege. I prepared a proposed section to add, in the event the original Dirksen amendment was adopted, to any bill in which the constitutionality of the measure was doubtful, which would state that:

> No court of the United States shall have jurisdiction to hear or determine any question concerning the validity of any provision of this act under the Constitution of the United States or enter or enforce any judgment, decree, or order, or restrain, impede, or impair the execution, administration, or enforcement of any provision of this act upon the grounds of its constitutional invalidity.

That language demonstrates that if we had embarked upon the adoption of the Dirksen amendment, it would have been the end of constitutional government in the United States. It would have been the end of the separability of powers. But in the amendment before the Senate we would, first, only direct our attention to the district courts. Second, we would say that it is the sense of the Congress. As the Senator from New York [Mr. JAVITS] said, one coordinate branch of the Government is directing to another coordinate branch an idea that it is our opinion that it should proceed cautiously and slowly. It would be an admonition from one equal to another. There would be no rebuke to the Supreme Court. We would not even be talking to the Supreme Court. We would only be saying to the district courts of the United States that they should carry out the provisions that their own appellate courts have provided. We would only be admonishing the district courts that they should carry out the admonition that has been handed down by the U.S. Supreme Court.

I differ with some of my friends. I feel that after hearings I shall vote for a constitutional amendment. I feel that we have a right in the United States to apportion our legislatures on other than a population basis if we choose to do so. We might apportion on any economic basis, on the basis of rural areas, or on some other basis.

During the course of the debate I have examined the minutes of the Constitutional Convention, Madison's reports, and I reread the Federalist Papers for the first time in a number of years. I enjoyed reading those ancient documents. I believe it was almost unanimous among our Founding Fathers that they intended that the one man, one vote idea be a part of our State legislatures and our State legislative bodies.

I am convinced, from reading the Federalist Papers and the minutes of the Constitutional Convention, that when it was said we would have a republican form of government, it meant apportionment on the basis of population. The only way we can alter that original opinion of the Founding Fathers is to adopt a constitutional amendment, such as that proposed by the Senator from New York. That is an entirely different question from what we are confronted with when an attack is being made by the original Dirksen amendment, which provides that no court shall have jurisdiction to enforce a constitutional right. I see nothing that attacks the Supreme Court in the present proposal.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. METCALF. May I have 3 minutes?

Mr. MANSFIELD. I yield 5 minutes to the Senator fram Montana.

Mr. METCALF. I see nothing that attacks the Supreme Court of the United State. It is not directed to the Supreme Court. It is directed to the district courts. This body has complete authority even to eliminate the district courts of the United States, by an act of law.

The Mansfield amendment, on which we are now approaching a vote, carries out the highest tradition of this body.

We are convinced that we should go more slowly in some apportionment cases. So is the Supreme Court of the United States. In many decisions handed down by it, it has admonished the district courts to go more slowly.

We are convinced that "one man-one vote" is a basic proposition. The Mansfield amendment carries out that program. We are convinced that we should not take away or postpone basic rights of individual citizens that have been sustained by the Supreme Court. The Mansfield amendment protects those rights, and states only that it is the sense of the Congress that certain things should be done.

I urge my colleagues—my colleagues who believe in the Supreme Court decision, my colleagues who believe in constitutional government, my colleagues who believe in the enforcement of individual rights of citizens—to vote for the Mansfield amendment.

Mr. KUCHEL. Mr. President, I should like to ask the acting majority leader to yield to me so I may ask a question.

Mr. INOUYE. Mr. President, before suggesting the absence of a quorum, I ask unanimous consent that the time be equally charged.

Mr. FULBRIGHT. Mr. President, will the Senator withhold that suggestion?

Mr. INOUYE. I withhold it.

FIRST ANNIVERSARY OF SENATE VOTE ON LIMITED NUCLEAR TEST BAN TREATY

Mr. FULBRIGHT. Mr. President, it is deeply gratifying to me to be able to mark this first anniversary of the Senate's approval of the nuclear test ban treaty by reaffirming my conviction that it was a wise and highly significant step.

That approval—by a bipartisan vote of 80 to 19—was the culmination of an exhaustive examination of the meaning, effects, and possible ramifications of the treaty—first by the Committee on Foreign Relations, joined by members of the Committee on Armed Services and the Joint Committee on Atomic Energy, and then by this body as a whole. It followed a careful weighing by each of us of the possible risks and advantages involved, and a thorough consideration of the potential effects of the treaty on our national security and on international affairs.

In opening the debate on the Senate floor last year, I said that the treaty might well prove to be a turning point in history. It symbolized a change in direction. It demonstrated that the two great nuclear powers shared an overriding common interest in the imposition of limitations on nuclear weapons and in reducing the pace of their proliferation.

For these and other reasons, I pointed out that the treaty made sense under world conditions as they then existed.

It makes at least as much sense today. Although it is still too soon to render a definitive judgment, there is ever increasing evidence of significant changes in the character of East-West relations and of the emergence of attitudes more conducive to meeting the overriding challenge of our time—to reduce the risk of nuclear war. While our progress in meeting this challenge has been slow, I am convinced that the test ban treaty has contributed, and will continue to contribute, to facilitating such progress.

And our judgment that the risks involved could be adequately guarded against has been confirmed. I was particularly gratified by the recent report by Senator STENNIS on the results of his subcommittee's continuing scrutiny of the safeguards adopted in conjunction with our ratification of the treaty. It is apparent to me that our relative position in the nuclear field has by no means suffered in the past year, and that our means of protecting ourselves against the risks of violation of the treaty are even more effective than they were a year ago.

Thus I welcome this occasion as an opportunity to express again my conviction that the test ban treaty, though a rather modest step in the quest for peace, was an extremely significant one; and that the wisdom of having ratified it is even more apparent today than it was last September 24.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. KUCHEL. Mr. President, I ask the acting majority leader to yield me 3 minutes.

Mr. INOUYE. I yield 3 minutes to the Senator from California.

Mr. KUCHEL. Mr. President, yesterday, at the conclusion of the comments made by my able friend from Illinois, indicating the intention or the goal sought to be achieved by the Mansfield sense of Congress substitute, I asked a couple of questions with respect to the specific intention of that substitute. I repeat my question today with a bit more precision, to ask the author of the resolution to confirm, if he will, my understanding of the intention involved in the resolution now pending. I should like to clarify the intent of subsections (1) and (2).

Am I correct, in my understanding that the purposes of the two subsections, taken together, are, first, to give the State legislatures a period of time, not exceeding 6 months, in which to act on reapportionment, despite the pendency of the court action; and second, meanwhile, to permit members of State legislatures to be elected in 1964, to be elected in accordance with State laws in effect on September 20, 1964?

To put the question another way, in view of the maximum of 6 months allowed for State legislative action, I take it the words in subsection (2) "the next election of members of the State legislature following the effective date of this act" mean November 3, 1964, not November 1965, or November 1966, or November 1967 or 1968, or November 1970.

I ask my friend if I am correct in my understanding that that is the intention of the sense of Congress amendment now pending, which he has authored.

Mr. MANSFIELD. Mr. President, in view of the questions asked by the distinguished acting minority leader, my answer is that his interpretation is correct. The intention is to provide for November 1964. It is clearly indicated by providing in (1) a maximum period of 6 months in which the legislatures may act. The whole purpose of the amendment is to encourage and permit State legislatures to act expeditiously to bring their own representation into line with constitutional requirements.

Mr. KUCHEL. I thank the Senator for confirming my understanding of the intention of his amendment. I shall support the sense-of-Congress resolution he has introduced. In my judgment, my able friend from Montana and other Senators on both sides of the aisle have achieved a fine and constructive alternative to the recommendations others have made to shear away part of the jurisdiction of the U.S. Supreme Court in an unconstitutional manner.

Mr. METCALF. Mr. President, will the majority leader yield me 1 minute?

Mr. MANSFIELD. I yield 1 minute to my colleague.

Mr. METCALF. I call to the attention of the acting minority leader the fact that this proposal is directed to the district courts.

Mr. KUCHEL. Exactly.

Mr. METCALF. Other actions that have gone beyond the district court, and are pending in the circuit court or Supreme Court, are not affected by the proposed legislation.

Mr. KUCHEL. In other words, the Congress of the United States—assuming the Mansfield substitute is adopted—makes no comment with respect to the sense of this body on any lawsuits that may be pending before the circuit courts or the U.S. Supreme Court.

Mr. METCALF. That is correct. It makes no comment on actions in either the circuit courts or the Supreme Court.

Mr. KUCHEL. I thank my friend for making that abundantly clear, and I thank the Senator for yielding to me.

Mr. HART. Mr. President, will the Senator yield me 1 minute for the purpose of asking a question?

Mr. MANSFIELD. I yield 1 minute to the Senator from Michigan.

Mr. HART. I was on the telephone and entered the Chamber at the conclusion of the colloquy between the distinguished majority leader and the distinguished majority whip. The question has been asked me—and apparently it goes to the point our distinguished leader was answering in response to a question by the Senator from California, and I shall ask it in this form—with respect to subsection (1) under (a) in the proposed resolution. Does the date against which the 6-month maximum is measured begin to run from the date of enactment of this bill for all States, or is there any accommodation that would require that the 6-month time period would run only after a State's regular session began?

Mr. MANSFIELD. It is my belief that under the resolution now before us the writ would begin to run on the day the Court laid down its order.

Mr. HART. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield me 1 minute so that I may ask him a question?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Is there any magic in the September 20, 1964, date? Should not the RECORD show why that date was chosen? Apparently that is the date fixed in the resolution for the effective date of State laws. Does it refer to a particular date with respect to a State law?

Mr. MANSFIELD. It could have been the date of the enactment of the act, but the intention is to give some finality.

Mr. JAVITS. It has no relationship to a particular State or State law.

Mr. MANSFIELD. No. In one respect that was unfortunate.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. I would like to have a clarification of one provision. The amendment authorizes the court to act "in the absence of unusual circumstances." What would be considered unusual circumstances?

Mr. MANSFIELD. I could give no specific answer to that question at this time. I doubt whether any Senator could do so. However, it is my understanding that this is a phrase which is usually considered in a legal matter to allow for something unforeseen in the proposal under consideration—something that is unusual.

Mr. AIKEN. In the event that the courts have already issued an order to a State to reapportion, and have set a date by which time reapportionment must be accomplished, would that fact, in the mind of the Senator, constitute an unusual circumstance?

Mr. MANSFIELD. Yes; I would say it would.

Mr. AIKEN. Then, in the event that a State—and I am thinking particularly of Vermont, Connecticut, and New York—has already been subjected to unusual circumstances, the district court having jurisdiction would not be authorized to reapportion the legislature under the wording of the amendment. Is that correct?

Mr. MANSFIELD. I should say that the answer to the question raised by the distinguished senior Senator from Vermont is that it would lie within the discretion of the court, and that the court itself would have to make that decision.

Mr. AIKEN. But the amendment only authorizes the court to reapportion in States where there are no unusual circumstances.

Mr. MANSFIELD. But it allows for unusual circumstances at the same time. The language "in the absence of unusual circumstances" works both ways. The courts have wide-ranging discretion in this matter as to what their interpretation should be.

Mr. AIKEN. Does the Senator mean that if the court undertook to redistrict, and if the legislature had failed to reapportion, the court must make that undertaking under other legislation than the pending amendment? The amendment, as I read it, virtually fails to indicate that the district court should reapportion if there are unusual circumstances, such as being already under an order of the court.

Mr. MANSFIELD. Except that it would be a matter that the district court itself would have to determine.

Mr. AIKEN. I am not sure that it does not provide that the district court is not authorized, except in the absence of unusual circumstances, to redistrict a legislature.

Mr. MANSFIELD. It would be the hope, if this "sense" resolution is agreed to, that the court would take into consideration the position of the State legislatures, and that the State legislatures would do likewise.

Mr. AIKEN. Would it be the sense of Congress that States which are already under an order of the Court would be entitled to the same privilege that is allowed to other States? I realize that the resolution merely expresses the sense of Congress and that its terms are not binding legislation. Is it intended to recommend the regular time, plus 30 days, but not to exceed 6 months in all? Our legislature, which will be elected under the laws existing on September 20, 1964, would normally meet in the first week in January. It has been directed to reapportion and to do nothing else, and to be all through by March 31. Normally the legislature would be in session—we have no time limit, of course—until somewhere around the last of June or the first of July, or approximately for 6 months from the time that it convenes. Would the Senator from Montana feel that the resolution would express the sense of Congress that the State of Vermont should be allowed 6 months in all, after convening, in spite of the fact that the Court has ordered it to reapportion in 3 months from January 1.

Mr. MANSFIELD. My answer would be that that matter would be within the discretion of the Court. If the Court so decided, it would be possible.

Mr. AIKEN. But it would be the sense of Congress, would it not, that that be done?

Mr. MANSFIELD. It would be my interpretation, from what the distinguished Senator has said, that it would be possible, but it would be a matter which would be within the discretion of the Court.

There is nothing in the amendment which is binding in any way; it merely expresses the sense of Congress.

Mr. AIKEN. It is rather incongruous that States which are in the bind in which States like Vermont, Connecticut, and New York find themselves, should be required to reapportion within 3 months, while States like Delaware and Rhode Island, where there are no court cases, but which, according to what I have heard in the Senate, are the most malapportioned of any of the States, would have 6 months' time allowed after convening.

Mr. MANSFIELD. It is my belief that if the courts so decide, it is within their discretionary authority to do what the Senator from Vermont has said.

Mr. AIKEN. Would the Senator say that we are extending the same "sense of Congress" expression to judges who are considering cases in certain States as we do with respect to other States?

Mr. METCALF. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. METCALF. As I read the amendment, it is the sense of Congress that the Court could properly suspend any order on reapportionment until the legislatures are allowed to meet, or permit another election to be held under the laws in effect on September 20, 1964. In order to give greater latitude and greater discretion to the Court, we put in the provision about unusual circumstances.

It is difficult for us, on the floor of the Senate, without a knowledge of all the record before the court, to understand the circumstances of each case.

Mr. AIKEN. But does the Senator agree that the same "sense of the Congress" would extend to States which are already caught in a bind, as well as to the State of Rhode Island?

Mr. METCALF. I would agree to that. I believe that is the intention, as I read the amendment. The intention is to say to any district court that has jurisdiction: "We would like you to have the authority to provide a 6 months' opportunity to reapportion."

Mr. AIKEN. As I recall, early in the discussion I suggested on the floor of the Senate that the State of Vermont should have until the first of July, which would be 6 months from the time the legislature convenes.

Mr. METCALF. I would not want my comments to apply to a specific case, because I do not know what unusual circumstances might exist. The court would certainly have discretion to ascertain and determine them. But I agree with the Senator from Vermont that the amendment states that it is the sense of Congress that the States could properly be given this opportunity. That is provided in subsections (1) and (2).

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MAGNUSON. In the State of Washington a three-judge court decided approximately 60 days ago that the State legislature was to meet and reapportion the State; otherwise the candidates running for the legislature would run on what the court called a weighted-vote basis. The legislature has not met, but the decision of the court stands.

What would this amendment do, first, about a court decision, in view of the language of the amendment:

> The effective date of this act to be conducted in accordance with the laws of such State in effect on September 20, 1964.

The State law stands as it is; but the Court has made a decision. If someone wanted to seek a change in the Court decision under this amendment in the nature of a substitute, would he have to ask the Court to change its decision? What would be the practical legal situation?

Mr. METCALF. The only way in which one can get into court is to file a complaint. The Senator from Vermont has named some States that are allegedly more malapportioned than his own State. The only reason why there has been no action is that no one has filed a complaint with the court. However, if I were handling the case, I would certainly go into court on the basis of this amendment and ask for additional time.

Mr. MANSFIELD. Mr. President, may I ask from which side time is being yielded?

Mr. MAGNUSON. Mr. President, I ask that I be yielded 2 minutes.

Mr. DIRKSEN. I yield 2 minutes to the Senator from Washington.

Mr. MAGNUSON. If the legislature met and changed the apportionment according to the direction of the court, that would be different.

What bothers us in the State of Washington is that a three-judge court has handed down its decision. The decision made the reapportionment legal under color of law at the time it was made. How can it be changed? Obviously, one could go back to the court and ask it to review its decision. But if no one wanted to do that, I suppose the decision of the court would stand, would it not?

Mr. METCALF. The court decision would stand if no one sought a review.

The reason for including the phrase "in the absence of unusual circumstances" is to allow the court to do it. One of the unusual circumstances would be such a decision as that which has already been made by a three-judge court in the State of Washington.

Mr. MAGNUSON. But it might also say that there are reasons to justify deferring the effectiveness of its decision until the next meeting of the legislature.

Mr. METCALF. It might permit the members of the next legislature to be continued under the laws in effect.

Mr. MAGNUSON. They have already filed and have been nominated. This situation poses a practical political problem in any State where the Court has made a decision.

Mr. METCALF. That is why this language has been included. It would permit absolute discretion on the part of a court to ascertain exactly what the circumstances are under the facts that have been submitted.

Mr. MAGNUSON. I thank the Senator from Montana. Several persons have called me in the past 2 or 3 days and asked for a clarification. My own view is that the Supreme Court decision should stand in every State, and that each State should reapportion in the way the Court and the Constitution say it should be reapportioned. But I understand that some other practical problems may be involved.

Mr. MANSFIELD. Mr. President, I yield myself half a minute.

I move to modify the pending amendment in the nature of a substitute by striking out, on page 1, line 8, and on page 2, line 1, the phrase "including those," and inserting in lieu thereof "or in the presence of circumstances."

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The request will require unanimous consent.

Mr. MANSFIELD. I ask unanimous consent to so modify the amendment in the nature of a substitute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MONRONEY. Mr. President, on page 2, lines 9 through 12, the language reads:

> (2) Permit the next election of members of the State legislature following the effective date of this act to be conducted in accordance with the laws of such State in effect on September 20, 1964.

Does that mean that legislators who are nominated, whichever group might be nominated in my State, would be running under the laws in effect in November, at the time of the general election or under the laws in effect on September 20, 1964? Or does it apply to the next legislature, that normally would run for election in 1966? Is this language designed to take care of cases like those which exist in Virginia and Kentucky only, where the elections will be in 1965?

Mr. METCALF. I should think that this language would apply only to the immediate next election.

Mr. MONRONEY. Which would be in November of this year?

Mr. METCALF. In November of this year.

Mr. MONRONEY. The distinguished Senator from Montana is an eminent lawyer and has worked hard on this subject, trying to bring some degree of logic to it. I should like to have his views concerning the situation in my State of Oklahoma, which has been directed by a three-judge Federal court to cancel the primary elections that had been held as directed by the Supreme Court of the United States.

The court finally got around to redistricting the State of its own volition, and directed that the election in the new districts be held. The Governor called an election to be held on September 29—this month.

Which law applies in the State of Oklahoma? The decision of the three-judge court is on appeal to the Supreme Court, so it is not final. It seems to me that until the Supreme Court makes final, one way or the other, the appealed judgment of the three-judge Federal court, the State law, in the eyes of Congress at least, should normally apply. Of course, in the eyes of the electorate, we are going ahead and are having the court-ordered election without the finality of the appeal. The candidates who will be nominated in the new primary on September 29, which replaces the two primaries that have already been held, will, I presume, go into the November election as the nominees of the parties in those districts.

What I am trying to find out is the meaning of the date, September 20, 1964, and what laws are in effect.

Mr. METCALF. In the first place, this is a "sense of Congress" resolution.

Mr. MONRONEY. I realize that.

Mr. METCALF. In the second place, we are saying to the district courts that we hope they will use the same judicial restraint which the Supreme Court of the United States has used. The decision of the three-judge district court has to be final, whether the resolution passes, or the Dirksen resolution passes, or any other resolution passes. I would hope that if the resolution should pass, the district courts in the various States would heed the admonition to exercise the same judicial restraint which the U.S. Supreme Court has asked.

I cannot answer the question of the Senator from Oklahoma because it may be that even before we get to the Supreme Court and have the decision rendered, the election will be held and the question will be moot.

Mr. MONRONEY. That is what I am afraid of. The September 20, 1964, dateline is what makes it moot.

Mr. METCALF. The September 20, 1964, dateline, in my opinion, would not alter the situation in Oklahoma. That was a line written in when the amendment was drawn up. As my colleague, the Senator from Montana [Mr. Mansfield], said, it might well have been the effective date of the amendment, but we tried to put in some specific date.

Mr. MONRONEY. I do not object to the date. I am fearful that the date will result in the application of the laws of the State as changed by a decision of the three-judge Federal court, now on appeal to the Supreme Court. The amendment should express the sense of Congress that Oklahoma would be entitled to be included with the other 49 sister States as having some rights, to be dealt with in the same degree of equity which the other States have enjoyed. This is a crazy-quilt pattern because there is no uniformity on when the Supreme Court's decision of June 15 becomes final with respect to all States.

Mr. METCALF. Let me give the Senator from Oklahoma—so far as I can give it—the same answer I gave the Senator from Vermont.

We say it is the sense of Congress in any action in the district court that any order could properly be set aside to allow the legislature to meet, or to permit the next election immediately following the act under the laws of the State. We could take judicial notice of the laws of Oklahoma—permitting discretion by the district courts. But the sense of Congress is that we would hope, unless there are unusual circumstances, that the three-judge district court would carry out the laws of the State at the next November 3 election and give the legislature up to 6 months in which to reapportion.

Mr. MONRONEY. From what the Senator says, the laws of the State actually are the laws of the State.

Mr. METCALF. The Senator is correct.

Mr. MONRONEY. Not those which have been amended by the three-judge Federal court.

Mr. METCALF. This is not a declaration that they are unconstitutional. This would be applied to the laws of the State of Oklahoma as enacted by its legislature and in existence on September 20, 1964.

Mr. MONRONEY. Even though the Federal court action had been taken and is now on appeal.

Mr. METCALF. The Senator is correct.

Mr. MONRONEY. I thank the distinguished Senator from Montana for his efforts to help shed some light on this problem.

Mr. METCALF. I am sorry that I could not have been more helpful.

Mr. MONRONEY. The Senator from Montana has been most helpful.

Mr. METCALF. Mr. President, I yield 3 minutes to the Senator from Michigan [Mr. Hart].

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. HART. Mr. President, I join in the expressions already voiced in thanking the majority leader for the role he has played in bringing us to this point.

I have every hope that the Senate will adopt the new Mansfield amendment.

I support the amendment, but I do not throw my hat in the air in wild enthusiasm.

I wish very much that even this short step in the direction of seeming to attempt to influence any Federal court need not be taken; that it be made clear, however, under all the circumstances reflected in the Record of the debates so far, that the course of prudence and responsibility supports those who express the hope that the Senate will adopt the amendment.

As the able senior Senator from Illinois [Mr. Douglas] has pointed out, this is an expression of our attitude. It is not a direction by way of enactment of a law. It does not direct even this expression of attitude toward the Supreme Court of the United States. In these senses, then, it avoids the confrontation which could cause a critical constitutional crisis for this country.

It should not be cited as precedent for congressional review of Supreme Court decisions, and certainly not as precedent for a new shortcut method to amend the Constitution or suspend constitutional rights.

In closing, I again make the point which, in the few times I have debated, has been my principal concern: As citizens of a republic, let us understand clearly the implications which are involved, should we at any time take any action which would suspend and therefore deny a constitutional right to a citizen of this country, except as we would amend the Constitution in the form provided.

This, at root, has been the basic concern of all of us. I hope that such concern is shared even by some of those who believe the one man, one vote principle is bad law. Worse than any bad law, it would be a course of action by the Senate which would have the effect some day—tragically—of leaving our Constitution worth precisely the paper it cost to print it, and nothing more. That is a lesson of history we had all better understand, the amendment as proposed would have no effect on the operation of the apportionment procedures in Michigan.

As an expression of confidence, I thank the Senator from Illinois [Mr. Douglas], and all other Senators who joined in bringing us to this moment.

In closing, Mr. President, some days ago I called to the attention of the Senate some communications that I have received from people and groups across the country in opposition to the Dirksen-Mansfield rider. We now are offered a vastly different approach in the sense of Congress' resolution which is pending. Yet the Record should contain the thoughtful expressions which continue to cross my desk on the basic issue raised. The basic issue may be raised again, in connection with this or some other constitutional right. It would be well to record the cautions voiced in these communications.

Mr. President, I ask unanimous consent that the above-mentioned communications be printed at this point in the Record, together with an explanation of each.

There being no objection, the correspondence communications and explanations were ordered to be printed in the RECORD.

Mr. HART. Prof. Malcolm E. Jewell, of the Department of Political Science at the University of Kentucky, is a recognized authority on State government and reapportionment. He has been involved in the successful reapportionment efforts in Kentucky. Following is a statement in opposition to any legislation which would delay enforcement of the Supreme Court's reapportionment decision:

NO NEED FOR DELAY

Perhaps the strongest, as well as the simplest, argument against legislation to delay enforcement of the Supreme Court's reapportionment decision is that it is unnecessary. There is no crisis in the States concerning reapportionment. Ever since the *Baker* v. *Carr* decision, the Federal courts have moved cautiously and moderately. A review of the Federal court decisions and of the views advanced by judges during hearings on reapportionment would show that the Federal judges have approached this issue with restraint and have given State legislatures every reasonable opportunity to reapportion themselves. The standard pattern, repeatedly followed by the courts, has been to give the legislature time to reapportion before the courts have acted. The courts have then reviewed the legislative product. Sometimes they have approved, sometimes they have given tentative approval pending a better apportionment law by the next legislature. Rarely the courts have been forced to put into effect, as in Alabama, a judicially designated apportionment.

The reaction of legislatures in many States, however, has been to seek the minimum amount of change that might satisfy the courts or to make improvements in one house but make the apportionment even less equitable in the other. In many States there has not been an honest effort to comply with judicial requirements. In those States where the legislature has now been given only months instead of years to reapportion, it is largely the fault of legislators who gambled on winning court approval for apportionments that were little better than those of the past. There is no need for delay, beyond the delays granted—in the past and at the present—by the courts. Rather there is a need to settle the apportionment problem, to accept and apply the principle of equality in both legislative houses, and to put an end to footdragging.

There is no evidence that the American public is disturbed by the Court's decisions on apportionment or by the principle of population equality in the legislature. A recent Gallup poll showed a solid majority in favor of basing apportionment in both houses on equality. In fact, there is considerable apathy and ignorance concerning the problem. But leaders of opinion, and the better informed citizens in the metropolitan sections of the country have welcomed the apportionment decisions as long overdue. Editorial opinion has been generally favorable. In those States where the legislature has complied with the judicial decisions, there has been general approval, and no evidence of public dismay. The resistance to the Court's decisions on apportionment comes, instead, from the legislators themselves and from a few of the interests that believe they have more to gain from malapportionment. The legislators' reaction is understandable, and there is no doubt that some political careers will be eclipsed; but the personal interests of a few hundred legislators are hardly as important or worthy of protection as the interests of millions of Americans in an equal voice in government.

THE REAL ISSUE: POLITICAL EQUALITY

The real issue we are debating is not whether the courts should slow down or whether the Congress should interfere with the enforcement of judicial decisions. The sponsors and supporters of this proposal for delay are frank to admit that their objective is to lay the groundwork for measures that would reverse at least some part of the Supreme Court's decisions on apportionment. One plan would be to limit the principle of population equality to one house of the legislature, leaving the States free to use any standard for the second house. The more drastic Tuck proposal would strip the Federal courts of authority to protect citizens in their exercise of voting equality in legislative elections. The real issue is whether we will turn back the clock and undo the reforms that have been undertaken.

It has been argued that the practice of basing apportionment in one house is so widely accepted as to be almost a principle of democratic government at the State level. This claim deserves to be examined closely. Controversy over apportionment dates from the earliest history of the States. During the period of Jacksonian democracy most of the States removed property qualifications for voting and as their constitutions were revised they retained or added provisions using population as the primary base of apportionment. The Northwest Ordinance of 1787 had stipulated that the legislature should be apportioned by population in the territory. The principle of population was only partially diluted by provisions assuring each county a minimum of representation, perhaps in one house. In the early 19th century such recognition of local units of government did not cause serious distortions in apportionment by population because the contrasts between densely and sparsely populated counties were small. It was only when the trend toward the cities began that the problem became acute.

In some States, during the latter part of the 19th century, the rural interests hastened to add constitutional provisions that would perpetuate their control despite the surge of population to the cities. In other States the rural interests succeeded in retaining constitutional provisions that had only recently begun to have inequitable results. In some States the rural interests, still holding a legislative majority, simply ignored State constitutional provisions requiring reapportionment. Sometimes, as in Illinois where the deadlock lasted half a century, urban legislators and voters agreed to compromises that minimized the effect of population in one house in order to win compliance with the constitutional provisions for periodic reapportionment of the other house. Whether they were defending, revising, or ignoring the State constitution, the rural majority in the legislature was simply perpetuating its own power.

It is easy to describe legislative apportionments that give minimum weight to population as balanced plans or compromises that reflect the political philosophy of the State's citizens. In fact, however, these apportionments usually reflect simply the success of a legislative majority in maintaining their power in one or both houses despite the fact that they no longer represent a majority of the State's citizens. Rarely have the voters of a State deliberately chosen a plan of malapportionment unless the alternative was an apportionment that was older or more arbitrary in its effect. The population principle was initially the major principle in the apportionment of most State legislatures, and the effect in the early legislatures was an apportionment that was equitable in practice. The population principle has been eroded by population trends, and by the unwillingness of those in power to yield that power to urban voters.

The issues of majority and minority rights are as old as the history of political thought. It is one of the virtues of a democracy that it respects both majorities and minorities and devises institutions that will make this respect meaningful and realistic. In the debate over apportionment the issue of majority rule and minority rights is often simplified so drastically that it becomes meaningless. It is true, of course, that when a majority of the voters living in large cities can elect only 15 or 20 percent of the legislators a majority is being reduced to a minority voice in government. It is also true that in many States the rural voters would have only a small minority of legislators under an equitable apportionment. But the debate over majorities and minorities often assumes that both urban (or metropolitan) and rural (or nonmetropolitan) legislators vote as a bloc. This is simply not true. Several studies of rollcall voting in legislatures have demonstrated that such cohesion of urban and rural forces is rare. Urban interests, in particular, are divided because of the wide variety of viewpoints represented in a large metropolitan area. Nor is it true that, in States like Oregon and Massachusetts that have had quite equitable apportionments, the urban legislators have either voted as a bloc or have ridden roughshod over the rights of the small cities and counties. This simply has not happened, and no one who understands the legislative process in the States would expect it to. In fact our metropolitan areas are becoming more diverse all the time. The growth of modern suburbia to a majority position in some metropolitan areas means that the largest beneficiary of reapportionment will be those voters who are least likely to be cohesive in their views and voting, least likely to be bossed or managed.

In reality the political struggle in any legislative body, as in political society as a whole, is a conflict among groups—all of which are minorities. Legislation is, in part, a result of the arguments and political strength of these various groups. Some of these groups have greater access, are more effective and influential, when rural legislators are in a majority or are more numerous than an equitable apportionment would permit. When the rural voter is overrepresented, the interests that may benefit are not necessarily rural; they may be businesses located in a distant city. The legislative process is too complex to measure precisely the effect of any particular apportionment on various interests. For this reason, the effort to protect certain groups—such as the farmer—by overrepresentation of certain counties, is not necessarily successful.

The conflict over apportionment is not really a conflict over majority and minority rights—because there is not, in any of our States, any cohesive, identifiable majority. The question is whether certain minorities should have more votes in legislative elections than others do. When the cities and suburbs are underrepresented, certain minorities lose a part of their voice in government. One of these is the suburban dweller, who is so indefinable a type that we might more properly divide him into various subgroups. Another minority is the labor union member. Another member clearly discriminated against by malapportionment is the Negro. Most Negro voters live in metropolitan areas, North and South.

We have many ways of protecting minority groups in this country. The U.S. Constitution and the State constitutions contain bills of rights that serve this purpose. The recent civil rights law is one example of legislative protection for a minority. But there is no reason why one minority, residing in the least populated counties, should be singled out for a special kind of protection. As Justice Warren said in the apportionment decision: "Our constitutional system amply provides for the protection of minorities by means other than giving them majority control of State legislatures."

Many persons have been disturbed by the Court's willingness to reverse decisions on reapportionment taken by the voters in a State, such as Colorado. It can be argued, as the Court did, that the issue in an apportionment referendum is seldom clear cut and voter understanding of such questions is often not great. But the fundamental reasons why the courts cannot be bound by a public vote on apportionment involve this issue of minority rights. The question of apportionment reached the Supreme Court under the 14th amendment, and the Court's decision was based squarely on the equal protection clause of that amendment. This constitutional provision has been consistently used to protect minority rights. As the Court has said: "A citizen's constitutional rights can hardly be infringed upon because a majority of the people choose to do so." It does not matter that a majority of voters in every other county in California voted against increasing the representation of Los Angeles County, for example. Voters have a right to an equal vote, whether they are a minority (like the 40 percent of Californians living in Los Angeles) or a majority (like the majority in Florida's six largest counties). The issue is not a conflict of majority and minority. There is, in political reality, no meaningful majority bloc—urban or rural. What is at stake is the votes of individuals.

There is no more reason why a majority of voters in a State should be able to devalue the votes of citizens in a few large cities than there is why a majority of voters should be permitted to disenfranchise Negro voters. And there is no more reason for Congress to intervene in judicial decisions protecting the value of the vote than for Congress to intervene in judicial decisions protecting the right to vote itself. The right to vote is a fundamental right, recognized by those Senators from the South who dispute the importance of other aspects of the civil rights bill. If the right to vote is fundamental, the right to have substantially an equal vote must be nearly as basic. If a constitutional amendment were passed to reverse some or all parts of the apportionment decisions, this would be the first time in American history that Congress had sought by constitutional amendment to restrict the rights, and specifically the voting rights, of American citizens.

ONE HOUSE OR TWO?

The Supreme Court's decision that the population principle must be applied to both houses of the legislature has been the subject of the most intense criticism and it is this aspect of the apportionment decision that is the target of a proposed constitutional amendment. The comparison of the State legislature with Congress, the so-called Federal analogy, has been so often disproved that it needs little comment. The States are not Federal systems, the counties lack the rights and prerogatives enjoyed by States in a Federal system, and the system of representation in the U.S. Senate is the product of historical compromise that is not pertinent to the experience or the needs of the States. The Federal analogy has no basis in law, in history, in constitutional theory. It is but a debating point.

If the case for reapportionment rests on equality of political power, of access to the legislature, for all citizens, it is impossible to make a distinction between one house and the other. If our citizens needed protection from government, it might be enough to grant equality of vote in a single house, but the role of government is positive and not negative. Today voters seek benefits from government, measures of health, education, welfare, measures to assist cities in meeting their responsibilities, and the distribution of State funds to localities. For these purposes, equality of representation in one house is not enough. There must be an equal voice in both houses, or a minority may be able to exercise a legislative veto to block measures desired by a majority.

In those States where only one house is based on population, the consequence is not compromise and a balancing of interests, usually. The result is deadlock, buckpassing, and irresponsibility. Sometimes the result of a single malapportioned house is that one political party cannot hope to win both houses even though it elects a Governor and wins a majority of the votes cast for legislative office. Under these conditions the voters have a limited choice. They may elect a Governor and a legislative majority that are Republican, or they may choose a divided government, but they may not choose a Democratic legislature.

In other States it is the Republican Party that is similarly discriminated against. In fact it is not a political organization that is discriminated against in such States; it is the majority of voters who are unable to translate their votes into a partisan majority in the legislature. The result of divided government, so often encouraged by malapportionment, is irresponsibility. If the legislature acts unwisely, or fails to act, the average voter—and often even the best informed voter—is unable to determine which party, or which house, is to blame. Deadlock becomes the order of the day. And if compromise is achieved under these circumstances, it is likely to be the consequence of patronage and logrolling rather than an adjustment of views and interests in the best sense of the term "compromise."

Increasingly our States are developing two-party systems that are actually competitive. In many of these States party cohesion in the legislature is high, or at least growing. An apportionment system that guarantees or encourages deadlock or that excludes one party (but not the other) from the chance of winning control of government (which is the very reason for a party's existence) is a system that undermines the two-party system itself.

THE CONSEQUENCES OF EQUITABLE APPORTIONMENT

No man can predict exactly what changes would result from equitable apportionments in those States that have been malapportioned. The precise political and policy results are often unclear. But a few predictions can be made, and these point up the necessity of permitting this reapportionment movement inspired by the courts to continue unchecked.

Increasingly the problems of our States are urban ones, the problems of rapid metropolitan growth, of crowded cities, expensive urban highway systems, greater demands on the educational and welfare services that are heavily concentrated in the cities. Reapportionment will not solve these problems or assure that any particular approach to them will be adopted. It will, however, guarantee that a greater proportion of legislators have knowledge and understanding, firsthand, of the problems of urban America. No single step will strengthen the States more or enhance their ability to deal with these problems. No greater encouragement to urban citizens to seek Federal help for their problems could be imagined than destroying their chances for an equitable voice in the State legislature. It is not reasonable to assume or expect that urban citizens will give up in their efforts to deal with their needs. If they cannot be met in the State capitols there will be even greater pressure for action in Washington. The States have a role, a major role, to play in the federalism of the next few decades, but they will not play this role well if the legislatures are ill-equipped to respond to the demands of the voters.

Thirty years ago the rural defenders of the status quo warned that big city machines would dominate the State. These machines are increasingly a myth or a hollow shell. But the major beneficiaries of reapportionment are going to be the suburbanites, whose votes are rarely controlled by any machine, urban or rural. Reapportionment will have at least short-run effects on political parties that can be predicted. It will help the Democrats in some States and the Republicans in others. It will tend, in most States to intensify party competition at the State level by helping minority parties. But, in political terms, reapportionment on the basis of population equality will increase the representation of those areas that are most marginal, most competitive. In the longer run, traditionally strong one-party areas, both urban and rural, will lose representation, and more legislators will be chosen from genuine two-party districts. This in itself is a healthy thing, a step in the direction of revitalizing our political system and increasing the interest of voters.

Following are statements made by representatives of the League of Women Voters of Wisconsin in support of fair apportionment in that State:

Statement Before the Joint Judiciary Committee of the Wisconsin Legislature by Mrs. F. A. Mote, League of Women Voters of Wisconsin, in Support of Bills 813S and 770A (Identical) and 812S and 771A (Identical) Relating to Apportionment of Senate and Assembly Districts

The League of Women Voters of Wisconsin supports bills 813S and 770A (identical) and 814S and 771A (identical). 813S is the bill drafted by a subcommittee of the legislative council of the 1959 session made up of Republican and Democratic legislators and five public members. Bill 813S is based on 812S and contains amendments to provide divisions of the multidistrict counties based on the 1960 population figures that were not available to the legislative council subcommittee. The League of Women Voters supports 813S or 812S (with amendments to apportion districts in the multidistrict counties) because they both more fully carry out the principle of representation based on population than does 815S. Bill 813S provides many more districts nearer the ideal size than does 815S. Under 813S there would be 26 assembly districts within 1,000 of the ideal (39,500) while there are only 13 (exactly half as many) within 1,000 of the ideal size in 815S. There are 48 districts within 3,000 of the ideal size in 813S and only 32 within 3,000 in 815S. In the senate, 813S creates 4 districts within 3,000 of the ideal size while there are none within this range in bill 815S. Bill 813S contains 18 districts within 9,000 of the ideal size. Only 14 fall in this range in 815S. Bill 813S, as demonstrated by the number of districts it has created nearer the ideal size, has done a more complete job of reapportioning the whole State than has 815S.

In addition, 815S does not provide Milwaukee County with fair representation. The framers of the bill have evened the districts in Milwaukee County to range in size from about 40,000 to 45,000. There are, however, fewer districts near the ideal size in 815S than in 813S. It also results in leaving over 87,000 Milwaukee County residents without representation in the legislature. If you multiply the ideal sized assembly district by the 24 districts allowed Milwaukee County under 815S and subtract this total from the population of the county, you find that over 87,000 people in the county are not adequately represented. This number more than equals the number necessary for two more assembly districts. In no other part of the State is there a district with even half that number unrepresented. In fact there are 7 counties with under 86,000 people that have 2 legislative districts each.

There are constitutional restrictions which make it impossible to give some districts the representation to which they are entitled, but these same restrictions make it necessary to overrepresent other areas and in some cases grossly overrepresent them. In Milwaukee County these restrictions do not create such problems in the same magnitude and there is an opportunity to create districts of almost ideal size. We believe that 813S (770A) apportions Milwaukee County more fairly as well as creating more districts for the whole State nearer the ideal size.

The League of Women Voters began its study of apportionment in the early 1930's and has supported population apportionment since that time. Our studies have confirmed the belief that equality of representation gives people more respect for government. Recently, Roscoe Drummond of the Christian Science Monitor reiterated arguments made by the League of Women Voters in support of population apportionment. He says that if State legislatures are representative of the people and responsive to voter opinion, the trend of the disenfranchised city voter to go to Washington for everything will be halted. States rights will be strengthened because the capacity of fairly apportioned legislatures to discharge State responsibilities will be strengthened. It is interesting to note Drummond's final point—he suggests that if States were fairly apportioned perhaps there would have been no agitation to establish a Cabinet post of Department of Urban Affairs.

The League of Women Voters looks to the present legislature to reaffirm the people's respect for State government by recommending bills 813S and 770A or bills 812S and 771A (with amendments) for passage.

Statement Before the Joint Judiciary Committee of the Wisconsin Legislature by Mrs. H. A. Lardy, Director, League of Women Voters of Wisconsin, in Opposition to Joint Resolutions 116S, 117S, 152A, 155A, and 156A, Relating to Changing the Constitution To Include Area in Apportionment of Senate Districts and in Case of Joint Resolution 155A in Apportionment of Assembly Districts

The League of Women Voters of Wisconsin opposes Joint Resolutions 116S, 117S, 152A, and 156A which amend the constitution to include area in apportionment of State senate seats and 155A which includes area in apportionment of assembly seats. Proponents of area representation argue that because the U.S. Senate has two Members from each State, regardless of size, that State legislative bodies might also constitute one house that way and, in fact, many do. The League of Women Voters would like to remind you that these divisions of government are not comparable. The Thirteen Colonies were independent sovereign States, but counties are arms of the State government and not entitled to representation as independent sovereignties might be.

Wisconsin can be proud indeed that it did not follow the example of many States that adopted the Federal system without realizing the fundamental differences between State and Federal Government. Wisconsin was the 30th State to be admitted to the Union and was one of the Midwestern States, which because of an increasing appetite for democracy broke the pattern of adopting the Federal system. The people of Wisconsin wisely chose representation based on population in both houses of our legislature.

It would be ironic if, at this juncture in history when the U.S. Supreme Court is setting States on the road to more representative apportionment, Wisconsin would step backward down the path to less representation by changing the constitution to include area.

The League of Women Voters of Wisconsin urges you to maintain Wisconsin's proud place in the history of population apportionment by rejecting Joint Resolutions 116S, 117S, 152A, 155A, and 156A.

Statement Before Senate Judiciary Committee of the Wisconsin Legislature by Mrs. Marshall Beaugrand, Director, League of Women Voters of Wisconsin, in Opposition to Joint Resolution 12, S (Amending the Constitution To Deny Federal Court Jurisdiction Over State Legislative Apportionment)

I am Mrs. Marshall Beaugrand of Racine, appearing on behalf of the League of Women Voters of Wisconsin in opposition to Joint Resolution 12, S. The league has for many years supported redistricting and reapportioning of legislative seats on a population basis at regular intervals, as provided in our State constitution. We have recently strongly reaffirmed this position.

Naturally we, too, are very interested in the decision of the Supreme Court in the Tennessee case and have watched to see what effect it would have in other States, as well as in our own. If we understand it correctly, in the Tennessee case the Court has said, in effect, that State legislatures are not free to deprive the citizens of a State of their rightful representatation in their State legislatures. And if we understand correctly the intent of Joint Resolution 12, S, it says, in effect, that State legislatures are free to do this very thing. Further the resolution says that the people of a State may never appeal to the Federal court in the matter of representation, no matter how serious their grievance might be. People who do not have their just measure of representation in the legislative bodies that make decisions affecting their lives are not free people. To the extent that we are deprived of this right, we have a grievance. In our State courts, and in the laws and Constitution of the United States, we are entitled to redress of grievance. But this resolution would take away this right under the U.S. Constitution, as it relates to the representation of citizens in their State legislatures, an area of continuing controversy, since we could not petition a silent court.

Over the years, we have learned something of the problems of reapportionment, and understand that there are difficult, personal, partisan, and economic questions involved in this issue, and that it truly is something over which reasonable men may disagree. We followed the session last summer and saw that the disagreement among legislators can be bitter, almost violent at times. As a matter of fact, ordinary citizens can get quite upset over it, too. But a controversy can be taken in stride when it's all in the framework of our government. The rules for our protection are there, and the game is played out according to the rules that we know and respect. This joint resolution would change those rules.

Those of us who watch the operation of State government and who know a little of government in other States take great pride in Wisconsin. We are confident that we can break through our problems in Wisconsin, rather than breaking down under them. We aren't perfect, of course, but as many textbooks on State government point out, Wisconsin has often been the first State to take this or that constructive action for good government. It seems unlikely that proposals such as those embodied in this group of joint resolutions could ever have originated in Wisconsin—they are unlike Wisconsin ideas. In our opinion, they urge us to take rash and excessive action. In this connection, we note that the courts have not acted rashly or excessively—they have acted with considerable restraint. We earnestly hope that this committee, and the legislature, will act with restraint and prudence, and will refuse to recommend or to adopt joint resolution 12, S.

Statement to Assembly Committee on Elections by Mrs. Willard Hurst, League of Women Voters of Wisconsin, in Partial Support of Joint Resolution 77A, Relating to a Supplementary Agency for Legislative Reapportionment

The League of Women Voters of Wisconsin favors amending the State constitution to provide a supplementary agency to carry out legislative reapportionment if the legislature fails to act. In our studies of apportionment procedures we considered also the possibility of taking the responsibility for this painful job entirely out of the hands of the legislature by providing automatic reapportionment, as six States do. But most of our members preferred merely to establish a supplementary agency. It would either be a spur to action by the legislature or it would do the job itself.

Eight States now provide an alternate procedure if the legislature fails to act. Five of these alternate procedures are commissions. They have 5 to 10 members, some or all of whom are State officials as provided in the proposal before us.

While the league supports the main point of this resolution, we question one provision. That is to have the chief justice as a member of the reapportionment commission. Even before *Baker* v. *Carr*, the Wisconsin Supreme Court reviewed the constitutionality of Wisconsin apportionment acts. So it seems the chief justice should not be involved in the process at another stage than that of court review.

We do, however, clearly support a supplementary agency to reapportion if the legislature fails to do so within the time provided in the State constitution.

Prof. Harlan Hahn, now on the faculty at the University of Michigan, has done extensive research on Iowa government and politics. This is his statement based largely on the reapportionment situation in Iowa:

The University of Michigan,
School of Public Health,
Ann Arbor, Mich., August 28, 1964.

Senator Philip A. Hart,
Senate Office Building,
Washington, D.C.

Dear Sir: I received a letter yesterday from William J. D. Boyd, senior associate of the National Municipal League, asking me to send you a statement on State legislative apportionment which the Senator might use in the current debate on this subject on the Senate floor. Although I have recently accepted a joint appointment at the University of Michigan as a research associate in the school of public health and as an assistant professor in the department of political science, most of my previous research on reapportionment was done in the State of Iowa in connection with my Ph. D. dissertation on Iowa politics which I wrote at Harvard University.

I am, therefore, enclosing a short statement on legislative apportionment based largely upon data which I obtained in Iowa. As you will note, most of this material has previously appeared in two articles which I wrote, "Reapportionment, the People, and the Courts," Iowa Business Digest, XXXIV August 1963), pages 19–22 and "Urban versus Rural Split Shows in Vote," National Civic Review, LIII (March 1964), pages 146–147. I hope that you might find the enclosed statement useful.

Thank you very much.

Sincerely yours,

Harlan Hahn.

MYTHS IN THE REAPPORTIONMENT CONTROVERSY

To gain a clearer understanding of the arguments which have developed since the recent Supreme Court decisions on reapportionment, it is necessary to examine carefully the propositions advanced by both sides of the controversy. This statement seems to be particularly important with regard to the claim that desired advantages would accrue to various sectors of the population through the postponement of the implementation of the Court decision requiring that all persons shall be equally represented in both houses of a State legislature. If this assertion is to be sustained, one must first discover which segment of the population will receive the greatest advantage from the failure to adopt an equitable apportionment plan promptly, and then determine whether or not this segment has supported such a delay.

Evidence on this subject can be obtained from the State of Iowa. Although the constitution of that State requires the reapportionment of both houses of the legislature decennially solely on the basis of population, prior to 1964 the Iowa General Assembly had not been reapportioned in nearly 50 years. In 1963 the legislature passed and submitted to a popular referendum a constitutional amendment, commonly known as the Shaff plan, which would have postponed equal apportionment by freezing only a slight improvement in the disparity of population and representation into the State constitution. Although this amendment was overwhelmingly defeated at the polls, both the Shaff plan and the apportionment of the Iowa Legislature prior to 1964 provide an opportunity to determine which group obtained the greatest advantage under those systems and whether or not this group supported the postponement of an equal apportionment plan.

It has often been assumed that an unequal apportionment of legislative seats gives greater representation to farmers and to geographic area. Yet the 55 least populous counties, which constituted a majority in the apportionment of the lower house of the Iowa Legislature before 1964, represent only 51.8 percent of the area and 46.5 percent of the farm residents in the State. The 50 least populous counties, which would have controlled a majority in the Iowa House under the Shaff apportionment plan, represent only 45.5 percent of the area and 40.9 percent of the farm residents in the State.

Even more striking perhaps is the fact that farm residents do not have a majority within the 50 or 55 least populous counties of the State. Statistics reveal that farm residents constitute only 40.7 percent of the people living in the 50 least populous counties and 40.6 percent of the population of the 55 least populous counties.

What group, then, would have controlled a majority in the Iowa Legislature? The Shaff plan or the apportionment before 1964 would have given the residents of small towns majority representation in the Iowa Legislature. According to the 1960 census, people living in small, incorporated towns accounted for 52.1 percent of the total population of the 50 least populous counties and 52.6 percent of the population of the 55 least populous counties. None of those counties contain towns of 10,000 or more population. Yet the population of the 20 counties having cities larger than 10,000 is 53.1 percent of the total population of the State. Within those 20 counties the people living in towns of 10,000 or more represent 71.8 percent of the total population of the counties. Thus the residents of towns of more than 10,000 population are probably the most underrepresented segment in the Iowa Legislature, while the towns smaller than 10,000 are probably the most overrepresented group.

One might therefore anticipate that voters in towns of less than 10,000 population would have provided the strongest support and that voters in cities larger than 10,000 would have evidenced the strongest opposition to the Shaff plan. Since a Federal court had already declared the apportionment which existed in 1963 unconstitutional, support for the Shaff plan in the referendum could only be interpreted as evidence of a willingness to postpone an equal apportionment scheme. As expected, cities of more than 10,000 population demonstrated the greatest opposition to the Shaff plan; and the plan was largely defeated in the 17 counties in Iowa which contain cities larger than 10,000. However, support for the Shaff plan did not follow the anticipated pattern.

Although the Shaff plan would have given majority representation in the State legislature to small towns rather than farm areas, farm townships in 19 counties supported the plan with a 70.2-percent majority. On the other hand, the county seat towns in these 19 counties opposed the plan by 56.4 percent.

In one county the farm townships recorded a majority vote against the plan. In Cerro Gordo County the farm townships opposed the plan by 52.4 percent, while Mason City, the only town in the 19 counties studied of more than 10,000 population, was 82.4 percent in opposition. When the votes from Cerro Gordo County are omitted from the total, the vote in opposition to the Shaff plan was 29 percent in the farm townships and 45.7 percent in the county seats.

Apparently voters do not always consult their self-interest when balloting on this issue. The vote on apportionment in Iowa was probably influenced more by the general configurations of urban-rural conflict than it was by the interests of the sectors of the population involved. Farmers were apparently deluded by the belief that the Shaff plan would give them majority representation in the Iowa Legislature; and small towns seemed to identify more with the viewpoint of their larger urban counterparts than with their own interests in this election.

Thus the above evidence, which has been largely compiled from two articles in the Iowa Business Digest and the National Civic Review, indicates that there are several myths in the reapportionment controversy which should be dispelled. Neither farmers nor geographical area would always gain majority representation in a State legislature through a delay in equal apportionment. And the segment of the population which would obtain the greatest advantage through the postponement of equal apportionment has not supported such a delay. There were no groups which would both gain an advantage and which have supported the failure to reapportion State legislatures promptly on the basis of population. Therefore, there would seem to be few reasons for further delay in the implementation of Supreme Court decisions.

Mr. Irving Achtenberg, an outstanding attorney of Kansas City, Mo., made the following statement on reapportionment before the Democratic platform committee:

KANSAS CITY, MO.,
August 28, 1964.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: Mr. William Boyd, of National Municipal League, indicates that you are interested in public statements on the subject of reapportionment.

I enclose herewith a statement which I made before the Democratic platform committee last week, which I would be very happy for you to use for any purpose which it might serve.

We are all very appreciative of your efforts in behalf of equal representation and I personally want to cheer and urge you on in this most important political effort for equal representation.

Sincerely yours,

IRVING ACHTENBERG.

STATEMENT ON REAPPORTIONMENT BY IRVING ACHTENBERG BEFORE THE DEMOCRATIC PLATFORM COMMITTEE, AUGUST 20, 1964

Mr. Chairman, I appear before you this afternoon to urge you to consider a plank in the Democratic Party platform affirming the principle of equality of representations under the 14th amendment; supporting the magnificent decisions of the U.S. Supreme Court calling for legislative reapportionment; decrying current congressional efforts at delaying and destroying legislative reform and calling upon the States to voluntarily comply with the spirit of the Supreme Court's mandate of "one person—one vote."

The Court, by its momentous decisions in *Baker* v. *Carr* and *Reynolds* v. *Sims* has opened the judicial gates through which we can return to equal representation by population, with which our country began, but which have been eroded in the past century.

When the Thirteen Colonies became States in 1775, most of them adopted constitutions employing population as the basis for election of legislators. Through the first half of the 19th century the tendency toward political equality of persons regardless of origins or economic position, continued. The original constitutions of 36 States required that representation be based totally or substantially on population.

However, there was a shift from this pattern in the second half of the century. The growth of cities and the shifts of population from the farms became appreciable and there began to develop differences of economic and political philosophy between the citizens in rural areas and those of the cities. Despite the change to an urban-oriented economy, legislative apportionment and legislative apportionment formulas have failed to reflect the change—this has been because of the resistance of rural legislators, not anxious to vote themselves, or their friends, or political point of view, out of office.

Today over 135 million Americans—3 out of 4 of us—live in cities and suburbs. We are an urban society. Yet the undisputed figures show that in most States the rural voters are overwhelmingly in control of one legislative house and overweighted, if not dominant, in the other house. In my own State of Missouri 20 percent of the voters of the State elect a majority of the lower house and 69 of the 89 rural counties favored in the lower house are also favored in the senate. The smallest county, with a population of under 4,000 has 1 representative just as does the largest district with over 55,000 people—an unfair weighting of the rural vote over the urban vote of 13.5 to 1. In each of your States you know that a somewhat similar malapportionment exists.

What is the significance of all of this? Simply that our State legislatures are not adequately handling the problems of economic and social change resulting from our 20th-century life. Representative government is not working well at the State level. As a result the cities are looking elsewhere for solutions to their problems. The States are ceasing to play their proper, important role in the governmental sector of our society.

The Supreme Court has met this issue directly and forcefully. On June 15, 1964, in the case of *Reynolds* v. *Sims*, Chief Justice Warren, speaking for the majority, said:

"We hold that, as a basic constitutional standard, the equal-protection clause requires that the seats in both house of a bicameral State legislature must be apportioned on a population basis. Simply stated, an individual's right to vote is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State. The equal-protection clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable."

If I may summarize the rule laid down, it is that both houses of every State legislature must be on a population basis and each State must make an honest and good faith effort to form legislative districts as nearly of equal population as possible.

These are principles we must defend, not destroy.

Equality of the vote is not a partisan issue. It may help the Democrats in New York or the Republicans in Texas; the liberals in the large cities or the conservatives in the suburbs. The truth is that today the most underrepresented geographic group is not the voters of the central cities, but those in the burgeoning suburbs.

The fact remains that the only fair standard of representation in a democracy is people—not mountains, or acres, or economic interests. This means, and requires, equality of representation in both houses of the legislature.

The Republican Party platform proposes tampering with this fundamental democratic principle by supporting a constitutional amendment enabling States to apportion one house on a basis including factors other than population. Do not be misled by arguments that this is a fair compromise, balancing the votes between the rural interests and those of the cities. This proposal would totally resist any real change. The power of a rural group, or any other economic minority, to control one house is the power to block and destroy the voice of the majority in the other house. What other factors does the other party suggest, if not population? What virtue is possessed by those who reside in the sparsely populated areas, which is not possessed by those in more densely populated areas? Many minorities besides the farmer have special problems in their relation to their government. Organized labor is concerned with legislation affecting its dealings with management, and industry likewise is concerned with its relationship to labor; the Catholic is concerned with the growing costs of parochial education; other groups are concerned with the relationship between church and state; and resort areas want laws preserving parks and recreational areas; central cities need help with the decaying slums and problems of sewage, water supply, mass transit, zoning and urban sprawl; the Negro is concerned with civil rights and his position at the bottom of the economic ladder. Which of these economic, religious or geographic groups would have a greater voice in your State if factors other than population may control one house? If the rural voter with his special problems is entitled to a heavy weighting of his vote, why not one or all of these?

The answer is simple and absolute. Once we depart from the principle of "one person, one vote" there is no rational standard, if we are to retain our American form of representative government first proclaimed in the Declaration of Independence.

We are now confronted with a major congressional attempt either to destroy the power of the Federal courts to require equal representation or to delay and impede the implementation of court decrees. These efforts are ill-conceived tampering with fundamental, democratic, constitutional rights. We must not as a party sanction or favor any such attempts.

All of this is not to claim that equitable reapportionment will solve all our legislative ills. It is reasonable to suggest, however, that it will produce greater awareness in at least two of the great problem areas of today—the fields of human rights and urban affairs.

We are the party which in 1796 in America's first contested national election campaigned under the leadership of Thomas Jefferson on the principles of "the rights of man." We are the party that in 1960 in its platform concerned itself with the issues of human rights and human dignity—the right to useful employment, minimum wages, a decent living for the farmer, the right to a decent home, adequate medical care and protection from the economic fears of old age, sickness and unemployment, the need for better education for our children and equal opportunity for all men.

When you again this year deliberate on these specific rights of the individual, which our party defends and supports, remember that the right to vote is the most cherished and fundamental right of all, underlying, supporting and protecting all the rest.

We must not temporize, we cannot compromise the right of all Americans to an equal voice in the legislative branches of their government.

IRVING ACHTENBERG,
Kansas City, Mo.

(Attorney for plaintiffs from the underrepresented urban areas of Missouri now seeking reapportionment of the State legislature in the Federal court case of *Jonas* v. *Hearnes*.)

Following is a letter I have received from Mr. M. L. Borawick, of Midway, Wash., who has served as counsel in the reapportionment case in that State. He describes the confusion that would be created in that State by passage of the Dirksen-Mansfield rider:

MIDWAY, WASH.,
September 4, 1964.

Hon. PHILIP A. HART,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR HART: The National Municipal League requests that those interested in opposing Senator DIRKSEN's pending bill concerning the Federal judiciary to write you since you are spearheading the efforts to defeat this measure. Since I feel strongly about this matter, I send this letter for whatever assistance it may be in your struggle.

In June 1962, I had the occasion to file the Washington State reapportionment case in the U.S. District Court in Seattle. This court was chosen because it offered a distinct advantage over filing in the State courts. The three-judge court called for by the United States Code and the direct appeal to the U.S. Supreme Court meant a faster and less expensive action than a comparable suit in the State system. As it turned out, the advantages I recited were soon apparent to all parties. The case was filed on June 6, 1962. It was decided on the merits on December 13, 1962. A decree was entered in May 1963, the delay due to the court giving the legislature an opportunity to apportion itself during its regular session in 1963. This the legislature failed to do in both regular and special session. The State appealed, and the U.S. Supreme Court affirmed the lower court on the merits in June 1964. *Thigpen* v. *Meyers*, 211 F. Supp. 826 (1962); *Meyers* v. *Thigpen*, 377 U.S. ——, 32 Law Week 3442 (1964). Thus a final decision was rendered in just 2 years after the original complaint was filed, and the preparation of extensive and expensive briefs which would have been necessary, in all probability, had the action gone from the superior court to the State supreme court to the U.S. Supreme Court was avoided.

If the Dirksen bill is passed, a litigant in this type of action will be denied these very real advantages. Litigation will be more expensive and time consuming. In the final analysis, the public will suffer.

On the merits as applied locally, the Washington State Legislature has not apportioned itself of its own volition since 1901. Even in that year, the apportionment was but a completion of the original apportionment called for by the State constitution. Our State constitution provides for legislative reapportionment after every Federal census "according to population." An initiative measure which would have placed legislative districts close to numerical equality was passed in the mid-1950's, but the legislature emasculated the initiative.

A State court challenge to the districting failed because of failure of proof as to population figures. By 1960, the differences in population between legislative districts was as high as 8 to 1. Recent population studies show these discrepancies are widening as more and more people leave the rural and central city areas and move to the suburbs. Admittedly the discrepancies in Washington State are not nearly as bad as Vermont, Connecticut, New Mexico, and California, for example, but 8 to 1, and growing, when 1 to 1 is called for by the State constitution is bad enough.

So for the first time in 60 years, we are on the verge of obtaining not only Federal constitutional guarantees, but guarantees of our State constitution through the action of our three-judge Federal court. A hearing is scheduled on September 14 in Seattle at which time we expect the Court to hand down a final decree implementing the Court's prior rulings that the legislative districts are unconstitutionally drawn.

If the Dirksen bill is passed, 2 year's work will go for naught, and we will probably be in a situation where an action to reapportion will be brought in the State courts resulting in a duplication of effort and creation of unnecessary and additional political uncertainty.

While I have not read of anyone articulating it on the floor of Congress, there seems to be a feeling that Congress may properly withdraw all jurisdiction from Federal courts in the State legislative apportionment area because of the precedent set down in ex parte *McCardle*, 7 Wall. (74 U.S. 506). (1869). None of the writings I have seen in connection with the Dirksen bill have pointed out that McCardle concerned itself with the withdrawal by Congress of jurisdiction from the Supreme Court of appeals from lower Federal courts in a given area while the Dirksen bill, if I correctly understand it, would deny Federal appellate jurisdiction in the review of State court decisions. This is a horse of an entirely different color. It seems that the Dirksen bill, if successfully negotiated through Congress, would bring about a fundamental change in the character of the Federal system.

Finally, the Dirksen bill would operate retrospectively to impair or deny vested rights. The analogy of this type of legislation to ex post facto laws is clear.

For the foregoing reasons, I heartily support your opposition to the Dirksen bill. If there is any further assistance I can give, please do not hesitate to let me know.

Sincerely yours,

M. L. BORAWICK.

Following is a statement made before the House Judiciary Committee by the Honorable Herman Goldner, mayor of St. Petersburg, Fla., and chairman of the Florida Mayors' Conference on Fair Apportionment:

REMARKS BY MAYOR HERMAN GOLDNER, OF ST. PETERSBURG, IN TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE, WEDNESDAY, AUGUST 5, 1964

Mr. Chairman, members of the Judiciary Committee, ladies and gentlemen, I am here today as the representative of the U.S. Conference of Mayors, as chairman of the Florida Mayors' Conference on Fair Apportionment and as mayor of St. Petersburg, Fla.

My purpose is to attempt to shed some light on a problem facing the burgeoning urban areas of this Nation which, if not given a sympathetic hearing by you and by the entire Congress, will result in further shame and shambles such as we have witnessed most recently in the heavily populated areas of New York's Harlem, Rochester, and Jersey City.

The proposed constitutional amendment you are considering would, if approved, deprive a majority of the citizens of this Nation the opportunity of fair representation in the State legislatures. This has been the case during the first 64 years of this century in a majority of States in this country.

Without fair representation in State lawmaking bodies, the needs of urban areas have been shunted aside for pork barrel programs that exist on urban-earned tax dollars and perpetuate the dynasty of rural-oriented legislators who cannot or will not face up to their responsibilities to the large numbers of people in our cities.

Bringing this matter close to home for me is the situation in Florida right now.

A strong rural power structure, elected by less than half of the qualified voters of the State, has a death grip on the helm of both houses. This power group comprises a majority of the voting body of the senate and an equally potent portion of the house of representatives.

Instead of correcting this situation to give the people the rights guaranteed under our U.S. Constitution, the people serving in these bodies have offered token plans that merely shift the districts in a manner so that their control is never lost.

This situation has become a cancer on our Nation's body politic. It is getting larger instead of smaller. It is a roadblock for urban growth that has caused the cities to take over, more costly and time-consuming means to meet the problems inherent with a large population.

To further illustrate, let us take a close look at Florida's history in reapportionment. Since 1925, Florida's State Legislature has been confronted with four constitutionally required reapportionment sessions. To date there has been a negligible amount of progress. In 1925, the creation of four new counties created four new house seats; the senate, meanwhile, through expansion and addition of counties, added six seats in the period from 1923–25. This brought the totals for the 2 houses to 38 senators and 95 representatives. These figures were not to change again until 1963.

In the intervening period, apportionment action was severely limited. In 1935, four house seats were reshuffled. In 1945, two house seats and two senate seats were reshuffled.

In 1955, with Florida beginning to swing into the most dynamic growth period any State in this Nation has ever experienced, the legislature made a vain attempt to assure forever minority control of the senate. A move to make each of Florida's 67 counties a senatorial district was soundly defeated by the people at the polls. Two other apportionment bills were vetoed by then Gov. Leroy Collins because they didn't do the job. In 1957, a special session of the legislature offered a "daisy chain" amendment that was quickly invalidated by another vote of the people.

Our first successful reapportionment was achieved in early 1963. By successful I mean only that at least something was done, although it was by no means enough to even approach fair apportionment. In the previous legislative session, 1961, a majority of the Florida Senate was elected from counties having 12.3 percent of the State's population. A majority of the house was elected from counties having 14.7 percent of the population. A plan for realinement was presented by this body for ratification by the people. This failed at the polls and shortly thereafter, a special legislative session was called by Gov. Farris Bryant.

The special session of November 1962 failed in its mission to come up with a reapportionment formula which would be more palatable than the one which had been defeated at the polls.

Another special session was called in late January of 1963, approximately 2 months before the regular legislative session was slated to open. This third special session within 18 months came up with a proposal that was immediately implemented by statute and at the same time offered as a constitutional amendment to be considered in the November 1964 general election.

Quickly acting on this plan, a new legislature was elected which offered a slightly improved but wholly inadequate representation of the majority of Floridians. The 1963 legislature was so constructed that 27.4 percent of the population elected the house of representatives while 14.5 percent of the people elected a majority of the senate.

Today these figures are a little worse as our urban areas have continued to grow larger.

Malapportionment is not an evil designed by these people who refuse to give the majority a fair voice. It is merely a convenient tool that was created by rapid growth in concentrated areas.

As the growth in our population centers has continued upward, the needs of these areas have increased. There is one major item that is most vital to people living in these populous areas—taxation.

Most people don't object to carrying their fair share of the tax load. And yet the battlecry of our Founding Fathers during the American Revolution has come back to haunt many of us who have the responsibility of leadership in large cities. That being "Taxation without representation is tyranny." In our cases, we cannot say we aren't represented. We just aren't fairly represented.

An illustration: Today in Florida, a State senator from Dade County (Miami) represents 467,500 people. A State senator from the district made up of Levy, Dixie, and Gilchrist Counties represents 17,700 people. They both have the same lawmaking and voting privileges, but the senator representing Levy, Dixie, and Gilchrist Counties actually has more than 25 times the voting power of the Senator from Dade County.

There exists, therefore, not only a great deficiency in representation for our cities in State legislatures, but a definite tax imbalance which continues to get more topheavy in favor of the less populous areas.

Those who would point to the U.S. Congress and say that this is the way our forefathers meant the State lawmaking bodies to be made up also are not looking closely enough at their history books.

In 1838, Florida's first constitutional convention proposed a legislature which had a senate and a house with districts divided as nearly equal in population as possible.

This constitution was approved by the people and was the document under which Florida was governed when it entered the Union in 1845. In the years that followed, Florida had four more "new" constitutions—yet always the principle of fair representation in both houses prevailed in the language of the documents.

There is no magic number which will give us complete fair apportionment. No equal units of population can be designated in order to do this because of the political subdivisions known as counties. We ask that within the bounds of reason, however, that those areas with massive populations be given the full right to vote and not be relegated to positions of partial citizenship through denial of representation.

The result of the malapportionment is the very thing our rural-controlled legislatures decry as the socialistic drift of the Nation through welfare and aid programs.

If the legislatures of the respective States faced squarely the apportionment responsibilities that are theirs by law, the cities would not have to continue to go to the Federal Government for help in meeting the needs of their growing populations.

In Florida, cities have no tax powers other than ad valorem property taxes. Therefore, we are pinned down very tightly on just what we can do and can't do for the people we represent. As mayor of St. Petersburg, I am in a better position than most because of some excellent management of our city affairs and because of the wonderful patience of my constituency.

However, in most cities, there is a growing unrest for those things which have been due for so long but which population centers of this Nation are only doing what must be done in order for them to survive. Take away our chances of fair apportionment and you will be thrusting on the people of this country a burden that may, in the final analysis, break our backs.

Reapportionment must be required, and it must come quickly. We proudly boast of being the most modern and dynamic nation in the world yet we are attempting to govern this great Nation through a system at the State level that is a smothering cover of mediocrity.

We had a constitutional amendment in the early part of this century that reflects what happens when people out of tune with the majority gain control. Prohibition was a mistake. Countless lives and a great many tax dollars were wasted enforcing a law that people didn't want. Don't make the same mistake with this amendment prohibiting court intervention in State apportionment. You will seal off the only chance we have left to gain our rightful place in the affairs of our State. You will be making the same mistake that our English ancestors made. Taxation without representation cannot and will not be tolerated in this country.

Mr. METCALF. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. METCALF. Mr. President, in the course of colloquy with the Senator from Vermont and the Senator from Oklahoma, the question was raised as to the application of the proposed Mansfield amendment to an existing court order.

I invite attention to the language. We are not only expressing the sense of Congress as to the function of a district court in any action, but also "Any order affecting the conduct of a State government." That would be specifically applicable to a situation in the State of the Senator from Vermont.

Mr. AIKEN. Mr. President, I believe that the Senator from Montana is correct in his interpretation of the language. If the court observed the sense of Congress at all, it would be helpful to our State. We have given our legislature, which meets in January——

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. AIKEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. AIKEN. We have been given until March 31 to complete reapportionment. In the meantime, however, because of the Court's order, the Governor—who is now running for reelection—indicated that he might call a special session of the old legislature after election.

I do not know what they would do. They could conceivably vote the new legislature, which would be elected the first week in November, out of business. I do not know what the situation would be. But it would be handled much more smoothly, and a better job would be done if the legislature could meet as usual. And I am sure it could complete its work within the time which the sense of the Congress establishes as a reasonable time.

Mr. METCALF. I believe that is exactly what we are trying to do.

Mr. AIKEN. I thank the junior Senator from Montana for his interpretation. It makes sense. It was what I hoped he would say.

Mr. METCALF. Mr. President, I yield to the senior Senator from Illinois [Mr. DOUGLAS] such time as he may require.

Mr. DOUGLAS. Mr. President, the original Dirksen amendment, which in a sense, is still before this body, was aimed at delaying, and, if possible, overthrowing the apportionment decisions of the U.S. Supreme Court. I believe that those decisions were long overdue, and are basically correct, so that they should be affirmed, and not reversed. That was the fundamental reason that I am opposed to the original Dirksen-Mansfield amendment.

The population districts for the election of members of the State legislature were laid out long ago, when the States were primarily rural and agricultural, with their populations relatively evenly spread over a particular State. And the apportionment schemes which were laid down go back in certain States to the period before there was even a United States of America. For the constitutions of Vermont, New Hampshire, and New Jersey laid out a system of representation, for at least one house, based on the population situation which existed almost two centuries ago.

In a great many other States, the apportionment pattern was laid out before 1900. In general, I think that the decade 1900–1910 was the period, or almost the latest period, in the majority of the States, when the legislative pattern of representation was formed. Since those times, there has been a tremendous shift of population, both to the cities and to the suburbs.

I introduced figures early in the debate to show that, whereas even as late as 1910, only 31 percent of the population lived in areas which could be regarded as metropolitan, by 1960, 62 percent lived in these metropolitan areas. Today, probably the figure is close to two-thirds. With the rapid movement toward the cities and suburbs, this percentage will shortly become 70 percent, 75 percent, and then 80 percent. But the States have been held to the legislative system of apportionment based on conditions which have long since disappeared. Of course, those who benefit from this malapportionment do not want to change it. The politicians in the small communities and small counties do not want to change it. It would mean diminishing their power. The big corporations and private utilities do not want to change it, in the main, because they find it easier to control the legislators from those districts than they would the legislators from the cities and suburbs. So there are powerful forces in opposition to the decisions of the Supreme Court.

The Supreme Court acted only after no other practical remedy was presented or possible. The existing, malapportioned legislators have refused to reapportion themselves.

The State courts had refused to intervene, even when, as in many cases, including my own State of Illinois, the State constitutions prescribed a reapportionment every 10 years according to population. This injunction was violated decade after decade. And the State courts stated that they were powerless to interfere. The Federal courts withheld action for a long time.

In the famous case of Colegrove against Green, with a somewhat divided opinion, the Supreme Court refused to interfere. But, when it became apparent that there was no other remedy, that the legislatures would not act and the State courts would not act, then the Supreme Court stepped into the breach.

It has now been charged that it did so in a legislative fashion because they thought it was proper to reapportion. And, I dare say they did so believe. It has been charged that they did not do so under the Constitution. I deny that.

There is an amendment to the Constitution which a great many people try to ignore. It is the 14th amendment. And the 14th amendment provides that no State shall deprive any person of the "equal protection of the laws." That is a part of the Constitution. The Supreme Court reasoned, "How can people be granted the equal protection of the laws if they have grossly unequal representation in the legislative bodies which make the laws?" If they are substantially underrepresented, they will not be accorded the equal protection of the laws.

I do not see that there is any answer to that logic under the Constitution. Some have quoted Justice Harlan's dissent. But, I would remind the Senate that Justice Harlan was almost the sole dissenter as far as the logical and constitutional aspects of the issue are concerned.

It is true that the present pattern of apportionment demands change. We have placed some of these figures in the RECORD. But, they are worth repeating again. Let me take the case of the lower house of the various bodies. We have cited the horrible example of Vermont, where a town of 36 people has the same representation as a city of 38,000.

In Vermont, it is not merely a question of disparity between the most overrepresented and the most underrepresented towns. But, 12 percent of the population of Vermont can elect a majority of the lower house.

In Connecticut, 13 percent of the population can elect a majority of the lower house. I see in the chair the distinguished junior Senator from Connecticut [Mr. RIBICOFF]. He presided with great efficiency as Governor of that State. He knows what I am talking about.

In Delaware, 18 percent of the people elect a majority of the house. In Florida, it is 30 percent. And until recently, it was only 15 percent. The figures which I have, as of June 21, show that Kansas elects a majority of the house with 19 percent. I believe that has been changed since June. But there are any number of States in which a relatively small proportion elect a majority of the members of the lower house of the State legislatures.

In Georgia, it is 22 percent of the population. In North Carolina, it is 27 percent. In Alabama, it is 38 percent. In Louisiana, it is 33 percent. In Texas, it is 39 percent. In Oklahoma, it is 32 percent. In Arkansas, it is 33 percent. In Missouri, it is 20 percent. In South Dakota, it is 38 percent. In Utah, it is 33 percent. In Nevada, it is 29 percent. And in Washington, prior to the recent apportionment, it was 35 percent.

In New York, 35 percent of the population controls the lower house; in Ohio, 29 percent; and in my own State of Illinois, 40 percent. Even in the lower houses, which in general, outside of New England, are supposed to be the popularly elected body, a relatively small minority of persons living in rural areas controls even the lower house.

When we come to the State senates, the situation is even worse: In Nevada, 8 percent can elect a majority of the State senate; California, 10 percent; Arizona, 14 percent; New Mexico, 14 percent; Florida, 15 percent; Maryland, 14 percent; New Jersey, 19 percent; Montana, 16 percent; Idaho, 17 percent, and so on. In Illinois, it is 29 percent.

Mr. President, our time is drawing to a close. It is interesting that the proponents of the Dirksen amendment and the opponents of the Mansfield substitute have really not taken the floor today.

Many of us were reluctant to accept the proposed change, but we are confident that it will not interfere with the decisions of the Supreme Court. The only adjustment that might possibly be made would be to give the legislatures a little more time in which to reapportion. But this is not to exceed 6 months.

The resolution would not be a law. It would not be mandatory. It would merely make a suggestion to the lower courts but not to the Federal circuit courts or to the Supreme Court. It would state that in our opinion any delay should not be more than 6 months at the outside, and if the States do not act in that time, the courts, in our judgment, should proceed to apportion in accordance with the decisions of the Supreme Court. I agree with the able discussion by the senior Senator from Wisconsin [Mr. PROXMIRE], who pointed out that all it says is that these lower courts "could properly" take the need for a slight delay into consideration "in the absence of unusual circumstances."

I hope very much that the present Mansfield amendment will be adopted by a big majority. It is the best which we can obtain in an imperfect world.

Mr. AIKEN. Mr. President, for purposes of clarification, I have a couple of additional questions that I should be glad to have answered in the time that might be available to me.

Mr. METCALF. I shall be glad to try to answer them.

Mr. AIKEN. I do not know how much time remains. I believe there is time enough for all of us.

The first question is as follows: Would the Senator consider a court order directing the State Legislature of Vermont to do something that had been prohibited by the Vermont constitution since 1793 as constituting "unusual circumstances" within the meaning of the pending amendment? If a court called upon the State legislature to do something which is prohibited by the State constitution, would that constitute an "unusual circumstance"?

Mr. METCALF. A State constitution could be as unconstitutional under the 14th amendment as a State statute. When the constitution of Montana was adopted, a provision was inserted in the constitution providing that each county shall have not more than one senator. At that time one of the greatest constitutional lawyers in Montana said, "That provision is a violation of the 14th amendment of the Federal Constitution." That statement was made 75 years ago. He said, "This is not a republican form of government."

Mr. AIKEN. Would it be an "unusual circumstance" for a court to order a State to do something which has been recognized as unconstitutional within that State since 1793? That is 171 years. Would that not be a rather unusual circumstance?

Mr. METCALF. That is the reason that the clause containing the words "unusual circumstances" is included in the amendment. It would give a three-judge court some latitude in determining whether or not strict enforcement of an order should follow. But that would be up to the judges to ascertain under the facts of the particular case. There would be more facts involved than the Senator has presented. I have objected all along to moving in and permitting Members of the Congress to take the position of judges.

Mr. AIKEN. I am speaking of the meaning of the amendment rather than any decision of the judges. I am asking whether, within the meaning of the amendment, a violation by a State of provisions of a constitution which it had held for 171 years would constitute an "unusual circumstance"?

Mr. METCALF. That would be the opinion of the Senator. That might be my opinion. That might be or might not be the opinion of the judge. I repeat that, as I understand the amendment, we would say to any district court having jurisdiction that any order heretofore entered should be postponed until the legislature had an opportunity to meet or waive an election, unless there are unusual circumstances.

Mr. AIKEN. Another question has arisen which perhaps the Senator might be able to answer. The pending amendment provides that the court could properly permit a legislature to reapportion only in the absence of unusual circumstances. Why not permit the legislature to reapportion if there are unusual circumstances, particularly when the legislature has been so directed by the court?

Mr. METCALF. I do not believe that the amendment so provides. The amendment is directed to a district court in any action that is pending or any order that has been issued affecting the conduct of the State government, and provides that that court may properly permit the legislature to meet and permit the next election to be held.

Mr. AIKEN. Then it is the understanding of the Senator from Montana that the intent of the amendment would be to permit a State legislature to reapportion its legislature even though unusual circumstances might exist.

Mr. METCALF. If there are unusual circumstances that would cause the court to decide otherwise, the amendment would give discretion to the court. But unless they were unusual circumstances, it is our intention, if we adopt the amendment, to say that it is the sense of Congress that legislatures should properly be permitted to meet in not more than 6 months and reapportion themselves.

Mr. AIKEN. Whether or not "unusual circumstances" prevail.

Mr. METCALF. The provision relating to "unusual circumstances" is intended to give special discretion to a court in cases in which the ordinary admonition that we are putting into the sense of Congress resolution should not prevail.

Mr. AIKEN. If the legislature refused to reapportion, or was unable to reapportion—I believe at a recent session the legislature of Connecticut found itself in that position—the district court could step in to reapportion.

Mr. METCALF. The Senator is setting forth some of the facts that might be taken into consideration.

Mr. AIKEN. It is the intent, then, of the amendment that a State legislature should be permitted to reapportion whether or not "unusual circumstances" prevail, and if they are unable to do so for any reason, the district court may take over.

Mr. METCALF. I cannot agree to that. It is the intention of the amendment to admonish the various district courts that have jurisdiction of actions or have entertained orders that they should give the legislatures the right to meet. An election should be held at the next election under the existing laws of the State, unless there are unusual circumstances that would require some other action.

Mr. AIKEN. The Senator has already indicated that directing a State to violate a constitution which has been observed for 170 years might be an unusual circumstance, or the fact that a Federal court had already directed a State to reapportion within a certain time might be an unusual circumstance. I would say that if those are unusual circumstances, the legislature would have to be permitted to reapportion rather than turn the question over to the district court.

Mr. METCALF. The Senator reads the amendment differently from the way in which I read it. I would say that the general rule that would be laid down under the amendment would be that the legislatures should be permitted to meet and reapportion.

The general rule laid down is that the next election be permitted to be held under the laws of the State, unless there are some special or unusual circumstances that should prohibit it. So the general rule the Senator is trying to have laid down is that the legislature of Vermont should be permitted to apportion in the next general session of the legislature unless the judge decides, in his discretion, that there is something that would prevent it.

Mr. AIKEN. And the members of the legislature elected November 3 would be meeting in January.

Mr. METCALF. Under the laws in existence on September 20.

Mr. AIKEN. I believe that we have become about as involved as it is possible to be.

Mr. METCALF. The Senator from Vermont is using the expression "unusual circumstances" to try to justify something. As I understand, the unusual circumstances would be taken into consideration only to prevent the operation of the sense-of-Congress resolution that the legislature shall meet and reapportion, and that an election shall be held on November 3.

Mr. AIKEN. What the Senator from Vermont is asking, what he hopes the sense of Congress resolution provides, is that the legislature of Vermont which will be elected November 3 and which will meet the first week in January, is given 6 months' time to reapportion.

Mr. METCALF. That is what the resolution provides.

Mr. President, I should like to reserve the rest of my time. May I ask how much time I have left?

The PRESIDING OFFICER. There are 9 minutes remaining on the side of the proponents.

Mr. METCALF. How much on the side of the opponents?

The PRESIDING OFFICER. The opponents have 48 minutes.

Mr. METCALF. Mr. President, I should like to have a quorum call and be allowed to retain our 9 minutes.

Mr. AIKEN. Mr. President, the only request I have is for 10 minutes by the Senator from Illinois [Mr. DIRKSEN], but not until after 2 o'clock, because he is trying to have lunch.

Mr. METCALF. Mr. President, I ask unanimous consent that there may be a quorum call, and that the proponents will still have 9 minutes remaining.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I do not anticipate any further requests for time. I will not say there will not be any. Therefore, I would not want to yield back my time; but let us have a quorum call without charging the time to either side.

Mr. METCALF. With the understanding that the proponents still have 9 minutes.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, immediately after the vote on the Mansfield amendment, not to exceed one-half hour be allowed for various possible motions to table which might be offered before the time would begin to run on the motion to refer to the Committee on Foreign Relations the conference report on S. 2687.

I have cleared this request with interested Senators, including the distinguished chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE ROLE OF THE FEDERAL COURTS IN THE REAPPORTIONMENT OF STATE LEGISLATURES

Mr. DIRKSEN. Mr. President, I try to take as even an approach to the problem of reapportionment and the effect of the court decisions on this problem as I can, and take account of the scholarly literature in this field. I ask, therefore, that there be printed at this point in my remarks the winning essay in the 1964 Ross Prize Essay Competition, conducted annually by the American Bar Association pursuant to the bequest of the late Judge Erskine M. Ross. The contest was open to all members of the association and it closed prior to the Supreme Court's decisions in the June 15 Supreme Court decisions in the reapportionment cases. The judges were Sylvester C. Smith, Jr., of West Orange, N.J., who, I believe, is a past president of the American Bar Association; Judge Richard H. Chambers of the U.S. Court of Appeals for the Ninth Circuit; and Dean F. D. G. Ribble of the University of Virginia School of Law.

This article is entitled "The Role of the Federal Courts in the Reapportionment of State Legislatures" and appears in the American Bar Association Journal for September 1964.

I call attention particularly to the following passages:

> The equality of voter influence implicit in the "one person, one vote" concept is invalid when it is not limited to equality in the correlation between voters in a common constituency. The true issue involving a voter's due respecting his representation is primarily whether he has an equal voice in the choice of the representative of him and his fellow constituents; it is only secondarily involved with the relative influence of his representative in shaping legislation compared with the influence of other representatives.
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> * * * * *
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> But, it is insisted that insofar as the Federal courts, by implementation of *Baker* v. *Carr* or otherwise, impose upon the States an obligatory formula of geographically equal districting it will irretrievably dilute and weaken State government.
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> * * * * *
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> *Baker* v. *Carr* moves inescapably to confirm that observation. It does more than move from the States to the Federal Government jurisdiction over problems now of national scope. It tends to undermine the health of State governments, and its consequences should not be underrated.

The contest was won by R. W. Nahstoll, a practicing attorney of the Oregon bar. It is certainly a scholarly and documented piece of work. With some modesty, I am happy to note that the thinking of the author is not too far a departure from my own thoughts on this general subject.

I believe, therefore, as a part of the literature of this discussion it ought to be included in the RECORD. Accordingly I make that request.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

[From the American Bar Association Journal, September 1964]

THE ROLE OF THE FEDERAL COURTS IN THE REAPPORTIONMENT OF STATE LEGISLATURES

(By R. W. Nahstoll, of the Portland (Oreg.) bar)

(This is the winning essay in the 1964 Ross Prize Essay Competition, conducted annually by the American Bar Association pursuant to the bequest of the late Judge Erskine M. Ross. The contest was open to all members of the association (except officers and employees), and it closed prior to the Supreme Court's decisions in the reapportionment cases. The judges were Sylvester C. Smith, Jr., of West Orange, N.J.; Judge Richard H. Chambers of the U.S. Court of Appeals for the Ninth Circuit; and Dean F. D. G. Ribble of the University of Virginia School of Law.)

During the latter part of the 18th century, men of good will concerned themselves with the theory and structure of government. It is immaterial that the period cannot be precisely defined, but surely from 1776 to the adoption of the Bill of Rights in 1791 these were matters of coffee house concern. Public attention to the "state of the Union" was sometimes skeptical, sometimes defiant, sometimes incredulous, but rarely apathetic. If general public interest did not ultimately supply the delicate phraseology which is the statement of the Constitution, nor yet the basic principles, it nevertheless furnished a crucible in which the ideas of the political sophisticates were refined for articulate explanation through The Federalist and similar communications.

Probably the interest in apportionment problems, congressional and legislative, has provoked currently more widely spread reflection on political theory than at any time since the founding of this country.

During the Reconstruction Period, to be sure, there was high popular interest in these affairs. But, the attendant climate of postwar hostility, despair and fatigue, aggravated by calculated vindictiveness of some elements of congressional leadership, tended to abort, at that time, development of any valid political theory.

From time to time, issues arousing intense public responses have arisen in relatively restricted issues, e.g., President F. D. Roosevelt's New Deal, the extension of executive power, and his "courtpacking" effort of 1937. However, despite the heat generated by these issues, they provoke no significant general reanalysis of the theory of government.

And then came 1962—and *Baker* v. *Carr*.[1]

This offering proposes no effort to review the niceties of *Baker* v. *Carr*, vis-a-vis its predecessors, nor to examine the positions assumed by the several members of the Court. To anyone aware of the copious compendium already published to those ends, no conceivable purpose could justify another effort. Also, the nature of *Baker* v. *Carr* and its spawn commends the suggestion of Mr. Justice Holmes, who, in a different context, observed that "at this time we need education in the obvious more than investigation of the obscure".[2] As a milestone on the tortuous path of constitutional policy, the significance of the case is nowhere to be denied. It marks a turn that will have it live in the company of *McCulloch* v. *Maryland*[3] and *Marbury* v. *Madison*[4] which is assurance, indeed, that it likely will not be disregarded. But the disturbing effect of the Baker case results from the narrowness of the path from this turn as restricted by the labored effort of the majority to justify Federal judicial intervention in this problem on the basis of the equal protection clause of the 14th amendment and to reject the basis of the guaranty clause of article IV. I submit that the result of that election of the Court interjects the Federal Government beyond appropriate limits into internal affairs of the States by according to the Federal Government an unjustifiable power to require uniformity in the structure of State governments. The result includes potential harm by reducing or destroying the viability and genius of the "republican" form of government which is constitutionally presumed for each State.

One hundred sixty-two pages of the U.S. Reports are devoted to the collective opinions in *Baker* v. *Carr*, but the reader may indulge a private suspicion that, after the dust had settled from the Court's in camera skirmish, it might have served the purpose to rule briefly the essence of the case: To claim for the Federal Government, acting through its courts, the power and duty to intervene, on the petition of individual voters,[5] in a matter of legislative apportionment. In short unless he is to be understood as joining his brethren of the majority in limiting jurisdiction to the 14th amendment, Justice Stewart's opinion might well have sufficed.

LITTLE RESISTANCE TO BAKER PRINCIPLE

There has been little resistance expressed by writers to the Baker principle that legislative apportionment is an appropriate area for Federal judicial concern and action; nor is it suggested here.[6] Indeed, one's predisposition to acknowledge the necessity of Federal jurisdiction over matters of legislative apportionment is so strong that it is astonishing to what difficulty Justice Brennan believed himself committed in order to persuade his reader to not change his mind. Few could have anticipated that the Court, when at last it faced the problem, should, or might have, ruled otherwise. The realities of our times render vain the continuing protestation of some that, "Come weal or come woe, our status is quo." Whatever may be one's attitude toward the prospect of more of the same, it is unrealistic to believe that the future holds any significant retreat from past changes tending toward centralization of authority in the Federal Government.[7] Many of the affairs of men once thought to be of only local or intrastate concern have become of concern to those in other States, adjoining and remote, and must be now resolved in the context of the several States. These interstate interests are founded, in part, on the moral responsibility of caring about the welfare of fellow countrymen. They are founded also on the realities of interstate business and the fluidity of our people. It does make a difference to a Californian that a child in Mississippi is educated today, for tomorrow they may be neighbors. It does make a difference to a New Yorker that industry is not attracted elsewhere by submarginal wages. It does make a difference to an Oregon lumberman whether West Virginia's economy sustains a market for lumber products. Moreover, Federal attention to such matters may be regarded as necessary if one accepts the cynical assumption that States consciously control the rate at which they "solve" their social problems to retard interstate flow of residents. Does any State consciously deter its solution to problems of its needy, its aged or its minorities lest solution of the problems invite the welfare and employment burdens of other States? The practical recall that the public image of prosperous California enticed droves of dust bowl needy who became a welfare and employment burden. But precisely because such matters have come within the Federal concern there is need to respect as a hazard a possible "tyranny of the majority."[8]

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[1] 369 U.S. 186.

[2] Collected Legal Papers 292–293 (1920).

[3] 4 Wheat. (17 U.S.) 316.

[4] 1 Cranch (5 U.S.) 137.

[5] The standing of "any person whose right to vote is impaired" appears properly resolved, against the contention that such a claimant is without standing because his right is not peculiar to him, but is shared in common with all others. *Baker* v. *Carr*, 369 U.S. 186, 204–208; *Gray* v. *Sanders*, 372 U.S. 368, 375.

[6] A valuable contribution to the literature on this subject is Prof. Alfred de Grazia's book, "Apportionment and Representative Government (1962). The author says: "The least disputable general determination of the Supreme Court in *Baker* v. *Carr* appears to have been that State apportionment systems, whether contained in the State constitution or in legislation, could be admitted to examination in a case before a Federal court to determine whether they violate the equal-protection provision of the 14th amendment of the Federal Constitution (page 154)." Professor de Grazia does not, in his book, consider article IV, and in his apparent acquiescence in the Court's position excluding the guaranty clause, he is not joined by this writer.

COURT REFUSES TO EVADE RESPONSIBILITY

Properly, it seems, the Court refused to evade responsibility for decisive action by taking refuge behind the "political question" doctrine of *Colegrove* v. *Green*.[9] If Federal protection is due the individual, where but the courts can he look for that protection? It is not satisfactory to leave the solution, as would Justice Frankfurter, ultimately to the "conscience of the people's representatives".[10] If a voter is deprived today, it is no answer to tell him that at some indefinite future time things may worsen sufficiently to evoke curative action.[11] To refuse to be limited by the "political question" theory does not require that the courts remove from the judicial arsenal the doctrine of equitable restraint to act in those cases where satisfactory State action is manifestly underway. Retained for appropriate use, it can serve an obvious function to withhold judicial action pending the State's opportunity in lieu of dismissal of the litigation.

But the unfortunate results of Baker flow from the incongruity of its unpersuasive proclamation that: (a) Under the guaranty clause of article IV, legislative apportionment as an element of the republican form of government is a nonjusticiable "political question"; and (b) Under the 14th amendment, legislative apportionment as an element of equal protection is not a "political question", and is justiciable. This distinction is based upon the Court's adoption of reasoning which began with *Luther* v. *Borden*,[12] and has now come full circle. Chief Justice Taney wrote for the Court in Luther that Congress rather than the courts, had exclusive right to decide which of two disputing State governments was the established one. The Court assumed, without explanation, that Congress was charged under article IV "to decide what government is the established one in a State * * * before it can determine whether it is republican or not."[13] The Court disregarded the distinction between (a) the choice of recognizing as the established government one of two claimants and (b) the issue of deciding as to only a single government whether it was "republican" in form, and suggested, in what was dictum with reference to the second issue, that the problem was a "political question * * * to be settled by the political power" and accordingly was committed to Congress.[14] From this origin, ensuing cases perpetuated and expanded the notion until any issue raised under the guaranty clause was judicially spurned as a "political question".[15] Now we are told by Justice Brennan that issues arising under the guaranty clause are committed to a coordinate branch of the Federal Government and respect for the separation of powers requires courts to regard such as nonjusticiable "political questions". But this "bootstrap" reasoning which began with Chief Justice Taney's dictum in Luther is something short of Justice Brennan's standard that a "political question" involves a "textually demonstrable constitutional commitment of the issue to a coordinate political department".[16] Luther says the questions are nonjusticiable because they are "political questions" and, as such, committed to Congress. Baker says the questions are committed to Congress and, as such, are "political questions". Then, with implicit recognition that the guaranty clause was not satisfactorily explained away, Justice Brennan undertook to nail down its coffin lid with a bewilderingly small tack:

"This case does, in one sense, involve the allocation of political power within a State, and the appellants might conceivably have added a claim under the guaranty clause. Of course, as we have seen, any reliance on that clause would be futile."[17]

It seems equally clear that, as a guaranty clause issue, legislative apportionment is not a fortiori rendered nonjusticiable by Justice Brennan's alternative standard that a political question exists where there is a lack of judicially discoverable and manageable standards for resolving the issue.[18] If standards of legislative apportionment are judicially discoverable for equal protection purposes, are they less so for purposes of article IV? And, if there were serious doubt regarding the judicial capacity "to decide the limits of the meaning of republican form" as Justice Brennan suggests in a footnote, where is greater capacity to be found?[19]

Is it a significant difference that the courts treat legislative apportionment as a factor of equal protection rather than as a factor of the guaranty clause? This involves consideration of the source and nature of the right which the Federal courts have undertaken to enforce. It is necessary to respect the distinction between congressional apportionment and legislative apportionment. The former is clearly a Federal matter, contemplating definition by Federal statute. If congressional apportionment is improperly defined by Congress or insufficiently implemented by adequate State action, and falls short of satisfying constitutional standards, it is clearly a matter of Federal remedy. Whether that remedy should come from courts or wait congressional action is an issue on which there is strong difference of judgment, but none disputes that a Federal right is in issue.

THE PROBLEM OF LEGISLATIVE APPORTIONMENT

The Court's position respecting the source of the required standard for legislative apportionment is more bothersome. On its facts, Baker might have been limited to protection by Federal concern of a right vested in the individual voters by a constitutional dictate of the State. This restraint would have left for future consideration the status of a claim of right to voter-parity in the absence of State provision, either constitutional or statutory, or against the claim that the State provision does not satisfy acceptable standards of voter-parity. Also, further consideration could have been accorded the question whether the recognized right is a federally protected right to be secure in such rights as the State has undertaken to define as the due of all its voters, or a federally protected right to federally defined voter-parity. Similarly, Baker might have been confined to situations where, as in Tennessee, there exists no provision for popular initiative.

The lower court found the Tennessee apportionment statute repugnant to the State constitution and violative of something ambiguously described as "the rights of the plaintiffs."[20] The majority of the Supreme Court expressly disregarded "rights guaranteed or putatively guaranteed by the Tennessee constitution" and, in a footnote which belied the significance of the point, boldly classified the enforceable right as one derived exclusively from the equal protection clause.[21] And there's the rub.

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[7] See Jackson, "The Supreme Court in the American System of Government" (1955), especially chapter III: "It is the maintenance of the constitutional equilibrium between the States and the Federal Government that has brought the most vexatious questions to the Supreme Court. That it was the duty of the Court within its own constitutional functions, to preserve this balance has been asserted by the Court many times; that the Constitution is vague and ambiguous on this subject is shown by the history preceding our Civil War. It is undeniable that ever since war ended we have been in a cycle of rapid centralization, and Court opinions have sanctioned a considerable concentration of power in the Federal Government with a corresponding diminution in the authority and prestige of State governments" (pp. 65–66).

[8] De Tocqueville, "Democracy in America," ch. XVI (for a similar warning, see The Federalist, No. 51).

[9] 328 U.S. 548.

[10] 368 U.S. 270.

[11] As Justice Goldberg observed in *Watson* v. *Memphis*, 373 U.S. 526, 533: "The basic guarantees of our Constitution are warrants for the here and now and, unless there is an overwhelmingly compelling reason, they are to be promptly fulfilled."

[12] 7 How. (48 U.S.) 4.

[13] 7 How. (48 U.S.) 42.

[14] 7 How. (48 U.S.) 46. Justice Brennan approaches acknowledgment that this part of Luther is dictum, in stating: "But the only significance that Luther could have for our immediate purposes is in holding that the guaranty clause is not a repository of judicially manageable standards which a court could utilize independently in order to identify a State's lawful government (369 U.S. 223)."

[15] E.g., *Highland Farms Dairy* v. *Agnew*, 300 U.S. 608, 612, holding that even if a State statute were a denial of a republican form of government as guaranteed by article IV, "the enforcement of that guaranty, according to the settled doctrine, is for Congress, not the courts," citing *Pacific States Telephone & Telegraph Co.*, 223 U.S. 118; *Ohio ex rel. Davis* v. *Hildebrant*, 241 U.S. 565; and *Ohio ex rel. Bryant* v. *Akron Metropolitan Park Dist.*, 281 U.S. 74.

[16] 369 U.S. 217.

[17] 369 U.S. 226, 227.

[18] 369 U.S. 217.

[19] See note 48, 369 U.S. 222.

[20] 179 F. Supp. 828.

We must acknowledge that rights of an individual to participate in his State government on acceptable voter-parity (bearing in mind the need for definition of that term) is by its source a Federal right. But to acknowledge Federal interest in and power to enforce the individual's relation to his State government is not to define it. Nor does it supply the definition to bespangle the concept, with labels which are attractive, inviting, euphemistic, and familiar—and meaningless. Once the right is classified as a part of the equal protection principle, epithetical jurisprudence supplies labels sufficient to confuse the problem and the solution: "equal apportionment," "fair representation,"[22] "equal representation," "equality among voters,"[23] one person, one vote."[24] Through label-fixing, the problem is oversimplified and appears plausibly satisfied by judicial insistence upon a system of geographical subdivisions of practically equal population.

This solution has the appeal of relative certainty and precision. What, after all, is more certain than geography and arithmetic? But, it is also unimaginative, doctrinaire, and stifling of the representation it purports to protect.[25] Thus, one sympathizes with the frustration implicit in Justice Stewart's remark to counsel during argument of *WMCA* v. *Simon:*

"I'm only suggesting that the problems in these cases are somewhat more complicated and subtle than the briefs suggest, and cannot be solved by eighth-grade arithmetic."[26]

The Court has abandoned its actual duty to protect an equal right to share participation in a republican form of State government.[27] It undertakes, instead, to establish a Federal standard of participation in State government without allusion to whether something less, or different, would qualify as a republican form of government. Indeed, the Court consciously avoided reference to the republican structure as the measure of acceptability and gratuitously adopted the substitute test of voter equality, brooking no "invidious discrimination." It might have been possible, in the absence of further expression, to speculate that the States continued free and viable to invoke different or modified techniques of realizing representational government. But, this freedom is manifestly in jeopardy, and with its restriction the genius of republican government is seriously prejudiced, inasmuch as the essence of the individual's relation to his State is no longer voter representation. It is now voter power to influence legislative action.

The Supreme Court appears persuaded that exigencies of present society require that a theory of relatively uniform representation be adopted, found or fabricated. It has refused to recognize that the applicable standard should test whether a challenged State system is republican in form.

In its inception, the guaranty clause contemplated that the several States are interested in the republican character of their governments and those of their sister States, and the Federal Government was acknowledged as the repository of power to enforce that interest.[28] Though the guaranty clause in form is a statement of assurance to the several States, it is not confined to a Federal promise to hold the States free of antirepublican encroachment by the Central Government or extraneous forces. As expressed by Madison, the assurance contemplates that the States "may choose to substitute other republican forms" with the indulgence and protection of the Federal Government. Concurrently, the States are restricted by the obligation that their respective governments shall be "republican" in character. The significance of this continuing requirement is as surely a matter of concern to and right of the individuals within a State, as to the totality of the State's citizenry.[29] Accordingly, the pre-14th amendment Constitution should be recognized as a valid source of Federal guarantee of the right of individuals to participate in, and live under, a republican State government. The 14th amendment reaffirmed that Federal interest and duty. At least this has been clear since the overruling of the doctrine of the Slaughter-House cases,[30] which held that applicability of the 14th amendment was limited exclusively to the rights and status of Negroes.

The central issue is whether the 14th amendment did more than assure to each citizen that, in common with others in his State, he shares a right of equal protection under a "republican" State government. Until Baker, there had been no indication that the 14th amendment had changed or broadened the guaranty clause right.[31] What is that right? That the individual is due a "republican form of government" answers nothing without definition of that term.

THE SEMANTICS OF THE SCIENCE OF GOVERNMENT

We have been too long careless of the semantics of the science of government. Though the U.S. Constitution guarantees us a "republican" form of State government, of habit we have come to think of our government as "democratic." What "democracy" imports to us, respectively, probably is more closely correlated to subjective criteria of freedom of the citizens under the government than to any connotation respecting either the structure of that government or the precise implementation of voting influence. Considered apart from the concept of freedom, democratic government is variously understood. The term can, of course, refer to a direct democratic form, of the town meeting type, in which each citizen participates and votes his will.

Surely there are few, if any, serious advocates of this as a vehicle for present-day government. The term can also refer to a representative democratic form. Such is the republican government contemplated by the Constitution. Representative democracy involves the element of consent of the governed expressed in popular selection of those charged with administration of government, including assurance that the selection is subject to some acceptable mode of review by the governed. It contemplates that diverse interests and points of view will be communicated and considered in the implementation of government. It requires a balance of power for protection of those who, of the moment, constitute the minority. It connotes an orderly system of law to which the government, as well as the governed, is responsible and responsive.

Proper legislative apportionment of a representative democracy is necessarily related to the role or charge to which the elected official is committed as a "representative" of his constituency. As long as representative government has been considered, writers have espoused one or the other alternative of the familiar dichotomy. Is a representative chosen to determine the will of the majority of his constituency and to express that will through his vote? If this is the extent of his responsibility, it could be accomplished better these days by utilization of opinion sampling and computers. Certainly the representative is chosen for a higher and more exacting task. Despite the premise of democracy, "the people" cannot be enlightened on all intricacies of modern government, informed as to the details of governmental affairs or sophisticated to the handling of them.

This is not to suggest that public inquiry and interest should be discouraged; nor is it to discount lay expertise respecting limited areas in the public concern. But, it is unrealistic to suppose that individual voters, much less an aggregate of those in a constituency, have an informed and formulated judgment to which their representatives are, or should be, bound. Accordingly, we must accept the alternative theory that the representative is charged to become informed and then to vote his informed judgment and conscience. His judgment is not informed by any inherent omniscience. It must become so through reflection on information and attitudes of others. To broaden the base of that reflection, the widest possible variety of responsible opinion should be available before decision. To effect this fundamental purpose of supplying that diversity of opinions is the end of representation.

Mindful of this simple principle, Baker and its successors measure distressingly wide of the mark. In extending itself beyond Justice Stewart's recognition that Federal jurisdiction lies, and undertaking to establish an arithmetically and geographically oriented definition of acceptable standards of equal protection, these cases tend to adopt two invalid predicates: (a) a definition of constitutionally sufficient representation cast in terms of the power consequences indirectly effected by the voter through his representative; and (b) an assumption that geographical subdivisions are reliable, and perhaps exclusive, bases of the several interests properly in need of articulate representation.

These two predicates are commingled in the misleading principle adopted as the goal of reapportionment under the grossly oversimplified shibboleth, "one person, one vote," which dominates the Court's theme. So committed are we to respect for "equality" that we tend to prompt, unchallenging and reverent acceptance of any idea couched in terms suggesting absence of discrimination. It is not inappropriate to exact "equality" among the several voters within a defined constituency, so that the representative of that group may be selected by a majority. But, it is a quite different thing to require that the several constituencies shall be so defined that the arithmetical prospect of influencing ultimate legislation shall be equalized between a voter in constituency "A" and a voter in constituency "B".[32] If this were the true goal, a myriad other factors of great practical influence logically would require similar equalization. Should each expect that, in common with every other voter, he is entitled to have his representative function as chairman of the most powerful committee in the legislative body? Should a voter be constitutionally offended if the representative of another constituency is more politically sophisticated, articulate, competent, or successful? Has he a constitutional right to expect that there shall be no disparate committee assignments? The equality of voter influence implicit in the "one person, one vote" concept is invalid when it is not limited to equality in the correlation between voters in a common constituency. The true issue involving a voter's due respecting his representation is primarily whether he has an equal voice in the choice of the representative of him and his fellow constituents; it is only secondarily involved with the relative influence of his representative in shaping legislation compared with the influence of other representatives.[33]

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[21] 369 U.S. 194.

[22] See *Wesberry* v. *Sanders*, 376 U.S. 1.

[23] Mr. Justice Goldberg during argument of *WMCA* v. *Simon*, 32 Law Week 3189.

[24] See *Gray* v. *Sanders*, 372 U.S. 368, 381; *Wesberry* v. *Sanders*, 376 U.S. 1.

[25] For a congressional apportionment case referring to other factors justifying consideration, see *Lund* v. *Mathas*, 145 So. 2d 871 (Fla. 1962).

[26] 32 Law Week 3189.

[27] Justice Frankfurter, dissenting in *Baker* v. *Carr*, recognized the issue as a "guaranty clause claim masquerading under a different label." 369 U.S. 297.

[28] Madison, The Federalist, No. XLIII.

[29] See *Hoxie School Dist. No. 46 of Lawrence County, Arkansas* v. *Brewer*, 137 F. Supp. 364 (E. D. Ark. 1956).

[30] 16 Wall. (83 U.S.) 36.

[31] It is one of those interesting quirks of legal literature that *Luther* v. *Borden*, on which the majority in *Baker* v. *Carr* principally rely to hold the guaranty clause inapplicable contains language which recognizes the power of the States to remodel their governmental structures, subject only to the limitation of congressional determination that it continues "republican" in form. Chief Justice Taney said: "No one, we believe, has ever doubted the proposition that, according to the institutions of this country, the sovereignty in every State resides in the people of the State, and that they may alter and change their form of government at their own pleasure. But whether they have changed it or not, by abolishing an old government, and establishing a new one in its place, is a question to be settled by the political power. And when that power has decided, the courts are bound to take notice of its decision, and to follow it [7 How. (48 U.S.) 46]."

Without discounting the unfortunate emphasis assigned to the promise that each voter must have equal ultimate influence, an even more disturbing consequence of the cases is their apparent ultimatum that constituencies be geographical divisions of equal population.

Of habit we have become accustomed to geographical districts. It is a familiar scheme, and we have not troubled ourselves seriously to consider alternatives.[34] But alternatives there are, and because of their relative validity as vehicles to implement representative government, we should be astonished, concerned, and perhaps outraged that they seem to have been eliminated from adoption, or even consideration, as variations from the Court's preconceived commitments to representation by cohesive geographical districts. It is one thing for the Court to restrain the States from invidious discrimination against fair representation. It is quite another thing for the Court to indicate that prima facie avoidance of unacceptable discrimination must commence with constituencies defined as cohesive geographical districts practically equal in population.

In the first place, the obligation can require shifting of voters from a constituency with which they have been traditionally allied, and with which their felt interests are to some extent associated, to a different constituency with which there is relatively less community of interest for the rather artificial reason that the districts will then be equal in population. Within the purposes the Court professes to serve, the shifted group is disserved, and its influence on ultimate legislative action, in fact, is diminished.

In the second place, there is not a rational justification for adopting a definition of constituencies which is committed to a geographical essence. It is conceivable that in some past day the interests of voters in public affairs were reasonably correlated to geographical residence, and segregation of interest groups by the vertical division of geography may have had acceptable validity. If it were so in the past, it is doubtful that this obtains today. The mere circumstance of a voter's place of residence may well be one of the least of the reasons which arouse his interest in the public concerns. Is it not conceivable, or even likely, that a Democratic millworker with no school-age children and a leaning toward public power, though he resides in geographical district X, has more in common with a similarly oriented millworker residing in district Y, than he has with his neighbor in district X, a Republican utilities employee and the father of four public-school students?

Should the two millworkers, by the chance of their remote residences, be denied opportunity to choose a common representative? Or, suppose that in districts "X" and "Y," respectively, there are 5,000 of our hypothetical millworkers and 4,000 of our hypothetical utilities workers. If more numerous millworkers elect the representative in each of the districts, 8,000 utilities employed would be without a legislative spokesman. The "tyranny of the majority" of which de Tocqueville warned, and against which the essence of republican government is directed, can then become a foreboding potentiality.

In the third place, an uncompromising requirement of geographical representation virtually precludes the possibility of providing within the legislative framework for selection of representatives from among available persons of competence, respected over the State, but not "politically known" in their districts of residence and unprepared to engage in the rigors of a campaign for localized support. It will be an expensive error for us to aggravate the tendency, upon which John Stuart Mill and others have commented, for representative government to attract to its assemblies persons who are less than the best qualified.[35]

Some of the alternatives to the geographical-arithmetic representation base have been rather specifically expounded or employed. Professor de Grazia has classified the systems by which constituencies are apportioned as involving one or more of the following criteria: "territorial surveys; governmental boundaries [cities, counties, town, etc.]: official bodies [e.g., the electoral college, or election of a mayor by the popularly elected city council]; functional divisions of the population [i.e., "nonterritorial aggregates of persons who share social or economic interests," including taxpaying groups, nationality groups, university groups, professional groups, factory groups. and general occupational groups]; and free population alinements."[36] The most comprehensive free population plan is that proposed by Thomas Hare in 1859[37] and enthusiastically championed by John Stuart Mill as a system of "personal representation * * * among the very greatest improvements yet made in the theory and practice of government."[38]

It is not suggested here that all, or any one, of the schemes heretofore tried or espoused would be advisable for adoption by any of the United States. But, it is insisted that insofar as the Federal courts, by implementation of *Baker* v. *Carr* or otherwise, impose upon the States an obligatory formula of geographically equal districting it will irretrievably dilute and weaken State government.

The hazard from diminution of State government is not primarily the risk of offense taken by the States on account of some vague invasion of sovereignty. The hazard is that it will preclude or discourage pragmatic experimentation into political ways and means which characterizes a viable government. In an earlier day, the Court observed:

"The science of government is the most abstruse of all sciences; if, indeed, that can be called a science which has but few fixed principles, and practically consists in little more than the exercise of a sound discretion, applied to the exigencies of the state as they arise. It is the science of experiment."[39]

The significance of that experimentation was dramatically revealed by the talented British observer, James Bryce:

"It has been truly said that nearly every provision of the Federal Constitution that has worked well is one borrowed from or suggested by some State constitution; nearly every provision that has worked badly is one which the convention, for want of a precedent, was obliged to devise for itself."[40]

Dicey once characterized the United States as "A nation concealed under the form of a federation."[41] *Baker* v. *Carr* moves inescapably to confirm that observation. It does more than move from the States to the Federal Government jurisdiction over problems now of national scope. It tends to undermine the health of State government, and its consequences should not be underrated.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator yield time?

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield time from his side?

Mr. DIRKSEN. I yield time.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, on the 12th day of August the Senate began consideration of the Dirksen-Mansfield amendment to the pending bill. That was 6 weeks ago. For 6 weeks, with some variation, we have been on this matter.

For a good many weeks the Senate has done exactly nothing except to consider the pending business. The majority leader was kind enough to agree with my contention that it should not be set aside for any other business, including the Senate calendar.

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[32] See concurring opinion of Justice Stewart in *Gray* v. *Sanders,* 372 U.S. 368, 381.

[33] See, for conscious adoption of both goals, *Moss* v. *Burkhart,* 220 F. Supp. 149, 151 (W. Okla. 1963).

[34] de Grazia, op. cit. supra note 6, at 153: Some State courts have been charged with the review of apportioning procedures for years. Mr. Arthur L. Goldberg has cited 54 cases in which apportionments were invalidated, prior to *Baker* v. *Carr*. There is even a smattering of theory about representation and apportionment to be found in court decisions going back to earliest times. At the same time, almost all of these cases may be shown to be highly tentative and apologetic incursions into the province of the legislature. Moreover, the great number of affected voters have remained, until *Baker* v. *Carr,* generally oblivious and unaroused.

[35] J. S. Mill, "On Representative Government," c. 7. See also, "de Tocqueville, Democracy in America," c. XIII; Bryce, "The American Commonwealth," c. XLV.

[36] de Grazia, op. cit. supra note 6, c. 2, pages 20–26.

[37] Hare, "The Election of Representatives."

[38] J. S. Mill: "On Representative Government," c. 7. For current support to a comparable plan, see Prof. Charles V. Laughlin's article, "Proportional Representation: It Can Cure Our Apportionment Ills," 49 A.B.A.J. 1065 (1963).

[39] *Anderson* v. *Dunn,* 6 Wheat. (19 U.S.) 204, 226.

[40] 1 Bryce, "American Commonwealth," 35 (3d ed.).

[41] Dicey, "Introduction to the Law of the Constitution," (9th ed. 1939) App. 604.

So, at long last, we are up to the point where, perhaps, God willing, we can dispose of this matter one way or the other. We have witnessed the filibuster during all this time by the very Senators who have always found the filibuster to be a hideous device. It depends entirely upon whose ox is gored.

We—speaking for myself and other Senators—would not accept the bill without this amendment. They, on the other hand, would not accept the bill with the amendment. Therefore, we experienced the ensuing stalemate.

I must say that the action has not been willful. But at least there has been a misrepresentation of what I believe is the basic issue. We have never obscured it. We have endeavored not to permit it to be obscured, if we could help it.

We started with the premise that was laid down in the dissenting opinion of Justice John Marshall Harlan, that the 14th amendment did not clothe any agency in the Federal Establishment—or even the Supreme Court for that matter—with the authority under the equal protection clause to dip into a matter of the composition of State legislatures. It was that simple. That was the burden of the Harlan decision. It was supported, I believe, by all the historic documents that any decision ever required.

We were not able, in the compass of time within which this Congress would still be alive, to maneuver a constitutional amendment. In view of the fact that the shortest period of time within which to secure ratification of an amendment is 7 months, it could not be consummated. Therefore, we had to resort to a statutory proposal to make the Supreme Court decision in the Reynolds against Sims case inapplicable where there was an application to stay it from being applied under certain circumstances.

That was the burden and the purport of the original Dirksen-Mansfield proposal. It is that condition which brought about the stalemate in the proceedings of the Senate.

We had intended to follow it up in the next Congress, immediately, with a joint resolution calling for a constitutional amendment; and that we shall still do. We have not seen anything yet, so far as this decision is concerned. Only a handful of States have thus far been affected. Wait until the rest of the States become involved.

Justice Harlan put it very clearly when he said that this is the beginning of a trend or a movement that must reach out into the other 44 States of the Union. When all of them are affected, I believe we shall discover that this is indeed an incandescent national issue. And it will remain that way until it has been resolved.

It has been stated that in terms of the language offered by my distinguished friend the senior Senator from Montana [Mr. MANSFIELD] in the Mansfield substitute, the court can do nothing other than act reasonably in view of all the debate. Let us examine that statement for a moment.

This debate started on the 12th day of August, 6 weeks ago. Only last Friday a three-judge court in the State across the river, the Commonwealth of Virginia, hacked up the senate of that State, cutting in two the terms of senators who were elected in 1962 for a 4-year term, under the law and the Constitution of the Commonwealth of Virginia. Yet, this debate had been going on for 6 weeks. That court chamber is within a stone's throw of this Chamber. If the justices of that court had not taken account of the debate by last Friday, I ask in all conscience whether they ever will take account of all the debate that has taken place here.

The substitute of my friend the senior Senator from Montana is predicated on a false hope and an illusion that will never become a reality. The court will do precisely what it did in the Oklahoma case.

In that case, the court made that clear in language that was unmistakable, when it said, "This is a matter not of our doing, and we intend to apply the decision of the Supreme Court of the United States."

The rest is very simple. The resolution, in its first sentence, begins, "It is the sense of Congress"—we do not have to read further. It makes no difference what else is written in that resolution. It has no validity. It has no legal effect. That was amply demonstrated in the Soviet wheat case. The Attorney General researched all the cases and said that if Congress intended to take positive and affirmative action, it would have said so instead of relying upon the language that it is a declaration of policy, or the sense of Congress.

My regard for my distinguished friend, the senior Senator from Montana, being what it is, I can only say, if I propose to be candid with the Senate, that this document is not worth the paper upon which it is printed, so far as concerns its impact or binding effect upon the Supreme Court, or any other Federal court. It is a prayer. It is a hope. It is an entreaty. It is as much as to say, "Please, sir"— and then to be ignored as the Commonwealth of Virginia was ignored last week when the blow fell. It was a blow, indeed, as everyone who reads the press knows.

So what we shall vote on directly will be the substitute proposed by the distinguished majority leader for what he and I originally proposed, the Dirksen-Mansfield proposal, which had some teeth in it and made it possible for a Governor, an Attorney General, and a member of the State legislature to go before a court and file an application for a stay of proceedings until two things could happen: First, that a regular session of the legislature would act——

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield 2 additional minutes to the Senator from Illinois.

The **PRESIDING OFFICER.** The Senator from Illinois is recognized for 2 additional minutes.

Mr. DIRKSEN. Second, that there would be an election under the State constitution and State law. The language of the amendment is meaningless so long as it is nothing more than an expression of the sense of the Congress.

So I earnestly hope that the Senate this afternoon will vote down the Mansfield substitute, first, because it is meaningless; second, because it would settle exactly nothing; third, because the issue would continue to engross the attention of every State of the Union. That is no way to resolve the question.

So I can only hope that the amendment will be voted down and that we can recur to the original Dirksen-Mansfield proposal and have it approved before the afternoon runs out.

I had intended to offer a motion to table the amendment. I have decided not to do so. I think it is just as well for the Senate to vote on the merits of the Mansfield substitute and resolve it once and for all.

I am grateful for the time yielded to me by my distinguished friend, the majority leader.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. If I have any time remaining, I yield.

Mr. HOLLAND. As the Senator knows, I returned from Miami. When I left there my understanding was that the Senator from Illinois would move to lay on the table the amendment of the Senator from Montana. Why has the distinguished Senator decided not to make such a motion?

Mr. DIRKSEN. Because there might be two rollcalls covering the same amendment. There might be a motion to table, and then another rollcall on the merits of the amendment. Instead of going through that process, we thought it would be just as well to vote on the substance of the resolution, because I believe Senators know what is in it.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield a minute to me?

Mr. MANSFIELD. I yield 1 minute.

Mr. HOLLAND. So far as I am concerned, I would rather have the two issues presented, because I would like to vote on a motion to table the Mansfield substitute. I believe it is much weaker and much less desirable than the original Dirksen-Mansfield amendment. Then if we should lose on that measure, we might have to take something much weaker than we want to take.

Mr. DIRKSEN. The Senator may have that opportunity. My understanding is that the distinguished Senator from Oregon [Mr. MORSE] proposes to move to table the original Dirksen-Mansfield amendment. So there will be a vote on that question.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I yield 1 minute to the distinguished Senator from New York.

Mr. KEATING. I support the Mansfield resolution expressing the sense of

Congress that Federal courts should allow the State Governments more time for redistricting of legislative seats. This resolution is a necessary and responsible affirmation both of the need for legislative reapportionment in certain cases and of the practical difficulties of accomplishing equitable reapportionment under a restrictive time schedule. This resolution seems to me the only feasible method of resolving the impasse which has developed.

I also favor and will support a constitutional amendment to permit apportionment of one house of the State legislature on a basis other than strict population statistics. If the voters of a State choose to make provision in one house of the legislature for special town, county, or city representation through a statewide referendum or other equitable procedures, I believe they should not be barred from taking such action. The vitality of local government often depends upon the ability of local governmental bodies as well as individual citizens to make their voices heard in legislative councils.

The Supreme Court's action stems directly from the failure of Congress and State legislatures to take appropriate action themselves, to remedy gross abuses in legislative districting. In the 87th Congress, I authored a resolution with Senators CLARK, DOUGLAS, HART, JAVITS and SCOTT to provide for a complete study of population disparities in congressional and State election districts. Had my resolution been adopted, the study might well have culminated in congressional initiative to remedy inequitable districting and thus might have obviated the need for judicial intervention.

Since the Congress and the legislatures did not act, the Supreme Court performed a necessary service in bringing this issue to the forefront of U.S. political thinking. Nevertheless, the words of the Supreme Court Justices must be viewed not as the end but as the beginning of a responsible national review of legislative apportionment.

This sense of Congress resolution will allow the people of the United States, the 50 State legislatures, and the Congress full opportunity to review the terms of proposed constitutional amendments. It will encourage full-fledged national debate on the underlying principles of legislative authority.

It therefore becomes the obligation of those with knowledge and experience in public and particularly legislative life to study the questions raised by the Supreme Court decision. This can be done better by a thorough and judicious debate of proposed constitutional amendments than by hastily contrived makeshifts. Certainly, the Mansfield resolution should make clear to all Federal courts that reapportionment is an issue which will demand national attention for some time to come.

Mr. MANSFIELD: I yield 1 minute to the Senator from Ohio.

REAPPORTIONMENT: LETTER OF CHARLES P. TAFT

Mr. YOUNG of Ohio. Mr. President, the debate on the pending amendment regarding the Supreme Court reapportionment decisions is one of the most important and far-reaching legislative proposals ever to come before the Senate. Within the past few weeks this important matter has engaged the attention of thoughtful Americans throughout the Nation and has assumed the proportions of a great national debate.

How the Senate disposes of this legislative proposal will shape the form of our State and Federal Governments and the lives of all Americans for generations to come. In effect, it is a civil rights bill of the highest magnitude, for it affects the voting rights of well over half of the citizens of our Nation.

My position is clear. I favor the Supreme Court decision, although I regret that it was necessary for the Federal courts to intervene. However, had the States taken the necessary corrective action, it would not have been necessary for the Supreme Court to rule on this matter. The people who are being deprived of fair representation—for the most part Americans living in metropolitan areas—had no alternative but to appeal to the Federal courts once their petitions were rejected by their State courts.

My opponent, in Ohio, for election as U.S. Senator voted for the Tuck bill. It would attempt to strip the Supreme Court of its power to rule on reapportionment cases. In effect, this was not only a bill affecting reapportionment, but also a direct attack on one of the three coordinate branches of our Federal Government and therefore an attack on the very composition of our Government. He has also indicated that he favors the amendmenut pending before the Senate.

Mr. President, on September 8, 1964, there appeared in the Columbus Citizen-Journal, a great newspaper of my State, a letter to the editor from Charles P. Taft, an outstanding American who has served his community, State, and Nation well over the years. Charles P. Taft is the brother of the late Senator Robert Taft and the uncle of my senatorial opponent. His letter is a cogent and concise summary of the one-man, one-vote concept central to the debate. It is a strong defense of the Supreme Court decision. I commend this letter to my colleagues and ask unanimous consent that it be printed in the RECORD at this point as part of my remarks:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHARLES P. TAFT DISSENTS

DEAR MR. EDITOR: I note with interest your editorial on apportionment of State legislatures. Your argument is summarized in the last paragraph, which read as follows:

"Why shouldn't it be made constitutional for the voters of Ohio, for instance, if they so choose, to set up one house of its legislature on an other-than-population basis to keep Cuyahoga County from dominating its legislature?" .

You neglect one very important historical fact. The Constitution provided for two Senators from each State as the "great compromise" essential to secure the ratification of the Constitution. The smaller States would not have gone along except on this basis.

The great compromise has been damned at frequent intervals since 1787, especially after events like the defeat of the League of Nations by the Senate in 1920, or the kowtowing to the "silver" Senators at various times in the last 30 years before silver became scarce.

Your suggestion of one house not based on population, designed to protect the rest of the State from Cuyahoga County, clearly implies that the people of Cuyahoga County are somehow second-class citizens.

In 1647, the famous Putney debate took place between Cromwell and the Levellers who were the representatives of Cromwell's army. Cromwell claimed that if anything but property qualifications qualified a man to vote, then those without property, being more numerous, would take the property away from those that had it.

The Levellers insisted that the poorest man in England had a life to live as much as the richest man, and "Therefore, sir, I think it is clear that no man should be under a government except by his own consent."

Cromwell has been proven wrong, and the Levellers right.

This is the heart of our democracy, and your proposal rejects it.

Mr. MANSFIELD. I yield 1 minute to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I support the revised Mansfield reapportion amendment.

It has now become clear that, should the Senate fail to approve this amendment, in all probability Congress would not act in this area during the present session.

The pending amendment would express the sense of Congress that the next election of members of the State legislatures, following the effective date of this act, be conducted in accordance with the laws of such State which were in effect on September 20, 1964.

In addition, the amendment would give the State legislatures an opportunity to reapportion themselves.

By adopting this amendment, we would also avoid serious constitutional questions raised by other proposals; and, clearly, nothing would be gained by now adopting an amendment which later might be declared unconstitutional by the courts.

My support for this proposed substitute amendment does not, in any way, change my intention to cosponsor, or, if need be, to introduce, a constitutional amendment which would allow the people of each State, if they so desired, to apportion representation in one house of their legislature on some basis other than population alone.

Mr. MANSFIELD. I yield 2 minutes to the Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, in the August issue of the Farm Journal, the largest of our farm publications, appeared an article relating to the Supreme Court decision. I would like to read a few paragraphs from that article.

In one sweeping, historic gesture, the U.S. Supreme Court has voted (6 to 3) to:

Reach down into each State and remake the State legislatures across the land.

The Court has ordered that States must stir themselves to district both houses of their State legislatures on the basis of population—and the population in each district must be "substantially equal." This is likely to force 40 or more States to revamp their legislatures.

> This will toss into the ashcan one of the basic, time-honored cornerstones of our system of American representative government.
>
> Since colonial days, States and the Federal Government have selected one house on the basis of population, and the other house partially or entirely by area. It has been one of the vital parts of our check-and-balance governmental system.
>
> The new Court decision shears farm people of a good share of the influence they've had in their State governments.
>
> A State senate based largely on area permits representatives of farm sections to better serve widely scattered farm people and their economic and minority interests.
>
> Also it has served as a brake against population centers running off with all the marbles, or imposing the "tyranny of the majority"—a point held dear by the Founding Fathers.
>
> If this Court decision stands, it will bring one of the most sweeping overnight changes in American government since the Revolution. Farmers and rural areas will feel it most.

Mr. President, I do not believe that farmers should be confused about who is doing what to whom.

Judging by the vote on the previous McCarthy, Javits, Humphrey substitute for the Dirksen amendment, the overwhelming support for leaving the Supreme Court decision undistrubed is the Democratic Party and the leadership of the Democratic Party.

Many of those who profess to be the best friends that farmers have are behind this effort to curtail farmers' influence in State legislatures.

I had welcomed the assistance of the distinguished majority leader, in his cooperation with the minority leader, to give the people, the States, and the Congress a little time to analyze this issue and to perhaps find a better answer to the situation created by what Justice Harlan called the Draconian decision of the Supreme Court.

I must express my disappointment that the majority leader has now switched sides and is supporting action which is little better than no action so far as any influence it may have on the future course of events is concerned.

The President has been silent on this matter. Yet, what conclusion can we draw with respect to his position when we note that the Senate majority leader and the Senate assistant majority leader, the Democratic candidate for the vice-presidency, are the leaders in the effort to set aside meaningful action and substitute the feeble admonishment of the substitute now offered.

It is a great disappointment to me that the President and the Democratic vice-presidential candidate could not have taken what I would consider to be a broad gage statesmanlike approach to the issue, even though it may be their personal view that the Supreme Court decision should stand undisturbed. It seems to me that consistent with this view they might have advocated a procedure that would give the people of the United States an opportunity and a little time to look at the issue and to reach a consensus of national opinion by this process.

The people are to have nothing to say about this issue if the counsel of the Democratic leadership is to prevail. By the time this Congress meets again and is organized to do anything, the courts will have foreclosed the issue in many States.

It seems to me that under these circumstances the President and the Democratic vice-presidential candidate might well have said to the country: This is an exceedingly important issue. It involves a basic reorganization of State legislatures in most of the States. It apparently involves, too, a basic reorganization of the structure of many county and city governing boards. It involves the most important and far-reaching constitutional change of our time.

We need not therefore hurry. We should proceed to debate the issue at every level. After all, our government structure has existed for 170 years, and it has not been an unsuccessful structure. So we should hold the issue in abeyance for a short time—giving an opportunity to debate the issue—to reach a consensus of national opinion. Let the democratic process prevail.

Yes, I think the President and the Democrat vice presidential candidate might have and should have advocated this approach, even though it may be their personal opinion that representation on both bodies of every State legislature and on the governing boards of local units of government should be on a strictly population basis.

I think this approach to the problem would have brought commendation from all concerned, would have been welcomed by almost everyone, irrespective of what their individual views might be.

So let us not be confused—let us recognize that it is the leadership of the Democrat Party that is telling us today that the issue should be settled now—as it would probably be settled by the proposed substitute offered us today—that the people and State governments should be foreclosed from having any say as to the disposition of the matter, that there shall be no national debate of the issue before it is settled. This proposal offered us today is not in my view the way the most important constitutional issue of our time should be decided.

So let us not be confused. Those who hold out to farmers one hand in friendship, but who stab them in the back with a pitchfork with the other, cannot consistently pose as their friend. No talk of how much they love farmers can hide what they propose to do to farmers and the manner in which it is proposed to be done.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, yesterday, when I introduced the pending substitute amendment—and I was under no illusion—I gave the background which dictated the necessity of making a further effort in changing the original language in view of the total stalemate that had developed in this body. When the will to talk shows no sign of waning, when the listeners demonstrate the inability to invoke cloture, when the body as a whole refuses to table the measure, it is clear the rules provide no further remedy; then reasonable and responsible men must at that point make some further effort. The distinguished majority and minority leaders did just that. We sat down in an attempt to rework our original language to take into account the criticism that had been directed at it. We did this, but we found that even the new language promised more weeks of educational debate.

I conferred again with the distinguished minority leader; he has had strong views on this measure from the beginning. He had demonstrated on two separate occasions his willingness to adjust greatly his original views in the effort to work out a solution.

It would have been unreasonable of me to insist at this point for the minority leader to go to the well with me again when on our last two trips we found it dry.

I regret that some have interpreted the proposals on this matter offered by the minority leader and myself constituted an uneasy alliance. Nothing could be more untrue. The minority leader's intentions in this matter have been made very clear on several occasions. They have, I must admit, differed from mine. The language we worked out, however, did injustice to neither of our intentions.

I have been interested from the beginning in extending to the States the hand of reasonableness, on a deliberate speed basis, in adjusting to the Constitution as interpreted by the Supreme Court, while at the same time confirming the basic precepts of our land that the Supreme Court is vested with the final authority in interpreting our Constitution and that the Constitution cannot be suspended for any period of time. for any purpose without the adoption of a constitutional amendment. The language we worked out on both occasions would clearly effectuate this purpose without abusing these basic precepts. The language presently before us is entirely consistent with this purpose and this responsibility. I have chosen this path—to offer this substitute alone—because I realize the realities of the present parliamentary stalemate and the responsibility of the leadership position which dictated a third and somewhat difficult trip to the well.

I am convinced that this present substitute will both express the keenness of the congressional interest in the reapportionment problem and show what course of action this deliberative body considers most effective in permitting the States to adjust to this constitutional mandate.

I urge the adoption of the substitute.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Do I correctly understand that the question will be on the Mansfield substitute for the original Dirksen-Mansfield amendment, and that the substitute is a "sense of Congress" resolution?

The PRESIDING OFFICER. The Senator is correct.

Pursuant to the unanimous-consent agreement entered into yesterday, the hour of 2:30 p.m. having arrived, the Senate will now proceed to vote.

The question is on agreeing to the modified amendment of the Senator from Montana [Mr. MANSFIELD] in the nature of a substitute for the Mansfield-Dirksen amendment to the Foreign Assistance Act of 1961. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a pair with the Senator from Washington [Mr. JACKSON]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay."

Mr. SMATHERS (when his name was called). On this vote I have a pair with the senior Senator from Minnesota [Mr. HUMPHREY]. Were he present and voting, he would vote "yea." Were I at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. SYMINGTON (when his name was called). On this vote I have a live pair with the senior Senator from Louisiana [Mr. ELLENDER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Louisiana [Mr. ELLENDER], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Alaska [Mr. GRUENING] are absent on official business.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Alabama [Mr. HILL] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], and the Senator from Oregon [Mrs. NEUBERGER] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from Idaho [Mr. CHURCH], and the Senator from Massachusetts [Mr. KENNEDY] would each vote "yea."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Oregon [Mrs. NEUBERGER]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from Nevada would vote "nay."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Mississippi would vote "nay."

On this vote, the Senator from Minnesota [Mr. MCCARTHY] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Minnesota would vote "yea," and the Senator from Texas would vote "nay."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Texas [Mr. TOWER] are necessarily absent.

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Minnesota [Mr. MCCARTHY]. If present and voting, the Senator from Texas would vote "nay," and the Senator from Minnesota would vote "yea."

If present and voting, the Senators from Kansas [Mr. CARLSON and Mr. PEARSON] would each vote "nay."

The result was announced—yeas 44, nays 38, as follows:

[No. 580 Leg.]

YEAS—44

Anderson
Bartlett
Bayh
Beall
Brewster
Burdick
Case
Clark
Dodd
Douglas
Edmondson
Fulbright
Gore
Hart
Hartke
Hayden
Inouye
Javits
Keating
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McGee
McGovern
McIntyre
McNamara
Metcalf
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Salinger
Scott
Smith
Walters
Williams, N.J.
Yarborough
Young, Ohio

NAYS—38

Aiken
Allott
Bennett
Bible
Boggs
Byrd, Va.
Cooper
Cotton
Curtis
Dirksen
Dominick
Ervin
Fong
Hickenlooper
Holland
Hruska
Johnston
Jordan, N.C.
Jordan, Idaho
Lausche
McClellan
Mechem
Miller
Monroney
Morse
Morton
Mundt
Prouty
Robertson
Russell
Saltonstall
Simpson
Sparkman
Stennis
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NOT VOTING—18

Byrd, W. Va.
Cannon
Carlson
Church
Eastland
Ellender
Goldwater
Gruening
Hill
Humphrey
Jackson
Kennedy
McCarthy
Neuberger
Pearson
Smathers
Symington
Tower

So Mr. MANSFIELD's substitute amendment, as modified, for the amendment proposed by Mr. DIRKSEN and Mr. MANSFIELD (No. 1215), was agreed to.

Mr. ANDERSON. Mr. President, I move to reconsider the vote by which the amendment to the amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, I have a brief statement which I shall read preparatory to moving to lay on the table the Dirksen amendment as amended by the Mansfield substitute as modified.

I assure Senators that I shall not make my motion without providing adequate time to other Senators to discuss the motion. I wish to make a brief statement, and then I should like to have an understanding with the leadership that I may withhold my motion to lay on the table for the purpose of debate. After that I shall have an opportunity to make my motion.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). The Chair informs the Senator from Oregon that under the unanimous-consent agreement entered into previously the time is controlled, with 15 minutes allowed to each side.

Mr. MORSE. I shall need only 3 or 4 minutes to read my statement.

Mr. President, whenever I drive down a highway that carries a billboard screaming: "Impeach Earl Warren" I renew my determination that so long as I am able, I shall do all in my power to defeat and offset all such assaults upon this great Chief Justice and the Court he heads, from whatever source.

During the 1940's, when the Supreme Court was also reversing decisions of long standing and opening new areas of personal liberty for the American people through application of the Bill of Rights and the 14th amendment, it was known as the Roosevelt Court. It was known for the man who appointed the Justices.

But the Court of the 1950's and 1960's is known for the man who is its chief. It is called the Warren Court, not the Eisenhower Court.

Under the magnificent leadership of Earl Warren, the Federal judiciary has been the protector, advocate, and guardian of the personal liberties of American citizens. It has, despite all the distortions to the contrary, advanced the personal liberty of individuals by protecting them from encroachments by all levels of government, both local and Federal.

The courts have come under attack only because they have extended judicial protection to many liberties not previously protected by the courts. The Supreme Court has come under attack only because it has upset some long-practiced and long-established infringements upon personal liberty that another significant body of citizens profited from in one way or another.

The courts came under attack when they put to an end many actions and practices of State, local, and Federal Governments that infringed upon or denied to individuals or to whole classes of citizens personal freedoms that theoretically were theirs under the Constitution.

Despite all that is being said in this election campaign about alleged encroachments of "big government," all allegations that the Federal Government is taking away all our personal freedoms, the fact remains that the U.S. Supreme Court has in the last dozen years greatly advanced and expanded the personal freedoms of the American people.

Many did not think so because it was the liberty of others than themselves that was advanced. In many cases, it was the personal rights of minorities over whom the majority long enjoyed some sort of wardship, or guardianship. The Court met with disapproval for advancing the rights of persons whose rights the critics did not want advanced.

But every protection of free speech, every protection of freedom of religion, every protection of freedom of the press, every protection of due process of law, every protection of the right to assemble peacefully and to petition Congress, every protection of equality before the law, advance the freedom of every citizen in these areas.

In nearly all cases, these freedoms were advanced against government, often the Federal Government.

We are engaged in a presidential campaign in which the Supreme Court has become a major target for bombardment, although because of our historic tradition, its members cannot and do not reply.

Every day, in this political campaign attempts are made to gain votes at the expense of the Supreme Court. He knows there will be no reply and no defense from its members.

Attackers of the Court know that this is the cheapest possible way to campaign, because they are able to beat a horse that is tied, gagged, muzzled, and hobbled.

In attacking the Supreme Court, they are not attacking a McNamara, or a Johnson, who not only can answer but can make some attacks of their own. Enemies of the Court are maligning for their own political purposes the one branch of our Federal Government that is outside of campaign politics.

This attack comes from those who have been trying to convince the American people that big government is taking away all their liberties. If any group or institution is going to protect the American people from governmental infringment upon their liberties, it is not the enemies of the Court, but the very Supreme Court and lower courts they are so anxious to discredit.

Last Sunday, there appeared in the Eugene Register-Guard, of Eugene, Oreg., an Associated Press story entitled: "Earl Warren Still Presides in Silence and Serenity." It is a summary of the reasons why the Supreme Court is a central point of political attack in this presidential campaign, and I ask unanimous consent that it be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, the Mansfield substitute approved today can be called a victory only to the extent that it is not as bad as the Tuck bill, the Dirksen amendment, and the Javits substitute.

But it still is an interference by way of gratuitous advice from Congress into the jurisdiction of the Federal courts. That is why I voted against it. That is why I continue to hope that it will disappear from the foreign aid bill before that bill reaches the President's desk.

No matter how it is sliced, this language is still a slap at the Supreme Court because its passage carries with it the understanding that the Federal courts require supervision and advice from Congress. I say they do not. I say that until Congress writes statutory language enforcing the 14th amendment, which is our only constitutional function in this area, the Supreme Court is entirely able to supervise the application of the equal protection clause to the State legislatures. That is its function, in the absence of enforcement legislation, just as it was the function of the Federal courts to supervise the application of the equal protection clause to racial discrimination during the 10 years when there was no enforcement legislation.

I plead with Congress not to aid and abet the current campaign against the Federal judiciary by tossing off, without the benefit of so much as 1 day of public hearings, this unwarranted rebuke of the Supreme Court.

Let Senators not forget that Earl Warren is not Chief Justice of the Supreme Court, but Chief Justice of the United States. He is the top judicial officer of the Federal court system. Senators who have been saying that the Mansfield substitute is directed only at the district courts and not at the Supreme Court at all seem to be uninformed of the fact that the Chief Justice and the Supreme Court are responsible for the administration of justice all the way down through the district courts.

The Mansfield amendment interdicts that authority. It substitutes the curbstone opinion of the Senate for the rightful, constitutional authority of the Chief Justice and the Supreme Court. I submit that Earl Warren does not need any reminder of his duty or any pointers on equity from a Senator DIRKSEN, or MANSFIELD, or DOUGLAS, or GOLDWATER, or MORSE, or from all of us together in a collective action.

A recent television program on the history of the Presidency referred to disputes between the President and Congress. It included the words of President Jackson, when he said:

> I'll not accept any resolution from those damned rascals in the Senate.

Earl Warren might say the same of this sense-of-the-Congress statement, and he would be right.

The amendment should be tabled. Therefore, I shall move to lay on the table the Dirksen amendment as amended. However, I withhold my motion to table until time has been taken to discuss my statement or anything else, if it is understood that before the matter is disposed of I shall have the privilege of moving to table the Dirksen amendment as amended by the Mansfield substitute as modified.

EXHIBIT 1

[From the Eugene Register-Guard, Sept. 20, 1964]

TEN STORMY YEARS FOR SUPREME COURT: EARL WARREN STILL PRESIDES, IN SILENCE AND SERENITY

(By Bem Price)

(EDITOR'S NOTE.—The Supreme Court has had 10 stormy years since the famous school desegregation decision, but Earl Warren still presides over it, in silence and serenity. And the storm signals are still flying as the Court, recently concluding a momentous session, opens a new term October 5 and prepares to grapple with civil rights issues.)

WASHINGTON.—There are billboards scattered along some of the Nation's highways which exhort:

"Impeach Earl Warren."

Earl Warren is, of course, the 13th Chief Justice of the United States, a three-time Republican Governor of California, and the Republicans' 1948 vice-presidential candidate.

He is also head of the Commission investigating the assassination of President John Kennedy, and personally heard dozens of witnesses. The report of the Commission is expected shortly.

Warren took this assignment, perhaps one of the most solemn duties he will ever perform, only at the insistence of President Johnson.

Warren was 73, eligible for retirement from the Supreme Court at full salary of $35,000 annually, when the President assigned him the task. Warren accepted, though it violated his own firm belief that Supreme Court Justices should not take outside assignments.

As for the highway signs, they are indicative of the deep controversy which Warren and the Court he has headed for 11 years has stirred among countless Americans.

Hotly defended as a protector of individual rights against the encroachment of authority, Warren and the Court have been just as hotly criticized as, among other things, "being soft on communism," usurping the legislative powers of Congress, and basing decisions on emotion and sociological findings rather than on legal fact.

Senator BARRY GOLDWATER, the Republican presidential candidate, has stated his opinion of the Court. A week ago he told the American Political Science Association that the Court had abandoned the principle of 'judicial restraint with respect to acts of Congress with which it disagreed but which are founded on legitimate exercise of legislative power."

GOLDWATER said he was weighing his words carefully when he said that of the three branches of Government "today's Supreme Court is the least faithful to the constitutional tradition of limited government."

The next day President Johnson said he could see "nothing to be gained" by involving the Court in the campaign. Reminded that the Court had been a live issue in the days of Franklin Delano Roosevelt, Johnson said that was because specific proposals had been made (enlarging the Court) and "I know of no such proposals now."

On his first campaign swing into the South GOLDWATER hit the Supreme Court issue hard. He said that if elected he would use his power of appointment to Federal courts to "redress constitutional interpretations in favor of the public."

He strongly attacked the Supreme Court decision ordering reapportionment of State legislatures. He said he would work to overturn a series of Supreme Court decisions on rights of defendants in criminal prosecutions. He said he believed in States rights and would use his "influence and power to see that law-enforcement officers, on the State and local level, get back the power to carry out their job."

Two decisions which fostered bitterness against Warren were the decision 10 years ago ordering desegregation in schools and another the following year which declared that desegregation must be accomplished "with all deliberate speed."

In both cases, the rulings were unanimous.

There is little likelihood that Warren will be impeached. Even the John Birch Society, which has been a leader in the movement, doesn't expect it to happen.

Says John Rousselot, official spokesman for the society:

"Actually, we know Earl Warren won't be impeached by the Senate. What we want is a trial there as provided by the Constitution that will result in reestablishing where the legislative authority resides—in Congress, not in the courts."

While arousing the ire of rightist groups, Warren has always considered himself a man of the center in politics. He has described his philosophy as "progressive conservatism," and while he was in politics he urged the Republican Party to repudiate "extremists of the right."

Warren's views once prompted Harry S. Truman to say, "He's really a Democrat and doesn't know it."

That some men would disagree vehemently with the Court's interpretation of the Constitution was foreseen long ago by the fourth Chief Justice, John Marshal, when he wrote:

"A constitution is framed for the ages and is designed to approach immortality as nearly as human institutions can approach it. Its course cannot always be tranquil. It is exposed to storms and tempests."

But whatever can be said of the present Court—called the most important in the 100 years—several things appear quite clear:

It has been a stanch advocate of individual freedom, including the freedom to dissent; it has been a vigorous foe of governmental encroachment upon those freedoms, and a notable number of decisions in important cases have been unanimous.

The Court has made it quite plain it feels that before the law, all men are equal, that none can claim privileges denied to others by reason of race, creed, or national origin.

Warren's concern with individual rights has been manifest in a number of opinions.

He has written:

"The abhorrence of society to the use of involuntary confessions does not turn alone on their inherent untrustworthiness. It also turns upon the deep-rooted feeling that the police must obey the law while enforcing the law; that in the end life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals as from the actual criminals themselves."

And again:

"The privilege against self-incrimination is a right that was hard earned by our forefathers. The privilege was generally regarded then, as now, as a privilege of great value, a protection to the innocent through a shelter to the guilty, and a safeguard against heedless, unfounded or tyrannical prosecutions."

In the 11 years, come October 5, Warren has served as Chief Justice, few men in judicial history have been damned and denounced quite as much.

The new term of Court, opening October 5, offers little promise of peace between the Court and its critics. The Court has agreed, as its first act of business, to review the public accommodations section of the new Civil Rights Act.

The particular case involves the barring of Negroes from the Heart of Atlanta Motel in Atlanta, Ga., and, by extension, the Pickrick Restaurant, also in Atlanta, which closed its doors rather than serve Negroes.

Later, the Court also has on its docket a case from Florida in which a white woman was fined for living with a man described as a Negro. A decision in this case will affect miscegenation laws in all Southern States.

In still another case, the Court will decide whether States are barred by the Constitution from using trespass laws to keep Negroes from business establishments.

In the days when Warren was a practicing politician an attack would have brought a devastating counterattack.

"A Senator or a Governor," he once told an interviewer, "may explain or defend his position publicly but not members of the Supreme Court. We can't be guided by what people think or say, except in legal discussion. We can't be guided by public appraisal. If we did, we'd be deciding cases by other than legal means."

If the white-haired Warren is perturbed by any of the criticism, it rarely shows. He still turns a sunshiny smile upon the world and finds refuge amid the highly partisan crowds at football and baseball games where he carefully refrains from booing the umpires.

On one occasion, however, when he was asked whether he sometimes wished he might reply to attacks upon the Court, he replied: "Oh, boy. Sometimes it makes you cringe, to see what other people say and write."

There is no doubt that in the 11 years Warren has occupied the highest judicial post in the land, the Court has set in motion vast changes throughout its majority opinions—opinions which go to the root of American life.

It has ruled that:

Legislatures represent people, not trees or acres and hence State legislatures should be apportioned on the basis of population.

States may not segregate school children on the basis of race, color, creed, or national origin.

The fifth amendment's protection against self-incrimination applies to State as well as Federal courts.

Indigent persons are entitled to legal representation provided by the courts in both State and Federal jurisdictions.

Bible reading and state-composed prayers as required exercises in public schools clash with the Constitution's guarantee against governmental interference with religion.

Racial imbalance in schools does not violate the Constitution.

A Federal law denying passports to Communists was unconstitutional on its face.

These were just some of the decisions which stirred the passions of some men throughout the Nation. In the last session alone, the Court reviewed 2,410 cases—highest in the Court's history.

One decision of the past session which aroused wide reaction, mainly among politicians, was the ruling that State legislatures must be apportioned on the basis of population.

What this decision does, in effect, is to end rural domination of State legislatures.

The House of Representatives has already passed and sent to the Senate a proposal which would strip the Federal courts of jurisdiction in apportionment cases. The bill, by Representative WILLIAM TUCK, Democrat of Virginia, would leave intact the Supreme Court's ruling that both houses of a State legislature must be apportioned on a population basis. But it would give the Court no enforcement powers.

Senate Minority Leader EVERETT DIRKSEN, Republican of Illinois, has given the Tuck measure little chance of passage in the Senate. DIRKSEN has his own measure which would delay enforcement of the reapportionment decision for a year or two.

Whether either the Dirksen or Tuck proposals can be acted upon in this session of Congress is problematical.

Warren also wrote the 1954 school desegregation decision. In that decision, which upset some 250 years of Southern tradition, he declared:

"Education is perhaps the most important function of State and local governments. It is the very foundation of good citizenship.

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

But whatever the opposition, Supreme Court decisions have a way of hardening into the law of the land. The passage of the 1964 civil rights legislation is indicative.

In all his 11 years on the Bench, Warren has only once come close to answering the Court's critics. That was in 1963 before the California Bar Association meeting at San Francisco.

In that speech Warren said the landmark cases of the past 10 years had been charged with emotion, but then so were decisions of the 1930's and 1940's.

Those earlier decisions, he said, "are now shorn of emotion and are a part of the settled jurisprudence of the Nation."

Then Warren said:

"There are many people, and, I fear, some lawyers, who believe that whenever the Court disapproves of some facet of American life, it reaches out and decides the question in accordance with its desires.

"We can reach for no cases. They come to us in the normal course of events or we have no jurisdiction. When they do come to us, we decide them or we do not do our duty."

As for those who say the Court is invading the rights of States, Warren had this to say:

"Where the supreme court of a State is vigilant in its protection of constitutional rights, as is the Supreme Court of California, few differences arise between it and the Supreme Court of the United States."

Warren concluded that speech by saying:

"Too often we find people who believe fervently in that portion of the rule that protects them in their own sphere of activity but are intolerant of that portion which protects other people.

"When we say we have a government of laws and not of men, we mean at the very least, that the law protects all men equally in their property and individual rights, regardless of their race, religion, color, or wealth."

The lawyers cheered.

To the buffeted Warren, it must have been a rare balm.

Mr. RUSSELL. Mr. President, I should like to have 2 or 3 minutes yielded to me by whomever is in control of the time.

Mr. DIRKSEN. I yield 5 minutes to the Senator from Georgia.

Mr. RUSSELL. I thank the Senator.

Mr. President, I shall vote in favor of the motion of the Senator from Oregon to table the amendment, but for an entirely different reason from that which he has assigned. I believe that the adoption of the amendment in the form in which it is presented would be demeaning to the Senate of the United States. I shall, therefore, vote to table this sense-of-the-Congress amendment.

If we may judge from some of its more recent opinions, the Supreme Court does not have a very high regard for the sense of the Congress in the first instance. Indeed, if we abandon so completely our legislative responsibility and the power vested in this body under the Constitution and assume an attitude of obeisance, subservience, and supplication when we have the power to pass effective legislation in this field, then the Supreme Court is justified in believing that Congress has no sense.

To me, this is a regrettable state of affairs. I did not initiate the original amendment. I am not sure the foreign aid authorization bill was the proper measure to which to offer it. But after the matter was brought before the Senate, it had my heartiest support, and for that I apologize to no one.

Congress is supposed to be a coequal and coordinate branch of the Government. Legislative power is supposed to be vested in this body and not in any judicial branch, anywhere, even though it be as exalted as the Supreme Court of the United States. That Court has lost sight of the fact that the States created the Federal Government. The States are not creatures of the Federal Government; they are the creators of the Federal Government. Not a single one of the legislative bodies of the Original Thirteen States was apportioned purely on a basis of population. I agree that one house of each State legislature should be apportioned purely on the basis of population. But there are sound reasons in the whole history of human affairs, of government, of its management, and of society to take into consideration factors other than the population in determining the representation of the other body.

It is impossible for every interest and element of our people to have their voices heard and their interests protected if our ever increasing urban centers are to have the power to elect all members of both legislative bodies. The peculiar problems of an ever decreasing rural population will have no attention whatever. They will be lost in the maneuvering as the political leaders of the great centers of population jockey for position and power.

Indeed, Mr. President, if both houses of the State legislatures are to be chosen on the basis of population alone there is little reason to retain the bicameral system—a one house legislature would be more economical and arrive at the same result.

To say that both houses of a State legislature should be apportioned purely on the basis of population is to invite the creation of political bosses of political machines in the great centers of population, such as we have seen in the past—machines which give rise to corruption, graft and crime and cause people to hang their heads in shame for many years. When other factors are taken into consideration, there are checks and balances, and city machines cannot control the States. When all factors other than a counting of heads are destroyed, a rule by mob—by a majority of one of the moment—is created. That is the very thing that the Founders Fathers sought to avoid when they wrote the Constitution of the United States.

It was never contemplated by the Founding Fathers that the courts should have any such authority as to require both houses of a State legislature to be apportioned strictly on a basis of population. It is an act of cowardice on the part of Congress to back away from its responsibility and permit the Court to assume the powers it has in this instance.

Rather than to be put in a position of subservience to the Supreme Court, I shall vote to table this poor, weak, futile gesture of Congress—a Congress that once was respected throughout the United States.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I shall vote against the motion to table. I believe that in good faith toward the people of the country, who have watched this battle go on in Congress, where the middle position has finally been successful—as it so often is in this country—we should go through with what we have finally decided as the consensus of this body.

The reason is that it takes as much strength to respect a coordinate branch of the Goverment as it does to try to override it when we have no power to override it. The Congress has no power to override a constitutional interpretation by the Supreme Court, except by a constitutional amendment. In my judgment, the argument for tabling is invalid because we have a remedy. We have a remedy under the supreme law, which would have the same authority as that which justified the Supreme Court's decision, namely, a constitutional amendment, and we have the power and the right to start such an amendment in motion. In my judgment, if we seek to assert an authority over the Supreme Court that we do not have, we are guilty of exactly the same kind of tyranny which those who argue for the tabling motion have argued against the Supreme Court. This is not strength; it is weakness or pique. I hope the Senate will not do it.

Mr. MANSFIELD. Mr. President, I first yield 4 minutes to the distinguished Senator from Florida [Mr. Holland], and then I shall yield 4 minutes to the distinguished Senator from Ohio [Mr. Lausche].

Mr. HOLLAND. Mr. President, I agree with everything the distinguished Senator from Georgia [Mr. Russell] said except one thing. I do not agree with his conclusion.

I shall vote against the motion to table because I believe the Senate and the House have a positive duty to perform. When the Supreme Court goes astray, in the judgment of any Senator or any Member of the House, I do not know anywhere else that the people of the States of our Nation can turn for any voice to be raised in defense of a system they believe in and have operated under since 1789, or prior thereto, except to Congress.

Another reason why I oppose the motion is that I do not care to be placed in the position of maligning the Supreme Court. I stood on the floor of the Senate and suggested, when there was trouble in Mississippi, that the Governor of Mississippi should obey an order of the Supreme Court or of a Federal court. I have always stood for obedience to the courts. But I also stand for the responsibility of Congress in a matter which does not enable the people to turn anywhere else.

It seems to me that while we are given a very milk-toast sort of amendment now—and I am only sorry that my distinguished leader lost faith in his original proposal and has gone backward to this weak, spineless proposal——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. At the same time, I must vote for that, if that is all that he could offer, because I believe that the Senate and House must express their complete disapproval of a departure from constitutional principles, which reach back to the very inception of the Constitution.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HOLLAND. I know, because I have read every word of the debates on the submission of the 14th amendment, that it was stated by the sponsors of the amendment to others on the floors of both Houses, that Congress was leaving out the power to do what the Supreme Court has done in this case, and for the very definite reason that Congress felt that if such power were included in the 14th amendment, the amendment would not be ratified by the States. Of course, Congress was correct in that conclusion.

I do not favor the Supreme Court's amending the Constitution; yet that is what it is doing in this particular matter. I do not know where the people can go, except to us, to have us lift our voices against a procedure that we are deeply convinced is wrong and unconstitutional.

I am not trying to impeach or to malign anyone; I am standing for what I think, in good conscience, is right. I think it is the duty of the elected representatives of the people of the States to stand up for the constitutional privileges and rights of the American people and the States.

I regret that we are now reduced to a very weak handling of this subject; but I would rather do that than to sit here and make no effort at all, offer no voice at all, against an encroachment that I think marks the breakdown of important constitutional rights and privileges. I feel it so deeply that I shall vote for anything that we have an opportunity to vote for, which addresses itself to opposing what I think is a terrific abuse of constitutional authority by the Supreme Court.

Mr. LAUSCHE. Mr. President, I contemplate voting against the motion to table that will be made by the Senator from Oregon. I would have preferred the adoption of the Dirksen amendment. Since it has been eliminated, I have concluded that acceptance of the status as it is now is better than nothing at all.

I direct my remarks to the possibility of the Court listening to the suggestion which has been made. It was argued earlier today that the Court will listen to what we have to say. I wish I could feel confident about the correctness of that statement. I am somewhat dubious about that, but although I am dubious I still have hope and, therefore, wish to see the Mansfield amendment, as modified, adopted.

Mr. President, to illustrate what I have in mind, I should like to discuss the Landrum-Griffin bill. In 1959, we had before us the issue: Shall secondary boycotts be prohibited in economic strikes of labor and management?

The Senate concluded that there shall be no prohibition. The House decided that secondary boycotting shall not be allowed. Inasmuch as the House and Senate were in conflict, a conference committee was appointed. That conference committee made its decision. The former President, Senator John F. Kennedy, was chairman of the Senate conferees. He reported to the Senate that the conference had agreed. Under the agreement, secondary boycotting of a neutral place of business was to be prohibited.

What was permitted was the giving out of handbills or information for radio use. Former Senator Kennedy reported that it was agreed that secondary boycotting should not be allowed. When that statement was made by former Senator Kennedy, the Senator from Oregon [Mr. Morse] obtained the floor and made the statement:

> The bill does not stop with threats and with legalizing the hot cargo agreement. It also makes it illegal for a union to coerce or restrain. This prohibits consumer picketing at a neutral place of business.

After the Senator from Oregon was finished, former Senator Kennedy took the floor and made the statement:

> We were not able to persuade the House conferees to permit picketing in front of any secondary shop.

Those were the statements made to the Senate. The Senator from Minnesota [Mr. Humphrey], the Senator from Oregon [Mr. Morse], former Senator Kennedy, and other Senators concluded that secondary boycotting was not allowed.

Then began a strike in the State of Oregon. Secondary boycotting was resorted to, but secondary boycotting was resorted to in a peculiar way. Pickets were thrown around the Safeway Stores. They carried signs, "Do not buy the products of X company." The case went to the Supreme Court. The Supreme Court, in the face of what the Senator from Oregon had said, what former Senator Kennedy had said, and what the Senator from Minnesota [Mr. Humphrey] had said, issued the pronouncement that secondary boycotting was allowed.

How can I, who was on the floor of the Senate at that time, and heard the arguments of the Senator from Oregon, the Senator from Minnesota, and former Senator Kennedy, forget the fact that the Supreme Court said that we did not do what everyone else said we did: It is an indefensible unexplainable judgment reached by the Court on the basis of its wishes and contrary to the clear intent of the Congress.

The proposal in the Mansfield amendment is better than nothing. It is for that reason that I shall vote for it, hoping that the courts will understand that the Nation is alarmed about what was done and that reasonable time should be accorded to the States to amend their constitutions, if they so desire.

Mr. DIRKSEN. Mr. President, how stands the time?

The PRESIDING OFFICER. Nine minutes remain.

Mr. DIRKSEN. I yield 1 minute to the Senator from Vermont [Mr. Aiken].

The PRESIDING OFFICER. The Senator from Vermont is recognized for 1 minute.

Mr. AIKEN. Mr. President, I am disappointed that the Mansfield amendment was adopted. Nevertheless, it is an expression on the part of the Senate of disapproval of the action of the Federal courts of this country; therefore, I shall vote not to table it.

We must take some action in Congress and make it our business next session. What the courts have done is to take this country a long way away from the democratic form of government it previously enjoyed for 170 years.

The action of the courts makes the Government of the United States unique among the nations of the world, in that the United States will be virtually the only nation in which a tribunal appointed by one branch of Government can nullify and reverse the acts of the legislative branch of the same Government.

Mr. DIRKSEN. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 4 minutes.

Mr. DIRKSEN. Mr. President, I shall support the motion to table, as the distinguished Senator from Georgia [Mr. Russell] has stated, for reasons quite other than those ascribed by the distinguished Senator from Oregon [Mr. Morse].

When the vote is taken, and assuming, of course, that the motion to table fails, the very facile gentlemen sitting above us in the Chamber, who have an expertise in somehow winnowing truth from the superfluities and sending it out on the transmission channels all over the country, will probably headline their stories: "The Dirksen-Mansfield Proposal as Amended by the Mansfield Substitute Was Approved by the U.S. Senate This Afternoon." The people who will read it will forget that it is nothing more than the sense of Congress, without validity, without legality, and without any real admonition to any Federal court in the land to pay the slightest attention.

If they were going to pay attention, let me say to the distinguished chairman of the Finance Committee, they would have done it in his State, because we have been discussing this issue for 6 weeks; but last Friday the three-judge court tore his State senate apart and cut their terms in half.

One dares suppose that the members of the three-judge court read the newspapers. One dares assume that they know what is going on in the Senate. From that assumption, they did not pay the least attention to any intent or purpose or objective of the sense of Congress that may have been uttered and expressed upon this floor in the last 6 weeks.

People will read the newspaper stories, and some will find comfort in them. They will say, "The Senate finally came to the rescue of the State legislatures." But it will be a deception. It will be an illusion. I am not going to be a party to fooling the people of the United States, if I can knowingly avoid it. That is all we will get. That is all the "sense of Congress" resolution is. That is all the impact it will have on the Court, even as it did in the State of Oklahoma. The Court said, "It was not of our making, and we expect you to apply the law." They did.

It should be tabled, but not for the reasons assigned by the distinguished Senator from Oregon [Mr. Morse].

Mr. MORSE. Mr. President, I shall take only 30 seconds.

Senators have the right to criticize the Court on the floor of the Senate and on the political platforms of America; but I leave them when they seek to use the legislative process to rebuke the Court, because when they do that I claim it to be a violation of the separation of powers doctrine of the Constitution. That is the reason why I oppose it.

I move to table the Dirksen amendment, as amended by the Mansfield amendment, as modified, in the nature of a substitute. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the senior Senator from Oregon to lay on the table the Dirksen amendment, as amended by the modified amendment of the Senator from Montana [Mr. Mansfield] in the nature of a substitute. The yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from North Dakota [Mr. Burdick], the Senator from Idaho [Mr. Church], the Senator from Louisiana [Mr. Ellender], the Senator from Alaska [Mr. Gruening], the Senator from Minnesota [Mr. McCarthy], and the Senator from Ohio [Mr. Young] are absent on official business.

I also announce that the Senator from Alabama [Mr. Hill] and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from Nevada [Mr. Cannon], the Senator from Mississippi [Mr. Eastland], the Senator from Minnesota [Mr. Humphrey], the Senator from Washington [Mr. Jackson], and the Senator from Oregon [Mrs. Neuberger] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. Gruening] would vote "nay."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from Arizona [Mr. Goldwater], and the Senator from Texas [Mr. Tower] are necessarily absent.

If present and voting, the Senators from Kansas [Mr. Carlson and Mr. Pearson] and the Senator from Texas [Mr. Tower] would each vote "yea."

The result was announced—yeas 27, nays 56, as follows:

[No. 581 Leg.]

YEAS—27

Allott
Bennett
Byrd, Va.
Cotton
Curtis
Dirksen
Dominick
Hickenlooper
Hruska
Jordan, Idaho
McClellan
Mechem
Miller
Morse
Morton
Mundt
Pastore
Pell
Robertson
Russell
Saltonstall
Simpson
Sparkman
Stennis
Talmadge
Thurmond
Young, N. Dak.

NAYS—56

Aiken
Anderson
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Byrd, W. Va.
Case
Clark
Cooper
Dodd
Douglas
Edmondson
Ervin
Fong
Fulbright
Gore
Hart
Hartke

Hayden
Holland
Inouye
Javits
Johnston
Jordan, N.C.
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McGee
McGovern
McIntyre
McNamara
Metcalf
Monroney
Moss
Muskie
Nelson
Prouty
Proxmire
Randolph
Ribicoff
Salinger
Scott
Smathers
Smith
Symington
Walters
Williams, N.J.
Williams, Del.
Yarborough

NOT VOTING—17

Burdick
Cannon
Carlson
Church
Eastland
Ellender
Goldwater
Gruening
Hill
Humphrey
Jackson
Kennedy
McCarthy
Neuberger
Pearson
Tower
Young, Ohio

So Mr. MORSE's motion to table the Dirksen amendment, as amended by the Mansfield amendment, as modified, in the nature of a substitute, was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. DIRKSEN], as modified by the amendment of the Senator from Montana [Mr. MANSFIELD].

The amendment was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement entered into yesterday, the Senate will next proceed to the consideration of the question of referring the conference report on the bill (S. 2687) extending the Agriculture and Trade Development and Assistance Act of 1954, and for other purposes, to the Committee on Foreign Relations for hearing and study, the time to be equally divided and controlled by the proponents, the Senator from Arkansas [Mr. FULBRIGHT], and the opponents, the Senator from South Carolina [Mr. JOHNSTON]. The time of 1 hour has been allotted under the agreement, one-half hour to each side.

Mr. MANSFIELD. Mr. President, the time is not to exceed 1 hour.

Mr. President, I send to the desk a unanimous-consent request and ask for its immediate consideration. The request has been cleared with all interested Senators, I believe. Those I might have missed have not been overlooked arbitrarily. I hope the Senate will see fit to agree.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be stated.

The Chief Clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, during the further consideration of the bill (H.R. 11380), to amend further the Foreign Assistance Act of 1964, as amended and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him:

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

The PRESIDING OFFICER. Is there objection?

Mr. HICKENLOOPER. Mr. President, reserving the right to object, I should like to ask a question of the leadership.

I should like to ask the leadership for any information available about what amendments are to be on file and are likely to be controversial or which would require any particular discussion—other than the unfortunate situation that we just failed to cure by not tabling the Dirksen amendment, as amended.

Mr. MANSFIELD. Mr. President, to the best of my knowledge, there are three amendments at the desk. One, submitted by the Senator from Kansas [Mr. PEARSON], relates to sugar. A second amendment relates to loyalty, and has been submitted by the Senator from Vermont [Mr. AIKEN]. A third amendment has to do with antisemitism in the Soviet Union, and has been submitted by the Senator from Connecticut [Mr. RIBICOFF].

Mr. HICKENLOOPER. Mr. President, I do not intend to object to the unanimous-consent request. However, I believe that before we become tied up in a constricted situation we ought to know what we are getting into. I do not know how much debate the sugar situation will require.

Mr. MANSFIELD. Not too much, I understand.

Mr. HICKENLOOPER. I am not trying to inhibit the procedure. I have no objection.

Mr. DIRKSEN. Mr. President, reserving the right to object, I should like to know a little about the so-called loyalty oath amendment which my distinguished friend, the Senator from Vermont, proposes to offer.

Mr. AIKEN. I have a very fine amendment to offer to the bill. The amendment would require the recipients of all contracts under the aid program to take the same loyalty oath as dropouts in high school, paraplegics, and poor children would have to take under the poverty bill. I believe the amendment is an excellent one. I cannot conceive of any Senator not voting for it. I would be glad to offer it now and have it accepted, although it would be a wonderful amendment upon which to have a record vote.

Mr. MANSFIELD. Would the Senator from Vermont be agreeable to a unanimous-consent request in relation to his amendment?

Mr. AIKEN. Yes. I do not believe that it would require 5 minutes to "sell" the amendment.

Mr. RUSSELL. Mr. President, if we are to vote on an amendment, may we have it stated?

Mr. MANSFIELD. The amendment has not yet been offered.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Montana?

Mr. RUSSELL. Mr. President, I should like to have the unanimous-consent request restated. I did not understand that part about voting immediately on an amendment without debate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MANSFIELD. We have asked for an agreement that debate on each amendment be limited to 1 hour, the time to be equally divided and controlled by the mover of any such amendment or motion and the majority leader, provided that in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him. Four hours would be allotted for debate on the bill.

Mr. RUSSELL. The proposed unanimous-consent agreement would not preclude the offer of other amendments than the ones stated?

Mr. MANSFIELD. No.

The PRESIDING OFFICER. Is there objection?

Mr. HICKENLOOPER. Mr. President, to which measure does the request apply? I am uncertain as to which bill this request applies to.

Mr. MANSFIELD. The foreign aid bill, which has been the pending business for 35 days, more or less.

Mr. HICKENLOOPER. I am glad to get that information, and I appreciate it. I would like to be brought up to date. I thought it was on the Public Law 480 bill.

Mr. MANSFIELD. No There is an hour's limitation on that matter.

Mr. HICKENLOOPER. That is, on the conference report.

Mr. MANSFIELD. Yes. The provisions of this request will take effect following action on that matter.

Mr. HICKENLOOPER. Does the unanimous-consent request apply to the majority leader's substitute, which was just adopted?

Mr. MANSFIELD. No; it applies to the same bill to which that substitute is attached.

Mr. HICKENLOOPER. The substitute is already in the bill?

Mr. MANSFIELD. Yes.

Mr. HICKENLOOPER. So the question will not recur on the Senator's substitute? That has already been adopted.

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and the unanimous-consent request is agreed to.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

Mr. FULBRIGHT. Mr. President, before Senators leave, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. **FULBRIGHT**. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER**. The Senator will state it.

Mr. **FULBRIGHT**. As I understand, I have 30 minutes, and the Senator from South Carolina [Mr. JOHNSTON] has 30 minutes.

The **PRESIDING OFFICER**. That is correct.

Mr. **MANSFIELD**. Mr. President, I have taken some of the time of the Senator from South Carolina, I am sure with his consent, and the approval of the Senator from Vermont.

Mr. **FULBRIGHT**. How much time has the Senator from South Carolina left?

Mr. **JOHNSTON**. I should like to know. I did not know I was giving away any of my time.

The **PRESIDING OFFICER**. Five minutes have been taken from the time of the Senator from South Carolina, so there remain 25 minutes to the Senator from South Carolina and 30 minutes to the Senator from Arkansas.

Mr. **JOHNSTON**. Mr. President, several Senators desired to say something on this matter. I am sorry that time was taken from my side.

Mr. **HOLLAND**. Mr. President, will the Senator from Arkansas yield for a parliamentary inquiry?

Mr. **FULBRIGHT**. I yield, but not on my time.

The **PRESIDING OFFICER**. Time is now running.

Mr. **FULBRIGHT**. I cannot yield now.

I yield one-half minute to the Senator from Florida.

Mr. **HOLLAND**. I thank the Senator.

Mr. President, a parliamentary inquiry. Suppose the Senate should unwisely adopt the motion and send the conference report to the Foreign Relations Committee, which has no relation at all to this particular conference report or this field of jurisdiction. What, if anything, would the Committee on Foreign Relations be instructed to do?

The **PRESIDING OFFICER**. The Parliamentarian informs the Chair that all the committee could do would be to hold hearings. That would be it. It could taken no action.

Mr. **FULBRIGHT**. Mr. President, the committee could make recommendations. The Foreign Relations Committee could hold hearings and make recommendations to the Senate in regard to those matters in the bill within its jurisdiction.

Mr. President, the question before the Senate involves a basic issue of foreign policy and also of the Senate's procedure in its approach to matters involving our foreign policy.

We have before us the conference report on the extension of the Agricultural Trade Development and Assistance Act, popularly known as Public Law 480. This act is supposed to do what its name implies—that is, promote the development of trade in agricultural commodities and thereby dispose of some of our burdensome surpluses. It is not supposed to be a vehicle for casually making fundamental changes in our foreign policy, and for restricting by law the legitimate discretion of the President who bears the primary responsibility for the conduct of our foreign relations. This, however, is what the conference report seeks to do. It contains several provisions which have little, if any, relevance to the purpose of Public Law 480 but which, on the contrary, impinge directly and adversely on the foreign policy of the United States.

The most obnoxious of these provisions is that which, in effect, prohibits sales for local currency under title I to Yugoslavia and Poland.

There have been no hearings on this proposal in either the House or the Senate. It was not considered by the Senate Committee on Agriculture and Forestry, nor—so far as I know—by the House Committee on Agriculture. It was not considered on the floor of the Senate during Senate debate on the bill. It was adopted on the floor of the House, and it has unfortunately been retained by the conferees. I hardly need add that it has not been considered at all by the Committee on Foreign Relations—nor the House Committee on Foreign Affairs—nor has the Department of State had an opportunity to be heard, despite the fact that the Department is strongly opposed.

This provision would negate one of the most important principles of our foreign policy—the principle that we treat different Communist countries differently. This principle has been applied consistently and with good results for 15 years, under Presidents Truman, Eisenhower, Kennedy, and Johnson. In this period, Yugoslavia has successfully asserted and maintained its independence of the Soviet Union. This independence, in the opinion of Mr. George Kennan, our distinguished former Ambassador to Yugoslavia, has been "conducive to the peace and stability of the Balkan and Adriatic areas generally."

The Yugoslav example has also, quite clearly, been contagious in Eastern Europe. Since 1956 Poland has moved significantly toward independence from Moscow. More recently, Rumania has apparently set out on the same course. It sent a trade commission here for preliminary discussions. There have even been stirrings in Hungary and Czechoslovakia.

Surely, our interests are more advanced in Eastern Europe today than they would have been if these things had not happened. Although it would be too much to say that our policies, by themselves, have brought about these changes, it is certainly not too much to say that our policies have helped. They have made it easier for the Yugoslavs to pursue a policy independent of Moscow. They have made it easier for the Poles to assert a modicum of independence. They have made it easier for the Rumanians to expand their relations with the West.

To put it the other way, if we had not followed these policies, if we had not come to the aid of the Yugoslavs in 1950 and of the Poles in 1957, who can say with any assurance that Eastern Europe would not today still be a monolithic buttress of the Soviet Union? Reason and logic indicate that it would be. Would we be better off if the 15 or 20 Yugoslav divisions were under Soviet command?

Let me quote again from a recent statement by former Ambassador Kennan, who probably knows Eastern Europe better than any other American:

> The Yugoslav Government is dominated by a party which uses the name "Communist"; but that government differs in certain very fundamental respects from other governments that go by that name. Not only does it differ in its institutions but it differs even more in its practices, and particularly its practices in matters that determine its relations with us. It is not linked with any other Communist power by bonds of military alliance. It is not a member of the Warsaw Pact or of any other Communist military political grouping. In its bilateral relations with us, during the period of my recent service as American Ambassador there, it showed itself consistently correct and proper. It did not default on any obligations to us. There was no evidence that it was conducting either independently or in association with any other country, improper activities in this country. No Yugoslav official I ever asked to see refused to see me or treated me otherwise than with complete courtesy. Americans, official and unofficial, were treated with exceptional warmth and kindness throughout the country.
>
> What more do we want, and what is our complaint? We disagree with the Yugoslav leaders, certainly, on many questions of international affairs. But they have as much right to disagree with us as we have to disagree with them. Are we supposed to demand agreement with all our views, as the price of normal relations? If so, why do we start with the Yugoslavs?
>
> Yugoslavia occupies an extremely sensitive and strategic position, between the countries of the Soviet bloc and the Adriatic. It commands some of the strongest armed forces in Europe outside of Soviet control.
>
> For over 15 years its Government has pursued an independent course in its international relations. This course has not been identical with ours; but it has also not been identical with that of Moscow. The policy implied by the amendment can have only one conceivable effect: to convey to the Yugoslavs that they have no favorable prospects in their relations with us, no matter how they treat us, and to impel them, for lack of alternative, in the direction of a closer relationship with Moscow. There is no one—but literally no one—who could benefit from a movement of the Yugoslavs in that direction except policymakers in Moscow. What is at stake here is not just Yugoslavia alone, but also the policies of other Communist governments which have been, and will continue to be, importantly influenced by the Yugoslov example.

How, Ambassador Kennan asks, can "a policy having such effect conceivably be defended on the grounds that it is anti-Communist?"

That is a good question, Mr. President, and an unanswerable one. This is sham anticommunism. It will please no one except the Communists in Moscow and the superpatriots in the United States.

What more eloquent testimony could we want that people who call themselves Communists are different; that selling wheat to one group does not mean selling out to another?

Aside from the large effect which the ill-considered provision of the conference report will have on our overall relations with Eastern Europe, there is another effect which it will have in terms of individual human beings. It can only mean that millions of Poles and Yugoslavs will be hungrier—through no fault of their own but only because we disapprove not of their actions but how they describe their Government.

And all of this—I repeat, Mr. President—has been done without hearings and without consideration by the Foreign Relations or any other committee. It is directly contrary to the stand Congress took a year ago when—after consideration by the Foreign Relations Committee and debate in the Senate—we voted to repeal, in effect, a provision of the Trade Expansion Act prohibiting the extension of most-favored-nation treatment to Poland and Yugoslavia.

For the life of me, I cannot understand why the Congress, or certain Members of it, persist in gratuitously insulting countries with whom we would like to maintain normal and hopefully improving relations.

There is another matter in the conference report which would have deleterious effects on our foreign relations. This is the provision for subsidizing the export of long staple cotton. This is certain to impair our relations with Peru, and probably with the United Arab Republic and Sudan as well. It is probably also in violation of GATT, and it will invite retaliation against our other nonsubsidized exports. It is the kind of action which would cause us to apply countervailing duties and invoke the Anti-Dumping Act if it were taken against us by another country.

There is a further reason this conference report should be referred to the Committee on Foreign Relations. The report adds a new sentence to section 103(a) of Public Law 480 as follows:

> In presenting his budget, the President shall classify expenditures under this act as expenditures for international affairs and finance rather than for agriculture and agricultural resources.

We may pass over, for the time being, the question of the propriety of the Congress telling the President how to classify expenditures in his budget. Congress may, of course, act on the budget or rearrange it in any way that Congress desires; but in the first instance, it is the President's budget, not Congress.

The significant aspect of this provision of the conference report is that here is as plain a statement as one could make that the Agriculture Committees themselves view the activities under Public Law 480 as primarily affecting international affairs and finance rather than agriculture. The advocates of this conference report cannot have it both ways. Either Public Law 480 deals primarily with U.S. agriculture, in which case it ought not to deal with the U.S. foreign policy; or it does deal primarily with U.S. foreign policy—with "international affairs and finance," in the words of the conference report itself—in which case it comes under the jurisdiction of the Foreign Relations Committee. In either case, given the provisions of the conference report, it ought to be referred to Foreign Relations.

These are matters of serious import, Mr. President. They should not be acted on hastily without adequate consideration by the committees most directly concerned. I have no wish to delay the matter indefinitely. Senators may argue that if my motion is agreed to, the bill is dead for this Congress. As I said yesterday, even if that were true, it would not be a calamity. The present law continues in force until December 31. A new Congress will be here January 3. We could certainly pass another bill—hopefully, a better bill—within a month or two.

However, Mr. President, referral of the conference report to the Foreign Relations Committee does not necessarily kill the bill. I assure the Senate that the committee will consider the matter. We will have hearings immediately. We will report our recommendations, and the Senate can work its will upon them—after we have had the benefit of testimony and after these very serious questions have received the attention they deserve.

In conclusion, Mr. President, I want to impress upon the Senate the seriousness of the issue that is involved here. It goes to the heart of our relations with the Communist third of the world, and, therefore, to the heart of our whole foreign policy. The issue, simply stated, is whether we proceed on the assumption that there is any hope of ever improving, or even ameliorating, those relations, or ever encouraging even the slightest diversity within the Communist world; or whether we proceed on the assumption that any such hope is illusory, that all Communists—be they followers of Tito, Gomulka, Khrushchev, or Mao—are alike in their implacable hostility to us, and that consequently our only safe course lies in implacable hostility to each and every one of them. The end result of this latter course is likely to be nuclear war. If we should adopt a policy—as implied by this conference report—of never agreeing to anything, this in itself amounts to an ominous agreement—in a suicide pact.

The question now before us is the same issue which was involved in the question of most-favored-nation treatment for Poland and Yugoslavia a year ago. It is the same issue which was involved in the sale of wheat to the Soviet Union. It is indeed the same issue which was involved in the test ban treaty.

In each of these cases the Senate decided the issue in favor of hope and reason and against fanaticism and despair.

Mr. President, I urge the Senate to support my motion.

MODIFICATION OF MOTION TO COMMIT

It has been suggested that there could be some question about the committee reporting the conference report to the Senate. I am perfectly willing to modify my motion. I assure Senators that the committee will report it back with a recommendation, but I would be very glad to modify my motion to require the committee to report the conference report to the Senate not later than September 30.

Mr. KUCHEL. Will the Senator make that in the form of a unanimous-consent request?

Mr. FULBRIGHT. I ask unanimous consent that my motion may be modified, to provide that the conference report be reported back to the Senate, with recommendations of the committee, not later than September 30.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. AIKEN. Mr. President, I intended to say, before unanimous consent was granted, that if the Committee on Foreign Relations, of which I am a member, is to consider this matter, the conference report should also be referred to the Committee on Commerce and to the Finance Committee, because they would have as much concern with it as the Foreign Relations Committee.

Of course, shipping costs would be involved. Trade is involved also. I believe the conference report should also go to the Committee on Finance and to the Committee on Commerce, in addition to the Foreign Relations Committee.

The PRESIDING OFFICER. Does the Senator from Vermont understand that the question has already been put and that unanimous consent has been granted?

Mr. AIKEN. That is all right. I merely wish to say that other committees should also be included. Imports, exports, and custom duties are affected. The State Department does not determine our exports and imports. It has been trying to do so, but that is not its function.

Mr. JOHNSTON. Mr. President, this is a conference report. It has already been voted on by the House. The Senate cannot amend it. If the committee makes recommendations, what can be done? That is the position in which we find ourselves with respect to this question.

Furthermore, Public Law 480 comes within the jurisdiction of the Committee on Agriculture and Forestry. It has always been handled by that committee. In the 20 years that I have been a Member of the Senate, I have never heard of a conference report being referred to a committee that does not deal with the particular subject involved in the report. What is proposed now is something new in the Senate. When we come to vote on this particular issue, I wish Senators would bear that in mind.

Section 1(11) of the conference report deals with the method of disposing of surplus agricultural commodities to Communist countries. Senators should bear that in mind. Therefore, the report is within the jurisdiction of the Committee on Agriculture and Forestry.

Moreover, Senators should understand that this provision of Public Law 480 has a long history. The provision questioned by the Senator from Arkansas is akin to provisions which have been in Public Law 480 since its inception and finds precedent in the Foreign Assistance Act of 1961. A part of section 1(11) relates to countries whose ships go to Cuba. Let Senators remember that. If they vote for the motion of the Senator from Arkansas to try to tie up the bill, they will be voting preferential treatment for countries whose ships are destined for Cuba at the present time. This provision of the conference report is modeled after section 620(a)(3) of the Foreign Assistance Act of 1961, which similarly prohibits assistance to Poland and Yugoslavia.

The expiration of Public Law 480 would stop sales to Yugoslavia and Poland and all other countries. If the conference report is rejected, Yugoslavia and Poland would be denied its benefits just as other countries would be. That is the situation in which we find ourselves.

I am sure the Senate conferees will agree that the feelings of the House on this particular matter are such that they will go further in the next bill than they went in this bill. We weakened the House provisions affecting these countries considerably in conference; I believe every Senator will agree with that statement. That being so, what can be gained by delaying action? Nothing, except tying up the bill and making Poland and Yugoslavia suffer on account of this action being held in abeyance.

To send this conference report to committee would create an unfortunate precedent. In the future, motions might be made to refer other conference reports to committees. A few moments ago, the Senator from Vermont [Mr. AIKEN] suggested that this conference report could be referred to still other committees, if this precedent is established.

I feel certain that the Parliamentarian would advise the Senate that to refer conference reports to committees would be establishing a new precedent, especially if they were referred to committees that did not handle them in the first instance.

In addition, the House may not yield as much a second time. If it does not, we shall find ourselves in a serious predicament.

S. 2687 deals with Public Law 480 of the 83d Congress. The bill which became Public Law 480 was reported from the Committee on Agriculture and Forestry in 1953; and every major amendment or extension of the law enacted since that time has come from the Committee on Agriculture and Forestry. Public Law 480 deals with methods of disposing of agricultural surplus and properly falls within the jurisdiction of the Committee on Agriculture and Forestry over agriculture generally and agricultural production and marketing and stabilization of prices of agricultural products. The reason for the bill is that we are trying to dispose of some of our surplus commodities.

Public Law 480 contains four titles. We are concerned now with only two of those titles. They are title I and title IV. Under title I we dispose of surplus agricultural commodities for foreign currencies; that is, the currencies of the purchasing country, and we agree with the purchasing country on the uses to which those currencies may be put. Some of these uses may be of greater benefit to the recipient country than they are to us. In other words, title I provides for one way of disposing of agricultural commodities through concessional sale.

Title IV provides for a different means of disposing of surplus agricultural commodities. In this case the sale is for dollars, but on long-term credit.

We are dealing in section 1(11) with countries that are dealing with Cuba. Shall we extend to them the right to buy with their own currency? Under this bill, they are given the right to buy on long-term credit, for dollars. Even those which have been precluded under the Battle Act from such dollar credit sales would be made eligible by the bill for sales for dollars on 5-year credit. They can pay a certain amount down and pay off the balance over a period of 5 years.

The provisions of the conference report which affect Yugolsavia and Poland are contained in section 1(11), and they deal with the method by which we are willing to dispose of surplus agricultural commodities to Communist countries and to countries whose ships and planes carry materials to Cuba. Yugoslavia and Poland fall in both of these categories. Section 1(11) provides that countries in these categories will not be eligible to purchase commodities under title I for local currencies, but that they will be eligible to purchase commodities under title IV for dollars on credit. This properly falls within the jurisdiction of the Committee on Agriculture and Forestry. It should not be considered an affront to any country, since section 1(11) includes in the definition "friendly country" for purposes of title IV the same countries that it excludes from that definition for purposes of title I. The provision simply distinguishes between the countries to whom title I sales may be made and those to whom only title IV sales may be made.

The committee did not have hearings on this provision because it was not before us when the bill was considered in committee. However, we do not normally hold hearings on every provision which is added by floor amendment in either House, and the provision under consideration has had a long history. Section 107 has from the enactment of Public Law 480 excluded the U.S.S.R. and nations dominated by the foreign government controlling the world Communist movement from eligibility for title I and title IV sales. The question as to whether other Communist countries which are not so dominated should be excluded has long been the subject of debate.

Section 1(11) of the conference substitute amends section 107 in two respects that affect Yugoslavia and Poland. It prohibits title I sales to Communist countries and it prohibits title I sales to countries whose ships or planes carry materials to Cuba.

If Senators want to vote to aid countries carrying materials to Cuba, they may do so. In the latter respect the conference report is modeled after section 620(a)(3) of the Foreign Assistance Act of 1961 which prohibits foreign assistance funds from being made available to countries whose ships or planes carry materials to Cuba.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. FULBRIGHT. I wish to clarify the question of hearings. I have been informed that the Findley amendment, which is the main one I have been talking about, was offered in the House in Committee of the Whole and was rejected by a voice vote after 10 minutes of debate.

It was included in the bill by incorporating it into a motion to recommit, which was not debatable, and in that fashion was adopted by a small majority of about 20. That is the record of the action taken on it. It shows how casually and with what lack of serious attention it was considered by the House, with no consideration or debate in the Senate. Is that not correct?

Mr. JOHNSTON. That is generally correct. So far as the Senate is concerned, we did not consider this matter at all in committee.

Mr. FULBRIGHT. Nor on the Senate floor. There was no debate.

Mr. JOHNSTON. That is true. The question did not arise.

The Foreign Assistance Act of 1961 therefore prohibits assistance to Poland and Cuba in essentially the same manner as the current conference report prohibits title I sales to those countries. The current provision therefore presents nothing that Congress is not familiar with and which would require special hearings or special reference.

Section 1(11) also authorizes title IV sales for dollars, with credit for up to 5 years, to be made with countries which are now barred by other law from the benefits of title IV.

Mr. FULBRIGHT. Mr. President, will the Senator from South Carolina yield?

The PRESIDING OFFICER (Mr. SALINGER in the chair). Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. JOHNSTON. I yield.

Mr. FULBRIGHT. In the Foreign Assistance Act the President is given discretionary authority, if it is found to be in the national interest, to make a waiver. That was proposed, I understand, by representatives of the administration to the conference committee, but the conference committee did not accept it. If we had put in such discretionary authority for the President, we would have gone a long way toward improving the bill. This is one of the reasons why I believe that if the conference report were referred to committee to make the proper recommendations based upon the hearings, it might be possible to persuade the House to do something about it.

Mr. JOHNSTON. I do not know of any waiver, but the provision added last year appears to be quite clear.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point section 620(a)(3) of the Foreign Assistance Act of 1961.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> (3) No funds authorized to be made available under this Act (except under section 214) shall be used to furnish assistance to

> any country which has failed to take appropriate steps, not later than sixty days after the date of enactment of the Foreign Assistance Act of 1963—
>
> (A) to prevent ships or aircraft under its registry from transporting to Cuba (other than to United States installations in Cuba)—
>
> (i) any items of economic assistance,
>
> (ii) any items which are, for the purposes of title I of the Mutual Defense Assistance Control Act of 1951, as amended, arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, or items of primary strategic significance used in the production of arms, ammunition, and implements of war, or
>
> (iii) any other equipment, materials, or commodities, so long as Cuba is governed by the Castro regime; and
>
> (B) to prevent ships or aircraft under its registry from transporting any equipment, materials, or commodities from Cuba (other than from United States installations in Cuba) so long as Cuba is governed by the Castro regime.
>
> (b) No assistance shall be furnished under this Act to the government of any country unless the President determines that such country is not dominated or controlled by the international Communist movement.

Mr. FULBRIGHT. Section 614 is the section concerning the waiver according to the President's findings.

Mr. JOHNSTON. That question arose in conference, but the House would not agree to the proposal. I offered something along that line, but we know that we do not always get everything in conference that we would like to have. I asked for consideration of my suggestion, which committee members will verify, but the conference committee did not agree to it.

Mr. President, in regard to the length of credit made available under title IV, section 1(11) applies differently to Poland than it does to Yugoslavia. Under the Battle Act, which prohibits financial assistance to countries shipping certain materials to nations threatening the security of the United States, Poland has been held ineligible for the credit terms provided by title IV. The conference substitute therefore provides new authority for title IV sales to Poland on credit for up to 5 years.

The conference substitute actually will have very little effect upon Poland and Yugoslavia and represents nearly a complete yielding of the House position, which would have excluded these countries from Public Law 480 sales completely. At present, the Battle Act prevents any financial assistance to Poland. This has been held to prevent any sales under title IV, and to prevent sales under title I except under limitations not applicable to other countries. Under these limitations, we now make title I sales to Poland for zlotys, which can be used only for U.S. uses. The Battle Act prohibits their use for financial assistance to Poland. Of course, we cannot use all these zlotys. So, at the end of a specified period under the agreement, they are convertible to dollars. The conferees could not see that this was greatly different from a sale for dollars on credit. The conference substitute authorizes 5-year credit sales to Poland, so the substitute should not have any substantial effect on our relations with Poland.

I should like to point out that we have been moving toward normal commercial sales in the case of both Poland and Yugoslavia, and this is in the interest of all concerned. Last year, one-third of the commodities we sold to Poland were for cash or on normal commercial terms if Poland could obtain bank guarantees, one-third was under title I with conversion of zlotys to dollars after 40 years, and one-third was under title I with conversion of zlotys to dollars after 3 years.

Yugoslavia has not been held to be affected by the Battle Act. It is therefore at present eligible both for title I sales and title IV sales. During the fiscal year just completed, it agreed to purchase under title I commodities worth about $26.3 million on the basis of Commodity Credit Corporation costs. During the same year, it agreed to purchase under title IV commodities worth about $67.8 million. So currently Yugoslavia is making the great bulk of its purchases under title IV. The conference substitute will permit it to continue to make purchases under title IV, so the substitute should not have any great effect on our dealings with Yugoslavia.

The State Department, I am sorry to say, is always letting down the bars to various countries. Sometimes it is active with the Communists, at least in doing business with them; and sometimes keeps us from making large sales to other countries. In the case of the wheat transaction, it held up the sale of approximately 200 million bushels of wheat to see if any other country wished it before it was finally sold.

The conference substitute keeps both of these countries within the definition of "friendly countries" for the purposes of title IV. The fact is, the substitute does not mention either of these countries by name. They are affected by the substitute because they fall within the group of countries which have Communist governments and whose ships and planes go to Cuba. Communist countries, which have managed currencies and economies, present entirely different problems with regard to exchange rates and other matters than do other governments. These problems are properly within the jurisdiction of the Committee on Agriculture and Forestry which handles legislation dealing with disposing of our surplus farm products.

If the conference report should be referred to the Committee on Foreign Relations to die there in this session—I do not have to tell Senators and Representatives that that is what it would mean—Public Law 480 would expire on December 31, 1964. Then no agreements could be entered into under any title of it with Yugoslavia or Poland or any other country, to the detriment of all those countries, as well as to the detriment of this country, particularly American agriculture. In disposing of our surplus products, we would be hurt very much.

Referring a conference report to a committee is a very unusual procedure, without precedent so far as can be determined, particularly a committee that was not even dealing with the situation. In the more than 20 years I have been in the Senate, I do not recall this having taken place before.

The Committee on Foreign Relations would not be in a position to recommend any amendment to it, since the report must be accepted or rejected in toto. The House has already accepted the bill as reported by the conference committee.

The conference report represents a carefully worked out solution to the very difficult situation presented by the House amendment. We tried to weaken the House provisions on this point as much as we could and at the same time protect the people of the United States and not build up Cuba.

If it is rejected, there is no assurance that the House will yield as far as it has a second time. I ask that the motion of the Senator from Arkansas be rejected.

Mr. FULBRIGHT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. Thirteen minutes.

Mr. FULBRIGHT. I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I support the motion of the Senator from Arkansas to refer the conference report to the Committee on Foreign Relations.

I see the amendments placed on the conference report in the House as they apply to Poland and Yugoslavia as an undue restriction upon the authority of the President to conduct foreign policy. In past years under the administrations of President Eisenhower, and President Kennedy, I opposed amendments to foreign aid bills and other bills, which placed unreasonable limitations upon the ability of the President to conduct foreign policy, and I do so today. My position has not been inflexible. I voted against extending aid to Indonesia because of its aggressive policies. I spoke and voted against the wheat deal with Russia, whether for cash or credit, because it involved a complete change in trade policies, and has been followed, as I predicted, by the increased trade of other countries with Russia and Cuba. But if we take a narrow position, and deny to the President in every case instruments which are necessary for him to conduct our foreign policy, we are limiting the ability of our Government, the Congress itself, and our country to better secure itself and to make progress in the struggle between freedom and communism. Yugoslavia and Poland are Communist countries. I admit that I see no signs of any change in the immediate future. Nevertheless, it has been one of the purposes of our foreign policy to attempt to break the Eastern European countries away from the Soviet Union. There has been some success in this effort in that they have maintained a measure of independence from Russia.

The Soviet Union uses every instrument and power available to it—including aid and trade in Asia and Africa and in Latin America to advance its policies and aims. I do not see why we should deny the President similar flexibility in the conduct of foreign policy. I do not think that it will be abused. I hope that it will not be. I would not expect any large amount of sales to be made to either of these countries for local currencies. But I do agree with the Senator from Arkansas [Mr. FULBRIGHT]. While we can and should be selective as to our aid, I believe that year by year, we are gradually reducing the ability of the President to make decisions which are necessary to conduct our foreign affairs in our own best interest, and in competition and struggle with the Soviet Union.

I believe it is entirely reasonable that the Committee on Foreign Relations should have a look at these amendments which were agreed to in the House. The committee would quickly report to the Senate their recommendations, and we could take action.

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 minute.

Mr. MONRONEY. It has not been the policy, for 10 years or more, for the President to have the power that the distinguished chairman of the conference committee [Mr. JOHNSTON] is asking that he be granted, to continue to sell or not to sell agricultural surplus commodities to various nations of the world under Public Law 480.

It has been used as a diplomatic instrument, has it not, by all of the Presidents?

Mr. FULBRIGHT. Certainly. This policy, as it exists, was used under the administration of President Eisenhower, as well as in the past 4 years. This is an effort to change the status quo in regard to Yugoslavia and Poland with respect to sales for local currency. I have stated before that if the committee wished to stop all sales to everyone, that would be another matter. But, if we were to pick and choose among countries, as was done in this case here, we would affront, in a sense gratuitously, countries which have been classified as countries eligible to receive sales under title 1.

Mr. MONRONEY. Certainly; we would be also expressing a sense of suspicion that the President, the Secretary of State, or those in charge of our foreign policy do not have the good sense or judgment to conduct these sales in a manner that increases, rather than decreases, U.S. prestige among the wobbly nations that have been in the past under forcible Communist domination, and which seek now to be free of that domination and to establish their own government and control their own affairs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield 2 more minutes to the Senator from Oklahoma.

The Senator is correct. As the bill is written, it does not forbid sales. It clearly gives the authority to make sales. It is still discretionary with the President as to whether it would be wise to make sales. It has been found wise to make them, not only under the present administration, but also under preceding administrations.

Mr. MONRONEY. If we do encumber the bill with amendments, Russia, the country that seeks to keep those countries under domination, will be relieved of any fear that they will seek independence. Under this bill, we play into the hands of the Russians by saying, "Under no circumstances do you need to worry about any defection in Poland or Yugoslavia. Congress has taken care of that. You do not have to have those useful American products offered to those who wobble within the Communist orbit."

Mr. JOHNSTON. Mr. President, in reply to what has just been stated, these countries still have the right to do business under title IV. Yugoslavia has been doing two-thirds of the business under that title during the past fiscal year. I think they ought to be permitted to purchase for credit under title IV, and that is the only thing this bill does.

I yield 2 minutes to the Senator from Iowa.

Mr. HICKENLOOPER. How much local currency in zlotys have we piled up in Poland as a result of sales—and I use the word "sales" with apology. They are not sales. They are gifts under Public Law 480. The products were given to them. We cannot do anything with the zlotys. I believe there is approximately a half billion dollars, if I am not mistaken, piled up over there.

Mr. JOHNSTON. I have been informed that it is $477 million.

Mr. HICKENLOOPER. That, to my mind, is the proper figure. That amount is piled up over there in local Polish currency, only a small portion of which we are able to use within the country for certain restricted expenses.

I am on the Committee on Agriculture and Forestry, and the Committee on Foreign Relations. I was a member of the conference committee. I believe that the Senate should either agree to the conference report or reject it.

I do not know of any precedent. As I say, I am on the Committee on Foreign Relations. I am proud of that committee and its responsibilities. But I have never heard of the Committee on Commerce demanding that a conference report pertaining to foreign affairs be referred to the Committee on Commerce. I believe it is an unwise precedent.

Mr. FULBRIGHT. The Senator recalls instances in which the Committee on Foreign Relations has voluntarily referred bills which involved tax matters to the Committee on Finance and accepted its recommendations.

Mr. HICKENLOOPER. Yes. And we have met with the Committee on Armed Services, but not on conference committee reports. We have met with committees when bills were under consideration.

Mr. FULBRIGHT. The Senator is correct. But I have never heard of a conference report going so far beyond its proper jurisdiction. This is the first instance in my experience in the Senate in which this has happened.

The Senator will agree that neither the House nor Senate committee held any hearings whatever on these proposals.

Mr. HICKENLOOPER. They have taken action on them in different ways at various times.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JOHNSTON. I yield 2 additional minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 additional minutes.

Mr. HICKENLOOPER. Again I point out that regardless of opinion on this issue, the only defensible procedure is for the Senate to vote up or down the conference committee report. If the Senate does not like what the conference committee said on the Public Law 480 program, it ought to vote down the conference report. If it approves it, it ought to vote it up. But the procedure proposed is unprecedented. I believe it would rise up, smite us, and confuse the issues mightily. The question is on accepting or rejecting the conference report. I know of no time in the past 20 years when a procedure of that kind has been indulged in. I think it would not only be bad practice, but it would be completely out of the terms of reference basically of the committees of conference in connection with their responsibilities. The report should be voted up or down as a conference report. I would dislike to see the precedent proposed established.

The PRESIDING OFFICER. All time of the Senator from South Carolina has expired.

Mr. FULBRIGHT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 8 minutes remaining.

Mr. FULBRIGHT. Mr. President, I yield 4 minutes to the Senator from South Dakota [Mr. McGOVERN].

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 4 minutes.

Mr. McGOVERN. Mr. President, one of the disappointing aspects of this otherwise constructive congressional session has been the congressional assault on the food-for-peace program.

This program has been operating for 10 years with growing effectiveness under the authority of Public Law 480. First enacted in 1954, it was given new force by President Eisenhower's food-for-peace statement of 1959. It was again substantially reinforced by the strong support of the late President Kennedy who created a special White House office on food for peace which I was privileged to head in 1961 and 1962.

Food for peace is the near-perfect blend of American self-interest and international humanitarianism.

It has placed billions of dollars in the pockets of American farmers, shippers, and businessmen by developing new outlets and building new commercial markets for our farm abundance. It has reduced storage charges to our taxpayers by utilizing our surplus grains abroad.

It has been a powerful tool of American foreign policy and our oversea aid program. One wonders if there is any American asset which our Communist rivals covet any more than the worldwide demonstration of the abundance of America's family farms.

Finally, countless millions of men and women, boys and girls in a hundred nations have found new life and strength and hope through food for peace.

No other oversea program is working more effectively than this one. The program and its administrators—Secretary of Agriculture Orville Freeman, Secretary of State Dean Rusk, AID Administrator David Bell, Food-for-Peace Director Richard Reuter—are doing a marvelous job of strengthening and improving the operation of the program.

What they need is a strong congressional mandate to move ahead even more decisively and imaginatively in using our God-given food abundance as a tool for peace and humanity and as a justified reward for the efficiency of the American farmer.

If we restrict and hamstring and weaken food for peace, we are hurting the American farmer, jeopardizing the U.S. taxpayer, hurting our friends abroad, and undercutting our international interests.

Yet, this latter course is the one we have taken in this year's congressional assault on food for peace.

The food-for-peace conference report now before us is a great disappointment.

It will shrink and weaken the program. It is an irrational blow to the American farmer and to American foreign policy. This report includes some of the ill-advised actions of both the House and the Senate.

The facts are these:

The House Committee on Agriculture conducted long, painstaking hearings on food for peace. It reported out a good bill to the House floor, but as sometimes happens, a series of emotional speeches were made by people unfamiliar with the program, and several ill-advised, poorly conceived amendments were hastily added.

The worst of these was an amendment slapping in the face the people of Yugoslavia and Poland by ending food for peace in these countries. This is a clear invitation to the people in Poland and Yugoslavia to stop their growing relations with the West and their increasing independence of the Kremlin.

This new prescription must have brought joy to the international communistic planners. It will have the effect of weakening U.S. influence in Eastern Europe and throwing this area back into the Kremlin's lap. It will stop our market development success in Eastern Europe. It is plainly a foolish and badly conceived step that departs from the policy of President Eisenhower, President Kennedy, and President Johnson.

Unlike the House, the Senate committee gave only a passing glance at food for peace this year. A handful of witnesses were heard in 1 day. The committee itself never even read through the Senate bill. Not more than 45 minutes was devoted to committee discussion of the far-reaching implications of the bill.

The most serious weakness in the Senate version—the application of the appropriations process to the use of foreign currencies which accrue under the program, has been wisely omitted in the conference report. But there is included a new formula for redtape, delay, and inflexibility. It is based on the assumption that the currencies which we secure from desperately poor underdeveloped nations are the same as dollars and that, therefore, the Agriculture Committees of the House and Senate should have the right to veto the use of these currencies overseas at any time they wish. Every grant of the foreign currencies now being used for economic development and common defense purposes would be subjected to a possible veto by either the House or the Senate committee.

For my own part, I am not satisfied with our committee's action, and I assume my portion of the responsibility for our failure. Very frankly, I had assumed that the original House committee bill would prevail. The long hearings of the House committee which resulted in a carefully reached unanimous verdict of the committee seemed to give the leadership on food-for-peace extension this year to the other body.

Instead, the hastily approved Senate bill was speeded to the floor and ratified without a record vote under what was then the rush for an August 22 adjournment.

Then the House surprisingly rejected its carefully drawn, unanimously supported committee bill, and the mischief-makers took over. The result is the crippled report now before us.

It should by all means be sent to the Foreign Relations Committee for repairs and rejuvenation, as proposed by the Senator from Arkansas [Mr. FULBRIGHT] or if that is not possible under the rules, it should be rejected and a new report secured.

Mr. HART. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield 1 minute to the Senator from Michigan.

Mr. HART. Most of us, when we discuss and debate proposed programs, are talking about something which we have not had an opportunity to see on the ground. About a year ago, it was my good fortune to spend a week in Poland. On my return I reported to the Senate my deep conviction that the Public Law 480 program has been spectacularly successful in serving our own long-term national interests, as well as being basically right and decent. I hope that we shall not damage it.

Mr. KEATING. Mr. President, will the Senator yield to me one-half minute?

Mr. FULBRIGHT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 3 minutes remaining.

Mr. FULBRIGHT. Mr. President, I yield one-half minute to the Senator from New York.

Mr. KEATING. I shall support the motion to send this conference report to the Foreign Relations Committee with the limitations as proposed.

I have consistently given strong backing to the food-for-peace program, so long as it has been assured that our surpluses are used to benefit people, not governments. I should not like to see this program, which has had great successes, crippled by what has been done in the bill this year. In my judgment, there is, with respect to the question of Poland and Yugoslavia, a definite need for further study in committee and accordingly, with the time limitation that has been attached, I will agree to that course of action.

Mr. FULBRIGHT. I wish to make one further observation. If the conference report is referred to the Committee on Foreign Relations, I propose to develop the proper recommendations. The report would then come back to the Senate, and the Senate would then agree to it or reject it with an understanding of what it was doing.

Mr. CLARK. Mr. President, will the Senator yield me 2 minutes?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Pennsylvania.

Mr. CLARK. I hope the motion of the Senator from Arkansas will prevail. Criticism has been raised as to procedure. The procedure was fixed and determined by the unanimous-consent agreement into which the Senate entered yesterday. If there is any deficiency in procedure, in my opinion, it is because the Committees on Agriculture and Forestry of both Houses and the conferees of those committees impinged on the jurisdiction of the Committee on Foreign Relations on a subject into which they should never have gone.

The motion to refer the conference report to the Committee on Foreign Relations, in my judgment, is entirely appropriate in order that testimony may be taken which has not been taken before a committee of either House to determine the position of the administration with respect to the question and to determine the position of other interested persons as to whether we should offer this affront to the Governments of Poland and Yugoslavia, which we are trying to wean away from the Communist monolithic group, in order to provide them with a situation in which they could have some independence, and support our policies of freedom in Europe and across the world. The action of the conference committee would weaken a vital instrument available to the President to pursue a flexible policy in Eastern Europe.

In the case of Yugoslavia, the AID foreign assistance program has been terminated. In our Public Law 480 program for that country we have moved from a situation where there was no title IV component between fiscal year 1955 and fiscal year 1961 to our fiscal year 1964 program where 72 percent of our total title I and title IV programs was under title IV.

The executive branch fully intends to continue this movement toward sales for dollar repayment as conditions permit. But it is important for the President to retain the ability to continue title I for Yugoslavia when conditions warrant. In fiscal year 1964, for example, the Yugoslav balance-of-payments situation appeared strong enough to support the shift from a 15- to a 72-percent title IV component in the Public Law 480 programs. In fiscal year 1965 conditions are different. Adverse weather conditions have reduced the 1964 Yugoslav wheat crop by over 600,000 tons compared with 1963. The liberalization of the Yugoslav foreign-trade system to make it consistent with free-world practices and the requirements of GATT membership has placed the Yugoslav balance-of-payments position under unusual strain. U.S. inability to respond to such developments promptly with some title I sales limits the flexibility of our economic instruments and deprives us of the means for making a significant economic and political impact. It is particularly important that the United States retain a liberal instrument of assistance such as title I in order to support the economic liberalization programs undertaken by Yugoslavia in its move away from the typical Soviet model and closer association with the world market.

In the case of Poland, our most recent agreement with Poland in February 1964, graphically demonstrates the deliberate speed with which the United States was shifting the nature of our sales of agricultural commodities to Poland. The agreement contained three parts: first, approximately $30 million worth of agricultural commodities were sold under the same concessional terms as in our previous agreements; second, another $30 million worth of sales for zlotys is to be converted and paid to the United States in dollars over a 3-year period; and third, Poland agreed to buy commercially still another $30 million worth of agricultural goods in 1964 through private channels.

This agreement clearly reflects careful tailoring to meet the particular Polish situation. The abrupt hardening of terms into a title IV program prevents gradualism and a sophisticated use of Public Law 480 as an instrument of foreign policy in Poland. Furthermore, it aggravates Poland's problem of indebtedness to the United States by imposing an additional dollar burden just when Poland's obligations to the U.S. Government accelerate. In 1963, these obligations were $11 million. By 1967 they will be approximately $30 million.

I yield back the remainder of my time.

Mr. MORSE. Mr. President, I ask for 1 minute.

The PRESIDING OFFICER. The Senator has 1 minute left.

Mr. FULBRIGHT. I yield 1 minute to the Senator from Oregon.

Mr. MORSE. I am on the other side.

Mr. FULBRIGHT. It does not matter.

Mr. MORSE. Mr. President, there is no precedent for this procedure in the history of the Senate. The proposal to direct that the conference report be committed to the committee is out of order. Rule XXII—contrary to the ruling the other day—does not support it. There is only one thing to do with the conference report; namely, to vote it up or down. As a member of the Foreign Relations Committee, I believe we would establish a very bad precedent today if we started committing conference reports. We should vote them up or down, and not commit them to any committee.

Furthermore, we ought to respect the conferees we sent to conference. They have jurisdiction. Certain members of the Foreign Relations Committee may not like the results. As one member of that committee, I do not believe the substantive merits have anything to do with the question. The question is whether we are to protect the procedures of the Senate with reference to conference reports.

It would be a sad thing if we committed a conference report to another committee, rather than face the substantive question of voting the conference report up or down. What are Senators afraid of?

The PRESIDING OFFICER. All time on the motion has expired. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. AIKEN. Mr. President, may we have the question stated?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas to refer the conference report to the Committee on Foreign Relations with instructions to report not later than September 30.

Mr. ALLOTT. Mr. President, a parliamentary inquiry. I did not hear the last part of the statement.

The PRESIDING OFFICER. With instructions to report no later than September 30.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from Virginia [Mr. Byrd], the Senator from West Virginia [Mr. Byrd], the Senator from Idaho [Mr. Church], the Senator from Oklahoma [Mr. Edmondson], the Senator from Louisiana [Mr. Ellender], the Senator from Alaska [Mr. Gruening], the Senator from Indiana [Mr. Hartke], the Senator from Minnesota [Mr. McCarthy], the Senator from Maine [Mr. Muskie], the Senator from Florida [Mr. Smathers], the Senator from New Jersey [Mr. Williams], and the Senator from Ohio [Mr. Young] are absent on official business.

I further announce that the Senator from Alabama [Mr. Hill], and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that the Senator from Nevada [Mr. Cannon], the Senator from Mississippi [Mr. Eastland], the Senator from Minnesota [Mr. Humphrey], the Senator from Washington [Mr. Jackson], and the Senator from Oregon [Mrs. Neuberger] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. Brewster] and the Senator from Washington [Mr. Jackson] would each vote "nay."

On this vote, the Senator from Massachusetts [Mr. Kennedy] is paired with the Senator from Louisiana [Mr. Ellender].

If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from New Hampshire [Mr. Cotton], the Senator from Nebraska [Mr. Curtis], the Senator from Illinois [Mr. Dirksen], the Senator from Arizona [Mr. Goldwater], the Senator from Massachusetts [Mr. Saltonstall], the Senator from Pennsylvania [Mr. Scott], and the Senator from Texas [Mr. Tower] are necessarily absent.

If present and voting, the Senators from Kansas [Mr. Carlson and Mr. Pearson], the Senator from New Hampshire [Mr. Cotton], and the Senator from Texas [Mr. Tower] would each vote "nay."

On this vote, the Senator from Massachusetts [Mr. Saltonstall] is paired with the Senator from Nebraska [Mr. Curtis]. If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. Scott] is paired with the Senator from Illinois [Mr. Dirksen]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 24, nays 46, as follows:

[No. 582 Leg.]

YEAS—24

Bartlett
Bayh
Case
Clark
Cooper
Douglas
Fulbright
Gore
Hart
Javits
Keating
Kuchel
Long, Mo.
McClellan
McGee
McGovern
Metcalf
Monroney
Nelson
Pell
Randolph
Ribicoff
Salinger
Sparkman

NAYS—46

Aiken
Allott
Anderson
Beall
Bennett
Bible
Boggs
Dodd
Dominick
Ervin
Fong
Hayden
Hickenlooper
Holland
Hruska
Inouye
Johnston
Jordan, N.C.
Jordan, Idaho
Lausche
Long, La.
Magnuson
Mansfield
McIntyre
McNamara
Mechem
Miller
Morse
Morton
Moss
Mundt
Pastore
Prouty
Proxmire
Robertson
Russell
Simpson
Smith
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—30

Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Eastland
Edmondson
Ellender
Goldwater
Gruening
Hartke
Hill
Humphrey
Jackson
Kennedy
McCarthy
Muskie
Neuberger
Pearson
Saltonstall
Scott
Smathers
Tower
Williams, N.J.
Young, Ohio

So Mr. Fulbright's motion to commit the conference report to the Committee on Foreign Relations was rejected.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. As I understand, the question now is whether or not the Senate will vote to accept the conference report. Is that correct?

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. FULBRIGHT. As reported and as discussed. I wish to say only a word or two. As usual, there were only a few Senators in the Chamber when we discussed the merits of the conference report. I wish to take a minute to say that I believe it would be wise for the Senate to reject the conference report and ask for a further conference with the House, which can be done. This would enable the conferees in conference to cure the major defect in the bill. It would be very simple if the conferees would accept the waiver power on the part of the President of the United States. This power we have customarily granted to the President in similar situations; so if he found it to be in the national interest to make sales, they could be made.

A few minutes ago, in very succinct language, the Senator from South Dakota described the purpose of the food-for-peace program. We all know that he was formerly the director of the food-for-peace program. He knows it thoroughly, and he knows what progress it has made.

It has made a great contribution. Great progress has been made in moving toward purchases with hard currencies. Such purchases have been increasing. They will continue to increase in the future, unless we go out of our way to insult various nations and make it difficult for them to do business with us. The conferees should have an opportunity to cure the major defect. The conferees should have an opportunity to hear what the State Department has to say about these matters. Such action would be in accordance with the usual practice.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CLARK. Mr. President, it is my understanding—and my information is purely hearsay—that the Johnson administration supports the position of the chairman of the Committee on Foreign Relations. Is that correct?

Mr. FULBRIGHT. Yes; the State Department drew this matter to my attention. It is very strongly against the provision regarding sales, and it also has objections to the provision relating to the President's budget, which undertakes to direct the President as to how he shall prepare the budget. That is another matter. That is not primarily under the jurisdiction of the Committee on Foreign Relations.

The representatives of the State Department would make their own case. They would have an opportunity to present their case to the conference committee. No hearings were held on these matters.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. LAUSCHE. Are the views expressed by the Senator from Arkansas his own, genuine observations on the problem, or are they those which have been directed to him by the State Department.

Mr. FULBRIGHT. The views are my own. The Senator from Ohio knows very well that I made similar arguments last year in regard to the most favored nation clause.

Actually, as I said in my speech on the previous motion, this report involves almost the same considerations that were involved in the most-favored-nation clause argument. In that case, the Senate supported my position.

Mr. AIKEN. Mr. President, like the Senator from Arkansas, I am dissatisfied with the conference report, but I am not enough dissatisfied with it to kill the program, which I am sure would be the result of rejecting the report at this time. It has already been adopted by the House. I do not know whether the House will have a quorum again this year or not.

Public Law 480 has provided a wonderful program. It has been of immense value to us in maintaining good relations with other countries in other parts of the world. But this program has almost run its course. The surpluses that were so burdensome a few years ago are being depleted. Feed grains are down to an amount which is not much more than a safe level for our own use. The wheat surplus is so small that it does not comprise more than about 150 million bushels more than a realistic normal supply. We have already committed more dairy products than we have been able to deliver to foreign countries.

If this report goes back to conference, it will probably mean the end of the program. I am satisfied that the House is in no mood to do any further business with us on it. Not only that, but I am sure it would mean certain death for the coffee agreement, as well.

I am not satisfied with the conference report, but it is the best we are going to get, and it is likely to be the last Public Law 480 program which will be approved by Congress, because we are moving onto a free trading basis more and more every year.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. JAVITS. I voted in favor of the motion of the Senator from Arkansas [Mr. FULBRIGHT] to refer the conference report to the Foreign Relations Committee for hearings and study because the Findley amendment would weaken the President's ability to pursue flexible policies in Eastern Europe and would curtail his freedom of action in a vital area of foreign affairs. Moreover, the executive branch was given no opportunity to present its views on the amendment.

I shall vote to support the conference report because I think on balance, a greater good is involved in this program. Public Law 480 has been of incalculable benefit to many recipient countries of the free world as well as to the United States during the past 10 years. Our program in Poland and Yugoslavia has contributed to the reversal of farm collectivization in both countries and to a moderation of oppressive police practices. While the conference report would stop further sales for local currency under title I to both Poland and Yugoslavia, it would permit continued sales under title IV for hard currencies. Credit terms to Poland would be limited to 5 years, while to Yugoslavia 20-year credits could be continued. Inasmuch as in recent years sales to both countries have been made increasingly on commercial terms, the effect of this prohibition should not have a major impact on sales.

Thus, I think we have a balance of greater good which is involved in the program.

I shall rely upon the statement of my senior colleague, the Senator from Vermont [Mr. AIKEN], that from that point of view, the report should be agreed to.

Mr. AIKEN. I agree with the Senator from Arkansas that this is not a good conference report. It is definitely unfair to Poland. I believe that Poland can become one of our great friendly nations in the course of time.

Public Law 480, contrary to some opinion, does give Yugoslavia the right to make dollar purchases on terms of 20 years' credit. Unfortunately, Poland through a quirk in some other law is restricted to a credit of 5 years in buying for dollars under the bill; but this is the best we can get. If we do not accept it, I am satisfied we shall get nothing.

Mr. JOHNSTON. Mr. President, I join in the statement just made by the Senator from Vermont. I fear that if the report is sent back to conference, we will not get as good a trade on this particular issue as we got this time.

The House eliminated Poland and Yugoslavia entirely. The Senate conferees persuaded the House conferees to give those countries the right to do business with us under title IV. The House yielded to us and agreed to that proposal. They said they had to have something with which to go back to the House; if they did not, they could not pass a Public Law 480 bill.

If we do not pass a Public Law 480 bill, we shall find that not only Poland and Yugoslavia, but other countries as well, cannot receive some of the agricultural surpluses of the United States. The law will expire on December 31 of this year.

After all the arguments had been made in the conference committee, all seven of the Senate conferees voted for this compromise. The objectionable provisions of the House amendment were watered down, so to speak. The House conferees agreed to take the conference report to the House to see if they could get the House to agree to it. They said they were absolutely satisfied that they could not have it passed in any other way.

Personally, I would probably agree with other Senators, including the Senator from Arkansas [Mr. Fulbright]. At the same time, when we go to conference, we do not get everything we want.

There are some things in the bill that are of vital interest to the farmers of the Nation in enabling them to dispose of surpluses which they have at the present time.

So if we kill the conference report now, we will kill the prospects of enabling farmers to dispose of the surpluses they have today.

Mr. FULBRIGHT. Mr. President, the rejection of the conference report will not kill the program. I should certainly ask for another conference with the House to see if this situation cannot be cured.

I invite the attention of the Senator from Vermont [Mr. Aiken]. He said that due to a quirk in another law, this program is limited to 5 years. On page 3 of the conference report the following statement appears:

> In the case of any such agreement which would be prohibited by any other act but for the foregoing sentence the maximum payment period shall be 5 years, instead of 20 years.

I do not see why it is not this report instead of some other law that limits the program.

Mr. AIKEN. I accepted the word of the counsel to the Committee on Agriculture and Forestry that while Poland is restricted to credit for 5 years——

Mr. FULBRIGHT. The conference report could just as well have said 10 or 15 years. But it provides for 5 years. I do not know that it is significant; but the Senator from Vermont said it was due to some other law. It is the conference report that accomplishes this restriction.

Mr. AIKEN. I am advised by counsel that the Battle Act prohibits any transaction at all with Poland under title IV at the present time. The bill would waive this to the extent of permitting credit for up to 5 years.

Mr. FULBRIGHT. That is title IV.

Mr. AIKEN. It is my understanding, however, that Yugoslavia is not restricted.

Mr. FULBRIGHT. That is correct. The conference report waives the Battle Act.

Mr. McGOVERN. Mr. President, I should like to take 1 more minute on this issue. No Member of the Senate is more vitally interested in the extension of Public Law 480 and the food-for-peace program than I. I had the privilege of working closely with this program for about a year and a half under the late President Kennedy.

It would be a mistake to adopt the conference report in its present form. I do not believe the rejection of the report would by any means indicate the end of the program. It is a program that means about a billion dollars a year to American agriculture. American business is heavily involved in it. The shipping industry is involved in it. It is an essential part of U.S. foreign policy. I cannot believe that Congress would be so foolish as to end the program merely because some objection to it is contained in this conference report.

The net effect of the adoption of the conference report in its present form would be to kill the food-for-peace program in Yugoslavia and Poland. If we take that action today, we can be quite sure that vodka will be flowing in the Kremlin tonight, because the Russians will be celebrating the decline of American influence in Eastern Europe. They will be celebrating the reverse of a policy that has been helping the people of Poland and Yugoslavia to develop a rather high degree of independence from the Communist movement.

It is true, as has been said, that their's is a form of government of which we do not approve. It is a form of government that none of us like. But those two countries have kept to themselves pretty much. They have not practiced aggression against other countries. They are beginning to move in the direction of a more individual relationship with us.

For the life of me, I cannot understand why Congress should want to slap those two countries, Poland and Yugoslavia, in the face at this time. In fact, I cannot understand this congressional assault on one of the finest, most effective programs on the statute books. I hope the Senate will reject the conference report and submit a better, more desirable report to Congress before it adjourns.

Mr. FULBRIGHT. Mr. President, I should like to make one observation. About 2 or 3 weeks ago, there was a great explosion of sympathy in the Senate for the Polish soldiers who died in World War II. We voted overwhelmingly—over my opposition—to provide money to keep up cemeteries for those Polish soldiers, even in Italy, as well as in Poland.

Now we are concerned with trying to do something for the Poles still alive, and no one seems to wish to do anything about it. This is really a strange operation when the Senate has authorized money for cemeteries for dead Poles but no grain for living Poles.

Mr. LAUSCHE. Mr. President, I cannot allow the statement of the Senator from Arkansas to go unchallenged.

There is a difference between the Polish people and the Polish Communist government. The Polish people believe in our cause. They believe in the principles for which our Nation stands. The Communist government does not. The Communist government is opposed to the philosophy for which we stand.

Mr. CLARK. Mr. President, will the Senator from Ohio yield?

Mr. LAUSCHE. Those of us who voted money for flowers and upkeep of the graves of Polish soldiers who died in Italy did not do so intending to adorn the Communist government.

Mr. CLARK. Mr. President, will the Senator from Ohio yield for a question?

Mr. LAUSCHE. We contemplated honoring the memory of the Polish people who fought for our cause in many places throughout the world.

The Communist government is an entirely different entity. To me, the issue is, plainly, "When we help a Communist government, are we helping our country?"

There is one school of thought in the Senate which feels that we can wean the Communists away by improving the economy and the society of the Communist nations. I do not belong to that school.

The more we build up their economy, the more we solidify the roots of communism in those countries.

I shall not attempt to discuss the situation as I understand it to prevail, especially in Yugoslavia, but the abundance there is greater than the abundance in our own country. It has not been the product of the Communist economy. It has been the product of our aid. We have $624 million worth of Yugoslavian dinars, all of them derived from the sale of surplus food. We might as well start pitching it all out with a fork because we shall never get rid of it. It is there in heaps, far beyond ability to digest.

This issue has been before us——

Mr. FULBRIGHT. Mr. President, will the Senator from Ohio yield for a correction?

Mr. LAUSCHE. I yield.

Mr. FULBRIGHT. According to page 88 of the hearings on foreign assistance, it is the equivalent of 81 million dinars in Yugoslavia as of June 30, 1963.

Mr. LAUSCHE. Let me ask the Senator from South Dakota [Mr. McGovern]. I obtained these figures from him.

Mr. FULBRIGHT. Poland is $442 million.

Mr. LAUSCHE. Poland is $442 million.

Mr. FULBRIGHT. Four hundred and forty-two million dollars equivalent.

Mr. LAUSCHE. In zlotys. How much is the equivalent?

Mr. FULBRIGHT. Eighty-one million dollars in dinars.

Mr. LAUSCHE. I do not agree with the Senator from Arkansas. I have found the figures of——

Mr. FULBRIGHT. These are not my figures. This is in the report.

Mr. LAUSCHE. The Senator from South Dakota [Mr. McGovern] told me the figure was $624 million, and in my judgment, based upon past experience, the figures of the Senator from South Dakota [Mr. McGovern] are closer than those of the Senator from Arkansas [Mr. Fulbright].

Mr. CLARK. Mr. President, will the Senator from Ohio yield for a question?

Mr. LAUSCHE. I yield.

Mr. CLARK. I should like to inquire of the Senator: Who eats this wheat, the Communist government or the people of Poland and Yugoslavia?

Mr. LAUSCHE. That is a sort of demagogic argument.

Mr. President, several minutes ago there was a discussion on the floor of the Senate concerning the quantity of Polish zlotys and Yugoslavia dinars that are in the possession of the U.S. Government. I have before me a White House report on the food-for-peace program which was issued April 3, 1964, and is signed by President Lyndon B. Johnson. I ask unanimous consent that the table appearing on page 24 of that report showing the quantity of soft foreign currency that we possess issued by the different countries be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE VII.—*Status of foreign currencies under title I, Public Law 480*

[In million-dollar equivalents]

Country	Agreement amounts through June 30, 1963	Collections through June 30, 1963 [1]		Disbursements by agencies through June 30, 1963 [3] [4]
		Sales proceeds	Other proceeds [2]	
India	2,430.9	1,599.2	20.1	780.1
Indonesia	344.6	254.9	.6	67.0
Iran	51.0	38.5	.4	32.5
Israel	291.0	223.6	18.6	160.6
Italy	152.9	144.2	1.4	140.3
Japan	150.8	146.3	----------	145.1
Korea	362.5	316.3	.4	279.7
Mexico	28.2	25.2	2.7	22.3
Morocco	21.9	19.6	1.3	4.6
Netherlands	.3	.3	----------	1.7
Pakistan	1,065.9	578.4	11.8	468.6
Paraguay	13.2	11.2	(5)	5.4
Peru	37.2	32.8	1.3	23.4
Philippines	36.2	34.6	.2	17.4
Poland	*477.3*	*452.5*	----------	*4.9*
Portugal	7.1	7.1	----------	7.1
Spain	505.9	488.0	9.5	367.6
Sudan	10.6	6.0	----------	1.1
Syrian Arab Republic	37.2	34.8	.2	7.3
Thailand	4.6	4.3	.1	4.8
Tunisia	33.6	29.6	(5)	13.6
Turkey	548.4	385.1	7.0	263.1
United Arab Republic	784.8	439.3	9.2	227.3
United Kingdom	48.2	48.5	----------	36.4
Uruguay	48.4	36.0	1.5	18.3
Vietnam	80.5	58.2	----------	33.4
Yugoslavia	*624.1*	*587.5*	*9.8*	*278.7*
Total	[6] 9,403.2	6,978.7	118.0	4,031.2

[1] Calculated at the collection rates of exchange.

[2] Public Law 480, 104 (e) and (g) loan interest and repayment of principal and proceeds from sales of 104(d) commodities.

[3] Prior to July 1, 1961, disbursements under secs. 104 (c), (d), and (e) grants were calculated at collection rates; sec. 104(f) sales at current Treasury selling rates; sec. 104(g) loans at loan agreement rates; secs. 104 (a), (b), (e) loans, (h) through (r) at the weighted average rates at the end of the months in which transfers were made to agency accounts for the balances remaining in the accounts. Subsequent to June 30, 1961, disbursements under secs. 104 (a) through (r) are calculated at either the current Treasury selling rate or the end-of-the-quarter market rates.

[4] Disbursements exceed collections in some countries because of conversions from other currencies.

[5] Under $50,000.

[6] Differs from table V which reflects purchase authorization transactions.

Mr. LAUSCHE. Mr. President, the report shows that we have $477 million worth of Polish zlotys and that we have $624 million worth of Yugoslavian dinars. The figures which were submitted challenging the correctness of our statement about a half hour ago dealt only with the foreign currency of Yugoslavia, which we have an unlimited right to spend. It did not deal with the total quantity. The chairman of the Committee on Foreign Relations said that we had $81 million worth of Yugoslavia dinars. We have $81 million that are free for spending in Yugoslavia. But, as I pointed out a moment ago, we have $624 million worth of dinars that are lying idle; we do not know what to do with it.

Mr. KEATING. Although I voted in favor of the motion to send the report to committee for further study with regard to sales to Poland and Yugoslavia, that move having failed, I see no practical alternative to accepting the conference report.

Food for peace is a program, which despite shortcomings, has largely served to the good of U.S. relations abroad. The bill, as it now stands, is not a perfect bill by any means, but it nevertheless offers what may be Congress' last opportunity to extend this program and perpetuate its successes.

In fact, there is a great deal in this bill which, to my mind, represents substantial improvement with regard to U.S. policy in the Near East, particularly in our attitude toward the Nasser regime.

Mr. President, I have made every effort without success to understand our Government's refusal to face up to Egypt's aggressive activities and threats to peace in the Middle East. I have cited example after example of President Nasser's intent to subvert freedom, his extensive and costly propaganda campaigns in the Middle East, Africa, and Latin America, his brutal interference in Yemen's civil war, his provocative brandishing of missiles against Israel and other peace-loving neighbors.

In voting last year for the antiaggression amendment to the Foreign Assistance Act, I had sincerely hoped that our foreign policy makers would apply the criteria set up by Congress strictly and fairly. This amendment has in effect been waived aside by the State Department with the ineffectual argument that Nasser's sending thousands of troops to Yemen did not constitute "engaging in or preparing for aggressive military efforts"—because he was supporting the republican coup leaders.

Mr. President, I have previously stated my conviction that cutting off aid to a particular country is not, ideally, action that should be taken by Congress. When, however, the President and the State Department repeatedly ignore the threat that Nasser poses to world peace, I think Congress is obligated to enact into law stronger provisions to insure that American aid is not stuffed into Egyptian cannons.

In view of this, Mr. President, I am gratified to note that the conference report has incorporated into this year's "food for peace" authorization language to the effect that the President shall bar Public Law 480 expenditures in any country if he finds such country is:

> (a) an aggressor, in a military sense, against any country having diplomatic relations with the United States; or (b) using funds, of any sort, from the United States for purposes inimical to the foreign policies of the United States.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], and the Senator from Oregon [Mrs. NEUBERGER] are necessarily absent.

I also announce that the Senator from Alabama [Mr. HILL] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CHURCH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the

Senator from Massachusetts [Mr. KENNEDY].

If present and voting, the Senator from Louisiana would vote "yea," and the Senator from Massachusetts would vote "nay."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kentucky [Mr. MORTON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Kansas [Mr. PEARSON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 54, nays 11, as follows:

[No. 583 Leg.]

YEAS—54

Aiken
Allott
Beall
Bennett
Bible
Boggs
Byrd, Va.
Case
Cooper
Dodd
Dominick
Ervin
Fong
Gore
Hickenlooper
Holland
Hruska
Inouye
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McClellan
McGee
McIntyre
Mechem
Miller
Morse
Moss
Mundt
Nelson
Prouty
Proxmire
Randolph
Ribicoff
Russell
Salinger
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Walters
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—11

Anderson
Bartlett
Clark
Douglas
Fulbright
Hart
McGovern
McNamara
Metcalf
Monroney
Pell

NOT VOTING—35

Bayh
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Eastland
Edmondson
Ellender
Goldwater
Gruening
Hartke
Hayden
Hill
Humphrey
Jackson
Kennedy
Long, Mo.
McCarthy
Morton
Muskie
Neuberger
Pastore
Pearson
Robertson
Saltonstall
Scott
Smathers
Tower
Williams, N.J.
Young, Ohio

So the conference report was agreed to.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, so that I can inform the Senate what the business will be for the remainder of the week, it is my understanding—and this is subject to correction—that there are three amendments to be considered, none of which under ordinary circumstances would take too long a period of time. If that assumption proves to be correct, it is hoped that the Senate will be able to vote on final passage of the foreign aid bill this evening.

I had hoped that that could be followed by a bill having to do with the ROTC, which I had promised the distinguished senior Senator from Georgia [Mr. RUSSELL], the chairman of the Armed Services Committee, that I would take up. But circumstances seem to preclude that. Nevertheless, it is intended to bring up the Executive Calendar, to take up the items on the calendar to which there is no objection and to lay before the Senate the Appalachian bill and get started on that.

If all of this proves to be halfway correct, it may be possible to vote on the Appalachian bill tomorrow. I realize that is taking a long trip into the blue yonder. But, that is the program as of now.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

(AMENDMENT NO. 1237)

Mr. AIKEN. Mr. President, I send to the desk my amendment No. 1327 and ask for its consideration. I do not intend to take more than 2 or 3 minutes on the amendment. I ask that the reading of the amendment be waived, but that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by Mr. AIKEN is as follows:

(d) Add at the end thereof the following new section:

"SEC. 639. LOYALTY AFFIDAVITS.—No part of any funds appropriated or otherwise made available for expenditure under authority of this Act shall be used to make payments under any contract, entered into for the purpose of carrying out any provision of this Act, between any department or agency of the Government or any recipient of assistance under this Act and any individual who is a United States citizen or with any corporation, partnership, or other association created under the laws of the United States or of any State or territory or substantially beneficially owned by United States citizens, unless there is executed and filed with the department or agency administering the program under which the assistance is furnished, by such individual, or the principal officers of such corporation, partnership, or association, an affidavit that he does not believe in, and is not a member of and does not support any organization that believes in or teaches, the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods. The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to such affidavits."

Mr. AIKEN. The amendment merely calls for the beneficiaries of our foreign aid program—and by that I mean the contractors and those who have their investments guaranteed—to take the same loyalty oath that is required to be taken by the beneficiaries of the so-called poverty program.

It may be recalled that when the proposal was made to amend the poverty program so as to require all beneficiaries who received even $500 a year to take a loyalty oath, the Senate overwhelmingly, by a voice vote, approved that amendment. I am sure that the Senate will be equally glad to approve this amendment, which would require the heads of contracting firms and others who receive great benefits from the AID program to take the same oath.

It keeps all people on the same level. Of course, it does not include them all, yet. But, give us time, and perhaps we can get the remainder of them.

I do not know how anyone could legitimately object to accepting this amendment after supporting the loyalty oath in the case of recipients of the poverty program benefits.

The PRESIDING OFFICER. Does the Senator from Vermont yield back the remainder of his time?

Mr. AIKEN. That depends on whether there will be any discussion in opposition or not.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. FULBRIGHT. Mr. President, I believe it is unworkable. Many universities participate in this program on a contract basis. I do not believe that they are beneficiaries. They are beneficial to the program; at the same time, they are in the position of contractors. Many financial institutions participate. If there were an attempt to enforce this provision literally, it would be almost impossible to do so with the many universities and banks in the country which participate in the guarantee programs, the investment guarantee programs, and other programs.

I do not think it could be administered at all. I am not a great advocate of the other loyalty oath that the Senator from Vermont was discussing. So I am certainly not inconsistent in objecting to this amendment.

I shall not support it. I hope the Senate will reject it.

Mr. AIKEN. Mr. President, I am sure that the Senator from Arkansas cannot mean that one class of people should take a loyalty oath and another class of people should not. I am sure that if Sarah Jones, walking on her crutches in the Ozarks, is required to take the loyalty oath in order to receive some benefit from the poverty program, the president of the University of Arkansas would be delighted to take the loyalty oath along with her.

I cannot conceive of any Senator voting against this amendment.

If the Senator from Arkansas is willing to yield back the remainder of his time, I am glad to yield back the remainder of my time.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. LAUSCHE. Mr. President, will the Senator yield 2 minutes to me?

Mr. AIKEN. Does the Senator wish to speak on the amendment?

Mr. LAUSCHE. I do not.

Mr. AIKEN. I would appreciate it if the Senator would wait until there has been a vote on the amendment.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

Mr. AIKEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1218

Mr. RIBICOFF. Mr. President, I call up my amendment No. 1218.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut will be stated.

The Chief Clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. RIBICOFF's amendment is as follows:

PART V—RELIGIOUS PERSECUTION BY THE SOVIET UNION

SEC. 501. It is the sense of the Congress that the United States deeply believes in freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress declares that abundant evidence has made clear that the Government of the Soviet Union is persecuting Jewish citizens by singling them out for extreme punishment for alleged economic offenses, by confiscating synagogues, by closing Jewish cemeteries, by arresting rabbis and lay religious leaders, by curtailing religious observances, by discriminating against Jews in cultural activities and access to higher education, by imposing restrictions that prevent the reuniting of Jews with their families in other lands, and by other acts that oppress Jews in the free exercise of their faith. The Congress further declares that the Soviet Union has a clear opportunity to match the words of its constitutional guarantees of freedom of religion with specific actions so that the world may know whether there is a genuine hope for a new day of better understanding among all people. Accordingly, it is the sense of the Congress that persecution of any persons because of their religion by the Soviet Union be condemned, and that the Soviet Union in the name of decency and humanity cease executing persons for alleged economic offenses, and fully permit the free exercise of religion and the pursuit of culture by Jews and all others within its borders.

Mr. RIBICOFF. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. RIBICOFF. Mr. President, I call up amendment No. 1218 for myself, my colleague from Connecticut [Mr. DODD], the senior Senator from New York [Mr. JAVITS], and the junior Senator from New York [Mr. KEATING]. I ask unanimous consent that the names of the Senator from Pennsylvania [Mr. SCOTT], the Senator from New Jersey [Mr. CASE], the Senator from Kentucky [Mr. MORTON], and the Senator from Iowa [Mr. MILLER] also be added as cosponsors of amendment No. 1218.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, this amendment was originally introduced as Senate Resolution 204 on September 25, 1963. It was cosponsored by 64 Members of this body including Mr. ALLOTT, Mr. ANDERSON, Mr. BARTLETT, Mr. BAYH, Mr. BEALL, Mr. BOGGS, Mr. BREWSTER, Mr. BURDICK, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. COTTON, Mr. DODD, Mr. DOMINICK, Mr. DOUGLAS, Mr. EDMONDSON, Mr. GOLDWATER, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. HOLLAND, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. KEATING, Mr. KENNEDY, Mr. KUCHEL, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNAMARA, Mr. METCALF, Mr. MILLER, Mr. MONRONEY, Mr. MORSE, Mr. MORTON, Mr. MOSS, Mr. MUNDT, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SALTONSTALL, Mr. SCOTT, Mr. SIMPSON, Mr. SMATHERS, Mr. SYMINGTON, Mr. THURMOND, Mr. TOWER, Mr. WALTERS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio.

I bring it up today so the Senate can go on record promptly against an especially great injustice: the Soviet persecution of the Jewish people. The Senate voicing the conscience of the American people, can call attention to an old problem that has flared up recently in virulent form—religious persecution, especially the persecution of Soviet Jews. It is important that we take an official stand on the Soviet Government's systematic policy of attrition against the 3 million Jewish citizens of the U.S.S.R.

The main components of that policy are:

First. Deprivation of cultural rights.

Second. Deprivation of religious rights.

Third. The anti-Jewish propaganda campaign.

Fourth. The scapegoating of Jews.

Fifth. Discrimination in education and employment.

Sixth. Refusal of the right to emigrate.

It adds up to a policy of reducing the Jews to second-class citizenship in the U.S.S.R., of breaking their spirit and crushing their pride. It aims to shatter, pulverize, and gradually eliminate Jewish historical consciousness and Jewish identity. This policy works itself out as a whole; but for purposes of examination and evaluation, it can be broken down into the following categories:

I. DEPRIVATION OF CULTURAL RIGHTS

The 3 million Jews of the U.S.S.R. are officially recognized as a nationality.

Although Soviet Jews constitute only 1.09 percent of the total Soviet population, they rank 11th numerically among the more than 100 diverse Soviet nationalities.

Soviet ideology, Communist Party directives, the Soviet Constitution and law, and historic Soviet practice all recognize the inherent right of every Soviet nationality to maintain and perpetuate its own cultural identity, through its own cultural institutions in its own language.

The Jews are the only nationality which is deprived of the basic cultural rights accorded to all the others.

Although the use of Hebrew as a Jewish national language was forbidden soon after the Bolshevik revolution, the Jews were permitted a wide-ranging cultural life in Yiddish.

Until 1940, they were permitted a large network of schools, elementary, middle and higher schools, in the Yiddish language. Until 1948, they were allowed newspapers, publishing houses, thousands of books, a variety of literary journals, professional repertory theaters and dramatic schools, literary and cultural research institutes—all in Yiddish.

In 1948, this whole vast array of institutions was forcibly closed down and liquidated. Hundreds of Jewish writers, artists, and intellectuals were imprisoned or banished. The 24 most distinguished and talented of them were secretly tried on trumped-up charges of espionage, and executed in 1952.

No basic change in this policy of cultural deprivation and discrimination occurred, despite Stalin's death and the gradual easing of conditions generally—until 1959. In 1959 and in 1961, only six Yiddish books were published—all six by writers long since dead. The books were put out in editions of 30,000 copies each, in large part for export. No Yiddish book was published in 1960 or 1962 or 1963 or in 1964 to date. And since 1948—16 years—not one Yiddish book has been published by a living Jewish writer.

The Soviet Yiddish theater, once one of the great prides of Soviet artistic achievement, was forcibly liquidated in 1948 and has never been reopened. In Moscow and Leningrad—the two major centers of Soviet Jewry, together numbering nearly 1 million Jews—there is neither a professional nor an amateur Jewish theater or any other Jewish artistic or cultural group permitted to exist.

Jews are forbidden schools of their own. They are forbidden classes in Yiddish or Hebrew in the general schools. They are even forbidden classes in the Russian language on Jewish history and culture.

II. DEPRIVATION OF RELIGIOUS RIGHTS

In addition to their status as a nationality, the Jews are also regarded as a religious group. Officially, Jewish congregations, synagogues, and rabbis occupy a status more or less comparable to similar religious institutions of the Russian Orthodox Church, the Baptists, the Lutherans, the Roman Catholics, and the Moslems.

But the Jewish religion is subjected to unique discrimination, and religious Jews are subjected to special disabilities which do not affect any other major religious denomination in the U.S.S.R.

Unlike all the other denominations, Jewish congregations are not permitted to maintain nationwide federations or other central organizations through which their religious needs would be serviced and religious contact and communication maintained. Synagogues and rabbis are also forbidden to maintain any kind of officially sanctioned, formal affiliation or contact with organizations of coreligionists abroad.

No Hebrew Bible has been published since 1917, nor has even a Russian translation of the Jewish Bible been allowed. Not a single Jewish religious book, whether of scholarship or piety, has appeared in print since the early 1920's. There is an extreme shortage of prayer books and religious calendars, and no facilities or authorization for their publication. The decades-old ban on Hebrew prevents Jewish children from understanding or participating in the prayers of their religion. The production of indispensable religious articles is prohibited.

Synagogues have been forcibly closed down in many cities and towns. In these circumstances, Jews frequently try to gather in each others' homes for prayers. But such private prayer meetings (minyans) have been banned, dispersed, or otherwise harassed.

A singular discrimination is practiced against the sole rabbinical seminary in the country, opened in Moscow in 1957. Its student body was never permitted to exceed 14, though a great many applications were received. For the last couple of years, no more than three or four students have been permitted there.

Three of the most ancient and fundamental Jewish religious rites have been subjected to systematic administrative pressures, whose object is to prevent Soviet Jews from practicing them. Soviet Jews have virtually ceased to practice circumcision, for fear of censure or punishment. Also, the authorities, in Moscow, Kiev, and other places in the past year or so, have effectively stopped the burial of Jews in consecrated ground. And in the past few years, they have prohibited the public baking and sale of matzah, the unleavened bread indispensable to the proper observance of the Passover. This year, as in the last 2 years in Moscow and the last 7 years in other parts of the country—religious Jews, and even secular Jews who have a special feeling for Passover and matzah, were forced to do without.

III. THE ANTI-JEWISH PROPAGANDA CAMPAIGN

The Soviet policy of cultural and religious repression of the Jews is conducted within the charged atmosphere of a virulent press and propaganda campaign against Judaism. In this campaign, Jews are represented in traditional anti-Semitic stereotypes—as unscrupulous, cunning, sly, and mean. Judaism as a religion is vilified. Its clerical and lay leadership is portrayed as a bunch of swindlers, moneygrabbers, and immoralists. The Jewish religion is portrayed as a focus of disloyalty to the U.S.S.R. It should be noted that only with respect to Jews and Judaism has the issue of loyalty been injected into Soviet antireligious propaganda.

Perhaps the most hair-raising example of this sort of thing appears in a full-scale "scientific" volume published in late 1963 by the Ukrainian Academy of Sciences in Kiev. It is called "Judaism Without Embellishment" by T. K. Kychko—and it passes for scholarship and science in the Ukraine.

Even though Soviet authorities belatedly issued tepid and halfhearted criticisms of the book, largely as a result of worldwide indignation and protest, it was never condemned for the vicious anti-Semitic tract that it is, and the authorities failed, as they have so often in the past, to use this incident as the occasion for the initiation of a massive educational campaign against anti-Semitism. Moreover, other such books, containing similar bile, continue to appear in the U.S.S.R.

IV. THE SCAPEGOATING OF JEWS

Alongside this virulent anti-Jewish propaganda in the press and other publications has been the notable pattern of hostility against the Jews in the massive national campaign waged against economic offenses.

Beginning in May 1961, a series of decrees called for capital punishment for such crimes as embezzlement, currency speculation, and bribery.

In the process of seeking to eradicate and prevent such large-scale and widespread economic abuses—in which the majority of the Soviet citizenry is evidently forced by economic necessity to engage—the authorities have made scapegoats of the Jews. Accompanying the draconic measure of capital punishment has been a major, systematic nationwide press campaign that has featured trials resulting in death sentences for the accused. Scores of such trials have been reported from cities throughout the country.

Jews have been used as the scapegoats for the economic ills that plague the country. They are singled out in these trials, which are conducted in a circus atmosphere that is a travesty of justice; singled out in the press campaign, which is a mockery of objective journalism; and singled out, most of all, in the death sentences. For of the 195 people sentenced to death for such crimes, at least 100—and possibly as many as 106—have been Jews.

In general, the Jews are consistently presented as people who are "Slaves of Gold" and "whose only God is gold" and who are "money worshippers"—all traditional anti-Semitic stereotypes which are applied in the Soviet press only to Jews accused of economic crimes.

The ominous significance of this publicity—alongside the anti-Semitic character of the official propaganda against the Jewish religion itself—is unmistakable. It informs the conditioned Soviet reader that the Government and party think the tiny community of Jews, constituting little more than 1 percent of the population, is responsible for 50–55 percent—and in some areas—such as the Ukraine—80–90 percent—of the economic crimes that warrant capital punishment.

All this has just been fully confirmed and analyzed in great detail in the current issue of the scholarly Journal of that distinguished world legal body, the International Commission of Jurists.

This has had two dire results: It has exacerbated endemic anti-Semitic. And it has created an atmosphere of fright and intimidation in many Jewish communities and homes.

V. DISCRIMINATION IN EDUCATION AND EMPLOYMENT

The proportion of Jews in higher education, science, and the professions has been declining for many years. In many universities and advanced institutes, a numerus clausus and sometimes even a numerus nullus prevails. Jews have diminished from 13.5 percent of all students in higher education, in 1935, to 3.1 percent today—and this, despite the fact that the Jews are a highly urbanized community whose aspirations toward education have diminished in no discernible way.

Some especially gifted Jews will indeed be found in top positions in various walks of life—a concession by the authorities to the country's needs in those sectors. But Jews have virtually disappeared from the diplomatic service and, with rare exception, from positions of major responsibility in the armed forces. Jews in the middle ranks of economic, industrial, technical, and engineering work know that they cannot aspire to the leading positions in any of those sectors.

VI. REFUSAL OF THE RIGHT TO EMIGRATE

East European Jewry, including Soviet Jews, suffered enormously at the hands of the Nazi butchers during the war. Many of the survivors in the U.S.S.R. are the sole remnants of their families on the East European soil that is for them intolerably soaked with Jewish blood, and, in their memories, filled with insufferable nightmares.

Many thousands of Soviet Jews wish to leave the U.S.S.R. to be reunited with the remnants of their broken families who have managed to create a new life for themselves on new soil—in Israel, the United States, and elsewhere.

The Soviet Government has refused these Jews the elementary human right, even on purely humanitarian grounds, to leave their country in order to be reunited with their families—even though the U.S.S.R. has in principle accepted the legitimacy of this right.

In sum Soviet policy places the Jews in an inextricable vise. They cannot assimilate, nor live a full Jewish life, nor can they emigrate to live freely as Jews or rejoin war-scattered families. On the one hand, the authorities want the Jews to assimilate; on the other hand, they fear the full penetration of Soviet life which assimilation implies. So the Jews are formally recognized as a nationality, as a religious group, as equal citizens—but are at the same time deprived of their national and religious rights as a group, and of full equality as individuals.

Soviet policy as a whole, then, amounts to spiritual strangulation—the deprivation of Soviet Jewry's natural right to know the Jewish past and to participate in the Jewish present. And without a past and a present, the future is precarious indeed.

In April of this year, hundreds of representatives of all the major national American Jewish organizations gathered in this city to express their unified concern with the current plight of their coreligionists in the Soviet Union. I was privileged, among others, to address that conference.

The American Jewish Conference on Soviet Jewry protested the denial to Soviet Jews of those basic institutions and facilities granted to other religions and nationality groups within the Soviet Union. In an appeal to the conscience of the free world, the conference expressed hope that the Soviet authorities would respond to at least 18 specific demands, as follows:

First. To declare its policy of eradicating anti-Semitism by a vigorous educational effort conducted by government and party.

Second. To permit the free functioning of synagogues and private prayer meetings.

Third. To remove hindrances to the observance of sacred rites such as religious burial and circumcision.

Fourth. To make possible the production and distribution of phylacteries, prayer shawls, mezzuzoth, religious calendars, and other religious articles.

Fifth. To restore all rights and facilities for the production and distribution of matzah and kosher food.

Sixth. To make available facilities to publish Hebrew Bibles, prayer books, and other religious texts in the necessary quantities.

Seventh. To permit the organization of a nationwide federation of synagogues.

Eighth. To sanction the association of such a federation with organizations of coreligionists abroad.

Ninth. To permit Jews to make religious pilgrimages to the Holy places in Israel.

Tenth. To make it possible to allow all qualified applicants to attend the Moscow Yeshivah, to provide facilities for the establishment of additional Yeshivot as needed, and to enable rabbinical students to study at seminaries abroad.

Eleventh. To provide schools and other facilities for the study of Yiddish and Hebrew, and of Jewish history, literature, and culture.

Twelfth. To permit Jewish writers, artists, and other intellectuals to create their own institutions for the encouragement of Jewish cultural and artistic life.

Thirteenth. To reestablish a Yiddish publishing house and to publish books in Yiddish by classical and contemporary Jewish writers.

Fourteenth. To reestablish Yiddish state theaters in major centers of Jewish population and to publish Yiddish language newspapers with national circulation.

Fifteenth. To eliminate discrimination against Jews in all areas of Soviet public life.

Sixteenth. To end all propaganda campaigns which use anti-Semitic stereotypes, implied or overt.

Seventeenth. To halt the discriminatory application of maximum penalties, including the death sentence, against Jews for alleged economic crimes.

Eighteenth. To make possible on humanitarian grounds Soviet Jews who are members of families separated as a result of the Nazi holocaust to be reunited with their relatives abroad.

The conference appealed for a redress of these and other wrongs and sufferings and for the elimination of discrimination and the full restoration of Jewish rights in the U.S.S.R.

The world has learned from bitter experience of the dangers of persecution of the Jews. We have learned that it is a symptom of a greater sickness, a symptom which, though it hurts the sufferer, is not felt by others until the sickness spreads.

Let us try to curb this sickness, before it spreads. Let us say to the Soviet Union:

> If the world is to have new hope, if the cold war is to ease, let the first thaw occur in the icy indifference you have shown to the plaintive cries of those within your borders who seek an end to religious persecution.

Soviet Jews surely have the right to walk in dignity—no less than their fellow citizens of other nationalities and religions. They are deprived of this right—and the Democratic Party of the Nation that is the leader of the free world, has the obligation to protest, in the name of human decency. I urge adoption of the amendment.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the Senator from Colorado.

Mr. DOMINICK. Will the Senator be kind enough to add my name as a cosponsor of the amendment?

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the name of the Senator from Colorado be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. TALMADGE. Will the Senator ask that my name be added as a cosponsor of the amendment?

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the name of the Senator from Georgia be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes?

Mr. RIBICOFF. I am pleased to yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. I hope very much that the Senate will adopt the amendment, and will do so unanimously. I make that statment for the following reasons: One of the most treasured traditions of the United States is the fact that it has protested violations of human rights throughout the years—ever since its early history—and it had occasion to protest persecution in czarist Russia, to condemn programs against Jews, and other oppressions in the closing decades of the 19th century.

Like many other Members of this body, I have been in the Soviet Union and I can testify personally to the atmosphere which exists there, which is designed directly to repress the practice of the Jewish faith.

The extraordinary thing is that in the barbaric practice in the Soviet Union of executing people for so-called economic crimes, such as alleged black-marketeering—punishment which is barbaric in terms of the civilized world—though Jews constitute 1½ percent of the population, over 50 percent of the almost 200 people executed for those economic crimes were Jews. The Russian newspapers, which rarely publish the names of those accused of crimes except in the case of a political show trial, regularly publish the names of Jews who are arrested and charged with black-marketeering in synagogues, and other alleged economic offenses. It is almost shameful that we must say it today, but that practice of reporting distinctly Jewish names could not go on without at least the implication that the Soviet Government looked upon it with some favor.

Mr. President, this is a precise case for an expression of emphatic disapproval by the Senate of the United States, and we have the opportunity to do in the fine amendment offered by the Senator from Connecticut [Mr. RIBICOFF]. I hope that the Senate will act upon it today, decisively, and unanimously.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the names of the Senator from Michigan [Mr. HART], the Senator from Wisconsin [Mr. NELSON], and the Senator from South Carolina [Mr. JOHNSTON] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield to my colleague.

Mr. DODD. I strongly support the amendment offered by my colleague. The amendment is timely. In fact, it is overdue in time. On several occasions I have spoken on the same subject—the persecution of religion and particularly of the Jews in the Soviet Union.

I remember back as far as 1954, when, as a Member of the House, I was privileged to serve on the Select Committee on Communist Aggression in the 82d Congress. The committee took extensive testimony on the persecution of Jews and other religious and ethnic minorities in the Soviet Union.

I have spoken in this Chamber on this subject before, and particularly in February 1960, when I made an extensive speech on the subject of persecution of the Jews in the Soviet Union.

Great credit is due our colleague from Connecticut for crystallizing this question and for giving it the dramatic setting which is needed for all to understand the situation currently and properly. He has rendered a great public service. And as the Senator from New York has pointed out, this action is essential. I hope that the Senate will act promptly. And I hope the Senate will act with one voice, so that our foes who are engaged in this dreadful and sinful persecution of the Jewish people in the Soviet Union will feel the great moral force and effect of the voice with which the U.S. Senate is speaking. I could not more heartily endorse it.

Mr. RIBICOFF. Mr. President, I ask unanimous consent to add as a cosponsor the name of the Senator from Nevada [Mr. Bible].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. I yield now to the Senator from New York [Mr. Keating].

Mr. KEATING. I thank the Senator from Connecticut and commend him for offering the amendment. I believe originally I was stated to be a cosponsor. If not, I would like to have my name added.

Mr. RIBICOFF. Mr. President, if the Senator will yield, the Senator from New York was an original cosponsor of the resolution and the amendment.

Mr. KEATING. I thank the Senator. I shall be brief. I hope we can reach a vote promptly and have a unanimous vote to condemn what is going on in Soviet Russia.

As a longtime exponent of the proposition that America's outrage over the U.S.S.R.'s ruthless persecution of its Jewish subjects must be firmly and formally declared, I am pleased to support this amendment, which expresses the sense of the Congress condemning Soviet persecution of members of the Jewish faith.

During my career in the Senate I have repeatedly taken the position that persecution in all its forms must be exposed and denounced. It is our obligation, Mr. President, to make it clear to the world that this Nation deplores anti-Semitism. I have cited numerous instances of Communist persecution of the Jews within its borders, painfully familiar accounts of vicious propaganda, imprisonment, and execution. World War II taught us the lesson that the world has become too small, and international responsibility too great, for us to ignore oppression wherever it appears.

Mr. President, this statement of principle will undoubtedly be attacked by the Communist world as self-righteous. In anticipation of this habitual criticism, let me say that Americans are all too aware of the wounds of prejudice in their own land, but an objective look at our record over the past decade certainly proves that an overwhelming majority of Americans are dedicated to eradicating the blot of intolerance and hatred. We are blessed with a form of government that allows us to protest and to stamp out injustice, and to work toward complete fulfillment of the ideals we cherish.

The peoples of the Soviet Union, on the other hand, do not enjoy civil rights. If the all-powerful Communist Party decides to make life miserable for a religious or an ethnic group, the object of its hate campaign has no recourse to a court of justice. Neither government or citizenry in the Soviet Union will take up their cause. Therefore, it behooves us, together with all freedom-loving peoples, to make known our unalterable opposition to this crime, and to state our position over and over again until the Soviet Union, under pressure of world opinion, feels shame for its persecutions and takes effective steps to abandon hate and bigotry as an instrument of national policy.

I am grateful to my friend from Connecticut and proud to be a cosponsor of the amendment which he has offered.

Mr. RIBICOFF. I yield to the Senator from Tennessee [Mr. Walters].

Mr. WALTERS. Mr. President, several months ago I joined with almost two-thirds of the Senate in cosponsoring Senate Resolution 204 condemning religious persecution of Jews and people of other faiths by the Soviet Union.

I did so because I felt we needed to make it clear to the world that we do not in any way condone the continuance of the present policies of religious oppression of the Soviet Union.

I have high hopes that the 88th Congress will add to its already outstanding record by adopting this resolution prior to final adjournment, either through committee action or as an amendment, thereby voicing the concern of the Congress and the people of the United States.

We are living at a time when the Communist concept, fathered by Karl Marx, threatens the way of life of the entire free world. Ours is a system of established law and order under God. The godless system of communism denies freedom to all; it is a system of government which robs the individual of the precious right of worship as he sees fit.

Today the people of the Soviet Union live under what has been characterized as a system of parental law in which people are treated not as independent possessors of rights, but as immature dependent youths who must be trained and disciplined in their consciousness of rights and duties and for whom rights are also gifts. Today the distinctive feature of Soviet law is that it is force law, since all of it is pointed to promote the policy of the Soviet Union without regard to the individual.

The intangible force that makes freedom and progress possible in the free world is of course law that concerns itself with the individual.

We, in America, are a religious people. Our Nation was given its beginning by God-fearing men and on the coin of the Republic we proudly proclaim "In God We Trust."

America has achieved her greatness not primarily because of her great natural wealth, but because the foundation of our form of government and way of life are firmly embedded in the rugged rock of our Christian spiritual heritage. It is a heritage that endured many trials and has successfully withstood the onslaughts of time and would-be conquerors. Ours is a good example of what religious freedom can do for a nation, and it is indeed fitting and proper that we strengthen our defenses against any encroachment of Communist ideology and doctrine by denouncing the Soviet persecution of the Jewish people.

By adopting this resolution we are announcing in clear, loud terms to the free world and to the Soviet Union that we are not now ready and never will be ready to accept the vicious propaganda pattern established in Russia against the Jews and we vigorously condemn its continuance.

Mr. RIBICOFF. Mr. President, I yield now to the Senator from West Virginia [Mr. Randolph].

Mr. RANDOLPH. Mr. President, widespread evidences of anti-Semitism in the Soviet Union have aroused the indignation of men and women throughout the world who believe in justice and freedom. It has been factually demonstrated in instance after instance that the Soviet citizens of Jewish faith are being persecuted because of their beliefs.

The B'nai B'rith International Council has recently issued a special report which documents anti-Semitic activity in every phase of Soviet life. The report specifies denials of Jewish cultural rights, provides a summary of suppression of Judaism in religious practices, and gives evidence of discriminatory action in areas such as education, employment, and political activity. It also points out that there are indications of rising anti-Semitic attitudes on the part of the Soviet people.

The Washington Star, on August 14, 1964, carried an editorial commending the efforts of our distinguished colleague, Senator Abraham Ribicoff, in focusing public attention on this deplorable situation. Senator Ribicoff has sponsored Senate Resolution 204 as an amendment to the Foreign Assistance Act of 1964, both of which call for a resolution on the part of Congress deploring persecution of the Jews in the Soviet Union. I request unanimous consent that the Star editorial be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

ANTI-SEMITISM IN THE SOVIET UNION

Senator Ribicoff has made an excellent case for his proposal to have the Senate go on record as condemning religious persecution in the Soviet Union. As he has told the Foreign Relations Committee, there can be no doubt that such persecution exists, and it is especially virulent in the case of the U.S.S.R.'s 3 million Jews.

In the Senator's words, the Kremlin's antisemitic policy "aims to shatter, pulverize and gradually eliminate Jewish historical consciousness and Jewish identity." To that end, Soviet Jews have been deprived of their cultural rights; have been denied the free exercise of their religion; have been discriminated against in education and employment; have been used as scapegoats for the country's economic ills; have been subjected to a campaign of ceaseless vilification in the press; and have been forbidden to emigrate to other lands. Accordingly, with the cosponsorship of 63 other Senators, Mr. Ribicoff as long ago as last September introduced a resolution calling upon the Senate to declare against this evil.

It is a sound resolution and it should be adopted without further delay. The Soviet leaders, of course, are not going to turn over a new leaf just because of it, but it may help to persuade them to moderate their present policy against the Jews and other minorities. In any case, as Senator Javits has declared, affirmative Senate action would help to "expose * * * the hypocrisy behind the Kremlin's denial of anti-Jewish actions."

Mr. RANDOLPH. Mr. President, as one of the original cosponsors of Senate Resolution 204, I urge the Senate to unanimously affirm the pending amendment. It is most appropriate that an official branch of Government in the United States go on record opposing the continuation of discriminatory actions against the Jews of the Soviet Union. I commend the Senator from Connecticut, and join in the advocacy of the amendment.

Mr. RIBICOFF. Mr. President, I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I send to the desk a substitute for the pending amendment, and ask that it be stated.

The **PRESIDING OFFICER.** The amendment offered by the Senator from Arkansas as a substitute for the amendment offered by the Senator from Connecticut [Mr. RIBICOFF], for himself and other Senators, will be stated.

The Chief Clerk read the amendment in the nature of a substitute, as follows:

On page 1, after line 5, insert the following:

"CHAPTER 1—POLICY

"SEC. 101. Section 101 of the Foreign Assistance Act of 1961, as amended, which relates to statement of policy, is amended by inserting the following at the end of the first sentence of the sixth paragraph:

"'The Congress heartily condemns infringement of religious freedom anywhere in the world. It is the sense of the Congress that persecution of any persons because of their religion and the execution of persons for alleged economic offenses be condemned, and that all persons should be permitted the free exercise of religion and the pursuit of culture.'"

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

If we are to go into the procedure of condemning religious persecutions, I see no reason why we should limit it to the Soviet Union. It is the practice in many countries of the world.

We have read about these persecutions. Protestants have had difficulties in Spain. In Italy certain sects were maltreated—or thought they were and believed themselves subjected to religious persecution. We know that persecution takes place in varying degrees in many other countries.

I am not sure that the Congress should restrict its condemnation of persecution of religious sects, in this instance Jews, to Soviet Russia. If we condemn religious persecution there, I see no reason why we should not condemn it in other countries. It is not restricted to the Soviet Union.

Therefore, I believe my amendment is germane and is consistent with a condemnation of persecution, such as that of Jews in the Soviet Union. It would also condemn the persecution of Baptists or Methodists or any other sects in the Soviet Union.

I do not see why the Senator from Connecticut could not accept this substitute, because it covers the field he seeks to cover. It extends the same sympathy to other sects being persecuted. I do not know why we should be so exclusive as to restrict the condemnation only to the persecution of the Jews. I hope the Senator agrees to accept the amendment, and I hope the Senate will accept it.

Mr. RIBICOFF. Mr. President, I object very strenuously to the substitute amendment offered by the Senator from Arkansas. What the Senator from Arkansas seeks to do is to completely undercut the original resolution and take the Soviet Union "off the hook." I cannot stand on the floor of the Senate and allow the Senator from Arkansas to accomplish this end.

We are dealing here with an unusual situation. There are 3 million Jews in the Soviet Union. They are the second largest number of Jews in the world. The largest Jewish population is in the United States, 5 million. For the past 20 years there has been an attrition of and an attempt to wipe out the Jews of the Soviet Union.

The Soviet Union does not encourage any religion, but the difference we have here is that the Soviet Union does not treat the Jews as belonging to a religion, but as a nationality. The Methodists, Baptists, Catholics, Mormons—whatever sect one can think of—are treated as members of a religion in the Soviet Union, but the Jew has stamped on his passport "Jew," representing his nationality. A Russian Methodist does not have stamped on his passport "Methodist." A Roman Catholic does not have stamped on his passport "Roman Catholic." A Baptist does not have stamped on his passport "Baptist." So this is an entirely different situation.

The Soviet Union would like very much to see the adoption of the amendment offered by the Senator from Arkansas, because it could say, "See; we are not treating the Jews any differently than we treat anyone else." But there are 101 separate nationalities in the Soviet Union, and the Jews are not treated as one of those nationalities. They are singled out from all the other nationalities. Jews cannot have schools of their own. Other nationalities can. The Jews cannot have theaters of their own. The other nationalities can. The Jews cannot have their own religious seminaries. The other nationalities can. The Jews cannot have their own newspapers and magazines. The other nationalities can.

We seek to tell the world that the Soviet Union seeks to grind out 3 million Jews. The whole world stood by when the Nazi regime took over in Germany and started to exterminate the Jews of Germany and of the satellite countries that they had invaded. All we are seeking to do is to raise the conscience of the entire world, not only of the American people, to make sure that what happened to the 6 million Jews in Europe will not happen to the 3 million Jews in the Soviet Union.

I, for one, object to the Senator from Arkansas taking the Soviet Union off the hook. They should be brought to face the public opinion of the world on what the Soviet Union seeks to do to 3 million people. If the Senator from Arkansas is concerned with religious persecution of other people in the world, let him offer a separate amendment. I would support such a separate amendment.

But, the only way in which we can influence the Soviet Union is to bring them up against world opinion. World opinion cannot be better expressed than by action taken in the Senate of the United States by the adoption of my amendment. Senators represent 50 States. We speak for all the people. We speak for the people of every religion and of every faith. If Senators, who represent 184 million people, would accept by unanimous vote the amendment we have offered, it would be a warning to the Soviet Union that the American people are aroused and that the American people will not stand idly by.

I hope the Senate will reject the substitute amendment of the Senator from Arkansas, because it undercuts completely what we seek to do in the amendment that we have offered.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield to the Senator from New York.

Mr. JAVITS. I support my colleague from Connecticut in his position against the amendment offered by the Senator from Arkansas. I support the Senator from Connecticut on all the grounds that he has stated, plus two additional grounds.

Mr. President, we are dealing within a frame of history in the Soviet Union of anti-Semitism, which the U.S. Government protested many times.

Second, there is no situation comparable with the points made about executions for economic crimes, and the dreadful and terrible suppression that they represent.

Unless we adopt the basic amendment and make the protest which it represents, we shall not be effective, considering the status of our relations with the Soviet Union. Our action would be effective only if the Senate declared itself in favor of the fundamental resolution. I hope the Fulbright amendment will be defeated and that the Ribicoff amendment will be adopted.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. MORSE. I say to the Senator from Connecticut that I associate myself with every argument he has made. His arguments are unanswerable. The persecution of Jews in Russia is an unquestioned fact. The United States should go on record in opposition to this inhumanity of man to man. The opportunity we have as Senators is to adopt the amendment of the Senator from Connecticut and to defeat the amendment offered by the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

I appreciate the compliment of Senators in attributing all the opposition to me. As a matter of fact the State Department, which is not known to be opposed to the interests of Israel, and the U.S. Information Agency look with a jaundiced eye on this proposal. The State Department has recommended against the acceptance of the amendment by the committee. It is the same as the resolution which had previously been submitted to the committee. The purpose of it is to help the Jews in the Soviet Union. As so often happens, the overzealous friends of people may do them more harm than do their enemies.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of these particular remarks the complete report from the State Department and from the U.S. Information Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. I should like to read from page 2 of the letter from the Department of State:

> Specifically, the first clause in the second paragraph of the resolution to the effect that "the Government of the Soviet Union is persecuting Jewish citizens by singling them out for extreme punishment for alleged economic offenses," would be considered by the Soviet Government and the Soviet people as an effort of the American Congress to interfere with the legal processes of the Soviet Union.
>
> All things considered, the Department believes that appeals by private organizations and individuals to the Soviet authorities is the procedure most likely to bring about a change in Soviet policies affecting the situation of Soviet Jews. Such appeals may heighten the Soviet sensitivity on this subject and may encourage a decrease in Soviet activity against these unfortunate people.
>
> Since the fate of Soviet Jewry is of concern to the world community, serious thought might be given to a united appeal of private organizations representing worldwide Jewry and, if possible, other religious groups.
>
> For the foregoing reasons the Department does not recommend adoption of a resolution such as Senate Resolution 204.

The whole letter is concerned with the plight of the Jewish people in the Soviet Union. The question is, What is wise to do about it?

I can understand the appeal of this matter to Members of this body and their enthusiasm for it. However, it is the considered opinion of the Department of State and the U.S. Information Agency that this is not the wise way to serve the purposes of the Senator from Connecticut and of all the other cosponsors of the amendment.

Everyone regrets the persecution of the Jews. I am certain that is the unanimous opinion of all Senators. However, the question is, Is it wise for us to take this means to attack this particular problem?

Let me read a sentence from the U.S. Information Agency's letter:

> Impact on Soviet Union official attitudes will more likely result from continued expressions against anti-Semitism by public and private Americans to Soviet officials.

I read further from the letter of the Department of State:

> Given the uncertainty of the present situation in the Soviet Union, any such intervention as that proposed by Senate Resolution 204 might be seized upon by the Soviet authorities to show that they are in fact able to act independently and might lead them to take the very action against the Jewish people of the Soviet Union which we are trying to prevent.

Mr. President, I do not wish to prolong this discussion. It is not my resolution. I did not initiate it. I have tried to be helpful to the Senator from Connecticut. I warn against overzealousness, which might result in greater injury to the people we are seeking to help.

The Senator made one other point, namely, about the nationality of the Jews. It has been my impression that, particularly under the leadership of Ben-Gurion, Jews have been considered as a nation. It is my information that Ben-Gurion regarded the Jews as a nation, and often made such speeches. There was some difference of opinion, of course, but I have understood that the idea of Jews being a nationality was not confined to the Soviet Union.

EXHIBIT 1

U.S. INFORMATION AGENCY,
Washington, D.C., March 23, 1964.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate

DEAR MR. CHAIRMAN: I refer to your letter of September 27, 1963, requesting Agency comments on Senate Resolution 204, submitted by Senator RIBICOFF for himself and 60 others, condemning Soviet persecution of Jews and other religious groups.

The proposed Resolution condemns Soviet persecution of any persons because of their religion and specifically calls on the Soviet Union to cease persecuting the Jews. Unhappily, we doubt that the resolution will have any restraining effect on Soviet authorities. Impact on Soviet Union official attitudes will more likely result from continued expressions against antisemitism by public and private Americans to Soviet officials.

The Bureau of the Budget advises that it has no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

CARL T. ROWAN,
Director.

DEPARTMENT OF STATE,
Washington, D.C., April 17, 1964.

Hon. J. W. FULBRIGHT,
Chairman of the Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of September 27, 1963, requesting comment by the Department of State on Senate Resolution 204 as published in the CONGRESSIONAL RECORD of September 26. The resolution expresses the sense of the Senate that the Soviet Government's persecution of persons because of their religion be condemned, that the Soviet Government cease executing persons for alleged economic offenses, and permit the free exercise of religion and cultural pursuits by Jews and all other persons living in the Soviet Union.

The Department has consistently stressed our Government's belief that the long-term antireligious campaign in the Soviet Union has grown in intensity over the past several years. All religions, including the Jewish religion, are being subjected to increasing restrictions, forms of interference, and negative social pressures.

The Department cannot stress too strongly its disapproval of the pressures which are brought to bear against various religious and minority groups in the Soviet Union. As the Department has frequently pointed out, in the case of the Jews these pressures prevent the normal maintenance and development of Jewish religious and cultural life.

The Department can well appreciate the humanitarian and religious motives which have inspired the drafters of the proposed Senate Resolution 204, intended to relieve the plight of the Jews and other religious people in the Soviet Union. These unfortunate people continue to suffer for their religious convictions as the result of repressive actions initiated by the Soviet Government since its accession to power following World War I. If the Department believed that passage of this resolution offered a reasonable possibility of achieving its purpose, it would urge the resolution's submission for consideration by the Senate. It is the Department's considered opinion that under present circumstances this unfortunately would not be the case.

The Department seriously doubts that Soviet leadership would be influenced favorably by the Senate's adoption of the resolution. In the past, Soviet officials have reacted most unfavorably to outside criticism, particularly that by foreign government organs or official representatives, on matters which the Soviet Government considers to be within the sole purview of Soviet internal interests.

Given the uncertainty of the present situation in the Soviet Union, any such intervention as that proposed by Senate Resolution 204 might be seized upon by the Soviet authorities to show that they are in fact able to act independently and might lead them to take the very action against the Jewish people of the Soviet Union which we are trying to prevent. The resolution might therefore redound seriously to the detriment of Soviet Jews and other religious people of the Soviet Union.

Specifically, the first clause in the second paragraph of the resolution to the effect that "the Government of the Soviet Union is persecuting Jewish citizens by singling them out for extreme punishment for alleged economic offenses," would be considered by the Soviet Government and the Soviet people as an effort of the American Congress to interfere with the legal processes of the Soviet Union.

All things considered, the Department believes that appeals by private organizations and individuals to the Soviet authorities is the procedure most likely to bring about a change in Soviet policies affecting the situation of Soviet Jews. Such appeals may heighten Soviet sensitivity on this subject and may encourage a decrease in Soviet activity against these unfortunate people.

Since the fate of Soviet Jewry is of concern to the world community, serious thought might be given to a united appeal of private organizations representing worldwide Jewry and, if possible, other religious groups.

For the foregoing reasons the Department does not recommend adoption of a resolution such as Senate Resolution 204.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

Mr. RIBICOFF. Mr. President, the Senator from Arkansas says that the State Department looks on this matter with a jaundiced eye. Mr. President, I have a jaundiced view of the State Department's attitude about problems of the Jews in the Soviet Union. The State Department has no concept of what is going on there in relation to this problem. The State Department's attitude, if we were to follow it, would mean that we would always be behind when we sought to move forward in the field of human rights and human relations.

The State Department never has been sympathetic to these problems. The State Department treats Jews merely as numbers. The State Department seems to be consistently ignorant and uninformed on this problem.

I also disagree with the statement of the Senator from Arkansas that this situation should be handled by private groups. The most august body in the United States is the Senate of the United States. If the Senate of the United States speaks with the unanimous voice, then the Senate of the United States is speaking for the people of the United States.

The Soviet Union is concerned with world opinion, not merely with the statement of one individual or another. For the life of me, I cannot understand why, whenever we come up against a problem on which we seek to speak our conscience, the State Department seeks to throw cold water on the efforts of the American people to speak with spirit and to speak with emotion. I stand on the floor of the Senate condemning the attitude of the State Department in this particular instance, because the State Department shows its ignorance of what is happening to 3 million Jews. It shows its indifference. The State Department has a lot to learn about people as human beings and humanity in general. The time has come for the State Department to get a little education of its own. One way to give the State Department some education is to reject the substitute amendment offered by the Senator from Arkansas and let the Senate vote. Sixty-four Senators joined in the cosponsorship of Senate Resolution 204 to condemn the Soviet Union. We who are U.S. Senators understand public opinion and understand better what will move the Soviet Union than do some bureaucrats who sit in the State Department.

Mr. DODD. Mr. President, will my colleague yield?

Mr. RIBICOFF. I am pleased to yield to the senior Senator from Connecticut.

Mr. DODD. Mr. President, I join my colleague in opposing the amendment in the nature of a substitute offered by the Senator from Arkansas.

The first sentence of the amendment offered by my colleague, and of which the senior Senator from New York [Mr. JAVITS] and I are cosponsors, reads:

> It is the sense of the Congress that the United States deeply believes in freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world.

The amendment in every instance refers to "all people." So the amendment makes clear what the Senator from Arkansas is trying to obtain; namely, that it is not alone directed to the relief of persecuted Jews in Russia, but as well, is concerned with the persecution of all people within the Soviet Union. It seems to me there is no need for an amendment to include all others.

Second, it is of the greatest importance that, once and for all, we tag the Communists with these acts of persecution. For a long time they have tried to make it appear that they are not people who persecute others because of religion. Time and again, they have pointed to their written constitution, which of course has no meaning, as proof of the fact that they have not been against anybody because of his religion. It took time to discover the true condition, but we are finally agreed that they are persecuting people on religious grounds.

If we pass up the opportunity to do this and, as the Senator from Connecticut has put it, let the Soviets off the hook, we will have missed a great chance for the free world to establish a most important point for the education of the people concerning what is taking place in the Soviet Union. Once the amendment has been adopted, they will know that the Government of the Soviet Union and Communist governments elsewhere in the world are engaged in one of the most awful things that humankind can stoop to; that is, the persecution of people because of their religious beliefs. Let us not miss this great opportunity.

It will be a tragic day if we neglect this chance by adopting weaker language. I hope the substitute amendment of the Senator from Arkansas will be rejected and that the amendment of the junior Senator from Connecticut will be agreed to.

Mr. JAVITS. Mr. President, first, I think we would all agree that there is no feeling on the part of the Senator from Arkansas [Mr. FULBRIGHT] other than simply that all of us should condemn persecution wherever it exists. However, we have one difference as to how best to do that.

He has raised a question as to whether what we are doing is really the best for the Jewish community. It is on that point that I should like to remind my colleague, which I think is a supplement with respect to his magnificent statement, that on April 5 and 6, 1964, in Washington, 24 major American Jewish organizations, representing practically all organized American Jewry—I believe they comprise all the leading organizations—convened an emergency conference in Washington—the American Jewish Conference on Soviet Jewry—to deal with the plight and problems of Soviet Jewry. The 24 organizations were:

American Jewish Committee.

American Jewish Congress.

American-Israel Public Affairs Committee.

American Trade Union Council for Histadrut.

American Zionist Council.

B'nai B'rith.

Central Conference of American Rabbis.

Conference of Presidents of Major American Jewish Organizations.

Hadassah.

Jewish Agency for Israel-American Section.

Jewish Labor Committee.

Jewish War Veterans of the United States of America.

Labor Zionist Movement.

Mizrachi-Hapoel Hamizrachi.

National Community Relations Advisory Council.

National Council of Jewish Women.

National Council of Young Israel.

Rabbinical Assembly.

Rabbinical Council of America.

Synagogue Council of America.

Union of American Hebrew Congregations.

The Union of Orthodox Jewish Congregations of America.

United Synagogue of America.

The Zionist Organization of America.

Both the junior Senator from Connecticut [Mr. RIBICOFF] and I addressed that meeting. The Senator from Connecticut set forth his resolution, which he has offered in the Senate as an amendment, for the support of others of us. The action adopted by that conference was in the form of an 18-point plan along the following lines. I read from the report of the conference proceedings:

> Protesting "the denial to Soviet Jews of the basic institutions and facilities granted to other religious and ethnic groups of the Soviet Union," the plan urges the Soviet Government to—
>
> 1. Eradicate anti-Semitism by a vigorous educational effort conducted by government and party.
> 2. Permit the free functioning of synagogues and private prayer meetings.
> 3. Remove hindrances to the observance of sacred rites such as religious burial and circumscision.
> 4. Permit production and distribution of religious articles and calendars.
> 5. Restore facilities to produce and distribute matzoh and kosher food.
> 6. Grant the right to publish Hebrew Bibles, prayer books, and other religious texts.
> 7. Permit synagogues in the U.S.S.R. to organize a nationwide federation.
> 8. Sanction the association of such a federation with organizations of their coreligionists abroad.
> 9. Permit Jews to make religious pilgrimages to Israel.
> 10. Allow all qualified applicants to attend Moscow holy places and rabbinical seminaries, and to permit rabbinical students to study at seminaries abroad.
> 11. Provide schools and other facilities for the study of the Yiddish and Hebrew languages, and Jewish history and culture.
> 12. Permit Jewish writers, artists, and other intellectuals to create their own institutions for the encouragement of Jewish cultural and artistic life.
> 13. Reestablish a Yiddish publishing house to publish books in Yiddish by classical and contemporary Jewish writers.
> 14. Reestablish Yiddish state theaters and permit publication of a Yiddish language newspaper with nationwide circulation.
> 15. Eliminate discrimination against Jews in all areas of Soviet public life.
> 16. End the anti-Semitic campaign in the press.
> 17. End the discriminatory applications of the death penalty and other severe sentences imposed against Jews for economic crimes against the state.
> 18. Make it possible for Soviet Jews separated from their families as a result of Nazism to be reunited with their relatives on humanitarian grounds.

What could better express to the Soviet Union America's official concern than the resolution which is now offered as an amendment by Senator RIBICOFF, zeroing right in on the target, making it the official concern of the people of the Nation, and expressing the unmistakable indignation of the Senate concerning what is occurring in the Soviet Union?

The Senator from Connecticut is exactly correct. I urge that the amendment in the nature of a substitute, offered by the Senator from Arkansas [Mr. FULBRIGHT], be rejected.

Mr. RIBICOFF. I thank the Senator from New York. In a previous discussion the Senator from New York did the Senate a great service by presenting a partial list of resolutions adopted by past Congresses condemning persecution of the Jews in Russia. It includes resolutions going back to 1879 and those adopted in 1892, 1906, and 1911. Another resolution condemned the persecution of the Jews by Nazi Germany in 1934.

Other resolutions were adopted by the Senate, protesting the persecution of Armenian children and the abduction of Greek children.

In 1956, Congress adopted a resolution condemning discrimination by Saudi Arabia against American Jews.

So there is a history of the Senate, time and time again, adopting resolutions of this type.

Mr. President, I ask unanimous consent that the names of the Senator from West Virginia [Mr. RANDOLPH] and the Senator from Maryland [Mr. BEALL] be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, I favor what my able friend from Connecticut is trying to do. So do the American people. Religious persecution in the Soviet Union against Jewish people merits the condemnation of mankind. Persecution of any human beings for their faith and creed is a barbaric thing which shocks the sensibilities of every decent person. Today a clear opportunity is afforded Senators to indicate, by the adoption of his amendment, their own revulsion, and that of our country, for all the wanton acts perpetrated against Jews, their temples, their cemeteries, their property, and their lives in the Soviet Union.

We are, this debate makes clear, now on our way to passing a sense-of-Congress resolution, by an overwhelming vote. In my judgment, it ought to be approved in the other body, to indicate clearly and without equivocation, that the legislative branch of the U.S. Government rejects the persecution by the Soviet Government of a people because of their religion. The United States believes in religious freedom and condemns the abuse of that freedom by anyone, against any faith, anywhere.

Mr. RIBICOFF. I thank the Senator from California.

The PRESIDING OFFICER. Does the Senator from Connecticut yield back the remainder of his time?

Mr. RIBICOFF. I am pleased to yield back the remainder of my time.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Connecticut [Mr. RIBICOFF]. The yeas and nays have been ordered.

Mr. FULBRIGHT. Mr. President, in view of the rejection of my amendment in the nature of a substitute, I am perfectly willing to take the amendment of the Senator from Connecticut to conference, if he wishes to have me do that.

Mr. RIBICOFF. I thank the distinguished Senator from Arkansas, but the yeas and nays have been ordered on my amendment. The basic purpose of the amendment is to put the Senate of the United States on record, so that the Government of the Soviet Union can see that the Senate speaks with a strong and purposeful voice in condemning the persecution of the Jews of the Soviet Union.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. RIBICOFF]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Georgia [Mr. RUSSELL], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], and the Senator from Oregon [Mrs. NEUBERGER] are necessarily absent.

I also announce that the Senator from Alabama [Mr. HILL], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Rhode Island [Mr. PASTORE], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senator from Kentucky [Mr. MORTON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mr. TOWER], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Illinois [Mr. DIRKSEN], the Senators from Nebraska [Mr. HRUSKA and Mr. CURTIS], the Senator from Kansas [Mr. PEARSON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 60, nays 1, as follows:

[No. 584 Leg.]

YEAS—60

Aiken
Allott
Anderson
Bartlett
Beall
Bennett
Bible
Boggs
Byrd, Va.
Case
Clark
Cooper
Dodd
Dominick
Douglas
Ervin
Fong
Gore
Hart
Hickenlooper
Holland
Inouye
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, La.
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Morse
Mundt
Nelson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Salinger
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Walters
Yarborough
Young, N. Dak.

NAYS—1

Fulbright

NOT VOTING—39

Bayh
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Eastland
Edmondson
Ellender
Goldwater
Gruening
Hartke
Hayden
Hill
Hruska
Humphrey
Jackson
Kennedy
Long, Mo.
McCarthy
Monroney
Morton
Moss
Muskie
Neuberger
Pastore
Pearson
Russell
Saltonstall
Scott
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, Ohio

So Mr. RIBICOFF's amendment was agreed to.

Mr. RUSSELL subsequently said: Mr. President, a short time ago the Senate voted on the amendment introduced by Senator RIBICOFF to put the Congress on record as being strongly opposed to the religious persecution practiced by the Soviet Union against the Jewish people living behind the Iron Curtain.

Mr. President, unfortunately I was detained on other matters and was unable to come to the Senate for that vote, but I want the RECORD to show that I strongly support that amendment and would have voted for it if I had been here. I also believe it is high time that the Senate and the Congress expressed itself on the matter.

Mr. MORSE. Mr. President, I ask for the yeas and nays on the passage of the foreign aid bill.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, lines 18 and 23, it is proposed to strike out the word "manufacturing."

Mr. DODD. Mr. President, it is not a very technical amendment. It merely enlarges the meaning of the language with respect to making used machinery and equipment available to other countries.

The Foreign Relations Committee accepted an amendment I proposed to require a study of the possibilities of expanding our present efforts to send to other countries used machinery and tools, described as manufacturing equipment.

In the Senate, an amendment was added to my proposal to expand this study to include used machinery sold through regular trade channels.

I think that equipment such as trucks, tractors, and nonmanufacturing implements can be useful to the less developed countries, and I hope this refinement of my original amendment will be accepted by the Senate.

Mr. FULBRIGHT. Mr. President, I have discussed this amendment with the distinguished Senator from Connecticut. I believe it is a good amendment. It really rectifies the meaning of the amendment that he offered and the Senate adopted some time ago.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. SPARKMAN. The Senator may recall that I offered an amendment. Does this amendment in any way affect the amendment which I offered?

Mr. DODD. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. JOHNSTON. Mr. President, at this time I wish to express my opposition to H.R. 11380, the Foreign Assistance bill for the fiscal year 1965, now before the Senate. There was a time, some years ago, when I felt very much alone in criticizing a program of foreign aid; but as far back as 1946, I felt justified in this criticism, and now, some 18 years later, I am completely convinced of the validity of my argument.

During recent years we have seen increased opposition by the people of the United States to the use of so-called American "dollar diplomacy" as a substitute for the traditional means of diplomacy once advocated by our Government. But since World War II, foreign aid has become an all too conspicuous feature of our foreign policy. For too long we have attempted to satisfy the demands of our foreign policy by monetary aid that has done nothing more than cause worldwide resentment toward this great Nation. I recall the words from the farewell address of the founder of our Republic, George Washington, when he said:

> It is folly in one nation to look for disinterested favors from another; * * * it must pay with a portion of its independence for whatever it may accept under that character.

Those words are as true today as they were in 1796. However, we have asked no nation to surrender its sovereignty to us upon receiving American assistance, but we do ask these people to honor their obligations under existing conditions of international law. It shocks my sense of conscience and respect for law and order when I read almost daily the accounts of various belligerent demonstrations against our embassies by people who have accepted our foreign aid. I say it is high time Congress took notice of these appalling events and to restate just what constitutes foreign assistance by our Government.

When we look upon the history of foreign aid during the past few years, it is obvious that the entire program is one of the greatest frauds ever inflicted upon the American people.

Mr. President, do you realize that since World War II, we have spent on foreign aid a total of some $500 for every man, woman, and child now living in the United States? This total is equal to all Federal Government expenditures of any nature during the first 143 years after the inauguration of George Washington. Incredible as it may seem, this total represents over one-third of the current national debt, which, as we know, is a staggering amount.

Mr. President, I think we should critically examine the premises of aid doctrines, both as to fact and as to value. In this regard, I am especially concerned about the economic assistance rendered in our foreign-aid program. Actually, very little has been written or said about the theory of this aspect of foreign aid. So far as I can determine, the supporters of economic aid tend to justify their position on the basis that such aid is indispensable in increasing the per capita income of less fortunate people, in order to promote their general welfare, which, in turn, leads to the spread of democracy. But this view fails to take into consideration certain factors of international politics; namely, that economic endeavors are substituted for the prime goal of international affairs, the political end. Thus, the ever-changing conditions of economic affairs are substituted for the historically proven methods of well-established legal norms in the area of international affairs.

Another theory, which is erroneous upon its very face, is that foreign assistance tends to enhance American prestige and leads to support for the United States by the uncommitted nations.

Mr. President, to disprove this theory, I have at my disposal many practical examples of worldwide demonstrations against the United States. In Ghana, for example, we have poured $159 million of the taxpayers' money—into a nation which has, on repeated occasions, severely castigated American officials there, and has directed mobs against the American Embassy. These well-controlled attacks culminated the past February in a scene that Americans residing in Ghana will never forget. A crowd of Ghanaians, led by a Government loudspeaker van, converged on our Embassy. They held signs reading, "Yankee Rogues Go Home." A spokesman for a Government-owned Ghanaian newspaper declared over the loudspeaker, "We are fed up with your imperialist American dollars. We will massacre you as you massacred the people in Korea and Germany, in Cuba, and Panama."

Another shocking example is the case of India, which has received a total of almost $5 billion in aid. In return for our generosity, we are plagued with remarks by Government officials, such as a recent one by a prominent member of the Indian Parliament who denounced what he thought to be the attitude of our Government in thinking it had a right to make and impose decisions on the Indian people. This view seems to be somewhat ironic when we cannot even convince India to give us a minimum of support in the United Nations.

But one case which has attracted my attention is that of Indonesia's President, who actually told our Ambassador in Jakarta to "Go to hell with your aid." The pathos of the condition in Indonesia is that we have spent $881 million in economic and military commitments.

Numerous examples of that sort in the newly emerging nations can be mentioned. But now our traditional allies have begun to heap criticism upon us after their postwar rehabilitation—such as in the case of France. Since World War II, France has actually received $1½ billion in American aid. In return, we are slapped with De Gaulle's new independent line. It seems that de Gaulle has convinced the French people that the United States does not possess the intellectual or cultural ability to be a world leader. It seems strange to me that this opinion of de Gaulle's comes after $1½ billion from us and two world wars fought by us to save France. This underscores the futility of attempting to buy friends with foreign aid programs.

I, for one, have grown tired of this lack of gratitude toward the United States by various recipients of our foreign aid. When our Nation is accused by an official in Cairo of considering itself as the shadow of God on earth in imposing American principles, it is high time we took a long look at the more than $860 million spent in aid to the United Arab Republic. When we see that our foreign aid programs have created keen foreign competition to our farmers and industries, it is time for us to examine the merits of a program under which industrial Japan and Europe have been handed billions of dollars in U.S. economic aid, but have, in turn, purchased mass-production machinery more modern than much of ours. It is quite obvious that foreign wages and taxes are lower than ours, while depreciation allowances are higher. As a consequence, our industrial security is threatened.

Mr. President, foreign aid has not only led to American setbacks in international affairs; this program has also engaged in a shocking number of totally wasteful projects. I was both amused and certainly annoyed to read a part of the House debate on this bill, during which an enterprising Member of the House made a partial list of unnecessary items made available to certain foreign nations. For the benefit of Senators who failed to read the CONGRESSIONAL RECORD of June 9, 1964, I shall mention a few of those items.

Turkey, a nation which has failed to achieve economic stability, even after receiving foreign aid totaling almost $4,200,000 has listed such interesting items as a bill for $999.98 for bubble gum. I know very little about bubble gum; but it seems to me that $1,000 could be directed toward a more sensible endeavor in Turkey. Another item for Turkey, of all things, is a bill for Airwick, a household deodorant, for $10,650.60. But among the most amazing of all were two separate bills for Metrecal, totaling $17,000 for none other than Cambodia.

Mr. President, this Nation has granted Cambodia $355 million in foreign aid; but only recently Prince Sihanouk stated that Cambodia's best friend is now Communist China, and all of us are aware of the role being played by Cambodia in the Vietnam situation. Evidently Metrecal is not needed in Cambodia. Nor is another cent of American assistance to that nation. I hold in my hand copies of these bills, some dating as far back as 1961.

Some of the examples I have cited are actually relatively minor, when one considers the whole foreign aid program. The point I stress is that we have let our foreign aid program be channeled in all directions except the right one. How in the world the advocates of foreign aid can say this is necessary to keep communism behind the Iron Curtain is beyond my comprehension. One has only to look at Cuba, to see how completely wrong we have been.

The United States poured over $50 million in foreign assistance into Cuba, prior to Castro, and nearly $2 million after Castro. I realize that most of this aid came before Castro, but this point simply emphasizes the futility of foreign aid.

A foreign aid program cannot possibly influence nations throughout the world. As a result of this wasteful spending, the people of our great Nation are being held up as objects of ridicule. It seems paradoxical, to me, that the overburdened American taxpayer is forced to share in his own ridicule. Our American dollars have become the laughingstock of the world. We have become the proverbial money changers of the world. It is high time for the forces of good sense to be applied to foreign aid.

Communism is not going to terminate as a result of giveaway programs. If anything, foreign aid in the past few years has aided the communist ideology, by turning one set of people against another. For example, the attack by Israel on Egypt was probably made possible by our foreign aid, since economic aid made it possible for Israel to free its foreign exchange, for the purpose of purchasing weapons. The confusing thing is that we also provide Egypt with a means of purchasing armaments, by granting the Egyptians economic or nonmilitary aid. This is also the case with India and Pakistan, where we really have created a bad situation for ourselves.

Mr. President, foreign aid in the form of economic handouts has resulted in increased criticism of the United States by both our traditional allies and the so-called noncommitted nations. I, for one, am sick and tired of this increased hostility toward the people of our great democracy. Now is the time for the Senate to reject this bill. I sincerely believe that the foreign aid program, in the form of outright economic handouts and assistance, is going to lead to our own undoing. We cannot support the rest of the world financially with the hard-earned money of the American taxpayers.

Now is the time for change. Now is the time for this great body to reject this piece of proposed legislation. Foreign aid proponents owe the American people an explanation of why they have been forced to spend a total of $104 billion, since 1945, on various foreign projects with which they, themselves, are not concerned. Let us return to a program of foreign policy whereby we are not forced to "buy" our friends. Their resentment and the resentment of the American people are to be reckoned with. We must prove to the world and to ourselves that this country is not the "sugar-daddy" of the world.

Foreign assistance has gone too far. At no point in my career as a U.S. Senator have I regarded this issue as more important than I do today. It is a total farce for anyone to think that freedom and democracy can be purchased with American dollars, or that our money alone can halt international communism.

For the sake of the American people and for the salvation of our free Nation, I urge the Senate to vote against this latest foreign aid bill now before us.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. DOMINICK (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from South Carolina [Mr. THURMOND]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

Also I announce that the Senator from Nevada [Mr. CANNON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], and the Senator from Oregon [Mrs. NEUBERGER] are necessarily absent.

I also announce that the Senator from Alabama [Mr. HILL] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Maryland [Mr. BREWSTER], the Senator from North Dakota [Mr. BURDICK], the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from New Jersey [Mr. WILLIAMS], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

On this vote the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Washington [Mr. JACKSON]. If present and voting the Senator from Louisiana would vote "nay" and the Senator from Washington would vote "yea."

Mr. KUCHEL. I announce that the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senator from Kentucky [Mr. MORTON], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], the Senator from Texas [Mr. TOWER], and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

On this vote, the Senator from Kansas [Mr. CARLSON] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Kansas would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from New Hampshire [Mr. COTTON]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from New Hampshire would vote "nay."

On this vote, the Senator from Delaware [Mr. WILLIAMS] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Delaware would vote "yea" and the Senator from Texas would vote "nay."

I further announce that if present and voting the Senator from Kansas [Mr. Pearson] and the Senator from Massachusetts [Mr. Saltonstall] would each vote "yea."

The pair of the Senator from South Carolina [Mr. Thurmond] has been previously announced.

The result was announced—yeas 45, nays 16, as follows:

[No. 585 Leg.]

YEAS—45

Aiken
Allott
Anderson
Bartlett
Beall
Boggs
Case
Clark
Cooper
Dodd
Douglas
Fong
Fulbright
Gore
Hart
Hickenlooper
Holland
Inouye
Javits
Keating
Kuchel
Lausche
Magnuson
Mansfield
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Mundt
Nelson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Salinger
Smathers
Smith
Sparkman
Symington
Walters
Yarborough

NAYS—16

Bennett
Bible
Byrd, Va.
Ervin
Johnston
Jordan, N.C.
Jordan, Idaho
Long, La.
McClellan
Mechem
Morse
Russell
Simpson
Stennis
Talmadge
Young, N. Dak.

NOT VOTING—39

Bayh
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Church
Cotton
Curtis
Dirksen
Dominick
Eastland
Edmondson
Ellender
Goldwater
Gruening
Hartke
Hayden
Hill
Hruska
Humphrey
Jackson
Kennedy
Long, Mo.
McCarthy
Monroney
Morton
Moss
Muskie
Neuberger
Pastore
Pearson
Saltonstall
Scott
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, Ohio

So the bill (H.R. 11380) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FULBRIGHT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Fulbright, Mr. Sparkman, Mr. Mansfield, Mr. Hickenlooper, and Mr. Aiken conferees on the part of the Senate.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

Proposed Appropriation, 1965, for Department of Commerce (S. Doc. No. 103)

A communication from the President of the United States, transmitting a proposed appropriation for the fiscal year 1965, in the amount of $15,000, for the Department of Commerce (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Proposed Supplemental Appropriation, To Pay Judgments Rendered Against the United States (S. Doc. No. 101)

A communication from the President of the United States, transmitting a proposed supplemental appropriation to pay judgments rendered against the United States, in the amount of $1,024,994 (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

Proposed Supplemental Appropriation, 1965, for Department of State (S. Doc. No. 102)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1965, in the amount of $300,000, for the Department of State (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

Report on Shipments to Yugoslavia Insured by Foreign Credit Insurance Association and Export-Import Bank

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on shipments to Yugoslavia insured by the Foreign Credit Insurance Association and that Bank, for the month of August 1964; to the Committee on Appropriations.

Report on Federal Contributions Program-Equipment and Facilities

A letter from the Director of Civil Defense, Department of the Army, transmitting, pursuant to law, a report on Federal contributions program-equipment and facilities, for the quarter ended June 30, 1964 (with an accompanying report); to the Committee on Armed Services.

Publication of Notice of Proposed Disposition of Certain Silk

A letter from the Acting Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 113,500 pounds of raw silk and approximately 969,500 pounds of silk noils now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

Report of the U.S. Advisory Commission on International Educational and Cultural Affairs

A letter from the Acting Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting, pursuant to law, a report of that Commission, dated September 1964 (with an accompanying report); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs to the Government for commercial long-distance telephone calls made by Federal agencies in the San Francisco region between cities served by the Federal Telecommunications System, General Services Administration, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements of the Office of the Treasurer of the United States, Treasury Department, fiscal year 1963 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary testing costs included in the prices of Klystron tubes purchased from Radio Engineering Laboratories, Inc., Long Island City, N.Y., Department of the Air Force, dated September 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Identical Bidding in Public Procurement

A letter from the Acting Attorney General, transmitting, pursuant to law, a report on identical bidding in public procurement, dated July 1964 (with an accompanying report); to the Committee on the Judiciary.

Amendment of Title 18, United States Code, Relating to Penalties for Interference With Defense Security Systems

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 18, United States Code, to protect the security of the United States by providing penalties for interference with defense security systems (with an accompanying paper); to the Committee on the Judiciary.

Audit Report of Jewish War Veterans, U.S.A., National Memorial, Inc.

A letter from the treasurer, Jewish War Veterans, U.S.A., National Memorial, Inc., Washington, D.C., transmitting, pursuant to law an audit report of that corporation for the period April 1, 1963, to March 31, 1964 (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S. 3199. A bill to amend the Small Business Investment Act of 1958 (Rept. No. 1594).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 369. Resolution to print additional copies of a committee print entitled "East-West Trade—A Compilation of Views of Businessmen, Bankers, and Academic Experts" (Rept. No. 1596); and

S. Res. 371. Resolution to print as a Senate document a report on the implementation of the Humphrey amendment to the Foreign Assistance Act (Rept. No. 1597).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 365. Resolution to print the prayers of the Chaplain of the Senate for the 87th and 88th Congresses (Rept. No. 1598).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. 3162. A bill to amend section 105(a) of the Legislative Branch Appropriation Act, 1965, with respect to the disclosure in reports required thereunder of the names of persons who have appeared as witnesses before committees sitting in executive session (Rept. No. 1599).

By Mr. PELL, from the Committee on Rules and Administration, without amendment:

H.J. Res. 793. Joint resolution authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs (Rept. No. 1600).

AMENDMENT OF TITLE 18, UNITED STATES CODE, TO MAKE UNLAWFUL CERTAIN PRACTICES IN CONNECTION WITH THE PLACING OF MINOR CHILDREN—REPORT OF A COMMITTEE—ADDITIONAL VIEWS (S. REPT. NO. 1595)

Mr. DODD. Mr. President, on behalf of the Committee on the Judiciary, I report favorably, with amendments, the bill (S. 1541) to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption, together with additional views by the Senator from New York [Mr. Keating].

I ask unanimous consent that the report together with the additional views be printed.

The ACTING PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Connecticut.

BLANCHE W. CARTER

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 373) to pay a gratuity to Blanche W. Carter, which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Blanche W. Carter, daughter of Harry D. Williams, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LAURA M. SIELSCH

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 374) to pay a gratuity to Laura M. Sielsch, which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Laura M. Sielsch, widow of Edward Sielsch, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARGARET J. HICKEY

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 375) to pay a gratuity to Margaret J. Hickey, which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Margaret J. Hickey, widow of Edward J. Hickey, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. WALTERS:

S. 3208. A bill to designate the Johnsonville steam-electric plant of the Tennessee Valley Authority, located in the vicinity of Waverly, Tenn., as the "Kenneth McKellar Power Plant"; to the Committee on Public Works.

By Mr. WALTERS (for himself and Mr. Gore):

S. 3209. A bill to designate the Nickajack Dam and Reservoir now under construction by the Tennessee Valley Authority on the Tennessee River in Marion County, Tenn., as the "Estes Kefauver Dam and Reservoir"; to the Committee on Public Works.

By Mr. BOGGS:

S. 3210. A bill for the relief of Doctor Ali Ziarati Hameli; to the Committee on the Judiciary.

By Mr. HART:

S. 3211. A bill for the relief of Dev. Kumer Mojumdergy; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 3212. A bill for the relief of George Paluras (Georgios Palouras); to the Committee on the Judiciary.

By Mr. KEATING:

S. 3213. A bill for the relief of Alvin Roy Chin and Audrey Fay Chin;

S. 3214. A bill for the relief of Hing Fun Wong;

S. 3215. A bill for the relief of Andrzej Podbielski; and

S. 3216. A bill for the relief of Annie Loretta Brown; to the Committee on the Judiciary.

By Mr. NELSON (for himself and Mr. Proxmire):

S. 3217. A bill to amend title 28 of the United States Code, so as to provide for the appointment of one additional district judge for the eastern district of Wisconsin; to the Committee on the Judiciary.

By Mr. WILLIAMS OF New Jersey:

S. 3218. A bill for the relief of Suzanne Mallalieu Smith; and

S. 3219. A bill for the relief of Gabriel A. Nahas, Vera Nahas, Albert Gabriel Nahas, and Frederika-Maria Nahas; to the Committee on the Judiciary.

S. 3220. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

(See the remarks of Mr. Williams of New Jersey when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. BURDICK:

S.J. Res. 206. Joint resolution authorizing the Architect of the Capitol to permit certain temporary construction work on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto; to the Committee on Public Works.

CONCURRENT RESOLUTION

EXPRESSION OF SENSE OF CONGRESS THAT THE UNITED NATIONS PROVIDE FOR SELF-DETERMINATION OF THE BALTIC STATES

Mr. DODD (for himself and Senators Allott, Bayh, Dominick, Douglas, Gruening, Javits, Lausche, McIntyre, Moss, Muskie, Proxmire, Scott, Simpson, Williams of New Jersey, Young of North Dakota, Monroney, Metcalf, Yarborough, and Mundt) submitted a concurrent resolution (S. Con. Res. 99) expressing the sense of the Congress that the United Nations provide for the self-determination of the Baltic States, which was referred to the Committee on Foreign Relations, as follows:

Whereas the United States has since its birth been committed to the principle of the self-determination of peoples; and

Whereas this essential moral principle is also affirmed in the charter of the United Nations; and

Whereas the three Baltic nations, Lithuania, Latvia, and Estonia, which were invaded and occupied by the Soviet armed forces in the early days of World War II and subsequently incorporated by terror and fraud into the Soviet Union, have been governed thereafter by quisling dictatorships completely subservient to the Kremlin and utterly without support among their own people; and

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of the Baltic States and has continued to maintain diplomatic relations with representatives of the free republics of Lithuania, Latvia, and Estonia; and

Whereas the United Nations and the American delegation in the United Nations have consistently upheld the right to self-determination of those countries in Asia and Africa that are, or until recently have been, under foreign imperialist rule; and

Whereas the continued enslavement of the Baltic States by the Soviet Union carries with it the implication that future acts of military aggression will also go unpunished and will ultimately be accorded tacit acceptance by the rest of the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President is requested to take all necessary measures to bring the Baltic States question before the United Nations and to urge that the United Nations request the Soviet Union—

(1) to withdraw all Soviet troops, agents, colonists, and controls from Lithuania, Latvia, and Estonia; and

(2) to return all Baltic exiles from Siberia, prisons, and slave labor camps in the Soviet Union; and be it further

Resolved, That until the liberation of the Baltic States is accomplished, the U.S. Information Agency and other propaganda agencies of the U.S. Government shall do their utmost to bring the matter of the Baltic States and of the other captive nations to the attention of world opinion, through special radio programs and publications; and be it further

Resolved, That it is the sense of the Congress that—

(1) the President should request of all map publishers, both governmental and private, that on all maps of Europe published in the United States, Lithuania, Latvia, and Estonia be shown as independent states, with a footnote explaining that their military occupation and forced incorporation into the Soviet Union has never been recognized by the United States;

(2) the right of self-determination should be returned to the peoples of Lithuania, Latvia, and Estonia through free elections conducted under the auspices of the United Nations; and

(3) the right of self-determination of peoples should be made a prime political objective of the United Nations and should ultimately be accorded to all the captive peoples now subjugated by Soviet communism through free elections under United Nations auspices.

RESOLUTIONS

BLANCHE W. CARTER

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S.

Res. 373) to pay a gratuity to Blanche W. Carter, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under a separate heading.)

LAURA M. SIELSCH

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 374) to pay a gratuity to Laura M. Sielsch, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under a separate heading.)

MARGARET J. HICKEY

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 375) to pay a gratuity to Margaret J. Hickey, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. JORDAN of North Carolina, which appears under a separate heading.)

EXPRESSION OF SENSE OF THE SENATE ON THE SUBJECT OF INDONESIA'S OPEN AGGRESSION AGAINST MALAYSIA

Mr. DODD (for himself and other Senators) submitted a resolution (S. Res. 376) expressing the sense of the Senate on the subject of Indonesia's open aggression against Malaysia, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. DODD, which appears under a separate heading.)

AMENDMENT OF EXPORT CONTROL ACT OF 1949, RELATING TO CERTAIN RESTRICTIVE TRADE PRACTICES

Mr. WILLIAMS of New Jersey. Mr. President, our Government has always fought for the principle that American businessmen should be permitted to trade freely around the globe. We have sought to improve our trade and political relationships with friendly countries everywhere. This has been essential, not only to advance our own economic interests, but also to enable other nations to develop freely and to raise the standard of living of their own people.

The efforts of our Government to enlarge and speed the movement of goods and commerce have increased as we have come to realize that our economy and the strength of our dollar depend on our foreign trade. We have abandoned the protectionism that once distorted and undermined our foreign economic policy. In the last 4 years, the Kennedy-Johnson administration has carried this effort further—the Trade Expansion Act was a milestone in our progress toward world free trade.

Our foreign aid program also reflects our determination to expand international commerce. Foreign aid has enabled other countries to purchase our materials, products, and equipment.

We are working in partnership with many nations throughout the world to expand their economies.

In voting for our foreign aid program, Congress has laid down the principle that we oppose boycotts and blockades which undermine that program. In 1960, the U.S. Senate adopted an amendment to the foreign aid bill, which I cosponsored, and which declared that the purposes of foreign aid "are negated and the peace of the world is endangered when nations which receive assistance under this act wage economic warfare against other nations assisted under this act, including such procedures as boycotts, blockades, and the restriction of the use of international waterways."

The amendment called upon the administration to give effect to this principle in administering the aid program.

This amendment was a response to the illegal blockade of the Suez Canal imposed by the Egyptian Government. That blockade is just one aspect of the economic war which the Arab States maintain against Israel. Another weapon which the Arabs wield is the trade boycott against Israel which strikes at American businessmen—and businessmen all over the world—and which undermines the principle of free, international trade to which we all firmly subscribe.

For many years the Arab States have sought to destroy Israel by threatening to boycott any businessman who wants to do business in Israel. American businessmen who invest in Israel or who maintain offices there are ordered to break their business relationships with Israel or risk blacklisting by 13 Arab States. With outrageous effrontery, Arabs demand that American businessmen fill out questionnaires which come from the Central Boycott Office in Damascus, Syria. Arabs force American businessmen to answer a series of searching and insulting questions which are none of their business. I would like to read these questions.

1. Do you now or did you ever have branch factories in Israel? In case you did in the past, or do now, please define the relationship of such branch with your company.

2. Do you now or did you ever have assembly plants in Israel?

3. Do you now or did you ever have in Israel general agencies head offices for your Middle Eastern operations?

4. Have you ever granted the right of using your patents, trademarks, copyrights etc., to Israeli persons or firms?

5. Have you ever owned shares or any other interest in Israeli firms or businesses?

6. Have you ever rendered consultative services or technical assistance to an Israeli firm or business?

7. Do you now or did you ever represent any Israeli firm or other business in your country or elsewhere? In case you did in the past, or do now, please furnish us with the names and addresses of such Israeli firms or businesses.

8. Do you have a branch of yours in Israel? In case you have, please define the relationship of such branch with your firm.

I ask unanimous consent that the full text of the letter from the Central Office for the Boycott of Israel be introduced in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEAGUE OF ARAB STATES, SECRETARIAT GENERAL, CENTRAL OFFICE FOR THE BOYCOTT OF ISRAEL,
Damascus, Syria, May 10, 1962.

SCHERR-TUMICO, INC.
St. James, Minn., U.S.A.

GENTLEMEN: We wish to inform you that we have acquired reliable information to the effect that your company has subscribed in the establishment and the ownership of a plant in Israel for the production of mechanical, optical, and electronic precision measuring devices.

In this regard, we draw your attention to the fact that the Arab countries are still in a state of war with Israel. Therefore, as a measure of self-defense and with the view to safeguarding the rights and the vital interests of the Arabs of Palestine, the Arab countries strictly adhere to a set of boycott regulations directed at Israel. In brief, these regulations prohibit any Arab from having any dealings whatsoever with any Israeli person or business, or with foreign persons or firms maintaining such dealings with Israel. Violation of these regulations entails the blacklisting of violators in all Arab countries with the result that all commercial transactions with such violators are banned.

However, before any action is taken against your firm, we deem it necessary that we contact you directly in order to ascertain the nature of the dealings of your firm with Israel. This will have to be done in the form of a declaration duly signed before the competent governmental authorities and should also bear a final authentication to the signature of the authorized representative of your firm appended hereto by the closest consulate or diplomatic mission of any Arab country. The required declaration will have to contain complete answers to the following questions:

1. Do you now or did you ever have branch factories in Israel? In case you did in the past, or do now, please define the relationship of such branch with your company.

2. Do you now or did you ever have assembly plants in Israel?

3. Do you now or did you ever have in Israel general agencies or head offices for your Middle Eastern operations?

4. Have you ever granted the right of using your patents, trade marks, copyrights, etc., to Israeli persons or firms?

5. Have you ever owned shares or any other interest in Israeli firms or businesses?

6. Have you ever rendered consultative services or technical assistance to an Israeli firm or business?

7. Do you now or did you ever represent any Israeli firm or other business in your country or elsewhere? In case you did in the past, or do now, please furnish us with the names and addresses of such Israeli firms or businesses.

8. Do you have a branch of yours in Israel? In case you have, please define the relationship of such branch with your firm.

If, in the light of the answers to the said questions, it turns out that you have any dealings with Israel in the aforementioned forms, then under the Israel Boycott Regulations, now in force in all Arab countries, the name of your firm will be blacklisted in all these countries. We earnestly hope that you will choose to keep your commercial relation with the Arab countries in good standing * * *. If you decide to accept that course, then you will have to repudiate any standing agreement between your firm and any Israeli firm or business within the aforementioned forms. You will also have to furnish us with documentary evidence to this effect * * *.

Very truly yours,
Dr. Abdul Karim, el-A'idi,
Commissioner General, Central Office for the Boycott of Israel.

Mr. WILLIAMS of New Jersey. Mr. President, American businessmen properly resent this inquisition—this attempt by foreign governments to interfere with their right to do business wherever they please. It is not merely because we have an interest in the growth of a sturdy democracy in the Near East—it is because we insist that the American flag must not be lowered in surrender to piracy, whether by cutlass or questionnaire.

American history began with the fight for trade. And within a few years after that celebrated tea party in Boston, the Marines were landing on the Barbary Coast to punish the pirates who were extorting tribute from American traders.

But today when an American businessman comes to Washington to ask our Government what he should do about this questionnaire from the Arab States he is advised that our Government does not condone or recognize the boycott. As far as I know no one in our Government has ever told an American businessman to throw the questionnaire away.

Sometimes, when an American businessman is blacklisted, the Department of Commerce may help get him off the blacklist. But presumably he is liberated from the boycott only by withdrawing or denying his interest in Israel.

The American businessman who proposes to sell his goods to the Arab States is called upon not only to sign the questionnaire but also to submit a notarized affidavit that his goods are neither of Israeli origin nor do they contain Israeli materials.

To the credit of the Kennedy-Johnson administration, let me emphasize that our Government has become more and more independent of Arab threats against our relations with Israel. Since 1951, we have extended generous economic assistance to Israel despite Arab protest. We refused to be deflected from a sympathetic interest in Israel's development and progress because the Arabs were at war with her. We insisted that we would not allow the Arab governments to dictate our economic policies toward Israel.

But, while the American Government is strong enough to stand up to the Arab threat, the individual businessman is often unable to take that risk. And many American businessmen who have wanted to trade with or invest in Israel have been deterred by the Arab threats.

Not all have been intimidated. Some of the large airlines and some of the hotel operators have been strong enough to reject the Arab demands, because the Arabs needed them as much as they needed the Arabs.

The Arabs wanted hotels and airlines and so the threatened boycott was not applied. But other businessmen are not so fortunately placed.

Business International reported earlier this year that Arab boycott regulations, in effect in one or another form since 1951, are being enforced these days more efficiently and in a more clearly defined manner than ever before. And many American businessmen have been injured by that efficient machine. As of January 1964, 164 U.S. firms were on the blacklist—53 of them have been on since 1960 or before; 81 got on in 1961 and 1962; and 33 more made it by November 1963.

The truth is that this boycott has not seriously impeded or injured Israel's economy, as the record of Israel's spectacular growth confirms. But the issue here is not Israel's development. There is a large principal at stake. It is the cause of American businessmen, who have the right to trade with friendly nations under the protection of the U.S. Government.

I maintain that all firms must be ready to say "No" to any foreign interference with their right to trade. It is not enough to say that we do not approve or do not condone these practices. We must not permit them. If we agree to this sort of boycott, then the American businessman becomes an unwilling pawn in every trade war in the world.

Tomorrow the Indonesians can tell American businessmen that they cannot sell their goods in Malaysia. There are many other areas of regional conflict where this could occur. The U.S. businessman could be enlisted as a partner in every economic reprisal. We must not allow American businessmen to be used in this way.

I have given you the figures on those who have refused to yield to the blacklist. No one knows how many business firms have succumbed to the threat of blacklist because they have been coerced by economic pressure. But we cannot ask them to be more valiant than our own Government.

I think, Mr. President, that we must consider concrete measures to end this intolerable practice and I am introducing legislation to accomplish this very purpose.

I am asking Congress to amend the Export Control Act, under which the Commerce Department can now regulate exports in order to further the foreign policy of the United States. I want it clearly spelled out by Congress that it is in fact our foreign policy to oppose and condemn any trade boycott directed against foreign countries with which the United States maintains friendly relations.

In addition to officially declaring our opposition to such trade restraints barring commerce with friendly nations, the provisions of my bill will specifically outlaw the giving of information which could be used to further such boycotts or the signing of actual boycott agreements. Under the protections of this legislation, any American businessman can then, with impunity, flatly refuse to divulge any information about his commercial investments or dealings with any of our foreign friends, and he can refuse to sign any agreements not to trade or deal with those countries.

By outlawing an Arab-conceived conspiracy in restraint of trade, we will restore and strengthen normal business relationships with a true friend of the United States, the thriving democracy of Israel.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3220) to amend the Export Control Act of 1949, introduced by Mr. Williams of New Jersey, was received, read twice by its title, and referred to the Committee on Banking and Currency.

THE INDONESIAN AGGRESSION AGAINST MALAYSIA

Mr. DODD. Mr. President, I send to the desk, for appropriate reference, a resolution which is intended to express the sense of the Senate on the subject of Indonesia's open aggression against its neighboring state of Malaysia.

In submitting this resolution, I am joined by the following Senators as cosponsors: Senators Allott, Bayh, Dominick, Douglas, Gruening, Javits, Lausche, McIntyre, Moss, Muskie, Proxmire, Scott, Simpson, Williams of New Jersey, Young of North Dakota, Monroney, Metcalf, Yarborough, and Mundt.

I wish to read the text of my resolution at this point, Mr. President, because I believe it is self-explanatory:

Whereas the Charter of the United Nations calls for the repudiation of force as an instrument of policy; and

Whereas in the case of India's aggression against Goa, the United States Ambassador to the United Nations, Adlai Stevenson, warned the General Assembly that failure to react against such aggression would doom the United Nations to sterility and might ultimately destroy it; and

Whereas the Government of Indonesia, in open defiance of the United Nations Charter, has called for the destruction of Malaysia, has mounted a guerrilla infiltration of the state of East Borneo employing regular units of the Indonesian Army, has recently air dropped and landed heavily armed units on the Malayan mainland, and has now openly proclaimed its intention of attacking and destroying the Malaysian military bases; and

Whereas the Soviet Union has openly encouraged Indonesia's confrontation with Malaysia and has boasted that it was shipping large quantities of the most modern weapons to President Sukarno; and

Whereas the Soviet Union with the support of Czechoslovakia has vetoed a resolution of the United Nations Security Council calling for the termination of Indonesia's aggression against Malaysia; and

Whereas the "Uniting for Peace" resolution adopted by the General Assembly in 1950 declared that the failure of the Security Council to exercise its responsibility because of a lack of unanimity of its permanent members "does not relieve the United Nations of its responsibility under the Charter to maintain international peace and security," and authorized the General Assembly to consider and make recommendations on any situation where the Security Council has failed to act and "where there appears to be a threat to the peace or a breach of the peace or an act of aggression;" Now, therefore, be it

Resolved, That the Senate of the United States endorse the stand taken by President Johnson in his meeting with the Prime Minister of Malaysia last July, when he affirmed the United States support for Malaysia's independence and territorial integrity; and that it endorse the stand taken by the American delegation in the Security Council on the question of Indonesian aggression against Malaysia.

SEC. 2. It is the sense of the Senate that the United States delegation to the United Nations, in accordance with the "Uniting for Peace" resolution should ask for the inscription of the Indonesian-Malaysian question on the agenda of the forthcoming session of the General Assembly and should seek the broadest possible support for the condemnation of Indonesian aggression against Malaysia in the Assembly; and that the United States delegation to the United Nations should also call upon the member nations to abstain from shipping military equipment to Indonesia so long as the Indonesian Government stands in defiance of the Charter of the United Nations.

SEC. 3. It is further declared to be the sense of the Senate that the United States should suspend all residual aid programs to Indonesia until the Indonesian Government commits itself to abandon its aggression against Malaysia and respect the Charter of the United Nations.

SEC. 4. The Senate, in voting for these measures, assures the Indonesian people of this Nation's friendship for them and expresses the hope that their government will voluntarily refrain from any measure which will endanger the peace, and will cooperate with the United Nations in seeking peaceful solutions to any territorial problems that may exist.

Mr. DODD. Mr. President, if the United Nations does not now stand up against this open and flagrant violation of the principal clause of the United Nations Charter, then it is difficult to see what role the U.N. can in future play as mediator of disputes and as a custodian of the peace.

The Washington Post, in reporting on the situation, has posed two central questions which in my opinion summarize the situation precisely:

> Does the U.N. dare champion the cause of a smaller, Western-oriented nation—Malaysia—against a bigger nation, a self-appointed spokesman for the Afro-Asian bloc—Indonesia?
>
> Does the U.N. dare condemn one of its members for being an aggressor against another when confronted with the hard proof?

The challenge is aggravated by the arrogance of Prime Minister Sukarno and of his Ambassador to the U.N., Mr. Sudjarwo Tjondronegoro. At the meeting of the Security Council on September 17, Mr. Sudjarwo brazenly acknowledged that Indonesian forces had been landed in Malaysia by sea and by air. He then went on to deny that this was aggression. He said that "legal arguments, particularly when they are based on the so-called international law of the world of the colonial powers cannot be applied to stop this struggle." And then he attempted to shift the onus for the crisis onto the shoulders of Malaysia. "It is now up to Malaysia," he said, "to decide whether it wants peace or war with Indonesia."

Ambassador Stevenson's eloquent denunciation of the stand taken by the Indonesian representative will, I am sure, be approved by every American. I quote his words because I feel they deserve quoting:

> This is a new and dangerous doctrine of international law, outside the Charter of the U.N. and foreign to everything that man has learned about the danger of escalation from little wars to big wars, and the crucial importance of maintaining the peace.
>
> The first law of politics is that there must be some minimum agreement to abide by the rules of the game. The way in which the Indonesian case has been stated here makes it even more necessary that this Council, which is entrusted by the Charter with the maintenance of peace and security, clearly identify as inadmissible the armed action of the Indonesian Government against Malaysia.

The Soviet veto of the Security Council resolution adds all the more point to the resolution I am submitting. I believe that the Senate will strengthen the hand of the U.S. delegation to the U.N. by expressing its overwhelming support for the resolution which I have today presented, urging that the matter be pursued in the General Assembly, in accordance with the "Uniting for Peace" resolution adopted by the Assembly in 1950.

I ask that the resolution be left on the table until the close of the September 30 session, so that other Senators from whom I have not yet heard may have an opportunity to indicate their desire to be listed as cosponsors.

Before I close my remarks I would like to remind my colleagues that in the summer of 1962 our country, in the misguided belief that this action would assure the friendship of Indonesia and the future stability of the area, gave its support to Indonesia's demand for the annexation of Netherlands New Guinea. We did so despite the fact that there are no common bonds of race or language or culture or religion between the people of New Guinea and the people of Indonesia, and despite many indications that the West New Guinea populace was overwhelmingly opposed to rule by Indonesian imperialism. And we did so despite the recent lessons of history that concessions made to an aggressor nation do not placate it but, on the contrary, encourage it to further aggression.

I ask unanimous consent, Mr. President, to insert into the RECORD at this point the text of my memorandum of April 16, 1962, objecting to the proposed cession of Netherlands New Guinea to Sukarno's imperialism.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the resolution will remain at the desk, and the memorandum will be printed in the RECORD.

The resolution (S. Res. 376) was referred to the Committee on Foreign Relations.

The memorandum presented by Mr. DODD is as follows:

(Memorandum to members of the Subcommittee for Far Eastern Affairs, Senate Foreign Relations Committee, April 16, 1962)

THE INDONESIA-NETHERLANDS DISPUTE OVER WEST NEW GUINEA

The past few weeks have brought ominous news from Netherlands New Guinea. Negotiations between the Netherlands Government and the Government of Indonesia appear to have broken down. Indonesian commando units have invaded several of the minor islands surrounding New Guinea. The Netherlands forces on the islands have taken countermeasures against the invaders. Meanwhile, the cries of President Sukarno and all the other extremist leaders in Indonesia have become shriller and more threatening.

New Guinea, say the Indonesian extremists, belongs to Indonesia, and the Netherlands must cede it forthwith to Indonesia, or the Indonesian Government will embark on all-out military action to assert its rights to the area. To this the Netherlands replies that New Guinea does not, by any stretch of the imagination, belong to Indonesia and that the only just solution would be to permit the people of West New Guinea to determine their fate in a future vote under U.N. auspices.

The outcome of this dispute will, to a very large degree, depend on the position taken by the United States and by the manner in which we exercise our influence. But our present policy in this matter has been defined only by rumors and by unconfirmed reports in the press. There have been no formal hearings or discussions in depth on the matter with the Senate Foreign Relations Committee; and such hearings should be held before any irrevocable decision is made.

The island of New Guinea, half of which is administered by the Netherlands Government and half by Australia, is larger than the State of Texas. It is a land of savage mountains and steaming jungles, a land of incredibly primitive peoples who still practice cannibalism and head hunting, a land whose interior areas are so inaccessible that one might well wonder why anyone should want it and why it should be of any strategic importance.

But the thousands of American boys who died in New Guinea provide the most eloquent testimony to the strategic importance which both sides attached to it in World War II. And the fierce dispute now raging over Netherlands New Guinea and the volume of Communist propaganda on the subject strongly indicate that the island remains of equal strategic importance in the present conflict between the free world and the slave world of communism.

The voices that urge that we avoid unpleasantness with Indonesia by persuading our Dutch allies to cede West New Guinea to the government of President Sukarno do not understand the strategic significance of New Guinea; nor do they appreciate the fact that in turning over control of this territory to President Sukarno, we are turning it over to a government which, of all the governments in the non-Communist world, runs perhaps the greatest chance of falling to communism before the decade is out.

Of all the territorial demands made by the governments of the countries that have recently achieved independence, the claim of the Indonesian Government on Netherlands New Guinea is the most arrant, the most baseless, the most flagrantly imperialistic, the most threatening to the free world, and the most offensive to the spirit of the United Nations Charter.

While we all condemned India's forcible annexation of Goa, it was at least understandable that the Indian people should wish to put an end to this foreign enclave in the territory of the Indian subcontinent. One might question the thesis that the Goan people welcomed their annexation by India; but it is understandable that the Indians should look upon the Goan people as fellow Indians, because ethnically there is no dispute that the Goanese are of Indian stock.

But none of these considerations apply to Indonesia's claim to New Guinea. The Indonesian peoples have no personal nostalgia for West New Guinea, because very few of them have even visited there. They have no sense of ancestral attachment, because none of their ancestors, going back to prehistoric days, ever came from West New Guinea. They have no feelings of brotherly love for the people of Netherlands New Guinea, because there is no common bond of race or language or culture or religion. In short, none of the ingredients that have historically justified nationalist movements, enter into the fraudulent nationalist demands for West New Guinea which are now being advanced by the Sukarno government.

The Indonesian demand for Netherlands New Guinea is not antiimperialism, as President Sukarno pretends; it is imperialism. Is is not anticolonialism; it is a new colonialism which is all the more immoral because it is being advocated by a government that has itself only recently emerged from colonialism, and that should know something of the evil of colonialism.

Geographically, New Guinea is almost a thousand miles removed from Java and the Celebes. It is, in fact, much closer to Australia than it is to the main Indonesian islands. The islands of Indonesia, geographically, are part of the great Continental Shelf of southeast Asia. New Guinea, on the other hand, is distinctly a part of the Continental Shelf of northern Australia.

Ethnically and culturally, the Papuan people of New Guinea have absolutely nothing in common with the Indonesians. The Indonesian peoples are of Malay stock. The Papuans are a black people of Melanesian stock who bear no affection for the Indonesians and who would, in fact, look upon Indonesian sovereignty as an intolerable form of imperialism.

Approach the New Guinea dispute from whatever standpoint you wish—from the standpoint of morality or of political commonsense, or of international law or of historic tradition—and it is impossible to find a single valid argument to support Indonesia's claim on West New Guinea. That is why the Indonesian Government has consistently refused to submit the case to the International Court in The Hague. And that, too, is why the Indonesian demand that the Netherlands enter into bilateral negotiations on the case of West New Guinea has been repeatedly turned down by the United Nations.

The Dutch position on New Guinea has been clear and positive and irreproachable from every standpoint. The Netherlands Government maintains, and I quote from an official statement:

"That no historical, constitutional, or cultural ties ever existed between Netherlands New Guinea and the territories now known as the Republic of Indonesia; to the contrary, the facts show that the separate and distinct character of West New Guinea was always recognized under the Netherlands Indies administration;

"That far from being included in the transfer of sovereignty over territories now part of the Republic of Indonesia, West New Guinea was specifically excluded, and letters acknowledging and agreeing to this exclusion were exchanged between the Netherlands and the Republic and became part of the official records of the Charter of Transfer of Sovereignty;

"That the Netherlands administration is firmly determined to foster in West New Guinea, through a comprehensive developmental program already well underway, a free political conscience which is a prerequisite for self-determination;

"That this growth toward eventual self-determination would be automatically exterminated if West New Guinea were arbitrarily to be made part of the Republic (of Indonesia)."

Far from exploiting West New Guinea, the Dutch have been sinking many millions of dollars into the country each year to develop its economy and to educate its people toward self-government.

Considering the forbidding geography of New Guinea and considering the fact that its peoples were among the most primitive to be found anywhere in the world, the progress registered by the Netherlands administration has perhaps not been equaled in any other country.

Of the 700,000 Papuans in Netherlands New Guinea, about 400,000 live in areas that have been brought under administrative control. In these areas, fully 80 percent of the children are receiving education. There are almost 1,000 schools functioning in the country, including secondary and technical schools and teachers' training courses.

At the end of 1959, native Papuans held 52 percent of the civil service posts, and the Government of the Netherlands had committed itself to raise this percentage to 95 percent by 1970.

The Netherlands administration has also been moving rapidly to provide the Papuans with an adequate economic base for ultimate self-government. There have been vast increases in the production of nutmeg and coconut and cocoa and other crops, a lumber industry has been built up, and geological surveys have turned up promising deposits of minerals.

All of this progress would be lost if, through the delinquency of the United Nations and the weakness of the Western Powers, the Netherlands were forced to cede New Guinea to the Indonesian expansionists.

But much more than this would be lost. As the Right Honorable R. G. Casey, former Australian Minister of External Affairs, has pointed out, "If West New Guinea passed to Indonesia, the native inhabitants would lose once and for all any opportunity of determining their own future."

Why is the Sukarno government so insistent in pressing its claims to this remote island territory? One would imagine that Indonesia had problems enough of its own. Her economy is bogging down. There is galloping inflation. The Christian Science Monitor of April 9 pointed out that Indonesia's financial-economic situation has slumped to one of the lowest points since the proclamation of independence in 1945, and that the price of rice, which is the staple food of the Indonesian diet, had reached the alltime high of $1.10 per kilogram. This is a price which spells near-starvation for most of the Indonesian people.

Political parties, with the exception of Sukarno's party and the Communist Party, have been suppressed and many prominent members of the opposition parties have been thrown into prison. And there are large areas of Sumatra and the Celebes and even Java that are not under the firm control of the Central Government.

Why, in the light of all its own difficulties, does Indonesia want to add to her island territories a new territory, peopled by alien and hostile tribes, a territory that can only be developed into an economic asset with substantial capital investment and which, at the best, will remain an economic liability for a period of many years?

The answer to this question is easy to find if one takes the trouble to examine the output of the Communist propaganda apparatus on the subject of New Guinea over the course of the past few years.

The fact is that Indonesia's strident claims to West New Guinea are primarily due to the agitation of the Indonesian Communist Party the largest Communist Party outside the Soviet bloc, and of the international Communist apparatus. If there were ever any doubt on this score, it should have been dispelled by a United Press dispatch from Indonesia which appeared in the Washington Post this last Thursday, April 12. The dispatch described a mass meeting in the city of Jambi, addressed by President Sukarno. After he had whipped the crowd up into a fury with a fiery speech demanding "freedom for West Iran" (the Indonesian name for Netherlands New Guinea), President Sukarno called to the podium one after another, the Ambassadors from the Soviet Union, Hungary, Poland, Yugoslavia, and Commnuist China. To roars of approval from the crowd, the Communist Ambassadors all shouted: "Meredeka Iran barat" (Freedom for West Iran). They were joined in this dismal and undiplomatic display by the Ambassadors from Indian and Burma.

Before we commit ourselves to the support of Indonesia's demands, it would be well to ponder the significance of this demonstration.

As in so many other cases, the Communists have pointed the way to an ultra-nationalist position, and they have been able to carry the extreme nationalists along with them in agitating for this position. And in Indonesia the Communists have found this particularly easy because President Sukarno has been so willfully shortsighted with regard to communism, and because he is so desperately seeking to divert popular attention from the problems begotten by his own administration.

This leads us to the next question: Why are Moscow and Peiping so intensely interested in this remote underdeveloped jungle territory? The strategic and political significance of West New Guinea becomes immediately apparent from a look at the map of the southern Pacific.

New Guinea lies athwart the trade routes between southeast Asia and Australia, from which it is separated by only 150 miles of water. It lies squarely between the two most important and most reliable SEATO nations—Australia and the Philippines.

Less than a year ago, when I was in the Far East, I discussed the situation in southeast Asia with a member of the Australian Senate. Australia and New Zealand were very worried over the situation in Laos, he told me, and that was why they had taken a stand in favor of SEATO intervention in Laos to prevent a Communist takeover. They were afraid that the fall of Laos would pave the way for Communist takeover in Cambodia, Vietnam, Thailand, Malaya, and Burma. And once the mainland of southeast Asia was firmly under Communist control, Indonesia, they felt, would be a pushover; it would be a pushover because the Communist Party there was already so powerful and because President Sukarno had done so much to weaken and destroy the anti-Communist forces.

"We see the tide of Asian communism creeping down toward us," said the senator from Australia, "and we know that if it succeeds in conquering southeast Asia and Indonesia, we are doomed." In a future that may lie only several decades ahead, he warned, Indonesia and New Guinea might be used as springboards for an Asian Communist invasion of Australia. But long before this came about, he pointed out, the entire strategic position of the free world would be gravely compromised if the forces of world communism held control of the whole Pacific littoral, from the Bering Straits to Singapore, and of the southern island chain from Sumatra to New Guinea. For if this ever came to pass, the Communists would, in effect, have cut the world in half.

The Communists are inciting and supporting the Indonesian agitation for West New Guinea because they do look far ahead, because they do have long-range strategic aims, and because they are confident that the time is not too far distant when the hammer and sickle of communism will fly throughout the lands of southeast Asia and the islands of Indonesia.

For the moment, the Indonesian Government takes the stand that its claim extends only to West New Guinea, and not to the eastern portion of the island which is a non-self-governing territory under the Commonwealth of Australia. In fact, President Sukarno has gone out of his way to assure the Australians that Indonesia has no pretensions of any kind to East New Guinea. But the Australians are skeptical about these assurances; and who can blame them for being skeptical?

It is in the interest of the free world, it is in the interest of the people of New Guinea, it is in the ultimate interest of the United Nations, that the people of New Guinea, after an appropriate period of preparation, be given the right to determine for themselves what form of government they wish to have and what political affiliations they wish to enter into.

To deny this right to the people of New Guinea would be to abandon the cardinal principle on which the United Nations is based; the right of all peoples everywhere to determine for themselves the form of government desirable to them.

To accede passively to the hysterical demands of the Indonesian Communists and nationalists by surrendering New Guinea to them would gravely imperil the future of Australia and the Philippines and of all the free world's positions in the West Pacific.

Many people have been disturbed by the fact that we have taken no action and made no protests when the Indonesian Government has flouted the United Nations Charter by its repeated public announcements that it planned to take West New Guinea by force, if it were not ceded peacefully.

They have been even more disturbed by the fact that when our Dutch NATO allies sought to transport troops to New Guinea in order to defend a non-self-governing territory of which they are recognized as the legal administrators by the U.N., against a threatened invasion in violation of the U.N. Charter, we reacted to this situation by denying our NATO allies the right to land and refuel their transport planes at American Pacific bases.

But they have been most disturbed, by the persistent reports that we are endeavoring to persuade, or perhaps I should say, to pressure our Dutch NATO allies to cede West New Guinea to Indonesia without a fight. Only last week, the Washington Star carried an AP story which spoke of a reported U.S. proposal that the administration of West New Guinea be switched from Dutch to Indonesian control over a 2-year period. According to this story, the reported proposal met with stiff opposition from The Hague, which still insists that self-determination under U.N. auspices is the only proper way to dispose of the fate of the Papuan people. According to the same story, President Sukarno told a cheering crowd in South Sumatra that he holds to his pledge to put his government in control of the disputed territory by the end of the year. "Who said I want to accept a 2-year condition?" he asked rhetorically.

I earnestly hope that these reports, at least as they relate to the attitude of the U.S. Government, are in error.

I earnestly hope that we are not endeavoring to appease Sukarno and his Communist supporters at the expense of our NATO and SEATO allies.

I earnestly hope that we will not seek thus to ingratiate ourselves with Sukarno, Nehru, Nasser and Nkrumah, despite the fact that this action would break the hearts of our stanch allies in Australia, the Philippines, New Zealand and Thailand; despite the fact that it would place further serious stress on NATO; despite the obvious peril it would create to the free nations in the area and to the strategic position of the free world.

I earnestly hope that in any action we take with regard to West New Guinea, we will be guided above everything else by considerations of morality and by the basic principles on which the United Nations is founded. For in this situation, as in so many other situations, the path of morality coincides with the enlightened self-interest of the free world.

Since the United States first achieved its own independence, it has remained a stanch friend and supporter of the cause of national liberation and of every nation, young or ancient, seeking freedom from foreign bondage. In the post-World War II period, the moral influence of the United States has played a role of central importance in bringing about the peaceful liberation of the great majority of the colonial countries. The colonial countries have had no better friend than the United States; our record in this respect is something of which we have every reason to be proud. But having supported the colonial countries in their struggle for independence, we cannot be indifferent to the new and infinitely greater danger of Communist colonialism, which now threatens many of these countries. Nor can we, out of our longstanding sympathy for the national aspirations of these countries, permit or assist these newborn countries to establish their own systems of imperialist and colonial subjugation in neighboring territories.

In approaching the dispute over Netherlands New Guinea, we should say these things frankly but firmly to our friends, to our enemies, and to the recently liberated neutralist nations, some of whom, unfortunately, are not prepared to concede the same rights to other peoples that they demand for themselves.

ADDITIONAL COSPONSOR OF S. 2916

Mr. SALINGER. Mr. President, I ask unanimous consent that my name may be added as a cosponsor to S. 2916, a bill introduced by the senior Senator from California [Mr. KUCHEL] concerning the conveyance of certain property in San Diego to the regents of the University of California.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 24, 1964, he presented to the President of the United States the enrolled bill (S. 2049) to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce, and for other purposes.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SPARKMAN:

Citation awarded to Senator RUSSELL B. LONG, chairman, Subcommittee on Monopoly, Senate Small Business Committee, at the Conference on Dual Distribution, at the International Inn, Washington, D.C., on September 22, 1964.

FIRST ANNIVERSARY OF SENATE VOTE ON LIMITED NUCLEAR TEST BAN TREATY

Mr. PASTORE. Mr. President, in these closing days of the 2d session of the 88th Congress the demands upon our time are quite heavy and we are all extremely busy in striving to complete our legislative duties and fulfill our responsibilities on those few items still remaining. I would hope, however, that we are not so busy that we can not take time to give appropriate recognition to a most significant event which took place 1 year ago today here in this great body—the Senate.

One year ago today after very detailed hearings and exhaustive studies—after very thorough debate—the Senate, by a vote of 80 to 19, gave the President of the United States our advice and consent to a nuclear test ban treaty with the United Kingdom and the Soviet Union. Over 100 nations have since joined us and have placed their signatories to this treaty.

There was no doubt in my mind when I stood on this floor 1 year ago and voted in favor of the treaty. There, similarly, is no doubt in my mind today—1 year later—that our actions were correct.

To those of my colleagues—the overwhelming majority on both sides of the aisle who voted in favor of the treaty, I say: Let us take justifiable pride in the fact that we clearly and forthrightly made a right decision. Let us on this, the first anniversary of our history-making vote pause and give thought and thanksgiving to this past year when our atmosphere has been free from additional radioactive pollution. Let us at the same time pause and prayfully hope that this, the first anniversary, will be followed year after year by additional anniversaries.

To those of my colleagues—a very small minority that had doubts—who for one or more reasons did not see their way clear to vote favorably on this treaty, I would hope that the passing year has given you some small assurance—some reason—to realize what we have accomplished.

I believe this—on the first anniversary on the formal Senate action—that we who participated in that deliberation can take justifiable pride in our action and that the people, not only of the United States but of the entire world, can take consolation and hope in the knowledge that through efforts of the three great powers, subsequently joined by others, that this world is a little better—a little less dangerous—a little cleaner world in which to live today—than it might have been had this treaty not been signed by our President and approved by the Senate of the United States.

Mr. ANDERSON. Mr. President, a year ago today the Senate ratified the nuclear test ban treaty. I voted for that treaty. I thought then that my vote was a right one, and the passage of a year has left me even more convinced that ratification was right.

As all of us remember, the Joint Chiefs of Staff testified that certain "safeguards" were essential, in order to make the treaty acceptable to our military. President Kennedy gave assurance that those safeguards would be implemented; and President Johnson, by subsequent action, continued the implementation of those essential safeguards.

In order to carry out its responsibilities to continue underground nuclear testing, and to maintain its laboratories at a high level of skill and morale, and to stand ready to resume testing in the atmosphere, should that become necessary, the Atomic Energy Commission requested additional funds for the weapons program. Congress appropriated those funds. Certain installations in New Mexico—particularly the Los Alamos Scientific Laboratory and the Sandia Corporation—have played an important role in fulfilling the "safeguard" pledge. Additionally, in cooperation with the Department of Defense, the Los Alamos Scientific Laboratory and the Sandia Corporation have developed instrumentation for satellites capable of detecting nuclear explosions in the atmosphere and in outer space. These satellites are aloft, and are transmitting valuable data as a vital element in our detection network.

Furthermore, about the middle of next month the Atomic Energy Commission and the Department of Defense will continue exercises in the Pacific to assure this Nation's security in the field of nuclear weapons preparedness. I ask unanimous consent that a joint AEC-Department of Defense release be printed at this point in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

DOD–AEC IMPLEMENT TEST READINESS SAFEGUARD SCHEDULE MID-OCTOBER PACIFIC EXERCISES

Over a year ago (August 23, 1963), the Atomic Energy Commission and the Department of Defense outlined to the U.S. Senate safeguards to the limited nuclear test ban treaty. These included: "The maintenance of the facilities and resources necessary to institute promptly nuclear tests in the atmosphere should they be deemed essential to our national security or should the treaty or any of its terms be abrogated by the Soviet Union."

Early this year it was decided to have, by January 1, 1965, the capability to proceed with tests of nuclear weapons within 2 or 3 months from the date of any abrogation of the test ban treaty.

While such readiness is necessary in the interest of national security, the U.S. position has always been that it earnestly hopes there will never be an abrogation of the treaty, and that its capability to resume such testing will not have to be exercised.

In this spirit measures have been taken to implement the safeguards described to the Senate a year ago. These include air and sea exercises, without any nuclear explosion, to be carried out about mid-October in the vicinity of Johnston Island in the Pacific. The exercises are expected to be concluded in early November.

Mr. ANDERSON. But, Mr. President, beyond this scientific and technical progress and alert conditions, the year has produced a healthy and welcome lessening of tensions between the nuclear camps. I believe the large majority of Americans appreciate this diminution of the nuclear-arms race.

On September 17, 1963—a week before the Senate voted on the treaty—I cited, in remarks in this Chamber, some sound reasons for ratification of the treaty. In the course of those remarks, I presented a resolution by the Los Alamos Chapter of the Federation of American Scientists. One significant part of that resolution—referring to the treaty—is worth repeating today:

> It formally recognizes the idea that world peace can be best constructed by the successful implementation of limited practical steps—a view long advocated in American foreign policy.

Mr. President, this statement recognized that it has been the policy of this administration and that of its predecessors to take all reasonable steps to advance the cause of world peace. The test ban treaty we ratified a year ago today was one of those long steps.

Mr. CASE. Mr. President, as a member of the Committee on Armed Services, I fully recognize that our country must remain preeminently strong militarily in order to be able to protect the security of the United States and freedom everywhere. But I also recognize the equally important need to try to control the awesome threat of modern weapons, for unless safeguarded alternatives to the arms race are found, the danger of nuclear war through accident, miscalculation, or some irrational act will continue to increase; and if such a war should occur, there could be no real victor.

When the Senate gave its approval to the limited nuclear test ban treaty, a year ago, we took our first significant step toward the control of nuclear weapons. It was a cautious and well-considered step. Although our security interests are protected by a withdrawal clause, the world is a saner and safer place for all mankind as long as the treaty is in force.

It was also a step consistent with the policies of every administration since the end of World War II. As a Republican, I am particularly proud of the efforts undertaken by the Eisenhower administration toward the verifiable control and reduction of worldwide armaments, efforts which included the first proposal for a nuclear test ban.

Earlier, President Eisenhower had proposed an "atoms for peace" program that led to the establishment of the International Atomic Energy Agency to promote the peaceful uses of atomic energy, under appropriate international safeguards. Other proposals first put forward by President Eisenhower were an inspected cutoff in the production of fissionable materials for weapons purposes; the use of outer space exclusively for peaceful purposes; the creation of inspection systems to guard against surprise attack; the first formal United States program for general and complete disarmament, under effective international control; and the creation in the Department of State of a disarmament administration. Out of this grew the U.S. Arms Control and Disarmament Agency.

None of these was a partisan effort. All of them received bipartisan support, rooted in the conviction that the search for peace is an undertaking in the national interest which transcends partisan, political considerations. This was never more evident that in the part played by the distinguished minority leader in securing approval of the test ban treaty. It was ratified by an overwhelming majority of Senators from each side of the aisle. I am proud to have been one of them.

Mr. GORE. Mr. President, today marks the first anniversary of a historic vote in this Chamber.

On September 24, 1963, this body, in exercising its responsibilities under the Constitution, after many days of hearings and debate, gave its advice and consent to ratification of the limited nuclear test ban treaty. The ratification by the Senate was an overwhelming one; there were 80 votes for the treaty, and only 19 against it.

Achievement of the treaty will go down in history, in my view, as a turning point in United States relations with the Soviet Union. I believe that the treaty has marked some easing of cold war tensions with the Soviet Union. Our will to resist any encroachment on the free world by the Soviet Union or any Communist regime remains as strong as ever; and our military strength remains unimpaired by the treaty.

However, the treaty does illustrate that areas of mutual interest between the two sides do exist, and that foremost among those areas is the avoidance of nuclear war.

The final achievement of success illustrates the value of patient and persistent pursuit of objectives that are in the interests of the United States and of all the world. These objectives were pursued by both a Republican administration and a Democratic administration. I am proud to say that I early supported a ban on nuclear tests in the air. It was a pleasure to support the treaty when it was being considered by the Senate last year.

As a member of the Joint Committee on Atomic Energy, I have been directly concerned with the development of the nuclear might of the United States. As a member of the Committee on Foreign Relations, I have been deeply involved in the development and conduct of our foreign policy.

It has long been my belief that the United States, which took the lead in the creation and development of nuclear weapons, has a burden of responsibility to seek agreements to control nuclear weapons.

As Senate adviser to the U.S. delegation to the Conference on the Discontinuance of Nuclear Weapons Tests, I am proud that I was in attendance when that Conference first convened, on October 30, 1958. From that time until the time when the protracted and often discouraging series of negotiations culminated in success, almost 5 years later, I carefully followed the progress of test-ban discussions in Geneva and elsewhere.

Many countries signed and ratified the treaty before the U.S. Senate took that action, and many other countries have done so since. At the present moment, 105 countries are signatories to this historic document. Only two major countries in this world—Communist China and France—have not seen fit to join the vast majority of mankind in adhering to the treaty.

During the past year, there has been a total absence of nuclear explosions in the atmosphere, underwater, or in space. There has been, therefore, no increase in the amount of radioactive debris in the air. Radioactive fallout still exists in the atmosphere, from tests conducted prior to the signing of this historic treaty. This remaining fallout, which, admittedly, most scientists do not consider hazardous, and which continues to decay, will be with us, unfortunately, for many years to come.

The treaty was described by the late, beloved President Kennedy as a "first step." It is, indeed, a first step toward inhibiting the nuclear-arms race, and a first step toward bettering world relations. As I said last year in my speech on the floor of the Senate, in support of this treaty:

> What we are dealing with is one of the means of mass destruction; and we are dealing with it in a limited way, at that. But, even so, the treaty represents, not disarmament, but a pause in a conflict between societies on a collision course. I welcome that pause. I invest faith in the human race, and faith in the ability of the United States to maintain a position of moral and political leadership, of technological and military superiority; and I invest faith in the will and the determination of our people to take whatever steps may become necessary to preserve their freedom.

The faith of the late President has, I believe, been justified. The past year has seen much international unrest—in Asia, in Africa, and in the deepening schism within the Communist world. But the people of this planet have rested easier, in my opinion, because that first step—the banning of atmospheric, underwater, and space nuclear tests, was ratified by the U.S. Senate, last September 24.

It is my hope that the future may bring more occasions to commemorate even greater contributions toward peace. But in the meantime, all the Members of this body can take pride in the success of the first year of the nuclear test ban treaty and in their contributions to the universal quest for peace.

Events of the past year have fully vindicated the programs of responsibility in policy and restraint in action that have dominated U.S. foreign policy since 1945. This policy must continue.

Mr. COOPER. Mr. President, 1 year ago, together with 80 Members of the Senate, including 26 of my Republican colleagues, I voted to ratify the limited nuclear test ban treaty, which grew out of negotiations begun under President Eisenhower and completed under the late President Kennedy. Today, after more than 100 nations of the world have acceded to the treaty, the responsibility that the Senate had in examining the treaty is not lessened, but it is in fact increased, because the security of our country and the protection of its people and its free institutions remain paramount.

When I spoke in the Senate on September 20, 1963, before ratification of the treaty, I said that I believed we had to determine which was the greatest risk—failing to take a first step toward breaking the cycle of the nuclear arms race or risking the chance that either the Soviet Union might breach the treaty or that it had at that time obtained nuclear superiority. Recognizing that the Soviet Union might attempt to break the treaty, I noted that the United States could immediately abrogate the treaty if our security and interests were jeopardized, and I also said that the true test of the effectiveness and the purpose of this treaty lay ahead. That test would be found in the conduct of the Soviet Union, not only in respect of nuclear tests, but in its willingness to settle issues, which cause the confrontations and the arms race.

I cannot say that any great advances have been made in the last year toward just settlements of the issues which caused the confrontations between the United States and the Soviet Union, and I must say that the recent claim by Mr. Khrushchev of the Soviet development of weapons of great destructive power does not put at rest the concern this Nation has about the intentions of the Soviet Union.

Today I think it is important to recall that the Joint Chiefs of Staff gave their approval to this treaty, but included certain conditions. During the colloquy with the distinguished senior Senator from Georgia [Mr. RUSSELL], and the distinguished Senator from Mississippi [Mr. STENNIS], on last July 29, when the Senate was considering the Defense appropriations for this fiscal year, I asked them whether the Atomic Energy Commission and the Department of Defense were fulfilling their responsibilities in maintaining safeguards against any breach of the treaty. I also asked whether our Government was maintaining laboratories and personnel for nuclear technology, about the status of plans and facilities for undertaking tests in the atmosphere if necessary, about the monitoring of nuclear explosions set off by the Soviet Union, and about the continuance of underground testing. Both the Senator from Georgia [Mr. RUSSELL], and the Senator from Mississippi [Mr. STENNIS] replied that the responses from the necessary agencies indicated that our preparedness was being maintained and that the safeguards discussed during debate over the treaty were being kept in effect. But I think that it is necessary that the administration and the committees charged with this responsibility inform the Congress and its committees whether these requirements are being firmly maintained. The safety of our country depends upon this knowledge.

The confrontation between the United States and the Soviet Union results from the objectives of the Soviet Union. It exists also because of the unwillingness of the Soviet Union to resolve, with justice, the issues which cause the arms race and continue to bring the threat of war. While there is no proof that the Soviet Union would agree to any solutions of these issues, I think that the United States must continue its efforts to reach honorable and just agreements so that we may reach the point where there is assurance that this generation and future generations can avoid the nuclear destruction of civilization. We must continue to maintain our safeguards against any breach of the treaty, and we must continue to insist upon advances toward settlements of differences, with the purpose of further reducing the risk of nuclear war.

Mr. NELSON. Mr. President, a year ago today the Senate voted 80 to 19 to approve the limited nuclear test ban treaty. In that vote we testified our support for the efforts of the late President Kennedy to find ways to preserve peace with prudence and responsibility. On the first anniversary of this historic vote, I believe we should pause to consider its significance for today.

For 19 years now, every President of the United States has been acutely aware of the realities of atomic power. They have been acutely aware that atomic power has enabled us to deter Soviet aggression; but they have also been acutely aware that with the advent of the nuclear bomb, the world as we had known it had forever changed.

The nuclear bomb cannot be considered just another weapons development, no matter how small it may be. As the Secretary of the Army stated recently:

> Our smallest nuclear weapon has many times the yield of the blockbusters dropped by World War II Flying Fortresses.

This is to say nothing of the effects of radioactive poisoning. And President Johnson said recently in Seattle:

> The total number of Americans killed in battle from the Revolution until tonight is a little over 526,000 people. Today a single nuclear weapon can kill more than 526,000.
>
> Our experts tell us as of today that a full-scale nuclear exchange between the East and the West would kill almost 300 million people around the world, and in the midst of that terror and tragedy we could expect that weapon after weapon would soon engulf a portion of mankind. A cloud of deadly radiation would drift and destroy, menacing every living thing on God's earth, and in those unimaginable hours unborn generations would forever be lamed.

These awesome horrors could be triggered by the firing of the smallest tactical nuclear weapon we have—a weapon that a Member of this body, who should know better, has had the audacity to term "conventional."

The realities of the nuclear age have thus far prompted every administration, whether Democratic or Republican, to strive to bring nuclear weapons under control—to work for balanced and verifiable arms control and arms-reduction agreements. The limited nuclear test ban treaty, approved a year ago by the Senate is today such an agreement.

A test ban was first proposed by the Eisenhower administration. More than three-quarters of the Republican Senators, as well as four-fifths of the Democrats, voted for it. I am sure this overwhelming bipartisan support reflects the sentiments of the vast majority of the American people, whatever their political persuasion. This augurs well for future efforts to enhance our security through the ultimate elimination of ultimate destruction, for, as President Johnson has said:

> We must learn to live with each other, or we will destroy each other.

Mr. JAVITS. Mr. President, the Eisenhower administration first proposed a nuclear test ban agreement in 1958.

The Republican national platform of 1960 stated:

> We advocate an early agreement by all nations to forego nuclear tests in the atmosphere, and the suspension of other tests as verification techniques permit.

Subsequently, on September 24, 1963, exactly 1 year ago today, over three-fourths of the Republicans in the U.S. Senate voted for the limited nuclear test ban treaty. I am proud to have been among this overwhelming majority.

Mr. President, this step toward peace represented a responsible choice. It grew out of an initiative undertaken during the last Republican administration and was concluded under a Democratic administration. It was not an echo of partisan foreign policy, but a collective judgment by responsible Americans. This is as it should be on a matter so important to peace and national security as the control and reduction of arms.

The threat of nuclear war is a formidable one. This country possesses the most powerful military establishment in the world. We have been forced into a posture of military deterrence by the Communist threat. But we are not the only country capable of inflicting nuclear devastation. In a nuclear conflict, we could destroy more of the Soviet Union than they could destroy of us but we would still face the prospect of suffering untold casualties and destruction at home. This is not the way to victory for freedom and Western civilization. Safeguarded alternatives to the arms race must be pursued if we are to build true peace and security. This fact has been recognized by Republicans and Democrats alike. It was recognized by President Eisenhower. In an address to the Nation on May 25, 1960, he said:

> All of us know that, whether started deliberately or accidentally, global war would leave civilization in shambles. This is as true of the Soviet system as of all others. In a nuclear war there can be no victors—only losers. Recognition of this mutual destructive capability is the basic reality of our present relations.
>
> First, we must keep up our strength. So doing, we can make it clear to everyone that there can be no gain in the use of pressure tactics or aggression against us and our allies.
>
> Second, we must continue businesslike dealings with the Soviet leaders on outstanding issues, and improve the contacts between our own and the Soviet peoples, making clear that the path of reason and commonsense is still open if the Soviets will but use it.
>
> I have in mind, particularly, the nuclear test and disarmament negotiations. We shall not back away from the efforts or commitments that we have undertaken.
>
> Nor shall we relax our search for new means of reducing the risk of war by miscalculation and of achieving verifiable arms control.

Mr. President, I subscribe to this philosophy and I hope, on this first anniversary of the Senate vote on the test ban treaty, that "the path of reason and commonsense" of which President Eisenhower spoke—safeguarded like the test ban treaty—will continue to prevail in our negotiations with the Soviet Union.

Mr. HART. Mr. President, 1 year ago today the Senate ratified the nuclear test ban treaty, and today the air is cleaner because we did. There was a clear sense of history in this Chamber when the roll was called on the treaty: 80 yeas to 19 nays. I was convinced then, as I am now, that the treaty was in the best interest of this Nation and of all mankind. Nothing has happened in the intervening 12 months to shake that conviction.

The vote was a bipartisan one, with the majority of both Democrats and Republicans voting for the treaty. Indeed the whole effort for this measure of international control in the life-and-death issue has had the wholehearted support of the leaders of both parties, beginning with Adlai Stevenson, continuing with President Eisenhower, and climaxing with the treaty under President Kennedy. And let us not forget the year-in, year-out untiring and indomitable leadership in this field by the chairman of the Disarmament Subcommittee, Senator HUMPHREY.

And so we celebrate today an achievement in negotiations which resulted from what often seemed futile talk.

But peace in this world cannot be won by some one giant, magic step; we move toward it in a series of many seemingly small steps, of which this one was notable.

This vote of a year ago had its political overtones, as do most significant public actions. In rereading the Senate debate, I was struck by a colloquy which took place on September 23, 1963, between the distinguished senior Senator from California, the Repubican whip—who voted for ratification—and the distinguished junior Senator from Arizona—who voted against. The colloquy included these questions and answers:

> Mr. KUCHEL. Let me ask my friend from Arizona whether he favors severance of diplomatic relations by the United States with the Soviet Union?
>
> Mr. GOLDWATER. Yes; I have expressed myself on that point since 1934.
>
> Mr. KUCHEL. Let me ask the Senator whether this is a correct statement of what he said the other day in the State of California: "I don't give a tinker's dam what the rest of the world thinks about the United States, as long as we keep strong militarily."
>
> Mr. GOLDWATER. 'The Senator has read what I said. I meant it. I have been chastised for using the word "dam."
>
> Mr. KUCHEL. I ask my friend from Arizona whether he approved of President Eisenhower's moratorium, (i.e., on nuclear testing)?
>
> Mr. GOLDWATER. I did not at that time. I said I did not think it was wise to do that. I believe the Senator from California was not present in the Chamber when I said that perhaps I have been too close to the military and perhaps lean too heavily in that direction.

Mr. President, this exchange takes on new significance today. We celebrate the Senate action of a year ago. We believe the world is a little better because of it. And we like to think that additional forward steps will be taken in the years ahead. This is at the heart of the current national political contest. I hope the implications of the debate and the vote of a year ago will be recognized by the people of America as they decide on November 3 the course our country shall follow in our search for peace.

AGENCY DECISIONMAKING

Mr. DIRKSEN. Mr. President, Mr. Philip Elman, a member of the Federal Trade Commission, spoke before the Federal Bar Association in Washington, D.C., on September 11, 1964, on the subject "Agency Decisionmaking: Adjudication by the Federal Trade Commission." This subject is of high interest to me and, I think, to all members of the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary. I ask unanimous consent that Commissioner Elman's address be printed as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AGENCY DECISIONMAKING: ADJUDICATION BY THE FEDERAL TRADE COMMISSION

(Remarks by Philip Elman, Federal Trade Commissioner, before the Federal Bar Association, Washington, D.C., Sept. 11, 1964)

The distinctive characteristic of the administrative process is its blending of different functions and powers in a single agency. The basic duty of an administrative agency is to implement, using the wide variety of tools given it by Congress, the regulatory policies established by statute. The primary task of the Federal Trade Commission, for example, is to prevent the use in interstate commerce of unfair, deceptive, and anticompetitive business practices. The Commission has been empowered to perform this task in various ways: it can investigate; it can prosecute; it can adjudicate; it can guide and advise; it can conduct and publish economic studies; and it can issue rules and statements of policy.

This fusion of functions has raised questions as to the integrity, as well as the effectiveness, of the administrative process. I should like to explore with you today, with particular reference to the Federal Trade Commission, the agency I know best, one of those questions: May an administrative agency, which would appear to be so different an institution from a court, be depended upon to discharge the function of adjudication fairly and impartially?

Administrative adjudication is a term sometimes used loosely; but the Federal Trade Commission has one function which is indisputably judicial in character. If the Commission has reason to believe that a person is violating any of the laws it administers, and if it appears that a proceeding would be in the public interest, the Commission issues a formal complaint. The proceeding that follows before a hearing examiner is, with minor variations, similar to a court action governed by the Federal Rules of Civil Procedure. If the Commission, on review of the examiner's decision, finds that the alleged violations of law have been proved, it can (subject to judicial review of its decision) apply sanctions similar to those of a court of equity.

As in a judicial proceeding, the agency's decision must be based on the record; findings must be supported by the evidence; and the burden of proof rests upon the charging party. The basic differences between judicial and administrative adjudication are not differences of procedure; they are differences in the institutional environment in which adjudication takes place. Adjudication is the sum and substance of the judicial process, but it is only a part, and not always the largest or most important part, of the administrative process.

The judicial process is designed to insure that the judge be a neutral and disinterested trier of facts. The ideal of the judge is a detached, even aloof, arbiter of controversies in whose outcome he has no interest other than that of applying the law fairly and evenhandedly. A judge is strictly insulated from the initiation and prosecution of cases. Ordinarily, he has but limited control of his docket. And, assuming his jurisdiction is general, a judge rarely will acquire an expert's knowledge of the matters coming before him—which helps to assure that he will approach each new case with an open mind.

In comparison to judges, agency members have a more active and affirmative commitment to achieve the goals and effectuate the policies declared by Congress; and their success is measured by the results the agency achieves in striving to attain those positive objectives. Agency members, moreover, are expected to be experts, bringing to each case a specialized knowledge informed by experience. Such knowledge and experience is not, and should not be, confined to the record of a particular case.

Even if we go no further, it is apparent that the administrative process, in not shielding agency members, as judges are shielded, from responsibility for producing successful results in advancing the policies of the laws allegedly violated, complicates the task of adjudicating particular cases. But there are other stresses and strains on agency adjudication that must be noted. I do not refer to improper external pressures, conflicts of interests, ex parte communications, and the like. I have in mind, rather, those subtle institutional influences which no laws, regulations, or codes of ethics can remove, and which will best be overcome if they are forthrightly recognized.

It is by no means unusual for an agency to decide that a complaint which it issued should be dismissed because the evidence or the legal theory on which it was based did not stand up under adversary attack. Of the appeals decided by the Federal Trade Commission in the past year, for example, about one-third resulted in dismissals of the complaint. Still, I think it is likely that, in general, decisions of this kind are less reluctantly made by judges than by the members of an agency. Not having issued the complaint, the judge need not concern himself with whether a subsequent dismissal will be construed as an admission that a mistake was made in issuing the complaint and that the public's (not to mention the respondent's) time and money have been wasted in a fruitless proceeding. Nor need he have any apprehension that dismissal of the case will impair staff morale.

Also, a judge is not subjected to the mischievous notion that a case ought not be dismissed because judicial review is thereby precluded, or the equally mischievous notion that the success of an agency in carrying out its statutory responsibilities is measured by the number of cease-and-desist orders it enters.

Considerations of this sort illustrate the perils to completely fair and impartial agency adjudication. There are, however, within the existing framework of the administrative process, a number of steps that can and should be taken to assure greater fairness and impartiality.

First of all, case-by-case adjudication as a technique of administrative law enforcement should be substantially deemphasized. As I have explained more fully elsewhere, litigation is an intolerably slow, costly, clumsy, fragmentary, and inadequate process for resolving the delicate and complex economic issues that characterize the field of trade regulation. I have therefore urged the Commission to make more use of the other regulatory tools available to it—and, in the past 3 years, it has been doing so with increasing frequency. The problem of adjudicative fairness could to a considerable extent be avoided altogether if the agencies utilized nonadjudicatory techniques, such as rulemaking, more frequently. However, some problems yield only to the case-by-case method of inclusion and exclusion; and adjudication is the method of policy formulation that many agencies, including the Federal Trade Commission, know best.

The essential and nondelegable duty of an agency member is in the area of policy formulation. Therefore, he is helped, not hurt, by being relieved of the responsibility for weighing specific evidence against designated persons in particular cases. Both at the complaint-issuance and appeal-deciding stages, internal delegations can do much to assure greater fairness in adjudication. I have proposed, and I propose again, that the Commission make a limited delegation of authority with respect to the issuance of complaints. Specifically, the members of the Commission should not, at the complaint-issuance stage, undertake to make their own assessment of the evidence regarding violation of law. They should limit their inquiry to considerations of law, policy, and public interest, leaving to the Bureau Directors the determination whether there is sufficient evidence of violation. If members of the Commission did not review the investigative files at the complaint-issuance stage, they would no longer be open to the charge of acting as prosecutor and judge in the same case. Instead, they would be in approximately the position of a judge who, in overruling a demurrer, finds only that the complaint states a cause of action—not that it has been proved or can probably be proved.

Moreover, a Commissioner who spends much of his time reviewing investigative files at the precomplaint stage may be disabling himself from discharging those policymaking and adjudicative responsibilities which are his alone and cannot be delegated to others.

At the appeal-deciding stage, I would accord greater deference to the findings made by hearing examiners on disputed issues of fact whose resolution depends on evaluation of the evidence rather than on the accumulated experience and special knowledge of the agency. A hearing examiner should be regarded as the agency's special master on fact questions. The independence of hearing examiners, specifically their isolation from the complaint-issuance process, is a substantial safeguard against unfairness in administrative adjudication. We strengthen that safeguard, and at the same time help the agency members concentrate on their basic law- and policy-formulation function, by attaching greater finality to examiners' findings on strictly factual or evidentiary questions. Agency members should, so far as possible, avoid inquiry into such questions. To the extent that they diminish their role of judges of the particular facts, agency members enlarge their primary role of administrators.

They should concern themselves more with general problems and broad solutions, and less with individual cases and narrow adjudications. Agencies were not created to decide issues such as, "Did X do these particular acts charged against him?" but "Is it unfair and anticompetitive for companies in this industry to engage in this practice?" The more agency members immerse themselves in the former type of question, the less able they are to deal with the latter.

But greater delegation and other procedural reforms will themselves accomplish little. Improvements of the fairness of agency adjudication will not come until agency members frankly acknowledge, and conscientiously seek to avoid, the dangers inherent in the fusion of functions within the administrative process. A lapse from fairness in agency adjudication is more likely to derive from an unconscious yielding to institutional factors than from a cynical disregard for the duty to judge impartially. This danger could be mitigated if agency members were alert to it and determined to resist.

Beyond that, as has been said so often but not yet fully accepted, the highest standards of integrity, independence, character, and ability must govern the appointment of members of Federal administrative agencies.

For, as Gerard Henderson observed in his classic study of the Federal Trade Commission, "Impartiality and fair-mindedness are personal qualities. There are men who can preserve a detached and judicial point of view, however much their relation to the controversy may draw them toward one side or another." Why not candidly acknowledge that to judge fairly in the framework of the administrative process may be more difficult and demanding than to judge fairly as a member of a judicial tribunal, and that therefore the standards of fitness for agency appointments should be at least as high as those governing the selection of Federal judges?

The questions we have explored today are troublesome, and are not to be brushed aside. They troubled me when I joined the FTC 3 years ago, and they still trouble me. One answer—which I have rejected not because it is too drastic but because it is not responsive to the real needs of the situation—is to relieve the agencies entirely of their adjudicative function. I have not taken your time this morning to spell out the reasons why this proposal seems to me to create more problems than it solves, and to leave the administrative process less rather than more effective. But if one believes, as I do, that the administrative process is an indispensable tool of democratic government and that the structure of the Federal administrative agencies is basically sound and is likely to remain substantially unchanged in the foreseeable future, he is under greater obligation to look squarely at the perils that seem to inhere in agency adjudication. Facing realities is usually a good way to begin dealing with them.

ADDITIONAL REACTION TO INACCURATE CHARGES ON IMMIGRATION LEGISLATION BY THE REPUBLICAN VICE-PRESIDENTIAL NOMINEE

Mr. HART. Mr. President, there has come to my attention additional reaction to the inaccurate statements on the pending immigration bill, S. 1932, made by the Republican vice-presidential nominee in his Labor Day address in South Bend, Ind.

As Senators will recall, the gentleman from New York berated this bipartisan bill in a fashion designed to play on economic fears and ancient prejudices reminiscent of the "know-nothing" days of American history.

Several editorials in the daily press have helped to set the record straight. To be noted especially are editorials published in the South Bend Tribune, the New York Times, the Washington Post, the Chicago Daily News, the Louisville

Courier Journal, the Lewiston, Idaho, Morning Tribune, and the Wichita, Kans., Eagle. I commend this sampling to Senators, and ask unanimous consent that the editorials from these newspapers be printed at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the South Bend Tribune, Sept. 10, 1964]

Not That Grim

In his Labor Day speech at the St. Joseph County Courthouse in South Bend, Republican Vice-Presidential Nominee William E. Miller painted a grim picture of waves of job-seeking immigrants flooding into the United States if administration-backed changes are made in the country's immigration laws.

"We should begin solving our own unemployment problems before we start tackling the world's," said Representative Miller ominously.

Few Americans are apt to disagree. But an objective look at the proposed changes in the McCarran-Walter Immigration Act produces a picture less grim than Mr. Miller's. The changes, if they were enacted (and there is virtually no possibility of that in this session of Congress), would open no floodgates. They would merely alter the "national origin" basis for immigration quotas—an alteration recommended by Presidents Truman, Eisenhower, Kennedy, and Johnson.

Under present law, all countries except those in the Western Hemisphere are given an annual immigrant quota; they may send so many people to the United States and no more. Quotas are based on the national backgrounds of the U.S. population.

It is proposed that the "national origins" system be scrapped over a period of 5 years. In its place, primary qualifications for immigrants would become their skills and talents and their relationship to U.S. residents.

Thus, far from encouraging the immigration of people who would swell the highly competitive segments of the U.S. job market, the proposed changes if properly enforced would give this country a better control over the qualifications of immigrants; those possessing skills in short supply here would get priority.

Representative Miller warned that the changes in the law would triple the number of immigrants coming into this country. And while the overall quota, under the administration-backed changes, would rise only slightly, from 156,687 a year to 164,500, the Republican candidate had some basis for his statement.

Because all national quotas are not now filled, only two-thirds of the authorized number of quota immigrants have been admitted to the country in recent years. It is not unlikely that the annual intake of immigrants would climb close to the legal limit if the proposed changes were to become law.

But that, after all, is not opening the floodgates.

[From the New York Times, Sept. 11, 1964]

The Remarkable Mr. Miller

Representative William Miller, the Republican candidate for Vice President, is proving an even more remarkable campaigner than had been anticipated.

On Labor Day, he told an audience in South Bend, where unemployment is high, that President Johnson wanted to repeal our immigration laws and "open the floodgates" to foreigners seeking jobs in this country. Not even the unfortunate Cuban refugees escaped Mr. Miller's stern America First doctrine. What is worse, according to Mr. Miller, the Johnson administration wants to cut tariffs so that "foreign-made goods can flood our market."

Most people had assumed that lower immigration and higher tariffs had gone out of style as political issues years ago. If Mr. Miller keeps up his archeological field work, he may dig himself right into the Harding era.

On Wednesday, Mr. Miller hurried to Maine, where he offered another display of his virtuosity. He deplored the widespread belief that Senator Goldwater favors making social security voluntary, or at least used to favor it before the results of the New Hampshire primary taught him that that viewpoint was politically costly. According to Mr. Miller, Senator Goldwater, "has said no such thing. He does not say so now. He never said so."

Since Senator Goldwater's earlier desire to make social security voluntary is a matter of indisputable public record, Mr. Miller's categorical denial is open to either of two interpretations. He does not know his running mate's record or he thinks nobody else is smart enough to look it up. Either way, this statement reveals something remarkable about a man who is a candidate for the Nation's second highest office.

[From the Washington Post, Sept. 11, 1964]

Slugging With Miller

American political campaigns have never been sedate affairs, and when one of the vice presidential candidates is drawn from the ranks of the thick-skinned national committeemen, something of a slugfest is to be expected. But even when due allowance is made for the exuberance that is generated by the heat of the battle, Representative William E. Miller's statements about tariffs, immigration and Cuba fall somewhat short of the standards dictated by a respect for facts.

South Bend is a city which has experienced serious unemployment, a city where many workers have good reason to look toward the future with fear. Politicians must exploit fears as well as hopes, but surely they have a responsibility to be more fastidious than Mr. Miller. Consider these remarks on tariff policy under the Trade Expansion Act of 1962, made after it was charged that a 50-percent reduction in tariffs would "flood our markets with foreign goods":

"Why should we lower our tariffs unless these foreign countries extended us the same privileges in their markets? It just doesn't make sense. Any tariff reduction should be reciprocal and selective. Let's stop this business of all give and no take—helping foreign countries to solve their employment problems only to increase ours at home."

The inference that the Trade Expansion Act is not based upon reciprocity is absolutely false. No tariff concessions can be made by the United States unless our trading partners reciprocate.

Distortions also crept into Mr. Miller's strictures on immigration policy. The President, he charged, would bring about a "threefold" increase in immigration within 1 year through a proposal that would "completely abolish our selective system of immigration." The charge of a "threefold" increase in immigration is without foundation. The administration does propose to abolish the "selective system" that is so close to Mr. Miller's heart because it is a racist device by which the immigration quotas for undesirable peoples are held at very low levels. It is this "selective system," with its bias against immigrants from Southern and Eastern Europe, that well might have closed our doors to Mr. Miller's father-in-law and other natives of Poland.

In his final Indiana blast, Miller charged that: "This administration has sworn in an agreement with the Soviet Union that it shall never take action against Castro." There is no basis for this charge, and reporter John Scali, quoted by Miller as the source of his statement, has issued a written denial. By "action," Mr. Miller doubtless alludes to a tacit agreement on a military invasion, not on the diplomatic efforts to isolate Cuba that have been vigorous and successful. Does Mr. Miller advocate the military invasion of Cuba? If not, he has proven that the slugfest is a poor setting in which to discuss delicate international issues.

[From the Chicago Daily News, Sept. 9, 1964]

Back to the 19th Century

On his Indiana swing Representative William E. Miller, the Republican vice presidential nominee, sketched some details into his campaign outline. One thing that can be safely said is that it starts out like no other campaign in recent memory.

Miller returned to the "trouble in the streets" issue and indicated the Goldwater-Miller ticket would, if elected, rid the streets not only of rioters but also of those parading "under the more sophisticated name of 'civil disobedience.'" This came close to condemnation of all public protest demonstrations. Rounding out this stern treatise on race, the New York Congressman branded proposals to transport Negro children to schools beyond their immediate neighborhood as "racist schemes."

Miller suggested that Cuban emigrees are competing for American workers' jobs, and cited this as a reason to "help them make their homeland livable." He mentioned a military blockade as one way to bring this condition about.

Besides Cubans, Miller would apparently tighten restrictions on all other foreigners who come looking for work: "Are you willing to give them your jobs? Shall we give them your tax dollars to compensate for no jobs?"

And in addition to fresh immigration restrictions, he would call a halt to the Democratic administration's tariff reduction program; he said it "makes little sense" to let "more foreign-made goods * * * flood our markets."

So there it is: Ban foreign-made goods, ban immigrants, sweep the streets clear of racial troublemakers. This is a flat, deliberate rejection of moderation, and an invitation back down through the thirties and the twenties toward the ancient Fortress America concept—and a sternly policed white America, at that.

We wonder if Miller has considered how many Americans he is writing off with this bid for the backlash-isolationist vote. Most of labor, all Negroes, all moderates, all those first- and second-generation Poles, Italians, Latins, Slavs, and Balts who would themselves have been barred by Miller's closed-door policy; all who see in the Negro unrest more than simply an instinct for hell-raising; all who perceive international trade as a road toward peace and prosperity—all these must range themselves against the exclusivist doctrines advocated by Miller. We cannot believe that his appeals to prejudice can ever muster a national quorum.

[From the Louisville Courier Journal, Sept. 9, 1964]

The Ignorance or Mendacity of Goldwater's Running Mate

William Miller, Republican nominee for the Vice Presidency, opened his campaign in his hometown of Lockport, N.Y., last Saturday with an exhortation to his hearers to join him in: "a crusade for freedom, for peace, for justice, for morality, for unity, for progress, for prosperity, for security."

From this soaring flight the candidate returned to earth on Monday, addressing a Labor Day gathering in South Bend, Ind.

South Bend, of course, is the Indiana community which was hard hit earlier this year when its key industry, the Studebaker Corp., closed its main plant there and moved to Canada.

To this audience, presumably more vulnerable than some others to worry and uncertainty about the future, Mr. Miller made two assertions that are totally inaccurate. Either he did not know they were untrue, which would make him history's least-informed candidate for high office, or he spoke to them knowing that they cannot be justified.

"In legislation which Lyndon Johnson has designated as top priority," Mr. Miller said, "he now proposes that we completely abolish our selective system of immigration and instead open the floodgates for virtually any and all who would wish to come and find work in this country."

This is simply not true. The immigration reforms which have been sponsored by four previous administrations, including that of President Eisenhower, have nowhere called for open floodgates or abolition of all restrictions. Indeed, the 1960 Republican campaign platform, which has been repudiated by the Goldwater-Miller ticket, required that: "The annual number of immigrants we accept be at least doubled; obsolete immigration laws be amended by outlawing the outdated 1920 census data as a base and substituting the 1960 census."

The bill, which was originally introduced for President Kennedy and now is endorsed by President Johnson does not go this far. Instead of "doubling" the annual intake of immigrants, as the Republicans advocated in 1960, this bill would increase the total number eligible to 165,000. It now is 157,000 but, because of the national origins quota system condemned by Republicans and Democrats alike up to this year, the limit is never reached because many countries never reach their quota. The bill proposes that unused quotas be transferred to countries where the number of applicants exceeds the number fixed by quota.

The bill, moreover, applies rigid standards; first priority goes to people who have skills which are in short supply here; second to persons whose families already live here and third to those whose applications have been longest pending. The reforms would be gradual, and they would not even be very generous. Mr. Miller must know that they open no floodgates, admit no hungry hordes competing for the jobs available in South Bend or anywhere else.

An even more complete departure from the truth is Mr. Miller's statement that: "And now the administration wants a 50-percent reduction in tariffs so more foreign-made goods can flood our markets. Why should we lower our tariffs unless these foreign countries extend us the same privilege in our markets? It just doesn't make sense. Any tariff reductions should be reciprocal and selective."

The Reciprocal Trade Agreements Act which is now law was passed to do exactly this. Called the Trade Expansion Act, it gave the President the right to reduce tariffs as much as 50 percent on any given item, provided he obtained a similar concession from the negotiating nation. The rise of the Common Market and other huge trading blocs which can outbid us in world markets made necessary a completely new approach to the problem of world trade.

The Trade Expansion Act makes this new approach and puts us in a bargaining position to sell our own goods in competition with those of other industralized nations. This export trade is the difference between prosperity and stagnation for our industrial areas. Mr. Miller's distortion of trade expansion and its meaning implies that he thinks his audiences are fools or dupes.

[From the Lewiston (Idaho) Morning Tribune, Sept. 8, 1964]

DISTORTING THE IMMIGRATION ISSUE

Representative William E. Miller, Republican, of New York, misrepresented proposals to reform U.S. immigration policies in his speech yesterday at South Bend, Ind.

The Republican vice presidential candidate alleged that President Johnson's administration seeks to "completely abolish our selective system on immigration." He said the number of immigrants admitted to the United States would increase threefold next year if current immigration laws are repealed. "These people will need jobs," he told his audience. "Are you willing to give them yours?"

Instead of attempts to "toy with dangerous programs" in the field of immigration, Miller said, the United States should "use its strength to create new opportunity for the oppressed" in their homelands.

The misrepresentation involved in these few statements is remarkably thorough.

The Johnson administration has not proposed that the Nation should "completely abolish our selective system on immigration." It has proposed instead—as the Truman, Eisenhower, and Kennedy administrations proposed before it—that the Nation's quota system for immigrants should be based, not upon nationality, but upon the qualifications of the individuals seeking admittance to the United States.

President Johnson outlined the objective clearly in his state of the Union address to Congress January 8:

"We must * * * lift by legislation the bars of discrimination against those who seek entry into our country, particularly those with much-needed skills and those joining their families. In establishing preferences, a nation built by the immigrants of all lands can ask those who now seek admission: 'What can you do for our country?' But we should not be asking: 'In what country were you born?' "

The late President Kennedy presented the basic issue in this way: "A new, enlightened policy of immigration need not provide for unlimited immigration but simply for so much immigration as our country could absorb and which would be in the national interest. The most serious defect in the present law is not that it is restrictive but that many of the restrictions are based on false or unjust premises."

The essential facts on U.S. immigration policy are clear enough. During the 1963 fiscal year, 306,000 immigrants were admitted to the United States. Only 103,000 of them were admitted under the quota system Miller is defending. The other 203,000 were nonquota immigrants—natives of Western Hemisphere countries, spouses and children of American citizens, and refugees admitted under special legislation. The argument concerns the quota immigrants—and the total of such immigrants has been less than 330,000 per year since 1925.

The question is whether the quota should be continued on the basis of national origin or established on the basis of the qualifications of individual applicants for admission.

Each European nation is allocated an annual quota of one-sixth of 1 percent of the number of persons from that nation living in the United States in 1920. Asian and African countries are assigned only the minimum quota of 100. The annual quotas now in effect total 156,687, but the quotas are not filled—chiefly because Great Britain and Eire do not use their full quotas. Yet, small-quota nations like Greece, Italy, Poland, Portugal, and Yugoslavia have long lists of citizens hoping to be admitted to the United States.

The immigration legislation proposed by the Johnson administration would reduce each country's immigration quota by 20 percent a year until it was eliminated in the fifth year. Quota numbers thus released would be placed in a reserve pool to be filled by applicants who had special skills needed in the United States, to unmarried, adult sons and daughters of American citizens, and to spouses and children of noncitizens lawfully admitted for permanent residence. Next priority for admission from the quota pool would go to other relatives of U.S. citizens and residents and to workers with special skills.

In a recent letter to the New York Times a former U.S. Foreign Service officer described the issue this way:

"Because of the national origins system the first interview question we automatically ask is 'Where were you born?' If the answer is Germany, England, or Ireland, we know our problems are greatly simplified; if the answer is Italy, Greece, or Poland, then our applicant is in for a very difficult time. But if the reply is Formosa, Japan, or Korea, then we must honestly tell the applicant that his case is practically hopeless. In fact, even potential immigrants from 'good quota countries' are often treated as if they wished to undermine the Republic rather than contribute to its enduring strength.

"I am convinced that one of the greatest steps toward convincing the world that America is moving forward toward the great society would be liberalization and modification of our immigration laws. Under the proposed new system the basic criteria for immigration to this Nation of immigrants would be individual merit rather than accident of birth.

"For the common people throughout the world America still retains an immense reservoir of good will. A revision of the biased, bigoted, and archaic national origins system will tend to reinforce this global faith in America and help insure that our Nation continues to be the world's best hope."

In the light of these facts, how could Miller state in a public speech that the administration seeks to "completely abolish our selective system on immigration"? How could he claim that immigration would triple next year if the proposed legislation is enacted? How could he suggest that the professional men and particularly skilled workers most likely to be admitted under the reform proposal would take jobs away from U.S. citizens now filling them?

The reflex reaction among Miller's admirers to such questions usually is that critics are attacking the conservative position. But Miller was not stating the conservative position on immigration in the statements quoted here. He was misstating the position of the Truman, Eisenhower, Kennedy, and Johnson administrations on the issue of whether quotas should be based on national origins or qualifications of immigrants.

There can be no doubt about the fact of his misrepresentation. The only question is whether it is based upon an appalling ignorance of the issue or a deliberate intent to deceive his listeners.

[From the Wichita (Kans.) Eagle, Sept. 9, 1964]

HIGH AND LOW CAMPAIGN ROADS

It has been widely reported that Barry Goldwater chose William Miller as his vice presidential runningmate because he is a "gutfighter" and drives President Johnson wild. The vice presidential nominee's first speeches illustrate the point.

Speaking in South Bend, Ind., where the closing of the Studebaker plant has cut into employment, Miller played on the fears and concerns of voters with a two-pronged attack—on the administration's policies on immigration and foreign trade.

MILLER said: "He (President Johnson) proposes that we abolish our selective system of immigration and instead open the floodgates for virtually any and all who would wish to come and find work in this country. The number of immigrants next year will increase threefold. These people will need jobs, but where will they find them?"

MILLER also said: "The administration wants a 50-percent reduction in tariffs so more foreign-made goods can flood our markets. This makes less than little sense. We have seen how many industries already have been affected adversely; how many jobs have been lost; how many plants have been closed—from foreign competition."

Both of these observations are misrepresentations. The administration immigration bill would merely substitute new quotas for the old, with 50 percent of the total going for persons with exceptional skills, training or education who would benefit the United States; 30 percent to sons and daughters of U.S. citizens not eligible for admission before; 20 percent to spouses and children of aliens already admitted.

The bill, which has support of leading Republicans like Senators HUGH SCOTT and KENNETH KEATING, would try to provide for equality and fair play in selection of immigrants; would aid in reunion of families, and would encourage the entry of skilled and professional persons.

Likewise, on foreign trade. The 50-percent tariff reductions mentioned by MILLER would take place only under an agreement in the Kennedy round trade talks now underway—and then if other nations agreed to reciprocal reductions.

While MILLER was playing upon these fears, GOLDWATER was offering the high-level approach—a program of tax reduction of 25 percent over 5 years. To make this different from the Johnson tax cut this year, he said that he also would reduce Government expenditures. This has been the Republican position for years—tax cuts only with expenditure cuts.

On the Democratic side of the campaigning, President Johnson offered in his Labor Day opening address a high-level approach. He appealed for submergence of passions and conflicting interests. He did jump on GOLDWATER's earlier discussion of conventional nuclear weapons, but for the most part stayed on a high plane of discussion. Similarly, HUBERT HUMPHREY discussed the administration's accomplishments with the civil rights law and spared his GOP opponents any hard jabs.

How long will this Democratic turn-the-cheek approach hold? If Mr. Johnson's temper is anything like it is reputed to be, not long. For MILLER is doing his best to stir the animal in the President. Unless all predictions are off-base, we can expect the campaign to descend from its high plateau in swift order. Which is exactly what MILLER and the GOP must want.

DELAY IN EDUCATION PROGRAM APPROPRIATIONS

Mr. HART. Mr. President, the Michigan Daily, of Ann Arbor, recently published an excellent editorial on the confusion caused by Congress' delay in appropriating funds for various education programs.

The editorial also emphasizes the very great importance—too often overlooked—of the assistance provided, through Federal programs, to institutions of higher education which are attempting to meet demands on their facilities and staffs undreamed of only a few years ago.

I ask unanimous consent that the Michigan Daily editorial of September 5 be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONGRESS DELAYS HEW BILL; EDUCATION FUNDS COME LATE

Nearly everyone believes in the importance of education. It helps prepare a labor force to keep pace with technology. It removes the strains of prejudice carried by uneducated minds. It develops a responsible citizenry.

But precisely because it is a benefit so widely acknowledged, education is kept waiting for Federal assistance. Even its most avid proponents know that passage of education bills makes dramatic news in election years—and the closer to election day the better. In Congress, where it has become a target of stalling tactics, education is suffering again this year because of its popularity.

The Health, Education and Welfare Department appropriation bill is still pending before Congress. In the bill are funds to implement programs which would provide student loans, foster vocational education, and build higher education facilities. Passage of the bill should have come in June.

The programs themselves were authorized last December. Congressional procedures require, however, that the specific appropriation for a program be passed in a second measure.

The multibillion dollar HEW bill was introduced in March but has played second fiddle to everything from the civil rights bill to medicare. Some election-minded Congressmen have been stalling passage until just as close as possible to November. Others, like Senator PHILIP HART, Democrat, of Michigan, and Representative GEORGE MEADER, Republican, of Ann Arbor, have fought for more vigorous action. But the bill has moved slowly through committee and floor action in both Houses.

When finally passed, the different House and Senate versions required conference settlement. A settlement reached, the bill now awaits quick acceptance in Congress and the President's signature.

These actions are formalities; thus passage appears imminent. But that is not the whole point. By allowing the bill to remain unpassed until now, Congress has placed a strain on any institution expecting or needing funds.

The strain is quite evident at the university.

The jam up left the university without $350,000 in student loan funds which it expected and which should come through shortly. Another $350,000 will be provided second semester if the university gets its anticipated $700,000 share of the bill's appropriations. The Office of Education did provide a tie-over sum of more than $250,000, but this was clearly inadequate.

The result was that University Director of Financial Aids Walter Rea and his assistant, Karl Streiff, were left in an untenable situation. They were forced to resort to emergency funds to meet loan commitments made during the spring and summer. (Ironically, when Congress approves the appropriation, the university will probably receive more than the projected $700,000 for the year, so Rea is still interviewing loan applicants.)

But what Congress may pass in 3 months could go to help needy students right now.

About a block from the financial aids office, the evidence of congressional neglect is even more disturbing. Angell Hall and adjacent science facilities attest to a severe classroom shortage which Dean William Haber calls the most crucial problem faced by the literary college.

To alleviate space shortages all over the country, Congress passed its $1.2 billion Higher Education Facilities Act last year for construction of graduate and undergraduate buildings. The act spread this program over a 3-year period starting in the 1963-64 fiscal year, which runs July through June.

But Congress, by not passing the necessary appropriations, pushed the bill back a year.

A certain delay is to be expected before bureaucratic wheels start to turn. But when Congress, fully cognizant of the urgency of these funds, extends these delays for political purposes, the situation becomes dangerous.

Congress should make sure that the HEW appropriation passes immediately, releasing the loan and building funds. For the future, it is imperative that the need for education aid be met with the same urgency provoked by other national crises.

PROBLEMS FACING THE AMERICAN FISHING INDUSTRY

Mr. BARTLETT. Mr. President, the above title was placed on a paper presented at Atlantic City this week by Ronald W. De Lucien, director, fishery products program, National Canners Association, at the 23d annual meeting of the Atlantic States Marine Fisheries Commission.

Mr. De Lucien talked commonsense about the American fishery. In the belief that what he had to say should command even a wider audience I now ask unanimous consent that the text of his address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

History reminds us that the King of England in the 17th century questioned the Pilgrims as to how they planned to support themselves in the New World. The harvest of the seas was the answer.

From this modest beginning of America's first commercial venture, the American fishing industry grew and developed until it has become an important economic part of over 20 of our States. It is an industry that employs over 500,000 workers and produces goods worth over $1 billion at retail prices annually.

I submit that this industry has evidenced much progress. I submit that this industry is important not only as an integral part of many of our coastal communities, but it is important to our entire Nation. I believe also that our commercial fishing industry has great promise for the future.

Today, however, I would like to briefly touch upon some of the critical problems facing the American fishing industry. It is true that each segment, whether fisherman, canner, or retailer, or each fishery such as tuna or menhaden, may have its own particular problems. Nevertheless, these problems, I believe are interrelated, and should be viewed as part of major difficulties confronting the fishing industry as a whole. No one segment of the industry can prosper, in the long run, unless the entire American fishing industry meets and overcomes the following challenges.

The most immediate challenge facing the industry today is the Nation's declining share of world fishery production. We have often heard that the United States has been relegated in recent years from second to fifth place among the fishing nations of the world. We now follow Japan, Peru, mainland China, and the Soviet Union. The trend is quite clear when we look at the record. In 1949 the U.S. fishery catch was some 2½ million metric tons out of a total world fishery harvest of 19 million metric tons. Thus, the domestic share constituted about 13 percent of the world catch. In contrast, the 1962 fishery catch of the United States was roughly 2.7 million metric tons out of a world catch of over 45 million metric tons. This time the U.S. share dropped to less than 7 percent of the total world fishery production. I say that this Nation's declining share of the harvest of the oceans can only be regarded as a critical setback for a country that is blessed with thousands of miles of coastline adjacent to some of the world's richest fisheries. It is a greater disgrace when we recall the tradition of this country as a fishing nation.

Another serious problem facing our industry is the rapid acceleration of fishery imports. Now, some imports are inevitable and are needed to meet a particular demand. But the overall trend of fishery imports into this country is serious. It is an alarming fact that fishery imports into the United States in 1963 comprised nearly 60 percent of the total supply of all fishery products in this country. Yet, in contrast, imports in 1954, 10 years ago, only amounted to some 37 percent of total supply. America is the largest importer of fishery products in the world. This is often overlooked. It is a fact that this country is a prime market for fishery products. Albeit, if the importation level of fishery products continues to rise, this fact will seriously negate any of our efforts to rehabilitate our domestic industry. All the king's men will not be able to put us together again.

This brings us to another critical problem facing our domestic industry. It is unquestionably concomitant to our import problem. This is the threat of tariff reductions on all existing fishery duties. Despite the high level of fishery imports, the administration's Trade Expansion Act provides, among other things, for possible tariff cuts of 50 percent of existing duties for all duties on the U.S. tariff schedule. The law allows an across-the-board reduction for all fishery products which now have a duty. The effect of this law on the domestic fishing industry is not clear at present because the trade negotiations are still underway in Geneva. These talks are the so-called Kennedy round trade talks under GATT, the General Agreement on Tariffs and Trade. Nevertheless, our industry has been placed in a grave position.

It is true that the Trade Expansion Act is not purposely aimed at our domestic fishing industry. Fishery tariff reduction is only embraced as part of an overall scheme to reduce all tariffs. Still, the impact will be the same—an adverse and seriously detrimental impact. I say this because generally the domestic fishing industry is not export oriented. In fact, the record of imports reveals just the opposite. Furthermore, some of our domestic fishery operations cannot withstand a sharp rise in imports at this time.

Therefore, it is imperative that the U.S. Government prevent further tariff reductions at the current GATT negotiations. Many of us in the industry see the wisdom of keeping what little protection we now have. The record clearly shows that our existing import duties on fishery products have in no way hampered foreign imports. American tariffs on fishery products have been reduced consistently on virtually all fishery items on our tariff schedule throughout past trade conferences. Moreover, many fishery products enter duty-free. The American fishing industry needs a 5-year moratorium on fishery tariff reductions until recent efforts undertaken to rebuild and strengthen our industry have had a chance to work. We need to hold the line on our fishery duties. We hope the administration will heed our request. It is inconceivable that the U.S. fishing industry should be deprived of the present minimal tariff protection, in view of the fact that U.S. fishery duties are among the lowest in the world. Therefore, we strongly hope the U.S. Government will not sacrifice this industry. To do so would place this domestic industry in economic jeopardy, and would most assuredly negate all assistance programs which are designed to rehabilitate the industry.

Turning to a need rather than a problem, research comes to mind. This is an area which means many things for many people and for many segments within our domestic fisheries. Much has been done to learn about the secrets of the sea. Our industry has developed gear techniques, located fisheries, delved into the habits of fish, and devised better ways to process and market products. We in the National Canners Association know the value of research. Last year, the NCA laboratories celebrated the 50th year anniversary since the founding of our industry research centers in 1913.

Nevertheless, scientists will agree that research never stops. This is particularly true in the fishing industry. I say this because there is much to be done. In many ways the American fishing industry has lagged far behind the progress made in other industries. We all know that many of our fishery operations are inefficient. Many of our vessels are obsolete and inadequate. It would seem that the vagaries of nature inherent in fishing activity dictate that the industry rely on scientific knowledge.

Thus, I would say that a problem facing our industry is the need for greater knowledge of our fishery operations. Knowledge which would strengthen the economics of any segment of the fishing industry is always useful. I refer to such knowledge including gear and vessel technology, applied fishery biology, processing, and marketing techniques. I believe that this is the vital key in paving the way for a healthier commercial fishing industry.

There are other problems facing our industry which should be mentioned. Among these I would like to make a reference to a need for additional consumer education and marketing programs. It is an appalling fact that the per capita consumption of fishery products has not shown a significant change in this country in the last 30 years. Why is this? I submit that some of our fishery segments have not kept pace with the times. Our industry has lost consumers to other competitive products because we have not been aggressive enough in the marketplace. We should take a leaf from the book of other protein industries. We all know that fishery products contain a high source of valuable animal protein essential to our diet. Many of our products are just as convenient and attractive to serve as other like products. Ounce for ounce many of our fishery products are less expensive. Indeed, there has been some excellent consumer education work done by various fishery segments and organizations. I think the industry can do more. The net result would be a greater consumption of fishery products in this country.

A review of problems facing our industry would not be complete without a mention of the fierce and increasing competition of foreign fishing fleets against American fishermen. I understand that a spokesman from the U.S. State Department is on the program Wednesday, at which time foreign fishery developments of interest will be discussed. Therefore, I would simply like to make a few observations at this time. First, there is no question that foreign competition is increasing. The rising population of the world necessitates a greater harvest of food resources from the oceans. The developing nations turn to the sea as a source of food and as a means of developing industry and bolstering their foreign exchange position. Second, the increased foreign fishing activity has occurred with great frequency along our coastal waters or in our traditional fisheries. Despite the obvious problems this poses, one aspect that is sometimes overlooked is that the foreign competition is unfair in many instances. I say this because many of these foreign fleets have augmented their fishing capability by the addition of modern vessels and equipment with the help of their government. In fact, in some cases, the U.S. Government has given aid. I say unfair because many of these same foreign fleets have carried out an overt policy of harassment or complete disregard of American fishing operations. Moreover, much of the increased foreign fishing threatens some of our traditional fisheries because these foreign nations have little regard for conservation. To cite one example, there were recent reports that the Soviets might be using a suction-pipe method of fishing for herring off the North American coast. What will this do ultimately to these important stocks of fish off our coasts?

Indeed, foreign fishing activities purport to be an increasing problem for those ocean resources which have been traditionally harvested by American fishermen. Although harassment on the high seas is not new to the American fisherman, the instances of gear conflict have multiplied in recent years.

I would like to conclude with a reference to a political problem which confronts our industry. I believe that the American fishing industry is in many ways politically immature. We do not have a national voice. As a result, Congress and the Federal Government have not been totally responsive to the American fishing industry. Obviously, all segments within the industry cannot agree on all things at all times. But there are issues on which we can often reach some consensus. The various segments should support each other when such support would not be inimical to self-interest. If one segment is strengthened, this will help indirectly the other segments in our industry in the long run. One of the ways to enhance the commercial fishing industry's political savvy is to maintain strong representative organizations. Needless to say, such organizations are only as good as the support that is given by their members. The Atlantic States Marine Fisheries Commission is an excellent example of an organization which, when given the proper support, can bring about accomplishments for its industry.

I am convinced that many of us in the industry are becoming aware of the importance of political support in meeting some of the challenges confronting our industry. A look at the fishery legislation which was enacted in the 88th Congress points up, I believe, a renewed sense of interest in Congress for our industry. This legislation was not passed by accident. It was the result of hard work of many of you in the fishing industry. Although I understand that a full review of this fishery legislation will be reported elsewhere on the program, I think Congress' record in the 88th deserves the studied attention of all of us. Among the more important pieces of fishery legislation is the recent inclusion of domestically produced fishery products for the first time in the food-for-peace program. This proposal alone offers the potential to alleviate disturbing surplus conditions of certain fishery products. In addition, we now have the opportunity to use the Public Law 480 mechanism to expand sales of our domestic fishery products abroad. This will aid us in developing oversea markets. The renewal of the fishing vessel construction program is another congressional action which offers definitive assistance to our industry.

In conclusion, as I stated earlier, I believe the American fishing industry has great promise. The demand for our products will continue. There will always be a need for high protein food resources. We are near some of the world's richest ocean fisheries. We have made progress in many of our commercial segments.

The American fishing industry is still faced with critical problems. We have lost ground. Nevertheless I would hope that our fishing industry will rise up to meet the challenges confronting it. If we all do our part—in the Federal Government, the Congress, and the industry—I am confident that the American fishing industry will regain the lost ground, and go on to become a viable and strong leader within the world fishing fraternity.

OBJECTIVES OF THE ORDER SONS OF ITALY IN AMERICA

Mr. YOUNG of Ohio. Mr. President, one of the largest fraternal organizations in our Nation is the Order of Sons of Italy in America. The assistant national president of this outstanding organization is Anthony O. Calabrese, a distinguished citizen of Cleveland, Ohio, and a member of the Ohio State Senate.

Last month, State Senator Calabrese appeared before the platform committee of the Democratic National Convention and spoke on many important topics of particular interest to the Order of Sons of Italy and all Americans. Perhaps one of the most important was the administration immigration bill which would revise our outmoded and discriminatory immigration laws. I am glad to say that I am a cosponsor of the administration immigration bill and am in complete agreement with the views expressed with Senator Calabrese in his statement before the platform committee. I commend his views and those of the organization he represents to my colleagues and ask unanimous consent that they be printed in the RECORD at this point as part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ANTHONY O. CALABRESE OF OHIO, ASSISTANT NATIONAL PRESIDENT OF THE ORDER SONS OF ITALY IN AMERICA AND MEMBER OF THE ALL-AMERICAN COUNCIL OF THE NATIONALITY DIVISION OF THE DEMOCRATIC PARTY

INTRODUCTION

Mr. Chairman, and distinguished members of the committee, I am grateful for the privilege to appear before you today to present certain views and proposals that may be helpful in the formulation of the 1964 platform of the Democratic Party. Specifically, I hope the recommendations that I am about to make will be endorsed by this committee and adopted. These proposals are important to the Democratic Party and to the Nation for they represent the views and aspirations of over 25 million Americans who are proud of their Italian heritage.

OBJECTIVES OF THE ORDER SONS OF ITALY IN AMERICA

May I state at the outset that I am grateful to the Honorable CARL B. ALBERT, chairman of this committee and its members, for the opportunity to make this statement on behalf of the Order Sons of Italy in America. The Order Sons of Italy in America is performing an invaluable service by providing the machinery whereby Americans of various ethnic origin are assured of a channel of communication with their representatives in Government. Not only do I wish to acknowledge that important fact, but I also wish to add that it is also making a real and lasting contribution in highlighting the American landscape as a vast mosaic composed of many cultures and heritages. Through the work of the council, all Americans have been effectively reminded that the real strength of America lies in its many national and racial strains and that blended together they have made the United States, the youngest of Western nations, also the strongest country in the world. Moreover, the council will help demonstrate in a concrete way that all Americans, regardless of their national origin, have the right to express their views and aspirations and enjoy equality of treatment and opportunity.

THE ITALIAN HERITAGE IN AMERICA

In this beloved land, Americans of all origins are singularly privileged to be able to retain something of their past heritages in addition to their American heritage. Americans of Italian origin are no less grateful than other Americans for this privilege.

The roots of Italian-Americans go back to the very founding of our Nation. From its beginning, Americans of Italian origin have offered their efforts, labors, and talents to help this Nation truly to become a "land of the free." As assistant national president of the Order Sons of Italy in America, I share the pride of 25 million Americans in the knowledge that the heritage of our forefathers contributed toward the establishment and the fostering of the American heritage.

EQUALITY OF OPPORTUNITY: THE ORDER SONS OF ITALY IN AMERICA GOAL

We affirm, however, that no group has a monopoly over Americanism and that the growth and development of our Nation was brought about by the contribution of all Americans. Like all Americans, those of Italian heritage share the desire and the hope that this Nation continue to go forward toward the fullest achievement of its national goal. That goal, broadly stated and enshrined for all time in the Declaration of Independence, stands for the equality of all men. It implies equality before the law and equality of opportunity for all Americans regardless of race, color, creed, or previous national origin. This is the American ideal toward which we all strive.

Throughout its history, the Democratic Party has consistently advocated measures and programs which foster the rights and opportunities of all Americans. It is a matter of common knowledge that this is clearly true today. Democratic legislation providing Federal assistance for educating the young and adults alike, aiding the elderly, eradicating poverty, improving the social security system, furthering urban renewal and development, and insuring for all Americans the full enjoyment of their civil rights, is designed to effectuate what the 1960 Democratic platform called "the rights of man." Americans of Italian heritage have always had a profound respect for these human rights and freedoms. We, therefore, applaud the efforts of the Democratic Party to obtain their full recognition; we support present proposals to effect their implementation, and we advocate continued effort by all Democrats to achieve those principles of liberty, justice and equality, without which no country can be truly great and no society truly civilized.

SPECIFIC AREAS OF CONCERN AND PROPOSALS

However, like all Americans we share concern, hopes, and aspirations, and feel strongly that certain areas require adjustment in order to achieve them. We earnestly hope and urge that the Democratic Party continue to work toward their attainment as legitimate interests of so many of the citizens of this country.

I refer particularly to two areas in which those interests are the subjects of legislation presently before Congress. One concerns the subject of immigration, in which it is widely held that the present laws discriminate unfairly against the nationals of several European countries, including Italy.

NATIONAL ORIGINS QUOTA SYSTEM

Just as our broad national goal of equality of opportunity is not to be predicated on previous national origin or other discriminatory factors, so, too, we urge the elimination of all discriminatory provisions in our immigration laws. Specifically, we urge the abolition of the national origins quota system. That system, on which the present immigration laws are based, violates the very principles upon which our country was founded and which have made it a free and great land. It has been described as a "gratuitous insult" by Congressman CELLAR, of New York, whose bill, H.R. 7700, would abolish the national origins quota system in 5 years. May I add that the Congressman's bill embodies recommendations first submitted to the Congress by President Kennedy and later endorsed by President Johnson.

Senator HART, of Michigan, cosponsor of the bill, has stated: "No provision of national law has been more repugnant to many peoples throughout the world * * * than judging a man's worth for immigration to our Nation on the basis of birth or the racial necessity of his parents. This meanness of spirit of our law is alien and apart from the great tradition of this Nation. We are morally committed * * * to seek a national policy which will make the simple truth of the words of St. Paul—"God * * * hath made of one blood all nations of men to dwell on all the face of the earth."

It should be remembered that the immigrants who came to our shores from the very beginning did not claim a common country or origin. They were not all of the same religious faith, nor did they have a common language. Notwithstanding, woven together by common purposes and ideals, they founded the greatest nation known to history. Only by the fusion and combined strength of all the heritages were they able to create "a new nation under God with liberty and jusitce for all." If that heritage is to be preserved for future generations of Americans, it must never succumb to the evils of prejudice, intolerance, or bigotry as are contained in the arbitrary and unjust provisions of the national origins quota system.

In the words of President Johnson on the State of the Union: "We must * * * lift by legislation the bars of discrimination against those who seek entry into our country, particularly those with much-needed skills and those joining their families. In establishing preferences a nation that was built by immigrants of all lands can ask those who now seek admission: 'What can you do for your country?' But we should not be asking: 'In what country were you born?'"

President Johnson has also stated recently that: "There is no consistency in an American policy that both recognizes equality among peoples and capriciously bars immigration from countries of Southern Europe."

It is still within the power of every immigrant to make contributions to America. The late Bishop Scalabrini, a saintly visitor to our shores at the turn of this century, aptly observed that "if quiescence and self-satisfaction and ignorance do not lead people astray from the divine plan, all of the national groups within this fortunate land will bring forth numerous and rich, contended, moral and religious generations which, although clinging still to their own national characteristics, will be closely knit into an integral whole."

We, therefore, take this opportunity to urge that the platform of the Democratic

Party in 1964 contain specific proposals designed to abolish the national origins quota system in our immigration laws. The injustice and inequity which offends so many American citizens should no longer injure America's image in the eyes of other nations. We urge, instead, that our immigration laws be modified so that each person seeking admission to the United States should be judged on the basis of his personal qualifications and skills. In this connection, clearly humanitarian considerations warrant that special concern be given to the reuniting of families.

Recently, in the case of *Schneider* v. *Rusk*, the Supreme Court of the United States reaffirmed the principle that there are no "second class" citizens of the United States. It did so by declaring invalid section 352 of the McCarran-Walter Act which stated that naturalized citizens and their children lost their U.S. citizenship by returning to their country of birth more than 3 years. We are heartened by the reaffirmation of principle found in this decision and submit that not only does it represent domestic law for the United States, but reflects to the world a truer picture of what is America. Equal justice under law clearly implies that the law cannot tolerate arbitrary or capricious treatment of any group of citizens. In the words of the late President Kennedy, "there is no place for second-class citizenship in America." This principle, of necessity, must be enshrined in all of our laws.

COLUMBUS DAY—LEGAL HOLIDAY

The second proposal that I should like to make concerns bills before the Congress which would establish October 12 of each year as Columbus Day and declare it to be one of the legal holidays observed throughout this Nation. May I note that such a nationwide observance would be a patriotic holiday to be celebrated by all Americans. For that reason, Americans of Italian extraction enthusiastically support such a proposal. They do so not only because a native son of Italy discovered the land in which we are privileged to enjoy our American heritage, but because the discovery of Columbus was truly symbolic.

The discovery of Columbus was symbolic and has special significance for all of us because all Americans trace their origins to other explorers—those who have come to this great land over the last five centuries. It is to Columbus, the first immigrant, that Americans are indebted for the great influence that migration has asserted upon our Nation—an influence which brought about a new concept in modern civilization and made possible the America of today.

In addition to lighting a torch of hope for all the others who have come to our shore, the discovery of Columbus, like our American heritage which it has made possible, also represents the combined efforts of many people. We need only to be reminded of the fact that although Columbus was an Italian, his voyage and historic discovery were made possible by Spanish funds.

As the fruits of his discovery have been harvested by all Americans, of all races, color, and creed, all Americans should welcome a national holiday commemorating that event. It will thus be a holiday with a distinctively American character.

Out of deference, therefore, not to Americans of Italian extraction, but for the significance of that discovery, we urge that support be given in the Democratic platform to the bills presently before Congress which would demonstrate in this positive and permanent way the significance of the discovery of the New World by establishing October 12, Columbus Day, as a national and legal holiday.

May I conclude these remarks by restating one of the fundamental truths on which our form of government is founded; namely, that in a democratic, representative form of government, the responsibilities of government are shared by all of the people. This, of course, is of particular importance in a pluralistic society such as ours.

In that connection, Americans of Italian descent are proud of their contributions toward the institution and growth of our cherished form of government. Those contributions commenced with men such as Philip Mazzei who, with Thomas Jefferson, was a true Founding Father of our Nation, and William Paca, a signer of our Declaration of Independence. They have continued throughout the period of this country's history and include the distinguished service rendered today by Americans of Italian heritage in our national and local governments as well. We are proud that so many of them have been appointed to high public office, and grateful for the continued opportunity to contribute toward the preservation of our American heritage.

The Kennedy-Johnson administrations have clearly evidenced a more extensive recognition of the privilege of all Americans to serve our Nation without regard to the race, color, creed, or national origin. We are naturally pleased for this policy which has resulted in a greater participation of Americans of Italian extraction in Government posts, and we urge its continuance. By this policy the Democratic Party will continue to offer concrete evidence that the ideal of "equality of opportunity" includes the privilege of serving one's country in positions of trust and confidence.

As assistant national president of the Order Sons of Italy in America, I should like to express my appreciation to the representatives of the Democratic platform committee and the opportunity to have made these remarks. I hope that you may deem the suggestions and proposals that I have made not only worthy of consideration, but of sufficient importance to warrant their inclusion in the Democratic platform soon to be formulated.

J. FRANK DOBIE: AMERICAN

Mr. YARBOROUGH. Mr. President, J. Frank Dobie, of Texas, has passed away.

He was a friend, in the language of the land he cherished, "to ride the river with," a loyal, steadfast source of strength.

J. Frank Dobie was an author, historian, folklorist, teacher, writer, consultant in American culture to the Library of Congress, interpreter of his region and his culture to the world.

He was all of these and more. He grew up in an area and an era in freedom, and to the end he fought for the freedom of man to think and to live his own life. He lived academic freedom, intellectual freedom, and political freedom.

The world seems as lonely with him gone as the windswept plains he loved so well.

A week before his death, he had received the Presidential Medal of Freedom from the President of the United States, Lyndon B. Johnson.

Much has been written by and about J. Frank Dobie. Because he has contributed so richly to the literature of our land, I ask that some of these representative articles be printed at this point in the RECORD, as enumerated:

"J. Frank Dobie Is Dead at 75," from the Austin American Statesman, of September 19, 1964.

"J. Frank Dobie, Expert on Lore of Texas, Dies in Home at 75," from the New York Times of September 20, 1964.

"Funeral for Dobie To Be Held Sunday," from the Dallas Morning News of September 20, 1964.

"J. Frank Dobie, Famed Texas Writer, Dies at 75," from the Houston Post of September 19, 1964.

"Rites Today: J. Frank Dobie's Death Mourned Across Nation," from the Austin American Statesman of September 20, 1964.

"Final Respects Paid Dobie by 700 at UT Auditorium," from the Fort Worth Star-Telegram of September 21, 1964.

"J. Frank Dobie Follows Friends Into Death," from the Houston Chronicle of September 20, 1964.

"L.B.J. Says Nation Lost One of 'Most Colorful Citizens,'" from the Houston Post of September 20, 1964.

"An Irishman, a Texan—Two Masters With Words," from the New York Herald Tribune of September 20, 1964.

"Ave Atque Vale, Frater, Mr. Frank, J. Frank Dobie," from the Houston Post of September 20, 1964.

"'Many Things to Many,'" from the Austin American Statesman of September 19, 1964.

"Dobie's Spice Hit Regents," from the Daily Texan of September 19, 1964.

"'The Best of Dobie' Off-the-Cuff," from the Austin American Statesman of September 20, 1964.

"Dobie's Pen Plumbed the Depths of Man," from the Houston Chronicle of September 20, 1964.

"J. Frank Dobie," from the Houston Chronicle of September 20, 1964.

"Mr. Dobie," from the Daily Texan of September 19, 1964.

"J. Frank Dobie Dies During Quiet Sleep," from the Daily Texan of September 19, 1964.

"* * * and Enriched 'His Country,'" from the Daily Texan of September 19, 1964.

"* * * Fought Bureaucracy," from the Daily Texan of September 19, 1964.

"He Captured Native Lore * * *," from the Daily Texan of September 19, 1964.

"Friends Grieved by Dobie's Death," from the Daily Texan of September 19, 1964.

"J. Frank Dobie Buried Under Spreading Oak," from the Fort Worth Star-Telegram of September 21, 1964.

"J. Frank Dobie: Letters Tell Twain Tale," from the Fort Worth Star-Telegram of September 20, 1964.

"A Friend Remembers Last Days," from the Austin American Statesman of September 20, 1964.

From the Texas Observer of July 24, 1964, the following articles: "Fellow Countryman," by Angus Cameron; "Love of Life and Freedom," by Wilson M. Hudson; "A Writer Loyal to Real Experience," by Lon Tinkle; "A Mustang in the Groves of Academe," by Mody Boatright; "An Enemy of Reactionary Demagogues," by Henry Nash Smith; "A Selection From His Ideas"; "Roy Bedichek," "Walter Webb," "I Have That Honor," by Frank H. Wardlaw; James Frank Dobie: selected bibliography.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From the Austin American Statesman, Sept. 19, 1964]

J. FRANK DOBIE IS DEAD AT 75

(By Glen Castlebury)

J. Frank Dobie—citizen of the world; civilized man—died in his sleep Friday afternoon.

The great storyteller of the Southwest was found dead in his bed by his wife when she went to wake him from his afternoon nap.

His physician said Dobie apparently died of a heart attack. A lingering heart condition had worsened recently, the doctor said.

Dobie would have been 76 years old a week from Saturday.

His death closes an era in literature, education, and history. Dobie was simply himself—and that was storyteller, folklorist, educator, author, traveler, historian, humorist, humanist.

The maverick scholar will be buried Sunday. Services are slated for 4 p.m. in Hogg Auditorium on the campus of the University of Texas that Dobie loved so much and served so well.

He will be buried in the State cemetery by order of Gov. John Connally.

Connally, in Houston when he learned of the death, ordered the State burial for "a man whose full and productive life enriched the literature of America and contributed so much in so many ways to the State he loved."

Arrangements are being handled by Weed-Corley Funeral Home.

Dobie is survived by his widow, Mrs. Bertha Dobie, 702 Park Place; two sisters, Miss Martha Dobie, Kerrville, and Mrs. T. R. Stanford, Lyford, Tex.; a brother, Elrich Dobie, Lamesa; a great-niece, Miss Rebecca Dobie, and a great-nephew, R. L. Dobie, Jr.

For half a century the incomparable Dobie—"Pancho" to a legion of sidekicks who ranged from cowboys to the President of the United States—charted the march of "progress" across his beloved Southwest.

When disgruntled with the tracks that progress left, he said so—eloquently, forcefully, caustically, beautifully.

Dobie had only last week received, besides the Presidential Medal of Freedom, advance copies of his last book, "The Cow People."

This was the work he wanted to finish. He did. Ironically he died in the balm of a central Texas fall. Dobie had signed the foreword to his favorite book, "The Longhorns," with this as a date:

"Austin, Texas. When the work's all done this Fall, 1940."

Dobie was born in 1888 on a ranch in the south Texas county of Live Oak. A comrade of boyhod days recalled Dobie's parents, Richard Jonathan Dobie and Ella Byler Dobie, as "the salt of the earth * * * and stanch Methodists."

It was this ranchland, with its strong Texas-Mexican flavor, that Dobie never forgot. In 1923, presenting the first of a series of Texas Folklore Society publications he edited, Dobie introduced himself to the readers:

"J. Frank Dobie, editor of the present volume, was born and reared on a ranch in the Texas border country, and although he is now an instructor in the University of Texas, he will always belong to the range."

From the little schools in Live Oak and the boyhood of the ranch, Dobie ventured northward as far as Georgetown and Southwestern University. His collegiate days were without distinction. He tells why in an autobiographical portion of his personally prepared Christmas card in 1962:

"After 4 years, 1906 to 1910, I was soon to graduate with an A.B. degree. I had not yet settled on a career, had not resolutely applied myself to anything.

"I had merely drifted, reading what I wanted to read, neglecting courses that required willful application, wasted much time that I did not want to waste on bull sessions."

But Southwestern awarded Dobie a degree in English and the young Texan set out for Alpine in west Texas and a job as high school principal there.

"I had found drifting so pleasant that I did not want to leave college, college town, and college friends," Dobie wrote. And so he gave up the Alpine job after the first year and returned to Georgetown.

During the next 2 happy years Dobie served as secretary to the president of the college. It was during this time that he cemented a friendship with a young undergraduate student in the English department, Miss Bertha McKee.

After 2 years at the college post, Dobie went to New York City, tackled Columbia University, and came home with a masters degree in English in 1914.

"Home" became Austin—something the salty old storyteller didn't give up for the next 50 years. He signed on at the University of Texas as an instructor of English, beginning a 33-year association that was mutually fruitful, stormy, profitable, scholarly, and rebellious.

The girl from Southwestern had come to UT, too, and was working on her masters degree in English. Dobie and Bertha McKee were married September 20, 1916—his death cutting short a union of 48 years by only 2 days.

Dobie stayed at Texas until World War I erupted. In 1917 he enlisted as a private. He served in the artillery in action in France and was given an officer's commission.

With the war over, Dobie again came home, and again to the English department at the University of Texas. But any satisfaction he might have had in the job was shallow and short lived.

To rise above the rank of instructor, the university required a doctorate degree. This is where Dobie and the University of Texas split ways, for the first time.

Dobie said of the doctoral dissertation: "This is taking bones out of one graveyard and putting them in another."

He told the university where to get off, and he went to work managing a 250,000-acre ranch in south Texas. Dobie wrote of that decision:

"When I was a young man, starving as an instructor at the University of Texas, I resigned to manage a big ranch owned by my uncle, Jim Dobie. On that ranch I met a Mexican goatherder named Santos Cortez, a great storyteller. He was a greater influence on me than any Ph. D. I ever studied under."

And nature, too, was his teacher, but he preferred to call it his friend.

"I damn sure would rather hear a coyote bark than anything I've heard on another man's radio," he once said.

But in 1920 he came home again and launched his writing career. He lasted until 1923 when, still refusing to seek a doctorate, he went to Oklahoma A. & M., at Stillwater, as head of the English department.

The University of Texas knew what it had lost and in 1925 brought Dobie back home as "adjunct professor" of English.

In 1926 the University of Texas made him associate professor and in 1933 elevated him to the rank of professor—and he still didn't have that doctorate degree.

By that time Dobie had endeared himself to the world of scholars—but on his own grounds. His prolific work—and its quality—never let the world forget that premise.

His first published work was "Legends of Texas," in 1921. His first big seller came in 1929 with "A Vaquero of the Brush Country." Two years later the famous "Coronado's Children" was published.

During the thirties, Dobie gave the university a taste of things to come. On one hand he distinguished himself as a "troublemaker" by fighting sham. On the other, he distinguished himself as the university's best and most popular teacher.

Students from every department flocked to Dobie's classes, recalls Mody Boatright, longtime head of the English department.

It was often said that students, rather than taking a course in life and literature of the Southwest, were taking courses in Frank Dobie.

In those days at the university, Dobie much resembled Will Rogers, a man he never met. His casual and careless hair and clothing were an uncultivated trademark from the beginning.

But unlike the great Oklahoma storyteller, Dobie's jibes at the powers-that-be were sharp and hurting, quick and blunt.

"He seldom wrote out-and-out political articles, but in writing about rattlesnakes he could by indirection link them in an unflattering way with the Governor," wrote department chairman Boatright recently in the Texas Observer.

He told at least two Texas Governors they were not fit for the job and said if he wanted to "explain homemade fascism in America" he'd use one Lieutenant Governor of Texas as an example.

In 1943 Dobie asked the university for a year's leave of absence to teach at Cambridge University in England and work on another book—and get away from his Texas hayfever.

In 1944 the UT regents fired the school's president, Homer Price Rainey. Dobie's criticism of the regents resounded loud and long, even from England.

Dobie aided Rainey in Rainey's race for Governor against the late Beauford Jester in 1946, all the time continuing his attack on the regents.

Dr. T. S. Painter, appointed president after Rainey, put Dobie on notice that his criticism "would not go unnoticed."

The year's leave of absence stretched into 4 years. In 1947 the university told Dobie to come home or else. He replied that he still had hayfever and a book to finish.

Dobie stayed in England and the university fired him.

Dobie's achievements since that dismissal in 1947 were gratifying. Working at his home, in a tree-shaded area just north of the university, he continued to produce books, newspaper columns, and frequent magazine pieces.

As he aged, the Will Rogers appearance gave way to the look of a Robert Frost or a Carl Sandburg. The white-haired bushy-browed scholar liked to sit in the shade of the huge trees, enjoying a balmy central Texas day, and give freely of his time—and wisdom for those worthy enough to take it—to young writers and old friends.

For the more than 30 books he produced, he received numerous literary awards. The list was topped only this week when President Lyndon Johnson presented him the Presidential Medal of Freedom.

The grand old man couldn't make the trip to Washington because of his health, but Mrs. Dobie, his friend and critic for half a century, went to the White House and accepted the medal for him.

Twice in the last few years Dobie was hospitalized with pneumonia and a heart attack. In 1962 he was seriously injured in an automobile accident.

But he bounced back. Early this year he went to Washington to see the President, delighted Capitol reporters, and came home very tired.

He was ordered to bed rest in May and was still confined to St. David's Hospital in July when he received word of winning the Medal of Freedom.

Dobie recognized youth and age * * * and saw no conflict. "If I were 21 again," he once said, "I'd do it all over again."

And in 1963 he wrote: "As one becomes older, he becomes more of an institution. He always has things pulling at him—somebody or something wanting to use him. A writer has to associate with himself. He has to fight for freedom from other associates."

[From the New York Times, Sept. 20, 1964]

J. Frank Dobie, Expert on Lore of Texas, Dies in Home at 75—Writer Was Awarded Medal of Freedom in July—Often a Dissenter

Austin, Tex., September 18.—J. Frank Dobie, an internationally known humorist, folklore storyteller, and scholar whose face was lined from years of exposure to the Texas of which he wrote, died today in his sleep. He would have been 76 years old on September 26.

His wife said Mr. Dobie had been sleeping during the afternoon, and that when she went to wake him about 6 p.m. she found he was dead.

Funeral services for Mr. Dobie will be held tomorrow on the university campus in Hogg Memorial Auditorium.

A TEXAS TRADITIONALIST

Mr. Dobie, whose works were steeped in the folklore and history of Texas, was himself steeped in the traditions of his native State.

With a blending of the kind of chauvinism that is endemic to Texas and an outspoken independence that stemmed from his frontier heritage, Mr. Dobie kept trying to describe the Southwest as it really was.

He thought of himself not as a folklorist or as a scientific historian, but as a chronicler.

"I present chronicles of what it was like in past years," he once said.

In his many books his mission, if he had a mission, was to keep Texas pure Texan. He deplored the Hollywood stereotypes of early life in his State and decried the writings of many Texas authors, whose viewpoint he found "too insular, too provincial, and too lacking in perspective."

A pure Texan, according to Mr. Dobie, was a Texian, spelled with an "i."

He said that a Texian was one of the "old rocks of the State." Texan, a word he said dated from soon after the Civil War, described a relatively oldtimer, Mr. Dobie said. He noted a third group, made up of those "who just live in Texas," and who were "wearing away the old rock."

NONCONFORMIST ON CAMPUS

Mr. Dobie, who taught at the University of Texas, was early in his career branded as a campus maverick. In the course of that career he lived up to that brand. He told at least two Texas Governors that they were unfit for the job. He termed a Lieutenant Governor a "homemade Fascist."

He called Davy Crockett, the folk hero, ignorant. And he said that a $100,000 memorial to the heroes of the Alamo looked like a grain elevator.

In July of this year Mr. Dobie was selected by his good friend President Johnson to be one of the recipients of the Presidential Medal of Freedom.

Mr. Dobie was reported to be speechless when notified of his selection. He soon recovered to tell an Austin newspaper reporter that he was very pleased to be included among the 30 prominent Americans cited.

He said the list was a good one "because as far as I know, there is not anybody on there distinguished for being against something, but for being for something, something worth being for."

Last April Mr. Dobie was a White House guest of the Johnsons. The President spoke by telephone for 10 minutes with Mrs. Dobie tonight. He expressed his sympathy and regrets that he would be unable to attend the funeral.

Mr. Dobie was born on a ranch in Live Oak County on September 26, 1888, the first of six children. He was a great-grandson of a settler who had migrated from Virginia in 1834.

Mr. Dobie spent his early years in alternate academic pursuits and work on the range. He received his bachelors' degree in 1910 at Southwestern University in Georgetown, Tex. With periodic returns to the family ranch, he worked as a newspaper reporter, taught school, took a master's degree, served in the 116th Field Artillery in World War I, and married Bertha McKee in 1916.

After the war he worked as the foreman of a 250,000-acre south Texas ranch, owned by an uncle. During this time he continued his research around campfires, at trading posts, and at chuckwagons. These studies included investigations of the lengths of the horns of longhorn steers, the howls of coyotes, and the smell of coffee prepared over mesquite wood.

Mr. Dobie's teaching career began in 1921, when he forsook the ranch for the campus of the University of Texas. He became a full professor of English in 1928.

He attained professorial status without attaining a doctorate. He hated doctoral dissertations and categorized their writing as "transferring bones from one graveyard to another."

While some of his colleagues were calling him a very unprofessional professor, who used "windy, chatty yarns and was given to singing cowboy ballads," Mr. Dobie was referring to himself as the outlaw of the campus.

His free-wheeling talks—he refused to call them lectures—ranged from attacks on politicians to criticism and discussions of race relations, and attracted large numbers of students.

During 1930–31 and 1934–35 Mr. Dobie held research fellowships from the Laura Spelman Rockefeller Foundation. He also had received a grant from the Guggenheim Memorial Foundation, which aided his research.

In 1944 Mr. Dobie went to England to succeed Henry Steele Commager as Professor of American History at Cambridge. He protested that he had not read the American Constitution since his boyhood, and that he had not understood it then. Nonetheless, he served his year at Emmanuel College.

He returned to Texas in style and soon began to condemn what he termed "fascist-minded regents, oil millionaires, corporation lawyers and others who make anachronistic rage against liberal though, malign all liberals as Communists, try with physical power to wall out ideas, and resort to the chicanery."

In 1947 the Texas regents, with whom he had been feuding for years, succeeded in dismissing him after he had stretched out a year's leave of absence into 4 years.

While teaching and scrapping, Mr. Dobie, who liked to be called Professor Pancho, managed to write some three dozen books.

Some of the books were: "A Vaquero of the Brush Country," "On the Open Range," "Tongues of the Monte," "The Flavor of Texas," "Guide to Literature and Life of the Southwest," "A Texan in England," and "Tales of Old-Time Texas."

[From the Dallas Morning News, Sept. 20, 1964]

Funeral for Dobie To Be Held Sunday

Austin, Tex.—Funeral services will be held here at 4 p.m. Sunday for J. Frank Dobie, perhaps Texas' best-known writer.

Services will be conducted at Hogg Auditorium at the University of Texas, where Dobie rose to fame as a folklorist and teacher and also the site of some of his much-publicized political controversies.

Burial will be at the State cemetery, the resting place of his famous friend, historian Walter Prescott Webb, who was killed last year in an automobile accident. The third member of the famed Austin triumvirate, naturalist-writer Roy Bedichek, died earlier.

All three men won fame for their books based on the Southwest, and they stood out as leaders in the world of letters during the past third of a century.

Dobie would have been 76 years old September 28. His health had been failing for several years, first from pneumonia which brought on heart trouble, and later from an automobile accident here. His condition was so frail that his wife represented Dobie on September 14 at the White House when President Johnson, a friend of Dobie awarded him a Medal of Freedom along with 29 other outstanding Americans.

Dobie was a political liberal. But it was his folklore writing, and his keen ability to depict the Southwest's ranch country—longhorns, mustangs, coyotes and rattlesnakes—which brought him the greatest recognition.

Some 30 books came from his typewriter, along with dozens of pamphlets and hundreds of newspaper and magazine articles. He worked in a cluttered upstairs study of a white house located on Waller Creek, where the Dobies settled in 1926 and maintained a rustic setting despite the inroads of the university's expanding campus, apartment and dormitory building and vehicle traffic.

Dobie joined the University of Texas faculty in 1919, after serving in World War I. He taught until 1943, when he took leave for teaching at Cambridge University in England. By that time, he was crosswise with the State university's regents, and he was dropped from the faculty in 1947 when they refused to extend a leave that already had run for 4 years. During the period, Dobie had supported former university president Homer P. Rainey's unsuccessful campaign for Governor.

The university has established a Dobie collection in its new undergraduate library center, and his books, paintings, and other items depicting his career will be preserved there.

Dobie received the first copy of his latest book, "The Cow People," the day he died. He was working on several other manuscripts, and never read one of his books again after correcting the proofs.

Survivors include his wife; two sisters, Mrs. T. R. Stanford of Lyford and Miss Martha Dobie of Kerrville; a brother, Elrich Dobie of Lamesa and a nephew, Dudley Dobie of Alpine.

Pallbearers at Dobie's funeral will be Lon L. Tinkle, Dallas; Mody C. Boatwight, Austin; Glen Evans, Midland; Wilson Hudson, Austin; John Henry Faulk, Austin; Tom Lea, El Paso; Ned Bradford, Boston, Mass.; James P. Hart, Austin; Joe B. Frantz, Austin, and Warren Roberts, Austin.

[From the Houston Post, Sept. 19, 1964]

J. Frank Dobie, Famed Texas Writer, Dies at 75

Austin.—J. Frank Dobie, Texas historian, author and folklorist, died in his sleep after a heart attack at his home in Austin Friday.

His wife, Mrs. Bertha Dobie, found him dead when she attempted to awaken him from his afternoon nap about 6 p.m.

The 75-year-old writer had been hospitalized earlier this summer because of a heart condition.

By coincidence, a first copy of Dobie's latest book, "The Cow People," published by Little, Brown & Co., arrived at his home Friday morning.

Dobie was among 30 prominent Americans, including Carl Sandburg, selected for the Presidential Medal of Freedom in July. Because of his heart condition, Dobie was unable to go to Washington to receive the medal. His wife accepted it for him at the White House on September 14.

Dobie was known as a maverick and he considered it a compliment.

The outspoken author, educator, and cowboy philosopher was as well known in Texas for his salty commentary as for his writing. His sharp tongue frequently embroiled him in controversy, but he seemed to thrive on it.

The years mellowed him a little but he never lost the wit, independence and refreshing candor that endeared him to so many.

Known to his friends as Frank or "Pancho," the Spanish equivalent of Frank, Dobie became a legend in his own time.

He was devoted to keeping alive the best of the Southwest's unique heritage and was disturbed by efforts to stifle it and force Texas and the rest of the region into a monolithic conformity.

He was also passionately dedicated to the cause of intellectual freedom and many of his outbursts were directed at those he suspected of trying to fence it in.

He liked some of the intellectual values fostered by modern civilization, but was disgruntled about others.

"I damn sure would rather hear a coyote bark than anything I've heard on another man's radio," he once remarked.

At another time, he said:

"The sounds of nature are pleasing to me; sounds made by machines are not."

Dobie described Texans as "colonials, thinking we can buy culture." He also said Texas writers need a broader perspective.

Of his own writing, he said: "My way of writing, my style is not influenced by other western writers. It is influenced by good literature in general. It's more important that a western writer read 'The Trial and Death of Socrates' than all the western stories ever written."

Dobie often assumed the role of the crusader, but he did not consider himself a reformer.

"I believe in letting the world go to hell in its own way," he said once.

Dobie was a stocky man with piercing blue eyes and a shock of white hair that was usually tousled and long. His favorite attire was rumpled khaki, a Stetson hat and runover boots. He enjoyed puffing on an old pipe.

He was the author of more than 30 books and hundreds of magazine and newspaper articles and had written a weekly column for the Houston Post and several other newspapers since 1939.

He resisted being labeled either a folklorist or a regionalist though most of his work dealt with the Southwest and he preserved much of the region's rich folklore that would have otherwise been lost.

He called himself a chronicler and was disdainful of the tall Texas tale. He was a master storyteller, however, and often prefaced his yarns with the remark, "if it isn't true it should be."

Dobie was well equipped for his role as a collector and preserver of southwestern folklore.

He was born September 28, 1888, on a ranch near Beeville in Live Oak County, the oldest of six children of Richard J. and Ella Byler Dobie. The Dobie clan came from rugged pioneer stock.

In 1906, the family moved to Beeville and young Frank, then 18, went off to college. He received his bachelor's degree from Southwestern University at Georgetown in 1910 and his master's degree from Columbia University, New York City, in 1914.

He was working on the San Antonio Express when World War I began and volunteered as a private in the army, but was later accepted for officer training.

While he was in training at Leon Springs, he married the former Miss Bertha McKee of Velasco. She survives him.

Commissioned a lieutenant in the field artillery, he went to France when the United States entered the war.

After his return in 1919, he joined the English department of the University of Texas. He rebelled against the discipline of academic life, however, and quit after a year to manage the quarter-million-acre ranch of his uncle, Jim Dobie.

It was during this period that he began his study of Texas folklore and started writing. His first published work was "Legends of Texas," a book he edited, in 1921. This was followed by his first book, "A Vaquero of the Brush Country," in 1929.

Dobie decided to make a new start on a teaching career and headed the English department at Oklahoma State University from 1923 to 1925. He then rejoined the University of Texas English Department and soon talked university officials into letting him teach a course on "Life and Literature in the Southwest." Its success was attested to by the standing-room-only class attendance.

Dobie's rugged individualism and his pungent observations about what went on around him earned him the title of "maverick professor." He often championed students in their differences with the faculty and seemed to have a knack for picking imposing targets for his verbal barbs.

In 1936, when the University of Texas built its administration building, a slender, 27-story tower, Dobie turned down office space in it. He said the tower looked like a "toothpick in a pie" and chose to occupy an office in one of the older buildings on the campus. Here he hung out his shingle—the thigh bone of a cow on which he wrote: "Office hours: Irregular. If your messenger finds him not within, seek him in the other place yourself. Cursed be he that disturbs my bones."

Dobie was the first native Texan to be given a full professorship in the University of Texas English Department though he did not have a doctorate and didn't want one. He said of Ph. D. dissertations; "That's simply transferring to the next."

The furor Dobie's scathing attacks stirred up resounded not only across the university campus but through the corridors of the State capitol as well.

Unintimidated by high office or lofty titles, he told at least two Governors that they were unfit to hold the office and called a Lieutenant Governor a "homemade Fascist" during a feud that erupted over a comment by Dobie that Davy Crockett was ignorant.

A rebel against rules that didn't make sense to him, Dobie once spent 6 hours in custody in the Austin police station rather than pay two parking tickets.

His pugilistic spirit put him in the center of many a bitter controversy, but none was more bitter or had more drastic consequences than his fight with the university's board of regents, who he accused of "trying to build a Maginot Line around thinking."

He backed Dr. Homer P. Rainey, who was fired as president of the university in 1944 after a series of clashes with the regents, and later supported him in his unsuccessful race for Governor.

Dobie himself rejected a proposal that he run for Governor as the squabble continued. A lifelong Democrat, he backed Henry Wallace for President.

In 1943, the noted author and educator took a leave of absence from the University of Texas to accept the chair of American history at England's Cambridge University.

He was fired by the university regents in 1947 after he had stretched his original 1-year leave to 4 years, had asked for another 1-year extension and refused to return to work when it was denied.

After his dismissal, a large group of university students marched to his home in a torchlight parade to pay their respects and express regret at his leaving. The demonstration of affection brought tears to the ex-professor's eyes.

His troubles with the university regents did not, however, deter his writing career. He kept turning out books—many of them best sellers.

Dobie left an imprint on literature that will not likely be erased. The titles bearing his name grace many a library shelf and are familiar to most schoolchildren as well as adults.

A few of the better known ones are "Coronado's Children," published in 1931 and honored as a selection of the Literary Guild; "Apache Gold and Yaqui Silver," 1939; "The Longhorns," 1941; "The Voice of Coyote," 1949; "The Mustangs," 1952; and "I'll Tell You a Tale," 1960.

Dobie won an impressive collection of literary awards and was the first man to receive two of the Texas Institute of Letters' first-place awards.

But he took the honors in stride. After being awarded a Rockefeller Fellowship, he mounted a mule and set off on a 2,000-mile trek through Mexico to collect material for his "Tongues of the Monte," which was published in 1935.

Twice before, Dobie was near death, first with pneumonia, and then a heart attack, but he recovered fully.

Survivors include his wife, Bertha; two sisters, Mrs. T. R. Stanford of Lyford and Miss Martha Dobie of Kerrville; a brother, Elrich Dobie of Lamesa; and a nephew, Dudley Dobie, librarian at Sul Ross State College in Alpine. The couple had no children.

[From the Austin American Statesman, Sept. 20, 1964]

Rites Today—J. Frank Dobie's Death Mourned Across Nation

A freedom-loving nation, led by its President, this weekend mourned the loss of its favorite don't-fence-me-in cowboy, J. Frank Dobie.

The 75-year-old writer, educator, and folklorist died Friday of a heart attack during an afternoon nap at his Austin home.

Messages of tribute to the writer came from every corner of the country. Many ex-students of Dobie at the University of Texas got news of his death as they poured into Austin for their alma mater's first football game.

President Lyndon Johnson, learning of Dobie's death late Friday, telephoned the writer's widow, Mrs. Bertha McKee Dobie, from the White House.

The President, expressing his deep love and admiration for Dobie, said he regretted that he could not come to Austin for the funeral.

Funeral services will be Sunday at 4 p.m. at Hogg Auditorium on the university campus.

Speakers will be Dr. Edmund Heinsohn, pastor emeritus of University Methodist Church, Frank Wardlaw, director of the University Press, and Dr. Angus Springer, longtime Dobie comrade from Southwestern University.

Burial will be in State Cemetery under direction of Weed-Corley Funeral Home. The State burial was ordered by Gov. John Connally because of Dobie's contributions to Texas.

Pallbearers will be Lon Tinkle, Mody Boatright, Glen Evans, Wilson Hudson, John Henry Faulk, Tom Lea, Jim Hart, Joe B. Frantz, Ned Bradford, and Warren Roberts.

The body will lie in state Sunday at Weed-Corley until 2 p.m. when it will be taken to the auditorium.

Memorial contributions may be made to the Frank Dobie Memorial Fund of the Texas Institute of Letters. The fund will be handled by the institute's secretary, Martin Shockley, of North Texas State University, Denton.

For half a century Dobie was a public character, going his own unfettered way through a life of writing, learning, and teaching about Texas, the Southwest, nature in general, and man in particular.

The week of Dobie's death was for him typical of the accomplishments and merits of his life.

On Tuesday of last week Dobie was handed the Presidential Medal of Freedom. The honor had been conferred on him along with 29 other leading Americans.

Dobie's health did not permit him to go to Washington to accept the medal, but Mrs. Dobie attended the White House function for him. She returned with the medal Tuesday. He was very justly proud of it.

Then Friday, the morning before his death, he received the first copies of his new book, "The Cow People," a work he said recently turned out to be more autobiographical than he had intended.

Dobie says in the introduction to the book that "no attempt at being definitive has been made. My aim is to reveal human beings."

In his foreword he singled out his indebtedness to his wife. What he said of her work with the book was true of her companionship since their marriage in 1916.

"The person to whom I owe most is a critic of style and a thinker named Bertha McKee Dobie. She has overlooked every line and influenced me to exercise the never sufficiently accomplished art of omission."

Frank and Bertha Dobie were a team. The old storyteller was always the first to say so. Sunday—when he is buried beside other heroes of Texas—would have been Frank and Bertha's 48th wedding anniversary.

The new book is dedicated to Walker Stone, of Washington, D.C., and Ralph Johnston, of Houston. Stone studied under Dobie 40 years ago at Oklahoma A. & M. and is now editor in chief of all Hearst newspapers.

Johnston, Dobie called "another civilized rememberer."

[From the Fort Worth Star-Telegram, Sept. 21, 1964]

Final Respects Paid Dobie by 700 at UT Auditorium

Austin, September 20.—Approximately 700 persons Sunday gathered to pay their last respects to J. Frank Dobie, the educator and writer who never lost the appearance or free style of the ranching people he grew up with and loved.

Dobie died Friday of a heart attack.

Two friends, University of Texas Press Director Frank H. Wardlaw and Dr. Edmund Heinsohn, pastor emeritus of the University Methodist Church, offered remarks at a ceremony in an auditorium on the university campus where Dobie taught for more than 20 years.

Dr. Angus Springer, chairman of the drama department at Southwestern University in Georgetown, recited several passages from one of the more than 30 books Dobie wrote about southwestern lore, "The Mustangs."

Dobie was buried beneath a big oak tree near his friend, author Walter Prescott Webb, in the State cemetery after the ceremony which was not a religious one in keeping with Dobie's wishes.

Among those in the crowd were the two top administrators of the University of Texas; U.S. Senator and Mrs. Ralph Yarborough; and U.S. Representative Henry B. Gonzalez of San Antonio.

Speaking of Dobie's wishes not to have a religious ceremony, Wardlaw said:

"He was not an irreligious man and he always respected the faith of others, but to him organized religion implied dogma and dogma implied a cutoff point for thinking, for questioning.

"But while he was not in any formal sense a religious man, he was a deeply spiritual man whose life was motivated by the highest principles of service to others and to the cause of right."

Wardlaw described Dobie as "an enlightened, courageous, and compassionate citizen of the world" and remarked of his years at the university, many of them embroiled in controversy over academic freedom or some other policy:

"There will always be less room for sham and pretense and shoddy standards on the 'Forty Acres' (the university campus) because Frank Dobie was here."

Heinsohn said Dobie's great influence while at the university stems from the fact that "he brought a free man" to the campus.

"Again and again he declared his independence of those things he thought would restrict his freedom," Heinsohn said.

"We have a way of giving lipservice to free enterprise. We usually are talking about free enterprise in economics, and stop short of free enterprise in thought, in speech, in press, and in religion.

"Frank Dobie was a free-enterpriser in all of these areas. He was always with his ideas moving into the open market to do battle with others and their ideas."

Dobie died 4 days after receiving the Presidential Medal of Freedom with 30 other prominent Americans last Monday.

A native of Live Oak County in south Texas, Dobie returned to south Texas to manage a ranch after earning degrees from Southwestern University and Columbia University in New York.

He left the ranch foreman's job in 1920 to make a profession of chronicling past years in the Southwest, a definition he preferred more than "folklorist."

He taught a course in southwestern literature for 20 years; it was one of the most popular at University of Texas. He left the university in 1947 after long disagreements with the regents and resumed his book and newspaper column writing.

[From the Houston Chronicle, Sept. 20, 1964]

J. Frank Dobie Follows Friends Into Death

(By Bo Byers)

Austin.—J. Frank Dobie has followed his two friends, Roy Bedichek and Walter Prescott Webb, from life into death.

They were the "Triumvirate of Texas Letters"—Bedichek, the naturalist; Webb, the historian, and Dobie, the chronicler or storyteller.

Bedichek died May 21, 1959; Webb, March 8, 1963; Dobie, September 18, 1964.

Of the three, Dobie is the most widely known, for he was the most controversial.

Though each of the trio was a great believer in freedom of thought, it was Dobie who spoke out most frequently and most vehemently in defense of such freedom.

A great advocate of the value of education (with a little "e," because he loathed education with a capital "E"), Dobie seldom passed up an opportunity to make a crusading comment.

Writing for the Texas Ranger, a University of Texas student magazine, Dobie had this to say in an article entitled "Texans Need Brains":

"I do not see how anybody who cherishes liberty for others as well as for himself can be intolerant of ideas. I do not see how a vast country, the life of which is bound up in vast complexities, can be governed wisely except by intellectual ability. Liberty means liberty of mind as much as it means liberty to make a profit."

Dobie will be remembered and researched from many perspectives.

Recognition on a broad scale first came his way in the depression year of 1931 with publication of "Coronado's Children." This established his reputation as a chronicler, a reputation steadily enhanced with the publishing of 14 more books.

But he was far more than a first-class writer.

He was a true educator—whether in the formal classroom of the University of Texas or Cambridge University, in the parlor of his home at 702 Park Place, or stretched out on his "rock" in the broiling sun alongside the waters of Barton Springs in south Austin.

And he was a philosopher.

Some have called him a "cowboy philosopher." Though his earthiness may have been rooted in his upbringing on a ranch in the south Texas live oak county, Dobie by life's end was far more than a Texas or Southwestern philosopher.

This is reflected in the attitude he took toward writing.

"Great literature transcends its native land, but none that I know of ignores its own soil," Dobie said in 1936.

In 1950, he said, "Good writing about any region is good only to the extent that it has universal appeal."

One of Dobie's reviewers has termed the poem with which Dobie closed his book, "The Mustangs," the finest poem on freedom in the language, "an ever-living testimony to Dobie's devotion to freedom."

This is Dobie's poem:

"I see them running, running, running
From the Spanish caballadas to be free
From the mustanger's rope and rifle, to keep free
Over seas of pristine grass, like fire-dancers on a mountain,
Like lightning playing against the unapproachable horizon.
I see them standing, standing, standing
Sentinels of alertness in eye and nostril,
Every toss of maned neck a Grecian grace,
Every high snort bugling out the pride of the free.
I see them vanishing, vanishing, vanished,
The seas of grass shriveled to pens of barbwired property,
The wind-racers and wind-drinkers bred into property also.
But winds still blow free and grass still greens,
And the core of that something which men live on believing
Is always freedom.
So sometimes yet, in the realities of silence and solitude,
For a few people unhampered a while by things,
The mustangs walk out with dawn, stand high, then
Sweep away, wild with sheer life, and free, free, free—
Free of all confines of time and flesh."

[From the Houston Post, Sept. 20, 1964]

L.B.J. Says Nation Lost One of Most Colorful Citizens

Washington.—President Johnson said Saturday the death of Texas Author J. Frank Dobie has cost the Nation one of its most gifted, colorful, and constructive citizens.

The President issued this statement on Dobie's death Friday in Austin.

"Our Nation has lost one of our most gifted, colorful, and constructive citizens with the passing of J. Frank Dobie. His life work of recreating our rich regional heritage of the Conquistadores and cowboys restored for future generations a treasure that might otherwise have been lost.

"Mrs. Johnson and I cherished for many years the candor and compassion of Professor Dobie. All of us can be grateful that only 5 days before he died Professor Dobie received the Medal of Freedom, our Nation's highest civil award, in recognition of the contribution he made as a writer and teacher to the enrichment of our American heritage."

[From the New York Herald Tribune, Sept. 20, 1964]

An Irishman, a Texan—Two Masters With Words—Historian

"De bobus longicornibus quod ille non cognovit, inutile est alliis cognoscere."

In Latin, this means "what he doesn't know about longhorn cattle isn't worth knowing."

It was contained on an honorary master of arts degree awarded to James Frank Dobie by Cambridge University, despite the fact that Mr. Dobie once referred to himself as "the biggest liar in the Southwest."

"But," he added, "the lies I tell are authentic lies."

There are thousands of people who are unconcerned about the possibility that Mr. Dobie's stories of American folklore might have been fabricated; they are only delighted that he put them down on paper.

For in his 30-odd books and hundreds of short stories on Texas and Mexico, Mr. Dobie became much more than a teller of fables.

He was an outspoken liberal, a maverick professor who said what he thought and a man who was obviously in love with the idea of lost treasure, forgotten mines or leather-skinned trail drivers.

He also was 1 of 30 persons who received the 1964 Medal of Freedom, highest civilian honor the President of the United States can bestow. But Mr. Dobie's wife appeared to receive the medal for him at the ceremonies near the Mexican border.

"That land, my stalwart parents and the English literature on which they nurtured me have been the chief influences in my life," he wrote in later years.

Although he acquired enough book learning to quote Shakespeare or Shelley at length (M.A. Columbia, 1914), he never forgot what he learned on the Texas prairie. He once ran his uncle's 250,000-acre ranch.

Friday, Mrs. Dobie tried to wake her husband after a nap in their home in Austin, Tex. She found he had died in his sleep.

He was born on September 26, 1888, in Live Oak County, Tex., in the brush country Texas, where he preferred that his students call him Professor Pancho. For years he taught a course entitled "Life and Literature of the Southwest," the lectures on which could start with a simple "Now, I'll tell you a little story of Liver-Eating Johnson * * *." On his office door hung a sign which said "Office hours: irregular."

NO PROVINCIAL

Although his interest was the Southwest, Mr. Dobie was by no means a mere provincial. And he had little use for people who were.

He was a friend and supporter of ex-University of Texas President Homer Price Rainey, who incurred the wrath of the university regents when he refused to remove John Dos Passos' "U.S.A." from library shelves. Nor would President Rainey dismiss instructors considered leftists by the regents.

After President Rainey was fired, Mr. Dobie said publicly that "no self-respecting, able member of the present faculty would serve as president. But the regents will have no trouble finding a bootlicker or Quisling . . ."

In 1943, Mr. Dobie succeeded Henry Steele Commager of Columbia as professor of American history at Cambridge University. He liked England and the English and rejoiced in the free intellectual spirit of Cambridge. "A Texan in England," a book of his experiences abroad, was published in 1945.

Among his other books were "A Vaquero of the Brush Country" (1929), "On the Open Range" (1931), "The Flavor of Texas" (1936), and "Apache Gold and Yaqui Silver" (1939).

Despite his vivid imagination, he was such a persuasive writer that he was frequently annoyed by crackpots who were under the impression that he could help them find buried treasure.

FIRED

He was dismissed from the University of Texas in 1947 (not before referring to one of its presidents as "a flunky of the Laval pattern") and from time to time sounded off on current events.

In 1958, for example, he said:

"All the public school superintendents and a great many college presidents hold degrees in education spelled with a capital E.

"They are Johnny-on-the-spot with Rotary Club optimism, football teamwork, dedication-to-America and such as that. Despite their degrees and positions, they are puerile minded. Nearly all of them are stuffed with religiosity—which is not religion.

Mr. Dobie held that "intellectual integrity seems to me as rare in American writing as in American politics."

In evaluating himself he wrote:

"I am called a folklorist, but I care little about scientific folklore. I have done hard research on range history, but I care more for the beautiful than for facts. I am a liberal in religion—a free thinker, I suppose—as in politics."

[From the Houston Post, Sept. 20, 1964]

AVE ATQUE VALE, FRATER, MR. FRANK, J. FRANK DOBIE

(By H. Mewhinney)

Man that is born of a woman is of few days, and full of trouble.

He cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not.

—Job 14:1–2.

Here lapped in hallowed slumber Saon lies;
Asleep, not dead; a good man never dies.
—Simonides of Ceos.

And so now all three of them are gone from us: Roy Bedichek, Walter Webb, and Frank Dobie.

Their influence on modern Texas is beyond measure.

They never won an election; they never ran for office with a hillbilly band playing imitation folk tunes; their influence was on intelligent men; and we might as well face up to it: Intelligent men are in the minority.

The three were close friends and neighbors in Austin for most of their adult lives. They were often called, half playfully, half seriously, the intellectual triumvirate of Texas: the naturalist, the historian, and the storyteller.

It is not quite fair to call Mr. Bedi the naturalist of the three. All of them were devoted to the out of doors. Mr. Walter, the historian, was almost a fanatical conservationist and knew a great deal about pasture management and the restoration of overgrazed rangeland. Mr. Frank was brought up on a ranch in the brush country. He loved steers, he loved mustangs; he loved wild cherry trees; he wrote the best book about coyotes that ever will be written about any kind of wolf, large or small, even though Adolph Murie and Stanley P. Young and more lately Farley Mowat have written some fine ones about the big Arctic wolf.

In politics all three of them were what we rather clumsily and inaccurately call liberals. But not the fanatical and humorless sort of liberal, who is all too prevalent nowadays, especially in academic circles.

After Stanley Walker came back to his little sheep ranch in Lampasas County, having served the New York Herald Tribune as the most famous and accomplished city editor that North America ever saw, he and Mr. Frank became fast friends. And Stanley was no liberal. Like H. L. Mencken, Stanley was something of an eleutheromaniac—to use the fancy word—a man crazy for personal freedom at all costs, haughtily disdainful of all forms of government help or interference. You would have thought that Stanley had read Rousseau and Nietzsche in his youth, had taken that stuff seriously, and had never got over it. But those doctrines never interfered with the friendship between Stanley and Mr. Frank.

Unhappily, Stanley also has gone away from us.

Do you notice that I call Stanley Stanley but call Mr. Frank Mr. Frank? Like some of the other things, that is half playful and half serious. It is oldtime southern rural manners. Stanley was not much older than I. Mr. Frank was a good deal older. The custom used to be that if a man was your fast friend but was older you called him by his first name but put the Mr. in front of it. And so I called them Mr. Bedi, Mr. Walter, and Mr. Frank. The custom is quite old. The Confederate infantrymen called Gen. Robert E. Lee Marse Robert, or Marse Bob, or Mr. Bob.

I am sorry that the picture we ran of Mr. Frank in the paper the morning after he died, showed him looking serious. He had a smile that would charm a bird out of a tree.

[From the Austin American Statesman, Sept. 19, 1964]

MANY THINGS TO MANY

(By Christ Whitcraft)

J. (for James) Frank Dobie was proud to be a stray.

He was a nonconformist in a personal battle for freedom.

He was an outstanding citizen.

Dobie was many things to many men.

Some of the words the great and near-great, the friend and acquaintance, the reader or the listener used Friday night in trying to put into unprepared phrases their feelings about the famed author are these:

"We are all grieved at the sad news of the passing of one of Texas and one of the Nation's outstanding citizens," Gov. John Connally said in Houston. "His influence in his time has been profound. Thankfully, his magnificent work will live for all time so that future generations may benefit from his intelligence, wit, courage, and passion. His loss brings personal sadness to me and as Governor I express the great sorrow of all Texans in his passing."

Said Austin Mayor Lester Palmer:

"Frank Dobie was such a lovable person. His death is a tragic loss to his family, friends, and all the communities of his life, Austin, Texas, the West, the United States, and much of the world. He became a legend in his lifetime as a symbol of Texas."

U.S. Senator RALPH YARBOROUGH said:

"J. Frank Dobie was an author, historian, folklorist, teacher, writer, interpreter of his region and culture to the world- -he was all of these and more—he grew up in an area and era of freedom. To the end he fought for the freedom of man to think and live his own life. The world seems as lonely with him gone as the windswept plains he loved so much."

Chancellor Harry H. Ransom of the University of Texas said the university has lost one of the "greatest teachers in its history."

"And Texas," said Ransom, "has lost a writer who will never be surpassed for natural qualities of sincerity, candor, and human sympathy."

Dobie was really a philosopher of freedom, a nonconformist and avid seeker for universal truths, as much so as Keats, Chaucer, and Socrates, said friend and fellow writer Dr. Joe B. Frantz. He is professor of history at University of Texas. He said he looked to Dobie for standards to measure up to in living and writing.

Frantz said Dobie was adored by lots of people for the wrong reasons. They liked his tall tales of the existing old West. Many missed the underlying philosophy and eternal truths that Dobie saw in a coyote, for instance, much as Socrates saw them in the classic Greek.

"He was a stray and the defender of strays," said Frantz. "He said bluntly what he had to say, but never talked down to anyone in his life. People loved to listen to his twang as he told a story while scratching and rubbing that shock of white hair. This is the real thing, they would say, this is it, this is Texas. But the key to his greatness is not his regional stories. It is in the tireless search of his highly civilized mind for universal truth."

Friend and fellow Folklorist Mody C. Boatright, of Austin, said Dobie was one of the most distinguished men in Texas and certainly its best resident writer.

"The others would leave Texas," Boatright said. "But Dobie was different. He stayed. I think he will be remembered for his greatness as a man, his fearlessness and integrity in standing up for the right as he saw the right. He was particularly valuable in fighting all kinds of censorship, particularly in textbooks. He was genuine. He was honest."

Boatright worked closely with Dobie when both were active in the Texas Folklore Society. Dobie was editor of the society's publication from 1922 to 1942. Boatright succeeded him and retired from the post just this year.

"I think Dobie was at his best when he was fighting for a good cause," Boatright said. "Things like academic freedom at University of Texas, freedom everywhere. He was a skilled teller of tales but underneath as in The Mustangs he was making the mustang a symbol of freedom. His character studies of oldtime cattlemen became human beings understood in any environment. We had known for some time he could not survive his damaged heart. He died in his sleep, just didn't wake up at all. Yet I think he felt he had enjoyed living, and achieved something. He didn't talk about himself much. But he had done something he wanted to do, write those books."

Dr. Frantz said Dobie tended to hold court every afternoon at 5 o'clock in his home for anyone who wanted to drop in.

"I was often a caller," Frantz said. "Sometimes I would take along people who wanted to meet him. Dobie always gave me a postmortem on the people I brought. He would talk bluntly. He always did.

"Last winter I took two visitors in town over to meet Dobie. I could tell at once he took to one of them enormously. They talked until 9 o'clock. They would have talked to midnight if Mrs. Dobie hadn't insisted her husband had to eat his long-past-due dinner. Next day he called me.

" 'I want to give some offsets I have written to that Professor Gates from Cornell,' Dobie said. 'I didn't give them to him last night because I would have had to give some to that other guy. I didn't take to him.' "

Frantz said Dobie was frequently misinterpreted, particularly in Austin. People thought of him "as man turned in toward Texas."

"But he was turned outward to the world," Frantz said. "He was as well read in romantic and classical literature as in regional or western. He sought truth. He would accept any man of any century who had something to say. The last paragraph of Dobie's book The Mustangs tells everything about this man. Let me get it and read it to you. There's this last paragraph, and then some verses he wrote to end the book. I'll read that last paragraph and then the last verse. Now, this is Dobie:

" 'Gazing in solitude over foothills, desert, prairie, or brushed plain, one may through the transporting power of imagination see wild horses tossing their heads where no track of their kind has been printed for many decades. But it will not be gentle horses ranging there, no matter how spirited, that raised the picture of the vanished. The gentle ones never emanate that something which was the essence of the wild ones, just as no girl after she has lost her innocence ever looks the same in her eyes.

" 'So sometimes yet, in the realities of silence and solitude,
'For a few people unhampered a while by things,
'The mustangs walk out with dawn, stand high, then
'Sweep away, wild with sheer life, and free, free, free—
'Free of all confines of time and flesh.' "

[From the Daily Texan, Sept. 19, 1964]

Dobie's Spice Hit Regents

(By Sara Speights)

Next to his popularity as a Southwest folklorist, J. Frank Dobie will be best remembered on the Forty Acres as one of the board of regents' chief critics.

First native Texan to become a full professor of English at the university, Dobie bucked the idea that a university could be earmarked as first class. He felt that no just criteria could be established for the entire Nation.

"The factors which determined whether an American university shall be ranked in the first class are largely physical," he wrote in 1934. "Ranking the university as one of the first class cannot alone make it represent and interpret the genius of the State to which it belongs. It is only through intelligent interpretation of their environments and a just evaluation of their social inheritance that civilized people can come into some sort of harmony with their surroundings."

The pride of the university, its 27-story tower, was a thorn in Dobie's side.

"It's the most ridiculous thing I ever saw," he told one of his classes. "With as much room as there is in Texas, and as many acres of land as the university owns, we have to put up a building like those in New York."

Mr. Dobie suggested that the tower be laid on its side where it would be close to the ground and have "a gallery running along the front of it." Then, he remarked, one could stroll leisurely along the gallery until he comes to the room he wishes to enter.

Dobie's dismissal from the university faculty in September 1947, provoked one of the most memorable controversies the campus has seen.

Due to hayfever, Dobie became known as a professor in absentee his last 4 years on the faculty. He taught American folklore at Cambridge University at this time.

But Dobie did not lose contact with university activities. He denounced bitterly the regents' dismissal of President Homer Rainey, accusing them of opposing democracy. "No real man, either in the faculty of the University of Texas or from any faculty in the United States," he told a Waco audience in 1945, "would come and be president of the university today if he understood that the politics which have put Rainey out would be carried on in keeping him there."

Later the same year, the spicy-tongued Dobie wrote that believers in the right as well as the duty to think were combating a gang of regents "who, in anachronistic rage against liberal thought, malign all liberals as 'Communists'."

In 1947, the regents passed a ruling that a professor could not take two leaves of absence in succession. Many believed this action was directed at Dobie. In the fall of 1947, Dobie again applied for a leave of absence which was denied. When Dobie made it known that he planned to take it despite the ruling, President T. S. Painter took action to drop the former English professor.

The board of regents had to agree to Dobie's dismissal before it was final and Dobie had a right to appeal the case to the board. Dobie, however, said that he did not intend to do anything although he wanted to return to the university in the spring.

Dr. Harry Ransom said Friday evening that Dobie quit rather than having been fired.

In September 1947, when Dobie's dismissal was final, a torch-lit procession of 150 students chanting "we want Dobie" walked from Littlefield Fountain to the controversial folklorist's home to thank him for his 33 years of service to the university. Dobie greeted them in his familiar white suit and spoke to them briefly about his "beloved Texas."

Dr. Walter Prescott Webb, Southwest historian and long-time close friend of Dobie appealed to the administration to rehire the ousted professor. Supported by many faculty members, Dr. Webb stated that Dobie had walked into the trap embodied in the regents' rule limiting leaves. He said when Dobie refused to return, the administration was also in a trap and could do nothing but fire him.

[From the Austin American Statesman, Sept. 20, 1964]

The Best of Dobie Off the Cuff

J. Frank Dobie strived to carve perfection into every sentence he wrote.

He succeeded. From his pen for 40 years came tales and history and philosophy. The literary world often gave him the plaudits he deserved.

But Dobie off the cuff was the best Dobie. The wit with guts and good sense sparked many a newspaper article.

"No life of one time is alien to another time," Dobie says in the introduction to his soon-to-be published book "The Cow People."

And so it was with the hard sayings he put out over the years:

"If you are going to ask God to bless anything—and very few of us are popes so that we can be sure He is going to follow directions—I'd say bless what Mark Twain called 'the damned human race.' "

"I don't meet many storytellers any more. I'm a lot more apt to met people who want to argue. The whole doggone world—except primitive people—has quit storytelling because we're all so obsessed with problems and propaganda."

"I think that the rewriting by half-baked authors of legitimate writing is damnable and that it is debasing to the taste of the country."

"I think that what people want to believe affects their lives more than what they actually do believe."

"There's nothing duller than praise. There's nothing more stupid than eulogy."

"I damn sure would rather hear a coyote bark than anything I've heard on another man's radio."

"We used to be taught that mankind descended from paradise, but I don't want to go back to the Garden of Eden. I prefer the sidewalks of New York."

"The only way a man can get civilized is to become a contemporary of himself."

"If I were 21 again—say in 1960—I should probably do as I did when I was 21 in 1910, except that very absurd conduct would be adjusted to machines, cement, population, raucous propaganda, and the murder of silence."

"The best thing I've ever been drunk on is life. Here's to it."

"Never let either the past or the future interfere with the present."

"Newspapers have been calling me a folklorist for 50 years, but I'm not. And I'm not a scientific historian. I present chronicles of what it was like in past years."

"My rancher father had once observed to me that he considered banking a clean and profitable occupation. (He) never advised me beyond the simple injunction to live an upright life and be a man or a mouse or a bobtailed rat."

"If a man has just a sense of values he won't have to be hammered at every election to support this issue or that candidate."

"It's not so much how long you spend on the road, but how far you travel and how much you pick up that's worth picking up."

"The college of education is the chief department of ignorance filled with damned imposters. I've been looking for a first-class mind among students who volunteered to take an education course and I haven't found one in 51 years."

"I told Harry Ransom you're always talking about economizing—well, throw out the education department and spend the savings on really educating people. I also advised him to throw out the department of journalism."

"So far as health is concerned, all I lack is what the inhabitants of Arlington Cemetery and similar plots of earth lack—vitality."

"Any truly great university has a personality and a fitness in its own place and for its own people that rank it beyond standardized qualifications."

"The sounds of nature are pleasing to me; sounds made by machines are not. Now you have to think to live—that's not natural for people."

"Man should be evaluated on intellectual ability, information, and honesty. In Texas we limit it to the latter. Now, I don't pretend to be a reformer. I believe in letting the world to go to hell in its own way."

"Folklore, I'd say, was the history of Texas embellished by the imagination of a thousand minds."

[From the Houston Chronicle, Sept. 20, 1964]

Dobie's Pen Plumbed the Depths of Man

J. Frank Dobie's mind was quick, his pen sharp. Some of the quotes that endeared him to readers and listeners:

"I'm a pagan, I'm not a good pagan, becuse I don't have any gods, but I'm a pagan."

"I'm a hedonist. I believe in living now—right now. I belong to the eat, drink, and be merry school."

"I've spent more time on causes than I have on writing, and I resent it."

"All my life I've wanted to learn about mustangs, cowboys, and ranch life, but now I'm wanting to learn about life. I don't know if I'm learning anything new, but I have old things reinforced in me."

"To die standing up is the preferable way to die, instead of just lingering. That's the way Roy Bedichek (the Texan naturalist) died and the way Webb died (Walter Prescott Webb, author and historian). You know, Bedichek had been working all morning in his study, and he came in a little early to lunch, or dinner he'd call it, and his wife said, 'Well, it'll be ready in a minute except the cornbread hasn't quite cooked.' And he said, 'I'll wait for the cornbread.' While Mrs. Bedichek was busy, she heard an unfamiliar sound, and looked and there was Bedichek, out stiff in the chair—dead."

"Well, I get letters every once in a while from high school pupils—I don't call them students because a student is one that studies—they say 'Dear Mr. Dobie, I've read several of your novels and I want to write a theme on you and I'd like to know how you started writing novels.' Novels. Sometimes I write them back and sometimes I don't. Very few of them enclose a postage stamp. I could put everything I have to say in one sentence for every one of them: A writer's significance lies in what he's written; if you want to write about him, why, read what he's written."

"The sounds of nature are pleasing to me; sounds made by machines are not."

"Now you have to think to live—that's not natural for people. The horse and buggy had a comfortable tempo—it suited the land of hot sun and lonely shadows."

"Newspapers have been calling me a folklorist for 50 years, but I'm not. And I'm not a scientific historian. I present chronicles of what it was like in past years."

"I like some of the changes I've seen. My comfort is in the evolution I've witnessed—not physical, but intellectual. Any perfection for what Mark Twain called the damned human race is in the future. Man's brain will get bigger and his greed less and less."

"We used to be taught that mankind descended from paradise, but I don't want to go back to the Garden of Eden. I prefer the sidewalks of New York."

"We're still colonials, thinking we can buy culture. The trouble with many Texas writers has been that they are too Texan. They lack perspective. They have been country minded * * * provincial in their outlook."

[From the Houston Chronicle, Sept. 20, 1964]

J. Frank Dobie

"There is nothing duller than praise. There is nothing stupider that eulogy," J. Frank Dobie once wrote in the Texas Ranger. This and much other warm and sound talk about the great Texan who died Friday appeared in a special issue of the Texas Observer last summer. But the pages of a magazine, even the shelves of a library, or for that matter the wide borders of the State he loved so well, cannot encompass him.

Dobie was a man of such dimension that the word alone was enough, and he shook off adjectives. Whether you knew him, read him, or only heard of him, you cannot know Texas without automatically knowing some of his essence. His life was so varied and so full that we can regret his passing without real sadness. You needn't mourn some men. They leave so much that is useful and that can be remembered.

We will remember the meaning he gave to the word freedom. (A stanza from his poem "The Mustangs):

"But the winds still blow free and grass still greens,
And the core of that something which men live on believing
Is always freedom.

And we will remember what he once said on a television program (quoted in the Texas Observer):

"If you are going to ask God to bless anything—and very few of us are popes so that we can be sure He is going to follow directions—I'd say bless what Mark Twain called 'the damned human race'."

Those of us who are lucky will be seeing you, Mr. Dobie.

[From the Daily Texan, Sept. 19, 1964]

Mr. Dobie

(By Charmayne Marsh)

J. Frank Dobie helped keep the Southwest alive. His death ends an epoch of southwestern culture. Historian Walter Prescott Webb, naturalist Roy Bedichek, and Dobie were the intrinsic recorders of the Southwest.

Dobie, cowboy, educator, writer, philosopher, individualist, folklorist, outspoken critic, sensed people and things as they really are with uncluttered perceptiveness. He was a liberal, a freethinker. In a short biographical sketch he wrote "a liberal is a person who does not want to be fooled."

Long before it was popular to think freely academically, politically, or socially, the maverick's voice was as scorching as the winds on the hot plains.

The vaquero loved Dobie because he loved the land and its natural beauty. Through his experience with the Mexican horsemen, he came to an awareness of the folklore of the Southwest and of range traditions which made him turn to collecting the legends and folk tales of his land.

Others revered him because he could wholly commit himself, understand, and appreciate these things in ways they never could.

While at Cambridge, he taught his own special kind of American history to the Royal Air Force. In telling about this, Dobie confessed that during his first term he "boned like any freshman." He explained that he had not read the American Constitution since he was a boy and didn't understand it then, but that he did know the length of the horns of longhorn steers * * * the music inherent in coyote howling * * * the smell of coffee boiled over mesquite wood.

He gave significance to the inheritance of the Southwest without the taint of provincialism.

[From the Daily Texan, Sept. 19, 1964]

J. Frank Dobie Dies During Quiet Sleep

(By Nancy Kowert)

J. Frank Dobie died at about 6 p.m. Friday while taking a nap at his Austin home.

Dobie, who would have been 76 on September 26, had been ill for more than a year. He had spent part of the time in the hospital, but had been home, at 702 Park Place, for about 6 weeks. He died of a heart attack.

"His limbs were composed, his face was peaceful," said Mrs. Dobie, who was alone at home with her husband when he died.

Funeral services will be at 4 p.m. Sunday in Hogg Auditorium. Burial will be in the State Cemetery by proclamation of Gov. John Connally. Burials in the State Cemetery are reserved for distinguished Texans.

Dobie had just seen the first copy of his latest book, Friday morning. The book, "Cow People," will be released October 13 by Little, Brown & Co.

It is a compilation of sketches of different cow people and ranchers, Mrs. Garland Coker, a secretary to Dobie for about 12 years, said Friday night.

The jacket features pictures of some of the "cow people" and on the back is a sketch of Dobie by artist Tom Lea.

Mrs. Dobie said her husband had rejected several covers, before approving the final jacket. He had taken the pictures on the final product from his own photo collection.

"He was very much pleased with the book and the cover," said Mrs. Dobie. She said he had looked carefully at the cover on the book proper this morning.

Dobie was awarded the Presidential "Medal of Freedom" Monday of this week in Washington, D.C. Mrs. Dobie accepted the award for him from President Johnson.

The medal was awarded 30 distinguished Americans among whom were Helen Keller, John Steinbeck, Aaron Copland, Walt Disney, and Dobie's old friend, Carl Sandburg.

Mrs. Dobie said her husband had been pleased about the honor. However, according to Edgar Kincaid, Dobie's nephew, "He was much more pleased over seeing his new book than he was about the freedom medal."

Mrs. Dobie said she had received a phone call from President Johnson. "He called to express his sympathies, his admiration, and his love," said Mrs. Dobie.

Dobie was a White House guest last spring, shortly before he was ordered into a hospital because of a heart condition. Five weeks after his visit, it was announced he was to receive the Presidential medal.

Dobie, as rugged in style as he was in appearance, gave up a job in 1920 as foreman of a 250,000-acre ranch in south Texas to become a writer.

He devoted the rest of his life to writing and talking about the lore of Texas and the Southwest. He was also an outspoken critic and was drawn into many a controversy.

Dobie, a former university English professor, taught a course in Southwestern literature.

Dobie is survived by his wife, Bertha McKee Dobie. They had no children. He is also survived by two sisters, Miss Martha Dobie of Kerrville and Mrs. T. K. Stanford of Lyford, and a brother, Elrich Dobie of Lamesa.

[From the Daily Texan, Sept. 19, 1964]

AND ENRICHED HIS COUNTRY

(By Paul Burka)

J. Frank Dobie sought the essential in life. He sought it as a young man, then as a professor, and later as the elder statesman of a Texas culture which he himself had helped define.

If there are three distinguishable periods in Dobie's life, they are not easily separated. Dobie, after his dismissal from the university faculty in September 1947 was philosophically the same person as before. His relationship to the university continued in an unofficial capacity; he remained a nationwide symbol of the University of Texas.

Dobie in early years was a scholar, but a lover of land, of liberty, and of people. If there was any change in his later years, it was only that each was augmented. If these were his greatest concerns, they were also his greatest joys, and from this period of reflection came some of his most powerful observations.

"Of course some people seem to consider that the chief reason for advocating libraries and the reading of books is to enable America to catch up with the Russians on sputniks. I consider such reasoning puny and lopsided.

"The great reason for having reading books and valuing libraries is to have life more abundantly, to think more justly, to be in love more delightfully, and to use the sputniks more wisely when we get them."

Scholarship and reading remained an integral part of Dobie's life even after he left the academic stage of the university. He lectured widely, including numerous lectures at the university, and often emphasized the value of reading.

"Books are the most important thing in the heritage of a civilized people," he told the Texas Library Association in 1950. Dobie often spoke of the value of books in overcoming prejudice, referring to Matthew Arnold as the force that began to make him drop his own prejudices.

But Dobie missed the university, despite the close ties he always maintained with it, both physical and social. He continued to live in Austin, less than a mile from the classrooms he once occupied.

As early as December 1947—3 months after his dismissal—Dobie told a group of student leaders, "Of course I want to come back to the university." He often did as a lecturer, but never again to teach.

He did, however, teach elsewhere, conducting a seminar in range literature at Colorado University. He returned to Cambridge, where he had taught during World War II, in 1949, and authored a series of magazine articles on the changing nature of the English educational system.

By far his most important scholarly contributions were studies of various southwestern animals, including the longhorn, mustangs, and coyotes. His work on the social consciousness of coyotes examined the individualistic and community tendencies of the animals, while his work on mustangs discussed how the horses gradually became less prevalent.

Throughout his later years, Dobie wrote a Sunday column for an Austin newspaper, which carried his folklore to the masses, but never lost was his emphasis on scholarship. He always felt the written word was more valuable than the spoken word, for it was more enduring: "The radios, grinding out canned unrealities, to which they listen, lead them away from, rather than toward, sincere books."

"The easiest tag for the lax-minded has always been color, and from the remotest times to the present, superstitious beliefs pertaining to horse colors have been as common as those pertaining to man colors."

Dobie did not simply study folklore; he applied it. The value of his knowledge lay in its applicability to his social environment.

When a candidate for the U.S. Senate advertised himself as a west Texas cowboy, Dobie penned a political advertisement, saying in part, "Maybe he does own lots of range land. His leggings don't fit, and his features don't fit, and what he keeps on saying don't fit."

A cowboy has "the cleaner life" stamped on his face; his features fit the grass and sky. So Dobie believed, and when the candidate said that people were denied the right to educate their children without interference from outside influence, Dobie fired back.

"If it means 'I don't believe in letting Negroes into the schools with white people,' why doesn't he come out like a real cowboy and a real man and say what he means?"

But Dobie's liberalism was not merely range-inspired. It was based partly on values, and partly on knowledge; he could damn a man equally for bigotry and for ignorance. For Dobie, a man had to be informed before he had the right to an opinion.

He remained politically active throughout the postuniversity years, though no longer in the center of controversy. He occasionally appeared before State textbook committee hearings, constantly preaching the dangers of censorship:

"Censorship is never to let people know, but always to keep them in ignorance; never to bring a light but always to darken. Not one censor in history is respected by an enlightened man of any nation."

"Two kinds of people of this world have each with their kind deep kinship, no matter what language they speak or in what latitude they live: people with cultivated minds and people of the soil."

It was Dobie's belief that contact with the land produced certain values, yet by no stretch of the imagination could he be classified with the agrarian philosophers whose basic tenets are primarily conservative.

Dobie's interpretation of the land was apolitical. His values were freedom of movement and the meaning of life, which he saw in the mustang, the mesquite tree, and the grass.

But what he cherished most about the past was its freedom, when the mustang ran wild. "I feel freer for thinking about them," he wrote, "even though I am planted."

This strain of respect for the past—"not all change is for the better"—is an anomaly in his repertoire of ideas.

"If you are going to ask God to bless anything, I'd say bless what Mark Twain called 'the damned human race.' "

Also a paradox in Dobie's thought was his longing for closer association with the land when he was with people juxtaposed with his yearning for people when he was alone.

He wrote in 1950 while in the wilds of the Texas hill country, "I miss conversation and the humanity that goes with it," but in the next sentence he was able to say "Owl talk goes a long way to compensate for the lack."

But of all humanity, two men stood out who were closest to Dobie, Naturalist Roy Bedichek and Historian Walter Prescott Webb. When they spoke about him they not only spoke of Dobie as an individual but also as an individualist.

Dobie survived both; his works will survive him. Perhaps in all his writing there is only one selection that is obviously in error:

"There is nothing duller than praise. There's nothing more stupid than eulogy."

[From the Daily Texan, Sept. 19, 1964]

FOUGHT BUREAUCRACY

(By Jim Seymour)

Frank Dobie was always a rebel, but never a rebel without a cause. His unceasing campaigns for personal liberty brought him face to face with many of the State's most famous figures during the first half of the century.

He was as offended by paternalism as he was by pomposity. And officialdom was a favorite target. He made front pages all over the State in 1936 when he went to jail for a day to work off a fine for traffic violations. Dobie insisted, "I am protesting against a law which does not permit a man to park on a street where parking space is more than sufficient to handle the demand." The chief of police was finally embarrassed into giving Dobie office work instead of a cell.

His most widely publicized cause was academic freedom. In late July 1943, he joined what was to be his most bitter campaign, blasting the board of regents for the demotion of a faculty member and the firing of three others.

He charged that the three who had been fired were let go because they opposed the economic views of Karl Hoblitzelle, head of the Interstate Theaters chain in Texas. Hoblitzelle just happened to sit on the board of regents at Texas Tech. Dobie said that Hoblitzelle's "chief lobbyist" in trying to preserve his "picture show monopoly in Texas," Frank Strickland, sat on the UT Regents Board that refused to renew the contracts of the trio.

Then Dobie revealed that a faculty protest committee had been formed, and a member of that board had been demoted by the regents as retaliation.

The whole plan was, Dobie said, "just one more link" in a chain of regental actions designed to "suppress freedom of speech, to get rid of liberal minds, and to bring the University of Texas to the status of fascist-controlled institutions."

He later claimed the regents' action had been made possible only by "board packing" by Gov. W. Lee "Pappy" O'Daniel and Coke Stevenson.

His battle with Stevenson was intensified when Dobie joined the crusade to force reinstatement of University President Homer Rainey after he was fired in 1944. The firing was again, said Dobie, the word of Stevenson.

The fight to return Rainey unsuccessful, the cadre of supporters led by Dobie got Rainey into the Texas gubernatorial race against Stevenson the next year. The campaign was bitter, and Rainey lost again.

Dobie knew no limits when he picked opponents. In October 1946, he wrote in the Texas Ranger that "Nobody I have read after or talked to regards the present President (Truman) as other than a very mediocre person."

Another famous Dobie fight was with a noted State senator who sponsored a white-primary bill in the legislature. He said on the floor of the senate that Dobie's only value was that "even the niggers don't want to go to the university as long as that radical is there."

Those "niggers" got Dobie in hot water with Lt. Gov. John Lee Smith. Dobie, speaking in Dallas, remarked that he had grown accustomed to Negroes in his classrooms while at Columbia. Smith rose on the floor of the senate to reveal that "There is a definite move on foot to bring about social equality with the Negro race in the South. Dobie admits that Negro students alongside of white would not be objectionable to him," and thus Dobie surely must be fired.

But when that firing eventually came, it was not over anything as important as integration. Dobie began getting leaves of absence for the fall semester in the middle forties, because he said his health would not permit him to teach two consecutive terms. In 1947, he applied for his usual leave of absence for the fall semester, explaining that he planned to return again that spring to teach his beloved "Life and Literature of the Southwest."

The board of regents refused his request. When he failed to teach the first day of classes that fall, President T. S. Painter fired him.

The firing was solely in defense of a rule: teach or go. Dobie said his health was not up to teaching in the fall; Painter said he must. So "Pancho" Dobie left the campus, to continue his fusillade from his large white house just east of the campus.

As the Texan editorialized: "We now have a rule but no Dobie. Who does that leave as the loser?"

[From the Daily Texan, Sept. 19, 1964]

HE CAPTURED NATIVE LORE

(By Mary Jane Gorham)

J. Frank Dobie was a legendeer, a prospector for the legends of lost gold, the father of "Coronado's Children," the narrator of cowboys, longhorns, coyotes, rattlesnakes, and badmen, and a true son of the Southwest and lover of its lore.

He collected its legends, traced them back to the days when Coronado roamed the prairies with his Spanish conquistadors, searching for the wealth of El Dorado. Coronado gave up, but Dobie persisted and presented the riches of its heritage to its inheritors, generations later.

"The amazing thing," he said in 1938, "is that these legends seem to be increasing rather than diminishing in number; they are incredibly numerous, as are the people who tell them and half way believe them. No matter what language they speak, these people are truly Coronado's children. They follow Spanish trails, buffalo trails, cow trails; they dig where there are no trails, but oftener than they dig and prospect, they just sit and tell stories of lost mines or of buried bullion by the jack load."

Born on September 26, 1888, on a ranch in the "brasada" or brush country between the Nueces and Rio Grande Rivers in Live Oak County, Tex., Dobie early learned the rudiments of cowboy life.

He was the oldest of six children, and once wrote that "that land, my stalwart and upright parents, and English literature, to which they introduced me, have been the chief influences of my life."

Grandfathers on both sides of his family were Texas cowmen, and one was killed by Mexicans on the border. His father was a traildriver, and three of four of his uncles were Texas Rangers.

His father and some neighbors built a one-teacher school on their ranch where Dobie began school. He finished high school in Alice, Tex., and received his bachelor's degree from Southwestern University in Georgetown in 1910. He then taught English in Alpine High School, where he absorbed the flavor of the Texas Big Bend country. He received his master's degree from Columbia University. Then, in 1914, Dobie came to the university as the first native Texan without a doctor of philosophy degree to be promoted above the rank of instructor in the department of English.

In 1918 he went to France, as a lieutenant in the field artillery, too late for action, and so had "durn little to say about the big fight."

After the war Dobie spent a year in south Texas, for a time tending his Uncle Jim Dobie's 200,000-acre ranch across the Nueces. There he became actively interested in the legends and lore of the Southwest.

"On this ranch, where I lived mostly with Mexican vaqueros, I came to a consciousness of the incalcuable loss to his friends, folklore of the Southwest and of range traditions," he wrote. "I decided to collect the legends and folk tales of my land."

While ranching, he was invited to become head of the Department of English at Oklahoma A & M, and was there 2 years, then returned to the university.

His first article, written for Country Gentleman, was in answer to a request from the editor for an article on cowboy songs.

"The Vaquero of the Brush Country," his first book, was written to accommodate a friend. John Young, who had the average varied cowboy career, wanted to write a book and did. Dobie rewrote it and threw in much fine material of which Young had not the remotest knowledge. This good deed marked the beginning of his literary career.

Dobie, while at the university, advanced his theory of the relation of folklore to the traditions of a people, and to their art and culture. He called attention to campus buildings, noting that only Garrison Hall combined beauty with practicality, portraying the traditions of the people of Texas. "Art," he said, "is a natural outgrowth stimulated by extraneous fertilizations."

"I have tried to give significance to the natural things of the Southwest and to emphasize its cultural inheritance," he wrote. "Yet I combat provincial-mindedness. After teaching 'Life and Literature of the Southwest' for years, I came to the conclusion that the Southwest needs perspective on itself and the rest of the world—on life and liberty—as much as it needs knowledge of its own past."

To Dobie, million dollar buildings did not advance the intellectual quality of the professors. "That often makes me think of the old saying about a $40 saddle on a $20 horse."

Ten minutes from the university campus as a Longhorn might walk it, Dobie lived with his wife, Bertha McKee Dobie, on Park Place, near Waller Creek. His home was dotted with remnants of his beloved Southwest—rocks, shells, Indian pottery jugs.

A quarter of a century ago, one writer suggested an epitaph he thought Dobie would have liked, too: "He was a champion of the ideals and traditions of his native land, who told tales—tall tales sometimes—but told them fervently and well."

[From the Daily Texan, Sept. 19, 1964]

FRIENDS GRIEVED BY DOBIE'S DEATH

(By Dottie Lillard, Texan News editor)

The quiet passing of J. Frank Dobie, Southwest folklorist, drew expressions of grief from colleagues and life-long friends throughout the State

"I've known he'd been sick for some time, but when it comes, it's no easier," said Dr. Wilson Hudson. "I felt very close to Mr. Dobie and had written articles on Roy Bedichek, Walter Webb, and him. I was deeply grateful for his friendship."

Hudson, a professor of English at the university, teaches the course Dobie originated on the literature of the Southwest.

Lon Tinkle, book editor of the Dallas Morning News and professor at Southern Methodist University, said, "Dobie was the most influential Texan in my lifetime in establishing the standards of integrity and of quality in thinking and writing. As a human being, he was the most lovable Texan I have ever known."

A boyhood friend, Rocky Reagan, Sr., of Three Rivers, first learned of Dobie's death from the Texan's long distance call.

"One of the great ones is gone * * * his place will never be filled," Reagan said. "It's the closing of a chapter. We—the whole country—will miss him and there'll never be another one."

Chancellor Harry H. Ransom said, "I think that the University, the State, and the American Letters have lost a truly unique figure. He made history not only in education, but in many areas of Southwestern life and American ideals."

Fred Gipson, of Mason, credited Dobie with "opening my eyes more to the countryside than any other person both when I was a student and when I became a good friend." Gipson, author of "Old Yeller," said Dobie had been "the main influence 'n my writing."

Gov. John Connally learned of Dobie's death in Houston while attending a dinner for Senator HUBERT HUMPHREY, Democratic nominee for Vice President. On his return to Austin, he issued a proclamation that Dobie would be interred in State Cemetery, usually reserved for State officials.

"He was a man who understood and transcribed the spirit of Texas—our land, our people, and our heritage," Connally said.

Joe A. Small, editor of True West magazine, reminisced of earlier days.

"One night, Fred Gipson, Mr. Frank, and I were talking far into the night. Suddenly Mr. Frank stopped and said, 'Do you realize that this is all lost? The whole art of wonderful conversation has been destroyed by radio and TV.' "

Small said Dobie had "a tremendous personality—much more than he ever got across in his writing. He had a million-dollar personality twinkle in his eye."

Judge James Hart, first chancellor of the University (1950–54), said, "Frank Dobie had all the best qualities of an old Texan and a modern liberal in the true sense of liberalism. He loved life and those who loved him never had a better friend."

Dr. Mody Boatwright, professor of English, cited Dobie's column written up to his death as an indication of character.

"He was one of the greatest living Texans—an outstanding writer, and a great personality."

[From the Fort Worth Star-Telegram, Sept. 21, 1964]

STURDY CHARACTER: J. FRANK DOBIE BURIED UNDER SPREADING OAK

AUSTIN, September 21.—J. Frank Dobie, the Texas cowboy-author who spent a lifetime studying the history and folkways of the Southwest, was buried Sunday beneath the branches of a big oak tree.

The 75-year-old writer, who taught for 20 years at the University of Texas, died Friday of a heart attack.

About 700 persons attended the nonreligious services at Hogg Auditorium on the university campus. He was buried in the State cemetery near his longtime friend, Dr. Walter Prescott Webb.

Remarks at the last rites were offered by two of Dobie's friends, University of Texas Press Director Frank H. Wardlaw and Dr. Edmund Heinsohn, pastor emeritus of the University Methodist Church.

Among mourners present were U.S. Senator and Mrs. Ralph Yarborough, of Austin, and U.S. Representative HENRY GONZALEZ, of San Antonio.

Dr. Angus Springer, chairman of the drama department at Southwestern University, Georgetown, read passages from one of Dobie's most famous books, "The Mustangs."

Dobie had specified that his funeral services not be of a religious nature.

"He was not an irreligious man and he always respected the faith of others, but to him organized religion implied dogma and dogma implied a cutoff point for thinking, for questioning," said Wardlaw.

"But while he was not in any formal sense a religious man, he was a deeply spiritual man whose life was motivated by the highest principles of service to others and to the cause of right," he added.

Wardlaw noted that Dobie often was involved in controversy with university regents over academic freedom while at Texas, and said:

"There will always be less room for sham and pretense and shoddy standards on the Forty Acres (the University of Texas campus) because Frank Dobie was there."

Heinsohn praised Dobie's unfettered mind and said his great influence while at the university was the result of the fact that he "brought a freeman" to the campus.

"Again and again he declared his independence of those things he thought would restrict his freedom," Heinsohn said.

[From the Fort Worth Star-Telegram, Sept. 20, 1964]

J. Frank Dobie: Letters Tell Twain Tale

(By J. Frank Dobie)

(Note. This column by J. Frank Dobie was one of the last he prepared for publication in the Star-Telegram and other Texas newspapers. It was received 1 day before his death Friday.)

Mark Twain is the one American writer whose name is a household familiarity, not only in the United States but across oceans.

Many people who know the name have never read one of his books, just as populations acquainted with Don Quixote as a character are ignorant of Cervantes as his creator.

It seems to me now that I became acquainted with the names of Tom Sawyer and Huckleberry Finn about as early as I became acquainted with those of George Washington and Patrick Henry. I do not remember when I read "The Adventures of Tom Sawyer," but one of my earliest recollections is hearing my mother tell that she had read it aloud to her sister and brothers and two or three neighboring boys at Rancho Seco in Nueces County, while she was still in her young teens.

If you look in the card catalog of a standard library for a book by Mark Twain, you will be referred to Samuel Langhorne Clemens. Many readers of many books by Mark Twain are not acquainted with the baptismal name of the author.

Samuel, generally called Sam, was born in Missouri in 1835. When he was 4 years old his family moved to Hannibal on the Mississippi River. Life in Hannibal and on the Mississippi founded the most creative work in his writing career. He had experienced life on river steamboats when, at 22, he became an authorized pilot.

In 1861 he piloted the last steamer for a long time between New Orleans and St. Louis. The Civil War was on and Samuel Clemens had no taste or ambition for soldiering.

His brother Orion, secretary to the newly appointed Governor of the Territory of Nevada, took Sam with him. Sam had already written and was good at setting type. He learned enough about mining to write about it, but soon became a reporter on the Virginia City (Nev.) Territorial Enterprise.

He began signing articles with the name Mark Twain. This, he explained, "is an old river term, the leadman's call, signifying 2 fathoms deep—safe water."

From now on Mark Twain was his writing name. He went on West and wrote for newspapers in San Francisco. It was not until after he had gone to Europe and published "The Innocents Abroad" that he wrote "Roughing It" (1872), a highly creative autobiography of life in the West. I have had hundreds of students at the University of Texas read it. No other book so expresses, for me, with such volcanic energy the lust for life in men's opening of the West.

"Life on the Mississippi" (1883) was perhaps even more a creative autobiography. Many people regard "Huckleberry Finn" (1885) as the greatest novel yet produced by America.

But I want to get back to Mark Twain as man and writer. Many years ago I read Lockhart's "Life of Sir Walter Scott." I remember nothing out of it so well as Lockhart's saying that Scott was greater as a man than anything he wrote. This I consider true of Mark Twain. No small-natured individual can write a large-natured book.

Hemingway, the most famous of recent American novelists, with the possible exception of Faulkner, wrote nothing of amplitude comparable to Mark Twain's best and was himself far lacking in Mark Twain amplitude.

I have recently been led again to Twain by a two-volume collection of letters between him and William Dean Howells, published by Harvard University Press. The two men met in 1869. Howells soon became editor in chief of Atlantic Monthly, to which Mark Twain often contributed.

In time, their letters became more and more revealing. Their friendship increased in breadth, depth, and intimacy until Mark Twain died in 1910. Immediately, almost, Howells wrote "My Mark Twain"—the richest book by one American writer on another yet published.

How Mark Twain could say a thing. A writer well known to both men was Thomas Bailey Aldrich. Mark Twain conceived such an aversion to Mrs. Aldrich the first time he saw her that, to quote him, "I do not believe I could ever learn to like her except on a raft at sea with no other provisions in sight."

Twain had, in the words of Howells, "the love of strong effect which he was apt to indulge through life." Yet, "despite his wild pleasure in shocking people with ribaldries and profanities and sometimes savage exaggerations, he was the most truthful man I ever knew."

As a sample of exaggeration, Mark Twain wrote to Howells: "Could you tell me how I could get a copy of your portrait as published in 'Hearth and Home'? Bret Harte has been here and says his family would not be without that portrait for any consideration. He says his children get up in the night and yell for it. I would give anything for a copy of that portrait to put up in my parlor. I already have three portraits of Bret Harte. Of all the swarms that come every day to gaze upon them none go away not softened and humbled and made more resigned to the will of God. If I had yours to put up alongside of them, I believe the combination would bring more souls to earnest reflection and ultimate conviction of their lost condition than any other kind of warning would give."

In working for years for just copyright laws in the United States, Mark Twain stood always for justice to others as well as for self-interest. The way in which English books were pirated in the United States and sold wholesale without a penny of royalties to the authors graveled the bottom of his soul.

"If we only had some God in the country's laws, instead of being in a sweat to get Him in the Constitution, it would," he said, "be better all around."

Mark Twain netted $40,000 on "A Tramp Abroad," published in 1880. His brother, Orion, who had taken him to the West, simply could not get along. Mark Twain had a lawyer endow Orion with $20,000, so invested that Orion would be paid $75 a month as long as he lived, and then after that his widow was to receive the same monthly income as long as she lived.

He was a speculator because he believed in himself and in good going. He took to a patented health food called Plasmon.

A sample of his recommendations of Plasmon is this from a letter to Howells:

"For 8 years, raisin cake, plum pudding, lobster salad, candy, ice cream, and all other desirable sweet things were deadly to me, and taboo. After a year of Plasmon all limits were removed from my appetites, and no limits have been put upon them at any time since."

He spent multiplied thousands of dollars year after year backing the invention of a typesetting machine that would revolutionize printing. It turned out to be only a prognostication, but losing money never made Mark Twain lose heart.

He never pretended, "had as soon be in a boiler factory as at Grand Opera."

He never finished a proposed book that would fully expose "the damned human race." His hilarious but prodigally ribald "1601 Conversation" was surreptitiously printed first in 1879, has been privately printed many times since, but never included in the respectable company of Mark Twain's works.

Many of his opinions concerning the soul, immortality, and God he never gave to the public. He was as generous to the lowliest of human beings as he was truthful.

I close with this sentence from "My Mark Twain," by William Dean Howells: "Emerson, Longfellow, Lowell, Holmes—I knew them all and all the rest of our sages, poets, seers, critics, humorists; they were like one another and like other literary men; but Clemens was sole, incomparable, the Lincoln of our literature."

[From the Austin (Tex.) American Statesman, Sept. 20, 1964]

A Friend Remembers Last Days

"J. Frank Dobie's last story was probably his revised sketch on Jim Bowie, friend and fellow writer," Dr. Joe B. Frantz, University of Texas history professor, said.

The original story, "Jim Bowie, Big Dealer," had appeared years ago in Southwest Quarterly.

Dobie had done a lot of research on Bowie since then. When asked to contribute a story on the hero of the Alamo for a forthcoming book on Texas heroes, he rewrote the original piece completely.

"He called me early in the month to do some visiting over the phone and told me he had just finished the Bowie sketch," Frantz said. "He knew I was interested because I had done a story for the same book on William B. Travis. But Bowie always fascinated Dobie. He had such a complicated character, with strains of wildness. That's what attracted Dobie.

"He always talked candidly of his own problems in getting things written. He was a perfectionist about his books, but more deadline conscious than perfectionist about some of the things he wrote in his column for your paper.

"He didn't mind asking for advice and it is remarkable how much time of his life he gave to reading the manuscripts of other people, some of them he barely knew. He always had time for any aspiring writer he thought sincere. His advice was blunt, and worth following.

"Dobie was not a religious man in the orthodox sense," Frantz said. "Now don't crucify me on this because it's dangerous to talk about another man's religious beliefs. But he used to scoff at the Bible as literal gospel. Yet he loved to read it as dramatic literature. He liked things that were done well. And the Bible is. He just had little use for ordinary beliefs in eternity and so on * * *.

"In his books he was trying to say things that would make people more conscious of truths he considered fundamental to good living; he would never say 'good life.' He was saying what makes us what we are, what is profound within us. He believed in the fellowship of the mind and in freedom that carries dignity. He believed in the right to read and to say and write what you please, to be the best you can be.

"He was totally against the sort of conformity that says I should believe along certain lines, or because I disagree or am a maverick, politically, or economically or in any way, therefore I am dangerous. At one time he might have thought of himself as a stray, but in later years, being honest with himself, he would have known he was a leader. And he would have known he was not popular for the things he stood for, but because of extraneous things, like colorful characters and adventure stories of the vanishing free world of the old West. It was Texas all right, but it was not what he was trying to get over," Dr. Frantz said.

[From the Texas Observer, July 24, 1964]

FELLOW COUNTRYMAN

(By Angus Cameron)[1]

NEW CANAAN, CONN.—When my 16-year-old daughter was a little girl she saw a picture of Frank Dobie on the back of the jacket of one of his books. It was a shot of him hunkered down by the fire of a hunting camp. That picture caught her imagination. Soon she had an inscribed glossy print of another favorite picture—"the one with the friendly, twinkly eyes" was the way she always referred to it. Frank Dobie had found another admirer. As she grew older she once asked me, "Why do you love him so much?" In a way this piece is an explanation for her.

I served as Frank Dobie's editor for 5 years when I was on the staff of Little, Brown & Co., his Boston publisher. While I had this privilege we published "The Longhorns," "The Mustangs," "A Texan in England," "The Voice of the Coyote," and "Ben Lilly." Anyone who knows Frank Dobie and his works knows at once how much of an education that was for me, an ex-Hoosier sojourning in Boston. It has always seemed the truth of it was that Frank Dobie was my editor, for I know that I got more out of his unintentional revisions of me than he ever got out of my advices to him.

I have always looked back on a weekend spent high above the Devil's River as a time when the full rewards of friendship and professional relationship with Frank Dobie were most evident. Mr. Frank was then writing "The Mustangs" and he had come to one of those periods, as writers and long-distance runners always do, when the second wind was expected but had not quite arrived. He didn't really need advice; he needed someone interested in the same work to be around for a couple of days. He needed someone to talk to, to read what he had written, to have the same high expectations for the remainder that he had. He wrote me that he had taken a cottage at the invitation of a friend of his in the power business, one of those used in later months as weekend and vacation spots for the employees of the company. He drove me out there from Eagle Pass. When we arrived, I found a comfortable cottage in which he had arranged on tables and boards laid on sawhorses the chapters of that fine, free book. He had said we'd batch it, but I didn't realize at first that we'd live off the land as well. The cottage was right at the brink of the high bluff; the dam was in sight, far below the Devil's River curled away from the foam at the bottom of the falls like a silver ribbon. It was February, winter in Boston, but the first edges of spring were showing in Rio Grande country. Later I came to understand fully what that spot meant to Frank Dobie—to any Texan for that matter. I came to realize how much that much water meant to a man who lived in a country that was dry. Back of the cottage lay the high dry country of south Texas. And Frank Dobie and his work were firmly imbedded in that piece of Texas nature.

For 2½ days we talked about mustangs, Cunninghame-Graham and Bedichek, Texas lore, world literature, politics, people of both cultures, animals and birds, cacti, and, later, fishing. There, surrounded with the colors, sounds, and life of Texas nature, I experienced all of those qualities that make this unique man. Whether we were frying white bass we caught in the river below (with the rods and invitations and even bait of the brothers Erwin who were supplying a fish fry out of those abundant waters), or collecting a delicious white, gardenia-like bloom of a cactus which Mr. Frank prepared as one would prepare green peas, or enjoying a pot of frijoles prepared by a Mexican friend, or finishing up a meal with guajillo honey, we seemed imbedded in local nature.

As a man close to nature, Frank Dobie is a sensualist. He likes good food and remembers vividly notable gustatory experiences such as those memorialized in his article in the American Gun. He doesn't like substitutes and claims "there's nothing feebler than a milk-fed chicken" or "as tasteless as baby beef." "They've got no strength to them," he claims. His fine relish of eating and drinking makes everything taste better in his presence. I know only one other man who can, by the mere act itself, endow the pouring of a drink of whiskey with so much promise of forthcoming pleasure and good fellowship.

To me this sense of being a part of nature is one of the first qualities of Frank Dobie. He knows he is a creature of nature; he feels its immanence at all times; he is not alienated from it. This seems to me one of his first and basic qualities as a man. From it stem, I think, his peculiar art and character. He showed me a painted bunting and a canyon wren; he talked about the pack rat; he named the cacti for me. All of this was a natural byproduct of his universal interest in life.

His "editing" of me continued when we talked about the book. His conversation on that occasion was a good example of how literature has "civilized" him, as he is wont to put it. As we went about our chores or sat with a glass of Jack Daniels talking, he vented his frustration that he could not write about horses the way Cunninghame-Graham had written about them on the pampas of the Argentine. He quoted phrases and paragraphs from his mentor as I listened raptly to mine. I couldn't imagine that anyone could catch the spirit of the horse as he had in his own manuscript, but he could imagine it.

On that same occasion this editor of life added another revision to me. In speaking of a book he had tried to read as a young man, but had never finished it, he said, "Hell, I learned one thing not too long ago that I should have learned when I was 20. Never try to force a book. If it can't talk back to you, or better make you talk back to it, don't feel guilty about it—put it aside. If it's a great book you'll just have to grow up to it, and you will if you keep yourself in motion. A man has to have a dialog with a good book and with a lot of such books you just don't become man enough to read them with profit until you've grown up to them."

He once told me that the only way a man could "get civilized" was to realize as early as he could that his chief purpose in life must be "to become a contemporary of himself." He explained that for a number of years he had not been such a contemporary, that he had been too much a folklorist, not enough a modern man. "Yes, and I wasn't free," he said. "I was too much caught up with the olden times and not enough a man living in the present." He then explained to me how he had grown up, how he'd been foreman of his uncle's ranch, how he'd got a powerful interest in Texas folklore as a natural byproduct of his life. "But I had got too narrow, too regional," he said. He explained how a man has to welcome change in life about him, change that may sometimes harshly conflict with his background, with his predilections. Of course, I was avid for more of that past and I got it as the years went by and in the process I learned something too about the relationship between regionalism and universality.

Like any good radical, Frank Dobie is a reluctant one. He values the past, but he has no use for those who worship it. He welcomes the future, however, and tries to influence it. As all know who have heard him make the air crackle with diatribe, both scornful and profane, or who have reveled in the cactus-thorny prose in the syndicated columns, he is a partisan, a tough infighter, and a great hater with a long memory. And his scorn can be heroic when it is directed against such good targets as a handful of ignoramuses trying to run a university as they would an oil drilling crew or a loud-mouthed demagog like McCarthy trying to run the whole country. He smites hip and thigh against purveyors of lies, vulgarity, ignorance, venality, bigotry, and injustice. He is a stanch champion of beleaguered nonconformists and delights in a man under fire who takes a go-to-hell attitude toward those who are trying to intimidate him.

As an integral part of his struggle to become contemporary with himself, there is the parallel struggle to develop universality out of regionalism, a subject he later developed in full in a notable essay. His editing of me continued as he revealed how his trip to London during the war, when he served as exchange professor from the University of Texas to Cambridge University, had advanced the struggle toward contemporaneity. He spoke of "civilized man" in a way that few people understand it. He combines for my taste the best of a man who has become universal to the marrow by being regional to the bone.

Frank Dobie admires scholarship as much as any man I know. At the same time he abhors narrow academic outlooks with as much contempt as any man I know. His own ideals were to be found in his friends Bedichek and Webb because they were both men first and scholars second. The three of them make a formidable trio of Americans who have reflected a universal wisdom by knowing more about their home region than anyone else knows.

My own friendship with Frank Dobie began while I was the New York editor of his publisher. Through the late Raymond Everitt I had met him when assigned to do some editorial chore for him. The next time he came to New York he called me. "Angus," he said with that tone of half query he can get into his voice, "Charlie Everitt and I are having lunch tomorrow and we'd like you to join us." There began a number of these meetings. Charlie Everitt was friend, crony, and advisor of Mister Frank. "Hell, Charlie Everitt knows more about the sources of Western history than any professor I know." From his little bookshop on 57th Street Charlie Everitt dispensed bourbon and information to a host of grateful and admiring scholars of Americana. These meals together were a delight to me. The last one we had with Mr. Everitt was during the war. Mister Frank was on his way out of the country, his destination unknown to all but a few people. I had got them together at the old Murrayhill Hotel, where we had dinner and spent the evening until Mister Frank took, as we later learned, a plane to England. We knew about his exchange fellowship, and over drinks Mr. Everitt and I discovered that we had to convince Mister Frank that he could teach American history to British undergraduates. Mister Frank was doubtful, impressed as he was and as he should have been by the great scholarly tradition of the university whose faculty he was about to join.

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But Mister Frank's humility was a powerful thing. Finally, in a burst of impatience at our encouragement he said, "But, hell" ("hail" is the way it always sounds to me from Mr. D.), "what if one of those boys asks me about the Webster-Ashburton Treaty?"

"Now I tell you what you do, Frank," Charlie Everitt said. "If you find yourself momentarily stumped by such a question, just remember that treaty had a clause in it about cod fishing rights on the Great Banks. This will remind you of water, which will remind you of liquids. Once you're there you can switch to anything liquid—bourbon, branch water: * * * Hell, just tell them the story about the railroad engineer who was spitting champion of the State of Arkansas."

As we all know, Frank Dobie's sojourn at Cambridge was a triumph. There he and his tall tales and his tall hat and his interpretation of the history of England's ally became a legend. The first real-for-sure Westerner these boys, who had themselves grown up on stories of "cowboys and red Indians," had ever seen, Frank Dobie became not just a successful teacher but an ambassador at large. He says the trip helped to civilize him, but the editorials in the London papers when he left England proved that the Texan in England had added more to them than he'd got even from their hallowed halls.

When sensitive critics begin to write about Frank Dobie's work, someone not too far himself removed from the great tradition may discover that the artistry of the work lies in its sensitive blend of the overtones of the teller of tales with the phrasing of the stylist who admires the formal beauties of the English language. Somehow the urban life does not develop tale tellers and yarn spinners. You have to have solitude, quiet, and a small audience of friends who share your life and work to develop the storyteller's art.

A friend once said to me that poetry in our times suffered because the rural idiom, the idiom of nature, was disappearing from the language. The farther we get from nature the poorer the language becomes. I'll let experts argue that one, but I do know that alienation from nature is something we can't afford and still remain whole, and neither can the language afford it. Rural men, men who have handled stock, who have been close to the land or to the frontier or to the wilderness, develop a way of talking which you don't hear very often these days. (Frost retained it and maybe that is one reason Frank Dobie admired him so much.) Frank Dobie has retained it. The verbal echo runs through his writing. The formal phrase is made rich by it.

As a lover of literature he always took a bibliophile's interest in his own books long after they had left the author's hand. As reader and collector himself he had a sound feeling for how a book should be made. When it came time to find an illustrator for "The Voice of the Coyote" and he was asked for advice, he put his finger on precisely the right man. "Olaus Murie knows more about how coyotes really look than any formal animal artist I know of." As all Texans know "The Longhorns" was illustrated (one might say illuminated almost) at Mr. Dobie's request by the art of Tom Lea, who could draw a longhorn bull or a picture of Bigfoot Wallace sitting on a rail fence with equal evocation of the real thing. Once we were horrified way off there in Boston to discover that we had almost bought sheepskin instead of cowhide for the cover of the de luxe edition of that same book. When we finally told Mr. Dobie how we had saved ourselves and him from such humiliation, he answered, "Romantics always have made too much of the rivalry between sheepmen and cow people, and besides I'll bet only an old bootmaker I know in Austin would have recognized the difference." I know he was glad we had discovered the mistake, but I realized how characteristic it was of him to poke fun at hackneyed notions about the West, perhaps in this case as much the result of eastern fiction as western faction.

Indeed his love of the real West makes him impatient with the wild west of romantics who have sopped up the "western" notion from books and movies. Once while Mrs. Cameron and I visited Mrs. Dobie and him in Austin he received a phone call. I gathered from his end of the conversation that he was talking with a newspaperman or journalist who wished to interview him. When I realized that he was about to turn them away because of our presence, I urged him to let them come on out. A research and photographic team from Life was doing a feature on the real cowboy. They wanted to get Frank Dobie's notions on this subject. He gently led them to more workaday ideas about the life of a modern cowhand. He joshed them a little when he discovered that they thought the cowboy worked more for the love of it than for the wages, and gave them a real steer when one of them queried, "Mr. Dobie, I understand that when you were a cowhand you stuffed your pants down into your boots. * * * Do you think the modern cowhand wears his pants on the outside of his boots because he's learned that he can better keep the dust and grit out in that way?" Mr. Dobie grinned, rumpled his white hair with a gnarled hand and answered, "Well, no, I reckon these boys have noticed just like everybody else from all the western moving pictures they see these days that their silhouette just naturally looks better with the pants outside the boot."

Always the teacher, the interpreter of the West and its lore, Mr. Frank gave a kindly interview to these two men. Their story lost nothing of the flavor of the Old West from having talked to J. Frank Dobie; it gained much of the reality of the present from his gentle humor and advice. He took them on a tour of his Charlie Russell prints and watercolors. While he talked I noticed one of the visitors pick up a wood carving of a strange bird. He thought to ask about it but changed his mind. He should have followed his hunch, for the carving was that of a road runner. Because I knew that Mr. Frank loved the road runner so much and has named his place on Barton Creek "Paisano," I had made it a point long before to learn more about this fine, free spirit of the brush country. I liked the fact that the Mexicans call this bird "Paisano," fellow countryman, and I felt that Frank Dobie's love of the road runner epitomizes his fellow feeling of kinship with nature. I discovered that this bird has a four-toed foot and two of its toes point forward, two point backward—equally divided then in passage between the past and the future. Wherever Frank Dobie sets his foot down he is a contemporary of himself but his life points in two directions. Master of the finest traditions of our country's past, his spirit runs swiftly toward the future.

LOVE OF LIFE AND FREEDOM

(By Wilson M. Hudson)[1]

AUSTIN.—In September of 1957, J. Frank Dobie was taken to St. David's Hospital in a serious condition. Just what was wrong we weren't told. Not much news came to us. Knowing that Roy Bedichek, if anybody, would have some information, I paid him a visit. He was working in his garden.

"Yes, he is doing as well as can be expected but is not out of danger. I've seen him. He's had to use an oxygen tent. He gave me that big smile of his and said, 'Hello Bedi. I'm all lit up with life.' It's remarkable, just remarkable."

Dobie had had a close call. For more than 2 weeks only Mrs. Dobie had been allowed to see him. Bedi was the first after her to go into his room. Dobie had been brought in from Cherry Springs, his place in the country, where he had spent 2 or 3 nights alone. Pneumonia had run up his pulse and put a strain on his heart. His strength had been low but his vital spark was strong. A month later he told the story himself in an essay called "Camping Beneath an Oxygen Tent." He spent many hours on the border of consciousness. "Down there in the deep well I saw hardly anything, heard hardly anything, remembered hardly anything that was not beautiful." One sound that he did hear was that of roosters greeting the day; it took him back to "a simple and kindly world of a long time ago."

Dobie has always loved life; never has he doubted or mistrusted it. He has loved freedom, which encourages life to develop and reach its fullest possibilities. And he has hated whatever thwarts or strangles the life of man, a creature compounded of body and mind.

He has loved literature as "the essence of life." He has waged war on academicians who are afraid of life and would treat literature as a thing apart, a lifeless world on paper. He cares not for the puny or precious in literature. The kind of writing that he likes best has vitality and gusto.

In 1931 he said, in an essay written for the Literary Guild to send out in connection with "Coronado's Children," that "the qualities most lacking in American literature are flavor and gusto" and that these qualities existed in the pioneer stock of the Southwest, which was relatively free of puritanical restraint. His most general statement about the necessity of putting life into art was made in 1960: "The one thing needful to all scholarship, as to all literature and art, is vitality." One of his latest statements came after Walter Prescott Webb's death in 1963: "The one thing needful for a writer is vitality of mind. Webb had it."

And Dobie has it, too. He has sought subjects crammed with life and has presented them with gusto. Dobie has made frequent use of the word "gusto," a favorite of Hazlitt's in his critical essays. Dobie can forgive deficiency of form if vitality is present. In quoting N. A. Taylor's narrative of travels in Texas he said, "Taylor was young and in love with life. His writing is weedy, but it is full of gusto and honest sympathy for what he met."

Dobie became an English teacher because he fell in love with English poetry while a student at Southwestern University and wanted to communicate that love to others. After a boyhood on his father's ranch in Live Oak County he went to Alice to attend high school for 2 years so that he could go on to college. In his freshman year at Southwestern, Professor Albert Shipp Pegues' survey course in English poetry "transmuted the world" for the young Dobie. There were other courses with Pegues later and other good intellectual influences at Georgetown.

Immediately after graduation in 1910 Dobie got a job as a reporter for the San Antonio Express at $12 or $14 a week. He had such a good time writing that he was reluctant to go to Alpine in the fall, where he was to be principal of a school and to teach also. He was back at Southwestern from 1911 to 1913 as a teacher of English and secretary to the president. Then he spent a year at Columbia and earned an M.A. degree. He came to the University of Texas as an instructor in 1914, and left in 1917 for 2 years in the field artillery. Back from France, he resumed teaching at the university; but he was dissatisfied and resigned in the spring of 1920.

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While acting as Uncle Jim Dobie's majordomo on Los Olmos Ranch in La Salle County, Dobie would sometimes be visited at night by Santos Cortez, a vaquero who tired of his companions' unvarying talk about the work of the day. Santos told tales about deer, men, and ghosts. One night after Santos had gone it occurred to Dobie that he should collect "the tales of my folk and my land" as Lomax had collected cowboy songs. He now had a definite direction to take, and he has continued in this direction ever since, widening his horizon and gaining perspective as he went along.

"During the year I spent on Los Olmos Ranch while Santos talked, while Uncle Jim Dobie and other cowmen talked or stayed silent, while the coyotes sang their songs, and the sandhill cranes honked their lonely music, I seemed to be seeing a great painting of something I'd known all my life. I seemed to be listening to a great epic of something that had been commonplace in my youth but now took on meanings." In the fall of 1921 Dobie was again instructing at the University of Texas. He took over the editorship of the Texas Folklore Society, founded in 1909, and began to write down and to urge others to write down legends and tales about Texas.

"The Legends of Texas" was published in 1924; of the society's books, as Dobie says, it has been "the most influential in opening the eyes of people to the richness of their own traditions." Bertha McKee Dobie, whom he had known at Southwestern and whom he married in 1916, assisted with the editing and contributed some legends also. She helped on all the other folklore publications that he edited. In later years she would sometimes teach for him while he was seeking material and writing. She has always been the first and most helpful reader of his books in manuscript.

Dobie's salary and rank were low, and since he did not intend to take a Ph. D. his prospects of advancement were not good. In the fall of 1923 he accepted the headship of the Department of English at Oklahoma A. & M. in Stillwater. From Austin, Webb wrote in 1925, "We are both in a hole on this Ph. D. degree proposition." While at Oklahoma A. & M., Dobie had a stroke of luck, which he defines as being ready for the chance when it comes. E. H. Taylor of the Country Gentleman paid a visit to Stillwater and was introduced to Dobie by Ed Hadley, a teacher of journalism. Over a bottle of smuggled tequila they talked, with the result that Dobie began to contribute to the Country Gentleman. First, there was an article on cowboy songs and then two articles on the Old Time Trail Drivers' meeting held at San Antonio in 1924. Many more followed.

Lenoidas W. Payne and H. T. Parlin of the English department, along with Professor Eugene C. Barker in history, persuaded President Splawn to bring Dobie back to Austin in the fall of 1925 with the rank of adjunct professor. This was the year when I entered the university and came to know by sight the man with the western hat and the perpetual pipe. The senior professors in the English department weren't pleased to have Dobie back. Dr. Callaway was chairman; it was he who had advised Lomax years earlier to give up his interest in cowboy songs. Dobie had backing outside the department now, and he had a feeling of independence because he could earn money by writing what he wanted to. He began to stand up to Callaway, who had written treatises on the infinitive and participle in Old English and had a distaste for Dobie's articles. Dobie was not humble and meek, as he should have been. I have heard Dobie say this of Callaway: "Dr. Callaway thought everybody ought to have somebody to look up to and he was that somebody."

Dobie argued in 1927 that the University of Texas should have a real relationship to the history and traditions of the State, that like all great universities it should blend the universal and the local. He complained, justly, that some departments had "no more sympathy for the life of the Southwest than they have for life in Patagonia."

In 1929 Dobie published "A Vaquero of the Brush Country," which was about his part of Texas and had as its starting point the life of John Young, whom Dobie talked with in Alpine. With another book on the way, "Coronado's Children" (1930), Dobie proposed and obtained, against opposition in his department, an advanced course of his own, "Life and Literature of the Southwest." When the senior professors objected that the Southwest had no literature, Dobie replied, "It has plenty of life. I'll teach that." He was "on fire with the idea that genuine literature in this part of the world could come about only from an understanding of its life, lore, and history."

Dobie's new course became the most popular elective ever given in the university. He presented the subject matter with vitality and gusto, but did not maintain that the Southwest had produced great literature. He wanted Texans to become aware of the traditions and materials which were theirs and which they might put to literary use. There should be a connection between a literature and its land of origin, he maintained, but this alone does not assure greatness. Regionalism is not enough in itself; there must be something wider. "Great literature transcends its native land," he said in 1936, "but none that I know of ignores its own soil." In recent years he has spoken out emphatically against a narrow regionalism: "Good writing about any region is good only to the extent that it has universal appeal." This statement was made in 1950. Ten years later he said, "Unless the regional has elements of the universal it is country-minded and is, therefore, damned."

The treasure legends that Dobie had written down for "The Legends of Texas" put him on a track that led to "Coronado's Children." The selection of this book by the Literary Guild in 1931 and the attendant publicity made Dobie a nationally known figure. The press presented him as a cowboy and treasure hunter who had become a college professor and writer. Since "Coronado's Children" he has published 14 books, and another, "Cow People," is due to appear this fall. His magazine articles are numerous and he has written many prefaces to the books of others. For years he has provided weekly articles for certain Texas newspapers. In all of his books except "A Texan in England" (1945) he has dealt with the Southwest and the West, and also parts of northern Mexico. Even "A Texan in England" keeps coming back to the Southwest as W. H. Hudson's "A Hind in Richmond Park" returns again and again to the Argentine. Dobie has made the Nation and the world conscious of the Southwest in tradition and story.

Dobie is not a folklorist or a historian but a storyteller. He has told hundreds of stories about pioneers, cowboys, cowmen, treasure seekers, longhorns, coyotes, mustangs, hunters, rattlesnakes, paisanos, and other indigenes of the land. A good story is a good story for him, whether it is reminiscence, anecdote, or folktale. He admits to having a "constructive memory"; that is, in recalling a tale he might improve it, make it better than it was originally. He loves to hear or tell a story. I have heard him say that he doesn't care how many times he hears the same story provided that it is good. On picnics he would say, "Bedi, tell us the story about the sow and the stalk of bananas" or something else, and listen in great enjoyment to what he already knew by heart.

As a young writer Dobie was wrapped up in "the pageantry of the past," to use his phrase. Once his mother said to him, "Son, why are you always looking backward? You are acting like an old man." At that time he was not interested in contemporary problems and referred to the present only occasionally for the sake of contrast with the past. World War II brought him face to face with the modern world. In 1943 he was quoted as saying, "After living in a kind of storybook way, allied to the past, for many years, I have been forced by this war at last to become a contemporary with myself." After a year of teaching American history at Cambridge University, 1943–44, and a year of lecturing to American soldiers at Shrivenham and in Germany and Austria at the close of the war, he said, "I have come to think that perspective on any segment of life is as important as knowledge of and sympathy for that life, that wise evaluation of anywhere depends on knowledge of other wheres."

"A Texan in England" tells the story of Dobie's year at Cambridge. Before the Japanese surrendered I happened to see a copy in the officer's club at an airbase where I was stationed near Memphis. I had not even known of the book's existence. I sat down and read through it without stopping. In England Dobie experienced a greater feeling of harmony with his total environment than he ever had known with American civilization. He said he had thought that "the greatest happiness possible to a man * * * is to become civilized, to know the pageant of the past, to love the beautiful, to have just ideas of values and proportions, and then, retaining his animal spirits and appetites, to live in a wilderness where nature is congenial, with a few barbarians to afford picturesqueness and human relations." But such an ideal, he realized, was impractical in this shrinking world. He was in the midst of a real civilization and he liked it. The manners of the English, their attitude to life, their intellectual tolerance, all gave him serenity and a sense of freedom. And England gave him more—"a more critical attitude toward life."

The contrast was great when he returned to America with its noise, selling, self-trumpeting, and intolerance. The dark days of McCarthyism were upon us, and he found his own university in the hands of "a gang of fascist-minded regents." At a time when intellectuals and liberals were intimidated all through the land, Dobie was one of the few to speak out in this part of the world.

In an article entitled "Texans Need Brains," contributed to the Texas Ranger, a student magazine, Dobie made a notable statement. "I do not see," he said, "how anybody who cherishes liberty for others as well as for himself can be intolerant of ideas. I do not see how a vast country the life of which is bound up in vast complexities can be governed wisely except by intellectual ability. Liberty means liberty of mind as much as it means liberty to make a profit." The Governor is reported to have said that Dobie should be "summarily dismissed" as a "disturbing influence." Dobie had been appointed a member of the United Nations Educational, Scientific and Cultural Organization; in the minds of some, this was enough to make him guilty of treason by association.

Dobie asked for leave of absence in the fall of 1947, but was notified that he must return to the classroom or be severed from the university. When September 15 arrived he did not sign in, and his official relationship with the university was terminated. Thus the university lost one of the brightest lights ever to shine forth from the Forty Acres. The students marched in protest. They loved Dobie and what he stood for.

The Daily Texan and the Texan Ranger have asked for and received articles from him since his severance. In 1950 the Texan reported that a movement led by Walter Webb and Alton Burdine to restore Dobie to the faculty was underway, but it came to nothing. Mody Boatright was also one of the leaders in the effort to bring Dobie back.

"Any strong-willed and strong-minded individual who does not fit the molds determined upon for its members by a conventional society will sooner or later have his character attacked," said Dobie in 1936. This proved true when he began to speak out in the days of the McCarthy oppression. In April 1951 the House Un-American Activities Committee listed him as a sponsor of the Mid-Century Conference for Peace, said to be Communist inspired. He defended himself by saying that he believed in peace and did not have time to investigate the membership of organizations backing causes which he approved of.

In these years Dobie spoke out with force and energy against the enemies of life and freedom. It was perfectly consistent for someone in love with life to hate whatever sought to stifle life. Once at Barton's I quoted Burke on the subject of hate as related to love: "They will never love where they ought to love, who do not hate where they ought to hate." This he thought was good and repeated in later conversations. In 1956 he wrote, "Positive zest for life and positive opposition to the strangling of life go together." He said he wanted "the stranglers of life strangled." It is true that "the best books and the best pictures infuse life, add to life, are life," and it is wrong to demand, for prudish or political reasons, that they be removed from libraries and museums. Because the love of life has always been dominant in him, hatred of the enemies of life has left no scars on Dobie. "I confess to having had feelings of hatred at times, though life has been too bright and good and energy too precious to spend in maintaining hatred."

For the coronation of Queen Elizabeth the BBC asked the Department of State to help prepare a salute from America. The only Texan invited to take part in this salute was J. Frank Dobie. He appeared in a short sound film telling three anecdotes to show similarities between Texans and Englishmen.

After Dobie had returned from abroad I was seeing him every day during the swimming season at Barton Springs. There was a period in the summer of 1951 when he was very tired. He had sent off the manuscript for "The Mustangs" and was feeling spent. He said he doubted that he would ever write another book treating the whole life of its subject. When, the proofs began to come in, he cast off his fatigue and read them with satisfaction in the completion of a difficult task. Late one afternoon while we were drinking beer in his backyard after a swim, he said with a chuckle, "Wilson, I could get my Ph. D. with this book." He never did have a high opinion of degrees, because he had "seen so many sawdust brains with nothing else but degrees and so many active, well-informed, observing, witty, interesting brains without any degrees at all." In 1959 he wrote that the "Teutonic Ph. D. system" had "dehumanized the humanities in American colleges and universities."

Dobie is of course an intellectual with a wide range of knowledge and a great deal of wisdom. "First-class education is always intellectual," he said. His count against "Education" spelled with a capital E is that it does not improve the mind. He wants no technicalities or pretenses mixed in with the training of the intellect.

The summer of 1957 was a fine one for swimming and talk at Barton Springs. Roy Bedichek would arrive at about 3:30 to take the heat of the sun on Bedichek's rock, and Dobie and I would come out about an hour later. Sometimes we would talk until the sun went down and then go somewhere for a beer and more talk. Any subject at all would draw Bedi and Dobie out, perhaps on different sides but most often in agreement. They would sometimes lock horns and push hard, because each knew his own mind and did not express lightly formed views. When Bedi had the bit of conversation in his teeth and was running away, Dobie would plunge into the cold water for a moment and then return. Sometimes he would stretch himself out on the hot cement behind the diving board. He said that the heat drove the coldness inside, down to the bones.

We hated the jukebox that would now and then blare out—another form of the "murder of silence" Dobie called it. We were incensed when the park department put up a sign reading "Zilker Springs." Why change the name of Barton Springs? Dobie told a story about a trial that he had attended in Georgetown while he was a student. Frank Taulbee was arguing a case against a man accused of moving a boundary marker to steal a strip of his neighbor's land. The lawyer for the defense quoted Plutarch several times in the course of his speech. Taulbee began thus: "Gentlemen of the jury, we have been hearing over and over what Plutarch says about this and what Plutarch says about that. Who is this man Plutarch, anyhow? I don't know. Perhaps some of you don't know. But I can cite you an authority that we all do know—the Good Book itself. Therein you'll find written these words: 'Cursed be he that removeth the ancient landmarks, for the buzzards of the air shall pluck out his eyes.'" That night Dobie found in his Bible a curse on the remover of ancient landmarks but it didn't correspond to Taulbee's version. Dobie tells this story in a fine autobiographical essay, "Prose and Poetry in Georgetown."

Toward the end of this same summer Walter Webb and Mody Boatright, nonswimmers, joined us in a picnic on Barton Creek below the bridge. There were other picnics for the five of us at other times and places, always with marvelous talk and hearty laughter. The conversation turned on serious matters too—the international situation, National and State politics, and the condition of the university.

After his bout with pneumonia in the fall of 1957 Dobie had to give up swimming at Barton's. There were too many steps to go up and down. Knowing how much he loved the spot, I gave him a color photograph taken from the high bank and showing the bottom through the transparent water.

I remember particularly well one trip to Cherry Springs, Dobie's place near Spicewood Springs. I think it was in early June 1958; the day was beautiful and the mountain pinks were blooming in the clay and limestone along the highway. I was driving. As we approached Bee Creek Dobie said, "It's a beautiful world, isn't it?" Bedi was on the back seat and didn't catch Dobie's remark. "Hunh? What's that?" he said. "I said it's a beautiful world," Dobie repeated with some emphasis. "Oh, yes. Of course. I never doubted that," Bedi replied as if it were altogether unnecessary to tell him something that he had known well for a long time.

While Bedi fixed a green salad, I broiled a steak outside. Dobie, having to take things easy, stayed in the kitchen. I couldn't catch what they were saying, but I could tell that a good discussion was going on. Now and then I could hear Dobie say, "Now, Bedi, do you mean to tell me that—" And Bedi would say, "Dobie, you know there's not a thing in the world to that." At another time that day they had an energetic argument about the best way to prepare compost, Bedi standing up for his way and Frank for Bertha's, which she had learned from Lady Eve Balfour's "The Living Soil."

After steak and salad we had a nap and then sat on the front gallery. Dobie's two horses had got into the yard and left their signs. He said, "Wilson, kick those droppings around so they'll do the grass some good." I kicked them around. This amused Bedi. "You don't have to do everything he says. I'd be durned if I'd kick manure around to fertilize his grass."

After a while we got in the car and drove to the springs. I wanted some of the little cherry trees to bring into town. Dobie remained above while Bedi and I went down in the moist canyon with a shovel and a tow sack. Bedi pointed out the ones he thought easiest to dig up and even dug up one or two himself. He cupped damp earth around the roots and we put them in the wet sack.

Back at the house we sat on the porch again and rested with a can of beer in our hands. I remember very well two stories told by Bedi, both from life, and one by Dobie about the visit of a Yankee to a Rebel after the Civil War.

On May 21, 1959, the three of us were to go out to Paisano, a place nearer Austin that Dobie had bought after selling Cherry Springs. At about noon the phone rang. It was Dobie. "Wilson, do you know that Bedi died this morning?" I was astounded. Only the day before, at 6 o'clock, I had seen him hale and hearty at Barton's.

Walter Webb's death came with great suddenness and shock too, on March 8, 1963.

Four of the little cherry trees that I brought home and transplanted have lived and grown to a height of 6 or 8 feet now. One I named Roy, one Walter, and one Frank. The last one I have dared to name Wilson. It gives me great pleasure just to see them there, greening and blooming in the spring and gaily fluttering their leaves all summer.

"The wild flowers of a rainy spring and the grasses of a showery summer are good and beautiful and sufficient even though they vanish." This poetical sentence is Dobie's. It belongs to a man whose prose was first nurtured by the King James Bible. Life is transient but it is good just the same.

Once at Barton's after we had spoken of death as the completion of the biological process I asked Bedi pointblank about his attitude to death. "I know it's coming," he said, and finished humorously, "but I can't say that I am looking forward to it with any pleasurable anticipation." At another time he told me he had received a letter from Webb containing a complaint about "this tag end of life." He had written Webb and taken him to task. For the Bedichek number of the Observer, Webb addressed a letter to his old friend in which he said that Bedi had taken a good deal of the sting out of his going by its suddenness—the way Bedi had wanted.

Two days after Webb's passing Dobie wrote this for the Texan: "Any man who has seen life and been a part of life wants to leave it before decomposing into a senile vegetable. Webb died standing up * * *."

Time and again Dobie urged Bedi to write his autobiography, and Bedi in return urged Frank to write his. I have taken over this urging now. I have heard Dobie say, and I feel sure he has said it in print somewhere too, that a writer should be greater than all of his books put together. This is true of Dobie, as fine and as extensive as his literacy achievement is. No one can tell of his life as he can. His greatest book is yet to come. In fact, since 1950 he has published autobiographical essays sufficient in number to make a large volume, but when I urge him to put them in a book as "Chapters in an Autobiography" he replies that there is more that should go in—"the rest isn't written yet." In 1957 he announced in the New York Times Book Review that he was thinking of an autobiography but foresaw a problem. He took pleasure in writing about his boyhood, youth, and early manhood (the far away and long ago, the pageant of life), but was not anxious to deal with the clashes and controversies (the critical side), nor did he want to omit them. "I have come to value liberated minds as the supreme good of life on earth. The subject is very complex and proliferates into many areas of living. I should not be satisfied with an autobiography that did not bear witness to my passionate belief in freedom of thought."

Freedom of thought. The poem that closes "The Mustangs" is the finest poem on freedom in the language, an ever-living testimony to Dobie's devotion to freedom. This I knew when I heard it recited by Angus Springer at Southwestern on Dobie Day in 1952:

"I see them running, running, running,
From the Spanish Caballadas to be free,
From the mustanger's rope and rifle, to keep free,
Over seas of pristine grass, like fire-dancers on a mountain,
Like lightning playing against the unapproachable horizon.

I see them standing, standing, standing,
Sentinels of alertness in eye and nostril,
Every toss of maned neck a Grecian grace,
Every high snort bugling out the pride of the free.

I see them vanishing, vanishing, vanished,
The seas of grass shriveled to pens of barb-wired property,
The wind-racers and wind-drinkers bred into property also.

But winds still blow free and grass still greens,
And the core of that something which men live on believing
Is always freedom.

So sometimes yet, in the realities of silence and solitude,
For a few people unhampered a while by things,
The mustangs walk out with dawn, stand high, then
Sweep away, wild with sheer life, and free, free, free—
Free of all confines of time and flesh.

Here's to life. Here's to freedom. And here's to Dobie, who loves them both."

A WRITER LOYAL TO REAL EXPERIENCE

(By Lon Tinkle)[1]

DALLAS.—Frank Dobie himself started the style of finding a Homeric epithet for the subjects of the Observer memorial issues. The one Dobie chose for Roy Bedichek was "The Natural Man." Hubert Mewhinney supplied one for Walter Prescott Webb, "The Man of Massive Common Sense." No doubt many contributors to this Dobie issue will underscore this one for Mister Frank, "The Man of Integrity." Integrity, in the modern sense of existential authenticity and of creating one's own sense of self instead of borrowing or inheriting it, characterizes Dobie's fundamental modernity of mind.

He revealed it in a rather dramatic yet spontaneous way when he concluded his speech at the annual Texas Institute of Letters banquet in Dallas last February 15. He was taking the place, on short notice, of Katherine Anne Porter, who had arrived in Dallas with a 102° fever that sent her to the hospital. Dobie, who often concludes a talk by just abruptly stopping, was about to sit down; then he paused, presumably because he had thought of a good curtain line or maybe because he felt the occasion required a kind of personal testament. White suited as usual with a red rose some lady had pinned to his lapel, he brushed back the white shock of hair with his left hand and with that familiar gesture of clearing the air in front of him, made an arc with his right arm.

"People," he said, "are always complaining nowadays that they don't know where to turn for answers to their problems. Well, they might turn to themselves. We all might turn to ourselves."

This got a standing ovation. Dobie had unconsciously and spontaneously defined the essence of himself: a courageous self-reliance and a courageous willingness to be responsible. More than any man I ever knew, Dobie is haunted by a sense of responsibility to reality.

I say reality instead of truth or fact or justice, because reality is a fusion of concrete things with powerful feelings and abstract ideas—and Dobie is a man powerfully magnetized by the concrete, the rich particularity. His writing is alive with details, with striking inventories of fact—but it doesn't just "inventory." It is writing, like that of any true artist, that separates the real from the fake.

This is a harder thing to do than most people will admit; the tiring effort to make the distinction hurries most of us into dogmatic or doctrinaire thinking. The only dogma Frank Dobie respects, I believe, is the dogma to oppose all dogmatism.

Hence, his extraordinary anchoring in the concrete, the tangible, the specific example. He values the rich particularity over the empty universal, and in this sense he is a "regionalist." He is a relativist, not an absolutist. People in the East often suppose he is absorbed in the past, in the local. Far from it; but his instinctive wisdom does relate everything to time and to space. Time is history and space is region and you can have both anywhere. They constitute most of our daily experience. Dobie is a man loyal to real experience, whether of the past or present.

This, as we shall see, is what his work records, and with resonance. And not just his work, but his behavior as a man.

A dozen memories come to mind in verification. During the great drought that ended in 1957, some of us were talking under the giant elm in his backyard. After a good deal of abstract discussion of economic effects and the future of Texas, Dobie suddenly said: "What makes me suffer the most is to go out to Cherry Springs [a country place he had then] and see the trees thirsting for a drink. I feel with them, I share their agony." He was making us see a concrete side of reality. He was vindicating, no doubt, the natural man's view, just as real, if not as important, as that of the social man.

As much as it fitted Bedichek, the epithet "natural man" fits Dobie. I think of the time he was in Brackettville to watch John Wayne's filming of a longhorn sequence in "The Alamo." Dobie was enchanted with a gnarled and magnificent old mesquite growing just outside the building used as commissary. After breakfast that morning, he communed a while with the mesquite. A photographer importuned him to hurry; John Wayne was waiting out on location to have some "still" shots made of the Duke and Dobie inspecting the Alamo replica on Happy Shahan's ranch.

"Here's the thing to photograph," Dobie rebuked him. "Get some pictures of that old mesquite. It has survived wind and weather for, I guess, several hundred years. You never saw such a big trunk on a mesquite. Now there's something noble. And send me some of the pictures. I'll pay for them."

The mesquite was photographed, casual and natural in its pose. The drive out to location began, scriptwriter Jimmy Grant at the wheel. Dobie was identifying everything that grew along the road. Suddenly he told Grant to stop. Dobie got out of the car and beckoned us all to follow. I thought of the thousand extras waiting for our arrival before shooting began, and tried to recall the figure I had heard about the hourly cost of this movie, not remembering whether it was $30 or $300 or even $3,000.

"Look, Jimmy," Dobie called, his face as bright as any wildcatter just bringing in a strike, "here's a guajillo bush. This explains that honey you liked so much at breakfast. It's the best honey in the world and all because the bees suck these "wahee' bushes * * *."

A dozen cars back of us, carrying actors and crew, stopped to see the phenomenon. We started again and at last came to a rise where we looked down on Hollywood's re-creation of Old San Antonio. Parking there, Jimmy Grant pridefully turned to Frank and began:

"How do you like that, Mr. Dobie? We got a Spanish architect, who studied old documents and——"

Dobie had turned to lean over a bush beside the dirt road. He hadn't yet directed one glance to the counterfeit set.

"Look, Jimmy," he interrupted, "here's another guajillo bush."

John Wayne came over and Dobie was feted the rest of the day. The big scene to be filmed was the herding of longhorns into the Alamo by the Texans. Bill Daniel had assembled for Wayne, with much ingenuity, a magnificent herd of 200 longhorns, powerful monsters unlike the captives you see in Brackenridge Park.

Dobie was elated. To stars and extras and onlookers he explained about the breed. Wayne put him in a director's chair, marked "The Duke." Ken Curtis and Chill Wills were summoned to sing for Mr. Dobie some of the songs Dimitri Tiomkin had composed for the movie. Frank seemed to listen, but on that brilliant sunlit morning he kept an eye on the movements of the longhorns as they milled around under the control of Bill Daniel and some Mexican riders.

Like the mesquite and the guajillo, the longhorns were part of the real thing. The music wasn't.

"No, Duke," Frank told Wayne, "what you need is some of the songs the Mexicans really sang. I think you ought to make 'La Paloma' your theme song."

It was a typical Dobie performance, always bluntly battling for the real and the authentic and the natural, usually losing to the world of prefabricated images and emotions and ideas.

When we left a day or so later, I saw him look with long affection at that old mesquite. He did not find the flora and fauna more interesting than the Hollywood people, just more real. But with his immense gusto and zest for living, with his ever-present curiosity about the new, he thoroughly enjoyed the experience of this alien world. He was full of reactions and steadily amused. He liked the warm friendliness and unpretentiousness of John Wayne; he understood, while spurning, the supersophistication and incomparable cleverness of Jimmy Grant, who could not possibly have believed in the reality of the ideas or scenes he improvised with such commercial knowingness. Frank noted all the toadying, the struggle for power, the obviousness of starlets on the make, the grand panjandrum behavior of imperious Director John Ford, legendary for his "westerns." Frank was even amused by the regal snubbings we got on several occasions from British Actor Laurence Harvey, who treated us in the way he thought fitting for the

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"natives." ("Damned two-bit snob," muttered Dobie.)

In this storm of hectic and interesting activity, Frank's shelter of integrity was sure. We had been flown by General Motors to take brief part in a TV "spectacular" the company was making about the production. Frank was to be in an outdoor shot, seated on an old wagon in front of the herd of longhorns, whose history he was to suggest in 3 or 4 minutes. Hopefully, the TV men handed him a "suggested" script. He glanced at it, then said, "Give me a piece of paper. I couldn't possibly say this stuff." He thought and wrote. "This is what I'll say," he said. And he did.

We were shown, along with some bigshot financiers who had flown in for the weekend, "rushes" of the movie, perhaps three-fourths of the final film. Frank's running commentary, made in a low tone to me, was perhaps too audible. The film was not made for the likes of us and we could only say so, while supposing that experts spending $12 million on a commercial entertainment knew what they were doing. We were not invited back for the grand finale, although hundreds of other Texans were.

When Dobie's own achievements are assessed by that last arbiter, time, I imagine the scoreboard will look like this: (1) He will be judged the great mentor of Texans of all time, teaching them more about their time and space than any other single mind; (2) he will be judged truly an exemplary "type of excellence" organic to his region but meaningful anywhere; (3) he will be judged as one of the three durable and unforgettable writers Texas has thus far contributed to the English language, the other two being Walter Prescott Webb and Katherine Anne Porter.

Personally, I think Dobie will rank as a memorable creative artist, though this word must be explained in this context.

Contrary to historical usage, the term "artist" in our century has come to be reserved for, or at least appropriated by, writers of creative imagination. That is to say, only novelists and short-story writers, poets, and playwrights. This is perhaps due to the fact that both Flaubert and Edgar Allan Poe in the 19th century fixed an esthetic form for prose fiction. After Flaubert's "Madame Bovary," the art-novel was a separate genre. Such earlier "novels" as "Don Quixote" and "Gil Blas" and "Tristram Shandy" were excluded from the domain of the true novel. Similarly, Poe organized the poetics of the tale into the short story, also an exclusive genre.

More importantly, perhaps, with the great development of printing and therefore journalism and article writing, artists of the creative imagination quite legitimately stressed the differences between their goals and those of mere reporting. This became all the more necessary when the mass audience, thanks to universal education, made commercial writing a profitable profession. A distinction had to be made between an "artist" and a "writer." For reasons of taste and critical integrity, "literature" had to be defined. It came to mean only the products of creative imagination.

In this limited sense, then, the famous interview that Katherine Anne Porter gave the Texas Observer in the autumn of 1958 was semantically correct. Miss Porter said, in essence, that she was the first and the only Texas-born writer to achieve international fame as an artist in the European sense of the term. Miss Porter, an eminently sensible woman, was careful to point out that she was not referring to herself as a "genius," as the careless would assume. She is a novelist and a short-story writer of flawless craft, admired and appreciated all over the world. Neither Dobie nor Webb is famous for art-form fiction.

Nonetheless, Dobie qualifies as an artist, and he is a great storyteller. In the anthologies of "World Literature" that I teach at Southern Methodist University, the selections are by no means limited to the modern 20th-century limited definition of the "artist." There are historians such as, inevitably, Herodotus and Thucydides, essayists such as Montaigne and Matthew Arnold, letter-writers such as Cicero and Mme. de Sevigne, autobiographical writers such as St. Augustine and Rousseau, just as there are taletellers from the anonymous masters of "The Arabian Nights" on down, just as there are thinkers and philosophers and literary critics and some impossible to classify, notably Voltaire. This larger meaning of "literature" is historically correct.

In this wide sense, Dobie has made literature. His main themes are the staples of Western writing: the enlargement of individual freedom, the celebration of life even in its tragedies, the love of nature, the courage to endure, the compulsion to discover the nature of reality and report it with fidelity.

All this he has done using the raw materials at hand. It isn't a literature made out of other literature, but out of authentic experience. And yet it has its mythic worth.

Who can read Dobie's masterpiece, "The Mustangs," without seeing that he has made of their experience a mythic pattern of the human condition, without seeing that the book incorporates the Greek sense of evanescence (the short life of the individual measured against the long duration of the race) and the Vergilian sense of "tears in the nature of things," or without seeing that this work is the testament of a poet?

I often turn to it and recall Paul Valery's definition of art: "Art is whatever arouses your sense of despair . . . and gives you succor." (The three dots are Valery's). On almost any page, Dobie's controlling intelligence makes points that metamorphose, that transmute, the newsreel of events and behavior into mythic meanings, into "Songs of Mankind."

A few examples. Casually, after destroying the legend or "rumors" that "wild-running mustangs of the plains sprang from seed lost by the Coronado and De Soto expeditions," he notes reflectively: "Rumor delights in maligning good men while they are still alive and in romanticizing bad ones after they are dead." Everywhere in the book the artist's presence is felt, not only in chiseled sentences and structure but in the thought.

Thus, "Of all the notabilities of the true faith who explored into the unknown vastnesses of America—to inform the natives of their fealty to Europe and Pope, to clarify their minds on the identity of the Holy Ghost, to stack their gold and silver, if they had any, and to make them dig for more if veins could be located—Hernando de Soto had the best horses and suffered the worst disasters." The irony continues for several more pages but becomes the irony of fate rather than the author's. Along the way, Dobie tells a little vignette, a love story of a conquistador and an Indian princess, that subtly and superlatively underlines the irony that governs the whole chapter. I sometimes wonder, in talking with friends, if they have ever really read Dobie with close attention. In his writing he does not semaphore his effects.

Consider the opening of the chapter, "Wild and Free": "No one who conceives him as only a potential servant to man can apprehend the mustang. The true conceiver must be a lover of freedom—a person who yearns to extend freedom to all of life. Halted in animated expectancy or running in abandoned freedom, the mustang was the most beautiful, the most spirited and the most inspiriting creature ever to print foot on the grasses of America. * * * Only the spirited are beautiful."

It could not be put better, or indeed more spiritedly. Dobie claims writing is difficult for him and he slaves over his sentences. In this regard, he demands of himself the most exacting craftsmanship. He doesn't stop at demanding it of himself. On many occasions, in print and in talk, he has paid tribute to Bertha Dobie for her critical scrutiny of his manuscripts. One suspects he urges her to make him do his best. My own suspicion is that he doesn't find writing difficult but fears facility.

It must have cost him something to compose the last page of "The Mustangs" in free-verse form. Every reader will be glad he did. It is a poem that will be often anthologized. I say "cost him" because he must have realized that he could have been doing this all his writing life. And no one, then, would have doubted that he is a mythmaker, an authentic poet.

The pains Dobie takes to carve his sentences into perfection have rarely been noticed. Bill Bedell, reviewing "I'll Tell You a Tale" for the Houston Post, gave an example of how fruitful such an investigation can be. Bedell was the first among reviewers to compare what changes from original versions Dobie had made in preparing the final form for this sort of "Dobie Reader." Then, Margaret Hartley gave an ampler treatment in the Southwest Review. Their articles were a revelation of Dobie's dedication to craft.

Of course, anyone who heard Dobie's magnificent speech to the Texas Institute of Letters at the Houston meeting of 1959 should have been alerted to his concern for form and structure. He spoke memorably of pace and temper in writing, above all of the importance of cadence, of rhythm. He said that often while riding horseback as a young man he made up sentences to shout aloud and to match his mount's movement. But he said his feeling for rhythm in prose came first of all from his reading of the King James version of the Bible. He said for him writing was a matter of rewriting, that he worried a manuscript up to the last minute of a deadline. (I knew that he had left a council meeting of the institute that afternoon early in order to keep on polishing the text of his speech. He had the manuscript at the meeting; I saw pages on which the typed script was barely visible in all the reshaping added with pen and ink.)

But if anyone else dares make a change in one of his manuscripts, Frank can have a fit. Having handled shorter Dobie articles for the past 35 years, first on the Southwest Review and then on the book page of the Dallas News, I can report that in the early days many a hot letter greeted bungling editing. Frank is still capable of rage, and to cross him occasionally is still worth risking just for the pleasure of seeing such fighting rapture. I have never known any other writer who took his craft so seriously.

If you think Dobie is not dedicated to craft, compare his two verisons of the best longhorn story ever told, "Sancho's Return." Here is the first paragraph, given first in the 1941 form in "The Longhorns," then in the revision for "I'll Tell You a Tale" (1960):

"To begin with, a man by the name of Kerr had a little ranch on Esperanza Creek in Frio County, in the mesquite lands south of San Antonio. He owned several good cow ponies, a few cattle, and a little bunch of goats that a dog guarded by day. At night they were shut up in a brush corral near the house. Three or four acres of land, fenced in with brush and poles, grew corn, watermelons, and 'kershaws'—except when the season was too droughty. A hand-dug well equipped with pulley wheel, rope, and bucket furnished water for the establishment."

This is how he rewrites it: "In the mesquite and whitebrush country southward from San Antonio, Kerr had a little ranch on Esperanza Creek. He owned several cow ponies and maybe 40 cows and their offspring. His pastor (shepherd) dog, a mongrel, guarded a small flock of goats, bringing them about sundown to a brush corral near the house, where Kerr's wife barred them inside. Three or four acres of land, fenced with brush and poles, grew corn, frijoles, watermelons, and calabazas—except when a drought was on. A hand-dug well equipped with pulley wheel, rope, and bucket furnished water for the establishment."

The second version paints pictures, replaces the passive voice with active agents, enriches the detail, and stresses verbs. Above all, Dobie has varied the rhythm and made it prance. The though groups match the needs of respiration. I am sure he tried that second version out loud. The entire story is a lesson for anybody interested in the architecture of prose.

Sometimes in this anthology of his work, "I'll Tell You a Tale," Dobie seems content with the first minting. That little gem, "The Marques de Aguayo's Vengeance," which seems to me one of the best short stories in the world, remains entirely unchanged.

Dobie was the first first-rate writer to appear in Texas of the three generations now living. His "Vaquero of the Brush Country" (1929) was a revelation. All the university lads wanting to be writers saw that a man could keep on living in Texas and write about Texas material and still achieve national acclaim. When "Coronado's Children" was published the next year, this truth was evident. It was published by the Southwest Press in Dallas (of which I became general handyman when it was founded in 1927) and 2 years later was published in New York as a Literary Guild selection.

This was an omen for young talents such as Fred Gipson and Tom Lea and Paul Crume; Dobie's career remained so for the next generation, too. Meantime, in 1930 Katherine Anne Porter had published her first volume, "Flowering Judas," and in 1931 Walter Prescott Webb published "The Great Plains." In New Mexico, Oliver LaFarge in 1929 had written "Laughing Boy," which won the Pulitzer Prize. In Oklahoma, Stanley Vestal was producing his memorable biographies of Kit Carson and Sitting Bull. In 1933, Paul Horgan, then living in Roswell, won the Harper $10,000 Novel Prize with his "The Fault of Angels."

National magazines announced that a Southern and Southwestern renaissance was in full swing, ending Mencken's slur on the South as a "Sahara of the Bozart." Mary Austin and Witter Bynner came over from Santa Fe to visit the Texas writers centering around the Southwest Review, bringing recollections of D. H. Lawrence, who had written in 1929 that "I think New Mexico was the greatest experience from the outside world that I ever had."

Dobie of course had been compiling Texas legends and editing the publications of the Texas Folklore Society ever since 1924. He was in the thick of this regional ferment and has remained the central figure in it ever since. But he was never narrowly provincial and always stoutly maintained that although a writer must be anchored in the concrete, in his own time and flesh and space, he must also view this realm or region with enlightened perspective. No wonder, however, that many critics still wrongly think of him as a mere "regionalist." In the national context of this "renaissance" of the late twenties and the thirties, Dobie began his career. This lingering faulty "image" may explain what I, at least, regard as a scandal in the literary world, the fact that his "I'll Tell You a Tale" was the most neglected superior book published in 1960. (That was the year the Pulitzer fiction prize went to Allen Drury's second-rate novel "Advise and Consent." Dobie's "tales," of course, could not be classified in the fiction category.)

This man of integrity, this artist, is also an exemplary type of excellence for our times. Frank Dobie is ferociously independent but he is not thorny or spiky. He probably has more loyal friends than any living Texan, and perhaps half of these disagree with his ideas. Anybody who has seen him in any large gathering has been struck by the variety of personalities eager to shake his hand and to enjoy a moment in his presence—from politicians who abominate his forthrightness to business moguls, from youngsters to old ladies, from booksellers to ranchers and newspapermen. Even his enemies, and a man with so many friends is bound to have plenty of enemies, brighten in his presence and regard him with resigned affection.

I have had Dallas businessmen who met him by accident, in the Menger bar, say, or on a plane, speak to me time after time, savoring the recollection, of a moment of magic talk with Dobie.

I think this is because he is the easiest man in the world to be with. We once drove to Corpus Christi from Austin and after an hour of good talk relaxed into silence. An hour later, Frank started talking again. "There is a kind of silence that is a sign of friendship," he commented.

But he is not only easy, he does have a magic of presence. He is as good a listener as a talker. Somehow around Frank, everybody feels intelligent and life seems good. Many famous men leave you feeling diminished (a few of my own examples: William Faulkner, W. H. Auden, Thomas Mann), but Dobie leaves you feeling ampler than you are.

The amazing thing is that he has found time to keep alive literally hundreds of friendships. Perhaps this is because he is fundamentally a too generous man. His willingness to help other writers is legendary—writing forewords for books of friends, handing over long-accumulated documentations from his own files, reading manuscript for critical correction, helping find a publisher, simply lending moral support. Any annual meeting of the Texas Institute of Letters becomes a sort of Dobie tribute, with principal speaker and prizewinners gratefully acknowledging some sort of debt to Mr. Frank. On at least two occasions, afternoon speeches have consisted primarily of some Texas writer's reading aloud advice sent by Dobie in letters. From looking over files at the Southwest Review and at the News, I can testify that he has been joyfully promoting this sort of intellectual ferment since at least 1922. Unlike most writers, he is neither jealous hearted or egocentric.

An exemplary man is one whom it strengthens you to think upon. I am sure I speak with the voice of nearly every Texas writer alive today when I say that Dobie's work and his existence have been the most important source of strength that we have found outside ourselves in our time. In moments when it is hard to cope, the mere thought of that granite-like face on which experience has carved its map, that face whose muscles tense at folly or relax into that life-warming grin, is healing and salutary. He belongs to the life-enhancers.

"I wasted my golden youth on lost causes," Dobie told a reporter in Dallas in 1960, no doubt speaking casually but perhaps going deeper than he had realized. It is true that he has made so many public appearances, is such a congenital defender of underdogs, has been such profitable newspaper copy for most of his life, has given so much time to editing and helping other writers' work, he has become a celebrity these days more than a writer in the public mind. Dobie as a character has obscured Dobie the artist. Too many Texans, listening to him, reading reports of his pronouncement on politics and educationists and superpatriots and typical Texans, feel they know Dobie without having taken the trouble to read him. Too many who have read him have not read between the lines.

He is our Robert Frost; he is an institution. If he lends his presence to an occasion, it takes on extra shine. But that same presence presides in his books; that same presence and his craft are what make them literature. Dobie is a whole man, giving proper proportion to literal fact, to scientific observation to the transforming power of imagination, to human and individual meaning. What he ultimately stands for is the legitimacy and the value of poetic truth. His mustangs belong to verifiable fact, but they also symbolize a new breed in a new world, doomed to disappear but destined to endure in the ideal of freedom. His home-haunted longhorn Sancho bespeaks man's yearning for a life that is not rootless, a loyalty to the sense of place. Without using modern techniques of introspection in his works, he nonetheless knows who he is. He has incorporated into his writing the self-knowledge of a wise man who believes that mere literal chronicle cannot exhaust the amplitude of reality.

In short, Dobie is a man of creative imagination. Posterity will, I believe, take him much more seriously than he has been taken in his lifetime. It will keep his books alive as long as any written by Texans or about Texas since Cabeza de Vaca's Relacion of 1542, not alive just as history or folklore but as the work of a unique artist, bearing witness to reality. So long as individual sufficiency is reckoned a virtue in the understanding and the structuring of life. Frank Dobie will be proudly remembered. So long as story patterns convey meanings, as they have since the dawn of literature, in a way unlike that of other forms of expressing truth. Dobie will remain one of the few Texas immortals.

A Mustang in the Groves of Academe

(By Mody Boatright)[1]

So sometimes yet, in the realities of silence
and solitude
For a few people unhampered a while with
things,
The mustangs walk out with dawn, stand
high, then
Sweep away, wild with sheer life, free, free,
free—
Free of all confines of time and flesh.

—J. Frank Dobie, "The Mustangs."

Austin.—In Texas Folklore Society Publication II (1923), the first of the series he edited, J. Frank Dobie identified himself this way in his notes on the contributors:

"J. Frank Dobie, editor of the present volume, was born and reared on a ranch in the Texas border country, and although he is now an instructor in the University of Texas, he will always belong to the range."

There is no reason to assume that Dobie was unaware of the implications of this statement: that there was a conflict, not to say an incompatibility, between the range and the grove, or at least he had found it so in Texas, and that his primary loyalty was to the range: its history, its people, its myths and legends, and its traditions of freedom he was later to symbolize by the mustang. The statement was prophetic of a long career as teacher, scholar, writer, who, never provincial, never merely picturesque, was chiefly concerned with the matter of the Southwest.

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[1] Mody Boatright, a professor of English at the University of Texas and chairman of his department from 1952 to 1962, is author of "Tall Tales from Texas" (Southwest Press, 1934); Gib Morgan: Minstrel of the Oil Fields" (Texas Folklore Society, 1945); "Folk Laughter on the American Frontier" (MacMillan, 1949); and "Folklore of the Oil Industry" (Southern Methodist University Press, 1963). A longtime member of the Texas Folklore Society, he has just resigned as its editor. He has edited or coedited many of the society's books and publications, and he has been a prolific contributor to the other literature of his field and has written various textbooks.

Dobie had graduated from Southwestern University at Georgetown, had served a year as high school teacher in Alpine, and returned to Georgetown as secretary to the president. He received the M.A. from Columbia in the spring of 1914, and in the fall became instructor in English at the University of Texas. In 1917 he went to war, and when he came back, he had a hard time deciding whether to be a teacher or a ranchman. The teacher won out, and he returned to the university. He admired John Lomax's collection of cowboy ballads and had set for himself the immediate goal of collecting the legends of Texas. Stith Thompson in 1916 had brought out the first annual publication of the Texas Folklore Society, which had been organized by Lomax and Prof. L. W. Payne in 1909. Dobie had paid his dues and learned, not that he had been speaking prose all his life, but that he had been hearing folklore ever since he could remember. At that time the professor of English, in a laudable but mistakenly rigid attempt to improve the staff, required the Ph. D. as a condition for promotion above the rank of instructor. Dobie refused to take the degree.

It is doubtful whether any university at that time would have accepted a dissertation on such a subject as legends of Texas. Harvard might have. The ballad scholars there had given Lomax the moral and financial encouragement he needed to collect the cowboy songs and had approved a dissertation by Stith Thompson on folktales of the American Indians. But had even the liberalized doctoral programs typical of the best graduate schools of the present been available, my guess is that Dobie would not have been interested. He had said repeatedly that the usual procedure in writing a dissertation is taking bones out of one graveyard and putting them in another, a conclusion Dr. Johnson had come to many years before about the writing of books. Furthermore the doctoral program had been imported from Germany, and in Dobie's book anything imported from Germany was more than likely to be bad. Conversely, anything imported from England was more than likely to be good. His ideal of higher education is exemplified by the British universities, where the reading is more diversified, less emphasis is placed on formal research, and the terminal degree is the M.A. Also, he agreed with Emerson, his favorite American writer, that whoso would be man must be a nonconformist. He would get along without a badge in which he saw little honor.

Temporarily he paid for his nonconformity. Still an instructor in 1923, he went to Oklahoma A. & M. College at Stillwater as head of the department. In 1925 he was called back to the University of Texas as adjunct professor under conditions that indicated tenure and advancement, contingent, of course, upon his continued productivity. In approving Dobie's appointment the president of the university acted upon a minority report of the professors. I have only an outline of the debates and procedures as they were related to me many years later by some of the men who had participated.

The spokesman for the majority was senior Prof. Morgan Callaway, who raised no personal objection to Dobie, but held that unless he took the degree he should not be promoted, and that unless promotion was open to him, he should not be recalled to the staff.

The opposition of R. H. Griffith was of a different sort. He once told me, I think for my own benefit, that Dobie was trying to perpetuate the very thing a university should educate its students away from. He seemed to think that an interest in Texas longhorns was somehow incompatible with an interest in "Paradise Lost"; or that, before one could properly appreciate "The Rape of the Lock," he must be refined beyond any serious interest in vernacular culture. At one time he must have had a plan for Dobie's redemption. He stopped him on the campus one day and said, "Dobie, I'll tell you what you ought to do." But Dobie never learned what he ought to do. With a minimum of reverence for age and baldness, he indicated that he was capable of running his own life.

The academic honors that have come to him since he became adjunct professor in 1923 have amply vindicated his independence and his determination to devote his time and his talents to the matter of the Southwest. He became professor in 1933. He has lectured widely on American university campuses. He has held Rockefeller, Guggenheim, and Huntington fellowships. Perhaps his highest academic acclaim came in 1943, when he was invited to Cambridge University as visiting professor of history and awarded an M.A. degree, the citation of which reads in part, "De bobus longicornibus quod ille non cognivit, inutile est aliis cognoscere" (What he does not know about longhorns is not worth knowing.). Insofar as I know, Dobie was not displeased with the words bobus longicornibus. Only a minority of the traildrivers of Texas would have understood their significance, but the animal they knew. He was of the matter of the Southwest.

That Dobie went to Cambridge as professor of history is not surprising. If the matter of the Southwest did not fall into conventional forms and categorical disciplines, so much the worse for the forms and disciplines. He would follow themes. His range was unfenced.

He has always insisted that "the University of Texas should be of Texas as well as in Texas; that it should express the genius of the land, reflect its traditions and interpret its life," even in its physical setting. That is the reason he has found much that displeased him on the campus. The landscapists seemed determined to get rid of all native plants along with the natural contour of the land. "They planted undeviating lines of prostrate junipers, but, thank God, some mesquite trees came up anyway." They also decorated the entrance to the mall with a Coppini fountain, "a conglomerate of a woman standing up, with arms and hands that look like stalks of Spanish daggers; of horses with wings on their feet, aimlessly ridden by some sad figures of the male sex, and various other inane paraphernalia. What it symbolizes probably neither God nor Coppini knows." On the other hand, the Proctor mustangs descending the hill in front of the museum delight the soul. They belong. The cattle brands that decorate Garrison hall also belong, but not the signs of Zodiac on the old library building. No structure on the campus reflected the genius of the land better than the home economics building. Its architecture "suits the purposes of the building, the climate of Austin, the ground on which it is erected, and the traditions of the State." The tower, on the other hand, "would fit any university 'of the first class' anywhere in America, that aspired to be a huge and huger factory for turning out degrees." He suggested that the tower be laid on its side. His suggestion was not acted upon, and he refused to move in along with the rest of the English department. Old B hall remained his headquarters as long as he was on the staff.

A university of Texas and not merely in Texas would show proper respect for Texas books. It would not only acquire them, it would house them appropriately. In 1938 Dobie protested that the Texas Collection was housed and administered as an appendage to the Latin American Collection. He thought that the university should care "at least as much" for the Texas Collection "as it cares for the books of the Queen Anne reign * * * or the books on Mexico and South America." He proposed "a corner furnished in native woods, and decorated with pictures by Russell, Remington, Dunton, and other western artists. A corner eloquent, beautiful, interesting—a corner belonging to the land and expressive of it—a corner that would through its influence pervade the whole university and the whole State—a corner forever Texas." The Texas Collection is now adequately housed in the old library building, rechristened the Barker History Center. It contains collections of range paintings by Frank Raugh and a Remington sculpture. Dobie's private collection of some 7,000 volumes is being acquired by the university and is being moved to the Southwestern Rooms of the New Humanities Center. But the Corner Forever Texas has not materialized.

He saw and still sees no place in a University of Texas or of anywhere else for professors of Education (written with a big E). His ingenuity in finding ways to bring these "unctuous elaborators of the obvious" into a discussion of any subject is remarkable. His experience as a high school teacher reminds him that he had to take a course in education in order to get a license to teach. All he can recall being taught in the course is that if the room is too hot, raise the windows; if it is too cold, put them down.

A university of Texas and not merely in Texas would, in its courses, give some attention to books pertaining to the State and region. Dobie's conviction on this point was no doubt strengthened by the fact that some time he had had to read from the works of Cotton Mather and Jonathan Edwards, and in these worthy theologians, he had found little of literary merit and little pertinent to life as he had known it. There were more significant writers of our own region. He proposed to offer a course in the literature of the Southwest. When the proposal was rejected on the grounds that there was no literature of the Southwest, he amended the title to read "Life and Literature of the Southwest." The course was approved and first offered in the spring of 1930. In regular and summer sessions he gave it 17 times to a total of 1,596 students in classes ranging in enrollment from 54 to 196. He had to have help in reading his papers, and I was his helper in 1930 and I think again in 1932. His students came from all departments, but especially from English, history, and journalism. He welcomed the journalists, among whom he found some excellent students, but he often scolded them for their fragmentary paragraphs, and he let them know that he thought taking a multiplicity of courses in journalism was a waste of time that could better be spent on more substantial subjects.

He was not a generous giver out of A's and B's. He read every final examination paper himself. When he had read one, he would ponder a moment and put down a number expressing his judgment on the performance. The gradations were minute. He might put down 76 for one student and 77 for another.

The students who took the course were attracted by the subject and the man, one of the few great teachers I have known. I attended many but not all his lectures. He would come into the classroom with a battered briefcase stuffed with books. The class would be reading, let's say, Andy Adams' "The Log of a Cowboy," and Dobie would be prepared to talk about stampedes. He would give accounts from oral sources, retelling incidents he had heard from George Saunders, Ab Blocker, and Sug Robertson. He would read from "Trail Drivers of Texas," from James Cook's "Longhorn Cowboy," and so on until all aspects of the subject had been illustrated: why the cattle stampeded, the way they ran, the way they were controlled, and the qualities and emotions of the men who followed them through thunder, lightning, hail, and rain. He talked and read with unaffected animation, making no effort to conceal his pleasure, which was enhanced by the pleasure obvious in the faces of the students.

It used to be said that the students were not taking a course in the "Life and Literature of the Southwest": they were taking a course in Frank Dobie. I suppose that any course is in some sense a course in the instructor. Otherwise an impersonal teaching machine had just as well replace him. But this was true of Dobie's course to a greater extent than of some of the other popular courses. He justified the course partly on the ground that every student was entitled to his own heritage, but how deeply he considered the heritage of a student born and reared in Dallas is open to question. He selected those parts of the Texas and southwestern heritage that he found most interesting and valuable. He paid little attention to the traditions of the Old South, either tidewater or upland, and popular urban culture bored him. He once said he regretted that automobiles had been invented. Automobiles, however, are a necessity in present-day life. Jukeboxes are wholly without justification. Once on our way to El Paso he, Frank Goodwyn, and I stopped in Sonora to eat. It is goat country, and he had his heart set on a dinner of cabrito. At several restaurants we found no cabrito. Then we drove across the tracks to a Mexican place and gave our order. We were the only Anglos in the place. Before our plates arrived, a customer put a coin in a slot, and out came not "El Toro Moro," not "El Corrido de Kansas," not even "Home on the Range," but some such thing as "Pistol Packing Mama," or "Mr. Mississippi." I was glad that Dobie wasn't armed.

In preparation of the course Dobie mimeographed a thematically arranged reading list, for which he was soon receiving so many requests that he published it as a thin book titled "A Guide to the Life and Literature of the Southwest." He enlarged it from time to time by adding new titles and expanding his comments until it reached 200 pages in the edition of 1956. The book sold in stores to the public who read, but one reason for the demand was that courses modeled on Dobie's were being introduced in other institutions. They are now given in practically all the senior colleges in Texas and in the universities of New Mexico and Arizona. I have no figures on the enrollment past and present in these courses, but I suspect the number would exceed 10,000. I further suspect that the interest aroused in these students has had something to do with what Edward Weeks of the Atlantic Monthly has called the Texas Renaissance. When Henry Nash Smith went to Harvard to take a Ph. D. in the newly inaugurated interdisciplinary program in American studies, he reported that the only course faintly resembling the Harvard programs was Dobie's course initiated many years earlier at Texas. In each themes were pursued through whatever forms and disciplines could illuminate them.

Dobie became editor of the Texas Folklore Society in 1922 and remained in that position until 1942. He edited 15 numbered publications and 4 books in the society's Range Life series. During his 20 years as editor he, more than any other man, shaped the policies of the society. His interest in folklore is humanistic. Upon his retirement from the editorship in 1942 he said, "I care next to nothing for the science of folklore, which some scholars reverence and which seems to consist of the tedious process of finding out, through comparisons and analogies, that nothing new exists under the sun." He did, however, publish a number of analytical articles. Perhaps I have published more than he did, but throughout the series there is what one reviewer called "a middle course between the cold bare bones of scientific investigation sometimes identified as folklore, and the outcroppings of sentiment offered by the amateur members of folklore organizations." Undoubtedly, the Texas Folklore Society is the leading State society in America, and has made its influence felt nationally. In 1962, MacEdward Leach, retiring president of the American Folklore Society, took the members to task for writing only for each other and suggested that they could profitably emulate the Texans.

But the qualities that drew praise from the humanists drew condemnation from a few of the "scientists," who found Dobie deficient in "scholarship." He himself once remarked that he did not know why he took an M.A. degree. "I was just drifting," he said. "I certainly was not inclined to be what academicians call 'scholarly'." In this context "academicians" does not include every member of the academic community, only those, a majority no doubt, whose scholarship he found dull or insignificant, particularly those who, he thought, murdered to dissect. As early as 1925 he expressed a creed from which he never deviated when he suggested that the Texas Folklore Society adopt for "a constitutional bedrock" a statement of William Butler Yeats:

"The various collectors of Irish folklore have, from our point of view, one great merit, and from the point of view of others, one great fault. They have made their work literature rather than science, and told us of the Irish peasantry rather than of the primitive religion of mankind, or whatever else the folklorists are on the mad after. To be considered scientists they should have tabulated their tales in forms like grocers' bills—item the fairy king, item the queen. Instead of this they have caught the very voice of the people, the very pulse of life."

Dobie thought that "of all forms of human expression, folklore is the most sensitive to environment. It reflects the temperament, the ideals in heroes and clowns, the occupations and the ways of life of the folk who weave their lore and transmit it. It is, indeed, the autobiography, unsigned and unconscious, of a people."

There are many approaches to the study of folklore, but they all boil down essentially to two. One is to consider the lore in relation to its local cultural context. The other is to extract the item under consideration from its social setting and treat it in one of several ways—as a metaphysical entity, as a psychological phenomenon, or as a variant of an item common to several times and places.

The latter method was the one employed by L. W. Payne in an article which Dobie published in 1930, with this editorial comment: "He seems to be saying that the collections should lead to monographic disquisitions on the historical and ethnographic evolution of each particular song with particular attention to its borrowing from other songs. Dr. Payne's point of view certainly has its rights. * * * But, personally, I had rather hear Dr. Payne sing his famous song about 'the bust-up down in Bell (County)' than read his disquisition." He wanted the society "not only to gather and record the folklore of the region, but to make the people of the region comprehend and enjoy it." The presentation of folklore, then, is an art and not a science.

These statements were made with special reference to folklore, but they apply equally to all of Dobie's writing. And in all the books he has written, as distinguished from those he edited, folklore is only a part. They contain among other things history, biography, natural history, descriptions of nature, and vivid sketches of character, addressed to all intelligent readers, not merely to scholars. Dobie has never written a novel. Nevertheless Carl Van Doren felt that he should be mentioned in his book "The American Novel." "Dobie hunted not the treasure," he says, "but the treasure hunters, traveling anywhere to hear their fanatic proofs that legendary hoards must exist, their agile explanations why they had not come to light. Stories about buried treasure are always magical. The magic of Dobie's stories gains more than it loses from the shrewd, humorous, reasonable telling."

There is no lack of scholarship back of this art. In a buried treasure story a reader would not find motif and tale-type numbers or a discussion of the story in relation to similar stories from other times and places. He would find it related to its own cultural setting. Back of this were hours in libraries and archives, interviews with oral informants, and a look at the terrain. And the sources would be there for anybody who wanted to look them up.

When the regents of the university, all appointees of W. Lee O'Daniel and Coke Stevenson, attempted to purge the department of economics for departing from the "true" economics and initiated a series of events that led to the firing of President Rainey on November 1, 1944, the immediate resignation of three regents and the subsequent resignation of three more, and the retirement of Coke Stevenson from politics, Dobie was in England, and for this reason played a less conspicuous role in the fight for academic freedom than he would have had he been in Texas.

Like Thomas Jefferson, one of his heroes, he had declared war on every form of tyranny over the human mind. Censorship of the student newspaper, the Daily Texan, had been a recurrent issue. If left free, student journalists are likely to publish something offensive to somebody in the power structure, and when they do, presidents and regents show concern. On every occasion Dobie spoke out in behalf of the students. He seldom wrote out-and-out political articles, but in writing about rattlesnakes he could by indirection link them in an unflattering way with the Governor. He could take to task a member of the legislature who proposed to introduce a bill closing the university to students from other States, on the grounds that they occupy housing needed for Texans and "in the more important place, they bring new ideas." "Yet," said Dobie, "there are few people who need ideas more than Texans do." As he was about to leave for England in 1943, he said, "When I get ready to explain homemade facism in America, I can take my examples from the State Capitol of Texas. A politician like John Lee Smith [the Lieutenant Governor] is what I mean by a homemade fascist." Coke Stevenson had said that Dobie was a troublemaker and that he should be summarily dismissed. By the spring of 1947 Stevenson was no longer Governor, and there had been changes in the board of regents. Factual records do not specify motives, and I do not know whether or not the regents were out to get Dobie. The rule under which his connection with the university was terminated is often called the Dobie rule, but chronology does not indicate that it was passed specifically to dismiss him without overt violation of the tenure rule.

The "Dobie Rule," the gist of which is that "except in very unusual circumstances, such as military service or prolonged illness, a leave of absence * * * will not be extended beyond 2 academic years," passed the first reading at a meeting of the board on November 16, 1946, and its final reading on

January 10, 1947. Dobie, who had been on leave for 2 years, in April 1947, applied for an extension of his leave through the fall semester of 1947–48, giving as his reasons that he was committed to complete a book-length manuscript and that he was suffering from cedar fever which he could relieve only by a temporary residence away from Austin. The professors of English recommended that the leave be granted for reasons of health, and Dean H. T. Parlin concurred in the recommendation. On September 18 Prof. L. L. Click wrote President Painter that the professors of English saw no reason to change their recommendation of April 28. On the same day, apparently after a conference with President Painter, Professor Click wrote that Dobie was unwilling to return to duty with his teaching assignment reduced to give him more time for work on his book. On September 23, Click again wrote the president, saying that Dobie had not returned to duty and that he had no intention of doing so. His name was deleted from the budget and the deletion was confirmed by the regents on October 24. He had not reached the age of retirement, and hence under a rule drafted not by the regents but by a committee of the general faculty, he is ineligible for the status of professor emeritus. A recommendation of the professors of English that an exception be made was not approved.

His achievements since 1947 have been gratifying. Although long concerned with the matter of the Southwest, he had never been any more provincial than any writer who writes about the environment he knows best. I once said that a good regional writer deals with the universal as it is modified by the culture of a region. Dobie has done this, and those of us who have known him for a long time have noted a gradual increase in the emphasis on the universal.

At 75 he is still a fighter, though not an indiscriminate one. His particular enemies are self-appointed censors of textbooks and libraries and officials who listen to them; university officials who suppress plays; news media that suppress and distort the news—in short anybody whom he suspects of trying to exercise tyranny over the human mind.

An Enemy of Reactionary Demagogs

(By Henry Nash Smith)[1]

Berkeley, Calif.—Frank Dobie has two widely different public personalities. One of them is a personification of the Old West, a picturesque and harmless figure out of the past. The other, belonging very much to the present, is a powerful controversialist with a zest for speaking his mind on economic and political issues. The two roles seem contradictory because the Old West as it figures in popular culture is a kind of icon of conservatism. Like the Old South of moonlight and magnolias, the legendary frontier of Santa Fe trial and cattle range offers an imaginary escape from the machines and regulations and red tape that envelop us. We like to dream of a big country with no fences where a man had room to breathe; and by some accident or alchemy of public relations engineering, the glamor and nostalgia of this dream of the past have become linked in the public mind with the economic individualism of big business and the hatred of the Federal Government that is the one unifying emotion of right-wing radicals. Thus according to the stereotypes, Dobie ought to be either a nonpolitical antiquarian or a superpatriotic defender of big business.

The truth is notoriously otherwise. For 30 years he has been a highly vocal enemy of reactionary demagogs and a defender of labor unions and of many unpopular causes. What the western tradition means to him is totally different from what it is taken to mean in popular culture. The freedom he associates with early days in Texas and the Southwest is the freedom of men and women to resist all coercive forces, including the pressures exerted by rich men and the demagogs who serve them. The kind of freedom he has celebrated, directly or indirectly, in a dozen books is not the kind of abstraction processed into slogans by public relations experts but a quality of the experience of actual human beings in immediate contact with a sun-parched earth—its dust and heat and relentless distances, its austere plants and lean animals. This world—historical or fictive, if you will—has little place for the profit motive or the imperatives of getting ahead. Again and again Dobie's characters remind one of Whitman's lines about animals: "not one is demented with the mania of owning things." Even the obsession with buried treasure that is the unifying thread of "Coronado's Children" is curiously noncommercial. Dobie's desert dreamers wear out their lives in bondage to visions of gold and silver, minted into archaic coins or cropping out in ledges of almost pure metal, but the treasure they lust for could never be converted into digits entered on the books of a national bank in a 40-story skyscraper.

Nor does Dobie's re-creation of the Old West validate the visual symbols of the past that are current in our day. His cowboys—some of them—wear 10-gallon hats and high-heeled boots, but this equipment has only a tenuous connection with the Stetsons in the checkrooms of expense-account restaurants or the ornate footwear resting on the accelerator pedals of air-conditioned sedans. It is particularly instructive to think of a book like "The Longhorns" in connection with two recent movies that draw upon vestiges of the cattle culture in contemporary life. "Hud" presents the transition from the West of saddlehorse and Winchester to the West of oil leases and Cadillac convertibles in terms almost too simple and direct, but the film brings a telling indictment against a set of attitudes often linked with the West in present-day folklore. The insolvent physical grace and masculine swagger of the protagonist in his cow-country garb are fully congruous with his indifference to all values except his own crude desires. In the memorable last scene he has in effect killed his father (representative of the integrity of older ways) and has come into possession of the ranch. But the diseased cattle are dead and buried, and Hud himself is cut off from relations with any human being. In this fable individualism, with a western coloring, is identified with neurosis.

The other film I have in mind—"Dr. Strangelove"—makes an equally pointed but more ambiguous use of Western symbols. The pilot and commander of an eight-engine jet plane armed with an arsenal of nuclear bombs wears cowboy boots and has a vividly southwestern accent. When he receives his radio orders to bomb a Russian missile installation, he performs a ritual act like that of a Japanese samurai donning the white robe in preparation for hara-kiri. He takes his Stetson from the safe containing the code books and puts it on his head before issuing the orders that prepare the crew for their final mission. The film ends with the pilot riding a bomb down through the open doors of the bomb bay, waving his hat like a bronco-buster in a rodeo. Whatever else this disturbing final sequence may mean, it makes the cowboy pilot represent a whole set of American attitudes toward the cold war, and suggests that, wrenched from his historical contest, the protagonist of the Saga of the Saddle can become an agent executing with elan the orders of an insane general of the Strategic Air Command.

Dobie's West has as little relation to this cold-war hysteria as it has to private enterprise and influence peddling. His vision of the past is permeated by a concern for human beings that has been leached out of the fossilized western symbols preserved in contemporary popular culture. Let me say it again: Dobie affirms the concrete experience of human beings in physical contact with the earth and air, and with other human beings. The tradition he celebrates has nothing to contribute to contemporary ideologies of the business system. If his two public personalities conflict, the paradox lies not in his attitudes, but in the perversion of the tradition of the Old West by contemporary society.

A Selection From His Ideas[1]

Texas Ranger, 1961:

"There's nothing duller than praise. There's nothing more stupid than eulogy."

Proceedings of the Southwest Conference, Occidental College, 1956:

"I think that what people want to believe affects their lives more than what they actually do believe."

Testimony before Textbook Investigating Committee of the 57th Texas Legislature, January 31, 1962:

"Censorship is never to let people know but always to keep them in ignorance; never to bring light but always to darken. * * * A censor is always a tool—as Churchill called Mussolini, a utensil. Not one censor in history is respected by enlightened men of any nation."

Letter, 1954:

"A long time ago I found that a man is often given credit for knowing more than he knows and for having done what other men have done, but that he seldom is given credit for having whatever disinterested motive he may have."

Life and Literature of the Southwest, 1952:

"An ignorant person attaches more importance to the chatter of small voices around him than to the noble language of remote individuals. The more he listens to the small, the smaller he grows."

Textbook hearing:

"Any person who imagines he has a corner on the definition or conception of Americanism and wants to suppress all conceptions to the contrary is a bigot and an enemy to the free world."

Essay in This I Believe, 1952:

"I feel no resentment so strongly as that against forces which make men and women afraid to speak out forthrightly."

On Autobiography, manuscript:

"I have come to value liberated minds as the supreme good of life on earth."

"Wild and Free," 1952:

"No man who in his heart limits freedom to those who think as he thinks is a true lover of freedom."

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[1] Henry Nash Smith left the University of Texas after President Homer P. Rainey was cast out. Born in Dallas, Smith taught English at Southern Methodist University 1927–41 and the University of Texas 1941–47, whereupon he joined the faculty at the University of Minnesota for 4 years. He then moved to the University of California at Berkeley, where he has been chairman of the English Department 3 years and continues to hold forth. He has edited many published volumes, including four having to do with Mark Twain, and he has written "Virgin Land: the American West as Symbol and Myth" (1950), which was awarded the Dunning prize in American history by the American Historical Association and the Bancroft award by Columbia University; and "Mark Twain: The Development of a Writer" (1962).

[1] Isabel Gaddis of Cotulla, who studied under J. Frank Dobie at the University of Texas and worked with him in editing I'll Tell You a Tale, made these selections from Dobie for this issue.

This I Believe:

"I make no pretense to having rid myself of all prejudices, but at times when I have discovered myself freed from certain prejudices, I have felt rare exhilaration."

Southwest Review, 1951:

"It is hard to bottle up the human mind; it is harder to expand it."

Saturday Review, 1960:

"The one thing needful to all scholarship, as to all literature and art, is vitality. Viva the university press that demands vitality in scholarly books."

Southwest Review, 1961:

"Making sheep and Christians synonyms has never seemed to me complimentary to the latter."

Sunday column, 1958:

"I can scarcely remember when I did not have a distrust of what Robert Burns calls 'the unco guid,' or the rigidly righteous, the priggishly pure, the self-anointed in the name of holiness."

Texas Folklore Society Publication, 1961:

"I never have felt as sufficient as Dorothy Dix, or a father confessor, or Dear Abby in advising people how to conduct their private lives. On the other hand, I never have felt so insufficient that I wanted to turn my life over to some myth, some Billy Graham form of sensationalist, some ecclesiastical corporation."

Up the Trail From Texas, 1955:

"Television, picture shows, and Western fiction have betrayed the cow people by overemphasizing violence. I have tried to bring out the sincerity, decency, and loyalty that went with their work."

I'll Tell You a Tale, 1960:

"Newspaper reporters not infrequently label me 'folklorist.' I am not a scientific folklorist at all, for after I have heard a tale, I do all I can to improve it."

Southwest Review, 1950:

"Two kinds of people of this world have each with their kind deep kinships, no matter what language they speak or in what latitude they live: people with cultivated minds and people of the soil."

Sunday column, 1954:

"Now, in places where it has rained, far from where I reside, is 'the hour of splendor in the grass.' The grasses have seeded, and the tall plumes of the tall grasses stand as splendid in the sun as a fanced prairie of burning candles would be on a still night."

Texas Parade, 1953:

"We have many interesting and delightful fellow countrymen, but not another, it seems to me, so picturesque, companionable, useful, entertaining and various as the paisano."

The Mustangs, 1952:

"The easiest tag for the lax-minded has always been color, and from the remotest times to the present, superstitious beliefs pertaining to horse colors have been as common as those pertaining to man colors."

Letter, 1961:

"I think that the rewriting by half-baked authors of legitimate writing is damnable and that it is debasing to the taste of the country."

Cover on American Library Association Bulletin, 1961:

"Of course, some people seem to consider that the chief reason for advocating libraries and the reading of books is to enable America to catch up with the Russians on sputniks. I consider such reasoning puny and lopsided. Books, and therefore libraries, contain the inherited wit, wisdom, humor, life, cream of all the jests of all the centuries during which man has left a record of what he's thought and done. The 'immortal residue' of the human race lies in books. The great reason for reading books and valuing libraries is to have life more abundantly, to think more justly, to be in love more delightfully, and to use the sputniks more wisely when we get them."

J. E. Reynolds Catalog, 1960:

"Luck is being ready for the chance."

Texas Ranger, 1961:

"I've been looking for a first-class mind among students who volunteered to take an education course and I haven't found one in 51 years."

Southwest Review, 1951:

"All normal children are Alices in Wonderland. They recognize instantly the difference between a work of imagination and a piece of manufactured pretense supposed to be on 'their level.' They would rather have the real thing in rags than, after about 5 minutes of gazing, have the sawdust thing dressed up in all sorts of garish colors."

"Accent," CBS–TV, January 13, 1962:

"If you are going to ask God to bless anything—and very few of us are popes so that we can be sure He is going to follow directions—I'd say bless what Mark Twain called 'the damned human race.'"

"A Plot of Earth," Christmas, 1953:

"Here's to the honest and just earth, which has generally been treated more kindly by earthworms than by the worms who boast of having been made in 'His image'—not that the earth cares for anything that is said or done to it. Here's to Christmas—not that Christmas cares either; just the same it's good for us to care. Here's to good hearts and fair minds everywhere. And here's to you."

Roy Bedichek

The late Roy Bedichek, the naturalist, made a rare public speech on his friend Frank Dobie at a dinner honoring Dobie in connection with the Texas Folklore Society meeting April 23, 1955, in the Driskill Hotel in Austin. Bedichek said:

"In the 5 to 7 minutes which the totalitarian dictator of this otherwise pleasant occasion has allowed me, I must undertake the compression of an inconveniently expansive subject.

"I have wanted for a long time to try to clarify in my own mind the personality which provides the theme for this gathering of folklore folks. I have been associated with him a good deal since 1914. I have observed him at long range addressing the public in speech and in print, and at short range in man-to-man conversation. For 25 years we have both attended a biweekly discussion club where opinions are kicked about in free-for-all and sometimes more or less heated disputation.

"Again, I have listened as he has turned on the charm with audiences, retailing the folkways, folk wisdom, or the folk tales of an environment in which we were both brought up. I have been received time and again into the tree-shaded, flower-bordered home, nested in a crook of Waller Creek, and experienced, as many of you have, the lift which genuine hospitality gives the flagging spirits of man.

"Moreover, I have read his books and magazine and newspaper articles and have been surprised now and then into guttural gurgles by a pregnant phrase or turn of homely wit, or by the quaint humor of situation, pleasantly contrived. I have envied the ingenuity with which he extracts considerations of startling significance from the ordinary and the commonplace. I have talked often with his friends about him and occasionally with his enemies.

"Surely I should know something worth telling about Dobie.

"Therefore, when commissioned by the aforesaid dictator, I lost no time in taking to my typewriter to do up in a 7-minute package the quintessence of Dobieism. Presently, I had 12 pages. Then it occurred to me that I was not the only person on the program. My egotism had undertaken an unnecessary responsibility. Others will have their say. Had we gotten together beforehand and parceled out the victim, there would be less duplication, better coverage, and more thorough dissection. Realizing at last that I was not to sit in solitary grandeur at the speaker's table, I crossed out all except what's left on the next two pages. I find that it deals with only one characteristic; but at that, one which more than any other seems to me to illume what is dark in Dobie while perhaps rationalizing actions and pronouncements often misunderstood by his nearest friends.

"Dobie is sincere. His well known, because outspoken, abomination of pretense in life and art is only the reverse side of his passion for sincerity in his own life, personal and public, and in his own art.

"The other day a charming woman, a famed hostess, was inviting Dobie and me to dinner after which she engagingly promised to show us some slides she had made of her trip last summer. 'I'd like to come for the company but I sure as hell hate pictures,' drawled Dobie in reply. Later this lady with a lovely tolerance said to me, 'Now wasn't that just like Dobie.'

"To an invitation to join a literary club, Dobie replied, 'Dear Bill, I can't work up any enthusiasm about a literary club. I wouldn't want to hear anyone read his writing for an hour or two.' Just like that—no weasel-words, no cushioning phrases. Still, I suppose in the last 30 years, he has read sympathetically and criticized with the patience and tenderness of a skilled surgeon doing an operation hundreds of manuscripts of young, unpracticed, but aspiring writers. This comes of his sincerity as a teacher. Many forget that Dobie is first and last a teacher, and one who takes his teaching seriously.

"They say he is a rebel, at least, a nonconformist. He is a 'controversial figure,' which means during the present hysteria to keep your mouth shut or else if that which you think is in any way critical of the status quo. A few years ago a managing editor told me that the big boss made him drop Dobie's column because he continually flouted the policy of the paper. Yet he has the art, should he choose to exercise it, of glossing over his real convictions and exhibiting them in a diorama of protective coloring. But again his sincerity interferes. I heard an old friend of his boyhood apply an epithet to him which signified the worst of the worst, the damndest of the damned, in those circles where the bigotry of race prejudice reaches fanatical intensity. Dobie knows how his freely expressed opinions on race relations are received among some of his oldest and dearest friends. But he disdains compromise and camouflage. Dobie is sincere. His refusal to conform has deprived him not only of friends and position, but has affected deleteriously the market for his literary output. We shall all have to admit it. He is a 'controversial' figure, and homo gregarius loves conformity because it provides pleasant dozing in comfortable inertia.

"But, I ask you, do we sufficiently realize the blight put upon art by this present-day mania for orthodoxy? Does even a culture-group such as this realize keenly enough the importance to the maintenance of our traditionally American way of life of an individual whose sincerity forces him to speak out in defense of it?

"A hundred years ago John Stuart Mill saw the paralyzing strictures which an industrialized society was throwing about the individual to restrain in him every impulse of a spiritual nature likely to thwart the so-called 'march of industrial progress.' Listen to the words of England's greatest social philosopher of the last century, addressing himself to this very theme:

" 'In our times from the highest class of society down to the lowest, everyone lives as under the eye of a hostile and dreaded censorship * * *. Thus the mind itself is bowed to the yoke * * *. In this age the very example of non-conformity, the mere refusal to bend the knee of custom, is itself a service. Precisely because the tyranny of opinion is such as to make eccentricity a reproach, it is desirable, in order to break through that tyranny, that people should be eccentric * * *. That so few now dare to be eccentric marks the chief danger of the time.'

"And, I may add, a danger grown vastly more menacing in our own land and time."

WALTER WEBB

On the same occasion, the late Walter Prescott Webb spoke of his friend:

"I have known Frank Dobie for about 35 years, maybe a little longer. There are many sides to him, more facets than I know, and I suspect more than he knows or suspects. He cannot be confined, and is not subject to definition. All I can do is to describe some of his attributes as I have known them. Some of them may surprise you, but if they do that will only illustrate how impossible it is to understand him.

"The first thing to which I call your attention is that Frank Dobie dislikes Texas. He is never happy when he is here; he is never miserable when he is away. The happiest years of his life he spent in an Oklahoma agricultural college where he said he felt completely at home. The thing he likes best about Texans is their boastfulness. He said that the only thing he disliked about Oklahomans was their modesty. He never quite got used to it.

"A second characteristic is his unfailing spirit of obedience, his submissiveness to authority. He likes al! tne people in high places, and he is especially fond of regents. He is always anxious to please them, and they never gave an order that he did not obey with alacrity. There is not any instance where they said come, that he did not come running. He can anticipate their wishes. He was never known to keep galloping around on the prairie when he was ordered in to the campus. The regents often cite him as an example of what a university would be like made up entirely of Dobies. A thing of undisturbed beauty and a joy forever. A very quiet place it would be.

"Mr. Dobie is a great defender of architects and sculptors. He is particularly fond of the architects who designed the university buildings, those who put all the windows on the west side so as to incubate the heat, make life in them intolerable for seven months in the year, and make expensive air conditioning imperative. He once expressed his unstinted admiration for the tower on the main building. Dobie said that Texas had plenty of length and breadth, and that it should also have height in proportion. No sense in spreading out over all this space, with shaded walks to fend off the sun. What we need, he said, is buildings imported from other regions, and that are comfortable only when they have snow on the roof. Dobie said you did not need a porch, that the only use for a porch was to put saddles on and provide shade for the dogs. He is not the critic who said of the university tower that it would look better laid down on its side with a porch around it. That was another fellow who is to Dobie as Bacon to the English bard.

"His admiration of Texas sculptors surpasses that for the architects. He thinks the cenotaph on Alamo Plaza in San Antonio is the very embodiment of the artistic spirit of Texas, and that the sculptor who made it should be proclaimed an honorary Texas Ranger. He might add a few horses, but otherwise he approves of all the best Texas art.

"Dobie is the best camp cook I know, excepting one. He does not want any of the conveniences. He would prefer to build the fire out of cow chips, but since the drought has burned them up, he will compromise with green brush, and the harder it is to gather the better he likes it. He will grudgingly use wood that others have gathered, but I have never known him to set the woodpile on fire rather than drag off a few chunks. He will not use a griddle to broil a steak. He wants a green stick with the steak speared on it. He likes the fire so hot that he can burn the steak up on the outside and have it raw on the inside. If he can drop it a time or two in the ashes, he considers the flavor improved. Some of his customers have said it didn't hurt.

"Dobie is a total abstainer. He never drinks whisky except on social occasions, and Dobie is really socially inclined. He does not know the difference between good whisky and bad whisky, and really shows a strong preference for the more vicious brands. He cannot tolerate Jack Daniels or Old Forester.

"Dobie is quite fastidious in his tastes. He believes that everybody ought to dress for dinner, and he never misses a chance to put on tails or a dinner jacket. This is the influence of a year in England. You can tell by his stiff formality that he has departed far from his Texas heritage.

"Dobie is one of the famous gardeners of Austin. His home on Waller Creek is set on grounds that are the envy of all his many visitors. He does all the planning himself, and anytime you go there after 5 o'clock you will find him working near a table that is well equipped with what it takes to stimulate the artistic imagination of a gardener. It is generally assumed that Mrs. Dobie contributes something to this beautiful garden, but this is, an error. Frank does it all.

"There he is, ladies and gentlemen, and with all those simple virtues it is no wonder that we love him as much as we misunderstand him."

I HAVE THAT HONOR

(By Frank H. Wardlaw) [1]

PAISANO.—What shall I say about my friend Frank Dobie?

It is an assignment fraught with danger, for I tend to be sentimental about people with whom my affections are deeply engaged, and Frank regards sentimentalists almost as highly as he does professors of education.

I should be able to write about him easily today, for I am sitting on the gallery of his ranchhouse at Paisano looking across the dry bed where Barton Creek ought to be flowing toward the rugged bluffs and the tree-studded hills beyond. A fresh wind is whipping across the gallery and there are no noises except the sounds of the country. I spent last evening in Frank's room, with longhorns and mustangs and paisanos and coyotes and skunks and a ragged old buzzard peering down at me from the walls. In the corner was a beat-up pair of handmade shoes from England, each with a 30-degree inward angle; Frank's feet are nonconformists, too.

I cooked a steak last night over an open fire outdoors, and while I was eating it three deer ran lightly and without fear across the rock-strewn hillside above the house, an armadillo rustled here and there through the yard poking his snout into anything that seemed promising, and a skunk passed within 5 feet of me (I remained quite still) and made his leisurely way around the house.

The doctors have got Frank Dobie hobbled in town right now, but this isn't the first time and he will soon be back at Paisano. In the meantime, his friends Tomás and Gomez are taking good care of the place. Yesterday afternoon they were here setting out trees along the creek bank. When they finished they came up to the house to put away their tools and joined me in the kitchen in a glass of cerveza. Tomás had just seen a large snake and while he was looking for something to kill it with encountered a bobcat, which caused him to forget all about the snake. Tomás and Gomez said they would have to watch "Meester Dobie" very carefully when first he comes back to Paisano. "Last time after he was so sick," Tomás said, "we would bring him up to the house and leave him in his room and go to our work, and then we would see him way over yonder across the creek or coming over the hill back of the house."

They told me to tell him that all of the little trees which he had planted early this year were responding well to constant watering and looked as if they would live, and that the copper he had prescribed for the ailing pear tree beside the shed apparently had been exactly what it needed.

At Paisano I have spent some of the truly memorable evenings of my life—good food, good drinks, good talk. Usually there were just a few men there—Walter Webb, Roy Bedichek, Mody Boatright, Wilson Hudson, and (when we were lucky) Glen Evans or Johnny Faulk. Sometimes there would be other friends from Austin or visitors from other parts—men like George Fuermann, Lon Tinkle, Walter Whitehill, Lyman Butterfield, Alfred Knopf, Bertram Rota, and J. B. Priestley (the "beeg hombre," Gomez called him). The night before Priestley was here he attended a dinner with a number of young faculty members from the university and he was in a jaundiced, overbearing mood, but at Paisano he mellowed and added richly to the good talk which flowed through the evening.

Webb and Bedichek and Dobie wrangled endlessly on those occasions about all sorts of things—religion, politics, education, history, literature, grass, the habits of wild animals and cattle, everything under the sun and beyond it. A favorite topic was death, which they discussed with great geniality, and funerals, concerning which each had strikingly nonconformist views. Dobie and Bedichek had a compact that whenever either should detect signs of senility in the other he would let him know immediately, in the heat of argument this privilege was sometimes invoked.

Bedichek and Webb still attend our occasional sessions at Paisano. Bedi was planning to go to Paisano with Frank Dobie and Wilson Hudson to grub up stumps for firewood the afternoon of the day when he died in the kitchen while waiting for the cornbread to get done, and Walter Webb was on his way back to Austin to have dinner with some of us (not at Paisano) when he was killed instantly in an automobile wreck. They left us so suddenly that it still doesn't seem that they are gone, and whenever we sit on the gallery at Paisano or around the "philosopher" fire inside they still enter into the conversation as naturally as though they were present, and their opinions are invoked on all topics. Soon after Bedi's death Frank called for a party at Paisano "at which we shall pour a libation to his ghost." He predicted that we would eat sometime before midnight. No more cheerful memorial service was ever held. It rained hard that night and Barton Creek roared out of its banks. Dobie and George Fuermann drove out the next morning with Glen Evans walking ahead of the car over the low-water bridge to make sure that the creek wasn't high enough to drown the engine. The rain added to the cheerfulness of the occasion. Frank's spirits soar every time Paisano gets a good rain. He loves Paisano more than any place on earth and he suffers when it suffers.

Every place, every institution, every man in whom Frank Dobie has invested his affections—from Tomás and Gomez to the President of the United States, from Paisano to Cambridge University—has never been quite the same again. I visited Cambridge 10 years after Frank Dobie spent a year there talking about American history and loosely related subjects. Nearly everybody I met, when they learned that I was from Texas, asked me immediately and with affection about Frank Dobie (one man came up to me and asked me about him on the strength of my hat alone). They all said that no American who has visited Cambridge had left behind him such good feeling for the United States, such understanding.

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[1] Frank H. Wardlaw is the director of the University of Texas Press.

The University of Texas is a prime example of the lasting quality of Frank Dobie's influence. It was 17 years ago that the board of regents ended his official connection with the university, but during all of these years he has remained a vital force on the campus. The regents could remove him from the payroll, but they could no more extirpate his influence than one can kill an idea by removing a book from a library. By insisting on his right to say what he damned please on any topic no matter how sensitive, Frank Dobie strengthened for all time the hand of every Texas professor who believes in liberty of thought and of every administrator and regent who seeks to protect that liberty for the faculty. Many people have contributed to the present firm dedication of the University of Texas to the principle of academic freedom, but none more importantly than Frank Dobie.

The day may come when people forget that Frank Dobie went to jail rather than pay a parking fine (it seemed like a good idea at the time), but the Dobie legend and the Dobie spirit will live on at the University of Texas, not only in his fine library with thousands of pages enlivened and illuminated by his pithy marginal comments, but in the principles of enlightened nonconformity and uncompromising courage and amplitude of spirit.

That word "amplitude," a favorite of Dobie's, possibly sums up more accurately than any other the principle which has guided his career as a writer, particularly in recent years. It explains how a man most of whose writing has been devoted to regional topics has at the same time been the most effective foe of provincialism in thought that this region has yet produced—and God knows Texas has needed him. In his Guide to Life and Literature of the Southwest, first published in 1942, Frank Dobie wrote:

"I have never had any idea of writing about my section of country merely as a patriotic duty * * *. I would interpret it because I love it, because it interests me, talks to me, appeals to my imagination, warms my emotions."

To a later edition of this same book, Dobie added "A Preface With Some Revised Ideas." In it he said:

"It has been 10 years since I wrote the prefatory 'Declaration' to this enlarged and altered book. Not to my generation alone have many things receded during that decade. To the intelligent young as well as the intelligent elderly, efforts in the present atmosphere to opiate a public with mere pictures of frontier enterprise have a ghastly unreality. The Texas Rangers have come to seem as remote as the Foreign Legion in France fighting against the Kaiser * * *. If during a decade a man does not change his mind on some things and develop new points of view, it is a pretty good sign that his mind is petrified and that he need no longer be counted among the living."

Frank Dobie cares about as much for consistency as Emerson did, and he is constantly changing his mind about people and issues. He told me once that the reason he didn't get further along with the autobiography which everyone was pressuring him to write was that "it is depressing to me to think about what a damned fool I have been in the past." The record of his life—whether or not he ever gets around to writing it up—and of his writing is that of ever-increasing amplitude, ever-increasing awareness of the oneness of the world, of the subservience which all lesser loyalties must bear to those which are due to "the damned human race," a phrase of Mark Twain's which he has often quoted.

"There are no substitutes for nobility, beauty, and wisdom," he wrote. "One of the chief impediments to amplitude and intellectual freedom is provincial inbreeding * * *. I'd like to make a book on emancipators of the human mind—Emerson, Jefferson, Thoreau, Tom Paine, Voltaire, Arnold, Goethe * * *. When I reflect how few writings connected with the wide open spaces of the West and the Southwest are wide enough to enter into such a volume, I realize acutely how desirable is perspective in patriotism."

Not only has Frank Dobie's thought grown in amplitude throughout the years but his skill in the craft of writing has likewise grown. His last major book, "The Mustangs," is likewise his finest, to my way of thinking; his autobiography, of course, may exceed it.

It is impossible to estimate what Frank Dobie has meant to the literature and to the writers of the Southwest, or to calculate the thousands of hours which he has spent talking to and reading the writing of would-be authors. But as he has grown older his standards have grown more rigorous and he has become increasingly impatient with writing which reveals the limited mind, the restricted outlook.

He has read many manuscripts for the University of Texas Press. All of his comments on them bristle with his insistence on integrity and breadth of view. Witness the following:

"I don't regard this manuscript as worthy of your imprint. The writer maintains a provincial point of view As you perhaps know, one of my later tenets is that no matter how provincial the subject, a modern writer must transcend the provincial point of view. This writer doesn't have enough outlook * * *. He is too concerned about himself. We do not give half a damn when and where he drank a Coca Cola or if he drank one at all. His car, on which he spends so many words, is less than consequential. He seems to have an idea that his personal experiences illuminate the subject.

"He uses far too many adjectives. If all the 'olds' in his manuscript were cut out, it would be shortened by several pages. He speaks of 'the world-famous 6666 Ranch' and 'the world-famous Pitchfork Ranch.' His world is no bigger than the Texas Panhandle. He shows consciousness of something that happened before 1876, but a very dim consciousness. His time limit for antiquity is too meager for a historian. He does not know the meaning of words and is wordy throughout. 'The unique little village of Guthrie, Tex.' is an illustration. Guthrie is not unique and 'little' is redundant.

"The style is juvenile. The writer lacks maturity of mind * * *. Going back to diction, I don't see anything 'mysterious' about a cow and her calf knowing each other. If they didn't know each other, anybody who knows b from bullfoot would be puzzled. There is no at easeness with either cattle or men."

About another book, Dobie commented: "The author is a damned egotistic Philistine."

About another: "The opening chapter is inane. Some of the writing is interesting, but most of it concerns events that just happened to happen in the Big Bend * * *. Every statement in the first paragraph page 3 is a lie."

About a book concerning a certain section of west Texas: "Chamber of commerce baloney * * *. The author dares not bring up the dearth of water; he never mentions wind and sand."

On manuscripts which he reads for us, Frank Dobie can seldom refrain from writing marginal comments in his unmistakable scrawl. Once before returning a manuscript to its author I had to erase from the margins three times a certain earthy expression, first cousin to the one which Hemingway's "Author" had to explain to the Old Lady in "Death in the Afternoon" (just substitute "horse" for "bull" and the terms will be identical. "Madam," the author said, "we apply that term now to describe unsoundness in abstract conversation or, indeed, any over-metaphysical tendency in speech." If there is any tendency in speech or in writing which Frank Dobie detests it is an overmetaphysical tendency.

I don't mean to imply that Frank Dobie is always harsh in his criticism of others. Nothing excites or pleases him more than to encounter unexpectedly genuine quality in writing. The first book which he recommended to the University of Texas Press was J. Mason Brewer's manuscript, to which the author had given the impossible title "Negro Preacher Tales From the Brazos Bottoms of Texas." Frank not only recommended it unequivocally but he wrote a discerning preface to it and re-christened it in a moment of inspiration "The Word on the Brazos."

One day Frank called and told me about an unusual book which had just been brought to him—for 40-odd years Texans have been thrusting their manuscripts on him to read. This was the work of a 17-year-old high school senior from Beaumont who for 2 years had been engaged in editing his grandfather's memoirs without the knowledge of his parents. "Most Ph. D. dissertations aren't nearly so good," he told me. And so we published Johnny Jenkins' "Recollections of Early Texas."

And then there was the time when he called and told me flatly that "I've got a book here that you are going to publish." The late Ralph Jackson of Beeville, who had recorded the story of his family for his children without thought of publication, had sent a copy to Frank Dobie because he thought it might interest him. The result was that gem of a book "Home on the Double Bayou."

Frank's judgment is not, of course, infallible, and he has blind spots where certain kinds of books are concerned (haven't we all?), but his mind separates the genuine from the spurious almost unerringly and he never hesitates to express his opinions forthrightly. "Hell," he said in a letter once, "when I want to say anything I say it out, and I don't go around behind tree stumps to get it suggested."

A whole article could be written about Frank Dobie's contempt for censors. He will take up the cudgels against them anywhere, any time. It is largely because of him that the Texas Institute of Letters has in the past made its influence felt powerfully in support of freedom to write and to read—and will again someday. "I rate censors as low as I rate character assassins," he wrote once; "they often run together."

Once I drove to Fort Worth with Frank Dobie to attend an autographing party for "The Mustangs." I fell into conversation with a well-dressed man who had brought over a number of books for Frank to autograph. He explained to me rather apologetically that he liked Frank Dobie's books although he didn't like his politics. "However," he said, "when my friends tell me he is a Communist, I tell them that I don't really believe it." And then he asked, "Are you a friend of Mr. Dobie's?"

"I have that honor," I replied instinctively.

Jane and I had met Frank Dobie through his books long before we came to Texas in

1950, and I met him in person at the Southwest Writers' Conference in Corpus Christi a month before we loaded our family and livestock in the Chevrolet and headed out for the great adventure of organizing a new press at the University of Texas. We arrived hot and tired and a bit dispirited (few motels and fewer cars were air conditioned in 1950 and traveling with four young children isn't exactly recreational at best. In our mailbox when we arrived was an invitation from the Dobies to have dinner 2 nights later in their backyard with the Bedicheks and with Tom and Sarah Lea from El Paso. It was the first introduction to Texas which any couple could have received. We have had the honor of the Dobies' friendship ever since, as have our children.

Every now and then Frank calls me at the office and suggests that I come by to see him—"but make it the right time of day"—and every now and then I invite myself. We sit out in the backyard by Waller Creek, Frank with his shoes off and his hat on, surrounded by Bertha's wonderful flowers, and talk about everything under the sun, usually in the company of our mutual friend Jack Daniel. We differ sharply on many issues (I am a shade more conservative than he is, and still have some formal religion, and believe that the public schools our children attend are much better than those I went to), but Frank has never exacted agreement from anyone as a price of friendship or respect. He is as good a listener as he is a talker.

Once George Fuermann sent to Austin by me a remarkable pint bottle of rye whisky which had been 22 years old when it was bottled during prohibition "for medicinal use only." He instructed me to share it equally with Frank Dobie, Walter Webb, and Jim Hart. Roy Bedichek, who never drank anything stronger than beer, was to do the pouring. Miraculously I made it back to Austin with the bottle unopened, and so one evening before the Town and Gown meeting the elect gathered by Waller Creek to claim their portions of this noble rye. Bedi figured out that there would be 4 ounces apiece for the topers and we decided to take our shares in two 2-ounce drinks. We had just about finished the first drink when a young man with a pack on his back—a birder friend of Bertha's nephew Edgar Kincaid—came around the side of the house in search of Edgar. Frank introduced us and invited the boy to sit. Then he leaned forward and peered keenly at the stranger from beneath bushy brows. "You don't drink, do you, young man?" he asked.

"No, sir," the boy replied.

"Thank God," Frank said fervently.

Jane says that she wishes there were room enough in this piece for me to talk about Bertha, whom we both specially admire, and not just because she has had the simple courage to go through life as Mrs. J. Frank Dobie. But there isn't room, and anyhow she deserves a piece of her own. A woman of intelligence, humor, great good sense, and quiet loveliness, she is as remarkable a person in her own right as Frank is in his.

As you can see, this has turned out to be a rather personal piece about my relationship with Frank Dobie, and I am afraid that I haven't been altogether successful in avoiding a display of sentiment. Today I asked myself what his friendship has meant to me personally. It has, of course, meant the best of comradeship, and stimulation of ideas, and broadening of horizons. But, perhaps most of all, it has brought heightened courage to me, just as it has to the University of Texas—not as much as his own, of course, but some anyhow. And I know that if I ever do something which I know I shouldn't or fail to do something which I know that I should simply because I am afraid, I will no longer "have that honor."

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., September 22, 1964.
To: The Honorable RALPH YARBOROUGH.
From: Government and General Research Division, Library of Congress.
Subject: James Frank Dobie.

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THE REPUBLICAN NOMINEE FOR PRESIDENT ADDRESSES THE AMERICAN POLITICAL SCIENCE ASSOCIATION

Mr. CURTIS. Mr. President, I ask unanimous consent that I may have printed at this point in the RECORD the speech of the distinguished Senator from Arizona [Mr. GOLDWATER], delivered at a meeting of the American Political Science Association in Chicago, as reported by the Washington Post of September 12, 1964. The article is entitled, "Partial Text of Court Criticism by Arizonan."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PARTIAL TEXT OF COURT CRITICISM BY ARIZONAN

(NOTE.—Following is a major excerpt from Senator BARRY GOLDWATER'S address to the American Political Science Association in Chicago yesterday, as issued here by the Republican National Committee.)

I weigh my words carefully when I say that—of all three branches of Government—today's Supreme Court is the least faithful to the constitutional tradition of limited government, and to the principle of legitimacy in the exercise of power.

Let me mention only two leading examples of its recent decisions both of which the Republican platform of 1964 is committed to overturn by constitutional amendment—the so-called school prayer cases, and the so-called reapportionment cases.

I suppose, since I am not a lawyer, that I should leave the analysis of the merits of the Court's decisions in these cases to the constitutional lawyers.

Yet, just as it has been observed that war is too important a business to be left to the generals, so I feel that constitutional law is too important a business to be left to the constitutional lawyers.

At any rate, as I understand it, there has been only the most half-hearted effort, either within or without the Court, to justify these decisions on the basis that they were within the intent of the framers of the 14th amendment to the Constitution.

Instead, the decisions are defended, implicitly or explicitly, on the grounds that the results are desirable: That it isn't really good for children to say prayers in school, and that it really is desirable to have State legislatures in their entirety apportioned on a one man, one vote basis.

RAW AND NAKED POWER

Now there is raw and naked power.

The question, under our system of government, is not simply what decision is right—but who has the right to decide.

Only when the latter question is answered should the former be considered.

Yet we hear it said by political scientists, by lawyers—yes, even by that exalted class known as the "opinionmakers"—that the Supreme Court had to act because the States wouldn't reapportion themselves, or because the school boards just weren't being fair to the atheists.

If this is true, then it must be that all legislative power in the country is held at the pleasure of the Supreme Court. The Court just steps in and exercises it when the legislative body, to whom the power was originally delegated by the Constitution, fails to act in accordance with the Court's wishes.

I do not doubt for 1 minute that law must keep up with the changing times. But the job of keeping the law up to date should be in the hands of the legislatures, the Congress, and the common law courts, not just in the hands of the nine appointed Justices of the Supreme Court.

Perhaps the constitutional restrictions on the popular branches of government aren't enough to protect the right of minorities and individuals. If this is the case, the remedy is to change the restrictions by the normal process of amendment, rather than by the process of judicial revision of the Constitution.

REASON FOR GREATNESS

It is easy to slide into the belief that just because we are a great Nation today, we will always be great. Anyone who thinks that our greatness stems from the power wielded by government officials has misread the history of our institutions.

If we exalt a "strong executive" or a "strong judiciary"—or, indeed, a "strong legislature"—at the expense of the checks and balances of federalism, and the principle of legitimacy in government, we travel away from greatness as a nation. We will no longer be a true constitutional republic, or even a truly representative government.

We will move toward the manipulative state, where the forms of federalism remain, but are ineffective—where governmental power is concentrated in a few officials who are only nominally responsible to the public will, and where freedom is nothing but a campaign slogan.

The genius of our system was that it combined the size and power of a great empire, with the freedom of a small republic.

It set out to combine, and did combine all the concentrated force of an absolute monarchy with all the freedom of the freest democracy.

It set out to avoid and did avoid, the tyranny of the the majority of the many—a tyranny which had characterized democracies all too often.

It set out to avoid, and did avoid, the cruel oppression of kings and privileged classes which had characterized governments not of the many, but of the few.

The secret of American federalism is to be found in the division of governmental powers between the States and the Nation. The powers of the Federal Government are carefully enumerated in the Constitution and the 10th amendment says explicitly that the powers not delegated to the United States, nor prohibited to the States by the Constitution are reserved to the States and to the people.

REASONABLE MEN DIFFER

Now reasonable men can differ, in particular cases, as to whether a particular law is or is not an unjustifiable extension of Federal power. For example, I felt that the public accommodations and the fair employment sections of the Civil Rights Act of 1964, which were supposedly based upon the power of Congress to regulate interstate commerce, were in fact an attempt to regulate.

No Member of Congress felt more strongly than I that the discrimination against which the bill was directed was wrong. But I did not feel that I had an unrestricted right to employ the Federal Government to legislate my moral convictions.

The Constitution is capable of almost unlimited flexibility. We can say of it what Winston Churchill once said of the true statesman, that the only way it can remain consistent amidst changing circumstances is to change with them, while preserving the same dominating purpose.

But the trend of constitutional interpretation under the influence of the prevailing Democratic Party doctrine, has been such that the Constitution is now widely held to mean only what those who hold power for the moment choose to say that it means.

They ask us to believe that all we have to consider when examining a proposed piece of legislation, is whether it is desirable. According to this doctrine, anything that is desirable is by that very fact, constitutional.

What the proponents of this doctrine seem never to ask themselves is, What of liberty? What will this legislation do to that balance of power between States and Nation, which is the genus of the entire system?

They do not consider that legislation, otherwise desirable, becomes undesirable, when it violates the principle upon which our whole Federal form of government depends.

"E pluribus unum" is not only our motto but should be our guide.

For the Union is a union only so long as the States are States. Federal power indefinitely extended to any limit that a temporary majority in control of the Central Government may wish, crushes the concurrent powers of the States in one field after another, until the States have no will, and finally no resources, moral or financial, of their own.

The breakdown of the separation of powers or by the breakdown of the lines separating States from nations, will mean a breakdown of liberty.

I urge upon you the thought that the very magnitude of our accomplishments in the ninescore years of our Nation may breed impatience with our imperfections. But we must strive with the awareness that our Federal system is not an antiquated hobble to be cast off when it appears to slow or stop some immediate reform.

On the contrary. The Federal system is itself our great political achievement. It is the very foundation of our greatness—yesterday, today, and tomorrow.

NAVAL SHIPYARDS AND NATIONAL SECURITY

Mr. **KEATING**. Mr. President, the case for preserving the Brooklyn Navy Yard's facilities and the skills of its shipworkers is well documented. Criteria such as cost efficiency and productivity when applied to New York's naval shipyard, all point to the conclusion that this yard is a vital and irreplaceable component of the Nation's defense efforts. Other important factors are involved in determining whether this yard will continue to play a key role in maintaining the fleet, or whether it will be pushed out of the defense picture by private yards. What is most important is the fact that the happiness and welfare of this great shipyard's thousands of workers and their families are at stake. But the ultimate decision must be made on the basis of an objective evaluation of the yard's contribution, when measured against the present and future demands of the Nation's security.

An article entitled "Naval Shipyards and National Security," written by William O. Foss, and published in the September issue of Our Navy, is a contribution to this evaluation. I request unanimous consent that the article be printed in the Record at the conclusion of my remarks.

Mr. Foss raises several important questions which the Senators from New York have raised time and time again with the Department of Defense. These questions have just as frequently been brushed aside with inadequate and incomplete arguments. I take this opportunity to raise them again. Mr. Foss writes:

> The Pentagon decisionmakers have a big problem to solve:
>
> If they give more navy shipwork to private industry, will they bring about the complete destruction of the naval shipyard system?
>
> If they cut off the naval shipyards, will they destroy the effectiveness, the efficiency, and the strength of a well-balanced, dynamic fighting organization?

There being no objection, the article was ordered to be printed in the Record, as follows:

Naval Shipyards and National Security

(By William O. Foss)

"Stand by for collision."

Within seconds from the outcry of that chilling warning the aircraft carrier *Wasp* sliced into the destroyer minesweeper *Hobson*, and a peaceful night in the mid-Atlantic became a night of terror.

The smaller *Hobson* was sliced in two by the 32,000-ton carrier during high-speed maneuvers on the night of April 26, 1952.

Lost were 176 men of the *Hobson* crew. Sixty-one survived one of the worst peacetime sea disasters in the history of the U.S. Navy.

The *Wasp* was lucky. No lives were lost, but she was badly crippled with a huge gaping hole in her bow.

The tragedy was a serious blow to the readiness of the U.S. fleet which was then busy fighting the war in Korea, and keeping a sharp watch for trouble brewing in the Western Pacific, the Eastern Atlantic, and the Mediterranean.

Down by the head, her bow gone, and her anchor chain trailing 1,000 feet, the big *Wasp* limped into New York at slow speed.

But 11 days after she entered the drydock of the New York Naval Shipyard's annex in Bayone, N.J., the *Wasp* was ready for sea again.

This was one of the most amazing major repairs to a capital ship in the U.S. naval history.

Within hours after the tragic collision, experts at the New York Naval Shipyard began their important task of repairing the stricken carrier.

Initial estimates were that it would require 5 weeks to 3 months to repair the damage.

That would be too long. The carrier was needed immediately for duty. Absence of the ship for an extended time would hamper the operations of the fleet.

Shipyard planners wasted no time.

While the *Wasp* moved cautiously into port, sometimes in reverse in order to protect the remaining structure, hull experts from the New York Naval Shipyard clambered aboard to inspect the damage. They had been rushed by destroyer and helicopter to meet the carrier.

The hull experts found a 30- by 50-foot bit gouged out of the *Wasp's* bow, with most of the damage below the waterline. Their findings were radioed to New York.

Yard repairmen, armed with torches scaled the carrier *Hornet*, undergoing reconversion in the Brooklyn yard. He bow would be cut away to fit the section torn away from the *Wasp*.

The damaged *Wasp* entered the Bayonne annex drydock on May 8. On May 19, 11 days after shipyard repairman had worked around the clock, the job was completed. The carrier was fit and ready for sea. A few weeks later the *Wasp* was on station with the 6th Fleet in the Mediterranean.

This magnificent performance by the New York Naval Shipyard is but one example of many of the outstanding repair, overhaul, and shipbuilding jobs that are done by the Nation's 11 Government-operated naval shipyards. As an integral part of the Navy's Shore Establishment, these yards exist to provide optimum material and operational readiness support to the fleet. Or to put it plainly, as does the slogan of the Pearl Harbor Naval Shipyard: "We keep them fit to fight."

But the naval shipyards are in troubled waters.

Many Americans, especially those in the private shipbuilding industry, but also including Members of Congress, want to curtail if not eliminate altogether the 11 shipyards now operated by the U.S. Navy.

The major arguments advanced by those who propose that all or most of our naval shipbuilding and repair work be accomplished by private shipyards are (1) that naval shipyards should not compete with private shipyards, and (2) that private shipyards can do naval shipwork cheaper than naval shipyards.

The Navy feels that naval shipyards are unique in the shipbuilding business, inasmuch as they are being used for but one purpose: To keep the fleet in full readiness at all times, and therefore the naval shipyards are an inseparable part of the Navy's operating forces. To tamper with this important defense structure would be tantamount to reducing the fighting efficiency of our forces afloat. This would indeed be a serious threat to our national security.

Navy officials aren't saying much in public about the plight of the naval shipyards. Their lips have been sealed by orders from Secretary of Defense Robert S. McNamara, who has indicated that he is ready to close down several naval shipyards in the name of economy.

McNamara created an uproar last year when he let out the word that the naval shipyards in Boston, San Francisco, and Philadelphia would be closed. The avalanche of protests over this proposal caused the Secretary to delay the deactivation move.

Instead, he ordered Navy Secretary Paul H. Nitze to head a 15-man board to undertake a comprehensive study of the Nation's shipyard capacity and requirements.

The study, which is now being completed, takes in such matters as:

An analysis of present capacity of shipyards, both public and private, for the construction, overhaul, conversion, and repair of all types of vessels.

An analysis of workloads on a 5-year projection of shipbuilding, repair, and conversion programs.

Impacts of strategic and mobilization considerations on locations of shipyards and major bases.

An analysis of tenant activities and facilities supported by existing shipyards.

An analysis of yard operating costs.

The Nitze board study is supposed to update a shipyard survey made in 1962 for the Defense Department by the Chicago accounting firm of Arthur Anderson & Co. at the cost of $197,000. Results of the survey were kept under wraps until the summer of 1963.

The Anderson study showed that it costs more to build, repair, overhaul, and convert warships in the Navy's own yards than it does in yards of private industry.

The conclusions of the Anderson report were used by the private shipyard owners and especially their spokesman, Edwin M. Hood, president of the Shipbuilders Council of America, as ample proof that more, if not all, work done by the Government-owned yards should be turned over to the private shipyards.

On the basis of its study of construction costs of 24 ships, the Anderson firm concluded that five private shipyards built 14 of these ships at less cost to the Government than the comparable 10 ships built by 6 naval shipyards.

The Anderson study showed that private shipyards could build nuclear attack submarines at 15.2 percent less than Government yards; Polaris missile submarines at 20.3 percent less; frigates at 18.7 percent less, and conventionally powered aircraft carriers at 31.4 percent less than U.S. naval shipyards.

Conversion work of missile cruisers favor private shipyards by 8.3 percent, according to the Anderson survey.

Repair work, which the Anderson study limited to underwater hull overhauls, favored private shipyards by 10 percent.

These are fine arguments in favor of the private shipyards, but statistics can be used to prove just about anything you want them to prove.

One of the biggest problems of figuring cost of private shipyards versus naval shipyards is the matter of profit versus national security. Which is more important?

Private shipyards are motivated essentially by profits. They are in business to make money. They must weigh profit against loss and select only that work which will yield the greatest gain. In nearly every instance, the margin of profit will determine when, where, and how quickly ships can be returned to a state of readiness.

The primary objective of naval shipyards is to keep the active fleet in constant state of readiness. Naval shipyards are an important part of the Nation's defense team—a peacetime insurance against the demands of emergency. Service to the fleet, rather than profit, is the objective of naval shipyards, and even Congress, which year after year approves of government funds, has agreed that this is in keeping with our national defense policies.

Most naval officers who have studied the subject concede that private shipbuilding costs are lower than those at naval shipyards, but they hold that the quality of the finished product at naval shipyards is generally as good as, and in some cases markedly better than, that of private yards.

The Anderson report shows that ships in the repair category were completed 3 days faster in naval shipyards than in private yards. Furthermore, in a sample of 175 ships, it was found that ships overhauled by naval shipyards operated 21.3 months before being overhauled again while those overhauled by private shipyards operated only 20.1 months. The difference of 1.1 percent in operating time means that the U.S. Navy would have to have at least two more ships in order to have an equal number available to the forces afloat.

The Navy can also point to the much better safety record of naval shipyards. Not only do naval shipyards make safety appliances, such as prescription safety glasses, available to all generally exposed personnel, at no cost to these employees, but it also enforces rigid safety standards, which adds to the cost of running efficient shipyards.

Also added to the cost of operating naval shipyards are the fringe benefits given the civilian shipyard workers. The Anderson study showed that the Navy was penalized an extra burden of 45 cents per productive hour in the cost comparison with private industry for fringe benefits. Such benefits include annual leave, sick leave, holidays, jury duty, and military leave. These fringe benefits and other personnel measures available to naval shipyard workers were, of course, provided by congressional action.

On the other side of the coin, naval shipyard workers cannot strike against their employer, as is the right of workers in privately operated shipyards.

In recent weeks there have been several suggestions that some of these fringe benefits be curtailed, especially the amount of annual and sick leave given to civilian naval shipyard workers. One proposal would require naval civilian administrators to charge all sick leave of less than 3 days to annual leave. This move is aimed at preventing abuse of sick leave.

Private shipyard workers do not have the same job security as do naval shipyard employees. Private shipyards, for example, lay off employees when work dwindles but such layoffs of regular civil service employees are rare in Government shipyards.

Despite a number of chronic problems and an inadequate work volume, the private shipyard industry continues to rank as one of the Nation's major industrial enterprises. The biggest problem of the industry is that there are too many yards for not enough work.

Only 42 percent of the facilities of the Nation's private shipyards were utilized during 1963. This figure, released by the Shipbuilders Council of America, included facilities engaged in commercial ship work as well as those employed in naval ship work.

In sharp contrast, naval shipyards operated at 82.6 percent capacity.

Meanwhile, Congress has in recent years stipulated that at least 35 percent of the funds appropriated for naval ship repair, alteration, and conversion work be spent in private shipyards.

In a letter to Defense Secretary McNamara, the council's president, Edwin M. Hood, suggested that the work-hungry private shipyards could save the taxpayers money if more work were diverted from the high-cost, Government-owned naval shipyards.

Mr. Hood put it this way: "The number of people the private shipyards are capable of employing if more shipwork were available is greater than the total employment of the naval shipyards. Private yards are estimated to be able to efficiently employ 100,000 more people than presently; naval shipyard employment is now about 90,000."

This statement caused somewhat of a consternation among naval shipyard workers. William H. Ryan, president of District 44 of the International Association of Machinists, voiced his fears before the Senate Appropriations Committee:

"In other words, the Shipbuilders Council of America would discharge 90,000 naval shipyard employees, and the affiliates of the Shipbuilders Council of America would hire 100,000 employees to do the work that is being performed by 90,000 naval shipyard employees."

"The private shipyards have never recommended the closing of any naval shipyards," said the council in a just-issued special report. Such determinations are considered to be the proper prerogative of the Defense Department."

"However," continued the council's statement, "the private yards contend that operation of Government-owned shipyards in direct competition with more efficient, privately owned shipyards, not only is a waste of Federal funds, but also is a basic contradiction of the free enterprise system on which this Nation was founded."

So where does this leave the naval shipyards?

Those in the know don't expect Secretary of Defense McNamara to make a decision until after the national election in November.

Both McNamara and Navy Secretary Nitze have made inspection tours to several of the naval shipyards. They have also visited some private yards.

In view of McNamara's past insistance on cutting out wasteful bases from the Defense Establishment, there is no doubt there will be reductions and deactivation of naval shipyards.

Some observers believe that a 30-percent curtailment of naval shipyard operations can be expected to take effect in early 1965. President Johnson, who admires the economy stand of McNamara, will back his Defense Secretary to the hilt. And if Senator BARRY GOLDWATER should win the election, then there is no doubt that the private shipyard owners will have a champion in the White House.

McNamara has publically declared that "I think it is quite clear that we have excess capacity in our naval shipyards system today. I anticipate that at some time in the next 12 months it will be necessary and desirable in the public interest to reduce the operations of those yards."

How do the sailors, the men who man the fighting ships built and repaired by the naval shipyards, fit into this very complex picture?

Sailors may look upon shipyard overhaul periods as necessary evils. Their homes away from home are invaded with military and civilian workers of every time and description, ripping, cutting, welding, chipping, wiring and generally their warship is one big mess.

But on the other hand, an availability period in a naval shipyard means time for liberty and a time to enjoy a brief period of family life.

Visits to naval shipyards become important to the peacetime Navy, which is now a married man's navy. About 75 percent of its officers and 39 percent of its enlisted men are married.

Most naval families live in the area where their husband's ships have their home port or home yard.

The naval shipyards, in addition to being repair yards, have such facilities as barracks, mess halls, chapels, medical, dental, recreation, and training facilities for service personnel. Navy families, living in the area, are entitled to many facilities especially the commissary, medical and dental facilities.

If naval shipyards are deactivated, it means that these facilities and services must be duplicated elsewhere at additional cost to the taxpayer. If they are not made available near naval bases, then the Navy can expect to see a substantial drop in its reenlistment rates.

The private shipyard industry makes much of the fact that the naval shipyards have combined assets that exceed by many times the combined assets of the entire private shipyard industry of the United States. Unlike the private shipyards, which are only concerned with making profits, naval shipyards for reason of national security must be fully equipped with modern technological and military plants.

The Pentagon decisionmakers have a big problem to solve:

If they give more Navy shipwork to private industry, will they bring about the complete destruction of the naval shipyard system?

If they cut off the naval shipyards, will they destroy the effectiveness, the efficiency, and the strength of a well-balanced, dynamic fighting organization?

ADDRESS BY WILLIAM J. CROCKETT, DEPUTY UNDER SECRETARY OF STATE TO THE POLISH-AMERICAN CONGRESS

Mr. DODD. Mr. President, on September 19, the quadrennial convention of the National Polish-American Congress met in Chicago. It was an exceptionally important meeting of an exceptionally important organization, for nowhere throughout all America are there organizations more dedicated to maintaining our American heritage, or whose leaders and members are more loyal to our country and its government than are our citizens of Polish descent. One of the many leaders of our Government to address this body was the Honorable William J. Crockett, Deputy Under Secretary of State.

I consider Bill Crockett one of the finest of our young career diplomats. He has reached his present important position as a fitting recognition of a brilliant career in dedicated public service. He has been responsible for increased measures to assure that only the finest and most competent employees are assigned to the Department of State or overseas. I have observed with great appreciation and genuine admiration Bill Crockett's handling of the complex administrative requirements of his department. The tribute he paid to our great Polish-American organization is, in my opinion, worthy of a wider audience than the Polish-American Congress to which it was delivered.

Therefore, I ask unanimous consent that his remarks be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY DEPUTY UNDER SECRETARY OF STATE WILLIAM J. CROCKETT BEFORE THE QUADRENNIAL MEETING OF THE POLISH-AMERICAN CONGRESS AT CHICAGO, ILL., SEPTEMBER 19, 1964

Mr. Chairman, Congressman ROONEY, ladies and gentlemen, I am honored to be invited to attend and participate in this quadrennial convention of the National Polish-American Congress. We in the Department of State feel particularly close to your organization and to the members of your groups. Many of your fine leaders have served us as consultants. Some of you, such as Judge Thaddeus Machrowicz, former Governor of the Federal Reserve Bank Matt Szymczak, and several hundred prominent Polish-American leaders, are serving in an active consultant and advisory capacity today.

Another of your well-known members, now one of my most valued colleagues is Michel Cieplinski. Mich did an outstanding job as Acting Administrator of our Bureau of Security and Consular Affairs. Today he is doing an even finer job as Deputy Assistant Secretary for Administrative Affairs. The Department of State is truly indebted to you for providing us a senior officer of his caliber.

We know many of you because your organizations are doing so much to help us with our educational and cultural exchange programs. Much of the success in our relationships with the Polish students, educators, scientists and artists brought by the Department to this country as exchangees can be attributed to you. Your continued help to the more than 400 Polish students in attendance at our American colleges and universities is of utmost importance.

For a period of many years your splendid Polish-American Immigration Relief Committee has participated as a full partner with the Department of State's Office of Refugees and Migration Affairs in helping the brave Poles who fled their homeland. In every immigration program involving refugees, displaced persons, escapees or normal migrants, your organizations and your people have been in the forefront in providing the requisite sponsorships, assisting in their reception and care, and in helping these new arrivals to become good American citizens.

The Department of State's objective in all of these programs is best defined in President Johnson's message when he came to you as Vice President last year and he said, "The ties between our peoples are old and honorable. We must work to strengthen those ties—not to sever them."

I mention those close relationships not only because of our deep appreciation of your fine assistance, but I also refer to them in order to ask you for your help along another front.

The Department of State with its ever-increasing demand for multilingual employees needs your help in finding such employees. The Department has been giving maximum attention to overcoming our well-known American handicap of having too few citizens able to converse and write in a language other than English.

We offer real incentives to our Foreign Service officers for acquiring Polish and other language proficiency, while at the same time we insist upon certain minimal language requirements for every officer. We continue to need a constant flow of new Foreign Service personnel who can bring a useful language into the Foreign Service.

Those, who after appointment to the Foreign Service are able to pass tests in Polish and any of the 38 languages used today, can benefit immediately from salary increases. Certain professional advantages will be offered those who successfully complete the study of those languages.

You can help us by referring young people with multilanguage ability to our Office of Personnel. Your refugee families might prove a valuable source from which these candidates might be drawn.

Full information relative to employment opportunities and to language and other Foreign Service entrance requirements will be furnished those who request it.

I am sure we can count on your help in this matter, just as we have counted upon and enjoyed your cooperation in the past. For the help we anticipate and again for the help you have given us we are most grateful.

THE 234TH ANNIVERSARY OF THE BIRTH OF GEN. FRIEDRICH VON STEUBEN

Mr. KEATING. Mr. President, the 234th anniversary of the birth of Gen. Friedrich von Steuben is an occasion for Americans to remember with gratitude, because of the remarkable contributions made by him to the cause of American liberty. Not only do we do honor to his military genius, but we also are reminded of the outstanding services, in many areas, performed throughout America's history by countless numbers of Americans of German descent.

In 1777, Friedrich von Steuben left Prussia, where he had been an aide-de-camp to Frederick the Great, to offer his services to the Continental Congress. He arrived bearing letters of introduction from Benjamin Franklin and Silas Deane. He was dispatched by Congress to Valley Forge; and General von Steuben quickly made a name for himself, and in 1778 was promoted to be Inspector General, with the rank of major general.

General von Steuben's contributions to the training and the discipline of the Continental Army were invaluable. Together with his active military duties, he labored to write a military manual for the Continental Army. This manual, "Regulations for the Order and Discipline of the Troops of the United States," served as the Army's official drill manual until 1812.

Von Steuben's prowess as a field commander was well demonstrated by his performance in Virginia and at Yorktown, where he was able to employ the siege tactics he had learned in Europe. Following Cornwallis' surrender, this Prussian general continued at his post as Inspector General of the Army and close adviser to General Washington. He was intimately involved in the demobilization of the American troops and in the arrangements for the future defense of the United States.

When he was discharged from the Army in 1784, Von Steuben moved to New York. He died there, 10 years later. Out of gratitude to this great general, my State had granted him 16,000 acres near Utica, and Congress appropriated an annual pension of $2,500 for him.

We are deeply indebted to the countrymen of General von Steuben who, through the decades of American history, have come to this land, bringing their scientific and technical knowledge, their culture, and their dedication to liberty. In paying tribute to the memory of General von Steuben, we also pay tribute to the peoples from all corners of the earth who have given so much to the building of this Nation.

One out of every five immigrants to the United States from 1820 to 1961 came from Germany. They and their descendants have greatly enriched the lives of all Americans. Many of them—including, of course, General Eisenhower—have served in positions of leadership. Their mark has been left on every phase of American life.

However, today the freedom of American life, partly shaped by German immigrants, is not shared by many in the world. A divided Germany and the Berlin Wall serve as constant reminders of the division of the world into those who enjoy freedom and those who seek it.

The history of America to which General von Steuben contributed so much is clear evidence that the freedom of mankind is indivisible. Just as he came, nearly two centuries ago, to serve the cause of freedom, so today Americans go to Germany and to Berlin, to insure Germany's freedom. Germany is a symbol of our determination that all men and women will one day live under governments of their own choosing and under systems which recognize the dignity of every human being.

EXPOSURE OF EXTREMIST ORGANIZATIONS

Mr. NELSON. Mr. President, I am pleased to note that some distinguished Americans have set up a nationwide organization to expose the activities of the John Birch Society and other extremist organizations which have spread alarm throughout the country.

The United Press reports the organization of 80 national leaders—including former Cabinet members, Governors, union leaders, educators, and scientists—under the name, "Council for Civic Responsibility."

The chairman of the group is Arthur Larson, an educator and widely known Republican, who formerly was the Director of the U.S. Information Agency and was an adviser to former President Eisenhower. The work they will do to expose the terror and falsehood of our new extremist organizations, is desperately needed. In other countries, democracy has been subverted, because the forces of freedom were too slow to react in the face of a surge of rightwing extremism. Unless democratic elements move swiftly, sometimes it is too late, for the extremist groups soon gain such strength that they can frighten responsible elements and can prevent them from speaking out.

Arthur Larson and those working with him are demonstrating one of the great strengths of American society—the willingness of the responsible and constructive members of our democracy to stand up for basic American principles, and against terror and intimidation from the right or from the left, regardless of political party.

I ask unanimous consent to have printed in the Congressional Record an article, a story, from the Washington Post, on the formation of this new organization.

Furthermore, Mr. President, I call attention to one of the most dishonest and insidious attempts by our new rightwing extremists to influence public opinion. It is a book entitled, "None Dare Call It Treason," by John Stormer.

In the September 17th issue of the Congressional Record, Senator Young of Ohio exposed this book as a hoax and a fraud. He placed in the Record an article from the Akron (Ohio) Beacon-Journal, which told dramatically how this book attempts to use "phony" documentation and false charges to spread John Birch Society statements that the American Government for many years has been run by Communists. Now the Minneapolis Tribune has printed an outstanding column by Robert Smith, in which he further exposes this fraudulent book. I ask unanimous consent that the article from the Minneapolis Tribune be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Minneapolis Tribune]

"None Dare Call It * * *" Is Simply a Bad Book

(By Robert W. Smith)

Ordinarily, one would not even bother to comment on a tract like "None Dare Call It Treason."[1] It is such a bad book. But this fantastic paperback package of political poison is getting such a wide circulation in this emotion-packed election campaign that it demands attention.

"None Dare * * *" moreover, is being read by a lot of honest citizens who, being trustworthy themselves, tend to be too trusting of the book's purported "documentation."

There are 818 numbered references listed in the back of the book. More than 25 percent of these references are from four particular sources—Human Events magazine, reports of the Senate Internal Security Subcommittee (SISS), reports of the House Committee on Un-American Activities (HCUA) and the Congressional Record.

The latter, of course, is not an authority in itself. It is merely a record of what Congressmen have said or of material—editorials, magazine articles, etc.—which Senators and Representatives have inserted in the Record.

Thus a Congressman could have this article inserted in the Record and some subsequent critics of "None Dare * * *" could quote the Congressional Record as saying that the book is a "package of political poison."

But how about some of the other documentary sources?

Seeking to bolster his claim that American defenses are being subverted, the author offers, in a paragraph set off in the smaller type used to indicate quotations, an ominous sentence which the reference credits to Newsweek magazine.

No such quotation appeared in Newsweek magazine. Nor can the excuse be made that it is a paraphrase or summing up of an eight-page treatment of then-current Western and U.S. strategic plans, for it is not.

"None Dare * * *" presents what it claims to be excerpts from the Ford Foundation annual report of 1951. The statements quoted do not appear in the foundation's report for 1951 or any other year.

A direct quotation is credited to—or blamed on—George Bernard Shaw's book, "The Intelligent Woman's Guide to Socialism and Capitalism," page 94. You won't find the quote there.

"None Dare * * *" makes much of a letter supposedly signed "for a Soviet America" by Walter and Victor Reuther. Almost exactly 6 years ago (September 22, 1958), Senator John L. McClellan, Democrat, of Arkansas, went to some lengths to let the public know that not only were there several different versions of this letter in circulation but three differing versions had been inserted in the Congressional Record. McClellan further indicated that he and the whole Senate committee probing labor rackets considered the various texts "so questionable" as not to be worth further consideration.

Author Stormer refers to Robert Sherwood's book, "Roosevelt and Hopkins," to support his own claim that during World War II "military decisions were made, not according to the tactical needs of the day or to capitalize on weaknesses of the enemy, but for the long-range political advantage of the Communist conspiracy."

You won't find anything like that said either directly or indirectly on page 590 of Sherwood's book. In fact, read on through page 591 and you'll find a rather cogent argument made that the cross-channel assault turned out to be more of a blow to Communist hopes in Europe than the Churchill-proposed east European invasion would have been.

Stormer declares, citing an SISS report, that during the Korean war "the chain of command from the U.N. Security Council to General MacArthur was through the Under Secretary for Political and Security Council Affairs, Constantine Zinchenko, a Communist."

That's just not so. At the time of Korea, the U.N. Security Council set up a unified command under U.S. direction. Our Government appointed an American commander in chief, and each such commander received his orders directly from the U.S. Joint Chiefs of Staff. Washington submitted periodic reports to the U.N., but these reports contained no classified information or plans and were limited to factual chronicles of past events in the fighting.

Stormer distorts a reference from Human Events—which was itself a misconstruction of a Defense Department statement—so that a Russian experimental anti-missile-missile installation near Leningrad becomes "Soviet antimissile missiles deployed around Leningrad" possessing "the capability to intercept and destroy American Polaris missiles."

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[1] "None Dare Call It Treason," by John A. Stormer. Liberty Bell Press, 254 pages, 75 cents.

And so it goes, quotation after quotation, reference after reference. The New York Times is assailed on one hand, but quoted—and misinterpreted—on the other hand as "documentation." The Rockefeller Brothers Fund is denounced on the basis of tortured and out-of-context quotations from the Rockefeller Panel Reports. A "loaded" and notoriously unreliable document—Maj. William E. Mayer's report on American POW's in Korea—is cited to libel American fighting men and "prove" that the Nation's moral fiber has been ruined, but without any mention of subsequent works which exposed the Mayer report and demolished its irresponsible conclusions.

This discussion has not, obviously, treated all of the 818 numbered references in "None Dare * * *" It would almost take another book to do that; and some of them—like the references to the Bible and J. Edgar Hoover—are accurate quotations and reliable.

But surely enough has been indicated about the unreliability of the "documentation" stressed by the promoters of "None Dare * * *" This should give some idea of the responsibility of the scholarship which went into its writing * * * and of the reliability of the book as a whole.

It is not surprising, therefore, that the American Legion in Cleveland, Ohio, having looked into such aspects of "None Dare Call It Treason," canceled plans to distribute the book as part of a fundraising activity.

[From the Washington Post]

Council Will Expose Birch Fronts

New York, September 23.—A committee of 80 national leaders, including former Cabinet members, Governors, union chiefs, educators, and scientists, has been formed to expose the activities of 12 John Birch Society "front" organizations, it was announced yesterday.

The organization of the Council for Civic Responsibility was announced by its chairman, Arthur Larson, former Director of the U.S. Information Agency. Larson said the council will begin a series of daily radio programs to "correct the principal errors currently propagated" by "radical reactionary organizations."

Larson said the council was formed under the sponsorship of the Public Affairs Institute, a nonprofit educational organization in Washington, because of growing concern about the effects of the John Birch Society and related "extremist" groups on "standards of public discussion and responsible behavior in the Nation."

The council expects to spend $500,000 a year on its campaign, beginning with broadcasts on 100 radio stations in 12 Western and Midwestern States next week. Larson said the money was coming from "thoughtful people" and foundations.

The council reports an "ominous" increase in ultrarightwing radio and television programs. It said separate broadcasts now number 7,000 weekly and cost an estimated $10 million a year. The council promised a "sustained, full-time, day-in-day-out program" to combat the effect of these programs.

Larson said the council's broadcasts will be devoted to presenting firsthand experiences of persons throughout the Nation who have suffered personally as a result of the alleged harassing activities of extremists. He said they would expose "spying, nocturnal phone calls, economic and social pressures stonings, and even bombings" as methods used by ultrarightists.

The "extremist" organizations named by the council are linked to the Birch Society "through top officers or principal financial supporters," the council said.

It listed them as Americans for Constitutional Action, America's Future, Christian Crusade, Christian Freedom Foundation, Church League of America, Citizens Foreign Aid Committee, Conservative Society of America, Liberty Lobby, Manion Forum, National Economic Council, Dan Smoot Reports and We, the People.

Among those who are members of the council are: Gen. J. Lawton Collins, former U.S. Army Chief of Staff; Marion B. Folsom, former Secretary of Health, Education, and Welfare; David Lilienthal, former Chairman of the Atomic Energy Commission; James P. Mitchell, former Secretary of Labor; Robert B. Meyner, former Governor of New Jersey; Harold Stassen, former Governor of Minnesota; Roy Wilkins, executive director of the NAACP, and Ralph McGill, publisher of the Atlanta Constitution.

Others include Detlev Bronk, president of the Rockefeller Institute; Alan T. Waterman, board chairman of the American Association for the Advancement of Science; Joseph A. Beirne, president of the Communications Workers of America; Bishop Reuben E. Mueller, president of the National Council of Churches of Christ; Erwin N. Griswold, dean of the Harvard Law School; George A. Killion, president of the American President Lines; Clarence Randall, former chairman of Inland Steel, and Roger P. Sonnabend, president of the Hotel Corporation of America.

SAVE THE FLAG: FINAL RESPECTS TO OLD GLORY

Mr. KEATING. Mr. President, today one hears occasional laments about the passing of old-fashioned American patriotism. Recently, in fact, a major television network featured a 1-hour special on latter-day patriotism, depicting—among other things—the disrespect that frequently is shown the U.S. flag these days. Among the things shown were parades in which a good many spectators along the route failed to doff their hats and to give the proper salute to Old Glory as it passed by. In contrast to filmstrips of national holiday observances of 20 or 30 years ago, when nearly every residence and business establishment flew the flag, scenes were presented of more recent Fourth of July celebrations in which the flag-flying custom was not very strongly in evidence. Other parts of the program gave witness to such other facets of the decline in patriotism as the use of the national colors for blatantly commercial purposes on holidays which seem to have lost their original meaning as days of rededication to national purpose, and, instead, now have taken on, to a greater or lesser extent, depending on the community, the aspects of an oriental bazaar.

Even more ironic, some other nations have taken to manufacturing American flags overseas for import into the United States at cutrate prices, so that often the flags on display today are not even the products of U.S. firms or U.S. laborers.

In the midst of such deplorable trends, the efforts of individual Americans to swim against the tide and preserve the basic measure of decency and respect due the American flag stand out as a beacon of hope for the revitalization of the patriotic spirit in America. One such individual, whose story has come to my attention, is Hugh J. Malone, aviation ordnanceman second class, of the U.S. Naval Reserve, who is from Glen Cove, N.Y., and who reports to reserve duty at Floyd Bennett Field, in Brooklyn.

For more than a year, Mr. Malone has carried on, during his off-duty hours, a one-man crusade to accord the proper final respects to wornout U.S. flags. Struck by news stories which reported that old American flags were being put to such uses as wiping rags and garment linings, Mr. Malone embarked on a campaign to solicit old flags from anyone who would send them to him, so that he could dispose of them under the respectful protocol prescribed by the U.S. Naval Academy. In all, Mr. Malone has handled in this way more than 5,000 flags, including one Italian flag—since, as he says, "every nation's flag is entitled to respect."

I ask unanimous consent that this story of one man's fight for the paying of proper respect to Old Glory, as reported in a recent issue of Pictorial Living, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Final Respects: A Proper Farewell for Flags Too Old To Fly Is a Brooklyn Sailor's Personal Crusade

A year ago, Hugh J. Malone of Glen Cove, a 2d Class Aviation Ordnanceman at Floyd Bennett Field in Brooklyn, walked into Commander Frank E. Kimberling's office and angrily tossed a couple of news clippings on the desk. One told of a load of American flags that had been shipped to Germany for use as wiping rags. The other told of flag material being used as linings on men's jackets.

"Sir," said Malone, "I'd like permission to do something about it. Let people send their old flags to me—I'll see they get a dignified burial."

Kimberling marched the young sailor right in to the base skipper, Capt. Jack J. Hinman III—who promptly gave him the O.K. Next, Malone went to local radio stations and newspapers with his story. Starting from a trickle those first few weeks, Malone has paid proper final respects to more than 5,000 American flags (and one Italian, which he never asked for "but every nation's flag is entitled to respect)." They've come from plain people, private organizations, and Government agencies. The largest single contributor has been the New York City Fire Department.

Some flags are still in good condition; Malone saves them and gives them out to people who write in for one. Others are World War I vintage and older, many of them in near shreds. These he burns and buries, according to strict protocol, in an open spot near the base's seawall—all on his off-duty time. His wife, Barbara, doesn't mind his spending his free time saying goodbye to Old Glory.

"After all," she smiles, "it's my flag, too."

THE POPULATION OF UTAH REACHES 1 MILLION

Mr. MOSS. Mr. President, the calculations of the Bureau of the Census, of the Department of Commerce, establish today, September 24, 1964, as the day on which Utah attains a population of 1 million.

Of course we have been anticipating this milestone, and we rejoice at this tangible evidence of Utah's continuing rapid growth. Especially since World War II, our State has leaped ahead; and in the past 4 years our growth has accelerated. Our excellent climate, our abundant resources, and our stable and enlightened people recommend Utah to those who seek better opportunity and better living. We welcome those who come to our State to join our expanding population, for Utah ranks high in family growth, through a high birth rate and longevity.

Just this week, the Selective Service issued a release in which it is stated that Utah had the lowest rate in the Union for the rejection of selectees because of physical disqualifications.

Our schools bulge with our children; and Utah excels all the other States in terms of the number of children who go to college.

Both our newcomers and our homegrown residents help us to build these impressive records.

September 24, 1964—the day when Utah attained a population of 1 million—is a red letter day for us.

SLOVAK NATIONAL UPRISING AND 46TH ANNIVERSARY OF THE BIRTH OF FREE CZECHOSLOVAKIA

Mr. KEATING. Mr. President, we join the valiant people behind the Iron Curtain and those in America today who commemorate the Slovak uprising of 1944 and the 46th anniversary of the birth of free Czechoslovakia.

Battling against incredible odds in 1944, these fighters were able to seriously handicap the Axis Powers in the East while the Allies were closing in on the West. We dare not forget the invaluable contributions of these men and women, many of whose names were never recorded, as they made the supreme sacrifice for the cause of freedom.

I request unanimous consent that there be printed in the RECORD a letter addressed to me by the Commemorative Committee of the Slovak National Uprising and the Czechoslovak National Council of America.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TWENTIETH ANNIVERSARY OF THE SLOVAK NATIONAL UPRISING

Khrushchev recently visited Bánska Bystrica, Slovakia, headquarters of the Slovak insurgents in 1944, to commemorate the 20th anniversary of the Slovak national uprising and to claim it as a heroic Communist act, thereby falsifying history; he also made cruel fun of Captive Nations Week in the United States and our efforts on behalf of the captive people. Therefore, it becomes necessary to speak out clearly to unmask the Communist hoax: the Slovak national uprising was a great patriotic protest of the entire nation, despite the efforts of the Soviet Union to pervert it and to seize control.

To disprove the Communist lie and to honor those who gave their life in our common cause, Slovak and Czech Americans will commemorate the anniversary on October 3, in the Morton West High School auditorium, Berwyn (Chicago) Ill.

Former President Dwight D. Eisenhower has already sent a message for this occasion, which reads in part: "During World War II, the resistance of local populations to the Nazi armies contributed importantly to the eventual victory of the allied forces. The 1944 uprising in Slovakia was a particularly notable example of the refusal of a brave people to yield the enemy an easy victory. Regular and irregular Czechoslovak forces held out for many months against overwhelming odds. The uprising was a heroic though sad time for the Czechoslovak people and for the allied cause."

A FEW FACTS ABOUT THE SLOVAK NATIONAL UPRISING

On August 29, 1944, the German Army entered Slovakia, a vassal state of the Third Reich, in order to occupy and transform it into a bastion against the Allies. The Slovak people, traditionally pro-Western, democratic, and faithful to the Czechoslovak Republic, took up arms against the German aggressors, placing themselves unequivocally on the side of the Allies. For 2 months of regular combat, up to 70,000 men of the Slovak Army and 12,000 members of partisan units held off successfully several well equipped German divisions which otherwise would have been used against Allied armed forces; for another 6 months irregular partisan-type fighting disrupted Nazi transportation to the front and otherwise harassed the enemy.

In the declaration of September 7, 1944, the U.S. Government recognized the insurgent army in Slovakia as an allied "combat force operating against Germany." On October 28, 1944, President Franklin Delano Roosevelt, in his message to Dr. Eduard Benes, the exiled President of Czechoslovakia, highly praised the contribution of the Slovak insurgents toward the liberation of their homeland and the rest of Europe.

From the outset, the effort of the Slovak insurgents was hampered by a critical shortage of arms and military equipment. Promised military aid from the Soviet Union was not forthcoming; in fact, as soon as the Soviet Union realized it could not control the uprising to suit its own ends, it stopped the Western Allies from transporting into Slovakia allied equipment for 10,000 men. The fate of the Slovak fighters was very similar to that of the Polish insurgents of the Warsaw uprising: both were deliberately deprived of outside assistance by the Soviet Union and thus left to suffer the inevitable consequences in an unequal struggle against well armed superior German forces.

Our commemoration in the free world on October 3 aims to pay homage to the numerous victims of the Slovak national uprising and to stress the lasting friendship of the Czechoslovak people for the United States. We hope that our voice will be heard behind the Iron Curtain and that our message will give assurance to our silenced friends that the truth about the Slovak national uprising is known to the free world and that it will not be distorted by Khrushchev's visit to Slovakia nor buried under the Communist lie.

On October 3 we shall also celebrate the 46th anniversary of the birth of free Czechoslovakia in 1918, to declare thereby our faith in a better future for the oppressed people. To this cause we—the free—shall rededicate our efforts.

NEW YORK UNION SUCCESSFUL

Mr. KEATING. Mr. President, 2 weeks ago the Senate passed a social security bill from which had been removed a House amendment allowing tips to be defined, for purposes of social security, as wages. As is well known, tips are the main source of the income of many workers, but they are not counted for purposes of social security taxes or benefits. As a result, many retired workers whose total income during working years was substantial, are reduced to receiving minimum social security benefits. I certainly hope remedial legislation will be incorporated in the social security bill now in conference.

Notwithstanding the outcome of across-the-board congressional action on this problem, I am proud to report that one local union in New York City has taken the initiative and has negotiated a contract whereby the employers and the tip employees will pay social security taxes on a total of $70 a week—the regular wages plus sufficient tip income to make up the difference. This union, the 35,000-member New York Hotel and Motel Trades Council, AFL–CIO—recently was successful in winning approval of this contract from the Social Security Administration.

I ask unanimous consent that an article entitled "Tip Workers Win," which was published in the Industrial Bulletin, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIP WORKERS WIN

Retired doorman, John Dalton, who worked in New York City hotels for 52 years, gets a monthly check from the Social Security Administration for $53—well below half the maximum benefit. His problem is that of tip workers generally. Tips are subject to the Federal (and State) income tax but are not counted for social security credit. So when tip workers (the total in the United States is about 1 million) retire, their benefits are computed on the basis of their regular wage, which is small at best, almost nonexistent in some parts of the South and elsewhere.

Mr. Dalton's union, the 35,000-member New York Hotel and Motel Trades Council, AFL–CIO, has done something about it, with indispensable help from the employers and New York State's congressional delegation.

Two years ago the council proposed and won a partial remedy to the tip anomaly at the collective-bargaining table. Written into the 5-year contract, covering 185 New York City hotels and motels, was a clause providing that the employers and tip employees would pay their respective social security taxes on a total of $70 weekly—the regular wage plus sufficient tip income to make up the difference. This meant that waiters, bellmen, doormen, package room attendants, and others would get up to $43 more on their monthly retirement checks—still less than the maximum but a significant gain.

But the plan was conditional on the approval of the Social Security Administration and the Internal Revenue Service. Now a joint effort by the union and the New York City Hotel Association, the organization of the employers—energetically supported by Senator KENNETH KEATING and other legislators from New York State—has won Federal approval.

As the first major move by the Federal Government to redefine tips as wages for social security purposes, the approval has a meaning beyond the gain for New York City hotel tip workers. Knowledge of the Federal action was one of the factors behind the decision of the House Ways and Means Committee to incorporate in this year's social security bill a provision making tips creditable for social security purposes. And the legislators from New York who worked to obtain approval of the $70 plan likewise used their influence in behalf of that provision.

As this is written, the House-passed bill is before the Senate. If the tip provision is accepted there, the Nation's tip workers will have at last obtained equal treatment under the social security system. And if not, the administrative approval of the $70 plan remains a precedent offering other unions and employers a means of giving a measure of retirement help to tip workers.

"The New York City hotel industry has pried open the door on the tip issue," says Jay Rubin, president of the Hotel and Motel Trades Council.

The achievement of the $70 plan was particularly sweet to the union and its tip worker members because it was the result of many years of what sometimes seemed hopeless effort.

Late in World War II the union asked New York legislators in Washington to act on the plight of tip workers. Then, and in following years, it and other unions aroused the sympathetic interest of a number of these Members of Congress, several of whom sponsored bills defining tips as wages for social security purposes. In 1949 the House included a tip provision generally similar to the present one in a social security bill, but the Senate Finance Committee knocked it out. In other years tip legislation simply died in committee.

Then in 1957, seeking administrative rather than legislative action, the Hotel Trades Council (the name change to New York Hotel and Motel Trades Council came in 1963) did succeed in winning the approval of the Social Security Administration and Internal Revenue Service for social security credit on the service stipends paid to banquet waiters. Since these are part of the bill paid by the customer and readily accounted for, the Federal Government was able to accept them as wages with only a relatively slight departure from previous rulings.

Tips generally remained unacceptable, and in 1958 the union again sought action by Congress. A delegation of tip worker members went to Washington and met with members of the House Ways and Means Committee in an effort to get their approval of tip legislation. But high hopes were dashed, and periodic efforts over the next few years by the council and organized labor generally came to nothing. The tip workers in the council membership grew increasingly resentful. It seemed to them they were regarded as first-class citizens by the income tax collectors but in some lesser category when it came to social security benefits.

So in 1963 the union harked back to the 1957 ruling on banquet waiters and decided to focus on an effort to get it broadened. In the conviction that its case would be strengthened if it had a practical plan in its contract, and knowing too that some of the employers had a sympathetic understanding of the problem, it took the issue to the collective bargaining table. The result was clause 31, the $70 plan. Like the union family medical fund and many other benefits enjoyed by New York City hotel workers, it was the product of generally rational and forward-looking union-management relationships since the formation of the Hotel Trades Council a quarter century ago.

This is the contract clause that will have a place in the history of the social security system:

"Effective June 1, 1963, all tip employees, except those in the banquet department, shall be deemed for each weekly payroll period beginning after said date, to have certified and accounted to their respective employers for an amount of gratuities that they have received, which amount, when added to their respective weekly gross salary, shall equal the total sum of $70; and the respective employers shall pay and make deductions for Federal social security tax purposes based upon such sum of $70 per week for each of these employees."

Attorneys for the union and employers drafted the clause carefully to make it conform to the Social Security Act and related rulings, but nevertheless, 14 days after the plan went into effect, Washington rejected it. A letter to the union and the hotel group from the Social Security Administration expressed sympathy for the aim of the plan but cited technical obstacles in the way of approval.

That letter was not taken as the final word, and there began a year-long, ultimately successful effort, to persuade Federal officials to take a second look at the $70 plan and reconsider the question of its validity. A 13-member Hotel and Motel Trades Council tip committee, including 9 waiters and bellmen, guided a spirited campaign that had political, publicity, and legal aspects. The climax came last May 27 when a delegation of 240 tip workers from New York City hotels, plus union officers and attorneys, confronted Social Security Administration Commissioner Robert M. Ball and other Federal officials in Washington and presented a carefully prepared case for the $70 plan.

The spokesmen for the union were Mr. Rubin; Sidney E. Cohn, an attorney, and onetime waiter; Vangel Kamaras, a vice president of Local 6, Hotel and Club Employees, and chairman of the tip committee; and a half dozen of the rank-and-file delegates, all of whom had dug into their own pockets to pay for the trip. Their cases ranged from retired Mr. Dalton's statement about his $53 monthly check, to an elaborate memorandum of law. In that memorandum, in addition to an opinion by Justice Benjamin Cardoza of the U.S. Supreme Court, and various Federal court decisions, the union relied heavily on New York State agency rulings and practices. The State's acceptance of tips as wages for the purposes of minimum wage, workmen's compensation, and unemployment insurance was shown. Citations included a 1917 workmen's compensation case (*Sloat* v. *Rochester Taxi Cab Co.*), a 1959 opinion of the State attorney general, and section 517 of the New York State labor law.

The turning point in the fight for the $70 plan—the Washington meeting—elicited from Commissioner Ball the statement that he had gained some new insights into it and a promise that it would be reexamined. In mid-July, after a study of the testimony presented at the meeting and supplementary data supplied later, Mr. Ball notified the union and the Hotel Association that "the $70 weekly amount * * * may be deemed to be creditable as wages for social security benefit purposes."

But the achievement was possible because the union was not alone. The Hotel Association stood by the $70 plan after the initial rejection by Washington. Its attorneys joined those from the union in a series of conferences with Federal officials, and it worked with the union in preparing evidence for their consideration. The Federal decision finally turned on whether it could be shown that New York City hotel tip employees actually receive at least $70 a week in salary and tips. Part of the key evidence demonstrating this came from the employers.

And what may have been the deciding factor was the intervention of Senator KEATING and other Members of Congress from New York. Senator KEATING's personal appearance at the Washington meeting was a dramatic moment. An early champion of the cause of tip workers who had authored one of the tip bills stuck in committee, the Senator spoke without notes out of his full knowledge of the legal and substantive aspects of the issue. Capping an eloquent review of the situation, he described the hotel industry's $70 plan as "reasonable alternative" to legislation by Congress, found the initial rejection of it by Washington "bewildering," and called for reconsideration and approval as "simple justice" to tip workers.

About a score of other Members of Congress from New York State, including Senator JACOB JAVITS, likewise urged the Social Security Administration to accept the $70 plan. Particularly active were Representatives JOHN V. LINDSAY and SEYMOUR HALPERN, both of whom took the floor in the House to endorse the $70 plan, and Representative EUGENE J. KEOGH, who was especially helpful as a member of the Ways and Means Committee.

Pending the Washington decision, the employer and employee social security taxes on the difference between the regular wage and $70 have been paid into a fund held in escrow by Herman A. Gray, acting arbitrator for the New York City hotel industry. Already in excess of $500,000, this sum will be turned over to the District Director of Internal Revenue for crediting to the accounts of the tip workers.

What once looked like a hopeless cause has resulted in a victory for New York's tip workers; the accomplishment is evidence that when labor and management join forces toward a mutual goal, and with the aid of conscientious legislators, success is inevitable.

BYELORUSSIAN RESOLUTION

Mr. KEATING. Mr. President, Byelorussian immigrants to this country have contributed greatly to the continued hope of their brothers behind the Iron Curtain that freedom might once again be theirs. We Americans have committed ourselves to assisting these brave people in their pursuit of freedom. We have not forgotten the fight for our own freedom, nor can we forget the sacrifices of the thousands of Byelorussians who defended the allied cause, first against the oppressors from the West, and then against the oppressors from the East. Their courageous stand is a solemn reminder that the freedom we enjoy is forcibly denied to much of the rest of the world.

I request unanimous consent that there be printed in the RECORD the Byelorussian-American Association's resolution, "Twenty Years in the Free World."

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE SIXTH CONVENTION OF BYELORUSSIANS OF NORTH AMERICA, HELD UNDER THE SLOGAN, "20 YEARS IN THE FREE WORLD," IN NEW BRUNSWICK, N.J., ON SEPTEMBER 6, 1964

1. As a result of World War II and the second occupation of Byelorussia by the Bolshe-

viks in 1944, great numbers of Byelorussians found themselves in the West. Some of them, fearing an unknown and uncertain future in foreign countries, returned to their homeland after the end of the war. Others were forcibly repatriated. Still others chose the unenviable path of political emigration. This emigration, and particularly its ideological and national leadership, dedicated itself to the task of continuing abroad the activity for national liberation which it was unable to pursue in its enslaved homeland. It undertook to develop, strengthen, and conduct propaganda in the free world for the idea of the act of March 25, 1918—the idea of a free and independent Byelorussia, which had been trampled and dishonored by the Bolshevik occupant.

2. In the free world, the Byelorussian emigration has encountered the sympathetic and friendly response of the democratic nations and people among whom destiny had brought them to live and to work. Throughout the free world, and above all in the United States and Canada, where the largest numbers of Byelorussian emigres are concentrated, there has been a steady and satisfactory development of Byelorussian organizational life, cultural activities such as schools of Byelorussian studies and the publication of newspapers and books, religious life, and political activity. Everyone here enjoys full cultural autonomy, while every trace of such autonomy has been eradicated on Byelorussian territories not included in the B.S.S.R., and also in Siberia and the virgin lands of Kazakhstan, where many thousands of Byelorussians have been deported.

3. In the area of political activity and the popularization among the peoples of the free world of the Byelorussian cause of national liberation, the achievements of the Byelorussian emigration for the past 20 years have been very substantial. The governments and political forces of the West, which had formerly been poorly informed concerning the problem of national liberation of the Byelorussian people, are today—chiefly thanks to the activity of the emigres—aware of us, sympathetic toward our plight, and support us politically and morally.

4. With every passing year, the emigres' work for national liberation reaches deeper through various channels across the Iron Curtain into enslaved Byelorussia, and strengthens our people's hopes for liberation. This is why the Soviet Union, which carefully ignored the existence and activities of the Byelorussian political emigration during the early postwar years, has in the last few years been compelled to speak of them openly. The Soviet Union seeks to besmirch the Byelorussian emigration morally and to compromise it politically in the eyes of the Byelorussian people and the Western World, representing it as a clique of unprincipled careerists and venal agents of American intelligence. However, no Soviet provocations or diversions, and none of the slanderous vilifications aimed at the emigre leadership, have accomplished their purpose.

5. While the Byelorussian emigration in the free world has every opportunity to carry on its national activity in all areas of public life, the yoke of slavery continues to strangle our freedom-loving people. Our people continue to suffer from economic exploitation, social injustice and unheard-of mockery over the faith of its forebears. It is deprived of basic political rights and opportunities for free national development. Systematic Russification, especially in the field of language, national discrimination, and the resettlement of Byelorussian families and youth on the virgin lands of Kazakhstan and Siberia are aimed, by gradually undermining the Byelorussian national potential, at the eradication of the Byelorussians as a nation.

6. But ruthless oppression, moral and physical terror and national discrimination cannot break the spirit of freedom alive in the Byelorussian people, or to quench its unshakable striving for liberation and full development as a national entity. The Byelorussian's devotion to, and love of, his national tradition, culture and native tongue not only have not weakened, but are steadily growing stronger and prompting the most resolute resistance to Russification. This resistance is so great among the people, and particularly among the national intelligentsia—writers, leaders in every cultural area, teachers and student youth—that none of the measures employed by the Bolsheviks have been able, or shall be able, to crush it.

On the basis of all we have outlined above, we, the Byelorussians of North America, assembled at our 6th convention on September 5–7, in the city of New Brunswick, N.J., proclaim to our people at home and to the free world, that:

1. We condemn the criminal Russian Communist policy in Byelorussia, a policy of economic exploitation, political, national and religious suppression, and Russification.

2. We bow our heads before the glorious memory of the many thousands of sons of the Byelorussian people who have given their lives in the fight against communism, and we voice our admiration for, and gratitude to, all who unflinchingly carry on this fight for liberation in our enslaved, but unvanquished, homeland.

3. We express our deep appreciation to the American and Canadian peoples who, prompted by humanitarian sentiments and fulfilling the principles of democracy, have given our emigration asylum and equal civil rights.

4. As United States and Canadian citizens who loyally fulfill our duties to the United States and Canada, we appeal to the President of the United States, the Governments of the United States and Canada, and the Members of the United States Congress and the Canadian Parliament to champion and support the Byelorussian people's struggle for national liberation both in domestic and foreign policies, in full consonance with the traditional observance and active support by both countries of the idea of freedom and independence of all the peoples of the world.

5. Today, on the 20th anniversary of the beginning of our life in the free world, we offer a solemn vow that we shall not cease our struggle for national liberation until the ideas of freedom and independence, proclaimed by the Council of the Byelorussian Democratic Republic in the act of March 25, 1918, are fully achieved and realized.

STANISLAU STANKEVICH,
Chairman of the Convention.

September 6, 1964, New Brunswick, N.J., U.S.A.

BLOCKED SPACE SERVICE BY AIR CARGO CARRIERS

Mr. HART. Mr. President, on August 7, 1964, the Civil Aeronautics Board adopted Policy Statements Amendment No. 3 to Part 399. That policy statement was:

> To permit all-cargo carriers to provide blocked space service to (1) such combination carriers as may choose to use it to provide service over routes which are certificated to both the combination and the all-cargo carrier involved; (2) air freight forwarders; and (3) large volume individual shippers.

It was the further "policy of the Board not to permit combination carriers to provide blocked space service."

The action of the Board was a controversial one, as indicated by the appeal to the courts by the large combination carriers. It appears, however, that this was a timely action consistent with the objective which the Board was created to serve.

The late Senator McCarran aptly stated the objective as follows:

> It is our object and purpose that an independent agency shall be set up by the bill which eventually will not only give to the great operators * * * but will give to the small operators an opportunity to have life, if I may so express it tersely, and to have the right to operate, and to have the right to enjoy their investment and the fruit of their courage, because it requires investment and courage to initiate airlines. The whole object, so far as I am concerned, in initiating this legislation has been to establish an independent agency so that [the small] airlines * * * may have a secure place in the picture for their service. (83 CONGRESSIONAL RECORD 6848–6849)

This policy was no radical departure from previous policy. The Board explained it in these words:

> It is clear that there already exists a distinction between the combination carriers, on the one hand and the all-cargo carriers, on the other, inherent in the terms of their certificates of public convenience and necessity and their operating responsibilities thereunder. Thus the Board has already established a delineation of roles for the all-cargo and the combination carriers. The policy adopted herein accomplishes a further delineation of the respective roles of these two groups of air carriers, in accordance with the Board's authority under section 416(a) of the act to establish such just and reasonable classifications or groups of air carriers as the nature of their services shall require.

In 1962 the Board had concluded that the domestic all-cargo carriers have earned themselves a place as all-cargo specialists in the U.S. air transport system (*Domestic Cargo-Mail Service* Case, order E–1830, May 3, 1962, docket 10067).

If we are to expect the weak segment of the air transportation system to exist and prosper as intended under the Civil Aeronautics Act, we must recognize the need for some protection of their opportunity in the field in which they earned themselves a place.

The large combination carriers should recall their history, which began with a period of protection and sustenance by the Government. It has taken over 25 years since the passage of the Civil Aeronautics Act in 1938 for them to reach their present stability and profitability. This has come from a combination of Government subsidy in years past, mail contracts, passenger, and freight cargo, and able leadership in the airlines.

The combination carriers have become financially strong, and still enjoy substantial advantages over the all-cargo carriers. I do not say this in a spirit derogatory of the large carriers. Their strength is a good investment for our Nation; their capacity is a plus of which all of us are proud.

Ten of the combination carriers are among the 50 largest transportation companies of the Nation, according to the Fortune Directory of August 1964.

A table taken from the Fortune Directory shows the operating revenues, assets, net income, and net income as a percentage of invested capital for 1963, of the five largest airlines. None of the all-cargo carriers appear among the 50 largest transportation companies.

I ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Rank in top 50	Company	Operating revenues [1]	Assets [2]	Net income [3]	Net income as percent of invested capital [4]
		Thousands	*Thousands*	*Thousands*	
4	United Air Lines	$622,864	$635,391	$14,712	6.6
6	Pan American	560,917	552,736	33,568	19.3
8	American	488,057	697,572	17,203	10.6
9	TWA	476,533	511,510	19,840	19.5
14	Eastern	354,989	318,749	(37,760)	------------

[1] Consolidated operating revenues for calendar year 1963.

[2] Total assets employed in business, net of depreciation, as of Dec. 31, 1962.

[3] Figures in parentheses are losses.

[4] Figured on the invested capital as of Dec. 31, 1963.

RESOLUTION OF THE NEW YORK STATE COUNCIL ON THE ARTS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a resolution of the New York State Council on the Arts commending the bill which the President signed to create a National Council on the Arts.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas on September 3, 1964, bill H.R. 9586 was signed by the President of the United States creating for the first time in the Nation's history a National Council on Arts to maintain, encourage, and increase the cultural resources of the United States; Now, therefore, be it

Resolved by the New York State Council on the Arts, That it commends President Lyndon Baines Johnson and the 88th Congress for passage of this bill. Furthermore, the council particularly cites the sustained efforts of Senator JACOB K. JAVITS of New York, Representative JOHN V. LINDSAY of Manhattan, and Representative FRANK THOMPSON, JR. of New Jersey, for enactment of this legislation. In addition, the New York State Council on the Arts takes this opportunity to acknowledge the profound contribution that was made to the arts and to the realization of this law by President John F. Kennedy.

Seymour H. Knox, chairman; Dr. Henry Allen Moe, vice chairman; Reginald Allen; Mrs. Harmar Brereton; Angus Duncan; Theodore M. Hancock; Miss Helen Hayes; Dr. Louis Clark Jones; David M. Keiser; Mrs. David Levene; Alfred J. Manuti; Hale Woodruff; John B. Hightower, executive director; William Hull, assistant director.

THE UNITED STATES FAVORS WORLD MONETARY REFORM

Mr. JAVITS. Mr. President, the recently concluded meeting of the International Monetary Fund in Tokyo is one of the most important in the post-World War II history of the international monetary system.

At this meeting, the United States, which as late as mid-1963 insisted that the existing system was adequate, went on record in favor of liberalizing the existing system. At a news conference in Tokyo, Secretary Dillon is quoted as saying:

> We think that the problem is to find, in adequate time, a new way and a new source of making additional liquidity available to the world as the U.S. balance-of-payments deficits come to an end.

According to news reports the administration is now more favorably considering proposals for expanding the IMF into a world central bank empowered to receive deposits from member nations, to provide long-term loans to developing nations and to others who are suffering from extended balance-of-payments deficits, even if such loans exceed reserves. This type of lending is the way U.S. commercial banks create credit and expand our money supply. Administration officials are quoted as being in favor of a serious and workable proposal that would strengthen the development of the IMF into a world central bank, and would welcome wide-ranging public discussion of just how this may be achieved.

It is also stated in the press that it was tacitly agreed by Western financial leaders at the Tokyo conference that in the future the growth in the world's supply of international credit should be managed to some degree, and not just result from such factors as how much gold happens to be mined and how big are the deficits in the U.S. balance of international payments. But it is of crucial importance that those who have argued as recently as 2 or 3 years ago—and this includes the U.S. policymakers—that the present international monetary system is adequate are now saying that gradual changes in the functioning and credit-creating mechanism of the international monetary system are bound to come.

During the past few months proposals for reform ranged from the expansion of the IMF into a world central bank to suggestions by Mr. Schweitzer, managing director of the IMF, to create a new system of national deposits in the IMF, or to permit investments by the Fund in the securities of member countries. Regardless of the method that may be worked out in the future, the U.S. Government now seemingly recognizes the need to start to lay the foundations of an expanded IMF, one with sufficient reserves to permit the orderly expansion of world trade and international transactions.

As one who has been advocating the need for world monetary reform throughout 1963 and this year, I am, of course, extremely gratified that at last the need for such reform has been better received by the United States, at least in principle. I am convinced that plans should be made now, while there is still time and room for maneuver, for the eventual overhaul of the system and in the direction that has apparently been decided upon in Tokyo. The IMF is eminently qualified as a result of 17 years of experience to take on added responsibility for managing the world's monetary system.

As a first step, I am urging Secretary Dillon to make a personal report to the appropriate congressional committees—the Senate Foreign Relations Committee, which has jurisdiction over the Bretton Woods Agreements Act and for approving any increase in the U.S. quota in the IMF, the Senate and House Banking and Currency Committees which must concern themselves with the impact of changes in the international monetary system on U.S. monetary policy, the Federal Reserve System and our gold reserves, and the congressional Joint Economic Committee, which has been deeply involved in studying international economic and financial matters for several years. The decisions that have reportedly been reached are of vital importance to the United States and Congress should not be made to rely on newspaper stories to find out what happened.

The time is also ripe for the appropriate committees of Congress to undertake full and public hearings early in 1965 to examine various proposals such as the Triffin plan, the Bernstein plan, the Zolotas plan, and others for the expansion of international credit with a view to informing the public of this vital problem and to assist the executive branch in developing a workable approach toward reform.

Looking beyond these hearings I foresee the need for an international conference first at the experts level and then at the Cabinet level. On July 10, 1963, I introduced Senate Concurrent Resolution 53 calling on the President to call for an International Economic Conference and to take initiatives with the IMF to devise new and improved methods of permanently strengthening the international credit and monetray mechanism. Although no hearings have yet been scheduled by the Senate Foreign Relations Committee on the resolution, events of the past year fully bear out the need for early action.

I ask unanimous consent that several newspaper articles and editorials pertaining to the Tokyo conference be printed in the RECORD at the conclusion of my remarks.

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

SCOPE IS SHIFTING FOR WORLD CREDIT: TACIT CONSENSUS EMERGING ON NEED FOR MANAGING MONETARY LIQUIDITY—FUND DEBATE ASSESSED: CHANGES IN SYSTEM WEIGHED AS IMF AND BANK END MEETINGS IN TOKYO

(By Edwin L. Dale, Jr.)

TOKYO.—As delegates to the International Monetary Fund and World Bank annual meeting scattered to the four corners of the earth, there was a widespread awareness that something new had been added to the world financial scene.

While few Governors of the Bank and the Fund expressed it openly and publicly, the "something new" is a tacit decision that in the future the growth in the world's supply of international liquidity must be managed to some degree, and not just result from such haphazard factors as how much gold is mined and how big are the deficits in the U.S. international payments.

"Liquidity" is the word used to describe the total of nations' reserves of gold and foreign exchange, mainly dollars, and their access to credit. It is the means of settlement of deficits and surpluses in nations' international transactions.

The meeting here was filled with terms that none but a handful of specialists had ever heard of a few years ago—"owned reserves" versus "credit facilities," "conditional liquidity" versus "unconditional liquidity."

ORDERLY GROWTH SOUGHT

But the very existence of these terms, and the debate, constituted a tacit decision that the world in the future will endeavor to create an orderly growth in liquidity. The issue is of major importance to prosperity in all nations, because insufficient liquidity could force the world into an economic depression as it was forced in the 1930's.

In practical terms, the new tacit consensus means that there will almost certainly be international financial innovations in the years ahead, though no one can forecast whether it will be in 2 years or 5.

Because there is obviously still no consensus on the extent of the problem and the ways of solving it—a lack of consensus emphasized by the clash of views here between the United States and France—no one can forecast, either, what exact form the innovations will take.

But men who insisted as recently as 2 or 3 years ago that there was nothing wrong with the present world monetary system were saying at the bank and fund meeting that gradual changes were bound to come.

It might be a new system of national deposits in the International Monetary Fund. It might be investments by the Fund in individual countries or international agencies as a means of creating new national reserves.

But whatever it is, the nations are agreed that new liquidity must not come from a continuation of deficits in their international payments by the United States and Britain, two nations that have "reserve" currencies.

Given this measure of agreement, the clashes between the United States and Britain on one side, and France with the partial backing of some European countries on the other, are important but not decisive for the future, in the view of many here.

In addition, it became evident that the "conservative" continental Europeans were not as one-sidedly conservative as they had once appeared.

STINGING CRITICISM

Italy, for example, allowed it to be known in private that she did not endorse the view backed by France and the Netherlands. Norway came out with some stinging criticism of the position expressed by France, West Germany, and the Netherlands that the present world system is menaced mainly by inflation.

For the next year or so, the system will function as always, with the increase in members' quotas in the Monetary Fund agreed upon at the annual meeting as a means of adding to the nations' access to credit, if needed and warranted, to bolster their reserves.

One of the issues here, still unresolved, is whether future additions to liquidity should be in the form of credit or in "owned" reserves. The United States and Britain suggested credit; the Netherlands suggested new reserves that would be owned by nations. But this difference of view, while it raises a difficult problem, does not mask the general awareness of a need for some more conscious management of the monetary system in the future.

"The cage of orthodoxy has been unlocked," a high American official observed. "We will definitely move on from here. And I think you'll find that the movement will be in the direction of expansion of liquidity—prudent expansion but still expansion."

UNITED STATES LEANS TO FLEXIBLE CREDIT IDEA

(By Frank C. Porter)

In a fundamental change of policy, administration officials are warming to the idea of an international bank that would both assure adequate growth in the world supply of money and credit and hasten development of the poorer nations.

This shift in thinking was revealed yesterday in the wake of annual meetings of the International Monetary Fund and World Bank in Tokyo.

According to official U.S. sources, the administration is now pondering whether the IMF might not be expanded into such a superbank by encouraging nations with surpluses in their international accounts to deposit excess reserves in the Fund.

Now limited to advances to help stabilize members' currencies, the IMF's lending authority would be expanded to include long-term loans for development of poorer nations and to other countries for seeing them through extended periods of international deficits.

While still maintaining their official position that the supply of international credit is sufficient to finance trade now, American authorities have clearly embraced an expansionary policy for the future.

This puts them at odds with the French, who in Tokyo advanced a plan for a 10-nation currency tied to a gold standard which Treasury Secretary C. Douglas Dillon branded as unduly restrictive.

"We think that the problem is to find in adequate time a new way and a new source of making additional liquidity available to the world as the U.S. balance-of-payments deficits come to an end," Dillon said last week in Tokyo. "And this is quite contrary to the basic French thesis."

In raising the curtain partially on "a new way and a new source," an administration official stressed yesterday that Government thinking on the subject is still fluid and amorphous. "We're wide open" to other ideas, he said.

But this thinking has clearly undergone a revolutionary change from 2 years ago when the United States stoutly maintained the existing international monetary machinery was adequate and resisted suggestions to revamp it—particularly proposals to create a "world central bank."

Unlike the IMF as now constituted, such a central bank could create new money by loaning more funds than it had in reserve. This is how commercial banks expand the domestic money supply.

Asked if current thinking embraced a world central bank, the administration source significantly suggested that "everything that adds to the strength of the (International Monetary) Fund is in the direction of a world central bank."

But an IMF expanded along lines tentatively suggested by the administration would not necessarily have this credit-creating power, he added.

The official offered a tipoff to the change in Government policy. He said that until recently it was necessary for the administration to take a "sour position" on all suggestions for major change in the world monetary setup for fear that free-wheeling public discussion would prove hazardous to the dollar, then under pressure overseas.

With confidence in the dollar improved and a "cooperative understanding" established with other major countries, the official said, the administration now welcomes wide-ranging public discussion of conflicting proposals by the United States and other nations for revamping international credit mechanisms.

Over the last decade the U.S. deficit on international payments has helped finance world trade through a net outflow of dollars overseas. The administration fears that once U.S. payments are brought into balance, this important source of international liquidity will contract severely.

MONETARY CANDOR IN TOKYO

(By Harvey H. Segal)

Meetings of the International Monetary Fund are usually sedate and predictable because the member countries take pains well in advance to reach compromises on controversial issues. The Tokyo sessions just concluded were not an exception to the rule. But they did provide a broad platform on which the clashing views about revamping the world monetary structure were aired with great candor.

Since there was agreement on the general proposition that member country quotas should be increased by an average of 25 percent, all eyes were turned toward M. Valery Giscard d'Estaing, the French finance minister. Giscard was expected to deliver a critical disquisition on the current role of the dollar and sterling, and he proved to be most obliging.

The stock of international liquidity—the means by which balances of international indebtedness are ultimately settled—is now principally augmented by the dollar and sterling balances growing out of the balance-of-payments deficits of the United States and the United Kingdom. Giscard d'Estaing criticized this system on two grounds.

He argued first that the United States and the United Kingdom as reserve-currency countries are not subjected to balance-of-payments discipline, to the sort of fiscal and monetary restraints that would have to be exercised in deficit countries whose currencies are not held as international reserves. The second charge is that the United States and United Kingdom deficits are responsible for what he calls "imported inflation" in the surplus countries.

In place of a system that permits the reserve-currency countries to incur limitless deficits and export inflation to their creditors, the finance minister proposed a new "composite reserve unit" to be created by the Group of Ten industrial countries. The new unit would be utilized by the Ten in the event of a liquidity shortage, and the quantities created would be directly linked to their individual gold holdings.

The charge that the United States and United Kingdom are exporting inflation to continental Europe is a curious one, for it implies that there is nothing that France and Germany can do to counteract the effects of balance-of-payments surpluses. And yet the prescriptions for dealing with payments surpluses are ancient. The inflow of funds abroad can be offset by "sterilization," by not permitting them to swell domestic bank reserves, by open-market operations or regulations that reduce bank reserves and the money supply and by restrictive fiscal policies.

Behind Giscard d'Estaing's strictures and proposals, which were supported by M. W. Holtrop of the Netherlands Bank, lies a deep-seated suspicion of the credit system and a strong attachment for a version of the gold-standard system that antedates the First World War. The French and the Dutch bankers hold positions analogous to the Goldwater Republicans who speak darkly of the "artificial prosperity" and the "credit card economy." By the same token, Giscard d'Estaing and Holtrop imply that the present international monetary system, which rests so heavily on balances of the reserve currencies, is an Anglo-Saxon effort to create an illusion of stability with credit mirrors.

In replying to Giscard d'Estaing, Secretary Douglas Dillon put this country on record for the kind of international monetary reforms that the Treasury was rejecting only 2 short years ago. After disposing of the "imported inflation" argument with the suggestion that Germany and France might export more capital, Dillon argued that the Group of Ten was not an "action group," that it cannot impose its ideas on the other 92 members of the IMF. He then characterized the reserve unit proposal as one that "is basically designed to be restrictive in nature and limit the amount of liquidity that may be available."

While agreeing with the French that the world should not be dependent on the deficits of the reserve currency countries for its supply of liquidity, he declared: "Some additional means will probably have to be found in the future to make an adequate supply of liquidity available as world trade grows."

Although there is a very sharp cleavage between the "European" and "Anglo-Saxon" camps, a cleavage that reflects much more than disagreement about monetary theory, the IMF structure will continue to function and evolve. For however unhappy the French and Dutch—and perhaps the Germans—may be with the present arrangements, they know that the boat can be rocked only within limits, that if the system is pushed into a crisis they, the holders of dollars and sterling, will suffer most.

The situation is not unlike that of a man and wife who cannot afford to divorce and yet are so alienated by individual pride that they are unwilling to make more than perfunctory efforts in the direction of cooperation.

The IMF at Bay

The annual meeting of the International Monetary Fund revealed that the free world's financial leaders are not the united fraternity they are often made out to be. They are at odds over the amount of monetary resources that will be needed to stimulate sound development and expand trade and they are equally divided over who should control whatever increase in liquidity is finally decided upon.

Many voices have been heard in this debate. but the basic argument is between the United States on one side and France on the other. According to the French, the present monetary machinery, which is based on gold, the pound sterling, and the dollar, has often produced too much liquidity that results in inflation. They would prefer to establish a new currency unit, supported by the monetary reserves of the major industrial powers, as a substitute for the present key currencies. Control over this new form of liquidity would be left in the hands of the few countries contributing to the new unit.

Washington denies that the financial machinery is inflationary. Supported by the British, the United States insists that the financial system must be prepared to increase the supply of liquidity and wants its supervision entrusted to the **IMF rather than to any new group of rich nations.**

It may be tempting to consider this a technical dispute that should be thrashed out only among the experts. But it involves much more than that. There can be room for compromise over the form or amount of liquidity, but the issue of control involves the entire cooperative effort to maintain a smoothly functioning system. If the French get their way and a new body is set up with the right to determine whether resources are adequate, the IMF would be forced into a subsidiary position of dealing mainly with the problems of the developing nations. Instead of strengthening the financial links, this move would encourage new divisions.

Undoubtedly the world's bankers would have preferred to keep their quarrels to themselves. But it is a healthy thing that their differences have been made public. The IMF is best equipped to carry out reforms of the monetary machinery, and with the debate in the open, the IMF may now get the support that it deserves against the attempt of some of its members to undermine it.

PARTICIPATION BY THE PUBLIC SERVICE CO. OF COLORADO IN LARGEST REGIONAL ELECTRIC POWER DEVELOPMENT PROGRAM

Mr. DOMINICK. Mr. President, on September 22 an announcement was made by the Public Service Co. of Colorado and by other public service companies of the formation of a new group called the Western Energy Supply & Transmission Associates, for the purpose of putting together the largest regional electric power development program ever planned.

Mr. President, this organization, when its plans are completed, will have saved many millions—perhaps billions—of dollars for itself. They will have cut down their operating costs, and will have provided cheaper electricity and power for the citizens of those nine States. It seems to me that this is a most welcome development, something which is of great importance in the power field, and something which we have followed closely in order to give a clear picture of exactly the makeup of this particular group and its programs.

I ask unanimous consent to have printed in the Record the release dated September 22 and an article reporting on the program published in the Wall Street Journal of September 23.

There being no objection, the release and article were ordered to be printed in the Record, as follows:

Public Service Co. of Colorado announced today that it will participate in the largest regional electric power development program ever planned.

R. A. Person, president of Psco., in making the announcement, said that his company will be associated with a group called Western Energy Supply & Transmission Associates (WEST). WEST is composed of 10 investor-owned electric utilities operating in the Southwestern and Rocky Mountain States.

Person said: "The companies participating in the WEST program will spend at least $10.5 billion in the next 20 years to supply rapidly increasing power needs of the customers served on their systems.

"The expenditures by the 10 investor-owned companies and other interested utility systems will be for the construction of some 36 million kilowatts of new generating capacity and a network of extra-high-voltage transmission lines to interconnect major electric systems in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Utah, Wyoming, and Texas.

Person indicated that the economic growth in this nine-State region, which has grown faster than any other area since World War II, prompted the formation of WEST. Preliminary engineering and economic studies indicate that many desirable benefits can be derived for electric consumers in the region through coordinated planning and scheduling of major power facilities

"WEST is designed to enable the power systems within the area to continue to offer the pace-setting stimulus of low-cost electricity to assure the continued economic development of the region," Person pointed out. "Realization of the goals of this program will provide a tremendous stimulus to the coal, gas, oil, nuclear, and construction industries in the region."

WEST will develop plans for interconnecting the individual electric systems using extra-high-voltage lines and also coordinate installation of generating units of up to 1 million kilowatts in size.

Projections of the companies participating in WEST indicate that the total generating capacity requirements for all the participating systems will be some 54 million kilowatts by 1985. This is more than three times the members' present installed capacity.

"Although specific plant site locations, ownership, approval of various regulatory bodies, and other matters are still being worked out," said Person, "WEST is so organized that the powerplants and transmission lines will be constructed and operated by individual members or by two or more members, but all will be coordinated to form an operating part of the overall system serving the nine-State area.

"WEST brings new dimensions to the electric utility industry in this region," Person said. "This joint approach, financed with private capital, will make possible the use of the latest technological advances and the lowest cost fuel sources to meet the future power supply requirements of a geographical area encompassing one-fourth of the continental United States and having some 15 million consumers."

Investor-owned electric systems participating in the WEST program are: Arizona Public Service Co., El Paso Electric Co., Nevada Power Co., Public Service Co. of Colorado, Public Service Co. of New Mexico, San Diego Gas & Electric Co., Sierra Pacific Power Co., Southern California Edison Co., Tucson Gas & Electric Co., and Utah Power & Light Co.

Several municipally operated electric utilities in the nine-State area are considering joining WEST. These organizations and other power systems which meet the objectives and purposes of WEST Associates will be invited to become members in the near future.

Western Utilities Intends To Develop Facilities Jointly: 10 Firms May Be Joined by 5 Municipal Units; 20-Year Outlay Put at $10.5 Billion—Saving of "Billions" Expected

Albuquerque, N. Mex.—A group of electric utilities announced plans for joint development of powerplants and lines in nine Western States expected to save them "billions of dollars" in capital outlays and operating costs over the next 20 years.

Ten investor-owned utilities set up a new organization, in which five local-government power suppliers expect to join, to plan and coordinate an estimated $10.5 billion in capital outlays through 1985. The expenditures will be about equally divided among generating plants, long-distance transmission lines and local distribution systems.

This is the largest regional electric power development program ever planned anywhere in the world, asserted D. W. Reeves, president of the new group. It is called Western Energy Supply & Transmission Associates. Mr. Reeves is also president of Public Service Co. of New Mexico, a member of the group.

Initial planning by WEST Associates calls for the addition of 36 million kilowatts of new generating capacity over the 20-year period ending December 31, 1985, double the 18 million kilowatts of generating capacity the 15 utilities currently have or are building.

Financing and construction of the plan will be handled by member companies on an individual basis or in combination with one or more other members, Mr. Reeves said, but by joint planning and use of the facilities, the companies will be able to build bigger plants, take advantage of the lowest cost fuel sources, and make use of the latest technological advances, he said.

LOWER RATES FORECAST

"The anticipated sizable economies resulting from lower capital outlays and lower power costs will flow through to the consumer in the form of lower electric rates by member companies," Mr. Reeves said. He said he couldn't estimate the size of any likely rate cuts. He added that the program should accelerate economic growth of the area by maintaining or reducing electric rates in each company's service area.

Backers of the new organization denied that it was set up in an effort to block the growth of public power, either through Federal Government hydroelectric projects or electric cooperatives financed by the Rural Electrification Administration.

Robert T. Person, president of Public Service Co., of Colorado, another member company, noted that 5 of the 10 investor-owned utilities in the organization already have power interconnections with the U.S. Bureau of Reclamation and that west coast members of the group will be on the Department of Interior's new "intertie" system linking electric systems of the Pacific Northwest with the Pacific Southwest.

"WEST's program should complement these existing arrangements," Mr. Person said.

Mr. Reeves said, however, power projects run by or financed by the Federal Government won't be invited to take part in WEST's program. This is unlike previous regional power agreements in the country, which have included both public and private power facilities.

M. H. Atcheson, a vice president of Sierra Pacific Power Co., another member of the group, conceded that the WEST program may encounter difficulties in building its long-distance transmission lines across Federal land. Under existing Department of Interior regulations private companies can be required to use excess capacity of their transmission lines to carry federally generated power to REA co-ops and municipally owned systems.

Mr. Atcheson noted that a congressional committee is currently studying joint public-private use of Federal lands and the power companies hope the committee will recommend a change in these regulations.

In addition to Public Service of New Mexico, Public Service of Colorado, and Sierra Pacific Power, the group includes Arizona Public Service Co., El Paso Electric Co., Nevada Power Co., San Diego Gas & Electric Co., Southern California Edison Co., Tucson Gas & Electric Co., and Utah Power & Light Co.

Also invited to become members and expressing interest in the organization are the Los Angeles Department of Water and Power, Burbank Public Service Department, Glendale Public Service Department, Pasadena Municipal Light and Power Department, and the Imperial Irrigation District, all California power suppliers owned by local governments.

Invitations will also be extended to other investor-owned or local-government-owned power systems.

AREA INVOLVED

The 15 companies serve approximately 90 percent of the electrical customers in the area involved. This area includes all of Arizona and Utah, most of Nevada, Colorado and New Mexico, the southern half of California, and small parts of Texas, Wyoming and Idaho.

The initial project to be undertaken by WEST Associates members will be the building of one or two 750,000-kilowatt powerplants, probably in the Four Corners area where Arizona, New Mexico, Utah, and Colorado meet. J. K. Horton, president of Southern California Edison, said that company is prepared to build the first of these units on its own, but Arizona Public Service has already expressed interest in joining in the project and invitations will be extended to three or more other members of WEST Associates, he said. He said plans should be made firm by the end of this year.

Among the new technology to be considered by WEST Associates is the possible use of dual-purpose nuclear powerplants capable of making fresh water from sea water and producing electricity simultaneously, according to Mr. Reeves of New Mexico Public Service.

ROLE IN DESALTING OF WATER

Sam Nelson, general manager of the Los Angeles Department of Water and Power, said that the cost of desalting sea water at present is uneconomical, running between 28 cents and 40 cents per 1,000 gallons at a 500,000-kilowatt powerplant. He said the hope is that WEST Associates, through joint participation, could build plants large enough to reduce these costs to a level competitive with other sources of water.

Mr. Nelson predicted the formation of WEST Associates would speed the development of economic desalting plants on the west coast.

Mr. Reeves stressed that the organization will use the cheapest available fuel sources for its powerplants, whether they be coal, oil, natural gas, or atomic power. He predicted that the new generating plants to be built by the group would be consuming the equivalent of 10.5 million tons of coal a year by 1971. This would rise to 50 million tons by 1978, and 105 million tons on completion of the 20-year program.

Interconnecting of electric utilities isn't new. The United States pioneered the idea of pooling electric energy about 60 years ago to enable power companies to build bigger generating plants and thus reduce power costs. Systems providing about 97 percent of the Nation's electricity are currently interconnected with one or more neighboring systems. They are particularly valuable for exchanging of power between companies with differing seasonal periods of peak demand.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to consider executive business.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations for postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations for postmasters be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

U.S. AIR FORCE

The Chief Clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

ROUTINE NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, IN THE ARMY, AND IN THE MARINE CORPS

The Chief Clerk proceeded to read sundry routine nominations placed on the Secretary's desk in the Air Force, in the Army, and in the Marine Corps.

The PRESIDING OFFICER. Without objection, the nomination will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be notified forthwith of the nominations today confirmed.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

ROBERT E. McKEE, GENERAL CONTRACTOR, INC., AND KAUFMAN & BROAD BUILDING CO.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 881, House bill 4972, for the relief of Robert E. McKee, General Contractor, Inc., and Kaufman & Broad Building Co., a joint venture.

The motion was agreed to; and the bill was considered, ordered to a third reading, read the third time, and passed.

MODIFICATION OF RETIREMENT BENEFITS OF CERTAIN JUDGES IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1403, House bill 5871.

The PRESIDING OFFICER. The bill will be stated by title.

The Chief Clerk. A bill (H.R. 5871) to amend section 11 of the act of April 1, 1942, in order to modify the retirement benefits of the judges of the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia, and for other purposes.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia, with an amendment to strike out all after the enacting clause and insert:

That section 11 of the Act entitled "An Act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'the Municipal Court for the District of Columbia', to create 'the Municipal Court of Appeals for the District of Columbia', and for other purposes", approved April 1, 1942 (D.C. Code, sec. 11–776), is amended to read as follows:

"Sec. 11. (a) (1) Any judge of the District of Columbia Court of General Sessions, any judge of the District of Columbia Court of Appeals (as established by this Act), or any judge of the Juvenile Court of the District of Columbia who is subject to this subsection shall hereafter be eligible to retire after having served as a judge of such court or courts for a period or periods, aggregating ten years or more, whether continuously or not. Any judge who so retires shall receive annually in equal monthly installments, during the remainder of his life, a sum equal to such proportion of the salary received by such judge at the date of such retirement as the total of his aggregate years of service bears to the period of thirty years, the same to be paid in the same manner as the salary of such judge: *Provided*, That if any such judge shall retire after twenty or more years of service, other than for permanent disability, his retirement salary shall not commence until he shall have reached the age of fifty: *Provided further, however*, That if any such judge shall retire after less than twenty years of service, other than for permanent disability, his retirement salary shall not commence until he shall have reached the age of sixty-two, except that such judge may elect to receive a reduced retirement salary beginning at the age of fifty-five or at the date of his retirement if subsequent to that age, the reduction in retirement salary in such case to be one-half of 1 per centum for each month or fraction of a month the judge is under the age of sixty-two at the time of commencement of his reduced retirement salary. In no event shall the sum received by any judge as retirement salary under this subsection be in excess of 80 per centum of the salary of such judge at the date of such retirement. In computing the years of service under this section, service in either the Police Court of the District of Columbia or the Municipal Court of the District of Columbia, or the Juvenile Court of the District of Columbia, the District of Columbia Court of Appeals, or the District of Columbia Court of General Sessions, as heretofore constituted, shall be included whether or not such service be continuous. The terms 'retire' and 'retirement' as used in this section shall mean retirement, resignation, or failure of reappointment upon the expiration of the term of office of an incumbent.

"(2) Any judge subject to this subsection may hereafter retire after having served five years or more and having become permanently disabled from performing his duties. Such judge may retire from disability by furnishing to the Commissioners of the District of Columbia a certificate of disability signed by a duly licensed physician and approved by the Surgeon General of the Public Health Service. A judge who retires for disability under this subsection shall receive annually in equal monthly installments, during the remainder of his life, a sum equal to such proportion of the salary received by such judge at the date of such retirement as the total of his aggregate years of service bears to the period of thirty years, the same to be paid in the same manner as the salary of such judge, except that in no event shall the sum received by any judge as retirement salary hereunder be in excess of 80 per centum of the salary of such judge at the date of such retirement for disability.

"(3) Any judge receiving retirement salary under the provisions of this subsection or under the provisions of this section as it existed immediately prior to its amendment by the District of Columbia Judges Retirement Act of 1964 may be called upon by the chief judge of the District of Columbia Court of General Sessions, or the chief judge of the District of Columbia Court of Appeals, or the chief judge of the Juvenile Court of the District of Columbia, to perform such judicial duties as may be requested of him in any of such courts, but in any event no such retired judge shall be required to render such service for a total of more than ninety days in any calendar year after such retirement. Any judge called upon pursuant to this subsection to perform judicial duties who, for any reason except illness or disability, fails to perform such duties so requested shall forfeit all right to retired pay under this section for the one-year period which begins on the first day on which he so fails to perform such duties. In case of illness or disability precluding the rendering of such service such judge shall be fully relieved of any such duty during such illness or disability.

"(4) From and after the first day of the first pay period which begins on or after the effective date of the District of Columbia Judges Retirement Act of 1964, there shall be deducted and withheld from the basic salary of each judge subject to the provisions of this subsection an amount equal to 3½ per centum of such judge's basic salary. The amounts so deducted and withheld shall, in accordance with such procedures as may be prescribed by the Commissioners of the District of Columbia, be deposited in the District of Columbia Judicial Retirement and Survivors Annuity Fund established pursuant to paragraph (1) of subsection (d) of this section. Each judge subject to the provisions of this subsection shall be deemed to consent and agree to such deductions from basic salary and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular service during the period covered by such payment, except the right to the benefits to which he shall be entitled under this subsection, notwithstanding any law, rule, or regulation affecting the individual's salary.

"(5) Each judge subject to the provisions of this subsection shall deposit, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, in the fund, a sum equal to 3½ per centum of his salary received for judicial service performed by him as a judge of any court referred to in paragraph (1) of subsection (a) prior to the date he became subject to the provisions of this subsection. Each judge may elect to make such deposits in installments during the continuance of his judicial service in such amounts as may be determined in each instance by the Commissioners of the District of Columbia. Notwithstanding the failure of any such judge to make such deposits, credit shall be allowed for the service rendered but the retirement pay of such judge shall be reduced by 10 per centum of such deposit remaining unpaid, unless such judge shall elect to eliminate the service involved for purposes of retirement salary computation.

"(6) If any judge who is subject to the provisions of this subsection resigns from his judicial office otherwise than under the provisions of this subsection, all amounts deducted from his salary under paragraph (4) and deposited by him under paragraph (5), together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the date of his relinquishment of office, shall be returned to him. In any case in which any such judge, who has not elected to bring himself within the purview of subsection (b) of this section, dies while in regular active service, all amounts so deducted from his salary and deposited by him under this subsection remaining in the fund at the time of his death, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the date of his death, shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving him in the order of precedence provided for in paragraph (7) of subsection (b). Such payments shall be a bar to recovery by any other person.

"(7) All judges of the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia shall be subject to the provisions of this subsection, except that any such judge who is serving as such on the effective date of the District of Columbia Judges Retirement Act of 1964 shall be subject to this subsection (except paragraph (3) of this subsection) only if, within one year following such date, such judge files with the Commissioners of the District of Columbia a written election to come within the purview of this subsection. Such election once made shall be irrevocable. If no election is made within such one-year period, such judge shall have his right to retirement salary and the amount thereof determined as though the District of Columbia Judges Retirement Act of 1964 had not been enacted.

"(b) (1) Any judge of any of the courts referred to in paragraph (1) of subsection (a), whether or not subject to the provisions of subsection (a) of this section, or any judge retired under the provisions of this section as it existed prior to the enactment of the District of Columbia Judges Retirement Act of 1964, may, by written election filed with the Commissioners of the District of Columbia within six months after the date on which he takes office, or is reappointed to office (or within six months after the effective date of the District of Columbia Judges Retirement Act of 1964), bring himself within the purview of this subsection.

"(2) There shall be deducted and withheld from the salary of each judge electing to bring himself within the purview of this subsection a sum equal to 3 per centum of such judge's salary, including salary paid after retirement under the provisions of this section. The amounts so deducted and withheld from the salary of each such judge shall, in accordance with such procedure as may be prescribed by the Commissioners of the District of Columbia, be deposited in the fund. Every judge who elects to bring himself within the purview of this subsection shall be deemed thereby to consent and agree to the deductions from his salary as provided in this subsection, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all judicial services rendered by such judge during the period covered by such payment, except the right to the benefits to which he or his survivors shall be entitled under the provisions of this subsection.

"(3) Each judge who has elected to bring himself within the purview of this subsection shall deposit, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the credit of the fund, a sum equal to 3 per centum of his salary received for service as a judge of any of the courts referred to in paragraph (1) of subsection (a), including salary received after retirement, and of his basic salary, pay, or compensation for services as a Senator, Representative, Delegate, or Resident Commissioner in Congress and for any other civilian service within the purview of section 3 of the Civil Service Retirement Act (5 U.S.C. 2253). Such interest shall not be required for any period during which the judge was separated from all such service and was not receiving retirement salary under this section. Each judge may elect to make such deposits in installments during the continuance of his judicial service in such amounts as may be determined in each instance by the Commissioners. Notwithstanding the failure of a judge to make such deposit, credit shall be allowed for the service rendered, but the annuity of the widow of such judge shall be reduced by an amount equal to 10 per centum of the amount of such deposit, computed as of the date of the death of such judge, unless such widow shall elect to eliminate such service entirely from credit under paragraph (13) of this subsection: *Provided*, That no deposit shall be required from a judge for any service rendered prior to August 1, 1920, or for any honorable service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

"(4) If any judge who has elected to bring himself within the purview of this subsection resigns from office otherwise than under the provisions of this section, the amount credited to his individual account under this subsection, together with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum, thereafter, compounded on December 31 of each year, to the date of his relinquishment of office, shall be returned to him.

"(5) In case any judge who has elected to bring himself within the purview of this subsection shall die while in regular active service or after having retired from such service under the provisions of this section, after having rendered at least five years of civilian service computed as prescribed in paragraph (13) of this subsection for the last five years of which the salary deductions provided for by paragraph (2) of this subsection or the deposits required by paragraph (3) of this subsection have actually been made—

"(A) If such judge is survived by a widow but not by a dependent child, there shall be paid to such widow an annuity beginning with the day of the death of the judge or following the widow's attainment of the age of fifty years, whichever is later, in an amount computed as provided in paragraph (12) of this subsection; or

"(B) if such judge is survived by a widow and a dependent child or children, there shall be paid to such widow an immediate annuity in an amount computed as provided in paragraph (12) of this subsection and there shall also be paid to or on behalf of each such child an immediate annuity equal to one-half the amount of the annuity of such widow, but not to exceed $900 per year divided by the number of such children or $360 per year, whichever is lesser; or

"(C) if such judge leaves no surviving widow or widower but leaves a surviving dependent child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the amount of the annuity to which such widow would have been entitled under paragraph (A) of this subsection had she survived, but not to exceed $480 per year.

The annuity payable to a widow under this subsection shall be terminable upon her death or remarriage. The annuity payable to a child under this subsection shall be terminable upon (i) his attaining the age of eighteen years, (ii) his marriage, or (iii) his death, whichever first occurs, except that if such child is incapable of self-support by reason of mental or physical disability his annuity shall be terminable only upon death, marriage, or recovery from such disability after attaining the age of eighteen years. In case of the death of a widow of a judge leaving a dependent child or children of the judge surviving her the annuity of such child or children shall be recomputed and paid as provided in subparagraph (C) of this paragraph. In any case in which the annuity of a dependent child, under this subsection, is terminated, the annuities of any remaining dependent child or children, based upon the service of the same judge, shall be recomputed and paid as though the child whose annuity was so terminated had not survived such judge.

"(6) As used in this subsection—

"(A) The term 'widow' means a surviving wife of an individual who either (i) shall have been married to such individual for at least two years immediately preceding his death or (ii) is the mother of issue by such marriage, and who has not remarried.

"(B) The term 'dependent child' means an unmarried child, including a dependent stepchild or an adopted child, who is under the age of eighteen years or who because of physical or mental disability is incapable of self-support.

Questions of dependency and disability arising under this subsection shall be determined by the Commissioners of the District of Columbia. The Commissioners may order or direct at any time such medical or other examinations as they shall deem necessary to determine the facts relative to the nature and degree of disability of any dependent child who is an annuitant or applicant for annuity under this subsection, and may suspend or deny any such annuity for failure to submit to any examination.

"(7) In any case in which (A) a judge who has elected to bring himself within the purview of this subsection shall die (i) while in regular active service after having rendered five years of civilian service computed as prescribed in paragraph (13) of this subsection, or while receiving retirement salary under this section, but without a survivor or survivors entitled or who, upon attaining the age of fifty, will become entitled, to annuity benefits provided by paragraph (5) of this subsection, or (ii) while in regular active service but before having rendered five years of such civilian service or (B) the right of all persons entitled to an annuity under paragraph (5) of this subsection based on the service of such judge shall terminate before a valid claim therefor shall have been established, the total amount credited to an individual account of such judge under this section, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum, thereafter, compounded on December 31 of each year, to the date of the death of such judge, shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date title to the payment arises, in the following order of precedence, and such payment shall be a bar to recovery by any other person:

"First, to the beneficiary or beneficiaries whom the judge may have designated by a writing received by the Commissioners of the District of Columbia prior to his death;

"Second, if there be no such beneficiary, to the widow of such judge;

"Third, if none of the above, to the child or children of such judge and the descendants of any deceased children by representation;

"Fourth, if none of the above, to the parents of such judge or the survivor of them;

"Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such judge;

"Sixth, if none of the above, to such other next of kin of such judge as may be determined by the Commissioners to be entitled under the laws of the domicile of such judge at the time of his death.

Determination as to the widow or child of a judge for the purposes of this subsection shall be made by the Commissioners without regard to the definition of these terms stated in paragraph (6) of this subsection.

"(8) In any case in which the annuities of all persons entitled to annuity based upon the service of a judge shall terminate before the aggregate amount of annuity paid (together with any amounts received by the judge as retirement salary) equals the total amount credited to the individual account of such judge under this section, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the date of the death of such judge, the difference shall be paid, upon establishment of a valid claim therefor, in the order of precedence prescribed in paragraph (7) of this subsection.

"(9) Any accrued annuity remaining unpaid upon the termination (other than by reason of death) of the annuity of any person based upon the service of a judge shall be paid to such person. Any accrued annuity remaining unpaid upon the death of any person receiving an annuity upon the service of a judge shall be paid, upon establishment of a valid claim therefor, in the following order of precedence:

"First, to the duly appointed executor or administrator of the estate of such person;

"Second, if there is no such executor or administrator, payment may be made, after the expiration of thirty days from the date of the death of such person, to such individual or individuals as may appear in the judgment of the Commissioners to be legally entitled thereto, and such payments shall be a bar to recovery by any other individual.

"(10) Where any payment under this subsection is to be made to a minor or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian or other fiduciary by the law of the jurisdiction wherein the claimant resides or is otherwise legally vested with the care of the claimant or his estate. Where no guardian or other fiduciary of the person under legal disability has been appointed under the laws of the jurisdiction wherein the claimant resides, the Commissioners shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

"(11) Annuities granted under the terms of this subsection shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued.

"(12) The annuity of the widow of a judge who has elected to bring himself within the purview of this subsection shall be an amount equal to the sum of (A) 1¼ per centum of the average annual salary received by such judge for judicial service and any other prior allowable service during the last five years of such service prior to his death, or retirement from office under this section, multiplied by the sum of his years of judicial service, his years of prior allowable service as a Senator, Representative, Delegate, or Resident Commissioner in Congress, his years of prior allowable service performed as a member of the Armed Forces of the United States, and his years, not exceeding fifteen, of prior allowable service performed as an employee described in section 1(c) of the Civil Service Retirement Act and (B) three-fourths of 1 per centum of such average annual salary multiplied by his years of any other prior allowable service, but such annuity shall not exceed 37½ per centum of such average annual salary and shall be further reduced in accordance with paragraph (3) of this subsection, if applicable.

"(13) Subject to the provisions of paragraph (3) of this subsection, the years of service of a judge which are allowable as the basis for calculating the amount of the annuity of his widow shall include his years of service as a judge of one of the courts referred to in paragraph (1) of subsection (a) of this section (whether in regular active service or retired from such service under this section), his years of service as a Senator, Representative, Delegate, or Resident Commissioner in Congress, his years of active service as a member of the Armed Forces of the United States not exceeding five years in the aggregate and not including any such service for which credit is allowed for the purposes of retirement or retired pay under any other provision of law, and his years of any other civilian service within the purview of section 3 of the Civil Service Retirement Act.

"(14) Nothing contained in this subsection shall be construed to prevent a widow eligible therefor from simultaneously receiving an annuity under this subsection and any annuity to which she would otherwise be entitled under any other law without regard to this subsection, but in computing such other annuity, service used in the computation of her annuity under this subsection shall not be credited.

"(c) Nothing contained in this section shall be construed to prevent a judge eligible therefor from simultaneously receiving his retirement salary under this section and any annuity to which he would otherwise be entitled under any other law without regard to this section, but in computing such annuity, service used in the computation of retirement salary under this section shall not be credited: *Provided, however,* That nothing contained in this section shall be construed to prevent a judge of any court referred to in paragraph (1) of subsection (a) who is serving on the effective date of the District of Columbia Judges Retirement Act of 1964, and who does not elect under paragraph (7) of subsection (a) to come within the purview of such subsection, from electing to waive the provisions of this section regarding retirement salary and crediting service hereunder in computing any annuity to which he would otherwise be entitled under any other law without regard to this section; nor shall anything contained in this section (except paragraph (7) of subsection (a) of this section) or in any other law be construed to require any such judge eligible therefor to elect to waive either the provisions of this section regarding retirement salary and annuities or the provisions of any other law relating to retirement salary or annuities prior to the date of his retirement.

"(d)(1) There is hereby established in the Treasury of the United States a fund to be known as the 'District of Columbia Judicial Retirement and Survivors Annuity Fund', and such fund is hereby appropriated for the payment of retirement salaries, annuities, refunds, and allowances as provided in this section. If, at any time, the balance in such fund is not sufficient to pay current obligations arising pursuant to the provisions of this section, there is authorized to be appropriated to such fund, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, such amounts as may be necessary to pay such current obligations. The Secretary of the Treasury shall prepare the estimates of the annual appropriations required to be made to such fund, and shall make actuarial valuations of such fund at intervals of five years, or more after if deemed necessary by the Secretary.

"(2) The Secretary of the Treasury shall invest, from time to time, in interest-bearing securities of the United States or Federal farm loan bonds, any portions of such fund as in his judgment may not be immediately required for payments from the fund, and the income derived from such investments shall constitute a part of the fund.

"(3) All amounts deposited by, or deducted and withheld from the salary of, any judge as provided under this section for credit to the fund shall, under such regulations as may be prescribed by the Commissioners of the District of Columbia, be credited to an individual account of such judge.

"(4) None of the moneys mentioned in this section shall be assignable, either in law or in equity, or be subject to execution, levy, attachment, garnishment, or other legal process.

"(5) Whenever used in this section, the term 'fund' shall mean the District of Columbia Judicial Retirement and Survivors Annuity Fund established under paragraph (1) of this subsection."

SEC. 2. This Act may be cited as the "District of Columbia Judges Retirement Act of 1964."

SEC. 3. This Act shall be effective on and after the first day of the first month following the date of its enactment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 1461, Senate bill 3035, and take up the bills following in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

On motion by Mr. Mansfield, the following measures were considered and acted upon, as indicated:

DISPOSITION OF JUDGMENT FUNDS ON DEPOSIT TO RED LAKE BAND OF CHIPPEWA INDIANS

The Senate proceeded to consider the bill (S. 3035) to provide for the disposition of judgment funds now on deposit to the Red Lake Band of Chippewa Indians, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 5, after the word "of", to strike out "June 19" and insert "June 9"; and on page 2, line 2, after the word "Interior", to strike out "Any part of such funds that may be distributed per capita to the members of the tribe shall not be (1) subject to the Federal or State income tax, (2) subject to any lien or claim of attorneys or creditors, and (3) held to be 'other income and resources' as that term is used in sections 2(a)(10)(A), 402(a)(7), 1002(a)(8), and 1602(a)(14) of the Social Security Act, as amended." and in lieu thereof to insert "Any part of such funds that may be distributed per capita to the members of the tribe shall not be subject to Federal or State income tax."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Red Lake Band of Chippewa Indians that were appropriated by the Act of June 9, 1964, to pay a judgment by the Indian Claims Commission in docket 18A, and the interest thereon, after payment of attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribe shall not be subject to Federal or State income tax.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1522), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> The purpose of S. 3035, introduced by Senators McCarthy and Humphrey, is to provide for the disposition of a judgment awarded the Red Lake Band of Chippewa Indians by the Indian Claims Commission.
>
> The Red Lake Band has been awarded $1,797,761.74 by the Indian Claims Commission. This amount is subject to reduction of attorney fees and expenses. The remaining amount, plus interest, would be made available for expenditure for any purpose authorized by the tribe and approved by the Secretary of the Interior. The tribe plans to establish a credit program, a scholarship program, a reserve trust for emergency purposes, and distribute a substantial portion of the judgment for the social and economic betterment of all individual families.

BILL PASSED OVER

The bill (S. 3079) to provide for the disposition of judgment funds on deposit to the credit of the Quinaielt Tribe of Indians was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

EXTENSION OF OSAGE MINERAL RESERVATION FOR INDEFINITE PERIOD

The bill (H.R. 10204) to extend the Osage mineral reservation for an indefinite period was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1525), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> The purpose of H.R. 10204 is to extend for an indefinite period the mineral estate that was temporarily reserved to the Osage Tribe of Oklahoma when the tribal lands were allotted to individual members under the act of June 28, 1906. The original mineral reservation, which was for a 25-year period, has been extended from time to time. Under present law it will expire on April 8, 1983, unless terminated before that time by act of Congress.
>
> A companion bill, S. 2581, introduced by Senators Monroney and Edmondson, was also considered.

The Osage mineral reservation has yielded well over $400 million in rents and royalties during the past 60 years and is expected to continue in production for another century or more. There has been great advantage, both to the Osages and to lessees, in having only one lessor, rather than a multitude of lessors, of this valuable resource to deal with. In fact, it is doubtful whether full development of the oil and gas deposits could have been accomplished otherwise. In addition, if the mineral reservation were allowed to expire during the production period there would be serious questions of ownership of the subsurface rights.

The same advantages that have accrued in the past from having the mineral reservation centered in the tribe rather than in individual allottees will be present in the future. Enactment of H.R. 10204 will permit further development and production of the tribal oil and gas resources to go forward in an efficient manner and will insure beneficial results to all members of the tribe.

H.R. 10204 will entail no expenditure of Federal funds.

CONVEYANCE OF CERTAIN LAND OF THE UNITED STATES TO THE PASCUA YAQUI ASSOCIATION, INC.

The Senate proceeded to consider the bill (H.R. 6233) to provide for the conveyance of certain land of the United States to the Pascua Yaqui Association, Inc., which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 3, after line 14, to insert a new section, as follows:

Sec. 4. Nothing in this Act shall make such Yaqui Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Yaqui Indians.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MORSE. Mr. President, on September 22, I made a statement in the Senate explaining why H.R. 6233, Calendar No. 1469, does not violate the Morse formula. I ask unanimous consent that this explanation be inserted in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Conveyance of Federal Land to Pascua Yaqui Association, Inc.

Mr. Morse. Mr. President, House bill 6233, Calendar No. 1469, would authorize the conveyance, without consideration, of approximately 202.76 acres of Federal public domain land to the Pascua Yaqui Association, Inc.

Although the Senate report accompanying H.R. 6233 indicates that the Pascua Yaquis are not members of an original American Indian tribe, and that they are Indians and descendants of Indians who fled Mexico some 40 years ago, it is clear that they have problems that compare to those of our American Indians.

It has always been my position that the United States has special trust obligations to the Indians of our country. Accordingly, I have never sought to apply the Morse formula to proposed gratuitous transfers of Federal lands needed by the Indians. Since we have extended the hand of friendship to the Pascua Yaquis for almost a half century, I feel that the same policy that applies to American Indians under the Morse formula should be applied to the Pascua Yaquis. Therefore, I have no objection to the proposed transfer of the 202 acres for the limited purposes set forth in section 1 of the bill.

The provision of H.R. 6233 which caused me some concern appears in section 1, subsection (2). It reads as follows:

"No part of such property shall ever be conveyed for the benefit of any private organization, association, group, or individual, except that a parcel of not to exceed fifteen acres may be conveyed to the county of Pima, State of Arizona, or a political subdivision thereof, for use as a site for a school."

The above-quoted language, if standing alone in a gratuitous Federal land transfer bill, would require the payment of 50 percent of fair appraised market value to the United States upon the transfer of the 15 acres, plus a reversionary clause limiting to public purposes the use of the 15 acres.

Congressman Morris Udall, the original sponsor of this bill, upon learning of my concern relative to the language of section 1(2), wrote to me explaining the proposed use of the 15 acres. I ask unanimous consent that his letter of September 16 be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

House of Representatives,
Washington, D.C., September 16, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator: I am advised that you have raised a question about my bill, H.R. 6233, which would provide for the conveyance of certain land of the United States to the Pascua Yaqui Association, Inc., which bill is scheduled to be brought before the Senate shortly.

I understand and appreciate your concern over the provision in section 1 of the House-passed bill permitting not to exceed 15 acres to be conveyed to Pima County, Arizona, or some political subdivision thereof, for a school site.

If in the future such a conveyance of not to exceed 15 acres should be made to Pima County or one of its subdivisions for use as a site for a school, such school would be primarily for the use of the Yaqui Indians or students coming from the nearby San Xavier Papago Reservation. There would be few, if any, non-Indian students in the school, and it is highly unlikely that the county would go to the trouble of transporting non-Indian students from distances of 10 miles or more to attend what would be essentially an Indian school. The acreage covered by this bill is located about 10 miles southwest of Tucson, Ariz., about 1 mile north of the San Xavier Reservation and about a mile or two west of a northern projection of the reservation which provides a buffer between Tucson and the proposed Yaqui site. Furthermore, the area is separated by a range of low mountains from the path of major community expansion.

While I recognize fully the merit of your insistence on proper compensation when Federal land is conveyed, however indirectly, to the States and their political subdivisions, I would hope that the special nature of this case might warrant your support.

Sincerely,

Morris K. Udall.

Mr. Morse. Congressman Udall's letter makes clear that if a school should be constructed at some time in the future on the 15 acres that might be transferred to Pima County, the school would be used almost exclusively for Indians from the Yaqui and Papago Reservations. That being the case, the 15-acre conveyance, when effected, would also represent the carrying out of our trust obligation to the Indians.

For the foregoing reasons, House bill 6233 does not violate the Morse formula, and I urge that the measure be scheduled for early Senate action.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1530), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of H.R. 6233, as amended, is to convey 202.76 acres of public domain land located about 10 miles from Tucson, Ariz., to the Pascua Yaqui Association, Inc. A similar bill, S. 3015, introduced by Senator Hayden was approved by the Public Lands Subcommittee on September 2, 1964.

The Pascua Yaqui Association is a nonprofit corporation organized under the laws of Arizona. Its members are Indians and the descendants of Indians who fled from Mexico and were granted asylum by the United States some 40 years ago. The association's purposes are to maintain and enhance the culture of this group.

The 450 Yaquis are living under overcrowded and substandard conditions on a 32-acre site within the city limits of Tucson. There is no possibility of obtaining additional land for them in or near the city. A philanthropic trust, the Marshall Foundation, has title to 8 acres of the land. The Yaquis are or appear to be squatters on the remaining acreage. The committee was assured the Marshall Foundation land and any other land now occupied by the Yaquis to which they may have acquired title by adverse possession will be sold and the net proceeds will be used for relocation and rehabilitation of the Indians on their new site.

Arrangements are being made for officials of the city of Tucson and Pima County to assist in the rehabilitation program through the provision of roads, sanitation facilities, and a school.

Most of the Yaqui Indians are natural-born American citizens. They are in no way associated with or under the jurisdiction of the Bureau of Indian Affairs. Their relationship to the Federal Government will not be changed by the enactment of this legislation. Enactment of H.R. 6233 is badly needed to permit the Yaquis to maintain their way of life and to live under less squalid conditions than they now live.

The estimated value of the land to be conveyed to the Pascua Yaqui Association is $80,000.

DISCLAIMER OF TITLE OF THE UNITED STATES TO CERTAIN REAL PROPERTY IN MODOC COUNTY, CALIF.

The bill (H.R. 2753) to disclaim any title of the United States to certain real property in Modoc County, Calif. was considered, ordered to a third reading, read the third time, and passed.

Mr. MORSE. Mr. President, the Senate report (No. 1532) on House bill 2753 is complicated and technical, but upon the basis of a statement appearing at page 1 of the report, I have concluded that no violation of the Morse formula is involved in the disclaimer action. The statement to which I allude is this:

The Department of the Interior concluded in its report to the committee that the information available to the Department indicates that the United States owns no land in the bed or former bed of Pelican Lake.

The Senate Interior Committee, by its favorable action on the bill has accepted the last-quoted statement as correct. I have no facts that would warrant a contrary conclusion. Consequently, the disclaimer does not violate the Morse formula.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1532), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

As originally introduced, H.R. 2753 would have authorized suits against the United States to quiet title to real property situated in the bed or former bed of Pelican Lake. The Department of the Interior has advised the committee in its report on the bill that it would recommend enactment of the bill amended to include the language suggested in that report. This is the language recommended by the committee.

As is noted by the Department of the Interior in its report, a title guarantee company has refused to insure the title of lands in the bed of Pelican Lake, from which the water has receded, and which is now dry or nearly so. H.R. 2753 was introduced to make it possible for persons having property interests in the former lakebed to bring actions against the United States to quiet title to their land. The Department of the Interior concluded in its report to the committee that the information available to the Department indicates that the United States owns no land in the bed or former bed of Pelican Lake.

Therefore, the most direct way to settle the matter is the enactment of a bill disclaiming any right, title, or interest by the United States in the land in question.

Pelican Lake, containing 2,645 acres, was meandered in 1879, as shown upon the plat approved October 22, 1879. Subsequent to that time, the lake receded, and the former bed is now dry, or nearly so. The title problem which has occasioned this bill appears to derive from the action of the State in deeding its right, title, and interest in the relicted bed of the lake to the beneficiaries of the bill, even though the area in question fronts riparian uplands previously disposed of by the State to other persons.

Because the lakebed deed, issued by the State of California, disposed of the land as swampland rather than recession land, the title company has doubts concerning the validity of the title. Furthermore, the title company states that the title, in their opinion, can be perfected only by the successful prosecution of a quiet title suit against the United States and California pursuant to legislative authority. The California State Legislature has passed such an act, the act of July 4, 1961 (Statutes and Amendments to the Codes of California, ch. 972).

The Interior Department has summarized the basis for its conclusion that the United States does not presently have any right or title in the land as follows:

"Notwithstanding that there might be a title question insofar as State law is concerned, it does not appear to involve the United States. According to our records, title to the riparian lands surrounding the lake has passed from the Federal Government. Consequently, with the disposition of the public land and in absence of a reservation to the contrary, the Federal Government has passed title to all it possessed. Therefore, the question of whether the lake was or was not navigable at date of statehood is moot insofar as a Federal interest in the former bed as public land is concerned."

From the standpoint of law, it is well settled that a State is the owner of the lands under waters within its boundaries which were navigable at the time the State was admitted to the Union, *Pollard's Lessee* v. *Hagan* (15 Curtis 391, 403 (1844)). On the other hand, unlike the beds of navigable bodies of water, the soils underlying nonnavigable bodies of water did not pass to a State upon its admission into the Union, but title to them remained in the United States *Hardin* v. *Shedd* (190 U.S. 508, 519 (1903)).

To more fully explain its position that under present conditions it appears that the United States has no title to the land by reason of the disposition of any adjoining riparian land, the Department made the following explanation of the consequences of a conveyance of such land without a reservation of title to land underlying adjacent waters:

"For the most part, nonnavigable bodies of water are not large, and are thus not meandered. When patent issues, the beds of streams or ponds pass as a part of the legal subdivisions described in the patent. But sometimes bodies of water, although nonnavigable, are of considerable size, and these are meandered, the lands bordering the water being divided into lots on the plat of survey, and numbered. In *Hardin* v. *Jordan* (140 U.S. 371 (1891)), it was held that where a lot bordering on a meandered, nonnavigable body of water is patented by the Federal Government, and there is nothing in the patent or in other circumstances to indicate that the Government intended to reserve to itself title to the land underlying the adjacent waters, then the United States must be deemed to have parted with that part of the water bed which can be allocated to the tract, and whether title to the underwater land vests in the patentee of the upland, or in the State, is a matter of State law."

However, the Interior Department report does indicate there is a possibility that the fact that the lake was meandered in 1879 may confuse the title to lands in the lakebed. This is because there is a somewhat remote possibility that the Federal Government owns portions of the lakebed or former lakebed. Thus, if a meander line is run where no lake or stream calling for it exists, or where it is established so far from the actual shoreline as to indicate fraud or mistake, the meander line is held to be the true boundary line, *Wittmayer et ux.* v. *United States* (118 F. 2d 808 (1949)). Or if, after survey, a large body of land has been formed by accretion between the meander line and the water line, then a patent to a meandered lot will be construed to convey only lands within the meander line, *Madison* v. *Basart* (59 I.D. 415 (1947)). See also *Niles* v. *Cedar Point Club* (175 U.S. 300 (1899)). In other words, if the position of the meander line as depicted on the plat of 1879 stemmed from fraud or gross error and there was in fact a substantial body of public land between the meander line and the body of water the patents granted to the uplands would not have divested the Federal Government of the substantial body of land. Similarly, where prior to divestiture of the Government's title to public land abutting on a meander line, an accretion had formed or a reliction had taken place and the original survey had ceased to represent the approximate shoreline, title to the added area did not pass under a patent for the surveyed upland. See *Madison* v. *Basart, supra; Mecca Land & Exploration Co.* v. *Schlect* (4 F. 2d 256 (1925)). It would appear, therefore, that if Pelican Lake had relicted considerably after the survey and prior to the vesting of rights to the adjoining lands under the public land laws, such relicted area would be the property of the United States.

After a consideration of the matter, the committee has concluded that this is a proper subject for legislative relief as provided in the language suggested by the Department of the Interior. The Department has stated that it believes that the Federal Government owns no land in the bed or former bed. Yet the foregoing discussion of the law indicates that there is sufficient question concerning the title to at least a portion of the land in the lakebed to warrant the enactment of the amended bill. Accordingly, it is recommended that the bill, as amended be considered favorably.

BILL PASSED OVER

The bill (S. 3116) to establish the Lewis and Clark Trail Commission, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

PROTECTION OF RIGHT TO ANNUITIES OF SURVIVORS OF RETIRED SERVICEMEN

The Senate proceeded to consider the bill (S. 2021) to amend the Contingency Option Act in order to protect the right to annuities of survivors of retired servicemen, which had been reported from the Committee on Armed Services, with an amendment, to strike out all after the enacting clause and insert:

That section 1437 of title 10, United States Code, is amended to read as follows:

"§ 1437. Payment of annuity

"(a) Except as provided in subsection (b), each annuity payable under this chapter accrues as of the first day of the month in which the person upon whose reduced pay the annuity is based dies. Payments shall be made in equal installments and not later than the fifteenth day of each month following that month. However, no annuity accrues for the month in which entitlement thereto ends.

"(b) If a person has—

"(1) met all the age and service requirements prescribed by section 1331(a) of this title for retired pay under chapter 67 of this title;

"(2) applied for retired pay under chapter 67 of this title, to be effective under section 47a of title 5 on the first day of the month following the month in which he first met all those requirements; and

"(3) elected to provide an annuity under section 1434 of this title;

but dies before that day, the annuity shall be paid under this chapter, effective as of that day, upon application by the beneficiary under regulations prescribed by the Secretary concerned. However, the annuity shall be appropriately reduced to recover the amount by which the person's retired pay under chapter 67 of this title would have been reduced under this chapter to provide the annuity elected by him if he had become entitled to that pay on the day he first met all the age and service requirements prescribed by section 1331(a) of this title."

SEC. 2. This Act applies only in the case of a person who dies on or after the date of enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to amend section 1437 of title 10, United States Code, relating to payments of annuities based on retired pay of members of Armed Forces."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1533), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NATURE OF COMMITTEE AMENDMENT

The bill as amended by the committee is intended to carry out the purposes of the bill as referred to the committee, except that the amended version will not be retroactive in application. One other change, minor in nature, provides that where the member dies during the month and his properly designated beneficiary receives an annuity under the family protection plan, the annuity will be reduced by the amount by which the person's retired pay would have been reduced for the fractional month involved.

No cases have been called to the attention of the committee where reservists dying in the past would have come under the terms of the bill.

PURPOSE OF THE BILL

The purpose of the bill is to amend the provisions under which a retired reservist may elect to receive a reduced amount of retired pay in order to provide an annuity for his beneficiaries by providing that a Reserve member of the Armed Forces has qualified for retired pay by reaching age 60. If he has met the age and all the other necessary statutory requirements for receiving retired pay and made an election for a reduced annuity, but dies before the end of the month, when he would receive his first retired pay, his beneficiaries, under the bill, would receive the annuity as if he had lived through the first day of the month.

EXISTING LAW

Under existing law members of the uniformed services at certain times prior to retirement may elect to receive a reduced amount of retired pay during their lifetime in order that their widows and children may receive survivor annuities determined as fixed percentages of reduced prior pay and payable after their deaths in a retired status.

A key feature of the annuity program, known as the retired serviceman's family protection plan, is that the retired person must be in the receipt of retired pay in order for the survivors to be eligible for payments. The protection plan itself was established on the basis that the program would result in no cost to the Government except for administrative expenses. The reductions in retired pay are determined under the actuarial equivalent method in order for the fund to be on a sound actuarial basis and thereby contain assets sufficient to provide payments for the survivors. Under another provision of law, known as the Uniform Retirement Date Act, all Federal personnel, military, naval, judicial, legislative, and otherwise, become entitled to retired pay on the 1st day of the month following the month in which they first become entitled to such pay. A member of the Reserve components, therefore, who has met all statutory requirements, and who becomes age 60 at some time during the month, is not eligible to receive retired pay until the 1st day of the following month. Under existing law, in the event of his death between the date he reaches age 60 and the 1st day of the following month when he would be in receipt of his first payment of retired pay, there would be no coverage for annuity purposes, since his retired pay has not initially begun.

The purpose of this bill is to provide that where a person has reached age 60 and has met all the other statutory requirements, and dies before the end of the month, his beneficiaries will be entitled to annuity payments under whatever effective election he has made.

It should be emphasized that all other requirements must have been met by the retired person. For instance, if a reservist had failed to make an election or remain in an active status for any reason past 60, the provisions of the bill would be of no assistance.

Where all statutory requirements have been met, the bill would remedy any injustice where the reservist dies after reaching age 60, but before the first of the following month when he would have been eligible for his retired pay.

The bill contains a further provision providing that where a reservist dies after the 60th birthday, but before the first of the following month, the annuity payable to the beneficiaries will be reduced by the same amount the retired person's pay would have been reduced for the fractional month involved had he been living on the first of the following month.

REMOVAL OF FLIGHT HAZARD AT U.S. NAVAL AIR STATION, NORFOLK, VA.

The Senate proceeded to consider the bill (H.R. 12308) to authorize removal of a flight hazard at the U.S. Naval Air Station, Norfolk, Va., which had been reported from the Committee on Armed Services, with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Navy is hereby authorized to remove an existing flight hazard at the Naval Air Station, Norfolk, Virginia; but no funds may be expended for such purpose unless specifically appropriated for such purpose.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1534), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to authorize certain construction at the Naval Air Station, Norfolk, Va., for the purpose of removing a serious flight hazard.

BACKGROUND OF THE BILL

The Federal Aviation Agency's records reveal that for fiscal year 1963 the annual aircraft operations at the Naval Air Station, Norfolk, Va., exceeded those of the four other stations with similar missions. Its annual aircraft operations total 138,952.

This station was termed by the Director, Aviation Plans Division of the Office of the Deputy Chief of Naval Operations for Air as the "most important naval air station in the whole naval complex of air installations."

Highway in front of runway

The hazard which is the subject of this bill arises from the fact that Taussig Boulevard, a heavily traveled highway, is located at right angles and about 500 feet from the end of the primary, and only jet, runway at the Norfolk Naval Air Station.

Approach and end zone incidence

Naval aircraft accident statistics disclose the fact that in the 5-year period ending January 1, 1964, 61.6 percent of all landing accidents occurred in runway approach zones and end zones.

Five deaths

In the particular case of the Norfolk Naval Air Station there have already been, since December of 1958 (in addition to the most recent accident on July 21, 1964, involving a loss of $1,898,000 which is described later in this report), three landing accidents, five deaths, damage to aircraft totaling $1,513,000, and damage to private property amounting to $29,000, with litigation still pending on one unresolved claim. Other landing accidents at Norfolk could easily have raised the toll on Taussig Boulevard had their location been but slightly displaced. The hazard then, particularly during peak traffic hours, is a tragically demonstrated one which urgently requires elimination.

A $4.7 million loss

Since 1957 there have been five aircraft accidents at all Naval and Marine airfields involving a highway; three of these accidents occurred at NAS Norfolk. The cost to the U.S. Government in the damage or loss of aircraft was $1,513,000 at Norfolk, as indicated above.

In addition, there have been seven aircraft accidents at NAS, Norfolk, not involving a highway, since 1960. However, each of these accidents had the potential of highway involvement because of the relative proximity of highway and airfield.

The cost of these seven accidents to the U.S. Government in loss or damage to aircraft was $4,703,000. Included within this loss figure is the $1,898,000 associated with the latest accident occurring on July 21, 1964.

Vehicular traffic on Taussig Boulevard

Traffic counts show that an average of 17,100 vehicles per 24-hour period now use Taussig Boulevard, the proposed site of Interstate 564, which passes within 500 feet of the west end of runway 10–28. Aircraft accident statistics verify that these vehicles now pass through an extremely hazardous area from the standpoint of aircraft accident probability. More than one-half of all landing and takeoff accidents (117 out of 313) that occurred at Navy and Marine Corps airfields during a 5-year period (January 1, 1959, to January 1, 1964) occurred within 2,000 feet of the approach or overrun end of the active runway.

Hazards to civilians

The hazard to traffic safety that now exists on Taussig Boulevard will increase proportionately with the increased volume of traffic that can be expected when the Interstate 564 is completed. Based on traffic studies, it is estimated that an average of 22,700 vehicles per day will use the new interstate spur. Bumper-to-bumper concentrations of traffic in the vicinity of the end of runway 10 can be expected during morning and afternoon peak traffic hours. Aircraft now must pass over the heavily trafficked Taussig Boulevard at between 30 and 40 feet.

Runway marginal for jet operations

Vehicular traffic passing just short of runway 10–28 also imposes an additional safety hazard to jet aircraft operations. This runway, which is the only usable runway at NAS Norfolk for jet operations, is marginal in length for safe operations. Pilots of high-performance aircraft landing on this runway must fly very precisely and utilize all of the usable length (6,300 feet) of the runway in order to avoid overrun. The mental hazard created by traffic just short of the runway tends to cause pilots to land long thereby increasing the possibility of an overrun accident.

No margin of error

When taking off to the west, a pilot is aware of the proximity of the highway to the runway end and is faced with no "margin of error" in obtaining sufficient altitude to cross the highway traffic or in aborting his takeoff to keep from running off the runway end and across the highway.

Distraction-night vision

Both conditions, landing and takeoff, are aggravated at night by the pilot distraction, night vision effect, and interference of the headlights of highway automotive traffic.

COMMITTEE CONCLUSIONS

The committee is of the opinion that there is unquestionably a flight hazard at the Norfolk Naval Air Station due to the close proximity of Taussig Boulevard to the end of the main runway. The testimony of both the present and former commanding officer of this naval air station before the House Committee on Armed Services leaves no doubt that this hazard should be eliminated at an early date. The committee is not at all certain, however, that the plan for depressing Taussig Boulevard, as described in the House report, is the solution to the problem. It has been pointed out that the existing runway is marginal in length for safe operation of modern aircraft. It is likewise understood that the Department of the Navy has given some consideration to lengthening the runway, which might well be the proper solution to the problem. The depressing or rerouting of the boulevard in question must necessarily be taken into consideration if the runway is to be extended. In any event, the committee believes this matter should be given prompt attention by the Department of the Navy in order that the proper solution may be arrived at, based upon competent engineering studies. These conclusions should be presented to the proper congressional committees at the time the necessary appropriation is requested.

FISCAL DATA

Although it has been estimated that to depress the boulevard as described in the House report would cost around $2.5 million, the Senate committee has no facts upon which to base an estimate. Any competent estimate must necessarily be based on engineering studies as to the most logical and beneficial method of eliminating the flight hazard.

QUALIFICATIONS FOR UNIFORM MAINTENANCE ALLOWANCES

The bill (H.R. 2509) to authorize Reserve officers to combine service in more than one Reserve component in computing the 4 years of satisfactory Federal service necessary to qualify for the uniform maintenance allowances was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1535), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would authorize Reserve officers to combine service in more than one Reserve component in computing the 4 years of satisfactory Federal service necessary to qualify for the uniform maintenance allowance of $50 every 4 years.

EXPLANATION

Section 416(a) of title 37, United States Code, authorizes for Reserve officers a $50 uniform maintenance allowance for every 4 years of service in a Reserve component if they perform 28 days of active duty training within the 4-year period and if they earn at least 50 retirement points for each of the 4 years. Service in a Reserve component other than that in which the member is serving at the time he completes 4 years of service may not be used in computing the 4 years of service necessary to qualify for the allowance.

Other provisions of law authorize transfers between the Army National Guard and the Army Reserve and between the Air National Guard and the Air Force Reserve. These authorities for transfer benefit both the Reserve components and the persons being transferred. Transfers can result from changes in civilian occupation, specialized knowledge or schooling, or moves to new location where it is impractical to continue affiliation with the same Reserve component.

Because of the authority to transfer between Reserve components, there seems to be no sound reason for denying credit for service in any Reserve component in computing the required 4 years of service.

COST

It is impractical to make a realistic estimate of the cost of this bill but the Department of Defense believes that the cost can be absorbed within appropriations already made and projected.

RELIEF OF CERTAIN COMMISSIONED OFFICERS OF THE ARMY AND AIR FORCE ERRONEOUSLY PAID UNIFORM ALLOWANCE

The bill (H.R. 10328) for the relief of certain commissioned officers of the Army and Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1536), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would (1) relieve distinguished military graduates of the ROTC who received uniform allowances when ordered to active duty as Reserve officers pending final processing of their Regular commissions of liability to refund this payment and (2) authorize the repayment of any amount refunded by distinguished military graduates covered by the bill.

EXPLANATION

Under sections 415 and 416 of title 37, United States Code, ROTC graduates who are ordered to active duty as Reserve officers receive uniform allowances of up to $300. ROTC graduates who receive Regular commissions are not entitled to these allowances.

To recognize ROTC students who distinguish themselves academically and who show outstanding qualities of leadership, the Armed Forces have established a distinguished military graduate program that results in Regular commissions for those persons selected. The persons selected may apply for a Regular commission at any time during their senior year. Final selections are made by boards of the service concerned and in some instances final processing and approval of applications for Regular commissions have not been completed until after the persons have graduated and have been ordered to active duty as Reserve officers. Those persons ordered to active duty as Reserve officers received the uniform allowance mentioned above. In decision B-147685 of January 15, 1962, the Comptroller General of the United States decided that distinguished military graduates of ROTC who were ordered to active duty in a Reserve component when they anticipated receipt of Regular commissions were not entitled to the uniform allowances provided for Reserve officers. Consequently, more than 4,000 Army and Air Force officers are liable for repaying uniform allowances of not more than $300 per person. No Navy personnel are involved.

The bill would relieve those persons holding Regular commissions as distinguished military gradautes of the ROTC from the repayment of the uniform allowances they received when ordered to active duty as members of Reserve components and it would authorize a refund of the uniform allowance that has been repaid by any officer or former officer as a result of the Comptroller General decision referred to earlier.

H.R. 9124, which has as its purpose the improvement of the ROTC program, would authorize the uniform allowance for ROTC graduates upon their initial commissioning, irrespective of whether they are commissioned in the Regular components or in the Reserve. If enacted, H.R. 9124 would prospectively avoid the problem to which H.R. 10328 is directed. The ROTC officers who would benefit from H.R. 10328 had outstanding records, as is demonstrated by their selection to receive Regular commissions. If they had had less distinguished records, they probably would have been commissioned in the Reserve, in which status they would have been eligible for receipt of the uniform allowances. Relieving them of the liability to repay the uniform allowances is justifiable to the committee.

COST

The estimated liability to the United States that would be canceled by this bill is $1,200,700.

DISPOSAL OF SISAL FROM THE NATIONAL STOCKPILE

The bill (H.R. 12091) to authorize the disposal without regard to the prescribed 6-month waiting period of approximately 9,500,000 pounds of sisal from the national stockpile was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1537), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would (1) grant congressional approval for the disposal of 9,500,000 pounds of sisal from the national stockpile, and (2) waive the 6-month waiting period ordinarily required before disposals of strategic and critical materials may be made from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a, the Director of the Office of Emergency Planning is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Planning, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any proposed disposal must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposal is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of. Disposals may not begin until 6 months after the date of publication and transmission of the notice of the proposed disposal as outlined above.

WHY CONGRESSIONAL ACTION IS NEEDED

As indicated in the statute cited above, congressional approval is required for the disposal of materials in the national stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of sisal is not based on obsolescence but is solely based on a determination that the amount of sisal in the stockpile is excess to stockpile requirements, the proposed disposal requires the express approval of the Congress.

Moreover, the bill would waive the ordinary waiting period of 6 months after publication of notice in the Federal Register and would permit the immediate start of disposal of sisal upon enactment of H.R. 12091.

SISAL

Sisal is a hard fiber obtained from the leaves of the sisal plant.

Sisal is used primarily for agricultural twine, commercial tying twine, wire rope centers and, to a limited extent, in the manufacture of rope. It is also used in upholstery and padding and as reinforcement for plastics and paper. The major sources of sisal are Tanganyika, Brazil, Angola, Kenya and Uganda, Mozambique, Malagasy Republic, Indonesia, and Venezuela, in that order.

The committee was advised that the average acquisition cost of sisal in the national stockpile was 0.135 cent per pound and the total acquisition of the excess was approximately $1,282,500.

REASON FOR DISPOSAL

The committee was informed that there is a shortage of sisal in the domestic market and that prices are higher than at any time since the Korean emergency.

The current stockpile objective for sisal that was established by the Office of Emergency Planning on March 5, 1964, is 300 million pounds. The inventory is 309,500,000 pounds. The bill would authorize the disposal of the inventory that is excess to the stockpile objective.

DISPOSAL OF ANTIMONY FROM THE NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

The bill (H.R. 11913) to authorize the disposal without regard to the prescribed 6-month waiting period of antimony from the national stockpile and the supplemental stockpile was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1538), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would (1) grant congressional approval for the disposal of 5,000 short tons of antimony now held in the national stockpile and the supplemental stockpile, and (2) waive the 6-month waiting period ordinarily required before disposals of strategic and critical materials may be made from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a, the Director of the Office of Emergency Planning is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Planning, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any proposed disposal must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposal is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of. Disposals may not begin until 6 months after the date of publication and transmission of the notice of the proposed disposal as outlined above.

WHY CONGRESSIONAL ACTION IS NEEDED

As indicated in the statute cited above, congressional approval is required for the disposal of materials in the national stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of antimony is not based on obsolescence but is solely based on a determination that the amount of antimony in the stockpile is excess to stockpile requirements, the proposed disposal requires the express approval of the Congress.

Moreover, the bill would waive the ordinary waiting period of 6 months after publication of notice in the Federal Register and would permit the immediate start of disposal of antimony upon enactment of H.R. 11913.

ANTIMONY

Antimony is a bluish-white, brittle metal, neither malleable nor ductile, which is easily reduced to a powder. It has general physical properties of a metal and the chemical properties of a nonmetal.

Antimony is used in the manufacture of battery plates, cable coverings, type metal, castings, solder, and to impart hardness and a smooth surface to soft metal alloys. Major nonmetallic uses are in enamels, paints, lacquers, flameproofing of textiles, and in ammunition primers.

The committee was advised that the average acquisition cost of antimony in the national and supplemental stockpile was slightly in excess of 33 cents per pound.

The current market price for antimony metal of 99.5 percent quality, in carload lots in New York, is slightly in excess of 45 cents per pound. Imported antimony of this same quality in New York in 5-ton lots is selling from 57 to 59 cents per pound.

PROPOSED PLAN OF DISPOSAL

The committee was informed that the disposal of the antimony that is the subject of this bill will be accomplished in the following manner:

"Antimony would be sold in offerings of 2,500 short tons with a maximum of 25 short tons to any bidder other than an antimony oxide producer, and a maximum of 300 short tons to any antimony oxide producer. The initial offering would consist of approximately 2,500 short tons of antimony.

"Under this offering, industry would have the option of buying 2,500 short tons in the form of antimony metal contained in the sulfide ore, or in a combination of metal or sulfide form. After the results of the first offering have been evaluated GSA will again consult with industry regarding the timing and quantity of the next offering.

"The sales will be by sealed bids. However, in the event the entire quantity of the first offering is not sold on the sealed bid basis, GSA will consider the unsold balance either by sealed bids or as a shelf item after consultation with industry.

"The sealed bid awards will be made to the highest acceptable bidders, f.o.b. storage location, with a minimum acceptable price to be determined by GSA. In case it is necessary to have to sell some of the antimony on a shelf-item price basis, that basis shall be determined by GSA on the basis of sealed bid awards. In the event defense rated orders for antimony metal and ore become a problem, subsequent appropriate steps will be taken to fulfill this requirement before offering to the general public.

"The maximum which will be awarded to any bidder other than qualified antimony oxide producers shall be limited to 25 short tons of antimony metal or 25 short tons of antimony metal contained in sulfide ore. For qualified antimony oxide producers, the maximum quantity awarded under the sealed bid offering shall be 300 short tons of antimony metal or 25 short tons of antimony metal contained in sulfide ore. The minimum that can be purchased by any one bidder shall be 5 short tons of antimony metal or 25 short tons of antimony metal contained in sulfide ore.

"In subsequent offering, the plan presented to this committee for the disposal of antimony also contained the following general conditions:

"Antimony released under this disposal action will be for domestic consumption only. Producers and distributors must certify within 60 days that antimony metal purchased from GSA has been sold to specified domestic consumers and that antimony ore purchased from GSA will be processed and offered for sale for domestic consumption only within 180 days from date of delivery of the ore. Purchasing consumers will be required to certify that the antimony purchased will be consumed in their own plant or plants within the United States. Delivery must be taken by the buyer within 60 days from the date of execution of the sales contract. GSA will make appropriate public announcement of the quantity and details of each succeeding offering. GSA will reduce or temporarily suspend sales if it should appear that they are exerting undue market pressures."

EXPRESSION OF SENSE OF CONGRESS ON DISPOSAL OF CERTAIN MATERIALS FROM THE NATIONAL STOCKPILE

The concurrent resolution (H. Con. Res. 320) to express the sense of the Congress on disposal from the national stockpile of certain materials was considered, and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1539) explaining the purposes of the concurrent resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would grant congressional approval for the disposal of excess quantities of 10 materials now held in the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a, the Director of the Office of Emergency Planning is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Planning, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any proposed disposal must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposal is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of. Disposals may not begin until 6 months after the date of publication and transmission of the notice of the proposed disposal as outlined above.

WHY CONGRESSIONAL ACTION IS NEEDED

As indicated in the statute cited above, congressional approval is required for the disposal of materials in the national stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of the 10 materials that are the subject of this resolution is not based on obsolescence, but, rather, upon a determination that these lots are a small part of the same materials that are excess to stockpile requirements, the proposed disposal requires the express approval of the Congress.

BACKGROUND AND JUSTIFICATION

The concurrent resolution would approve the proposed disposal by the General Services Administration of the following materials in approximately the following quantities:

"1. One thousand five hundred and sixty-seven short tons of Bolivian blue (soft) crocidolite asbestos.

"2. One hundred and sixty-five short tons (copper content) of copper and copper base alloys in scrap and thin strip form.

"3. Three hundred and sixty-six short tons of cupronickel ingots.

"4. Three hundred and fifty-five pieces of diamond dies.

"5. Forty-six thousand eight hundred pounds of lead castings.

"6. Two hundred any twenty thousand two hundred and thirty pounds of punch mica.

"7. Sixty-six thousand eight hundred and thirty-four pounds of nickel in fabricated and miscellaneous forms, such as wire, tubing, anodes, cathodes, pellets, and cut cathodes.

"8. Twenty-five thousand seven hundred and forty pounds of tantalum in various forms.

"9. Two hundred and twenty-one thousand and eighty-seven pounds of zinc in the form of engraving plates.

"10. Two hundred and fifty short tons of low-grade manganese ore."

The 10 portions of materials covered in this resolution are either nonobjective or nonstockpile grades of materials. Many of them are in limited use forms. These specific lots are generally a small part of similar materials which are carried in the stockpile. Most of these odd-lot materials were acquired through transfer from other agencies in the early days of the stockpile when large unfilled objectives existed. Since that time, ample quantities of the required materials, in the proper grades and forms, have been acquired and the odd lots are, therefore, no longer required. The total acquisition cost of the 10 portions of material is approximately $1,500,000.

Asbestos, crocidolite, soft (Bolivian blue)

This asbestos was acquired by direct purchase from Bolivia for the national stockpile at an average cost of $447.96 per short ton for use as a filter in gas masks. At the present time, there are 1,567 short tons in the inventory. Since Fiberglas is now used as a substitute filter, crocidolite asbestos was removed from the list of strategic and critical materials for stockpiling on September 27, 1960. Therefore, all in the inventory is excess.

There is no domestic production or consumption of crocidolite asbestos. Even though the acquisition cost of the amount for disposal was approximately $702,000, the estimated market price of this material is only $50 per short ton. It is believed that a market will have to be developed for the particular variety of "soft" fiber.

The disposal will take place with a minimum of two offerings. An initial competitive offering of approximately 800 short tons will be made as an inducement for potential users for the purpose of sampling and experimentation. The amount and timing of the sales following the first offering will be determined after an evaluation has been made of earlier sales and existing market conditions.

Copper and copper base alloys (nonspecification in scrap and thin strip form)

This material which is, in reality, scrap, represents termination inventory items transferred to the stockpile from other agencies (without reimbursement) for their metal content. About 10 tons of rods were acquired by direct purchase. The acquisition cost for the total tonnage in the national stockpile averaged $518 per short ton and the acquisition cost of the amount for disposal is approximately $85,470.

The Director of the Office of Emergency Planning reaffirmed the stockpile objective for copper on March 13, 1964, at 775,000 short tons. As of March 31, 1964, the quantity of copper excess to this objective was 345,174 short tons of stockpile-grade material. This would dispose of 165 short tons.

Approximately 10 short tons of electrolytic copper rods proposed for disposal are part of a large quantity of such rods that are stored in steel-banded coils in open storage. Occasionally the bands rust and the rods become uncoiled, twisted, and tangled to the extent that they are beyond rewinding.

The high copper alloy in thin strip form (0.100 inch and up in thickness) is oxidized because of its being exposed to changing atmospheric conditions in outside storage. Oxidation is a relatively large factor compared to the total cross section. The alloy may have value other than scrap because it is stronger and harder than copper, although it has only about one-half the electrical conductivity of copper. It may be useful for making various articles, such as costume jewelry, weather stripping, or stamped hardware.

The uncoiled copper rods are believed to be of value only as clean copper scrap. Some commercial application may be found for the copper alloy, otherwise it would have the prevailing scrap value. The metallic content of the copper to be offered for disposal is negligible when compared with the 1,200,000 tons of scrap copper consumed annually in the United States.

The estimated market price of this material is $420 per short ton.

Cupronickel ingots (nonspecification grade)

All of the present inventory of cupronickel alloys held in the national stockpile consists of approximately 366 short tons of ingots containing 81.08 percent copper and 18.36 percent nickel. This material, which was transferred from another Federal agency without reimbursement, is estimated to have been acquired originally at a cost of $190,000.

No stockpile objective was ever established for a copper alloy. The material was accepted for its copper content, its nickel content was not charged to the objective. Because of the excess specification grade copper now in the inventories, there is no need for stockpiling these cupronickel ingots. While the present objective for copper is 775,000 short tons, the amount in all inventories is 1,120,174 short tons, thus an excess of 345,174 short tons.

Cupronickel is the generic classification of all alloys of copper and nickel wherein copper is the major constituent. Cupronickel alloys vary in nickel content from 2½ to 50 percent nickel, but most commonly contain from 5 to 30 percent nickel. These alloys are ductile, malleable, and have good corrosion resistance. One of their major uses is in the form of condenser tubing in powerplants.

Data on U.S. consumption of cupronickel alloys in recent years are not available but the importance of the 366 tons of cupronickel alloys proposed for disposal can be gaged against U.S. consumption in 1962 of 1,768,000 short tons of copper and 118,677 short tons of nickel.

The proposed sale of this small quantity of cupronickel alloy should have no significant impact on producers, processors, distributors, or consumers of articles of copper or nickel.

The current market price is estimated to be $700 per short ton.

Diamond dies (subgrade, large)

The present inventory of large diamond dies held in the national stockpile consists of approximately 355 subgrade pieces. These represent a portion of a large quantity of used, out-of-round, or otherwise defective dies transferred from Reconstruction Finance Corporation, without reimbursement, in 1947. These dies have been classified as below specification grade and are, with few exceptions, unmounted. The original acquisition cost of the dies proposed for disposal is estimated at approximately $10,700.

The Director of the Office of Emergency Planning reaffirmed the stockpile objective for small diamond dies on March 5, 1964, at 25,000 pieces smaller than 0.00079 inch in diameter. There is no objective for the large diamond dies.

The diamond dies proposed for disposal range in size from 0.00155 to 0.00640 inch in diameter of hole, and are of a type used in drawing wire. Their defects, however, limit their potential usefulness for such use.

U.S. consumption of diamond dies less than 0.008 inch in diameter amounted in 1962 to 8,944 pieces. In recent years the trend in drawing wire has been toward using dies of smaller diameter than those covered by this proposal.

The proposed sale of this small quantity of large diamond dies should have no significant impact on producers, processors, distributors, or consumers of diamond dies.

The current market price is estimated to be $3 per piece.

Lead castings (*scrap lead*)

Lead in the form of gun weights of the type used on French 75-millimeter artillery pieces was transferred to the national stockpile in 1953 from the Department of the Army. Transfer documents show a value at that time of $7,488. The lead is of unknown origin and grade. It is stored in badly deteriorated wooden boxes. Each box contains three 50-pound bars of lead 13 by 4 by 2⅜ inches together with a 75-pound lead casting of a complicated trapezoidal contour. It is believed the bars may have a potential end use for ballast, but the other casting appears to have only scrap value.

Lead castings were never on the list of strategic and critical materials for stockpiling. On June 17, 1963, the Director of the Office of Emergency Planning revised the objective for lead of stockpile grade to zero. The amount of lead in the inventories is 1,378,453 short tons, all of which is excess.

The proposed sale of 23.4 short tons of lead castings will have no measurable impact on the markets of producers, processors, or consumers in view of the huge annual U.S. consumption of both primary and secondary lead which in 1962 totaled more than 1.1 million short tons.

The current market price is reported to be between 6½ to 8 cents per pound.

Manganese ore (*subspecification grade*)

The present stockpile objective for manganese ore is 7,900,000 short dry tons. At the present time, in all of the inventories, there are 12,592,704 short dry tons of which 2,335,997 short dry tons are of nonstockpile grade. The amount of excess is 4,692,704 short dry tons including the ore of the nonstockpile grade. The amount of excess proposed for disposal is 250 short dry tons. The acquisition cost of the amount for disposal is approximately $7,208.

The 250 short tons of manganese ore are all that remain of a pile of some 58,000 long dry tons of low-grade ore transferred to the stockpile in 1946. The usable ore was the subject of a processing contract performed during the Korean emergency. This residue was considered unusable and was not processed under the contract. The material is of such low grade and in such form (large lumps and boulders) that it has no present or future potential for use, except perhaps for road fill or riprap. It should, in fact, be described as waste rather than ore.

The material is stored in one grass-covered pile adjacent to the town of Philipsburg, Mont., on land leased from the State of Montana.

Although it will be offered for sale, it seems likely that it will ultimately have to be abandoned, after compliance with the applicable GSA administrative order, which provides—

"(a) If, after public announcement and the customary advertising, no adequate offers are received for the material, a determination may be made in writing by the contracting officer that such material is not commercially salable, of that the estimated cost of continued care and handling would exceed the estimated proceeds from its sale. Such determination must be supported by an appropriate finding. The contracting officer may recommend disposition of the material by abandonment, destruction, or release, if feasible, to governmental bodies.

"(b) The recommendation to effect such disposition shall be referred to the Economic and Marketing Research Division (Defense Materials Service) which will conduct further research and submit a report on the recommendation to the DMS Contract Board. Upon approval of the recommendation by such Board and by the Commissioner, DMS disposition, as approved, shall be effected in accordance with the provisions of applicable law and regulation."

The land commissioner of the State of Montana has indicated that there would be no objection to canceling the lease and permitting the Government to abandon the material in place.

Punch mica

The punch mica held in the national stockpile was acquired as the byproduct of a GSA project to properly classify World War II surplus mica into the proper stockpile grades. It was kept in the stockpile as a nonobjective material having some commercial value.

There has never been a stockpile objective for punch mica. Under the Defense Production Act program, such punch mica generated from the retrimming operations at the mica purchase depots has regularly been accumulated and sold. However, there is at present 220,230 pounds in the inventory, all of which is excess. All of it would be disposed of under this action. The acquisition cost of the amount for disposal is approximately $48,450.

Punch mica is a term given to small-sized low-quality, thumb-trimmed block mica of sufficient area to yield a disk at least 1.5 inches in diameter free of crack and open areas.

The Bureau of Mines reports 263,123 pounds of uncut punch and circle mica were used in 1962. It is probable that a number of stockpile sales covering a period of 3 to 5 years may be required, or that deliveries from one or more sales be scheduled in such a manner as to minimize the market impact. GSA will be guided by the amounts which are absorbed in regular marketing channels without avoidable loss to the Government and without creating hardships in the domestic or friendly foreign economies.

The current market price is estimated to be 5 cents per pound.

Nickel (*nonstockpile in fabricated and miscellaneous forms*)

During the period from 1953 through 1956, approximately 39,379 pounds of nickel in various fabricated forms and shapes were transferred to the national stockpile. An additional quantity of 27,455 pounds for disposal is comprised of small cut ingots captured in Japan during World War II and transferred to the stockpile by the Department of the Army. Also there are 100 pounds in pellet form and 155 pounds in ingot form.

The average unit cost of the national stockpile inventory of nickel is $0.544 per pound.

A revised stockpile objective for nickel was estabilshed July 18, 1963, at 100 million pounds. The total nickel excess to stockpile requirements on March 31, 1964, was approximately 340 million pounds. There was never a stockpile objective for nickel in fabricated form. The amount of excess proposed for disposal is 66,834 pounds. The acquisition cost of the amount for disposal is approximately $36,350.

The U.S. Mint appears to have a regular annual requirement for nickel, and the existing direct Government use program is expected to continue. It would appear that the small cut cathodes will be suitable for transfer to the mint for use in its present form, thereby eliminating the cutting charges or converting stockpile specification nickel to the size required.

The proposed sale of this small quantity of nickel should have minimal impact on the markets of producers, processors, or consumers, in view of the rate of consumption in the United States which in recent years has been in excess of 200 million pounds annually.

The estimated current market value is 80 cents per pound.

Tantalum (*nonspecification forms*)

The present stockpile objective for tantalum is 3,400,000 pounds. At present, there are 3,047,079 pounds of stockpile-grade tantalum in all the inventories; 1,947,243 pounds of tantalum are excess but all of this is a nonstockpile grade. The amount of this nonstockpile grade proposed for disposal is 25,470 pounds. The acquisition cost of the amount for disposal is approximately $450,000.

On the current market, prices range from $30 to $49 per pound for powder, from $47 to $60 per pound for sheet, and from $52 to $65 per pound for rod. The variation in price depends on the grade of the tantalum offered.

The various forms of tantalum which do not meet the national stockpile specification for capacitor-grade tantalum powder or ingots were acquired through transfer from other Government agencies. Most of the items were from termination inventories that were transferred to the national stockpile during the period 1946–56 as tantalum scrap and obsolete fabricated parts.

The possibility of using this material for upgrading to capacitor-grade tantalum has been explored. Two of the principal producers of tantalum metal powder for capacitor use have told GSA that this material would require chemical processing to practically the same extent as required to produce capacitor-grade tantalum powder from ores and concentrates. The processing cost would be about the same as for ores and concentrates or possibly higher, since the plants are not set up for treating this type material, and some plant modifications would be required.

On April 17, 1964, the Director of the Office of Emergency Planning reaffirmed the stockpile objective for tantalum at 3,400,000 pounds tantalum content in concentrates. As of April 30, 1964, the quantity of tantalum excess to this objective was 1,947,243 pounds of nonstockpile grade material. The "odd lots" proposed for disposal are a very small part of the total excess quantity of nonspecification tantalum in the stockpile.

Originally regarded as an exotic metal, tantalum found an early application as a metallic lamp filament but lost this market to tungsten. Capacitor production represents more than 50 percent of the tantalum market, as it currently exists. Miniature capacitors are used in computers, military electronics systems, and communication equipment. Since it will not irritate human tissue, tantalum has found uses in surgical procedures, equipment, and devices.

There has been no domestic mine production of tantalum-columbium since Porter Bros. Corp. closed its facilities in Idaho at the end of the 1959 season. These were the last domestic ores processed and shipped to the stockpile. There are several U.S. companies producing the primary tantalum metal. The volume of production, while comparatively small, has been gaining steadily—122 tons in 1959, 150 tons in 1960, and 242 tons in 1962.

Some of the items were in commercial end-use form when transferred, but their current value is not known. It will be determined, however, through the competitive bidding process. The balance of the tantalum metal should have a value as scrap metal for use by producers of commercial tantalum ingot.

Zinc (*nonspecification form, engraving plates*)

Zinc in the form of engraving plates was transferred to the national stockpile in 1948 by the Army Signal Corps. Transfer documents indicated a value at the time of $33,830.

There was never a stockpile objective for zinc in fabricated form and on June 17, 1963, the Director of the Office of Emergency Planning established a revised stockpile objective for zinc of stockpile grade at zero.

The amount of excess zinc is 1,580,643 short tons. The amount of excess proposed for disposal under this resolution is 110.5 short tons. The acquisition cost of the amount for disposal was $33,830.

The small tonnage of zinc for disposal should have no measurable impact on the markets of producers, processors, or consumers. All classes of zinc consumed in the United States in 1962 amounted to 1,331,000 short tons.

The possibility of the engraving plates being utilized in their present form by other Federal agencies is being explored. However, preliminary indications are not encouraging since most users of engraving plates have changed to plates produced from metals and alloys other than zinc. In addition, the width and thickness of these plates do not appear to be suitable to the needs of the principal Government printing and engraving plants.

When lotted and offered for sale these items will be adequately described so that prospective bidders can readily identify and classify them correctly as usable items with commercial applications, if this is presently the case, rather than as scrap.

The current market price for zinc is 7 cents per pound.

CREDITING OF CERTAIN MILITARY SERVICE FOR PURPOSES OF RESERVE RETIRED PAY

The Senate proceeded to consider the bill (H.R. 9718) to authorize the crediting of certain military service for purposes of reserve retired pay, which had been reported from the Committee on Armed Services, with an amendment, on page 2, after line 6, to strike out:

SEC. 2. The amendments made by this Act shall apply to any period during which the Commissioned Corps of the Public Health Service has had or will have the status of a military service, and any period during which commissioned personnel of the Coast and Geodetic Survey were or may be transferred to the service and jurisdiction of a military department, whether before or after enactment of this Act.

And, in lieu thereof, to insert:

SEC. 2. The amendments made by this Act shall apply to any period before enactment of this Act during which the Commissioned Corps of the Public Health Service has had the status of a military service, and to any period before enactment of this Act during which commissioned personnel of the Coast and Geodetic Survey were transferred to the service and jurisdiction of a military department.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1540), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

AMENDMENT

Section 2 is amended to read as follows:

"SEC. 2. The amendments made by this Act shall apply to any period before enactment of this Act during which the Commissioned Corps of the Public Health Service has had the status of a military service, and to any period before enactment of this Act during which commissioned personnel of the Coast and Geodetic Survey were transferred to the service and jurisdiction of a military department."

EXPLANATION OF THE AMENDMENT

The purpose of the amendment is to limit the provisions of the bill to past service where Public Health and Coast and Geodetic Survey officers were serving in a military status. Under the House version, both past service and future service that might be performed in a military status would be creditable for Reserve retirement purposes. The committee was of the opinion that it would be unwise to attempt to make provision for crediting future service which by Executive order would be given a military status, since the conditions and circumstances surrounding any future service cannot be known at this time.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to amend section 1332 of title 10, United States Code, to provide that full-time active service in the past with the U.S. Public Health Service, or the U.S. Coast and Geodetic Survey as a commissioned officer during the period when such service was performed during wartime under the jurisdiction of a military department, shall be creditable under the retirement program pertaining to members of the Reserve components. As hereinafter explained, the President, under certain legislation, declared by Executive order the commissioned corps of the Public Health Service to be a military service in 1945. With respect to the U.S. Coast and Geodetic Survey, there were individual transfers of personnel by Executive order to the service and jurisdiction of the military departments during World War II. This bill will permit past service during such a status to be creditable for the purpose of retirement under the so-called Reserve Retirement Act now set forth in section 1332 of title 10, United States Code. These were individuals who were formerly in one of these two services and who now hold Reserve commissions in one of the Armed Forces. Only a very limited number of persons are involved. They are estimated to be between 10 and 15 who served in the Public Health Service and approximately 7 who completed wartime service with the Coast and Geodetic Survey.

Background

Under the authority contained in 10 U.S.C. 1331, any person who has attained age 60 may upon his own application be granted Reserve retirement pay under authority contained in 10 U.S.C. 1331 provided that the following conditions are met:

(a) He has performed at least 20 years of qualified service computed under 10 U.S.C. 1332;

(b) He performed the last 8 years qualifying service in other than a Regular component; and

(c) If any of his qualifying service other than service in a Regular component was performed prior to August 16, 1945, then to be entitled to such retired pay he must have served on active duty or on active duty for training during either World War I or World War II, or on active duty (other than for training) during the Korean conflict.

Title 10, United States Code, section 1332 (a) sets forth the service which may be credited in determining eligibility for retired pay under 10 U.S.C. 1331.

PATRICK E. EAGAN

The bill (S. 416) for the relief of Patrick E. Eagan was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Patrick E. Eagan of Fairbanks, Alaska, is hereby relieved of all liability for repayment to the United States of the sum of $4,271.36, representing overpayments of salary received by him as an employee of the Post Office Department at Fairbanks, Alaska, for the period from October 19, 1956, through April 27, 1962, the Post Office Department having failed to deduct from his salary, pursuant to section 13(b) of the Civil Service Retirement Act, as amended (5 U.S.C. 2263(b)), an amount equal to the amount the said Patrick E. Eagan was entitled to receive in civil service retirement annuity payments during said period. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to deposit, out of any money in the Treasury not otherwise appropriated, to the credit of the said Patrick E. Eagan in any fund from which the United States has withheld any amount for the purpose of reducing the indebtedness resulting from the overpayments referred to in the first section of this Act, any amount so withheld.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1543) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to relieve Patrick E. Eagan, of Fairbanks, Alaska, of all liability for repayment to the United States of the sum of $4,271.36, representing overpayments of salary received by him as an employee of the Post Office Department at Fairbanks, Alaska, for the period from October 19, 1956, through April 27, 1962, the Post Office Department having failed to deduct from his salary pursuant to section 13(b) of the Civil Service Retirement Act, as amended (5 U.S.C. 2263(b)), an amount equal to the amount he was entitled to receive in civil service retirement annuity payments during said period. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this act.

Records of the Post Office Department disclose that Mr. Eagan was appointed on October 19, 1956, to a position in the Fairbanks, Alaska, post office, and has served continuously since that time. At the time of his appointment he was receiving an annuity of $60 per month (increased to $66 per month on August 1, 1958) from the Civil Service Commission. Although he reported the annuity on his application for employment, it was not noticed and deductions were not made from his salary for the period October 19, 1956, the date of his employment, to April 27, 1962, the date the error was corrected.

The present law (5 U.S.C. 2263(b)) requires when an annuitant is reemployed a sum equal to the annuity allocable to the period of actual employment shall be deducted from the salary of the employee.

The Post Office Department, in reporting to the committee on the merits of this legislation, takes the position that since the overpayment to Mr. Eagan resulted from an honest error and that the Department has received the benefit of his services, that Department favors enactment of S. 416. That Department further calls attention to similar legislation approved by the Congress for the relief of other employees who were paid in similar circumstances.

The sponsor of this legislation, the Honorable E. L. BARTLETT, has submitted to the committee a letter from the claimant, in which the claimant states that the overpayments made were received in good faith and repayment would impose an extremely grave hardship in his case; and also, a letter from the nephew of the claimant addressed to the sponsor, advising that Mr. Eagan is extremely ill suffering from cancer.

The committee is of the opinion that this legislation has a meritorious purpose. The overpayment resulted from an error on the part of the employing agency, the claimant acted in good faith, and repayment would impose a financial hardship upon the claimant in view of serious illness that he is presently facing. Furthermore, the Department has received the benefit of Mr. Eagan's services. In view of these facts, the committee recommends favorable consideration of S. 416, without amendment.

BILL PASSED OVER

The bill (S. 2243) for the relief of Clarence C. and Lucy W. Russell was announced as next in order.

Mr. MANSFIELD. Over.

The **PRESIDING OFFICER.** The bill will be passed over.

VERMONT MAPLE ORCHARDS, INC.

The bill (S. 3117) for the relief of Vermont Maple Orchards, Inc. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and hereby is, authorized and directed to settle and adjust the claim of the Vermont Maple Orchards, Incorporated, Burlington, Vermont, arising out of participation in the Saint Eriks Fair, Stockholm, Sweden, during the summer of 1963. An amount not to exceed $2,671.21 may be allowed in full and final settlement of the claim. There is appropriated out of any money in the Treasury not otherwise appropriated the sum of $2,671.21 for payment of said claim.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1545), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Comptroller General of the United States to settle and adjust the claim of the Vermont Maple Orchards, Inc., Burlington, Vt., its claim arising out of participation in the St. Eriks Fair, Stockholm, Sweden, during the summer of 1963. An amount not to exceed $2,671.21 may be allowed in full and final settlement of the claim.

STATEMENT

Under date of August 13, 1964, the Comptroller General of the United States submitted to the President pro tempore of the Senate its report to the Congress concerning the claim of Vermont Maple Orchards, Inc., Burlington, Vt., with the recommendation that the Congress approve the claim.

The Comptroller General, pursuant to the act of April 10, 1928, 45 Stat. 413, 31 U.S.C. 236, makes the following report and recommendation on the claim of Vermont Maple Orchards, Inc., Burlington, Vt., for the adjusted amount of $2,671.21, covering expenses incurred in connection with participation in the U.S. exhibition held at St. Eriks Fair, Stockholm, Sweden, August 28 to September 8, 1963.

On April 29, 1963, Philip C. Kelly, president of Vermont Maple Orchards, signed a participation agreement, approved May 6, 1963, by Thomas R. Padgett, Jr., projects officer, Bureau of International Commerce, Department of Commerce. The agreement was for participation in the St. Eriks Fair and display items were described therein as "1,200 dozen boxes pure maple sugar candy and blended cane and maple sugar candy." Mr. Kelly alleges that they participated solely because they had been told that their maple candy, sirup, etc., could be sold at retail at the fair. It is alleged that in telephone conversations with a representative of the Office of International Trade Promotion, Bureau of International Commerce, the company had been urged to manufacture a large quantity of maple products stating that he was certain all could be sold. In forwarding the participation agreement for signing by the Vermont Maple Orchards, the Office of International Trade Promotion, in its letter of April 24, 1963, included additional information "explaining a hard-hitting campaign to sell your products in the growing Swedish market through participation in the U.S. exhibition." As above indicated, the participation agreement described the exhibit as 1,200 dozen boxes of products; i.e., 14,400 boxes, which reasonably leads to the conclusion that the purpose of participation was the sale of the products as alleged by Mr. Kelly. However subsequent to the shipment of the products and the arrival of the company representative at the fair, it was found that sales would not be permitted at the exhibit and that the sale of the product in Sweden was for all practical purposes precluded by a confectionary tax of between 63 and 70 percent of the retail price. The result was that over 95 percent of the maple products which were manufactured and shipped to Sweden were returned to the manufacturer. No claim is made by the company for loss of labor and material, but reimbursement is sought for the direct expenses incurred.

A claim was filed by the company with the Office of International Trade Promotion, U.S. Department of Commerce. This was administratively considered and it was determined that there was no legal basis upon which the claim could be paid. It was, however, concluded that enough question of equity was involved to merit submittal to the Comptroller General for consideration as a meritorious claim, and it was accordingly forwarded to the Comptroller General with the recommendation that the claim in the adjusted amount of $2,671.21 be favorably considered for reporting to the Congress under the provisions of 31 U.S.C. 236.

It was administratively concluded that the Bureau of International Commerce was at fault in neglecting to inform Vermont Maple Orchards, Inc., of the prohibition against retail sales in the American pavilion at St. Eriks Fair, and that the alleged loss was attributable to such action. There was reason to believe that the company would have withdrawn its participation in the fair on the basis that its product could not be successfully sold. The company, by letter of January 28, 1964, submitted its claim in the amount of $3,537.24, and all expenses were itemized with supporting documents. Payment has been administratively recommended in the adjusted amount of $2,671.21, based upon the actual expenses of Mr. Philip C. Kelly, president, Vermont Maple Orchards, Inc., as follows:

Economy jet transportation New York to Stockholm and return for 1 person	$637.10
Crates	246.00
Brochures	474.00
Freight to Brooklyn, N.Y	108.25
Ocean freight, Moore McCormick	232.84
Insurance, Peterson-Rowlands	204.12
Contribution for participation	400.00
P. C. Kelly's expense (23 days at $16 per diem) [1]	368.00
Total	2,671.21

[1] The St. Eriks Fair dates were Aug. 28–Sept. 8, 1963. The participation agreement signed with Mr. Kelly required 1 representative from his company from the United States to arrive 1 week prior to the official fair opening and remain at least 4 days after official closing; i.e., Aug. 21 through Sept. 12, for 23 days total; $16 was the standard U.S. Government per diem authorized for official travel by U.S. employees in Sweden and compensation is recommended at that rate.

The claim appears, in the Comptroller General's judgment, to contain such elements of equity as to be deserving of the consideration of the Congress. The Comptroller General recommends that an appropriation be made which will permit payment of the amount of $2,671.21.

In view of the recommendation of the Comptroller General, the committee believes that the claim is meritorious in the amount of $2,671.21 and, therefore, recommends favorable consideration of S. 3117, without amendment.

LT. JOHN P. MANN

The bill (H.R. 5500) for the relief of Lt. John P. Mann was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1546), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to relieve Lt. John P. Mann, U.S. Navy, of liability to pay the United States the sum of $1,637.78, representing overpayments made to him from March 4, 1957, to June 30, 1963, because of longevity credit based upon his service as an enlisted man in the U.S. Coast and Geodetic Survey. The bill would also authorize a refund of amounts withheld or repaid as a result of the liability.

EARNEST O. SCOTT

The bill (H.R. 6593) for the relief of Earnest O. Scott was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1547), explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to relieve Earnest O. Scott, of Silverdale, Wash., of liability to pay to the United States $1,812.80, representing the aggregate amount of compensation held to have been erroneously paid to him due to administrative error while employed by the Department of the Navy as a firefighter during the period of October 18, 1959, to November 10, 1962, inclusive. The bill would provide for the refund of any amounts repaid or withheld by reason of the subsequent determination that the compensation paid Mr. Scott was erroneous.

JACK B. FISHER

The bill (H.R. 7788) for the relief of Jack B. Fisher was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1548), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Secretary of the Treasury to pay Jack B. Fisher, of Fairborn, Ohio, the sum of $190.80, representing the amount of his claim against the United States for commutation of subsistence payable for advanced Reserve Officers' Training Corps service.

STATEMENT

Pertinent portions of the report of the House Judiciary Committee concerning the facts and circumstances surrounding this claim are as follows:

"The favorable report of the Department of the Air Force outlines the facts pertinent to this matter as follows: Mr. Fisher enrolled in an advanced Air Force Reserve Officers' Training Corps program at Washburn Municipal University, Topeka, Kans., in September 1948 and received an allowance of $190.80 for commutation of subsistence. He failed to attend summer camp in 1949, so was discharged from the AROTC program and required to refund the amount received on account of subsistence.

"Later in 1950, Mr. Fisher applied for reinstatement in the training program, was approved in September 1950, and successfully completed the program on June 3, 1951. He was not paid an allowance for commutation of subsistence for this training period. Subsequently, he served on extended active duty with the Air Force from July 4, 1951, to April 15, 1953.

"On May 11, 1962, Mr. Fisher wrote to the Air Force Accounting and Finance Center relating the circumstances of his refund of $190.80 to the Government and claiming compensation in the amount of $190.80. The Air Force, in its favorable report on the proposed legislation, admits that its subsequent handling of the claim was not in accordance with its established procedures which provide that claims more than 8 years old are to be reported to the General Accounting Office immediately upon receipt. This is to preclude the barring of the claim by the 10-year statute of limitations. The provisions of the act of October 9, 1940 (31 U.S.C. 71a), provide that a claim shall not be considered as timely filed unless it is received by the General Accounting Office within 10 full years after the date such claim first accrued. The 10-year statute of limitations is to be extended, in the case of persons with military service, by the total times of such military service. The Air Force Accounting and Finance Center received Mr. Fisher's claim on May 11, 1962, but because it was routed to the Air University at Maxwell Air Force Base, Ala., returned and then subsequently developed through some additional correspondence with Mr. Fisher, it was not recorded with the General Accounting Office until July 11, 1962. The Comptroller General ruled, on appeal, that the statute of limitations with respect to Mr. Fisher's claim expired on July 1, 1962, just 10 days before the claim reached the General Accounting Office.

"From the foregoing facts, it is observed that the claim would have been considered timely filed had it been recorded with the General Accounting Office immediately after it was received by the Air Force Accounting and Finance Center on May 11, 1962. The Comptroller General's report does not recommend that H.R. 7788 be favorably considered because of the specific statutory requirement that a claim is not to be considered filed for purposes of the statute of limitations until it is received in the General Accounting Office. This committee, however, has the power to recognize equitable considerations and circumstances. Since the Air Force admits that it did not follow its own procedures and thus assumes full responsibility for the delay which resulted in the claim being received 10 days too late, it does not seem proper that Mr. Fisher should suffer the consequences of such error. Accordingly, it is recommended that the proposed legislation be considered favorably."

This committee agrees with the conclusions reached by the House Judiciary Committee and it is, therefore, recommended that H.R. 7788 be favorably considered.

GORDON W. McGREW

The bill (H.R. 8300) for the relief of Gordon W. McGrew was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1549), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to relieve Gordon W. McGrew of Roy, Utah, of liability to the United States in the amount of $3,484.82, representing the amount of compensation received between June 26, 1960, and May 8, 1961, while employed by the Maritime Administration at the Olympia Reserve Fleet, Olympia, Wash., in violation of the act of July 31, 1894 (5 U.S.C. 62). The bill would authorize a refund of any amounts repaid or refunded by reason of the liability referred to.

PATRICK J. CLYNE

The bill (H.R. 8596) for the relief of Patrick J. Clyne was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1550), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to relieve Patrick J. Clyne, of San Francisco, Calif., of liability to the United States in the amount of $502.40, which sum represents the amount that he was indebted to the United States by reason of an overpayment of salary as an employee of the Maritime Administration as a result of an erroneous interpretation of personnel regulations governing promotion and longevity step increases for Government employees. The bill provides for the refund of any amounts repaid or withheld by reason of the liability.

CAPT. CHARLES H. GLASSETT, JR.

The bill (H.R. 9201) for the relief of Capt. Charles H. Glassett, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1551), explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the bill is to relieve Capt. Charles H. Glassett, Jr., U.S. Marine Corps, retired, of the liability to refund $4,092.60 resulting from an overpayment of retirement pay from September 1, 1958, through August 31, 1963. The bill would also authorize the payment of any amounts repaid or otherwise withheld from amounts due him because of this liability.

MARVIN S. KLINE

The bill (H.R. 10526) for the relief of Marvin S. Kline, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1552), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to pay Marvin S. Kline, of Fairborn, Ohio, $688.29 in full settlement of all claims against the United States arising out of an overpayment of compensation paid to him as a result of administrative error by the U.S. Air Force from November 22, 1961, through October 20, 1962, which he has repaid. The Secretary of the Treasury is further authorized and directed to redeposit retirement and insurance deductions for the said Marvin S. Kline.

QUALITY BEDDING CO.

The bill (H.R. 10634) for the relief of the Quality Bedding Co. was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1553), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to pay the Quality Bedding Co., of Huntington, W. Va., $328.87 for amounts improperly deducted by the United States in payments under purchase orders issued by the General Services Administration.

STATEMENT

The Comptroller General of the United States reports to the Congress that the General Accounting Office has no objection to the favorable consideration of the bill.

The General Services Administration reports to the Congress that it does not object to the enactment of the bill.

In its favorable report on the bill the Committee on the Judiciary of the House of Representatives said:

"The bill would authorize the payment of $328.87 representing deductions made by the United States in payments for deliveries of mattresses and matching box springs made by the Quality Bedding Co. under its contracts with the Government. Notwithstanding the facts that the company submitted timely invoices for payment and more than 30 days elapsed from the time of delivery, time discounts amounting to the sum stated in the bill were deducted from the amount due the company on the ground that the invoices were not in the form required by the General Service Administration.

"Under the terms of two unnumbered contracts and purchase orders Nos. FNW–43600–5/CD2 and FNW–47003–6/CE2 Quality Bedding Co. was to deliver certain quantities of mattresses and matching box springs for the consideration of $13,431 and $3,012.40, respectively. Each contract provided for a cash discount of 2 percent for payment within 30 days. Time was to be computed from date of delivery at destination or from date correct invoice or voucher was received in the office specified by the Government if the latter date was later than the date of delivery. Both of the involved purchase orders provided that a DD form 250 (DD–250) was required and that payment would be made by the GSA, Office of the Comptroller, Region 2, 30 Church Street, New York City. This form was a material inspection and receiving report to be executed by a Government inspector upon delivery at destination and ordinarily was to accompany the invoice of the contractor when submitted to the paying officer.

"The company duly delivered the mattresses and submitted a form DD–250, which is a material inspection and receiving report. A GSA quality control official had advised the company that a form DD–250 would be acceptable in lieu of an invoice. That form is acceptable as an invoice in the Defense Department where the official had previously been employed. However, payment was not made within 30 days of the submission of the form, which was intended by the contractor for use as an invoice, because GSA does not consider a form DD–250 as an appropriate seller's invoice unless clearly designated as such. After the matter was explained to the company, forms DD–250 marked "Invoice" were submitted to GSA and payment was made within 30 days of such submission. Time discounts amounting to $328.87 were deducted from the amount due.

"A sufficient doubt existed as to the propriety of such deduction for the matter to be referred to the General Accounting Office for an opinion. The GAO stated in a letter dated October 31, 1963, that under the circumstances the contractor's claim for the 2-percent time discount could not be allowed. Accordingly, the sum in question was not paid to the contractor.

"In the report of the General Services Administration to the committee on the bill, the Administrator, Bernard L. Boutin, stated:

" 'There is little question that the contractor should not have relied on the inspector's statement, since the contract states in paragraph 8 of GSA form 1424 (copy enclosed) which was incorporated in the contract by reference, that no interpretation shall have any validity unless furnished in writing to the contractor by the contracting officer.

" 'However, there is no doubt that the contractor did in fact rely on the inspector's answer. Since no further consideration can be given to this claim through administrative procedures, we believe that the desirability of the enactment of this measure is a matter of policy for the Congress to decide. We would not, however, object to enactment of the measure.'

"The committee has determined that it would be inequitable to deny the company relief under the particular circumstances of this case. Both the General Services Administration and the Comptroller General recognize that the company relied on erroneous advice of a General Services Administration inspector. Accordingly, both the General Services Administration and the General Accounting Office have indicated that they would not object to favorable consideration of the bill. It is recommended that the bill, as amended, be considered favorably."

The committee believes that the bill is meritorious and recommends it favorably.

M. SGT. RICHARD G. SMITH, U.S. AIR FORCE, RETIRED

The Senate proceeded to consider the bill (S. 2578) for the relief of M. Sgt. Richard G. Smith, U.S. Air Force, retired, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, at the beginning of line 6, to strike out "$754.22" and insert "$790.44"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Master Sergeant Richard G. Smith, United States Air Force, retired (AF 17252944), of Omaha, Nebraska, is relieved of liability to the United States in the amount of $790.44, representing an overpayment of base pay, accrued leave, and a reenlistment bonus paid to him by the United States Air Force between 1948 and 1963 through an erroneous credit of longevity. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Master Sergeant Richard G. Smith an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1554), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the proposed legislation, as amended, is to relieve M. Sgt. Richard G. Smith, U.S. Air Force, retired, of all liability to repay to the United States the sum of $790.44, representing overpayments made by the Department of the Air Force resulting from an erroneous credit of longevity pay. The payments were for basic pay, accrued leave, and a reenlistment bonus. Payments were made between 1948 and 1963. The legislation furthermore allows for credit in the accounts of any certified or disbursing officer for the amounts involved. Refund is authorized for any amounts repaid by or withheld from the claimant.

ELMER LEVY

The Senate proceeded to consider the bill (H.R. 9976) for the relief of Elmer Levy, which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 7, after the word "of", where it appears the second time, to strike out "20" and insert "10".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1555), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the proposed legislation, as amended, is to authorize and direct the Secretary of the Treasury to pay the sum of $2,000 to Marilyn Grieves, of Ottawa, Ill., as mother and next friend for John Robert Grieves, a minor, in full settlement of all claims of the minor and of his mother, as an individual and the next friend for her son, against the United States and Elmer Levy, and in full and final payment of the judgment and costs docketed in the U.S. District Court, Northern District of Illinois, in favor of the said Marilyn Grieves, mother and next friend for John Robert Grieves, a minor, against the said Elmer Levy for damages for personal injuries growing out of an accident on May 2, 1961, in Ottawa, Ill., while said Elmer Levy was engaged in his duties as a postal employee.

TRANSFER OF CERTAIN COUNTIES IN MICHIGAN FROM THE NORTHERN DIVISION TO THE SOUTHERN DIVISION OF THE EASTERN JUDICIAL DISTRICT

The bill (H.R. 4989) to amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the Northern Division to the Southern Division of the Eastern Judicial District and to authorize a term of court at Ann Arbor was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1556), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to transfer the counties of Genesee and Shiawassee from the Northern Division to the Southern Division of the Eastern Judicial District of Michigan and to authorize a term of court to be held at Ann Arbor, Mich., for the southern division of the eastern district. Accordingly, the bill amends section 102(a)(1), (2) of title 28 of the United States Code.

STATEMENT

The facts in regard to this legislation, as reviewed in House Report No. 1707 on H.R. 4989, are as follows:

"Michigan is divided into two judicial districts—the eastern and western districts. The eastern district is divided into two divisions, the southern division, in which court is held at Detroit and Port Huron, and the northern division where court is held at Bay City and Flint.

"At the present time the counties of Genesee and Shiawassee are located in the northern division, as is the city of Flint, which is located in Genesee County.

"Under the proposed legislation the counties of Genesee and Shiawassee would be transferred from the Northern to the Southern Division of the Eastern District of Michigan with the unanimous approval of the judges of that district and also with the approval of the Judicial Council of the Sixth Circuit. Since Flint, presently a place of holding court in the northern division, is situated in Genesee County it automatically becomes a place of holding court for the southern division by virtue of the transfer of that county from the northern division to the southern division.

"Your committee has been informed that the reason for the change of these two counties is that they are more orientated to the southern division which encompasses numerous metropolitan and industrial areas than does the northern division.

"Under section 1405 of title 28, United States Code, and section 3240, title 18, United States Code, the pending cases, both civil and criminal, are adequately provided for. In criminal cases, under section 3240 of title 18, United States Code, prosecution of offenses committed within these divisions prior to this transfer shall be commenced and proceeded with the same as if this transfer had not been created, unless the court, upon application of the defendant, shall order the case to be removed to the newly altered division for trial. In the case of civil proceedings under section 1405 of title 28, the pending proceedings at the time of the transfer of these counties from one division to the other, as is done in this case, may be tried in the division as it existed at the institution of the proceeding or in the division to which the county is so transferred as the parties shall agree or the court direct.

"The alteration made by the transfer of these two counties from the northern to the southern division does not involve any cost to the U.S. Government.

"The Department of Justice has informed your committee that inasmuch as this proposal involves a matter of primary concern to the judiciary, that Department defers to the Judicial Conference of the United States concerning its enactment. As indicated heretofore, the judicial council of that circuit has expressed its approval in accordance with its responsibility to the Judicial Conference of the United States.

"Under the proposed amendment, Ann Arbor is added as an additional place of holding court for the Southern Division of the Eastern District of Michigan. Under section 102(a)(1) of title 28, United States Code, court for the southern division is held at Detroit and Port Huron.

"Ann Arbor, in Washtenaw County, is a rapidly growing and developing area which is easily accessible by an excellent system of transportation facilities. The counties which would benefit most directly from a term of court at Ann Arbor are Washtenaw, Jackson, Livingston, and Lenawee Counties with a combined total 1960 population of 420,456. Under the proposal to transfer the counties of Genesee and Shiawassee to the southern division, the population for the new southern division would be 4,893,136 people. Ann Arbor is also the site of the University of Michigan which has one of the largest and most outstanding law schools in the country. Its excellent library would be available to lawyers involved in Federal proceedings at Ann Arbor.

"Another factor to be considered is the rapid growth of Ann Arbor as a research center. Not only is the University of Michigan engaged in research on the order of $35 million annually, most of which is for the Federal Government, but also private industry has been establishing research and development vicinities in that area.

"A pilot survey of the cases filed over a 5-year period, 1958–62, in the Federal Court for the Eastern District of Michigan, while not conclusive, indicates that the total number of cases filed from Washtenaw, Jackson, Lenawee, and Livingston Counties totaled 1,306, exclusive of 205 habeas corpus petitions.

"There is also the additional possibility which should be taken note of that it is possible that Federal litigation can be disposed of at Ann Arbor which in the past has been filed in the State courts. That situation arises from the fact that where lawsuits could be brought in either Federal or State court cases could be brought in the Federal court at Ann Arbor rather than filing them at the Federal court in Detroit, some 75 miles away.

"Authorization for a term of court at Ann Arbor has been endorsed by the Bar Association of Washtenaw County and also by the Bar Association of Jackson County.

"Under title 28, section 142, Federal court may only be held at places where Federal quarters and accommodations are available or suitable quarters and accommodations are furnished without cost to the United States. Therefore, at the present time local facilities would have to be furnished at no cost to the Federal Government before a term of the Federal court could be held at Ann Arbor.

"Based upon the factors outlined, your committee believes that a term of court should be authorized for Ann Arbor, Mich., in the eastern district."

The committee, after a review of all of the foregoing, is in accord with the action of the House of Representatives and recommends that the bill, H.R. 4989, be considered favorably.

Attached hereto and made a part hereof is a communication from the Administrative Office of the U.S. Courts dated April 24, 1963.

MEASURES PASSED OVER

The bill (H.R. 7348) for the relief of Frank B. Rowlett; Senate Joint Resolution 45, proposing an amendment to the Constitution of the United States relative to equal rights for men and women; and Senate Concurrent Resolution 96, to print additional copies of a committee print entitled "Catalog of Federal Aids to State and Local Governments," were announced as next in order.

Mr. MANSFIELD. Mr. President, I ask that H.R. 7348, Senate Joint Resolution 45, and Senate Concurrent Resolution 96 be passed over.

The **PRESIDING OFFICER.** The measures will be passed over.

CONNECTICUT BEVERAGE CO., INC.

The bill (H.R. 5759) for the relief of Connecticut Beverage Co., Inc., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1560), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to pay the Connecticut Beverage Co., Inc., $9,527.52 in settlement of its claims against the United States for a payment equal to taxes paid on distilled spirits damaged by a flood on March 6, 1963, and condemned by the Consumer Protection Department of Connecticut.

STATEMENT

The Treasury Department is opposed to the enactment of the bill.

The bill was the subject of a hearing before a subcommittee of the House of Representatives. In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

"The bill H.R. 5759 was the subject of a subcommittee hearing on December 11, 1963. At that time, the subcommittee received testimony in support of the bill and in behalf of the Government. The testimony at the hearing detailed the circumstances of the flood which caused the losses referred to in the bill. On March 6, 1963, a dam located in a park on high ground overlooking the city broke and an estimated 30 million gallons of water flowed through the business section of the city. The artificial lake created by the dam covered an area of approximately 10 acres. When this water was released, several million dollars of losses in property were suffered and six persons lost their lives. The premises of the Connecticut Beverage Co. stood in the path of the flood and suffered heavy damage, as well as a deposit of mud carried by the flooding waters.

"An attempt was made to have the disaster area declared a national disaster area by the President. While the direct effects of the flood were literally a disaster the geographic area or scope of the damage was not sufficient to justify its characterization as a national disaster area. It is for this reason that the company has appealed to the Congress for the relief embodied in H.R. 5759. In substance, the company is seeking relief similar to that which might have been made available had the area been declared a national disaster area.

"As is outlined in the provisions of the bill the payment equaling the tax on distilled spirits concerns those spirits condemned by the Consumer Protection Department of Connecticut. In connection with the hearing the committee was supplied with photographs that showed the extent and nature of the destruction created by the flood. These photographs clearly show the extensive nature of the damage to stock in the company warehouse and further the dirt and debris left after the flood.

"This is a case where the fact of the flood and consequent destruction of the distilled spirits is not in question. The Treasury Department has indicated its opposition to relief on the grounds of the preferential nature of granting such relief to the Connecticut Beverage Co. The report of that Department notes that the Congress has provided for relief in cases of national disaster. However, it has questioned the bill on the ground that relief in such cases is available only where there has been a disaster of sufficient severity or magnitude to depress the economy of a community or wider geographic area. The committee finds that it must differ with the Department on its conclusion on this point. It seems inequitable to predicate a denial of relief when the nature and extent of the losses suffered by the Connecticut Beverage Co. is so closely paralleled in the national disaster cases.

"The testimony presented to the committee on December 11, 1963, indicated that the losses suffered in this matter have constituted a very heavy burden to the company. At that hearing, the subcommittee made an effort to determine the exact basis for the amount stated in the bill. Representatives of the company agreed to supply the committee with an exact statement of the liquor destroyed under the supervision of the State of Connecticut and by the Health Department of the City of Norwich. Subsequently, the committee received the sworn affidavit of Mr. Victor Fontaine of the excise audit division of the Connecticut State Tax Department. A list was attached to the affidavit which represented all of the liquor destroyed. The affidavit stated that the liquor was destroyed under the supervision of the Consumer Protection Department of the State of Connecticut and by order of the Health Department of the City of Norwich. Mr. Fontaine stated in his affidavit that he was present in his official capacity and further that representatives of the Consumer Protection Department of the State of Connecticut and of the Health Department of the City of Norwich witnessed the destruction. In order to obtain a verification of the amount of tax which would have been applied to the liquor so listed, the committee requested the assistance of the Treasury Department in fixing the amount of the tax. On May 6, 1964, the Treasury Department responded with a letter in which it stated that the Internal Revenue Service had calculated that the excise tax and rectification tax with respect to these spirits amounted to at least $9,527.52. Enclosed with the letter was a schedule showing the proof gallonage found and the calculation of the tax involved. The letter and report are set forth at the conclusion of this report along with the report of the Treasury Department on this bill. In its letter of May 6, 1964, the Treasury Department stated:

"'On the basis of the list supplied, the Internal Revenue Service has calculated that the excise tax imposed by 26 United States Code 5001 and the rectification tax imposed by 26 United States Code 5021 with respect to these spirits amounted to at least $9,527.52. It is possible that some additional tax may have been paid because some of the imported distilled spirits listed, which could have been imported either in bottles or in bulk containers, may have been imported below 100 degrees of proof and therefore taxable under 26 United States Code 5001 at the wine gallon rather than the proof gallon rate. In the absence of proof with respect to this matter, the tax on these questionable items was calculated at the lower (proof gallon) rate. Enclosed is a schedule showing the proof gallonage found and the calculation of the tax involved.'

"After a consideration of the facts before the committee and the subsequent letter of the Treasury Department, the committee determined that this was a proper subject for legislative relief. The committee further determined that the amount stated in the bill should be reduced so as to provide for a payment in the amount of $9,527.52, the amount calculated by the Internal Revenue Service as the tax paid on the list of destroyed liquor. In view of the particular circumstances of this case, it is recommended that the bill, so amended, be considered favorably.

"The committee is advised that an attorney has rendered services in connection with this matter. Accordingly, the customary attorney's fee limitation has been included in the bill."

The committee believes that the bill is meritorious and recommends it favorably.

PROMULGATION OF RULES OF PRACTICE AND PROCEDURE UNDER THE BANKRUPTCY ACT

The bill (H.R. 2859) to provide for the promulgation of rules of practice and procedure under the Bankruptcy Act, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1561), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to provide for the promulgation of rules of practice and procedure under the Bankruptcy Act by the Supreme Court similar to the existing rulemaking athority in civil procedure, criminal procedure, admiralty, and in the review of decisions of the tax court.

STATEMENT

A similar bill, H.R. 7405, of the 87th Congress, was passed by the House of Representatives but no action was taken in the Senate.

The proposed legislation has been requested by the Administrative Office of the U.S. Courts speaking for the Judicial Conference of the United States.

Section 30 of the Bankruptcy Act now provides:

"Sec. 30. Rules, forms, and orders. All necessary rules, forms, and orders as to procedure and for carrying the provisions of this title into force and effect shall be prescribed, and may be amended from time to time, by the Supreme Court of the United States."

The proposed legislation would provide, in lieu of this language, the following:

"Sec. 2075. Bankruptcy rules.

"The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure under the Bankruptcy Act.

"Such rules shall not abridge, enlarge, or modify any substantive right.

"Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May and until the expiration of 90 days after they have been thus reported.

"All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect."

In transmitting a draft of the proposed legislation the Administrative Office of the U.S. courts commented:

"The Judicial Conference of the United States decided at its special session in March, after consideration of the matter, that rulemaking in bankruptcy should conform to the pattern prescribed for rulemaking in the areas of civil procedure, criminal procedure, admiralty, and review of decisions of the Tax Court. The enclosed draft of a bill will accomplish that purpose.

"Although section 30 of the Bankruptcy Act presently vests in the Supreme Court (11 U.S.C. 53), the power to promulgate 'all necessary rules, forms, and orders as to procedure and for carrying the provisions of this title into force and effect * * *,' there is no requirement that the Court refer to Congress the bankruptcy rules and forms which it prescribes pursuant to this authority. In other areas of its rulemaking responsibility, of course, the Supreme Court is required by pertinent legislation to report proposed rules to Congress. (See 28 U.S.C. 2071 et seq., 18 U.S.C. 3771.) The rules so reported do not take effect until after the expiration of 90 days, providing Congress with the opportunity to scrutinize, and amend if it so desires, the proposals made by the Court. When the rules so reported to Congress go into effect at the close of the statutory waiting period, all conflicting laws and practices are superseded. No such effect now attaches to the bankruptcy rules and forms promulgated in accordance with section 30 of the Bankruptcy Act.

"Patterned after the language presently used in 28 U.S.C. 2072 and 2073, the proposed legislation would provide that the Supreme Court shall have the power to prescribe, by general rules, 'the forms of process, writs, pleadings, and motions, and the practice and procedure under the Bankruptcy Act.' It is also provided that such rules shall not abridge, enlarge, or modify any substantial right, and that such rules shall not take effect until after Congress has had an opportunity to consider them. All conflicting rules or laws would be superseded after rules so promulgated and reported to Congress have taken effect.

WHITE CANE SAFETY DAY

The joint resolution (H.J. Res. 753) to authorize the President to proclaim October 15 of each year as White Cane Safety Day was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1562), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the joint resolution is to authorize the President of the United States to proclaim October 15 of each year as White Cane Safety Day.

STATEMENT

In order to make drivers and others aware of their disability, blind persons have widely adopted the use of the white cane. The white cane is now legally recognized in almost all of the States as a device to put drivers on notice that the pedestrian is blind. However, there still remains a problem of educating the driving public to the meaning of these canes and the requirements of law. This resolution is designed to make the public more aware of the meaning of the white cane and what it requires of them as drivers. It is hoped that this can result in safer streets for our blind people.

DR. MARSHALL KU

The Senate proceeded to consider the bill (S. 1225) for the relief of Dr. Marshall Ku which had been reported from the Committee on the Judiciary, with amendments, in line 6, after the word "of", where it appears the first time, to strike out "the date of the enactment of this Act" and insert "October 30, 1951", and at the beginning of line 8, to insert "Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Marshall Ku shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 30, 1951, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1563), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to grant the status of permanent residence in the United States to Dr. Marshall Ku as of October 30, 1951, the date he first entered the United States as a student, thus enabling him to file a petition for naturalization. The bill provides for the payment of the required visa fee and has been amended to provide for an appropriate quota deduction.

LESTER W. HEIN AND SADIE HEIN

The Senate proceeded to consider the bill (S. 1339) for the relief of Lester W. Hein and Sadie Hein, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after the word "of", to strike out "$16,113.56" and insert "$9,020.78", and on page 2, at the beginning of line 9, to strike out "notwithstanding" and insert "notwithstanding: *And provided further,* That no part of the amount appropriated in this Act shall be delivered to or received by any insurance company as a subrogee for any portion of the amount appropriated to the claimants by this Act"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester W. Hein and Sadie Hein, of Independence, Missouri, the sum of $9,020.78. The payment of such sum shall be in full satisfaction of all claims of the said Lester W. Hein and Sadie Hein against the United States for compensation for damages sustained by them when, on August 7, 1960, while returning from annual field training, a five-ton federally owned wrecker assigned to the One Hundred Tenth Engineer Battalion of the Missouri Army National Guard, Kansas City, Missouri, crashed into a store owned by the said Lester W. Hein and Sadie Hein: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding: *And provided further,* That no part of the amount appropriated in this Act shall be delivered to or received by any insurance company as a subrogee for any portion of the amount appropriated to the claimants by this Act. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1564), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill, as amended, is to authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Lester W. Hein and Sadie Hein, of Independence, Mo., the sum of $9,020.78. The payment of such sum shall be in full satisfaction of all claims of the said Lester W. and Sadie Hein against the United States for compensation for damages sustained by them when, on August 7, 1960, while returning from annual field training, a 5-ton federally owned wrecker assigned to the 110th Engineer Battalion of the Missouri Army National Guard, Kansas City, Mo., crashed into a store owned by the claimants.

GERHARD HOFACKER

The bill (S. 2119) for the relief of Gerhard Hofacker, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, nothwithstanding the provision of section 212(a)(4) of the Immigration and Nationality Act, Gerhard Hofacker may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That if the said Gerhard Hofacker is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General be deposited as prescribed by section 213 of the Immigration and Nationality Act: *And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1565), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has a mental defect in behalf of the stepson of a U.S. citizen member of the U.S. Army. The bill provides for the posting of a bond as a guarantee that the beneficiary will not become a public charge if he is not eligible for medical care under the Dependents' Medical Care Act.

IVAN RADIC

The Senate proceeded to consider the bill (S. 2583) for the relief of Ivan Radic, his wife Ester Radic, and their daughter Olivera Radic which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Act of July 14, 1960 (74 Stat. 504), Ivan Radic, his wife, Ester Radic, and their daughter, Olivera Radic shall be held and considered to have been paroled into the United States on the date of the enactment of this Act, as provided for in the said Act of July 14, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1566), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to provide that Ivan Radic, his wife, Ester Radic, and their daughter, Olivera Radic, shall be considered to have been paroled into the United States as refugees, on the date of the enactment of this act, under the provisions of Public Law 86–648. The bill has been amended in accordance with established precedents.

CLAIRE ANGELILLO

The bill (S. 2653) for the relief of Claire Angelillo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of sections 203(a)(2) and 205 of the Immigration and Nationality Act, Claire Angelillo shall be held and considered to be twenty-one years of age.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1567), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Claire Angelillo to file a second preference visa petition in behalf of her mother.

CHRISTOS STRATIS

The bill (S. 2689) for the relief of Christos Stratis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (1) of section 212(a) of the Immigration and Nationality Act, Christos Stratis may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: *Provided,* That this Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act: *And provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

GEORGES FRAISE

The bill (S. 2736) for the relief of Georges Fraise was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time Georges Fraise has resided and been physically present in the United States since September 1956 shall be held and considered to meet the residence and physical presence requirements of section 301(b) of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1569), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to retain his U.S. citizenship, notwithstanding the interruptions of continuous physical presence in the United States occurring between September 1956 and November 1, 1967.

GEORGE TILLSON WEED

The bill (S. 2767) for the relief of George Tillson Weed was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration and nationality laws, David Tillson Weed shall be held and considered to have resided in the United States prior to the birth of his son, George Tillson Weed, on June 3, 1909, and, at all times since, the said George Tillson Weed shall be held and considered to have been a United States citizen.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1570), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the bill is to deem the beneficiary's father to have resided in the United States prior to his birth, thereby recognizing the beneficiary to have been a citizen since birth.

NIKOLAI ARTAMONOV

The bill (S. 2789) for the relief of Nikolai Artamonov was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Nikolai Artamonov lawfully admitted for permanent residence in the United States on August 22, 1959, shall be held to be included in the class of applicants for naturalization exempted from the provisions of section 313(a) of the Immigration and Nationality Act as such class is specified in section 313(c) of the said Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1571), explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the bill is to enable the beneficiary to file a petition for naturalization, notwithstanding the provisions of section 313(a) of the Immigration and Nationality Act.

ANDREAS, GREGORIOS, ELENI, NIKOLAOS, AND ANNA CHINGAS

The bill (S. 2868) for the relief of Andreas, Gregorios, Eleni, Nikolaos, and Anna Chingas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Act of September 26, 1961 (Public Law 87-301), Andreas, Gregorios, Eleni, Nikolaos, and Anna Chingas shall be held and considered to be within the purview of section 25 of the said Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1572), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the bill is to enable the beneficiaries to qualify for nonquota immigrant visas under the provisions of section 25 of Public Law 87-301 as aliens whose petitions were filed prior to July 1, 1961.

SP. MANUEL D. RACELIS

The bill (S. 2952) for the relief of Sp. Manuel D. Racelis was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Specialist Manuel D. Racelis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1573), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the bill is to grant the status of permanent residence in the United States to Sp. Manuel D. Racelis. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

ESTATE OF R. M. CLARK

The bill (S. 3064) for the relief of the estate of R. M. Clark was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of R. M. Clark, the sum of $39,567.67, representing the amount reported by the United States Court of Claims to the Congress in response to S. Res. 344, Eighty-fifth Congress (congressional number 10–58, decided July 17, 1964). The payment of such sum shall be in full satisfaction of the claim of the estate of the late R. M. Clark (an individual formerly doing business as Lenoir City Alcoa Bus Lines) against the United States for losses sustained as a result of the operation by the said R. M. Clark of motor buses for the necessary transportation of nonresident employees of the Clinton Engineer Works, between points in or about Lenoir City, Tennessee, and the Clinton Engineer Works reservation (subsequently the Atomic Energy Commission installation) at Oak Ridge, Tennessee: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1574), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the estate of R. M. Clark, the sum of $39,567.67, representing the amount reported by the U.S. Court of Claims to the Congress in response to Senate Resolution 344, 85th Congress (Congressional No. 10–58, decided July 17, 1964). The payment of such sum shall be in full satisfaction of the claim of the estate of the late R. M. Clark (an individual formerly doing business as Lenoir City Alcoa Bus Lines) against the United States for losses sustained as a result of the operation by the said R. M. Clark of motorbuses for the necessary transportation of nonresident employees of the Clinton Engineer Works between points in or about Lenoir City, Tenn., and the Clinton Engineer Works reservation (subsequently the Atomic Energy Commission installation) at Oak Ridge, Tenn.

STATEMENT

This bill and the amount therein recommended comes to the Senate as a recommendation of the U.S. Court of Claims in response to Senate Resolution 344, 85th Congress (Congressional No. 10–58, decided July 17, 1964).

Briefly, the court in deciding this claim states that even if plaintiff had a legal claim within the jurisdiction of the court, the claim would have been barred by the 6-year statute of limitations, and then turns to the question of the plaintiff's equitable entitlement, stating:

"There appear good reasons for lifting the bar of limitations in the instant case. Defendant's administrative consideration of plaintiff's claim did not end until 1955. The bill for plaintiff's relief (S. 2394) was introduced just 2 years after this administrative determination of plaintiff's claim. Under these circumstances, we believe that plaintiff's delay in seeking a prompt judicial determination of his claim should be forgiven and we go on and consider the merits of plaintiff's claim."

The operations involved in this claim revolve around four contracts, their supplements and amendments, entered into between the claimant and the Government's agents. Under subcontracts, the claimant operated commuter bus service for employees at the Atomic Energy Commission installation at Oak Ridge, Tenn. Prior to that time claimant operated a busline on routes between Maryville and Lenoir City, Tenn., and on routes between Lenoir City and different points in Oak Ridge. These busline operations were profitable to the claimant.

The facts show that claimant's net worth at the time he purchased his first bus in 1942 was between $20,000 and $30,000. When the claimant entered into the subcontracts with the Government his net worth was about $40,000. At the conclusion of claimant's subcontracts with the Government he was in debt between $40,000 and $50,000.

The claimant contended in the lawsuit, as plaintiff, that the losses he incurred under the contract were due to defendant's failure and refusal to negotiate and raise his mileage rate to conform to the provisions of the contracts. The U.S. Government, the defendant, argued that claimant's losses resulted from the inefficient manner in which he conducted his operations.

The court in discussing this matter states as follows:

"Thus, under the subcontracts the parties agreed that (1) the mileage rate was subject to 'negotiation' and (2) that the rate to be determined was based on the cost experience of each subcontractor. Article VII, entitled 'The Revision of Mileage Rate by Negotiation,' of subcontract 14-A, provided that the cost of operation during the trial period, although not conclusive, would serve as a basis for the negotiated rate.

"The facts in the case show that the formula used by defendant in arriving at the mileage rates was never explained to plaintiff, was never 'negotiated,' but was dictated by defendant's agents to plaintiff who was obliged to accept them or face the alternative of his equipment being idle because he could not operate his routes to Oak Ridge without a subcontract. In other words, although the contract contemplated that the rates were to be subject to negotiation, for all practical purposes they were unilaterally determined by defendant's agents.

"Under the procedure established for revision of the mileage rate, the Government audited the books and records of plaintiff in arriving at plaintiff's cost of operation. The record discloses that the 'negotiated' rate per mile allowed plaintiff was always less than plaintiff's actual cost per mile. Plaintiff's cost per mile was considerably higher than the average cost of other operators. The weight of the evidence supports the conclusion that the 'negotiated' rate per mile allowed plaintiff was made by defendant after a comparison of plaintiff's cost per mile with the cost per mile of other operators. This is clearly contrary to what was contemplated by the parties under the procedure established for revision of mileage rates requiring that the rate must be determined on the cost experience of each operator.

"Plaintiff's higher costs can be explained by the fact that his runs were on the whole shorter than the runs of the other operators with the result that his cost per mile was accordingly higher. It is apparent that this factor was not taken into consideration in determining the proper rate. Moreover, the record shows that plaintiff's runs were over unusually rough roads which caused extra maintenance; that he had unusual costs because of bridge and ferry tolls and schedules (fixed by defendant) which required extra layovers and deadheading of buses; that when his mileage was reduced, the number of required buses was not reduced accordingly.

"Therefore, it is the opinion of the court that the weight of the credible evidence compels the conclusion that the mileage rates which defendant 'negotiated' with plaintiff for the first 6-month period were below the rates supported by defendant's audits and defendant's formula for a mileage rate determination, and did not take into account the extra operating costs of plaintiff as compared to the costs of other operators."

The court then goes on, by chart, to analyze what should have been a fair rate schedule, and finds the following conclusion:

"Since plaintiff was forced to take a lesser rate than that found to be fair and reasonable and less than that disclosed by defendant's audits, and since his extra operating costs were not taken into account, and as a consequence thereof plaintiff suffered losses, we conclude that plaintiff is equitably due the sum of $41,202.60, less $1,634.93 still due for unpaid taxes owed by plaintiff, making the amount of plaintiff's equitable entitlement the sum of $39,567.67.

"This report, together with findings of fact incorporated herein, will be certified by the Clerk to the U.S. Senate pursuant to Senate Resolution 344."

The committee has studied and considered the decision of the Court of Claims in this matter and concurs in the findings and recommendations of that court. The committee, therefore, recommends that the bill, S. 3064, be considered favorably.

DR. JOSEFINA QUINTOS MARCELO

The bill (S. 3132) for the relief of Dr. Josefina Quintos Marcelo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Josefina Quintos Marcelo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1575), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Josefina Quintos Marcelo. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

DR. BERNARDINO D. MARCELO

The bill (S. 3133) for the relief of Dr. Bernardino D. Marcelo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Bernardino D. Marcelo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1576), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Bernardino D. Marcelo. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

BILL PASSED OVER

The bill (H.R. 1851) for the relief of Chester A. Brothers and Anna Brothers, his wife, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

MIKE MIZOKAMI

The bill (H.R. 3642) for the relief of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1578), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to confer jurisdiction upon the U.S. Court of Claims, to hear, determine, and render judgment on the claims of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami based upon damages and losses allegedly sustained as the result of erroneous determinations by the Food and Drug Administration in 1962 that spinach grown by them was contaminated by the pesticide heptachlor.

STATEMENT

The bill, as introduced, provided for the payment to the claimants of $293,476 for settlement of their alleged losses and damages. The claim was the subject of a hearing before a subcommittee of the Committee on the Judiciary of the House of Representatives, and the bill as introduced was amended to provide for the conferring of jurisdiction upon the Court of Claims in the matter.

RELIEF OF CERTAIN NAVAL OFFICERS IN RECEIPT OF COMPENSATION ERRONEOUSLY

The bill (H.R. 5042) for the relief of certain officers of the naval service erroneously in receipt of compensation based upon an incorrect computation of service for basic pay was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1579), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to relieve certain naval officers of liability to refund overpayments which resulted from the inclusion of periods of service as enlisted men in the Naval Reserve as service for pay purposes when the individuals concerned have also been appointed as Naval Reserve midshipmen in the Naval Reserve Officers' Training Corps program.

IMPROVEMENT OF JUDICIAL PROCEDURES WITH INTERNATIONAL ASPECTS

The bill (H.R. 9435) to improve judicial procedures for serving documents, obtaining evidence, and proving documents in litigation with international aspects was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1580), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to improve U.S. judicial procedures for—

(1) Serving documents in the United States in connection with proceedings before foreign and international tribunals;

(2) Obtaining evidence abroad in connection with proceedings in the United States;

(3) Obtaining evidence in the United States in connection with proceedings before foreign and international tribunals;

(4) Proving foreign official documents in proceedings in the United States;

(5) Subpenaing witnesses in foreign countries in connection with proceedings in the United States; and

(6) Transmitting letter rogatory between the United States and foreign and international tribunals.

STATEMENT

This legislation emanated as an executive communication from the Commission on International Rules of Judicial Procedure in accordance with the provisions of section 2 (b) of the act of September 2, 1958, Public Law 85-906. These proposals have been developed by the Commission and the Advisory Committee on International Rules of Judicial Procedure with the assistance of the Columbia Law School project on international procedure.

Until recently, the United States has not engaged itself fully in efforts to improve practices of international cooperation in litigation. The steadily growing involvement of the United States in international intercourse and the resulting increase in litigation with international aspects have demonstrated the necessity for statutory improvements and other devices to facilitate the conduct of such litigation. Enactment of the bill into law will constitute a major step in bringing the United States to the forefront of nations adjusting their procedures to those of sister nations and thereby providing equitable and efficacious procedures for the benefit of tribunals and litigants involved in litigation with international aspects.

It is hoped that the initiative taken by the United States in improving its procedures will invite foreign countries similarly to adjust their procedures.

JURISDICTION TO RENDER JUDGMENT UPON CLAIM OF FRANK E. LIPP

The bill (S. 2286) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Frank E. Lipp was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches or any prior judgment of the United States Court of Claims, jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon any claim of Frank E. Lipp arising out of his service with the United States Armed Forces from the years 1940 to 1946.

SEC. 2. Suit upon any claim may be instituted at any time within one year after the date of the enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided herein, proceedings for the determination of such claim, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28 of the United States Code.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1581), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to provide that notwithstanding any statute of limitations pertaining to suits against the United States, or any lapse of time, or bars of laches, or any prior judgment of the U.S. Court of Claims, jurisdiction is hereby conferred upon the U.S. Court of Claims to hear, determine, and render judgment upon any claim of Frank E. Lipp arising out of his service with the U.S. Armed Forces from the years 1940 to 1946.

PATTI JEAN FULTON

The bill (H.R. 1853) for the relief of Patti Jean Fulton was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1582), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to provide that, for the purposes of the Civil Service Retirement Act, Patti Jean Fulton is to be deemed the adopted daughter of Harold E. Fulton, deceased, a former employee of the Ordnance Ammunition Command, Joliet, Ill.

EXPENSES INCIDENT TO EVACUATION OF DEPENDENTS OF MILITARY PERSONNEL FROM PANAMA AND CYPRUS

The bill (H.R. 11626) to authorize the payment of expenses incident to the evacuation of dependents of military personnel from Panama and Cyprus was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1583), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would reimburse those military personnel who were subjected to unusual expenses because of the evacuation of their dependents from Cyprus and Panama in January and February of 1964.

EXPLANATION

Civilian employees overseas may be paid allowances for the extraordinary expenses that occur when their dependents must be evacuated from their place of employment, irrespective of whether the evacuation is to a safe haven overseas or to the United States. In contrast, the authority for payment of allowances to military personnel applies only when their dependents are evacuated to a safe haven overseas.

A legislative proposal to equalize the authority for payment of allowances to military personnel will be resubmitted to the next Congress, but the military personnel affected by this bill already have incurred the expense of the evacuation from Cyprus and Panama and prompt relief is important.

Over 1,300 military dependents were evacuated from Panama and 300 were evacuated from Cyprus. In both instances the presence of the dependents in the oversea location was sanctioned by the U.S. Government in connection with the assignments of the military employees. In each case the evacuation resulted from circumstances beyond the control of the member and his dependents.

The bill provides that payments shall not exceed the amount that would be payable by law and regulation to a civilian employee under similar circumstances. Civilian employees under the same circumstances received per diem of $16 a day for dependents over the age of 11 years and $8 a day for those 11 years and under for a period not to exceed 20 days. These rates are reduced when Government quarters and rations are furnished.

COST

The estimated cost of the bill is $393,856. This estimate is based on the best information now available on the distribution of dependents by age. The bill limits the total amount of payments to $500,000. This provides a margin to insure against possible errors in estimates, but the committee was assured that payments will not be made in excess of the rates outlined above and no excess costs will result because of the ceiling that is higher than the estimated total of the payments.

CLARIFICATION OF STATUS OF NATIONAL GUARD MEMBERS ATTENDING OR INSTRUCTING AT NATIONAL GUARD SCHOOLS

The Senate proceeded to consider the bill (H.R. 2512) to clarify the status of members of the National Guard while attending or instructing at National Guard schools established under the authority of the Secretary of the Army or Secretary of the Air Force as the case may be, and for other purposes which had been reported from the Committee on Armed Services, with an amendment on page 1, line 8, after the word "Guard", to strike out "may, with his consent, be ordered to perform training or other duty in addition to that prescribed under subsection (a)." and insert "may—

"(1) without his consent, but with the pay and allowances provided by law; or

"(2) with his consent, either with or without pay and allowances;

"be ordered to perform training or other duty in addition to that prescribed under subsection (a). Duty without pay shall be considered for all purposes as if it were duty with pay."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1584), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would provide protection for members of the National Guard who incur disability while they are (1) performing training of other authorized duty that is in addition to the regularly scheduled drills of their units, or the annual periods of 15 days of active duty for training, or (2) attending or instructing at schools conducted by the National Guard, such as State officer candidate schools.

EXPLANATION

Under section 318 of title 32, United States Code, a member of the National Guard who is disabled in line of duty from injury while performing regularly scheduled drills or active duty for training of at least 15 days is entitled to the same hospital benefits, pay and allowances, pensions, or other compensation as would be received by a member of the Regular Army or the Regular Air Force of the same grade and length of service. Members of the National Guard are frequently required to perform duties in addition to those performed by them at regularly scheduled drills. Examples are: (a) A battalion commander who might attend the drill at his unit headquarters on one night and then inspect the training of one of his batteries or companies at another drill period during the same week; (b) pilots of the National Guard are required to fly a minimum number of hours each year and cannot fly all their missions during scheduled drill periods; and (c) vehicle drivers and other specialists of a unit may be assembled for specialized training in a nonpaid status after having drilled with their units earlier in the same week.

Since this additional training or duty is not a part of the 48 unit drills, a member of the National Guard injured while performing such duty is not entitled to medical care, hospitalization, pay and allowances, or physical disability retirement except for limited benefits provided crew members by section 319 of title 32, United States Code, although the training is otherwise authorized and the injury would otherwise be considered to have been in line of duty.

The first paragraph of this bill would amend section 502 of title 32, United States Code, to permit, under regulations to be prescribed by the Secretary of the Department concerned, members of the National Guard to be ordered to perform training or other duty that is in addition to the regularly scheduled drills of their units. This change would extend to members of the National Guard ordered to perform such duties the coverage of section 318 of title 32, United States Code, which authorizes the same hospital benefits, pay and allowances, or other compensation as would be received by a member of the Regular Army or the Regular Air Force if they were disabled in line of duty.

COMMITTEE AMENDMENT

The committee has amended the language of the first paragraph of the bill to conform it as nearly as practicable to the text of section 683 of title 10, United States Code. Section 683 of title 10 is the authority for members of the Army Reserve and the Air Force Reserve to be ordered to perform such duty with or without pay as the Secretary concerned may prescribe. The committee amendment is not intended to encourage any additional training with pay; instead, its purpose is to make consistent the comparable provisions applicable to the Reserve and to the National Guard. Specifically, a member of the National Guard could be required to perform inactive duty for training without his consent, but with the pay and allowances provided by law, and with his consent he could be authorized to perform inactive training duty without pay.

ATTENDING OR INSTRUCTING AT NATIONAL GUARD SCHOOLS

Section 504 of title 32, United States Code, authorizes members of the National Guard to attend schools conducted by the Army or the Air Force. Members of the National Guard who are disabled while attending such schools are covered by section 318 of title 32, United States Code, mentioned above, for hospital benefits, pay and allowances, or physical disability retirement. Under regulations prescribed by the Secretaries concerned the National Guard now conducts officer candidate schools and other schools in nearly every State. Since section 504 of title 32, United States Code, does not refer to schools conducted by the National Guard, members of the National Guard who attend these schools, or who serve as instructors at them, are ineligible for medical care and other benefits if they are injured during such participation.

The second paragraph of this bill, would amend section 504 of title 32, United States Code, to authorize the Secretaries concerned to prescribe regulations that permit members of the National Guard to conduct schools or to attend schools conducted by the National Guard. This amendment would extend to members of the National Guard who are attending or serving as instructors at such schools the coverage of section 318 of title 32, which provides the same hospital benefits, pay and allowances, or other compensation as would be received by members of the Regular Army or the Regular Air Force if they were disabled in line of duty.

LEGISLATIVE HISTORY

Section 5(a) of the act of March 25, 1948 (62 Stat. 87), added a proviso to section 92 of the National Defense Act that read:

"*Provided further*, That members of the National Guard of the United States may be given additional training or duty, either with or without pay, as may be authorized, with their consent, by direction of the Secretary of the Army."

Since this language referred to the "National Guard of the United States" rather than to the "National Guard," the provision was omitted in the codification of section 502 of title 32, United States Code. This provision provided authority similar to that contained in this bill.

COST

The Department of Defense estimates that the cost of this bill is negligible and that it will not result in increased appropriations requests. The bill is not intended to provide additional pay for the training and duty that would be authorized, or to encourage any additional drill pay periods. Any costs that would result would be those of the medical and hospital care and other benefits payable by reason of disability incurred in line of duty during the additional training or attendance or instruction at a National Guard school that the bill would authorize.

MRS. LOIS GRAYBILL

The bill (H.R. 10294) for the relief of Mrs. Lois Graybill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1585), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. Graybill died July 16, 1962, in the Veterans' Administration hospital, Wilkes-Barre, Pa. By letters dated July 30, 1962, and September 12, 1962, the regional office forwarded Veterans' Administration forms to Mrs. Lois Graybill for use in claiming dependency and indemnity compensation and death pension benefits, respectively. On those dates, the veterans' claims folder contained a notice-of-death teletype showing Mr. Graybill's insurance to be inactive on the date of his death, the last month for which premiums were paid being shown as October 1961. Evidence of record also indicated the possibility that the veteran had been totally disabled for insurance purposes for an extended period of time, and hence, eligible for waiver of premiums.

On July 22, 1963, the Veterans' Administration received a letter from Mrs. Graybill inquiring as to the status of her late husband's national service life insurance. She was advised on July 29, 1963, that the insurance had lapsed, but a claim form was enclosed for her use if she desired to apply for a waiver of premiums. She filed claim for waiver on August 8, 1963. However, it was necessary to deny the claim because it was not filed within 1 year of the date of death of the veteran (July 16, 1962) as required by law.

AUTHORIZATION FOR CERTAIN VETERANS' BENEFITS FOR DISABILITY OR DEATH RESULTING FROM INJURIES SUSTAINED PRIOR TO CERTAIN DATE

The bill (H.R. 11332) to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding to or returning directly from active duty for training or inactive duty training was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1586), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The bill would amend existing law to provide that any individual who was injured or killed on his way to or from active duty for training or inactive duty training prior to January 1, 1957, would be covered with the disability and death benefits now administered by the Veterans' Administration. In the case of disability, the monthly wartime payments of compensation range from $20 a month for a 10-percent disability to $250 for total disability for wartime cases, and even higher rates for the most severely disabled. Peacetime rates are 80 percent of the wartime rates. Death benefits are payable (dependency and indemnity compensation) for both wartime and peacetime service at the rate of $120 a month plus 12 percent of the base pay of the man who served.

Under existing law individuals are given so-called portal-to-portal coverage for the purposes of both disability and death benefits for diseases contracted or injuries sustained by persons proceeding to or returning from extended active duty. In the case of active duty for training or inactive duty training, coverage is provided, for disability or death benefit purposes for injuries sustained while proceeding to or returning from such training only if the injury occurred on or after January 1, 1957. There is no particular significance to this date other than that it was the effective date of Public Law 84-881 which provided the dependency and indemnity compensation program and extended the portal-to-portal coverage for that benefit prospectively.

The Veterans' Administration, in its official statement, reproduced later in this report, states "all reservists who may have been injured while proceeding to or returning from such duty should be given the benefit of the portal-to-portal provision." The committee heartily concurs in this conclusion and the recommendation of the agency.

While the Veterans' Administration is unable to provide a definite estimate of cost, it does state that it "would be relatively small."

NORA ISABELLA SAMUELLI

The Senate proceeded to consider the bill (S. 2413) for the relief of Nora Isabella Samuelli which had been reported from the Committee on the Judiciary with an amendment on page 2, after line 2, to insert a new section, as follows:

Sec. 2. The time Nora Isabella Samuelli has resided and been physically present in the United States since July 31, 1963, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Nora Isabella Samuelli shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

"Sec. 2. The time Nora Isabella Samuelli has resided and been physically present in the United States since July 31, 1963, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1587), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Nora Isabella Samuelli. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The purpose of the amendment is to enable the beneficiary to file a petition for naturalization immediately.

NORA ISABELLA SAMUELLI

The Senate proceeded to consider the bill (S. 2414) for the relief of Nora Isabella Samuelli which had been reported from the Committee on the Judiciary with amendments on page 1, line 5, after the word "of", to strike out "$50,000" and and insert "$55,000"; on page 2, line 1, after the word "Act", to strike out "in excess of 10 per centum thereof"; and after line 8, to insert a new section, as follows:

Sec. 2. The period from July 24, 1949, to June 14, 1961, inclusive, during which Nora Isabella Samuelli was imprisoned by the Communist government of Rumania on charges that she acted as a spy for the United States while employed in the United States Legation in Bucharest, Rumania, shall be determined to be creditable service for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251 et seq.).

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nora Isabella Samuelli, the sum of $55,000 as a gratuity for the sacrifices sustained by her as a result of having been imprisoned for twelve years by the Communist government of Rumania on charges that the said Nora Isabella Samuelli acted as a spy for the United States while employed in the United States Legation in Bucharest, Rumania: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

"Sec. 2. The period from July 24, 1949, to June 14, 1961, inclusive, during which Nora Isabella Samuelli was imprisoned by the Communist government of Rumania on charges that she acted as a spy for the United States while employed in the United States Legation in Bucharest, Rumania, shall be determined to be creditable service for the purposes of the Civil Service Retirement Act (5 U.S.C. 2251 et seq.)."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1588), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the bill, as amended, is to authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Nora Isabella Samuelli the sum of $55,000 as a gratuity for the sacrifices sustained by her as a result of having been imprisoned for 12 years by the Communist government of Rumania on charges that the said Nora Isabella Samuelli acted as a spy for the United States while employed in the U.S. Legation in Bucharest, Rumania. The bill also contains a prohibition against the payment of attorney's fees and grants to the claimant creditable service for purposes of the Civil Service Retirement Act those years which she spent in incarceration.

BILL PASSED OVER

The bill (H.R. 8427) to provide for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. I ask that that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT TO EMPLOYMENT ACT OF 1946

The bill (S. 3174) to amend section 5 of the Employment Act of 1946 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(e) of the Employment Act of 1946, as amended (15 U.S.C. 1024; 60 Stat. 23, Public Law 304, Seventy-ninth Congress), is amended to read as follows:

"(e) To enable the joint committee to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated for each fiscal year such sums as may be necessary, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1590), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of S. 3174 is to eliminate the ceiling placed in the Employment Act of 1946 on appropriations for the Joint Economic Committee, leaving the Appropriations Committees free to appropriate such funds as may be necessary for the Joint Economic Committee.

The Employment Act of 1946, as amended, now contains a maximum authorization for appropriations for the Joint Economic Committee of $125,000 for each fiscal year. The proposed amendment to the act strikes out "$125,000" and inserts in lieu thereof "such funds as may be necessary." This is a technical amendment which will do no more than bring section 5(e) of the Employment Act in line with the practice now prevailing with reference to appropriations for congressional committees in general. It will parallel a similar amendment to the Employment Act in 1961 dealing with appropriations for the Council of Economic Advisers also created by the Employment Act of 1946.

Under this amendment the Appropriations Committees of the House and Senate will recommend each year, upon justification by the Joint Economic Committee, the amount necessary to enable the joint committee to exercise its powers, functions, and duties under the Employment Act of 1946.

BILL PASSED OVER

The bill (H.R. 1927) to amend title 38, United States Code, to revise the pension program for veterans of World War I, World War II, and the Korean conflict and their widows and children, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MANSFIELD. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LEWIS AND CLARK TRAIL COMMISSION

The bill (H.R. 12289) to establish the Lewis and Clark Trail Commission and for other purposes was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 12033) to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MANSFIELD. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of Calendar No. 1318, S. 2782.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Chief Clerk. A bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate resumed the consideration of the bill.

ESTABLISHMENT OF THE LEWIS AND CLARK TRAIL COMMISSION

Mr. MANSFIELD. Mr. President, in view of the fact that the Senate this afternoon passed Calendar No. 1529, H.R. 12289, to establish the Lewis and Clark Trail Commission, and for other purposes, I move that S. 3116, Calendar No. 1471, a bill for the same purpose, be stricken from the calendar.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business tonight, it adjourn to meet tomorrow at 11 o'clock a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, it is hoped that the Senate will be able to reach a conclusion on the Appalachia bill, S. 2782, tomorrow. Whether or not that will happen remains to be seen.

However, I wish to state for the information of the Senate that following the disposition of the Appalachia bill, or even perhaps impinging on it on Monday, it is the intention of the leadership to call up Calendar No. 1453, H.R. 9124, the so-called ROTC bill.

I should like to compliment the Senate for the energy, vitality, and vigor which it showed so effectively, not only on the floor of the Senate but also in conference, where great work was done in bringing about agreement on the National Defense Education Act under the leadership of the distinguished senior Senator from Oregon [Mr. Morse].

I hope also that similar results will be forthcoming, in a different vein, from the Committee on Finance, which early this afternoon was in conference on the social security bill.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MORSE. I thank the Senator for his kind comments. I believe the results this afternoon round out a year—if we finally pass the bill to which the Senator has referred—of the greatest progress in the history of education legislation in a century.

However, the majority leader should know that a great many technical changes must be worked out on the conference report by the staff. We shall probably not have the report ready for action by the Senate before next Monday. At least that is what the technical experts advise us.

Also, in my judgment the conference would not have reached agreement today had it not been for the excellent work of Representative Adam Clayton Powell, who served as the chairman of the conference, and who was cooperative with both the Senate conferees and the House conferees.

Mr. MANSFIELD. I am delighted to have that report. I do not believe Monday is too long a time to wait for such an important conference report.

Mr. KUCHEL. Mr. President, may we assume from the majority leader's comments that there is very little likelihood that the Senate will have a Saturday session this week.

Mr. MANSFIELD. This is the wrong time for me to be asked that kind of question. I hope there will be no Saturday session. I hope it will be possible to pass the Appalachia bill tomorrow, or at least dispose of it one way or another.

Mr. KUCHEL. I join the Senator in the hope that there will not be a Saturday session.

Mr. YARBOROUGH. Mr. President, having been one of the Senate conferees on the extension of the National Defense Education Act, and having met practically all day in conference on that bill, as well as on the extension of the Impacted Area Act, I should like to tell the Senate what an excellent piece of work was done in conference by the chairman of the Senate conferees, the distinguished senior Senator from Oregon [Mr. Morse]. It was his skill and tact in that conference that led to such fine results.

I have never seen the Senator from Oregon more amenable, courteous, and charming. I am sure he lulled the House conferees into a state of security and affability. We do not often see him in that role in the Senate, where he is the tiger of the Senate. What we achieved was the result of his outstanding leadership.

Mr. MORSE. The conferees listened to reason; too frequently, the Senate does not.

OUR GREATEST CAPITAL INVESTMENT—THE EDUCATION OF OUR CHILDREN

Mr. PELL. Mr. President, the single greatest capital investment that we, as a nation can make, is in the education of our children.

It has been estimated that the average person with an eighth-grade education will earn $204,530 over his lifetime; the high school graduate, $272,629; and the college graduate, $452,518.

This is the kind of investment that is so self-evident in our national interest that one would expect all, liberals and conservatives, to be wholeheartedly in favor of it.

But not the temporary leader of the Republican Party.

Senator Goldwater, in one of his first negative statements on this subject, declared in Jacksonville, Fla., in 1960, that the American child does not have the right to an education; that "in most cases, the children will get along without it."

To my mind, this is as shortsighted a statement on the part of a self-proclaimed national leader, as I have ever come across in American history.

Amplifying this startingly narrow vision, Senator GOLDWATER before "Meet the Press" this past January, said:

> There is no constitutional right to education. You have a liberty to seek an education.

Apparently this stems from his philosophy that civil rights do not exist; that they are really only civil liberties. He curiously fails to tell us what education as a civil liberty means—and how does this help educate our children?

Unless the temporary leader of the Republican Party wishes to again pull an acrobatic flip-flop and erase the clear meaning of his words, he is dangerously close to urging the abolition of the American public school system.

Whether or not he would permit the States to do so, it would appear that he most certainly would withdraw all Federal support to education.

Last year in our Senate Subcommittee on Education he stated:

> I want to make it clear that I do not believe we have an educational problem which requires any form of Federal grant-in-aid program to the States.

He added in the New Yorker, later that year:

> If we get back to readin', writin' and 'rithmetic and an occasional little whack where it will help, then I think our educational system will take care of itself.

This, of course, is more than an issue of the campaign. It is a challenge to the basic philosophy of this Nation.

I am proud to take both political and personal issue with that challenge. I believe, as did another New Englander, Mr. Justice Brandeis, that the greatest asset of this Nation or any nation is the people who live in it. And I believe that the heart of our national treasure is our youth.

To the extent that we develop our youth, our greatness will expand; to the extent we deny or neglect them, our affairs will falter.

Need I recite the great boon to our Nation's progress caused by the establishment of the public school system? Is it necessary 100 years later to extoll the Land Grant College Act, fostered by Abraham Lincoln's administration, which resulted in our great State colleges? Are we forgetful of the benefits that came from our more recent GI bill of rights?

Senator GOLDWATER drew the issue, as he saw it, in the heartless statement that the American child has no right to an education.

And President Johnson has thrown down the gantlet with the most massive and comprehensive educational program in American history.

In answer to Senator GOLDWATER's position, the acts of President Johnson can be summed up in equally terse language—and of directly opposite intent.

In short, it is clear that the very foundation of President Johnson's great society is a fully educated American youth. The President's philosophy is in direct accord with the concept of Thomas Jefferson, who said:

> If you expect a nation to be ignorant and free, you will expect what never was and never will be.

President Johnson demonstrated his deep appreciation and understanding of our country's educational requirements for the future when he said:

> I believe we have come to a time when the century in which we live should henceforth be known as the century of the educated man.

Our Nation today faces these important educational problems:

A school population which is outstripping school facilities and the number of available teachers. During this current decade, it is estimated that college enrollment will almost double, and secondary school enrollment will increase by 50 percent.

School dropouts: With approximately 30 percent of high school students dropping out before graduation, estimates forecast that during the 1960's about 7.5 million young people—1 million more than the 6.5 million who will have gained some college experience—will drop out of school unless present trends are reversed. Growing automation and technological advances impose increasing disadvantages on school dropouts in terms of their careers, in terms of the limited contributions they can make to the welfare of our country. The Democratic administration believes that these young people can be assisted, and indeed that they must be helped.

Then, too, there is the need to emphasize adult education. Only 46.3 percent of adults in the United States have completed high school and only 9 percent have completed college.

And there is the need for more college graduates in such professions as engineering, the sciences, and medicine.

By the 1970's it is estimated we will need 50 percent more doctors, and 7,500 Ph.D.'s in engineering, mathematics and in physical sciences, compared with the 1960 total of 3,000.

To combat these problems, here are the accomplishments and goals of the Kennedy-Johnson administration in the educational field:

We have passed the Higher Education Facilities Act of 1963. President Johnson has stated that this act "is the most significant educational bill passed by the Congress in the history of the Republic."

The act establishes a 5-year, $1.2 billion program for Federal grants and loans for construction of classrooms, laboratories, and libraries. Both public and private schools are eligible for funds.

The act also provides for additional graduate schools in almost a score of major academic centers, for the construction of technical institutes, and for the construction of between 25 and 30 new public community colleges annually. These will help remedy the current shortage of junior colleges.

Student loans have been substantially increased to allow between 70,000 and 90,000 additional students to attend college each year.

Moreover, there is the historic Economic Opportunity Act of 1964. In addition to helping remedy the educational gaps among the poverty stricken, this act provides for adult educational programs to meet the illiteracy problems of more than 11.5 million of our people.

In the field of vocational education, the Manpower Training and Development Act of 1962 provides Federal funds for the first time to construct vocational schools and gives those in financial distress the opportunity of attending them.

Furthermore, the Vocational Education Act of 1963 authorizes new matching grants to States to expand and greatly improve their vocational education programs.

Of high importance, also, are these developments:

The Health Professions Educational Assistance Act of 1963, which authorizes $175 million in matching grants for construction of facilities to train physicians, dentists, nurses, pharmacists, optometrists, and podiatrists.

We have also made strides in providing better educational opportunities for the blind and the deaf.

For handicapped children the Mental Retardation Act of 1963 was a legislative milestone in providing grants to public and other nonprofit institutions of higher learning, to assist in the training of special teachers for our 6 million handicapped children.

The Library Services and Construction Act of 1964 was another milestone in educational progress. It was geared to meet the needs of 18 million people without a local public library and the needs of another 110 million who were suffering from inadequate library service.

In sum, these are high and significant accomplishments, and we must not slacken our efforts by one whit in the educational field. No matter what Senator GOLDWATER says or thinks, the educational needs of our country are urgent, and only by seeking to progress in every way toward the goals set before us by President Johnson can we insure the future welfare, and growth, and strength of our Nation.

FEDERAL PROGRAM ACTIVITIES PROVIDING ADDITIONAL EDUCATIONAL AND EMPLOYMENT OPPORTUNITIES FOR THE DEAF

Mr. PELL. Mr. President, I have long retained an interest in the problems of the handicapped. Two years ago, Senator MUSKIE and I were successful in expanding the captioned films for the deaf program run by the Office of Education. In this regard, I would like to call attention to an outstanding speech presented to the 1964 convention of the National Association of the Deaf in Washington, D.C., prepared by Mr. Francis V. Corrigan, of Providence, R.I., and Dr. Ralph L. Hoag. Mr. Corrigan is research assistant in the Division of the Handicapped Children and Youth of the U.S. Department of Education. He is the son of Dr. and Mrs. Francis V. Corrigan, also of Providence, R.I.

In this excellent speech, Mr. Corrigan calls attention both to the burdens of the handicapped and to the progress being made through legislation to alleviate some of their problems. He urges that we must "develop the potential of every individual in our Nation to the fullest extent."

The two most pressing problems, Mr. Corrigan points out, are the education of the deaf and the need for vocational programs which would enable the handicapped to meet the difficulties "caused by a rapidly expanding and increasingly technological employment picture." In addition, Mr. Corrigan stresses the lack of teachers and interpreters, and the deficiency in educational facilities and State vocational rehabilitation programs.

Mr. Corrigan ably focuses on the most important problems of the handicapped in our complex society. We must continue to give them every opportunity for education and for employment.

I ask unanimous consent that Mr. Corrigan's address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Federal Program Activities Providing Additional Educational and Employment Opportunities for the Deaf[1]

I am very pleased to have received this invitation to speak to such a distinguished audience. Being here tonight reminds me of a number of events in my life that bear some similarity to this occasion. The first of these, when I was about 11 years old, occurred when my father volunteered my services as the major interpreter at a banquet sponsored jointly by two of your member organizations. This meeting was held many years ago in Scranton, Pa. Even though there were only about 100 people present, you can be sure that it felt like a thousand to me at the time.

My father and mother, both of whom are deaf and who are quite well known to many of you, have been lifelong members of your organization. They have always been genuinely interested in all the positive aspects of good citizenship which lead to the promotion of self-assurance and greater economic independence among the deaf. Although they never received personal recognition for this or had an opportunity to become involved with such movements on a national scale, they did do their work behind the scenes at the local level and have given much of their energy to this end. Even now in retirement they continue to do as much as they can.

You people represent the leadership of the deaf at all levels. The degree of success in achieving the objectives of service to its people by any organization is dependent upon the total dedication of its entire membership. The responsibility of an organization's leadership at National, State, and local levels is in promoting unity of purpose and in providing the proper vehicle so that the energies of its membership can be made more effective. Your contribution in promoting the general welfare of the deaf will continue to be of significant value to those whom you are serving. The strides made in minimizing the handicap of deafness in the past several decades are a testimonial to the efforts put forth by the National Association of the Deaf and other groups such as this in familiarizing the general public with deafness and the desire of the deaf to join with others in sharing the burdens and rewards in helping to maintain the U.S. position as a world leader. Persons who are deaf wish to continue to have the opportunity to serve their communities and their Nation as full-fledged members of society just as anyone else does and they appear to be doing so, quite well.

To assist the deaf in realizing their potential has been the aim of the combined efforts of many forces which include the deaf themselves, their families, their teachers, researchers, State and local agencies, and in some instances—the Federal Government. More and more it has been recognized that the local community is not always equipped to handle all the problems that are faced not only by them but by other communities as well.

If a situation can be resolved at the local level, most persons would agree that this is where the effort should be made, but when and if it becomes evident that local resources are not sufficient, even the strongest proponents of local autonomy will usually agree that a regional or national approach is warranted.

I would like to take this opportunity to talk about some recent legislative developments destined to be of considerable importance to the deaf and also to those with other handicaps. These efforts are examples of the increased awareness in this country for the need to develop the potential of every individual in our Nation to the fullest extent so that each one of us and our descendants can share in the wonderful things our country and this world have to offer.

Education is recognized as the cornerstone upon which the future growth of this great country of ours is predicated. Without superior educational opportunity for all, this Nation would eventually be relegated to a minor role on the international scene. A stake in the education of today's children is a stake in the continued growth of our country as one of the most prosperous and literate societies in the world today. Evidence of the importance of education can be gleaned from the phenomenal development of Russian technology in a short period of time. In 1917, a sizable proportion of the Russian people were illiterate, yet today, only some 45 years hence, they have come to be recognized as one of the world powers.

Some of their success can be traced to the very strong emphasis on education, particularly in the scientific realm.

In our commitment to universal free education we have not lost sight of the needs of the gifted child nor the handicapped child. Increased stress has been placed on the sciences, mathematics, and foreign languages, but still we have recognized the needs that must be met in other educational quarters as well.

Only this past year, Congress passed a historic bill designed to improve educational opportunities for all handicapped children—the Mental Retardation Facilities Act, Public Law 88–164. This law was designed to assist in the preparation of professional personnel for service as teachers, supervisors, administrators, college instructors and researchers for all handicapped children. This new and much more comprehensive legislation was preceded by two highly successful programs. I would like to speak for just a moment about these.

One is the program for preparing teachers and leadership personnel in mental retardation which was passed in 1958. Since its inception a total of 482 persons received fellowships for graduate study in this area. An overwhelming majority of these people, after completing their studies, have become college and university instructors, State and local supervisors and directors of special education, and teachers of the mentally retarded.

In September 1961, Public Law 87–276, the program for training teachers of the deaf was enacted. This law was the culmination of the efforts of many individuals and groups interested in the complex educational problems posed by deafness. In numerous committee hearings preceding the enactment of this bill, Congress heard convincing testimony pertaining to the national shortage of specially trained teachers to staff schools and classes for the deaf in our country. Since this represented a situation which went beyond the normal scope of community responsibility and appeared to fall within the purview of the Federal Government, assistance was sought from Congress. This legislation was intended to "encourage and facilitate the training of an increased number of teachers of the deaf" through the provision of partial financial support to colleges and universities conducting these programs as well as to provide scholarships for students undertaking this course of preparation to become teachers of the deaf. Although the need still exists, this legislation has considerably reduced the critical shortage of well-qualified teachers of the deaf. During its first 2 years of operation, academic years 1962–63 and 1963–64, scholarships were made available to over 940 students. For the forthcoming academic year, 1964–65 there are 434 scholarships available to train teachers of the deaf at 47 colleges and universities in 29 States and the District of Columbia.

To return to the more encompassing legislation mentioned previously, Public Law 88–164, the "Mental Retardation Facilities Construction Act" title III authorizes the Commissioner of Education to make grants to public or other nonprofit institutions of higher learning to prepare professional personnel for the education of handicapped children. The Commissioner is also authorized to make grants to State educational agencies to prepare individuals as teachers in all areas of the education of the handicapped at the senior undergraduate level or graduate level and as supervisors of such teachers. In addition, $2 million has been authorized for the conduct of research and demonstration projects relating to all areas of handicapped children.

To implement this new law and to afford this program the necessary stature to function effectively within the Office of Education, the Commissioner of Education created the Division of Handicapped Children and Youth. Formerly the work for handicapped children was handled by a branch within the Division of Elementary and Secondary Education. There are now four branches within this new division that are administering programs and providing professional leadership in this field. These are as follows:

1. Physical and Sensory Handicapped Branch.
2. Mental Retardation and Emotionally Disturbed Branch.
3. Research and Demonstration Branch.
4. Captioned Films Branch.

The first mentioned, Physical and Sensory Handicapped Branch, is the administrative unit in which responsibility for educational programs for the deaf is lodged, and is the one in which both Mr. Frank Corrigan and I serve.

The fourth administrative unit mentioned, Captioned Films Branch, is organized specifically to serve the deaf. I would like to review for a moment some of the activities of this branch. Captioned films for the deaf was established by Public Law 85–905. As you well know, this is the legislation that provides you with a loan service of captioned entertainment films. I am sure that most of you along with many other deaf adults and school children have enjoyed these films. This program has expanded tremendously since the law was passed. Increased program activities were made possible by the passage of amending legislation under Public Law 87–715. Evidence of the tremendous growth of this program is the fact that the total attendance at captioned films showings last year exceeded 300,000 deaf persons representing more than 900 registered groups of deaf people of all ages. One development of particular interest is a weekly news film strip going to more than 300 schools and classes for the deaf, correlated with a commercial childrens' newspaper, My Weekly Reader. Each strip, from story concept to finished product, is completed in less than 10 days as compared to a normal production schedule of 6 to 8 months for ordinary film strips. This program is administered by John Gough who is Chief of the captioned films for the deaf and its substantial achievements are due in no small part to the efforts of Mr. Gough and several of his very capable staff who are, I am sure, well known to many of you; namely, Mr. Malcolm Norwood, Mr. Edward Carney, and Mr. James Kundert. Recent additions to their staff are Mr. Richard Simpson and Mr. Gilbert Delgado who are responsible for film production and some of the other phases of program development.

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[1] This paper was prepared by Dr. Ralph L. Hoag, Specialist, and Francis V. Corrigan, Research Assistant of the Division of Handicapped Children and Youth, in the U.S. Office of Education. It was presented in the language of signs by Dr. Hoag and translated verbally by Mr. Corrigan at the 1964 convention of the National Association of the Deaf in Washington, D.C.

Another important aspect of this branch's activity is the occupational training films that have been fully captioned for the deaf and are part of an experimental project being attempted at six locations throughout the country. In Philadelphia, a vocational rehabilitation program in conjunction with the Pennsylvania School for the Deaf is using such films to train eight key punch operators every 6 weeks. These deaf trainees will become part of a force of more than 300 operators needed by the U.S. Internal Revenue Service as they move toward further automation of operations.

This trend toward further automation by much of industry and the Government has vast implications for presentday job structure. It has been estimated that the average man between 20 to 26 years of age will have to change jobs and concomitantly increase his skills about six times during the course of his employed years. The rapidly increasing technology is opening new vistas of employment possibilities for the skilled technician and employee but is resulting in a corresponding decrease in jobs requiring limited vocational preparation or skills. We should heed the warning signs closely and encourage and support the improved preparation and training for all our children so that they will be ready to meet the challenge of our expanding and dynamic economy in the years ahead. Without the opportunity to utilize their potential to the fullest extent, they will be unable to achieve the rewards and satisfactions derived from taking their positions as contributing members of society.

To this end a study under a Vocational Rehabilitation Administration grant is being conducted by Dr. Ross Stuckless of the University of Pittsburgh in cooperation with the American School for the Deaf in West Hartford to determine the regional needs for improved educational and vocational training for the deaf. It is possible that the need for advanced vocational and technical training for the deaf will be more clearly identified as a result of this study. In any case there has been much concern in recent years that training facilities in addition to the regular vocational programs currently offered by our schools for the deaf to be established. Such schools or institutions could be supplied with more up-to-date equipment and afford the students a better opportunity for training that is more closely allied with present industrial and technical operations.

Of particular import in this field is Public Law 88-210, the Vocational Education Act of 1963 which allocated increasing annual amounts through a National Advisory Committee of the Office of Education to State boards of vocational education for many different aspects of vocational education programs. This legislation amends and broadens the Smith-Hughes Act and the George-Barden Act, authorizing a permanent program to prepare individuals for gainful employment in all occupations, including office and business occupations that were not covered under the original law. The act authorized vocational education programs for students in high school, for the unemployed and underemployed, and for those with academic or socioeconomic handicaps that preclude their success in the regular vocational educational program. It is now possible for many schools for the deaf to qualify for support under the various provisions for training, research, and construction under this law. Their best resource for determining the applicability of this legislation to their situation would be through respective State departments of vocational education.

Another legislative development which should be of particular interest to you is the one pertaining to educational assistance to the dependents of certain veterans. When the situation warrants, the Administrator of Veterans' Affairs may extend the period of training for war orphans "to overcome or lessen the effects of a physical or mental disability which handicaps the child in the pursuit of his educational program." There are at least 25 deaf war orphans currently benefiting from this program.

A continued recognition by legislators of the vocational problems inherent in some handicaps and the need for a full measure of educational opportunity to assist in overcoming them has led to the growth of the Federal-State vocational rehabilitation program. An outstanding leader among the deaf who has contributed extensively to vocational training, rehabilitation, and placement for the deaf is Dr. Boyce Williams. I noticed that his story has been featured in a recent publication of the "Silent Worker." He has served the deaf for many years and is still continuing to serve them. As a special consultant on problems of the deaf and the hard of hearing in the Vocational Rehabilitation Administration he has done much to encourage increased activity at all governmental levels on behalf of the deaf clients served by rehabilitation agencies in your communities.

This program affords an almost unlimited field for the rehabilitation of the deaf. But of the approximately 250,000 men and women who are deaf only 2,050 were rehabilitated last year. Reportedly, one of the difficulties has been the lack of good communication between the deaf person, the counselor and others who are trying to help. This situation is being remedied somewhat because 29 States are now recruiting or already have vocational rehabilitation counselors who have been trained or who are capable of communicating with the deaf. Dr. Williams has been instrumental in stimulating service activities such as this and for the development of special programs of research and demonstration which will ultimately benefit the deaf.

Another federally sponsored program designed to be of assistance to all persons who have been affected by recent changes in the employment picture is the Manpower Development and Training Act, Public Law 88-214. This program was not established to overlap or duplicate services of the vocational rehabilitation program but it does serve as a supplement to their activities, particularly in providing suitable training opportunities for eligible handicapped persons. The Manpower Act under this new law expands the previously smaller program through which States received Federal money to train men and women and young people in order that they will have the needed skills to obtain employment. Priority for referral for training will be given to the unemployed and to those to be trained for skills needed first, in the labor market area in which they reside and second, within the State of their residence. This legislation increases the weekly training allowance to $10 above the State unemployment compensation payment providing an additional incentive to undertake training under this program.

The aforementioned programs are examples of some of the opportunities existing through cooperative Federal-State activities which demonstrate the concern for the problems caused by a rapidly expanding and increasingly technological employment picture. Though these programs may not offer a panacea, they do portray a commitment to equality of opportunity for all by allowing for the full use of the latent talents of every individual in our society.

Since you are particularly concerned with and interested in the education of the deaf, I would like to pursue this topic further and relate to you some of the more recent developments under the program for training teachers of the deaf made possible through the provisions of Public Law 87-276. This is the activity with which we have been most closely associated. The Office of Education recently sponsored a conference of significant interest and value at Virginia Beach, Va. The conference was a result of recommendations by the program advisory committee as well as considerable effort on the part of specialists in the field and others concerned with the preparation of teachers of the deaf.

A planning committee consisting of leaders in the field of the education of the deaf with representation from general education and special education as well, identified the major discussion areas and selected the list of participants. The principle of broadest possible representation as recommended by the advisory committee and the Commissioner of Education was maintained in the selection of conferees. The deliberations throughout the 4 days were recorded and subsequently consolidated by the major topic editors. Responsibility for editing the final document emanating from this conference was given to Dr. Stephen Quigley, of the University of Illinois. The preliminary report from this conference to be ready for limited distribution soon, may very well be realized as a milestone in the history of teacher preparation in our field.

Another recent development, in which I am sure you all will be interested, is the formation of a National Registry of Professional Translators and Interpreters for the Deaf. This organization was conceived during the recent workshop on interpreting for the deaf which was sponsored by the Vocational Rehabilitation Administration. The meeting was held at Ball State Teachers College on June 14-17, 1964. The purpose of the organization is to provide better interpreting and translating services for the deaf. The activities to be included are:

1. The establishment and maintenance of a national registry of professional qualified interpreters.

2. Establishment of standards, qualifications, and a code of ethics for interpreters and translators.

3. Promotion of a better understanding of the need for and proper use of interpreters.

Each one of you, through your many State and local associations of the deaf, could encourage the growth and expansion of this service by calling attention to the organization among those with whom you are associated in order that sufficient numbers of qualified interpreters can be identified and registered as part of this program established to serve the deaf whenever the services of an interpreter are needed. In the event you wish to contact this organization or wish to secure additional information, the officers and members of the executive committee are as follows: President, Mr. Kenneth Huff; vice president, Miss Elizabeth Benson; secretary-treasurer, Mrs. Virginia Lewis; executive committee members at large, Mr. Frank Sullivan and Mrs. Lillian Beard. A number of the members of your own organization are active participants and sustaining members of this registry also.

In conclusion I would like to emphasize the fact that these programs were the result of a great deal of hard work on the part of many people. These were the individuals who helped our representatives in Congress focus their attention on the problems that all of us have been attempting to solve for quite some time. The names of many educators, rehabilitation workers, religious leaders, legislators, and others are among those in the records as having been responsible for the encouragement and final enactment of the legislation that has been discussed.

One person whose name has rarely been mentioned when plaudits have been given, is Mrs. Patria Winalski. In her role as member of the Secretary of HEW's staff in programs for the deaf and later as special assistant to the Secretary in legislation for the handicapped, she was responsible for gathering much of the data and information that has been used in support of the significant legislation of benefit to the deaf and to handicapped children generally.

Congress has been extremely helpful and understanding in the enactment of legislation to assist the handicapped to achieve a richer and fuller life. Much of the understanding of the legislative needs has come about through the unrelenting efforts of congressional leaders such as Senator Lister Hill, Congressman John Fogarty, Congressman Oren Harris, and others. The contribution of these and other capable legislators have been of invaluable assistance in guiding these important measures through Congress.

The National Association of the Deaf and other organizations of the deaf now have the obligation to see that these hard-won advantages are wisely used and that information about the benefits of these programs is widely disseminated so that the ultimate effectiveness of these programs will be realized.

Thank you again for the opportunity to be with you tonight.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. PELL. Mr. President, if there is no further business to be transacted, I move that the Senate adjourn, under the previous order, until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 57 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, September 25, 1964, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate September 24, 1964:

Board of Parole

Charlotte Paul Groshell, of Washington, to be a member of the Board of Parole for the term expiring September 30, 1970.

In the Air Force

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be prescribed by the Secretary of the Air Force:

To be major, USAF (Medical)

Robert W. Goodnow, AO2240563.

To be captains, USAF (Medical)

John J. Corcoran, AO3125331.
George V. LoVece, AO3111146.
Patrick M. Tolar, AO3111711.

To be captains, USAF (Dental)

Paul C. Hall, AO3089268.
Roch R. Joffre, AO3042748.
Joseph J. Legan, AO3091202.
Marshall W. Lindner, AO3112857.
Raymond K. McDaniel.

To be first lieutenants, USAF (Dental)

John W. Davis, Jr.
Robert F. Gilliland, AO3140856.
Raymond C. Maestrelli, AO3140288.
Graham M. Pierce.
Harold D. Robinson.

To be captain, USAF (Chaplain)

James P. Parker, AO3060404.

To be captains, USAF (Judge Advocate)

Sim W. Goodall, 73027A.
Earl E. Hodgson, Jr., AO3102824.

To be first lieutenants, USAF (Judge Advocate)

Clyde R. L. Allemann, AO3121079.
Reed R. Callister, AO3087308.
Arthur F. Carter, AO3093543.
Michael H. Clepper, AO3117369.
Lynn D. Crandall, AO3084889.
James M. Duenow, AO3121864.
Mark T. Finch, Jr., AO3094607.
David E. Gaston, AO3121787.
John R. Glidden, AO3086365.
Donald S. Huff, AO3121781.
John F. Ingram, AO3099739.
Tommy W. Lueders, AO3118112.
Rex H. Reed, AO3121782.
Roy A. Russi, Jr., AO3118105.
Carl A. Schwarz, Jr., AO3072409.
John S. Thornton, Jr., AO3121771.

To be captain, USAF (Nurse)

Elizabeth Cotter, AN2244098.

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be captain

Hal H. Haynes, Jr., AO2226842.

To be first lieutenant

John R. Shurley III, AO3103284.

Subject to medical qualification and subject to designation as distinguished military graduates, the following students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Robert A. Abbott
Henry J. Balch, Jr.
Gerald K. Bankus
Robert D. Bassetti
Robert B. Bourne
Joseph P. Brazy
John A. Carnaghie
Larry M. Cayes
Jess B. Clanton, Jr.
Stephen D. Clark
Frederick D. Clements
William J. Coleman
William A. Cooper
Larry E. Dix
Charles D. Dobias
Dennis L. Dresang
William E. Dunivant
William L. Edwards
Lawrence D. Elwood
Stephen C. Essinger
Larry C. George
Joe E. Glover
Carroll E. Gowins
Charles B. Griffin III
William P. Griffis, Jr.
Eckbert M. H. Hartung-Schuster
Raymond L. Herzog, Jr.
Thomas J. Hitzler
Lawrence E. Jahnke
Daniel W. Jenkins
Franklin D. Kaiser, Jr.
Ronald W. Kendrick
Allen F. Kennedy
James R. Knight, Jr.
Robert G. Kralovetz
Carl R. Lieberman
William C. McCain
Michael L. McCloud
James W. McCoy
Michael D. McGinty
John W. McMillan, Jr.
Thomas J. Miller, Jr.
Cecil L. Moreno
James S. Mosbey
William H. Murden, Jr.
James P. Nance
Michael B. Nicholson
John R. Oleson
Raymond J. Oliverson
John D. Owens
William N. Payne
Anthony J. Pazik, Jr.
Ronald E. Pedro
Wendell Phillips
John L. Pierce
Lynn K. Powell
Chelcie C. Ross, Jr.
Garry A. Schnelzer
David R. Selegan
Randall W. Stone
Curtis A. Swann
Edmund W. Takahara
Charles W. Waller
Mark Wassenich
Wilbur W. Watson
Harold E. West
Andre B. Whiteley
David M. Williams
Calvin J. Wilson

The following distinguished military graduates of Air Force precommission schools for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Aasheim, Gary L., AO3148306.
Abbott, Douglas A., AO3148098.
Abbott, James E., AO3146421.
Adam, John W., AO3145219.
Adamson, Russell E., Jr., AO3146010.
Albright, Edwin R., Jr., AO3146857.
Aldrich, Jeffrey B., AO3148472.
Allen, George W., AO3155550.
Aman, Alroy A., AO3157008.
Andersen, Ernest F., AO3150428.
Andersen, Robert A., AO3133077.
Anderson, Dale D., AO3145594.
Anderson, Harry K., Jr., AO3145640.
Anderson, James N., AO3148310.
Anderson, Stanley L., Jr., AO3139326.
Anderson, Trygve E., AO3148105.
Antone, Joseph S., AO3145405.
App, Frank J., AO3146395.
Arey, Laird C., AO3148508.
Atack, Rodney M., AO3133193.
Atkins, Jerome A., AO3133671.
Aultman, Fred C., AO3147218.
Austin, John T., AO3148291.
Averhart, Jesse M., AO3119567.
Bacon, Michael J., AO3145951.
Baergen, Edward, AO3147193.
Bailey, Carl D., AO3145407.
Bainbridge, Dunham R., AO3145336.
Bakenhus, Frederick A., AO3146250.
Baker, Dalton W., AO3146954.
Bandy, Finis W., AO3146356.
Banks, Samuel E., AO3147328.
Barnes, Donald J., AO3148252.
Barrow, Richard E., AO3145463.
Bassin, Stanley L., AO3119584.
Bastien, Peter M., AO3154967.
Baumgartel, Clarence D., AO3148165.
Bayles, Richard A., AO3147752.
Beacham, Richard H., AO3156109.
Beaton, David A., AO3146726.
Beeder, Wayne A., AO3155150.
Beighle, William P., II, AO3147221.
Belden, Kenneth R., AO3147867.
Bell, James W., AO3145541.
Bell, Robert C., AO3156379.
Bellingham, David E., AO3145832.
Bender, Thomas G., AO3139378.
Bennett, Charles M., IV, AO3154705.
Bennett, Lewis D., AO3146189.
Bentley, Stewart W., AO3133695.
Berberick, James A., AO3147530.
Berglund, Gregory L., AO3145349.
Berls, Robert E., Jr., AO3146537.
Bernstein, Ivan H., AO3146536.
Berry, Terry M., AO3150395.
Bessellevre, William C., AO3145924.
Bethea, Jackie C., AO3147178.
Betsinger, Galen W., AO3138062.
Birdsong, Marcus D., AO3138786.
Biscardi, James, Jr., AO3155231.
Black, Thomas A., AO3145649.
Blake, Ronald W., AO3145325.
Blakeney, Kenneth, AO3148200.
Blevins, James V., AO3155772.
Blomquist, Arnold W., AO3093800.
Bolinger, Roy E. J., AO3156971.
Bonalewicz, Richard, AO3146307.
Bone, Jaimie G., AO3148337.

Bonner, Walter B., AO3148303.
Bonse, Gilbert, AO3144642.
Boomstra, Ronald J., AO3146810.
Born, Donald E., AO3147595.
Borowski, Joseph D., AO3147430.
Boubelik, David K., AO3146601.
Bowen, Robert L., III, AO3147671.
Boyd, James A., Jr., AO3146069.
Braguglia, Raymond J., Jr., AO3147922.
Brailey, William E., AO3147792.
Bramlett, Harry R., AO3146825.
Brande, Wendell S., AO3146044.
Branscome, James A., AO3156874.
Brennan, William J., Jr., AO3156849.
Brever, William A., AO3146492.
Bricker, Lee E., AO3134098.
Britt, Paul S., AO3145856.
Brock, Harvey T., Jr., AO3145668.
Brooks, Joseph P., Sr., AO3146646.
Brown, Gerald R., AO3156774.
Brown, Jack P., Jr., AO3132629.
Brown, Penelope A., AL3146898.
Brown, Richard M., AO3147052.
Brown, Robert M., AO3119285.
Browning, Robert H., AO3145158.
Brundrick, Myrl W., AO3133217.
Brune, Peter L., AO3146712.
Bryan, Robert L., AO3147062.
Buck, Erhard, AO3146450.
Bucknell, Edward K., AO3145997.
Bullock, William F., Jr., AO3154949.
Burdash, Charles S., AO3145259.
Burger, Douglas A., AO3150396.
Burgess, Jackie D., AO3145257.
Burkart, Elmer R., Jr., AO3156875.
Burkart, Joseph A., II, AO3131961.
Burkholder, Robert B., AO3147346.
Burnette, William H., AO3146509.
Burns, Jerome T., AO3136770.
Burton, Walter L., AO3120003.
Bush, Don G., AO3154435.
Byford, Forrest E., AO3145630.
Callan, Walter M., AO3146736.
Calvaresi, Anthony I., AO3132288.
Campbell, Mark L., AO3148407.
Campbell, William S., AO3144712.
Cannon, Kirby H., AO3147503.
Capillupo, Frank J., AO3133581.
Cardell, Williams W., AO3146261.
Carey, Charles W., AO3148367.
Carlsen, Richard C., AO3147275.
Carlson, David R., AO3130975.
Carlstrom, Frank C., AO3148336.
Carney, John T., Jr., AO3133318.
Carney, William L., AO3134100.
Carrigan, Edward P., AO3146269.
Carroll, Roger A., AO3146247.
Cartwright, Jack E., AO3138010.
Cascales, Charles W., Jr., AO3146845.
Caulfield, Donna L., AL3146894.
Cecchett, Gary M., AO3139283.
Chambers, Linton T., AO3145429.
Chang, George C. W., AO3138453.
Charity, Louis H., Jr., AO3147084.
Chesto, Lawrence F., AO3147537.
Chew, Richard A., AO3145660.
Choplin, John R., AO3147091.
Christiansen, James W., AO3157073.
Cirak, Gene E., AO3147970.
Clark, Melvin E., AO3147152.
Clark, Peter F., AO3147858.
Clark, Thomas D., Jr., AO3147782.
Clarke, Charles E., AO3145084.
Clarke, William F., AO3148076.
Clayton, James W., Jr., AO3146992.
Cline, Gary L., AO3133718.
Coddington, Neil A., AO3145638.
Coen, James K., Jr., AO3139328.
Cole, George M., AO3145456.
Componovo, William C., AO3145817.
Conlon, John F., III, AO3147543.
Conner, Algie J., AO3132826.
Connolly, Richard T., AO3146745.
Conrardy, Dale E., AO3144441.
Consolvo, Charles W., Jr., AO3147201.
Contreras, Hernan A., AO3138353.
Cook, John W., AO3155098.
Cook, Peter A., AO3139356.
Cook, Thomas E., AO3145687.
Cooper, Hugh S., AO3146036.
Cooper, James K., AO3144946.
Corn, John H., AO3146849.
Cote, Ronald J., AO3144652.
Couch, Robert M., AO3147174.
Cowles, Daniel C., AO3148364.
Cox, David L., Jr., AO3145825.
Cox, George W., AO3156302.
Crandall, Winston K., AO3147804.
Cress, Gary R., AO3144846.
Crews, Ronald K., AO3145642.
Crombie, Kent E., AO3148339.
Culley, Robert B., AO3146305.
Culpepper, Julius L., AO3148298.
Cummings, William C., AO3147729.
Cunningham, Charles E., Jr., AO3146047.
Cunningham, David K., AO3147008.
Curtin, Richard B., AO3109089.
Curtis, John H., AO3139330.
Dahler, Alfred, AO3146697.
Daley, Philip, AO3146038.
Damelio, Alex, Jr., AO3150433.
Damron, Gerhard, S., AO3154618.
Dang, Norman K., AO3147110.
Dark, John J., AO3145521.
Davenport, Sammy F., AO3147443.
Davidson, Alan W., AO3147374.
Davis, Arnold E., Jr., AO3147179.
Davis, Edward A., AO3145412.
Davis, Frederick E., AO3147693.
Davis, Jefferson J., AO3147167.
Davis, Loyd E., AO3147222.
Davis, Richard F., AO3147657.
Daye, Charles R., AO3146068.
Dean, David, AO3148191.
DeCarlo, Louis N., AO3104826.
DeHart, Thomas Z., Jr., AO3146147.
DeLaurentis, Robert H., AO3146546.
Denman, Daniel F., IV, AO3147149.
Derochi, Steven F., AO3155266.
Deschenes, Frederick D., AO3146365.
DeVoss, Phillip H., AO3147459.
DiGiacomo, Frederic V., AO3139179.
Dillinger, Jay A., AO3131808.
Dillingham, Larry M., AO3155957
Dimauro, Anthony J., AO3146756.
Dishman, Charles M., AO3147670.
Dixon, Paul W., AO3155902.
Doherty, Edward P., AO3146684.
Doll, Bruce A., AO3139181.
Dombeck, Harold A., AO3131425.
Dombrowski, Robert F., AO3138091.
Doolittle, Richard N., AO3148284.
Doran, William D., AO3146235.
Douglas, Terrence, AO3147337.
Dove, Jack P., AO3146101.
Dowden, Robert D., AO3146311.
Dowdey, John D., Jr., AO3146950.
Downs, Lewis T., AO3146514.
Doyle, David J., AO3147465.
Dresser, James V. B., Jr., AO3138243.
Drill, Arnold G., AO3147673.
Druffel, Lawrence E., AO3144524.
Dryden, Ronald L., AO3146123.
Dubay, Donald H., AO3147162.
Dubose, David R., AO3146418.
Dunn, Philip K., AO3145939.
Dunne, Edward J., Jr., AO3131050.
Durnin, John H., AO3131306.
Durst, Robert B., AO3147243.
Dwelle, Stephen B., AO3147267.
Dykman, Ronald C., AO3147047.
Dyson, Gerald W., AO3100816.
Dzur, Robert J., AO3155900.
Eagan, Robert J., AO3147517.
Eastman, Herbert C., Jr., AO3147647.
Eby, Donald W., AO3146557.
Edde, Richard L., AO3139308.
Edwards, John V., Jr., AO3147143.
Edwards, Willson O., AO3150399.
Eells, Guion O., AO3147686.
Efird, Robert A., AO3145424.
Egan, Raymond J., AO3147040.
Ehler, George R., AO3146766.
Eichner, Walter R., AO3147355.
Elder, Paul W., AO3131141.
Eldridge, John L., AO3145867.
Elkins, Aubrey C., Jr., AO3118857.
Ellis, Frank D., AO3147966.
Elston, Herman N., AO3148394.
Emdee, Daniel G., AO3145702.
Engle, Kenneth W., AO3148348.
Erickson, David W., AO3147603.
Erickson, Mark S., AO3145539.
Erickson, Theodore O., AO3145328.
Everhart, Charles D., AO3148459.
Ewing, Bruce W., Jr., AO3148441.
Fairchild, Paul H., AO3137184.
Fanning, Robert C., AO3107880.
Farmer, William C., AO3146510.
Favaron, George T., AO3156737.
Fawcett, Delane S., AO3146622.
Fay, Andrew F., AO3156855.
Fein, Jay S., AO3131258.
Ferguson, David H., AO3147281.
Ferrell, Albert J., AO3146459.
Ferrell, Jack L., AO3146873.
Fiandt, William J., AO3147989.
Fields, Kenneth, AO3148515.
Fike, Alan V., AO3148018.
Findley, William D., AO3156435.
Finley, James C., AO3154487.
Fisher, William L., AO3147800.
Fleischhacker, Peter R., AO3148369.
Fleischmann, Michael S., AO3155196.
Fletcher, Thomas B., AO3156759.
Flint, Robert M., Jr., AO3147280.
Foran, Rory, AO3147249.
Foster, Theodore P., Jr., AO3132206.
Fountain, Henry M., AO3148309.
Fouts, Jan N., AO3147078.
Francis, Eldon G., AO3145958.
Frediani, George A., III, AO3146094.
Fredrickson, Wayde T., AO3146128.
Freeborn, Richard D., AO3155815.
Freeland, Douglas N., AO3147291.
French, Thomas B., AO3138357.
Fritschie, Robert A., AO3155238.
Fulton, John B., AO3147456.
Gallagher, Dennis F., AO3155536.
Gallagher, Francis X., AO3148056.
Gallagher, Thomas M., AO3147142.
Gallant, William A., AO3131053.
Gallman, David E., AO3155906.
Garner, Charles L., AO3147095.
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Gerhart, John F., AO3147776.
Gettings, Raymond G., AO3157173.
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Gibson, Forrest J., AO3154775.
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Gill, Anthony B., AO3156537.
Gilliam, Roy C., Jr., AO3145143.
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Greeff, Remi H., AO3146836.
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Greenie, William C., AO3156857.
Greer, Gaylon E., AO3145596.
Gregg, Donald G., AO3146274.
Gregory, Helen, AL3138133.
Greist, Allan C., AO3146690.
Grocki, Vincent P., AO3146008.
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Guenet, Joseph L. H., AO3148198.
Gunkel, James R., AO3119607.
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Hamilton, John G., AO3156976.
Hamlin, David G., AO3146017.
Hamlin, George W., IV, AO3147643.
Hamm, Thomas F., AO3147191.
Hammett, Vern T., AO3145371.
Hancock, Joel F., AO3145823.
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Hanson, William T., AO3146718.
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Harris, Michael B., AO3147780.

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Harris, Robert W., AO3145628.
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James, William E., AO3146195.
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Johnson, Timothy K., AO3147836.
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Kelley, Michael C., AO3147552.
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Lawrence, Kenneth R., AO3155103.
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Lee, Larry L., AO3155746.
Lee, Robert T., Jr., AO3139148.
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Lynch, David C., AO3145587.
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Mastin, Ronald L., AO3154401.
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Matsuyoshi, Sherman H., AO3146071.
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McKay, Malcolm V., AO3144551.
McKinney, Clay C., AO3148375.
McMaster, Samuel P., AO3157133.
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McPhail, Raymond E., AO3146178.
McQueston, David W., AO3146033.
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Mixer, Kenneth D., AO3148494.
Moe, Ronald J., AO3138962.
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Monroe, Michael M., AO3145518.
Montulli, Louis T., AO3131598.
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Moore, Mickey A., AO3147203.
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Morris, Larry G., AO3139164.
Morrison, Donald R., AO3146472.
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Mosier, Clyde R., AO3148280.
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Mozeleski, Frank S., AO3145021.
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Mutz, Charles G., AO3155713.
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Nagley, Donald L., AO3147232.
Nawrocki, Dennis L., AO3147611.
Neff, James R., AO3146160.
Nelson, Curtis V., AO3139388.
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Nickerson, Franklin H., AO3146423.
Nicks, Willie E., AO3133310.
Noble, Robert E., AO3146602.
Noe, John T., AO3156454.
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Norwood, Grover C., AO3155605.
Nowak, John M., AO3145552.
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Oblack, Joseph J., AO3144898.
O'Brien, John B., III, AO3147071.
O'Donnell, William K., AO3146397.
O'Farrell, John K., AO3146991.
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Ognibene, Linda L., AL3146888.
Olson, Marvyn H., AO3145408.
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Oxley, James E., AO3147205.
Oyer, Darrell J., AO3133985.

Parker, Frank C., III, AO3139322.
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Rogers, Lloyd B., Jr., AO3147786.
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Studebaker, Ira J., AO3134183.
Stumm, Richard L., AO3148347.
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Sullivan, William J., III, AO3148118.
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Terry, Jack O., AO3130691.
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Vrooman, Robert S., AO3144609.
Walbridge, Raymond D., AO3155938.
Walker, Thomas C., AO3147176.
Wallace, David M., AO3147567.
Walsh, Daniel S., AO3155256.
Walter, Richard C., AO3147620.
Wampler, Howard W., AO3147332.
Watkins, Prince L., AO3147602.
Watne, Conrad A., AO3145564.
Weatherly, Stephen G., AO3148021.
Weaver, Lonnie E., AO3133339.
Weaver, Richard T., AO3156199.
Webb, Edward P., AO3146851.
Weber, Floyd, AO3146934.
Weber, Lester J., AO3133608.
Webster, Thomas R., AO3155858.
Wecker, James C., AO3133933.
Weiss, John J., AO3145106.

Weiss, Kenneth M., AO3148168.
Welday, Richard B., AO3146876.
Wells, Donald A., AO3144518.
Welton, David L., AO3132282.
Werth, Eldon J., AO3148482.
Westwood, Charles E., AO3146460.
Wetzel, Raymond A., AO3144679.
Wheeler, William A., II, AO3145851.
Whitaker, Alvin E., AO3147273.
White, Donald F., Jr., AO3147621.
White, Frank R., AO3148338.
White, Jack A., AO3147199.
White, Raymond M., Jr., AO3147638.
Whiteley, Patrick M., AO3146445.
Whitney, Donald K., AO3147629.
Whitten, John L., AO3145499.
Whoolery, Stephen L., AO3157041.
Wiederaenders, George A., AO3156642.
Wilder, Phillip D., AO3146102.
Williams, John W. O., AO3138420.
Wilson, Edwin W., AO3145231.
Wilson, Michael S., AO3150426.
Wingo, Jon L., AO3155287.
Winkelmann, Marvin B., AO3147244.
Winner, Robert J., AO3144810.
Wirtanen, Dalton N., AO3130954.
Witecki, Thomas A., AO3146677.
Withrow, Robert E., AO3148425.
Witkowski, Dennis W., AO3138785.
Wong, Keith A., AO3146490.
Wong, Sun K., AO3119726.
Wood, John D., AO3146131.
Woodrow, Robert A., AO3147605.
Wright, Bobby R., AO3144422.
Wright, Dwain C., AO3147645.
Wrigley, Miles N., AO3148498.
Wyatt, James A., AO3156418.
Wyman, Devon E., AO3146998.
Yax, Thomas J., AO3147575.
Young, William W., AO3144520.
Young, Willie F., AO3147447.
Zalar, Joseph R., AO3148101.
Zaniboni, Robert J., AO3145015.
Zavislak, Raymond W., AO3155030.
Ziegler, Norton N., AO3145043.
Zimer, Milan, AO3155877.
Zimmer, Albert L., AO3148349.
Zimmer, James L., AO3134334.
Zimmermann, Hanspeter, AO3139349.
Zimmers, William C., Jr., AO3148179.
Zone, Thomas J., AO3134188.
Zwerg, Ralph F., AO3145631.
Zwolinski, Ronald J., AO3154665.

The following distinguished military graduates of Air Force precommission schools for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties of medical service officers, and with dates of rank to be determined by the Secretary of the Air Force:

Baety, Walter G., III, AO3145495.
England, Douglas M., AO3147182.
Gaudot, Frank J., AO3147144.
Hastings, Humphrey K., Jr., AO3145664.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 24, 1964:

POSTMASTERS

ARIZONA

Luis R. Valenzuela, Naco.

ARKANSAS

Gordon E. Bentley, Morrilton.

CALIFORNIA

Robert P. Sanders, Fresno.
Leslie N. Shaw, Los Angeles.
Ruth V. Grandier, Tecate.

FLORIDA

Delbert L. Layton, Long Key.
John E. Courier, Jr., Oviedo.

INDIANA

Richard B. Corns, Elkhart.
Ellsworth L. Malchow, Francesville.
Rolland D. Reese, Huntington.

IOWA

Andrew J. Sherbo, West Des Moines.

KANSAS

Robert N. Woodson, Leavenworth.
Raymond J. Vinduska, Marion.

KENTUCKY

Elsie B. Minor, Burdine.
T. Johnson Price, Lancaster.
Clyde H. Brown, Olmstead.
Rodney Blanton, Wallins Creek.

MAINE

Beatrice G. Atwood, Seal Harbor.

MARYLAND

Robert L. Evans, Jr., Hagerstown.
Barbara B. Hanlon, Hydes.

MASSACHUSETTS

John B. Howarth, Worcester.

MICHIGAN

Edward J. Meeder, Potterville.

MINNESOTA

Maurice L. Anstadt, Glyndon.
Ronald G. Haroldson, Hayward.
Dolores G. Kruger, Mendota.
John H. McCarthy, St. Peter.
Audrey G. Hoverson, Strathcona.

MISSISSIPPI

Mary A. Skelton, Bellefontaine.
Ollie D. Whitfield, D'Lo.
Francis L. Scott, Utica.

MISSOURI

Raymond E. Comer, Warrenton.

NEBRASKA

Paul P. Kosmicki, Alliance.
Dorothy M. Turner, Firth.
Michael J. Lyons, Gothenburg.

NEW HAMPSHIRE

Roger E. Brassard, Manchester.

NEW JERSEY

John B. White, Brielle.
John G. Hurley, Hackettstown.
Harold R. Braun, Holmdel.
Marcel W. Wagner, Martinsville.
Wilson G. Bell, Normandy Beach.
Evelyn Burger, Quakertown.
Arthur J. Lesniak, Somerset.
John E. Lillback, Vincentown.
Allan E. Hamilton, Waretown.
Edward R. Haag, Levittown.
G. Fern Knight, Zarephath.

NEW MEXICO

Richard J. Pino, Albuquerque.

NEW YORK

M. Elizabeth Egan, Hurley.
Robert N. Spickerman, Middleburg.
Louis J. Picarazzi, Selkirk.
Charles L. France, Sharon Springs.

NORTH DAKOTA

John R. Delebo, Langdon.

OREGON

G. Lowell Fuller, Baker.

PENNSYLVANIA

George T. Steinberger, Fairfield.
Nick Roscoe, Farrell.
George A. Ciprich, Laceyville.
Fred M. Kerr, Stoneboro.
Jane W. Hinkle, West Hickory.
Jennie L. Goldstein, Wynnewood.

SOUTH CAROLINA

Luther H. Folk, Branchville.

SOUTH DAKOTA

Harold A. Christianson, Volga.

TENNESSEE

Donald B. McMillan, Erin.

TEXAS

Paul D. Cauley, Jr., Alice.
Wilson N. Munz, Brenham.
Garland C. Vincent, Cedar Hill.
Avanell T. Reynolds, Leggett.
Eunice B. Dayton, London.
Floyd R. Jones, Lueders.
Edgar A. Bradford, Menard.
Delma L. Tyer, Mont Belvieu.
Bobby G. Brock, Omaha.
Sam P. Peebles, Jr., Rockdale.
Maynard A. Rowan, Jr., Rockport.
DeWitt H. Isom, Tye.
Mark T. Belew, Vernon.
Bernard G. Scrogin, Wallis.
Mary T. Anderson, Webster.

VERMONT

Paul C. Gale, Lyndon Center.

WASHINGTON

Fay Wyatt, Hamilton.
Florence I. Averill, McKenna.
Helen M. Karlson, Thorp.

WEST VIRGINIA

Olive H. Stanley, Eskdale.

U.S. AIR FORCE

The following-named officers for temporary appointment in the U.S. Air Force, under the provisions of chapter 839, title 10, of the United States Code:

To be major generals

Brig. Gen. Gordon H. Austin, 1207A, Regular Air Force.

Brig. Gen. Ivan W. McElroy, 1338A, Regular Air Force.

Brig. Gen. Horace A. Hanes, 2060A, Regular Air Force.

Brig. Gen. Fred J. Ascani, 4036A, Regular Air Force.

Brig. Gen. Gordon T. Gould, Jr., 4040A, Regular Air Force.

Brig. Gen. Arthur G. Salisbury, 4224A, Regular Air Force.

Brig. Gen. Kenneth E. Pletcher, 19136A, Regular Air Force, Medical.

Brig. Gen. Gordon M. Graham, 7761A, Regular Air Force.

Brig. Gen. Harry E. Goldsworthy, 1631A, Regular Air Force.

Brig. Gen. Robert W. Manss, 2713A, Regular Air Force.

Brig. Gen. John D. Lavelle, 4359A, Regular Air Force.

Brig. Gen. Duward L. Crow, 18061A, Regular Air Force.

Brig. Gen. Irving L. Branch, 1557A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Leo F. Dusard, Jr., 1869A, (colonel, Regular Air Force), U.S. Air Force.

To be brigadier generals

Col. Charles B. Stewart, 1204A, Regular Air Force.

Col. Roland J. Barnick, 1946A, Regular Air Force.

Col. Frank P. Wood, 3928A, Regular Air Force.

Col. John L. Locke, 4042A, Regular Air Force.

Col. Benjamin W. Dunn, 18875A, Regular Air Force, Dental.

Col. George E. Brown, 4425A, Regular Air Force.

Col. Albert W. Schinz, 4646A, Regular Air Force.

Col. Robert F. Worley, 4906A, Regular Air Force.

Col. John R. Dyas, 4968A, Regular Air Force.

Col. William C. Lindley, Jr., 5006A, Regular Air Force.

Col. William B. Kyes, 5064A, Regular Air Force.

Col. Robert L. Petit, 5213A, Regular Air Force.

Col. Adrian W. Tolen, 3041A, Regular Air Force.

Col. Ernest L. Ramme, 6360A, Regular Air Force.

Col. Arthur W. Cruikshank, Jr., 8107A, Regular Air Force.

Col. Edward B. Giller, 8696A, Regular Air Force.

Col. William H. Reddell, 8874A, Regular Air Force.

Col. George B. Simler, 9236A, Regular Air Force.

Col. Thomas H. Beeson, 9767A, Regular Air Force.

Col. Richard F. Shaefer, 10096A, Regular Air Force.

Col. Maurice F. Casey, 36992A (major, Regular Air Force), U.S. Air Force.

(To be major general)

Brig. Gen. Robert W. Manss, 2713A, Regular Air Force, for appointment as The Judge Advocate General, U.S. Air Force, for a period of 4 years beginning October 1, 1964, in the permanent grade indicated in the Regular Air Force. This nomination is made under the provisions of section 8072, title 10, of the United States Code.

(To be brigadier general)

Brig. Gen. Thomas P. Corwin, AO328499 (colonel, Air Force Reserve), U.S. Air Force, for appointment as a Reserve commissioned officer in the U.S. Air Force in the grade indicated under the provisions of section 8376, title 10, of the United States Code.

IN THE AIR FORCE

The nominations beginning Philip J. Erdle, and ending Malham M. Wakin, to be permanent professors, U.S. Air Force Academy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1964; and

The nominations beginning William D. Aballe to be captain, and ending Sylvia M. Rodriguez to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 16, 1964.

IN THE ARMY

The nominations beginning Donald Chirafisi to be major, and ending Stanley F. Yates, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1964.

IN THE MARINE CORPS

The nominations beginning John Lowman, Jr., to be colonel, and ending Dennis M. Archilles, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1964; and

The nominations beginning Gus Robinson to be lieutenant colonel, and ending Jack F. Bailey to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 16, 1964.

EXTENSIONS OF REMARKS

U.S. Marshal Day

EXTENSION OF REMARKS
OF

HON. JOHN J. ROONEY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 24, 1964

Mr. ROONEY of New York. Mr. Speaker, today marks the 175th anniversary of the enactment of the Judiciary Act of 1789, which provided for the appointment of U.S. marshals for each of the 13 newly created Federal judicial districts.

Under the permission heretofore granted me by unanimous consent of the House, I include the proclamation issued by the President making today, September 24, 1964, U.S. Marshal Day:

UNITED STATES MARSHAL DAY—BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

September 24, 1964, marks the 175th anniversary of the enactment of the Judiciary Act of 1789, which provided for the appointment of United States marshals for each of the 13 newly created Federal judicial districts. The contribution of the United States marshals and their staffs to the development of the Federal judicial system is now a legend in the annals of our country. Their role in establishing the rule of law throughout the length and breadth of this Nation, including the new territories where some recognized no authority other than raw courage, is inscribed in history and enshrined in our national folklore. First in establishing the authority of the new Federal Government, and thereafter in performing a central function in Federal law enforcement, the United States marshal has become a foremost symbol and servant of the law.

The marshal's duties have changed with the times. Some of the services once performed by marshals have now been reassigned to specialized agencies. However, the importance of the marshal's position as an indispensable arm of our judicial system remains undiminished. Throughout the changes which have characterized this country's rise from a young republic to the foremost power in this world, the marshal has always performed with steadfast dedication, competency, and inspiration. Over the past century and three-quarters, the marshal's star has symbolized a tradition of service and courage; it has shone with the gleam of constancy and integrity in the performance of duty.

On this the 175th anniversary of the establishment of that service, it is fit and appropriate that a grateful Nation acknowledge and extol the distinguished record of our United States marshals, past and present, and of their deputies, special deputies, and other staff assistants. To them all we owe special recognition and commendation.

Now, therefore, I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim Thursday, September 24, 1964, as "United States Marshal Day," and I call upon the Federal courts, Federal departments and agencies, bar associations, and other civic groups, and members of the bar and other interested individuals to plan and participate in appropriate ceremonies and activities providing public recognition for the 175 years of devoted public service performed by United States marshals and their staffs.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this 18th day of August in the year of our Lord 1964, and of the independence of the United States of America the 189th.

LYNDON B. JOHNSON.

[SEAL]
By the President:

DEAN RUSK,
Secretary of State.

Frank L. Auerbach

EXTENSION OF REMARKS
OF

HON. EMANUEL CELLER

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 24, 1964

Mr. CELLER. Mr. Speaker, it was with a sense of loss that I learned of the death of Frank L. Auerbach, Deputy Director of the Visa Office of the Department of State. I had come to know and respect greatly Mr. Auerbach. His career bespeaks his unique talents. He was Immigration Counsel to social agencies in Germany and assistant case consultant to social agencies in the United States. He worked with the War Relocation Authority of the Department of Interior and was a lecturer of both Hunter College and Columbia University in New York City. He began his work with the Department of State in 1948 as a consultant to the Chief of the Visa Division and became Assistant Director of the Visa Office in 1955 and Deputy Director in 1962.

Mr. Auerbach is the author of "Immigration Laws of the United States, "Nationality Problems of Children," "Principles Which Should Underlie our Nationality Laws," "The Admission and Resettlement of Displaced Persons in the United States," and "The Immigration and Nationality Act, a Summary of Its Principal Provisions."

Mr. Auerbach's matchless knowledge of the immigration laws, his compassion, his dedication to his work, his unfailing courtesies to all who sought of his time and his talent, made him the public servant beyond reproach. His death leaves a void in an area where there are too few experts. He served us well and he will not be forgotten.

I extend my deepest sympathy to his wife and children, and to all of the members of his family.

Citation Awarded to Senator Long of Louisiana at the Conference on Dual Distribution Honors

EXTENSION OF REMARKS
OF

HON. JOHN SPARKMAN

OF ALABAMA
IN THE SENATE OF THE UNITED STATES
Thursday, September 24, 1964

Mr. SPARKMAN. Mr. President, the American small businessman has no better friend in this body than the Senator from Louisiana, our esteemed colleague

Russell B. Long. As chairman of the Senate Small Business Committee, I have had the privilege and pleasure of working closely with Senator Long in the labors of that committee throughout the now almost 15 years it has had permanent standing. Hence, I know from personal observation the devotion he has given and the effectiveness of his work.

Senator Long is chairman of the Subcommittee on Monopoly. In that post, he has grappled for several years with the problems that are facing small business as a result of growing trends of vertical integration and dual distribution. He is the author of two bills, S. 1107 and S. 1108, that are gaining increasing attention as possible means for alleviating these problems.

This past Tuesday, our colleague's efforts were recognized in a citation awarded to him by the Conference on Dual Distribution, a new organization of independent businesses representing a number of industries and all segments of the Nation.

I ask unanimous consent that the citation to Senator Long, his remarks on acceptance, and a news release about the Conference on Dual Distribution be printed in the Record.

There being no objection, the citation, remarks, and news release were ordered to be printed in the Record, as follows:

Citation—Conference on Dual Distribution

As chairman of the Subcommittee on Monopoly, Select Committee on Small Business, U.S. Senate, the Honorable Russell B. Long, has demonstrated keen awareness of the problems created for American independent enterprise by dual distribution. His energetic efforts and constructive proposals have contributed importantly to the development of solutions of these problems. This certification acknowledges with grateful appreciation Senator Long's dedication to the goal of strengthening small business as a continuing vital force in our national economy.

[seal]

G. F. Beall,
National Cochairman.
Lawrence Schacht,
National Cochairman.

Given at Washington, September 22, 1964.

Remarks of Senator Russell B. Long, Chairman, Subcommittee on Monopoly, Senate Small Business Committee, at the Conference on Dual Distribution, International Inn, Washington, D.C., September 22, 1964

Mr. Schacht, Mr. Beall, and members of the Conference on Dual Distribution, you do me great honor with this award, and I thank you for it most gratefully. I guess no one really dislikes a word of commendation for his efforts, now and then, and it is especially pleasant when the word comes from so significant and promising a group as this one—and in a document suitable for framing. So I thank you again—for your warm hospitality, for the very generous words contained in this citation, and—most of all—for being here.

Let me explain what I mean by that last—why I thank you for being here. The presence of all of you in this room, for the purpose you have assembled, makes an accurate prophet of me. It is now 5 years, at least, since I first began to think and predict that someday there would be a national multiple-industry organization concerned exclusively with the problems of dual distribution. I mean no disrespect to Lawrence Schacht, Franklin Beall, "Eric" Erickson, Morris Rosoff, and Max Rogel, your organizing committee, when I say that if they had not invented this Conference, someone else would have had to. I know that others have thought about it. It is to the great credit of your Founding Fathers that they have done it.

Among the general public, I suspect that 99 people out of 100 have not yet so much as heard the term "dual distribution." Even in the ranks of commerce and industry, 8 out of 10 small businessmen might be at a loss to define it. But I think virtually 10 out of 10 small businessmen today would know immediately what you were talking about when you defined "dual distribution" to them as the situation in which your supplier becomes your competitor. Perhaps as many as 3 to 5 out of 10 small businesses have experienced it personally by now, in some form or other, at some level or other.

My own first close look at dual distribution came about in 1958. At that time I was approached, in my capacity as chairman of the Monopoly Subcommittee of the Senate Small Business Committee, by small business dealers and distributors in the flat glass industry. That industry was then experiencing a rather rapid growth in dual distribution, from various sources and of various types. Even earlier, the Senate Small Business Committee had been active in studying dual distribution in the tire industry.

After hearings, my subcommittee issued a report on its study of the glass industry, which was adopted by the full committee and filed as Senate Report 1015 of the 86th Congress. It is interesting—and an indication, perhaps, of the hazards inherent in recommending in this field—that the two dual distribution bills I finally introduced more than a year and a half after our glass report came out bore no resemblance to any of the 10 recommendations in the report. As in so many other areas of our complex society, in the field of dual distribution it is easier to describe an ailment than to prescribe for its cure.

At the time I originally introduced the two dual distribution bills, back in September of 1961, I admitted that I wasn't positive they would provide the final, workable answer; I had myself rejected many other ideas before writing up these two in legal language. It is possible that these, in turn, may have to give way to still others before we reach something that will represent a broad enough consensus of Congress and business to secure passage. But somewhere a beginning must be made, and I am glad that my bills have served that purpose.

Your Chairman has admonished me to be brief, and it is at least as welcome advice to me as to you, for the pressures of legislative business back at the Capitol are intense today. Therefore, I am going to assume that you understand—or from other speakers today will get understanding of—the provisions of S. 1107, the Antitrust Vertical Integration Amendments, and S. 1108, the Dual Distribution Reporting Act. I know that some other good ideas are going to be forthcoming from the House Small Business subcommittee work that our able friend, Congressman Roosevelt, has been leading with such vigor for so long.

But I want to close by reminding you how tremendously important a part you—all of you—have to play in this effort to find fair, workable solutions to the problems of dual distribution. Those problems are very severe. You would not have taken the time and spent the money to be here today if they weren't hurting your own business right where you live. But the remedies proposed by my bills, which Mr. Roosevelt has also sponsored, must be recognized to be drastic ones. After long thought, it is my judgment that nothing less drastic would do any good; but you must all recognize that the Congress will never pass these bills without the most widespread kind of interest and support from the business community.

In its 12th, 13th, and 14th annual reports, the Senate Small Business Committee has earnestly recommended and urged the Judiciary Committees of the House and Senate to hold hearings on these bills of mine and Congressman Roosevelt's. But no hearings have yet been scheduled by either legislative committee. Neither my Senate Small Business subcommittee nor Mr. Roosevelt's House Small Business subcommittee can get these bills out on the floor for debate and a vote. That can only be accomplished by the Judiciary Committees, and they will only do it after they are persuaded to hold and have held hearings.

At such legislative hearings, the Senate Small Business Committee said in its 12th annual report, it will be—and I quote—"incumbent upon the small business supporters of this legislation to produce evidence that the problem is, indeed, as severe as they have averred, and that these bills will help to solve it, not only in their own but in the national interest."

An organization such as the one being born here today can produce that evidence, marshal it, and present it where it matters—at hearings of the Antitrust and Monopoly Subcommittees of the Senate and House Judiciary Committees. Even before that, you can produce the kind of broad-based business support that must be present before those subcommittees will even hold hearings.

I welcome, therefore, the formation of a national Conference on Dual Distribution; I congratulate all of you on the part you are taking in a great and necessary effort; and I wish you the best of luck in your work—"not only in your own but in the national interest."

Thank you.

[News Release]

Dual Distribution Problem Emphasized

Washington, D.C., September 22.—Nearly 100 representatives of independent business and industry—meeting in Washington today (Tuesday) at the official organization gathering of the new national Conference on Dual Distribution—emphasized the growing importance of the dual distribution problem by stating that it has now become necessary for them to import materials from abroad in order to keep from being squeezed out of business.

Today's national meeting was called by Lawrence Schacht, president of the Schacht Steel Corp., New York, cochairman with G. F. Beall, Portland, Oreg., of the original organizing committee of the conference. Beall is vice president of the Beall Pipe & Tank Corp.

Principal speakers at today's daylong meeting at the International Inn were Senator Russell B. Long of Louisiana, Irving Maness, Deputy Administrator of the Small Business Administration, and Gregg Potvin, counsel to the House Small Business Committee.

Awards were presented by the conference group to Senator Long and to Representative James Roosevelt, of California, for their efforts in attempting to solve the dual distribution problem which is plaguing American industry.

Representative Roosevelt was unable to be present and his award was accepted by Mr. Potvin.

In calling the meeting, Mr. Schacht said in his letters to Senator Long and other leaders:

"You are no doubt aware of the great adverse impact of dual distribution upon the independent business sector of the business community. Competition of the distribution and fabricating arms of vertically integrated complexes with the independents, in the same functional area whom they supply, merits, we believe, the ever increasing attention of the Government at both administrative and legislative levels.

"The bills already introduced by Senator LONG and Congressman ROOSEVELT, and the hearings already conducted by Congressman ROOSEVELT as Chairman of Subcommittee No. 4, are indispensably important steps which we believe must be implemented and brought to fruition through the efforts of the independent businessmen affected. They cannot do this without your active interest and support."

Indicative of the widespread current influence on American business of the dual distribution problem was the fact that today's meeting was attended by representatives of the following independent businesses and industries:

Aluminum, steel, business machines, culvert pipe, construction, warehousing, paint and wallpaper, glass, and electrical construction, among others.

It was announced at the meeting that: "The Conference on Dual Distribution will actively seek a solution to the problems posed by the practice of dual distribution. The Conference will, in future, include all trade associations and individual small businessmen who honestly and sincerely desire to help find the way to prevent the abuses and inequities involved with the problem of dual distribution."

The following were appointed as members of an interim organizational committee to help in the organization of the growing membership of the Conference: Max Rogel and Morris Rosoff.

Headquarters for the Conference on Dual Distribution have been established at Suite 229, Shoreham Building, 15th and H Streets, NW., Washington, D.C.

Report to the Voters of the 12th Congressional District of New York

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1964

Mrs. KELLY. Mr. Speaker, the work of the 88th Congress is drawing to an end. Begun on a note of hope, brought to a standstill by the great tragedy which befell our Nation, it ends on a sense of legislative fulfillment. While the world is still beset by many problems and crises, and while the shadow of conflict still hangs above several areas of the world, particularly southeast Asia, the immediate tasks which faced this Congress have been accomplished. The legislative program has been enacted. The urgent needs of our Nation, and the requirements of the cause of freedom, are being met.

In every sense the accomplishments of the 88th Congress have already won it a prestige place in our Nation's history.

In retrospect, the achievements of this Congress bear the special imprint of two great men: the late President John F. Kennedy and President Lyndon B. Johnson. The spirit and vision of the former, and the patient, untiring work and ability of the latter, combined to make the record of this Congress truly remarkable.

In his final state of the Union message, delivered to the Congress on January 14, 1963, President Kennedy outlined the tasks to which we, the people's representatives in this great legislative body, have devoted our energies during the past 2 years.

> The time has come—

He told us on that memorable day—

> to translate the renewal of our national strength into the achievements of our national purpose.

He went on to propose a legislative program to improve the opportunities and the well-being of the American people, and to strengthen our Nation, by investing in our youth, by safeguarding the health of the Nation, by protecting the basic rights of our citizens, by promoting economic growth, and by making the best and most economical use of our resources and facilities.

We must do these things, he said, "for we cannot lead for long the cause of peace and freedom, if we ever cease to set the pace at home."

President Kennedy's program did not, however, concern itself solely with domestic issues. Pointing to the world beyond our borders, he spoke of the need to maintain the frontiers of freedom, to concert the political and economic policies of the North Atlantic Alliance, to expand world trade, to aid the emergent nation, and to continue steady progress in building a "world of order."

In presenting his legislative program to the Congress, President Kennedy did not promise any easy solutions to the problems confronting the United States at home and on the world scene. He pledged—and asked—only toil and dedication. And these the Congress has given in good measure.

The record of the 88th Congress bears also the imprint of another great leader—President Lyndon B. Johnson. When the tragic assassination of President Kennedy shifted the burdens of the Executive Office to his shoulders, he pledged himself during the remainder of the current term of office to dedicate his efforts to the attainment of President Kennedy's program. He has directed his tremendous energy to this task. And the record of the 88th Congress serves in large part as a tribute to his dedication, his ability, and the success of his efforts.

The legislation which highlighted the record of the first session of the 88th Congress included appropriations for the defense and national security of the United States. This was for foreign assistance; expansion of the Peace Corps; satisfaction of World War II claims; extension of the Universal Military Training and Service Act; repair and construction of foreign service buildings; extension of the arms control and disarmament program which has been responsible for the Nuclear Test Ban Treaty and the "hot line" between Washington and Moscow; continuation of National Aeronautics and Space Administration research; and extension of the Export-Import Bank.

A trailblazing parade of education bills became law, including the Higher Education Facilities Act; legislation providing vocational education; health professions educational assistance in the form of expanded teaching and research facilities and student loans; maternal and child health services, including crippled children's programs and research projects to prevent mental retardation; and the Mental Retardation Facilities and Community Mental Health Centers Construction Act.

The opportunities and well-being of our citizens were improved by the equal pay law providing equal pay for equal work for women; extension of the housing for the elderly program; a law governing air pollution control; extension of the Civil Rights Commission; increase of the library services and construction program; the Manpower Development and Training Act; and veterans' legislation.

Legislation enacted during the second session of the 88th Congress was the most creative passed by any Congress in recent history. I will report briefly on the bills of major importance. Complete information on any law can be obtained by writing to me at my Washington office.

Defense spending was again the largest budgetary item, which includes procurement of military materiel; research and development; cost of military personnel; maintenance and operation of the Military Establishment, the Department of Defense, and money for the Reserve officers; military construction; and military assistance.

Laws enacted for our servicemen and veterans are: Increase of 2.5 percent in basic pay for all officers, warrant officers, and enlisted personnel of the uniformed services with more than 2 years of service—since the pay scale for commissioned and warrant officers with less than 2 years of service had not been increased since 1952, Congress provided them an 8.5 percent increase—educational assistance was extended to children of veterans with total and permanent service-connected disability; extended disability income provisions of National Service Life Insurance policies through age 65 under certain conditions; exempted from draft sole surviving son of family whose father died as result of military service; assistance to States on matching basis for nursing home facilities of State veteran homes; raised authorized strength of Cadet Corps of U.S. Military and Air Force Academies and fixed period of obligative service at 5 years.

The Economic Opportunity Act, the so-called war on poverty bill, establishes a job corps for out-of-school and out-of-work youth, ages 16 through 21, offering opportunities for education, vocational training, recreation and physical training; establishes work-training programs designed to give unemployed young men and women from 16 to 21 training experience not now available, to enable them to acquire new skills and work habits, thereby increasing their employability. Counseling and job placement will be provided. College work-study programs are created, designed to provide basic financial assistance through part-time employment for needy and potential college students. Part-time work opportunities will be provided for more than 140,000 students from low-income families per year. Urban and rural community action programs will be conducted in the fields of employment, job training and counseling, health, vocational rehabilitation, housing, home, management, welfare, and special remedial educational assistance, to provide assistance to all poor people in a community without discrimination.

The Urban Mass Transportation Act provides for more modern mass transit within our communities and low-cost transportation between them. The act establishes a program of Federal loans and partial grants for needed equipment for the extension and improvement of urban mass transportation systems and provides for an adequate relocation program for families displaced by each project, as well as fair and equitable arrangements to protect the interests of affected transit employees.

Certain excise tax rates were extended for 1 year, in order to allow the House Committee on Ways and Means to complete its careful and comprehensive hearings into our entire excise tax structure.

The Interest Equalization Tax Act is a temporary excise tax effective for the period July 19, 1963, through December 31, 1965. The tax is designed to aid our balance-of-payments position by restraining the heavy and accelerated demand on our capital market from other industrialized countries.

Salary increases were given to all Federal employees in the executive, legislative, and judicial branches of our Government, ranging from 5 percent to 22½ percent. This is necessary in order to attract young people and to encourage them to seek public office.

The Housing Act was extended for 1 year. It provided $725 million for urban renewal; permits 37,500 new public housing units; raises to $30,000 the mortgage insurance limit on one-family FHA homes; grants broader lending authority to banks; establishes a new $50 million program to induce property owners to rehabilitate slum properties; authorizes 20-year loans at 3 percent interest to owners and tenants of property in urban renewal areas: up to $10,000 for homes and $50,000 for nonresidential property; establishes $150 million for direct farm housing loans; $75 million for direct housing loans for the elderly; $30 million for urban planning assistance in renewal areas; $25 million for grants to help in purchase of park lands and open space areas; $10 million for a new program of low-rent housing for migrant farmworkers; and finally, sets up relocation payments up to $1,500 for each business, and a rent supplement for families paid over a period of 5 months, for residents and businesses displaced by urban renewal.

The Renegotiation Act was extended for 2 years. It permits the Committee on Ways and Means to review the renegotiation process. It extends the application of this act to contracts entered into by the Federal Aviation Agency, and related subcontracts, in order to recover excess profits and continue present review of contracts of defense agencies.

The Federal Aid Highway Act of 1964 is the regular 2-year authorization for the so-called A-B-C system, which means primary roads, secondary roads, and extension of these roads to urban areas. It also authorizes funds for roads in national parks and forests, and public lands. Congress authorized $1 billion for fiscal 1966 and 1 billion for fiscal 1967 for the A-B-C system—broken down 45 percent for the primary system, 30 percent for the secondary, and 25 percent for the extension within urban areas.

The Civil Rights Act provides for the enforcement of the inherent rights of all persons by all the States of these United States and its subsidiaries. These rights have too long been denied. It provides for the appointment of a three-judge district court in voting suits and for the expeditious determination of such suits, and also provides against the discriminatory use of literacy tests in Federal elections; prohibits discrimination in enumerated public establishments; authorizes the Attorney General to initiate suits to desegregate public facilities, other than public schools, and to intervene in suits charging deprivation of equal protection of the laws; authorizes the Attorney General to initiate suits to desegregate public schools; makes the Civil Rights Commission a permanent agency; prohibits discrimination in any Federal financial assistance program; establishes a Federal Equal Employment Commission designed to eliminate discriminatory employment practices by business, labor unions or employment agencies; provides for the compilation of registration and voting statistics by race, color, and national origin; makes a remand of a civil rights case from a Federal court back to a State court reviewable on appeal.

The Securities Acts Amendments of 1964 amends the Securities Exchange Act of 1934; extends to issuers of securities traded in over-the-counter markets, where the issuers have over $1 million in total assets and 750 stockholders of record—reduced to 500 over 2 years—the same requirements that now apply to issuers of securities which are listed on an exchange; namely, registration, periodic reporting and financial statement must accompany proxy solicitation. Certain classes of securities are exempted from these requirements: building and loan associations; charitable, educational, and religious institutions; securities of stock insurance companies may become exempt if under State law or regulation there are comparable requirements. The bill also strengthens the regulation of over-the-counter broker-dealers, including qualifications standards and disciplinary controls.

The Hospital and Medical Facilities Amendment of 1964 extended the Hill-Burton hospital construction program for 5 years, authorizing appropriations for grants for the construction of public or nonprofit hospitals and public health centers; diagnostic or treatment centers; hospitals for the chronically ill and impaired; rehabilitation facilities, and nursing homes. It permits appropriations for construction and modernization of hospitals ranging from $150 million for fiscal year 1965 through $180 million annually for the last 2 years of the program. Of these amounts, $20 million is specifically earmarked for modernization in fiscal 1966, $35 million in 1967, $50 million in 1968, and $55 million in 1969. This law permits the States to transfer sums from the modernization category to new construction, in amounts which, when added to other funds appropriated for new construction, will not exceed in the aggregate $150 million for new construction in any fiscal year. The law consolidates nursing home and chronic disease categories and increases the combined authorization by $30 million (to $70 million) in fiscal 1965. It adds grants for areawide health facility planning in metropolitan and other areas ($2.5 million in fiscal 1965 and $5 million in each of the next 4 years, with 50-50 Federal-State matching). The bill permits States to use 2 percent of their allotments—not to exceed $50,000 a year—for State administration of the construction program, on a 50-50 matching basis. The Hill-Burton program is a milestone in successful Federal, State, and local grant-in-aid programs. Its success can be measured by the network of modern and efficient hospitals which have been built throughout the United States. As of June 30, 1963, these projects had produced 289,489 general, mental, tuberculosis, and long-term care beds, and helped construct 1,522 rehabilitation centers, public health centers, diagnostic and treatment centers, and other health laboratories. It has had a marked effect in raising State licensing standards and in improving the design, maintenance, and operation of health facilities in every State. It has helped attract vitally needed physicians and other health specialists to rural areas.

The Nurses Training Act establishes a 5-year program to combat the shortage of nurses, which includes grants for construction and rebuilding of collegiate and associate degree or diploma schools of nursing; traineeships for advanced training of professional nurses; and a student loan program.

The Graduate Public Health Training Act continues for 5 years programs for traineeships to increase number of professional public health personnel and expand health project grants to schools of medicine, dentistry, engineering, social work, and pharmacy.

The 88th Congress has a notable record in the field of conservation. The Wilderness Act represents a decade of effort to keep part of our country in the primeval state our pioneers saw; the law protects 9,200,000 acres in 13 States and provides for adding another 5,500,000 acres over the next 10 years. The Land and Water Conservation Fund Act was a companion piece of legislation; this law establishes for the first time a permanent fund of $2 billion in the next decade to finance the acquisition and development of land to be used for recreation and for new wildlife refuges. The fund is derived from the proceeds of the existing tax on motorboat fuels and from admission and user fees to be paid by those who use camping sites and other facilities on Government-owned land. It underscores the interdependence of conservation and recreation—a balance can be had between developing some of our outdoor areas for sports and recreation and still maintaining other areas as wilderness and as game and bird refuges. Congress also passed the Ozark national scenic riverways bill, which saved the beautiful Current River and its tributary, Jacks Fork, in southern Missouri, from exploitation. Another law established the Canyon Lands National Park in the magnificent mountain country of southern Utah. Most important of all was the establishment of the Fire Island National Seashore, the first such park in the State of New York.

Congress initiated two special commissions—one, a National Commission on Automation and Technological Progress which will undertake a study of current and future trends of automation, technology and economic progress. The other, the National Commission on Food Marketing, will make a thorough study of the food industry from the farm to the consumer.

The National Defense Education Act Amendments extend, expand, increase, and revise the program for 3 years; more graduate fellowships are provided, as well as counseling, guidance, and testing services; it will strengthen Federal support of language development and increase training opportunities under a program of grants for training institutes for certain teachers, library personnel, and guidance and counseling personnel. The amendments provide for a considerable expansion of the title 3 program of equipment grants. Presently such grants may only be given for equipment used in the teaching of science, mathematics, and modern foreign language. This will be expanded to include history, geography, English, reading, and civics.

Public Law 480 deals with the vast agricultural surpluses owned by the American people, including you, my constituents. I supported a 3-year extension of this program, but with reluctance, because it needs vast revision. It is so costly to us that the more than $1 billion saved by this administration, including defense moneys, has been wiped out.

Foreign service annuities were adjusted to improve the pensions of the widows of retired Foreign Service officers, and also provided a small annual income to a few widows whose husbands were unable to provide a pension for them.

Two most important bills are presently tied up because of technical difficulties. It is hoped the outcome of this legislation will be solved before Congress adjourns. One, the Foreign Assistance Act of 1964, which emerged from the Foreign Affairs Committee after 3 months of intensive study. It is remarkable for at least three reasons: First, the $3.5 billion program it proposed was the tightest, the most modest, and perhaps the most realistic authorization in years. Second, the principle of selectivity—of concentrating our aid in those countries which are showing the will and the determination to help themselves—is strongly reflected in this legislation. And, third, the bulk of the money which this bill provides will go to those countries—from Greece to Korea—which are on the firing line in the great conflict between communism and freedom. These countries need and deserve our help. They are the first to bear the brunt of Communist expansion. I supported this program because I believe that it is necessary for our national and free world security. It will also carry us a step closer to the goal we all seek; the goal of a free and secure world in which all men of good will can have the opportunity to strive to realize their hopes and dreams of a better life. We must continue to seek this goal. We must seek it for ourselves and for our children.

The other is social security amendments to increase benefits to retired workers, widows, and the disabled; raise the wage base for social security tax; and reduce the age limit for widows' benefits from 62 to 60 years. Medical care for the aged was added to this bill in the Senate. The bill is now in conference.

One of the resolutions passed unanimously by both Houses of Congress bears my name. I admit bipartisan action and support of all Members was needed to make this record. This resolution expressed the sense of Congress that the President should direct the Permanent U.S. Delegate to the United Nations to continue efforts toward securing payment by members of the United Nations of their assessments in arrears. The resolution states it is further the sense of the Congress that if, upon the convening of the 19th General Assembly, the arrears of any member of the United Nations equals or exceeds the amount of the contribution due from it for the preceding 2 full years, the President should direct the Permanent U.S. Delegate to make every effort to assure invocation of the penalty provisions of article 19 of the Charter of the United Nations. The importance of this resolution should not be underestimated. It strengthens the purpose of the United Nations. It strengthens the policy of the United States—through our Ambassador Stevenson at the United Nations—to seek to establish the United Nations on a sound financial basis and ultimately helps in the establishment of "negotiable" differences between nations by peaceful means, not war.

It is an honor and privilege to serve you as your Representative in Congress. I want you to know that personal attention is given to any and all problems sent to me. If I can be of assistance to you at any time on the Federal level, please do not hesitate to write to me at my Washington office.

Report to the People

EXTENSION OF REMARKS

OF

HON. GEORGE M. RHODES

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 24, 1964

Mr. RHODES of Pennsylvania. Mr. Speaker, as the residents of my congressional district know, I believe it to be my duty and my trust to exercise independent judgment on the merits of each proposal which comes before the Congress, as well as to publicly report to my constituents at the end of each session. This report on the major accomplishments and shortcomings of the 88th Congress is a reflection of these responsibilities. Each citizen in Pennsylvania's Sixth Congressional District will receive a copy which I hope will be read and studied.

The 88th Congress is one of the longest in our Nation's history. The first session did not end until the night before Christmas last year. This second and final session was not yet adjourned when this report was prepared.

But this 88th Congress has also been described by competent and impartial observers as one of the most constructive in the annals of American history. As President Johnson said, it has enacted more legislation, met more national needs, disposed of more national issues than any other Congress in this century or the last.

SERVED WITH PRESIDENTS

In my 16 years as a Representative I cannot remember any Congress that has been more creative and hardworking than the present one. To me it was a high honor and privilege to serve in this great representative body under President John F. Kennedy and President Lyndon B. Johnson. For this I am deeply grateful to the Sixth District citizens whose confidence and faith in me have made this possible. I have known both Presidents since I was elected to Congress in 1948 as colleagues and as personal friends and as men of great dedication, vision, and ability.

President Kennedy will live throughout history as one of the great men of our time. In the hour of national tragedy when the beloved President Kennedy was assassinated, we were indeed fortunate to have as Vice President a man of stature, experience, and judgment in Lyndon B. Johnson. He was able to pick up the reins of the highest office in the world without faltering and without permitting any loss in national momentum. He has worked toward those great objectives for which President Kennedy laid the groundwork.

DISTRICT VISITS LIMITED

I deeply regret that I did not have the opportunity to appear before more groups of my constituents, particularly in Northumberland and Schuylkill Counties, which I have represented the last

2 years since the merger of Berks, Northumberland and Schuylkill Counties into this big congressional district. The population of our Sixth District is 553,000. It is larger than any of five States of the Union. It is more than half the size of 20 of our States. Nevertheless, this new big district was a challenge to me, particularly because of economic distress in many of the coal region areas of Schuylkill and Northumberland Counties.

It gives me a great deal of satisfaction to note that substantial progress is evident throughout our Sixth Congressional District as a result of the Kennedy-Johnson legislative program and the cooperation I received from Congress and the White House and from local community leaders.

THE RIGHT TO KNOW

Citizens have a right to know about their Congress and the record and the performance of their Representatives. Decisions of the Congress affect every family in our land and determine the course of our Nation in keeping a prosperous and strong economy.

For this reason I consider it my duty and responsibility to make this report to the people I represent in the Sixth Congressional District.

FUNDAMENTAL DIFFERENCES SHOULD BE UNDERSTOOD

It is quite obvious that many persons do not realize how closely their welfare, their opportunities for jobs, for education, health services, old-age and disability pensions, good housing, and a decent livelihood are affected by decisions of the Congress.

It is important to know the fundamental differences between our two great political parties and their conflicting philosophies of government. To better understand the controversy over the antipoverty program, Appalachia, education, social security, redevelopment, taxes, public works, conservation, and other progressive programs, it is essential to know and understand these basic differences. From them sharp conflicts arise on social and economic questions.

Fiscal and economic policies vitally affect the performance of the whole American economy. They affect the price level, the levels of production and employment, the rate of economic growth, and the standard of living.

They affect the degree of economic opportunity afforded to the small as well as the large, the weak as well as the strong. They affect not only the degree of economic stability and progress, but also the degree of economic justice or injustice.

CONFLICT OF ECONOMIC PHILOSOPHIES

Democratic Senator RUSSELL LONG put it in plain language in a Senate speech when he pointed to the cleavage between the Republican and Democratic Parties. Senator LONG said:

> It reflects a difference of fundamental economic philosophy—a difference which has persisted throughout our history as a Nation, and particularly during the current century.
>
> The difference is between those who believe in an economy of scarcity and those who believe in an economy of abundance; between those who feel that we must stand still, have occasional recessions or depressions, and those who feel that we have the brains and the tools to move forward without substantial interruption. It is a difference between those who feel that social injustice is the price we must pay for economic progress and those who feel that social justice and economic progress are one and inseparable.

Never before in our history were these differences more sharp and clear than in this presidential and congressional election year.

Regardless of election campaign oratory, the decision at the polls in State and National legislative contests this year will determine which one of these two courses the Nation will follow to meet the challenge and problems of our time.

RECORDBREAKING CONGRESS

Mr. Speaker, President Johnson has called this Congress one of the most productive in recent history. The record speaks for itself. Encouraged by congressional economic legislation, the Nation is currently enjoying the longest peacetime expansion in its history.

Our gains and prosperity are evident by any index—personal income, employment, corporation profits, industrial expansion and production, or gross national product. And while promoting the general well-being, Congress has also moved to improve the lot of the poverty-stricken minority of invisible Americans. We have made a strong effort toward erasing the paradox of want in the midst of plenty.

PRESIDENT KENNEDY REVERSES TREND

When President Kennedy took office in January of 1961, the Nation was in the midst of its third recession in 7 years. To fight unemployment and get the economy moving again, President Kennedy stepped up the release of funds for Federal procurement, for highway construction, and other public works. He called for the enactment of a bold antirecession program.

Congress supported President Kennedy in enacting legislation such as public works, manpower training, educational aid, and development programs designed to stimulate the economy and help the unemployed find jobs.

PRESIDENT JOHNSON CARRIES ON

During the 1st session of the 88th Congress the Kennedy programs were expanded and refined. In the second session, under President Johnson, tax cut legislation was enacted to further encourage growth and increased job opportunities. It had my support.

The Revenue Act of 1964 provided the biggest tax cut in our Nation's history—$11.5 billion in individual and corporate incomes. Designed to bring our economy to its fullest potential, the largest share of the individual tax cut is going to families with incomes of $10,000 or less—and this group accounts for 85 percent of all taxpayers—an additional $2.2 million per month has gone to residents of the three counties of the sixth district as a result of the tax cut bill. Business gains have resulted from the $2.5 billion investment incentive for modernization and expansion, the corporate tax cut of more than $2 billion, and the release of millions of dollars into the spending stream.

WAR ON POVERTY

Also passed was the historic Economic Opportunity Act, or war on poverty program, designed to open the door of opportunity a little wider for more of our people.

Both President Kennedy and President Johnson have put strong emphasis on the need for a balanced economy. Both recognized the real waste in our Nation, a waste which results from mass unemployment and lost productivity. This loss in real wealth runs into untold billions of dollars. The drive for legislation to help our Nation's youth reflects the concern of the President about loss of talent and brainpower due to our failure to meet growing educational needs.

While great progress has been made in meeting public and human needs, there is deep concern about the many citizens who are not sharing in the progress and prosperity that most of our citizens have enjoyed. The President's program for Appalachia, his war on poverty, his desire to improve social security, and his efforts for improved educational and job opportunities are all part of his program to keep our Nation strong and forever moving forward.

The poverty program focuses attention on the needs of the 35 million Americans who live beneath the poverty line. It sets up educational, vocational, and work programs for young people, provides technical aid and grants for community projects, provides aid for the rural poor and migratory laborers, and allows concerned citizens to join a Domestic Peace Corps and serve as teachers and advisers.

THE "EDUCATION" CONGRESS

Without progress in education, there will be no progress in society. A free nation can rise no higher than the standards of excellence set in its schools and colleges. Yet the demand for qualified teachers, adequate school facilities, and proper finances so outweighs their actual supply that the United States suffers from an education gap at all levels of instruction. And the gap is growing larger.

John F. Kennedy sent Congress a special message on education in late January 1963, requesting us to "keep an eye on the whole system" of education so that all Americans might "develop their talents to the utmost." The 88th Congress responded so emphatically to his request that it was called the education Congress. Here are a few projected results of education legislation passed by this Congress.

COLLEGE EDUCATION

The College Facilities Construction Act, called the brick and mortar act, encouraged construction of college classrooms, new junior colleges, and new graduate schools to accommodate 7 million young people entering colleges in the next 7 years. Amendments to the National Defense Education Act will extend a program of loans for college education to between 70,000 and 90,000 new students; 600,000 students have already received loans under this act.

All this legislation had my support.

VOCATIONAL EDUCATION

This Congress passed three bills—including key sections of the poverty bill—to improve work-study and work-training programs of vocational education. For the first time the Federal Government will cooperate with the States to finance experimental programs of vocational education and construction of new vocational education facilities.

PROGRESS ON MENTAL HEALTH

In response to President Kennedy's plea for a bold new approach to attack mental illness and retardation, Congress, for the first time, acted on a program to meet our largest health problem. The Mental Health Act of 1963 provides grants for the construction of community mental health centers, emphasizing care and treatment in patients' home communities. It also authorizes a broad program to prevent and treat mental retardation by providing States and communities with needed research, manpower development, and facilities for health education, rehabilitation, and vocational services.

As ranking member of the House Subcommittee on Health and Safety and as a member of the joint Senate-House conference committee which approved this important mental health legislation, I was invited by President Kennedy to the White House to take part in ceremonies when the bill was signed. President Kennedy noted that the act "was one of the most important pieces of legislation passed by the 88th Congress."

My House subcommittee also helped steer the Health Professions Educational Assistance Act of 1963 through the Congress. It was a 3-year program for construction or rehabilitation of medical, dental and related professional schools, including colleges of podiatry, and a 6-year program of loans for students of medicine, dentistry, and osteopathy.

The effect of these programs will be more fully realized when they are completed and in full operation.

Due to my efforts for this legislation, the American Foot Health Foundation presented me with their 1964 Foot Health Award.

In the previous Congress I also received the Award of Merit from the Association of Schools of Public Health for helping to improve public health personnel training through sponsorship of the Hill-Rhodes Act of 1958, authorizing Federal grants for the training of needed professional public health personnel. My legislation was a forerunner of the historymaking Health Professions Education Assistance Act and the Nurses Training Act of 1964, both of which will help combat the shortages of needed medical and health professionals in our growing country.

Two other awards were presented to me for my efforts on health legislation. One was presented by Dr. Ernest L. Stebbins of Johns Hopkins University representing the Association of Schools of Public Health. The other was a presentation by the Indoor Sports Club, a national organization of handicapped citizens.

LIBRARY SERVICES

Education should not stop in the classroom—it should be fostered for all a citizen's life. This year Congress authorized $20 million in matching grants to the States for public library construction, and $25 million for development of other library services.

I voted for this legislation.

HOUSING LEGISLATION

The Housing Act of 1964 which I supported authorized $1.2 billion for urban renewal, for 45,000 new public housing units, for loans for housing for the elderly, for farm housing, and for other programs. This was supplemented by extensions of a rental housing program for the elderly in rural areas and by a program to construct 19,800 housing units units on military bases. My proposal for presubsidence payments for homes damaged by mine cave-ins was included in this legislation.

CONSERVATION

This Congress with my support approved a national wilderness preservation system, permanently preserving 9.1 million acres of federally owned lands in their primeval, untrammeled state. The lands finally included in the system will be a paradise for sportsmen and for campers who really want to "rough it" in the splendor of untouched nature. Over the next 10 years the Secretaries of the Interior and Agriculture are to make recommendations concerning possible inclusion in the system of nearly 52 million more acres of Government land now classified as "primitive" national forests, national park areas, seashores and game ranges or refuges.

Also enacted into law with my support was the important land and water conservation fund of 1964 to assist the States in providing adequate outdoor recreational facilities to meet growing public needs. This legislation will be especially helpful in the Sixth District where new highways and development of natural resources to attract tourists will further stimulate economic growth and employment.

VETERANS

Veterans of World Wars I and II and the Korean conflict and their widows and children were not forgotten by this Congress. H.R. 1927, which had my full support, increased veterans pensions by excluding certain types of income in determining pension benefits. These exclusions amount to 10 percent of payments to an individual under any public or private retirement annuity. Cash benefits accruing to veterans under this bill alone are estimated at more than $330 million during the next 5 years.

H.R. 1927 was a fitting climax to other veterans' legislation passed by the 88th Congress. Other legislation: Increased payments to parents, widows, and children of veterans who died of service-connected disabilities; permitted the Veterans' Administration to waive recovery on defaulted home loans in certain hardship cases; provided educational assistance to children of veterans with total and permanent service-connected disability; extended disability income provisions of national service life insurance policies through age 65 under certain conditions, and authorized a 5-year $25 million program of matching aid to States for nursing facilities in State veterans' homes.

Legislation which I and several other Members introduced for a World War I pension was put over to the next Congress.

CIVIL RIGHTS

Congress enacted into law the first meaningful civil rights legislation in 100 years. It took a much-needed step toward guaranteeing to a minority of Americans the protection of the Constitution which the majority of our citizens have long enjoyed. It gave to all Americans what Pennsylvania had already legislated for every resident within its borders.

Ignoring the issue or failing to take positive national action on civil rights would only delay the inevitable and necessary, and intensify the hazards of change. An overwhelming majority in Congress voted to enact the legislation.

The bill does not in any manner establish so-called quotas whereby Negroes must be hired to replace Caucasians, nor does it affect the seniority rights of union or nonunion workers.

The provisions of the Civil Rights Act are morally right, intellectually sound, legally correct, and socially necessary.

SOCIAL SECURITY AMENDMENTS

Both Houses have approved an increase in social security benefits as well as a broadening of eligibility requirements for the program. The increase is expected to be $7 a month. The Senate version of the social security bill includes a modified hospitalization program financed through social security.

The passage of a social security bill has been delayed by the dispute over the inclusion of medicare. Those of us who support an expanded social security program seek enactment of the bill before adjournment. As this is written the final decision has not been made.

I strongly support social security and efforts to improve the program. In a Nation that worries about its surpluses, automation, and increasing production, retired elderly citizens should have the opportunity to live out their twilight years without the fear of crippling ill health, poverty, and neglect.

In a House speech during the social security debate, I pointed to the need of coverage for all citizens over age 65 including those who did not have the opportunity to receive coverage during their working life. I urged that benefits be paid on retirement at age 60 to both men and women. I also proposed a ceiling on individual social security taxes which now put a heavy burden on lower income workers and called for a partial financing from the General Treasury to meet future needs.

Social security became an issue at the GOP convention in San Francisco. Extremist elements now influential in the Republican Party have opposed what they call compulsory social security. The John Birch Society and other extremist groups would repeal it. At their national convention in Minneapolis, Young Republicans also opposed compulsory social security.

New York Governor Rockefeller opposed these GOP extremists by pointing out that the social security program would be killed if the compulsory provision should be repealed.

From its beginning social security has been a controversial issue as it is sure to be in this presidential election year.

FOREIGN POLICY

A nuclear test ban treaty limiting tests of nuclear weapons in the atmosphere was finally signed after 17 years of fruitless negotiations with the Soviets by Democratic and Republican administrations alike. This treaty in no way weakened our defenses or compromised our position on the many substantive issues. It was an explicit recognition of the restraint and responsibility that all governments must exercise in the nuclear age.

Similarly, unprovoked Communist attacks on our ships in the Gulf of Tonkin resulted in the adoption of a joint resolution of Congress reasserting our determination to maintain international peace and security in southeast Asia, and our resolve to support the President's efforts to prevent further acts of aggression.

NATIONAL SECURITY

Sixty percent of all money spent by this Congress went for a purpose to which all Americans would subscribe—maintaining the strongest Defense Establishment in the world. This sum is eight times more than the total financing of all health, education, labor, and welfare programs, the second largest category of Federal spending which accounts for only 7.6 percent of the national budget.

Still, under the responsible and effective leadership of Secretary McNamara, economy has been a guidepost in defense spending. Last fiscal year alone more than $2.5 billion was saved through prudent budget management, and this without in any way impairing our Nation's superior defense posture. On the contrary, our military might today is greater than at any time in history.

The result of our space effort was dramatically pointed out with the recent successful Ranger moonshot, an historic achievement which muted the cries of those skeptics who describe all space ventures as "moondoggling."

KEFAUVER AND WALTER

In addition to President John F. Kennedy, death claimed two other outstanding and prominent Americans during the 88th Congress. They were Senator Estes Kefauver, of Tennessee, and Congressman Francis Walter, of Pennsylvania. Both of these men were very dear friends of mine. Walter was dean of the Pennsylvania congressional delegation. Kefauver was best known as a fighter against corruption and crime.

I was closely associated with Senator Kefauver when I served as chairman of a House Subcommittee on Morals and Ethics. President Kennedy declared that Kefauver's devotion to the public interest and welfare of the people made him a powerful influence—and his death deprived the Nation of one of its greatest leaders.

Indeed, death has deprived our country of three of its greatest leaders.

FARM LEGISLATION

The 88th Congress enacted two major pieces of farm legislation. In 1963 it voted to extend the feed grain program authorizing payments to producers who voluntarily reduce their feed grain acreage. The controversial Wheat-Cotton Act, which I opposed, became law in 1964.

Legislation to extend important farm programs under the Agricultural Research Service, the Soil Conservation Service, the Agricultural Marketing Service, the Agricultural Stabilization and Conservation Service, the Commodity Credit Corporation, and the Farmers Home Administration was also approved with my support. Under these programs over $2 million in necessary Federal assistance has aided Sixth District farm families.

DEMOCRATIC WHIP

In this Congress I again served as assistant House whip and floor leader of the Pennsylvania Democratic delegation. As a party whip, I worked with House and Senate leaders, with President Kennedy and later with President Johnson, in seeking enactment of their progressive programs.

My attendance record was again one of the highest in Congress.

COMMITTEE ASSIGNMENTS

During the first session of the 88th Congress I served as a member of the Interstate and Foreign Commerce Committee and the House Administration Committee and several subcommittees.

In the second session of the 88th Congress I was elected to the important House Ways and Means Committee headed by Chairman WILBUR MILLS.

COPTER TRIP WITH PRESIDENT

Two weeks ago I was honored by President Johnson with an invitation to fly with him and his wife, Lady Bird, in the presidential helicopter from the White House lawn to Harrisburg. It was a thrilling experience which gave me the opportunity to thank the President for his personal interest and help to our district. Two years before, I received a similar invitation from President Kennedy but unfortunately was held in Washington by a night session of Congress.

DISTRICT OFFICES

District offices have been opened in each of the three counties of the Sixth Congressional District in order to better serve constituents. They are located in Sunbury, Pottsville, and Reading.

Hundreds of students and club groups come to Washington to visit their Nation's Capital and to tour its historic sights. It has been my policy to welcome and meet them and to help make their visit an interesting and educational experience.

The many individual citizens who have visited my district and Washington offices were welcomed and afforded all possible cooperation and help.

BALLOT FRAUDS

Many Northumberland County citizens have written to me to request the Justice Department to oversee the balloting in Northumberland County this year. Deep concern has been expressed that no final decision has been made in regard to the contested election in last year's county commissioners' contest. Protests pertain to the handling of absentee ballots peddled in county hospitals and institutions and charges of violations of the election law.

Disappointment has been expressed over failure of the State attorney general to investigate voting fraud charges and take necessary steps to protect the balloting in Northumberland this year.

I discussed this matter with U.S. Attorney General Robert Kennedy before his resignation. Although the Federal Government does not have jurisdiction in a local election contest, the Justice Department will be prepared to act against any violation that may occur in Northumberland this year because it will be a Federal election.

The right of the people to a free election choice is one of our Nation's sacred principles. To protect this right, the people of Northumberland County can be of help by promptly reporting any evidence of fraud or dishonesty in this important election year.

PROGRESS IN THE SIXTH DISTRICT

Substantial economic progress is evident throughout our Sixth Congressional District as a result of the Kennedy-Johnson legislative program.

Unemployment in Northumberland and Schuylkill Counties has declined to less than half its 1960 level. It has dropped from 15 percent to less than 7½ percent. In Berks County it has dropped to below 5 percent.

The increase in jobs was made possible by the impact of the administration's antirecession program and the cooperative effort of local community leaders and public officials in taking advantage of the Federal aid programs.

In the past 2 years approximately $30 million has come into our district in Federal assistance for public works, sanitation, housing, area redevelopment, small business, highway, recreational, farm aid and water projects. It was my pleasure to have voted for legislation making these projects possible, and to have given my full cooperation to local officials applying for needed Federal assistance.

HIGHWAYS

In the last 2 years $2.5 million came to our district in highway assistance. The Keystone Shortway and the Anthracite Expressway are outstanding examples of the Federal Government's role in helping to meet State and local needs. Under Governor George M. Leader both projects were first initiated and planned with Federal cooperation—90 percent of the cost was supplied by the Federal Government.

The completed highway projects will make the Sixth District, and especially the coal regions, more accessible to tourism and industry and have given a major boost to economic development and employment in our district.

URBAN RENEWAL AND HOUSING

Ten million dollars has been provided for housing and urban renewal in Reading and Pottsville and for urban renewal projects in other district communities.

Pottsville has made remarkable progress in the last few years and is moving forward with urban renewal and redevelopment projects, industrial redevelopment, and other programs to provide improved public facilities to meet public needs and to provide needed job opportunities.

The elderly housing projects going up in Pottsville are a credit to the community, reflecting intelligent and enlightened leadership of public officials and community leaders.

In Reading the third elderly housing project is being constructed. Reading was the first city in the Nation to have an elderly housing project. I was glad to play a role in making this possible. Other cities in our district should explore the possibility of an elderly housing project. My office will give all possible support to such efforts.

COALDALE MINE CAVE-IN PROBLEM

Owners of properties damaged by mine cave-ins will receive pre-subsidence value for their homes as a result of legislation which I introduced and helped pass. This was good news for families vacated from the area where the renewal project is located.

PUBLIC WORKS IN SIXTH DISTRICT

Sewage, drainage, water system and other public works construction projects were granted over $6 million by Federal agencies during the 88th Congress. These funds, to which local communities and businesses contributed percentage shares, not only helped build needed public facilities and provided funds for business expansion, but created an estimated 5,000 man-months of employment in the Sixth District.

Public works and sewer and water construction grants were made to communities throughout the Sixth District including Cumru, Fleetwood, Spring Township and Sinking Spring in Berks County; Pottsville, Cressona, Coaldale and Tamaqua in Schuylkill County, and Milton, Sunbury and Watsontown in Northumberland County.

Public works planning advances, amounting to over $600,000 were approved to help plan sanitation, hospital, parks and educational facilities in communities in each of our three counties.

Several Sixth District industrial development corporations were given loans totaling almost $600,000. Included among these were loans to the Mount Carmel District Industrial Foundation for expansion of the Arcwire Corp., to the Shamokin Area Development Corp. for construction of a railroad siding; and to the Greater Tamaqua Industrial Development Enterprises for construction of sewer lines and an access road to Tidewater Industrial Park.

WATER, FISH AND WILDLIFE

Over $550,000 was provided by the Federal Government for ground water and surface water research, fish and wildlife restoration aid, and for mine safety in the sixth district.

A $100,000 appropriation was approved to begin preliminary planning and engineering work on the proposed Blue Marsh Dam in Berks County; $1 million was appropriated with my assistance to begin construction of the Blanchard Dam and Reservoir on Bald Eagle Creek.

SMALL BUSINESS LOANS

Also important to the quickened pace of economic progress in the sixth district was the almost $2.5 million in U.S. Small Business Administration loans granted to firms in each of the three counties. Most of these loans were for construction, purchase of equipment or machinery or for purchases of inventory, and thus helped stimulate the entire economy and created additional jobs.

SOCIAL SECURITY AIDS SIXTH DISTRICT

Every month almost $5 million in social security benefits comes into the sixth district counties of Berks, Northumberland, and Schuylkill for the aged, disabled, widows and dependents. Over 70,000 sixth district residents receive these benefits.

Besides helping aged and disabled citizens and their families, it is an important business stimulant.

BILLS INTRODUCED

In this Congress, as in the past, I have introduced legislation in the House of Representatives which I believe to be in the public interest. As in previous Congresses, some of my proposals were enacted into law. Some were passed in amended form, or as part of an omnibus bill.

These are some of the bills I introduced in this Congress. They would:

Raise income tax exemptions from $600 to $800;

Provide further opportunity to State and local employees, including schoolteachers, to elect coverage under social security;

Allow social security benefits to both men and women at age 60;

Grant deduction for income tax purposes to handicapped persons for transportation expenses;

Increase to $1,800 the annual amount individuals are permitted to earn while receiving social security benefits;

Allow pre-subsidence value for homes damaged by cave-ins when acquired for urban renewal;

Authorize Commerce Committee to conduct an investigation and ascertain need for improvements in passenger train service;

Provide a pension for World War I veterans;

Provide for Federal assistance for the construction and expansion for community junior colleges;

Increase minimum monthly social security benefits.

PART OF NATIONAL PROSPERITY

Local projects have contributed to community progress and are an example of administration programs responsible for the history-making 44 months of our Nation's economic growth and prosperity.

Opponents of President Johnson in the Congress, and particularly extremist elements throughout the Nation, have opposed Federal assistance programs which have helped our district and the Nation. They have charged that the Federal Government is too big and strong, that our freedom is being lost and that initiative is being destroyed.

The truth is, President Johnson has said, that far from crushing the individual; Government at its best liberates him from the enslaving forces of his environment.

Does the Government subvert our freedom through the social security system, which guards our people against destitution when they are too old to work? Does Government undermine our freedom by bringing electricity to the farm, by controlling floods, or by ending bank failures? Is freedom lessened by efforts to abate pollution in our streams or by efforts to gain knowledge of the causes and cure of crippling and killing disease?

Is freedom really diminished by banning the sale of harmful drugs, by providing school lunches for our children, by preserving our wilderness areas, or by improving the safety of our airways? Is freedom betrayed when in 1964 we redeem the pledge made a century ago by the Emancipation Proclamation? Those of us who support President Johnson say emphatically, "No."

In President Johnson's words these programs "are the goals of a compassionate government which keeps faith with the trust of its fathers and cherishes the future of its children. Through compassion for the plight of one individual, Government fulfills its purpose as the servant of all the people."

These words of President Johnson are the answer to his critics, particularly extremist elements which have opposed the programs I have mentioned.

Basically the future of our free society hinges upon whether or not we as a free people can work out rational and responsible policies to deal with these central questions: How do we keep America fully employed, how do we harness the increasing abundance that is now within our grasp and relate that abundance to the unmet needs in education, housing, medical care, highway development, resource development, and many other things that make up the long list of unfinished work on the agenda of America's democracy?

The best answer to these questions, I believe, is continuation of the Kennedy-Johnson program for social and economic progress.

SENATE

FRIDAY, SEPTEMBER 25, 1964

The Senate met at 11 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, who looketh not upon outward things, but upon the kingdom of the inner life, where are the supreme issues of destiny: In this age of automatic devices, of clever gadgets, of ingenious machines, save us, we pray, from regarding the boastful display of these symbols of physical might as expressing the chief achievements of a nation—ours or any other. Let us, rather, set up to a watching world an exhibition of honor untarnished, of vows sacredly kept, of human dignity everywhere defended, of freedom unfettered, and of spiritual verities lifted above self-centered materialism devoted to surpassing others in a race for domination.

May this land of our hope and prayer reveal to an agitated world the splendor of a peace which comes of purity and of a strength to simple justice due.

We ask it in the name of the One whose life is the light of men. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, September 23, 1964, and Thursday, September 24, 1964, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

REPORT ON WEAKNESSES IN THE ADMINISTRATION OF THE TIMBER DISPOSAL PROGRAM AND IN OTHER SELECTED ACTIVITIES

The PRESIDENT pro tempore laid before the Senate a letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on weaknesses in the administration of the timber disposal program and in other selected activities, National Park Service, Department of the Interior, dated September 1964, which, with the accompanying report, was referred to the Committee on Government Operations.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. WALTERS in the chair). The Chair, for the President pro tempore, wishes to announce the appointment of the Senator from Alabama [Mr. SPARKMAN] as chairman of the delegation to the British Commonwealth Parliamentary Conference, to be held in Jamaica November 15–22, 1964, to which he was appointed on September 15.

REPORTS OF A COMMITTEE

Te following reports of a committee were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 8050. An act to amend the Internal Revenue Code of 1954 to provide tax-exempt status for nonprofit nurses' professional registries operated by nurses' professional associations (Rept. No. 1602); and

H.R. 12253. An act to correct certain errors in the Tariff Schedules of the United States (Rept. No. 1601).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING:

S. 3221. A bill for the relief of Raimundo de la Torre; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 3222. A bill to amend section 379d(b) of the Agricultural Adjustment Act of 1938, as amended, in order to exempt from the requirements of such section wheat which is produced or processed solely for donation to needy persons; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. BENNETT when he introduced the above bill, which appear under a separate heading.)

By Mr. MANSFIELD (for Mr. KENNEDY):

S. 3223. A bill for the relief of Luis Aguiar Duarte; to the Committee on the Judiciary.

By Mr. KEATING:

S.J. Res. 207. Joint resolution authorizing the Italian American War Veterans of the United States, Inc., to erect a memorial in the District of Columbia or its environs; to the Committee on Public Works.

CONCURRENT RESOLUTION

WORLD'S FAIR IN CHICAGO IN 1976 TO COMMEMORATE THE 200TH ANNIVERSARY OF THE INDEPENDENCE OF THE UNITED STATES

Mr. DIRKSEN. Mr. President, a committee has been established in Chicago known as the Committee of '76. The committee is working in anticipation of a world's fair that will mark the 200th anniversary of our independence.

A concurrent resolution has been prepared to seek encouragement in the House and the Senate in behalf of this project. I submit this concurrent resolution on behalf of my distinguished colleague the senior Senator from Illinois [Mr. DOUGLAS], and myself.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 100) was referred to the Committee on the Judiciary, as follows:

Whereas the United States of America will commemorate the 200th anniversary of its independence in the year 1976; and

Whereas it is appropriate that there be held a world's fair in the United States of America dedicated to the memory of the historic events that culminated in the signing of the Declaration of Independence in the year 1776; and

Whereas the President of the United States has declared that there will be held a gigantic world's fair in the United States in the year 1976 to celebrate the two centuries of independence of this Nation; and

Whereas the first city in the United States to commence planning for a gigantic world's fair to be held in the year 1976 to commemorate the 200th anniversary of the independence of this Nation was the city of Chicago where such planning was commenced in the year 1954 through a group of public spirited citizens residing in the State of Illinois and which group constituted the Committee of '76; and

Whereas the city of Chicago, located in the geographic heart of the United States, is the proper place to observe and celebrate this epic and historic event, since the transportation facilities, the housing facilities, and restaurant accommodations of the city of Chicago are unsurpassed anywhere in the world and since the city of Chicago has a record of sponsoring successful world's fairs, such as the Columbian Exposition in 1893 and the Century of Progress in 1933; and since by 1976 the city of Chicago will not have sponsored a world's fair for more than 40 years; and

Whereas the citizens of the city of Chicago, the mayor of the city of Chicago, the president of the Board of Commissioners of Cook County, and the Governor of the State of Illinois, and the Legislature of the State of Illinois have gone on record encouraging and promoting the holding of a world's fair in Chicago in the year 1976, and responsible and important planning has already taken place toward the objective of holding such a world's fair in Chicago in 1976: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the two Houses view with great favor and encouragement the activities of the Chicago citizens of the Committee of '76 in their efforts to plan a world's fair in Chicago in the year 1976 to commemorate the 200th anniversary of the independence of the United States of America.

AMENDMENT OF SECTION 379(b) OF AGRICULTURAL ADJUSTMENT ACT OF 1938, RELATING TO THE EXEMPTION OF CERTAIN WHEAT

Mr. BENNETT. Mr. President, I introduce, for appropriate reference, a bill to amend the Agricultural Adjustment Act of 1938 as amended by the Agricultural Act of 1964.

The purpose of this bill is to avoid unintended hardship which resulted from the certificate requirements of the 1964 bill making it necessary to purchase milling certificates on all wheat which is milled for human consumption.

The authors of the 1964 act may not have been aware that there is a charitable welfare program operated by the Church of Jesus Christ of Latter-day Saints—Mormon—which provides food and other necessities without cost to those in need.

I feel sure that the requirement to purchase milling certificates was not meant to disrupt such charitable programs in their activities of providing for those in need of food, nor was it meant to stifle such programs by imposing a tax on them.

I have requested that this oversight be corrected by the Secretary of Agriculture through administrative regulation but I am introducing the bill in the event that legislative action is necessary.

THE LATTER-DAY SAINTS CHURCH WELFARE PROGRAM

The Church of Jesus Christ of Latter-day Saints—LDS—has been operating a program for the assistance of needy persons since the early 1930's. The program is officially called the church welfare program and operates under the direction of general church officials throughout all areas of the world in which there are members of the church.

The church has been able, on numerous occasions, to provide relief for both members and nonmembers of the organization. This has been possible through the program of producing and having in storage supplies which can be dispensed immediately. Assistance has been given to persons in disaster areas, not only in the United States, but also in Europe and South America.

Aside from the more spectacular assistance provided in times of disaster, the program is set up to provide continually for members of the church who are for some reason unable to provide for themselves.

The church welfare program encompasses all of the subdivisions of the church. Typically, each stake—a stake is an administrative unit of the Latter-day Saints Church made up of an area containing several wards—a ward is comparable to a parish in other religious denominations—has some type of project which contributes to the overall welfare program. Some of the projects are agricultural. Others are nonagricultural. Agricultural projects produce items as varied as wheat, milk, eggs, meat, fruits, and vegetables, sugarbeets, peanuts, cotton, and wool. Nonagricultural projects process raw materials from the other projects and thus produce canned goods, clothing, leather, and shoes among many other items.

Individual projects as well as the overall church welfare program are nonprofit. Monetary needs to establish and operate projects are provided through contributions by members of the church. Labor and technical needs are provided primarily by church members without compensation and the produce is sent to processing centers and then to regional centers for distribution.

Distribution is made only on the recommendation of a ward bishop and no monetary exchange is involved. Although food and clothing are provided to needy persons without a charge of any kind, the program is not a dole and those who are able to work or become able to provide for themselves are expected to contribute to the program so that others may receive assistance.

WHEAT PRODUCTS ARE AN IMPORTANT PART OF THE WELFARE PROGRAM

Wheat and food products made from wheat are an important part of the welfare program because of their prominence in most diets. There are stake farms throughout the Intermountain West and in Canada which produce wheat. Table 1 shows the type, amount, and source of wheat production assignments for the current year, 1964.

Wheat from these farms is shipped to a processing plant at Kaysville, Utah, designated as the Deseret Mills & Elevators. These mills are owned by the Cooperative Security Corp., which is the legal entity of the welfare plan of the Latter-day Saints Church. At the Deseret Mills, wheat is processed into food products in the form of flour, cracked wheat, and germade cereals. Animal feeds are also milled in this facility. The Kaysville mill is the only processing plant in the church welfare program that processes wheat into food products.

I ask unanimous consent that table 1 to which I have just referred be printed at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—*Production assignments of wheat of the Latter-day Saints Church welfare program, 1964*

Area	Hard wheat	Soft wheat
Bear Lake region	435,190	
Bannock stake	49,200	
Bear Lake stake	86,000	
Idaho stake	109,000	
Montpelier stake	191,400	
Canadian region	334,720	
Alberta stake	95,004	
Calgary stake	153,666	
Lethbridge stake	45,684	
Taber stake	12,848	
Taylor stake	27,518	
Granite region	400,000	
Granite Park stake	240,000	
South Salt Lake stake	160,000	
Green River region: San Juan stake	85,000	
Idaho Falls region		400,000
East Idaho Falls stake		63,441
Idaho Falls stake		40,797
Lost River stake		39,111
North Idaho Falls stake		122,744
Salmon stake		42,239
Shelley stake		91,669
Juab-Sanpete region	369,655	
Juab stake	98,700	
Millard stake	69,000	
Deseret stake	119,150	
Nevada stake	82,805	
Mount Timpanogos region	162,968	50,000
Lehi stake	162,968	
Orem stake		20,000
Timpanogos stake		30,000
Northern Utah region	643,000	
Bear River stake	155,487	
Brigham City stake	135,086	
Malad stake	141,541	
North Box Elder stake	3,756	
South Bear River stake	207,160	

TABLE 1.—*Production assignments of wheat of the Latter-day Saints Church welfare program, 1964*—Continued

Area	Hard wheat	Soft wheat
Oquirrh region	215,000	250,000
Oquirrh stake	215,000	35,000
Grantsville stake		100,000
Kearns stake		40,000
North Jordan stake		75,000
Pocatello region	268,000	300,000
American Falls stake	13,271	115,673
East Pocatello stake	157,089	
Pocatello stake		92,164
Portneuf stake	97,640	
West Pocatello stake		92,164
Rexburg region	600,000	143,750
East Rigby stake	170,000	
Rigby stake		43,750
Rexburg stake	230,000	
North Rexburg stake	32,550	
Teton stake	167,450	
Yellowstone stake		100,000

CHURCH WHEAT DOES NOT ENTER COMMERCIAL CHANNELS

Mr. BENNETT. Mr. President, there is no monetary exchange between producers of wheat and the milling operation. Since producers do not sell their wheat to the processor it is not necessary to put a monetary value on it.

All wheat processed by the Deseret Mills, both for food and animal feeds, is produced on church-owned farms, except in rare cases when weather conditions make it impossible to meet the needs of the program from these farms. Distribution of the flour and cereal products is made to the various regional centers referred to previously for use exclusively in the church welfare program. Animal feeds produced by the mill are also used by church projects and are not sold commercially.

Table 2 indicates wheat and wheat products produced and food products distributed by the program during the last 5 years. As would be expected, distribution of products varies from year to year depending on the demand. Average annual distribution is between 1 and 1½ million pounds.

I ask unanimous consent that table 2 be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 2.—*Production and distribution of wheat and wheat products of the Latter-day Saints Church welfare program, 1959–63*

[In pounds]

Product	1959	1960	1961	1962	1963
Total production:					
Flour and cereal	1,463,250	1,321,600	1,447,809	1,312,026	1,179,709
Wheat	1,880,495	2,039,014	1,935,725	2,617,419	3,011,133
Total distribution for human consumption:					
Cracked wheat		101,840	98,025	131,892	101,288
Germade		40,550	39,290	33,096	27,096
Whole wheat flour		131,882	119,714	76,470	73,642
White flour (including pancake and waffle flour)		1,224,979	1,118,049	1,021,239	967,300
	[1] 1,721,721				
Total	1,721,721	1,499,251	1,375,078	1,262,697	1,169,326

[1] Bread, flour, and cereals.

AGRICULTURAL ACT OF 1964 PLACES A BURDEN ON THE CHURCH PROGRAM

Mr. BENNETT. Mr. President, on April 11, 1964, the Agricultural Act of 1964 provided that, with certain exceptions, certificates be purchased for all wheat milled for human consumption in the United States. The value and price of wheat certificates was set at $0.70 a bushel for 1964.

Purchase of these $0.70 certificates by the Deseret Mills would place a burden of approximately $18,400 on the charitable food program of the church, based on 1963 wheat distribution. Table 3 shows a computation of this figure. Although this amount may not seem to be unduly large, it is very significant in a program which is dependent on voluntary contributions and labor.

I ask unanimous consent that table 3 be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 3.—*Cost or burden placed on the Latter-day Saints Church welfare program by the certificate plan* (*based on 1963 production*)

Item	Distribution (pounds)	Equivalent pounds of wheat
Cracked wheat	101,228	101,228
Germade	27,096	27,096
Whole wheat flour	73,642	[1,2] 75,115
White flour (including pancake and waffle flour)	967,300	[2,3] 1,373,566
Total	1,169,266	1,577,005
Bushels of wheat used for food products, at 60 pounds per bushel		26,283
Certificate cost based on 1963 production		$18,398.10

[1] At 1.02.

[2] Wheat required per bushel to produce these products was reported on form CCC-146 and is attached to this statement.

[3] At 1.42.

THE ACT WAS NEVER INTENDED TO APPLY TO SUCH PROGRAMS

Mr. BENNETT. Mr. President, I am sure that the wheat certificate program was never intended to apply to operations such as that of the church welfare program.

The purpose of the 1964 wheat program is stated as the maintenance of the income of wheat producers in such a way as not to increase the price of wheat to flour millers.

President Kennedy in his message to agriculture said:

> Changes in the wheat program are urgently needed to check a drastic decline in producer income from the 1964 crop. In the absence of additional legislation it is estimated that wheat producers will receive between $500 and $700 million less in 1964 than they did in 1963.
>
> I recommend that the existing law be amended to permit producers to participate in a certificate program on a voluntary basis. The law should be designed to (1) raise the income of wheatgrowers substantially above what it would be in the absence of new legislation; (2) avoid increases in budgetary costs; (3) maintain the price of wheat at a level which will not increase the price of bread to the consumer; and (4) enable the United States to discharge its responsibilities and realize the benefits of the International Wheat Agreement.

The report of the Senate Committee on Agriculture and Forestry on the bill which was later accepted by the Senate and House stated that it "is in line with the President's message to agriculture" and added:

> Wheat for domestic food use, however, would be priced at about $2 including the value of the certificate. This is the level it has been moving at in recent years and the bill would not result in any increase in the price of wheat to flour millers and therefore by itself have no effect whatsoever on the price presently paid for bread by consumers.

The two items that stand out in the recommendation by the President and the Senate report are:

First. A program that would maintain wheat producers' income, and

Second. A program that would not increase the price of wheat to millers or the price of bread to consumers.

Before the requirement to purchase the $0.70 certificate for each bushel of wheat milled for production of food, there was no monetary cost to the Cooperative Security Corp. for the wheat milled for the church welfare program at the Deseret Mills & Elevators. The certificate payment represents a milling tax on wheat processed by the church and adds exactly 70 cents to the cost of each bushel milled. As far as the operation of the church program is concerned, it does not matter whether the price of wheat to the producer is $1.50 a bushel or $2 a bushel, or for that matter 25 cents a bushel. The church program because it is not based on monetary value has no connection with the market price.

Since the major purpose of the wheat legislation is to maintain the price producers receive, it seems clear that the church program is completely outside the purpose of the act, would have an unfair burden if required to purchase certificates, and therefore should not be required to comply with the certificate program.

THE ACT EXCLUDES GOVERNMENT CHARITABLE PROGRAMS

Section 407 of the Agricultural Act of 1949, which remains unchanged by the 1964 amendments, further indicates that charitable operations such as that of the welfare program of the Latter-day Saints Church were not meant to be covered by the act:

> Notwithstanding the foregoing, the Corporation (Commodity Credit Corporation), on such terms and conditions as the Secretary may deem in the public interest, shall make available any farm commodity or product thereof owned or controlled by it for use in relieving distress (1) in any area in the United States declared by the President to be an acute distress area because of unemployment or other economic cause if the President finds that such use will not displace or interfere with normal marketing of agricultural commodities.

Any wheat products distributed by the church welfare program are given to individuals who are in distress because of unemployment or other economic cause. The fact that these persons may live in an area which has not been designated as a distress area does not make them any less worthy of assistance as individuals than those who are living in such areas.

It also seems clear that because church welfare program wheat production and distribution is entirely independent of commercial production and never enters into competition with wheat produced for sale, it could not displace or interfere with normal marketing of agricultural commodities and its exclusion from the price support program would not have an adverse effect on the program.

If the certificate program were to apply to this operation, it certainly flies in the face of the administration's efforts to assist those who are not able, for one reason or another, to participate in the economic well-being which is enjoyed by most of the citizens of this country.

CHURCH HAS COMPLIED FULLY WITH THE LAW

Despite the belief of the church that its charitable program was not meant to be included in the certificate program, all requirements of the 1964 act and the ensuing regulations have been met by the Cooperative Security Corp.

On May 18, of this year, the wheat processor registration and report, form No. CCC-146 was filed and No. 0364-00-87 was assigned as a processor number. The food processor certificate undertaking, form No. CCC-147 was also filed.

Monthly reports have also been made although there have been no payments because during the months of July and August there was no production at the Deseret Mills & Elevators.

PRESENT EXEMPTIONS COULD APPLY TO CHURCH PROGRAM IF SO RULED

It has been suggested that perhaps the exemption given in section 777.6 of the regulations for wheat grown, processed, and used on the same farm could apply to the church welfare program because it is completely self-contained. Actually, however, as pointed out previously, the producing units and the milling operation are not all in the same locality, nor are they all part of one corporation, although all are the property of the church and its ecclesiastical subdivisions.

I have requested the Secretary of Agriculture to exempt such programs administratively but this bill is being introduced to lay the groundwork for legislative action if the Secretary does not solve the problem.

The Church of Jesus Christ of Latter-day Saints is proud of its welfare program which is perhaps the most efficient in existence. It is also proud of its policy to take care of its own people and provide opportunities whereby those who are assisted may contribute to the program and thus maintain their self-respect and dignity.

It seems only reasonable that since the church program is fulfilling a desirable function, in line with apparent administration goals and since its exclusion from the certificate program would in no way be detrimental; and since the wheat certificate program was not intended to cover programs such as the one operated by the church, an exemption be given for all wheat produced or milled solely for distribution without charge by nonprofit entities to needy persons. My bill to amend section 379d(b) of the

Agricultural Act will accomplish that desirable end.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3222) to amend section 379d(b) of the Agricultural Adjustment Act of 1938, as amended, in order to exempt from the requirements of such section wheat which is produced or processed solely for donation to needy persons, introduced by Mr. Bennett, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

JOINT RESOLUTION

MEMORIAL TO ITALIAN-AMERICAN WAR VETERANS OF THE UNITED STATES

Mr. KEATING. Mr. President, I send to the desk a joint resolution authorizing the Italian-American War Veterans of the United States, Inc., to erect a national shrine in the District of Columbia in honor and commemoration of the Americans of Italian descent who have died in our Nation's wars.

It would be most fitting and appropriate to have a memorial in our Nation's Capital honoring the many Italian-Americans who have served this country so nobly in defense of freedom for us all. Such a monument would also serve as a reminder of the many contributions our fellow countrymen of Italian descent have made.

The entire cost of the shrine will be borne by the Italian-American War Veterans, as requested by them in their resolution adopted at the recently concluded 29th national convention. This proposal is another example of the outstanding public and national service of this dedicated veterans organization. I salute the membership on their desire to undertake the erection of a memorial and am honored to introduce, for appropriate reference, this joint resolution.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 207) authorizing the Italian-American War Veterans of the United States, Inc., to erect a memorial in the District of Columbia or its environs was received, read twice by its title, and referred to the Committee on Public Works.

AMENDMENT OF TITLE 38, UNITED STATES CODE, TO REVISE THE PENSION PROGRAMS FOR VETERANS OF WORLD WAR I, WORLD WAR II, AND THE KOREAN CONFLICT (AMENDMENT NO. 1274)

Mr. KEATING (for himself and Mr. Scott) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 1927) to amend title 38, United States Code, to revise the pension programs for veterans of World War I, World War II, and the Korean conflict, and their widows and children, and for other purposes, which was ordered to lie on the table and to be printed.

PROPOSED AMENDMENT TO CONSTITUTION RELATING TO EQUAL RIGHTS FOR MEN AND WOMEN—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. McGEE. Mr. President, I ask unanimous consent that the names of Senators Bartlett, Clark, Hart, and Salinger be added as cosponsors of the joint resolution (S.J. Res. 45) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. JOHNSTON. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Charlotte Paul Groshell, of Washington, to be a member of the Board of Parole for the term expiring September 30, 1970.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, October 2, 1964, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. KEATING:

Remarks by him and by Joseph Kajeckas, Chargé d'Affaires of the Lithuanian Government, delivered at the Lithuanian Day ceremonies at the New York World's Fair and at the Lithuanian Song and Dance Festival on August 23 and 24, 1964.

THE FIGHT AGAINST EXCESSIVE GAS RATES

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may speak for 10 minutes in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the Federal Power Commission is faced with a problem of conscience in deciding how to go about its task of regulating the price at which natural gas is sold in interstate commerce at the wellhead.

The Congress and the FPC in the next few years may be about to decide an issue of the greatest importance to millions of gas consumers throughout the country.

This is a subject in which the people of Wisconsin have a very strong interest because they are among the 35 million American consumers that use natural gas and ultimately pay the bill for whatever price the Commission allows the producers. It was the State of Wisconsin which joined with others in bringing the now famous Phillips case to the Supreme Court with the resulting mandate from the Court to the Federal Power Commission to carry out its statutory responsibility for regulating producer prices.

Many Wisconsin citizens have followed with great interest the Commission's efforts, and in prior years its lack of effort, to discharge this responsibility. In the 6-year period between 1954 and 1960, the Federal Power Commission for all appearances had little interest in carrying out these responsibilities in an effective manner. The Commission purportedly was attempting to fix the rates for each of the some 3,000 gas producers in interstate commerce selling on an individual company cost-of-service basis. While the Commission initiated a few cases, many thousands of them piled up in a backlog of unfinished work. For the most part, rate increases were filed and collected subject to refund, but no hearings were set and no effective program was in existence for deciding whether the producers' rates were just and reasonable.

There has been much criticism of the Federal Power Commission's past failure to implement its task of regulating gas producers, but there has been very little mention of the Commission's new program which now promises to clean up this backlog in a manner which is fair to the industry and which will protect gas consumers throughout the country against unjustified price increases.

Mr. President, this new program is in serious jeopardy because it is being attacked by Members of Congress. There is some question as to whether it can survive these powerful and serious attacks. In the past, those who opposed Federal power regulation have succeeded in winning passage in both House and Senate of bills which would take the natural gas producers out from under gas regulation and permit almost any price to be charged. Unfortunately there is some doubt that similar bills would be vetoed if they were passed at this time.

An article published in the Washington Star of August 21, 1964, written by Lyle Denniston, entitled "FPC Ponders Natural Gas Price Case Dilemma," points out the Commission has developed a new approach for regulating producers which conforms to the basic economics of the industry, greatly reduces administrative costs to the Government, and at long last promises protection to the consuming public.

The Commission has abandoned the romantic idea that it could ever get around to holding separate rate cases for each of the many thousands of gas producers and is, instead, fixing prices on a geographic area basis. The Commission is fixing a single area rate for all of the gas in a given producing area. By this method, the rates of several hundred producers are fixed in a single rate case. Four area cases now underway will dispose of the rates for 75 percent of the gas flowing in interstate commerce. The rate presumably represents a composite picture of costs, operating conditions, supply and demand, and other factors for that area. A single price for an entire area means that some producers may make larger profits than others. Assuming that on the average the price is a fair one, it seems to me that here at long last is an example of regulation which attempts to fit the needs of the industry it regulates and the consumers it should protect. Truly, if there is one industry in which there should be an opportunity for an entrepreneur to gamble that either he will strike it rich if he hits a gusher, or go broke if he hits a series of dry holes, it is the oil and gas business.

By fixing a ceiling price for a given area which on the average is fair to both producers and consumers, it seems to me that the Commission is regulating in a manner that will give producers the incentive and initiative they need, and at the same time protect the consumers against windfall profits by the gas companies.

Apparently, the Supreme Court of the United States is also impressed with the manner in which the Federal Power Commission is now carrying out its mandate to regulate gas producers. The Supreme Court just last year, in the second round of the initial Phillips decision, said:

> We recognize the unusual difficulties inherent in regulating the price of a commodity such as natural gas. We respect the Commission's considered judgment, backed by sound and persuasive reasoning, that the individual company cost of service method is not a feasible or suitable one for regulating the rates of independent producers. We share the Commission's hopes that the area approach may prove to be the ultimate solution.

The Commission has announced guideline ceiling prices on a temporary basis to hold the price line until these area cases are decided. They have encouraged fair settlements of pending cases and producers have already agreed to refund over $80 million in the past 3 years. That is an important showing of the efficacy of regulation so far as the consumers of this Nation are concerned.

The price of natural gas at the city gate has been stabilized and as a consequence retail rates to consumers are no longer going up. As the preamble to the Democratic platform noted:

> The upward spiral in the price of natural gas which took place in the decade of the 1950's has been halted by vigorous regulatory action of the Federal Power Commission and the Nation's 36 million consumers of natural gas have benefited from rate reductions and refunds—

And this is in total, of course—

> in excess of $600 million.

The Federal Power Commission can have a clear conscience in going forward with its present programs for discharging its responsibilities under the Natural Gas Act. The hearings in these first area rate proceedings, which involved the Permian Basin area in parts of Texas and New Mexico, have now been completed. The hearing examiner on September 17 handed down his initial decision. We await with interest the decision of the Commission which does, indeed, promise a solution to a problem of conscience that has been with the Commission for a decade.

Mr. President, I ask unanimous consent to have printed in the RECORD the article published in the Washington Evening Star to which I have referred; another article published in the Washington Evening Star for September 22, 1964, written by Lyle Denniston, entitled "FPC Chairman Defends Need of Natural Gas Regulation"; and a press release reporting the speech made by FPC Chairman Swidler, warning of the effect of withdrawal of Federal regulation of gas production; together with the excellent address which was made by Mr. Swidler before the annual membership meeting of the Independent Natural Gas Association in New York on September 22, 1964.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Sept. 21, 1964]

A PROBLEM OF CONSCIENCE—FPC PONDERS NATURAL GAS PRICE CASE DILEMMA

(By Lyle Denniston)

A Government agency more accustomed to the worldly realm of economics now finds itself at an exalted level:

It has a conscience problem to solve.

The Federal Power Commission must choose between making utility customers pay large sums perhaps unnecessarily, and forcing businessmen to abide by rules mostly unknown to them.

No matter how it chooses, the FPC seems sure to be exacting a penalty from someone as the price of fairness to someone else.

Aside from its more profound implications, this dilemma has the practical possibility of changing or even reducing FPC's freedom to make regulatory policy. Conceivably, it could affect other regulatory bodies, too.

POLICY BY THE CASE

What faces the FPC now is something of a classic problem in Government by administrative commission—the need to decide hard questions of policy by a process that works well and yet is fair to all concerned.

Sometimes, commissions have no trouble being fair as they make policy. That's when they pronounce general rules, in advance.

More often, however, the Commission's policy comes out in smaller lots—it emerges, little by little, from decisions in actual cases based on specific facts.

It's not unusual, in this so-called case-by-case approach, for an agency to put into effect new policy rules in the very case in which it has first decided them.

That, of course, raises the question of fair warning. As a Federal court recently asked, in dealing with current dilemma, "Is it too late for an agency to declare the standards to be met by its decision holding that they have not been met?"

This time, the court said, it was too late. That meant, to one Commission aid, that "we must know in advance what we can only learn by experience."

For 10 years, the agency has tried to find a technique for deciding the kind of case involved here—proposed increases in natural gas producer prices. Such cases have proved unsuited to normal case-by-case handling because of the complexity of questions of individual company costs.

FPC is now trying to get around the company-by-company problem by setting prices by geographic area. But it has set aside for individual treatment some cases it believed could not wait for the area price decisions. There are 700 of these, involving proposed gas price boosts of $130 million. FPC hoped to make policy governing these cases as it went along.

The case that has FPC in trouble with its conscience demanded really quick handling, the Commission felt.

H. L. Hunt and other gas interests had asked permission to raise rates sharply. Because of the nature of gas-regulation law and of gas industry practices, the proposal might have "triggered" gas increases of more than $900,000 a year, FPC said.

So, the Commission speeded up its processes, weighed the Hunt case, and decided against the proposed higher rates. Rather than let the companies file new testimony to meet the objections laid out in the decision—a move that would have set off the triggering effect—the Commission simply dismissed the case.

JUDGES RETURN CASE

The FPC majority then believed it was being unfair to no one. It wrote standards which, it argued, had been dictated by an earlier ruling. But two Commissioners dissented, contending that the earlier ruling in no way forecast the result Hunt had to follow. Rather, they said, producers would have had to have been "clairvoyant" to have guessed what FPC was to demand of them.

The producers then appealed to Federal Appeals Court, and won. Sending the case back to FPC, the judges handed it a dilemma.

It now can either give in to the court, and thus follow procedures that meet the judges' notion of fair play, but at the price of forcing gas customers to pay—at least for a time—prices that very likely would turn out to be sharply higher than FPC would allow.

Moreover, FPC might be paying a price of its own. It could, by yielding, forfeit some of the flexibility it now has to fashion policy case by case. This might impair other agencies, too, since court rulings on one agency are often applied to others.

On the other hand, FPC could try to challenge the court ruling in the Supreme Court. It would be protecting gas customers and its own prerogatives. But it would be defending a proceeding that only a bare majority of its members thought fair. Even that majority seems not so sure now—it has taken to defending what it did more as necessary than as desirable. Troubled by the issue of fairness, it may already have taken out of the case some of its value as a precedent worth repeating.

[From the Washington Star, Sept. 22, 1964]

FPC CHAIRMAN DEFENDS NEED OF NATURAL GAS REGULATION—SWIDLER SEES SHARP RISE IF GOVERNMENT ENDS CONTROLS

(By Lyle Denniston)

A Federal regulator today charged that the natural gas industry would push prices up continuously if Government controls were ended.

Joseph C. Swidler, Federal Power Commission Chairman, went before the Independent Natural Gas Association to make his first full defense, in public, of regulation of natural gas producers' prices.

It seemed clear that a building campaign among producers for a new law freeing them from price control had prompted the Chairman's speech, delivered in New York this morning.

A major push for a deregulation bill probably will be made when Congress comes back in January.

Directly challenging the producer argument that competition will keep prices in check, Mr. Swidler told the industry:

"The principal competition between producers (if regulation ends) would be in a race to see which company could be first to set new price peaks."

Just yesterday, a producers' spokesman, H. A. True, Jr., president of the Independent Petroleum Association, told the New York convention:

"Consumers have the assurance of being protected by the best and most effective control known to man: free competition."

The price of gas today, he said, shows that competition is at work in response to the old laws of supply and demand.

By contrast, Mr. Swidler this morning described a situation in which the buyers of gas would be at the mercy of the handful of producers who control our major gas reserves.

The buyers—pipelines that take gas from the fields and deliver it to local gas companies for resale to the public—would be led ultimately in desperation to pay whatever price the producers wanted to charge.

Each pipeline, the Chairman asserted, is tied to relatively limited producing areas * * * (and) cannot move to other sources of supply.

That being so, Mr. Swidler added, regulation-free producers could sit on their reserves until their terms were met.

"This is precisely what happened before the FPC braked the upward spiral of prices in the field by a system of interim area ceilings, which are holding the price line until just and reasonable rates can be determined," the agency chief argued.

"In the free-swinging unregulated market," he added, "extreme upward price fluctuations would become frozen into the price structure."

The burden of "runaway gas prices" ultimately would fall on the gas-using public, and particularly on home users of gas, since they can't easily switch to other fuels, Mr. Swidler said.

Citing figures that showed producer prices doubled between 1950 and 1960, the Chairman said: "The need for producer regulation seems to me to be a well documented fact of life."

Just yesterday, though, Mr. True called producer price regulation a twilight zone of unreality. He said that the FPC has tried for 10 years to find a workable way to fix producer prices, and still hasn't done so.

[Release by Federal Power Commission, Sept. 22, 1964]

FPC Chairman Swidler Warns That Withdrawal of Federal Regulation of Gas Production Could Bring Race by Producers To Set New Price Peaks

Federal Power Commission Chairman Joseph C. Swidler declared today that if Federal regulation of natural gas production should be withdrawn consumers would no longer be protected against runaway gas prices and the "principal competition between producers would be in a race to see which company could be first to set new price peaks."

Chairman Swidler, speaking before the annual meeting of the Independent Natural Gas Association of America in New York City, said there is a "clear lesson" in the history of the last few years which shows that effective regulation of field prices is the key to reasonable rates at the city gate and at the customer's meter.

"The pyramiding and pancaking of pipeline rate increase applications, and the corresponding filings by distributors with the State commissions, were directly traceable to the inflation of field prices; the pipeline rate problem and the distributor rate problem were both solved when field prices were stabilized," he asserted.

The gas producers' contention that there is competition between them "which could suffice to protect pipelines and their customers against unjustified increases in the price of gas ignores the dominating bargaining position of the handful of producers who control our major gas reserves," he declared.

Pointing to the pipelines' dependence upon their suppliers, Chairman Swidler said that producers can concentrate the impact of the pipelines' ever-expanding demand for gas upon a small margin of uncommitted reserves. Each pipeline, he pointed out, is tied to relatively limited producing areas, and unlike the purchasers of crude oil or minerals, cannot move to other sources of supply.

"Under these circumstances, if producers were freed from regulation they could sit on their reserves until in desperation the pipelines met their terms," he declared. "By no coincidence," he continued, "this is precisely what happened before the FPC braked the upward spiral of prices in the field by a system of interim area ceilings which are holding the price line until just and reasonable rates can be determined in the area rate proceedings."

Chairman Swidler said further that regulation is the sole effective means of protecting gas consumers against being saddled with more than a just share of joint oil and gas production costs and against being charged windfall prices.

"In the free swinging unregulated market, with its multiple one-way price escalation clauses, the extreme upward price fluctuations would become frozen into the price structure," he declared. "Should regulation be withdrawn," he continued, "the existing price increase moratoriums would terminate, the indefinite escalation clauses would operate once more, and the self-restraint which governs producers subject to the standards of the Natural Gas Act would diminish."

Chairman Swidler also pointed out that natural gas and fuel oil frequently compete in the marketplace. "Where natural gas sets a ceiling on fuel oil prices," he said, "some producers may be in the position of competing with themselves, so that they would have a double stake in higher gas prices.

"In the long run the protection of their natural gas market is important to the production segment of the industry," Chairman Swidler said. "Not all the lost natural gas business would be captured by fuel oil," he continued, "and probably less in the future than at present. Nevertheless," he added, "we should keep in mind that the natural gas-fuel oil market relationships tend to influence the position of the integrated producers."

Chairman Swidler said that studies made in connection with the FPC's National Power Survey demonstrate a bright future for all sectors of the energy economy and particularly for the natural gas industry.

Chairman Swidler said, "it seems to me that the inherent economies of large-scale pipeline transportation assure the ability of the industry to maintain its competitive position and provide almost unlimited possibilities for growth, assuming, as I have done throughout this talk, that we have learned our lesson and that field prices will not again be permitted to get out of hand."

In another part of his speech Chairman Swidler said that the major challenge which currently confronts the natural gas industry "is not one of supply but rather of improved marketing."

Pointing out that the electric power industry has found ways to bring electricity into areas of low consumer density, he said that one of "the great responsibilities of the natural gas industry is to find similar ways to make available gas service in areas of thinner population density than most of those already served."

Chairman Swidler said there is room for far more intensive research than has yet been conducted on the technology of natural gas distribution in rural communities. "I urge upon you intensification of the drive toward expansion of the number of natural gas consumers in order both to make available the benefits of natural gas as broadly as possible and to enhance the future growth of the industry."

The Public Interest in Effective Natural Gas Regulation

(Address by Joseph C. Swidler, Chairman, Federal Power Commission, before the annual membership meeting of the Independent Natural Gas Association, New York, N.Y., September 22, 1964)

Three years ago at the annual meeting of the Independent Natural Gas Association in Houston I had the pleasure of addressing this group on the problems of the natural gas industry. It was my first formal talk on natural gas matters. The occasion has lived in my memory. It was then that I first came to know some of the leaders of the industry, and to experience their kindness and consideration. At that time I had been a member of the Federal Power Commission for less than 3 months and Chairman for less than 3 weeks. It was natural, therefore, that I spoke with far greater assurance than I am able to do 3 years later. I am afraid that the rosy innocence of that early day has been rubbed away by the abrasive lessons of experience, but I should like to think that it has been replaced by a greater measure of understanding.

In reviewing my earlier talk to INGAA I found one observation which has a current ring, perhaps because it dealt with a timeless truth. I am thinking of this statement:

"The unfortunate men who have responsibility for regulating prices are not likely to be popular. Any price we fix is apt to be too low for the seller and too high for the man who finally pays the bill. If, by any chance, the regulators should satisfy both seller and purchaser, then undoubtedly there would be third parties to say that the wrong method was used, and that the result was illegal. If there was ever a public office in which it was clear that one could not win for losing, this is it."

Having talked down the job of a member of the FPC let me quickly add that while easy popularity is not one of its prerequisites, the members of the Commission nevertheless find their work full of fascination, challenge, satisfaction, and even enjoyment. Recently, as a result of the interest of the President and the largesse of the Congress, we have even been able to increase our rations and improve our diet. The enormous size and great importance of the two industries we regulate, the inherent interest and complexity of the substantive and procedural problems, the aggressiveness and ability of the leaders of these two great industries, and the weight of the responsibilities we bear, all combine to provide us with opportunities to contribute to the welfare of these industries and to the progress of the American economy.

During the last 3 years the Commission has made every effort to meet the problems of the industries we regulate in a manner that would advance the overall public interest. Judged by this standard, I believe our record is a good one, considering the number and difficulty of the problems which faced us. As you know, the backlog of natural gas pipeline rate cases has been liquidated. Equally important, producer rates have been stabilized so that rate increase filings by pipelines are no longer an annual necessity. In clearing up the pipeline rate backlog, which reached a cumulative total of $1.6 billion collected subject to refund, we have ordered the pipelines to make over $550 million of refunds to their customers serving natural gas consumers throughout the country and reduced the city-gate price of gas by $128 million annually below the filed rates. These orders were of great benefit to consumers, but we should not overlook the fact that they represented Commission approval of substantial increases over the rates in effect before the filings were made, increases that were necessary mainly to cover the upward spiral of producer prices which has now been halted.

No activity of the Federal Power Commission is more important to the pipeline industry than handling of certificate applications, which in a sense are the birth certificates for the industry. The Commission has devoted considerable attention in the past 3 years to putting itself in position to facilitate the growth of the industry by the expeditious handling of certificate applications. We have eliminated the hearing before the examiner in noncontested matters and taken other steps to speed the internal processing of applications, both large and small. Pipeline certificate cases are now completed in a matter of months rather than years except where protests or competitive applications require a hearing to decide competing claims for service to major markets. Last year the three largest pipeline certificate proceedings which were completed, involving $195 million, $56 million, and $49 million respectively, were each processed and approved in less than 6 months from the dates the applications were filed. The Commission has recently revised its regulations to provide for budget-type certificates for sales facilities, storage testing, and development facilities.

Minor additions to pipeline systems can now be made without even the small delay inherent in processing certificate applications. I believe it is fair to say that the Commission has demonstrated its ability to give expeditious handling to applications, no matter how large and important, which do not involve competitive problems or novel policy questions. We expect to do even better in the future.

Let me say a word about one procedural problem in certificate cases on which we can use your help. I refer to the need for expediting the rapidly increasing number of certificate cases involving comparative hearings among competing pipelines for new service in major markets. This type of case is inevitably hard-fought with each of the several pipeline antagonists endeavoring to present its own case in the best possible light and tear down the presentation of its opponents. This sort of competition is healthy and experience has shown that consumers stand to gain a great deal from your efforts in competition with one another to conceive better and more economical proposals to bring gas to market. No one profits, however, from undue delay in disposing of these cases. The Commission will do all it can to bring these proceedings to an early termination, consistent with giving everyone a fair hearing, but in the final analysis we will have to rely upon the help and consideration of the pipelines themselves if these cases are to be expedited. Cumulative and repetitive testimony, wrangles about minor points of procedure, preoccupation with trivia, and especially over-elaborate cross-examination, are beyond the power of the best hearing examiner to prevent unless all parties appraise realistically the value—which is negative—of such tactics.

The question of the proper treatment of pipeline production is one big issue on which the Commission has yet to reach a final judgment for long-term future policy. However, while we have not yet decided whether and to what extent the area rate approach should be substituted for the individual cost-of-service method still employed for pipeline production, this question is now in a channel for decision on an informed basis. The Commission on its own motion has raised the issue of the proper treatment for pipeline production in the Hugoton-Anadarko area rate proceeding.

We trust that the pipeline companies will take full advantage of this opportunity to support their view that a strong pipeline capability in gas production is in the long-term interest of gas consumers and that the other parties who have an interest in this issue will also make their contribution to the record. We look forward to receiving a record which supports policy arguments with solid facts and specific proposals. The Commission is anxious as promptly as possible to make an informed judgment on this question which is of such great importance not only to the pipelines but also to the Nation's gas consumers.

The most difficult problem which confronted the Commission 3 years ago was to bring order and method to natural gas producer regulation. The earliest possible disposition of the Permian proceeding and the establishment of just and reasonable producer rates in all areas is of course our most important unfinished task. The pace of progress in the Permian Basin area rate proceeding, I will be the first to admit, has been slow, not so much because of any difficulties inherent in the new area rate approach but rather because it has been necessary to blaze the trail every step of the way. We are confident that this task can and will be completed, and sooner than many people think. In the meantime I hope the industry and the public will assess our progress in producer regulation in the broad context of present-day conditions.

Without underestimating the problems created by the uncertainties inherent in interim rates, I believe it is fair to say that in a practical sense the area rate approach is now in effect by way of the interim area rate ceilings and is working in a generally satisfactory manner. Realistic guideline ceilings are now in effect for all the producing areas. In those areas where our ceilings have been challenged we have completed in-line price hearings setting the initial price for contracts executed through the end of 1962. The guideline ceilings for the future and the in-line prices which have been determined for past periods have gone a long way to bring stability in natural gas field prices in the past year. The settlements which have been worked out in many of the pending producer cases, on a basis related to the interim ceilings, have also contributed to price stabilization.

Until we consider the record in the Permian case, we cannot tell the extent to which possible revisions in the existing guideline prices will result from the area rate decisions. To me the striking fact that has not been sufficiently emphasized is that the price changes which will be required as a result of the area rate proceedings will in effect amount only to adjustments within an existing and functioning system of regulation.

We can look to the coming months as the period of decision in the Permian Basin area proceeding. In the meantime, we are developing trained staff and procedural devices which should help us move the three other area cases now underway toward an expeditious conclusion. The Permian decision should provide the precedents to speed the establishment of just and reasonable rates in every producing area, either through the formal decisionmaking process or by settlements when these are in the overall public interest.

In my opinion our experience in the last 3 years gives us a solid basis for confidence in the ability of the Commission to carry out its long-range program to make producer regulation effective on an area rate basis. So far as legality is concerned, the Commission has been encouraged by the statements of the U.S. Supreme Court in the Phillips decision, in which the Court indicated a sympathetic attitude toward ratemaking on an area basis. The Supreme Court there said:

"We recognize the unusual difficulties inherent in regulating the price of a commodity such as natural gas. We respect the Commission's considered judgment, backed by sound and persuasive reasoning, that the individual company cost-of-service method is not a feasible or suitable one for regulating the rates of independent producers. We share the Commission's hopes that the area approach may prove to be the ultimate solution."

The Commission's experience thus far with the area approach reinforces my opinion that area rates are by far the best suited rate pattern to fit the economies and the structure of the industry and to afford protection to consumers. Nevertheless, I am bound to add that in my opinion the question of the workability of producer rate regulation, much less the question of the need for such regulation, is not dependent upon the success of the area rate program. In my Houston talk to INGAA 3 years ago I said if necessary I did not doubt "that the Commission could somehow cut through the technical obstacles to an individual cost-of-service approach," and this is still my view. I am confident that area rates will in fact provide the ultimate solution to producer regulation, but if for some unforeseen reason it should develop that producer ratemaking on an area basis were not feasible, to me this would only mean that the Commission would be compelled to turn to other methods which promised effective field price regulation, on an individual company basis or otherwise. It is unthinkable that this country's 35 million captive consumers of natural gas could be abandoned to the unequal market forces in the field.

That effective regulation of field prices is the key to reasonable rates at the city-gate and at the customer's meter is the clear lesson of the history of the last few years. The pyramiding and pancaking of pipeline rate increase applications, and the corresponding filings by distributors with the State commissions, were directly traceable to the inflation of field prices; the pipeline rate problem, and the distributor rate problem were both solved when field prices were stabilized.

Approximately half of the costs of the pipelines is represented by their charges for gas purchases or production and, in turn, the city-gate prices of the pipelines are about half of the costs of the distributors. It became apparent early in the development of the natural gas industry that regulation of gas distributors without regulation of the interstate pipelines was futile. The pipeline is essentially in the same relationship to the producer as the distributor is to the pipeline.

I am aware that many producers, perhaps most of them, are not in agreement, and that they contend vigoroulsy that competitive forces are adequate to protect the consumer and would keep the wellhead prices of gas within reasonable limits.

The suggestion that there is competition between producers which could suffice to protect pipelines and their customers against unjustified increases in the price of gas ignores the dominating bargaining position of the handful of producers who control our major gas reserves.

Let us look first at the situation of the pipelines. They have billions of dollars invested in fixed facilities, most of them buried deep in the ground. These facilities are indeed a wasting asset if gas is not available in adequate supply to keep them filled. Most of the pipelines have a heavy proportion of bonded debt, and the burden of fixed charges also limits their bargaining latitude. To protect their security holders as well as their consumers they are under pressure year after year to make additional commitments for gas supplies many years ahead of demand. A new pipeline could not be financed unless it could contract for gas reserves for at least a score of years ahead and each expansion of its system requires the acquisition of reserves adequate for 10 to 20 years of service. In this respect the pipeline's dependence upon its producer suppliers is unique in all industries.

On the other side of the bargaining table are the country's major oil companies. The 23 largest companies, each of whom sold more than 100 million thousand cubic feet of gas in 1962, account for 60 percent of the total pipeline purchases in dollar value. They have no pressure of funded debt. Natural gas sales are only one-sixth of their oil and gas production business, and the other five-sixths of the business are rewarding. In practice, the producers are able to concentrate the impact of the pipelines' ever expanding demand for gas upon a small margin of uncommitted reserves. Each pipeline is tied to relatively limited producing areas, and unlike the purchasers of crude oil or minerals, a pipeline cannot move to other sources of supply. Under these circumstances, if producers were freed from regulation they could sit on their reserves until in desperation the pipelines met their terms. By no coincidence, this is precisely what happened before the FPC braked the upward spiral of prices in the field by a system of interim area ceilings which are holding the price line until just and reasonable rates can be determined in the area rate proceedings.

In the absence of producer regulation, the rapidly growing demand for natural gas would shift a progressively greater share of joint costs of oil and gas production to gas consumers—and most of it in all likelihood to the residential consumers who, unlike many industrial consumers, are unable to switch to alternate fuels as the cost of gas increases. Regulation is the sole effective means of protecting gas consumers against being saddled with more than a just share of joint production costs and against being charged windfall prices.

In the free-swinging unregulated market, with its multiple one-way price escalation clauses, the extreme upward price fluctuations would become frozen into the price structure. Should regulation be withdrawn the existing price increase moratoriums would terminate, the indefinite escalation clauses would operate once more, and the self-restraint which governs producers subject to the standards of the Natural Gas Act would diminish. The principal competition between producers would be in a race to see which company could be first to set new price peaks.

The evidence of spiraling natural gas field prices in the decade of the 1950's makes a compelling case as to the need for effective producer regulation. The average field prices for all gas sold to interstate pipelines, both under old contracts and new ones, doubled from 1950 to 1960 as the pipelines were forced to outbid each other for the limited reserves available to meet the growing demand for gas. Of course, the escalation in the new contract prices was even sharper during this 10-year period prior to the beginning of effective producer regulation. With such dramatic recent history of the failure of competition to protect consumers against runaway gas prices, the need for producer regulation seems to me to be a well documented fact of life in this industry.

In assessing the need for producer regulation we should not overlook the reasons why some producers may consider that they do not have the same incentive as the pipelines and the distributors in keeping natural gas prices competitive. Natural gas and fuel oil frequently compete in the marketplace.

Where natural gas sets a ceiling on fuel oil prices, some producers may be in the position of competing with themselves, so that they would have a double stake in higher gas prices. I believe that in the long run the protection of their natural gas market is important to the production segment of the industry. Not all the lost natural gas business would be captured by fuel oil, and probably less of it in the future than at present. Nevertheless, we should keep in mind that the natural gas-fuel oil market relationships tend to influence the position of the integrated producers.

I suppose that all of you have heard something about the Commission's National Power Survey on which we have been working for the last 2 years and which will soon be released. As a result of the studies made for the Survey we foresee a bright future for the electric power industry in the decades ahead. I know that this good news about your competitors will be of keen interest and satisfaction to you but perhaps you will be even more interested to know that these studies also demonstrate a bright future for all sectors of the energy economy and particularly for the natural gas industry. For example, we estimate that in 1980 the sales of gas for the boiler fuel market alone will be about 2 trillion cubic feet a year more than they are at present.

The Commission has made no study of the prospects for the natural gas industry's expansion of the scope or depth of the National Power Survey, but it seems to me that the inherent economies of large-scale pipeline transportation assure the ability of the industry to maintain its competitive position and provide almost unlimited possibilities for growth, assuming, as I have done throughout this talk, that we have learned our lesson and that field prices will not again be permitted to get out of hand. On the last point I have said enough for this occasion.

When the Power Survey Report appears I am sure there will be some in the natural gas industry who will be tempted to think that this intensive Commission study of the electric power industry is an indication of favoritism of a sort. Nothing could be further from the truth. The fact is that the Federal Power Act contains far more comprehensive authority and responsibility than the Natural Gas Act to gather and report information. The survey was made possible only by the cooperation of the entire electric power industry, and by the fact that information concerning the industry is an open book. The same is not true for the natural gas industry, not even for the pipeline and distribution segments. As matters now stand it would not be possible for us to carry out an industrywide natural gas survey along the same lines. At any rate I can assure you that the Commission's interest in the natural gas industry and its progress and prosperity is just as intense as in the case of the electric power industry. Our goal is a healthy energy economy which will make energy available to the American people in the broadest possible variety of forms and at the lowest reasonable cost.

I am constantly amazed at how little the general public knows about the natural gas industry, its importance and its achievements. When I point out on public occasions and in private conversations that the natural gas industry now accounts for almost one-third of the total energy used in the United States the reactions frequently range from skepticism to open disbelief. When I point out that the natural gas that people take for granted in their homes probably comes from a thousand miles away and perhaps from wells drilled deep into the ocean floor I find that this is news even to people who are generally well-informed about the economy in which they live. There is a thrilling story of the technology of the industry which goes almost untold except in the private meetings at which industry members talk to each other. Of course, natural gas is young as a national industry but I doubt that this is the whole explanation. Perhaps the fact that the facilities of the industry are for the most part either located at vast distances from markets or are hidden under several feet of soil or pavement is a part of the explanation. For an industry with such an exciting story to tell the American people, and with so much solid value to offer in its services, it seems to me that a program of public information embracing all segments of the industry should merit urgent consideration.

As you know a generation ago the natural gas business was regarded as a temporary business whose life was limited by the scale of known reserves. This has changed. Each year we have continued to find more gas than we have used. Year by year methods of locating reserves are improved and it becomes clearer that there will be adequate supplies of natural gas to take care of the Nation's requirements for many more decades to come. Moreover, in the distant day when our own underground resources are proven inadequate the industry will perfect other ways of keeping its pipelines full. The fast developing technology for converting the plentiful supplies of tar sands, oil shale, coal and lignite into gaseous form and of transporting foreign reserves in liquid form seems to me to make it possible to project the future of the natural gas industry with as great confidence as any other basic industry.

To my mind the major challenge which currently confronts the natural gas industry is not one of supply but rather of improved marketing. I am aware that great strides have recently been made in claiming a large share of the vast market in the field of climate control. The dramatic success of the industry in earning 80 percent of the air-conditioning load at the World's Fair here in New York City is sufficient evidence of a new agressiveness in seeking additional markets.

Let me speak of one type of expansion which I believe deserves greater emphasis. The households and places of business reached by natural gas now total 35 million. This is indeed a very large number and to provide for the increased demands of these customers and of the new customers who will be taking service in the communities where natural gas service is now available will create vast new opportunities for the growth of the industry.

However, I point out that electric power service is available not to 35 million but to over 60 million consumers. The electric power industry, under the spur to a degree from municipal and cooperative competition, has found ways to bring electric power into areas of low consumer density, and ultimately these markets have proven to be very much worth while. One of the great responsibilities of the natural gas industry is to find similar ways to make available gas service in areas of thinner population density than most of those already served.

There is room for far more intensive research than has yet been conducted on the technology of natural gas distribution in rural communities. Many of the applications which now come to us for the extension of pipeline service are based on the efforts of groups of local citizens who have banded themselves together in order to win for their communities a share of this vital energy supply and the opportunities for improvement in living conditions and for industrial growth which the availability of natural gas makes possible. These local groups have high motivation and initiative, but frequently they lack the financial resources, the capability for market analysis, the design and construction experience, and the knowledge of distribution operations with which the established organizations in the industry are endowed. Frequently a lack of adequate planning by the local groups leads to higher overheads and higher overall costs than should be necessary. Most of the applications by these local groups are filed only in default of other avenues for securing natural gas service. I urge upon you intensification of the drive toward expansion of the number of natural gas consumers in order both to make available the benefits of natural gas as broadly as possible and to enhance the future growth of the industry.

The natural gas industry is now established as a major participant in the economic growth of America. The industry in general, and the pipelines in particular, have helped to stimulate the prosperity we now enjoy by making available low-cost natural gas in areas throughout the Nation thousands of miles from the gas fields. This Nation can be proud, as the Federal Power Commission is proud, of the remarkable record of growth of our natural gas industry since World War II.

Mr. PROXMIRE. Mr. President, incidentally, this most controversial address made by Mr. Swidler was answered by industry spokesmen who vehemently opposed him. This statement made by Mr. Swidler is a stanch fight for the consumer against all kinds of pressures—and it deserves real praise. I believe that this case for the continued protection of the consumer deserves to be called to the attention of the Nation.

Mr. President, I yield the floor.

SOCIAL SECURITY PROGRAM—THE CRUEL MEDICARE HOAX

Mr. DIRKSEN. Mr. President, the distinguished Senator from Maryland [Mr. Beall] has prepared what I believe to be a very excellent newsletter. The document is devoted to the general subject of social security, but particularly medicare.

I believe this information will be extremely useful. Therefore, in behalf of the distinguished Senator from Maryland and myself, I ask unanimous consent that this newsletter prepared by the distinguished Senator from Maryland under date of September 14, 1964, be printed at this point in the Record.

There being no objection, the newsletter was ordered to be printed in the Record, as follows:

Washington, D.C.,
September 14, 1964.

Senate Cloakroom: Newsletter of U.S. Senator J. Glenn Beall, of Maryland

Dear Friends: The cruel medicare hoax: The so-called medicare plan, which the Senate last week attached to the social security bill, is the wrong solution to an acute problem and is a cruel hoax for it does not give the aid to the elderly which they have been led to expect from it. It takes from the weekly pay envelope of the low-income laborer to pay medical expenses of his wealthy neighbor. Furthermore, it confronts us with an appalling danger: the undermining of the social security structure, on which so many people now depend.

Everyone agrees that all persons should get the medical care they need, particularly the elderly who cannot pay for their own medical care. Some of those siding with the administration's medicare scheme like to accuse all who disagree with them of being indifferent to the plight of the elderly. I do not know of anyone who is indifferent to the needs of his fellowman. To accuse one of disregard for the elderly is irresponsible. No one faction has the exclusive claim to the human quality of compassion. A difference of opinion on the merits of the so-called medicare plan has no relation to mercy or consideration for the elderly. It is not inconsistent or obstructive to say that there are better and worse ways of doing what needs to be done.

Many people seem to be completely uninformed about medicare. Because of the ballyhoo, some seem quite willing to jump on the bandwagon marked "medicare", without considering its shortcomings and its deceptive nature and the pitfalls ahead of it. If the American people would take pains to inform themselves reliably on the subject, I'm sure they would reject medicare.

Why didn't the administration push its medicare plan last year, or the year before? In my June 17, 1963, Senate Cloakroom, I said this: "Lying in a congressional pigeonhole is a political time bomb (medicare) set for election year 1964." Unhappily, we observe an administration playing with the miseries of our elder citizens for political advantage.

Medicare will not cover medical needs. Medicare will not cover any dental or dental surgery work; will not cover any surgery of any kind; will not cover any doctor visits in the home; will not cover any charges for visits at a doctor's office or even any doctor fees while in a hospital; will not pay for medicines used outside a hospital; will not pay for any preventive medicine; will not pay for anything before a patient goes to the hospital; will not cover diagnosis (patient will have to pay $20 on diagnosis); will not cover all the hospital costs. (Medicare provides for a $90 deductible, with the patient paying $10 a day for each of first 9 days; since the average hospital stay for an older person is around 7 days, medicare will pay only a small part of one's hospital bill or possibly nothing at all.)

Medicare will give aid to the wealthy: The meager benefits to be provided under the medicare plan will not be limited to those who need help. Medicare provides the exact same benefits for those well able to pay their own way. Even millionaires would get a free ride on taxes withheld from the pay envelope of the laborer. I feel that we have no moral right to establish a compulsory tax resting most heavily on young folks who are struggling to get started in their life's work and wrestling with the peak expenses of a growing family, to take care of people who can take care of themselves. And we certainly have no right to assume that all people over 65 are in need.

Medicare—Threat to social security: Numerous witnesses before the Senate Finance Committee said that the cost of medicare could not be accurately estimated and nearly all of them believed that the benefits would far exceed the income. Any Government outlay which is not fully financed weakens the fiscal structure, and an outlay of such monstrous proportions as that involved in the medicare plan presents a real threat. More than one expert, assailing the feasibility and financial soundness of medicare, mentioned the possibility that medicare might eventually mean lower cash payments, as well as higher payroll taxes, for social security participants. I'm sure everyone wants to keep the social security system solvent.

Medicare is a Johnny-come-lately: Long before medicare was dreamed up, the problem of providing medical care for the elderly was in the process of solution, largely through voluntary methods, supplemented by such programs as provided under the Kerr-Mills Act. Last year, more than 125 million Americans had insurance for both hospital and surgical expenses, coverage broader and more flexible than offered under medicare. Though private insurance protection is still incomplete, the gap certainly will not be closed by medicare, with its limited benefits.

We have some people too poor to pay any insurance, and these people are of course a responsibility of the community, of the general public. However, it seems wholly illogical to provide medical care for the many who do not need help in order that the relatively few who need assistance may receive it. Social security was conceived to provide that destitution should not result from the death, unemployment or old age of a worker. It was never intended to supplant pension plans or insurance.

Kerr-Mills program: All but 12 States now take part in the Kerr-Mills program, a Federal-State matching fund program which provides medical aid for aged people who, though not on relief, are unable to pay their own medical bills. The Kerr-Mills program paid $330 million of Federal and State funds for health costs in 1963. About 40 percent went for hospital bills, 35 percent to nursing homes, and about 11 percent to physicians and dentists.

The Kerr-Mills program is essentially right. It can provide the kind of care that a patient needs and to the full extent that he needs it. The Kerr-Mills program should be strengthened and improved. For one thing, the income restrictions should be liberalized so that more people who need help would be eligible for benefits. I joined with four other Senators in sponsoring a bill designed to assure adequate aid for the elderly who need it, on a workable and fair basis.

I favor medical care; I oppose medicare: I have always felt that adequate medical care for ailing people unable to provide for themselves is a responsibility of the general public. At the same time, as Senator Russell Long, Democrat, of Louisiana, said: "I shall not vote to take money out of the pockets of the poor, needy, and unfortunate people, and the well-to-do alike, in order to provide medical care for someone who is well able to pay his own medical bill."

I object, too, to the compulsory feature of medicare. I have deep convictions about the sanctity of the individual—and this of course is violated when the individual is compelled to participate in a medical health program. Socialized medicine has been a dismal failure where tried. In England, patients get only a few moments with a doctor, often required to see as many as 75 patients a day. Medicare is socialized medicine—make no mistake about it.

Let us stop the socialistic trend. Let us stop the wasteful giveaway to those who need no help. Let us stop any jeopardizing of existing insurance. Let us stop the threat to our social security system. With these criteria, let us see to it that the elderly who need medical help get it. There are certainly correct ways of meeting important human needs with the combined resources of the American community, intelligently applied.

Sincerely yours,

J. Glenn Beall.

"THE NEW FOUR-OCEAN CHALLENGE"—A HISTORIC CONTRIBUTION TO STRATEGIC THINKING

Mr. STENNIS. Mr. President, occasionally it is our good fortune to benefit from a major contribution to strategic thinking concerning our national security.

One such contribution has been made in the form of a publication "The New Four-Ocean Challenge," printed under the supervision of the Navy's Bureau of Naval Personnel. The author of the text is well known to Members of the Senate; he is Vice Adm. John S. McCain, Jr., U.S.N., who, among his many assignments of high responsibility, has served as Director of Legislative Liaison, and later as Director of Public Information, for the Department of the Navy. He is currently holding the position of Commander of Amphibious Forces in the Atlantic Fleet.

Admiral McCain comes from a long line of distinguished citizens of the State of Mississippi. His forebears have served their State and our Nation well. As many Members of the Senate will recall, Admiral McCain's father was the late Adm. John Sidney McCain, U.S.N., who, together with Admirals Halsey, Spruance, and Mitchner, gave our naval power in the Pacific a bold combat leadership that will long be remembered and admired by a grateful Nation.

It was in memory and honor of Admiral McCain, Sr., that the new Naval Auxiliary Air Station at Meridian, Miss., is so appropriately named, and is carrying out such a vital mission in the carrier pilot training program for the Navy.

The "New Four-Ocean Challenge" sets forth objectively the increasingly serious challenge we are facing throughout the world from the rising seapower of the Soviet Union. This is a problem concerning which we cannot be casual.

The importance of Admiral McCain's writings is summarized in a very interesting feature article by Lester Bell, of the Copley News Service, appearing in the San Diego Union of August 16, 1964.

Mr. Bell's article explains why Admiral McCain's writings and leadership have made such a very great impression upon strategic thinking, both in this country and overseas. Because of the importance of the article and its discussion of "The New Four-Ocean Challenge," I wish to have the article printed in the RECORD at the conclusion of my remarks.

Mr. President, there was published with Mr. Bell's article a short accompanying news story entitled "The View From the Top." I believe this article will be of interest to Members of the Senate, for it sets forth the endorsement and support of the highest civilian and uniformed officials of the Department of the Navy concerning the concepts of "The New Four-Ocean Challenge."

It is, I believe, highly significant that Secretary of the Navy, Paul H. Nitze, and his two senior officers, Adm. David L. McDonald, U.S. Navy, Chief of Naval Operations, and Gen. Wallace M. Greene, Jr., Commandant of the Marine Corps, strongly support, in their respective prefatory remarks, "The New Four-Ocean Challenge."

Accordingly, I also submit the brief article, "The View From the Top," from the same issue of the San Diego Union, containing the very thoughtful observations of Secretary Nitze; Admiral McDonald, U.S. Navy, Chief of Naval Operations; and General Greene, Commandant of the Marine Corps, concerning "The New Four-Ocean Challenge."

The San Diego Union also published an editorial entitled "No Substitute for Navy's Power," which pays high tribute to Admiral McCain. I also submit it for printing in the RECORD.

I ask unanimous consent that these remarks and the accompanying newspaper editorial and articles be printed in the RECORD.

There being no objection, the editorial and the articles were ordered to be printed in the RECORD, as follows:

[From the San Diego (Calif.) Union, Aug. 16, 1964]

IT'S A GREAT, SILENT "WET WAR" FOR CONTROL OF THE SEAS—THE NAVY'S NEW FOUR-OCEAN CHALLENGE

(By Lester Bell)

WASHINGTON.—He's a little guy with a big growl, enormous drive, and a consuming mission—make Mahan modern.

"Think wet," Vice Adm. John S. McCain, Jr., rasps at everyone within earshot. And there have been quite a few who have heard him discourse on the contemporary and future challenge at sea.

He's been updating Adm. Alfred Thayer Mahan since 1954 when Adm. Arleigh A. Burke, then chief of naval operations, agreed that the Navy should have a "seapower" presentation to get the word across to all hands. Admiral Mahan, a naval historian, laid the groundwork for today's proponents of the big Navy concept with his books on seapower at the turn of the century.

McCain was Burke's director of the progress analysis group when he put the first seapower series together. He has given the slide lecture himself before thousands of civilians across the country. The series undergoes continuous revision for use throughout the Navy.

Tens of cold war crises and the now burning headlines from the Gulf of Tonkin keep bearing out McCain's thesis that the Navy and Marine Corps are here to stay.

If anything, he insists, they are going to get bigger. If the fleet is to meet its responsibilities, it must double in the next decade.

McCain's premise is best expressed in a cartoon that adorns his headquarters at Little Creek, Va., where he commands the Atlantic Fleet Amphibious Force.

The cartoon shows McCain pacing, chomping on a cigar, poking holes in the air, and declaiming:

"I tell you, we've got to have less ocean or more Navy." And that's no caricature; that's McCain whose friends describe him "as 6 inches of cigar followed by 2 hours of seapower."

His passion for picturing the sea-air-land thrust of the maritime services has won him the nickname of "Admiral Seapower." Not content with bringing seapower to the lecture platform, McCain was a prime mover in putting it to sea where the world could observe it.

Witness the Concord Task Force cruise in the Indian Ocean, the oceanic vacuum that could become a Sino-Soviet sea, and the current Operation Sea Orbit global cruise of the world's first atomic task force. He also supported the late Adm. Charles Ricketts on the Great Lakes cruise of the 1st DeSoto County, a floating Navy-Marine exhibit hall seen by 500,000 visitors this summer.

Despite the success of the seapower series within the Navy, McCain believed there was a need for material a sailor or officer could read and study. They could thus become authoritative seapower spokesmen in their own right.

McCain wrote the text and got the Bureau of Naval Personnel to illustrate it and print it up for all hands. Called "The New Four-Ocean Challenge," the 48-page booklet is now going into the fleet.

In his monograph, McCain ranges the whole spectrum of mid-20th century seapower, advancing Mahan by 60 years.

"Its importance will become known to every nation in the world, even to those lying remote from any ocean," Mahan's modern apostle says of seapower at the outset.

"For he who wields seapower could easily become the master of life and death even to peoples who have never seen salt water."

To McCain, the United States faces a four-ocean challenge now. Behind in World War I is the one ocean Atlantic challenge of an area 2,000 by 3,000 miles, and the two-ocean conflict covering 10 million square miles in World War II.

Today the Navy must look north to the Arctic Ocean, which can serve as an undersea passage and hide a ballistic missile submarine force. His fourth ocean is Afro-Asian ocean sweeping around Africa, washing the shores of southern Asia and upon which 35 new nations border.

He points out that the Soviet Union has become a major maritime power. It has built the world's second largest fleet, it embarked on a vigorous maritime expansion and is pushing the oceanographic sciences at a pace unequalled.

The Russians have demonstrated an awareness of the strategic value of the Arctic and McCain suggests they have covetous eyes on the Afro-Asian ocean where the uncommitted nations are emerging.

The United States, McCain maintains, is in a great, silent wet war with the Soviet Union for the use and control of the seas.

"This 'wet war' is being waged with the same determination and thoroughness that characterizes the program of the Communist leadership in developing rocketry and penetration of outer space," McCain says.

"It is of particular interest that the U.S.S.R., which with its satellites occupies world's greatest single land mass, should give so much attention to the present and future importance of the sea."

McCain says the most profound change in the history of warfare has been the inland reach of seapower. Broad oceans are no barrier to the ballistic missile, like the Navy's submarine-launched Polaris. Somewhat down the scale is the thousand-mile strike of a Navy jet bomber.

While mankind must live under the "frightening threat" of thermonuclear warfare, the Navy must continue to provide the Nation's leaders with weapons of "graduated deterrence" for any degree of military attack.

Although the Gulf of Tonkin lay in the future when McCain wrote his text, it could have provided an example of the response that national leaders selected from an array of naval weapons as appropriate to the aggression.

Casting back over the 10 years he has been talking and writing about seapower, McCain said: "Every crisis since 1954 has fitted well within the context of this thesis."

McCain fervently believes that the Navy's role must increase in the future. He holds it an obligation of the Navy and Marines to help the American taxpayers, who must pay for the doubled fleet, to understand their stake in seapower.

"There is little prospect that the Navy will get smaller, but rather that added commitments will require added forces," he says. "The cost of these forces will impose a burden on the taxpayer. This burden will be heavier to the extent that he does not understand that his own security demands the sacrifice."

The course of events clearly spells out the four-ocean challenge, in his opinion.

"Even though the date on which we must deploy new forces is still unknown."

[From the San Diego (Calif.) Union, Aug. 16, 1964]

THE VIEW FROM THE TOP

WASHINGTON.—The ranking leaders of the Navy-Marine Corps team did not have the example of the Gulf of Tonkin before them when they indorsed "The New Four-Ocean Challenge" for servicewide reading, but they could be certain that a crisis is always fermenting just over the horizon.

In separate forewords to the new Bureau of Naval Personnel publications, with text by Vice Adm. John S. McCain, Jr., they stressed the challenge of the future and the need for seapower to be ever ready.

Here are their prefatory remarks to "The New Four-Ocean Challenge":

Secretary of the Navy Paul H. Nitze: "To meet the challenges of the future, we must maintain strong, balanced seapower. The key of this seapower lies in the Navy-Marine Corps team which, because of its mobility and its ability to engage in all forms of warware on land, on sea, and in the air, is a force unprecedented in the history of warfare.

" 'The New Four-Ocean Challenge' describes the global responsibilities of our Navy and Marine Corps in war or peace. It tells the challenges of the future and how we must prepare to meet them. Every member of the naval service who reads this book will gain a heightened perspective of the importance of this role in our Nation's defense."

Adm. David L. McDonald, Chief of Naval Operations: "The importance of the oceans to our security increases daily. As political, economic, scientific and military changes occur, our Navy must also change. We must be prepared to engage in any form of warfare, from hot to cold; from conducting a peaceful 'show of the flag' to engaging in all-out nuclear exchange.

" 'The New Four-Ocean Challenge' explains how we must broaden our thinking to meet the problems of the future. It also points out the many aspects of the oceans and how they affect the lives of each individual in this country. This book should be widely read throughout the Navy."

Gen. Wallace Greene, Jr., Commandant of the Marine Corps: " 'The New Four-Ocean Challenge' represents an important contribution toward the understanding of the role of the Navy-Marine Corps team and its present and future contributions to seapower. The changing role of the sea is vividly illustrated in this book and its significance to every member of our maritime services explained.

"Because the Marine Corps has always been a 'force in readiness,' we must be mindful of future demands. Every Marine should be fully versed in the importance of seapower. This book will materially aid in the accomplishment of this end."

NO SUSTITUTE FOR NAVY'S POWER

Vice Adm. John S. McCain, Jr., Commander of the Atlantic Fleet Amphibious Force, is a man of vision in military matters.

He recognizes there will be no substitute in the years ahead for the U.S. Navy's mobility and striking power. Admiral McCain said in Norfolk recently that the "United States in the next decade is going to end up with a fleet and a fleet marine force double that of today."

He believes there will be increased dependence on the aircraft carrier for missions not presently assigned to it. The admiral was emphasizing that the Navy may in the future use carrier-based fixed-wing aircraft to parachute marines into battle areas. He believes firmly in the concept of a Navy-Marine Corps team.

Admiral McCain added: "The oceans when approached with imagination lend themselves to all sorts of combinations, ranging all the way from orbiting 6,000 yards off a potential trouble spot in full sight of land without committing a hostile act, to all-out war."

The prime need, as he pointed out, is for sufficient ships to deploy military power to the anticipated trouble spots rather than to travel tremendous distances after the trouble has erupted.

Admiral McCain observed that "you seldom hear of these (U.S.) fleets except when there's trouble, and then you hear a lot."

Southeast Asia developments prove the validity of his statement. Expansion of the Navy and the fleet marine force is essential, as Admiral McCain said, to guarantee United States and all free world security.

THE HEROISM OF OUR COAST GUARD

Mr. PASTORE. Mr. President, when Hurricane Gladys lashed the Rhode Island shore on Wednesday, September 23, 1964, she wrote a chapter of danger and daring—another chapter of heroism in the history of our Coast Guard.

The lovely summer shoreline on our State becomes monstrously beautiful in the raging surf at Narragansett where the waters of the open Atlantic begin to mingle with the currents of Long Island Sound—when whipped by the turbulence of hurricane gales.

There is a human fascination in the violence of the sea—and there is sudden death in the gigantic waves that sweep in from nowhere. In the early evening of that hurricane day, a 12-year-old Rhode Island boy would have learned that in his personal disaster—save for the skill and daring of the men of Castle Hill Coast Guard Station—and their sturdy 40-footer that robbed the seas of their prey.

This saga of the sea has been captured so graphically by the Providence Journal of Thursday, September 24, 1964, that I feel the whole story has call upon the recognition of the Congress and a place in the RECORD as a tribute to our men of the Coast Guard—and I ask unanimous consent that the story be inserted in the RECORD as a part of my remarks.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

COAST GUARD DEFIES SURF, SAVES BOY AT NARRAGANSETT

A 12-year-old South County boy, swept from the rocky shore of Narragansett into a raging sea, was rescued in a daring feat of Coast Guard seamanship last night after spending 2 harrowing hours in the surf.

Carl Dykstra, of 132 Kenyon Avenue, Wakefield, was plucked from the water about 500 yards offshore by Seaman Eric Geores, 21, of the Castle Hill Coast Guard Station at Newport, one of four crewmen on a 40-foot boat.

The boy was in the surf from 7:10 to 9:10 p.m.

He was taken to the South County Hospital suffering from shock and exhaustion but the hospital late last night reported his condition as good.

Veterans of many water rescue efforts described the recovery of the Dykstra boy as a "miracle."

Before the 40-footer from Newport made the hazardous approach to shore through waves 15 feet high, all attempts to rescue the boy from shore had been battered down by the powerful smashing surf.

They included an effort to launch a rubber life raft, three tries at shooting a rescue line and an attempt by one man to swim out with a life line.

During the rescue operations, six men were knocked off their feet by a mountainous wave that topped the rock on which they were standing. Several suffered bruises and cuts.

Even while the rescue effort was being made, with at least 1,000 spectators watching in prayerful silence, a move was underway to prevent a repetition.

Col. Walter E. Stone, superintendent of the State police, ordered troopers to patrol all coastal areas to warn sightseers away from the coastline. Troopers were called in from as far away as Lincoln and Scituate to take part in the shoreline patrol.

The accident that befell the Dykstra boy began with a sightseeing trip.

Carl had gone to Bass Rock Road, off Ocean Road in Narragansett, to watch the pounding surf at about 6:30 p.m. With him were his sister, Mrs. Katherine Toth, 21, and her husband, Andrew Toth, 27, of 53 Sterling Avenue, Providence.

The three were standing atop the rocks, which drop about 35 feet to the water, when a huge wave swept Carl from one of the highest points.

Mr. Toth removed his outer clothing and went into the water after the boy, but, in the darkness, was unable to spot him in the crashing surf. He was able to call to him, however, and to hear Carl's replies.

Mrs. Toth, meanwhile, ran up the road to the summer home of Hugo Mainelli, about 300 yards away. Mrs. Mainelli was at home and a call was put in to Narragansett police.

As she ran back toward the shore, Mrs. Toth met her husband, who had failed to reach Carl.

Deputy Police Chief John Linehan and Patrolman James Cook Jr. were the first to arrive. They spotted the boy in the water and radioed for lights, lines, a portable radio and more help.

Police Chief Richard A. Colvin brought a portable radio with which the rescue operations were then coordinated from the rocky shoreline.

Ernest A. Downes of the Point Judith Coast Guard Station arrived with a four-man detail equipped with rubber skin-diving suits, a rubber raft and a line-throwing gun.

Fired three times, the line was tossed back each time by the waves.

One of the coastguardsmen tied a line about his waist and entered the water. He was immediately knocked down by a huge wave.

Efforts to launch the rubber raft met a similar fate. The try was made by Mr. Downes and George Myers.

Roger W. Wheeler, a State recreational safety inspector, said he had to restrain four State lifeguards from an attempt to enter the water.

Meanwhile, portable lights were being brought in by the South Kingstown, Narragansett, and Westerly Fire Departments. Twenty in all were lined up along the rocks and, though the rescuers were helpless in the face of the angry ocean, they managed to keep the boy in sight all the time.

Sgt. Ronald Hawksley, an off-duty South Kingstown policeman, stood on the rocks with a bullhorn—a portable amplifier—and spoke encouragingly to Carl.

"Don't swim," he shouted. "Float.

"You'll stay up. We are bringing a boat.

"We can see you better than you can see us.

"Everyone is with you here."

Attracted by the powerful lights gleaming through the misty rain and by the sound of sirens, a crowd estimated at about 1,000 arrived.

Cars lined Ocean Road for about a mile.

Many of the spectators obviously were praying and they urged others to join them in prayer for the boy's safety.

One of the rescuers knocked down by a wave was Robert Sweet, of Ann Olivo Court, a Narragansett Highway Department employee.

He was setting up one of the portable floodlights and, as he and the others fell down into a pool of water formed in the rocks, the light he was holding smashed.

Each person who tried to lift Mr. Sweet from the water received a shock from the 110-volt line he was holding and which had short circuited in the water.

Finally, Mr. Wheeler grabbed the cord and managed to shake it loose.

Mr. Sweet was taken by ambulance to South County Hospital for treatment. Sgt. Thomas McKenna of the State police, who fell at the same time, was treated at the Coast Guard boathouse at Galilee for cuts and bruises.

Sgt. Herbert Kohler of the State police and two or three other unidentified persons who had been knocked down by the wave also suffered minor injuries.

The call for help at Castle Hill was received at 8 p.m., according to Gerard Downing, engineman first class, who is in charge of the station.

The station's 40-foot boat was dispatched with Donald Pereira, 27, boatswain's mate second class, as coxswain. Others in the crew were James Beck, a State trooper who was on Coast Guard Reserve duty; Mr. Geores, 21, of Loch Arbour, N.J., and Riner Lingly, 23, an engineman third class.

In the fog that hung over the Newport side of the bay and the rough seas in the bay, it took the 40-footer an hour to cross to Narragansett.

Coxswain Pereira brought his boat as close as he dared to Carl and then Seaman Geores, wearing a life jacket, went over the side to the boy's aid.

He was able to help his fellow crewmen lift Carl aboard the tossing craft and then clambered back aboard.

With Carl wrapped in blankets and saying little, the 40-footer headed for Galilee. Heavy seas forced it to swing wide of the shore to make the Harbor of Refuge. It arrived at Galilee at 10:35 and from there he was taken to the hospital.

Coxswain Pereira said the Coast Guard men talked to Carl but "he didn't say much." He kept repeating, "I thought I was going to die," his rescuers related.

Carl was very pale but he appeared to be in good condition, the men said. When he went in the water, he was dressed in a T-shirt and slacks.

Police Chief Colvin said that in the ambulance on the way to the hospital, Carl was asked how he felt.

"He just gurgled," the chief said.

Chief Colvin, in thanking all those who had helped in the rescue effort, said its success was "a miracle."

Mr. Wheeler said, "I've never seen such superb seamanship as those coastguardsmen used tonight. That boat was our last hope."

Mr. Downing said at Castle Hill that he intends to put in the names of the four crewmen for a commendation.

"Never once during that time did he yell 'help,'" Chief Colvin said.

Carl, a seventh-grader at the South Kingstown Junior High School, intends to study for the ministry, according to his sister.

The boy's father, Theodore Dykstra, a commercial fisherman, is presiding minister of the Jehovah's Witnesses congregation in Wakefield. Mr. Dykstra is at South Lansing, N.Y., taking a course at the religious organization's Watch Tower Bible School.

Mr. Toth said Carl never showed any sign of panic, replied to the shouts and encouragement in his "normal voice" and "he seemed to know enough to stay offshore, away from the surf pounding on the rocks, until someone could get to him."

Chief Colvin said that requests for the services of a helicopter were made to the Navy and Coast Guard at Quonset and to the State at Hillsgrove.

The Navy reported that it did not dispatch helicopters at night, Chief Colvin said. He said the Coast Guard was prepared to send a helicopter but the rescue boat was in the area by that time and there was no need for the aircraft.

Chief Colvin said he was told the State helicopter could not be sent out at night.

ALASKA RICH IN IRON

Mr. BARTLETT. Mr. President, a discovery of iron ore has been made in Alaska, and has already been termed one of the seven or eight largest finds in history. This vast deposit, which may total 1 billion tons, was discovered on the Alaska Peninsula, about 200 miles southwest of Anchorage, by accident. Interestingly enough, the ore was found by an oil company, Pan American Petroleum Corp., a subsidiary of Standard Oil of Indiana. This morning's newspapers relate that, in response, the quotation of the stock of Standard of Indiana rose over $4 a share yesterday on the New York Stock Exchange.

It all goes to prove that gold is where you find it. The presence of substantial iron ore deposits in Alaska has been recognized for years, but no one knew that this treasure house existed on the Alaska Peninsula. The find is meaningful not only for Alaska; it is important to the entire United States, whose reserves of iron ore have been sinking very rapidly. As a nation, we shall now be more self-sufficient.

In its sixth year of statehood, Alaska moves ahead, despite the shattering consequences of the Good Friday disaster occasioned by earthquake and seismic wave. We who advocated statehood declared, among other things, that Alaska would be a vast storehouse of natural wealth which would serve to strengthen our country. Our prophecies are being fulfilled. More and more oil wells are being successfully drilled. It is rumored that two wells, completed not long since, when drilled beneath the waters of Cook Inlet, not far from Anchorage, are even more productive that the figures which have been released would indicate. In fact, it is said these wells may well rival in importance some of the bonanza wells of the Middle East.

The Wall Street Journal of September 24 reported the Alaska Peninsula iron-ore discovery in a special dispatch from Chicago; and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Chicago.—Standard Oil Co. (Indiana) has discovered low-grade iron ore deposits in Alaska containing an estimated 1 billion tons of recoverable iron, Randolph Yost, president of Pan American Petroleum Corp., a subsidiary, said.

He said the company views the ore as an "economically attractive source of supply" within "10 or 15 years."

The discoveries, he said, have been staked and claimed by the company; the find may "possibly be one of the largest iron ore deposits ever located on the North American Continent." On a tonnage basis, he added, the find "is one of the top seven or eight iron ore discoveries ever made and is the largest ever found in the United States except those in Minnesota."

SOUTHWEST OF ANCHORAGE

The deposits are about 200 miles southwest of Anchorage, near the head of the Alaska Peninsula, he said. The ore contains about 15 percent iron, Mr. Yost said. He noted that while the iron content is less than that of some low-grade reserves being mined in the United States "There appears to be good possibilities of using available gas supplies to reduce the ore to a concentrate containing about 95 percent iron."

A substantial amount of titanium is contained in the deposits, he said, although "preliminary reports indicate that this has no commercial value." Mr. Yost said the discovery is within easy pipeline distance from the big oil company's natural gas reserves at Cook Inlet. The gas could be used to supply power and heat for ore-reduction processes, he observed.

[Steel industry sources said they couldn't assess the possible impact of the Indiana Standard deposit until they had more details on the type of ore and the process that would be used to concentrate it. They said, however, that 15 percent content is lower than the lowest grades currently mined in the United States. They agreed that the concentrate might be competitive in price in places where it could be moved through cheap water transportation. A factor, they said, would also be availability of cheap gas for the concentration process. But, they pointed out, there is a worldwide surplus of ore. One estimate has placed world reserves at well in excess of 70 billion tons.]

Either the Japanese steel industry or domestic steel companies on the west coast are potential customers, Mr. Yost said.

CLOSE TO DEEP WATER

He said the deposits are close to ice-free deep water, making cheap water transportation to world markets available year round.

Commenting that present domestic iron ore deposits are supplying only 65 percent of total requirements, he noted: "Thus we anticipate that within 10 to 15 years these new Alaskan ore reserves may very well represent an economically attractive source of supply." Two large American steelmaking concerns have expressed interest in the discoveries as have two Japanese companies, he said. The two American steel companies are conducting their own studies of the economics of the Alaskan deposits, he added.

The deposits were staked in July and August, with 480 claims filed covering 9,600 acres. The largest single deposit is estimated to contain about 3.5 billion tons of ore, which could yield 500 million tons of iron.

Coring and trenching operations will probably be started next summer to define the extent of the deposits and provide for smelting experiments, he said.

The company said the iron ore was found by coincidence. A Pan American spokesman said it happened one day last summer on a routine aerial mapping survey made with a magnetometer, a device that measures varying magnetic forces in the earth and provides clues to oil-and-gas-bearing structures. The aerial crew was surveying an offshore area. To check its instrument, the crew flew over an offshore area that it presumed would be nonmagnetic and hence would register negatively. Instead the magnetometer gave strong recordings.

Fearing the magnetometer wasn't in working order, the crew flew back to Anchorage for another magnetometer, one known to be functioning properly. Upon returning to the area, the second instrument gave similar recordings. Suspecting the presence of large-scale iron deposits, Pan American continued aerial mapping of the area. Then it rounded up 7 helicopters, all that were available in the area, to drop a geological team of 40 men in the area. Locations were staked on the basis of the aerial survey maps, the spokesman said. Surface coring operations and seismographic surveys also were carried out and are still continuing, he added.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

Mr. BYRD of West Virginia. Mr. President, as the debate on the historic Appalachian Regional Development Act of 1964 nears a close, I would feel remiss if I did not again express my hopes and state my appreciation to President Johnson and this Senate for their consideration of the Appalachian region.

This legislation was created out of compassion for good Americans who have always responded quickly to the needs of our Nation and who now ask only a helping hand to care for themselves.

I have known all along of the great interest in West Virginia concerning this program, but my recent visits there have found even stronger expectations regarding the legislation. It has given our people new hope for the future. They hope it will persuade our young citizens to remain in their native cities and communities and, most of all, they foresee West Virginia advancing to the forefront as a tourist and industrial center.

The program of new highway construction should enhance the industrial potential of West Virginia. The timber development fund and the program of rehabilitation of mining areas will hopefully spur economic investments in these areas.

Needless to say, the Federal grants to States for medical and vocational education facilities will be very helpful.

As I stated at the beginning of the debate on this measure some weeks ago, approval of the legislation means, that we as Americans, will be doing for our own country some of what we have been generously doing for other countries through foreign aid for the past several years.

I will again state my own and the gratitude of my State to President Johnson and to the Senate for this action. I especially wish to congratulate my colleague, Senator RANDOLPH, for his capable handling of this bill through the Public Works Committee.

OUTSTANDING DISABLED VETERAN OF THE YEAR, 1964

Mr. BYRD of West Virginia. Mr. President, it is always a pleasure to tell a success story and doubly so when the person who achieves the success has done so under a handicap. Such was the case of Kenneth S. Kayser, a native West Virginian who lost both legs in combat during World War II.

Mr. Kayser, whose home is in Alum Bridge, W. Va., has just been named the 1964 Outstanding Disabled Veteran of the Year.

Despite his physical setback, Mr. Kayser returned to West Virginia after his discharge from the Army and went to work as an attaché in the West Virginia State Legislature. He later became a soil conservation supervisor and, in 1960, accepted his present position with the Department of Veterans' Affairs as adjutant of the Weston Soldiers Home.

Mr. President, this gentleman is an outstanding example of our heroic servicemen. We may all join in the praise heaped on Mr. Kayser by Douglas H. McGarrity, national DAV commander, who spoke of the veteran as "not only a credit to yourself, but to your family, city, State, and employer, and to the Disabled American Veterans."

An account of Mr. Kayser's success is contained in an article in the September edition of DAV magazine. I ask that the article be reprinted in its entirety in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KENNETH S. KAYSER: 1964 OUTSTANDING DISABLED VETERAN OF THE YEAR

Meet Kenneth S. Kayser—a plucky ex-Army artilleryman who lost both legs in combat in Italy during World War II, named 1964 Outstanding Disabled Veteran of the Year.

The 46-year-old Alum Bridge, W. Va., veteran received the title and the coveted National Commander's Award at the 1964 DAV convention in Phoenix.

In presenting Kayser the national award, National DAV Commander Douglas H. McGarrity called the legless veteran "not only a credit to yourself, but to your family, city, State, and employer and to the Disabled American Veterans."

Kayser, now employed by the West Virginia Department of Veteran Affairs as adjutant of the Weston Soldiers Home, was one of dozens of disabled veterans competing for the national title. Judging was based on severity of disability, successful rehabilitation and service to disabled veterans.

Gov. William W. Barron of West Virginia, in urging Kayser's selection for the Nation award, called "Kenny" an outstanding citizen of the State * * *" "even though he gave so much in the defense of his country, he still gives with all of his heart and ability to help other disabled veterans and citizens in need of a helping hand."

Born in Lewis County, W. Va., on July 7, 1918, Kayser attended Glenville State Teacher's College prior to entering service in November of 1942, serving in the Field Artillery of the 85th Division training at Camp Shelby, Miss. He left for oversea duty in December of 1943.

On May 12, 1944, on combat duty in Italy, Kayser suffered severe multiple shrapnel wounds of both legs, left arm, chest, neck and face. And, membranes of both ears were punctured, with subsequent loss of hearing. Hospitalized on the day he was injured, his left leg was amputated in the upper thigh and the right leg below the knee. Long hospitalization and additional corrective surgery was to follow, and he was finally discharged on disability in May of 1945. Despite the severity of his handicap, he learned to walk with the use of artificial legs and a crutch.

Kayser returned home to Alum Bridge after his discharge from the Army and the hospital and went to work as an attaché in the West Virginia State Legislature, a job he held for 4 years. From 1950 to 1960, he worked as a soil conservation supervisor. In April of 1960, he accepted his present position with the department of veterans affairs as adjutant of the Weston Soldiers Home where he has an outstanding record of service and has been called an inspiration to hundreds of veterans suffering from physical and mental conditions.

A member of the Pringle Tree Chapter No. 5 of the DAV at Buckhannon, W. Va., Kayser was selected by the State DAV Department as West Virginia's Outstanding Disabled Veteran earlier this summer. He is active in other veteran and service organizations and has long been active in his church (Methodist).

Kayser and his pretty wife, Shada Gay, have two children: Barbara Ann Richards of Cleveland, Ohio, and Kenneth Richard, at home.

The West Virginia veteran has never let his handicap interfere with "the business of living," as he puts it, even though walking is almost an impossibility and continuously painful.

Kayser's strong champion, Governor Barron, described the disabled veteran succinctly when he said: "Kenneth Kayser is the best example I know of a man who, grievously wounded in war, has been able to overcome his handicaps to become an outstanding, self-supporting and dedicated citizen of his community and State. * * * I'm indeed proud of 'Kenny' Kayser as a fellow American."

THE RULING OF THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA UPON THE CONSTITUTIONALITY OF PUBLIC ACCOMMODATIONS TITLE OF THE CIVIL RIGHTS ACT OF 1964

Mr. ERVIN. Mr. President, on September 17, 1964, Circuit Judge Gewin, and District Judges Lynne and Grooms, sitting as a three-judge court in the case of McClung against Katzenbach in the U.S. District Court for the Northern District of Alabama, handed down a decision adjudging title II, which is the public accommodations title of the Civil Rights Act of 1964, to be unconstitutional under both the interstate commerce clause and the 14th amendment.

The opinion of the court conforms to both the letter and the spirit of these constitutional provisions and the interpretations placed upon them by the Supreme Court since their inception. This opinion merits the consideration of all Americans who are devoted to the preservation of the Federal system of government, and for this reason, merits the widest possible dissemination. I ask unanimous consent that it be printed at this point in the body of the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[U.S. District Court for the Northern District of Alabama, Southern Division—Civil Action No. 64–448]

OLLIE MCCLUNG, SR., AND OLLIE MCCLUNG, JR., PLAINTIFFS, *v.* NICHOLAS DEB. KATZENBACH, AS ACTING ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA, ET AL., DEFENDANTS

Before Gewin, circuit judge, and Lynne and Grooms, district judges.

Per curiam: This is a suit by the owners and operators of a restaurant business in Birmingham, Ala., seeking to enjoin the enforcement of the provisions of title II of the Civil Rights Act of 1964 [1] on the ground that they are unconstitutional. A statutory three-judge court was convened pursuant to 28 U.S.C.A., section 2282, and the case was set down for hearing on September 1, 1964, on plaintiffs' prayer for a temporary injunction. Prior to the hearing the defendants moved to dismiss the complaint on the separate grounds that (1) the court lacks jurisdiction over defendant Robert F. Kennedy[2] as Attorney General of the United States, because of insufficient service of process; (2) since defendant Robert F. Kennedy is an indispensable party, the insufficiency of service of process upon him renders codefendant Macon L. Weaver, U.S. attorney for the Northern District of Alabama, an improper party defendant; (3) the complaint fails to state a claim upon which relief can be granted; and, (4) the court lacks equitable jurisdiction because plaintiffs have an adequate remedy at law. This motion was heard by and submitted to the full court on briefs and oral argument of counsel on September 1, 1964, and was taken along with plaintiffs' prayer for a temporary injunction.

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[1] Public Law 88–352; 78 Stat. 241.

THE MOTION TO DISMISS

The first two grounds for dismissal, both based upon the theory that service of process upon the Attorney General was defective, are no longer in issue. Service of process upon the Attorney General was made initially by certified mail in accordance with the provisions of 28 U.S.C.A., section 1391(e), and defendants contended that because fictitious parties were joined as defendants the provisions of section 1391(e) were inapplicable. Thereafter, plaintiffs amended their complaint by striking and dismissing therefrom the unserved fictitious parties and caused the complaint as amended to be re-served upon the Attorney General under section 1391(e). It was conceded by counsel for defendants on argument that the first two grounds in their motion to dismiss were thereby eliminated and accordingly are considered abandoned.

Defendants have also insisted in their brief and oral argument that the complaint does not present an actual controversy between the parties and that the adequacy of legal remedies deprives this court of equitable jurisdiction. These grounds were argued in the hearing on plaintiffs' prayer for temporary injunction at which evidence was adduced developing the undisputed facts set out below.[3]

Contending that there has not been a sufficient showing of a specific threat of immediate enforcement of title II of the act as to the plaintiffs, defendants insist alternatively that it is not alleged that defendants either have instituted enforcement proceedings against the plaintiffs or have conducted an investigation to determine whether plaintiffs have violated the act, and that insufficient facts are alleged to bring the plaintiffs within the coverage of the act.

In urging that the allegations are insufficient to show coverage, defendants point first to averments in the complaint respecting the remoteness of plaintiffs' business from any place normally frequented by interstate travelers, the absence of any advertising by them and the averment that to their knowledge they serve no interstate travelers as that term is used in the act. It is true that these allegations, substantiated by evidence at the hearing, tend strongly to indicate an absence of coverage under title II insofar as it relates to a restaurant which serves or offers to serve interstate travelers, and defendants have made no contention that they are covered by virtue of that part of the act.

Defendants then seize upon the averment that "some" of the food served in plaintiffs' restaurant originated in some form outside of Alabama. This use of the word "some," say defendants, is insufficient because the act uses the term "substantial" in defining the portion of a restaurant's food which must move in commerce in order that it be within the alternative criterion of coverage prescribed by section 201(e)(2). We are of the opinion that the meaning of the term "substantial" as there used must and can only be determined judicially, and we conclude as a matter of law, on the basis of objective evidence, that a "substantial" portion of the food served by plaintiffs has moved in commerce within the meaning of the act.

As defendants note, the complaint avers neither that enforcement proceedings have been instituted against plaintiffs nor that their restaurant was investigated by defendants prior to the commencement of the action. Plaintiffs do aver that prior to its filing they had violated the provisions of title II applicable to their restaurant by refusing to provide service to Negroes on the same basis as they provide to their other customers, and the evidence shows that since its commencement they have consistently continued and will continue thus to violate the act. In this respect alone the circumstances of this case are quite different from those existing in the cases urged by defendants in support of their position that this suit presents no justifiable controversy.

One of the plaintiffs testified further that he was caused in large part to institute this action by the fact that the defendants 2 days previously had filed in this court an enforcement suit against other persons operating restaurants of a similar character, and it appears from the complaint in that suit[4] that the act's coverage was invoked in part upon the basis that a substantial part of their food had moved in commerce. And plainly the Attorney General has indicated an intention to enforce the provisions of title II as against its violators. We cannot say, in these circumstances, that enforcement against plaintiffs was not reasonably imminent when this action was commenced, and no case cited by defendants or found by us has held under comparable circumstances that for this reason an actual controversy did not exist.

There are, moreover, many instances in which a threat of imminent enforcement of a law has not been considered requisite to the existence of a justiciable controversy or the exercise by Federal courts of equitable jurisdiction in similar suits seeking anticipatory relief from the operation and enforcement of the law.

In their complaint plaintiffs attack the validity of title II of the act in its entirety. The act requires in positive terms that the plaintiffs, in the operation of their restaurant, afford to all persons "the full and equal enjoyment of the goods, services [and] facilities." Consequently, as to the plaintiffs, title II creates a mandatory duty to which it commands immediate obedience. As against this, the plaintiffs contend, and it is the object of this suit to determine, that they have a constitutional right to operate their business free of the restriction now imposed upon it by the act. They aver, and have shown by evidence, that these requirements of title II will cause substantial and irreparable injury to their business. Thus, the substance of the allegations and proof is that the provisions of title II and the duty it imposes constitute a present injurious impingement upon the plaintiff's property rights. The existence of a justiciable controversy as well as the equitable jurisdiction of the Federal courts and the right to injuctive relief have been upheld often under similar circumstances. *Euclid* v. *Ambler Realty Co.*, 272 U.S. 365 (1926); *Pennsylvania* v. *West Virginia*, 262 U.S. 553 (1923); *Carter* v. *Carter Coal Co.*, 298 U.S. 238 (1936); *Public Utilities Comm'n of California* v. *United States*, 355 U.S. 534 (1958); *Adler* v. *Board of Education*, 342 U.S. 485 (1952); *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925); *Currin v. Wallace*, 306 U.S. 1 (1939); *Terrace* v. *Thompson*, 263 U.S. 197 (1923); *Wickard* v. *Filburn*, 317 U.S. 111 (1942). It is our considered opinion that these decisions are controlling upon the present case and that defendants' motion to dismiss the complaint therefore should be overruled.

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[2] Since Robert F. Kennedy tendered his resignation as Attorney General of the United States, which was accepted after submission of this case to the court and since Nicholas deB. Katzenbach has been appointed Acting Attorney General of the United States, the said Katzenbach is hereby substituted, in his official capacity, for the said Kennedy as a party defendant, as provided by rule 25(d)(1) Fed. R. Civ. P.

[3] 1. Plaintiffs are partners operating a restaurant under the trade style "Ollie's Barbecue" at 902 Seventh Avenue South, in Birmingham.

2. The plaintiffs' family has operated such restaurant under the same name and at the same location since 1927.

3. Plaintiffs' restaurant specializes in barbecued meats and homemade pies; approximately 90 to 95 percent of its sales consist of such items and nonalcoholic beverages.

4. Plaintiffs' restaurant, when filled to capacity, will seat approximately 220 persons; its trade is derived from local regular customers who are for the most part known to the plaintiffs; its trade is predominantly composed of white collar business people and family groups. Plaintiffs feature in their restaurant a wholesome atmosphere in which no profanity or consumption of alcoholic beverages is allowed. The restaurant is closed on Sunday. Plaintiffs have in the past declined service to persons who have been profane and have given the appearance of drinking alcoholic beverages.

5. Plaintiffs' restaurant is located in an area of Birmingham in which are located primarily residences occupied by Negroes and light industrial development; in the nearby vicinity are several Negro churches and schools attended by Negro children.

6. The restaurant is 11 blocks from the nearest interstate highway, a somewhat greater distance from the nearest railroad station and bus station and between 6 and 8 miles from the nearest airport.

7. Plaintiffs seek no transient trade and do no advertising of any kind except for the maintenance of a sign on their own premises. To their knowledge plaintiffs serve no interstate travelers.

8. In the 12 months preceding the passage of the Civil Rights Act of 1964, plaintiffs purchased approximately $150,000 worth of food, all locally. Approximately 55 percent of this was for meat and between 80 and 90 percent of the meat purchases were from George A. Hormel & Co., at its Birmingham branch. Its purchases from Hormel for that period were shown to be $69,783. All of the meat purchased from Hormel was shipped to its Birmingham branch from outside the State of Alabama.

9. Plaintiffs employ 36 persons at their restaurant, approximately two-thirds of whom are Negro. Plaintiffs personally prepare food and serve customers. Plaintiffs and some of their employees would not voluntarily serve meals to Negroes.

10. Since July 2, 1964, plaintiffs have not complied with the Civil Rights Act of 1964; they have, in fact, on more than one occasion, refused service to Negroes on an equal basis with white customers and on such occasions plaintiffs have been in actual violation of the act.

11. Because of their location and the manner of conducting their business, plaintiffs would lose a substantial amount of business if forced to serve Negroes in their restaurant. From its beginning, plaintiffs' restaurant has served only white trade.

12. A substantial portion of the food served in plaintiffs' restaurant has moved in commerce and plaintiffs have, since July 2, been in violation of the Civil Rights Act of 1964.

[4] Civil action No. 64-443, northern district of Alabama.

THE MERITS

Having negotiated the procedural hurdles, we proceed to an examination of title II of the Civil Rights Act of 1964:

"SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination, or segregation on the ground of race, color, religion, or national origin.

"(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

* * * * *

"(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

* * * * *

"(c) The operations of an establishment affect commerce within the meaning of this title if * * * (2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce * * *."

Contending that the foregoing portions of the act, as applied to the local business which they operate, are unconstitutional, plaintiffs insist that when private establishments within the confines of the respective States, in the lawful and legitimate exercise of their private discretion, wish to select their customers there is no power, under the Constitution, or any of its amendments, granted to the Federal Government to regulate such private accommodations.

The heart of the Federal compact beats in the 10th amendment of the Constitution: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Thus it is to the Constitution and its amendments that we must look to determine whether Congress possesses the power it has in this instance sought to exercise.

Insofar as we can determine from a review of the legislative history of the act[5] and the extensive debates in the Senate relevant to title II,[6] the only three suggested sources of congressional power were the 13th amendment, the 14th amendment, and the commerce clause.

At oral argument counsel for defendants forthrightly stated their opinion that the 13th amendment was neither authority for nor prohibitory of this legislation. We agree, thereby rejecting the argument of plaintiffs that the effect of such act is to impose upon them a condition of involuntary servitude in violation of such amendment.[7]

It cannot be successfully contended that the above quoted portions of the act may be constitutionally applied to these plaintiffs under the grant of legislative power contained in the 14th amendment[8] since it was conceded at oral argument that the State of Alabama, in none of its manifestations, has been involved in the private conduct of plaintiffs in refusing to serve food to Negroes for consumption on the premises. *Civil Rights Cases,* 109 U.S. 3 (1883); *Peterson* v. *Greenville,* 373 U.S. 244 (1963).

In any discussion of the commerce clause as a grant of power to the National Government to regulate activities commonly described as private and local we keep in mind the admitted fact that a majority of sincere and conscientious Members of Congress believed this legislation to be in the national interest and necessary to end practices which they considered debasing to human dignity. Of course, we express no opinion as to the wisdom of the legislation and confine our consideration to the constitutionality of the provisions with which we are concerned.

The commerce clause, appearing in article 1, section 8 of the Constitution, reads as follows:

"The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes; * * * and to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

The language is simple and unadorned. It has remained unchanged since 1789. With reference to it, to allay popular misgivings as to the nature and extent of powers vested in the Union by the new Constitution, James Madison wrote, "The regulation of commerce, it is true, is a new power; but that seems to be an addition which few oppose, and from which no apprehensions are entertained."[9] And Alexander Hamilton made it clear that the commerce clause was intended to restrain the "interfering and unneighborly regulations of some States."[10] In spite of its simplicity and clarity and because of the constantly increasing "interpenetrations of modern society,"[11] it has spawned thousands of cases.

In *Civil Rights Cases,* 109 U.S. 3 (1883), at page 10, Mr. Justice Bradley characterized section 1 of the Civil Rights Act of 1875: "Its effect is to declare, that in all inns, public conveyances and places of amusement, colored citizens, whether formerly slaves or not, and citizens of other races, shall have the same accommodations and privileges in all inns, public conveyances, and places of amusement as are enjoyed by white citizens; and vice versa." Thereafter, he posed and answered a question: "Has Congress constitutional power to make such a law? Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments [13th, 14th and 15th]." Since the commerce clause had been in the Constitution for almost 100 years and since we are advised that the Solicitor General in brief had urged upon the Court the sufficiency of its grant of power to sustain the challenged legislation, Mr. Justice Bradley's pronouncement is, to say the least, highly intriguing and might be accorded more than persuasive authority but for the subsequent statement in *Butts* v. *Merchants Transp'n Co.,* 230 U.S. 126 (1913), at page 132:

"The question of the constitutional validity of those sections came before this Court in *Civil Rights Cases,* 109 U.S. 3, and upon full consideration it was held (a) that they received no support from the power of Congress to regulate interstate commerce because, as is shown by the preamble and by their terms, they were not enacted in the exertion of that power * * *."

While we shall not attempt the impossible task of a precise delineation of the contours of the power to regulate interstate commerce granted the Congress or the Herculean labor of analyzing the multitudinous cases dealing with various aspects of what may be termed primary and implied power, we shall make an effort to distill from the decided cases a definitive statement of such power which may be applied to this case only.

Some presuppositions are permissible; indeed they are required by the teaching of *Wickard* v. *Filburn,* 317 U.S. 111, 120, "At the beginning Chief Justice Marshall described the Federal commerce power with a breadth never yet exceeded. *Gibbons* v. *Ogden,* 9 Wheat. 1, 194–195."; of *Swift* v. *United States,* 196 U.S. 375, 398, "* * * commerce among the States is not a technical legal conception, but a practical one, drawn from the course of business."; of *The Pipe Line Cases,* 234 U.S. 548, 560–61, "The control of Congress over commerce among the States cannot be made a means of exercising powers not entrusted to it by the Constitution"; and, of *Labor Board* v. *Jones & Laughlin,* 301 U.S. 1, 30, "The authority of the Federal Government may not be pushed to such an extreme as to destroy the distinction, which the commerce clause itself establishes, between commerce among the several States and the internal concerns of a State. That distinction between what is national and what is local in the activities of commerce is vital to the maintenance of our Federal system."

Proceeding to explicate our understanding of the nature and extent of the power with which we are concerned, it is quite unnecessary to labor the obvious, that the commerce clause constitutes an express grant of power to Congress to regulate interstate commerce, which consists of the movement of persons, goods or information from one State to another. The cases are legion sustaining its exercise in this area.[12] Its power is not restricted, however, to the regulation of interstate commerce. Congress is further invested with the power to regulate intrastate activities, but only to the extent that action on its part is necessary or appropriate to the effective execution of its expressly granted power to regulate interstate commerce.

The power of Congress to regulate wholly intrastate activities is brought into play only when those activities have such a close and substantial relation to interstate commerce that their control is essential or appropriate to protect that commerce from practices within a State which burden its freedom or obstruct its flow.[13] The exercise of such power must necessarily be prospective, for the reason that, unlike Tennyson's brook, interstate commerce does not run on forever. At some time it must come to an end within the boundaries of some State.[14]

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[5] 11 United States Code Cong. & Ad. News 1727–1891, 88th Cong., 2d sess. (July 20, 1964).

[6] CONGRESSIONAL RECORD, March 9, 1964, pages 4745, 4763–4768; March 10, pages 4820–4828, 4853–4854; March 11, pages 5005–5007; March 12, page 5084; March 13, pages 5246–5252; March 14, pages 5268–5281; March 18, pages 5636–5641; March 19, pages 5725–5730; March 21, pages 5878–5881; March 23, pages 5956–5957; March 24, pages 6042–6047, 6056–6063, 6071–6081; March 25, page 6202; March 26, pages 6423–6425, 6445–6451; March 30, pages 6527, 6554–6565; April 8, pages 7259–7262; April 13, pages 7785–7792; April 14, pages 7915–7922; April 15, pages 8060–8070, 8081–8099; April 16, pages 8224–8225; April 17, page 8292; April 18, page 8355; April 21, page 8633; April 25, pages 9079–9081; April 27, page 9122.

[7] Compare: *Butler* v. *Perry,* 240 U.S. 328 (1916); *Brown Holding Co.* v. *Feldman,* 256 U.S. 170 (1921); *State* v. *Sprague,* 32 U.S.L. Week 2610 (New Hampshire Supreme Court 1964); Scheiber, "The 13th Amendment and Freedom of Choice in Personal Service Occupations: A Reappraisal." 49 Cornell L.Q. 508 (1964).

[8] Sec. 5 thereof reads as follows: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

[9] The Federalist No. 45 (Madison).

[10] The Federalist No. 22 (Hamilton).

[11] *Polish Alliance* v. *Labor Board,* 322 U.S. 43, 650 (1944).

[12] E.g. *United States* v. *International Boxing Club,* 348 U.S. 236 (1955); *United States* v. *Shubert,* 348 U.S. 222 (1955); *Radovich* v. *National Football League,* 352 U.S. 445, 455 (1957); *United States* v. *Frankford Distilleries,* 324 U.S. 293 (1945).

[13] *United States* v. *Wrightwood Dairy Co.,* 315 U.S. 110 (1942); *Bethlehem Steel Co.* v. *New York State Labor Relations Board,* 330 U.S. 767 (1947); *Santa Cruz Co.* v. *NLRB,* 303 U.S. 453 (1938); *Labor Board* v. *Jones &*

This century has witnessed a dynamic expansion of Federal control not only of the movements of commerce between the States but also of intrastate activities which have been found to burden its freedom or obstruct its flow. Thus Congress has exercised its power granted by the commerce clause to enact the Robinson-Patman Act,[15] the Federal Food, Drug and Cosmetic Act,[16] the White Slave Laws,[17] the Gambling Devices Transportation Act,[18] the Agricultural Adjustment Act of 1938,[19] the Fair Labor Standards Act,[20] and the National Labor Relations Act,[21] among others.

Concededly, the latter three, in broad extension of Federal control, have immediate, direct, and practical impacts upon activities which were at one time considered wholly intrastate in nature thus resting in the domain of State control.

In each instance Congress cautiously made clear legislative findings that the regulation of the intrastate practices dealt with was necessary or appropriate to the effective execution of its expressly granted power to regulate interstate commerce. In the National Labor Relations Act such findings are set forth in 29 U.S.C.A., section 151. Moreover, assurance was given that regulation of essentially local matters would apply only where there was an actual effect on interstate commerce by requiring that this be determined administratively or judicially on a record in each individual case—29 U.S.C.A., sections 159(c) and 160(a). In the Agricultural Adjustment Act Congress made elaborate findings to establish an effect on commerce of the intrastate activities sought to be regulated, 7 U.S.C.A., sections 1311, 1321, 1331, 1341, 1351, 1357, 1379(a), and 1380.

The Fair Labor Standards Act contains a built-in limitation on its enforcement by requiring a judicial determination of the ultimate fact that acts of employers or employees actually affect such commerce on a case by case basis.

The Civil Rights Act of 1964 contains no legislative findings and we proceed to a critical examination of its provisions to determine whether it may nevertheless successfully survive the constitutional challenge. It is our opinion that neither of the three above-mentioned acts is an apposite analogy and that the cases arising thereunder afford scant persuasive authority beyond the broad principles enunciated therein.[22]

The duty of this court is classically defined in *United States* v. *Butler,* 297 U.S. at pages 62 and 63:

"There should be no misunderstanding as to the function of this court in such a case. It is sometimes said that the court assumes a power to overrule or control the action of the people's representatives. This is a misconception. The Constitution is the supreme law of the land ordained and established by the people. All legislation must conform to the principles it lays down. When an act of Congress is appropriately challenged in the courts as not conforming to the constitutional mandate the judicial branch of the Government has only one duty—to lay the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former. All the court does, or can do, is to announce its considered judgment upon the question. The only power it has, if such it may be called, is the power of judgment. This court neither approves nor condemns any legislative policy. Its delicate and difficult office is to ascertain and declare whether the legislation is in accordance with, or in contravention of, the provisions of the Constitution; and having done that, its duty ends.

"The question is not what power the Federal Government ought to have but what powers in fact have been given by the people. It hardly seems necessary to reiterate that ours is a dual form of government; that in every State there are two governments—the State and the United States. Each State has all governmental powers save such as the people, by their Constitution, have conferred upon the United States, denied to the States, or reserved to themselves. The Federal Union is a Government of delegated powers. It has only such as are expressly conferred upon it and such as are reasonably to be implied from those granted. In this respect we differ radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or other legislative body subject to no restrictions, except the discretion of its members."

Paraphrased, for clarity of discussion, title II of the act declares that no restaurant may refuse service to any person because of his race, color, religion, or national origin either if it serves or offers to serve interstate travelers or a substantial portion of the food which it serves has moved in commerce.

No case has been called to our attention, we have found none, which has held that the National Government has the power to control the conduct of people on the local level because they may happen to trade sporadically with persons who may be traveling in interstate commerce. To the contrary, see *Williams* v. *Howard Johnson's Restaurant,* 268 F. 2d 845 (4th Cir. 1959); *Elizabeth Hospital, Inc.* v. *Richardson,* 269 F. 2d 167 (8th Cir. 1959); *United States* v. *Yellow Cab Co.,* 332 U.S. 218 (1947).

On the authority of the cases collected in footnote 14, infra, we believe it to be a settled rule of constitutional law that goods cease to constitute a part of interstate commerce, and become a part of the general property in a State, and amenable to its laws, when they are sent into a State, either for the purpose of sale or in consequence of a sale. The simple truth of the matter is that Congress has sought to put an end to racial discrimination in all restaurants wherever situated regardless of whether there is any demonstrable causal connection between the activity of the particular restaurant against which enforcement of the act is sought and interstate commerce.

If our premise is correct, Congress sought to achieve its end by the sophisticated means of first declaring a restaurant is a place of public accommodation if its operations affect commerce and by thereafter abandoning the "affect commerce" requirement by legislating what is tantamount to a conclusive presumption that its operations do affect commerce if it is proved either that it serves or offers to serve interstate travelers or that a substantial portion of the food which it serves has at some time, however remote, moved in commerce. The courts will not sustain a presumption when there is "no rational connection between the fact proved and the ultimate fact presumed, if the inference of the one from proof of the other is arbitrary because of lack of connection between the two in common experience." *Tot* v. *United States,* 319 U.S. 463, at 467–468. The issues presented in the instant case require our consideration of only that portion of the statute relating to restaurants which serve food "a substantial portion" of which "has moved in commerce."

If Congress has the naked power to do what it has attempted in title II of this act, there is no facet of human behavior which it may not control by mere legislative ipse dixit that conduct "affect[s] commerce" when in fact it does not do so at all, and rights of the individual to liberty and property are in dire peril.

We conclude that title II of the Civil Rights Act of 1964, as applied to the business operated by these plaintiffs, was beyond the competence of Congress to enact and that its enforcement against plaintiffs under the circumstances of this case would be violative of the fifth amendment of the Constitution of the United States, in pertinent part reading: "No person shall be * * * deprived of * * *, liberty, or property, without due process of law; * * *." Accordingly, they are entitled to the relief for which they pray.

This 17th day of September 1964.

WALTER P. GEWIN,
Circuit Judge.
SEYBOURN H. LYNNE,
District Judge.
H. H. GROOMS,
District Judge.

Laughlin, 301 U.S. 1 (1937); *Edison Co.* v. *Labor Board,* 305 U.S. 197 (1938); *Labor Board* v. *Fainblatt,* 306 U.S. 601 (1939); *United States* v. *Darby,* 312 U.S. 100 (1941).

[14] *Gibbons* v. *Ogden,* 9 Wheat. 1 (1824); *Schecter Corp* v. *United States,* 295 U.S. 495 (1935); *Carter* v. *Carter Coal Co.,* 298 U.S. 238 (1936); *Welton* v. *Missouri,* 91 U.S. 275 (1875); *Bowman* v. *Chicago & N. Ry.,* 125 U.S. 465 (1888); *Packer Corp.* v. *Utah,* 285 U.S. 105 (1932); *Florida* v. *United States,* 282 U.S. 194 (1931); *Yonkers* v. *United States,* 320 U.S. 685 (1944); *Palmer* v. *Massachusetts,* 308 U.S. 79 (1939).

[15] 52 Stat. 446, 15 U.S.C. sec. 13(c).

[16] 52 Stat. 1040, as amended, 21 U.S.C.A. secs. 301–392.

[17] 36 Stat. 825, as amended, 18 U.S.C.A. secs. 2421–2424.

[18] 64 Stat. 1134, 15 U.S.C.A. secs. 1171–1177.

[19] 52 Stat. 31, as amended, 7 U.S.C.A. secs. 1281–1407.

[20] 52 Stat. 1060, as amended, 29 U.S.C.A. secs. 201–219.

[21] 49 Stat. 449, as amended, 29 U.S.C.A. secs. 151–159.

[22] That the National Labor Relations Act may not be analogized to the Civil Rights Act of 1964 and that the power of Congress is not plenary with respect to the regulation of activities not themselves interstate commerce is made crystal clear by Mr. Justice Black's concurring opinion in *Polish Alliance* v. *Labor Board,* 322 U.S. 643, 652:

"The doctrine that Congress may provide for regulation of activities not themselves interstate commerce, but merely 'affecting' such commerce, rests on the premise that in certain fact situations the Federal Government may find that regulation of purely local and intrastate commerce is 'necessary and proper' to prevent injury to interstate commerce. * * * In applying this doctrine to particular situations this Court properly has been cautious, and has required clear findings before subjecting local business to paramount Federal regulation. * * * It has insisted upon 'suitable regard to the principle that whenever the Federal power is exerted within what would otherwise be the domain of State power, the justification of the exercise of the Federal power must clearly appear'. * * *"

TRIBUTE TO WALTER LIPPMANN

Mr. KEATING. Mr. President, it is a great pleasure and indeed an honor to pay tribute to Walter Lippmann, on the occasion of his 75th birthday and his being awarded the Medal of Freedom. As perhaps the foremost chronicler of his times, he has contributed beyond measure to the enrichment of our Nation. His syndicated columns setting forth brilliant political insights and observations on international affairs reflect his genius as a journalist, historian, critic, and scholar.

Walter Lippmann's gifts of spirit, of intellect, and of personal dedication have won him the respect and admiration of countless numbers the Nation over. He is one of our most valued and renowned ex officio policymakers and a credit to his profession and country.

Walter Lippmann has achieved the unique distinction of being a legend in his own lifetime and I am confident will remain a towering figure in the councils of the mighty as well as the minds of the many for years to come. Too often the sad commentary, "A prophet without honor in his own land," rings only too true. It is not so with Walter Lippmann and our Nation is the better for it.

THE SATURDAY EVENING POST CALLS FOR ELECTION OF JOHNSON AND HUMPHREY

Mr. McGOVERN. Mr. President, one of the most significant editorial developments in American political history is the endorsement by the Saturday Evening Post of President Lyndon Johnson and his running mate, Senator HUBERT HUMPHREY.

The Post, which traces its origins to the Pennsylvania Gazette of Benjamin Franklin, has a long tradition of support for Republican presidential candidates. In the present century, the Post has endorsed Republican presidential nominees Theodore Roosevelt, Calvin Coolidge, Herbert Hoover, Thomas Dewey, Dwight Eisenhower, and Richard Nixon.

Yet, today this powerful, admittedly Republican-oriented national journal is earnestly pleading for the election of Lyndon Johnson and HUBERT HUMPHREY, and is calling, in the interest of America, for a "crushing defeat" of BARRY GOLDWATER and WILLIAM MILLER.

This conservative Republican journal described Mr. GOLDWATER as a "grotesque burlesque of the conservative he pretends to be," and called his nomination a "disgrace" to the Republican Party.

On the other hand, while recognizing the human flaws which all of us have as mortals, the Post concluded:

> We are confident that Johnson will make a good President because he already is a good President.

The Post ended on this note:

> We are equally confident that GOLDWATER would not make a good President. He has not even made a good Senator. BARRY GOLDWATER has left no mark in the Senate because, as he has truthfully declared, he sought to erase marks, rather than to make them.
>
> For his slogan, "extremism in the defense of liberty is no vice and moderation in the pursuit of justice is no virtue." GOLDWATER deserves to be defeated, no matter how much he tries to clown it away.
>
> He knew what he meant by it, and so does every John Birch fanatic and Ku Klux vigilante.
>
> A crushing defeat for GOLDWATER will drive the fanatic saboteurs of the Republican Party back into the woodwork whence they came. It will provide the opportunity for the party's true leaders to build anew from the wreckage that these heedless, reckless, ill-mannered and arrogant men are sure to leave. Then the two-party system can be restored, and the voter will again have a choice, not a calamity.

As for Senator HUMPHREY, the Post described him as "a distinguished legislator who was fully worthy, on his record, to succeed to the highest office in the land."

The Post editor said that one word, "'growth,' best sums up HUMPHREY's 16 years in the Senate. HUMPHREY has never stopped growing. It is this capacity for growth which the Presidency above all challenges in a man."

In reviewing Senator HUMPHREY's career in Washington, the Post editorial said:

> He is hardly the same man at all as the glib, doctrinaire, selfrighteous and indeed arrogant liberal who barged into the Senate in January of 1949 determined to reform it overnight.

In the words of the Post, Senator HUMPHREY has "golden assets: an incredible memory for facts, a powerful gift of persuasive argument, closely reasoned logic. HUMPHREY found himself getting things done. He had discovered the hard way that all progress is compromise, that true statesmanship is not to lose nobly, but to win what can be won, at a given time, by the art of the possible."

The editorial praised HUMPHREY's role in the Mississippi credentials fight at the recent Democratic Convention:

> The wiser HUMPHREY took the lead with David Lawrence in finding a solution * * * yet, no principles were sacrificed.

Emphasizing that "no party ought to nominate a man for Vice President who is not of sufficient caliber to serve as President," the Post editorial said."

> In this vitally important duty the Republicans have been just as remiss as they were in pushing GOLDWATER himself.
>
> On his own, HUBERT HUMPHREY is an admirable candidate. In view of his opposition, he is an especially welcome one, as well.

Mr. President, I ask unanimous consent to have printed in the RECORD the Saturday Evening Post editorial of September 19, 1964, entitled "Why Lyndon Johnson Must Be Elected"; and the editorial of September 26, entitled "HUMPHREY Is an Excellent Choice."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Saturday Evening Post, Sept. 19, 1964]

WHY LYNDON JOHNSON MUST BE ELECTED

A healthy, vigorous, two-party system is absolutely indispensable to the survival of American democracy. Its proper functioning requires each of the major parties to put forth a man who is unmistakably and unquestionably qualified to be trusted with the incalculably grave and terrible powers of the Presidency.

In the presidential election of 1964 the two-party system has been seriously endangered. One of the great parties, the Democratic, has fulfilled its duty by putting forth a man, Lyndon B. Johnson, who has many flaws and leaves much to be desired, but who is unquestionably as well qualified to be President as any tried and tested leader the Democratic Party now affords.

The other great party, the Republican, has shirked and betrayed its duty by putting forth a man, BARRY GOLDWATER, who is manifestly unqualified to be President and whose unsuitability for this awesome responsibility becomes clearer with every passing day and with every feckless word he utters.

The two-party system has thus been endangered, because this misfeasance on the part of the Republican Party has left the enlightened, the rational, the prudent, the responsible American voter no acceptable other choice in this election. He is not even given the option of an echo. He is given only the option of a question mark, of a man who is seemingly congenitally unable to say what he means or even know what he says, to say anything clearly, or to hold the same conviction 2 days in a row. BARRY GOLDWATER's tongue is like quicksilver; his mind is like quicksand.

The Post, therefore, urges the election of Lyndon B. Johnson as President.

It urges even more strongly the defeat of BARRY GOLDWATER.

We are confident that Johnson will make a good President, because he already is a good President. In the 10 brief months he has held the highest office he has shown an ability unmatched in this century to bring all the diverse and warring factions of Congress behind the enactment of positive, progressive, and needful legislative programs. In his greatest test as Commander in Chief—the attack on our Navy in the Gulf of Tonkin—he has acted with both the forcefulness and restraint which is required in the man who alone controls the ultimate weapon and bears all the fearful responsibility which that entails.

We are equally confident that GOLDWATER would not make a good President. He has not even made a good Senator. He has been in the Senate 11 years, and not one piece of memorable legislation attaches to his name. He has been in its councils through the most momentous and revolutionary decade in the history of this Republic, as we have strained every seam and fabric of our traditional habits and thinking to keep abreast of an age when all the supposed boundaries of man's environment are being broken, gravity defied, space penetrated, the moon reached, the riddle of the human cell being unraveled. Merely to understand, much less to master, this surge and change, heavy with unguessed new treasures of technology to increase man's wealth, has required and will require Government entry into areas never before imagined. But BARRY GOLDWATER has managed to live through this whole tremendous epoch with his face turned squarely to the past, his eyes closed, and his mind preoccupied with one—and only one—idea: somehow to shrink the Government back into the familiar and comfortably small proportions of his Arizona youth. BARRY GOLDWATER has left no mark in the Senate, because, as he has truthfully declared, he sought to erase marks rather than to make them: "I have little interest in streamlining Government or in making it more efficient, for I mean to reduce its size. I do not undertake to promote welfare, for I propose to extend freedom. My aim is not to pass laws, but to repeal them. It is not to inaugurate new programs, but to cancel old ones. * * * He is like the Cincinnati kettlemaker who, when first hearing of Kentucky ironmaker William Kelly's use of air to make steel, exclaimed, "I want my iron made in the old way or not at all." His mind is surely not in phase with today's world.

GOLDWATER changes his convictions almost as often as his shirt. One day he is for abolishing social security, the next day for strengthening it; one day for giving field commanders control over nuclear weapons, the next day for restricting control to the NATO supreme commander. Many of his statements are inherently contradictory nonsense—e.g., to cut all Government expenditures, while expanding defense (which already takes more than half of every tax dollar spent)—like advertising a car that is bigger on the inside but smaller on the outside. Some of his statements, if they have any meaning at all, are rather frightening in the subconscious thoughts which seem to lie behind them, particularly those concerning his strange love affair with German prowess: "With all due respect to American military leaders, Germany would have won both World Wars if she had not been badly led. I think it was the Germans who originated the modern concept of peace through strength." This last remark prompted Hamilton Fish Armstrong, editor of Foreign Affairs, to ask the New York Times to clarify whether it was Hitler's or the Kaiser's "peace through strength" that Goldwater had in mind. However, it is always possible that he really had nothing in mind, as when he told reporters who briefly boarded his cruising *Sundance*, "I've thought for some time that talks with the Red Chinese might be profitable." He later radioed ashore that what he really meant was that the United States should be ready to threaten the Chinese, telling them that "if they didn't stop, then you would blow up a bridge or show some other sort of force." He finally cleared everything up by adding, "I'm not really recommending this, but it might not be an impossible idea."

Goldwater is a grotesque burlesque of the conservative he pretends to be. He is a wild man, a stray, an unprincipled and ruthless political jujitsu artist like Joe McCarthy, whose last-ditch defender he remained even when three-fourths of the Senate had voted to condemn their Red-hunting colleague. He still defends McCarthy, well knowing that he imputed treason to General Marshall and to President Eisenhower. He will not condemn the John Birch Society, though knowing that its leader, Robert Welch, has called Eisenhower a Communist agent. Yet, in order to get Eisenhower's vacuous blessing, Goldwater was capable of a tongue-in-cheek erasure of his infamous "extremism" slogan, a statement that was not written in haste but with extreme care, and gone over time and again by Goldwater before he uttered it. These words can, and should, forever symbolize the total fraudulence of his claim to be a true conservative: "Extremism in the defense of liberty is no vice, and * * * moderation in the pursuit of justice is no virtue." That statement deserves to be the "rum, romanism, and rebellion" of this election, and Barry Goldwater deserves to be defeated for it alone, no matter how much he tries to clown it away. He knew what he meant by it, and so does every John Birch fanatic and Ku Klux vigilante.

For the good of the Republican Party, which his candidacy disgraces, we hope that Goldwater is crushingly defeated. It was clear, from poll after poll, that the rank and file of Republican voters overwhelmingly preferred other leaders to Goldwater. It was equally clear that the fanatical Goldwater bias of a majority of convention delegates revealed the capture of the Republican Party by a new breed of so-called leaders whose selection had been steamrollered by extremist, well-heeled types. The men who have most deserved to lead the Republican Party, by virtue of their long, distinguished and responsible service in it, and to the country, have been made to feel unwelcome, hissed and hated in it, as they were repudiated by it. A crushing defeat for Goldwater will drive the fanatic saboteurs of the Republican Party back into the woodwork whence they came. It will provide the opportunity for the party's true leaders to build anew from the wreckage that these heedless, reckless, ill-mannered, and arrogant men are sure to leave. Then the two-party system can be restored, and the voter will again have a choice, not a calamity.

[From the Saturday Evening Post, Sept. 26, 1964]

Humphrey: An Excellent Choice

Of this century's 12 Presidents, 4 have been Vice Presidents who succeeded a President who died in office—Theodore Roosevelt, Calvin Coolidge, Harry Truman, Lyndon Johnson. This high frequency of Presidential fatalities should make it clear that no party ought to nominate a man for Vice President who is not of sufficient caliber to serve as President. In this vitally important duty, the Republicans have been just as remiss as they were in choosing Goldwater himself. Representative William E. Miller, of New York, is an obscure and totally undistinguished Congressman who had resigned himself to retirement until Goldwater pushed him forward for two discredible reasons. The first reason was to reward him for using the position of Republican national chairman, whose ethics required him to be impartial, as a hidden base for Goldwater. The second reason was to use Miller's religion (Catholic) as an effort to force the Democrats to choose Robert Kennedy and alienate the South. By contrast to Miller's glaring mediocrity, the Democrats have chosen in Senator Hubert Humphrey a distinguished legislator who is fully worthy, on his record, to succeed to the highest office in the land.

The word that best sums up Humphrey's 16 years in the Senate—4 of them as Democratic whip—is "growth." From the time he left the mayor's office in Minneapolis until he heard the magic words at Atlantic City, Humphrey has never stopped growing. It is this capacity for growth which the Presidency, above all, challenges in a man, and turns a doggedly competent President like Harry Truman into a great one. It has been doing the same with Johnson. If the need arises, the probability is high that it could do the same with Humphrey.

Humphrey is hardly the same man at all as the glib, doctrinaire, self-righteous and indeed arrogant liberal who barged into the Senate in January of 1949 (the same time as Johnson) determined to reform it overnight. He immediately recognized a kindred spirit in Paul Douglas, of Illinois, and time after time they jointly backed some heartfelt, high-minded but hopeless crusade, and seemingly rejoiced in a kind of masochistic delight when, time after time, they went down to crushing defeat.

Humphrey's arrogance showed itself when, as a very junior Senator, he attacked Harry Byrd, one of the Senate's most senior leaders, and—to make it even more galling for the old economizer—for "extravagance," of all things. Byrd answered not a word, but a dozen Senators, totally ignoring Humphrey, rose in succession to pay tribute to Byrd. Thenceforward any Humphrey measure was doubly doomed. He was worse than an upstart; he had fouled the Senate's unwritten rules of reverence for its wise old men.

Douglas went right on enjoying his defeats, but Humphrey, after all, had come to Washington to get things done. He began cultivating the wise old men, particularly Georgia's veteran Walter George. He sought George's opinions, often took his advice. Soon George himself was telling fellow southerners that Hubert was the ablest debater the Democrats had. Other southerners began to accept him—a fact all the more remarkable since it was Mayor Humphrey's attack on the whole concept of States rights, as opposed to human rights, that caused the southern walkout at the 1948 Democratic Convention and the Dixiecrat rebellion.

Lyndon Johnson also had spotted Humphrey's rare abilities. Johnson, who became Democratic whip in 1951 and majority leader 2 years later, found Humphrey invaluable in the cloakroom wheeling and dealing where Johnson worked his legislative miracles. Humphrey had golden assets: an incredible memory for facts, a powerful gift of persuasive argument, closely reasoned logic. Humphrey found himself getting things done. He had not stopped being a liberal, but he was no longer a mere pedagogic ideologue. He had become a pragmatist who had discovered the hard way what Johnson knew instinctively—that all progress is compromise, that true statesmanship is not to lose nobly but to win what can be won, at a given time, by the art of the possible. Johnson was already showing his powers to achieve a true consensus that would stand him in good stead as President. Humphrey was his good right arm. When seniority moved Mike Mansfield up to majority leader in 1961, Johnson saw to it that Humphrey became whip.

In that role he helped the Democratic leadership put out liberal fires which he would have been ardently spreading a decade before, invoking cloture to put down the Kefauver-Gore filibuster against the communications satellite bill as a giveaway to big business. He invoked it again, against his southern friends, to get the civil rights bill through with Senator Dirksen's great assistance. Yet, curiously, his personal acceptance was now such that the southerners did not hold this against him.

Humphrey was performing much the same role at Atlantic City when he moved right into the thick of the Mississippi credentials fight. The emotional issue—the black oppressed against lily-white oppressor—would have set the earlier Humphrey at bay like a bloodhound. The wiser Humphrey took the lead with David Lawrence in finding a solution that would prevent the fight from going to the floor and perhaps becoming a runaway that would smash the Democratic Party's chances in 1964—and with them the larger hopes of the Negro disfranchised. Yet no principles were sacrificed; instead, the compromise achieved puts the South on notice that no delegations can be seated in 1968 unless chosen by a full and free electorate.

In urging the election of Lyndon Johnson in this space last week, we were motivated in no small part by our concern for the Nation's future should his opponent, Barry Goldwater, prevail in November. Similarly, the strong case for Hubert Humphrey for Vice President is buttressed by the disquieting foretaste of Congressman Miller's deportment should the country's second highest office come his way. Before his nomination, Miller had firmly established his reputation as a political hatchet man in 3 years as national chairman. His behavior since the campaign began has assured us he has no intention of abandoing the low road. Miller's snide remarks impugning the wartime patriotism of Johnson and Humphrey were typical of the grubby political wares he peddles.

On his own, Hubert Humphrey is an admirable candidate. In view of his opposition, he is an exceptionally welcome one as well.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business, Calendar No. 1318, S. 2782, be laid before the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate resumed the consideration of the bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region.

Mr. RANDOLPH obtained the floor.

Mr. RANDOLPH. Mr. President, I yield to the distinguished majority leader without losing my right to the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, if agreeable, I should like to yield to the distinguished Senator from New York such time as he may desire, with the understanding that I shall retain the floor.

Mr. JAVITS. Mr. President, that is entirely agreeable to the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that the rule of germaneness may be waived during the course of my speech, which will take no more than 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUNDING THE ALARM ON A PROTECTIONIST TREND

Mr. JAVITS. Mr. President, I wish to speak today about what I see to be a very alarming trend in our country in the field of trade policy, as shown by various bills which have passed the Congress and bills on their way through it.

When the Trade Expansion Act was enacted in 1962, the event was hailed as one of the most celebrated achievements of President Kennedy's administration and as the dawn of a new era of enlightened and liberalized trade policy. But in one of the classic ironies of the legislative process, the actions of Congress and this administration since then have represented a retreat from that landmark legislation and have begun to place this Nation once again on the path of protectionism.

It is particularly disturbing to see our trade policy being eroded under our very eyes and providing what could be disastrous effects on the national and world economy. It is disturbing, also, that this administration has been willing to remain passive while the 88th Congress has nibbled away at the very foundations of our foreign economic policy.

It is time to ring the alarm bell loudly and to issue a strong warning now as to the consequences of pursuing such a policy.

The 88th Congress is emerging with a dismal record of protectionist measures.

Mr. President, I am in a pretty good position to speak, as I have stood on the floor of the Senate time and again alone and opposed these efforts. I have often been overwhelmed in the process, only to find that, on occasion, even the President could not swallow what was done here by such overwhelming majorities. For example, witness the veto by the President of the bill, H.R. 2513, in December of last year, which would have caused every piece of imported sawed lumber or wood product to be marked with the country of origin, which the President knew would destroy our relations with Canada in terms of trade.

While the protectionist measures adopted or likely to be adopted are not in themselves likely to destroy our trade policy, they are clear evidence that there is a slackening of morale on trade policy.

Three protectionist measures have been signed into law to date during the 88th Congress. On Wednesday, in a move which symbolizes the record of this Congress on trade, the Senate Finance Committee ordered favorably reported H.R. 12253, the Tariff Schedules Technical Amendments Act of 1964, with amendments, some of which are clearly protectionist in intent. One amendment would raise the tariffs on brooms made of broom corn from 25 percent to the equivalent of about 125 percent, thereby reducing broom imports from Mexico without assisting the domestic corn broom industry in any substantial manner. The circumstances in this case do not warrant such tariff action. In view of our stake in getting substantial worldwide tariff reductions in the present GATT round, we must avoid unilateral tariff increases, particularly those resulting in very high duty rates.

Think of getting into an economic row at this time with Mexico. The broom amendment is an illustration of what is happening in the Congress. It appears that in January 1962 the Tariff Commission found that the tariff on brooms ought to be increased by basing it on the American selling price, and made that recommendation to the President. On February 15, 1963, President Kennedy turned down this recommendation and the White House announced his decision as follows:

> The President has reviewed and considered the report, findings and conclusions of the Tariff Commission which resulted from the Commission's investigation of the differences in costs of production of brooms made of broomcorn in the United States and in the principal competing country. Mexico was selected by the Commission as the principal competing country for the purposes of the investigation. This report was prepared pursuant to the provisions of section 336 of title III of the Tariff Act of 1930, as amended.
>
> The President concluded that the Commission's report does not show need for the duty on brooms made of broomcorn to be applied on the basis of the "American selling price."

We are doing precisely and exactly what the considered trade policy of the United States—which is heavily involved in the foreign policy of our Nation—declared should not be done less than 2 years ago. I, therefore, say that unless the Congress comes to its senses on trade policy, the various protectionist amendments to H.R. 12253 will be speeded through the Senate next week, just as others have been, equally ill advised, in the rush to adjourn, and we shall advance one more step along the discredited road of protectionism.

Let us look at the record of the 88th Congress in this field. Eight bills have been considered and reported from committee which in one way or another would restrict imports. Five of those bills passed the House; four passed both the House and the Senate; three of them were signed into law by the President. Those measures are the standby quota on beef imports, the buy America provisions of the mass transit bill, and the Food Stamp Act. In all those cases the Congress wrote those protectionist measures into other bills which, for one reason or another, could not be vetoed.

A number of other protectionist bills have been undergoing consideration in the Congress. One would impose a marking requirement on imported steel containers. That bill passed the House and is awaiting action in the Senate Committee on Commerce.

Another bill that would reimpose the regular customer duty on imported electron microscopes used by nonprofit organizations passed the House but was tabled by the Senate Finance Committee.

Pending on the House Calendar is a bill which would impose a marking requirement on imported woolen labels, and several bills are before the House Ways and Means Committee which would gut the Trade Expansion Act of 1962 by adding a number of commodities on the exceptions list, thereby protecting them from the forthcoming tariff negotiations in the Kennedy round, and hitting those negotiations on the head.

I am convinced the country has not been made sufficiently aware of the impending dangers of protectionism and what it would mean to the American economy and to the American worker. For I see protectionist forces gathering on every side ready to undermine and irreparably damage the growing structure of international trade in which we lead the world and which has meant so much to our economy since World War II. It is probably the greatest single factor in putting us on a basis of full utilization of our industrial plant, maximum employment, and stable continuous improvement in our people's standard of living. Our reciprocal trade policy has been one of the firmest bulwarks of our effort to maintain international peace, directly and through regional and international organizations.

The credibility of the administration's professed support of trade liberalization is now being called into question at home and abroad, and I say this advisedly. Should our principal allies become convinced that our support of this policy lacks conviction, the forthcoming Kennedy round of trade negotiations which have been organized at our own insistence will fail.

The vital question is: Where does the administration stand on the U.S. commitment to trade liberalization? The answer to this question has enormous implications, not merely for the success of the Kennedy round, but for the unity and cohesion of the Western World.

The answer to this question, in my view, is inevitable: It is clearly in the interest of the United States to support a policy of effective trade liberalization. A policy of protectionism weakens the competitiveness and efficiency of our economy and the economy of each nation that practices it. The United States and its allies need to be economically strong and cohesive. Increasingly greater international trade insures that nations seek to remain competitive and that their resources are used efficiently. We need to use fully the negotiating authority of the Trade Expansion Act and to insist on maximum across-the-board, reciprocal reduction of trade barriers at Geneva. To do anything less would be to weaken Western unity and strength at this critical moment in history.

This is also the position of the administration—at least ostensibly. A survey of the record of the 88th Congress, however, gives cause for alarm.

This growing tendency toward economic parochialism is also evident in related developments: Congressional passage of the interest equalization tax, a tax on U.S. exports of portfolio capital; the recent "dumping" decisions of the Tariff Commission, and the increasing harassment of importers under the supposedly antimonopoly Antidumping Act; and the failure of Congress to enact legislation to implement the International Coffee Agreement. With the success of the cattle industry in obtaining standby quotas against beef imports, the pressure for quotas on imports of shoes and woolen textiles has reappeared. There is also increasing talk about further restrictions of imports of lead and zinc—already so damaging to our position in Latin America.

An important cause of this resurgent protectionist sentiment in the United States is the lack of administration leadership in making it clear to the American people that there is a close connection between foreign trade policy and Western unity, that a policy of protectionism is divisive of Western unity, that protectionism is blind to the vital economic interests of our allies and our own, and that Western unity must be the primary strategic objective of the United States.

When the administration does not insist on adherence to Trade Expansion Act criteria it encourages protectionism in, and out of, Congress. By failing to insist on adherence to the machinery created by the Trade Expansion Act in the resolution of problems arising from import competition, the administration encourages industry to seek solutions through political means which undermine vital national interests.

The predominant economic position of the United States among the Western nations makes it incumbent that we set the tone and direction of Western economic policy. This policy must of necessity be in the direction of trade liberalization and close coordination of the economies of the West.

In our leadership capacity we helped bring into existence a whole network of Western international institutions—OECD, NATO, GATT, EEC. Their basic objective is increased Western cohesion, the strengthening of the ability of the West to meet challenges of the Communist bloc and to make possible the extension of effective economic cooperation with countries in the less developed areas of the free world. By following a policy of protectionism we undermine these institutions and run the risk of becoming increasingly isolated from the mainstream of the world's economic and political life.

Our actions here are encouraging the growth of "De Gaullism" in Western Europe—a new brand of European nationalism which was dramatized by the January 1963 French veto of British membership in the EEC. Unchecked, it can also threaten Western unity.

Expansion of world trade is vital to many of our allies. By our pursuing protectionist policies, they are hurt individually if there is erosion in the whole structure of international trade. In the case of Belgium, for example, exports account for 34 percent of the gross national product; in the case of the United Kingdom, 20 percent; and France, 15 percent; whereas, in the case of the United States, exports account for 3.9 percent of our gross national product. For many of our Western allies, a substantial proportion of employment and profits, as well as Government revenues, are derived from foreign trade. Their ability to bear a proportionate burden of economic aid to developing nations and Western defense is also closely related to expanding trade. The ability of governments in Europe and Japan to broaden their export markets is often a key issue in their national election campaigns. The expansion of world trade that flows from the reciprocal reduction of barriers to trade also means greater economic and political unity in the West, a more efficient Western economy, and a greater competitive lead over the inefficient economic system of the Communist bloc.

To the United States, foreign trade—totaling $39 billion in 1963—permits us to pay the costs—close to $3 billion in 1963—of maintaining a large air, sea, and ground defense network around the world.

It is our trade surplus which makes possible the extension of billions of dollars of grants and credits to developing nations each year, thereby giving them a chance for economic development in a stable and democratic framework. For the past 3 years, for example, U.S. economic aid and credits totaled over $4 billion each year.

Our ability to maintain a trade surplus has enabled us to permit the flow of private U.S. investment overseas which now totals over $66 billion and brings our citizens and corporations close to $4 billion in income annually.

The jobs of millions of American workers in agriculture, manufacturing services, banking and transportation depend on exports as well as on imports. For thousands of American corporations foreign trade represents the difference between a profitable or a losing operation. Millions of our consumers benefit from imports in terms of having a wider choice of consumer products and a lower cost of living. Many of our industries depend on imported raw materials or components for the manufacture of finished products—automobiles, telephones, etc. But most important of all is the fact that dollars earned from imports proivde the dollars needed to buy American goods. Close to three-fourths of our growing exports in recent years have been paid for with dollars earned from foreign sales to us.

Elimination of restrictions against trade is an essential ingredient of effective international cooperation. The trouble is that we want to have our cake, and eat it, too. We want to expand exports, while increasing restrictions against competitive imports. This would be a nice trick, if it could be done, but such a nearsighted view is like the search for perpetual motion. It sounds trite to repeat it, but it is true—trade is a two-way street. Not until the countries of the free world are willing to trade freely with each other can there be much hope for establishing an international monetary system that will be able to maintain international financial equilibrium.

The balance-of-payments problem can be solved only by making internal adjustments, here and abroad, that will enable national economies to accept each other's goods. A liberal trade policy lies at the very heart of the solution to the problem.

Efforts to restrict and restrain trade are entirely nonproductive and create conditions which they seek to eliminate. That is best illustrated by the decision taken by the President of the United States in June of 1962, one of the few protectionist decisions taken by an American President, in which the President raised the duty on imports of certain carpets and rugs, and on sheet glass valued at about $55 million. Although it applied to all such imports, it was directed mainly against Belgium. What happened? The European Economic Community retaliated by restrictions against certain chemical products imported from the United States valued at about $44 million. U.S. restrictions against imports of rugs and carpets from the EEC were immediately counterbalanced by the increased EEC tariffs against U.S. exports to Europe of chemicals. All we did was rob Peter to pay Paul without any results except to discredit us in our trade expansion efforts with our most intimate and best trading partners.

Cynicism of the kind that we—both Congress and the administration—have been displaying with respect to tariffs and other trade barriers leads only to continued international economic chaos.

I submit that the lasting solution to import competition lies in increasing the efficiency and productivity of the American economy. It is the job of the Federal Government to encourage the growth of the more efficient and competitive elements of this economy through such measures as tax incentives, the reciprocal reduction of trade barriers, revision of antitrust laws, manpower training, aid to higher education, by encouraging labor mobility, and through export promotion.

Much of our economy is highly competitive. A smaller segment is not able to compete against more efficient domestic or foreign competitors.

In the Trade Expansion Act of 1962, Congress recognized the existence of national responsibility should injury to domestic workers or businesses result from tariff cuts, and authorized the President to raise tariffs, negotiate an international quota system, or provide Federal assistance to those injured, or a combination of tariff or quota relief and Federal assistance.

These, plus the national security exemption, are the means to use—not political protectionism by special discrimination in favor of one economic bloc or another.

In our rapidly changing world, where new currents of power—economic and political—have been unleashed all around us, the path of the protectionist seems so easy and logical to some at home, but it is a terribly dangerous one. Only by harnessing these mighty new currents of power to the purposes of freedom, only by having the courage and foresight to meet them squarely in the great private enterprise tradition of our country, can we reach for the destiny of freemen.

The United States, with the greatest economic power on earth, provides the best guarantee that freedom will prevail on this earth. The greatest catastrophe which could befall the world in terms of international trade, with incalculable effects on freedom everywhere, would be if we abdicated our position as the world's leader in increasing international trade and freeing it from barriers and restrictions by slipping into a protectionist policy of our own. It is to avoid such a catastrophe, with its inevitable destructive retaliation from our Nation's trading partners and from the great regional trading organizations like the EEC, that has caused me to sound this urgent warning.

I am grateful to the Senator from West Virginia for facilitating my opportunity to make the statement I have made.

Mr. RANDOLPH. Mr. President, I was delighted to cooperate with the Senator from New York. I am appreciative also of the consideration which he gives to legislative matters in which other Senators are interested. Today, as we continue with the consideration of the Appalachian Regional Development Act, I know he will give attention to some problems that are worrying him, or at least one of them, in connection with the passage of the pending bill.

THE CALENDAR

Mr. MANSFIELD. Mr. President, will the Senator from West Virginia yield to me?

Mr. RANDOLPH. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate may proceed to consider certain items on the calendar to which there is no objection, beginning with Calendar No. 1496, Senate Concurrent Resolution 96.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I also ask unanimous consent that certain extracts in explanation of the measures may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

On request of Mr. MANSFIELD, and by unanimous consent, the following measures were considered and acted upon, as indicated:

PRINTING OF ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "CATALOG OF FEDERAL AIDS TO STATE AND LOCAL GOVERNMENTS"

The concurrent resolution (S. Con. Res. 96) to print additional copies of a committee print entitled "Catalog of Federal Aids to State and Local Governments" was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Government Operations eighteen thousand additional copies of its committee print of the Eighty-eighth Congress, second session, entitled "Catalog of Federal Aids to State and Local Governments", a study prepared by the Legislative Reference Service of the Library of Congress for the Subcommittee on Intergovernmental Relations.

PENSION PLAN FOR VETERANS OF WORLD WAR I, WORLD WAR II, AND THE KOREAN CONFLICT, AND THEIR WIDOWS AND CHILDREN

The Senate proceeded to consider the bill (H.R. 1927) to amend title 38, United States Code, to revise the pension program for veterans of World War I, World War II, and the Korean conflict, and their widows and children, and for other purposes, which had been reported from the Committee on Finance with amendments, on page 3, in the table headed "Column II," after line 10, to strike out "$105" and insert "$100"; on page 5, after line 21, to strike out:

SEC. 8. Section 3203(f), title 38, United States Code, is amended to read as follows:

"(f) Where any veteran in receipt of an aid and attendance allowance described in section 314(r) of this title is hospitalized at Government expense, such allowance shall be discontinued from the first day of the second calendar month which begins after the date of his admission for such hospitalization for so long as such hospitalization continues. Any discontinuance required by administrative regulation, during hospitalization of a veteran by the Veterans' Administration, of increased pension based on need of regular aid and attendance or additional compensation based on need of regular aid and attendance as described in subsection (l) or (m) of section 314 of this title, shall not be effective earlier than the first day of the second calendar month which begins after the date of the veteran's admission for hospitalization. In case a veteran affected by this subsection leaves a hospital against medical advice and is thereafter admitted to hospitalization, such allowance, increased pension, or additional compensation, as the case may be, shall be discontinued from the date of such readmission for so long as such hospitalization continues."

On page 6, at the beginning of line 20, to change the section number from "9" to "8"; at the beginning of line 23, to strike out "(g)" and insert "(h)"; on page 7, at the beginning of line 5, to change the section number from "10" to "9"; at the beginning of line 9, to change the section number from "11" to "10"; in the same line, after the amendment just above stated, to strike out "Effective November 1, 1964, in" and insert "In"; at the beginning of line 15, to change the section number from "12" to "11"; in line 18, after the word "Code", to strike out "shall take effect on November 1, 1964, except that it"; in line 20, after the word "on", to strike out "October" and insert "December"; at the beginning of line 24, to strike out "October" and insert "December"; and after line 24, to insert a new section, as follows:

SEC. 12. (a) Subchapter I of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 725. Limited period for acquiring insurance

"(a) Any person (other than a person referred to in subsection (e) of this section) heretofore eligible to apply for National Service Life Insurance after October 7, 1940, and before January 1, 1957, shall upon application in writing made within one year after the effective date of this section, submission of evidence of good health satisfactory to the Administrator at the time of such application, and payment of the required premiums, be granted insurance under the same terms and conditions as are contained in standard policies of National Service Life Insurance except (1) five-year level premium term insurance may not be issued or renewed on the term plan after the applicant's fiftieth birthday; (2) the net premium rates shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table, increased at the time of issue by such an amount as the Administrator determines to be necessary for sound actuarial operations, and thereafter such premiums may be adjusted as the Administrator determines to be so necessary but at intervals of not less than two years; (3) an additional premium to cover administrative costs to the Government as determined by the Administrator at time of issue shall be charged for insurance issued under this subsection and for any total disability income provision attached thereto, and thereafter such costs may be adjusted as the Administrator determines to be necessary but at intervals of not less than five years; (4) all cash, loan, and paid-up insurance values shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table and all extended term insurance values shall be based on 130 per centum of such table; (5) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949; (6) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of 3 per centum per annum; (7) all rights under such insurance and any total disability income provision attached thereto, whether in force or lapsed, shall terminate effective upon the date the policyholder enters on active duty or active duty for training under a call or order to such duty for a period of thirty-one days or more; (8) the insurance shall not be payable for death which occurs while the insured is on active duty or active duty for training under a call or order to such duty for a period of less than thirty-one days, if dependency and indemnity compensation is payable in such case at the time of death, however, the cash value, if any, less any indebtedness shall be paid to the designated beneficiary, if living, otherwise to the insured's estate; (9) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable; (10) the insurance and any total disability income provision attached thereto shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited to a revolving fund established in the Treasury of the United States and the payments on such insurance and disability provision shall be made directly from such fund.

"(b)(1) There is authorized to be appropriated such sums as may be required to provide capital for the revolving fund to carry out the purpose of this section. Such appropriations shall be advanced to the revolving fund as needed and shall bear interest as determined by the Secretary of the Treasury, taking into consideration the average yield on all marketable interest-bearing obligations of the United States of comparable maturities then forming a part of the public debt and shall be repaid to the Treasury over a reasonable period of time.

"(2) The Administrator is authorized to set aside out of the revolving fund established under subsection (a) of this section such reserve amounts as may be required under accepted actuarial principles to meet all liabilities on insurance issued under subsection (a) of this section and any total disability income provision attached thereto. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligations shall be the multiple of one-eighth of 1 per centum nearest such market yield.

"(3) Notwithstanding the provisions of section 782 of this title, there are hereby authorized to be made available for expenditure out of the revolving fund such sums as Congress may deem appropriate to pay the cost of administration of insurance issued under subsection (a) of this section, and any total disability income provision attached thereto, for transfer to the appropriation, 'General Operating Expenses, Veterans' Administration', or as may otherwise be specified in appropriation Acts.

"(c) Any person who applies for insurance under subsection (a) of this section and who cannot qualify for insurance thereunder solely because of a service-connected disability for which compensation would be payable, if 10 per centum or more in degree, shall be granted insurance under the same terms and conditions as are contained in standard policies of National Service Life Insurance except (1) five-year level premium term insurance may not be issued or renewed on the term plan after the applicant's fiftieth birthday; (2) an additional premium to cover administrative costs to the Government as determined by the Administrator at the time of issue shall be charged for insurance issued under this subsection and for any total disability income provision attached thereto (for which the insured may subsequently become eligible) and thereafter such costs may be adjusted as the Administrator determines to be necessary but at intervals of not less than five years; (3) the insurance and any total disability income provision attached thereto shall be on a nonparticipating basis; (4) all settlements on policies involving annuities shall be calculated on the basis of The Annuity Table for 1949, and interest at the rate of 3 per centum per annum; (5) all rights under such insurance and any total disability income provision attached thereto, whether in force or lapsed, shall terminate effective upon the date the policyholder enters on active duty or active duty for training under a call or order to such duty for a period of thirty-one days or more; (6) the insurance shall not be payable for death which occurs while the insured is on active duty or active duty training under a call or order to such duty for a period of less than thirty-one days, if dependency and indemnity compensation is payable in such case at the time of death, however, the cash value, if any, less any indebtedness shall be paid to the designated beneficiary, if living, otherwise to the insured's estate; (7) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable; (8) all premiums and other collections on the insurance and any total disability income provision attached thereto shall be credited directly to the National Service Life Insurance appropriation and any payments on such insurance and total disability income provision attached thereto shall be made directly from such appropriation. Appropriations necessary to carry out the provisions of this subsection are hereby authorized. Notwithstanding the provisions of section 782 of this title, there are hereby authorized to be made available for expenditure out of the National Service Life Insurance appropriation such sums as Congress may deem appropriate to pay the cost of administration of insurance issued under this subsection, and any total disability income provision attached thereto, for transfer to the appropriation 'General Operating Expenses, Veterans' Administration,' or as may otherwise be specified in appropriation Acts.

"(d) Notwithstanding the provisions of section 782 of this title, a medical examination (including any supplemental examination or tests) when required of an applicant for issuance of insurance under this section or any total disability income provision attached thereto shall be at the applicant's own expense by a duly licensed physician.

"(e) No insurance shall be granted under this section to any person referred to in section 107 of this title or to any person while on active duty or active duty for training under a call or order to such duty for a period of thirty-one days or more.

"(f)(1) Whenever insurance issued under this section and any total disability income provision attached thereto is terminated as provided in this section, the cash value, if any, less any indebtedness, of a permanent plan policy shall be paid to the insured. Any person whose term or permanent plan policy, not including a reduced paid-up policy, was so terminated while it was not lapsed may, upon written application and payment of the required premium made within one hundred and twenty days after separation from active duty or active duty for training, replace such policy and any total disability income provision attached thereto which was in force at the time of termination. The policy and provision issued to replace the terminated insurance shall be on the same plan and shall not be in excess of the amount of insurance which was terminated. Any person whose permanent plan policy was so terminated while such insurance was not lapsed may reinstate such insurance and any total disability income provision attached thereto which was in force at time of termination, upon written application, payment of the required premium and reserve within the one hundred and twenty day period specified above. A person whose paid-up policy was so terminated may reinstate such paid-up insurance within the one hundred and twenty day period specified above, and any total disability income provision attached thereto which was in force at time of termination, upon written application and payment of the required premium and reserve. Waiver of premiums and total disability income benefits otherwise authorized under this chapter shall not be denied in any case of reinstatement or replacement of insurance or the disability provision under this paragraph in which it is shown to the satisfaction of the Administrator that the total disability of the applicant began before the date of his application for such reinstatement or replacement. The provisions of the immediately preceding sentence shall not be applicable in any case in which such total disability existed prior to the date of application for, or the effective date of, the insurance originally issued under this section.

"(2) Any person whose rights under a term or permanent plan policy or any total disability income provision attached thereto were terminated under this section, while the insurance and provision were in a lapsed status, may upon separation from active duty or active duty for training, replace such policy and provision on the same plan and not in excess of the amount of insurance terminated, upon written application made within one hundred and twenty days after separation from such duty, payment of the required premium and submission of evidence of good health satisfactory to the Administrator.

"(3) Any person whose rights under a term or permanent plan policy or total disability income provision attached thereto were terminated under this section, whether the insurance and provision were in force or lapsed, may upon separation from active duty or active duty for training (A) reinstate such permanent plan policy and provision upon written application, payment of the required premium and reserve, and submission of evidence of good health satisfactory to the Administrator; or (B) reinstate such term policy and provision (within the term period) upon written application, payment of the required premiums, and submission of evidence of good health satisfactory to the Administrator.

"(4) Five year level premium insurance may be issued under this subsection but not renewed on the term plan after the applicant's fiftieth birthday. Insurance replaced under this subsection shall be issued at the premium rate for the applicant's then attained age."

(b) Section 704 of title 38, United States Code, is amended (1) by inserting "(a)" immediately before "Insurance"; and (2) by adding at the end thereof the following:

"(b) Under such regulations as the Administrator may promulgate a policy of participating insurance may be converted to or exchanged for insurance issued under this subsection on a modified life plan. Insurance issued under this subsection shall be on the same terms and conditions as the insurance which it replaces, except (1) the premium rates for such insurance shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; (2) all cash, loan, paid-up, and extended values shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; and (3) at the end of the day preceding the sixty-fifth birthday of the insured the face value of the modified life insurance policy or the amount of extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium.

"(c) Under such regulations as the Administrator may promulgate, a policy of nonparticipating insurance may be converted to or exchanged for insurance issued under this subsection on a modified life plan. Insurance issued under this subsection shall be on the same terms and conditions as the insurance which it replaces, except that (1) term insurance issued under section 621 of the National Service Life Insurance Act of 1940 shall be deemed for the purposes of this subsection to have been issued under section 723(b) of this title; and (2) at the end of the day preceding the sixty-fifth birthday of the insured the face value of the modified life insurance policy or the amount of extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in premium. Any person eligible for insurance under section 722(a), or section 725 of this title may be granted a modified life insurance policy under this subsection which, subject to exception (2) above, shall be issued on the same terms and conditions specified in section 722(a) or section 725, whichever is applicable.

"(d) Any insured whose modified life insurance policy is in force by payment or waiver of premiums on the day before his sixty-fifth birthday may upon written application and payment of premiums made before such birthday be granted National Service Life Insurance, on an ordinary life plan, without physical examination, in an amount of not less than $500, in multiples of $250, but not in excess of one-half of the face amount of the modified life insurance policy in force on the day before his sixty-fifth birthday. Insurance issued under this subsection shall be effective on the sixty-fifth birthday of the insured. The premium rate, cash, loan, paid-up, and extended values on the ordinary life insurance issued under this subsection shall be based on the same mortality tables and interest rates as the insurance issued under the modified life policy. Settlements on policies involving annuities on insurance issued under this subsection shall be based on the same mortality or annuity tables and interest rates as such settlements on the modified life policy. If the insured is totally disabled on the day before his sixty-fifth birthday and premiums on his modified life insurance policy are being waived under section 712 of this title or he is entitled on that date to waiver under such section he shall be automatically granted the maximum amount of insurance authorized under this subsection and premiums on such insurance shall be waived during the continuous total disability of the insured."

(c) The analysis of subchapter I of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following:

"725. Limited period for acquiring insurance."

(d) The amendments made by this section shall take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act.

Mr. KEATING. Mr. President, I am gratified that the Senate Finance Committee has reported H.R. 1927, the bill liberalizing the pension benefits of our veterans and families of deceased veterans. Consideration of this just measure on its own merits is the preferable course. The committee's action justifies withdrawal of my amendment to the social security bill which incorporated the provisions of the House-passed bill.

The committee has reported the bill with technical modifications and an amendment reopening national service life insurance for 1 year. As one who has long urged the reopening of veterans insurance for those who inadvertently allowed their policies to lapse, I wholeheartedly support this meritorious bill.

We have a responsibility to the veteran who seeks an opportunity to enjoy the basic necessities for life for himself and his family and to the grateful public which wants the veteran to have this opportunity.

Among bills which have become law at this session and which I have fully supported are authorization of VA nursing-home care and a 5-year program of matching aid to States for veterans' nursing facilities; increased indemnity compensation for widows, parents, and children of deceased veterans; permitting the VA to waive recovery on home loans in certain hardship cases; extension of the War Orphans Educational Assistance Act to children of veterans who are permanently and totally disabled from service-connected causes; providing that disability rates at a certain percentage for 20 or more years may not thereafter be reduced; extension of the waiver of premium provision under national service life insurance for permanently and disabled veterans from age 60 to 65; authorization of total disability income protection in national service life insurance policies from age 60 to age 65; and authorizing veterans under the Veterans' Preference Act to file suits against the Government in any Federal district court.

The veterans' laws represent an appropriate structure of benefit to individuals who have risked their lives and fortunes for the welfare of our country.

At the same time I express my personal regret that the Foreign Assistance Act empowers AID to "select out" those employees of grade 12 or over without regard to the civil service and veterans' preference laws. I am also disappointed that we have failed to establish the much needed Senate Committee on Veterans' Affairs.

Early in the next session I hope the Senate will establish a Committee on Veterans' Affairs, and that Congress will provide authority for the investigation of the National Cemetery System to insure available plots for veterans and give full consideration to the proposed establishment of a Court of Veterans' Appeals.

Our task as we approach the end of this session is the passage of H.R. 1927 providing much needed assistance to veterans and the widows of veterans.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD subsequently said: Mr. President, inadvertently, I asked that Calendar No. 1528, H.R. 1927, be brought up during the call of the calendar today. It is with regret that I do so, but I must ask unanimous consent that the action taken on H.R. 1927 be rescinded, and that the bill be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD ADDITIVES TRANSITIONAL PROVISIONS AMENDMENT OF 1964

The bill (H.R. 12033) to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

The bill (S. 3199) to amend the Small Business Act of 1958 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Small Business Investment Act of 1958 (15 U.S.C. 671) is amended by striking out the third sentence and inserting in lieu thereof the following: "The powers conferred by this Act upon the Administration and upon the Administrator, with the exception of those conferred by title V hereof, shall be exercised through the Small Business Investment Division and through the Deputy Administrator appointed hereunder. The powers conferred by this Act upon the Administration and upon the Administrator by title V (development company loans) hereof shall be exercised through such division, section, or other personnel as the Administrator in his discretion shall determine."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1594), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would amend section 201 of the Small Business Investment Act of 1958 to place in the Small Business Administrator, instead of the Deputy Administrator for Investment and the Small Business Investment Division, the authority to administer title V of the Small Business Investment Act of 1958. This title provides for loans to State and local development companies.

STATEMENT

When the Small Business Investment Act of 1958 was enacted an Office of Deputy Administrator for Investment and a Small Business Investment Division were created within the Small Business Administration to handle the small business investment company program. Responsibility for title V loans to State and local development companies was also vested in them because it was contemplated that many of the State and local development companies would convert into small business investment companies. Title IV of the act permitted such conversion until July 1, 1961. No such conversions took place. This deadline has not been extended and title IV of the act is now obsolete.

The anticipated close connection between State and local development companies and small business investment companies has not developed, and there is no longer any need for title V loans to be under the authority of the Deputy Administrator for Investment and the Small Business Investment Division.

Transferring this authority to the head of the agency would be in accordance with the general administrative principles urged in various Hoover Commission reports; i.e., that power should be given to agency heads with discretionary authority to delegate to subordinates. It would also permit more effective administration of the State and local development company programs particularly by permitting the Administrator to decentralize this activity if he deems it desirable.

With this amendment the Administrator would have discretion to utilize other facilities and personnel of the Small Business Administration rather than being confined to those of the Investment Division, as he already has in connection with the management counseling program under title VI of the act.

BILL PASSED OVER

The bill (S. 1541) to amend title 18, United States Code, to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MANSFIELD. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PRINTING OF ADDITIONAL COPIES OF COMMITTEE PRINT ENTITLED "EAST-WEST TRADE—A COMPILATION OF VIEWS OF BUSINESSMEN, BANKERS, AND ACADEMIC EXPERTS"

The resolution (S. Res. 369) to print additional copies of a committee print entitled "East-West Trade—A Compilation of Views of Businessmen, Bankers, and Academic Experts" was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Foreign Relations three thousand additional copies of the committee print "East-West Trade—A Compilation of Views of Businessmen, Bankers, and Academic Experts".

PRINTING AS SENATE DOCUMENT REPORT ON THE IMPLEMENTATION OF THE HUMPHREY AMENDMENT TO THE FOREIGN ASSISTANCE ACT

The resolution (S. Res. 371) to print as a Senate document a report on the implementation of the Humphrey amendment to the Foreign Assistance Act was considered and agreed to, as follows:

Resolved, That there shall be printed as a Senate document the third annual report to the Congress on the implementation of the Humphrey amendment, prepared by the Agency for International Development, fiscal year 1964, and that an additional five thousand copies be printed for use by the Committee on Foreign Relations.

MARGARET J. HICKEY

The resolution (S. Res. 375) to pay a gratuity to Margaret J. Hickey was considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Margaret J. Hickey, widow of Edward J. Hickey, an employee of the Senate at the time of the death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BLANCHE W. CARTER

The resolution (S. Res. 373) to pay a gratuity to Blanche W. Carter was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Blanche W. Carter, daughter of Harry D. Williams, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LAURA M. SIELSCH

The resolution (S. Res. 374) to pay a gratuity to Laura M. Sielsch was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Laura M. Sielsch, widow of Edward Sielsch, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PRINTING OF PRAYERS OF THE CHAPLAIN OF THE SENATE DURING THE 87TH AND 88TH CONGRESSES

The Senate proceeded to consider the resolution (S. Res. 365) to print the prayers of the Chaplain of the Senate for the 87th and 88th Congresses which had been reported from the Committee on Rules and Administration with an amendment to strike out all after the resolving clause and insert:

That there be printed with an illustration as a Senate document the prayers offered by the Reverend Frederick Brown Harris, doctor of divinity, Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Eighty-seventh and Eighty-eighth Congresses, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed three thousand three hundred additional copies of such document for the use of the Senate, to be distributed by the Chaplain of the Senate.

The amendment was agreed to.

The resolution, as amended, was agreed to.

AMENDMENT TO THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1965

The Senate proceeded to consider the bill (S. 3162) to amend section 105(a) of the Legislative Branch Appropriations Act, 1965, with respect to the disclosure in reports required thereunder of the names of persons who have appeared as witnesses before committees sitting in executive session which had been reported from the Committee on Rules and Administration with amendments on page 1, line 4, after the word "by", to strike out "adding at the end" and insert "inserting immediately after the second sentence", and on page 2, line 4, after the word "subcommittee", to strike out "the name of such person" and insert "information regarding such payment, except for date of payment, voucher number, and amount paid"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105(a) of the Legislative Branch Appropriation Act, 1965, is amended by inserting immediately after the second sentence thereof the following: "Notwithstanding the foregoing provisions of this subsection, in any case in which the voucher or vouchers covering payment to any person for attendance as a witness before any committee of the Senate or House of Representatives, or any subcommittee thereof, during any semiannual period, indicate that all appearances of such person covered by such voucher or vouchers were as a witness in executive session of the committee or subcommittee, information regarding such payment, except for date of payment, voucher number, and amount paid, shall not be included in the report compiled pursuant to this subsection for such semiannual period. Any information excluded from a report for any semiannual period by reason of the foregoing sentence shall be included in the report compiled pursuant to this subsection for the succeeding semiannual period.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

UNITED SPANISH WAR VETERANS MEMORIAL

The joint resolution (H.J. Res. 793) authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs was considered, ordered to a third reading, read the third time, and passed.

Mr. PELL. Mr. President, I was pleased to give my wholehearted support to Senate passage today of House Joint Resolution 793, introduced in the House of Representatives by my distinguished friend, Congressman BARRATT O'HARA from Illinois.

This resolution would authorize the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs. It is most fitting that Congressman O'HARA should have introduced this resolution, for he is the last surviving Spanish War veteran now serving in the Congress.

The memorial proposed would commemorate the gallant patriotism of the men who served in the war with Spain, the Philippine insurrection, and the China relief expedition of 1898–1902. It would be erected at no cost to the United States or to the District of Columbia.

Mr. President, to the best of my knowledge, and according to a survey I have made of the statues, monuments, and memorials in the parks of the National Capital, there is no memorial commemorating those who served in the historic events to which the resolution pertains.

On the other hand, Revolutionary War heroes, and leaders, both military and civilian, in the War Between the States, are well and appropriately represented in a variety of memorials, as are the patriots of World Wars I and II.

According to my findings, some 41 statues, memorials, and monuments relate to these events.

We seem to have overlooked an important part of our history in this respect. I believe that passage of House Joint Resolution 793 will serve to remedy this situation.

The resolution was passed by the House of Representatives last month. Amendments were adopted by the House to overcome objections voiced among the governmental bodies or agencies which the legislation principally involves. They are the Department of the Interior, the National Capital Planning Commission, the Commission of Fine Arts, and the Board of Commissioners of the District of Columbia.

Because of my profound interest in this legislation and at the direction of the distinguished chairman of the Committee on Rules and Administration, Senator B. EVERETT JORDAN, I sought the views of these bodies, so that the legislation could be fully considered by that committee.

As our committee report indicates, all four bodies endorsed the resolution. Chairman William Walton of the Commission of Fine Arts explained that a tentative site had been approved across Memorial Bridge and in the vicinity of the statue of Admiral Byrd, along an avenue lined by tall holly hedges:

> My Commission envisages using these hedges as a background for sculpture in the future—

Chairman Walton stated:

> By cutting bays we could create a very handsome Avenue of Heroes.

Such an imaginative concept is, I feel, in keeping with the spirit of this memorial.

It would give new dimension to the history we portray in our Nation's Capital. It would be a long delayed tribute to those who have served and continue to serve our country so courageously and so well.

In this context, Mr. President, let me also call attention to the gallantry of our former colleague, Senator Theodore Francis Green, from my State of Rhode Island. Senator Green started his long and celebrated career by his service in the Spanish-American War. His interest and the interest of his comrades in this legislation was expressed to our Committee on Rules and Administration.

In closing, let me express my esteem for the adjutant general of the United Spanish War Veterans, James H. McElroy, who so capably represents this admirable organization.

Mr. RANDOLPH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC DEVELOPMENT PROGRAMS FOR DEVELOPMENT OF THE APPALACHIAN REGION

The Senate resumed the consideration of the bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region.

Mr. RANDOLPH. Mr. President, I yield 20 minutes to the Senator from Delaware [Mr. BOGGS], who is a valued member of the Committee on Public Works, from which the Appalachian bill has been reported. The Senator from Delaware, although not in agreement with the majority opinion on this subject, has given to the subject matter intense consideration. In the course of his speech I may ask him to yield to me. At the moment I yield 20 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 20 minutes.

Mr. BOGGS. Mr. President, I thank the distinguished Senator from West Virginia for his courtesy.

I am opposed to S. 2782, the Appalachian Redevelopment Act of 1964, at least in its present form. At the same time I am wholeheartedly in sympathy with the objectives of this bill. It would be wonderful to see this particular section of the country rid of its economic problems, just as it would be wonderful to see prosperity come to every corner of the country.

Let me list some of the reasons why I feel I must speak out against passage of this bill.

First. We would be setting a precedent for an unusual and potentially troublesome Federal role in support of the economy of a particular region of the Nation.

Second. If the States concerned were to form a compact among themselves, they could marshall the full resources of the States as a legal entity. This would put the full weight of the region behind plans for development, and make it possible for the combined States to approach the Federal Government on a cooperative basis.

Third. Appalachia, as noted in the findings and statement of purpose of the bill, has abundant natural resources and is rich in potential. This is a basis for prosperity, not poverty, and it does not seem equitable that States not as well off in resources should be burdened with additional taxes to support a Federal role in the Appalachian area's development. The bill's supporters, in brief, appear to me to be selling the area short.

Fourth. It is not clear who would be benefiting from the billion dollars in Federal aid. Would it be entirely residents of the area themselves, or in many cases, would it be absentee landowners?

Fifth. While the region of Appalachia has economic problems, it has not been demonstrated that the area cannot solve its own problems with its own resources coupled with the many Federal assistance programs already provided by law.

Sixth. The net result of the bill's commission plan, with its striking feature of the Federal representative having the key and deciding vote, would be to make the program overwhelmingly one of Federal design and execution.

Before I outline two of these points in greater detail, Mr. President, I would like to congratulate my friend, the principal sponsor of S. 2782 and its floor manager, the senior Senator from West Virginia [Mr. RANDOLPH], for the excellent presentation he had made to the Senate of this proposal.

Because of the deepest respect I have for him my opposition to this bill is tinged with reluctance. And adding to this reluctance is the fondness and respect I have for my friend the senior Senator from Kentucky [Mr. COOPER], the ranking minority member of the Public Works Committee, who is among the bill's cosponsors.

Let me also acknowledge at this time, Mr. President—and I regret to say this—that due to important business of another committee it was not possible for me to attend the Senate hearings on S. 2782. I just could not be in two places at one time. I have studied the printed record of the hearings, however, and although I hold all the members of the Committee on Public Works in high esteem, and am proud to serve on this committee, I must confess that I do not feel satisfied that such a far-reaching proposal has received adequate examination. The ramifications of this bill are many. It needs a great deal of further study.

In my opinion, my first point, the question of precedence, is highly significant. There will always be a section of the country which can statistically show that it is behind other areas in development, and therefore it can argue that it, too, should receive special Federal treatment.

It is very unlikely that the whole country will ever achieve the same rate of growth. If we ever do reach such a state of sameness, I am afraid it will not be a sign of strength, however. It will probably be a sign of stagnation.

Mr. RANDOLPH. Mr. President, if it will not break the continuity of the speech of the Senator from Delaware, I should like to make an observation in connection with his point that a precedent is set when we give attention through legislation of this type to any particular region of the country. May I comment at this time?

Mr. BOGGS. Mr. President, I should like to yield to the distinguished Senator from West Virginia, but I should first like to conclude my statement. If we may take up this question at that time, it would be helpful to me.

Mr. RANDOLPH. That is most agreeable. I thank the Senator.

Mr. BOGGS. I thank the Senator from West Virginia.

Consider the question of building additional highways which would take the bulk of the funds proposed for the Appalachian area.

A Federal-State highway construction program has been underway for some years now, a program greatly to the advantage of the States. Apparently the Appalachian States have not seen fit to use this program to the greatest advantage in aiding the progress of their underdeveloped areas.

Why should the Federal Government now give these States special help? If this is done, it seems to me it would certainly encourage other States to come forward and ask for similar help, and they would have a right to do so. Many States could give as logical reasons as can the Appalachian States for needing new highways. What sort of clamor for special Federal help might we be setting off by establishing this precedent?

On my second point, it seems to me that were the States involved to organize a compact, they would be in a better position to manage their own development than they would be under the Federal commission plan proposed in the legislation.

The Delaware River Basin Compact, for instance, joins the States of New York, Pennsylvania, New Jersey, and Delaware in development of the Delaware River basin. The Federal Government is a member of the compact, but the States are chiefly responsible for the programs carried out.

The preliminary work done in the Appalachian Region by the Conference of Appalachian Governors is most complimentary and indicates that the groundwork has already been laid for a compact of the States involved.

Such a compact would make it possible for a regionwide plan for development in conjunction with Federal assistance already available under existing programs. It seems to me it would be far better to operate under these programs, in my opinion, than to complicate matters with the addition of still another overlaid program.

A compact unites States in a legal entity. The States retain their ability to carry out any programs they wish to as a single State but in addition they are able, in unison with other States, to throw the full resources of the region behind plans to solve regionwide problems.

There is another difference between a compact of States and the federation proposed by the pending legislation.

In a compact, the whole State is involved in whatever program is carried out, even though only part of the State may be directly involved in the program.

The approach envisioned in the legislation we are considering would tend to split up the entity of the States. Although the Governors would have representation on the Commission, the contact would be essentially between the Federal Government and the specific counties identified as a part of the Appalachian area.

It is also significant, Mr. President, that 67 of the counties bound up in this Appalachian package do not qualify as redevelopment areas or areas of substantial unemployment for Federal grants or loans under the Area Redevelopment Act or the Public Works Acceleration Act.

Here again is another point. The bill proposes programs which would be in competition and perhaps in conflict with existing programs, such as the Federal-State highway program I have mentioned. This overlapping of programs would no doubt tend to result in wasted effort and money. Separate agencies might well be in the position of competing with one another to spend money.

Now I should like to pursue another avenue of thought for a minute.

Recently, Tax Foundation, Inc., of New York City, published a study of taxes paid by the various States. I was particularly interested in the relation between the taxes paid by the States and the amounts received by the States in the form of Federal grants.

It happens that my own State, Delaware, pays $2.12 for every dollar it gets back in the form of Federal grants. This is more than for any other State.

In studying these statistics, I was interested to find, for instance, that 12 States rank lower than the great State of West Virginia in relation to taxes paid and Federal grants received. It is true that one of these 12 States is in the Appalachian region, but it is not at the bottom of the list.

I also noticed that of the 17 States which pay more than a dollar in taxes for a dollar given back in grants, 3—Ohio, Pennsylvania, and Maryland—are included in the Appalachian program.

It seems to me that these three States would be better off using their own tax dollars in attacking their problems than to apply for the more expensive Federal dollars.

I do not mean to suggest that I would oppose a program affecting the Nation as a whole simply on the basis that a grant program is more expensive for Delaware than for any other State. I have supported many programs which I felt were worthwhile. At the same time, however, I feel compelled to study any grant program very carefully, and those included in the bill under discussion have the obvious weakness of affecting only one area of the country when other areas can make as reasonable a presentation on the basis of need and resources.

On another score, Mr. President, I am concerned that instead of encouraging local initiative, it is easily possible that this new program would tend to stifle it. Individuals and communities are likely to mark time waiting to see what the Federal Government will be doing. The area has been making gains in raising education and housing levels, for instance. No doubt it will continue to improve, and I am sure that it will.

In brief, it seems to me that this proposed legislation is poorly conceived. It is being rushed. There is not the climate now for the additional study needed before hastily prepared legislation can be worked into an effective program.

I think highly of the Appalachian region and its people. I should like to see the area grow and prosper. Where the Federal Government can properly help with projects and programs as it does in any other part of the Nation, I believe that it should, and I am sure that it would.

But I see little long-range benefits to the Appalachian region under this proposed legislation with its lack of a comprehensive plan and its tendency to weaken the Federal system.

I should like to see Congress look into the overall national problem of underdeveloped States and areas in the next session of Congress, but for the reasons I have briefly given, I believe that the Appalachian bill should be rejected at this time by the Senate.

Mr. President, I thank the Senator for his kindness in yielding to me.

Mr. ROBERTSON. Mr. President, I have listened with interest to the discussion of the Senator from Delaware. I should like to take up the theme where he left off.

This program is lacking in careful planning. It is a momentous one and involves the principle: Shall the Government first go into one limited area, the Appalachian region, and next perhaps the Ozarks, where some believe that the people do not earn more than $3,000 a year on the average, and then perhaps into some area that lacks rainfall? There would be no end to where the Government could go, if it is to hand out sugar plums indiscriminately.

Therefore, I endorse the statement of the Senator from Delaware, who asserts that he believes the Congress, before it enters into a program of this kind, should give the matter a great deal of study. That is his position; and that is my position.

Mr. COOPER. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. JORDAN of Idaho in the chair). Does the Senator from Virginia yield to the Senator from Kentucky?

Mr. ROBERTSON. The point is, if we are really interested in permanent employment and not merely in a program of crash spending previous to a designated time, we need to give the plans for Appalachia more study than they have received.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield?

Mr. COOPER. Mr. President, will the Senator from Virginia yield on the previous point which he made?

Mr. ROBERTSON. I can yield to only one Senator at a time. I yield to the Senator from Kentucky.

Mr. COOPER. The Senator from Virginia may address himself to this point in the speech he is about to make. I shall do so as well; but the fact is that for about 3 or 4 years the Governors of the States have been meeting, and they have made intensive studies of the problem. Some of the problems have been studied in the Federal Government by the Department of Commerce, under the leadership of Under Secretary of Commerce Franklin D. Roosevelt, Jr. If we look into the matter further, we find that this planning is the result of studies by the States which have been in progress for 3 or 4 years.

Mr. ROBERTSON. What the Senator from Kentucky is talking about is that although his State has some of the finest bluegrass in the Nation and perhaps in the world, although it has one of the most famous race courses where each spring is run one of the most famous races in the world, and although his State is renowned for the beauty and charm of its ladies, there is a limited area in Kentucky which, before John L. Lewis priced it out of the market, had fairly good employment. After Lewis made good on his boast that the United Mine Workers had the biggest per day income of any organized workers in the Nation, employment dropped from more than 400,000 men producing 600 million tons of coal a year to less than 150,000 men producing about 450 million tons of coal a year. There is some unemployment in Kentucky.

Mr. COOPER. There is a great deal.

Mr. ROBERTSON. To such an extent that some thought it would be a good idea for the Corps of Engineers to construct a plant to pump water out of the Ohio River into the Big Sandy, to make it deep enough for a barge to haul coal from the Harlan high volatile fields to Cincinnati, although there were railroads on each side of the Big Sandy engaged in that undertaking. That would have resulted in more employment for the people of Kentucky, because the barge was supposed to haul coal on the Big Sandy at 50 cents a ton less than the railroads.

We turned down that proposal. It was a little too strong for us, to pump water from one river into another river in order to operate a Government-subsidized barge line.

That is one illustration of the problems which have been involved in unemployment in Kentucky, unemployment in West Virginia, and unemployment in Pennsylvania.

Now we are faced with a crash program of $1.3 billion. For what? To relieve unemployment.

Where? Where unemployment exists. Where is that?

Pennsylvania has 45 percent of the total unemployment.

It is three and a half times the unemployment in the State of West Virginia, represented by my able and distinguished friend, the Senator from West Virginia [Mr. RANDOLPH]. And how much will Virginia get from the $880 million highway program? Two hundred and forty miles. On what basis? On the same basis on which we get highway money at the present time—50–50. We have no surplus money. Route 460 runs from the Kentucky line through the great bluegrass area of Virginia, through Roanoke and Lynchburg, and down to the seaboard. Where is most of that road in the Appalachian area? In Tazewell County—the most beautiful bluegrass county in the entire State.

Let me say that all the money that we could borrow under the debt limitation of $320 billion, could not make me say that the people of the wonderful blue grass county of Tazewell are so ignorant and poverty stricken that we would list them to receive a mere pittance under this $1,300 million sugar plum proposal.

Mr. President, I yield to the distinguished majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished minority leader, the distinguished Senator from Virginia [Mr. ROBERTSON], the distinguished Senator from Kentucky [Mr. COOPER], and other Senators.

There have been 3 days of debate on the pending business. Therefore, in view of the fact that amendments have been offered and agreed to—and evidently none are pending—I ask unanimous consent that the vote on the pending legislation occur at 2:30 p.m. and, that the requirement for a quorum call under rule 12 be waived.

Mr. LAUSCHE. Mr. President, reserving the right to object, what if amendments are offered?

Mr. MANSFIELD. They can be offered in the meantime.

Mr. LAUSCHE. What time will be allowed on any amendments that might be offered?

Mr. MANSFIELD. As much time as needed may be allowed.

Mr. LAUSCHE. Why not designate the time to be allowed on any further amendments?

Mr. MANSFIELD. Very well.

Mr. ROBERTSON. Mr. President, I am willing to take 10 minutes. I have much more to say than that. But I ask for only 10 minutes.

Mr. MANSFIELD. Mr. President, we include in the unanimous-consent request, which has been entered, 30 minutes for any amendment, 15 minutes to a side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTSON. Mr. President, the distinguished Senator from Kentucky [Mr. COOPER] and the other Senators who favor this amendment and would like to point out how much I am in error, will have to do it on their own time. I have only 10 minutes remaining.

Mr. LAUSCHE. Will the Senator yield?

Mr. ROBERTSON. I do not object to a question, but not out of my time. I only have 10 minutes.

Mr. LAUSCHE. I thought the Senator had finished.

Mr. ROBERTSON. I had not started.

Mr. LAUSCHE. I am sorry.

Mr. ROBERTSON. Mr. President, the Senate of the United States is being asked today to approve a measure for the regional development of what we call Appalachia. This is an area of 11 States stretching from Pennsylvania all the way to Alabama. We are being asked to pass legislation that, in the minds of its advocates, will bring about a rejuvenation of an area that is considered to be economically behind 20th century America. It is interesting to note, and I think it should be emphasized, that the arguments proposed by the advocates of this legislation are almost identical to the arguments that were put forward by those who advocated passage of the Economic Opportunity Act of 1964, the so-called "war on poverty" bill. That bill, as it will be remembered, has since been enacted into law. Appropriations of nearly $1 billion are now being requested to implement this law for the first year. On the very heels of the poverty bill, comes this Appalachian program; a program that would cost an additional $840 million. All of this, Mr. President, is in the name of fighting poverty and all of this is in addition to Federal expenditures that are estimated to approach already $30 to $40 billion a year to help fight poverty.

The issue here is not whether anyone is against the fight to eradicate poverty in our Nation. I know of no one, certainly no one here in the Senate of the United States, who is not sincerely dedicated to the economic well-being and to the mental and physical strength of every citizen of the United States. The issue here today is how prosperity and well-being for all of our citizens can best be obtained—a prosperity that is not artificial, but one that is the result of careful planning so as to preserve independent initiative and the independent spirit that has characterized America and that must continue to characterize our Nation if we are to maintain the basic principles that have made us so strong.

The great State of Virginia, which I have been honored to represent for so many years, is among the 11 States designated as part of Appalachia. Certainly, it would be the easy way out for me to give the legislation before us today my blessing and support. In all good conscience, however, I cannot do this. The bill, like the poverty bill, is essentially a hastily drawn up measure that has not received the kind of study and analysis in depth that legislation such as this requires. Remember that we are, with this legislation, setting aside a part of this great country of ours to receive special treatment and economic advantages under the law. True, this has been done before, for instance in the case of the TVA Authority. But never has this been proposed on a scale such as this. We are dealing with an enormous block of real estate stretching hundreds of miles from north to south, and from east to west. We are being asked to provide this region with special opportunities, financed by all American taxpayers regardless of where they live. This will set a precedent that we will have to live with for countless decades to come. After Appalachia comes the Ozarks. After the Ozarks comes the Mesabi Range area and that whole section of the north central part of the country. And after this will be another region, and then another. As in the case of other programs, such as ARA, urban renewal and the like, every part of the country will want to have a piece of the pie. They will feel entitled to it as taxpayers, regardless of the need involved. And the pressures that will be exerted on Congress to press forward with such programs will increase.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ROBERTSON. For a brief question.

Mr. LAUSCHE. The Senator has mentioned that the Ozarks will ask for a similar program, and also the Mesabi Range. Has that proposal been under discussion already so far as the Senator from Virginia knows?

Mr. ROBERTSON. The distinguished Senator will recall that when we attended what we call the breakfast group, our leader at the breakfast group gave a wonderful discussion. His name is David Lawrence. David Lawrence said that so far as he could tell from his reading of history books and the Bible, human nature had not changed very much through all the centuries of civilization.

If that be true, I feel justified in believing that if we throw out $1 billion on one program, and then $500 million or $600 million for another area of the country, human nature is such that other areas of the country will ask for the same thing.

I know of no specific proposal that this program be expanded to the Ozarks, the Mesabi range, the California desert, or anywhere else. All I know is human nature, and, knowing that, I have never seen a program of special benefits, in the 31 years that I have been in Congress, started for one area, that other areas did not ask to be permitted to participate in the program.

Mr. LAUSCHE. Mr. President, will the Senator permit me to ask a question of the Senator from West Virginia [Mr. RANDOLPH]?

Mr. ROBERTSON. On someone else's time.

Mr. RANDOLPH. Mr. President, I yield myself an additional 5 minutes.

Mr. LAUSCHE. Mr. President, I have been told by Mr. Sweeney, of the administration, that efforts have already been made to declare the Mesabi Range and the Ozarks areas of poverty comparable to Appalachia. Has that been under discussion?

Mr. RANDOLPH. Mr. President, insofar as the senior Senator from West Virginia, has knowledge, there have been no such conferences of which I have any information that I could give. I presume that informal discussions take place throughout the country on problems of the various areas. But nothing has come before the committee of which I am a member, which reported the pending bill.

The Senator from Virginia speaks always from his conscience on any subject to which he addresses himself. But only so that the RECORD will be correct, the amount that would be authorized by S. 2782 is not $1,300 million. The bill would provide for $1,060 million.

Mr. ROBERTSON. Was not the budget request for $1,300 million?

Mr. RANDOLPH. The bill, as reported from the committee, was for $1,077 million. During the course of this debate, I have accepted an amendment deleting section 203 which would provide assistance for pasture land improvement. This would reduce the amount by $17 million, which would make the total $1,060 million.

Mr. ROBERTSON. The Senator from Virginia is glad to be corrected, if the amount he mentioned is several hundred million too high. It would still be over a billion dollars. But I was looking at the bill as introduced in the House and the Senate. That amount was $1,300 million.

The Senator from Virginia is gratified that the Senator in charge of the program will reduce the amount of the program to increase beef. I have a little comment on that in my prepared remarks.

It seems to me that we reach an impasse on the restriction of imports of foreign beef. It is stated that the market in this country has been so badly hurt by poor production at home, on the one hand, and greatly increased imports on the other, that we had to take drastic steps or a great many of our farmers would go into bankruptcy.

I was merely mentioning the point in connection with my general observation that it did not seem to me to be too careful planning to have a substantial amount in the bill for pasture improvement and to raise beef in the Appalachian areas in which it is not now being raised, so that producers in those areas could enter into competition with those in Virginia, Wisconsin, Texas, and other places where beef is now being raised, and producers in those areas could raise beef at Government expense. We can call it planning or not, but I think at best it would be only a temporary way to increase the per capita income of the people in that general area.

Mr. LAUSCHE. Mr. President, will the Senator yield for a moment so that I may explain what I said a moment ago?

Mr. ROBERTSON. I am glad to yield.

Mr. LAUSCHE. About 2 months ago I was concerned about the authorization of the expenditure of money to reclaim strip mine land before a study was made of what can and should be done. I held a conference with a Mr. John Sweeney, Executive Director of the President's Appalachian Regional Commission. He came to me with respect to my objection about authorizing the expenditure of money to reclaim butchered land before we had studied the question. I asked him the following question: Is there been any other area in the country that is suggesting that it be included under a similar program?

His answer was that the Ozarks want it, and the Mesabi Range wants it.

Mr. ROBERTSON. I was going largely on my assumption of human nature. If someone is getting what seems to be a gift, people in other areas who might think they were underprivileged would ask for the same thing. I am glad to have this indication that, from a psychological standpoint, I was not too far wrong. There has been definite mention that there are other areas which, if we go into the kind of program proposed, would, in the vernacular, say, "Count me in."

So far as reclaiming strip mine land is concerned, it did not take too much planning for me to know that something ought to be done to cover up those unsightly scenes in our mountains, because, among other things, they were ruining some of our best trout streams, and that of itself was a very undesirable thing to do. The erosion, and the discoloration of our drinking water, domestic-use water, and fishing water from strip mines has been terrible. I do not know how we could use the side of a mountain which had been strip mined and then covered with soil so that nature would be aided in healing over the scars.

It would merely be an attempt to restore nature to what it was before rather than a question of what the land would be used for. I make that statement with all deference.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. LAUSCHE. My position is that the strip miners who butcher the land, destroying the grasses, the shrubs, the hedges, and the trees, ought to be made to restore the land so that it will have some semblance of ability to recover its pristine state. But I do not believe we should permit strip miners to butcher the land and then have the taxpayers come along and reclaim with taxpayers' money the wrongs that have been perpetrated by the strip miners.

Mr. ROBERTSON. I agree. In Virginia we are partially taking care of that problem. Strip miners must now repair the damage that they cause. I believe my friend the Senator from West Virginia will say that there is a law in West Virginia that requires strip miners to do something to repair the damage they have done to the natural terrain.

Mr. RANDOLPH. Mr. President, the Senator is correct. In certain States there are laws on the subject. Some States are highly deficient in that respect. Virginia has made a contribution, Ohio has made a contribution and, frankly, in West Virginia, the law was highly inadequate until last year when our legislature enacted a very excellent law on the subject.

The strip mining problem is a very serious one. In other parts of the United States strip mining is not engaged in to the extent that it is in the Appalachian region. I commend the Senator from Ohio for the work he is doing and the distinguished Senator from Virginia for his interest. One of the important features of the bill relates to the strip mining problem. The bill provides $21.5 million for a study and pilot projects to determine the best ways to carry forward land reclamation and rehabilitation of the countryside that has been scarred by strip and surface mining. I appreciate the opportunity that the Senator has given me.

Mr. ROBERTSON. Mr. President, I should like to speak of the questions that should be asked about the bill.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. ROBERTSON. Mr. President, I asked for an additional 5 minutes. Have I consumed that time, too?

The PRESIDING OFFICER. That time has expired, too.

Mr. RANDOLPH. Mr. President, I yield an additional 5 minutes to the Senator from Virginia. I wish to be helpful.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 additional minutes

Mr. ROBERTSON. I thank the Senator.

Mr. President, if this bill happened to be a product of a long term study and analysis, we might be in a better position today to support it—regardless of some of the basic political, social, and economic issues that are raised by this legislation. But I know of no such thing. We are told, Mr. President, that the recently enacted poverty bill was put together in a matter of 6 weeks. This kind of legislation can only lead to serious consequences in the future. The Senate of the United States, by passing such legislation, would weaken its own integrity. What are some of the questions that we should ask about this bill that have not yet been fully answered:

Does the bill provide the best means for reducing poverty within Appalachia?

Will the bill encourage a lessening of dependence on public welfare programs and at the same time increase opportunities for individuals in Appalachia to be not only self-supporting but also to contribute to national growth?

Will the bill discourage pressures on Congress to set up this type of program in other regions?

Will the bill lead to greater reliance on local, State, and interstate cooperation in solving social and economic problems?

I do not believe that the bill, as presently constituted, provides affirmative answers to these very fundamental questions.

The bill, as currently written, would extend Federal assistance to over 300 counties in 11 States. The area is about 165,000 square miles and contains a population of nearly 16 million people. Two-fifths of this number live in 18 metropolitan areas, including Pittsburgh, and 9 other areas have populations of 250,000 or more.

Logic and experience, it would seem to me, suggest that an effective program for a solution to Appalachia's problems will depend on how well the authors of the program understand the causes of the problems and how carefully they tailor solutions to these causes.

The bill before us obviously has not had such careful attention. This is indicated by the authors' assumption that Appalachia is a homogeneous region, not only in geography, but in other factors as well. Those of us who have spent a lifetime in or near this area, fully realize that Appalachia's problems are diverse and not homogeneous. Therefore, it would seem that any program that attempts to apply a set of universal solutions to this region is an unrealistic program. And, may I point out, Mr. President, that the cost of failure would be excessively high, both in terms of disappointment to the citizens of Appalachia and in terms of the wasted taxes of all American taxpayers living throughout the country.

A comparison of income levels indicates the dissimilarity in this region. For example, the 1960 census, shows that per capita income ranges from $841 in Kentucky to $1,680 in Pennsylvania—a difference of almost 100 percent. From the standpoint of unemployment, statistics show another pattern of diversity within the region. For instance, 190 of the more than 300 counties designated by the bill as being in Appalachia, accounted for nearly 85 percent of the region's unemployment. Appalachian Pennsylvania alone had 172,000 unemployed—45 percent of the total within the region and 3½ times the total for West Virginia.

For instance, unemployment in the Virginia Appalachian area does not approach that of the coalfields of Pennsylvania, which account for 45 percent of the total within the region, nor even that of our sister State of West Virginia, which is 3½ times less than Pennsylvania. Therefore, if Federal aid for road construction in Appalachia, which is to be the major part of the program, is allocated on the basis of unemployment, the rich State of Pennsylvania will get the bulk of the $880 million road fund on the basis of a 70-percent Federal contribution while Virginia is to be allotted only 240 miles out of the total and that undoubtedly will be on a 50-percent matching basis. I believe the State highway that runs from Kentucky through Roanoke and Lynchburg to the seaboard which is No. 460, would be eligible for a 50–50 grant under the pending bill. A substantial part of that mileage would be in the beautiful bluegrass county of Tazewell. The variety of ethnic backgrounds of the people in Appalachia and the wide variations of educational levels are other examples of diversity in this region. Thus, Appalachia like other sections of the country, is a highly complex area, and we have a bill here which would try to approach the problems of this area with universal solutions. I would venture to say, Mr. President, that practically each of the more than 300 counties that make up this region has problems peculiar to itself and problems that should be attacked on an individual basis. We all know, and we have been told this many times here in this Chamber, that even each city and town has problems peculiar to itself. We have legislation to help solve some of these problems on a city-by-city approach. But now we are being requested to pass a bill that would use a given set of measures to solve a galaxy of problems in an area covering 11 States containing over 15 million people. In a way, Mr. President, I would venture to say that the people themselves who proposed this legislation are not very serious about it, when, at the same time, they tell us that this vast region with all of its complex economic, social, and political problems can be helped at a cost of $840 million. If they believe that this is the price tag, they are being unrealistic and therefore, I say, not too serious. If, on the other hand, they will admit that this would just be a beginning for a program that would eventually cost many times more, then I call upon them here and now to admit this and to give the American people, who would be called upon to pay this bill, an estimate of the eventual cost.

One part of this bill that particularly concerns me is title I that would establish what would be called the Appalachian Regional Commission comprised of a Federal member appointed by the President and one member from each of the 11 States making up the Appalachian region as defined by the bill. What would be the responsibilities of this Commission? First, it would organize the resources of the States and Federal Governments. Second, it would coordinate State and Federal effort. Third, it would conduct joint studies to identify the causes and problems of Appalachia and to find effective solutions.

What bothers me most about this section of the bill is that it intends to place Commission control in Federal hands rather than provide for the full and equal partnership of State governments. For example, the bill provides for the selection of a Commission Chairman by the President. The Federal Government's Commission vote would be equal to the vote of all the States, thus giving the Federal Government, for all practical purposes, veto power over Commission action since such action would have to be approved by poth parties, that is, the States collectively and the Federal Government. It might be argued here that the States could also veto Federal action. However, this merely begs the question since the end result would be stalemate. In addition, the provisions in the bill for the financing of this Commission are so drawn as to cause possible assumption by the Federal Government of the bulk of Commission financing. This would mean shifting the cost to taxpayers all over the Nation and, at the same time, increasing the potential for Federal domination.

Another section of this bill that bothers me is the one providing for a gigantic road building program. Although improved transportation facilities generally contribute to the development of any region, a number of factors must be considered in applying this general principle to Appalachia. For example, what is the ratio between capital cost for such a highway system and the economic benefit that will be derived from it? To my knowledge, this question has never been answered. Studies have not been made of the Appalachian region in these terms. Where these roads will be built, which roads would be improved, and the possible cost-benefit ratio involved are yet to be determined. Yet, any sound program of road construction should have answered these questions long before it was submitted to the Congress of the United States. It was interesting to note, Mr. President, that the International Bank for Reconstruction and Development makes extremely careful measurements of the capital cost-economic benefit ratio when studying proposed highway loans for undeveloped nations. Yet, we are called upon here today to pass legislation and later to appropriate funds without any clear knowledge of how they would be used for the construction of roads in Appalchia. To my knowledge, no studies have been made to indicate the long range travel, tourism, and market benefits that might result from this program.

One of the central themes of the bill before us today is that poverty within Appalachia can be attacked through the development of the region's natural resources. Little concrete evidence supports this hope; this is true particularly for agriculture.

In rural Appalachia, a problem that we have recognized for a long time, are those individuals who in abandoning submarginal farming, have remained on the land because they have found no employment opportunities suitable to their aptitudes in our cities. The problem they represent has far more to do with human resource development than with agricultural development.

However, the bill before us would provide, among other things, for the development and the improvement of pastures for livestock products. Now, such production, if limited to farm-produced and farm-consumed foods, might be justified in terms of welfare or relief but if the program is intended to provide cash income to potential producers—which I believe is the case—then it would only invite a subsidized production of livestock and livestock products not justified at this time as a response to market forces of supply and demand, costs and technology. The fact is that the beef industry now is in an unsatisfactory condition. Actually, therefore, any grants provided by this Appalachian bill would be in the nature of a very substantial capital subsidy to competitors of the existing livestock industry, making the problems of that industry all the more difficult.

Another portion of the bill would provide technical aid and loan assistance to timber development organizations. It would encourage Federal entrance into the lumber and forest products business, which could include the construction and operation of paper mills. Such mills would provide more permanent employment than timber cutting. This is another aspect of this legislation that I believe needs much more study before we should consider it. In addition to the potential dangers involved in Government entrance into this important industry, there is the added unfairness of Federal support and preferences for certain lumber and forest products enterprises that would be competitive with existing or potential taxpaying private organizations.

Still another aspect of this bill that deserves additional consideration by all of us here today is the one that would permit Federal grants without regard to existing laws that establish ceilings for allotments among the States and provide grants solely from funds specifically appropriated to carry out this act. In other words, the Appalachian bill would provide funds of its own for already existing acts that are funded independently and under appropriations designated for those specific purposes. For example, the bill would provide an additional $16 million to the Vocational Education Act and an additional $6 million to the Federal Water Pollution Control Act. These funds would be over and above the funds that will be appropriated independently for these two measures, and would be spent where there is great unemployment—and where is that? Echo answers "Where?"

Is this the way to legislate? Have we reached a time when we can duplicate and overlap legislation in this way? Will this not make it extremely difficult for us to evaluate and review appropriations for such measures when such appropriations come to us via the normal appropriations route? Is this not setting a precedent that could haunt us in the future by providing separate packages of moneys to funds that have already been appropriated through the usual legislative channels? Mr. President, these are the kinds of issues that this bill raises.

Mr. President, I could continue in this general discussion of the gaps that exist in this legislation that we are called upon to pass here today. I believe, however, that the chief weaknesses to which I have just directed attention are sufficient to support my basic contention that, although the problems of Appalachia are real and must be relieved, this bill is not necessarily the way to do it. It is the product of insufficient study and planning. It has not fully answered such questions as whether it can provide the best means for reducing poverty within Appalachia; whether it can encourage a lessening of individuals in Appalachia to be not only self-supporting but also contributors to national growth; or whether it can discourage pressures on Congress to set up this type of program in other regions; or whether it does not lead away from greater reliance on local, State, and interstate cooperation to solve socioeconomic problems.

I urge my colleagues to cast their votes against this bill, not because they are against legislation that could help the economic and social development of a given region of this great land, but because they are against endorsing legislation that is the product of insufficient study and investigation, that is willing to apply universal programs to solve complex and diverse problems that establishes a commission that has the potential to disrupt seriously the Federal-State balance that is so necessary for the present well-being and future of our Nation, that would authorize the expenditure of hundreds of millions of dollars for the construction and improvement of highways that have yet to be earmarked and to be determined economically sound, that would subsidize agriculture production, at a time when the market supply and demand picture already indicates too much production, that would authorize the expenditure of additional funds for acts for which funds have already been appropriated, and that would set a precedent for similar haphazard legislation to affect other areas of the country.

I urge my colleagues in the Senate to vote against this measure, and instead, to support additional studies before considering a measure of this kind.

Again I thank my very kind and gracious colleague and friend from the adjoining State of West Virginia, where I know he has a real problem. I want to do something to help, and I will do something to help if I can find some plan that would help in a practical way, and not be a temporary relief measure that would probably lead to more trouble than it solves.

I thank the Senator for graciously extending the time given to me for my remarks.

Mr. RANDOLPH. Mr. President, I yield myself 2 minutes.

The Senator from Virginia has indicated that he would be against the bill on many scores, but he would be against it fundamentally because it would be "beamed," as it were, to one area of the country, when other areas might have similar problems. As I recall, the Senator from Virginia voted for the Tennessee Valley Authority. Am I correct in that statement?

Mr. ROBERTSON. Mr. President, it has been so long ago that the Senator from Virginia can only say that he voted to establish the Tennessee Valley Authority on the assumption that it was to be a yardstick to determine what would be fair rates for private utilities to charge; but after the Tennessee Valley Authority went into production of steampower and used more coal in steam than any other industry in the Nation, the Senator from Virginia voted against additional steamplants and criticized the socialistic factors that had gone far beyond the purpose for which the Tennessee Valley Authority was created.

The Senator from Virginia was not here during World War I. He was in the Army. It was stated that there was a need to manufacture nitrate for World War I and that we must build a little dam in the Tennessee Valley. That was the start of it.

Mr. RANDOLPH. I am in no wise critical of the Senator from Virginia for any vote he cast. I only point out that when we were discussing assistance for a specific area of the country, we did the same thing for the Tennessee Valley Authority States. Between 1933 and 1964 approximately $2,100 million was expended on that program. I only wished to indicate that it was one of the areas of the country which had received special attention.

Mr. ROBERTSON. If I may answer that comment, I said in my speech that this program would go far beyond the Tennessee Valley program, because the Tennessee Valley Authority was limited primarily to Alabama, Tennessee, and Mississippi. There is a fringe of it near Bristol, Va.——

Mr. RANDOLPH. And Kentucky.

Mr. ROBERTSON. And there is a fringe of it in Kentucky. But the presently proposed program takes in nine States, and involves a vast area. As I have said, with respect to the Tennessee Valley program we started with a good, noble, legitimate purpose. First we were going to manufacture nitrate for World War I. Having done that, it was said, "Let us have a yardstick for power rates." It went into production. Great industries have been brought in to get four- and five-mill power, which is below what any private industry could produce power for. It is true that we did that, and that would be a precedent for this program, but we did not do the latter with my vote.

Mr. RANDOLPH. In West Virginia and other bituminous coal-producing States, I would like it clearly understood, John L. Lewis did not price coal out of a market by providing decent pay for coal miners. I point out that mechanization and automation within the mines have caused the loss of manpower in the production of coal. I can recall when in the State of West Virginia there were approximately 120,000 miners. Today there are approximately 45,000. This reduction was not caused by pricing coal out of the market. It was caused largely by the mechanization of mines, doing away with the need for employment of miners. One machine replaced as many as 50 or 60 men. I want the RECORD to show that there are many other causes than the one to which attention has been given.

My distinguished friend from Virginia has raised the question of whether this bill provides the best means for reducing poverty in Appalachia. I would point out that this is not an antipoverty bill in the same sense that the Economic Opportunities Act is aimed at the elimination of poverty. It is true that the two measures supplement one another in the Appalachian region, but this measure is primarily concerned with strengthening the foundation of the region so that economic development will take place more rapidly.

It will, in the long run, contribute greatly toward lessening the dependence on public welfare assistance programs. At the present rate, we are spending approximately $400 million annually in Federal funds for public assistance programs in Appalachia. Thus, in 3 years, we spend more for mere subsistence than this entire program of investment will require.

In answer to the final question posed by my good friend from Virginia [Mr. ROBERTSON], it is my most sincere conviction that the Commission and the program which would be established by this bill will elicit most effective cooperation between all levels of government—local, State, interstate, and Federal.

I yield 8 minutes to the distinguished Senator from Maryland [Mr. BEALL], who, on this issue, as on so many others, conscientiously represents the people of his State.

The PRESIDING OFFICER. The distinguished Senator from Maryland has 8 minutes.

Mr. BEALL. Mr. President, as a cosponsor, I rise to support S. 2782 and I sincerely hope that my colleagues on both sides of the aisle will do likewise.

As guardian of the public purse, Congress must ascertain that public funds are allocated for programs which have a chance to achieve their stated purposes. Particularly is this true during an election year when one must carefully distinguish between shadow and substance. I want programs that will not part company following the election, leaving behind, as their only remains, a huge check for the taxpayers to pay. I will not be a party to election year vote buying. I will not play politics with poverty. I say to the administration, demonstrate to me a need for Federal assistance, show me a workable program, convince me that such a program will result in permanent benefits, and you will quickly find a supporter. The Appalachian legislation meets such standards for the following reasons:

First. It has long been recognized and well documented that a need for assistance exists in Appalachia, a well defined geographic area.

Our Nation, since the turn of this century, has been acutely aware that the Appalachian region has unique and pressing economic ills. In fact, the National Government in 1902 and again in 1935 published detailed reports on the area. Despite this early diagnosis, very little has been done to remedy Appalachia's problems. Economic statistics continue to reveal that the economy of Appalachia lags behind the Nation's.

In Appalachia one of three families has a family income of less than $3,000 compared to 1 of 5 in the Nation as a whole.

In Appalachia 7.1 percent of the labor force is unemployed compared to less than 5 percent in the country.

In Appalachia 26.6 percent of the homes need major repairs and 7.5 percent of the homes are in such sorry condition that they endanger the health and safety of the residing families.

And most alarming, Appalachia has 23 percent fewer high school graduates and 34 percent fewer college graduates than the Nation. If persons residing in the region were educated to the same degree as their counterparts, there would be almost 800,000 more high school graduates and 226,000 more college graduates.

The rate of population growth is often cited to show economic health of an area. It may also indicate economic sickness. In the United States the population grew 20 percent between 1950–60, while Appalachia's rate of population growth was only 1.1 percent. One might reason that this only reflects that our population is leaving an area of limited opportunity to resettle in areas of greater opportunity. Certainly this regrettably has been the case, but it should not be. For Appalachia possesses resources and the manpower required for a healthy and sound economy.

Second. This program was conceived at the local level and Federal assistance was requested only when it became apparent that the Appalachian States lacked the financial resources to cope with the problem.

In 1960, Governor Tawes, of Maryland, called the first Appalachian Governors' Conference. From this and subsequent meetings grew a realization that Appalachia's problems could be solved only through a concerted effort by the 10 States, and it became crystal-clear that Federal financial resources were needed to overcome the region's problems. An examination of the tax sources in the region cogently illustrates this. With a per capita income of 35 percent less than the Nation's and with real property assessed at 38 percent less than the comparable national figure, one can appreciate the States' inability to attack Appalachia's problems without Federal cooperation.

Third. This legislation attacks the causes of poverty and not the symptoms. Being a native of the area, I can tell you the people do not want handouts. What they do want is the creation of an economic framework from which they can build a prosperous Appalachia. This legislation will be a tool toward self-help. It will provide the means for many Appalachian residents to remove themselves from the welfare rolls. This legislation will reduce Federal welfare payments which total nearly 500 million annually in the region. This legislation, through roadbuilding, the harnessing of water resources, and education will provide the stimulus for the location of industry within the area. I am particularly impressed with the potential of the program to stimulate industrial growth, and I would like to direct myself briefly to this aspect of the bill.

PROGRAMS TO IMPROVE THE AREA'S ACCESSIBILITY

For an area to develop properly, it is vital that modern highways exist. This bill authorizes the construction of 2,150 miles of development highways and 500 miles of local access roads. Obviously such highways will attract industry, facilitate commerce and increase the potential for what is one of Appalachia's most promising opportunities—the tourist trade. With the so-called megalopolis expected, one does not have to be a travel agent to appreciate the area's potential as a haven of recreation, relaxation, and rest.

PROGRAMS TO DEVELOP HUMAN RESOURCES

Even greater than its rich natural resources are the citizens of Appalachia. They are willing, hardworking, and independent. In short, the spirit of the pioneer still dwells in their hearts. They seldom look to Washington for assistance. Every possible effort needs to be exerted to improve the educational opportunities for Appalachia's population.

PROGRAMS TO CONTROL AND EXPLOIT THE ABUNDANT RAINFALL OF THE AREA

The control and harnessing of the abundant waterfall in Appalachia is vital both to the region and the Nation. I cite an example of how programs for Appalachia will not only benefit the local area, but also will prove to be beneficial to the country. The Army Corps of Engineers tells us the District of Columbia will experience a water shortage in the next 10 years. It is therefore imperative for Congress to seek an additional water supply. The projected shortage can be overcome with the construction of a dam at Bloomington, Md. Thereafter, construction of the Savage II Dam will insure the District of Columbia an adequate water supply. These dams will not be used to produce electricity. The Corps of Engineers has acknowledged that electricity generated from low grade coal is 40 percent less expensive than electricity produced from water. With the coal available, it is obvious the more economical means for producing electricity will continue to be used.

In the development of Appalachia's resources, I urge Congress to confine its expenditures to projects which will result in lasting benefits and to avoid encroaching upon area which, I believe should be left to private industry. Therefore, I believe that section 205 should be deleted from the bill. I feel that this represents needless duplication of existing programs and the development of our timber resources should be left to private enterprise.

In conclusion, Mr. President, it is clear that Appalachia is an area of paradoxes. Although possessing vast mineral resources, an abundant water supply, an unparalleled scenic highland beauty, and a surplus labor supply, the region has not realized its potential, for unemployment remains too high, resources lie dormant and unexploited, and the children and adults cry out for additional training and educational opportunities. Our job is to answer these cries, to assist in developing the area's promising potential. I do not expect this task will be easy, nor will it be completed overnight. We must realize Appalachia's prosperity is the Nation's prosperity; Appalachia's growth accelerates the Nation's growth. An investment in Appalachia will produce dividends for both the region and the country. Let us get on with the job by enacting S. 2782.

Mr. RANDOLPH. Mr. President, I yield 15 minutes to the floor comanager of the proposed legislation, the very capable Senator from Kentucky [Mr. COOPER].

I do not wish to indulge in pleasantries, but on this legislation, as on all legislation, and especially on this bill, within the Public Works Committee the Senator from Kentucky has given intense study to the subject and to this measure, and I am grateful that he is leading the fight with us today.

The PRESIDING OFFICER (Mr. PASTORE in the chair). The Senator from Kentucky is recognized for 15 minutes.

Mr. COOPER. I thank my friend from West Virginia for his kind words and for his accolade, or, as a friend of mine said recently, "alocade."

We have been working together on this proposal in the Public Works Committee for more than 2 years. Even before the late President Kennedy appointed the Appalachian Regional Commission to make recommendations for this legislation, and before President Johnson asked the Congress to act on the program contained in this bill, the Senator from West Virginia [Mr. RANDOLPH] and I joined in efforts to move toward action for the objectives in the bill before us. The recognition of the situation by President Kennedy and the prompt action of President Johnson have been followed by the careful and thoughtful consideration in the Public Works Committee under the leadership of Senator RANDOLPH. I know what this bill can do for this region and the Nation, and I am proud to join in leading this effort in the Senate.

My time is not long, but I have spoken often on this subject. I have no prepared speech, and I merely wish to address myself to some of the questions which have been raised. The bill has been questioned from several viewpoints, and as it has not yet been considered in the House of Representatives, those questions will also be raised there. I might also say that the distinguished Senator from West Virginia has already gone into these questions thoroughly and that he discussed them carefully in the Senate on September 8, so I do not intend to go into every small item here today.

The Appalachian Regional Development bill, S. 2782, would authorize an expenditure of $1,077 million over a period of 5 years, subject to the appropriations that might be made by Congress. Of that amount, $840 million is authorized for the construction of additions to the road system in the area which is defined as the Appalachian region over the 5-year period, and $237 million would be authorized for a 2-year period for other programs authorized in the bill.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to the distinguished senior Senator from Vermont.

Mr. AIKEN. Would the highway expenditures come out of the General Treasury by way of appropriations, or would they conceivably come out of the general highway fund?

Mr. COOPER. The money would come out of the Treasury, out of general appropriations.

Mr. AIKEN. It is not presumed then, that the general highway fund would be adequate to take care of the Interstate Highway System, plus the additional $840 million?

Mr. COOPER. No. I will go into that point in a moment.

I wish to speak first on the question of whether preferential treatment is proposed for this area. In one sense, that is true, but today we must also think of the national interest, just as we do when we consider programs which meet other needs across the country. This bill authorizes programs for 388 counties in 11 States, and recent surveys have shown that, on an economic basis alone, some $4 billion more in sales would have resulted nationally last year if these counties had achieved the same level of economic activity that exists in the rest of the country.

I am interested in the program partly because it would help my own State, and I must admit that, but I also believe there is a great national interest involved in giving new opportunity to the men, women, and children of the area, for they include different generations who will be living and working in the region and toward our national goals.

For several reasons, which are apparent to those who have lived in this area, the development of this section of the United States has fallen behind that of other sections of the United States. In the first place, the region has been isolated and inaccessible—much of it so since the founding of the Republic. The topography of the area has increased the cost of roads and other means of transportation, which we all know is the base of industrial development and even our farming economy. As a result, the development of the region has lagged.

Furthermore, the natural resources of the area have primarily been coal and timber. While those resources provided employment in the past, as the Senator from West Virginia said, the new technology in coal mining—the mechanization of the mines—has greatly reduced the number of persons employed. In my State of Kentucky, at the close of the war, some 70,000 miners were employed, but today only some 22,000 miners are employed in eastern Kentucky—or less than one-third the number who earned their living from coal a few years ago.

These factors have resulted in a continuing low tax base for the area, as shown by the region having less than 5 percent of the assessed property value in the United States. This has made it difficult for the local governments such as those in my own area of eastern Kentucky, where our 49 counties cover 40 percent of the State but have only 20 percent of the assessed property values, to provide the framework for development which has proceeded so rapidly in many other States of the Union.

As I said a moment ago, the topography of the Appalachian region has made the construction of roads more costly. In the State of the distinguished Senator from Ohio [Mr. LAUSCHE], and in other parts of the country, roads can be built at a much lower cost per mile than in this area, where the topography is rugged, and in providing a framework for development, the local governments often have much greater bases on which to draw.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. RANDOLPH. Speaking of the cost of roads, in the mountainous areas of Kentucky and West Virginia the cost of construction of 1 mile of the Interstate Highway System is about $2 million, whereas the average for the country is about $1 million. I use this illustration to emphasize what the Senator has just said.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. COOPER. I yield.

Mr. AIKEN. Would the highway system authorized by this bill be entirely in addition to the Interstate Highway System, or would it in some instances be a part of or a substitute for it?

Mr. COOPER. No. It would be in addition to the Interstate Highway System.

Mr. AIKEN. It would all be in addition?

Mr. COOPER. Yes; if the States fail to maintain their level of contributions to the Federal-State road-building system, they cannot enjoy the advantages of this program. They must keep up their regular highway programs.

Mr. AIKEN. The funds will be used to build what are called ABC highways, plus farm-to-market roads or back roads?

Mr. COOPER. Yes; I shall move on, because I know the time is limited.

Conditions in the Appalachian region have involved human consequences. I cannot speak for every State. However, I know something about the region of eastern Tennessee and West Virginia, and I know about conditions in eastern Kentucky, because I live in that area. I do not live in a county which is one of the very depressed counties of the area, but I live on the edge of that region in eastern Kentucky. My family has lived there for 180 years, and I have traveled through it again and again since I was a boy. For years I have gone up and down the streams and valleys through the entire area, and I have been on many campaigns in every county in the region.

In pointing to education, some 42 percent of the population of the United States have had a high school education, but unhappily, in the Appalachian region less than one-third of the population have been able to complete a full high school education. Still, I should say at this point that in eastern Kentucky the greatest percentage of local tax revenue in the entire area is applied to education—some 75 percent of the tax revenues being used for education, even though its per capita revenue has been the lowest in the region. Our local governments in the eastern part of Kentucky have worked to better the lot of their children, and they have applied a much larger percentage of their tax revenue to education than is applied in some of the rich States—such as Ohio. I do not say that in derogation, because Ohio has an outstanding educational system, but I make the statement simply because the low tax base means that a much larger percentage of revenue is required to be put into maintaining even an average educational system.

The average per capita income of the Nation is about $1,900; in this area, it is only $1,400. In eastern Kentucky, I am unhappy to say, the average income is $838, the lowest amount in the region, and the rate of unemployment there has averaged 9 percent. Throughout the region, the average rate of unemployment has ranged some 40 percent above the national average of 5 percent, but in eastern Kentucky it has been as high as 28 percent in some of our counties. Nevertheless, the spirit and the individualism of the people in these areas have remained high.

In this region live people of pioneer stock, ever faithful to our needs in war, and loyal to our country through many generations. There are no stronger, dignified, or more intelligent people in any region of the United States, and they remain determined and uncomplaining. Some parts of the area in which these people live have reached a degree of prosperity, but many thousands of people, because of the conditions I have described, have been passed by, while other Americans in other sections of our country were achieving increasingly higher standards of living.

With these people of the region in mind, I say the purpose of this bill is certainly not to provide a crash program, as the Senator from Virginia [Mr. ROBERTSON] said today. For several years now, the Governors of this area have met in conferences, and this bill is the result of their consultation over this period. They submitted their recommendations to the late President Kennedy, and he then enlisted the assistance of agencies of the Federal Government to work with the States. Former Governor Combs, of Kentucky, was instrumental in many of the proposals, and his interest has been continued by Governor Breathitt, who succeeded him, so I know of the very real part the States have had in the formulation of this program.

The recommendations came to the Congress only after much study and consultation, and they were not merely designed to reduce the rate of unemployment, although hopefully in the long run they would have that effect. Rather, this program is to provide a base for transportation facilities and for flood protection facilities, as well as funds for the construction of vocational educational facilities and for health facilities, which are urgently needed in that area. In eastern Kentucky alone, 15 counties have no hospital facilities whatsoever, and in the whole region, only 20 percent of the hospitals have been built since 1950.

Mr. RANDOLPH. Mr. President, will the Senator from Kentucky yield at that point?

Mr. COOPER. I yield.

Mr. RANDOLPH. Since the Senator has mentioned the need for health facilities—diagnostic and clinical facilities, and perhaps hospitals—I recall that one county of West Virginia, Clay County, having a population of 11,000, has but one doctor to serve the population of the entire county. He is over 80 years of age and is a general practitioner. The closest available hospital is more than 50 miles distant. I wished to emphasize what the Senator from Kentucky has so pointedly stated.

Mr. COOPER. I thank the Senator from West Virginia.

Now I shall briefly review programs which are provided by the bill. The first, for roads, would provide $840 million from the Federal Government and $360 million from the States to build 2,350 miles of ABC roads and 500 miles of access roads. The second, to enable communities presently without adequate tax basis to work with Federal programs, would enable the Government to participate up to 80 percent instead of requiring the existing 50 percent in the construction of airports, hospitals, water projects, and other needed facilities which Federal programs already encourage. The existing procedure would, however, be followed in the existing agencies.

The third program in the bill involves the development of water resources. Five million dollars is provided, to enable the Corps of Engineers to make surveys of the rivers in the area. They would be made under the existing Corps of Engineers program. They would have to be approved subject to the same criteria which the Corps of Engineers employs on any other project. No appropriations for the construction of any project could be made until Congress made such appropriations in the same way they are made for all flood protection facilities.

Under the Hill-Burton Act, under the bill the Federal Government would provide 80 percent of the cost of construction of hospitals, as compared with the present 50 percent. Also, the bill would provide that multicounty demonstration units could be built either for hospitals or clinics, and the Federal Government would provide 80 percent of their cost, as well as grants to insure their full operation for at least 2 years. And $6 million is provided for additional construction of sewage treatment plants in the region under existing law.

Coal and timber are recognized as chief resources to be developed more fully, and new coal research of $5.5 million is authorized, and a total of $21.5 million is included for meeting problems caused in mining areas. To aid in the management and production of timber on small woodlots, authorization is included for loans not to exceed one-half the capital of timber development organizations, which would be directed completely by existing private groups and individuals, with whatever technical assistance is requested from State extension forestry units. I know that both Senator JAVITS and Senator KEATING have asked about the independence of these organizations, and I want to note that the report on this bill states that "Federal agencies will not participate in the formation or management of timber development organizations, except as is necessary to process the applications of such organizations."

I also think it is important to keep clearly in mind the situation faced by many of our small mines, which provide employment for many in our region. It is not always possible to meet all of the many needs of a region of this size in one piece of legislation, but we must have all of the related problems in mind as we review these proposals after they come into operation. The discussions regarding timber have interested many of our small mine operators, and although I will not offer an amendment now, I want to be sure that the Senate knows of their proposal to help employment and the industry, and I ask unanimous consent that a letter from Mr. Robert H. Holcomb, president of the National Independent Coal Operators Association, Inc., be included at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE NATIONAL INDEPENDENT COAL
OPERATORS ASSOCIATION, INC.,
Pikeville, Ky., September 11, 1964.

Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: As President of the National Independent Coal Operators Association which represents approximately 5,000 mines and over 70,000 underground miners located largely in the Appalachian region, I should like to point out a grave omission in the pending Appalachian bill.

Although there are specific provisions for agriculture and timber in the bill, there is no specific provision to encourage production and marketing of Appalachian coal. Therefore, I wish to recommend for inclusion in the pending legislation the following proposed amendment:

"Section 205. In order that the region shall more fully benefit from the coal resources that are one of its prime assets, the Secretary of Interior is authorized to (a) provide technical assistance in the organization and operation, under State law, of coal development organizations having as their objective the carrying out of coal development programs to achieve improved coal productivity and an increased return for coal operators through (1) continuity of management, transportation and marketing, (2) the administrative or physical consolidation of small coal holdings into efficient management units, and (3) other appropriate means; and (b) provide not more than one-half the initial capital requirements of such organizations through loans approved by the Administrator of the Appalachia Development Corporation."

Sincerely yours,

Robert H. Holcomb.

The PRESIDING OFFICER (Mr. Inouye in the chair). The time of the Senator from Kentucky has expired.

Mr. COOPER. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 additional minutes.

Mr. JAVITS. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. JAVITS. I have a series of questions which may take 5 or 10 minutes, whenever the Senator from Kentucky is ready.

Mr. COOPER. I shall conclude in 2 or 3 minutes.

In the area the ratio of hospital beds per 1,000 population is approximately one-third lower than the national average. A few minutes ago the Senator from West Virginia [Mr. Randolph] pointed out that in many counties there is only one doctor, or no doctor at all.

Doctors are hard to find who will settle in a community unless it has hospital facilities. The young doctors now coming out of the medical schools can go into the big cities and earn large incomes in a few years. They do not wish to go into these areas unless hospital facilities are available. A few days ago, I talked with a friend of mine who lives in one of the most prosperous counties in this area. He told me that there are no doctors in the county. They will not come there because there are no hospitals.

Mr. LAUSCHE. Mr. President, how would the demonstration units be financed, under the Hill-Burton Act or a separate authorization?

Mr. COOPER. A separate authorization.

For the construction of multicounty hospitals or health demonstration facilities, funds are provided under the bill, and the Federal Government could furnish 80 percent of their cost.

To summarize, first, this is not a crash program. Second, it is not a program which has for its immediate purpose the relief of unemployment, although that will be one of its good effects. It is a program to establish requirements in these areas for industrial development and farm development, which we know to be necessary; also for transportation facilities, for additional development of water resources and small watersheds, and for construction of health facilities and other public facilities—simply to build up this whole region.

In 1959, I offered an amendment to the foreign aid bill, to assist the underdeveloped regions of this country. In 1959, the Senator from West Virginia [Mr. Randolph] and I proposed a program somewhat like this present one, so I am glad today that we have before us this comprehensive bill which would bring new action.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. COOPER. Mr. President, I ask unanimous consent that I may proceed for 30 seconds more.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 30 seconds.

Mr. COOPER. Mr. President, this proposed legislation has been drafted very carefully. It would serve the interest of the Nation. If it leads in the future to the development of other underdeveloped regions of the United States, as well as Appalachia, it will serve a good purpose.

I hope very much that the bill will be passed.

Mr. JAVITS and Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I send to the desk an amendment to the committee amendment on behalf of myself and my very able colleague from New York [Mr. Keating], and ask to have it stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The Chief Clerk. On page 74, line 24, in the committee amendment, immediately after "implemented", insert the following:

(1) Until the Commission has consulted with the appropriate official or officials concerned with such program as may be designated by the Governor or Governors of the State or States involved and has obtained the recommendations of such official or officials with respect to such program, and (2).

The PRESIDING OFFICER. The Senator from New York is recognized for 15 minutes.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, it was my intention to ask a series of questions of the Senators in charge of the bill, the Senator from West Virginia [Mr. Randolph] and the Senator from Kentucky [Mr. Cooper]. I shall take only a moment to explain my amendment, although I understand that it will be accepted by the Senators in charge of the bill.

The amendment proposes to introduce an express requirement for some measure of State supervision over the filing of applications for financial assistance under the Appalachian program by requiring consultation between the Commission and State governments before an individual program under the bill may be implemented.

I deeply believe in the processes of consultation and publicity, so much so that if a State has a good case, I believe that it would be a good guarantee against an excess of action on the part of the Federal establishment to require, in addition to the necessary consent of the participating State provided for in section 222 of the bill, the recommendations of the governments of the participating States on specific applications for Federal assistance under the programs.

Section 103 of S. 2782 calls for the recommendations of the Commission to be submitted to the President or such Federal officer as the Commission may designate. The bill is, in my judgment, inadequate in that in programs, other than the highway program, there is no express requirement for participation by State governments.

The Governor, or his designee, from the participating State would serve on the Regional Commission—Commission action would require an affirmative vote of a majority of State members and would be subject to veto by a Federal representative on the Commission. This is a unique organization, which I believe is an intelligent one, although I am not too happy about the Federal representative's veto. But under this bill the State government is consulted only in respect to the highway program roads. Section 201(b) of the bill requires that before any State member participates in or votes on Commission recommendations he shall obtain the recommendations of the State highway department of the State which he represents. There is no express requirement in the bill, as it stands, that State governments be consulted with respect to other programs under the bill. With respect to the need of State supervision of applications for Federal assistance under the bill, Under Secretary of Commerce Franklin Roosevelt, Jr., who worked closely with the development of this program, testified at page 23 of the record of hearings of the Committee on Public Works on S. 2782 that "each district will in turn submit its plans to the Appalachian Regional Commission through the 12 State representatives on the Commission. The recommendation would first be approved by the State representatives, and then be submitted to the Commission as a whole to see that the plan fitted into the overall regional plan." There is, however, with the exception of the highway program, no express requirement for evaluation of the program by State governments. I think it is most significant that Gov. William W. Scranton, of Pennsylvania, testified on this bill—pages 172–173, 175 of the record of hearings—in strong support of State certification to the Appalachian Regional Commission of the applications by the development districts for Federal financial aid. Governor Scranton testified at page 174 that, "we, therefore, strongly urge that Congress restore to the States the power and duty to certify the development districts and their applications." I believe it is extremely important that the role of the States in this program be clearly defined with respect to its daily operation and that the energies and resources of the States be used to the fullest.

With State representatives as members of the Commission, it is understood that the States would be ultimately aware that programs were being requested by local development districts within their borders and coordinated by the Commission. However, I am concerned about the type of situation which the Senate considered during debate on the so-called Clean Air Act of 1963 in which counties would have been able to go directly to the Federal Government for financial assistance without first consulting with State governments. An amendment, which I introduced, was incorporated into the Clean Air Act to the effect that no Federal funds could be distributed for project grants unless the Department of Health, Education, and Welfare consulted with the Governor of the requesting State or the appropriate designated State officials.

As I have stated, my able colleague from New York [Mr. KEATING] joins me in the amendment which has been proposed.

The PRESIDING OFFICER. The RECORD will so disclose.

Mr. JAVITS. I am glad that the Senators in charge of the bill will accept my amendment. I believe that it would improve the bill materially by increasing the role of the States in this program and would help many of us who would like to support the program.

Mr. RANDOLPH. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. RANDOLPH. The Senator from New York has discussed this amendment with the Senator from Kentucky and myself. We feel that the amendment is not necessary, but we are in a position to accept it, because it is our desire to accommodate the able Senator from New York.

In section 222, the consent of the State is necessary. I believe, therefore, as a practical matter, that it is not absolutely necessary to adopt this amendment. While the respective State officials would first request a program that would be considered by the Commission, the State member would be consulted in a matter of this kind. Yet, I have no desire to belabor the question, but the Senator from Kentucky may desire to comment. We are in agreement with the amendment of the Senator from New York. We accept the amendment, believing that there is adequate protection in the legislation. But, certainly we believe that this would nail it down, as it were, in the opinion of the Senator from New York.

Mr. JAVITS. I am grateful to my colleague. I wish the legislative record to show that I am not only talking about the negative veto power by the States but also the affirmative opportunity of State governments to play an active, participating role in the program.

Without in any way arguing with the Senator, I believe the two interpretations, read together, are precisely what the bill will accomplish with this amendment. It is what the Senators have in mind and what I have in mind.

Mr. COOPER. Mr. President, I believe that a substantial part of the purpose would be accomplished by the bill as it stands. But I understand the reasoning of the Senator from New York, and what he is trying to do in an effort to be sure that the State has a voice in the matter and that it may make the necessary recommendations. I believe it is very helpful. I agree with it.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from Kentucky. I would like to take a short time to ask some questions of the Senator in charge of the bill. I shall be happy to accept the answer of either the Senator from West Virginia [Mr. RANDOLPH] or the Senator from Kentucky [Mr. COOPER].

Duplication of Federal efforts is what worries most of us. In other words, as we clearly articulate, all of these programs that we have created—the war on poverty program, the area redevelopment program, the accelerated public works program, and the manpower retraining program—have generally similar purposes on a national basis. They deal with problems which are, in numerous instances, not different from the problems of Appalachia. Why do we need a special piece of legislation that, in many ways, duplicates a number of the programs which I have mentioned.

Mr. RANDOLPH. Mr. President, more than three-fourths of this program—$840 million of the $1,060 million—is covered by no other program now in being. That is the road program which is envisaged. I believe it is important to point out that this program is not a duplication. I am sure the Senator from New York would agree that the proposed development roads—which have been mentioned by the Senator from Kentucky—will be located in an area which has been shutoff and is an isolated region of the country. The area needs these roads very much.

Mr. JAVITS. Mr. President, one of the arguments made in the minority views of the committee report is that there is no requirement that the Appalachian development road program be either in lieu of the regular Federal aid program, or in addition to it. There is no specific information on that score. Therefore, it is unclear whether all the States involved in the Appalachian program are perfectly free to go ahead and participate in the regular Federal aid highway program, too. It is stated that already a number of States lag in their utilization of the available Federal highway funds. For example, it is stated on page 47 of the committee report that Georgia, Maryland, Pennsylvania, Tennessee, and West Virginia are substantially below the national average in terms of obligating funds made available for the so-called ABC program. Six of the States—Alabama, Georgia, Maryland, North Carolina, Pennsylvania, and West Virginia—are behind the national average in terms of obligating interstate highway funds.

Can the Senator give us some enlightenment as to why the 70–30 program proceeds without relation to the other highway program?

Mr. RANDOLPH. As the Senator from New York well knows, the construction of ABC and interstate highways is justified on present and projected traffic courts. That is a practical answer. In the area of Appalachia, we thought in terms of the potential development of the area—the industrialization of the area and recreational appeal of the area. The use of moneys for such roads would go toward those purposes.

The isolation which we have experienced through the years in the Appalachian region will be mitigated if we develop such a road system. There is disagreement on this item. But there are those who strongly favor the road program. The New York Times strongly favors the road program in the Appalachia bill.

I ask unanimous consent to have printed at this point in the RECORD an editorial which was published in the New York Times of September 22, 1964, entitled "Appalachia."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

APPALACHIA

The bill to establish a special program for the economic improvement of the Appalachian region faces a hard fight in the House of Representatives. Many Democratic Members are reportedly reluctant to vote for a program to help a single area when they have economically depressed communities in their own districts. Republicans, except those from Appalachia, criticize the the proposal as an unnecessary overlay on the existing area redevelopment and antipoverty programs.

The administration envisages spending $840 million over the next 6 years to construct highways and local access roads in Appalachia. This outlay is based on the premise that a chief cause of the region's economic backwardness is the difficulty of travel and transport in this mountainous country. Another $235 million would be used to improve timber productivity, develop pastureland and water resources, and increase the region's normal share of Federal funds for vocational education, water pollution control, and other programs.

The human misery in Appalachia, particularly in the former coal mining towns of West Virginia and Kentucky, is so appalling and so deep rooted that it justifies this special Federal effort. The bill, if enacted, would perform no economic miracles, but it would lay the basis for sustained economic progress.

Mr. RANDOLPH. Mr. President, this editorial speaks of the need to construct highways and local access roads in order to open up this area and to bring it, in a sense, into the mainstream of America.

Mr. JAVITS. Mr. President, how do Senators justify the fact that no provision is made as to whether this program is to be in addition to the regular highway program or in lieu of it?

Mr. COOPER. Mr. President, I am glad that the Senator raised that question. I had hoped that in the course of this debate there would be an opportunity to answer many of the questions that have been raised about this program.

Mr. CRAMER, of Florida, raised a number of questions in the CONGRESSIONAL RECORD of yesterday. There is not sufficient time to answer all the questions today. But I shall attempt to respond to some of them.

The question was asked as to whether this program overlapped other programs such as the antipoverty program, the ARA, and vocational education. The Senator from New York worked on the antipoverty program. I believe that the antipoverty program is directed more toward individuals in an effort to provide education and work training or individuals, particularly young people. The purpose of the ARA is to encourage local initiative and enterprise, and to establish or to attract industry into the depressed areas. Vocational education, as the Senator from New York knows, is to provide training and schools for the unemployed, so that they may learn and improve skills which are needed on many kinds of jobs.

I believe that the essential purpose of this bill before the Senate today, as I noted in my remarks a few minutes ago, is to provide some basic requirements for development areas which, for various reasons, have lagged behind on matters of roads and transportation, on community facilities, and in useful development of their resources. The purpose is to provide basic necessities and requirements, so that industry can come into the area and so that industry already in the area might be maintained and revived.

In reference to the highway system, the provision of funds for the highway system in this area would be in addition to funds which would be available under the regular Federal-State highway system. If States are lagging in matching funds for the regular highway system, it is probably because they do not have the revenue that many other States have, in large part due to the economic lag in their areas in this region. These States certainly cannot assign all of their ABC highway money to the Appalachian areas at the expense of the other sections of their States, but before States could enjoy the benefits of this additional program, they have to show that they have maintained the level of their regular appropriations and the level of their own funds for the regular highway program.

Mr. JAVITS. According to the national average.

Mr. COOPER. Yes.

Mr. JAVITS. The Senator has made that statement advisedly, as a part of the way in which the bill would be administered, because a number of the States involved are well able to hold up their ends. They are among the States which enjoy fine gross national product positions and per capita income positions in the country. But the policy of administering the bill would be to require a State first to utilize the regular highway funds, at least up to the national average of utilization, before it could enter into the program.

Mr. RANDOLPH. That is correct.

Mr. JAVITS. Second, it is argued very strongly in the minority view of the committee report that the program should be denied to the 67 counties of the 355 counties which are included, and which cannot be classified as eligible for grants under the Public Works Acceleration Act. What is the answer to that question?

Mr. RANDOLPH. We know that the regional concept is the very core of the program. As the Senator from New York has indicated, the minority has noted that 67 counties in the Appalachian region either have never been designated as eligible or have lost their eligibility for financial assistance under the Public Works Acceleration Act.

The reason why we believe that those counties should be included is that to cut them from the area would ignore the changing status of specific counties as eligibility studies are performed and new economic data are revealed.

Some counties originally not eligible when the act was passed have since become eligible, and others have been dropped as their economic conditions have improved. The thought of those who thus ignore the problem that would be created if a project, requiring considerable leadtime and coordination with a regional developmental program, were scheduled for a specific county which, at the time of approval or construction of the project, had just recently been removed from the eligibility list.

Second, it would prevent effective implementation of section 301 of the bill, which provides for the establishment of and assistance to local development districts. The program anticipates the possibility of two or more less affluent counties combining with one or more counties of improved economic conditions in the formation of a local development district in which the strength of the more affluent counties would be shared by the entire local development district.

Third, though the people who oppose the inclusion of those counties recognize that the benefits of a highway program extend beyond county lines, they fail to apply this logic to other programs. Yet, such justification applies with equal force to stream pollution abatement measures as well as many others. For example, it may well be that a particular vocational educational facility or multicounty health facility will be most advantageously located in one of the more affluent counties where personnel and supporting services are in best supply, though it will serve a more depressed surrounding region.

Finally, as I suggested earlier, those who oppose the inclusion of those counties ignore the entire concept of regional development embodied in this bill, and the distinction between regional development and area development, as the latter concept is defined in the Area Redevelopment Act. The Area Redevelopment Act appropriately designates the criteria of eligibility for counties, because these are the administrative units to which the program is addressed. S. 2782 is not, however, primarily addressed to the problems of counties, but to the development of a region. Hence the bill designates the counties that comprise the Appalachian region, and would then apply certain criteria—as specified in section 224—to the evaluation of recommended programs for the region.

Finally, Mr. President, I would point out that those counties which would be excluded from the Appalachian development program by the proposed amendment are still well below the national average on most economic indexes.

For example, the 1960 average per capita income of the 288 Appalachian counties which would not fall under the reach of this amendment was $1,434; the equivalent figure for the 67 counties that would be excluded was actually less by $6—$1,428 per person in average annual income. While the average per capita income of the United States as a whole, during 1960, was $2,223—almost $800 per person, or $3,000 per family more for non-Appalachian families, even when compared to the family income of the supposedly more affluent Appalachian counties.

Another index is offered in the proportion of families earning less than $3,000 per year. In the 288 counties not subject to the proposed amendment, 30.1 percent of the families fell within this category in 1960; while in the 67 counties which would be excluded by the proposed amendment, the proportion of families with incomes of less than $3,000 was 30.6 percent as compared to a national average of 20 percent. In only two of the Appalachian States do the counties not designated under ARA fall below the national poverty index of $3,000 per year per family: these are two counties in West Virginia and two counties in Ohio.

To illustrate this point further, in the 10 counties of Georgia which would be excluded by this amendment, 33 percent of the families have an annual income of less than $3,000, in the comparable 8 counties in Alabama, the figure is 29.6 percent; in the 12 counties of Virginia that would be excluded 40.3 percent of the families have incomes of less than $3,000 per year.

Mr. JAVITS. Mr. President, if I may briefly interrupt the Senator——

The PRESIDING OFFICER. The Chair wishes to advise the Senator from New York that he has 6 minutes remaining, and that the Senator from West Virginia has 3 minutes remaining.

Mr. JAVITS. Mr. President, I shall try to conclude as quickly as I can, though I gather that more time for debate can be made available.

Did I correctly understand that it would be the policy in the administration of the bill to utilize those 67 counties as aids or auxiliaries in making the program work, rather than as prime recipients of the aid which would be granted under the program?

Mr. RANDOLPH. That is true. The very capable senior Senator from Pennsylvania [Mr. CLARK] stressed that point. He pointed out that aid from some of the western counties in Pennsylvania could be given to other sections of the State, which would mean that all would benefit. The facilities available in other areas would help the areas without such facilities in Pennsylvania to improve themselves.

Mr. JAVITS. That brings me to the next question. There are a number of States whose people have incomes which rate very well compared with the national average. Among those States are Pennsylvania and Ohio. The average income in Ohio is higher than the national average. Even Georgia, Tennessee, and North Carolina are not unprosperous States. Maryland is a prosperous State.

Will the Senator tell us whether, in the administration of the bill, the percentages of contribution by the States as related to that of the Federal Government are fixed in the law or are subject to negotiation, so that those better able to pay may not necessarily receive the benefit of the full percentage of Federal contribution specified in the bill?

Mr. RANDOLPH. It would be discretionary with the Commission. There are some areas in those States that are more affluent than other areas. Let us consider the Commonwealth of Pennsylvania. Some 52 counties in Pennsylvania would be included. Twenty-four counties of Ohio are included and parts of eight other States.

The only State with its entirety in the Appalachian area is West Virginia. The Senator is correct in reference to the administration of the act.

Mr. COOPER. I might just add that, though several States stand high in certain figures overall, the majority of these States rank among the few States with the lowest median family income level.

Mr. JAVITS. One final question. As the Senator knows, I am deeply interested in private enterprise development. I note that one of the charges of duplication with respect to the bill is that a good deal of the area involved is in the TVA area, where a great job has been done in the way of stimulation by private enterprise as an element of the development. The bill is relatively silent on that point. One of the stated purposes as expressed in section 102(6), is to encourage private investment in industrial, commercial, and recreational projects.

Will the Senator state that it will be one of the policies of the administration of the bill, in a deliberate way, by fundamental and detailed planning, and promotion, to attract private industry to really make a major drive to get private industry to move into the area, facilitated by the roads and other improvements proposed in the bill? Federal participation should not provide a substitute for private enterprise but a stimulus to it.

Mr. RANDOLPH. I share the concern of the Senator from New York that this shall be done. We have included $5.5 million for research and study for the development of the area. Private industry would not be diminished; rather, it would be stimulated by the program of study and research which I have mentioned.

Mr. JAVITS. Am I correct that it is our intention in passing the bill—apparently it will pass—that this shall be the fundamental thrust of the Commission, and that we shall not depend on Federal-State handouts, as some people call them, but that it is intended to open the area to private development, so that the area will become an integral part of the economic life of the Nation?

Mr. RANDOLPH. I am in thorough agreement. I feel that is one of the purposes of the legislation. That is the manner in which the Commission will move forward. The thrust of the whole program is economic development. Certainly private industry can lead in that effort.

Mr. JAVITS. It is the opinion of the Senator that the Commission would undertake that kind of strong leadership?

Mr. RANDOLPH. I would want it to do so. I want the record to be clear as to the opinion of the Senator from West Virginia.

Mr. COOPER. Mr. President, will the Senator yield to me for 1 minute?

Mr. RANDOLPH. I yield 1 minute to the Senator from Kentucky.

Mr. COOPER. I should like to support the Senator from New York and the Senator from West Virginia in the record they are making. I do not see anything in the bill which would diminish the opportunity and initiative of private enterprise. Provision of facilities which are needed for development of backward regions would help the advent of private enterprise. The president of the Kentucky Chamber of Commerce, Mr. G. J. Tankersley, accompanied by Mr. J. R. Zimmerman, its executive vice president, came before the committee—and the chamber of commerce, of course, is in favor of promoting private enterprise—and they supported the bill in behalf of the association's members all across the State.

Mr. JAVITS. Do the two Senators agree with me that our intention is that the Commission, in an initiative way, will drive forward to bring private enterprise in, make plans and spend money for that purpose, and depend in the final analysis for development of this region by private enterprise?

Mr. RANDOLPH. The Senator from New York has made his customary trenchant and constructive observation. I am in complete accord with the view that one of the first actions of the Commission should be to make specific and concrete plans to stimulate the development of private enterprise, in industry, commerce, and recreation especially.

Mr. JAVITS. I thank the Senator; and I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York to the committee amendment.

The amendment to the amendment was agreed to.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield to the diligent senior Senator from Wisconsin.

Mr. PROXMIRE. Before I start questioning the distinguished Senator from West Virginia, let me say that on this bill, as on many others, he has shown great ability, hard work, and real earnestness. He deserves congratulations for the skillful way in which he has piloted the bill through committee and Senate debate. However, I feel critical about the bill, and wish to put to him some questions which I think are quite fundamental.

I know that the Senator from West Virginia is aware that none of us likes to be parochial. However, we must represent the States and the regions from which we come. In the Midwest we suffer from having a much smaller proportion of defense contracts than our industrial capacity or population warrants. We have far less defense work than we should have. Most of it goes to the west or east coasts. We have been almost completely left out of the space program. The Senator is familiar with the famed space crescent that appears to go from Georgia to Texas as covering the area where space work is done. I do not say it is due entirely to political pressure, but it has political implications. We have far less opportunity to do Government work than our population or industry or brainpower warrants. There are more Ph. D.'s graduated from the University of Wisconsin than any other university in the Nation. Wisconsin graduates more yet loses more of those graduates to Government space and defense industries on the east and west coasts and in the South.

In the Midwest we get nothing out of the massive national reclamation program, great as it is for the West. All it means is that our people are taxed heavily and receive none of the benefits. Our public works programs are very small. We get about one-twentieth of what we should get based on area, population, and coastal and river area. Yet we need assistance in the Midwest in many ways.

In the light of that preliminary statement, I ask the distinguished Senator from West Virginia how we can justify a program that completely excludes the State of Wisconsin and most of the rest of the country, although we have problems that are almost precisely similar to the serious problems in West Virginia, Maryland, Pennsylvania, and other States in the Appalachian region. Thousands of miners are out of work through no fault of theirs. In some counties of my State a very big percentage of our people are unemployed. A number of areas qualify as distressed areas. Yet this proposed program brings us no benefits at all.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. SYMINGTON. I ask my able and distinguished colleague, to give consideration to this thought. Back in the depths of the depression in the summer of 1932 I remember discussing this problem with a man who built up the greatest merchandising institution the free world has ever known. The problem was a simple one then—nobody had purchasing power. He told me that in 1929, up to the time of the October break in the market, his buyers were inventing excuses to come to see him. What they really wanted was tell him how well their departments were running. Then he said, "Now, in this summer of 1932, if I want to see a buyer, I have to get Edgar Hoover, because the buyer thinks I want to talk about laying him off." The difference between the fall of 1929 and the summer of 1932 was that in the summer of 1932 people just had no money to purchase the necessities, let alone luxuries.

The State of the Senator from Wisconsin is a great industrial State, like mine, which also does not participate in this immediate program. If this bill is passed, much of the money made available in the way of purchasing power to those poor people who have a special problem, their unusual poverty, will come back to his State and to mine in the form of procurement of articles manufactured in the factories and plants of his State and my State.

It is in this area that President and Mrs. Johnson, not long ago, walked into a cabin and noticed that some of the children were not participating in dinner. They asked why not, and one of the little girls said, "This is not our day to eat."

With that type and character of poverty prevailing, I am certain, if these people received any additional support, they would promptly use it to make purchases in the local stores.

Perhaps we should also give consideration to other deep pockets of poverty. There are a few in my own State of Missouri. The Senator used the word "parochial." I know him to be at heart a very broad person. I hope the fact that the pending bill does not take in the whole country, will not preclude his interest in the bill.

With our gross national product now running at an almost unbelievable annual average of $620 billion a year, with corporate profits, after taxes, some $31 billion estimated for this year, with the take-home pay of the fortunate workers who have jobs, again after taxes, estimated to have increased more than $50 billion since 1960, I hope the Senator will not think that this bill is against the national economy, about which he is one of the great authorities in the Senate.

Mr. PROXMIRE. I should like to say to my distinguished friend from Missouri, whom I greatly respect and admire, that I have been a cosponsor of ARA and voted for the antipoverty bill. I also voted for other similar bills. However, all these are programs that benefit everyone in the country. They do not benefit only the people of West Virginia who need assistance and not the people of Wisconsin who also need it, or benefit the people of Kentucky more than they do the people of Wisconsin.

I have no objection to a program that is of prime benefit in certain States. But in all national programs we should treat every citizen in the same way. I do not see why a citizen in Wisconsin should be left out. In Wisconsin we have problems that are identical, almost, with the problems being faced in West Virginia.

I should like to know what the fundamental basis is for starting a program which is regional. I have seen other regional programs which I consider to be unfortunate. When a Senator is running for office or for reelection, he can say, "Reelect me, and I will keep this defense opreation or this space program going in our area."

Those States which are left out, pay the taxes, but get none of the services.

How can the Senator justify a program which seems to mark such a big departure from other programs which are healthy and proper and treat everyone alike?

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield gladly to the very able senior Senator from Rhode Island.

Mr. PASTORE. I do not believe there is any Member of the Senate who is of better conscience or fairer judgment than our friend, the Senator from Wisconsin. Does he seriously believe that the same deep desolation that applies in the Appalachian States applies in Wisconsin, also?

Mr. PROXMIRE. In parts of Wisconsin; yes. It applies in the northern parts of Wisconsin. It applies in Iron County, in Ashland County, and in Douglas County.

Mr. PASTORE. Does the Senator say that his State faces the same type of desolation?

Mr. PROXMIRE. In certain counties there exists the same type of desolation. There is the same type of unemployment and underemployment. People are living on marginal farms, or trying to live on timber lots.

Mr. PASTORE. Then I say that——

Mr. PROXMIRE. It is true that the condition is not as widespread.

Mr. PASTORE. Then I say something ought to be done for that section of the country as well.

There is a critical situation in Rhode Island, too, but I dare say that by comparison we do not have the same type of desolation that exists in Appalachia.

I wish to make this further observation. If this were a question of favoritism, I would be against it. I do not believe we should do anything to favor one particular section of the country as against other parts of the country.

By the same token, we support a foreign-aid program, and we appropriate $3.5 billion a year for that program. That is the amount we appropriate after we cut down the requests of the executive department. The executive department usually asks for $4 billion or $4.5 billion.

We always pick and choose the countries where we think the need is the greatest. We have to do it every time, because we cannot put all the foreign countries on the same level. Some are more undeveloped than others.

If in the United States there are particular areas which need immediate consideration, I say there is nothing inequitable about paying attention to those needs.

I say to the Senator from Wisconsin that if he has a parallel situation in his State, it ought to be taken care of as well.

I hope he will not use that argument today to defeat this bill.

Appalachia has been a concern to every American. It has been a concern to the previous President and has been of great concern to President Johnson.

I realize that this does not apply to Rhode Island.

However, I am an American before I am a Rhode Islander. If I can stand in the Senate and help to appropriate $3.5 billion, and even manage the bill on the floor and fight for it in order to have it passed, and can do that for foreign countries, I say that all of us can do it for some Americans. It is a rather pathetic and pitiful thing when a Senator must stand up and repeat what the President of the United States saw, namely, that some American children said it was not their turn to eat on a particular day. That is a sad commentary on the richest nation in the world. We have more money in this country than all the other nations put together. We have a blessed country in America. If any Americans go hungry, it is a shame on all of us every time we appropriate money for foreign aid.

Mr. PROXMIRE. I say to my distinguished friend from Rhode Island and to my distinguished friend from West Virginia that, so far as I am concerned, if there were not people involved, we would not be justified in spending a nickel in West Virginia or in Wisconsin. However, there are people who are just as hungry, unemployed, and underemployed in Wisconsin as there are in West Virginia. In a national program the taxpayer should be treated fairly and should not be discriminated against. We are discriminating in this kind of program. I know the sponsors of this bill are discriminating only with great sincerity. However, this regional pork barrel is a new and even more exclusive concept, and I am concerned about it, because it can mean that people who live in one part of the country will get assistance, will get a new massive road program, and people in other parts of the country with the same serious need will not get the same benefits.

I should like to ask the Senator from West Virginia how, in his judgment, as one of the Senators in charge of the bill, he can justify the fact that it is so completely regional.

Mr. RANDOLPH. The compliments which have been extended to the Senator from Wisconsin concerning his broad gage consideration of measures and his nonprovincialism are subscribed to wholeheartedly by me.

I note that the per capita income in the Senator's State, which he so capably represents, is approximately $500 more than the per capita income in the State of West Virginia.

Therefore, there is a difference even from the standpoint of per capita income.

Mr. PROXMIRE. Let us take the per capita income in Douglas County, Wis., or in Iron County, Wis., or in similar Wisconsin counties. If the Senator makes a comparison, he will find that that per capita income is lower than the average income in West Virginia. Of course, it is higher in Milwaukee County or in Dane or Walworth County, or in other prosperous counties of Wisconsin. I am not talking about those people. But some of the people in Wisconsin are just as hopelessly unemployed and need assistance just as much as do people in West Virginia.

Mr. RANDOLPH. We in Congress have helped areas of the Nation that needed land reclamation, particularly in the West. We have helped those people. I voted for their reclamation programs. I have voted to help areas of the country that needed assistance in other programs, such as price support for cotton and tobacco. The Senate, voting in terms of the Nation as a whole, has not said that within a certain State of certain area we will not all join in helping. This is a union of the States, and the welfare of the whole depends on the well-being of each of the member States.

When disaster strikes any area—as it did in Alaska and more recently in Montana, and in Florida and Georgia—we help those sections. So I shall say again to the Senator from Wisconsin that whether it is an emergency which hits with suddenness or whether it is a built-in or chronic problem, we must act affirmatively as a nation.

I refer again to the fact that 4 years ago the Governors of the Appalachian States studied the situation and, because of the basic needs of the area, a developed program which came into being through the appointment of a commission by the late great President John F. Kennedy. That program was transmitted to Congress by President Johnson with recommendations for the passage of a bill. To employ the argument against the Appalachian program that we are overlooking another section of the country would be improper and irrelevant. The burden that the rest of the Nation bears because of the continuing depressed conditions in Appalachia is made clear when it is recognized that dependency in this area is a cost that the rest of the country must bear. Its continuance will lead to progressive increases in that dependency.

Currently, public assistance in the region costs more than $375 million a year. The burden—the cost—to the country is manifest when we note that the region contains only approximately 8.5 percent of the national population, but receives 12 percent of the total Federal payments for public assistance.

The rest of the country is carrying this load in still another way. If Appalachia had attained the same level of economic activity that exists elsewhere in the country, retail sales would have been $4 billion higher. That is equivalent to total commercial sales of goods and services of the United States in foreign markets for 1 year.

We have only to realize the amount of employment that foreign sales produce to understand the beneficial impact on the remainder of the country that would result if Appalachia had such a recovery. It would be a productive area. Discrimination could be measured in many ways, and it has many different definitions. I feel that in this instance the Senator from Wisconsin should not be against a program that has been carefully worked out. These are not programs of handouts; they are programs of participation by States and districts with the Federal Government.

Mr. PROXMIRE. Let me give a practical, specific, particular reason why I am concerned. The fact is that ARA is starved for funds. APW is starved for funds. Wisconsin has programs that are ready to move. It has villages and small towns that earnestly need assistance but cannot get it. Why? Because the Federal Government says it has run out of money and does not have it.

Every State should be treated alike. The same situation may be true in Oregon or Illinois. If the money has run out, why should there be a new program involving over a billion dollars for one section of the country? It seems to me that that would discriminate against my part of the country, which has programs ready to move, where people are unemployed, and where income is low.

Mr. RANDOLPH. I do not believe there is any duplication. This program is not competitive with the programs implemented by the Area Redevelopment Act. No one has worked more diligently for a further expanded program to accelerate public works than has the senior Senator from West Virginia.

Mr. PROXMIRE. That is correct.

Mr. RANDOLPH. I conducted hearings this year on extension of the Public Works Acceleration Act.

Mr. PROXMIRE. I understand.

Mr. RANDOLPH. We recommended a program in the first instance, and we have a new bill. We have recommended to the executive branch a continuation and expansion of this program. I worked also for passage of the ARA extender legislation.

I support the programs which the Senator from Wisconsin mentions, and in which he has an interest and which he favors.

I have come today only to work for this program, which is a well-reasoned-out program that has been developed following 4 years of study to meet the basic needs of the 11 States concerned.

Mr. PROXMIRE. Meanwhile, programs in Wisconsin are all set to go but cannot because money is not available. Now it is proposed to establish one more program for another section of the country.

Is it not true, as the Senator from West Virginia has said repeatedly today, that about 80 percent of this program will be for roads? I know that a good argument can be made for roadbuilding. It provides much employment and improves the economy for the future. Such a program is of great help.

In Wisconsin there is a situation in which roads would help enormously in the northern part of the State; yet on the basis of the record we receive far less money for an underdeveloped area of our State, per capita, than is received in any other State of the Union.

We are ahead of every other State in terms of the way we have moved ahead with construction of the interstate highway program, but we cannot get any more money in this area, either.

Recognizing the value of road construction, is it not true that road construction does not provide new skills, new training, or new opportunities for people who are unemployed, because although they may have mining skills they cannot adapt these to the special construction skill needed to win roadbuilding employment?

Is it not true that while a road program provides opportunities for some local employment, that in terms of dollars paid, it provides less employment by far than many other programs and no opportunity for unemployed people in West Virginia to develop the new skill they really need?

Mr. RANDOLPH. The roadbuilding program is basic to economic development. We know that.

Mr. PROXMIRE. We know that.

Mr. RANDOLPH. We know that that was true in days of canal building, in the 18th century, in certain regions of the country. Canal building was basic to the development of the region. We know that when railroads were developed, the Federal Government gave assistance. That was helpful to vast regions of the country.

Certainly now, when we can develop access roads, connecting roads, and roads in the ABC system in this region, we know that they will help to make the region prosperous, and that the prosperity there will be a prosperity that will reach into other areas of the country.

Mr. PROXMIRE. I earnestly hope that that will be the effect of the program; but I still maintain that a program such as the one proposed will not provide economic opportunity for the benefit of all Americans. I am unhappy about a program that may tend to displace the area redevelopment program, or at least tend to compete with it, although I know the Senator from West Virginia is enthusiastic about the ARA. The fact is that we are not getting the money we need and can justify.

Mr. RANDOLPH. The Senator from Wisconsin will recall that the Senate passed the ARA bill.

Mr. PROXMIRE. I know it did; it has not passed the House.

Mr. RANDOLPH. I am hopeful that it will be passed during the coming week.

Mr. PROXMIRE. So am I. First, the ARA program is largely a loan program. The funds will be repaid with interest to the Federal Treasury.

The APW program, the manpower training program and the antipoverty program are educational programs recognized as investments in human skills. They are programs that will enrich our country by building the most valuable asset our Nation has. But the Appalachia program is not only primarily a road program; it is also a grant program. Is it not true that the program is not based primarily on loans, but on grants, some to the extent of 80 percent?

Mr. RANDOLPH. Yes; there is a grant-in-aid program for highways ranging from 50–50 to 70 percent Federal contribution and 30 percent local contribution.

Mr. PROXMIRE. None of it will be paid back to the taxpayer. From the standpoint of the benefits to be derived from these programs, this one is the least justifiable.

Mr. LAUSCHE. Mr. President, whose time is being used?

Mr. RANDOLPH. I have the floor. I have yielded to the Senator from Wisconsin, who has every right to use time, and he is using it well.

Mr. PROXMIRE. The Senator from Ohio need not fear. The tenor of my questioning has been hostile to the bill. I believe it is perfectly proper that time should be allotted from opposition to the bill to the line of questioning I have been pursuing.

Mr. LAUSCHE. Will the Senator allow me to ask a question?

Mr. PROXMIRE. I wish to ask one more question. Then I think the Senator from Oregon [Mr. MORSE] wishes to speak; he has been waiting patiently.

As I implied in my first question, my concern is about the extension of the pork-barrel approach to Government spending, an approach which gives the Senators and Representatives an incentive to say, "Elect me. I can get you more of a space program, more defense contracts, more public works."

Is it not true that a regional program of this kind, which the Appalachian program is, will inevitably require Senators from the Midwest and Senators from the Arkansas area and other areas to say, "Congress did it for Appalachia. Appalachia got a billion dollars. Now we are going to fight for a program of this kind for our State or area."

When there is that kind of competition, it seems to me that we do not get the kind of rational, prudent, careful, thoughtful approach to the spending of taxpayers' dollars to get the political approach which is most wasteful, which is hard to justify, and which is exemplified in some of the waste we have had in so many of these other programs in the past. We get, instead, a "match your billion" with another billion for us. Then it becomes 5 then 10 billion without regard to the national need or the national ability to pay, and without national standards.

Mr. RANDOLPH. I repeat, this is not the bright idea of some bureaucrat in Washington. This is a program begun 4 years ago by the Governors of the States affected. The program has had searching study. The fact that this program is restricted in its application to Appalachia does not mean that we are discriminating against any other region.

Approximately 8.5 percent of the national population—15 million persons—live in this 11-State area. This region receives less than 5 percent of the total Federal expenditures, exclusive of the trust fund and interest expenditures. These are facts. This program would merely move in the direction of redressing a longstanding grievance and economic imbalance of Appalachia in respect to the rest of the United States.

Mr. PROXMIRE. I know that I promised it would be my last question, but I wish to make one further observation. Unfortunately, Wisconsin suffers from the fact that it has the smallest proportion of population employed by the Federal Government of any of the 50 States. It also has, perhaps, the smallest or close to the smallest proportion of public works programs going into the State. We have virtually no Federal installations, almost no space program, and less than half the defense program with respect to size of population, taking into consideration the industries in our State.

When we do not apply a program fairly and without discrimination for all States and all citizens, regardless of where they live, with the greatest good will in the world, recognizing the need in other areas, we find a degree of discrimination, which is in effect discrimination against good, hard-working, taxpaying citizens such as those who reside in the State of Wisconsin.

Mr. RANDOLPH. To a degree, I can understand the thinking of the Senator from Wisconsin, but "There is a tide in the affairs of men, which, taken at the flood, leads on to fortune."

Here we feel that there is a "flood" of unmet needs in the Appalachian region of the country. That is the reason we are debating today. We ask for this assistance, for the opportunity to help ourselves in the development of the region.

The reason we are doing this today is that the need is very great. In a sense, we shall be meeting that need, if the proposed legislation can be enacted.

So far as the Senator from Wisconsin is concerned, let me say to him that if there were a well-reasoned-out program, not after 4 years of study—which were given to this program—but only a year of study, which would include or embrace Wisconsin and other States, I would support such a program.

Mr. LAUSCHE. Mr. President, will the Senator from West Virginia yield?

The PRESIDING OFFICER (Mr. MCGOVERN in the chair). Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. RANDOLPH. I yield.

Mr. LAUSCHE. What is the status of section 203, which contemplates grants up to 80 percent for the development of pasture lands; is that provision still in the bill, or out?

Mr. RANDOLPH. That is not in the bill.

Mr. LAUSCHE. How has it been taken out? Was it by agreement?

Mr. RANDOLPH. By amendment.

Mr. LAUSCHE. Under the Hill-Burton Act, the matching of funds is 50 cents provided by the Government and 50 cents provided by the developers of the hospital; is that correct?

Mr. RANDOLPH. In general that is correct; however, the Hill-Burton Act does provide up to 66 percent Federal participation in some instances.

Mr. LAUSCHE. What will be the maximum matching proportion under the bill if it is adopted? Will it be 70–30?

Mr. RANDOLPH. No.

Mr. LAUSCHE. Will it be 80–20?

Mr. RANDOLPH. The Senator is correct.

Mr. LAUSCHE. So it will be 80–20. My next question is——

Mr. RANDOLPH. There is a range from 50–50.

Mr. LAUSCHE. It may go as high as 80?

Mr. RANDOLPH. It may go as high as 80; that is correct.

Mr. LAUSCHE. Holmes County in Ohio is a county of moderate circumstances. It is not in the bill. If it wished to build a hospital, it would have to put up 50 cents on every dollar. Scioto County under the bill, however, could be given 80 percent and Scioto County would put up only 20 percent; is that not correct?

Mr. RANDOLPH. The Senator is correct.

Mr. LAUSCHE. How shall I be able to stop Holmes and other counties from asking for the same relief that would be given to the counties in Appalachia, if this bill should be enacted?

Mr. RANDOLPH. The Governor of Ohio did not request that those counties be included in the Appalachian region.

Mr. LAUSCHE. Under the ABC program of Federal Government highways, the matching is 50 cents and 50 cents; is that not correct?

Mr. RANDOLPH. That is correct.

Mr. LAUSCHE. What will be the matching proportion in this program on the highways which will be built in pursuance thereof?

Mr. RANDOLPH. Up to 70 cents of Federal funds and 30 cents of local funds; but in this section also the range of participation is from 50–50 to 70–30.

Mr. LAUSCHE. It would be left to discretion to determine what the fiscal ability would be of the State?

Mr. RANDOLPH. The Senator is correct.

Mr. LAUSCHE. If we apply a ratio of 70–30 under this program, and only 50–50 under the established program, how will we be able eventually to stop the demand of all States to a get a 70–30 matching proposal?

Mr. RANDOLPH. The program stops on July 1, 1970. It is only a 5-year program, so that would be a partial answer to the Senator from Ohio. Flexibility has been built into various programs in this country. Our Interstate System is not based on 50 cents and 50 cents.

Mr. LAUSCHE. It is 90–10.

Mr. RANDOLPH. Yes; 90–10.

Mr. LAUSCHE. It is uniformly applicable.

Mr. RANDOLPH. That is true, but we believe that these roads are needed as access and development highways, which will help us bring industrial and commercial development in the area. It will help us from the standpoint of the tourist industry. It will help us from the standpoint of opening up areas which have been overlooked.

Mr. LAUSCHE. I am of the belief that if the bill is passed, it will be the beginning of the establishment of an 80–20 matching program on hospitals, and a 70–30 matching proportion on highways.

Mr. SALTONSTALL. Mr. President, will the Senator from West Virginia yield?

Mr. MORSE. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield to the Senator from Oregon, and then I shall be glad to yield to the Senator from Massachusetts [Mr. SALTONSTALL].

Mr. MORSE. Mr. President, I rise to support the proposed legislation. It is of great regret to me that Congress has not written into law this Appalachia bill before ever so much as considering a foreign aid bill. If a small part of the zeal, energy, and money that goes into the problems of underdeveloped countries abroad were put into the problems of Appalachia—in Douglas County in Wisconsin, in Holmes County in Ohio, and other underdeveloped areas in this country—which is our own greatest underdeveloped region, it would have been well on the way to prosperity years ago.

This is not a simple case of charity beginning at home. We do not base even our foreign aid program on the foundation of charity. We base it, in part, on the reality that economic conditions and opportunities in large part determine the future of a people. But they determine the future of the American people, too.

The same is true of this considerable area of underdevelopment known as Appalachia in the United States, which happens to be a part of our own country. When we close our eyes to its problems, we close our eyes to an American problem, and to a weakness in the economic health of ourselves.

One of the sad factors in its problems is that this part of the United States has, in its time, been one of its most prosperous and historic regions. It is rich with the legends and history of the American frontier. In the past it has been among our most valuable sources of the raw material of heat, light, and power—coal.

Appalachia is the symbol of neglect. That is why I believe it should get special treatment in the Senate today, because of its vast proportions and the depth of poverty which has developed in it. It is a warning to every section of the country that today luxuriates in a booming economy that care and vigilance must always be exercised, lest local peculiarities turn a boom into a backwash.

There is no reason in the world why this condition should have been allowed to persist for so long. It disgraces and weakens the United States. It is a blot on our economy and on our moral concern for our own people.

This bill should be passed at once. The money needed to implement it should be appropriated forthwith. Some of the excessive numbers of people now working on the economic development plans of some 70 to 80 foreign countries—much of their effort, a total waste—should be brought home and put to work on the development problems of Appalachia and the problems of other undeveloped districts of our own country. Let us do our job at home before we pour our wealth overseas.

The Senate once again voted some $3.3 billion-plus to a foreign aid bill. Much of it will be wasted. The daily newspapers point out further examples of corruption in American foreign aid.

The senior Senator from Oregon again on the floor of the Senate states that our foreign aid program is honeycombed with corruption—not only waste and inefficiency abroad—in its administration abroad. Yet, arguments are made as to whether we ought to come to the aid of poverty-stricken people in the United States.

I am glad that I did not vote for the foreign aid program is honeycombed glad I did not, when we discover the extent of the corruption that honeycombs South Vietnam. As we sit in our seats in the Senate Chamber today, we should consider the kind of corruption that characterizes the generals of the Khanh army in South Vietnam—stealing the American taxpayers' money. We are giving further money to support that shocking waste of the taxpayers' money. As we sit in our seats in the Senate Chamber today, questions are raised as to whether or not we ought to come to the aid of poverty-stricken areas in the Appalachian region. I am willing to do it in Douglas County, Wis., and Holmes County, Ohio. I remind Senators—especially those who voted against the proposal of the senior Senator from Oregon to come to the assistance of those in Tongue Point, Oreg., not so many weeks ago—that we were perfectly willing to vote billions of dollars abroad, but we were not willing to come to the assistance of one of our colleagues in the Senate who had been fighting to do something for an area in the United States. That chicken will come home to roost on us.

It is a shocking thing that we voted $3,300 million in the Senate yesterday—a large percentage of which is wasted. And, we raise the question as to whether we ought to support the strengthening of our own economy in the United States.

As we sit here today, remember what we are aiding in Turkey. We are aiding and subsidizing the economy of graft-ridden industries operated by a military dictatorship in Turkey. We are using the taxpayers' money, as the representatives of the people of this country. We are wasting their money in that whole area of subsidized industry operated by a dictator in Turkey.

What are we doing in India and Pakistan? We are pouring hundreds of millions of dollars of the taxpayers' money into those countries to build up two powerful military machines that are maneuvering themselves into a position to threaten war in that part of the world.

Questions are raised as to whether we should come to the assistance of poverty-stricken areas in the United States. I shall be proud to vote for the Appalachian bill today, to come to the assistance of the people of my own country, as I was proud to vote against the shocking foreign aid bill yesterday—and I shall continue to do so until foreign aid is cleaned up.

At long last, the State Department is beginning to come to its senses. It has advised the senior Senator from Oregon that, come this December, there will be some conferences in an effort to bring about some agreement and some reforms in foreign aid. Before the foreign aid bill comes up next year, I hope the reforms can be adopted so that I can support the foreign aid bill next year. I want a foreign aid bill that seeks to export American economic freedom so that the people abroad can develop their own political freedom and not to export corruption abroad, which is the chief export of our foreign aid bill at the present time.

Mr. RANDOLPH. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, I speak today on behalf of the Appalachia bill. I shall support the Appalachian Regional Development Act.

As a sponsor of this important legislation, I am gratified that the bill is being acted on and will pass. It is one of the most significant measures to be considered during the 88th Congress. I believe that it will be of major economic benefit to Pennsylvania and the other States comprising what has popularly become known as Appalachia.

When this bill was originally drafted, I did not feel it contained everything that was needed and desirable from the standpoint of Pennsylvania. In testimony before the Public Works Committee last June, I strongly urged an authorization of additional funds to assist Pennsylvania and other Appalachian States in restoring coal regions afflicted with the ravages of coal mine subsidence and surface caving, underground mine fires, and abandoned strip mines and pits.

I am delighted that provisions to meet these problems are now in the bill, following my testimony and that of the Governor of Pennsylvania, Governor Scranton. I am proud to have had a role in both the formulation and passage of this historic legislation.

Mr. President, this legislation is, in some degree, a final development of the original ARA Act, which I proposed in lieu of the administration bill. At that time, it was submitted as an amendment. It was not agreed to. I pointed out then that my proposal would have cost less than the proposal that was passed. I pointed out that it was a shotgun approach, directed, as I recall, in one of the amendments, at not more than 45 areas which were suffering actual economic distress in this country. Subsequently, and I believe at a later session of Congress, an ARA bill was passed which had all the aspects of a pork barrel. Instead of reaching 45 distressed areas, I believe there were some 1,047 areas that were eligible under the bill. These included some States which did not want the assistance, and included one State which indicated that it specifically did not want to be considered. On many occasions, the money was wasted. On many occasions, it was properly used. But the wastage of this pork barrel approach eventually became evident to the administration. A bill was then devised which adopted the rifle approach rather than the shotgun technique of scattering a vast sum of money into so many areas that many worthwhile projects in economic regions, badly distressed, could not qualify because of a lack of money.

Then there was the Appalachia approach, which added a substantial provision for highways in this area, including highways in Pennsylvania and in the State of West Virginia, which is so ably represented by the senior Senator from West Virginia [Mr. RANDOLPH]. The Appalachian bill would, at last, represent more of the rifle approach. That is the reason that I testified for it. That is the reason that certain changes were made following that testimony. And that is the reason that I am able to support the bill today.

Mr. CLARK. Mr. President, will the Senator from West Virginia yield to me a few minutes?

Mr. SCOTT. In a moment I shall finish.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, will the Senator from West Virginia yield 2 additional minutes to me so that I may yield further to Senators?

Mr. RANDOLPH. I yield 2 additional minutes to the junior Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCOTT. Mr. President, I am glad that we have had the assistance of Governor Scranton in so cogently pointing out some of the amendments that needed to be made. Changes were made. I am happy to be a cosponsor of the bill. I am very happy to note that my name is listed in alphabetical order and not, as is charged by some people not kindly disposed to me, that "it falls in a lower part of the bill." I am very glad that Senators may read and ascertain that my name is listed as a cosponsor in alphabetical order.

I have agreed to yield first to the Senator from Massachusetts [Mr. SALTONSTALL], and then if I have time remaining I shall yield to my colleague.

Mr. CLARK. Mr. President——

Mr. RANDOLPH. Mr. President, I understood that the time had expired.

Mr. SCOTT. I asked for 2 additional minutes.

The PRESIDING OFFICER. The Senator from West Virginia yielded 2 additional minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute remaining.

Mr. SCOTT. Mr. President, I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, does the Senator from West Virginia have the floor?

Mr. RANDOLPH. The junior Senator from Pennsylvania now has the floor for 1 minute.

Mr. SCOTT. Mr. President, I hope that the time consumed for the colloquy will not be charged to me.,

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute remaining.

Mr. SCOTT. Mr. President, I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, from the standpoint of New England, I am interested in the question of fuel as related to the bill. Our interest is a vital one, having to do with coal mines, and so on. What would be the effect upon the question of fuel, including coal, oil, diesel oil, and other products used for fuel purposes in the winter? Would the bill increase the price of fuel? Would it make fuel, particularly coal, more available?

Mr. SCOTT. I am advised by the senior Senator from West Virginia that the bill would have no effect.

Mr. SALTONSTALL. I should like to ask one additional question. Yesterday the Appropriations Committee, during a hearing, considered an appropriation of $25 million for vocational education, which would be used for the construction of facilities, and so on. I note that the pending bill also has in it a provision for vocational education. Are the two bills similar? Do they overlap or are they completely dissimilar?

Mr. RANDOLPH. This bill would be supplementary to the Vocational Educational Facilities Act of 1963 and would authorize $16 million for vocational education facilities—not operations.

Mr. SALTONSTALL. It has nothing to do with the other act to which I have referred?

Mr. RANDOLPH. No, sir; not in the sense of duplication.

Mr. SCOTT. Mr. President, if I have 1 more minute remaining, I yield to my colleague.

Mr. CLARK. No. I wish to obtain my time from the Senator from West Virginia. I thank my colleague.

The PRESIDING OFFICER. The time of the junior Senator from Pennsylvania has expired.

Mr. SCOTT. I might ask the Senator to yield me some time for a reply, should I disagree with him.

Mr. RANDOLPH. Mr. President, I yield 5 minutes to the senior Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. I thank my friend from West Virginia. I have noticed with fascination the skillful efforts of my colleague to put himself on both sides of the bill. In the first instance he was against it because it would rob the taxpayers of a certain amount of money. But now he has reluctantly concluded, as November 3 approaches, that perhaps he had better be for it.

I have never had that difficulty.

I commend my friend the Senator from West Virginia [Mr. RANDOLPH] for the magnificent job which he has done in connection with bringing the bill to the floor of the Senate and so close, I hope, to passage. I had hoped, if debate had continued longer, to be able to make a substantial talk in support of this rather complicated but thoroughly worthy bill. However, in view of the amount of time involved, I shall rely on the very able report of the Committee on Public Works brought in by the Senator from West Virginia.

Western and central Pennsylvania are deeply involved in Appalachia and its problems. In a certain sense, the Commonwealth which I represent is the rich brother in the Appalachian family. There are parts of Pennsylvania which are excluded—and properly excluded—from the Appalachia program, but running all the way north from West Virginia and south from the Maryland border through the mountainous part of our Commonwealth we have great need for the provisions of the bill. That statement applies also to the hard coal region around Scranton, Wilkes-Barre, and Hazleton.

As the committee report outlines, the President's Appalachian Regional Commission and the Governors of the 10 involved States have devised an administrative system which I believe is feasible and helpful. The provisions of the bill providing Federal assistance to transportation and access roads, to health facilities, to timber, for water resources, and for the coal which has for so long been one of the economic sources of prosperity in my Commonwealth, although to a declining amount, are all worth while, all useful, and will all help not only this particular region but the war against poverty generally.

I pay particular tribute to the inclusion of the vocational education facilities, the supplements in the grant-in-aid programs, and the research and administration projects which are contained in the committee bill. I shall support, without qualification, the bill as it comes to the floor. In my opinion——

Mr. SCOTT. Mr. President, will the Senator yield? The Senator has used my name.

Mr. CLARK. In a moment. In my opinion, it is unfortunate that the Commonwealth of Pennsylvania, through its Governor, William Worthington Scranton, for whom I have, on the whole, a high regard, has been, on the whole, a footdragger for the program.

Following his lead, my junior colleague, although he is now listed as a cosponsor of the bill, has been something less than enthusiastic about it. As I said earlier——

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. CLARK. Mr. President, I am happy to give my wholehearted support to the bill on which the Senator from West Virginia [Mr. RANDOLPH] has done a magnificent job.

I now yield to my colleague.

Mr. SCOTT. Mr. President, may I say, first, that every statement made about me by my senior colleague is totally incorrect and totally without foundation. The Senator from West Virginia just mentioned to me the great contribution made by the Governor of Pennsylvania; he said that it was an affirmative and positive contribution.

As to my part in the bill, I have never voted against it. I have supported it from the beginning. I have been a cosponsor of the bill from the beginning. I have been entirely in support of it. The senior Senator from Pennsylvania well knows that, and he well knows that his statements are made purely for political purposes and serve no constructive purpose whatsoever.

Mr. CLARK. I am happy to have yielded to my junior colleague. I have no reason to change my views.

Mr. SCOTT. There are none so blind as those who will not see.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

Mr. RANDOLPH. I yield 3 minutes to the Senator from Maryland.

Mr. BREWSTER. Mr. President, as a cosponsor of the Appalachian Regional Development Act, and a Senator from one of the States which will benefit by its enactment, I am deeply concerned with this program.

During Senate hearings on this measure, the Under Secretary of Commerce, the Honorable Franklin D. Roosevelt, Jr., vividly illustrated the measure which divides general prosperity from regional poverty. In earlier statements, the Secretary pointed to statistics showing an Appalachian unemployment rate of 7.1 percent compared to a national rate of 5 percent. He pointed to income figures of $3,000 or less for one-third of the families in Appalachia, as compared to one-fifth of the families in the Nation.

The concern of the President, of Mr. Roosevelt, and of many of us in government at all levels is with the increasing gap between a bountiful America and a bypassed Appalachia.

As the junior Senator from Maryland, I am concerned with the economic prosperity of three western Maryland counties which fall within the purview of Appalachian poverty and within the promise of Appalachian development. I know my own State best. I believe that the program envisioned in this act is essential to the economic future of Washington, Allegany, and Garrett Counties.

I believe that their problems are illustrative of the problems throughout Appalachia, and I am concerned that the members of this committee and of the Congress, who do not represent Appalachian areas, understand fully the seriousness of the situation with which this legislation is intended to deal.

Let me be descriptive. The Appalachian counties in Maryland comprise 1,570 square miles of mountain and valley. They represent 15 percent of the State's total land area and accommodate 6.3 percent of the State's population. Garrett County is the second largest in the State, but it is inhabited by less than 1 percent of our total population.

Until recent times, the economic mainstays for the 194,000 inhabitants of our Appalachian counties were agriculture and mining.

Farming has declined to the point where it is prosperous employment for an ever-decreasing number. In Garrett County, it provides employment for one-third of the work force, but in Allegany and Washington Counties for only 5 percent and 3 percent, respectively.

The coal mines which once employed 6,000, provide jobs for 500 today.

Today, the economies of the tricounty area are dependent on the 8 percent of Maryland's total manufacturing which is located there. In Allegany and Washington Counties, 45 percent of the work force is so employed. In Garrett County, more than 20 percent of personal income is derived from manufacturing.

The increasing automation of the manufacturing process threatens a continual reduction of available employment in industry, as well as in farming and mining.

Forest resources constitute some 600,000 acres of timberland in these three counties, but only a small portion is sawtimber and of this amount, only a fraction is being cut.

Water resources are presently adequate to a stagnant economy, but could never meet the demand of population and industrial growth.

Per capita income in our mountain counties was, in 1961, $500 a year below the statewide average.

Our western counties are also deficient in the development of adequate housing and the provision of educational opportunities. The percentage of substandard housing ranges from 20 percent in Allegany County to 39 percent in Garrett County. Substandard refers to housing in a dilapidated condition or lacking bath or toilet facilities.

The key to economic development in 1964 is the adequacy of transportation. In this area, my State's forward-looking highway program has placed Washington, Allegany, and Garrett Counties in a position to make significant forward strides as soon as the other elements in the Appalachian plan have been effected. Washington and Allegany Counties have adequate highway and rail linkages completed or scheduled for early construction. Garrett County can be expected to enjoy a similar improvement.

As our Nation has grown, we have come to recognize the interdependence of its regions, and the contribution which each makes to the prosperity of all.

President Johnson has carried forward with characteristic energy and effectiveness many of the programs which were formulated by the late John Kennedy, but the President has done more than that. He has launched a massive national war on poverty wherever it is found. This war is a noble war, and I am proud to have joined with a bipartisan group of my colleagues in sponsoring the attack on poverty and the specific legislation directed toward the elimination of poverty from the Appalachian region of our country.

Mr. President, the people of Appalachia are a great people. They have shown their strong spirit in their response to their circumstances, geographic, economic, and human. Even now, they are preparing to do their part in implementing the recovery for which this bill provides. They recognize, as we do, that the construction of highways, the attraction of industry, the prevention of flooding, the management of resources, the construction of educational and medical facilities, and the elimination of human suffering, are the ingredients of the good life and the great society.

The realization of the American dream for each county of Appalachia is within our grasp. The passage of the legislation pending before this committee is a long step toward this realization.

I am proud that it was the Governor of my own State who, in 1960, called the first conference of Appalachian Governors to consider what steps might be taken. Let me quote from Governor Tawes' remarks to that first conference:

> Americans cannot afford to be complacent about economic hardship and distress anywhere in the world, much less in the very heart of our own country. Nor can we allow ourselves to be defeated by the difficulties of the problems we face. We must move in to tackle them with vigor and determination.

Mr. RANDOLPH. Mr. President, before we come to the final vote on this measure I wish to clarify one point raised by the distinguished junior Senator from Alabama [Mr. SPARKMAN] in a letter which has just been brought to my attention. My good friend from Alabama, who is in support of the pending bill, is not able to be here today and has asked that I clarify the relationship between the Tennessee Valley Authority and the water resources survey which would be authorized under section 206 of this bill.

I assure the capable Senator from Alabama, and other Senators who are also interested in this point, that the intent of the Committee on Public Works, in authorizing the water resources survey, is that it will in no manner dilute, supersede, or subtract from the responsibilities of the TVA. Projects now underway on the Tennessee River and its tributaries will not be delayed pending the completion of the proposed survey, and section 206(c) specifically provides for consultation with the Tennessee Valley Authority as well as other agencies in order to assure that the plan "prepared by the Secretary of the Army shall constitute a harmonious component of the regional program * * *."

I am grateful to the junior Senator from Alabama for raising this question, and I am confident that the implementation of section 206 will in no way infringe upon the responsibilities of the authority of the TVA.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, the Senate will make its determination on the pending measure within a minute. I am most appreciative, as are the cosponsors of the bill; 36 Senators in all have sponsored the proposed legislation. It is my view that careful consideration has been accorded the bill by both the proponents and the opponents. The debate has been wholesome.

I express gratitude for the searching inquiries which have been made today by several Members of the Senate. I trust that the Senate will overwhelmingly approve the measure.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the hour of 2:30 having arrived, the Senate will proceed to vote.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. PASTORE and other Senators asked for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT (when his name was called). On this vote I have a live pair with the distinguished senior Senator from Oklahoma [Mr. Monroney]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. LAUSCHE (when his name was called). On this vote I have a pair with the junior Senator from Wisconsin [Mr. Nelson]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. SALTONSTALL (when his name was called). Mr. President, on this vote I am paired with the junior Senator from Texas [Mr. Tower]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from North Dakota [Mr. Burdick], the Senator from Idaho [Mr. Church], the Senator from Oklahoma [Mr. Edmondson], the Senator from Louisiana [Mr. Ellender], the Senator from Alaska [Mr. Gruening], the Senator from Missouri [Mr. Long], the Senator from Oklahoma [Mr. Monroney], and the Senator from Texas [Mr. Yarborough] are absent on official business.

I also announce that the Senator from Massachusetts [Mr. Kennedy] and the Senator from Alabama [Mr. Hill] are absent because of illness.

I further announce that the Senator from Nevada [Mr. Cannon], the Senator from Mississippi [Mr. Eastland], the Senator from Michigan [Mr. Hart], the Senator from Indiana [Mr. Hartke], the Senator from Minnesota [Mr. Humphrey], the Senator from Washington [Mr. Jackson], the Senator from Louisiana [Mr. Long], the Senator from Minnesota [Mr. McCarthy], the Senator from New Hampshire [Mr. McIntyre], the Senator from Utah [Mr. Moss], the Senator from Maine [Mr. Muskie], the Senator from Wisconsin [Mr. Nelson], the Senator from Oregon [Mrs. Neuberger], the Senator from California [Mr. Salinger], the Senator from Alabama [Mr. Sparkman], the Senator from New Jersey [Mr. Williams], the Senator from Ohio [Mr. Young], and the Senator from Washington [Mr. Magnuson] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. Humphrey], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Ohio [Mr. Young] would each vote "yea."

On this vote, the Senator from Alaska [Mr. Gruening] is paired with the Senator from Kansas [Mr. Pearson]. If present and voting, the Senator from Alaska would vote "yea" and the Senator from Kansas would vote "nay."

On this vote, the Senator from Washington [Mr. Jackson] is paired with the Senator from Iowa [Mr. Miller]. If present and voting, the Senator from Washington would vote "yea" and the Senator from Iowa would vote "nay."

On this vote, the Senator from Missouri [Mr. Long] is paired with the Senator from Nebraska [Mr. Curtis]. If present and voting, the Senator from Missouri would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Louisiana [Mr. Long] is paired with the Senator from Wyoming [Mr. Simpson]. If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Wyoming would vote "nay."

On this vote, the Senator from Minnesota [Mr. McCarthy] is paired with the Senator from New Hampshire [Mr. Cotton]. If present and voting, the Senator from Minnesota would vote "yea" and the Senator from New Hampshire would vote "nay."

On this vote, the Senator from California [Mr. Salinger] is paired with the Senator from Nebraska [Mr. Hruska]. If present and voting, the Senator from California would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Texas [Mr. Yarborough] is paired with the Senator from South Carolina [Mr. Thurmond]. If present and voting, the Senator from Texas would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Colorado [Mr. Dominick] is paired with the Senator from Michigan [Mr. Hart]. If present and voting, the Senator from Colorado would vote "nay" and the Senator from Michigan would vote "yea."

On this vote, the Senator from Louisiana [Mr. Ellender] is paired with the Senator from New Hampshire [Mr. McIntyre]. If present and voting, the Senator from Louisiana would vote "nay" and the Senator from New Hampshire would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. Cotton], the Senators from Nebraska [Mr. Curtis and Mr. Hruska], the Senator from Colorado [Mr. Dominick], the Senator from Arizona [Mr. Goldwater], the Senator from Iowa [Mr. Miller], the Senator from Kansas [Mr. Pearson], the Senator from Vermont [Mr. Prouty], the Senator from Wyoming [Mr. Simpson], the Senator from South Carolina [Mr. Thurmond], and the Senator from Texas [Mr. Tower] are necessarily absent.

On this vote, the Senator from New Hampshire [Mr. Cotton] is paired with the Senator from Minnesota [Mr. McCarthy]. If present and voting, the Senator from New Hampshire would vote "nay" and the Senator from Minnesota would vote "yea."

On this vote, the Senator from Nebraska [Mr. Curtis] is paired with the Senator from Missouri [Mr. Long]. If present and voting, the Senator from Nebraska would vote "nay" and the Senator from Missouri would vote "yea."

On this vote, the Senator from Colorado [Mr. Dominick] is paired with the Senator from Michigan [Mr. Hart]. If present and voting, the Senator from Colorado would vote "nay" and the Senator from Michigan would vote "yea."

On this vote, the Senator from Nebraska [Mr. Hruska] is paired with the Senator from California [Mr. Salinger]. If present and voting, the Senator from Nebraska would vote "nay" and the Senator from California would vote "yea."

On this vote, the Senator from Iowa [Mr. Miller] is paired with the Senator from Washington [Mr. Jackson]. If present and voting, the Senator from Iowa would vote "nay" and the Senator from Washington would vote "yea."

On this vote, the Senator from Kansas [Mr. Pearson] is paired with the Senator from Alaska [Mr. Gruening]. If present and voting, the Senator from Kansas would vote "nay" and the Senator from Alaska would vote "yea."

On this vote, the Senator from Wyoming [Mr. Simpson] is paired with the Senator from Louisiana [Mr. Long]. If present and voting, the Senator from Wyoming would vote "nay" and the Senator from Louisiana would vote "yea."

On this vote, the Senator from South Carolina [Mr. Thurmond] is paired with the Senator from Texas [Mr. Yarborough]. If present and voting, the Senator from South Carolina would vote "nay" and the Senator from Texas would vote "yea."

The pairs of the Senator from Colorado [Mr. Allott], the Senator from Massachusetts [Mr. Saltonstall] and the Senator from Texas [Mr. Tower] have been previously announced.

The result was announced—yeas 45, nays 13, as follows:

[No. 586 Leg.]

YEAS—45

Aiken
Anderson
Bartlett
Bayh
Beall
Bible
Brewster
Byrd, W. Va.
Case
Clark
Cooper
Dodd
Douglas
Ervin
Fong
Fulbright
Gore
Hayden
Holland
Inouye
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Mansfield
McGee
McGovern
McNamara
Metcalf
Morse
Morton
Pastore
Pell
Randolph
Ribicoff
Russell
Scott
Smathers
Smith
Symington
Talmadge
Walters
Young, N. Dak.

NAYS—13

Bennett
Boggs
Byrd, Va.
Carlson
Dirksen
Hickenlooper
McClellan
Mechem
Mundt
Proxmire
Robertson
Stennis
Williams, Del.

NOT VOTING—42

Allott
Burdick
Cannon
Church
Cotton
Curtis
Dominick
Eastland
Edmondson
Ellender
Goldwater
Gruening
Hart
Hartke
Hill
Hruska
Humphrey
Jackson
Kennedy
Lausche
Long, Mo.
Long, La.
Magnuson
McCarthy
McIntyre
Miller
Monroney
Moss
Muskie
Nelson

Neuberger
Pearson
Prouty
Salinger
Saltonstall
Simpson
Sparkman
Thurmond
Tower
Williams, N.J.
Yarborough
Young, Ohio

So the bill (S. 2782) was passed.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COOPER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader about the program for the remainder of the day and also for the remainder of the week, and what he proposes for Monday next, if he knows at this time.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, the leadership has decided to proceed to consider Calendar No. 1526, H.R. 8427, to provide for the establishment and maintenance of a Central Intelligence Agency retirement and disability system for a limited number of employees, and for other purposes.

The bill has been cleared on both sides of the aisle. It will be explained by the distinguished Senator from Mississippi [Mr. STENNIS] and the distinguished Senator from Massachusetts [Mr. SALTONSTALL].

It will not take much time to dispose of the bill, and there will not be a yea-and-nay vote on it, because there is no difference about it.

Then I shall ask that there be laid before the Senate Calendar No. 1453, H.R. 9124, to amend title 10, United States Code, to vitalize the Reserve Officers Training Corps programs of the Army, Navy, and Air Force, and for other purposes.

It will be made the pending business and will be taken up the first thing at the conclusion of the morning hour on Monday next.

The Senate will not meet tomorrow, Saturday.

I do not anticipate that today's session will last much longer. Some Senators, like the Senator from Missouri [Mr. SYMINGTON], wish to make short statements, but that, in effect, is "it."

Mr. DIRKSEN. I thank the distinguished Senator.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today that it adjourn to meet at 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GREAT FUTURE OF THE AIRPLANE

Mr. SYMINGTON. Mr. President, now and then a talk is made which clears up a lot of fog on an important subject.

Such a talk is the one made by Dr. Harold Brown, Director of Defense Research and Engineering, before the American Institute of Aeronautics and Astronautics Military Aircraft Systems and Technology meeting, at the Willard Hotel last Tuesday, September 22.

So much misinformation has been spread around about the philosophy of this administration toward airplanes that I would ask my colleagues to give particular attention to one paragraph which reads:

> As one indication of this, I would note that research and development on aircraft averaged some $633 million in fiscal year 1960–61 and some $760 million for fiscal year 1964–65. Procurement of all aircraft (strategic, general purpose, naval, etc.) averaged just under $5½ billion for fiscal year 1960 and fiscal year 1961 and about $5.8 billion for fiscal year 1964 and fiscal year 1965.

I was also much impressed with the following two paragraphs:

> As we all know, the relative merits of bombers and of missiles for strategic thermonuclear war is a matter—to put it mildly—of considerable controversy. Without going into the detailed arguments, let me give, for what it is worth, my own conclusion. It is that the principal argument for bombers in the strategic force (as opposed to reconnaissance aircraft, or command and control aircraft) is the advantage of a mixed force in the role of assured destruction. Diversity in bombardment platforms can force expensive air defense expenditures on the part of potential adversaries and give a measure of insurance against attrition of the missile force—remembering that bombers will probably suffer much more attrition from partly similar, partly different, enemy actions.
>
> Bombers therefore should and will remain in the strategic inventory in the foreseeable future. But this need not be a convincing argument for a new, large, specially designed bomber whose development and deployment cost would approach $10 billion. There are several alternate approaches to provide us with a mixed bomber and a missile force even through the 1970's, including retention of existing aircraft, adaptation of new ones, and development of entirely new systems. We must examine these alternates on specific grounds. And in examining them we need a common measure of effectiveness. Otherwise we may again spend over $1.5 billion on a new bomber, as we have on the B–70, only to find that the concept of what constitutes the proper advanced bomber, has changed as it did from mach 3 at high altitude as recently as 1962 to something more like mach 1 at low altitude now.

It appears to me, having followed the development of the large long-range bomber and other airplanes for 23 years, that the position of Director Brown is logical and right.

I ask unanimous consent that this superb address be inserted at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY DR. HAROLD BROWN, DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, BEFORE THE AMERICAN INSTITUTE OF AERONAUTICS AND ASTRONAUTICS MILITARY AIRCRAFT SYSTEMS AND TECHNOLOGY MEETING, WILLARD HOTEL, WASHINGTON, D.C., SEPTEMBER 22, 1964

INTRODUCTION

It is a great pleasure to address the American Institute of Aeronautics and Astronautics this evening, all the more so because it gives me an opportunity to discuss the general question of aircraft development. For some time many people have been asking, "What ever happened to the airplane?" The implication sometimes unspoken, but usually spoken with some heat, is that we in the Defense Department have neglected the development and ignored the uses of aircraft. The charge is principally aimed at the strategic bomber question—where I believe it is also mistaken—but by implication covers all kinds of aircraft. I should like, this evening, to look back over the last several years and see how our aircraft programs have gone. I believe such an examination proves that DOD interest in and support of aircraft development and procurement is and has been very high.

As one indication of this, I would note that research and development on aircraft averaged some $633 million in fiscal year 1960–61 and some $760 million for fiscal year 1964–65. Procurement of all aircraft (strategic, general purpose, naval, etc.) averaged just under $5½ billion for fiscal year 1960 and fiscal year 1961 and about $5.8 billion for fiscal year 1964 and fiscal year 1965.

These are very large amounts, and the fact that they have increased over recent years is an illustration of the thesis that aircraft are becoming increasingly important in our general purpose forces.

Before reviewing our progress over these last years, however, I'd like to point out several general facts which lie at the heart of our mutual concern over maintaining our aircraft development and production base. First, aircraft costs have risen manifold during the years since World War II, both absolutely and per pound. Where each World War II F–6–F flew away at about $86,000 ($9 per pound), each F–4–B will fly away at over $75 per pound. The reasons for this increase, of course, include increases in the cost of of living, with a corresponding rise in industrial labor costs, but even more they are due to the great increase in complexity built into our modern aircraft. One result is that we can now cover a wider range of missions with greater productivity with fewer types of aircraft. A second is that the cost of producing each of the types is far greater than that of its equivalent of 20 years ago. Together, these have resulted in a reduction in our need for and ability to purchase both types and numbers of aircraft of the highly sophisticated types.

The relation between reducing aircraft system cost and increasing production numbers can be seen in the large purchases of smaller Army type aircraft such as the UH–1 helicopter. By means of our analyses prior to development, we in the DOD are attempting to hold aircraft complexity to an absolute minimum consistent with mission requirements. You in industry face the parallel challenge of holding the system costs of aircraft down to a point where we can still afford to buy them in quantity.

The next general fact is that the tasks which face the Department of Defense are continually broadening. Where strategic air warfare used to be based only on the manned bomber, of course, supplemented by shorter range carrier aviation, it now is composed largely of land- or sea-based missiles having an intercontinental capability. At the other end of the conflict spectrum, our concern over counterinsurgency has given rise to a need for units and equipment, including aircraft, specially designed for operation under austere conditions. Once again the net result of these changes has been to create more needs among which to allocate the defense efforts.

Aircraft, both high and low performance, both simple and complex, have a distinct and important place in this picture. Decision as to relative level of effort to be devoted to air, ground, sea, and counterinsurgency, even with the large size of defense budgets, is difficult and must consider all claimants. I think it is clear why the dollars available for aircraft development and procurement have had to be long debated, thoroughly justified, and perhaps fewer in number than the aircraft industry would prefer.

Now let us examine some of the details of the situation. We can begin this examination by constructing a mental matrix, characterized in one dimension by the kind of aircraft according to purpose: Attack or bombing, observation or reconnaissance, air defense or fighter aircraft, and logistics or transport aircraft; characterized in a second dimension by the area or intensity of conflict: Counterinsurgency, ground support in forward battle area, theater, sea, and continental United States and U.S.S.R. One could construct intermediate cases, or other cases, but even this simple matrix has 20 elements. Add a third dimension, time, so that one model replaces another, and add the possibility of several competitive ideas for each time period, purpose, and area, and it is clear that unless we use good judgment we can easily have a hundred different kinds of aircraft and still leave important areas uncovered or inadequately covered. We have tried to cover this spectrum with a reasonable number of designs, some to do several jobs, since given a good aeronautical design, proper armament and equipment can adapt an aircraft to a number of missions.

ATTACK AIRCRAFT

To take the lowest level first, and I define this to include police action, counterinsurgency and levels up to about that of the Vietnam conflict, the newest attack aircraft program is the LARA (light attack and reconnaissance aircraft). Development of this aircraft has just been initiated toward the objectives of producing a rugged simple aircraft that can be operated by indigenous forces, with very low maintenance and logistic requirements. The most significant technical advance will be the very short takeoff and landing performance permitting operation with the troops in a primitive environment. In addition to fulfilling an attack role at the lower levels of conflict, the airplane could be used by our own forces for reconnaissance helicopter escort, and as a utility transport.

For certain missions in the lower levels of military action, we have recently fielded armed versions of the UH–1 helicopter and the Mohawk. These aircraft have proven valuable in escort missions with troop-carrying helicopters and for suppressive fire during air assault landings.

Up the scale somewhat, we have modified B–26's, T–28's, and A–1's for attack missions in the counterinsurgency environment. We are currently evaluating a turboprop version of the T–28 (the YAT–28) and a T–37 modified for light attack—the YAT–37.

For our firstline forces, the Navy is developing the A–7–A to succeed the A–4–E. A comprehensive and convincing Navy study indicated that attack capability could be optimized by use of a subsonic aircraft of advance design, doubling the A–4–E range and greatly increasing its payload and employing new avionic systems for accurate air-to-ground delivery. The latter subsystem development is being coordinated with the advanced avionics development for the F–111.

Supplementing the A–7–A in the attack carrier task force we have the A–6–A now entering the fleet. This will be the first truly all-weather attack airplane for conventional ground attack against tactical targets.

Now entering the Air Force inventory is the F–4–C. This is a case where an excellent air vehicle design has been adapted to advantage for more than one basic mission. Originally designed as the F–4–H, a Navy carrier-based fighter, the F–4–C version with only minor change is being used by TAC as a fighter-bomber. The F–4–C attack version provides TAC with significantly more capacity than they have with the current F–100, F–105 types being replaced.

At the top of our tactical air stable we will have the versatile multimission F–111–A designed to operate and survive in the most sophisticated levels of conflict. Combining the variable sweep wing and the after-burning turbofan engine provides a versatility never before achieved in a fighter-bomber. Its range or endurance represents more than a factor of two improvements over its predecessors, the F–4 and F–105, and its allowable payload is substantially larger. In fact, in unrefueled range and speed it will in some configurations actually outdo both the B–47 and B–58, and carry several bombs of megaton range. Intercontinental unrefueled ferry range will eliminate dependence on fleets of tankers for ferrying. Short takeoff and landing capability, with high flotation will permit austere basing. And the ability to penetrate deeply at low level and high speed will permit operation against advanced defenses.

The F–111–A is an essential addition to our tactical air forces for the rapid and flexible response it affords the force commander and for larger scale wars. However, the F–111 itself seems to me to be more of an aircraft than one needs for close support of ground troops. Though with proper air-ground avionics it could do the nonnuclear delivery job well, the times when its range, payload, and penetration capability are needed for close support will be rare. It therefore seems desirable to have an aircraft optimized for close support and attack at shorter ranges, and the A–7–A fits that bill. It fits that bill, however, partly because of the breathing space and protection afforded by the F–111–A and F–111–B from advanced enemy action in the airspace.

In covering and balancing the spectrum, fair-sized steps in size are indicated, say 2.5 or 3 to 1 in weight. A similar factor in cost will allow several times as many of the smaller aircraft for a given investment. This edge in numbers can be very important for close support. Interestingly enough, there is a similar factor in weight between the A–7–A and the COIN/LARA aircraft.

The Air Force mission of close support of the Army indicates the need for some such aircraft on its part. Whether this should be the A–7–A, the A–7–A with an afterburner to reduce the takeoff distance as the Air Force needs, or a supersonic aircraft, or a future V/STOL aircraft remains to be seen.

STRATEGIC BOMBERS

The attack aircraft at the highest level of conflict is the strategic bomber. In recent years considerable effort has been devoted to upgrading the capabilities of the B–52's and B–58's of our strategic bomber forces. Sizable modification programs have been funded to tailor the B–52 airframe and systems for low-level penetration under enemy defenses. This essential work, in addition to providing better effectiveness to our forces in being, has also provided basic design information to be used in the development of new systems. I refer particularly to the extensive testing in the low-level flight regime done by SAC and others. The F–111 being designed for low-level penetration is one system benefiting from such work.

FIGHTERS

By definition, air opposition is probable only in wars more highly organized than counterinsurgency. However, to cover all contingencies, aircraft in the class of LARA, Mohawk, and YAT–28/37 can carry Sidewinders and guns providing a limited air-to-air capability.

In our first line forces, the versatile F–4 will be the primary tactical air-to-air fighter for the near future time frame. Designed as a fighter, the F–4–B armed with the Sparrow missile is doing a creditable job in the fleet today. The AWG–10 fire control system, now well along in development and soon to be incorporated in the F–4–B will provide us with the ability to engage very low flying targets.

For the tactical air forces, F–4–D and E versions of the F–4–C are now programed. The improvements here will be in the fire control systems providing more accurate bombing and significant improvements in air-to-air armament and fire control. The improved versions of the F–4 will ultimately replace the F–102's now in tactical inventory.

In its Navy version, the F–111–B represents a new concept of air-to-air capability. The Phoenix missile and fire control system, to be installed in this airplane will provide missile and detection and fire control systems for acquiring and accurately attacking targets at distances well beyond current systems. Utilizing advances in radar and computer technology, the Phoenix system will also have significantly increased target handling capability. The inherent versatility of the F–111 air vehicle provides the F–111–B the ability to carry a large complex fire control system and a potent load of big missiles, to loiter efficiently for extended periods of time on combat patrol and yet to retain mach 2 performance for those circumstances where high performance is needed.

The F–111–B has a direct application to air defense of the continental United States as well. Alternatively the YF–12–A or A–11 could also give a far more effective defense against the bomber threat than existing air defense fighters. Thus, we have two outstanding choices for possible deployment of a new CONUS-defense fighter should the bomber threat require it, with the preferable aircraft depending upon the magnitude of the threat, the existence of an intercontinental supersonic Soviet bomber, and the recycling capability of the two aircraft. We should remember, though, that unless the ballistic missile threat is effectively countered bomber defense is of limited usefulness.

RECONNAISSANCE

Systems for reconnaissance vary in their required capabilities with the level of engagement. Categories vary from the simplier systems for battlefield surveillance, to multisensor high performance systems for reconnaissance of interdiction areas up to the strategic systems for specialized surveillance of large areas of the world.

At the lowest end of the spectrum are systems represented by the new LOH (light observation helicopter) which like the light liaison aircraft, H–13 helicopters and T–6's in Korea will be used for scouting, battle area surveillance and target spotting. Based with and responsive to the ground units, such systems provide ground commanders with clear weather visual observation over the immediate battle area.

The Mohawk, now fielded in three versions—photorecon, IR surveillance, and side-looking radar surveillance—provides extensions of pure visual reconnaissance with additional sensor surveillance and with recorded data for more intensive examination and interpretation. The LARA will be a useful vehicle for carrying reconnaissance sensors such as those in the Mohawk.

With the Tactical Air Forces, the RF–4–C is the latest system entering service. This combines a high speed, long range airframe with accurate navigation and the latest in a multisensor integrated reconnaissance package. The RF–4–B provides similar capabilities for the Navy and Marines, with somewhat less advanced sensors.

For more extensive coverage the Navy now is getting the RA–5–C—reconnaissance version of the A–5 heavy attack bomber. This will work with a highly automated shipboard system for rapid processing and correlation of sensor data and the computer controlled data storage and retrieval system.

In the strategic area the SR–71, to be operational next year, will provide strategic reconnaissance capabilities of a new magnitude. At 2,000 miles an hour, and with a swath width, if one takes 45° on either side and an 80,000-foot altitude, of 30 miles, an area of 60,000 square miles an hour of operation will be covered. The problem of processing the data from a number of such aircraft operated at a high rate becomes a formidable one indeed.

LOGISTICS

For the many and varied tasks of light transport and utility associated with police action and counterinsurgency, we are adapting a number of commercial light aircraft as well as developing our own. For supplying villages with rice and medicine, evacuating the sick and wounded, resupplying small units and many similar tasks, such aircraft as the U–5, U–10, Turbo Beaver, and Turbo Porter perform effectively and are being evaluated. The LARA, of course, is being developed with these missions specifically in mind.

For support of larger units are the Caribou and potentially the Buffalo. The constraint on these types of aircraft is that they must operate organic to the troops in a role supplanting trucks and other ground transportation for supply and resupply down to unit level. These aircraft can operate with several tons of cargo into and out of very short unimproved fields.

For intratheater lift the XC–142 is now well along in development. This is the first V/STOL aircraft that will have a significant military capability in being able to take off and deliver vertically several tons of cargo over a useful mission range.

For heavier cargos, large purchases of the C–130 have already produced a substantial change in our lift capacity over the past 10 years. Recent operations with this aircraft into hastily carved-out strips and with cargo snatch and lay down systems have proven the ability of this aircraft to deliver cargo well up forward. The new concepts of Army mobility derived from these supporting equipments and techniques place U.S. capability for tactical airline of communication at a new and superior level.

For heavy logistics and transport, the C–141 which is now entering the inventory will allow us to more than double our present lift capability from the United States to southeast Asia over a 30-day period thus giving us between 50,000 and 60,000 tons of airlift to that area. Under active consideration is the CX–HLS, of 2½ times the capacity, which could reduce lift costs per ton-mile by a factor of more than two, carry currently outsize items and combine with forward floating depots and pre-positioning to produce a new dimension of mobility. By going to higher flotation landing gear and shorter takeoff and landing distances, the intertheater aircraft can probably also assist substantially in meeting intratheater lift needs.

I am sure I have left out many important aircraft developments and concepts. And I have not had time even to touch on the new engines, component work, and technology that is being supported. But one general point has, I hope, shone through the cloud of particulars. We want a minimum number of different aircraft types in inventory, but we want to have at least one of those types able to do each of the important tasks well and economically. For this purpose, we will develop experimental aircraft types as necessary, but decide on expensive full-scale engineering development only if there is a high probability (not certainty) of deployment. I think we have every reason to consider the following a more than respectable series of starts during recent years: The F–111–A/B, the YF–12–A, the A–7–A, the SR–71, the COIN/LARA, and the C–141.

As we all know, the relative merits of bombers and of missiles for strategic thermonuclear war is a matter—to put it mildly—of considerable controversy. Without going into the detailed arguments, let me give, for what it is worth, my own conclusion. It is that the principal argument for bombers in the strategic force (as opposed to reconnaissance aircraft, or command and control aircraft) is the advantage of a mixed force in the role of assured destruction. Diversity in bombardment platforms can force expensive air defense expenditures on the part of potential adversaries and give a measure of insurance against attrition of the missile force—remembering that bombers will probably suffer much more attrition from partly similar, partly different, enemy actions.

Bombers therefore should and will remain in the strategic inventory in the foreseeable future. But this need not be a convincing argument for a new, large, specially designed bomber whose development and deployment cost would approach $10 billion. There are several alternate approaches to provide us with a mixed bomber and missile force even through the 1970's, including retention of existing aircraft, adaptation of new ones, and development of entirely new systems. We must examine these alternates on specific grounds. And in examining them we need a common measure of effectiveness. Otherwise we may again spend over $1.5 billion on a new bomber, as we have on the B–70, only to find that the concept of what constitutes the proper advanced bomber has changed as it did from mach 3 at high altitude as recently as 1962 to something more like mach 1 at low altitude now.

Aircraft designers and producers should not let the controversy about the role of aircraft in strategic thermonuclear war distract them, nor should they distract the Defense Department from the job of making our future and present generations of aircraft more effective. How? By working on aircraft characteristics and on equipment to give us a real tactical reconnaissance, target location, and recognition capability; by producing missiles which can be delivered from aircraft on tactical targets with extremely small CEP—or even to hit the target most of the time; by developing a host of aeronautical advances including V/STOL aircraft, which I believe is likely to be incorporated in some fraction of our inventory in the future.

Whatever happened to the airplane? It has grown in importance in our general-purpose forces. What will happen? That depends largely on how good a job you do in making aircraft more reliable, economical, and effective.

CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964 FOR CERTAIN EMPLOYEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1526, H.R. 8427.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 8427) to provide for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with an amendment, to strike out all after the enacting clause and insert:

TITLE I—TITLE AND DEFINITIONS

Part A—Title

Sec. 101. This Act may be cited as the "Central Intelligence Agency Retirement Act of 1964 for Certain Employees".

Part B—Definitions

Sec. 111. When used in this Act, the term—

(1) "Agency" means the Central Intelligence Agency;

(2) "Director" means the Director of Central Intelligence; and

(3) "Qualifying service" means service performed as a participant in the system or, in the case of service prior to designation, service determined by the Director to have been performed in carrying out duties described in section 203.

TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Part A—Establishment of system

Rules and Regulations

Sec. 201. (a) The Director may prescribe rules and regulations for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, referred to hereafter as the system; such rules and regulations to become effective after approval by the chairman and ranking minority members of the Armed Services Committees of the House and Senate.

(b) The Director shall administer the system in accordance with such rules and regulations and with the principles established by this Act.

(c) In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d)(3) of the National Security Act of 1947 as amended (50 U.S.C. 403(d)(3)), that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, and notwithstanding the provisions of the Administrative Procedure Act (5 U.S.C. 1001 et seq.) or any other provisions of law, any determinations by the Director authorized by the provisions of this Act shall be deemed to be final and conclusive and not subject to review by any court.

Establishment and Maintenance of Fund

Sec. 202. There is hereby created a fund to be known as the Central Intelligence Agency Retirement and Disability Fund which shall be maintained by the Director. The Central Intelligence Agency Retirement and Disability Fund is referred to hereafter as the fund.

Participants

Sec. 203. The Director may designate from time to time such Agency officers and employees whose duties are determined by the Director to be (i) in support of Agency activities abroad hazardous to life or health or (ii) so specialized because of security requirements as to be clearly distinguishable from normal government employment, hereafter referred to as participants, who shall be entitled to the benefits of the system. Any participant who has completed fifteen years of service with the Agency and whose career at that time is adjudged by the Director to be qualifying for the system may elect to remain a participant of such system for the duration of his employment by the Agency and such election shall not be subject to review or approval by the Director.

Annuitants

SEC. 204. (a) Annuitants shall be participants who are receiving annuities from the fund and all persons, including surviving wives and husbands, widows, dependent widowers, children, and beneficiaries of participants or annuitants who shall become entitled to receive annuities in accordance with the provisions of this Act.

(b) When used in this Act the term—

(1) "Widow" means the surviving wife of a participant who was married to such participant for at least two years immediately preceding his death or is the mother of issue by marriage to the participant.

(2) "Dependent widower" means the surviving husband of a participant who was married to such participant for at least two years immediately preceding her death or is the father of issue by marriage to the participant, and who is incapable of self-support by reason of mental or physical disability, and who received more than one-half of his support from such participant.

(3) "Child", for the purposes of sections 221 and 232 of this Act, means an unmarried child, including (i) an adopted child, and (ii) a stepchild or recognized natural child who received more than one-half of his support from and lived with the participant in a regular parent-child relationship, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support or such unmarried child between eighteen and twenty-one years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child whose twenty-first birthday occurs prior to July 1 or after August 31 of any calendar year, and while he is regularly pursuing such a course of study or training, shall be deemed for the purposes of this paragraph and section 221(e) of this Act to have attained the age of twenty-one on the first day of July following such birthday. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed four months and if he shows to the satisfaction of the Director that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim.

Part B—Compulsory contributions

SEC. 211. (a) Six and one-half per centum of the basic salary received by each participant shall be contributed to the fund for the payment of annuities, cash benefits, refunds and allowances. An equal sum shall also be contributed from the respective appropriation or fund which is used for payment of his salary. The amounts deducted and withheld from basic salary together with the amounts so contributed from the appropriation or fund shall be deposited by the Agency to the credit of the fund.

(b) Each participant shall be deemed to consent and agree to such deductions from basic salary, and payment less such deductions shall be a full and complete discharge and acquitance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which he shall be entitled under this Act, notwithstanding any law, rule, or regulation affecting the individual's salary.

Part C—Computation of annuities

SEC. 221. (a) The annuity of a participant shall be equal to 2 per centum of his average basic salary for the highest five consecutive years of service, for which full contributions have been made to the fund, multiplied by the number of years, not exceeding thirty-five, of service credit obtained in accordance with the provisions of sections 251 and 252. In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, shall not be counted.

(b) At the time of retirement, any married participant may elect to receive a reduced annuity and to provide for an annuity payable to his wife or her husband, commencing on the date following such participant's death and terminating upon the death or remarriage of such surviving wife or husband. The annuity payable to the surviving wife or husband after such participant's death shall be 55 per centum of the amount of the participant's annuity computed as prescribed in paragraph (a) of this section, up to the full amount of such annuity specified by him as the base for the survivor benefits. The annuity of the participant making such election shall be reduced by 2½ per centum of any amount up to $3,600 he specified as the base for the survivor benefit plus 10 per centum of any amount over $3,600 so specified.

(c)(1) If an annuitant dies and is survived by a wife or husband and by a child or children, in addition to the annuity payable to the surviving wife or husband, there shall be paid to or on behalf of each child an annuity equal to the smallest of: (i) 40 per centum of the annuitant's average basic salary, as determined under paragraph (a) of this section, divided by the number of children; (ii) $600; or (iii) $1,800 divided by the number of children.

(2) If an annuitant dies and is not survived by a wife or husband but by a child or children, each surviving child shall be paid an annuity equal to the smallest of (i) 50 per centum of the annuitant's average basic salary, as determined under paragraph (a) of this section, divided by the number of children; (ii) $720; or (iii) $2,160 divided by the number of children.

(d) If a surviving wife or husband dies or the annuity of a child is terminated, the annuities of any remaining children shall be recomputed and paid as though such wife, husband, or child had not survived the participant.

(e) The annuity payable to a child under paragraph (c) or (d) of this section shall begin on the day after the participant dies, and such annuity or any right thereto shall terminate on the last day of the month before (1) his attaining age eighteen unless incapable of self-support, (2) his becoming capable of self-support after age eighteen, (3) his marriage, or (4) his death, except that the annuity of a child who is a student as described in section 204(b)(3) of this Act shall terminate on the last day of the month before (1) his marriage, (2) his death, (3) his ceasing to be such a student, or (4) his attaining age twenty-one.

(f) Any unmarried participant retiring under the provisions of this Act and found by the Director to be in good health may at the time of retirement elect a reduced annuity, in lieu of the annuity as hereinbefore provided, and designate in writing a person having an insurable interest (as that term is used in section 9(h) of the Civil Service Retirement Act (5 U.S.C. 2259(h))) in the participant to receive an annuity after the participant's death. The annuity payable to the participant making such election shall be reduced by 10 per centum of an annuity computed as provided in paragraph (a) of this section, and by 5 per centum of an annuity so computed for each full five years the person designated is younger than the participant, but such total reduction shall not exceed 40 per centum. The annuity of a survivor designated under this paragraph shall be 55 per centum of the reduced annuity computed as prescribed above. The annuity payable to a beneficiary under the provisions of this paragraph shall begin on the first day of the next month after the participant dies. Upon the death of the surviving beneficiary all payments shall cease and no further annuity payments authorized under this paragraph shall be due or payable.

Part D—Benefits accruing to certain participants

Retirement for Disability or Incapacity—Medical Examination—Recovery

SEC. 231. (a) Any participant who has five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with provisions of section 251 or 252(a)(2), and who becomes totally disabled or incapacitated for useful and efficient service by reason of disease, illness, or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall, upon his own application or upon order of the Director, be retired on an annuity computed as prescribed in section 221. If the disabled or incapacitated participant is under sixty and has less than twenty years of service credit toward his retirement under the system at the time he is retired, his annuity shall be computed on the assumption that he has had twenty years of service, but the additional service credit that may accrue to a participant under this provision shall in no case exceed the difference between his age at the time of retirement and age sixty, but this provision shall not increase the annuity of any survivor.

(b) In each case, the participant shall be given a medical examination by one or more duly qualified physicians or surgeons designated by the Director to conduct examinations, and disability shall be determined by the Director on the basis of the advice of such physicians or surgeons. Unless the disability is permanent, like examinations shall be made annually until the annuitant has reached the statutory mandatory retirement age for his grade as provided in section 235. If the Director determines on the basis of the advice of one or more duly qualified physicians or surgeons conducting such examinations that an annuitant has recovered to the extent that he can return to duty, the annuitant may apply for reinstatement or reappointment in the Agency within one year from the date his recovery is determined. Upon application the Director may reinstate any such recovered disability annuitant in the grade in which he was serving at time of retirement, or the Director may, taking into consideration the age, qualifications, and experience of such annuitant, and the present grade of his contemporaries in the Agency, appoint him to a grade higher than the one in which he was serving prior to retirement. Payment of the annuity shall continue until a date six months after the date of the examination showing recovery or until the date of reinstatement or reappointment in the Agency, whichever is earlier. Fees for examinations under this provision, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the fund. If the annuitant fails to submit to examination as required under this section, payment of the annuity shall be suspended until continuance of the disability is satisfactorily established.

(c) If a recovered disability annuitant whose annuity is discontinued is for any reason not reinstated or reappointed in the Agency, he shall be considered to have been separated within the meaning of paragraphs (a) and (b) of section 234 as of the date he was retired for disability and he shall, after the discontinuance of the disability annuity, be entitled to the benefits of that section or of section 241(a) except that he may elect voluntary retirement in accordance with the provisions of section 233 if he can qualify under its provisions.

(d) No participant shall be entitled to receive an annuity under this Act and compensation for injury or disability to himself under the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 751 et seq.), covering the same period of time. This provision shall not bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period of time. Neither this provision nor any provision of the said Act of September 7, 1916, as amended, shall be so construed as to deny the right of any participant to receive an annuity under this Act by reason of his own services and to receive concurrently any payment under such Act of September 7, 1916, as amended, by reason of the death of any other person.

(e) Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under this Act shall not be affected because such person has received an award of compensation in a lump sum under section 14 of the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 764), except that where such annuity is payable on account of the same disability for which compensation under such section has been paid, so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the Secretary of Labor, shall be refunded to the Department of Labor, to be paid into the Federal employees' compensation fund. Before such person shall receive such annuity he shall (1) refund to the Department of Labor the amount representing such commuted payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under this Act, which amount shall be transmitted to such Department for reimbursement to such fund. Deductions from such annuity may be made from accrued and accruing payments, or may be prorated against and paid from accruing payments in such manner as the Secretary of Labor shall determine, whenever he finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding.

Death in Service

SEC. 232. (a) In case a participant dies and no claim for annuity is payable under the provisions of this Act, his contribution to the fund, with interest at the rates prescribed in sections 241(a) and 281(a), shall be paid in the order of precedence shown in section 241(b).

(b) If a participant, who has at least five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is survived by a widow or a dependent widower, as defined in section 204, such widow or dependent widower shall be entitled to an annuity equal to 55 per centum of the annuity computed in accordance with the provisions of section 221(a). The annuity of such widow or dependent widower shall commence on the date following death of the participant and shall terminate upon death or remarriage of the widow or dependent widower, or upon the dependent widower's becoming capable of self-support.

(c) If a participant who has at least five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is survived by a wife or a husband and a child or children, each surviving child shall be entitled to an annuity computed in accordance with the provisions of section 221(c)(1). The child's annuity shall begin and be terminated in accordance with the provisions of section 221(e). Upon the death of the surviving wife or husband or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though such wife or husband or child had not survived the participant.

(d) If a participant who has at least five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with the provisions of section 251 or 252(a)(2), dies before separation or retirement from the Agency and is not survived by a wife or husband, but by a child or children, each surviving child shall be entitled to an annuity computed in accordance with the provisions of section 221(c)(2). The child's annuity shall begin and terminate in accordance with the provisions of section 221(e). Upon termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though that child had never been entitled to the benefit.

Voluntary Retirement

SEC. 233. Any participant in the system who is at least fifty years of age and has rendered twenty years of service may on his own application and with the consent of the Director be retired from the Agency and receive benefits in accordance with the provisions of section 221 provided he has not less than ten years of service with the Agency of which at least five shall have been qualifying service.

Discontinued Service Benefits

SEC. 234. (a) Any participant who separates from the Agency after having performed not less than five years of service with the Agency, may, upon separation from the Agency or at any time prior to becoming eligible for an annuity, elect to have his contributions to the fund returned to him in accordance with the provisions of section 241, or (except in cases where the Director determines that separation was based in whole or in part on the ground of disloyalty to the United States) to leave his contributions in the fund and receive an annuity, computed as prescribed in section 221, commencing at the age of sixty-two years.

(b) If a participant who has qualified in accordance with the provisions of paragraph (a) of this section to receive a deferred annuity commencing at the age of sixty-two dies before reaching the age of sixty-two his contributions to the fund, with interest, shall be paid in accordance with the provisions of sections 241 and 281.

Mandatory Retirement

SEC. 235. (a) The Director may in his discretion place in a retired status any participant who has completed at least twenty-five years of service, or who is at least fifty years of age and has completed at least twenty years of service, provided such participant has not less than ten years of service with the Agency of which at least five shall have been qualifying service. If so retired, such participant shall receive retirement benefits in accordance with the provisions of section 221.

(b) Any participant in the system receiving compensation at the rate of grade GS–18 or above shall be automatically separated from the Agency upon reaching the age of sixty-five. Any participant in the system receiving compensation at a rate less than grade GS–18 shall be automatically separated from the Agency upon reaching the age of sixty. Such separation shall be effective on the last day of the month in which a participant reaches age sixty or sixty-five, as specified in this section, but whenever the Director shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. A participant separated under the provisions of this section who has completed five years of Agency service shall receive retirement benefits in accordance with the provisions of section 221 of this Act.

Limitation on Number of Retirements

SEC. 236. The number of participants retiring on an annuity pursuant to sections 233, 234, and 235 of this Act shall not exceed a total of four hundred during the period ending on June 30, 1969, nor a total of four hundred during the period beginning on July 1, 1969, and ending on June 30, 1974.

Part E—Disposition of contributions and interest in excess of benefits received

SEC. 241. (a) Whenever a participant becomes separated from the Agency without becoming eligible for an annuity or a deferred annuity in accordance with the provisions of this Act, the total amount of contributions from his salary with interest thereon at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter compounded annually to December 31, 1956 (or, in the case of a participant separated from the Agency before he has completed five years of service, to the date of separation) and proportionately for the period served during the year of separation including all contributions made during or for such period, except as provided in section 281, shall be returned to him.

(b) In the event that the total contributions of a retired participant, other than voluntary contributions made in accordance with the provisions of section 281, with interest at the rates provided in paragraph (a) of this section added thereto, exceed the total amount returned to such participant or to an annuitant claiming through him, in the form of annuities, the excess of the accumulated contributions over the accumulated annuity payments shall be paid in the following order of precedence, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by any other person:

(1) To the beneficiary or beneficiaries designated by such participant in writing to the Director;

(2) If there be no such beneficiary to the surviving wife or husband of such participant;

(3) If none of the above, to the child or children of such participant and descendants of deceased children by representation;

4) If none of the above, to the parents of such participant or the survivor of them;

(5) If none of the above, to the duly appointed executor or administrator of the estate of such participant;

(6) If none of the above, to other next of kin of such participant as may be determined by the Director in his judgment to be legally entitled thereto.

(c) No payment shall be made pursuant to paragraph (b)(6) of this section until after the expiration of thirty days from the death of the retired participant or his surviving annuitant.

Part F—Period of service for annuities

Computation of Length of Service

SEC. 251. For the purpose of this Act, the period of service of a participant shall be computed from the date he becomes a participant under the provisions of this Act, but all periods of separation from the Agency and so much of any leaves of absence without pay as may exceed six months in the aggregate in any calendar year shall be excluded, except leaves of absence while receiving benefits under the Federal Employees' Compensation Act of September 7, 1916, as amended (5 U.S.C. 751 et seq.), and leaves of absence granted participants while performing active and honorable military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

Prior Service Credit

SEC. 252. (a) A participant may, subject to the provisions of this section, include in his period of service—

(1) civilian service in the executive, judicial, and legislative branches of the Federal Government and in the District of Columbia government, prior to becoming a participant; and

(2) active and honorable military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States prior to the date of the separation upon which title to annuity is based.

(b) A participant may obtain prior civilian service credit in accordance with the provisions of paragraph (a)(1) of this section by making a special contribution to the fund equal to the percentage of his basic annual salary for each year of service for which credit is sought specified with respect to such year in the table relating to employees contained in section 4(c) of the Civil Service Retirement Act (5 U.S.C. 2254(c)), together with interest computed as provided in section 4(e) of such Act (5 U.S.C. 2254(e)). Any such participant may, under such conditions as may be determined in each instance by the Director, pay such special contributions in installments.

(c)(1) If an officer or employee under some other Government retirement system becomes a participant in the system by direct transfer, such officer or employee's total contributions and deposits, including interest accrued thereon, except voluntary contributions, shall be transferred to the fund effective as of the date such officer or employee becomes a participant in the system. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the system.

(2) No participant, whose contributions are transferred to the fund in accordance with the provisions of paragraph (c)(1) of this section, shall be required to make contributions in addition to those transferred for periods of service for which full contributions were made to the other Government retirement fund, nor shall any refund be made to any such participant on account of contributions made during any period to the other Government retirement fund at a higher rate than that fixed for employees by section 4(c) of the Civil Service Retirement Act (5 U.S.C. 2254(c)) for contributions to the fund.

(3) No participant, whose contributions are transferred to the fund in accordance with the provisions of paragraph (c)(1) of this section, shall receive credit for periods of service for which a refund of contributions has been made, or for which no contributions were made to the other Government retirement fund. A participant may, however, obtain credit for such prior service by making a special contribution to the fund in accordance with the provisions of paragraph (b) of this section.

(d) No participant may obtain prior civilian service credit toward retirement under the system for any period of civilian service on the basis of which he is receiving or will in the future be entitled to receive any annuity under another retirement system covering civilian personnel of the Government.

(e) A participant may obtain prior military or naval service credit in accordance with the provisions of paragraph (a)(2) of this section by applying for it to the Director prior to retirement or separation from the Agency. However, in the case of a participant who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included, except that in the case of a participant who is eligible for and receives retired pay on account of a service-connected disability incurred in combat with an enemy of the United States or caused by an instrumentality of war and incurred in line of duty during a period of war (as that term is used in chapter 11 of title 38, United States Code), or is awarded under chapter 67 of title 10 of the United States Code, the period of such military or naval service shall be included. No contributions to the fund shall be required in connection with military or naval service credited to a participant in accordance with the provisions of paragraph (a)(2) of this section.

(f) Notwithstanding any other provision of this section or section 253 any military service (other than military service covered by military leave with pay) performed by a participant after December 1956 shall be excluded in determining the aggregate period of service upon which an annuity payable under this Act to such participant or to his widow or child is to be based, if such participant or widow or child is entitled (or would upon proper application be entitled) at the time of such determination, to monthly old-age or survivors' benefits under section 202 of the Social Security Act, as amended (42 U.S.C. 402), based on such participant's wages and self-employment income. If in the case of the participant or widow such military service is not excluded under the preceding sentence, but upon attaining age sixty-two, he or she becomes entitled (or would upon proper application be entitled) to such benefits, the aggregate period of service upon which such annuity is based shall be redetermined, effective as of the first day of the month in which he or she attains such age, so as to exclude such service.

Credit for Service While on Military Leave

SEC. 253. (a) A participant who, during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress, has left or leaves his position to enter the military service shall not be considered, for the purposes of this Act, as separated from his Agency position by reason of such military service, unless he shall apply for and receive a refund of contributions under this Act: *Provided*, That such participation shall not be considered as retaining his Agency position beyond December 31, 1956, or the expiration of five years of such military service, whichever is later.

(b) Contributions shall not be required covering periods of leave of absence from the Agency granted a participant while performing active military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

Part G—Moneys

Estimate of Appropriations Needed

SEC. 261. The Director shall prepare the estimates of the annual appropriations required to be made to the fund, and shall cause to be made actuarial valuations of the fund at intervals of five years, or oftener if deemed necessary by him.

Investment of Moneys in the Fund

SEC. 262. The Director may, with the approval of the Secretary of the Treasury, invest from time to time in interest-bearing securities of the United States such portions of the fund as in his judgment may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances, and the income derived from such investments shall constitute a part of such fund.

Attachment of Moneys

SEC. 263. None of the moneys mentioned in this Act shall be assignable either in law or equity, or be subject to execution, levy, attachment, garnishment, or other legal process.

Part H—Retired participants recalled, reinstated, or reappointed in the Agency, or reemployed in the Government

Recall

SEC. 271. (a) The Director may, with the consent of any retired participant, recall such participant to duty in the Agency whenever he shall determine such recall is in the public interest.

(b) Any such participant recalled to duty in the Agency in accordance with the provisions of paragraph (a) of this section or reinstated or reappointed in accordance with the provisions of section 231(b) shall, while so serving, be entitled in lieu of his annuity to the full salary of the grade in which he is serving. During such service, he shall make contributions to the fund in accordance with the provisions of section 211. When he reverts to his retired status, his annuity shall be determined anew in accordance with the provisions of section 221.

Reemployment

SEC. 272. Notwithstanding any other provision of law, a participant retired under the provisions of this Act shall not, by reason of his retired status, be barred from employment in Federal Government service in any appointive position for which he is qualified. An annuitant so reemployed shall serve at the will of the appointing officer.

Reemployment Compensation

SEC. 273. (a) Notwithstanding any other provision of law, any annuitant who has retired under this Act and who is employed in the Federal Government service in any appointive position either on a part-time or full-time basis shall be entitled to receive his annuity payable under this Act, but there shall be deducted from his salary a sum equal to the annuity allocable to the period of actual employment.

(b) In the event of any overpayment under this section, such overpayment shall be recovered by withholding the amount involved from the salary payable to such reemployed annuitant, or from any other moneys, including his annuity, payable in accordance with the provisions of this Act.

Part I—Voluntary contributions

SEC. 281. (a) Any participant may, at his option and under such regulations as may be prescribed by the Director, deposit additional sums in multiples of 1 per centum of his basic salary, but not in excess of 10 per centum of such salary, which amounts together with interest at 3 per centum per annum, compounded annually as of December 31, and proportionately for the period served during the year of his retirement, including all contributions made during or for such period, shall, at the date of his retirement and at his election, be—

(1) returned to him in a lump sum;

(2) used to purchase an additional life annuity;

(3) used to purchase an additional life annuity for himself and to provide for a cash payment on his death to a beneficiary whose name shall be notified in writing to the Director by the participant; or

(4) used to purchase an additional life annuity for himself and a life annuity commencing on his death payable to a beneficiary whose name shall be notified in writing to the Director by the participant with a guaranteed return to the beneficiary or his legal representative of an amount equal to the cash payment referred to in subparagraph (3) above.

(b) The benefits provided by subparagraphs (2), (3), or (4) of paragraph (a) of this section shall be actuarially equivalent in value to the payment provided for by subparagraph (a)(1) of this section and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the Director.

(c) In case a participant shall become separated from the Agency for any reason except retirement on an annuity, the amount of any additional deposits with interest at 3 per centum per annum, compounded as is provided in paragraph (a) of this section, made by him under the provisions of said paragraph (a) shall be refunded in the manner provided in section 241 for the return of contributions and interest in the case of death or separation from the Agency.

(d) Any benefits payable to a participant or to his beneficiary in respect to the additional deposits provided under this section shall be in addition to the benefits otherwise provided under this Act.

Part J—Cost-of-living adjustment of annuities

SEC. 291. (a) On the basis of determinations made by the Civil Service Commission pursuant to section 18 of the Civil Service Retirement Act, as amended, pertaining to per centum change in the price index, the following adjustments shall be made:

(1) Effective April 1, 1966, if the change in the price index from 1964 to 1965 shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2, 1965, shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

(2) Effective April 1 of any year other than 1966 after the price index change shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2 of the preceding year shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

(b) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the funds as of the effective date of an increase, except as follows:

(1) Effective from the date of the first increase under this section, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 221(c)), which annuity commenced the day after the annuitant's death, shall be increased as provided in subsection (a)(1) or (a)(2) if the commencing date of annuity to the annuitant was earlier than January 2 of the year preceding the first increase.

(2) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 221(c)), which annuity commences the day after the annuitant's death and after the effective date of the first increase under this section, shall be increased by the total per centum increase the annuitant was receiving under this section at death.

(3) For purposes of computing an annuity which commences after the effective date of the first increase under this section to a child under section 221(c), the items $600, $720, $1,800, and $2,160 appearing in section 221(c) shall be increased by the total per centum increase allowed and in force under this section and, in case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 221(c) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death. Effective from the date of the first increase under this section, the provisions of this paragraph shall apply as if such first increase were in effect with respect to computation of a child's annuity under section 221(c) which commenced between January 2 of the year preceding the first increase and the effective date of the first increase.

(c) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

(d) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar.

Mr. STENNIS. Mr. President, the purpose of the proposed legislation is to provide an improved retirement system for certain employees of the Central Intelligence Agency.

I ask unanimous consent that I may yield to the Senator from Massachusetts [Mr. SALTONSTALL], one of those who worked on the bill, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President, as ranking minority member of the Committee on Armed Services, I would like to supplement the remarks of Senator STENNIS on H.R. 8427, which is aimed at improving the retirement system for a certain segment of the employees of the Central Intelligence Agency. I would like to emphasize the following points on this bill.

I

The purpose of this bill is to provide an improved retirement system only for those Central Intelligence Agency employees who are actually involved in supporting or conducting our U.S. intelligence operation abroad. These people are involved in activities which are hazardous to their life and health. As these people become older and move into their early fifties it is not possible, because of the rigorous conditions of service, for all of them to serve the further period of time necessary for them to qualify for immediate retirement under the normal civil service rules.

II

This bill, in effect, does three things. First, it permits these employees to be retired with an immediate annuity beginning at age 50 if they have completed 20 years service or, without regard to age, if they have completed 25 years of service. Second, it contains no financial penalty for retirement as is applicable to civil service retirement under age 60. Third, it provides that these employees for each year of creditable service will have their retired pay based on a flat 2 percent of their highest 5-year average salary as compared to the civil service provisions which provide for a lesser retirement multiplier for the first 10 years of service.

III

The Senate version of this bill has been greatly tightened as compared to the House version. One of the principal committee amendments is the limitation which provides that not more than 400 persons may retire under this act between now and June 30, 1969 and not more than 400 over the following 5-year period. There are a number of other major amendments to this bill all of which are set forth in the committee report beginning on page 6.

IV

This legislation was reported unanimously by the Senate Committee on Armed Services. The bill is essential in order to meet the retirement problem caused by the severe conditions of service for this small group of men who so ably serve their country throughout the world.

I join Senator STENNIS in urging its immediate adoption by the Senate.

Mr. President, I believe the purpose of the bill is an eminently fair one and is justified for the comparatively small number of employees for whom it provides these benefits.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. AIKEN. Does the retirement system for CIA employees employed in foreign countries apply to aliens as well as to citizens of the United States?

Mr. STENNIS. The bill contains two specific provisions on this point. First, it provides that the Director, in naming the employees to be covered under this system, shall designate only those determined by him to be in support of Agency activities abroad, and in duties hazardous to the life and health of the employee.

Mr. AIKEN. That means that the retirement could apply to aliens—foreigners?

Mr. STENNIS. No; it will apply only to U.S. citizens.

Mr. AIKEN. Only to U.S. citizens?

Mr. STENNIS. That is correct. The bill will cover only U.S. citizens.

Mr. AIKEN. When those people go on retirement am I correct in assuming that their names will be kept secret while they are employed?

Mr. STENNIS. No; there will be no secret list of those people after they are retired.

Mr. AIKEN. Very well.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. RUSSELL. This retirement system is largely patterned on the retirement system for foreign service personnel. It is not quite so liberal as the retirement system for foreign service personnel abroad. We made some parts of it conform to the civil service retirement system rather than the system for foreign service employees abroad; but, generally speaking, it is patterned upon the retirement system for foreign service employees overseas.

Mr. AIKEN. A very generous system. With that explanation and that understanding, I have no objection.

Mr. STENNIS. I think that summarizes the bill in large part. Generally speaking, this special system for a limited number of CIA employees is based upon the retirement system for Foregin Service employees abroad, except that it is not so broad and general, but is more limited.

Also, there is a limitation on the number that can be retired under this bill. Not more than 400 may be retired under this legislation during the period from the date of enactment to June 30, 1969. There is also a limitation of 400 during the next 5-year period from June 1, 1969, until June 30, 1974.

Mr. AIKEN. In determining the amount of retirement benefits, I presume that previous service in other agencies of the Government would be taken into consideration?

Mr. STENNIS. Yes; that would be a part of the compensation.

At the present time all employees of the Central Intelligence Agency are under the normal civil service provisions for retirement purposes. The need for this bill arises from the fact that because of the conditions of service, not all of the CIA employees who are supporting and conducting intelligence activities abroad can anticipate the period of employment required for retirement under the present civil service provisions. For this segment of CIA employees this bill creates a special retirement system which will make it possible for these employees to retire at an earlier age and with a less severe financial penalty than the present civil service system employees. It is expected that not more than 30 percent of the Agency employees would be covered under this new system. Not all of these, of course, would ever qualify for retired pay.

As we all know, the entire CIA operation is an intelligence effort. At this point, Mr. President, the question naturally arises as to how there can be a clear line of distinction between those employees who would be covered under this bill and those who would remain under the civil service system. The bill contains two specific provisions on this point. First, it provides that the Director, in naming the employees to be covered under this system, will designate only those determined by him to be in support of Agency activities abroad, and hazardous to the life and health of the employee, or only those whose duties are so specialized, because of security requirements, to be clearly distinguishable from normal Government employment. Second, there is a specific limitation, not in the House version, which provides that except for disability retirements, not more than 400 employees will be retired under this legislation during the period from the date of enactment to June 30, 1969. Also, there is a limitation of 400 for the next 5-year period between July 1, 1969, and June 30, 1974.

It should also be emphasized, Mr. President, that the rules and regulations of the Director for establishing and maintaining this system will become effective only after approval by the chairmen and ranking minority members of the House and Senate Committees on Armed Services.

PRECEDENTS

The precedents for this type of legislation may be found in the provisions now applicable to certain personnel of the Federal Bureau of Investigation and other Federal investigative and criminal detection activities, and the separate statute now applicable to Foreign Service officers. The premise underlying this bill, as well as the foregoing provisions, is a need for encouraging, and in some cases directing retirement at ages earlier than those contemplated by the normal civil service employee.

HIGHLIGHTS

Mr. President, before discussing the details of this legislation I would like to make two observations. First, even though this is a lengthy bill, many of the provisions are similar to those contained in the civil service retirement bill. A repetition of language is necessary since the covered employees will be retiring under the separate legal system established by this bill. Second, the version now before the Senate is considerably more restrictive than the form in which the bill passed the House. For the most part, the House version was similar to the Foreign Service Retirement Act whose provisions are more liberal than the civil service system. The committee was of the opinion, however, that this special retirement problem of the CIA could be adequately met with a system more similar to the civil service system than the House version proposes. The committee amendments for the most part are changes which conform the bill to the various provisions now contained in the Civil Service Retirement Act.

My discussion will outline the manner in which the bill departs from the existing civil service system for the special CIA employees who would be covered.

RETIREMENT FUND

Mr. President, the bill would create a retirement fund to be maintained by the Director. The employees would contribute 6½ percent of their basic salary. In addition, the Director would make estimates for annual appropriations for the fund. The past contributions of employees would be transferred in this fund. It is also expected that past contributions by the Government would also be transferred. Finally, in order to insure a sound retirement system, the bill requires an actuarial evaluation of the fund at intervals of not more than 5 years.

PARTICIPANTS

Under the criteria already discussed, the Director would designate the persons known as participants who would be under the special system. Each participant's record would be reviewed at least every 5 years in order to determine if they should remain under this system. The bill does contain a provision inserted in the House providing that after 15 years of service, if the Director adjudges a person to be qualified for coverage under this system, he may elect to remain under this retirement program and not be subject to further review by the Director for retirement coverage purposes.

Mr. President, we now come to the question of just what does this bill provide for the people who are designated as participants.

First, the bill provides for an increase in what is now known as the retirement multiplier. It provides that those under this system will have their retired pay computed on the basis of 2 percent of their average salary of the highest 5 consecutive years. This average would then be multiplied by the number of creditable years of service, not to exceed 35, with the result that the maximum amount of retired pay would be 70 percent of the highest 5-year average.

As we know, under the normal civil service formula the first 5-year period is computed on the basis of 1½ percent of the highest salary for 5 consecutive years, the next 5 years 1¾ percent, with the remaining service over 10 years at 2 percent. The bill would therefore extend to these employees the 2-percent formula for the first 10 years as compared to the lesser civil service percentages for the first 10 years.

RETIREMENT WITHOUT PENALTY

Mr. President, under the normal civil service, all retirements below age 60 incur a penalty; that is, a reduction in retired pay, even if one is otherwise eligible for retirement. The penalty is 1 percent in retired pay for each year under age 60 to age 55 and 2 percent in retired pay for each year below age 55. As an example, at age 50 the retired pay would be reduced by 15 percent.

Mr. President, the bill does not provide for any penalty in retired pay, and if the person is otherwise eligible he will be permitted to retire under the normal 2-percent formula.

VOLUNTARY RETIREMENT AT AGE 50

The bill would permit participants beginning at age 50, upon application, with the consent of the Director, to retire voluntarily, if they have completed a total of 20 years of service, including at least 10 years with the CIA and a minimum of at least 5 years of qualifying service. It is expected that normally all of the creditable service would be in the nature of qualifying service. In certain cases, however, participants may have completed prior military service or service in some other Government agency. With respect to service within the CIA, except for periods of rotation, most of the service would be of a qualifying nature; that is, duties involved in the conduct and support of intelligence activities abroad.

As an example, Mr. President, if a man was 55 years of age and had completed 25 years of service, he could voluntarily retire with 50 percent of his highest 5-year average. If he were under the civil service system he could voluntarily retire at age 55 only if he had completed 30 years of service and even here at a 5-percent reduction in retired pay. As we all know, under the civil service system retirement below age 55 is permitted only if the separation is involuntary.

MANDATORY RETIREMENT AT AGE 50 AND ABOVE

The bill provides that the Director in his discretion may mandatorily retire participants who are at least 50 years of age and have completed the same service required for voluntary retirement. His retired pay would be based on the 2-percent formula.

MANDATORY RETIREMENT WITH AT LEAST 25 YEARS OF SERVICE

The bill further provides that the Director may involuntarily retire participants who have completed a total of 25 years of service without regard to age, provided the person has completed at least 10 years of service with the Agency, of which at least 5 years are qualifying. There is a similar 25-year involuntary provision under civil service, with the distinction, of course, that such retirements would incur a penalty.

MANDATORY RETIREMENT BASED ON AGE

The bill provides that participants in the grade of GS–18 or above will be mandatorily retired upon reaching 65. Those below GS–18 would be mandatorily retired at age 60. The Director could in all cases extend the participation service for a period not to exceed 5 years. This provision is of somewhat limited significance since there is no statutory tenure for CIA employees. The Director can terminate the employment at any time.

DISABILITY SYSTEM

The bill contains provisions for a disability system comparable to that for civil service employees with the exception that the disability retirement pay would be based on the 2-percent formula.

OTHER FEATURES

Mr. President, the bill contains a number of other provisions, most of which are similar to those contained in the Civil Service Retirement Act. These relate, among other matters, to the question of deferred annuities, payments for widows and children, cost-of-living increases, and provisions relating to the administration of the retirement system and fund. All of these matters are set forth in detail in the committee report and I shall not attempt to discuss them as a part of my statement.

COST

Mr. President, with respect to the cost of this special system, it is anticipated that over the next 4½ years, through June 30, 1969, the total expenditures from the retirement fund would be approximately $4 million. On an annual basis this would average about $900,000 a year.

I should also like to emphasize that in terms of additional cost, that is, the cost of retiring persons under this bill, as compared to the cost if they would be retired under the civil service provisions, there will be expended an estimated $600,000 over the next 4½-year period, or about $132,000 on an annual basis. This $600,000 figure is, of course, included within the total expenditure of $4 million.

SUMMARY

Mr. President, it is my personal view that as a matter of general policy the Congress should not enact legislation which encourages the early retirement of our Government employees. Too often it appears that retirement becomes an end in itself, with the result that people are often retired at a time when they could continue to render valuable service. The committee felt, however, that because of the special circumstances involved, this bill is justified in order to meet the special problems and conditions of service with which a segment of the CIA employees are confronted.

I regret that the security implications of this general subject do not permit a more extensive discussion of some of the fact situations. I am sure that all Members of the Senate, however, appreciate the general sensitivity surrounding any discussion of this general subject.

I might observe that one particular part of the bill relating to the security aspects is the provision requiring that the rules and regulations for implementing the act be approved by the chairmen and ranking minority members of the House and Senate Committees on Armed Services. It is planned that the criteria for qualifying under this retirement program will be somewhat detailed and strict. The security implications do not permit disclosure of this aspect of the program. This provision, however, insures that the appropriate committee representatives will be fully aware of the operation of this program.

I urge the Senate to adopt this legislation as amended by the Committee on Armed Services.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 8427) was read the third time and passed.

Mr. SALTONSTALL. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OUTLAWING OF CERTAIN PRACTICES IN CONNECTION WITH PLACING OF MINOR CHILDREN FOR PERMANENT FREE CARE OR FOR ADOPTION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1532, S. 1541.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 1541) to amend title 18, United States Code, to make unlawful certain practices in connection with the placing of minor children for permanent free care or for adoption.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, on page 2, at the beginning of line 22, to strike out "reasonable"; at the beginning of line 23, to strike out "directly in connection with the obtaining of an adoption decree"; in line 24, after "(3)", to strike out "reasonable"; on page 3, line 4, after the word "the", to strike out "legal"; in line 7, after the word "who", to strike out "legally"; on page 4, line 13, after the word "not", to strike out "interfere in any manner with" and insert "apply in the case of"; on page 5, line 7, after the word "is", where it appears the second time, to strike out "not either" and insert "neither"; in line 11, after the word "by", to insert "or through"; and in line 12, after the word "agency", to strike out "or juvenile court" and insert "or courts having juvenile jurisdiction"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code is amended by inserting at the end of chapter 53, a new chapter as follows:

"CHAPTER 54—INTERSTATE PLACEMENT OF CHILDREN FOR PERMANENT FREE CARE OR FOR ADOPTION

"§ 1181. Placing child for permanent free care or for adoption for compensation

"(a) Whoever, either by himself or through any agent or employee, or other person, directly or indirectly solicits, collects, or receives any money or anything of value, or the promise thereof, in any manner whatsoever, for placing or arranging for the placement of any child in any home for permanent free care or for adoption, under circumstances requiring or resulting in such child being transported in interstate or foreign commerce, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) The provisions of this section shall not apply in the case of (1) money received by or paid to a child-care or adoption agency in any State, either public or private, which is authorized or licensed by said State to provide permanent care for children or to place children for adoption, as reimbursement for providing services by said agency; (2) fees received solely for professional legal services; or (3) fees received solely for professional medical services directly in connection with the prenatal care of the natural mother or delivery, examination, or treatment of the child.

"(c) Nothing in this section shall be construed to penalize (1) any person for placing or arranging for the placement of any child in any home for permanent free care or adoption, if such person is the natural parent of such child; or (2) any person who arranges, or seeks to arrange, for the placement in his home of a child for the purpose of adopting such child or providing him with permanent free care.

"§ 1182. Coercion or enticement of natural parent or adoptive parents

"(a) Whoever, by himself or through any agent or employee or other person, whether in return for the payment or receipt of money or anything of value, or the promise thereof or without any such payment or receipt, in any manner whatsoever, persuades, induces, coerces, or arranges for a parent of a child (including a child in ventre sa mere) to travel from or to another place in interstate or foreign commerce to place said child for permanent free care or for adoption when the placement is made or will be made in return for the payment of money or anything of value, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) Whoever, by himself or through any agent or employee or other person, whether in return for the payment or receipt of money or anything of value, or the promise thereof, or without any such payment or receipt, in any manner whatsoever, persuades, induces, coerces, or arranges for a prospective adoptive parent, or prospective adoptive parents, to travel from or to another place in interstate or foreign commerce to obtain a child for the purpose of adopting such child or providing him with permanent free care, when the placement is made or will be made in return for the payment of money or anything of value, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(c) The provisions of this section shall not apply in the case of arrangements for the transportation of a natural mother in interstate or foreign commerce by (1) any child-care or adoption agency in any State, either public or private, which is authorized or licensed by such State to provide permanent care for children or to place children for adoption; (2) any licensed or authorized maternity home or shelter; or (3) any person who legally arranges or seeks to arrange for the placement in his home of a child for the purpose of adopting such child or providing him with permanent free care.

"§ 1183. Definitions

"As used in this chapter—

"(1) The term 'child' means any individual who has not attained the age of sixteen years; and

"(2) The term 'permanent free care' means the care given to any child on a permanent basis by any person who is not receiving compensation therefor, and is neither related to the child nor standing in such relation to the child or its mother as to create a legal interest in the child's welfare, but such term does not include the free care provided to any child by or through any licensed or authorized child-care agency or courts having juvenile jurisdiction."

SEC. 2. (a) The analysis of part 1 of title 18 of the United States Code is amended by inserting after

"53. Indians........................ 1151"

the following:

"54. Interstate placement of children for permanent free care or for adoption........................ 1181"

(b) that part of the index to title 18 of the United States Code which describes the contents of part 1 of such title is amended by inserting after:

"53. Indians........................ 1151"

the following:

"54. Interstate placement of children for permanent free care or for adoption........................ 1181".

Mr. DODD. Mr. President, the bill (S. 1541) now before the Senate is designed to protect the 50,000 illegitimate babies yearly born to unmarried mothers in the United States and sold to the highest bidder in the black market. Thousands of these unmarried mothers are under the age of 18, and many hundreds under the age of 15. It is these immature juveniles who are one of the main sources of supply for the trafficker in human infants. The bill would assure that in the future, babies put up for adoption in interstate commerce would, under Federal law, become legally eligible for adoption only through licensed State agencies which conduct thorough investigations into the backgrounds of prospective parents and which have the best interests of the natural mothers in mind.

S. 1541 is similar to a previous proposal which was passed by the Senate on September 17, 1962, but could not be considered in the House of Representatives because of the adjournment of the 87th Congress. I feel that the bill which is presently before us is an improvement over previous versions, because it has been revised since it was first introduced to take into consideration the recommendations of over 500 religious, social, and legal agencies and organizations that were polled by the subcommittee.

S. 1541 will amend title 18 of the United States Code, its main provisions to include the following:

Imprisonment up to 5 years, and/or a $10,000 fine for anyone who profits from the placement of a child for adoption if the child is transported in interstate or foreign commerce. This sanction would not apply, of course, to legitimate welfare agencies authorized by State law.

Similar criminal sanctions against unauthorized persons who induce, coerce, or arrange for a parent of a child, or prospective adoptive parents, to travel in interstate or foreign commerce to place the child for compensation.

This bill will close many of the loopholes caused by inadequate State laws, and, in fact, would help make the more advanced State laws more enforceable.

This problem of "black"-market adoptions has been with us for a long time. A few States have enacted excellent statutes to curtail unwholesome practices in the trafficking of children, but these laws lose most of their effectiveness when children can be easily transported to other States which do not have adequate statutes.

Many times, three or more States are involved in a baby ring. For example, we were told during recent hearings of a group that operated in three States, New York, South Carolina, and Florida. Prospective adoptive parents in New York would approach a lawyer with a reputation for having an available supply of babies. After negotiating a price, the "baby broker" would contact his cohort in Miami and arrange to have the parents met at Miami's International Airport where they would receive the child and take the next plane back to New York. The Miami attorney processed the adoption papers in South Carolina. This type of clandestine operation is difficult to detect and poses insuperable legal problems for local law enforcement authorities.

Another problem area arises from the influx of babies from foreign countries under so-called proxy adoptions. The practice of proxy adoptions is, in itself, commendable. However, all too often we find both the adoptive parents and the children are the tragic victims of unscrupulous racketeers. The proposed legislation would require that proxy adoptions be handled through authorized State agencies.

The clandestine trade in babies, both interstate and from foreign countries, has created a variety of legal, religious, and health problems. It is quite apparent, therefore, that something has to be done to curtail these dangerous practices and to stop those unscupulous individuals whose only concern is the monetary profit realized from dealing in human misery. We seek, as well, to protect as well, to protect and encourage the legitimate welfare agency.

S. 1541 accomplishes this without interfering with those matters of domestic relations which have historically rested with the States. It will also, for the first time, make the problem of interstate and foreign adoptions a Federal matter, thereby correcting many of the inhumanities and illicit practices that are now permitted to flourish because of the ease with which State laws can be circumvented.

I would like to take this opportunity to thank Mr. Louis Beck and Mr. Bernard Tannenbaum, two lawyers from New York City, who worked tirelessly on the investigation of the nationwide baby-selling racket. They deserve much credit for volunteering their investigative and legal talents to the subcommittee during the past 2 years.

I also wish to pay tribute to the late Senator Estes Kefauver to whom this legislation meant so much and to the members of the Subcommittee To Investigate Juvenile Delinquency for their keen interest in this bill and the efforts they put into it. I would also like to thank Senator EASTLAND and the staff of the Judiciary Committee for the help they have given me on this bill. I would like to single out Mr. Joseph Davis and Mr. George Green of the Judiciary Committee staff for their assistance and guidance.

I am confident of the ultimate passage by both the Senate and the House of this new Federal law which will make unlawful certain unwholesome practices in connection with the placing of minor children for permanent free care or for adoption. I know this will fulfill the wish of the late Senator Kefauver and will be another milestone in the elimination of crime and corruption in our Nation.

Mr. President, I urge passage of the pending legislation.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading was read the third time, and passed.

RESERVE OFFICERS' TRAINING CORPS VITALIZATION ACT OF 1964

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1453, H.R. 9124, and that it be made the pending business, to be taken up at the conclusion of the morning hour on Monday next.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 9124) to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs for the Army, Navy, and Air Force, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill which had been reported with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Reserve Officers' Training Corps Vitalization Act of 1964".

TITLE I—JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM

SEC. 101. Title 10, United States Code, is amended as follows:

(1) Subtitle A is amended by adding the following new chapter after chapter 101:

"CHAPTER 102.—JUNIOR RESERVE OFFICERS' TRAINING CORPS

"Sec.
"2031. Junior Reserve Officers' Training Corps.

"§ 2031. Junior Reserve Officers' Training Corps

"(a) The Secretary of each military department shall establish and maintain a Junior

Reserve Officers' Training Corps, organized into units, at public and private secondary educational institutions which apply for a unit and meet the standards and criteria prescribed pursuant to this section. Not more than 200 units may be established by all of the military departments each year beginning with the calendar year 1966, and the total number of units which may be established and maintained by all of the military departments under authority of this section, including those units already established on the date of enactment of this section, may not exceed 1,200. The President shall promulgate regulations prescribing the standards and criteria to be followed by the military departments in selecting the institutions at which units are to be established and maintained and shall provide for the fair and equitable distribution of such units throughout the Nation.

"(b) No unit may be established or maintained at an institution unless—

"(1) the unit contains at least 100 physically fit male students who are at least 14 years of age and are citizens of the United States;

"(2) the institution has adequate facilities for classroom instruction, storage of arms and other equipment which may be furnished in support of the unit, and adequate drill areas at or in the immediate vicinity of the institution, as determined by the Secretary of the military department concerned;

"(3) the institution provides a course of military instruction of not less than three academic years' duration, as prescribed by the Secretary of the military department concerned; and

"(4) the institution agrees to limit membership in the unit to students who maintain acceptable standards of academic achievement and conduct, as prescribed by the Secretary of the military department concerned.

"(c) The Secretary of the military department concerned shall, to support the Junior Reserve Officers' Training Corps program—

"(1) detail noncommissioned and commissioned officers of an armed force under his jurisdiction to institutions having units of the Corps as administrators and instructors;

"(2) provide necessary text materials, equipment, and uniforms; and

"(3) establish minimum acceptable standards for performance and achievement for qualified units.

"(d) Instead of, or in addition to, detailing noncommissioned and commissioned officers on active duty under subsection (c)(1), the Secretary of the military department concerned may authorize qualified institutions to employ, as administrators and instructors in the program, retired noncommissioned and commissioned officers, and members of the Fleet Reserve and Fleet Marine Corps Reserve, whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following:

"(1) retired members so employed are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between their retired pay and the active duty pay and allowances which they would receive if ordered to active duty, and one-half of that additional amount shall be paid to the institution concerned by the Secretary of the military department concerned from funds appropriated for that purpose.

"(2) notwithstanding any other provision of law, such a retired member is not, while so employed, considered to be on active duty or inactive duty training for any purpose."

(2) The chapter analysis of subtitle A, and the chapter analysis of part III of subtitle A, are each amended by inserting the following new item:

"102. Junior Reserve Officers' Training Corps .... 2031."

SEC. 102. Regulations implementing section 2031(a) of title 10, United States Code, shall be issued by the President and by the Secretary of each military department not later than January 1, 1967.

TITLE II—SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM

SEC. 201. Title 10, United States Code, is amended as follows:

(1) Subtitle A is amended by adding the following new chapter after chapter 102:

"CHAPTER 103.—SENIOR RESERVE OFFICERS' TRAINING CORPS

"Sec.
"2101. Definitions.
"2102. Establishment.
"2103. Eligibility for membership.
"2104. Advanced training; eligibility for.
"2105. Advanced training; failure to complete or to accept commission.
"2106. Advanced training; commission on completion.
"2107. Financial assistance program for specially selected members.
"2108. Advanced standing; interruption of training; delay in starting obligated service; release from program.
"2109. Field training; practice cruises.
"2110. Logistical support.
"2111. Personnel: administrators and instructors.

"§ 2101. Definitions

"In this chapter—

"(1) 'program' means the Senior Reserve Officers' Training Corps of an armed force;

"(2) 'member of the program' means a student who is enrolled in the Senior Reserve Officers' Training Corps of an armed force; and

"(3) 'advanced training' means the training and instruction offered in the Senior Reserve Officers' Training Corps to students in the third and fourth years of a four-year Senior Reserve Officers' Training Corps course, or the equivalent period of training in an approved two-year Senior Reserve Officers' Training Corps course.

"§ 2102. Establishment

"(a) For the purpose of preparing selected students for commissioned service in the Army, Navy, Air Force, or Marine Corps, the Secretary of each military department, under regulations prescribed by the President, may establish and maintain a Senior Reserve Officers' Training Corps program, organized into one or more units, at any accredited civilian educational institution authorized to grant baccalaureate degrees, and at any school essentially military that does not confer baccalaureate degrees, upon the request of the authorities at that institution.

"(b) No unit may be established or maintained at an institution unless—

"(1) the senior commissioned officer of the armed force concerned who is assigned to the program at that institution is given the academic rank of professor;

"(2) the institution fulfills the terms of its agreement with the Secretary of the military department concerned; and

"(3) the institution adopts, as a part of its curriculum, a four-year course of military instruction or a two-year course of advanced training of military instruction, or both, which the Secretary of the military department concerned prescribes and conducts.

"(c) At those institutions where a unit of the program is established membership of students in the program shall be elective or compulsory as provided by State law or the authorities of the institution concerned.

"§ 2103. Eligibility for membership

"(a) To be eligible for membership in the program a person must be a student at an institution where a unit of the Senior Reserve Officers' Training Corps is established. However, a student at an institution that does not have a unit of the Corps is eligible, if otherwise qualified, to be a member of a unit at another institution.

"(b) Persons from foreign countries may be enrolled as members of the program when their enrollment is approved by the Secretary of the military department concerned under criteria approved by the Secretary of State.

"(c) A medical, dental, pharmacy, or veterinary student may be admitted to a unit of the program for a course of training consisting of 90 hours of instruction a year for four academic years.

"(d) Under such conditions as the Secretary of the military department concerned may prescribe, a medical, dental, pharmacy, or veterinary student who is a commissioned officer of a reserve component of an armed force may be admitted to and trained in a unit of the program.

"§ 2104. Advanced training; eligibility for

"(a) Advanced training shall be provided to eligible members of the program and, if the institution concerned so requests, to eligible applicants for membership in the program, who have two academic years remaining at such educational institution.

"(b) To be eligible for continuation, or initial enrollment, in the program for advanced training, a person must—

"(1) be a citizen of the United States;

"(2) be selected for advanced training under procedures prescribed by the Secretary of the military department concerned;

"(3) enlist in a reserve component of an armed force under the jurisdiction of the Secretary of the military department concerned for the period prescribed by the Secretary;

"(4) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

"(5) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that he will serve in the armed forces for the period prescribed by the Secretary; and

"(6) complete successfully—

"(A) the first two years of a four-year Senior Reserve Officers' Training Corps course; or

"(B) field training or a practice cruise of not less than six weeks' duration which is prescribed by the Secretary concerned as a preliminary requirement for admission to the advanced course.

"(c) A member of the program who is ineligible under subsection (b) for advanced training shall be released from the program.

"(d) This section does not apply to cadets and midshipmen appointed under section 2107, or foreign students enrolled under section 2103(b), of this title.

"§ 2105. Advanced training; failure to complete or to accept commission

"A member of the program who is selected for advanced training under section 2104 of this title, and who does not complete the course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary of the military department concerned to serve in his enlisted grade or rating for such period of time as the Secretary prescribes but not for more than two years.

"§ 2106. Advanced training; commission on completion

"(a) Upon satisfactorily completing the academic and military requirements of the program of advanced training, a member of the program who was selected for advanced training under section 2104 of this title may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age.

"(b) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets or midshipmen from the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, as the case may be, in that year. The Secretary of the military department concerned shall establish the date of rank of all other officers appointed under this section.

"(c) In computing length of service for any purpose, an officer appointed under this section may not be credited with enlisted service for the period covered by his advanced training.

"§ 2107. Financial assistance program for specially selected members

"(a) The Secretary of the military department concerned may appoint as a cadet or midshipman, as appropriate, in the reserve of an armed force under his jurisdiction any eligible member of the program who will be under 25 years of age on June 30 of the calendar year in which he is eligible under this section for appointment as an ensign in the Navy or as a second lieutenant in the Army, Air Force, or Marine Corps, as the case may be. However, a member whose enrollment in the Senior Reserve Officers' Training Corps program contemplates less than four years of participation in the program may not be appointed a cadet or midshipman under this section or receive any financial assistance authorized by this section.

"(b) To be eligible for appointment as a cadet or midshipman under this section a member must—

"(1) be a citizen of the United States;

"(2) be specially selected for the financial assistance program under procedures prescribed by the Secretary of the military department concerned;

"(3) enlist in the reserve component of the armed force in which he is appointed as a cadet or midshipman for the period prescribed by the Secretary of the military department concerned;

"(4) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

"(5) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that, if he is commissioned as a regular officer and his regular commission is terminated before the sixth anniversary of his date of rank, he will accept an appointment, if offered, in the reserve component of that armed force and not resign before that anniversary; and

"(6) agree in writing to serve on active duty for four or more years.

"(c) The Secretary of the military department concerned may provide for the payment of all expenses in his department of administering the financial assistance program under this section, including tuition, fees, books, and laboratory expenses.

"(d) Upon satisfactorily completing the academic and military requirements of the four-year program, a cadet or midshipman may be appointed as a regular or reserve officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age.

"(e) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets or midshipmen from the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, as the case may be in that year. The Secretary of the military department concerned shall establish the date of rank of all other officers appointed under this section.

"(f) A cadet or midshipman who does not complete the four-year course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary of the military department concerned to serve in his enlisted grade or rating for such period of time as the Secretary prescribes but not for more than four years.

"(g) In computing length of service for any purpose, an officer appointed under this section may not be credited with service either as a cadet or midshipman or concurrent enlisted service.

"(h) Not more than the following numbers of cadets and midshipmen appointed under section 2107 of this title may be in the financial assistance programs at any one time:

"Army program: 5,500.

"Navy program: 5,500.

"Air Force program: 5,500.

"§ 2108. Advanced standing; interruption of training; delay in starting obligated service; release from program

"(a) The Secretary of the military department concerned may give to any enlisted member of an armed force under his jurisdiction, or any person who has served on active duty in any armed force, such advanced standing in the program as may be justified by his education and training.

"(b) In determining a member's eligibility for advanced training, the Secretary of the military department concerned may credit him with any military training that is substantially equivalent in kind to that prescribed for admission to advanced training and was received while he was taking a course of instruction in a program under the jurisdiction of another armed force or while he was on active duty in the armed forces.

"(c) The Secretary of the military department concerned may excuse from a portion of the prescribed course of military instruction, including field training and practice cruises, any person found qualified on the basis of his previous education, military experience, or both.

"(d) A person may become, remain, or be readmitted as, a member of the advanced training program after receiving a baccalaureate degree or completing pre-professional studies if he has not completed the course of military instruction or all field training or practice cruises prescribed by the Secretary of the military department concerned. If a member of the program has been accepted for resident graduate or professional study, the Secretary of the military department concerned may delay the commencement of that member's obligated period of active duty until the member has completed that study.

"(e) The Secretary of the military department concerned may, when he determines that the interest of the service so requires, release any person from the program and discharge him from his armed force.

"§ 2109. Field training; practice cruises

"(a) For the further practical instruction of members of the program, the Secretary of the military department concerned may prescribe and conduct field training and practice cruises (other than field training and practice cruises prescribed under section 2104(b)(6) of this title) which members must complete before they are commissioned.

"(b) The Secretary of the military department concerned may—

"(1) transport members of the program to and from the places designated for field training or practice cruises and furnish them subsistence while traveling to and from those places, or, instead of furnishing them transportation and subsistence, pay them a travel allowance at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies for travel by the shortest usually traveled route from the places from which they are authorized to proceed to the place designated for the training or cruise and return, and pay the allowances for the return trip in advance;

"(2) furnish medical attendance and supplies to members of the program while attending field training and practice cruises, and admit them to military hospitals;

"(3) furnish subsistence, uniform clothing, and equipment to members of the program while attending field training or practice cruises or, instead of furnishing uniform clothing, pay them allowances at such rates as he may prescribe;

"(4) use any member of an armed force, or any employee of the department, under his jurisdiction, and such property of the United States as he considers necessary, for the training and administration of members of the program at the places designated for training or practice cruises.

"§ 2110. Logistical support

"(a) The Secretary of the military department concerned may issue to institutions having units of the program, or to the officers of the armed force concerned who are designated as accountable or responsible for such property—

"(1) supplies, means of transportation including aircraft, arms and ammunition, and military textbooks and education materials; and

"(2) uniform clothing, except that he may pay monetary allowances for uniform clothing at such rate as he may prescribe.

"(b) The Secretary of the military department concerned may provide, or contract with civilian flying or aviation schools or educational institutions to provide, the personnel, aircraft, supplies, facilities, services, and instruction necessary for flight instruction and orientation for properly designated members of the program. The Secretary of each military department shall report to Congress in January of each year on the progress of the flight instruction program.

"(c) The Secretary of the military department concerned may transport members of, and designated applicants for membership in, the program to and from installations when it is necessary for them to undergo medical or other examinations or for the purposes of making visits of observation. He may also furnish them subsistence, quarters, and necessary medical care, including hospitalization, while they are at, or traveling to or from, such an installation.

"(d) The Secretary of the military department concerned may authorize members of, and designated applicants for membership in, the program to participate in aerial flights in military aircraft and in indoctrination cruises in naval vessels.

"(e) The Secretary of the military department concerned may authorize such expenditures as he considers necessary for the efficient maintenance of the program.

"(f) The Secretary of the military department concerned shall require, from each institution to which property is issued under subsection (a), a bond or other indemnity in such amount as he considers adequate, but not less than $5,000, for the care and safekeeping of all property so issued except uniforms, expendable articles, and supplies expended in operation, maintenance, and instruction. The Secretary may accept a bond without surety if the institution to which the property is issued furnishes to him satisfactory evidence of its financial responsibility.

"§ 2111. Personnel: administrators and instructors

"The Secretary of the military department concerned may detail regular or reserve members of an armed force under his jurisdiction (including retired members and members of the Fleet Reserve and Fleet Marine Corps Reserve recalled to active duty with their consent) for instructional and administrative duties at educational institutions where units of the program are maintained."

(2) The chapter analysis of subtitle A, and the chapter analysis of part III of subtitle A, are each amended by inserting the following new item:

"103. Senior Reserve Officers' Training Corps........................ 2101."

SEC. 202. Title 37, United States Code, is amended as follows:

(1) Section 205 is amended by adding the following new subsection at the end thereof:

"(e) Notwithstanding subsection (a), a commissioned officer may not count in computing his basic pay any period of service after the enactment of this subsection that he performed concurrently as a member of a uniformed service and as a member of the Senior Reserve Officers' Training Corps."

(2) Section 209 is amended to read as follows:

"§ 209. Members of Senior Reserve Officers' Training Corps

"(a) Except when on active duty, a member of the Senior Reserve Officers' Training Corps who is selected for advanced training under section 2104 of title 10, United States Code, is entitled to retainer pay at the rate of not less than $40 per month or more than $50 per month beginning on the day he starts advanced training and ending upon the completion of his instruction under that section, but in no event shall any member receive such pay for more than twenty months. Retainer pay under this section may not be considered financial assistance requiring additional service within the meaning of the third sentence of section 6(d)(1) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456(d)(1)).

"(b) Except when on active duty, a cadet or midshipman appointed under section 2107 of title 10 is entitled to retainer pay at the rate of $50 a month beginning on the day that he starts his first term of college work under that section and ending upon the completion of his instruction under that section, but not for more than four years.

"(c) A member of the Senior Reserve Officers' Training Corps is entitled, while he is attending field training or practice cruises under section 2109 of title 10, to pay at the rate prescribed for cadets and midshipmen at the United States Military, Naval, and Air Force Academies under section 201(c) of this title. An applicant for membership who is attending field training or practice cruises to satisfy the requirement of section 2104(b)(6)(B) of title 10, United States Code, for admission to advanced training is entitled, while so attending, to pay at the rate prescribed in section 203 of this title for enlisted members of the uniformed services in pay grade E–1 (under 4 months)."

(3) Sections 415(a) and 416(b) are each amended by striking out the words "or an officer of the Army, or the Air Force, without specification of component," and inserting in place thereof ", an officer of the Army or the Air Force without specification of component, or a regular officer of an armed force appointed under section 2106 or 2107 of title 10, United States Code,".

(4) Section 422 is amended—

(A) by amending the catchline to read:

"§ 422. Cadets and midshipmen";

(B) by amending subsection (c) to read as follows:

"(c) A cadet or midshipman appointed under section 2107 of title 10, United States Code, is entitled to the same allowances as are provided for cadets and midshipmen at the United States Military, Naval, and Air Force Academies for—

"(1) initial travel to the educational institution in which matriculated;

"(2) travel while under orders; and

"(3) travel on discharge.

However, no allowance for travel on discharge may be paid to a discharged cadet or midshipman who continues his scholastic instruction at the same educational institution."

(C) by striking out subsection (d).

(5) The analysis of chapter 3 is amended by striking out the following item:

"209. Members of naval officer candidate programs."

and inserting the following item in place thereof:

"209. Members of Senior Reserve Officers' Training Corps."

(6) The analysis of chapter 7 is amended by striking out the following item:

"422. Cadets, midshipmen, and naval officer candidates."

and inserting the following item in place thereof:

"422. Cadets and midshipmen."

TITLE III—CONFORMING AMENDMENTS AND REPEALS

SEC. 301. Title 10, United States Code, is amended as follows:

(1) Section 1475(a)(4) is amended by adding at the end thereof the words "any applicant for membership in a reserve officers' training corps who dies while attending field training or a practice cruise under section 2104(b)(6)(B) of this title or while performing authorized travel to or from the place where the training or cruise is conducted; or".

(2) Section 1478(a)(4) is amended—

(A) by striking out "section 4385(c) or 9385(c) of this title" and inserting in place thereof "the first sentence of section 209(c) of title 37, United States Code"; and

(B) by adding the following sentence at the end thereof: "A person covered by section 1475(a)(4) of this title who dies while attending field training or a practice cruise under section 2104(b)(6)(B) of this title, or while traveling directly to or from the place where the training or cruise is conducted, is considered to have been entitled, on the date of his death, to the pay prescribed by the second sentence of section 209(c) of title 37, United States Code."

(3) Section 1481(a)(4) is amended by striking out the words "the Army Reserve Officers' Training Corps, Naval Reserve Officers' Training Corps, or Air Force Reserve Officers' Training Corps" and inserting the words ", or applicant for membership in, a reserve officers' training corps" in place thereof.

(4) Section 3201 is amended—

(A) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (5) of subsection (a); and

(B) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (4) of subsection (b).

(5) Section 3355 is repealed.

(6) The analysis of chapter 337 is amended by striking out the following item:

"3355. Commissioned officers; Army Reserve: appointment; R.O.T.C. graduates."

(7) Section 3540 is repealed.

(8) The analysis of chapter 343 is amended by striking out the following item:

"3540. Educational institutions: detail of members of regular or reserve components as professors and instructors in military science and tactics."

(9) Section 4348 is amended by inserting the designation "(a)" before the word "Each" and by adding a new subsection (b) to read as follows:

"(b) A cadet who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Army to the Army Reserve in an appropriate enlisted grade and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade for such period of time as the Secretary prescribes but not for more than four years."

(10) Chapter 405 is repealed.

(11) The chapter analysis of subtitle B, and the chapter analysis of part III of subtitle B, are each amended by striking out the following item:

"405. Reserve Officers' Training Corps.. 4381."

(12) Section 5404(b) is amended—

(A) by inserting "and" at the end of clause (3);

(B) by striking out "; and" at the end of clause (4) and inserting a period in place thereof; and

(C) by striking out clause (5).

(13) Section 5504(h) is amended by striking out "5573, 6904, 6906" and inserting "2106, 2107, 5573" in place thereof.

(14) Chapter 541 is amended—

(A) by striking out the following item in the analysis:

"5652b. Regular Navy: lieutenants (junior grade) originally appointed as ensigns under section 5573, 6904, 6906, or 6909 of this title."

and inserting the following item in place thereof:

"5652b. Regular Navy: lieutenants (junior grade) originally appointed as ensigns under section 2106, 2107, 5573, or 6909 of this title."; and

(B) by striking out from the catchline and the text of section 5652b "5573, 6904, 6906" and inserting "2106, 2107, 5573" in place thereof.

(15) Section 6023(a) is amended by striking out clause (2) and renumbering clause (3) as clause "(2)".

(16) Section 5387(a) is amended by striking out "6904, 6906," and inserting "2106, 2107," in place thereof.

(17) Chapter 601 is amended by repealing sections 6901, 6902, 6903, 6904, 6905, 6906, 6908, and 6910.

(18) The analysis of chapter 601 is amended by striking out the following items:

"6901. Naval Reserve Officers' Training Corps: administration.

"6902. Transfer of graduates of Naval Reserve Officers' Training Corps to Regular Navy.

"6903. Officer candidate training program: administration; qualifications for enrollment.

"6904. Officer candidate training program: members enrolled from Naval Reserve Officers' Training Corps; appointment as midshipmen; pay; allowances; commissioning.

"6905. Officer candidate training program: members enrolled as naval aviation officer candidates; instruction; pay; allowances.

"6906. Officer candidate training program: naval aviation candidates; appointment as midshipmen; flight training; appointment as ensigns.

"6908. Officer candidate training program: naval aviators; retention or transfer to reserve.

"* * * * *

"6910. Payment of expenses."

(19) Section 6959 is amended by inserting the designation "(a)" before the word "Each" and by adding a new subsection (b) to read as follows:

"(b) A midshipman who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Navy to the Naval Reserve or the Marine Corps Reserve in an appropriate enlisted grade or rating, and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade or rating for such period of time as the Secretary prescribes but not for more than four years."

(20) Section 8201 is amended—

(A) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (6) of subsection (a); and

(B) by inserting the words "in a reserve officers' training corps or" after the word "members" in clause (4) of subsection (b).

(21) Section 8355 is repealed.

(22) The analysis of chapter 837 is amended by striking out the following item:

"8355. Commissioned officers; Air Force Reserve: appointment; A.F. R.O.T.C. graduates."

(23) Section 8540 is repealed.

(24) The analysis of chapter 843 is amended by striking out the following item:

"8540. Educational institutions: detail of members of regular or reserve components as professors and instructors in air science and tactics."

(25) Section 9348 is amended by inserting the designation "(a)" before the word "Each" and by adding a new subsection (b) to read as follows:

"(b) A cadet who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Air Force to the Air Force Reserve in an appropriate enlisted grade and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade for such period of time as the Secretary prescribes but not for more than four years."

(26) Chapter 905 is repealed.

(27) The chapter analysis of subtitle D, and the chapter analysis of part III of subtitle D, are each amended by striking out the following item:

"905. Air Force Reserve Officers' Training Corps ------------------------9381."

SEC. 302. Section 4 of the Act of August 1, 1956, chapter 830 (5 U.S.C. 802), is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) The Federal Employees' Compensation Act (ch. 458, 39 Stat. 742), as amended (5 U.S.C. 751–793), applies in the case of the disability or death of the following members of, and applicants for membership in, the Reserve Officers' Training Corps of the Army, Navy, and Air Force:

"(1) Any member or applicant for membership who suffers disability or death from an injury incurred in line of duty while engaged in a flight or in flight instruction under chapter 103 of title 10, United States Code; or

"(2) Any member or applicant for membership who suffers disability or death from an injury incurred in line of duty while performing authorized travel to or from, or while attending, field training or a practice cruise under chapter 103 of title 10, United States Code.

For the purposes of this section, an injury shall be considered to have been incurred in line of duty only if it is the proximate result of the performance of military training by the member concerned, or of his travel to or from that military training, during the periods of time indicated in clause (2). Any member or applicant for membership who contracts a disease or illness which is the proximate result of the performance of training during the periods of time indicated in clause (2) shall be considered for the purposes of this section to have been injured in line of duty during that period."

(2) The last sentence of subsection (d) is amended to read as follows: "However, reimbursement may not be made for any hospitalization or medical or surgical care provided a person while attending field training or a practice cruise under chapter 103 of title 10, United States Code."

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 401. All payments made and supplies issued under sections 9385–9387 of title 10, United States Code, in connection with the training of a person at an Air Force Reserve Officers' Training Corps unit while such person was a student at a civil educational institution where a unit of the corps was not established, are hereby validated.

SEC. 402. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SEC. 403. Insofar as it relates to the Army program and the Air Force program, section 2107(h) of title 10, United States Code, becomes effective on September 1, 1968. Until that date, not more than four thousand cadets may be in either of those programs at any one time. So far as it relates to the Navy program, section 2107(h) of title 10 becomes effective on September 1, 1965.

IOU NO. 30—PRIVATE POWER SUPPORT OF THE RIGHTWING

Mr. METCALF. Mr. President, the Nation's electric light and power industry is noted for its generous philanthropy. Each year this benevolent industry contributes millions of dollars to civic, charitable, and cultural organizations and activities.

Not so well known, however, is the fact that many IOU's—as I think they should be called—give financial and leadership support to a host of reactionary, rightwing propaganda and pressure groups.

I have just made a far-from-complete survey of this situation, which disclosed more than 260 instances of private power contributions to such groups and activities. These donations involved more than 50 companies and some 20 organizations.

In addition, I found more than 80 instances in which private power company executives served as officials or made personal contributions to many of the same reactionary and rightwing elements. This also involved officials of some 50 IOU's.

The organizations receiving this private power support run the gamut from conservative and reactionary groups, such as the American Economic Foundation and the Foundation for Economic Education—FEE—to radical-right Birchite bedfellows, such as the Manion Forum and America's Future. Also included are pressure and lobbying groups which pursue goals desired by the private-power industry, such as the National Tax Equality Association—NTEA—and National Associated Businessmen, Inc.—NAB—and rightwing training programs, such as those of the Intercollegiate Society of Individualists and the National Education program conducted by Harding College, at Searcy, Ark., the West Point of the reactionary right.

I have found no evidence of support for the more notorious and obnoxious extremist elements, such as the John Birch Society. This does not mean, however, that there is nothing objectionable about IOU contributions to the other groups.

For example, I find that contributions to these groups are usually concealed. I also find that many of them are included in the company's operating costs. This means that the unknowing consumer is forced to foot the cost of such support when he pays his electric bill. Later on, I shall have further comments to make on both of these aspects; and at the conclusion of my remarks, I shall provide a breakdown of this support.

First, however, I should like to emphasize several aspects of these data.

First of all, in regard to power company executives' personal contributions and participation in rightwing organizations, I should like to make clear at the outset that I do not mean to suggest that they are doing anything illegal or unethical. How these men spend their time and money is their own concern. Moreover, it is the constitutional right of every American to support any voluntary organization or activity he so desires. I mention the personal activities of these executives only to further document the cozy relationship that exists between much of the private power industry and the reactionary right.

Second, it must be emphasized that these data do not represent the results of a thorough investigation; instead, they represent only fragmentary evidence gleaned from publicly available information filed with the Bureau of Internal Revenue, and annual expenditure reports filed with the Federal Power Commission. In both instances, the available reports lacked the standardization and detail necessary for a complete survey.

Nonetheless, while I do not suggest that every private power company in the Nation gives financial aid to rightwing groups, I do suggest that my incomplete survey has only scratched the surface. For example, as indicated by the contributions I shall cite, private power support of rightwing groups dates back many years. Over the years, the goals and messages purveyed in identifiable private power propaganda have been similar to, and in many cases indistinguishable from, the goals and propaganda line of the reactionary right. Second, there is the recent survey conducted by a Columbia University professor. He found that private power companies are among the top "blue chip" corporations which are slipping "heavy doses of radical rightist material" into so-called anti-Communist public education programs.

But the most telling evidence that my investigation only scratched the surface comes from Fred G. Clark, general chairman of the American Economic Foundation. In an article published in a 1961 issue of Public Service magazine, Mr. Clark complained that the average American business executive did not show sufficient interest in what his organization was attempting to accomplish. But he singled out the private power industry as the one group with "a high degree of interest" in AEF's program, and noted that—

> More than 50 privately owned power companies have—in one way or another—recognized its importance and done something about it.

My investigation, however, turned up only eight instances of company contributions to the AEF, and only seven instances of personal participation by IOU executives. Altogether, these contributions and executive participations involve only 11 companies. Yet Mr. Clark says "more than 50" IOU's are supporting the AEF's program.

Third, in regard to the national education program Harding College contributions, it might be argued that since Harding College is a fully accredited institution of higher learning, these contributions are no different from those to other colleges and universities. However, aside from Harding's well-known conservative bias, it is most significant to note that all the other colleges and universities receiving IOU support are located in the same State as that of the contributing company. Harding is the only out-of-State college which receives continuous IOU support. Of the IOU contributions to Harding College which I found, only one came from an Arkansas power company. All the others came from power companies located in other States, such as Illinois, Montana, and Washington.

Fourth, it will be noted that some of the IOU contributions to right-wing groups date back to the late forties and early fifties. For the most part, disclosure of these contributions resulted from the investigation of congressional lobbying conducted some years ago by the House Select Committee on Lobbying Activities—better known as the Buchanan committee. They represent the contributions only of companies who chose to comply with the committee's request for such information.

These older contributions are included here for two reasons: First, as I mentioned earlier, they show that private power support of the reactionary right is nothing new; second, they reveal an interesting trend regarding the size of individual contributions.

Analysis of the contributions turned up by the Buchanan committee shows that generally they were for sizable sums. More than 40 percent of them exceeded $1,000 a year, while 32 percent were for amounts between $500 and $1,000. Only 28 percent were for less than $500.

Among the recent contributions, on the other hand, only 7 percent are for more than $1,000, and only 9 percent are for amounts between $500 and $1,000. The great majority—84 percent—are for less than $500 each.

This trend would seem to be due to two factors: The tremendous increase in the number of rightwing organizations seeking business support in recent years, and a general business trend to spread corporate largess in smaller-but-steady sums, rather than to concentrate it in big donations to one or two groups. Consider, for example, the advice of Merryle S. Rukeyser on the question of corporate contributions to schools and colleges. In an article published in the March, 1961, issue of the Freeman, a magazine published by the FEE—Foundation for Economic Education, Mr. Rukeyser advised that:

> Such giving should be on an annual, or income, basis, rather than in the form of an unrestricted capital endowment. The promise of a recurrent gift gives the donor * * * an opportunity to be selective.

Mr. Rukeyser also wrote that:

> This procedure reserves the privilege of cutting off gifts and that the institutions receiving such aid "should relate the gift to the enlightened self-interest of the corporate donor."

Incidentally, the FEE provides a good example of how well propaganda groups can thrive on such small, but steady support. In 1955, the FEE reported total income for the preceding fiscal year of about $434,000 from donations and the sale of publications such as the Freeman magazine and a book, entitled "United Nations: Road to War," which contends that the United Nations is "an instrument of unlimited government, tyranny, and war." The bulk of the money came from some 4,200 persons and corporations, each of whom gave an average of $75 in tax-exempt contributions. That was in 1955. In July of this year, a FEE advertisement bragged that the organization now has some 12,000 individual and corporate benefactors. Thus, if the average contribution is still $75, the FEE now has an annual income of well over $1 million—including revenue from the sale of publications.

There is also a psychological factor favoring small donations. Revelation that a company gave $300 to the most obnoxious extremist group would cause nowhere near the embarrassing stir that would result from a $3,000 donation.

Finally, there is the simple fact that small donations are more easily concealed from regulatory agencies and the public. For example, although FPC regulations require all IOU's to file an annual report of contributions and other expenditures, the Commission has not required itemization of donations under $1,000, and in many instances companies have been allowed to file reports in which nothing is itemized. Also, outright political expenditures, as well as contributions to the reactionary right, have been slipped into operating expenses—for which the consumer pays the cost—as a result of lax policing on the part of the FPC. This laxity, of course, is attributable to a serious staff shortage at that agency, rather than to design.

Nonetheless, the FPC has shown some awareness of these shortcomings, and last year moved to tighten its reporting procedures by requiring that all expenditures for "certain civic, political, and related activities" be reported in a special nonoperating account.

Examination of the Commission's order and the events preceding it is revealing. For example, the order specifically includes payments to "lobbying" groups and for advertising "calculated to affect public or official attitudes toward future legislative or administrative action."

But it says nothing whatsoever about expenditures in support of so-called "educational" or propaganda groups, such as the right-wing organizations which many IOU's support.

In fact, after complaints from the industry, the Commission dropped a phrase which would have covered such expenditures. This phrase would have included expenditures:

> Having any direct or indirect relationship to political matters, including the influencing of public opinion with respect to public policy.

The elimination of this phrase is especially significant, in view of the fact that Commissioner Black felt compelled to write a separate, concurring opinion in which he noted that the utilities and their advertising agencies "have displayed great ingenuity in conveying a message which is not always political in the ordinary sense of the word, but which concerns itself with problems of broad national social or economic policy."

He said:

> These efforts are intended to influence fundamental attitudes or beliefs, and bear no reasonable relationship to the necessary operations of a utility company or the furnishing of utility service.

Black asserted that it was the Commission's "intention" that the "term 'political' * * * is used in its broadest meaning. * * * Unless we make this clear," he concluded:

> I am fearful that too restrictive an interpretation may be put on the (Commission's order), and expenditures for these purposes may be lost in various above-the-line operating expense accounts.

The rest of the Commission, however, apparently did not share Commissioner Black's concern; and the door would seem to be left open for the exclusion of expenditures in support of rightwing propaganda groups.

Further, regardless of where such expenditures are reported, they will still be concealed. The Commission originally proposed requiring that all donations and political expenditures in excess of $100 be itemized. The IOU's, however, objected that such a requirement "would impose a considerable burden—on them—and encumber the Commission with details of insignificant expenditures." As a result, the Commission backed off, and modified the requirement, so as to allow lump-sum grouping of all donations and political expenditures of less than $1,000. Thus, better than 90 percent of all expenditures in support of rightwing groups will continue to be hidden from public view.

Finally, it is interesting—but hardly surprising, in view of its past performance—to note that the private power industry opposed the new reporting requirements, such as they are, on the ground that they are "socialistic." Moreover, the IOU's claimed that the Commission's order prohibiting them from including political expenditures in operating accounts where the consumer would have to foot the bill would "infringe" on their "freedom of speech and other constitutional guarantees."

How absolutely marvelous. Their freedoms are infringed on when they cannot force the public to pay for their political activities.

Let us take a look at some actual cases, to demonstrate how these mistreated defenders of freedom hide their rightwing contributions.

In 1963, the FPC apparently became disturbed about the large number of IOU's which were reporting as operating expenses, thousands of dollars in lump sums, under such headings as "Charitable, Cultural and Civil Contributions" and "Miscellaneous Expenses." As a result, the Commission asked several power companies to submit a detailed breakdown of these items.

One of the IOU's involved was Central Illinois Public Service Co., which had reported a lump-sum total of $39,492 as "Donations for Charitable, Social, or Community Welfare" in 1962. In its response to the FPC request for a breakdown, the company divided its contributions into two categories: Those in excess of $1,000, and those under $1,000.

In the "over $1,000" category, Central Illinois listed 16 specific contributions, totaling $26,500, for such worthy causes as the United Fund, the Good Samaritan Home, the YMCA, four local colleges, and three hospitals.

In the "under $1,000" category, on the other hand, the company listed only 10 specific items, totaling $6,190. These included other commendable activities, such as the Boy Scouts, the Red Cross, the Salvation Army, the March of Dimes, the Heart Fund Association, and the Tuberculosis Association. There was also an 11th item in the "under $1,000" category: A lump-sum entry of $10,512, labeled "Various civic activities, school activities, social projects, and so forth."

This breakdown apparently satisfied the FPC, for not until after I specifically requested a further breakdown of lump-sum entries exceeding $5,000 did the company disclose what the $10,512 entry included.

The firm's breakdown of the $10,512 showed some 125 contributions, mostly under $100, for everything from a cornbread and bean festival and a beauty contest to Little League baseball, high school proms, and various cultural and charitable activities.

But tucked away among these noble contributions were several donations—of far more than $100 each—to organizations which are sympathetic to or are part of the private power industry's propaganda campaign against nonprofit power suppliers and the Federal Government. Altogether, these propaganda-type contributions represented about 5 percent of the company's total "civic and charitable" donations for that year, and about 20 percent of the $10,512 in minor contributions that the company felt were so insignificant that they were reported in lump sum, under the heading "Various Civic Activities, School Activities, Social Projects, and so forth."

And what are some of these "civic", "school" and "social" activities which Central Illinois helps support? They include lobbying groups, such as the National Tax Equality Association, $150; and rightwing groups, such as Manion Forum, $200; National Education program, $100; America's Future, $150; American Economic Foundation, $500; Educational Reviewer, Inc., $300; Foundation for Economic Education, $200; and Committee for Constitutional Government, $250.

Why—if not to conceal them—were these contributions not itemized in the "under $1,000" category when the company did itemize such contributions as those to the Salvation Army, $67.50; the March of Dimes, $82.50; the Heart Fund, $80; and the Tuberculosis Association, $308?

Some companies go to even greater lengths to hide their rightwing contributions. For example, consider the Southwestern Public Service Co., of Texas, which scatters its "charitable" and "civic" donations under three different categories: "Donations for Charitable, Social and Community Welfare," "Miscellaneous Donations", and "Miscellaneous General Expenses."

When Southwestern complied with the request to break down these lump-sum entries for the year 1962, all the donations under the first two categories turned out to be for worthy causes. But under the category labeled "Miscellaneous General Expenses", there appeared a $7,376 item labeled "General Educational Materials for the Public."

What were these "General Educational Materials for the Public?" A footnote at the bottom of the page explained that the $7,376 was paid to 10 organizations which included Manion Forum, Southern States Industrial Council, Committee for One Million, Texas Bureau of Economic Understanding, Taxpayer's Educational Association, Western Tax Council and America's Future. Under the same footnote system in its 1961 and 1963 breakdowns, there also appeared contributions to the National Tax Equality Association, the national education program-Harding College, Young Americans for Freedom, National Precinct Workers, and the Dan Smoot report.

Overall, these expenditures to educate the public came to about 10 percent of the company's charitable and civic donations each year. But not once would the Southwestern Public Service Co. detail how much each organization received. On the average, however, it would appear to be more than $500, each.

I call attention to the fact that both the Central Illinois Public Service Co. and the Southwestern Public Service Co. included their rightwing contributions and other propaganda contributions in their operating expenses, so that the public was forced to pay for them.

I also call attention to the fact that all these contributions were concealed in lump-sum entries which the companies felt were too insignificant or too burdensome to break down.

The unitemized, lump-sum entries are like a giant iceberg: They conceal more than they show. I have tallied the extent of this IOU iceberg for the years 1962 and 1963, and find that its size is most remarkable.

In 1962, the private power industry's unitemized lump-sum iceberg totaled more than $15 million. This included more than $9 million in unidentified contributions—of which $3.2 million was included in operating expenses—and more than $6 million in unidentified expenditures labeled miscellaneous—all of which was included in operating expenses.

In 1963, the IOU iceberg melted somewhat, because of the FPC's somewhat stricter reporting requirements, but it still totaled more than $13 million. This included nearly $6 million in unidentified contributions—of which $3.7 million was included in operating expenses—and more than $7 million in unidentified expenditures labeled miscellaneous—again, all of it included in operating expenses.

Overall, these figures indicate that the average IOU has an unitemized lump-sum iceberg of nearly $70,000 a year in which embarrassing expenditures can be concealed. As I mentioned earlier, I do not suggest that all IOU's support the rightwing. Similarly, not all IOU's lump their contributions and miscellaneous expenditures. A few itemize everything.

But at the other extreme are companies such as Houston Light & Power, which had an unidentified lump-sum iceberg of $643,135 in 1963; Cleveland Electric Illuminating Co., which failed to itemize expenditures totaling $733,661; and Detroit Edison—the grand champion—which reported $815,006 in unidentified lump-sum expenditures last year.

I was able to obtain breakdowns of such expenditures from only 57 of the Nation's 220 private power companies. This is where I found most of the recent rightwing contributions—concealed in lump-sum expenditures labeled "charitable contributions" and "miscellaneous expenses."

These contributions to ultraconservative and radical right organizations represent only a small portion of the money the private power industry annually pours into its propaganda campaign against nonprofit power suppliers—the rural cooperatives, municipal power systems, and Federal power projects. The IOU's also give thousands of dollars each year to four organizations which openly promote private power's economic interests—the Edison Electric Institute, the industry's public information program, the electric companies advertising program, and the National Association of Electric Companies.

In addition, the industry helps supports a multitude of so-called "economic education" groups—organizations which peddle Adam Smith economics to school children, and attempt to sell businessmen and the public in general on the idea that nonprofit power not only is a threat to American "free enterprise," but also is part of the Red Menace.

Finally, the industry spends millions of dollars a year on so-called "institutional" or "goodwill" advertising. This is the softsell approach; the message being conveyed is not always immediately apparent, but it always is there. In their reports for 1963 to the FPC, some 150 IOU's indicated they spent nearly $14 million on this type of advertising, alone.

The more obvious propaganda ads—such as those the late President Kennedy described as "particularly ugly"—are paid out of IOU donations to the electric companies advertising program and the industry's public information program. These are the ads that portray the private power industry as the main target of, and bulwark against, communism. These are the ads that portray rural co-ops and municipally-owned power systems as socialistic. These are the ads that claim that 20 percent of the Nation's electric light and power industry—

the co-ops and the municipal systems—"is already nationalized"—a word which translates to "socialized," in rightwing jargon. These are the ads that portray the Federal Government as an enemy of American business and as a cunning conspiracy aimed at depriving Americans of their freedoms. These are the ads that tell of "a Berlin wall being built in America—constructed of subtle and gradual curtailments of traditional American freedoms", and assert that the FPC "laid the first brick" in this Berlin wall with its new accounting requirements.

Who pays for this scurrilous advertising and the rest of the private power propaganda campaign? The vast majority of it is included in the companies' operating expenses, so that the consumers—the public—wind up footing the bill.

I do not think the American people should be forced to pay for propaganda aimed at educating them and indoctrinating their children. Since when was it the business of an electric light and power company to educate the public? Likewise, I do not think the consumer should be required to foot the bill for IOU attempts to create goodwill and a good image, whether through advertising or through contributions.

Overall, my investigation revealed that the private power industry contributes more than $15 million annually to "civic, charitable, and cultural" organizations and activities. As I mentioned earlier, most of this money goes to worthy causes. But one wonders what the IOU's think they are buying with the thousands of dollars they contribute to schools and colleges—especially in light of the advice they receive from Mr. Rukeyser. Most important, however, I question why the power company should decide which "civic, charitable, and cultural" organizations and activities are deserving of support. Why should not the consumer have a voice in this decision, and receive credit for these contributions? After all, it is usually his money that the IOU's give away.

But overriding everything else, I think the consumer—the public—has a right to know what organizations he is being forced to support.

I think the American people have a right to know when their local power company helps support groups which advocate abolition of the income tax and the United Nations, and attack civil rights and Government as subversive.

I think the public has a right to know when its local power company supports groups which for three decades have plastered the labels of "socialism" and "communism" on every legislative effort to ease pain and suffering, hunger and want, injustice and inhumanity.

I think the public has a right to know when its local power company supports groups which find treason in our churches and in our Highest Court.

I think the public has a right to know when its local power company supports those who would place the American farmer at the mercy of a ruthless market and mercenary middlemen, and would return the American working man to the inhumane conditions of labor which existed a century ago—conditions, incidentally, which spawned the very communism these rightwing elements now claim to be fighting.

But the IOU's disagree that the consuming public has any such right. Instead, they pin the label of "socialism" on any attempt to require disclosure of the groups they support.

Apparently the IOU's feel that extremism in defense of private monopoly is no vice, and that moderation in pursuit of excessive profits is no virtue.

Mr. President, I ask unanimous consent to have printed in the RECORD a group-by-group listing of private power company contributions to reactionary and radical right organizations, and of past and present participation in the same groups by private power company executives.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

AMERICA'S FUTURE

Individuals

J. E. Corette, president and general manager, Montana Power Co., former trustee.

Companies

Alabama Power Co., $300, 1962.

Arizona Public Service Co., $105, 1962.

Carolina Power & Light Co., $300, 1962.

Central Illinois Public Service Co., $150, 1962.

Connecticut Light & Power Co., $500, 1948.

Consolidated Edison Co. (New York), $2,500, 1948; $2,500, 1949; $2,500, 1950.

Delaware Power & Light Co., $100, 1949.

Jersey Central Power & Light Co., $100, 1962.

Montana Power Co., $600, 1958; $400, 1961.

Washington Water Power Co., $100, 1962.

Wisconsin Power & Light Co., $250, 1949.

Southwestern Public Service Co., $500 (estimated), 1962; $500 (estimated), 1963.

AMERICAN ECONOMIC FOUNDATION

Individuals

Richard Wagner, director, Central Illinois Public Service Co., member of Hall of Free Enterprise advisory council.

Peter M. Fraser, Connecticut Light & Power Co., member of Hall of Free Enterprise advisory council.

J. E. Jonsson, director, Dallas Power & Light Co., member of Hall of Free Enterprise advisory council.

John E. Corette, president and general manager, Montana Power Co., member of Hall of Free Enterprise advisory council.

Donald S. Kennedy, president and director, Oklahoma Gas & Electric Co., member of Hall of Free Enterprise advisory council.

Kinsey M. Robinson, chairman and director, Washington Water Power Co., member of Hall of Free Enterprise advisory council.

Herbert Hoover, Jr., director, Southern California Edison Co., member.

Companies

Columbus & Southern Ohio Electric Co., $250, 1948; $350, 1963.

Commonwealth Edison Co., $200, 1947.

Montana Power Co., $370, 1955.

Arizona Public Service Co., $70, 1962.

Carolina Power & Light Co., $100, 1962; $100, 1963.

Central Illinois Public Service Co., $500, 1962.

Washington Water Power Co., $100, 1962.

Connecticut Light & Power Co., $300, 1962; $300, 1963.

Consumers Power Co. (Michigan), $100, 1962; $100, 1963.

Kansas Gas & Electric Co., $150, 1962.

Long Island Lighting Co., $100, 1963.

Pennsylvania Power & Light Co., $750, 1962.

Pennsylvania Electric Co., $100, 1963.

Central Hudson Gas & Electric Co., $200, 1963.

Philadelphia Electric Co., $500, 1962.

AMERICAN ENTERPRISE ASSOCIATION

(Now known as the American Enterprise Institute for Public Policy Research.)

Individuals

William I. Myers, director, New York State Electric & Gas Corp., former member of advisory board.

Harry C. Hagerty, director, Rochester Gas & Electric Corp., trustee (1960).

Companies

Consolidated Edison Co., $2,900, 1947; $2,900, 1948; $3,400, 1949; $1,700, 1950.

Idaho Power Co., $250, 1955; $250, 1956.

AMERICAN GOOD GOVERNMENT SOCIETY

Individuals

Ralph M. Bilby, director, Arizona Public Service Co., member, Committee on Electoral College Reform.

Walker L. Cisler, president and director, Detroit Edison Co., member, Committee on Electoral College Reform, 1962.

J. R. Simplot, director, Idaho Power Co., $300 contribution, 1962, American Good Government Society.

L. W. Seal, director, Mississippi Power Co., $100 contribution, 1962, American Good Government Society.

Carl S. Hallaer, director, Rochester Gas & Electric Corp., member, Committee on Electoral College Reform.

Companies

Arkansas Power & Light Co., $100, 1962.

Milwaukee Gas & Light Co., $100, 1962.

Southwestern Public Service Co., $100, 1962.

Texas Power & Light Co., $1,000, 1962.

AMERICANS FOR CONSTITUTIONAL ACTION

Individuals

John E. Corette, president and general manager, Montana Power Co., supporter (contributed $100 in 1963) and fund raiser.

Edward J. Mosher, director, Houston Lighting & Power Co., supporter and fund raiser.

Robert A. Gallagher, director, Public Service Co. of Indiana, contributor ($100, 1962; $100, 1963).

Frank McLaughlin, director, Puget Sound Power & Light Co. (Washington), contributor ($100, 1962).

R. R. Stranahan, Jr., director, Toledo Edison Co., Ohio, contributor ($500, 1960; $500, 1961; $100, 1963).

COMMITTEE FOR CONSTITUTIONAL GOVERNMENT

Individuals

Robert D. Corette, director, Montana Power Co., fund solicitation.

G. R. Milburn, director, Montana Power Co., fund solicitation.

Charles Redd, director, Utah Power & Light Co., fund solicitation.

Richard Wagner, director, Central Illinois Public Service Co., $500 contribution.

Companies

Connecticut Light & Power Co., $250, 1948; $250, 1949.

Central Illinois Public Service Co., $250, 1962.

Kentucky Utilities Co., $250, 1948; $350, 1949; $200, 1950.[1]

Montana Power Co., $200, 1948; $2,465, 1950.[1]

Public Service Electric & Gas Co., N.J., $490, 1947; $490, 1948; $490, 1949.

Utah Power & Light Co., $300, 1962.

Virginia Electric & Power Co., $600, 1948; $600, 1949.

Wisconsin Power & Light Co., $250, 1949.

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[1] Includes purchases of rightwing books.

CITIZENS FOR PRESERVATION OF CONSTITUTIONAL GOVERNMENT

Individuals

Shearon Harris, president and director, Carolina Power & Light Co., N.C., charter member, 1963.

E. N. Pope, vice president, Carolina Power & Light Co., charter member.

H. Burton Robinson, executive vice president and director, Carolina Power & Light Co., charter member.

W. Reid Thompson, vice president and general counsel, Carolina Power & Light Co., charter member.

W. Herbert Weatherspoon, vice president, legal counsel and director, Carolina Power & Light Co., charter member.

Louis V. Sutton, chairman, chief executive officer and director, Carolina Power & Light Co., charter member.

FOUNDATION FOR ECONOMIC EDUCATION

Individuals

William B. Coberly, Jr., director, Southern California Edison Co., trustee.

H. Frederick Hagemann, Jr., director, Southwestern Public Service Co. (Texas), trustee.

Companies

Detroit Edison Co., $2,500, 1947; $2,500, 1948; $5,000, 1949; $2,500, 1950.

Arizona Public Service Co., $70, 1962.

Carolina Power & Light Co., $100, 1962.

Central Hudson Gas & Electric Co. (New York), $100, 1962.

Central Illinois Public Service Co., $200, 1962.

Cleveland Electric Illuminating Co., $2,000, 1948; $1,000, 1949.

Connecticut Light & Power Co., $100, 1962.

Consolidated Edison Co. (New York, $10,000, 1947; $10,000, 1948; $10,000, 1949; $10,000, 1950.

Indianapolis Power & Light Co., $400, 1947.

Montana Power Co., $1,000, 1956; $500 1960; $1,000, 1961.

New York Electric & Gas Corp., $1,000, 1963.

Ohio Edison Co., $250, 1948; $250, 1949.

Pennsylvania Power & Light Co., $100, 1950.

Portland General Electric Co., $100, 1962.

San Diego Gas & Electric Co., $100, 1947; $100, 1948; $100, 1949.

Virginia Electric & Power Co., $750, 1962.

Washington Water Power Co., $250, 1961; $250, 1962; $250, 1963.

Utah Power & Light Co., $500, 1947; $500, 1948; $500, 1950.

FREEDOM FORUM SERIES

Individuals

Robert S. Kerr, Jr., director of Oklahoma Gas & Electric Co., member of national sponsoring committee supporting Oklahoma City Freedom Forum Series.

J. E. Johnson, director, Dallas Power & Light Co., advisory board member.

Robert H. Stewart III, director, Dallas Power & Light Co., advisory board member.

William W. Lynch, chairman, president, and director, Texas Power & Light Co., advisory board member.

Companies

Alabama Power Co., $25, 1962; Mobile Freedom Forum.

Dallas Power & Light Co., $25, 1961; $200, 1962, Dallas Freedom Forum.

Texas Power & Light Co., $500, 1961, Tyler, Tex., Freedom Forum.

Texas Power & Light Co., $1,132, 1962, Dallas Freedom Forum (2 items).

Texas Power & Light Co., $375, 1962, Irving Freedom Forum.

INTERCOLLEGIATE SOCIETY OF INDIVIDUALISTS

Individuals

Philip Sporn, director, American Electric Power Co., and president, Indiana-Kentucky Electric Corp., $100, 1962.

Fabian L. Russell, director, Central Hudson Gas & Electric Corp., $135, 1959.

Seth Marshall, director, Minnesota Power & Light Co., $100 each, 1956, 1957, 1958, 1959, 1960, 1961, 1962.

Jack K. Busby, president, Pennsylvania Power & Light Co., $200, 1962.

R. G. Rincliffe, chairman and director, Philadelphia Electric Co., $250, 1957.

W. C. Kurtz, director, Public Service Co. of Colorado, $100, 1959.

Robert A. Gallagher, director, Public Service Co. of Indiana, $140, 1959.

C. Kenneth Baxter, director, Savannah Electric & Power Co., $350, 1959.

John D. Biggers, director, Toledo Edison Co., $100, 1955.

Companies

Alabama Power Co., $200, 1961.

Arizona Public Service Co., $200, 1961; $140, 1962.

Arkansas Power & Light Co., $100, 1961.

Carolina Power & Light Co., $200, 1961; $200, 1962.

Connecticut Light & Power Co., $200, 1961; $200, 1962.

Dallas Power & Light Co., $200, 1961.

Delaware Power & Light Co., $100, 1961.

Indianapolis Power & Light Co., $100, 1961.

Kansas Gas & Electric Co., $200, 1961.

Minnesota Power & Light Co., $100, 1961.

Mississippi Power Co., $200, 1961.

Mississippi Power & Light Co., $100, 1961.

Montana Power Co., $200, 1961.

New Orleans Public Service Co., $100, 1961.

Northern States Power Co., $200, 1961; $200. 1962; $200, 1963.

Oklahoma Gas & Electric Co., $200, 1961.

Southern Co.,[2] $200, 1961.

Texas Electric Service Co., $200, 1961; $200, 1963.

Texas Power & Light Co., $200, 1961.

Union Electric Co. $200, 1961.

Utah Power & Light Co., $200, 1961.

Washington Water Power Co., $100, 1961.

MANION FORUM

Individuals

Walter Lucking, president and general manager, Arizona Public Service Co., endorser.

E. V. O'Malley, director, Arizona Public Service Co., endorser.

Edward J. Mosher, director, Houston Lighting & Power Co., endorser.

John L. Whitehurst, director, Baltimore Gas & Electric Co., endorser.

James W. Cryder, director, Public Service Co. of Colorado, endorser.

William C. Griffith, director, Public Service Co. of Indiana, endorser.

D. D. Bovaird, director, Public Service Co. of Oklahoma, endorser.

R. K. Lane, director, Public Service Co. of Oklahoma, endorser.

Byron M. Edwards, director, South Carolina Electric & Gas Co., endorser.

James B. Mahoney, director, South Carolina Electric & Gas Co., endorser.

William B. Coberly, Jr., director, Southern California Edison Co., sponsor.

Harold Quinton, chairman and director, Southern California Edison Co., endorser.

William P. Bomar, director, Texas Utilities Co. and Texas Electric Service Co., endorser.

Raymond Enloe, director, Washington Water Power Co., endorser.

W. F. Nelson, vice president, Wisconsin Public Service Corp., endorser.

Companies

Arizona Public Service Co., $200, 1958; $350, 1962.

Central Illinois Public Service Co., $200, 1962 (two items).

Houston Lighting & Power Co., $250, 1958.

Texas Electric Service Co., $200, 1961; $200,

Southwestern Public Service Co. (Texas), $500 (estimate), 1961; $500 (estimate), 1962.

NATIONAL ASSOCIATED BUSINESSMEN, INC.

Individuals

None.

Companies

Hartford Electric Light Co., $100, 1959; $100, 1962.

Jersey Central Power & Light Co., $150, 1962.

Connecticut Light & Power Co., $50, 1962 (under heading of National Associated Businessmen's Association).

NATIONAL EDUCATION PROGRAM, HARDING COLLEGE, SEARCY, ARK.

Companies

Louisiana Power & Light Co., $1,000, 1962; $1,000, 1963.

Arkansas Power & Light Co., $1,200, 1962; $1,000, 1963.

Houston Lighting & Power Co., $1,000, 1963.

Washington Water Power Co., $100, 1961; $100, 1962; $100, 1963.

New Orleans Public Service Co., $2,500, 1963.

Oklahoma Gas & Electric Co., $1,000, 1963.

Central Illinois Public Service Co., $100, 1962.

Southwestern Public Service Co. (Texas), $500 (estimated), 1961.

Montana Power Co., $300 each, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961.

NATIONAL TAX EQUALITY ASSOCIATION—NTEA

Companies

Carolina Power & Light Co., $1,500 each in 1947, 1948, 1949, and 1950, and $500 in 1962.

Central Hudson Gas & Electric Co., New York, $212, 1962.

Central Illinois Public Service Co., $150, 1962.

Central Power & Light Co., Texas, $500 each in 1947, 1948, 1949, and $480 in 1950.

Cleveland Electric Co., $1,200 each in 1947, 1948, 1949, and 1950.

Connecticut Light & Power Co., $200, 1962.

Consumers Power Co., $500 each in 1947, 1948, 1949, and 1950.

Detroit Edison Co., $1,000, 1949; $500, 1950.

Georgia Power Co., $250, 1947; $500, 1948; $490, 1949; $490, 1950.

Ohio Edison Co., $400, 1947; $800, 1948; $800, 1949; $400, 1950.

Public Service Electric & Gas Co. (N.J.) $1,500, 1947; $1,000, 1948; $1,000, 1949; $1,000, 1950; $500, 1963.

Southwestern Public Service Co., Texas, $50 (estimated), 1961; $500 (estimated), 1963.

Texas Electric Service Co., $900, 1947; $1,000, 1948; $1,000, 1949; $500, 1950.

Utah Power & Light Co., $500, 1947; $250, 1962.

Virginia Electric Power Co., $1,000, 1947; $1,000, 1948; $500, 1949.

Washington Water Power Co., $1,500, 1947; $1,500, 1948; $500, 1949; $1,000, 1950; $500, 1963.

Wisconsin Power & Light Co., $500, 1949.

Pennsylvania Power & Light Co., $500, 1947; $1,000, 1948; $500, 1949; $250, 1950.

Public Service of Colorado, $750, 1947; $500, 1948; $500, 1949.

Public Service of Indiana, $1,000, 1947; $1,000, 1948; $500, 1949.

Public Service of New Hampshire, $200, 1948.

Rochester Gas & Electric Corp., $150, 1947; $350, 1948; $100, 1949; $350, 1950.

San Diego Gas & Electric Co., $200, 1947; $350, 1948; $100, 1950.

Wisconsin Electric Power Co., $500 each 1947, 1948, 1949, and 1950.

Indianapolis Power & Light Co., $500, 1947.

Kentucky Utilities, $1,500, 1947; $1,000, 1948; $625, 1949; $750, 1950.

PATRIOTIC EDUCATION, INC.

Individuals

Milton J. Pfeiffer, vice president, Cincinnati Gas & Electric Co., and vice president,

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[2] A holding company whose subsidiaries are Alabama Power Co., Georgia Power Co., Mississippi Power Co., and Gulf Power Co.

Union Light, Heat & Power Co. of Ky., board of trustees.

Edward L. Kohnle, director, Dayton Power & Light Co., national advisory board, 1962.

SOUTHERN STATES INDUSTRIAL COUNCIL

Individuals

A. R. Watson, president and general manager, Southwestern Public Service Co., president.

William M. Shepherd, vice president, Arkansas Power & Light Co., director.

William H. Skinner, vice president, Kentucky Utilities, director.

Louis V. Sutton, president, Carolina Power & Light Co., director.

R. Baxter Wilson, president, Mississippi Power Co., vice president.

D. S. Kennedy, president, Oklahoma Gas & Electric Co., vice president.

P. Q. Feringa, assistant to the board chairman, New Orleans Public Service Co., vice president.

Companies

Georgia Power Co., $300, 1949.

Idaho Power Co., $250 each in 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, and 1962.

Southwestern Public Service Co., Texas, $500 (estimated), 1962.

Virginia Electric Power Co., $1,000, 1947; $1,000, 1948; $500, 1949.

YOUNG AMERICANS FOR FREEDOM—YAF

Companies

Southwestern Public Service Co., Texas, $500 (estimated), 1961; $500 (estimated), 1963.

Virginia Electric & Power Co., $100, 1963.

MISCELLANEOUS

Individuals

American Security Council, Donald H. Shaw, treasurer, Iowa-Illinois Gas & Electric Co., member of contribution policies committee.

National Economic Council, Joshua Green, Sr., director, Puget Sound Power & Light Co., member, advisory commission.

John Birch Society, William B. Coberly, director, Southern California Edison Co., member of the committee of endorsers.

Spiritual Mobilization, William B. Coberly, director, Southern California Edison Co., director.

Ark-La-Tex Anti-Communism Association (also known as Americanism Forum, Inc.), Sam Schweiger, advertising manager, Southwestern Electric Power Co., executive committee president.

Christian Anti-Communism Crusade, Roland C. Behrens, director, Wisconsin Electric Power Co., life member.

Companies

American Security Council, Southwestern Electric Power Co., $250, 1962.

Ark-La-Tex Anti-Communism Association, Southwestern Electric Power Co., $100, 1962.

Arkansas Free Enterprise Association, Southwestern Electric Power Co., $50, 1962.

Freedom Education Service Inc., Washington Water Power Co., $500, 1961; $500, 1962.

Freedom Fighters Inc., Washington Water Power Co., $500, 1962.

Committee for One Million, Southwestern Public Service Co., $500 (estimated), 1962; $500 (estimated), 1963.

Dan Smoot report, Southwestern Public Service Co., $500 (estimated), 1963.

National Precinct Workers, Southwestern Public Service Co., $500 (estimated), 1961; $500 (estimated), 1963.

Western Tax Council, Southwestern Public Service Co., $500 (estimated), 1961.

ADJOURNMENT UNTIL MONDAY

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate adjourn until Monday next at noon.

The motion was agreed to; and (at 2 o'clock and 59 minutes p.m.) the Senate, under the order previously entered, adjourned until Monday, September 28, 1964, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Lithuanian Festivities at World's Fair

EXTENSION OF REMARKS

OF

HON. KENNETH B. KEATING

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, September 25, 1964

Mr. KEATING. Mr. President, I was privileged to attend Lithuanian Day ceremonies at the New York World's Fair last month and to join in paying tribute to the brave people of Lithuania. Jospeph Kajeckas, Chargé d'Affaires of the Lithuanian Government, also spoke on that memorable occasion as well as on August 23 at the Lithuanian song and dance festival.

I ask unanimous consent to include in the CONGRESSIONAL RECORD the text of the remarks of Mr. Kajeckas on those occasions.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SENATOR KEATING'S REMARKS ON LITHUANIAN DAY AT THE WORLD'S FAIR, AUGUST 23, 1964

I always welcome an opportunity to pay tribute to the oppressed people of Lithuania and the cause they represent.

What is at stake in Lithuania is the great question that will determine the future of mankind—the question of whether men and nations should be free.

Two historic movements are in conflict throughout the world. On one side are the democratic nations of the West which have worked steadily since World War II to spread human freedom by granting independence to their former colonies.

On the other side are the new imperialists of international communism who have moved relentlessly to extend their tyranny by swallowing up smaller and weaker nations.

Lithuania's present state is a tragic example. I have admiration for this brave little land which reestablished its independence in 1918 and victoriously fought off Soviet Russian attempts at conquest for 3 long years. I mourn Lithuania's loss of its hard-won freedom during World War II when the Soviet Communists finally succeeded in taking over the country by military force and annexing it against the will of the people.

Lithuania as a nation disappeared from the map of Europe, but it still lives on in the hearts of its sons and daughters who loathe their Communist masters.

There are some in the United States today who say that we should accept the map as the Communists have redrawn it. They say that we only delude ourselves and the Lithuanian people when we talk of future freedom for Lithuania.

Those who offer these counsels of defeatism call themselves realists. I call them shortsighted. They are unable to see beyond the surface map of the moment to the underlying realities of our world situation.

It is totally unrealistic to suppose that by condoning Russia's annexation of Lithuania and the other Baltic countries we can expect Soviet communism to become more conciliatory. Instead, the Soviets will be encouraged to pursue their aims of conquest all the more aggressively.

It is equally unrealistic to suppose that if we yield in such matters of principle we can retain effective leadership among free world nations. Instead, there will be a loss of confidence in the United States among our friends and allies.

True realism demands an opposite course. We must make it unmistakably clear that in our dealings with the Communist world we will never bargain or make concessions on the fundamental issues of human rights and freedom. So far the defeatists in our ranks have not prevailed. The U.S. Government, with the backing of not only 1 million fine Americans of Lithuanian origin, but the American people as a whole, has continued to withhold recognition of the Soviet conquests of the Baltic republics.

We must stand firm on this policy, and we should go farther. We should not be content with a passive policy of nonrecognition. We must proclaim at every opportunity the right of self-determination for the Lithuanians and for the many other subject peoples now suffering under alien Communist oppression.

In so doing, we can reassert before the world the absolute falsity of the Communist claim to be the liberators of humanity.

We must give our support to the cause of freedom in Lithuania as a matter of right and justice.

We must give this cause our support if we are to succeed in the great struggle to advance the cause of freedom throughout the world.

REMARKS BY JOSEPH KAJECKAS, CHARGÉ D'AFFAIRES A.I. OF LITHUANIA, AT THE LITHUANIAN SONG AND DANCE FESTIVAL, SINGER BOWL, NEW YORK WORLD'S FAIR, AUGUST 23, 1964

Mr. Chairman, distinguished guests, ladies and gentlemen, at the last New York World's Fair held here in Flushing Meadow, on the eve of World War II, Lithuanians exhibited to the world the happy fruits of the peaceful progress under freedom and independence which they had enjoyed since 1918. They demonstrated the indomitable spirit of a people whose language and culture are older than that of most other countries of the world. Since that last New York World's Fair, however, Lithuania has been a captive nation and the victim of ruthless, flagrant and continuing aggression. We meet here today to honor the thousands of valiant Lithuanians who have died in the just cause of freedom, and also to demonstrate that the desire of Lithuanians to be free and independent again continues to burn with undiminished strength. Earlier today, we participated in ceremonies at the Lithuanian Wayside Cross erected here at the World's Fair; that cross symbolizes the suffering of our people, but it also symbolizes their hope and determination to be free again.

Here at this song and dance festival, we see an expression of the flowering of Lithuanian culture. The variety and vigorous life of our native arts encourage us to hope that the creative energy mirrored in art can lead to a better world for all peoples, if only we remember how to dream, how to be dedicated, how to spend ourselves. Our songs and dances teach us how to put aside inhibitions, how to go out of ourselves, and how to join with others in "taking arms against a sea of troubles." We are doubly proud today to have as the mistress of ceremonies of this festival Miss Ruta Lee Kilmonis, who just a week ago succeeded, after long years of effort, in effecting the release of her grandmother from behind the Iron Curtain. She has given us all an example of how to persevere in a just cause. I am privileged to congratulate her and all the participants in this Lithuania Day, especially Chairman Prof. Jack J. Stukas and his committee, and to welcome the visitors to this event of the Fair.

REMARKS BY JOSEPH KAJECKAS, CHARGÉ D'AFFAIRES A.I. OF LITHUANIA, ON THE OCCASION OF LITHUANIA DAY AT THE U.S. FEDERAL PAVILION, NEW YORK WORLD'S FAIR, N.Y., AUGUST 24, 1964

Mr. Chairman, distinguished guests, ladies and gentlemen, it is a privilege to greet you at this observance of Lithuania Day at the Federal pavilion. By gathering here today, we are honoring a nation whose language and culture are older than that of most countries of the world; a nation that played a great part in the formation of modern Europe, and whose people have for centuries demonstrated their dedication to human freedom; we honor a nation well over a million of whose sons and daughters on American soil have played a substantial part in helping America meet the challenges of freedom.

In the early middle ages, Lithuania was one of the most powerful states in Europe, but her power dwindled, and she was engulfed by a more powerful neighbor. For centuries after that, Lithuanians struggled to regain their freedom and independence, and this they did in 1918. From 1918 until 1940, Lithuania achieved a wonderful record of peaceful democratic progress in all spheres of national life. But in 1940, Lithuania was gobbled up by her imperialistic and totalitarian neighbor in a flagrant and ruthless act of aggression. That illegal occupation continues to the present day, and the atrocities and genocide which it involves are public knowledge. Here at the fair there is a Lithuanian wayside cross opposite the garden of meditation; this cross is dedicated to the thousands of brave Lithuanians who have died in the struggle to regain their country's liberty. That cross expresses the suffering of my enslaved nation, but it also stands for the hope and determination of my people to be free again.

I have talked about these aspects of Lithuanian history because the theme of this fair is "Peace Through Understanding." One of the things we must understand is that there is no real peace without human freedom based upon the dignity of the individual; as Abraham Lincoln said, the world cannot endure half slave and half free. And if men and nations are to cooperate peacefully, there must be justice between them. There is, in other words, no peace without justice, and that is the principal problem facing the world today. In this sense, the present fate of Lithuania, a nation unjustly enslaved, has for almost a quarter century served as a paradigm of a world out of joint. Yet the determination of the Lithuanian people to be free again stands as an example of hope to all freedom-loving peoples. And the contributions made by Lithuanian-Americans to build a good and free society in America, their adopted country, shows how hope must be made manifest in action.

Ladies and gentlemen, there is no doubt that we live in a paradoxical age. Millions of people have made the voyage to America, a voyage so eloquently documented in a film here at the Federal pavilion, and then passed through New York Harbor and the welcoming presence of the Statue of Liberty. Now, hundreds of thousands of people who approach this Federal pavilion must pass by the Berlin pavilion, which reminds us of injustice and wanton disregard for human dignity, but it also expresses the hopes of the people of West Berlin. Such a seeming contradiction helps to remind us that a just political order takes years to build, but injustice and greed can tear it down overnight. Evil forces have a much easier time of it than the forces of justice, because evil forces can afford to be unscrupulous. As we enter this Federal pavilion, we pass by an excellently fashioned bust of a man who knew how to be patient and courageous in the face of this paradox. John Kennedy once described the unfinished business of freedom-loving peoples as "the long twilight struggle." No one has put it better. The Lithuanian people who have enriched these American shores know that lesson very well. Their patience and courage in the pursuit of regained independence for Lithuania is matched only by their gratitude to their fellow Americans for the steadfast support and encouragement which Americans have given to the Lithuanian cause. And I echo their gratitude as I warmly thank you for your presence here on Lithuania Day at the Federal pavilion.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 28, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Hebrews 4: 16: *Let us therefore come boldly unto the throne of grace, that we may obtain mercy, and find grace to help in time of need.*

O Thou God of all love and mercy, of all wisdom and understanding, we rejoice that daily we are invited to come as the beneficiaries of Thy abounding grace.

Fill us with gratitude and may the spirit of humility conquer all sentiments of pride and selfishness and may charity triumph over hatred and cynicism.

We penitently confess that we are frequently indifferent and rebellious toward Thee and so thoughtless in regard to the hopes and longings of humanity.

Inspire our hearts to beat with feelings of devotion and obedience toward Thee and with a deep concern for the needy members of the human family.

Grant that we may never shirk our responsibilities but may we, of this day and generation, see more clearly that we must help to solve those very problems which we have helped to create.

Give guidance and sound judgment to our President and Speaker and our chosen Representatives and citizens, inspiring them with a passion for righteousness and a lofty sense of duty as they minister to the peace of and welfare of all mankind.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 24, 1964, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate has passed without amendment bills, joint resolutions, and a concurrent resolution of the House of the following titles:

H.R. 1853. An act for the relief of Patti Jean Fulton;

H.R. 2509. An act to authorize Reserve officers to combine service in more than one Reserve component in computing the 4 years of satisfactory Federal service necessary to qualify for the uniform maintenance allowance;

H.R. 2753. An act to disclaim any title of the United States to certain real property in Modoc County, Calif.;

H.R. 2859. An act to provide for the promulgation of rules of practice and procedure under the Bankruptcy Act, and for other purposes;

H.R. 3642. An act for the relief of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami;

H.R. 4972. An act for the relief of Robert E. McKee General Contractor, Inc., and Kaufman & Broad Building Co., a joint venture;

H.R. 4989. An act to amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the northern division to the southern division of the eastern judicial district and to authorize a term of court at Ann Arbor;

H.R. 5042. An act for the relief of certain officers of the naval service erroneously in receipt of compensation based upon an incorrect computation of service for basic pay;

H.R. 5500. An act for the relief of Lt. John P. Mann;

H.R. 5759. An act for the relief of Connecticut Beverage Co., Inc.;

H.R. 6593. An act for the relief of Earnest O. Scott;

H.R. 7788. An act for the relief of Jack B. Fisher;

H.R. 8300. An act for the relief of Gordon W. McGrew;

H.R. 8596. An act for the relief of Patrick J. Clyne;

H.R. 9201. An act for the relief of Capt. Charles H. Glassett, Jr.;

H.R. 9435. An act to improve judicial procedures for serving documents, obtaining evidence, and proving documents in litigation with international aspects;

H.R. 10204. An act to extend the Osage mineral reservation for an indefinite period;

H.R. 10294. An act for the relief of Mrs. Lois Graybill;

H.R. 10328. An act for the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes;

H.R. 10526. An act for the relief of Marvin S. Kline;

H.R. 10634. An act for the relief of Quality Bedding Co.;

H.R. 11332. An act to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding directly to or returning directly from active duty for training or inactive duty training;

H.R. 11626. An act to authorize the payment of expenses incident to the evacuation of dependents of military personnel from Panama and Cyprus;

H.R. 11913. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of antimony from the national stockpile and the supplemental stockpile;

H.R. 12033. An act to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes;

H.R. 12091. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 9,500,000 pounds of sisal from the national stockpile;

H.R. 12289. An act to establish the Lewis and Clark Trail Commission, and for other purposes;

H.J. Res. 753. Joint resolution to authorize the President to proclaim October 15 of each year as White Cane Safety Day;

H.J. Res. 793. Joint resolution authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs; and

H. Con. Res. 320. Concurrent resolution to express the sense of the Congress on disposal from the national stockpile of certain materials.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2512. An act to clarify the status of members of the National Guard while attending or instructing at National Guard schools established under the authority of the Secretary of the Army or Secretary of the Air Force, as the case may be, and for other purposes;

H.R. 5871. An act to amend section 11 of the act of April 1, 1942, in order to modify the retirement benefits of the judges of the District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia, and for other purposes;

H.R. 6233. An act to provide for the conveyance of certain land of the United States to the Pascua Yaqui Association, Inc.;

H.R. 8427. An act to provide for the establishment and maintenance of a Central Intelligence Agency Retirement and Disability System for a limited number of employees, and for other purposes;

H.R. 9718. An act to authorize the crediting of certain military service for purposes of reserve retired pay;

H.R. 9976. An act for the relief of Elmer Levy; and

H.R. 12308. An act to authorize removal of a flight hazard at the U.S. Naval Air Station, Norfolk, Va.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11380. An act to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The message further announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House upon the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. HICKENLOOPER, and Mr. AIKEN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 416. An act for the relief of Patrick E. Eagan;

S. 1225. An act for the relief of Dr. Marshall Ku;

S. 1339. An act for the relief of Lester W. Hein and Sadie Hein;

S. 1541. An act to amend title 18, United States Code, to make unlawful certain practices in connection with the placing of minor children for permanent free care or adoption;

S. 2021. An act to amend section 1437 of title 10, United States Code, relating to payments of annuities based on retired pay of members of Armed Forces;

S. 2119. An act for the relief of Gerhard Hofacker;

S. 2286. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Frank E. Lipp;

S. 2413. An act for the relief of Nora Isabella Samuelli;

S. 2414. An act for the relief of Nora Isabella Samuelli;

S. 2578. An act for the relief of M. Sgt. Richard G. Smith, U.S. Air Force, retired;

S. 2583. An act for the relief of Ivan Radic, his wife, Ester Radic, and their daughter, Olivera Radic;

S. 2653. An act for the relief of Claire Angelillo;

S. 2689. An act for the relief of Christos Stratis;

S. 2736. An act for the relief of Georges Fraise;

S. 2767. An act for the relief of George Tillson Weed;

S. 2782. An act to provide public works and economic development programs and planning and coordination needed to assist in the development of the Appalachian region;

S. 2789. An act for the relief of Nikolai Artamonvov;

S. 2868. An act for the relief of Andreas, Gregorios, Eleni, Nikolaos, and Anna Chingas;

S. 2952. An act for the relief of Sp. Manuel D. Racelis;

S. 3035. An act to provide for the disposition of judgment funds now on deposit to the credit of the Red Lake Band of Chippewa Indians;

S. 3064. An act for the relief of the estate of R. M. Clark;

S. 3117. An act for the relief of Vermont Maple Orchards, Inc.;

S. 3132. An act for the relief of Dr. Josefina Quintos Marcelo;

S. 3133. An act for the relief of Dr. Bernardino D. Marcelo;

S. 3162. An act to amend section 105(a) of the Legislative Branch Appropriation Act, 1965, with respect to the disclosure in reports required thereunder the names of persons who have appeared as witnesses before committees sitting in executive session;

S. 3174. An act to amend section 5 of the Employment Act of 1946;

S. 3199. An act to amend the Small Business Investment Act of 1958; and

S. Con. Res. 96. Concurrent resolution to print additional copies of a committee print entitled "Catalog of Federal Aids to State and Local Governments."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2687) entitled "An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes."

The message also announced that the President pro tempore, pursuant to House Concurrent Resolution 179, appointed Mr. RANDOLPH and Mr. COOPER as members, on the part of the Senate, of the special committee to deliver to the American Association of State Highway Officials at its meeting in December 1964 a copy of said resolution expressing to the association the appreciation of Congress for its service to the Nation.

PROSPECTUSES FOR PUBLIC BUILDINGS PROJECTS

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS,
HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washingon, D.C., September 23, 1964.

Hon. JOHN W. MCCORMACK,
Speaker of the House,
The Capitol, Washington, D.C.

DEAR MR. MCCORMACK: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives on September 22, 1964, approved prospectuses for the following public building projects, which were transmitted to this committee from the General Services Administration:

CONSTRUCTION

Houston, Tex.: Federal motor vehicle facility.

ALTERATION

Stockton, Calif.: Naval Supply Center, Stockton Annex.

LEASES

Jackson, Miss.: Department of Agriculture.

Waco, Tex.: Veterans' Administration regional office.

Sincerely yours,
CHARLES A. BUCKLEY,
Member of Congress,
Chairman, Committee on Public Works.

(Copies to Appropriations Committee, Senate Public Works Committee, General Services Administration.)

REV. BERNARD BRASKAMP, CHAPLAIN OF THE HOUSE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I know that I express the sentiments of all Members of the House when I say that we are delighted and we rejoice that our great and beloved Chaplain has recovered and is back with us. We have missed him. We have missed his spiritual leadership in this House. Rev. Dr. Braskamp is a man of God. He is a man of wisdom.

We all sincerely hope that he will be with us for many, many years to come.

Mr. HOEVEN. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. Mr. Speaker, I yield to the gentleman from Iowa, who represents the hometown from which Rev. Dr. Braskamp comes.

Mr. HOEVEN. Mr. Speaker, I want to join the distinguished majority leader in paying tribute to our beloved Chaplain, Dr. Braskamp. We are delighted to have him back with us completely restored to health. We missed his inspiring prayers while he was away. Needless to say, Dr. Braskamp has our best wishes as he takes up his work among us once more. His daily prayers are a real stimulus to all of us.

Mr. ALBERT. I thank the gentleman.

EARNEST O. SCOTT

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 367 for the relief of Earnest O. Scott.

The Clerk read the resolution, as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of the bill (H.R. 6593) entitled "An act for the relief of Earnest O. Scott," the Clerk of the House of Representatives is authorized and directed to make the following correction:
>
> On page 2, line 7 of the engrossed House bill, strike out "some" and insert "any sums".

The resolution was agreed to.

A motion to reconsider was laid on the table.

CAL-SAG AND THE ILLINOIS WATERWAY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, it is a source of great satisfaction to the people of the district I have the honor to represent, as it is to me, that the 2d session of the 88th Congress has provided in the Public Works Appropriation Act a total of an additional $11,300,000 for a continuance of the work on the Cal-Sag project, which is destined to make Lake Calumet in the Second District of Illinois the greatest inland ocean port in the world.

For many years I have dreamed of the time when the largest ships of the seven seas would come down the St. Lawrence River Waterway into Lake Calumet and, landing one cargo and reloading with another, would leave Lake Calumet, pass down the Illinois Waterway and reenter the boundless ocean domain at the Gulf of Mexico.

I am grateful and happy that it has been given unto me during my service in the Congress the opportunity of contributing my part to making come true a dream very dear to me and of real vital concern to my country and my countrymen, since in the unhappy event of war the completed Cal-Sag project would be the backbone of our defense. The opening of the St. Lawrence Seaway and the commencement of large-scale development of Cal-Sag both came during my tenure in office. The dream has not been realized in its completeness. The Illinois Waterway has not been completed so that large vessels, with the cargoes of the world, can go from Lake Calumet to the Gulf of Mexico.

But, Mr. Speaker, a great start has been made and each year has been marked by marvelous progress.

It can be predicted with certainty that with the widening of the channels now underway, both at Lake Calumet and on the Illinois waterway, it will be but a very short time until the world's products brought to Lake Calumet through the St. Lawrence River Seaway will reach the Gulf of Mexico on large scows traveling the deepened and widened channels. Later I am optimistic enough to believe that the Illinois waterway will be built to the gulf wide and deep enough to float large ocean vessels. I venture to say that may be inevitable, especially if circumstances make our people defense-minded.

Up to date Congress has appropriated almost $60 million to Cal-Sag and $11 million has come from non-Federal sources. In addition local interests have expended $41.3 million in constructing or improving channels and terminal facilities.

As the Representative of the district in which is located Lake Calumet, rapidly becoming the center of one of the greatest inland waterways in history, I am deeply grateful to my colleagues on the Committee on Public Works, on the great Appropriations Committee, and on the floor of the House, one and all who by their votes for another $11.3 million for Cal-Sag and the Illinois waterway made a mighty contribution to the economy and the security of our beloved country and, may I add, Mr. Speaker, to the welfare and the happiness of the good men and women in the district I represent.

WHERE WERE THEY?

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, across the length and breadth of this land, we have seen racial riots, agitation between the races, and unfortunately a mass of misinformation disseminated to the American people, to the extent that they today do not know what to believe.

Such has been the problem in a small community of some 6,500 persons in north Florida. In Live Oak, we have a fine agricultural section, where the two races have lived harmoniously. Fine leadership exists, and progress has been the byword in every phase of endeavor over the past years.

There has been no hint that anyone has been denied the right to vote; rather, all men and women, of both races, are encouraged to register and vote.

This is an area in our beloved Southland where segregation has been the accepted way of life. But the people of this fine area have gone out of their way to meet the challenges of today. I believe our people have acted, and are acting, responsibly and with reason.

Until recently there was a dialog between the two races, and in this context, progress can be made. But of late, we have seen this area flooded with ill-advised people from the Northeast who are not familiar with the traditions of the South, who flood our area with preconceived notions, insult our officials, and stir up as much turmoil and strife as possible.

The recent devastation of Hurricane Dora hit Live Oak, Fla., about as hard as any area in the Nation. Floodwaters destroyed homes and business without regard to race, creed, or color.

And the people of this area responded as they always have, as neighbors, they helped each other. The hungry were fed, the homeless were housed, and those with little wearing apparel were clothed. These people helped each other as neighbors and as friends.

Out of this came an inquiry from the local newspaper which makes an excellent point. The racial agitators were gone, they were not on hand to help when they were needed. They can be found at other times, but not in this time of real need.

The point, it seems to me, is that local people can best solve these local problems. We do not deny that we have problems but an honest effort is being made to meet these problems and to solve them. These people, the leadership of both races, deserve the time to make a good faith effort.

These ill-advised people from other areas of the Nation, with preconceived notions and with little or no respect for the rights and opinions of others, cause more strife and turmoil than they can ever hope to solve. Were it not for the TV cameras and the publicity they seek, they would be back at home, doubtlessly doing little to alleviate the problems which exist in their own areas.

I am asking that this editorial be reprinted herein. I do so for I think it makes a good point. I think it past time for these outside agitators to stay home, and allow the leadership of both races in the South to meet, and attempt to solve their problems. More success and progress will come from such an attempt as this, than can ever come from that which we have been experiencing.

WHERE WERE THEY WHEN THEY WERE NEEDED?

(By Louie C. Wadsworth)

Where were they?

As every person in Suwannee County knows, this community has been the victim of unwarranted, unthinking, and unfeeling tension between the races during recent months.

We have seen agitators come into our community to insult and inflame. Several unfortunate instances have seen violence averted only by cool heads on the part of the law officials and the good people of both races of Live Oak.

Daily from the papers we read of the agitators pouring into our cities, engineering strife where there is none. Ignorant and totally imbecilic trained agitators prey upon the colored people and seek to threaten officials and the people.

In a land of law, we have a group that believes that law is only for one side. The laws they agree with must be abided by all of the people, but those they disagree with, on whatever pretext, are to be violated with riots, violence, or any other means.

And they do this because the colored people are supposedly persecuted in the South. And so in Live Oak we have had our problems with characters similar to those of Greenwich Village, where otherwise they would be cursing and defiling free enterprise, religion, capitalism, labor, management, and everyone else—while learning to be first-class dope addicts and strumming obscene tunes on a uke.

And there are the other misguided souls coming into our land like the mother of the Governor of Massachusetts. What possible business she had in St. Augustine is beyond us. We would resent bitterly the family members of Florida's Governor going to that State to cause strife and turmoil.

But they do this in the name that they are helping.

Well the big question in Live Oak today is: Where are they?

Today a large part of the colored population of this city is homeless, hungry, poorly clothed, miserable, and flooded out by the terrible storm of the past week.

Where is the NAACP, where is CORE, the Student Non-Violent Coordinating Committee, the Urban League, SNICK, and the multitude of other organizations that infest this land?

We can't find them.

And who did the colored people of Suwannee County turn to? As in all times past, they turned to their fellow citizens, both black and white.

And we aided each other.

Had it not been for immediate assistance from the Red Cross and Salvation Army, the people of Live Oak would have shared what little was left.

There was no racial strife and unrest here this week. Just folks who have for years lived and worked in harmony determined to let their faith in God, sympathy, and understanding guide their efforts to bring peace, safety and normalcy to a battered and flooded community.

But CORE and the NAACP have aided neither. They are not to be found. Their leaders are doing nothing. They do not seemingly find it to their liking to help out their colored brethren when a disaster like this strikes. They would rather spend their time ranting and raving, rioting and looting, agitating and causing strife and turmoil.

They'll be back. On this you can bet.

We would hope that when they do, the colored people of this community will ask them a simple question.

"Where were you when you were needed?"

PROPOSED LEGISLATION CONCERNING PRESIDENTIAL HOMICIDE

Mr. POFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection?

Mr. POFF. Mr. Speaker, I am as anxious as any other Member of Congress to go home and begin campaigning. However, if Congress is to be held in session to hold hearings and act upon legislation concerning Presidential homicide, then Congress should also consider the equally important question of Presidential inability and succession. We at least have State laws on murder. We have no definitive laws, State or Federal, on disabling illness or injury to our Presidents. Presidential disability, physicial or mental, poses particular problems in this nuclear age. No one has yet decided what the word "inability" as used in the Constitution really means.

Who is to decide that a President is disabled? Who is to decide that the disability has been terminated, and what procedure would be followed? During the period of disability, does the Vice President assume the office of President or only the powers and duties of the office? Can the ambiguity be clarified by statute or is a constitutional amendment required?

After much study, I have concluded that a full solution requires both a constitutional amendment and a statutory enactment. The constitutional amendment should be tripartite, providing, first, that in case of the impeachment, death or resignation of the President, the Vice President shall assume the office itself for the remainder of the term; second, that in case of inability, the Vice President shall assume only the powers and duties of the office as Acting President during the period of disability; and third, that the Congress shall have power by statute to establish the method and procedure for determining the commencement and termination of disability.

With reference to the latter, I have not finally decided what method and procedure the statute should establish. However, here is one possible approach. The statute might provide, first, that the President may declare in writing that he is disabled; second, that if the President is unable or unwilling to do so, a majority of the members of his Cabinet may do so; third, that the President may declare in writing that his disability is terminated; fourth, that if the Vice President is unsatisfied that the President's disability has terminated, he may, with the written approval of a majority of the members of the Cabinet, refer the question to the Congress; and, fifth, that if the Congress, by a two-thirds vote of the Members present in each House uphold the Vice President, he shall continue to serve as Acting President until, first, he proclaims that the President's disability has terminated, or second, the Congress by a two-thirds vote determines that it has terminated.

ACCELERATED PUBLIC WORKS

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an address.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection?

Mr. HECHLER. Mr. Speaker, as we contemplate the possibility of early adjournment, I hope that my colleagues will give serious attention to a program which has proven its success over and over again: the accelerated public works program.

Few programs have been as helpful, not only in putting people back to work, but in making communities throughout the Nation more able to attract new job-producing industries. With the addition of new streets, water systems, sewer systems, libraries, public buildings and hospitals, thousands of communities have become better places to live.

In the rush to complete the business at hand, there is danger that this program will be overlooked. The machinery is already set up, waiting, and ready to surge into action again, if the authorization and appropriation can be passed before we adjourn. No cumbersome new administrative organization would have to be created. Furthermore, there is a heavy backlog of applications for needed projects, which could be immediately taken off the shelf.

I submit, Mr. Speaker, that we should act before we adjourn to extend and finance the accelerated public works program.

REAPPORTIONMENT

Mr. ICHORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. ICHORD. Mr. Speaker, I have said before and I say again that the issue of legislative reapportionment is probably the most important political issue to be decided by this body and the other body in this century.

I had intended to place in the RECORD today the prize-winning essay in competition conducted by the American Bar Association by Mr. R. W. Nahstoll, a member of the Portland, Oreg., bar. However, I note that the essay has already been placed in the RECORD at page 22751 of the September 24, 1964, issue.

In this prize-winning essay Mr. Nahstoll concludes that the decision of the Supreme Court in Baker versus Carr and the succeeding Supreme Court decisions tend to destroy the viability and the genius of our republican form of government and undermines the health of all State governments in our Republic.

I commend this prize-winning essay to each and every Member of Congress for his close study.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Iowa.

Mr. GROSS. In addition to being a political issue, will the gentleman not agree with me it is one of the most important constitutional issues to come before the country in the last century?

Mr. ICHORD. I agree with the gentleman.

JOHNSON PRICE OF WHEAT POSES THREAT TO CORNGROWERS

Mr. HARSHA. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Findley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection?

Mr. FINDLEY. Mr. Spekaer, wheatgrowers are not the only farmers hurt by heavy dumping of Government wheat. It has a backlash which threatens income of corngrowers too.

Excessive dumping of Government wheat stocks by the Johnson administration has driven the market price of wheat so low it is now competing unfairly with corn as feed for livestock and poultry.

As evidence to prove this point, I cite the official Wheat Situation report issued recently by the U.S. Department of Agriculture, a published analysis by the Hayden, Stone grain brokerage firm in Chicago, and results of my own personal survey.

The Hayden, Stone analysis issued September 3, stated:

> It (wheat) is the cheapest feed that can be bought in the country today. Feed dealers might well take advantage of the situation by using wheat as a primary ingredient in their feed preparations.

The USDA report entitled "The Wheat Situation—1965 Outlook Issue"—WS-189—predicts that domestic use of wheat for feed will more than quadruple this year compared with last year. Page 2 of the report estimates wheat disappearance for feed this year at 65 million bushels, compared with 15 million bushels last year.

On page 4, the official report states:

> The increase (in use of wheat for feed) would stem from the competitiveness between wheat and feed grain prices.

Corngrowers should not be forced to compete for business under the cutthroat conditions brought about by the Johnson-Freeman wheat program. The market price of wheat has been driven unnecessarily low by administration discretionary policies under which massive Government stocks have been released at $1.37 per bushel, farm basis, which is the lowest price permitted by law.

Latest figures released by the U.S. Department of Agriculture show that sales of Government wheat are nearly double the amount sold in an equivalent period last year, and of course this year the release price is about 50 cents lower than last year.

Government sales for the 1964 marketing year through September 18 totaled 104,332,796 bushels, compared with 65,712,644 for the comparable period in 1963—the week which ended September 20. With the feeding value of wheat slightly higher per pound than corn, the Johnson price of wheat poses a serious threat to the income of corngrowers.

Corngrowers should have the opportunity to compete on fair terms in the marketplace for the requirements of the livestock feeding industry. They should not be forced to meet unfair competition caused by dumping of Government wheat stocks.

I have reports from country elevators that some feeders are already choosing wheat over corn for livestock and poultry feed.

The Johnson administration could bolster the price of wheat by halting this unconscionable dumping. This would help wheat farmers, who are still marketing their 1964 crop against unfair Government competition, and of course it would benefit corn farmers, who will soon be marketing their new crop.

In today's depressed cattle and hog prices we see vividly the adverse results of Government dumping of corn in 1961 and 1962. Now similar destruction of farm income is being set in motion by dumping of wheat.

The Government's Commodity Credit Corporation is being used to harm farm income. It was intended for just the opposite. It is high time that Government dumping in commodity markets be brought to a halt.

Here is the latest available data on Government dumping of wheat:

Commodity Credit Corporation sales of wheat

	Cumulative total for 1964 marketing year through Sept. 18	Cumulative total for 1963 marketing year through Sept. 20
Domestic	35,086,277	18,565,620
Export	69,246,519	47,147,024
Total	104,332,796	65,712,644

BOARD OF VISITORS OF THE U.S. COAST GUARD ACADEMY

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. Lennon] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection?

Mr. LENNON. Mr. Speaker, I was elected Chairman of the Board of Visitors to the U.S. Coast Guard Academy this year, and I extend my remarks to include the report of that Board's visit in the Record at this point:

Report of the Board of Visitors to the U.S. Coast Guard Academy, New London, Conn., May 8, 1964

The President of the Senate.

The Speaker of the House of Representatives.

Gentlemen: Pursuant to section 194 of title 14 of the United States Code, the following Senators and Members of the House of Representatives were designated to constitute the 1964 Board of Visitors to the U.S. Coast Guard Academy.

By the President of the Senate: Senator Herbert S. Walters, Democrat, of Tennessee.

By the Senate Committee on Commerce: Senator Warren G. Magunson, Democrat, of Washington (ex officio); Senator J. Strom Thurmond, Democrat, of South Carolina; Senator Hugh Scott, Republican, of Pennsylvania.

By the Speaker of the House: Representative William L. St. Onge, Democrat, of Connecticut; Representative Patrick Minor Martin, Republican, of California.

By the House Merchant Marine and Fisheries Committee: Representative Herbert C. Bonner, Democrat, of North Carolina (ex officio); Representative Edward A. Garmatz, Democrat, of Maryland; Representative Alton Lennon, Democrat, of North Carolina; and Representative Milton W. Glenn, Republican, of New Jersey.

MEETING

A meeting of the Board of Visitors was held at the Academy on May 8, 1964. The following members of the Board were present: Representative William L. St. Onge, of Connecticut; Representative Alton Lennon, of North Carolina; and Representative Milton W. Glenn, of New Jersey.

The following officials of the Coast Guard were also present: From headquarters: Rear Adm. George A. Knudsen, chief, office of personnel; Capt. William L. Morrison, congressional liaison officer; and Capt. Roger M. Dudley, chief, training and procurement division, office of personnel; from the Academy: Rear Adm. Willard J. Smith, Superintendent; Capt. Frank V. Helmer, Assistant Superintendent; Capt. Chester I. Steele, commandant of cadets; Capt. Stanley L. Smith, dean of academics; Capt. Winthrop E. Hoyle, USPHS, acting senior medical officer; Comdr. Robert B. Long, chief, plant and personnel division; Comdr. Alvin N. Ward, comptroller; Comdr. Otto E. Graham, chief, athletic activities division; Mr. Paul H. Johnson, librarian; and other members of the Academy staff.

ARRIVAL, BRIEFING, AND INSPECTION OF BUILDINGS AND GROUNDS

Upon arrival at the Academy, military honors were rendered to the visiting members of the Congressional Board of Visitors. The Superintendent and selected staff officers then met with the Board of Visitors for an informal briefing session in connection with the progress of the construction program at the Coast Guard Academy. Members of the Board then made a tour of the Academy grounds and buildings. Following this, Board members were guests of the Corps of Cadets in the cadet wardroom for the noon meal.

BOARD SESSION

After lunch, the Board members were joined by Coast Guard officers in formal session. Representative Alton Lennon was unanimously elected Chairman of the 1964 Board of Visitors.

SYNOPSIS OF THE MINUTES OF THE BOARD SESSION

1. The Chairman expressed for the Board of Visitors satisfaction for the privilege of membership on the Board and its association with the U.S. Coast Guard Academy. At the suggestion of the Chairman, the Superintendent made a summary, outlined herein, of his written statement to the Board of Visitors.

2. The Superintendent informed the committee members that two groups of distinguished educators recently had made inspection visits to the Coast Guard Academy. During the period April 6–8, 1964, the Academy Advisory Committee under the chairmanship of Dr. Arthur S. Adams completed its 69th meeting. This group reviewed the curriculum, the faculty, and all matters pertaining to the academic program. The report of this committee stressed the necessity of improving the quality of the faculty. During the period April 30–May 1, 1964, the New England Association of Colleges and Secondary Schools sent an evaluation team under the leadership of Dr. Harold L. Hazen, dean of the Graduate School, Massachusetts Institute of Technology, to review the total program of the Coast Guard Academy for the purpose of determining the eligibility of the

Academy for continued accreditation by this association. It was reported by the Superintendent that the consensus of the committee was favorable, but that official action for reaccreditation would be delayed pending acceptance of the report submitted by Dr. Hazen and his committee. Members of the congressional committee received the detailed printed reports prepared by the Superintendent for the Coast Guard Academy Advisory Committee and the New England Association of Colleges and Secondary Schools. These reports were studied in some detail by committee members.

3. After discussing the details of the visits of the two aforementioned groups, the Superintendent reviewed the procedures followed in the cadet administrative division, including the program for inculcating in cadets those qualities of self-discipline, leadership and motivation for the service. Members of the committee noted the fact that much of the administration of the cadet regiment is actively carried out by the senior cadets (first class). By this procedure, the principles of military command are learned early in the life of a prospective Coast Guard officer. The Superintendent noted that all cadets attend divine services of their choosing each Sunday, either at the cadet chapel or at a local church. The social development of the cadets is fostered by formal and informal dances. Receptions are held periodically at the Academy and on the summer cruises, and lectures by well-known speakers are given throughout the year.

4. The Superintendent further reported that the class of 1968 is the first Academy class to follow the new procedure for admission, involving the College Entrance Examination Board tests. It was reported that approximately 3,000 cadet candidates had completed the required tests and that a class of approximately 230 will enter the Coast Guard Academy on July 6, 1964.

5. Further remarks by the Superintendent included the information that construction work is well underway on the project involving the refurbishing of the Academy infirmary. It is expected that work will be completed by September 1, 1964. Site development work for the new playing fields is underway and construction of a new fieldhouse is anticipated in the near future. It was reported that future projects will include the renovation of deteriorated waterfront buildings, renewal of utilities, improvement to the main entrance gate and conversion of the permanent rigging loft to a rifle and pistol range.

6. At the conclusion of the Superintendent's formal report to the Congressional Board of Visitors, a discussion period followed. The more important items centered around the item of cadet pay and allowances and with the appointment system for cadets to the Coast Guard Academy. It was noted by the Chairman, Representative Lennon, that the matter of cadet pay had been discussed at several preceding visits by the Congressional Board and that concern had been noted in 1962 and 1963 about the inadequacy of cadet pay. During the discussion it was pointed out that cadet pay is related to the basic pay of an officer (O–1). Because of this, cadet pay has remained at the same level, due to the fact that no change has been made in the pay of an officer (O–1). In regard to the matter of appointments to the Coast Guard Academy, members of the Board of Visitors expressed opinions that consideration should be given to adopting a procedure whereby Members of Congress could nominate individuals from their States to take the competitive examinations necessary for appointment to the Coast Guard Academy.

7. At the conclusion of this general meeting, all Coast Guard participants were then excused and the Board of Visitors met in executive session. At the conclusion of the executive session of the 1964 Congressional Board of Visitors, members of the Board met with cadets for informal discussions. Following these meetings, the Board of Visitors was honored by a military review of the Cadet Corps.

CONCLUSION

The 1964 Congressional Board of Visitors wishes to express its appreciation to the Superintendent, Rear Adm. Willard J. Smith, and all members of his staff for the efforts made during the past year to maintain the high standards required in all phases of the Coast Guard Academy's program.

Alton Lennon,
Chairman,
Representative From North Carolina.
William L. St. Onge,
Representative From Connecticut.
Milton W. Glenn,
Representative From New Jersey.

HISTORY MADE IN TEXARKANA

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Patman] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PATMAN. Mr. Speaker, last Friday evening, history was made in my hometown of Texarkana. We played host to a great fellow Texas, President Lyndon Baines Johnson.

The whole Nation read of the President's remarks in Texarkana so I shall not reiterate his memorable words.

I do believe, however, that it is of interest to the entire country the way the President was received by his friends and fellow Texans in Texarkana. Therefore, I wish to place into the Congressional Record several splendid page 1 articles from the Saturday, September 26, 1964, Texarkana Gazette. These articles indicate that we have some excellent reporters in our town. Sally Reese in an article headed "He Had Lots of Eyes Here To Look Into," proved her ability, and Kay Rounsavall told in a colorful piece about how the White House Press Corps was impressed with the crowd and Jimmy Jones wrote interestingly that Governor Faubus, although ill, honored L.B.J.

The lead story written by Bonnie Davis was fine reporting and came under the banner headline, "Giant Crowd Masses on State Line To Cheer President Lyndon Johnson."

The planning that went into such comprehensive coverage with the satisfying results redounds to the great credit of Editor J. Q. Mahaffey. Hats off to all these competent newspaper people and the dozens of others who helped in the reporting of Texarkana's historic moment.

There were other splendid articles, but I am putting these in the Record for the benefit of the American people and, particularly, for our historians.

He Had Lots of Eyes Here To Look Into

(By Sally Reese)

President Lyndon B. Johnson, who recently said he wanted to look every American voter right in the eye, looked into the eyes of a lot of them here Friday night.

People from four States reached up to shake his hand after he finished his speech in front of the post office.

Estimates of the number who turned out to see the President ranged from 40,000 to 75,000.

Thousands lined the route from the airport and the crowd at the post office was almost solid to Fourth Street.

The people in front of the speaker's platform surged forward and nearly broke the barricade when President Johnson reached out to shake their hands.

They cheered when he finally arrived, an hour late, and bounded up the steps of the platform waving to them as a band played "Hello, Lyndon."

They listened to him under the watchful eyes of security men who covered nearby buildings and walked among them with walkie-talkies while troopers faced them from the other side of the barracades.

The area in front of the post office bristled with placards friendly to President Johnson. A white banner with "Welcome" in big black letters stretched across the State line. Close by, the Goldwater headquarters was brilliantly lighted.

The crowd started gathering in front of the the post office about 4 hours before the President arrived. Six persons collapsed during the long wait and were given hospital treatment.

Three who came early were Mr. and Mrs. C. L. Fason and Jack Moore of Karnack, Tex., Mrs. Johnson's hometown. They carried placards proclaiming "Karnack Loves Lady Bird." Mrs. Fason said she had known Mrs. Johnson all her life and her husband and Moore had worked for Mrs. Johnson's late father, "Cap" Taylor. Moore said he had taught Mrs. Johnson how to drive.

Mrs. Johnson spotted the Karnack placards in the crowd, and after her husband's speech she tried to reach over heads to shake hands with the people who carried them.

Holding an arm full of yellow roses, she had told the crowd that "home is a mighty sweet word, and when I'm in Texarkana I'm very close to home." The Karnack contingent cheered. There were more cheers when she said Texarkana had "really put the big pot in the little one" with the reception it gave the Presidential party.

Her husband led the clapping when she smiled in Congressman Wright Patman's direction and said the Texarkanian is "Mr. East Texas, to me."

When the President rose to speak, people lifted their children to their shoulders so they could see him.

They cheered when the Presidential limousine came into view, with Secret Service men running before it, and their cheers rose to screams as President and Mrs. Johnson stepped out and walked up the steps of the platform, while the Community Band played "Hail to the Chief." They cheered again when President Johnson mentioned the late John F. Kennedy who, 4 years and 12 days ago, had stood at the same spot, campaigning for the Presidency.

Jimmy Allen, the Texarkanian who cut the Elberton blue granite stone for the Kennedy memorial unveiled Friday night, said he also had a picture of the late President in stone to give to President Johnson. Allen's father, Morris Allen, executed the World War I memorial that stands in the park west of the post office, and his grandfather created the Confederate Monument in front. Security men flushed youngsters out of the latter Friday night after they climbed up to get a good view of the President.

White House Press Corps Is Impressed

(By Kay Rounsavall)

News interpreters from all over the world jammed into Texarkana Friday night to tell of President Johnson's tremendous reception.

Some snoozed in the press bus from the airport to the post office, tuckered out by a day which started in Washington at dawn and included stops in El Paso, Oklahoma City, and Muskogee before arriving in Texarkana.

After the speech here, the reporters—representing newspapers, television, and radio—bundled themselves into the special Electra and zoomed off for Austin.

The traveling press representatives, although obviously tired by President Johnson's fast pace during the day, were amazed and complimentary about the Texarkana ovation.

Bill Hercher of U.S. News & World Report said comparing the size of towns on today's tour Texarkana had the largest crowd. Hercher, who came to Texarkana 4 years ago with Kennedy, expressed amazement at the enthusiasm of the throng.

Malcolm Kilduff, assistant press secretary, said, "Being from New York and not a Texan I can truthfully say it appears to me that Texans have loved the President from one side of the State to the other."

"The spontaneity of this fabulous crowd is amazing," he said.

Theodore White, the famous author of "Making of a President", said "Considering the hour of the night and season of the campaign the crowd is amazing. The seriousness and mood of the crowd is comparable to any I have seen during the past three presidential campaigns."

Bill Wyant of the St. Louis Post Dispatch noted the number of parents holding small children on their shoulders to view the President on the highway en route to the post office. He also noted Cub and Boy Scouts saluting the President along the parade route.

"It is very heartwarming that people wait so long. People in the press corps see the President daily and lose sight of this at times but it seems to mean so much. The President always seems to get a lot out of contact with the crowds," he said.

GIANT CROWD MASSES ON STATE LINE TO CHEER PRESIDENT LYNDON JOHNSON—CHIEF EXECUTIVE ATTACKS STRANGE, BRITTLE VOICES

(By Bonnie Davis)

A river of people leading from the airport became a mighty flood by the time it reached State line Friday night as Texarkana turned out by tens of thousands to greet President Lyndon B. Johnson.

The President faced a crowd at the post office estimated at 50,000 to 75,000 and paid tribute to the man he succeeded when an assassin struck in Dallas.

Looking over the John F. Kennedy memorial, President Johnson said: "Ten thousand words would not honor the 1,000 days he served all of us. Ten times 10,000 words would not express the sorrow in the hearts of each of us tonight.

"But John Kennedy would be impatient if we spent even 100 words eulogizing him—or sorrowing over him. He would want us to honor him—as he always honored us: By thinking of tomorrow. By talking of what we must do together to make tomorrow better, brighter, and more secure for all men in our land and around the world," the President said.

The President, in a jovial mood despite a long hard day, then launched an attack on BARRY GOLDWATER, although never naming him.

"There are voices in the land tonight that have a strange and brittle tone," President Johnson said. "They cry out that we are weak and soft and blind. They insist the way to the future is the road back into the past. They demand suspicion as the price of liberty and belligerence as the alternate for peace. They just can't seem to find anything right with our beloved country. All they find is wrong.

"The truth is simple and the truth is this: Our Nation was never stronger than it is at this hour. Our Nation was never more prosperous than it is right now.

"You and all of you know in your heart that I am right," said the President. This statement, taken from the Goldwater slogan, drew loud cheers and applause.

"Today we enjoy more freedom than ever before in our history and more time to enjoy it. Some voices deny this. But truth says it is right.

"Today, we have a test ban treaty that keeps the air we breathe clean and free of poison. Some voices say this is wrong. But the mothers of America say it is right. And you know in your hearts it is right," said President Johnson.

"You know in your hearts it is right" was a phrase repeated throughout the President's address.

"What is right for the American people is best for all of us," the President said. "Lady Bird and I open the gate and get behind that black iron fence on Monday. As long as we are there, we shall do what is right and what is best for all the people of this land."

President Johnson was obviously impressed by the size of the crowd. "You did yourself up brown," he told J. Q. Mahaffey, editor of the Texarkana Gazette. "I've never seen a crowd like this."

The crowd was held back by barricades and a line of officers but that didn't keep the President and Mrs. Johnson from reaching out and shaking as many hands as they could reach. At one point, the President leaned so far out that he stumbled on the post office steps, but was caught by a Secret Service man.

People surged around the President as he made his way slowly from the speaker's platform to his limousine. The President, unruffled by the jostling, reached out in all directions to shake hands and say, "Howdy."

"How did I do?" he asked one newsman as he stepped into his car. "Just great," was the reply.

The President made one slip during his speech when he referred to Governor Faubus as "Orval Freeman." Faubus, whose seat was next to the President's on the speaker's stand, laughed and whispered, "That's all right—that's all right." The President apparently did not notice his mistake.

Mrs. Johnson, wearing a blue dress and red coat, was the first dignitary to be introduced by Master of Ceremonies Norman Russell.

"Home is a mighty sweet word," said the First Lady. "When I'm in Texarkana, it's very close to home. It's wonderful to look around and know Karnack (her hometown) is so well represented."

A delegation from Karnack, waving "We Love Lady Bird" placards, got the first handshakes from the President and First Lady.

Mrs. Faubus welcomed Mrs. Johnson "back home," and said the welcome came "from Alta to Alta." Alta is the middle name of both Mrs. Faubus and Mrs. Johnson.

Governor Faubus, pale from his recent bout with a respiratory infection, said, "We are honored tonight by the visit of President Johnson to participate in a dedication ceremony to commemorate the visit of President Kennedy to Texarkana."

He recalled the visits of the late President to Arkansas and said: "The memorial which has been erected and which we here tonight dedicate is in honor of a great American. He was a most personable and gracious man, and few there were who ever doubted his sincerity or his dedication to the service of his country."

Gov. John Connally, who accompanied the President to Texarkana, told the crowd: "Your presence here is the most eloquent manifestation of welcome that you could possibly give to the President and Mrs. Johnson."

Other dignitaries introduced to the crowd included Senator RALPH YARBOROUGH, Congressman OREN HARRIS, and Congressman WRIGHT PATMAN who introduced the President.

State officials, Mayors S. H. Atkinson and O. O. Porterfield, Democratic Party officials and members of the John F. Kennedy Memorial Foundation were seated on the speaker's platform.

FAUBUS, ALTHOUGH ILL, HONORS L.B.J.

(By Jimmy Jones)

Gov. Orval E. Faubus, nursing a respiratory ailment and plagued by a fresh cold, led Arkansas' elected officials to the dedication of the Kennedy Memorial Monument by President Johnson here Friday night.

The Governor, Congressman OREN HARRIS, and the four top officials of Arkansas arrived at 5:30 p.m., and the Governor and Congressman had a cup of coffee at Texarkana Municipal Airport.

Secretary of State Kelly Bryant, Auditor Jimmy Jones, Treasurer Nancy Hall, and Land Commissioner Sam Jones were on the Air National Guard plane with Faubus and Congressman Harris.

They were greeted by Congressman SAM GIBBONS, Democrat, of Florida, a member of the President's advance party, and Bob Lowe, Texarkana attorney.

Mrs. Faubus who drove to Texarkana earlier, met the Governor when he stepped from the plane.

Faubus, who had been hospitalized earlier in the week, said "I don't feel too good but I'm alright." He said his respiratory condition was improved but that he had a fresh cold.

Texarkana Municipal Airport had its busiest day as Secret Service men and Texas and Arkansas State policemen, bands, and a crowd of 500 waited on the President.

Colorful "L.B.J. Girls" dressed in white blouses and blue skirts lined the fence between the air terminal and the runway.

They chanted and cheered and waived Democratic signs and called the hogs much to the dismay of the Texas High Tiger band, on hand to play "Hello, Lyndon" when the President arrived.

The airport fence had campaign signs stuck on it and a sign over the terminal gate proclaimed, "Hello, Lyndon."

Emergency landing crews from Barksdale Air Force Base were brought in for safety precautions during the President's landing.

The Air Force provided a foam truck in the event of fire and a water dispersing unit, in addition to about 40 security policemen from the Shreveport base.

About 60 members of the Texas Department of Public Safety and Arkansas State troopers were at the airport. They were part of 150 troopers from Texas and Arkansas in the city for the ceremony.

Two Government limousines were flown in at 5 p.m. in an Air Force C–130 transport plane. The two Cadillacs—one for the President and one for the Secret Service members—were washed after being driven down the plane's ramps.

Although the President was an hour late, the partisan crowd waited without complaint and let out a great cheer when the press plane landed 2 minutes before the President's jet.

At 7:48, the President's sleek Jet Star touched the runway and Texarkana's greatest celebration was underway.

HUMPHREY FOR GIVING U.S. A-BOMB TO U.N.

Mr. BEERMANN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEERMANN. Mr. Speaker, we are currently in the middle of a national election and charges are flying. One of the current charges that has been particularly annoying since I am a member of the Republican Party, is the one being used to vilify my party's presidential candidate.

This charge is based on the suggestion that the use of tactical nuclear weapons be left up to the discretion of NATO commander and since the Republican candidate for President made this suggestion, he has been heaped with abuse and berated with such terms as "reckless," "irresponsible," and "trigger-happy."

Much of this abuse has been voiced by the vice-presidential candidate for the Democrat Party, who as recently as last week was reported by TV to have charged my party candidate with playing Russian roulette with the safety of the United States.

I would like to point out that I believe the Republican candidate's suggestion on the use of nuclear weapons for NATO is well taken, particularly since it appears, from national news magazines, that the NATO commander may have already been delegated this authority. To that I would add that the Republican presidential candidate's position is mild indeed when compared to another position stated by the Democrat vice-presidential candidate.

His beliefs were voiced in a newspaper story published in the St. Louis Post Dispatch of March 27, 1950. The present Democrat vice-presidential candidate was then quoted as saying that the United States should turn over its entire stockpile of atomic weapons to United Nations.

In view of his published beliefs, I think it is rank campaign hypocrisy for the Democrat vice-presidential candidate to be charging the Republican presidential candidate with irresponsibility, recklessness, and being trigger-happy. I say this because it is hardly necessary to point out that if the United States had turned over its nuclear stockpile to the United Nations, it would be giving it to an organization that contains a percentage of nations, if not openly hostile to the United States, at the very least can be termed unfriendly.

Therefore, in view of the Democrat vice-presidential candidate's recommendation, I would say that my presidential candidate's offer is hardly worth mentioning; at least he never proposed giving our atomic weapons to anyone but loyal Americans. It is my belief that if we had followed the Democrat vice-presidential candidate's suggestion, the United States today could well be virtually powerless and its sovereignty subjected to a United Nations police force. The basis for these beliefs which I state are contained in the newspaper story I have referred to.

I submit the story:

[From the St. Louis (Mo.) Post-Dispatch, Mar. 27, 1950]

HUMPHREY FOR GIVING U.S. A-BOMB TO U.N.—SENATOR PROPOSES MODIFYING BARUCH PLAN TO SHOW SINCERITY IN PEACE HUNT

WASHINGTON, March 27.—Senator HUMPHREY, Democrat, of Minnesota, has proposed that the United States turn its stockpile of atomic weapons over to the United Nations to build an international police force capable of maintaining world peace.

Writing in the Progressive magazine, he said the time has come for the United States "to rekindle the hope of peoples of the world by taking the leadership in the quest for honorable settlement (of the cold war) and universal disarmament."

To do this, he said, U.S. officials should demonstrate the sincerity of their peace intentions by modifying the Baruch plan for world atomic controls which Russia has rejected.

"The United States should stand ready to turn over its stockpile of destruction to the U.N. as part of an international agreement for a police force to maintain world peace," HUMPHREY said. "The U.N. must be transformed into an organization capable of enforcing peace under law."

HUMPHREY suggested also that the State Department invite Russia to join this Nation in urging the U.N. to call a world conference to outlaw war, all types of arms, and peacetime conscription.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore, entered, was granted to Mr. GROSS, for 30 minutes, on Wednesday, September 30, 1964.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. HARSHA) and to include extraneous matter:)

Mr. HOSMER.

Mr. BARRY in two instances.

(The following Members (at the request of Mr. HALEY) and to include extraneous matter:)

Mr. CELLER.

Mr. FINNEGAN.

Mr. FRASER and to include charts.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 416. An act for the relief of Patrick E. Eagan; to the Committee on the Judiciary.

S. 1225. An act for the relief of Dr. Marshall Ku; to the Committee on the Judiciary.

S. 1339. An act for the relief of Lester W. Hein and Sadie Hein; to the Committee on the Judiciary.

S. 1541. An act to amend title 18, United States Code, to make unlawful certain practices in connection with the placing of minor children for permanent free care or adoption; to the Committee on the Judiciary.

S. 2021. An act to amend section 1437 of title 10, United States Code, relating to payments of annuities based on retired pay of members of Armed Forces; to the Committee on Armed Services.

S. 2119. An act for the relief of Gerhard Hofacker; to the Committee on the Judiciary.

S. 2286. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Frank E. Lipp; to the Committee on the Judiciary.

S. 2413. An act for the relief or Nora Isabella Samuelli; to the Committee on the Judiciary.

S. 2414. An act for the relief of Nora Isabella Samuelli; to the Committee on the Judiciary.

S. 2578. An act for the relief of M. Sgt. Richard G. Smith, U.S. Air Force, retired; to the Committee on the Judiciary.

S. 2583. An act for the relief of Ivan Radic, his wife, Ester Radic, and their daughter, Olivera Radic; to the Committee on the Judiciary.

S. 2653. An act for the relief of Claire Angelillo; to the Committee on the Judiciary.

S. 2689. An act for the relief of Christos Stratis; to the Committee on the Judiciary.

S. 2736. An act for the relief of Georges Fraise; to the Committee on the Judiciary.

S. 2767. An act for the relief of George Tillson Weed; to the Committee on the Judiciary.

S. 2789. An act for the relief of Nikolai Artamonvov; to the Committee on the Judiciary.

S. 2868. An act for the relief of Andreas, Gregorios, Eleni, Nikolaos, and Anna Chingas; to the Committee on the Judiciary.

S. 2952. An act for the relief of Sp. Manuel D. Racelis; to the Committee on the Judiciary.

S. 3035. An act to provide for the disposition of judgment funds now on deposit to the credit of the Red Lake Band of Chippewa Indians; to the Committee on Interior and Insular Affairs.

S. 3064. An act for the relief of the estate of R. M. Clark; to the Committee on the Judiciary.

S. 3117. An act for the relief of Vermont Maple Orchards, Inc.; to the Committee on the Judiciary.

S. 3132. An act for the relief of Dr. Josefina Quintos Marcelo; to the Committee on the Judiciary.

S. 3133. An act for the relief of Dr. Bernardino D. Marcelo; to the Committee on the Judiciary.

S. 3174. An act to amend section 5 of the Employment Act of 1946; to the Committee on Government Operations.

S. 3199. An act to amend the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

S. Con. Res. 96. Concurrent resolution to print additional copies of a committee print entitled "Catalog of Federal Aids to State and Local Governments"; to the Committee on House Administration.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1853. An act for the relief of Patti Jean Fulton;

H.R. 2509. An act to authorize Reserve officers to combine service in more than one reserve component in computing the 4 years of satisfactory Federal service necessary to qualify for the uniform maintenance allowance;

H.R. 2753. An act to disclaim any title of the United States to certain real property in Modoc County, Calif.;

H.R. 2859. An act to provide for the promulgation of rules of practice and procedure under the Bankruptcy Act, and for other purposes;

H.R. 3642. An act for the relief of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami;

H.R. 4972. An act for the relief of Robert E. McKee General Contractor, Inc., and Kaufman & Broad Building Co., a joint venture;

H.R. 4989. An act to amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the northern division to the southern division of the eastern judicial district and to authorize a term of court at Ann Arbor;

H.R. 5042. An act for the relief of certain officers of the naval service erroneously in receipt of compensation based upon an incorrect computation of service for basic pay;

H.R. 5500. An act for the relief of Lt. John P. Mann;

H.R. 5759. An act for the relief of Connecticut Beverage Co., Inc.;

H.R. 5932. An act to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act, to amend the Federal Employees Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers, to provide for retroactive salary increases for certain civilian employees of the Federal Government, and for other purposes;

H.R. 7788. An act for the relief of Jack B. Fisher;

H.R. 8300. An act for the relief of Gordon W. McGrew;

H.R. 8596. An act for the relief of Patrick J. Clyne;

H.R. 9201. An act for the relief of Capt. Charles H. Glassett, Jr.;

H.R. 9435. An act to improve judicial procedures for serving documents, obtaining evidence, and proving documents in litigation with international aspects;

H.R. 10204. An act to extend the Osage mineral reservation for an indefinite period;

H.R. 10294. An act for the relief of Mrs. Lois Graybill;

H.R. 10328. An act for the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes;

H.R. 10526. An act for the relief of Marvin S. Kline;

H.R. 10634. An act for the relief of the Quality Bedding Co.;

H.R. 11332. An act to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding directly to or returning directly from active duty for training or inactive duty training;

H.R. 11626. An act to authorize the payment of expenses incident to the evacuation of dependents of military personnel from Panama and Cyprus;

H.R. 11913. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of antimony from the national stockpile and the supplemental stockpile;

H.R. 12033. An act to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes;

H.R. 12091. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 9,500,000 pounds of sisal from the national stockpile;

H.R. 12289. An act to establish the Lewis and Clark Trail Commission, and for other purposes;

H.J. Res. 753. Joint resolution to authorize the President to proclaim October 15 of each year as White Cane Safety Day; and

H.J. Res. 793. Joint resolution authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2687. An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

ADJOURNMENT

Mr. HALEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 29, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2563. A letter from the Chairman, Interparliamentary Union, U.S. Group, transmitting the report of the U.S. Delegation to the 53d Conference of the Interparliamentary Union, held in Copenhagen, Denmark, August 20–28, 1964, pursuant to 49 Stat. 426; U.S.C. 276a; as amended (H. Doc. No. 368); to the Committee on Foreign Affairs, and ordered to be printed.

2564. A letter from the Acting Under Secretary, Department of Agriculture, transmitting a draft of proposed legislation entitled, "A bill to extend and amend provisions of the Sugar Act of 1948, as amended"; to the Committee on Agriculture.

2565. A letter from the Director of Civil Defense, Department of the Army, transmitting the report of Federal contributions program-equipment and facilities for the quarter ending June 30, 1964, pursuant to subsection 201(i) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2566. A letter from the Acting Administrator, General Services Administration, transmitting notice of proposed disposition of raw silk and silk noils held in the national stockpile, pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)); to the Committee on Armed Services.

2567. A letter from the Assistant Secretary, Export-Import Bank of Washington, transmitting a report on shipments to Yugoslavia insured by the Foreign Credit Insurance Association and the Export-Import Bank for the month of August 1964, pursuant to title III of the Foreign Aid and Related Agencies Appropriation Act of 1964 and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

2568. A letter from the Comptroller General of the United States, transmitting a report on examination of financial statements of the accountability of the Treasurer of the United States at June 30, 1964, under custodialship functions for the safekeeping of public funds and other assets, Treasury Department, fiscal year, 1963, pursuant to 31 U.S.C. 53 and 31 U.S.C. 67; to the Committee on Government Operations.

2569. A letter from the Comptroller General of the United States, transmitting report on unnecessary costs to the Government for commercial long-distance telephone calls made by Federal agencies in the San Francisco region between cities served by the Federal Telecommunications System, General Services Administration; to the Committee on Government Operations.

2570. A letter from the Comptroller General of the United States, transmitting report on unnecessary testing costs included in the prices of klystron tubes purchased from Radio Engineering Laboratories, Inc., Long Island City, N.Y., Department of the Air Force; to the Committee on Government Operations.

2571. A letter from the Comptroller General of the United States, transmitting report on weaknesses in the administration of the timber disposal program and in other selected activities, National Park Service, Department of the Interior; to the Committee on Government Operations.

2572. A letter from the treasurer, JWV–USA–National Memorials, Inc., Washington, D.C., transmitting a copy of the audit report of the Jewish War Veterans, U.S.A., National Memorials, Inc., for the period April 1, 1963, to March 31, 1964, inclusive, pursuant to Public Law 85–903; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAVIS of Tennessee: Committee on Public Works S. 2649. An act to designate as the Graham Burke Pumping Plant the pumping plant being constructed in the State of Arkansas as part of the White River backwater unit of the lower Mississippi River flood control project; without amendment (Rept. No. 1900). Referred to the House Calendar.

Mr. DAVIS of Tennessee: Committee on Public Works. H.R. 9583. A bill to designate the authorized Justice Reservoir on the Guayandot River, W. Va., as the R. D. Bailey Reservoir; without amendment (Rept. No. 1901). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. S. 2654. An act to chance the name of the canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, to Point Pleasant Canal; without amendment (Rept. No. 1902). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 7530. A bill to amend the River and Harbor Act of 1962 relating to Lynnhaven Inlet, Bay, and connecting waters, Virginia; with amendment (Rept. No. 1903). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Tennessee: Committee on Public Works. H.R. 9522. A bill to authorize the modification of the John Martin

Reservoir project, Colorado, in order to provide a permanent reservoir pool for recreational and fish and wildlife purposes; without amendment (Rept. No. 1904). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Tennessee: Committee on Public Works. H.R. 9659. A bill to amend the act of July 13, 1959, to extend the period of time within which the actual construction of certain improvements must be commenced on certain lands heretofore sold to the State of Missouri; without amendment (Rept. No. 1905). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAVIS of Tennessee: Committee on Public Works. H.R. 12190. A bill to modify the flood control project on the Scioto River, Ohio; without amendment (Rept. No. 1906). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COOLEY:

H.R. 12698. A bill to extend and amend provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

H.R. 12699. A bill to extend and amend provisions of the Sugar Act of 1948, as amended; to the Committee on Agriculture.

By Mr. DERWINSKI:

H.R. 12700. A bill making Columbus Day a legal holiday; to the Committee on the Judiciary.

By Mr. BROTZMAN:

H.J. Res. 1182. Joint resolution proposing an amendment to the Constitution of the United States relating to the eligibility of certain persons to vote for any candidate for elector of President and Vice President or for a candidate for election as a Senator or Representative in Congress; to the Committee on the Judiciary.

By Mr. PRICE:

H. Res. 889. Resolution that the document entitled "Index of U.S. Defense Policies From World War II Through 1963," prepared by Charles H. Donnelly, Library of Congress, be printed as House document; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELCHER:

H.R. 12701. A bill for the relief of Katherine Anne Wilken Robinson; to the Committee on the Judiciary.

By Mr. LANKFORD:

H.R. 12702. A bill for the relief of Mrs. A. E. Housley; to the Committee on the Judiciary.

By Mr. KARSTEN:

H.R 12703. A bill for the relief of Andrzej Filimowicz; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 12704. A bill to provide for the free entry of one mass spectrometer for the University of Washington; to the Committee on Ways and Means.

By Mr. PRICE:

H.R. 12705. A bill for the relief of Etsuko Yano; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 12706. A bill for the relief of Conchita Brinkman; to the Committee on the Judiciary.

SENATE

MONDAY, SEPTEMBER 28, 1964

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of all grace and mercy: From the strife and confusion of the speech of men, we seek to enter the sanctuary of prayer, where there is an altar set up by those who launched our Republic.

We pray for height in our lives. We need altitude. Above the divisive goals of these baffling days, lift us to some high outlook where we may catch inspiring vistas.

We pray for breadth in our lives. Save us from being shut in by the narrowness of our interests, and even by the vindictiveness of our irritations. Lift us high, that we may see broadly, with more understanding care, the whole vast circle of human yearning to escape from misery.

We pray for length of outlook and of vision. The immediacies of the present days, with their stark poignancy, stare at us; but, O God, in whose sight a thousand years are but as yesterday when it is past, give us a long look, because we lift our gaze from the dusty valley of daily toil to the hills of help which stab the far horizon.

And so, with powers that are lifted and broadened and lengthened, may our individual lives be more fit to be the channels of Thy redeeming purposes for all mankind. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, September 25, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on September 24, 1964, the President had approved and signed the following acts:

S. 49. An act to provide for recognition by the United States of Alaska's 100th anniversary under the American flag, and for other purposes;

S. 1737. An act for the relief of Arthur Wendell Bolta;

S. 1966. An act for the relief of Glenda Williams;

S. 1986. An act for the relief of Hattie Lu;

S. 1999. An act for the relief of Francisco Navarro-Paz;

S. 2205. An act for the relief of Giuseppe DiCenso;

S. 2629. An act for the relief of Czeslaw (Chester) Kaluzny; and

S. 2812. An act for the relief of Joanne Irene Taylor.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Mary Gardiner Jones, of New York, to be a Federal Trade Commissioner, which was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

S. 2687. An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes;

H.R. 1853. An act for the relief of Patti Jean Fulton;

H.R. 2509. An act to authorize Reserve officers to combine service in more than one Reserve component in computing the 4 years of satisfactory Federal service necessary to qualify for the uniform maintenance allowance;

H.R. 2753. An act to disclaim any title of the United States to certain real property in Modoc County, Calif.;

H.R. 2859. An act to provide for the promulgation of rules of practice and procedure under the Bankruptcy Act, and for other purposes;

H.R. 3642. An act for the relief of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami;

H.R. 4972. An act for the relief of Robert E. McKee General Contractor, Inc., and Kaufman & Broad Building Co., a joint venture;

H.R. 4989. An act to amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the Northern Division to the Southern Division of the Eastern Judicial District and to authorize a term of court at Ann Arbor;

H.R. 5042. An act for the relief of certain officers of the naval service erroneously in receipt of compensation based upon an incorrect computation of service for basic pay;

H.R. 5500. An act for the relief of Lt. John P. Mann;

H.R. 5759. An act for the relief of Connecticut Beverage Co., Inc.;

H.R. 5932. An act to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act, to amend the Federal Employees Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers, to provide for retroactive salary increases for certain civilian employees of the Federal Government, and for other purposes;

H.R. 7788. An act for the relief of Jack B. Fisher;

H.R. 8300. An act for the relief of Gordon W. McGrew;

H.R. 8596. An act for the relief of Patrick J. Clyne;

H.R. 9201. An act for the relief of Capt. Charles H. Glassett, Jr.;

H.R. 9435. An act to improve judicial procedures for serving documents, obtaining evidence, and proving documents in litigation with international aspects;

H.R. 10204. An act to extend the Osage mineral reservation for an indefinite period;

H.R. 10294. An act for the relief of Mrs. Lois Graybill;

H.R. 10328. An act for the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes;

H.R. 10526. An act for the relief of Marvin S. Kline;

H.R. 10634. An act for the relief of the Quality Bedding Co.;

H.R. 11332. An act to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding directly to or returning directly from active duty for training or inactive duty training;

H.R. 11626. An act to authorize the payment of expenses incident to the evacuation of dependents of military personnel from Panama and Cyprus;

H.R. 11913. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of antimony from the national stockpile and the supplemental stockpile;

H.R. 12033. An act to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety," and for other purposes;

H.R. 12091. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 9,500,000 pounds of sisal from the national stockpile;

H.R. 12289. An act to establish the Lewis and Clark Trail Commission, and for other purposes;

H.J. Res. 753. Joint resolution to authorize the President to proclaim October 15 of each year as White Cane Safety Day; and

H.J. Res. 793. Joint resolution authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs.

ORDER DISPENSING WITH CALL OF THE CALENDAR

On request by Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar, under rule VIII, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

ORDER FOR ADJOURNMENT UNTIL 12 O'CLOCK NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

REPORT ON ACTIVITIES CARRIED ON UNDER PUBLIC LAW 480, 83D CONGRESS—SUPPLEMENTAL MATERIAL

A communication from the President of the United States, transmitting supplemental material to be included with the 20th semiannual report on activities carried on under Public Law 480, 83d Congress, as amended, outlining operations under the act during the period January 1 through June 30, 1964 (with accompanying photographs); to the Committee on Agriculture and Forestry.

EXTENSION OF PROVISIONS OF SUGAR ACT OF 1948

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to extend and amend provisions of the Sugar Act of 1948, as amended (with an accompanying paper); to the Committee on Finance.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the House of Delegates of the American Bar Association, Washington, D.C., relating to the liability of common carriers by railroad to their employees in certain cases; to the Committee on Commerce.

The petition of Edgar M. Powers, of Flat Rock, N.C., and other citizens of the United States, praying for a redress of grievances under the provisions of the first amendment of the Constitution of the United States; to the Committee on the Judiciary.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. WALTERS in the chair). The Chair, in behalf of the President pro tempore, pursuant to Public Law 88-606, announces the appointment of the following Senators to the Public Land Law Review Commission: HENRY M. JACKSON, CLINTON ANDERSON, ALAN BIBLE, THOMAS H. KUCHEL, GORDON ALLOTT, and LEN B. JORDAN.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. DIRKSEN (for Mr. JOHNSTON), from the Committee on the Judiciary:

Charles A. Muecke, of Arizona, to be U.S. district judge for the district of Arizona.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCARTHY:

S. 3224. A bill for the relief of Catherine Lochart; to the Committee on the Judiciary.

CORRECTION OF CERTAIN ERRORS IN THE TARIFF SCHEDULES—AMENDMENT

AMENDMENT NO. 1275

Mr. KUCHEL (for himself and Mr. JAVITS) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 12253) to correct certain errors in the Tariff Schedules of the United States, which was ordered to lie on the table and to be printed.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 28, 1964, he presented to the President of the United States the enrolled bill (S. 2687) to extend the Agricultural Trade and Assistance Act of 1954, and for other purposes.

PRIVATE POWER—THE IOU UTILITY

Mr. METCALF. Mr. President, during the past session, I have made a series of 30 statements pertaining to the operations of the private power industry. In a recent statement, I invited attention to the manner in which many electric light and power companies not only support rightwing organizations, but also attempt to conceal this support from regulatory agencies and the public. In earlier statements I attempted to focus attention on other aspects: That in many instances, private power companies are gouging the consumer by charging exorbitant rates for electricity, and by forcing the consumer to pay for so-called institutional advertising, charitable donations, and contributions to groups which are part of the industry's propaganda campaign against rural cooperatives, municipal-owned power systems and the Federal power program; that in their greed for higher profits, they keep electric rates unjustifiably high and fail to pass cost reductions, such as a tax cut, on to the consumer; and that there has been a general erosion in the public's right to know about these Government-sanctioned monopolies.

The private power companies like to call themselves investor-owned utilities. When I first began looking into them I shortened that term to IOU for convenience, but as I continued my investigations it became clear that these initials were ironically appropriate—the IOU's are indeed indebted to an American public which they have misled and overcharged. Thus, I labeled my various statements IOU No. 1, No. 2 and so forth, and I ask unanimous consent to have printed in the RECORD a list of these statements and the date and pages where they appear in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IOU's inserted in the Congressional Record by Senator Lee Metcalf

IOU	Date	Pages	Subject
	1964		
1	Jan. 8	30-56	The Free Flow of Information.
2	Jan. 30	1417-1419	Action Newsletter No. 1 ("The Power Within").
3	Feb. 3	1732-1734	Project Action Newsletter of October 1963 (anti-REA, anti-TVA film, "The Power Within").
4	Feb. 17	2894-2897	A Reply to Propaganda Film.
5	Feb. 10	2660-2663	The Right to Know.
6	Feb. 18	3074-3075	Metropolitan Life and TVA.
7	Feb. 19	3125	The Investor-Owned Utility Does Not Pay the Taxes—You Do.
8	Feb. 20	3289-3293	Water Over the Dam in Virginia.
9	Feb. 21	3336-3337	Rates of Return Exceed Those Allowed by Regulatory Authorities.
10	Feb. 25	3442-3443	The Pitchmen.
11	Feb. 27	3796-3799	Virginia Electric & Power Co. (VepCo).
12	Mar. 4	4401	Rich Desserts—and They Clamor for More.
13	Mar. 10	4799-4804	Midcontinent Area Power Planners—MAPP.
14	Mar. 11	4974-4977	The Utility's Problem: Too Much Profit.
15	Mar. 14	5261-5263	IOU's Holler "Pork"—U.S. News, Life, Time, Reader's Digest Squeal.
16	Mar. 16	5364	U.S. News, Time, Bring Home the Bacon.
17	Mar. 18	5579-5580	IOU Film Closes With Phony Lincoln Quotation Circulated by Committee for Constitutional Government.
18	Mar. 23	5950-5953	The Montana Power Co.
19	Mar. 31	6678-6679	Rate Reductions Grossly Inadequate.
20	Apr. 3	6848-6850	Millions in Unidentified Donations.
21	Apr. 11	7713	A Bonanza for Montana Power Co. "Insiders."
22	Apr. 17	8317-8319	Tax-Free Electric Utilities.
23	May 4	9929-9932	Montana Power Puts the Grass in the "Grassroots" Papers.
24	May 13	10762-10765	Stock Option Windfall for Power Company Insiders—Ordinary Stockholders, Consumers Unknowingly Provide Multimillion-Dollar Windfall.
25	June 2	12418-12425	Turn on the Lights in Texas.
26	July 9	16172-16178	FPC Opinion and Order (Black Hills Power).
27	July 28	17119-17120	Three-Fourths Billion Dollars Doled Out in the IOU's Tax-Free Dividend Derby.
28	Aug. 6	17777-17779	20 Questions About Your Loaded Light Bill.
29	Sept. 11	21335-21336	Good Will Advertising.
30	Sept. 25	22220-22225	Private Power Support of the Rightwing.

TRIBUTE TO BEN HEINEMAN—RAILROAD EXECUTIVE

Mr. PROXMIRE. Mr. President, in Forbes magazine for September 1, 1964, there is published on page 20 a superb article on Ben Heineman, a distinguished Wisconsin native, born in Wausau, Wis., who runs the Chicago & North Western Railway Co. This article is a well-deserved tribute to Ben Heineman, and I believe it should be brought to the attention of Members of the Senate.

I ask unanimous consent to have it printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, one of the finest tributes to Ben Heineman in this article is in the first paragraph which states, in part:

> He has accomplished more in a few years than most railroad executives do in a lifetime. As representative of an investment group which took over the North Western in 1956, he learned the railroad business as he went along, and learned it so well that he has turned a near-bankrupt road into a fairly healthy one.

But an even more important tribute to Ben Heineman appears in the statistical material associated with this article. Just to name one figure, from 1955 to 1963, the net income of North Western has increased by a gigantic 431 percent, far outweighing every other competitive railroad in the area.

There can be no question that the Chicago & North Western has helped in many ways the economy of Wisconsin and the Midwest. As the article in Forbes points out, Mr. Heineman would like to see a combination of the North Western, Rock Island, Milwaukee, and Great Western to form the United States longest railroad system.

EXHIBIT 1

BEN HEINEMAN'S SHREWD POKER GAME

(NOTE.—Starting with a relatively weak hand, he has already won a sizable pile of chips for his Chicago & North Western Railway. Now, playing his cards shrewdly and carefully, he's after far bigger stakes: the creation of a giant Middle Western railroad system.)

Ben W. Heineman, 50, the lawyer-turned-railroadman who runs the Chicago & North Western Railway Co.[1] has accomplished more in a few years than most railroad executives do in a lifetime. As representative of an investment group which took over the North Western in 1956, he learned the railroad business as he went along, and learned it so well that he has turned a near-bankrupt road into a fairly healthy one (see table below). The stock market has taken due note of what Heineman has wrought. Over the past 20 months, North Western common has soared from 10 to past 50, outperforming Standard & Poor's railroad average by nearly 3-to-1.

Besides being a smart businessman, Heineman is something of a visionary. Like all good railroadmen today he believes in mergers, but his idea of what a railroad merger should be is breathtaking. "It's no secret," Heineman says, "that I favor the construction of a vast railroad system centered broadly in the West, consisting of at least the North Western, the Milwaukee, the Rock Island, and the Chicago Great Western, but including such other smaller roads as might care to join with us as well. The object would be to create a useful economic organization corresponding to the increase in size of the U.S. transportation market, to obtain greater efficiency of operation, and in the process to convert a number of marginal roads into a strong competitive medium."

That is quite a proposition. What Heineman envisions—at a minimum—is a 30,000-mile rail system. It would stretch from the Pacific to the Great Lakes and thence south to the gulf coast. Such a system would be far and away the longest in North America, surpassing both the Canadian National and the long-pending Great Northern-Northern Pacific-Burlington combine. It would be surpassed only by the 79,000-mile Soviet network.

In dollar terms, to be sure, the proposed system would be somewhat less impressive. With revenues of $675 million last year, profits of $21 million, the four railroads if combined would have placed only fourth in revenues among the U.S. railroads, 10th in net income. But these figures do not tell the whole story.

AN OUTSTANDING SHOWING

Last year, the North Western was one of the few major U.S. railroads to improve its position over 1955 when industry profits hit their postwar peak. It has outpaced the other big roads in the Northwest and the industry as well. In some respects, however, the North Western is still a high-cost road:

Railroad	Net income			Earnings per share			Operating ratio [1]		Revenues		
	1963	1955	Percent change	1963	1955	Percent change	1963	1955	1963	1955	Percent change
	Million	*Million*	*Percent*			*Percent*	*Percent*	*Percent*	*Million*	*Million*	*Percent*
North Western	$8.5	$1.6	+431	$5.24	[2] $3.66	--------	81.8	84.6	$218.9	$232.0	−6
Great Northern	29.3	32.1	−9	4.80	5.27	−9	76.8	72.8	242.8	267.1	−9
Northern Pacific	24.6	19.1	+29	4.09	3.22	+27	85.0	78.7	179.6	183.0	−2
Milwaukee	5.4	9.5	−43	1.32	3.27	−60	79.4	83.4	223.1	245.5	−9
Industry	652.0	927.0	−30	--------	--------	--------	77.95	75.66	9,560.0	10,106.0	−5

[1] Operating expenses as a percentage of revenues.

[2] Deficit.

In actual operation, Heineman expects that the combined system would be immensely profitable. Most mergers, after all, are postulated on getting rid of burdensome excess capacity in the railroad industry: combining operations; eliminating duplicate facilities; increasing the length of average hauls. Heineman's major proposal would do all this in spades. He estimates, roughly, that a merger with the Great Western would save perhaps $5 million a year; with the Rock Island, $25 million; and with the Milwaukee, $50 million—a total of $80 million against the $20 million the four roads earned before taxes last year. The merged system, then, would have a pretax earnings potential of something like $100 million a year.

Applied to the common capitalization of such a railroad system—perhaps 4 million shares in terms of the present North Western stock—the probable earnings of the merged company would work out to $23 a share after preferred dividends but before taxes—and such a combine would probably pay only minimal Federal income taxes for many years.

Heineman does not expect to see the merger producing this kind of profit, at least not right away. He would expect to use a good part of the merger savings to cut railroad rates and to improve service. With $100 million in potential profits, out of total revenues of some $675 million. Heineman would have plenty of leeway to cut rates and still make excellent profits. He could, for example, cut rates 10 percent across the board and still earn $6 a common share—even assuming that the new rates didn't attract more traffic.

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[1] Chicago & North Western Railway Co. Traded NYSE. Recent price: 50⅝. 1964 range: 55½–25⅝. Dividend (1963): none. Indicated 1964: none. Earnings per share (1963): $5.24. Total assets: $588.8 million. Ticker symbol: NW.

He sees such a merger as more than merely defensive, more than a mere cost-cutting move to save the railroads from stagnation. He sees it as an offensive weapon to enable them to recapture some of the traffic they have lost to trucks, pipelines, and barges. "We have to use mergers to reduce our prices," he says. "We will have to share the benefits with our shippers and with the general public."

The Chicago & North Western, however, is only a middle-sized railroad. In revenues it ranked 16th last year among the U.S. railroads. Until 1963 it was not even paying current interest on its income bonds, let alone dividends on its common and preferred stocks. It seems a frail vessel for such large ambitions.

For all this, the railroad industry listens with respect when Heineman talks of vast mergers to come. He is, after all, the man who has performed what is perhaps the railroad industry's classic turnaround of recent years.

Eight years ago when Heineman moved into the North Western, the most knowledgeable men in the industry were willing to bet that nobody could save the North Western from bankruptcy, least of all an upstart lawyer whose railroad experience consisted of having won a Minneapolis & St. Louis proxy fight 2 years before.

At that time, in fact, many railroad men considered Heineman a speculator of the most dangerous sort, a man who was likely to leave an already sadly decayed North Western in ruins. He would be another Pat McGinnis, perhaps. The analogy seemed apt. Like McGinnis', Heineman's backers were a group of private investors, brokerage houses, and similar financial groups. Their main interest was the speculative potential of one of America's most highly leveraged railroads. Heineman himself quite frankly admitted all this. But Heineman was no Pat McGinnis.

"My intention," he said then, "is to make the North Western a profitable independent property." Brave words for the head of a railroad with $212 million in debt whose common equity had a market value of only $22 million. During his early, difficult years as the North Western's boss, Heineman could have taken the easy way out; he could have let the North Western go as a junior partner in a merger with the Milwaukee. But he refused to make such a deal until such time as he had a stronger road and could get a better price.

MANAGERIAL TRIUMPH

Since then, Heineman has performed one of the great triumphs of postwar railroad management. Within the past year or so, the North Western has cleared (after 9 years) the arrears on its income bonds, resumed dividends on its preferred (suspended in 1954), and now seems within months of resuming dividends on its common (suspended in 1950). Today the North Western is not only a solvent and independent property in its own right, it is one of the few railroads in the country which earned more money last year than it did at the peak of the industry's postwar prosperity in 1955.

"I would think," Heineman says carefully "that the North Western is now in pretty good shape. We have an entirely new and different railroad and a new level of profitability." But he adds, with a lawyer's caution: "If we should be hit by a recession on the order of 1958, however, net income is still not assured. We are far along the road, but we are not there yet. In a couple of years, I might be able to say that we are." In the past 3 years alone, Heineman has pared more than four points from the North Western's operating ratio. At the same time he has improved its cash position from $15 million in 1960 to a probable $50 million at the end of this year.

There is no getting away from the fact, however, that to date, Heineman has cut a less spectacular figure in the merger game than as an operating executive. In the late fifties he picked up two properties—but they were small ones: the $3.5 million (revenues) Litchfield & Madison and the $22 million Minneapolis & St. Louis. And this year he has worked out a deal to acquire the smallish Chicago Great Western ($32 million revenues).

But that is about all. The 13-percent interest in the Gulf, Mobile & Ohio that he bought in 1962 was later sold. He has yet to produce anything on the scale even of the Norfolk & Western-Virginian merger, much less that of the Erie-Lackawanna combine. Again and again, Heineman has talked merger with William Quinn's Chicago, Milwaukee, St. Paul & Pacific, but so far with no success. ("It's a matter of price," Heineman says. "We came close in 1961 but not close enough.") He also made an offer for the Chicago, Rock Island & Pacific (of which, more later), but the timing of this move was largely defensive, designed to prevent the Union Pacific, which had proposed to merge with the Rock Island, from taking away a big chunk of the North Western's freight business.

Why has Heineman so far failed to produce a really big merger proposition? In part because he was bidding for time—time to put the North Western back on its feet. This accomplished, he has had to go slowly in trying to drive the kind of merger bargains that would enable him to keep for his own common shareholders as much of the North Western's extreme leverage as possible. This partly explains why he has been unable to get together with the Milwaukee's board on price—even though he says of a Milwaukee-North Western merger: "There are no two railroads that, in combination, can bring greater benefits to all interested groups."

That leverage is most intriguing. The North Western has outstanding some $301 million in bonds and preferred stock and a mere 810,320 shares of common. Among his leading merger partners, the Milwaukee has 2.1 million shares of common, the Rock Island has 2.9 million. As recently as mid-1962, the market put a total value of a little over $8 million on the North Western's outstanding common: In terms of its market evaluation, it had a debt-and-preferred-to-equity ratio of 20 to 1 even allowing for the deep discounts then applying on the North Western's debt issues. Even at that nadir of railroad stock prices, the Rock Island had a total common market value of $59 million, the Milwaukee of $20 million. Their debt-and-preferred-to-equity ratios were 2 to 1 and 11 to 1, respectively.

There is probably not a case of leverage like it in U.S. industry today. There are some $270 in revenues behind each share of North Western common; even if the big issue of convertible preferred should be converted into common, the revenues per share would still come to about $135. By contrast, the New York Central, another railroad with a reputation for leverage, has only about $100 in revenues per share of common; the wealthy Atchison, Topeka & Santa Fe, at the other extreme, has only about $25 in revenues per share.

What this means, of course, is that even a one-percentage-point improvement in the North Western's profit margin would produce $2.70 a share in net profits; a one-point improvement for the Santa Fe would amount to only about 25 cents a share.

Thus Heineman has been working not just for any merger but for mergers that would enable his own stockholders to retain as much of that leverage as possible.

COMPLICATED DEALS

"Look at the offer we made to the Rock Island," he says, "and you'll see that our leverage would not be adversely affected." Instead of proposing a simple exchange of stock, the North Western offered the Rock Island's stockholders a package. It contained $87 million worth of 6-percent collateral trust bonds (payable, after an accumulation of 12 percent, only if earned), $15 million cash and 810,320 shares of North Western common.

The deal would have produced a far bigger but still highly leveraged property. Its fixed and contingent charges would absorb 5 percent of its revenues versus 4.5 percent, currently. And there would be $327 in bonds and preferred ahead of each common share—roughly the same as the North Western has today.

"The same principle," Heineman says, "would govern any agreement we might work out with the Milwaukee, though we would not necessarily make the same kind of proposal. If we were to offer two-thirds of a North Western share for each share of Milwaukee—this is purely theoretical, you understand—the leverage would be maintained, depending of course on what you mean by leverage. As I see it, it's the net effect a transaction has on earnings per share."

In all this Heineman insists that he is not simply trying to guarantee that his own control of the merged railroads will be maintained. He is simply striving to keep as undiluted as possible one of the major factors that attracted him and his partners to the North Western in the first place. "I'm not trying to build a personal empire," Heneman insists, "I don't think management has the right to make mergers based on how management comes out in them. It is our job to make mergers that will benefit our security holders. In the process we would try to establish procedures that would assure good management—not necessarily our management."

Thus, for all his talk, Heineman has yet to commit the North Western irrevocably to anything. He is still free to pursue the North Western's corporate goals within the context of his present merger ambitions, or to move outside them entirely.

"We examine postulates," Heineman says. "We don't fall in love with them. For a long time, we've believed that a merger with the Milwaukee would be desirable, but the situation could change, and if it should we would change with it. We try to maintain our flexibility. We're committed only to doing what's best for our railroad and our stockholders."

THE GREAT WESTERN GAMBIT

In such a context, Heineman's bid for the Chicago Great Western, though small in itself, fits in beautifully. The two roads intersect at some 44 common points, and so offer a considerable potential for savings.

Perhaps more important, a Great Western merger will extend the North Western for the first time into Kansas City, permit it to offer single-line service between Kansas City and Chicago. Thus, the Great Western is a valuable addition to the North Western in itself, and it would be equally valuable in any later merger Heineman might work out with either the Milwaukee, the Rock Island, or both.

But, beyond that, at Kansas City the Great Western connects with a number of important independent lines—the Kansas City Southern, the St. Louis-San Francisco, the

Missouri-Kansas-Texas, the Gulf, Mobile & Ohio. In short, it will give the North Western additional flexibility and additional merger possibilities.

The Great Western merger is thus valuable insurance for Heineman should he lose the Rock Island to the Union Pacific. Any one of the independent roads that connect with the Great Western—some of which already connect with the North Western at St. Louis—would become potential merger partners for the North Western. Such roads would offer Heineman an alternative way of getting to the gulf and of creating in part the vast system he has in mind.

"Under present conditions," Heineman says, "we would probably not take the initiative in negotiating with any other railroads—that is, if our plans continue to include the Milwaukee and the Rock Island." But the "if" is an important one and gives Heineman the flexibility he needs.

Meanwhile, practical man that he is, Ben Heineman does not scorn the little mergers that, taken together, can vastly strengthen the North Western. He has already taken in two small roads and is in the process of taking in the Great Western, a slightly larger one. He would like more of such deals. "In the years ahead," Heineman says, "most of the smaller railroads in the Midwest are going to need a home. We hope to provide it."

FLANKING MOVE

One of the severest challenges to Heineman's slowly developing, highly pragmatic expansion-through-merger plan came last from the mighty Union Pacific. The UP is is trying to buy the Chicago, Rock Island & Pacific, a railroad that not only has a major place in Heineman's own merger schemes but one that is vital to the North Western's present fortunes. For decades, the North Western's line between Chicago and Omaha has served as the main artery for Union Pacific freight traffic moving to and from the East. In absorbing the Rock Island, however, the UP would acquire a line of its own between Chicago and Omaha. This, Heineman says, would threaten the North Western with substantial diversion of traffic—$21 million, according to some estimates, equivalent to roughly 10 percent of the North Western's total freight revenues. The Union Pacific denies that any such diversion would take place. But Heineman—and most other railroadmen for that matter—find it impossible to believe that once the UP gets a route of its own into Chicago, it will turn over to the North Western or any other railroad any more traffic than it has to. "It is an imperative of transportation economics," Heineman says, "that a railroad seek to obtain the long haul for itself."

In opposing the UP's bid for control, Heineman obviously risks antagonizing one of the North Western's best customers. But that is the kind of risk he has always been willing to take. "I've heard all the arguments," Heineman says. "If we try to protect our interests, the Union Pacific can presumably ruin us. If we do not protect our interests, we presumably become dependent upon the Union Pacific's charity. I reject both these assumptions. In opposing the Union Pacific's proposal, it seems to me we have everything to gain."

And so, a year ago, when the UP sought to merge with the Rock Island—a move requiring approval by at least 67 percent of the Rock Island shares—Heineman made a competing bid for control. As a result, the owners of nearly 50 percent of the Rock Island's shares were prepared to reject the UP's original offer. Since then, however, the UP has lowered its sights—to 33 percent control—and improved its offer. This time Heineman does not doubt that the UP can get what it wants. Having long ago won the support of the Rock Island's two largest stockholders, industrialist Henry Crown and Chicago grain merchant Bruce A. Norris, the UP already has 17 percent in the bag.

In the circumstances, the North Western probably won't compete in a second proxy fight with the Union Pacific. But Heineman expects to renew the battle on another front. He insists that the North Western will continue to press its own petition for control before the Interstate Commerce Commission, which has jurisdiction in these matters. "I promise you," Heineman says, "we are in the Rock Island fight to stay."

"If it were anyone else," one railroadman commented last month, "I'd say the North Western didn't stand a chance. The Union Pacific is a very powerful and influential railroad. But Ben Heineman is one of the shrewdest and most imaginative men in the industry. I'd hate to bet on who was going to win this one."

For after all, Ben Heineman is used to heavy odds. It was a long-shot bet that a lawyer could become a first-class railroadman at the age of 42. It was a long shot that he could turn the North Western around. Even if he can do no more than stall the UP-Rock Island merger, Heineman will have gained valuable time; with the Great Western deal completed he will have an entry into Kansas City and a geographical alternative to the Rock Island merger.

Heineman's grand plan may have been altered by the UP's move, but it is unlikely to be destroyed by it. "We are limited in what we do," Ben Heineman says in his quietly confident way, "only for our imagination." Ten years ago few railroadmen would have made such a brave statement. Perhaps it took a rank outsider to show this venerable industry what it could do.

THE OUTSIDER WHO MADE GOOD

The North Western's Ben Walter Heineman is a member of that relatively scarce species: the egghead who is also a successful businessman. His friends are for the most part intellectuals—academicians and professional people. He prefers living in a marginal neighborhood near the University of Chicago to life in one of Chicago's fashionable suburbs that most executives call home.

He was a practicing lawyer who had had little experience at practical railroading before 1956 when he took over the North Western. But experienced railroaders had very nearly run the North Western into the ground: Heineman offered a fresh approach. "Whatever's good in our tradition we want to keep," Heineman told the North Western's employees when he took over. "But I don't care what we've done in the past. If there isn't a good reason for it, we'll scrap it and find a better way."

Never a falsely modest man, Heineman soon began to tell the rest of the industry how to run its business. He lectured it on the advantages of lower rates and mergers. He innovated by setting up a real-estate development program that has since become something of a model for the rest of the industry. Though politically a liberal, Heineman was not even soft on featherbedding. In his first 2 years at the North Western he hacked more than 6,000 men off the payroll. In 1962 he took a strike sooner than agree to guarantee the North Western's telegraphers' lifetime jobs and so paved the way for the rest of the industry to settle its own longstanding work rules dispute.

"What's so surprising," one veteran railroadman admitted last month, "is that Ben Heineman thinks like a railroadman. I tell you, I don't think there's a man in the industry who doesn't hold Ben Heineman in the highest respect—I didn't say agree with him, mind you. Some of his ideas are so far out that none of us knows what to make of them. But we listen because he's been right too often before."

Born in Wausau, Wis., in North Western territory, in 1914, Heineman was educated at the University of Michigan, and admitted to the bar at the age of 22. After a few years of private practice, he spent World War II first with the legal department of the Office of Price Administration and then with the State Department in Algiers. In 1944, he went back to private practice (Swiren & Heineman, corporation law). He caught the railroad industry's attention for the first time in 1950 when he won a $6.5-million settlement for a group of disgruntled Chicago Great Western preferred shareholders.

In 1954, with the backing of Chicago special situations man, Franklin Lyons and a handful of other investors, Heineman launched a successful fight for control of the M. & St. L. With that accomplished, he plotted imaginatively but unsuccessfully to create an outer-belt line around Chicago by merging the M. & St. L., the Monon and the Toledo, Peoria & Western. In 1955, Frank Lyons talked him into tackling the North Western.

What has surprised Heineman's friends is that, considering the wide range of his interests, he has been content with the North Western as an outlet for his talents. Politics at one time seemed a likely possibility. Heineman reportedly turned down an opportunity to join the Kennedy administration in Washington; he wanted to finish the job at the North Western. If he can achieve his vast merger plans, however, friends expect him eventually to look for new worlds to conquer. Straw in the wind: He has just become a trustee of the University of Chicago.

SIGNIFICANCE OF GENERAL AVIATION TO THE NATIONAL ECONOMY

Mr. **PROXMIRE**. Mr. President, I have become impressed with one, little recognized development in our national economy. I refer to the growth of importance of general aviation to so many aspects of our national economy and our cultural development. I am not a pilot, though, like my other colleagues in this great Chamber, I make frequent use of the airlines and air taxis. But my study of the various problems in which I have a deep interest has led me to a growing awareness of the impact on our society of the private and business use of aircraft. I was greatly surprised, for it is much greater than appears on the surface. Perhaps other Senators will be interested in some of the things I have learned about general aviation.

"General aviation" is a catchall term that includes all aviation activity except the airlines and the military. It includes such diverse things as air taxi operations; corporate and business aircraft flying; private or personal flying for recreation or other private purposes; application of chemicals by aircraft to forests, agricultural crops and even communities to control undesirable weeds and insects; teaching people to fly; aerial photography and mapping; and all the supporting facilities required, such as schools, repair shops, aircraft dealers and similar businesses. So conglomerate is the mixture of people, businesses, aircraft and activities, that while the term "general aviation" is hardly descriptive, it is about the only one that describes at all.

The following statistics produced by the FAA give an indication of the scale of general aviation activity:

General Aviation, 1962

	Aircraft	Hours	Miles
Business	24,734	5,431,000	934,659,000
Personal and pleasure	32,882	3,452,000	386,084,000
Instruction	9,481	2,385,000	256,043,000
Aerial application	4,689	943,000	89,400,000
Patrol, survey and miscellaneous work	2,037	607,000	62,082,000
Passenger and cargo transportation for hire	5,234	1,499,000	215,029,000
Other	1,041	144,000	19,734,000
Total	80,098	14,461,000	1,963,032,000

The effect of aviation on business is perhaps best exemplified by a recent occurrence here in Washington. The President called a meeting of 242 top business leaders on July 23. About half of them arrived in their own business aircraft. More than 90 landed in Washington National. Fourteen put in at Dulles and several more landed at the various private airports in the area. Over 18,000 business firms use some 35,000 aircraft for administrative, sales and service purposes in varying degrees. As a result of the integration of aircraft into business operations, markets have been expanded enormously, competition has been increased and the pace of business activity has been accelerated beyond anything known heretofore.

The use of general aviation aircraft has revolutionized agriculture. Specialized aircraft now treat in some way virtually every kind of agricultural crop. The agricultural aircraft seeds rice, fertilizes beets, defoliates cotton, weeds wheat, protects corn from insects and fruit from frost. The airplane does everything to rice except harvest it. Range and pasture lands are reseeded by aircraft. So all pervasive has the airplane become in agriculture that it is virtually impossible for us to wear clothes or eat food that has not, in some way, been treated by an airplane. As a result of the introduction on a large scale of the airplane to agriculture after World War II, crops yields per acre have risen enormously and the United States enjoys an abundance of near perfect food and fiber that is the envy of the rest of the world.

In a more direct way, farmers and ranchers in increasing numbers are using airplanes to manage their enterprises more effectively. They inspect fences, check pastures, note the movement of herds of cattle and bands of sheep by airplane. They bring buyers to the ranch. They buy and sell in more markets. In a cultural way, they are using the airplane to take advantage of the greater opportunities it makes possible for educational and social activity. The economic effects of these developments are masked by other factors but they are substantial.

Forestry has been no less touched by this phenomenon of the 20th century than agriculture. The forests are surveyed and mapped from the air with ease and rapidity undreamed of in former years. Aerial spraying protects vast timber resources from the slow death caused by the spruce budworm. Aerial firefighting has developed into a new science in forest preservation, ranging from the simple reconnaissance flight for early fire detection to dropping firefighters and their equipment by parachute on the scene to using airplane tankers to drop fire-quenching borate mixtures into the blaze itself. Airplanes are also used to seed lightning-producing clouds to prevent natural forest fires. Aerial reseeding of burnt over areas has enabled the process of reforestation to begin at an earlier and more timely period.

Even the mining industry has been assisted by the aircraft; not only in the more normal business ways, but also in geological exploration. The airborne magnetometer plays a great part in this activity and much of the early exploration for uranium, when discovery of those deposits was so critical to our Nation, was conducted by using this technique. Much of the exploration of uninhabited areas in polar, subarctic and desert areas is performed and supported by aircraft operations.

Another business activity feeling the impact of the general aviation airplane is the fishing industry which has increased its productivity by using aerial fish spotters to locate schools of fish.

While the general aviation airplane has achieved a unique place for itself in business enterprises such as construction, farming, lumbering, mining, oil producing and a host of others, it has opened up unparalleled opportunities in the recreation business. Dude ranches, hunting camps, fishing lodges, resort hotels, health spas are only a few examples of the vast array of recreational businesses that have sprung up in the last few years to take advantage of the increase in recreational time and money that the flying public—flying in its own airplane—is eager to spend. While the variety of these establishments is wide, the total number is still small, leaving plenty of opportunity for small business enterprise.

People who can—fly. Many use their small airplanes as they do their cars—for business and pleasure. They fly to contact and service customers during the week. And on the weekend, they fly for fun and relaxation. They fly to get away from it all. They fly for the broadening experience of travel to far places which they could never reach otherwise for lack of time. The recreational enterprises designed to serve these people amply show that the business imagination which made our country great is by no means dead. An ex-airline pilot has set up a flying ranch in New Jersey. A seafood restaurant on Kent Island in Maryland has put in a grass landing strip and draws people from Washington for lunch. A resort hotel in Indiana has constructed a paved airport to make itself more readily available to the general aviation aircraft user. A highway restaurant in California, by installing a paved runway and appealing to flyers, has developed a nationwide clientele with so much success that it has lengthened its runway. A dude ranch high in the mountains of Montana first used a pasture then made an improved sod strip to serve its growing number of flying patrons. A resort plantation located on a subtropical island off the coast of South Carolina has made itself air accessible and is improving its facilities to take care of the business. Ghost towns, old mining camps, ski resorts, museums, camping facilities and innumerable other attractions are the keys used by many ingenious men to develop a recreational business based on air travel by private plane.

Some aircraft owners have wished that they could keep their airplane at home so it would be more usable on the spur of the moment. This has led to new and ingenious ideas in real estate development. One such is located on an island in Puget Sound and the property owners commute to Seattle by airplane. Another, getting started in central California, has houses with built-in hangars and the airplanes taxi down the street to the paved, take-off strip. A gas station at the corner of the development provides fuel and service.

The impact of general aviation on the business of politics is something we are all aware of but probably have thought little about directly. Nevertheless, the air taxi and the private airplane has changed our campaigning methods radically. The formal campaign period is shorter but the action is much more intensive than before. We speak more and meet more because the personal airplane makes it possible to be in more places in less time. A few Members of Congress almost commute between Washington and back home because the personal airplane makes it possible and helps them to do their job better and still meet their obligations as Senators or Representatives.

The use of general aviation type aircraft for general aviation type purposes also has a great economic and cultural impact through government. Periodic land use surveys facilitate government planning and administration. Aerial photomapping makes them possible. Aerial photography assists taxing authorities. One unique example of this is the use of an aerial photography service by a county tax collector in Washington to take pictures of all the floating log booms on the last day of the year to determine tax liability. Photo maps are widely used to keep property tax assessments up to date as land use changes. Highway patrols, sheriff and local police use general aviation type aircraft in controlling traffic, apprehending criminals, carrying extradited subjects back home for trial and transferring convicts from one place of detention to another.

Nowhere are the effects of aviation more noticeable than in the administration of the Federal and State Governments. The personal airplane, be in the President's Air Force 707 or the Governor's National Guard DC-3, sets the pace—and that pace is fast. From foreign affairs to Ohio flood repairs the pace of activity is determined by how fast the boss can be on the spot. Increasingly, we find administrators of Government agencies taking advantage of general aviation aircraft to facilitate the management and operation of their agencies and make more intensive use of their manpower. The Forest Service, the Bureau of Land Management, Civil Defense, the Defense Department, the State Department, the National Aeronautics and Space Administration, and the Federal Aviation Agency are just a few of the Federal agencies that have led in this development. The ability of agency chiefs to be in more places in less time has led to greater decentralization of many Federal activities to serve the people better.

General aviation, as well as having an effect on other business activity, has also generated a host of new kinds of enterprises to serve itself. Manufacturers build general aviation airplanes and last year seven of them built $204 million worth of them. Other manufacturers build engines, a wide variety of radios and other electronic equipment, and a host of accessory items. Small business enterprises have sprung up at airports to provide sales and service, train pilots and mechanics, repair and overhaul aircraft and equipment, provide air taxi and ambulance service, and a vast array of other specialty services for agriculture, forestry, mapping, photography, industrial aid, and similar related business activities. A superficial review shows more than 50 trade magazines and newspapers in existence and most of them are devoted to general aviation. The industry has developed an array of voluntary associations, societies, and clubs to further its specialized purposes. A recent Department of Labor bulletin suggests that general aviation industry employment may reach 100,000 by 1970 from an estimated 64,000 in 1960.

Appearances are deceptive when it comes to assessing the impact of general aviation. My own State of Wisconsin is a good example. The airplanes leave no concrete trails or steel tracks in the sky; the airports are not particularly noticeable from the highways and streets; and the businessman or sportsman does not walk into the office or resort lodge wearing a distinctive garb betraying the fact that he arrived by his own business or personal airplane. Yet there is a network of aviation transportation facilities in Wisconsin which helps to bind the economy together and make it operate—and most of them do this through general aviation. Wisconsin has 173 airports, 1 for every 325 square miles in the State, compared to the U.S. average of 1 airport for every 448 square miles. Only 16 are served by the airlines. Wisconsin's number of active aircraft per 10,000 population is 4.1 compared to the U.S. average of 4.6. Our number of active pilots per 10,000 of population is 16.3 compared to the national average of 19.7. Our State has 6,657 pilots and 1,985 general aviation aircraft. In addition, there are 23 FAA approved schools for pilot and mechanic training and 5 FAA certificated repair stations. There are 56 commercial general aviation businesses or fixed-base operators as they are called in the trade. Wisconsin also has five airport traffic control towers and six flight service stations operated by the FAA, although three of the latter are scheduled for modification or elimination as a result of Mr. Halaby's economy program for flight service stations.

I find it is important to realize that these bare Wisconsin numbers do not tell the entire story. The United States forms a great common market area and much of the economic impact on Wisconsin is generated by activity which origniates outside the boundaries of the State. Our recreational attractions, manufacturing capabilities, business markets, agricultural and forestry resources and similar commercial magnets draw the attention of people thousands of miles away. In increasing numbers, they come by general aviation airplanes to enjoy, to consult, to review, to consider, to buy and to sell. Without the airplane, such commerce would be impractical.

Wisconsin also has a general aviation aircraft manufacturer. While not as big as some in the industry, the Champion Aircraft Co. at Osceola nevertheless turned out 99 airplanes last year with a retail value of approximately $2,238,000. We also have our share of aviation trade publications. The Badger Airway Beacon is a small monthly publication that carries State aviation news to most of our airminded people. Sport Aviation is the official publication of the Experimental Aircraft Association, a nationwide group dedicated to aviation education through do-it-yourself projects in the construction of home-built aircraft and the restoration of antique aircraft. This association of 20,000 members is unique. It has its headquarters at Hales Corners, publishes a 60-page monthly magazine and just recently held a national meet at Rockford, Ill., where 2,500 members and 2,000 aircraft gathered for 5 days of meetings, exhibitions, contests and fun—300 home-built and 150 vintage aircraft were displayed. In less than a week, this group made enough flights—over 18,000—to almost equal the FAA's annual requirement for an airport control tower. It is difficult to assess the economic impact of this type of activity but we all know that many of the improvements in a science—and aeronautics is no different—come from the imagination of individual experimenters like these led by Paul Poberezny, president of the Experimental Aircraft Association and an outstanding citizen of Wisconsin.

The development of general aviation services for a metropolitan area is exemplified by Milwaukee. Airliine service is concentrated at Billy Mitchell Field, but general aviation also uses this field to a great extent. Many of Milwaukee's leading business firms have their own hangars and keep aircraft there. In addition, a ring of smaller but often more convenient fields provide access by general aviation aircraft to the area. Timmerman to the northwest is outstanding, and Aero Park, Capital Drive, Waukesha, Hales Corners, and Rainbow Airports are all busy hives of activity. Racine Airport is an unusual instance where nonaviation business enterprise saw the need for general aviation service and took direct steps to see that it was provided. One of the large aerial agricultural services in the country is established at West Bend.

The Wisconsin lake country is loaded with examples too numerous to mention of communities and individual enterprises which have developed airport facilities as a means of making their recreational attractions more readily available to the public. The economic impact of all this activity is incalcuable but we do know that trade in these areas has accelerated and these businesses are drawing customers from more distant places with greater frequency. We also find that many customers close at hand are benefiting from the development. The Milwaukee summer bachelor, commuting on a daily or weekly basis to a summer home in the lake country, is no longer a rarity. He sees his family more, gives it a pleasant experience, does better work and multiplies the economic activity.

A survey made by the Lakeland, Wis., Airport Commission 2 years ago both suggests and describes some of these impacts in just one small area. They found that almost $700,000 was spent by general aviation aircraft users in their area in just one 5-month summer season. Less than 4 percent of this money was expended for airport services. The balance was spent for such diverse things as food, lodging, local transportation, sports, clothing, laundry and dry cleaning, housing, utilities, auto service, entertainment, and other items. This money was distributed through more than 10 communities in the Lakeland area. The survey further revealed a potential for a significant volume of convention business if facilities are improved sufficiently to permit it to develop.

We have State associations of pilots, airport businessmen, airport managers, and groups like the Civil Air Patrol, the Air Scouts and Air Guides. The Wisconsin Department of Aviation carries on an aggressive campaign to improve aviation services in the State. Their activities generate more business. Our banks and insurance companies are finding aviation business and aircraft sales profitable lines for their services. Like the stone dropped in the pond, the general aviation dollar has rippling effects throughout the State and beyond.

The Federal Government has established a unique organization to regulate and serve a unique industry: the Federal Aviation Agency. The economic impact and consequences are staggering. The FAA is the eighth largest agency or department of the Government. It employs about 46,000 people. It maintains a billion dollar air traffic control system that costs half a billion a year to operate. It has practically unlimited power to regulate aviation and it makes use of a great deal of this power to do so in virtually every area of concern.

Three observations about general aviation are worth sharing.

General aviation has greatly expanded our horizons for recreation, commerce, and government for a relatively small but potent and influential number of people. It can do so for many more.

General aviation has sharply increased the pace of business and political competition. By reducing the unproductive travel time of costly personnel, the airplane, particularly in general aviation, has acted as a labor creator rather than as a labor saver. By making it possible to do more things, the airplane has forced people to do more things to keep ahead of the competition.

General aviation in the rest of the world suffers under an oppressive load of regulatory restriction to so great an extent that it barely exists. We must guard against burdening U.S. general aviation with similar controls producing the same result.

REPORT OF THE PRESIDENT'S COMMISSION ON THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

Mr. MANSFIELD. Mr. President, now that the report of the Warren Commission has been released and made available to the press and the public, it is fitting and proper that a word of commendation should be extended to the group of men who comprised that particular Commission.

Under the distinguished chairmanship of the Chief Justice of the United States, Earl Warren, we find there were associated on the Commission our outstanding colleague from Georgia [Mr. Russell], our outstanding colleague from Kentucky [Mr. Cooper], our outstanding colleagues from the other body, Representative Boggs, of Louisiana, and Representative Ford, of Michigan, as well as two other well-known Americans, Mr. John McCloy and Mr. Allen Dulles.

Theirs was not an easy task, but they have endeavored to look into all the material and information available to them on the tragedy last November. They have set down in writing, after long and arduous days, the results of their findings.

The Commission took its task very seriously. It tried to compile everything possible in connection with the dastardly assassination of our late beloved President John F. Kennedy. It visited the scene of the tragedy. It held meetings day after day, week after week, and month after month.

There are those, I assume, who will find fault with the report; but certainly no American can find fault with the members who comprised the Commission. They are all men of the greatest integrity and capability. They are all patriotic and devoted to their country. They are all seekers after the truth. Some of them took the responsibility reluctantly, but once they assumed office on the Commission, they gave to it all they had.

To me, it is an accurate, objective presentation of the facts available to this group.

So far as I am concerned, I accept wholeheartedly what the Commission had to say. Certainly, as far as their recommendations are concerned, they will be looked into very thoroughly by the Panel which was created yesterday by the President.

It is my understanding that this Panel, under the chairmanship of the distinguished Secretary of the Treasury, Mr. Douglas Dillon, will go over the recommendations made by the Warren Commission. It is my further understanding that this Panel will meet with the President later this week.

It would be my opinion, on the basis of the suggestions and recommendations made by both the Warren Commission and the Dillon Panel, that the groundwork will be laid for whatever legislation needs to be considered by Congress at the beginning of the next legislative year.

Again, I extend my congratulations and commendation to all members of the Commission. As far as the Membership of the House and Senate are concerned, four men of greater integrity and responsibility could not have been found in either body.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. This work was a rather monumental task. All too often the one group identified with this kind of work that does not particularly share in the credit is the staff. I believe that the Commission has had the services of the most talented and able men that I have ever seen in any group.

I was happy to note that Albert E. Jenner, familiarly known as Bert, one of the leading lawyers in Chicago, and former president of the American Judicature Society, was a member of that staff.

I believe it is appropriate that that staff be saluted. As we all know, when a committee or commission is established, much of the work is done by the staff. The thorough-going nature of the work is obviously a tribute to them.

I believe the Record should show a real salute to those who did so much of the legwork, and the painstaking and tedious detail that is a part of that kind of undertaking.

Mr. MANSFIELD. Mr. President, I wholeheartedly agree with the remarks made by the distinguished minority leader. I join him in commending the staff for the leg work and excellent service they rendered in making possible, on as accurate a basis as was possible, the report of the Commission, whose work extended over a number of months.

Mr. KUCHEL. Mr. President, the stark and monstrous tragedy in Dallas of last November will never be erased from our memories.

It returns today in all its incredible development and detail as the Presidential Commission's report is made available to the American people and to the world.

The Warren Commission has performed a high and essential service to our country.

The Commission's conclusions and recommendations, which were reached without any dissent among the members of the Commission, bear the mark of earnest credibility and truth. They assume a unique importance, not merely for history, but also for the future of this Nation.

The need for far greater security measures to protect our President is clear. So, too, is the need for complete and constant cooperation among all appropriate Federal agencies charged with guarding his life.

A sound solution of the problem of presidential succession is also implicit in consideration of the specific recommendations which the Commission has made. I must add that the grievous error of permitting a defector, one who renounces his American citizenship, to return, nevertheless, to this Nation, and to do so almost automatically, must never, never, never be repeated.

Earlier the distinguished majority leader referred to the committee which the President has now created to make specific recommendations, including legislative recommendations, based on the conclusions of the report. They will take time. The committee must act with as great dispatch as is feasible, and Congress—the present Congress or the next—must, as I am sure it will, be prepared to act with equal urgency in order that we may be able to do what we can to prevent a repetition of the disaster and the overwhelming gloom which suddenly befell our country last November.

HORATIO, OR WHAT'S IN A NAME

Mr. McGOVERN. Mr. President, GOP Presidential Candidate Barry Goldwater has made what he seems to regard as a most important contribution to our understanding of the basic issues before the Nation. He has discovered that the middle name of the Democratic vice-presidential candidate is Horatio. One gathers that in Mr. Goldwater's view, this should be considered an unbearable burden for the Johnson-Humphrey ticket to carry in November.

Senator Humphrey has very modestly reminded us that he deserves little credit for his middle name. He attributes this responsibility primarily to his father and has expressed his pleasure that his beloved, deceased dad has been properly recognized in the campaign.

I have known and admired Hubert Humphrey for many years. But I must confess that heretofore I have thoughtlessly failed to press him for a proper justification of his middle name. Once again, we are reminded of the value of a vigorous presidential campaign in focusing public attention on the crucial issues.

Toward that end, I have consulted the encyclopedia on the name Horatio. My research led me first to Horatio Alger, Jr., a 19th century American writer who schooled an entire generation of American youth in the "rags-to-riches" stories of the boy who made good by an astonishing combination of individual initiative and self-reliance. Scarcely an American lad growing up in the post-Civil War period failed to read "Ragged Dick" or one of the other 130 books poured out by Horatio Alger.

Indeed, the name Horatio Alger is synonomous with the ambitious, hard-working, incredibly thrifty, rugged individualist that Mr. Goldwater holds up as the American ideal to which we must return. One wonders, therefore, why the Senator from Arizona would advertise to the American electorate that the enemy camp had the amazing foresight to preempt, in a humble South Dakota home 53 years ago, the honored name "Horatio."

Even the mythology of the ancient world offers a highly prestigious antecedent for the name "Horatio." Which one of us has not been mightily stirred by the poem of Thomas Babington Macaulay, "Horatius at the Bridge."

Recall brave Horatius standing at the Tiber River with flashing sword and indomitable courage singlehandedly stemming the tide of the Etruscan army. That one man was able to turn back an entire army has led some cynics to the conclusion that Horatius was only a creature of mythology.

But no one can ever take away these immortal lines by Macaulay:

> When the goodman mends his armor
> And trims his helmet's plume;
> When the goodwife's shuttle merrily
> Goes flashing through the loom;
> With weeping and with laughter
> Still is the story told,
> How well Horatius kept the bridge
> In the brave days of old.

One would think that this stirring picture of a single brave patriot standing up to an entire army would appeal to the kind of man who has said that what America needs is a backbone instead of a wishbone. There was certainly nothing wishy-washy about Horatius. And I suspect that this is partly what the senior Humphrey had in mind when he added that third H—Horatio—to an already distinguished combination—HUBERT HUMPHREY.

> What's in a name?

Shakespeare asks—

> that which we call a rose by any other name would smell as sweet.

Shakespeare may be right, but I share the view of the late senior Mr. Humphrey that there is a special sweetness in the name Horatio, and I fully expect to see it adorn the next Vice President of the United States.

FEDERAL SPENDING

Mr. ROBERTSON. Mr. President, economists appear to be in general agreement that the current boom will last all of this year, and perhaps well in 1965. With these hopeful forecasts, some economists point out danger signals. For instance, the Chrysler wage agreement has set the pattern for what could be an inflationary price increase, not only by the manufacturers of automobiles, but by industry generally. General Motors promises to hold the price line on 1965 models, and I trust they will succeed. The price index of industrial raw materials—admittedly volatile—is now about 14 percent above a year ago, and a third of this increase has come in the last couple of months. When the price of raw materials goes up, retail prices usually follow the same trend. Current increases in wages and in the prices of raw materials will undoubtedly put additional pressure on the steadily increasing consumer price index.

Not all economists predict future price inflation, but I think most of them would agree that it should be given serious consideration.

My personal opinion is that price inflation, in view of the current trends and built-in accelerated Federal spending, is inevitable. The only question is whether it comes this year or at a later period.

When the President presented his budget for fiscal 1965, he said:

> It calls for a reduction from the preceding year in total administrative budget expenditures.

But we have had no reductions. Instead, we have increases.

For fiscal year 1964, the Congress appropriated $92.1 billion.

For fiscal year 1965, budget estimates submitted to the Congress have totaled $98.3 billion. Appropriation bills already enacted make available $89.3 billion—$3.5 billion less than requested for those programs. The budget estimates for the remaining appropriations, the foreign aid and supplemental bills—$5.4 billion together—if granted in full, would increase the total appropriations for fiscal year 1965 to $94.8 billion.

We may be able to cut the foreign aid and supplemental appropriation bills from this $5.4 billion figure. The President originally recommended supplemental appropriations of $1,370,468,374. The bill which passed the House on September 22 carried a total of $998,645,374. The biggest cut in the supplemental request was for mass transportation and the antipoverty program. The Senate Appropriations Committee has heard witnesses appealing for the restoration of those cuts. Additional requests have been submitted to the Senate amounting to more than $108 million. The present indications are that the supplemental bill recommended by the committee to the Senate will exceed $1 billion.

Even though Congress eliminates some $3.5 billion from the budget requests, it seems likely that appropriations in fiscal year 1965, instead of decreasing, will, in fact, be larger than those granted in fiscal year 1964 by $2 to $3 billion. This increase, coupled with the availability of funds carried over from appropriations made in previous years, indicates a steadily rising level of Federal spending.

But this may not be all. Congress is to act on the Appalachian bill, a new crash spending scheme which is as devoid of careful planning as the discredited Area Redevelopment Act. If Congress approves the Appalachian bill, it also will approve money with which to finance it. Both the House and the Senate bills authorize an immediate appropriation of $1,200 million, of which $840 million is the 5-year authorization for a highway program, with Federal contributions ranging from 50 to 70 percent of individual projects. The remainder is the 2-year authorization for programs administered by the Department of Health, Education, and Welfare, the Department of Agriculture and the Corps of Engineers. But that could lead to spending of unprecedented sums, because the bill authorizes the creation of a commission, which is to study how Federal money can be spent for highways that are not in a State highway system, for timber operations which could include the establishment and operation of paper mills, for agriculture, especially the increased production of beef, and for many public works, health, education, and welfare programs which are not being financed as liberally as some may desire.

Undoubtedly, the deficit at the end of this fiscal year will be larger than predicted when the fiscal 1965 budget was presented. Furthermore, both candidates for the Presidency are committed to additional tax cuts next year.

In addition to increased Federal spending, there will be, during this fiscal year, an increase in spending at all levels—State, local, and personal. Unfortunately, no small part of all the combined increased spending will be the spending of borrowed money, which, together with substantial wage increases, will make an inflationary trend inevitable.

Each of the factors which increase the trend to inflation must be faced. Government deficits must be reduced as much as possible, and inflationary wage increases must be resisted. Only by constant resistance to these tendencies can we hope to stop the current inflationary drift. A program of planned deficits will lead to disastrous inflation.

FIRE DEVASTATION AT SANTA BARBARA, CALIF.

Mr. KUCHEL. Mr. President, most Senators are acquainted with historic, beautiful Santa Barbara in my State of California. Most Senators will share my own great concern and sorrow at the terrible farflung forest fires which have been raging there for several days, and which have wreaked a holocaust with a frightening toll in life and in damage to property, public and private, in the area. Scores of houses are destroyed. What the Congress may be able to do to assist these stricken areas, I have no doubt it will do. Only this morning I received an urgent message from a member of the Board of Supervisors of Santa Barbara County indicating a mounting apprehension that, with the coming of rains in the midst of the winter, and with the mountains of Santa Barbara laid bare and denuded, the people in Santa Barbara, particularly in the fairly heavily populated areas along the sea, stand in danger of another type of disaster brought on by floodwaters rolling down the bare mountainside with all the muck and debris which may have accumulated during the fire, which would wreak additional damage.

I make this statement because it may be that with the approval of our distinguished dean of the Senate, the chairman of the Committee on Appropriations of the Senate, and of Senators on both sides of the aisle who serve on that committee, the executive branch of our Government may now indicate to our committee, and to the Congress, some additional steps might be taken legislatively to assist the people in a stricken area of my State, and by construction for example, of debris dams, bring a measure of protection to them.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield to my distinguished friend.

Mr. HAYDEN. I am sure that the Committee on Appropriations will be very glad to consider any recommendations that California might make.

Mr. KUCHEL. I thank my able friend.

SEPTEMBER'S MELANCHOLY MOMENT

Mr. STENNIS. Mr. President, the William S. White column, "September's Melancholy Moment," which appeared in the Washington Star on September 25, is a beautiful and eloquent expression of the depth and happiness of the daughter-father relationship in all of its sacredness and tenderness.

With his gifted pen, Mr. White has recorded some of those tender and precious feelings which, as he says, are indescribable. Rare indeed in these days are we so blessed as we are with Mr. White's column, which speaks for itself.

Mr. White's remarks on any subject are always worthwhile.

In this column he writes as a father and for all fathers in paying tribute to his daughter. I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Star, Sept. 25, 1964]

September's Melancholy Moment

(By William S. White)

The melancholy days are not really in November, when the last leaves are falling. They are now, in late September, when the first daughter goes for the first time far off to college and takes with her so much of the light and nearly all the gayety of these present splendid days of Indian summer.

One could never really know the lost feeling of war's parting until, long ago, one himself felt it, as the darkened ship crept out from a home port not soon if ever to be seen again, with no bands playing and none upon the dock to say farewell.

Equally, many years later in a man's life, he now realizes for the first time that one can never really know the full poignancy of any leavetaking until it becomes his task to stand with a cherished daughter at the airport waiting for the plane that is to take her, suddenly a new adult, to a new, strange life in which he is not anymore to have much part.

No doubt, when a man's little girl marries and goes away for good all this present somber thing will be seen in retrospect as not so hard to bear at all. Still, until that time does come, that which presently clutches at the throat and smarts behind the eyes will be enough of sorrow—and, yes, or loss—to be going on with.

For now a man finds a shattering human reality in what he had so casually and so unthinkingly accepted in only an academic sort of way: That the relationship of daughter and father has a special, an irreplaceable and an indescribable gentleness, a heartstopping quality that is like nothing else on this earth or in this life.

She stands so poised in her high heels—to which she had become quite accustomed quite before he had really noticed them. And for the very first time he sees that to those around her she is a young lady—while to him she is much as she was when, a thousand years ago, she went off for her first day at kindergarten.

Then come the small and infinitely precious memories. They roll in upon him in a bittersweet tide while he averts his eyes and adjusts his sunglasses, which suddenly have moistened in the sun. The sun, it seems, will not let his eyes alone. Then come, too, the large questions that will not let his mind alone.

Has he done for her all that he could have done to prepare her for this, the opening of a new life where she is, so far as he is concerned, to be for the first time all alone? Has he been patient enough, thoughtful enough, and kind enough? Does she know what he really thinks of her; since never for him has it been easy to speak of some things? And if not, is there any way that he can tell her in these brief and speeding moments of goodbye?

Is she not, after all, an awfully little girl to be going so far away? Will they take care of her out there? Does the fact that he has so often called her "The Brain," in pride of her success in the life of the mind, mean also that she is able to meet that world which he has so long known to be hard—but which, against all commonsense, he has always somehow thought she would not have to meet in quite all its harshness?

The questions have no answers, just as the memories have no ending. And as the aircraft lifts off for its far passage, he knows that for him time has parted like a broken rope and that the movement of time will not resume again until the Christmas recess brings her back again. He has always heard that mothers invariably weep at daughters' weddings—and he has always laughed. But which is really the weaker sex? And who is laughing now?

In the meantime, there is work to do. But the great affairs do not, at the moment, seem of very much account. Will November 3 be a day for immense and stirring decisions at millions of ballot boxes? Beyond a doubt; and the world waits in intentness and in suspense. But there is something else to wait for and to watch for. And that is the arrival, a thousand years hence, of the Christmas season. Roll on time. And up the Christmas season.

WHAT IS THE ADA?

Mr. McGOVERN. Mr. President, during the current presidential election campaign, the Americans for Democratic Action, or the ADA, has been injected as a political issue because the Democratic vice presidential nominee, Senator Hubert Humphrey, is one of the founders of that organization.

Although I have never been a member of the ADA, I have, like other Members of Congress, known some of its members, including both of the distinguished Senators from Minnesota, Mr. Humphrey and Mr. McCarthy, and the Secretary of Agriculture, Orville Freeman. I also have known that these three men and other early members of the ADA formed the organization in large part as a means of combating Communist influence in American liberalism.

An objective analysis of the ADA, its background and its program, has been carefully prepared by the editors of the Congressional Quarterly. Because of the interest in this organization generated by political critics during the current campaign, I ask unanimous consent that this analysis, which was published in the September 18, 1964, issue of Congressional Quarterly, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Humphrey Candidacy Draws Attention to ADA Stands

Senator Hubert H. Humphrey's (Democrat, of Minnesota) nomination as the Democrats' vice-presidential candidate has placed in the limelight the Americans for Democratic Action, a liberal organization frequently under attack as "socialistic" and representing "extremism of the left." Humphrey was one of the founders of the ADA and, until his nomination, was a vice chairman of its executive committee. Humphrey has resigned from that post, but not from his membership in the ADA.

Conservatives, GOP presidential nominee Barry Goldwater among them, have attacked the ADA in the past. Humphrey's presence on the ticket, however, has produced a barrage of sharp attacks on the ADA from the Republican hierarchy. This fact sheet explains the background and the programs of the ADA.

ADA'S FOUNDING

The liberals who formed the Americans for Democratic Action in January 1947, had been spurred by two elements: their desire for a pressure group to push for a continuation of the New Deal in the postwar era; and for the formation of a liberal political action group free of Communist influence. Liberals' fear of a turn to conservatism was prompted by the accession to the Presidency of Harry S. Truman, and the Republican sweep of congressional elections in 1946.

Liberal intellectuals never enjoyed the same rapport with Truman as they had with Roosevelt (who had brought many of them to Washington during the New Deal). Furthermore, they felt that several of Truman's actions during 1946 evidenced a turn to the right. At the same time, the Communists had become strong in the labor movement, particularly the CIO and the United Auto Workers, and the liberals who formed the ADA wanted a group which would disavow Communist tactics and aims. In this period, the Communist issue was a sensitive one, putting many liberals on the defensive. "To raise the issue of communism in those days was to be the skunk at the garden party," recalls Washington attorney Joseph L. Rauh, Jr., a founder and current cochairman of the ADA.

The moving forces behind the formation of the ADA were James Loeb, now ambassador to Guinea, and Reinhold Niebuhr, now professor emeritus at Union Theological Seminary in New York, who had formed the Union for Democratic Action in New York during World War II The UDA, a small, anti-Communist organization, was to provide liberals with an alternative to joining with Communists in a "united front" during the war. Loeb and Niebuhr then began talking with other liberals such as James Wechsler, an editor of the New York Post, Arthur M. Schlesinger, Jr., the Harvard historian, and Rauh, about turning anticommunistic liberalism into a political action organization.

Among those at the founding meeting of the ADA were Mrs. Franklin D. Roosevelt and Franklin D. Roosevelt, Jr., Will Rogers, Jr., Eugenie Anderson, current Ambassador to Bulgaria; several union leaders including Walter Reuther of the UAW, A. J. Hayes of the Machinists Union, James B. Carey of the CIO, and David Dubinsky of the International Ladies Garment Workers Union; Senators Herbert Lehman, Democrat, of New York, 1949–57, and Paul H. Douglas, Democrat, of Illinois, 1949–present; L. Kenneth Galbraith, currently a Harvard economist and former Ambassador to India (1961–63); and the current Ambassador to India Chester Bowles. Also attending the founding meeting were a number of the clergy and editors and journalists.

The 130-odd founders issued the following statement: "We reject any association with Communists or sympathizers with communism in the United States as emphatically as we reject any association with Fascists or their sympathizers. Both are hostile to the principles of freedom and democracy on which this country has grown great." The ADA constitution specifically excluded Communists and Communist sympathizers from membership. The Communist Daily Worker in 1948 called the new ADA "the imperialists' fifth column inside the liberal and labor movement." Rauh says that he has never seen any infiltration of ADA by Communists.

The sharpest cleavage between the ADA and persons to its left was over foreign policy. The ADA supported the Truman doctrine of aid to Greece and Turkey, the Marshall plan, and the formation of the North Atlantic Treaty Alliance. All were opposed by Communists.

In 1948 the ADA backed Truman's presidential candidacy and worked to rally liberals behind it; Communist sympathizers tended to turn to the Progressive Party and the candidacy of Henry A. Wallace, provoking a bitter controversy between the ADA liberals and the Wallace followers. The ADA was behind Humphrey's successful fight at the 1948 Democratic Convention for adoption of a strong civil rights section in the platform. The civil rights plank caused a southern walkout, but has been widely credited with contributing to Truman's 1948 election victory.

SIZE, INFLUENCE

The ADA claims to have an influence "far out of their proportion to their numbers," in the words of one ADA release. Although its membership numbers just over 50,000, many of the members are articulate spokesmen and many served in prominent positions in the Kennedy administration. Numerous politicians, however, dismiss the ADA as of being of little if any consequence.

The ADA's Washington office, which in 1963 operated on a budget of $150,000, has a national director, one registered lobbyist, a director of information, a director of organizations, director of projects, and seven clerical employees. ADA's Capitol Hill lobbyist this year has concentrated on passage of civil rights, antipoverty, housing, and mass transit legislation; he has opposed attempts to overturn the Supreme Court's reapportionment decision and to extend the Mexican farm labor import program.

Ten times a year, the ADA distributes a newspaper, called the ADA World. In one issue, the organization rates the voting performance of all Members of Congress on issues which the ADA feels are of importance. There are annual conventions and "Roosevelt Day" dinners. Local chapters conduct "workshops" on various issues. An ADA representative testified before the platform committees at both national conventions; only at the Democratic gathering, however, did it maintain an office. The ADA was deeply involved in the Mississippi Freedom Democratic Party's fight to be seated at the convention. Rauh, who also is a national committeeman from the District of Columbia, acted as the MFDP's counsel.

ALWAYS ENDORSED DEMOCRATS

The national ADA endorses a candidate in each presidential election—and it has always endorsed Democrats. It is up to the local chapters to endorse local candidates—and they do not always endorse Democrats. At this point the organization is hard at work for the defeat of Barry Goldwater. It has distributed its own analysis of the Goldwater voting record, is compiling one for Miller, and supplies chapters with other related materials. Another current major project for the ADA is to drum up support for changes in congressional rules: insuring that all Presidential proposals will be considered on the floor; breaking the seniority rule; making it easier to bypass the House Rules Committee and to shut off filibusters; and imposing strict conflict-of-interest regulations on Congressmen. ADA spokesmen say they are undeterred by past failures on these issues, and are working on a stronger campaign than ever.

The large number of ADA members who won jobs on President Kennedy's "New Frontier" prompted Senator Goldwater to say in 1952: "The Americans for Democratic Action, who talk about peaceful coexistence, are in the White House close to the President. There are 31 members of the ADA there. I am not worried about the extreme rightwing in our country. They are not in the Government in Washington. I am worried about the extremists to the left who are in the Government."

Comparison with Birch Society

Rauh rejects the arguments that ADA members are either extremists or socialists. "It is absolutely false," he says, "to equate the ADA and the John Birch Society. The right equation is between liberals and conservatives, because both believe in the process of law; neither the Communists nor the Birchers believe in the electoral or other democratic processes." ADA members are not Socialists, he says, "because we believe in free enterprise; it's as simple as that. Some large operations, like TVA, are necessary, but we don't believe in Government ownership of the means of production. Our ideas are in the mainstream of American political life," says Rauh, "and they have often been adopted. The 1948 civil rights plank was adopted in 1964. They may have been advanced ideas, but they were not outside the mainstream."

ADA PLATFORM

Following are highlights of the ADA 1964 platform, adopted at its 1964 convention:

Foreign policy

United Nations: "Strengthening the U.N. is imperative. The United States should support the principle of universal membership in the United Nations of all nations. Permanent status should be accorded a U.N. police force. * * * We welcome indications of a changed U.S. policy in supporting the claims of non-self-governing peoples against our Allies in NATO. * * * American economic aid to newly independent states should be channeled mainly through the U.N. in order to reduce great power competition. * * * The development of world law should be encouraged through U.S. sponsored treaties and covenants subject to judicial enforcement. * * * We favor increased efforts to bring Communist nations into more international institutions to further enlarge the framework of world cooperation and the sense of responsibility of the Communist nations."

Disarmament and security: "Our aim must be to achieve general and complete disarmament, subject to effective inspection and control. * * * It must be recognized that no safeguards can provide 100 percent protection against error or treachery. For this reason it is necessary to build the capacity of the U.N. to enforce disarmament arrangements. * * * No nuclear negotiations or treaties can be meaningful without the participation of all nations who now have or will have in the near future nuclear weapon capability. All measures should be taken to assure that all those who stand on the nuclear threshold, including the French and Peking Governments, accept and be bound by the conclusions of such negotiations. We oppose the transfer by any nuclear power of nuclear weapons or information on their manufacture to other nations or regional military organizations. * * * We urge the formation of regional denuclearized and ultimately demilitarized areas including Africa, Latin America, southeast Asia, Israel, and the Arab States."

International economic policies: "The $20 billion trade gap which may face the developing countries in 1970 and the accompanying gaps in education, living standards, and collateral opportunities must be closed. * * * As long as new barriers to world trade are not created, the United States should continue to support the development of integrated regional economic and trade groupings and access therein for the major trading nations. * * * We urge the administration to advance a vigorous program to assist American business to vastly expand American exports. Economic and development programing is necessary for a country which receives aid if it is to utilize the aid effectively."

Europe: "That the Atlantic alliance and the communities of Europe which the alliance contains and protects do not degenerate into quarrelsome and rival Balkanized states, pursuing special prestigious aims at the expense of others, should be a prime objective of Americans and Europeans alike. * * * ADA opposes all policies having as their consequence the further diffusion of nuclear weapons in Europe * * * (including) the proposed NATO multinational force. * * * The American commitment to the short-range goals of West Germany's defense, and that of West Berlin, are legitimate and should continue; also, the long-range commitment to German reunification in freedom. These special goals, however, should not be seen as necessarily incompatible with East-West agreements, either for central European reductions in military force, for a nuclear arms freeze, or for the creation of thermonuclear-free zones."

Other areas

Southeast Asia: "ADA calls upon the administration to oppose widening the area of combat operations into North Vietnam and the making of further substantial commitments of arms and forces in South Vietnam * * * to seek a political solution recognizing the principle of self-determination * * * to support the strengthening of the International Control Commission created by the 1954 Geneva Conference so that it can fulfill the purposes for which it was devised, and to make use of Geneva Conference machinery toward the end of achieving an independent zone in southeast Asia—free from military forces of all powers—and whose independence would be guaranteed by the major nations, including mainland China * * * to support all steps to extend a U.N. presence in the southeast Asia area."

India: "We deplore the refusal of Congress to grant economic aid to the Indian public program for expansion of her needed steel production. We urge the granting of increased economic assistance, on a long-term basis, to India in order that she may fully develop her human, natural, and industrial resources."

China: "ADA urges immediate initiation, together with our allies, of negotiations toward diplomatic recognition of the Peiping regime and its accreditation to the U.N. as the government of China, not as gestures of moral approval of its past actions but as means of establishing the normal channels of international communication * * *. Recognition of Communist China and its accreditation to the U.N. do not mean abandonment of Formosa. Until a U.N. solution is reached, the U.S. treaty pledge to defend Formosa should remain unaltered * * *. We should press for immediate and democratic elections by the inhabitants of Formosa * * *. We urge the removal of all passport barriers preventing travel by Americans to China (as has already been done in the case of journalists) in order that U.S. relations with it may evolve through full and informed public debate * * *. We further urge the lifting of barriers to trade, in recognition of the fact that trade builds understanding and our economic isolation from China's 650 million people achieved little."

Latin America: "The U.S. Government must show increased awareness of Latin America's revolutionary struggle for essential economic, social, and political reforms."

Cuba: "We do not believe that actions contrary to our international obligations under the OAS and U.N. charters or reckless sporadic raids upon Cuban territory or ships in Cuban waters, are proper or effective means of achieving this goal. We especially urge the United States to commit itself to the support of a Cuban Government dedicated to effectuating the democratic social and political aims implicit in the original Cuban revolution which Castro has betrayed."

Middle East: "The United States should propose a great-power guarantee of the security and territorial integrity of the Arab nations and of Israel."

DOMESTIC POLICY

Poverty: "The Economic Opportunity Act of 1964 only represents the first skirmish in a long fight * * *. If poverty is to be erased, a much more extensive attack is urgently needed * * * extend the coverage of the Federal minimum wage * * * to all farm, domestic, retail, hotel, and motel, restaurant, factory, laundry and hospital workers (and) that the minimum wage be increased to $2 an hour. * * * Urgently needed is a $2 billion accelerated public works program. * * * The low benefits presently paid to the aged, disabled, and family survivors under social security should be doubled by 1968 by raising the income tax base and by allocating general revenues. Health insurance financed through social security must be adopted. * * * A realistic Federal insurance program for those temporarily disabled and unemployment insurance that provides at least two-thirds of a worker's wage or salary for as long as he is forced into joblessness are essential."

Economic policy: "The blind forces of the marketplace cannot be depended on either to achieve full employment and vigorous growth or to direct economic resources in accordance with national priorities. For these purposes we need democratic national economic planning to evaluate our resources and our needs and to develop an order of priorities for the application of resources and our needs. * * * The current level of Federal spending is grossly inadequate to meet the needs of a growing population. We cannot support a fiscal policy which offers tax reduction at the expense of investment in essential public facilities and public services."

Civil rights: "ADA calls for vigorous enforcement of the rights guaranteed by the (1964) act. * * * Vacancies in Federal courts should be filled by judges whose devotion to the 14th amendment is unquestioned. * * * We continue to urge Federal administration of the registration system in areas where there is a pattern of voting discrimination. * * * For years we have noted the patterns of de facto segregation and their implications. Too little progress has been made in overcoming this condition. * * * Federal, State, and local action is desperately needed to eradicate economic and educational deprivation. The oppressed condition of millions of Negro and Puerto Rican citizens in northern cities demonstrates dramatically that merely passing civil rights laws does not guarantee equality of opportunity. * * * We urge the national leadership of the AFL–CIO and its affiliated unions to intensify its efforts to make the concept of brotherhood a living reality in the labor movement."

Civil liberties: "ADA urges defeat of the Becker amendment and other proposed amendments to the Bill of Rights relating to public school prayers, Bible reading in the public schools, and praying in public places. * * * We urge that congressional investigations be limited to obtaining information leading toward legislative action. We urge that the Un-American Activities Committee of the House of Representatives be discontinued. * * * We urge that all employees removed as loyalty or security risks under the Executive orders of Presidents Eisenhower and Truman be given the opportunity to have their cases reexamined on their merits. We oppose loyalty oaths other than the traditional oath taken by Government employees to support the Constitution and the laws of the United States. * * * We wholeheartedly support energetic enforcement of the laws against espionage and sabotage. * * * We propose repealing statutory provisions which limit the right of free speech, free association, and free political expression, such as are contained in the Smith Act, the Internal Security Act of 1950, and the Communist Control Act of 1954. We urge the abolition of the Attorney General's list of subversive organizations. * * * We oppose wiretapping as an intolerable violation of civil liberties, whether practiced by the Federal Government, by States, or by individuals. * * * We believe there is no security justification for imposing passport controls based on belief or association."

Immigration: "We urge that the national origins quota system be abandoned and a new policy created in its stead."

Congressional reform: "Congressional reform must be achieved if this country is to meet and solve its problems."

Equal representation: "Although the primary obligation of fair play rests with State legislatures, Congress has the power, under the 14th amendment, and under article I, section 4 of the Constitution, to establish enforceable standards for compact and contiguous districts. Congress should exercise this power."

Welfare: "Further expansion of coverage and increase of benefits under the federally administered old age and survivors insurance program. * * * The setting and enforcement of adequate Federal standards for size and duration of benefits and for eligibility under the unemployment insurance program. * * * Strengthening of State action in the welfare field."

Education: "We favor the use of Federal funds to aid education development beginning with preschool age children and continuing through adult education."

Housing and urban renewal: "ADA supports the right of all Americans to obtain decent housing in good neighborhoods at sales prices and rentals that they can afford to pay."

Labor and management: "Congress should reexamine the secondary boycott, organizational and recognitional picketing provisions of the Taft-Hartley Act, as amended by Landrum-Griffin. * * * We call upon Congress to repeal section 14(b) of the Taft-Hartley Act, which permits States to adopt right-to-work laws."

ARTHUR LARSON HEADS GROUP TO COMBAT BIRCH SOCIETY AND RELATED EXTREMISTS

Mr. McGOVERN. I have been pleased and proud of the courageous manner in which my distinguished South Dakotan, Dr. Arthur Larson, has spoken out against extremism in our national life.

Dr. Larson, a highly respected Republican, was an important member of the Eisenhower administration, and is now director of the World Rule of Law Center, at Duke University. I have followed with especial interest his impressive career in public service, because of our mutual South Dakota heritage.

Recently, he has released a public letter to President Johnson; and in the letter Dr. Larson explains why he, as a Republican, cannot support the candidacy of BARRY GOLDWATER, and is, instead, backing the President. He has also taken the lead in heading a group of distinguished Americans who have set out to combat the growing power of radical, rightwing groups that have been saturating the radio and TV airwaves with extremist propaganda.

Dr. Larson's group includes retired Gen. J. Lawton Collins; former Eisenhower Cabinet member Marion Folsom; Clarence B. Randall, chairman of the board of Inland Steel; Dr. Vernon T. Miller, dean of the Catholic University Law School; and Rev. Arthur C. Lichtenberger, presiding bishop of the Protestant Episcopal Church.

Dr. Larson has pointed out that the John Birch Society and other fanatical organizations are now spending $20 million a year to sponsor 7,000 radio and television broadcasts weekly in all 50 States.

This political rightwing propaganda is frequently masked behind a narrow and twisted version of religious emotionalism. It is a travesty against both sound religion and rational politics.

It is to be hoped that Dr. Larson and his group will be succesful in countering this well-financed propaganda, by their plan to provide radio broadcasts, at least twice a week, of a "dignified, factual, documental" nature.

Mr. President, I ask unanimous consent that a news account of the newly formed council, published in the New York Times of September 23, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CIVIC LEADERS FORM ANTI-BIRCH COUNCIL

(By Martin Gansberg)

More than 100 civic, educational, religious and business leaders joined forces yesterday in a move to tell "the truth about the John Birch Society and related radical reactionary groups."

The leaders, representing both major political parties and all sections of the country, announced formation of a National Council for Civic Responsibility aimed at exposing "impropriety of methods and falsity of substance" of the Birch Society and 12 organizations that are reportedly linked to the society by members or finances.

At a news conference at the Overseas Press Club, 54 West 40th Street, Arthur Larson, director of the World Rule by Law Center at Duke University and a former consultant to President Dwight D. Eisenhower, was introduced as chairman of the council.

Among members of the council are Dr. Detlov V. Bronk, president of Rockefeller Institute; Gen. J. Lawton Collins, retired, vice chairman of Pfizer International; Marion B. Folsom, director of Eastman Kodak, who was a member of the Eisenhower Cabinet, Erwin N. Griswold, dean of the Harvard University Law School.

Also Clarence B. Randell, retired chairman of the board of Inland Steel; Dr. Vernon T. Miller, dean of the Catholic University Law

School; Dr. Alan T. Waterman, chairman of the board of the American Association for the Advancement of Science; Roy Wilkins, executive director of the National Association for the Advancement of Colored People, and the Right Reverend Arthur C. Lichtenberger, presiding bishop of the Protestant Episcopal Church.

The council, which will raise funds from the public, is being sponsored by the Public Affairs Institute, a nonprofit group with headquarters in Washington that was set up in 1947 for dissemination of information about Government activities.

Mr. Larson, who announced his support of the Johnson-Humphrey ticket in a letter to the President last week, said that the council would play no role in the election campaign.

"But we do have a growing concern about the damage that will be done to American standards of political discussion and responsible behavior in a democratic society if misstatements on public issues and personalities are allowed to continue," he said.

Mr. Larson said that the council's members believed that "radical reactionary propaganda has reached the point where it is now going far beyond the function of merely reassuring the reactionary prejudices of a small fringe group."

BROADCAST FEES CITED

He said that rightwing groups spent more than $20 million a year to sponsor 7,000 radio and television broadcasts weekly in 50 States.

"Even more disquieting than the size of these activities," Mr. Larson declared, "is their rapid rate of growth."

Mr. Larson named the following organizations as being part of the major radical reactionary structure:

Americans for Constitutional Action, America's Future, Christian Crusade, Christian Freedom Foundation, Church League of America, Citizens Foreign Aid Committee, Conservative Society of America, Liberty Lobby, Manion Forum, National Economic Council, Dan Smoot Reports, and We the People.

One of the first projects of the council, Mr. Larson said, "will be to begin dignified, factual, documental" radio broadcasts at least twice a week at a cost of $500,000 to expose "the daily distortions of the radical reactionary groups." The broadcasts are to begin soon in the West and Midwest.

GUANTANAMO BAY

Mr. LAUSCHE. Mr. President, today I had the privilege of reading a series of articles written by Jessie Buscher, of the Washington bureau of the Columbus Dispatch. In August, she was given an assignment, as a representative of the Columbus Dispatch, to visit Guantanamo Bay, to observe its operations and, especially, the relationship existing between the United States and the Castro-Communist government with respect to this possession of our country.

The Guantanamo possession was obtained by the United States in 1903, under a lease granted by the Cuban Government to our Nation. The lease vested in our Government possession of 45 square miles of land, containing about 48,000 acres of land, for a period of 100 years.

Since 1959, when Castro took control of the Cuban Government, intermittent incidents with regard to this holding of the United States have arisen. The operations at this base have in the past been a source of great economic help to Cuba. Many Cubans were employed in its operations, providing for these workers annual incomes far, far in excess of what they would be able to earn in the Cuban economy.

Our Government had been dependent upon Cuba for its water supply, which, after the Bay of Pigs tragedy, Castro shut off. Through the alertness and effective work of Rear Adm. John D. Bulkeley, the commander of the naval base, a desalinization plant was established, and is now in very effective operation.

Other problems have intermittently come to the attention of the people of our country. Mrs. Jessie Buscher wrote five interesting and informative articles on this item of our international relations. They are worthy of being read. Therefore, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Columbus Dispatch, Thursday, Aug. 20, 1964]

OHIOANS AT GITMO HAVE NO FEAR

(By Jessie Buscher)

GUANTANAMO BAY, CUBA.—Fear is unknown among the Ohioans at the U.S. naval base in Cuba that borders on the "Cactus Curtain."

"Gitmo," as the base is commonly termed, is at the eastern end of Cuba. In 1903, United States signed an agreement leasing 45 square miles—48,000 acres of land—from Cuba for 100 years.

Today, 17.4 miles of 8-foot steel fence with barb wire at the top separate the naval base from Communist Cuba. This area is guarded at 22 sentry posts by U.S. Marines. These 30-foot high towers are located from 50 to 150 yards from the fence known as the "Cactus Curtain" because on the Cuban side is 10 feet of cactus bordering the fence to prevent Cubans from escaping.

A marine from the Columbus area—Cpl. David Clifton, whose mother, Mrs. Mae Hubbard lives in Linden (no street address, only box No. 245), is corporal of the guard working 4 hours on and 8 off.

Clifton drives the marines to their posts when changing the guards and has other responsibilities. He joined the Marines 4 years ago and has been at Gitmo since December 1963. After graduation from Linden High School, Clifton joined the Marines and trained at San Diego.

When his enlistment is up, Clifton is going to college majoring in history.

Another Ohio marine fired a shot that was heard, and made news around the world, is Pfc. John Kozell III, of Cleveland.

Kozell was at his sentry post when a Cuban guard fired at the American marines standing guard. He returned the fire as he saw them aim at his partner coming down the post ladder.

The 18-year-old Cleveland lad, made a quicker decision returning the fire than either Defense Secretary Robert McNamara or State Secretary Rusk ever made since joining the Kennedy-Johnson Cabinet. He stated, "I hope it doesn't happen again. I will always follow orders. If lives are endangered, I will return fire as I did before."

His father, John D. Kozell, Jr., and his aunt, Mrs. Anna E. Bobba, live at 3525 Bosworth Road, Cleveland.

Others at the "hardship post" who enjoy every moment of their stay at Gitmo are Radarman Chief and Mrs. Burton Barnhart, and their 3-year-old daughter, Barbara Lynne, 1144 Chalet Drive, Sandusky. His parents, Mr. and Mrs. Paul Barnhart reside at 1602 Shelby Street. Her father, Ernest Warner lives at Vickery, Ohio.

They have been at the post 13 months. Of the water crisis caused when Castro turned off the water, which led the naval admiral to cut the water pipes and bring it in via ships, they said, "it was an experience. * * * It showed us what we could do when necessary. We used paper plates and cups and other methods to save on water."

On July 30 the salt water desalinization plant producing fresh water was dedicated. Today all 10 swimming pools are being used.

Vincent J. Thigpen, 936 West Main Street, Kent, son of Mr. and Mrs. Paul Heaton, enlisted in the Marine Corps 8 months ago, has enjoyed the recreation facilities.

While at the naval base he is taking some college work by correspondence. When enlistment is up he plans to finish college majoring in engineering.

Lt. and Mrs. Roy F. Carlson and their four children have been at the Cuban base since January. The dental officer's parents are Mr. and Mrs. Roy A. Carlson, 783 Franklin Boulevard, Highland Heights, Ohio. Her mother is Mrs. Joseph E. Hodan, 3752 Beckley Road, Cleveland Heights.

Mrs. Carlson said of the base, "we are afforded greater opportunity here with so many more recreation facilities than in the United States. Dr. Carlson plays tennis and golf. I am taking golf lessons. We both bowl, see the plays, swim, and participate in other post activities."

Even though a mild cold war is taking place between Rear Adm. John Bulkeley, commander of the base, and Fidel Castro, the 9,000 Navy men, marines, and dependents expressed no fear of being in a danger area so close to the "Cactus Curtain."

The recreation facilities include 3 baseball fields, 8 softball fields, 10 swimming pools, 8 basketball courts, 8 tennis courts, 20 bowling alleys, 8 volley ball courts, one 27-hole golf course, 5 movie theaters, riding stables, boat and sailboat facilities, all free, and then bicycles for rent, a roller skating rink and boxing ring, plus 2 beaches with 100 cabanas on the Caribbean Sea.

Base Commander Bulkeley proud of the esprit de corps, stated, "Recreation at Guantanamo is big business and we are inclined to regard it as an important adjunct to providing a working base for the fleet."

In addition, Bulkeley arranges for the dependents to fly or go by ship to nearby shopping areas such as Port-au-Prince, Haiti, Kingston, Jamaica, San Juan, Puerto Rico, to obtain clothing not provided by the base post exchange.

The only regret expressed during my stay there was that the dependents are being phased out by December 1965 and the base will become a garrison force. Many families plan to ask for return duty when there is peace again in Cuba.

[From the Columbus Dispatch, Sept. 7, 1964]

REDUCES U.S. DOLLARS: COMMANDER OF BASE HELPS STRANGLE CUBA

(By Jessie Buscher)

WASHINGTON.—Democratic and Republican Members of Congress have been talking about strangulation of Cuba through economic measures since Fidel Castro took over in 1959.

One person who is actually doing something about reducing the flow of U.S. dollars to the Cuban Prime Minister is Rear Adm. John D. Bulkeley, commander of the U.S. naval base at Guantanamo.

Last February 12, Bulkeley discharged 700 Cuban employees at the base. A Presidential order asked that Guantanamo be more self-sufficient and lessen the monetary assistance to the Cuban economy.

This was 6 days after Castro announced the water flowing from Cuba into the base would be cut off unless the 36 Cuban fishermen held by the United States were released immediately. The men were seized while fishing in Florida waters.

The water was cut off by Castro on February 6.

Today, the fresh water needed at Guantanamo is provided by desalinization of salt water.

To prove to the world the naval base was not stealing water as the Cuban Government claimed, Bulkeley cut the water pipe on February 18 and removed one section so that no water could possibly flow into the base. Daily water consumption was 1.2 million gallons.

Then, 700 Cubans doing domestic work, the less desirables and subversives were dismissed and escorted off the base through the one remaining gate connecting it with Communist Cuba.

This reduction left 759 Cuban workers who come through the gate daily plus 800 exiles living on the base.

This cut the flow of American dollars to Castro by $1.5 million annually.

Another reduction in outflow of gold was the $13,000 paid monthly for water, or $156,000 annually.

Bulkeley says the daily Cuban workers who come and go still take $1.4 million from the base. He reports 80 percent of this amount is taken by the Cuban dictator as they return to their homeland on payday.

The only other U.S. payments to Castro are $4,000 annually for rental of the base, and $8,000 per year for a telephone line into Cuba for use by the Cubans on the base to communicate with their families on the other side of the "Cactus Curtain."

Bulkeley proudly admits his part in cutting off more than half of the $3.1 million in dollars paid from the base annually.

[From the Columbus Dispatch, Aug. 13, 1964]

General Bulkeley Outsmarts Red Leaders: Castro, Marines at Guantanamo Wage Cactus Curtain Cold War

(By Jessie Buscher)

Guantanamo Naval Base, Cuba.—A mild cold war is taking place daily in Cuba across the "Cactus Curtain" between the U.S. Naval Base and Fidel Castro, the Premier of Communist Cuba.

And it will continue mild and cold because Rear Adm. John D. Bulkeley, commander, U.S. Naval Base, Guantanamo Bay, Cuba, outsmarts the Cuban leaders.

Bulkeley, who assumed command in December, moved his 30-foot sentry towers back from the 17.4 miles of 8-foot-high steel wire fence with three strands of barb wire about it.

The 20 sentry posts are now 50 to 100 yards from the fence so that if the Cubans continue to throw rocks they cannot reach the posts.

It also put them out of reach when the Cubans feel like making nasty, provoking remarks to the marines.

Since June 25, when the Cuban leader cried loudly to the world that a U.S. marine at his post had shot a Cuban behind the "Cactus Curtain," Bulkeley examines the ammunition daily and knows if a shot has been fired and if so, why.

On that occasion the marine, a 19-year-old Cleveland youth, fired one shot obeying orders, which are to return fire above the heads of the Cuban firing.

The marine and his buddy, through powerful binoculars, saw the seven Cubans at their sentry post leave and return with an ambulance. The stretcher placed in the ambulance was empty.

Bulkeley says his intelligence sources informed him the body that Castro paraded on July 26 before the 30 American newsmen visiting Cuba as his guests was an Army man killed elsewhere.

In one of Castro's 4-hour broadcasts before the U.S. newsmen, he said, "I'll put my men back."

He is now building slit trenches, pillboxes, and other military offensive protectors about 200 yards from the 8-foot-high security fence.

Bulkeley says this action serves two purposes.

One is a showplace for visiting Communist leaders to protect his men from the horrible marines, and the other is that the distance between American and Cuban sentry posts will prevent rock throwing and unpleasant words.

On the Cuban side of the fence, built in 1953 according to the treaty between Cuba and the United States, there is at least 10 feet of cactus. The fence has become known as the Cactus Curtain.

Bulkeley says the cactus and other obstacles are not placed there by the Cubans to keep Americans out but to keep the Cubans in.

The naval base commander is not easily frightened. It was he who cut the 14-inch water pipeline on February 19 that delivered water to the naval base.

Castro suddenly turned off the water on February 6. Then later he offered to deliver water 1 hour daily because of the women and children at the naval post.

Bulkeley decided he had sufficient water stored to meet the base's needs until water was brought in by tankers.

On July 30 the first phase of the salt water desalinization and electric powerplant was dedicated.

It converts sea water into fresh water. Now water is plentiful and the 10 swimming pools are open again.

Bulkeley isn't easily scared. In fact, he is proud of Cuban Defense Minister Raul Castro's comment about him. Castro said:

"The Guantanamo base commander is a little gorrilla of the worst specie. He has been one of MacArthur's clique which was notably warlike, and this gentleman, it seems, is directly responsible for the big provocations that have been taking place in the base.

"From our point of view, the interest of that gentleman is that we return the fire, kill a pair of marines, in order to use it in the election campaign as a political lampoon against President Johnson."

Bulkeley's military background, training, and foresight will keep the Cuban dictator guessing as to plans of the Americans.

The admiral tours the line of defense daily in a helicopter. He knows what is going on all the time.

[From the Columbus Dispatch, Aug. 14, 1964]

Cleveland Marine Exposes Phony Shooting in Cuba

(By Jessie Buscher)

Guantanamo Naval Base, Cuba.—Marine Pfc. John Kozell III, of Cleveland, made a quick decision that is usually reserved for Dean Rusk, Secretary of State, and Robert S. McNamara, Secretary of Defense.

Kozell on July 13 was standing watch at sentry post No. 6 about 50 yards from the 8-foot steel wire fence or commonly known as "Cactus Curtain," the division line between U.S. property and Communist Cuba.

Kozell's partner, Pvt. Michael J. Furillo of Chester, Pa., atop the 30-foot tower telephoned to the corporal of the guard that a Cuban truck had come to the Cuban guard post about 175 yards away and dropped off five men, making seven at the post. He saw them start to aim at the American sentry post and then heard the shot.

Kozell saw this action and observed the shot about 20 feet above their heads. He called to his partner to come down the ladder to the bunker. When Furillo was half way down the ladder Kozell fired a shot 20-feet over the Cubans' heads. He says only three Cubans were standing at this time.

Kozell, Marine trained, recalled his orders. He fired to protect the life of his companion who was half-way down the ladder. They both hit the deck. Three or four minutes later the officer-of-the-day Lt. John Polchak of Donora, Pa., arrived, as the Marines at the adjoining sentry post had telephoned the sergeant of the guard of the shooting.

Polchak told the men to get up. They did but Kozell says he still was shook up. Polchak counted the ammunition and found only one shot missing. Polchak ordered Furillo back to his post. Kozell was taken to the guard shack.

While at his post the 18-year-old Cleveland lad observed an ambulance arriving at the Cuban post. Through binoculars they saw that the stretcher when placed in the ambulance was empty. The supposed victim of the Marines shooting was paraded through the streets of Guantanamo City in Oriente Province (where Castro started his revolution). Reliable reports are that a Cuban army man received the honors Castro accorded to the supposed Marines' victim.

Kozell still frightened but in Marine style reported the details. Capt. R. H. Widdows, of Hagerstown, Md., the commanding officer of the Marines, said, "It was well staged. That was the first time the Marines ever saw an ambulance on the Cuban side. For the next 6 days the Cuban guards stayed in their holes."

Kozell's father, John D. Kozell Jr., and his aunt, Mrs. Anna E. Bobba, live at 3525 Bosworth Road, Cleveland. His father is part owner of a tool and die shop. They formerly lived at Parma. The 6-foot 4-inch fighting Marine joined the Marine Corps in April 1963. After boot training at Paris Island, N.C., he attended the Infantry Training School at Camp Geiger, N.C., then aviation school at Memphis, and later aviation and ordnance school at Jacksonville, Fla.

His infantry company reported to Guantanamo for duty on June 28. The 235-pound Marine is anxious to leave Cuba as he is homesick for Cleveland to see his father, and his girl and drive his new car. He says he will reenlist in the Marine Corps if given another promotion before his enlistment expires in April 1965.

Commanding officer Widdows reports the promotion will be made before leaving Cuba within the next few months.

Of his quick decision, the Marine says, "I hope it doesn't happen again. I will always follow orders. If lives are endangered, I will return fire as I did before."

[From the Columbus Dispatch, Aug. 16, 1964]

Navy Base Converter Operating—Salt Is Removed at Cost of 90 Cents Per 1,000 Gallons

(By Jessie Buscher)

Guantanamo Naval Base, Cuba.—Our Navy is in Guantanamo to stay, commented Rear Adm. John D. Bulkeley, commander of the Cuban naval base.

Proof is the recent dedication of the salt water conversion and electrical power generation plant, and the two additional installations to be completed. The ultimate three-phase water conversion of salt water into fresh water will produce 2.25 million gallons of water daily.

The cost of the converted water, with only the first phase producing 530 gallons per minute, is approximately 90 cents per 1,000 gallons. The power cost is less than 2 cents per kilowatt.

Total cost of the completed three-phase water conversion and powerplant to the U.S. Government will be $9.4 million. Water that came from Communist Cuba prior to Cuban Premier Fidel Castro cutting it off last February was 29 cents per 1,000 gallons plus 10 cents per 1,000 gallons for purification. When the three water evaporators and the powerplant are in full operation in December, Bulkeley says the cost per 1,000 gallons will be considerably less.

The secret of the successful operation so soon after arrival of the Westinghouse plant on April 15 was due to "moonlighting" of some base employees.

Bulkeley said base technicians, workers, and sailors worked on the construction after completing their regular 8-hour-a-day jobs. He believes the installation of a similar unit in the United States would require at least 1 year.

The site of the desalination plant is believed to be the same location where Christopher Columbus landed in 1494, 470 years ago. The event ultimately opened the area to seafaring men of the entire world. The plant site also marks the location where U.S. Marines landed during the Spanish-American War in 1898 to assist the Cuban people in freeing themselves from Spanish rule.

The layout of the plant allows for future expansion. The operation allows for the salt brine to return to the Caribbean Sea from whence it came. To obtain 1 gallon of almost pure fresh water with small amount of chlorine remaining, 15 gallons of sea water must be pumped into the plant.

From the time of cutting the Cuban pipeline on February 17, until the fresh water plant was operating, housewives had to conserve on use of water. Washing machines were filled to capacity and the rinse water was used to water the lawn and trees. Clothes were worn a day longer.

Bulkeley permitted summer khakis to be worn at all times, eliminating the laundry of "Navy whites." Families used the beach cabanas located on the Caribbean Sea on weekends as the swimming pools were dry.

Wives interviewed obeyed the admiral's orders to use less water. Some say they will always conserve on water since they have learned how to do it.

Presently all 10 swimming pools are in operation and enjoyed by 9,500 inhabitants of "Gitmo."

The Navy and Marines and their dependents realize that recreational facilities, prices at commissary and post exchange cannot be equaled in United States. They like "Gitmo" living and many have asked for returned duty at the Cuban base without any fear of the promixity of Communist Cuba at its borders on three sides of the base.

With "Gitmo" converting salt water into fresh water, the U.S. Government is tightening the economic squeeze on the Castro government, as the United States paid them $13,000 monthly for water.

How does the water taste? Good, as it is almost pure, having very little chlorine.

SALMON CANNING—IT STARTED 100 YEARS AGO

Mr. BARTLETT. Mr. President, 1964 marks the beginning of the second century of salmon canning in the United States. In 1864, the first cannery was located on the Sacramento River, at what is now the city of Sacramento, by William and George Hume and Andrew S. Hapgood.

No industry, perhaps, has been subjected to more ups and downs in the course of its existence than has the one involving the taking and canning of salmon.

Today, the Sacramento River is no longer a commercial producer of salmon; now many streams which formerly yielded rich harvests of this wonderful food fish are barren of fish of any kind. Man has a surprising capacity to destroy. For many years, most of the canned salmon produced in the United States has come from the Columbia River, from Puget Sound, from Canada and, most particularly, from Alaska, the principal source of supply.

Mr. President, on April 30 of this year, I was honored when I was invited to join the then Under Secretary of the Interior, James Carr, in the unveiling of an historic marker commemorating the first salmon cannery in the United States. The marker was erected under the provisions of the Historic Sites Act of August 20, 1935.

In the September 1964 issue of the magazine Pacific Fisherman, a valued trade journal, special attention has been called to the salmon centennial. I ask unanimous consent that the article, entitled "One Hundred Years of Growth in Salmon Canning," from the Pacific Fisherman, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE HUNDRED YEARS OF GROWTH IN SALMON CANNING

Salmon canning began 100 years ago, in 1864.

Beginning of one of the world's greatest fishery enterprises was on the Sacramento River in California, but almost immediately the growth of the industry ran north and west far beyond California, bound for its eventual character as an international industry, as it is today.

In these pages of an issue dedicated to observance of the Centennial of Salmon Canning, Pacific Fisherman will look thoughtfully at the first 100 years of a romantic international industry—an industry which need not die although it depends upon wild things, born in mountain streams, and living in the endless pastures of the sea, beyond the sight and ken and counting of men.

The Pacific salmon industry is harvesting its fish today to a degree not matched before; with an intensity sharpened by competition, but the light of science shows us we are not necessarily depleting the resource, for we know so very much more about it than we did only a decade ago when salmon canning was 90 years old.

One had but to read Dr. William F. Royce's article in this issue to know that modern knowledge of the salmon assures other centuries, reaching into the future, if—

If man has the intelligence and ability to control himself. Danger to salmon through the first 100 years has always been rooted in man's greed and unwillingness to recognize that, properly used, the resource can be perpetuated.

Now man knows how he may, and that he must, fish wisely and with individual and international restraint and honesty. At the same time, as Dr. Royce shows, man must be willing to spend freely to find the facts, the ever-varying facts. If soundly sought and intelligently applied these facts can show where to fish, how much to take, and when, in order to maintain this magnificent resource at full tide.

It is not enough for men to understand the fish and how to catch them and control them wisely. Those who fish also must come to understand themselves, and the men of countries other than their own. They must come to comprehend that control of exploitation and greed is vital, and that conservation of this resource calls for self-control, by individuals, and by nations composed of individuals.

Thus as salmon canning enters its second century the problem is not how to catch salmon and can it, but how to harvest the resource without impairing it, that salmon may continue to serve mankind for centuries beyond today's horizon.

This issue is not a historical review, year by year, of a century. Nor is it a study of the "bad old days" when salmon was a primitive industry and the resource was rated "inexhaustible." Those days are part of the story, surely; and we can learn from them, but they were only the beginning.

In these we shall seek the significant steps by which salmon canning has grown for its first 100 years. It has been an exciting century, but the future is more so.

BEGINNINGS ON THE SACRAMENTO

Even before three men from the State of Maine started salmon canning on the Sacramento in 1864, there was a salmon industry based on salt on the Columbia River. Through the 1840's there were sporadic efforts to utilize the salmon for trade, but it appears that the first commercial success was that of John West, who began salting salmon at Westport, Oreg., in 1857. His name lives today in the leading salmon label in the United Kingdom.

But salmon canning as such began in 1864.

William Hume emigrated to California in 1852 from Maine, bringing with him a gillnet with which he had fished on the Kennebec River. He came of a line of Scottish salmon fishermen, and he made his living fishing on the Sacramento until 1856, when he returned to Maine and persuaded his brother, George W. Hume, to go to California with him. In 1863 George W. Hume returned to Maine and invited Andrew S. Hapgood, who had some experience in canning lobsters, to join the Humes in a salmon canning venture on the Sacramento at Washington, Yolo County.

There in 1864 the three started canning on a small barge—the first "floater."

All this is told interestingly and in some detail in an article by R. D. Hume—a nephew—which was published in Pacific Fisherman in January 1904. The article remains to this day the basic document in the history of salmon canning. In arranging for it, Miller Freeman, founder and publisher of this journal, had an artist draw a sketch of the cannery in collaboration with R. D. Hume, who worked in the original plant. This sketch, here reproduced, is the only known picture of the first cannery.

GROWTH—NORTH AND WEST

Salmon canning spread at a racing pace, with the Humes in the saddle. By 1866 William Hume established the second cannery—at Eagle Cliff on the Columbia River in Washington territory. P. J. McGowan, grandfather of John S. McGowan, today president of Bumble Bee Seafoods, Inc., was fishing beach seines at Chinook in that year.

By 1881 there were 35 canneries active on the Columbia and their pack in that year was 549,115 full cases. The river reached its all-time peak pack in 1883, when it was 629,400 full cases, each worth $5—all handpacked in handmade cans.

From the Columbia River salmon canning spread to the Fraser in 1870 with a cannery at Annieville, just below New Westminster.

First cannery on Puget Sound was established at Point Roberts, Wash., in 1893 by A. E. Wadhams of Portland.

ALASKA, CANADA, AND COAST

It was in 1878 that the first salmon cannery was established in Alaska. Actually there were two, but precedence is usually given to the cannery built at Klawock in that year by North Pacific Trading & Packing Co., for this operation has been continuous virtually every year since. The other 1878 entry was the Cutting Packing Co. at Sitka, but it operated only that year and the next.

The westward rush of canning stepped up sharply about 1888 and 1889 as expeditions followed fast to the red salmon fisheries of Kodiak Island, with the result that the market was quickly glutted. By 1891 the first Kodiak consolidation came into being and the pack was put up in half the canneries. The first Alaska Packers Association was formed with five trustees who marketed the pack, and then disbanded.

Two years later the name was used again, this time in the incorporation of the great company which is still a leading factor in the industry.

Bristol Bay with its wealth of Red salmon drew attention early, the first cannery being built there in 1884. Surprisingly enough, the early development was all on the Nushagak, and it was not until 1895 that the first cannery was built on the Kvichak, with its greater potential. Several of the early plants actually were established as salteries and later converted to canning as the productivity of the location was proven.

Growth was rapid to Westward along the north coast of the Alaska Peninsula; and by 1912 the Midnight Sun Packing Co. built a cannery on Kotzebue Sound, above the Arctic Circle. Fifty years later, in 1962, the venturing floater *Bering Sea* went back to Kotzebue.

Development of Canada's Pacific salmon resource centered on the Fraser River for a decade from its start in 1870, and then in a series of leaps, notably in 1881, bounded up the coast to establish canneries in all the areas where Sockeye were to be had in volume. The Skeena had a cannery by 1877. Rivers Inlet and Naas River by 1881, the year of the great expansion.

A strange faith in the abundance of salmon, and in the ability of late comers, saw establishment of canneries in almost every opening in the coastline of Oregon and Washington, with canneries by the dozen at such unlikely points as the Soleduk, Hoh, Queets, Wash.; and Necanicum, Nehalem, Nestucca, Siletz, Yaquina, Alsea, Siuslaw, Coquille, Oreg.; and Sixes, Klamath, and Noyo Rivers, Calif.

None of these canneries today are active. Development of highway transport along the coast led to concentration of the fish at the larger centers, while later the legislative efforts of sport fishermen closed most of the small coastal rivers to commercial fishing, which was forced offshore, with trollers fishing outside State waters.

ASIA

Asian salmon canning apparently began in the period following the Russo-Japanese War, whose peace treaty of 1905 conferred greatly extended fishing privileges to the Japanese. There had, however, been one canning venture as early as 1900, preceded by a number of salmon salting and curing operations in Siberia for a number of years. By 1917 "Pacific Fisherman Yearbook" was able to announce that there were 17 canneries—both Japanese and Russian—active in Kamchatka in 1916, with a pack of 470,000 cases.

Number of salmon caught in Siberia in that year was reported as 94,582,000 fish, of which 85,400,000 were pinks. Reds were counted as 3,619,000.

Following World War I and the Communist revolution, increasing pressure was brought upon the Japanese operations, with progressive reduction by the Soviet in the fishing and canning sites available for lease to Japanese firms.

This growing opposition in Kamchatka led Japanese enterprisers to apply to salmon the technique which had been developed for canning king crabs in floating plants; venturing high seas fishing for salmon also.

Such operations proved spectacularly successful and the nets of the high seas gillnet fleet effectively "corked" the inshore fisheries of the Japanese and Russians alike. So intense did this competition become that the Japanese Government intervened and ordered an accommodation which would spare the shore operators from destruction, while at the same time awarding corporate advantages to the high seas operators whose daring tactics had brought them victory.

Now Japan was possessed of a high sea salmon fishing and canning fleet, of ocean gillnetters and factoryships—and of the know-how of applying these facilities far beyond the coastal waters of Kamchatka.

Where to go? The answer was obvious, and by the early thirties Japanese "investigation" ships were probing along the Aleutian chain where the red salmon marshal for their spawning run to Bristol Bay, earth's richest fishery.

Let us leave the national and geographical development of salmon canning here for a moment and examine the technological growth which accompanied, and made it possible.

Salmon are a seasonal resource, available in the fullness of size and perfection only for a short time as they reach the coast to resume their fresh water existence. Moreover, the fish are highly perishable. Combined, these two characteristics put a high premium on the ability to handle a year's salmon in a few months or weeks, sometimes in a few days.

Proliferation of canneries and widest geographical distribution of them proved an uneconomic answer, and it was soon apparent that solution lay rather in mechanization and the speed and capacity it would make possible.

Canmaking perhaps was the first long stride, followed by mechanical butchering through the iron chink—which 60 years have improved, but never replaced. Then came the early forms of fillers.

Second phase of mechanical improvement in salmon canning came with a rushing pace. The "sanitary" can was introduced in 1912; vacuum packing in the early twenties; followed by high-speed multiple-spindle filling, can-weighing, and still higher speeds, eventually to steam-jet vacuum methods, and precision instruments. Sterilization continues to remain a batch process, challenging the inventor.

Fishing has changed also, not so much in methods as in the means by which they have been employed.

Salmon for canning today are caught basically by two methods—gillnets and seines. True, some also are taken by hook and line—trolling and longlining; and by reef nets, but these are minor methods.

Gillnets and seines were among man's earliest methods of fishing, following fast behind the spear and weir. They have been improved, yes; and particularly in the last decade or two by synthetic fibers, but basically the methods are unchanged from those employed when Christ sought His disciples by Galilee, and the Picts and Scots caught salmon on the Tay and Dee.

Two of the most efficient forms of salmon fishing—traps and wheels—have been eliminated by law and the processes of democratic government. Merits of this gear, the rationale for its use, its effect on the resource, and the reasons for its extermination, will long be debated. "Pacific Fishermen" believes, and here ventures once more to declare, that traps and wheels had one fatal fault which led to their elimination. They presupposed an exclusive right of fishery at a preferred location.

Beside the enormous contribution of synthetic fibers to efficiency in modern gillnet and purse seine gear, motorization of vessels and the application of power to the handling of the gear itself have made today's fishing highly efficient. The hydraulic power block has been responsible for much of the modern advance in seining, and it finds application in gillnetting also.

Mounting efficiency of salmon gear, increasing quantities fished, and the Japanese policy of fishing on immature stocks on the high seas, combine to make it evident that the future of salmon canning lies in improved management of the resource and the industry it sustains, rather than improved harvesting and manufacturing methods.

The honest man with some knowledge of the Pacific salmon fisheries in its first 100 years of canning will readily admit that the early decades were marked by shameless waste and ruthless greed.

Further, early efforts at control were largely ineffective, placing blind and vain faith in hatcheries, and in the U.S. Federal formula of 50–50 catch and escapement in Alaska.

In less than two decades, beginning immediately following World War II, salmon biology and salmon resource management based upon scientific knowledge have come a very long way indeed.

Much of this may be ascribed to the standards set and basic studies initiated by the Fisheries Research Institute of the University of Washington College of Fisheries. Conceived in 1946 by a group of forward-looking salmon canners, and wholly supported for years by the contributions of their companies, this institute under the direction first of Dr. William F. Thompson and subsequently of Dr. William F. Royce, has exerted profound influence. This has extended far beyond Alaska, where the work has largely been conducted, and indeed has reached into all salmon-producing regions of the world.

The significant success of the International Pacific Salmon Fisheries Commission, through which Canada and the United States control and develop the Sockeye and Pink salmon fisheries of the Fraser River system and their boundary waters, also directed in its beginnings by Dr. William F. Thompson, has shown how science, engineering, capital investment, farsighted administration and an intelligent and enlightened fishing industry can reverse decline and in some cases at least actually improve upon conditions existing before man's exploitation of a salmon fishery began.

The last 10 years of salmon canning's first century have in many respects been the most dramatic; and surely from them comes the best light reflected into the future.

In the beginning of this brief review of 100 years of salmon canning we said this was an international industry, and such it is. Almost from the first salmon canning in 1864, the product has moved in international trade, notably to the United Kingdom.

First the United States, then Canada, Japan, and Russia, all have participated in this trade, as producers and exporters; and latterly as competitors also on the high seas as well as on Eastcheap and Hudson Street.

Not far back we left off tracing salmon canning's geographical expansion with the Japanese probing into east Bering Sea at the gateway to Bristol Bay in the years before World War II. Firm American protest and the Cordell Hull Doctrine that the United States had a special and unmistakable interest in salmon spawned in Alaska's streams led to the withdrawal of the Japanese vessels.

Treaty of San Francisco brought peace following World War II, and was itself followed in 1951 by the International North Pacific Fisheries Convention between the United States, Canada, and Japan. Ratified in 1953, it entered into force in 1954—10 years ago.

The North Pacific Treaty is unique in its principle that (a) historic utilization of an ocean fishery, (b) maintenance of scientific study of the fishery to determine its full productivity, (c) administration in keeping with scientific findings to sustain that productivity, and (d) exploitation by its historic users at the maximum level which can be sustained from year to year—creates a special interest in the fishery on the part of historic users which should be respected by other nations.

The nations signatory to this treaty have fished under it for a decade, and have carried out faithfully the obligation of scientific study of the salmon resource on the high seas.

They know more today—and all the world knows more—as result of those 10 years of study than was learned of the marine life of the salmon in the 90 years which went before.

Now, in 1964, the Centennial Year of Salmon Canning, the three nations party to the treaty are seeking means by which it may be improved and made more than ever an instrument for the wise use of this resource.

Now, today, as this issue of Pacific Fisherman reached its readers, representatives of the three nations are meeting in Ottawa, conferring to this end in the third such conference. There they consult as salmon canning moves into its second 100 years. From this meeting, or others which may follow it, must come the future of an industry spread across the North Pacific, in which Asians and North Americans alike engage and compete.

The very fact that three of these world powers, these competitors, can and will consult on the conservation of the salmon in the sea is perhaps the brightest portent for the future of a resource which, wisely used, sows itself and serve mankind forever.

HEALTH CARE OF THE AGED—HOSPITAL INSURANCE

Mr. ANDERSON. Mr. President, on September 17, at the invitation of the National Broadcasting Co., I appeared on the "Today" show to discuss the problems of the health care of the aged, with special attention to the proposal to establish a Government program of hospital insurance for the aged.

Immediately after the program was concluded, the American Medical Association demanded that NBC provide equal time for the American Medical Association to present its side of what admittedly is a controversial issue. In the interest of presenting both sides, the network agreed to have Dr. Edward Annis, a past president of the American Medical Association, appear last Friday morning. He did so, and was interviewed by Herb Kaplow.

This issue of health care for the aged has been before the public for several years; and the administration's proposal has been the subject of rather severe criticism, particularly from the American Medical Association. I would be the last person to attempt to still the voices of criticism, because such give and take is essential to our system of government. I feel equally as strongly, however, that the criticism should be based on the facts, and that views not be misrepresented and not be so misstated that they no longer bear any similarity to the truth.

On Friday, Dr. Annis performed the role of chief spokesman of the American Medical Association by continuing that organization's campaign of distortion of the position expressed by the advocates of a Government plan of health insurance for the aged.

Dr. Annis was high in his praise of the Kerr-Mills program of medical assistance for the aged. It is "doing a truly remarkable job," he declared.

That statement cannot be supported by the facts.

Governor Brown, of California, whose State receives almost one-fourth of all the Federal payments under medical assistance for the aged, writes in the September 1964, issue of Harper's:

> Designed to help States pay medical expenses for their indigent elderly citizens, it is an acknowledged failure. Years after its adoption, only 26 States have been able to implement the act at all. Of those, six spent 89 percent of the Federal funds available under Kerr-Mills—and Nelson Rockefeller and I, who spend most of that money, are equally and bipartisanly unhappy with the results. In California, we knew before the bill passed that the program would fall short of its goal. Most other Governors knew it, too.

While by July, 34 States had implemented the medical assistance for the aged program—MAA—the situation is exactly as Governor Brown described it. In July, the most recent month for which figures are available, New York and California were spending 51.7 percent of the total Federal payment for this program.

I ask unanimous consent that the report for July be printed in the RECORD at the conclusion of my remarks, as exhibit 1.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. ANDERSON. Dr. Annis also said aged persons "need not be destitute," in order to receive help under MAA. That was the intent of Congress in 1960, in passing the Kerr-Mills law; but it has not worked that way in practice.

Mr. President, an accurate picture of the situation was presented in the supplemental views published in the Senate Finance Committee's report on the Social Security Amendments of 1964. I read this excerpt:

> The medical assistance available in most States is inadequate, and the care provided is frequently of poor quality. Even as relief to the destitute, the medical assistance for the aged programs have been far less effective than was hoped. Few States have been both willing and able to finance reasonably adequate health care for even the very poor, let alone those who are somewhat better off—the so-called medically indigent, for whom the MAA program was designed. Eighty percent of the people who have been partially helped by MAA are persons who could meet the means tests of the regular old-age assistance program. These people are not only medically indigent; they are indigent for any and all purposes, by any decent standard.

During the interview, reference was made to a speech which I delivered last March 12 before the Kentucky State Legislature. Dr. Annis said I had not checked the facts which I presented in that speech. Mr. President, I ask unanimous consent that my Kentucky speech be printed in the RECORD, at the conclusion of my remarks, as exhibit 2.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 2.)

Mr. ANDERSON. Mr. President, after I gave that speech, no one challenged my statistics—at least, no one I heard of—until Dr. Annis made his charge last Friday. The unfortunate conditions that applied last March still hold true today. The only thing that has changed is that the American Medical Association campaign has grown more virulent as the showdown on health insurance for the aged has drawn closer. I am not surprised.

What I do find surprising is Dr. Annis' statement that under the Kerr-Mills program, in Kentucky an elderly couple can live in a home worth $50,000 and still can receive medical assistance for the aged. It is true that an aged person's homestead is not involved in the eligibility test for the MAA, in Kentucky.

But the ironic thing is that Dr. Annis attacks the administration's health care proposal because he says it would help rich people. If someone in Kentucky is improperly getting Federal help because he is medically indigent and is living in a $50,000 home, Dr. Annis should let the proper officials know about it.

Dr. Annis dredged up an old American Medical Association charge that the Department of Health, Education, and Welfare, because it favors health insurance for the aged through social security, is not telling the States of the benefits under the Kerr-Mills program. That is not the truth.

The Department clearly has a responsibility to assist the States in implementing the enabling legislation. All available evidence indicates that the Department has accepted and fulfilled that responsibility to the fullest extent possible. The shortcomings of the Kerr-Mills program of medical assistance for the aged are substantive, and cannot be overcome by zealous promotion.

One of the methods employed by the Department to facilitate implementation and administration of MAA plans is a series of State letters which are regularly forwarded to State agencies administering public assistance programs. All these items date back to the inception of the Kerr-Mills program, and they typify the strong and legitimate encouragement supplied in support of the MAA program.

Interestingly, Mr. President, as long ago as August 1963, Dr. Annis was blaming Governors and State public welfare directors—not Federal officials—for impeding implementation of the Kerr-Mills program.

I ask unanimous consent that a letter from Dr. Ellen Winston, Commissioner of Welfare, U.S. Department of Health, Education, and Welfare, to Dr. Annis, and his reply, be printed in the RECORD, at the conclusion of my remarks, as exhibit 3. This exchange of correspondence demonstrates the inconsistency of Dr. Annis' remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 3.)

Mr. ANDERSON. Mr. President, while Dr. Annis is entitled to express criticism of the administration's proposal or of the conclusions of a congressional committee, he has overstepped the bounds of fairness and decency by impunging the motives of the former chairman of the Special Committee on Aging.

In response to a question from Mr. Kaplow about figures presented by the McNamara committee, Dr. Annis said:

> I could have written Senator MCNAMARA's report before he ever had his committee action. No one is ever surprised with what he finds. He knows ahead of time what he's

going to report. He's been doing this for a number of years.

The work of the committee under the Senator from Michigan and his efforts as chairman of the Subcommittee on Health of the Elderly, of the Special Committee on the Aging, have been extremely favorable and have been evidenced during public hearings at which both sides of the issue have been fully presented. The Senator from Michigan is a supporter of the administration's approach to the problems of the aged. But he has never let this feeling outweigh his sense of fairness.

Dr. Annis further stated:

> The only thing I can tell you is that when McNAMARA's report came out a year ago, the overall chairman of the committee decried the negative character of the report.

He was referring to the individual views of Senator SMATHERS, as published in the October 1963 report by the Subcommittee on Health of the Elderly. The junior Senator from Florida—and this is his complete statement—stated:

> While I regret the negative tone of this report, I believe it provides valuable information on the operation of the MAA program, its weaknesses, and the needs for its improvement. Unless and until another Federal program is enacted, MAA offers the most practical means available to assist senior citizens with their medical problems. It, therefore, behooves Congress to correct the weakness revealed by this report and make MAA a more effective instrument in achieving this important objective.

That is a long way from decrying a report by one of his subcommittees, and, in fact, shows that the junior Senator from Florida recognizes some of the shortcomings of the Kerr-Mills program.

Dr. Annis also declared that the aged can protect themselves, and are doing so, through private health-insurance plans. If that were the case, we would not be laboring in conference to produce such protection through a contributory payroll program.

The truth was more accurately reflected by Mr. A. M. Wilson, chairman of the executive committee of the Massachusetts "65", when he said:

> The early enthusiasm for a 65 plan as a means to combat Federal intervention is very rapidly subsiding as companies begin to realize the extent of their financial involvement. We are still a business which cannot function as a private social-relief association.

Mr. President, I hope the debate over health care for the aged will be ended this week by enactment of a Government plan that, together with other public and private programs, will assure the elderly the care they require and the means to pay for it.

EXHIBIT 1

Report on medical assistance for the aged (MAA): Vendor payments and recipients, July 1964

State	Total payments			Federal share of payments			Recipients		
	Amount	Percent of national total	Average payment per recipient	Matching percent	Amount	Percent of national total	Number	Percent of national total	Number per 1,000 aged population [1]
Total	[2] $36,264,602	100.0	$195.35	----------	$18,527,483	100.0	[3] 185,641	100.0	[4] 13.9
New York	[2] 10,667,199	29.4	311.68	50.00	5,308,520	28.7	34,225	18.4	18.8
California	8,523,737	23.5	290.89	50.00	4,261,868	23.0	29,302	15.8	19.0
Massachusetts	[2] 4,408,376	12.2	163.41	50.00	2,155,044	11.6	26,978	14.5	45.4
Michigan	2,030,713	5.6	368.68	50.00	1,015,356	5.5	5,508	3.0	8.0
Pennsylvania	1,561,070	4.3	198.00	50.00	780,535	4.2	7,884	4.2	6.7
Washington	1,423,505	3.9	143.35	50.00	711,752	3.8	9,930	5.3	33.8
New Jersey	[2] 1,219,618	3.4	233.38	50.00	605,710	3.3	5,226	2.8	8.5
Connecticut	[2] 1,183,322	3.3	183.95	50.00	590,926	3.2	6,433	3.5	24.7
Oregon	549,562	1.5	146.16	50.00	274,781	1.5	3,760	2.0	18.8
Illinois [5]	542,694	1.5	402.59	50.00	271,347	1.5	1,348	.7	1.3
Iowa	451,808	1.2	81.89	57.63	260,377	1.4	5,517	3.0	16.2
Kansas	[2] 344,840	1.0	146.55	56.63	188,792	1.0	2,353	1.3	9.3
Idaho	285,114	.8	137.67	67.43	192,252	1.0	2,071	1.1	32.9
Minnesota	[2] 257,297	.7	47.37	56.42	125,929	.7	5,432	2.9	14.2
North Dakota	[2] 257,084	.7	221.82	73.03	185,947	1.0	[3] 1,159	.6	19.3
Maryland [5]	[2] 255,527	.7	25.09	50.00	123,182	.7	10,184	5.5	41.1
Utah	252,778	.7	117.52	62.28	157,430	.8	2,151	1.2	32.1
Kentucky [5]	233,549	.6	35.81	75.27	175,792	.9	6,521	3.5	21.3
District of Columbia	223,768	.6	286.15	50.00	111,884	.6	782	.4	10.6
Hawaii [5]	210,977	.6	393.61	50.00	105,488	.6	536	.3	15.3
Florida [5]	191,545	.5	374.84	60.69	116,249	.6	511	.3	.7
Tennessee	188,912	.5	49.16	75.53	142,685	.8	3,843	2.1	11.6
Oklahoma [5]	164,041	.5	161.46	65.65	107,693	.6	1,016	.5	3.8
Arkansas	136,344	.4	48.87	80.00	109,075	.6	2,790	1.5	13.5
Virginia	124,746	.3	103.96	65.05	81,147	.4	1,200	.6	3.8
Puerto Rico	103,374	.3	32.74	50.00	51,687	.3	3,157	1.7	23.2
Nebraska	97,036	.3	602.71	55.10	53,467	.3	161	.1	.9
Maine [5]	93,380	.3	274.65	65.65	61,304	.3	340	.2	3.1
Alabama	72,708	.2	285.13	78.29	56,923	.3	255	.1	.9
West Virginia	52,808	.1	17.76	71.76	37,895	.2	2,973	1.6	16.3
Louisiana	42,226	.1	143.14	73.46	31,019	.2	295	.2	1.1
South Carolina	33,515	.1	125.06	80.00	26,812	.1	268	.1	1.6
New Hampshire	31,177	.1	34.72	56.38	17,578	.1	898	.5	12.5
Vermont [5]	27,186	.1	183.69	64.75	17,603	.1	148	.1	3.3
South Dakota	10,080	(6)	56.95	68.87	6,942	(6)	177	.1	2.3
Wyoming	5,737	(6)	(7)	50.00	2,868	(6)	13	(6)	.4
Virgin Islands	4,973	(6)	29.96	50.00	2,486	(6)	166	.1	83.0
Guam [8]	2,276	(6)	17.51	50.00	1,138	(6)	130	.1	130.0

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[1] Based on civilian population aged 65 and over estimated by Bureau of the Census as of July 1, 1964.

[2] Includes money payments to recipients not subject to Federal matching: Connecticut, $1,470; Kansas, $11,462; Maryland, $9,164; Massachusetts, $98,287; Minnesota, $34,098; New Jersey, $8,198; New York, $50,159; North Dakota, $2,467.

[3] Includes an unknown number of persons who received money payments only, causing average vendor payment to be slightly understated.

[4] Based on States listed in this table. Rate including States not making MAA payments is 10.3 per 1,000 aged persons.

[5] Represents medical assistance for the aged segment of program for aid to the aged blind, or disabled and medical assistance for the aged.

[6] Less than 0.05 percent.

[7] Average payment not computed on fewer than 50 recipients.

[8] Data for March; later data not available.

Source: Department of Health, Education, and Welfare, Welfare Administration, Bureau of Family Services, Division of Program Statistics and Analysis.

EXHIBIT 2

HOSPITAL INSURANCE FOR THE AGED

(Remarks of Senator CLINTON P. ANDERSON at Kentucky General Assembly, Frankfort, Ky., Mar. 12, 1964)

I consider it a privilege to be invited to address the general assembly on the issue of health care for the aged. It is an issue which has generated much attention—and, regrettably, more heat than light. You are to be commended for seeking to hear both sides of this controversy. Mr. Justice Holmes once said "that the ultimate good desired is better reached by free trade in ideas, that the best test of truth is in the power of the thought to get itself accepted in the competition of the market." I agree that these public social questions should be subjected to the test of public debate.

And I agree with Dr. Annis, who declared from this same rostrum that no one should be denied medical care because of inability to pay. This debate—which has been underway for more than a decade—has narrowed to the point where the central issue is not whether the aged are provided with the health care they need—although that is a serious concern. Nor is the issue whether many of them lack the ability to pay for that care—although large numbers do. At issue is how the cost of this service is to be met most effectively. And at the heart of the matter is whether we can prevent poverty or whether we must surrender and deal with it only after it occurs. A look at the past tells us we need not surrender.

In the 1930's, I was the administrator of the State welfare program in New Mexico. The issue then was what, if anything, could be done to provide a decent level of life for aged people who could no longer work—and to provide this without interfering with the incentive to work and earn and save. Under the leadership of Franklin Roosevelt, social security was developed to assure people of a moderate income in old age sufficient for food, clothing, and shelter. A basic part of the idea was to assure these necessities of life to all of the aged—not just the impoverished or the improvident—so as not to discourage thrift and work. The object was to encourage people to add private resources on top of the social security benefit. It has worked that way because throughout the history of social security, life insurance and other private insurance have grown tremendously and employee benefits such as the United Mine Workers' plan have helped make for a decent life in old age. We who backed social security are proud of that fact.

Not even the few critics of social security can fail to recognize that this cooperative approach of Government and private effort has worked admirably to assist the aged.

Over the years, since the creation of the original Social Security Act, I have felt a deep sense of satisfaction as Congress has extended coverage to people on the farm and to other groups, has added the permanently disabled and their dependents, and has improved benefits. I watch with regret as the American Medical Association originally opposed social security coverage for the permanently disabled. Congress nonetheless acted to protect the disabled, and the physicians then cooperated in making this program work well. The AMA also opposes social security coverage for physicians, leaving this profession virtually the only one uncovered—although there are many physicians who do favor the inclusion of their profession under the Social Security Act. Lawyers, engineers, dentists, architects, and accountants are in; only the doctors stay out.

The great majority of the aged are able to meet regular day-to-day living expenses, of course, with the help of social security and their modest retirement resources. No doubt, the fact that in the year 1962 social security was paying benefits of over $230 million in Kentucky is the primary reason that extreme poverty in old age has declined as much as it has. Some 213,000 aged Kentuckians—more than 70 percent of your aged—are receiving social security benefits. And next January 1,309,000 Kentuckians will be age 65 and over. If the administration's hospital insurance program is enacted, virtually every one of them would be eligible for its protection.

But today there remains a problem threatening the aged that is very similar to the one that so concerned us in 1935. This problem is medical costs—costs which today represent the last serious remaining gap in the economic security of most older people, and are the major single reason that older people are brought to the meager level of old-age assistance.

The plain fact is that older people generally cannot afford the cost of reasonably complete health insurance—insurance that costs a couple about $450 a year even under the State 65 plans, which are operated on a nonprofit basis. Neither can they afford the $900 or $1,000 in health costs they may encounter in a year in which they are hospitalized. And the older person can expect two or three trips to the hospital after age 65. Thus, most older people are faced with the prospect that serious, and expensive, illness could wipe out their savings and force them to become dependent upon children or charity.

We are engaged in a war on poverty. Our President is leading it, and I am glad to march in the ranks. But surely there is much that can be done now so that we need not have to fight this war forever. We must prevent poverty. The challenge today is to keep from losing the income protection that was hard won in the 1930's because of the rising costs of health care in the 1960's.

The chief purpose of the King-Anderson bill and similar legislation is not to provide care that people are not now receiving, although many aged are deprived of adequate care. The aim is to give the aged some protection against the dread—and the actuality—of becoming destitute or dependent as a result of the costs of major illness. I say this because the hope behind the original Social Security Act was—in the words of the Supreme Court—"to save men and women from the rigors of the poorhouse as well as from the haunting fear that such a lot awaits them when journey's end is near."

It is rare that anyone in critical condition must go without care because he cannot afford it. But it is considerably less likely that a poor person would get the kind of care that would treat chronic disease to prevent it from becoming acute.

If, in order to obtain the medical care they need, old people must exhaust their savings or sell their homes—if they must turn to their children for help—if they must contemplate the possibility of jeopardizing their grandchildren's chances for an education—if after a lifetime of self-support they must ask for charity—if they must do any of these things, then surely some of the aged will postpone the trip to the hospital or the visit to the doctor, hoping for a miracle, hoping the pain will somehow go away—hoping, while the minor illness turns into a major one. Postponement in seeking medical care often is costly in dollars. But the toll in suffering is even more costly.

There is ample evidence that care is not as readily available to the aged without adequate funds as some would have you believe.

The Texas Research League, which is adamantly opposed to the King-Anderson bill, found 21,451 cases—that is, 8½ percent of the Texas public assistance caseload—with medical needs not being met in 1961.

An Illinois Congressman surveyed Chicago physicians last fall and got replies from 970. Some 36 percent reported that they had aged patients who declined to go to hospitals because either they could not afford the care or would have to go on welfare.

Only 18 percent of the aged in Kentucky hospitalized under Kerr-Mills medical assistance for the aged have stayed beyond 10 days. Yet nationally about half of the aged who go to the hospital stay longer than 10 days. It is a matter of concern that patients may be discharged although still in need of hospital care.

And too often aged persons are hospitalized in mental institutions not because they need psychiatric care, but because financial barriers have prevented them from getting the medical care they need in general hospitals.

As an example of what I mean, let me read part of a letter from a New Jersey mental hospital superintendent announcing that his institution could no longer admit bedridden patients, mainly the aged. This physician declared:

"These patients belong in general hospitals or nursing homes. I know the problem of keeping chronic patients in acute beds. But it is no solution to label them 'insane' and send them to an understaffed, overcrowded psychiatric institution."

There can be no doubt whatsoever that the relief from financial worry provided in a social security hospital insurance program would contribute significantly—in a way that no means test public welfare program ever could—to making needed health services available at the time they are needed, to many who are too proud to ask for charity, and too reluctant to burden their children.

Prevention of poverty requires a program which will aid not only the very poor among the elderly meet their health costs but also the many of modest income. The rich among the aged—whom some contend the social security insurance proposal would unjustly help—are rare. Only about 3 percent of the aged have incomes of $10,000 a year or more, and they already receive very substantial income tax deductions for their medical bills.

Some persons concerned about this problem saw in the Kerr-Mills program the solution to aiding the great majority of the aged—the middle-income aged—with their health costs. The late Senator Kerr, who sat beside me in the Senate, visualized in 1960 that some 10 million aged not on old-age assistance would become eligible for medical assistance under his bill. That has not come about nor are we close to achieving it.

It seems virtually impossible for all the States to meet the costs of a plan of that scope and provide meaningful benefits and at the same time pay for all the other things you must do. I say that because Kentucky is like New Mexico and every other State. You are spending more for education, more for highways, more for parks and for industrial development.

Last November 21, representatives of the Kentucky State Medical Association testified before the House Ways and Means Committee in Washington that by July 1, 1965, Kentucky would have a medical assistance for the aged program covering hospitalization for 21 days, and other liberalizations with more reasonable standards of eligibility. Such a program would cost about $40 million a year in Kentucky, and the State would have to put up $10 million of that cost. You have rejected that program because of its costs.

Kentucky, however, is to be commended for being one of the first States to implement the Kerr-Mills law. And I do not think I am imposing on your kindness in having me here when I say that what you have done is imply not enough. I compliment you on what has been done and know that it is as much as you can do in the face of other demands on the State treasury.

I understand that the record budget you have approved for the next biennium provides only enough medical care funds to maintain the present level of medical care benefits. But even if Kentucky's funds for welfare could be increased, there is a question of where these funds should go—whether eligibility for medical assistance should be increased or whether it might be better to provide somewhat more liberal cash payments for the indigent who now, in Kentucky as in many other States, must get along on a very meager budget.

You know far better than I that the Kentucky medical assistance program must keep benefits low to stay within available funds. Hospital care beyond 10 days per admission is not covered. The goal of your legislation, then, of removing the fear that the aged person who becomes hospitalized and has low income will not be forced to lose his home or liquidate his life insurance, falls far short of being met. When the patient must be hospitalized beyond 10 days the hospital has no other recourse but to use all means within its power to obtain payment from the patient. The State may not apply a lien against the patient's assets to recover its welfare payment; but if the State welfare payments do not cover the cost of care, what can the provider of costly services do? The hospitals are as much the victim of this system as the impoverished aged.

They are the victims because the cost of the care they are providing the welfare recipient is not being fully met, and they must turn elsewhere to make up the difference. As legislators you have had to face this problem, and you will continue to confront it until a national program is instituted. Under the social security approach, the hospitals would be reimbursed for the cost of their services, and this would relieve them of a burden they should not be compelled to carry.

All of this was discussed in some detail on the floor of the Senate of the United States in 1962. In the course of that debate, the great majority of Senators came to the agreement that Kerr-Mills legislation would not suffice to meet the problem. JOHN SHERMAN COOPER joined with me and almost, but not quite, half of the Senators in voting for the social security hospital insurance bill. Many others including THRUSTON MORTON, favored other means—tax credits and such—to solve the problem. But the great majority recognized that the Kerr-Mills legislation was not enough. Since 1962, the social security supporters in the Senate have not diminished in number. They have increased as the deficiencies and problems in present law have been more widely recognized.

This is not a partisan issue, although my party has vigorously worked for enactment of a social security hospital insurance program. Last November, a bipartisan group of distinguished physicians, educators, and insurance executives recommended a contributory payroll plan to finance such insurance. The committee was headed by Arthur Flemming, President Eisenhower's Secretary of Health, Education, and Welfare.

Some 9 million of the aged have health insurance of one type or another. But it should not be concluded from this that half of the aged have adequate health insurance coverage. A large body of evidence shows that the limited financial capacity of large numbers of the aged has resulted in their purchase of policies they can afford and not what they really need to cover the large expenses they may face. All too often the insurance is costly yet still does not protect against bankrupting costs. The bitter irony is that many of those who are insured eventually have to resort to old-age assistance because, despite their insurance, medical costs have wiped them out.

A special Senate Committee on Aging intends to investigate this situation in the next month or so. I think its members will find more evidence of just how difficult it is for private insurance to do the job on its own.

Blue Cross has been one of the more responsible organizations in the effort to do something to protect the aged. But Blue Cross, too, runs up against sharply rising hospital costs and the attendant necessity to increase premiums.

In New York, some 7½ million Blue Cross subscribers would be affected by a 25-percent average increase in rates proposed earlier this month. The most painful part of that announcement was that under a proposed new rating system some groups of subscribers with records of unusually high use of hospital service would receive a maximum rate increase of 40 percent. These groups—it was explained—are largely composed of women and the older age groups.

In neighboring Illinois, the Blue Cross announced last fall that it was cutting benefits for individuals—primarily the aged—25 percent rather than raise premiums. But the effect is the same—less protection for more money.

Here in Kentucky—where room and board rates for a two-bed hospital room in metropolitan areas such as Louisville and Lexington are in the neighborhood of $19 a day—Blue Cross' program for the aged pays $12 a day. That helps, but those indemnity benefits always lag behind actual charges. It leaves a protection gap for the aged.

Another aspect of this is the fact that the national average expense per day of hospital care—not counting physicians' or surgeons' fees—has increased 400 percent since 1946, and is now nearing $40 a day.

The Blue Cross-Blue Shield campaign in October 1962, to enroll more of the aged in Kentucky, resulted in an extension of protection to only slightly over five-eighths of 1 percent of Kentuckians over 65. That is one measure of the enormity of the problem facing private and group insurance. Moderately good insurance is beyond the reach of large numbers of aged Americans.

There must be a way out of this dilemma. And there is. It is to provide basic hospital and skilled nursing home protection through social security as embodied in the King-Anderson bill. Briefly, the bill provides these benefits for virtually all the aged:

Inpatient hospital services for up to either 45 days with no deductible; 90 days with a deductible of $10 a day for the first 9 days; or 180 days with a deductible equal to about $92.50.

Up to 180 days of skilled nursing home services affiliated with hospitals after transfer from a hospital.

Outpatient hospital diagnostic services, with a $20 deductible.

And also up to 240 visits per year by a therapist or visiting nurse to the patient's home of a patient under a physician's care.

This approach—recommended by both President Kennedy and President Johnson—would not cover physicians' or surgeons' fees. But the fact that the costly, unpredictable part of the total medical bill—the hospital portion—would be covered under the Government plan means that private insurance could provide coverage on doctors' charges.

When present health insurance of the aged is so clearly inadequate—much of it covering less than 20 percent of medical costs—I, and others in the insurance field, see a large market for health insurance sold to supplement the social security plan.

Indeed, one nationally known insurance company testified in favor of the administration's plan, and others are very much interested in the possibilities it presents for new markets.

The widely discussed arrangements for pooling of insurance company resources to provide insurance to the aged on a nonprofit basis have emphasized major medical expense policies which would supplement the social security plan. The King-Anderson bill specifically encourages this cooperative effort between the private and public sectors to solve an urgent national problem. It is in keeping with the very nature of our American system.

Let me contrast this with what would happen under a broad coverage means test program—an expanded Kerr-Mills. A person with, say, $2,000 to $2,400 a year income and supporting himself would be foolish to buy private insurance if, upon becoming ill, he could rely on the State to take care of him. A person who could receive $2,500 in income would seek to avoid the last $100 if he could be eligible for assistance only if his income were $2,400. He would seek to divest himself of assets, waive benefits, perhaps to reduce his mine workers' pension. This is the dilemma of the means test. It is the dilemma that is solved only through social security.

As an insurance man, too, I have been much concerned with the system for financing the proposed social security hospital insurance plan. I see the following advantages in its arrangements:

1. It would obtain its funds from the working groups, not the disabled, not the assistance recipients, not the unemployed. These disadvantaged groups, of course, have to contribute directly or indirectly through real estate tax, sales tax, and similar sources of revenues to support medical assistance.

2. The one-fourth of 1 percent tax would be shared by employees and employer equally.

3. The tax would be in proportion to earnings up to $5,200 per year so that the lower income rural population of States such as Kentucky would pay substantially less than the high income fully employed urban worker. This is in contrast to Blue Cross, for example, which exacts the same premium from each member, and for that reason finds all too few customers among the aged—as I pointed out a moment ago.

4. The social security plan—raising funds by applying a percentage tax rate to earnings—would have an advantage over present insurance in that, as earnings rise and the system is kept up to date, income to the program would automatically increase, permitting the program to keep its benefits in relation to current costs.

There are those who say the administration is urging passage of the social security approach for political reasons. There is no disguising the fact that this is a political year. But the problem has been before the Nation in other years, too, and it demands an answer now. As justice delayed is justice denied; so care delayed is care denied.

The difficulty has multiplied in intensity as the number of aged have multiplied in number. The aged population has increased over 2½ times, growing from 6.6 million in 1930 to 17.7 million. Every 24 hours something like 3,200 more Americans become 65. This is the equivalent of another Pineville, or another Carrollton, or another Fulton, all of whom would be 65 or over.

Medical science, for one thing, has helped stretch the life span of Americans. At the turn of the century, life expectancy was 43 years; by 1935, it was almost 62 years; and now it is 70. But the cost of this medical care has risen phenomenally, and the end is not in sight.

Despite the efforts of private and group insurance plans, despite the efforts of States like your own, which have inaugurated a medical assistance for the aged program, the problem remains unresolved. In truth, it is growing more acute.

The goal we have set ourselves is to continue what was begun three decades ago when the original social security program was established. We intend—and I sincerely believe it will be this year—to write another chapter in social security history—the chapter of hospital care for the aged through social security.

EXHIBIT 3

EDWARD R. ANNIS, M.D.,
American Medical Association,
Chicago, Ill.

DEAR DR. ANNIS: We have had called to our attention an article in the Albany Times-Union of June 29, 1963, reporting that you stated, during a news conference in Utica, that officials who administer medical care for the aged in New York and in many other States do not try to make it work.

As you know, the Department of Health, Education, and Welfare is charged with reviewing and approving State plans for medical assistance for the aged programs. Under title I, section 2(a), of the Social Security Act, as amended, it is required, among many requirements, that such plans "provide such methods of administration * * * as are found by the Secretary to be necessary for the proper and efficient operation of the plan." In the case of a State where it is found, after reasonable notice and opportunity for a hearing, "that in the administration of the plan there is a failure to comply substantially with any provision required by section 2(a) to be included in the plan," the Secretary shall withhold payments under the plan until he is assured that there is no longer such failure to comply.

The Secretary has delegated his functions under these provisions to me, as the Commissioner of Welfare. Since it is my responsibility to assure that the medical assistance for the aged program operates in each State in accordance with that State's approved plan, I would appreciate any specific information upon which your press statement was based. Our experience in the Department to date has been that the 32 State administrators of MAA plans are diligently administering these plans within the limitations act by State laws and State appropriations. I am certain that you would not wish to go on record as making charges of maladministration by State welfare administrators without definite evidence. I shall appreciate a prompt reply.

Sincerely,

ELLEN WINSTON,
Commissioner.

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., August 29, 1964.

ELLEN WINSTON,
Commissioner, Department of Health, Education, and Welfare, Welfare Administration, Washington, D.C.

DEAR COMMISSIONER WINSTON: During the first year after the Kerr-Mills bills were enacted into law, there occurred many instances of Governors or State public welfare directors who publicly stated their opposition to the Kerr-Mills approach and their support of King-Anderson type legislation. Obviously these statements were not likely to inspire confidence in the Kerr-Mills Act or in the State implementation of the law. It is this attitude of reluctant administration or even stubborn opposition to the Kerr-Mills approach that I was thinking about in my comments which appeared in the Albany Times-Union.

Frankly, I think that the general atmosphere has improved markedly since you became Commissioner of Welfare in the reorganized national administration of the program. I am aware of the fact from my good friend Lester Karnodle that you were most cooperative with the physicians of North Carolina when you were director of public welfare there; and I am hopeful that under your direction and guidance the administrators of the programs in the States will administer the law with more enthusiasm than many of them have shown in the past.

Sincerely,

EDWARD R. ANNIS, M.D.

REDUCTION OF COST OF PRODUCTION UNDER FEDERAL CONTRACTS

Mr. PEARSON. Mr. President, we frequently overlook the efforts of private enterprise to reduce the cost of production under Federal contracts. We also accept the technological innovations generated by these contractors as a matter of fact and with little attention to the effort and dedication which goes into such developments.

I would like to call to the Senate's attention a recent change in manufacturing techniques introduced by the Boeing Co., in Wichita, Kans.

Boeing is currently producing parts for the S-1C first stage booster of the Saturn V under a contract with the National Aeronautics and Space Administration. Boeing engineers were faced with the problem of turning out a part for which milling equipment was not available. Applying the ingenuity which has kept Boeing in the forefront as aircraft and space vehicle innovators, Boeing engineers created a new manufacturing technique.

The product of this effort will not only maintain the work schedule under the contract, but will effect a savings of at least one-half million dollars throughout the life of the project.

Mr. President, I believe such service as this deserves widespread acclaim from the participating Government agencies.

While the innovation is technical in nature, a brief article explaining the breakthrough and the resulting dollar saving to NASA was carried in the September 17, 1964, issue of Boeing Wichita's publication, Plane Talk.

I ask unanimous consent that this article accompany my remarks in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SATURN PARTS MILLED INPLANT—CHANGE IN TECHNIQUE TO SAVE NASA HALF-MILLION DOLLARS

A change in milling techniques will save the National Aeronautics and Space Administration an estimated half-million dollars by 1967, in connection with work being done at Boeing-Wichita on the S-1C first-stage booster of Saturn V.

The Boeing estimate is based on moneys already saved from remaining milling requirements plus those that are expected to result from work performed in the future.

The manufacturing switch involves substitution of machine milling in the flat condition prior to forming (generally called presculpturing) for chemical milling (done after forming) on fuel and liquid oxygen (lox) tank gore sections for the Saturn V.

The basic purpose of either chemical milling after forming or presculpturing before forming is to reduce weight of the skins by etching or sculpturing away metal, not needed for strength or function.

The techniques also can be employed to form cutaway areas for the various inner fittings of the fuel system.

At Boeing-Wichita, two revolutionary forming methods are employed to fabricate the giant cylindrical skins and gore sections for NASA's moon rocket booster, being developed under contract to the Marshall Space Flight Center. One technique, bulge forming, is used to shape both the apex and base sections which comprise the caps for the fuel and lox tanks. It is here that presculpturing outmodes chemical milling.

During fiscal year 1963-64, 136 gore panels were presculptured inplant for the fuel and lox tank caps. Prior to this time the panels were bulge formed and then shipped to one of four designated companies for chemical milling. Afterward, they were returned for hand finishing to specified thickness.

As a result of the change to presculpturing in lieu of chemical milling, Boeing produced an actual savings of more than $132,000 on the 136 panels. But that's not the entire story.

Examples of some additional, but related, savings are: Prior to July 1, 1963, preparation cost on the panels was greater than that for both presculpturing and bulge forming the panels, combined.

Manhours required in chemical milling for cleaning, masking, scribing, etching and inprocess mapping (in and out of chemical tanks for tolerance checking), and the materials needed for these processes, have been eliminated along with other items.

A most important reduction is elimination of the shipping costs incurred from Wichita to the chemical mill centers and their return.

Although a minor item, costwise, presculpturing has a certain amount of recovery on aluminum salvage, whereas chemical milling washes away all excess metal.

Cost improvement is an "everyday" term at Boeing, and has been for years. Every possible effort is continually made to lower production costs.

Boeing-Wichita is manufacturing approximately 90 percent of the parts for the S-1C first-stage booster for Saturn V under an interdivisional assistance agreement with the company's Launch Systems Branch at New Orleans.

RADIATION OF MARINE PRODUCTS

Mr. SALTONSTALL. Mr. President, today the Atomic Energy Commission's new experimental laboratory for the radiation of marine products was dedicated in Gloucester, Mass.

The laboratory will experiment with preservation of seafood, and already we can foresee the possibility of shipping fresh seafood to the Midwest which has never been able to appreciate these superb foods. There is a very remarkable difference between fresh fish and that which has been iced for a number of days before it is prepared for the table. Irradiation would "freeze" the product, preventing deterioration.

I am glad to welcome this new laboratory in Massachusetts, and I am sure that it will do much to help our fishing industry.

I ask unanimous consent that an article published yesterday in the Boston Globe be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EERIE BLUE LIGHTS—A REVOLUTION IN SEAFOODS

(By Timothy Leland)

GLOUCESTER.—At the bottom of the metal well, far under the water, three eerie blue lights glowed with a ghostly transparency, like beacons from a distant world.

"That's the stuff that does it," the man said. "We bring it up on those dollies."

Inside the little room his voice bounced hollowly off the 5-foot-thick cement walls and then was swallowed up, leaving a softer silence than before.

Deep under the water, the lights glowed on—waiting.

Very soon, scientists here will begin experimenting with these "lights." And the research that ensues may revolutionize the Nation's fishing industry, making possible the delivery of fresh seafoods to millions of midwestern homes that have never had them before.

To be dedicated here tomorrow is the Atomic Energy Commission's new experimental laboratory for the radiation of marine products.

This $600,000 facility, housed in a one-story brick building overlooking the Annisquam River, is the first in the world devoted to investigating the use of radiation for preserving seafoods.

The dedication will be held in conjunction with the 3-day International Conference on Radiation Preservation of Foods, which gets underway today in Boston, with more than 300 scientists attending.

ENORMOUS POTENTIAL

The possibilities of preserving food by radiation have been well established on a theoretical basis since 1946. Studies undertaken at Massachusetts Institute of Technology at that time clearly revealed the enormous potential of the process.

But only recently has the promise been translated into product.

Last year, the Food and Drug Administration approved sale of the first irradiated product—bacon. Since then, the use of radiation for disinfecting wheat and for inhibiting potato sprouts has also been sanctioned.

But it remains for the $80-billion-a-year food industry to pick up the ball and run with it.

A MISTAKEN NOTION

Before reaching the marketplace however, irradiation as a means of food preservation must overcome several obstacles. And one of the biggest is the mistaken notion that it has something to do with radioactivity and atomic fallout.

"Actually," says John D. Kaylor, supervisor of the new Gloucester facility, "nothing could be further from the truth. What we do to the food here has no possible connection with either."

The purpose of radiation in this technology, he explains, is to kill the bacteria that causes decay. Bacteria is present on all foods—including fruits, vegetables, meats, milk, and fish.

Given the chance to multiply, the tiny organisms gradually break down the cell constituents of a food, causing it to "go bad" and then deteriorate altogether.

Bacteria doesn't like cold, and refrigeration has the effect of slowing down their multiplication. Radiation, however, kills them outright.

"Any number of different radiation sources will do the trick," explains Kaylor, "but we're going to use gamma rays."

The ghostly blue lights at the bottom of the well are strips of radioactive Cobalt 60. The gamma rays they emit are similar to X-rays except that they have a shorter wave length.

"You can think of the radiation of food as being something like sound waves passing through a wall," says Kaylor.

"In the process they kill off a lot of the bacteria and pass on, like heat through a hamburger."

At the U.S. Army Natick Laboratories, research has been underway with radiation for several years to sterilize food—that is, kill all the bacteria in a product. To do this, however, involves higher ranges of radiation that (like overcooking) may affect the flavor and texture of a food.

DIFFERENT APPROACH

The AEC has been taking a different approach. Instead of completely sterilizing food, the emphasis has been on pasteurization.

"Our radiation with Cobalt 60 will only kill about 99 percent of the bacteria," notes Kaylor. "In time that remaining 1 percent will multiply and cause the product to spoil, but this will take much longer than usual."

It will, as a matter of fact, take more than a month in most cases.

The scientists in the Gloucester laboratory will be experimenting with different kinds of packaging and ways of distribution.

The fruits of their research will almost certainly be fresh seafood served in Kansas, Nebraska, and North Dakota—several weeks after it was caught off the New England coast.

THE AMYOTROPHIC LATERAL SCLEROSIS FOUNDATION OF AMERICA

Mr. BEALL. Mr. President, on Saturday, September 26, the Amyotrophic Lateral Sclerosis Foundation of America was started in Glen Burnie, Md. The formation of this foundation culminates the tireless and dedicated efforts of Mr. James B. Dunkum, whose wife's life was claimed by this dreaded disease. Since the doctor's diagnosis of the disease, last year, Mr. Dunkum has been working for the establishment of such a foundation.

This month, he received a charter from the State of Maryland; and the foundation was officially opened on Saturday.

Mr. President, Mr. Dunkum's efforts exemplify the finest traditions of this Nation's concern for the suffering of its citizens; and I compliment Mr. Dunkum and the other citizens of Glen Burnie who have helped to establish this foundation.

I ask unanimous consent that various clippings from newspapers and a fact sheet on amyotrophic lateral sclerosis be printed in the RECORD.

There being no objection, the memorandum and the articles were ordered to be printed in the RECORD, as follows:

FACT SHEET: AMYOTROPHIC LATERAL SCLEROSIS

WHAT IS IT?

Amyotrophic lateral sclerosis (A.L.S.) is a neurological disorder of adult life. It is characterized by a degeneration of motor cells in the spinal cord and brain leading to muscle weakness which may affect hand, foot, arm, leg, tongue, and other muscles. Sight and hearing are usually not affected.

HOW PREVALENT IS THE DISEASE?

A.L.S., an adult disorder, occurs most often between the ages of 40 and 60. Of the estimated 5,000 to 10,000 persons with A.L.S. in this country, approximately two-thirds are men. The disorder is found throughout the United States and in most countries of the world.

WHAT ARE THE SIGNS OF A.L.S.?

The early symptoms of A.L.S. are so gradual that they are frequently overlooked. In nearly two-thirds of the patients, the first symptom is a weakness and wasting of the muscles of the hands and feet.

Minute jerks or twitches in the muscle fibers are characteristic, though in the early stages they are seldom pronounced enough to produce joint motion. Activity of deep tendon reflexes increases even in wasting muscles. Muscle cramping may occur in hands and feet.

Muscles of the palate, pharynx, tongue, neck, and shoulders are commonly affected in the more advanced states of the disease leading to thick speech and difficulty in swallowing. The tongue becomes too weak to move the food, and the throat muscles may not respond when swallowing is necessary.

However, since other diseases have similar symptoms, a positive diagnosis can be made only after a careful neurological study of the patient.

WHAT CAUSES A.L.S.?

The cause of A.L.S. is unknown. Factors such as injury, acute infections, nutritional disturbances, and physical exhaustion are not considered actual causes. However, they may call attention to symptoms which had been overlooked.

Possibly a genetic factor makes some individuals more susceptible than others. Studies have shown that A.L.S. occasionally attacks several members of a family, appearing in more than one generation. However, most authorities conclude that inheritance usually does not play a significant role.

Variations in geography and climate, apparently, are not causes of A.L.S. since studies show the occurrence is approximately the same throughout the United States, Canada, the British Isles, Scandinavia, Holland, and Australia.

WILL ANY TREATMENT BENEFIT THE A.L.S. PATIENT?

Treatment for A.L.S. is limited to relieving the symptoms of the disease where possible.

No cure for A.L.S. has yet been discovered.

Patients with disabling hand, wrist, foot, jaw, or neck weakness may have better use of them if fitted with supporting devices. The involuntary movements of muscles may often be eased by treatment with medicines. Many who have lost the ability to speak intelligently can communicate by writing notes. A soft or semisoft diet should be provided if regular chewing and swallowing has been impaired and if muscles weaken further, tube feeding with liquids may become necessary.

The course of A.L.S. is progressive with or without treatment. There is, however, great variation in the rate. The average course is about 3 to 4 years from the appearance of symptoms, but other individuals remain active for 10, 15, or more years, with long periods of apparent arrest of the disease.

[From the Baltimore News American, July 28, 1964]

PROFIT ISN'T IN THE PICTURE—HE FORMS CORPORATION TO SEEK OUT A MIRACLE

(By Kent Adams)

Corporations are usually headed by businessmen, who expect their ventures to show a monetary profit.

James Burley Dunkum is one corporation officer who is not interested in making money for himself.

The 46-year-old truckdriver, who recently incorporated the Amyotrophic Lateral Sclerosis Foundation of America, a research group to study the nerve disorder which claimed baseball player Lou Gehrig's life 23 years ago, is hoping only to find a cure for the invariable fatal disease.

Amyotrophic lateral sclerosis has stricken Mrs. Dunkum, and he is determined not to rest until he has started a fundraising research drive. Incorporating the foundation was just the first step.

Almost 6 years ago, his wife's ailment was diagnosed as bursitis. Her health steadily declined, and in March of last year, a nerve specialist discovered she was suffering from A.L.S.

Since then, Dunkum has been organizing the foundation, but there are still many obstacles to overcome.

A board of directors is needed, and the 30-year Teamster Union veteran plans to contact former President Eisenhower, Baltimore's Mayor McKeldin, two former baseball stars, Goose Goslin and Jimmy Fox, and several politicians and lawyers from Anne Arundel County, to aid in the administration of the project.

Dr. Michael Brand, a former city hospitals physician who is now connected with the Clinical Research Fellow Department of Neurology in New England, has agreed to head the A.L.S. Foundation.

Dunkum is also trying to reactivate the United Mine Workers Hospital in Morgantown, W. Va., which was abandoned a year ago. He noted that the hospital, built with mine workers union funds, could be used for a research center to seek alleviation of the disease.

Publicity on Dunkum's efforts has appeared in newspapers and magazines throughout the world, including England, France, Japan, and Australia.

"I think it's a world problem," says the Severna Park resident, "and this campaign should have started years ago. If it is God's will that this thing is to be conquered, I think it's time the American people got on the ball."

Dunkum feels that "only a miracle" can save his wife now. With the proper help in his campaign, the miracle could occur.

[From the Baltimore Sun, Sept. 1, 1964]

DREAM OF NERVE DISEASE FOUNDATION COMES TRUE

A Severna Park truckdriver will see his dream of more than 2 years come true today when a new foundation to combat a dreaded nerve disease opens its national office in Glen Burnie.

James B. Dunkum, 47, has been waging a determined, one-man campaign since January 1962, to solicit funds for research of the malady which has afflicted his wife, Virginia, 50. It was then, after 3 years of illness, that doctors diagnosed it as amyotrophic lateral sclerosis and told her there was no hope for a cure.

TIRELESS EFFORTS

As a result of Mr. Dunkum's tireless efforts, he received a charter from the State this month to establish the Amyotrophic Lateral Sclerosis Foundation of America, Inc., a nonprofit corporation to solicit and disburse funds for medical research in the causes and treatment of the nerve disorder and related ailments.

The foundation office, located at 103 Crain Highway, in Glen Burnie, will be managed only by volunteer help, Mr. Dunkum says, and all donations will go directly into research.

Placards requesting a $1-a-month contribution from every wage earner have been posted in business places throughout the country.

FUND ACCEPTANCE

"The A.L.S. fund is open for acceptance of funds, starting September 1, 1964," the notices state. "Any money contributed is deductible from your taxes. See your shop steward or your supervisor."

Mr. Dunkum says he plans to ask President Johnson to encourage passage of legislation that would provide for Federal matching of private funds.

Twice during the past 2 years he has pushed a wheelchair from Baltimore to Washington to bring the President's attention to what he termed the need of a national campaign against the crippling spinal nerve disease.

WORLD PROBLEMS

A sign on the chair stated, "I need your help. A world problem. Billions for space but how much for crippling, killing disease research?"

He also carried his pleas for funds to State Governors and legislators, but they were unproductive.

Finally, through the help of three Anne Arundel County attorneys—Mrs. Marjorie Holt, Bruce Williams, and John Demyan—he organized the foundation.

OFFICERS NAMED

Officers are Norman R. Mathias, of Baltimore, president, and Russell F. Purdy, of Washington, secretary-treasurer. The board of directors includes: the Reverend Evan J. Mason, of Glen Burne; the Reverend Jack G. Buckingham, of Pasadena; Rabbi Robert Schriebman of Arnold; the Reverend Arthur Bastress, of Glen Burnie, and the Reverend Vernon K. Hoover, of Severna Park.

Others, in addition to Mr. Mathias and Mr. Purdy, are Grover C. Richards, Jr., of Arnold, and Bernard L. Clifford, Jr., of Baltimore.

DISTRIBUTION

Mr. Dunkum said the board would determine distribution of funds to hospitals, universities, and professional people who are engaged in research of the central nervous system.

The lateral sclerosis disease, which took the life of baseball player Lou Gehrig in 1941, now afflicts between 5,000 and 10,000 persons in the United States. The incidence in Guam is reported to be 100 times greater than in this country.

The need for additional research, he pointed out, was made clear when a neurologist from Georgetown University Hospital in Washington had to return from Guam and Saipan, where he was doing research, because of lack of funds.

"What if we should get an epidemic here?" he asked.

[From the Maryland Labor Press, Sept. 21, 1964]

RESEARCH GROUP FOUNDED BY TEAMSTER NEEDS FINANCIAL AID TO FIGHT DISEASE

Mrs. Virginia C. Dunkum died on September 13, at the age of 50. She was the wife of James B. Dunkum, a member of Freight Drivers 557 employed with Adley Transfer Co. Her death had been expected momentarily for 5 years. She had suffered from amyotrophic lateral sclerosis, an incurable nerve disease, the same one which claimed the life of Lou Gehrig. With Mrs. Dunkum's passing her husband renewed his vow to do everything humanly possible to provide doctors and scientists with funds to intensify research programs dedicated to discovering the cause of the disease and thus, find a cure.

Two years ago, Mr. Dunkum began in earnest to solicit support for establishing a nonprofit foundation through which money could be raised to finance the research program. At the time, he was caring for his bedridden wife during his off-duty hours. When his daughter returned from school each day she would take over the nursing job while Mr. Dunkum made the rounds of local unions, business offices, and professional people to seek support for his cause. Mr. Dunkum, upon his return home, would resume the vigil at his wife's bedside through the night.

INITIAL SUCCESS

Modest, sincerely humble, but fully determined to succeed, the weary teamster gained sympathy everywhere he visited. But the task he had undertaken seemed impossible. The problems confronting him appeared to be insurmountable. Active cooperation was slow to be offered.

"Let me make one point crystal clear," Mr. Dunkum had said; "I am not seeking financial support for myself or my family. I am not asking for help for my wife. Her disease is terminal. Her death is but a matter of time. Medical science can do nothing to save her life.

"What I seek to accomplish is to form an organization through which money can be raised to finance research so a cure can be found to spare people in the future from years of pain and ultimate death from this terrible affliction."

TEAMSTERS RESPOND

Mr. Dumkum has now achieved the initial step toward attaining his goal. With assistance from a group of clergymen, doctors, and lawyers, he has established the Amyotrophic Lateral Sclerosis Foundation of America. It is headquartered in Glen Burnie at 103 Crain Highway, SE. Its temporary telephone number is Southfield 6–6666. Financial contributions are beginning to trickle in.

At its meeting on September 3, delegates to Teamsters Joint Council 62 voted to make an initial contribution of $100 to the foundation. Delegates also agreed to work to provide the Glen Burnie office with furnishings and business machines.

Members of local unions are also requested by the joint council to contribute to the foundation which for brevity, is called A.L.S.

Mr. Dunkum emphasizes that A.L.S. is strictly nonprofit. All of its workers are volunteers who serve without pay. There are no high-priced expenses to be paid. All money donated to the foundation will go toward research.

RESEARCH STARTED

Mr. Dunkum will welcome, also, the services of all persons who want to volunteer to assist the foundation. A.L.S. is chartered by the State of Maryland and is registered with the State government as a nonprofit fund-soliciting agency.

Officers of the foundation are: Norman R. Mathias, president; Russell F. Purdy, secretary-treasurer; and its board of directors includes the Reverend Evan J. Mason, the Reverend Jack C. Buckingham, Rabbi Schriebman, the Reverend Arthur Bastress, and the Reverend Vernon K. Hoover.

Attorneys who volunteered to serve the foundation are Mrs. Marjorie Holt, Bruce Williams, and John Demyan.

Mr. Dunkum said that research on A.L.S. has been going on for some time, but the work has been handicapped by the lack of funds. There is no other foundation supporting work in the field. Money to carry on the project must come from the newly organized foundation.

ENVIRONMENTAL HEALTH CENTER—RESOLUTION

Mr. JAVITS subsequently said: Mr. President, I ask unanimous consent to have printed in the Record a resolution adopted by the Common Council of the City of Buffalo, N.Y., inviting the Department of Health, Education, and Welfare to locate its planned Environmental Health Center in the area of the Niagara frontier.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

RESOLUTION 207

Resolution on Federal Health Center

Whereas the city of Buffalo has many natural resources and educational and health research institutions; and

Whereas the city of Buffalo is within a short radius of a substantial portion of the population of the United States and Canada and would thus be able to provide many skilled scientists, technicians, and laboratory assistants; and

Whereas the city of Buffalo is desirous of affording to the Department of Health, Education, and Welfare an opportunity to locate within the city of Buffalo so that it may have available many of the scientists and skilled workers required who are presently residing in the Buffalo area: Now, therefore, be it

Resolved, That this common council solicit and invite the Department of Health, Education, and Welfare to locate its planned Environmental Health Center in the area of the Niagara frontier; and be it further

Resolved, That the city clerk be and he hereby is authorized and directed to forward a certified copy of this resolution to the Secretary of Health, Education, and Welfare as well as the U.S. Senators representing the State of New York and the Congressmen representing the Niagara frontier.

FOREIGN AID APPROPRIATIONS

Mr. BREWSTER. Mr. President, on Thursday of last week, the Senate passed a $3.3 billion foreign aid authorization bill. Before the end of this week, we are likely to be considering the appropriation.

The authorization and appropriation of these funds stems from the very real understanding that this is an investment in American security, as well as in protection for the free world.

In recent years, concern has developed over the outflow of U.S. gold through foreign aid, tourist spending, and American investment abroad. Some recent remarks of John D. Lockton, treasurer of General Electric, seem to me to shed light on an aspect of foreign investment which is not widely understood. The interrelationships of today's foreign relations and domestic economics require the kind of careful analysis and balancing which Mr. Lockton provides here.

Mr. President, I ask unanimous consent that these remarks from Mr. Lockton's recent speech at Macalester College be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY MR. LOCKTON

One of the necessities of freer world trade, which is not always well understood, is a freer flow of capital between nations. To develop permanent and sizable markets for American products in Europe, for example, we need adequate distribution and service facilities in the European market area. In many cases this means we also need manufacturing facilities in the same area with which the distribution system may be integrated, and this means foreign investment.

As these new facilities are put in place, they provide an immediate boost to exports from the United States, in the form of both the production equipment for the new plants and the component parts that must be shipped to the foreign subsidiary for incorporation in its output. Then as the subsidiary gains acceptance in the foreign market, it makes easier the sale of other products of the parent company from the United States, and we benefit from a further boost in exports. Not only the export sales but the business success of the subsidiary generates a flow of dollars into this country from abroad.

Finally, the foreign subsidiary can help the U.S. producer establish worldwide cost leadership for its products, by providing access to low-cost sources of materials and components. As a result, the U.S. producer is better able to export to world markets, to meet import competition, to offer better values to domestic customers, and to create more job opportunities.

Mr. McGOVERN. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

RESERVE OFFICERS' TRAINING CORPS VITALIZATION ACT OF 1964

Mr. McGOVERN. Mr. President, I ask that the Chair lay before the Senate the pending business.

The Senate resumed the consideration of the bill (H.R. 9124) to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes.

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADMINISTRATION OF LAKE MEAD NATIONAL RECREATION AREA, ARIZONA AND NEVADA

The PRESIDING OFFICER (Mr. WALTERS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 653) to provide an adequate basis for administration of the Lake Mead National Recreation Area, Arizona and Nevada, and for other purposes, which was, to strike out all after the enacting clause and insert:

That, in recognition of the national significance of the Lake Mead National Recreation Area, in the States of Arizona and Nevada, and in order to establish a more adequate basis for effective administration of such area for the public benefit, the Secretary of the Interior hereafter may exercise the functions and carry out the activities prescribed by this Act.

SEC. 2. Lake Mead National Recreation Area shall comprise that particular land and water area which is shown on a certain map, identified as "boundary map, RA–LM–7060–B, revised July 17, 1963", which is on file and which shall be available for public inspection in the office of the National Park Service of the Department of the Interior. An exact copy of such map shall be filed with the Federal Register within thirty days following the approval of this Act, and an exact copy thereof shall be available also for public inspection in the headquarters office of the superintendent of the said Lake Mead National Recreation Area.

The Secretary of the Interior is authorized to revise the boundaries of such national recreation area, subject to the requirement that the total acreage of that area, as revised, shall be no greater than the present acreage thereof. In the event of such boundary revision, maps of the recreation area, as revised, shall be prepared by the Department of the Interior, and shall be filed in the same manner, and shall be available for public inspection also in accordance with the aforesaid procedures and requirements relating to the filing and availability of maps. The Secretary may accept donations of land and interests in land within the exterior boundaries of such area, or such property may be procured by the Secretary in such manner as he shall consider to be in the public interest.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Establishment or revision of the boundaries of the said national recreation area, as herein prescribed, shall not affect adversely any valid rights in the area, nor shall it affect the validity of withdrawals heretofore made for reclamation or power purposes. All lands in the recreation area which have been withdrawn or acquired by the United States for reclamation purposes shall remain subject to the primary use thereof for reclamation and power purposes so long as they are withdrawn or needed for such purposes. There shall be excluded from the said national recreation area by the Secretary of the Interior any property for management or protection by the Bureau of Reclamation, which would be subject otherwise to inclusion in the said recreation area, and which the Secretary of the Interior considers in the national interest should be excluded therefrom.

SEC. 3. The authorities granted by this Act shall be subject to the following exceptions and qualifications when exercised with respect to any tribal or allotted lands of the Hualapai Indians that may be included within the exterior boundaries of the Lake Mead National Recreation Area:

(a) The inclusion of Indian lands within the exterior boundaries of the area shall not be effective until approved by the Hualapai Tribal Council.

(b) Mineral developments or use of the Indian lands shall be permitted only in accordance with the laws that relate to Indian lands.

(c) Leases and permits for general recreational use, business sites, home sites, vacation cabin sites, and grazing shall be executed in accordance with the laws relating to leases of Indian lands, provided that all development and improvement leases so granted shall conform to the development program and standards prescribed for the Lake Mead National Recreation Area.

(d) Nothing in this Act shall deprive the members of the Hualapai Tribe of hunting and fishing privileges presently exercised by them, nor diminish those rights and privileges of that part of the reservation which is included in the Lake Mead Recreation Area.

SEC. 4. (a) Lake Mead National Recreation Area shall be administered by the Secretary of the Interior for general purposes of public recreation, benefit, and use, and in a manner that will preserve, develop, and enhance, so far as practicable, the recreation potential, and in a manner that will preserve the scenic, historic, scientific, and other important features of the area, consistently with applicable reservations and limitations relating to such area and with other authorized uses of the lands and properties within such area.

(b) In carrying out the functions prescribed by this Act, in addition to other related activities that may be permitted hereunder, the Secretary may provide for the following activities, subject to such limitations, conditions, or regulations as he may prescribe, and to such extent as will not be inconsistent with either the recreational use or the primary use of that portion of the area heretofore withdrawn for reclamation purposes:

(1) General recreation use, such as bathing, boating, camping, and picnicking;

(2) Grazing;

(3) Mineral leasing;

(4) Vacation cabin site use, in accordance with existing policies of the Department of the Interior relating to such use, or as such policies may be revised hereafter by the Secretary.

SEC. 5. The Secretary of the Interior shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within the recreation area in accordance with the applicable laws and regulations of the United States and the respective States: *Provided*, That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

SEC. 6. Such national recreation area shall continue to be administered in accordance with regulations heretofore issued by the Secretary of the Interior relating to such areas, and the Secretary may revise such regulations or issue new regulations to carry out the purposes of this Act. In his administration and regulation of the area, the Secretary shall exercise authority, subject to the provisions and limitations of this Act, comparable to his general administrative authority relating to areas of the national park system.

The superintendent, caretakers, officers, or rangers of such recreation area are authorized to make arrests for violation of any of the regulations applicable to the area or prescribed pursuant to this Act, and they may bring the offender before the nearest commissioner, judge, or court of the United States having jurisdiction in the premises.

Any person who violates a rule or regulation issued pursuant to this Act shall be guilty of a misdemeanor, and may be punished by a fine of not more than $500, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Sec. 7. Nothing in this Act shall deprive any State, or any political subdivision thereof, of its civil and criminal jurisdiction over the lands within the said national recreation area, or of its rights to tax persons, corporations, franchises, or property on the lands included in such area. Nothing in this Act shall modify or otherwise affect the existing jurisdiction of the Hualapai Tribe or alter the status of individual Hualapai Indians within that part of the Hualapai Indian Reservation included in said Lake Mead National Recreation Area.

Sec. 8. Revenues and fees obtained by the United States from operation of the national recreation area shall be subject to the same statutory provisions concerning the disposition thereof as are similar revenues collected in areas of the national park system with the exception, that those particular revenues and fees including those from mineral developments, which the Secretary of the Interior finds are reasonably attributable to Indian lands shall be paid to the Indian owner of the land, and with the further exception that other fees and revenues obtained from mineral development and from activities under other public land laws within the recreation area shall be disposed of in accordance with the provisions of the applicable laws.

Sec. 9. A United States commissioner shall be appointed for that portion of the Lake Mead National Recreation Area that is situated in Mohave County, Arizona. Such commissioner shall be appointed by the United States district court having jurisdiction thereover, and the commissioner shall serve as directed by such court, as well as pursuant to, and within the limits of, the authority of said court.

The functions of such commissioner shall include the trial and sentencing of persons committing petty offenses, as defined in title 18, section 1, United States Code: *Provided*, That any person charged with a petty offense may elect to be tried in the district court of the United States, and the commissioner shall appraise the defendant of his right to make such election, but shall not proceed to try the case unless the defendant, after being so apprised, signs a written consent to be tried before the commissioner. The exercise of additional functions of the commissioner shall be consistent with and be carried out in accordance with the authority, laws, and regulations, of general application to United States commissioners. The provisions of title 18, section 3402, of the United States Code, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such commissioner. The probation laws shall be applicable to persons tried by the commissioner and he shall have power to grant probation. The commissioner shall receive the fees, and none other, provided by law for like or similar services.

Sec. 10. There are hereby authorized to be appropriated not more than $1,200,000 for the acquisition of land and interests in land pursuant to section 2 of this Act.

Mr. BIBLE. Mr. President, I move that the Senate agree to the House amendment to S. 653, the bill to provide an adequate basis for administration of the Lake Mead National Recreation Area in Arizona and Nevada.

I would like to point out that this is the first national recreation area ever specifically authorized by the Congress. This official designation has been well earned.

The latest figures I have available from the Park Service ranked Lake Mead among the top four attractions in the United States, with visits in 1963 being 3,049,600 compared to 2,688,700 in 1962.

This Lake Mead popularity explosion is no secret to anyone who has been in southern Nevada. Its attraction is nationwide and the facilities provided there by the Park Service are enjoyed by people from all 50 States.

I am not in complete agreement with the amendments adopted by the House. However, in view of the pending adjournment of Congress and because of the importance of passage of the measure this year, I am willing to accept the House version and request that those amendments be concurred in by the Senate.

I have discussed this matter with the ranking minority member of the Committee on Interior and Insular Affairs, and he is in agreement that the amendment can be accepted.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada that the Senate concur in the House amendment to S. 653.

The motion was agreed to.

PAYMENT OF RELOCATION COSTS MADE NECESSARY BY ACTIONS OF DISTRICT OF COLUMBIA GOVERNMENT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1024) to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes, which was, to strike out all after the enacting clause and insert:

That the Commissioners of the District of Columbia are hereby authorized to provide such relocation services as they shall determine to be reasonable and necessary to individuals, families, business concerns, and nonprofit organizations which may be or have been displaced from real property by actions of the United States or of the government of the District of Columbia, except the District of Columbia Redevelopment Land Agency, such actions to include, but not be limited to, acquisition of property for public works projects, condemnation of unsafe and insanitary buildings, and enforcement of the laws and regulations relating to housing. The Commissioners shall provide that such individuals and families so displaced shall be given the same preference with respect to vacancies occurring in housing owned or operated within the District of Columbia by Federal or District of Columbia governmental agencies as is provided in section 8(b) of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–707(b)). The Commissioners are authorized to make housing surveys in order to carry out this Act.

Sec. 2. The Commissioners are hereby authorized to make relocation payments to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit caused by their displacement from real property acquired by the Commissioners after the effective date of this Act for public works projects of the government of the District of Columbia, except the District of Columbia Redevelopment Land Agency. No such payment shall be made in any case where a payment for a similar purpose is authorized by any other Act. Such relocation payments shall be made in accordance with regulations prescribed by the Commissioners and shall not for any one relocation exceed $200 in the case of an individual or family or $3,000 (or, if greater, the total certified actual moving expense not to exceed $25,000) in the case of a business concern or nonprofit organization.

Sec. 3. Prior to the acquisition of real property for any public works project of the government of the District of Columbia the Commissioners shall make the same determinations with respect to the availability of housing for displaced individuals and families as is required by section 8(a) of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–707(a)).

Sec. 4. There is hereby established within the District of Columbia Redevelopment Land Agency an office to be known as the District of Columbia Relocation Assistance Office (hereinafter referred to as the "Office"). The Office shall provide the relocation services authorized by the first section of this Act, administer the payments authorized by section 2 of this Act, and provide the relocation assistance which the District of Columbia Redevelopment Land Agency is authorized to provide by the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–701 et seq.) and any other Act.

Sec. 5. The Commissioners are hereby authorized to make regulations to carry out the purposes of this Act.

Sec. 6. This Act shall take effect sixty days after the date of its approval.

Mr. BIBLE. Mr. President, the amendment of the House is acceptable. I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

RESERVE OFFICERS' TRAINING CORPS VITALIZATION ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 9124) to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs of the Army, Navy, and Air Force, and for other purposes.

The PRESIDING OFFICER. The committee amendment is a complete substitute for the bill and open to amendment in two degrees under Senate precedents.

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD FOR PEACE HAS EXPANDING FUTURE

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may proceed to speak on a nongermane subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, last week during the Senate debate on the extension of the food-for-peace program, which derives its legislative authority from Public Law 480, the senior Senator from Vermont [Mr. AIKEN] made a statement that merits comment. He predicted that the 2-year extension of food for peace approved on Thursday represented the last time Congress will extend this great program that has been operating since 1954. He said in support of his prediction that we are running out of surpluses and therefore will soon have no need for oversea food-for-peace programs.

Because the Senator from Vermont is one of the most experienced agricultural spokesmen in the Nation, I think that what he has to say always bears close consideration.

But, Mr. President, I am fully convinced that the distinguished Senator from Vermont is at least a country mile wide of the mark on this prediction.

It is my own view at the end of the first decade of Public Law 480 that we have entered a second decade of continued and doubtless expanding food-for-peace operations.

Predictions are always hazardous, but I have little hesitance in predicting that 10 years from now we will be completing a second decade of food-for-peace operations as great as or greater than those of the first decade.

I see ahead a world population growth outstripping the increase of food production. I see a world population double its present size by the end of this century pressing on an arable land base that cannot expand at anywhere near that rate. I see the American farmer being called upon to produce not less for oversea use, but more. I see the American people with their practical sense of humanitarianism urging that we meet the needs of millions of hungry new mouths around the world by utilizing rather than restricting our amazing agricultural productivity.

Is there any one of us who really believes that we comfortable, well-fed Americans can rest secure in the future on a little island of affluence in a sea of desperately hungry human beings?

It has been the policy of the Kennedy-Johnson administrations to set food production goals large enough to include margin for food-for-peace needs abroad and food donations to the needy here at home. The Secretary of Agriculture has sought successfully to work down the surplus stocks to reasonable levels while retaining in our production goals a margin sufficient to meet our food-for-peace needs. The success of that policy is indicated by Senator AIKEN's statement that the "burdensome surpluses" which former Secretary of Agriculture Benson used to deplore have disappeared. I am convinced that no rational, humanitarian administration or Congress would reverse this policy of wise stewardship of our agricultural abundance.

So long as there are hungry, needy people in the world and so long as we have a vast, unused American potential for food production, there will be a food for peace program.

On top of the food operations made possible by Public Law 480, the Senate has accepted my amendment adding $50 million to the foreign aid program which can be used to purchase high protein foods such as beef, poultry, and fish for use in oversea school lunch programs and similar efforts. That amendment can help point the way toward a food policy based on genuine human need rather than the accidental accumulation of surpluses followed by a cycle of shortage and famine.

I intend for whatever time I am permitted to serve in public life to fight with all my strength for a rational, intelligent food policy that assures our producers a fair return here at home and eliminates the anguish of human hunger for all the children of the earth.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVE OFFICERS' TRAINING CORPS VITALIZATION ACT OF 1964

The Senate resumed the consideration of the bill (H.R. 9124) to amend title 10, United States Code, to vitalize the Reserve Officers' Training Corps programs, of the Army, Navy, and Air Force, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the pending business, there be a time limitation of 1 hour on all amendments, the time to be equally divided between the proponents of amendments and the distinguished Senator from Georgia [Mr. RUSSELL], the chairman of the Committee on Armed Services, and that there be 1 hour on the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I have been notified by the distinguished Senator from Wisconsin [Mr. NELSON] that it is his intention to call for the yeas and nays on his amendment. I do not believe a sufficient number of Senators is present to secure the yeas and nays, since many are absent on official business. I suggest to the attachés of the Senate that they notify Senators on both sides of the aisle that there will be a yea-and-nay vote on the Nelson amendment.

Mr. RUSSELL. Mr. President, the overall objective of this bill is to improve the Reserve Officers Training Corps programs in an attempt to assure a steady flow of high quality junior officers to the Armed Forces.

The bill makes changes to the laws relating to the junior ROTC and the senior ROTC.

JUNIOR ROTC

At the present time the junior division ROTC program is operated by the Army at 254 secondary schools throughout the country with approximately 60,000 cadets enrolled in the program. The junior division involves a course of instruction in military fundamentals of at least 3 years, with the Army providing uniforms for the cadets and active military personnel as instructors. The Army has not established any new junior ROTC units since January of 1947, despite the fact that a number of the largest and finest high schools in the Nation have sought to become members of the junior ROTC program. Instead of approving any of the applications, an attempt has been made to emphasize the National Defense Cadet Corps program. This program is entirely supported by the local school systems except that the Army contributes text books, some training equipment, and surplus rifles. The National Defense Cadet Corps program has not been sufficiently attractive as an alternative to the junior division ROTC.

While more than 500 applications for junior ROTC were received and disapproved in the period between 1947 and 1956, only 61 schools have begun participation in the National Defense Cadet Corps program since 1947.

The junior division of this bill is intended to require an expansion in the number of junior ROTC units. The Secretaries of the military departments would be required to establish new units at qualified secondary schools at the rate of not more than 200 per year beginning in 1966. A limitation of 1,200, including the 254 now established, would be imposed on the number of participating schools. The new units to be established would be those that best meet the criteria prescribed under regulations issued by the President.

I must say, Mr. President, that the Department of Defense, or those directing policy there, is unenthusiastic about this expansion in the junior ROTC program. But this is an instance in which the House and the Senate Committees on Armed Services strongly disagree with the view of the Department of Defense and believe that the benefits of this program abundantly justify the relatively moderate cost. The 254 units now in existence involve an annual expenditure of about $5 million. When 1,200 units are established the estimate is that the annual cost will be approximately $21 million. I am convinced the Department of Defense is spending this much and more on some activities that provide less military benefits than this program.

To facilitate the use of retired military personnel in conducting the junior ROTC program, the bill authorizes the Secretaries of the military departments to pay to schools having junior ROTC units that employ retired military persons one half the difference between the retired military pay of that person and the pay and allowances he would receive if on active duty.

SENIOR ROTC

The senior ROTC course is spread over 4 years, with the first 2 years considered the basic course and the latter 2 years the advanced course. Completion of the 4-year course and the award of a baccalaureate degree results in a commission in one of the Armed Forces.

While pursuing the advanced course, students receive $27 per month as subsistence, and while attending summer camp they receive pay of $78 per month. The senior ROTC program is operated by the Army at 247 schools, with a total enrollment of approximately 175,000 students, and by the Air Force at 186 schools, with a total enrollment of about 102,000 students.

The Navy operates two senior ROTC programs. The one known as the regular program, but more popularly described as the Holloway Plan, involves the Navy's paying the cost of tuition, books, and fees, plus $50 per month for those students selected for this program. Graduates receive regular commissions and are obligated to serve on active duty for at least 4 years. The Navy's contract ROTC is the normal type that is comparable to the ROTC programs of the Army and the Air Force. The Navy offers these programs at 53 schools, with a total of about 10,100 students, approximately 5,500 of whom are in the regular Holloway program, involving scholarship assistance and monthly retainer pay of $50. The requirements of each of the Armed Forces for officers are somewhat different; and there are, therefore, some variations in the programs offered. Thus it is difficult to generalize about the difficulties that exist in the senior ROTC program and the best approach for solving them. I think it is fair to state, however, that the services are concerned about the diminishing number of students who desire to take the advanced course that leads to a commission. From the figures I cited earlier and from the charts that appear in the committee report it can be seen that the preponderant part of the ROTC enrollment is in the basic course. This bill provides additional financial inducement for young men to enter the advanced course that will result in their being commissioned.

The principal changes in the senior ROTC program are as follows:

1. FINANCIAL ASSISTANCE TO STUDENTS IN THE 4-YEAR ROTC PROGRAM

The bill would authorize all the military departments to provide scholarship assistance to students in the 4-year ROTC program. This assistance could be provided for a minimum of 1 year, or a maximum of 4 years, and would be virtually the same as that now provided by the Navy in the so-called Holloway program.

The scholarship assistance would consist of the payment of tuition, books, laboratory fees, and similar charges, and the payment of retainer pay in the amount of $50 per month for 10 months of each academic year.

Since this will be a new program for the Army and the Air Force, the committee has provided a temporary ceiling of 4,000 on the number of scholarship students for these departments during the next 4 years. After 4 years the Army and the Air Force would be allowed a total of 5,500 scholarship students, this being the same maximum the bill applies to the Navy.

2. INCREASE IN RETAINER PAY FOR NONSCHOLARSHIP STUDENTS

Students in the advanced course of the senior ROTC program now receive $27 per month. This bill would increase that payment to a minimum of $40 per month and would provide permissive authority for this payment to be increased to $50 per month.

3. OPTIONAL 2-YEAR SENIOR ROTC PROGRAM

Third, and one of the most important features of the bill, is the optional 2-year senior ROTC program. This section would authorize those schools that prefer a 2-year senior ROTC program to establish such a program for students who have first completed successfully a 6- to 8-week period of summer military training. This training period would serve as a substittue for the first 2 years—the basic course—of senior ROTC training. This 2-year program would be intended to attract transfer students from junior colleges without ROTC units and students at 4-year colleges who had not had the basic course of the senior ROTC program.

There is a trend in this country today in many sections to establish junior colleges in considerable numbers, in which are enrolled many thousands of young men. Many of them, upon completing the 2-year course in the junior colleges, go to 4-year colleges or universities that have established ROTC programs. Under the existing system it is well nigh impossible for them to obtain a reserve commission. This provision will open up an opportunity for a reserve commission for young men who have had 2 years of junior college and then complete their work for academic degrees at senior colleges where there is an ROTC program.

4. UNIFORM GRATUITIES FOR ROTC GRADUATES COMMISSIONED AS REGULARS

ROTC graduates commissioned as Reserve officers now receive a uniform allowance of $300. In contrast, ROTC graduates who are commissioned as regular officers do not receive this allowance. The bill would authorize this uniform allowance for ROTC graduates upon their initial commissioning, irrespective of whether they are commissioned in the Regular components or in the Reserve.

5. THERE ARE SOME MODEST INCREASES IN OTHER ALLOWANCES

The allwance for ROTC students travling to and from summer training would be increased from 5 to 6 cents per mile and the payment to students while at summer training would be increased from $78 per month to $115 per month.

It is somewhat difficult to estimate accurately the additional cost entailed by this bill because of uncertainty about the extent to which some of the authority would be implemented.

Expansion of the junior ROTC program from 254 units to 1,200 units involves an annual increase to about $21 million as compared to the $5 million for 254 units. The scholarship assistance program if fully implemented, would cost an additional $14 or $15 million annually, exclusive of the indeterminate cost of administration. The increase in the monthly retainer pay of students in the normal senior ROTC program from $27 to $40 per month would result in an annual cost of $5.3 million. If the permissive authority to increase this payment to $50 were fully utilized—I may say I am confident the Department does not intend to use it at the present time—the total additional cost is estimated at slightly more than $9 million.

The provisions on uniform allowances for graduates of the ROTC program who are commissioned as regulars would cost about $900,000 a year, and the additional travel allowances and summer pay are estimated to involve $400,000 annually.

In summary, the total additional cost to the Department is unlikely to exceed $50 million for all these programs, including the expansion of the junior ROTC. When one considers the cost of other programs designed to attract and retain competent military officers, this sum seems relatively moderate.

The committee is convinced that the benefit to be derived from this relatively small amount is completely warranted and will, in the end, promote economy in the operations of the Armed Forces.

Mr. President, I have touched upon the highlights of the bill in summary form. I urge its approval.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. Mr. President, I rise to support the chairman of our committee in urging the passage of the pending bill. As he always does, the senior Senator from Georgia has studied this legislation thoughtfully and considered carefully the various points of view which were presented to us for consideration. He has worked hard and deserves a major share of the credit for fashioning a bill which we hope will improve the ROTC program and provide our Armed Forces not only with an increasing number of officers, but also with men of even higher caliber than are presently being obtained.

As I see it, the bill's purposes are twofold. Its primary purpose is to make the program sufficiently extensive and inexpensive so that we can stimulate a greater interest in our young men to make a career of the military services and thus to keep the services more efficient and less expensive.

A second purpose is to give the Army and Air Force authority to provide a scholarship program equivalent to the program which the Navy has been carrying on for a number of years under the so-called Holloway plan.

The military departments have emphasized the importance of the ROTC program to fulfillment of their officer manpower needs. It enables them to meet their requirements at the junior officer levels in both Regular and Reserve components. They want the program to continue. Yet our armed services face a serious problem in the thousands of young men who take part in the first 2 years of the senior ROTC program, as freshmen and sophomores in college, and do not continue in the program during their junior and senior years. As the committee report states, of the 90,000 students in the Air Force ROTC course, only 11,000 will enter the advanced course; that is, the junior and senior years, and because of attrition, only about 3,300 probably will be commissioned.

If the needs of our services are to be met, more men must be encouraged to complete the ROTC course. Such an achievement would have the added advantage of enabling the Departments greater choice in the selection of those men they consider to be most promising as commissioned officers.

By making participation a little more attractive, the Armed Services Committee has tried to encourage men who complete the basic part of the course to continue into the advanced program and recruit to the program individuals who for one reason or another did not participate during their freshmen and sophomore years.

For example, an optional 2-year senior ROTC program would be established to operate concurrently with the regular 4-year program. This 2-year program is designed to attract transfer students from junior colleges without ROTC units as well as students at 4-year colleges who have not had the first 2 years of the ROTC program. To participate in the optional 2-year senior program, students would be required to complete a 6-to-8-week period of summer training.

In addition, payment to ROTC students at summer camp would be increased from $75 per month to $111.50 and their travel allowance would be raised from 5 to 6 cents a mile. The monthly retainer pay of students enrolled in the advanced course of the senior ROTC program would rise from $27 to $40 monthly, and permissive authority would be granted to increase the payment to $50. All military departments would be authorized to provide scholarship assistance to students in the 4-year ROTC program with a maximum being placed on the number of cadets who could receive this assistance. All ROTC graduates, whether commissioned as Reserve or Regular officers, would receive a uniform allowance of $300, an allowance presently given only to those graduates receiving Reserve Commissions.

In these ways and by expansion of the junior ROTC program, it is hoped that encouragement will be given promising men to join and continue in the ROTC program.

There has been some division of opinion regarding the desirability of expansion of the junior ROTC program which presently is being carried on at 254 secondary schools in the country. At one point it was hoped that the National Defense Cadet Corps program would offer an attractive alternative. That program, which is entirely supported by the local school system except for contribution by the Army of textbooks, some training equipment and surplus rifles, has been disappointing however. Since 1947, when the Army ceased establishing any new junior ROTC units, only 61 schools have begun participation in the NDCC program. The Department of Defense itself has questioned the wisdom of expanding the junior ROTC program, but a study prepared for it by the Human Resources Research Office of Georgetown University, "A Program for Improvement of Recruitment Training," and just made available to our committee today, may modify its stand. This report indicates that participants in the junior ROTC program enlist in larger numbers in the senior program and stay with it somewhat longer than do men who have not participated in the junior program. Although the Armed Services Committee recommends expansion of this secondary school level program, it provides for less expansion than did the other body. In the committee's judgment it would be best to limit the program to a maximum of 1,200 units with a gradual increase to that amount by limiting expansion to 200 units per year. The program would be expanded on an equitable geographic basis.

I believe the bill is an excellent one which will advance the interests of our young people in the military.

When we consider some of the other plans that the military services have or are talking about, the proposed program is practical and realistic and will be helpful in creating a body of officers who will make a career of the armed services.

I hope the bill may be passed in its present form, and that any amendment offered to it will be defeated, particularly if it is designed to cut down in any way the number of opportunities that the bill would provide. I say that because our committee was unanimous in support of the chairman's position. The committee staff and the chairman have gone into the provisions of the bill very carefully. I hope the Senate will pass the bill without adding any amendments to it.

Mr. RUSSELL. I thank the Senator from Massachusetts for his statement. We have restricted some of the provisions in the bill that came from the House. We have placed a lower limitation on the number of junior ROTC units. We have reduced the retainer pay of the young men in the senior ROTC program. We lowered the number of students who may participate in the scholarship program.

We should never lose sight of the fact that the great majority of the officers who commanded troops in the field in World War II came from the ROTC program and were trained in these schools. The program has been a bonanza for the Government, particularly when we measure the cost of the program against the cost of training officers in officer candidate schools.

No revision has been made in the program, nor has any increase been made in the retainer pay to those who will be commissioned to serve in the armed services since 1950. We all know that other costs have been substantially increased since that date.

Mr. ERVIN. Mr. President——

Mr. SALTONSTALL. Mr. President, with the indulgence and courtesy of the Senator from North Carolina, I should like to make one more brief statement.

I do not know whether the chairman has brought out the fact that when a man transfers from a junior college into the 2-year plan, he does not qualify for a scholarship. He must do that on his own, because of his interest and because of his desire.

Mr. RUSSELL. Yes; and he will be compelled to qualify with an 8-week training course in the summer to establish his eligibility for it. With the high educational demands, it is essential that we open up some means for young men who go to junior colleges to obtain a Reserve commission. Under existing law they are denied that privilege while in college.

Mr. SALTONSTALL. The purpose of the junior ROTC is to stimulate an interest by the schools and to give more schools an opportunity to participate. Our idea was to have more schools interested in the program and participating in it. I do not believe the Army has been doing enough to promote the junior ROTC plan.

Mr. RUSSELL. Not only that, they have not approved any applications since 1947.

Mr. ERVIN. Mr. President, I send to the desk amendments to the committee amendment, and ask that they be stated.

The PRESIDING OFFICER. The amendments to the amendment will be stated.

The LEGISLATIVE CLERK. On page 37, line 15, in the committee amendment, it is proposed to strike out the word "or" and after the word "veterinary" insert the words "or sciences allied to medicine."

On page 37, line 21, strike out the word "or" and after the word "veterinary" insert the words "or sciences allied to medicine."

Mr. ERVIN. Mr. President, the purpose of the amendments is extremely simple. They are designed merely to make it clear and plain that students of optometry, students of laboratory sciences, and students of the other sciences allied with medicine shall be eligible for membership in ROTC units.

I sincerely trust that the chairman of the committee will accept the amendments.

Mr. RUSSELL. Mr. President, the Senator intends to amend section 2103. As I understand, that section has never been used. I understand that the proposed language is the same as that contained in the Selective Service Act describing the professions concerned. I see no objection to the amendments. I shall be glad to accept them.

Mr. ERVIN. I thank the Senator. I believe the amendments improve the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments to the committee amendment offered by the Senator from North Carolina.

The amendments to the committee amendment were agreed to.

Mr. RUSSELL. Mr. President, I send to the desk some perfecting amendments, which do not change the substance of the bill, but merely correct slight errors in the numbering of sections and in a date.

The PRESIDING OFFICER. The amendments to the committee amendment will be stated.

The Legislative Clerk. On page 34, line 16, strike out "1967" and insert "1966".

On page 46, line 2, strike out "2104(b) (6)" and insert "2104(b) (6) (B)".

On page 59, line 22, strike out "V" and insert "IV".

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Georgia.

The amendments to the committee amendment were agreed to.

AMENDMENT NO. 1249

Mr. NELSON. Mr. President, I call up my amendments numbered 1249.

The PRESIDING OFFICER. The amendments to the committee amendment will be stated.

Mr. NELSON. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with. I shall explain them.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments to the committee amendment are as follows:

On page 31, beginning with line 3, strike out all down through line 16 on page 34.

On page 34, line 17, strike out "TITLE II" and insert in lieu thereof "TITLE I".

On page 34, line 19, strike out "Sec. 201." and insert in lieu thereof "Sec. 101.".

On page 49, line 16, strike out "Sec. 202." and insert in lieu thereof "Sec. 102.".

On page 52, line 18, strike out "TITLE III" and insert in lieu thereof "TITLE II".

On page 52, line 20, strike out "Sec. 301." and insert in lieu thereof "Sec. 201.".

On page 55, beginning with line 3, strike out all down through line 6, and insert in lieu thereof the following:

"(10) Chapter 405 is amended to read as follows:

" 'CHAPTER 405. JUNIOR RESERVE OFFICERS' TRAINING CORPS

" 'Sec.
" '4381. Junior Reserve Officers' Training Corps.

" '§ 4381. Junior Reserve Officers' Training Corps

" '(a) The President may establish and maintain a Junior Reserve Officers' Training Corps, organized into units at public and private secondary education institutions which apply for a unit and meet the standards and criteria prescribed by the President.

" '(b) Not more than 300 units may be established and maintained under authority of this chapter, including those units already established on the date of enactment of the Reserve Officers' Training Corps Vitalization Act of 1964.

" '(c) No unit may be established or maintained at an institution unless—

" '(1) a commissioned officer of the Regular Army is detailed to it as professor of military science and tactics; and

" '(2) the unit contains at least 100 physically fit male students who are at least 14 years of age and are citizens of the United States.' "

(11) The chapter analysis of subtitle B and the chapter analysis of part III of subtitle B are each amended by striking out the following item:

"405. Reserve Officers' Training
Corps............................ 4381."

and inserting in lieu thereof:

"405. Junior Reserve Officers' Training Corps........................ 4381."

On page 58, line 10, strike out "Sec. 302." and insert in lieu thereof "Sec. 202.".

On page 59, line 22, strike out "TITLE V" and insert in lieu thereof "TITLE III".

On page 59, line 23, strike out "Sec. 401." and insert in lieu thereof "Sec. 301.".

On page 60, line 4, strike out "Sec. 402." and insert in lieu thereof "Sec. 302.".

On page 60, line 9, strike out "Sec. 403." and insert in lieu thereof "Sec. 303."

Mr. NELSON. Mr. President, I ask unanimous consent that the name of the senior Senator from Pennsylvania [Mr. Clark] be added as a cosponsor of the amendments at their next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I do not see a sufficient number of Senators in the Chamber to secure the yeas and nays on my amendment; therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I have been advised that I neglected to ask unanimous consent that the time for the calling of the quorum be not charged to my time. I now suggest the absence of a quorum and ask unanimous consent that the time for the calling of the quorum not be taken from the time under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, on my amendments, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, I have carefully read the committee report and the testimony on the proposal in the bill to expand the junior ROTC. I do not find a compelling argument in the committee report for the expansion, and the argument against it is so compelling that my amendment ought to be unanimously accepted by the Senate, although I have a feeling that will not be.

This amendment would eliminate the section of H.R. 9124 which compels the military departments to undertake a fivefold expansion of the high school junior ROTC program from its present size of 254 units to 1,200 units up on application from eligible schools. The amendment would limit the size of the junior ROTC to 300 units, which is an increase from 254 to 300.

The Department of Defense has always had the authority to establish new junior ROTC units at high schools which apply for them, but since January 1947, the Army has followed a policy of not accepting any new applications.

The services do not wish to expand junior ROTC because the program has no direct military value. It does not contribute in any way to alleviating the shortage of officers in the armed services, since it does not lead to the commissioning of officers. No signicant correlation has ever been shown between boys participating in the junior ROTC program and men later receiving commissions in the armed services.

The Armed Services Committee does not claim a direct military requirement for the program. However, the bill as reported would require the Army to establish new units at schools which apply for them, and would compel the Navy and the Air Force to begin operating junior ROTC programs, which they do not do now.

At its present size of 254 units, the junior ROTC costs the Defense Department $4.8 million to operate each year, and requires 700 active-duty personnel. If the proposed expansion were carried out, according to the estimates made by an ad hoc committee of the Department of Defense, annual costs to the Federal Government would be increased to $21 million, and the active-duty personnel requirement would rise to 3,500. Although these estimates were made on the basis of a bill which directed the Defense Department to accept applications until 2,000 units had been established, the ad hoc committee calculated that only 1,200 applications would actually be received, so the figures remain valid for the revised version of the bill. Another $80 million to establish the program would be required in that first year.

The Defense Department has made the point that unless we can show a need for expanding this program, spending more than $80 million to establish new units, and increasing annual operating costs by $17 million each year, the expansion would be a waste of money.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. LAUSCHE. From what components is the $80 million derived?

Mr. NELSON. I have been informed that for the outfitting and initial starting of the units, that will be the cost for the expansion to 1,200 units, since the expansion is to be at the rate of 200 units a year. That would be spread over a 5-year period. Is my understanding correct?

Mr. RUSSELL. The 5-year period is correct; but I do not accept the amount of $80 million. The Department of Defense has not suggested any such amount as that.

Mr. NELSON. The Department of Defense furnished that figure to my office.

Mr. LAUSCHE. The thought I have in mind is, does that cover the annual cost of supplying equipment and paying the wages of the students, plus the cost to the Government of the personnel that will be necessary to train the students?

Mr. NELSON. The $80 million, as my staff was informed when it made inquiry of the Department of Defense, includes an increase of $17 million in the cost of operation.

Mr. LAUSCHE. That money would be used for the payment of the students and for the cost of equipment?

Mr. NELSON. For the cost of supervisory personnel and all else that goes into the operation of the program, the increase would be $17 million a year.

Assistant Secretary of Defense for Manpower, Norman Paul, stated to the Senate Committee on Armed Services:

> There is no direct military requirement for this type of program. It does not produce officers. Junior ROTC programs today require the services of some 700 active-duty military personnel. Expansion of this program to a level of 1,200 schools would require the services of 3,300 active-duty military personnel as instructors, and an additional 200 as supervisors. We do not believe that this constitutes a wise use of military resources, considering the enormous demands of our defense, and the related priorities that must be placed on funds and personnel.
>
> Considering the potential cost and manpower requirements, which would use critical resources at the expense of combat-ready Armed Forces. the Department of Defense strongly recommends that the junior ROTC portion of the bill be modified to authorize the program on a permissive basis.

Deputy Secretary of Defense, Cyrus Vance, in a letter to the Senate Armed Services Committee, emphasized:

> While the Department recognizes that there are benefits that would accrue to the Nation as a whole, there is no direct military requirement for this type of program. The importance of acquainting our youth with the military traditions of this country, and the need of developing leadership, discipline, and patriotism in our young people are fully appreciated. However, we believe that greater responsibility should be accepted by our national civic organizations and public and private educational systems for indoctrination and training in this general area, and that such training should be incorporated in the academic program of these educational systems without direct participation by the Department of Defense (p. 14, S. Rept. 1514).

Mr. President, I quote one more sentence from a different part of Secretary Vance's letter:

> Considering the potential cost and manpower requirements, which would use critical resources at the expense of combat-ready Armed Forces, the Department of Defense strongly recommends that the junior ROTC portion of the bill be modified to authorize the program on a permissive basis and eliminate from the bill any designation as to the number of institutions in which junior ROTC units may be maintained.

The Armed Services Committee does not claim a direct military requirement for junior ROTC. However, the committee disagrees with the Department of Defense on the value of the program, stating:

> The committee is convinced that the benefits of such a program justify its relatively moderate cost. An effectively administered junior ROTC program can make important contributions to the production of qualified officers and enlisted members for the Armed Forces. There is some evidence that persons who have had junior ROTC training volunteer for the Armed Forces in larger numbers than those who have not had such training. In addition, the junior ROTC program encourages the development of leadership, discipline, and patriotism in our young people.

The meaning of this last sentence is, apparently, that by taking these young boys and subjecting them to the discipline of military drill, we shall somehow be making better citizens of them. Many nations in the past have adopted the idea that young people should be compulsorily trained in the values which the nation thought worth while. Both Germany and Russia have used militaristic youth movements as an important part of their efforts to teach patriotism. In Communist China today, the youthful cadres of the Communist Party are being indoctrinated with their party's belief through a combined program of military training, work, and ideological instruction.

Our junior ROTC program has not been similar to any of these. The reason for the difference is that it has been kept firmly in mind that the purpose of the ROTC is not to impose some special military viewpoint of patriotism and good discipline on young boys, but to provide our armed services with the officers they need. Since the junior ROTC program makes no contribution to this end, I believe that a better place to spend this extra $17 million per year can be found. I agree with the Department of Defense that the Nation's large, civic organizations, its educators, and its churches must retain responsibility for teaching national values and patriotism.

The proposed large expansion of the junior ROTC seems particularly unnecessary when we consider that there is an alternative program—the National Defense Cadet Corps, or NDCC—which provides an identical curriculum, but which is largely financed locally, and so operates at much less cost to the Federal Government. The Department of Defense provides junior ROTC units with instructor, uniforms, equipment, and books, at an average annual cost of approximately $80 per enrollee. In the NDCC program, individual schools provide the personnel and uniforms, and some of the equipment, while the Federal Government supplies some equipment and educational materials. Under this program the cost to the Federal Government of giving a boy the same military training as he would receive in the junior ROTC is $3.85 a year, or one-twentieth the cost of junior ROTC.

We regularly hear, on this floor and in the House of Representatives, a great deal of justified praise from Senators for the idea of maintaining local initiative, of letting local bodies, rather than the Federal Government, operate programs wherever they can. I suggest that this is a good place to apply that doctrine of local initiative.

In the 1962–63 school year, there were 11 private and 243 public schools participating in the junior ROTC program. At 55 of these schools, including 46 public and 9 private schools, the ROTC course was required of male students. I think there is some question as to the wisdom of compelling young boys of high school age to undergo military training. In these 46 public schools boys must subject themselves to 3 hours a week, 96 hours a year of military training in order to receive the education to which they are supposed to be entitled in any event. I believe that compulsory military service is something we should avoid whenever possible.

In summary, the junior ROTC program is costly and makes no direct contribution to America's military strength. I believe that the expansion of this program to over a thousand schools, together with the change in the conception of the ROTC's mission which is implied in this bill, can have grave effects on our American traditions of individual freedom.

Perhaps most important, the Defense Department has recently ordered a complete evaluation of this program to determine its worth. It hardly makes sense to expand a program to five times its present size before we have the benefits of such a study. I suggest that if we should further study it and discover that it really had benefits, there would still be time enough to expand the program. This is certainly not the time to do so.

(At this point Mr. BREWSTER took the chair as Presiding Officer.)

Mr. NELSON. Mr. President, the national chamber of commerce recently offered a fine, concise statement of the case against an expansion of junior ROTC:

> The national chamber has serious reservations regarding the proposed expansion of the junior ROTC program at this time, as provided under chapter 102. We appreciate the benefits attributed to the junior ROTC program—the development of leadership, discipline, and patriotism in our young people at the high school level. Important as these benefits are, the Department of Defense has stated that there is no direct military requirement that can be established for the junior ROTC program.
>
> It is noted that the estimated cost of the newly expanded junior ROTC program, when fully implemented as proposed in H.R. 9124, would be about $25 million per year, as compared to about $5 million for the present program.
>
> The Defense Department has recommended that a complete evaluation be made of the junior ROTC program and of the National Defense Cadet Corps, through pilot programs and studies, to determine the role and function of each of these two high school level programs.
>
> The national chamber recommends, therefore, that legislative action on the proposed expansion of the junior ROTC program be deferred at this time.

Mr. RUSSELL. Mr. President, the distinguished Senator has painted a very vivid picture of the terrible consequences of compulsory military training in foreign lands.

There is absolutely no compulsion whatever in the junior ROTC bill from the Federal level. If there is any compulsion, it grows out of the rulings of the trustees of the local schools in which the program has been installed.

I was amused to hear that the Senator relies so strongly on the recommendations of the Department of Defense in this instance. When the regular appropriation bill was up for consideration, he scoffed at all of the reasons advanced by the Department of Defense for having a strong military system. The Senator stated that we did not need it, that the Department was wrong. But, in this case, when the arguments of the Department happen to coincide with the views of the Senator, that there should not be any Reserve officer training program in the secondary schools of this country, he relies heavily on the arguments of the Department.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield. I have forgotten what the time limitation is. I do not want to yield to the extent that I shall lose my time.

Mr. NELSON. I should like to correct the Senator. I did not at any time, on this floor or in this country, anywhere, scoff at the idea of the necessity for a strong military defense. On the contrary, I have always supported it, and still do.

Mr. RUSSELL. The Senator said that he was in favor of a strong military program, but the Defense Department wanted one that would be too strong. Perhaps that is the more appropriate way of stating it. The Senator was in favor of cutting it below what the Defense Department requested.

Mr. NELSON. I was. The reports filed over a 1-year period from the General Accounting Office showed that the Department of Defense was wasting $500 million. My argument was that we should eliminate the waste from the Defense budget.

I believe that when it is shown that waste has been found, we should vote to eliminate such waste.

Mr. RUSSELL. This is not waste. The Department did not claim any waste. I do not know where the Senator gets the figures.

Deputy Secretary Vance wrote a letter to me in which he did not disagree with the estimate of $21,216,000 for 1,200 units, and that would include 254 schools that have the Reserve training program at the present time.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. Are these schools on the secondary college level or high schools?

Mr. RUSSELL. Both. But we are now talking about high schools, or military preparatory schools, or schools that give military training.

Mr. FULBRIGHT. There is a school located in my State that is at the college level. They have been trying to get the ROTC. They cannot get it. Apparently there has been a freeze on the college level.

Mr. RUSSELL. There has been a freeze on all of them. In 1947, when we started to do away with the Military Establishment and abolish the draft, a freeze was placed on this program in all high schools. That is the reason why there has not been an increased figure. The action of putting the freeze on the Military Establishment cost us billions of dollars in wastage when we were compelled to rearm immediately for the Korean war.

The Senator has mentioned that it would require 700 military men to operate these schools. What are 700 men out of 975,000 who are in the Army at the present time, when they are training 60,000 cadets in these schools? It is the most economic measure that we could possibly have.

Mr. President, the cost runs to about $80 a cadet per year in the junior ROTC unit for the country. I confess that there is no immediate and direct military need for this training. But it does teach some semblance of discipline. The Senator seems to discount that. It does provide some basic training. That would be very helpful in the event of an emergency. It does assist in maintaining the health of the young men. It does enable us to get the young men out and drill them.

The Senator supported legislation which would establish a Job Corps to take care of those who dropped out. It would take care of those whose health was bad. What would that cost per capita? Four thousand seven hundred dollars a year per man, to keep them in the Job Corps, as compared with $80 a year per cadet in a junior ROTC program which would improve the health and discipline of these young men.

If we need anything in this country today, we need something that would instill some semblance of discipline, some respect for order, and some respect for authority in the young manhood of America. I can conceive of no more beneficial piece of legislation than this measure. When we pass a measure like this, we reduce the need for the job corps, with the resultant cost of $4,700 per man. We reduce the need for training in the poverty program that we so blithely created here at a cost of $1 billion a year.

We have an opportunity for $21 million a year at the end of a 5-year period before it reaches $21 million a year—to train some 600,000 or 700,000 young men in the high schools and colleges in this country in an effort to give them some semblance of an idea as to discipline and order, and respect for authority, as well as improving their health.

Mr. FULBRIGHT. I am still not clear. Will this make it more probable that the secondary schools which want the program will get it?

Mr. RUSSELL. It does not necessarily increase it.

Mr. FULBRIGHT. Why is it in the high schools? I should like to see the college in my State get the program. I think it is needed.

Mr. RUSSELL. The committee has indicated to the Department of Defense, in the strongest of terms, that the collegiate program should be expanded. There are some 10 or 12 colleges that ought to have the program. One of them happens to be in my State.

Mr. FULBRIGHT. There is one in my State. They have attempted to get the program for several years. I have never been able to move them at all.

Mr. RUSSELL. Neither have I.

Mr. FULBRIGHT. I do not see why we cannot incorporate that provision in the measure. It is my view that the colleges should have equal priority with the high schools.

Mr. RUSSELL. Mr. President, we were hoping to get this bill out in this session of the Congress. We have reduced the amount contained in the bill as it came to us, very drastically from the amount that the House approved. The House provided for 2,000 units of ROTC. We cut it back to 1,200. We required that it be spread over a period of 5 years. But we are strengthening the senior ROTC to such a degree that I feel that there will be some expansion of the senior ROTC units. But there is no mandate in the bill which would compel it.

Mr. FULBRIGHT. No prohibition exists.

Mr. RUSSELL. None whatever.

Mr. FULBRIGHT. They could do it if they wanted it?

Mr. RUSSELL. That is correct. They have the authority now. And the bill would tend to encourage them to do it.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. SALTONSTALL. The Senator mentioned the additional cost. He compared the $4,700 with the $80 per man contained in the measure. Is it true that in our committee, we have tried to devise means to encourage the men to reenlist, because of the extreme cost of training new men? Furthermore, have we not found that it takes fewer men to train other men coming in? That would leave more sergeants for active duty, rather than requiring them to train the new men.

Mr. RUSSELL. I did not wish to drag out this debate. But the testimony from the Secretary of the Army shows that the young men who have had the training in high school become noncommissioned officers more quickly. They adjust themselves to the Army much more rapidly. They reenlist to a much higher degree than those who have not had this high school training. The program involves one of the cheapest things that we can do, not only to give us some sense of military strength—though that would not be an immediate result, for it would merely be training and would not fit a man to step into the ranks of a soldier—but also to give us some sense of discipline and order in the United States.

When we consider the hundreds of millions that we have authorized at this session of the Congress to try to correct conditions that the proposed system would have helped to prevent had it been in existence, the $21 million is a mere pittance. I hope that the amendments will be rejected.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. FULBRIGHT. I should like to ask one more question. Is it logical to assume that, in voting to retain the full amount which would be authorized for the high school program, we would not in any way prejudice the remainder of the ROTC program?

Mr. RUSSELL. It would not in the slightest degree prejudice the other program. In my opinion, the college ROTC program would be encouraged.

Mr. NELSON. Mr. President, I hope not to be repetitious, but it seems that the issue is clear and simple. The item would be a part of the budget and would be paid for by the Department of Defense. To argue that the purpose of the program is to instill patriotism, discipline, and improved health is one kind of an argument. If that objective is so important, let us introduce a bill which would achieve that result.

But when the Department of Defense itself has strongly recommended against the program and has said that it would take resources from their combat-ready troops, and since the testimony of the representatives of the Department of Defense has been that the program would have no direct military value, why in Heaven's name should we require the Department of the Army, and the Departments of the Navy and the Air Force—which do not now have such programs—to accept up to 1,200 schools when the Department has said that the program is of no value?

When we try to cut $1 billion from the budget, the argument is made that the proposed cut is too large. If a $17 million cut is proposed, some Senator rises and says that such a cut would not amount to anything. In my State $17 million does amount to something.

I do not hesitate to vote for the appropriation of funds that are necessary, but in the face of all the evidence and all the arguments that there is no military necessity for the bill and, to top it off, at a time when we are in the midst of a study to find out what value such programs are, Congress is asked not to wait for the results but to pass the bill anyway and make the Department take 1,200 schools——

Mr. RUSSELL. Oh, no. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. RUSSELL. No one would be compelled to take any of these schools.

Mr. NELSON. I did not say that. I said that the Department of Defense would be compelled, if a school should apply, to accept it, whether the Department wants it or not. The proof of the pudding ought to be that since 1947 the Department has not accepted a single new school under the program because the Department has seen no value in it.

It seems to me that if we are going to economize in the Congress, some time we ought to start with a clear and simple case. When we have the remarkable situation of the Department of Defense coming in and saying that the proposed program would be of no military value, we ought to take the representatives of the Department at their word and save the $17 million a year, which, over a 10-year period, would amount to $170 million. That is a great deal of money. If we cannot cut budgets in order to make a saving at the level of $17 million, I do not believe that we can do so at any level.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. NELSON. I yield back the remainder of my time.

Mr. RUSSELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendments of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. INOUYE. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Missouri [Mr. LONG], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Rhode Island [Mr. PELL], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I also announce that the Senator from Alabama [Mr. HILL], and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Pennsylvania [Mr. CLARK], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Florida [Mr. HOLLAND], the Senator from Washington [Mr. JACKSON], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. MCGEE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from California [Mr. SALINGER], the Senator from Missouri [Mr. SYMINGTON], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. RANDOLPH], the Senator from Washington [Mr. JACKSON], and the Senator from New Hampshire [Mr. MCINTYRE] would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from California [Mr. SALINGER]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from Florida [Mr. HOLLAND] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Florida would vote "nay" and the Senator from Oregon would vote "yea."

On this vote, the Senator from Rhode Island [Mr. PASTORE] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Rhode Island would vote "nay" and the Senator from Ohio would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from Arizona [Mr. GOLDWATER], the Senator from Nebraska [Mr. HRUSKA], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Idaho [Mr. JORDAN], the Senator from New Mexico [Mr. MECHEM], the Senator from Iowa [Mr. MILLER], the Senator from South Dakota [Mr. MUNDT], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from Nebraska [Mr. HRUSKA], the Senator from Idaho [Mr. JORDAN], the Senators from New York [Mr. KEATING and Mr. JAVITS], the Senator from New Mexico [Mr. MECHEM], the Senator from Iowa [Mr. MILLER], the Senator from Pennsylvania [Mr. SCOTT], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] would each vote "nay."

The result was announced—yeas 10, nays 43, as follows:

[No. 587 Leg.]

YEAS—10

Anderson
Church
Hart
Lausche
McGovern
McNamara
Metcalf
Monroney
Nelson
Proxmire

NAYS—43

Aiken
Allott
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Byrd, W. Va.
Case
Cooper
Cotton
Curtis
Dirksen
Dominick
Ellender
Ervin
Fong
Fulbright
Hayden
Hickenlooper
Humphrey
Inouye
Jordan, N.C.
Kuchel
Long, La.
Mansfield
McCarthy
McClellan
Morton
Pearson
Prouty
Robertson
Russell
Saltonstall
Simpson
Smathers
Smith
Stennis
Talmadge
Walters
Williams, Del.
Young, N. Dak.

NOT VOTING—47

Bartlett
Burdick
Byrd, Va.
Cannon
Carlson
Clark
Dodd
Douglas
Eastland
Edmondson
Goldwater
Gore
Gruening
Hartke
Hill
Holland
Hruska
Jackson
Javits
Johnston
Jordan, Idaho
Keating
Kennedy
Long, Mo.
Magnuson
McGee
McIntyre
Mechem
Miller
Morse
Moss
Mundt
Muskie
Neuberger
Pastore
Pell
Randolph
Ribicoff
Salinger
Scott
Sparkman
Symington
Thurmond
Tower
Williams, N.J.
Yarborough
Young, Ohio

So Mr. NELSON's amendments to the committee amendment were rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. All time on the bill is yielded back. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 9124) was passed.

Mr. RUSSELL. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROPOSED AMENDMENT TO THE CONSTITUTION RELATING TO THE SUCCESSION TO PRESIDENCY AND VICE PRESIDENCY

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1317, Senate Joint Resolution 139.

The **PRESIDING OFFICER.** The joint resolution will be stated by title.

The Chief Clerk. A joint resolution (S.J. Res. 139) proposing an amendment to the Constitution of the United States relating to the succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with amendments on page 1, line 7, after the word "several", to strike out "States" and insert "States within seven years from the date of its submission by the Congress", and beginning at the top of page 2, to strike out:

ARTICLE —

Section 1. In case of the removal of the President from office, or of his death or resignation, the Vice President shall become President for the unexpired portion of the then current term. Within a period of thirty days thereafter, the new President shall nominate a Vice President who shall take office upon confirmation by both Houses of Congress by a majority of those present and voting.

Sec. 2. In case of the removal of the Vice President from office, or of his death or resignation, the President, within a period of thirty days thereafter, shall nominate a Vice President who shall take office upon confirmation by both Houses of Congress by a majority vote of those present and voting.

Sec. 3. If the President shall declare in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

Sec. 4. If the President does not so declare, the Vice President, if satisfied that such inability exists, shall, upon the written approval of a majority of the heads of the executive departments in office, assume the discharge of the powers and duties of the office of Acting President.

Sec. 5. Whenever the President makes public announcement in writing that his inability has terminated, he shall resume the discharge of the powers and duties of his office on the seventh day after making such announcement, or at such earlier time after such announcement as he and the Vice President may determine. But if the Vice President, with the written approval of a majority of the heads of executive departments in office at the time of such announcement, transmits to the Congress his written declaration that in his opinion the President's inability has not terminated, the Congress shall thereupon consider the issue. If the Congress is not then in session, it shall assemble in special session on the call of the Vice President. If the Congress determines by concurrent resolution, adopted with the approval of two-thirds of the Members present in each House, that the inability of the President has not terminated, thereupon, notwithstanding and further announcement by the President, the Vice President shall discharge such powers and duties as Acting President until the occurrence of the earliest of the following events: (1) the Acting President proclaims that the President's inability has ended, (2) the Congress determines by concurrent resolution, adopted with the approval of a majority of the Members present in each House, that the President's inability has ended, or (3) the President's term ends.

Sec. 6. (a)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President, shall act as President: Secretary of State, Secretary of Treasury, Secretary of Defense, Attorney General, Postmaster General. Secretary of Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education, and Welfare, and such other heads of executive departments as may be established hereafter and in order of their establishment.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this section.

(3) To qualify under this section, an individual must have been appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, or inability of the President and Vice President. and must not be under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon him.

(b) In case of the death, resignation, or removal of both the President and Vice President, his successor shall be President until the expiration of the then current presidential term. In case of the inability of the President and Vice President to discharge the powers and duties of the office of President, his successor, as designated in this section, shall be subject to the provisions of sections 3, 4, and 5 of this article as if he were a Vice President acting in case of disability of the President.

(c) The taking of the oath of office by an individual specified in the list of paragraph (1) of subsection (a) shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(d) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President.

Sec. 7. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

And, in lieu thereof, to insert:

ARTICLE —

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Sec. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Sec. 3. If the President declares in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

Sec. 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Sec. 5. Whenever the President transmits to the Congress his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office.

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article —

"Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"Sec. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"Sec. 3. If the President declares in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"Sec. 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Sec. 5. Whenever the President transmits to the Congress his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I invite the attention of the Senate to a proposal involving a great degree of gravity. The recent publication of the Warren Commission Report has reawakened in our minds, if indeed that was necessary, the tragic events of last November in Dallas, when the President of the United States was assassinated. Tragic as was the passing of this man, and as were the diabolical events which led to his demise, more tragic, indeed, will be his passing if we do not use that unfortunate set of circumstances to understand and overcome an imperfection in our system of government which is made evident, once again, by the laws and constitutional provisions relating to the offices of President and Vice President of the United States.

I speak this afternoon in support of the constitutional amendment, Senate Joint Resolution 139, which deals with the basic structure and the basic transfer of authority of executive power, the office of the President and the office of the Vice President of the United States of America.

The problems of vice-presidential vacancies and Presidential inability are complex and significant, to say the least. In my estimation, they deserve our urgent attention. The problems are not insoluble. They are not new problems. They have confronted us many times in the past. They have been the subject of discussion from time to time since the adoption of the Constitution. But today they have a ringing urgency with the tragedy of our martyred President still fresh in our memory.

Now, for the first time in our history, we are on the brink of finding a solution. The Committee on the Judiciary has favorably reported Senate Joint Resolution 139.

One of the major difficulties confronting us in solving the problems of filling a vacancy in the office of Vice President, or finding a workable way to deal with Presidential inability is not that suggestions, ideas, and legislative proposals were scarce, but rather that we had so many of them that it was impossible to obtain a consensus—a majority opinion—and have it brought to the floor of the Senate for consideration.

As all Senators know, before a constitutional amendment can be adopted, it requires the support of two-thirds of the Members of both Houses of Congress, and three-fourths of the State legislatures.

Today, I am happy to report that there is a vast grassroots feeling of urgency. I should like to give particular credit to the American Bar Association which has done more than any single group to help us arrive at this consensus. I present this consensus today on behalf of the Subcommittee on Constitutional Amendments and on behalf of the Committee on the Judiciary.

Early this year, the American Bar Association conducted a 2-day meeting—a forum of the leading constitutional lawyers and scholars in the Nation—to which members of the subcommittee were invited. Those at the meeting had as many different ideas as there were people present. At least 14 or 15 different ideas were propounded.

At the meeting, each one present entered into reasonable give-and-take in the hope that we could finally come forth with a proposal that might not be perfect nor totally acceptable to any one of us, yet nevertheless a workable plan which could be enacted by the Congress and approved by the several States.

Mr. President, I ask unanimous consent to have printed in the Record certain material which in my estimation shows vividly the widespread national recognition of the importance of this question. More than 200 articles, columns, and editorials, have appeared stressing the gravity of the situation and urging Congress to do something about it. I believe that a small sampling of this material will indicate the national concern over these constitutional gaps.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Evansville (Ind.) Press, May 26, 1964]

When the President Is Sick

For 175 years Congress has been authorized by the Constitution to set up a system by which a Vice President should take over the duties of the President if the President should be disabled. Congress never has acted.

Former President Eisenhower, who urgently asked Congress to act when he was in office, again gave some moving testimony in support of this urgency at a Washington forum Monday sponsored by the American Bar Association.

"I discuss this," General Eisenhower said, "from the standpoint of a patient."

Three times while he was President, Ike said, he was briefly incapacitated.

For a week after his heart attack in 1955, he saw no one on his staff—didn't even see a newspaper.

For a time, when he had his ileitis operation in 1956, Ike said flatly, he was "unable to function."

In 1957, he suffered a mild "spasm" or stroke, and for 24 hours, he said, he had a "loss of memory of words" and couldn't have remembered a name.

"The United States," the two-term President said, "cannot afford to be without someone to make a decision."

The country is totally without anything in the law which spells out what happens when a President becomes incapacitated, for a day or for weeks. The Vice President, General Eisenhower said, should be empowered to take over immediately, for however long he is needed.

President Garfield, after he was shot in 1881, and President Wilson, after he suffered a stroke in 1919, were unable to perform most of their duties. Garfield lingered 80 days, most of them in a coma, before he succumbed to the assassin's bullet. Wilson was critically ill for months.

In neither case was the Vice President able to take over.

During President Eisenhower's three illnesses, no crisis happened to develop, Ike recovered speedily and was able to resume his duties. But Ike's point is that that was just lucky. There never should be a time when the Vice President couldn't step in, ready and empowered to take action.

Congress never has set up a takeover system because Congress never could agree on how to do it. But as Ike said it is "not quite as intricate as we have made it." We must, he said, "solve it now." Any plan Congress devises hardly can be as dangerous to the country's welfare as no plan at all.

[From the Indianapolis (Ind.) Times, May 29, 1964]

First Small Step to Safety

Until now, about all Congress has done about presidential disability is talk about it, and disagree.

But a Senate Judiciary Subcommittee has just approved a constitutional amendment plan to fill the gap if a President is incapacitated—and also to provide for a new Vice President when the Vice President becomes President or dies.

Under this plan if a President became unable to do his job, he could certify his disability and the Vice President would step in. If the President were disabled and didn't ask the Vice President to take over, the Vice President could assume the powers anyway with the consent of the Cabinet. In case of dispute, Congress would make the decision.

Also, when a vacancy occurred in the office of Vice President, the President promptly would nominate a new Vice President, subject to approval by both Houses of Congress.

Former President Eisenhower, three times temporarily disabled while in office, has made a strong case for the country never again being without a Vice President. The need for a plan by which the Vice President would take over in event of the President's disability is obvious.

Before the plan approved by the Senate subcommittee can be written into the Constitution, it must be approved by the full Judiciary Committee, adopted by two-thirds votes in both Houses and ratified by at least 38 States. A long road.

Nonetheless, this is a significant beginning. If the full committee will act promptly, the prospects for an answer to this long-neglected problem will be greatly enhanced.

There will be strong dissents from the details of this plan, some perhaps valid. But it is these differences which have stymied action all these years. Representative Emanuel Celler said the House Judiciary Committee, of which he now is chairman, has been debating disability since 1920—but has done nothing for lack of agreement on how to do it.

Senator Birch Bayh, chairman of the subcommittee, said no plan could be perfect, but the urgency of the problem is more important than argument over which plan. The American Bar Association is backing this proposal on this same basis.

There are hazards in any plan. But the continuity and stability of the Government are at stake. Loss of national leadership, even briefly, could endanger the safety of the country. Congress should act promptly.

[From the Washington (D.C.) Post, Mar. 9, 1964]

To Narrow the Risk

Former President Eisenhower, former Vice President Nixon, and many others have buttressed the arguments of the American Bar Association and the press in favor of legislation on the problems of presidential succession and disability. The risk that the country may be left without an Executive head in time of emergency is very real. No time should be lost in approving the best precautions available.

The risk may be divided logically into three parts. The first is the danger arising out of any serious illness or other disability on the part of President Johnson during the next 8 months, while there will be no Vice President. Congress could lessen this risk by emergency legislation. The second risk arises from the fact that there is no way of replacing the Vice President when the office becomes vacant between elections. This will require a constitutional amendment. The third risk lies in the absence of any constitutional device for relieving a disabled President, and this can be corrected only by means of an amendment.

Constitutional amendments are necessary chiefly because the Founding Father's committee on style telescoped the provisions dealing with succession and inability. Most scholars think they intended that in the case of either death or disability on the part of the President, the Vice President should exercise the powers of the great office on an interim basis without actually becoming President. But Vice President John Tyler proclaimed himself President on the death of William Henry Harrison in 1841, and that precedent has become firmly fixed in American constitutional practice. It is a sound precedent so far as succession of the No. 2 man is concerned in case of death or removal of a President. But of course it has no relevance to the duty of the Vice President (or others in the line of succession) when the President is merely incapacitated.

One of the proposed amendments for which support is now being sought would confirm the Tyler precedent "in the event of the death, resignation, or removal of the President." The other would make clear that, in case of Presidential inability, only the duties and powers of the Presidency, and not the office, would devolve upon the Vice President or other person next in the line of succession. This would give the President complete assurance that he could be relieved in times of grave illness without risk of losing his office.

If the President should not announce his own disability and invite the Vice President to take over, the Vice President could take the initiative, in case of need, with the concurrence of a majority of the Cabinet. In either event the President could reclaim his powers by declaring his inability at an end. But if the Vice President and a majority of the original Cabinet (or other body that Congress might provide by law) should challenge the President's action, he could be restrained from reclaiming his powers by a two-thirds vote in Congress.

Doubtless there would be some risk of abuse in this procedure. No claim of perfection is advanced for it. But any risks that might remain would be minor in contrast to the present grave danger of leaving the Presidential power in the hands of a man incapable of exercising it.

One thing is certain: Congress should face up to the fact that the Presidency is a man-killing job and that continuity and orderly succession are imperative to the national safety and welfare. It follows that Congress should submit to the States the best amendment it can devise to remedy these dangerous defects in the succession and disability provisions of the Constitution.

[From the Atlanta (Ga.) Journal and the Atlanta (Ga.) Constitution, June 7, 1964]

PRESIDENTIAL SUCCESSION

The plan for presidential succession that is moving along now in the U.S. Senate (or moving along as much as any business there is being permitted to move along) is a proper and practical solution to a great problem.

Under it, a President who had succeeded from the Vice Presidency could designate a potential successor as Vice President. The Senate and House would have to confirm his choice.

With this provision, we could avoid periods such as the present one when there is no Vice President and succession would fall upon the Speaker of the House, now JOHN McCORMACK, 72.

The plan also would provide for temporary or even permanent replacement of a disabled President.

A Vice President might become Acting President if the disabled President ordered this in writing; or the Vice President, with approval by a majority of the Cabinet, could declare the President disabled and assume his duties (though not his office); and if the disabled President objected to such action by a Vice President, Congress would decide the issue.

We must cover all these possibilities, and it is good to see the Senate at last moving to do something about them.

The prospect of a President's choosing a new Vice President is not ideal, admittedly. If that Vice President then should become the Chief Executive, we would have a President who had not been passed upon by all the people.

But we also would under the present succession system; and the man named Vice President by a new President probably would come much closer to national stature than the Congressman (elected by one district) who might happen to be Speaker of the House.

The American Bar Association and former President Eisenhower have urged plans similar to this one favored by a Senate subcommittee. We hope the basic plan can soon be enacted so that any possibility of perilous uncertainty about the Presidency may be eliminated.

[From the Los Angeles (Calif.) Times, May 28, 1964]

A PRESIDENTIAL SUCCESSION PROPOSAL

After 4 months of study, a Senate subcommittee which has been considering proposals dealing with presidential succession and disability laws reports it has now reached agreement on several recommendations to place before Congress.

Envisioned by the subcommittee is a constitutional amendment which would permit the President to appoint a new Vice President should that office fall vacant. The appointment would be subject to confirmation by a majority vote in Congress. This plan, resembling an earlier recommendation by the American Bar Association, has also been endorsed by former President Eisenhower. It appears sound and workable.

On the tackier issue of disability, the subcommittee suggests a more complex formula, by which the powers and duties—but not the office—of President would temporarily pass to the Vice President. If the President should recover from his disability he would once again resume his full authority.

Should a dispute develop over whether the President is indeed able to carry out his duties, this plan stipulates that a final decision rests with Congress, with a two-thirds majority required to rule against the President.

A bitter fight over this controversial section appears probable. For one thing it leaves to politicians the power to pass on what most probably would be a strictly medical judgment. This could create a dangerous situation.

The need for both a better succession law and a law governing disability—the Constitution is far from precise in this area—has long been manifest. In the present circumstances the need is pressing. Yet few expect congressional action on either subject this year. Among other reasons, the House is unlikely to move out of deference to its 72-year-old Speaker, JOHN McCORMACK, who under present law is next in line for the Presidency.

At the same time the nature of the proposed amendment makes clear the need for full and careful consideration, not only in Congress but also among the State legislatures, which must also ratify the amendment. The sooner Congress gets started, the better.

[From the Salt Lake City Tribune, May 27, 1964]

LESSONS FROM EISENHOWER'S DISABILITIES

It is hoped the enormous prestige of General Eisenhower will help persuade Congress to take quick and positive action to fill the constitutional void as to how presidential disability shall be determined.

Mr. Eisenhower, who views the problem "from the standpoint of the patient," was disabled by major illnesses three times during his two terms in the White House. He supports the general proposals of the American Bar Association and also of a Senate judiciary subcommittee which has been working on legislation concerned with the problem.

Although the former President said the Vice President should have the ultimate responsibility for determining when a President is incapable of performing the duties of his office, he acknowledged that this might not be enough.

Congress should make the final decision, he said, in the event of a quarrel between the President and top Government leaders on presidential disability. Under the plan advanced by the American Bar, if a disabled President cannot or will not declare his inability to carry out his duties, a Cabinet majority or "such other body of Congress might decide upon" could authorize the Vice President to take over anyway. In addition, the ABA proposed that if a disabled President sought to resume his duties prematurely in the view of a Cabinet majority or of "such other body," two-thirds of both Houses of Congress, voting separately, could declare him still disabled. This would have the effect of sustaining the Vice President and permitting him to carry on for the President.

The "such other body" in case Congress should not wish to rely on the Cabinet would presumably be a high-level commission.

In 1958 the New York State Bar Association urged a constitutional amendment to the effect "that the commencement and termination of inability should be determined by such methods as Congress shall by law provide." This would keep constitutional provisions flexible and workable under various conditions—leaving the way open to Congress to make amendments if needed.

Speaking before the National Forum on Presidential Inability in Washington, General Eisenhower said: "Three times during my terms of office I faced the possibility that I might be the victim of a fairly prolonged disability. In each instance there was a gap when I could not carry out the duties of my office."

After his heart attack in 1955, "it was almost a week before the doctors let me see anyone else. Within a week," he added, he assumed some of his Presidential duties and "by the third or fourth week could carry out all the essential burdens of my office."

During his ileitis attack and operation in 1956, "I was unable competently to carry out the duties of the office * * * for a time." And the following year he suffered a stroke or "spasm of the brain" and "for 24 hours I had an absolute loss of memory."

Mr. Eisenhower's words doubtless gave his hearers goosepimples.

In the pushbutton, atomic-missile age the delay in succession must be held to a minimum, whether a President dies or is temporarily disabled.

Mr. Eisenhower and his Vice President, Mr. Nixon, had worked out a personal agreement on the circumstances under which the latter might assume the functions of the Presidency. Although Mr. Nixon presided over Cabinet and Security Council meetings during the President's first illness he did not really assume Presidential powers. Some observers felt Mr. Nixon leaned backward too far to avoid the appearance of seeking power prematurely, but a division in the Cabinet, which carried on meetings and functions, was perhaps an important influence.

Fortunately, Mr. Eisenhower recovered, but there is no guarantee that another President will not become physically or mentally disabled at a crucial time without proclaiming it. The determination of disability must be made simply and quickly.

Panelists at the National Forum on Presidential Inability agreed that the problem should be solved by constitutional amendment, rather than simple legislation. In that we heartily concur. And we hope Congress gets the necessary wheels turning for such an amendment before adjourning this year.

[From the Evansville (Ind.) Press, May 29, 1964]

U.S. SAFETY AT STAKE: ACTION ON PRESIDENTIAL SUCCESSION NEEDED NOW

Until now, about all Congress has done about presidential disability is talk about it, and disagree.

But a Senate judiciary subcommittee headed by Indiana's Senator BIRCH BAYH has just approved a constitutional amendment plan to fill the gap if a President is incapacitated—and also to provide for a new Vice President when the Vice President becomes President or dies.

Under this plan if a President became unable to do his job, he could certify his disability and the Vice President would step in. If the President were disabled and didn't ask the Vice President to take over, the Vice President could assume the powers anyway with the consent of the Cabinet. In case of dispute, Congress would make the decision.

Also, when a vacancy occurred in the office of Vice President, the President promptly would nominate a new Vice President, subject to approval by both Houses of Congress.

Former President Eisenhower, three times temporarily disabled while in office, has made a strong case for the country never again being without a Vice President. The need for a plan by which the Vice President would take over in event of the President's disability is obvious.

Before the plan approved by the Senate subcommittee can be written into the Constitution, it must be approved by the full Judiciary Committee, adopted by two-thirds votes in both Houses and ratified by at least 38 States. A long road.

Nonetheless, this is a significant beginning. If the full committee will act promptly, the prospects for an answer to this long-neglected problem will be greatly enhanced.

There will be strong dissents from the details of this plan, many of them perhaps valid. But it is these differences which have stymied action all these years. (Representative EMANUEL CELLER said the House Judiciary Committee, of which he now is chairman, has been debating disability since 1920—but has done nothing for lack of agreement on how to do it.)

Senator BAYH said no plan could be perfect, but the urgency of the problem is more important than argument over which plan. The American Bar Association is backing this proposal on this same basis.

There are hazards in any plan. But the continuity and stability of the Government are at stake. Loss of national leadership, even briefly, could endanger the safety of the country. Congress should act, promptly.

[From the Indiana Sentinel, Mar. 26, 1964]

BAYH AND SUCCESSION

History in the making and history in retrospect, but currently most effectively told, are combining to point up the value of a proposed constitutional amendment being pushed in Congress by Indiana Senator BIRCH BAYH.

The proposal, introduced by BAYH as chairman of the Constitutional Amendment Subcommittee of the Senate Judiciary Committee, provides that in the event a President dies, the Vice President, on his accession to the Presidency, then would nominate a new Vice President whose designation would be subject to approval by both Houses of Congress. It also would provide for a means of declaring a President disabled so that the Vice President could take over his duties.

The history in the making which is involved, is, of course, the fact that President Lyndon Johnson is now serving without a Vice President, although current law provides that in the event of his death the Speaker of the House, the aging JOHN W. MCCORMACK, of Massachusetts, would succeed to the office.

The retrospective account currently attracting national attention is Gene Smith's book, "When the Cheering Stopped." It is a sympathetic but tragic telling of the closing presidential days of Woodrow Wilson. While his second wife had nothing but sincere affection for the disabled Chief Executive and shared his beliefs in his goals of international peace, her handling of the governmental reins by keeping even the Cabinet at a distance from Wilson helped bring his illusions down in defeat. This tragic story, much more than the days of uncertainty immediately following President Dwight Eisenhower's first-term heart attack, points up the need for a new approach to the problem of passing on the reins of Government in the event of Presidential disability.

BAYH'S is only one of the proposals before Congress. The other with important support was introduced by Senator KENNETH KEATING, New York Republican, and would provide for nomination by each party and election by the people through the electoral college, of two Vice Presidents—one called legislative and the other executive. It also makes provisions for a takeover in the event of Presidential inability.

Each plan has merits and it will be better for Congress to make its choice after hearings than for us to attempt it here. The important thing is, however, for one of the plans, or some modification of the two to be adopted. History in the making and history in retrospect emphasize the need.

[From the Boston (Mass.) Herald, May 27, 1964]

SECURING THE SUCCESSION

Ever since President Eisenhower's heart attack in September 1955, Congress has been pressed to clarify the constitutional provisions on presidential disability.

The assassination of President Kennedy also started a move to strengthen the succession law and provide for an interim Vice President.

Despite much discussion, however, nothing has been done. President Eisenhower and his successors have made private agreements to cover the disability loophole, and Speaker MCCORMACK, the reluctant heir apparent under the present succession law, has taken over some vice presidential duties. But no real solutions have been attempted.

This week a Senate subcommittee has come up with concrete proposals. And, although they could be improved, Congress should move swiftly to translate them into law. Almost any reform would be better than further inaction.

Basically the subcommittee proposals are sound.

For the succession problem, they suggest a constitutional amendment permitting the President to fill a vice presidential vacancy with the approval of the Senate and the House. This is essentially the same solution as one submitted by the American Bar Association. We have preferred a statute putting the Cabinet officers back in the line of succession but requiring that upon the death of the President and the accession of the Vice President they resign and be reconfirmed by the Senate. But the subcommittee plan will serve.

The disability problem would be solved, also through a constitutional amendment, by authorizing the Vice President to take over as acting President (1) when the President declared himself to be disabled or (2) when a majority of the Cabinet joined in declaring him disabled. In the latter case, if the President protested, the issue would be decided by a two-thirds vote of the Senate and the House.

This reform would be stronger if some independent or ad hoc body were asked to act instead of the Cabinet, which is bound by the ties of loyalty to the President, but the subcommittee plan is a great improvement over what we have now.

The important thing is that some plan—and the subcommittee's is the most likely—be pushed swiftly to passage. Mere luck has preserved us from a fatal succession or disability crisis. But we should not count on luck in the faster moving world of the 1960's and 1970's.

[From the Worcester (Mass.) Evening Gazette, May 27, 1964]

TO CORRECT A FLAW

Since 1789, this country has never been without a President. However, it has three times been without Presidential leadership.

The first was in 1881, after President Garfield was shot and lingered for 3 months in an incapacitated condition before he died.

The second was in 1919, when Woodrow Wilson suffered a stroke from which he never recovered completely.

The third was in 1955, when President Eisenhower had a serious heart attack that forced him to rest in bed for a number of weeks.

The country survived these crises successfully, but there is a growing feeling that something should be done about the situation. A sudden hiatus of leadership in Washington in this era of potential push-button disaster could be dangerous.

After months of study, a Senate subcommittee now is reported on the verge of agreement on correcting the flaws in the Constitution in regard to both the Presidential succession and Presidential disability.

The plan favored to take care of the Presidential succession problem is substantially that proposed by the American Bar Association and endorsed by former President Eisenhower. It would let the President fill a Vice Presidential vacancy with the approval of the Senate and House.

As fixed by law at present, the succession, after the Vice President, goes to the Speaker of the House, and then to the President of the Senate. This is unsatisfactory because these figures, being elected to their congressional posts partly on the basis of long service, tend to be old men. Speaker JOHN MCCORMACK is 73. Former Speaker Sam Rayburn was 80 at the time of his death. CARL HAYDEN, President of the Senate, is 87.

The disability flaw is harder to correct, because a disabled President might not agree that he was disabled. In that case, under the new proposal, the Vice President, with the concurrence of the majority of the Cabinet, could declare the President disabled and could assume the powers and duties—but not the office—of the President. If the President disputed the Vice President's action, the issue would be decided by a two-thirds vote of both branches of Congress.

This is not a perfect solution, for there is no perfect solution. But certainly it is preferable to the present arrangement, which is vague to the point of being incomprehensible on the disability question.

The U.S. Presidency is the most important office in the world today. The shot that felled President Kennedy was heard round the world. This mighty office needs to be more strongly buttressed against the vagaries of chance and fate.

[From the Detroit (Mich.) News, May 30, 1964]

Congress Moves on Nasty Problem: An Incapacitated President

Agreement finally appears to be near on a constitutional amendment to permit the President to fill a vice-presidential vacancy and to solve the knotty problem of succession in the event the President is disabled. Both pending proposals make good sense.

Former President Eisenhower, the American Bar Association and a Senate Judiciary Subcommittee are in substantial agreement that, when the Vice-Presidency becomes vacant, the President ought to pick his Vice President rather than rely on the present law that makes the Speaker of the House next in line of succession. Under the proposal now being considered in Congress the President's choice would be confirmed by a majority of the House and Senate.

Mr. Eisenhower also goes along with the subcommittee and the bar in their recommendation that the Vice President should have the ultimate responsibility of determining when a President is incapable of performing his duties, assuming the President himself fails to make the decision.

Concurrence of a majority of the President's Cabinet would be required before a President could be declared disabled and the Vice President could then assume the powers and duties—but not the office—of the President. This would provide a necessary check on the Vice President.

But there would be a further check. If the President should dispute the ruling of the Vice President and a majority of his Cabinet that he was incapable of serving, then the matter would go to Congress. It then would take a two-thirds vote of both Houses to enable the Vice President to continue to serve as Acting President. If that vote failed to pass, the President would resume the powers and duties of his office.

It is no secret in Washington that almost everyone except Speaker McCormack is unhappy with the present succession law. McCormack is a living argument against it. He is a parochial Boston Congressman who rose to be Speaker largely because of seniority. As President, he would be a national calamity.

Under the new succession proposal the President would want to nominate the best man he could find in his own party as his possible successor. And Congress could be there to vote to guarantee that the Vice President was of that top quality.

But the new plan also would eliminate one of the major faults in the present succession law. This permits the succession of a man of a different party from the President when the opposition party controls the House. If the Speaker had become eligible to the Presidency during Mr. Eisenhower's last 6 years in office, for example, the successor would have been the late Sam Rayburn, a Democrat.

The presidential disability provision would fill a void. Right now there is no legal method of determining what to do in the event of the President's disability, although President Johnson and Speaker McCormack have adopted a private agreement similar to the Eisenhower-Nixon and Kennedy-Johnson agreements.

The matter ought to be legally determined and not left to any voluntary agreement. Too much is at stake—in an atomic age the very life of the Nation—to permit a controversy over a President's disability to paralyze national action. The pending proposal ought to be adopted, and submitted to the States for ratification.

[From the St. Louis (Mo.) Post-Dispatch, June 1, 1964]

Presidential Disability Plan at Last? Senate Subcommittee Recommends First Breakthrough Since Study Began in 1956

The Nation has just seen the first breakthrough on the delicate and urgent problem of Presidential succession. A Senate subcommittee, headed by Senator Birch Bayh, of Indiana, last week recommended action on proposals designed to fill a constitutional vacuum involving Presidential disability and filling vacancies in the Vice Presidency.

This is the first time since 1956, when full-scale Presidential study of these problems was launched, that a consensus has been reached at any level of Congress.

A majority of Senator Bayh's subcommittee has agreed to support a proposal similar to be backed by the American Bar Association. The subcommittee's majority has agreed in principle to amend the Constitution to effect the following changes:

1. Whenever a vacancy occurs in the office of Vice President, the President would nominate a Vice President subject to the approval of both Houses of Congress.

2. When the President declares in writing that he is unable to perform the duties of his office, the Vice President would become Acting President until the President declares that he has recovered sufficiently to resume his duties.

3. If the President does not concede his inability to function, the Vice President, with the approval of the majority of the Cabinet, could declare the President disabled and assume the powers and duties—but not the office—of President.

4. If the President challenges the action of the Vice President and the Cabinet, Congress would decide the issue. A two-thirds vote of the House and Senate would be required to sustain the Vice President. Otherwise, the President would resume his powers and duties.

This plan, of course, is not foolproof. But certainly it is an improvement over the dangerously inadequate alternative we now have. As Senator Keating, of New York, a member of the subcommittee, observed: "If we continue to strive for what each feels is the best solution, we will never get anywhere. To reach a solution is more important than to attempt perfection. Therefore, everyone interested in this problem must be ready to make some concessions in the interest of arriving at a consensus."

Obviously, this approach does not settle the question of the line of succession after the Vice President. This, however, could be effected by statute. Under a law adopted in 1947, the line of succession after the Vice President progresses, in order, from the Speaker of the House to the president pro tempore of the Senate and various Cabinet officers, beginning with the Secretary of State. This is not ideal, since it cannot be assumed that a legislative leader or Cabinet officer is best equipped to exercise the executive functions of the presidency. Moreover, legislative leadership frequently owes more to seniority than anything else.

Nevertheless, the plan advocated by the Bayh subcommittee would make the matter of succession less important than it is at present. It would provide for a permanent Vice President; therefore, the order of succession after the Vice President would come into play only if the President and Vice President are lost at the same time.

More importantly, the proposal does deal with the complex problem of Presidential disability, and this a problem that we cannot any longer afford to leave to chance. In this age of pushbutton Armageddon, it is chilling to contemplate a situation in which a President could, in fact, no longer perform his duties but could be relieved of them.

Mr. BAYH. Mr. President, the first of our problems is that there is a vacancy in the office of Vice President. I remind Senators that the office of Vice President has gone through a period of development, perhaps to a greater degree than any other office in the history of the country.

Senators will recall that John Adams, the first Vice President, described his new job as the most insignificant one that ever the invention of man had contrived.

Later, Theodore Roosevelt, Vice President at the age of 42, was quoted as saying that he was going to Washington not to be praised, but to be buried.

John Nance Garner, graphically described the Nation's second highest office in terms which are typical of this great Texan. He described the Nation's second highest office as not being "worth a pitcher of warm spit."

Although I do not particularly agree with this illustration, I believe that it emphasizes the opinion held by many down through the years to the effect that the office of Vice President did not amount to a great deal.

In the administrations of President Eisenhower and President Kennedy, we witnessed a resurgence and redevelopment of the office of Vice President to the point where today the office of Vice President is, a most significant office—the second most important office in the land.

It is almost unbelievable that on 16 different occasions, totaling more than 38 years in time, the United States has been without a Vice President. In any one of those years something could have happened to the President which would have required another individual other than the Vice President to act as President.

Eight times in our history a President has died and has been succeeded by the Vice President.

Seven times, the Vice President himself has died in office. On one occasion, the Vice President, John Calhoun, resigned.

Each time a President has died, it has been a severe shock to the Nation; but each time the Government has withstood the test, and there was an orderly transfer of Executive authority. We pray that we may never be faced with the supreme test—the loss of a President and a Vice President within the same 4-year term of office. But in the event that history does not treat us so kindly in the future as it has in the past, we must be prepared for such an eventuality. For, whatever tragedy may befall our national leaders, the Nation must continue in stability, functioning to preserve a society in which freedom may prosper.

Why have a Vice President?

Has not this office been the object of sharp satire since the Constitutional Convention created it as an afterthought? Is this not the position that has been described as a one-way ticket to political oblivion? Perhaps so, once upon a time. But no more—not in the 20th century.

Today, the office of Vice President is a full-time, highly responsible office. It is the office of the President's chief ambassador.

When President Johnson was Vice President, he traveled more than 75,000 miles abroad on missions for the Chief Executive, including top-level trips to Berlin and Vietnam, to name only two.

Vice President Nixon, the previous Vice President, spent more than twice as much time abroad as did President Eisenhower during the 8 years of that administration.

It will be recalled that when Mr. Nixon was on an official mission as this Nation's chief ambassador as Vice President, he confronted surly youths in Latin America, and also met Mr. Khrushchev in the famous kitchen debate.

Today, the Vice President is an integral part of Cabinet meetings. Modern-day Presidents seek the advice and counsel of their Vice Presidents. The Vice President is a statutory member of the National Security Council. He is Chairman of the President's Committee on Equal Employment Opportunity. He is also Chairman of the National Aeronautics and Space Council.

I am sure it is the consensus of Senators that there are few more significant issues of the day than the security of our Nation, the race for space, and the fight for equal rights. These are certainly among the paramount issues of our day and age. The Vice President, by virtue of his office, is in the thick of each and every one of them.

It will be recalled that in Atlantic City recently, when President Johnson selected our distinguished colleague, the Senator from Minnesota [Mr. HUMPHREY] as his running mate for Vice President, he said—and I believe that this is a feeling shared by all of us, Republicans and Democrats alike—that the vice-presidential candidate should be the man best qualified to be President of the United States, should that unhappy day come.

I believe there is a general awareness on the part of all citizens of the country that this is the prime qualification that the vice-presidential candidate should have—the ability to fulfill the office of President if tragedy should strike.

I submit that reason dictates that we take steps to assure that the Nation shall always have a Vice President. He would lift at least some of the awful burden of responsibility from the shoulders of the President and make the most important office in the world perhaps a little bit less burdensome. His presence would provide for an orderly transfer of executive authority in the event of the death of the President—a transfer that would win public consent and inspire national confidence.

As was the case following the tragedy in Dallas, he would be there to substitute as President, as Hamilton suggested, when events required him to do so.

Our obligation to deal also with the question of presidential inability is crystal clear. In this instance, there is a constitutional gap, or a blind spot. We must fill this gap if we are to protect our Nation from the possibility of floundering in the sea of public confusion and uncertainty.

The provision for impeachment is clearly written into the Constitution. It has been implemented on but one unfortunate occasion in the history of our country. Yet, there is not a word, not a hint about what is meant by the inability of a President. There is no clue as to the method of determining disability, who would make such a determination, what would happen once the determination was made, how the period of inability would be terminated, and whether the President would then resume his office or simply lose his position. These are some of the vexing problems which are presented by the superficial manner in which presidential inability is referred to—on only one occasion, and by only one word—in the entire Constitution of the United States.

It seems to me that history has been trying to tell us something, and it is high time we listened. President Garfield lay wounded for 80 days before he died. During this period, despite the fact that there were many serious duties that needed to be performed, he signed only one extradition paper.

For nearly 2 years, after President Wilson collapsed with a stroke, our Government was virtually controlled by Mrs. Wilson and the President's personal physician—two well-meaning individuals, but hardly those with constitutional authority to direct our affairs of State. When we think of the critical issue that was before the country, and, in fact, the entire world at that time; namely, whether there should be a League of Nations, what the participation of the United States in the League of Nations would have meant to us in the possible prevention of World War II, and what the assistance of an able Vice President, acting in the stead of President Wilson, would have meant to us in helping to get us into the League of Nations, only time, which we cannot relive, would have told. But Mr. Wilson was physically unable to serve as President. He was unable to carry this task forward to consummation. I believe that is one of the unfortunate facts in the history of this country. No one knew exactly what to do when President Eisenhower suffered a heart attack, one of three serious illnesses he suffered during his administration. Later, the President and Vice President Nixon set a precedent with a mutual agreement on what to do in the event of the future inability of the President.

I compliment both those gentlemen for taking the initiative. It was the first time that anything concrete had been proposed in this area. But such informal agreements are unsatisfactory as permanent solutions. Both Mr. Eisenhower and Mr. Nixon were among the first to say so. Such agreements depend on good will between the President and the Vice President. They do not have the force of law. They could be subjected to serious constitutional challenge. They open the door for possible usurpation of power from the President.

I point out that the one thing we must press for is an orderly transfer of power. Whatever procedure is established, it must be generally accepted by a majority of the people. It seems to me that a private agreement would not enjoy the confidence of the public, as would the measure which I hope will be enacted by this body.

These questions can be solved by amending the Constitution. Some say they could best be solved by statute. Many distinguished lawyers disagree. But what most lawyers do agree upon is that if a reasonable constitutional doubt exists, the best method to eradicate any doubt is to amend the Constitution.

How unfortunate it would be if we were confronted with a tragedy, with a disabled President, in a time of emergency. We should have an acceptable formula readily available. Further, a statute would be subject to criticism and a test in the courts. It might be declared unconstitutional. A constitutional amendment would do away with this risk and make it quite clear that the Vice President, acting in behalf of the disabled President, would have constitutional authority to do so.

It seems to me that there can be little question that the time to act is not when the President is lying ill and there is no machinery to deal with the execution of Executive power. If we act in those circumstances, we may come forth with an expedient, but ill-conceived answer to these pressing problems. The time to act is now, when we still find it hard to believe that President Kennedy is gone, and when we have a President who, fortunately for us all, is in robust health.

I have tried to make two principal points thus far. I have said that we should provide means by which we might have a Vice President at all times. And I have said that we must provide machinery by which the Vice President could act as President if the President himself were disabled. Senate Joint Resolution 139, which is now before the Senate, deals most effectively with both these problems.

I express my gratitude to the long list of cosponsors—which now lists some 32 Senators. I point out that this is good evidence of the fact that Senators today are willing to compromise, even though they have their own ideas on the best way to achieve the end we all seek.

At the American Bar Association conference, to which I referred earlier, there were scholars and lawyers who were willing to compromise. It has been my experience that Senators are willing to give and take in such significant matters.

There is no pride of authorship in Senate Joint Resolution 139. Rather, there is the desire that Senators on both sides of the aisle support the resolution.

Some 13 different proposals were submitted to our committee. Half the Senators who sponsored the various resolutions have now joined in cosponsoring

Senate Joint Resolution 139. I believe it is fair to say that we have come as far as we can in obtaining a consensus which I hope this body will accept.

I shall touch very quickly on the two proposals, which are combined into one, for dealing with the doubled-barreled problem. The first problem is that of filling a vacancy such as exists today and, God forbid, which may exist 20 years from today, in the office of Vice President.

This, it seems to me, can be corrected by a relatively simple solution. In the event a vacancy exists in the office of Vice President, Senate Joint Resolution 139 provides that the President of the United States should nominate an individual who he feels is qualified to fill the office of Vice President and, subsequently, that both Houses of Congress should elect the individual by a majority vote.

What would the proposal accomplish? First, it provides that the Vice President would be an individual with whom the President could work closely. In a time of crisis and turmoil, such as we experience with the loss of a President, we must give the new President the individual upon whom he could depend, the one who would cooperate with him and help him carry on the tremendous burden of the Presidency.

Second, we would provide, by the means proposed, for a continuity of authority, direction, and program.

When a President is taken from us, it is hardly a time to change the policy or the course upon which our Nation is embarked.

Third—and I feel most important of all—in a democratic system such as that in which we live today, by submitting the name of the proposed nominee to the office of Vice President to the Congress, we would be assured that the representatives of the people of our land, the Representatives and Senators who deal daily with problems of crisis and decision, would have the final determination as to who the Vice President should be.

So, basically, we would do two things. First, we would provide for a continuity of program and cooperation with the President, on the one hand, and we would enable the voice of the people to be heard on the other.

Mr. ERVIN. Mr. President, I should like to ask the Senator from Indiana a set of questions in order to point out what is involved in the problems he has been discussing—unless the Senator wishes to complete his statement first.

Mr. BAYH. I am more than happy to yield to the distinguished Senator from North Carolina. Later I intended to point out that the Senator is one of those who has led us down the road to a consensus. The Senator from North Carolina had a proposal of his own. He participated in the committee meetings and helped report from the committee the present measure. Were it not for his dedicated effort to have the proposed constitutional amendment adopted, I feel that the roadblocks still ahead of us would have been much larger than they are. I am very grateful to the Senator.

Mr. ERVIN. I thank the Senator from Indiana for his most gracious remarks. On my own behalf I should like to state that the person who is primarily responsible for bringing these problems as near a solution as is possible today is the able and distinguished junior Senator from Indiana [Mr. BAYH], who has worked tirelessly on the problems.

I ask the Senator if at times he did not share my fear that there might be a situation in which, to use an old adage, too many cooks would spoil the broth, particularly in respect to the phase of the question that the Senator is now discussing.

One group, like myself, felt that the selection of a person to fill a vacancy in the office of Vice President should be made by the representatives of the people in Congress. Those of us who shared that view adhered to it very strongly.

There were those who feared that if the selection were made solely by Congress, it might happen that Congress would have to exercise such power at a time when it was controlled by one political party, whereas the White House might be controlled by the other political party and, as a result of vesting the power solely in the Congress, there would be friction between the person designated as Vice President and the President, and also a lack of continuity of the administration in case the person selected by the Congress to be Vice President should be a member of the other political party.

Mr. BAYH. Yes. I agree with my distinguished colleague from North Carolina. In the past there have been several examples of various legislative offices having been controlled by members of the opposite party. We would not have to go back very far in our memories. When the present succession law was passed, I believe that in the minds of many it was designed so that the beloved Mr. Sam, the famous Speaker of the House, would be next in line in succession and therefore would be in line to succeed a Democrat, President Truman. But by the time the law was enacted by Congress, there had been a change, and a Republican, JOSEPH W. MARTIN, JR., was Speaker of the House, so there would have been a change of continuity. The people, by voting in an election, should be the ones to decide a change of policy and a change of direction in our Government, and not some illness, some assassin's bullet, or some other unfortunate situation which would remove a President from the scene.

Mr. ERVIN. The Senator will recall that historians frequently have stated that the only reason the Founding Fathers were able to draft and ratify the Constitution was that they were able to compromise the great differences between the larger States and the smaller States with respect to representation in the Congress. They did this by giving the small States and the large States equal representation in the Senate, and by apportioning seats in the House of Representatives among the several States upon the basis of population. The Senator will recall that historians have frequently said that this compromise made the drafting and ratification of the Constitution possible by reconciling the differences between the smaller States and the larger States.

Mr. BAYH. That is correct.

Mr. ERVIN. Does not the Senator from Indiana agree with the Senator from North Carolina that the compromise which made the present resolution possible between those who believe in continuity of the administration on the one hand and those who believe in the selection of a person to fill the vacancy in the office of Vice President by representatives of the people is a like compromise?

Mr. BAYH. This is a ready compromise. The Senator and I have discussed the question enough so that we know very well that one of the major problems which could confront us would arise when a name was submitted to Congress, if the Congress were controlled by the opposite party, whether Republican or Democratic. The party in the majority might tend to delay or play politics with the nomination. I believe that the Senator firmly agrees with me that at a time of national crisis the public would not tolerate the playing of politics in the choice of a Vice President. In pointing out the compromise that was made between the larger and smaller States in the electoral college system, we should point out for the RECORD that by taking the votes of Members of the House and Senators from each State, we would arrive at a number identical with that now composing the electoral college. We have tried to stay as close as possible to the present laws, and the use of the same formula in the event we should be confronted with an emergency such as we have experienced recently.

Mr. ERVIN. My good friend the junior Senator from Indiana is more responsible than any other individual interested in this problem for effecting the proposed reconciliation of the two viewpoints that I thought for a time would shatter any hopes of accomplishing anything worthwhile in this field.

Mr. BAYH. I thank the Senator.

Mr. ERVIN. Another thing I should like to comment upon is the first section of the joint resolution, which reads as follows:

> In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

This lays at rest the ghost that has troubled some constitutionalists since the death of William Henry Harrison, about 1 month after "Old Tippecanoe and Tyler, Too" were elected, respectively, President and Vice President of the United States. As the Senator knows, there has been an argument among some scholars and some constitutional lawyers ever since John Tyler assumed the office of President on the death of William Henry Harrison, as to whether or not the Vice President who comes to the office under those circumstances is really the President or whether he is merely the Acting President. I think this is a fine provision in the proposed joint resolution, because it would lay to rest the constitutional ghost that has been stalking to and fro in America ever since that time.

It stamps with approval the assertion that John Tyler himself made at the time that he was President, and not merely acting President, when he succeeded William Henry Harrison.

Mr. BAYH. As the distinguished senior Senator from North Carolina, who is the greatest constitutional expert in this body, knows, the office of Vice President was more or less an afterthought on the part of the Founding Fathers. As we study the proceedings of the Constitutional Convention, we observe that at first there was some thought that perhaps a legislative officer, the Chief Justice, or some commission could fulfill the duties of the Office of President in the event the President were no longer able to do so, or were killed, or died. But at the last moment the Office of Vice President was suggested and, as the Senator said, in 1841, when President William Henry Harrison died in Office and President Tyler assumed the duties, the first papers that were given to him to sign, as I recall, read, under the place where he was supposed to sign, "Acting President." He did not like that idea at all. So he struck out the word "acting" and said he was the President, and later was supported by majorities of both Houses of Congress.

Mr. ERVIN. If Congress will pass the joint resolution, it will be saying "amen" in the year 1964 to what John Tyler said on that occasion.

Mr. BAYH. Let this Senator say "amen" to what the Senator from North Carolina has said.

Mr. ERVIN. The Senator has touched essentially on the problem of the inability of a President. The Senator has pointed out how long Garfield lay lingering between life and death, between consciousness and unconsciousness, after he was struck down by an assassin's bullet; and how, after Woodrow Wilson suffered a stroke, Admiral Grayson, his physician, and his wife, Mrs. Wilson, were said to have acted upon some matters of Government, although they had no constitutional power to do so. Also, as we recall, during his administration, President Eisenhower, twice had serious illnesses when it was uncertain as to whether he would be able to resume the functions of his Office.

I introduced a proposed constitutional amendment which provided for the determination of the disability of the President by a process which is identical with the impeachment process. But I must admit that this joint resolution is a vast improvement over my original proposal. It accomplishes the determination of whether a President is disabled to perform the duties of his Office with the least embarrassment to the President and in the most efficacious manner. At the same time, it combines action on the part of the Vice President and the members of the Cabinet, or such other body as the Congress may designate, with action on the Congress in case the President is unable or unwilling to make a determination of his own disability.

By so doing, the joint resolution makes it certain that in a time of great and violent partisanship—such as existed in respect to Andrew Johnson during Reconstruction—we are not likely to have under the amendment any exhibition of partisanship which is destructive of the welfare of our Nation. This is true because it does not permit a single political party controlling the Congress when there is a division between the political affiliation of those in the executive branch and those in the legislative branch to assume sole power to act when a question arises as to whether the President is able to perform the functions of his office.

Mr. BAYH. This solution deals with a consensus, because we have a precedent, despite the fact that some declare we are wrong in intermingling or commingling the three branches of our Government. As the Senator knows, there is a precedent in the election law which permits Congress to decide how a President can be elected in case one candidate does not receive a majority of the electoral votes. There is a precedent in impeachment proceedings, in which it is provided that one branch, the House, shall bring the impeachment and the Senate shall try, and the Chief Justice of the Supreme Court shall preside over the formalities and trial itself.

As the Senator has said, I believe that by requiring cooperation by all branches of the Government, we shall arrive at the right answer.

I shall discuss in a moment in detail what Senate Joint Resolution 139 provides, but I should like to remind the Senator from North Carolina of a conversation the two of us had when another proposed constitutional amendment was brought before the Judiciary Committee. We were both concerned about the security of the office of President. The Constitution provides for a two-thirds vote in order to convict the President on impeachment. Can we imagine what would have happened in the Reconstruction Days if it had taken a majority to impeach President Andrew Johnson and a majority to declare him disabled? We know he would have been declared disabled.

Mr. ERVIN. Andrew Johnson would have been declared mentally incompetent by a simple majority of the hostile Congress, and our country would have experienced a total blackout of constitutional government.

Mr. BAYH. The Senator brought this out very quickly, and the question was analyzed in the Judiciary Committee; and it resulted in congealing the thought that this must be an integral part of Senate Joint Resolution 139.

Mr. ERVIN. This solution and resolution of the manner of determining disability of the President represents in the finest manner the system of checks and balances which the Founding Fathers put in the Constitution to make certain that neither partisanship nor tyranny could take charge of the American Government.

I commend the Senator from Indiana and give him credit for the fact that it was his patience and his understanding of these problems which brought divergent views into what he calls a consensus, and what I call a compromise. As a result of his efforts, many of us have laid aside pride in our own proposed solutions and agreed upon a common solution of this problem.

I sincerely trust that the Senate and the House of Representatives will vote to pass the joint resolution by the required two-thirds majority, and that three-fourths of the States will ratify the joint resolution in the shortest possible time. This is most desirable because such action would remedy two very serious omissions in our Constitution—omissions which must be remedied to insure continuity and stability of government.

In closing, I reiterate that the Senator from Indiana deserves the thanks of Congress and the thanks of the American people for the fine work he has done in bringing the joint resolution into being and in presenting it to the Senate.

Mr. BAYH. I thank my colleague, the Senator from North Carolina. He has been more than kind. Although this is my first session in this great body, and I cannot speak with authority to my senior colleagues here, I believe Senators would probably have to look for a long time before they would find a better example of legislative process in this free government of ours in working to resolve differences of opinion by coming forward with this one idea. I am grateful for the contribution made by the Senator from North Carolina.

Let me briefly discuss the second part of the proposed solution of the two problems facing us—first, a vacancy which may exist in the Vice Presidency; and second, the equally, if not more vexing problem of disability which may occur in the office of the Presidency.

It is fair to say the entire problem of dealing with presidential inability is made much more difficult and much more complex by the precedent to which the Senator has referred, namely, the Tyler precedent.

It is one thing for the Vice President to assume the role and office of President if the President is dead. It is an entirely different situation for the Vice President to take over the reins of Government when the President is not dead, but is disabled, or for some other reason is unable to fullfill the powers and duties of the office of President.

For this reason, in the two times in history, and also the third time, when President Eisenhower and Vice President Nixon entered into an informal agreement—there is ample proof that there was a great deal of public response. In the case of Garfield, his Cabinet urged Arthur, then Vice President, to take over and act as President, but he, on sound legal counsel, refused to do so; and the record even discloses that the former Secretary of State, the great American, Daniel Webster, was one of the proponents of the feeling that we cannot separate the office of President from the duties and powers thereof. The way the Constitution is written, if the Vice President should take over the powers and duties of the office of President, he would in fact take over the office of President.

Secondly, if the President should recover or regain his ability to perform his duties of office, he would have been removed by the act of the Vice President.

For this reason there was reluctance on the part of Arthur to move in and to assist Garfield in his time of need.

Vice President Thomas Marshall had the same reluctance, and he refused to step in when President Wilson could have used his helping hand.

In closing, I should like to say that in the case of Presidential inability we must take every precaution to safeguard the President from unwarranted usurpation of his office. Thus it seems to me that the first provision in our disability section is to give the President the primary right to declare his own disability, and also to declare the termination of his disability. Therefore we state that if the President specifies in writing that he is disabled, the Vice President shall then assume the powers and duties of the office, and not the office itself. He would be Acting President; not President. In that way, I believe we could eliminate the difficulties which have existed in the past.

The second provision, in the event of disability of the President, refers to the case in which the President does not make known his disability, perhaps because he is unable to do so. In this event, the Vice President, with the concurrence of a majority of the Cabinet or other body which Congress might designate, should have the authority to determine Presidential disability.

In such a case, as I mentioned, the Vice President would become Acting President, just as he would if the President himself had declared his own inability.

The thinking of the committee was that we do not want a President to lose his power by usurpation; and we felt that by granting the Cabinet a concurrent role with the Vice President, it would give him, and give those who are appointed to office by him, equal power with the Vice President.

President Eisenhower was confronted personally with this problem of disability. He said unquestionably that he thought the Vice President had not only the authority to act but that he should and must act in the event of disability. He also stated to a conference which was held in the spring in Washington that he thought that having the Cabinet go along and help make the decision would be a satisfactory arrangement.

The third circumstance is the unlikely one in which the President might be found disagreeing with the Vice President and a majority of the Cabinet as to whether he was able or unable to exercise the powers and duties of his office. In the event the President should say, "I am able to perform," and the Vice President and a majority of the Cabinet on the other side should say, "You are not capable of performing," we felt that the proper body to make the final determination was the Congress.

As I mentioned in the colloquy with the Senator from North Carolina [Mr. ERVIN], we would require a two-thirds vote of Congress to remove the President from office. It is to safeguard the President and at the same time provide checks and balances, because our system recognizes no person, even the President of the United States, as being infallible.

In closing, let me say that perhaps there was a time when it was not very important to have a Vice President, and perhaps there was even a time when it was not a matter of great national urgency to have a President who was completely in control of all his faculties.

When the carrier pigeon was the most rapid means of communication, and the horse was our most rapid means of transportation, our national security could not be threatened in such a short period of time as it can be today. However, in this day of nuclear power, in the age of space flight and of rapid jet transportation and Telstar communication, when it is possible to destroy civilization as we know it in a matter of minutes, when we can move armies halfway around the world in a matter of hours, the safety of the United States demands a President who is always capable of making rational decisions and rational determinations; and in the event the President is unable to make these determinations it demands that the Vice President be able to assume the powers and duties of the President, so that this country may always be in the hands of one who is able to make the necessary decisions at the necessary time.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the Senator from Oklahoma.

Mr. MONRONEY. I wish to associate myself with the remarks of the distinguished Senator from Indiana, and congratulate him on the fine work he has done as chairman of the subcommittee which handled this very important issue. We must set at this time, as early as possible, the line of succession in the Presidency, more particularly with respect to the point he has just emphasized with such great clarity, on the determination of inability of the President, as referred to in the Constitution.

The subcommittee has rendered an excellent service in perfecting language that clarifies the Constitution and sets a clear line of the powers of the successor to the President in the event of the President's inability to carry forward the duties of that great office.

This, I think, is even more important than the line of succession at this time. I recognize the need for changing the line of succession. I recognize the many ideas that have been voiced by so many students of the problem, such as the distinguished Senator from North Carolina [Mr. ERVIN], particularly with reference to his position on the selection of the Vice President by Congress itself, and the many other suggestions that have been made for the line of succession. I also recognize the need for a compromise if we are to arrive at any single determination.

I regret that the point of view that I have long held since with respect to the line of succession going to the Speaker of the House and the President pro tempore of the Senate appeared to be somewhat dangerous to the party control of the Presidency for the full duration of the elected term of President, and that we could not work out something that was more responsive to the electorate of the country.

The distinguished Senator was most kind to me and permitted me to testify when hearings were being held on these proposals. I have advocated that at the time of the election, a first and second Vice President should be nominated and voted upon by the people in the regular election of President, based on the fact that this would be an expression of the entire electorate of the United States, and thus bless the office or ratify the offices of first Vice President and second Vice President with the vote and the acceptance of the entire electorate.

I recognize the fact that the joint resolution must be a compromise; but I question one bit of the philosophy in the selection of the successor by the nomination of one man, placing in the supreme line of authority over 180 million Americans one man chosen absolutely by the President, by sending the nomination to Congress, and saying, "This is my man. I choose him for my successor."

I feel that this was one of the reasons why Congress wanted to get away from the Cabinet members in designating the line of succession; and get away from having the President or the Vice President choose his successor.

It seems to me we spread our democracy very thin when, out of 180 million people, only the President and Vice President are the officials elected by the entire Nation. They are the only two who are elected by the entire Nation for the vast, important, and powerful elective offices of the executive department.

It has always seemed to me a particularly bad time to decide, after the shock of losing a President, in the next Congress, upon the ratification of one man whose name was submitted as the successor to the Presidency in the event of the death of the then existing first officer of the land. I would much prefer, if possible, to see a contingency that might develop or take place having been firmed up in the Constitution at the time the choice is made of a President. I cannot bring myself to believe that we cannot find the most competent persons to serve as first Vice President and second Vice President, persons who would be selected by the party conventions.

Although the presidential candidate may express his preference, and the convention may approve that preference, still the electorate would have to pass upon the wisdom of the choice.

So it would be necessary to abide by the choice of the public concerning the persons who would be in the line of succession.

It would appear to me to be still better, although perhaps impossible, as the distinguished Senator from Indiana has said, to reach any consensus on any individual viewpoint.

I still believe that a line of succession so clearly and positively made in the quadrennial selection of the President would enable the Nation better to resist the shock that is felt throughout our great Nation, and perhaps throughout the free world, upon the death of a President. We would always have a person in line of succession to backstop the then acting President of the United States.

It might be asked, What would a second Vice President do? I feel that there is ample service as well as ample quality in the United States for the fulfillment of the two positions I speak of. The first Vice President could very well become the eyes and ears of the President and be his agent in the field of foreign affairs, including relationships with other nations and tours throughout the world. He could appear at ceremonial observances as well as proffer advice at the White House on many subjects, as recent Vice Presidents have done.

The second Vice President could fulfill the present constitutional duties of the Vice-Presidency. He could be the representative of the Executive in Congress and serve as the Presiding Officer of the Senate. He could keep the President intimately informed about the state of mind and feelings of the elected representatives who serve in the legislative bodies of Congress.

I hope that this issue can be settled before any new tragedy occurs, and that there will be not one Vice President, but two Vice Presidents elected by the whole people.

Again, I believe the argument is somewhat valid that the nominee for President has, by custom, the right to choose or select the nominee for Vice President. Similarly, he would have the right to choose or select his successor under the proposal in Senate Joint Resolution 139. Nevertheless, there would still have to be ratification by the public in the quadrennial election, and the people would then know that the successor to the Presidency, should the event arise, had been elected.

I would appreciate having the comment of the Senator from Indiana on this theory, which has been supported by a large group of people, as was the proposal that was made and endorsed by the committee and originally proposed by the American Bar Association.

I wish the distinguished chairman of the subcommittee to understand that I appreciate the diligent work and the compromise that have been necessary to introduce this joint resolution. It was necessary to act. Even though the joint resolution does not comport with my hopes and feelings that two vice-presidential candidates would be better, it is still a subject on which Congress must take action. Therefore, I intend to vote for the joint resolution that is now before us. However, I wish that it had been possible to provide for this contingency by having the nominations voted upon in the general election and ratified by the entire public, rather than by Congress alone upon the recommendation of the President.

Mr. BAYH. I deeply appreciate the comments of the distinguished senior Senator from Oklahoma. Perhaps it does not need to be said—but I should like to say it, anyway—that no Member of either branch of Congress has been a more thorough student of the need for legislative reorganization and has done more to secure it than the Senator from Oklahoma. The latest comprehensive legislative Reorganization Act was passed during the tenure of office of the distinguished senior Senator from Oklahoma. As I recall, he was the leading light or the main proponent of it while he was a Member of the House. His achievements were recognized by several national publications, and he received various awards for the contribution he made to the improvement of the legislative process. For this reason, his thoughts and interests are of particular significance to those of us who feel that the Presidential succession is another area of reorganization which needs discussion and action now.

I shall speak to the points that have been raised by the Senator from Oklahoma. First, there is the problem of succession. The Senator from Oklahoma believes that the present line of succession through the Speaker of the House and the President pro tempore of the Senate is not the best possible way of filling the offices of Vice President and President. I am certain that the Senator from Oklahoma realizes that when Senate Joint Resolution 139 was first introduced, it contained a third section, which dealt with changing the line of succession. It was our feeling, as it is the feeling of the Senator from Oklahoma, that nothing personal was intended in the case of the persons who presently hold those offices. It has been most unfortunate that comments have been made in the press, including the press of my own State, to the effect that the distinguished Speaker of the House, because of his age, is not qualified to become President. That is one of the most unfortunate statements that has been made. Speaker McCormack is an able and well qualified legislator. He is probably the second or third busiest man in the United States in his office as Speaker of the House.

But that is not the question. How could he perform his duties so capably as Speaker and still perform other duties, such as being a member of the Security Council and Space Commission, that constitute part of the duties of the Vice President? For this reason, we look forward to the comprehensive program which the Senator from Oklahoma is envisioning.

Mr. MONRONEY. Is it not also true that one point not realized, when changing from the Cabinet to the Speaker of the House, is we jeopardize continuing control of a government which has been elected for a 4-year period by putting it through the speakership of the House, because every 2 years control of the House is subject at least to change by the votes of the electorate of the people. Automatically to have this change would create a rather difficult political situation in the management and operation of the country, right at a time when the Nation was suffering from the shock of the death of its Chief Executive. The change, at this period of time, would be most unwise from the point of view of party control and would be upsetting to the general authority of the Government.

Mr. BAYH. The Senator from North Carolina touched on that issue a moment ago, and tried to point out that in the history of our country there have been occasions when succession laws were designed for the sake of experience. In fact, in my memory, I can recall one occasion when the present succession law was enacted that was designed, really, with the beloved Speaker of the House, Sam Rayburn, in mind, as one who, as a Democrat, could carry on the policies and the principles of the then Democratic President, Harry S. Truman. Before this law was even enacted, there had been a change to the distinguished Speaker of the House in the home State of my colleague from Massachusetts who was a member of another party. Had something happened to the President, a member of another party would have succeeded him and this would have resulted in a complete change of policy without the consent of the electorate.

Mr. ERVIN. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield.

Mr. ERVIN. I should like to make some observations about the question raised by the Senator from Oklahoma, with the understanding that no one's right to the floor will be affected by my so doing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. I have been very much impressed by what the Senator from Oklahoma has said. He has been a keen student of government for many years. As the Senator from Indiana has stated, the Senator from Oklahoma did much to secure the formulation and passage of the Reorganization Act of 1946, which certainly marked a great step forward in our system of government.

The Senator from Oklahoma raises a point here which merits grave consideration. There are other problems, however, in this field. I introduced a resolution to amend the Constitution to take care of one of them which was pointed out by the tragic assassination of President Kennedy on November 22, 1963.

If the assassin had changed his target, the country could have lost both its President and its Vice President in one common tragedy. I thought that we should adopt a constitutional amendment to deal with that tragic possibility. As a consequence, a proposed joint resolution offered by me, as the Senator from Indiana will recall, embraced not only provisions to fill vacancies in the office of Vice President, and to deal with the question of determining inability of the President, but it also contained a provision designed to provide for the possibility that the country might lose both the President and the Vice President at one time in a common tragedy.

The proposal of the Senator from Oklahoma and my proposal to cover the possibility of the loss of both the President and Vice President in a common tragedy simply went beyond the scope of the area which a majority of the subcommittee, headed by the distinguished Senator from Indiana [Mr. Bayh], and a majority of the full Committee on the Judiciary, thought that Congress and the country would accept in a single constitutional amendment.

There were other suggestions which went beyond the scope of that area. For example, one of them was the suggestion that we should have national elections to fill the vacancies both in the case of a vacancy in the office of the Vice President and also in the case of the loss of both the President and the Vice President at the hands of a single assassin.

A great deal can be said for all these proposals. There was a consensus of opinion, however, that amending the Constitution is a rather difficult task, and that proposals for changes should be held to a minimum rather than expanded. The underlying thought, which I believe to be absolutely sound, was that every proposal additional to filling vacancies in the Vice-Presidency and coping with Presidential inability would cause some loss of support in the subcommittee, the full committee, the Congress, or the country at large, and thus endanger the prospect of any accomplishment.

For this reason, the subcommittee eliminated my proposal dealing with the possibility of the loss of both the President and the Vice President at the hands of a single assassin and the proposal of the Senator from Oklahoma. It was not because the members of the subcommittee felt that the proposals did not merit consideration, but because they felt that if they added those additional proposals to a joint resolution to remove defects in the existing Constitution, their action would jeopardize the possibility of securing favorable action on two essential changes which everyone concedes must be made.

There is much merit in the proposal of the Senator from Oklahoma. I hope that Congress will be able to give consideration to it at a later time.

Mr. MONRONEY. Mr. President, the Senator from Massachusetts has been wishing to ask the chairman of the committee some questions. I should like to reserve one or two other questions which I should like to go into, after consideration of the questions of the Senator from Massachusetts [Mr. SALTONSTALL].

Mr. BAYH. If we could continue the colloquy it would be valuable, because the Senator from Oklahoma raised two or three points on the specifics of the resolution and I should like to discuss them with him to show him that we did discuss them and did give thought to his suggestions. However, I know that the Senator from Massachusetts has to leave.

Mr. ERVIN. Mr. President, I ask the Senator to yield for another observation before the Senator from Massachusetts leaves. The Senator from Oklahoma is familiar with Aseop's fable about the dog carrying a bone in its mouth while it was crossing a stream on a small bridge; the dog looked down and saw his own reflection in the water. He thought he saw another dog with another bone. He opened his mouth to grab the bone he thought he saw in the water and lost the one he was carrying.

I believe that story illustrates the reason the subcommittee did not go any further than it did and why it did not incorporate in its joint resolution the proposal of the Senator from Oklahoma, that we should have a first Vice President and second Vice President, and my suggestion to deal with the possibility of the loss of both the President and the Vice President in a single disaster. The subcommittee recalled the fable of the dog, and knew that if it tried to get too many additional bones it would lose the ones it was attempting to carry across the legislative stream.

Mr. BAYH. The Senator from North Carolina, as usual, has picked a very appropriate story to illustrate his point.

Mr. President, I ask unanimous consent to yield to the Senator from Massachusetts [Mr. SALTONSTALL] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President, I appreciate very much the courtesy of the Senator from Indiana, and also the courtesy of the Senator from Oklahoma.

I do not wish to extemporize, but I believe that the colloquy of the Senator from North Carolina and the Senator from Oklahoma is interesting. I, for one, desire that it should be by itself, rather than tied into my remarks.

Mr. President, first let me commend the Senator from Indiana for his persistence in bringing this matter to the floor of the Senate. We have heard this issue discussed for several years, but it has never been brought to the point of amending the Constitution.

Mr. President, I joined Senator BAYH in cosponsoring Senate Joint Resolution 139, the proposal to amend the Constitution to insure that we shall always have a clear line of succession to the Presidency. I did so because I feel that it is imperative that there be no gap in the continuity of our Government in these days when the President of the United States is so important, not to our Nation alone, but to the rest of the free world as well.

There are three major problems which this proposal would resolve. The first of these concerns the succession to the Presidency by the Vice President when the Chief Executive is removed from office for one reason or another. The second concerns the filling of a vacancy in the office of Vice President. The third concerns the inability of the President to exercise the duties of his office.

We were all witnesses to the tragic events of last November when President Kennedy was assassinated, and to the smooth and rapid assumption of the office of the Chief Executive by President Johnson. Even this, however, was based solely on precedent set by President Tyler when he took the oath of office upon the death of President Harrison, for article II, section 1 of the Constitution spells out what shall happen only in the case of a vacancy in both of the Nation's top offices. This amendment, Senate Joint Resolution 139, would give constitutional force to this longstanding precedent by declaring that in the event of removal of the President from office, or his death or resignation, the Vice President shall become President.

Second, we must consider the problem of a vacancy in the Vice-Presidential office, caused either by the death or resignation of the Vice President or by his succession to the Presidency. Although we have legislation providing for a continuing line of succession if both offices should become vacant, it can readily be seen that the best person to assume the difficult task of the Presidency would be the one who has worked most closely with the President, is intimately familiar with his goals and policies, and who shares the President's general political viewpoint. Under our system of government, this could only be the Vice President, an individual whose office has become increasingly important both to the President and to the Nation in recent years. This proposal would provide, therefore, that the President could nominate a man to be Vice President, who would take office upon confirmation by a majority vote of both Houses of Congress. This follows the generally accepted practice of our political nominating conventions, where the vice-presidential designee of the presidential nominee is usually approved by the convention.

The Senator from Oklahoma [Mr. MONRONEY] proposes or suggests that the names of two men be submitted. It seems to me that that would complicate a situation which we would want to have covered very quickly. It would not be a question of choosing one of the two men. It would be a question of the succession of an administration that was already in power.

Third, this proposal would provide a method by which the Vice President might assume the powers and duties of the President, but not his office, during a period of temporary Presidential disability. This would prevent the occurrence of any confusion such as our country experienced under Presidents Garfield and Wilson. The Constitution does not specifically state what should happen in the event of Presidential disability. When so much depends upon the continued and uninterrupted functioning of our Government, this confusion must not be permitted to occur. Even in 1919 when our country was concerned primarily with domestic and internal affairs, President Wilson's lengthy disability caused grave disruptions in the conduct of our Government both at home and abroad.

President Eisenhower was most concerned about the problem of Presidential disability and drew up an informal agreement with Vice President Nixon to help resolve the matter. Although there is some question whether such agreements would have the force of law or be subject to dispute at a time when a dispute would be least desirable, this practice has been continued to the present as a useful stopgap measure. There is general accord among constitutional experts at this time, however, that a constitutional amendment is needed to clarify the situation. I concur in this.

Senate Joint Resolution 139 would provide that the President could declare that he was unable to discharge the duties of his office, and that such duties would then be executed by the Vice President as Acting President. If the President did not declare his inability, the Vice President would be empowered to transmit to the Congress his written statement of the President's disability, with the concurrence of a majority of the members of the Cabinet or some other body Congress could designate by law. He would then become Acting President.

This proposal further provides that the President may declare when he is again able to carry on his duties and that he shall resume them unless the Vice President, with the consent of a majority of the Cabinet—or some other body designated by Congress—states that the President's inability has not terminated. Congress shall decide the issue immediately. If it determines by two-thirds vote of both Houses that the President is unable to resume his duties, the Vice President shall continue as Acting President; otherwise the President shall take up his duties once again.

I feel that this proposed amendment satisfactorily resolves the present ambiguity of article II, section 1 of the Constitution relating to Presidential succession and disability. Although we cannot foresee every eventuality that might befall our Government, I think this makes adequate provision for the uninterrupted conduct of our Nation's affairs.

With the election of a President and Vice President in November, we shall once again have passed through this dangerous period when we have a vacancy in the Vice-Presidency—a situation we have encountered 16 times in our history. However, we should not let this opportunity pass to resolve the situation once and, hopefully, for all time. Since 1792, when the first succession law was passed, this matter has been disputed. The proposal now before us is the result of exhaustive study and numerous committee hearings. It has the support of State and National bar associations as well as distinguished constitutional lawyers from all over the country. I urge my colleagues to consider this amendment carefully, and to take favorable action on it so that at last we may have a clear and definite constitutional policy on these twin problems of Presidential succession and disability.

Mr. President, a few years ago we passed a law which designated the Speaker of the House, rather than the Secretary of State, as next in the line of succession, should both of the Nation's top offices become vacant. There is now some feeling that the Speaker might not be the most logical choice to follow the Vice President in the line of succession. This is in no way a reflection upon the present occupant of that office. I feel the same way that the Senator from Indiana [Mr. BAYH] does about Mr. McCORMACK. He is a competent and able gentleman in every way. He is able to assume the office and duties of the President. The proposed amendment does not change the present line of succession as provided for by law, but leaves it up to Congress to revise as it sees fit. However, it seems to me that this whole question of Presidential succession and disability should now be clarified by constitutional amendment, beyond this one statutory designation, so that there will be no question as to whom would assume the office of the President or the Vice President should some tragedy occur and either one or both of these offices become vacant.

I hope that this hard work on the part of the junior Senator from Indiana [Mr. BAYH], the Senator from North Carolina [Mr. ERVIN], and other members of the subcommittee may be approved by the Senate at this session, even though the House may not act on it. It means a big step forward on an important constitutional question relating to our whole system of life in the United States.

I thank the junior Senator from Indiana for giving me the opportunity to speak briefly on this measure.

Mr. BAYH. I thank the senior Senator from Massachusetts, not only for his able presentation and his very welcome support at this particular time, but also for his advice and counsel at an early date on this effort. It was very helpful to us. We are very grateful.

I ask unanimous consent that I may yield to the distinguished Senator from Hawaii [Mr. FONG] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, the proposal now before the Senate, Senate Joint Resolution 139, proposing an amendment to the U.S. Constitution relating to vacancies in the Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office, is, in my opinion, a very meritorious measure deserving of Senate approval.

As I rise to speak in behalf of this measure, I am most happy to commend in the highest terms the distinguished junior Senator from Indiana [Mr. BAYH], for it was only through his unflagging efforts that the very critical problems of Vice Presidential vacancy and Presidential inability have been studied and researched so painstakingly, so thoroughly, and in such a scholarly fashion, and only through his efforts that the bill Senate Joint Resolution 139 has been so carefully and so well drafted.

For his diligent, dedicated, unwavering, and effective leadership in this very important field, I extend Senator BAYH my warmest congratulations.

Mr. President, the tragic assassination of President Kennedy has pointed up once again the urgent need to resolve two critical constitutional problems—first, a vacancy in the office of Vice President; and second, the disability of the President.

First, the Constitution does not say anything about what should be done when there is no Vice President. No one in America today doubts that the Vice-Presidency is an office of paramount importance. The Vice President of the United States today carries very vital functions of our Government.

He is the President's personal representative and emissary; he is a member of the Cabinet, Chairman of the National Aeronautics and Space Council, member of the National Security Council, head of the President's Committee on Equal Employment Opportunity, and he takes part in other top-level discussions which lead to national policymaking decisions.

Besides his many duties, he is the only man who is only a heartbeat away from the world's most powerful office. Yet on 16 different occasions covering a period of 40 years in our history, the Nation has been without a Vice President. Eight Vice Presidents have succeeded to the Presidency; seven have died in office; one resigned.

The security of our Nation demands that the office of the Vice President should never be left vacant for long, such as it is now.

Second, the Constitution does not say anything about what should be done when the President becomes disabled; how and who determines his disability; when the disability starts, when it ends, who determines his fitness to resume his office, and who should take over during the period of disability.

As a member of the subcommittee, I have studied these problems very carefully. I have looked into all the various proposals submitted by other Senators. I have considered the testimony of the many experts who testified before the subcommittee. I have read the data collected and the research done by the subcommittee's staff.

I believe that any measure to resolve these very complex and perplexing problems must satisfy at least four requirements:

First. It must have the highest and most authoritative legal sanction. It must be embodied in an amendment to the Constitution.

Second. It must assure prompt action when required to meet a national crisis.

Third. It must conform to the constitutional principle of separation of powers.

Fourth. It must provide safeguards against usurpation of power.

I believe Senate Joint Resolution 139, which I helped draft, and which is cosponsored by a bipartisan group of 32 Senators, best meets each of these requirements.

This proposal deals with the problems of Vice-Presidential vacancy and Presidential inability by a constitutional amendment, rather than by a law enacted by Congress. I believe a constitutional amendment is sounder, because so many legal questions have been raised about the authority of Congress to act on these subjects, that any statute on these subjects would be open to criticism and challenge at the most critical time—when a President dies in office; when a President becomes disabled; and when a President seeks to recover his office.

We must not gamble with the constitutional legitimacy of our Nation's executive branch. When a President or Vice President of the United States assumes his office, the entire Nation and the world must know without doubt that he does so as a matter of right. Only a constitutional amendment can supply this necessary legitimacy.

Senate Joint Resolution 139 provides that when the former Vice President succeeds to the Presidency, he must select a new Vice President with the confirmation of a majority of both Houses of Congress present and voting.

The Vice-Presidential office under our system of government is tied very closely with the Presidency. The extent to which the President takes the Vice President into his confidence or shares with him the deliberations leading to executive decisions is largely determined by the President.

Another important reason for allowing the President to nominate a Vice President is that the close relationship between the President and Vice President will permit the person next in line to become familiar with the problems he will face should he be called on to assume the Presidency.

This close relationship between the President and the Vice President is recognized by our political conventions, which allows the presidential nominee to choose his own running mate. This system has proved workable in our history.

Practical necessity would seem to require that the President be given a primary say as to who the Vice President will be.

Senate Joint Resolution 139 also makes clear that when the President is disabled, the Vice President becomes Acting President for the period of disability. It provides that the President may himself declare his inability and that if he does not, the declaration may be made by the Vice President with written concurrence of a majority of the Cabinet.

The President may declare his own fitness to resume his powers and duties, but if his ability is questioned, the Cabinet by majority vote and the Congress by a two-thirds vote on a concurrent resolution resolve the dispute.

These provisions of Senate Joint Resolution 139 not only achieve the goals I have outlined, but they are also in consonance with the most valued principles established by our Founding Fathers in the Constitution.

They observe the principle of the separation of powers in our Government. They effectively maintain the delicate balance of powers among the three branches of our Government. Most important of all, they insure that our Nation's sovereignty is preserved in the hands of the people through their elected representatives in the National Legislature.

I believe that it is a highly meritorious measure which should be promptly enacted into law in this session.

Mr. BAYH. I would like to thank the Senator from Hawaii for his remarks today, and I would like to extend my appreciation for his diligent efforts, as a member of the Subcommittee on Constitutional Amendments, on behalf of Senate Joint Resolution 139.

Mr. President, I now ask unanimous consent that I may yield to the distinguished Senator from Nevada [Mr. BIBLE] without losing my right to the floor. I shall then continue the colloquy later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I associate myself with the remarks of those who have commended the distinguished junior Senator from Indiana [Mr. BAYH] for his able leadership in bringing this joint resolution before us. This is a task that has been put off for far too long. Under his guidance, leadership, and vigorous approach to this problem, we are finally bridging one of the gaps that we find in the very important field of succession and disability.

It is difficult for me to comprehend why Congress has so long put off the important problem of insuring orderly succession in the event of death or disability in our Government's highest office. The fact that it is a difficult problem to solve is no excuse. Now we at last have the chance to do something in this critical area of Government. We must not pass up this chance—we must not continue to avoid the issue.

To say that action is long overdue is an understatement. We in Congress are all aware that the Constitution, while setting the general guidelines, does not go far enough in covering every possible emergency that might arise in the Office of President of the United States. Even the basic question of whether the Vice President assumes the Office or only the duties of President in the event of the President's death has been left only to precedent. This is a precedent established in 1841—more than 100 years ago—when Vice President John Tyler asserted his right to both the duties and the Office of the fallen President William Henry Harrison.

Nothing, as we all well know, has been done either by Congress or by precedent to cover the need of succession when a President becomes incapacitated. Nothing, as we all well know, has been done either by Congress or by precedent to fill the Vice Presidential vacancy created by a President's death—a situation that exists even at this moment.

Mr. President, the time is past when our Government can put off this problem. The Government cannot afford any area of doubt in the authority of a Vice President who assumes the Presidency. The Government cannot afford the luxury of Executive inactivity because of illness or other inability in the Presidency such as was witnessed during the terms of Presidents Garfield and Wilson. And the Government cannot afford the lack of a Vice President.

In this day of instant global communication, of rapid worldwide transportation, of nuclear power, and space exploration, the United States cannot gamble its security and its world leadership simply because we in Congress hesitate to resolve a difficult issue.

President Eisenhower realized this. He dealt with the possibility of his own death or incapacitation through the historic informal agreement with Vice President Nixon to provide for continuity of Executive power. President Kennedy also recognized the problem in a similar arrangement with Vice President Johnson. The need for a President to take such informal steps demonstrates the need for Congress to propose formal guidelines in a constitutional amendment.

Contrary to some views, I believe it is most logical to deal with Presidential succession in a constitutional amendment. By placing succession procedures in the Constitution, we insure them against passing political whims and hasty judgments. We also follow the spirit of the Constitution, which already spells out in detail the duties and powers, methods of election, length of term, and method of impeachment for the Presidency. We must include in the basic law of our Nation equally detailed provisions for Presidential incapacity and Vice-Presidential vacancy.

Considering the many divergent views—and some of them have been voiced here today—I believe the Judiciary Committee has done an excellent job of putting together proposals which are adequate, logical, and workable—proposals acceptable to a majority in Congress and a majority of the States.

Let me discuss first the proposal for filling a Vice-Presidential vacancy. In the event of a Vice President's death or his succession to the Presidency, the President will nominate a man of his choice to fill the vacancy. This nomination will be subject to confirmation by a majority of Congress. By this means, it is virtually assured that the Vice President will continue to be a man in whom the President has full confidence and a man of the same political party and political philosophy. At the same time, congressional confirmation gives the people of the United States a voice through their elected representatives.

To those who argue against congressional confirmation, I would point out that we are talking about the choice of a man who may himself become President—a man normally elected by the people. The people must retain a margin of control in this choice, and congressional confirmation provides this.

To those who argue that Senate confirmation alone would be adequate, I must point out that we are dealing with an elective office, not an appointed one as in the case of a Cabinet officer. Both Houses should have a voice.

To those who propose giving the choice to the electoral college, I would point out that this body, except in a presidential election year, is not subject to the direct will of the people. Nor is it constituted to perform the complete function of nominating and electing a Vice President.

To those who argue that this proposal contradicts existing constitutional provisions, I would point out that the order of succession set out by the Constitution is not changed. All that this proposal contemplates is the continuance of the Vice Presidency. In the event of vacancies in both the Presidency and Vice Presidency, the Speaker of the House remains the next in line to succeed.

I believe I am correct in that respect. If I am not, I invite the junior Senator from Indiana to correct me. In the event that vacancies in both the office of the Presidency and the office of the Vice Presidency should occur in the case of a common disaster, as has been suggested today, to both the President and the Vice President—as could have happened at Dallas, God forbid—the Speaker of the House would be next in the line of succession.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BIBLE. I am happy to yield.

Mr. BAYH. The Senator is absolutely correct. The joint resolution relates only to replacement in vacancies and filling vacancies which might exist in the office of Vice President. As we discussed earlier, the original measure dealt with that question plus the entire means of succession. However, for reasons that we discussed, that part was removed from the joint resolution, and it deals now only with the replacement of a Vice President. Then, in the case of a dual tragedy—and I share the Senator's hope that may never happen—if it should happen, we would revert to the provisions of the law which was enacted in 1947, which would place in succession first the Speaker of the House, then the President pro tempore, and then the heads of the various executive agencies.

Mr. BIBLE. I am glad to have my belief in that respect confirmed. I realize that this is an area that could be argued pro and con, and I believe that the end product proposed is a good one.

The system proposed in this resolution is, I believe, the best possible method for filling the vacancy and keeping the identity of the office of Vice President.

The second area to which the joint resolution relates is, it seems to me, a controversial and important one. If anything, it may be even more so than the first area. That is the area that deals with the disability problem. In that respect, I believe the committee has come forth with an excellent end product.

I feel the proposed solution is adequate and practical. It cannot meet every conceivable situation, but it comes the closest to this ideal of any I have studied.

The proposed constitutional amendment gives the President authority to recognize his own disability first and to provide for orderly transfer of his powers to the Vice President. There is little serious objection to this proposal.

What to do in the event a President is unable or unwilling to recognize his disability is an infinitely more difficult question to answer. Under the proposed amendment, the Vice President in such a circumstance may assume the powers of the Presidency without the President's agreement if a majority of the Cabinet supports such a move. To maintain our historic separation of powers, the legislative branch of our Government—Congress—would remain out of the picture unless there were a contest between the President and Vice President over the President's resumption of his powers. A simple statement from the President that his disability had passed would be enough to restore his official powers. If the Vice President, with the backing of a majority of the Cabinet should contest the President's statement, a two-thirds vote in each House of Congress would be required to decide that the President, is, indeed, still unable to perform his duties adequately. Congress, in other words, could not initiate an invasion of Executive power, but Congress could exercise a veto in the event of a contest. In addition, Congress would have the power to designate a body other than the Cabinet to concur in Presidential disability.

It seems to me that the enactment of the joint resolution into a constitutional amendment would enable us to maintain our traditional separation of executive and legislative powers.

Members of the executive branch—men of the President's own choosing—would retain control in an executive crisis. Yet the representatives of the people in Congress—the legislative branch—would not be barred completely from the picture in event of controversy. By placing this system in the Constitution, we also avoid the cumbersome and even dangerous possibility that the question of who shall exercise Presidential powers will be tied up in the third branch of Government—the judicial branch. A simple act of law would be easily susceptible to court action. This is not the case with a constitutional amendment.

The method in the proposed constitutional amendment does not completely protect our Government from the remote possibility that a corrupt Vice President and a corrupt Cabinet could unscrupulously wrest away the President's powers. But we are talking about our highest level of Government. We can safely assume, I think, that responsible and reasonable men will be involved. We must rely, as always, on the people. We must continue to place our confidence in the people's ability to elect a good and wise President and Vice President. We must rely on the men they select to exercise reasonable judgment in the selection of a Cabinet. We must rely on this body, the Senate, to exercise reasonable judgment in confirming Cabinet appointments.

We must, in short, rely on our basic system to justify the provisions of this proposed amendment. This we can and must do.

I am proud to have been closely associated with the problem of Presidential succession and the problem of disability; and as a cosponsor of the joint resolution, I believe there are many varying solutions which the Senator from Indiana has heard, and which the other members of his subcommittee, and the other members of the full Committee on the Judiciary have heard. I know that no single proposal will ever satisfy everyone. But I believe we have at last confronted and met the problem. I believe at last we have presented the most workable and acceptable solution. It seems to me that now we must act without further delay in view of the possible consequences of inaction. We have no other responsible choice.

I urge full approval of the joint resolution at the present session of the Congress without further delay.

I close on a note of strong commendation for the excellent work that has been done by the Senator from Indiana.

Mr. BAYH. I thank the distinguished Senator from Nevada for his interest over a period of months, and also for his very articulate statement expressing his support for the proposal.

Mr. President, I believe it is appropriate that I should reply to my friend the Senator from Oklahoma [Mr. MONRONEY]. The points which he made here and at the hearings were good points and were well taken.

We appreciate very much the help of the Senator from Oklahoma in our deliberations. He came before us, taking of his time to give us the benefit of his thoughts. As I said earlier, he has been one of the leading proponents for reform and tidying up of our Constitution and statutes so far as governmental operations are concerned. So although it might appear that the suggestions which he made fell on fallow ground, they did not. They did not fall on deaf ears. We considered them. Since the Senator brought them out here, certainly an explanation should be given as to why one particular subject proposed by the Senator was not contained in the resolution.

First, I reiterate what the Senator from North Carolina said in discussing why we did not retain in the joint resolution the provision pertaining to succession. It seemed to us, upon looking at the proposal, that we would have to meet three criteria.

First, in a time of crisis and national tragedy, such as either disability or death of a President or Vice President, we should have a proposal of continuing Executive authority which would win the confidence of the people, or we might flirt with turmoil and anarchy.

Second, it had to be an answer that would accomplish the purpose—perhaps not one that I or the Senator from Nevada or the Senator from North Carolina or the Senator from Massachusetts would agree would cover every conceivable contingency, but we had to agree on something that would do the job.

Third, from a practical standpoint, it had to be one that could pass, because even if we could find a perfect solution, unless we could get the votes of two-thirds of our colleagues and three-fourths of the State legislatures to support it, it would do no good. It would put us in the same place we have been for the past several decades.

We felt, in the last category, that the inclusion of additional factors would fail to meet this criterion. There seemed to be increasing evidence that we could not, if we made a proposed constitutional amendment longer and longer and longer, get sufficient votes to pass it.

Another point—which is a good point—on which there has been a great deal of discussion is why we did not permit the nomination and subsequent election of two Vice Presidents. The Senator could point out, as he told me in private discussion on this matter—and rightly so—that big corporations have perhaps as many as 35 vice presidents. Why cannot the United States of America have at least two Vice Presidents? That is a good point. I am glad it has been brought out. I should like to explain the position of the committee on it.

In our constitutional system, under which there are three separate divisions of power—the executive, the legislative, and the judicial—there is only one source of Executive power; namely, the President of the United States. The Constitution has provided for a slight diminishing of that power by the creation of the office of Vice President, but it has been only recently that any power has been given to the office of Vice President. I personally regard it as a desirable tendency to have the Vice President become a full-fledged, working member of the executive branch. I fear, however, that further divisions of power would result in a reversal of the trend of the past several years toward recognizing the Vice President as an important, significant official, and that the other proposal would result in a reversal of that trend.

Second, and of equal importance, is the fact that when there is a sole repository of Executive power, to the extent that secondary sources of authority are established, the chances of confusion and turmoil are created. This factor was, frankly, not in my mind until we heard discussions from some of the scholars who had studied the history of Executive power in this country.

Oftentimes the President and Vice President may not agree on issues confronting them. There is a school of thought that if there were a second Vice President, not only would there be involved the possibility of further disagreement between that second person and the President, but there would be the possibility of a vying between the two Vice Presidents for a favored position with the President.

I agree that Congress could set out constitutionally the powers and functions of each, who should be the first, and who should be the second Vice President. Nevertheless, human beings being what they are, it seemed to me and to the committee and to others who appeared before us—and I tried to explore this question as objectively as I could—that a second Vice President would result in the possibility of dissension while the President was living.

Another factor which led to our determination not to follow this course was that, traditionally, we have tried to reconcile various sections of the country, various philosophic points of view, and various minority groups, with appointments of certain vice-presidential nominees to the ticket. In the last two elections we have tended to do away with that idea, and tried to get the best men we could for the position. If there were another Vice President, there would be an effort to have the East or the Midwest or the Far West represented, or to have a vice-presidential nominee with a certain philosophic or religious tendency selected to round out the ticket, while the objective should be to get the best possible man to serve in that post.

As the Senator has pointed out, the recent choice was the decision of one man.

The Senator pointed out that if the President makes the nomination, it is not too different from making it in the convention. The Senator pointed out that the man to be appointed by the President and subsequently chosen by the Congress would not get the stamp of approval of the entire electorate. I would prefer that he did. I think the other matters I mentioned, in view of the conflicts involved, override this latter factor. If Congress is to choose the man nominated, it will certainly consider this serious responsibility and act as the voice of the people. What better opportunity is there for the people to express their wishes than through those who serve in Congress?

One suggestion made was that the electoral college be convened, since it is already part of the constitutional system, and that the college meet to determine who the President and Vice President shall be. I for one feel that that would be a terrible solution. It would fall far short of having the confidence of the people. It is surprising, but nevertheless a fact, that very few Americans know any one member of the electoral college. To have the electoral college choose, out of the clear sky, someone who had not been on the ticket, who had not made speeches over the country, would not tend to gain the confidence of the people.

Mr. MONRONEY. I agree that the electoral college is archaic, and that we need a constitutional amendment to modernize the selection of the President and Vice President. This is an urgent need that Congress has tried to meet by the Lodge-Gossett proposed constitutional amendment, and others. I quite agree that the electoral college system would not be the proper vehicle to decide the question of succession to the Presidency in the event it had to be done. I would not go along with that suggestion.

I am afraid, however, that the major reason for abandoning the idea of having the line of succession go through the speakership was the fact that the majority of Congress might be of a rival party and thereupon bring about further confusion at a time when the country was in a state of anxiety. I believe that purpose is carried forward in section 2 by requiring the confirmation by a majority vote of both Houses of Congress of the President's recommendation of the man who will become Vice President and his successor to the Presidency in the event of his death.

Mr. BAYH. This is very definitely a possibility. It is one we examined over and over again, as the Senator from North Carolina will confirm. This is something I wondered about in my own mind. As the original sponsor of this measure, I gave that matter considerable thought. It made sense, particularly at a time of crisis. Let us bring our minds back to last November, December, and January. The most impolitic thing would have been for someone in public life to play politics to be a successor to Lyndon Johnson as Vice President. At that time, with the death of the national leader fresh in the minds of the people, the last thing a Member of Congress would do would be to play politics; there would be a recognition of the right of the people to make a choice and have a voice.

Mr. MONRONEY. I see a difference between the automatic succession of a Speaker who may be of a rival political party and the rejection of the presidential nomination of a Vice President to become his successor. But we are dealing with the problem that the Constitution has not been changed in this area since it was first written, except about 1800, when there was added a requirement for the electoral college to choose both a President and Vice President rather than take the No. 2 man in the electoral college selection and make him automatically the Vice President—thus giving the President a competitor for the Presidency. It did away with that which proved to be a failure in the few years it was practiced, and had the electoral college select both the President and Vice President.

We do not know what the situation will be 20, 30, or 40 years from now, or what great rivalry might exist between the two parties. I can think of nothing worse, looking into the future, and the dangers of that situation, than to have a newly succeeding Vice President to the Presidency send to Congress as his first act the name of the man who he believes is competent to be his successor, and having it tied up in a long confirmation fight, with the ultimate possibility of rejection; and with a rival party in the majority in both Houses, or even rivalry in the majority party, over the choice of the nominee, with perhaps leading Members in either House being anxious to come in the line of authority, and one or the other Houses refusing to confirm.

Mr. BAYH. Mr. President, I agree with the Senator from Oklahoma that it is possible to take this measure and some of the 13 or so other suggestions that were before our committee, as the Senator from North Carolina knows, and that in each one we could find, if all the circumstances happened at just the right time, a loophole big enough through which to drive a truck.

However, we must try to place all this in the context of dealing with reasonable men. Otherwise, we shall not find a solution to this complex problem.

Mr. MONRONEY. Mr. President, if the two Houses were unable to arrive at a solution as to the confirmation, the office of Vice President would not be filled. In that case would there be the line of succession which now exists with respect to the Speaker of the House and then the President pro tempore? Would that succession apply?

Mr. BAYH. It would.

Mr. MONRONEY. Therefore, in any eventuality—and I mention all this only as a possible contingency down the road—there would still be a legal successor to the Presidency in the event that Congress was not able to comply by a majority vote and thereby confirm the nomination of the President for his successor.

Mr. BAYH. Yes. As I mentioned earlier, the Senator from Oklahoma and I share concern over the fact that the present succession law does not appear to be the best way to provide for a line of succession, because of the burdens on the present Speaker of the House, not because of the individual who is involved. I hope some steps can be taken on this point in the future. I hope the Senator from Oklahoma will assist in this effort.

What we are trying to do is solve this particular problem by establishing a way in which a man will be in training, so to speak, as Vice President, who is one heartbeat away from the Presidency, and who is becoming more and more familiar with his duties; whereas today there is a void.

Mr. MONRONEY. I can see the point of having a designee, in one way or another, formalized and selected to occupy the office of the Vice-Presidency. With that portion of the joint resolution in section 2, I agree. It is regrettable that it was not found possible, in the numerous compromises that the committee had to make, to reach agreement on something which would include having two Vice Presidents selected at the same time that the President is selected, and thereby at least double our assurance of a constitutionally elected Chief Executive serving out the full 4 years under the same party that had elected the President.

There is no easy way, I am sure; and the committee has explored these situations and questions. I shall vote for the joint resolution.

I compliment again the diligence of the chairman and the committee on bringing out these results. I hope ways will be found to pass this proposal in this Congress, and to give the various States the opportunity to ratify or reject the amendment.

The second half of the amendment is vitally necessary, more so each day as we go along with the hazards of a vacancy in the Presidency and the chance of accidents that could incapacitate him from carrying forward the duties of his office, aircraft being what they are—reliable, but still have an element of uncertainty—and traffic accidents, to say nothing of a vicious attack on the President's life.

I compliment the Senator on moving this proposed legislation forward. I hope that we shall be able in due time to submit this proposal for ratification to the 50 States.

I thank the distinguished Senator for his great courtesy in allowing me to discuss these matters with him and allowing me to express the fears I have, although I recognize that in the light of conditions it probably is impossible to obtain what I had advocated.

Mr. BAYH. I appreciate the willingness to cooperate of the Senator from Oklahoma, and also his thoughtfulness in helping to make the record clear and in helping to explain the problems involved.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. ERVIN. I wish to make one or two further observations on this point. The Senator from Oklahoma put his finger on why the joint resolution has some provisions in it, and why it does not have other provisions in it, when he referred to the numerous compromises that had to be made in order to get any kind of resolution to the Senate floor. I believe my observation will be illustrative of the point the Senator from Oklahoma is making. There was a strong school, headed largely by former President Eisenhower, which felt that the Vice President ought to be nominated by the President in order to assure continuity of administration.

There was another group, which included me, and which believed that the representatives of the people in Congress should have a part in filling any vacancy in the Vice-Presidency.

Another group, as the Senator from Indiana mentioned a moment ago, thought that we ought to reconvene the electoral college and make it fill the vacancy, since its members had been elected by the people.

Another group headed by the Senator from Oklahoma thought the problem could be solved most satisfactorily by electing two Vice Presidents, a first Vice President and a second Vice President each quadrennial election.

Still another group maintained that there should be a special election by the people to fill any vacancy arising in the office of Vice President.

Fortunately, the subcommittee did not follow the pattern which has been followed by those who advocated changes in the electoral college. I venture to assert that probably 90 percent of the Members of Congress believe there should be some reformation of the electoral college. However, a substantial part of that 90 percent prefer the Lodge-Gossett amendment process by which the electoral vote of each State would be prorated among presidential candidates on the basis of the entire popular vote of the State.

An equally determined part of the 90 percent favoring reform advocate the Coudert amendment, which would prorate two of the electoral votes of each State among the presidential candidates according to their statewide vote and prorate all the other electoral votes of each State among the presidential candidates according to the votes they received in each of the congressional districts of the State. A third part of the 90 percent favor the direct election of the President. The three groups have been unable to reconcile their differences.

I believe that one of the greatest accomplishments for which the Senator from Indiana and the other members of the subcommittee deserve credit is the fact that they did not insist upon their respective views as being the only permissible ones, but, on the contrary, laid aside all pride of individual authorship and the human quality which one's friends call firmness and one's enemies call obstinacy, and sought a broad area of agreement. As a result, they have brought forth a most workable joint resolution which will take care of two defects in the Constitution, by providing a practical method for filling vacancies in the office of Vice President and a sound method for determining when presidential inability exists.

I thank the Senator from Indiana again for his fine work. I also wish to tell the Senator from Oklahoma that I am much impressed by the wisdom of his observation, as indeed I always am when he speaks.

Mr. MONRONEY. I thank the Senator from North Carolina.

Mr. BAYH. Again, I thank the Senator from North Carolina for his thoughtfulness and his participation in committee. I also wish to renew my thanks to the Senator from Oklahoma for his participation.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendments. Under the rule, they will be considered separately.

Mr. BAYH. Mr. President, I desire to make one or two closing remarks at this time; then I shall yield the floor, inasmuch as the Senator from New York [Mr. JAVITS], who has made a special flight from New York on the shuttle, desires to be heard on this subject.

The ACTING PRESIDENT pro tempore. Before the Senator from Indiana makes his closing remarks, would he be agreeable to having the committee amendments agreed to?

Mr. BAYH. Certainly.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments are agreed to en bloc, and the bill will be considered as original text for the purpose of further amendment.

The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I shall yield the floor at this time and make my closing remarks at the conclusion of the remarks that will be made by the Senator from Idaho and the Senator from New York.

Mr. CHURCH. Mr. President, first I commend the distinguished Senator from Indiana and other members of the committee for the excellent work that has been done on this most important subject. As the Senator from Indiana knows, I have some reservations with respect to the proposal finally reported by the committee. Specifically, I have felt that it would be preferable if the President were to nominate a panel of at least two, but not more than five, candidates, so that the role of Congress might be a more significant one, in the final selection of the new Vice President. I have set forth my personal views on this problem in an article entitled "The President's Successor," which was published in the Progressive magazine for May 1964. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S SUCCESSOR

(By Senator FRANK CHURCH)

When President Johnson assumed his new duties on that day of tragedy last November, it was the 16th time in American history that the country was left without a Vice President. The fact that no President has died while the Vice-Presidency was vacant, each having thus far lived out his term, would seem to vindicate Bismarck's famous observation that "God looks after fools, drunkards, and the United States of America."

Indeed, we have been lucky. During 40 of the Nation's 195 years, the Vice-Presidency has been vacant. Nevertheless, the country has not yet had to test the highly delicate operation of succession beyond the Vice-Presidency, the laws concerning which tend to reflect short-term and often fickle considerations on Capitol Hill.

Never before has the fundamental problem been faced—how to fill the Vice-Presidency itself whenever the office becomes vacant between elections. The Constitution is silent on this. The framers did not go beyond providing that, "In Case of the Removal of the President from Office, or at his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President".

They then empower the Congress to provide by law, "* * * for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly until the Disability be removed or a President shall be elected."

That is all.

Now, once again, the question of statutory succession is beclouded by controversy. Some advocate a return to the former practice of placing the Cabinet in line, and others defend the present law under which the Speaker of the House of Representatives, followed by the President pro tempore of the Senate, would precede members of the Cabinet in the order of succession. Since the death of President Kennedy, it has become obvious that more is needed than simply another statute to determine succession beyond the Vice-Presidency.

In response to the present interregnum, some 12 bills have been introduced in the Senate and another dozen in the House to amend the Constitution. A good number of the proposals extend to such divergent problems as succession beyond the Vice-Presidency, or in the event of Presidential disability. However, all reflect two emerging realities.

First, it is now recognized that a serious effort is called for to guarantee that the momentum built up to find a solution not be dissipated. Lawmakers are aware that a start must be made in this session of Congress so that after the November election, genuine progress may be made. After all, repairs to our constitutional roof are rarely undertaken when the Republic enjoys unobstructed sunshine; it is likely that they will be made, if at all, at a time like the present, when recent tragedy has dramatized the need.

Second, it is recognized that the gap in the Constitution—which fails to provide for the filling of a vacant Vice-Presidency—can be remedied only through a constitutional amendment. Why tamper with the Constitution? Because it is necessary to fashion a formula based not on short-term political considerations, but on long-term governmental principles. The country must get away from its historic tendency to change the succession system on the basis of contemporary personalities or transient political situations.

For example, the order of succession contained in the 1792 Succession Act—passed by the Second Congress with little discussion of possible constitutional objections—was influenced by the personal animosity that existed between Alexander Hamilton and Thomas Jefferson. The act provided that the President pro tempore and the Speaker of the House of Representatives should follow the Vice President in succession to the Presidency. Legislative officers were named ahead of the Secretary of State for one reason. Both President Washington and Hamilton, dominant figure of the Federalist Party, were hostile to Jefferson, who was Secretary of State.

In 1886, after the death of Grover Cleveland's Vice President, Thomas A. Hendricks, Congress passed a new statute. This act provided that, after the Vice President, succession of the Presidency should vest in the Secretary of State, followed by other members of the Cabinet. For 60 years this law went unchallenged, largely because the Nation's Secretaries of State were men of sufficient stature. Yet, in 1945, the law again came under attack, partly because of concern over Secretary of State Edward R. Stettinius, Jr., who, according to his critics, "was not schooled in politics."

But President Truman, in urging the 1886 law be changed, was moved by other considerations as well. He insisted that it was undemocratic for a Vice President who had succeeded to the Presidency to be able to appoint the man who could become his own successor. He contended that the person next in succession, after the Vice President, should be an elected official, and observed that "the Speaker is the official in the Federal Government whose selection, next to that of the President and Vice President, can be most accurately said to stem from the people themselves."

President Truman, of course, had in mind Speaker Sam Rayburn, Texas Democrat. However, it was not until 2 years later, after Republicans had won control of both Houses in the 1946 midterm elections, that Mr. Truman's proposal was acted upon. The 1947 Succession Act made two Republicans, JOSEPH W. MARTIN, Speaker of the House, and Arthur S. Vandenberg, President pro tempore of the Senate, next in line. Had Mr. Truman died or fallen victim to assassination that year, the Republicans would have taken over the White House without a vote of the people.

Today—lacking a Vice President—the country once again is in a delicate position. To provide a remedy, several different suggestions have been made. The most publicized proposal is that of Senator BIRCH BAYH, the Indiana Democrat who is chairman of the Judiciary Subcommittee now studying the problem. BAYH's plan, which is supported by the American Bar Association, would have a President name a new Vice President, subject to congressional confirmation. An American Bar Association report points out, correctly I think, that "It is desirable that the President and Vice President enjoy harmonious relations and mutual confidence." The question I would raise is whether mere congressional ratification is an adequate safeguard against the danger President Truman alluded to in 1945—the concentration of too much power in the President's hands, by permitting him, in effect, to choose his own potential successor.

Former Vice President Richard Nixon wants to upgrade the electoral college and have it choose a new Vice President in the event of a vacancy. While Mr. Nixon acknowledges that the college at present is a constitutional anachronism, he thinks it could be made into the proper instrument for selecting a new Vice President. His reasoning is that the electoral college, unlike the Congress, always reflects the will of the people as of the last presidential election. First, however, he would want more responsible people to serve on the college.

Senator KENNETH KEATING, New York Republican, suggests that there be two Vice Presidents—an Executive Vice President to be followed in line by a Legislative Vice President. Senator KEATING argues that this would insure, first, that potential successors to the Presidency were men of the same party, and secondly, that the successors would be acceptable to the President.

These proposals, while differing in method, all reach to the heart of our constitutional deficiency—the need to establish a procedure to insure that the office of the Vice President, when vacated for any reason, will be promptly filled. This would render moot most of the argument about statutory succession beyond the Vice-Presidency. For this need would arise only in the unlikely event, against which careful precautions are taken, that both the President and Vice President should perish at the same time.

To be sure, this leaves aside the problem of what to do in cases of Presidential disability. But the question of devising procedures to cover all contingencies involving disability is a very different one from that of filling vacancies in the office of Vice President. Indeed, tying the two together most likely will make harder the solution of either. After careful study, lawmakers may decide the problem of disability also requires constitutional revision. But I think the question of disability should be divorced from the question of replacing a Vice President. The simpler an amendment dealing with the latter problem can be made, the better its chances for ratification by the legislatures of three-quarters of the States.

As regards the choosing of a new Vice President, I have made the following proposal:

Let the President, with the advice and consent of the Senate, nominate not less than two, nor more than five, persons qualified for the office. Then, let the House proceed at once, by majority vote, to choose one of these nominees to be Vice President.

The best guiding principle, it seems to me, is to make maximum use of the provisions already in the Constitution and of the customs which have developed under them. It is in this context that the other proposals seem to me to be wanting. For example, as I have already indicated, the American Bar Association's proposal would give to the President too much power—the power to choose his own potential successor. While it is true that the President, or candidate for President, often selects his running mate at nominating conventions, the two remain candidates who must then be elected by the people. The American Bar Association plan does not bring into play any equivalent democratic procedure. If adopted, this plan would make it most difficult if not impossible for Congress—with only one choice—to turn down the President. The confirmation would become pure formality, suggestive of the role often assigned to sham parliaments in authoritarian countries.

Selection of a new Vice President by the electoral college seems plausible only at first glance. It is not really in accord with our present political practice. The members of the electoral college are not in fact chosen to be representatives of the people, or for the wisdom needed to make so momentous a judgment. They are chosen to perform a ministerial function, limited to the formality of casting their votes for a previously selected party candidate.

Senator KEATING's suggested solution also involves a number of difficulties, not the least of which is that it misses the real need, which is to fill one vacated seat, not to split it in two.

Let me repeat. I believe the best approach to selecting an interim Vice President should conform as closely as possible to existing constitutional patterns. A practicable analogy, it seems to me, is the procedure we follow for choosing the highest nonelective offices of the Government, such as Cabinet ministers, Ambassadors, and Justices. In such cases, the President nominates, and "by and with the advice and consent of the Senate," appoints. I would utilize the same procedure.

My proposal provides the President, the Senate, and the House of Representatives roles in the selection for which each is best suited. The President would exercise his responsibility in such a way as to insure that the new Vice President would be acceptable to him, reflecting the actuality of our present nominating procedures at party conventions, and guaranteeing that continuity of party and policy would be maintained.

The plan has the added strength of preserving for the Senate its separate integrity. The Senate would scrutinize the qualifications of each nominee, free from the pressures to which a President may sometimes be subjected, to insure that each is fully qualified for the second highest office in the land. The House, most representative of the people, would then make the final choice of the candidate it believes to be best endowed with the qualities of leadership and popularity without which no President can realize the full potential of the office.

There are, of course, objections that can be made to the plan I have offered. The soundest criticism, I think, is that the three-step election process, given the present Senate rules, could prove a source of undue delay. After sifting all the evidence, the Senate Subcommittee on Constitutional Amendments might be well advised to strengthen the American Bar Association's plan by upgrading the congressional role. Such a modified plan might well require the President to nominate not one but a slate of candidates, from which a joint session of the Congress would then select the Vice President.

The election of a new Vice President by Congress has gained the approval of such newspapers as the New York Times, and such scholars as Paul Freund, professor of law at Harvard. Freund recently told Senator Bayh's subcommittee, "of the several methods which have been suggested for selection of an interim Vice President, the most satisfactory, in my judgment, would be election by Congress with the approval of the President."

He added, "This would be done by the President's submission of one or more nominees to the Conrgess. The Vice-Presidency should have a popular base and at the same time be in harmony with the Presidency. These objectives can best be achieved by associating the Congress and the President in the selection, with the opportunity for informal consultation to be expected in such a process."

Other objections have been raised to those amendments so far discussed. Some, for example, argue that Congress, with its somewhat more conservative political base, is not the proper body to choose a Vice President. This view overlooks the fact that Congress changes, too. The present coloration of Congress is a transient one. Besides, as important as it is to fill the Vice-Presidency in an emergency, it is equally important to do so in a genuinely democratic manner.

Yet another group has argued that, in the event of a vacancy in the Vice-Presidency, a special election should be held. However, the difficulties in the way of holding a special election seem formidable. At the very least, it would involve delay and a radical departure from our historic system of quadrennial presidential elections. Moreover, how the candidates could be chosen for such an election, whether it would or could be confined to the party in power, and what confusion might result if it were not, all combine to suggest the advisability of allowing Congress to play the interim electoral role.

We can no longer afford to laugh off the Vice President's office, as John Nance Garner once did when he said it wasn't worth "a pitcher of warm spit." Clearly, an amendment to the Constitution is called for, because, as the American Bar Association has recognized, "it is highly desirable that the Office of Vice President be filled at all times." The challenge is to choose a method which will stand the test of the ages.

Mr. CHURCH. Mr. President, despite the difference between the position I have taken and the conclusion reached by the committee, I nevertheless feel that the committee proposal is highly meritorious, and that the need to remedy the deficiency that now exists in the Constitution is so great that it is incumbent upon Congress to move forward in the best way that is open to it. Therefore, I shall vote for the joint resolution, in the hope that it may stimulate interest in this matter, and in the expectation that early next year Congress can move ahead toward submitting to the States an amendment to the Constitution, thus rectifying this serious weakness.

The Senator from Indiana and other members of his subcommittee deserve the greatest credit for the manner in which they have taken hold of this problem, for the care with which they have studied it, and for the proposal they have brought to the floor. As a result it is entirely likely that next year we shall find it possible to amend the Constitution and thus make certain that in the years ahead there will always be a Vice President ready to step into the Presidency, and that this particular deficiency in the Constitution will be properly rectified.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. CHURCH. I thank the Senator from Indiana for yielding to me. I am happy to yield to him.

Mr. BAYH. I reemphasize to the Senator from Idaho what I said earlier. As he knows, this is the first time in the history of the Nation that Congress has moved this far. We have reached the point where we are actually preparing to vote on measures to deal with these two perplexing problems. This progress could not have been achieved had it not been for the willingness of a few Members of this body, including the distinguished Senator from Idaho [Mr. Church], to give and take a bit and to recognize that only if we were willing to give and take a bit and concede the need for some action could we be where we are.

I say to the Senator from Idaho that I particularly enjoyed reading his article.

He is a precise thinker. He discussed well the problems confronting us. He did not discuss them in a vein of argument but in a vein of explanation. Because of the amount of time and thought he has expended on this subject, the Senator from Idaho deserves strong commendation.

The Senator's proposal to have the President submit to Congress a panel of from two to five names, and thus give Congress a wider choice, has considerable merit in the minds of some Members of Congress, including my own. However, it was our thinking that the committee's proposal would lead to a more peaceful transition, a more peaceful choice, if the President were not put on the spot to select, as he would probably have to do, from among many names in order to choose up to five that he would submit to Congress. Under the committee's proposal, he would have to choose only one. This choice would become known. At a time of crisis, when a death or illness had occurred, turmoil might otherwise result. That was our reasoning. But the proposal of the Senator from Idaho has much merit. I thank him for his willingness to help.

Mr. CHURCH. I appreciate the remarks of the Senator from Indiana and compliment him again upon the work he has done.

Mr. JAVITS. Mr. President, first, I express gratitude to the Senator from Indiana for his typical courtesy in bearing with me while I came down from New York, so that I might participate in this debate.

I am one of the many cosponsors of the joint resolution that is now before the Senate. This joint resolution followed the introduction by me of Senate Joint Resolution 138, in which I sought the adoption of a somewhat different plan, calling for the election by Congress in joint session of a Vice President, if the office were vacant, from a panel consisting of Members of Congress, and the President's Cabinet, with the power of veto granted to the President. I thought that that was a system that would bring the election closest to a popular election, which, after all, would be the ideal.

But I am so much persuaded that action in this field is critically essential that when the plan of the Senator from Indiana [Mr. Bayh], which is now before the Senate, was agreed upon by the Committee on the Judiciary, I hastened to join him in it, because I felt that the need for unified action was so great, particularly since the joint resolution would require a two-thirds vote, that none of us should be a slave to his own ideas.

This joint resolution comes before the Senate at a uniquely appropriate time. I do not know whether this fact was mentioned before or not, but I believe it should be mentioned. I hope that action upon the joint resolution will be prompt, and that attention will be focused upon it in the campaign for the election of a President and Vice President. The country will be voting on November 3 not only for a President, but for a Vice President as well. The personality, quality, expression of intent, and persuasiveness with which the vice-presidential candidates make the American people feel that they can be relied upon if they become President ranks high, to my mind, in importance with the decision which the American people will make on the Presidency.

(At this point Mr. Metcalf took the chair as Acting President pro tempore.)

Mr. JAVITS. Mr. President, one thing both history and the immediate past have taught us is that the American people have not one but two popularly elected national leaders in Government; namely, the President and the Vice President of the United States. Whatever may be the fate of the ideas for relieving the Presidency of so much of its backbreaking toil, let alone its responsibility, one thing is sure: The position of the Vice President will be built up. For example, in recent decades, the Vice President has become an important member of the National Security Council. It is now traditional for the Vice President to be Chairman of the President's Committee on Equal Opportunity and of the National Aeronautics and Space Council. There are many other duties and responsibilities of that character to which the Vice President may be delegated. The Vice President has also become almost firmly fixed in tradition as the President's traveling ambassador all over the world. Both Vice President Nixon and Vice President Johnson performed that role most admirably.

Those are a few indicators of what awaits the Vice President as history has moved on and has, relatively frequently, called upon the Vice President to take the President's place—happily for us, not always under such terribly tragic circumstances as on last November 22.

Therefore, this resolution is extremely welcome. I hope the fact that it is being considered in juxtaposition to almost the day of the release of the historic Warren Commission Report, will further emphasize to the American people how critically important we in the Congress consider the office of the Vice President to be. The people must be vigilant in respect to their choice of a presidential ticket, which includes the vice-presidential candidate whom the people are willing to see as President of the United States, and must base their decision at least in part upon that assumption.

The joint resolution also provides for the regularization of the practice of our Government in respect to the disability of the President. The event so markedly illustrated in the close of the administration of President Woodrow Wilson, and also in connection with the administration of President Garfield are both critical parts of this particular resolution and constitutional amendment.

The plan which the committee has adopted, considering American practice and the self-discipline which a democratic form of government imposes upon us, is an admirable plan and well designed to deal with the responsibility which faces the country in the event of disability of the President, and especially in the event of disability which the President himself is unable to declare because of his own physical condition.

A word must be said, too, at this time, as I strongly commend the constitutional amendment to the Senate, concerning the present Speaker of the House of Representatives, who is next in order of succession for the Presidency under the law which is in effect now. I believe that Speaker McCORMACK has handled this issue in every way with the most impeccable taste and the utmost graciousness, with wisdom and patriotism. As a former Representative myself, who served in the House when Speaker McCORMACK was majority leader I consider it a high privilege and honor, to pay tribute to the fine position which the Speaker of the House of Representatives has taken during this period when amendments of this kind and other plans have been debated. I have the highest regard for him. I consider him to be so much a patriot in terms of our Nation's welfare that I believe he would be the first to seek to bring about some resolution in a definitive way, of these problems which have remained open ended.

I hope that although the Senate is not too busily attended today, and this debate will have been consummated in a relatively short period of time, people will not overlook the portentous decision which we shall make for the future of American Government. After the experience which we have had with dictators in the world, no one can say that anything is impossible anywhere—including the United States. Hence, the integrity with which these organs of government are developed, the awful power of the President of the United States which could, if mischievously exercised, make over the face of the Nation and seriously jeopardize its freedoms in a very short period of time, make it vital that every American give the most careful and judicious scrutiny to our handiwork. I am satisfied that it has been well done, that this is the way to do it, but I believe that it would be a great mistake if every State legislature and every body of citizenry called upon to ratify such an amendment did not examine it most scrupulously and carefully, and with the deepest of conscience.

I believe, too, that it will have served a very important purpose by focusing our attention upon the critical importance of the choice which we make in that regard, coming so close to a great national election as does this constitutional amendment.

Again, let me express my appreciation to the Senator from Indiana for his graciousness and courtesy in receiving me as a cosponsor, and in accommodating me in respect to this debate. I would have considered it missing out on an historic opportunity to participate in the work of the Senate if I had not been able to bring my views—albeit briefly—upon this critically important constitutional amendment to the attention of the Senate.

Mr. BAYH. I should like to express my gratitude to the Senator from New York for his willingness to be one of those who were so well aware of the problem that they were willing to give some of themselves, inasmuch as they would compromise and go along with the consensus. The Senator from New York has long been interested in this subject. He introduced legislation himself, as he mentioned, and it was with a great deal of satisfaction to our committee and to the chairman of the subcommittee that we learned he was willing not only to continue his interest, but also to cosponsor this proposed legislation and to make a presentation of his views. We are grateful to him for his efforts.

Mr. JAVITS. I thank my colleague.

Mr. HART. Mr. President, I am delighted that we have reached the point where apparently we are about to act favorably on the proposed constitutional amendment.

I delay the vote for the time necessary to express my appreciation to the Senator from Indiana for the thoughtful and effective leadership he has given both as a member of the Committee on the Judiciary and as chairman of the subcommittee which for many long months gave detailed study to this question.

I have some idea of the complex makeup of this problem. Much of the mail I have received indicates that people across the country have the notion that this issue is rather an easy one to dispose of, that we can sit down for 5 minutes and figure it out. With each 5 minutes they shall find that we have to have another 5 minutes, and then days and weeks of thought and work.

As the Senator from New York has stated, I believe that what we propose in this constitutional amendment is sound and highly necessary. It is a reflection of the Senate acting at its very best. Because of this, I feel especially an obligation to delay the vote for a few minutes, to tell the Senator from Indiana that as the Senator from New York [Mr. JAVITS] has pointed out, this is an historic occasion, although it will not sell many newspapers. As we move down this road, the Senator from Indiana is the principal engineer. As the Senator from New York also stated, it should highlight across the country the obligation of each of us to measure the candidates offered on November 3d for the office of Vice President.

Drama and tragedy remind us that a Vice President can become President of the United States. It is essential, therefore, that the voters of America ask the question as to which of the two men proposed by the major parties, by experience, background, and performance, would perform more effectively if tragedy should require that they assume the office of President.

I believe that the timing of this action is useful. Again I thank the junior Senator from Indiana for carrying forward what a few months ago I thought would not be possible.

Mr. BAYH. I thank the Senator from Michigan.

I should like to ask that the RECORD show that the distinguished junior Senator from California [Mr. SALINGER], is a cosponsor of the joint resolution. He, for some reason or other, was not listed as one of the cosponsors of the measure.

I thank the committee staff for all that it has done.

In closing, I should like to say that what the Senator from Michigan has said is true—this will not sell many newspapers. It is not an issue such as employment or something about which we can become thoroughly emotional. But, when one reads the proceedings of the Constitutional Convention of 1787 he finds a specific reference to this problem. John Dickerson, of Delaware, posed the question as to the extent to which we should consider disability, and who shall decide it.

One hundred and seventy-seven years later, we still have no answer. I hope that the Senate will go one step further toward finding an answer.

I now yield to the Senator from Kansas [Mr. PEARSON].

Mr. PEARSON. Mr. President, the legislative measure now before us is of great importance to both the stability and tranquillity of this Nation. The electrified rapidity of events which occurred last November riveted attention to the necessity for an effective Presidential succession and disability arrangement.

Eight of the thirty-six Presidents of the United States have died in office. Eight Vice Presidents have either died or resigned. The office of the Vice President has been vacant for 37 of our country's 188 years. For 80 days of the Garfield administration and 2 years of the Wilson administration the Office of the President was occupied by a man unable to perform his duties because of physical disability.

In this century, Presidents McKinley and Kennedy were victims of assassination. McKinley's successor, Theodore Roosevelt, was a subject of an assassination attempt, as were Presidents Franklin Roosevelt and Harry Truman. Presidents Harding and Franklin Roosevelt died in office and were succeeded by their Vice Presidents, Coolidge and Truman. President Taft's Vice President, James Sherman, died in office. President Eisenhower suffered three serious illnesses during his administration although he was never incapacitated to the extent of Garfield and Wilson. Then on November 22, 1963, the tragic event of Dallas took place.

The Constitution provides that the Vice President shall succeed the President in case of death, resignation, or disability. Congress has the authority to provide for a line of succession after the Vice President. Three different succession laws have been enacted.

The Succession Act of 1792 stated the Vice President was to be succeeded by the President pro tempore of the Senate and then the Speaker of the House. If both these offices were vacant, the electoral college would be convened to elect a new President.

Dissatisfaction with the act of 1792 was expressed during the impeachment proceedings against President Andrew Johnson because it combined in the Senate both the power to impeach and the right to succeed a President. It was also criticized because of the possible shift in Executive continuity from one political party to another. For example, a Republican President pro tempore could become President in a Democrat administration.

The Succession Act of 1886 attempted to correct these problems. It provided for a line of succession in the Cabinet beginning with the Secretary of State. Since the President chooses his Cabinet, the Presidency would remain in one political party. A popular check on the quality of Cabinet members was maintained by Senate confirmation.

The Succession Act of 1947 provided that the Vice President be succeeded by the Speaker of the House and then the President pro tempore of the Senate. President Truman sponsored this act. He believed the 1886 act was undemocratic because the President appointed a potential successor.

The Succession Act of 1947 has been criticized for several reasons. A change of political continuity in the Executive is possible. During President Eisenhower's 8 years, for example, a Democrat was Speaker of the House.

One of the constant criticisms with respect to all succession acts is the fact that none of them have provided for the replacement of the Vice President. That office remains vacant in case of Presidential death, resignation, or disability. With the Vice President's responsibilities and obligations continuously increasing in importance, that office can hardly remain vacant.

Several corrective legislative proposals, designed to deal more capably with the problems of succession have been put forward and thoroughly considered by the Congress in the past few months.

It is my belief that, among all the various proposals offered with respect to Presidential succession, one alone stands out above all others. This proposal would provide that the Vice President, upon becoming President, shall nominate a new Vice President. Confirmation of the nomination by both the House and the Senate would be necessary.

There are several strong arguments in favor of this measure. The Vice-Presidency would not remain vacant. Succession would be in the same political party. Confirmation by the House and Senate subjects the Vice-Presidential appointment to the approval of the popularly elected Congress.

Perfect solutions, however, are hard to come by. Just criticism of this proposal does exist. The President, for example, may conceivably be given too much leeway concerning his choice. He may, if he wishes, go completely outside Government circles to choose his possible successor. In a time of crisis this might break the sense of continuity necessary to sustain national confidence in the orderly transferral of power.

With respect to this criticism, I firmly believe that reason in a time of crisis will prevail. It has in the past. There is no reason why it should not do so in the future. Continuity will be maintained.

The disability of a living President poses a problem as difficult as that of succession. Under existing constitutional provisions many questions arise. May the President, for example, lawfully proclaim his own disability? If the President would not declare his disability is there any process short of impeachment whether the Vice President may assume office? If the President were then to recover from his disability, would he be able to return to his office and duties?

President Eisenhower attempted to solve the problem by an agreement with Vice President Nixon. President Kennedy followed this proceeding. There is, however, some question of the legality of these agreements. They are generally considered an inadequate solution.

Once again many proposals have been put forward in an attempt to resolve this dilemma. Once again it appears that one such proposal stands head and shoulders above the rest. This legislative measure would provide that the President declare his own disability in writing. The Vice President would then become Acting President. If the President does not, or cannot, do so, the Vice President, with the written approval of the majority of the Cabinet, may do so and thereby assume the duties of Acting President.

The President, upon recovery, would declare his disability to be concluded and resume office. If the Vice President and the majority of the Cabinet disagree, the controversy would be submitted to the Congress. Several strong points are inherent in this proposal. It provides that disability can be quickly determined. The decision would be made by either the President or those closest to him. During disability the status of the Vice President as Acting President is clear. The President's return to office upon recovery would be easily and quickly effective.

The two proposals for Presidential succession and disability which I have just described and which I consider to be by far the best suggested are embodied in Senate Joint Resolution 139. Therefore, I wish to register my wholehearted support in favor of this measure.

Mr. BAYH. I would like to thank the Senator from Kansas for his lucid remarks on this complex subject. The Senator from Kansas is a cosponsor of Senate Joint Resolution 139 and he has worked diligently to bring this matter before the Senate.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 139) was ordered to be engrossed for a third reading, and was read the third time.

Mr. MANSFIELD. Mr. President, before the Senate unanimously approves the joint resolution, I take this means of extending my thanks to the junior Senator from Indiana [Mr. BAYH] for his persistence, perspicacity, and continued interest in this particular problem.

It is something which we should have faced a long time ago. As the distinguished Senator from Michigan [Mr. HART] and the distinguished Senator from New York [Mr. JAVITS] have indicated, it is not an easy problem to solve, even though it may look easy on the surface.

I believe this is a momentous and historic occasion. I am delighted that so many of our colleagues on both sides of the aisle have joined with the distingished junior Senator from Indiana, and, under his leadership, I am delighted that the proposed joint resolution is now on the verge of passage. It is a foundation which will set well in the building which is this Republic.

Mr. BAYH. Mr. President, if I may take one final moment I would like the Senate to know that none of this could have taken place without the continuing interest and assistance of the distinguished majority leader. During the last 2 historic years, when the Congress has been faced with a multitude of pressing, often delicate, problems, and has been confronted with a number of delays, the distinguished Senator from Montana [Mr. MANSFIELD] has never lost sight of the significance of this issue now before us. Now, when all of us are anxious to complete our business, he has, nonetheless, seen to it that we take the time to debate and act on this issue. I thank the Senator. It is just one more example of his statesmanship and devotion to the good and welfare of our Nation above all other considerations.

The ACTING PRESIDENT pro tempore. The joint resolution having been read a third time, the question is, Shall it pass? [Putting the question.]

In the opinion of the Chair, two-thirds of the Senators present and voting having voted in the affirmative, Senate Joint Resolution 139 is passed.

The joint resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (*two-thirds of each House concurring therein*), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"SEC. 3. If the President declares in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"SEC. 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"SEC. 5. Whenever, the President transmits to the Congress his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office."

CONTROL OF NUCLEAR WEAPONS

Mr. DOMINICK. Mr. President, the subject of nuclear control seems to have become one of the key issues in this campaign. It is perhaps one of the most misunderstood and misinterpreted issues.

Senator GOLDWATER has suggested giving discretionary authority to the American NATO commander to use tactical nuclear weapons under certain conditions where the enemy has attacked first. The reasons given for this stand are clear. First, we are committed to defending Europe. Second, existing nuclear forces, in the opinion of NATO commanders of all nationalities, are not sufficient to defeat a determined Soviet attack. Third, the only nuclear weapons available for the defense of NATO are American weapons. The Europeans have a right to count on the use of these weapons for their defense if it should ever prove necessary. In the event of a sudden attack against NATO forces, an almost instant reply would be necessary if our own forces were not to be destroyed and effective defense made impossible. Minutes, perhaps even seconds, might be all the time available to them. If the enemy is not certain of such a response, deterrence might easily fail. If our allies cannot count for sure on such a response, the pressure on them to develop their own independent nuclear forces will surely increase. The rush of France to create its own nuclear force is indicative of this very fact. Fourth, commonsense tells us that there are conceivable circumstances under which the President might not be able to give a timely order for the employment of nuclear weapons. There could be a communications failure, or a period of confusion following the illness or death of the President.

President Johnson, in his speech in Seattle, said:

> The responsibility for the control of U.S. nuclear weapons rests solely with the President, who exercises the control of their use in all foreseeable circumstances. This has been the case since 1945, under four Presidents. It will continue to be the case as long as I am President of the United States.

Senator HUMPHREY, on a recent "Meet the Press" program, implied that the NATO Commander, General Lemnitzer, had no authority to use tactical nuclear weapons under any circumstances without the express order of the President. He further implied, as have other administration spokesmen, that all tactical nuclear weapons are of the size which destroyed Hiroshima, or are larger.

Mr. President, both these statements tend to mislead the people. The President, whomever he may be, certainly has, and will continue to have, power to control nuclear weapons. Similar power over other programs has been granted by Congress to the Executive. Arrangements have been made by the President to exercise this control through his Cabinet officers, or our military personnel. In like manner, while some tactical nuclear weapons may equal the power of the nuclear bomb dropped on Hiroshima, others do not nearly approach its size and scope. We hope that the development of even smaller nuclear weapons is proceeding.

Recently, the misleading nature of these campaign statements by President Johnson and Senator HUMPHREY were pinpointed in very able articles contained in the September 25, 1964, issue of Time magazine, and the September 28, 1964, issue of the U.S. News & World Report. The Members of the Senate and the American people should congratulate these magazines for helping them to clarify this issue.

I read from the article published in Time magazine:

> There is nothing in the law to prevent him [the President] from delegating to, say, a NATO commander, authority to use nuclear weapons under certain circumstances. GOLDWATER insists that the President should delegate such authority. Johnson lets on that he can't and won't. The fact is that he already does, as did Presidents Eisenhower and Kennedy before him. In 1957, the Congressional Joint Committee on Atomic Energy received written notification that plans were being developed to give NATO's Supreme Commander in Europe the right to use nuclear weapons in certain contingencies—such as the incapacity of the President or the breakdown of communications between Europe and the United States.
>
> Those plans are now in operation. All are classified top secret, but they apply not only to NATO's commander, but to the Commander of the North American Air Defense.

I read further from the article in Time magazine concerning the political tactics that the President is using to exploit the issue:

> [Johnson] gets across the notion, for instance, that GOLDWATER is irresponsible and reckless because he has suggested that NATO's Supreme Commander ought to be given some sort of contingency authority for using tactical nuclear weapons—at a time when General Lemnitzer, under a delegation of power from Johnson has just such authority.

Mr. President, both the President and the Democratic candidate for Vice President avoid the discussion of specifics by hiding behind security. Senator HUMPHREY dodged the question on "Meet the Press" when he was asked specifically whether commanders would have to wait until they got in touch with the President of the United States before they could retaliate with nuclear weapons when under attack. He pleaded ignorance by saying:

> I am not privy to all the most intimate details of relationships between the generals in the field and the Commander in Chief, the President of the United States.

The U.S. News & World Report had this to say:

> Even now, the understanding is widespread among NATO allies that U.S. commanders in Europe already have orders, issued in advance, to use nuclear weapons in certain emergencies with no further instructions from Washington.

Mr. President, on September 23 the Republican leadership issued a statement discussing the same subject and calling on President Johnson to answer categorically whether such authority had been delegated thus clarifying the situation. Unfortunately, we still have had no reply.

I ask unanimous consent to have printed in the RECORD the statement adopted at that joint Senate-House Republican leadership meeting.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ADOPTED AT A MEETING OF THE JOINT SENATE-HOUSE REPUBLICAN LEADERSHIP, SEPTEMBER 23, 1964

There is one issue in this campaign on which clear proof is available that either Senator GOLDWATER or President Johnson is right. That issue is the subject of nuclear control.

Senator GOLDWATER has said: "I suggest that the Supreme Commander of NATO—who is an American officer and probably always will be—have direct command over a NATO nuclear force."

President Johnson has said: "The responsibility for the control of U.S. nuclear weapons rests solely with the President, who exercises the control of their use in all foreseeable circumstances."

The most recent issue of Time magazine had this to say on the subject:

"There is nothing whatever in the law to prevent him [the President] from delegating to, say, a NATO commander, authority to use

> nuclear weapons under certain circumstances.
>
> "GOLDWATER insists that the President should delegate such authority. Johnson lets on that he can't and won't. The fact is that he already does, as did President Eisenhower and Kennedy before him."
>
> U.S. News & World Report, also in this week's issue, stated:
>
> "Even now, the understanding is widespread among NATO allies that U.S. commanders in Europe already have orders, issued in advance, to use nuclear weapons in certain emergencies with no further instructions from Washington.
>
> These two statements, coming from two such highly reputable American magazines, are in direct conflict with statements of President Johnson and practically every major spokesman of his administration on this subject.
>
> There can be no question that the American people are now thoroughly confused about this issue. If Time magazine and U.S. News & World Report are right, then Senator GOLDWATER has been the object of one of the biggest political misrepresentations in this history of Presidential campaigns.
>
> We, the members of the joint Senate-House Republican leadership, call upon President Johnson immediately to make clear to the American people the truth in this matter—whether or not the U.S. Supreme Commander in Europe has or has not been given authority to use tactical nuclear weapons in time of dire emergency, and also whether or not this authority was given under the two previous Presidents. To that end, we call upon him to deny, if that is possible, the very serious statements that are contained in these two magazines.
>
> The national security of this country is too important a matter to leave such an issue unresolved in the minds of our people, our NATO allies, and the Communist enemy.

Mr. DOMINICK. Mr. President, what about the question of the size of tactical nuclear weapons? The Democratic administration certainly misleads the public by speaking of an average-sized weapon of 100,000 tons of TNT, or five times the size of the one which destroyed Hiroshima. What they carefully avoid mentioning is that there are other weapons, such as the Davy Crockett, which carries a warhead with the equivalent of only 40 tons of TNT. A photograph in U.S. News & World Report, at page 49, shows it to be about as big as an average-size watermelon, and being operated by two men, using a launcher which resembles a World War II bazooka. They avoid mentioning other weapons such as land mines and the continuing development of others which are still in a secret category.

The term "average weapon" has no meaning, since each weapon is intended for a specific task under specific circumstances, and the use of this phrase in political campaigning can only result in confusion and intimidation; it appears to be intended to confuse and intimidate the American public for political advantage.

Mr. President, the whole question of control of nuclear weapons which has been injected into this campaign is a phony issue. U.S. News & World Report sums it up well:

> Some military men say that, when the campaign is over, it will be found that the administration and Senator GOLDWATER were actually not far apart at the time the issue was first brought up in the campaign.

CHESTER A. BROTHERS AND ANNA BROTHERS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1514, H.R. 1851.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1851) for the relief of Chester A. Brothers and Anna Brothers, his wife.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

TAX-EXEMPT STATUS FOR NONPROFIT NURSES' PROFESSIONAL REGISTRIES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1542, H.R. 8050.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 8050) to amend the Internal Revenue Code of 1954 to provide tax-exempt status for nonprofit nurses' professional registries operated by nurses' professional associations.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to the bill, which had been reported from the Committee on Finance, with an amendment, to strike out all after the enacting clause and insert:

That (a) section 542(c)(8) of the Internal Revenue Code of 1954 (relating to exception of small business investment companies from definition of personal holding company) is amended to read as follows:

"(8) a small business investment company which is licensed by the Small Business Administration and operating under the Small Business Investment Act of 1958 and which is actively engaged in the business of providing funds to small business concerns under that Act. This paragraph shall not apply if—

"(A) at any time during the taxable year, any principal shareholder owns directly or indirectly (including, in the case of an individual, ownership by the members of his family as defined in section 544(a)(2)) a 10 percent or more proprietary interest in a small business concern to which funds are provided by the small business investment company or 10 percent or more in value of the outstanding stock of such concern; or

"(B) at any time during the taxable year, the small business investment company owns (or the small business investment company and one or more of the principal shareholders of such company own) directly or indirectly (including, in the case of an individual, ownership by the members of his family as defined in section 544(a)(2)) in the aggregate a 50 percent or more proprietary interest in a small business concern to which funds are provided by the small business investment company or 50 percent or more in value of the outstanding stock of such concern. This subparagraph shall not apply if the small business investment company establishes that—

"(i) the proprietary interest in or stock of the small business concern owned in the aggregate by the small business investment company and its principal shareholders in excess of the ownership limitation described in this subparagraph is the result of an acquisition by the small business investment company of a proprietary interest in or stock of such small business concern; and

"(ii) the primary purpose of the acquisition and retention of such excess proprietary interest or stock is to prevent a substantial decrease in the value of the proprietary interest, stock, or evidence of indebtedness of such small business concern owned by such small business investment company before the acquisition described in clause (i).

For purposes of this paragraph, the term 'principal shareholder' means, with respect to any small business investment company, a shareholder owning directly or indirectly (including, in the case of an individual, ownership by the members of his family as defined in section 544(a)(2)) 10 percent or more of the value of the outstanding stock of such small business investment company. If a principal shareholder or a small business investment company has an option to acquire stock of a small business concern, such stock shall be considered owned by such shareholder or company if, but only if, the effect is to make a principal shareholder exceed the percentage limitation described in subparagraph (A), or the small business investment company and its principal shareholders in the aggregate exceed the percentage limitation described in subparagraph (B). An option to acquire such an option, and each one of a series of such options, shall be considered an option to acquire stock. Outstanding securities of a small business concern which are convertible into stock (whether or not convertible during the taxable year) shall be considered as outstanding stock if, but only if, the effect of the inclusion of all such securities is to make a principal shareholder exceed the percentage limitation described in subparagraph (A), or a small business investment company and its principal shareholders in the aggregate exceed the percentage limitation described in subparagraph (B). In determining stock ownership for purposes of this paragraph, a shareholder of a small business investment company shall not be considered as owning any proprietary interest in or stock of a small business concern by reason of his ownership of stock of such small business investment company."

(b)(1) Section 166 of the Internal Revenue Code of 1954 (relating to bad debts) is amended by redesignating subsection (g) as (h), and by inserting after subsection (f) the following new subsection:

"(g) SPECIAL RULE FOR SMALL BUSINESS INVESTMENT COMPANIES.—Notwithstanding section 165(g)(1) and subsection (e) of this section, subsections (a), (b), and (c) of this section shall apply in the case of a taxpayer which is a small business investment company operating under the Small Business Investment Act of 1958 to a debt incurred by a small business concern which is evidenced by a convertible debenture acquired pursuant to section 304 of such Act. Any loss sustained by such a company from the sale or exchange of such a convertible debenture shall be treated as a bad debt to which the provisions of subsections (a), (b), and (c) apply."

(2) Section 1243(1) of such Code (relating to losses of small business investment companies) is amended to read as follows:

"(1) a loss is on stock received pursuant to the privilege of converting convertible debentures acquired pursuant to section 304 of the Small Business Investment Act of 1958, and".

(c) The amendments made by subsections (a) and (b) shall apply only with respect to taxable years ending on or after the date of the enactment of this Act.

SEC. 2. (a) Subchapter Q of chapter 1 of the Internal Revenue Code of 1954 (relating to readjustment of tax between years) is amended by adding at the end thereof the following new part:

"PART VII—RECOVERIES OF FOREIGN EXPROPRIATION LOSSES

SEC. 1351. TREATMENT OF RECOVERIES OF FOREIGN EXPROPRIATION LOSSES.

"(a) ELECTION.—

"(1) IN GENERAL.—This section shall apply only to a recovery, by a domestic corporation subject to the tax imposed by section 11, of a foreign expropriation loss sustained by such corporation and only if such corporation elects to have the provisions of this section apply with respect to such loss.

"(2) TIME, MANNER, AND SCOPE.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary or his delegate may prescribe by regulations. An election made with respect to any foreign expropriation loss shall apply to all recoveries in respect of such loss.

"(b) DEFINITION OF FOREIGN EXPROPRIATION LOSS.—For purposes of this section, the term 'foreign expropriation loss' means any loss sustained by reason of the expropriation, intervention, seizure, or similar taking of porperty by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing. For purposes of the preceding sentence, a debt which becomes worthless shall, to the extent of any deduction allowed under section 166(a), be treated as a loss.

"(c) AMOUNT OF RECOVERY.—The amount of any recovery of a foreign expropriation loss is the amount of money and the fair market value of other property received in respect of such loss, determined as of the date of receipt.

"(d) ADJUSTMENT FOR PRIOR TAX BENEFITS.—

"(1) IN GENERAL.—That part of the amount of a recovery of a foreign expropriation loss to which this section applies which, when added to the aggregate of the amounts of previous recoveries with respect to such loss, does not exceed the allowable deductions in prior taxable years on account of such loss shall be excluded from gross income for the taxable year of the recovery for purposes of computing the tax under this subtitle; but there shall be added to, and assessed and collected as a part of, the tax under this subtitle for such taxable year an amount equal to the total increase in the tax under this subtitle for all taxable years which would result by decreasing, in an amount equal to such part of the recovery so excluded, the deductions allowable in the prior taxable years on account of such loss. For purposes of this paragraph, if the loss to which the recovery relates was taken into account as a loss from the sale or exchange of a capital asset, the amount of the loss shall be treated as an allowable deduction even though there were no gains against which to allow such loss.

"(2) COMPUTATION.—The increase in the tax for each taxable year referred to in paragraph (1) shall be computed in accordance with regulations prescribed by the Secretary or his delegate. Such regulations shall give effect to previous recoveries of any kind (including recoveries described in section 111, relating to recovery of bad debts, etc.) with respect to any prior taxable year, but shall otherwise treat the tax previously determined for any taxable year in accordance with the principles set forth in section 1314(a) (relating to correction of errors). Subject to the provisions of paragraph (3), all credits allowable against the tax for any taxable year, and all carryovers and carrybacks affected by so decreasing the allowable deductions, shall be taken into account in computing the increase in the tax.

"(3) FOREIGN TAXES.—For purposes of this subsection—

"(A) any choice made under subpart A of part III of subchapter N (relating to foreign tax credit) for any taxable year may be changed,

"(B) subject to the provisions of section 904(b), an election to have the limitation provided by section 904(a)(2) apply may be made, and

"(C) notwithstanding section 904(b)(1), an election previously made to have the limitation provided by section 904(a)(2) apply may be revoked with respect to any taxable year and succeeding taxable years.

"(4) SUBSTITUTION OF CURRENT NORMAL TAX AND SURTAX RATES.—For purposes of this subsection, the normal tax rate provided by section 11(b) and the surtax rate provided by section 11(c) which are in effect for the taxable year of the recovery shall be treated as having been in effect for all prior taxable years.

(e) GAIN ON RECOVERY.—That part of the amount of a recovery of a foreign expropriation loss to which this section applies which is not excluded from gross income under subsection (d)(1) shall be considered for the taxable year of the recovery as gain on the involuntary conversion of property as a result of its destruction or seizure and shall be recognized or not recognized as provided in section 1033.

"(f) BASIS OF RECOVERED PROPERTY.—The basis of property (other than money) received as a recovery of a foreign expropriation loss to which this section applies shall be an amount equal to its fair market value on the date of receipt, reduced by such part of the gain under subsection (e) which is not recognized as provided in section 1033.

"(g) RESTORATION OF VALUE OF INVESTMENTS.—For purposes of this section, if the value of any interest in, or with respect to, property (including any interest represented by a security, as defined in section 165(g)(2))—

"(1) which became worthless by reason of the expropriation, intervention, seizure, or similar taking of such property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing, and

"(2) which was taken into account as a loss from the sale or exchange of a capital asset or with respect to which a deduction for a loss was allowed under section 165 or a deduction for a bad debt was allowed under section 166,

is restored in whole or in part by reason of any recovery of money or other property in respect of the property which became worthless, the value so restored shall be treated as a recovery of property in respect of such loss or such bad debt.

"(h) SPECIAL RULE FOR EVIDENCES OF INDEBTEDNESS.—Bonds or other evidences of indebtedness received as a recovery of a foreign expropriation loss to which this section applies shall not be considered to have any original issue discount within the meaning of section 1232(a)(2).

"(1) ADJUSTMENTS FOR SUCCEEDING YEARS.—For purposes of this subtitle, proper adjustment shall be made, under regulations prescribed by the Secretary or his delegate, in—

"(1) the credit under section 33 (relating to foreign tax credit),

"(2) the credit under section 38 (relating to investment credit),

"(3) the net operating loss deduction under section 172, and

"(4) the net capital loss carryover under section 1212(a),

for the taxable year of a recovery of a foreign expropriation loss to which this section applies, and for succeeding taxable years, to take into account items changed in making the computations under subsection (d) for taxable years prior to the taxable year of such recovery."

(b)(1) Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 80 RESTORATION OF VALUE OF CERTAIN SECURITIES.

"(a) GENERAL RULE.—In the case of a domestic corporation subject to the tax imposed by section 11, if the value of any security (as defined in section 165(g)(2))—

"(1) which became worthless by reason of the expropriation, intervention, seizure, or similar taking by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing of property to which such security was related, and

"(2) which was taken into account as a loss from the sale or exchange of a capital asset or with respect to which a deduction for a loss was allowed under section 165.

is restored in whole or in part during any taxable year by reason of any recovery of money or other property in respect of the property to which such security was related, the value so restored (to the extent that, when added to the value so restored during prior taxable years, it does not exceed the amount of the loss described in paragraph (2)) shall, except as provided in subsection (b), be included in gross income for the taxable year in which such restoration occurs.

"(b) REDUCTION FOR FAILURE TO RECEIVE TAX BENEFIT.—The amount otherwise includible in gross income under subsection (a) in respect of any security shall be reduced by an amount equal to the amount (if any) of the loss described in subsection (a)(2) which did not result in a reduction of the taxpayer's tax under this subtitle for any taxable year, determined under regulations prescribed by the Secretary or his delegate.

"(c) CHARACTER OF INCOME.—For the purposes of this subtitle—

"(1) Except as provided in paragraph (2), the amount included in gross income under this section shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231.

"(2) If the loss described in subsection (a)(2) was taken into account as a loss from the sale or exchange of a capital asset, the amount included in gross income under this section shall be treated as gain from the sale or exchange of a capital asset.

"(d) TREATMENT UNDER FOREIGN EXPROPRIATION LOSS RECOVERY PROVISION.—This section shall not apply to any recovery of a foreign expropriation loss to which section 1351 applies."

(2) The table of sections for part II is amended by adding at the end thereof the following:

"Sec. 80. Restoration of value of certain securities."

(3) The amendments made by this subsection shall apply to taxable years beginning after December 31, 1964, but only with respect to losses described in section 80(a)(2) of the Internal Revenue Code of 1954 (as added by paragraph (1) of this subsection) which were sustained after December 31, 1958.

(c)(1) Section 46 (a)(3) of the Internal Revenue Code of 1954 (relating to liability for tax for purposes of the investment credit) is amended by inserting after "personal holding company tax)" the following: ", and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses),".

(2) Section 901(a) of such Code (relating to foreign tax credit) is amended by inserting after "section 1333 (relating to war loss recoveries)" in the last sentence thereof "or under section 1351 (relating to recoveries of foreign expropriation losses)".

(d) Subchapter B of chapter 62 of the Internal Revenue Code of 1954 (relating to time and place for paying tax) is amended by adding at the end thereof the following new section:

"Sec. 6167. Extension of Time for Payment of Tax Attributable to Recovery of Foreign Expropriation Losses.

"(a) Extension Allowed by Election.—If—

"(1) a corporation has a recovery of a foreign expropriation loss to which section 1351 applies, and

"(2) the portion of the recovery received in money is less than 25 percent of the amount of such recovery (as defined in section 1351(c)) and is not greater than the tax attributable to such recovery,

the tax attributable to such recovery shall, at the election of the taxpayer, be payable in 10 equal installments on the 15th day of the third month of each of the taxable years following the taxable year of the recovery. Such election shall be made at such time and in such manner as the Secretary or his delegate may prescribe by regulations. If an election is made under this subsection, the provisions of this subtitle shall apply as though the Secretary or his delegate were extending the time for payment of such tax.

"(b) Extension Permitted by Secretary.—If a corporation has a recovery of a foreign expropriation loss to which section 1351 applies and if an election is not made under subsection (a), the Secretary or his delegate may, upon finding that the payment of the tax attributable to such recovery at the time otherwise provided in this subtitle would result in undue hardship, extend the time for payment of such tax for a reasonable period or periods not in excess of 9 years from the date on which such tax is otherwise payable.

"(c) Acceleration of Payments.—If—

"(1) an election is made under subsection (a),

"(2) during any taxable year before the tax attributable to such recovery is paid in full—

"(A) any property (other than money) received on such recovery is sold or exchanged, or

"(B) any property (other than money) received on any sale or exchange described in subparagraph (A) is sold or exchanged, and

"(3) the amount of money received on such sale or exchange (reduced by the amount of the tax imposed under chapter 1 with respect to such sale or exchange), when added to the amount of money—

"(A) received on such recovery, and

"(B) received on previous sales or exchanges described in subparagraphs (A) and (B) of paragraph (2) (as so reduced),

exceeds the amount of money which may be received under subsection (a)(2),

an amount of the tax attributable to such recovery equal to such excess shall be payable on the 15th day of the third month of the taxable year following the taxable year in which such sale or exchange occurs. The amount of such tax so paid shall be treated, for purposes of this section, as a payment of the first unpaid installment or installments (or portion thereof) which become payable under subsection (a) following such taxable year.

"(d) Proration of Deficiency to Installments.—If an election is made under subsection (a), and a deficiency attributable to the recovery of a foreign expropriation loss has been assessed, the deficiency shall be prorated to such installments. The part of the deficiency so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as, and as part of, such installment. The part of the deficiency so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary or his delegate. This subsection shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

"(e) Time for Payment of Interest.—If the time for payment for any amount of tax has been extended under this section, interest payable under section 6601 on any unpaid portion of such amount shall be paid annually at the same time as, and as part of, each installment payment of the tax. Interest, on that part of a deficiency prorated under this section to any installment the date for payment of which has not arrived, for the period before the date fixed for the last installment preceding the assessment of the deficiency, shall be paid upon notice and demand from the Secretary or his delegate. In applying section 6601(j) (relating to the application of the 4-percent rate of interest in the case of recoveries of foreign expropriation losses to which this section applies) in the case of a deficiency, the entire amount which is prorated to installments under this section shall be treated as an amount of tax the payment of which is extended under this section.

"(f) Tax Attributable to Recovery of Foreign Expropriation Loss.—For purposes of this section, the tax attributable to a recovery of a foreign expropriation loss is the sum of—

"(1) the additional tax imposed by section 1351(d)(1) on such recovery, and

"(2) the amount by which the tax imposed under subtitle A is increased by reason of the gain on such recovery which under section 1351(e) is considered as gain on the involuntary conversion of property.

"(g) Failure To Pay Installment.—If any installment under this section is not paid on or before the date fixed for its payment by this section (including any extension of time for the payment of such installment), the unpaid portion of the tax payable in installments shall be paid upon notice and demand from the Secretary or his delegate.

"(h) Cross-References.—

"(1) Interest.—For provisions requiring the payment of interest at the rate of 4 percent per annum for the period of an extension, see section 6601(j).

"(2) Security.—For authority of the Secretary or his delegate to require security in the case of an extension under this section, see section 6165.

"(3) Period of limitation.—For extension of the period of limitation in the case of an extension under this section, see section 6503(f)."

(e) Section 6503 of the Internal Revenue Code of 1954 (relating to suspension of running of period of limitation) is amended by redesignating subsection (f) as (g), and by inserting after subsection (e) the following new subsection:

"(f) Extensions of Time for Payment of Tax Attributable to Recoveries of Foreign Expropriation Losses.—The running of the period of limitations for collection of the tax attributable to a recovery of a foreign expropriation loss (within the meaning of section 6167(f)) shall be suspended for the period of any extension of time for payment under subsection (a) or (b) of section 6167."

(f) Section 6601 of the Internal Revenue Code of 1954 (relating to interest on underpayments) is amended by redesignating subsection (j) as (k), and by inserting after subsection (i) the following new subsection:

"(j) Extensions of Time for Payment of Tax Attributable to Recoveries for Foreign Expropriation Losses.—If the time for payment of an amount of the tax attributable to a recovery of a foreign expropriation loss (within the meaning of section 6167(f)) is extended as provided in subsection (a) or (b) of section 6167, interest shall be paid at the rate of 4 percent, in lieu of 6 percent as provided in subsection (a)."

(g)(1) The table of parts for subchapter Q of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following:

"Part VII. Recoveries of foreign expropriation losses."

(2) The table of sections for subchapter B of chapter 62 of such Code is amended by adding at the end thereof the following:

"Sec. 6167. Extension of time for payment of tax attributable to recovery of foreign expropriation losses."

(h) Except as provided in subsection (b)(3), the amendments made by this section shall apply to recoveries on or after January 1, 1964, in respect of foreign expropriation losses (as defined in section 1351 (b) of the Internal Revenue Code of 1954 added by subsection (a) of this section) which were sustained after December 31, 1958.

Sec. 3. (a) The last sentence of section 175(c)(1) of the Internal Revenue Code of 1954 (relating to soil and water conservation expenditures) is amended to read as follows: "Notwithstanding the preceding sentences, such term also includes any amount, not otherwise allowable as a deduction, paid or incurred to satisfy any part of an assessment levied by a soil or water conservation or drainage district to defray expenditures made by such district for purposes described in the first sentence of this paragraph, or made by such district to acquire machines, buildings, land, or any easement over land, or to relocate roads or powerlines or other obstructions, in connection with such purposes."

(b) The amendment made by subsection (a) shall apply with respect to amounts paid or incurred after December 31, 1963.

(c) For purposes of section 175 of the Internal Revenue Code of 1954 (as amended by subsection (a) of this section), and for purposes of subsection (b) of this section, if a taxpayer engaged in the business of farming—

(1) after December 31, 1960, and before January 1, 1964, paid in full an assessment levied by a soil or water conservation or drainage district,

(2) such assessment could have been paid in a series of periodic payments, part of which would have been payable after December 31, 1963, and

(3) the amount described in paragraph (1) (or a portion thereof) did not constitute expenditures which are paid or incurred during the taxable year for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion of land used in farming, within the meaning of section 175(c)(1) of the Internal Revenue Code of 1954 (as such section was in effect at the time such amount was paid), but would constitute such expenditures if such amount (or portion) were paid after December 31, 1963.

under regulations prescribed by the Secretary of the Treasury or his delegate, such taxpayer shall, at his election, be treated as paying in satisfaction of such assessment, on the date on which each such payment after December 31, 1963, would have been payable, so much of the amount (or portion) described in paragraph (3) which would have been payable on such date, if the taxpayer had chosen to pay such assessment in periodic payments. An election under this subsection shall be made at such time and in such manner as the Secretary of the Treasury or his delegate may prescribe by regulations. If an election is made under this subsection, proper adjustment of basis shall be made in respect of the land used in farming. If an election is made under this subsection and the taxpayer dies before the entire amount with respect to which such election is made has been treated under this subsection as having been paid, the portion of such amount which has not been so treated before his death shall be treated as having been paid in the taxable year ending with his death.

Sec. 4. Section 601(e) of the Revenue Act of 1941 (55 Stat. 726) (relating to the Joint Committee on Reduction of Nonessential Federal Expenditures) is amended to read as follows:

"(e) There is hereby authorized to be appropriated for each fiscal year such sum as may be necessary to carry out the provisions of this section."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendment be considered as original text for purposes of amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to have printed in the Record an explanatory statement explaining the bill (H.R. 8050).

There being no objection, the statement was ordered to be printed in the Record, as follows:

H.R. 8050, as it passed the House, would have provided an income tax exemption for certain nurses' professional registries. To be exempt from tax under the House provision, these registries must be operated by, or associated with, exempt nurses' professional associations, they must not be organized for profit, no part of their earnings may inure to the benefit of any private shareholder or individual, and the organization must not charge anyone other than the nurses who are registrants for the use of the registry. Your committee decided to delete this provision because of information presented to it to the effect that the nurses' registries are performing essentially the same service as profit-making employment agencies. In view of this, it was thought undesirable to provide a tax exemption for these registries at this time. Therefore this feature of the House bill has been deleted by your committee.

Your committee has, however, added four provisions to this bill.

The first of these provisions deals with the tax treatment of small business investment companies. These companies were provided for in legislation enacted in 1958 and their purpose is to make equity capital and long-term credit available to small business concerns.

In 1958, Congress also provided special tax treatment to encourage the formation and use of these small business investment companies. First, it provided that losses on the sale by one of these investment companies of its holdings of convertible debentures of small business concerns would be treated as ordinary losses rather than as capital losses. Second, it allowed taxpayers investing in the stock of these small business investment companies, in certain cases, an ordinary loss deduction upon the sale at a loss of the investment company's stock, or upon its becoming worthless. Third, a 100-percent, rather than the usual 85-percent, intercompany divided deduction was allowed these investment companies for dividends received from small business concerns. Later, in 1959 Congress also provided a special exemption from the personal holding company tax for small business investment companies. All of these provisions were designed to encourage the formation of investment companies and to make funds available to small business concerns.

Your committee amendments in two instances affect these tax advantages previously provided for the small business investment companies.

The first change relates to a problem which has arisen in connection with the exemption for small business investment companies from the personal holding company tax. Presently, an exemption from the personal holding company tax is provided for small business investment companies whose stockholders have less than a 5-percent equity interest in a small business concern. This exemption has presented two problems. Where stockholders have a 5-percent or greater interest in a small business concern—even though their holdings in the small business investment company were minimal—the investment company presently is automatically classified, for this purpose, as a personal holding company. Second, the Internal Revenue Service attributes to each stockholder of a small business investment company, the company's share of the stock it holds in a small business concern. Thus, where the investment company is owned by a relatively few persons, almost any acquisition of small business stock by the investment company automatically leads to classification of the investment company as a personal holding company since the stock being acquired is attributed proportionately to its shareholders and in most cases will bring their holdings in the company above the 5-percent limit.

The bill overcomes the problems I have outlined by providing a new rule in determining these companies exempt from the personal holding company tax. Under the new rule, small business investment companies are to be exempt from this tax unless a principal stockholder of a small business investment company has a 10 percent or larger interest in a small business concern, or the total interest of the small business investment company and its principal shareholders amount to 50 percent or more of the small business concern.

A principal shareholder, for this purpose, is one who has a 10 percent or greater interest in the investment company. Thus, minimal shareholders in the investment company, no matter what their holdings may be in the small business concern involved, cannot result in classification of the investment company as a personal holding company.

Also, in applying the 10-percent or 50-percent test I have just referred to, stock in a small business concern held by an investment company is not to be attributed to its stockholders for purposes of these tests. Thus, closely held investment companies will not, in effect, be precluded from providing the help for small business concerns for which they were established.

Your committee concluded that the modifications of the application of the personal holding company tax to these small business concerns represented a sensible modification of the existing provision which, in effect, permits it to work as initially intended. At the same time, this modification still gives assurance that these investment companies will not be used as a way of avoiding the application of the personal holding company provisions.

The second modification made in the tax treatment of small business investment companies permits them to set up reserves for losses on their holdings of convertible debentures of small concerns. Presently, such reserves can be set up for loans which do not constitute securities but cannot be for convertible debentures which are classified as securities. Since losses on these holdings of convertible debentures by the small business investment companies under present law, are accorded ordinary loss treatment, it seems entirely consistent also to allow the establishment of loss reserves against ordinary income for these debentures.

The second amendment made by your committee relates to recoveries and restorations of foreign expropriation losses.

Congress, in the Revenue Act of 1964, recognized the problems which have been arising as a result of the expropriations of property of U.S. taxpayers by foreign governments. This, of course, is especially significant in the case of Cuba. In that act, Congress provided for a 10-year-loss carryforward of expropriation losses. Another problem, recognized at that time, but on which no action was taken, was the tax treatment of recoveries which may occur with respect to these foreign expropriation losses. Under present law, these recoveries are included in income to the extent the initial deduction was included in the tax base. This entire inclusion in the income occurs under present law in the year of recovery.

There have been several difficulties which have arisen in connection with these rules governing recoveries under existing law. For example, they do not take into account the fact that the initial deduction may have offset income which, in any event, would not have been taxed because of the presence of a foreign tax for which a credit could have been taken. Similarly, the present rules do not take into account the fact that the deduction may have offset income which otherwise would have been taxed at a relatively low rate, such as capital gains.

The amendment made by your committee meets this problem by developing a more exact measure of the tax benefit derived from the initial deduction. The more exact measure does take into account such factors as the presence of foreign tax credits and differences in rates at which income would be taxed.

The new rules also provide that the tax rates to be used in taxing these recoveries are to be the rates in effect in the year of the recovery. Also, provision is made in your committee's bill for the payment of the tax on recoveries, in hardship situations, in 10 annual equal installments, bearing interest at 4 percent. This replaces the present requirement that the entire amount be paid in the year of restoration.

In addition, provision is made for taxing recoveries with respect to foreign expropriation losses, where the benefit from the tax deduction was received by one corporation having stock or other securities in another whose property was expropriated. In such a case, the tax on the recovery is attributed to the parent corporation if it received the initial benefit from the loss.

In your committee's view, these provisions relating to recoveries of foreign expropriation losses result in the appropriate tax burden on the recoveries, taking into account all the facts and circumstances likely to surround such recoveries.

Another amendment made by your committee relates to the deduction of soil and water conservation expenditures. Under present law, where these expenditures are made by an assessment district the assessments are deductible to the members of the district if the district spends the funds for purposes which would have made the expenditures deductible had the farmers spent the funds directly. Your committee's amendment also provides that assessments paid by farmers may be deducted in the case of these assessment districts where the district uses funds to acquire depreciable assets, lands, easements, or to relocate roads, powerlines or other obstructions, to the extent these expenditures are necessary for soil or water conservation or drainage purposes.

Your committee has also removed the limitation on the authorization of expenditures, in the case of the Joint Committee on Nonessential Federal Expenditures. The present limit of $10,000 was established in 1941. Generally applicable pay increases Congress has provided since that time make this limit no longer appropriate.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend the Internal Revenue Code of 1954, with respect to the income tax treatment of small business investment companies, with respect to the income tax treatment of recoveries of foreign expropriation losses, and for other purposes."

Mr. LONG of Louisiana. Mr. President, I move that the vote by which the bill (H.R. 8050) was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. WILLIAMS of Delaware, and Mr. CARLSON conferees on the part of the Senate.

PLAN FOR VETERANS OF WORLD WAR I, WORLD WAR II, AND THE KOREAN CONFLICT, AND THEIR WIDOWS AND CHILDREN

Mr. MANSFIELD. Mr. President, it is with pleasure that I again call up Calendar No. 1528, H.R. 1927.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1927) to amend title 38, United States Code, to revise the pension program for veterans of World War I, World War II, and the Korean conflict, and their widows and children, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

Mr. MANSFIELD. Mr. President, before the bill is laid before the Senate, I wish to say that H.R. 1927 was called up last Friday, but at the request of a Senate committee, it was returned to the calendar. When an action of that kind is taken, the leadership has no choice. Therefore I am happy once again to call up the bill H.R. 1927, a bill of vital interest to our veterans of the First and Second World Wars, the Korean conflict, and their widows and children.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

The ACTING PRESIDENT pro tempore. The committee amendments have already been agreed to. The bill is now before the Senate, and open to further amendment.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Did I correctly understand that the bill has been cleared for passage?

Mr. MANSFIELD. Certain amendments will be offered. I shall suggest the absence of a quorum.

Mr. JAVITS. Will the bill be considered tonight?

Mr. MANSFIELD. Yes.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, as manager of the bill I send to the desk amendments which contain four provisions, and ask that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendments will be stated.

Mr. LONG of Louisiana. Mr. President, I believe I can explain these amendments more quickly than if the amendments were read. The amendments include charts, which would not be understood through a mere reading of them.

The ACTING PRESIDENT pro tempore. Without objection the amendments will be printed in the RECORD, and considered en bloc.

The amendments are as follows:

Beginning with line 16 on page 2, strike out all down through line 6 on page 3.

Beginning with line 7 on page 3, strike out all down through the table immediately preceding line 5 on page 4, and insert in lieu thereof the following:

"SEC. 3(a) The table in section 521(b), title 38, United States Code, is amended to read as follows:

" 'Column I		Column II
Annual income		
More than— but	Equal to or less than—	
	$600	$100
$600	1,200	75
1,200	1,800	43'

"(b) The table in section 521(c), title 38, United States Code, is amended to read as follows:

" 'Column I		Column II	Column III	Column IV
Annual income		One dependent	Two dependents	Three or more dependents
More than—	Equal to or less but than—			
	$1,000	$105	$110	$115
$1,000	2,000	80	80	80
2,000	3,000	48	48	48'

"(c) The table in section 541(b), title 38, United States Code, is amended to read as follows:

" 'Column I		Column II
Annual income		
More than— but	Equal to or less than—	
	$600	$64
$600	1,200	48
1,200	1,800	27'

"(d) The table in section 541(c), title 38, United States Code, is amended to read as follows:

" 'Column I		Column II
Annual income		
More than— but	Equal to or less than—	
	$1,000	$80
$1,000	2,000	64
2,000	3,000	43'

"SEC. 4. Section 542(a) of title 38, United States Code, is amended by striking out '$35' and inserting in lieu thereof '$38'.

"On page 5, line 20, strike out 'whichever is the greater, $1,200' and insert in lieu thereof 'whichever is the lesser, $1,500'."

Mr. LONG of Louisiana. Mr. President, this is the veterans' bill which the Senate passed at its previous meeting. It was upon the request of the committee and particularly upon the request of the Senator from Louisiana that the matter was reconsidered, in order that certain recommendations made by the Veterans' Administration and by the Bureau of the Budget could be considered.

In the first instance, it is the opinion of the Bureau of the Budget and of the Veterans' Administration that the Senate should not agree to the House provision, which would provide that after the year 1965 there would be no disability test required for a veteran's eligibility to a pension.

When the committee acted on this matter it had the advice of the Veterans' Administration that the cost would be very small in the event that this provision were adopted, feeling that most veterans over age 65 could show at least a 10-percent disability of one nature or another. It was felt that the number that they would have to turn down on the basis of 10-percent disability would be very small.

On the other hand, the Bureau of the Budget is fearful of this particular provision. It is their position that a great many people have never applied because they did not feel they were entitled to it, and the removal of the existing law requirement of a 10-percent disability after age 65 would cause a large number of new veterans to apply.

For example, the Bureau of the Budget states that there are between 150,000 and 175,000 veterans who might file claim for this pension. In the event that only 100,000 claimed the pension—and the Bureau of the Budget anticipates that even more would claim it—then the cost would be $70 million a year. The committee report did not take that into account, and it was not considered as a likely cost at the time the bill was considered.

This matter had been considered also by the members of the Finance Committee, a majority of whom felt that we should accept the amendment of the Bureau of the Budget. It had also been considered by the Veterans' Committee on the House side at a hearing. I understand there was considerable sentiment that the amendment, together with the others recommended by the Bureau of the Budget, would make this a better bill than the one which the House passed and sent to the Senate.

Furthermore, it is the position of the Bureau of the Budget, and of the Veterans' Administration as well, that the overall cost would be less than the House-passed bill and it would be possible to benefit more people and to do justice to more.

Under the House-passed bill a single veteran earning $600 or less would receive a $5 increase under the House bill, as reported by the committee. That same veteran would receive a $15 increase under the amendment that is being proposed.

In addition, a veteran making between $600 and $1,200, under the House bill, the Teague bill, would receive no increase at all, while he would receive a $5 monthly increase under the amendment that is at the desk.

A veteran making between $1,200 and $1,800, presently receiving a pension of $40, would receive no increase under the House-passed bill, while he would receive a $3 per month increase under the amendment before us.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. JAVITS. Mr. President, where does it come off? In other words the Senator would give a better break to the veterans. Who is paying for it?

Mr. LONG of Louisiana. We are making a big saving by striking the provision which would provide that a veteran aged 65 would not have to meet a disability test. There is a difference of opinion on this question. It is claimed by the Veterans' Administration that the cost would not be very much. The Bureau of the Budget feels that it might cost a great deal, as much as $70 million.

Mr. JAVITS. What is the Senator inserting in its place?

Mr. LONG of Louisiana. These additional payments would be possible for a lesser overall cost in the long run. According to the Bureau of the Budget, it would be possible to save money in the long run by retaining the existing law requirement that a veteran to receive this pension, must have some degree of disability, which they would set at 10 percent.

Mr. JAVITS. In other words, instead of assuming 10 percent, that is the standard to which the Senate has gone.

Mr. LONG of Louisiana. Yes, the Veterans' Administration tells us, if I recall correctly, that only about 5 percent who apply for these pensions do not rate 10 percent disability.

Mr. JAVITS. Will this bill go to conference?

Mr. LONG of Louisiana. Yes.

Mr. JAVITS. So the House would then have an opportunity to try to reconcile their views with our views on this question?

Mr. LONG of Louisiana. The Senator is exactly correct. In other words, if this amendment is agreed to, it is entirely possible that the conferees could accept those provisions in the House bill which are most favorable to the veteran, and the provisions in the Senate bill which are most favorable to the veteran. But if the amendment is not agreed to, there would be a great number of veterans who would not be benefited at all, because that matter would not be in conference between the two Houses.

Mr. JAVITS. The Senator from Louisiana says that all we are doing is continuing existing law as to eligibility and improving pension rates. The House changed existing laws as to eligibility by liberalizing and making some improvement in pension rates, but has not given as much as we can.

Mr. LONG of Louisiana. The Senator is exactly correct. He has stated the situation better than I have. I thank him for helping to put the matter in better perspective.

Mr. JAVITS. My colleague from New York [Mr. KEATING] has worked very hard on this bill. I have, too, in the sense that New York has many veterans who are deeply interested in this subject. Because of the circumstances that the majority leader described, the junior Senator from New York actually made a speech based on the fact that the bill had been passed. To our dismay, we found that it was not passed. So, first, I thank the Senator from Louisiana for enabling us to have the bill passed, as we undoubtedly shall; and, second, I appreciate the quality of his concept. However, I will say it does make sense to me. I think it is an additional safeguard for the veteran who is interested and for the many veterans' organizations that the bill will go to conference, and that an opportunity will be afforded to take another look at the proposal within that context before it is finally adopted. In any case, I am sure every veterans' organization will be pleased that the bill has passed the Senate and will go to conference and will, in some form, become law at this session.

Mr. LONG of Louisiana. I thank the Senator from New York. The legislative history of the bill should show that at the time the House committee, under the leadership of Representative OLIN TEAGUE, as chairman, undertook to move on the bill, it did not have before it the recommendations of the Veterans' Administration and Bureau of the Budget, nor had they sought to obtain the views of those agencies. They wrote a bill which they hoped would be best for the veterans.

After the House passed the bill by a vote of 388 to 0, even without administration support, the administration submitted its recommendations, although I must say that there still was confusion about the subject, because the Veterans' Administration was advising one thing and the Bureau of the Budget something else.

Speaking as an individual member of the committee, although I believe I speak for the majority of the committee in this respect, I am convinced and I believe that there is considerable feeling in the House that the administration has, in fact, shown us how we can improve upon what the House committee did, now having all the advantages of the executive branch in how to administer the program. These are changes that the administration recommends.

What we hope to arrive at is the best of both bills. If these amendments in any respect should not prove to be desirable, then the bill will be in conference as between the House-passed bill and the Senate amendment.

Mr. JAVITS. It is a fact that veterans' organizations and veterans have not always agreed with the Bureau of the Budget and the Veterans' Administration. Indeed, sometimes they have been sharply at odds.

I think that this bill makes some sense to a majority of the committee as the Senate's position. I know that the Senator would join me in inviting those who upon consideration feel that they are dissatisfied to express themselves strongly to the conferees and to the rest of us who will still have to approve the conference report.

Mr. LONG of Louisiana. I thank the Senator from New York. I shall not read the rest of the table, but I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LONG of Louisiana. It carries out the same general philosophy that there would be some additional increase for all those who would be affected and would perhaps benefit three times as many people as the House bill would benefit, so far as the rate schedule is concerned.

The only case in which there would not be a rate increase would be that of a widow without a child. The House bill provides an increase of $5, and this amendment provides for an increase of $4. But in every other category there would be a greater increase. In most cases there would be an increase by this amendment, whereas no increase at all is provided by the House-passed bill.

In addition, in the case of a child, where there is no widow to care for the child, the House bill overlooked that situation and provided no increase. Such a child would at present receive a $35 pension. The amendment at the desk would increase this $3.

The third amendment would increase the amount provided by the existing law from $1,200 to $1,500 of earned income that the spouse could earn. This differs from the House proposal, which would make it possible to ignore $1,200 of the spouse's total income, or all earned income of a wife, whichever is greater. For example, a wife might possibly be receiving earned income running up to $10,000 or $15,000 a year, but still it would be totally ignored in determining what the eligibility for the veteran and his wife would be. It is the position of the administration that this situation departs too drastically from the concept that there should be some need in the family in order to have the pension go to the family.

Those are the differences between the bill passed by the House and the bill that I am asking the Senate to pass at this time. I hope that the Senate will agree to the amendments.

EXHIBIT 1

Single veterans

Present law			House-passed bill	Amendment
Column I		Column II		
Annual income			Increase	Increase
More than—	Equal to or less but than—			
	$600	$85	$5	$15
$600	1,200	70	0	5
1,200	1,800	40	0	3

Veterans with wife and child

Present law					House-passed bill	Amendment
Column I		Column II	Column III	Column IV		
Annual income		One dependent	Two dependents	Three or more dependents	Increase	Increase
More than—	Equal to or less but than—					
	$1,000	$90	$95	$100	$10	$15
$1,000	2,000	75	75	75	0	5
2,000	3,000	45	45	45	0	3

Widow—No child

Present law			House-passed bill	Amendment
Column I		Column II		
Annual income			Increase	Increase
More than—	Equal to or less but than—			
	$600	$60	$5	$4
$600	1,200	45	0	3
1,200	1,800	25	0	2

Widow with 1 child

Present law			House-passed bill	Amendment
Column I		Column II		
Annual income			Increase	Increase
More than—	Equal to or less but than—			
	$1,000	$75	$5	$5
$1,000	2,000	60	0	4
2,000	3,000	40	0	3

Child—No widow

Present law	House-passed bill—Increase	Amendment—Increase
1st child, $35	$0	$3

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, the bill to be read a third time.

The bill (H.R. 1927) was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. LONG of Louisiana. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG of Louisiana. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. ANDERSON, Mr. DOUGLAS, Mr. WILLIAMS of Delaware, Mr. CARLSON, and Mr. BENNETT conferees on the part of the Senate.

ROLLO OSKEY

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1131, S. 724.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 724) for the relief of Rollo Oskey.

Mr. MANSFIELD. Mr. President, this bill is laid before the Senate as pending business. It will not remain the pending business tomorrow.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, was unanimous consent obtained to have the Senate convene at 12 o'clock noon tomorrow?

The ACTING PRESIDENT pro tempore. The Senator from Montana arranged for that the first thing this afternoon.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 1 minute p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Tuesday, September 29, 1964, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate September 28:

FEDERAL TRADE COMMISSION

Mary Gardiner Jones, of New York, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1959, vice Sigurd Anderson, resigned.

EXTENSIONS OF REMARKS

The Time Is Now

EXTENSION OF REMARKS

OF

HON. EDWARD R. FINNEGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1964

Mr. FINNEGAN. Mr. Speaker, our late beloved President, John F. Kennedy, referring to the civil rights movement, stated:

> What we're talking about is a problem that involves 180 million people.

Because of the continued and burning interest of the Amalgamated Meat Cutters & Butcher Workmen of North America, AFL–CIO, in seeing that no one within its ranks is deprived of his civil rights, a booklet, beautifully illustrated has been prepared and circulated. Its title of "The Time Is Now" illustrates the real need to recognize our responsibilities as a whole people and not defer to another day the demand of such a large part of our population.

Segregation is such a 20th century problem that many leaders have advanced to suggest answers. Most of the articulate ones such as the Reverend Martin Luther King and the leaders of the NAACP recommend moderation in approach.

But, as "The Time Is Now" so aptly states:

> There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into an abyss of injustice where they experience the bleakness of corroding despair.

It is impossible to capture the impact of this mostly pictorial position of this progressive union which has prepared this review without an examination personally of the brochure.

I commend it to my colleagues and suggest that all those, and I hope there will be many, ask for such copies as would be put to good use, by writing to Patrick E. Gorman, secretary-treasurer, Amalgamated Meat Cutters & Butcher Workmen of North America, AFL-CIO, 2800 North Sheridan Road, Chicago, Ill.

Public Policy

EXTENSION OF REMARKS
OF
HON. ROBERT R. BARRY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, September 28, 1964

Mr. BARRY. Mr. Speaker, there appeared in the Scarsdale Inquirer, a New York weekly newspaper, an editorial on September 17, 1964, which indicated I had voted against, among other things—commuter aid, water pollution control, the school lunch program, library assistance, aid to medical students, and minimum wage legislation.

Editors, like anybody else, are entitled to their own personal likes and dislikes—but as a matter of public policy they should state the facts as they exist, and not as they would perhaps like them to be, in order to reinforce their own personal leanings.

Although the Scarsdale Inquirer serves primarily a district other than my own, there are a number of my constituents who are among its subscribers. It is largely for their benefit, therefore, that I hereby set the record straight.

COMMUTER AID

June 22, 1961: I voted in favor of bill—H.R. 6028—which authorized the mass transportation demonstration program—providing Federal assistance to test new techniques, technology, and methods for improving commuter transportation service. Rollcall No. 96.

June 25, 1964: I voted in favor of bill—H.R. 3881, S. 6—authorizing assistance to States and localities to build or improve commuter transit systems. Rollcall No. 170.

WATER POLLUTION CONTROL

May 3, 1961: I voted in favor of Water Pollution Control Act Amendments—H.R. 6441—providing for a more effective program of water pollution control. Rollcall No. 48.

July 2, 1964: I voted in favor of conference report on S. 2, authorizing a more adequate national program of water research. Rollcall No. 182.

SCHOOL LUNCH PROGRAM

May 3, 1961: I voted in favor of legislation—H.R. 11665—revising the formula for apportioning cash assistance funds among the States under the National School Lunch Act. Rollcall No. 100.

ASSISTANCE TO MEDICAL STUDENTS

April 24, 1963: I voted in favor of the Health Professions Educational Assistance Act—H.R. 12—which expanded opportunities for training of physicians, dentists, and professional public health personnel. Rollcall No. 24.

MINIMUM WAGE LEGISLATION

June 30, 1960: I voted in favor of bill—H.R. 12677—increasing the minimum wage rate and extending coverage under the Fair Labor Standards Act. Rollcall No. 169.

March 24, 1961: I voted in favor of bill—H.R. 3935—increasing the minimum wage rate and extending coverage under the Fair Labor Standards Act. Rollcall No. 29.

LIBRARY ASSISTANCE

August 22, 1960: I voted in favor of bill—S. 2830—extending for 5 years, until 1966, the Library Services Act. Passed by unanimous consent under suspension of rules.

FOOD STAMP PROGRAM

The editorial also incorrectly inferred that the food stamp program, which I did indeed oppose, made use of only surplus foods.

The food stamp program covers all foods for human use with very few exceptions, including luxury items, and it competes with the long-established direct distribution program which is limited to surplus foods and which I support.

It is a known fact that the controversial food stamp program would never have gotten through the House had it not been brought up on the same day as the equally controversial cotton-wheat bill. April 8, 1964, marked the biggest vote-trading day in the 88th Congress. Members of Congress from the Farm Belt voted for the stamp program in exchange for city votes for the cotton-wheat bill. Neither measure would have gotten through on its own merits, and I, therefore, opposed both of them.

DEPARTMENT OF URBAN AFFAIRS

The same editorial also correctly stated that I voted against the creation of a Department of Urban Affairs. It neglected to mention, however, that the applicable reorganization plan was sponsored by a Democrat President and soundly defeated by a Democrat-controlled Congress. If it were such a great idea, I am sure the President would have been more successful in obtaining necessary support from members of his own party in Congress.

There are many valid arguments against the creation of any more departments in the Federal bureaucracy which has already become unwieldy. We have a number of existing departments and agencies which according to their own particular jurisdictions, devote specialized attention to the various aspects of urban affairs—likewise for suburban and rural affairs. There is no need to duplicate the work of these departments and agencies, or to superimpose a bureaucratic czar over them.

The district I represent is composed of urban, suburban, and rural areas, each with its own characteristics and problems. Who is to say the affairs of one type of area are more important than the others? By supporting the creation of a Department or Urban Affairs, the editor of the Scarsdale Inquirer is saying in effect: first, that the problems of his own area, which is suburban in nature, are secondary to the problems of the big city; and second, that he is in favor of subjugating suburban areas to nearby cities which would result in a loss of local control and community identity.

Vinson Hall, Proposed Navy-Marine Corps Residence for Elderly, Should Be Encouraged

EXTENSION OF REMARKS
OF
HON. CRAIG HOSMER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 28, 1964

Mr. HOSMER. Mr. Speaker, the Navy-Marine Corps Residence Foundation was incorporated in the District of Columbia in March 1961 under the guidance of Adm. "Mick" Carney. Adm. W. H. Callaghan was elected president of its board of trustees. Its purpose is to create in the Washington area a residence for 300 elderly persons consisting of 200 single and 50 double apartments together with public rooms such as a chapel, lounges, dining room, card room, recreation room library, service facilities, and a modern infirmary to provide the best of nursing care. The residence will be named Vinson Hall in honor of the gentleman from Georgia, the Honorable CARL VINSON, chairman of the House Armed Services Committee.

Those who would be eligible to seek admission by approval of an anonymous admissions committee include: widows of Regular Navy and Marine Corps officers; widows of Reserve officers who die on active duty or retire after at least 20 years' active service; retired officers and their wives; retired commissioned female officers, Navy and Marine; retired officers, on space-available basis.

While a site for Vinson Hall has not yet been obtained, 12 possible sites in the area have been inspected by the foundation's building committee, headed by Rear Adm. A. C. Husband, CEC, U.S. Navy, retired. About 10 acres of land will be needed. Pending is the bill H.R. 11609 to authorize the Secretary of the Navy to convey real property to the foundation for the residence should that appear desirable.

This project is a most worthy one. There is real need here at the hub of Naval and Marine Corps activity for suitable accommodations for the widows of officers and retired officers themselves. When, on sad occasions, officers occupying very high ranks and assigned Government quarters have died, their widows almost immediately have been forced to vacate the quarters, often with little, if any, place to go in their period of bereavement. This is only one of the needs Vinson Hall would fulfill.

It will be a club-like residence charging reasonable costs commensurate with an individual's ability to pay. Its entrance fee and monthly charge will guarantee not only lifetime tenure, but also nursing care whenever needed. Maximum security for the elderly is aimed for at a minimum cost.

This project has sponsorship of the highest caliber. Vice Adm. Laurence H. Frost, U.S. Navy, retired, is administrative manager of the tax-free, nonprofit, and charitable organization. Secretary of the Navy Paul H. Nitze on August 14 certified his support by stating:

> The foundation has my enthusiastic support as a much-needed and worthy undertaking.

The Chief of Naval Operations, Adm. David L. McDonald, made this statement regarding it:

> Most Navy and Marine Corps officers make the best provision they are able against the day when their wives may suddenly be left alone. Most similarly provide for their own advanced age. But it is generally recognized that even these best efforts may not be enough.
>
> The whole purpose of the Navy-Marine Residence Foundation and the facilities they aspire to build is to help close this gap for those elderly retired officers and/or their spouses who need help.
>
> The plans of the foundation are attractive and impressive. But, as we all know, this job must be done without appropriated funds. I fully support the efforts of the foundation, the Navy and Marine Officers' Wives Clubs whose labors have built up the existing fund, and all others who in the future will lend a hand to the ultimate success of the task.

McDonald's counterpart, Gen. Wallace M. Greene, Jr., Commandant of the Marine Corps, said:

> The career of a military officer is primarily one of service rather than one of reward. All too frequently retired officers, and especially widows of officers, find themselves approaching their golden years with no suitable place to live.
>
> The Navy-Marine Residence Foundation, a chartered, tax-free, nonprofit organization, has undertaken to provide suitable retirement housing for elderly career retired Navy and Marine Corps officers, both Regular and Reserve, and their wives or widows.
>
> The foundation is a worthy undertaking. It is sponsored by capable and responsible individuals. It has begun on a sound financial basis, but needs assistance to continue. It merits the support of all of us. The Marine Corps is squarely behind this project.

The foundation is administered by a board of trustees of not less than 9 or more than 19 members, and now is composed of the following:

Mr. William C. Allen, U.S. Naval Academy, 1929, president.

Rear Adm. Preston V. Mercer, U.S. Navy, retired, vice president.

Vice Adm. Stephen R. Edson, U.S. Navy, retired, treasurer.

Capt. Will J. Davis, Jr., U.S. Navy, retired, secretary.

Rear Adm. H. Lamont Pugh (MC), U.S. Navy, retired.

Rear Adm. Alexander C. Husband, U.S. Navy.

Rear Adm. Frederick J. Harlfinger II, U.S. Navy.

Rear Adm. J. O. Cobb, U.S. Navy.

Capt. Viola Sanders, U.S. Navy, Wave.

Lt. Gen. Robert M. Pepper, U.S. Marine Corps, retired.

Mrs. Frank Virden.

Mrs. John S. Oldfield.

Mrs. C. J. Van Arsdall.

Mrs. A. M. Shinn.

Mrs. R. F. Skylstead.

Under the able sponsorship of the Navy and Marine Officers' Wives Clubs, servicewide, $120,000 has been raised through contributions, bazaars, and membership subscriptions to start the residence foundation on its way to success. The foundation's welfare committee also carries on work of disseminating information and fundraising. This committee is chaired by Mrs. A. M. Shinn and has as its advisers the wives of the Chief of Naval Operations, the Vice Chief of Naval Operations, and the Chief of Naval Personnel.

When completed Vinson Hall will cost about $4\frac{1}{2}$ million. Its building loan will be paid from income and no contributed funds will be used for support of any resident who is financially able to pay his own way. As a tax-free organization, at least one-third of its residents must receive at least partial financial assistance.

The Army Distaff Hall, for widows only, in Washington is operating most successfully. Vinson Hall will generally be similar to Distaff Hall. However, the Navy-Marine Residence will accept officers, male and female, of both services, and the Nurse Corps, as well as officers' wives and widows.

The cost of living in the Distaff Hall varies depending on accommodations. Each resident pays an entrance fee of from $4,000 to $9,500 and a monthly rental of from $75 to $172.50, depending on unit size. Adjustments in costs are made for those in financial need. All but the smallest accommodations contain cooking facilities.

The Honorable Fred Bantz, former Under Secretary of the Navy, has volunteered to act as chairman of the national fundraising campaign aimed at turning the dream of Vinson Hall in to bricks and mortar. His campaign will begin October 1 with the volunteer assistance of Navy, Marine, and civilian individuals and groups throughout the world.

Present address of the Navy-Marine Resident Foundation, Inc., is building 54, U.S. Naval Observatory, Washington, D.C.

Reapportionment and the Tuck Bill

EXTENSION OF REMARKS

OF

HON. ROBERT R. BARRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1964

Mr. BARRY. Mr. Speaker, appearing in the Hastings Press is a strong editorial purporting to relate a vote in favor of the Tuck bill as a position in opposition to reapportionment of State legislatures, in opposition to reapportionment within county governments, and an effort to reverse the "one man, one vote" formula.

In the interest of public policy, I would like to clarify these points:

The basic controversy between the Tuck bill and the Baker against Carr decision lies solely in the matter of jurisdiction over legislative reapportionment. The Baker against Carr decision of the Supreme Court in 1962 reversed all court precedent and established Supreme Court and lower Federal court jurisdiction over State legislative reapportionment matters. The Tuck bill merely removes the Supreme Court and lower Federal courts from involvement in this matter in which the Supreme Court itself has refused to intercede throughout its history until 1962. The Tuck bill in effect would place State reapportionment matters back in the hands of the State legislatures and State courts.

A vote for the Tuck bill does not signify in any way opposition to the principle of reapportionment. Although I voted for the Tuck bill, I am decidedly in favor of reapportionment of legislatures when it becomes evident that inequities in representation exist. Again, I would like to stress that the controversy is one of jurisdiction and its effects, not of opposition to the principle.

Passage of the Tuck bill would leave untouched the "one man, one vote" decision handed down in Reynolds against Sims in June of this year. A constitutional amendment would be necessary to reverse this decision since Reynolds against Sims establishes a constitutional right to "one man, one vote."

Local county reapportionment is not affected by recent Supreme Court decisions, nor is Westchester County awaiting a Supreme Court decision on reapportionment of its board of supervisors. At no time up to the present has the Supreme Court established jurisdiction over county government reapportionment matters.

Those who would like to pin a "liberal" versus "conservative" lebal on each side of the agument—terms which are misnomers anyway and which tend to obscure the actual issues—would be interested to look back at the dissent in the Baker against Carr decision. Two apostles of judicial restraint, Mr. Justice Frankfurter and Mr. Justice Harlan, dissented against the Baker against Carr decision on the basis that no matter how desirable reapportionment may be in itself, the use of the judiciary for such political reforms reflects a mistaken view of the function of the Federal courts.

Congressman Fraser Reports to the People of Minneapolis

EXTENSION OF REMARKS

OF

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1964

Mr. FRASER. Mr. Speaker, Congress is about to conclude one of the most productive sessions in history. I am proud to represent the city of Minneapolis in a Congress which has enacted so many important measures.

The tax cut, the civil rights bill, substantial aids for higher education, the antipoverty program, and the nuclear test-ban treaty underscore the resoluteness with which this Congress has acted to achieve lasting prosperity at home and enforcible peace in the world.

A TRIBUTE TO PRESIDENT KENNEDY

Our accomplishments will go far to keep America strong at home and abroad. We have fashioned a living tribute to the memory of President John F. Kennedy, under whose tragically brief leadership our deliberations began.

I should like to set forth my voting record and comment upon the legislation that has come before us.

NATIONAL DEFENSE

It is reassuring to note that this Nation is stronger than ever before. U.S. armed might today represents a triumph of "strategy, science, and human ingenuity," greater than any military force in history. At the same time, economy measures which have been put into effect in the preparedness program will now save the Nation billions of dollars each year.

Congress appropriated almost $97 billion during the 88th Congress for the continuing maintenance and buildup of the U.S. nuclear and conventional Armed Forces. I supported all of these requests of the Secretary of Defense, Robert McNamara.

INTERNATIONAL AFFAIRS

My work as a member of the Foreign Affairs Committee has reinforced my belief that the position of the free world is steadily gaining at the expense of the Communist cause. The West is standing firm in southeast Asia and in West Berlin while a serious rift is widening between the Soviet Union and Red China.

U.S. POLICY TOWARD U.S.S.R.

I believe, therefore, we are wise in continuing to pursue a three-pronged policy as enunciated recently by President Johnson: to convince the Soviet Union that it is dangerous to engage in aggression, futile to impose their system on unwilling people, and beneficial to their nation to join in achieving genuine peace.

The nuclear test-ban treaty, the U.N. resolution against orbiting nuclear weapons in space, the hot line agreement, and the mutual action to cut back production of fissionable material for weapons are arrangements which greatly benefit the United States. Important work on these four steps toward peace was done by the U.S. Arms Control and Disarmament Agency.

I was one of the cosponsors of the bill by which we extended the life of the Agency and increased funds for this vital work.

The United States has been able to make these advances in the field of international relations in part because of America's strength and the strength the United States has helped build in the free world. The diverse actions of this Congress will demonstrate that the United States continues to stand ready both to defend the security of the free world and share in solving its problems.

PEACE CORPS, FOREIGN ASSISTANCE

We are endeavoring to expand world trade and lower tariff barriers. We have voted to expand the Peace Corps, "the most powerful idea in recent times." By 1965, there will be 14,000 American Peace Corpsmen in 46 nations. This Congress has also extended "food for peace" for 3 more years.

The United States is pledged to create working partnerships with the nations of Asia, Africa, and Latin America to help them continue along the road to freedom. American foreign aid, including money for the Alliance for Progress, is to be distributed on a realistic basis emphasizing "self-help, reform, and performance."

This year, our foreign aid appropriations call for a "bare-bones" budget of $3.5 billion. I am pleased to report that I was among those who actively worked for this important piece of legislation which passed the House virtually intact.

CIVIL RIGHTS

Passage of the civil rights law was unquestionably our foremost domestic achievement. This great measure grapples directly with the fundamental moral and national issue of the times: the attainment of liberty and equality for all citizens regardless of race, religion, and color.

The long struggle to pass the civil rights law in the House was truly dramatic. I am proud to have authored a companion bill and to have actively worked for passage of the civil rights law.

CIVIL LIBERTIES

Some measures proposed to this House have threatened to impair the civil liberties of the people. I have questioned some of the procedures of the House Committee on Un-American Activities because I believe that the committee sometimes exceeds the proper role of a congressional committee as defined by the courts. I indicated my concern by a negative vote on appropriations for this committee and placed a statement in the RECORD expressing my desire that this committee be made a subcommittee of the House Judiciary Committee.

ONE MAN, ONE VOTE

The U.S. Supreme Court ruled last June that every citizen should have an equal vote with that of his neighbor in the election of members to the State legislature. In recent weeks many efforts have been made to overrule or delay that decision. I have opposed every such effort, for I believe that the political rights of American citizens must be jealously guarded.

DUE PROCESS FOR ALL

Congress took an important step this year to assure due process to everyone. Enactment of a bill which I cosponsored provides that indigent defendants in Federal courts will be provided with counsel who will be compensated for their work. The new law takes a giant step forward in making the right to counsel a reality.

NATIONAL ECONOMY

The tax cut measure for which I voted early in 1964 is doing exactly the job it was intended to do. The $11.5 billion slash in personal and corporate taxes has spurred our economy by increasing purchasing power. This has created greater demand for goods. This demand, in turn, is creating more jobs.

Currently, the Nation's economy is booming. The United States is enjoying the longest and strongest peacetime expansion in the 20th century. In the first 6 months of 1964, record profits being shown by business have helped generate a $1.6 billion annual increase in tax revenues.

Today, 72 million persons are working, up 5 million in the past 2 years. An average factory worker earns $103 a week, also a record high. Prices have held stable.

Still, we cannot afford complacency. Five percent of the labor force is unemployed and 16 percent of our productive capacity is idle. One-fifth of the people do not enjoy minimum levels of decent living.

ANTIPOVERTY MEASURES, AUTOMATION

To begin a long-range effort to improve this situation, we passed the Economic Opportunity Act of 1964, better known as the antipoverty bill. This 3-year program will begin to combat the poverty which afflicts tens of millions of Americans who are living on incomes of $3,000 a year or less for a family of four.

This is not a handout program. Rather, through Federal, State, and local agencies, it attempts to break a vicious cycle of dependency. It will give almost 400,000 youths new opportunities to escape their heritage of poverty and become self-supporting, productive members of society. I particularly welcome the emphasis that the bill places upon vocational training and counseling. I know this measure will help Minnesota which now has 12,000 young people out of school and out of work.

Because the impact of automation continues to pose major challenges to workers and industry as well as to the public, Congress authorized the National Commission on Technology and Automation. This Commission will give intensive study to the effects of automation and recommend appropriate measures to insure that the increasing technology is harnessed to advance, not retard, human welfare.

EDUCATION

We are extending the National Defense Education Act at least through June 30, 1967, to strengthen teaching at all levels and provide financial help to qualified students through loans and fellowships. I was pleased to introduce a bill to aid students seeking higher education, for it is shocking to know that every year 60,000 to 100,000 students in the top quarter of their high school graduating class cannot afford to go to college.

LIBRARY, COLLEGE, AND VOCATIONAL AIDS

We have voted a substantial "education package" for the Nation—$1.2 billion for the first 3 years of a 5-year college construction program to help accommodate doubling college enrollments, an additional $175 million for medical and dental school construction, $30.7 million for loans for students in the health professions.

We have also voted for the first time to aid hard-pressed libraries in cities as well as in rural areas. The Library Services and Construction Act of 1964 will provide needed money for the Minneapolis library system.

Vocational education funds have been expanded fourfold to provide needed vocational schools and part-time work for youths. Teaching basic skills, curbing school dropouts and working with illiterate adults will go far to aid in the fullest development of this Nation's most important resource, its manpower.

CURBING JUVENILE DELINQUENCY

We have also launched a new attack on juvenile delinquency. A bill I cosponsored will continue the entire juvenile delinquency control program until 1967. This has made it possible for the youth development project of the Hennepin County Community Health and Welfare Council to receive $250,000 grant to help reduce delinquency in two specially selected target areas in Minneapolis.

HEALTH AND WELFARE

As this report is written, the fate of medicare, the program of hospital insurance under social security, is uncertain. I have lent my hand to its passage wherever possible. I cosponsored the King-Anderson bill by introducing a companion bill as my first bill in Congress. I have debated American Medical Association representatives a number of times across the country, and I testified in favor of the bill before the Ways and Means Committee. Enactment of health care legislation for the elderly this year will be a great step forward.

Because Minneapolis has a larger than average population of older citizens, I was pleased to support the new social security bill now pending. It will give 20 million social security beneficiaries throughout the Nation an increase in monthly payments. I might add this is the first such increase to help offset rising living costs since 1958.

Meanwhile, this Congress has not been indifferent to the general health and welfare needs of the people. The Nation's largest health problem, mental illness and retardation, will be vigorously combated with a 4-year program passed last year.

The 1964 Hill-Burton amendments permit large-scale construction and modernization of hospital and other health facilities. We have also begun an intensive program to add 130,000 nurses by 1970 to the Nation's current total of 550,000.

PURIFYING AIR AND WATER

Nor have we in this session ignored the very air America breathes or its water supply. The Clean Air Act of 1963, Water Resources Research Act of 1964, and the pending water pollution control amendments will go far to control exhaust and industrial fumes and other air and water pollution to which the cities are increasingly subjected.

HOUSING

The Housing and Community Development Act of 1964 contains a feature I requested that is of special importance to Minneapolis: $50 million in low-interest loans to help people improve their homes and avoid slums and blight. Another feature I supported will provide additional rental housing for our senior citizens. In addition $600 million will be available for urban renewal projects.

MASS TRANSPORTATION

The Urban Mass Transportation Act we passed this year is a start in the right direction. We must continue to make every effort to relieve the choked highways and improve local transit systems within the cities as well as between city and suburb.

AGRICULTURE

Although my district, comprising the city of Minneapolis, is entirely urban, Minnesota is a farm State and the economic health of the urban and rural areas are tied closely together. I have supported every measure to maintain and improve farm income and to use our food abundance to raise standards of living at home and abroad. If we had not passed the Wheat-Cotton Act, Minnesota farm income would have dropped nearly $10 million. Adoption of an expanded food stamp program will help to make American agricultural abundance available to those with low incomes or on welfare. We are already moving ahead with plans to bring Minneapolis into this program.

CONSERVATION

This has also been an important year for protecting nature's heritage. After a 15-year legislative struggle, the new wilderness bill guarantees that 9 million acres of undeveloped lands will be preserved in their natural beauty for the good of generations to come. Contemplated for protection over a 10-year period are an additional 60 million acres.

A second, equally important, recreation measure providing a land and water conservation fund will result in Minnesota's receiving $2 million annually to plan for, acquire, and develop land for recreational purposes.

Increased emphasis on leisure time has led more States to adopt daylight saving time thus permitting greater use of daylight hours. Because various States have adopted different beginning and ending dates, I introduced a bill establishing uniform dates for all States which elect daylight saving time. Hearings were held and a bill reported from the Interstate and Foreign Commerce Committee, but passage seems unlikely this year. Nevertheless, this represents far greater progress than in prior years, and enactment of such a bill should receive prompt consideration in the next session.

OPPORTUNITIES FOR WOMEN

Any report on the work of this Congress would be incomplete without emphasizing the greater opportunities for women that will now exist.

One worker in three in the American labor force is a woman. We have provided that women will now receive the same pay as men for the same work. We have liberalized provisions for child care deductions for working mothers in the Press program, implied that the investigate various ways in which equal status for women may be assured in all States.

Also, as consumers, men and women alike will welcome efforts by this Congress to strengthen food and drug laws and insure fair weights and proper grade labeling.

RULES REFORM NEEDED

But I must observe that much of the legislation we have enacted has had to surmount formidable roadblocks arising out of the rules and procedures in this House. To the extent that a minority is able to thwart the will of the majority using these procedures, the democratic process has been subverted.

The voters who sent us to Washington are entitled to a fully functioning legislative branch of Government. A minority should not be allowed to block this entire body from considering fundamental legislative proposals.

When the 89th Congress convenes in January, I urge careful examination of the rules governing our operations so that all major legislative proposals may receive critical scrutiny under genuine majority rule and be voted either up or down.

A LOOK AHEAD

Four-fifths of this Nation's population reside in urban areas. Because the cities have so many common needs and problems, I believe their interests would most efficiently be served through the creation of a Department of Urban Affairs, much as problems relating to Agriculture are concentrated in one Cabinet department.

I am convinced this century's greatest continuing need concerns the education of the people. Modern technology has so increased the need for educated and trained persons, we must regard our annual educational appropriations not as a national cost but as the best investment we can make to secure our Nation's future.

We must continue to explore opportunities to provide academic and vocational education to all, to the full extent of individual ability to learn.

Additional consideration must also be given at home to the health, welfare, and recreational needs of the rapidly enlarging older population.

ANOTHER LOOK AT SELECTIVE SERVICE

The selective service system also needs critical reevaluation. If we can attract to the military sufficient numbers of high-caliber career men and women, it may be possible to meet the remaining military manpower needs on a voluntary basis. Study is needed to see if this is so. In all events, we should aim at meeting our military manpower needs without social or economic injustice to anyone.

THE FUTURE OF FREEDOM

Abroad, Asia remains one of the most acute tension spots in the world. The ultimate future of freedom in the rest of the world may well hinge on the direction Asia takes. It therefore behooves the free nations of the world to insure that freedom, coupled with economic and social progress, goes forward in Asia. A U.N. presence in southeast Asia with an appropriate peace-keeping force could implement agreements which must be reached aimed at ultimately securing the complete independence of southeast Asia.

I strongly support strengthening the U.N. and enlarging the Security Council and the U.N. Economic and Social Council so that the U.N. may increasingly become the major instrument for achieving world peace under the rule of law.

Mr. Speaker, at this point I would like to place in the CONGRESSIONAL RECORD a table which lists major legislative proposals before this Congress and my position on these bills and resolutions:

My position	Issue	Outcome
	NATIONAL DEFENSE AND SPACE	
Supported	Increased pay and subsistence allowances for military personnel	Enacted.
Supported	Appropriate $93,972,061,000 for defense	Enacted.
Supported	Appropriate $3,156,848 for military construction projects	Enacted.
Supported	Appropriations for NASA and Atomic Energy Commission	Enacted.
	INTERNATIONAL AFFAIRS	
Supported	Foreign aid authorization and appropriation	Enacted.
Supported	Extend the Arms Control and Disarmament Agency	Enacted.
Supported	Increase size of the Peace Corps	Enacted.
Supported	Limited nuclear test ban treaty (voted upon only in Senate)	Ratified.
Supported	Extend food-for-peace program for 3 years	Enacted.
Supported	Study for new canal in Central America	Enacted.
	NATIONAL ECONOMY	
Supported	Tax cut and reform bill	Enacted.
Supported	War-on-poverty bill	Enacted.
Supported	Program to combat poverty in Appalachian region	Passed Senate.
Supported	Mass transit program	Enacted.
Supported	Accelerated public works program	Pending in House.
Supported	Extend area redevelopment program	Pending in House.
Supported	Establish a National Commission on Technology and Automation	Enacted.
Supported	Equal pay for women	Enacted.
Supported	Davis-Bacon Act amendments	Enacted.
Opposed	Relaxing ICC control on rail rates	Defeated in Rules Committee.
	CIVIL RIGHTS AND CIVIL LIBERTIES	
Supported	Civil Rights Act of 1964	Enacted.
Opposed	Suspension of equal-time rule of FCC for 1964 presidential election	Passed House.
Opposed	Deny Federal courts jurisdiction over apportionment cases	Passed House.
Supported	Provide counsel for indigent defendants	Enacted.
	EDUCATION	
Supported	Health Professions Educational Assistance Act of 1963	Enacted.
Supported	Higher Education Facilities Act of 1963	Enacted.
Supported	Vocational Education Act of 1963	Enacted.
Supported	Manpower Development and Training Act extended and funds increased	Enacted.
Supported	Extend and amend National Defense Education Act	In conference.
Supported	Library Services and Construction Act of 1964	Enacted.
	HEALTH AND WELFARE	
Supported	Housing and Community Development Act of 1964	Enacted.
Supported	Social security increase and medicare	In conference.
Supported	Provide for construction of community mental health centers	Enacted.
Supported	Establish air pollution control program	Enacted.
Supported	Food stamp plan to distribute food to needy families	Enacted.
Supported	Federal aid for construction and modernization of hospital and nursing homes (Hill-Burton)	Enacted.
	GOVERNMENT OPERATION	
Supported	Pay increase for postal and other Federal employees and officers	Enacted.
Opposed	Prohibit FCC regulating TV commercials	Passed House.
Opposed	Let NSA fire employees without a hearing	Passed House.
	VETERANS	
Supported	Veterans pension increases	Pending.
Supported	Providing nursing home facilities for veterans	Enacted.
Supported	Provide educational assistance to children of disabled veterans	Enacted.
	AGRICULTURE AND CONSERVATION	
Supported	Feed grain bill	Enacted.
Supported	Cotton-wheat bill	Enacted.
Opposed	Continue importation of Mexican farmworkers	Enacted.
Supported	Wilderness Act	Enacted.
Supported	Establish $2,000,000,000 recreation fund to assist States in developing outdoor recreation	Enacted.
Supported	Water Pollution Control Act amendments	Passed Senate.
Supported	Program to finance water resources research centers	Enacted.

Some bills I have sponsored

Number	Issue	Outcome
H.R. 4169	Medicare	In conference.
H.R. 7197	Civil rights	Enacted.
H.R. 5325	World War I veterans pension bill	Pending in committee
H.R. 5372	Youth Employment Act (became part of war-on-poverty bill)	Enacted.
H.R. 6155	Extension of Juvenile Delinquency Control Act	Enacted.
H.R. 6499	Provide counsel to indigent defendants	Enacted.
H.R. 7196	Establishment of National Council of Arts	Enacted.
H.R. 7531	Extend Arms Control and Disarmament Agency	Enacted.
H.R. 7832	Reopen lapsed national service life (GI) insurance	Pending in committee.
H.R. 8587	Establish an Office of Consumers	Pending in committee.
H.R. 8998	Great River Rd. bill	Pending in committee.
H.R. 10620	War-on-poverty bill	Enacted.
H.R. 11206	Provide uniform period for daylight saving time	Approved by committee.
H.R. 11346	Tax relief for teachers	Pending in committee.
H.R. 12336	Aid for needy college students	Pending in committee.
H. Res. 412	Call Foreign Affairs Committee the International Relations Committee	Pending in committee.
H. Res. 476	Congressional committee to study federally supported research programs	Enacted.
H. Res. 580	North American Conservation Hall of Fame	Pending in committee.
H. Res. 860	Save airline service into smaller communities	Pending in committee.

Report to Constituents

EXTENSION OF REMARKS
OF
HON. EMANUEL CELLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, September 28, 1964

Mr. CELLER. Mr. Speaker, under unanimous consent, I wish to render a report to the people of the 10th District of New York, whom I represent.

REPORT TO CONSTITUENTS

I am your Congressman. I have been Congressman from the 10th New York District since I was first elected in 1922. I have served the good people of my district all these years and hope to continue to serve them through reelection. Almost my whole adult life has been spent in serving you in Congress.

The end of the 88th Congress is close at hand. I, therefore, feel that it is my obligation to render an accounting of the stewardship with which my constituents have entrusted me. Clearly, the 88th Congress, when it adjourns, will have left its mark on history. It is a Congress that has wrestled with some of the most far-reaching issues of our day. It is a Congress which witnessed the tragic assassination of President Kennedy and which proved that the basic premise of our Government is sound when it gathered its courage to go forward under the administration of President Johnson to fulfill many of the visions President Kennedy had had and had given to the people.

Over 600 laws were passed by this Congress and among them were the tax cut; the Economic Opportunity Act—the antipoverty program; the Civil Rights Act of 1964; the salary increase for Federal employees; increased loan opportunities through the Small Business Administration; increased social security; the Mass Transportation Act; the Mental Health Act; the expansion of the Hill-Burton Act providing assistance for hospital construction and nursing homes; the conservation fund and the wilderness system to make certain that our children will have preserved for them the open spaces and access to recreational facilities.

President Johnson has rightly called the 88th Congress the "education Congress." Under the Higher Education Facilities Act, $1.2 billion in grants and loans was authorized to improve academic facilities of public and private, nonprofit graduate schools, colleges, community colleges, and technical schools. The Health Professions Education Assistance Act provided for the construction of teaching facilities for medicine, dentistry, nursing, pharmacy, and public health.

The National Commission on Technology, Automation and Economic Progress was established by Congress to study the problems created by automation.

Legislation was enacted to expand the Peace Corps; the nuclear test-ban treaty was approved, to mention a few of the highlights.

These were the steps taken to move our country forward, as President Kennedy had promised. These were some of the concrete steps taken to move us forward into the great society that President Johnson has envisioned.

All of these programs I supported because I cannot believe that a nation as rich and powerful as ours dare remain indifferent to what happens to people. Government is people. If we forget that there are those who lack opportunity; if we forget those whose lives are poisoned by the effects of prejudice; if we forget the stifled lives of those who, though willing and able, cannot find work; if we forget the creative impulses of our people; of what avail would be the boast of riches and power?

For the 42 years I have had the privilege of representing you, I have been guided by this one thought that the avenues of opportunity must be open to all people so that each can rise to the heights of which he is capable. It is for this reason that I have devoted so many years to fighting monopoly, fighting to secure constitutional rights for all peoples, fighting to liberalize our immigration laws.

I am gratified that the Celler-Kefauver Anti-Merger Act has been the greatest deterrent toward monopolization passed in the last two decades. I am gratified that the Civil Rights Acts of 1957, 1960, and 1964 all bear my name.

As chairman of the Committee on the Judiciary, I have had, of course, to keep my interests varied. Grave constitutional issues were brought before this committee and studied. For example, the Committee on the Judiciary, in considering the civil rights bill, had 22 days of hearings, filling four volumes of testimony. The subcommittee considered the bill in executive sessions for 17 days. The full committee met 7 days to consider the recommendations of the subcommittee. The Rules Committee held hearings on the bill for 9 days, and the Members of the House of Representatives debated for 64 hours and 25 minutes on the floor of the House. During these long hours of continuous debate, 155 amendments were offered, of which 34 were accepted. The bill was finally adopted by a vote of 290 ayes to 130 nays.

There was also brought before the Committee on the Judiciary the task of examining the delicate school prayer amendment. We held 18 days of hearings and filled three volumes of testimony wherein appears every shade of opinion on a question which has vexed many of our citizens.

The testimony was taken from individuals, from representatives of various church bodies, constitutional lawyers, and private organizations. The hearings held clarified the issue for many and brought into focus the meaning of the first amendment to the U.S. Constitution.

Acts which bear the Celler name

Bill number	Title	Public Law
H.R. 7152	The Civil Rights Act of 1964	88-352
H.R. 4715	To incorporate the Eleanor Roosevelt Memorial Foundation	88-11
H.R. 2849	To amend sec. 47 of the Bankruptcy Act	88-16
H.R. 2833	To amend subdivision d of sec. 60 of the Bankruptcy Act (11 U.S.C. 96d) so as to give the court authority on its own motion to reexamine attorney fees paid or to be paid in a bankruptcy proceeding.	88-17
H.R. 2842	To amend sec. 3238 of title 18, United States Code (offenses not committed in any district)	88-27
H.R. 2845	To provide that the district courts shall be always open for certain purposes, to abolish terms of court, and to regulate the sessions of the courts for transacting judicial business.	88-139
H.R. 1049	To amend secs. 334, 367, and 369 of the Bankruptcy Act (11 U.S.C. 734, 767, 769) and to add a new sec. 355 so as to require claims to be filed and to limit the time within which claims may be filed in ch. XI (arrangement) proceedings to the time prescribed by sec. 57n of the Bankruptcy Act (11 U.S.C. 93n).	88-175
H.R. 2835	To clarify the status of circuit and district judges retired from regular active service	88-176
H.R. 2837	To amend further sec. 11 of the Federal Register Act (44 U.S.C. 311)	88-190
H.R. 4157	To enact pt. II of the District of Columbia Code, entitled "Judiciary and Judicial Procedure," codifying the general and permanent laws relating to the judiciary and judicial procedure of the District of Columbia.	88-241
S. 1319 (H.R. 2834)	To amend ch. 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents	88-251
H.R. 7235	To amend secs. 671 and 672 of title 28, United States Code, relating to the Clerk and the Marshal of the Supreme Court	88-279
H.R. 1997	To amend subsec. (c) of sec. 1332 of title 28, United States Code, relating to diversity of citizenship	88-439
S. 1917 (H.R. 7651)	To provide authority to protect heads of foreign states and other officials	88-493
H.R. 4223	To provide for audit of accounts of private corporations established under Federal law	88-504
H.R. 5543	To extend the provisions of the act of Oct. 11, 1949 (63 Stat. 759, ch. 672; 32 D.C. Code 417), to authorize the commitment of persons of unsound mind found on Federal reservations in Loudon County, Va., to St. Elizabeths Hospital in the District of Columbia.	88-505
H.R. 7219	To amend secs. 3288 and 3289 of title 18, United States Code, relating to reindictment after dismissal of a defective indictment	88-522
H.R. 9436	To amend the act of Sept. 2, 1958, to establish a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended.	88-520
H.R. 6910	To provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.	88-558

Other Judiciary Committee legislation enacted into law

Bill number	Title	Public Law
H.R. 4374	To proclaim Sir Winston Churchill an honorary citizen of the United States of America	88-6
H.J. Res. 282	Designating the 6-day period beginning Apr. 15, 1963, as National Harmony Week, and for other purposes	88-7
S.J. Res. 39	Designating the week of May 20-26, 1963, as National Actors' Equity Week	88-23
H.R. 6441	To amend Public Law 86-272, as amended, with respect to the reporting date	88-42
H.J. Res. 513	Authorizing the President to proclaim the week beginning July 28, 1963, as Veterinary Medicine Week	88-78
H.R. 1709	To establish a Federal Commission on the Disposition of Alcatraz Island	88-138
H.R. 3369	For the relief of Mrs. Elizabeth G. Mason and to extend the Civil Rights Commission 1 year	88-152
H.J. Res. 626	Granting the consent of Congress to the establishment of an interstate school district by Hanover, N.H., and Norwich, Vt., and to an agreement between Hanover School District, New Hampshire, and Norwich Town School District, Vermont.	88-177
S.J. Res. 137 (H.J. Res. 852)	Authorizing the Commission established to report upon the assassination of President John F. Kennedy to compel the attendance and testimony of witnesses and the production of evidence.	88-202
H.J. Res. 335	Designating the 17th day of December of each year as "Wright Brothers Day"	88-209
H.R. 5703	Granting an extension of patent to the United Daughters of the Confederacy	88-213
H.R. 5495	For the relief of the city of Binghamton, N.Y	88-217
H.R. 7601	For the relief of the city of Winslow, Ariz	88-221
H.R. 4839	For the relief of certain persons involved in the negotiation of forged or fraudulent Government checks issued at Parks Air Force Base, Calif.	88-222
S. 2364 (H.R. 9341)	To provide that the Commission on the Disposition of Alcatraz Island shall have 6 months after its formation in which to make its report to Congress.	88-226
H.R. 2985	To amend sec. 1391 of title 28 of the United States Code, relating to venue generally	88-234
S.J. Res. 113	To authorize the President to issue annually a proclamation designating the 1st week in March of each year as "Save Your Vision Week."	88-242
H.J. Res. 848	To provide for the designation of the month of February in each year as "American Heart Month"	88-254
H.J. Res. 680	Requesting the President to designate 1964 as "U.S. Customs Year"	88-255
S. 721	To amend sec. 124 of title 28, United States Code, to transfer Austin, Fort Bend, and Wharton Counties from the Galveston division to the Houston division of the southern district of Texas.	88-282
H.R. 8507	For the relief of certain medical and dental officers of the Air Force	88-283
H.R. 10051	To amend Public Law 86-272, as amended, with respect to the reporting date	88-286
S. 2040	To amend title 35 of the United States Code to permit a written declaration to be accepted in lieu of an oath, and for other purposes	88-292
S. 980	To provide for holding terms of the U.S. District Court for the District of Vermont at Montpelier and St. Johnsbury	88-312
S. 741	To amend title 18, United States Code, to prohibit schemes in interstate or foreign commerce to influence by bribery sporting contests, and for other purposes.	88-316
S. 1828	To amend the joint resolution establishing the Battle of Lake Erie Sesquicentennial Celebration Commission so as to authorize an appropriation to carry out the provisions thereof.	88-328
H.R. 9094	To authorize the President to declare July 9, 1964, as Monocacy Battle Centennial in commemoration of the 100th anniversary of the Battle of the Monocacy.	88-357
H.J. Res. 475	To authorize the President to proclaim Dec. 7, 1966, as Pearl Harbor Day in commemoration of the 25th anniversary of the attack on Pearl Harbor.	88-366
H.J. Res. 950	Granting the consent of Congress to an amendment to the compact between the State of Ohio and the Commonwealth of Pennsylvania relating to Pymatuning Lake.	88-371
H.R. 8590	To incorporate the Aviation Hall of Fame	88-372
H.R. 10437	To incorporate the National Committee on Radiation Protection and Measurements	88-376
H.R. 9234	To incorporate the Little League Baseball, Inc	88-378
H.R. 9834	Granting a renewal of patent No. D-161,955, relating to a plaque of the American Legion	88-396
H.R. 9833	Granting a renewal of patent No. D-162,975, relating to a medal of the American Legion	88-397
H.R. 4732	To change the name of the United States Olympic Association to the United States Olympic Committee	88-407
H.J. Res. 658	Authorizing and requesting the President to proclaim 1964 and 1965 as a period to "See the United States," and for other purposes	88-416
S. 2339	Conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Sarpy County, Nebr.	88-425
H.R. 11255	To validate certain payments of per diem allowances made to members of the Coast Guard	88-435
H.R. 8999	To provide for the settlement of claims of certain inhabitants of the United States living in the area inundated by the sudden floods of the Rio Grande as a result of the construction of the Falcon Dam, and for other purposes.	88-447
S. 1991	To charter by act of Congress the National Tropical Botanical Garden	88-449
S. 1057 (H.R. 7457)	The Criminal Justice Act	88-455
S. 1664	To provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administrative Conference of the United States, and for other purposes.	88-499
H.R. 5728	For the relief of the county of Cuyahoga, Ohio	88-502
H.R. 11466	To enact subtitle II, "Other Commercial Transactions," of title 28, "Commercial Instruments and Transactions," of the District of Columbia Code, and for other purposes.	88-509
H.R. 5964	To provide for the inclusion of Hopkins County, Tex., within the Paris division of the eastern district for the U.S. district courts in Texas.	88-512
H.R. 7508	To amend title 28, United States Code, to establish jurisdiction and venue for appeals from orders of the Interstate Commerce Commission in judicial reference cases.	88-513
H.R. 11520	To amend subsec. (d) of sec. 1346 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts	88-519
S. 1909	To amend the joint resolution establishing the Battle of New Orleans Sesquicentennial Celebration Commission to authorize an appropriation to enable the Commission to carry out its functions under such joint resolution.	88-591
H.R. 4786	For the relief of the State of New Mexico	88-596
S. 49	To provide for the establishment of the Alaska Centennial Commission, to cooperate with the State of Alaska to study and report on the manner and extent to which the United States shall participate in the celebration in 1967 of the centennial anniversary of the purchase of the territory of Alaska, and for other purposes.	88-610

The Committee on the Judiciary was also charged with the responsibility of examining 139 constitutional proposals on the reapportionment of State legislatures which arose after the Supreme Court decisions. It was my purpose to examine thoroughly and, if possible, to protect the principle of "one man, one vote" which, to me, is the very essence of representative government. These hearings were not concluded because the Rules Committee, by the use of an obscure and rarely used rule of the House, brought the issue to the floor. You are not unfamiliar with the struggle in the Senate on the Dirksen rider which was finally resolved.

I would like to place before you two tables. One table can contain those acts passed in the 88th Congress, of which I am the author, and those acts which the Committee on the Judiciary passed and which became the law of the land. All of these acts were the product of much thought and much labor.

There are always some very special problems which arise in the district. Because of this, I was pleased, during this session, to accept the chairmanship of the newly formed congressional Committee on Naval Shipyards, which is composed of 132 Members of the House and Senate banded together to protect and strengthen public shipyards, of which the Brooklyn Navy Yard is one. With the cooperation of the Metal Trades Department, American Federation of Labor and Congress of Industrial Organizations, we are developing a program designed to maintain the continued operation of all naval shipyards. The committee is seeking legislation which will enable the Brooklyn Navy Yard to maintain a reasonably full complement of workmen by bringing more work to the yard. I believe that the continued operation of each of our naval shipyards is vital to the common defense and the general welfare of the United States.

Experience has taught me much, and what it has taught me can, perhaps, be summed up in a phrase, "To serve mankind is truly living the good life." I, therefore, thank you for the opportunity you have given me time and again to serve you.

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